Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, SECOND SESSION

SENATE—*Friday, June 16, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, whose ways are justice and peace, we beseech Thee to guide this Nation in the creation of programs and in patterns of conduct which are in accord with Thy law. Help us to know and to do Thy will. Lead us not to the life which once we knew but to the more perfect life we never yet have known. May love dispel hate and peace replace war. And grant, O Lord, that our individual lives may be so ordered as to bring moral and spiritual strength to the whole Nation. Guide the President, the Congress, and all who serve in the Government toward that day when Thy kingdom shall come on earth as it is in Heaven.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 16, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 15, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 820, 821, 822, and 823.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

The Senate proceeded to consider the bill (H.R. 12143) to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

Mr. CRANSTON. Mr. President it is with great pleasure that I rise today in support of H.R. 12143, which will establish the San Francisco Bay National Wildlife Refuge. During the 91st Congress, I authored S. 2291 for this purpose and again in this Congress, I introduced S. 2241 to establish the San Francisco Bay National Wildlife Refuge. I have been delighted by the overwhelming support for this proposal. I would like to thank the distinguished chairman of the Commerce Committee for acting on H.R. 12143 so soon following passage by the House.

H.R. 12143 will preserve and enhance the wildlife habitat for the protection of migratory waterfowl and other wildlife in the South San Francisco Bay and will provide for an opportunity for wildlife oriented recreation and nature study.

There is urgent need for passage of this legislation. During the past 25 years approximately 67 percent of the estuarine wildlife habitat in California has been permanently destroyed by dredge and fill activity. The wildlife habitat has been reduced by 75 percent because of dredge and bay fill. A number of birds and animals threatened with extinction—the red-bellied harvest mouse, the endangered California least tern, and the rare clapper rail—reside in the South Bay and may not survive unless we save their remaining habitat now. In addition, the South San Francisco Bay serves as a major stop on the Pacific flyway for nearly 70 percent of the birds which migrate south.

The south portion of San Francisco Bay is within 1 hour's driving time of 4 million bay area residents. This means that the recreation and environmental education potential of the refuge is enormous. At present only 4 miles of the 276-mile bay shoreline have been set aside for public parks. Only a few have been able to experience and enjoy the wildlife values of the area. This legislation will create not just a wildlife refuge, it will preserve the South San Francisco Bay as a human refuge, where the values of open space and open water, of beauty and the mysteries of nature, will give sustenance and strength to those who seek relief from the antagonisms, the crowding, the pollution, crime, and ugliness of our urban life. Mr. President, the chance to establish such a refuge so near to a major urban area is one that we should not pass up.

The bill was ordered to a third reading, was read the third time, and passed.

MILITARY MAIL

The Senate proceeded to consider the bill (H.R. 3808) to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces and for other purposes, which had been reported from the Committee on Post Office and Civil Service with amendments, on page 1, at the beginning of line 3, strike out:

That (a) subparagraphs (A) and (B) of section 3401(a)(1) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 755; Public Law 91-375), are amended to read as follows:

"(A) such letter mail or sound-recorded communication is mailed by the member at an Armed Forces post office established under section 406(a) of this title which is located at a place outside the fifty States of the United States; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred while on active duty; or".

(b) Subparagraph (D) of section 3401(a)(2) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 756; Public Law 91-375), is amended to read as follows:

"(D) such letter mail or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office established under section 406(a) of this title which is located at a place outside the fifty States of the United States; or

"(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred while in the services with, or in, a unit under operational control of a command of the Armed Forces of the United States; and".

On page 2, at the beginning of line 25, strike out "(c) Section" and insert "That section"; on page 3, line 1, after the word

"Code", strike out "as enacted by the Postal Reorganization Act (84 Stat. 756 and 757; Public Law 91–375),"; in line 7, after the word "exceeding", strike out "five" and insert "15"; in line 8, after the word "and", where it appears the first time, strike out "sixty" and insert "60"; in line 15, after "post office", strike out "and"; after line 15, insert:

"(2) parcels not exceeding 70 pounds in weight and 100 inches in length and girth combined, which are mailed at any such Armed Forces post office; and

At the beginning of line 19, strike out "(2)" and insert "(3)"; in the same line, after the word "exceeding", strike out "five" and insert "15"; in line 20, after the word "exceeding", strike out "seventy" and insert "70"; in line 21, after the word "exceeding", strike out "one hundred" and insert "100"; at the top of page 4, insert:

SEC. 2. Section 3401 of title 39, United States Code, is amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f); and

(2) inserting the following new subsection "(c)":

After line 5, strike out:

(a) Chapter 34 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 755; Public Law 91–375), is amended by adding at the end thereof the following new section:

§ 3406. Air transportation of parcels mailed at or addressed to Armed Forces post offices

"Any parcel, other than a parcel mailed airmail or as air parcel post, not exceeding seventy pounds in weight and one hundred inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title shall be transported by air on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, upon payment, in addition to the regular surface rate of postage, of a fee for such transportation by air. Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with the foregoing provisions of this section, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers.".

At the top of page 5, insert:

"(c) Any parcel, other than a parcel mailed at a rate of postage requiring priority of handling and delivery, not exceeding 30 pounds in weight and 60 inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title, shall be transported by air on a space available basis on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, upon payment of a fee for such air transportation in addition to the rate of postage otherwise applicable to such a parcel not transported by air. If adequate service by scheduled United States air carriers is not available, any such parcel may be transported by air carriers other than scheduled United States air carriers.".

After line 14, strike out:

(b) The table of sections of chapter 34 of title 39, United States Code, is amended by adding at the end thereof—

"34.06. Air transportation of parcels mailed at or addressed to Armed Forces post offices.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–860), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 3808, as amended by the Committee, is to increase the maximum size and weight of parcels addressed to or mailed from United States Armed Forces postal facilities outside the contiguous 48 States.

LEGISLATIVE HISTORY

Since the beginning of the build-up in Southeast Asia in 1965, Congress has enacted several provisions of law permitting free mailing privileges for U.S. servicemen in combat areas, providing air transportation for letters, tape recordings, parcels, newspapers, and magazines, on a space available basis to military postal facilities, and providing domestic air transportation for some parcels mailed to and from military postal facilities for modest fees.

There are three basic statutes involved in this legislative history, now codified in chapter 34 of title 39, United States Code, sections 3401–3402.

Public Law 89–315, enacted November 1, 1965, permitted free letter mail privileges for servicemen in combat areas and air mail treatment for letter mail to and from noncombat areas, as well as authorizing space available air transportation for parcels weighing not more than 5 pounds and measuring not more than 60 inches in length and girth combined.

Public Law 89–725, enacted November 2, 1966, included casette sound recordings within the letter mail category and authorized the air transportation of weekly news magazines to APO's and FPO's.

Section 117 of Public Law 90–206, the Postal Revenue and Federal Salary Act of 1967, enacted December 14, 1967, provided for the air transportation of parcels exceeding five pounds but not exceeding 30 pounds in weight (and retaining the 60 inches limitation). Unlike previous laws, air transportation was permitted from the point of mailing, rather than the point of embarkation or debarkation, if the mailer paid an additional fee established by the Postmaster General to pay for the cost of domestic air transportation.

These three laws make up the existing parcel law on military mail. Basically, there are four categories of parcel military mail: (1) air mail, which is limited to 70 pounds in weight and 100 inches in measurement, the cost of which is so prohibitive as to prevent its general use; (2) surface mail, subject to similar size and weight limits, the delay of which makes it generally undesirable; (3) SAM, meaning Surface Air Mail, which is transported by surface means to the appropriate APO and by air on a space available basis to the APO or EPO located outside the 48 contiguous States, and which is limited to 5 pounds in weight and 60 inches in measurement; and PAL, meaning Priority Air Lift, which includes parcels exceeding 5 but not exceeding 30 pounds in weight or 60 inches in measurement, which receives air transportation on a space available basis from the point of mailing.

JUSTIFICATION

These military mail provisions of law have undoubtedly served a valuable purpose in transporting letter mail, publications, and parcels to our servicemen overseas. Families of servicemen can mail goods to their loved ones in Vietnam, Korea, Germany, the Canal Zone, or in any other foreign area having a U.S. Armed Forces postal facility and know that there will be little or no delay. The air transportation of magazines and newspapers has undoubtedly helped boost the morale of American servicemen overseas who like to read hometown newspapers or popular news magazines without the long delays necessary when surface sea transportation is involved

It is to increase the effectiveness of this program that the Committee recommends the enactment of H.R. 3808.

However, the Committee recommends certain amendments which it believes are necessary to insure the efficient operation of the program at the present time, and to prevent possible abuses of the program in the future.

FREE LETTER MAIL

H.R. 3808 as referred would have permitted any American serviceman stationed outside the 50 States to mail any letter mail free of postage. The Committee recommends against the enactment of this provision. Free letter mail for servicemen stationed in Western Europe, the Canal Zone, or in any other area which is not determined by the President to be a combat zone is simply not necessary and not in the best interests of the Nation. The reason for developing free letter privileges for combat servicemen during the Second World War was because of the nature of service performed by the servicemen. Soldiers in Vietnam deserve free letter mail; soldiers in Wiesbaden or Tokyo do not. The Committee does not believe it is a serious imposition upon these latter servicemen to buy a book of 8-cent stamps to mail personal and business letters, which are given air transportation to the United States.

NEWSPAPER AND MAGAZINES

Under current law, second-class publications entitled to air transportation on a space available basis must meet the criteria of (1) at least weekly publication; and (2) having current news value principally of interest to servicemen and the general public. If they are, they may be mailed to (1) a combat zone as designated by the President; or (2) a hardship area or combat support area or an area where adequate surface transportation is not available.

H.R. 3808 revises present law by eliminating the restrictions as to what areas are included within the zones of air transportation—that is, they may be mailed anywhere outside the 48 contiguous States.

As administered by the Postal Service and the Department of Defense, the State of Hawaii is currently the only area outside the 48 contiguous States that has not been designated as either a combat area, a hardship area, a combat support area, or an area where adequate surface transportation is not available. Any qualified magazine or newspaper is presently transported by air to any APO outside the continent except Hawaii. Obviously, the intent of the Congress to require selective judgment on the part of the Postal Service and the Department of Defense has produced meager results.

It is also true that the definition of what type of second-class publication is "featuring principally current news of interest to members of the Armed Forces and the general public" has resulted in wholesale admission of second-class weekly publications. While *Harper's* and *Atlantic* are not qualified (because they are not weeklies), the list of eligibles includes magazines the "current news value" of which is curious. For instance, a recent listing of some of the publications entitled to air transportation on a space available basis (and thus paid for by the taxpayers rather than the subscribers) included the following magazines:

1. America
2. Journal of Armed Forces
3. Aviation Week & Space Technology
4. Barron's
5. The Blood Horse
6. Box Office
7. Broadcasting

8. Business Week
9. Chemical Engineering News
10. Chemical Week
11. The Christian Sentry
12. The Chronicle of the Horse
13. Commonwealth
14. The Connecticut Law Journal
15. Engineering News Record
16. Government Contracts Report
17. Jet
18. The Lancet
19. Life
20. The Nation
21. National Review
22. New England Journal of Medicine
23. News Citizen
24. Newsweek
25. New Yorker
26. Oil & Gas Journal
27. Passenger Transport
28. Physical Review Letters
29. Pulp & Paper
30. Railway Age Weekly
31. The Reporter
32. The Saturday Review
33. Standard Corporation Records
34. Standard Federal Tax Reports
35. Sporting News
36. Sports Illustrated
37. Tax Court Reports
38. Technology Week Including Missiles & Rockets
39. Telephoning
40. The Thoroughbred Record
41. Time
42. The Travel Agent
43. TV Guide
44. United Pricing Reports
45. U.S News & World Report
46. The Value Line
47. The United States Law Week

The Committee favors distributing magazines to servicemen overseas and paying for the costs of such air transportation at public expense, but it is clearly beyond the limits of the letter or spirit of the law to include some of the magazines which have been approved on this list. They go far beyond the definition of "current news of interest to members of the Armed Forces and the general public." Those responsible for the administration of this program should take steps to correct this serious deviation from proper interpretation of law. The Committee requests the Postal Service to prepare and deliver to the Committee a complete list of all second-class magazine publications entitled to air transportation under this provision of law as of July 1, 1972, and a subsequent report of such publications so entitled as of January 1, 1973.

PARCELS

The most significant proposals in H.R. 3808 relate to the size and weight limits applicable to parcels carried on a space available basis by air from the United States to Europe and Southeast Asia. It is here that the Committee recommends extensive amendments to the bill passed by the House of Representatives.

As referred, the limits for PAL of 30 pounds and 60 inches were proposed to be increased to the maximum size and weight limits of any mail—70 pounds and 100 inches. The Committee has carefully studied this proposed increase and has concluded that it would be virtually impossible to comply with these new dimensions. The capacity of the postal facilities in San Francisco and New York would be taxed beyond functional capacity if a significant number of larger parcels were introduced into their mail system. This is particularly true of the air mail facility at Kennedy International Airport in New York, where presently *all* SAM and PAL is handled. The AMF at Kennedy is presently heavily burdened by the amount of mail under current size and weight limits. The conveyor belts used at the loading ramps cannot carry the maximum dimensions now authorized by law, and when such parcels are delivered, they must be hand-carried by a postal employee from the delivery truck inside the building by way of a narrow corridor. To add 30 pounds and 40 inches to the size of parcels which cannot be handled efficiently or effectively at the present time on a general basis would be unrealistic. Postal officials at the Postal Concentration Center in San Francisco advised officials on the Committee staff that the increase in parcel volume resulting from the greater size and weight limits would probably require an additional 60,000 square feet of work space in that facility.

A major argument for the increase in size limits for PAL has been that servicemen would be permitted to mail home their footlockers rather than send them by surface. On the face of it, this seems reasonable and fair, but in actuality, few servicemen use a footlocker for the storage or transportation of clothing and personal effects—they use suitcases and duffle bags. Footlockers are more frequently used for the transportation of official materials which the Department of Defense can now carry by military aircraft if it so wishes.

The true effect of increased size and weight limits for PAL would be to offer a whole new market for the shipment by air of merchandise to servicemen and their families stationed in Europe. Although the Committee has no objection to such mail order business overseas, we believe that the taxpayer and the postal facilities should not subsidize such business transactions to a greater extent than is presently done.

The Committee therefore recommends two basic amendments to H.R. 3808 related to parcel mail:

(1) SAM, now limited to 5 pounds in weight, should be increased to 15 pounds in weight, with no increase in measurement, to accommodate slightly heavier but *not* larger parcels which do not constitute a problem for present mail facilities in New York or San Francisco; and

(2) PAL, now limited to 30 pounds and 60 inches, be increased to 70 pounds and 100 inches for *incoming mail only*—that is, no mail originating in the 48 States could exceed present weight and size limits, but mail originating in an APO outside the continent could exceed such limits.

The Postal Service has agreed with the Committee that these increases, while not favored by the Service, are fair and reasonable, and, more importantly, can be handled by present postal facilities.

AIR TRANSPORTATION

The Committee is mindful of the importance of adequate mail service to our servicemen overseas. But little has been written in the legislative history of these bills regarding other beneficiaries of military mail and air lift proposals.

The following chart illustrates the impact of postal revenues upon the major mail carriers in the airline industry in 1971.

Carrier	Total revenue	Net profit	Mail revenue	Profit without mail
American	$1,244,362,341	$3,029,346	$22,445,653	−$19,416,307
Braniff	329,563,661	9,012,825	8,473,550	539,275
Continental	331,553,873	8,411,037	5,358,721	3,052,316
Eastern	1,053,757,023	5,690,082	13,894,793	−8,204,711
Northwest	425,650,731	23,628,562	19,442,669	4,185,893
Pan American	$1,179,548,990	−$46,501,144	$69,395,923	−$115,897,067
TWA	1,252,034,901	3,254,495	38,526,276	−35,271,781
Western	325,595,336	6,457,419	5,156,884	1,300,535
Seaboard	81,917,500	5,381,512	4,808,456	573,056
Flying Tigers	97,713,036	1,425,222	1,377,600	47,622

The overwhelming majority of this mail is SAM and PAL, carried on a space available basis at 11.4c per ton mile, a substantial savings for the Government from the costs of air mail rates or first-class mail rates. Nevertheless, the carriage of this mail, particularly heavy second-class publications and parcels, results in major revenue for the air carriers involved.

A breakdown by areas of delivery, air lines, and ton-miles of mail traffic is illustrated in the following two charts:

MILITARY MAIL, FISCAL YEAR 1971

In thousands]

	Mail pay			
	Airmail	MOM	SAM	Totals
Transatlantic carriers:				
Pan American	$3,330	$2.725	$3,032	$9.087
Seaboard World	1,762	1.078	1,669	4.509
Trans World	3,528	2,942	2,968	9,438
Subtotal	8,620	6,745	7,669	23,034
Transpacific carriers:				
American	$14	$1	$5	$20
Continental	124	18	173	315
Flying Tiger	7,410	5,263	13,265	25,938
Northwest	5,349	4,784	3,845	13,978
Pan American	18,777	11,367	19,100	49,244
Trans World	1,644	1,350	1,864	4,858
Subtotal	33,318	22,783	38,252	94,353
Latin America carriers:				
Braniff	100	52	143	295
Eastern	3	2	8	13
Mackey			1	1
Pan American	220	108	291	619
Western	8	1		9
Subtotal	331	163	443	937
Total	42,269	29,691	46,364	118,324

	Ton-miles (thousands)			
	Air mail	MOM	SAM	Totals
Trans-Atlantic carriers:				
Pan American	10,406	12,477	26,596	49,479
Seaboard World	5,506	4,963	14,640	25,109
Trans World	11,025	13,471	26,035	50,531
Subtotal	26,937	30,911	67,271	125,119
Trans-Pacific carriers:				
American	49	1	44	94
Continental	431	82	1,518	2,031
Flying Tiger	25,729	24,098	116,360	166,187
Northwest	18,573	21,905	33,728	74,206
Pan American	65,198	52,047	167,544	284,789
Trans World	5,708	6,181	16,351	28,240
Subtotal	115,688	104,314	335,545	555,547
Latin America carriers:				
Braniff	308	238	1,254	1,800
Eastern	9	9	70	88
Mackey			9	9
Pan American	677	495	2,553	3,725
Western	29	3		32
Subtotal	1,023	745	3,886	5,654
Total	143,648	135,970	406,702	686,320

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to increase the size and weight limits on military mail and for other purposes."

FEDERAL EMPLOYEES HEALTH INSURANCE

The Senate proceeded to consider the bill (H.R. 12202) to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That (a) section 8906(a) of title 5, United States Code, is amended by striking out the number "40" and inserting in lieu thereof the number "50".

(b) The amendment made by subsection (a) of this section shall become effective at the beginning of the first applicable pay period commencing after December 31, 1973.

(c) Notwithstanding the provisions of section 8906(a) of title 5, United States Code, as in effect immediately prior to the date of enactment of this Act, the Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under chapter 89 of title 5, United States Code, shall be 45 percent of the average subscription charges determined under such section from the beginning of the first day of the first applicable pay period commencing after December 31, 1972, through the last day of the last applicable pay period commencing in 1973.

SEC. 2. (a) Notwithstanding any other provision of law, an annuitant, as defined under section 8901(3) of title 5, United States Code, who is participating or who is eligible to participate in the health benefits program offered under the Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724), may elect, in accordance with regulations prescribed by the United States Civil Service Commission, to be covered under the provisions of chapter 89 of title 5, United States Code, in lieu of coverage under such Act.

(b) An annuitant who elects to be covered under the provisions of chapter 89 of title 5, United States Code, in accordance with subsection (a) of this section, shall be entitled to benefits under such chapter 89.

SEC. 3. (a) Section 8902 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) Each contract under this chapter shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Commission finds that the employee, annuitant, or family member is entitled thereto under the terms of the contract."

(b) This section shall become effective with respect to any contract entered into or renewed on or after the date of enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the vote by which the Senate passed H.R. 12202, Calendar No. 822, together with its third reading, be reconsidered and that the bill be placed back on the calendar. There was a temporary hold on the bill.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

FEDERAL FIREFIGHTERS RETIREMENT

The bill (S. 916) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8336(c) of title 5, United States Code, is amended by inserting after "United States" the following: "or are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment."

SEC. 2. The amendment made by this Act shall be applicable only in the case of persons retiring after the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–862), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 916 is to permit Federal employees who are firefighters to retire at age 50 after 20 years of service or after 25 years of service regardless of age, and to receive 2 percent of average salary for each year of service.

JUSTIFICATION

Under section 8336(c) of title 5, U.S. Code, Federal employees serving in Federal law enforcement positions are permitted to retire earlier and receive slightly preferential retirement benefits than other Federal employees under the Civil Service Retirement System. These employees may retire at age 50, after serving 20 years or after 25 years of service regardless of age. In addition, an annuity may be granted only if the head of the agency recommends retirement and the Civil Service Commission approves the recommendation.

Employees engaged in criminal investigation and law enforcement in the following agencies are now included within the provisions of section 8336(c): Federal Bureau of Investigation; Secret Service; U.S. Marshals; Department of Correction, District of Columbia government; U.S. Prison Guards; U.S. Border Patrol; U.S. Fish and Wildlife Service; U.S. Customs Service; Internal Revenue Service agents and investigators; Headquarters of Special Investigation; U.S. Army; U.S. Air Force and Immigration and Naturalization Service.

There are approximately 9,500 employees who are firemen not accorded these benefits, even though their duties entail frequent exposure to extreme hazards and subjecting them to great physical danger.

Firefighting is one of the most hazardous occupations in the world. The fatality rate for firefighters is approximately five times greater than that of any other occupation. In 1970, there were 38,583 injuries (38.6 per 100 workers) sustained by firefighters. The injury rate has been steadily increasing over the past 10 years, in sharp contrast to the experience of all other workers.

Civil disorder and social strife have in recent years produced new hazards for firefighters. From 1967 to 1969, more than 600 firefighters were injured during civil disorder. In 1970, 195 firefighters were injured as a result of civil disorder and 113 sustained injuries due to acts of individual violence.

The International Association of Firefighters Survey reports that 37 out of every 100 firemen were injured in 1971. These injuries include those sustained from overexertion, sprains and strains, burns, falls, cuts, toxic gas and building collapse. Burns, toxic gas, heat exhaustion and overexertion are the principal sources of injury.

In 1970, 233 active firefighters died from occupational diseases while on duty—96 from heart disease, 126 from lung disease. An additional 463 left the service in 1970 because of physical impairment due to occupational disease and/or injuries received in the line of duty.

Firefighters perform their duties during emergency situations, 24 hours a day, exposed to the elements. This type of duty is often strenuous and performed in extremely high temperatures. Noted physicians report that these conditions tend to burden the cardiovascular system, causing the pulse rate to increase and the stroke volume of the heart to decrease. Federal firemen also perform many of their duties in the extreme cold. From research, authorities have found that this factor seems to produce persistent hypertension. In his work a firefighter is constantly exposed to carbon dioxide and other poisonous gases, which unquestionably promote damage to the heart and cardiovascular system.

The U.S. Civil Service form 8, entitled "Position Description," states that a Federal firefighter is expected to perform his duties with utmost proficiency in the face of personal danger. The committee believes the position of firefighter falls within the category of "hazardous" duty occupation and should be included in early retirement provisions.

It is important to note that the justification for including law enforcement personnel in early retirement provisions was to utilize the individual's highest level of physical proficiency. Medical statistics, for both law enforcement personnel and firefighters, bear witness to the fact that younger men are more capable physically than their older counterparts. Law enforcement activity requires a staff of active, physically capable men and there is no reason to suggest that fire prevention does not also require this high level of efficiency. The need and motives are not dissimilar. Both forces must encourage young men to enter and remain in their respective jobs and older men to leave service at an earlier age. This program benefits both young and old. The young are offered a greater chance for advancement with a liberal retirement system; while the older firefighters, realizing a growing occupational threat to their security and life, are given the opportunity to leave with dignity while they are still relatively healthy.

COST

Enactment of S. 916 would increase the unfunded liability of the Civil Service Retirement and Disability Fund by $120.5 million. Under the provisions of section 8348(f) of title 5, United States Code, this legislation would be deemed to authorize appropriations to finance the unfunded liability in 30 equal annual installments of $6.33 million each.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

SENATE RESOLUTION 321—ELECTION OF WILLIAM H. WANNALL, OF MARYLAND, AS SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MANSFIELD. Mr. President, I send a resolution to the desk and ask for its immediate consideration. This resolution has been cleared all around.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. Res. 321

Resolved, That effective July 1, 1972, William H. Wannall of Maryland, be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, may I say that we are losing a good man in Bob Dunphy. We are getting a good man in Bill Wannall.

I know that I speak for all of the Senate when I express my gratitude to Mr. Dunphy for the outstanding service during his tenure as Sergeant at Arms, and for his courtesy, his dignity, and his understanding.

We expect that Bill Wannall will have the same attributes because he has them already, and I am sure that he will keep them.

Mr. GURNEY. Mr. President, as acting leader on the Republican side, I want to echo the remarks and the sentiments of the distinguished majority leader with regard to the retiring Sergeant at Arms and the new one coming in.

The service of Mr. Dunphy has been without blemish and certainly the qualifications of Mr. Wannall who will take his place would indicate that his service will be the same.

The resolution (S. Res. 321) was unanimously agreed to.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there any routine morning business to be transacted at this time?

THE SEPARATION OF MR. AND MRS. GAVRIIL "GARRICK" SHAPIRO BY THE SOVIET UNION

Mr. TAFT. Mr. President, last week a constituent and trusted friend of mine, Mrs. Gavriil "Garrick" Shapiro, formerly Miss Judy Silver, traveled to Moscow to marry the man she loves, Graviil Shapiro. Miss Silver and Mr. Shapiro were married in a private Jewish Orthodox ceremony in Moscow, but Mr. Shapiro was refused permission to leave the Soviet Union with his bride and is currently being held by Soviet officials, without specification of any criminal charges. Mrs. Shapiro was denied an extension of her visa and has flown back to the United States, anxiously awaiting word of her husband's fate. I am advised that seconds after Mrs. Shapiro's plane left Moscow her husband was arrested at the airport, that since Monday night he has been moved to three different places of detention, that he has been placed on a diet of bread and sugar and that his parents have been unable to see him.

To fully understand this unfortunate situation one must be aware of the fact that Mr. Shapiro is a Jewish chemical engineer and an activist in the pursuit of greater religious freedom for Soviet Jews.

Complex and restrictive requirements are imposed on the right of Russian Jews to emigrate. Mail from outside the Soviet Union to Russian Jews is delayed for long periods of time and quite often discontinued completely. Contacts with the West are difficult. Since 1 week prior to the visit of the President the telephone of the elder Shapiros has been cut off.

These Soviet steps in Shapiro's case appear to be in direct contradiction to the provisions of the Declaration of Human Rights approved by the United Nations. Article 13, paragraph 2, of the Declaration specifically states:

> Everyone has the right to leave any country, including his own, and return to his country.

The right of a person to leave any country including his own is founded on natural law. Socrates regarded this right as an essential personal liberty. The right to leave one's country is implicit in the great migrations which people on this earth have undertaken since the dawn of history. The chronicles of Marco Polo and other voyagers of history bear witness to the comparative freedom which they enjoyed in leaving and returning to their respective nations, as well as, entering and leaving many foreign kingdoms.

The Swiss jurist, Emer de Vattel, wrote in the 18th century:

> It is not to be supposed that a man has bound himself to the society of which he is a member in such a way as to be unable to leave the country when his . . . affairs require it and when he can absent himself without harm to the country.

He also defended the right to emigrate in the following words:

> They may leave a society which seems to be undergoing a process of dissolution or recreation; and they have the right to withdraw elsewhere—to sell their lands and to carry all their goods.

First known acknowledgment in national law of the right to leave one's country is found in the Magna Carta A.D. 1215. Articles 41 and 42 of the historic document stated:

> All merchants safe and secure exit and to all others freedom to go out of the Kingdom and to return. . . .

Surely in light of the recent agreements reached with the Soviet Union regarding space exploration, control of the environment, increased trade, and most importantly strategic arms limitations, an understanding can be reached regarding the right of peoples to freely emigrate and travel.

In the past I have brought this matter to the attention of the Senate and I have written President Nixon and Secretary of State Rogers, asking for their thoughtful consideration of this most important problem. I have also written Soviet officials, including Soviet Party Leader Breshnev and Ambassador Dobrynin. I will continue to do so. I urge my colleagues in the Senate to likewise consider this crucial problem of human dignity.

I am hopeful that President Nixon will look into the situation of Mr. and Mrs. Gavriil Shapiro so that they may be reunited as soon as possible. I have called on the State Department and the White House to intercede in this matter, to ask for an emigration visa for Shapiro, or an entry visa for Mrs. Shapiro.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 3715. An original bill to amend and extend the Defense Production Act of 1950 (Rept. No. 92-868).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HANSEN:

S. 3714. A bill for the relief of Mario Temperini and James H. Groutage. Referred to the Committee on Government Operations.

By Mr. CRANSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 3715. An original bill to amend and extend the Defense Production Act of 1950. Ordered to be placed on the calendar.

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. EAGLETON, Mr. JAVITS, Mr. MONDALE, Mr. NELSON, Mr. STAFFORD, Mr. SCHWEIKER, Mr. STEVENSON, and Mr. WILLIAMS):

S. 3716. A bill to amend the Public Health Service Act to provide for continued assistance for health facilities, health manpower, and community mental health centers. Referred to the Committee on Labor and Public Welfare.

By Mr BIBLE:

S. 3717. A bill to amend the Interstate Commerce Act by adding thereto provisions authorizing the Interstate Commerce Commission, in its discretion and under such rules and regulations as it shall from time to time prescribe, to establish minimum requirements with respect to security for the protection of the public for loss of or damage to property transported by carriers subject to parts I and III of the Act; and

S. 3718. A bill to amend the Interstate Commerce Act and the Harter Act in order to provide a more effective remedy for owners, shippers, and receivers of property transported in interstate or foreign commerce to recover from surface transportation companies subject to the former act, damages sustained as the result of loss, damage, injury or delay in transit to such property. Referred to the Committee on Commerce.

By Mr. HARTKE:

S. 3719. A bill to provide for the licensing of motor vehicle repair shops and damage appraisers in order to insure the safe repair of motor vehicles, improve the technical competence of the Nation's automotive safety mechanics, and for other purposes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. EAGLETON, Mr. JAVITS, Mr. MONDALE, Mr. NELSON, Mr. STAFFORD, Mr. SCHWEIKER, Mr. STEVENSON, and Mr. WILLIAMS):

S. 3716. A bill to amend the Public Health Service Act to provide for continued assistance for health facilities, health manpower, and community mental health centers. Referred to the Committee on Labor and Public Welfare.

HEALTH FACILITIES, MANPOWER, AND COMMUNITY MENTAL HEALTH CENTERS ACT OF 1972

Mr. KENNEDY. Mr. President, I am today introducing the Health Facilities, Health Manpower, and Community Mental Health Centers Amendments of 1972. This bill is cosponsored by nine distinguished colleagues of mine on the Senate Labor and Public Welfare Committee. This bill extends and improves the expiring authorities within the Public Health Service Act in respect to the Hill-Burton hospital construction program, the National Center for Health Statistics, and it adds new authority regarding emergency medical services.

There are a host of expiring PHS authorities over the period of the next year. And this bill is designed to extend and improve four of those expiring authorities. Later this year, I am hopeful that the Congress will take affirmative action to extend several more of these authorities such that they may all be extended in an orderly and systematic way.

The specific provisions contained in this bill, Mr. President, have been extracted from S. 3327, the Health Maintenance Organization and Resources Development Act of 1972. That bill which I introduced March 13, 1972, was ordered reported from the Senate Health Subcommittee, which I chair, yesterday by a vote of 14 to 0. At that time the subcommittee decided that the best way to proceed with the extension of these PHS programs was to introduce a separate bill for the committee's further consideration. Hearings have already been held on the provisions of this bill, Mr. President. Specifically, the committee has taken testimony from the American Nursing Home Association, the American Dental Association, the American Public Health Association, the Association of Schools of the Allied Health Professions, the American Hospital Association, the Association of State and Territorial Health Officers, the Missouri State Comprehensive Health Planning Agency, the American Nurses Association, the American Dental Assistants Association, the Association of Dental Hygienists, the University of Southern California School of Dentistry, the American Association of Dental Schools, the American Psychiatric Association, the National Association for Mental Health, the National Committee Against Mental Illness, and the National Council of Community Mental Health Centers. The administration was invited to present testimony, but declined.

Mr. President, I do not need to describe in detail the great achievements which have been made as a result of the action of the Congress in authorizing these programs. The Hill-Burton program dates back to 1946 and has been responsible for the construction and modernization of hundreds of thousands of needed hospital beds in America. The allied health training authority was substantially revised and improve in 1970. And it is the major vehicle through which the Federal Government can assist in the education of thousands of critically needed health professional personnel. The community mental health centers act was first authorized in 1963 as a result of the first Presidential message on mental health and mental retardation. Under its authority, hundreds of community based mental health programs have been begun as alternatives to the commitment of American citizens to State mental hospitals. The National Center for Health Statistics, authorized by section 305 of the Public Health Service Act, is the principal Federal agency for the collection and analysis of health data and information.

I also want to point out to my colleagues that this bill extends these programs in a somewhat different fashion than has heretofore been the case. Specifically, extensions of authorities contained within the Public Health Service act have routinely been for 3 years. This pattern has resulted in a situation which results in more than a dozen of these important health programs expiring on the same date. Given the importance of all of these programs, and the need for the committee to be able to consider them in an orderly fashion, I have decided to begin to stagger the length of future extensions so as to hopefully break up the logjam which now confronts the subcommittee.

Accordingly, the extensions for the Hill-Burton and Mental Health Centers programs are for 2 years and the extension for the Allied Health Training and the Health Statistics programs are for 1 year each. It is my hope that this process will result in a cycle in which it will be possible for the committee to consider all health programs which principally support research and education in a single year, while the committee's consideration of programs which principally support health services will fall in another year. Such a cycle will, I believe, enable the committee to do an even better job in its consideration of health legislation.

Finally, Mr. President, I want to highlight some of the more innovative features which are included in this bill. First of all, regarding Hill-Burton, the bill includes a provision which will importantly involve the comprehensive health planning agencies and the regional medical programs in the future determination of assistance regarding the construction and modernization of health facilities. Also, the bill modifies the allotment formula under which the Federal monies are made available to the States. The provision in the bill is identical to the allotment formula which passed the Senate in 1970. In addition, there is included a provision, similar to a provision contained in the health manpower legislation which was enacted last year, which requires that in order to make loan guarantees under title VI of the Public Health Service Act, it will also be necessary to award grants. And there is also included a wholly new authority to improve and expand the provision of adequate emergency medical services in the Nation. This amendment was offered in the committee by my distinguished colleague from California (Mr. CRANSTON). And I and the senior Senator from Minnesota (Mr. MONDALE) are delighted to join him in the cosponsorship of this important and innovative provision.

With respect to the Community Mental Health Centers program, I want to highlight the fact that the bill places additional importance and emphasis on operational grants to mental health centers. For example, the bill makes it possible for a mental health center to receive Federal support for a portion of its operating costs, and it also provides that the rate of Federal participation for a specific operational grant may be increased by as much as 20 percent if the mental health center carries out defined programs with respect to alcoholism, drug abuse, children, and the elderly. And in that respect, Mr. President, the bill includes new authority for mental health programs for the elderly.

Lastly, the bill includes an extension of the provisions in the Public Health Service Act which requires that funds appropriated for the Public Health Service Act or the Mental Health Centers Act shall remain available for obligation and expenditure.

Mr. President, as I have indicated, these features were included in S. 3327, which yesterday was unanimously ordered reported from the Senate Health Subcommittee. My understanding is that the full Committee on Labor and Public Welfare will consider in executive session this bill and S. 3327 next Wednesday.

By Mr. BIBLE:

S. 3717. A bill to amend the Interstate Commerce Act by adding thereto provisions authorizing the Interstate Commerce Commission, in its discretion and under such rules and regulations as it shall from time to time prescribe, to establish minimum requirements with respect to security for the protection of the public for loss of or damage to property transported by carriers subject to parts I and III of the act; and

S. 3718. A bill to amend the Interstate Commerce Act and the Harter Act in order to provide a more effective remedy for owners, shippers, and receivers of property transported in interstate or foreign commerce to recover from surface transportation companies subject to the former act, damages sustained as the result of loss, damage, injury, or delay in transit to such property. Referred to the Committee on Commerce.

CARRIER LOSS AND DAMAGE CLAIM PROCEDURES

Mr. BIBLE. Mr. President, whether those millions of small and large businessmen-shippers who need commodities for their stores, plants, and establishments to meet customer and personal demands know it or not, there is affirmative movement along several fronts these days to help them get faster and equitable settlement payments for their loss and damage claims against freight carriers.

This is a goal of two bills I introduce today, first, to provide the Nation's shipping public for the first time with an effective claims adjudication procedure within the Interstate Commerce Commission and second, to establish ICC-supervised cargo insurance standards for railroads, express companies, and water carriers comparable to those now used by motor carriers and freight forwarders. Both bills were recommended to Congress by the Interstate Commerce Commission as an outgrowth of its 2-year investigation into the rules, regulations, and practices of all regulated surface carriers who transport billions of tons of cargo annually.

As our truck, air, rail, and water carriers prepare to meet the challenges of estimated record tonnages in the next 10 years and more, the subject of freight loss and damage claims procedures has moved to center stage as a prime subject of national interest, pointed up by inflationary pressures, increasing cargo theft, pilferage, and loss, and the greater interest of government, shippers, the consumer public and the carriers themselves.

Three years ago the Senate Small Business Committee opened investigatory hearings into the impact of crime on the country's 5½ million small businesses, estimated to cost business generally at least $5½ billion per year. Closely interwoven into our committee's hearings into the biggest multibillion dollar racket nationally today—the theft, pilferage and hijacking of truck, air, rail, and ship cargo, was the key aspect of freight loss and damage claims. One simple fact emerged from our hearings. Cargoes have overwhelmed facilities. Security efforts have provided too little security. Excessive losses, whether criminal or otherwise, have imperiled ordinary insurance practice, have put transportation companies out of business and too often have left business establishments without consumer goods for their customers and only a claim against somebody for nondelivery of the commodity ordered.

There are those who believe that with the dramatic increase in freight losses, whether criminally induced or from general loss and damage, the old claims adjudication and processing system has broken down and greater problems are forecast to meet the demands of record tonnages to be moved in the 1970's and beyond.

To review developments over the last 3 years, it was in 1969, and concerned by growing air cargo thefts, that as chairman of the Senate Small Business Committee I urged the Civil Aeronautics Board to begin an investigation into claims rules and practices and limits of liability for the Nation's air carriers. Subsequently, that Board issued an order recognizing the "considerable dissatisfaction with the air carriers' liability and claims rules and practices."

Additionally, our Small Business Committee, in a formal report to the Senate in 1969, urged the Federal transportation regulatory agencies, the Interstate Commerce Commission, the Civil Aeronautics Board and the Federal Maritime Commission, to adopt a mandatory uniform loss reporting system for all carriers. Our reasoning was that in 1969 no governmental, private carrier or trade organization had any kind of an idea about how big the cargo theft or loss problem really was. The fact was that this information was just not tabulated anywhere. After prodding by the Small Business Committee, the Interstate Commerce Commission became the first regulatory agency, beginning last October 1, to require loss and theft data from all class 1 interstate motor carriers. The Civil Aeronautics Board on March 15, 1972, again after consistent urging by our committee, authorized uniform loss reporting data from its domestic carriers beginning April 1. The Federal Maritime Commission is presently in the final stages of authorizing loss and damage reports. And ICC Chairman George Stafford assured us recently that uniform loss and damage reports for railroads should be in effect by January 1, 1973.

These compilations, for the first time, will show to economic regulatory agencies the real impact of loss and damage on carrier revenue and tariffs and what the shipper and ultimately the consumer are getting or not getting from the federally certificated carriers. Commodity experience will be shown and agency regulations can be prescribed for improved movement and handling of those commodities in particularly loss susceptible categories. Exactly how one carrier is performing compared to another will be shown.

Certainly, with loss and damage security incentives for carriers that uniform reports are expected to bring, loss experience from improved handling procedures should provide assistance all along the transport chain so that responsibilities can be pinpointed and constructive steps taken.

At our committee hearings in 1970, the claims loss and damage problem area was highlighted by an Assistant Secretary of Transportation who said:

> Shipper disputes with carriers over loss and damage matters have badly exacerbated shipper-carrier relationships to the detriment of shippers, carriers and the public at large.

He cited four factors as:

> 1. Unfair settlement offers by carriers of loss and damage claims.
> 2. Undue administrative costs incurred in making loss and damage claims to carriers.
> 3. Unreasonable delay by carriers in the payment of claims for loss and damage.
> 4. Burdensome costs of pursuing loss and damage claims in court.

A national retail association representative told our Committee:

> In addition to such attempts at lessening the basic responsibility, carriers have become more restrictive in claim rules and regulations seeking lesser claims payments. These involved: a curtailed time for inspection of damaged merchandise, refusal to prorate on concealed loss claims; and a trend toward claims declinations in cases involving amounts too small for litigation. . . .

As I see it, all of these factors, increasing cargo losses, thefts, inflationary pressures and growing shipper and consumer unrest, were the backdrop for a landmark decision by the Interstate Commerce Commission on February 24, 1972, in Ex Parte No. 263 and titled, "Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims."

The prestigious traffic management weekly news magazine, Traffic World, simply called the decision:

> A new, strong link in the claim prevention chain.

And said further,

> One predictable and desirable result of this ICC decision will be much greater attentiveness by carrier management to claim-prevention and other activities of their freight claims departments . . . and many more carrier vice-presidents in charge of safe handling of freight.

The New York Journal of Commerce called the Commission's decision the beginning of a "new era" and one which is expected "to have a profound effect on all elements of the business community."

For shippers across this country, this ICC decision should have tremendous impact in the months and years ahead as carriers, shippers, government and the consumer public seek to work closer together to help solve an increasingly complex problem, one some have called "a national disgrace" in recent years.

In its recommendations, the Commission said that:

> The prompt, impartial adjudication of cargo claims and electronically cataloging of claims data would serve a three-fold purpose: It would provide an effective legal remedy to claimants where none now exists; the administration of justice would be more efficiently achieved in a factually technical area of civil litigation and resolved by the Commission on largely documentary evidence at hand and valuable data could be gathered on a national scale which may be employed to develop a national policy with respect to the prevention of cargo loss and damage claims and the consequent waste of our Nation's resources.

It would provide a claims settlement forum within the ICC not unlike a small claims court.

As the Commission pointed out, most of these disputes can be resolved without the necessity of the parties and their witnesses taking days and weeks away from their normal tasks to attend courtroom trials ordinarily held several years after the events in question. Additionally, there are litigation costs to the shipper and the carrier with such passed along to the consumer finally. There seems no question that the high costs of claims and court litigation has had an impact on the total cost of transportation.

Another provision of ICC's decision in Ex Parte 263 required motor carriers, railroads, and freight forwarders to end certain claims rules they had adopted restricting their liability, such action by the carriers originally prompting the ICC's full investigation and report covering the general loss and damage claims picture including the recommended legislation which I offer today. Concurrently, the ICC established a new set of rules effective July 1, 1972, to require carriers to acknowledge claims within 30 days and settle them within 4 months, or explain to the claimant the status of the claims and the reason for the delay. They must also report on the status of the claim every 60 days thereafter until it is settled. The Commission also held that carrier rules limiting payment on concealed damage claims to only a portion thereof would no longer be applicable. There is some evidence now that some carriers presently may be denying all concealed damage claims of shippers as an outgrowth of the ICC's ruling.

It certainly would seem the primary judgment made by the Commission in this comprehensive report was stated very succinctly:

> There now prevails throughout the country a tremendous need and a growing public sentiment for an entirely new approach to be taken in attempting to resolve the mounting national crisis in cargo loss and damage claims.

Obviously, in weighing the impact of the Commission's decision, we believe its significance is pointed up by carrier industry figures showing that hundreds of millions of dollars in cargo is lost, stolen or damaged each year, with the railroads and motor carriers handling 2½ million and 1 million separate claims annually.

Therefore, all of these factors point up the desirability of congressional consideration of the legislation which we introduce today as recommended and prepared by the ICC. We hope these bills will stimulate more congressional interest in this growing problem to the end that carriers, the shippers and the consumer public can all be helped. There are those who say that the carrier industry will oppose these legislative proposals. However, we believe that carriers generally today are becoming more alerted to the growing problems of their industry and realize more than ever that the problems of shippers and consumers eventually become the problems of carriers, and vice versa. Just like a caboose on a bumped string of freight cars, the caboose gets the biggest bump finally unless something constructive is done to provide a cushion for the parties who may get bumped.

The first legislative proposal offered today would grant to the ICC authority to adjudicate in the first instance all unresolved cargo loss and damage claims filed against carriers covered by the Interstate Commerce Act. Obviously this would provide no panacea for adjudicating cargo claims, but it would establish an alternative method where present arbitration methods and resort to overcrowded courts seem to leave much to be desired.

The Commission has labeled some of the hard core problem areas of transportation claims as: first, those in which a bill of lading is marked at origin as "shipper's load and count" and there is a shortage discovered at the destination, second, those in which concealed damage is found after delivery and it is not known how, when or where the damage occurred, third, those in which loss and damage may result from an act of God and other excepted causes, fourth, those in which special damages are sought in addition to the invoice value of goods shipped, fifth, those in which different weights are obtained at origin and destination on shipments of grain, meat, scrap metal and various other commodities and sixth, those in which delay and market-decline claims are filed for shipments of fresh fruits and vegetables which may or may not have been transported by the carrier with reasonable dispatch.

In support of this bill, the ICC in its report spelled out fully documented claims problems of furniture movers nationwide, potato growers in Maine, Idaho, and other Western States, citrus growers in Florida and California, farmers throughout the grain-producing States, manufacturers in Connecticut, Michigan and other industrial States, and merchandisers in New York and elsewhere.

Because of the lack of reliable claims data, only estimates can be made. One estimate is that concealed damage claims alone account for payments by carriers of $50 million annually. The Commission found that carrier responsibility in some areas has declined, noting only 29 percent of full payment claims for concealed damage was paid to steel office furniture merchandisers in 1969 compared to 90 percent in 1968.

The Commission found that establishing an effective legal remedy for resolving disputed claims where none now exists can provide a number of additional advantages. Presently, as the Commission said, if a carrier chooses to be arbitrary or unreasonable in a dispute over a question of liability or damages, the shipper is simply out of luck unless he takes what the carrier offers, if anything. The reasons listed were the time involved in court litigation of cargo claims, the disruption of normal business operations, the expense of court costs several years in advance of actual trial, and the fact that the carriers can take advantage of these factors. Since the majority of single claims seek less than $100, the litigation of such in courts makes the cost-versus-benefit ratio a key factor. The old axiom of justice delayed is "justice denied" is overworked these days, but it seems to have validity in the cargo loss and damage claim area under the ICC's reasoning. And unquestionably, the carrier must be fairly treated because another axiom says "there are two sides to a question."

Certainly, loss and claims disputes would seem to be adjudicative largely on documentary evidence. Under a modified procedure provided for by the Administrative Procedure Act, the use of such a forum would seem to lend itself to expeditious handling, especially if fully modernized data-processing equipment and techniques could be utilized to find and catalog the basic cause-and-effect relationships of cargo claims.

As our committee has learned in its examination of cargo theft claims, the ICC has a duty to insure a national transportation capability. When cargo loss and damage claims pose a substantial threat to that capability, then it would appear that the Congress should place responsibility in the ICC to take positive long-range steps to meet today's challenges of security whether from loss or damage.

Obviously, this first bill would protect the legal rights of all parties by assuring subsequent judicial review of the ICC's claims decisions and yet would respond to the thousands of claims disputes where both the certified carrier and the shipper have every right to be fully heard.

Mr. President, the second bill I offer would expand the ICC's authority to act in an area where it can now only act in part. Namely, it would allow the Commission to adopt regulations to require maintenance by ICC-supervised express companies, rail and water carriers of adequate liability insurance to protect shippers from loss and damage claims.

Presently, the ICC has authority to set cargo insurance standards for motor carriers and freight forwarders but may not do so for railroads, express companies, and water carriers under its jurisdiction.

In its Ex Parte 263 report, the Commission compared the extensive economic protection accorded to claimants of a bankrupt trucking company to the dissimilar prospects for those holding claims against the bankrupt Penn Central Railway. As an example, Yale Transport Corp. in 1965 was unable to meet its financial obligations. However, insurance standards for motor carriers imposed on Yale by the ICC permitted nearly $2½ million to be paid to Yale's customers for their cargo loss and damage claims. No comparable protection is afforded to shippers and receivers today who utilize services of railroads, water carriers, and express companies. If shippers are to be fully protected and if ICC is to carry out its economic regulatory function spelled out in its organic act, certainly this expansion of its insurance standards authority would seem most appropriate as a safety valve in his whole cargo loss and damage claims picture.

In summary, the two bills offered today would:

First. Amend the Interstate Commerce Act so that railroads, motor carriers, express companies, and freight forwarders would be held to stricter accountability for cargo loss and damage claims.

Second. Amend the Harter Act to require of water carriers under ICC jurisdiction the same degree of responsibility as motor freight and rail carriers.

Third. Amend the Interstate Commerce Act to authorize the ICC to set cargo claims insurance standards for railroads, express companies, and water carriers.

As I have stated previously, what has concerned me most in our committee's examination of the cargo theft and loss problem is that neither industry nor Government has yet been able to mount an effective response. There are those who believe that the loss and damage claims present a comparable if not a greater problem. Certainly, this ICC-sponsored legislation proposes that this transportation regulatory agency be given an opportunity to deal more effectively with it. It is for this reason that I concur wholeheartedly in the remarks the distinguished majority leader (Mr. MANSFIELD) made before this body on this same general subject on February 28, 1972, in commending the Interstate Commerce Commission for its responsibility and initiative.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the texts of the two bills, a section-by-section analysis of each bill, a letter dated February 24 from Interstate Commerce Commission Chairman George M. Stafford and enclosure, and relevant articles from the New York Journal of Commerce of February 25, 1972, and March 2, 1972.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulated Carriers Minimum Insurance Requirements Act of 1972".

(2) That section 20 of the Interstate Commerce Act (49 U.S.C., sec. 20) is amended by adding at the end thereof a new paragraph as follows: "(14) The Commission shall have authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in such reasonable amount as the Commission may require, to be conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, for loss of or damage to property with respect to which a transportation service subject to this part is performed."; and

(3) That section 304 of the Interstate Commerce Act (49 U.S.C., sec. 904) is amended by adding at the end thereof a new paragraph as follows: "(f) The Commission shall have the authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in such reasonable amount as the Commission may require, to be conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, for loss of or damage to property with respect to which a transportation service subject to this part is performed."

(4) The provisions of this Act shall take effect upon enactment.

SECTION-BY-SECTION ANALYSIS

S. 3717—CARGO INSURANCE REQUIREMENTS

Section 1—Short Title.

Section 2. This Section sets forth a new paragraph (14) to be added at the end of section 20 (49 U.S.C. sec. 20) of the Interstate Commerce Act. The new paragraph authorizes the Interstate Commerce Commission to prescribe reasonable rules and regulations governing the mandatory filing with it by railroads and express companies subject to part I of the act of surety bonds, policies of insurance, qualifications as self-insurers, or other securities or agreements for the protection of the public against loss of or damage to property transported by them. This authority will enable the Commission to extend to shippers and receivers of freight by railroad and express companies the same protection against cargo loss and damage and in the same manner as now is provided to those utilizing the services of motor carriers and freight forwarders subject to parts II and IV, respectively, of the act.

The new paragraph also authorizes the Commission to set reasonable monetary standards for surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements it requires to cover loss or damage to property transported by carriers subject to part I of the act.

Section 3. This section sets forth a new paragraph to be added at the end of section 304 (49 U.S.C. sec. 904) of the Interstate Commerce Act. The new paragraph authorizes the Interstate Commerce Commission to prescribe reasonable rules and regulations governing the mandatory filing with it by water carriers subject to part III of the act of surety bonds, policies of insurance, qualifications as self-insurers, or other securities or agreements for the protection of the public against loss of or damage to property transported by them. This authority will enable the Commission to extend to shippers and receivers of freight by water carrier the same protection against cargo loss and damage and in the same manner as now is provided to those utilizing the services of motor carriers and freight forwarders subject to parts II and IV, respectively, of the act.

The new paragraph also authorizes the Commission to set reasonable monetary standards for surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements it requires to cover loss or damage to property transported by carriers subject to part III of the act.

Section 4. Provides that the Act shall take effect upon enactment.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., February 24, 1972.
Hon. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: This Commission is alarmed by the mounting frustration and dissatisfaction associated with cargo loss and damage claims involving carriers subject to our regulation. Indeed, during the period January 1969 through March 1970 we received 25,294 individual pleas for assistance concerning various facets of the problem. We were also deeply concerned when associations of railroads, motor carriers, and freight forwarders adopted, on their own, rules purporting to restrict their members' liability on cargo claims for concealed loss or damage.

As a direct result of these concerns, we instituted an investigation specifically designed (1) to inquire into the nature of all claims rules and practices of regulated carriers; (2) to investigate the effect of such rules and practices; (3) to determine this Commission's jurisdiction with respect thereto; (4) to consider whether we should adopt rules and regulations governing these and other matters relating to the handling and processing of loss and damage claims; and (5) to take such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require.

I am pleased to enclose a copy of our completed report in Ex Parte No. 263, *Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims,* which thoroughly treats the above-mentioned considerations. Also enclosed is a copy of our news release of this date concerning the report.

Drawing on the full measure of the powers conferred upon this Commission by the Congress, we have prescribed claims-processing standards to be observed by regulated carriers. Under these standards, carriers are required to acknowledge receipt of each loss and damage claim and to complete the investigation and disposition of claims promptly. Carrier rules and practices contrary to or inconsistent with their duties as regulated carriers are found to violate the Interstate Commerce Act and are ordered discontinued. Further, carriers have been ordered to file for review by this Commission any rules and regulations they may promulgate concerning the processing of loss and damage claims and any agreements with respect to claims matters.

Perhaps the most compelling and troublesome issue presented in Ex Parte No. 263 is the injustice inherent in the inability of shippers and receivers of freight to obtain prompt and effective redress for disputed claims attributable to lost or damaged shipments. The major quarrels shippers and receivers have with the presently available judicial avenue to an impartial determination as to the merits of a disputed claim include: (1) the overall cost of litigating a claim usually exceeds the amount recovered; (2) it is frequently necessary to engage an attorney whose fee alone may well exceed the amount in controversy; (3) attorneys' fees are presently not recoverable in claims litigation; (4) since the average amount in dispute is usually less than $100, there is an open invitation to the unscrupulous to unfairly decline responsibility for damage on the theory that the claimant cannot afford to litigate the matter; (5) personnel in key production positions can seldom be spared to testify in court trials; (6) the length of time required to conclude litigated claims occasioned by heavily congested court dockets results in a significant burden; (7) courts with their jurisdictional boundaries are unable to direct a meaningful nationwide effort to improve the cargo claims situation; and (8) strict accountability for cargo claims is most difficult, if not impossible, to achieve.

After exploring the possible alternatives to the vexing problems described above, including compulsory arbitration and no-fault insurance, we concluded that disputed claims should be submitted for determination by this Commission in the first instance under a simplified procedure. Such determination would be based principally upon documentary evidence in order that the expenses, attorneys' fees, and lost production time of key personnel necessitated by presentation of evidence in court or before an arbitrator could be avoided. As a positive adjunct to this procedure, meaningful data on claims could be gathered and electronically catalogued in order to define particular problem areas. On the basis of this information particularized claim-prevention programs could be implemented on a national scale.

A specific legislative recommendation is made a part of the report (see Appendix F, Part 1) which, if enacted into law, would vest in this Commission authority to adjudicate in the first instance all unresolved cargo loss and damage claims filed against carriers subject to the Interstate Commerce Act. In the manner more fully described in the report, the prompt, impartial adjudication of cargo claims and electronically cataloguing claims data can serve a threefold purpose: It would provide an effective legal remedy to claimants where none now exists; the administration of justice would be more efficiently achieved in a factually technical area of civil litigation; and valuable data could be gathered on a national scale which may be employed to develop a national policy with respect to the prevention of cargo loss and damage claims and the consequent waste of our Nation's resources.

While this Commission is convinced of the need to adopt the proposed bill vesting claims jurisdiction in it, the task cannot, in all candor, be undertaken with our current manpower and budgetary resources. Without tools commensurate to the task, we could not be expected to achieve any worthwhile or lasting improvement in the perennial loss and damage claims problem.

In a second specific legislative recommendation, the Commission places before the Congress for its consideration, a proposal to allow this Commission to adopt regulations to require maintenance by rail and water carriers subject to the Act of adequate insurance to protect the shipping public for loss and damage claims. Pursuant to existing authority this Commission presently requires motor carriers and freight forwarders subject to parts II and IV of the Act to maintain sufficient insurance in this respect; the proposed legislation (Appendix F, part 2) would extend the power to carriers subject to parts I and III of the Act. In other portions of our report we reiterate our position on attorneys' fees legislation which already is well known to the Congress, pitfalls of creating courts of limited jurisdiction to deal with cargo claims matters are examined; we pledge to institute a rulemaking proceeding for the purpose of investigating reasonable dispatch in the transportation of perishable commodities; and the practices of carriers in inspecting commodities and packaging when they are involved in concealed loss and damage claims are analyzed.

Many of the inquiries you may have received from your constituents have been answered or commented upon in the enclosed report. To the extent, however, that the powers of this Commission do not go far enough to provide effective remedies for dealing with the discontent that prevails throughout the country in these cargo claims matters, this Commission has endeavored to meet its duty to the Congress and the public by responding to what it concludes is a public demand and need for remedial legislation in the claims area.

If you have questions not covered by this letter, I shall be happy to forward a prompt reply.

Sincerely yours,
George M. Stafford, *Chairman*.

NEW RULES ADOPTED FOR LOSS AND DAMAGE; COMMISSION REQUESTS STRONGER AUTHORITY

Interstate Commerce Commission Chairman George M. Stafford announced today (February 24, 1972) the development of a dual program—regulatory as well as legislative—designed to resolve the mounting problems shippers are facing in having their loss and damage claims processed by the various carriers the Commission regulates. Amounting to more than $300 million yearly, loss and damage of cargo during transit has reached crisis proportions in recent months.

In a comprehensive report and order in Ex Parte No. 263, *Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims*, the Commission said that rules adopted by groups or associations of carriers to restrict their lability on claims for concealed loss and damage are unlawful. Accordingly, the Commission today set down a series of its own regulations which prescribe the form in which claims are to be handled. The new rules, which are to take effect April 21, direct carriers to:

Acknowledge receipt of each loss and damage claim;

Investigate the claim promptly;

Dispose of the claim within a specified time, or inform the claimant of the status of the claim and explain the reason for the delay in making a final disposition.

Additionally, the new regulations require all carriers to maintain complete records of salvage they obtain from shipments damaged in transit and to account for all money recovered from the sale of such salvage.

While the new rules are designed generally to tighten the processing of loss and damage claims, the Commission said it will ask Congress for statutory authority to adjudicate a claim whenever a shipper and carrier are unable to reach agreement. The legislative proposal was conditioned, however, on the need for the Commission to be given an adequate staff and budget to carry out the task.

Should the legislation be enacted, the Commission said it will be able to arrive at a prompt determination on the merits of a loss and damage dispute when it arises. In most instances this would be done through the submission of documentary evidence only, without the need for a hearing. Such a process would contrast markedly with the present practice of a party having to go to court, a procedure that is both costly and time-consuming.

In a second legislative recommendation, the Commission asked Congress for authority to issue regulations requiring railroads and water carriers to maintain adequate cargo insurance to protect the public in loss and damage claims. Currently, only motor carriers and freight forwarders are fully insured.

Finally, the Commission promised to institute an investigatory rulemaking proceeding looking to the overall adequacy of service in the transportation of perishable commodities. At issue is whether the term "reasonable dispatch" should be defined as it relates to the transportation of perishables.

Today's action was by a unanimous decision of the 11-member Commission. Commissioners Kenneth H. Tuggle, Laurence K. Walrath and Dale W. Hardin did not concur in the first legislative proposal.

[From the New York Journal of Commerce, Feb. 25, 1972]

INDUSTRY'S CARGO CLAIM PLAN RAPPED

(By William A. Martin)

WASHINGTON, February 24.—The Interstate Commerce Commission ruled unlawful today a plan of the surface transportation industry to limit liability for concealed loss and damage of goods to less than 100 per cent of their value and asked Congress for the right to adjudicate claims.

The decision is expected to be opposed in the courts by the surface carriers. The decision also is expected to have a profound effect on all elements of the business community.

ECONOMIC LEVERAGE

The regulatory agency pointed out that the carriers often use their economic leverage against small businesses in settling claims for concealed loss and damage, or disregard the claim, and the issue has now reached crisis proportions.

Industry figures show that about $300 million in cargo is lost or damaged each year, and in 1969 the surface carriers paid out over $47 million in claims. The railroads handle about 2.5 million claims a year, and the trucking industry handles close to 1 million claims.

To help stem this problem, the regulatory agency established new rules for concealed loss and damage claims, effective April 21. The ICC directed the carriers to:

—Acknowledge the receipt of each loss and damage claim;

—Investigate them promptly;

—Dispose of the claim within a specified time, or inform the claimant of the status of the claim and explain the reason for the delay.

—Maintain complete records of salvage they obtain from the shipments damaged in transit, and account for all money recovered from the sale of such salvage.

"REASONABLE DISPATCH"

The agency agreed to institute an investigation into the overall adequacy of transportation for perishable commodities, and define the term "reasonable dispatch."

In addition, the ICC agreed by an 8 to 3 vote, to ask Congress for authority to adjudicate a claim whenever a shipper and carrier are unable to reach an agreement, such authority, the agency said, would be done without oral hearings, and speed up the process.

A second legislative recommendation to Congress made today involved the requirement that railroads and water carriers maintain adequate cargo insurance to protect the public in loss and damage claims. Currently only motor carriers and freight forwarders are fully insured.

Commissioners Kennety H. Tuggle, Laurence K. Walrath, and Dale W. Hardin agreed with the other commissioners on all points except the adjudication of claims.

The law specifies that surface carriers are liable for 100 per cent of the damage caused by them. There are exceptions.

As practiced by the railroad industry, the carriers have no set rules but establish maximum liability based on the value of the shipment. The motor carrier industry works under the same guideline (a released rates order) and limits liability to the value of the property.

INCREASED PREMIUM

Household goods carriers, generally speaking, set their liability at 60 cents per pound of the shipment, unless otherwise indicated at the time of the shipment. A higher coverage carries with it an increased premium.

Freight forwarders, airlines, and express companies limit liability to 50 cents per pound for the shipment, with provisions for additional coverage in increments of $100.

The ICC case was initiated in 1969 when the surface carriers attempted to lower their liability obligations. The railroads established rules in June 1969, setting the liability at 50 per cent of the proven net monetary loss. The rules went into effect on Aug. 1, 1969 and were withdrawn five months later.

The freight forwarders and motor carriers attempted to prorate the liability based on the number of carriers who participated in the movement. The motor carriers sought the 50 per cent loss limit and wanted 15 days to inspect the concealed damage.

The agency rejected a suggestion that a system of no-fault insurance be established to deal with the concealed loss and damage problems.

LOSS OF MOTIVATION

"Perhaps the greatest detriment . . . that we can foresee is that in implementation of a no-fault insurance plan for loss and damage claims, there may well be a loss of some motivation on the part of the carriers to attempt to prevent claims," the agency said.

The agency rejected all requests for exceptions to the ruling.

The two-year investigation pointed to many shortcomings in the way the transportation industry handles claims, the ICC said.

Among these were coercion of shippers, duping of small businesses, foot-dragging, and self-deception.

"To calculate a degree of liability less than full net loss without the benefit of established facts is a substantial barrier to the provision of adequate service," the report said.

The ICC said the carriers cannot expect the loss and damage claims problem to decrease, nor the problem of organized crime and hijacking to slow down, unless the carriers tried to face the problems, rather than turn away from them.

The new rules and legislative proposals are an attempt to do that, the agency said.

RULING ON CLAIMS CALLED "NEW ERA" FOR U.S. SHIPPERS

The executive vice president of the National Association of Wholesalers-Distributors says the Interstate Commerce Commission has opened a "new era" for shippers by outlawing certain carrier rules on settlement on concealed loss and damage claims. The rails, truckers and freight forwarders had proposed rules to limit their liability for concealed loss and damage claims. The regulatory agency struck down the proposal last week.

"In its findings the ICC clearly identified the legal obligations of carriers to fairly and promptly act on all loss and damage claims submitted by shippers and consignees," said William C. McCamant, executive vice president of the NAWD.

"We note with great satisfaction that the ICC will not tolerate an arbitrary 15-day limit for the filing of requests for inspection of concealed damages. In the normal stream of commerce, many cartons are not opened until after several months. The denial of every consideration of these claims was arbitrary and never authorized by law," Mr. McCamant said.

The wholesalers' association filed suit in U.S. District Court in Washington a couple of years ago against the American Trucking Assns. over the issue. The association is studying the effect of the ICC decision on its pending legal action.

"Certainly, if the carriers relied on illegal rules as a basis for settlement, as they have indicated in thousands of cases, there is a need for reexamination," Mr. McCamant said.

The wholesalers-distributors group is composed of 78 national commodity line wholesaling associations representing over 26,000 wholesalers-distributors over the country.

S. 3718

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Claims Adjudication Act of 1972".**

(2) That section 20 of the Interstate Commerce Act (49 U.S.C., sec. 20) is amended by adding a new paragraph at the end thereof as follows:

"(13) Notwithstanding any other provisions of the Interstate Commerce Act, all actions brought under and by virtue of paragraph 20(11) of that Act against a carrier (except those that may also include claims for the recovery of attorneys' fees) shall be brought in the first instance only before the Interstate Commerce Commission by the filing of a complaint in writing setting forth therein the nature of the action and the amount of money claimed therefor, and the order of the Interstate Commerce Commission thereon shall be binding upon all parties to such disputes unless otherwise revised on judicial review: *Provided*, That issues arising in the determination of such actions shall be determined in the most expeditious manner and, so far as practicable and legally permissible, without formal hearings or other proceedings: *And provided further*, That in all actions filed with the Interstate Commerce Commission in accordance with this paragraph, appellate review of the orders of the Commission issued to dispose of such matters shall only be by a district court of the United States in a district through or into which the defendant carrier operates, and any aggrieved party shall, upon request timely made to the court, receive an opportunity for a trial before a jury as to disputed issues of fact."

(3) That section 219 of the Interstate Commerce Act (49 U.S.C., sec. 319) is amended by deleting therefrom the words "and (12)," adding a comma after the words "section 20(11)," and inserting after that comma the words "(12), and (13)."

(4) That section 413 of the Interstate Commerce Act (49 U.S.C., sec. 1013) is amended by deleting therefrom in the two places in which they appear in the first sentence of that paragraph the words "and (12)," adding a comma after the words "section 20(11)," and inserting after that comma the words "(12), and (13)."

(5) That the Harter Act (46 U.S.C., secs. 190–196) is amended by adding a new section at the end thereof, as follows:

"Sec. 197. All actions brought to recover the value of property lost, damaged, injured, or delayed while being transported by a carrier subject to part III of the Interstate Commerce Act (except those that may also include claims for the recovery of attorneys' fees) shall be brought in the first instance only before the Interstate Commerce Commission by the filing of a complaint in writing setting forth therein the nature of the action and the amount of money claimed therefor. The order of the Interstate Commerce Commission thereon shall be binding upon all parties to such disputes unless otherwise revised on judicial review: *Provided*, That in all actions filed with the Interstate Commerce Commission in accordance with this paragraph, appellate review of the orders of the Commission issued to dispose of such matters shall only be by a district court of the United States in a district through or into which the defendant carrier operates, any and aggrieved party shall upon request timely made to the court, receive an opportunity for a trial before a jury as to disputed issues of fact."

(6) There are authorized to be appropriated for the purposes of this Act, such sums, not to exceed $3,000,000 for each fiscal year.

(7) The provisions of this Act shall take effect six months after the date of its enactment.

SECTION-BY-SECTION ANALYSIS

S. 3718. Adjudication of Claims by the Interstate Commerce Commission.

Section 1. Short Title.

Sec. 2. This section adds a new paragraph (13) at the end of section 20 (49 U.S.C., sec. 20) of the Interstate Commerce Act to require all actions against carriers to recover for the loss, damage, or injury to a shipment transported in interstate or foreign commerce, except those in which an award of an attorney fee is also sought by the complainant, to be brought in the first instance by filing a written complaint therefor with the Interstate Commerce Commission.

The section to be added vests in the Commission exclusive jurisdiction initially to determine the merits of liability and damages in cargo claims disputes and subjects those determinations to judicial review. It is also established in the new section that Commission orders conclusive of the issues in cargo claims disputes shall be binding upon the parties thereto unless reversed on judicial review.

The new section also requires cargo claims disputes to be processed by the Commission in the most expeditious manner, and, where practicable and lawful, on documentary evidence without a hearing. Finally, the new section preserves to the parties their constitutional right to a trial of factual issues before a jury, on appeal, which must be taken to a United States district court in a district through or into which the defendant carrier operates.

Sec. 2. This section amends section 219 (49 U.S.C. sec. 319) of the Interstate Commerce Act. That section now provides that sections 20 (11) and (12) and other provisions of part I of the act as are necessary for the enforcement thereof, are applicable to motor carriers subject to part II of the act, and the amendment merely extends the applicability of the new subsection 20(13) to those carriers.

Section 3. This section amends section 413 (49 U.S.C. sec. 1013) of the Interstate Commerce Act. That section now provides that sections 20(11) and (12) and other provisions of part I of the act as are necessary for the enforcement thereof, are applicable to freight forwarders subject to part IV of the act. The amendment merely extends the applicability of the new subsection 20(13) to freight forwarders.

Section 4. This section adds a new paragraph, to be designated section 197, at the end of the Harter Act (46 U.S.C. secs. 190–196), to require that (except with respect to those actions in which an attorney's fee is also sought by the complainant) all actions against a carrier subject to part III of the Interstate Commerce Act to recover the value of property lost, damaged, injured, or delayed while being transported by such carrier, shall be brought in the first instance only before the Interstate Commerce Commission and by the filing of a written complaint therefor with the Commission.

This section vests in the Interstate Commerce Commission exclusive jurisdiction initially to determine the merits of liability and damages in cargo claims disputes and subjects those determinations to judicial review. It is also established in the new section that Commission orders conclusive of the issues in cargo claims disputes shall be binding upon the parties thereto unless reversed on judicial review.

The new section also requires that cargo claims disputes are to be processed by the Commission in the most expeditious manner, and where practicable and lawful, without a hearing. Finally, the new section preserves to the parties their constitutional right to a trial of factual issues before a jury, on appeal, which must be taken to a United States district court in a district through or into which the defendant carrier operates.

Section 6. Authorizes to be appropriated $3 million dollars for each fiscal year.

Section 7. Provides that the act shall take effect 6 months after enactment.

By Mr. HARTKE:

S. 3719. A bill to provide for the licensing of motor vehicle repair shops and damage appraisers in order to insure the safe repair of motor vehicles, improve the technical competence of the Nation's automotive safety mechanics, and for other purposes. Referred to the Committee on Commerce.

MOTOR VEHICLE REPAIR INDUSTRY LICENSING ACT

Mr. HARTKE. Mr. President, in recent years the motoring public has been expressing dissatisfaction with the quality of motor vehicle repairs. Over 80 million automobiles now operate on the streets and highways of the Nation. A motor vehicle is almost a necessity to meet the needs of mobility, not only for business and industry but for modern family life. The Congress has, on many occasions, indicated its interest in advancing motor vehicle safety, in increasing the availability of transportation facilities and in reducing the economic cost of motor vehicle transportaton. The National Traffic and Motor Vehicle Safety Act of 1966, and the Highway Safety Act of 1966 are two great landmarks of Federal legislation. Both the Senate and the House have, in the last few months, passed bills regarding the design of motor vehicle standards in order to reduce economic loss which stems from motor vehicle collisions. Further, various committees of the Congress have, for the past 2 years, been considering legislation regarding motor vehicle insurance in order to reduce the cost thereof, and avoid lengthy court proceedings in order to speed payment of benefits to those who have suffered either personal bodily injury or motor vehicle damage.

Each of these pieces of legislation—those enacted and those now under consideration—meet certain specific needs of the motoring public.

There is also another basic area, however, which is in need of legislation and today I am introducing the Motor Vehicle Repair Industry Licensing Act. This bill will encourage each of the States to provide a procedure for the licensing of all motor vehicle repair shops and all individuals who are engaged in the business of appraising the extent of collision damage to motor vehicles. Therefore, we are involving not only the automotive repair industry but the many insurance companies which sell insurance to the motoring public and who pay either the cost of repair of the insured's damaged vehicle or assume the liability that the insured may incur when his vehicle damages other property, especially other motor vehicles.

Over the years, there has been considerable controversy regarding procedures followed by the insurance companies settling claims for damage to motor vehicles. In hearings held in 1969, and 1970, before the Subcommittee on Antitrust and Monopoly of the Senate Judiciary Committee, representatives of the insurance industry set forth many charges regarding the rapid increase in the cost of repair of motor vehicles. At the same hearings, representatives of the independent garage industry have expressed their dissatisfaction with the insurance companies regarding the appraisal methods and techniques used for the determination of payments for the repair of motor vehicles. There is no need to recite the details of charge and countercharge because it is evident that the victims of these continued, unsettled controversies are the vehicle owners who have paid the insurance companies premiums for financial protection and must drive the vehicles after they have been repaired by motor vehicle repair shops. The bill I am introducing is designed to establish a greater responsibility not only for motor vehicle repair shops but also for appraisers who assess damages. The time is long past due for Congress to legislate in this area. Studies of problems in the auto repair industry have been conducted by the Federal Trade Commission and the Department of Justice, but no administrative or regulatory resolution by these agencies is in sight.

There are approximately 400,000 establishments in the United States which service and repair motor vehicles. These shops are classified in the following categories: franchised new car dealers, service stations, general garages, autobody shops, auto paint shops, and specialty shops.

LICENSING OF AUTO REPAIR SHOPS

The bill provides that each State would require the licensing of any business entity which is engaged in business for profit in the repair of motor vehicles including repair as the result of collision or accident, major overhaul, repairs to drive train, brakes, steering and suspension systems, straightening frames, and similar work which is related to either safety or to the proper functioning of the engine and its exhaust systems. Excluded from the requirements of the bill would be the licensing of business entities engaged in the sale of gas or other motor fuels, lubricants, tires, batteries and accessories, and the furnishing of goods and related services in performing such ordinary maintenance as repair and changing of tires, lubricating of motor vehicles, the installation and adjustment of spark plugs, or the changing of oil filters.

Thus, the bill would require the licensing of all body repair shops, franchised dealer repair shops, general garages, and many specialty shops including paint shops, transmission shops, exhaust and muffler shops, and brake shops. Auto service stations which go beyond ordinary maintenance and engage in such work as brake linings, front-end alinements, and smiliar safety related activities, would be licensed under this bill.

During the past several years, I have on numerous occasions expressed my dissatisfaction with the failure of the Department of Transportation to issue safety standards for motor vehicles in use. The National Motor Vehicle and Safety Act enacted in 1966 contains a legislative mandate to the Secretary of Transportation to issue standards for vehicles in use not later than 2 years after enactment of the act, yet today, almost 6 years after enactment, the Department of Transportation still has not issued any standards for vehicles in use.

Congress has also enacted significant legislation regarding pollution by motor vehicles. Up to the present most attention has centered on standards for new cars requiring manufacturers of motor vehicles to certify that their products meet the requirements of the Environmental Protection Administration regarding the emission of visible smoke, nitrous oxides, carbon monoxide, and hydrocarbons. While motor vehicle manufacturers are required to warrant that their vehicles will meet such standards for a term of 5 years or 50,000 miles, whichever occurs the earliest, the motor vehicle owner is called upon to exercise proper maintenance. In addition, the States will be called upon to establish pollution-testing stations in order that those vehicles which, either through failure of design or through improper maintenance, are emitting pollutants above the level allowed, may be corrected. It is very important to the motorist to know that the correction of such defects can be made in shops that are licensed by the several States.

LICENSING OF MOTOR VEHICLE DAMAGE APPRAISERS

Despite all efforts to reduce the number of collisions on our streets and highways, there is still a vast number of collisions every day. The repair of most damaged motor vehicles is paid for through insurance. Upon having an accident, the policy holder calls his insurance company and arrangements are made for the damage of the vehicle to be appraised. Some insurance companies employ their own appraisers, while others use the services of individual appraisers or appraisal companies. Most often, arrangements are made for personal inspection of the automobile, but some appraisals are made through photographs and other methods not involving personal inspection of the damaged vehicle. Some insurance companies operate "drive-ins" where the vehicle, if in operating condition, is driven to a business location of the insurance company, where the appraisal is made, a check is given to the insured, and the insured in turn signs a release relieving the insurance company of any further liability regarding the damaged property. These appraisals are made, and these payments are given without any reference to any garage as to whether the vehicle can be repaired for the amount given to the insured. When such payments are inadequate, the insured is required to accept either incomplete repairs or pay the difference out of his own pocket.

The garage industry itself has long claimed that three or four insurance companies dominate vehicle insurance in each geographical area of the country. They have also asserted that these few dominant companies, which may control as much as 80 to 90 percent of the autobody repair work in a particular locality, are arbitrary in establishing the cost of repair and do not permit true competition among members of the industry in order to establish rates. The garagemen report that the insurance companies place their charges on a take-it-or-leave-it basis. On the other hand, the insurance companies have complained that some members of the garage industry have been engaged in efforts which restrain competition and increase prices.

In my view, there are three parties of interest in the repair of a damaged motor vehicle which is covered by insurance and all three parties deserve to be treated fairly and squarely. First, there is the motorist who has paid his premiums as established by State insurance commissioners or boards, who deserves as a result of his payments to have his vehicle restored to the condition which existed prior to the collision. Second, there is the insurance company, which has the responsibility for paying for the damages and such payments should be fair and just. Third, there is the motor vehicle repair shop, usually a body repair shop or a franchised dealer repair shop, which must perform the repair work for the insured motorist but which is paid for by the insurance company. A high level of competence is required to restore the motor vehicle to safe operating condition. Further, the repair garages should not be returning cars to the road until they have been restored to a safe operating condition. They, too, must have their standards of competence and of safety.

Therefore, I view the motor vehicle damage appraiser in the role of impartial umpire and, as such, he has responsibilities to the three parties of interest in the dispute. At the present time, several States have licensed motor vehicle damage appraisers. There are: Connecticut, Delaware, Massachusetts, North Carolina, and Minnesota. Some of these States' laws require an appraiser to give a copy of his appraisal to the repair shop which makes the repairs, and to the insured. This appraisal must give an outline listing all of the damages and specify those parts to be replaced or repaired. The Delaware law states:

> Because an appraiser is charged with a high degree of regard for the public safety, the operational safety of the vehicle shall be paramount in considering the specification of new parts. This consideration is vitally important where the parts involved pertain to the drive train, steering gear, suspension units, brake systems, or tires.

The Connecticut law, enacted in 1970, requires that:

> Each appraiser shall (1) conduct this in such a manner as to inspire public confidence by fair and honorable dealings, (2) approach the appraisal of damaged property without prejudice against or favoritism toward any party involved, in order to make an impartial appraisal, (3) disregard any efforts on the part of others to influence his judgement in the interest of the parties involved, (4) prepare an independent appraisal of damage.

My bill defines a motor vehicle damage appraiser as "any person who appraises damaged motor vehicles or estimates damages to motor vehicles and who is in business for profit." Under the licensing system each State would require motor vehicle damage appraisers to furnish to the State agency or authority his name, address, educational background or training, the number of years of experience as a motor vehicle damage appraiser, and any commercial relationship with any motor vehicle repair shop. Further, it would require the damage appraisers to provide a written estimate of cost and services to any person to whom they furnish services.

It is my hope that this bill will establish new standards of responsibility for motor vehicle damage appraisers. While each State regulates insurance, there is relatively little regulation of claim settlements. The motoring public needs the very valuable services of the insurance companies and of the motor vehicle repair shops. Congressional establishment of the concept of public service of damage appraisers will go a long way to remove the misunderstandings between the insurance industry and the repair industry—misunderstandings which only hurt the motorist in the final analysis.

Mr. President, a recent study indicating that, during a driving lifetime, the average motorist will have at least one accident. If this be the case, the Motor Vehicle Repair Industry Licensing Act is designed at assure that the motorist has his car repaired by a reputable shop, that he pays a fair price, and that the repairs are performed in a safe and proper manner. It seeks to insure the maintenance of high industry standards, thus promoting greater public trust. Above all, this legislation will mean the savings of tens of millions of dollars which are now being misspent on faulty or fraudulent repairs.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Repair Industry Licensing Act".

SEC. 2. It is the purpose of this Act to encourage the States to provide a procedure for the licensing of shops which are involved in the repair of motor vehicles and of individuals who are engaged in the business of appraising the extent of damage to motor vehicles.

SEC. 3. (a) As used in this Act—

(1) the term "motor vehicle repair shop" means any business entity which is engaged in business for profit in maintaining or repairing motor vehicles, including repairs as a result of a collision or accident, major motor overhaul, repairs to drive train, straightening frames and similar work.

(2) the term "motor vehicle repair shop" does not include business entities engaged in the sale of gasoline or other motor fuel, lubricants, tires, batteries, and accessories, and the furnishing of goods and related services in performing such ordinary maintenance as repair or changing tires, lubrication of motor vehicles, the installation and adjustment of spark plugs, or the changing of oil filters, unless such business entity is also engaged in the activities set forth in paragraph (1) above.

(2) the term "motor vehicle damage appraiser" means any person who appraises damaged motor vehicles or estimates damages to motor vehicles and who is in business for profit;

(3) the term "Secretary" means the Secretary of Transportation; and

(4) the term "State" means the several States of the United States and the District of Columbia.

(b) Nothing in this Act applies to—

(1) any individual who is an employee of a motor vehicle repair shop;

(2) any person who is engaged in the business of maintaining or repairing the motor vehicles of a single commercial or governmental entity or two or more such entities which are related by common ownership, affiliation, control, or otherwise.

SEC. 4. The Secretary is authorized to furnish financial assistance to any State if he determines that such State has adopted and is carrying out a program for the licensing of motor vehicle repair shops and motor vehicle damage appraisers which meets the requirements of section 5 of this Act. Upon the approval of any application by the Secretary, the Secretary may pay to the State an amount not to exceed 80 per centum of the cost, as determined by him, of such State in any fiscal year in carrying out the program. Payments under this section may be in advance or by way of reimbursement.

SEC. 5. To be eligible for assistance under this Act, a State shall adopt a program which—

(1) establishes a State agency or authority responsible for the licensing of motor vehicle repair shops and motor vehicle damage appraisers, for annual renewals of licenses, and for the investigation and processing of complaints concerning the performance of activities subject to the program by persons licensed thereunder;

(2) requires each motor vehicle repair shop doing business in that State to furnish annually to the State agency or authority the name and address of the owner of the shop, the address of each location at which the repair shop does business, the number of employees, and the type and volume of work performed at each location during the preceding year;

(3) requires each motor vehicle damage appraiser doing business in that State to furnish the State agency or authority with his name, address, educational background or training, number of years of experience as a motor vehicle damage appraiser, and any commercial relationship with any motor vehicle repair shop;

(4) requires motor vehicle repair shops and motor vehicle damage appraisers to provide a written estimate cost of services to any person to whom they furnish services;

(5) requires each motor vehicle repair shop to secure written authorization for the performance of repairs or maintenance if the estimated cost of such repairs or maintenance exceeds $25; and

(6) provides for appropriate sanctions and penalties, including license suspension or revocation, for any person who fails to comply with the requirements of the program.

SEC. 6. (a) The Secretary shall prescribe regulations to carry out the provisions of this Act not later than January 1, 1974.

(b) On July 1, 1975, the Secretary of Transportation shall reduce by 10 percent the amount available for expenditure from the Highway Trust Fund for highway construction in any State which has not adopted a program which meets the requirements of section 5 of this Act. Any reduction under this subsection shall be in addition to any other reduction or limitation provided for by law.

SEC. 7. The Secretary, after consultation with the Secretary of Labor, is authorized to furnish technical and other assistance to encourage the States to establish and conduct manpower training programs for persons engaged in activities subject to this Act, and notwithstanding section 4(b)(1), for the employees of such persons, in order to assure the availability of qualified personnel to facilitate the application of advanced technology to the motor vehicle repair industry.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Nevada (Mr. CANNON), the

Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 32, the Conversion Research, Education, and Assistance Act.

S. 2837

At the request of Mr. PELL, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2837, a bill to improve museum services.

S. 2854

At the request of Mr. BURDICK, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 2854, a bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices.

S. 3327

At the request of Mr. KENNEDY, the Senator from Wisconsin (Mr. NELSON) and the Senator from West Virignia (Mr. RANDOLPH) were added as cosponsors of S. 3327, the health maintenance organization and resources development bill.

S. 3538 AND S. 3539

At the request of Mr. BAYH, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 3538, a bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced; and S. 3539, a bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II.

SENATE JOINT RESOLUTION 245

At the request of Mr. RANDOLPH, the Senator from Arizona (Mr. GOLDWATER), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Joint Resolution 245, to designate the calendar month of September 1972 as "National Voter Registration Month."

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 1242 AND 1243

(Ordered to be printed and to lie on the table.)

Mr. TOWER submitted two amendments intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

NOTICE OF RECONVENING OF HEARINGS ON GEOTHERMAL ENERGY RESOURCES AND RESEARCH

Mr. BIBLE. Mr. President, on Thursday, June 22, the Interior and Insular Affairs Committee will reconvene hearings on the potential of our Nation's geothermal energy resources as a source of electrical power. The purpose of this hearing, which is being held pursuant to Senate Resolution 45, which authorizes a study of national fuels and energy policies, is to receive testimony from Dr. Gerald Johnson, Director of the Division of Applied Technology, Atomic Energy Commission, and Dr. Alfred J. Eggers, Jr., Assistant Director for Research Applications, National Science Foundation, on the potential of the geothermal energy resource in the United States.

This hearing is a continuation of the Interior Committee's hearing at which representatives of the Department of the Interior, Dr. Robert Rex of the University of California at Riversidc, and Mr. Donald H. Stewart of the Battelle Northwest Laboratories presented testimony regarding the potential of and research on geothermal energy resources.

NOTICE OF HEARINGS ON DISTRICT OF COLUMBIA YOUTH ACT OF 1972

Mr. TUNNEY. Mr. President, I wish to announce 2 days of hearings by the Subcommittee on Public Health, Education, Welfare and Safety of the Senate District of Columbia Committee on S. 2693, the District of Columbia Youth Act of 1972.

The hearing on Tuesday, June 20, 1972, will begin at 9:30 a.m. and the hearing on Wednesday, June 21, 1972, will begin at 10:30 a.m. Both days of hearings will be held in room 6226, New Senate Office Building.

Persons interested in testifying on this bill should contact Mr. Gene E. Godley, general counsel, in room 6222, New Senate Office Building.

ADDITIONAL STATEMENTS

INADEQUATE SOCIAL SECURITY BENEFITS

Mr. MONDALE. Mr. President, the 10-percent increase in social security benefits recommended by the Committee on Finance is completely inadequate to meet the real and pressing needs of elderly Americans.

The Finance Committee's action is a serious blow to those Americans dependent on social security who are already struggling to make ends meet. Because of inflation—and its particularly heavy impact on those living on fixed incomes—a 10-percent increase is almost no increase at all.

In my own State, existing social security benefits are tragically inadequate:

Of the 400,000 elderly Minnesotans receiving social security, more than 30 percent now get less than $100 per month.

The average benefit in Minnesota is only $128 per month, which is 25 percent of what most workers earn before they retire.

Furthermore, there are approximately 40,000 Minnesotans who now receive no more than the existing minimum benefit of $70.40 per month. Those in this category who do not qualify for the special minimum benefits approved by the Finance Committee will receive an increase of only 5 percent—from $70.40 to $74 per month.

Considering the fact that 30 percent of Minnesota's retired couples and 50 percent of Minnesota's widows have no other income but social security, these terribly low payments mean that many of our elderly face a bleak and difficult existence.

The hardships faced by these Minnesotans are no different from those experienced by millions of other Americans. That is why the President's own White House Conference on Aging strongly recommended a 25-percent increase in social security benefits.

I have introduced legislation to implement this recommendation and to provide a $100 minimum benefit for all recipients. But, at the very least, the Senate should accept nothing less than the 20-percent increase called for in legislation introduced by the Senator from Idaho (Mr. CHURCH) and cosponsored by myself and many other Senators. Anything less than this 20-percent figure will do little to help elderly Americans lead a more secure and dignified life.

It is therefore imperative that the full Senate reject the Finance Committee's 10 percent recommendation—and approve an increase in social security benefits which is equitable and just. I will do everything I can to assure that Congress fulfills its responsibility to America's senior citizens.

FOREIGN FLEETS HAMPER ALASKA FISHING DEVELOPMENT

Mr. STEVENS. Mr. President, last week, I received a telegram from the city of Toksook Bay, on Nelson Island, in the Yukon-Kuskokwim delta of western Alaska asking me to take immediate action against Japanese fishing fleets which were fishing in Alaskan waters. The telegram said: "because they will take all our herrings."

The concern that prompted that request was not groundless. On May 27 the Coast Guard received reports from National Guard units that four or five vessels, "much larger than tankers," were near Nelson Island. One was anchored at approximately 3 to 5 miles from shore. They were later identified as part of the Japanese herring fleet.

In recent years the herring catches of large Soviet and Japanese fleets in the Bering Sea have increased alarmingly. Herring is the No. 1 fishery resource of the Arctic; and a settlement of the Alaskan Natives claim in December of 1971 makes possible the development of this fishery. But, foreign fleets, unencumbered by restrictions which we place on our own fishermen, operating without research or conservation measures as to levels of catch, are depleting those resources and greatly hindering the future development and expansion of our domestic fisheries. In 1970, the Soviet-Japanese trawl fishery took 166,000 metric tons of herring from the Bering Sea. A separate Japanese gill net fleet, fishing near Alaskan spawning grounds in Bristol Bay and Norton Sound in late spring, took about 6,000 metric tons.

Today 15 Japanese vessels are taking herring in that same area. Sixteen Russian, 134 Japanese and one Korean are taking groundfish in the Bering Sea. Three Japanese are taking snails just off the Pribilof Islands. Forty Japanese are taking crab north of Unimak. One hundred and twenty-eight Japanese are fishing for salmon on the other side of the international dateline, just south of the Aleutian chain. Thirteen Russian and 27 Japanese are taking black cod and perch along the shoreline of the Gulf of Alaska.

Alien fishing fleets are taking more

than 3 billion pounds of fish every year from waters off Alaskan shores. American fishermen take about 500 million pounds. Thus, foreign fishing fleets are taking an average of six times as much of our fish resources as we are.

The impact of this enormous catch cannot be ignored. It is severely damaging existing resources and it poses a serious threat to future development and expansion.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Wallace H. Noerenberg, until recently the commissioner of the Alaska Department of Fish and Game, which appeared in a publication of the State Department of Fish and Game. The article describes in detail the concern of Alaskans and the fishing industry over the foreign fleets that are hampering Alaska fishery development.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREIGN FLEETS HAMPERING ALASKA FISHERY DEVELOPMENT

(By Wallace H. Noerenberg, Commissioner, Alaska Department of Fish and Game)

Foreign fleets fishing off Alaska are greatly inhibiting the future development and expansion of the state's domestic fisheries and the tendency of these fleets to overfish most stocks is causing great concern to the industry.

The seriousness of the problem becomes apparent when the magnitude of the foreign catch is understood. Catches by Canadian, Japanese, Russian and South Korean fleets off Alaska currently exceed three billion pounds per year, while the domestic Alaska catch by U.S. fishermen is about 500 million pounds.

Thus, the foreign fleet catch is on the average about six times larger than the domestic catch in gross tonnage. The value of the domestic catch is greater, however, because of the emphasis on different species.

The impact of this enormous foreign catch cannot be ignored. In many cases it is severely damaging existing domestic fisheries and it also poses a serious threat to their future diversification and expansion.

An examination of the activities of foreign fleets shows that they are now directly competing with U.S. fishermen for salmon, king and tanner crab, herring, shrimp, black cod and halibut.

In the salmon fishery, the Bristol Bay sockeye run has been a consistent target of the Japanese fleet since the end of World War II. The Japanese catches of Bristol Bay sockeye average about three million salmon per year, which at times is equivalent to half the allowable catch from the run.

The Japanese sockeye fishery has caused consistent hardship to the Bristol Bay fishermen in terms of general income potential and closed seasons in years of low run forecasts. It also makes it extremely difficult for the management agency to uniformly procure escapement goals in the 10-river spawning complex.

Japanese fisheries also are having an impact on Alaskan salmon stocks of the Bering and Chukchi seas north of Bristol Bay. Lack of research in appropriate zones on king, chum and coho salmon has resulted in a serious void as to the extent of Japanese interception of these stocks which are so vital to the native economy.

This highly complicates inshore management and, even more important, threatens the expansion of the economy of the natives of the area, who make up one of the most disadvantaged human populations in North America.

Concern over the Canadian salmon fisheries centers on the expanding chinook and coho troll fisheries off the Southeastern Panhandle, the explorations by portions of the same fleet off Central Alaska and inshore net fisheries of northern British Columbia which are capable of intercepting enormous numbers of Ketchikan district pink, chum and sockeye salmon. Current rehabilitation efforts on all of these target species may well be hampered by Canadian fishing efforts.

Foreign fisheries for king and tanner crab interact with the domestic fleets only in the Bering Sea and eastern Aleutian Islands. In the southeastern Bering Sea alone, Japanese and Russian catches in some recent years have exceeded 30 million tanner crabs.

The United States has become the dominant user of king crab but marketing and processing problems on tanner crab have thus far kept a substantial competing U.S. effort out of the Bering Sea. We are extremely concerned that inadequate conservation measures by foreign fleets may result in depletion of the resources before U.S. fisheries, both in the Aleutians and Norton Sound, can develop.

Herring catches by a very large Soviet and Japanese trawl fishery in the central Bering Sea have increased alarmingly, with the 1970 catch estimated at 166,000 metric tons. A separate Japanese gill net fleet, fishing near Alaskan spawning grounds in Bristol Bay and Norton Sound in late spring, took about 6,000 metric tons in 1970.

Herring are the No. 1 fishery resource of the Arctic, and since Congress recently agreed to pay vast sums for native land claims settlements, major inshore development of this fishery might be expected.

But here again we find an expanding foreign fishery operating without associated research as to proper catch levels. Whether the native peoples will still have a resource to develop a few years from now is one of our most serious problems.

Foreign activities on pink shrimp have tended to decline since the U.S. declaration of the 12-mile contiguous fishery zone in 1966 but a substantial Soviet fishery persists each spring in the Peninsula and Kodiak areas. The expanding U.S. fishery is now moving toward these same grounds and the fisheries may overlap.

If the Russian fishery continues to decline and if the Japanese stay out of the fishery, little interaction is to be expected. Proper management of the much larger U.S. fishery is our key problem.

The domestic fishery on black cod in Alaska is presently very small, but many experts consider it to be a major target for productive expansion.

The Japanese are engaged in an enormous effort on black cod off northern Southeastern Alaska and Yakutat and a serious decline in that fishery would hamper plans by U.S. fishermen to exploit this resource.

The recent serious declines in the domestic halibut catch may be caused by incidental catches of halibut by foreign trawl fisheries targeting on other species.

This history of decline in the Gulf of Alaska is even more serious on the Bering Sea fishing grounds. Significant production there has all but ceased due to over-fishing by Japan in the early 1960s and the continued heavy incidental catches of juveniles by trawl fleets fishing other species.

Thus again we see that a great potential for U.S. fishermen, especially the developing native economy, has been frustrated by foreign fishery activities.

Alaska's long-range future lies in the wise management of its renewable resources and the largest of these—fisheries—has a bleak outlook because of foreign fishery activities and our general inability to effectively control them.

FUTURE OF MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, ALA.

Mr. SPARKMAN. Mr. President, due to the fact that the Apollo program will be completed when the last moon shot—No. 17—is made in December, a great many people in the Huntsville area have been very much concerned as to what the future of the Marshall Space Flight Center may be. In the Huntsville News of May 24, 1972, Phil Smith, a very fine staff writer of that paper, gave an account of a statement made by Dr. Eberhard Rees, the Director of MSFC, as to the future of space work at the Huntsville installation. I think it is a very fine and clear statement and reflects optimism on the part of Dr. Rees. I share fully his optimism.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MSFC's LAST RIF FORECAST BY DR. REES

(By Phil Smith)

Despite recent reduction in force notices, Dr. Eberhard Rees expressed optimism Tuesday for Marshall Space Flight Center's continuing operations.

Dr. Rees, who took over as director of the NASA-Marshall Space Flight Center succeeding Dr. Wernher von Braun in 1970, told Huntsville Rotarians that MSFC's role had changed but space work will go on.

Dr. Rees said he felt MSFC, the largest NASA employer in the nation, would receive at least one leading role in special projects coming in the future.

He said another anticipated RIF is expected in fiscal year 1973 which begins this summer. "Hopefully" he said, this will be the last RIF affecting Marshall which must reduce its employment ceiling to 5,341 by June 29.

Dr. Rees, noted throughout the world as one of the foremost authorities in rocketry, indicated the communications field might be the project in which MSFC receives the lead role. MSFC will also do performing and back-up work in numerous other areas.

NASA has but one more Apollo mission (No. 17) to work on for a December launch.

In line with President Richard Nixon's message in March, Dr. Rees said numerous studies and projects to relate to human and health needs are to be adopted by NASA workers at Marshall.

"Our responsibility will continue," said Dr. Rees. Work on Skylab begins in April of 1973. "Scientific and engineering data will be invaluable to the public welfare," Dr. Rees said of the Skylab project. A 4-story facility will be floated into space. Launch is scheduled for 1975.

Beginning in 1973, in the Skylab project, shifts will work night and day, he said.

A huge telescope (costing $700 million) which will be 40 feet in length and weigh 110 tons will be perfected by Marshall Center.

How big will the Huntsville-developed telescope be? Take an example. The telescope on Mount Palomar in California, now the largest in the world, can penetrate to 1.5 billion light years.

The LST (largest space telescope) to be developed here will penetrate to 12 billion light years . . . "almost to the end of the cosmos."

In the Space Shuttle program, Marshall will have the responsibility of developing a 10-story high liquid reservoir in the late 1970s project.

The direct benefits to improve life on earth?

To improve communications, to learn

more about environmental problems, ascertain more about metallurgy, engineering, and medicine to help man on earth, are involved, according to Dr. Rees.

Already, Marshall-NASA is working with TVA in studies of hydrology, with Birmingham in efforts to find ways to combat air-pollution and with TARCOG (Top of Alabama Regional Council of Governments) in numerous projects.

Dr. Rees said MSFC is "taking on a new image—a transition."

Further reductions in personnel not only will be painful, but will force NASA to do more with fewer people, Dr. Rees said.

OREGON COMMUNITY DEVELOPMENT PILOT MODEL

Mr. **PACKWOOD**. Mr. President, in view of the upcoming consideration of the Economic Opportunity Amendments of 1972 which contain therein a new community economic development title, I commend to the Senate a model project being implemented by the Oregon State Economic Opportunity Office to effect institutional change through a process of community development. I ask unanimous consent that the very exemplary statement of purpose and objectives of Oregon's Community Development Pilot Model be inserted in the RECORD along with the policy statement support of the Oregon Department of Human Resources.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMUNITY DEVELOPMENT PILOT MODEL, STATE ECONOMIC OPPORTUNITY OFFICE, SALEM, OREG.

STATEMENT OF PURPOSE

This project proposes to:

1. Develop with Federal, State, local agencies, and people a broad team approach assisting local people solve local problems;
2. Solidly establish CAAs into the planning and decisionmaking of their communities;
3. Bring the organized poor into local planning and decision-making;
4. Increase the level of public and private response to poverty problems;
5. Effect institutional change by bringing about greater responsiveness to community needs via A-95 and bring about the design of solutions by community people.
6. Train a cadre of sixty people capable of designing, administering, and evaluating training programs in local communities.
7. To bring about more efficient public services where they directly benefit the people.

STATEMENT OF OBJECTIVES

In the following ways this project will benefit the:

SEOO

1. Improve its credibility and visibility as a catalytic agent;
2. Develop closer ties and understanding with CAAs and local, State, and Federal governments;
3. Provide leadership in implementing the Sanchez memo of August, 1971;
4. Establish it as an action oriented agency.
5. Allowing the exhibiting of skills and flexibility.

DHR

1. Provide training of employes in community development techniques;
2. Improved community relationships;
3. Local support for its activities and plans.

CAA's

1. Community recognition and support;
2. Direct ties with state level decisionmakers;
3. Understanding and involvement in the local decision-making process.
4. Survival as catalysts and social planners.

Local communities

1. An understanding of the formal and informal systems;
2. Better understanding of local and state planning resources.
3. Improved capability in dealing with human problems.
4. Involvement in the State and Federal goal setting process.
5. Better communications within the total community.

DEPARTMENT OF HUMAN RESOURCES POLICY STATEMENT SUPPORT

RATIONALE

Oregon Law of 1971, Chapter 319, directs the Director of the Department of Human Resources to coordinate and provide programs through existing agencies. It further provides that—division administrators submit such information, reports and documentation to the Director to enable him to—execute his responsibilities pursuant to this statute.

It is the purpose of this recommendation to provide the Director with the necessary information and documentation for the implementation of policy that will enhance the Department's efforts in its relationships with Oregon's communities.

BACKGROUND

In July of 1971, the Department commenced planning efforts to establish, in Malheur County, the Treasure Valley Migrant Center. To this end, much was made of the need for joint state-local planning. The community felt that it was not being meaningfully utilized as a co-planner, and resulted in strong local resistance to the Department's efforts. In November, the decision was made to provide the community with a direct link to planning efforts via the use of a coordinator. This effort proved successful and resulted in local support for the Center. The community development process used in that effort is now being proposed to become a part of Departmental policy.

IMPLEMENTATION

The task of human resource development embraces a vast array of separate programs with little coordination. This has been the result of developing separate programs aimed at meeting specific needs. The time has now come to adopt a more comprehensive approach.

Only limited results can be achieved by relying on the often tried methods of coordinating existing services on a voluntary basis. Ultimately, what is needed is some form of corporate organization (e.g. COG) designed to plan and deliver comprehensive, integrated services at a community level.

The goals of human development embrace a vast array of separate programs designed at meeting specific needs and presently provided in a manner reflecting jurisdictional fragmentation and political pressures. Decisions made are usually partial rather than comprehensive; too long in being formulated and diluted in efficacy by the time they have traversed the bureaucratic channels to the point of implementation. This situation is a matter of universal concern in Oregon.

The organization process necessary for the provision of programs and services for human development is envisioned within the context of a "total system". This total system consists basically of two sub-systems—one formal and the other informal. The informal sub-system consists of all the people in the community and their interactions with each other as well as elements of the formal sub-system.

The formal sub-system consists of the public and private agencies which have been formally organized to provide programs and services in accordance with established legislation, policies and procedures. The manner in which the informal sub-system identifies and responds to its own needs and how it succeeds in influencing the decisions and functioning of the formal sub-system becomes the decisive factor in determining the "quality of life" in a community. For this reason, the guiding principle for the "total system" suggested in this report is one of a "mature partnership" between the people of the community, public agencies and private agencies within a continuing process of mutual adaptation and open cooperation.

The interlocking link in this total system concept becomes the Council of Governments which consists primarily of elected representatives of the area and secondly of selected members of the formal sub-system actually providing services in the area. The latter are non-voting members of the COG and serve an information resource function, as well as providing formal "links" to the formal sub-system. The people of the community are therefore seen as an integral part of the total system formally interacting with the "establishment" or formal sub-system.

Key to the success of such a concept is a spirit of trust and openness among all concerned; an enabling rather than controlling attitude on the part of the formal sub-system; concern, involvement and acceptance of responsibility by the people of the community. Further, if Oregon is to move truly towards human development, two basic shifts in concept and orientation are required. First, a shift from a "preventive" to an "enabling" orientation. Secondly, from a human resource orientation to a human orientation whereby the individual is the end goal in a developmental process rather than a resource to serve society. The function of a society therefore is to provide opportunity and accessibility towards this end.

The concept of a "total system" would imply a requirement for the complete integration of programs and services. However, evidence indicates that complete integration is an unrealistic short-term or medium-term goal. Therefore, the strategy recommended is one of three possible functioning levels: integration, coordination and cooperation. The "mix" used in any given program or service will depend clearly on the attitudes and willingness of existing agencies to work together and will be determined as the result of a patient negotiative process.

The objective is basically twofold: a) to evolve the above relationships in order to determine the optimum "mix" of integration, coordination and cooperation among various public and private agencies for any given program or service; and b) to experiment with ways of obtaining community participation in the decision-making process as well as other new approaches to human development.

The first objective is one that has been discussed and attempted in varying degrees before. It involves the Human Resource Service Center concept and deals with accessibility, rights to services, minimizing duplication of services and maximizing resources.

The second objective, that of meaningful citizen participation, has also received its trials, again with varying degrees of success.

It is felt, however, that the uniqueness of the project revolves around the combination of these two objectives through the concept of mature partnership, with the building in of a social animation process to help guarantee the continued mobilization and participation of citizens.

At a time when many established programs are being criticized as being too specialized, too bureaucratic, and inaccessible to citizens most in need, these possibilities are exciting to contemplate. In our complex society, many major issues which affect the individual seem almost hopelessly beyond his influence or control. State and federal governments are concerned about service demands and programs that grow and extend without an apparent increase in service or efficiency. Even municipal government seems remote to some citizens and reference to "City Hall" takes on a negative connotation. Perhaps the experiences gained in this project can point to feasible ways of reversing this trend toward centralization and bigness and returning to citizens, in their own communities, a range of services that touch on their daily lives.

AMERICAN BAR ASSOCIATION TASK FORCE ON NATIONAL INSTITUTE OF JUSTICE

Mr. HUMPHREY. Mr. President, I recently introduced S. 3612, a bill to establish a National Institute of Justice. It is cosponsored by Senators BIBLE, BAKER, METCALF, PERCY, and MOSS.

The strong need for a more efficient and effective system of justice is being addressed by the finest legal minds in the country. Chief Justice Warren E. Burger, in a recent American Law Institute speech entitled "Has the Time Come?" said:

> Our "delivery" of justice, to borrow a term from experts in medical care, is faltering and inadequate.

Consistent with the Chief Justice's remarks, the Board of Governors of the American Bar Association adopted a resolution creating a task force on the National Institute of Justice.

This task force faces the unique challenge of conducting a searching inquiry into the concept of a National Institute of Justice, and reporting to the ABA's Board of Governors in August 1972.

I ask unanimous consent to have printed in the RECORD the address by the Chief Justice, "Has the Time Come?" I also ask that there be included the New York Times article on the subject. I also ask unanimous consent that the text of the recently adopted ABA resolution be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BURGER SUGGESTS JUSTICE INSTITUTE—NATIONAL UNIT WOULD SEEK TO SOLVE JUDICIAL PROBLEMS

(By Fred P. Graham)

WASHINGTON, May 16.—Chief Justice Warren E. Burger said today that consideration should be given to the creation of a national institute of justice, patterned after the National Institutes of Health, to help solve Federal and state judicial problems.

In his annual speech to the American Law Institute, the Chief Justice called on the institute to join with the American Bar Association and other organizations of the legal profession to conduct a study that could lay the groundwork for such a justice institute.

He said that, if the proposed institute proved to be a good idea, Congress could be approached to support it as it has the National Institutes of Health, which now spends $2.4-billion a year for medical research and development.

MORE AMBITIOUS PLAN

Chief Justice Burger said the judicial counterpart would conduct research on judicial problems, make grants for private research and provide experts to help states and cities modernize their courts. He stressed that it would assist only the states and would not try to press them all into the same mold.

Since he became Chief Justice three years ago, Mr. Burger has proved prolific in inspiring the creation of new judicial institutions. The Institute for Court Management in Denver and the National Center for State Courts in Washington were set up—with crucial assistance from the American Bar Association and money from the Ford Foundation—after he made speeches suggesting they were needed. The suggested national institute of justice, however, is more ambitious because far more money would be needed—and it would have to come from Congress.

The American Law Institute is a group of about 1,500 of the nation's most scholarly lawyers, judges and law professors, who draft model laws and publish "restatements" designed to simplify and explain the law laid down in court decisions. The group, which meets each May in Washington, is an influential force in the legal profession, which was traditionally conservative but which has taken some strong civil-liberties stands in recent years.

Today, however, the group gave final approval to a model law that would break with Supreme Court doctrines of the Warren Court and permit courts to consider some evidence obtained by the police in illegal searches. In the debate this morning, Prof. Sam Dash of the Georgetown Law Center called it "an invitation" for the current Supreme Court to overturn a landmark 1961 Supreme Court decision—Mapp v. Ohio which ruled out the use of all evidence obtained in unconstitutional searches.

The group approved a provision that would authorize judges to admit illegally seized items into evidence so long as the constitutional violation was not "substantial."

HAS THE TIME COME?

(Remarks of Warren E. Burger, Chief Justice of the United States, opening session, American Law Institute)

Forty-one years ago last week, the Institute met in Washington—probably in this very room—when the Mayflower was new and sparkling. Now the Mayflower has taken on the air of grace and patina that I like to think comes with age, but the problems you and I are concerned about are very much the same. I was in Law School when Chief Justice Hughes welcomed the members of the Institute that spring morning of 1931 when he spoke of the growing burdens on the Federal Courts, the need for more judges, and for better methods. He expressed his concern in terms of "the ultimate goal that ever recedes—even as we advance and press on."

Today I welcome you at a time when that "ultimate goal" Hughes spoke of seems to have receded even farther from our grasp than ever before.

A measure of the change in the dimensions of the problems can be seen in the statistic that when Chief Justice Hughes greeted the Institute 41 years ago there were 75,000 filings in the District Courts. This year we will have 140,000 comparable case filings. We now have more than double the number of District Judges but we also know that the trial of cases, particularly criminal cases and some others, have become more complex and protracted so that statistics do not tell the whole story. The Supreme Court filings in 1931 were 1,300 and in the 1971 Term, soon to end, we will have more than 4,000.

But it is not my purpose today to speak only of the problems of Federal Judges for, as we know, the problems of justice are indivisible, and the burdens and needs of State Courts are far more critical than they were four decades ago. In that day the members of the Bar who regularly practiced in the Federal Courts were relatively few in number and often identified as "federal" practitioners. Whatever distinctions once prevailed are long gone.

Now everyone seems to have "discovered" the Federal Courts, and even the addition of 61 new judgeships in the past three years will not solve our problems.

It was 13 years ago—1959—that my distinguished predecessor, Earl Warren, as he welcomed you, pointed to some of the problems I now wish to speak of, and the Institute's significant *Study of the Division of Jurisdiction Between State and Federal Courts* was the result. That comprehensive Study has been before the Congress for three years and hearings are not yet completed.

The "upward trend" in the burden of the Federal District Courts that was seen in the 1959 figures has accelerated. The total filings in the Federal District Courts in 1959 were 88,453 and the filings in the current fiscal year in the District Courts will exceed 140,000. The Introduction to the Institute's Study on Jurisdiction makes this statement:

"It is unwise to paralyze the federal courts by maintaining conditions that will generate constant and unending pressure for expansion of the federal judiciary. It is intolerable that these delays and these pressures be produced by cases that have no proper place in the federal courts."

When we remember that these statements were addressed to the conditions of more than a dozen years ago, we are bound to look at what has happened since then. Since 1959, new federal statutes and decisions of the Supreme Court have added new burdens to the District Courts. Whether those statutes and those decisions were wise or unwise does not alter the hard facts. Meanwhile, so far as I know, no statute and no decision of the courts had subtracted any significant burden from the avalanche which has fallen upon the Federal Courts.

The prime thrust of the Institute's Jurisdiction Study was to try to point the way for a fair allocation between the state and the Federal Courts, and it is no disparagement of the Institute's Study that the passage of time and events may well have overtaken some of the recommendations. Meanwhile, most of the same factors which placed inordinate burdens on the Federal trial courts have also created new problems for the state courts.

We must assume that, at some point, the Congress will reach its own conclusions on the Institute's Study and that action will be taken to control the input into the Federal District Courts. But we must also recognize that when, and if, this is done, the burdens on the state courts will be increased, and unless something is done to help their plight we will have merely transferred the illness from one part of the body to another. That can hardly be regarded as a solution.

The first step, of course, is to try to achieve what the Institute's Study was directed at—

"The proper jurisdictional balance between the federal and the state court systems, assigning to each system those cases most appropriate in the light of the basic principles of federalism."

We are all well aware, I think, that in the period since the Institute began its Jurisdictional Study in 1959, and the completion of that Study and the publication of the Report in 1969, a vast area of new kinds of cases has developed in terms of class actions, suits relating to environment and pollution control, consumer claims, and many others. Probably much of this was not anticipated in 1959 or even during the period when the Study was under way. For that reason even if all the recommendations of the Study were adopted by the Congress that would, at best, merely make way for the new waves of litigation coming into the Federal District Courts. Meanwhile, to achieve the "proper jurisdictional balance" will mean the elimination of some of the federal jurisdiction, particularly diversity cases, and those changes will increase the burdens of the state courts. Federal and State planning must be coordinated.

The creation in this past year of the National Center for State Courts is a highly significant step toward filling the vacuum with an agency qualified to define the problems and measure the needs, but realistically its leaders know that as yet it is in its infancy.

With the best of good fortune it will take time for that Center to become a large force, and there are some things that will remain beyond its reach simply because of limited resources.

Indeed, the very creation of the National Center for State Courts has served to focus attention on how little we have done in this country to provide support for the systems of justice as a whole—particularly for the local and state courts.

It was in keeping with the great traditions of our profession that most of the forward steps in the law during this century have been the work product of private initiative, private effort, private leadership, and private funding. We need recall only a few of these advances—the monumental work of the Restatement of Law by this Institute, the development of the Federal Rules—Civil, Criminal, and Appellate—by lawyers, judges and law professors, working under Congressional authority and cooperation.

A cursory glance at the Federal budget, whether this year, 10 years ago or 40 years ago, shows that literally billions of dollars have been devoted to a vast range of domestic needs of the American people—and I do not suggest for one moment that Congress should have done otherwise. Those budgets include research and direct assistance on such things as research and development and subsidies for transportation, protection of forests, improvement of agriculture, assistance to small business, research relating to natural resources, fish, game and wildlife, and pollution control, to say nothing of the enormous expenditures for space research and technology, and a host of others. The need for these programs is suggested by the fact that a Congress harassed with demands for economy has nevertheless given the support. As we have increasingly emphasized federalism and the partnership aspect of the state and national governments, it has become more and more apparent that many of these vital programs must be initiated and funded by the Federal government or they will not be done at all. Today there are more than 1,000 distinct Federal programs of domestic assistance reaching to the state and local levels and administered by 62 Federal agencies and involving many billions of dollars.

You may have observed that I did not mention one of the programs of the Federal government that touches every individual in the country, and that is the program of the National Institutes of Health, for which the current annual appropriation is $2,400 million.

The first small comparable step bearing even a faint resemblance to the National Institutes of Health and relating to the system of justice was the Law Enforcement Assistance Administration, which is a new but now familiar program. In the current fiscal year nearly $700 million was appropriated for LEAA, but as the name indicates, the primary thrust of the program is on law enforcement and the bulk of its resources has been directed toward improving law enforcement at the state and local levels. Some funds have gone into programs for the improvement of state courts but it is a small part of the whole. LEAA is a sound program; it is long overdue, but it is not complete. Our American concepts of justice are basically sound—we like to think of them as equal to any in the world—but our "delivery" of justice, to borrow a term from experts in medical care, is faltering and inadequate. The means of "delivery" of justice is an effective legal profession with procedures and methods in the courts that will accomplish the desired results. Surely an effective system of justice is as important to the social, economic and political health of the country as an adequate system of medical care is to our physical health.

I suspect that everyone in the room has heard of or taken part in discussions in recent years on the need for some kind of national facility primarily directed to help improve the operations of our judicial systems. It is of interest, I think, that the current issue of the West Virginia Law Review contains a timely and provocative article written by a distinguished member of the Institute, Mr. Bert Early, the Executive Director of the American Bar Association. In this article Mr. Early raises for discussion by our profession the need for such a facility. No one need agree with all details of his approach or his suggested solutions, but I raise to you the question whether the time has not come to draw together, as he is trying to do, all the strands of this concept and subject it to the critical analysis of lawyers, judges, law professors, public administrators, political and social scientists, and of legislative leaders in the states and in the Congress. It is significant that the Committee for Economic Development is about to recommend the creation of a new federal authority to ensure justice in a study entitled *Curbing Crime and Establishing Justice*, which is to be released late next month.

I have already referred to the tremendous accomplishments by private volunteer efforts within the legal profession, but in a nation of 210 million people spread from Maine to Alaska, to Hawaii and Key West, teeming with the life and industry of a dynamic and mobile people, there are some things which must be done on a national scale and with Federal sponsorship if they are to be done at all. Fundamental to our Federal system, and our federalism generally, is the idea that the national government will do, or will help do, what the states or private initiative cannot accomplish separately or alone.

Our basic system of justice, of course, lies within state power and it should remain that way, with Federal courts functioning, as the Constitution intended they should, as courts of special and limited jurisdiction. Day-to-day justice, in short, is inherently a state function.

The developmental needs of Federal courts were recognized, in part at least, by the creation nearly five years ago of the Federal Judicial Center, charged with the primary mission of engaging in research and development and related steps to improve the Federal courts. But if we are to maintain the appropriate allocation of litigation responsibilities between state and Federal courts, there must be some additional effort and support given to both. The Federal Judicial Center is a good start, but it is also a modest start when we see it in light of our needs. The development in this past year of the National Center for State Courts, to which I have alluded, is another important but small step—small partly because it was private and voluntary, in its genesis, although it has received substantial support from LEAA. Its leaders hope that in time the states will assume the burden of its support. But the overall problems of the states are hardly less than those of their large cities in terms of revenues and resources, and it is no easy task to develop the official cooperation of fifty states on a voluntary basis. Yet if the state courts are to maintain their proper role as the basic system of justice in this country, they must have help. It is for this reason that I mention Mr. Early's article to which, at his request, I wrote a brief Foreword. We should look at the Federal and state systems as a stool, and we know the weakness of one leg of a stool impairs the stability and utility of the whole.

The total range of problems of the courts of this country in the 1970's is so vast and diverse that it would serve no purpose to try to catalog them. They embrace the conduct of private and public civil litigation and the whole spectrum of criminal justice. We should strongly oppose any idea that all the states be pressed into a single mold, however good the pattern might be, for we take pride, appropriately, in our diversity, and the states should always be free to innovate and experiment in order to achieve. better and fairer administration of justice. Many of the problems, however, are common to all the states, and the state courts have much in common with the Federal courts. The development of a national facility need not supplant and should not supplant existing service functions such as the Federal Judicial Center, the National Center for State Courts, or the basic LEAA program. We must always be alert to avoiding overlapping and duplicating functions but we must also move to fill in the gaps.

I have no detailed program or blueprint in mind, and at this stage it would be premature for anyone to be sure that he could do more than suggest some of the needs and outline some of the objectives of such a national facility in the broadest terms. Let me suggest, however, just a few of the characteristics which might be appropriate if the basic concept of a national institution of justice is sound.

First, I have already suggested that if such a facility is to be created, it should be national in scope and created by the Congress; and even though the analogy is limited, it may be useful to think of it at least broadly in terms of the National Institutes of Health at the Federal level.

Second, since the problems of justice should be the concern of everyone, such a facility should not be under the exclusive control of judges and lawyers. To give it the appropriate broad base that its constituency would demand, it should be under the governance and direction of a broadly based representative body, including a substantial representation of the states. By way of illustration only, it might be composed of perhaps four members designated by the Congress, four by the Executive, and four by the Judiciary.

Third, it could appropriately include a staff of trained and qualified specialists who would, upon the request of a state, give technical assistance on a consulting basis working with the National Center for State Courts with reference to problems of improving state judicial systems. Both by the very nature of the problems and the limited number of people who could qualify as specialists or experts, any staff of such a facility would likely be quite small.

Fourth, it should appropriately have resources and authority to make grants for court improvement somewhat as LEAA now gives assistance for the improvement of the police function, of correctional systems, and for state courts.

Fifth, it should have research and development capabilities so that the best developments in the most efficient courts in the country can be translated swiftly into systems and programs to be adapted by such courts as desire them, building on what LEAA has begun in the way of aid to state courts.

Sixth, it is very important that such a program should be one to *assist* the states to do what they lack resources to do for themselves—it should definitely not be a program to "federalize" the state ocurts. Some of the state courts have developed programs and procedures that the Federal system has adopted—use of court executives being but one example. The collective experience of all the courts of the 50 states would be the prime resource from which standards could evolve.

I have suggested only a few basic characteristics that such a new facility might well possess. The essence of what I am suggesting today parallels in broad outline what Mr. Early has suggested in his provocative article and what others have probed at from time to time. A starting point is to develop, through some mechanism, a representative group or possibly several representative groups to canvass the entire subject. I would not undertake to say who should do this, but the leadership of our profession is rather obvious in the form of the American Bar Association, the American Law Institute, the American Judicature Society, the Federal Bar Association, the Institute of Judicial Administration, the National Center for State Courts and the Federal Judicial Center—and of course there are others—such as the Council of State Governments and the National Conference of State Legislative Leaders.

The development of such a facility cannot be dealt with as swiftly as the legal profession and the Judiciary, in cooperation, created the Institute for Court Management or the National Center for State Courts, or as the Congress, on the urging of the Judicial Conference of the United States, created the Federal Judicial Center. The undertaking I speak of is too large, it has vast implications, and there are too many hard questions to be answered: Should there be such a facility? What should be its functions? Should it be a purely governmental facility? How should it be governed?

The proposal I advance, therefore—if it can be called a proposal—is not to create or establish a national institute of justice but to make a searching inquiry into the whole subject. When this study has been made—and that is in itself a large undertaking—the Congress would perhaps find it worthy of inquiry.

If, even tentatively, these ideas have merit, if they are feasible and worthy of study, I have no doubt that the leadership of the legal profession will see to it that such a study is commenced.

Of this I am sure: our profession cannot fulfill the promises implicit in the idea of the rule of law and equal justice under law if we content ourselves with being specialists in concepts but amateurs in execution.

Resolution

Whereas, the Chief Justice of the United States has called for a searching inquiry into the desirability and necessity of a National Institute of Justice to marshal resources and energies for an accelerated program of modernization of our system of law and justice; and

Whereas, it is recognized that the needs are both urgent and complex, requiring a thoughtful but punctual investigation;

Now, therefore, Be It Resolved, that there be created a Task Force on a National Institute of Justice, consisting of five members, to examine the proposal for a National Institute of Justice; to consider the feasibility of a National Conference on the subject; to contact other national organizations concerned with the administration of justice and government to determine their interest in jointly exploring the proposal; to determine sources of funding to support the recommendations of the Task Force; and to make such recommendations to the Board of Governors as it shall determine to be appropriate.

Be It Further Resolved, That the Task Force shall make its final report to the Board of Governors at its August, 1972, meeting at which time the Task Force shall be terminated.

RETIREMENT OF DR. WERNHER VON BRAUN

Mr. SPARKMAN. Mr. President, Dr. Wernher von Braun, who has been in the space work since the program was started, is retiring after 27 years. He has done a remarkable job. Recently the Anniston, Ala., Star published an article regarding his retirement. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Twenty-Seven Years With Space Agency: Von Braun Retiring

Cape Kennedy, Fla.—A cheer rose from the crude blockhouse as America launched its first ballistic missile Aug. 20, 1953. But seconds later gloom set in when the Redstone rocket plunged into the Atlantic Ocean.

"Find out what went wrong," ordered Dr. Wernher Von Braun, whose crew of rocket specialists from Germany developed the missile at the Army's Redstone Arsenal in Huntsville, Ala.

A search of data traced the problem to the guidance system. A mechanic suggested he might have made too tight a twist on a certain screw. Testing showed that to be the case.

Von Braun summoned the mechanic to his office. Instead of disciplining him, he gave him a bottle of champagne.

"I am always happy to solve a problem so quickly," Von Braun said, "and I wanted to impress upon my men that absolute honesty is something you must have in a team effort. You look ahead, not back.

The Redstone's difficulties were overcome and it became this nation's first operational ballistic missile. Later, Von Braun's group used the basic Redstone technology to launch America's first satellite and its first man in space and to develop the longer-range Jupiter rocket, the Saturn 1 booster and the Saturn 5 which has hurled 10 men to landings on the moon.

Now, after 27 years of service to the U.S. government, Von Braun is retiring to take a post with private industry. He announced Friday in Washington that he is leaving the National Aeronautics and Space Administration to become corporate vice president for engineering and development at Fairchild Industries, Germantown, Md.

The firm is building scientific satellites for launch in 1973 and 1974. A Fairchild spokesman said Von Braun will concentrate on space projects that will benefit people on earth. He gave no specifics.

For the last two years, the man who once built rockets for Adolph Hitler has been NASA deputy associate administrator for planning. For nine years he was director of the Marshall Space Flight Center at Huntsville, where he and his group of Germans formed the nucleus of the nation's major rocket-building team.

Von Braun, 60, said he is making the change because he wants to devote his time to help implement "some space projects I feel are of particular importance. I think I can do this best in industry where the tools of progress are being made."

Dr. James C. Fletcher, NASA administrator, said Von Braun's "decision to retire from NASA is a great source of regret to all of us at the agency. For more than a quarter of a century he has served the United States as the leader in space rocket development."

Von Braun's value lay beyond his ability as an engineer and rocket designer. He also was a leader of men and a super salesman for the space program.

Perhaps his most valuable contribution was made in 1945 near the end of World War II when he led a group of more than 100 of Germany's rocket experts away from Hitler's V–2 rocket base at Peenemunde and surrendered them to the Americans rather than fall into the hands of the advancing Russians. They also brought out several truckloads of V–2 parts.

The U.S. picked 117 of the Germans and sent them to Ft. Bliss, Tex., where they assembled and fired 70 V–2s in five years. In 1950 they were transferred to the Army's Redstone Arsenal to develop the Redstone rocket. That year they launched the first missile—a V–2 with a second stage—from America's new long-range rocket testing base at Cape Canaveral, now Cape Kenedy.

Most, including Von Braun, became U.S. citizens.

Long before the Soviet Union launched the first satellite, Sputnik 1, on Oct. 4, 1957, Von Braun said his team had the capability to orbit a payload by putting an upper stage on the Redstone.

But the late President Dwight D. Eisenhower turned him down on grounds the Redstone was a military rocket and he wanted to emphasize peaceful uses of space. Eisenhower ordered the development of a completely new rocket, the Vanguard, as a satellite launcher.

After Sputnik was launched, Von Braun pleaded with Defense Secretary Neil McElroy: "Vanguard will never make it. We have the hardware on the shelf. For God's sake turn us loose and let us do something. We can put up a satellite in 60 days."

When a Vanguard exploded on its launch pad in December 1957, the nation was shocked, and the Von Braun team got its chance. On Jan. 31, 1958, a modified Redstone propelled Explorer 1 into orbit.

But the Russians, with bigger rockets, continued to dominate the space race. Von Braun proposed building the Saturn 1 rocket, essentially strapping eight Redstones together as a booster and adding an upper stage.

The rocket was twice as powerful as Russia's biggest. But with the project well under way, the military decided it had no use for such a rocket because of breakthroughs in the miniturization of nuclear warheads.

In 1960, Von Braun and his team, now expanded to 4,000 engineers and technicians, were transferred to the young space agency. They remained in Huntsville at the Marshall center.

A year later Alan B. Shepard rode a Redstone and became America's first spaceman. Three weeks after that the late President John F. Kennedy committed this nation to land a man on the moon and return him safely by 1970 and Von Braun was told to build a rocket big enough for the job. The result was the Saturn 5, the 36-story-tall behemoth capable of placing 240,000 pounds in earth orbit or sending the 110,000-pound Apollo assembly to the moon.

In the last two years, Von Braun has been in charge of advanced planning for NASA and he has traveled the country to sell the space program in scores of speeches.

He firmly believes that man has a vital role in space and that manned orbiting laboratories of the future will help the world in such fields as locating and managing earth's resources, medicine, communications, pollution control and ocean surveillance.

Von Braun long has supported international cooperation in space, such as the agreement signed in Moscow on Wednesday by President Nixon and Soviet leaders calling for a joint flight by American and Russian spacemen in 1974.

"I look forward to the day when mankind will join hands and face the heavens in a solid phalanx to apply the combined technological ingenuity of all nations to the exploration and utilization of outer space for peaceful uses," he once said.

"Would it not be ironical if nations first learn to transcend their national interests many, many miles from mother earth?"

ALASKA NATIVES SALUTE COMMANDER OF KODIAK COAST GUARD STATION

Mr. STEVENS. Mr. President, the men and women of our Nation's uniformed services—starting in the early days after U.S. purchase of Alaska from Russia and continuing through bad times and good—have been a part of the vibrant essence that is Alaska. I know of no portion of our State which has not been served in times of need by the military. Moreover, these fine people have built a record of outstanding service in community affairs wherever they have been stationed in the

49th State. Alaskans, in turn, have responded as good neighbors, welcoming the military presence, and expressing their gratitude whenever possible. Even with continuing atmosphere of mutual civilian-military respect and harmony in mind a recent salute by the Native people of Alaska to Capt. Phil Hogue, commanding officer of Kodiak Coast Guard Station, stands out as a singular recognition. The tribute is presented in the Kodiak Daily Mirror of May 18, 1972.

Mr. President, I ask unanimous consent that the article and a formal resolution by the Alaska Federation of Natives and Kodiak Area Native Association be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

URGE KODIAK AIR BASE C.O. BE RETAINED—ALASKA NATIVE PEOPLE LAUD COAST GUARD CAPTAIN

(By Karl Armstrong)

An officer of the United States Coast Guard—Captain Philip Hogue, commanding officer of the Kodiak Coast Guard Air Station—rates the highest in the hearts of the native people of Alaska.

A resolution officially declaring the "respect, admiration and affection of the Native peoples of the State of Alaska" on behalf of the Coast Guard career officer, was unanimously approved by the membership of Kodiak Area Native Association at the organization's annual meeting Saturday night. The resolution, according to Harry Carter, executive director of the Alaska Federation of Natives, has the automatic unanimous approval of the statewide AFN organization which represents all of the Native people of Alaska.

The resolution urges that the Governor, state legislative and congressional delegation assist the AFN and KANA in having Captain Hogue retained as commanding officer of the Kodiak Coast Guard Air Station.

Captain Hogue is the only military man to have ever won an official commendation from the Alaska Federation of Natives and Kodiak Area Native Association.

AFN–KANA RESOLUTION

Whereas, the continued operation and expansion of the United States Coast Guard is vitally essential to the well being and welfare as well as the health and safety of the Alaska Native peoples of the coastal areas of the State of Alaska, and

Whereas, there has been special recognition of this need during the time that Captain Phillip Hogue has been commanding officer of the Kodiak Coast Guard Base, and

Whereas, in numerous occasions and in innumerable ways, Captain Phillip Hogue has demonstrated a special cognizance of the Alaska Native peoples and of their needs insofar as their health and welfare are concerned, and

Whereas, Captain Phillip Hogue has through his actions and demeanor won the respect and admiration of the Alaska Native peoples and of all the villagers of Alaska by demonstrating his real concern,

Now therefore let it be resolved that, the Kodiak Area Native Association petition the Alaska Federation of Natives and the Alaska congressional delegation, the Alaska State Legislature and the Governor of Alaska requesting that Captain Phillip Hogue be retained as commanding officer of the Kodiak Coast Guard Air Station, and, further that it be made a part of his personal record that Captain Phillip Hogue has won the respect, admiration and affection of the Native peoples of the State of Alaska for outstanding service.

DEATH OF VERNER W. CLAPP

Mr. MANSFIELD. Mr. President, it is with sadness that I call to the attention of the Senate the untimely death of Verner W. Clapp, Chief Assistant Librarian of Congress from 1947 to 1956 and Acting Librarian in 1953–54.

Though none of us remember those days when the Library had no congressional research unit, it is interesting to note that Mr. Clapp became the first head of that invaluable arm to Congress in the 1920's and served in that capacity until 1931.

It is further worth noting that his 33 years of service to the Library of Congress did not come to an end with his retiring as its Chief Assistant Librarian in 1956. As President of the Council on Library Resources from 1956–67 and as a very active consultant in the years since his retirement from that position, he has approved and recommended grants to to various divisions of the Library amounting to almost $2 million.

I ask unanimous consent that a biography of Mr. Clapp be printed in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

VERNER W. CLAPP

Verner W(arren) Clapp, fulltime consultant to the Council on Library Resources and its president from 1956 to 1967, died in an Alexandria, Va., hospital Thursday morning, June 15. He was 71 years old.

While Mr. Clapp had twice "retired" from career-pinnacle positions—in 1956 as Chief Assistant Librarian of Congress (he had served as acting Librarian of Congress in 1953–54) and in 1967 as president of the Council on Library Resources—he was active to the end in aiding in the solution of library problems.

Only last week, June 7 in Boston at the annual meeting of the Special Libraries Association, he received a special citation for his "continued encouragement and support of special librarianship." A year earlier he was featured in *Wilson Library Bulletin* (February 1971) as "Library Ombudsman—near omniscient defender of the good and true, scourge of the malignant and misleading."

The Association of Research Libraries dubbed him "Librarian's Librarian" some years ago, and the American Library Association awarded him both their Melville Dewey Award and the Joseph W. Lippincott Award. The citation for the latter sums up well his half century of librarianship. It reads in part:

"In all of his activities his wide background, his abilities as a creative thinker, his warm personality, and his inexhaustible energy serve well his profession and provide inspiration and encouragement to all who work toward the solution of the problems of librarianship."

Mr. Clapp, born June 3, 1901, in Johannesburg, South Africa, of an American father and Danish mother, was educated in the public schools of Poughkeepsie, N.Y., and Trinity College (A.B. '22). His half-century of service as a librarian began with summer employment at the Library of Congress in June 1922, continuing uninterrupted except for a year of study at Harvard in 1922–23.

At the Library of Congress Mr. Clapp served as a reference librarian in the Main Reading Room for five years. When the Library's Congressional Unit was organized in the 1920's to provide special service for Members of Congress, Mr. Clapp became its first head.

From 1931 to 1937 he was Special Assistant to the Superintendent of the Reading Rooms; from 1937 to 1940 he was Assistant Superintendent of that division and also supervised the work of the Division of the Blind; and from 1940—when the Library was reorganized in four departments—to 1943 he served as the Director of the Administrative Department and modernized the institution's fiscal procedures.

In 1943 he was appointed first Director of the Acquisitions Department. As its head during this wartime period when the Government relied upon the Library for information of strategic importance, he changed the emphasis in book acquisition from subject to area, opened new channels to the world's book trade and promoted the cooperation of the Foreign Service in collecting and expediting delivery of books and other materials.

Mr. Clapp became Chief Assistant Librarian of Congress in March 1947, serving in that capacity until his retirement in 1956 to accept the presidency of the new Council on Library Resources, established at that time with the support of Ford Foundation funds "to aid in the solution of library problems."

While associated with the Library of Congress, Mr. Clapp, at the beginning of American participation in World War II executed the evacuation and preservation of the nation's cherished manuscripts, including the Declaration of Independence, the Constitution of the United States, and the Articles of Confederation.

When the war ended and demobilized veterans flocked in 1945–46 to American colleges and universities there was a shortage of textbooks.

Under Mr. Clapp's supervision the great stocks of surplus textbooks scattered among military installations were collected and redistributed to institutions of higher learning at minimal cost.

He also directed the Cooperative Acquisitions Project which obtained for the Library of Congress and 112 other American libraries some two million research items produced in Europe during or preceding the war, and which aided the Army in screening documents seized in Germany. Mr. Clapp was also successful in Berlin during 1946 in obtaining from Russian military authorities the release of large quantities of books which had been ordered by American libraries before the war and were being held in the Eastern Zone of Germany.

The preceding year Mr. Clapp was detailed to organize a library for the United Nations Conference in San Francisco. This was the beginning of the present UN library now housed in the Dag Hammarskjold memorial building at the UN in New York. Desirous of making information about the Conference available to the public, he materially contributed to the effort that resulted in sets of the Conference's enormous documentation being placed in 40 libraries about the world and which contributed to the production of the 12-volume *Documents of United Nations Conference on International Organization*. Mr. Clapp has since served as a consultant to the UN library.

He also participated in coordinating the hurried printing of the United Nations Charter in five languages and served as revisor of the press for three of the five language editions. Type was set and reset over a matter of days, as the text was changed, in printing houses specializing in different languages. When the final text and its translations were agreed upon the Charter was printed and bound overnight. Five printing plants were involved in the type composition, two in the printing, and one binder in preparation of the edition.

In December 1947 Mr. Clapp headed the two-man U.S. Library Mission to Japan to advise on the establishment of the National Diet Library. Within the brief space of two months Mr. Clapp and the late Dr. Charles Harvey Brown, of Iowa State College, in conferences with committees of the Diet, drafted plans for the National Diet Library and for important national library services to be executed by it. In a session of the two houses of the Diet especially called for the purpose—the Diet building was heated for the purpose by hay, for want of coal, because Dr. Brown had a cold—laws were enacted for the establishment of the Library and the erection of a library building. When this planning and legislative achievement came to General MacArthur's attention he took an entire afternoon off to review its implications and complimented Mr. Clapp and Dr. Brown on their work and the speed with which it was accomplished.

In his 11 years as head of the Council on Library Resources (1956–67), that organization moved forward in fulfilling its stated objectives:

". . . for the purpose of aiding in the solution of problems of libraries generally and of research libraries in particular, conducting research in, developing and demonstrating new techniques and methods, and disseminating through any means the results thereof, and for making grants to other institutions and persons for such purposes; and for providing leadership in and wherever appropriate, coordination of efforts (1) to develop the resources and services of libraries and (2) to improve relations between American and foreign libraries and archives."

At the time of his retirement as president in 1967, Whitney North Seymour, chairman of the Council's Board of Directors noted:

"Mr. Clapp has made the Council on Library Resources significant throughout the world. His imagination, ingenuity and extraordinary fund of information have enabled him to give precise and significant counsel concerning library problems on both sides of the Atlantic. Grants made under his administration have already profoundly influenced library development. The multi-volume *National Union Catalog of Manuscript Collections*, compiled by the Library of Congress with financial assistance from the Council, is one of the many projects in which he has taken a personal interest. He also has an expert knowledge of scientific developments affecting libraries and helped to stimulate research at the W. J. Barrow Research Laboratory in Richmond, Virginia, that led to the development of a permanent/durable type of paper. It is my hope that the Council can continue to take advantage of Mr. Clapp's concepts."

In the past five years, as a fulltime consultant to the Council, Mr. Clapp continued his activities at a pace which would tire most younger men. His helpful correspondence to librarians around the world, his service on a dozen or more committees of national and international organizations concerned with the librarians' increasing problems, his prodigious writing output, and his basic activities related to recommending Council grants and reviewing them all combined to keep him first professionally in the hearts and minds of many in his beloved field of librarianship.

On Tuesday, June 20, at 2:30 p.m. there will be a memorial to Verner W. Clapp in the Coolidge Auditorium of the Library of Congress. Friends are invited. The family requests in lieu of flowers contributions may be made to the Verner W. Clapp Publication Fund in the Library of Congress.

He is survived by his wife, the former Dorothy Devereux Ladd, 4 Irving Street, Chevy Chase, Md.; three children, Mrs. Joseph H. Roe, Jr., of Reston, Va., Verner W. Clapp, Jr., of Juneau, Alaska, and Mrs. William F. Bromley of Bethesda, and 11 grandchildren.

ENVIRONMENTAL MODIFICATION TECHNIQUES FOR OFFENSIVE WARFARE PURPOSES

Mr. PELL. Mr. President, I have on several occasions brought to the attention of the Senate the dangerous implications for the environment and for mankind if we permit the development and use of environmental and geophysical modification techniques as offensive weapons of warfare.

In March, 15 Senators joined with me in introducing Senate Resolution 281, urging the negotiation of an international agreement toward that end.

The current issue of Science, the publication of the American Association for the Advancement of Science, includes an excellent article by Deborah Shapley on this project.

I believe the information in the article underscores the need for early action to prohibit further development and use of environmental modification techniques for offensive warfare purposes, and I ask unanimous consent that the article, from the June 16 edition of Science be printed at this point in the RECORD.

In addition, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks an article from Science and Government Report of May 1, 1972, reporting on the exchange of correspondence which I have had with the Department of Defense on the question of weather modification activities.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From News and Comment]

RAINMAKING: RUMORED USE OVER LAOS ALARMS ARMS EXPERTS, SCIENTISTS

For the past year, rumors and speculation, along with occasional bits of circumstantial evidence, have accumulated in Washington to the effect that the military has tried to increase rainfall in Indochina to hinder enemy infiltration into South Vietnam—in effect, using the weather as a weapon of war. But Pentagon officials have been extremely tight-lipped about it, even to prominent members of Congress, and it appears that the old saying is now turned around: The generals are probably doing something about the weather, but nobody's talking about it. *The Pentagon Papers* makes references to such activities as having been successfully carried out in Laos, and a Jack Anderson column in the Washington *Post* a year ago described a top-secret operation over the Ho Chi Minh trail. The only denial so far has come from Department of Defense (DOD) Secretary Melvin R. Laird in congressional testimony. However, all Laird denied was the use of weather control "over North Vietnam," and, since the Anderson column and *The Pentagon Papers* concern Laos and the Ho Chi Minh trail, which runs through Laos and Cambodia, no real answers to the speculations have been provided.

The DOD has admitted that various forms of climate modification have been considered by the military for more than 20 years. A well-known geophysicist formerly with DOD's Institute for Defense Analyses, Gordon J. F. MacDonald (who now sits on the Council for Environmental Quality), wrote a Cassandra-like chapter on potential geophysical warfare in 1968, which described control of rainfall, drought, earthquakes, and even possible tinkering in the Arctic.[1] The Indochina allegations are limited to charges that the DOD hsas augmented rainfall to muddy up trails, thus hindering the flow of men and vehicles to the south, but some scientists and arms experts regard even this limited activity as a camel's nose under the geophysical tent.

The issue has an important scientific dimension, too, for meteorology is one of the most internationally minded of all scientific fields. Many prominent U.S. meteorologists have for years favored a ban on military uses of weather control. Describing their reactions even to the possibility that these techniques have been used, they use such words as "distressed," and "appalled." They add that weather control in Indochina could hurt international, peaceful weather research. Hence, the issue of whether the DOD has been, or might be, seeding clouds over Asia holds implications beyond the horizons of Indochina alone.

The only direct evidence that weather modification techniques have been used in Indochina comes from some references in *The Pentagon Papers* which indicate that the Joint Chiefs of Staff (JCS), probably in 1966, had rainfall experiments conducted over Laos "successfully." In 1967, the JCS urged President Lyndon B. Johnson to authorize an operational weather program with the innocuous name of Operation Pop Eye as a means of escalating the war. According to the Gravel edition of the papers, volume 4, page 421, the JCS suggested to Johnson in a memo that this might be one way of widening the war with minimal political repercussions at home.[2]

4. Laos Operations—Continue as at present plus Operation Pop Eye to reduce trafficability along infiltration routes.

Authority/Policy Changes—Authorization required to implement operational phase of whether modification process previously successfully tested and evaluated in same area.

Risks/Impact—Normal military operational risks. Risks of compromise is minimal.

Again, on February 1967, the President was handed a "shopping list" of escalation proposals recommended by the JCS and apparently written by John McNaughton of the Office of International Security Affairs in DOD. Volume 4, page 146, lists among the recommendations:

8. Cause interdicting rains in or near Laos.

The narrative text summarizes the rest of the memo:

"The discussion section of the paper dealt with each of the eight specific option areas noting our capability in each instance to inflict heavy damage or complete destruction to the facilities in question."

Evidently, the JCS considered weather modification worthy of consideration as one way of waging war.

Some who have been closely associated with *The Pentagon Papers* study, asked about these references, pointed out that the study was compiled by civilians with relatively little knowledge or data on day-to-day combat operations. They say it is reasonable to infer that the relatively few references to weather modification activities in *The Pentagon Papers* are no clue to the actual extent of military weather modification operations.

The other evidence that rainfall augmentation might still be going on is circumstantial. On 18 March 1971, the well-known syndicated columnist, Jack Anderson, in his column in the Washington *Post*, claimed that the Ho Chi Minh trail, which runs through both Laos and Cambodia, had been seeded by the Air Force since 1967 (the date of the JCS recommendations listed in *The Pentagon Papers*). In part, Anderson wrote:

"The hush-hush project, known by the code name "Intermediary-Compatriot," was started in 1967 to hamper enemy logistics. Those who fly the rainmaking missions believe they have increased the precipitation over the jungle roadways during the wet seasons.

". . . These assertedly have caused flooding conditions along the trails, making them impassable.

"The Ho Chi Minh trails will get their next monsoon bath from May to September. . . . Only those with top security clearance knew.

Footnotes at end of article.

until now, that nature would be assisted by the U.S. Air Force."

Anderson was alleging that "Intermediary-Compatriot" would be going on from May to September 1971. The Pentagon has never confirmed or denied the charge. Its response, in fact, has been to say that the answers are classified—a statement that leads some liberal congressmen to conclude they must be doing it. John S. Foster, Director of Defense Research and Engineering (DR & E), replied in an almost identical fashion to written queries from Senator Claiborne Pell (D-R.I.), Senator Alan Cranston (D-Calif.), and Representative Gilbert Gude (R-Md.).

"Certain aspects of our work in this area [weather modification] are classified. Recognizing that the Congress is concerned . . . I have, at the direction of Secretary Laird seen to it that the Chairmen of the Committees of Congress with primary responsibility for this Department's operations have been completely informed regarding the details of all classified weather modification undertakings by the Department. However, since the information to which I refer has a definite relationship to national security and is classified as a result, I find it necessary to respectfully and regretfully decline to make a public disclosure of the details of these activities at this time."

Pell will try to get some elaboration on this statement from DOD when he holds hearings on a draft treaty banning environmental modifications for military purposes. However, so far, Laird is the only DOD official who has been asked point-blank whether the military is modifying weather in the war. In April, Senator J. William Fulbright (D-Ark.) asked him about it, although the questioning was limited to North Vietnam.

FULBRIGHT. ". . . In other words, you have never engaged in the use of this, whatever it may be, weather control, although you have a capability of it. Is that the reascn?"

LAIRD. "We have never engaged in that type of activity over North Vietnam."

Although it sounds harmless, in Indochina, rainfall augmentation can have key military and tactical advantages. The purpose of cloud seeding would be to muddy up the hundreds of trail networks which wind southward and eastward through Laos and Cambodia, providing vital links between North Vietnam and China, and South Vietnam. Impeding the traffic of men and materiel which flows constantly through this jungled, often mountainous terrain has been the key objective of the United States' billion-dollar bombing campaigns since 1965.

But a flood can mess up a road or pathway as much as a bomb explosion can. Moreover, it is much cheaper, and highly covert. Scientists say that only if the Laotians and Cambodians took extensive samples of rainwater and systematically tested them for trace elements, could they actually prove that the normal rainfall had been artificially increased.

Moreover, this form of weather modification is equally covert to the side employing it. According to civilian scientists, a cloud-seeding plane can be any type of plane. It needs little special equipment, and 35 to 100 pounds of silver iodide for a 6-hour seeding mission. Even if equipped with racks for the dropping of pyrotechnic flares—one technique for seeding—a weather modification plane would look the same as a reconaissance plane which drops similar flares. Not only would the Laotians have a difficult time discovering our cloud-seeding activities, Americans would have difficulty too.[5]

One of the most eminent of DOD's weather scientists is Pierre Saint-Amand, who is head of the Earth and Planetary Sciences Division of the Naval Ordnance Laboratory, Naval Weapons Center, China Lake, California. He says that the alleged use of cloud seeding in Indochina is "outside of my ability to answer." Like other DOD spokesmen on the subject of weather modification, Saint-Amand is eager to point out that the Soviet Union is doing extensive weather modification research.

As to the potential of cloud seeding for impeding infiltration routes, Saint-Amand said, "I don't think using weather to discourage people from moving is a bad thing to do. If you estimate the amount of damage done by impeding someone's transportation, versus blowing them up or burning them up, I don't think it is so immoral." In effect, weather is no less humane a weapon than bombing and gunfire.

Civilian meteorologists, however, tend to be far more cautious about the efficacy of current weather modification techniques. They say, anxiously, that in few cases can cloud seeding be actually proved to work. The DOD, for example, claims that a cloud-seeding project over Texas during a drought was successful because heavy rainfall followed the seeding. However, since the rain fell in many areas besides those seeded, there is no way of knowing whether the rainfall would have occurred anyway, and in what amounts.

Civilian weather scientists almost universally favor limiting or banning military operations in which weather modification techniques are used, and they can point to a fairly long history of recommendating same. In 1971, a National Academy of Sciences (NAS) study of the future of the atmospheric sciences resolved that: [4]

"The U.S. Government is urged to present for adoption by the United Nations General Assembly a resolution dedicating all weather modification efforts to peaceful purposes and establishing, preferably within the framework of international nongovernmental scientific organizations, an advisory mechanism for consideration of weather-modification problems of potential international concern before they reach critical levels."

One of the most prominent meteorologists is Thomas F. Malone, of the University of Connecticut, who is chairman of the NAS panel on weather modification of the academy's Committee on Atmospheric Sciences and one organizer with the World Meteorological Organization of the United Nations of the Global Atmospheric Research Program (GARP). Malone says, "I have made speeches for 10 years saying we should get together and do this work internationally before it got to the point of being operational. Otherwise we will face horrendous political problems . . . putting the genie back into the bottle."

Joanne Simpson, who has made cloud modification experiments at the Experimental Meteorological Laboratory of the National Oceanographic and Atmospheric Administration (NOAA), was asked how she would react to seeing the results of her work applied in warfare. She said, "I would be grieved to see my work used for military purposes because I got involved in this kind of work to do useful things, not destructive things."

And Joseph Smagorinsky, a NOAA meteorologist who has modeled climate and weather and who is on the executive committee of the GARP organizing committee, expressed stronger opposition: "These programs are a cooperative effort of many nations, and each gives up a certain amount of autonomy to work together," he said. "If they felt this would be used against them, there would very definitely be a cooling off." Smagorinsky pointed out that one part of the GARP plan will put about 20 ships and 10 to 15 airplanes over the Atlantic working together. They will come from many countries, including the United States and the Soviet Union. If it turns out that the United States has militaristic uses for weather modification, "this sort of thing would drop dead. It would undo everything that science has been able to do. It would have absolutely tragic effects."

Walter O. Roberts, director of the National Center for Atmospheric Research in Boulder, Colorado, takes a more conservative view. "I think it very unlikely that deliberate weather modification is a particularly effective weapon," he said. "I'm very concerned about international, inadvertent weather modification as a result of pollution; I don't consider meteorological use in warfare as much of a threat. But if you could visit a hurricane on somebody, I would be very opposed and consider it very serious."

Concern over the military aspects of weather modification has been expressed by a number of defense specialists and arms control experts. Many see a parallel with chemical and biological weapons, which have similar inadvertent effects on environment, and also affect both soldier and civilian. Leslie Gelb, now of the Brookings Institution, who directed from within DOD the 47-volume Pentagon study of the war, which was later leaked as the Pentagon Papers, said, "My instinctive reaction to the use of this kind of technique is negative. Like chemical and biological weapons, it deals in an area that would become essentially uncontrollable. But I have no categorical answer on it because I don't know enough of the scientific aspects."

Representative Gude, who, with Cranston, has attempted to find out about Indochina weather control for over a year and has never even been offered a DOD classified briefing, says, "There's a similarity between chemical and biological weapons and weather control. You could have a snowballing effect in both cases, an effect on nature over which you lose control."

Matthew Meselson, professor of biology at Harvard, and a long-time consultant to the Arms Control and Disarmament Agency, who is identified with the successful campaign to ban biological warfare, was asked about the parellel to chemical and biological warfare. He said, "First, I have no knowledge one way or the other as to whether the United States has engaged in weather modification in connection with military activities in southeast Asia.

"However, it is obvious that weather modification used as a weapon of war has the potential for causing large scale and quite possibly uncontrollable and unpredictable destruction. Furthermore, such destruction might well have a far greater impact on civilians than on combatants. This would be especially true in areas where subsistence agriculture is practiced, in food deficit areas, and in areas subject to flooding."

Leonard S. Rodberg, a fellow of the Institute for Policy Studies who assisted in publishing the Gravel *Pentagon Papers,* said, "I don't think we have a right to experiment on other people. It's a standard issue which in medical terms would be called informed consent. The people in that area [Indochina] are totally dependent on the weather for their livelihoods. If we change the pattern we destroy their ability to exist. We've done it not only with weather modification but with defoliants and herbicides." Rodberg adds, "It's quite clear that many kinds of experimentation have been permitted in Indochina. So long as it's not a large operation that would get a lot of publicity, anything can be done."

Most of those queried favored some sort of ban on military uses of weather modification technology. But Adrian S. Fisher, deputy director of the Arms Control and Disarmament Agency from 1961–1969, now dean of the Georgetown University Law School, says, "Weather modification is really an appropriate subject, not only for an arms control agreement, but for a peaceful uses agreement," which would "regulate allocation of resources in such a way as to recognize its good qualities as well as its bad ones."

Footnotes at end of article.

Finally, another well-known arms control specialist, Herbert P. Scoville, Jr., favors a ban on weather modification's military uses. "I would strongly support any statement that we ought to ban the use of weather modification for military purposes and seek an international agreement on this.

"At some stage of the game, somebody may start doing it—even if it's not going on now. To me it is a terrible way to be using science.

—DEBORAH SHAPLEY.

FOOTNOTES

[1] G. J. F. MacDonald, "How to wreck the environment," in *Unless Peace Comes: A Scientific Forecast of New Weapons*, Nigel Calder, Ed. (Viking Press, New York, 1968).

[2] *The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam.*

[3] The civilian experiments which would parallel this activity are reported in "Seeding Cumulus Clouds in Florida: New 1970 Results" by Joanne Simpson and William L. Woodley (*Science*, 9 April 1971). See also *Science*, 7 May 1971, for a general review of weather modification progress.

[4] *The Atmospheric Sciences and Man's Needs: Priorities for the Future*, Recommendation III–6, Committee on Atmospheric Sciences, National Research Council (National Academy of Sciences, Washington, D.C., 1971), p. 61.

[From Science & Government Report, May 1, 1972]

VIETNAM RAINMAKING: A CHRONICLE OF DOD'S SNOWJOB

The quest for information as to whether the U.S. has employed rainmaking for military purposes in Southeast Asia has now produced, from Defense Secretary Laird, a carefully worded denial of such activities "over North Vietnam." But the trail is marked by so many evasions that even a gullible consumer of government pronouncements might be skeptical.

With the skies over Vietnam raining high explosives, manmade precipitation for malicious purposes is of minor concern at the moment, and Laird's encounter with the subject was little noted during his recent appearance before the Senate Foreign Relations Committee. Nevertheless, "environmental warfare"—the deliberate triggering of "natural" events to the detriment of an enemy—is high on the docket in military research, and a collision is in the making between DoD's fascination with the technology and a move in the Senate to develop a treaty to keep rainmaking, earthquakes, tidal waves, crop-destroying climate changes, and so forth out of military hands. (SGR Vol. I, No. 22.)

Laird's denial is best appraised against the background of attempts, led by Senator Pell (D-R.I.) to obtain information about rainmaking. Pell is chairman of the Foreign Relations Subcommittee on Oceans and International Environment, and his interest in the subject was aroused by reports that the U.S. had sought to rain out the Ho Chi Minh Trail and may even have been responsible for the unusually heavy rains that devastated parts of North Vietnam last year.

On September 23, 1971, Pell wrote to DoD's Assistant Secretary for Legislative Affairs, Rady A. Johnson, asking, "What are the objectives of the project known by the code name 'Intermediate-Compatriot?' "—which, according to some reports, was the code name for weather modification activities in Vietnam. He also asked, "In what specific countries is this project conducted?" and "Would you provide a rather detailed description of this project?"

Johnson acknowledged his inquiry in a letter dated the following day, and said the request for information had been sent to the Director of Defense Research and Engineering (DDR&E), John S. Foster, Jr., and "You may expect a further reply from his office at an early date."

Six weeks later, Nov. 9, Pell reminded DoD that he had not received a reply, and on Nov. 23, there arrived from Johnson a two-and-a-half page letter which, in effect, told him that the subject was none of his business. Making no reference to "Intermediate-Compatriot," and not even mentioning Vietnam, Johnson said that DoD was interested in weather modification for the purpose of reducing weather damage to military property. He said DoD also conducted research to keep abreast of what the Soviets might be doing, noting that the Soviets had developed a hail-suppression technique based on cannon fire into cumulus clouds and that "These experiments are conducted by Soviet military personnel using military equipment." He then cited DoD participation in several drought-relief and storm-abatement efforts and concluded with apologies for the delay in replying.

Pell then wrote to Defense Secretary Laird to complain that Johnson's letter had failed to answer his questions. Ten days later he received a letter from DDR&E's Foster, which in even stronger terms told him that the subject was none of his business. "Certain aspects of our work in this area are classified," Foster stated, adding that those congressional committees "with primary responsibility for this Department's operations have been completely informed regarding the details of all classified weather modification undertakings by the Department." Foster continued, "However, since the information to which I refer has a definite relationship to national security and is classified as a result, I find it necessary to respectfully and regretfully decline to make any further disclosure of the details of these activities at this time."

Pell subsequently sought information from the Arms Control and Disarmament Agency (ACDA), but that dispirited outcast from administration policymaking simply stated that it "has no knowledge of any current military applications of environmental warfare techniques." In questioning by Senator Church (D-Idaho), ACDA Director Gerald Smith said of weather modification activities, "I don't know if there are any"—an amusing revelation on the part of the ACDA chief in view of Foster's strong suggestion that something is going on that DoD chooses to keep classified.

Laird's appearance before the Foreign Relations Committee last month was prompted by the renewed bombing of North Vietnam, and most of the questioning was related to that subject, but both Pell and Chairman Fulbright used the opportunity to ask some questions about military rainmaking and the results were indeed curious.

Pell asked Laird, "Have we engaged in these activities for military reasons in Southeast Asia?"

Laird: I don't discuss the operating authority that we go forward with as far as Southeast Asia specifically, but I would be glad to discuss with you the techniques that have been used outside the battle zone.

Fulbright: . . . Why do you decline to discuss weather control activities in North Vietnam, yet you freely discuss B–52 flights over North Vietnam?

Laird: I do not talk about things that we have not done . . . We have announced that we have used B–52s over North Vietnam. In connection with the weather programs or such as have been discussed . . . we have not and are not at this time conducting such operations but I am not going to rule them out.

Fulbright: That is understandable. In other words, you have never engaged in the use of this, whatever it may be, weather control, although you have a capability of it. Is that the reason?

Laird: We have never engaged in that type of activity over North Vietnam.

Fulbright: That is a perfectly logical answer. I don't see why you were so sensitive about it.

Laird: I am not sensitive about it, Mr. Chairman, but—

And there the matter ended for the moment, to be taken up again when Pell holds hearings on his proposed treaty, probably around the end of May.

Meanwhile, students of government veracity are advised to note that the Defense Secretary limited his denial to "North Vietnam." He did not say anything about Laos or Cambodia.

AMBASSADORS ABROAD

Mr. SPARKMAN. Mr. President, the Christian Science Monitor of May 26 contains an interesting article relating to our ambassadors abroad. I commend its reading and therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMBASSADORS ABROAD

(By Lucia Mouat)

WASHINGTON.—Ambassador. To many, the word suggests flag-flying, chauffeured limousines, and an endless round of cockail parties marked by good manners and cautious conversation.

To the leaders of early America, the word "ambassador" had a certain aristocratic ring to it—and was certainly not the kind of label a democratic country thought it should pin on its overseas representatives. However, when it was found that American emissaries were getting second-class treatment for lack of the formal rank and title, the U.S. relented and in 1894 tapped its first official ambassador.

A year later, in urging Congress to support the purchase of official residences for U.S. envoys abroad, President Cleveland said that while "avoiding unnecessary glitter and show" the U.S. must not let "parsimony and shabbiness in its diplomatic outfit" strain its relationships with other nations.

Today Washington's professional diplomatic corps ranks as one of the best in the world. Virtually every one of the more than 3,000 foreign service officers continues to equate an ambassadorship with the highest calling possible in his career. Yet, aspire as he may, the facts are that roughly one-third of the 119 existing ambassadorial positions (Bangladesh has been added though as yet there's no actual appointment) are filled by political appointees rather than professional diplomats.

Although the practice is not new, it is one that has become increasingly controversial.

Over the years, of course, many other features of the ambassadorial job have changed.

Ambassadors no longer tote the old black satchel of jewels, money, and other enticements designed to buy position in foreign courts. Nor do they specialize in temporary, single-purpose assignments.

NO MESSAGE IN MONTHS

Communications have vastly improved since the day when Secretary of State Thomas Jefferson gently reminded the U.S. delegation in France that he had had no message from them in months and trusted that all was going well. Links between Washington and overseas capitals now are such that U.S. representatives have almost instant access to guidance from home (and vice versa) to the point where they speak with a much more coherent set of voices than ever before.

The fact that foreign policy is largely staged and directed in Washington—and most visibly from the White House under the current administration—also has its effect on emissaries abroad. National security adviser Henry Kissinger's sudden secret trips to Moscow for pre-summit preparations and to Paris for Vietnam consultations in a sense directly undercut the role of the appointed U.S. ambassadors in each instance.

In some cases, ambassadors have been no more filled in on sudden presidential shifts in policy than the leaders of the country in question. Former Undersecretary of State George Ball has charged the administration with effectively destroying the credibility of some of its emissaries by not including them in its "circle of confidants."

In some ways, theoretically at least, the ambassador's responsibilities are broader than ever. Many more government agencies, such as the Central Intelligence Agency, Department of Defense, and the Bureau of Narcotics and Dangerous Drugs now have representatives abroad, and the ambassador, as the President's personal representative, is charged with supervising and coordinating their activities. He is the one with primary responsibility for carrying out U.S. policy in his assigned country.

Although the increasingly technical and multilateral nature of modern diplomacy of necessity adds more and more specialists to the U.S. diplomatic corps, the ambassador himself must work harder than ever just to stay reasonably in the know.

But the essence of his job, part lobbyist and part reporter, is still as personal as it has ever been. The grease of diplomacy, as in many a business, is basically human contact. The ambassador's mission is to develop a set of relationships at the highest level in his assigned country in every field from politics to business. Though the trappings are much more sophisticated than they used to be, it is still, as one seasoned diplomat phrases it, "A matter of making sufficient deposits in the account so that checks can be written on it when the need arises."

STATURE VITAL TO SUCCESS

It is generally agreed that the more stature an ambassador has in his own capital, the more likely he is to garner it abroad.

Most of the political appointees are businessmen (sometimes lawyers) who have donated generously to party coffers. And the posts—mainly in the important and attractive Western European capitals but also in Africa, Latin America, and Asia—are offered in large part as a reward for past services.

While it can be argued that such campaign contributions are the only ones with wealth to entertain in the style that befits the United States (until Congress becomes more generous) and the only ones with enough White House influence to prompt action at home when needs arise, it can also be held that such important posts are the very spots in which a country ought to place its most experienced diplomats with their particular wealth of expertise.

Certainly good professionals are hard to come by in many countries. Peking officials have confessed to visitors in recent months that they hope diplomatic recognition does not come too fast because they don't have enough trained people to send out as ambassadors.

The U.S. has no such shortage, yet its percentage of political appointments is extraordinarily high. Not all, of course, are party contributors. Ex-politicians and scholars are also in the ranks. Among the many distinguished political appointees who have served as able ambassadors in past years are Edwin O. Reischauer, Averill Harriman, John Kenneth Galbraith, and Ellsworth Bunker (currently Ambassador to South Vietnam).

Some career diplomats go out of their way to point out that "outsiders" sometimes see problems and solutions more clearly than those laboring for years in the vineyards but, as one says, "It helps a lot if the political appointee knows a little about the country he's going to."

This question of competence, combined with possible conflicts of interest, figures prominently in the hearings which the Senate Foreign Relations Committee holds routinely on each nominee. Maxwell Gluck, a clothing manufacturer nominated as Ambassador to Ceylon some years ago, was not able under vigorous questioning of committee chairman Sen. J. W. Fulbright, to come up with the name of the Ceylonese Prime Minister. In the end, the Senate confirmed him anyway.

DIRECT REJECTION AVOIDED

Technically, the Senate has not rejected a nominee since World War II. The preferred committee tactic is to table the extremely controversial nominations and turn them back to the President at the end of the year. Sometimes, if it is clearly a question of a particular country which has brought on the debate, the President will resubmit the name for another location.

He did this in the case of Texas oilman John C. Hurd, an advocate of tight oil import quotas. When his nomination for oil-rich Venezuela was tabled, the President nominated him for the South African ambassadorship and it was confirmed. Similarly the strong anti-Communist views of Robert Strausz Hupe, former director of the Foreign Policy Research Institute at the University of Pennsylvania, essentially kept him from a North African post a few years ago. But since then he was confirmed as Ambassador to Ceylon and most recently to Belgium.

The most recent controversial nomination case involved a career diplomat rather than a political appointee. Howard P. Mace, who had been the State Department's personnel director and as such helped to carry out what many employees considered a ruthless "selection out" system of promotion, was the subject of several committee hearings instead of the usual one in the course of his confirmation as Ambassador to Sierra Leone. He finally withdrew his name and was shortly afterward assigned to Istanbul as consul-general, a post that needs no Senate confirmation.

RECIPIENT SOMETIMES OBJECTS

Occasionally the country itself will step forward to voice an objection, as one North African country did recently with an ambassadorial candidate it considered too closely allied with Zionism.

Certainly the lure of a man with strong White House influence is enough in the eyes of a few countries to offset other disadvantages, and they candidly admit their general preference for a political appointee. Under the last administration one country made it clear it could well endure some of the idiosyncracies of a backslapping, effervescent ambassador because it knew at any time he could pick up the telephone and say, "Hello, Lyndon . . ." As one diplomat puts it: "The one safe generalization is that no country wants a nobody."

One of those held in high esteem here as a model worth emulating is Lord Harlech, former British Ambassador to the U.S. and under the British definition a career man. He was respected enough by the Kennedys to be in and around the White House almost constantly during the Cuban missile crisis. He occasionally rode to hounds with Mrs. Kennedy.

"There's a line between respected acquaintance and friendship which it isn't really necessary for an ambassador to cross," says one observer.

Any diplomat worth his credentials will spend time cultivating the opposition as well as the establishment. Some have survived several administrations at home as well as abroad. Soviet Ambassador Anatoly Dobrynin has served in the U.S. during the last three Washington administrations. Some ambassadors make courtesy calls on Congress so frequently and faithfully that Senator Fulbright tried several years back to have one gathering a year at which all congregated. It was not successful and the old system prevails once again.

By most objective assessments, a professional diplomat often knows the home foreign affairs machinery and how to make it operate to his ends better than his political counterpart. His skills in human relations work are often a bit sharper, if usually more low-key.

Such quiet but effective building of contacts was regarded as one of the strong suits of the late Llewellyn Thompson, who set something of a record by serving two times as Ambassador to the Soviet Union. Among the most respected career men currently serving in Washington are Sir James Plimsoll, Australian Ambassador, and Nobuhiko Ushiba, Japan's Ambassador.

POLITICAL APPOINTEES MAIN TARGETS

One recent U.S. career appointment, which has greatly heartened State Department professionals, is the President's selection of Martin Hillenbrand, Assistant Secretary of State for European Affairs, as the new Ambassador to West Germany.

There is no denying the fact that it is the political appointees who have been the target of most ambassadorial controversy over the years—sometimes, it can be argued, quite unfairly.

One of the most well-publicized recent incidents was columnist Jack Anderson's charge that Arthur K. Watson, the former IBM executive now serving as Ambassador to France, was "gloriously drunk," used obscene language, and insulted crew members on a March flight back to this country. The story was only partly denied. President Nixon urged on the Ambassadors behalf that "people in glass houses should not throw stones." The State Department stressed that the discussions the Ambassador was about to have with the Peking Ambassador to France were not as delicate, sensitive, and important as rumor would have it. It is also well known that he speaks the language well and is very fond of France, two points which in French eyes may be decisive advantages.

"The question in the end is really not whether a man is a political or a career appointee," says one Washington diplomat who has served extensively overseas. "It's whether he's any good or not."

It boils down, perhaps, to the question of whether the President could afford to be more selective among his political nominees. There may be another way to reward faithful donors other than to hand over on a platter the most important posts. It may well be, though, that many of them would not settle for less.

RHODESIAN ORE

Mr. KENNEDY. Mr. President, I invite attention to an editorial from the New York Times concerning shipments of Rhodesian chrome.

The Senator from Wyoming (Mr. McGee) led a valiant battle to relieve the damage caused by lifting the ban on imports from Southern Rhodesia. But, the deception of the administration successfully undermined his attempts to reimpose sanctions on that government.

I fully supported Senator McGee, and I believe that there must be even another attempt to halt those imports. The New York Times editorial clearly describes why the move to reimpose sanctions is important. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

HYPOCRISY ON RHODESIA

Forty Senators—only two-fifths of the membership but a slim majority of those present and voting—have dealt another blow against the credibility of the United States and the prospects for building an effective United Nations. On the spurious arguments of Senator Harry F. Byrd and others, they have voted in effect to require this country to continue to breach the sanctions invoked with American support by the U.N. Security Council against the white racist rulers of Rhodesia.

This makes the United States an international lawbreaker, an offender not only against a Security Council decision but against the U.N. Charter itself. Such an action will help propel the United Nations down the road to extinction taken by the League of Nations after its failure to halt Fascist Italy's aggression against Ethiopia in 1935.

The 40-to-36 vote, rejecting an effort by Senator McGee of Wyoming to return the United States to the side of international law, reflected racism, pique at the U.N. for ousting Taiwan, and clever lobbying by the Rhodesian regime as well as by Union Carbide Corporation and the Foote Mineral Company, both importers of Rhodesian chrome.

Most of all, however, the Senate behavior reflected a double game by the Nixon Administration. It tried to placate liberals, blacks, U.N. backers and African governments with a State Department letter supporting Mr. McGee while refusing the minimal White House initiative that would have brought him victory.

The letter to Mr. McGee from Acting Secretary of State John N. Irwin refuted all the arguments advanced by Mr. Byrd for breaking the sanctions to permit chrome imports: there is no shortage of chrome but 2.2 million tons of excess in the strategic stockpile; the Government hopes to sell off 1.3 million tons; the United States is not dependent on the Soviet Union for any of its chrome needs.

But especially in this Administration the lawmakers pay scant heed to the State Department; a White House follow-through was plainly required. Prior to the vote, Senator McGee telephoned Presidential assistant John D. Ehrlichman to report that six Senators in doubt on the issue had promised to support his amendment if asked to do so by the White House. But an Ehrlichman assistant later called back to say Mr. McGee could expect no further help in the matter.

After his amendment lost by four votes, Mr. McGee told the Senate of this exchange and warned of the high cost for America of a hypocritical stance on such matters of principle. "The time has come when the African nations no longer accept doubletalk and hypocrisy from this country as it concerns their vital interests and needs," he said. "Either we believe in their aspirations or we don't. Either we believe in the United Nations or we don't. We cannot have it both ways."

It would be comforting to be able to believe that these words had impact on forty Senators who had just voted to tarnish the honor of the United States for a supply of excess chrome and the preservation of white minority rule in Rhodesia.

PROBATION PERSONNEL SEEK TO STEM CRIME INCREASE

Mr. SYMINGTON. Mr. President, I am pleased to note that the Senate approved an increase in funds for the Division of Probation with passage on June 15 of the appropriations bill for the Departments of State, Justice, Commerce, the judiciary and related agencies. Our action followed the excellent recommendation of the Appropriations Committee to recognize the needs of the Division of Probation for additional probation officers and supporting staff.

The central responsibility of the Division is to provide control, guidance and assistance to released offenders, including parolees and probationers, to prevent their return to crime. In doing so, a contribution is made, of course, to the safety of our homes and streets.

In recent years, however, the Division has encountered a large increase in its workload. A constituent's letter brought this situation to my attention. I would like the Senate to hear what Mr. J. Alan MacDaniels, Chief Probation Officer for the Eastern District of Missouri, wrote:

> Our probation offices are finding that supervision caseloads are increasing at a rapid rate, as are our presentence investigations for the courts. Less and less time is available for adequate supervision and treatment of problems that are very much apparent. Our officers are frustrated, realizing that areas needing their attention are having to be ignored in order to handle emergency situations, that if they had time, would not have occurred.
>
> Funds have been approved for additional law enforcement and institutions. This stopped short of the total problem. Institutions can offer the tools for an individual to return to free society but the tools he has acquired are of no value if he does not know how to adapt to a free society. Probation officers are totally involved with each individual, his family, employment, and/or education, adjustment to responsibilities that must be accepted and numerous other day to day problems that arise.
>
> Probation officers can make the biggest contribution to stemming the increase of law violations if we have adequate staff with reasonable caseloads."

Mr. President, I would like to present five factors contributing to the increased workload of the Division and demonstrate how they justify an increase in the Division's budget.

First, the number of persons under the Division's supervision has increased drastically in recent years. In fiscal year 1969, 612 probation officers supervised 36,987 persons. Thirty months later, the number of persons supervised had jumped to 45,177, a 22-percent increase. Yet the number of supervisory officers had increased only 5 percent, to 640. Each officer, therefore, now handles an average of 74 cases, more than double the level of 35 cases per officer recommended by the President's Commission on Law Enforcement and Administration of Justice.

Second, heavy demands on the Division for presentencing investigative assistance has diverted large amounts of manpower from its primary function of supervision. Such assistance is vital, and is properly performed by the Division, but is nevertheless quite time consuming. Division personnel filed 25,000 presentencing reports last year.

Third, many persons under the Division's supervision live in urban areas where an officer cannot work safely by himself. A survey in one city revealed that 40 percent of the cases involved persons living in such dangerous areas. Although officers should therefore work in pairs in such areas for their own protection, because of inadequate staffing, they cannot always do so.

Fourth, certain parolees require "maximum supervision and close surveillance" according to the Board of Parole guidelines. The Board urges that these cases be assigned on the basis of not more than 25 cases per officer. This, of course, further increases the workload of probation officers.

Fifth, probation officers' responsibilities have been increased still further by new programs required by statute. As one example, pursuant to the Narcotic Addict Rehabilitation Act of 1966, probation officers provide community supervision for certain persons sentenced under the act. Since the Congress has prescribed these added duties which serve definite national needs, we must also be prepared to provide the Division with sufficient resources with which to perform those duties.

Accordingly, I support the increase in funds recommended by the Senate Appropriations Committee that will permit an increase of 236 probation positions on a nationwide basis. While it does not meet the full request of the Division for an increase of $7 million to provide for 348 additional probation officers and supporting staff, it is well beyond the House provision of only 100 additional officers and staff.

One final note, Mr. President. Use of probation wherever feasible is financially advantageous compared to imprisonment. Per capita probation costs have consistently been one-tenth of the cost for imprisonment.

THE CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. PELL. Mr. President, today is the final day of the United Nations Conference on the Human Environment. I have just returned from Europe where I had the honor of serving as a member of the U.S. delegation to this Conference, a conference which marks the beginning of a new era in the history of international relations. It is the first small step in a global cooperative effort designed to preserve and improve our planet's environment.

During the past 2 weeks, over 1,000 delegates from 114 countries assembled in Stockholm to identify the world's most urgent environmental problems and to seek agreements on actions to deal with these issues. It has been widely accepted that this United Nations Conference is one of the most important and best prepared U.N. conferences ever convened.

Preparations for this Conference have been under way for almost 4 years. These activities have been conducted under the guidance of Maurice Strong and a 27-nation preparatory committee which met four times during this 4-year period. In addition, five intergovernmental working groups and seven regional seminars were conducted to develop specific action proposals and to provide insights and make recommendations. All these preparations have produced 12,000 pages of Conference documentation, including over 70 national reports summarizing the various global environmental problems.

This information was studied, condensed, and converted into an action plan which consisted of approximately 200 proposals. These proposals were grouped under the following subject areas:

First. Planning and management of human settlements for environmental quality;

Second. Identification and control of pollutants of broad international significance;

Third. Educational, informational, social and cultural aspects of environmental issues;

Fourth. Development and environment; and

Fifth. International organizational implications of the action proposals.

These proposals and the Conference itself are designed:

To increase the knowledge of the character and seriousness of the threats to the environment; and

To make use of the United Nations institutional system in order to prevail upon national governments to adopt concrete measures on both a national and international level.

However, the task of the Stockholm Conference has been complicated by a number of political issues. The first is the split between the developed and the developing nations.

The industrialized countries, anxious to limit international action to the discussion of antipollution standards, feared that the Conference would be converted into a platform for poor country demands for increased economic aid. On the other hand, the lesser developed nations were concerned that international standards would impede or delay their plans for economic development. This is still a contentious point and is one of the primary factors, along with China's intransigence, which prevented the Conference from reaching an agreement on the Declaration of Principles.

Another problem of the Conference was the dispute with respect to East Germany. Late last year the U.N. General Assembly voted to limit the participation in the Stockholm Conference to only those countries which are members of the United Nations or its affiliated agencies. This formula permitted West Germany, a member of two United Nations specialized agencies, to take part in the Conference, but excluded East Germany. As a result, Russia and the Eastern bloc countries, except for Rumania and Yugoslavia, have boycotted the Conference. The absence of these nations, which represent a quarter of the world's industrial capacity and pollution, has considerably weakened the impact of the Conference's accomplishments.

In addition to the above problems, there is a very good possibility that the "Declaration on the Human Environment" may never be adopted. This is the document that sets forth the guiding principles for world environmental initiative. China's insistence on fixing the responsibility for environmental pollution on "imperialist aggressors" and the demand by some developing countries for financial advantages through the right of compensation for damages caused by environmental standards has placed this document in grave danger. Hopefully, this issue can be resolved before the closing session this evening.

However, despite the current problems of the Declaration, I feel the Conference has produced some positive accomplishments. For one thing, the international action plan adopted by the Conference, although weak in many respects, does provide a framework for substantial future international environmental action. Coupled with the creation of a new permanent unit to coordinate all U.N. environmental programs, the Conference action plan is a document promising great potential.

I only hope that the nations of the world utilize this potential to establish new groupings of interests which will be prepared to undertake far-ranging international initiatives to preserve and protect the global environment. It is only through the collective efforts of all nations—both developed and developing—that we can hope to improve and preserve our global environmental quality.

Mr. President, for the benefit of interested environmentalists, I ask unanimous consent that the several statements be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

INTERNATIONAL ORGANIZATIONAL IMPLICATIONS OF ACTION PROPOSALS—(SUBJECT AREA VI)

WORKING PAPER—DRAFT RECOMMENDATION

The United Nations Conference on the Human Environment

Convinced of the need for prompt and effective implementation by Governments and the international community of measures designed to safeguard and enhance the human environment for the benefit of present and future generations,

Recognizing that responsibility for action to protect and enhance the environment rests primarily with Government and, in the first instance, can be exercised more effectively at the national and regional levels,

Recognizing that environmental problems of broad international significance fall within the competence of the United Nations system,

Bearing in mind that international co-operative programmes in the environment field must be undertaken with due respect to the sovereign rights of States and in conformity with the United Nations Charter and principles of international law,

Mindful of the sectoral responsibilities of the organizations of the United Nations system,

Conscious of the significance of regional and subregional co-operation in the field of the environment and of the important role of the regional economic commissions,

Recognizing that problems of the human environment constitute a new and important area for international co-operation and that the complex interdependence of such problems requires new approaches,

Recognizing further that the relevant international scientific and other professional communities can make an important contribution to international co-operation in the field of the environment,

Conscious of the need for processes within the United Nations system which would effectively assist developing countries to implement environmental policies and progarmmes compatible with their development plans,

Convinced that, in order to be effective, international co-operation in the field of the environment requires additional financial and technical resources,

Aware of the urgent need for a permanent institutional arrangement within the United Nations for the protection and improvement of the human environment—

GOVERNING COUNCIL FOR ENVIRONMENTAL PROGRAMMES

1. Recommends that the General Assembly establish the Governing Council for Environmental Programmes composed of [54] members, elected for three-year terms on the basis of equitable geographical distribution;

2. Recommends further that the Governing Council have the following main functions and responsibilities:

a. To promote international co-operation in the environment field and to recommend, as appropriate, policies to this end;

b. To provide general policy guidance for the direction and co-ordination of environmental programmes within the United Nations system;

c. To receive and review the periodic reports of the Executive Director on the implementation of environmental programmes within the United Nations system;

d. To keep under review the world environmental situation in order to ensure that emerging environmental problems of world-wide significance should receive appropriate and adequate consideration by governments;

e. To promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formulation and implementation of environmental programmes within the United Nations system;

f. To maintain under continuing review the impact of national and international environmental policies and measures on developing countries, as well as the problem of additional costs that might be incurred by developing countries in the implementation of environmental programmes and projects, to ensure that such programmes and projects are compatible with the development plans and priorities of those countries;

g. To review and approve annually the programme of utilization of resources of the environment fund;

3. Recommends further that the Governing Council report annually to the General Assembly through the Economic and Social Council, which would transmit to the Assembly such comments on the report as it may deem necessary, particularly with regard to questions of co-ordination and to the relationship of environment policies and programmes within the United Nations system to overall economic and social policies and priorities;

ENVIRONMENT SECRETARIAT

4. Recommends that a small secretariat be established in the United Nations, with headquarters in [............] to serve at the secretariat level as a focal point for environmental action and co-ordination within the United Nations system in such a way as to ensure a high degree of effective management;

5. Recommends further that the environment secretariat be headed by the Executive Director, who shall be elected by the General Assembly on the nomination of the Secretary-General, and who shall be entrusted, *inter alia*, with the following responsibilities:

(a) To provide substantive support to the Governing Council;

(b) Under the guidance of the Governing Council, to co-ordinate environmental programmes within the United Nations system, to keep under review their implementation and assess their effectiveness;

(c) To advise, when appropriate and under the guidance of the Governing Council, intergovernmental bodies of the United Nations system on the formulation and implementation of environmental programmes;

(d) To secure the effective co-operation of and contribution from, the relevant scientific and other professional communities from all parts of the world;

(e) To provide, at the request of all parties concerned, advisory services for the promotion of international co-operation in the field of the environment;

(f) To submit to the Governing Council, on his own initiative or upon request, proposals, embodying medium- and long-range planning for United Nations programmes in the environment field;

(g) To bring to the attention of the Governing Council any matter which he deems to require consideration by it;

(h) To administer, under the authority and policy guidance of the Governing Council, the Environment Fund;

(i) To report on environment matters to the Governing Council;

(j) To perform such other functions as may be entrusted to him by the Governing Council;

THE ENVIRONMENT FUND

6. Recommends that, in order to provide for additional financing for environmental programmes, a voluntary fund be established in accordance with existing United Nations financial procedures;

7. Recommends further that, in order to enable the Governing Council to fulfill its policy guidance role for the direction and co-ordination of environmental activities, the Fund finance the costs of the new environmental initiatives undertaken within the United Nations system. These will include the initiatives envisaged in the action plan adopted by the United Nations Conference on the Human Environment, with particular attention to integrated projects, and such other environmental activities as may be decided upon by the Governing Council. The Governing Council shall review these initiatives with a view to taking appropriate decisions as to their continued financing;

8. Recommends further that the Fund be used for financing such programmes of general interest as regional and global monitoring assessment and data collecting systems, including, as appropriate, costs for national counterparts; improvement of environmental quality management; environmental research; information exchange and dissemination; public education and training, assistance for regional and global environmental institutions; and promotion of environmental research and studies for the development of industrial and other technologies best suited to a policy of economic growth, compatible with adequate environmental safeguards. In the implementation of such programmes due account should be taken of the special needs of the developing countries.

9. Recommends further that the expenses of the Governing Council and the secretariat [be borne by the regular budget of the United Nations] [be borne by the Environment Fund];

10. Recommends further that, in order to ensure that the development priorities of developing countries are not adversely affected, adequate measures be taken to provide additional financial resources on terms compatible with the economic situation of the recipient developing country. To this end, the Executive Director, in co-operation with competent organizations, will keep this problem under continuing review.

11. Recommends that the fund, in pursuance of the objectives stated in paragraphs 7 and 8, be directed to the need for effective co-ordination in the implementation of international environmental programmes of the organizations of the United Nations system and other international organizations;

12. Recommends that, in the implementation of programmes to be financed by the Fund, organizations outside the United Nations system also be utilized as appropriate, in accordance with the procedures established by the Governing Council;

13. Recommends that the Governing Council formulate such general procedures as are necessary to govern the operations of the Fund.

COORDINATION

14. Recommends that in order to provide for the maximum efficient co-ordination of United Nations environmental programmes, an Environmental Co-ordinating Board, chaired by the Executive Director, be established under the auspices and within the framework of the Administrative Committee on Co-ordination;

15. Recommends further that the Environmental Co-ordinating Board meet periodically for the purpose of ensuring co-operation and co-ordination among all bodies concerned in the implementation of environment programmes and that it report annually to the Governing Council;

16. Invites the organizations of the United Nations system to adopt the measures that may be required to undertake concerted and co-ordinated programmes with regard to international environmental problems;

17. Invites the Regional Economic Commissions and the Economic and Social Office in Beirut, in co-operation, where necessary, with other appropriated regional bodies, to further intensify their efforts aimed at contributing to the implementation of environmental programmes in view of the particular need for rapid development of regional co-operation in this field;

18. Invites also other intergovernmental and those non-governmental organizations which have interest in the field of the environment to lend their full support and collaboration to the United Nations with a view to achieving the largest possible degree of co-operation and co-ordination.

19. Calls upon Governments to ensure that appropriate national institutions shall be entrusted with the task of co-ordination of environmental action, both national and international;

20. [Recommends that the concept of a world environmental institute or other appropriate mechanism be pursued, drawing upon the international scientific community and other relevant disciplines to act as a global research resource, to provide to the appropriate United Nations body and to all nations, research results and analyses of scientific information relevant to environmental problems];

21. Recommends that the General Assembly review, as appropriate, at its thirty-first session, the institutional arrangements which it may decide upon in pursuance of this recommendation, bearing in mind, *inter alia*, the responsibilities of the Economic and Social Council under the Charter.

PRACTICE OF CHIROPRACTIC

Mr. BURDICK. Mr. President, an article entitled "Who on Earth Goes to a Chiropractor?" published in the respected magazine, Medical Economics, was recently brought to my attention. It illustrates many of the successful services chiropractors have performed for their patients.

Since the acceptance and professionalism of chiropractors will again be a matter of debate when H.R. 1 comes before the Senate, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO ON EARTH GOES TO A CHIROPRACTOR?

(By Allyn Z. Baum)

(Note.—An article we published last year, "Now Chiros Treat Heart Trouble—Oh, My Aching Back!," accurately reflected our considered opinion that chiropractic as a science cannot be taken seriously. And still the chiropractors themselves survive and sometimes even prosper. What's their nonscientific secret? An amalgam of the laying on of hands, the art of human relations, and a few older things that the medical profession would be wise not to dismiss too lightly. Listen and learn while 11 representative patients in one chiropractic office tell what brought them there and what they get from treatment. We report these findings without recanting one word of a terse sum-up we published five years ago: "Chiropractic is a dangerous cult.")

An Episcopal minister, a pharmacist, several business executives, a dentist, a college student, an attorney—these may not be your idea of the types of patients to be found in a chiropractor's office. But they're among the types I found recently while spending a full day checking out a cross section of chiropractic patients. Even more surprising was the discovery that several were there with their family physician's blessing. Most of the rest had broken away from their family physician or specialist because of what they considered to be failings in the way they'd been treated.

Tune into what I heard one Friday in the offices of Warren I. Hammer and Marino R. Passero. Together with a third associate, Sheldon C. Delman, presently a consultant only, they operate a newly formed chiropractic group practice in the Norwalk (Conn.) Medical Center. In addition to the chiropractors, the building lists among its tenants a dermatologist, an internist, a neurologist, an OBG specialist, a pediatrician, two surgeons, a urologist, and six dentists.

From 8:30 a.m. to 6.30 p.m. that day, I talked with the chiropractors' patients as they came through. Sixty-five were scheduled for either examination or adjustment. The majority were seen by Hammer; Passero was new to chiropractic at the time. The patients whose pictures and comments follow were selected as being representative of those who were treated during that day.

First meet the chiropractors themselves:

"Our profession has been built on medical failures," says chiropractor Warren I. Hammer (at right), shown here with his associate, Marino R. Passero. "Chiropractic thrives because chiropractors are providing a kind of service the average doctor doesn't. We must be doing something right. How else can you explain upwards of 200 patients a week coming here—many of them after recent experience with M.D.s and some even sent by M.D.s?"

The chiropractors occupy a suite formerly used by an orthopedic surgeon. They pay $500 a month in rent and have four treatment rooms. Among their common courses of treatment are adjustments for neck trouble (approximately eight to 10 visits per patient) and for lower back conditions (approximately 12 visits per patient). The usual charges: $8 to $10 a visit, with physical examinations, X-ray, and lab fees additional. House calls? Yes indeed . . . at $12 and up. Perhaps most surprising is the fact that Hammer claims chiropractic malpractice insurance rates haven't gone up in about 20 years. "The reason is simple," he says. "We don't do anything that puts the patient in jeopardy. Our whole approach is to effect a structural correction to enable him to get well in the shortest period of time."

There's a place in medicine for both physicians and chiropractors in the opinion of Norwalk attorney Edward J. Zamm. Though for years he'd balked at the idea of seeing a chiropractor, Zamm has been a patient of Warren Hammer's for the past two years. "The problem was with my right leg," Zamm says. "My internist had diagnosed the trouble as a pinched sciatic nerve. Two years ago when the pain flared up, my internist told me I had to get off my feet completely and take muscle relaxers. If that didn't work out, he said I would have to go into traction."

Unable to spare the prescribed four days off his feet, Zamm was beside himself. Then one of his clients suggested he try a chiropractor. "To be honest," Zamm says, "I was reluctant to see a chiropractor. There are professional taboos, and chiropractors are among them. They aren't looked on with favor by the legal profession." Eventually, Zamm's pain got the better of his reluctance. He made an appointment to see Hammer, who's shown here looking over X-rays taken for Zamm's regular checkup. Zamm recalls that Hammer's first thrust brought relief; in one month, his limp had disappeared.

"When I told my M.D. I was seeing a chiropractor," the attorney recalls, "he simply shrugged and said, 'If he helps . . . great.'" Zamm still sees his internist for his annual physical and for routine medical care. But when it comes to sore arms, kinks in the neck, or backaches, Zamm makes no bones about what he does: "I beeline it to the chiropractor."

The brusqueness of his personal physician and the high cost of surgery were two factors that Domenico Palladino cites as reasons he sought treatment from the Norwalk chiropractic group. A year ago, this self-employed Jack-of-all-trades injured his back. His physician diagnosed the injury as a slipped disk.

"He told me there was nothing that could be done except to operate," Palladino says. "The way he said it frightened me. He talked to me like I was nothing—a piece of dirt in his office. And without even asking me, he called a specialist and then phoned the hospital to reserve a bed for me. I didn't have a chance to say anything. Then he wrote out a prescription for something to kill the pain in my back, charged me $25 cash, showed me the door, and said good-by. He never even wished me luck.

"I told my friends what the doctor had said. They advised me to see a chiropractor before going into the hospital. I had nothing to lose, so I called Dr. Hammer for an appointment." Once he found Hammer could help him, Palladino called his M.D. to cancel the hospital admission. "You know," he says bitterly, "that doctor never even asked me how I felt. What kind of doctor is that? Who in hell needs that kind of concern?"

In the year that Palladino has been treated by Hammer, he's made what both of them describe as "a complete recovery." Palladino adds: "This chiropractor has saved me a hell of a lot of money. He fixed me up without hospitalization and without an operation."

"I find chiropractic treatment an ideal remedy for tensions." That's one of the reasons the Rev. Edward H. Ehart visits Hammer for adjustments. The clergyman is rector of Norwalk's Grace Episcopal Church. "I try to see my chiropractor at least four times a year," he explains. "And if I'm especially tense, I come in once a week."

Mr. Ehart, shown here having his blood pressure taken by Hammer and recorded by one of the group's three aides, has undergone this kind of therapy for the past 22 years. Before becoming the chiropractor's patient, Ehart has gone to an osteopath. "He looked after me quite well until he died," the rector says. "Some of my parishoners suggested I see Warren Hammer several years ago. I've been coming ever since."

He credits the chiropractor with helping him to keep in splendid shape. For instance, several months ago, Ehart injured his back while working around the rectory. "Dr. Hammer put my back in shape in just two visits," the rector says.

Asked if he doesn't think chiropractic adjustments for tension are more of a mental than a physical factor, the clergyman responds: "Absolutely not. This type of therapy is no more a mental thing than going to your doctor when suffering from a severe cold. If you have a dislocation, chiropractors can find it and adjust it just as well if not better than a medical man can. The same goes for tension. On the other hand, if it's something that requires medication, Dr. Hammer rightly refers me to a medical man."

Severe migraine headaches drove liquor-store owner William G. Serrao into Marino Passero's cervical treatment chair. "It was a last resort," Serrao says. "I'd been to see my physician about them. He looked me over, gave me a couple of prescriptions, and told me if one didn't work, I should try the other." When Serrao called back a few days later to report no relief, he says, his physician told him to "increase the dosage."

Several of Serrao's customers, hearing of his headaches, told him they'd obtained relief from chiropractors. "I didn't know anything about chiropractors," he liquor dealer says. "But what did I have to lose? I made an appointment with Dr. Passero to see if he could help me."

Serrao was on his third visit to Passero when photographed here. Immediately after his treatment, Serrao said he was realizing "honest-to-God relief. It's beautiful."

What had Passero done? Serrao describes the therapy: "It's a gentle jerk of my head—to one side and slightly up. Then he puts pressure—sort of like a massage—at the base of my neck and the pain begins to ease."

Serrao wasn't at all inclined to tell his family physician about his visits to the chiropractor and the ensuing headache relief. "Why should I?" he asks. "My doctor would only pooh-pooh it all and tell me to go back to the drugs he'd prescribed."

When she's not feeling well, Kathie B. Thomas visits her chiropractor. The wife of an electrician, she lives in Bethel, Conn., but thinks nothing of making the 25-mile trip to Norwalk for an examination, checkup, and adjustment for herself or her 6-month-old daughter, Tracie. Mrs. Thomas became a patient of Hammer's 10 years ago. She was brought to him for the correction of curvature of the spine.

"My family always had a deep belief in the healing art of chiropractors," Mrs. Thomas says. "It was only natural that when our doctor told them of my spinal condition and said he didn't think he could help me, my parents brought me to the chiropractor. Dr. Hammer went to work and corrected the curvature. Right now I'm here because I haven't been sleeping well. Tensions. He's going to adjust my spine."

Throughout pregnancy, Mrs. Thomas went regularly to the chiropractor for adjustments. "I saw Dr. Hammer right up to the day before Tracie was born." One month after she had her daughter, Mrs. Thomas brought the baby to Hammer for examination. "I have a pediatrician," she says, "but Dr. Hammer looks for things the baby's doctor might overlook."

Even though Mrs. Thomas goes to chiropractors for almost all her ills, the Norwalk chiropractic group practitioners don't treat "infectious disorders or complaints." They refer patients having them to physicians, sometimes to the disappointment of the patient. Mrs. Thomas is a case in point. Several months ago, she went to Hammer with an infected arm. "He took one look at it and sent me back to my family doctor," she reports. "He could have treated me if he'd wanted to."

Four months of therapy by a family physician reportedly failed to alleviate the back pain of 18-year-old Steven M. Chomicz. A senior at Fairfield (Conn.) College Preparatory School, he'd been injured in an auto accident. Steven's father first took his son to their physician for care.

"Despite daily treatment," Steven says, "the pain didn't ease. But the bills came in regular as clockwork. My father got disgusted. He asked our doctor if he didn't think I should see a specialist. The doctor told my father that he didn't care to refer me to anyone else. Well, my dad took me to an orthopedist anyway. The specialist told us there wasn't anything he could do for me."

Soon after their visit to the orthopedist, Steven's mother was told by friends that a chiropractor might be able to help her son. As Steven puts it, "My parents thought a visit to a chiropractor wouldn't hurt." When he went for his first adjustment, Steven thought all that would be involved would be a massage. "It turned out to be nothing of the sort. It was all very scientific. And it was a far cry from the way our doctor treated me. Whenever I asked *him* something, his attitude was, 'Now, now, young man, Doctor knows best. . . .'"

After two weeks of chiropractic care, Steven says, there was a definite improvement in his condition, and three months later he had no more pain. The boy's parents were so pleased with the results that they too are now visiting the chiropractor. And Steven—who had been planning on premed or oceanography studies—is now thinking seriously of taking up chiropractic instead.

Suffering from low-back pain resulting from a car accident, Norwalk pharmacist Elliott B. Stoll first went to his personal physician for treatment. Following the examination, Stoll says, his physician told him there was no need to refer him to a specialist and that he'd treat Stoll himself. The M.D.'s treatment consisted of diathermy and prescribed muscle relaxants. A month passed with no easing of pain.

It wasn't long before customers at the drugstore, noting Stoll's discomfort, began telling him he should see a chiropractor. "Every time they mentioned the word to me," Stoll says, "I winced. I'd always considered chiropractors a bunch of quacks. I didn't want to get involved with them." However, Stoll became convinced his customers couldn't all be wrong. He decided to give chiropractic a crack at his back.

When the pharmacist told his family what he intended to do, they were appalled. Stoll visited Hammer anyway, and after three adjustments, he felt a positive easing of pain.

Not long after his chiropractic treatment was under way, the insurance company wanted Stoll examined by an orthopedist for his injury. "During my examination," says Stoll, "I asked the orthopedist what he thought of my being under the care of a chiropractor for my back trouble. The orthopedist told me. 'Keep going, Mr. Stoll. They're doing a good job.'" Later, Stoll says, his personal physician heard about it and told him, "If you think it's helping, continue."

When Linda Brown called the allergist her G.P. had referred her to, it was to request an immediate consultation. She was told she'd have to wait for an opening, possibly in two weeks. That was too long. The 19-year-old University of Connecticut coed was suffering from acute asthma; her G.P. apparently had been unable to provide her with relief. At the suggestion of some friends, Linda's parents made an appointment for her with the Norwalk chiropractic group. "I didn't know what a chiropractor was or what he did, and I honestly doubted he could help me," Linda recalls.

During the initial examination, Hammer asked the coed about her eating habits. When he learned she'd been eating a lot of eggs, the chiropractor advised her to stop eating all dairy products. He then gave her an adjustment for her asthmatic condition. "After two or three visits, I noticed some relief," Linda says.

Pleased with the results of these visits, Linda and her parents were all for disregarding their G.P.'s referral to the allergist. Hammer, however, insisted Linda keep the appointment. Two weeks after the asthmatic attack had subsided, Linda finally saw the allergist. Following extensive tests, he confirmed that eggs were the cause of the attack and, according to Linda, told her to continue her therapy with the chiropractor.

"I was desperate. I needed my doctor, but he couldn't come." That's how Richard Tamburo found his way to chiropractor Marino Passero. The owner of two large grocery stores in the Norwalk area, Tamburo has been an asthmatic all his life. "My attacks are so sudden and acute that I have a supply of Adrenalin and a syringe to use at home in case of emergencies. Last December, I was stricken. After two days my condition still hadn't improved. Neither the medicine my doctor prescribed nor the Adrenalin helped."

It was then that Tamburo took a shot in the dark. "I'd heard my mother-in-law telling my wife about chiropractors. So I called the Norwalk chiropractic group. When I explained my trouble, Dr. Passero said he'd be right over." Within 45 minutes of his first adjustment, Tamburo claims, he was finally able to lie down. Passero returned to Tamburo's home two more times. After the third chiropractic treatment, the grocer was able to return to work.

"When the doctor called, my wife told him I had recovered and was back at work," Tamburo adds. "All he said was, 'Glad to hear he's better.' Well, I sure was glad my doctor was glad to hear I was better! I hope he'll also be glad to hear that I now tell my friends they ought to go to chiropractors. One thing I've learned about chiropractors—they care."

"Why not try a chiropractor?" That's what Frank P. Warren says his family physician advised when he balked at undergoing traction treatment. The director of industrial relations with a large Connecticut engineering firm, Warren expains he couldn't see any reason for going through the discomfort of traction when his physician couldn't guarantee its success. The Rowayton man was suffering midspinal pain that was possibly caused by his slightly shortened right leg, he was told.

Following his physician's suggestion, Warren asked among his friends for the name of a chiropractor. "I was surprised how many of them could recommend specific chiropractors," Warren says. "I'd never thought chiropractors were people to be taken seriously." That was nine years ago, and Warren has been seeing Hammer ever since.

"When I first went to Dr. Hammer," Warren explains, "he gave me as thorough an examination as any doctor ever has. Then he said he thought he could definitely help me. He proved 100 per cent right."

Dentists are said to be overly susceptible to back trouble. That's what sent Dr. Jack R. Weinberg to a chiropractor about 20 years ago. "I'd developed a low-back pain that was becoming worse," the Norwalk dentist recalls. "It became so bad I had to start canceling afternoon appointments. My internist, an old friend, told me, 'All I can do for you is fit you for a brace and give you a prescription. Why don't you see a good chiropractor?'"

Weinberg says he was thunderstruck at the idea. But as his back pains increased, he swallowed his qualms and sought out a chiropractor. He vividly remembers his first visit: "My pain was excruciating. The chiropractor seemed surprisingly professional; he took a complete history, ordered lab tests, shot X-rays, and did a thorough examination. Then he placed me on my side, thrust once in my lower back, and the pain immediately began to ease."

With continued treatment and adjustments, the dentist says he was able to resume full practice, and in three months all his pain had disappeared. Today he's a devotee of chiropractic. "Sure, I know all the things that are said about chiropractors—that they're pitchmen, con artists, hoaxers, and so forth—but I happen to believe they know what they're doing," Weinberg says. "They help. But I'll admit I don't exactly know how."

SMITHSONIAN'S CONSERVATION LABORATORIES

Mr. PELL. Mr. President, many museum visitors are unaware of the complex study and work involved in presenting the objects and pictures which educate and amuse them. One major task is the conservation and preservation of pictures, ancient artifacts, and old documents. Using the most sophisticated scientific techniques, the museum conservator can perform genuine miracles. The Washington Post Potomac magazine for May 28 contains a most interesting article describing the conservation laboratories at the Smithsonian Institution and tells of the intricate and fascinating work done on the museum's varied collections.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE MAN'S CRUST IS ANOTHER MAN'S PATINA

(By Peggy Thomson)

Ever wonder how they launder those Colonial coverlets at the Smithsonian Institution? Or how they keep Martha Washington's knife chest in good repair?

For the Smithsonian, acquiring its 64 million objects of historical interest is one matter; keeping them around is another. Preventing deterioration of exhibits and collections is a science involving esoteric chemicals and practiced techniques. A central conservation laboratory, headed by Robert Organ, recommends how to most safely store such items as display banners and medieval glass, how to rid a carriage seat or piano of a carpet beetle and how to minister to crumbling saddlery, corroding bronze and mutilated documents.

Organ, a stern conservator who came to Washington via the British Museum, applies the unyielding standards that have long been accepted in the handling of Greek antiquities: they are of value in their own right and not to be altered. An earlier school of thought held that an object should be restored; if it breaks, mend it and make it look as it did before. "But," says Organ, "if you do that, you destroy the evidence that was in the original and all you can say is that you've gone through the same motions in re-making it.

"Restoration is essentially a stagey art undertaken to improve appearances. On an accessioned object, it's forgery," Organ maintains. "If a jug is broken because George III fell over it in a drunken frenzy, then the break is part of its history. Today we'd use a 20th century glue and let our mend be visible."

Conservators of Organ's persuasion frequently prescribe doing nothing as the best method of conservation. They avoid "stripping down" items or "overpainting" them. From a range of products and techniques, traditional and modern, they choose the glues and pigments that can be removed without affecting the original. Take Martha Washington's knife chest, for example. The warped back was slit and reglued. A Plexiglas bottom was added (Plexiglas was used so no one would mistake it for the original). After some seven practices on a dummy, a black coating from the sharkskin was removed with needles and a hog-bristle brush. The silver ribbon trim was cleaned under a microscope with glass-bristle brush and silver cloth, impainting sharkskin lacunae with microcrystalline wax covered with earth pigments. Where velvet was originally affixed with hide glue, a modern and milder adhesive was used to spare the balding velvet a permanent wet look.

Almost as important as what is done to the objects is good housekeeping—maintaining a dust and insect-free environment with proper temperature, lighting and humidity year-round. Additionally, hostile substances must be separated: lead bullets should not be stored in wood boxes, old letters and quilts should not be touching acidic wood drawers or wood-pulp papers.

Organ's lab is housed in a cluster of offices in the Museum of History and Technology where a railroad crossing arm bars the door, sparing the eight scientist-conservators from kibbitzers' advice. The lab is equipped to work directly on objects—to block Henry Clay's hat, to stabilize the leather deterioration on a Civil War drum, to test for the presence of meteoric iron in 3,000-year-old Chinese bronze blades. Into close quarters is fitted the equipment for micro-chemistry and wet chemistry, infrared spectrophotometry and other machines including an oven for accelerated aging.

As objects do deteriorate and become damaged, the conservator outlines a range of acceptable procedures to prolong their existence. Then he has to make his peace with the curator, whose concern is often different from the conservator's. The curator may be concerned with appearance only. He may want to show what an object looked like when new, one man's corrosion crust being, as Organ says, another man's patina. To win curators and technicians to his view, Organ offers a series of 80 lectures covering chemistry and practical procedures with wood, leather, paper, metals, glass and ceramics (or, "keramics," as Englishman Organ pronounces the word).

Even with goals agreed upon there are problems. Cleaning a smoke-smudged leather Indian cradle checks its aging but prevents a future scholar from identifying the wood by the smoke. In shining the First Ladies' Sheffield silver, some of the original plate is removed. A solution here is to clean with a chemical dip, then transfer the silver from the tarnish onto the bare spots.

Various Smithsonian divisions do their own conservation. Bethune Johnson, in Natural History, uses an air jet machine to clean vast collections of smoke-smudged baskets, stone nose rings, Indian dresses fringe by fringe. A trio of women, like a genial Altar Guard, sit daily at their glueing and stitching (Clark's #8 cotton), transferring botanical collections from old paper that is damaging to a newer, better quality paper. Meanwhile, a man over in mammals shifts 15,000 Venezuelan bats to a more benign solution than the one in which they arrived from the field.

To anyone who sets foot in her 20,000-item skulls collection, Lucile St. Hoyme will explain that skulls need never be sprayed or dunked in varnish or coated with paraffin. She finds a dishpan rinsing sufficient although her colleague in dinosaurs, Nicholas Hotten, occasionally chooses to fortify a skeleton—like his newly acquired pecary from Kentucky—with an application of hot beeswax. The exhibits technician dressing Billy Mitchell and Eddie Rickenbacker in their World War I flying suits provides pantyhose and long-sleeved undershirts lest the dummies' surface paint damage the old wool.

The central conservation lab receives some 600 questions per year from average citizens. Form letters prescribe recipes for Florence paste, British Museum leather dressing, and wheat starch paste. But some of the other questions received defy easy answers. For example, was a famous but fading signature mentioned in a querry written with ballpoint pen or parchment, on a baseball, or on a ballet slipper?

Two frequently asked questions deal with newly-purchased African sculpture that is cracking, and crumbling newspapers. For the cracks in the African sculpture, either enclose the object in an air-tight polyethylene bag and store in a cool place, preferably outdoors, for two years, or let it crack as much as it will and then get it restored.

For newspapers, the response is more one of sympathy than prescription. It is possible to get a professional de-acidifying and laminating job, but newsprint suffers from an inherent vice: it self-destructs, especially if it's post-1870, made from wood pulp rather than rag. Contrary to much public opinion, there is nothing to "spray on" to preserve paper. Better to leave it alone and store it away from light, dust and insects. Brittle documents should be filed singly in Permalife acid-absorbing folders or mounted on 100 per cent rag paper with Japanese paper hinges and starch paste with a mat to keep them from touching glass.

Or you can give everything you own to the Smithsonian Institution and let Organ and his fellows worry about keeping it fit for posterity.

CONCLUSION OF MORNING BUSINESS

Mr. **MANSFIELD**. Mr. President, is there further morning business?

The **ACTING PRESIDENT** pro tempore. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948

The **ACTING PRESIDENT** pro tempore. At this time, in accordance with the previous order, the Chair lays before the Senate S. 3645 which the clerk will report.

The legislative clerk read as follows:

> Calendar No. 814 (S. 3645), a bill to further amend the United States Information and Educational Exchange Act of 1948.

The **ACTING PRESIDENT** pro tempore. The Senate will now proceed to the consideration of the bill.

There is a time limitation on the bill, the time being limited to 30 minutes, with the time to be equally divided.

Mr. **SPARKMAN**. Mr. President, I shall not use all of my 15 minutes.

Mr. President, the purpose of Senate bill 3645 is to authorize continued Government funding, amounting to $38.5 million in fiscal year 1973, for Radio Free Europe and Radio Liberty.

This legislation was requested by the administration on May 10, 1972, and it was approved, without amendment, by the committee on June 7 by a vote of 10 to 3.

Mr. President, since the disclosure last year of the Government covert funding of Radio Free Europe and Radio Liberty, the committee has devoted much time and attention to this issue. From the information gathered and the testimony presented during that time, a majority of the committee believe that the broadcasting services performed by both radios serve the foreign policy interests of the United States by providing the peoples of Eastern Europe and the Soviet Union with news and information that otherwise would not be available to them. Although by no means conclusive, the evidence presented to the committee suggests that both Radio Free Europe and Radio Liberty provide balanced news and political commentary on internal developments within Eastern Europe and the Soviet Union and that both maintain substantial listening audiences in their respective areas.

So long as the governments of the Soviet Union and the Eastern European countries feel compelled to restrict the flow of news and information, there is at least an apparent need to provide the peoples of these countries with "the other side of the story." Radio Free Europe and Radio Liberty seek to perform this function—an important function which the committee hopes will be supported in the near future by some, if not all, of the countries of Western Europe.

The chairman and several other members of the committee raised this issue during the hearings on the pending legislation. The witnesses, Dr. Dirk Stikker, chairman of the Western European Advisory Committee for Radio Free Europe, and the Honorable U. Alexis Johnson, Under Secretary of State of Political Affairs, both agreed that others should contribute to the financial support of the radios. For example, Dr. Stikker told the committee on June 6:

> Let me state most emphatically that I personally fully agree with your stated view that it is time for Western Europeans to begin sharing the financial burdens of these Radio operations.

Similarly, the Under Secretary of State for Political Affairs informed the committee on June 7:

> I fully share the view that, to the extent possible, funds other than U.S. Government funds should be solicited to support these programs.

The committee's swift and decisive action to approve continued Government funding for the radios through fiscal 1973 should be more than sufficient to indicate the U.S. commitment to the radios. But this is not an open-ended commitment and the extent to which it continues in the future will be determined by the kind of financial support that can be generated during the coming year among the Western European nations.

Mr. President, I hope that my colleagues will strongly endorse this measure.

Mr. **AIKEN**. Mr. President, I supported favorable reporting of this bill from the Committee on Foreign Relations, but without any overwhelming degree of enthusiasm for it. Radio Free Europe and Radio Liberty have been supported virtually 100 percent by the U.S. Government and U.S. businessmen. I believe there are some 30 directors that plan and control operation of these radio stations and radio systems. In the majority of the cases these directors represent the largest international corporations, international banks, and international law firms.

It is said there have been no contributions whatever from European business interests because such contributions in Europe are not tax deductible as they are in America.

However, I felt it unwise to tip over the apple cart at this time when international negotiations are going on, as they are, and we hope with an ultimate degree of success. But I want to say while I think we ought to approve this bill at this time, unless Europe shows some interest in carrying the costs which are incurred largely for the benefit of the Western European countries, I feel this is the last time I will vote to extend these programs at our expense.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of the Board of Trustees of Radio Liberty Committee, the officers and executive committees of Free Europe, Inc., and the Board of Directors of Radio Free Europe Fund, Inc.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

RADIO LIBERTY COMMITTEE—BOARD OF TRUSTEES

Mrs. Oscar Ahlgren, former President, General Federation of Women's Clubs.

John R. Burton, chairman of the Board, National Bank of Far Rockaway.

Honorable Charles Edison, former Governor of New Jersey.

J. Peter Grace, president, W. R. Grace & Company.

Allen Grover, vice president, Time-Life, Inc.

General Alfred M. Gruenther, former Supreme Allied Commander, Europe.

H. J. Heinz II, chairman of the board, H. J. Heinz Company.

Isaac Don Levine, author, editor, and specialist on Soviet Affairs.

Henry V. Poor, Attorney.

Howland H. Sargeant, president, Radio Liberty Committee.

Whitney North Seymour, past president, American Bar Association, partner of Simpson, Thatcher & Bartlett.

John W. Studebaker, vice president and chairman of the board, Scholastic Magazines, Inc.

Reginald T. Townsend, former vice president, Radio Liberty Committee.

William L. White, editor and publisher, *Emporia Gazette*.

Philip H. Willkie, attorney.

FREE EUROPE, INC.—OFFICERS

General Lucius D. Clay, chairman of the board.

The Honorable John C. Hughes, honorary chairman of the board.

Mr. William P. Durkee, president.

The Honorable Eli Whitney Debevoise, chairman of the executive committee.

Ralph E. Walter, vice-president, Europe.

Mr. Bernard Yarrow, senior vice-president.

Mr. J. Allen Hovey, Jr., vice president and secretary.

Mr. Eugene O'Brien, treasurer.

EXECUTIVE COMMITTEE

The Honorable Eli Whitney Debevoise, Chairman.

Mr. William P. Durkee.

The Honorable Ernest Gross.

The Honorable John C. Hughes.

Mr. H. Gregory Thomas.

General Lucius D. Clay.

RADIO FREE EUROPE FUND, INC., BOARD OF DIRECTORS

Mr. Eugene N. Beesley, chairman, Eli Lilly & Co., 740 South Alabama St., Indianapolis, Ind.

General Lucius D. Clay, Lehman Brothers, One William St., New York, N.Y.

Mr. Winthrop Murray Crane, 3rd, vice-president and secretary, Crane & Co., Inc., Dalton, Mass.

The Honorable Eli Whitney Debevoise, Debevoise, Plimpton, Lyons & Gates, 320 Park Ave., New York, N.Y.

Mr. William P. Durkee, president, Free Europe, Inc., 2 Park Ave., New York, N.Y.

The Honorable Ernest A. Gross, Curtis, Mallet-Prevost, Colt & Mosle, 100 Wall St., New York, N.Y.

Mr. Michael L. Haider, Room 1250, One Rockefeller Plaza, New York, N.Y.

Mr. John D. Harper, chairman, Aluminum Co. of America, 1501 Alcoa Bldg., Pittsburgh, Pa.

The Honorable John C. Hughes, Room 1223, 230 Park Ave., New York, N.Y.

Mr. Roy E. Larsen, vice-chairman, Time Inc., Time and Life Bldg., Rockefeller Center, New York, N.Y.

The Honorable Neil H. McElroy, chairman, Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio.

Mr. Donald H. McGannon, chairman, Westinghouse Broadcasting Co., Inc., 90 Park Ave., New York, N.Y.

The Honorable Robert D. Murphy, chairman, Corning Glass International, 717 Fifth Ave., New York, N.Y.

Mr. William B. Murphy, president, Campbell Soup Co., 375 Memorial Ave., Camden, N.J.

Mr. James M. Roche, chairman, General Motors Corp., 767 Fifth Ave., New York, N.Y.

Dr. Frank Stanton, president, Columbia Broadcasting System, Inc., 51 West 52nd St., New York, N.Y.

The Honorable Theodore C. Streibert, special assistant to the dean, School of International Affairs, 207 McVicar, Columbia University, New York, N.Y.

Mr. H. Gregory Thomas, president, Chanel, Inc., One West 57th St., New York, N.Y.

Mr. Leslie B. Worthington, director, U.S. Steel Corp., 525 William Penn Pl., Pittsburgh, Pa.

Mr. PERCY. Mr. President, this is the day that the U.S. Senate fulfills an obligation to the peoples of Eastern Europe and the Soviet Union who depend on Radio Liberty and Radio Free Europe for news of their own societies and of the world. This is the day that we stand up for freedom of information for all the peoples of Eastern Europe and the Soviet Union.

Here in the United States we have a free society with free speech, with a free press, with the right to know, with the right to express ourselves even in opposition to Government policy, with free elections, with freedom of worship. But in Eastern Europe and the Soviet Union freedom and freedom of information are severely restricted, and only the voice of government and the Communist Party is heard. The news is not simply managed; it is absolutely controlled. Were it not for Radio Liberty and Radio Free Europe, for the Voice of America and the BBC, a non-Communist point of view would never be heard on the airwaves of Eastern Europe and the Soviet Union.

Therefore, I suggest that when we vote today to continue funding for Radio Liberty and Radio Free Europe, we will be voting for freedom of information. I urge a massive vote in favor of the radio stations as a signal from us in the U.S. Senate to the peoples of Eastern Europe and the Soviet Union that their need for legitimately reported news will be fulfilled.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPARKMAN. I am willing to yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Does the Senator from Vermont yield back the remainder of his time?

Mr. AIKEN. If I have any time remaining, I am glad to yield it back.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the passage of the bill

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. Are there amendments to be offered at this time? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will please call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from North Carolina (Mr. Jordan), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Oklahoma (Mr. Harris), the Senator from Connecticut (Mr. Ribicoff), the Senator from Illinois (Mr. Stevenson), the Senator from New Jersey (Mr. Williams), the Senator from Arkansas (Mr. McClellan), the Senator from Wisconsin (Mr. Nelson), the Senator from California (Mr. Tunney), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. Ellender) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from New Hampshire (Mr. McIntyre), the Senator from Connecticut (Mr. Ribicoff), the Senator from New Jersey (Mr. Williams), and the Senator from Illinois (Mr. Stevenson) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from New York (Mr. Buckley), and the Senator from Vermont (Mr. Stafford) are absent on official business.

The Senator from Oklahoma (Mr. Bellmon), the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Fannin), the Senator from Michigan (Mr. Griffin), the Senator from Iowa (Mr. Miller), the Senator from South Carolina (Mr. Thurmond), and the Senator from Pennsylvania (Mr. Scott) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent by leave of the Senate because of a death in his family.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senator from Arizona (Mr. Goldwater), the Senator from Iowa (Mr. Miller), the Senator from Pennsylvania (Mr. Scott), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 59, nays 2, as follows:

[No. 219 Leg.]

YEAS—59

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bible
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Dole
Eagleton
Eastland
Ervin
Fong
Gurney
Hansen
Hartke
Hatfield
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGee
McGovern
Mondale
Montoya
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Smith
Sparkman
Spong
Stennis
Stevens
Taft
Tower
Weicker
Young

NAYS—2

Mansfield
Symington

NOT VOTING—39

Baker
Bellmon
Bentsen
Boggs
Buckley
Church
Cranston
Curtis
Dominick
Ellender
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Harris
Hart
Hollings
Hruska
Hughes
Jordan, N.C.
McClellan
McIntyre
Metcalf
Miller
Moss
Mundt
Muskie
Nelson
Ribicoff
Saxbe
Scott
Stafford
Stevenson
Talmadge
Thurmond
Tunney
Williams

So the bill (S. 3645) was passed, as follows:

S. 3645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703 of the United States Information and Educational Exchange Act of 1948 is hereby amended to read as follows:

"Sec. 703. There are authorized to be appropriated to the Secretary of State $38,520,000 for fiscal year 1973 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. Except for funds appropriated pursuant to this section, no funds appropriated after the date of this Act may be made available to or for the use of Radio Free Europe or Radio Liberty in fiscal year 1973.".

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GURNEY. Mr. President——

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. ALLEN). At this time, in accordance with the previous order, the unfinished business is to be laid before the Senate. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Colorado is to be made the pending question at this time. Time on that amendment will be limited.

Before the amendment is stated, the Chair will recognize the Senator from Florida.

LEGISLATIVE PROGRAM

Mr. GURNEY. Mr. President, there is a considerable crush of business ahead of us today, and I would like to take this time to inquire of the distinguished majority leader as to what the order of business will be for the remainder of the day.

Mr. MANSFIELD. Mr. President, I shall be delighted to respond to the distinguished acting Republican leader, but first I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. As the distinguished Senator knows, there is a time limitation on this amendment. With a little luck, we ought to get to a vote around 11:15 to 11:30. This amendment will be followed by the Flammable Fabrics Act authorization to be handled by the distinguished Senator from Washington (Mr. MAGNUSON) and the distinguished Senator from New Hampshire (Mr. COTTON). That also has a time limitation. There will be a rollcall vote on that bill and amendments thereto. Then we will take up the Department of Transportation appropriation. There will be a vote on that, and it has a time limitation.

So there will be at least four votes in all today, possibly more, and I would urge Senators to stay pretty close to the floor. There are time limitations attached to all measures, and with a little luck we might get away in reasonable time this afternoon.

The Senate will come in at 10 o'clock on Monday next.

ORDER FOR THE SENATE TO CONVENE AT 9 A.M. ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY OF NEXT WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Tuesday, Wednesday, Thursday, and Friday next, the Senate convene at 9 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM—CONTINUED

Mr. MANSFIELD. There is also the possibility that there will be a Saturday session next week. We have some important legislation to consider. I hope those who have amendments to the foreign aid bill will not hold them back, but will be prepared to offer them and I would say if they delayed offering such amendments they would be doing a disservice to the Senate, which could cause some complications in delaying the consideration of legislation.

It is my intention tonight—and I would hope the distinguished acting minority leader would consider doing the same on his side—to send out telegrams to all Senators on this side to ask them to be back and prepared to stay until a week from Friday, because at that time we take 2 weeks or so off, because of the Fourth of July celebration and the Democratic Convention.

LEAVES OF ABSENCE

Mr. MANSFIELD. Mr. President, at this time I ask unanimous consent that my distinguished colleague, the Senator from Montana (Mr. METCALF), be excused from attendance for the next 3, 4, or 5 days, because of illness.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, the senior Senator from Ohio (Mr. SAXBE) has had a personal tragedy in his family—his mother died yesterday—and he will not be here today, nor will he be here tomorrow. I ask unanimous consent that he be officially excused from presence in the Senate for the remainder of the week.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM—CONTINUED

Mr. PASTORE. Mr. President, I was wondering, are we still under the 15-minute time limit on rollcalls?

Mr. MANSFIELD. Yes, when they are single; but when they come one right after another, we try to bring about a reduction to 10 minutes.

Mr. PASTORE. I thank the Senator.

Mr. SPARKMAN. Mr. President, with reference to the yeas and nays on the pending amendment, has it been fully agreed that the rollcall will be deferred until 1:15?

Mr. MANSFIELD. No, we are going to go right ahead.

Mr. SPARKMAN. I thank the Senator.

Mr. GURNEY. Mr. President, I want to thank the majority leader for that very comprehensive explanation of what will happen for the rest of the day as well as next week. I agree with him that the presence of all Senators is certainly desired.

Mr. MANSFIELD. I hope the Senator will emphasize also the fact that the joint leadership will be acting in unison, that there will be at least four rollcall votes today, and that time limitation agreements are in effect.

Mr. GURNEY. Yes. I certainly took cognizance of it; and for those on our side, we understand, too, that there will be plenty of action the remainder of the day, including the four rollcall votes the majority leader has mentioned.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1241

The ACTING PRESIDENT pro tempore. The clerk will state the amendment of the Senator from Colorado.

The second assistant legislative clerk read the amendment, as follows:

> On page 7, strike out line 10 and all that follows through and including line 16.

The ACTING PRESIDENT pro tempore. Time on the amendment is limited to 1 hour, to be equally divided between the Senator from Colorado, as mover of the amendment, and the Senator from Alabama, as manager of the bill.

Who yields time?

Mr. ALLOTT. Mr. President, I have found a technical defect in the amendment. Inasmuch as the yeas and nays have been ordered, I ask unanimous consent that the amendment be modified in line 2 by changing "line 16" to "line 14."

The PRESIDING OFFICER. Without objection.

The modified amendment reads as follows:

> On page 7, strike out line 10 and all that follows through and including line 14.

Mr. ALLOTT. Mr. President, I do not anticipate that this matter will require a great deal of time. It is my understanding that there is a half hour on each side, and the distinguished Senator from Alabama controls one-half and the proponent of the amendment controls the other. Is my understanding correct?

The ACTING PRESIDENT pro tempore. The Senator's understanding is correct.

Mr. ALLOTT. Mr. President, several Senators have spoken to me but have not talked about taking time on this amendment. If any Senators present would like to take time on this amendment, I would be very grateful to them if they would let me know at this time.

The amendment I sent to the desk yesterday and had printed would amend section 514(a) of the Foreign Assistance Act. This section, which was added to the bill by the Foreign Relations Committee, requires most nations which receive military assistance and excess defense articles to deposit 25 percent of the value of this assistance in a local currency account. My amendment would reduce the amount of this deposit to 10 percent—the level at which it was set in last year's bill. I think Senators will recall that the Senate did this last year. The House refused at that time to accept the 25 percent, and it came out of conference at 10. That is what it is now.

Section 514(a) runs counter to the whole concept of the Nixon doctrine—

announced at Guam—which is to encourage other countries to assume more responsibility for their own defense. This section, requiring most allied and friendly governments to pay 25 percent of the cost of our military assistance back to us in local currency, blunts the impact of this new policy. The fact is that many of these governments cannot afford to maintain an adequate defense establishment without our assistance. Without adequate defense establishments, their vital interests, as well as ours—as well as regions in the world in which they are located—would be threatened by those who still believe that it is possible and legitimate to use arms to force changes in the international community.

The whole thrust of this administration's foreign policy has been to reduce international tensions and move from an era of confrontation to an era of negotiation. Our military assistance programs, coupled with the growing economic strength of our allies, have enabled us to make substantial progress in reducing the American military presence abroad without creating a vacuum behind them. We are now almost in a position where allied military forces rather than American troops will, in the first instance, be able to meet nonnuclear threats to peace. Section 514(a) as presently written, will make this objective far more difficult.

In Korea, for example, even the current requirement of a 10-percent deposit of the value of U.S. military assistance cut $20 million out of Korea's $360 million defense budget. This is a severe blow to Korea's efforts to modernize its armed forces and achieve substantial self-sufficiency for its own defense—a program which clearly is in our interest.

The present 10-percent requirement also puts an onerous burden on the Government of Jordan, a government whose continued stability is essential if peace is ever to come to the Middle East.

It is not in our interest to impose new and unnecessary burdens on our friends at the same time that we are looking to them to assume more responsibility for the common defense.

This administration has withdrawn more than 500,000 troops from the Pacific area in the last 3½ years, allied troops now bear the primary burden for the common defense, and the cost of the Vietnam war has dropped from $29 billion in 1968 to approximately $9 billion this year. It would be penny wise and pound foolish to cripple the military assistance programs which made much of this progress possible by increasing the deposit requirement by 15 percent.

We live in a time of change both at home and abroad. Many of the premises upon which the foreign policies of this country were based in the late 1940's and the 1950's are no longer valid. This administration has recognized this and has changed course. But we must not lose sight of the fact that, in the last analysis, our Nation's security and the hopes we share for a generation of peace depend in large measure upon the faith that other nations, friend and foe alike, have that this Nation will keep its word, honor its commitments, and continue to play a responsible role in world affairs. That is why I call upon the Members of this body to amend section 514(a), to give the administration the kind of foreign assistance bill it needs if we are to continue to progress from an era of confrontation to an era of negotiation.

Mr. President, by increasing this, we decrease the ability of other nations to protect themselves and to help stabilize the regions in which those nations are located. If anything ever was a penny-wise and pound-foolish policy, this is it. In the first place, we do not need these soft foreign currencies in any country. There is no really legitimate use for which we could use them. I think it is to our best interest to help our allies take care of themselves rather than to cripple them.

I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, the Senator from Colorado's amendment would have the effect of reversing actions which the Senate has taken on the issue involved on two different occasions within the last 2 years.

In 1970, the Senate approved a provision, initiated by the Committee on Foreign Relations, to require that foreign countries which receive military grants from us pay 50 percent of the value of those grants in their own currency in order to help defray the costs of U.S. expenses within the country. That provision was deleted in the conference on the military sales bill. Last year the committee put in a similar provision in the foreign aid bill, but lowered the payment rate to 25 percent and made other modifications to meet administration objections. The Senate again endorsed the provision. The 25 percent payment requirement was subsequently lowered to 10 percent in conference. All the committee is doing in this bill is to put the requirement at the level the committee and the Senate approved last year—which is only one-half the rate it approved 2 years ago.

Mr. President, I want to make it clear that this partial payment, in the currency of the country that receives military aid from us, is required only if, without that currency being available, we would have to go out and buy the currency on the market to pay for the cost of our operations within the country. In practically all of the countries which are the major recipients of military aid the United States must buy, for dollars, local currencies in order to pay for official U.S. expenses within the country. The payment is not required if we do not need the currency for official purposes—in other words, if it does not result in a direct savings in dollars. Also no payment is required in countries where military aid is given in exchange for base rights. And no country must pay more than $20 million a year regardless of the amount of aid it receives.

Mr. President, the General Accounting Office has estimated that we will be required to buy, on the market, $463 million in the currencies of the countries which are scheduled to receive military aid in the 1973 fiscal year. In only eight of the 42 countries scheduled to get more than $50,000 in military aid does the United States have available enough foreign currency to meet its needs. According to the GAO calculation a flat 25-percent payment requirement would save the taxpayers $124 million next year, based on the military aid levels proposed by the administration. The base rights exemption, the $20 million maximum, and the reduced program levels recommended by the committee will reduce that amount substantially, however. But we are talking about savings to the taxpayer on the order of tens of millions more than would be possible under the present requirement.

I ask unanimous consent that the GAO analysis be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPARKMAN. Mr. President, by requiring these countries to make a partial payment for the aid we give them—to help meet our expenses within their country—we are carrying out what I thought was the purpose of the Nixon doctrine, a more equitable sharing of the defense burden. By requiring the countries which receive our grant aid to make a partial payment for it, we are also forcing them to take a harder look at their security needs. Up until now they were encouraged to get all the military equipment from us they could—because it cost them nothing. Now they will be forced to treat military aid—to some extent—as other claims on their countries budget resources are treated. Military aid must, in the future, be weighed along with other budget priorities—as we do with our own military budget.

Mr. President, I urge that the amendment be defeated.

EXHIBIT 1

ANALYSIS BY THE GENERAL ACCOUNTING OFFICE

For the purposes of this analysis, the excess defense articles programmed for FY 1973 Military Assistance Programs are valued at one-third (⅓) of the cost of acquisition. This valuation is in accordance with the Foreign Military Sales Act, as amended. The data used for the analysis do not include nonregional military assistance grants, service-funded military assistance, or excess defense article programs for certain countries in Southeast Asia.

The data in this analysis also do not include about $65 million of supply operations costs. In FY 1973 a change in accounting treatment was directed which removed supply operations costs from military assistance country programs and characterizes all such costs as general costs. Included in this category are packing, handling, crating, port loading and inland water and air transportation costs associated with deliveries of grant aid materiel and excess defense articles, whether from prior year undelivered balances or from current year programs.

VALUE OF MILITARY ASSISTANCE PROGRAMED FOR FISCAL YEAR 1973

The programmed FY 1973 military grant assistance and the value of excess defense articles, with the above exclusion, amount to $733 million and $199 million, respectively, for a total of $923 million. United States Treasury projected purchases of foreign currencies from commercial sources, in the same countries receiving the military aid, amounts to $463 million for FY 1973.

POTENTIAL REDUCTION OF U.S. PURCHASES OF LOCAL CURRENCIES

In the proposed FY 1973 Military Assistance Program, a total of 42 countries are to receive grant assistance or excess defense articles of over $50,000, and in 34 of those countries the United States could reduce its foreign crrency purchases if partial payments are made. In eight of the recipient countries the United States will not purchase local currency or has a sufficient amount of local currency holdings to meet requirements. Over 90 percent of the purchases which could be reduced would result from U.S. programs in seven countries. Twenty-seven other countries would account for about 10 percent of the reduced purchases.

On the basis of amounts programmed for FY 1973, the following table shows the amounts by which dollar purchases of local currencies could be reduced if the United States were to receive partial payment for military grant assistance and excess property grants in those countries where the United States purchases local currencies with dollars to meet its needs. Figures in the table are based upon applying a percentage to the value of programmed military assistance by country, comparing the results with the amount of projected local currency purchases in the country, and utilizing whichever is the lesser.

REDUCED AMOUNT OF U.S. FOREIGN CURRENCY PURCHASES

[In millions of dollars]

Percentage of partial payment	Totals	7 countries	27 countries
50	$171.8	$156.4	$15.4
40	157.5	144.6	12.9
30	137.4	127.1	10.3
25	123.8	114.9	8.9
10	50.4	45.5	4.9

Reflected in the above total reduced foreign currency purchases are the following savings in base rights countries:

[In millions of dollars]

	Percent				
	50	40	30	25	10
Spain	$7.7	$6.2	$4.6	$3.9	$1.5
Ethiopia	6.6	5.2	3.9	3.3	1.3
Portugal	1.5	1.2	.9	.7	.3
Total	15.8	12.6	9.4	7.9	3.1

INFORMATION FOR THE SENATE COMMITTEE ON FOREIGN RELATIONS

The seven principal countries where the United States could potentially reduce FY 1973 projected foreign currency purchases in the largest amounts and the U.S. Treasury projected commercial foreign currency purchases in FY 1973 for those countries are:

	Projected purchases (millions)
Korea	$65.4
Thailand	110.1
China	19.3
Greece	13.2
Philippines	57.5
Spain[1]	35.2
Ethiopia[1]	11.6

[1] Base rights countries.

The potential savings of U.S. commercial foreign currency purchases for the above *seven* countries, computed by applying percentage military assistance repayment factors, are:

[Millions of dollars]

	Percent				
	50	40	30	25	10
Korea	$65.4	$65.4	$65.4	$62.3	$24.9
Thailand	32.3	25.8	19.4	17.1	6.5
China	19.3	19.3	16.2	13.5	5.4
Greece	13.2	13.2	10.5	8.8	3.5
Philippines	11.9	9.5	7.1	6.0	2.4
Spain[1]	7.7	6.2	4.6	3.9	1.5
Ethiopia[1]	6.6	5.2	3.9	3.3	1.3
Total	156.4	144.6	127.1	114.9	45.5

[1] Base rights countries.

Mr. CANNON. Mr. President, will the Senator from Colorado yield me 2 minutes?

Mr. ALLOTT. Mr. President, I yield 2 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. CANNON. Mr. President, I support the amendment of the Senator from Colorado. The program is really in the best interests of the United States. It has created a real problem with a number of countries which receive only MAP training, which is an exceedingly important means of establishing good long-term relations with future military leaders of the recipient countries.

Under the program, 4,000 trainees come into the United States every year. If the deposit requirement were raised to 25 percent, a number of training-only countries would be expected to terminate the programs. That loss would be ours.

Mr. President, I oppose the provision in S. 3390 requiring that countries make available to the United States local currency in the amount of 25 percent of the value of grant military assistance which we provide.

This is an exceedingly complex subject and I do not propose to explore all the facets of this provision. I merely wish to point out that, under existing legislation, grant military assistance recipients are already expected to make 10 percent in local currencies available. This requirement was enacted less than 4 months ago and the Department of State is currently seeking to negotiate appropriate agreements with foreign governments.

It appears to me that unfortunate consequences could follow from so drastic a change in the local currency requirement favored by the Senate Foreign Relations Committee. Foreign governments which are only now adjusting to the 10 percent level are bound to regard drastic increase as a capricious action by the U.S. Government. Our official representatives abroad, for their part, will be compelled to tear up existing agreements and to begin the painful process of renegotiation.

I believe that our representatives will not only be acutely embarrassed—since the ink will not even be dry on the recently concluded agreements covering the 10 percent provision—but that our relations with a number of foreign governments will be set back quite visibly.

Mr. President, I am convinced that good sense dictates caution with respect to the proposed increase in the local currency requirement. Let us permit grant military assistance recipient governments to adjust to the level passed into law only a few short weeks ago. We need time to study and to fully understand the impact of the 10 percent level before passively accepting any upward revision.

For these reasons, I urge the Senate to amend section 514 and to return to the 10 percent requirement.

Mr. ALLOTT. Mr. President, I will not take much time now, but I yield myself such time as I wish in order to make one more point which is pertinent to the amendment which I have introduced.

I appreciate very much the statement of the distinguished Senator from Nevada (Mr. CANNON), who has so much expertise in this area.

Let me say that the 25 percent would create serious difficulties in those countries that receive only training, or training with very small levels of grant articles.

Many countries would be expected to terminate or to sharply reduce their participation in training programs.

It seems to me that this is one of the last things we want to do in this country. The programs are keys to the establishment of good and enduring contacts with the officers who will be the military leaders of their countries in the future.

The cost is small. The risk is minimal. In terms of return, it is an excellent investment.

Therefore, I sincerely hope that the Senate will agree to this amendment.

If no one wishes time to speak on this amendment, I am prepared to yield back my time.

Mr. SPARKMAN. Mr. President, before the Senator does that, let me say this, particularly with reference to the suggestion of the Senator from Nevada and the same suggestion of the Senator from Colorado. Training amounts for only 5 percent of this program.

I find myself in substantial agreement with what the Senators from Nevada and Colorado have just said with reference to the training part of the program. But I think this particular issue can be taken care of in conference. I do not believe that we should take away the $124 million, as the General Accounting Office has estimated, just because 5 percent of the program is for training.

Mr. CANNON. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. CANNON. This is not a matter of taking away something. This is a formula which has been long established and that we have been following over the years. We are not really taking away, we are permitting them to continue on the same basis of support on which they have been planning for a number of years, and at a point and level beyond which they are really not able to go.

Mr. SPARKMAN. I probably used the wrong expression in saying "taking away" from them; I meant to refer to taking it out of the Treasury of the United States, because we have to take those dollars and use them to buy local currencies with which to pay our official expenses in these countries. I think the committee's recommendation is a good provision and it should be adopted. It is completely in line with the Nixon doctrine, that we would help countries who help themselves.

Mr. PASTORE. Mr. President, is it classified to state what countries this would affect?

Mr. SPARKMAN. I do not have it right now, but let me say in general——

Mr. PASTORE. The reason why I ask the question, I am wondering whether these countries are countries which are allied with us in NATO, or are we talking about countries like Pakistan and India, where we gave them money and military assistance and then they used it to fight one another, to our chagrin and disappointment? I am wondering what we give this money for. Is it to send to countries to stop world communism, or is it to try to promote a police state in a particular country?

Mr. SPARKMAN. I would say that we support the program for a variety of reasons. I think there is good justification for making military grants to these countries.

There is the matter of internal security, and the training program is a good one. I would not say that we could easily relate it to whether or not they support us in the U.N. As a matter of fact, we make military grants to countries in which we do not have military bases. If we have military base rights in a recipient country, then this provision does not apply.

Mr. ALLOTT. Mr. President, I yield myself as much time as I require.

The PRESIDING OFFICER (Mr. TUNNEY). The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I will be very short. I think that the answer to the question of the Senator from Rhode Island is that this would apply to any country to whom we give military assistance. And those whom we have already shut off in this bill, of course, would not participate.

I do want to make the point very strongly that if we increase the 10 percent to 25 percent, the net result is that we are not going to enable our allies throughout the world to procure the necessary military assistance with which to defend themselves. Therefore, by doing that we place ourselves in a greater position of jeopardy with respect to our own responsibilities.

The classic example of where this program has not worked very well would be in the Republic of Indonesia and the results we have seen there from our participation in the training of those officers and helping them has been the most gratifying part of our own military assistance program.

Mr. President, I yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. WEICKER (after having voted in the negative). On this vote I have a pair with the Senator from Iowa (Mr. MILLER). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from North Carolina (Mr. ERVIN), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

On this vote, the Senator from Connecticut (Mr. RIBICOFF) is paired with the Senator from Iowa (Mr. HUGHES).

If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Iowa would vote "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) and the Senator from Illinois (Mr. Stevenson) would each vote "nay."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent by leave of the Senate because of a death in his family.

The Senator from Texas (Mr. TOWER) is absent to attend the funeral of a friend.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The pair of the Senator from Iowa (Mr. MILLER) has been previously announced.

The result was announced—yeas 40, nays 22, as follows:

[No. 220 Leg.]

YEAS—40

Aiken
Allen
Allott
Anderson
Beall
Bennett
Bible
Brock
Brooke
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cooper
Dole
Eastland
Fong
Gurney
Hansen
Hruska
Humphrey
Jackson
Javits
Jordan, Idaho
Magnuson
Mathias
McGee
McGovern
Montoya
Packwood
Percy
Randolph
Roth
Schweiker
Smith
Stennis
Stevens
Taft
Young

NAYS—22

Bayh
Burdick
Case
Cotton
Cranston
Eagleton
Hartke
Hatfield
Inouye
Long
Mansfield
Mondale
Nelson
Pastore
Pearson
Pell
Proxmire
Sparkman
Spong
Symington
Talmadge
Tunney

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Weicker, against.

NOT VOTING—37

Baker
Bellmon
Bentsen
Boggs
Buckley
Church
Curtis
Dominick
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Harris
Hart
Hollings
Hughes
Jordan, N.C.
Kennedy
McClellan
McIntyre
Metcalf
Miller
Moss
Mundt
Muskie
Ribicoff
Saxbe
Scott
Stafford
Stevenson
Thurmond
Tower
Williams

So Mr. ALLOTT'S amendment (No. 1241), as modified, was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. TUNNEY). Under the previous order the unfinished business will be temporarily laid aside.

FLAMMABLE FABRICS AUTHORIZATION, FISCAL YEAR 1973

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of H.R. 5066, the Flammable Fabrics Authorization Bill, which the clerk will state by title.

The bill was read by title as follows:

A bill (H.R. 5066) to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment in line 7, after "June 30", strike out "1972" and insert "1973".

The PRESIDING OFFICER. Under the previous unanimous consent agreement time for debate on this bill will be limited to 2 hours, to be equally divided between the Senator from Washington

(Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON).

Who yields time?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time taken out of neither side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. I yield myself such time as I may require on the bill.

Mr. President, the original Flammable Fabrics Act, which was sponsored by myself, was enacted in 1953. At that time, the main impetus for getting at the matter of flammable fabrics, which probably stimulated the enactment of the act itself, was the fact that several young girls were burned to death or severely burned by imported "torch" sweaters.

At that time, it was suggested that we do something about making fabrics nonflammable. The Senate Committee on Commerce reported the bill out and it was passed by the Senate unanimously, and it went through the House the same way; but the bill anticipated that the industry involved in making the fabrics establish a committee to develop stronger standards.

Almost 10 years went by, Mr. President. We kept urging and urging various Secretaries of Commerce to set some standards, and the industry kept saying "We want time to study this; the technology and the cost figures," for which I agree a reasonable time should have been allowed them; but I thought 10 years was too much.

So in 1967, I introduced several amendments to the Flammable Fabrics Act, which were pretty tough amendments on getting something done about this matter. Immediately after the introduction of the bill, Mr. President—this was 13 years later—the committee had its first formal meeting, after we had introduced the new bill.

We gave them a period of time, in the last bill, to discuss these matters and find out just what could be done, but in the meantime, of course, the technology has become such that we know and they know what we can do to make fabrics nonflammable. The cost is down, and as I say, the technology now exists.

After some years of having trouble with that also, finally the Secretary set standards which will go into effect in July 1973, with labeling required as of July 1972, and I applaud him for doing that. But again, this is over the strong protest of the textile people, who are asking for more time in this matter, and in the meantime kids are still burning up.

The 1953 Act was pretty much directed to torch sweaters and other highly flammable articles. Now that we must consider this legislation again, and extend the authorization for the money, is the time to amend it. I have an amendment which expresses the intent of Congress for the need for children's sleepwear standards extending to size 14. Size 14 does not necessarily mean that the child is 14 years old, but this would cover most 12-year-old children's clothing. Recent deaths have been of children in the category older than 6.

Also, we would provide that the manufacturers conspicuously label the garments or other things that are involved as to whether they are flammable or nonflammable. In some cases it may be difficult to do that, but in most cases it can be done.

The irony of all this, Mr. President, is that there is a concern in Tennessee called the Eastman Co. which makes nonflammable fabrics, which are sent to England and put on the English market, but we cannot get them here. We do not get them here because we have never had stiff enough standards under this law. England has had a law in this respect for some years, as well as 5 other countries.

All we are doing by the bill is extending the authority; and, as I say, I shall offer on behalf of myself, Mr. Moss and Mr. SCHWEIKER an amendment which would be a congressional mandate for a standard for children's sleepwear covering sizes from 7 through 14—I might suggest that the findings of all the hearings have been that there is an immediate need for a standard for children's sleepwear in sizes 7 to 14—in order to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage.

As I have said before, the Secretary of Commerce has responded on sizes 1 through 6, and I commend Secretary Peterson for that action, taken in spite of the efforts of the industry to stall it and not to do anything about it.

The amendment, as I say, would affect children's sleepwear in sizes 7 through 14. Congress would direct the Secretary of Commerce to promulgate, under procedures set forth in the act, insofar as practicable, a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973. That will give them a whole year to work on it.

So on behalf of myself, Mr. Moss and Mr. SCHWEIKER, I submit my amendment, Mr. President, and ask for its immediate consideration.

The PRESIDING OFFICER. Before the Senator's amendment is in order, the committee amendment must be disposed of.

Mr. MAGNUSON. I move the adoption of the committee amendment.

The PRESIDING OFFICER. Do Senators yield back their time on the committee amendment?

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. COTTON. I yield back my time on the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MAGNUSON. I submit my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Add a new section:

Section 18. Interim children's sleepwear standard for sizes 7 through 14.

(a) Congressional finding.

The Congress finds that there is a need for a standard for children's sleepwear in sizes 7 through 14 in order to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage.

(b) Children's Sleepwear Standard for Sizes 7 through 14.

The Congress directs the Secretary of Commerce to promulgate, under the procedures set forth in this Act insofar as practicable, a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973.

Mr. MAGNUSON. Mr. President, the general purpose of the amendment is to extend the flammability standards to include children's sleepwear for sizes 7 to 14. The Department of Commerce has recently promulgated a standard which regulates sleepwear for sizes 1 to 6X. The larger sizes are not covered by this standard although many injuries and deaths are inflicted upon the older children.

The proposed amendment provides the following: First, it would establish a congressional finding that there is a need for flammability standards for children's sleepwear through size 14. The amendment would also provide that by July 1, 1973, all children's sleepwear through size 14 must conform with a performance flammability standard to insure that all such sleepwear be nonflammable. Because the procedures under the act for the setting of standards are cumbersome, we have provided that those procedures are applicable only insofare as practicable.

Mr. President, this amendment reflects the agonized concern of thousands of American citizens at the snail's pace of progress in implementing the Flammable Fabrics Acts Amendments of 1967. This amendment would enable the Secretary of Commerce to move with greater dispatch along a course he has already indicated that he is determined to pursue: That is, to extend the children's sleepwear standards to size 14.

The heart of the amendment is the congressional finding that there is a need for such a standard. This finding would eliminate the technical requirement that the Secretary determine that such need exists and forestall the usual effort by the textile industry to insist that an insufficient data base exists to justify the setting of flammability standards.

Mr. President, the basis for need which underlies this amendment is simple: In the course of one recent month in the city of Seattle alone three young girls were horribly burned when their nightgowns ignited. One of them, Tammy Brown, aged 11, died. If this could occur in Seattle alone, then commonsense tells us that this pattern has asserted itself hundreds, perhaps thousands of times across the country. We need not wait for the painstaking establishment of a formal data gathering system to give us the same information. You can pick up almost any local newspaper and discover similar incidents across the country. Just yesterday one of the newspapermen who covers the Commerce Committee brought to my attention a copy of a Springfield paper which contains yet another case of a young girl burned by a nightgown.

In discussions with the personnel at the Department of Commerce we have determined that the timetable which we have set is not unreasonable.

Mr. President, we have been trying to prevent the sale of hazardous garments for almost 20 years. Despite legislation, despite our pleas for industry progress, despite evidence that Secretary Peterson has undertaken the burden of his responsibility to develop flammability standards, governmental efforts have lacked the urgency which the situation demands. Both industry representatives and Government officials have allowed 4½ years to pass since the 1967 act and not one stitch of clothing is currently subject to a safety standard.

It is not enough to discuss coldly and dispassionately the numbers of cases, and the slight inconveniences and adjustments in the marketing of textile products. Let us make no mistake about it—there is nothing more horrible than a flame injury, nothing more destructive of joy and life than to see scarring burns. The social costs to a family whose members suffer this kind of injury is beyond calculation. The economic costs are destructive. For years the victim of burn injuries remain a psychological and economic burden on the community. Numbers are simply no test of the social cost of this problem.

Mr. President, we are convinced that this amendment is both practical and necessary, and would help the Secretary do his job. It will move us one giant step closer to providing that protection for the Nation's children which we have too long promised, too long withheld.

Again I say that time is of the essence. Children are being burned to death and dying every day. There is no reason why we cannot do this, when other countries can do it, and there is no reason why we should not apply to ourselves the fine technology we already have to reduce this possibility to an absolute minimum in this country. It is the least we can do.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President I, yield myself such time as I may require.

I should like to make an inquiry of my distinguished chairman, the Senator from Washington. Under the terms of his amendment, as he has presented it in his present form, it reads:

> The Congress directs the Secretary of Commerce to promulgate under the procedures set forth in this Act, insofar as practicable, a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973.

Does the procedure referred to give textile manufacturers an opportunity to present their case and be heard in connection with the standards to be promulgated pursuant to the Secretary of Commerce under this amendment?

Mr. MAGNUSON. I am sorry. I was talking to someone. Will the Senator restate the question?

Mr. COTTON. With respect to the original amendment that the distinguished Senator from Washington (Mr. MAGNUSON) was considering offering some of us might have been obliged to oppose it because, although in sympathy with its objective, no hearing have been held on it allowing an opportunity for interested parties to be heard.

But, my question to the distinguished chairman of the Commerce Committee concerns the more acceptable revised amendment which he now has offered and which states in part, the following:

> The Congress directs the Secretary of Commerce to promulgate under the procedures set forth in this Act insofar as practicable a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973.

Do the terms, "under the procedures set forth in this act" give an opportunity for textile manufacturers to be heard by the Secretary of Commerce, and to present any situation which might adversely affect them and should be considered before the standard is promulgated or becomes effective?

Mr. MAGNUSON. That is correct. A hearing is required before the Secretary of Commerce.

In my original amendment, I provided that within 180 days they would have to do the labeling. But we do not have that in this amendment; because when the Secretary has the hearings to set the standards within this time, they will also discuss the matter of the labeling. I am sure that one of the first things the Secretary will require is the labeling, and the manufacturers and the textile people have no objection to that.

Mr. COTTON. Mr. President, I am pleased to have the assurance of the chairman on this point and to have it made a part of the legislative history on this bill. For example, I have had representations from the Guild Mills Corp., in my own State, expressing concern over the difficulties in producing fabric which will meet the requirements, particularly in sleepwear.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have received from Guild Mills Corp. on the subject of flammable fabrics and its effects upon our textile industry. It should be borne in mind that the letter, although not addressing either the amendment which was proposed to be offered or that which finally was offered, does evidence some of the very real problems encountered by our textile industry.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GUILD MILLS CORP.,
Laconia, N.H., June 9, 1972.

Senator COTTON,
U.S. Senate, Washington, D.C.

SENATOR COTTON: I certainly know that you are well aware of what has happened and what will continue to happen to the Worsted Industry in the United States. I know very well the great effort you extended to try and save this industry many years ago, but apparently Congress was not willing to support the textile industry and they have continued to act in this manner.

They cannot seem to understand that the textile industry is the basic industry of the country along with food and housing.

Every country must have a textile industry and that is why I was given to their concern of the Japanese back some years ago. However, it never needed to go to the extreme that it did, and now we are suffering the consequences.

You and I can very readily say "We told you so" but this is not going to help anything. Someway, somehow Congress has got to understand that the textile industry is a vital part of our economy and must be maintained.

We spend thousands upon thousands of dollars in agriculture and it is an essential part of our economy, but we spend no money whatsoever trying to help the textile industry.

I think you might be aware of the new laws restricting flammable fabrics. This is going to be another very severe blow to the industry as it is going to be difficult for sometime to produce fabric which will meet the requirements particularly in sleepwear.

We are involved in this situation and to this date although we are not able to come up with a fabric that meets the requirements, unless we try to make it entirely of asbestos or some non-burning fiber, which to this date does not exist in suitable material for garment wear.

We recognize the need to try and protect people from themselves but there is the point that we cannot develop immediately the materials which are requested.

At the present almost all companies making sleepwear have discontinued making them because it is impossible for us to meet the requirements.

There is not a single fiber produced that is going to meet all the manufacturing technology which is required.

I would appreciate your help in these matters.

Very truly yours,
LAWRENCE W. GUILD.

Mr. COTTON. Mr. President, I am reassured by the statement of the distinguished chairman that his amendment in its present form will give manufacturers a chance to be heard by the Secretary of Commerce on any standards resulting from his amendment.

Mr. MAGNUSON. That is correct. The purpose of the bill before the Senate is to extend the authorization of the amount of money for the purpose of setting standards. I understand that they cannot do these things overnight, but this amendment allows time.

Mr. COTTON. Mr. President, I yield such time as he desires to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from New Hampshire.

Mr. President, I commend the Senator from Washington for his interest and the attention he has given to this subject. I appreciate very much, also, his attitude in presenting this matter here in such form. It seems to have carried out all his laudable purposes as originally drawn, and now assures an opportunity for these people to be heard, and the Senator has just pointed out that he understands the situation. I support the amendment in its present form. We owe the Senator a debt for having studied this subject and having brought it to the attention of the Senate.

Mr. MAGNUSON. There is something to be said on the other side. I think that the technology since 1953 has greatly improved. I have been through this matter so many years that I know practically all the facts involved.

With respect to mattresses, there is now a good standard. Many older people go to sleep while smoking and there is a good, practicable, standard for mattresses. But in the business of children's sleepwear, there still is serious problem. If a store has one that is nonflammable and one that is flammable, I want a mother who goes in that store to know the difference. It may cost more. I am told that they have the technology, but it takes time to transfer it, and this is why we are giving them this time. Under this amendment, they will have some standards by 1 year, and they will have labels—the two together.

Mr. COTTON. Mr. President, I assume the Senator is talking on his time.

Mr. MAGNUSON. Yes.

Mr. COTTON. I yield to the distinguished Senator from Tennessee (Mr. BROCK).

Mr. BROCK. I thank the Senator.

I commend the distinguished Senator from New Hampshire and the distinguished author of the amendment for trying to work out something that is reasonable and practical and affords all interested parties an opportunity to be heard and to have a voice in the establishment of standards which will insure greater protection for all the children of this country.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. MAGNUSON. Is the Senator familiar with the Eastman Co. in Tennessee?

Mr. BROCK. Yes; thoroughly so.

Mr. MAGNUSON. Does the Senator know the kind of job they do on this?

Mr. BROCK. It is a remarkable product.

Mr. MAGNUSON. Yes. They ship it all over. For example, they ship it to the United Kingdom, where they have had this law for years. This is the irony of the situation. So far as I know, they do one of the excellent jobs in this field.

Mr. BROCK. They really do.

Mr. MAGNUSON. I do not know the company and do not know anything about them, except in this field.

Mr. BROCK. They are one of the finest concerns with which I have ever had experience. They are remarkably progressive and are good business people. They are greatly concerned about the end product of their business.

The only concern I have with this legislation is the July 1, 1973, compliance date. Such language will make it extremely difficult for the Secretary to comply with all the procedures. That is why I think the Senator added the language "insofar as practicable" to this amendment. It does afford some limited latitude. But the thrust of this amendment is to get standards by July 1, 1973. I hope the industry can meet that timetable. I know they will try, but I think it will be difficult. They will try to do so.

Mr. MAGNUSON. That is my hope, too—that by July of next year all the clothing in this field will be nonflammable. That is the hope of the whole Senate, I think.

Mr. BROCK. I thank the Senator very much.

Mr. COTTON. Mr. President, I wish to join the distinguished Senator from Mississippi (Mr. STENNIS) and from Tennessee (Mr. BROCK) and, on behalf of the minority side of the Commerce Committee, commend our chairman, the distinguished Senator from Washington (Mr. MAGNUSON), for his work in this area, and for his revised amendment which I think will bring about the desired level of safety, in which we are all interested. The amendment should enable this to be done in such a manner as not to work violence on our struggling textile industry. The Senator has done an excellent job in that respect. The staff also has done an excellent job. It is a laudable result. I am now happy to join in supporting the amendment and the bill.

Mr. President, let me just sound one little warning here, which has nothing to do with substance of the pending bill. These are hectic days when we all are trying and the leadership is striving to complete work on necessary legislation before we recess for the first of the national conventions. Yet, in these circumstances we have had two or three instances where the same thing has started to happen which we experienced in connection with this bill. We have a simple authorization bill that we are trying to get through so that the Appropriations Committee can act and make the appropriations, and then someone or some committee comes along and slaps on to such an authorization bill a substantive amendment which may be highly controversial. If it is passed hastily, then it may have an exceedingly bad result. It is is controversial and require careful consideration, then it may well take a great deal of debate and, thus, hold up the appropriation process.

I hope that we will be able to avoid this kind of situation. Otherwise, it will present a serious problem to us in the next few days with only 2 weeks to go before the first scheduled recess.

Mr. MAGNUSON. Mr. President, I do not want any implication to go abroad that the Senate is not interested in this matter. I want everyone to know that it is deeply interested. Otherwise, on the pending amendment, we would have had a rollcall vote. However, the Senate is unanimous for approval of the amendment, but so many Senators had to leave, and this came up unexpectedly.

I am also sure that there will be no votes recorded against the pending bill as amended.

I just wanted to make this statement, as the vote on the pending amendment will be a voice vote.

Mr. STENNIS. Mr. President, I want to confirm the Senator from Washington in his estimate here, that if we were going to have a rollcall vote on the pending amendment, as well as on the bill as amended, it would be a unanimous vote.

Again, I commend the chairman and the distinguished Senator from New Hampshire (Mr. COTTON) for the way they have worked out this matter. It is highly important, but it is also a complex matter. The way they worked it out lends strength to the amendment itself, and the spirit in which it will be agreed to make it more acceptable.

Mr. SCHWEIKER. Mr. President, I am pleased to join with the chairman of the Senate Commerce Committee, Senator MAGNUSON, in introducing this important amendment to the Flammable Fabrics Act.

Just over 2 months ago, on April 12, I introduced S. 3491, the Flammable Fabrics Act Amendments of 1972. Section 7 of S. 3491 was designed to accomplish what the pending amendment will do. My legislation provided that within a specified time period the Secretary of Commerce must set standards for children's sleepwear up to and including size 12. The pending amendment covers sizes 7 through 14, and I certainly agree that size 14 is an appropriate cutoff point.

The proposed standard on children's sleepwear issued by the Commerce Department will become effective on July 29 of this year. That standard covers sizes 0 to 6X. Under the standard, children's sleepwear which does not meet the fire-resistant requirements may be marketed for 12 months after the effective date if the garment contains a cautioning label. That label must state that the garment is flammable, that it does not meet the Commerce Department's standard, and that it should not be worn near sources of fire. After July 29, 1973, all children's sleepwear from sizes 0 to 6X must meet the standard or the garments cannot be marketed.

Mr. President, this new standard represents a significant step in the right direction. However, I am convinced that it does not go far enough. The information already presented to the Senate by Senator MAGNUSON strongly indicates that an urgent need for a flammability standard also exists for children wearing sizes 7 through 14. There is nothing magic about sizes 0 to 6X. Size 6X represents an arbitrary cutoff point. Older children face the same dangers, although often in different ways. As the father of five children I am very much aware of the need to protect young children from hazards that they often innocently face.

Children who would use sleepwear in sizes 7 through 14, for example, are tempted to play with matches and may be able to obtain them more easily than younger children who do not have the reach or mobility of the older children. They are beginning to experiment with cooking and are thus exposed to the hazards of flames from stoves.

Furthermore, young girls are particularly attracted to frilly, loose-fitting nightgowns which will be more likely to catch on fire than the tighter-fitting pajamas young children wear.

These are but a few examples. The point is, an urgent need for flammability standards exists. In fact, the Commerce Department has issued a proposed finding of need already. This amendment would make a congressional finding of need, thus short-circuiting the time-consuming process required for a Commerce Department determination. The amendment finds a need for a standard for children's sleepwear in sizes 7 through

14. The finding states that the standard is necessary in order to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury or significant property damage. As of July 1, 1973, the Secretary of Commerce must promulgate a standard for all children's sleepwear in sizes 7 through 14, making them flame retardant.

I believe the industry can meet this standard. In fact, in researching this amendment, I was encouraged to have this belief confirmed by the judgment of Commerce Department experts.

Mr. President, in the interest of the safety of all our children and the prevention of often tragic injuries and even death, I strongly urge the Senate to adopt this amendment.

Again, I commend Senator MAGNUSON for his leadership in this area. I am pleased to join with him in sponsoring this important amendment.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time on the amendment.

Mr. COTTON. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. TUNNEY). All time on the pending amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Washington (Mr. MAGNUSON).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time on final passage?

Mr. MAGNUSON. Mr. President, I yield back my time.

Mr. COTTON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has now been yielded back.

The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. AIKEN voted "yea" when his name was called.

Mr. COTTON. Mr. President, I ask unanimous consent, with respect to having a rollcall vote—can we get unanimous consent to withdraw the yeas and nays?

The PRESIDING OFFICER. The Chair would state that debate is not in order. The yeas and nays have already been ordered. One Senator has already responded to his name.

Mr. COTTON. All right.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I also announce that the Senate from Louisiana (Mr. ELLENDER), is absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from Iowa (Mr. HUGHES), would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent by leave of the Senate because of a death in his family.

The Senator from Texas (Mr. TOWER) is absent to attend the funeral of a friend.

The result was announced—yeas 65, nays 0, as follows:

[No. 221 Leg.]

YEAS—65

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bible
Brock
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Dole
Eagleton
Eastland
Ervin
Fong
Gurney
Hansen
Hartke
Hatfield
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Tunney
Weicker
Young

NAYS—0

NOT VOTING—35

Baker
Bellmon
Bentsen
Boggs
Buckley
Church
Curtis
Dominick
Ellender
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Harris
Hart
Hollings
Hughes
Jordan, N.C.
McClellan
McIntyre
Metcalf
Miller
Moss
Mundt
Muskie
Ribicoff
Saxbe
Scott
Stafford
Stevenson
Thurmond
Tower
Williams

So the bill (H.R. 5066), as amended, was passed.

The title was amended, so as to read: "An Act to authorize appropriations for fiscal year 1973 to carry out the Flammable Fabrics Act."

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1973

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate for its consideration, H.R. 15097, which will be stated by title.

The bill was read by title, as follows:

> A bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, time for debate on this bill is limited to 30 minutes, to be equally divided and controlled by the Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from New Jersey (Mr. CASE). Time for debate on the amendments, debatable motions or appeals is limited to 20 minutes, to be equally divided and controlled by the mover and the manager of the bill, or the minority leader if the manager of the bill is in favor thereof.

Who yields time?

Mr. ALLOTT. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. ROBERT C. BYRD. I yield.

PRIVILEGE OF THE FLOOR

Mr. ALLOTT. Mr. President, I ask unanimous consent that Paul M. Weyrich and Jim Sanderson may be granted the privilege of the floor during the debate on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. ROBERT C. BYRD. I yield.

Mr. CASE. Mr. President, I ask unanimous consent that during the debate on this matter the privilege of the floor may be granted to a member of my staff, Gar Kaganowich.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, the subcommittee took testimony on estimates totaling $8.4 billion ($8,458,527,000) for the offices, administrations, boards, corporations, commissions, and authorities which are funded in the transportation and related agencies appropriation bill (H.R. 15097). This total request consisted of $5.4 billion—$5,418,000,000—for payments to be made in connection with grants previously made under authorizations contained in substantive legislation for such programs as Federal-aid highways, Federal aid to airports, highway safety grants, and capital grants for urban mass transportation facilities. The rest of the $8.4 billion total requested, $3.0 billion—$3,040,362,095—is new budget—obligational—authority where the level of the program for the budget year is established by the appropriations process under general legislative authorizations. The new budget—obligational—authority includes the amount of $131,181,000 for the Federal contribution to the Washington Metropolitan Area Transit Authority for fiscal year 1974, as an advance appropriation.

FEDERAL HIGHWAY ADMINISTRATION

The largest single item in this bill is the recommendation of $4.9 billion—$4,893,125,000—for Federal-aid highways, consisting largely of reimbursements to the States for work on the Interstate—$3.2 billion—and Federal-aid systems and for administrative expenses in carrying out these extensive construction programs.

Other highway program activities for which requests were made and recommendations are submitted include $12 million principally for the highway beautification, outdoor advertising control—sign removal on interstate and Federal-aid highways; $12 million for highway-related safety grants; $10 million for continuation of the grade crossing elimination program on the high-speed ground demonstration rail routes between Washington, New York and Boston; $15 million of a requested $30 million for the Darien Gap Highway in Panama and Colombia, to continue the Inter-American Highway from the Panama Canal to South America; $35 million for the right-of-way revolving fund to assist the States with interest-free loans for advance acquisition of rights-of-way and relocation expenses; $23 million for funding payments for previously authorized forest highways projects; and $16 million for public lands highways for projects authorized under the biennial Federal-aid highway acts.

The recommendations for the Federal Highway Administration total $5.0 billion, of which $4.9 billion is derived from the highway trust fund and $0.1 billion from the general fund of the Treasury.

The committee recommendations include deletion of House language in the general provisions which would have the effect of limiting obligations in fiscal 1973 for the forest highway, public lands highways, territorial highways, highway related safety grants, and highway beautification below the levels authorized in the biennial Federal-aid highway acts.

FEDERAL AVIATION ADMINISTRATION

The next largest group of recommendations—totaling $1.6 billion—relates to the aviation activities of the Department, the Federal Aviation Administration.

For the operation of the national system of air traffic control, the committee recommends $1,175,256,000 of a requested $1,175,156,000. This provides 1,407 additional positions for air traffic control duties in centers and towers. These operating funds are from the General Fund of the Treasury and are not derived from the Airport/Airway Trust Fund. The Committee recommends earmarking language providing $3.5 million for additional screening devices to make these devices available for a mandatory passenger screening system as an effective antihijacking measure.

For facilities and equipment, the committee recommends $302,650,000 to be derived from the airport/airway trust fund for major capital investments to increase system capacity and make operations safer and more efficient.

The recommendation includes $32,711,000 over the budget and the House bill for 84 instrument landing systems; $6 million for three airport surveillance radars; and $12 million for 30 airport control towers. These items—amounting to $50,711,000—were not included in the budget request. A listing appears on pages 552–555 of the Senate hearings.

For the airport development program, the amount of $100 million, the budget request and House allowance, is recommended for payments expected to be made for airport development and improvement projects, including land acquisition. An appropriation of $15 million is recommended for airport planning grants for regional systems of airports and individual airports. These funds are derived from the airport/airway trust fund.

The budget reflects planning for a level of $280 million for airport development grants in fiscal 1973 utilizing the authority contained in the Airport and Airway Development Act of 1970.

For research, engineering and development, the committee recommended $66 million. This research will be directed at improvement of the national air traffic control system and to increase system capacity and safety. Projects include work on collision avoidance, improved instrument landing systems, and, by committee directive, an improved ground proximity warning indicator for better altimetry. These funds are to be derived from the Airport/Airway Trust Fund. Seven million dollars would be used by the Office of the Secretary for continuing work on air traffic control system improvements.

The committee recommendations provide $15,873,000 for Washington National and Dulles International Airports, $12,265,000 for operations, and $3,608,000 for construction consisting largely of runway and aircraft apron parking.

In all, the committee provides for $483,650,000 from the Airport/Airway Trust Fund; $1,191,129,000 from the General Fund of the Treasury; in all, $1,674,779,000 for the Federal Aviation Administration.

The committee recommendation includes the deletion of House language in the General Provisions—section 302—which has the effect of limiting airport development grants to $280 million for fiscal 1973.

COAST GUARD

For the operational expenses of the Coast Guard, the committee recommends $551 million—compared with a requested $551 million and a House allowance of $548.9 million.

The House allowance and this recommendation includes $3 million for the operations of the two fishery patrol vessels recommissioned with funds supplied in the second supplemental for 1972, and $6.2 million for the operation of a Coast Guard base at Kodiak, Alaska. The increases over 1972 funding are largely for military pay increases, increased emphasis of marine safety and efforts in pollution control.

For acquisition, construction, and improvements, the recommended $134,680,000 includes $81 million for vessels, of which $66 million is for construction of a new polar icebreaker; $11.6 million for aircraft; $27.1 million for shore stations, and so forth; $8.4 million for repair and supply facilities; and $3.4 million for training and recruiting facilities. The committee recommendation also includes $1,580,000 for Coast Guard housing at Homer and Cordova, Alaska, which the amended budget proposed deferring. The recommendation includes $1,550,000 for construction of facilities at Cheboygan, Mich., for the icebreaker, *Mackinaw*.

The committee recommends the $12.5 million, as requested in the budget and allowed by the House, for the alteration of obstructive bridges over navigable waters. The committee report lists the eight bridges involved.

The recommendation for retired pay provides the budget estimate and House allowance of $72,789,000.

The House committee had deferred the provision of funds for the reserve training program in the absence of legislation authorizing an average strength level. The amount of $31,735,000 was added by amendment during House consideration of the bill. The committee concurs with the House committee and will consider this request after authorizing legislation is enacted.

For research activities, the committee recommends $18.3 million. The projects involved are a continuation of work on pollution monitoring, detection, containment, and cleanup systems.

For State boating safety assistance, the recommendation is $7,500,000, the budget request and $4,500,000 over the House. These funds, requiring a 33⅓-percent State matching, will be used to stimulate State boating safety efforts.

The total recommendations for the Coast Guard are $796.6 million of a requested $825.5 million.

NATIONAL HIGHWAY TRAFFIC SAFETY

The House allowance for the traffic and highway safety programs provides $43 million, representing a reduction of $5,268,000 and a deferral of $37,361,000 for which renewed authorizing legislation is required. These activities were authorized in the National Traffic and Motor Vehicle Safety Act (Public Law 89-563) expiring at the end of fiscal 1972 (S. 3474 introduced) and the Highway Safety Act (Public Law 89-564) currently authorized through fiscal 1973.

The committee recommendation of $45,673,000 includes $373,000 for the funding of an adequate program for schoolbus safety including 20 positions. The inadequacy of the present level of effort was covered in questioning by the subcommittee—Senate hearings, pages 169-173.

The committee recommendation concurs with the House in deferring the $37.4 million.

The committee recommends the provision of $70 million, consisting of $40.5 million in Federal funds and $29.5 million in trust funds, for State and community highway safety. These funds are required to make payments to the States for previously approved work programs in areas of driver licensing, motor vehicle registration, traffic records, police traffic services, driver education, and so forth. The States are required to match the grants.

The committee recommends the deletion of section 304 of the general provisions which has the effect of limiting to $80 million the grants to be made in fiscal 1973.

The recommendations for the National Highway Traffic Safety Administration total $115,673,000, consist of $55,810,000 Federal and $59,863,000 trust funds.

FEDERAL RAILROAD ADMINISTRATION

The recommendation for the Office of the Administrator provides $2,921,000 of a requested $3,142,000 for the staff offices supporting the research and safety activities of the Federal Railroad Administration.

For railroad research, the recommended $10,500,000 is $150,000 above the level of effort funded in 1972. The committee report directs special attention to efforts in grade-crossing-elimination studies at Wheeling, W. Va.; Lafayette, Ind.; and Lincoln, Nebr.

The recommendation for the Bureau of Railroad Safety of $7,110,000 includes 43 additional personnel for track inspection, and so forth, and the House allowed increase of $100,000 in travel funds—$800,000 instead of the $700,000 proposed in the budget.

The committee recommends $60,879,000 for high-speed ground transportation research and development. The amount recommended provides $35,200,000 for research and development; $23,700,000 for demonstrations, including $16,700,000 for the Metroliner, and $1,000,000 for the turbotrain; and $1,979,000 for administration.

The recommendations for the Federal Railroad Administration total $81,410,000.

URBAN MASS TRANSPORTATION ADMINISTRATION

The recommendations for the Urban Mass Transportation Assistance Act of 1970 include $232 million, the budget request and House allowance, for payments to be made to communities in financing acquisition, construction, reconstruction, and improvement of facilities in mass transportation service in urban areas. Federal participation is limited to two-thirds of the net project costs.

For research, development, and demonstrations and university research and training, the committee recommendation is $114 million. The bill includes earmarking language for research, development, and demonstrations—$111 million; for university research and training—$2.5 million; and—$0.5 million—for managerial training.

For administrative expenses, the committee bill would provide $6,684,000 of a requested $7,419,000.

The House allowance of $6.4 million provided 5 new positions for research and development activities. The recommendation includes the 30 additional field operations positions requested in the budget and would provide for a total of 60 field positions.

OFFICE OF THE SECRETARY

The committee recommendation provides $24,120,000 of a requested $26,053,000 for the administrative expenses for the Office of the Secretary. This provides 31 additional positions of a requested 76.

The committee concurs with the House, and the conferees agreement of last year, in the denial of funding for positions for the Office of Consumer Affairs, but has included $150,000 for the 10 full-time staff assistants for the secretarial regional representatives.

For transportation planning, research, and development, the budget proposed $42.1 million and $7 million by transfer from the Airport/Airway Trust Fund. The transfer of funds for continued work on future air traffic control concepts is recommended. Specific items recommended for approval are $8 million for noise abatement research—of a requested $8.2 million—and $5 million for dual mode research—denied by the House.

The committee recommendations specifically deny the six additional positions requested. The requested $5 million for university research—allowed by the House at $3 million—is recommended in full.

The recommendation provides $45 million of a requested $49.1 million and is $8 million over the House allowance of $37 million. It is $16.5 million over the amount provided for 1972.

For transportation research activities overseas, a special foreign currency program, the committee recommends concurring with the House in the denial of the $500,000 requested. Testimony at the hearings, April 24, revealed the 1972 appropriation of $500,000 still unobligated and continuing available.

The committee recommends an appropriation of $1 million for grants-in-aid for natural gas pipeline safety. The House passed this authorization (H.R. 5065) on June 21, 1971. This recommendation is made contingent upon enactment of authorizing legislation.

The committee recommendation concurs with the House in providing $600,000 for lease of employee parking space and $200,000 for related maintenance costs; in all, $800,000 of a requested $857,000.

For the Office of the Secretary, the recommendations total $63,920,000.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The committee recommends not to exceed $797,000, the budget estimate and House allowance, as the amount the Corporation may use for its administrative expenses. These funds are to be derived from Seaway toll revenues.

RELATED AGENCIES—WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The committee recommends an appropriation of $131,181,000, the budget estimate and House allowance, for fiscal 1974 for the Federal contribution to the Washington Metropolitan Area Transit Authority.

CIVIL AERONAUTICS BOARD

The recommendations for the Civil Aeronautics Board provide $14,173,000, which is $50,000 over the budget request and House allowance, for the administrative expenses of this regulatory agency. The recommendation includes $50,000 for costs relating to reopening an Alaskan field office.

For payments to Air Carriers, the recommendation, based on testimony as to needs, provides $65.4 million, an increase of $11.4 million over the budget and House allowance.

THE PANAMA CANAL

The recommendations for the Panama Canal include $55.2 million for Canal Zone Government operating expenses and $4.5 million for Canal Zone Government capital outlay. These amounts are, in effect, an advance of funds to be repaid through charges for services furnished or from revenues of the Panama Canal Company.

The bill includes language, as requested in the budget and allowed by the House, to authorize use of not to exceed $20,556,000, to be derived from Company revenues for general and administrative expenses.

INTERSTATE COMMERCE COMMISSION

The committee recommends the amount of $33,120,000, the House allowance and $1,460,000 over the budget, to provide a year-end employment of not less than 1,800 personnel and an average employment of not less than 1,750 during fiscal 1973.

The committee concurs with the House views on the Commission's responsibilities.

NATIONAL TRANSPORTATION SAFETY BOARD

The committee recommendation of $8,285,000 is $585,000 over the House allowance and $500,000 over the budget estimate.

The additional amount is provided to enable the Board to expedite the public release of the investigative results of its accident investigations. The committee is deeply concerned with the present time lag and expects the Board to materially improve its performance in the discharge of its responsibilities in all fields of accident investigation. The increase includes $385,000 for 30 additional highway accident analysts and field investigators.

SUMMARY OF RECOMMENDATIONS

In conclusion, the committee recommendations total $8.4 billion, of which $5.4 billion is for mandatory payments under commitments previously made pursuant to legislative authorizations—consisting of $0.3 billion in Federal funds and $5.1 billion from Trust Funds; and $3.0 billion in new budget—obligational—authority for activities authorized under authorizations where the appropriations govern program levels—consisting of $2.6 billion in Federal funds and $0.4 billion from Trust Funds.

One emphasis which I should make, Mr. President, is this. The moneys which have been added by the subcommittee, over and above the House bill, are strongly oriented toward the safety of the traveling public, especially in the field of air transportation. Moneys have been added for all airports throughout the country which qualify for instrument landing systems, aircraft traffic control towers, and airport surveillance radars. It is my belief—and the committee joins with me—that we should provide every dollar which can be properly and feasibly spent for screening devices to deter aircraft hijacking and for the installation of airport equipment to insure every degree of safety and protection possible for the millions of men, women, and children who are increasingly traveling by air. It was this same emphasis upon safety that led the committee to add moneys for the expedited development of an improved ground proximity warning indicator for aircraft, the schoolbus safety program effort, the grade crossing elimination studies, and the accelerated reporting following accident investigation studies by the National Transportation Safety Board.

The public is entitled to such safety and protection, and as far as my committee is concerned, we are determined to provide the necessary funding.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield to the distinguished senior Senator from Rhode Island.

Mr. PASTORE. I would like to address myself to my distinguished colleague from West Virginia, the manager of this appropriation bill, on three categories which are very meaningful to the welfare of my State.

Mr. ROBERT C. BYRD. Mr. President, may we have a little less commotion in the Senate? There is entirely too much running up and down and around.

The PRESIDING OFFICER. The pages will take their seats.

Mr. ROBERT C. BYRD. I beg the Senator's pardon.

Mr. PASTORE. That is all right.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, first of all, I wish to compliment my colleague for his understanding of the problems that were involved.

I notice that the committee went along with the $3 million for the operation of two additional patrol cutters, recommissioned in the second supplemental for 1972. I might say at this juncture we had tremendous trouble with some foreign fishing boats that not only destroyed some of our fishing equipment but in many, many instances have raised havoc with the situation in that part of the State.

The second item to which I call attention is the $360,000 made available, as appears on page 13, to provide a second set of landing equipment for the airport at Theodore Francis Green Airport. This means we can use two runways, thereby in a way alleviating the problem of noise that has been affecting the people there.

The third item has to do with anticipated rail research and development. I notice the House cut the figure by $500,000 and that was restored by the committee. I want to say that this was a wise action on the part of the committee to go along with that recommendation and our people, and particularly the senior Senator from Rhode Island, appreciates that action very much.

Mr. ROBERT C. BYRD. I thank the distinguished senior Senator from Rhode Island. The committee included the moneys that have been referred to by the distinguished senior Senator from Rhode Island for the instrument landing system at the Theodore Francis Green Airport in Providence, R.I., and included money for operating the additional patrol cutter, which has been recommissioned, at the written and personal request of the senior Senator from Rhode Island (Mr. PASTORE). Both of these requests were amply justified and the committee was pleased to respond, as it did, to the requests. As chairman of the subcommittee, I knew nothing about the problem with foreign fishing boats in that area until the Senator called the matter to my attention in his letter several weeks ago. Nor did I know that his airport qualified for the additional ILS system until he pressed the matter upon me. I thank him for his kind remarks.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I would like to commend the Senator from West Virginia and members of the committee for inclusion of funds for an additional instrument landing system for the airport at Norfolk, Va. This airport serves a great metropolitan area. I requested the Senator from West Virginia and the committee to give consideration to the inclusion of these funds and on behalf of the people of the area I am pleased that the committee saw fit to include the request.

Mr. ROBERT C. BYRD. I thank the Senator from Virginia. The committee was happy to receive correspondence from the distinguished Senator from Virginia requesting this additional money for the Norfolk airport. As a result the committee looked into the matter, found that the airport did qualify and was pleased to include the funds requested by the Senator.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. ROBERT C. BYRD. Yes; I yield to my senior colleague.

Mr. RANDOLPH. Mr. President, the able Senator from West Virginia (Mr. BYRD), who is the chairman of the subcommittee handling the Department of Transportation and related agencies appropriation bill, has succinctly given us the points relating to the action within his subcommittee. I commend him personally and congratulate his colleagues who joined in giving attention to some matters which, because of earlier authorizations, are of interest and concern to the Senate Committee on Public Works.

I call attention particularly to page 18 of the report, which has to do with funding for highway beautification. The pending legislation permits the continuance of important work authorized by the Highway Beautification Act of 1965 and the Highway Acts of 1968 and 1970, attempts to beautify the highways of America and also to remove from the landscape those eyesores which were often of considerable size—the junkyards of the country.

The $60 million program that my colleague from West Virginia has planned for 1973 will permit the maintenance of the 6-year program for the removal of billboards that do not conform with the law. The $23.3 million increase in 1973 will be used for that purpose, while the junkyard control and landscaping programs will be reduced, as the Senator has indicated, from the 1972 level.

Without intending criticism, would my colleague give a further explanation of the funding reduction for the junkyard and landscaping programs?

Mr. ROBERT C. BYRD. The budget for 1973 called for a large increase in emphasis for 1973 for billboard removal, and the junkyard control and landscaping programs were reduced from the 1972 level. Our recommendations are consistent with the budget proposal.

Mr. RANDOLPH. I understand, and I think the increase for the billboard compliance is very important. I felt that the reduction for junkyard control and landscaping needed some comment. I appreciate the attention of my able colleague to this problem.

Mr. ROBERT C. BYRD. May I say further, in response to the question by my distinguished senior colleague, the committee recommended the deletion of section 303 of the general provisions, which would have the effect of limiting the 1973 obligations to $30 million. It seems to me this action will allow for an expanding of the program more in accordance with what my colleague envisions.

Mr. RANDOLPH. That is correct, and that is very helpful. I understand the clarification. I am gratified that these programs are being funded, that landscaping goes forward, that the junkyard control program is not stopped, and that the effort to properly control billboards is being handled properly from the standpoint of necessary funds.

I call attention also to the very important demonstration program which is being funded to eliminate certain railroad grade crossings. This is a matter of very great concern to those of us on the Public Works Committee, and I am gratified that the program which is jointly funded by general revenues of the Treasury and highway trust funds, is going forward. I commend the work that my able colleague from West Virginia has done on this most important legislation, including attention to the increased safety in our aircraft and airways program.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). All time of the Senator from West Virginia on the bill has expired.

Mr. ROBERT C. BYRD. Mr. President, would the Senator from New Jersey yield me 1 minute?

Mr. CASE. Mr. President, I yield myself such time as I may require, and I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. I want to say further, in response to my colleague's original question with reference to the beautification moneys, that the amount which was included is in conformity with the appeals submitted to the committee by the Secretary of the Department.

Mr. RANDOLPH. I thank the Senator.

Mr. ROBERT C. BYRD. The committee knows of the great interest of my colleague and his leadership in this field. As far as I am concerned, I want to assure the Senator I will do everything in the future, especially in light of his continuing interest, to see that every dollar is provided for this item that can reasonably be appropriated.

Mr. RANDOLPH. I thank my colleague very much.

Mr. ROBERT C. BYRD. I thank my colleague.

Mr. CASE. Mr. President, I yield 2 minutes to the Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, I, as a new member of the Appropriations Committee, want to thank the chairman of the subcommittee and our ranking minority member for their courtesy to me and their consistent interest in our State in regard to this bill, and I am very delighted to see the addition of the $50 million for the new airport facilities, which was the work of the Senator from West Virginia.

I shall make lengthier statements in regard to this bill in the RECORD, but let me state first—which I will repeat later—that the one item that remains in the bill before us that is not a problem as far as the Appropriations Committee is concerned, but is a problem as far as the authorization committee is concerned, is that Alaska still remains the one State that is not included in the Interstate Highway System. Even our sister State in the Pacific, Hawaii, is included in the Interstate Highway System, even though there are no interstate highways actually that reach Hawaii.

Alaskans feel very strongly about this discrimination, and it is my great hope that the amendments to the Interstate Highway Authorization Act will include Alaska so that we will be able to utilize funds from the Interstate Highway Trust Fund.

I wish again to thank the chairman of the subcommittee for his courtesy and for his interest in restoring an item that was of great concern to the Coast Guard, and for his great interest in converting the Kodiak Air Station to the Kodiak Coast Guard Station.

Mr. President, as the Senate considers approval today of the $8 billion Department of Transportation appropriation bill for fiscal year 1973, I wish to remind you that we still have a major unresolved problem in Alaska which I hope a future appropriations bill will be able to take care of, once the step of receiving the necessary authorization is accomplished.

The matter is simply this: Every State in our country, with the exception of Alaska, is able to utilize funds from the Interstate Highway System. This includes our sister State, Hawaii, which is also noncontiguous with the "lower 48."

This means Alaska has been denied the use of a highway transportation program which has changed the face of our country's economic and citizen travel patterns, and changed it for the better. To those who have been in Alaska, the exclusion of our State from this tremendously important transportation program is immediately and starkly clear. Our highway system, in this the largest State in the Union, has a road density lower than any other State; in fact, it is 37 times less than the next lowest State of Wyoming.

We are on the brink of far-reaching development in Alaska and we must have a modern surface transportation system to handle this growth. To me this means a belated, but deserved, entry in the Interstate System or the development of an alternative commitment of funds which will give us the resources to accomplish this goal. I have with me a letter to myself and Secretary Volpe from our State's Governor, Mr. William Egan, which makes the case for this expansion of our highway system with great depth, strength of reasoning, and concern. I wish to say that I continue to commit myself to working with the Governor toward bringing adequate highway resources to our State, and will explore and work to resolve the legislative and administrative hurdles which must be overcome to accomplish this goal. Mr. President, I request unanimous consent that Governor Egan's letters be entered into the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNEAU, ALASKA,
June 12, 1972.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR TED. I am transmitting to you a copy of a letter I have recently submitted to Secretary of Transportation Volpe concerning Alaska's predicament in regard to the availability of Federal highway funds.

As I have explained to the Secretary, we are presently completely out of funds for committing additional highway contracts in Alaska until Fiscal 1973 funds are available. If the Department of Transportation makes the full obligational authority determined by the Office of Management and Budget available on the first of July, we will have approximately $36 million of Federal funds for our next year's highway program. We presently have about $30 million of much needed highway projects on the shelf waiting for funding and will probably develop at least another $30 million during the remainder of this year. This means that we are fast approaching the point where we will be unable to fulfill our highway commitments and will have to cut back highway construction in Alaska, which will cause severe hardships to a major segment of our State.

I think the time has come when we must insist that Alaska be included in the Interstate Highway Program or receive interstate funds to be expended on other highway projects in lieu of interstate mileage. The situation is extremely serious and one which I feel demands immediate attention of the U.S. Congress as well as the Department of Transportation. It should be noted that the Office of Management and Budget has consistently withheld highway funds from all states since 1966. At the present time approximately $40 million of highway funds that were authorized for Alaska by the U.S. Congress have been held by the Office of Management and Budget and we have, consequently, been denied obligational authority, hence effectively freezing these funds.

Of course, due to your efforts and those of your colleagues in the Alaska Congressional Delegation, the 1970 Highway Act included $20 million extra for Alaska. This was a wonderful breakthrough and has the effect of providing partial compensation for being excluded from the Interstate Highway Program, for both Fiscal 1972 and 1973. We surely hope you can be successful in having a like provision included in the present Highway Act which is being considered by the U.S. Congress. Hopefully, your good efforts might be able to increase the funding in excess of the $20 million we received for each of the last two years.

I request that you take whatever action you can to insure that Alaska receive additional monies in lieu of incorporation into the Interstate Highway Program and that the Office of Management and Budget release Alaska's funds in the amount of $40 million which are presently frozen. My Administration is ready to provide any information, testimony, or other help which you may desire.

Please give me your observations on this matter as soon as possible, together with any advice as to possible courses of action which we may pursue to aid you in obtaining needed highway funds for Alaska.

Sincerely,

WILLIAM A. EGAN,
Governor.

JUNEAU, ALASKA,
June 12, 1972.

Hon. JOHN VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: I have reviewed your letter of May 9, 1972, concerning the National Highway Needs Report and the proposed Transportation Act which was submitted to the U.S. Congress in April of this year.

I do appreciate your concern about the funding of non-interstate Federal aid highway projects in Alaska, and certainly the provision which you have included in your proposed Transportation Act which states, in effect, that no state receives a lesser apportionment than they received in Fiscal 1973, as being a step in the right direction. I feel, however, that this is only a step and not the full solution to Alaska's surface transportation problem which is becoming more and more acute. The recent safety report card which lists Alaska as below average is of considerable interest to me, as I am sure it is to you, and, again, a problem directly associated with our entire highway system, and specifically with the Federal funding that is needed to provide the necessary systems improvements to increase safety on Alaska's highways.

I note with interest that you are attempting to provide flexibility at the state level and to allow the states to make basic determinations as to the methods by which transportation funds will be employed to improve systems in the various states. I firmly believe that this is a wise decision inasmuch as the needs of some states, especially Alaska, vary tremendously.

Unfortunately, I believe that the tremendous national concern over the transportation problems in our larger urban areas has, in many cases, overshadowed the basic needs of some of our underdeveloped areas, of which Alaska is a prime example. I do not doubt that in many of the states solution to urban problems is of paramount importance and must be considered of high priority in the allocation of any transportation funds. Unfortunately, some of the states have primarily rural transportation problems and, in the case of our State, a complete lack of any connected integrated highway system as exists in all of our sister states.

The great need of just basic minimum standard roads was dramatically pointed out in the testimony given by Alaska's Commissioner of Highways at the House Public Works Subcommittee hearings. I am including this testimony for your perusal. Some of the comparisons are of special interest. For instance, Alaska has only 7,100 miles of highways and street mileage with a land area of nearly 600,000 square miles. This gives us a road density of 1/100 of a mile of road per square mile of land area. Arizona, by contrast, has 37 times more highways per square mile than Alaska and is the next lowest of the 50 states in highway density. Rhode Island, by contrast, has 440 times the road density of Alaska. Many of our major towns are connected only by air transportation with absolutely no possibility of surface connection within the foreseeable future, a situation unheard of in any other state.

If the State of West Virginia were superimposed upon the most densely populated area of Alaska, we would find that within this area Alaska has only 750 miles of highways while West Virginia has 35,820 miles. Imagine, if you would, what would happen to West Virginia's economy if we removed 35,000 miles of road from her highway system. It is unthinkable, I know, yet this condition actually exists today in Alaska. Unless we can develop a basic highway transportation system to serve our cities and our potential areas of economic development, our State cannot increase its economic base. Since Alaska contains a great store of mineral wealth, this lack of economic development hurts not only Alaska but the entire nation, and should be a matter of national concern.

I might direct your attention further to the fact that Alaska has been and continues to be the only state not included in the largest of our public works programs, the Interstate Highway System. There has been nearly $50 billion spent by the Federal Government to implement the Interstate Highway Program since 1956 and not one single penny has been spent in Alaska. While it is true that we are not connected geographically to the other states, I would remind you that neither is Hawaii and they enjoy a substantial interstate program. Hence, then, we are forced, in this State, to utilize our regular ABC apportionments to provide intercity connections that other states have constructed with interstate funds. This only further compounds our problems of trying to provide a minimum transportation system for our people.

Initially, the Interstate Program was to have lasted approximately 10 years; it now appears that it is going to last 20 or more years. The continued exclusion of Alaska from this program is probably one of the major oversights of the U.S. Congress and of several administrations. Alaska, which desperately needs roads to become even partially equal to her sister states, has been and continues to be excluded from the major highway program of this country.

While I would be the first to admit that our needs, in most cases, are not for multilane limited access freeways, it still does not appear equitable to eliminate Alaska from this program on that basis alone. Some provision certainly could be made within the scope of the Transportation Act to allow Alaska to utilize her share of the Interstate Highway Program, if she were included, in a method somewhat different from the other states to satisfy her needs. This would be completely consistent with your approach to the allocation of transportation funds to the various states and allowing them to have more say as to what methods will be utilized to fulfill transportation needs.

If it is, for some reason, impossible to include Alaska within the Interstate Program, then I would suggest that we be given additional funds in our ABC program in lieu of incorporation into the Interstate so that we can participate as a full partner, as do the other 49 states. In the 1970 Highway Act Alaska was allowed $20 million in each of fiscal years 1972 and 1973 to compensate, to a small degree, for our singular exclusion from the Interstate Highway Program. The precedent certainly has been set for recognizing the discrimination incurred by Alaska and I feel that the continuing of funds in lieu of Interstate appropriations is equitable and in no way inconsistent with your goals as outlined in your May 9, 1972, letter to me.

By not participating in the Interstate Program, Alaska is penalized even further by the fact that we are not allowed to obligate the full apportionment of highway funds given to us by the U.S. Congress. This State presently has nearly $40 million of authorized apportionments which we have not been allowed to obligate as a result of the actions of the Office of Management and Budget. Other states have their Interstate Program to help take up the slack. We do not and, hence, the penalty works doubly hard on Alaska. In addition, construction costs in Alaska, due to the severity of the climate and short working seasons, are often many times higher than those of our sister states, which means that our highway dollar consistently builds substantially less mileage than could be constructed with the same dollar in other states.

In summary, I feel that either Alaska should be included in the Interstate Program immediately or we should be allowed additional monies from the Highway Trust Fund in lieu of participating in the Interstate Program. We must construct highways now since we are on the threshold of economic expansion and, with economic expansion, a drastic increase in population. Migration to Alaska is high and will continue to be high over the next few years as a result of our growing oil industry. Since we are woefully short of surface transportation avenues now, one can only imagine what conditions will be in a few years when our population has increased and our highways have remained essentially as is. We are, as of this date, *completely* out of highway funds and have nearly $30 million of vitally needed highway projects "on the shelf" where they will remain until the obligational ceiling on Federal highway funds is removed. It is unreasonable to continue to withhold nearly $40 million of obligational authority from Alaska in light of our desperate need for highways to spur our social evolution and to develop a firm based economy.

In order to help solve our pressing transportation problems, Mr. Secretary, I appeal to you to take whatever action is necessary to accomplish the following objectives:

1. Release the $40 million of obligational authority that is presently being withheld from Alaska.

2. Incorporate Alaska into the Interstate Highway Program or provide additonal funds annually in lieu thereof.

3. Recognize the complete uniqueness of Alaska's transportation system and tailor future Federal aid highway programs so that Alaska can build the roads she needs to connect the places of residence of her people and take her place with her 49 sister states on an equal footing.

I invite you to come to Alaska this summer if your busy schedule will allow and review firsthand the tremendous transportation gap in this State and to discuss other possible solutions with me.

Sincerely,

WILLIAM A. EGAN,
Governor.

Mr. STEVENS. Mr. President, I am deeply gratified that the Appropriations Committee has agreed to my amendment to the Department of Transportation and related agencies bill in committee which will reopen an urgently needed Civil Aeronautics Board office in Alaska which was closed for economic reasons in 1965.

This office will serve the five CAB certificated airlines in Alaska and the nearly 300 communities those airlines serve. Burgeoning activity stimulated by the Alaska pipeline and infusion of financial resources into the bush from the Alaska Native land claims settlement is causing dynamic increases in rural air traffic. These increases and new emerging traffic patterns are straining the services "bush" operators are able to provide. The committee recognizes the vast area of Alaska and absence of interconnecting surface transportation makes Alaskans inordinately dependent on air service for travel and supplies. Reopening this Alaska office will assist communities, airlines, and approximately 192 air taxi operators through the implementation phase of the Alaska service investigation, undertaken by the Board in 1969 and the bush phase of that case still pending before the Board.

So that the Congress will better understand the remote circumstances and the truly unique lifeline dependency which rural Alaska has with its certified airlines and the bush pilots these airlines subcontract with for servicing villages, I would like to outline briefly just what this situation is. I believe the need for a CAB office in Alaska to service this lifeline will be made abundantly clear by these facts of life with which rural Alaskans must cope at all times.

Five airlines in Alaska are certificated by the Civil Aeronautics Board; Wien Consolidated Airlines, Alaska Airlines, Reeve Aleutian Airways, Kodiak Airways, and Western Alaska Airlines. All but Reeve Aleutian receive subsidy from the CAB.

Wien Consolidated and Alaska Airlines are the largest intra-Alaska carriers. In terms of number of communities authorized to serve, Wien is the largest airline in the world with about 170 points, including two in Canada. Alaska Airlines is authorized to serve about 82 bush points and is a trunk carrier between Seattle and Alaska's population centers.

Of Wien's 170 points, 156 have a population of less than 500 people. In virtually all of these 156 communities, air transportation is the sole mode for delivering food and supplies, mail and passengers. Alaska Airlines is authorized to serve about 82 bush points with similar conditions.

Most rural Alaskans are Native Indians, Aleuts, or Eskimos. They exist on a marginal cash economy based on seasonal employment—fighting forest fires, commercial fishing, and selling Native arts and crafts. The limited cash economy is supplemented in large part by hunting, fishing, and trapping. These same people who can least afford cash outlays for supplies and transportation costs must rely on air transportation to acquire anything beyond the range of their riverboats or, in winter, their snowmobiles.

The number and location of communities in rural Alaska served by certificated carriers change with population shifts. Population shifts result from relocation due to seasonal flooding along major river systems, family migration toward the rivers during fishing season, and relocation of logging camps to new harvest areas. Some of the operating problems encountered in these areas are unknown elsewhere in the country. There are no airport facilities as we know them in urban areas. A windsock is often the only landing aid. Airstrips are short and unpaved, and unfavorable winds often postpone incoming flights. As a rule, there are no lights. In winter, when it is dark more than 20 hours a day in northern Alaska, villagers use kerosene fires to guide airplanes in so that they may receive their mail and supplies. Float planes are used extensively in parts of Alaska. During the time rivers freeze up and again when they are thawing, float planes cannot land. It is necessary for residents in these communities to store up supplies to last through these periods because they are effectively cut off from supply centers.

The CAB has tried several innovative procedures to overcome the adverse economic and operating conditions in Alaska. Both Wien and Alaska Airlines are permitted to provide scheduled service to any community within 25 miles of their authorized routes. Within southeastern Alaska, which is primarily islandic in nature, Alaska Airlines is granted "irregular route authority" permitting them to give scheduled service between any two points. Both Alaska and Wien subcontract to air taxi operators to serve many rural points. There are 192 air taxi operators scattered throughout Alaska and their expertise and knowledge of local conditions are absolute requirements in providing safe air service in the bush. Wien subcontractors serve about 61 of Wien's 170 authorized points. Alaska Airlines' subcontractors serve about 37 of their 82 authorized points.

These innovations—that is, the 25-mile rule, irregular route authority, and unsupervised subcontracting—are not sufficient to meet rural air service needs. Points served under mail contracts receive service based on mail flow rather than the broader personal transportation needs in the community. Subsidy payments to subcontracted air taxi operators are often insufficient for the services they provide.

The 25-mile rule and irregular route authority provide flexibility for the airlines but not dependability for the communities. The seasonal and occupational shifting of the rural population requires the ability to modify authorizations on short notice. Present administrative procedures are too burdensome and time consuming to meet the fluctuating needs in Alaska's bush. Air taxi operators and small certificated carriers like Kodiak and Western Airways do not have the legal or clerical resources to comply with the present administrative requirements. This is one factor in Kodiak and Western Airways' pending applications for merger. An Alaskan CAB office could develop administrative processes that would not entail legal expenses for simple operating modifications.

Mr. President, in the Department of Transportation appropriations bill, which the Senate will vote on soon, I am very gratified that among the many decisions made as to how this $8 billion will be expended, there was a small and wise decision made to not defer 40 units of urgently needed family housing for Coast Guard personnel at the small Alaskan communities of Cordova and Homer. This request of $1.5 million had originally been in the budget but later an amendment came up requesting these homes be deferred because of the necessary buildup of the Coast Guard base at Kodiak, Alaska due to the Navy's departure from that important Alaskan port. Both of these projects were necessary. It was my strong opinion that families needing homes in Cordova and Homer should not be made to suffer for the Kodiak buildup. The committee understood and agreed. I am gratified for this and hope we will be able to maintain this amendment in the conference committee. So further information on this matter may be available, I would like to request at this point in the RECORD that my letter asking for this budget amendment to Senator BYRD be printed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 24, 1972.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: While I strongly support the Coast Guard's budget amendment request of 6.2 million for Kodiak, Alaska, I have asked whether the Coast Guard would or would not have to take resources for the Kodiak operation from other Alaskan activities. I am deeply concerned now to learn that in the OMB budget amendment for Kodiak this is the case. The request calls for deferring urgently needed housing at Cordova and Homer, Alaska valued at 1.5 million so it can be reprogrammed to Kodiak. Coast Guard stations in Alaska should not be crippled to offset the cost of Kodiak. All are needed. Critical services provided by other Alaskan Coast Guard stations are not going to be covered by Kodiak, so they should not be made to suffer to *pay* for Kodiak. The various Coast Guard sites are spaced along the Alaskan coast at appropriate intervals to cover large expanses of the Gulf of Alaska and North Pacific. Each serves a huge geographic area in which marine and air transportation are the predominate modes of travel and in which the waters, climate and terrain are exceptionally hazardous. To strengthen one at the expense of another is like shoring up one section of a dam or bridge by transferring butresses from another.

Alaskan Coast Guard stations are relatively small and, because they are located in small, isolated home ports, their personnel and dependents constitute substantial segments of their respective communities. Housing in these localities is scarce and it is expensive. Coast Guard requests for funds to construct government housing are based on practical surveys of the need. Prior to the Kodiak problem family housing units for Alaskan stations were principal needs evidenced in the Coast Guard budget request. These needs were not alleviated, or affected in any way by developments at Kodiak. Suitable housing is a bulwark of other mission-essental elements of a Coast Guard installation, and cannot be undercut without weakening the main structure.

Therefore, it is my firm belief that the Administration's request to defer the 40 family housing quarters at Cordova and Homer, Alaska so this $1,580,000 can be reprogrammed to Kodiak in FY '73 is a serious error. I believe that these two communities must not suffer because of the necessary build-up at Kodiak. Accordingly, I urge that the Committee *not* reprogram and thus defer these housing funds from Cordova and Homer. I would request instead that we appropriate $1,580,000 in new funds for FY '73 to these housing projects. They are critically needed and should move forward as originally planned and called for in the FY '73 budget.

Thank you very much for your consideration of this request. I hope that you will agree with me.

With best wishes.
Cordially,

TED STEVENS,
U.S. Senator.

Mr. CASE. Mr. President, I yield such time as he may require to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I thank the Senator from New Jersey. I would like again to add my voice in complimenting the committee on the bill now before us, and on the cooperation which I have received from the distinguished Senator from West Virginia (Mr. BYRD) and the distinguished Senator from New Jersey (Mr. CASE) on a problem that I have been pursuing through these halls, specifically the adequate funding of Amtrak.

The additional $55 million which was approved by the House-Senate conference does not appear in this bill, but I have initiated discussions with members of the committee, specifically with the distinguished Senator from West Virginia and the distinguished Senator from New Jersey, and it is my hope that at such time as the supplemental appropriation bill appears before this body, probably sometime in late July or early August, an additional $55 million will be included and will be made available to bring about the necessary capital improvements in that rail system. We do have some additional investigation and homework to do, but I do not feel that in any way there is less of a commitment to a decent rail system within this Nation by the Appropriations Committee because of its failure to appear in this particular bill. I do hope, as I have said earlier, that sometime in July or August those funds will be forthcoming.

I thank the Senator from New Jersey.

Mr. CASE. I yield 4 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I do not wish to unduly prolong debate on this bill. There was a great deal of harmony on the part of the members of the Appropriations Subcommittee and of the full Appropriations Committee in considering this measure.

I would be remiss, however, if I did not express my appreciation to Senator

ROBERT BYRD who has served so ably as the chairman of the subcommittee and to Senator CLIFFORD CASE who has done his usual outstanding work as the ranking minority member of the subcommittee.

It has been a pleasure working on transportation with these two men whose grasp and understanding of the problems associated with this complex issue bode well for the future of the programs contained herein.

I should like to take just a few moments to comment on some of the report language which we adopted.

With regard to the Office of the Secretary, we concurred in the House language which stressed that each of the administrations within the Department of Transportation should be responsible for their own research, development, and demonstration programs, and these programs should be operated without interference from the Office of the Secretary in the day-to-day management of individual projects.

Now, obviously, the Office of the Secretary has the responsibility in the overall sense to see to it that money is not spent by Administrations on worthless projects. But Congress never intended that the Office of the Secretary should have the capability or the authority to "sign off" and, therefore, determine what projects the Administrations should undertake. To do this would rob all autonomy and initiative from the Administrations and we do not wish to see this happen. For that reason, we believed it necessary to underline what the House had already said.

While on that subject, the committee did not touch upon this matter, but I am sure those Senators present here would agree with me, that in granting money to the various research and development programs in the different Administrations, we intend that these Administrations and not some other agency administer these programs. Recently, there has been some discussion that perhaps the National Aeronautics and Space Administration might take over the responsibilities for some of the transportation programs. As Senators know, I have been a strong NASA supporter, and I continue to be strongly in favor of a sensible, viable space program. However, the problems of getting to Mars from Earth are not necessarily similar to the problems of getting from downtown Denver to Arvada, or from midtown Manhattan to Far Rockaway. I see real danger in permitting NASA or any other agency to take over ground transportation projects. The kind of resources which were available for the Apollo project are not available for ground transportation at this time. Therefore, I believe the comparatively meager resources available to the Federal Highway Administration, the Federal Railroad Administration, and the Urban Mass Transportation Administration for ground transportation research should be managed by these Administrations and not by outside agencies—no matter how competent these other agencies may be in other fields. So, I say, while the committee did not speak on this, I wanted to raise the point to serve notice that I, for one, will make this an issue if necessary, and I believe the members of the committee will agree with my viewpoint if, and when, the full facts are debated.

With regard to the National Highway Traffic Safety Administration, I want to highlight the committee's addition of 20 positions to be utilized expeditiously in the area of schoolbus safety.

Fortunately, tragic schoolbus accidents are not common. Statistically, schoolbuses are a safe mode of travel because of the low incidents of injury per mile traveled. Much of this is because most drivers are uncommonly courteous to schoolbuses. The statistics however, do not reflect the potential for disaster and the grossly inadequate situation which prevails.

I am certain all Senators' mail reflects the concern that we all share in this area. The dismaying thing is that most of the answers are apparent and their resolution achievable. I think we can learn a lot from the children who ride on these schoolbuses.

Mr. President, at this point, I should like to read into the RECORD a letter I have received from Miss Holly Piquette of Gunnison, Colo.:

DEAR SENATOR ALLOTT,

Hi! I think we need some changes in the buses. My opinion of what I think they need is:

1. A stronger roof
2. Seat belts
3. Seat back and side padding
4. More experienced drivers
5. Roll bars
6. Safety air bags
7. Head rests
8. Smaller buses
9. Air brakes
10. Larger First-aid kit
11. Stricter student rules

The dangerous objects I think are:

1. Emergency door latch
2. Fan guards
3. Front door latch
4. The aisles are too narrow
5. The first step is too high

Sincerely,

HOLLY PIQUETTE.

No doubt, Holly's letter was stimulated by the tragic bus accident at Monarch Pass, Colo., which took the lives of eight Gunnison High School students and their football coach.

Many so-called schoolbus safety laws have been introduced in this Congress. I am discussing this because I believe much can be done under existing statutory authority if only sufficient manpower is provided to the National Highway Traffic Safety Administration to promulgate and enforce safety and structural regulations. I am, therefore, very pleased that the committee has approved an amendment to provide these 20 additional positions.

Great strides must be made to improve: Braking ability; ease of emergency exit through windows; occupant crash protection; and the structural integrity of schoolbuses. Great strides must also be made to improve the selection and training of schoolbus drivers, and schoolbus maintenance and inspection criteria.

The point is, Mr. President, we know the improvements that are needed. The Senate committee has provided the manpower to expeditiously make these improvements. I hope that our colleagues in the House of Representatives will agree with us on this issue.

The committee directed that schoolbus safety requirements be carried forth without unduly burdening local transit systems. I believe this is an important point because I have not been satisfied that the Safety Administration has properly taken into account the difficulties local transit operations now have and will continue to have in the future meeting school bus safety requirements while at the same time utilizing their buses for other purposes. The committee, in drafting this report language, sincerely hopes that these transit operations will be accommodated as the Administration moves forward in implementing standards.

Now, Mr. President, I wish to make just a few comments on the UMTA report language. The committee has directed UMTA to fund only those projects which are urban transit in nature. We do not wish to see intra-airport or urban renewal project funded with limited UMTA resources. We have other Government programs which are applicable in these cases. For myself, I want to say that I am especially concerned about the funding of intra-airport transportation projects, or projects which are designed to transport passengers from their planes to the terminal, or from one part of the airline terminal to another. I contend that such projects lack statutory authority under the UMTA Act, and even if some interpretation of the law could be made justifying these kinds of grants, I know I am correct in stating that the legislative history of the program does not support intra-airport transportation funding.

On another point, Senators will recall that I sponsored a successful amendment to the fiscal year 1971 Transportation Appropriations Act which earmarked funds for work in the "light rail" field. The work which has been done in this area has been disappointing, and the committee has reflected its disappointment in the language adopted. The committee directed that more resources from the rail portion of R. D. & D. be diverted into this field. We expect action in this area and a specific program to be enunciated. The committee agreed with my suggestion that projects in the "light rail" field would be appropriate for the Pueblo, Colo., test center. But in any case, we do not expect to wait another 2 years before we see concrete developments. We will await action from UMTA.

The committee, on the matter of "personal rapid transit," took quite a different approach from the House. We not only restored the $24,700,000 cut by the House for a further "personal rapid transit" demonstration, but we asked for immediate action. We did so because the Dulles demonstration is, in our view, of limited value. The guideways are only about 750-feet long. The equipment seems to have performed well in these theoretical situations, but if PRT technology is going to mean anything, we must have demonstrations in the real world. In Morgantown, W. Va., we are testing one kind of system under one set of conditions. With another urban demonstration, we will be able to test PRT's under conditions quite different from Morgantown and yet applicable in many places throughout the Nation.

The committee also adopted language on UMTA's "criteria" for rapid transit systems. The language speaks for itself. I expect to have more to say on this subject in the future, however, I believe that the criteria as written are unworkable and have been designed to make it virtually impossible to comply. If the criteria are not revised as the committee requires through its report language, then, as I announced some months ago, I will introduce legislation designed to deal with this problem.

The other matters covered by report language are self-explanatory. I believe the committee did a very commendable job in dealing with many of these very complex issues. I want to again thank the participating Senators, as well as John Witeck and Bob Clark of the committee staff for their excellent support work.

Finally, I must note the action of our committee which is somewhat coincident and complementary to actions of the conferees on the rural development bill. This week, the conferees on H.R. 12931 approved the "Rural Development Act of 1972." Also, this week, the Appropriations Committee has approved an additional $11.8 million for local service airline subsidies. This amount will fill the need recently established by the Civil Aeronautics Board.

Air service is a prerequisite to almost any business move to a new location. The rural development bill has as a major purpose—the stimulation of growth in our rural areas; which as we all know, means attracting more jobs to these rural areas. The overriding issue of the local service subsidy is, rural development.

The key element in rural development, now that passenger trains are no longer available to most rural areas, is the minimum network of air service that is provided by the local service air carriers. Frankly, I have not been completely satisfied with the attitude demonstrated by the CAB toward this issue. What I consider to have been inattention by the CAB was compounded by slowing economic conditions and, as a result, this group of air carriers has suffered an economic decline in recent years. The weakness of these companies threatens continued air service for rural America. I hope that the enactment of the rural development bill, which clearly demonstrates that this is a major national concern at this time, will awaken those charged with the responsibility of providing air service to rural communities.

I thank my distinguished colleague, the Senator from New Jersey (Mr. Case), for yielding this time to me, and I yield back to him such time as I have not used.

Mr. CASE. Mr. President, I appreciate the Senator's comments. Both the chairman of the subcommittee and I are most grateful. I am especially pleased because the Senator from Colorado is a colleague of mine on the subcommittee, and certainly one of our hardest working members.

I thank the chairman also for his consideration and the fine job he has done on this measure.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield such time as he may require to the majority leader.

Mr. MANSFIELD. I thank the distinguished Senator.

Mr. President, Amtrak is now over a year old and its success or failure has not as yet been firmly established. The continuation of passenger train service for most Americans is a very important matter. As I have indicated in the past, the Nation's railroads were abandoning their historic role in this regard.

I have had high hopes for Amtrak and, quite frankly, they have done some innovative things in this very brief time. Amtrak has embarked upon some imaginative high-speed railroad service in densely populated commuter areas. However, I wish the success story of Amtrak in the less populated sections of the country like Montana was as glowing. When the original routes for Amtrak were adopted, they decided to operate passenger train service across the northern tier of Montana which denied service to the vast majority of the State. After some discussion, Amtrak was convinced that they should reinstate passenger train service across the southern route, known as the Northern Pacific Line, on a 3-day a week basis. This decision was made for a 15-month period on a use-it-or-lose-it concept. I do not disagree with this but I do believe that the users should be given some encouragement in demonstrating how much they will want and use this passenger service. This has not been the case in Montana. I do not believe the 15-month period, which will come to an end in September, was a fair test as to how well the people of Montana will use passenger train service. They have been using this service despite the concerted effort of the railroads to discourage patronage.

Almost every day I receive one or two letters from Montana complaining about poor service by Amtrak for the State, poor schedules, later arrivals, discourteous personnel, inability to obtain reservations when trains are obviously not full. All the complaints would indicate that there is little desire to build up traffic on the southern route. I am aware that Amtrak has not had time to develop improved equipment and service throughout the entire system and I am confident that when Amtrak completely takes over from the previous railroad operators, things will improve. We cannot have a fair test as to how people from Montana will use this passenger service until such time as Amtrak upgrades its system in this area as well as the rest of the Nation.

Mr. President, I would like to ask the able chairman of the Senate Subcommittee on Department of Transportation Appropriations, the junior Senator from West Virginia (Mr. Robert C. Byrd), if he has received any indication from Amtrak officials as to whether they intend to extend the use-it-or-lose-it period for the southern route from Minneapolis to Seattle through Montana. Would the chairman agree that Amtrak should not only concentrate on the glamorous experimental service but must make a determined effort to upgrade passenger service to the less populated areas of the Nation?

Mr. ROBERT C. BYRD. Mr. President, I do agree with the statement of the distinguished majority leader. The majority leader wrote to me, as chairman of the Appropriations Subcommittee on the Department of Transportation. He also spoke to me on behalf of himself and his distinguished junior colleague regarding this matter.

The matter was discussed with Amtrak officials by the committee staff, the matter was discussed with high officials in the Department by me, and the matter was discussed by me with the Secretary of the Department of Transportation. May I say that out of those discussions I am encouraged to believe that what the distinguished majority leader hopes to achieve will be accomplished. It is my understanding that a decision by Amtrak will be made in July or August. The word used by a high official in the Department—I will not use his name—was "optimistic," indicating that he was optimistic, of course without being bound in any way.

The PRESIDING OFFICER. All time on the bill has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. He could not make a binding promise, but he was optimistic; and from that I am encouraged, may I say to my leader, and I shall do everything I can to pursue this matter further.

Moreover, may I say, in response to the distinguished Senator from Connecticut (Mr. Weicker) that there was no budget request for this item. It was discussed in committee, however, in the light of the correspondence received from the able Senator from Connecticut. I appreciate the fact that he is not offering an amendment today to add moneys for Amtrak. It is for this reason that I have assured him that I will do everything I can to see that the moneys are put in the supplemental bill, provided a budget estimate comes up. If the committee does not put the money in, we will have a vote on the floor in response to his efforts.

The PRESIDING OFFICER. All time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I am very much encouraged by what the distinguished chairman of the subcommittee has just said. I am sure it is concurred in by the ranking Republican member, the distinguished Senator from New Jersey; by the distinguished Senator from Colorado; and by the ranking Republican member of the Appropriations Committee, the distinguished senior Senator from North Dakota, as well as others who are affected by the lower part of what is now called the Burlington Northern but which used to be the old Northern Pacific Line.

In closing, I wish to restate that my colleague from Montana, Senator Lee Metcalf, and I believe that not only should Amtrak continue the service on the southern route, but also the service should be extended to a new 7-day-a-week basis. The southern route serves the population centers of the State; and if Montana is to be given any consideration, these areas must have Amtrak service. The northern route expedites passenger traffic from the Twin Cities to the west coast and serves Glacier National Park, all of which is very important, all of which I approve.

But, Mr. President, we cannot ignore three-fifths of a State like Montana, which is as large as the empire of Japan—148,000 square miles—but which has a very small population of approximately 700,000, dependent in large part upon rail transportation because we do not have the air service.

Again, I thank the distinguished chairman and all the Senators on the floor who have indicated their support for this proposal.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill as amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of the agreement to this order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 9, strike out "$23,970,000" and insert "$24,120,000".

On page 2, line 15, after the word "expended", strike out "$37,000,000" and insert "$45,000,000".

On page 2, line 22, after "(49 U.S.C. 1674)", strike out "$750,000" and insert "$1,000,000"; and, in line 23, after the word "expended", insert a colon and "Provided, That this appropriation shall be available only upon the enactment into law of authorizing legislation.".

On page 3, line 12, after the word "welfare", strike out "$548,900,000" and insert "$551.000,000"; and, on page 4, line 18, after the word "Government", insert a colon and "Provided further, That $318,596,000 of this appropriation shall be available only upon the enactment into law of legislation authorizing active duty personnel strength for the Coast Guard for fiscal year 1973.".

On page 5, at the beginning of line 1, strike out "$131,550,000" and insert "$134,680.000"; and, in line 2, after the word "expended", insert a colon and "Provided, That this appropriation shall be available only upon the enactment into law of legislation authorizing active duty personnel strength for the Coast Guard, and authorizing appropriations to the Coast Guard for vessels, aircraft, and construction for fiscal year 1973.".

On page 5, line 9, after the word "expended", insert a colon and " "*Provided,* That this appropriation shall be available only upon the enactment into law of authorizing legislation.".

On page 5, after line 16, strike out:

"RESERVE TRAINING

"For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $31,735,000: *Provided,* That amounts equal to the obligated balances against the appropriations for 'Reserve training' for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation."

On page 6, line 8, after the word "law", strike out "$16,500,000" and insert "$18,256,000"; and, in line 9, after the word "expended", insert a colon and "Provided, That $1,424,000 of this appropriation shall be available only upon the enactment into law of legislation authorizing active duty personnel strength for the Coast Guard for fiscal year 1973.".

On page 6, line 17, after "(Public Law 92–75)", strike out "$3,000,000" and insert "$7,500,000".

On page 7, line 2, after the word "snowshoes", strike out "$1,152,038,000" and insert "$1,150,538,000"; in line 7, after the word "grant", strike out $19,100,000" and insert $21,218,000"; in line 9, after the word "of", strike out "active metal detection" and insert "screening"; and, in line 15, after the word "systems", strike out "$2,000,000" and insert "$3,500,000".

On page 8, line 9, after the word "aircraft", strike out "$251,939,000" and insert "$302,650,000".

On page 9, after line 15, insert:

"FEDERAL PAYMENT TO THE AIRPORT AND AIRWAY TRUST FUND

"For payment to the Airport and Airway Trust Fund as provided by section 208(d) of Public Law 91–258, $48,728,000."

On page 10, line 3, after the word "ammunition", strike out "$12,200,000" and insert "$12,265,000".

On page 10, line 8, after the word "Columbia", strike out "$2,600,000" and insert "$3,608,000".

On page 10, at the beginning of line 23, strike out "$13,400,000" and insert "$13,325,000"; and, in line 25, after the word "exceed", strike out "$98,400,000" and insert "$99,535,000".

On page 12, line 1, after the word "expended", strike out "$2,000,000" and insert "$10,000,000"; and, in line 2, after the word "which", strike out "$600,000" and insert "$3,000,000".

On page 12, at the beginning of line 14, strike out "$25,000,000" and insert "$15,000,000".

On page 12, line 25, after "(78 Stat. 505)," strike out "$4,891,990,000" and insert "$4,893,125,000".

On page 14, line 6, after "5 U.S.C. 3109", strike out "$43,000,000" and insert "$45,673,000"; in line 7, after the word "which", strike out "$28,700,000" and insert "$30,363,000"; and, in line 8, after the word "fund", insert a colon and "Provided that $188,000 of such funds shall be available only upon enactment into law of authorizing legislation.".

On page 14, line 21, after the word "Administration", strike out "$2,750,000" and insert "$2,921,000".

On page 14, line 24, after the word "activities", strike out "$10,350,000" and insert "$10,500,000".

On page 15, line 3, after the word "for", strike out "$6,900,000" and insert "$7,110,000".

On page 15, line 7, after the word "transportation", strike out "$45,000,000" and insert "$60,879,000"; and, in line 8, after the word "expended", insert a colon and Provided, That this appropriation shall be available only upon the enactment into law of authorizing legislation."

On page 16, at the beginning of line 20, strike out "$6,400,000" and insert "$6,684,000, and "to remain available until expended."

On page 17, line 1, after the word "expended", strike out "$74,000,000" and insert $114,000,000"; and, in line 2, after the word "That", strike out "$74,000,000" and insert "$111,000,000".

On page 18, line 18, after the word "Board", strike out "$7,700,000" and insert "$8,285,000".

On page 18, line 26, after the word "expenses", strike out "$14,123,000" and insert "$14,173,000".

On page 19, line 5, after the word "Board", strike out "$54,000,000" and insert "$65,400,000".

On page 22, after line 12, strike out:

"Sec. 302. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants in aid for airport development aggregating more than $280,000,000 in fiscal year 1973.

"Sec. 303. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $30,000,000 for 'Highway Beautification' in fiscal year 1973.

"Sec. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $80,000,000 in fiscal year 1973 for 'State and Community Highway Safety' and 'Highway-Related Safety Grants'.

"Sec. 305. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $4,000,000 in fiscal year 1973 for 'Territorial Highways'.

"Sec. 306. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $20,000,000, exclusive of the reimbursable program, in fiscal year 1973 for 'Forest Highways'.

"Sec. 307. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $12,000,000 in fiscal year 1973 for 'Public Lands Highways'."

On page 23, at the beginning of line 14, change the section number from "308" to "302".

On page 23, at the beginning of line 8, change the section number from "309" to "303".

On page 23, at the beginning of line 21, change the section number from "310" to "304".

On page 24, at the beginning of line 10, change the section number from "311" to "305".

On page 24, at the beginning of line 13, change the section number from "312" to "306".

On page 24, at the beginning of line 22, change the section number from "313" to "307".

On page 25, at the beginning of line 12, change the section number from "314" to "308".

Mr. CASE. Mr. President, I send an amendment to the desk and ask that it be stated.

The legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 17, line 1, it is proposed to strike "$114,000,000" and insert in lieu thereof "$118,000,000"; and on page 17, line 2, strike "$111,000,000" and insert "$115,000,000."

Mr. ROBERT C. BYRD. Mr. President, the able Senator from New Jersey has discussed this matter with me. The committee inadvertently overlooked including this amount in the bill, and I am willing to accept the amendment.

Mr. CASE. Mr. President, I appreciate the chairman's consideration. It is entirely in harmony with his customary conduct and thoughtfulness for his colleagues.

The amendment would add $4 million, of which $3.5 million is for the development of service for people of special needs, such as the aged and handicapped, and a half million dollars for the development of a rail bus.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. ROBERT C. BYRD. I yield back my time.

Mr. CASE. I yield back my time.

The PRESIDING OFFICER. All time on the amendment is yielded back. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I wish to thank the able senior Senator from New Jersey (Mr. CASE)—ranking member of the minority side—for the fine cooperation and the many courtesies he has accorded to me during the hearings and markup on this bill. Without his help, and without the equally fine cooperation and assistance on the part of the able senior Senator from Colorado (Mr. ALLOTT) this bill could not have been gotten to the floor as expeditiously as was the case. I am indebted to them for their advice and counsel, their helpfulness, and the work they have done in developing the testimony and in hammering out what I consider to be a very good bill. I also wish to express my gratitude to the distinguished senior Senator from New Hampshire (Mr. COTTON) and the senior Senator from Alaska (Mr. STEVENS) for the support and the contributions they have rendered. Senator BIBLE, Senator ELLENDER, and other Senators on my side of the aisle are also to be commended, and I express my appreciation to them.

FUNDS FOR AIR SAFETY AT THE ELKHART, IND., AIRPORT

Mr. HARTKE. Mr. President, I am pleased that the DOT appropriations bill now before the Senate includes an appropriation of $350,000 for an instrument landing system with approach lights at the Elkhart Municipal Airport.

This $350,000 appropriation was contained in an amendment which I proposed to the DOT Appropriations Subcommittee. I would like to take this opportunity to thank the distinguished chairman of that subcommittee (Mr. ROBERT C. BYRD) for his profound interest in aviation safety and for his cooperation in including this appropriation in the bill.

Elkhart Municipal Airport provides scheduled air passenger service to Chicago's O'Hare Airport and Indianapolis' Weir Cook Airport. A total of 16 round trip flights per day serve Elkhart and its immediate surrounding areas. The airport is also home base for many corporate aircraft and a convenient facility for itinerant aircraft because of Elkhart's oustanding position as a hub of business and industry activity in the area.

Elkhart airport now averages 600 instrument operations per month. FAA criteria for an instrument landing system require only 700 instrument landings per year. Despite the fact that Elkhart Municipal Airport was eligible for an ILS system, the administration failed to request an appropriation.

Mr. President, I cannot forget the dozens of lives which were lost in the tragic accident 2 years ago at the Huntington, W. Va., airport because of a delay in installing an instrument landing system. An analysis of airport accidents for the past 20 years will indicate that hundreds of lives have been lost for this same reason. It is therefore important that Elkhart Municipal Airport get this instrument landing system without delay.

AIRCRAFT SCREENING DEVICES

Mr. BROOKE. Mr. President, I am gratified that the Appropriations Committee accepted my amendment to modify the appropriation for the Department of Transportation in order to permit the utilization of any type of passenger or baggage screening device. As passed by the House of Representatives, the bill permitted solely the acquisition of active metal detection devices.

There is no question that the strongest possible steps must be taken immediately to cease the shocking wave of hijackings and other acts of violence on airplanes. The problem has clearly grown beyond the ability of the airlines to remedy on their own; what is needed is more Government assistance to insure adequate security.

The Department of Transportation reports that, as of June 5, 1972, there have been 147 hijacking attempts in the United States since the introduction of commercial aviation. However, 113 of these, or nearly 80 percent, have taken place during the last 3 years. And almost two-thirds of them have been successful.

Secretary of Transportation John Volpe has announced that once the Department receives funding he is prepared to move immediately to install magnetometers in commercial airports across the country. According to FAA Administrator John Shaffer, 350 magnetometers are already installed at our Nation's airports; approval of this legislation should permit the installation of at least 800 more. These devices are used principally to detect metal objects containing iron which are carried on board by passengers. Their installation will represent a significant step forward in reducing the incidents of air piracy; however, it will, in no sense, eliminate the possibility of further air tragedy.

For example, the magnetometer will not be able to detect dangerous devices which have no iron content. Among the weapons which have been used by hijackers that could not be detected by magnetometers are grenades, certain other explosives, razor blades, and tear gas.

In addition, there is no plan to use magnetometers for inspecting the contents of baggage. We need only recall the tragic slaughter at the Tel Aviv airport to remind ourselves that a madman can easily place his weapon in a suitcase and open fire when he arrives at the terminal.

Regrettably, we cannot prevent each and every hijacking. Many of these incidents have been brazenly carried out by individuals without the use of any weapon. But I strongly believe that the Government should be able to use every means necessary to prevent these tragic affairs.

Several Federal agencies are already using X-ray screening devices to inspect the contents of goods in transit. The Postal Service and the Customs Bureau are among the agencies using these advanced systems for rapid inspection of parcels and baggage.

A preliminary report by FAA researchers indicates that these screening devices "can make a definite contribution" to airplane safety.

I hope that the Members of the House will agree to this amendment, and that the administration will explore every possible means of restoring safety and sanity to our Nation's air travel.

Mr. KENNEDY. Mr. President, I am pleased to support the Senate Appropriations Transportation Subcommittee request for an additional $50 million for safety facilities at our Nation's airports. An additional $32,711,000 is added for instrument landing systems with approach lights at 84 airports; an additional $12 million for traffic control towers at 30 airports; and $6 million for airport surveillance radars at three locations. The need for these safety improvements has long ago been established and it is my hope that this additional funding will be retained when this legislation is discussed in the House-Senate conference.

In my own State of Massachusetts, three airports will benefit from the increased funding. Logan Airport in Boston will receive $605,000 for an instrument landing system and Norwood Airport will receive $360,000 for an ILS. The Beverly Municipal Airport will receive $400,000 for a traffic control tower. In both the House and the Senate versions of the bill, the Barnes Municipal Airport in Westfield, Mass., is included to receive funds for an instrument landing system. In all of these instances, the need for these safety facilities has been documented and travelers using the airports consider the improvements long overdue.

During extensive hearings in recent weeks, the House Appropriations Subcommittee expressed great concern about the rate with which the Federal Aviation Administration is obligating funds for safety improvements made available in appropriations by the Congress. The subcommittee had expressed the same concern the previous year, nonetheless, the FAA unobligated balance continues to increase. As of March 31, 1972, there was an unobligated facilities and equipment balance of $348 million.

The House subcommittee report points our that this unused funding is particularly disturbing because of the nature of the equipment whose installation has been delayed. The House Government Activities Subcommittee pointed out that FAA's program to spend at a level of $250 million over the next 10 years for air traffic control facilities and equipment is "patently inadequate to meet the needs of optimum safety in air travel during the 1970's." J. J. O'Donnell, president of the Air Line Pilots Association has repeatedly pointed out the need for at least one ILS at every airport.

Testimony has shown that 101 instrument landing systems, 52 airport surveillance radars, and 46 air traffic control towers which were funded in the period 1967 to 1972 have yet to be commissioned. In my State alone, an ILS funded for Logan Airport in 1968 and one for Martha's Vineyard Airport funded in 1971 still have not been commissioned.

The Senate Appropriations Subcommittee on Transportation has shared the concern of passengers, airlines, and airports across the country in allocating funds for improved safety facilities. The Senate today has the opportunity to support funding for improvements at 117 airports where the need for this equipment has been fully demonstrated. It is imperative not only that funding be approved, but that the Federal Aviation Administration take steps immediately to implement construction of the facilities.

Mr. HATFIELD. Mr. President, I support H.R. 15097, a bill which provides appropriations for Coast Guard activities. The importance of the Coast Guard and the service it provides for my State of Oregon is something I have stressed many times while working for the appropriation.

Included in this bill are funds for the construction of a helicopter station at North Bend, Oreg. Mr. President, my home is on the Oregon coast and I am keenly aware of the need for coastal search and rescue operations, as well as for surveillance of foreign fishing. There is a great need to maintain and increase the quality of service provided by the Coast Guard for those who use our beaches for recreation purposes, and also for the protection of the fishing industry.

The search and rescue operations of the Coast Guard are dramatically illustrated each year. Since January 1, 1972, the 13th Coast Guard District has assisted in saving 49 lives, with rescue operations aiding 2,311 persons. In the last 2 months, there have been 741 rescue operations alone along the Oregon and Washington Coasts. There have been 18 deaths during this same amount of time. Two weeks ago, in an attempt to rescue two girls who had been swept out to sea while wading in the ocean-water of Coos Bay, three lives were lost. The girls were saved—but three persons involved in the rescue died. Had a helicopter been available from the proposed station at North Bend, the lives of those who attempted the rescue, might have been saved. The ability of a helicopter to maneuver and work at a close distance in extremely choppy seas where small boats have difficulty, makes them essential to adequate rescue operations. A helicopter was especially needed 2 weeks ago at Coos Bay.

The Coast Guard also provides needed coastal patrols and surveillance for foreign fishing incursions in U.S. waters. Two days ago, 38 Russian fishing vessels were sighted off the Oregon and Washington coasts. Seven coastal counties in Oregon are the home of a fishing industry that harvests 85 million pounds of fish annually. This amounts to an $18 million business, which is feeling the effects of these foreign fishing incursions. Helicopter surveillance at a close distance could provide photographs and would assist in alleviating harassment of Northwest fishermen. Presently, two winged aircraft patrols are provided per week, and increased helicopter attention to off-shore foreign vessels is necessary. Last year, 68 Russian ships were working off the Oregon coast. Increased attention to this problem by the Coast Guard could have a direct effect in bringing about some sort of meaningful negotiations for offshore fishing limits, and help end some of these incursions.

This proposed bill has far-reaching implications for the thousands of people who take advantage of Northwest coastal recreation areas, and for those persons earning a living from the fish resources in these waters. The proposed Coast Guard station at North Bend is needed to insure their safety and their protection. As a resident of the Oregon Coast, I am familiar with these problems and take a special interest in the Coast Guard appropriations. Mr. President, I urge my colleagues to join me in supporting this bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. ELLENDER is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent by leave of the Senate, because of a death in his family.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 65, nays 0, as follows:

[No. 222 Leg.]

YEAS—65

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bible
Brock
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Dole
Eagleton
Eastland
Ervin
Fong
Gurney
Hansen
Hartke
Hatfield
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Tower
Tunney
Weicker

NAYS—0

NOT VOTING—35

Baker
Bellmon
Bentsen
Boggs
Buckley
Church
Curtis
Dominick
Ellender
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Harris
Hart
Hollings
Hughes
Jordan, N.C.
McClellan
McIntyre
Metcalf
Miller
Moss
Mundt
Muskie
Ribicoff
Saxbe
Scott
Stafford
Stevenson
Thurmond
Williams
Young

So the bill, H.R. 15097, was passed.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President,

I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Chiles) appointed Mr. Robert C. Byrd, Mr. Stennis, Mr. Magnuson, Mr. Pastore, Mr. Bible, Mr. Proxmire, Mr. Ellender, Mr. Case, Mrs. Smith, Mr. Allott, Mr. Cotton, Mr. Stevens, and Mr. Young conferees on the part of the Senate.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 7 P.M. TODAY FOR THE INCLUSION OF A STATEMENT BY THE SENATOR FROM NEW HAMPSHIRE (MR. COTTON) ON THE TRANSPORTATION APPROPRIATIONS BILL

Mr. ROBERT C. BYRD. Mr. President, the distinguished senior Senator from New Hampshire (Mr. Cotton), as I understand it, had wanted to call up an amendment to the bill making appropriations for the Department of Transportation. I had no prior knowledge that he wanted to do so. The Senator from New Hampshire was busy in the Labor-HEW Appropriations Subcommittee markup session being conducted here at the Capitol while the transportation appropriations bill was being debated on the floor. During the rollcall vote on passage of the bill, Senator Cotton indicated to me that he had hoped to call up his amendment before the bill was advanced to third reading. I have held up the motion to reconsider the vote on the bill, because I wanted to give the Senator from New Hampshire (Mr. Cotton) the opportunity to offer such an amendment if he still wanted to do so.

So I have gone to the committee meeting where he is now sitting and indicated that it would be my desire to ask unanimous consent that the bill, although it has now been passed, be open to an amendment to be offered by the able Senator from New Hampshire so that the Senate could even now pass on his amendment by a voice vote and that I would be glad to accept the amendment. However, he has indicated that he does not now wish to offer the amendment, but that he would like the Record to be kept open for a statement by him.

I, therefore, ask unanimous consent that the Record be kept open until 7 p.m. today for the purpose of including a statement by the distinguished senior Senator from New Hampshire (Mr. Cotton), if he cares to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill (H.R. 15097) was passed.

Mr. GURNEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER. The Chair lays before the Senate for its consideration the unfinished business, which the clerk will state.

The bill was stated by title as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE COMMODITY CREDIT CORPORATION, FISCAL 1971—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

In accordance with the provisions of Section 13, Public Law 806, 80th Congress, I transmit herewith the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1971.

Richard Nixon.

The White House, *June 16, 1972.*

SECOND ANNUAL REPORT ON HAZARDOUS MATERIALS CONTROL—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

I transmit herewith the Second Annual Report on Hazardous Materials Control as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91–458. This report has been prepared in accordance with Section 302 of the Act, and covers calendar year 1971.

Richard Nixon.

The White House, *June 16, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of Senate proceedings.)

PROPOSED UNANIMOUS-CONSENT AGREEMENT ON H.R. 15418, DEPARTMENT OF INTERIOR APPROPRIATIONS, 1973

Mr. ROBERT C. BYRD. Mr. President, I have cleared the following request with the distinguished Senator from Nevada (Mr. Bible) and the distinguished Senator from Alaska (Mr. Stevens), who are the chairman and ranking minority member, respectively, of the Subcommittee on Interior Appropriations. I have also cleared the request with the distinguished Senator from Florida (Mr. Gurney) who is the acting minority leader at this time. I propose the request as follows:

Mr. President, I ask unanimous consent that at such time as H.R. 15418, a bill making appropriations for the Department of Interior, is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between and controlled by the distinguished Senator from Nevada (Mr. Bible) and the distinguished Senator from Alaska (Mr. Stevens); that time on any amendment, debatable motion, or appeal in relation thereto be limited to 30 minutes, the time to be equally divided between the mover of such and the distinguished manager of the bill, except in any instance in which the manager of the bill favors such, in which case the time in opposition thereto shall be under the control of the distinguished Republican leader or his designee; and provided further that time on the bill may be yielded to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER (Mr. Chiles). As a Senator from Florida, I object.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. ON MONDAY, JUNE 19, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROTH ON MONDAY, JUNE 19, 1972

Mr. ROBERT C BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders on Monday next under the standing order, the distinguished Senator from Delaware (Mr. Roth) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROTH ON TUESDAY, JUNE 20, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the prayer and the recognition of the two leaders on Tuesday next, the distinguished Senator from Delaware (Mr. Roth) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BILL TO STRENGTHEN AND EXPAND THE HEADSTART PROGRAM (S. 3617) TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the two amendments by Mr. Tower, on Monday, the unfinished business be laid aside temporarily and that the Senate proceed to consider S. 3617, the Headstart bill, and that the unfinished business remain in a temporarily laid aside status until the bill S. 3617 is disposed of on Monday or until the close of business that day, whichever is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 o'clock a.m.

Following the recognition of the two leaders under the standing order the distinguished Senator from Delaware (Mr. Roth) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, after which the Chair will lay before the Senate the unfinished business.

At that time the Senate, under the previous order, will take up the amendment by Mr. Sparkman to the Foreign Assistance Act. There is a time limitation on that amendment of 2 hours.

Upon the disposition of the amendment by Mr. Sparkman, the Senator from Texas (Mr. Tower) is prepared to call up two amendments in succession, on each of which there is a time limitation of 1 hour.

It is my understanding that, depending upon the decision of the Senate with respect to the amendment by Mr. Sparkman, Mr. Tower may offer only one of his amendments. But he has two amendments which he is prepared to offer, depending on how the vote goes, and as I have already stated there is a time limitation on each of the three amendments.

It is also my understanding that the amendment which was to have been called up on Monday by the Senator from Pennsylvania (Mr. Scott) will not be called up that day, but it will be called up on Tuesday instead.

Therefore, I ask unanimous consent that the amendment by Mr. Scott which was previously ordered to be laid before the Senate on Monday not be laid before the Senate until Tuesday. I will not indicate the exact hour at this time, because I want to be sure I understand just what time during the day the able Republican leader would like to call up his amendment. In any event, the amendment will not be called up on Monday.

The PRESIDING OFFICERS. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Following the action on the amendments by Mr. Tower, the Senate will take up the Headstart bill, S. 3617, for the second track.

There will be rollcall votes on Monday on Mr. Sparkman's amendment and on the amendment or amendments by Mr. Tower. Certainly there will be amendments to the Headstart bill. They will be called, up hopefully. Undoubtedly, there will be rollcall votes thereon. Senators are alerted, therefore, to the several rollcall votes which will occur on Monday.

May I say for the Record at this time that the Senate will be convening each morning following Monday of next week at 9 a.m. As to whether or not a Saturday session will be necessary remains to be seen. It will depend upon the progress that the Senate is able to make during the week in connection with several important bills and in connection with the further debate on the unfinished business, the Foreign Assistance Act. I would hope that, with long sessions beginning at 9 o'clock daily and with our recessing at the close of each long day, the Senate would be able to keep up with the calendar and transact the business that is before us.

So Senators will want to arrange their schedules accordingly. Every day next week will be a long day, beginning early and going late. We have only 10 days remaining before the Senate adjourns for the Fourth of July holiday and the Democratic Convention, unless next Saturday is utilized for a session, in which case there will be only 11 days remaining.

ADJOURNMENT TO MONDAY, JUNE 19, 1972, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 10 o'clock Monday next.

The motion was agreed to; and at 1:33 p.m. the Senate adjourned until Monday, June 19, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 1972:

U.S. Army

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, section 3370:

ARMY PROMOTION LIST

To be colonel

Ackerman, P. D., Jr., 266-20-0481.
Adams, Lewie H., Jr., 422-16-3943.
Alderson, Harry O., 454-24-2413.
Alers, Agustin, 580-30-1120.
Alexander, Howard C., 422-07-9452.
Allen, Archie E., 379-18-9325.
Allen, Charles H., 459-44-4475.
Allison, Kenneth R., 317-14-5490.
Allison, Ralph L., 251-18-3468.
Allred, Dal C., 529-20-3718.
Alspaugh, Donald G., 430-42-0446.
Ammerman, James H., 452-34-2986.
Anderson, James E., 312-18-4472.
Anderson, Richard D., 035-14-3692.
Anderson, William D., 448-12-5354.
Angrist, Walter J., 357-14-0267.
Anson, James J., 559-54-7773.
Antonides, Lloyd E., 072-18-7889.
Archibald, Parker D., 219-12-3369.
Augustin, Edward C., 335-16-1381.
Avedisian, Michael, 102-12-8490.
Axsom, Marvin L., 566-20-5482.
Bachlor, Charles R., 440-24-4096.
Barclay, Chris A., 524-14-9003.
Barnes, Edward J., Jr., 125-07-6009.
Barresi, Joseph R., 024-16-2814.
Barry, Richard C., 562-24-0945.
Bartlett, Roy R., 726-18-4526.
Baum, Bernard H., 349-18-9759.
Bauma, Charles R., 479-14-2098.
Be Vier, William A., 715-10-4991.
Bealke, F. C., Jr., 220-14-7791.
Benefiel, R. J., 369-12-5988.
Bennett, Billy R., 442-24-1709.
Benson, O. G., Jr., 442-22-7140.
Bernard, William J., 579-09-8169.
Berry, Gerald G., 448-14-3683.
Bertle, Frederick, 395-10-3487.
Bettis, Earl W., 554-18-6898.
Bevins, James C., 401-28-8053.
Bialo, John M., 067-18-1909.
Bierer, Eugene S., 185-30-7201.
Black, Allen P., 450-05-1019.
Blake, Hary D., 525-46-0367.
Bloom, Waller C., 300-18-3872.
Bocher, Lawrence C., 442-14-8774.
Bodley, John M., 414-26-1362.
Bohm, Jack N., 185-14-0255.
Bollhalter, J. J., 436-26-1595.
Boman', James E., 421-24-7847.
Bond, Willis L., 529-34-1677.
Bossard, Donald R., 447-12-8251.
Boutwell, Claude A., 428-22-3940.
Bradshaw, George W., 228-34-6534.
Brandt, Albert F., 228-48-2598.
Brashear, Bobbie J., 444-24-2119.
Braunig, Carl F., Jr., 460-18-0532.
Brophy, Robert H., Jr., 072-18-3340.
Brower, Edwin L., 139-18-2605.
Brown, Alson W., 002-14-4695.
Brown, Donald R., 009-18-6273.
Brown, William C., 452-30-0346.
Bryan, John N., Jr., 419-32-0481.
Buckley, N. C., 363-16-6167.
Buczko, Thaddeus, 029-12-8337.
Buen, Edsell D., 502-12-5711.
Bunker, Eldon H., 476-18-7019.
Burgess, Maurice, 542-07-2824.
Burke, Edmund J., 323-14-3013.
Bushey, Harold T., 097-07-3574.
Calamari, Joseph A., 098-12-3449.
Calendo, Peter L., 118-05-1188.
Campbell, John A., 345-12-8495.
Carpenter, John E., 507-14-5597.
Carter, John R., 383-03-5655.
Carver, Edward F., 043-12-8364.
Case, Eldon A., 513-18-1789.
Cassidy, James J., 421-26-6437.
Chism, James W., 411-12-4978.
Choate, Lawrence C., 015-12-2089.
Clark, Harold E., 460-24-3636.
Clark, Richard L., 302-07-4360.
Claycomb, Cecil K., 529-05-9801.
Coleman, Frederick, 273-07-5405.
Coleman, Monroe, 507-20-2083.
Coleman, Robert E., 346-12-5009.
Conner, Hatcil L., 310-32-3775.
Conover, Roger F., 144-20-2803.
Conrad, A. H. Jr., 434-34-6453.
Coon, Lewis H., 446-14-9681.
Corning, Stuart S., 034-12-7740.
Cornish, G. R. Jr., 193-12-8008.
Coron, Sidney G., 073-14-6120.
Crain, Buyan A. Jr., 460-18-0373.
Crowder, Wallace E., 464-38-4357.
Cummings, Robert H., 026-16-7650.
Cunningham, Robert, 382-01-9563.
Curling, Lewis A., 224-28-3481.

Dabbs, J. P., 450-18-2168.
Dahl, Everett E., 528-52-9418.
Dana, Sam M., 573-05-6049.
Daugherty, T. V., 566-22-1311.
Davenport, Robert C., 555-40-5188.
Davis, Bill T., 249-24-3829.
Davis, John R., 548-18-9909.
Davis, Robert E., 275-22-7058.
Deem, Fred B. Jr., 235-38-2516.
Delgiudice, Vincent, 353-05-0260.
Dillenbeck, William, 535-09-7325.
Dillingham, C., 408-22-3003.
Dismuke, Richard L., 256-14-5359.
Dizer, William H., 008-12-0019.
Donato, William A., 323-12-4328.
Doyle, Lawrence L., 283-03-2424.
Drew, Aubrey J., 270-16-5236.
Dubbin, Sidney M., 263-20-9680.
Ducharme, C. Albert, 076-20-4124.
Dunbar, R. B. Jr., 462-20-8409.
Duncan, Robert F. Jr., 567-22-1168.
Dupont, John S., 433-34-0654.
Durrin, Jerry L., 448-20-3241.
Efflandt, Lloyd H., 346-16-2485.
Elliott, David N., 461-22-6382.
Elliott, Herbert L., 441-12-6319.
Emerson, Raymond C., 039-12-2846.
Erickson, Howard E., 520-16-4815.
Ethington, G. C. Jr., 407-18-5833.
Featherston, J. W., 491-16-0419.
Felker, Joseph K., 260-14-8846.
Ford, Timothy C., 377-24-0823.
Frank, Philip J., 072-18-1227.
Frazier, Howard W., 443-16-1983.
Friedrich, Wayne H., 151-20-8749.
Fullerton, J. C. Jr., 225-24-3714.
Furuya, Henry H., 576-22-8098.
Gable, William R., 428-22-4021.
Galbreath, Jasper F., 426-28-5887.
Gardner, Lawrence E., 480-28-6226.
Garretson, Ronald B., 533-14-1182.
Garver, Donald E., 276-09-3322.
Gernand, William F., 310-14-3044.
Gerrard, Clarence C., 529-28-2211.
Getzendanner, J. Jr., 219-18-5635.
Giles, Ted A., 256-30-2014.
Glascock, Bob D., 528-20-6735.
Gonzalez-Veve, F., 580-70-1286.
Gordon, Charles J., 066-14-7950.
Gossett, James L., 416-26-9752.
Goyeneche, Rafael C., 436-26-2530.
Grand Pre, Donn R., 502-12-7111.
Graves, Ernest D. Jr., 424-22-3901.
Grayson, Ralph L. Sr., 571-12-4806.
Grier, Robert L., 147-12-0365.
Grimshaw, Paul R., 528-20-0251.
Grossman, Jerome P., 507-20-4706.
Hafer, Sebastian R., 210-12-8072.
Haigh, Henry W., 537-12-9400.
Hale, Phillip G., 366-12-4926.
Hale, William N., Jr., 219-10-0059.
Halfyard, Robert L., 013-20-4484.
Halperin, Sanford B., 144-14-9259.
Hamann, Albert D., 398-24-5178.
Harman, Rufus, A., 226-24-2116.
Harris, C. S., Jr., 465-22-6054.
Hawk, James H., 331-12-6875.
Heck, Robert C., 285-20-3205.
Henderson, Edward J., 157-01-8764.
Henderson, J. S., 455-58-1342.
Henderson, Robert D., 225-40-7065.
Henne, Fred E., 430-40-8876.
Hennen, Earl M., 236-28-6452.
Hensler, Thomas P. J., 252-34-0387.
Hermanson, Ray T., 471-16-0443.
Herold, Arthur K., 221-10-9242.
Hicks, Earl W., 414-09-1611.
Hilborn, Howard S., 292-14-1908.
Hill, Richard D., 451-26-7057.
Hill, William S., 327-16-2683.
Hilsman, Roger Jr., 550-18-6082.
Hoel, Norman J., 704-12-3429.
Hoffman, Paul J., 470-44-9274.
Holmer, James L., 471-24-5814.
Holmes, Royal B., 002-28-5771.
Holter, William C., 390-18-0827.
Hudson, John E., 523-26-6503.
Huffman, Walter E., 447-16-7856.
Hufft, Preston H., 435-22-4213.
Hummel, John L., 285-12-8962.
Hunt, Herbert G., 030-22-0068.
Iorio, Frank J., 045-14-7249.
Ivanson, Kenneth J., 370-20-5999.
Ivey, William D., 472-24-4099.
Ivy, Raymond P., 436-16-9367.
Jackman, Earl F., 515-10-0780.
Jackson, Wayne P., 351-20-3159.
Jeffries, Le Roy V., 483-22-7623.
Jess, Charles W., 215-16-2180.
Johnson, Clayton, 332-10-4962.
Johnson, Edward S., 116-09-2502.
Johnson, James B. E., 456-30-5399.
Johnson, Overton R., 225-26-4624.
Johnson, Owen A., 474-14-9324.
Johnson, Paul M., 562-18-9662.
Johnson, Walter P., 267-16-3449.
Jones, Bud L., 034-14-4489.
Jones, Marvin C., Jr., 259-34-7953.
Jones, Richard M., 239-22-0151.
Jordan, Russell C. J., 500-20-6903.
Kahn, Donald R., 346-20-1346.
Kelley, Wayne B., 283-14-9683.
Kellogg, George R., 554-22-7234.
Keltner, Robert E., 272-16-1061.
Kent, George S., 076-12-2343.
Kerr, Dan K., 472-18-5519.
Kerwin, Clarence E., 445-07-2734.
Kessler, Allen R., 400-22-2097.
Kestlinger, R. L., 077-28-0238.
Kilcullen, William J., 526-28-8635.
King, Thomas J., Jr., 224-24-6271.
Kinslow, Joseph A., 167-12-2424.
Kitchings, J. T., Jr., 415-12-4266.
Klein, Sidney, 052-18-4331.
Kleinfeld, Murray, 052-16-2751.
Kloer, Charles T., 529-12-9978.
Krell, John H., 171-20-0043.
Kretzler, F. J., 274-18-1086.
Kulas, Tod H., 388-22-6117.
Laffey, Jack J., 321-14-1241.
Lamont, Robert E., 715-09-4996.
Landry, Frank E. Jr., 027-12-8679.
Lanik, Everett J., 457-20-1023.
Lapp, Royce E., 572-20-3691.
Lascala, Luigi E., 160-20-4563.
Lawless, Don R., 515-10-5791.
Lawrence, Lonsdale, 227-16-4741.
Lee, Robert E., 238-26-4988.
Leithiser, Richard, 218-32-8501.
Lejeune, Sterling W., 437-22-1256.
Lemr, Fred C. Jr., 277-14-3710.
Lenzo, Anthony S., 313-20-8072.
Leone, Daniel A., 043-14-2479.
Lethgo, Wayne S., 525-40-4759.
Levinson, Morton, 103-09-7258.
Levy, Erwin, 140-22-3888.
Liebmann, Seymour, 083-22-6334.
Liebreich, Oscar P., 047-12-3160.
Linder, William C., 199-03-6754.
Lloyd, Joseph M., 239-18-3355.
Lnenicka, William J., 508-14-9555.
Lojek, Joseph M., 184-24-7167.
Long, Jack, 442-22-8698.
Looney, Jesse H., 417-30-8191.
Lopez, Israel, 260-60-1675.
Luder, Carl R., 305-16-3387.
MacDonald, Donald H., 523-22-9820.
Magary, Arthur E., 267-18-5212.
Magill, Edward L., 263-26-7806.
Mahoney, George H., 322-18-2211.
Marquis, Francis M., 563-20-7487.
Martell, Norman W., 722-03-1773.
Martin, John B., 214-14-0728.
Martin, William H. J., 460-16-5184.
Maxwell, Jack C., 515-07-2468.
McAllan, James M., 287-22-4426.
McBrien, William H., 383-03-6065.
McCall, Richard D., 565-26-8714.
McCarthy, John B. Jr., 357-20-6449.
McDonald, Miller B., 577-16-2197.
McElroy, James C. Jr., 537-28-0088.
McGowan, Walter E., 450-24-0336.
McInerny, John S., 566-20-2555.
McIntosh, Carl D., 463-20-7092.
MeHail, Spiro, 394-10-8532.
Medonca, Albert L., 051-18-3172.
Mercer, Eric, 071-03-2683.
Meyer, Dale R., 489-14-7552.
Milazzo, Thomas A., 132-07-2235.
Miller, James M., 266-36-8436.
Mills, George H. Jr., 429-30-9368.
Moffat, John W., 177-12-2364.
Mohamed, Joseph Sr., 550-36-0775.
Monfore, Robert P., 503-22-7014.
Monsanto, W. J. M., 547-30-4874.
Montgomery, Hugh, 044-18-6416.
Moore, Andrew F. Jr., 438-22-7248.
Moore, August A., 401-40-5202.
Moore, James E., 503-24-4015.
Moreland, Donald E., 017-01-3113.
Morgan, Edward J., 559-28-6154.
Moring, Thomas L., 459-26-1582.
Moyer, Kenneth H., 204-01-8402.
Mueller, David E., 390-14-3204.
Mueller, Ernest J., 158-16-1750.
Murphy, Robert F., 104-16-4269.
Musch, A. W. G., Jr., 457-42-5426.
Muskat, Marvin M., 154-07-8435.
Myers, Bruce J., Jr., 443-20-2687.
Needham, Thomas H., 035-16-1744.
Nichols, Lee L., Jr., 231-34-8580.
Nicol, Gerald E., 286-14-4809.
Nielsen, William N., 483-16-3695.
Obrien, Philip E., 474-05-5540.
Oelker, Frederick C., 357-16-5976.
Oliver, Howard R., 458-34-3927.
Olson, Bernard K., 395-16-5882.
Orourke, James E., 382-16-1531.
Osbourn, Ira, 511-16-2732.
Owen, Oadis W., 433-36-6828.
Owens, Mark Jr., 137-20-5607.
Oxman, Jonah K., 061-18-7608.
Pampe, William R., 444-30-5727.
Pang, Dat Quon, 575-12-2582.
Parker, William H., 036-18-2920.
Pascone, Donato, 039-09-4464.
Patton, Richard G., 415-52-4918.
Pauly, Winslow H., 419-12-6180.
Payne, Clifford M., 257-46-4197.
Pearson, Ralph W., 528-24-7927.
Penkava, Richard A., 102-16-9054.
Perleberg, Frederic, 395-20-3227.
Petersen, Paul W., 528-26-2682.
Peterson, Arthur D., 460-28-8943.
Peterson, Oscar D., 519-22-6591.
Petty, John R., 414-14-7323.
Pfeifer, Robert B., 300-16-7977.
Pickens, R. B., Jr., 426-52-8420.
Powers, Frank K., Jr., 483-16-1664.
Powers, Frank R., 034-22-0518.
Powers, Russell H., 241-16-9535.
Putnam, Jacob M., 441-12-9785.
Rabinowitz, Robert, 077-18-3345.
Radtke, Richard K., 391-12-3359.
Raley, J. T., 417-22-4465.
Ramsey, Dero S., 426-66-9095.
Rapp, Henry W., Jr., 325-14-4324.
Rappaport, Abraham, 054-18-5809.
Redman, Manville R., 444-28-3594.
Redondo, Edwin F., 465-26-9536.
Regner, Ernest, 453-18-7259.
Rebock, John E., 559-22-3769.
Reichstetter, H. A., 098-18-6639.
Richter, Henry W., 254-34-4882.
Ridgell, Leon L., 248-30-8495.
Rivkins, Malcolm K., 219-18-5628.
Robak, Thaddeus J., 124-22-9042.
Roberts, Theron E., 519-14-2824.
Rogers, Cranston R., 262-24-3636.
Rowland, David J., 279-01-8596.
Royer, James, 557-32-9942.
Ryan, Clifford G., 382-18-7743.
Saad, Joseph G., 385-12-5768.
Sadler, William H. J., 426-28-5558.
Salacone, Mario A., 567-09-9498.
Sallee, Donald L., 405-18-6582.
Sargent, John F., 223-18-3129.
Sato, Takeo, 576-16-2547.
Savona, Vincent A., 095-14-5216.
Schader, Herbert H., 123-05-3583.
Schafer, Alvin H., 542-03-5052.
Schlater, Robert W., 507-07-8406.
Schnorf, Richard C., 295-18-9931.
Schroeder, Mark J., 469-28-8746.
Schuster, Russell A., 271-22-1521.
Sefcik, John D., 465-05-9373.
Sherman, Lester H., 430-48-7726.
Showers, William A., 313-14-1066.
Simpson, A. J. Jr., 130-14-2980.
Singleton, Charles, 458-20-6860.
Slay, Bernise R., 428-34-8540.
Sloan, Nicholas A., 579-26-4002.
Smith, Donald D., 260-32-8685.
Smith, Jay C., 202-18-7699.
Soboczenski, E. J., 002-22-4969.
Solda, Arthur W., 054-07-2304.

Southerland, George, 229-01-7453.
Spaccarotella, V., 152-14-5502.
Spacht, Ivan R., 210-12-0480.
Stavrakes, James, 022-12-9499.
Stephens, Billie L., 462-38-5076.
Stewart, Robert D., 068-18-1053.
Steymann, Walter R., 457-20-9352.
Stilson, Alden E., Jr., 281-20-2364.
Stratis, Stratis J., 021-20-6719.
Stringfellow, H. R., 260-24-0650.
Sullivan, William F., 464-18-1909.
Super, William B., 015-16-5553.
Swanson, Ernest E., 497-14-9293.
Takala, William A., 578-38-1708.
Taylor, Edward B., 245-24-3100.
Teeman, Louis R., 324-16-8617.
Thrasher, J. T. Jr., 253-34-7994.
Thurber, Harirs E., 077-05-7002.
Tice, James G., 167-14-4119.
Towle, James G., 008-22-7375.
Tracey, James W., 145-18-2125.
Tracy, John A., 340-18-2519.
Trethaway, Harold P., 718-01-1259.
Tupper, Leonard D., 472-14-4869.
Turkal, Donald L., 219-12-4680.
Uhler, John M. Jr., 078-18-2257.
Underwood, Ora V., 234-306201.
Uri, George W., 551-38-8024.
Vacirca, S. J., 119-01-2064.
Vankleeck, Robert T., 096-10-7418.
Vinette, William L., 056-14-5567.
Wade, Malcolm D. Jr., 443-12-9862.
Wagner, Theodore F., 504-05-4129.
Wagner, Willard D., 472-30-1571.
Walker, Samuel A. Jr., 460-40-9807.
Walton, Dale G., 567-26-5898.
Walton, Thomas Jr., 167-12-4398.
Ward, Addis T., 505-34-0978.
Watson, Eugene P., 418-16-8901.
Webb, Robert R., 446-18-7576.
Wells, Robert E., 535-16-3259.
Whalen, Daniel A., 131-18-1599.
White, Franklin M., 508-10-7648.
White, Herbert M., 560-26-2054.
Whitley, Ruben R., 431-20-3851.
Wider, Kenneth B., 504-05-8871.
Wiethe, John J., 301-07-9078.
Wiggans, Samuel C., 508-14-7147.
Wilks, John C., 488-28-9005.
Williams, Donald R., 536-12-8517.
Williams, Eleazer A., 029-14-4005.
Williams, Gene H., 236-38-7318.
Willis, Marvin, 536-14-0538.
Wollan, Eugene, 057-22-2523.
Wood, Harold R., 547-26-5449.
Wood, John T. Jr., 426-32-9717.
Wood, Sidney C., 263-12-3474.
Woods, Francis P., 436-20-7201.
Woolridge, Ward E., 501-09-3903.
Wuerz, Charles H. Jr., 553-07-3794.
Wylie, Chalmers P., 710-09-6129.
Yasuda, Charles K., 576-24-4551.
Yates, Francis B., 040-03-2833.
Zabielski, Chester, 088-14-9717.
Zaccanti, Alfred E., 446-01-1364.
Zetlin, Henry L., 214-14-8271.

CHAPLAIN

To be colonel

Andrews, Edwin R., 238-26-1530.
Bahan, John B., 703-14-0066.
Beardsley, W. H. Jr., 458-24-1176.
Beutel, Eugene W., 117-20-2608.
Bolt, William J., 030-10-8645.
Browne, Clinton E., 068-16-8414.
Burris, James A., 262-60-2901.
Bydlon, Adam J., 190-32-3754.
Clark, David N., 717-09-8536.
Curran, Francis N., 067-09-6466.
Cusma, Joseph S., 062-14-1217.
Davis, James R., 304-16-9376.
Diaz, Herminio, 580-68-5508.
Dolan, James F., 325-48-7255.
Finnegan, Roscoe L., 468-44-7581.
Flatley, Edward J., 104-32-3965.
Gatty, Charles R., 175-12-7141.
Jones, Atwood J. Jr., 449-05-5093.
Kosa, Ernest M., 152-12-2991.
McFarland, R. D., 360-10-8692.
McKenna, Hugh J., 221-26-2564.
Musson, Harry S., 400-38-4736.
Pekarcik, Joseph M., 350-14-8854.
Reynolds, Vincent T., 309-46-9249.
Smith, Wilford E., 529-14-0905.
Strube, John L., Jr., 218-22-5416.
Vanhalsema, Dick L., 154-16-6330.
Vrundy, Walter J., 333-14-0328.
Wessel, Walter W., 545-16-0189.

WOMEN'S ARMY CORPS

To be colonel

Nease, Inez L., 094-16-0918.
Swartz, Isabelle J., 579-28-8238.

ARMY NURSE CORPS

To be colonel

Bagley, Norma P., 118-28-1672.
Bailey, Marian L., 467-54-6485.
Carrico, Dorothy L., 517-09-2531.
Carstens, Mary G., 427-01-4739.
Chew, Willa C., 151-16-9615.
Cobb, Doris M., 229-12-0787.
Desotell, Ruth L., 370-14-2897.
Erlach, Sarah G., 558-24-2367.
Gallant, Mary I., 008-10-5660.
Ghioto, Banna I., 220-28-9795.
Hartman, Berneta C., 503-01-7525.
Holmes, Marguerite, 267-46-2192.
Hudock, Yvonne F. C., 099-32-5078.
McCoy, Lucile, 455-07-8449.
Mercer, Sybil L., 532-30-4385.
Miczo, Anna, 205-18-1150.
Murphy, Ada E., 578-28-6941.
Nickodem, Rita M., 391-30-3567.
Price, Jean E., 479-12-3543.
Pullig, Mary R., 456-64-4080.
Regan, Margaret B., 518-16-4210.
Russell, Sarah F., 436-46-9899.
Shank, Josephine J., 055-10-0730.
Taylor, Eva A., 566-28-3273.
Tichenor, Elizabeth, 579-12-3263.
Tussey, Hannah M., 198-26-7867.
Utterback, Henry C., 307-18-7131.
Webster, Ada V., 264-10-8184.

DENTAL CORPS

To be colonel

Bartnikowski, W. J., 060-18-4703.
Betzer, Edward C., 292-14-1615.
Brown, Harold L., 182-32-1464.
Campion, Robert F., 477-12-2642.
Carwell, Glenn R., 405-18-9470.
Cox, Clyde H., Jr., 290-01-4094.
Cureton, William S., 545-28-2590.
Depierri, Frank H. J., 704-09-8321.
Epperson, Frank E., 523-16-9938.
Hook, Kenneth B., 495-05-9171.
Kilgore, Willis G., 418-28-9569.
Lau, Johnson N. C., 576-05-8867.
Mallow, John M., 235-32-6242.
Maultsby, William D., 239-36-9868.
Minniear, Edward O., 313-12-8177.
Peak, George W., 499-18-3235.
Roberts, William J., 464-03-5701.
Rosenblat, Bernard, 122-10-0309.
Schechter, Murray P., 175-32-0202.
Smith, Clifton R., 403-12-3938.
Spiegelford, M. B., 161-12-3479.
Worsley, John C., 168-18-6009.

MEDICAL CORPS

To be colonel

Adams, Fae M., 548-43-7191.
Babskie, Robert F., 187-12-5380.
Barrett, Francis E., 193-18-3996.
Blair, Donald W., 483-09-9985.
Cox, Robert S., Jr., 520-18-4328.
Downs, Peter E., 076-22-8149.
Fred, Ann C., 391-26-5496.
Jui, John O. L., 306-38-7344.
Leidinger, K. J., Jr., 432-12-2217.
Newkam, John S., Jr., 201-18-2683.
Rupp, Robert H., 362-14-0792.
Sims, James R., Jr., 461-32-9197.
Stearns, Paul E., 524-36-1776.
Thomas, Donald R., 280-18-7904.
Wing, Herman, 012-12-8990.

MEDICAL SERVICE CORPS

To be colonel

Andrews, James R., 445-18-4155.
Barbour, Mack E., 448-18-5104.
Binda, Reno J., 144-22-7953.
Heffner, Earl S., Jr., 189-22-9457.
Malunowicz, T., 123-09-8004.
Mazzola, Nicholas M., 499-05-0025.
Neal, William H., 218-03-0417.
Spendlove, Bernard, 007-10-3441.
Stephens, George D., 246-05-2338.
Wolffe, Findley P. I., 168-12-2583.

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Lescsak, Genevieve, 579-32-1041.
Wood, Mildred, 232-34-4619.

VETERINARY CORPS

To be colonel

Duckenfield, Horace, 546-03-0780.

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3366 and 3367:

ARMY PROMOTION LIST

To be lieutenant colonel

Adams, James E., 347-28-0672.
Albright, Richard O., 412-44-1287.
Anderson, B. B., Jr., 360-22-9251.
Atwood, Roy F., 537-28-9788.
Aubin, Edward G., Jr., 048-20-0027.
Austin, James K., 262-36-4020.
Bailey, Benjamin H., 235-32-4329.
Baker, Robert Jr., 422-38-8926.
Barclay, Joseph D., 363-26-4072.
Barr, Donald F., 328-07-7794.
Barrett, Robert E., 261-44-7232.
Barrow, Myron B., 264-42-7147.
Bauer, Edward R., 495-22-1597.
Bennett, John R., 415-44-6274.
Bennett, Richard A., 574-09-6242.
Benoit, William D., 535-22-2129.
Boyle, Stephen J., 007-28-5384.
Breault, Joseph V., 038-18-3689.
Brincken, Glen W., 538-26-5272.
Brock, Leroy C. Jr., 437-42-1066.
Butler, Francis H., 097-22-8226.
Campbell, C. J., 514-20-4389.
Carrington, R. W., 454-36-0514.
Charlton, G. N. Jr., 181-16-9440.
Cochran, Martin K., 416-52-3438.
Como, Vincent J., 039-14-4740.
Cotter, Chester F., 085-24-4511.
Creasy, Loxley P., 230-28-3693.
Crooks, Everett E., 038-18-4492.
Cullum, William D., 465-48-4187.
Cummins, Wendell R., 458-14-9697.
Davis, James T., 486-34-2122.
Deal, Clifford M. Jr., 241-52-8609.
Demasi, Henri A., 076-18-4625.
Densmore, Victor C., 265-36-0436.
Dicks, John W., 368-28-9915.
Dishon, Lynn R., 455-22-2066.
Dolan, Frederick T., 005-26-2017.
Doll, William V., 153-26-4483.
Dugan, Edward C. Jr., 263-44-7597.
Dunaway, Richard E., 063-18-8767.
Durian, James J., 288-18-3077.
Eby, Gerald P., 540-36-7080.
Edwards, Robert J., 488-32-5130.
Elia, Gabriel J., 092-18-9076.
Endres, Harry J., 183-24-4983.
Eng, Barry, 535-26-5668.
Feiner, Paul A., 209-24-0583.
Ferenz, James F., 556-42-3158.
Fick, Robert R., 154-20-6931.
Finch, Hugh B., 420-34-7557.
Fisher, Bernard J., 205-20-5434.
Forgacs, John L., 063-26-1554.
Formica, Robert S., 188-12-7720.
Fox, Jack E., 365-26-3241.
Gillen, Richard F., 046-20-6848.
Godman, Robert C., 300-12-2300.
Goelz, Ernest O., 159-26-9189.
Good, Frederick J., 515-12-9960.
Graft, Donald R., 163-22-6814.
Graves, James A., 406-24-4593.
Grimminger, R. H., 196-14-9819.
Gross, Edward C., 505-30-4614.
Gusler, Frank W., 525-46-1026.
Hall, Daniel M., 481-28-3539.
Hapgood, Kenneth D., 048-24-7080.
Haynes, Gene H., 244-42-4822.
Heald, Robert W., 003-16-6976.
Hefler, Robert H., 218-26-6699.
Heiden, Gerald F., 369-26-5699.
Hollingsworth, C., 422-36-0449.
Holt, Frank J., 199-24-4345.
Howard, James B., 262-22-7922.

Innes, Von A., 515-26-9622.
Ivester, Thomas B., 516-32-8651.
Jackson, Alan R., 517-32-0891.
Jackson, Leland G., 506-36-0427.
Jeno, Joseph J., 339-22-8502.
Jerome, James F., 122-22-2347.
Joblon, Gordon, 090-12-3231.
Keim, James T., 212-30-7817.
Kerr, John R., 309-22-3286.
Kinnison, Jimmie G., 436-44-7952.
Kiser, William L., 515-32-4678.
Kreft, Raymond J., 324-12-4722.
Krzynski, John L., 391-28-7705.
Lamy, Carl V., 156-18-6768.
Lee, Charles W., 422-32-9171.
Leslie, Robert E., 559-34-9093.
Limes, Edward J., 522-20-2088.
Little, Joseph B., 429-32-5317.
Lukiewski, Edward W., 194-12-4023.
Lusa, John M., 284-20-5838.
Mangiaracina, Nicholas, 336-12-1925.
Marra, Joseph V., 222-18-5679.
Marrone, Jay M., 111-16-1746.
Marshall, Albert R., 006-30-8683.
Marshall, David O., 330-24-1522.
Martin, John L., 157-18-4027.
Mason, John P. H., Jr., 231-34-9637.
Massey, Dean T., 396-28-4330.
McClure, Albert E., 507-34-0550.
McCune, James N., 288-24-5085.
McGowan, Joseph A., 284-26-0529.
McNoldy, Charles E., 164-30-9139.
Melching, James J., 496-24-0372.
Merolla, Anthony J., 051-24-9996.
Moe, Phillip J., 472-20-2266.
Mohr, Robert F., 196-14-8391.
Moore, Ira J., 253-32-5172.
Moreschi, Anthony J., 161-20-9717.
Morey, Paul L., 448-34-7966.
Morrison, J. H., Jr., 428-56-2583.
Morrison, James M., 264-32-0318.
Morrow, Donald L., 314-26-5943.
Muratore, Thomas A., 184-22-1449.
Myers, Harry W. Jr., 241-46-8382.
Myers, Ronald R., 290-30-01159.
Nearine, Robert J., 020-22-6751.
Neeb, Arthur E., 122-05-0976.
Nelson, Dallas E., 516-34-6828.
Newberry, Merwin R., 447-24-4196.
Newhouse, Carl L., 394-32-1250.
Newton, Malcolm M., 114-14-1888.
Nicklas, David W., 715-10-5512.
Nordt, William E. Jr., 139-24-0644.
Norenberg, Curtis D., 502-26-6543.
Oyer, Harvey E. Jr., 262-34-0398.
Parker, Robert V., 265-40-3964.
Patanella, C. T., 111-24-8455.
Patton, Devon K., 258-48-9088.
Pearson, Douglas H., 249-14-2184.
Petri, John Jr., 282-22-8116.
Pinyan, Dugald A., 537-12-5927.
Pirrello, Mario J., 091-20-2588.
Poche, John E., 434-30-3497.
Potter, Franklin E., 214-20-9717.
Potter, Ralph T., 392-22-6116.
Potts, Robert D., 542-30-1045.
Ramos, Daniel O., 144-22-8391.
Randall, Donald A., 252-44-1462.
Raynes, Sidney, 255-30-3436.
Reid, Robert L., 509-26-8889.
Rhoda, C. W. Jr., 203-14-1684.
Richardson, D. L, 051-22-3029.
Rissland, L. W. Jr., 158-20-4009.
Rivers, Robert E., 262-32-6897.
Rogers, Charles A., 277-14-7958.
Ryan, William E. Jr., 360-22-9478.
Scholl, Edwin R., Jr., 183-22-5374.
Schurer, Arthur K., 088-22-7160.
Sesler, John B., 514-32-0368.
Shaver, Manila G., 546-34-5276.
Sills, Jack D., 542-22-2957.
Simpkins, Robert E., 411-30-0497.
Smith, Franklin D., 258-38-2207.
Soeth, Norman C., 566-22-8166.
Sommer, Robert G., 266-32-3159.
Swerdlow, Charles, 578-30-5677.
Swindal, Ancel B., 419-30-4754.
Talbott, Jack B., 512-18-7811.
Tankins, Edwin S., 227-28-9126.
Temple, Hugh F., 391-18-2525.
Thatcher, John W., 266-32-3416.
Thompson, Andrew B., 416-36-3309.
Vance, Henry A., 194-18-4955.
Waggener, Joseph T., 405-34-1556.
Wagner, James E., 229-34-3558.
Walbeck, Carl D., 218-26-3016.
Walker, L. A. Jr., 411-50-8987.
Whitton, Elliott A., 419-46-8961.
Whitworth, W. H., 428-40-9312.
Willard, Emmet E., 541-16-0607.
Wilson, Joel F., 456-50-9882.
Wilson, Leland D., 264-36-7730.
Woody, Wayne S., 434-48-1488.
Wooley, John B., 432-22-4366.

CHAPLAIN

To be lieutenant colonel

Sharp, Victor M., 712-01-3132.

DENTAL CORPS

To be lieutenant colonel

Clark, Donald E., 515-16-7083.
Herbert, Louis N., 363-32-3278.

MEDICAL CORPS

To be lieutenant colonel

Aftandilian, Emil E., 162-28-5963.
Casey, Ira L., 577-14-0495.
Chipman, Martin, 026-24-5094.
Karlsberg, Paul, 029-24-6384.
Wall, Hershel P., 413-50-2556.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Berry, Albert G., 303-30-9689.
Di Cenzo, Edward F., 014-22-4898.
Ness, John M., 476-30-9836.
Rifkind, W. H., 566-24-7730.
Rimmel, Marion, 313-20-2694.
Schwartz, Donald J., 153-28-3443.

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Van Dommelen, L. J., 370-18-2015.

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 501, 593 and 594:

MEDICAL CORPS

To be lieutenant colonel

Braunschneider, George, 368-09-2715.
Kelley, Lawrence D., 424-40-1059.
Nemmers, David J., 481-36-9603.
Potter, Thomas E., 101-22-2317.

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3370 and 3390:

ARMY PROMOTION LIST

To be colonel

Aikman, Harold G., 344-16-3341.
Alexander, Archibald B., 527-32-6423.
Alexander, Virgil C., 296-14-9748.
Amodio, Peter R., 146-16-0294.
Amos, Jack L., 418-14-8762.
Anderson, Aubrey W., 413-32-0493.
Annunziato, Guy A., 134-03-0987.
Arzoomanian, Victor, 055-16-4354.
Baldwin, Neal, 104-16-8511.
Bamvakais, John R., 499-12-5743.
Barns, Jay M., 503-16-9070.
Barton, Jesse K., 454-44-9604.
Baum, Richard K., 540-28-0664.
Bell, Elmo E., 427-20-3587.
Bell, William J., 183-16-6919.
Bennett, George T., 235-14-6845.
Benson, James D., 552-26-1744.
Berriman, Peter J., 038-12-1800.
Bethe, Stanley C., 399-09-5363.
Blalock, Clifton E., 237-18-2879.
Blevins, Franklin M., 317-12-1296.
Bolen, Wallace C., 079-03-3495.
Borchert, Earl H., 475-16-2121.
Bradshaw, Horace J., 384-07-2185.
Bradshaw, Robert J., 226-12-7301.
Brainard, Robert F., 570-07-3017.
Brandt, Milton K., 165-24-5630.
Bristow, Walter J., 251-28-2123.
Brooks, George M., 215-14-8167.
Brown, Ralph, 253-14-2099.
Brunhuber, Arthur T., 102-03-9685.
Cannon, John S., 529-14-1085.
Caprario, Frank S., 139-12-1477.
Carey, Willard K., 543-26-4070.
Carnevale, Louis, 071-32-1518.
Carroll, James W., 536-16-5129.
Carter, Harry B., 137-18-8111.
Cartwright, John W., 239-12-1208.
Causey, James C., 431-38-8414.
Cave, William G., 061-18-7988.
Chavez, Sammie T., 525-14-8114.
Chescheir, Thomas R., 515-26-2589.
Chmiola, Joseph J., 187-18-0633.
Clayton, Russell L., 118-10-4784.
Clippard, Bernard C., 410-20-2471.
Cluck, Joseph A., 167-12-9917.
Cogan, John, 023-10-4818.
Colburn, Faye E., 431-05-7816.
Conrad, Jack L., 253-24-8005.
Corcoran, Richard F., 028-12-2023.
Curtis, James F., 091-14-7938.
Daley, James A., 030-12-1834.
Dallam, Harold C., 570-36-8284.
Dallas, Leonard J., 212-26-7982.
Daniel, Claud E., Jr., 426-05-6286.
Davis, James R., 247-26-0350.
De Marcellus, Robert X., 253-48-3376.
Dionne, Albert E., 006-14-4039.
Dodson, Therrell J., 453-10-0268.
Dolan, John C., 024-20-3761.
Dunham, Fred, 435-20-3771.
Dunkle, Andrew C., 519-26-2910.
Dupre, John P., 250-16-5739.
Dupre, Lawrence P., 439-14-5393.
Dwyer, Ralph D., 438-20-7255.
Egan, Ellis R., 517-18-1796.
Engert, W. J., 086-14-0170.
Ensslin, Robert F. J., 579-30-4428.
Feil, Joseph E., 389-18-2563.
Fellman, Marvin R., 473-18-0695.
Fink, Lon R., 447-18-2915.
Fischer, Robert T., 317-26-4158.
Fisher, Jack, 571-14-9340.
Flick, Joseph A., 173-03-6063.
Fox, Herschel C., 408-09-6655.
Fritz, Robert L., 175-18-7779.
Frye, William S., 156-14-5056.
Fuller, George M., 475-18-4640.
Gamble, James F., 418-32-0421.
Gary, William H., 254-09-2310.
Gaudet, Clifton J., 435-05-3288.
Gayle, Charles N., 250-42-1602.
Gehrki, Arthur A., 429-54-2451.
Gilpin, David N., 348-09-0226.
Ginn, Keith C., 428-56-5851.
Glass, Floyd L., 554-24-2082.
Glass, Raymond J., 144-10-1114.
Gordon, Phillips N., 028-14-0436.
Gregg, Donald C., 470-18-6054.
Grugan, Owen P., 062-12-6623.
Guyer, Homer D., 242-30-9825.
Hague, Benjamin P., 036-12-5863.
Haines, Ralph C., 388-18-5291.
Hammerbeck, Harold, 471-14-0338.
Hanke, Lorenz W., 394-03-8908.
Hanover, Curtis A., 708-09-2097.
Harp, Donald A., 494-20-4164.
Harrison, Gray W. Jr., 428-38-2690.
Heaton, James N., 403-24-4559.
Hendrix, George P., 416-26-9737.
Hendry, William T., 449-30-9470.
Hickman, Robert H., 260-40-2597.
Hidalgo, Thomas R., 556-18-8118.
Higdon, John A., 220-09-7574.
Hodgin, David A., 232-30-5441.
Hora, Edward W., 350-18-2309.
House, Ray M., 429-66-5468.
Housel, Howard C., 153-20-3993.
Huffstetler, Claude, 247-03-0144.
Hughes, Robert D., 117-01-7465.
Hulen, Charles W., 430-16-7678.
Hurney, Joseph H., 011-24-4010.
Huso, Kenneth W., 517-05-8186.
Ito, Thomas S., 576-24-4698.
Javier, Rafael L., 581-48-9852.
Johnson, Clinton C., 538-03-3383.
Johnson, Edgar V., 502-24-7928.
Johnson, James L., 701-09-2447.
Johnson, John G., 074-12-3344.
Johnson, Joseph H., 261-01-9103.
Johnston, Stanley W., 525-26-3742.
Jordan, Clarence C., 525-18-2873.
Joyce, Raymond F., 078-12-2893.
Kaulukukui, Solomon, 575-18-5548.
Kennison, Archie, 576-14-2776.
Kincaid, Paul E., Jr., 024-03-8719.
Kincheloe, Philip L., 521-22-4241.

Kingston, Theodore, 528-36-1580.
Kling, Arthur K., 144-18-7391.
Knoechel, Don V., 505-16-2441.
Kunde, Duane W., 471-20-2412.
Lala, Henry J., 435-18-4140.
Lamoreaux, Charles, 385-24-3711.
Lang, John D., 473-16-1840.
Langdon, James J., 080-10-9792.
Langley, Edward J., 025-14-7119.
Lankford, Lewis H., 368-22-1556.
Lapsley, Donald D., 335-16-9344.
Laufenberg, Edward, 173-14-5416.
Lavell, Harold J., 195-14-3322.
Lazarus, Harry A., 439-10-7892.
Lestenkof, Jacob, 574-09-9878.
Lewis, Walter C., 064-14-7653.
Liles, Graydon C., 250-28-2456.
Lowman, Martin L., 070-16-1934.
Lynn, Joseph, 178-09-6725.
Lytle, Robert E., 530-12-6767.
Mack, Herbert J., 501-16-4036.
Malloch, John W., 418-07-1927.
Marcello, John J., 434-58-0726.
Martin, Joseph F., 028-14-4211.
Martin, Paul R., 234-34-1582.
Martinez, Antonio M., 525-36-6154.
Massengill, Hugh P., 239-40-5355.
Mathews, Norman L., 007-05-6523.
Mathewson, Frank L., 222-01-9217.
Matthews, Kensaw, 429-24-4809.
Mauran, Duncan H., 039-20-3039.
May, James T., 251-40-5107.
McBryde, Warren D., 245-01-0275.
McCarl, Glenn E., 194-16-2857.
McClenahan, Donald, 577-24-3296.
McCurdy, James D., 537-10-2619.
McDonald, Edward H., 223-14-2206.
McDonald, John E., 003-05-1704.
McGowan, Paul A., 027-18-6438.
McIntosh, George A., 295-10-5568.
McIver, Stanley A., 528-36-7478.
McKinney, William R., 182-16-2852.
Meagher, William E., 047-20-0821.
Mellon, James F., 422-09-8427.
Melsa, Otto E., 412-14-8149.
Melville, David A., 529-38-1430.
Meyer, Martin H., 387-07-2205.
Miller, Cecil E., 414-03-7538.
Miller, James M., 448-12-0304.
Miller, Robert I., 554-26-3547.
Minor, Lucien H., 085-16-1738.
Mitchell, Guy T., 153-18-6722.
Modlin, Morton S., 241-16-0177.
Morlier, Dudley A., 433-10-8310.
Mulligan, Francis M., 480-18-4142.
Murphy, Edward F., 062-12-7359.
Nelson, Fabian A., 543-16-0988.
Nice, Royden P., 181-09-7029.
Nighbert, Donald W., 504-05-0277.
Niles, Hugh S., 202-09-9019.
Nochera, Pedro R., 581-50-3619.
Nordman, Reynold, 423-07-9989.
Oswalt, Barney L., 429-28-9563.
Oulette, Gaston L., 002-16-4633.
Patterson, William, 489-20-2003.
Pelegrina, Miguel A., 582-26-8302.
Peters, Fred E., 071-07-3261.
Pettyjohn, Russell, 448-09-2691.
Phillips, Arthur N., 375-20-5848.
Phlegar, James S., 225-10-6123.
Plasschaert, M., 471-12-9159.
Plemons, Jack M., 464-07-7071.
Porter, Harold P., 526-26-1545.
Price, Clyde L., 429-48-3655.
Probasco, Samuel R., 180-12-3913.
Prowell, William G., 181-03-7059.
Pujals-Anyala, Fern, 313-32-3374.
Raney, Arthur R., 303-20-7239.
Ray, Wash B., 418-07-6700.
Reith, Kenneth L., 153-20-0137.
Reitz, Harry E., 091-18-2622.
Ridgeway, C. L., 251-32-3228.
Riggs, Paul L., 283-14-4199.
Rives, Harold L., 525-14-2634.
Roberts, Charles B., 316-14-6026.
Robinson, Wendell A., 404-20-8155.
Rogers, Lacy W., 259-14-5649.
Ruiz, Raymond R., 439-18-8640.
Saddlemire, George, 074-14-9927.
Sage, Ward L., 398-05-4146.
Samuelson, Joseph H., 481-38-7004.
Sandy, Clarence E., 333-16-0684.
Sapp, John J., 006-12-2224.
Savage, William F., 009-05-8605.
Schnurr, Robert S., 720-10-5209.
Schwartz, Ralph E., 286-14-9555.
Sechriest, Stuart W., 239-09-9008.
Seiverling, Richard, 184-12-6421.
Sharrow, William J., 121-24-9503.
Shaw, James H., 060-18-2398.
Shelley, Rudolph E., 424-05-5342.
Shumway, William J., 107-07-4957.
Simpson, Robert D., 085-14-4117.
Smith, Hugh M., 136-09-1320.
Smith, Lyle H., 518-05-1002.
Smith, Raymond C., 254-22-3016.
Smith, Rufus T., 412-14-6168.
Sodowsky, Clyde T., 440-14-8350.
Stabler, John C., 185-10-5640.
Staffieri, Benedict, 188-16-0711.
Steed, Lawrence L., 241-18-4217.
Steel, Harry V., Jr., 467-60-8823.
Sterbenz, Joseph L., 072-12-8538.
Stewart, Alan R., 529-18-0329.
Stewart, Thomas R., 579-03-2352.
Stimpfl, Frank F., 194-07-7939.
Stubbs, Van T., 427-78-6221.
Summers, Paul R., 411-28-1979.
Summers, Zane H., 235-40-1901.
Swidensky, Jack A., 446-22-8488.
Tatterson, Richard, 234-36-7525.
Taylor, Louis C., 407-24-6765.
Thomas, Charles E., 092-24-1822.
Thomas, Robert L., 483-20-7360.
Tice, Ralph T., 513-12-4597.
Tiede, Gordon V., 470-03-7613.
Tiemann, Edmund C., 475-12-6291.
Tomaszewski, S., 026-18-6970.
Torres, Roberto, 582-52-7626.
Turner, William, Jr., 570-32-5841.
Wagner, Bernard A., 502-22-6953.
Wallace, Clarence C., 069-18-5242.
Weinberg, William, 510-12-3550.
Welch, William E., 536-18-2469.
Whitney, Edwin F., 005-16-4878.
Widmer, Charles E., 181-14-8763.
Williams, Robert E., 363-24-6454.
Woods, Pendleton, 430-36-4746.
Wyman, Corydon, 017-16-9627.
Yeager, John G., 541-12-2956.
Yerkes, William C., 408-28-4590.
Zalmas, George W., 143-03-6374.
Zanetti, Leonard J., 148-10-7928.

DENTAL CORPS

To be colonel

Fenton, John P., 145-18-9813.
Herrington, Jimmie, 428-26-4348.
Lynch, Thomas P., 447-01-8270.

MEDICAL CORPS

To be colonel

Chosy, Julius J., 271-26-1051.
Cook, Malcolm C., 420-36-1730.
Inman, Fred C., 429-48-3996.
Landis, Richard M., 203-07-9233.
MacDonald, Neil A., 502-05-3799.
McLaughlin, Max V., 419-28-1862.
Mitschke, John J., 516-01-4955.
Nido-Stella, Roque, 582-40-4048.
Waymire, William M., 310-32-8453.

MEDICAL SERVICE CORPS

To be colonel

Kral, Charles, 115-10-2958.

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3366, 3367 and 3390:

ARMY PROMOTION LIST

To be lieutenant colonel

Alexander, Harry S., 407-10-3114.
Allison, Robert E., 413-30-5137.
Baird, Douglas A., 560-46-1962.
Bamvakais, Robert P., 494-26-2242.
Bray, Lonnie M., 447-24-9264.
Carlisle, Harold W., 254-52-2449.
Carr, Edward M., 281-14-7134.
Collazo-Salazar, Baldomero, 580-68-5805.
Costellano, Barron J., 150-20-8581.
DeForge, Joseph R., 019-24-4817.
Doitteau-Rodriguez, Rafel, 581-54-4895.
Flynn, Henry G., Jr., 248-38-7118.
Harman, Andrew F., 182-22-7263.
Hazel, Gene C., 431-58-3016.
Hunter, Clifton D., 422-16-2564.
Kuhn, Albert G., 196-14-7694.
McCluer, Leon, Jr., 418-20-6285.
McFarland, Richard L., 314-12-2125.
Medley Owen E., Jr., 426-32-6652.
Mortimer, Wright J., 351-20-6201.
Pickett, Tolly P., 422-28-6218.
Schaeffer, John W., Jr., 574-10-9379.
Schnell, Roger T., 469-38-4349.
Searcy, William E., 478-36-4457.
Simmons, Franklin D. Jr., 229-44-2245.
Steenbock, Leon W., 390-22-2071.
Timmermann, Wesley F., 463-01-8014.
Wallach, Arthur E., 274-26-6189.
White, Donald L., 417-34-6010.
Workman, Samuel, 558-22-4737.
Zydanowicz, Raymond J., 182-12-5612.

CHAPLAIN

To be lieutenant colonel

Campbell, Francis M., 485-01-2474.
Judkins, Jack E., 529-26-2865.
Nilles, John I., 398-12-2462.

DENTAL CORPS

To be lieutenant colonel

Young, Eugene W., 481-32-6979.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 1972:

U.S. AIR FORCE

The following officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of chapters 35 and 837, title 10, United States Code:

To be major general

Brig. Gen. John W. Hoff, 196-10-6756FV, Air Force Reserve.

Brig. Gen. Robert B. Mautz, 302-01-4162FV, Air Force Reserve.

To be brigadier general

Col. Vincent S. Haneman, Jr., 151-16-6938 FV, Air Force Reserve.

Col. Gilbert O. Herman, 197-10-0623FV, Air Force Reserve.

Col. Edwin R. Johnston, 254-09-0677FV, Air Force Reserve.

Col. William J. Reals, 523-18-5551FV, Air Force Reserve.

Col. Joseph M. F. Ryan, Jr., 169-12-6103FV, Air Force Reserve

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of Chapters 35, 831, 837, Title 10, United States Code:

To be major general

Brig. Gen. William C. Smith, 414-10-3531 FG, Tennessee Air National Guard.

Brig. Gen. Charles S. Thompson, Jr., 252-01-6050FG, Georgia Air National Guard.

Brig. Gen. Joseph D. Zink, 155-14-3292FG, New Jersey Air National Guard.

To be brigadier general

Col. William J. Crisler, 426-24-0260FG, Mississippi Air National Guard.

Col. Francis R. Gerard, 143-12-4041FG, New Jersey Air National Guard.

Col. Malcolm E. Henry, 004-14-9504FG, Maryland Air National Guard.

Col. Ralph E. Leader, 022-14-8919FG, Massachusetts Air National Guard.

Col. Paul D. Straw, 514-14-0218FG, Texas Air National Guard.

EXTENSIONS OF REMARKS

MANAGEMENT AND PENSIONS

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MILLS of Arkansas. Mr. Speaker, it has been drawn to my attention that the New York Times of Sunday, May 28, contained an article on the subject of corporate pension programs by Harry E. Figgie, Jr., chairman and chief executive officer of A–T–O, of Willoughby, Ohio, which is near Cleveland. I understand that A–T–O is a large diversified company. Mr. Figgie's comments on the need for corporate chief executives to become involved in and know thoroughly all phases of their pension funding systems is thoughtful, timely, and informative. The article came too late to be included in the hearings of the Committee on Ways and Means on the subject of pension programs; consequently, I include Mr. Figgie's article in the RECORD at the close of my remarks:

MANAGEMENT AND PENSIONS

(By Harry E. Figgie, Jr.)

Never before has there been so great a need for corporate chief executives to become totally involved with all of the facets of their pension funding. If the chief executive and his top management fail to take the initiative, it is becoming increasingly apparent that the vacuum will be filled by government—both state and Federal. Few chief executives understand the complexities of pension funding, but fewer still recognize it as one of the great profit improvement tools with which they can deal directly, while at the same time providing greater safeguards for employes.

Direct involvement by top management has many advantages, for both corporation and employes. Management keeps in close touch with the realities of benefit requirements and both their present and eventual cost.

A chief executive may find that his actuary and his investment adviser or trustee are polarized 180 degrees. By his very nature an adviser or trustee knows he is in a competitive position and must produce or stand to lose the account. He speaks in glowing terms of 15 per cent growth per year regardless of economic conditions or the position of the investment cycle. Book value, stability, convertibility, downside risk protection, dividend yield, all pale before the magical 15 per cent yield from growth. In contrast, the actuary tends to be conservative, calling for unnecessarily high contributions from corporate operating profits. The difficulty lies in defining "yield."

Basically actuaries use one of two methods of evaluating yield, with broadly varying results. The first is adjusted book value (realized gains and losses), which gives yield credit only when a security is sold.

The second method is based on market value. The difference can be substantial, as illustrated by the accompanying table.

Unless a realistic appraisal is made of pension assets, taking into account unrealized gains and losses, the result can be unnecessary overfunding as well as higher expense to the corporation than is really required.

Recognizing certain fundamental numbers is another essential in guiding pension-fund investments.

A. Know your wage increase experience from the actuarial standpoint and make certain you are on the conservative side.

B. Recognize that as unfunded liability decreases to manageable proportions a conservative 10-year funding of unfunded liability doesn't cost much more than 30-year funding.

C. The big savings available through sound investing lie in yield. Moving from a 3 per cent to a 5 per cent actuarial average yield can reduce your long-term pension costs by 40 per cent annually.

Over the long haul, all that may really be needed to satisfy the actuary's yield requirement of 4 per cent to 6 per cent is to build a strong dividend and interest base of 4 per cent to 5 per cent. This, together with the average growth performance of stocks listed on the New York Stock Exchange, should, over the long run, more than do the job. The additional growth that is reasonable to expect from properly selected advisers then goes largely against unfunded liability and protection against inflation and unforeseen future requirements. Using a long-range approach, you can afford to be conservative on investment and aggressive on yield.

This brings us to underlying philosophy. Set some long-range objectives. Because four years' good work can be undone by one year's miscalculation, stress conservatism, dividend yield, and both inflation and downside risk protection. When interest rates hit their 100-year high last year, bonds represented a good investment for tax-free funds. A 9 per cent A or AA bond covers a 6 per cent yield target and provides a 3 per cent cushion for annual inflation.

And be involved. Organize your own trustee group or a pension committee. Participate yourself. Use your financial officers and a financially trained director of the company. Don't delegate funding management too low inside or too far outside the company.

Let this committee select its fund advisers on the basis of the investment philosophy and objectives. Select and evaluate investment advisers not just on track record but on compatibility with corporate philosophy and goals.

To me, one of the valuable side benefits of direct involvement is that good advisers provide continuing economic evaluations and projections that are extremely helpful in managing the company. These advisers provide an excellent monthly cross section of various segments of the economy, evaluation of political decisions, where we are in the business cycle—all of which can be used to advantage in operating the company.

If you are willing to get deeply involved in pension-fund essentials, common danger will be minimized and a large capital asset will work better to supply benefits for employes and earnings for shareholders. If you aren't willing, then you're inviting the imposition of controls that may bear little relationship to actual needs of either employes or shareholders.

DIFFERENCE NOTED

The following table indicates the possible substantial difference between the book value and market value method of evaluating yield:

Investment action	Jan. 7, 1971 cost	Interim action	Dec. 31, 1971 resulting value	
			Book	Market
Buy stock X	100,000	(1)	$100,000	$200,000
Buy stock Y	100,000	(2)	50,000	50,000
Total	200,000		150,000	250,000

[1] Appreciates and holds.

[2] Declines by 50 percent and sells; buys new stock Z.

Actuary A looks at adjusted book value ($150,000) and sees a net yield of minus 25 per cent.

Actuary B looks at market value ($250,000) and sees a 25 per cent yield.

Fund advisers naturally tend to sell losers to reinvest in hoped-for winners, but if the adjusted book value formula is used in this theoretical example you have an unrealistically low yield and are penalized severely. The alternatives are to sell the winners and hold the losers, or sell enough winners to more than offset the losers, providing the necessary yield. Neither alternative may be sound investing philosophy.

A DOUBLE STANDARD

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GROSS. Mr. Speaker, anyone who has spent much more than a weekend in Washington knows that there is a double standard for Federal prosecution—one for those with powerful friends, another for those who do not know the "right" people.

Pulitzer Prize winning columnist, Clark Mollenhoff, is one of the most astute observers of life in the Nation's Capital and he has discussed this double standard of justice in an excellent article, which I include for insertion in the RECORD at this point:

DOUBLE STANDARD OF PROSECUTION

(By Clark Mollenhoff)

WASHINGTON, D.C.—A political fact of life seems to be that there is a double standard for federal prosecution—a lenient standard to be applied to the inner circle of government and a tougher one for those outside the sphere of the White House.

Rarely has this discrimination been more vividly dramatized than in the recent indictment of General Dynamics Corp. and four present and former company officials on charges of fraud involving the cost of defective parts for the controversial F111 fighter-bomber, formerly known as the TFX.

The indictment, involving defective parts worth about $300,000, charged that the defendants conspired to falsify inspection reports to the government so the Air Force would pay for rejected F111 parts that did not meet specifications.

FALSE REPORTS

If these officers of a private corporation are convicted, it will mean that they knowingly filed false and misleading financial reports and intended to bilk the taxpayers of more than one-quarter of a million dollars. It is a serious enough crime to call for vigorous prosecution.

But what about the misleading financial reports, inaccurate testimony under oath, conflicts of interest and misuse of security classification by some of our highest former Defense Department officials who initially awarded the multi-billion dollar contract? The uncovering of these allegations was made during the eight-year "TFX Contract Investigation" in the U.S. Senate.

The hearing record established by Senator John McClellan's permanent investigating subcommittee laid out much of the evidence as early as 1963. The evidence came from the highest military officials and the most experienced civilian defense technicians as well as from accountants in the General Accounting Office (GAO).

The current indictments charge the General Dynamics officials "conspired to falsify inspection reports to the government, in connection with the $300,000 cost of "carry-through plates."

The "carry-through plates" are a critical part of the center section of the F111 wing structure. General Dynamics, according to the indictment, scrapped the parts because a subcontractor welded them in violation of contract specification. The Air Force emphasized that none of the parts got into the planes.

The charge by the federal grand jury in Dallas, Tex., is that General Dynamics assumed financial responsibility for a subcontractor's error and then tried to pass the cost on to the Air Force in violation of the contract.

If true, it is easy to see how the General Dynamics officials would have arrived at the conclusion that the slogan "public office is a public trust" had been discarded, and that the filing of false and misleading reports was no longer regarded as a crime.

NO CRITICISM

Presidents Kennedy and Johnson didn't criticize those who had the responsibility for awarding the F111 contract to General Dynamics in the first place.

In fact, the comments of Presidents Kennedy and Johnson seemed to condone the whole pattern of conduct of former Defense Secretary Robert S. McNamara. McNamara assumed personal responsibility for the award of the multi-billion-dollar contract to General Dynamics over the unanimous recommendation of the top Pentagon Source Selection Board that it be awarded to the Boeing Co.

The Source Selection Board said its recommendation was on the basis of "a superior operational performance" and a substantially lower price.

The report to the Senate described Secretary McNamara's decisions as "capricious, lacking in depth and without substantiation."

Deuty Secretary Roswell Gilpatric was guilty of a flagrant conflict of interest in the TFX award," the report said. "The record shows unequivocally that he deliberately attempted to mislead the subcommittee regarding his relationship with General Dynamics Corp. as it existed before he accepted the appointment as deputy secretary and that he tried to equate that relationship with a small part (as a witness) he once played in a Boeing case."

The McClellan subcommittee report said, "The record makes clear that he (Gilpatric) was a top level policy counselor to General Dynamics for the 2½ years immediately before his appointment and that he was a de facto member of the company's board of directors . . . belatedly, he admitted these facts under cross-examination by the subcommittee after the staff had discovered the true situation."

FINAL REPORT

The final report, signed by eight of the ten-man subcommittee, commented:

"Top presidential appointees in the Department of Defense during the McNamara era over-rode expert advice to impose personal judgments on complex matters beyond their expertise. These same officials then made extraordinary efforts to conceal the result of their errors in the TFX contract. These efforts included deliberate attempts to deceive the Congress, the press and the American people.

"Understandably, this sorry record has done nothing to enhance public confidence in the integrity and competence of the people charged with preserving the national security," the report stated.

Even the brief individual views of the two other members of the subcommittee did not dispute the facts in the report. Senator Edmund S. Muskie (Dem., Maine), a supporter of McNamara's position throughout the early hearings, continued to defend McNamara's actions as contributing to "more efficient defense management."

Senator Jacob K. Javits (Rep., N.Y.) disagreed with the committee's conclusion that Gilpatric was guilty of a "flagrant conflict of interest." But, he stated: "Hindsight indicates that Mr. Gilpatric would have been better advised to have avoided even the appearance of impropriety by not taking part in the final (TFX) decision to any extent."

REPRESENTATIVE REUSS AND CHAIRMAN STEIN DEBATE THE STATE OF THE ECONOMY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. ASPIN. Mr. Speaker, our distinguished colleague, Congressman Henry Reuss of Wisconsin, and Chairman Herbert Stein of the President's Council of Economic Advisers held a wide-ranging discussion of the state of the U.S. economy on the Martin Agronsky "Evening Edition" television program on Tuesday, June 13.

A transcript of the program follows:

Evening Edition

Martin Agronsky. Good evening. The state of the economy in recent months hasn't become much better nor has it become much worse. President Nixon's economic policies have begun to show some positive results. The size of economic recovery has been positive enough to prompt the President's chief economic advisors to warn against letting the expansion of the economy get out of hand. On the other hand, wholesale prices have continued to rise and unemployment has certainly shown no signs of declining. Well, tonight on Evening Edition then, a discussion of the state of the economy with Herbert Stein, the Chairman of the President's Council of Economic Advisors, and Rep. Henry Reuss, Democrat of Wisconsin, who is a member of the House Banking and Currency Committee and of the Congressional Joint Economic Committee . . .

Gentlemen, Mr. Stein is the Chairman of the President's Council of Economic Advisors. I think Congressman Reuss would agree you're entitled to the first word. Do you feel that the President's economic program—Phase II as it is right now—is working?

Stein. Oh, yes, I don't think there is any doubt of that. We've seen improvement in all aspects of the economy since the August 15 program was launched last year. The rate of inflation has declined, employment has increased very substantially, the rate of increase of output has increased very substantially. As you pointed out earlier there is a problem that the unemployment rate remains higher than we would like, certainly too high . . .

Agronsky. 5.9 percent.

Stein. 5.9 percent. But we expect that that will decline as the rise of the economy accelerates in the remainder of this year.

Agronsky. Congressman Reuss, are you optimistic the way Mr. Stein is?

Reuss. Well, I think that there is no doubt that gross national product has gone up. Corporate profits have gone up magnificently. They are at their highest level now in the history of the world. But from the standpoint of the unemployed, it's not a very happy economic picture. We have almost twice as many unemployed today as when President Nixon took office. Phase II has not been a success. The rise in the wholesale price index during Phase II has been higher than the rise in that index in the six months before August 15, before price controls started. And more and more there is something approaching a taxpayer's revolt, a real revulsion against what is felt to be the unfairness of our loophole-ridden tax system. So I think that it is fitting and proper that we have a Presidential election this year and I think there are issues on both sides.

Agronsky. Well let me ask you, do you think that the state of the economy is going to be a major issue in the Presidential campaign?

Reuss. Yes, I do.

Agronsky. Do Democrats intend to make it that?

Reuss. Yes. Well, nature made it such, and we Democrats would be remiss if we sat idly by. The fact is that unemployment is at an unacceptable level, the fact is that price controls have been ineffectively administered and the fact is that the tax system—quite unfair, I must say, when we Democrats passed it over to the Republicans—has become more unfair and more regressive and more outrageous. All of these things will be issues.

Agronsky. Mr. Stein.

Stein. Well, of course the state of the economy will be an issue in the sense that the Democrats will not have much else to talk about and there will be a great deal of grumbling from them about it. But, I think it will not be a very persuasive issue, partly because everybody recognizes that the economy is in much better condition than it has been for a long time.

While we can talk about the increase of profits, and we have no objection to profits increasing. We think that that is part of the health of the economy. It is also important to note that real spendable earnings of workers have increased during Phase II at about 5 percent per annum as compared with an average rate of about 1 percent in the preceding ten years. And as for taxes, of course, this may be a debate between Congressman Reuss and Congressman Mills, who has been Chairman of the Ways and Means Committee for about 14 years now and has probably had more to do with the state of the tax system than anybody else now alive. But, you know, the state of the tax system is at best a nonpartisan condition. And we, like the Congressman, are interested in reforming it. But I think there is one thing to say about this taxpayers' revolt. I think what the taxpayers' revolt is about is a revolt against high taxes. It is not a revolt against a particular character of this tax system.

Agronsky. Don't you think it's a revolt really against the inequities of the tax system?

Stein. No, I don't really think so.

Agronsky. You don't?

Stein. No. I think that my experience in a long time is what everybody means by tax reform is that my taxes ought to be lower. Period.

Reuss. I think Herb is absolutely sincere about this . . .

Agronsky. Well, he thinks he's right beyond being sincere.

Reuss. I don't think he's right. I view it this way. The White House itself, a few weeks ago, got out a press release, a transcript of that Saturday night meeting at the ranch of Secretary Connally when President Nixon was down there. And right in that transcript it was written that President Nixon was promising his campaign contributors—the big oil men, big bankers of Texas—that not only would he not touch the rapid depreciation loophole, the oil depletion loophole, he actually wanted to make them bigger. I just think that Herb is mistaken and that people are going to be disgusted by that, and really will not accept the fact that there are some Democrats, too, who have lagged on tax reform.

Stein. Well, there are quite a number of them as you know, of course. We've had a number of tax reform measures before Democratic Congresses in the last ten years. We had one in 1963–64. We had one in 1969. We had one in 1971, and the large Democratic majorities had plenty of opportunity to send up to the President, the Democratic President in one case, Republican in the other, something repealing percentage depletion if they had wanted to do so. But obviously they didn't.

And I think that we have a little responsibility to point out to people that these things commonly labeled as loopholes or preferences serve some function. I went through a large part of my adult life being shocked by percentage depletion, but as I now look at the probable growing dependence of the U.S. on unreliable foreign sources of supply for fuel, I'm less certain than I used to be that this is a mistake. But, as I say, we want these things to be examined. We submitted a number of tax reform provisions in 1969 which were adopted and we agree on the need for a thorough examination.

Reuss. Let me ask Herb right now: what loopholes do you think should be closed? Can you name any? I can name a dozen that I think should be closed, and which, if they were closed, could raise a good many billions of dollars. What would your list be?

Stein. Well, I wouldn't submit a list. I'm in a somewhat different position than the Congressman is, since I am a member of a team which has to consider these things jointly over a period of time. But we have said we will be prepared to cooperate fully with the Congress in considering thoroughgoing revision of the federal tax system.

Agronsky. Let me name just one spectacular, one dramatic, if you like, demonstration. We know for example, it was demonstrated that last year there were somewhere in the neighborhood of 250 persons with incomes of a million dollars a year or better who paid no taxes. I regard that as an inequitable observation to make. It's true and I regard that as a demonstration that there are inequities in the tax system which indicate that those who make an awful lot of money relatively pay . . . well, in some instances pay nothing, and many others . . . a great number of people who are in high income brackets in terms of percentages—pay much less than people in the lower income brackets. I think that is what causes the feeling that there are inequities and there should be reforms. Is that unfair?

Stein. Well, in some degree it is, that is, these cases, these cases of the high income people—a rather small number—who pay no tax have been analyzed in great detail. We have explained, the Secretary of the Treasury has explained, why this was in all cases. And in some cases there are justifications and in some cases there are not. I don't want to pretend that this tax system which has grown up since 1913 is perfect. I'm sure there is a great deal that needs to be done about it. I don't think there is any disagreement about that. I think that there is a considerable exaggeration of the extent to which additional revenues can be obtained by closing loopholes which are considered to be of special benefit to the wealthy. I think that people who have looked into this recognize that in the early years, at least, of such moves the net revenue yield would probably be small.

Agronsky. Well, Congressman Reuss, you've certainly looked into it and very exhaustively. Is that right?

Reuss. It is certainly right that if you want to raise 70 billion of dollars in extra revenues, you have to close loopholes which to a large extent benefit the average person. And I wouldn't favor that. But there is a long list of loopholes that benefit solely the very wealthy, which if closed could yield at least 15 billion extra a year. Let me make a constructive suggestion. If Mr. Nixon really wants to be reelected, I would strongly recommend that this summer—in fact this month—he come before Congress with a constructive program for closing certain listed loopholes. I'm sure that with that kind of Presidential leadership, we'd have action from Congress. While this advice I'm giving might result in the election of Mr. Nixon, I would be willing to pay that price for patching up our tax system. As I see it we are heading for very serious trouble, Herb. We have about $110 billion of deficits, back to back, in the current 3 fiscal years. Now, sure, expenditures should be curtailed wherever possible, waste should be eliminated, but even the Administration doesn't advocate cutting a dollar out of its 1973 budget. So you've got to have more revenue.

Agronsky. Mr. Chairman . . .

Stein. If I could just respond . . .

Agronsky. I would like you to respond. I would like to point out that when Congressman Reuss, who is one of the chief spokesmen, as you know, on fiscal policy and economic policy for the Democratic Administration has made you a rather extraordinary offer and a rather extraordinary admission. He feels that it would help Mr. Nixon be elected if he were to undertake such a tax reform program, and I think that that would interest you. Does it?

Stein. Well, I'm sure that Mr. Nixon wishes to be reelected and I'm sure that he welcomes Congressman Reuss' advice. I'm not in the business of advising the President on his political processes. He has people around who know much more about that than I do. But I will be happy to convey the suggestion to him. I think that . . .

Agronsky. Would you recommend that it be undertaken? Do you feel that a tax reform is necessary or don't you? That's what we're really trying to get at.

Stein. I feel that these preferences which have been listed, and I think very well listed by Congressman Mills need to be examined.

I myself believe that calendar 1972 would be an inappropriate year in which to go very far with this, because I am afraid of it's unsettling consequences for the business revival. I'm afraid that the form in which Congressman Mills made his proposal—that is to repeal all these things and then see which we decide to put back—is a particularly unsettling way of going about this. But I agree with the desirability of re-examining all these things and more. I would like to throw into the reexamination the question of the corporate profits tax which is usually overlooked, but which seems to me a great discrimination against people who earn income from the supplying of capital. However, I think there is no disagreement on this point.

I do believe that as a number of Democratic economists have recently pointed out that the issue of our tax reform, at least at the level of which the Congressman discusses it, is not a revenue issue. What we are going to get out of it is greater equity, maybe more efficiency in the operation of the economy, but not very much in the way of revenue. And all our experience has been—and the Congressman will certainly remember—that whenever we throw a tax reform proposal to raise revenue into the Congress what we get back is an enormous revenue reduction, as we did in 1969.

Reuss. Well, the moral is to get the reform without the leakage. I think you've made a very fair statement, Herb, of the advantages of tax reform; you pointed out that equity is a principle consideration, or revenue . . . I think that reasonable men may differ. You think it yields somewhat less, others of us think it would yield somewhat more. I'd like to raise several other advantages of plugging some of these loopholes. One that commends itself to me is in terms of jobs here in America. Many of these loopholes lose us jobs. Take the fact that under our present tax system, if an American corporation establishes a manufacturing subsidiary abroad, in Belgium, or Mexico or Taiwan or Hong Kong or wherever, as long as it keeps its earnings overseas—doesn't repatriate them in dividends—it doesn't pay any corporate income tax on that income at all. So it has an unnatural incentive to close its plant here, fire its workers and plunk it down overseas.

Agronsky. How significant is that in terms of jobs and revenue?

Reuss. Well, you talk to the people in an electronics plant which has jumped ship to go over to Taiwan and it's their life's work. Those people are out of a job. So it's very significant to them. So all I'm saying is that by plugging that loophole you could not only raise several hundred millions of badly needed dollars for the Treasury but save thousands of American jobs.

Agronsky. Can I bring you back, Mr. Chairman, to the one observation that you did make about unemployment. It is 5.9 percent at this point; it's remained unchanged for three months. You recognize that it's bad and the question obviously is what are you doing about it? What do you intend to do about it?

Stein. Well, I recognize that it's 5.9 percent, I think we should also recognize that the employment situation has greatly improved.

What we count on, what we are doing is following a policy which will bring about—which is bringing about—rapid expansion of the economy. I think I didn't get a chance to say that the economy in the last two quarters rose at a rate which is well in excess of the normal growth of the economy and which will absorb the unemployed, and I think every forecast . . .

Agronsky. Absorb them to what extent, Mr. Chairman?

Stein. This is a difficult thing to predict, but I think we will see a very significant reduction of the unemployment rate. We've . . .

Agronsky. One percent, two percent, three percent?

Stein. We've indicated that we expected by the end of this year . . . no, certainly not three percent. I mean three percent is an unreasonable expectation. We've said that we expect that by the end of this year to be in the neighborhood of five percent and that the unemployment rate would decline from then on.

Agronsky. That would be a decrease of nine-tenths of a percent. Now do you think, Congressman Reuss, that that is adequate and that they are doing enough? You have proposed legislation . . .

Reuss. I not only think it's adequate, I think this is a fundamental difference that we Democrats have with Republicans. By and large . . .

Agronsky. May I interrupt you for one second? Let's translate that 5.9 percent into numbers. How many unemployed is it?

Reuss. It's about a million unemployed per percentage point.

Stein. About 800,000.

Reuss. So that reducing it to five percent would put roughly 800,000 back to work. I was just going to make the point that by and large the Republican economic philosophy—very sincerely held—is that by helping at the top by loans to Lockheed, bail-outs for Penn Central, tax reductions for corporations, fast depreciation, investment credits and so on, you thus enhance profits and somehow or other this trickles down and makes jobs. It's the old "feed the horses and the sparrows will thrive" philosophy.

Well, in practice it just doesn't work out that way. We're seeing it now. We've had 5.9 or 6 percent unemployment now for 18 months. I think that the economical and sensible way to deal with the unemployment that we've got is to have an expanded public service jobs program which would give the returned Vietnam medical corpsman veteran a job as a hospital orderly, would help the . . .

AGRONSKY. What numbers are you talking about?

REUSS. Well, I'm talking about a public service employment program of about 500,000 jobs. That would make enough extra demand so that the private economy could employ another two million. That could reduce our unemployment to the order of three percent which should be our goal.

STEIN. Well, I think, of course, that is a caricature of our program, this notion about feeding the horses. We have expanded . . . in the first place, the tax reductions that have been given during this administration have been enormously more to individuals than to corporations and enormously more to the lower income individuals than to the upper income individuals. And we are now running—have been running up to this point—an exceedingly expansive budget policy with . . . we have a big increase in expenditures this fiscal year. We are beginning to be concerned, as you indicated at the outset, that the rise of the economy is going too fast. We've had some talk earlier about this taxpayers' revolt. I think there is a taxpayers' revolt and I think that what this indicates is that the American people would like to see the federal establishment, the federal programs, not rise so rapidly. Because that's the only source out of which they are going to get tax reductions.

AGRONSKY. Mr. Chairman, may I ask you this? The wage-price control system, do you see any end to it, before the election if you like?

STEIN. Well, I'm sure it will end, and I don't want to forecast a date. We've indicated that we intend to stay with it until it has achieved its objective.

AGRONSKY. Which would be when? What do you foresee?

STEIN. That's a matter of forecasting and speculation and I certainly can tell you it's not around the corner, it's not going to be tomorrow. But I'm not in a position, nor do I think it would be wise if I were, to indicate what . . .

AGRONSKY. Very quickly, let me ask you another thing. Can you conceive of this Administration proposing any increase in taxes?

STEIN. Well, I can conceive of it but I would consider it extremely unlikely. Well, I could make this exception: we have considered, as you know, the possibility of some substitution of federal taxes for state and local taxes, but our goal is not to raise the total tax burden on the American people.

REUSS. May I just ask a question on that? One of the rumors we hear is that from time to time the Treasury and the White House are supposed to be considering putting a so-called value added tax on the American consumer, which would be the equivalent of a sales tax added on to current sales taxes by the state and would be the straw that broke the camel's back. Can you give me positive assurance that that idea has now been kind of purged out of the system and that this isn't going to be visited on the American people if Mr. Nixon is re-elected?

STEIN. That is not an accurate description of the idea. We are not in the business of purging ideas. We're in the business of considering and evaluating ideas, and I don't think that the Congressman would want us to purge an idea.

REUSS. This one I would.

STEIN. What we have thought about was the possibility of substituting this tax for some of the local property taxes which are very onerous, as the Congressman knows. But this idea, I should emphasize, is a matter for consideration like many others.

AGRONSKY. Listen, we've got a minute left. Let me ask you both, do you think in the election in November that the Democrats are going to make the state of the economy—unemployment and all the rest—the top issue, where do you think they are going to go in this area? Do you think that the Administration is vulnerable, very quickly.

REUSS. Yes I do. I think joblessness; ineffective administered price controls, huge feckless, "oops, sorry inadvertent budget deficits; tax loopholes—are all legitimate political issues. We Democrats intend to make what we may of them.

AGRONSKY. Mr. Chairman, do you think the Democrats are going to make anything of them?

STEIN. I think they will try. I think that they will be ineffective, and I think the Republicans will make an economic issue against the Democrats with respect to their proposals about spending, about income redistribution, about the tax burden and so on, which are things that the American people feel very deeply.

AGRONSKY. You dont' feel that the President is vulnerable on the state of the economy?

STEIN. I think that this will be something that will be argued but I think it will not be argued convincingly to the American people.

AGRONSKY. Thank you, gentlemen. Goodnight for Evening Edition.

A SALUTE TO AMERICA'S EDUCATIONAL POTENTIAL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. STOKES. Mr. Speaker, the National Educational Association will be holding its "Salute to Education" this month here in Washington, D.C. In honor of the occasion, I would like to say a few words about the potential of the educational system in this country.

On an average school day in the United States, 42,626,558 schoolchildren get up in the morning and go off to school. At the same time, 2,089,623 teachers are en route to meet them there. This process takes place in 16,920 operating school districts every day, at an annual cost of $46,644,623.

There are times when we are aware of the importance and the magnitude of our country's educational system. For example, we will think of these factors this month, as 2,733,156 seniors receive their diplomas.

There are also times when we forget—when we lose sight of the fundamental goals involved in educating young people—1972 has been a year of such forgetfulness. It was a year when children's educations were made, in too many cases, subservient to their parents' politics. It has been a year when the word "busing" meant more to many people than the phrase "quality education."

It has been a year when all of those 45,633,748 students did not receive educations of equal caliber. This is amply demonstrated in the illiteracy rate. In 1969, 4.3 percent of all black males over the age of 14 could not read. The illiteracy figure for white males in the same age group was only 0.7 percent.

And the inequities of our educational system do not stop on graduation day. In 1970, 9.2 percent of all black Americans who had completed 4 or more years of high school were employed in service positions. By comparison, only 7.5 percent of the white high school dropouts were employed as service workers. In that same year, 26 percent of all black Americans had jobs in private homes or in the service industries. The figure was 10.7 percent for white Americans.

Only one out of every 36 American physicians is black. And only one of every 420 American Ph. D.'s is black.

There is untold potential in our educational system. For example, there is one teacher for every 20.3 students. And yet, there are many school districts in this country where the student-teacher ratio is as high as 50: 1. The expense of $867 per student should, obviously, guarantee a student's learning how to read at some point in the educational process.

I am still hopeful, though, that despite the setbacks of 1972 and the basic inequities in the system, some day our educational potential will be fulfilled. On that day, all school systems in this Nation will be comparable. And all students, too, will be equal, only to be judged on the basis of their educational attainment.

Rather than saluting education as it is, I would prefer to salute education as it could be.

MOORHEAD ANNOUNCES HEARINGS ON LEGISLATION TO REQUIRE INDIVIDUALS TO BE APPRISED OF RECORDS CONCERNING THEM WHICH ARE MAINTAINED BY FEDERAL AGENCIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MOORHEAD. Mr. Speaker, the Foreign Operations and Government Information Subcommittee will hold hearings next week on a number of bills that would amend the Freedom of Information Act—5 U.S.C. 552—to provide that individual citizens be apprised of records concerning them which are maintained by Federal agencies.

The so-called Koch bill, sponsored by the gentleman from New York, has more than 135 cosponsors. There are some 20 bills, similar or identical to H.R. 9527, on which the subcommittee will hold its hearings.

Members of Congress and others interested in testifying on this legislation or in submitting statements for the hearing record should contact the subcommittee office—225-3741. We have scheduled Members' testimony for Thursday, June 22 at 10 a.m. in room 2154, Rayburn House Office Building. We have also invited witnesses from the Department of Justice and the Civil Service Commission to testify that day.

Hearings will continue the hearings on the Koch bill on Tuesday, June 27 at 10 a.m. in room 2154, Rayburn House Office Building with testimony from the Department of Defense, the General Services Administration, the Veterans' Administration, and from outside witnesses.

Written statements for inclusion in the record should be sent to room B-371, Rayburn House Office Building.

MR. LAWMAN, U.S.A.

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. COLLIER. Mr. Speaker, the June issue of Eagle, the publication of the Fraternal Order of Eagles, includes an editorial tribute to one of the organization's most famous members, J. Edgar Hoover, who died recently. The writer points out that, through the years, the Federal Bureau of Investigation and its dedicated director worked hard not only to fight crime but to prevent its occurrence.

The editorial follows:

MR. LAWMAN, U.S.A.

J. Edgar Hoover—the man—the symbol—our Brother Eagle.

J. Edgar Hoover, the man, has passed on, as all mortals must.

The only Director the FBI ever had, the determined foe of crime, corruption and communism, succumbed to a fatal heart attack at the age of 77.

Not all mourned his passing. As he himself once said, "You are honored by your friends and you are distinguished by your enemies. I have been very distinguished."

And, indeed, he was. No one would expect a John Dillinger or Al Capone to praise his work. Nor did he endear himself to the commies like an Earl Browder or Angela Davis. But it was not the infra-reds who pot-shotted at him most often. It was the ultra-violets who identify always with the law violator, never with the law enforcer. He never winced or waffled under their sniping, although once he did observe, quoting Alice, stepping through the looking glass in Lewis Carroll's story: "It takes all the running you can do to keep in the same place."

But J. Edgar Hoover, the symbol of effective law enforcement, will live on in the hearts of his countrymen.

This will be only in part because he built the world's finest investigative, crime-fighting force—the Federal Bureau of Investigation.

As much, it will be because he brought law enforcement across the nation into the era of test tubes, laboratories, fingerprint files, training academies and professional pay and stature for the profession of law enforcement.

Every local law enforcement agency in the nation has benefitted, not only from the FBI resources made available, but from J. Edgar's resolute spearheading of the drive for community support of community law officers.

And J. Edgar Hoover, for a quarter of a century a member of Alexandria, Va., Aerie, Fraternal Order of Eagles, has a special place in the story of the Eagles. When he joined the Eagles, he said, "I like the Eagles. I always have." But, early in the 40s, his interest in the Eagles went beyond liking. He had an idea of a special contribution that the Eagles could and ought to make to building a better America.

J. Edgar Hoover stood for fair and firm law enforcement. He was for law and order. No if's, and's or but's about it. But he wanted to prevent crime as well as to combat it. Back in 1944, he wrote in the Eagle magazine:

"Eagles can do a great deal to combat juvenile delinquency. Eagles are outstanding, experienced, respected men. By working with law enforcement agencies and providing guidance for selected children, Eagles might well direct many coming citizens away from the path of crime. Youth today needs our assistance more than ever before, and we cannot refuse its call."

Following the publication of that article, and the suggestion it made, a National Eagles Youth Guidance Commission was appointed, and there began the whole series of local, national and international youth-serving undertakings of the Eagles. The debt we, as Eagles, owe this distinguished fellow member of our Order from Virginia is clear. Whenever we expand and wherever we extend our youth guidance, projects, we will be helping keep green the memory and continuing the unique contribution to our Order of a great Eagle, a great lawman, and a great American.

MONEY SOUP

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GAYDOS. Mr. Speaker, during the depression of the 1930's soup of any kind was the major dish on the unemployed American worker's dinner table. By continually adding water to it, you could stretch soup through several meals.

I was reminded of this depression delicacy by an editorial last week in the Daily News of McKeesport, Pa. The article pointed out the same stretching recipe is being used with today's dollar with inflation playing the part of water in making "money soup." The writer warns, however, there is a limit to how much water can be added to soup before it is no longer soup and he poses the intriguing question if this could happen to our money.

I am inserting the article into the RECORD for the attention of my colleagues. It may not be a tasty dish but it is food for thought.

The article follows:

MONEY SOUP

If you are a parent and want to teach your child the value of a dollar—you'd better act fast.

Getting the value of anything pegged these days is a tough job and the value of the dollar is the toughest job of all. We all know it isn't worth as much as it used to be and most of us are pretty confused about the entire subject. It's like instead of having money you haven't got, you have twice as much, but it's only worth half of what you'd have if you had what you don't have.

Did you follow that? Well, look at it this way. Any housewife can tell you that she can make a pot of soup stretch as far as need be if she just keeps adding water. Of course, the more water you add, the weaker the soup. The value of money must be something like that, with inflation playing the part of water in the money soup.

There's a limit to how much water you can add to soup. Eventually, you reach the stage where you can't palm it off as soup any more. Do you suppose the same thing could happen to our money?

NORTHERN IRELAND: A REGIONAL CRISIS

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MACDONALD of Massachusetts. Mr. Speaker, I want to call the attention of my colleagues to a paper on the crisis in Northern Ireland which has been written in part by a constituent of mine. It is entitled "Northern Ireland: A Regional Crisis" and presents a brief history of events leading up to the current conflict.

One of the authors is Fred O'Brien of Melrose, Mass. He graduated from Syracuse University and from Suffolk University School of Law. In addition he has a master's degree in government from Southern Illinois University. The coauthor Claudette Pelletier is a graduate of Northeastern University in Boston, and has her degree in law from the University of Baltimore. She has studied at the Hague Academy in the Netherlands where she received a certificate in international law.

Both Mr. O'Brien and Claudette Pelletier have traveled to Ireland, and they have done much of their research firsthand. They were in Ireland in August of 1971 and most recently in April of this year. This paper represents their view of the background of the tragic conflict which has become a major international concern.

The paper follows:

NORTHERN IRELAND: A REGIONAL CONFLICT

(By Claudette Pelletier and Fred O'Brien)

The policy of government by colonization is at best a short term one, for colonists soon develop a sense of their own interests as being distinct from those of a home government. The body of land this article deals with—Northern Ireland—is a classic example. The Scot-Presbyterians are no longer Scots, but have evolved to be Scotch-Irish, a distinctive kind of Irish resident. The English in Ireland became referred to as Anglo-Irish with interests distinct from those of other Britons. What became a problem between the "New Irish" and the "Native Irish" was the religious problems which resulted in a polarizing of politics around religion. The Catholics were to be Nationalists, sympathetic to the Republic of Ireland to the South and the Protestants were to be Unionists and loyal to Mother England.

In 1920 the Government of Ireland Act[1] established two separable governments, in the North and the South of Ireland. The Act, later amended, had as its original intention the reunification of Ireland when the problems pressing at that time could be worked out through reason rather than arms. In the 1920's and 1930's violence continued by groups pro and con on the question of one Ireland. The violence subsided in the South but has never really let up in the North.[2]

Intermittent violence over the years again surfaced in the Ulster riots of 1969 through

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the present time and no solution has as yet been reached. Religious bigotry resulted in street fighting in many cities, but particularly Belfast and Derry in Northern Ireland. Demonstrations for civil rights by Catholics and parades by the Protestants provoked each to violence against the other that will not subside due to refusal of compromise by both groups.

Today many domestic issues confront the people of Northern Ireland and a crucial factor is the high unemployment rate resulting from the violence and years of religious discrimination in awarding jobs. Unemployment is the highest in the Catholic areas [3] and as a consequence, emigration is also highest in the same areas; a fact pleasing to Protestants, who welcome a diminishing Catholic population.

The so called West of the Bann policy [4] which is supposed to provide employment for those forced from the land, has to say the least, never succeeded. The question is—Whether it was ever intended to succeed? The Wilson report of 1965,[5] adopted by the Government advocated the development of 9 industrial centres, but only one of these was west of the Bann. Unemployment is the greatest West of the Bann and in Catholic areas of the east. Example:

Town	Percent unemployed	East/west
Enniskillen	17.7	West.
Newry	14.5	East (Catholic).
Derry	12.7	West.
Coleraine	8.1	East.
Bangor	4.5	Do.
Larne	4.3	Do.
Lisburn	4.2	Do
Ballymena	4.1	Do.

The problem of unemployment is only a portion of the ills of Ulster, but fair employment would solve many other parallel problems.

The Republic of Ireland felt that the determination of the situation in Northern Ireland in 1969 had come to such a low point, that it was compelled to appeal to the United Nations on behalf of the minority Catholics and Nationalists in the North. Whether the topic was within the jurisdiction of the U.N. became the question. The Irish Government held it was under Article 56 [6] dealing with human rights, while conversely the British argued that it was solely a domestic problem and was, therefore, prevented from consideration under Article 2(7), which maintains that domestic jurisdiction prevails in matters of this kind.

In 1969 the Government of The Irish Republic did in fact raise formally with the United Nations the question of the North of Ireland.

In a press conference at New York on April 23, 1969, the Irish Minister for External Affairs to the U.N., Mr. Aiken, told of his purposes in coming to the U.N.: simply, to advise the Secretary-General of the situation in Ulster and that he would not make any request of the Secretary-General. Ireland's purpose was to demonstrate its serious view of the situation and that it expected civil rights to be restored to all sections of the community in the North of Ireland plus an end to all discrimination. This would be a first step toward reconciliation among the Irish people and eventual reunification of the country by agreement.

The Government of Ireland had requested the British Government to apply immediately to the United Nations for urgent dispatch of a peace-keeping force to the North. Following rejection by the British Government of this request and of an alternative proposal of Irish troops as well as British for a joint Irish-British peacekeeping force, the Irish government felt there was no other alternative but United Nations consideration. The Irish representative by virtue of Article 35 of the Charter requested an urgent meeting of the Security Council in connection with the situation in Northern Ireland.[7] The council convened on August 20, 1969 to consider the Irish problem.[8]

The Republic of Ireland's Foreign Minister, Dr. Hillary, further stated that denial of the civil rights to a large part of the population of the six northern counties has been the immediate cause of the demonstrations and resulting bodily harm. The Irish Government in accordance with a statement made by the British Secretary of State for Foreign and Commonwealth Affairs delivered before the General Assembly on another matter:

Article 56 of the Charter makes it clear that no country can say that the human rights of its citizens are an exclusively domestic matter. A country that denies its citizens the basic human rights is by virtue of Article 56 in breach of an international agreement.[9]

The Question, whether the Irish Resolution should be accepted on the General Assembly agenda and in the Security Council, was further supported by reference to statements made by United States Ambassador Henry Cabot Lodge in regard to application of Article 2(7):

In the period since the establishment of the United Nations certain principles and rules concerning the application of Article 2(7), have emerged. It has become established, for example, that the inscription and then discussion of an agenda item do not constitute intervention in matters which lie as initially within domestic jurisdiction.[10]

Continuing, Mr. Lodge said:

We hold the same views with respect to the Security Council that we do in the General Assembly. When a question such as the present one is involved, Article 2(7), must be read in light of Articles 55 and 56. Under Articles 55 and 56 of the Charter, all members of the United Nations have pledged themselves to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.[11]

Lord Caradon of Britain even with all these logical statements again invoked Article 2(7) as a bar to discussion of the matter while stating that action was being taken domestically to remedy the situation in Northern Ireland, and a debate could compromise peace there. What was done was to bring in troops as a peacekeeping force and the institution of the Downing Street Declaration of Reforms.[12] The Irish request was reasonable but the British alternative proved to be a disaster.

In the United Nations session in 1970, John Lynch, the Prime Minister of Ireland, again made a plea for U.N. intervention into the Northern Ireland problem, but again was turned down due to Britain.[13]

The Irish presented a good case based on humanitarianism to the United Nations both in 1969 and 1970. After the recent waves of violence in the North resulting in many dead and maimed, the Irish problem should be raised again at the U.N. and Britain would find it a bit more difficult to bar debate, since their promised reforms were passed but never enforced and her troops are despised by the people.

The violence continued in Ulster after the proposed reforms. It was a case of too little, too late, and the I.R.A. continued their terrorist campaign with retaliation from the Protestant militants. Mr. Faulkner, the Prime Minister of Northern Ireland, while admitting the Protestants threw a few bombs, blamed all violence on the I.R.A. He referred to the I.R.A. as a "whole unified group," implying all Catholics were involved in terrorism.[14]

When violence appeared to be getting out of control, Prime Minister Faulkner on August 9, 1971, under the Special Powers Act,[15] instituted the most repressive and hated law—Interment without Trial—directing it only against Catholics and the I.R.A.

The Prime Minister of Ireland issued a statement concerning interment without trial which is worth considering:

"The introduction of interment without trial in Northern Ireland this morning is deplorable evidence of political poverty of the policies which have been pursued there for some time and which I condemned publicly last week. Even if it succeeds in damping down the current wave of violence, it does nothing to forward the necessary long term solutions.

"The sympathies of the Government and of the vast majority of the Irish people, North and South, go to the Nationalist minority in the North who are again victimized by an attempt to maintain a regime which has long since shown itself incapable of just government and contemptuous of the norms of the British Democracy to which they pretend allegiance." [16]

This statement of the Irish Prime Minister is well put and echoes the sentiments of the author, who witnessed Northern Ireland during the imposition of internment.

The British, who complain that I.R.A. gunmen make raids in the North then slip back into the Republic, have now taken it upon themselves to pursue I.R.A. members into the Republic. This caused an uproar in Dublin, and Ireland lodged a complaint with Britain over the incident. This border incident could have serious repercussions. The Republic could have interpreted this as a show of force by Britain and a warning to curtail I.R.A. activity in the Republic or Britain would do so.

According to Article 34 of the United Nations Charter, the Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute or situation, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

The fact of Britain deploying troops on the Irish-Ulster border is a clear indication that there is the possibility of a violation of the Irish border and its domestic territory. This is a threatening situation, since Britain has violated the border in the past.[17]

Article 35 gives the Irish Republic the right to bring the dispute to the attention of the General Assembly and Article 34 then permits the Security Council the authority to hear the matter.[18] Beyond this point there is the necesity of consent from Great Britain before the U.N. can proceed to arbitrate the dispute or to take any action at all.[19]

A great gesture in the interest of international peace would be for Britain and Ireland to sign a treaty to allow the U.N. to send representatives to travel freely through the North and South of Ireland and oversee peacekeeping operations and the institution of concrete reform to insure human rights. Consent could be requested and assuming it was given according to Articles 12, 13, 14, and 15 of the Vienna Convention [20] of the Law Treaties, it would be binding on the nations involved.

The nations (Ireland and Britain) would be obliged to comply with such a treaty by virtue of Article 18 of the Vienna Convention which would be a committal toward ending hostilities in Ulser. By consenting to a treaty, the U.N. observers would then be in a position of stopping the smuggling of arms over the border of the Republic and Ulster. The U.N. observers, including military, could

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be impartial while the British troops cannot. They could ensure the imposition of the reforms to the dissident groups and see that all persons received their rights in an equitable manner regardless of any other considerations.

In past operations the United Nations has accomplished worthwhile missions. In one such investigation over a dispute between Arabs and Israelis, there were similiar complaints that are parallel to those in Northern Ireland. The committee's recommendations are now stated:

1. To secure the scrupulous implementation of the provisions relating to human rights contained in the Third and Fourth Geneva Conventions, and in particular to investigate and determine facts in the case of allegations of the violation of human rights provisions of those conventions or of other applicable international instruments.

2. To ensure that the population of the "occupied territories" is treated in accordance with the applicable law (in Northern Ireland to make sure Catholics got equitable treatment).

3. To bring to an end the indefinite and prolonged detention without trial of all persons, including those detained under security regulations and those under administrative detention, by releasing them or affording them a fair trial in accordance with the provisions of the Geneva Conventions.[21]

The Governments of Britain and Northern Ireland have failed to curtail violence and correct the grievances of the minority. There is the obvious necessity for the intercession of a third party. No faction in the North has any trust for any other and there is such historical evidence of this fact that only outsiders are going to be able to effectively communicate with all sides. There is little hope for peace in Ulster, unless Britain agrees to allow the U.N. to arbitrate the crises.

In an attempt to curtail violence, the Northern Ireland Civil Rights Association has re-instituted peaceful demonstration, but they were given a severe setback on January 30, 1972 in Londonderry when British soldiers killed thirteen innocent civilians. The following week Irish men and women all over the world paid tribute to the Derry Martyrs. In Newry just over the border in Ulster thousands demonstrated peacefully to the memory of Derry. Among the participants were members of the British and Irish Parliaments, the British actress Vanessa Redgrave and U.S. Congressman Mario Biaggi of New York. This incident in Derry insured world opinion was behind the minority in Northern Ireland in their quest for basic human rights.

Because of the actions of the British Government in its enactment of the Northern Ireland Act of 1972, legalizing all actions of the British Army in Ulster, the Government of Ireland has added to its dossier of information on Ulster, a protest of this action. This dossier will be put before the European Court at Strasbourg. This piece of legislation seems to give the Army a free hand for other incidents like Derry. The situation can only deteriorate from acts like this.[22]

EPILOG

On March 24, 1972, Mr. Edward Heath, The British Prime Minister, made the long anticipated announcement that Britain would assume responsibility for security in Northern Ireland. They would also appoint a commission that would rule the country and be under the direct guidance of London. Mr. Health also indicated that a plebicite would be held soon on the question of re-unification with the Republic of Ireland.[23]

These initiatives would have been the solution to the problem if taken in 1969 when serious outbursts of violence started, but today they could be the cause of even more violence and possibly war. London by previous inaction allowed itself to be put into a position where almost any solution would not be considered sufficient. A plebicite now would be premature. All factions must be allowed to present ideas both pro and con on the matter to insure success if enacted. The next few weeks are crucial to the British. If violence and bloodshed can be avoided, it is possible these initiatives might step toward eventual unity, when the plan is put to a vote in Parliament in the first week of April.

FOOTNOTES

[1] Government of Ireland Act of 1920 as contained in *A Sourcebook of Irish Government*, B. Chubb, P. 5.

[2] See *Divided Ulster*, Liam de Paor, Chapter 4.

[3] Crises in Northern Ireland, Nusight Magazine, Dublin, Ireland, August, 1969, P. 34.

[4] Id.

[5] Id.

[6] Article 56 of the Charter of the United Nations. All further reference to any Article will mean an Article of the U.N. Charter unless otherwise specified.

[7] S. 9394 . . . (Official U.N. Document Number) On August 17, 1969, the Permanent Representative of Ireland on the instructions of the Government requested the President of the Security Council to convene an urgent meeting of the Council.

[8] The Security Council met on the 20th of August to consider its provisional agenda (Document s/agenda/1503—"letter dated 17th of August, 1969, form the Permanent Representative of Ireland to the President of the Security Council—s/9394").

[9] Delivered 14th of October, 1968, in the general debate at the 23rd session of the General Assembly. Record of the 1693rd meeting of the Assembly. (A/PV, 1693, P. 42.)

[10] Discussion of the Irish Resolution can be allowed as competent for discussion before the General Assembly. The above quote by Ambassador Henry Cabot Lodge of the United States, at the 832nd Plenary Meeting of the General Assembly on October 20, 1959, bears this point out.

[11] Ambassador Henry Cabot Lodge of the United States, made this statement before the 851st meeting of the Security Council on March 30, 1960.

[12] See Factionalism in Northern Ireland, O'Briain, 92 C.R.E2071.

[13] Statement delivered by Prime Minister John Lynch, Republic of Ireland, at the 1879th Plenary Meeting of the General Assembly on October 22, 1970.

[14] The New Initiative, a report by the Government of Northern Ireland, delivered by Mr. Brian Faulkner, Prime Minister, in the House of Commons, Stormont (Belfast) on July 23, 1971, P.4.

[15] The position of Northern Ireland on Internment without Trial. Official Document delivered by Mr. Brian Faulkner, Prime Minister of Northern Ireland in Belfast, August 9, 1971, as published in British Information Services Publication 3/6/71—N.I.

[16] Internment in Northern Ireland, Official Statements of the Republic of Ireland, through Taoisesch (Prime Minister), Mr. John Lynch, T.D. published in Iris na Roinne Gnothal Eachtracha (Foreign Affairs Bulletin), No. 839, September, 1971. P. 2.

[17] Dublin Protests to Britain over Border Clash, Washington Post, 9/1/71,P A–14.

[18] See a New Concept of Consent and World Public Order; "Coerced Treaties" and the Convention on the Law of Treaties, published in the Vanderbilt International, Winter, 1970.

[19] Official statement on the Irish Border Incident, 9/2/71, published in British Information Services Bulletin, sec 12/71, N.I.–P. 1.

[20] Refer to A/conf 39/27, United Nations General Assembly, May 23, 1969, Vienna Convention on the Law of Treaties.

[21] Refer to Official U.N. Document A/7922.

[22] Irish Times, Editorial, March 9, 1972, P. 8.

[23] London Times, March 24, 1972, P. 1.

OWENS-ILLINOIS WINS ENVIRONMENTAL AWARD FOR TEXAS WATER POLLUTION CONTROL

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. COLLINS of Texas. Mr. Speaker, Owens-Illinois, Inc., headed up by president, E. D. Dodd, is an industry pacesetter in pollution control. The Texas Water Conservation Association has presented its first award for improving the quality of the State's water resources to Owens-Illinois for their outstanding leadership, accomplishments and service to Texas and the Nation in water quality enhancement.

This is the first environmental award ever given by the association which is composed of Texans interested in conserving and making the best use of the State's water resources. The member in all of Texas' 254 counties include representatives of river authorities, water and irrigation districts, navigation boards, municipalities, and industry.

President of the Texas Water Conservation Association, Beeman Fisher, and general manager, Bill J. Waddle, presented the award to Frederick A. Adams of Toledo, Ohio, vice president of Owens-Illinois' Forest Products Division. Fisher said:

> Owens-Illinois was presented the award for the outstanding job it has done at its Orange Mill near the Sabine River in controlling water pollution. However, we also wanted to recognize the company's leadership in water pollution control at its older mills at Tomahawk, Wisconsin; Big Island, Virginia; and Valdosta, Georgia.

In building the Orange mill, which was officially opened in the fall of 1968, Owens-Illinois spent several million dollars on advanced systems for control of water and air pollution. Major water control items included a mechanical clarifier, a 37-acre aeration basin where oxygen during the manufacturing process is put back into the water by mechanical aerators, and a 1.7-billion-gallon holding pond to insure proper treatment of the mill's effluent.

Long before ecology became a household word Owens-Illinois installed, at a substantial investment of time and money, at its Valdosta mill a unique ponding system for control of water pollution that attracted worldwide attention.

Owens-Illinois' pioneering and continuing efforts in water pollution control won it the 1970 Gold Medal Award given by Sports Foundation, Inc., for outstanding achievements in control of water pollution. The company's contributions to improving the environment also have won it the Holiday Magazine Award for a Beautiful America, a distinguished service citation from Keep America Beautiful, Inc., and an Isaac Walton League Award.

Mr. Speaker, all Texas and the Nation should be proud of Owens-Illinois' fine work in water quality enhancement. We in Dallas continue to be impressed with the progress made in the Dallas branch which is under the capable leadership of Phil Friday. We applaud the recognition given these outstanding leaders in pollution control by the Texas Water Conservation Association in awarding Owens-Illinois their first Industrial Environmental Award.

FROM THE MOUTHS OF CHILDREN

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. HANNA. Mr. Speaker, recently I received two essays written by sixth grade students in my district. The lesson the stories contain is as deep as many of the lengthy speeches made in the Halls of Congress. The message concerning pollution is profound, but even more so are the concern and perceptiveness of these two young people.

I am sure that all of my colleagues in the House will join me in congratulating these two girls on their fine work. While their imagination exceeds the currently operative facts, what is important is that the essays represent a deep concern of two young people for the future well being of Americans. Furthermore, can we be sure that the threat of serious environmental catastrophy has been adequately balanced by the program, laws, and agencies brought into being by the Congress? We must, Mr. Speaker, pledge to these two young Americans and all those of their generation that we will leave no stone unturned to insure that these two essays remain fiction:

BROOKHURST ELEMENTARY SCHOOL,
Garden Grove, Calif., May 18, 1972.

DEAR CONGRESSMAN HANNA: These are two representative imaginary stories of the future written by my 6th graders. These girls wanted their letters shown to government officials and company leaders that cause pollution.

I find them very disturbing and I think you will too. Please show them to those people that support factories, etc.

Thank you,

MRS. LAURIE KNOX.

BY KATIE BATES

"What is a tree?" asked Peter. "Don't you know what a tree is?" I asked him, but I should have know better. The year was 2000 and all the pollution had ruined our once beautiful country. Peter is my grandson and is only 2 years old. "Well, Grandma, what's a tree?" he repeated. "A tree, Peter, is something that was once beautiful." I knew he would not understand this but I went on. "A tree is big and has long branches with leaves on them." "Oh, could you draw me one?" he asked. "I think I can." So I drew him one. He liked it very much and asked if he could keep it. I said, "Yes, you can," and I thought to myself it will probably be the only tree he would ever see. Then Peter asked what a flower is. I tried to explain it to him. I said, "A flower is a plant (which we have very few of now, I thought). And it grows in the ground. In the spring it grows beautiful leaves and petals." "What are petals?" he asked. "They are colorful things that are on a flower." "Boy, I wish I could see those things." And I practically turned away and cried. I thought, "So do I, so do I."

BY PATTY

"Mommy, what's this," cried Libby as she pointed to a page in her story book. "Well, the tall green and brown one is a tree." "What was a tree?" asked Libby. "A tree was a small or sometimes short brown stump with branches on it. Birds built their homes in trees until man polluted them. They also had little green pointed oval things on them called leaves." "Well, what's a bird," cried Libby. "A bird was a reptile; some were big and some were small. They all had wings, though. They could fly very high in the blue sky." "Is this a blue sky?" "Yes, but we don't have those anymore. The only time I remember when the skies were even half way decent was in 1972. A blue sky was something that supplied us with oxygen and was very beautiful. I'm sorry you weren't there to see it."

TRENDS TOWARD SLAVERY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. SCHMITZ. Mr. Speaker, it was Bishop Fulton J. Sheen who once said that "History is memory and memory guides the present." If ever there was a need for this country to look to the lessons of history, it is at this very moment. Bishop Sheen once had a telecast on his "Life Is Worth Living" series and discussed the Soviet Constitution. In his introduction he stated that there were 19 chapters and 117 articles that one had to go through prior to coming to a single right. The first right cited was the right to work. Of more significance on the contemporary scene was the article on religion which is article 124, which states in essence that freedom of religious worship and freedom of antireligious propaganda is permitted for all its citizens. Bishop Sheen then pointed out that the Soviets recognized religion by closing 52,000 churches and liquidated the clergy. That happened back in the period following the Bolshevik Revolution. As J. Edgar Hoover stated so often:

> The leopard never changes its spots.

I am submitting today for the RECORD three brief documents that should give Americans much food for thought on the recent agreements reached in Moscow which the Congress will be called on to approve. The first is a paper submitted by Commodore Perry before the American Geographical and Statistical Society, at a meeting held March 6, 1856. The second is a column by one of the more credible columnists in America, Mr. Paul Scott, and is dated June 2, 1972. The third is an extensive, yet abbreviated record of perfidy in all our past dealings with the Soviet Union. It was written by Mr. Dan Smoot, who spent almost 10 years with the FBI, has been a radio and TV commentator for 15 years while authoring his own Dan Smoot Report which had a circulation in excess of 40,000. Mr. Smoot currently writes exclusively for the Review of the News, and his article, "American-Soviet Relations" appears in the June 14, 1972, issue of the Review of the News. As Americans read these short articles, they would do well to reflect on the echo that some can still hear from the tattered Continental Army soldier at Valley Forge:

I gave you a Birthright of Freedom only in
    trust
And you are squandering it on a luxury
    labeled Expediency.
I stood in snow without shoes to give you a
    Right to Vote
And you stay home on election day whenever
    the weather is bad.
I left my family destitute so that you could
    have Freedom of Speech
And you remain silent because it might be
    bad for business.
I orphaned my children to give you a gov-
    ernment to serve you
And through neglect you permit it to be-
    come masters of your children.

Pay heed, fellow Americans. The hour is late; yet not too late to reverse the trends toward slavery. The articles follow:

FROM PAPER BY COMMODORE M. C. PERRY, USN

"It requires no sage to predict events so strongly foreshadowed to us all; still "Westward" will "the course of empire take its way." But the last act of the drama is yet to be unfolded; and notwithstanding the reasoning of political empirics, Westward, Northward and Southward, to me it seems that the people of America will, in some form or other, extend their dominion and their power, until they shall have brought within their mighty embrace multitudes of the Islands of the great Pacific, and placed the Saxon race upon the eastern shores of Asia. And I think too, that eastward and southward will her great rival in future aggrandizement (Russia) stretch forth her power to the coasts of China and Siam: and thus the Saxon and the Cossack will meet once more, in strife or in friendship, on another field. Will it be in friendship? I fear not! The antagonistic exponents of freedom and absolutism must thus meet at last, and then will be fought that mighty battle on which the world will look with breathless interest; for on its issue will depend the freedom or the slavery of the world—despotism or rational liberty must be the fate of civilized man. I think I see in the distance the giants that are growing up for that fierce and final encounter; in the progress of events that battle must sooner or later inevitably be fought."

THE SCOTT REPORT

(By Paul Scott)

WASHINGTON, June 2.—Senate critics of the U.S.-Soviet arms limitation agreements will center their coming attacks on the substantial numerical advantage in strategic land and submarine based nuclear missiles provided the Soviet Union.

That's the strategy agreed to by a small group of Senators headed by Senator Henry Jackson (D. Wash.), who are deeply concerned that President Nixon went too far in granting concessions to Russia in the Moscow summit.

The Jackson group, as it is referred to here, includes Senator Barry Goldwater (R. Ariz.), and Strom Thurmond (R. S.C.), members of the influential Senate Armed Service Committee, and Senator James Buckley, the Conservative-Republican from New York.

Preliminary examination by this group of these "interim agreements", which do not require Senate approval as does the Treaty limiting anti-ballistic missiles, has raised grave questions whether they imperil the future security of the U.S.

The Senators' studies show clearly that the Moscow arms agreements give the Russians tremendous advantages over the U.S. in the expansion of strategic weapons systems. Most important of these Russian advantages are:

The Moscow agreements freeze the U.S. at a four to one disadvantage comparing our overall missile payload to that of Soviet Union.

The Soviet Union has three missiles for every two of U.S. and theirs are substantially larger. The agreements guarantees that this gap will continue and likely widen.

Soviet missiles carry payloads several times larger than U.S. These agreements not only protect the Soviet advantage, but authorizes them to increase it.

The agreements forbid U.S. to increase number of submarines but authorizes the Soviets to continue building them until they first equal and then greatly surpass U.S.

The Jackson group is now readying a reply to the Nixon Administration's main argument in defense of the Moscow arms accords. This argument is that the U.S. now has twice the number of nuclear warheads than the Soviets.

In countering this argument, the Jackson group plans to show that the arms agreements reached in Moscow are tailor-made to help the Russians overcome this U.S. lead in the shortest amount of time. Their memorandum, citing the Soviet advantages, puts it this way:

"It is no answer to say that we now have more warheads than the Soviets: for under the agreements they are not only free to multiply their warheads, but they are authorized to expand greatly the overall missile capability that makes such multiplication possible."

Linking the issues.—Whether the Jackson group will be able to force changes in these strategic arms limitation agreements is highly debateable since the President did not include them in the ABM Treaty he plans to send to the Senate.

The "interim agreements" covering the strategic weapons are known as executive agreements which do not need Senate approval. Because of this Presidential maneuver, the only course open to the Jackson group is to link their attacks against the agreement to the ABM Treaty. They could do this by threatening to hold up the ABM Treaty until the President agrees to renegotiate changes in the strategic weapons agreements.

The Jackson group will try to establish this link by presenting a strong case to the Senate that the concessions granted the Soviets in the strategic weapons agreements increase the need for a U.S. ABM system in order to protect our land-based ICBMs. It will be their argument that either the ABM treaty or the "interim agreements" must be changed.

The ABM Treaty.—In their study of the anti-ballistic missile (ABM) limitation Treaty, the Jackson group noted:

"The agreement prevents the U.S. from an effective ABM defense of its missile sites, while permitting the Soviets to expand their Moscow-area system and their strategic weapons capability."

The reference to the "Moscow-area" ABM system will be stressed by the Senators to show that this system is designed to defend a sizable portion of Russia in addition to the Soviet Capital. The U.S. has no similar ABM defense for Washington or any region of the country.

Since the Joint Chiefs of Staff were opposed to the concessions the President made to the Russians, the Jackson group is now trying to determine how many of them will publicly oppose the "interim agreements".

Should one or more of the President's military advisers publicly come out against the strategic arms accord, the Senators believe there would then be a good chance of forcing the President to renegotiate them. Without the public help of the military, however, the odds are heavily against either forcing a delay in the Senate ratification of the ABM Treaty or forcing any changes in the strategic weapons agreements.

American-Soviet Relations

(By Dan Smoot)

President Nixon's recent visit to Moscow was a farce, a staged spectacular intended primarily to deceive the American public into believing that something good was being accomplished for America and the world. President Nixon, himself, being an intelligent and well-informed person, could not possibly believe that his agreements with the Soviets would produce any good for anyone except the Communists. The historical record repudiates any such belief.

In the 1950s the Senate Internal Security Subcommittee and the Legislative Reference Service of the Library of Congress spent two years on a study published in 1956 as *Soviet Political Agreements And Results*. The staff studied nearly a thousand treaties the Soviets had entered into with the United States and other countries since 1917—and found that the Soviets had broken their word to virtually every country to which they had ever given a signed promise. In 1964, the Senate published the third revision of *Soviet Political Agreements And Results,* updating it to August of 1963, showing that the Soviet record of treaty violations remained unbroken.

Just before President Nixon went to Moscow for the May, 1972, summit meeting, the Senate Judiciary Committee made available for him and his advisors a staff study which revealed that in seven previous summit meetings between U.S. Presidents and Soviet leaders, twenty-five specific agreements had been reached—and that the Soviets had violated twenty-four of them. The only summit agreement the Soviets ever kept was their promise to Roosevelt at Yalta to enter the war against Japan; but they waited to do this until we had already won the war, and did it then only to rape Manchuria, help sovietize China, and set up a Communist puppet regime in North Korea.

The fact that such Leftists as Senator Edward M. Kennedy praised the Nixon-Communist strategic arms limitations agreement is proof enough that the agreement will be detrimental if not disastrous to America. It will, in fact, freeze the United States into second place as a nuclear power, but will have no effect on future arms development, production, and deployment by the Soviets.

WHAT CAN WE EXPECT?

The trade agreement was not completed during Nixon's visit to the Kremlin; but negotiations are continuing; and we can safely predict what will happen. We will write off at least 90 percent (more likely about 95 percent) of the Soviet's more than $11 billion World War II debt to us, then grant them almost limitless credit to buy from us foodstuffs, industrial machinery, and highly sophisticated technological equipment. The Soviets will use the fact of getting American credits as a bargaining tool to get similar credits from industrial nations in Europe, and possibly from Japan. Following American leadership, the industrialized capitalist nations will thus, once again, finance the Soviet military machine whose sole purpose is to conquer and enslave the world, especially the industrialized capitalist nations.

Why is all this predictable? Because the Soviets have never changed the Lenin principle that treaties are made to be broken for the purpose of promoting the interests of Communism; and the United States has never abandoned the principle laid down by Franklin D. Roosevelt that the only way to negotiate with the Soviets is to give them everything they want and get nothing in return.

In this regard, it is most instructive to examine the one volume on American-Soviet relations which the State Department has compiled and released: *Foreign Relations Of The United States: Diplomatic Papers: The Soviet Union, 1933–1939*, published in 1952. This book is a chronological collection of confidential State Department official documents, reflecting the history of American-Soviet relations during the six-year period 1933–1939, and giving some background for that period. It would be interesting to review a later volume, dealing with a later period, but the State Department has not published one. Since the essentials of our government's relationship with the Soviets have not changed, however, we can use the pattern set in 1933–1939 to foresee what will happen in the future.

Here are highlights of what the 1952 State Department volume reveals:

From 1919 to 1933, the American government looked upon the Soviet rulers as a band of criminal conspirators and refused to recognize them as legitimate. By 1933, it was clear that if the Soviets could not get American recognition their regime would collapse. Japan threatened the Soviets militarily in the east. The starving and brutally oppressed population of Russia was on the edge of revolt. The Soviet's socialist economy could produce nothing; and, the Soviets could get no foreign credits to create agricultural, industrial, and military production.

President Franklin D. Roosevelt did not wait for the Soviets to ask him for help. He took the initiative. On October 10, 1933, he wrote to the President of the Soviet Union asking that a representative come to the United States for personal negotiations. On November 8, 1933, Maxim Litvinov, People's Commissar for Foreign Affairs, arrived in Washington. Litinov refused to negotiate with the Secretary of State or anyone else except the President. So, Roosevelt invited him to the White House. For six days and most of six nights, Roosevelt and Litvinov were alone, for the most part, in Roosevelt's study.

In the dying midnight hour of November 16, 1933, Roosevelt and Litvinov established diplomatic relations between the U.S.S.R. and the U.S.A. by drinking a toast in 3.2 beer.

The only written record of the Roosevelt-Litvinov agreements is contained in the "Gentlemen's Agreement" between them—which consists of twelve memoranda they exchanged in the White House on the evening of November 16, 1933. The next morning, Roosevelt released these twelve papers for publication, thus notifying Congress, the American public, and the world that he, acting in secret for the government and the people of America, had extended the hand of friendship to the bloody rulers of the Soviet Union.

Izvestiya, official newspaper of the Soviet Government, hailed the event as proof that, ". . . the United States . . . has at last been compelled to establish normal diplomatic relations. . . . Great interest in the Soviet experiment, attempts to introduce planned economy and to regulate the contradictions of monopolistic capital now going on in the United States, have all been a factor in that complex which has compelled the White House to remove the juridicial barrier between the United States and the USSR. . . ."

CONSERVATIVE WARNINGS PROVE TRUE

Prior to Litvinov's arrival in the United States, professional diplomats in the State Department, having studied the perfidious Soviet record of treaty violations, had urged Roosevelt not to extend recognition until he had obtained ironclad agreements concerning: (1) the $628 million in debts which the Soviets owed us from World War I credits to the Russian Government and from Soviet seizure of American property in Russia; (2) activities of the Communist Party inside the United States; (3) activities of the Communist International which were directed by the Soviet Government, and whose known published aim was to foment revolution inside the United States; and, (4) the religious and legal rights of American citizens in the Soviet Union.

As to the debts: The only thing put in writing was Litvinov's promise to stay in Washington to negotiate a settlement. Litvinov returned immediately to the Soviet Union. No beginning had been made on settlement of those debts.

In February of 1934 the State Department sent to our Ambassador in Moscow, William C. Bullitt, a formal proposal. We offered to accept settlement of the $628 million Soviet debt for the equivalent of $90 million. When Bullitt presented this proposal to Litvinov in Moscow, he was amazed at the anger and vehemence with which Litvinov rejected it. Litvinov told Bullitt that the Soviet Union was not interested in building up trade with the United States, that it now had credits and could get needed industrial equipment elsewhere. Throughout the year 1934, the only concrete proposal that Litvinov ever made with regard to the debts was that the Soviet Union would settle the $628 million of American claims for $100 million, provided the U.S. Government would give the Soviets an unconditional, no-interest loan of $200 million.

On September 15, 1934, Secretary of State Cordell Hull said: "Personally, I have little idea that the Soviet officials will come to any reasonable agreement. Litvinov won his victory when he obtained recognition, and regards everything else as of minor importance." Hull kept trying, however. The American Government reduced its debt claims to practically nothing, and offered the Soviets an open-end loan to cover just about anything and everything they wanted to buy in the United States. On January 31, 1935, Cordell Hull recorded that the Soviets would make no agreement with us about the old debts and that negotiations had "come to an end." The old Soviet debt to us was never settled. It was merely forgotten.

In the "Gentlemen's Agreement," Maxim Litvinov promised Roosevelt that the Soviets would disband the Comintern in Moscow, and have nothing to do with the American Communist Party, although those organizations were not specifically named as such. The opposite, of course, happened. On direct and specific instructions from Moscow, the American Communist Party immediately intensified its subversive activities in the United States. The Comintern expanded its program of holding conferences in Moscow, attended by American delegates, to plan and foment subversive and revolutionary activity in the United States.

Our government ignored these violations of Litvinov's agreement for almost a year. In October, 1934, Ambassador Bullitt mentioned to Litvinov that the activities of the Comintern were a violation of his promise to Roosevelt. Litvinov snapped:

> "No nation ever starts talking about the activities of the Comintern unless it wishes to have as bad relations as possible with us."

We made our second protest against the activities of the Comintern on August 25, 1935. The Soviets rejected our protest before reading it—announcing, however, that they would read it. After they read it, Litvinov closed the matter with a blunt remark:

> "The Soviet Government would not in any way restrain the activities of the Communist International in the United States or the Soviet Union or of American Communists connected with the Communist International in the Soviet Union."

Our government never again protested against the Soviets' meddling in the internal affairs of our country.

PROMISES ARE LIKE PIE CRUSTS

From the beginning of the Bolshevik revolution, foreigners in Russia were harassed, jailed, and murdered. Religious worship, by foreigners as well as by Soviet citizens, was viciously persecuted. In the "Gentlemen's Agreement" with Roosevelt, Litvinov promised that the religious and legal rights of American citizens would be respected in the Soviet Union. This promise, like all the others, was broken from the moment it was given.

From the day our first Ambassador arrived in Moscow, the American Embassy had to deal with difficulties, harassments, and insults which Cordell Hull characterized as "not common to any other civilized nation, nor even . . . uncivilized nations as a rule." But, whenever a Soviet official did anything that was less insulting to us that was habitual with Soviet officials, the government and press of the United States would seize upon the event as an indication that the Soviets were mellowing and changing and that an era of constructive friendship was dawning. But William Bullitt, our Ambassador, warned: "We should not cherish for a moment the illusion that it is possible to establish really friendly relations with the Soviet government, or with any communist party or communist individual."

In January of 1937, Roosevelt replaced Bullitt with a new Ambassador, Joseph E. Davies, who was enthusiastically pro-Soviet. The change made no difference. By September of 1937, Stalin's purge trials were reaching a climax of indecency, and foreigners in Russia were being subjected to indescribable brutalities. Our Embassy continuously but futilely tried to protect American citizens arrested in the Soviet Union. In *all* cases, Soviet officials refused to notify us of the arrests, and held the Americans incommunicado, our Embassy finding out about them indirectly. Our Embassy officials were not permitted to communicate with the imprisoned Americans, and never knew whether we even had a record of all such arrests. Our Embassy did find out about 134 specific cases, and sent formal notes to the Soviet Government. The notes were not answered. In one case, more than a year lapsed before the Soviets notified us of the death of one detained American "in one of the northern regions of the Soviet Union." If our Embassy were able to effect the release and deportation of an American citizen within a year, it complimented itself that its efforts had been "crowned with success."

Soviet trade with the United States never did amount to much, despite the credits our government gave them, and despite Roosevelt's extravagant promises about the rich commercial harvests recognition would bring to American business. Soviet orders in the U.S. for the most part, were for small amounts of recently developed materials and were, obviously, attempts to copy trade secrets. Hence, not only private American businessmen, but subordinate officials in our Departments of State, Navy, and Army felt it unwise to do business with the Soviets. Roosevelt overruled them but Soviet harassment continued.

Laurence A. Steinhardt became American Ambassador to Moscow in August of 1939. He recommended reciprocity in our relations with the Soviets, saying we should treat them the way they treat us. President Roosevelt said we could not requite their "downright rudeness" in kind, but that "we should match every Soviet annoyance by a similar annoyance here against them."

Neither Roosevelt nor any succeeding President has ever done that, however.

The present Nixon round of giving the Soviets what they want, and getting nothing in return, is fairly close to the final round. When the Soviets complete their armaments buildup with our money, while we honor Nixon's agreements with them, they will be able to *take* what they want. The farce of negotiation will no longer be necessary.

Americans should bombard all U.S. Senators with demands that they reject *all* of the Nixon-Kremlin agreements.

TOURING FARMERS TELL FOOD PRICE STORY

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MAHON. Mr. Speaker, the price of food to the American consumer continues to be in the spotlight. A few months ago, four farmers performed a valuable service to producers and consumers. They traveled across the country on an 11-day tour to inform urban consumers about the important role that agriculture plays in our economy and, in particular, to respond to consumer concern over food prices.

The tour was labeled as Operation FACT—Food and Agricultural Communications Tour—and was sponsored by the National Agricultural Institute. The purpose was to open up a dialog between farmers and consumers on a wide range of issues and problems involving food production in the United States. FACT participants—J. S. Francis, Jr., a cotton and alfalfa producer from Peoria, Ariz.; Eugene Moos, a wheatgrower from Edwall, Wash.; Thurman Gaskill, a corn-hog-soybean producer from Corwith, Iowa; and John Barringer, a cattleman from Memphis, Tenn.—made a major effort to communicate directly with consumers and hear their views. They met with shoppers in supermarkets and shopping centers, participated in forums with consumer representatives, appearing before college and graduate school classes in business, marketing, and economics, and addressed a joint session of a State legislative body.

Through extensive news media coverage in the seven urban areas visited—Chicago, Seattle-Tacoma, Houston, Atlanta-Macon, Boston, New York, and Washington, D.C.—the group was also able to reach large numbers of consumers they were unable to meet with personally.

The ability of American agriculture—with only 5 percent of the population of this country on the farm—to feed the American people is the economic miracle of this century. The maintenance of this highly efficient and productive agricultural plant in the years ahead will require a great deal of public understanding and support. I believe that the best way of achieving that understanding and obtaining that support is through direct face-to-face communication between those who produce our food supply and the consuming public. Operation FACT has taken an important first step in this direction and I want to congratulate the participants and the National Agricultural Institute for undertaking this most worthwhile project.

Mr. Speaker, I insert for the Record a representative news article on the tour from the Boston Globe of April 27, 1972:

Farmers' Side on Food Costs

(By Bruce Davidson)

Farmers are feeling tender because they think the public misunderstands their role in the cost of food and they have mounted a campaign to tell their story around the country.

The campaign is being run by the National Agricultural Institute and four of its members have included Boston in a seven-city swing from coast to coast—J.S. 'Jack' Francis Jr., co-chairman of NAI, John Barringer, Thurman Gaskill and Eugene Moos. All are active farmers.

The heart of the farmers' argument is that "we're not getting rich on high food prices, that this country enjoys the lowest food prices in the world, that the average American is spending a smaller proportion of his income for food than ever before, and that farm productivity is advancing at twice the pace of industrial productivity." Those are all familiar arguments to anyone who has been listening to farm spokesmen in recent weeks and months.

President Nixon, in effect, backed the farmers on this score when he accused "middlemen" of being responsible for the sharp rise in food prices during February. That sent the Price Commission scurrying out in search of someone to blame.

"For several days we looked for the elusive middleman, sort of like the abominable snowman," Price Commission chairman C. Jackson Grayson told a congressional committee the other day. "But I'm not so sure there is a culprit," he went on.

Interestingly, the farmers here yesterday tend to agree with him in the sense that they doubt that there is flagrant profiteering at any given level. But Francis adds a dimension to the controversy by suggesting that "it may not be any particular set of middlemen that is doing too well, but that there are too many middlemen."

Barringer, a cattleman from Tennessee, seconds that by saying that "from the time it leaves me and reaches the packer, it has been through five other hands—and then 11 more people before it reaches the buyer."

Like Francis, Barringer is not automatically critical of those middlemen. Every one of them who handles cattle between his farm and the packer actually owns the animal, subject to all the fluctuations of market prices, rather than just adding on to the price as he passes it along. Barringer says it costs him about $125 a head for feed, capital costs and care of a calf until it is large enough to be sold at 400 pounds to someone who will pour more feed into it to get it up to slaughter weight in the neighborhood of 1,000 pounds. If he's lucky, he may get 40 cents a pound when he sells the 400-pound animal, a gross profit of $35. He criticized a recent Life magazine article on meat prices for claiming that farmers were making $66 a head on cattle, laughing that "if you could make $66 a head on cattle, there'd be a million people doing it."

Moos, a wheat farmer from Edwall, Wash., says it costs him $1.40 a bushel to grow wheat, a fairly standard figure—and that he gets $1.25 a bushel in the grain markets. "The only profit we make is from what the government gives us," he says. And the government's total direct subsidies to farmers in the form of price supports and such programs as soil bank subsidies for the retirement of farm acreage, amounts to $4 billion annually compared with a Defense Department budget in excess of $70 billion.

Gaskill, a corn-hog-soybean farmer from Corwith, Iowa, argues that Commodity Credit Corp. reserves of feed grains have served consumers well by stabilizing prices during crisis periods. During the 1970 corn blight, for example, when nearly 10 percent of the crop was affected, "we could have had a dollar-a-pound increase in meat prices," Gaskill said, had it not been for feed-grain reserves.

The farmers have persuasive arguments on the productivity question with our food supply and an extensive export market produced by a farm population of less than 10 million (and that includes wives and children), less than 5 percent of the population. As recently as 1950 persons living on farms accounted for 15 percent of the population. During this same interval output per man-hour has risen 3.3 times while manufacturing output has gone up 1.6 times. The long-term point of this, they contend, is that for the most part we have a growing and successful system as it stands, the envy of and model for the rest of the world. Under these circumstances, they say, it would be a mistake to let the recent flap over prices obscure that central fact.

COMMEMORATING THE 50TH ANNIVERSARY OF HAWTHORNE, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. ANDERSON of California. Mr. Speaker, on July 12, the city of Hawthorne will celebrate its 50th year as an incorporated city.

I have a great affection for this community, Mr. Speaker, for this is the area in which my parents chose to reside when they first came to California. In fact, they were the first family to build a home in Hawthorne near the turn of the century.

This is where I was born, where I went to school, and where I grew up; this is where I began my career in both business and public service, as I was once mayor of Hawthorne; and this is where my life has been centered.

Originally a cattle ranch, this area in the heart of the Centinela Valley later became a leading producer of barley, and by 1880 it was producing a million bushels a year to be shipped all over the world.

Named by a land developer's daughter, Mrs. Laurice Harding Woolwine, who shared her birthday with author Nathaniel Hawthorne, the area became a community of families interested in poultry raising and vegetable growing. In those days, the "downtown area" was only a single grocery store, and meat was brought in by wagon from Inglewood three times a week. Another small building was used as both a school and a church. The school had 16 pupils ranging from kindergarten to 18 years of age.

Offering a mild, temperate climate, a convenient location, and in esthetically pleasing surroundings, Hawthorne has grown from a community of 2,000 in 1922, to a thriving city of over 57,000 residents today.

But this growth has been orderly and planned by past and present city administrators and community leaders. Expansion has been marked by the retention of a balance between industrial, commercial, and residential development.

Located between the "city and the sea," Hawthorne is ideal from the point of view of the employer and the employee. Approximately 187 industries manufacture a wide variety of products ranging from aircraft to steak platters, and from toys to vacuum systems. This industrial diversification is undoubtedly one of the most important factors contributing to the stability and prosperity of the community.

In the center of the transportation area, Hawthorne is only 15 miles north of the giant port of Los Angeles, known as the cargo capital of the West, and is approximately 2 miles from the Los Angeles International Airport. The southern California freeway network, especially the San Diego and harbor freeways, offer easy access to the manufacturing and industrial plants and the transcontinental truck lines which are located within the city. In addition to the rail freight service provided by both the Southern Pacific Railroad and the Santa Fe Railroad, Hawthorne has a municipal airport which is widely used by businessmen and industrialists.

The citizens of Hawthorne, naturally, take great pride in the educational system which has grown from the one room schoolhouse serving 16 students to a system serving over 17,800 students today. Quality education, however, is far more important to the citizens, and emphasis is placed on individualized instruction which allows the student to progress educationally as far as his capabilities will allow. This is illustrated by the small size of a class in the school system which averages 24 students for each teacher.

The attractions of Hawthorne are even greater when one examines the wealth of recreational activities in the Los Angeles area. Some of the finest beaches in California are but a few minutes away where a day of fishing, swimming, surfing, or simply a day of taking in the warm California sun can be enjoyed. With a total of eight parks open to the public in Hawthorne, the residents can take advantage of the picnic areas, baseball diamonds, shuffleboard, tennis, handball, croquet, basketball, and volleyball courts. As a result, the people of this area enjoy a reputation of being advocates of outdoor living.

Declining property tax rates, coupled with a steady increase in assessed valuation, is an attribute that speaks for itself. Since incorporation in 1922, the property tax rate has been more than cut in half, while assessed valuation has increased in excess of four times.

A pay-as-you-go philosophy with respect to capital expenditures, significant increases in sales tax collections and business license revenue have all contributed to the city's sound financial position.

Mr. Speaker, it is with great pride that I pay tribute to the city of Hawthorne, Calif.; her accomplishments; her people; and her outstanding educational, industrial, and residential facilities.

Hawthorne is truly a great city and will continue to be a most enjoyable place to live and work.

ASBESTOS—A TREACHEROUS KILLER TO WORKERS AND A COMMUNITY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. ASPIN. Mr. Speaker, the American people are slowly realizing that community pollution has its beginning at the workplace. There is a close interrelationship between the outside and inside of many factories. There is no other situation in which this is more true, than in the studies which show what is happening as a result of asbestos exposures.

Asbestos happens to be a substance which has been rigorously researched, and it is also a substance whose deadly effects are not felt until 20 to 30 years after an exposure. Asbestos, if improperly handled, can infect a worker, can infect members of his family, and can infect a nearby community.

The basic research regarding asbestos has been done by the great epidemiologists, Irving Selikoff and Cuyer Hammond, whose paper "Mortality Experience of Amosite Asbestos Factory Workers" presented at the Fourth International Pneumoniosis Conference last September contains much of the information we have on what asbestos exposure does to human beings.

I ask unanimous consent that this scientific paper be included at this point in the RECORD.

MORTALITY EXPERIENCE OF AMOSITE ASBESTOS FACTORY WORKERS

(By I. J. Selikoff, M.D., E. Cuyler Hammond, Sc. D. and J. Churg, M.D.)

(NOTE.—This research has been supported in part by research grant ES 00358 of the National Institute of Environmental Health Sciences, U.S. Department of HEW.)

Possible gradations in the disease potential of the several commercially important asbestos fiber varieties has been considered important, since the industrial use of asbestos might be guided accordingly.(1) Experimental observations have not indicated any critical differences, at least insofar as mesothelioma is concerned. The tumors can be produced easily by intrapleural inoculation of various types of asbestos.(2) There is less information concerning experimental lung-cancer.

There are few data concerning the comparative neoplastic potential of the several kinds of asbestos in man. Some information is available for chrysotile(3), crocidolite(4) and anthophyllite(5). However, there has been no evidence to indicate that the amosite variety is so implicated. In large part this has been the result of epidemiological difficulties. Since, under industrial circumstances, there is often admixture of fiber varieties, the experiences of employed populations are not always readily ascribed to a single fiber variety. Diligent efforts have been made to investigate the occurrence of disease in the Transvaal in South Africa, the only area in which amosite is mined, and where populations exposed only to amosite could be identified. Environmental studies in this area, reported in 1964, showed no instance of mesothelioma in amosite miners and only isolated instances of carcinoma of the bronchus, although asbestosis was found(6). This survey has since been complemented by a study of miners in the area. The fate of white miners employed between 1954 and 1958 was investigated. Unfortunately, the records turned out to be imperfect and incomplete, since the caucasian work force in these mines was unstable. Moreover, no attempt was made to study the Bantu workmen, who are in the majority, since labor turnover is very high and ". . . records kept are such that follow-up of individuals over a period of time is impossible."(7) Only 147 white miners could be followed at all, and only 20 of these were observed for more than 20 years after first exposure to asbestos. Of these 20, there was 1 instance of lung cancer and none of mesothelioma. Elsewhere, comment is made that "The position of amosite is not clear . . ." with only 1 pleural mesothelioma stated to be known in the Transvaal (8)

INCREASING USE OF AMOSITE IN THE UNITED STATES

Whether or not amosite is carcinogenic is of some practical importance. Because this variety of asbestos has not been reported to cause cancer, there has been a tendency, as in Great Britain, to substitute it for other kinds of asbestos, especially crocidolite. Moreover, increasing amounts of amosite are being sent to the United States from South Africa. There is no record of amosite being imported before 1930 and to 1940, only small amounts were received. Since the second world war, the situation has changed. Annual imports have risen from less than 500 tons in 1935, to 4500 in 1945, 18,000 in 1955 and 21,400 tons in 1965 (Table 1).

These data should be considered with appreciation of the long lapsed period between onset of asbestos exposure and appearance of asbestos cancer—usually 20, 30 or more years. Such cancers as may be associated with the amosite now being imported will not become clinically evident until the 1990's or after the year 2,000.

CURRENT INVESTIGATION

We have investigated the mortality experience of a group of workmen occupationally exposed solely to amosite, whose employment started June 1941-December, 1945. This cohort has been followed through June 30, 1971.

Employed population

933 men were employed for varying periods of time in an asbestos products factory in an eastern city of the United States, starting work at some time between June, 1941, when the factory began production and December, 1945. The plant continued production until November, 1954, when it closed its doors. It manufactured amosite asbestos insulation, primarily for use in shipbuilding and ship repair.

We have sought to trace each of these men and have successfully done so in 868 instances (93%). In 65, tracing is still incomplete. Data concerning date of birth, onset of employment, duration of employment and type of work are known.

For the purposes of this report, we have investigated the mortality experience of those individuals who had at least one year of employment. There were 333 such men who began work, as noted, 1941–1945. 88 had died by Dec. 31, 1959. 15 were lost to follow-up. 230 were alive on Jan. 1, 1960 and each of these men has been followed since.

We have calculated expected death rates for these men Jan. 1, 1960-June 30, 1971, using age, year and sex specific rates for U.S. white males. Expected deaths were then compared with those observed.

Amosite exposure

No information is available concerning dust levels in this plant. Although exhaust ventilation was used, discussions with surviving workmen and plant management indicate that dust exposures, at least in some circumstances, could have been high Respirators were issued to the work force but were inconstantly used.

We have ascertained that only amosite asbestos was used in this factory, in several ways:

1. Review with plant management indicated that only this fiber variety was purchased and utilized. This is consistent with the ship insulation specifications under which the products were made.
2. We have obtained samples of the products made and examination by polarized light microscopy, electron microscopy, electron diffraction and electron microprobe analysis, showed only amosite to be present.
3. Asbestos was still present in the factory building's storeroom. When retrieved and examined, this was found to be amosite, using the same analytical methods.
4. Several workmen had kept the respirators used by them during their period of employment. The filters in these respirators were studied. Fibers retained on the filters were removed and analyzed. They were invariably amosite.
5. We have extracted mineral fibers from the lungs of individuals in this cohort, who had died. Very large numbers of fibers were present. Electron diffraction and electron microprobe analysis showed them to be amosite, (10) except for the occasional chrysotile fibril expected to be present in the lungs of urban dwellers in this area. (11)

Results

The mortality experience of this group of workmen, 1960–1971, demonstrates that a serious health hazard was associated with this industrial use of amosite.

Total deaths were among more than twice anticipated; 46.4 were expected and 105 occurred. This excess mortality was limited to two categories, cancer of various sites, and asbestosis.

14 deaths were due to asbestosis, whereas virtually none were expected. That amosite could result in asbestosis has been previously recognized.(7) In physiological studies of a select group of workmen in this factory from 1954,(12,13) serious pulmonary insufficience was demonstrated.

Both lung cancer and mesothelioma were also found in considerable excess. 2.4 deaths of lung cancer were anticipated, 25 occurred. In calculating expected rates, smoking habits have been disregarded, since the smoking habits of individuals not examined by us are not accurately known. In prospective studies from this point on, smoking habits will be taken into account. (14)

Mesothelioma caused 5 deaths; 2 pleural and 3 peritoneal. Each has been histologically verified, in material obtained at operation in 2 instances and at autopsy in 3. In one case, there had been prior chrysotile exposure; in 4 only amosite asbestos exposure had occurred. Parenthetically, additional instances of mesothelioma have occurred among men working in this plant, other than in the cohort reported here.

It may be of interest that more deaths of cancer of stomach, colon and rectum have occurred than expected. The increase is only threefold, however. As with similar previous experiences, it is considered that further observations are required before this association be regarded as clearly established. (15)

CONCLUSIONS

These data indicate that occupational exposure to amosite asbestos can be associated with serious hazard of lung cancer, pleural and peritoneal mesothelioma, pulmonary asbestosis, and perhaps cancer of stomach, colon and rectum.

Its continued industrial use requires rigorous control, with appropriate industrial hygiene measures to eliminate this totally unacceptable occupational health hazard.

ACKNOWLEDGMENT

We are indebted to Mrs. Dorothy Perron, Mrs. Shirley Levine, Mrs. Rayla Margolies and Charles V. Nolan for their meticulous field investigations which have allowed us to establish the current status of this cohort of workmen.

REFERENCES

1. Report and Recommendations of the Working Group on Asbestos and Cancer, UICC. Ann. N.Y. Acad. Sc. 132:706–721, 1965.

2. Wagner, J. C. and Berry, G. Mesotheliomas in rats following inoculation with asbestos. Brit. J. Cancer 23:567–581, 1969.

3. McDonald, J. C., McDonald, A. D., Gibbs, G. W., Siemiatycki, J. and Rossiter, C. E. Mortality in the chrysotile asbestos mines and mills of Quebec. Arch. Env. Hlth. 22:677–686, 1971.

4. Wagner, J. C., Sleggs, C. A. and Marchand, P. Diffuse pleural mesothelioma and asbestos exposure in the North Western Cape Province. Brit. J. Indust. Med. 17:260–271, 1960.

5. Kiviluoto, R. and Muerman, L. Results of asbestos exposure in Finland. International Conference on Pneumoconiosis, Johannesburg, 1969. Proceedings, Ed. H. A. Sha-

piro. Capetown, Oxford University Press, 1970, pp. 190–191.

6. Sluis-Cremer, G. K. Asbestosis in South Africa—certain geographical and environmental considerations. Ann. N.Y. Acad. Sc. 132:215–234, 1965.

7. Sluis-Cremer, G. K. Asbestosis in South African asbestos miners. Envir. Res. 3(4): 310–319, 1970.

8. Wagner, J. C. Editorial: Asbestos cancers. J. Nat. Canc. Inst. 46:v-ix, 1971.

9. Selikoff, I. J., Bader, R. A., Bader, M. E., Churg, J. and Hammond, E. C. Editorial: Asbestosis and neoplasia. Am. J. Med. 42(4): 487–496, 1967.

10. Langer, A. M., Rubin, I. and Selikoff, I. J. Electron microprobe analysis of asbestos bodies. International Conference on Pneumoconiosis, Johannesburg, 1969. Proceedings, Ed. H. A. Shapiro. Capetown, Oxford University Press, 1970. pp. 57–69.

11. Langer, A. M., Selikoff, I. J. and Sastre, A. Chrysotile asbestos in the lungs of persons in New York City. Arch. Env. Hlth. 22: 348–361, 1971.

12. Bader, M. E., Bader, R. A. and Selikoff, I. J. Pulmonary function in asbestosis of the lung; an alveolar-capillary block syndrome. Amer. J. Med. 30:235–242, 1961.

13. Bader, M. E., Bader, R. A., Teirstein, A. S. and Selikoff, I. J. Pulmonary function in asbestosis; serial tests in a long-term prospective study. Ann. N.Y. Acad. Sc. 132: 391–405, 1965.

14. Selikoff, I. J., Hammond, E. C. and Churg, J. Asbestos exposure, smoking and neoplasia. JAMA 204(2):106–112, 1968.

15. Selikoff, I. J., Churg, J. and Hammond, E. C. Asbestos exposure and neoplasia. JAMA 188:22–26, 1964.

TABLE 1.—CAUSES OF DEATH AMONG 230 AMOSITE ASBESTOS FACTORY WORKERS, JAN. 1, 1960, TO JUNE 30, 1971[1]

Cause of death	Observed deaths	Expected deaths[2]
Total cancer, all sites	43	8.5
Cancer of lung, pleura, bronchus, trachea	27	2.4
Lung cancer	25	(3)
Pleural mesothelioma	2	(4)
Peritoneal mesothelioma	3	(4)
Cancer of stomach, colon, rectum	5	1.6
Cancer of all other sites	8	4.5
Asbestosis	14	(4)
All other causes	48	37.9
Total deaths	105	46.4

[1] 333 workmen were employed in this factory 1 year or longer, 1941–45. 88 died by Dec. 31, 1959. 15 were lost to follow-up. The remainder, 230, have been studied to June 30, 1971. Analysis of lifetime work experience indicates that, for the very large majority, this was the only occupational asbestos exposure.

[2] Expected deaths 1960–64 are based on U.S. age-specific rates for white males in 1962. For 1965–71, rates for 1968 were utilized.

[3] U. S data not available, but the figure should be only slightly less than 2.4.

[4] U. S. data not available but these are rare causes of death in the general population.

COAST GUARD RESERVISTS RECEIVE THEIR DUE PRAISE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. YOUNG of Florida. Mr. Speaker, since the Coast Guard Reservists are often an overlooked part of our national military force, I would like to take this opportunity to present this article for the review of the Members of Congress because I feel it expresses clearly the very vital role these men play in the defense of our Nation:

CGR's Praised for Work on Cruise to Guam

Guam.—Three aging former seaplane tenders, making their final cruise under Coast Guard colors, may have signaled a new era for the Coast Guard Reserve.

The 311-foot high endurance cutters Absecon, Chincoteague and McCulloch were turned over to the Navy here May 9 after a 10,000-mile journey from Little Creek, Va.

For the trip, however, instead of their normal crews, the vessels were manned by nearly 50 percent Coast Guard Reservists.

It was the first time since World War II that such a large number of Reservists had been used to augment active-duty forces for a period of more than two weeks.

In addition to providing training for the Reservists, the project freed active-duty Coast Guardsmen who otherwise would have had to man the cutters.

The vessels, which eventually may be turned over to the South Vietnamese, were organized as Coast Guard Squadron 2 for the trip. In all, 275 Regulars and Reservists manned them.

Most of the Reservists took leaves of absence from school or jobs to participate in the cruise and some even quit their jobs to sail with the squadron.

Said Regular Master Chief Yeoman Orlion McWhorter, who served aboard Chincoteague, "I guess most of the Regulars were understandably apprehensive of the large number of Reservists we were going to have with us.

"But I think we found them more eager and more capable than we thought they would be."

McWhorter made his first cruise as a Coast Guardsman aboard Chincoteague in 1949 when she, too, was brand new to the service. He volunteered to serve on her last cruise as a Coast Guard vessel and with his retirement coming in August, the trip also will be his final cruise.

Capt. Herbert M. Hartlove, chief of the Reserve Planning Division of Coast Guard Headquarters, temporarily stepped down from his regular duties to serve as squadron commander and commanding officer of Absecon.

"I was fantastically satisfied with (the Reservists)," he said. "I always said our Reservists are a capable group of people. The experience of our Regulars and the enthusiasm of our Reservists are unbeatable."

All three ships had active-duty commanding officers but two of the three executive officers were Reservists.

Executive officer of Absecon was Cmdr. Dan H. Briganti, a marketing specialist for a Philadelphia industrial concern.

Briganti brought along his two high-school-age sons and planned to continue west with them after being detached from active duty in Guam. They were to complete an around-the-world trip, visiting the Philippines, Vietnam, Thailand, India, Pakistan, Saudi Arabia, and Spain before returning to the United States.

McCulloch's commanding officer was Cmdr. Ted L. Gannaway with Lt. Cmdr. Robert F. Boysen, Jr., XO. Boysen plans to spend the summer teaching Reservists at the Alameda, Calif., training center before returning to civilian teaching this fall.

Cmdr. Benjamin R. Shaeffer commanded the Chincoteague with Lt. Cmdr. Albert C. Buechler, executive officer. An active-duty Reservist, Buechler was to report to the 1st District at Boston at the end of the cruise to join the Reserve staff there.

Chincoteague also boasted a father and son aboard. Reserve Commissaryman First Peter T. Vinnette, Jr., took a leave of absence from his job in Syracuse to participate in the cruise and his son, active-duty Commissaryman Third Peter III, asked to be transferred to Chincoteague for the trip.

Summed up Hartlove: "The cruise proved to be a vivid example of how Regular and Reserve Coast Guardsmen can work together as one Coast Guard.

"Once some initial minor frictions were out of the way, the active-duty personnel gained a new perspective of the Reservists. And the Reservists had renewed regard for the professional capabilities of their active-duty counterparts."

As for the future, can Reservists be counted on to augment active-duty forces in other Coast Guard operations?

"There is no question about it," said Hartlove.

AFRICA—A PROSPECT OF RECONCILIATION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FRASER. Mr. Speaker, the heading preceding my remarks refers to the possibility of a reconciliation between the blacks and whites of Southern Africa. It is the title of a report by Colin Eglin, leader of the Progressive Party of South Africa on his tour of African states with Mrs. Helen Suzman in 1971.

The optimism of this heading and the report may or may not be warranted. But as Mr. Eglin's report indicates, there are some whites and blacks in South Africa still committed to peaceful multiracial development in that part of the world.

The report follows:

Africa—Prospect of Reconciliation

At the end of 1971 I undertook a journey to seven countries in Africa. Botswana close to our border; Senegal, Gambia and Ghana in West Africa; Kenya and Tanzania in East Africa; Malawi, that attractive strip of land situated in a key position between Mozambique and its hostile neighbours Zambia and Tanzania.

During our tour Mrs. Suzman, M.P., who accompanied me to six of these countries, and I had the unique and valuable experience of having frank discussions with Government leaders in these countries. With President Seretse Khama in Botswana, President Leopold Senghor in Senegal, President Dauda Jawara in Gambia, Prime Minister Dr. Kofi Busia (recently deposed during a military coup), Vice-President Arap Moi and Attorney-General Charles Njonjo in Kenya, President Julius Nyerere in Tanzania and President Kamuzu Banda in Malawi.

Some of the leaders are regarded by South Africans as friendly and others as hostile. Some are advocates of dialogue, others oppose it. Some are against the use of force, while others are already involved in it. All are hopefully waiting for a sign of change in South Africa, all are affronted by the policy of apartheid—a policy which they see as one regarding Blacks as inferiors and treating them as such.

Why did I undertake my journey? What were the people like that I met? What about their countries, their citizens, their problems and achievements? And, what were the attitudes of these leaders towards the White in South Africa?

I return from my trip through Africa with a kaleidoscope of impressions, and yet there is one which dominates all others. It was the absence of race tension in the seven states I visited.

In fact, it was more than an absence of

tension. It was an apparent lack of race or colour consciousness.

Wherever I went—in the lounge of an hotel in Dar-es-Salaam, being served by a Black bank teller in Nairobi, being introduced to members of the Club Nation et Development in Dakar, shopping in the market place in Accra, on the crowded launch crossing the Gambia River or flying to Addis Adaba on Ethiopian Airlines—I could not help feeling that somehow colour and race were irrelevant.

This relaxed racial atmosphere was reflected not only in the mood of the people it was reflected in the attitudes of the Black leaders we met. Leader after leader proclaimed his commitment to non-racialism.

Take President Leopold Senghor of Senegal, for example. He asked, "How can race possibly be the test of a man's ability?"

Such a view was typical. Having cast off colonialism and the racialism which was part of it, it is as if the leaders of today are determined to show that in rising to independence their countries would also rise above policies of discrimination on the grounds of colour.

SOMBRE NOTE

It was President Julius Nyerere who struck a more sombre note when expressing his fear that a gulf could develop between White and non-White people around the world. "I am concerned for mankind. There is a risk that the non-White people will see the struggle against imperialism, colonialism and racism as a struggle against the White man. Race could become identified with issues. . . . The fact that there are White people in South Africa working for peaceful change provides a hope that in Africa we will be spared a catastrophic clash between White and Black."

The absence of race tension was one of the factors which turned my journey, undertaken originally as a political exercise, into a rewarding human experience. It is one of the reasons why I can say, too, that whatever the political advantage, either to the Progressive Party or even perhaps to South Africa as a result of my 18 days in Africa to the north, I feel a richer person for having been there.

My journey to the north was partly to satisfy an urge. I had always wanted to return there since being in Kenya in 1960 and 1965, in Zambia in 1964, and in Botswana in 1967.

For a long time I—and no doubt other South Africans—felt a sense of isolation here in Southern Africa, with no first-hand knowledge of the African continent which is having so profound an impact on South Africa's politics in the field of defense, foreign affairs, economics and race relations. I believed the time had come to attempt to establish contact with the African leaders in the states to the north.

LUSAKA MANIFESTO

I wanted to go to these countries to see for myself something of their problems and of their achievements, to discuss with these leaders their attitudes towards South Africa and to attempt to evaluate their attitudes, using the Lusaka Manifesto as a yardstick.

Incidentally, what a pity it is that we in South Africa have not paid more attention to this manifesto for, in spite of the knife-edge difference which it draws between the methods of negotiation and the method of violence, I believe it is a restrained and hopeful document—one of the most significant to come out of Africa in the 1960s.

Of course my journey was not without tensions, and doubts and apprehensions, but in the end Mrs. Suzman and I were overwhelmed by the warmth of the reception we received. We went to make political contacts, we returned having made personal friends.

There were moments when we were received with restraint and given critical or quizzical looks. This was when we were first introduced as South Africans. It was as if there was a veil between us and our hosts.

"What does it feel like to sit between two Black men?" I was asked over lunch when I was seated next to two lecturers from Legon University at Accra.

"What would you feel like if you, as the mother of two White daughters, found that one of your daughters had brought a Black man home to tea?" Mrs. Suzman was asked by an aggressive interviewer for a Ghanian newspaper.

But the veil soon lifted when our hosts realised we were relaxed in their company. Soon their aloofness changed to warmth. We left with invitations to us to come back again, and with quite a few inquiries about the prospect of visits to South Africa.

In particular I recall the Kenya Parliament's enthusiastic reception of the Speaker's reference to "two distinguished friends in the gallery". President Jawara of Gambia's comment, "This is an historic occasion. I have often spoken about South Africans but this is the first occasion that I have spoken to White South Africans here in my country. And Prime Minister Dr. Kofi Busia of Ghana's quiet words, "I thank you for coming."

AFRICANISATION

During the past decade we have frequently heard the word Africanisation. In the countries to the north of us it is more than a slogan. It is a reality. Wherever we looked as we toured seven African states we found Black people doing work which in South Africa is generally done only by Whites.

There were Black bank tellers and Black bank managers. Black people were running the hotels, the shops, the factories.

There were the computer operators, the journalists, the broadcasters, the postmasters and the judges in the high courts.

Black women were air hostesses. And on some flights Black men piloted the aircraft.

I could not help thinking: How stupid we are in South Africa to endure a so-called labour shortage when millions of our own Black citizens are undertrained and underemployed. Surely, given the opportunity, Black South Africans will prove to be just as competent as Ghanaians, Kenyans or Senegalese.

To keep pace with the demand for sophisticated labour new high schools, polytechnics and universities—most of them with faculties of science, engineering and medicine—have been built. Dakar, Accra, Nairobi, Dar-es-Salaam Universities each have fine modern campuses. Even in tiny Gaberone, Botswana, a new campus of the University of Lesotho, Botswana and Swaziland has just been opened.

An interesting feature of all the countries we visited was the impact of the French and English language. Not only is French or English the language of commerce and industry, it is the official language of the country. It is used in Parliament, in the courts, on government business. It is also the medium of instruction in the schools, right from the primary standards.

DIFFICULT TO BELIEVE

Black educationists in the north found it difficult to believe that Mr. Vorster's White Government insisted that Black South Africans be educated through the medium of the vernacular.

We saw evidence of solid economic progress. Much of this progress is still dependent on the infusion of capital and know-how through various international agencies, nevertheless one felt that the people were moving ahead.

Progress, however, has not been evenly spread and some states are desperately poor.

This is shown in some of the figures of the annual average income a head of population in the states we visited. These figures, compared with R462 for South Africa, are given in parentheses below.[1]

Botswana (R73, 50) is excited following the discovery of diamonds at Arapa and copper and nickel in the Selebi-Pikwe area. Malawi (R35, 70 in 1969) has experienced a dramatic upturn in the gross national product in the last four years. Tanzania (R54, 60) is attempting to grapple with real poverty through its policy of African socialism. Kenya (R71, 40) has its capital, Nairobi, shooting skywards—five new first-class hotels and a new 23-story building crowned with a revolving restaurant.

The Gambia (R63) has a population of only 320,000 living in what is said to be a smugglers' paradise. There are package tours for Scandanavian holiday-makers and even a Swedish nudist colony at the mouth of the Gambia River! Senegal (R136, 50) has Dakar, once the commercial hub of what was formerly the French West-African empire. Now it is the chief city and port of the Senegal River States Organization.

Ghana (R225, 20) has a capital, Accra, with its harbour town of Tema, bustling with activity. Industrial development is taking place in the hinterland as well. Incidentally, the sharp drop in the world price of cocoa which annually forms more than 80 percent of Ghana's foreign currency, together with the annual payments of millions of rand which Ghana had to make to settle the debts made by the previous President Nkrumah, brought about an enormous rate of inflation. Just before Dr. Kofi Busia's rule was overthrown this year, he was forced to devalue the Ghanaian *cedi* by no less than 44 percent!

But what we found especially fascinating was the attention that these African states were giving to rural development. A strenuous attempt is being made to stabilise the population and so prevent a massive migration to the towns.

The tribal system of land tenure is giving way to individual land ownership. In these countries they realise that the stability which comes from the ownership of land is an essential factor in the development of a sound community.

Again I could not help saying to myself: "How crazy we are to allow our Bantu homelands to degenerate into vast rural slums." In Black Africa they encourage individual land ownership. In our country the White Government insists on the tribal system of land tenure for our Black citizens.

Incidentally, more than one person with whom I discussed our situation pointed out that in spite of the average income a head of population in South Africa being many times that in their countries the income a head earned in the Bantu homelands was actually less than that in the poorest African countries.

Remarked one Ghanaian wryly: "And this is the part of your country in which Mr. Vorster's Government say Black South Africans can have their independence!"

ISOLATION OF OUR COUNTRY

One further impression. Even before I left South Africa I was struck by the isolation of our country from the rest of Africa. I soon realised it was easier to communicate with Dakar, Dar-es-Salaam, Nairobi and Accra through Paris, London, Bonn and New York than it was from either Johannesburg or Cape Town.

And while I travelled I sensed the insecurity of travelling in Africa on a South African passport. For the first time in my life I sensed what it must be like to be a Black man in the urban areas of South Africa. My freedom, my security and my movement depended on a stamp in a book and so often in getting that stamp I was at the mercy of some petty Government official.

The heads of government I met on my tour of seven African states were all sophisticated, intelligent and well-educated men, men who would be a credit to any Cabinet anywhere in the world.

All have travelled widely, all have a good grasp of modern problems and all have post-graduate degrees.

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[1] These figures were corrected before the world-wide monetary adjustments were made.

There is President Seretse Khama of Botswana, who studied at Fort Hare and Witwatersrand Universities before going on to read law at Oxford and the Middle Temple, London. President Leopold Senghor of Senegal is a member of the Agreges de Grammaire, the highest French academic society. As a poet he was in 1962 a strong contender for the Nobel Prize for Literature. He has twice represented France at UNESCO. In 1969 and 1960 he was the minister-counsellor for Cultural Affairs, Education and Justice in the French Government.

President Dauda Jawara of Gambia is a veterinary surgeon with six years of study behind him at Edinburgh. Dr. Kofi Busia of Ghana has a Ph. D. is history and sociology and was a lecturer for six years at St. Anthony's College, Oxford.

In Kenya, Vice President D. T. Arap Moi was formerly a teacher, while our host, Mr. Charles Njonjo, the Attorney General, received a BA degree from Fort Hare University before going on to the London School of Economics and to a practice at Grey's Inn in London. President Julius Nyerere of Tanzania has an MA degree from Edinburgh University and Dr. Kamuzu Banda of Malawi has a Ph. D. degree from Chicago University and an M.D. degree from Nashville, Tennessee, in the United States.

But it was not only the heads of government who impressed us in this way. It was the breadth of knowledge of the assistants as well.

The young man in the president's office, the secretary in the department of foreign affairs, the newspaper editors, the broadcasters, the academicians.

Time and time again one found that these people had obtained degrees at Makerere University in Uganda or Legon University in Accra or at the University of Dakar and had then gone on to do post-graduate study at the Sorbonne, Columbia, Chicago, Edinburgh, London or Leningrad Universities.

These younger men, who will be the leaders of tomorrow, are modern men with a grasp of the politics of the 20th century.

MESSAGE FOR SOUTH AFRICA

We asked the leaders we met: "What message can we take back to the people in South Africa"?

Different leaders put it in different ways, but the message was basically the same.

"We are not anti-South African per se. We are not opposed to South Africa because of its four million Whites, not even because it has a White Government. We are not opposed to your people but we are unalterably opposed to your policy of race discrimination."

The leaders with whom Mrs. Suzman and I spoke understand the complexities of the South African situation. They appreciate the fears of the minority groups in Southern Africa. They realise, too, that change could best come from within South Africa.

They recognise the permanence of the White man in South Africa. They acknowledge the case for the protection of minorities. They recognise, too, that the time table for the implementation of a new policy cannot be forced from outside.

They made no attempt to prescribe a detailed policy to South Africa, but they made it clear that as long as South Africa had a policy of race discrimination entrenched in its law, as long as men were denied dignity and opportunity because of their colour, the country could not be accepted into the African community.

I believe that all the leaders we met want to see a resolution of the situation in Southern Africa, that they are all looking for signs of a change, that they would all prefer peace to violence.

In the words of the Lusaka Manifesto to which they subscribed: "We would prefer to negotiate rather than destroy, to talk rather than to kill."

But their attitude to dialogue with South Africa differed widely. President Julius Nyerere of Tanzania would have nothing to do with dialogue with the South African Government until it changed its policy of race discrimination.

President Kamuzu Banda of Malawi said that he was prepared to engage in dialogue in the hope that this would bring about a change. President Seretse Khama said that for dialogue to be meaningful it should start in South Africa among South Africans.

The Kenyans, perhaps because a number of them were educated at South African universities, adopted a somewhat cynical view towards dialogue and asked: "Do you really think that talking will cause Mr. Vorster to change?"

WILLINGNESS TO TALK

President Senghor and President Jawara showed no special interest in talking to the apartheid government, but did indicate a willingness to talk to people who wanted change in South Africa.

Prime Minister Dr. Busia of Ghana has already declared himself in favour of contact as a means of bringing about change.

He was, however, prepared to consider dialogue as "another weapon in the armoury of the strategy for the elimination of apartheid." Because of his attitude he was strongly criticised by the Opposition in his country.

I return to South Africa more than ever convinced that it is possible for us to resolve the problems of our multi-racial country; that Black, White and Brown can cooperate within South Africa. I believe that there can be a reconciliation between South Africa and the states to the north.

But there can be neither co-operation within South Africa nor reconcilation with the rest of Africa as long as we treat men of colour as lesser beings. When there is a meaningful change in the direction of human dignity and equal opportunity for all South Africans not only will the doors of dialogue be thrown wide open but we will be able to play our full part as the leading independent state on the African continent.

The ball is in our court.

SENATE—*Monday, June 19, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JENNINGS RANDOLPH, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, infinite, eternal, and unchangeable in Thy holiness, justice, goodness, and truth, we acknowledge our dependence upon Thee for life and liberty and national well-being. Preserve this Nation under Thy sovereignty that it may increasingly serve Thy purposes for all mankind. Keep the President and all our leaders under Thy grace and guide them by Thy wisdom through the perilous times in which we live. Direct us in our labors in this Chamber that what we think and say and do may enhance the Nation's welfare and promote Thy kingdom among men and nations.

And to Thee we ascribe all glory and praise. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 19, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JENNINGS RANDOLPH, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. RANDOLPH thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on June 16, 1972, the President had approved and signed the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. RANDOLPH) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 16, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT AMENDMENTS OF 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 828, S. 3443.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 3443, to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Juvenile Delinquency Prevention and Control Act Amendments of 1972".

Sec. 2. Section 2 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended to read as follows:

"FINDINGS AND PURPOSE

"Sec. 2. The Congress finds that delinquency among youths has reached a crisis situation which can be met by assisting and coordinating the efforts of public and private agencies engaged in combating the problem, and by increasing the number and improving the quality of the services available for preventing and combating juvenile delinquency. It is, therefore, the purpose of this Act to assist States and local communities in providing diagnosis, treatment, rehabilitative, and preventive services to youths who are delinquent or in danger of becoming delinquent, to provide assistance in the training of personnel employed or preparing for employment in occupations involving the provisions of such services, to provide support for development of improved techniques and information services in the field of juvenile delinquency, and to provide technical assistance in such field.".

Sec. 3. (a) The heading of title I of the Juvenile Delinquency Prevention and Control Act of 1968 is amended to read as follows:

"TITLE I—PLANNING AND DEVELOPING COORDINATED PREVENTIVE AND REHABILITATIVE SERVICES".

(b) The headings for parts A, B, C, and D of such title are deleted.

(c) Section 101 of such title is amended to read as follows:

"GRANTS TO DEVELOP AND OPERATE PREVENTIVE AND REHABILITATIVE COORDINATED SERVICES

Sec. 101. The Secretary may make grants to, or contracts with, any State, county, municipal, or other public or nonprofit private agency or organization, for establishing or operating programs for the prevention and treatment of juvenile delinquency, which insure coordinated services. Such grants or contracts may be provided for paying all or part of the cost of establishing or operating coordinated youth services, including the cost of planning such programs, of providing youth services either by contract or through other arrangements, or directly, only for those services which are not being provided in the community and for which payment is not available from other sources.".

(d) Sections 102, 111, 112, 121, 122, 123, 131, 132, 133, and 134 of title I of such Act are hereby repealed.

(e) Section 13 of title I shall be redesignated as section 102 of such title and is amended to read as follows:

"APPLICATIONS

"Sec. 102. (a) Grants under this part may be made only upon application to the Secretary which contains or is accompanied by satisfactory assurances that—

"(1) the applicant will provide to the extent feasible for coordinating, on a continuing basis, its operations with the operations of public agencies and private nonprofit organizations, furnishing welfare, education, health, mental health, recreation, job training, job placement, correction, and other basic services in the community for youths;

"(2) the applicant will make reasonable efforts to secure or provide any of such services which are necessary for diagnosing, treating, and rehabilitating youths or youth in danger of becoming delinquent and which are not otherwise being provided in the community, or if being provided are not adequate to meet its needs;

"(3) maximum use will be made under the program or project of other Federal, State, or local resources available for provision of such services;

"(4) public and private agencies and organizations providing the services referred to in paragraph (1) will be consulted in the formulation by the applicant of the project or program, taking into account the services and expertise of such agencies and organizations, and with a view to adapting such services to the better fulfillment of the purposes of this part;

"(5) in developing coordinated youth services, youth and public or private agencies, and organizations providing youth services within the geographic area to be served by the applicant will be given the opportunity to present their views to the applicant with respect to such development; and

"(6) the applicant or lead agency or organization is responsible for both accountability for and continuity of services for youth.

"(b) Such application shall contain such information as may be necessary to carry out the purposes of this Act, including—

"(1) a description of the services for delinquent youths or youths in danger of becoming delinquent;

"(2) a statement of the method or methods of linking the agencies and organizations, public and private, providing these and other services;

"(3) the functions and services included;

"(4) the procedures which will be established for protecting the rights, under Federal, State, and local law, of the recipients of youth services, and for insuring appropriate privacy with respect to records relating to such services, provided to any individual under coordinated youth services developed by the applicant;

"(5) the procedures which will be established for evaluation; and

"(6) the strategy for phasing out support under this Act and the continuance of a proven program through other means.

"(c) No grant or contract may be made under this title unless the application therefor has first been submitted to the chief executive officer of the State in which the coordinated youth services are to be established in order to provide him with an opportunity (in accordance with regulations of the Secretary) to review and comment upon such application.".

Sec. 4. Section 133 of title I shall be redesignated as section 103 of such title and amended to read as follows:

"Labor Standards."

"It shall be a condition of any grant under this Act which is wholly or partially for construction that all laborers and mechanics employed by contractors or subcontractors on such construction shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, the Secretary of Labor shall have with respect to these labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950, and section 276c of title 40."

Sec. 5. (a) Section 135 of title I of such Act shall be redesignated as section 104 and the first sentence of such section is amended by deleting "part B or C of" and "the State agency or, in the case of grants under section 132,".

(b) Sec. 302 of title III of such Act is amended by adding at the end the following sentence: "Particular emphasis should be placed on providing technical assistance in the development of juvenile delinquency components or plans."

(c) Section 402 of title IV of such Act is amended to read as follows:

"Sec. 402. There are authorized to be appropriated for grants and contracts under this Act, to the Department of Health, Education, and Welfare, $75,000,000 for the fiscal year ending June 30, 1973, and $75,000,000 for the fiscal year ending June 30, 1974."

(d) The first sentence of section 408 of title IV of such Act is amended by deleting "the Secretary" and inserting in lieu thereof "the Interdepartmental Council".

(e) Section 410 of title IV of such Act is amended (1) by deleting paragraph (2) thereof; (2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and (3) by adding at the end thereof the following new paragraphs:

"(5) 'Delinquent youth' refers to any youth who has been found by a court to be delinquent, or to be in need of care of supervision.

"(6) 'Youth in danger of becoming delinquent' refers to any youth whose conduct is such as to bring him within the jurisdiction of the juvenile court.

"(7) The term 'youth services' means services which assist in the prevention of juvenile delinquency or in the rehabilitation of youths who are delinquent, including, but not limited to: individual and group counseling, family counseling, diagnostic services, remedial education, tutoring, alternate schools (institutions which provide education to youths outside the regular or traditional school system), vocational testing and training, job development and placement, emergency shelters, halfway houses, extended probationary and parole services, aftercare services, health services, drug abuse programs, social, cultural, and recreational activities, the development of paraprofessional or volunteer programs, community awareness programs, runaway homes, foster care and shelter care homes, group homes and any other community-based treatment or rehabilitative facilities or services, and legal services.

"(8) The term 'coordinated youth services' means a comprehensive service delivery system, separate from the system of juvenile justice (which encompasses agencies such as those currently provided in the geographic area covered by such juvenile courts, law enforcement agencies, and detention facilities) for providing youth services to an individual who is delinquent or in danger of becoming delinquent and to his family in a manner designed to—

"(a) facilitate accessibility to and utilization of all appropriate youth services provided within the geographic area served by such system by any public or private agency or organization, which desires to provide such services through such system;

"(b) identify the need for youth services not currently provided in the geographic area covered by such system, and, where appropriate, provide such services through such system;

"(c) make the most effective use of youth services in meeting the needs of young people who are delinquent or in danger of becoming delinquent, and their families;

"(d) use available resouces efficiently and with a minimum of duplication in order to achieve the purposes of this Act; and

"(e) identify the types and profiles of individual youths who are to be served by such a comprehensive system."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–867), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The committee bill is designed to extend the Juvenile Delinquency Prevention and Control Act of 1968, which expires on June 30, 1972, and to strengthen its operation by clearly delineating the scope of activities to be undertaken by the Department of Health, Education, and Welfare in the juvenile delinquency field. The 1972 amendments provide for grants to State, county, municipal or other public or nonprofit private agencies to plan, develop, and operate coordinated youth services systems. These systems are defined as comprehensive delivery systems, separate from the system of juvenile justice, for providing youth services to an individual who is delinquent or is in danger of becoming delinquent and to his family. Thus, the primary focus of activity under the Juvenile Delinquency Prevention and Control Act as amended will be the development and operation of these coordinated youth services systems in various parts of the country.

A majority of the committee intends that this extension be viewed as a means of encouraging the Department of Health, Education, and Welfare to improve its efforts to prevent juvenile delinquency by more precisely defining the scope of its activities. However, a majority of the committee agrees that a much more comprehensive approach to the problems of juvenile delinquency at the Federal level should be considered. The extension will permit the committee to develop a full hearing record on the type of restructuring that may be needed before recommending new, comprehensive legislation. At the same time, the extension will allow the Department of Health, Education, and Welfare to continue its important contribution to the Federal effort to combat delinquency, while increasing its effectiveness by more clearly defining its scope.

The other amendments are designed to repeal sections of the Juvenile Delinquency Prevention and Control Act which are rendered superfluous or redundant by the major changes in title I. Specifically, the sections regarding grants for rehabilitative and preventive services and for state plans are repealed, since these services are an integral part of the proposed coordinated youth services systems. The 1972 amendments provide authority for grants to accomplish essentially similar purposes as those set forth in the original act, with the differences that services must be provided as part of a coordinated system designed to maximize the impact of available Federal, State, and local resources. In addition, amendments designed to sharpen the focus of the technical assistance effort authorized under title III are made, so that special emphasis will be placed on providing technical assistance in the development of juvenile delinquency prevention and control plans. Further, the requirement of making an annual report is shifted to the Interdepartmental Council, established by the 1971 amendments, as a means of increasing coordination among Federal agencies responsible for juvenile delinquency prevention and control. The amendments also provide adequate fiscal authorization for the operation of the act.

BACKGROUND

The Juvenile Delinquency Prevention and Control Act was enacted by Congress in 1968 to help States and local communities strengthen their juvenile justice programs. This assistance was to be broad in scope including courts, correctional systems, police agencies, law enforcement, and other agencies which deal with juveniles, and was to encompass a wide range of preventive and rehabilitative services to delinquent and predelinquent youth. The act also provided for the training of personnel employed or about to be employed in the area of juvenile delinquency prevention and control, and for comprehensive planning, development of improved techniques and information services in the field of juvenile delinquency. The Department of Health, Education, and Welfare was charged with administering the act, because that Department was believed to have particular expertise in dealing with the preventive and rehabilitative aspects of delinquency.

The report accompanying the act clearly sets forth the congressional intent that the act be administered as part of an integrated network of antipoverty, antislum, and youth programs. The report states that the legislation should not be just another categorical program administered in relative isolation from much larger efforts such as the community action program, model cities, and the Manpower Development and Training Act. Thus, Congress clearly intended that the programs administered under the act serve to coordinate all Government efforts in the area of juvenile delinquency and to provide national leadership in developing new approaches to the problems of juvenile crime.

As the committee noted in the report accompanying the 1971 amendments, the original promise of the Juvenile Delinquency Prevention and Control Act has not been fulfilled. The first 3 years of the administration of the Juvenile Delinquency Prevention and Control Act of 1968 were marked by delay and inefficiency in implementing the broad legislative mandate. More than a year and a half elapsed before a Director was appointed for the Youth Development and Delinquency Prevention Administration, the agency within HEW charged with administering the act. To date, only one annual report has been published, despite a legislative requirement that such reports be made each fiscal year. In this March 1971 report, YDDPA conceded its own failure to implement the goals of the 1968 Act. With the exception of the portion of the YDDPA budget spent on State comprehensive juvenile delinquency planning, funds were spread throughout the country in a series of underfunded, scattered, unrelated projects. The subcommittee found that juvenile delinquency programs have not been a major priority of the Department of Health, Education, and Welfare even though it has had responsibility for administering the Juvenile Delinquency Prevention and Control Act.

This lack of priority by HEW has been compounded by the consistent failure of the Department to request more than a small proportion of the amount authorized by Congress for each fiscal year, resulting in pitifully small appropriations for YDDPA. In fiscal 1970, example, $50 million was authorized under the Juvenile Delinquency Prevention and Control Act. However, only $15 million was requested and only $10 million appropriated. In fiscal 1971, $75 million was authorized, $15 million requested, and $15 million appropriated. From 1968 to 1971, HEW requested only $49.2 million for operation of the act out of a total authorized amount of $150 million. The serious deficiencies in HEW's administration of the Juvenile Delinquency Prevention and Control Act are further demonstrated by the failure of YDDPA to expend the limited resources appropriated. From 1968 to 1971, out of the small sum of $30 million appropriated, only half, or $15 million, was actually expended.

The fiscal record of the administration of the 1968 Act reflects HEW's limited view of the Department's role in developing a program commensurate with the delinquency problem. Thus, the fulfillment of the original purposes of the act has been rendered virtually impossible because of inadequacies both in appropriations and in administration.

One of the major problems in the administration of the 1968 act has been the confusion of roles in the juvenile delinquency field between HEW and the Law Enforcement Assistance Administration of the Department of Justice set up under the Omnibus Crime Control and Safe Streets Act of 1968. Under the Juvenile Delinquency Prevention and Control Act of 1968, HEW was intended to provide assistance to States in preparing and implementing comprehensive State juvenile delinquency plans. But LEAA, with vastly larger resources than YDDPA, soon became dominant in the criminal justice planning field.

In an exchange of letters on May 25, 1971, the Secretary of HEW and the Attorney General acknowledged the existing inadequacy in coordinating the juvenile delinquency activities of their respective agencies. The May 25 letters specified that each State should develop a single comprehensive criminal justice plan which would comply with the statutory requirements of both the Omnibus Crime Control and Safe Streets Act and the Juvenile Delinquency Prevention and Control Act. The Secretary and the Attorney General agreed that HEW was to concentrate its efforts on prevention and rehabilitation programs administered outside the traditional juvenile correctional system while LEAA was to focus its efforts on programs within the juvenile correctional system. Despite this allocation of responsibility for delinquency prevention to HEW, the minimal level of funding for the operation of the Juvenile Delinquency Prevention and Control Act raises serious doubts about the possible effectiveness of YDDPA in providing national leadership in the prevention of delinquency.

The problems of the role of HEW under the Juvenile Delinquency Prevention and Control Act should be viewed in the larger context of the lack of primary responsibility in any one Federal agency for all juvenile delinquency programs. Juvenile Delinquency programs are presently spread among more than 40 different agencies. There are no central goals and priorities to guide the planning and development of these diverse and scattered programs. The national direction and coordination of delinquency programs envisioned by the Juvenile Delinquency Prevention and Control Act for HEW has not engaged in that Department.

In a response to the clear need to develop more effective coordination of the Federal juvenile delinquency effort, the committee in the 1971 amendments to the Juvenile Delinquency Prevention and Control Act established an Interdepartmental Council consisting of representatives of the major Federal agencies involved in the area of juvenile delinquency. The Council was to meet on a regular basis to review the efforts of the various agencies in combating juvenile delinquency and make certain that the overall Federal effort was coordinated and efficient. The 1971 amendments also gave YDDPA an additional year to prove its effectiveness in the fight against juvenile crime and to develop a strategy which would efficiently deploy the limited resources of HEW.

NEED FOR LEGISLATION

Juvenile crime in this country has reached crisis proportions in the past decade. Arrests of juveniles for violent crimes have increased by 167 percent. Arrests of juveniles for property crimes, such as burglary and auto theft, have jumped 89 percent. Almost two-thirds of all arrests for serious crimes are of young people under the age of 21. Our failure as a nation to deal with this crisis is tragically clear. The recidivism rate for institutionalized delinquents is the highest of any age group—between 74 and 85 percent. Many if not most adult criminals have a juvenile record.

Congress responded to the alarming increase in juvenile crime by enacting the Juvenile Delinquency Prevention and Control Act in 1968. The first 3 years of the act's operation were marked by administrative weakness and lack of direction. In extending the act for 1 year, in 1971, Congress clearly indicated its intention to review carefully the administration of the 1968 act.

At committee hearings on April 28, 1972, representatives of the Department of Health, Education, and Welfare testified on the progress that YDDPA has made during the past year in increasing its effectiveness. In defining the Department's role in preventing juvenile delinquency more clearly, YDDPA has specifically concentrated its work on the development of systems which provide coordinated youth services as well as funds for initiation of needed services which are otherwise not available. Twenty-three youth services systems were started in fiscal 1971, and YDDPA estimates that there will be 13 more such systems by the end of fiscal 1972. YDDPA also testified that the present act, with its emphasis on state juvenile delinquency planning perpetuates the confusion about HEW's role in the criminal justice planning process and in providing grants for preventive and rehabilitative services.

It was in light of this testimony that the committee developed the 1972 amendments to the Juvenile Delinquency Prevention and Control Act. These amendments are designed to reflect the focus on youth services systems which HEW itself feels would be the most effective use of its limited resources in the juvenile delinquency area. The principal amendment, the new title I, would encourage the development of coordinated youth services systems separate from the juvenile justice system through grants to public or nonprofit private agencies. YDDPA is to serve as a catalyst to bring together resources from a broad range of public and private health, education, employment, and other agencies which would provide services to delinquents or youth in danger of becoming delinquent and their families. YDDPA's funds will be concentrated on selected youth services systems to maximize fully the impact on this program.

The committee believes that the administration of the Juvenile Delinquency Prevention and Control Act has improved during the past year and can be substantially improved in the future by defining the scope of its activities in accordance with the 1972 amendments. Therefore, the committee recommends repeal of the sections of the 1968 act relating to grant authority for State planning and for preventive and rehabilitative services. Under the 1972 amendments, grants may be made for preventive and rehabilitative services if such services are part of a coordinated youth services system and are not already available in the community.

The committee recognizes the great need for improved training of personnel working with youths who are delinquent or who are in danger of becoming delinquent. Therefore, the training authority established under title II of the Juvenile Delinquency Prevention and Control Act has been retained. The committee also understands that YDDPA's responsibility for providing training will cease when and if H.R. 45 is enacted into law. H.R. 45 would establish an Institute for Continuing Studies of Juvenile Justice, one of the primary purposes of which is to provide training.

The committee also recognizes the importance of the Federal role in providing technical assistance to State, local, and private agencies in the area of delinquency prevention and rehabilitation. The 1972 amendments retain the technical assistance authority contained in title III with the requirements that particular emphasis be placed on technical assistance relating to the development of juvenile delinquency plans. The special expertise developed under the act should be readily available to LEAA and to state planning agencies in the preparation of comprehensive State juvenile delinquency plans.

The committee retains its concern about the administration of the 1968 act, particularly with regard to the level of funding. The 1972 amendments provide for a $75 million authorization. However, the pattern of severely limited budget requests and appropriations appears to be a continuing problem. In fiscal 1972, for example, although $75 million was authorized, only $10 million was requested and $10 million appropriated. In fiscal 1973, although the committee's amendments contain a $75 million authorization, only $10 milion has been requested.

In reporting the 1972 amendments to the Juvenile Delinquency Prevention and Control Act, the committee accepts the YDDPA program in its present form as a possible means for improving the administration of the act, but does not consider this to be a comprehensive response to the delinquency crisis. At the April 28, 1972, hearings, a representative of the National Council on Crime and Delinquency (NCCD) testified that the youth service system is a worthwhile concept but does not present the total answer to the national problem of juvenile delinquency prevention. The NCCD concluded that the low level of funding of YDDPA as well as the emphasis on utilizing existing services assures that juvenile delinquency prevention will be an appurtenance to other program goals.

In moving into programing youth services systems, YDDPA has relinquished responsibility for coordinating the current diverse array of juvenile delinquency programs. The need for such coordination remains. At the April 28 hearings, representatives of the Department of Health, Education, and Welfare and LEAA testified favorably on the progress of the Interdepartmental Council. The Council, under the chairmanship of the Attorney General, has met regularly during the past year to review ways in which the Federal effort might be made more effective. Since the Council appears to be a useful mechanism for providing communication between Federal agencies concerned with juvenile delinquency, the committee recommends the transfer of the annual reporting requirement regarding Federal juvenile delinquency activities from YDDPA to the Interdepartmental Council.

In reaching its decision to recommend a two year extension of the Juvenile Delinquency Prevention and Control Act, the committee had extensive discussion of how long an extension would be appropriate. Some members were concerned that the 1972 amendments might be regarded as a comprehensive answer to the delinquency problem of this Nation. They emphasized the need for continued study of the entire Federal juvenile delinquency effort with a view toward enacting new comprehensive legislation next year. Those committee members who supported a longer extension of the act were concerned about the difficulties of administering the program on a short-term basis. However, a majority of the committee is agreed that the 1972 amendments are no substitute for the vigorous national leadership, coordinating authority, and substantial resources necessary for an effective Federal response to the problems of juvenile delinquency.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLAMMABLE FABRICS ACT—AUTHORIZATION OF APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote by which H.R. 5066 was passed last Friday, and its third reading, be reconsidered, for the sole purpose of offering a technical amendment which is made necessary by the changes that were made in the bill by the floor amendments adopted by the Senate last Friday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the bill will be stated by title.

The assistant legislative clerk read as follows:

> H.R. 5066, an act to authorize appropriations for fiscal year 1972, to carry out the Flammable Fabrics Act.

The Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 1, after line 7, insert:
>
> "Sec. 2. That the Flammable Fabrics Act be amended by adding a new section at the end thereof, as follows."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. Magnuson) I ask unanimous consent to insert a statement regarding the Flammable Fabrics Act amendments adopted by the Senate on Friday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR MAGNUSON

On Friday the Senate took a major step toward protecting our nations' children from the risks of injury by fire from childrens' sleepwear.

Our amendment to H.R. 5066, adopted as amended by a vote of 65 to 0, directs the Secretary of Commerce to promulgate a flammability standard for children's sleepwear to be effective no later than July 1, 1973.

Under the procedures of the Flammable Fabrics Act routine standards are not effective for one year after the date of their final promulgation. However the Act does contemplate some occasions when more rapid action is necessary. In the case of flammability standards for Children's Sleepwear, sizes 7 to 14, the Secretary is directed to utilize the procedures of the Act in so far as practicable. This means that he will hold hearings and receive public comment on the standard he promulgates for Children's Sleepwear, but the standard once developed will not wait for the routine twelve months delay for it to take effect. As a result of the action of the Senate, if joined in by the House, the standard for Children's Sleepwear will be effective not later than July 1, 1973.

I commend the able senior Senator from New Hampshire (Mr. COTTON) and the other able members of this body who worked with me to arrive at a solution to the problems confronting our nation's children arising out of the intrinsic flammable character of most fabrics.

I am looking forward to the support of the members of the House and the responsible members of industry. The Secretary of Commerce will need our support as he seeks an appropriate standard. If this effort receives the attention it deserves there should be a major improvement in the availability of flame resistant farbrics for all types of children's garments in the marketplace within the next few years, and at least for children's sleepwear, an absence of any garment which does not meet an adequate test for flame resistance, after July 1, 1973.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that H.R. 5066 be printed as it passed the Senate.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

THE NIXON-BREZHNEV TREATY

Mr. MANSFIELD. Mr. President, the hearings on the Nixon-Brezhnev treaty start this morning in the Committee on Foreign Relations. They will be most important, I think, to the future of this Nation, to the Soviet Union, and very likely to the rest of the world.

The President has indicated that one of his principal goals is a generation of peace. I want to assure him that that is the goal of the Senate, the Congress, and the American people, as well.

I wish to express the hope that the hearings will be gone into in detail and that then a favorable report from the Committee on Foreign Relations will be issued expeditiously so that the Nixon-Brezhnev treaty can be taken up on the floor of the Senate as soon as possible.

If things work out, I would hope it would be possible to do so before we recess at the end of this month. If not, then certainly when we come back between the two national conventions.

Mr. President, I ask unanimous consent to have printed in the RECORD three editorials which were published in the Great Falls Tribune of Great Falls, Mont., under date of May 25, 1972, entitled "Generation of Peace"; May 28, entitled "The Arms Treaty"; and June 6, entitled "Harnessing the Missiles"; and an article entitled "The Rationale for Defense Spending Grows More and More Irrational," written by D. J. R. Bruckner, and published in the Los Angeles Times of June 19, 1972.

There being no objection, the editorials and article were ordered to be printed in the RECORD, as follows:

GENERATION OF PEACE

A "generation of peace," which President Nixon has declared is one of his principal goals, may be assured if he and Russian Party Chief Leonid I. Brezhnev agree on an arms limitation program.

President Nixon's journey to Moscow already has succeeded in several significant areas. The delegations of the two superpowers have agreed to cooperate in research on environmental problems. They also formalized an earlier agreement for coordinated health research on cancer, heart disease and environmental health.

It's encouraging that President Nixon and Soviet Party Chief Brezhnev are realistic enough to attempt to set limits on the nuclear arms race. Each knows that the chances for peaceful coexistence in a troubled world will be enhanced greatly if the superpowers agree to establish a ceiling on both offensive and defensive nuclear weapons.

President Nixon and Party Chief Brezhnev know that the two nations now have a nuclear capacity to destroy the world, that each power has sufficient intercontinental nuclear missiles to accept a devastating surprise strike and still have enough nuclear might to destroy the attacking nation. They know that the U.S. has an estimated nuclear capacity equivalent to 18 billion tons of TNT and that Russia has an estimated 19-billion-ton arsenal of nuclear weapons. There won't be much left on earth if the weapons in the two arsenals are exploded.

The best wishes of the entire world, concerned about the possibility of a nuclear holocaust if an atomic war breaks out, will rest with President Nixon and Party Chief Brezhnev.

THE ARMS TREATY

The nuclear arms limitation agreement signed in Moscow Friday by President Nixon and Russian Party Chief Leonid I. Brezhnev marks an historic milestone in world history.

The treaty, if ratified by the U.S. Senate, may bring an end to the costly arms race in which both superpowers have been competing for more than two decades. Without such a treaty, the two great nations will continue the shaky state of equilibrium called the "balance of terror," a state in which each nation has more than enough nuclear weapons to demolish the other within a few hours.

Under the arms limitation agreement, each of the superpowers still is left with the ability to accept a surprise strike and be able to retaliate with sufficient power to destroy the attacking nation.

Military experts say the U.S. has nuclear warheads with the power of 18 billion tons of TNT and that Russia has a nuclear arsenal with the power of about 19 billion tons of TNT. The other nuclear nations, Britain, France and China, also have nuclear weapons so the total world nuclear tonnage is equivalent to more than 40 billion tons of TNT.

Only two atomic bombs have been exploded in war. The first killed 78,150 persons in Hiroshima, Japan, Aug. 6, 1945; the second killed 73,394 persons three days later when dropped by a U.S. plane over Nagasaki, Japan. The two bombs, each with an atomic power equivalent to 20,000 tons of TNT, injured about as many persons as they killed and the effects of radioactive damage still linger in the two cities.

The two bombs dropped over Japan are baby ones when compared to the giant nuclear warheads in the intercontinental missiles Russia and the U.S. are able to launch at 15,000-miles-an-hour speeds against targets as far as 10,000 miles away.

President Nixon and the Russain leaders know that if the nuclear weapons are turned lose, no nation will win—that it will be a case of murder-suicide if one nation starts such a nuclear war.

President Nixon and the Russian leaders rate a "thank you" from all nations for agreeing to limit the nuclear race. President Nixon is entitled to great personal credit for his efforts to obtain the agreement, one he has maintained is needed to assure a "generation of peace."

HARNESSING THE MISSILES

The nuclear arms limitation treaty which President Nixon signed in Moscow May 26 has been greeted with a favorable response throughout the nation but also has raised strong opposition in many quarters.

The treaty, which must be ratified by the Senate before it goes into effect, will be debated thoroughly in Congress in coming weeks.

Many who are criticizing the agreement are saying that the pact gives the Russians an edge in the nuclear weapon field. President Nixon answered such fears by saying that the nation will continue to be stronger than any other nation on earth.

Opponents apparently fail to understand that each of the two superpowers has an overkill capacity almost beyond comprehension. Each nation possesses the nuclear capability to accept a surprise attack and still retaliate with sufficient might to destroy the attacking country.

Many fail to appreciate that war has changed so radically in the nuclear age that began at the end of World War II. In that war, the United States exploded a total tonnage of bombs equivalent to 2 million tons of TNT—bombs dropped over a period of four years.

Two of the 200 nuclear-tipped Minuteman missiles now deployed in Montana pack as much explosive fury as all the bombs we dropped over Germany and Japan in World War II. A Minuteman missile can race through space at 15,000 miles per hour and rain nuclear death on an entire city within a half hour from the time the signal is flashed in Washington, D.C.

The Minutemen missiles in Montana have 100 times more explosive power than all the bombs we dropped in World War II. The Montana missiles are only part of the 1,054 intercontinental missiles in the U.S. arsenal—which also include powerful missiles in our submarines—and giant nuclear bombs in our bombers.

Military experts estimate the U.S. has a nuclear arsenal equivalent to 18 billion tons of TNT and that Russia's arsenal may be equivalent to 19 billion tons of TNT.

That's enough nuclear power to devastate the entire earth—a fact opponents of the arms limitation treaty may want to think about as they attempt to defeat the treaty.

THE RATIONALE FOR DEFENSE SPENDING GROWS MORE AND MORE IRRATIONAL

(By D. J. R. Bruckner)

NEW YORK—Early this year the Administration justified its increased military budget requests by arguing that it would need funds for new weapons if the Strategic Arms Limitations Talks failed. Last week it was arguing that it needs more funds for new weapons to give the Russians an incentive to proceed with SALT II and agree to a treaty limiting offensive weapons.

Some congressional critics of the military budget have been trying to find a way to tie the arms agreements to the debate over spending, in an effort to cut funds, but the Administration could have ignored that effort safely. The arms agreements and the budget are two quite distinct matters which could be handled separately. Evidently the President finds some advantage in co-opting the tactic of his critics; it is probably a political advantage in an election year.

The rot set into our thinking about the military when Congress agreed 25 years ago to eliminate the War Department and call the new combined services agency the Defense Department. And last week the President was telling more than 100 members of Congress at the White House that his aim is to insure the "security" of the nation. The Russian leaders were telling their people the same thing in one of those long, allusive, code-worded articles in Pravda defending the summit agreements. Neither leadership suggested to its constituency that security might be best achieved by disarmament rather than by armament. In fact, the chief U.S. arms negotiator Gerard Smith told the Russians on May 9 that an objective of the Salt II talks on offensive weapons "should be to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces." That means, in translation, that our safety lies in our unrestrained ability to bomb one another to hell.

Mr. Nixon displayed his mastery of this weird language of the politics of war when he told the congressmen that the Russians told him that "they were going forward with defense programs in the offensive area . . ." His conclusion was that "since they will be going ahead with their programs, for the United States not to go forward with its programs would mean that any incentive that the Soviets had to negotiate the follow-on agreement would be removed." Do you understand?

This is all of a piece with the American threat to abrogate an ABM treaty if SALT II does not produce an offensive weapons treaty within five years. Henry Kissinger actually argued in the congressional briefing at the White House that it was our deployment of the Safeguard ABM missile that made the new ABM limitation treaty possible.

We are invited to conclude that, if one step up in the arms race made one treaty possible, another step up will make another treaty possible. The theory that an increase in military spending will encourage Russia to make more arms limitation treaties gains an illusory persuasiveness from the fact that there is an ABM treaty before Congress. But why would not a cutback in military spending encourage the Russians to negotiate just as well? We do not know; we have never tried that method.

The proposed $83.2 billion Defense Department budget includes initial funds for Minuteman II and Poseidon missiles, a new B-1 bomber for the strategic arsenal, a new Trident submarine to cost something more than $1 billion. Wonderful. In 25 years we have spent more than $1,000 billion on our war machine. This commitment, we are supposed to believe, has persuaded the Russians to sign a treaty limiting additions to one part of the machine; spending billions more to improve other parts of the machine will lead to another treaty. And then?

If a new and different reason is needed to justify this increased military budget, you must expect that one will be found, treaty or no treaty. We have seen the unsettling spectacle of Admiral Thomas Moorer, chief of the Joint Chiefs, telling Congress that the military might withhold its approval of the ABM treaty unless the military budget for offensive weapons goes up. Defense Secretary Laird then issued a warning that the Russians are building multiple warhead missiles, although it turns out in fact that there has been no testing of such weapons by Russia and that the situation has remained unchanged all year. Then Laird was up in the Capitol arguing that the arms limitation agreements would be dangerous unless we become better armed.

International affairs might be in fact as totally unreasonable, perhaps lunatic, as these guys want to make us believe. But I suspect there is another angle to this effort, a political angle. A storm will be stirred up in Congress, but Mr. Nixon's treaty and agreement will be approved anyway, and he can go before the voters as a victor in a tough fight with a stubborn Congress. And Sen. Hubert Humphrey, in his California campaign, demonstrated to the White House the effective use of frightening people about any cuts in the military budget, convincing them that restraint is weakness abroad and a source of unemployment at home.

The words are used in different ways now, and the arguments sound different, but in fact, the condition of the war machine will be a chief concern of this campaign as it has been the chief concern of every campaign since 1940.

Mr. SCOTT. Mr. President, I merely want to underscore the statement just made by the distinguished majority leader that the hearings on the Nixon-Brezhnev treaty began at 10 a.m. today. I hope that they can be conducted as expeditiously as is necessary for a full hearing. It would be an excellent thing if we could act on this treaty before we adjourn for the first of the two national conventions. If not, of course, I think we really must be prepared to do it between the conventions. But I hope we can do it, as the distinguished majority leader says, in the near future.

There is, so far as I know, no great, no massive objection to the terms of the treaty in any area of which I am aware. It is another way to bring about a betterment of our chances for peace. It is another step in the search for peace. Meanwhile, other steps are going on with Mr. Podgorny in Hanoi, Mr. Kissinger in the People's Republic of China, and, perhaps, Mr. Le Duc Tho in the People's Republic of China.

The number of nations interested in putting an end to this ulcer which bleeds away the strength of the North Vietnamese, the South Vietnamese, the United States, and its allies is, of course, of the greatest importance to all of us. It is the prayer of all Americans and of people of good will everywhere that we find an end to this utterly miserable condition in which we find ourselves.

We wish success to all who are engaged in this common search for peace.

THE NIXON-BREZHNEV TREATY AND THE INTERIM AGREEMENT

Mr. MANSFIELD. Mr. President, last week the President and Dr. Henry Kissinger met with approximately 130 Members of Congress to discuss and explain the Moscow agreements on the Arms Limitation Treaty and Agreement.

Because these talks encompassed such vital elements on these particular matters, I ask unanimous consent that the President's statement, Dr. Kissinger's statement, and the question-and-answer session—all at the White House—be inserted at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE REMARKS OF THE PRESIDENT—THE STATE DINING ROOM

Ladies and gentlemen, we are beginning a little late because I understand traffic is quite heavy around the White House this morning due to the arrival of the President of Mexico. We must go forward with the schedule, because there is a Joint Session, as you know, today and we do want the members of the committees present here today to be able to attend that session. We will have to adjourn this meeting at approximately 12:00 o'clock, or at best, five minutes after 12:00, to give you plenty of time for questions.

A word about the format of this meeting. I will make a statement, and then I will have to depart in order to prepare for the arrival of the President of Mexico. Dr. Kissinger will then make a statement, and then it will be open to questions to members of the committees who are present here.

In order to facilitate recognition of Members, someone who knows all of the Members who are here, Clark MacGregor, will moderate the question and answer period, but we will try to be just as fair as possible among the members of the committees and between the House and the Senate, and Clark will, of course, be responsible in the event it isn't fair.

In any event, let me come directly now to my own remarks, which will not be too extended, because Dr. Kissinger today will be presenting the Presidential views. He will be telling you what the President's participation has been in these negotiations. The views he will express I have gone over with him in great detail, and I will stand by them.

I noted in the press that it was suggested that I was calling down the members of these committees for the purpose of giving you a pep talk on these two agreements. Let me lay that to rest right at the outset. This is not a pep talk and Dr. Kissinger is not going to make you a pep talk either.

When I came back from the Soviet Union, you will recall in the Joint Session I said that I wanted a very searching inquiry of these agreements. I want to leave no doubt about my own attitude.

I have studied this situation of arms control over the past 3½ years. I am totally convinced that both of these agreements are in the interest of the security of the United States and in the interest of arms control and world peace.

I am convinced of that, based on my study. However, I want the members of the House and the members of the Senate also to be convinced of that. I want the Nation to be convinced of that.

I think that the hearings that you will conduct must be searching because only in that way will you be able to be convincing to yourselves and only in that way will the Nation also be convinced.

In other words, this is not one of those cases where the President of the United States is asking the Congress and the Nation to take on a blind faith a decision that he has made in which he deeply believes.

I believe in the decision, but your questions should be directed to Dr. Kissinger and others in the Administration for the purpose of finding any weaknesses that you think are in the negotiations or in the final agreements that we have made.

As far as the procedures are concerned, as you know, you will be hearing the Secretary of State, the Secretary of Defense, the head of the CIA, and of course, Ambassador Smith, in the sessions of your various committees.

I know that a number have suggested that Dr. Kissinger should appear before the committees as a witness. I have had to decline that particular invitation on his part, due to the fact that Executive privilege had to prevail.

On the other hand, since this is really an unprecedented situation, it seemed to me that it was important that he appear before the members of the committee in this format. This is on the record.

All of you will be given total transcripts of what he says. All of you will have the opportunity to ask these questions and in the event that all of the questions are not asked on this occasion, he, of course, will be available to answer other questions in his office from members of the committee as time goes on, during the course of the hearings.

What we are asking for here, in other words, is cooperation and not just rubber-stamping by the House and the Senate. That is essential because there must be follow-through on this and the members of the House and Senate, it seems to me, must be convinced that they played a role as they have up to this point, and will continue to play a role in this very, very important field of arms control.

Now, let me go to the agreements, themselves, and express briefly some of my own views that I think are probably quite familiar to you, but which I think need to be underlined.

I have noted a great deal of speculation about who won and who lost in these negotiations. I have said that neither side won and neither side lost. As a matter of fact, if we were to really look at it very, very fairly, both sides won, and the whole world won.

Let me tell you why I think that is important. Where negotiations between great powers are involved, if one side wins, and the other loses clearly, then you have a built-in tendency or incentive for the side that loses to break the agreement and to do everything that it can to regain the advantage.

This is an agreement which was very toughly negotiated on both sides. There are advantages in it for both sides. For that reason, each side has a vested interest, we believe, in keeping the agreement rather than breaking it.

I would like you to examine Dr. Kissinger, and the other witnesses, before the committee on that point. I think you also will be convinced that this was one of those cases where it is to the mutual advantage of each side, each looking to its national security.

Another point that I would like to make is Presidential intervention in this particular matter. Presidential coordination, due to the fact that what we have here is not one of those cases where one department could take a lead role.

This cut across the functions of the Department of State, the Department of Defense, it cut across, also, the AEC, and, of course, the Arms Control Agency.

Under these circumstances, there is only one place where it could be brought together, and that was in the White House, in the National Security Council, in which all of these various groups participated.

There is another reason, which has to do with the system of government in the Soviet Union. We have found that in dealing with the system of govenment in the Soviet Union, that where decisions are made, that affect the vital security and in fact, the very survival of a nation, decisions and discussions in those cases are made only at the highest level. Consequently, it is necessary for us to have discussions and decisions at the highest level if we are going to have the breakthroughs that we have had to make in order to come to this point of a successful negotiation.

The other point that I would make has to do with what follows on. The agreement that we have here, as you know, is in two stages: One, the treaty with regard to ABM defensive weapons; and second, the offensive limitation, the Executive Agreement, which is indicated as being, as you know, not a permanent agreement—it is for five years—and not total. It covers only certain categories of weapons.

Now we are hoping to go forward with the second round of negotiations. That second round will begin, we trust, in October. That means that we can begin in October, provided action is taken on the treaty and on the offensive agreement that we have before you at this time, sometime in the summer months; we would trust before the 1st of September. I don't mean that it should take that long, but I hope you can finish by the 1st of September so we can go forward with the negotiation in October.

The other point that should be made with regard to the follow-on agreements is not related to your approval of these agreements. It is related to the actions of the Congress on defense. I know there is disagreement among various Members of Congress with regard to what our defense levels ought to be. I think, however, I owe it to you and to the Nation to say that Mr. Brezhnev and his colleagues made it absolutely clear that they are going forward with defense programs in the offensive area which are not limited by these agreements.

Under those circumstances, since they will be going forward with their programs, for the United States not to go forward with its programs—and I am not suggesting which ones at this point; you can go into that later—but for the United States not to go forward with its offensive programs, or worse, for the United States unilaterally to reduce its offensive programs would mean that any incentive that the Soviets had to negotiate the follow-on agreement would be removed.

It is for that reason, without getting into the specifics as to what the level of defense spending should be, as to what the offensive programs should be, I am simply saying that if we want the follow-on agreement, we have to take two steps: First to approve these agreements; and second, we need a credible defensive position so that the Soviet Union will have an incentive to negotiate a permanent offensive freeze. That is what we all want.

These are just some random thoughts that I had on this matter. I will simply close by saying that as one stands in this room in this house, one always has a tendency to think of some of the tragedies of history of the past. As many of you know, I have always been, and am, a great admirer of Woodrow Wilson. As all of you know, the great tragedy of his life was that after he came back with the Treaty of Versailles and the League of Nations, due to ineffective consultation, the Senate rejected the treaty and rejected the League.

We, of course, do not want that to happen. We do not think that it will happen. We have appreciated the consultation we have had up to this point, and we are now going forward with this meeting at this time.

I will only say that in looking at what Wilson said during that debate, when he was traveling the country, he made a very, it seemed to me, moving and eloquent statement. He said: "My clients are the children. My clients are the future generation."

This is an election year, and I realize that in an election year it is difficult to move as objectively as we ordinarily would move on any issue, but I would respectfully request the Members of the House and Senate, Republican and Democratic, to approach this in the spirit that Wilson explained in that period when they were debating whether they should go forward with the League of Nations, remembering that our clients are the next generation, that approval of these agreements, the treaty limiting defensive weapons, the agreement limiting offensive weapons in certain categories, and also the continuation of credible defense posture, will mean that we will have done our duty by our clients, which are the next generation.

Thank you.

CONGRESSIONAL BRIEFING BY DR. HENRY A. KISSINGER

Dr. KISSINGER. Gentlemen, the President has asked me to present to you the White House perspective on these agreements, and the general background, with the technical information and some more of the details to be supplied by the formal witnesses before your various committees.

I will read a statement to you which we will distribute. It is still in the process of being typed.

In considering the two agreements before the Congress, the treaty on the limitation of available missile systems and the interim agreement on the limitation of offensive arms, the overriding questions are these: Do these agreements permit the United States to maintain a defense posture that guarantees our security and protects our vital interests? Second, will they lead to a more enduring structure of peace?

In the course of the formal hearings over the coming days and weeks, the Administration will demonstrate conclusively that they serve both of these goals. I will begin that process this morning by offering some general remarks on the agreement, after which I will be happy to take your questions.

UNITED STATES-SOVIET RELATIONS IN THE 1970'S

The first part of my remarks will deal with U.S.-Soviet relations as they affect these agreements. The agreement which was signed 46 minutes before midnight in Moscow on the evening of May 26th by President Nixon and General Secretary Brezhnev is without precedent in the nuclear age; indeed, in all relevant modern history.

Never before have the world's two most powerful nations, divided by ideology, history and conflicting interests, placed their central armaments under formally agreed limitation and restraint. It is fair to ask: What new conditions now prevail to have made this step commend itself to the calculated self-interests of both of the so-called superpowers, as it so clearly must have done for both willingly to undertake it?

Let me start, therefore, with a sketch of the broad design of what the President has been trying to achieve in this country's relations with the Soviet Union, since at each important turning point in the SALT negotiations we were guided not so much by the tactical solution that seemed most equitable or prudent, important as it was, but by an underlying philosophy and a specific perception of international reality.

The international situation has been undergoing a profound structural change since at least the mid-1960s. The post-World War II pattern of relations among the great powers had been altered to the point that when this Administration took office, a major reassessment was clearly in order.

The nations that had been prostrate in 1945 had regained their economic strength and their political vitality. The Communist bloc was divided into contending factions, and nationalistic forces and social and economic pressures were reasserting themselves within the individual Communist states.

Perhaps most important for the United States, our undisputed strategic predominance was declining just at a time when there was rising domestic resistance to military programs, and impatience for redistribution of resources from national defense to social demands.

Amidst all of this profound change, however, there was one important constant—the continuing dependence of most of the world's hopes for stability and peace upon the ability to reduce the tensions between the United States and the Soviet Union.

The factors which perpetuated that rivalry remain real and deep.

We are ideological adversaries, and we will in all likelihood remain so for the foreseeable future.

We are political and military competitors, and neither can be indifferent to advances by the other in either of these fields.

We each have allies whose association we value and whose interests and activities of each impinge on those of the other at numerous points.

We each possess an awesome nuclear force created and designed to meet the threat implicit in the other's strength and aims.

Each of us has thus come into possession of power singlehandedly capable of exterminating the human race. Paradoxically, this very fact, and the global interests of both sides, create a certain commonality of outlook, a sort of interdependence for survival between the two of us.

Although we compete, the conflict will not admit of resolution by victory in the classical sense. We are compelled to coexist. We have an inescapable obligation to build jointly a structure for peace. Recognition of this reality is the beginning of wisdom for a sane and effective foreign policy today.

President Nixon has made it the starting point of the United States policy since 1969. This Administration's policy is occasionally characterized as being based on the principles of the classical balance of power. To the extent that that term implies a belief that security requires a measure of equilibrium, it has a certain validity. No national leader has the right to mortgage the survival of his people to the good will of another state. We must seek firmer restraints on the actions of potentially hostile states than a sanguine appeal to their good nature.

But to the extent that balance of power means constant jockeying for marginal advantages over an opponent, it no longer applies. The reason is that the determination of national power has changed fundamentally in the nuclear age. Throughout history, the primary concern of most national leaders has been to accumulate geopolitical and military power. It would have seemed inconceivable even a generation ago that such power once gained could not be translated directly into advantage over one's opponent. But now both we and the Soviet Union have begun to find that each increment of power does not necessarily represent an increment of usable political strength.

With modern weapons, a potentially decisive advantage requires a change of such magnitude that the mere effort to obtain it can produce disaster. The simple tit-for-tat reaction to each other's programs of a decade ago is in danger of being overtaken by a more or less simultaneous and continuous process of technological advance, which opens more and more temptations for seeking decisive advantage.

A premium is put on striking first and on creating a defense to blunt the other side's retaliatory capability. In other words, marginal additions of power cannot be decisive. Potentially decisive additions are extremely dangerous, and the quest for them are destabilizing. The argument that arms races produce war has often been exaggerated. The nuclear age is overshadowed by its peril.

All of this was in the President's mind as he mapped the new directions of American policy at the outset of this Administration. There was reason to believe that the Soviet leadership might also be thinking along similar lines as the repeated failure of their attempts to gain marginal advantage in local crises or in military competition underlined the limitation of old policy approaches.

The President, therefore, decided that the United States should work to create a set of circumstances which would offer the Soviet leaders an opportunity to move away from confrontation through carefully prepared negotiations. From the first, we rejected the notion that what was lacking was a cordial climate for conducting negotiations.

Past experience has amply shown that much heralded changes in atmospherics, but not buttressed by concrete progress, will revert to previous patterns, at the first subsequent clash of interests.

We have, instead, sought to move forward across a broad range of issues so that progress in one area would add momentum to the progress of other areas.

We hoped that the Soviet Union would acquire a stake in a wide spectrum of negotiations and that it would become convinced that its interests would be best served if the entire process unfolded. We have sought, in short, to create a vested interest in mutual restraint.

At the same time, we were acutely conscious of the contradictory tendencies at work in Soviet policy. Some factors—such as the fear of nuclear war; the emerging consumer economy, and the increased pressures of a technological, administrative society—have encouraged the Soviet leaders to seek a more stable relationship with the United States. Other factors—such as ideology, bureaucratic inertia, and the catalytic effect of turmoil in peripheral areas—have prompted pressures for tactical gains.

The President has met each of these manifestations on its own terms, demonstrating receptivity to constructive Soviet initiatives and firmness in the face of provocations or adventurism. He has kept open a private channel through which the two sides could communicate candidly and settle matters rapidly. The President was convinced that agreements dealing with questions of armaments in isolation do not, in fact, produce lasting inhibitions on military competition because they contribute little to the kind of stability that makes crises less likely. In recent months, major progress was achieved in moving toward a broadly-based accommodation of interests wtih the USSR, in which an arms limitation agreement could be a central element.

This approach was called linkage, not by the Administration, and became the object of considerable debate in 1969. Now, three years later, the SALT agreement does not stand alone, isolated and incongruous in the relationship of hostility, vulnerable at any moment to the shock of some sudden crisis. It stands, rather, linked organically, to a chain of agreements and to a broad understanding about international conduct appropriate to the dangers of the nuclear age.

The agreements on the limitation of strategic arms is, thus, not merely a technical accomplishment, although it is that in part, but is must be seen as a political event of some magnitude. This is relevant to the question of whether the agreements will be easily breached or circumvented. Given the past, no one can answer that question with certainty, but it can be said with some assurance that any country which contemplates a rupture of the agreement or a circumvention of its letter and spirit must now face the fact that it will be placing in jeopardy not only a limited arms control agreement, but broad political relationship.

PREPARATIONS FOR THE ARMS TALKS

Let me turn now to the more specific decisions we had to make about what the agreement should do and how it could be achieved.

We knew that any negotiations on arms control, especially ones involving those central weapons systems which guarantee each side's security, were found to be sensitive and complicated, requiring frequent high-level decisions.

The possibility of a deadlock would be ever present, and the repercussions of a deadlock could not help but affect U.S.-Soviet relations across the board. We had to begin, therefore, by assessing what the situation was in terms of armaments in place and under construction; what realistic alternatives we had at the negotiating table; and how a tentative or partial agreement would compare with no agreement at all.

For various reasons during the 1960s, the United States had, as you know, made the strategic decision to terminate its building programs in major offensive systems and to rely instead on qualitative improvements. By 1969, therefore, we had no active or planned programs for deploying additional ICBMs, submarine-launched ballistic missiles or bombers. The Soviet Union, on the other hand, had dynamic and accelerated deployment programs in both land-based and sea-based missiles. You know, too, that the interval between conception and deployment of strategic weapons systems is generally five to ten years.

At the same time, both sides were in the initial stage of strategic defense programs, each approaching the anti-missile problem from a different standpoint. The Soviets wanted to protect their capital. The United States' program concentrated on protecting our retaliatory forces. Both sides also possessed weapons which, although not central to the strategic balance, were nevertheless relevant to it. We have aircraft deployed at forward bases and on carriers. The Soviet Union has a sizable arsenal of intermediate-range missiles able to attack our forward bases and devastate the territory of our allies.

A further complication was that the composition of forces on the two sides was not symmetrical. The Soviet Union had given priority to systems controlled within its own territory while the United States had turned increasingly to sea-based systems.

The result was that they had a panoply of different ICBM's while we essentially had one general class of ICBM's, the Minuteman, together with a more effective and modern submarine force operating from bases overseas and equipped with longer-range missiles.

All of this meant that even arriving at a basic definition of strategic equivalency would be technically demanding and politically intricate.

Looking beyond to the desired limitations, it appeared that neither side was going to make major unilateral concessions. When the national survival is at stake, such a step could not contribute to stability. The final outcome would have to be equitable and to offer a more reliable prospect for maintaining security than could be achieved without the agreements.

With these facts in view, the President, in the spring of 1969, established a group of senior officials responsible for preparing and conducting the SALT negotiations.

I acted as Chairman, and the other members included the Under Secretary of State, the Deputy Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Director of the Central Intelligence Agency, and the Director of the Arms Control and Disarmament Agency.

This group, called the Verification Panel, has the task of analyzing the issues and factors and submitting for the President's decisions those options which commanded support in the various departments and agencies.

The Verification Panel analyzed each of the weapons systems which could conceivably be involved in an agreement. It compared the effect of different limitations on our program and on the Soviet programs, and weighed the resulting balance. It analyzed the possibilities of verification, and the precise risk of evasion, seeking to determine at what point evasion could be detected and what measures would be available for a response. This was done in various combinations so that if one piece of the equation changed, say the ABM level, the Government would be able to determine the effect of that change upon the other components of a particular negotiating package.

Our aim was to be in a position to give the negotiations a momentum. We wanted to be sure that when stalemates developed, the point at issue would not be largely tactical, and that the alternative solutions would be analyzed ahead of time and ready for immediate decision by the President.

SUMMARY OF THE NEGOTIATIONS

In the first round of the talks, which began in November of 1969, the two sides established a work program and reached some tentative understanding of strategic principles.

For example, both sides more or less agreed at the outset that a very heavy ABM system could be a destabilizing factor, but that the precise level of ABM limitations would have to be set according to our success in agreeing on offensive limitations.

In the spring and summer of 1970, each country put forward more concrete proposals, translating some of the agreed principles into negotiating packages. During this period, we, on the American side, had hopes of reaching a comprehensive limitation. However, the initial search for a comprehensive solution gradually broke down over the question of defining the scope of the forces to be included.

The Soviets believed that strategic meant any weapons system capable to reaching the Soviet Union or the United States. This would have included our forward-based aircraft and carrier forces, but excluded Soviet intermediate range rockets aimed at Europe and other areas.

We opposed this approach, since it would have prejudiced our alliance commitments and raised a distinction between our own security and that of our European allies.

We offered a verifiable ban on the deployment and testing of Multiple Independent Reentry Vehicles. The Soviets countered by offering a totally unverifiable production ban, while insisting on the freedom to test, thus placing the control of MIRV's effectively out of reach.

At this juncture, early in 1971, with the stalemate threatening, the President took a major new initiative by opening direct contact with the Soviet leaders to stimulate the SALT discussions and for that matter, the Berlin negotiations, and providing progress could be achieved on these two issues, to explore the feasibility of a summit meeting.

The Soviet leaders' first response was to insist that only the ABM's should be limited, and that offensive systems should be left aside. But as far as we were concerned, the still incipient ABM systems on both sides were far from the most dynamic or dangerous factors in the strategic equation. It was the Soviet offensive programs, moving ahead at the average rate of over 200 land-based and 100 sea-based missiles a year, which we felt constituted the most urgent issue. To limit our option of developing the ABM system without at the same time checking the growth of the Soviet offensive threat was unacceptable.

Exchanges between the President and the Soviet leaders embodying these views produced the understanding of May 20, 1971. As any workable compromise in the field must do, that understanding met each side's essential concerns. Since the offensive systems were complex and since agreement with respect to all of them had proved impossible, it was agreed that the initial offensive settlement would be an interim agreement and not a permanent treaty, and that it would freeze only selected categories at agreed levels.

On the defensive side, the understanding called for negotiations towards a permanent ABM solution with talks on both issues to proceed simultaneously to a common conclusion.

This left two major issues for the negotiators, the precise level of the allowed ABM's, and the scope of the interim agreement, specifically what weapons would be included in the freeze.

Devising an equitable agreement on ABM's proved extremely difficult. The United States had virtually completed its ABM site at Grand Forks, and we were working on the second site at Malmstrom. Hence, we proposed freezing deployments at levels operational or under construction, that is to say, two ICBM sites on our side, and the Moscow defense on the other.

The Soviets objected this would deny them the right to have any protection for their ICBM's, a new formula was then devised allowing each side to choose two sites, one each for national capital and ICBM defense or both for ICBM defense. The resolution of the ABM issue was completed after our Chiefs of Staff, supported by the Secretary of Defense, decided that a site in Washington to defend the National Command Authority was to be preferred over the second ICBM-protective site at Malmstrom. They reasoned that while a limited defense would not assure the ultimate survival of the National Command Authority, it would buy time against a major attack while the radars in both the NCA defense and the defense of ICBM's would provide valuable warning. Moreover, an NCA defense would protect the National Command Authority in the event of a small attack by some third country or even an accidental or unauthorized launch of a weapon toward the United States.

The President accepted their recommendation.

What about the offensive weapons freeze? Early in the discussions about the implementation of this portion of the May 20 understanding between the President and the Soviet leaders, it was decided to exclude from the freeze bombers and so-called forward-based systems. To exclude, that is, the weapons in which this country holds an advantage.

We urged the Congress to keep this fact in mind, when assessing the numerical ratios of weapons which are subject to the offensive freeze.

There was also relatively rapid agreement following the May 20 breakthrough that intercontinental ballistic missiles would be covered. This left the issue of the inclusion of submarines.

With respect to ICBM's in submarines, the situation was as follows: The Soviet Union had been deploying at the average annual rate of 200 intercontinental ballistic missiles and 100 sea-based ballistic missiles a year. The U.S. had completed deployments of Minuteman and the 41 Polaris submarines in 1967. Of course, as you know, we are engaged in increasing the number of warheads on both our ICBM's and submarine-launched missiles. We were, and are, developing a new submarine system, although it cannot be deployed until 1978 or until after the end of the freeze. In other words, as a result of decisions made in the 1960's, and not reversible with the time-frame of the protected agreement, there would be a numerical gap against us in the two categories of land- and sea-based missile systems whether or not there was an agreement. Without an agreement, the gap would steadily widen.

The agreement would not create the gap. It would prevent its enlargement to our disadvantage. In short, a freeze of ICBMs and sea-based systems would be overwhelmingly in the United States' interest.

These basic considerations undoubtedly impelled the recommendation of the Joint Chiefs of Staff that any freeze which was to command their support must include the submarine-based system. The only possible alternative was a crash program for building additional missile-launching submarines. The President explored this idea with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Chief of Naval Operations. Their firm judgment was that such a program was undesirable. It could not produce results before 1976—that is, toward the very end of a projected freeze—and only by building a type of submarine similar to our current fleet, and without many of the features most needed for the 1980's and beyond.

The President once again used his direct channel to the Soviet leaders, this time to urge the inclusion of missile-launching submarines in the offensive agreement.

After a long period of hesitation, the Soviet leaders agreed in principle at the end of April. Final details were worked out in Moscow between the President and the Soviet leaders.

My purpose in dwelling at such length upon the details of our internal deliberations and negotiations has been to make one crucial point: Neither the freeze of ICBMs nor the freeze of submarine-launched missiles was a Soviet idea, and hence, it is not an American concession. On the contrary, in both cases it was the Soviet Union which reluctantly acceded to American proposals after long and painful deliberation.

PROVISIONS OF THE AGREEMENT

I will not spend this group's time in further review of the frequently arduous negotiations in Vienna, Helsinki, and during the summit in Moscow leading to the final agreement. I do want to pay tribute on behalf of the President to Ambassador Smith and his delegation, whose dedication, negotiating skill and patience contributed decisively to the outcome.

Let me summarize the principal provisions of the documents as signed. The ABM treaty allows each side to have one ABM site for defense of its national command authority and another for the defense of intercontinental ballistic missiles.

The two must be at least 1,300 kilometers, or 800 miles apart in order to prevent the development of a territorial defense. Each ABM site can have 100 ABM interceptors.

The treaty contains additional provisions which effectively prohibit either the establishment of a radar base for the defense of populated areas or the attainment of capabilities to intercept ballistic missiles by conversion of air defense missiles to antiballistic missiles.

It provides for withdrawal by either party on six months' notice, if supreme national interests are judged to have been jeopardized by extraordinary events. By setting a limit to ABM defenses the treaty not only eliminates ones area of potentially dangerous defensive competition, but it reduces the incentive for continuing deployment of offensive systems.

As long as it lasts, offensive missile forces have, in effect, a free ride to their targets. Beyond a certain level of sufficiency, differences in numbers are therefore not conclusive.

The interim agreement on offensive arms is to run for five years, unless replaced by a more comprehensive permanent agreement which will be the subject of further negotiations, or unless terminated by notification similar to that for the treaty.

In essence this agreement will freeze the numbers of strategic offensive missiles on both sides at approximately the levels currently operational and under construction. For ICBM's this is 1054 for the United States and 1618 for the Soviet Union. Within this overall limitation, the Soviet Union has accepted a freeze of its heavy ICBM launchers, the weapons most threatening to our strategic forces.

There is also a prohibition on conversion of lights ICBM's into heavy missiles. These provisions are buttressed by verifiable provisions and criteria, specifically the prohibition against any significant enlargement of missile silos.

The submarine limitations are more complicated. In brief, the Soviets are frozen to their claimed current level, operational and under construction, of about 740 missiles, some of them on an older type nuclear submarine. They are permitted to build to a ceiling of 62 boats and 950 missiles, but only if they dismantle older ICBM's or submarine-based missiles to offset the new construction.

This would mean dismantling 210 ICBM's and some 30 missiles on some nine older nuclear submarines. Bombers and other aircraft are not included in this agreement.

In sum, the interim offensive agreement will keep the overall number of strategic ballistic missile launchers both on land and at sea within an agreed ceiling which is essentially the current level, operational or under construction. It will not prohibit the United States from continuing current and planned strategic offensive programs, since neither the multiple-warhead conversion, nor the B-1 is within the purview of the freeze and since the ULMS submarine system is not, or never was planned for deployment until after 1977. The agreement will stop the Soviet Union from increasing the existing numerical gap in missile launchers.

Finally, there are a number of interpretative statements which were provided to the Congress along with the agreements. These interpretations are in several forms: Agreed statements initialed by the delegations, agreed interpretations or common understandings which were not set down formally and initialed, unilateral interpretations to make our position clear in instances where we could not get total agreement.

In any negotiation of this complexity, there will inevitably be details upon which the parties cannot agree. We made certain unilateral statements in order to insure that our positions on these details was included in the negotiating record and understood by the other side.

The agreed interpretations and common understandings for the most part deal with detailed technical aspects of limitations on ABM systems and offensive weapons. For example, it was agreed that the size of missile silos could not be significantly increased and that "significantly" meant not more than 10 to 15 percent.

In the more important unilateral declarations we made clear to the Soviets that the introduction of land mobile ICBM's would be inconsistent with the agreement. Since the publication of the various unilateral interpretative statements, suggestions have been heard that the language of the treaty and agreement in fact hide deep-seated disagreements. But it must be recognized that in any limited agreements, which are between old time adversaries, there are bound to be certain gaps.

In this case the gaps relate not so much to the terms themselves, but rather to what it was impossible to include. The interpretations do not vitiate these agreements, but they expand and add to the agreements.

WHAT DO THE AGREEMENTS MEAN?

Taking the longer perspective, what can we say has been accomplished?

First, it is clear that the agreement will enhance the security of both sides. No agreement which fails to do so could have been signed in the first place or stood any chance of lasting after it was signed. An attempt to gain a unilateral advantage in the strategic field must be self-defeating.

The President has given the most careful consideration to the final terms. He has asked me to reiterate most emphatically this morning his conviction that the agreements fully protect our national security and our vital interests.

Secondly, the President is determined that our security and vital interests shall remain fully protected. If the Senate consents to ratification of the treaty and if the Congress approves the interim agreement, the Administration will, therefore, pursue two parallel courses.

On the one hand, we shall push the next phase of the Strategic Arms Limitation Talks with the same energy and conviction that have produced these initial agreements.

On the other hand, until further Arms limits are negotiated, we shall push research and development and the production capacity to remain in a fully protected strategic posture should follow-on agreements prove unattainable and so as to avoid giving the other side a temptation to break out of the agreement.

Third, the President believes that these agreements, embedded as they are in the fabric of an emerging new relationship, can hold tremendous political and historical significance in the coming decades. For the first time, two great powers, deeply divided by their divergent values, philosophies, and social systems, have agreed to restrain the very armaments on which their national survival depends. No decision of this magnitude could have been taken unless it had been part of a larger decision to place relations on a new foundation of restraint, cooperation and steadily evolving confidence. A spectrum of agreements on joint efforts with regard to the environment, space, health, and promising negotiations on economic relations provides a prospect for avoiding the failure of the Washington Naval Treaty and the Kellogg-Briand pact outlawing war which collapsed in part for lack of an adequate political foundation.

The final verdict must wait on events, but there is at least reason to hope that these accords represent a major break in the pattern of suspicion, hostility, and confrontation which has dominated U.S.-Soviet relations for a generation. The two great nuclear powers must not let this opportunity slip away by jockeying for marginal advantages.

Inevitably an agreement of such consequence raises serious questions on the part of concerned individuals of quite different persuasions. I cannot do justice to all of them here. Let me deal with some of the most frequently asked since the agreements were signed three weeks ago.

Who won?

The President has already answered this question. He has stressed that it is inappropriate to pose the question in terms of victory or defeat. In an agreement of this kind, either both sides win or both sides lose. This will either be a serious attempt to turn the world away from time-worn practices of jockeying for power, or there will be endless, wasteful and purposeless competition in the acquisition of armaments.

Does the agreement perpetuate a U.S. strategic disadvantage?

We reject the premise of that question on two grounds. First, the present situation is on balance advantageous to the United States. Second, the Interim Agreement perpetuates nothing which did not already exist in fact and which could only have gotten worse without an agreement.

Our present strategic military situation is sound. Much of the criticism has focused on the imbalance in number of missiles between the U.S. and the Soviet Union. But, this only examines one aspect of the problem. To assess the overall balance it is necessary to consider those forces not in the agreement; our bomber force which is substantially larger and more effective than the Soviet bomber force, and our forward base systems.

The quality of the weapons must also be weighed. We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy. Also, with our MIRV's we have a two-to-one lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.

Then there are such factors as deployment characteristics. For example, because of the difference in geography and basing, it has been estimated that the Soviet Union requires three submarines for two of ours to be able to keep an equal number on station.

When the total picture is viewed, our strategic forces are seen to be completely sufficient.

The Soviets have more missile launchers, but when other relevant systems such as bombers are counted there are roughly the same number of launchers on each side. We have a big advantage on warheads. The Soviets have an advantage on megatonnage.

What is disadvantageous to us, though, is the trend of new weapons deployment by the Soviet Union and the projected imbalance five years hence based on that trend. The relevant question to ask, therefore, is what the freeze prevents; where would be be by 1977 without a freeze? Considering the current momentum by the Soviet Union, in both ICBM's and submarine launched ballistic missiles, the ceiling set in the Interim Agreement can only be interpreted as a sound arrangement that makes a major contribution to our national security.

Does the agreement jeopardize our security in the future?

The current arms race compounds numbers by technology. The Soviet Union has proved that it can best compete in sheer numbers. This is the area which is limited by the agreement.

Thus the agreement confines the competition with the Soviets to the area of technology? And, heretofore, we have had a significant advantage.

The follow-on negotiations will attempt to bring the technological race under control. Until these negotiations succeed, we must take care not to anticipate their outcome by unilateral decisions.

Can we trust the Soviets?

The possibility always exists that the Soviets will treat the Moscow agreements as they have sometimes treated earlier ones, as just another tactical opportunity in the protracted conflict. If this happens, the United States will have to respond. This we shall plan to prepare to do psychologically and strategically and provided the Congress accepts the strategic programs on which the acceptance of the agreements was predicated.

I have said enough to indicate we advocate these agreements not on the basis of trust, but on the basis of the enlightened self-interests of both sides. This self-interest is reinforced by the carefully drafted verification provisions in the agreement. Beyond the legal obligations, both sides have a stake in all of the agreements that have been signed, and a large stake in the broad process of improvement in relations that has begun. The Soviet leaders are serious men, and we are confident that they will not lightly abandon the course that has led to the summit meeting and to these initial agreements. For our own part, we will not abandon this course without major provocation, because it is in the interest of this country and in the interest of mankind to pursue it.

PROSPECTS FOR THE FUTURE

At the conclusion of the Moscow summit, the President and General Secretary Brezhnev signed a Declaration of Principles to govern the future relationship between the United States and the Soviet Union. These principles state that there is no alternative to peaceful coexistence in the nuclear age. They commit both sides to avoid direct armed confrontation, to use restraint in local conflicts, to assert no special claims in derogation of the sovereign equality of all nations, to stress cooperation and negotiation at all points of our relationship.

At this point, these principles reflect an aspiration and an attitude. This Administration will spare no effort to translate the aspiration into reality. We shall strive with determination to overcome further the miasma of suspicion and self-confirming preemptive actions which have characterized the Cold War.

Of course the temptation is to continue along well worn paths. The status quo has the advantage of reality, but history is strewn with the wreckage of nations which sought their future in their past. Catastrophe has resulted far less often from conscious decisions than from the fear of breaking loose from established patterns through the inexorable march towards cataclysm because nobody knew what else to do. The paralysis of policy which destroyed Europe in 1914 would surely destroy the world if we let it happen again in the nuclear age.

Thus the deepest question we ask is not whether we can trust the Soviets, but whether we can trust the Soviets, but whether we can trust ourselves. Some have expressed concern about the agreements not because they object to their terms, but because they are afraid of the euphoria that these agreements might produce.

But surely we cannot be asked to maintain unavoidable tension just to carry out programs which our national survival should dictate in any event. We must not develop a national psychology by which we can act only on the basis of what we are against and not on what we are for.

Our challenges then are: Can we chart a new course with hope but without illusion, with large purposes but without sentimentality? Can we be both generous and strong? It is not often that a country has the opportunity to answer such questions meaningfully. We are now at such a juncture where peace and progress depend on our faith and our fortitude.

It is in this spirit that the President has negotiated the agreements. It is in this spirit that he asks the approval of the treaty and the Interim Agreement and that I now stand ready to answer your questions.

QUESTION AND ANSWER SESSION AFTER A BRIEFING BY DR. HENRY KISSINGER

Mr. MacGregor. Gentlemen, as the President indicated in his report to the Joint Session of Congress two week ago tonight, he places the highest importance on executive-legislative partnership in the further carrying forward of the constitutional process with respect to the treaty and the agreement.

This session this morning is designed to further that commitment on the President's part and to give to you and through you the American people, an opportunity for the fullest possible debate and the fullest range of questions.

The President has asked me, and I would like to do so, to recognize the Chairman of the Senate Committee on Foreign Relations, Senator Fulbright.

Senator Fulbright. Thank you, Mr. MacGregor.

Dr. Kissinger, first, may I say I think that was an extraordinarily thorough and enlightening statement. The only regret I have is that he didn't make it public so all the country could have heard it, because I think it is a very great description, I think, of what these agreements mean.

I am thoroughly in accord with the spirit with which you have given them and the way the President has presented this agreement for our country. I have only one serious question about it.

There does appear to me to be an inherent inconsistency in the attitude as expressed by the Secretary of Defense the other day. For background, I will read one sentence. This is a quote from his testimony before the Armed Services Committee: "I could not support the agreements if the Congress fails to act on movement forward of the Trident system, the B-1 bombers or other programs that we have outlined to improve our strategic offensive systems during this five-year period."

Now, the explanation that Mr. Kissinger has made about maintaining our security during the five-year period I accept as a general statement, but in view of the fact that we know the Soviets have no aircraft carriers whatever, they have a very small and not very modern bomber force, they have no forward bases similar to ours, unless you consider Cuba perhaps a forward base.

But so far, we have no evidence that it is being so prepared. They are not planning a Trident system that I know of. Their system of submarines is traditional and similar to the ones they already have.

In view of this, it seems to me to couple the approval of the ABM and the interim agreement with Congressional approval of these vastly expensive programs raises a serious question about our determination to accept this agreement in the spirit in which I think it was negotiated and the spirit which you have stated. That is a gradual relaxation of the tensions, and not to use these agreements as an excuse for a greatly enlarged arms system of our own.

This is the only thing that has bothered me about them. I, of course, am personally extremely pleased with the overall agreements with the sole exception, do we mean it, as I have said, and you yourself so offer, put yourself in the place of the Russians, if we proceed immediately to a very large expansion of our weapons system, would this not leave in the mind of General Grechko and his colleagues a question about our sincerity in really moving toward a reduction in the arms race.

This is the only question I have and it is the one which bothers me and I wish you would enlarge upon the necessity of proceeding at once and tying these agreements with the approval of programs about which there were serious questions even before this agreement was made, there were very serious questions about the A-14 and B-1 before these negotiations were agreed on.

Now, we seem to be put in the position of being pressured into that in order to get an agreement with which I thoroughly in accord.

Dr. Kissinger. As the President pointed out, and as I also said in my statement, Mr. Chairman, we intend to move on two tracks: One, we hope to start the second round of SALT negotiations as soon as the Senate ratifies the treaty and the Congress approves the interim agreement.

If the schedule that was tentatively suggested to you by the President were met, that is to say, approval by the end of August, we would hope to have the first session of the second round of SALT sometime during October and then to begin the process again. We will pursue those negotiations with the attitude towards bringing about a change in the international climate that I have described.

At the same time, the question arises of what we should do in our national defense posture while we engage in these negotiations. It has been the judgment of this Administration that we must continue these programs which preserve our strategic position. I do not, in this setting, want to go into each individual weapon system because I believe that the appropriate committees will examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff with respect to them.

Our view, however, is that we must continue those strategic programs which are permitted by the agreement and those research and development efforts in areas that are covered by the agreement in case the follow-on agreement cannot be negotiated.

Our experience has been that an on-going program is no obstacle to an agreement and, on the contrary may accelerate it. That was certainly the case with respect to Safeguard. We are in the position with respect to various categories of weapons that the Soviet Union has an accelerated program, and we have none. Therefore, our position is that we are presenting both of these programs on their merits. We are not making them conditional. We are saying that the treaty is justified on its merits, but we are also saying that the requirements of national security impel us in the direction of the strategic programs, and we hope that the Congress will approve both of these programs as it examines each of them on its merits.

Mr. MacGregor. I am sure if the President were here, he would like to have recognized the Chairman of the House Foreign Affairs Committee, Chairman Morgan.

Congressman Morgan. Thank you, Clark, and I want to thank Dr. Kissinger in inviting us to brief us on it.

When the President appeared here in the short appearance he made before this group, he spelled out the reason why this had to be done in Moscow at such a high level, because it crossed over so many agencies and because of the form of government of the Soviet Union.

He also ended up by saying that you would not be available for testimony on Capitol Hill, in which I agree. But I just wondered, with the five committees who are represented here today, who are going to consider over in the Senate side the Treaty of the ABM's and over on the House side this, the limitation that has been set by you and the President, of September 1, whether you would be available by these committees for consultation as we go along.

Dr. Kissinger. I would be delighted to meet with members of these committees in groups, on an individual basis, or in the kind of setting that we have worked out before, in which I will meet with the committees at the invitation of the Chairman in some setting that maintains the position of Executive privilege.

But I will be fully available to answer any questions and we are prepared to go as far as is humanly possible with respect to Executive privilege.

Certainly, to make available to the Congress any answers that we can.

Congressman Morgan. I want to assure you that the Committee on Foreign Affairs will go to work on this as soon as we get back from the Democratic Convention.

Mr. MacGregor. I am sure we would like to hear from the Chairman of the Senate Committee on Armed Services, the Honorable John Stennis.

Senator Stennis. Well, Mr. Chairman, and colleagues of the Congress, I certainly didn't come here to make a statement. I came to listen and to learn. I did respond when I walked in, to a request that I would say just a word.

Gentlemen and ladies here in the Congress, I have been on the Armed Services Committee since before we had ICBM's and I have thought many times the growing realization I had of what these could mean and now what they do mean in our hands and then this same weapon in the hands of our adversaries.

So, I have been driven into a corner of wanting very much to have some kind of an agreement that would be the germ, perhaps, of something that would relieve the tensions and assure our safety.

I do have one major reservation about this situation I am going to mention, but I do believe if we can approve it, it is a start, maybe not much of a start, but it is a start. That is the biggest thing I see about it.

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May I just respond one moment to the very major point that the Senator from Arkansas made, about if we get these agreements, why go on with the ULM's. I remember so well the ABM debate that we had in the Senate. The most outstanding point in my mind, I was convinced that the great probability was that by putting in the ABM for whatever it was worth, it might increase the chances of getting some kind of a start on agreements.

Not that I have any perception, but as I have understood, from the President at other briefings, they thought that was a major point in getting this.

This same reasoning applies, I think. I am going to support the B-1 and the ULM's and frankly, I am going all of the way on ULM's now, even though I had in mind supporting it only for a limited amount this year, and not on an all-out program.

I have in mind now, the statement you made, Dr. Kissinger, but I am not under its impact exactly, and I have said these things because they were old thoughts. But it is quite helpful.

By the way, is this an open meeting, is the press here? Anyway, the reservation I have is on this surveillance, our power to detect any cheating. That hadn't been gone into here and it hasn't been gone into in other briefings that I have been to, and I don't insist on any question being answered on it, but I raise that point.

If you want to comment on it, you may. I want to make this observation. I think that we are more than doers out there in the Congress. We are not going to say just Yes or No. We have to actively make up our mind on this, and take a position for future generations.

I believe that will help us approach it. Do you want to comment on that detection and surveillance?

Dr. Kissinger. Well, I am sure that when Mr. Holms testifies in executive sessions, that he can go into more detail than I can. In fact, all I can do is to make the statement that we are confident that national means of verification are sufficient to monitor the numerical limitations of this agreement.

We studied this problem in great detail before we entered negotiations, and determined for each category of weapon the margin of error that we thought our collection systems had and what we could do to react once we found out that there had been a violation.

In each of these cases, we found that the margin was well within tolerable limits. In this case, however, where we are dealing with numbers, we are confident that the national means of verification are sufficient to give us the highest degree of confidence that this agreement will be lived up to, or that we will know it almost immediately if it is not lived up to.

Mr. MacGregor. The President is aware that the members of the Joint Committee on Atomic Energy have developed a tremendous expertise which applies directly to the Strategic Arms Limitation Treaty and to the interim agreement and we are delighted to see the Chairman of the Joint Committee on Atomic Energy, the Honorable John Pastore, from Rhode Island.

Senator Pastore, do you have a question?

Senator Pastore. Not exactly a question for the moment because I have asked it before and I think it has been answered. I think the one dominant question here is whether or not in these agreements we have reserved to ourselves the military potential that will constitute a deterrent against an attack upon us, and also whether or not in consultation with the Joint Chiefs of Staff they are all unanimous that this is a good agreement.

Dr. Kissinger. Mr. Chairman, we would not have entered into this agreement if we thought it impaired our capacity for deterrence. As was pointed out in my statement, we believe that it maintains the capacity of deterrence and at the same time, enables the world to start toward turning away from the arms race as well as improving the whole international climate.

Secondly, at every stage of this agreement we consulted in the greatest detail with the Joint Chiefs of Staff. This has been pointed out, both in my statement, but it was done throughout the work of the Verification Panel in which the Chairman of the Joint Chiefs of Staff is represented and at every decision that the President made, the International Security Council

I do not know of any significant decision—I don't know of any decision with respect to this agreement that was made which the Joint Chiefs of Staff have not unanimously supported.

During the final stages of the negotiation in Moscow, we were in direct touch with the Joint Chiefs of Staff as the various proposals unfolded, and, of course, you will be calling Admiral Moorer yourself, but I am certain that he will confirm the unanimous support of the Joint Chiefs of Staff for this agreement.

Mr. McGregor. Yes, Congressman.

Congressman Nedzi. Dr. Kissinger, on March 14, the President gave as a rationale for the broad safeguard system, part of his rationale, was the defense of the American people against the kind of nuclear attack which the People's Republic of China is likely to be able to mount within the decade.

Has anything happened to that threat, and in that connection, are you able to tell us anything about your forthcoming visit to China?

Dr. Kissinger. Our estimate of the Chinese nuclear capability is still approximately what it was at the time that Safeguard was developed. Our estimate of the likelihood of our being involved in any nuclear conflict with the People's Republic of China is considerably less than it was at the time that the Safeguard program was submitted to the Congress, because of the political developments that have happened since then, specifically the opening toward China.

Therefore, we accept now that in the overall context of the contribution that this agreement could make toward world peace and toward improving general relationships, and in the light, also, of improvement of relations with the People's Republic of China, that we could pay this price of foregoing the additional protection that the President requested in his original statement.

We could do this all the more so because if our estimates turn out to be incorrect, we have such an overwhelming retaliatory capability vis-a-vis any other country other than the Soviet Union, that the idea of a third nuclear country attacking the United States is a rather remote possibility

Congressman Nedzi. Didn't we have it three months ago?

Dr. Kissinger. I was talking about the justification which the President gave when he started the Safeguard Program. I don't know what March 14th statement you are talking about. It must have been March 14, 1969.

Congressman Nedzi. My apologies.

Dr. Kissinger. It was not March 14th of this year.

Congressman Nedzi. I stand corrected.

Dr. Kissinger. That was 1969. Then with respect to my visit to the People's Reublic of China, it was foreseen in the Shanghai Communique. It was tentatively agreed to at the time of the President's visit to Peking that sometime during the course of the summer we would send a senior representative to the People's Republic. We intend to review the whole range of international problems as they affect American-Chinese relationships.

Mr. MacGregor. When I recognized Congressman Nedzi, I was looking unsuccessfully for the Chairman of the House Committee on Armed Services, Congressman Hébert of Louisiana. I don't see Eddie, but I do see the ranking majority Member of the Committee, and the Vice Chairman of the Committee on Atomic Energy. I would like to recognize Congressman Mel Price.

Congressman Price. Mr. MacGregor, Mr. Hébert has important business in Louisiana today and could not be here. But I would like to advise the group that the committee will mark up the Procurement Bill and all the items in there are going to be approved this afternoon.

Senator Bennett. My question is partly a request for additional clarification. Do I understand that Mr. Kissinger's statement will be available to us as well as that of the President?

Dr. Kissinger. That is correct.

Congressman Hanson. Dr. Kissinger, as I understand the ABM Treaty, it anticipates the construction of an ABM site at the capital of each of the two countries, plus one other site.

Dr. Kissinger. That is correct.

Congressman Hanson. With respect to an ABM system to protect our Nation's Capital, is it the intention of the Administration to push forward for authorization and construction of this system around Washington and how important is it to the credible defense to which reference was made that we do proceed to authorize and construct this protection for the Nation's Capital? Will our position be significantly weakened in terms of future negotiations if we fail to take this step?

Dr. Kissinger. First of all, we will request this authorization. Secondly, it was the judgment of our senior military leaders that a second site in the Capital area would be more useful than a second site in Malstrom. It would give additional warning time in case of a major attack and it would give protection against an attack by a third country. It is for this reason that we are recommending to the Congress and requesting the Congress to authorize its construction.

Senator Jackson. Dr. Kissinger, first I want to compliment you on a very fine statement. I think we all want to see an end to the arms race, but I think we all should agree that if you are going to have an agreement it should be one that will stabilize and not destabilize. When you have a number of ambiguities such as we have in the present arrangement, I think it is fraught with some trouble.

For example, I just want to illustrate a couple: There are a lot of them. But we do have, for example, a bilateral understanding on the number of advanced strategic type submarines, the Y Class, Polaris. That is defined specifically. But there is no specific limitation other than our unilateral statement as to the number of land-based missiles, intercontinental, that are permitted.

Would you comment? The same is true of "What is a heavy missile?"

Dr. Kissinger. With respect to the numbers of missiles actually being deployed, the Soviet Union has been extremely reluctant to specify precise numbers, that is true. We have operated with a number of 1618. There is absolutely no question that if our intelligence should reveal that the Soviet numbers significantly exceed that figure that the whole premise of the agreement will be in question.

Now, what will maintain this agreement is not the fact that we can wave these provisions and take it to court at any particular moment, but what will maintain this agreement is the consequences the other side will face if it turns out that it has turned into a scrap of paper and that it is being circumvented.

If this agreement were being circumvented, obviously we would have to take compensatory steps in the strategic field. But beyond that, as is pointed out in my statement, the two countries have a unique opportunity right now to move into an entirely different relationship of building additional trust.

If it turns out that through legalistic interpretations of provisions of the agreement of through failing to specify numbers about which we have left absolutely no doubt as to our interpretation and where are hereby reaffirmed, if it should turn out that those numbers are being challenged in any significant way at all, then this would cast a doubt. It would not only threaten disagreement, but it would threaten the whole basis of this new relationship which I have described.

We are very confident that our national means of detection give us the highest degree of confidence that these numbers cannot be exceeded without our knowing and that if they are exceeded that the consequences I described will follow.

Now, with respect to the definition of heavy missiles, this was the subject of extensive discussions at Vienna and Helsinki, and finally Moscow. No doubt, one of the reasons for the Soviet reluctance to specify a precise characteristic is because undoubtedly they are planning to modernize within the existing framework some of the weapons they now possess.

The agreement specifically permits the modernization of weapons. There are, however, a number of safeguards. First there is the safeguard that no missile larger than the heaviest light missile that now exists can be substituted.

Secondly, there is the provision that the silo configuration cannot be changed in a significant way and then the agreed interpretive statement or the interpretive statement which we made, which the other side stated reflected its views also, that this meant that it could not be increased by more than 10 to 15 percent.

We believe that these two statements, taken in conjunction, give us an adequate safeguard against a substantial substitution of heavy missiles for light missiles. So, we think we have adequate safeguards with respect to that issue.

It is, however, true, Senator Jackson, that within these limitations, improvements, qualitative improvements, are possible which will increase the capabilities of each of these missiles and this is one of the reasons why we have advocated qualitative improvements in our strategic forces. But as far as the break between the light and the heavy missiles is concerned, we believe that we have assurances through the two safeguards that I have mentioned to you.

Congressman Stratton. Dr. Kissinger, I have one question with regard to one of the unilateral statements that was published the other day. Under the agreement, as I understand it, we have 41 Polaris submarines and we could go to 44 if we turned in our Titans. But the Soviets say that they are considering the British and the French Polaris submarines to be part of our force and that if the total goes over 50 they will consider the agreement breached. The British have four. The French have one and three others in construction, which means that if the French ones are completed, then we could only have 42 without putting it over the total of 50.

Could you comment on how we can hold down the British and French as part of this agreement?

Dr. Kissinger. First of all, the Soviet Union has not said that they would consider the agreement breached. The Soviet Union has said that they would then reserve the right to ask for additional compensation.

Secondly, we have emphatically rejected that interpretative recitation and have written our rejection of that into the record. So, we do not consider that we have agreed to this Soviet interpretation. You have to remember the interpretative statements are in a number of categories. There are those that are agreed and initialed. There are those orally agreed. There are those that are unilateral and not challenged and then there are those that are unilateral and challenged.

I would think that a unilateral statement that was challenged at the time it was made would not be the most determining feature in our own policy with respect to this.

But, finally, the provisions that permit the trading in of one type of missile for another do not have to be implemented. We have the right, but we don't have the obligation, to trade in the Titans for additional submarines and given our construction program at this moment, with no additional submarines of the Polaris type being built, we may well decide not to exercise the option and keep the Titans, in which case your question would be moot.

But in any event, we have not accepted this Soviet interpretation.

Congressman Pike. Dr. Kissinger, if I understand the philosophy whereby one of these agreements requires a treaty and the other is an executive agreement, it has to do with the fact that the executive agreement is limited to a term of years. As we look ahead to SALT II, I would like to ask this question: For how long a period of years could an executive agreement be made which was not required to be a treaty? Could it be for 25 years, for example?

I would also like to ask a question in this regard: the tentative agreement was fairly well leaked or publicized in some manner before the President went to Moscow. I would simply like to ask whether there were any substantive changes made at Moscow.

Dr. Kissinger. The first question is an important Constitutional question: At what point does an executive agreement achieve character of such permanence that it should really more properly be in the form of a treaty?

There were two reasons why the executive agreement was put into that form. One was because of its limited duration and secondly because of its limited scope. That is to say, here we had an agreement, the major categories of which were going to be included again in a more comprehensive negotiation leading to a more permanent arrangement.

For example, the disparity which is involved for a limited period of time might not prove acceptable for a more permanent arrangement.

For this reason, that is to say, the limited duration and the limited scope, it was decided that an Executive Agreement which, however, is submitted to the entire Congress, was more appropriate.

If you got to the point where you made a 25-year agreement, I don't want to prejudge that issue, but as a political scientist and not as a presidential assistant, it would look more like a treaty to me. But I don't want to get into that.

Now, with respect to the second question, the general outlines of the agreement were shaped, really, in three ways. One was by negotiations in Helsinki and Vienna, which did most of the detail. But the policy decisions that were brought about through direct contact between the President and the Soviet leaders which led to the May 20, 1971 breakthrough and then, again, to the formula which led to the inclusion of the submarines—which we were in Moscow there were four major issues that had not been resolved in Helsinki, which were known as issues, but the solution of which could not have been leaked because it hadn't been achieved. Those were the subjects that were most intensively discussed between the President and the General Secretary, primarily the issue of how you calculate the submarine limits, and at what point the replacement of submarines has to start, and which submarines had to be counted for replacement purposes, and questions of this type.

There were subsidiary issues having to do with the silos, I mentioned interpretative statements, and matters of this kind, none of which had been settled in Helsinki, and had to be settled in very extensive conversations between the president and the General Secretary and between members of our delegation in Moscow and their Soviet colleagues.

Mr. McGregor. Senator Javits?

Senator Javits. I would like to revert to the question asked by Senator Fulbright and Senator Stennis, because they raise some, to my mind, very serious points.

On the assumption that the treaty can be denounced in six months, but the agreement cannot be denounced at all, it is is breached, either party can treat it as an end. What do you advise us to about the September 1 date the President names, if by then we have not determined that we wish to authorize any additional weapons systems in view of the fact that the President has made it clear that he made this agreement on the assumption that we, too, would press forward with our weapons plans as the Russians are?

And the second part of that question is: Is this the total bill or are there more weapons systems to come within the next five years that we are going to have to authorize because we have made this deal?

Dr. Kissinger. First, I think it is not correct to say that you have been asked to authorize weapons because we have made this deal. All of the weapons that you are being asked to authorize had been requested prior to the deal and were judged to be necessary before the deal. The question is not whether the deal impels them, but whether the deal makes them dispensable.

This is the shape of the debate.

Secondly, I am frankly not sure about the withdrawal provisions of the defensive agreement. I thought it had the same withdrawal provisions.

It is my impression that the offensive agreement has exactly the same withdrawal provisions of the defensive treaty, so that we are protected.

Thirdly, as I have said, we are requesting both of these programs on their own merit, and, therefore, it is up to the Congress to decide how to deal with them.

Senator Percy. Dr. Kissinger, I would like to first express that in dealing with our two major adversaries, you will always be as skillful and successful as you have in skirting around the Executive privilege question.

I think in the case of the treaty and the agreements, you have been, and the President has been, and Secretary Rogers.

My question pertains to the second allowable site that each party can have. Neither one of us has even begun the preparation of those two sites. Neither one of us have either site in our original defense strategy plan. Is it possible that we could reach an agreement that neither one of us go ahead with those two sites and would we take the initiative in suggesting that might be a possibility?

Dr. Kissinger. The question of the deferral of the second site had been considered and had been rejected by both sides. The Soviet Union had taken the position that it could not agree to an ABM limitation that did not give it the right as long as we were in a position to defend ICBM's in which they could not also defend some ICBM's of their own.

So, therefore, our failure to go ahead with our second site would, in effect, give them two sites to our one. The only possibility for us would have been to scrap the site we had and build an entirely new one in Washington, and it seemed to us not a good policy to begin a disarmament agreement by which we had to scrap everything that we had done in order to build something entirely different from what we started out to do.

Mr. MacGregor. If you have any complaint about this process, I am the one to complain to, but I have not identified to date the following hands, and I would like to recognize you in this order, if I may. Senator Ervin, Congressman Gubser, Congressman Fascell, Congressman Leggett, and Congressman Frelinghuysen, and then we will go on from there.

Senator Ervin. I would like to ask this question. I think we had the wisest of all Americans in Benjamin Franklin, and he said, "Beware of being lulled into dangerous security." My question is this: Wouldn't a ratification of the treaty and the approval of the Limited Arms Agreement make it all the more imperative for us to go forward with the Trident and with the B-1 bomber, and other programs to keep from being lulled into a dangerous sense of security?

Dr. Kissinger. That is the position of the Administration.

Congressman Gubser. I seem to get from your remarks that we do, under the treaty, have the option of going ahead with Malmstrom instead of the protection of the National Capital. Is that correct or was that possible at one time?

Dr. Kissinger. This was considered at one time, and then when we reached a point where we were talking about two sites, the Secretary of Defense and the Joint Chiefs of Staff concluded that if there were to be two sites, they would rather have the second site around the National Command Authority than in Malmstrom. Whether we could have obtained Soviet acquiescence in two ICBM sites rather than having the second site in Washington, we cannot judge today, because we accepted the recommendations of our military leaders that if there were to be a second site, that second site should be in Washington.

Congressman Fascell. Dr. Kissinger, what does the protocol address itself to, and what were the circumstances which brought it about; and, secondly, we know what is excluded from the Interim Agreement and we know what we can proceed with in terms of, qualitative improvements because they won't be deployed until 1975. What is it that the Russians have excluded from the Interim Agreement and what is it that the Russians can proceed with in terms of qualitative improvement that might not be deployed until after 1975?

Dr. Kissinger. The protocol came about because the submarine question could have been an extraordinarily complicated one, and the complications arose from this fact. We do not have a program for building missile-carrying submarines until 1978 at the earliest. The Soviet Union had been producing over the last last few years at the rate of eight missile-carrying submarines a year. It has built additional facilities which would enable it nearly to double this production rate, although up to now they have used it mostly for the conversion of older submarines into more modern types. But they do have a very substantial production capability.

Therefore, a freeze on submarine construction was bound to stop a very dynamic Soviet program, and it was not affecting any on-going American program. Therefore, a formula had to be found which at one and the same time met our needs for some equivalent, and took account of the reality that the Soviet Union without this agreement could have produced at the rate at least of eight to nine a year, so that over the period of the freeze, the Soviet Union could have built up to eighty to ninety submarines, that is an additional 40 to 45 to something like 43 to 44 they now have under construction.

This was the situation we faced. So we developed a formula which enabled the Soviet Union, if it wished, to go beyond their present level up to 62, which is well short of their capacity, but only at the price of trading in some of the older ICBMs and some of the older missiles on earlier nuclear submarines, so that the Soviet Union has to trade in 240 missiles in order to be able to build up to this agreed level.

So the submarine agreement has the dual advantage of stopping the Soviet program on construction well short of its capacity; and secondly, retiring for the first time by international agreement a substantial number of other missiles that we, in our annual statements, had been carrying as part of the Soviet missile force.

So we needed a protocol to determine those things.

Then there was the second question of at what level does the process of trading-in start? That is to say, at what point do you determine that the Soviet Union must trade in these ICBMs and older submarine missiles for newer ones. The ambiguity here arose from the fact that while our intelligence is adequate to tell us when they are putting submarines at sea, and how many submarines are under construction in the sheds at any given moment, there is some difficulty in defining the term "under construction."

If you start the process of "under construction" when the hull sections are being built, before they are moved into the sheds, you get a different figure than if you get the figure in the sheds. Therefore, this was a subject of some complicated negotiation to determine the level at which the trade-in would start, which is, as expressed in the communique, at the level of 740 ballistic missiles on submarines, which includes 30 older ones, which is to say, therefore, at the level of 704 to 710 of the newer submarines.

This is the explanation for this rather complex calculation of the protocol.

Now as far as the Soviet Union is concerned, their bombers are outside of this system and theoretically they could start building up their bomber force without being limited by this agreement.

Historically, the Soviet Union has not put the emphasis on its bomber force that we have. Its operating procedures and experience is far below the level of our Air Force. We do not consider it probable that they will make a major effort in that field, but this is one field in which they could make progress.

The field in which it is most likely that they will make progress is in the modernization of the missiles that are permitted under the agreement. That is, they will not violate the numbers of the agreement, but they will improve the quality, accuracy, number of warheads and this is what will represent a threat to our strategic forces.

Congressman Leggett. Doctor, I want to commend you and the Administration on the negotiation of what I think is an extremely remarkable agreement. I have my reservations that perhaps the Department of Defense is stampeding in the opposite direction, though, of the spirit of the negotiations.

I am concerned that in the bill that we marked up yesterday in the Armed Services Committee we increased the hard site Sprint nuclear program clearly outlawed as far as deployment 100 percent.

We accepted the budget figures which had a 900 percent increase in the ULMS or Trident program. Of course, the answer you originally gave was that we needed this as a bargaining chip perhaps for Phase 2 or 3, however, it seems to me we have successfully negotiated the limitation on the number of land-based missiles without an accelerated program, limited the submarine tubes without an accelerated program.

We perhaps have wasted several million dollars in the ABM program in making that a bargaining chip and aren't we perhaps doing the same thing in developing the big bargaining things which obviously will never be deployed if you are successful in your negotiating program?

Dr. Kissinger. Let me say two things: One, it is not easy to prove the motivations of the other side in making an agreement. I would think it probable however that we could not have negotiated the limitations on offensive weapons if it had not been linked to the limitations on defensive weapons and to their desire of stopping the deployment of the ABM system.

So, what drove these negotiations for the first year was their desire to limit our ABM deployment. And it was not until we insisted that we could not agree to an ABM treaty without offensive limitations that they reluctantly included the offensive limitations.

Secondly, I think we will deploy, even if we are successful in the negotiations that it is very likely we will deploy ULMS and Trident and then retire a similar number of the older submarines, use them for replacement purposes rather than additions to the current submarine fleet.

So, I cannot fully accept the assumption that they will not be deployed. What would almost certainly happen though if an agreement were successful is a substantial replacement of the older Polaris boats.

Congressman Leggett. Of course, those older Polaris are a quarter billion dollars a piece, zero defects and a third of a mile CPI. It is hard to conceive that they are obsolete or will be.

Dr. Kissinger. I don't want to go into the technical weapons characteristics. I think you will get more competent witnesses than me on that subject.

Congressman Freylinghuysen. I am sure we all appreciate both your presentation and the question and answer period which you have given us. I would like to congratulate you on a masterful presentation, I think Clark is to be congratulated on the music that he has provided to supplement the high points.

My question gets back to this level of defense spending. The President and you both said you hoped for an earlier resumption of the SALT talks. Assuming ratification of the treaty, you didn't really answer Senator Fulbright's question as to whether the Soviets might not consider defense spending an indication of our sincerity or insincerity. Do you think that there is any chance that there is not an expectation on the part of the Soviets with respect to defense spending that might jeopardize successful talks following the ratification of the treaty?

In other words, does the other side hook our spending and our attitude towards defense to further talks?

Dr. Kissinger. First of all, this last round of talks took nearly 2½ years. So, even if the talks start again this fall, they are likely to be prolonged. We would expect that the first session will deal with general principles rather than with detailed negotiating packages.

All the more so in the next round, we are getting into the more complicated issues of how to control technological change where national means of inspection are not as reliable as they are with respect to sheer numbers.

Now, there is no question that the Soviet Union will judge our intentions in part by the level of our defense spending, for good or evil, and that we cannot take the position that our defense spending is irrelevant to our general political relationship.

The question is: If we speed too little on defense, if we create such a unilateral weakness then we destroy their incentive to negotiate seriously. If we spend too much and give them the idea that we are gearing up simply for getting a tremendous spurt to get ahead of them, then we create the other problem.

So our problem is to get our defense expenditures at a level that does not create a unilateral weakness and give them pressure for agreement but does not get us into an area where it had the counter-productive tendency of generating a new round on their side.

We believe that we are navigating that course. But it is a serious question and it is a serious problem and we have to be alert to both of these dangers.

Mr. MacGregor. John Hunt wishes to make a statement in explanation for the departure of a number of members of Congress.

Congressman Hunt. Let me thank you for the clear and concise explanation of your mission this morning. On behalf of the Armed Services Committee, you will notice some of us are leaving. It is not because of any discourtesy to you, sir, or because we are not interested.

The fact is we have a conflicting schedule of subcommittees that are getting ready for an important mark-up of the legislation this afternoon in the absence of Mr. Hébert.

So, if you permit me for a moment to explain, that is the reason they are leaving.

Dr. Kissinger. Thank you. I thought they were like my Harvard students. (Laughter.)

Congressman Harrington. At the risk of being repetitive, to follow on Congressman Freylinghusen's question and Senator Fulbright's question, I am puzzled that this year and last year we saw a $6 billion increase in defense spending requested and if the estimates given us by the Assistant Secretary of Defense Moot are correct, we can expect a $5 billion increase in Southeast Asia.

I have seen before the tide was even out, before our committee, hundreds of millions of dollars sought for additional spending in the procurement bill for the betterment of systems that were not part of your agreement in Russia.

On three levels I am puzzled, one, sound economic policy which appeared to be both centered in the White House as a concern prior to the present occupancy in the White House looking toward the era of 1964 and 1968, public confidence that has been led to believe that somehow out of this whole business will come a reduction, not an increase, in the overall spending in the defense area and in general, whether or not in going to these talks you didn't have enough of an outline of questions in coming before Congressional committee and members of the Executive Branch did to be able to live this year with the procurement and appropriations bill as they were without adding to them in the way and with the timing I think has been chosen to do it.

I would like to have you address yourself to some of those considerations, particularly as a constituent might say to me, "What do you mean it is going to cost more for defense? I thought you fellows were negotiating for reductions in tensions and costs." I think that is the problem most of us have.

Dr. KISSINGER. It is our intention and conviction that as these talks proceed into other areas that we will be able to bring about a substantial reduction in defense expenditures as a result of these talks.

There are, of course, certain savings in the ABM program. What we are finding out is that the combination of certain trends has produced requirements which are not themselves the cause of the agreement, but which have come to a head at about the same time by accident as the agreement.

One of these problems is that for a number of years we had significantly slowed down the modernization of our strategic programs so that our strategic weapons now were essentially designed in the early 60s, while those of the Soviet Union were designed in the late 60s and this has created a certain technological requirement.

This is the reason for this additional expenditure. This other figure for Southeast Asia that you mentioned is a projection forward of current rates and may or may not be necessary, depending on how long current rates are being sustained.

Congressman HARRINGTON. I am quoting Assistant Secretary Moot.

Dr. KISSINGER. I know and he projected them forward over a period of months which may or may not be necessary because he was being proper with the Congress by giving his best estimate, but he was projecting current expenditure rates.

If there were negotiations, for example, if the offensive slows down, there are many factors that could affect this. I am just trying to give you an idea.

Thirdly, the increase in the defense spending has been caused to a considerable extent also by military pay increase which now consume about 54 percent of our defense budget. I have seen a chart—I think the Secretary of Defense can do it much better than I—that shows what the present defense establishment would cost if the pay scales were still those of eight or 10 years ago.

So, it is a combination of these factors that have produced the increase of defense costs while forces have actually been shrinking.

Senator COOPER. I would like to join with others in thanking you and showing appreciation for your very fine statement.

The first question I will ask is not one that I suggest myself, but it was asked the day the agreement was announced. I am sorry Senator Jackson is not here, but he wouldn't mind my saying he asked the question.

Are there any other understandings, secret understandings, which have not been made public or will not be made public? I think we will be asked, and it is just as well to ask it now.

Dr. KISSINGER. There are no secret understandings. We have submitted to the Congress the list of all the significant agreements and interpretive statements, and so forth. What we have not done is to go through the record to see whether Ambassador Smith might have said something that they interpreted in a certain way, and this is why we put on the qualification "significant", because otherwise we would have to submit the entire record.

According to the best of our judgment, there are no secret understandings, and all the significant interpretive statements have been submitted to the Congress.

Senator COOPER. May I ask one more question? I notice in your explanation, it is said that the United States asked for a prohibition on mobile land-based missiles. You later withdrew that. But you did say that if the Soviet Union went ahead with deployment, you would consider it serious enough to break the agreement. Is the Soviet Union going ahead with mobile land-based missiles?

Dr. KISSINGER. Let me make one other comment with respect to the first thing about secret understandings.

There are, of course, in the discussions, general statements of intentions. For example, we have conveyed to the Soviets what I have also said here publicly on the record: that the option of converting the Titans into submarines, given our present construction program, was not something we would necessarily carry out. But we do not consider that as a secret agreement, that sort of thing. This was simply a statement of general unilateral intentions.

Now, with respect to the land-based mobile missiles, we have made an interpretive statement according to which the deployment of land-based mobile missiles would be inconsistent with the purposes of the agreement. Then this raises the question of whether our national means of verification are adequate to monitor this.

The national means of verification are adequate to monitor over a period of time whether a land-based mobile missile is being deployed. The margin of error with respect to total numbers would be great, if you have a margin of error of five percent, and I am giving you a fictitious figure; it might be 15 percent with respect to mobile missiles.

But the fact of the matter is, what we have to monitor is not total numbers of land mobile missiles; what we have to monitor is the fact that they are deploying any of them. We are quite confident that within a reasonable period of time after the initial deployment, and maybe not in the first month, but over a three- to four-month period, and well before they can develop a substantial capability, we will be able to tell whether they have deployed a land mobile missile and we can draw the appropriate conclusions.

So as to the fact of deploying a land mobile missile, we are confident that we will discover it well before they could deploy enough to have any effect.

Congressman MONAGAN. Dr. Kissinger, you have said that these agreements, our confidence in them, is not based on trust, but enlightened self-interest, and yet I think you would agree with any bilateral arrangements, with the credibility of the other party to the contract, where that is very important, you have also said that there is reason to believe that the area of distrust and suspicion may be at an end.

I just wonder, in view of that question of credibility, is there any specific reason that you have for coming to this conclusion?

Dr. KISSINGER. We are not basing this agreement on trust, and we believe that this agreement can be verified; and secondly, that it has adequate safeguards to prevent its being violated. We also believe that we have started a process by which we can move international relations into a new era, and we base this on the fact that we agreed with the Soviet Union over the past two years on the issue of Berlin, which has removed one of the primary causes of tension in the world for the foreseeable future, and a whole spectrum of agreements on health, space, environment, rules of navigation, that we are on the verge of making progress with them in other fields such as commercial agreements, and finally, we have signed a Declaration of Common Principles which it would have been no point to sign unless we meant to move in a major effort in that direction.

So, for all of these reasons, we believe that there is a basis, that we have an opportunity both in the Soviet Union and in the United States, to move into a new era. Whether both sides have the wisdom to do it, and even if they have the wisdom they are not caught by events in areas in which they cannot control their decision, this remains to be seen. But I think we have the opportunity to turn a significant page in history, and as far as this Administration is concerned, we are going to make a major effort in that direction.

Senator PELL. It is an excellent presentation. I have three short questions.

First, if the Soviet expenditures for arms remains static, or should decline, or ours go up, wouldn't that have a reverse effect on their willingness to move into SALT II?

Secondly, are any of the provisions of the seabed disarmament treaty in conflict with our own treaty which you have negotiated, in view of the fact that we apparently still consider the possibility of weapons of mass destruction stored on the seabed floor, and they are prohibited by the seabed disarmament treaty?

Third, why, in this set of negotiations, was the constitutionally normal course of Congressional consultation, advise as well as consent, not engaged in?

Mr. MACGREGOR. When did you stop beating your wife?

Dr. KISSINGER. With respect to the seabed, I am not aware that we have any intention of deploying weapons on the seabed, and we have no intention of violating the seabed agreement, so unless you know of some weapon that I am not aware of, I would have to say that this is not planned.

We believe that the defense expenditures will stay roughly in balance and that the Soviet incentive to come to an agreement will not be reduced by our being stronger. On the contrary. So the judgment has been that our strength, if anything, gives them an additional incentive to make a negotiation, if we do not carry it to a point where they are convinced that this is just a subterfuge for a massive effort to get ahead of them. If that should become their conviction, then, in fact, we have a problem.

I have to repeat: We have to navigate between that, on the one hand, weakening ourselves unilaterally, and on the other hand between having them see these negotiations simply as a stage by which we try to achieve superiority. Either of these things would be self-defeating.

As for the process of consultation with the Senate, as Senator Fulbright knows, this is not my specialty, but it has been my understanding that Mr. Smith and the appropriate Secretaries have been in close consultation, and we have tried from here to be on a personal basis in contact with key Senators.

Mr. MacGregor. Might I add in that respect, Senator Pell, that at least since I have been here, that is, January 4, 1971 to date, it has been Ambassador Gerard Smith's intention, following the directions of the President, to make himself readily available to the Members of the Senate and the House of Representatives, here in Washington as well as in Helsinki and Vienna. I would be delighted to talk to you further about that, but I had thought that was worked out to the reasonable satisfaction of the Members of the Congress.

Congressman Fraser. Dr. Kissinger, let me say first that I have thought that the consultations with Ambassador Smith have been good, both here in Washington and in Vienna.

I listened with some care to the answer you gave to Senator Percy's question on the ABM sites. I can appreciate the Soviets would want to have a symmetrical arrangement with ours, but I was not quite clear from your answer whether in fact you have evidence that the Soviets intend to go ahead with their option to protect an offensive missile site.

The reasons I ask that is that since building the National Capital Defense is not a bargaining chip clearly because we have now put a cap on ABM and since we have a two to three times lead over the Soviet Union building a site over the Capital is not going to give us any significant benefit from the possibility of attack. It will not even give us more time.

Unless we already know the Soviets are going to build a second ABM, why couldn't we wait on ours and save the taxpayers several billions of dollars?

Dr. Kissinger. It depends on how you define "how do we know". We have no evidence that they have started construction. We have the impression that they have the firm intention of proceeding. I have no evidence whatever to the contrary that they do not intend to proceed.

All the conversations the Presidential party had with them left the impression that they have a firm intention of proceeding with their second site. As for the argument of how much time you gain, the effort to overwhelm, in itself, is apt to give some additional time but I would not insist that this will add a huge span of time to the warning.

Congressman Zablocki. Dr. Kissinger, the President and you have made it quite clear that it would be desirable to have the treaty ratified and the Executive Agreements approved by Congress in order that Phase II could begin in October.

We fully understand the system of the Soviets and there is no ratification on their part as we have it here, and I am sure the Soviets understand that this is an election year and we have political conventions and there may be an opportunity not to meet, that is a ratification and approval of the Executive Agreements.

Is it absolutely necessary that the treaty be ratified and Executive Agreements approved by Congress before Phase II can begin, sometime in October? Indeed, cannot Ambassador Smith meet with his counterparts, even though the Senate and the Congress have not finished their work as far as the treaty and Executive Agreement are concerned?

If I may ask just a second question, I think it is in the report, but what problems were there, or why didn't we pursue with greater determination the inclusion of MIRV's in the Executive Agreement?

Dr. Kissinger. With respect to the first question actually, the Soviets do go through a ratification procedure. They have their Supreme Soviet approve it but with all respect, it is a little more tractable than our Congress.

The reason why, really, we can have some exploratory informal talks and we probably will at various levels, but the reason it would be difficult to start formal sessions is because we have to know from what base we are operating. It is rather an embarrassing position to have a senior negotiator operate on the basis of the assumption of a ratification.

Also, it would be somewhat presumptuous towards the Congress to assume a ratification that has not in fact taken place. Yet, on the other hand, unless you make some assumption, you really have not got a fixed base from which you can operate.

Therefore, the beginning of the second phase of SALT really has to follow congressional ratification. We understand the pressures of this year and this is simply a fact.

Now, with respect to MIRV, MIRV is a complex issue for this reason: You can count numbers with national means of verification, but it is much more difficult to determine how many warheads are confined in the master warhead.

Now, you have some indications but it is not very easy. Therefore, with respect to the deployment of MIRV, the inspection requirements have to be a little bit more rigid than would be otherwise the case.

Now, we have made two proposals, two linked proposals, one is a ban on the testing of MIRV, this we are prepared to monitor by national means of inspection, and second, a ban on the deployment of MIRV for which we asked for spot-checks on on-site inspection. Now we considered the test ban absolutely crucial because we could have been somewhat more lenient on the frequency of on-site inspection if there had been a test ban on MIRV's because without testing, by definition, it is not easy to deploy them. It is, in fact, impossible to deploy them.

The Soviet Union, for not ununderstandable reasons, because they are behind in MIRV technology, refused a test ban. They also refused a deployment ban as such. What they proposed was a production ban but without inspection. A ban on production is totally unverifiable in the Soviet Union while they could verify ours through our budget and other methods through which our industrial production generally becomes known.

So, the Soviet counter-proposal for a production ban without a test ban was generally unacceptable to us and when we reached that stalemate, we could not proceed any further. This was the obstacle to proceeding on the MIRV's.

Congressman Zablocki. What encouragement do you see, or optimism that this may be an area that in Phase II we may find some common ground on?

Dr. Kissinger. Phase II, Mr. Congressman, will be very much more difficult than Phase I, because there, we will deal with technological problems and there we will require even more ingenuity with respect to Phase II than was shown in Phase I.

If one can have optimism with respect to it, it is because now the Soviet technology has gone somewhat further probably so that they may be more willing to accept a test ban which will at least put a limit on further deployments, and secondly, you will remember when we started these negotiations in 1969, we were going through a crisis in the Middle East and the Berlin Crisis. We were emerging out of this whole miasma of suspicion and it was the first time we engaged with the Soviets in any major negotiation, so the climate was different.

Now, we have established a pattern in which the Chief of State on our side, the President and their political leaders, can be in constant contact with each other and I believe we can perhaps move a little more creatively in the early stages of SALT II than we could in the early stages of SALT I.

I must also say that the subject is more difficult. Certainly, we had conversations of the breadth and precision in Moscow that would have been unimaginable three or four years ago with respect to strategic questions, but this gives us some hope that at least we can talk about the gut issues.

Senator Fulbright: Can I ask you to comment on one aspect, on the significance of ABM, so much more has been said about the agreement.

How do you evaluate what appears to me to be a renunciation of the effort to create a defense? What you have left in the ABM is surely nothing more than a token. Hasn't each country, in effect, said, "We recognize, we have no defense to almost total devastation in view of the capacities for destruction, or within the existing weapons", and if that is true, isn't this the experience, and I don't know why you would say it would be much more difficult.

If they live up to that and we give them no reason to believe we haven't accepted in good faith that our population is hostile to their weapons, and vice versa, and it seems to me it ought not to be more difficult if you believe in that.

Dr. Kissinger: I believe, Mr. Chairman, this is a very good point. The limit on ABM's or effective ABM's of both sides, really creates a situation, as I said in my statement, in one sentence, in which the offensive weapons of both sides really have a free ride into the country of the other.

So that therefore, the difference in numbers is somewhat less signficant than you would assess otherwise. There is still a danger that one side will get such an enormous numerical advantage in warheads that it can completely obliterate the force of the other.

But in the absence of significant defenses, even relatively small forces can do an enormous amount of damage.

Therefore, too, if we can move into the second phase of SALT, into an explicit recognition that both sides will try to stay away from counter-force strategies, from the one danger that now exists, or the overwhelming danger, that they will try to destroy each other, then perhaps the premium on MIRV's will be reduced, because, as you remember very well, Mr. Chairman, MIRV's were developed at first as a hedge against ABM.

So I think we will find, in perhaps unexpected ways, that the new strategic relationship that is created by this treaty will create realizations on both sides as to the significance of usable strategic power that over a period of the next negotiations could have quite dramatic impacts.

I am very glad that you asked that.

Mr. MacGregor: It is very close to 12 noon. We appreciate your participation and your presence and your patience, and we thank you for launching what the President has called an effective Legislative-Executive partnership.

MEXICO'S PRESIDENT—AN OUTSPOKEN VISITOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an article published in the U.S. News & World Report for June 26, 1972, entitled "Mexico's President—An Outspoken Visitor."

There being no objection, the article was ordered to be printed in the Record, as follows:

Mexico's President—An Outspoken Visitor

It is a concerned and frank-speaking President of Mexico who has been touring the United States on a six-day visit.

From the start, Luis Echeverría Alvarez made it clear that he had no intention of confining himself to the sort of "hands across the border" platitudes that have characterized previous state visits between the two nations.

Addressing a joint session of the U.S. Congress, President Echeverria strongly criticized an American foreign policy of coming to terms with other strong countries while "ignoring the rights and interests of less-developed nations."

Mexico's leader noted that the U.S. "is encouraging dialogue with other world powers that have different ideologies"—namely, Russia and Communist China.

"Nevertheless," Mr. Echeverría told Congress, "these changes have not yet been reflected in the policy of the United States toward the Third World and toward the Latin-American countries, in particular."

The Mexican President, both in his speech to Congress and in talks at the White House, pinpointed specific problems that, in his view, now cloud relations between his nation and the U.S.

Biggest of these is the high salt content of the Colorado River. The U.S., in agreeing to share its water, had also agreed to improve its quality. Mexicans maintain the salinity in the Mexicali Valley had sharply reduced farm output.

"It is impossible to understand," Mr. Echeverría told Congress, "why the United States does not use the same boldness and imagination that it applies to solving complex problems with its enemies to the solution of simple problems with its friends."

The Mexican leader's words drew a quick response. President Nixon, the next day agreed that Mexican farmers should get water as purs as Americans do. He pledged prompt action to achieve this.

TRADE PROBLEMS

Trade between the two nations has emerged as a special concern of President Echeverría, who warns of the damage caused by protectionist measures taken at the behest of American "minority groups."

An example cited by Mr. Echeverría is imports into the U.S. of Mexican winter fruits and vegetables. These now are controlled by strict "voluntary" quotas set in consultation with Florida and California growers. They sometimes have forced the Mexicans to destroy strawberry and tomato harvests.

Another worry "south of the border" is the possible passage of a measure currently before Congress, which would affect more than 300 "in-bond" factories, American-owned, operating in Mexico. Organized labor in the U.S. is giving considerable support to the bill as a means of blocking the "export of U.S. jobs."

On this point, the Mexican President is believed to have received assurance from President Nixon of his opposition to the bill, as well. Studies carried out for the White House conclude that the bill would cause little change in the job picture—and might even worsen it. The bill's prospects for passage are rated as "very dim."

The visit of President Echeverría is a break with the past in another important respect—after two days in Washington, he became the first Mexican President in history to cross the U.S. on a series of personal appearances. Cities on the schedule included New York, Chicago, San Antonio and Los Angeles.

President Echeverría's plans on this whirlwind tour of major cities include meetings with Mexican-American groups.

The changes in Mexico's foreign policy that caused President Echeverría to do things differently on this U.S. trip have been dictated by economic problems at home as well as by a changing world picture.

Mexico, after years of rapid growth, is beset with the sort of economic headaches that plague many other developing countries. It runs a trade deficit of 1 billion dollars, has a foreign debt of 4.5 billion dollars, and a heavy debt-servicing burden.

DRIVE TO EXPORT

To improve its foreign-payments position, the nation has pushed a major export drive, sending trade missions to Asia, Europe, parts of Latin America. Mr. Echeverría went to Japan on such a mission early this year.

At the same time, the Mexican Government has begun to show more interest in association with other Latin-American countries and with the so-called Third World of underdeveloped countries on other continents. Last April, Mr. Echeverría went to Chile to speak before the United Nations Conference on Trade and Development—a rallying place for developing countries in their campaign to obtain trade concessions and aid from the industrialized nations.

But President Echeverría has made clear throughout his American tour that Mexico's ties to U.S. must remain strong. "Mexico proposes to the people and Government of the United States," he told Congress, "that we begin a new phase in our relations. Thus you would conform to the action you have taken in other areas, and we would attain the objectives that have always guided our foreign policy."

SLOWDOWN IN GI WITHDRAWAL FROM VIETNAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the U.S. News & World Report for June 26, 1972, entitled "Why the Slowdown in GI Withdrawals?"

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY THE SLOWDOWN IN GI WITHDRAWALS

SAIGON.—President Nixon's carefully designed withdrawal of American troops from Vietnam is running into complications.

Since the massive Communist invasion of March 30, the U.S. has boosted sharply the number of fighter-bomber squadrons based in South Vietnam.

These units must be protected by U.S. ground troops. Other Americans are needed to advise and support South Vietnamese forces battling the enemy.

As a result, the number of nonessential men available for withdrawal has been drastically reduced, putting the pull-back behind schedule.

Now, more than 4,000 men must be taken out each week if Mr. Nixon's July 1 ceiling of 49,000 is to be reached. Over the past six weeks, withdrawals have averaged no more than 1,100 a week.

SHIFT TO THAILAND

The solution hit upon by military planners: Move three Marine and four Air Force squadrons from Da Nang in South Vietnam to base in neighboring Thailand. This would cut the U.S. troop total in Vietnam by 5,000 and would keep the planes in the war zone for the bombing campaign against North Vietnam.

"This is a kind of numbers game," says a U.S. official in Saigon, "but it is the way we have been told to do it."

When the switch is completed, the Da Nang base will be returned to South Vietnamese jurisdiction, releasing U.S. guard units for withdrawal, including 3,000 soldiers in three combat battalions of the 196th infantry Brigade.

The withdrawal is complicated further by this development: Despite a steady drop in the number of Americans in South Vietnam itself, a major build-up of the U.S. Seventh Fleet off the Vietnam coast and of fighter-bomber units in Thailand actually has increased over-all American strength in Indo-China.

For the first time in the war, the Army is outnumbered by both the Air Force and Navy. As of June 8, there were 40,900 soldiers in Vietnam. The Air Force had 15,800 men in Vietnam and another 40,000 in Thailand. Navy strength totaled 2,700 in Vietnam and had almost tripled, from 15,000 to 42,000, aboard Seventh Fleet warships.

DECISION COMING

In coming days, President Nixon is faced with yet another crucial decision: How many more American troops can be safely pulled out in the next stage of the pull-back schedule to be announced before July 1.

Ranking officials say that despite the offensive by the North Vietnamese, President Nixon is determined to press ahead with his program which already has removed nearly half a million Americans from Vietnam in three years.

Administration sources predict that at least another 15,000 men will leave Vietnam between July 1 and August 31—barring a renewed Communist thrust.

This would be just one step away from an eventual "residual force" of 20,000 to 25,000 men expected to remain until the Communists release all American prisoners.

Military sources caution, however, that Mr. Nixon could be hard-pressed to find enough GI's to pull out beyond July 1. U.S. forces in Vietnam, they say, already are near an irreducible minimum.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Delaware (Mr. ROTH) is recognized for not to exceed 15 minutes.

RESCISSION OF ORDER FOR RECOGNITION OF SENATOR ROTH TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order granted to the distinguished Senator from Delaware (Mr. ROTH) be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 30 minutes.

DEMOCRATIC PLATFORM PROPOSALS

Mr. RIBICOFF. Mr. President, today I am proposing to the Democratic Party platform committee my ideas on what this year's platform should include. In my presentation, I point out that the 1972 election offers the Democratic Party, as well as the country generally, a unique opportunity to reassess the direction we are to follow in the decade and beyond. The end of the next Presidential term will coincide with the 200th anniversary of our country's founding. Great progress has been made these past 2 centuries, but our focus must be on the future, its challenges and opportunities as well as its problems.

This is not the year to strike up the band with "Happy Days are Here Again" and then cart out the old rhetorical cliches about the dignity of man, the worth of the individual and the rest of yesterday's high-sounding, windy talk. This may have worked in the past, but people want constructive, workable solutions today. We should promise only what we can deliver and discuss only what we know.

The Democratic Party has always led the way with a program directed at today's reality, not yesterday's history. We must continue in that tradition. Where programs—even our own—have failed, we should be the first to admit it. When new approaches are needed, we should devote the resources and imagination necessary to develop them.

In that light, I would like to present several proposals for consideration based on legislation I have developed to attack some of the basic problems confronting this country.

I. BUILDING A UNIFIED SOCIETY

People scoffed at the Kerner Commission's prediction in 1968 that we were becoming a divided nation—one black and poor, the other white and wealthy. All the evidence in the intervening 4 years has only shown this warning to be true.

The principles of equality the Nation was founded on and the Democratic Party has championed are being severely tested. A gap has always separated the myth of equal opportunity for all Americans and the reality of inequality. But the Democratic Party has always led the fight to close the gap.

Now, however, we are governed by an administration intent on widening the gap between rhetoric and reality. We have a President who calls for equal educational opportunity, but introduces legislation which would subvert the Constitution and turn back the clock to pre-1954 America, when "separate but equal" was the standard. If we fail to oppose such a policy and to reiterate our support for equal opportunity, everything the Democratic Party has fought for will be lost.

Every day we debate the issue the growing division in America increases. Only 27.8 percent of the black students in the North and West now attend majority white schools. In the South, where we always assumed the problem was the greatest, the figure is now much higher—43.9 percent. This still means that over half the black students there attend basically segregated schools.

Segregated schools are only a manifestation of a segregated society. For years we have talked about open housing while allowing virtual apartheid to sweep across the country.

Our central cities are becoming blacker and our suburbs whiter. During the last decade 2½ million whites left the cities and 3 million blacks moved in. At the same time, the suburbs in our 66 largest metropolitan areas gained 12.5 million whites and only 800,000 blacks.

Poor families, black or white, are becoming trapped in the inner cities, unable to move to the suburbs because of rising housing costs resulting from restrictive land use controls. Approximately 80 percent of the housing on the market, most of which is in the suburbs, is priced above the level a family with an income of $8,000 can afford. At the same time most of the jobs for inner city residents are opening up in the suburbs, but cannot be reached because of high housing costs and inadequate mass transportation systems.

North and South, in schools as well as housing, we must recognize that the divisiveness undermining the strength of this country will end only when we develop a national commitment to attack segregation on a metropolitan-wide basis. In view of the absence of any presidential initiative in this direction, the Democratic Party must provide the leadership needed to solve this crucial problem.

I have developed two proposals designed to deal with this problem.

The first involves long-term, metropolitan-wide integration of our Nation's urban schools. Under my plan the schools in our urban areas would have 12 years to devise and implement a plan for insuring that each individual school had a percentage of minority group students equal to one-half the percentage of minority group students in the entire metropolitan area.

For example, if the minority group school population of the entire area was 20 percent—a figure that includes most major cities—10 percent of the students in each school would have to be minority-group students at the end of the 12 years. This would mean that only two or three minority-group students would be in each class. I cannot believe anyone is so bigoted that they would object to sending their children to school with two or three blacks or Spanish-speaking Americans.

This proposal is the only major piece of civil rights legislation which has gained the support of Democrats from every section of America including men like Senators STENNIS, MUSKIE, ALLEN, McGOVERN and CRANSTON.

Even my education plan will ultimately fail if we continue to have all-white suburbs and black central cities. We simply cannot shuffle enough students around fast enough by buses, trains, or automobiles to overcome the effects of residential segregation. On the other hand, if neighborhoods were integrated, supporters of the neighborhood schools concept would find that they had also achieved integrated schools.

For this reason, I have introduced legislation that would use the immense power of the Federal Government to open the burgeoning suburbs to all citizens. Under my proposal, no Federal Government agency or contractor could build or expand a facility until the town where it would be built provided a sufficient supply of housing for the facilities' expected low- and moderate-income employees. Thus, if a community desired to obtain the economic benefits of such a facility, it would also have to bear the responsibility of providing housing for workers of the facility.

The Senate has incorporated portions of my plan in the 1972 housing legislation by requiring that cities and towns must build low- and moderate-income housing for employees of Government agencies before they could receive community development grants. If approved by the House, this will represent an important first step in the struggle to eliminate economic discrimination in our housing markets. Nevertheless, much more needs to be done.

The Nixon administration talks a lot about "forced integration."

But is it forced integration to allow families to escape the ghetto and own a home of their own?

Is it forced integration to allow a man to live near his job?

And is it forced integration to provide this Nation with a national goal and commitment to end the racial isolation that threatens more than anything else to tear this country apart?

The Democratic Party knows it is not and must continue to lead the Nation toward achievement of our goal of a unified society.

II. WELFARE REFORM

Everyone agrees that the present welfare system is a mess. No one supports it and it supports no one adequately.

The current public assistance program, aid to families with dependent children—AFDC—is made up of 54 different State and territorial programs, each administered by a separate jurisdiction under broad Federal guidelines. Including the county-administered programs, there are at least 1,152 distinct operating welfare systems.

As a result of this diversity of programs, there is a wide variance in benefit levels and rules and regulations for determining eligibility and need. There are as many different interpretations of the Federal welfare guidelines as there are interpreters.

At the same time, costs for the States are rapidly growing out of control. At the present rate, costs will double at least every 3 years.

And yet the beneficiaries of the welfare system are no better off. In fact, welfare cutbacks are taking place all over the country. Payments to recipients in almost half the States have been decreased in the last 2 years.

Other problems abound in the welfare system. By limiting payments to those families in which the male head is absent family disintegration is encouraged. Families with an unemployed father are eligible for limited assistance in only 23 States. The "working poor," that is, those who work full time but still live in poverty, are not helped at all. And yet 40 percent of the poor in this country live in families headed by full-time workers. Single people and childless couples are also completely ineligible for Federal assistance. Our welfare problem is a national one which requires a national solution.

In January of 1968 President Lyndon Johnson commissioned a study of income maintenance programs. After 22 months of intensive study and hearings the President's Commission on Income Maintenance Programs—the Heineman Commission—issued its recommendations to create a family assistance plan. Based in large part on the work of the Commission, President Nixon introduced in October of 1969 a family assistance plan.

During the 3 years of debate on welfare reform the President has revised and re-revised the originally sound proposal to a point where, in its present form in H.R. 1, it is completely unacceptable.

As passed the House and pending in the Senate, H.R. 1 is reform in name only. While it sets up a guaranteed annual income of $2,400, it does little to assure that payment levels in States whose levels exceed $2,400 will be maintained. Thousands of impoverished Americans would face potential massive welfare cutbacks. H.R. 1 sets work requirements for employable adults which would result in welfare recipients being forced to accept jobs at the subpoverty wage level of $1.20, only three-fourths of the Federal minimum wage. H.R. 1 sets up stringent and punitive administrative procedures, provides inadequate day care, inequitable methods of determining eligibility and need, and no aid to single people and childless couples.

I have therefore introduced a major welfare reform proposal based on the family assistance plan concept. My amendment to H.R. 1—amendment No. 559—cosponsored by 18 Democratic Sentors would establish a single national welfare program for all citizens in need, with uniform benefits, rules, and administration.

It would establish a national Federal floor of benefits at a level of $3,000 for a family of four. Benefits would increase over a 5-year period so that all people in need of public assistance would be receiving at least a poverty level income by the time the program is fully federalized.

My proposals also embody the following principles which must be included in any program of welfare reform:

First. We must assure that no recipient receives less following welfare reform than he or she now receives. In States where payments are higher than the Federal guarantee level, States must be required to make supplemental payments up to the level at which they were paying in January of 1971 or any previous or subsequent higher level. This will rescind most of the State welfare cutbacks.

Second. Benefit levels must increase automatically on an annual basis according to increases in the cost of living. Such a principle has recently been adopted for social security benefits.

Third. We must adopt a national welfare system with equitable and humane uniform rules for determining eligibility and need under Federal administration.

Fourth. Fiscal relief for the States must be part of a welfare reform system. By assuring that State costs for welfare will not have to rise above their 1971 levels—as envisioned in amendment 559 and H.R. 1—States will be able to plan their budgets on a rational basis.

Fifth. Any jobs that are provided to employable welfare recipients must be at no less than the Federal minimum wage. The present $1.60/hour is already $700 less than the poverty level on an annual basis. Surely there is no justification for paying lower wages.

Sixth. Adequate protections to assure that mothers are not forced to work and leave their children against their will are mandatory.

Seventh. The method of determining eligibility and need must be placed on a "current need" system. That is, welfare payments must provide for the needs of recipients at the present, notwithstanding income earned in the past. Safeguards can be built into the accounting period to assure that those with high incomes cannot take advantage of the system.

Eighth. Administrative procedures assuring fairness, dignity, and due process to the recipients must be afforded, including right to counsel, hearings meeting the standards of the Administrative Procedure Act, written decisions, quick determination of eligibility, the rights to appeal, and simplified administrative procedures easily understandable and responsive to the recipients' needs.

Ninth. Income supplements must be provided to those who work full time to support themselves and their families, but still have a subpoverty level income. By aiding the working poor, an incentive is built into the system assuring that it is always more profitable to work than to receive welfare.

Tenth. Any system of public assistance must provide jobs for those willing to work—either in the private or the public sector. It has been estimated that State and local government could use as many as 4 million additional people to provide the basic services expected of government. All such jobs must meet Federal minimum wage standards as well as health and safety criteria.

Eleventh. A social services component, including comprehensive day care meeting the 1968 Federal interagency day care requirements is also needed to provide the ancillary assistance enabling a family to move, if possible, toward full self-support.

Ultimately, we must recognize that a welfare system cannot solve the problems of poverty. Public assistance is only a short-term means of alleviating the deleterious long-term effects of a society which has yet to solve the basic problems of providing good jobs, housing, education and health care for all its citizens.

III. THE WORKING CLASS

We are only beginning to discover that the working class of this country has legitimate problems of its own that we have long ignored. From womb to tomb, the American working class is in constant economic insecurity. Unemployment, recession, inflation, medical bills, a lack of educational opportunities, poor housing, and the fear of retirement in poverty are major problems that haunt working families wherever they turn.

Working Americans have done everything we told them to. They have worked hard—done their best to save what they can—and they still cannot make it.

They feel their Government has forgotten them, that their leaders are preoccupied with the problems of blacks and other minorities. Working men and women increasingly sense a prejudice against them in academic, intellectual, and liberal political circles.

The working class has noted that there are few people to articulate their thoughts for them. When leaders do pay attention, they often play to the biases of workers rather than their strengths.

President Nixon has claimed an interest in the working class. He terms them the "forgotten" Americans. But his solution to their problems is not a positive program. All the President has done is to give working people scapegoats to dislike—TV networks, militant blacks and college students—and very few positive reforms and accomplishments to improve their lives.

Providing only scapegoats is smart politics because everyone knows the poor and the black and the young do not vote. But it clearly is not responsible politics for a country that faces a growing polarization between white working people and the rest of society.

Some political observers have noted that because blacks and other minorities have nowhere to move but into the lower middle class, Federal efforts should be directed at improving the white families' conditions. This thinking asserts that we will never solve the problems of minorities until we solve the problems of the lower middle class. For a time, I advocated that approach. Yet as I thought about it, I came to realize that it is not the right reason for helping working white families. The deserving deserve assistance because they deserve it—not because somebody else is more deserving.

We should set out to help the lower middle class because it is the right thing to do, not because it will indirectly help some other group. We should help middle Americans because they are vitally important and essential to the success of this country. They erect our skyscrapers, dam our rivers, unload our ships, pave our roads, drive our trucks, police our streets, man our defense. They are the muscle and heart that keeps the country moving. America needs them as much as they need America.

A. JOBS

Our highest priority must be to insure that every able-bodied American who wants a job is able to find one. We should establish the concept of the Government as "employer of last resort" for men and women who have lost or cannot find jobs in the private sector.

We have a great paradox in American society today: We have over 5 million unemployed men and women in a country burdened with a huge backlog of public service needs—in our parks and streets, slums and countryside, schools and colleges, libraries, hospitals, nursing homes, public buildings—indeed, throughout the public and nonprofit sectors of this economy. The Government as "employer of last resort" would insure that all Americans are able to lead meaningful, productive lives.

B. EDUCATION

1. STUDENT AID

Our goal should be to open the doors of our universities to all intelligent and interested youngsters, regardless of their parents' financial resources and to encourage those who, for one reason or another, are just filling up desk space to use their time more profitably. Academic ability is not a gift only the rich enjoy any more than an interest in nonacademic subjects is limited to the children of working people. Scholarship funds need to be increased so that all qualified students are able to continue their education past high school.

2. COMMUNITY COLLEGES

Our focus should not be only on 4-year colleges. Enrollment in 2-year colleges tripled from 1960 to 1970. Over 2 million students now attend community colleges across the country, and new colleges are being built at a rate of about one a week.

To provide more diversity and balance in the academic world, the country's system of smaller, community oriented colleges must be expanded and their doors opened to everyone with a desire to learn and grow intellectually.

In a dynamic society, each citizen should have the opportunity to develop his or her mind for an entire lifetime. That is why the community college, with its emphasis upon meeting the educational needs of the local people, is so vitally important. That is why the student body should not be composed only of young people preparing for the professions. The student body should be a "civic body," represented by all aspects of American life—and all ages.

A cornerstone of State and Federal policy should be to support the growth of community colleges. Every high school graduate should have the opportunity to attend a community or State college within driving distance of his home.

3. TUITION TAX CREDIT

In addition to scholarships, other forms of assistance must be found to enable working class parents to send their children to college. I have proposed for several years a tax credit plan for tuition payments.

My bill proposes a maximum tax credit of $325 per student. The credit would be computed on the basis of 100 percent of the first $200 of qualifying expenditures for tuition, fees, and books; 25 percent of the next $300; and 5 percent of the subsequent $1,000. No credit would be allowed for student costs above $1,500.

The available credit would begin to be phased out when the taxpayer's adjusted gross income reached $15,000. Two percent of the amount by which a taxpayer's adjusted gross income exceeded $15,000 would be deducted from the credit available to that taxpayer. Thus, no taxpayer with an income above $31,250 would be eligible for a credit.

I have proposed a similar program for those who pay to send their children to private schools. More is involved than simply the cost to parents.

The President's panel on nonpublic education has reported that nonpublic school enrollment has been declining at a rate of 6 percent per year. Roman Catholic schools have been hardest hit, but they are not alone. In the past 2 years, independent school enrollment has dropped 11 percent, military schools 10 percent, and boarding schools 4 percent. At this rate one-fourth of the schools operating in 1970 will be closed by 1975.

If this trend continues we will experience a massive dislocation in our public school system. Over 10 percent of America's total elementary and secondary students attend nonpublic schools. Should these schools collapse, our public school system would have to absorb over 5 million more children. Most of the impact would be felt in urbanized areas already heavily burdened by the need to provide public services. In the 20 largest cities nearly 2 out of 5 schoolchildren are enrolled in nonpublic schools. The public school system in New York City would have to expand to accommodate over 358,000 new students if private schools closed. In Chicago, 208,000 students would be added, and in Philadelphia 146,000.

My own State of Connecticut faces a similar potential burden. Over 100,000 students, 14 percent of all students, now attend parochial and private schools. Twelve of these schools closed in 1971 and more may close this year. We all have a stake in this problem.

Some critics of aid to nonpublic schools argue that public assistance will weaken support of our public school system. They point out that less than half of the public school bond issues were ratified last year.

We cannot ignore, however, the enormous costs involved in transferring nonpublic students into the public schools. It has been estimated that collapse of our nonpublic schools would cost local taxpayers an additional $5 billion a year. Taxes would have to increase or more public schools close to meet this expense. The American public should not be forced to assume this additional tax burden unless it is absolutely necessary.

In the past, cities and States have been most ingenious in developing assistance programs. Few of them, however, have satisfied the constitutional prohibitions against the "establishment of religion." In 1971 the Supreme Court in Lemon against Kurtzman, summarized the cumulative criteria it had developed. First, the program must have a secular purpose; second, its primary effect must not be the advancement or inhibition of religion; finally, it must not foster "an excessive governmental entanglement with religion."

I believe that tax credits meet these tests. First, the program's purpose is to lower the expense of education to the student's parents. No tax funds would be given to the school. Second, its effect is to enable parents to decide which type of education is best for their child. Finally, because the taxpayer, not the school, is subject to audit, there are no excessive governmental entanglements.

Unless some Government aid is forthcoming, most of our nonpublic schools will eventually disappear. Those that survive will do so by requiring exorbitant tuitions which only the very wealthy can afford. The result will be that private and parochial schools, rather than being educational options open to all, will be sanctuaries for the rich.

My proposal would avoid these problems. By allowing middle and lower income families the ability to send their children to nonpublic schools, it will guarantee the continued existence of these schools plus a well balanced student body.

C. NATIONAL HEALTH INSURANCE

No problem affects the working class more than the absence of adequate health care and insurance. This Nation is facing a health care crisis. Spiralling costs, inadequate insurance, maldistribution of resources and a shortage of medical manpower characterize our nonsystem of medical care. Despite growing Federal expenditures for health care programs, no coherent national plan has been developed to deal with these problems.

For most Americans, the symbol of American medicine is not the Red Cross, the Blue Cross or the physicians insignia. It is the dollar sign. In the decade between 1960 and 1970, hospital costs almost tripled and doctors' fees nearly doubled. The average day in the hospital that cost $32.23 in 1960 cost $79.83 in 1970. The complete physical that cost $57 as recently as 1968 cost $100 in 1970.

An individual in most cases is forced to rely on luck to protect himself against backbreaking medical bills. He hopes he lives in the right city, works for the right union, and earns enough money. In the last analysis, these factors determine the kind of medical security his family has. Many people do not have much but luck to rely on. In the face of rising costs, there are still 24 million Americans—one out of every seven persons under age 65—who have no hospital insurance at all. One person in five is without surgical insurance—35 million. One in three is not covered for extra in-hospital medical expenses, such as doctors visits—61 million.

Absence of adequate insurance is only one factor contributing to the health care crisis. The Nation is currently faced with a gross misallocation of resources. Many rural communities are unable to attract the services of even one qualified, primary care physician while many larger, affluent areas have an excess of specialists.

Hospitals are further compounding the problems. In the battle to attract more patients and doctors, they rely on the prestige of new programs, research, and medical specialties. It is the average patient who pays for the duplication and reduplication of narrowly channeled expertise.

Many proposals have been introduced in the Congress which propose at least some revision in the financing of medical care. However, few adequately address the larger problem of the deficiencies in the health care delivery system. We must direct our attention toward effecting needed improvements in this system if we are to insure the success of a national health insurance plan.

Our strategy must include consideration of methods to increase the numbers and distribution of health manpower, means to optimize the utilization of resources, outreach programs to bring all persons into the mainstream of the health care system, and cost control guidelines to curtail the rising costs of needed health services.

The development of a coherent national health strategy will provide a sound basis for the implementation of a national health insurance plan. In the development of a platform proposal for national health insurance the Democratic Party should consider the following essential principles:

First. National health insurance must

guarantee universal entitlement and universal coverage of benefits.

Every individual in this country, regardless of financial status, age, race, medical history, or geographical location should be entitled to the same amount, duration and scope of benefits. The coverage of benefits should be broad enough to assure that no person will be unable to obtain needed medical care.

Second. National health insurance should insure the patient as well as it insures the hospital and the doctor.

Most hospitals and insurance plans do a much better job of insuring the hospital and the physician against the cost of their doing business than they do of insuring the patient against the cost of doing business with them. If the Nation decides to grant private insurance companies the privilege of providing national health insurance, we must have guarantees that the industry will be fully accountable to the public.

Third. National health insurance should have as few restrictions, clauses, qualifications, and limitations as possible and it should be administered in the simplest and easiest way possible.

We should fit the health care system to the individual and stop asking the individual to fit his medical needs to the existing health care system.

Fourth. National health insurance must be accompanied by dramatic new solutions to the problem of medical manpower.

Not only is this country short on primary care physicians, but many of our medical schools are on shaky financial ground. A year ago, 40 percent were in such severe trouble that they needed financial distress grants from Washington. Their condition has not improved. The country cannot train more doctors if our medical schools continue to live on a hand-to-mouth basis.

Another crucial manpower need is the paramedical man, the physician's assistant, the civilian equivalent of the Armed Forces medical corpsman. He is needed both by overworked urban doctors and by people in isolated rural areas. We are producing very few of them in this country at this time.

Fifth. National health insurance must also include establishment of alternatives to the present pay-as-you-go and fee-for-service medical care that most people now receive.

The most common alternative suggested is the prepaid group practice plan. Its virtues are well known. Subscribers pay a fixed monthly sum, arranged in advance, and receive all the medical care they need. There is a heavy emphasis on diagnostic screening and preventive medicine. And these plans also seem to have the additional advantage of stimulating cost consciousness in the providers of medical care. This is not to suggest that fee-for-service should be abolished, but it should not be the only choice a patient has.

Sixth. Continuing health planning must be considered an essential component of any national health insurance plan.

Planning must have real authority and sanctions. If planning agencies had the power to do their job properly, we probably wouldn't have the duplication of expensive equipment that exists in so many cities. Nor would we have an oversupply of one type of institution or hospital, and an undersupply of others.

Seventh. National health insurance legislation should include provision for statewide pilot projects to be conducted in five or six selected States and a specific date when the program is to be implemented nationwide.

There are currently many unknowns that we face when we attempt to develop a national health insurance plan. Establishment of pilot projects prior to national implementation and careful assessment of the variables built into the experimentation projects will enable us to determine which concepts should be incorporated into the national system.

D. AN ADEQUATE RETIREMENT INCOME

Finally, to help working class Americans, we must guarantee them a decent, reasonably comfortable, dignified retirement. If society is to be judged by the care it takes of its elderly members, American society is a failure. To be old in America is too often to be poor. Most working class couples have seen their friends retire and find themselves living at or near the poverty level.

In 1969 the aged had less than half the income of those under age 65. By December, 1970, according to the Senate's Special Committee on Aging, approximately 5 million of the 20 million aged Americans lived in poverty, an incidence of poverty twice the rate of society generally. The number of those living in poverty decreased somewhat in recent years in this country for every group but older Americans. For them, the number arose.

Many of the aged poor are simply those who have been poor all their lives and have grown old. But an increasing number are working class Americans who made enough while working to stay out of poverty but were unable to save much for retirement and find that pensions and social security have not kept them from growing into poverty.

The Federal Government has ignored this plight of working people, contributing to some of the resentment felt by workers against a government that cares for the rich and attempts to provide for the poor but ignores the average man.

The first thing we need to do is to insure that those on social security receive more adequate incomes. A Social Security Administration study showed that one-fourth of aged couples and two-fifths of single beneficiaries receiving social security depended solely on it for their entire support.

Democrats in Congress are working for a 20 percent social security increase. This should be part of our party's platform as well.

This will require a larger investment in social security by working people, but I do not think they will mind if, at the same time, they understand that this will guarantee them a comfortable retirement.

As social security deductions are increased, however, the system should be made more equitable. Social security taxes now are regressive, forcing lower paid workers to pay a much higher percentage of their income than higher paid employees. The injustice arises because everyone in social security is taxed 5.2 percent on their first $9,000 of earnings.

A man making $40,000 a year pays $468 or 1 percent of his total income in social security taxes. A worker making $9,000 this year pays the same $468. But this is 5.2 percent of his salary, a rate five times greater than that paid by the other man.

There is no justification for this difference. The financing of social security should be reformed so that everyone pays a more reasonable share of their income and receives more adequate benefits.

Another inequity for the working class in the social security system is the limitation on income by social security pensioners. Many elderly persons are eager to work and help support themselves. But the Government discourages work by penalizing them for every dollar earned above $1,680 a year.

The effect of this earnings limitation penalizes the working class. While an elderly worker loses benefits for every dollar earned, the wealthy are allowed on retirement to receive all of their income from investments, stocks, bonds, copyrights, patents, rentals, dividends, and other pensions without losing a penny of social security benefits, even if their outside income is $100,000. Two million elderly workers meanwhile are losing some or all of their social security benefits for which they paid a higher percentage of their salaries.

This is wrong and must be changed if social security is to be a program that meets the needs of the lower-middle class. Proposals are pending now to raise the income ceiling; but, again, this is only a start in the right direction.

Social security is not the sole means of providing for the retirement of our citizens. Approximately $140 billion is now invested in 34,000 private pension funds covering 30 million workers. Unfortunately, more than half of the private work force are not employed by a company or union that has a pension plan. As many as one-half of those workers who have a plan may not receive pension benefits when they retire and more than half of all persons who will receive private pension benefits will receive less than $1,000 a year.

The fine print in many pension plans rivals those famous life insurance policies that, once you get through the disclaimers, covered you against being run over by a herd of buffalo in downtown Detroit. Many pension plans provide no benefits for widows or widowers, require years of work before a worker has a right to any pension and cause him to forfeit all rights if he changes jobs. As a New York Times survey showed last year, private pension plans are "a phantom for millions of workers who never collect them."

We should support legislation to allow workers to transfer their interest in one pension plan to another when they change jobs, to shorten the years of work necessary to qualify for pension rights and to give tax deductions to those investing in pension plans for themselves or their employees.

Whatever we do, we must help workers to insure that their retirement years will not be years of poverty and insecurity.

IV. NEW DEPARTMENTS OF HEALTH AND EDUCATION

Much talk has been heard about the need to reorganize the Federal Government. President Nixon has proposed that we make the Federal bureaucracy even larger by consolidating existing agencies into four superagencies. In particular, the President has suggested increasing the size of the Department of Health, Education and Welfare.

As a former Secretary of Health, Education and Welfare, I seriously question the desirability of such a move. No Secretary can keep up with the activities of the agency as it is now structured, let alone an even larger institution. Since its establishment in 1953, HEW has grown into a bureaucracy of 108,000 employees with an overall budget of nearly $79 billion, one-third of the entire Federal budget.

For several years I have supported creation of a separate Department of Education and this year have introduced a similar proposal for a Department of Health.

A. DEPARTMENT OF EDUCATION

Today 29 Federal agencies spend over $14 billion on education, often with no coordination and little cooperation. Millions of Americans are educated through Federal programs as diverse as those of the Office of Child Development, the Defense Department, the Job Corps and the Bureau of Indian Affairs.

My bill consolidates and coordinates responsibility for education at the Federal level and affords an opportunity for the first time to rationalize, analyze, present, and carry out Federal policy for education in this Nation.

But arguments of scale are only one part of the reason for better coordination and execution of the Federal role in education. We must also recognize the present importance of education and educational policy to American society, and the increase in that significance in the decades ahead. Our society and the technology which supports it continue to increase in complexity and require individuals possessed of more sophisticated educational background and preparation.

The time has come to end the uncertain status of education in the Federal Government. Education must be represented at the highest levels of policy discussion. Its weak voice must be strengthened through the consolidation of programs which rightly belong together.

B. DEPARTMENT OF HEALTH

As already discussed, this Nation is currently facing a health care crisis. Despite growing Federal expenditures for health care programs, no coherent national plan has been developed to deal with this problem. We must reshape and streamline our existing institutions now if we are to assure the success of whatever new national health care system is adopted.

The Department of Health, Education and Welfare is clearly too large to handle the task. Over 40 separate Federal health grant programs are operated by HEW which will spend over $18 billion in fiscal 1973 on medical and health-related activities.

I am convinced that health policy can be more rationally developed and the health programs of our Nation better handled if they are placed under the jurisdiction of one agency of manageable size, a Department of Health. At present a sizable portion of the $25 billion we are spending throughout the Federal Government for medical and health related activities is being lost through inefficiency, lack of coordination, and overlapping of programs.

As a result of the scattering of programs and the lack of a centralized health policy mechanism, the only place in the Federal Government where health priorities can be set is in the Office of Management and Budget when the budget is being developed. Major policy decisions affecting the Federal Government's health policy should be made by experts in the health field, not by OMB employees who cannot be expected to formulate national field priorities, much less understand the intricacies and interrelationships of the myriad health programs now in existence.

Twenty-five Democrats in the Senate joined with me last March to introduce S. 3432, which would create a new Department of Health. All of the Democratic presidential candidates joined in this effort; 60 House Members, the vast majority of whom are Democrats, supported the companion measure introduced in the House by Congressman Paul Rogers, Democrat of Florida.

The Democratic Party should support this move to end the uncertain status of health in the Federal Government. Responsibilities must be focused in one department and health policy must be developed and coordinated by those who are knowledgeable in the health field.

V. CONSUMER PROTECTION

To be credible our platform must include a creative and far-reaching program for protecting consumer interests, combating consumer fraud, and providing a meaningful voice for consumers in the private and public decisions which affect their lives. I propose that the Democratic Party pledge to adopt a new definition of the rights of American consumers in both the marketplace and the institutions of government.

Specifically, I propose that the Democratic Platform support—

First, legislation to create an independent Consumer Protection Agency to represent the interests of consumers before Federal agencies and courts;

Second, vigorous enforcement of the food, drug, and consumer product safety laws and the establishment of an independent agency to enforce these laws;

Third, passage of important consumer protection bills sponsored by Democrats in the last two Congresses;

Fourth, establishment of a Council of Consumer Advisers, or similar organization, in the Executive Office of the President;

Fifth, broad reform and restructuring of existing regulatory agencies and programs for protecting consumers; and

Sixth, substantial increase in Federal assistance to States and local communities for consumer protection programs.

The most urgent need of consumers today is to have an effective representative in the many decisions of the Federal Government which determine the choice, cost, quality, and safety of goods and services in the marketplace.

I have sponsored a bill, S. 1177, to create a new independent Consumer Protection Agency—CPA—to represent the interests of consumers before Federal agencies and courts. My bill also sets up a Council of Consumer Advisers in the Executive Office of the President to advise the President on consumer matters and provides grants to States and local communities for consumer protection programs.

The bill has been reported by my subcommittee of the Committee on Government Operations and soon will be considered by the Senate. I strongly urge that the Democratic Platform commit our Party to this legislation and to its underlying purposes.

Despite the existence of many regulatory agencies—for example, Federal Trade Commission, Food and Drug Administration, Interstate Commerce Commission—and many ambitious new consumer protection laws—for example, Truth in Packaging, Toy Safety, and Truth in Lending Acts—which are supposed to protect, consumers are not receiving the protection which they have been promised and are demanding in 1972.

Every day the newspapers carry alarming stories of serious injuries caused by food additives, detergents, toys, prescription drugs, credit schemes, and corporate mergers. During the last year, my subcommittee has released studies showing that deplorable sanitary conditions continue to exist in the meat and poultry plants; that tens of millions of subpotent influenza vaccines were licensed for 3 years by an agency which was fully aware of the vaccine's ineffectiveness and that the Federal Government lacks an effective means of testing the effects of the many chemicals in the human food supply and environment.

The most important reason for the failure of Federal agencies to protect consumers adequately is that consumers have no choice in the day-to-day decision-making processes of these agencies. Big business is the only group with the incentive and the resources to maintain a close relationship with Federal agencies. These agencies hear only one side of most issues.

Consumers are too fragmented to provide effective representation for themselves. Few consumers have a large enough stake in a specific agency or the money to hire a professional representative to argue their case in Washington for months or even years.

During recent years, a few dedicated men and women have established organizations to represent the consumer viewpoint to Federal agencies. It is unrealistic to expect, however, that these organizations will ever obtain sufficient nongovernmental funds to be an effective counterweight to the overwhelming resources and talent at the disposal of business.

Thus, the best hope of consumers for equal representation is through the Consumer Protection Agency established by my bill.

The CPA, as an advocate, will be a totally new kind of Federal agency. It will have no authority to regulate any industry, to make any decisions for existing regulatory agencies, or to overrule their decisions. The CPA will be the lawyer for consumers; the regulatory agencies will continue to be the judges.

One of the most serious defects in consumer protection programs is the conflict which results when one agency has responsibility for both protecting consumers and promoting the production or sale of consumer products. No person or agency can faithfully serve these two different masters for long.

Congress now has an opportunity to remedy this conflict in Federal food inspection programs. In March, the Senate Commerce Committee reported a bill, S. 3419, to authorize Federal safety standards for hazardous household products. The bill also creates a new regulatory agency—the Food, Drug, and Consumer Product Agency—by transferring the FDA from the Department of Health, Education, and Welfare.

My subcommittee strengthened the independence of the new agency and transferred the meat, poultry, and egg inspection programs of the Department of Agriculture into it. Consolidation of food inspection programs has been recommended by the Congressional General Accounting Office, the White House Conference on Food and Nutrition, and the President's Advisory Council on Executive Organization.

This legislation represents a long overdue reform and an important model for improving other Federal consumer protection programs. It, first, combines similar consumer protection programs in a single agency, and, second, places consumer protection programs in an agency whose primary responsibility is consumer protection.

VI. THE ECONOMY

The American economy is in deep trouble. Our tragic 6 percent unemployment figure persists—in my own State of Connecticut it is more than 8 percent, in some localities 20 percent. Our trade deficit is mounting—more than $2 billion in the first quarter of this year alone. The dollar, despite devaluation, is under new attacks and our balance-of-payments deficit remains huge. Twenty-five percent of our industrial capacity remains idle while our Nation desperately needs rebuilding.

Clearly, both workers and businessmen need effective help now.

There is a desperate need to develop long-range policies that are better designed to achieve the twin objectives of full employment and relative price stability—the prerequisites for a healthy American economy.

We must encourage and stimulate growth in those areas where we can still compete successfully particularly in the area of high technology. The United States continues to enjoy a large trade surplus in technology intensive goods. But greater and more imaginative federal R. & D. support is necessary to maintain this lead into the 1980's.

Workers' skills must be upgraded so that people who are unemployed as a result of changes in the economy will be equipped to fill the new jobs. New job training programs should be made available—not only to those already unemployed, but to workers in danger of being laid off.

We have no systematic way to encourage industries to develop along lines with high social priority and a high degree of future success. Much talk is heard about the need to convert from a wartime to a post-Vietnam peacetime economy. The key to any successful defense conversion program will be the assumption by the Government of the responsibility for allocating civilian priorities. I have proposed the establishment of a new Economic Priorities Commission to chart the future direction of the civilian economy and encourage economic expansion into new areas such as pollution control, housing, and mass transit.

Our use of technology will determine whether or not America will maintain a viable, growing economy and remain competitive in international markets.

We must expand and coordinate government efforts to ease the economic dislocation that will inevitably result by changes in Federal spending patterns and in the conversion of noncompetitive industries. Under our proposal a new administration would be created in the Commerce Department to administer these activities to assist workers and failing companies.

When we speak of economic dislocation we must bear in mind we are talking about people, their families, and their communities.

Actual experience to date with the adjustment assistance legislation on the books shows that it is too restrictive, too infrequently granted, and invariably help comes too late to be of use.

The emphasis today must be put on spotting in advance those industries and companies which are running into trouble. Under my proposed legislation, assistance would be available before a company is a financial basket case, and workers could begin retraining before their skills become obsolete.

The thrust of my proposal is on readjustment and retraining in order to best utilize our technological and managerial and manpower resources—and to avoid serious trade conflicts and world economic disorders.

VII. NORTHERN IRELAND

The violence and bloodshed in Northern Ireland have been a source of deep concern for many Americans. The recent signs of moderation are most welcome. But the underlying causes of the violence still exist.

America, and the Democratic Party, must speak out against injustice and discrimination wherever it exists. It will be a sad day in this Nation when we think in terms of the freedom and well-being only of Americans. The persistent and oppressive discrimination against the Catholic minority in Northern Ireland deserves to be condemned. But more than this, our own Government should be able to suggest equitable, just solutions upon our friend and ally, Great Britain. Our friends certainly do not hesitate to advise us on such matters.

Senate Resolution 180, which I introduced in the Senate and which has been cosponsored by Senators KENNEDY, HARTKE, and PASTORE, was also introduced in the House by HUGH CAREY and 61 cosponsors. Some of the measures it has called for—such as the dissolution of the Stormont Parliament—have already been taken. But it should still serve as the basis for an eventual settlement of the conflict.

Our platform should promise to express at the highest levels to the Government of the United Kingdom our concern over the tragic situation in Northern Ireland calling upon the British Government to take the following steps consistent with the principles of nondiscrimination and justice:

First. The termination of the current policy of internment without trial and release of all persons detained.

Second. Full respect for the civil rights of all the people of Northern Ireland and the end of all political, social, economic, and religious discrimination.

Third. The prompt implementation of the reforms promised by the Government of the United Kingdom including those reforms in the fields of law enforcement, housing, employment, and voting rights.

Fourth. The establishment of law and order with justice leading to the withdrawal of all British forces from Northern Ireland.

In addition, the Governments of the Republic of Ireland and the United Kingdom should cooperate in creating appropriate forums for discussing the eventual unification of a united and independent Ireland with the rights of all citizens fully protected.

We must also seek appropriate use of the good offices and facilities of the United Nations to assist in the quest for peace in Northern Ireland.

VIII. MIDDLE EAST

The recent massacre at Lod Airport and the undisguised glee expressed over this bloody event in Cairo and Beirut demonstrates the continuing threat to Israel. At the same time, Soviet military and economic penetration in the Middle East continues unabated. The Iraqi takeover of the British Petroleum Co. and Moscow's eagerness to exploit this seizure highlights the danger to vital American interests in the Mediterranean and Persian Gulf areas.

The maintenance of a strong and secure Israel should be the cornerstone of American policy in the Middle East. Israel has proven its steadfastness, courage, and dedication to democracy. It deserves our continuing military, economic, and diplomatic support.

Our platform should pledge to continue our diplomatic efforts to bring Israel and the Arab States to the peace table where they must negotiate directly. Any resulting peace treaty to be lasting must include agreement on secure and recognized boundaries.

We should oppose any revival of the administration's Rogers Plan of December 1969 and any efforts by outside parties to dictate the terms of any settlement.

In order to prevent a resumption of hostilities, we must maintain Israel's deterrent strength, providing it with the advanced planes and weapons essential to carry out this task. Israel must also have the appropriate economic supporting assistance to maintain the viability of its economy threatened by a crushing defense burden brought on by the Soviet Union's presence in the Middle East and its lavish military assistance to the Arab States.

The Democratic platform should also support a strong and credible U.S. defense posture in the Mediterranean Sea and in the Persian Gulf to deter Soviet aggression in the area.

We should oppose any efforts to divide Jerusalem and turn the clock back to former Arab misadministration of the Holy City. Under Israeli administration Jerusalem has been united and the holy places are now accessible to all faiths.

We should support the movement of the American Embassy from Tel Aviv to Israel's capital, Jerusalem, as well as our position that the Suez Canal and the Straits of Tiran are international waterways which must remain open to the shipping of all nations.

Large-scale assistance must also be provided to the Palestinian Arab refugees, along with U.S. cooperation in any international programs designed to facilitate their resettlement in Arab lands. The Arab States must begin to welcome Arab refugees in the same way that Israel resettled hundreds of thousands of Jews from the Arab countries.

We must urge the Soviet Union to permit the emigration of Jews from the Soviet Union and express the hope that the Soviet Union will grant exit permits to those who seek to go in Israel and that they will cease the harassment and intimidation to those who have applied for visas. Israel should receive our assistance to cover a portion of the costs of absorbing these new emigrants.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended for an additional 6 minutes.

The PRESIDING OFFICER Without objection, it is so ordered.

EDUCATION IN THE 1970'S WILL BE A CRITICAL CHALLENGE TO AMERICA

Mr. RANDOLPH. Mr. President, on June 21 the National Education Association will sponsor a "Salute to Education" in Washington. This event comes, coincidentally, shortly after Congress has approved the most far-reaching education legislation in recent history. It also comes at a time when educators and laymen are suddenly questioning the old methods, discounting innovative experiments, and professing puzzlement about the educational system itself. We can agree, however, that the American educational system is the greatest movement in mass education of all time.

Statistics show that total pupil enrollment during the fall term of the 1971–72 school year totaled 46,168,540 in public elementary and secondary school systems. This figure represents only a slight increase of 0.6 percent over the previous school year, but it is evident that nearly one out of every four Americans was enrolled in public school systems last fall.

It is interesting to note, too, that the 17,218 school districts in the United States during the 1971–72 school year represent a decrease of 444 districts, or 2.5 percent of the total. The number of high school graduates was 2,733,156, a 2.4 percent increase over the previous year.

During the past school year, the number of classroom teachers increased 1.3 percent to a total of 2,089,623, and their average annual salaries rose 4.6 percent to $10,146.

To finance this colossal system of public education for our youngsters, Americans provided a total of $50,127,357,000, an increase of 5 percent over the previous school year.

Of the total revenue receipts, the Federal Government provided $3,305,707,000, the States raised $19,062,836,000, and $24,276,080,000 came from local, intermediate and other sources.

A renewed emphasis on adult education, community services and other programs operated by local school districts is evident in the 8.1 percent jump in expenditures for these programs. The total amount was $1,202,515,000 devoted to education on the local level outside the normal pupil enrollment.

Mr. President, I commend the National Education Association in its efforts to focus national attention on our schools. I hope that the "Salute to Education" will serve to revive the spirits and strengthen the faith of both teacher and taxpayer in our American system of elementary and secondary education. We will need this uplift, for the 1970's will be a time of critical challenge to America in the field of education.

A vital part of that challenge will be the development of comprehensive career education programs.

I believe that in a sense we have cheated our young people in the high schools of this country by not stressing the need for career education, for occupational education, for vocational education, for technical education. I feel that in these coming years we must give more attention at several levels of learning to our commitment to occupational education, so that young people are prepared to fill available jobs. Now too often they are unprepared for productive work at the close of their high school education.

A fundamental purpose of education is to prepare the young to live a productive and rewarding life. For far too many young Americans our schools are failing in this essential mission.

Nearly 2.5 million students leave the formal education system in this country each year without adequate preparation for a career. Only about one in six high school students is enrolled in occupational preparation. More persons are graduating from colleges with bachelor's degrees than there are jobs for degree holders. By the end of this decade, eight out of every 10 jobs available will not require a college degree. Yet today, three out of every 10 high school graduates are enrolled in college.

These statistics show where we are heading—obviously many thousands of our young people are being cheated by our educational system. It should be just as obvious that the mere attainment of a college diploma is no longer the "open sesame" to success.

A recent survey of parents in a large innercity school which revealed that 93 percent of the parents expected their children to go to a 4-year college. This, in spite of the fact that the actual college entrance record of the school's graduates was less than 6 percent. And almost 70 percent of the school's student body had a negative academic performance.

As a concerned member of the Senate Subcommittee on Education, I am gratified that the conference on S. 659, the education amendments of 1972, which recently passed by the Senate and the House of Representatives, places a greater emphasis on career education and vocational training. We are beginning to face the challenge of providing a more meaningful education for our young people.

The challenge is clear. Change is coming. If, as a recent President said, education is "the keystone and the arch of freedom and progress," then each of us has a special responsibility to this and future generations.

I am confident that the National Education Association will discharge its responsibilities as we move forward in the 1970's.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Randolph) laid before the Senate the following letters, which were referred as indicated:

Proposed Amendments to the Budget, 1973, for Departments of Labor, and Health, Education, and Welfare (S. Doc. No. 92–314)

A communication from the President of the United States, transmitting proposed amendments to the budget for the fiscal year 1973, in the amount of $140,000,000 in budget authority and a decrease of $20,000,000 in proposals not affecting budget authority for the Departments of Labor and Health, Education, and Welfare (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

Proposed Amendment to the Budget, 1973, for the Department of Health, Education, and Welfare (S. Doc. No. 92–313)

A communication from the President of the United States, transmitting a proposed amendment to the budget for the fiscal year 1973, in the amount of $968,712,000 for the Department of Health, Education, and Welfare (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Proposed Oil and Gas Investment Act of 1972

A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to provide for the registration and regulation of oil and gas programs, and for other purposes (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Proposed Amendment of Oil Pollution Act, 1961

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended, and for other purposes (with accompanying papers); to the Committee on Commerce.

Publication Entitled "Sales by Producers of Natural Gas to Interstate Pipeline Companies, 1970"

A letter from the chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Sales by Producers of Natural Gas to Interstate Pipeline Companies, 1970" (with an accompanying document); to the Committee on Commerce.

Report Relating To Extension and Financing of the Emergency Unemployment Compensation Act

A letter from the Secretary of Labor, reporting, pursuant to law, on recommendations with regard to extension and financing of the Emergency Unemployment Compensation Act; to the Committee on Finance.

Report on Scientific Research Grants

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a report on scientific research grants, for the calendar year 1971 (with accompanying report); to the Committee on Government Operations.

Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Proposed Extension of Certain Insurance to U.S. Nationals

A letter from the Chairman, United States Civil Service Commission, transmitting a draft of proposed legislation to extend Civil Service Federal Employees Group Life Insurance and Federal Employees Health Benefits coverage to United States Nationals employed by the Federal Government (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Randolph):

A joint resolution of the Legislature of the State of California; to the Committee on Aeronautical and Space Sciences:

"Senate Joint Resolution No. 11

"Relative to space shuttle research and development facilities

"Whereas, There is an acute economic need to level out and avoid the sharp rises and pitfalls in sporadic aerospace employment; and

"Whereas, The initial development and manufacturing of the space shuttle is particularly sought to prevent an acute employment and economic slump, which will occur at the conclusion of the next six years unless corrective steps are taken now; and

"Whereas, Decisions are being taken now that will affect the long-term economic stability of California at the conclusion of this decade and through the remainder of this century; and

"Whereas, The skills developed in the manufacture of the space shuttle can best be utilized in the followup to the shuttle's manufacture; and

"Whereas, The space shuttle base site is anticipated to hire 19,000 employees which will contribute to the approximately 60,000 residents expected to be located at the base site; and

"Whereas, The income and expenditures associated with shuttle launch operations are now estimated to approximate from $2.5 billion to $4 billion per decade; and

"Whereas, The employees associated with the current Vandenberg and Edwards operations might be diminished and drawn elsewhere if a base site is selected for a location other than California; and

"Whereas, The launch operations currently conducted at Vandenberg contribute over $1 billion to the California economy each decade, and might otherwise be drawn elsewhere if California is not selected as a launch and landing site; and

"Whereas, The history of the space program during the past decade has indicated that the increasing size of the missile components has required manufacturing and employment to gravitate within a convenient geographic and logistics relationship with ultimate launch site, and

"Whereas, California has suffered a consistent decline in relative share of aerospace manufacturing, aerospace activity, aerospace employment; and

"Whereas, There are highly logical, scientifically warranted, technically justified, and economically sound reasons for locating the research, development, launch and landing site, as well as the long-term operational base site, in California; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States and the National Aeronautics and Space Administration to locate the initial space shuttle base site, as well as the research and development site for the space shuttle, in California; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the National Aeronautics and Space Administration."

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"Senate Joint Resolution No. 3

"Relative to United States military medals

"Whereas, The Los Angeles County Council of the Veterans of Foreign Wars has requested the President of the United States to release a complete set of United States military medals, to be donated as a gift to the citizens of the City and County of Los Angeles for a permanent historical display in Patriotic Hall, located in the Los Angeles metropolitan area; and

"Whereas, The display of these United States military medals would be an inspiration to all the people of California and would make an outstanding contribution to the celebration of national holidays and patriotic events throughout the year; and

"Whereas, The donation of these medals would be particularly important in contributing to an understanding and appreciation of the tremendous sacrifices made by our veterans, both living and dead, who have served the American people in the highest tradition of gallantry and honor; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President of the United States to issue an executive order releasing a complete set of United States military medals, to be donated to the citizens of the City and County of Los Angeles and of the State of California and to be presented to the Commander of the Los Angeles County Council of the Veterans of Foreign Wars for use in a permanent historical display in Patriotic Hall in the County of Los Angeles; and be it further

"Resolved, That the Secretary of Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Army, to the Secretary of the Navy, to the Secretary of the Air Force, and to the Commandant of the United States Coast Guard."

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"Senate Joint Resolution No. 1

"Relative to grape tariff

"Whereas, The Trade Expansion Act of 1962 provides for a diminution of the tariff on imported table grapes; and

"Whereas, Such act establishes minimum protection during the California table grape harvest; and

"Whereas, Foreign imports during this calendar period are increasing rapidly; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That in order to recognize the growing importance of the California table grape industry to the United States economy and to prevent irreparable injury to that industry, the Legislature of the State of California respectfully memorializes the President and the Congress of the United States, the United States Department of State, *and the United States Tariff Commission* to adjust the tariff on grapes, other than hothouse grapes, which would provide the degree of protection for California table grapes warranted by these circumstances; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of State, *the United States Tariff Commission,* to the Speaker of

the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the board of directors, South Louisiana Electric Cooperative Association, Houma, La., opposing certain advertisements relating to investor-owned light and power companies; to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 632. A bill to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning (Rept. No. 92-869) (Together with minority and additional views).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2270. A bill for the relief of Magnus David Forrester (Rept. No. 92–870);

S. 2489. A bill for the relief of Judy A. Carbonell (Rept. No. 92–871);

S. 2575. A bill for the relief of William John West (Rept. No. 92–872);

S. 2591. A bill for the relief of Doctor Constante S. Avecilla (Rept. 92–873);

S. 2625. A bill for the relief of Giuseppe Paul Pinton (Rept. No. 92–874);

S. 2704. A bill for the relief of Rita Rosella Valleriani (Rept. No. 92–875);

S. 2822. A bill for the relief of Alberto Rodriguez (Rept. No. 92–876);

S. 2937. A bill for the relief of Slobodan Babic (Rept. No. 92–877);

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera (Rept. No. 92–878);

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips (Rept. No. 92–879);

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera (Rept. No. 92–880);

H.R. 4050. An act for the relief of Maria Manuela Amaral (Rept. No. 92–881);

H.R. 6201. An act for the relief of Lesley Earle Bryan (Rept. No. 92–882);

H.R. 6907. An act for the relief of Matyas Hunyadi (Rept. No. 92–883); and

H.R. 7641. An act for the relief of Chung Chi Lee (Rept. No. 92–884).

By Mr. EASTLAND (from the Committee on the Judiciary, with an amendment:

S. 465. A bill for the relief of Mrs. Hang Kiu Wah (Rept. No. 92–885);

S. 1950. A bill for the relief of Mrs. Josefita Esther Worley (Rept. No. 92–886); and

S. 2562. A bill for the relief of Guido Bellanca (Rept. No. 92–887).

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

S. 3722. A bill to provide for the establishment of a Foreign Service grievance procedure (Rept. No. 92–888).

By Mr. ROBERT C. BYRD (for Mr. Long) from the Committee on Commerce, without amendment:

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936 (Rept. No. 92–889).

By Mr. MONDALE, from the Committee on Banking, Housing and Urban Affairs:

S. 3726. An original bill to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity to establish a Council on International Economic Policy, and for other purposes (Rept. No. 92–890) (together with additional views.)

Mr. MONDALE. Mr. President, from the Committee on Banking, Housing and Urban Affairs I report a bill, to extend and amend the Export Administration Act of 1969, to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes, and request that the report, together with additional views be printed; and also request permission to deliver the copy to the Government Printing Office by midnight tonight.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PROXMIRE:

S. 3720. A bill for the relief of Josefina and Antonio Macias Garcia. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3721. A bill for the relief of Raffaele Colangelo. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

S. 3722. An original bill to provide for the establishment of a Foreign Service grievance procedure. Ordered to be placed on the calendar.

By Mr. COOK:

S. 3723. A bill to amend the Federal Coal Mine Health and Safety Act of 1969. Referred to the Committee on Labor and Public Welfare.

By Mr. MONTOYA:

S. 3724. A bill to amend the Federal Hazardous Substances Act to require manufacturers of toxic substances to file certain information with the Secretary of Health, Education, and Welfare regarding such substances, and for other purposes. Referred to the Committee on Commerce.

By Mr. MANSFIELD (for himself and Mr. Metcalf):

S. 3725. A bill to amend the Small Business Act to authorize the Small Business Administration to make loans to small business concerns which are adversely affected as a result of certain international agreements. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE, from the Committee on Banking, Housing and Urban Affairs:

S. 3726. An original bill to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity to establish a Council on International Economic Policy, and for other purposes. Ordered to be placed on the calendar.

By Mr. SCOTT:

S.J. Res. 246. A joint resolution authorizing the President to proclaim the first Sunday in December as "National Fellowship Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COOK:

S. 3723. A bill to amend the Federal Coal Mine Health and Safety Act of 1969. Referred to the Committee on Labor and Public Welfare.

THE ENERGY CRISIS AS IT RELATES TO COAL

Mr. COOK. Mr. President, power, strength, vigor, and resolution are all synonymous with energy. I would like to add one word to that list and that being America. To the free world, America has always represented strength, power, and above all, energy. The source of this energy has been the abundance of natural resources which provided unlimited amounts of cheap fuel. We now face the realization that this fuel is not unlimited and with this realization comes the disagreeable fact that it is no longer cheap. The decision we as Americans face is very simple. Either we pay the price and find ways to develop and use our natural resources within the limits established by recent environmental legislation or we sacrifice a considerable portion of our way of life and our national strength and independence.

There is general acceptance that we do have an energy crisis. What concerns me is the "business as usual" way we are seeking the solution to this problem. There seems to be an attitude that we have almost unlimited time to find these solutions. Unfortunately this unlimited time is just as unlimited as our unlimited resources. The shortage of fuel is here with us today and unless the executive branch, the Congress, the scientific community, the ecologist, the producer of fuel, and the consumer band together to solve our problem, we very soon will be locked into fixed procedure and find our alternatives to be very limited.

To my way of thinking the problem is not a shortage of our natural resources but rather the finding of an acceptable method of using these available resources to meet our fuel requirements.

We all look to nuclear power as the panacea. I support these programs and I wish them well. However we are told by the most optimistic nuclear boosters that fossil fuel will still furnish 50 percent of our energy in the foreseeable future and certainly beyond the year 2000. When we consider that our energy requirements are forecast at three to four times our present requirement it is obvious that fossil fuel will be required in ever-increasing amounts. The Interior Department and the Federal Power Commission both agree that there is sufficient coal in our reserves to meet our fuel requirements for many years to come. In fact coal constitutes 73 percent of our recoverable fossil fuel. This fuel has always been the backbone of the energy producing industry. At a time when our fuel requirements are increasing and coal is attempting to meet this requirement the very use of coal as well as the coal industry itself is threatened. This threat arises from the increased restrictions Federal legislation is placing on the coal operator and consumer, making it most difficult to produce and use this valuable fuel.

I supported the Coal Mine Health and Safety Act of 1969. I had severe reservations then and I still have reservations concerning what I consider to be unrealistic restrictions on nongassy mines. Typical of the many letters I have been receiving from my State is the one from Mr. B. W. Whitfield which I ask unanimous consent to have printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Kentucky-Jellico Coal Co.,
Brookside, Ky., June 13, 1972.
Hon. Marlow W. Cook,
Old Senate Office Building,
Washington, D.C.

Dear Senator: I have been in the coal business since 1923 and I have owned and operated mines in four counties of Kentucky; namely, Knox, Harlan, Bell and Letcher Counties. I have also owned and operated mines in Lee and Wise Counties, Virginia. I believe that I have been fairly successful in my business and I have a good safety record of which I am justly proud.

For many years I enjoyed my work as a coal operator and I have made many friends among my employees and with my fellow coal operators. I have mined over thirty million tons of coal in various operations and enjoyed every minute of it. However, since the enactment of the Federal Coal Mine Health and Safety Act of 1969, my career as a coal operator has been destroyed. I have been harassed by Federal inspectors, penalized and fined by assessment officers and I have seen my business decline until I can no longer operate at a profit.

I have sold all of my mining properties and my sons and I will no longer attempt to continue a business that was started by my father in 1890. If the Mine Safety Law had included exemptions that would have recognized the difference between a dangerous gassy mine and a non gassy mine we would have continued in business. However, this does not seem possible and so we are being forced out of business along with hundreds of other operators. On the other hand the tremendous increase in cost of producing coal which we estimate to be at least a billion dollars is an added burden that the public will have to bear.

We appreciate your efforts to help the coal industry. I hope you succeed—if not for our sake, perhaps to keep the coal industry alive for the benefit of future generations.

Sincerely,

B. W. Whitfield, Jr.

Mr. COOK. Mr. President, since 1890 this family has been mining coal in Kentucky. They have now sold their business. The letter states:

> If the mine Safety Law had included exemptions that would have recognized the difference between a dangerous gassy mine and a non gassy mine we could have continued in business. However, this does not seem possible and so we are being forced out of business along with hundreds of other operators.

I question that this was the intent of the Congress when the Coal Mine Health and Safety bill was passed in 1969. To this end, in a letter, I ask unanimous consent to have printed in the Record, I have requested Senator Williams to hold oversight hearings on this legislation at the earliest practicable date. Now that the law has been in effect for 2 years, I believe a very worthwhile purpose could be served and hopefully some remedial action could be initiated. I do not advocate the weakening of the safety now afforded the miner but I do favor a commonsense approach to the safety requirements.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C.
Hon. Harrison A. Williams, Jr.,
Chairman, Labor Committee, New Senate Office Building, Washington, D.C.

Dear Pete: Now that the Federal Coal Mine Health and Safety Act has been in effect for more than two (2) years, it has been brought to my attention in correspondence from coal operators and miners alike that there may be inequities in the law regarding coal mine safety which Congress should address.

In the last several years, Congress has considered numerous amendments to improvise title IV of the Coal Mine Health and Safety Act, the most recent being the Black Lung Benefits Act of 1972 (P.L. 92-303), to compensate miners having black lung disease. I have supported these attempts to broaden coverage for those who are disabled. However, we in Congress may have inadvertantly avoided assessing the safety related aspects of the Coal Mine Health and Safety Act since its passage.

Having dispensed with coal health legislation, I would recommend that the Senate Labor Subcommittee conduct oversight hearings to officially evaluate the safety provisions of the law. I am deeply concerned over the plight of the coal industry in this nation and am hopeful that a Congressional inquiry will not only resolve many questions which are of primary concern to those in the industry but will also offer suggestions to reconcile the problems of safety in our Nation's coal mines. I will be happy to discuss this matter with you at any time.

Sincerely,

Marlow W. Cook,
U.S. Senator.

Questions To Study

(1) Does the 1969 Act in fact perpetuate unsafe conditions because of inability to comply and are miners jeopardized because the safety regulations may be too stringent or ineffective?

(2) Do the injury fatality records lead one to conclude that the safety regulations adequately insure the safety of the miners so that they do not face death or serious injury while working in mining operations?

(3) Do the safety requirements work unnecessary financial hardships upon the operator by forcing the purchase and use of unnecessary equipment and does this lead to the eventual elimination of small mining operations?

(4) Do the safety regulations create a strain upon the environment by making surface mining more attractive than underground operations?

(5) By what means can the problems of complying with the safety regulations be minimized so that excessive fines do not unnecessarily force the shut-down of mining operations?

Mr. COOK. Mr. President, the Black Lung Benefits Act of 1972 passed recently by the Congress amending title IV of the Coal Mine Health and Safety Act of 1969 will correct many inequities. I recognize that many of the personnel now covered by this bill have in the past years suffered inequitable benefits. I applaud this new action. However, I am most concerned as to the effect of this bill on the operator, the Federal Government, and the individual. To this end I am introducing an amendment to title IV of this act which would create an Interdepartmental Commission composed of representatives from the Department of Health, Education, and Welfare, the Department of Labor, and the Department of the Interior. This Commission would be charged with the responsibility of assessing the cost and the effects of the Coal Mine Health and Safety Act, as amended, which would be imposed upon the various States, the coal industry, and, specifically, the small coal operators.

Many in the coal industry are fearful of the consequences that this legislation will have, not only upon themselves, but upon the economy as well. It is important that we acknowledge these apprehensions and explore this potential problem so that it cannot be said that Congress acted blindly.

With a cost projection in the neighborhood of nearly $3 billion, it is clear that the costs to the coal industry will be staggering, but at this time, it is impossible to ascertain its total liability under this new legislation. All of the figures, estimates, and projections are just what they imply—only estimates. We can only make offhand guesses. At this time no one knows for certain what the actual costs will be. However, there is considerable room for doubt in the present $3 billion estimate, particularly when one recognizes that the original cost estimate of the black lung program turned out to be 40 times below that which was actually incurred. If this situation applies to HEW's new estimates, can it be true that the $3 billion cost projection is, in reality, 40 times below what the actual cost will be?

Mr. President, the point is that the full financial impact on the national economy, and the effect on the consumer as reflected in the costs of goods and services has never been thoroughly considered. The 20 largest coal companies, employing half the work force, produce 55 percent of the annual tonnage from 350 mines. Forty-five percent of the annual tonnage is produced by the other half of the work force in the 5,200 small mines. Thus, a major portion of the cost of this legislation will fall on the small, independent coal producers who may not be able to afford insurance to cover the expected costs under this program. Moreover, the ability of all coal producers, large and small, to meet the present and future energy demands of the Nation may be seriously impaired. Also, the much-needed coal export market may be threatened. No one has assessed its impact on the balance of payments.

Very shortly we will be asked to consider surface mining legislation which will have a significant impact on the coal operator. I have always opposed uncontrolled strip mining as well as the stripping of land which cannot be reclaimed

I believe that the operator should reimburse the Nation for a portion of the value of the natural resource extracted from our Reserve and I introduced S. 3444 which would require a 4-percent severance tax to be paid by the operator on every ton of coal extracted. I have sent a letter to Senator Long, the chairman of the Finance Committee requesting the scheduling of hearings on this bill at an early date and I ask unanimous consent that this letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

June 19, 1972.

Hon. Russell B. Long,
Chairman, Senate Finance Committee,
Washington, D.C.

Dear Mr. Chairman: On March 30, 1972 I introduced S. 3444, the Federal Coal Severance Tax and Revenue Sharing Act. This bill will assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of coal.

In the statement I made on the floor of the Senate at introduction, I noted the benefits of this bill as several. More than ever am I convinced that a uniform tax of 4 percent is essential to place all companies and all coal producing states on an equal footing. Moreover, this bill will create an important incentive for state governments to enact their own severance taxes, which in turn will create new sources of income for many of our tax-starved states.

Certainly a measure which can provide over $140 million in new revenue is urgently needed at this time. I recommend, therefore, that the Senate Finance Committee judge the merits of this legislation by conducting hearings at the earliest possible date.

With kind regards,

Sincerely,

MARLOW W. COOK.

Mr. COOK. Mr. President, if all these proposals are successful the production of coal will increase. But production is just half the problem and we must solve the problems related to the emission of offensive oxides which occur during the combustion of coal having a high sulphur content.

There are two entirely separate problems which must be resolved; the first being the removal of offensive sulphur from coal prior to its use and the second being the provision of a suitable system to remove offensive oxides from the stack emissions resulting from the combustion of high sulphur coal.

The gasification of coal provides us with the best answer to this first approach. I am very pleased with the joint industry—Government—Bureau of Mines—effort underway to produce pipeline quality gas from coal. The willingness of industry to contribute $10,000,000 of their capital coupled with the $20,000,000 in Federal support argues well for the interest of both entities. This limited program along definite lines should permit the concentration of effort and hopefully produce acceptable results.

I am concerned about the paucity of effort to develop a process for the low B.t.u. gas combined with advance cycle turbine—steam powerplants can generate electrical energy in a most efficient and acceptable manner. For some time there was a small low B.t.u. program in the Environmental Protection Agency. As of fiscal year 1973 this effort has been transferred to the Bureau of Mines to capitalize on the knowledge gained from related gasification programs. There is $3,000,000 in the fiscal year 1973 budget for this purpose. I am informed that this amount would be ample if the effort is concentrated on a limited program which shows significant promise. While I do not assume to instruct the Interior Department, I have requested that they select a specific limited program as soon as possible and concentrate their effort in this area. I ask unanimous consent that a copy of this letter also be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C.

Hon. HOLLIS DOLE,
Assistant Secretary of the Interior,
Interior Building, Washington, D.C.

DEAR MR. DOLE: My concern for the adverse impact the shortage of energy is having on this nation is well-documented. Just recently, on the floor of the Senate, I defended rulemaking Procedure R441 proposed by the FPC to create an incentive for the producer to encourage him to increase his exploration efforts. This program will assist but will not solve the energy shortage problem.

As you have stated in your appearance before Senate Committees coal is the one fossil fuel which is capable of meeting our energy requirements. An inherent problem in using fuel is the excessive emission of sulphur oxides which result from the combustion of high sulfur coal. As my state of Kentucky is now the leading coal producer in the Union, I am most interested in pursuing the use of this valuable resource. One solution to this emission problem is the gasification of coal. It is to this solution I wish to solicit your comment and support.

The FY 73 budget includes funds to support a substantial gasification program to develop a process for the economical manufacture of high BTU gas. I am encouraged by the efforts in this regard and look forward to excellent results. A companion program makes available $3 million dollars for a low BTU program. I am under the impression that these funds are ample to support a program dedicated to a very limited number of specific projects. The recent transfer of this low BTU program from the Environmental Protection Agency to the Department of the Interior could cause a slippage in the overall program and I am sure that you are doing everything possible to prevent this unsatisfactory condition from occurring.

I have been briefed on programs designed to combine a low BTU gasifier with an advanced cycle generator which have been initiated by Westinghouse and United Aircraft. I am sure that there are others. While I refrain from supporting a specific proposal I do encourage the adoption of a specific course of action and urge that this course be pursued with all expediency to achieve a viable system in the shortest possible time.

To this end it would be most helpful to me to learn of your evaluation of the processes which have been presented to you as well as the program you have decided to support. I assure you that I will lend my voice to assist you in any way possible in your pursuit of a solution to this problem.

Sincerely,

MARLOW W. COOK,
U.S. Senator.

Mr. COOK. Mr. President, while the gasification of coal furnishes promise, there is the problem of lead time as well as the actual tonnage of coal which can be utilized by this process, and we are still faced with a requirement to burn high sulphur coal for fuel. The problem facing the powerplant operator who desires to burn this coal is that he does not have an effective commercially tested desulphurization system available for installation which meets the emission standards established by the EPA. Legislation has overtaken technology. Unless he is provided with a system by the scientific community he will no longer be able to burn coal. I have dispatched a letter to Dr. Edward E. David, Director of the Office of Science and Technology, requesting that a dynamic program be initiated to develop such a desulphurization system. I ask unanimous consent that this letter also be printed in the RECORD. To me, this problem is the single most important problem facing the energy industry today. We must find a solution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C.

Dr. EDWARD E. DAVID,
Director, The White House,
Office of Science and Technology,
Washington, D.C.

DEAR DR. DAVID: I am greatly concerned that the nation's utilities may in the very near future be unable to meet the requirements for electrical power. This inability will be even more acute when these utilities are required to meet stack emission standards established by the Environmental Protection Agency for 1975.

Coal is recognized as the backbone of the fossil fuel reserve of this nation and constitutes 73% of the total recoverable fuel. There is sufficient coal to meet our needs, however regulation has outrun research and in order to meet the emission standards industry is forced to import residual fuel oil. The facts are that the equipment is not commercially available to remove offensive oxides from stack gas where other than low sulfur coal is used as fuel.

If we continue at the present pace the results are inevitable. We will be dependent on imported fuel. At a time when we are very much concerned over trade deficits we will be importing billions of dollars in oil at a billion dollar loss to the coal industry.

We must find a way to use our natural resources. I recognize that the gasification of coal will provide a patrial solution by 1980. However it is imperative that this nation develop a stack gas desulfurization system within the next twelve months if we are to remain a nation capable of meeting its energy requirements from domestic resources.

I urge that an intensive accelerated program be initiated immediately to meet this requirement.

Sincerely,

MARLOW W. COOK,
U.S. Senator.

Mr. COOK. Mr. President, there is of course an alternate solution to the energy problem and that being the ever increasing importation of residual oil. I find this unacceptable for several reasons.

First, we would sacrifice our independence and become dependent on foreign powers for our energy. To an unacceptable degree I question if we can afford to do this.

Second, in a period when we are concerned for our balance of payments we would be importing billions of dollars in residual oil with no offsetting export.

Third, we would be crippling our billion dollar domestic coal industry.

Mr. President, I realize that there are other facets of this problem to be addressed. My purpose has been to address the energy crisis as it relates to coal. I believe that we have some excellent programs and that we are making progress but I urge each Member of the Congress to study this problem carefully and lend his support.

I do not desire to alarm this body or the Nation but I believe that the time has come to face the facts and to take action. As the famous Hebrew scholar Hillel said some 2000 years ago:

> If not us, who. If not now, when?

By Mr. MONTOYA:

S. 3724. A bill to amend the Federal Hazardous Substances Act to require manufacturers of toxic substances to file certain information with the Secretary of Health, Education, and Welfare regarding such substances, and for other purposes. Referred to the Committee on Commerce.

POISONOUS SUBSTANCES REGISTRATION ACT OF 1972

Mr. MONTOYA. Mr. President, today the Nation is virtually being inundated by a flood of new commercial products emerging from industry's laboratories. As new combinations of ingredients are put together, they are packaged and promoted with a fine disregard for consequences involved insofar as health and well-being of the eventual consumer are concerned.

More often than not, a manufacturer is determined to enter the marketplace with that product, come what may. As a result, even a cursory perusal of packaging periodicals reveals a bewildering procession of spanking new items, complete with glittering packages and noisy promises of performance.

An increasing number of such items contain very hazardous ingredients. In the past year and a half, I have been intimately involved in seeking strict enforcement of the Poison Prevention Packaging Act. This measure calls for childproof safety packaging for any product containing dangerous substances.

In the course of my efforts, it has been discovered that literally thousands of products are sold across Amreica without anyone outside of the actual manufacturer knowing their composition fully.

It is quite possible, as of today, for any given producer with laboratory and manufacturing facilities, to create a product, test-market, produce, and sell it everywhere in the United States—all without revealing what it contains.

An unsuspecting public, attracted by packaging and enticed by clever advertising, purchases the item, bringing it into millions of homes without knowing what the consequences will be if it is ingested.

It is in the interest of the entire consuming public that such products and their composition be made known to some central agency of Government before any more such combinations are placed on sale in the Nation's marketplace. The public today is completely unprotected.

Such knowledge is available to the U.S. Government only on a purely voluntary basis. If any manufacturer decides to register his product with an appropriate Federal agency, it is only done as an afterthought.

In the course of my Poison Prevention Packaging Act work of the past 18 months, it was fairly common to encounter instances of child poisonings by new products. In the case of Clorox II, a child ingested some and immediately became very ill.

Her parents had the presence of mind to rush her to Walter Reed Hospital in a matter of minutes.

The Food and Drug Administration has tried to set up a series of poison control centers which would be able to respond to such happenings with product ingredient information. In this case, according to the report on the case, the Walter Reed poison control center did not have the product listed at all. Hence, no knowledge was immediately available on the product's makeup and of course no projection could be made by physicians in attendance as to reactions going on inside the child.

Hence, they could not proceed with treatment, even though she was right there in one of the most sophisticated medical facilities in the world. We already know labeling of all contents is still a question that is in question insofar as consumer protection is concerned.

The physician at the Medical Center made an emergency call to the Clorox Co., yet it was almost 3 hours before he finally received the information required. It seems, to quote the child's mother, that "everyone who knew anything about Clorox II was out to lunch."

Our conclusions are obvious. The child could have easily died while both doctors and parents stood by helplessly. This situation is compounded daily around the Nation. In the case we are considering today, the child was extremely lucky immediate action was not required.

My bill, the Poisonous Substances Act of 1972, is very simple and amply fills this need. It simply states that whenever a manufacturer is about to place a commercial product on the market, he must register its contents with an appropriate Federal agency if that product contains toxic ingredients. This would be required even before he test-markets the product.

Further, he must also indicate the level of toxicity of such ingredients, and the appropriate antidote. This would have the effect of insuring that whenever there is a poisoning, an attending physician will be able to contact a central directory in Washington to ascertain what exactly was in the substance ingested by his patient.

Once this rule was instituted, it would be a simple matter to notify each physician, hospital, and clinic of the existence of the central data source, which in turn could operate in tandem with the existing network of poison control centers.

As offered, the measure calls for registration of toxic ingredients in any product with the Secretary of Health, Education, and Welfare. No test marketing or sale of any new product could be undertaken without such toxic substances registration. No damage would be sustained by industry as a result of this measure. No public revelation of industry secrets is sought. Only registration of toxic substances in any given product.

Once the rule is instituted, manufacturers of products not registered and already being marketed would have 90 days in which to register appropriate information with government.

Presently, any manufacturer goes through a series of elementary processes before marketing any new item. Now, he would simply have to insure that his scientific personnel notified the appropriate Federal agency of potential hazard posed by a given ingredient.

No major new cost would be incurred by industry. Nor would the Federal Government incur any major additional expense. A central card file available year-round to medical personnel is all that would be needed.

Here is the simplest, most effective way of plugging a gaping loophole in elementary consumer protection laws. Passage of this measure in tandem with or as part of an excellent consumer protection measure shortly to be offered by the distinguished Senator from the State of Washington (Mr. MAGNUSON) would be very much in order.

I offer this measure at this time.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 632

At the request of Mr. JACKSON, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 632, the Land and Water Resources Planning Act of 1971.

S. 3530

At the request of Mr. BEALL, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 3530, a bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.

S. 3604

At the request of Mr. BROCK, the Senator from Kansas (Mr. DOLE), the Senator from Ohio (Mr. TAFT), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 3604, to provide for the establishment of safety standards for mobile homes in interstate commerce.

S. 3613

At the request of Mr. BAKER, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 3613, to amend title 38, United States Code, so as to make presumption relating to certain diseases applicable to veterans who served during the period between the end of World War II and the beginning of the Korean conflict.

SENATE JOINT RESOLUTION 244

At the request of Mr. RIBICOFF, the Senator from South Dakota (Mr. McGOVERN), the Senator from Rhode Island (Mr. PASTORE), the Senator from Iowa (Mr. HUGHES), the Senator from Texas (Mr. TOWER), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

SENATE JOINT RESOLUTION 245

At the request of Mr. RANDOLPH, the Senator from Wyoming (Mr. HANSEN), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) were added as cosponsors of Senate Joint Resolution 245, to designate the calendar month of September 1972 as "National Voter Registration Month."

SENATE CONCURRENT RESOLUTION 85—SUBMISSION OF CONCURRENT RESOLUTION RELATING TO NEGOTIATIONS TO PREVENT ACTS OF TERRORISM AT INTERNATIONAL AIRPORTS

(Referred to the Committee on Foreign Relations.)

Mr. PERCY. Mr. President, on May 30 there was another brutal act of airline terrorism. Three fanatics coldly and calmly murdered 26 people, 16 of them American citizens, at Lod International Airport in Tel Aviv. The never-ceasing campaign to destroy the State of Israel took the lives of innocent passengers of international aviation. No claim that this was a political act in the continuing war against the State of Israel can hide the ugly fact that what occurred was the murder of innocents.

Civilized people everywhere were shocked by this outrage, but shock should not prevent us from promptly moving to seek new and more effective ways to cope with the growing menace of terrorism—particularly in the area of international civil aviation. The United States has consistently taken the lead in this area and must do so again. It is to this purpose that I am introducing a resolution which calls upon the President to undertake negotiations with the governments of all countries in which international commercial airports are located, with a view to achieving an international agreement designed to prevent such terrorist acts as took place at Lod Airport.

Terrorism in or around airports and directed at their related facilities such as ticket offices and downtown terminals has occurred before. On November 27, 1969, terrorists struck at the ticket office of El Al International Airlines in Athens, Greece, wounding 15 people. On February 10, 1970, a group of terrorists struck at the international airport in Munich, killing one person and wounding or maiming 11 others.

International society simply cannot allow itself to remain defenseless against criminals who seem bound and determined to use every available opportunity to commit their outrageous acts at crowded airports. One can only sadly agree with the observation of Prime Minister Golda Meir after the tragedy at Tel Aviv when she pointed out that it takes a special kind of coward to hire gunmen to murder defenseless men, women, and children.

The resolution I present today cannot, of course, cure the spiritual and psychological sicknesses of those who sponsor or commit such criminal acts as at Lod Airport, but it can serve to focus world public opinion on this problem and lead to strong and effective international arrangements which could diminish the likelihood of such acts.

The resolution does deal with specific problems and issues and seeks concerted international action to cover those areas that are not currently covered by existing international treaties.

It recognizes that airport terrorism is an international problem that must be dealt with by the international community. In the Lod case, the murderers were Japanese, the airline that carried them was French, the airport where they boarded the plane that took them to Tel Aviv—and where internationally agreed upon security procedures were not carried out—was in Italy, and the men behind this tragedy were Palestinian with their headquarters in Lebanon.

Although Israel has been the primary target of such terrorism, similar acts could strike with equal ferocity at travelers of any nation, on any airline, in any airport, in any country. The resolution recognizes this and calls for an international effort at the governmental level as well as through international organizations.

The resolution fills a gap not currently covered by either the Hague Convention or the recently negotiated Montreal Convention. Both of these very useful and desirable conventions focus primarily on the aircraft itself. Neither would cover the murder and destruction that took place inside the Lod Terminal. Neither would have covered the incidents in Athens or Munich. This resolution specifically calls for a treaty that would cover airports and related facilities such as terminals, airline ground transportation, storage facilities, ticket offices, and downtown passenger terminals. It will not be easy to negotiate such coverage, seeking common definitions, in sum, dealing with the problem of reaching an agreement that would cover areas and events normally considered to be the sovereign responsibility of the state in which they are located. However, the President has directed the successful negotiation of even more complex issues such as were involved in the strategic arms limitations talks, and our negotiators are second to none in skill and determination.

This resolution encourages action which, through existing international organizations, would strengthen the implementation of treaties and agreements already in force. Obviously the diligent implementation of airport, aircraft, and passenger security measures is a case in point.

Most importantly this resolution calls for an agreement containing a number of specific mandatory actions to be taken in the event an act of airport terrorism occurs. It provides that any agreement should require mandatory classification of acts of airport terrorism as common crimes, not political acts, and therefore not excludable from the list of extraditable offenses.

It has been made quite clear that it would take only a few fanatics to commit such an act, an act which they would no doubt seek to justify as a political act committed against a state or group against whom the terrorists have a grievance. The world abounds in highly emotional issues, which have been used to justify as political acts the most vicious examples of common criminality. Terrorism of various kinds has been directed against innocent third parties in numerous countries and there is no reason to suspect that such criminality will cease unless strong measures are taken to curb it and insure that the criminals who commit such acts will find no refuge or sanctuary anywhere. Equally important the resolution calls for the mandatory apprehension and extradition of such persons alleged to have committed acts of airport terrorism. In such cases where national law makes extradition impossible, it commits the signatory state to try such person under the appropriate law of that jurisdiction in which he has been apprehended. These provisions are clearly designed to cope with a situation that could arise if terrorists were not apprehended by local authorities, as in the case of Lod, but managed to escape and sought the protection of the laws of another state or of refuge within its borders.

International conventions must, after being successfully negotiated, be signed and ratified by a large number of states before they become truly effective. I have no illusions that certain states will refuse to sign a convention dealing with airport terrorism or even participate in its negotiation. This, however, should not deter us from seeking such an agreement. Attention must be focused on this problem. Pressure must be exerted upon states to act in concert and exercise the responsibilities that we all share as members of an international and civilized society. Let those who refuse to exercise this responsibility be exposed and be forced to justify their refusal in the full glare of world public opinion.

I call upon this Chamber and our colleagues in the House of Representatives to act on this resolution so that progress can be made to stop the threat of violence from disrupting international civil aviation.

The concurrent resolution reads as follows:

SENATE CONCURRENT RESOLUTION 85

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should, at the earliest practicable date, undertake negotiations with the governments of all other countries in which international commercial airports are located with a view to achieving an agreement among all such countries and the United States for the initiation and carrying out of such actions as may be necessary and appropriate to protect against or prevent the commission of acts of violence or terrorism at international airports which are related to international civil aviation.

SEC. 2. It is further declared to be the sense of the Congress that the President should, through official representatives of the United States, present to appropriate international organizations for consideration the matter of acts of violence or terrorism at international airports which are related to international civil aviation, including consideration of appropriate actions to protect against or prevent such acts.

SEC. 3. It is further declared to be the sense of the Congress that any agreement or other arrangement entered into by the United States and other countries pertaining to acts of violence or terrorism committed at international airports and related to international civil aviation should include provisions requiring all parties to any such agreement or arrangement to—

(1) consider such acts as extraditable offenses, but provide that, in any case where extradition is not possible that the trial be conducted in the country in which the person or persons alleged to have committed such acts are apprehended;

(2) provide for the immediate apprehension and extradition of persons alleged to

have committed such acts to the country in which such acts were committed; and

(3) afford certain safeguards to insure that any person accused of committing such acts will receive a fair trial.

THE COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 1244 THROUGH 1248

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY, for himself and Mr. TOWER, submitted five amendments intended to be proposed by them jointly to the bill (S. 3617) to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

AMENDMENTS NOS. 1249 THROUGH 1253

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK submitted five amendments intended to be proposed by him to the bill (S. 3617), supra.

AMENDMENT NO. 1254

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK, for himself, Mr. BEALL, and Mr. TAFT, submitted an amendment intended to be proposed by them jointly to the bill (S. 3617), supra.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1255

(Ordered to be printed and to lie on the table.)

Mr. COOPER submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 364

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that the Senator from Washington (Mr. JACKSON) be added as a cosponsor of amendment No. 364, intended to be proposed to the bill S. 1684, the Powerplant Siting Act of 1971.

Amendment No. 364 is a proposal to establish a Federal power research and development program, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON CORPORATE SECRECY: INDUSTRIAL AND NATURAL RESOURCES OWNERSHIP AND CONTROL

Mr. NELSON. Mr. President, I announce that the Subcommittee on Monopoly of the Select Committee on Small Business will resume its hearings on the role of giant corporations in the American and world economies on Wednesday, June 28, 1972, at 10 a.m. in room 318, Senate Office Building. The session will open part 4 of the hearings. This part will be entitled "Corporate Secrecy: Industrial and Natural Resources Ownership and Control."

The witnesses will be:

Hon. LEE METCALF, U.S. Senator from Montana.

Mr. Richard Ney, Richard Ney & Associates, investment counselors, 10708 Stradella Court, Bel-Air, Los Angeles, Calif. 90024.

In opening the corporate secrecy phase of the hearings on corporate giantism, we identified seven aspects of corporate secrecy which we wished to explore as fully as possible. These were the withholding by corporate giants of valuable information about—first, the separate organizational, industrial, and geographical segments of the business, and the interrelationships of the segments; second, industrial and natural resources ownership and control; third, product quality and performance characteristics; fourth, new discoveries and the processes by which decisions are made to market or withhold from the market new products and techniques; fifth, Government procurement and Government contracts; sixth, environmental impacts; and seventh, employment policies and working conditions.

It would seem unreasonable to assume that the larger and more powerful a corporation is, the more it should be required to and should expect to live in a goldfish bowl, subject to careful public scrutiny. Unfortunately, the exact opposite is the case. The larger and more powerful a company is, the more lives it affects, the less we know about it. These hearings will continue to try to improve and eventually reverse the existing situation, which is gravely dangerous to the free enterprise system itself.

The witnesses at the next session of the hearings are qualified to discuss all of these aspects of corporate secrecy, but we expect their testimony to center chiefly on the second: The secrecy that conceals from the public vital economic information on industrial and natural resources ownership and control. Senator METCALF, with Vic Reinemer, has written "Overcharge: How Electric Utilities Exploit and Mislead the Public, and What You Can Do About It." Mr. Ney is the author of the best-selling, "The Wall Street Jungle," described as a "survival kit for investors."

Senator METCALF and Mr. Reinemer have recently published two articles in the Nation, dealing with the secrecy that surrounds the identities of the principal controlling stockholders of giant corporations. Because of their great relevance to the forthcoming hearing, at which the Senator from Montana will testify, I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE NOMINEE LIST: UNMASKING CORPORATE OWNERSHIP

(By Senator LEE METCALF and Vic Reinemer)

WASHINGTON.—Aftco, Byeco, Cadco, Cepco, Ninco. A space age counting system? No. Those are "front" names used by American corporations to hide their identity. The names above—and thirteen others, when translated from the Corporate Code—identify financial interests of the Prudential Insurance Company of America.

Use of multiple pseudonyms is common corporate practice today. The biggest name-dropper is the Bank of America. It uses 111 front names—which the securities trade calls "street names," "straws" or "nominees"—to hide its identity in financial affairs.

Occasionally the name of the nominee offers a clue to the identity of the owner or trustee. The University of Pennsylvania proudly lists its investments under Franklin & Co. The Wisconsin Alumni Research Foundation uses the acronym Warf & Co. St. Mary's Convent at Notre Dame handles the Foreign Mission Fund of the Sisters of the Holy Cross through the Annunciata, Angela, Augusta or Pauline companies.

Usually, though, the name of the nominee affords no clue. The *Nominee List*, a publication closely held by the American Society of Corporate Secretaries at 9 Rockefeller Plaza, New York, runs the alphabet from AAB and Co., which is the Virginia National Bank in Norfolk, to Zyzco, which is also the Virginia National Bank, but its Bristol branch. Mellows & Co. is Bankers Trust at 9 Queen Victoria St., London. Fixfund, Funfund and Pride are among the Bank of California's fifty nominees. (Senator Metcalf inserted the *Nominee List* into the *Congressional Record* of June 24, Part II.)

Attentive Lockheed watchers may know that Kane & Co. and Cudd & Co. translate into a few of Chase Manhattan Bank's accounts. But there are pitfalls to trap the unwary. Davidson & Co. is the nominee for First National Bank of Boston, Manufacturers Hanover Trust in London and also the Farmers Bank of the State of Delaware. D. A. Davidson & Co., which is a Montana investment firm, chose as its pseudonym dear old Dad & Co.

The tail-wagging watchdogs on regulatory commissions often don't even know whom they are supposed to be regulating. Commissions ask corporations to identify their principal stockholders. The reporting requirement varies. The Federal Power Commission, for example, asks electric power and gas pipeline companies to name the ten principal security holders. The Interstate Commerce Commission asks for the top thirty. Whatever the requirement, the response is usually meaningless, because the companies habitually list nominees rather than beneficial owners. The Commissions simply let the companies get by without furnishing the basic information on corporate ownership and control. Commissions aren't interested in this subject and their staffs have neither the time nor the temerity to pursue the question.

About three weeks ago we walked down Capitol Hill to the Securities and Exchange Commission. The new commission headquarters looks out over quiet, cavernous Union Station, so it was appropriate that we inquire of the SEC regarding the ownership of the companies which formerly provided the American public with railroad passenger service. We already knew that conglomerates—Rio Grande Industries, Northwest Industries, Kansas City Industries and the like—had added major railroads to their investment portfolios and had undisputed control of the railroads. What we sought to determine from the SEC records was the ownership of the third generation in the corporate family tree—the grandfathers who through holding companies control the railroads and thousands of other companies.

We were well received and guided through requested files by an experienced staff attorney. But neither he nor we could find the answer to the big question. Companies sometimes disregarded the SEC's question on corporate ownership. In other instances "Kane & Co." and the other street names hid the beneficial owner. We learned that a lot of railroad holding companies have moved into executive stock options in a big way, now that they have escaped what little regulation of options they formerly were subject to at the ICC. We learned all about the cost and number of railroad ties and cabooses. But we couldn't find out who owned the companies.

Like other regulators and trust busters in Washington, our able guide was unaware of the *Nominee List* and its potential usefulness in breaking the Corporate Code. Had he known of it he might not have been able to get a copy. The publisher doesn't push it. Last spring a Tucson attorney, Stuart Herzog, tried to obtain a copy. He represents consumers in the Tucson Gas and Electric rate case and wanted to discover whether large industrial customers of the utility, who enjoy much lower rates than his clients, owned part of the company. The American Society of Corporate Secretaries told him distribution of the list was limited to the membership. The managing editor of a string of suburban Washington newspapers, W. J. Elvin III, received a similar response this summer. He then asked for the membership list to which the *Nominee List* is sent. No, he was told, the membership list is circulated only to the members.

Knowledge of corporate ownership, possessed by neither government nor the public, is basic to law enforcement. The Attorney General and regulatory commissions need the information to enforce antitrust law. The Federal Trade Commission, which is contemplating some ground rules for truth-in-ecology ads (and needs some encouragement and support in this effort), needs to compare the pollution in Florida by Rayonnier with the ads of its parent, ITT, Congress, if serious about the expressed concern of some members and committees regarding the energy crisis, needs current data on the acquisition by oil companies of coal companies, uranium companies, mineral leases and options on rights to water in federal reservoirs.

And Congress needs to know the relationship—through both ownership and interlocks—between those oil companies and what we perhaps improperly term the railroad conglomerates, such as the Union Pacific Corporation and Burlington Northern. They are primarily land and mineral companies, now free at last of the bothersome business of transporting the public and able to devote all energy to making the maximum profit from natural resources and real estate. Glancing at the back of one SEC file, we saw that a subsidiary of Union Pacific Corporation and a subsidiary of Eastern Gas & Fuel Associates have just created Rocky Mountain Associated Coal Corporation. It purchased the Reliance Coal Mine, a strip mine in Wyoming, and plans considerable coal development.

Knowledge of corporate ownership is also critically important to achieve the fundamental objective, generally agreed upon, of changing policy by working within the system. Public policy is determined by the private as well as the public sector. The two methods relevant here by which private corporations determine public policy are through withholding information and through cumbersome administrative procedures which exclude reformers and protect and perpetuate corporate owners and managers.

Consider the procedures for an annual stockholders' meeting. The agenda and the candidates are determined well in advance by the corporate management. Great effort and considerable expense, months prior to the meeting, are required to obtain consideration of the most modest proposals that have not been offered by management. If the attempt to get on the ballot is successful, identification of the voting stockholders and timely communication with them is difficult or impossible. At the meeting, company management counts the proxies it has received from Kane, Cudd, Cede* and all those other nebulous nominees, casts them for its candidates and proposals, winning in a 99 per cent landslide vote.

The overwhelming vote for itself is then publicly construed by the corporation as a ringing endorsement of its past activities and a mandate to continue doing whatever it decides to do. "Your management is most grateful for the Shareowners' continued evidence of support. [Shareowners and Stockholders are capitalized to make them feel wanted.] The thirteen incumbent directors were re-elected and independent auditors for 1971 were approved."

We quote above from Virginia Electric and Power's June 20, 1971 report to Shareowners (again with a capital S), but the procedures and results are typical. The directors, of course, had no opposition; nor did the "independent auditors" who were designated by the board of directors and simply ratified by proxies. *The corporate election process in America today is as rigged as elections are in the Soviet Union, the outcome as predictable, and the accompanying propaganda as self-serving.*

That is one reason why the sons and daughters of corporate executives turn away from Westchester, preferring to leave the Establishment, perhaps to become part of the tremendously important effort to inject democracy into the totalitarian corporation state.

Ralph Nader's Washington-based Center for the Study of Responsive Law and Public Interest Research Group, along with the Project for Corporate Responsibility—which spearheaded efforts to change General Motors from within—have led the way. But there are similar cadres within environmental groups and universities. In the latter case the work is usually done by students or young faculty members who have chosen not to grab for the ring that pulls hundreds of professors into consultancies for industry and corporate directorships, from which they contribute to the problem rather than its solution.

It has been more than thirty years since the last detailed study was made of economic and financial concentration. That study was undertaken by the TNEC—the Temporary National Economic Committee headed by the late Sen. Joseph C. O'Mahoney (D., Wyo.). By 1968, the 200 largest manufacturing corporations controlled a share of assets equal to that held by the top 1,000 corporations when the TNEC made its final report in 1941.

The Federal Trade Commission reported two years ago that the top 200 industrial corporations control more than 60 per cent of the total assets held by all manufacturing corporations. Insurance, oil, real estate, banking, utilities and industrial giants are tightly interlocked, through directors, banks and stock ownership. Control or mere influence on public policy slip further and further away from both the public and its elected representatives, while the decision makers of the corporate state think up new names to hide behind. That is why it is time for the Senate to institute a special committee to investigate economic and financial concentrations, as proposed in Senate Joint Resolution 113, now before the Senate Judiciary Committee. Change from within the system depends upon revelations of facts on ownership and control which the public has a right to know. Armed with that information we can proceed to reshape our institutions so that they will be responsive to the needs of our times.

"PRIVILEGED AND CONFIDENTIAL": WHO OWNS THE PRIVATE GOVERNMENTS?

(By Senator LEE METCALF and Vic Reinemer)

Sen. James Couzens of Michigan used to say that whoever held 2 or 3 per cent of the stock of a corporation could usually get "the majority to do the wishes of the minority." He spoke from experience half a century ago as president of the Bank of Detroit and a director of Detroit Trust. Rep. Wright Patman's House Banking Subcommittee on Domestic Finance considers 5 per cent significant when judging the potential influence that a bank trust department's stockholding may have on a particular corporation, but emphasizes that "even 1 or 2 per cent of stock in a publicly held corporation can gain tremendous influence over a company's policies and operations." Because common stock is widely held, an institution with only a small percentage may nevertheless be the biggest stockholder. Control can be exercised through interlocking directorates or credit policy. The most fundamental control is through voting of stock, thereby selecting the corporations' leadership and setting the general policy, as in a government election.

The American public knows a great deal about the voting constituencies of New Hampshire, Florida, Wisconsin, Maryland and other states where Presidential primaries have been held. The voters in these states have been canvassed, analyzed, photographed, interviewed, and polled. In contrast, no one knows much about who votes stock in the superstates—the major corporations whose wealth and power rival that of national governments—except the people who vote it. They don't brag publicly about the number of proxies they cast. They don't volunteer much hard information and not much is dug out by others. In fact, no one has even publicly identified the voters in the multi-billion-dollar corporations whose decisions dwarf, in political, economic, environmental and social consequence, actions taken by individual states or even the Congress.

The men who cast the ballots in the superstates can check on you. They determine your financial situation from a retail credit data bank, your medical condition from an insurance industry computer. But you can't check on them. And neither their tail-wagging regulators nor the leaderless little antitrust division of the Justice Department can give you a list of the key voters in Corporation X. The $126 million Justice Department-FBI edifice going up on Pennsylvania Avenue is destined to house the records of millions of individuals, but not of Fortune's 500 corporations.

There are enough data available to show that the list of key voters in major companies is not very long, and that some of them cast millions of votes in many constituencies. One source is the Securities and Exchange Commission Institutional Investors' Study Report, which the House Committee on Interstate and Foreign Commerce printed last year as House Document 92-64.

Part Five of the study analyzed concentration of stockholdings of the 230 largest institutional investors—bank trust departments, investment houses, insurance companies, employee benefit plans, educational endowments and foundations. They hold about three-fourths of all corporate share holdings. The companies in which stock is held—the 800 companies listed with the New York and American Stock Exchanges or traded exclusively over the counter—are named in the study, although their institutional investors are not.

The tables in the SEC report show the

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*Cede & Company is a nominee partnership composed solely of employees of Stock Clearing Corporation, a wholly owned subsidiary of the New York Stock Exchange. It engages in no business whatsoever and acts merely as the registered holder of securities deposited by members of the Exchange. Yet Cede & Co., Box 20, Bowling Green Station, New York, is a principal—sometimes the largest—security holder in major airlines, utilities and other corporations, according to companies' reports to regulators.

number of institutional investors which hold and vote various percenatges of stock in each company. In some cases the institutional investors have only partial voting rights, but in many instances they have exclusive voting rights—and enough of them to get "the majority to do the wishes of the minority;" as Senator Couzens put it, with plenty of proxies to spare.

Proctor & Gamble has an institutional investor who can cast at least 10 percent of the votes. So do Gulf Oil, Ford and Northwest Industries. The big boy behind Sears Roebuck has at least 20 percent. Some of these big blocks are employee benefit funds, and it is pertinent here to say that banks have sole voting rights in 81.5 percent of the 11,087 such funds surveyed by the Patman subcommittee.

From one to three institutional investors have sole voting rights for at least 10 percent of the stock in more than one-fourth of the companies in the SEC study that have a stock market value exceeding $15 million. This category includes another oil company, Standard of Indiana, and an auto company, Chrysler. It includes six airlines—Eastern, Twa, United, National, Delta and Northwest, plus Boeing. There are Holiday Inns and Hilton Hotels, Upjohn, Parke Davis and A. H. Robins, Aetna Life and Casualty, Hartford Fire Insurance, Connecticut General Insurance and Farmers New World Life, Collins Radio and Lafayette Radio, Benrus Watch and General Time, Fairchild Camera and Polaroid, Avon Products and Revlon, Control Data Corporation and Sperry Rand, Celanese, and Syntex, Xerox, Textron, Sunbeam, International Paper, Reynolds Tobacco, Loew's Theatres, National Steel, Freeport Sulphur, Colt Industries, Hercules, Grand Union and Ideal Toy, among many others.

The SEC study documents the concentration of economic power, at a level above that of company officials, but it doesn't show where the power lies. Nor does it show how many companies are subjected to control by one institutional investor. That information is basic to achieving law and order in the antitrust field, especially if one or two of these unknown voters dominate an industry, such as the commercial airlines.

There is not much point in telling people to work for change "within the system" if they can't find out who the system is. So we asked the SEC to send over the names of the thirty top stockholders of major corporations. Chairman Casey of SEC responded that the information was not required to be filed with the Commission and did not volunteer to try to obtain it. We therefore used the direct approach, and put the query to the presidents of the nine largest industrial corporations of America. Three of them are oil companies—Standard of New Jersey, Texaco and Mobil—and three are car manufacturers—General Motors, Ford and Chrysler. The others are IBM, General Electric and ITT.

Texaco replied that the stockholders information was "privileged and confidential." GM said that "it is our policy not to disclose specific information concerning individual stockholders, as such individuals or organizations may regard their holdings as a matter that is private to them."

Standard of New Jersey used the "third party" excuse: "We regard the relationship between the Company and the shareholder as a private one, somewhat like that between a bank and its depositors, and, in the absence of some legal requirements, would not wish to be guilty of disclosing a shareholder's private affairs for the purposes of third parties. Normally, of course, third party inquiries arise out of marital difficulties, creditors' claims, or just plain curiosity of, say, a relative or a newspaper columnist."

IBM doesn't even trust the second party, the stockholders, with such basic information about themselves: "The By-laws of our corporation restrict the availability of this type of information even to our own stockholders."

ITT neglected to respond until a follow-up letter was sent along with the other responses, after they appeared in the April 25th *Congressional Record*. But ITT had been busy, and the first letter may even have been shredded. In declining to divulge, ITT said: "I am sure you understand that in view of their confidentiality, it would represent a breach of our fiduciary responsibility to stockholders if we were to disclose their shareholdings without their consent, unless of course it were pursuant to a statutory or legal requirement."

But the other four companies, to their credit, supplied the requested information. True, some of the ownership was hidden behind street names or nominees—those phantom companies that are nothing more than post office boxes of the banks and other institutions which use the dummies to hide their concentrated power. But it is possible to find who the nominee fronts are by using the Nominee List, published and at last publicly available from the American Society of Corporate Secretaries in New York.

The data reported by the four companies showed that banks dominate the top stockholders and that the New York Stock Exchange itself, operating under the nominee "Cede and Company," is a significant stockholder. The thirty top stockholders in Chrysler hold 41 per cent of its common stock. The banks included in the top thirty and the Exchange account for 39 per cent of Chrysler's total stock. Ford's top thirty hold 35 per cent of the total common stock, with the banks and Exchange accounting for 33 per cent. Comparable figures for GE are 21 per cent and 19.6 per cent, and for Mobil 28 and 26 per cent.

While we did not ask and do not know precisely how much of this stock is subject to complete voting control by the stockholder, studies by the House Banking and Currency Committee show that most of the stock held by banks is voted by them. Members of the New York Stock Exchange can vote its "Cede and Company" holdings under certain conditions.

The "top thirty" stockholders are in some cases actually the top twenty or so, because of the practice of institutional investors, amazingly allowed by regulators, of hiding holdings through multiple nominees. [See Metcalf and Reinemer: "Unmasking Corporate Ownership," *The Nation*, July 19, 1971.] Thus to use examples, involving five of the largest banks based in New York, General Electric included among its top thirty stockholders Barnett & Co., Eddy & Co., and Salkeld & Co., all of which are pseudonyms for Bankers Trust, Chrysler listed Kane & Co., Cudd & Co. and Egger & Co., all of which translate to Chase Manhattan. Ford listed Gerlach & Co., Stuart & Co., Thomas & Co. and King & Co., all of which are nominees for First National City Bank. Mobil listed Carson & Co., Kelly & Co., Reing & Co., and Shaw & Co., all of them nominees for Morgan Guaranty Trust.

The concentration spreads horizontally as well as vertically. Sigler & Co. is listed as a principal stockholder by all four of the companies which divulged holdings. Call Manhattan telephone information and the girl will tell you she doesn't have a listing for Sigler & Co., or any of the other nominees. But Sigler & Co. is actually a post office drop for the bank empire built by Peter Flanigan's father, Manufacturers Hanover Trust.

So the pyramid of power tops at the banks and New York Stock Exchange, among persons unidentified. Those are the voters who must be lifted from low profile to sharp silhouette. Change within the system is possible only in an open society, in which the people know where the power lies and whom to petition for redress of grievances.

ANNOUNCEMENT OF HEARINGS ON CERTAIN BILLS

Mr. EASTLAND. Mr. President, I hereby announce the Subcommittee on Environment, Soil Conservation, and Forestry of the Committee on Agriculture and Forestry will hold hearings July 20 and 21 on the following bills:

S. 3224, to designate the Sipsey Wilderness and establish the Sipsey National Recreation Area, Bankhead National Forest, in the State of Alabama;

S. 3225, to establish Southeastern wild areas in the U.S. national forests, with the Sipsey Wild Area in the Bankhead National Forest as a prototype; and

S. 3699, to establish a system of wild areas within the national forests in the Eastern half of the United States.

The hearings will be in room 324, Old Senate Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

ANNOUNCEMENT OF HEARINGS ON S. 3231

Mr. COOK. Mr. President, as chairman of an ad hoc subcommittee of the Committee on Rules and Administration, I wish to announce that we have scheduled an open hearing on S. 3231, sponsored by the Senator from Oregon (Mr. PACKWOOD) and 11 cosponsors, relating to the reimbursement of actual travel expenses of Senators and employees of Senators, to be held on Tuesday, June 20, 1972, at 10 a.m., in room 301 of the Old Senate Office Building.

ADDITIONAL STATEMENTS

DEFINITE IDEAS ABOUT LIFE IN AFRICA

Mr. SCOTT. Mr. President, I invite the attention to the Senate to an interview with a young man who has spent some time in Africa and who has definite ideas about life there. Without commenting on the merits of his presentation I say simply that the spirit of "getting out and doing" is most important to remember in our foreign aid undertakings. I ask unanimous consent that the interview, which was published in the Philadelphia Times Chronicle, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PERSONALITY MAGNA CUM LAUDE FINDS "USEFULNESS" IN AFRICA

(By Bonnie Dalzell)

Talking with Jeff Seder in his parents' cavernous home on Meetinghouse Rd., Jenkintown, is like being in the middle of a prairie and watching a tornado approaching.

All the while he is spilling out his rapid-fire stream of uncensored language there is muffled activity in the wings and a steady stream of stage walks-ons by a bulldog named Archie, a monstrous German Shepherd and Jeff's own special love, Armin, a formidably tough white African dog whom he found half-frozen and crawling with lice abandoned in a marketplace in the capital of Botswana.

On the short side of 25 years old, Jeff Seder is a magna cum laude graduate of Harvard who claims he "didn't know who he was" but wasted no time finding out.

"I majored in Social Relations a composite major of sociology, psychology and social anthropology," he explained, "and although I was taken in by a lot of radical crap I was really deeply interested in government and economics. I wanted to be an observer in an underdeveloped country for a while; I needed to test the book psychology; I had to see how true it all rang.

"Above that, I wanted to be useful."

Jeff applied through the Jenkintown Rotary Club for Rotary Foundation sponsorship in a Special Grants Program, and after many alterations of plans (including extensive technical training offered him free by General Motors Training Center), set off for the independent country of Botswana in southern Africa.

"I got to the Shashi River School, expecting to be a mechanic," he said, "and they promptly informed me they needed a chemistry and economics teacher. So I did my damndest to organize and expedite a good educational program with plenty of visual aids. And in my spare time I repaired broken machinery."

His hands black with grease even as he spoke, Jeff made no secret of the fact that the challenge of a recalcitrant piece of machinery still gives him as much stimulation as varsity wrestling did at Harvard.

He threw every ounce of creative and physical energy he had into repairing a 100-year-old carding machine which, he said, "some English schnook with a black heart had sold them at an outrageous cost." Seder spent four days picking the brains of a South African textile technician and about four months stripping off junk, fashioning parts, and welding brackets in a frenzied but fruitful passion to get the thing running.

His days in Botswana initially averaged about 17 hours' work, including weekends and vacations. Later, when personality conflicts with others at the project arose, he summoned his knowledge of human psychology to play the role of calm manipulator, goading his antagonists to out-do his own mechanical achievements.

For a guy who went halfway around the world seeking personal peace, Jeff Seder plunged into one traumatic challenge after another. He lived in a thatched roof, one-room round hut, and ate what the natives ate without abandoning his own American values; he picked scorpions off his body and carried a snake club for his own safety, then turned around and put to use his knowledge of clinical psychology on a deeply disturbed young girl who was being fed tranquilizers by the overworked local doctor.

Most of all, Jeff Seder fortified his conviction that what underdeveloped countries need most from the great world powers is a stream of people with vocational skills who can set up self-help programs that will grow.

"There's no time to question whether or not industrialization is right for them," he said. "With the population explosion in Botswana, they'll all starve in a few years unless they industrialize."

Back in the States since January, Jeff believes he has found a course for his own future.

"I've begun my own African entrepreneurship," he said. "My intent is to find markets here for a very fine African hand-crafted, dye-processed fabric so that the income can be used by the African workshop to blow it up into a full-scale factory. I've already sold a thousand dollars worth of the fabric, and I'm determined to provide a steady source of income until they are independent."

The other area of concern to Jeff is something he terms "intermediate technical aid"; that is, using simple machinery—"something with four wheels and a frame"—that the people can understand and maintain themselves.

"The imbalance of technical skill in Botswana is a regular horror show," Seder said. He believes Rotary has taken an important step in sponsoring people with technical skills, particularly in light of its refreshing lack of accompanying political or religious rhetoric.

"I was known to many people as 'that Rotary guy,' " Seder said. "And in terms of being an 'Ambassador of Good Will' I look on my mechanical skill as the most important thing I could give."

THE STAR SHINES ON RURAL DEVELOPMENT

Mr. TALMADGE. Mr. President, it has been a matter of concern to me that the media in the large cities of the Nation have seemingly been unable to understand the important implications which rural development has as it regards the future growth of the metropolitan centers.

The cities will grow to alarming proportions from national population growth in any case, but the annual migration of about 600,000 rural people a year to the cities will simply make them unmanageable.

I am pleased to say that one major, metropolitan newspaper has recognized the importance of the Senate and House efforts on behalf of rural revitalization. I ask unanimous consent that an editorial entitled "Saving the Small Towns" published in the Washington Evening Star of June 15, 1972, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SAVING THE SMALL TOWNS

About everyone realizes by now that the rescuing of the big cities is a matter of critical importance. Many of us tend to forget, however, that the saving of those shriveling small towns across the country is one of the requisites for urban salvation. For the great migration that has caused the cities' staggering problems hasn't ended. Every year, from thousands of small communities, come 600,000 poor people, more or less, to swell the overcrowded metropolitan centers. Many of those bring no skills; hence they only increase the unemployed rolls.

Without much fanfare, Congress has taken full account of this in a number of hearings, and seems about to take constructive action. Last week a Senate-House conference committee reached a good compromise on the Rural Development Act which Senators Talmadge of Georgia and Humphrey of Minnesota have been pushing for many months. The measure is designed to improve rural economies, mainly by stimulating industrial development through infusions of capital and betterment of small-town living conditions. It would authorize about $500 million annually in grant funds, and greatly expand the loan authority for federal rural-development activities.

Many a little town, with people in need of work, has failed to qualify for a new industry because it had an inferior waterworks or sewer system, or none at all. This bill would provide much more federal assistance for these and other standard community facilities—and also for industrial parks, employment centers and planning services. For the first time, the Farmers Home Administration would be able to make small business and industrial loans, and there are devices to encourage private investment in rural areas.

All this is a product of much battling over several months to consolidate several divergent bills. Dropped along the way were President Nixon's proposal for rural revenue sharing, and Senator Talmadge's plan for creation of a National Rural Development Bank. There's no damaging loss in either case; certainly the bank would have been superfluous.

As it stands, the bill is a moderate but imaginative experiment. It might be a start toward stemming the flight to the cities, and in any event the quality and rewards of life in rural America need to be improved.

THE OCEAN DUMPING BILL

Mr. ROTH. Mr. President, nearly 6 months ago, on November 24, 1971, the Senate passed H.R. 9727 the ocean dumping bill. While this legislation has foundered in conference since then, millions of gallons of raw or partially treated sewage, industrial wastes—some of them dangerously poisonous—and dredged material from shorelines and harbors have been indiscriminately dumped into the oceans off the Atlantic, gulf, and Pacific coasts.

In my own State of Delaware, a recent serious crisis was averted, only through the last minute personal intercession of Governors Peterson of Delaware and Holton of Virginia. In that instance 2,500,000 gallons of raw sewage and sludge was destined for a Federal dumping site, 8 to 10 miles off the ocean beaches of Rehoboth. Although this particular incident was precipitated by a mechanical failure at the Hampton Roads, Va., sewage treatment plant—necessitating this alternative disposal—it brings to light the shameful neglect for our ocean resources which occurs every day.

The Cape Henlopen dumping grounds off the Delaware shoreline have become a marine graveyard, a section of the Atlantic 12 miles in diameter where solid and liquid wastes have been dumped for years. The tragedy, of course, is that this deadly contamination cannot be contained. As anyone familiar with this part of the coast knows, strong ebb and flow tides course in and out of the Delaware Bay, carrying with them a putrid plume of pollutants, originally dumped at the federally specified location.

There are several sources of these pungent waste materials: first, the municipal sewage systems of Philadelphia, Pa., and Camden, N.J.; second, industrial plants and oil refineries located along the Delaware River; and third, dredge material from operations of the Army Corps of Engineers all along the river and ocean fronts of Delaware, Maryland, Pennsylvania, and New Jersey.

The sewage sludge has been partially treated, but other more dangerous toxins, arsenic compounds, various concentrated acid and alkali solutions and organic substances are periodically barged to this dump, and various points up to 50 miles out. The sewage and dredge material are constant, almost daily additives; the others come at times when companies empty their holding lagoons built as interim storage facilities for their waste byproducts.

While this painful practice strongly underscores the need for prompt action by the Senate-House conferees on the ocean dumping bill, I am convinced that firm action should be taken on this problem right now.

It is critically important that all agencies, public or private, be immediately prohibited—and I emphasize the word "immediately"—from dumping in all areas endangering our shorelines and coastal areas.

If practical, it would be desirable to have a complete moratorium on ocean dumping until such time as adequate criteria could be established for setting standards for disposing of material in the sea. Undoubtedly, the larger nearby cities will insist that they need to continue to dispose of their waste in the ocean. If they are to be permitted to continue to do so, then it is essential that they be required immediately to carry it out far enough to sea that it does not threaten our coastlines. The question of whether this should be off the Continental Shelf, 100 miles out to sea, or elsewhere, I think should be based upon the best possible scientific advice available.

But I repeat, this dumping of sewage sludge and other contaminants as close as 12 miles from the Delaware coastline must be halted immediately and alternate means of disposal developed.

This would not, of course, lessen the urgent need for swift approval of the ocean dumping bill. This legislation would give the Environmental Protection Agency the statutory muscle it needs to put a stop to the shameful desecration of our coastal waters. Under the Senate version, the Agency would have final authority to regulate all ocean dumping by American ships and to prohibit foreign-flag ships from taking on cargo in the United States for the purpose of discharge, within or beyond our territorial waters. I understand that a compromise measure has been suggested which would continue the Corps of Engineers authority to issue dredge and fill permits, subject to EPA approval. Sewage, though, and any other material would come under the exclusive purview of EPA.

But, Mr. President, I should stress that regulation must embody careful study and selective elimination of certain kinds of dumping—radioactive or other dangerously poisonous substances. The bill speaks strongly to these hazards. With these effective controls, EPA could begin the urgent task of reviewing all dumping activities, to halt certain kinds of disposal, and perhaps relocate existing sites, until more acceptable permanent solutions can be achieved. In the meantime, nothing short of an immediate end to this dumping can be tolerated.

DR. PETER GOLDMARK'S "NEW RURAL SOCIETY"

Mr. TALMADGE. Mr. President, in March of this year the Committee on Agriculture and Forestry named Dr. Peter Goldmark as a special advisor on rural development.

Dr. Goldmark, former president of CBS Laboratories, is involved in a new endeavor—applying his genius to the task of improving the quality of life in rural America through the use of communications technology.

The entrance of a distinguished scientist like Dr. Goldmark into the field of rural development has been extremely welcome. In addition to his practical work, he has become an effective evangelist for the people of rural America, with articles on his work appearing in national magazines and newspapers.

Mr. President, I ask unanimous consent that a summary of the remarks by Dr. Goldmark made to our committee upon his appointment be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF REMARKS BY DR. PETER C. GOLDMARK

In order to curb the migration of people from rural areas to the cities and to reverse the continuing trend of urban deterioration, a national program has been proposed by Dr. Peter C. Goldmark, President of Goldmark Communications Corporation. The "New Rural Society" program is an outgrowth of the results and recommendations of a distinguished panel of experts sponsored by the National Academy of Engineering in cooperation with a Presidential Advisory Committee.

The two-year NAE study proposes the use of communications technology to solve the problems of rural-urban imbalance and provide people in small towns with the choice of living and working in rural communities or urban centers.

The electronic innovations to make the New Rural Society possible are here now. What is needed is the willingness to move from planning to action to bring about the following:

EMPLOYMENT OPPORTUNITIES

People will have a choice of working in an urban environment or in a smalltown atmosphere because the use of existing communications technology will make it practical and attractive for companies to set up operations in controlled-growth towns.

Sophisticated audio-video equipment will enable large companies to decentralize their operations into moderately-sized units for servicing all areas of the firm's widespread activities through instantaneous two-way, multi-channel communications facilities to conduct everyday business or meet emergencies. Such functions as procurement, accounting, research, general administration and others which operate across-the-board for an organization can be housed in their own individual centers in smaller communities and be in complete contact with corporate headquarters and branch and plant operations anywhere. Companies will not be faced with the maintenance of huge, crowded skyscrapers, housing thousands of employees, where communications frequently bog down because of the sheer weight of their volume. The fact of its present availability will enable communications technology to take over the lion's share of numerous administrative procedures which have traditionally been handled by conferences or correspondence or one-to-one contact.

Through broadband video cable installations—providing up to 40 channels in use simultaneously—meetings can be held with groups of any number required, without the individuals leaving their own offices. Multichannel audio-video facilities literally bring the people participating in these meetings face-to-face.

Visual material, from letters to blueprints, computer output and the like can be instantly transmitted by facsimile to as many locations as are involved. Videophone installations make it possible for one-to-one contacts or group discussions with each participant in his own office with all of his own documentation readily available to him to pass on to others.

These innovations, involving existing techniques, mean that rural areas can house operational departments of national organizations and provide employment for people in small towns who previously have had to seek productive occupations in the cities.

HEALTH CARE

Smaller communities today are faced with a shortage of doctors, experienced medical assistants and hospital facilities to insure adequate health care for community residents.

Health care can be brought to these residents from central medical centers through communications technology. Small community centers and mobile units can make it practical for on-the-spot diagnoses and treatment decisions by doctors located miles away at the main medical centers via audio-video, two-way communications. Emergency methods can be ordered and provisions made for any necessary follow-up treatment at the main centers.

Businesses located in small towns can bring employees to satellite operations with the knowledge that the workers and their families will have expert medical attention available to them.

EDUCATION

Smaller communities, generally speaking, have limited facilities for higher education. Rising costs of resident attendance at the great universities is keeping many high school graduates from further studies.

Satellite campuses can be an integral part of life in the new small-town communities. The same communications techniques which can enable business to maintain close-knit operations between remote locations and the central operation can be applied to education.

Local campuses will have two-way, audio-video communications with the nearest larger university. Local students will "attend" classes at this university via telecommunications. They will be able to participate in classroom discussions, listen to lectures by outstanding faculty members, draw upon the university's library for research material (via facsimile and other methods) and benefit from all of the facilities of the institution without traveling to the main campuses. People working in the business operations located in these small towns will be relieved of the economic burden of their children's residency in out-of-town schools. At the same time, they will be assured that every available educational facility is available. Company operations will be relieved of many personnel problems since their employees will have the advantage of small-town living along with the advantages of educational advancement for their children.

GOVERNMENT RELATIONS

Telecommunications facilities in the smaller communities will enable state governments to set up local operations which can be in complete contact with their headquarters in the state capitols. Local residents will be able to deal directly with state departments on problems which today require voluminous correspondence, telephone communication, and delayed action because of distance from the source of the problem.

Local government can keep its finger on the pulse of the people's needs and wants. Polling on local issues to learn the will of the majority can become a simple matter of electronic "yes-or-no" response by taxpayers without the necessity of leaving their homes. Town meetings can be held by closed-circuit two-way television. Audio-video communications with all phases of the community's essential public services will mean instant action in emergencies.

Taxpayers will know that they are a part of the community's active operation and will have a better understanding of the problems of running the public services essential to a town's well-being.

CULTURAL-ENTERTAINMENT OPPORTUNITIES

Important attractions of the big cities such as theatres, concerts, broadway shows, sport events, museums and lectures, can be transported to rural communities by a synchronous satellite. This satellite would be parked in such a way through directional antenna that it would illuminate the entire United States. The satellite would pick up live performances from broadway theatres, concerts, sport events, etc., and re-transmit these programs to small towns equipped with electronic low-cost receiving antennae for simultaneous viewing. Cable television systems could also receive the satellite signals and make available special events programs to the community either on large screens and special theatres with high-resolution projection equipment or over local channels directly to the home. In such a manner the audience of a single broadway performance would be numbered into the millions instead of thousands.

SENATOR MANSFIELD'S COURTESY

Mr. GRIFFIN. Mr. President, some observations made recently by the Columbia, S.C., Record deserve notice in the Senate and beyond. I ask unanimous consent that an editorial published on June 15, 1972, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Maybe Prudish, But—

A lesson in decency and ordinary courtesy, too often missing in partisan politics, is found in a recent utterance of U.S. Sen. Mike Mansfield, the Democratic leader of the Senate. What he said in the Senate speaks clearly for itself, and was, in part:

"Mr. President, the distinguished Republican leader of the Senate is to be honored at a dinner this evening given by the American Technion Society, on which occasion Senator Scott will receive the Albert Einstein Award.

"As Pennsylvania's senior senator, Hugh Scott represents the people of his state with integrity, intelligence and ability. Always calm, unfailingly courteous, possessed of good judgment and a dedication to public service, he is the delight of his colleagues and a tribute to the good sense of the voters of Pennsylvania."

It is not at all unprecedented for a senator of one party to commend one of another on the Senate floor, and so-called "senatorial courtesy" is a part of the political nomenclature of the country.

Nevertheless, when the leader of the majority party in the Senate speaks in such generous and obviously sincere terms of the leader of the minority (in an election year at that), it would seem to us a wholesome example for all in politics—in South Carolina or wherever.

It is not to be expected, of course, that two candidates running against each other for office, at whatever level, would extend "courtesy" to the point of lauding each other in the way Senator Mansfield so highly estimated Senator Scott. But perhaps some of the practitioners of raucous and vitriolic electioneering might find it, in these times, more profitable to proceed less harshly.

If this be political prudishness on our part, so be it.

THE EQUAL RIGHTS AMENDMENT

Mr. BAYH. Mr. President, the Journal of the American Bar Association for June 1972, contains an excellent editorial supporting the equal rights amendment. The editorial points out that the bleak predictions of those who opposed the amendment are unfounded, and expresses the Journal's "confidence that our system will be able to prevent 'legal chaos' if the amendment is ratified." I share that confidence, Mr. President, for the amendment was carefully, almost painstakingly, studied by successive Congresses before being approved, and the intentions of the framers of the amendment are clearly laid out for all to see in the committee reports which preceded passage.

The House of Delegates of the American Bar Association has also approved the amendment. Just before the Senate debate on the amendment last March, the house of delegates passed a resolution favoring "constitutional equality for women" and urging the "extension of legal rights, privileges, and responsibilities to all persons, regardless of sex." This, of course, is just what the equal rights amendment does. This support from the association was very helpful to those of us in Congress fighting for the amendment.

Mr. President, I am happy to report that as of today 19 States have ratified the equal rights amendment: Alaska, Colorado, Delaware, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maryland, Michigan, Nebraska, New Hampshire, New Jersey, New York, Rhode Island, Tennessee, Texas, West Virginia, and Wisconsin. We are now, just 3 short months after congressional approval, halfway to final ratification of the amendment. I am confident that the remaining States will ratify the amendment very soon.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Equal Rights Amendment Arrives

The margins by which both houses of Congress approved the equal rights amendment and sent it to the states for ratification give promise that there may be a successful conclusion to the fifty-year campaign for a formal constitutional declaration that legal rights do not depend on the fortuity of sex. The House of Representatives approved the amendment 354 to 23, the Senate 84 to 8, both considerably better than the two-thirds vote required and both indicating that the climate may be right for thirty-eight states to ratify the proposal as the Twenty-Seventh Amendment to the Federal Constitution. In fact, Hawaii ratified the amendment within one hour after the Senate's vote.

The House of Delegates seemed to put the American Bar Association in favor of the amendment last February when it adopted a resolution supporting "constitutional equality for women" and urging the "extension of legal rights, privileges and responsibilities to all persons, regardless of sex".

The proposed amendment declares in its operative portion (Section 1): "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." The second section gives Congress the power to enforce the amendment by legislation, and the third delays the effective date of the amendment until two years after ratification. The Senate report states, "The basic principle on which the amendment rests is that sex should not be a factor in determining the legal rights of men or women." The report also points out that the amendment affects only governmental action and not the private actions or relationships of men and women.

It may seem odd that the Constitution and the Fourteenth Amendment do not provide in themselves a sufficient basis for equality of the sexes under the law. But that has not been the course of judicial decision. In 1872 the United States Supreme Court affirmed Illinois' exclusion of Myra Bradwell from its Bar on the ground of her sex (15 Wall. 130), and Justice Bradley was able to say, "The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator."

Even when a woman won her case, it was in the fact of a continued judicial declaration that the Constitution permitted classification on the basis of sex. In the landmark case *Muller* v. *Oregon*, 208 U.S. 412 (1908), the Supreme Court upheld Oregon's statute limiting the hours of work for women, but to do so it had to draw a distinction between men and women, as a similar state law had been invalidated as to men in *Lochner* v. *New York*, 198 U.S. 45 (1905). Justice Brewer put it this way: "As healthy women are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race." As recently as 1968 the Supreme Court refused (393 U.S. 83) to entertain a direct appeal challenging a California statute limiting the hours of employment of women only.

The legal debate on the equal rights amendment has revolved around the question of whether the amendment is necessary. Opponents have insisted that there is ample constitutional authority without the amendment to secure equal rights for women. And, they have added, the amendment opens up thorny questions that might lead to what Senator Ervin, the principal Congressional opponent of the amendment, calls "legal chaos." Professor Paul A. Freund of Harvard Law School thinks that discrimination on the ground of sex "should be left to be worked out under the equal protection clause as are other questions of group classification." Even Roscoe Pound and Felix Frankfurter have been resurrected by way of quotation. Dean Pound, opposing the same amendment many years ago, said that it was a "mistake to pile up specific prohibitions in addition to the general guaranties of the Bill of Rights." In opposing the amendment in 1924 when it was sponsored by the Woman's Party, Justice (then Professor) Frankfurter declared: "Nature made men and women different; the Woman's Party cannot make them the same. Law must accommodate itself to the immutable differences of nature."

But proponents of the amendment have pointed out that judicially condoned classifications based on sex still stand in many fields. "The Supreme Court has been slow to move", the Senate report on the amendment noted. "The Court has consistently refused to apply the Fourteenth Amendment to discrimination based on sex with the same vigor it applies the amendment to distinctions based on race . . . On the whole, sex discrimination is still much more the rule than the exception." The most recent Supreme Court case, *Reed* v. *Reed*, 404 U.S. 71 (1071), struck down an Oregon statute that automatically preferred men over women as administrators of estates, but it did not do so with a decision that had enough sweep to make sex a suspect classification under the Constitution.

Proponents and opponents agree on one thing: the amendment will make many changes in federal and state law. Perhaps the most startling will be that military service and the draft will become equally applicable to women. In fact, both houses of Congress turned down specific modifications of the equal rights amendment that would have saved the validity of laws exempting women from service. Many state employment statutes relate to women only—for instance, prohibition on performing certain jobs and limitations on hours of work. While these protective laws were enacted from humanitarian motives, in practice they have hampered the ability of women to move upward into higher-paying and managerial jobs. Some state criminal laws provide different punishments for men and women who commit the same crime. Many state and some federal educational institutions do not admit women or discriminate against them in other ways. In the field of family law, many established practices will become invalid, and the possible demise of one of them—the preference of women over men for child custody—would show that the equal rights amendment operates for men as well as women.

These are only a few of the fields and practices that the amendment will touch. True it is that litigation will be required to resolve many of the knotty issues that will arise. But it was litigation that developed much of the discrimination at which the amendment is aimed, and we have confidence that our system will be able to prevent "legal chaos" if the amendment is ratified. To act fifty years after an amendment was required to give women the vote hardly seems to be rushing something that should have been accomplished without another amendment but wasn't.

ALLIANCE FOR RAIL COMMUTER PROGRESS

Mr. MATHIAS. Mr. President, I know that every Senator is interested in relieving the many problems which plague our Nation's transportation system. I am today releasing a survey, prepared by the nonprofit Alliance for Rail Commuter Progress, which concludes that expanded commuter service on existing Washington area railroad lines could reduce street congestion, parking problems, and air pollution by eliminating 25,000 automobiles from the area's daily traffic flow. I ask unanimous consent that the survey be printed at the conclusion of my remarks along with other relevant information.

This study estimates that an expanded rail commuter system would have as many as 30,000 daily rush hour commuters—more than double the projection of the 1971 Englund survey commissioned by the U.S. Department of Transportation. Using a reasonable figure of 1.2 commuter per car, this means that 25,000 automobiles would be removed from rush hour traffic, which now averages around 75,000 cars according to a recent District of Columbia Highway Department study.

The survey was conducted by ARCP members on three commuter trains and on Amtrak's Washington-Parkersburg train during the week of April 24. Over 300 questionnaires were returned from regular passengers on these routes.

Other findings of this survey include the following:

An overwhelming majority—68 percent—of commuters on the Baltimore & Ohio Railroad's Brunswick line are new riders, not "standbys" as previously thought.

Thirty-five percent of the commuters have started to use the service within the last year and 68 percent have used the service 3 years or less.

Ridership gains have been made despite the fact that the railroad does not advertise the service.

Seventy-eight percent of Brunswick line commuters drive to pick up the service and, of these, 58 percent drive from 2 to 4 miles to meet the train.

The finding that 58 percent of those who use the train drive up to 4 miles to get to the station contrasts with the Englund study which projected that people would drive no more than 2 miles to reach such service.

Using the 2-mile figure, the Englund survey estimated that rail commuter service would have a rush-hour patronage of 14,000. Extrapolation of the Englund survey, based on the results of the ARCP study, shows that the Washington Metropolitan Area could support a viable rail commuter system to carry as many as 30,000 daily rush-hour commuters and take 25,000 cars off the streets.

Like the weather, everybody talks about his rush-hour experiences, but nobody does very much about it. However, unlike the weather, it may be possible to do something toward reducing the crush of automobiles that daily clog the streets, highways, expressways, lanes, and avenues of metropolitan Washington.

I am asking Secretary of Transportation John Volpe and Secretary Harry Hughes, of the Maryland Department of Transportation to comment on ARCP's finding.

While the Washington Metro system is under construction, it will not begin to offer any relief to the area transportation crisis until late in this decade. A system that uses existing rail lines could bring immediate relief and serve to supplement and complement Metro when that service gets underway.

Mr. President, I believe this survey will be of interest to all Senators, and I hope that it will help both State and Federal officials to build a better, balanced transportation system that will meet our urgent local needs and serve as a model for the rest of the Nation.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ALLIANCE RAIL
COMMUTER PROGRESS,
Kensington, Md., June 6, 1972.

Hon. CHARLES McC. MATHIAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: During the week of April 24th, the Alliance for Rail Commuter Progress (A.R.C. for Progress) conducted a survey as previously arranged with Mr. John Fogarty of your staff.

The survey of rail commuters who use the service on the B&O Brunswick line was very successful and we believe that you will find the results informative and supportive of your stand for a balanced commuter transportation system in the Washington Metropolitan Area. The report, together with pertinent data collected, is attached to this letter.

The State of Maryland, according to news reports on Friday, June 2, 1972, in the *Washington Evening Star,* is currently considering an expanded rail commuter system. We believe that the attached report which indicates that there is a potential of *30,000* daily rail commuters for an expanded system using rail tracks, is very attractive and will help you in your efforts in behalf of area commuters.

Sincerely yours,
DAVID G. SPOKELY,
Coordinator, A.R.C. for Progress.

SUMMARY TOTALS: SENATOR MATHIAS' COMMUTER TRAIN QUESTIONNAIRE

1. Do you regularly commute to work by train? Yes 306. No 5.

2. Why? Convenient 264. Safe 137. Personal preference 169.

3. How long have you commuted by train? Under one year 108: 35%. One to three years 99: 33%. Three or more years 98: 32%.

4. How many days do you use the train each week? Five 290, Four 16, Three 4, Two 1, One 1.

5. Does the train schedule suit you or would you prefer other times? Prefer present schedule 147. Prefer other times (indicate) 168.

6. Do you favor expansion of the service? Yes 269. No 10.

7. Is service prompt? Yes 280. No 15.

8. Are there adequate seats on the train? Yes 64. No 235. (at survey time).

9. How do you get to the station? Walk 65: 22%. Drive 234: 78%. Distance (see report).

10. Is parking space adequate at your station? Yes 195. No 90.

11. Is public transportation from Union Station to work ok? Yes 143. No 95.

12. Has the train ever broken down? Yes 182. No 95. Frequently 12.

13. Is the equipment safe in your judgment? Yes 188. No 44.

14. How did you hear about the commuter service? (See report).

15. Please use additional space for any other comments you may care to make about the commuter service: (See report).

REPORT OF RAIL COMMUTER SURVEY FOR SENATOR CHARLES McC. MATHIAS, WEEK OF APRIL 24, B. & O. BRUNSWICK LINE

BACKGROUND

The Department of Transportation sponsored the Englund Study, which was issued in May, 1971, and concluded that the Washington, D.C. Metropolitan Area can support a viable rail commuter system using *existing* rail tracks in the District of Columbia and reaching into suburban points in Maryland, Virginia, and West Virginia. Such a system, subsidized at a nominal cost of only a few cents per rider, was projected to handle 14,000 riders during rush hour based on a corridor of rider interest of two miles on each side of the rail tracks.

At the suggestion of the Office of Senator Charles McC. Mathias, Maryland, a survey of current rail commuters (approximately 850 daily) on the B. & O. Brunswick Division line was conducted by *A.R.C. for Progress,* a non-partisan civic alliance of 262 participating members using a survey questionnaire form prepared in conjunction with the Senator's office (Attachment III). Questionnaire forms were distributed to all riders on three commuter trains and the AMTRAK Parkersburg train during the week of April 24th by *A.R.C.* members. Over 300 questionnaires were returned representing an appreciable response of *35 percent of the total ridership* with over 100 being returned by mail. Summary and analysis by *A.R.C. for Progress* is given below.

SUMMARY AND ANALYSIS

Summary and analysis of questionnaires show that:

An overwhelming majority—68 percent—of the rail commuters are *new* riders, not old "standbys" as previously thought.

Another great majority—78 percent—of the rail commuters drive to pick up the service. More than one-half, in fact 58 percent, of the total commuters drive *over two miles* to their departure station. (Figure 1).

The gains in ridership (40 percent since September, 1971) on the B. & O. Brunswick line have been achieved with *absolutely no advertising.*

Extrapolation of the Englund Study, based on the results of this survey, shows that the Washington Metropolitan area could support a viable rail commuter system to carry as many as 30,000 daily rush hour commuters and thereby take 25,000 cars off the highways.

SIGNIFICANT FINDINGS

Following are significant findings from the survey:

1. An overwhelming majority—68 percent—of the rail commuters are new riders, not old "standbys" as previously thought.

35 percent of these riders have started to use the service within this last year; the 68 percent total (majority) have been using the service three (3) years or less.

All of these gains have been made in rail commuter utilization with absolutely no advertising.

2. Another great majority—78 percent—of the rail commuters drive to pick up the service. The following table displays the percentages of riders by distance from home to departure station:

Distance from home to departure station	Percent of riders	Percent
More than 4 to 25 miles	25	
2 to 4 miles	33	58
0 to 2 miles	42	42
Total	100	100

These percentages and the graph in Figure 1 clearly show that 58% of the riders use a travel corridor of greater than 2 miles on either side of the rail tracks and in a growing population and living area.

3. The great majority of riders became aware of the service by word of mouth. Only a few (less than 5%) heard of commuter rail through realty services, employers, or other organized approaches. There is no B&O advertising.

4. An overwhelming majority—96%—of riders would favor expansion of the existing rail commuter service.

5. More than one-half of the riders indicate that they would prefer additional times for trains to arrive and depart Washington, D.C. In particular, a later morning train and later evening trains are favored with a midday train to prevent being "trapped" in Washington.

6. Almost all written comments on questionnaires were positive and constructive in nature with some of the following predominant and typical:

(a) The service ought to be advertised by B&O as an important part of their total services.

(b) Subsidization of service is needed to expand and make it more frequent and attractive to riders. Formation of a Regional Transportation Authority (Md.-Va.-W. Va.-D.C.) should have high priority.

(c) "It is tragic that service is not extended to the Southwest area of Washington (L'Enfant Plaza) to tap that growing work area."

(d) "Extend the service past L'Enfant Plaza to Virginia."

(e) Additional service would provide greater flexibility and more riders.

(f) Parking facilities at departure stations need to be upgraded and increased.

(g) Rail commuting could significantly reduce auto congestion and air pollution caused by autos.

(h) "More highways for more commuters is not the answer to the future."

(i) "Once the subway is built, rail commuting will become a feeder to Metro. They do not compete."

(j) Train crews are capable and friendly.

(k) "This is one of the few civilized amenities we have left."

(l) "Keep 'em rolling."

CONCLUSIONS

Existing rail commuter service in the Washington Metropolitan Area should be expanded as quickly as possible to reduce auto congestion, D.C. parking problems, and air pollution caused by automobiles according to a large sample of current rail communters who use the service daily. Using existing rail tracks, and based on actual current ridership distance from home to departure station (58% of riders use a travel corridor of greater than 2 miles on each side of the tracks), the expanded service could serve daily potentially more than 30,000 area commuters during rush nour. This represents 25,000 cars off the highways using an average of 1.2 persons per car.

The phenomenal growth rate of 40% since September, 1971, on the Brunswick line of B&O, with absolutely no advertising, and the fact that 68% of riders have used the service three years or less illustrates the fact that the Washington area commuters will use rail commuting as a feasible and welcome mode of public transportation. If the service is made more frequent, goes into Virginia with commuting in both directions, and remains economical, many more will be attracted to this form of Public Transportation, as well as those using the service for purposes other than commuting (e.g., travel into the District for shopping, theater, sight-seeing).

The potentially untapped market of 30,000 riders can be obtained through advertising, expansion of the service, and community interest in development of the departure station as a hub for public commuting and transportation. Parking facilities must be adequate at each station.

Rail commuter complements Metro and will significantly reduce air pollution by attracting motorists out of their automobiles which would otherwise emit thousands of pounds of pollutants into the air each day.

SENATOR MATHIAS' COMMUTER TRAIN QUESTIONNAIRE

1. Do you regularly commute to work by train? Yes -- No --

2. Why? Convenient -- Safe -- Personal Preference --

3. How long have you commuted by train? Under one year -- One to three years -- Three or more years --

4. How many days do you use the train each week? Five -- Four -- Three -- Two -- One --

5. Does the train schedule suit you or would you prefer other times? Prefer present schedule -- Prefer other times (indicate) ----------------

6. Do you favor expansion of the service? Yes -- No --

7. Is service prompt? Yes -- No --

8. Are there adequate seats on the train? Yes -- No --

9. How do you get to station? Walk -- Drive -- Distance ------

10. Is parking space adequate at your station? Yes -- No --

11. Is public transportation from Union Station to work ok? Yes -- No --

12. Has the train ever broken down? Yes -- No -- Frequently --

13. Is the equipment safe in your judgment? Yes -- No --

14. How did you hear about the commuter service? ----------------------------------

15. Please use additional space for any other comments you may care to make about commuter service:------------------------

Please complete and mail to: ARC for Progress, P.O. Box 247, Kensington, Md. 20795.

Yes, I want to join ARC for Progress:
Name: ---------------------------------
Mailing Address------------------------
City ----------------------------------
State ------------------- ZIP-------
Telephone -----------------------------

HANDGUNS SHOULD BE BANNED

Mr. TUNNEY. Mr. President, people who oppose handgun controls have a number of simplistic slogans which they employ against stronger laws. But when you look at those slogans closely, they are contradicted by the facts.

One such slogan is that only the honest citizen will turn in his gun, leaving him helpless against the criminal who will keep his. But the fact is that practically every handgun used in a crime was at one time owned by an honest citizen.

Each year, thousands of guns are confiscated by police officers in every city in the country. Where then do the guns come from which replace them? They come from the homes and stores of honest citizens. The millions of handguns owned by law-abiding citizens are nothing less than a national warehouse from which the criminal can select at random. And even those handguns which do not fall into the hands of criminals have an all too familiar potential for tragedy. Accidental shootings by children playing with father's pistol, shots fired in anger in a family quarrel, these are the real uses to which handguns are put.

People say that they need a handgun to protect their home against burglars. But the facts sadly contradict that argument. A recent study by a national commission in Detroit and Los Angeles showed that only 2 percent of home robberies and 1 percent of home burglaries result in the robber or burglar being shot by the occupant.

Who is it then that the gun is used upon? All too often it is a husband or wife, friend or relative. A study of homicides in Chicago recently showed that 71 percent of all killings in that city involved relatives, friends, and neighbors.

A final argument, one that I believe is the most compelling of all, is the toll which the handgun is taking among our police officers. In 1970, 100 police officers were killed in the United States; of that number, 73—73 percent—were killed by a handgun. In 1971, 121 were killed, 94—76 percent—by handguns. It is no wonder then that some of the strongest advocates of laws banning handguns are the police themselves.

And that brings me to my responsibility as a U.S. Senator.

Gun control is not an easy issue for a politician. Although every poll that I know of shows that the vast majority of Americans want strong laws against guns, there is a powerful and vocal minority which has managed to intimidate us. It is not a very subtle intimidation—what it says is we will beat you when you run for reelection. And true or not, it is a sadly credible threat—because there are private citizens today who 2 and 4 and 6 years ago were Senators and Congressmen. And while there are other explanations for their defeats, there are a lot of gun advocates who carved notches on their pistols when those men lost.

I have not been immune to those kinds of pressures. No Senator likes to alienate deliberately any part of the electorate. But I think the time has come to stand up for what tens of millions of Americans know is right. The killing has got to stop, and it will not stop until we stop the proliferation of handguns.

For this reason, I have decided to support and vote for S. 2815 the strongest gun control bill now being considered by the Senate. It was introduced by the Senator from Michigan (Mr. HART), a man who I believe is one of the most honest and courageous Members of the Senate.

The bill is a very straightforward one. It bans the possession of handguns by anyone except law enforcement officers and security guards. Other handguns would be bought at fair value by the Government and destroyed. A limited exception is available for target shooting clubs which would be allowed to own handguns if they were stored in a secure place. Similarly, antique guns—those manufactured before 1890—would be exempt along with some modern weapons judged to be collectors items.

All other handguns must be sold to the Government within 6 months after passage of the law at fair market value or a minimum of $25. After that time period, any unauthorized person with a handgun in his possession would be subject to a jail term of 5 years and/or a fine of $5,000.

Next Tuesday, June 20, 1972, the Senate Judiciary Committee will consider the issue of handgun control. I have no illusions that the debate will be an easy one. But if there is one message from the many primaries which have been held this year, it is that the people of the country are fed up with politics as usual. I hope the committee will act favorably on S. 2815. As a member of the committee, I will urge my colleagues on the committee to do so.

THE RHODESIAN ORE ISSUE

Mr. MOSS. Mr. President, when the U.S. Senate voted nearly 3 weeks ago to continue this country's violation of U.N. sanctions against Rhodesia, it was emphasized during the floor debate this action not only imperiled our standing in the United Nations, but it also damaged our image in black Africa as well.

Newsday for June 12 contains an editorial entitled "Selling (Out) in Africa."

The editorial noted that as a result of the Senate vote—

> We are forced into being the only country, other than Portugal and South Africa, overtly doing business with Rhodesia and a regime dedicated to denying fundamental rights to the 5,000,000 blacks who make up 95 per cent of its population.

The editorial raises some very poignant questions concerning the impact of the Senate vote on the Rhodesian chrome ore issue. As was pointed out in the editorial:

> Our dealings with Salisbury and other white governments of southern Africa smack of "collaboration" and are "both morally wrong and practically self-defeating in terms of the long run interests of the U.S.

It would behoove all Senators to give close attention to the thoughts contained in this editorial.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SELLING (OUT) IN AFRICA

> American prestige and influence in black Africa are fast crumbling as the U.S. draws closer to the white colonialist and racist regimes of southern Africa, in defiance of its commitment to racial justice and international law.
>
> Disregarding principle, the administration has moved to increase trade with Portugal, stiffening that country's resolve to hang on to its Africa colonies. Tacit White House approval has promoted bigger American investment in racist South Africa's economy. All the while in the UN, the U.S. has been casting negative votes or abstaining on motions condemning apartheid and white supremacy.
>
> Most serious is the administration's behavior during the Senate's recent debate over economic sanctions against Rhodesia. Binding sanctions were imposed by the UN Security Council after an unrepresentative colonial government of minority whites declared independence from Britain in 1965 and vowed to keep the black majority out of power. Britain, prodded by the U.S., called for economic sanctions rather than force to bring Rhodesia around.
>
> Last fall, Congress voted to flout our UN treaty obligations by exempting chrome ore and other strategic metals from the trade ban. Congress was unmoved by the argument that the U.S. can get all the chrome it needs elsewhere. In fact, chrome is so abundant now that the U.S. wants to sell off half its strategic stockpile, still keeping enough to satisfy defense needs for a decade.
>
> Anyway, metal availability wasn't the real issue. More important, it seems, was a desire to punish the UN for admitting mainland China and ousting Taiwan. Some congressmen displayed unconcealed sympathy for Rhodesia's white rule, as well. That's how we started illegally buying unneeded Rhodesian chrome and unwanted African enmity.
>
> In the Senate last month, an effort was mounted by Sen. Gale McGee (D-Wyoming) to return to the rule of law and reimpose the boycott. He got a letter of support from Acting Secretary of State John Irwin. But that's all he got. There was no other White House intervention or follow-through—not as much as a telephone call to an indecisive senator—and so the McGee effort went down to defeat by a vote of 40 to 36, with McGee accusing the administration of being "basically dishonest" on the Rhodesian chrome issue. The argument will continue in the House, where chances of a reversal are even slimmer than in the Senate.
>
> So we are forced into being the only country, other than Portugal and South Africa, overtly doing business with Rhodesia and a regime dedicated to denying fundamental rights to the 5,000,000 blacks who make up 95 per cent of its population.
>
> The administration of Prime Minister Ian Smith, negotiating with Britain on terms for independence, promised to seat a few blacks in Parliament. But the offer was grudging and limited; blacks wouldn't achieve real power until after the year 2000 if all the promises were kept. As shown by a British canvass of African opinion, few blacks believed them anyway, and the proposed settlement was rejected by a ratio of more than 36 to 1.
>
> For Britain, the UN and most of the rest of the world, secessionist Rhodesia remains under outlaw rule. Among black Africans, that rule provokes shame and rage, and invites violence. Fears are intensified by a scheme to checkerboard the country in an apartheid system of separating the races.
>
> Our dealings with Salisbury and other white governments of southern Africa smack of "collaboration" and are "both morally wrong and practically self-defeating in terms of the long run interests of the U.S." This is the view of 15 former State Department officials, who have jointly asked for a U.S. embargo on any form of military cooperation. (Full text of their letter on Page 43.) They urged the President specifically to seek restoration of the Rhodesia sanctions. They warned:
>
> "There can be no peaceful change in southern Africa if the emphasis is solely on the maintenance of the status quo. If peaceful change in that area does not come at an acceptable pace, change will come anyway—but it will not be peaceful. Our national interest in Africa is with the majority of Africans. Business as usual will hasten the day of violence as usual."

THE GENOCIDE CONVENTION 23 YEARS LATER

Mr. PROXMIRE. Mr. President, it has been 23 years since the Senate first received the Convention on the Prevention and Punishment of Genocide. On June 16, 1949, President Harry S. Truman transmitted this treaty to the Senate for its advice and consent. In his letter, President Truman wrote:

> One of the important achievements of the General Assembly's first session was the agreement of the members of the United Nations that genocide constitutes a crime under international law . . . America has long been a symbol of freedom and democratic progress to peoples less favored than we have been and . . . we must maintain their belief in us by our policies and our acts.
>
> By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime. By giving its advice and consent to my ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice.

The Foreign Relations Subcommittee held hearings on the treaty in 1950. During the next 2 decades, the Genocide Convention was ratified by 75 nations—while it languished here. In 1970 and 1971 there were new hearings, and the treaty has been reported favorably by the committee. Action by the Senate is long overdue, and I urge that it come immediately. An anniversary commemorating inaction becomes increasingly disgraceful as it occurs again and again. The United States should after 23 years wait no longer to finally affirm its commitment against genocide.

A 237 COUNSELING PROGRAM IN DECATUR, ILL.

Mr. PERCY. Mr. President, I am pleased to announce that the East Side Housing and Economic Development Corp. of Decatur, Ill., has been selected to conduct an FHA section 237 credit and homeownership counseling service in Decatur and Macon County.

This is a voluntary program carried on under a contract with the Department of Housing and Urban Development. Although Congress appropriated $3.25 million for 237 counseling services for fiscal year 1972, these funds have been used only for a few demonstration projects and for evaluation of the voluntary efforts which HUD has been encouraging under section 235 and 237 authority.

The East Side Housing and Economic Development Corp. was formed by a group of citizens in a proposed urban renewal area of Decatur. The board of directors includes not only residents of the renewal area, but of other parts of the city as well. The corporation's primary function is to combat community deterioration and to secure adequate housing and related social services.

The planned 237 counseling program for low-income families goes well beyond the usual scope of these programs. Not only will the ESHEDC offer classes to families rejected for homeownership because of poor credit ratings, but classes will be made available to all mortgage insurance applications and other persons interested in such areas as debt management, credit buying with attendant information on interest rates, possible purchase frauds, home maintenance, how to hang pictures, fix faucets, repair minor home damages, and other related information.

I firmly believe the serious problems we currently face with our homeownership programs for low-income families could have been avoided, at least in part, had programs like this one been implemented on a systematic basis under the authority of the Housing Act of 1968. I have consistently urged funding for the counseling provisions of this legislation. I hope this year we shall make a commitment to reach all those low-income families in need of counseling services with a program similar to the one offered by the ESHEDC.

I commend the East Side Housing and Economic Development Corp. for its initiative in developing a voluntary counseling program.

THE CONTINUING REPRESSION OF SOVIET JEWS

Mr. TUNNEY. Mr. President, I had the privilege last week of meeting with Mr. Ishai Branover, an Israel citizen who previously lived in the Soviet Union. In an impressive and convincing manner, Mr. Branover discussed the problems that confront the Jewish scientists in the Soviet Union who wish to emigrate to Israel.

Although the Soviet authorities allowed Mr. Branover to emigrate to Israel, they have refused the same permission to his brother, Rabbi Herman Branover. Even while the Soviet leaders talk of detente and cooperation, they refuse to allow Jewish scientists such as Rabbi Branover the fundamental right to leave Russia.

Ishai Branover talked to me about his brother. He explained, amply and directly, his brother's case. I believe that case is important, Mr. President, and I would like to take several minutes to explain it to my colleagues. For it demonstrates again, in vivid and disturbing detail, the tragedy and the travail of the Jewish people who are still trapped in Soviet Russia.

Rabbi Branover's case is important in itself. For it illustrates the insensitivity sometimes shown by governments and and the cruelty by which man can deal with his fellows. I believe also that it is important because it is representative. For it is instructive evidence of the way the Soviet Union continues to treat its Jewish scientists. It represents the current Soviet hard-line response to those Jewish scientists who wish to join their families and coreligionists in Israel.

Rabbi Herman Branover, at the age of 40, is a unique person who combines a brilliant intellect with a deeply religious commitment. Herman Branover finished high school at the age of 15, after skipping 2 full years of academic study. He received the highest possible honors upon his graduation from high school and indicated that he wished to embark upon the pursuit of a career in nuclear physics. Because he was a Jew, he was denied the opportunity to study nuclear physics. He then decided to pursue a career in the science of hydrodynamics.

While he was studying hydrodynamics in Leningrad in 1952, he witnessed the burning of 24,000 Jewish books from the library of the Kaleinen Institute. He was deeply disturbed by the bookburning. He could not believe that people could burn the books of great philosophers. He was drawn to wonder what lessons these books held; what ideas could be so powerful as to provoke such a response.

As a result of the book burning and the questions it raised in his mind, he decided to study a variety of religions and philosophies. He read extensively—from Buddhist, Christian, and Jewish works. He decided that Judaism was the philosophy most attractive to him. He became increasingly religious. His scientific pursuits were soon coupled with a deep philsophical and religious attraction to Judaism. His attraction became a commitment. It complemented his dedication to science.

As he became increasingly observant, he soon developed a reputation as one of the most learned scholars of Judaism in the Soviet Union. He has been granted the credentials of rabbi both from the chief rabbi of Israel and the chief rabbi of the United Kingdom. He has an honorary rabbinical degree from the Yeshiva University in New York.

It became apparent to Rabbi Branover that he could not continue to be a successful scientist in the Soviet Union and also a deeply religious person. He, therefore, left his work at the Academy of Science in Riga in April of 1971. Several months later, he appealed for permission to emigrate to Israel.

His wife, Fania Branover, a medical doctor, was immediately fired from her job. In January of 1972, the Soviet Union denied the appeals of Rabbi Herman Branover and Dr. Fania Branover to leave for Israel.

In February 1972, Herman Branover started to teach the Bible to Jews from Riga, Kovno, and Vilna. He was teaching some 35 to 40 Jewish students. Almost immediately after he began his Bible teaching, he was advised by the Government that he would be imprisoned for 3 years if he continued to teach the Bible. He was warned also that if the Bible lessons were continued in the synagogue that the synagogue would be closed.

In early May 1972, in an effort to persuade the Soviet Government to allow them to emigrate, the Branovers went on a hunger strike. They were joined by 39 other Jews, all of them professionals, most of whom were Bible students of Rabbi Branover, and all of whom had been denied permission to emigrate but nevertheless fired from their jobs.

Shortly before President Nixon visited the Soviet Union, Rabbi Branover cabled President Nixon and appealed for an opportunity to meet with him. As a result of that cable, the Rabbi was asked by the KGB to pledge that he would not travel from Riga to Moscow. He refused. Subsequently, he was imprisoned on the pretext he had killed a girl in a traffic accident. The car was tested soon thereafter and the tests revealed that it had not been used for more than a month. Nevertheless, he was held in prison for 2 days and was instructed to return the following day.

But he went into hiding. Since that time, it has been impossible to obtain further information pertaining to the rabbi. Congressmen PODELL and BRASCO joined Ishai Branover in an attempt to telephone the Soviet Union. They recently called 19 different telephone numbers, homes of Jews in Riga, Moscow, and Leningrad between 4 and 5 a.m., Moscow time. None of the numbers answered.

Rabbi Branover's status is uncertain, but evidently critical. He and his wife, as well as the 41 families which are in touch with the Branovers, cannot be reached. They have been tormented and harassed by the Soviet authorities. They are not allowed to emigrate. And they are not allowed to live in peace.

Mr. President, I am afraid that the case of Rabbi Branover is more typical than we would like to believe. The Soviet Union, faced with enormous courage and unexpected resistance from the Jewish community, has allowed many Jews to emigrate to Israel.

Jews have emigrated in larger numbers than many people originally anticipated.

But the Soviets continue to impede the free emigration of numerous others. They continue to oppose the emigration of scientists and other professional Jews—often despite the fact that none of them have or ever had access to sensitive material. Forty-five percent of those Jews who wish to emigrate are denied the opportunity. At the same time, they are denied the basic privileges of Soviet citizens, are barred from work, are ostracized by every possible apparatus and mechanism of the Soviet system. Frequently the applications are denied without reason or excuse.

Mr. President, I am afraid that Rabbi Branover's case is all too typical. I am afraid that the Soviet Government, despite its protestations of good will and its talk of detente, seems determined to sustain its policies of repression and resistance, its reliance upon coercion and fear. I am afraid that it remains necessary for men of goodwill in the United States and elsewhere to renew their protests; to reiterate their despair; and to remind others of the anguish which pervades the lives of the Soviet Jews. The simple demands of justice and fairness are still denied by the Soviet Union.

It is because that problem continues, because the Soviet Government does not respond more fairly and sensitively, that I have felt compelled today to advise the Senate of the tragic circumstances which surround Rabbi Branover, his wife, and his friends.

THE COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT ACT

Mr. HATFIELD. Mr. President, in a short time, the Senate will consider S. 3524, a bill to extend the Commercial Fisheries Research and Development Act of 1964 for another 5 years. When our distinguished colleague, Senator MAGNUSON, introduced this bill in April, I asked to join him in cosponsoring this legislation, for I knew firsthand the numerous benefits to my State from operation of this bill over the past 5 years. I want to add at this point that it has been my good fortune to work in several instances with Senator MAGNUSON on behalf of the commercial fishermen of the Northwest, and I have benefited from his counsel on many occasions. Our fishermen face many similar problems, and it is my good fortune to join once again in efforts for the benefit of Northwest fishermen.

FISHERMEN FACE ECONOMIC HARDSHIPS

Mr. President, I cannot turn to a detailed discussion of the merits of this bill without prefacing my remarks regarding the general economic plight of the commercial fishermen of this country. I have spoken on numerous occasions about the declining economic fortunes of the commercial fishermen of this country. Their goal is merely to stay afloat—if you pardon the weak joke—as they see foreign fishing incursions, greater imports of fish products, and other inroads being made into their livelihood.

Recently, I solicited the latest fish-catch statistics from the Oregon Fish Commission. My colleagues may recall that I have mentioned these in past years during debate on related subjects. The statistics point out the declining catch of Oregon fishermen. I ask unanimous consent that the most recent statistics and cover letter appear at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FISH COMMISSION, RESEARCH LABORATORY,
Newport, Oreg., June 1, 1972.

MR. WALTER EVANS, care of
Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR MR. EVANS: Enclosed is a copy of the fishing information you requested last month. It is essentially the same table sent to you last year by Mr. Schoning with the 1971 data added.

Sincerely,

JAMES M. MEEHAN,
Program Leader,
Groundfish and Shrimp Investigations.

LANDINGS BY OREGON FISHERMEN FROM OFF WASHINGTON AND OREGON, MAY 31, 1972

	1965	1966	1967	1968	1969	1970	1971
Pacific Ocean perch:							
Landings [1]	13.5	3.8	1.6	0.8	0.6	0.6	0.9
Catch rate [2]	1,200	1,000	700	400	400	300	300
Other rock fish: Landings [1]	4.0	4.8	4.0	3.6	4.0	3.1	2.9
Arrowtooth flounder: Landings [1]	2.3	2.2	2.1	1.0	.9	.4	.5
Total, all species:							
Landings [1]	32.5	24.2	20.3	18.2	19.8	18.4	18.6
Catch rate [2]	1,100	1,100	1,000	800	800	700	700
Hours fished [3]	28.5	22.6	19.6	22.4	24.2	25.9	26.7

[1] Landing figures represent millions of pounds.

[2] Catch rate, unit of effort/pound per hour.

[3] Hours fished figures represent thousands of hours.

The Russians first appeared off Oregon and Washington in April 1966. The declines are not caused by adverse market conditions. The Russian and American scientists have agreed the Pacific Ocean Perch stocks have been over-fished and are in need of protection. We have clearly demonstrated, in our judgment, that the Russians are responsible for the decline. The Arrowtooth Flounder are found in deeper water where the Russians are known to have fished and their fishing has caused the reduction in the population.

JAMES M. MEEHAN,
Management & Research Division.

Mr. HATFIELD. Mr. President, I call these alarming statistics to the attention of the Senate because the inattention of the Federal Government threatens the extinction of one of the oldest industries in the country. Listen to these statistics:

Perch catches falling from 13.5 million pounds in 1965 to 900,000 pounds in 1971;

Catches of arrowtooth flounder, a deeper water fish and, therefore, more susceptible to overfishing by the Russians, falling from 2.3 million pounds in 1965 to 500,000 pounds in 1971.

The total fish catches paint a distressing picture for the future of the industry: a catch that has fallen from 32.5 million pounds in 1965 to only 18.6 million pounds in 1971. This is little more than half the prior catch, with almost the same amount of hours spent in fishing.

Mr. President, I have opened my remarks about the fishing industry with this rather bleak report because I want to stress that steps must be taken by the Federal Government to improve the economic outlook for our fishermen.

PAST OPERATION OF LAW SHOWS NUMEROUS PUBLIC BENEFITS

The legislation we are considering now, S. 3524, has helped greatly in solving some problems facing the industry. I hate to think what the economic picture in Oregon would be if the existing law had not been in effect. Under terms of 88-309, the law that is due to expire if S. 3524 is not enacted, valuable research has been carried out in several research projects.

OREGON BENEFITS

The amount of Federal assistance to Oregon that has been allocated from fiscal year 1966 through fiscal year 1972 is $901,000. The fiscal year 1972 amount is $135,800. This money from the Federal Government, coming to Oregon under the terms of 88-309, has meant that 25 projects, with a total cost of $1.7 million, could be undertaken. Sixteen of these are completed, at a cost of $956,504. Nine projects still are underway with a total cost of $744,400.

In my opinion, concrete examples can be shown of benefits that have flown from this research that greatly outweigh the cost of such projects.

EXAMPLES OF OREGON RESEARCH EFFORTS

A few primary examples come to mind in Oregon that illustrate this point. I am sure that Senators could echo sentiments about how this has helped their States.

One of the best examples of specific, dollarwise results from the operation of 88-309 has taken place in the town of Astoria, located at the mouth of the Columbia River. Fishing long has been an important factor in the region's economy. Located in Astoria is the seafoods laboratory. This operates under the auspices of Oregon State University's Department of Food Science and Technology. It is located in a structure constructed by Economic Development Administration funds, and dedicated in 1968. In summary, the research centers on development of new food products from underutilized fish species, such as protein from hake, new human food products from shad, and utilization of dogfish for human food.

I contacted Dr. David L. Crawford, program director at the seafood lab, to ask for further details about the fine research now underway under 88-309 programs. At this point in the RECORD, I ask unanimous consent that the opening section of his letter appear at this point in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

OREGON STATE UNIVERSITY, DEPARTMENT OF FOOD SCIENCE AND TECHNOLOGY,
Astoria, Oreg., June 8, 1972.

Subject: Commercial Fisheries Research and Development Act, Public Law 88–309; importance to industry and people of Oregon. Review of research and development.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.
Attention: Mr. Walt Evans.

DEAR SENATOR HATFIELD: At the request of Mr. Walt Evans, of your office, I am writing you to convey my views on the importance of PL 88–309 to the industry and people of Oregon and to outline the research activities of our Laboratory supported by PL 88–309. Hopefully, they will provide you with information and views to help develop and formulate your support for continuing this program beyond June 30, 1973.

By way of introduction and identification, I am a Associate Professor in the Department of Food Science and Technology at Oregon State University. I function as a researcher and Program Director for the Seafoods Laboratory in Astoria, Oregon which operates as a branch laboratory of our Department through the Oregon State University Agricultural Experiment Station.

The PL 88–309 program is vitally important to the State of Oregon and particularly to the economy of our coastal counties. The three for one supplementation of state funds by this program provides the means by which adequate programs can be developed at the state level for the systematic and scientifically based management and development of Oregon's valuable marine resources. Our seafood industry provides many jobs for Oregon's people and adds significantly to the state's economy. It should be pointed out that this industry converts a self-replenishing resource into a product which adds something new to our state and national economy unlike other industries which only transfer capital and/or skills. Continuing programs such as PL 88–309 are necessary to support, develop and expand this fraction of our state's economy. Without this federal support, such programs would be very difficult for individual states to fund with the heavy demands being placed upon the resources of state government today. In fact, if one looks at the potential value of Oregon's marine resources, the present and projected programs under PL 88–309 are insufficient. I might suggest the program could be profitably expanded by increasing total funding with an increase in the proportion supported by the federal program coupled with a reduction in the state's share of the cost.

The program provides for a unique mechanism for cooperation. I am not referring to federal-state cooperation as such, but cooperation between researchers. In Oregon, PL 88–309 funds come to the Fish Commission of Oregon and provide support for both biological and technological investigations. Since projects under this program are reviewed by the National Marine Fisheries Service, the PL 88–309 program fosters unique cooperation between researchers with the National Marine Fisheries Service, the Fish Commission of Oregon and Oregon State University.

To be more specific, PL 88–309 programs provide vital support for the management and research programs of the Fish Commission of Oregon as well as the research program of the Department of Food Science and Technology at the Seafoods Laboratory. Although I cannot speak specifically with regard to the programs of the Fish Commission of Oregon, the PL 88–309 program supports a vital part of the program of our Laboratory. This program involves applied and basic research activities in the areas of improvement of fishery product quality and utilization of fishery by-products for human and animal food. The Seafoods Laboratory was established in Astoria by Oregon State University so these activities could be carried out in close cooperation and with the participation of the seafoods industry.

Continued funding of PL 88–309 is the key to continuing our Laboratory's program of research and development which is geared to aggressively supporting the growth and well-being of Oregon's seafood industry. Without support from PL 88–309 it is certain our program could not be maintained at its present minimal level and could put in question the viability of our Department's branch laboratory activities on the coast.

Our research program supported by PL 88–309 is largely directed toward utilizing species of fish not presently caught or marketed by Oregon's fishing industry. This program was in response to a considerable reduction in the availability of preferred commercial species in Oregon's coastal waters by heavy, uncontrolled foreign fishing pressure. Shad, Pacific hake and dogfish shark were singled out as target species.

Shad, an anadromous species available in large quantities in Oregon's coastal waters and rivers, is a species highly prized on the East Coast, but only caught for its roe on the West Coast. Product development investigations have shown this very fat and bony fish very adaptable to the preparation of minced fish products such as sausages, fish loaves, etc. Methods of bone comminutation and separation were developed and/or evaluated. Formulations of product concepts were developed and acceptance and frozen shelf-life characteristics were characterized and documented using expert and student taste panels. In addition, research showed that salted shad was as acceptable as herring for the preparation of pickled products. Large quantities of salted herring are imported for this purpose.

The utilization of shad in the preparation of minced prepared food products has created a lot of interest in Oregon's seafood industry. However, application of these product concepts by industry is slow and will require continued persistent consultation and technological help. The technological information for this species utilization is available, but the movement of a commodity oriented industry to one oriented toward prepared products is slow.

Our research and development work with shad as a raw material for preparing a pickled product has been applied commercially. Presently, this species is being processed according to our formulations and marketed in Oregon. A small step, but complete success is composed of a series of these small step. This result has been very gratifying.

Mr. HATFIELD. Mr. President, to me this is very exciting news. While at first, the thought of a fish sausage stains even my taste for fish, I know such products can be made to be very tasty. The point that is important here is that the research is direct in its application. Some people have criticized various federally funded research efforts in various disciplines as being far from practical in their application, and too abstract for any benefits to accrue to the public at large. Here, however, are good examples of real, tangible payoffs from a modest expenditure of Federal funds.

In addition to the research directed to better utilization of the shad, research is going on at the Astoria Lab directed at Pacific hake. As a resident of Newport, Oreg., myself, I know from my fishermen friends that hake has been known as a trash fish, and one with little or no commercial utilization. Dr. Crawford describes some of the hake research in his letter, and I ask unanimous consent that this section of his letter appear at this point in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

PACIFIC HAKE

Another species of great potential importance to Oregon is the Pacific hake. The standing stock of Pacific hake in waters off Oregon and Washington is estimated to range from 609.5 to 1206 thousand short tons with a sustainable yield of 174–349 thousand short tons. Hake of the Pacific coast are regarded generally as a trash fish having flesh of poor keeping quality. Only small amounts are used for animal food. Hake of the genus *Merluccius* are valuable human food in the U.S.S.R., Chile, Spain, Argentina, and South Africa.

Our research activities have been directed toward the development of numerous avenues for the utilization of this important species. Our research has brought about the use of this fish in the formulation of hatchery fish rations. Through development activities this species was included as a possible ingredient in the formulation of the Oregon Moist Pellet. Presently, this formulation can use up to 40 percent raw fish as a component. Over 16 million pounds are produced in Oregon and Washington annually. Although this is a poor use for this species which has great human food potential, it does create a market and help develop a fishery.

Research was carried out in cooperation with the National Marine Fisheries Service in evaluating hake processed into a meal as a supplement in broiler rations. Nutritional investigations showed its meal to compare well with meals presently used.

Presently, we see a great market potential for this species in the production of frozen blocks to be used for the preparation of fish sticks, portions, etc. Present research is directed toward characterizing and documenting comparative acceptance and frozen shelf-life characteristics. Market evaluation studies in cooperation with the Otter Trawl Commission of Oregon are planned in the near future. Results to date from preference taste panels show portions prepared from blocks of frozen fillets to have a high degree of comparative acceptance. If handled properly, frozen shelf-life is comparable to other commercially utilized species.

As a part of our over-all Laboratory research program we have evaluated various deboning and skinning machines. Processing with this type of equipment separates the flesh from the bone and skin of whole dressed fish. Flesh is yielded in a coarse minced form. The advantage of this type of processing is that edible flesh yields are increased as much as 100% over routine hand or machine filleting procedures.

A multitude of new fishery products produced by machine extrusion or continuous cooking extrusion is possible using this machine-processed minced flesh. A new mixed food product produced by machine extrusion, in the form of a breaded patty composed of 50% shrimp and 50% minced hake, has been developed by our laboratory. This product concept utilizes hake as an extender for a high priced seafood item to produce a high quality and highly acceptable product. Presently, acceptance and frozen shelf-life characteristics are being evaluated and documented. Our laboratory is working very closely with an Oregon firm who has expressed considerable interest in producing and marketing the new product concept. Commercial production is in the early test marketing stages of development. If market development is successful, a new market for this species will be developed. Also of considerable consequence will be the fact that an Oregon resource will be manufactured into a prepared food product in Oregon, rather than being marketed as a commodity, thus providing more job opportunities and a greater contribution to the economy of our state.

Mr. HATFIELD. Mr. President, I want to pay particular attention to the potential for new jobs in the processing of hake products that can flow from development of these new fish products. As one who as Governor of Oregon for 8 years, worked hard for the creation of new job opportunities throughout Oregon, I welcome this news.

The closing section of Dr. Crawford's letter discusses aspects of the Astoria Seafood Lab research directed to processing of the Dungeness crab. I ask unanimous consent that this section of Dr. Crawford's letter appear at this point in the Record.

There being no objection, the section was ordered to be printed in the Record, as follows:

Section of Letter

Another phase of our PL 88–309 program deals with problems related to the processing of Dungeness crab. Every year the development of a blue discoloration in fresh cooked crab results in thousands of dollars loss to Oregon processors. Also, this same discoloration problem results in a reduction in the quality of Oregon's canned crab pack.

Research efforts have found the problem to be caused by degradative enzyme activity in the live crab prior to processing. Research is being directed toward eliminating the mechanism of the degradative process and developing handling and processing procedures which will eliminate or greatly minimize the problem. The cost-benefit ratio from the research could be considerable in addition to providing considerable information on post-extraction biochemical changes which could greatly affect the quality of other seafood products.

Our projected research efforts beyond June 30, 1973, if support is available, will be directed toward (a) the utilization of Oregon's bay clams and (b) the utilization of seafood industry waste in Oregon.

The demand for bay clams for food products far exceeds the available supply. Large beds of many varieties of bay clams are located throughout Oregon's coastal bays and estuaries. The soft shell clam, in particular, is very similar to the East coast soft shell clam. This clam is the most important species harvested on the East coast. However, at the present time, the soft shell clam is not being utilized in the Northwest. Present tentative plans call for a joint biological and technological attack on this problem by the Fish Commission of Oregon and Oregon State University.

In many food industries, large shares of the total profit are obtained from conversion of processing wastes into acceptable and marketable products and commodities. The seafoods industry has a greater potential for utilization of waste than other segments of the food industry in that a major fraction of their waste is composed of more valuable protein. As an example, landings of trawl species in Oregon and Washington alone in 1968 amounted to over 51 million pounds. This would represent a calculated 40 million pounds of waste and over 6 million pounds of protein. Processing waste from Pacific shrimp and Dungeness crab also represent a large and under-utilized source of raw material. In these days of environmental concern, motives other than profit are also drawing industry to utilize waste. This capacity in the seafoods industry has not been exploited to any great degree.

The purpose of this proposed research program will be to develop means and methods for incorporating fish processing waste into acceptable products for consumption by fish, mammals and humans. Compositional and nutritional evaluation and documentation will be an important part of the program.

I hope this rather long and rambling informational letter will be of value to you. However, it does not adequately detail all of my views concerning the importance of PL 88–309 research programs or represent our entire research program. If we can be of further help in any way please feel free to call upon us.

Very truly yours,
David L. Crawford, Ph. D.
Program Director.

FISH WASTE IS HIGH

Mr. HATFIELD. Mr. President, I want to restress one point Dr. Crawford makes in his discussions of fish waste. He says:

> In many food industries, large shares of the total profit are obtained from conversion of processing wastes into acceptable and marketable products and commodities. The seafoods industry has a greater potential for utilization of waste than other segments of the food industry in that a major fraction of their waste is composed of more valuable protein.

I cannot overstate the importance of this: We are talking about better utilization of one of our basic energy sources—protein. Naturally, in authorizing these various projects, and in approving the funding for them, we need to see that these tax dollars are not wasted. The central point here is that there is a practical, people-related benefit that flows from every tax dollar that is spent under this program. The goal of this research is to better utilize our fish products. What evolves from this is better protein enriched fish products. Protein, as a vital part of our diet, is even more important to people that lack enough balance in their diet from other food sources. I think here of the poor urban resident, or the senior citizen on a fixed, modest income. My colleagues recall that during the debate on the fish inspection bill last fall, I raised this same point. In summary, fish products are of such high protein value that they should form a greater part of the diet of such people who face severe problems meeting their dietary needs. I need not point out the current concern about rising meat prices, and a family that is unable to eat recommended amounts of meat to meet dietary standards can recoup to some degree by purchasing less expensive fish products.

Mr. President, I call attention to this because an examination of many of the research projects under this law have a direct public goal of meeting the dietary needs of future generations of Americans as their goals. I applaud this, and I suggest that Senators should see the wisdom in this.

In closing, Mr. President, I want to urge approval of this legislation when it is considered by the Senate in a short time. It is not expensive, and the many benefits far outweigh the costs of the bill.

In Oregon, this program has support all over the State. As a resident of Newport, Oreg., a beautiful town on the coast where many of my friends work as commercial fishermen, this bill is widely endorsed.

I ask unanimous consent that a representative sampling of projects either completed or underway under terms of Public Law 88–309 appear at this point in the Record.

There being no objection, the projects were ordered to be printed in the Record, as follows:

Oregon Coast Fishing Programs Aided by P.L. 88–309

I–3–R. Study on the distribution and abundance of pink shrimp in the Pacific Ocean off Oregon. Sampling of commercial pink shrimp landings at Warrenton, Newport, frequency, catch, and effort data by area of and Coos Bay has been completed. Length-catch were reported. The vertical distribution and migratory behavior of this species by diel, lunar, and seasonal periods, and the environmental factors which may influence these movements were investigated off the Oregon coast near Astoria and Newport. Begun: 1965, Finished: 1970. Total cost: $141,832.

I–4–R. Investigation of the abundance and recruitment of bottomfish off Oregon, with emphasis on Dover sole—Data on fluctuations in abundance and year-class strength of Dover, English and petrale soles and Pacific ocean perch were evaluated. Techniques for determination of spawning success and abundance were investigated also. Begun: 1965, Finished: 1970. Total cost: $165,390.

I–5–R. Controlled rearing of dungeness crab larvae and the influence of environmental conditions on their survival—This project at Oregon State University's Marine Science Center at Newport was to develop techniques for the identification and rearing of dungeness crab larvae and to study how dissolved oxygen concentrations, temperature, and salinity affect the larvae distribution and survival of larvae. The feasibility of hatching and rearing crab larvae on a commercial basis was explored. Date Begun: 1965, Finished: 1970, Total Cost: $67,774.

I–10–D. Development of the shad industry—Oregon State University Seafoods Laboratory at Astoria developed new products using American shad and ground fish. Shad and striped bass have been used to make an acceptable smoked pepperoni product. The shelf-life of this appetizing fish product was evaluated. A frozen brown-and-serve fish sausage with a fresh pork sausage seasoning has been formulated. Development of a fish loaf of the luncheon meat type was considered. Dates Begun: 1966, Finished: 1970. Total cost: $71,771.

I–12–R. Utilization of hake, dogfish, and by-products of the fillet industry for protein supplements—The State of Oregon has a large quanity of hake and dogfish, both sources of animal protein, and, in addition, the bottomfish industry provides fillet scrap that amounts to over 60 percent of trawl fish landed. Oregon State University, Corvallis, and their seafood laboratory at Astoria, experimented with these fish to develop stable protein products and to determine possible uses of such products. An 8-week broiler production feeding trial combining herring and hake to improve body weight and decrease food consumption was completed. Preparations to evaluate hake meals as a source of protein for trout were investigated. Date Begun: 1966, Finished: 1970. Total Cost: $134,167.

I–15–R. Processed hake in feed for mink.—This study was made to determine if Pacific hake could serve as the source of protein in mink ration. Date Begun: 1965, Finished: 1968. Total Cost: $18,153.

I–25–R. Utilization of hake for human food.—The purpose of this study was to investigate the use of hake as a high-quality food for human use, with emphasis on the autoxidation of the oil of hake and means of rancidity control in fresh, frozen products. Date Begun: 1969, Finished: 1970. Total Cost, $16,000.

I–27–R. Laboratory hatching and rearing of Pacific Coast clams and oysters.—The development of methods to spawn and rear several species of claims and oysters for planting was the major objective of this study. Growth was observed from spat grown in the laboratory to placement in Netarts and Yaquina Bays. Date Begun: 1967, Finished: 1970. Total Cost: $62,983.

I–34–R. Preparation of marine protein concentrate from hake.—Studies at Oregon State University Seafood Laboratory, Astoria, using drum drying to make fish protein concentrate indicate that oil will separate from hake during the drying process. Experiments were made to evaluate the use of antioxidants and their effect in preventing deterioration, oxidation, or extractability of lipds. Date Begun: 1967, Finished: 1970. Total Cost: $60,000.

I–38–R. Biology of Columbia River shad and the development of selective commercial fishing gear.—Since little was known about shad in the Columbia River and no studies had been made since the early 1950's, this study provided current information on the status of this available resource. Studies of life history and of the reproductive potential and natural mortality of this species were made. Selective commercial fishing gear and methods necessary to allow the salmon to escape were developed. Date Begun: 1967, Finished: 1969. Total Cost: $12000.

I–46–R. Boat Charter.—A 55-foot trawler was chartered on an annual basis for research on the tunas from northern Oregon coast to Cape Mendocino, Calif., and on shrimp and crabs in the coastal waters between Astoria and Newport. Albacore were tagged and released for migration studies. Date Begun: 1967, Finished: 1970. Total Cost: $76,800.

I–58–D. Development of new human food products from shad.—Conventional methods of processing and preparing fishery products, such as canning, salting, pickling, and smoking, that are compatible with shad flesh are investigated. The use of commercial shad flesh derived from deboning machine will be investigated also. Date Begun: 1970, Finished ——, Total Cost: $12,000.

I–59–D. Utilization of hake for human food.—Hake for food for human use is investigated, with emphasis on the autoxidation of the oil and means of controlling rancidity and texture changes in fresh and frozen products. Date Begun: 1970, Finished: ——, Total Cost: $50,000.

I–60–R. Clam-oyster-abalone larval rearing—The purpose is to develop techniques for mass culturing clams, oysters, and abalone to assess the feasibility of artificial propagation as a supplement to natural production. Date Begun: 1970, Finished: ——. Total Cost: $52,000.

I–61–R. Data analysis—Dover sole stocks—Provides for completion of data analysis and submission of reports for publication on Dover sole population dynamics. Also results of survey of Dover sole stocks in deep coastal waters will be distributed. Date Begun: 1970, Finished: ——. Total Cost: $38,500.

I–62–R. An evaluation of methods for determining movements of shrimp—This study is twofold: (I) to evaluate the feasibility of various techniques of determining the movements of Pacific pink shrimp, and (2) to develop holding and rearing techniques of pink shrimp in aquaria. Date Begun: 1970, Finished: ——. Total Cost: $28,500.

I–63–R. Discoloration in fresh and frozen crab meat—To improve methods and techniques in the handling and storage of dungeness crab and crabmeat and of maintaining the natural color and quality of canned crabmeat. Date Begun: 1970, Finished: ——. Total Cost: $44,250.

I–64–R. Preparation of fish protein concentrate—Methods and procedures for the preparation of low-fat fish protein concentrate from machine deboned and skinned, round and eviscerated hake are investigated. Date Begun: 1970, Finished: ——. Total Cost: $18,000.

I–66–R. Crab larval rearing—To develop techniques for rearing dungeness crab larvae in mass culture. Crab larvae will be challenged to different current velocities and beight intensity to gain information for development of techniques for sampling larvae at sea. Date Begun: 1970, Finished: ——. Total Cost: $50,000.

I–69–R. Preparation of fish protein hydrolysates from fish fillet scrap and and waste fish including hake and dogfish. Date Begun: 1970, Finished: ——. Total Cost: $28,000.

THE ALCOHOLISM BILL

Mr. MOSS. Mr. President, The distinguished Senator from Iowa (Mr. HUGHES) has introduced a bill, S. 3644, amending the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

In the 2 years of its existence, the Institute of Alcohol Abuse and Alcoholism had made an impressive start toward reaching the goals of the act. But more needs to be done.

In the first stages of its development, the authorizations and appropriations for the Institute were purposely kept low so that the Institute would have time to plan and prepare to administer the funds needed to cope adequately with alcoholism. Now the time has come for the Institute to take the offensive. The groundwork has been laid, plans made, a course of action prepared.

The amendments submitted by Senator HUGHES would extend the authority of the act for an additional 3 years and authorize $480 million in formula grants and $420 million in project grants for the same period.

In addition, the amendments provide more personnel for the Institute, require hospitals receiving Federal funds to treat alcoholics on a nonprejudicial basis the same way as drug addicts are now treated under the Drug Abuse Act, a significant step in recognizing the true nature of the disease.

The amendments also rearrange the project grant authorities by shifting them from the Community Mental Health Centers to the Comprehensive Alcoholism Act.

The adoption of the amendments will not, of course, immediately end alcoholism. To get the job done will require an enormous amount of effort at every level of government and the dedicated support of the public. While the asked for appropriation is a significant increase over previous funding, in the long run it will certainly prove much less than the lost working hours, broken careers, and wasted lives that now is the toll of alcoholism.

There is no easy or quick solution to the problem. Its roots go deep into the pressures and failings of our society. But the amendments to the already existing legislation are unprecedented in their comprehensiveness.

These amendments mean that the future is beginning to look brighter for those millions of American families now facing the tragedy of alcoholism. If Congress will agree to provide the needed funding, the massive counter attack on the disease can finally begin. The countless victims of the sickness can be saved, and America will be a richer place for it.

As the Senate's earliest advocate of Federal legislation to control alcoholism, and as one of the three principal sponsors of the Hughes-Javits-Moss Act of 1970, I am pleased to cosponsor the amendments to this act submitted by Senator HUGHES.

ADEQUATE PROTECTION FOR MOBILE HOME BUYERS

Mr. BROCK. Mr. President, mobile homes are the fastest growing mode of housing in the United States today.

In view of this, careful and considered steps must be taken to insure that this housing is safe and reliable. In my bill, S. 3604, now before the Senate Committee on Banking, Housing and Urban Affairs, I have proposed the establishment of national standards for the construction of mobile homes.

While other initiatives to provide protection to mobile home purchasers have been discussed, no one committee has addressed itself in a substantive way to an exhaustive examination of what is really needed to guarantee an adequate level of safety. I believe such an examination is imperative before we can act. Recognizing the pervasive influence a mobile dwelling has on its occupants, to ignore the complexities of what have been the experiences of State and local officials, owners, and private organizations involved in mobile home safety would be a miscarriage of legislative responsibility.

I am aware of language contained in the Senate Commerce Committee report on S. 3419, Consumer Safety Act of 1972, which states:

> Because many inquiries concerning mobile home safety have been directed to the Committee, it would seem appropriate to express the Committee's intent with respect to mobile home safety. It is the Committee's intent with respect to mobile home safety. It is the Committee's intent to include mobile homes under the definition of "consumer product."

The report language would perhaps be better stated if it had read, "Despite specific statutory language to the contrary, it is the Committee's intent" and so on. For if my reading of the bill is correct, then mobile homes are specifically excluded from coverage under the proposed act.

The contradictions of the Commerce Committee's position on mobile homes coupled with the fact that more thorough legislation is needed to provide adequate protection to the mobile homeowners will give my legislation, the National Mobile Home Safety Act, the chance for active consideration by the Senate. I feel that such study is necessary.

My legislation offers a comprehensive approach to the problem and hearings are expected before the close of this session of Congress.

Mr. President, the reasons for the astounding growth in the use of mobile homes are manifold. Most importantly, the spiraling cost of conventional homes has literally made it impossible for the average family to purchase its own home. In 1965, the cost of single family dwellings averaged $23,600; in 1970, the price has skyrocketed to over $32,500.

The enormous cost of site-built homes coupled with the fact that 95 percent of homes sold for under $15,000 are mobile homes has led over 7 million Americans to choose this type of dwelling.

Incredibly enough, in 1970 there were more mobile homes constructed than single family housing starts in all the United States.

Whatever the reasons for this development, it remains clear that mobile homes are very apt to continue their phenomenal increase in sales and should be viewed as a pervasive and futuristic element in America's housing capabilities.

Such a home, although technically mobile, is for all intents and purposes a dwelling which meets the objective and legal definitions of a domicile. In most instances, the only time a mobile home is mobile is for the trip between the point manufacturer and the home's park. Statistics show that the average mobile home is moved once every 40 months, that it spends less than 12 hours on public roads in 18 to 20 years, and that it only spends 0.055 percent of its useful life on the highway. The average size is 12 feet wide and 60 feet long. Despite the traditional shoebox configuration required for transportation purposes, mobile homes may now be purchased in double or even triple width.

A mobile home, regardless of its mobility, is a residence. However, unlike conventional housing it is not subject to local building ordinances. In their stead some 26 States have adopted standards covering mobile home construction.

Unfortunately, protection for the purchaser is spotty and enforcement of existing guidelines dubious. In most States which have adopted mobile home construction guidelines, most only apply to homes manufactured and sold in the State. Mobile homes manufactured in a State with no regulations and sold in a State with specific criteria are not regulated at all. Equally important is the matter of enforcement of official State regulations. In Florida, the country's leading consumer of mobile homes, there are three inspectors who handle all complaints against manufacturers of mobile homes and recreational vehicles, as well as the inspection of the construction of all such vehicles. It could hardly be expected that such a program could eliminate risks to the consumer.

In sum, Federal legislation covering mobile homes of the type I have proposed in S. 3604 is imperative. All attempts to subvert its importance by burying it in other so-called consumer legislation must be resisted. This issue demands thorough examination to determine its various ramifications and to consider the collective experiences of State and local authorities in order to provide the potential mobile home buyer with assurance that the home he purchases meets certain standards of quality and safety. I would add, however, that since virtually all mobile homes are delivered with components such as convenience appliances and furnishings, these components will and should be covered by pending consumer legislation. Nevertheless, mobile homes in and of themselves should be considered as dwellings.

Mr. President, in order that Senators may know how mobile homes use relates to their separate States, I ask unanimous consent that statistics provided by Mobile Home Manufacturers Association concerning production sales volume be printed in the RECORD at the conclusion of my remarks.

It will be noted that the use of mobile homes runs heavily in the more temperate climes of our South and West; however, production of these mobile dwellings is spread throughout the country with little relation to geography or climate.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

MOBILE HOME SHIPMENTS TO DEALERS

	1966		1967		1968		1969		1970	
	Homes	Percent	Homes	Percent	Homes	Percent	Homes	Percent	Homes	Percent
Northeast	28,563	13.1	30,342	12.6	37,283	11.7	44,917	10.9	46,705	11.6
Connecticut	1,104	....	1,273	....	1,315	....	1,114	....	1,052	....
Maine	1,885	....	1,775	....	2,686	....	3,827	....	4,833	....
Massachusetts	1,239	....	1,433	....	1,716	....	1,716	....	1,585	....
New Hampshire	1,409	....	1,674	....	1,715	....	2,446	....	2,302	....
New Jersey	1,558	....	1,261	....	1,544	....	2,706	....	2,710	....
New York	9,183	....	10,132	....	13,031	....	13,415	....	13,585	....
Pennsylvania	10,654	....	11,142	....	13,552	....	16,776	....	18,768	....
Rhode Island	241	....	259	....	216	....	655	....	262	....
Vermont	1,290	....	1 393	....	1,508	....	2,242	....	1,608	....
East North Central	41,751	19.2	39,925	16.6	51,946	16.3	68,706	16.6	67,781	16.9
Illinois	8,332	....	7,703	....	9,238	....	11,273	....	10,634	....
Indiana	8,316	....	6,932	....	9,260	....	12,410	....	13,176	....
Michigan	11,737	....	12,248	....	16,112	....	20,676	....	19,612	....
Ohio	8,711	....	8,649	....	11,428	....	15,990	....	17,446	....
Wisconsin	4,655	....	4,393	....	5,908	....	8,357	....	6 913	....
West North Central	19,033	8.8	23,434	9.7	27,707	8.7	36,356	8.8	32,390	8.1
Iowa	2,116	....	2,528	....	2,658	....	3,889	....	4,609	....
Kansas	3,296	....	4,029	....	4,828	....	6,408	....	5,007	....
Minnesota	3,936	....	4,937	....	6,230	....	7,700	....	7,413	....
Missouri	5fi331	....	5,936	....	8,413	....	10,147	....	8,850	....
Nebraska	1,468	....	2,455	....	2,353	....	3,941	....	2,944	....
North Dakota	1,376	....	1,558	....	1,325	....	1,773	....	1,479	....
South Dakota	1,510	....	1,991	....	1,900	....	2,498	....	2,088	....
South Atlantic	49,812	22.9	60,764	25.3	78,178	24.6	108,156	26.2	115,752	28.9
Delaware	1,538	....	1,803	....	1,820	....	1,755	....	2,152	....
Florida	14,183	....	18,732	....	26,012	....	33,618	....	37,854	....
Georgia	9,379	....	11,680	....	16,109	....	24,268	....	22,976	....
Maryland	2,092	....	2,096	....	2,275	....	2,789	....	2,979	....
North Carolina	8,884	....	11,790	....	14,616	....	22,678	....	23,606	....
South Carolina	5,321	....	6,603	....	7,632	....	10,657	....	10,694	....
Virginia and District of Columbia	6,501	....	6,139	....	6,715	....	8,050	....	9,619	....
West Virginia	1,914	....	1,921	....	2,999	....	4,341	....	5,872	....
South Central	39,578	18.2	47,652	19.8	67,812	21.3	94,597	22.9	79,118	19.7
Alabama	6,755	....	7,521	....	8,304	....	12,718	....	12,463	....
Arkansas	3,257	....	3,982	....	4,872	....	5,919	....	4,796	....
Kentucky	4,287	....	4,325	....	5,279	....	7,008	....	8,225	....
Louisiana	4,304	....	5,004	....	6,943	....	11,235	....	6,371	....
Mississippi	4,454	....	4,295	....	5,543	....	10,226	....	6,823	....
Oklahoma	2,432	....	3,290	....	4,601	....	7,111	....	5,016	....
Tennessee	6,256	....	5,348	....	7,850	....	11,353	....	8,822	....
Texas	7,833	....	13,917	....	24,420	....	28,987	....	26,692	....
Mountain	14,959	6.9	15,581	6.5	20,424	6.4	27,287	6.6	29,383	7.3
Arizona	2,970	....	2,913	....	4,949	....	7,134	....	8,735	....
Colorado	3,469	....	4,572	....	4,773	....	6,333	....	6,503	....
Idaho	1,721	....	1,701	....	2,126	....	3,001	....	3,737	....
Montana	2,342	....	2,476	....	2,379	....	3,410	....	2,722	....
Nevada	1,176	....	912	....	2,065	....	2,224	....	1,967	....
New Mexico	1,824	....	1,594	....	2,528	....	2,570	....	2,673	....
Utah	784	....	686	....	781	....	1,364	....	1,722	....
Wyoming	673	....	727	....	823	....	1,251	....	1,324	....

MOBILE HOME SHIPMENTS TO DEALERS—Continued

	1966		1967		1968		1969		1970	
	Homes	Percent	Homes	Percent	Homes	Percent	Homes	Percent	Homes	Percent
Pacific	23,051	10.6	21,390	8.9	33,396	10.5	31,389	7.6	28,678	7.2
California	13,306		10,828		19,287		18,911		17,796	
Oregon	4,919		4,351		5,975		5,033		5,495	
Washington	4,826		6,211		8,134		7,445		5,387	
Alaska	553	.3	1,242	.6	1,204	.5	1,228	.4	1,361	.3
Hawaii							54		22	
Total United States	217,300	100	240,360	100	317,950	100	412,690	100	401,190	100

UNIT SHIPMENTS TO STATES IN 1970, MOBILE HOMES ONLY (REVISED)

	1969	1970	Percent change
Northeast	44,917	46,705	+4
Connecticut	1,114	1,052	−6
Maine	3,827	4,833	+26
Massachusetts	1,716	1,585	−8
New Hampshire	2,466	2,302	−7
New Jersey	2,706	2,710	(1)
New York	13,415	13,585	+1
Pennsylvania	16,776	18,768	+12
Rhode Island	655	262	−60
Vermont	2,242	1,608	−28
East North Central	68,706	67,781	−1
Illinois	11,273	10,634	−6
Indiana	12,410	13,176	+6
Michigan	20,676	19,612	−5
Ohio	15,990	17,446	+9
Wisconsin	8,357	6,913	−17
West North Central	36,356	32,390	−11
Iowa	3,889	4,609	+19
Kansas	6,408	5,007	−22
Minnesota	7,700	7,413	−4
Missouri	10,147	8,850	−13
Nebraska	3,941	2,944	−25
North Dakota	1,773	1,479	−17
South Dakota	2,498	2,088	−16
South Atlantic	108,156	115,752	+7
Delaware	1,775	2,152	+23
Florida	33,618	37,854	+13
Georgia	24,268	22,976	−5
Maryland	2,789	2,979	+7
North Carolina	22,678	23,606	+4
South Carolina	10,657	10,694	(1)
Virginia and District of Columbia	8,050	9,619	+19
West Virginia	4,341	5,872	+35
South Central	94,597	79,118	−16
Alabama	12,718	12,463	−2
Arkansas	5,919	4,706	−20
Kentucky	7,008	8,225	+17
Louisiana	11,235	6,371	−43
Mississippi	10,266	6,823	−34
Oklahoma	7,111	5,016	−29
Tennessee	11,353	8,822	−22
Texas	28,987	26,692	−8
Mountain	27,287	29,383	+8
Arizona	7,134	8,735	+22
Colorado	6,333	6,503	+3
Idaho	3,001	3,737	+25
Montana	3,410	2,722	−20
Nevada	2,224	1,967	−12
New Mexico	2,570	2,673	+4
Utah	1,364	1,722	+26
Wyoming	1,251	1,324	+6
Pacific	31,389	28,678	−9
California	18,911	17,796	−6
Oregon	5,033	5,495	+9
Washington	7,445	5,387	−28
Alaska	1,228	1,361	+11
Hawaii	54	22	−59
Total United States	412,690	401,190	−3

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[1] Less than 1 percent.

MOBILE HOMES SHIPPED TO STATES

	1970	1971[1]	Percent change
Northeast	46,705	41,824	−10
Connecticut	1,052	726	−31
Maine	4,833	3,645	−25
Massachusetts	1,585	1,248	−21
New Hampshire	2,302	1,980	−14
New Jersey	2,710	2,179	−20
New York	13,585	12,073	−11
Pennsylvania	18,768	18,433	−2
Rhode Island	262	296	+13
Vermont	1,608	1,244	−23
East North Central	67,781	74,613	+10
Illinois	10,634	11,688	+10
Indiana	13,176	14,875	+13
Michigan	19,612	22,887	+17
Ohio	17,446	18,345	+5
Wisconsin	6,913	6,818	−1
West North Central	32,390	35,260	+9
Iowa	4,609	4,789	+4
Kansas	5,007	5,179	+3
Minnesota	7,413	6,783	−8
Missouri	8,850	10,162	+15
Nebraska	2,944	3,708	+26
North Dakota	1,479	2,307	+56
South Dakota	2,088	2,332	+12
South Atlantic	115,752	133,427	+15
Delaware	2,152	1,933	−10
Florida	37,854	49,366	+30
Georgia	22,976	22,821	−1
Maryland	2,979	2,425	−19
North Carolina	23,606	27,445	+16
South Carolina	10,694	12,263	+15
Virginia and District of Columbia	9,619	10,522	+9
West Virginia	5,872	6,652	+13
South Central	79,118	110,707	+40
Alabama	12,463	15,999	+28
Arkansas	4,706	8,620	+83
Kentucky	8,225	12,062	+47
Louisiana	6,371	8,336	+31
Mississippi	6,823	9,584	+40
Oklahoma	5,016	7,282	+45
Tennessee	8,822	15,215	+72
Texas	26,692	33,609	+26
Mountain	29,383	47,147	+60
Arizona	8,735	17,380	+99
Colorado	6,503	10,669	+64
Idaho	3,737	4,154	+11
Montana	2,722	3,464	+27
Nevada	1,967	2,576	+31
New Mexico	2,673	5,156	+93
Utah	1,722	2,475	+44
Wyoming	1,324	1,273	−4
Pacific	28,678	52,580	+83
California	17,796	32,578	+83
Oregon	5,495	12,433	+126
Washington	5,387	7,569	+40
Alaska	1,361	969	−29
Hawaii	22	43	+95
Total United States	401,190	496,570	+24

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[1] Revised.

MOBILE HOME PRODUCTION IN STATES

(Units)

	1970	1971	Percent change 1971/1970	Percent of total 1971 production [1]
Northeast	32,300	32,975	+2	7
Connecticut	0	0		
Maine	0	0		
Massachusetts	0	0		
New Hampshire	(2)	(2)		
New Jersey	(2)	(2)		
New York	0	(2)		
Pennsylvania	32,090	32,461	+1	6
Rhode Island	0	0		
Vermont	0	0		
East North Central	81,760	98,207	+20	19
Illinois	1,270	1,494	+18	
Indiana	49,500	61,527	+24	12
Michigan	15,060	13,558	−10	3
Ohio	9,080	9,775	+8	2
Wisconsin	6,850	11,853	+73	2
West North Central	37,710	44,328	+18	9
Iowa	(2)	(2)		
Kansas	17,710	19,572	+11	4
Minnesota	5,470	5,974	+9	1
Missouri	4,750	7,218	+52	1
Nebraska	7,040	8,803	+25	2
North Dakota	(2)	(2)		
South Dakota	1,670	1,699	+2	(4)
South Atlantic	108,510	133,567	+23	26
Delaware	0	0		
Florida	26,700	35,432	+33	7
Georgia	48,160	56,711	+18	11
Maryland	(2)	(2)		
North Carolina	18,880	26,090	+38	5
South Carolina	7,740	6,660	−14	1
Virginia and District of Columbia	5,690	7,177	+26	1
West Virginia	(2)	(2)		
South Central	90,140	119,257	+32	24
Alabama	23,440	29,470	+13	6
Arkansas	8,550	9,655	+13	2
Kentucky	2,850	5,171	+81	1
Louisiana	5,330	5,774	+8	1
Mississippi	5,430	9,987	+84	2
Oklahoma	3,850	5,317	+38	1
Tennessee	4,830	7,989	+65	2
Texas	35,860	45,894	+28	9
Mountain	[3] 14,130	[3] 23,350	+65	5
Arizona	1,510	7,231	+379	1
Colorado	1,240	2,369	+91	(4)
Idaho	10,220	11,285	+10	2
Montana	(2)	(2)		
Nevada	0	.		
New Mexico	(2)	(2)		
Utah	(2)	(2)		
Wyoming	(2)	(2)		
Pacific	43,800	55,536	+27	11
California	33,550	42,622	+27	8
Oregon	7,300	9,241	+27	2
Washington	2,950	3,673	+25	1
Alaska	(3)	(3)	(3)	
Hawaii	0	0		
Total, United States	408,350	507,220	+24	100

[1] Detail may not add to total because of rounding.

[2] Production in this State has been concealed to prevent disclosure of individual plant production. The region total includes the production of this State.

[3] The production in Alaska is included in the Mountain Region total.

[4] Less than ½ of 1 percent.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time allotted for the transaction of routine morning business has expired, and routine morning business is closed.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. ALLEN). At this time, in accordance with the previous order, the Chair lays before the Senate the unfinished business (S. 3390), which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendment (No. 1223) of the Senator from Alabama (Mr. SPARKMAN). Time on the amendment is controlled, and is limited to 2 hours, to be equally divided between the Senator from Alabama and the Senator from New Jersey (Mr. CASE).

The amendment will be stated.

AZORES AND BAHRAIN AGREEMENTS

The assistant legislative clerk read as follows:

On page 11, beginning with line 19, strike all through line 2 on page 12.

On page 12, line 6, strike "SEC. 14" and insert "SEC. 13".

Mr. SPARKMAN. Mr. President, what is the limitation on time?

The PRESIDING OFFICER. There is a time limitation of 2 hours, to be equally divided.

Mr. SPARKMAN. One hour to each side?

The PRESIDING OFFICER. That is correct.

Mr. SPARKMAN. Mr. President, the effect of my amendment would be to strike section 13 out of the bill. Section 13 is a part of what is known as the Case amendment. There are two parts to that amendment, section 13 and section 14. Section 13 would have the effect of stopping the expenditure of all funds with reference to the Azores and with reference to Bahrain unless and until treaty with each of those countries is submitted to the Senate for ratification.

These arrangements are now operating under executive agreements; and I believe it would be bad, but against the interests of the United States, to adopt this provision. I go a long way toward supporting the argument—and I have supported the argument—that there ought to be more consideration given to the utilization of treaties, particularly where there is something that might tie us down with respect to the security of the particular country with which we are acting. I believe, however, that that can be accomplished through our working with the executive department of the Government, and that we can prevail upon the executive department to submit treaties when a treaty is required.

However, I do not feel that a treaty is required in either of these cases. In neither case do we in any way whatsoever make any commitment toward the area covered that we would participate in any action looking to the preservation of their security. They are operating agreements.

With reference to the Azores, following the ratification by the Senate of the North Atlantic Treaty in 1949, the United States concluded executive agreements for the stationing of U.S. forces in a number of NATO countries—Belgium, Canada, Denmark, Germany, Greece, Iceland, the Netherlands, Turkey, and the United Kingdom, as well as Portugal. The agreement with Portugal was signed on September 6, 1951. This agreement formally expired on December 31, 1962, but the Portuguese chose not to require us to withdraw. The new government which took office in Portugal in 1968 asked for a reactivation of the base negotiations, which the Portuguese had broken off in 1962. We, of course, had no choice but to agree. Substantive discussions began in the fall of 1970 and lead to the exchange of notes of December 9, 1971, which provided for the extension of our base rights to February 3, 1974, and for certain U.S. assistance for economic development in Portugal.

The December 9, 1971, exchange of notes and letters merely extended our Azores base rights and involved no political or military commitments to Portugal—indeed, no commitments at all except to provide a modest amount of aid and export credits. To submit an agreement of such limited nature to the Senate for advice and consent would involve a major departure from long established practice. It would also give the agreement a formality which implies an importance and a U.S. commitment which are neither involved nor desired.

A question which has repeatedly come before the Senate has been raised again in recent days by the new series of executive agreements signed by the President with foreign nations. These agreements raise the question of the responsibility of the Senate to advise the President in advance of his action on questions of foreign affairs and, subsequently, to consent to his actions in this field. This power is at the heart of the Senate's constitutional powers in the field of foreign policy; and the recent inquiries by Senator CASE, Senator ERVIN, and Senator FULBRIGHT into the propriety of executive agreements reflect a well-justified and discerning concern for our constitutional system of checks and balances.

At the present time, no agreement is signed by the Department of State without a so-called circular 175 authorization. This is a legal review to determine whether any bilateral agreement should be submitted to the Senate in the form of a treaty or whether it can appropriately be concluded as an executive agreement. Clearly, any basic political commitment to come to the defense of another country must be presented to the Senate in the form of a treaty. No President has the power under the Constitution to accept on his own authority an obligation to make war without the clear and specific declaration of the Senate. The treaty clause of the Constitution is an ancillary safeguard against abuse of executive responsibilities in the field of defense and security.

On the other hand, a great number of other subjects can be appropriately concluded under an executive agreement. Essentially, the test is one of the importance of the subject. Moreover, the importance of any particular agreement should be measured not only in the eyes of our own Government, but in the eyes of the officials of foreign countries which are parties to the agreement. A smaller State may see an agreement with the United States as essential to its own defense or well-being even though the United States does not regard the facilities or benefits obtained as being essential to American interests. Thus, not only mutual defense agreements which should be submitted to the Senate as treaties, but also any agreement which assumes a vital importance in the security of another country. This is especially true if it involves the stationing of American military personnel abroad.

In concluding this brief discussion of the subjects that should properly be included in a treaty or an executive agreement, I should note a related concern of Congress—that is, a desire for openness in foreign affairs. Congress has an equal concern and an equal responsibility to the executive branch in these fields. Misunderstanding and misrepresentation can result when Congress is not consulted in advance on certain executive agreements. Much of the value in the treaty clause in the Constitution stems from the broad and open discussion which precede the advice and consent of the Senate to any formal bilateral agreement, and it is my judgment that much of the opposition to executive agreements would cease if the executive branch clearly and fully explained its purposes to Congress. This need not be in formal committee session of the appropriate congressional committee, but could also occur through the medium of letters or even informal conversations.

The Senate should insist on its full measure of power in this vital area of the review of important bilateral agreements, but I feel its anxiety has been misplaced in the recent case of the executive agreement to station naval personnel on Bahrain. This agreement does not relate to the defense of Bahrain, anyway. In fact, misleading publicity about the agreement has been a cause of some embarrassment to the Government of Bahrain, which is a thriving state on good terms with all its neighbors and is determined to preserve its new independence. Therefore, as one might expect, the stationing agreement does not obligate the United States in any way to support or defend the Government of Bahrain against aggression; nor is there even any agreement to consult in times of international tension. It recognizes administrative arrangements to lease buildings to be used for housekeeping, communications, and recreational purposes, and for part-time use of a commercial pier. As it is the intention of the Department of Defense to continue to maintain a homeport for a U.S. vessel in Bahrain, the published agreement mainly spells out arrangements relating to legal jurisdiction, tax exemptions, and import privileges of naval personnel on Bahrain. None of these matters reaches the degree of importance which is required for a treaty; and the Department of State, like the Foreign Ministry in Bahrain, does not see any reason to drape such mundane matters in the mantle of a treaty. This would give the arrangements an importance and a diplomatic significance which are completely unfounded.

The executive agreement in this case is merely a device to continue courtesies which the U.S. Navy has enjoyed for more than 20 years on the island of Bahrain. These courtesies were previously extended by the Bahrainis informally through the British, who had long acted for the Bahrainis in matters of foreign affairs. When this British relationship with Bahrain was ended last year, it became necessary to regularize the status of the small U.S. naval Mideast force with the new Government of Bahrain. The openness of the longstanding U.S. naval arrangements on the island of Bahrain has always been public and the need to adjust to new circumstances is obvious. When the United States decided it was in our interest to maintain these arrangements in the period following British withdrawal, it undertook to provide a formal basis for this small American military presence to remain in this crucial area, which is the principal source of oil for the world.

Let me conclude by saying that I believe an executive agreement was the appropriate form in which to provide for an extension of COMIDEASTFOR's activities on the island of Bahrain. The agreement sets no new policy. No new Navy mission is established in the Persian Gulf. The agreement most definitely does not contain any defense or political commitment, nor is any necessary in the eyes of Bahrain or the United States. The agreement is clearly within the authority of the President, as Commander in Chief, to provide facilities for our military personnel. The agreement provides for the rental of certain commercial facilities like a pier and cold stores which are useful to the maintenance of a vessel in foreign waters. The provisions of the agreement are public and commonplace and are subject to termination by either party at any time.

Mr. CASE. Mr. President, the Senate will soon be voting on whether or not to uphold the constitutional requirement for Senate advice and consent on treaties.

The specific issue before us, with the Sparkman amendment, concerns recent agreements which the executive branch has made with Portugal and Bahrain. But beyond these two important pacts is the broader question of what is a treaty. Does an agreement with a foreign country become a treaty only when the executive branch tells us this is the case? I think not.

An executive agreement for military bases outside the geographical territory of the United States is an important matter, I suggest, Mr. President. I think that is so on its face. But the executive branch says that the agreements with Portugal and Bahrain are executive agreement, not treaties, and that the Senate has no business—may I say in a polite way—involving itself in this area.

Does the Constitution mean anything? Does it mean only that the Senate is becoming a facade, to be pointed at when the teacher tells his pupils that we have a democracy, a constitution, and a representative government?

Is the Senate purely for the sake of window dressing? Is the whole thing a a sham? If it is not, then what does the Constitution mean when it talks about treaties? Well, the Senate did not think that these arrangements for bases in the Azores and in Bahrain should not have been treaties. The Senate thought otherwise.

On March 3 the Senate voted overwhelmingly in favor of the resolution which I introduced, which stated that the administration should submit the two agreements to the Senate as treaties. As I say, the vote was overwhelming. The administration, however, chose only to "note" the sense of the Senate and still refused to submit the agreements to the Senate for consideration as treaties under the Constitution of the United States.

Well, I do not know of any way we can compel the Executive to submit these agreements as treaties. I do not know that there would be any "writ that runs" in our favor against the President of the United States in any court of law. But, on the other hand, the Senate does not have to approve the funds to implement agreements which should be submitted to us for consideration as treaties and which are not submitted to us.

Accordingly, I presented an amendment to the Foreign Assistance Act of 1972 in the Committee on Foreign Relations, when it was considering that act, to cut off all funds for the implementation of these agreements until the administration had submitted them to to the Senate as treaties.

In fact, the Sparkman amendment, as the Senator from Alabama correctly noted, would, if it passes, eliminate this section. Its effect would be to acquiesce in the executive claim that we have no business meddling in these matters. Passage of the Sparkman amendment would be a clear signal that we are capable of passing a nonbinding resolution or, in other words, making stump speeches for the reassertion of the constitutional rights of the Senate, but that we are not willing to pass legislation with any teeth in it..

Do you think, Mr. President, that this is the way a Senator of the United States should treat the obligations of his office, to make stump speeches and then humbly bow the knee when the executive indicates that it prefers to have us do so?

What does that do to the Government of the United States? The Government is supposed to be composed of three equal and independent branches of government. What does it do to the proud tradition of this body, Mr. President?

We were not given authority under the Constitution for our own aggrandizement. We were not given it to flaunt it as evidence of the prestige of this body. That was not its purpose. Its purpose was a check on the use of arbitrary power by the executive branch. That is the purpose, Mr. President.

And so when we attempt to assert a claim to involvement by the Senate in agreements with foreign nations, we are not trying to show our own muscle as Members of the Senate of the United States. We are not trying to build ourselves up in any sense. We are trying to perform our constitutional duty. And when we refuse to do it and when we accept the assurances of the executive that in its judgment we had better not do this or that, we are not just demeaning ourselves, but we are also refusing to assume an obligation which the Constitution of the United States puts upon us and which our oath of office requires us to fulfill.

That is what we have been doing. I know that it is customary for most Members of the Senate to assert the dignity of the Senate and its importance in their belief in this independent role in general terms. And of course it is very easy to make stump speeches. We made them before in this matter when we said that it is the sense of the Senate that the agreements should be submitted as treaties.

It is much more difficult when we have to bite the bullet and do something about it and when we have to take action, the only kind of action we can take within our power.

I know that over many decades the U.S. Congress has become what one of our Members in days gone by called the sapless branch. He was speaking in another vein, perhaps. However, what he said is directly applicable here. Either we do or we do not move to fulfill our obligation under the Constitution of the United States as members of an independent branch of the Government of the United States.

I think it would be a sad commentary on the Senate of the United States once we have made our position known to back down when the administration says, "No, boys, this isn't possible. These are important matters. These matters are not for children. This is for the President to decide."

Of course, my remarks are not directed at this President. It is directed at all Presidents who, over many years, have usurped the Senate's authority to the point where the treaty power has become almost an exclusive authority of the occupant of the Office of President.

Mr. President, a curious thing has come about in the reversal of feelings that has taken place in many quarters of American intellectual thought. For a long time, as we know, a strong President was the ideal. The academicians, the editorialists, the writers, and others all extolled a man who exercised the powers of the President with authority. And they ridiculed those they called bumblers, like President Eisenhower, who had a strong sense of the limitations of office of the Presidency.

How ironic the change has been. These same people are now looking to Congress to reassert its authority. They have discovered that there is danger in an all-powerful President. They are talking about evil intentions. This is not the question. The founders of our land in their great wisdom—and they were a most extraordinary bunch—struck off an instrument, the Constitution, that was the marvel of the world. They did not think of the President of the United States and his successors as evil men. They simply recognized that no man is wise enough to run everything all by himself—no man nor any little group of men.

That is what we are talking about. And the only way we can check power is with countervailing power. That is why the Founding Fathers set up a system of checks and balances. And that is what we are talking about here. We have no authority in this matter to enforce the observance of the Constitution except the power of the purse. That power ought to be used sparingly. That power is very drastic, indeed. But, Mr. President, if it is not ever used, not only will that power atrophy but so will the Government of the United States as a democracy, as a representative government, as a government of divided authority.

Mr. President, I invoke that authority here because a vital constitutional question is involved.

Mr. SYMINGTON. Mr. President, will the distinguished Senator from New Jersey yield?

Mr. CASE. I will yield to the Senator from Missouri in a moment.

Mr. SYMINGTON. I am sorry. I thought that the Senator was finished. I was hoping that he would yield to me when he is through.

Mr. CASE. I will be pleased to yield to the Senator from Missouri when I am through. I am so cheered by the presence of the Senator from Missouri because of his great authority and the interest he has taken in this matter. He has been a shining light and a beacon to all of us. I will be very happy in a moment or two to yield to the Senator from Missouri.

Mr. SYMINGTON. I thank the Senator.

Mr. CASE. Mr. President, I have not taken any position on these agreements as substantive matters. I am not complaining about their terms. I am saying that the Senate of the United States ought to pass on them. That is what I am saying. So any discussion of the importance of these agreements is irrelevant except that it indicates their importance and that they therefore should be considered by the Senate of the United States as treaties.

We are not put in the Senate to deal only with treaties on copyrights, extradition, stamp collections, and minor questions of protocol. If that is the meaning of the Constitution, then I think the Founding Fathers wasted their time, and they did not waste their time unless we choose to have it so.

We can do this. We have done it in the past. It has become fashionable to say that politics stops at the water's edge. So politics does stop at the water's edge. But not when it comes to a serious consideration by the Senate of the United States of important matters proposed by the President of the United States. That is not the kind of politics that should stop at the water's edge. There should be no boundary to the discussion of these matters at all, no boundaries and no limit.

Mr. President, I would rather not sit in this body if it is to be a matter of passing upon questions of protocol. It is a great honor. However, it is not an honor if we choose to dishonor it by refusing to exercise and by not insisting on our right to exercise our constitutional authority.

One point has been made, and it is a very important one because of the great prestige of the Senator from Alabama (Mr. SPARKMAN), the mover of the amendment. He is chairman of the Committee on Banking, Housing and Urban Affairs. And he is naturally particularly interested in a special aspect of the Portuguese agreement, the agreement referring to the matter of credits or guarantees by the Export-Import Bank. That is the product of his committee. It is one of his babies in a sense. It has grown to be rather a large baby. However, he still has a paternal interest in it. And this is right and correct. He rather resents the idea that the actions of the Foreign Relations Committee—of which he is also a member, of course—should in any way limit the authority or activities of this bank.

I understand this. I want to make this point here. I understand that he and the Senator from Texas (Mr. TOWER) have another amendment. I am not sure about all the language in the amendment but, in effect, it would provide that nothing in this act, if the amendment is rejected, would prevent the Eximbank from carrying on its activities in the normal way. I agree. Passage of the bill with section 13 in it would not prevent the Export-Import Bank from conducting its ordinary business. It would take away an obligation of the United States of America to use the Bank in political matters which it never should do in any event.

The Senator from Alabama has a very good mind. He understands this distinction. I will accept the other amendment, assuming this one fails. I offer now to do so because I want to eliminate from the consideration of the constitutional question here involved, any question of an effort on our part to question an agency set up for entirely different purposes. That is not the intention and I agree it should not be the result. If an amendment is necessary, I will join in sponsoring it.

Under the last six Presidents, the executive agreement has gradually but steadily replaced the treaty as the principal means of making agreements with foreign governments. Lend-lease and destroyers-for-bases have led to Korean mercenaries for Vietnam, secret military bases in Ethiopia and Morocco, and even a secret war in Laos.

It was to avoid just such unilateral entanglements that the Founding Fathers wrote into the Constitution the requirement for Senate advice and consent to treaties. They felt that if a particular agreement could stand up to senatorial scrutiny, it was much more likely to involve the United States in a beneficial course of action. I am not saying that any of the agreements I have mentioned necessarily were not beneficial to our country. But I am saying that we have a Constitution; that ours is a system of laws; and that we should follow this Constitution in our foreign as well as domestic policies.

Opponents of section 13 have raised several arguments about the importance to the United States of military bases in the Azores and Bahrain. I do not dispute these arguments, but I believe them to be irrelevant to the central issue of whether or not the American constitutional process has been followed in the administration's use of executive agreements. I would remind my colleagues that the executive agreement is nowhere even mentioned in the Constitution, and I cannot conceive that the Founding Fathers would not have included arrangements for foreign military bases in their definition of a treaty.

It is also argued that to submit the Azores and Bahrain agreements to the Senate for advice and consent would give the agreements a formality which might imply some new type of American commitment to Portugal or Bahrain.

I would say to this that executive agreements have the same force in international law as treaties, and the Portuguese and Bahrain pacts could be redrafted as treaties which grant no greater and no less commitment than the present executive agreements. If this somehow were not considered to be enough, then a simple declarative sentence could be added which stated that nothing in either agreement should be interpreted to imply a new commitment.

I might add, somewhat parenthetically, that the Portuguese Prime Minister has referred publicly to the Azores agreement as a treaty, so the fine distinction between an executive agreement and a treaty would seem clearer to our own Government than to the parties we are dealing with.

There have been suggestions, although Congress has never been officially advised to this effect, that the Bahrainis insist upon the arrangement being included as an executive agreement. Even if this is so, is it tolerable for the Senate to permit the application of the American Constitution to be determined by a foreign government? I think not.

In conclusion, let me say that both the Azores and Bahrain agreements concern the stationing of American troops overseas, and that this is simply too important a matter to be left to an executive agreement. We have seen how in recent years the presence of our soldiers in a foreign country can lead to a commitment toward the host country and ultimately to war. For both practical and Constitutional reasons, the Senate should participate in making a decision of this sort.

And if the Senate does not start to take action now, then we shall only have ourselves to blame for our own impotence.

Mr. President, I ask unanimous consent that the remarks I made on April 4, 1972, when I introduced the legislation the Sparkman amendment would strike, be included in the Record along with various supporting documents.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Senator Case

Mr. Case. Mr. President, I am today introducing a bill which would block all assistance to Portugal and Bahrain promised in recent executive agreements. This ban would remain in effect until the executive submits to the Senate as treaties these two executive agreements. I expect to offer the substance of this legislation as an amendment to the Foreign Aid Act.

I would have preferred that this matter be handled in a less drastic fashion. For several months now, I have been taking actions which urge the executive to submit to the Senate the agreements for U.S. military bases in the Portuguese Azores and in Bahrain—but to no avail.

I started out by writing to Secretary of State Rogers on December 9, 1971, urging that the agreement with Portugal for a 25-month extension of U.S. bases rights in the Azores in return for about $435 million in U.S. assistance and credits be submitted as a treaty.

I wrote:

"There is no question in my mind that in and of itself, the stationing of American troops overseas is an issue of sufficient importance to necessitate the use of the treaty process."

And I added that—

"The furnishing of economic aid to Portugal is complicated by the fact that Portugal is involved in colonial wars in Africa."

When it became clear that the administration would not react favorably to my letter, on December 16, 1971, with the consponsorship of four other senior members of the Foreign Relations Committee, I introduced a resolution which called on the executive to submit the Portuguese agreement as a treaty.

Then on January 6, I read in the newspaper that the United States had entered into an "unpublicized" agreement with Bahrain for the establishment of a naval base on that island in the Persian Gulf. Again, the administration intended not to submit the agreement to the Senate but to settle the whole matter with a stroke of a diplomat's pen. Again, I pointed out on the Senate floor that the stationing of American troops overseas could lead to a commitment toward the host country and ultimately to war, and that the United States was becoming involved in a volatile part of the world where previously we had never had our own base.

On that day, I announced my intention to expand my resolution on the Azores to include also the submission to the Senate of the Bahrain agreement. The Foreign Relations Committee then held 3 days of public hearings during which the State Department testified it still would not submit the Azores and Bahrain agreements.

Nevertheless, on March 3, the Senate passed my resolution 50–6. The vote was significant not only because of the overwhelming majority by which it was adopted but also because Senators of all ideological persuasions joined in the effort to reassert the Senate's explicit constitutional role in the treatymaking process.

On March 6, I wrote again to the Secretary of State asking, in view of the Senate's passage of my resolution, if and when the executive would submit the two agreements to the Senate for advice and consent.

I have now received the State Department's reply—dated March 21—which says that after "serious consideration," it still will not submit the Bahrain and Azores agreements to the Senate. Claiming that the agreements "were appropriately concluded as executive agreements," the State Department's only reaction to the overwhelming vote of the Senate on my resolution is to "have noted the sense of the Senate."

I understand full well that a Senate resolution is not legally binding, so the State Department technically has the right only to "note" it. Yet, I must say that the attitude of the Department is most unwise and is shortsighted in the extreme.

The framers of the Constitution were explicit in their inclusion of the requirement for advice and consent of the Senate in the making of a treaty. And nowhere in the Constitution did they mention that the executive could skirt senatorial approval by simply calling a pact with a foreign government an executive agreement.

But the Department still refuses to take heed of the Senate's will on this question. So, I am faced with two choices: Either I can let the matter drop—content to have a resolution with my name on it passed by the Senate—or I can at least try to take further action. I have chosen the latter course because I believe a fundamental constitutional question is at stake.

The Senate cannot compel the executive to submit the agreements, but the same time the Senate does not have to appropriate any money to pay for the agreements' costs.

I am today calling on my colleagues to uphold the Senate's vote of March 3 and cut off the funds needed to implement the agreements with Portugal and Bahrain until they are submitted as treaties.

Mr. President, I ask unanimous consent that there be printed in the Record the text of my bill, various background documents, and earlier editorial comment on the Portuguese and Bahrain deals.

(There being no objection, the bill and material were ordered to be printed in the Record, as follows:)

S. 3447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress declares that, until the agreements signed by the United States with Portugal and Bahrain, relating to the use by the United States of military bases in the Azores and Bahrain have been submitted to the Senate as treaties for its advice and consent, assistance to be furnished Portugal and Bahrain as the result of such agreements should be terminated, and that Senate Resolution 214, 92d Congress, agreed to March 3, 1972, expressed the sense of the Senate that such agreements should be so submitted to the Senate as treaties.

(b) Therefore, notwithstanding any other provision of law, on and after the date of enactment of this Act—

(1) no vessel shall be loaned or otherwise made available to Portugal;

(2) no agricultural commodities may be sold to Portugal for dollars on credit terms or for foreign currencies under the Agricultural Trade Development and Assistance Act of 1954;

(3) no funds may be provided to Portugal for educational projects out of amounts made available to the Department of Defense;

(4) no excess articles may be provided by any means to Portugal;

(5) no defense articles may be ordered for Portugal from the stocks of the Department of Defense under section 506 of the Foreign Assistance Act of 1961; and

(6) the Export-Import Bank of the United States may not guarantee, insure, extend credit, or participate in any extension of credit, with respect to the purchase or lease of any product by Portugal, or any agency or national thereof, or with respect to the purchase or lease of any product by another foreign country or agency or national thereof if the Bank has knowledge that the product is to be purchased or leased principally for the use in, or sale or lease to, Portugal; until such agreement with Portugal is submitted to the Senate as a treaty for its advice and consent.

(c) Notwithstanding any other provision of law, on and after the date of enactment of this Act, no funds may be furnished by the United States to Bahrain for the use of any such base in Bahrain until such agreement with Bahrain is submitted to the Senate as a treaty for its advice and consent.

Department of State,
Washington, D.C., March 21, 1972.

Hon. Clifford P. Case,
U.S. Senate,
Washington, D.C.

Dear Senator Case: The Secretary has asked me to reply to your letter of March 6, 1972 asking to be informed if and when the Administration plans to send the recent agreements with Bahrain and Portugal to the Senate for its advice and consent.

The Department has given serious consideration to S. 314, as is deserving of any resolution expressing the sense of the Senate on a matter of this nature. However, as Under Secretary U. Alexis Johnson stated in his testimony before the Senate Foreign Relations Committee on February 1, the Department of State believes that the agreement with Portugal to continue United States rights to station forces in the Azores and the agreement with Bahrain to permit the Middle East Force to continue to use support facilities in Bahrain were appropriately concluded as executive agreements. The agreements involve no new policy on the part of the United States nor any new defense commitment. Indeed, to seek Senate advice and consent would, in our view, carry a strong implication of new commitments that were not in fact intended by the parties. Of course the agreement with Portugal is in supplementation of our already existing commitments under the North Atlantic Treaty, which was approved by an overwhelming majority of the Senate.

We realize, of course, that there may be a difference of view on the form an international agreement should take, and we have noted the sense of the Senate with respect to the Bahrain and Azores agreements as expressed in the vote on S. 214. We will continue to make every effort to keep the appropriate Congressional Committees informed of important agreements under negotiation and to consult with those Committees whenever there is a serious question whether an international agreement is to be made in the form of a treaty or otherwise.

Sincerely yours,

David M. Abshire,
Assistant Secretary for Congressional Relations.

Treaty With Portugal and
U.S. Economic Aid,
December 9, 1971.

The Hon. William P. Rogers,
Secretary of State, Department of State,
Washington, D.C.

Dear Mr. Secretary: In this morning's *New York Times*, it was reported that the United States and Portugal had negotiated an agreement regarding the future use by the United States of air and naval bases in the Portuguese Azores. It was further reported that the United States would furnish Portugal with economic aid in return for the use of the bases.

While not questioning the right of the Executive to negotiate agreements of this sort, I would like to receive your assurances that any final agreement will be submitted as a treaty for the Senate's advice and consent, and that no economic assistance will be furnished to Portugal without affirmative action of both Houses of Congress.

There is no question in my mind that in and of itself, the stationing of American troops overseas is an issue of sufficient importance to necessitate the use of the treaty process. It is unfortunate that American forces have been in the Azores since World War II only on the basis of executive agreements, but that past oversight in no way justifies the enactment of a new agreement without conforming to our Constitutional processes.

Similarly, the Executive has the right to discuss with any foreign government the furnishing of foreign assistance, but the Constitution clearly establishes that the Congress must appropriate (and hence authorize) the funds to institute such a program. Congress has provided the President with certain discretionary authority to make changes in the allocation of foreign aid funds, but the clear intent of Congress has been for this discretionary authority to be used in emergency situations. The new agreement with Portugal is not a matter on which the Executive must act immediately and thus would not and have time to come to Congress for authorization.

Finally, I would point out that the furnishing of economic aid to Portugal is complicated by the fact that Portugal is involved in colonial wars in Africa. You stated on March 26, 1970: "As for the Portuguese territories, we shall continue to believe that their peoples have the right of self-determination. . . . Believing that resort to violence is in no one's interest, we imposed an embargo in 1961 against the shipment of arms for use in the Portuguese territories."

Yet there would seem to be a clear tie between the furnishing of economic aid to Portugal and the wars in the Portuguese colonies. *The New York Times* said this morning: "The loans could reduce pressure on Portugal's foreign currency reserves, which are under considerable strain because of the need to import foodstuffs in part because of the war against the guerrillas in Angola, Mozambique and Portuguese Guinea."

This additional complication is an added reason for the Executive Branch to seek the advice and consent of the Senate before final action is taken on the reported agreement with Portugal. I am confident you will agree and I await your affirmative response.

Sincerely,

Clifford P. Case,
U.S. Senator.

Department of State,
Washington, D.C., December 17, 1972.

Hon. Clifford P. Case,
U.S. Senate,
Washington, D.C.

Dear Senator Case: The Secretary has asked me to reply to your letter of December 9 regarding the recent exchange of notes with Portugal formalizing continuance of the rights of the United States to use certain military facilities in the Azores.

The basis of our defense cooperation with Portugal is the North Atlantic Treaty, which was, of course, overwhelmingly approved by the Senate on July 21, 1949. The bilateral Defense Agreement of 1951 with Portugal, which was executed in implementation of the North Atlantic Treaty, provided for wartime use of the Azores facilities by United States forces "during the life of the North Atlantic Treaty" and for the peacetime presence of American personnel during a specified time for the purpose of preparing the facilities for possible wartime use, storing materiel, and otherwise achieving a state of readiness. These rights to peacetime presence of United States forces in the Azores, in pursuance of the goals of the North Atlantic alliance, were extended by agreement on November 15, 1957, to December 31, 1962.

Upon the expiration of our agreed rights of peacetime use under this bilateral agreement in 1962, those rights were extended unilaterally by the Portuguese Foreign Minister in a letter of December 29, 1962, to the American Ambassador. The exchange of notes which took place last week restored those rights to a bilaterally agreed basis, as was the case from 1951 to 1962. This exchange of notes did not, of course, expand in any way our presence in the Azores, which has remained substantially the same for many years. Likewise, it does not expand our commitments beyond those accepted by the Senate in giving advice and consent to ratification of the North Atlantic Treaty.

The various forms of assistance we intend to make available to Portugal will come under existing programs of the Departments of Defense, Agriculture and the Export-Import Bank of the United States. All assistance is expressly conditioned on the availability of authorizing legislation and appropriated funds. The Department does not agree that there is "a clear tie between the furnishing of economic aid to Portugal and the wars in the Portuguese colonies." Contrary to the press article you cite, there is no strain on Portugal's foreign currency reserves, which, in fact, have been rising continually and now stand at an all-time high of $1.6 billion. The main effect of the Eximbank and PL-480 credits we are offering Portugal should be to increase the United States share of Portugal's import market, which is lower than our share of the market in any other Western European country.

I am enclosing for your information, a complete set of the documents exchanged last week between the the Secretary and the Portuguese Foreign Minister. If you have any further questions about them, please do not hesitate to let me know.

Sincerely yours,

David M. Abshire,
Assistant Secretary for Congressional Relations.

December 9, 1971.

His Excellency, Rui Patricio,
Minister of Foreign Affairs of Portugal

Excellency: I have the honor to acknowledge receipt of Your Excellency's Note dated December 9, 1971, which reads as follows:

"I have the honor to refer to the letter of the Foreign Minister of Portugal to the Ambassador of the United States of America, dated December 29, 1962, and to the notes of this Ministry and of your Embassy, dated January 6, 1969, and February 3, 1969, respectively, relating to the conversations regarding the continued stationing of American forces and personnel at Lajes Base in the Azores and its use by the same.

"I have the honor to propose that the continued use by American forces of the facilities at Lajes Base be authorized by the Government of Portugal for a period of five years dating from February, 1969.

"The continued use of such facilities will be regulated by the mutual arrangements affirmed and described in the letter of the Foreign Minister of Portugal dated December 29, 1962. Either party may propose the commencement of conversations regarding use of such facilities beyond the period described in this note six months before the expiration of such period, but not determination that a negative result has arisen in such conversations shall be made for at least six months following the expiration of such period. In the event neither party proposes the commencement of further conversations, a negative result shall de deemed to have arisen upon the expiration of the period described in this note.

"I should like to propose that, if agreeable to your Government, this note together with your reply, shall constitute an agreement between our two Governments."

I confirm to you that the above quoted proposal is acceptable to the Government of the United States, and that Your Excellency's note and this reply shall be regarded as constituting a formal agreement between the two Governments.

Accept, Excellency, the assurances of my highest consideration.

William P. Rogers,
Secretary of State of the United States of America.

The Secretary of State,
Washington, D.C., December 9, 1971.
His Excellency Rui Patricio,
Minister of Foreign Affairs of Portugal.

Dear Mr. Minister: I refer to the series of discussions that have taken between our two Governments designed to enhance our political, economic, and cultural relations and in particular to the discussions that have centered on Portugal's development programs in the fields of education, health, agriculture, transportation, and science.

As a result of these discussions, the United States agrees, within the limitations of applicable United States legislation and appropriations, to help Portugal in its development efforts by providing the following economic assistance:

1. A PL-480 program that will make available agricultural commodities valued at up to $15 million during FY-1972 and the same amount during FY-1973. The terms of the agreements under PL-480 will be 15 years at 4½ percent interest, with an initial payment of 5 percent and currency use payment of 10 percent.

2. Financing for certain projects of the Government of Portugal, as follows: The two Governments have reviewed development projects in Portugal valued at $400 million and the United States Government declares its willingness to provide, in accordance with the usual loan criteria and practices of the Eximbank, financing for these projects.

3. The hydrographic vessel USNS Kellar on a no cost basis, subject to the terms of a lease to be negotiated.

4. A grant of $1 million to fund educational development projects selected by the Government of Portugal.

5. $5 million in "drawing rights" at new acquisition value of any non-military excess equipment which may be found to meet Portuguese requirements over a period of two years. The figure of five million dollars is to be considered illustrative and not a maximum ceiling so that we may be free to exceed this figure if desired.

As soon as the Government of Portugal replies to this letter, discussions shall be initiated to implement the details of each of the individual items listed herein.

Sincerely yours,

William P. Rogers.

The Secretary of State,
Washington, D.C., December 9, 1971.
His Excellency Rui Patricio,
Minister of Foreign Affairs of Portugal.

Dear Mr. Minister: During the recent discussions between our two Governments regarding possible participation by my Government in the plans which your Government has drawn up for the economic and social development of your country. Portuguese and American technicians have reviewed various Portuguese proposals with a total value of some $400 million. These included, inter alia, projects for airport construction, railway modernization, bridge-building, electric power generation, mechanization of agriculture, harbor construction and town planning, and the supplying of equipment for schools and hospitals.

I am pleased to inform you that the United States Government is willing to provide, through the Export-Import Bank of the United States, financing for U.S. goods and services to be used in these projects, in accordance with the usual loan criteria and practices of the Bank. Applications for loans or preliminary commitments covering specific projects may be submitted to the Bank through the Portuguese Embassy in Washington or directly at any time and will receive expeditious handling.

Sincerely yours,

William P. Rogers.

January 14, 1972.

Hon. William P. Rogers,
Secretary of State, Department of State, Washington, D.C.

Dear Mr. Secretary: As you may know, I have already informally told the Department that I plan to include the Bahrain base agreement in my resolution on Azore bases (S. Res. 214). I am enclosing for your information a copy of the amended resolution.

Since we are now in the process of preparing for hearings on S. Res. 214, I would be grateful if you could send me the details of the Bahrain agreement as the Department did earlier on the Azores pact.

Sincerely,

Clifford P. Case,
U.S. Senator.

Department of State,
Washington, D.C., January 26, 1972.
Hon. Clifford P. Case,
U.S. Senate,
Washington, D.C.

Dear Senator Case: The Secretary has asked me to reply to your letter of January 14 requesting details on the agreement between the U.S. and Bahrain providing for the continued stationing of the U.S. Navy's Middle East Force in Bahrain.

I enclose a copy of the text of the agreement, which was concluded December 23, 1971, and will soon be published in the Treaties and Other International Acts Series. The Chairman of the Foreign Relations Committee has also been provided with a copy.

I would like to stress that this agreement is essentially a logistics arrangement to permit Middle East Force to continue to carry out its mission of visiting friendly ports in the Persian Gulf and Indian Ocean area as a manifestation of the United States interest in the states of the region. The agreement with the Government of Bahrain was necessary because the British have relinquished the naval facilities in Bahrain, a small portion of which our Navy has utilized on an informal basis for over two decades. In addition, the British retrocession of legal jurisdiction over all foreigners in Bahrain as that state became fully independent last year necessitated a direct U.S.-Bahraini arrangement on the legal status of the personnel of Middle East Force.

The agreement with Bahrain involves no change in U.S. naval presence or mission in the area and the agreement in no way involves a political or military commitment to Bahrain or any other state.

Department officers would, of course, be pleased to have the opportunity to discuss with you the Bahrain agreement and its relationship to U.S. policy toward the Persian Gulf.

Sincerely yours,

David M. Abshire,
Assistant Secretary for Congressional Relations.

Enclosure: Text of Bahrain Agreement.

I, the undersigned consular officer of the United States of America, duly commissioned and qualified, do hereby certify that the attached is a true and faithful copy of the original this day exhibited to me, the same having been carefully examined by me and compared with the said original and found to agree therewith word for word and figure for figure.

In witness whereof I have hereunto set my hand and affixed the seal of the American Embassy at Manama, Bahrain this day of December 23, 1971.

Richard W. Rauh,
Vice Consul of the United States of America.

Embassy of the
United States of America,
Manama, Bahrain, December 23, 1971.
His Excellency Shaikh Mohammad bin Mubarak al-Khalifa.
Minister of Foreign Affairs, Government of the State of Bahrain.

Excellency: I have the honor to refer to the present deployment in Bahrain of the United States Middle East Force, including its flagship and other vessels and aircraft. The United States Government proposes to maintain this presence and its related support facilities subject to the following arrangements:

1. Vessels and aircraft assigned to or supporting the United States Force may freely enter and depart the territorial waters, ports, and airfields of Bahrain;

2. Members of the United States Force will be allowed freedom of movement within Bahrain and freedom of entry to and egress from Bahrain;

3. If there is any substantial change contemplated by the United States Government in the deployment of vessels or aircraft or numbers of personnel to be supported on Bahrain in connection with the United States Middle East Force, the United States Government will consult with the Government of Bahrain before effecting that change;

4. Passports and visa requirements shall not be applicable to military members of the United States Force except as shall be agreed upon between the two governments. All members of the United States Force, however, shall be furnished with appropriate identification which shall be produced, upon demand, to the appropriate authorities of the Government of Bahrain. Members of the United States Force will be exempt from immigration and emigration inspection on entering or leaving Bahrain, and from registration and control as aliens, but will not by reasons of their entry into Bahrain be re-regarded as acquiring any rights to permanent residence in Bahrain;

5. Members of the United States Force will respect the laws, customs and traditions of

Bahrain, and abstain from activity inconsistent with the spirit of these arrangements. The authorities of the United States will take necessary measures to that end;

6. Members of the United States Force shall not be subject to taxation on their salary and emoluments received from United States sources or on any other tangible movable property which is present in Bahrain due to their temporary presence there;

7. The authorities of Bahrain will accept as valid, and without a driving test or fee, driving licenses or military driving permits issued by the authorities of the United States to members of the United States Force;

8. The authorities of the United States will pay just and reasonable compensation in settlement of civil claims (other than contractual claims) arising out of acts or omission of members of the United States Force done in the performance of official duty or out of any other act, omission or occurrence for which the Force is legally responsible. All such claims will be expeditiously processed and settled by the authorities of the United States in accordance with United States law;

9. The United States Force and its members may import into Bahrain (without license or other restriction or registration and free of customs, duties and taxes, equipment, supplies, household effects, motor vehicles and other items required by the Force or for the personal use of the members of the Force. Any items imported under this paragraph may be exported freely without customs, duties, and taxes. However, any property of any kind imported entry free under this paragraph which is sold in Bahrain to persons other than to those entitled to duty free import privileges shall be subject to customs and other duties on its value at the time of sale;

10. Personal purchases by members of the United States Force from Bahraini sources shall not be exempt from Bahraini customs, duties and taxes except for certain articles to be agreed upon between the two governments;

11. The Government of Bahrain shall exercise civil jurisdiction over members of the United States Force, except for those matters arising from the performance of their official duties. The Government of the United States shall exercise criminal jurisdiction over members of the United States Force. In particular cases, however, the authorities of the two governments may agree otherwise;

12. The term "members of the United Forces of the United States and persons serving with, or employed by said Armed Forces, including dependents, but excluding indigenous Bahraini nationals and other persons ordinarily resident in Bahrain territory, provided that such nationals or other persons are not dependents of members of the United States Force;

13. The occupancy and use of the support facilities required by the United States Force will be governed by administrative arrangements between the United States authorities and the authorities of Bahrain or, as appropriate, private property owners;

14. Should either government determine at some future time that it is no longer desirable to continue the presence on Bahrain of the United States Middle East Force, the United States shall have one year thereafter to terminate its presence.

If the foregoing is acceptable to the Government of Bahrain, I have the honor to propose that this note and your note in reply confirming acceptance with constitute an agreement between our respective governments regarding this matter.

Accept, Excellency, the assurance of my highest consideration.

JOHN N. GATCH, JR.,
Charge d'Affaires ad interim.

STATE OF BAHRAIN,
MINISTRY OF FOREIGN AFFAIRS,
December 23, 1971.

JOHN N. GATCH, JR.
Charge d'Affaires ad interim, Embassy of the United States of America, Manama, Bahrain

SIR: I have the honour to acknowledge the receipt of your note dated December 23, 1971, reading as follows:

"His Excellency,
SHAIKH MOHAMMAD BIN MUBARAK AL-KHALIFA, *Minister of Foreign Affairs, Government of the State of Bahrain.*

EXCELLENCY: I have the honour to refer to the present deployment in Bahrain of the United States Middle East Force, including its flagship and other vessels and aircraft. The United States Government proposes to maintain this presence and its related support facilities subject to the following arrangements.

1. Vessels and aircraft assigned to or supporting the United States Force may freely enter and depart the territorial waters, ports, and airfields of Bahrain;

2. Members of the United States Force will be allowed freedom of movement within Bahrain and freedom of entry to and egress from Bahrain;

3. If there is any substantial change contemplated by the United States Government in the deployment of vessels or aircraft or numbers of personnel to be supported on Bahrain in connection with the United States Middle East Force, the United States Government will consult with the Government of Bahrain before effecting that change;

4. Passport and visa requirements shall not be applicable to military members of the United States Force, except as shall be agreed between the two Governments. All members of the United States Force, however, shall be furnished with appropriate identification which shall be produced, upon demand, to the appropriate authorities of the Government of Bahrain. Members of the United States Force will be exempt from immigration and emigration inspection on entering or leaving Bahrain, and from registration and control as aliens, but will not by reason of their entry into Bahrain be regarded as acquiring any rights to permanent residence in Bahrain;

5. Members of the United States Force will respect the laws, customs and traditions of Bahrain, and abstain from activity inconsistent with the spirit of these arrangements. The authorities of the United States will take necessary measures to that end;

6. Members of the United States Force shall not be subject to taxation on their salary and emoluments received from United States sources or on any other tangible movable property which is present in Bahrain due to their temporary presence there;

7. The authorities of Bahrain will accept as valid, and without a driving test or fee, driving licenses or military driving permits issued by the authorities of the United States to members of the United States Force;

8. The authorities of the United States will pay just and reasonable compensation in settlement of civil claims (other than contractual claims) arising out of acts or omission of members of the United States Force done in the performance of official duty or out of any other act, omission or occurrence for which the Force is legally responsible.

All such claims will be expeditiously processed and settled by the authorities of the United States in accordance with United States law;

9. The United States Force and its members may import into Bahrain, without license or other restriction or registration and free of customs, duties and taxes, equipment, supplies, household effects, motor vehicles and other items required by the Force or for the personal use of the members of the Force. Any items imported under this paragraph may be exported freely without customs, duties, and taxes. However, any property of any kind imported entry free under this paragraph which is sold in Bahrain to persons other than those entitled to duty free import privileges shall be subject to customs and other duties on its value at the time of sale.

10. Personal purchases by members of the United States Force from Bahraini sources shall not be exempt from Bahraini customs, duties and taxes except for certain articles to be agreed upon between the two governments.

11. The Government of Bahrain shall exercise civil jurisdiction over members of the United States Force, except for those matters arising from the performance of their official duties. The Government of the United States shall exercise criminal jurisdiction over members of the United States Force. In particular cases, however, the authorities of the two governments may agree otherwise;

12. The term "members of the United States Force" means members of the Armed Forces of the United States and persons serving with, or employed by said Armed Forces, including dependents, but excluding indigenous Bahraini nationals and other persons ordinarily resident in Bahrain territory, provided that such nationals or other persons are not dependents of members of the United States Force;

13. The occupancy and use of the support facilities required by the United States Force will be governed by administrative arrangements between the United States authorities and the authorities of Bahrain or, as appropriate, private property owners;

14. Should either government determine at some future time that it is no longer desirable to continue the presence on Bahrain of the United States Middle East Force, the United States shall have one year thereafter to terminate its presence.

If the foregoing is acceptable to the Government of Bahrain, I have the honour to propose that this note and your note in reply confirming acceptance will constitute an agreement between our respective governments regarding this matter.

Accept, Excellency, the assurance of my highest consideration.

JOHN N. GATCH, JR.,
Charge d'Affaires ad interim.

It is my pleasure to inform you that the Government of Bahrain agrees to all that was said in this note.

Accept, Sir, the assurance of my highest consideration.

MOHAMMAD BIN
MUBARAK AL-KHALIFA,
Minister of Foreign Affairs, Government of Bahrain.

[From the Washington Post, Dec. 18, 1871]

TRADE LEADS THE FLAG

Eager to sell more American goods overseas, the United States discovered that Portugal had (1) a long list of civilian needs and (2) a tradition of buying from West Europe. So the State Department went to work to open the Portuguese market. It succeeded handsomely. The other day it announced for the Export-Import Bank that the bank would finance American exports for Portuguese development projects (Lisbon happens to have an excellent credit rating) valued at about $400 million. Exim currently is financing only $17 million worth of exports to Portugal; the total since 1934 is only $175 million. Portugal, whose economic and political lag continues to keep it out of the European Common Market, had obvious economic reasons of its own to make the deal.

In return, Portugal got several things. First, it got a base-extension agreement from Washington. We have used Lajes field in the Azores since 1962 without a formal accord and, assured of use anyway, we didn't want or seek a renewal. But Lisbon sought the political imprimatur which, it felt, a formal renewal would bestow on its general policy. Second, Portugal got a visit from Mr. Nixon, who met Prime Minister Caetano (and French President Pomipdou) there this week. Mr. Caetano may not do much for Mr. Nixon's political image but Mr. Nixon does plenty for Mr. Caetano's. And third, Lisbon got a few other conspicuous goodies, such as $30 million worth of PL 480 food, $5 million worth of civilian gear (roadscrapers) from Pentagon "excess" stocks, and a $1 million grant for education projects "selected by the government of Portugal."

Well, these days export promotion is all the rage. And if the United States in fact needs an Atlantic base to track Soviet subs and to keep an eye on the mouth of the Mediterranean, then it's not outlandish that it should sign for it. Often, after all, as with Spain last year, base agreements are paid for in military supplies or in credits for such supplies, not in credits for development goods, as is the case now with Portugal.

There is, however, a high price to pay; many Americans, and black Africans, wish we weren't willing to pay it. It is to give Europe's last colonial power extra status and encouragement in its dominion over Portuguese Guinea, Angola and Mozambique. By allowing trade priorities to lead it into closer association with Lisbon, Washington unavoidably identifies itself further with a colonial regime. It did so without a word to indicate it may have some residual sympathies for Africans fighting for independence. It did so with a gratuitous visit to the Azores by Mr. Nixon. And it did so without any visible effort to separate the negotiation or at least the announcement of the base and credits details so as to avoid the damaging impression that the credits were some kind of aid given in return for the base.

There is also the question raised by Senator Case's resolution calling on the President to submit the new pact to the Senate as a treaty demanding ratification: "I cannot believe that the founding fathers would not consider to be a treaty an agreement, such as the reported one with Portugal, which calls for the stationing of American troops overseas and which furnishes a foreign government with a reported $435 million in assistance." We don't think the $400 million in export credits can fairly be counted as aid, but Mr. Case has a good point anyway. "Nowhere in the Constitution," he said, "did [the founding fathers] mention that the Executive could skirt senatorial approval simply by calling a pact with a foreign government an Executive agreement."

[From the Trenton Evening Times, Dec. 20, 1971]

Advice and Consent

The five senators who are seeking to have the administration submit the recent agreement with Portugal to the Senate for its advice and consent may be batting their heads against a stone wall. But they deserve an A for effort and their proposal merits the thoughtful consideration of their colleagues and the American public.

Under the accord, which the administration describes as an executive agreement not legally subject to congressional ratification, the United States promises Portugal up to $435 million in economic and social development credits in return for continued use of air and naval bases in the Azores.

Senator Case of New Jersey, a member of the Foreign Relations Committee, immediately wrote Secretary of State Rogers demanding that the pact be submitted to the Senate as if it were a treaty because it involves the stationing of American troops overseas. The Case move was not unprecedented. Senator Fulbright, the chairman of the committee, had sought unsuccessfully last year to have the administration submit a bases agreement with Spain to Senate consideration. Now Sens. Case and Fulbright have been joined by Sens. Javits of New York, Symington of Missouri and Church of Idaho in the introduction of a resolution that would declare it to be the "sense of the Senate" that any new agreement with Portugal for military bases or foreign assistance be submitted as a treaty for the Senate's advice and consent, and that no economic assistance be furnished Portugal without affirmative action by both houses of Congress.

The justification of an arrangement with a highly authoritarian regime that has been engaged for a decade in wars against nationalist guerrillas in Africa might be a distasteful and difficult problem for the administration. But that does not justify the bypassing of the constitutional role of the Senate in the treaty-making area. And, as Senator Case said, the framers of the Constitution "did not mention that the executive could skirt senatorial approval by simply calling a pact with a foreign government an executive agreement."

[From the Long Island Newsday, Dec. 22 1971]

The Azores Agreement

The recent decision of the Nixon administration to negotiate a five-year agreement with Portugal allowing this nation to use air and naval bases in the Azores has distressed one member of our United Nations delegations to the point of resignation.

And—as a black man and an American—Rep. Charles Diggs (D–Mich.) had good reason to be upset. The Azores agreement, said Diggs upon leaving the UN mission, was just another example of the "stifling hypocrisy" that characterizes this nation's policy toward black Africa.

For, the agreement comes complete with a $436,000,000 American donation to Portugal—money, said Diggs, that will be used to the disadvantage of suppressed blacks in Portugal's African territories.

Diggs is not the only person in Washington perturbed by the agreement. Sen. Clifford Case (R–N.J.) and four other senators, all members of the Foreign Relations Committee, last week introduced a "sense of the Senate" resolution that would put the upper house on record as opposing any new agreement with Portugal involving aid and military installations not first cleared by the Senate as a treaty.

The State Department says the White House was able to act unilaterally in this instance because the pact was an "executive agreement" and *not* a treaty. But Case and his co-sponsors—including Sen. Jacob Javits (R–N.Y.) and J. William Fulbright (D–Ark.)—are not satisfied with that answer.

On humanitarian and economic terms, the agreement with Portugal is questionable, at best. And, as an instrument of practical necessity, it is of doubtful purpose. An outpost in the Azores hardly seems vital to our national defense.

We urge the Senate to pass the Case resolution quickly when Congress reconvenes next month. Perhaps then the White House will get the message and re-think its position, at the very least when it considers future arrangements with foreign governments. Major U.S. support for the Portuguese—and the concomitant loss of respect for U.S. intentions among emerging African nations—is too vital a matter to be settled by Presidential decree.

[From the New York Times, Dec. 26, 1971]

In Contempt of the Constitution

Since World War II, the United States has had the privilege of refueling its military planes at an air base in the Portuguese Azores. This arrangement included port facilities for the U.S. Navy. A so-called "executive agreement" was entered into between this Government and Portugal and regularly renewed since 1962, when the Portuguese allowed it to lapse because of their resentment against the Kennedy Administration's anti-colonial policy in Africa. Use of the facilities continued, however, without a formal agreement. About 1,500 American servicemen have been stationed in the Azores for many years.

Earlier this month, President Nixon revived the agreement and not only renewed it for five years but also granted $435 million in economic aid to Portugal without consulting Congress.

Air and Naval bases, the stationing of troops overseas, the granting of money—these are the very substance of foreign policy. If the Senate is to exercise its constitutional authority to advise and consent in the making of foreign policy, it has an obligation to pass judgment on these issues.

Under the North Atlantic Treaty, of which Portugal is a signer, and under various laws enacted in the past the Nixon Administration can find a color of legality for the latest Azores deal. But the truth is that the President did not submit this agreement to the Senate as a treaty because he knew that he could not get two-thirds approval. It is doubtful if he could get the support of a simple majority. Rather than put the question to a test, he has put himself in contempt of the plain intent of the Constitution. It is an odd posture for a President who claims to be a "strict constructionist."

It is worth recalling that in 1947 when President Truman wanted to extend a smaller amount of aid—$400 million—to Greece and Turkey, he addressed a joint session of Congress and committees of Congress held lengthy hearings before approval was granted.

The amount of assistance granted to Portugal is enormous in terms of that small country's limited budget. It is also politically significant because it eases Portugal's budgetary difficulties when her finances are strained by the cost of combating the guerrilla warfare of the black rebels in the African colonies. Do the American people with their anti-colonial traditions wish to provide a subsidy to this last ramshackle little empire?

Senator Case, Republican of New Jersey, and four other members of the Senate Foreign Relations Committee from both parties have challenged Mr. Nixon's righthanded behavior by introducing a resolution calling upon him to submit the Azores agreement to the Senate for ratification as a treaty. If the Senate wishes to restore its constitutional credibility as a partner in the making of foreign policy, it will adopt this resolution.

[From the Washington Post, Jan. 9, 1972]

What's Our Game in the Indian Ocean?

The stated grounds for the new American naval role planned in the Indian Ocean are so flimsy that one can only wonder if it has not been undertaken merely to provoke "the lady," as Indian Prime Minister Gandhi is apparently known in the White House these days. On the one hand, the larger and more frequent patrols will supposedly fill the "vacuum" being left by the British; on the other, they will offset the expanding but still modest presence (10 ships) of the Russians. Take your pick—or take both; they're small.

The Pentagon makes no effort to identify any newly threatened American interest. Rather, it says the Navy is eager for Indian Ocean "operating experience," vessels are available from the Vietnam war, and "we do have the capability." In a similar pose of innocence, the Pentagon calls attention to its new mid-Ocean "communications center" on Diego Garcia, as though to say, we've got it so let's use it.

Just last July, addressing a House Foreign Affairs subcommittee, administration witnesses could discern no pressing reasons for enlarging the then-modest American naval presence in and about the Indian Ocean. Since then, of course, the Indo-Pakistani war has taken place. In a gesture intended, according to the "Anderson papers," to distract Indian forces from Pakistan, the United States sent a task force including aircraft and helicopter carriers into the Indian Ocean. The administration's explanation that the ships were meant to evacuate Americans, if a threat to them materialized, must be set against the fact that three weeks after the war, the ships are still there. Is this not the spirit in which the new patrols have been ordered?

For the United States substantially to upgrade its politico-military role in an ocean heretofore spared the excesses of great-power competition is, however, a major move deserving of thorough public discussion. It goes well beyond the administration's disturbing step, just revealed, to take over from the British a naval base on Bahrain in the adjoining Persian Gulf; Senator Case has correctly demanded that this new executive agreement be submitted to the Senate as a treaty. Just what American interests are being served, and how? Will the American move solidify or loosen the Soviet purchase in India? Should we move unilaterally into a new theater, international sea though it be, when no litoral state has invited us and when all litoral states have just demanded in a General Assembly resolution that the big powers stay out? Should we consider responding in kind to the public Soviet offer of last July to negotiate naval limits in the Indian Ocean and elsewhere? Will our increased presence there give the Russians a stronger claim to increase their presence in the Caribbean?

We would have thought that the vaunted "Nixon Doctrine" militated against such an initiative as the President has now taken in the Indian Ocean. Or is this Doctrine already extinct?

[From the New York Times, Jan. 10, 1972]

Needed: Candor and Consent

From the strategic viewpoint it makes good sense for the United States to maintain a modest naval task force in the Persian Gulf, as it has done for twenty years. What concerns us about the new arrangement for a permanent American naval station on Bahrain is the same problem that bothers Senator Case of New Jersey and four of his Foreign Relations Committee colleagues.

The agreement, signed with the newly-independent Government of Bahrain Dec. 23, was not announced; it was confirmed by Washington only after a New York Times dispatch had disclosed its existence, it was not in the form of a treaty, which would require Senate advice and consent, but an executive agreement, which does not have to be submitted to Congress at all.

It thus fits the pattern of Administration behavior illustrated only last month by revival of a pact with Portugal for continuing use of bases in the Azores in return for $535 million in credits, and by the signing last year of a new agreement with General Franco for bases in Spain at a comparable price. Mr. Case and his colleagues, who have already asked the administration to submit the pact with Portugal as a treaty, say they will broaden their resolution to include the Bahrain agreement.

The presence in the Persian Gulf of even a converted seaplane tender and two destroyers—the current size of the task force—could bolster stability in a volatile area. Along with the decision to deploy Seventh Fleet patrols more frequently in the Indian Ocean, the force at Bahrain could offset an expanding Soviet naval presence and fill a vacuum left by Britain's withdrawal last year.

But if anything is clear about American military deployment and American bases in Asia after the bitter disillusionment in Indochina, it is that the Administration must make its case openly for every major move—with Congress and the country. Senator Case deserves plaudits, as usual, for reminding the Administration that establishment of an American base abroad is "a very serious matter" on which the Congress should be consulted.

[From the Philadelphia Evening Bulletin, Jan. 10, 1972]

Showing the Flag Off India

The U.S. Senate is restive over the emerging American presence in the Indian Ocean. And properly so, despite the Navy's argument that the "showing of the flag," in the shape of the giant nuclear carrier Enterprise, is necessary to counter Soviet penetration in this area of fast fading British influence.

Several senators have posed two critical questions: Could the deployment and the simultaneous leasing of an old British base from the Sheikdom of Bahrain precipitate the same disastrous sequence of events which culminated in the Vietnam War? And shouldn't the Bahrain agreement be submitted to the Senate for ratification?

There is, of course, a distinction to be made between the deployment of a carrier off the Indian subcontinent to assert "freedom of the (Indian) seas" and the leasing of a base.

The former suggests a transient presence, to be augmented, reduced, or, as the Navy asserts in this instance, to be withdrawn altogether, periodically.

But a base, in anybody's definition—the Senate's or the Nixon Administration's—is just the dangerous stuff unwanted commitments are made out of. There's always the danger the Bahrain agreement might escalate to a commitment far exceeding Mr. Nixon's "low (Asian) profile . . ." And this possibility is all the more real for the fact that Bahrain views the agreement as an effective counter to territorial demands by Iran and Iraq.

Thus, the understandable anxiety of U.S. Senator Case (R–NJ) and Senator Fulbright (D–Ark). It may well be that the senators overreach in demanding that not only the Bahrain accord but the recent agreement with Portugal for expanded U.S. use of the Azores be submitted to the Senate for ratification. But one thing is certain. Only such demands, registered in firm and uncompromising language, can set the stage for the comprehensive debate such agreements dictate.

The debate may not bring the vote on ratification Mr. Case wants, or even prove that the accords are "treaties," properly subject to Senate action. But surely debate on such a critical constitutional question would serve to set and illuminate the limits of the U.S. commitment, on Bahrain and the Azores.

It is knowing, precisely where the limits are that prevents or, at least substantially reduces, the threat of another Vietnam.

Back to the Constitution

With no fanfare at all President Nixon has now entered into an agreement to establish a naval base on Bahrain, an island in the Persian Gulf that recently proclaimed its independence. Sen. Case of New Jersey rightly protests that the agreement is actually a treaty, and he insists it should be submitted to the Senate as the Constitution directs.

President Nixon is probably quite right in supposing that the base on Bahrain makes sense. He might even have been right in suppositions leading up to another so-called executive agreement with Portugal concerning bases in the Azores. But his rightness should not be permitted to obscure the central point, that major agreements with foreign nations should be submitted to the Senate for its review and advice.

The President's power in foreign affairs is enormous, which has been demonstrated for years in Vietnam and lately again in the war between India and Pakistan. But the Constitution and common sense insist that it be not unlimited. Congress does have its role.

There is need for debate of an issue like a naval base in the Persian Gulf. That is a dangerous part of the world. As Sen. Case points out, Iran has lately occupied certain islands in the Persian Gulf, and there is a territorial dispute among several Arab countries about islands there. The United States could become involved, and the Senate should have full knowledge of the possibilities.

Sen. Case has been joined by Sens. Javits, Fulbright, Church, and Symington in sponsoring a resolution calling for submission of the Azores agreement to the Senate for confirmation as a treaty. He now intends to submit a new resolution on Bahrain or to extend the Azores resolution to cover Bahrain.

Mr. Case stated the case well when he said:

> The Senate's treaty-making role is so clearly defined in the Constitution that it should be redundant to be introducing resolutions calling for the Senate to give its advice and consent to treaties. Yet the Senate's role in the treaty-making process has become so eroded that we have no choice.

Mr. CASE. Mr. President, I wish to reserve the remainder of my time. I yield to the Senator from Missouri.

The PRESIDING OFFICER (Mr. Chiles). The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, first, I would respectfully commend the able and distinguished senior Senator from New Jersey for the logical, persuasive, intelligent approach he has established here this morning with respect to these two proposals. If the Senate is to have anything to say about foreign policy on any basis, it must be in the form of treaties.

On June 9, I received a letter from the distinguished Senator from Alabama stating that he planned to submit an amendment to the foreign assistance bill to strike the provision proposed by Senator Case, and adopted by the Foreign Relations Committee, to cut off funds for implementing agreements re U.S. military bases in the Azores and Bahrain unless said agreements were submitted to the Senate as treaties for its advice and consent.

In this letter the Senator from Alabama itemized why he believed these two facilities are important to our national security.

May I say with great respect to my able colleague, the Senator from Alabama, however, that he has not addressed himself to the basic issue.

That issue is whether or not the Senate should have any role in the establishment of such agreements with other countries, particularly when it is the Senate which is subsequently asked to appropriate funds to implement such agreements.

The question: Is the Senate to be a rubberstamp body that agrees to whatever is requested by the executive branch, and regardless of the stipulations contained in the Constitution? That is the basic question.

Mr. SPARKMAN. Mr. President, will the Senator yield briefly?

Mr. SYMINGTON. I am glad to yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. I want to say to the Senator that I regret very much he was not able to be in the Chamber when I presented my opening remarks in which I stressed very strongly the desirability of submitting agreements to the Senate in the form of treaties when it was proper to do so. I explained then some of the things I thought. But in both of these instances those conditions do not exist. We do not in any way make any commitment to either one on any defense, security, or anything of that kind.

I hope the Senator will read my remarks in the Record.

Mr. SYMINGTON. I certainly will, and express my deep regret for not being here when the distinguished Senator opened this discussion.

Unfortunately, this morning also the Secretary of State and Ambassador Smith, head of the Arms Control Disarmament Agency, appeared for the first time before the Committee on Foreign Relations with respect to the proposed SALT agreements, and I felt obligated to listen to the proposal for a treaty, a treaty which I shall support in the arms control field.

As was brought out by members of the Committee on Foreign Relations, however, the Secretary of Defense has stated that he would not support this treaty until the Senate and the House approved these heavily increased requests for money for new weapons systems being made simultaneously with the presentation of this treaty to the Senate, and the agreements to both houses.

That is why I was not here when the Senator from Alabama made his original statement. After asking a couple of questions of the Secretary of State, and presenting to him my thoughts re the heavy escalation in the cost of arms, I promptly came here.

Mr. SPARKMAN. I did not intend to be critical. I knew the Senator was there. As a matter of fact, I was there. I had presented this amendment and I had a call and I had to come to the Chamber. I wish I could have stayed for the very interesting session that was held.

Mr. SYMINGTON. I thank the able Senator. I just wanted to be sure he did not, in any way, think my absence was lack of interest in support for the position taken by the able senior Senator from New Jersey.

Mr. SPARKMAN. Not all all. I understood why it was.

Mr. SYMINGTON. I mentioned at the hearing, and know the Senator from Alabama will be interested, that during the briefings held at the White House, the President spoke for about 15 minutes, Dr. Kissinger then spoke for about an hour, and then there was another hour for questions. Not one statement by the President, or by Dr. Kissinger, or in any question from Members of the Senate or the House questioned the cost of this escalation in the arms race, its relation to the economy, whether the United States could afford this gigantic increase.

I asked Secretary Rogers this morning why he thought this was true. He replied one reason was he thought the economy was in very good shape and getting better. Each Member of this body has the right to form his own conclusions about that, as the already heavy Federal debt increases every day.

In any case, the central issue here is does the Senate have any role in the formulation of the foreign policy of this Nation. That is the central issue, not the merits of these two relatively unimportant bases in our vast network of overseas installations.

The Senate could agree with the need for U.S. installations in Bahrain and the Azores; but does not the Senate have a right, a duty, to give its advice and consent on behalf of the American taxpayers which they represent?

The able Senator says "there are no practical acceptable-risk alternatives to use of the Azores," and particularly with respect to ASW capability.

Now it would seem that, whenever an attempt is made to cut back on any of our commitments around the world, there is always justification as to why this particular base is vital to the security of the United States. As a result, the already heavily overburdened taxpayers of the United States continue to maintain, not hundreds, but thousands of bases, all around the globe, and at heavy cost.

Why, for example, cannot the already established American base in Rota, Spain, serve as an ASW base as well as the Azores?

The Senator has also noted the importance of the high frequency radio direction finding facility in the Azores, including its capability to provide 360 degree coverage of the area.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SYMINGTON. Mr. President, I ask unanimous consent to proceed for another 5 minutes.

Mr. CASE. Mr. President, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from New Jersey yields an additional 5 minutes to the Senator from Missouri.

Mr. SYMINGTON. Is it not a fact that we have at least a dozen other stations that all monitor the same general area?

Why could not this same 360-degree coverage be provided from Iceland and why could not this particular operation be consolidated?

With respect to Bahrain and the apparent belief that the U.S. agreement with that country does not imply any new commitment, surely the Senator would agree that the role of the British Navy and Armed Forces in the Persian Gulf over the last century has been an important role.

Were the British not the final arbiters of disputes in the area, in fact the peacekeepers?

Did they not, in effect, provide for the defense of the Persian Gulf and exert a vital influence over the policies of the states and sheikdoms around that gulf?

I am sure the Senator is aware that the U.S. Navy has characterized its mission in the Gulf recently as that of taking over functions previously performed by the United Kingdom?

Surely the Senator would agree also that there is a significant difference between our operating in the Gulf under the auspices of the British, as we have in the past, and our becoming the one major power with a naval base of its own in the entire area?

This is not a simple question of continuing something we have been doing before. Once we are established in a naval base of our own, our presence will assume a vastly different character than before. Even the position paper of the State Department acknowledges that point. It states:

> The importance of this U.S. presence has increased since the British withdrawal from the region.

The executive branch asserts that the agreement in question is "a simple logistical support agreement." Perhaps our initial mutual security agreement with the South Vietnamese was originally only "a simple logistical support agreement." Simple agreements such as these however, should not be regarded as real estate transactions, this as we now know the executive branch would have us do. It is the future political obligations inherent in such agreements which make essential their approval by the Senate.

Based on sad recent experience, surely the Senator would agree that the time to consider such potential obligations is before they are called into question, rather than afterward.

Every Senator, regardless of his committee assignments, has the right to ask why the executive branch has never requested the views of the Senate as to the desirability of either the Azores or the Bahrain agreements?

In the case of the Azores we were all informed after the agreement was made.

In the case of the Bahrain agreement, we were not told the agreement was being negotiated until shortly before it was signed; in fact Foreign Relations Committee members were even told they could not be shown its terms until after said agreement was signed.

Let me ask my colleagues this question: if the executive branch does not consider itself under any obligation to engage in such prior consultations, what recourse does the Senate have except to insist upon the exercise of its constitutional prerogatives?

Does any Senator agree with the executive branch position paper which states that "the proper constitutional function" of the Senate in this instance is limited to the denial of funds to carry out the agreements?

Should the executive branch, on a unilateral basis, determine by itself the scope of the Senate's authority in the field of foreign affairs?

If the United States established a naval base in Bahrain, and then Bahrain is attacked by a third country—with their women and children—how could this nation avoid becoming involved in the conflict?

The administration states we have gone from confrontation to negotiation with the Soviet Union. With that premise, how would the latter regard the establishment at this time of a U.S. naval base in the Persian Gulf? Would they regard it as a "simple logistic support arrangement?"

If this base is established, based on precedent, we can be confident that some day Bahrainis will be seeking military assistance from the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. Mr. President, I yield another 2 minutes to the Senator from Missouri.

Mr. SYMINGTON. I thank the Senator.

If that assistance is given and the Bahrainis become involved in a dispute with the Saudis, or the Persian Gulf Federation, or the Iranians, or the Russians, what then will be our position?

In closing, Mr. President, in asking these various questions I am not arguing against any assertion of U.S. interest in the area, rather whether we should establish a military base without any action by the Congress.

Originally we were informed by the State Department that Bahrain wanted a formal agreement; but now the letter from the Senator from Alabama of June 9 implies in any case that Bahrain is afraid of the consequences of dealing with the United States.

In any case, is this an auspicious beginning for any new arrangement with Bahrain?

The Senator from Alabama stated in his letter that the agreement involved "no change in U.S. naval presence or mission in the area." Already, however, the Navy Department has informed the Congress that U.S. personnel stationed in Bahrain will be quadrupled by the end of 1972; and that the number of U.S. service families there will have doubled.

It is for these reasons that I oppose this amendment and fully support the logical and sound position taken by the Senator from New Jersey; and I thank him for his courtesy in yielding to me.

Mr. CASE. Mr. President, I yield myself such time as I may consume.

First, I want to express the satisfaction the support the Senator from Missouri always gives any man in this body. It is enormously helpful. It is enormously reassuring. He is in a unique position. He is a member of the Committee on Foreign Relations and he is a member of the Armed Services Committee, and he has finally achieved, after a good deal of apprenticeship, the dignity of that very select body called the Joint Committee on Atomic Energy, which, he assures us, on several occasions opened his eyes to matters that were never disclosed to him before as a member of the other two committees, although they are considered as important as any in the Congress. But the chief contribution he brings is the clarity of his thought and the broad wisdom that he has attained over many years in his enormous experience in public and private life, and I am most grateful to him.

I would like to ask him a question or two, if I may. It has been said that these matters are, in a way, too delicate to treat in the rough area of parliamentary discussion; that arrangements for matters of state have to be handled with deftness and great delicacy. It has always seemed to the Senator from New Jersey that if a matter is of that delicacy, we the United States ought not to be involved with it. Would the Senator have any comment about that?

Mr. SYMINGTON. First, Mr. President, let me thank the able Senator for his undeserved but deeply appreciated remarks. There is nobody in the Senate from whom I would rather receive such commendation than from my able colleague from New Jersey.

I would answer his question this way: if these matters are too delicate to be discussed in the Senate of the United States, in executive session when necessary, then I think we had better change the Constitution of the United States.

Mr. CASE. I agree with the Senator. I could not agree more. I think one of the problems we have had in foreign relations over many years has been the idea that these were matters for a very small group of people to deal with, and not matters that the average person had any right to be informed about. I think it is about time we gave the average person a chance, and I think the average person might do very much better than some of the experts and some of the elite who have ascribed to themselves the authority to handle international relations.

Mr. President, if my colleague from Missouri will be good enough to comment on this aspect of it, too, is it not really an indication that if these matters are so delicate that they cannot be discussed in the Senate, where of course we can go into executive session, then are our constitutional procedures too fragile to deal with the collective security of the United States? And if the leaders of these foreign countries are afraid that their discussion of these matters without censorship is going to hurt them with their own people, then they have no real authority, in any event, and their commitment to us is worth nothing. Would the Senator agree that that is so, and that this is not the kind of bridge of sand on which to build sound U.S. security arrangements?

Mr. SYMINGTON. I would. As the Senator implied if he did not actually so state as we get into these arrangements with these countries, everybody knows about it but we cannot even talk about it. That is not democracy.

For many years we had tens of thousands of Americans in Thailand, but were not allowed to admit a single American was in Thailand, even though hundreds were walking their streets. Today, the increase in the number of Air Force personnel in Thailand—and Naval personnel increase on the seas is greater than the reduction of ground troops in Indochina, and yet, as you read the newspapers, you would think the net reductions were much greater than any increases we have made in our forces.

This is the type and character of development which disturbs the people and raises the issue of credibility, and in my opinion, if we continue to operate on the basis of these executive agreements, as is now planned in the case of Bahrain and the Azores, we will get into the same type and character of problem in parts of the world that are much more important to the United States than is the Far East.

Mr. CASE. I thank my colleague. I am most grateful to him indeed.

Mr. President, I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, if the Senator is ready to yield back his remaining time, I will yield back my time.

Mr. CASE. As far as my own personal pleasure is concerned, I will be glad to, but there are certain Senators who are counting on the use of the time agreed upon. Therefore, I would not be willing to do that at this time.

I would be willing to suggest a recess for half an hour, if the Senator will agree.

Mr. SPARKMAN. May I ask, Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alabama has 46 minutes, and the opponents have 16 minutes remaining.

Mr. SPARKMAN. I have no request for time on this side, and I am perfectly willing to agree to either a recess or, if there is other business to be transacted——

Mr. CASE. If the Senator is agreeable, I would, then, request that the Senate stand in recess until 12:15.

Mr. SPARKMAN. I would submit that to the majority leader.

Mr. MANSFIELD. And then have a vote?

Mr. PASTORE. Mr. President, before we reach that stage, may I ask a question?

The PRESIDING OFFICER. The time on the amendment would not be up until 12:47, if all the time is used. The proponents have 46 minutes remaining, and the opponents 16 minutes.

Mr. SPARKMAN. I proposed that we yield back our time, but the Senator from New Jersey says he has made certain commitments to other Senators who will not be able to be here if we yield it back now.

Mr. CASE. And I am morally committed to see that the vote does not occur until the time has expired. If that is agreeable, make it 12:30, and I will take 5 minutes and the Senator from Alabama can take as much time as he has.

Mr. MANSFIELD. Mr. President, after the Senator from Rhode Island gets through asking his questions, I ask unanimous consent that the Senate stand in recess until 12:20, and that Senators then have 10 minutes on each side to sum up their arguments before the vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. MANSFIELD. This would follow the colloquy of the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I would like to ask the Senator in charge of the bill a question with reference to this very serious matter.

Have these agreements already been signed?

Mr. SPARKMAN. As I understand, yes, they were signed in December, if I am not mistaken.

Mr. PASTORE. I think that is quite important. In other words, I want to know whether or not Congress is already familiar with what is contained in these agreements.

Mr. SPARKMAN. It is an extension of agreements that have been running since 1951.

Mr. PASTORE. In other words, this is nothing new.

Mr. SPARKMAN. It is not a new agreement. It is an extension. There are provisions in it that may be different from some that have been in it before, but if so, they are dealing with the same thing. There is no item relating to defense or security. We make no commitments whatsoever. It is simply an extension of the operating agreements we have had running since 1951.

Mr. PASTORE. The reason I am asking the question is that I am one of those who feel that all future arrangements that have to do with military installations whereby American combat troops may be committed ought to come up here by way of treaty. But in this particular case, as I understand, the executive department has already consummated this agreement, it has been brought to the attention of the foreign relations committees both of the House of Representatives and of the Senate, and the question I am asking now is, Why are we insisting at this juncture that we reduce this to a treaty, when we have already gone through it, the agreement is already consummated, and Congress knows all about it? Is it because we want a two-thirds vote, or what is it?

Mr. CASE. Mr. President, will the Senator permit me, on my time, to make a comment at this point?

Mr. SPARKMAN. I am perfectly willing, yes.

Mr. CASE. It is a logical question. All treaties are signed before they are sent up here. The mere fact that an agreement is signed does not mean it is beyond our consideration. There is no document to send up until an agreement is signed, and they are signed, in the case of treaties, subject to Senate ratification and later formal delivery.

Therefore, I do not think there is any real substance to the suggestion that because an agreement has been signed we cannot look at it.

Mr. PASTORE. If the Senator will yield on that point, I think there is a big difference.

Mr. SPARKMAN. Mr. President, may I say that I have checked that question. There was an exchange of notes that was completed in December 1971, extending very much the same terms that we had had ever since 1951.

Mr. PASTORE. To come back to the question, there is a distinction between an agreement being signed with the understanding of a foreign government as against any negotiations that transpired that are going to result in a treaty because that foreign government knows it has to be ratified by the Senate.

Mr. CASE. I would suggest that all foreign governments ought to be, if they are not, be informed of the constitutional requirements of the United States, and realize that when they are dealing with the President of the United States, they do within our constitutional limitations.

Mr. PASTORE. That is true. There is an original agreement. That is the point I am making. But this agreement has been in existence.

To pursue it further, an attempt will be made to delete section 14, which is on the next page.

Mr. CASE. That is correct.

Mr. PASTORE. I am for subparagraph (1), and I am for subparagraph (2), but I am going to offer an amendment to delete subparagraph (3), which has to do with storage of nuclear weapons, because in that case I am afraid that we are opening a can of worms here.

That is the reason why I am raising the question now. I feel that any original agreement for the installation of military bases abroad, where combat troops may be committed by the United States, ought to come up by way of treaty. But in this case I think a distinction can be made with reference to the Azores situation, and that is the reason why I shall support the Senator from Alabama on this point.

Mr. CASE. Of course, the Portuguese agreement is an extension of an earlier arrangement, with some changes; but merely because it is an extension does not seem to me to obviate the requirement that the extension be brought before the Senate. Circumstances change over years. It seems to me that if an agreement is made for a period of 5 years, it is at an end so far as the constitutional authority of the President is concerned to act without the consent and the consideration of the Senate as to the possibility of extension.

Mr. PASTORE. Why does it have to come up by treaty? Let us just deny the money.

Mr. CASE. We are not considering here the substance of this agreement. We are considering whether we should consider the substance of it, and that is not a little point. That is the whole question. I think I support these arrangements. Perhaps I would want to have them modified in some sense. In general, I think I will support them.

That is not the question. The question is whether we should be permitted to look at them or whether we should, because the President of the United States says, "Boys, this is not your business," bow the knee and doff the hat and say, "Thank you, Mr. President," and then leave.

I think the Senator from Rhode Island was absolutely correct when he voted recently to support my resolution stating that it was the sense of the Senate that this matter should come before us for consideration—not for rejection, but for consideration and possible approval as a treaty.

Mr. PASTORE. Generally, I would agree with the Senator from New Jersey; but from a letter I received from Senator SPARKMAN I understand that this raises a question of sensitivity at this point and could affect the governments with which we are now negotiating, because we are changing the rules of the game in midstream. That bothers me no end, and I think that was the position taken by the Senator from Alabama when he wrote us his letter with reference to this section.

Mr. SPARKMAN. May I make this comment. I agree completely with the statement made by the Senator from Rhode Island. In fact, when I submitted this amendment this morning, I discussed somewhat the essential differences between executive agreements, which the executive department should be able to execute, and other matters that should be submitted by treaty.

I said this, essentially: If at any time there is any question of our supporting a country in its national defense or its national security, that certainly should be settled only in a treaty. I think that is equivalent to what the Senator has said with reference to opening a base and settling a military installation there. Those are matters that I think should be submitted to the Senate for advice and consent. With respect to many of these perfectly proper executive agreements, I believe it would be a much happier situation if the executive department would at least meet with and talk with the Committee on Foreign Relations.

As a matter of fact, I recall that some time in the 1950's I had printed as a Foreign Relations Committee document a list of all the meetings that had been held between the Foreign Relations Committee and the President or the Secretary of State over a period of years, and it was quite revealing. But I must say that I am rather sorry that in the past several years that seems to have died down considerably. I hope we can revive it.

I can recall when almost any time anything of importance came up, the Foreign Relations Committee would be given that information. We would be invited down there to discuss it with them. I hope very much that that kind of interchange and exchange can take place again even with reference to agreements which I would consider perfectly allowable to the executive to execute.

Mr. CASE. Mr. President, I appreciate the remarks of the Senator from Alabama. I suggest that the revival of a greater sharing by the executive of its activities, in terms of agreements, will be enhanced by the bill we passed in this body by a unanimous vote, 81 to nothing. This was my bill requiring the Executive to submit all executive agreements to the Senate within 60 days. I think the Senator was here, and I am sure the Senator from Rhode Island also supported it. In any event, neither opposed it. The measure is pending in the House, and it is my hope that it is going to become law in this session.

On the question of whether or not this is an extension, I point out to the Senator from Rhode Island that the original agreement expired 9 years ago, in 1962, and we have been running along without an agreement since that time.

Mr. SPARKMAN. But on the terms.

Mr. CASE. We have been living with each other, but we have not had any formal agreement. The present agreement with Portugal is now an attempt to enter a new arrangement in return for which the U.S. will pay specific consideration for this extension. I think, therefore, that this is not just a continuation of an existing agreement.

Mr. PASTORE. My question has not been answered by the Senator from New Jersey or the Senator from Alabama. Is it true, at this particular stage, with reference to the Azores and Bahrain, that doing this is going to embarrass our country? That question has not been answered. Is it or is it not true?

Mr. SPARKMAN. I do not see how it could embarrass our country in any way. It does not tie us to any agreement, if that is what the Senator means.

Mr. PASTORE. No. My question is this: If section 13 is enacted at this point, is it going to be embarrassing?

Mr. SPARKMAN. I thought the Senator was talking about the amendment.

Mr. PASTORE. Yes, about the amendment.

Mr. SPARKMAN. I would say it would.

Mr. PASTORE. That is what the Senator said to me in a letter. I would like to have it elaborated upon.

Mr. CASE. Mr. President, before we recess, I want to go into the question of embarrassment. The potential embarrassment of a foreign power is not sufficient cause to put aside the Constitution of the United States. We ought to understand that ours is a government of divided powers, and so must every country dealing with us understand that. This is not to derogate from the authority of the President or to unduly elevate the standing of Congress. This is a plain matter of fact. If this is different from the way matters have been conducted before, so be it. The Founding Fathers intended things to be different. If this suggests that the old ways of diplomacy carried on by an elite should end, so be it, too.

Mr. TOWER. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I yield.

PRIVILEGE OF THE FLOOR

Mr. TOWER. Mr. President, I ask unanimous consent that during consideration of the Sparkman amendment and the Tower amendments, I may be allowed to have two staff members in the Chamber.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, one more comment in connection with the question propounded by the distinguished Senator from Rhode Island (Mr. Pastore). The original agreement was in 1951, which was an implementation of the terms of the NATO Treaty of 1949. In other words, it was executed in accordance with the terms of that treaty and we have operated under it ever since, even though there was a gap when there was actually no formal existence of the agreement.

Mr. PASTORE. I want to make my position clear. The Azores is a base essential to the security of America. There is no question about that. It is in a convenient geographical part of the world. We have been using it extensively.

My point is that in all this hassle now going on in the Chamber in connection with the general proposition of agreements, that agreements in original forms should come up as treaties not as agreements, with that I agree.

However, in this particular case, an exception can be made at this juncture because I am afraid that if we change the rules at this point, many questions will be asked by foreign governments.

We are not there in order essentially to help them so much as we are there to help them and help ourselves as well.

I would not want to do anything at this point that might disturb the situation.

For that reason, I shall vote to remove section 13 from the bill.

Mr. MANSFIELD. Mr. President, would the Senator from New Jersey, when the Senate reconvenes after the short recess, allow me 1 minute to speak on behalf of his position and the position of the Committe on Foreign Relations?

Mr. CASE. Reserving the right to object, and I shall not object, my only purpose would be that I should like to yield to the Senator 2 minutes for that purpose.

Mr. MANSFIELD. Two minutes at the most, then. I thank the Senator.

Mr. PASTORE. Mr. President, will the Senator from Alabama yield me 1 minute to submit an amendment?

Mr. SPARKMAN. I yield.

Mr. PASTORE. Mr. President, on behalf of myself and the distinguished Senator from Vermont (Mr. Aiken), I send to the desk a perfecting amendment on section 14 of the bill which appears on page 12, and ask that it be printed.

The PRESIDING OFFICER (Mr. Chiles). Without objection, the amendment will be received and printed, and will lie on the table.

RECESS TO 12:20 P.M.

The PRESIDING OFFICER (Mr. Chiles). Pursuant to the previous order, the Senate will now stand in recess until the hour of 12:20 p.m. today, at which time the proponents and the opponents of the amendment will each have 10 minutes to conclude their remarks, after which the vote will occur on adoption of the amendment.

At 12:03 p.m., the Senate took a recess until 12:20 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Bentsen).

The PRESIDING OFFICER. As a Senator from Texas and without objection, the Chair suggests the absence of a quorum. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I wish to inquire as to what the arrangement is. I believe each side has 10 minutes for summation. Is that correct?

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. SPARKMAN. At the conclusion of that time the rollcall vote will be held?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. SPARKMAN. Mr. President, at least, when the 20 minutes is up a vote will occur on the amendment. Is that correct?

The PRESIDING OFFICER. The Senator from Alabama is correct.

Mr. SPARKMAN. Mr. President, I am going to use a very few minutes now in summation. I frankly do not know that there is much I can say. I am not sure I know anything that I can say that would add to this debate.

Mr. President, I now ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SPARKMAN. Mr. President, this agreement originally was made with the Azores in 1951 to implement the NATO Treaty that we had agreed to in 1949. In other words, in practically every treaty we adopt there will be certain things provided that have to be implemented. If each provision had to be implemented with another treaty it would never get through. That is what happened here.

There was an executive agreement that lasted until 1962. In 1962 they started negotiations but for some reason they dropped negotiations and let it run on under the terms of the agreement that was made in 1951. Now, last year negotiations were started. The extension was agreed to on December 9, 1971. The agreement was signed extending the same type of agreement we have had since 1951.

It has been pointed out that the Azores occupy one of the most strategic positions so far as our own interest is concerned. It has certain facilities there that we would not have anywhere else. It has a great communications center. We have had the use of the bases on the islands ever since the end of World War II, and even during World War II.

Furthermore, Mr. President, I want to say that should the Case provision in the bill, section 13, be allowed to stay in, our relations with Portugal would be severely damaged.

Here is an agreement that has already been made. It was made on December 9, 1971. It was signed into effect. This action would amount to a one-party, unilateral cancellation of an agreement that has already been made. It was negotiated in good faith on both sides. A full agreement was entered into. It was signed, and is in effect now. It could be taken—would be taken, I should think—as a gratuitous insult by Portugal.

The facilities on the Azores are highly important. I suppose it is about the most important place of operations that we have so far as surveillance of Soviet submarine activity in the mid-Atlantic is concerned. Also if we were denied the use of those facilities, aircraft staging in the area would be jeopardized. It is highly important that we continue to do just as we have been doing now for over 20 years.

I could say the same things with reference to Bahrain. We do not hear as much about that as we do about the Azores, but it is a strategic position with reference to shipping. By the way, both of these rights we have had are highly important in connection with navigation of ships carrying oil. We know of the necessity of moving oil from the Near East both to Western Europe and to the United States, which will become more important as time goes on.

With reference to Bahrain, it seems to me, as I pointed out this morning, a good deal of the discussion on executive agreements revolves around the idea of not giving sufficient notice about it. I call attention to the fact that the Behrain agreement was submitted to the Foreign Relations Committee a month before it was signed, and there was never a word of complaint so far as I know. There was no question as to its being all right. So I do not think that argument applies there. It cannot apply as far as the Azores are concerned, because that arrangement has been running for over 20 years. Certainly there has been openness in all of that.

I submit that this amendment ought to prevail and that the Case provision, section 13 in the bill, ought to be stricken so we can continue to operate in good faith as we have in the past.

Mr. CASE. Mr. President, I yield myself such time as I may require.

Mr. President, these are important agreements, as the Senator from Alabama has said. That, in my judgment, is the criterion we have for it to be considered by the Senate as a treaty. Not only should routine matters absorb the time of this body, but important matters should. The very argument the Senator from Alabama makes is the strongest argument I know of why these agreements should be considered by the Senate, under the Constitution of the United States, as treaties.

This body determined that that is so, as I pointed out in my previous remarks, on March 3 of this year. The Senate, by a vote of 50 to 6 stated that it was the sense of the Senate that these agreements should have the advice and consent of the Senate.

Either we meant what we said, Mr. President, or we did not. Either we were making a stump speech, or we were not. Or if we meant it before and now change our minds and turn tail, tip the hat, bend the knee, and say, "Yes, Mr. President," that marks the Senate as that kind of body which our former colleague from Pennsylvania suggested when he applied to the Congress the term "the sapless branch."

I do not think that is what we are sent here to do. It seems to me we are sent here to consider all important agreements, and that these are important not only has been attested by the Senator from Alabama but is inherent in the contents of the agreement. Anything concerning the stationing of American troops abroad and the commitment of that stationing implies it is a matter important enough to be considered by the Senate. It is its constitutional duty. Not only does it have that right, but it has the obligation to perform its constitutional duty. I am not for abdicating that duty because the State Department says it will be difficult to do that.

If there are difficulties in our constitutional process, they were difficulties intended to be a part of the operations of our democracy by the Founding Fathers and they are essential to the successful operation of this country as a democracy in the world.

Mr. President, I ask unanimous consent that there be included in the RECORD, at the end of the remarks to be made by the Senator from Montana, the majority leader, the yea-and-nay vote taken in the Senate on the resolution I just referred to, Senate Resolution 214, which stated that it was the sense of the Senate that these agreements should have the advice and consent of the Senate in order to make them treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CASE. Mr. President, I yield the remainder of my time to the Senator from Montana (Mr. MANSFIELD).

Mr. MANSFIELD. Mr. President, the distinguished Senator from New Jersey has just referred to Senate Resolution 214, which was agreed to in the Senate on March 3, 1972. I think what we are confronted with is a determination of just where, as Senators, we belong. Are we members of the executive branch, or lackeys of the executive branch, or are we Members of the Senate, with separate constitutional authority and responsibility. Are we members of a coequal branch of the Government? The Constitution says so. What does the Senate say?

Senate Resolution 214 reads as follows:

> Whereas an agreement with Portugal, which would provide for the stationing of American troops overseas and which would furnish Portugal with large amounts of foreign aid, is clearly a matter of sufficient importance to necessitate its submission to the Senate as a treaty;
>
> Whereas an agreement with Bahrain, which would provide for the establishment of a new American military base on foreign territory and the stationing of American troops overseas, is clearly a matter of sufficient importance to necessitate its submission to the Senate as a treaty: Now, therefore, be it
>
> *Resolved*, That any agreement with Portugal or Bahrain for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent.

Mr. President, the pending amendment would have the Senate reverse the position it took only 4 months ago when, by a vote of 50 to 6, it—the Senate—said that the Azores and Bahrain base agreements should be submitted to the Senate as treaties. The Committee on Foreign Relations thought the Senate meant what it said. It adopted Senator CASE's proposal to carry out the principle endorsed by that eight-to-one vote. The Senator from Alabama's amendment would have the Senate say now, "We really didn't mean it."

The executive branch has made it clear that they will ignore the Senate's pleas for observance of the constitutional requirement that important agreements with foreign governments be submitted to the Senate for its advice and consent as long as the pleas are not backed up by action.

The executive branch, in effect, has told the Senate to put up or shut up. A majority of the Committee on Foreign Relations believe that the Senate must back up words with deeds if the Senate and Congress are to play a significant role in the making of foreign policy. Section 13, which the distinguished Senator from Alabama seeks to strike out, speaks in the only way that will make the executive branch listen—by cutting off the money if the agreements are not submitted as requested.

I urge that the amendment be defeated.

EXHIBIT 1

The result was announced—yeas 50, nays 6, as follows:

[No. 87 Leg.]

YEAS—50

Aiken, Allen, Allott, Anderson, Bayh, Beall, Bennett, Bentsen, Bible, Boggs, Brooke, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Case, Church.

Cooper, Curtis, Fong, Fulbright, Gambrell, Gravel, Gurney, Hughes, Inouye, Javits, Jordan, Idaho, Kennedy, Long, Magnuson, Mansfield, Metcalf, Miller.

Mondale, Montoya, Nelson, Pastore, Pearson, Pell, Proxmire, Randolph, Roth, Smith, Spong, Stevens, Stevenson, Symington, Talmadge, Tunney.

NAYS—6

Dole, Dominick, Fannin, Schweiker, Scott, Young.

NOT VOTING—44

Baker, Bellmon, Brock, Buckley, Chiles, Cook, Cotton, Cranston, Eagleton, Eastland, Ellender, Ervin, Goldwater, Griffin, Hansen.

Harris, Hart, Hartke, Hatfield, Hollings, Hruska, Humphrey, Jackson, Jordan, N.C., Mathias, McClellan, McGee, McGovern, McIntyre, Moss.

Mundt, Muskie, Packwood, Percy, Ribicoff, Saxbe, Sparkman, Stafford, Stennis, Taft, Thurmond, Tower, Weicker, Williams.

So the resolution (S. Res. 214) as amended was agreed to.

The PRESIDING OFFICER (Mr. BENTSEN). Who yields time?

Mr. MANSFIELD. Mr. President, I believe it is time now for the yeas and nays. They were agreed to at 12:30.

The PRESIDING OFFICER. There are 3 minutes remaining to each side.

Mr. CASE. I am happy to yield back mine.

Mr. MANSFIELD. Mr. President, was not the unanimous-consent agreement that we would reconvene after a recess at the hour of 12:20, there would be 10 minutes on each side, and then we would come to a vote?

The PRESIDING OFFICER. The majority leader is correct. There was a quorum call that was not counted.

Mr. MANSFIELD. Very well. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. Who yields time?

Mr. SPARKMAN. Mr. President, I am willing to yield back the remainder of my time.

Mr. CASE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Bentsen). All remaining time has been yielded back. The question is on agreeing to the amendment (No. 1223) of the Senator from Alabama (Mr. Sparkman). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Maine (Mr. Muskie), are necessarily absent.

On this vote, the Senator from Louisiana (Mr. Long) is paired with the Senator from South Dakota (Mr. McGovern). If present and voting, the Senator from Louisiana would vote "yea" and the Senator from South Dakota would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), and the Senator from Georgia (Mr. Gambrell), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Fannin), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senators from New York (Mr. Buckley and Mr. Javits), and the Senator from Vermont (Mr. Stafford) are absent on official business.

The Senator from Arizona (Mr. Goldwater), and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

Also, the Senator from Illinois (Mr. Percy), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

On this vote, the Senator from Arizona (Mr. Goldwater) is paired with the Senator from New York (Mr. Javits). If present and voting, the Senator from Arizona would vote "yea" and the Senator from New York would vote "nay."

If present and voting, the Senator from Illinois (Mr. Percy) would vote "nay."

The result was announced—yeas 36, nays 41, as follows:

[No. 223 Leg.]

YEAS—36

Allen
Allott
Anderson
Baker
Beall
Bennett
Brock
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Cook
Curtis
Dole
Dominick
Eastland
Fong
Griffin
Gurney
Hansen
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
McClellan
McGee
Miller
Montoya
Pastore
Saxbe
Scott
Sparkman
Stennis
Taft
Thurmond
Tower
Young

NAYS—41

Aiken
Bayh
Bentsen
Bible
Boggs
Brooke
Burdick
Case
Chiles
Church
Cooper
Cranston
Eagleton
Ellender
Ervin
Fulbright
Hatfield
Hollings
Hughes
Humphrey
Inouye
Magnuson
Mansfield
Mathias
Mondale
Moss
Nelson
Packwood
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Smith
Spong
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—23

Bellmon
Buckley
Cotton
Fannin
Gambrell
Goldwater
Gravel
Harris
Hart
Hartke
Javits
Kennedy
Long
McGovern
McIntyre
Metcalf
Mundt
Muskie
Percy
Schweiker
Stafford
Stevens
Weicker

So Mr. Sparkman's amendment (No. 1223) was rejected.

Mr. FULBRIGHT. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agenices, for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The question now is on agreeing to one of the two amendments to be offered by the distinguished Senator from Texas (Mr. Tower).

AMENDMENT NO. 1242

Mr. TOWER. Mr. President, I call up my amendment No. 1242 and ask that it be stated

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 10, line 11, before the title "EXCESS DEFENSE ARTICLES", insert the following:

"(4) In section 33(a), relating to aggregate regional ceilings, strike out 'of cash sales pursuant to sections 21 and 22,'

"(5) In section 33(b), relating to aggregate regional ceilings, strike out 'of cash sales pursuant to sections 21 and 22,' ".

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The time of 1 hour is now controlled, and equally divided. Who yields time?

Mr. TOWER. Mr. President, for the benefit of my colleagues, I might note that possibly the full hour will not be taken, so I should like to advise my colleagues that the vote might——

The PRESIDING OFFICER. The Senator will please suspend until the Senate is in order. Senators will please cease conversations. If they desire to converse, will they please retire to the cloakroom.

The Senate will be in order.

The Senator from Texas may proceed.

Mr. TOWER. Mr. President, I want to advise my colleagues that there is a strong possibility the full hour will not be used and that the vote will come much earlier than that.

I now yield myself such time as I may require.

Mr. President, the proposed legislation we have before us, S. 3390, maintains the present expenditure ceiling of $100 million on foreign military sales credits and grants military assistance to nations of Latin America. The present ceiling, however, covers not only sales made with U.S. credit assistance, but also sales made on a purely cash basis. Because these cash sales account for about half of the $100 million ceiling and because our Latin American partners have an increasing requirement for force modernization, I propose the removal of cash sales from this ceiling.

Latin American nations have legitimate internal security requirements. Many face extremely active and increasingly violent insurgency movements. Others, such as Uruguay, are plagued with the spread of urban terrorism. To combat these increasing security problems, the Latin American people must rely on obsolete World War II and Korean war weapons—weapons that are approaching the end of their useful lives, weapons whose reliability can be questioned.

We do not want to encourage an arms race in Latin America and I do not feel our allies are purchasing equipment with that in mind. It is, instead, these internal security requirements that have forced our allies to the south to modernize their forces. From 1967 through 1971, they spent well over $1 billion for new equipment from Europe and Canada. Most of these orders were placed during the period our legislative restrictions were imposed. During this same period sales from the U.S. foreign military sales program amounted to about $250 million. It is clear that the Latin Americans feel they have a requirement for force modernization and it is just as clear that if we refuse to help them they will go elsewhere for modern equipment.

What I propose would not fuel an arms race in Latin America that would be detrimental to economic development. In fact, Latin American expenditures for military purposes have been modest in relation to their economic capacity. Throughout the continent these expenditures have averaged only about 2 percent of the gross national product. But they realize, as should we, that to continue this economic and social development, they require the stability brought by a secure environment. To the degree that it contributes to that security, adequate but not excessive levels of modern equipment—not only weapons, but also helicopters, radios, trucks, and so forth—fosters economic growth.

With the regional ceiling set at $100 million, and with the inclusion of cash sales in this ceiling, our Government is simply not able to respond to many reasonable requests for purchases of military equipment by our Latin American friends. Nearly half of their requirements will be for cash purchases of spare and replacement parts for equipment. This means that about half the ceiling would be used just to maintain equipment already purchased, leaving about $50 million for modernization of forces; $50 milion spread over all Latin American countries is wholly inadequate for updating equipment with the current high cost of aircraft, helicopters, and communications apparatus. In recent years we have reduced our military assistance program in Latin American countries from about $80 million in fiscal year 1966 to $20 million in fiscal year 1973. As part of our growing partnership with our sister republics, we have encouraged them to buy what they need rather than give it to them under a grant aid program. But now we refuse to let them buy with their own money what they need.

I propose to amend the committee bill by exempting cash sales from the regional ceiling. The $100 million ceiling should remain for the present and will be applicable to the major sales of expensive, sophisticated equipment that is virtually always purchased with credit. Placing cash sales outside the ceiling would insure that our friends in Latin America would have the opportunity to purchase spares and replacements for their U.S. origin equipment without impinging upon our ability to help them modernize that equipment.

We cannot afford to take Latin America for granted. President Echeverria's firm statement last week before the joint session of Congress makes clear the need for America to continue to mature in her relationship with her hemispheric allies. Our curtailment of cash and credit sales to Latin America is not consistent with this maturity.

Mr. President, I believe that it would be unfortunate both for us and more importantly for the Latin American people if we were to allow this bill to pass unamended. I, therefore, ask your support in exempting cash sales from the limitations imposed by the regional ceiling.

Mr. CHURCH. Mr. President, I yield myself such time within the limitation as I may require for the purpose of this statement.

Mr. President, the Foreign Military Sales Act now imposes a ceiling on the amount of U.S. Government military aid and sales and the value of ship loans that can be furnished to Latin America and Africa each year. The ceiling does not cover commercial sales or Government grants for training. Before the enactment of the foreign aid bill for the 1972 fiscal year, the annual ceiling was $75 million for Latin America and $40 million for Africa.

The ceiling was intiated by the Foreign Relations Committee a number of years ago in an effort to limit U.S. encouragement of unnecessary spending on arms by the nations of Latin America and Africa. Our objective was to keep the United States, insofar as possible, from stimulating an arms race either in Latin America or in Africa. It was felt by the committee that nothing could be more damaging to the prospects for economic progress on either continent than this kind of arms competition. In its report on the 1966 foreign aid bill, which recommended a $50 million ceiling for Latin America, the committee said:

> This committee does not wish to be responsible for encouraging in any way arms races in Latin America. The committee is not impressed with the argument that if the United States does not sell military equipment, the Latin Americans will buy it in Europe. One might as well argue for legalizing slot machines in the District of Columbia on the grounds that otherwise people will go to southern Maryland to gamble.

At the administration's urging, the committee last year approved an increase in the ceiling for Latin America from $75 million to $100 million. In conference agreement was reached to allow the President to waive the ceiling up to 50 percent—for a total allowable ceiling of $150 million a year—if he found that "overriding requirements of the national security" justify an increase in the ceiling. That is the state of the law today. The President has made such a finding for this fiscal year. The ceiling for Africa has remained at $40 million since it was set at that level in 1968.

The Senator's amendment would create such a huge loophole that the ceiling would be meaningless. He would exempt U.S. Government sponsored cash sales to both Latin America and Africa. Only $147 million in military grants—excluding training—sales, and ship loans are scheduled for Latin America in the 1973 fiscal year, which is within the allowable total if the President again exercises the waiver authority available. That is to say, the administration's own program comes within the ceiling established in this bill. The committee's action does not represent a cutback in the arms sales program proposed by the administration for Latin America.

The Senator's amendment would exempt the $60 million in planned Government cash sales from counting against the ceiling, making it a nullity, thus, in effect, increasing the ceiling by at least that amount.

There is nothing to prevent these countries from buying as many planes or tanks here as they want—as long as they do it through regular commercial channels, and not use our Government as their agent.

Mr. President, I simply cannot accept the argument that we are preventing these countries from coming to the United States to buy what they are determined to buy anyway and forcing them to go elsewhere, to Europe, for example, to buy the equipment that they feel they need.

They can come to the United States. They can buy all they want here. There is nothing in the ceiling that makes them go to Europe, because there is nothing in this bill that prevents them from purchasing armaments through ordinary commercial channels.

All the ceiling pertains to is the amount of military aid and credit sales that may be provided by the Government of the United States to the countries in Latin America and Africa.

The committee believes that these countries already spend too much on arms. Although we cannot prevent their diverting even more of their scarce resources to useless military spending, at least Congress can impose some practical restraints on our Government's involvement in this waste of their resources.

As to Africa, $44 million in military grants and sales are scheduled against a $40 million ceiling. In other words, Mr. President, this ceiling is so modest that it does no more than to cut back by $4 million the amount that the administration has programed for Africa in its own budget. After allocation to Africa of the reduced amounts for grants and credit sales recommended by the committee, this total will be well within the $40 million ceiling. So there is no practical reason to exclude the $6.6 million in cash sales scheduled for that region.

Mr. President, the committee believes that the restrictions in the law concerning military sales and grants to these poor countries are already too generous. It would prefer to see them tightened, not made meaningless as the Senator from Texas' amendment would do. But it would like to make these ceilings meaningful and prevent these arms programs from ballooning even larger without any form of statutory restraint.

That is why we have placed these reasonable limitations in the bill, and that is why I hope the Senate will see fit to reject the amendment offered by the Senator from Texas.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation listing the regional ceilings in millions of dollars for Latin America and Africa in fiscal year 1973.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Regional ceilings

[In millions]

LATIN AMERICA—FISCAL YEAR 1973	
Military assistance grants	$20.3
Military credit sales	75.0
Government cash sales	60.0
Excess defense articles	2.5
Ship loans	.9
Total	158.7
Less: MAP training	10.9
Covered by ceiling	147.8
Commercial sales	43.5

AFRICA CEILING—FISCAL YEAR 1973	
Military aid grants	17.9
Military credit sales	18.5
Government cash sales	6.6
Excess defense articles	3.5
Total	47.5
Less: MAP training	3.5
Covered by ceiling	44.0
Commercial sales	15.2

Mr. TOWER. Mr. President, I yield myself such time as I may require.

Mr. President, it seems to me that the Senator from Idaho has admitted that the actions of the Foreign Relations Committee does nothing to discourage and deter an arms race in Latin America because arms are available elsewhere. As a matter of fact, if they could not buy them from the United States, they would probably buy more because the arms cost more in the United States than in Europe.

Therefore, I do not buy the argument made that we must assume some sort of moral posturing to discourage an arms race in Latin America, because we cannot do that anyway.

The fact of the matter is that we are taking, I think, an arrogant and a presumptious attitude, a paternalistic attitude perhaps at best when we say that we will discourage the immature Latin American countries from engaging in an arms race.

What we are saying here is that their governments have not matured to the extent that they can exercise good judgment. So we here in the United States are going to exercise good judgment for them.

Again, I refer back to the joint meeting of last week when we heard President Echeverria of Mexico. He warned us that we had better start regarding them as equals and treating them as mature partners in the community of nations.

I think that we had better start that now. I do not think it is up to us to determine what individual Latin American countries need in the way of arms. I think we must assume that they can make that judgment for themselves far better than we.

So the time for us to begin a new era in our relations with Latin American countries is now. I therefore urge adoption of my amendment.

Mr. CHURCH. Mr. President, I have a few words more to say in rebuttal.

First of all, I do not think there is anyone in the Senate who has more often spoken against attitudes of paternalism towards Latin American countries than has the Senator from Idaho. I have been critical of our general policy towards Latin America for some years.

Our position here has nothing to do with the desires of Latin American Governments and how much they won't spend on arms. They are free to spend as much as they please on arms. And they are free to purchase them wherever they please, either in Europe, in Japan, or in the United States through normal channels.

The question we are facing then is to what degree the Government of the United States should make itself an agent for the purchase and furnishing of arms to Latin America and elsewhere. It is true that the Senator's amendment applies only to cash sales. But the ceilings we are talking about apply to all types of sales in which the United States Government is directly involved, by acting as a purchasing agent, by extending credit or by providing subsidized interest rates.

In other words, the ceiling applies to an American policy, a policy of the United States, the purpose of which is to make it easier for Latin American countries and others to acquire arms at subsidy prices for which the American people ultimately pay. It is a national policy of the United States we are determining here, not an attempt to decide for other countries what their arms programs should be.

The committee has long opposed programs on the part of the United States, at the cost of the American taxpayers, the purpose of which is to encourage the flow of arms in larger and larger amounts into these areas of the world.

Therefore, I think the argument presented by the Senator from Texas really misses the point. The committee is simply trying to preserve a policy that was placed in the law some time ago and that is consistent with previous votes in the Senate to try to hold our own Government's arms supply program within reasonable limits as it applies to Latin America and Africa.

Mr. President, I yield to the Senator from Florida.

Mr. CHILES. Mr. President, I wonder if the Senator from Idaho would explain to the junior Senator from Florida a little detail as to the difference between a cash sale as we are referring to it in this amendment, and the right of the country to be able to buy on the market in this country from arms manufacturers or dealers.

Mr. CHURCH. In the case of a cash sale that would come within the limitation of this ceiling, our Government would act as a purchasing agent.

Mr. CHILES. What does that entail when we act as agent? Does that entail a guarantee?

Mr. CHURCH. No. It means the United States is the purchasing agent.

Mr. CHILES. It means the United States is the purchasing agent. Does that entail credit in and of itself?

Mr. CHURCH. No, not in and of itself; but in acting as purchasing agent the Senator knows the U.S. Government maintains permanent military missions in 17 Latin American capitals. The purpose of these missions is to make arrangements for and promote sales of weapons or the transfer of weapons under one of several arrangements that the Government of the United States is willing to work out. One such arrangement is the cash sale. Another is the credit sale, which provides subsidized terms, the tab for which is picked up by the American taxpayer.

Mr. CHILES. What are the terms of a cash sale? How does the foreign government make payment to the United States under cash sales?

Mr. CHURCH. As I recall, the terms may vary from contract to contract, but on the whole a cash sale would require the purchasing government to pay within a short period. A 3-month period would probably be typical of the provision in a cash sale arrangement.

Mr. CHILES. And there is no credit provision in that cash sale at all?

Mr. CHURCH. No, except that the cost to the U.S. Government of maintaining the agency through which all these arrangements are made is not deducted from the cash sale; that is borne by the taxpayer. These military missions in Latin America, and elsewhere, are maintained at our expense.

I was correct in recalling that cash sales terms may not extend beyond 120 days after delivery. But we engage, as the Senator knows, in credit sales too; we engage also in the sale of surplus equipment, equipment we have declared to be surplus, and we sell it at prices that are greatly reduced from the price the Government of the United States originally paid for the weapons at the time it acquired them. So on the whole these arms transfers are made on a subsidized basis.

Mr. PASTORE. Mr. President, will the Senator yield? I wish to ask a question for curiosity.

Mr. CHURCH. I yield to the Senator from Rhode Island.

Mr. PASTORE. To follow up the line of questioning pursued by my colleague from Florida, I understood the Senator to say that any Latin American country can come to this country and by going to an arms manufacturer buy all the arms it wants to buy.

Mr. CHURCH. Yes. The Senator is correct. For the coming fiscal year 1973 our Government estimates that Latin American governments will probably purchase $43.5 million worth of arms through commercial sales directly from U.S. manufacturers without the direct involvement of the U.S. Government.

Mr. PASTORE. Does the Senator mean that a government like Chile could come to the United States and buy 100 tanks?

Mr. CHURCH. It may if the State Department provides the necessary export license.

Mr. PASTORE. In other words, a country could not buy any arms unless it gets permission of the U.S. Government.

Mr. CHURCH. Commercial sales are subject to Government approval.

Mr. PASTORE. I am not being critical of that but I would be surprised that foreign government could come here and buy arms without sanction of the Government.

Mr. CHURCH. The Senator is correct. It is subject to the veto of the Government.

Mr. PASTORE. It does come under the ceiling, but it is subject to veto.

Mr. CHURCH. Commercial sales are not subject to the ceiling but are subject to export licensing requirements.

Mr. PASTORE. I think the record should be clear about that.

Mr. CHURCH. The Senator helped to make that point clear.

Mr. President, if there are no further questions I am prepared to yield back the remainder of my time.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, even though with an appropriate export license Latin American Governments can come here and buy arms without having to go directly through Government channels to do so, the fact of the matter is, there are a number of items already in our military inventory that are surplus or redundant, or for our purposes obsolete, and languishing in our military inventory unused. They could be sold through the agency of our Government rather than having them go buy something in the market in this country.

Some mention was made here of credit sales and the cost to American taxpayers. My amendment only applies to cash sales. It is the policy when such sales are made that if there is any lag in payment, and any interest to be paid, that the purchaser is required to pay the cost to Uncle Sam of the money and, of course, the American taxpayer is not out any money. To say the cost of our military missions in 17 countries is attributable to military sales is incorrect. These missions would exist if there were no sales. This is the cost of the military doing business. I doubt whatever time and energy is put into these sales by military missions abroad really amounts to very much money in the scheme of things.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally charged against both sides.

Mr. CHURCH. Mr. President, I wish to make a few final remarks.

Mr. TOWER. Mr. President, I withdraw the request.

Mr. CHURCH. Mr. President, I wish to make two final comments.

The Senator from Texas mentions surplus military equipment, and makes the argument that it may be to our advantage to sell weapons of this kind. I only want to point out that weapons declared to be surplus can be disposed of under the ceilings in the Senate bill.

Those ceilings represent figures very close to what the administration proposes to do anyway in Latin America and Africa. Our real purpose is not to force the administration to cut back in any appreciable way at all on what it plans to do. It is simply to prevent this program from getting bigger every year. At least with a ceiling it is necessary to come back to Congress and justify a bigger program if one is desired. That is why we did this in the first place. That is why it has been done in the past. This is not a new provision. We are just trying to keep in a provision which has been sanctioned by the Congress in past years.

Finally, with reference to the Senator's comments on military missions, I would not want to let that statement go unchallenged. The military missions in Latin America are there primarily for the purpose of transferring arms from the United States to those countries. That is why they were set up in the first place. If we did not have this kind of program going, we would not need those missions, which have caused us embarrassment from time to time, because they tend to identify the interests of the United States with the military rather than with the general interests of the country.

I think we pay a political cost for these permanent and ostentatious military missions in Latin America that far outweighs anything we gain from them.

If we did not have this program, we would not have to have these missions. We would go back to the regular military attachés, who do the normal work of representing the military of the United States in foreign lands. The faster we get back to that day in Latin America, the better it will be for the United States.

I am happy now to join with the Senator from Texas in calling for a quorum, with the understanding that the time for the quorum call will be equally divided between the two sides.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

RECESS

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate stand in recess until 1:55 p.m., that the time consumed by the recess be equally divided between the two sides on the pending amendment, and that the time between 1:55 p.m. and 2 p.m. be equally divided between the two sides.

The PRESIDING OFFICER (Mr. NELSON). Is there objections to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Thereupon, at 1:40 p.m., the Senate took a recess until 1:55 p.m.; whereupon the Senate was called to order by the Presiding Officer (Mr. NELSON).

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield myself such time as I may require.

Mr. President, back when the British offered the United States their assistance in the enforcement of the Monroe Doctrine, John Quincy Adams said that the United States will not suffer itself to be a "cock-boat in the wake of a British man-of-war." I think John Quincy Adams would whirl in his grave if he understood what we would be doing here today if we were to fail to adopt my amendment. What we would do would be to encourage the Latin Americans to become increasingly dependent on the Europeans for the military resources necessary to defend their territorial integrity against the elements that we know exist which would subvert their governments and bring them under the influence of a power that resides without this hemisphere.

So I think that, to a certain extent, the integrity of the Monroe Doctrine is at stake today, and I therefore urge the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. I yield myself the remainder of my time.

Mr. President, I hope this amendment is rejected. Nothing in the ceiling adopted by the committee would prevent any country in Latin America or Africa from coming to the United States and buying such quantities of weapons that it desires from our weapons manufacturers, just as it may go to Europe or to Japan to do so.

It is true that the Government of the United States possesses a veto and that in a case where we feel that it is against our best interests for commercial sales to certain governments to take place in this country, the Federal Government can refuse to issue an export license. What the committee is trying to do is keep some control over the size of this program and the amount of arms that flows through the Government, whether by way of grant, credit sale, or cash sale. The ceiling in existing law is eminently reasonable. It conforms to the administration's own program. By retaining it, we will be assured that if in the future any administration wants to increase the size of these programs, it will have to come back to Congress and secure the consent of Congress. Therefore, consistent with the position that this Chamber has taken so often in the past, I would plead that we retain this provision in the law, which has long been a congressional policy approved by the Senate and already written into law.

For these reasons, Mr. President, I hope that the amendment will be rejected.

Mr. TOWER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Church. In accordance with the unanimous-consent agreement, I ask that the Senate now proceed to vote.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to amendment No. 1242 of the Senator from Texas (Mr. Tower).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), and the Senator from Michigan (Mr. Hart) are necessarily absent.

I further announce that if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from South Dakota (Mr. McGovern) and the Senator from Georgia (Mr. Gambrell) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Fannin), the Senator from Alaska (Mr. Stevens), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senators from New York (Mr. Buckley and Mr. Javits) and the Senator from Vermont (Mr. Stafford) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

On this vote, the Senator from Arizona (Mr. Goldwater) is paired with the Senator from New York (Mr. Javits). If present and voting, the Senator from Arizona would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 38, nays 43, as follows:

[No. 224 Leg.]

YEAS—38

Allen
Allott
Baker
Beall
Bennett
Bentsen
Boggs
Brock
Cannon
Cook
Cooper
Curtis
Dole
Dominick
Eastland
Ervin
Fong
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
McGee
Miller
Packwood
Percy
Saxbe
Schweiker
Scott
Sparkman
Stennis
Taft
Thurmond
Tower
Young

NAYS—43

Aiken
Anderson
Bayh
Bellmon
Bible
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cranston
Eagleton
Ellender
Fulbright
Hatfield
Hughes
Humphrey
Inouye
Long
Magnuson
Mansfield
Mathias
McClellan
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Smith
Spong
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—19

Buckley
Cotton
Fannin
Gambrell
Goldwater
Gravel
Harris
Hart
Hartke
Javits
Kennedy
McGovern
McIntyre
Metcalf
Mundt
Muskie
Stafford
Stevens
Weicker

So Mr. Tower's amendment (No. 1242) was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1243

Mr. TOWER. Mr. President, I call up my amendment No. 1243.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 10, line 7, strike out "1972" and insert in lieu thereof "$400,000,000 for the fiscal year 1972"; also in line 7, strike out "1973" and insert in lieu thereof "$527,000,000 for the fiscal year 1973"; in line 9, strike out "1972" and insert in lieu thereof "$550,000,000 for the fiscal year 1972"; and in line 10, strike out "1973" and insert in lieu thereof "$629,000,000 for the fiscal year 1973".

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will please come to order. Those Senators carrying on conversations will please retire to the cloakrooms. The Senate is not in order. The Senator from Texas may proceed.

Mr. TOWER. Mr. President, I strongly oppose the reductions in the foreign military sales program recommended by the Foreign Relations Committee. The administration requested authorization for $527 million in new funds to carry out a credit program of $629 million. The committee has recommended only $400 million in new funds and a program of $550 million, of which $300 million is earmarked for Israel. This reduction will seriously limit the scope of the foreign military sales program which is a key instrument of the Nixon doctrine.

This doctrine is the keystone of U.S. strategy of the seventies. We have seen two of its three elements—strength and negotiations—yield rewards. But we have yet to fully realize the potential of the third element of the Nixon doctrine—partnership. Our foreign military sales program is designed to foster the kind of strong bonds necessary for full partnership. We have consistently tried to move away from grant aid to a more mature relationship by encouraging nations to purchase those military equipments they require. This modern equipment purchased through the sales program, together with the sharing of the responsibility for planning in joint national security matters, will be the foundation upon which these partnerships will flourish.

The credits and credit guarantees authorized by this legislation would be made available to allies and selected friendly countries for the purchase of military equipment manufactured in the United States for a number of reasons. First, they encourage and enable friendly nations to assume a greater portion of their own defense burden within their budgetary capabilities, and to achieve greater self-reliance in the area of security. All of this at little cost to the U.S. taxpayer. This self-reliance contributes to a reduced American role abroad.

A lowered U.S. profile overseas is, after all, the ultimate goal of the Nixon doctrine. This goal should be achieved through negotiations. And negotiations are successful to the degree that they are achieved from a position of strength. How strong we are, the outcome of negotiations, will largely depend upon how strong our partners are. Therefore, it seems clear to me that strong partners with adequate weaponry are essential to our hopes for a diminished U.S. profile abroad.

Credit sales are important to the United States for a second reason. They permit the United States to ease the transition of friendly nations from grant military assistance to cash sales. Thus, countries that have depended on our aid are not suddenly confronted by a sharply increased burden of military expenditures that could severely affect their developing economies.

A third aspect of credit sales of advantage to the United States is their impact on the balance of payments. While we would certainly not wish to sell arms and equipment solely to improve our balance-of-payments position, it has been clearly demonstrated that if we fail to make this equipment available to our partners for their legitimate needs, they will go to Canada or Europe for their purchases. Some of these suppliers have demonstrated a flushed eagerness to supply arms and credits. It therefore seems preferable to me to keep this market which is expected, because of inflation and technology, to be large in the 1970's for the United States.

Of course, Congress itself has enacted in the legislation provisions aimed at avoiding arms races and controlling armaments. The U.S. Government has on the whole made laudable efforts to carry out these purposes. However, the United States no longer has a monopoly on arms production. Other countries are prepared to provide credit and sell arms without restraints or concern for political consequences. While I would argue that we should maintain that concern, it would seem more appropriate to provide our Government with the means of making legitimate sales. This will enable us to exercise some controls and offer weapons more appropriate to the needs of our allies.

I have mentioned that, of the total program, $300 million is specifically earmarked for Israel. I do not believe that I need to elaborate on the importance of these credits to Israel. But of similar importance to our entire Middle East policy is the $143 million that will be provided to other countries in that area, including some of the moderate Arab States. These programs alone constitute over 70 percent of the administration's request, which I think is a clear indication of the importance of this area to the United States.

Mr. President, I believe that the foreign military credit sales program makes good sense. It provides the United States with a valuable tool to carry out its security assistance program. The credit program contributes directly to the security of our friends and allies, especially Israel, thus affecting positively the security of the United States as well. It is unfortunate that nations of the world have not yet learned that there are better ways of settling differences than resorting to arms. However, we live in a less-than-perfect world and the United States must continue to provide its allies and friends with the weapons they need within appropriate restraints.

For these reasons, Mr. President, I ask that the Senate restore the foreign military sales program to the levels requested by the administration.

Mr. FULBRIGHT. Mr. President, I yield myself such time as I may require.

Mr. President, just a few short months ago, Congress approved the Foreign Assistance Act of 1971 and in its wisdom appropriated $400 million for military credit sales and established an overall credit ceiling of $550 million, of which $300 million was earmarked for credit sales to Israel.

In the bill before us, the committee recommends that the credit sales program for the coming fiscal year be maintained at the fiscal 1972 rate: $400 million in new obligational authority; $550 million as the overall credit ceiling; and $300 million of the credit ceiling earmarked for Israel.

The committee believes that the executive branch has not made a persuasive base for increasing the amounts above the level for the current fiscal year. The committee weighed the amount requested against our economic conditions here at home—conditions which, to say the least, are less than encouraging. Despite the forecasts of the administration's economic advisers, the United States is still subject to huge budget deficits, record-breaking balance-of-payment deficits, seemingly endless inflation, and an unemployment rate that has not dropped below 6 percent in 18 months. The economic indicators simply show that we cannot afford to underwrite a larger military credit sales program—a program subsidized by the American taxpayer.

In judging the committee's recommendation to hold the line on military credit sales, I hope my colleagues will also bear in mind that, for the most part, the countries which purchase military equipment under this program are the underdeveloped countries. These countries are, by definition, already strapped for funds to meet their pressing economic and social needs. The United States should not be in the position of encouraging them to purchase bigger and better armaments.

Mr. President, I hope the committee's recommendation on military credit sales will be sustained.

Mr. President, I am ready to yield back the remainder of my time.

Mr. TOWER. Mr. President, I would like to note that on these credit sales the interest paid by the purchasers is the same as that paid by the United States. In other words, the price they pay includes price of the money to the United States, with the exception of Israel. They get it at 3 percent, which is more favorable than anyone else gets it. We are not imposing additional costs on the American taxpayer.

There is one aspect I would like to mention and that is the possibility that of the $300 million allowed for Israel, the administration might regard some of its other programs as being so important it would dip into that $300 million and Israel would have to go to private financing. That would impose an additional burden on the Israeli economy.

I am prepared to yield back the remainder of my time and apparently the Senator from Arkansas is ready to yield back the remainder of his time.

Mr. FULBRIGHT. I wish to make one further comment on the Senator's last remark. The Senator mentioned Israel in particular. In some cases we give Israel grant aid. The State Department authorization bill which was approved a couple of weeks ago carried $85 million for Jewish refugees. We have given them $50 million in economic aid and another $50 million is in this bill. Very few countries get military credits and not economic aid—with which they can then pay us back.

Mr. TOWER. I think it would be wrong to say the economic aid is given for the specific purpose of furnishing arms.

Mr. BROCK. Mr. President, I support the amendment of the Senator from Texas (Mr. TOWER). We must give the administration the resources it needs to continue to move forward in implementing the Nixon doctrine. This security assistance program lets us meet our international responsibilities not by sending our troops abroad but by bringing them home and providing the equipment and training which enables foreign troops to replace them. This bill is a good investment. It enables us to place the primary responsibility for meeting nonnuclear threats to the peace where it belongs—on the nations most directly affected.

Mr. President, in the last 4 years this administration has taken more than 500,000 troops out of the East Asia and Pacific area alone. And from Korea to Thailand troops of other nations now bear the primary responsibility for halting aggression on the ground. There has been encouraging progress in other areas as well. Our NATO allies are sharing much more of the common defense burden in the NATO area—they have agreed to a $1 billion program over the next 5 years. And in the Middle East our assistance to Jordan and Israel has helped sustain and strengthen these nations whose continued stability is crucial to the hope of eventual peace in that troubled part of the world.

Mr. President, these policies and the funds provided by this legislation are the foundations without which the President's dramatic trips to China and to the Soviet Union could not have been made.

For when our allies have the resources with which to defend themselves, both their attitudes and the attitudes of those who would be our enemies create a climate in which meaningful negotiations for a generation of peace become possible. The administration which has made these new policy initiatives deserves our continued support, and I urge Senators to provide this support by supporting this amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. TOWER. I yield back the remainder of my time.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Texas.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. MCGOVERN), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senators from New York (Mr. BUCKLEY and Mr. JAVITS) and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting the Senator from Arizona (Mr. GOLDWATER) would vote "yea."

The result was announced—yeas 32, nays 47, as follows:

[No. 225 Leg.]

YEAS—32

Allott
Baker
Beall
Bennett
Boggs
Brock
Chiles
Cook
Curtis
Dole
Dominick
Eastland
Fong
Griffin
Gurney
Hansen
Hruska
Jackson
Jordan, Idaho
Miller
Packwood
Percy
Saxbe
Schweiker
Scott
Smith
Sparkman
Stennis
Taft
Thurmond
Tower
Young

NAYS—47

Aiken
Allen
Anderson
Bayh
Bellmon
Bentsen
Bible
Brooke
Burdick
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Case
Church
Cooper
Cranston
Eagleton
Ellender
Ervin
Fulbright
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jordan, N.C.
Long
Magnuson
Mansfield
Mathias
McClellan
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Spong
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NOT VOTING—21

Buckley
Cannon
Cotton
Fannin
Gambrell
Goldwater
Gravel
Harris
Hart
Hartke
Javits
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pell
Stafford
Stevens

So Mr. Tower's amendment (No. 1243) was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3104) to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Aspinall, Mr. Taylor, Mr. Udall, Mr. Skubitz, and Mr. McClure were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McFall, Mr. Boland, Mr. Yates, Mr. Steed, Mr. Mahon, Mr. Conte, Mr. Minshall, Mr. Edwards of Alabama, and Mr. Bow were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 12143) to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Randolph).

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time for the distinguished senior Senator from Texas to offer an amendment.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the time consumed in the consideration of my amendment be limited to 20 minutes, 10 minutes to a side, to be equally divided, the time on my side to be under my control and the time on the other side to be under the control of the chairman of the Committee on Foreign Relations or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposal of this amendment—I understand there will be no rollcall vote on it; it is a mutually agreeable amendment which will be explained—the distinguished senior Senator from Rhode Island (Mr. Pastore) be recognized for the purpose of offering an amendment, with a time limitation of 1 hour on that amendment, to be equally divided between the Senator from Rhode Island (Mr. Pastore) and the manager of the bill, the Senator from Alabama (Mr. Sparkman), or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the Pastore amendment.

Mr. PASTORE. Mr. President, if the Senator will yield, let me state what my amendment would do. It would remove from the bill subsection (3) of section 14 on page 12, which has to do with the storage of nuclear weapons or the renewal of agreements relating to such storage.

Mr. MANSFIELD. Mr. President, I repeat my unanimous consent request that it be in order to order the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Tower's amendment is as follows:

At the end of the bill insert the following:

"APPLICABILITY OF SECTIONS 13 AND 14 TO THE EXPORT-IMPORT BANK OF THE UNITED STATES

"Sec. 15. The provisions of sections 13 and 14 do not affect the authority of the Export-Import Bank of the United States, in accordance with its established procedures and practices, to consider and act on any application for a guarantee, insurance, extension of credit, or participation in an extension of credit with respect to the purchase or lease of any product by any foreign country, or an agency or national thereof."

Mr. TOWER. Mr. President, the purpose of this amendment is to remove from the proscription of sections 13 and 14 of the bill the functions of the Export-Import Bank, because of the adverse impact that these provisions would have upon U.S. exports.

Section 13 of the bill provides that:

> No funds may be obligated or expended to carry out the agreements signed by the United States with Portugal and Bahrain, relating to the use by the United States of military bases in the Azores and Bahrain, until the agreement, with respect to which the obligation or expenditure is to be made, is submitted to the Senate as a treaty for its advice and consent.

As it happens, an understanding was reached between the United States and Portugal regarding the availability of Export-Import Bank assistance to help finance Portuguese imports of U.S. goods, in conjunction with the various negotiations taking place regarding the military base arrangements. The letter of understanding from Secretary Rogers to the Portuguese Foreign Minister merely states what in fact is standard practice as far as Ex-Im assistance is concerned: that it is available to help finance U.S. goods and services to be used in Portugal for the various social and economic development programs which Portugal is pursuing currently. Actually, Ex-Im assistance is available for virtually any financially sound, civilian-related purpose in most free world countries; the Rogers letter merely served to emphasize its availability for these high-priority development purposes.

Section 13 would operate to restrict the implementation of this formalized offer of assistance, since it is arguably part of the military base agreements. However, this offer merely stated what was in fact a standing offer of the United States to help finance its exports to countries in specific instances where export financing is not reasonably available through normal commercial processes. It should not be included in the package of arrangements which may have been made as part of the military base agreement, since it was an arrangement that was already a standing practice of the United States and would continue to have been such even without the military base agreement.

Section 14 would simply reinforce the effect of section 13, as far as the Eximbank aspects of the Portugal military base agreement are concerned, and for that reason the amendment exempting the Eximbank from the impact of section 13 also extends to section 14.

Mr. President, we are currently very concerned with the international economic situation of the United States, since in the years after 1964 our trade balance has been on a negative trend, that has for the first time in some 80 years left us with a negative balance in 1971. The impact of this deficit on the U.S. balance of payments and on the stability of the dollar have been substantial, and helped lead to the devaluation of the dollar this year. While we fight the fundamental battle for price stability and improved productivity at home, in order to turn this trade balance around and strengthen the external position of the United States, we cannot ignore the great tactical assistance which the Eximbank can lend to channeling foreign purchases to the United States. We cannot allow the substantial U.S. export potential to Portugal to be lost due to the unreasonably wide coverage of sections 13 and 14 of this bill.

I urge my colleagues to support this amendment.

It is my understanding that it does have the approval of the members of the committee, and at this time I would be delighted to answer any questions that the distinguished Senator from New Jersey might have.

Mr. CASE. I thank the Senator. He is correct in stating that I do approve this amendment. I join him in urging its adoption. I think there is no objection to it.

What we are attempting to do by his amendment is to make it quite clear, as we had originally intended, that we are not changing or restricting or hampering the normal operations the bank would conduct in the absence of a special agreement.

Mr. TOWER. In the absence of an agreement or a treaty.

Mr. CASE. What we are doing is taking out the forced draft that the executive agreement did involve.

Mr. TOWER. That is correct.

Mr. CASE. I thank the Senator.

Mr. TOWER. I thank the Senator from New Jersey.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I am very glad that we have reached an agreement on this matter.

As a matter of fact, it is on of the provisions in the Case amendment that disturbed me because I thought it was curbing the Export-Import Bank, when, as a matter of fact, we have been encouraging people in this country who had things to sell abroad, helping them to develop business, helping to build up our trade returns, to cure the trade deficit we have and to help remedy our balance of payments. I am glad that we have worked out an agreement.

I yield back the remainder of my time.

Mr. TOWER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read the amendment, as follows:

> On page 12, line 12, insert the word "or" after "duty" and delete beginning with "or" on line 13 down to and including the word "storage," on line 15.

Mr. PASTORE. Mr. President, it will not take me more than 5 minutes to explain this amendment.

On page 12, section 14 is broken down into three parts. The first provides that in the case of the establishment of a military installation in any country at which combat units of the Armed Forces of the United States are to be assigned to duty, that agreement should come up in the way of treaty. I do not question or challenge that.

The second part refers to the fact that revising or extending the provisions of any such agreement also should come up by way of treaty. I do not question or challenge that, either.

But the third part is very disturbing, because I think it really is directed toward the security of this country. It could threaten our security. I think this would be a very dangerous course to pursue at this time. It reads, in part: "for the storage of nuclear weapons or the renewal of agreements relating to such storage, unless such agreement is submitted to the Senate for its advice and consent." That means by way of treaty.

Mr. President, under the Atomic Energy law, the President of the United States, as Commander in Chief, is the only person in this country who can order the firing of an atomic weapon. I repeat, no one can do it but the President of the United States. When we begin to discuss, perhaps rather glibly in some cases, just where these bombs are and how many, I am afraid that we are damaging the future security of this country.

Once a military base has been established, then at all times these atomic weapons have to be under the exclusive control of U.S. military forces. No one can give one of these weapons to any country in the world. Even the President of the United States cannot give away an atomic bomb. Wherever those weapons happen to be, they have to be under the exclusive control of the U.S. military, and they can be fired only on the order of the President of the United States.

To say that a matter of this sensitivity, which goes right to the heart of American security, has to be discussed by way of treaty is a questionable proposal. Even though it might be a classified protocol, the fact still remains that that is a dangerous course to pursue. Under the atomic energy law, our Joint committee is entitled, by provision of law, to be fully and currently informed on everything in connection with atomic weapons, I think that that serves the purpose; and anyone who needs to know can find out where they are, provided he has a right to know.

For that reason, while I support the remainder of section 14, I think it would be dangerous for us to include subsection (3). My amendment would merely strike out subsection (3), and I hope the Senate will adopt my amendment.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. I yield myself 5 minutes.

Mr. President, I have sent for the Senator from Missouri (Mr. SYMINGTON). He thought this matter would come up tomorrow. He has shown more interest in this subject than any other member of the Committee on Foreign Relations. The Subcommittee on Security Agreements Commitments Abroad, of which he is chairman, did a great deal of work last year and the year before along with others, on the subject of our commitments abroad. It is my impression that he feels that this is a justifiable requirement, but I leave him to speak for himself.

Much of this becomes common knowledge. It is in the press. All of us, without having been briefed or having been given any secret information, know that nuclear weapons are scattered about the world in such places as Greece and Turkey and on ships off Vietnam. This has been in the press time and again. Reporters know it, and I think that the public who are interested generally know it. I think the time has come when Congress should play a role in these commitments, which have the effect—whether or not they so provide in the actual wording—of committing us to many countries throughout the world.

I am reminded of the Spanish bases agreement. There is no formal treaty, formal obligation in a written document, that we defend Spain. But the agreement creates a situation in which the Chairman of the Joint Chiefs of Staff said that Spain is given a greater assurance of our support than if there were a treaty to that effect.

Nuclear weapons have become such a great part of our strategic power and so significant in modern warfare that I think there is little to distinguish them from troops in the degree to which they commit the United States to the support of various countries. About all this really is saying is that when the United States is involved and when it is putting itself in the position under which it is obligated to support other countries by military means, such a commitment should be made the subject of a treaty and require the advice and consent of the Senate.

To put it in a different way, what we are trying to say here is that the Executive should not have this power alone. I am told by the Senator from Rhode Island that they are informed on a classified basis about the location of the weapons, and that is sufficient. The committee is saying that an obligation of this gravity, with as much danger of involvement in warfare, should be a matter for the decision of the Senate as a whole.

I am very much pleased that the Senator from Rhode Island approves of subsection (1) and subsection (2). These have not been subject to treaties in many cases any more than the Vietnam war today is an authorized war under the Constitution.

On the issue of nuclear weapons storage abroad, I think this is a perfectly proper issue for Congress to pass upon. It would not be news if we put it in the RECORD, or in the newspapers, because there are very few surprises. Most people know where they are now. But it would lead to more sober consideration of our involvements abroad.

I do not agree with the Senator from Rhode Island that this is a matter that is so sensitive Congress should not be allowed to exercise its judgment on it. I think it does have implicitly within it the probability of involvement in war if those countries where the weapons are located are involved in conflict. So that is about the sum and substance of it. I would not be willing to accept the Senator's amendment.

I would hope that the Senator from Missouri (Mr. SYMINGTON) would express himself on this issue because he has, for a couple of years now, shown deep interest in the matter. He will be in the Chamber shortly.

I suggest the absence of a quorum and ask unanimous consent that it be taken out of my time.

The **PRESIDING OFFICER.** Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, in the absence of the Senator from Missouri (Mr. SYMINGTON)—I am told they have not been able to locate him yet—for the RECORD at least, let me read this language from the subcommittee report on the nuclear weapons subject—page 30:

> The stationing of nuclear weapons in foreign countries represents a special kind of commitment between the United States and the host country. In almost every one of these countries a veil of secrecy hides the presence of such weapons. Nowhere is this veil stronger than in the United States.
>
> Most people here are unaware of the fact that United States tactical nuclear warheads have been and are stationed in countries all around the world, a pattern of deployment which results in arousing deep concern in both the Soviet Union and Communist China.
>
> . . . we should recognize the political implications involved in placing nuclear weapons in other countries, along with the need for continuous re-examination of such a policy.

What this means, I would think, is that a lot of people know where these weapons are. That is true. Most people do not pay much attention to this subject but I recall reading time and again about nuclear weapons in Turkey, and talk about we should be agreeing, at the time of the Bay of Pigs, to withdrawing our nuclear weapons if they would withdraw theirs from Cuba. I am sure I have seen many times references to nuclear warheads in Germany, in the recent discussion on the treaty with the Russians, that we have forward bases with nuclear weapons on them and airplanes to deliver them. There is no secret about this. Since this is not a deep, dark secret, and since it has these implications of commitments growing out of it, the committee believes that the arrangements for the overseas shortage of nuclear weapons should be a matter for the Senate to pass upon. I do not believe it has any serious effect upon our security in the sense that we are fooling the Russians.

I do not quite see how it prejudices our security if the enemy knows—and, presumably, that is Russia or possibly in the future, China—because the Russians know all about them. I do not see what difference it makes to our security, that this matter is discussed and passed on by the Senate unless, of coure, we assume that the Senate is an irresponsible body and should not be involved in decisions of this character.

Well, going back to the commitments, resolutions, and several legislative acts since, I had assumed that most Senators believe that the Senate is a responsible body and should be given some role in the determination of the policies which are likely to involve the United States in warfare.

Mr. President, I should like to yield now to the distinguished Senator from Missouri (Mr. SYMINGTON), since this is a matter in which his subcommittee has had much to do with and which he has, on numerous occasions, discussed.

I yield to the distinguished Senator whatever time he desires.

Mr. SYMINGTON. Mr. President, I appreciate the distinguished chairman of the Committee on Foreign Relations yielding to me on this subject.

At the suggestion of the distinguished chairman of the Joint Atomic Energy Committee, I went abroad with him a year ago last April. I have said, and repeat, that I learned more about the true military strength of the United States in Europe in 6 days with that distinguished chairman than in the previous 18 years on the Senate Armed Services Committee. In the latter committee we are not given adequate information with respect to this all-important subject.

In addition, Mr. President, as chairman of the Foreign Relations Subcommittee on Commitments Abroad, we found that in one country we were blackmailed at a cost of millions of dollars to maintain our nuclear weapons in that country. This is in the committee record, but some of it is classified; therefore, I will not give the details on this floor. Everyone knows in the countries where the weapons are. There is no secret about it. I have been in such countries and have for years been told about it by the people in the governments of the countries in question. For anyone to think for a minute we can put nuclear weapons in a country without its having an effect on foreign policy, taxes the credulity of any person interested in the subject.

They know where these weapons are, but do not know the nature of them, type and yield and so forth. Nor should they. I say, however, that one of the great tragedies is the degree of secrecy we have had about this whole nuclear situation. A small airplane in Europe, with one refueling, could be over Moscow and drop many times the lethal blast of the Hiroshima bomb. That is something all Americans should consider as in turn we consider the SALT talks and the reached agreements. Ignorance of Americans with respect to the overall aspects of this subject is unwarranted ever since the issue of the Smythe report, which came out in the 1940's.

We continue to authorize and appropriate billions upon billions annually for our military establishments, much of which we do not need for National Security. It would be more clear that we actually do not need some of these requests if we got out some of the facts about the new force in the world which is contained in the atom; facts which could in no way affect our Nation's security.

There is not a man in the Senate but who could walk in this Chamber today with a nuclear weapon that would correspond in force to the Hiroshima bomb. That is the type of information which should be disseminated as we discuss these matters. All other countries, especially the six or so in the nuclear club, know this to be true.

We cannot have constructive relations with another country, we cannot locate nuclear weapons in that country, without affecting foreign policy, because we always have made commitments to these countries to in turn get them to permit us to have nuclear weapons on their shores.

We are already having trouble with many countries as to whether they should allow our ships that use nuclear power—not necessarily war ships, any ship—to come into the harbors of their country. Among such countries are those we consider among our strongest allies.

Mr. President, I did not know this subject was coming up so rapidly this afternoon else I would have had more of a prepared statement about our relations with countries in which we have stored nuclear weapons, but not known to the American people.

I would hope, therefore, that the amendment of my good friend, the able chairman of the Joint Atomic Energy Committee, will be rejected. A Secretary of Defense testified in open hearings years ago that there were 7,000 nuclear warheads in Europe; and everyone knows that, if there were 7,000 nuclear warheads years ago, there are more today.

I cannot understand why it is necessary for us to be so secretive as to where we have these weapons. If they are there, they are fundamentally a problem to us as well as a problem—often welcomed—to the country in which they are located.

I would hope when this matter is considered by the Senate the importance of nuclear knowledge, previously denied the American people, will be released to the public. Much should remain classified, but much that could be released but is not released, if made a matter of public knowledge, would help in the growing effort to prevent further escalation in the arms race.

Mr. CASE. Mr. President, will the Senator yield?

Mr. SYMINGTON. Mr. President, I would be glad to yield to my able friend from New Jersey.

Mr. CASE. Mr. President, I associate myself with the remarks of the distinguished Senator from Missouri and with the remarks of the distinguished chairman of the committee, the Senator from Arkansas.

I fully appreciate the concern that the Senator from Rhode Island has expressed. I appreciate his diligence in expressing himself on this matter. However, I think that really the question is not really so much technical as political. I think it is quite clear that in a general sense the world knows where our arms are.

If there is any question as to tactical dispositions which are about to be made for some special reason for some short term not being made a matter of public record, that information can be included and it can be agreed to keep it secret. We consider treaties in executive session. In any event, any matters of that sort can be dealt with and handled in the Senate by its full processes.

As the Senator from Missouri has so well pointed out, these are matters that should be known to all people, Americans and foreigners alike.

I think it would be a good idea as soon as we can to get away from the idea that the Senate is extremely esoteric about nuclear weapons in their disposition. The only thing esoteric about it is the secrecy.

This is a matter that the public should be fully aware of.

Mr. SYMINGTON. Mr. President, I appreciate the remarks of the distinguished Senator from New Jersey. Obviously there are many aspects concerning the details of the type and character of nuclear weapons and other weapons designed for our protection and the protection of other countries that should not be released.

We are not talking about those details. We are talking about the overall knowledge of installing our nuclear weapons in other countries. When that is done it is certainly known to the people of the country in question. Why should it be kept from the American people?

If there is any real reason why this knowledge should be kept a secret from the American people, I would say to my friend that this in itself would seem to make it clear that the weapons we question should not be placed in the country in question.

Mr. PASTORE. Mr. President, I would really hope that in our enthusiasm this afternoon we do not lose understanding of what we are actually saying and doing here this afternoon.

There is no man in the Senate who loves to speak more informatively than the Senator from Rhode Island. There is no man in the Senate who desires that the American public have information more than the Senator from Rhode Island.

I hope that we do not argue this afternoon that the American public really wants to know what is going on in the war rooms of the Joint Chiefs of Staff. When we begin to tell everyone in the United States and everyone in the world the numbers and locations of our atomic weapons we defeat the very basis of security, we are beginning to cut off our noses to spite our faces.

The Senator from Missouri knows that not until he became a member of the Joint Atomic Energy Committee and went abroad with me did he know where certain weapons were and how many. This is highly secret information and there was good reason for classification. That is the reason why we put it in the Atomic Energy Act. We put classification in that act for the security of this country.

If any Senator wants to know and has a need to know, he can find out very quickly.

What does this provision do here? It says, talking about the storage of nuclear weapons in any country, that the matter has to come up here. That is the question before us. I say that with that information disclosed we could tumble down as well as some of these governments. We had better recognize that in some countries of the world the Communists have the largest sinlge party within the framework of that government.

Do we want to begin to toy with America's security interests? America is interested in any every American is interested in keeping his home safe and in keeping this country free.

If anybody in this Chamber has an idea we are placing these bombs in other parts of the world helter-skelter just because we would like to see them spread all over the world, I tell Senators frankly they should come to our committee some time and listen to some of the information that come before us. I say this afternoon that not one time has there been a leak from that Joint Committee on Atomic Energy. That is a record to be compared with the record of any other committee of Congress.

What I am saying this afternoon is: Do not begin to play loosely with American security. There are many places in the world where rebellion could start if some of the information went out.

They are there for what reason? They are there to make sure we maintain the security of our country. After all, in Europe we have not had a major incident since the end of World War II. Why? Because the Russians knew of the American power. Why did they call off their bombs or their missiles in Cuba in October 1962? They did it when John Kennedy flexed his muscles.

To proceed as in section 14 with respect to establishing a foreign base in another country for the location of American troops is one thing, but when they talk about where atomic bombs should be and how many, when the President is the only man who can order the firing of any bomb—not Congress, but the President—is another matter.

We have a PAL system on our bombs in Europe, which means they cannot be fired unless the President of the United States give the order. That is how careful we are and should be.

When you come before this body and put atomic weapons in the same category as proceeding under section 13, I am telling you you are comparing apples to oranges and it just does not fit. You are as far apart as the North and South Poles.

What I am saying this afternoon is that this is a very sensitive area. This is the zone that has kept us safe from an onslaught of communism in Europe. Do not begin to change it this afternoon.

You tell the Russians how many there are and where they are and I am telling you they can begin to make different plans.

Mr. SYMINGTON. I would say to my good friend from Rhode Island that to the best of my knowledge nobody talked about giving the details of these weapons in the country in question. There is no idea of going into secret rooms of the Pentagon on nuclear details.

I add to what my able friend stated by saying I would hate to see the question of communism per se become dominant in the minds of those responsible for the security of the United States. I salute the President for going to a Communist country, the Peoples Republic of China, and I salute him for going to Moscow. There is surely nothing wrong in attempting to develop policy that will result in fewer young Americans being killed, all over the world. In effect, this change would appear to be one of the major premises in establishment of our new foreign policy, and I support it all the way.

Our religion emphasizes the importance of brotherhood, love of our fellow man and respect for human rights. I do not buy any arbitrary raising of great Communist monolithic danger each and every time we discuss something having to do with our foreign relations and the saving of money for the taxpayers in the field of national defense.

Another point has to do with what the Committee on Foreign Relations knows. We were at one time refused information in this committee on the grounds that under section 202 of the Atomic Energy Act, the only committee of the Congress, in both Senate and House, that should be allowed this information was the Joint Committee on Atomic Energy. We gave the question to respected and able lawyers. They said such a conclusion was ridiculous. But that information was denied the Committee on Foreign Relations until about the time I went on the Joint Committee. Said information is now a matter of knowledge in the Committee on Foreign Relations. Nobody at any time has said or could say that in any way has jeopardized the security of the United States. The Committee on Foreign Relations knows today where these weapons are, and more about their types.

We are talking about two aspects. First, should it be known where we locate nuclear weapons on foreign soil? I believe it should because the people in that country in question know. The people in the United States also have a right to know.

Second, details of the weapons in question should not be known. I have had some inspection experience in government and also in private industry. After I became a member of the Joint Committee I asked a staff member, as a matter of routine, "Do we do 'this and that' to protect our nuclear position all around the world?" I cannot get into detail on this because it is classified, but was told, "Of course, this is what we do everywhere." I said, "Just check it to be sure."

A few weeks later an able member of the staff of the Joint Committee came to me and said, "How did you know?" I said "Know what?" He said, "You are right." We thought we had these policies over the world, but have not got them all over.

I replied:

> I did not know, but do know that when something goes on for a number of years without being checked, you can bet your hat what you thought was going on has not been going on.

I am glad to report that as a result of this investigation on the part of the Joint Committee that matter has been corrected.

Again, the American people have as much right to know about these installations, which they pay heavily for as do the heads of government and people of the countries in question.

Mr. COOPER. Mr. President, I wish to ask a question of the chairman of the Senator from Missouri.

Would the adoption of this amendment have any bearing on the location of our technical and nuclear weapons in Europe, which everybody admits are stationary? The reason I ask that is this: Up to this point and during the SALT talks, of course, the technical weapons there and the airplane bases with the aircraft were able to carry a bomb, if necessary, to eastern Europe and perhaps even to Russia, and that has been a part of the deterrent.

Similarly, as the Russians have, there are intermediate range missiles which are centered in Europe, and our planes can reach Europe.

Would this alter a deterrent if we agreed to the treaty and moved into the second stage? Would this alter the deterrent? The measure states, "You cannot enter into any agreement after this date or extend any agreement."

Mr. FULBRIGHT. I refer the Senator to the committee's report. It is very clear on page 31. It states:

> The provision is prospective only. It does not affect current agreements relating to foreign bases or the storage of nuclear weapons. However, it will require submission to the Senate of any agreements to renew or revise existing agreements.

Then, it states that no funds should be obligated and so forth on or after the date of enactment. It is prospective. It is not to affect any existing agreement related to nuclear weapons.

Mr. PASTORE. Mr. President, I would like to make a little comment on the question asked by the Senator from Kentucky. Of course, this would weaken the deterrent. I can give the Senator an example. If the Senator were playing stud poker, would it not mean something to him to know what the other player had as his covered card? Does not the Senator think it is going to make a difference if the Russians know where our weapons are and how many?

The argument made here is that everybody knows. Yet my good friend the Senator from Missouri did not know until a few months ago when he got on the committee. If everybody knows, why did he not know? The idea that everybody knows is nonsense. I dare anyone to stand on the floor and tell me how many bombs are in Germany and where they are this afternoon, if everybody knows. We cannot tell them and we should not tell them. That is one of the most sensitive elements, one of the most classified elements of our deterrent force in Europe—the fact that they do not know how many there are and where they are. The minute they know, the Senator can bet his bottom dollar the reentry missiles will be retargeted to make sure they are going to knock us out in a nuclear attack. Then he will see the Autobahn closed and the Berlin Wall and and Berlin freedom a shambles.

As to the hope that we are promoting a detente with Russia and China—do not let us become kissing cousins too soon, I suggest to the Senator from Missouri. We have not reached that stage yet.

The Senator rises and properly says, "I am a Christian and I have a big heart." I say to the Senator from Missouri that I too am a Christian, and even though I may be smaller in stature, my heart is as big as his.

Mr. SYMINGTON. I am sure the Senator's heart is as big as mine, but do not want excessive fear of communism to continue to add unnecessary additional expense for our defenses. Of course, I have known where these weapons were for many years, as Secretary of the Air Force and later. What I thought was proper was that members of the Foreign Relations Committee should be told in executive session. There has never been a leak out of that committee since I have been on it to the best of my knowledge. Its members should have enough information to determine the right thing to do, in their opinion, from the standpoint of our relations with these other countries.

The Armed Services Committee should take more interest in the number and type and location of nuclear weapons, because it is a subject which bears much on the security of the United States.

From what the Senator said, I gather the impression of a card game, stud poker, and a hole card. I hope we are not going to play a game with these countries and that we put our cards on the table. We have pledged that, on the part of the United States. The President did. Dr. Kissinger did in the White House. They said we were going to lay our cards on the table and believe our possible opponents are laying their cards on the table. But if this is going to be primarily a poker game, then we should not lay our cards on the table.

The only reason we should have an agreement—and a treaty—is that it would be in the interest of both countries to have such an agreement.

The PRESIDING OFFICER. The Chair wishes to know who yielded the half minute to the Senator from Missouri.

Mr. PASTORE. Mr. President, take it out of my time. That shows how much I love the Senator from Missouri.

Mr. SYMINGTON. The Senator knows that affection is reciprocated, along with deep respect.

Does the Senator know of any country outside the borders of the Soviet Union in which the Soviet Union has put nuclear weapons?

Mr. PASTORE. No; because they would not tell me.

Mr. SYMINGTON. Does the Senator believe they have put any in South America, or Cuba?

Mr. PASTORE. I do not know.

Mr. SYMINGTON. Yes.

Mr. PASTORE. But it would be of great help to us if we knew.

Mr. SYMINGTON. Our intelligence says they have not, and we fashion our policies on their combined estimates.

Mr. PASTORE. But does the Senator know?

Mr. SYMINGTON. I think our intelligence is as reliable as theirs. In any case, I do not know what we are trying to prove when we segregate all knowledge about nuclear weapons from all other weapons, just because we have a Joint Atomic Energy Committee and an Atomic Energy Act.

Mr. PASTORE. The Senator himself said nuclear weapons should have special consideration.

Mr. SYMINGTON. Because they are the strongest weapons does not mean they should be treated with unusual and special secrecy.

Mr. PASTORE. The Senator stated this. He said atomic weapons have special significance.

Mr. SYMINGTON. They do.

Mr. PASTORE. For that reason they ought to be considered in a different category.

Mr. SYMINGTON. I did not say they ought to be considered in a different unique and special category—not at all. When a country caught us putting them in that country, we paid millions of dollars, because we had placed them in that country. I hope such activity does not become characteristic of how the United States operates its foreign policy.

Mr. PASTORE. I hope we do not throw out the baby with the bath water. The idea, the cliche, is that the American people should know. The American public does not want to know how many bombs we have in Germany. All the American people want to know is, Are we safe here at home? That is our responsibility. It is the responsibility of the President and the Congress to make sure we are safe at home. The idea that we open up this sensitive area which has been classified is a very dangerous thought. It has been a secret classification. The suggestion that the American people really want to know how many bombs are in Germany and where they are does not make much sense to me. The American wants to know one thing—the

American people want to ask, Are we safe?

Mr. SYMINGTON. The Senator has said there are atomic bombs in Germany. Is that information classified?

Mr. PASTORE. No.

Mr. SYMINGTON. If it is not classified, what is wrong with telling about them being located in other countries?

Mr. PASTORE. How many and where they are?

Mr. SYMINGTON. It has never been publicly stated on the floor that there are atomic bombs in Germany.

Mr. PASTORE. Oh, it has been.

Mr. SYMINGTON. In Europe—but not in Germany, not in any particular country.

Mr. PASTORE. Is the Senator going to be picayune? Is not Germany in Europe?

Mr. SYMINGTON. Are they only in Germany?

Mr. PASTORE. No.

Mr. SYMINGTON. Then they are all over?

Mr. PASTORE. I gave the Senator that as an example. Does the Senator know why? Because they are right on the other side of the Berlin Wall. That is where the Autobahn is. That is where our troops are. That is where our armaments are. When there is storage, then we talk about places and numbers.

Mr. SYMINGTON. Are they on our ships?

Mr. PASTORE. Sure, they are.

Mr. SYMINGTON. Are they on our ships in the Mediterranean?

Mr. PASTORE. Sure, they are.

Mr. SYMINGTON. I thank the Senator. Is this the first time that has been known.

Mr. PASTORE. I do not know about that, Mr. President.

Mr. SYMINGTON. The more information we get out of this character the better for the American people, the better for the security of the United States, because of the importance in a democracy for the people to have all information that will not help a possible enemy.

Mr. PASTORE. Come on, Senator, take it easy. The Senator knows we have bombs in our ships. Do not tell me the Senator thinks they are in closets in the Pentagon; or does he think they take them home as lollypops?

Mr. SYMINGTON. I have been talking here today about continuing to use the fear of communism, along with the fear of nuclear weapons as a means to make the United States spend many billions of dollars for unnecessary weaponry when these billions could be spent for better purposes right here at home. I will say to my friend, however, for whom I have very great respect and affection, that I am just as interested in the security of the United States as is he, anxious therefore for us to have all weapons and military personnel that is really needed.

Mr. PASTORE. I am sure of that.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. FULBRIGHT. I yield myself 3 minutes.

Mr. PASTORE. Mr. President, I will give the Senator some of my time.

How much time do I have?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. PASTORE. I yield the Senator as much time as he needs.

Mr. FULBRIGHT. I agree with the Senator, first, that the American people are not panting to know the details of where the bombs are. What they are interested in is not getting the country in a position to get involved in wars like we have in Vietnam or in commitments such as we have in Spain, which have not been submitted for discussion or consideration by the Congress. It is the effect of these agreements that bothers all of us. By bringing these matters into the open, we hope to avoid adverse effects.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I would be very much interested. They do not care about that.

Mr. PASTORE. Will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. That is the reason why I agree with the Senator's (1) and (2). I think when the bases were established in Spain, it should have been by a treaty. I go along with that, and also as to any extension of that agreement. But when we begin to store bombs, anywhere and how many of them, after we get such an agreement, I do not think that ought to be the subject of another treaty. That is an intensely military affair at that point. If the Senator wants to stop the political side of it, in the establishment of those bases, I go along with that. I can see that.

Mr. FULBRIGHT. Well, I think maybe we are arguing here about two different things. I did not contemplate, and do not now, that in the discussion of an agreement for the storage of weapons, say, in country X, we would include, as a part of that, all the details of how many, what form, and just exactly where. That might be a matter of classification for the committee alone, in executive session. It certainly should not, I would think, be a part of a treaty. The treaty could be a general agreement in which we make the deliberate decision as to whether to have such a relationship with country X. I think that is a much more responsible way to do it.

While the Senator says it is not generally known, what the Senator from Missouri was saying, I think, is that Americans do not know in any great detail. I do not believe the Senator from Rhode Island believes for a moment that the Russians do not know we have those weapons in Germany or in Turkey.

Mr. PASTORE. That is right.

Mr. FULBRIGHT. They have complained about them being in Turkey.

The PRESIDING OFFICER (Mr. WEICKER). All time of the Senator from Arkansas has expired.

Mr. FULBRIGHT. I see no point in belaboring the matter. It is the general proposition that is involved in these agreements, rather than the precise number, that is important.

Mr. PASTORE. Mr. President, I want to make my position clear, very precisely.

I have no objection to the proposition that the establishment of foreign bases should be by treaty. All I am saying is that when you get into the nuclear weapons business, once that treaty is formulated, you do not need a second treaty. To argue that is to get yourself into serious trouble. My experience on the committee since 1952 tells me that. That is not to deprecate anyone else's opinion; I do not want to be misunderstood on that. But this is a very sensitive business, when we begin to tell everyone in the entire world how many, and where.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield the Senator whatever time he would like.

Mr. AIKEN. Mr. President, I hope the time will come when it is not considered advisable to store nuclear bombs in any country, anywhere, any time. But until that time does come, I think the United States would be very unwise to divulge to the world the location of those nuclear bombs. They may be in the mountains of central Europe, they may be somewhere in Asia, they may be in the ports of the eastern Mediterranean. They might be on icebergs in the Arctic, for all I know. But I do not think we should divulge to the world where they are located, unless we are willing that every potential enemy should also know where those weapons are stored.

Even the people of the United States do not know where nuclear weapons are stored in this country. They may know where some of the planes used to deliver those weapons in time of war are stationed, but they do not know where the weapons themselves are stored. I doubt if one on this floor knows how many nuclear weapons are stored in Rhode Island, or Missouri, or Arkansas, or Kentucky. I do not think there are any in Vermont, but I am not sure.

I think it is in the interests of our own security that we should not tell the world where these bombs are stored. If they are stored in a foreign country by agreement with the United States, then that agreement, under this item number (3) of section 14, would have to be submitted to one, two, or probably three committees of Congress, eventually, and it would not take long for it to be made public knowledge, of course, if the agreements had to be approved by this body.

So I think it would be most shortsighted indeed to divulge to the rest of the world the presence of those weapons which we rely on to keep us out of a third world war. I do not know why anyone should advocate that, and I hope that the amendment of the Senator from Rhode Island, which I cosponsored with him, will be approved, in the interests of the security of the United States.

Mr. PASTORE. I am ready to yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER (Mr. WEICKER). All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Rhode Island (Mr. Pastore). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT E. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Georgia (Mr. (Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), and the Senator from Maine (Mr. Muskie) are necessarily absent.

On this vote, the Senator from Georgia (Mr. Gambrell) is paired with the Senator from South Dakota (Mr. McGovern).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from South Dakota would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Fannin), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from New York (Mr. Javits) and the Senator from Vermont (Mr. Stafford) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from Arizona (Mr. Goldwater) would vote "yea."

The result was announced—yeas 65, nays 17, as follows:

[No. 226 Leg.]

YEAS—65

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Chiles
Cook
Cooper
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fong
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
McGee
Miller
Montoya
Packwood
Pastore
Pearson
Pell
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevenson
Taft
Talmadge
Thurmond
Tower
Young

NAYS—17

Bayh
Case
Church
Cranston
Eagleton
Fulbright
Hughes
Mansfield
Mondale
Moss
Nelson
Percy
Proxmire
Symington
Tunney
Weicker
Williams

NOT VOTING—18

Cannon
Cotton
Fannin
Gambrell
Goldwater
Gravel
Harris
Hart
Hartke
Javits
Kennedy
McGovern
McIntyre
Metcalf
Mundt
Muskie
Stafford
Stevens

So Mr. Pastore's amendment was agreed to.

Mr. PASTORE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. ALLOTT and Mr. BIBLE moved to lay that motion on the table.

The motion to lay on the table was agreed to.

SECTION 12—U.S. WITHDRAWAL FROM VIETNAM BY AUGUST 31

Mr. STENNIS. Mr. President, I have long since learned to discount the many rosy reports that came during many years past regarding the progress of the war in Vietnam. In fact, what I have said regarding the program of the war has been quite conservative indeed and somewhat on the skeptical side.

Now I believe, however, we finally have tangible proof of facts that are definitely on the encouraging side. A great deal has happened since the initial success of the North Vietnamese Army's drive across the DMZ on March 31, and the advances into South Vietnam that they made in early April. For instance, Hue, or Kontum, or both, were supposed to fall to the enemy rather rapidly. But this has not happened, due to a stiffening of the troops of South Vietnam and their counterattacks. There have been South Vietnamese raids against North Vietnamese positions in Quangtri and Kontum Provinces, and An Loc is now held by the South Vietnamese.

This is the way I see it now. The North Vietnamese launched their attack, expecting to capture many of the key spots and meet little effective resistance on the ground. They further expected, as I see it, that we would not retaliate, certainly not by mining the harbors and indepth, effective, extensive bombing in North Vietnam.

To their surprise, the South Vietnamese rallied after the initial setbacks. Many of the South Vietnamese units have shown sustained, hard fighting that demonstrated purpose, skill, determination, and endurance. Ample and skillful American air cover was necessary in this ground fighting and was given and, of course, this was an important factor in these favorable results. However, this was by no means all of the battle. Formidable ground forces of the North Vietnamese were resisted and defeated; ground was retaken by skillful and effective fighting by the South Vietnamese ground troops. These facts are vouched for in many strong statements and reports, including statements by our own American observers and advisors. This shows strength on the ground and it was a surprise to North Vietnam. It is also highly significant that there has been comparatively little activity by any native Vietcong. On the whole, the people of South Vietnam have rallied behind the government and against the invasion.

The North Vietnamese were surprised in another way. President Nixon made the hardest of all decisions, that is, he decided to mine the harbors of North Vietnam and cut off the supplies coming by sea and also to fully and effectively bomb the supply lines and other warmaking capacity in the critical areas of North Vietnam.

These steps have been carried out in a highly effective way, and have brought results already. Critical warmaking capabilities and war materials have been destroyed in North Vietnam. Transportation routes have been greatly affected, it seems, far beyond what has been done by bombing in years past, partly due to the use of so-called smart bombs. If this condition is continued, there is firm cause to believe that within 60 to 90 days the supply lines to South Vietnam will be thin indeed, and the same kind of extensive fighting by the North Vietnamese forces cannot be sustained.

Furthermore, Mr. Podgorny of the ruling hierarchy of the Soviet Union, has made a trip to Hanoi. No one can foretell the effects of this trip, but at least there is encouraging talk by Mr. Podgorny of resumption of the peace talks in Paris. Mr. Kissinger is now on a mission to Peking. No one can foretell the results of his trip, but it is hoped that this trip will have some favorable meaning.

So it seems to me, Mr. President, that the North Vietnamese made a grave error by this invasion. Now they see their manpower having been cut up by heavy casualties in the fighting to the south. Much of their modern ground war machine is also captured or otherwise used up. Some of the territory they took is now retaken and much that they threatened is no longer in grave danger. They find themselves with their harbors mined and sea traffic cut off. They find their railroad bridges destroyed, the lines of transportation otherwise cut, and their warmaking potential, much of it, either destroyed or greatly damaged.

No one can say definitely what all of this means. But certainly, since things have started moving against them, and at least somewhat in our favor at long last, it is no time for us now, in the midst of these facts, to restrict or restrain in any way our own position, much less to cut off funds supporting our own forces in South Vietnam and mandate their withdrawal within less than 70 days from today, June 19, 1972. It would not only weaken, but it will destroy our position in the present situation, and that means it will strengthen our adversaries, although this is not intended by the authors of section 12 of S. 3390, now before the Senate for consideration.

It seems to me, Mr. President, that the contrast is too plain and clear to require further comment. I know that we all want to end this war just as soon as possible, and that is the sole motive that prompts the authors of this provision in section 12. I do not question their motives, I applaud their motives, but the cold logic of the facts themselves shows the contradiction on the face of their amendment with events that are happening now. We are on the way out, I submit, in the manner that we should get out, by effectively insisting on rightful respect for our position of an offer to get out after a ceasefire internationally supervised and the delivery of our POW's.

The President's program guarantees this. As announced, on May 8 he proposed the following peace terms:

> First, all American prisoners of war must be returned.
>
> Second, there must be an internationally supervised ceasefire throughout Indochina.
>
> Once prisoners-of-war are released, once the internationally supervised ceasefire has

begun, we will stop all acts of force throughout Indochina. And at that time we will proceed with a complete withdrawal of all American forces from Vietnam within four months.

These are extremely fair proposals, Mr. President. Compared to them section 12 is sadly inadequate. It would require without any conditions whatsoever, the absolute withdrawal of all American forces from South Vietnam by the end of August, less than 2½ months from now. Such withdrawal is forced, absolutely forced, by a congressional cutoff of funds—enacted into hard law. Section 12 further requires the end of American air support and sea support for South Vietnamese forces as soon as there is a "verified" cease-fire between American forces and Communist forces. Others have spoken about the ambiguity of this proposal, Mr. President. It is not at all clear who would do the "verifying" of such a cease-fire or how anyone could tell whether or not continued fighting between the South and North Vietnamese did or did not violate the required cease-fire involving U.S. forces. The President's proposals offer a far better way for us to be assured of obtaining the release of our prisoners of war and an accounting for the missing in action than the vague and inadequate conditions included in section 12 of the bill.

The prospects for any real peace are infinitely greater if we are negotiating from a position of strength rather than a position of weakness. Section 12, which says this country must pull out by August 31, undercuts the efforts which the President has made to place us in a stronger position for negotiating an honorable peace in Indochina.

Section 12 of S. 3390, I submit, should be stricken from the bill. Because of the foregoing fact and for this purpose, I trust that the authors of this section reconsider their position in the light of the existing fact and request that section 12 be stricken from the bill.

COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The PRESIDING OFFICER (Mr. WEICKER). Under the previous unanimous-consent agreement, the unfinished business will now be temporarily laid aside until disposition of S. 3617, which the Senate will now proceed to consider.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

S. 3617, to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, having consulted with the distinguished Senator from Minnesota (Mr. MONDALE), the distinguished Senator from Wisconsin (Mr. NELSON), the distinguished Senator from New York (Mr. BUCKLEY), the distinguished Senator from Colorado (Mr. DOMINICK), and others, that time on S. 3617 be limited to 6 hours, the time to be equally divided between the distinguished Senator from Wisconsin (Mr. NELSON) or his designee, and the distinguished Senator from New York (Mr. JAVITS) or his designee; that time on any amendment be limited to 1 hour, to be equally divided between the mover of such and the distinguished Senator from Wisconsin (Mr. NELSON); that time on any amendment, to an amendment, debatable motion, or appeal, be limited to 30 minutes, to be equally divided between the mover of such and the manager of the bill (Mr. NELSON), except in any case in which the manager of the bill (Mr. NELSON) should favor such, in which instance time in opposition thereto be under the control of the distinguished Republican leader or his designee; provided further, that Senators in control of the time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal; and, ordered further, that no nongermane amendment be in order.

Mr. DOMINICK. Mr. President, reserving the right to object, I just raise this inquiry. I do not see the senior Senator from New York (Mr. JAVITS) here. I wonder whether it would not be proper, as he is the number two Republican on that committee if, in his absence, time could be allocated to me so that I could allocate it, in turn, to others who might be in agreement or in opposition to the bill.

Mr. ROBERT C. BYRD. Mr. President, I so revise my request.

Mr. BAKER. Mr. President, reserving the right to object, did I correctly understand the Senator from West Virginia (Mr. ROBERT C. BYRD) to request as a part of his unanimous consent agreement, that no nongermane amendments might be offered?

Mr. ROBERT C. BYRD. The able Senator from Tennessee is correct.

Mr. BAKER. I shall not object to that in this particular proceeding, but I believe that the Senator from West Virginia (Mr. ROBERT C. BYRD) knows the position of the senior Senator from Tennessee on this particular subject. I will state once more that I hope this will not become a habit that I find it necessary to renew my objection to it. I do not object at this time.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from West Virginia (Mr. ROBERT C. BYRD)? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute on behalf of the Senator from Wisconsin (Mr. NELSON). At the suggestion of the distinguished majority leader, may I say that for the remainder of today the Senate will consider the pending measure S. 3617, and, on tomorrow, the Senate will continue to consider S. 3617 until some point during the afternoon when, hopefully, the Senate will dispose of the measure, at which time the Senate will return to the consideration of the unfinished business, S. 3390.

At that time, it is the understanding of the leadership that the distinguished Senator from Wyoming (Mr. McGEE) will be ready to offer an amendment to S. 3390. No time agreement on that amendment has yet been ordered, but, hopefully, such a time agreement can be reached.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of the two leaders on tomorrow under the standing order, and the remarks of the distinguished Senator from Delaware (Mr. ROTH), the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY BEFORE THE SENATE S. 3617 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, in view of the fact that the Senate will stand in recess at the close of business today until 9 a.m. tomorrow, I ask unanimous consent that, on tomorrow, following the remarks of the able Senator from New York (Mr. JAVITS) the Chair lay before the Senate what is now the pending business, the Headstart bill, S. 3617, and that the Senate continue its consideration thereof until S. 3617 is disposed of, or until the close of business, whichever is the earlier; at which time the Chair lay before the Senate the unfinished business, S. 3390, and that, at that time, the amendment by the distinguished Senator from Wyoming (Mr. McGEE) be made the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The Senate continued with the consideration of the bill (S. 3617) to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

Mr. DOMINICK. Mr. President, may I ask a procedural question? I gather that the distinguished Senator from Wisconsin (Mr. NELSON) would like to proceed at this time and explain the purposes of the bill; is that not correct?

Mr. NELSON. I am going to yield to the distinguished Senator from Minnesota (Mr. MONDALE) to open.

Mr. DOMINICK. Fine

Mr. NELSON. Mr. President, I yield to the distinguished Senator from Minnesota (Mr. MONDALE), for whatever time he may desire, for the presentation of his opening statement.

Mr. MONDALE. Mr. President, I thank the Senator from Wisconsin very much.

PRIVILEGE OF THE FLOOR

Mr. **MONDALE**. Mr. President, I ask unanimous consent for the privilege of the floor for the following staff members during the course of the deliberations: A. Sidney Johnson, William Spring, Richard Johnson, and Bertram Carp.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MONDALE**. Mr. President, I am pleased that the Senate begins consideration today of S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972. This measure reflects the efforts of the Committee on Labor and Public Welfare to provide legislation serving the needs of families and their children. It is a substantially modified version of the child development provisions in S. 2007, which the Congress adopted last year, but which was vetoed by the President. As the committee report explains in detail, the bill has been specifically and substantially revised to address the concerns expressed by the President in his veto message.

The committee bill is a broadly bipartisan measure. It represents a compromise between revised child development legislation introduced this year by myself, Senator NELSON and 12 Democratic cosponsors and similar legislation introduced by Senators JAVITS, TAFT, STAFFORD, SCHWEIKER, PACKWOOD and nine Republican cosponsors.

Mr. **FULBRIGHT**. Mr. President, will the Senator yield?

Mr. **MONDALE**. Mr. President, I yield to the distinguished Senator from Arkansas.

Mr. **FULBRIGHT**. Mr. President, would the Senator add my name as a cosponsor also?

Mr. **MONDALE**. Mr. President, I thank the Senator from Arkansas (Mr. FULBRIGHT).

I ask unanimous consent that the name of the Senator from Arkansas (Mr. FULBRIGHT) be added as a cosponsor. I thank him for his support.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MONDALE**. I would like to commend at this time the junior Senator from Wisconsin (Mr. NELSON) for his leadership on this issue as chairman of the Subcommittee on Employment, Manpower and Poverty; the senior Senator from New York (Mr. JAVITS), ranking minority member of the full Committee on Labor and Public Welfare, for his long-standing and continuing initiatives in this area; and the junior Senator from Ohio (Mr. TAFT), the ranking minority member of the Subcommittee on Children and Youth, who has made a deep commitment and contribution to this compromise measure.

I also thank the other members of the subcommittee and the full committee as well for their work and for their contributions to this measure.

The bill we are considering today seeks to better meet the need for quality, family-oriented preschool programs among millions of young children whose mothers are working or who because of poverty, are denied adequate health care, nutrition or educational opportunity.

It is designed to strengthen and support family life in an era when increasing numbers of mothers are working—when increasing numbers of children are being raised in one-parent families—and when, for reasons of accelerated mobility and changing life patterns, more and more young families are called upon to raise their children in isolation from their parents and other family members who contributed so much to the upbringing of children in previous generations.

It recognizes and specifically provides that child care programs must be totally voluntary, and must build upon and strengthen the role of the family as the primary and fundamental influence on the development of the child.

It assures that parents will have the opportunity to choose among the greatest possible variety of family supporting services—including part-day programs like Headstart, after school or full day developmental day care for children of working mothers, in-the-home tutoring and child development classes for parents and prospective parents.

Finally, by clarifying and modifying the vetoed bill with respect to the President's concerns about the administrative delivery system, the State role, the cost and the relationship of these programs to the family, the measure we propose today is designed to gain not only passage by the Congress, but also the cooperation and support of the administration.

THE NEED

The committee bill is a product of extensive deliberation and study including 13 days of hearings over the past 3 years. These hearings document the need for strengthened and expanded family services and child development programs. They demonstrate how the promising Headstart program, although enormously successful, has reached only 10 percent of the impoverished preschool children and families who are eligible for it and who could benefit from it. And they document the recent increase in the employment of mothers—which has produced a growing and largely unmet need for quality developmental day care in homes, neighborhood community settings and day care centers—and for other services to strengthen and support family life.

Testimony reveals that one-half of all mothers with school age children are working today and that one-third of mothers with preschool children—a total of over 4½ million women—are employed full or part time. As a result, over 5 million preschool children currently need full- or part-time care while their mothers are away from home. Yet there are less than 700,000 spaces in licensed day-care centers to serve them. Some of these children of working mothers are receiving adequate care now—either in the home, in family day care or in a quality day care setting—but many are not.

As the committee report indicates, numerous prestigious commission and conference reports have recommended the kind of preschool and family service programs contained in this bill. They include:

The 1971 Report of the Education Commission of the States;

The 1971 Report of the Committee for Economic Development;

The 1972 Report of the National Council of Jewish Women entitled "Widows on Day Care";

And perhaps most significantly, the President's 1970 White House Conference on Children which voted as its first priority the provision of "comprehensive family-oriented child development programs, including health services, day care and early childhood education."

THE ADMINISTRATIONS CONCERNS

In the veto message, the President listed nine specific concerns about the child development provision in last year's bill. The committee has developed this new legislation in order to address each of these concerns. Since the modifications and revisions are discussed in detail in the committee report, I ask unanimous consent that that portion of the report discussing these changes appear at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MODIFICATIONS IN RESPONSE TO ADMINISTRATION CONCERNS

In the veto message, the President listed 9 specific concerns about the Child Development bill.

The Committee has developed this new proposal in order to address each of these concerns expressed in regard to the vetoed bill. Our responses and concessions include the following:

1. *Need.*—The President stated that "neither the immediate need nor the desirability of a national Child Development program of this character has been demonstrated."

The Committee considered this concern, reviewed it in light of new studies and new testimony, and concluded that it should not apply to the modified and reduced version of this bill being proposed this year.

The Committee agrees with an earlier statement in the veto message that "there are some needs to be served and served now" and that "one of these needs is for day care to enable mothers, particularly those at the lowest income levels to take full-time jobs." The veto message further suggested that a combination of day care to be provided under the welfare proposal (H.R. 1) and under increased income tax deductions for child care, will meet some of these needs.

The Committee agrees that these new proposals will meet some of the need, but concludes that these new efforts are not sufficient in and of themselves. We found, for example, that a combination of existing Head Start programs and day care under the proposed welfare reform measure would together serve only 1¼ million of the 5½ million poor children who could benefit from preschool education or after school care.

We found, moreover, that the recently adopted child care deductions in the Revenue Act of 1971 will provide no assistance to families living in poverty and very little if any assistance to families with incomes between $4,000 and $8,000.

Treasury Department statistics reveal, for example, that a family of four with an income of $5,000, spending $500 on child care, would realize no tax savings under this Act; and a family of four, with an income of $7,000, which spends $700 on day care would realize a savings of only $77.

As a result, even with these other efforts, there are too few child development and day care opportunities for the children in poverty, and practically none for the 1 million children with working mothers in families with incomes between $4,000 and $7,000—incomes which are just a little too high to qualify for most federally assisted day care programs such as those under Head Start and Title IV of the Social Security Act, and too low to afford quality day care in private programs. Indeed, these working families living in near poverty have perhaps the greatest unmet need for quality day care.

The need for expanded developmental day care opportunities has been documented in other ways as well. The facts about working mothers are one of the indices of this need:

"In 1971, 43% of the Nation's mothers worked outside the home compared to only 18% in 1948.

"One out of every three mothers with preschool children is working today, compared to one out of eight in 1948.

"In 1971, 1.3 million mothers of children under 6 were single parents bringing up children without a husband, and half of these mothers worked.

"Yet, there are fewer than 700,000 spaces in licensed day care centers to serve the over 5 million preschool children whose mothers work."

Although some existing Federal programs help provide day care for these children, they often do not provide the option for developmental care which this bill offers. Dr. Edward Zigler, Director of HEW's Office of Child Development, has estimated, in testimony to our Committee that only about 20% of these day care programs are developmental, or comprehensive—and that in "many instances we are paying for service that is harmful to children."

A recent OEO publication entitled: "Day Care: Resources for Decisions", concluded:

"Over 90% of all full-day centers in the United States are privately operated for profit.

"Most are custodial programs because that's all that most working mothers can afford * * * Day care in America is a scattered phenomenon; largely private, cursorily supervised, growing and shrinking in response to national adult crises, largely unrelated to children's needs * * *"

These findings are supported by the recently released Report of the National Council of Jewish Women, entitled "Windows on Day Care." On the basis of extensive surveys in 90 cities throughout the nation, the Report concludes that most day care facilities lack adequate services for children and their families, and some are downright damaging. It found that:

"Only a very small percentage of the children whose mothers are employed now benefit from developmental day care services. The large majority are cared for in their own homes or in the homes of others and most of them receive only custodial care. Well under ten percent are enrolled in licensed day care centers. Of the centers visited by Council members, only about a quarter provided developmental care including educational, nutritional and health services, the components of quality care. Survey participants found that far too many children of working mothers were grossly neglected latch-key children on their own, children who went with their mothers to their places of work because no other arrangements could be made for them, children in day care centers and homes of such poor quality they may suffer lasting injury. The first five years of a child's life are the period of the most rapid mental, personality and physical growth. Deprivation in the early years can have disastrous effects."

Dr. Harold H. Howe, Vice President of the Ford Foundation and former U.S. Commissioner of Education, described in detail the results of these inadequacies during his recent testimony to a Senate Committee. He said:

"Perhaps the best way to illustrate the idea of an environmental handicap is to describe an actual situation in which working mothers typically return to work some two months after giving birth to a child. During the time that they are working, the child will be placed with another mother whose business is taking in children of working mothers, each of whom might pay a dollar a day or so to have her children cared for during working hours. In such a center will be children from several months of age up to four or five years, and an individual caretaker might look after up to ten or twelve such children in her home.

"For the caretaker who has neither training nor equipment and facilities to provide a stimulating environment the entire emphasis is frequently on the passivity of children. The child who doesn't cry, who doesn't need attention, who doesn't ask questions after he has learned to speak, who doesn't move about—in other words the child who does not seek, demand, and get stimulation and is least troublesome to the person in charge—is the child who gets rewarded. Such an environment discourages the early and very significant development of every aspect of human sensitivity and potential. The qualities fortified in children so treated are the qualities which lead to failure in school. The lack of positive stimulation from human contact, from active exploration of objects, from verbal interchange, and from the kind of play through which a child learns shapes and sizes and colors depresses and inhibits the development of capabilities which are extremely important not only for success in school but for success in life. The development of language as a more important component of any individual's growth often suffers in this sort of environmental handicapping system.

"Contrast this situation with many well-financed day care or preschool arrangements staffed by trained personnel in which stimulation of all kinds is provided. Children get all sorts of attention and praise for their achievements on a regular basis from interested adults, they are encouraged to talk over their ideas and feeling, to handle objects, explore the differences of sound, shapes, color, texture in all kinds of materials, to solve problems—and therewith their early intellectual development is much advanced. Further they are offered choices and a range of independent activities that exercise initiative, allow the child to set his own pace, and develop goals of his own—thereby giving him a sense of power over his environment.

"Add to this the situation in the home for many of the kinds of families which would make use of the type of day care activity described two paragraphs above, homes in which economic handicaps deny proper nutrition and certain aspects of stimulation, even though just as much love and care may be present as in the middle class home, and you get a picture of environmental denial which pyramids in its effect on children as they mature."

These problems and our increasing ability to understand and prevent them, were stated by President Nixon in his 1969 message creating the Office of Child Development in HEW. He said—and additional evidence in the intervening years has added more support to his statement—that:

"We have learned, first of all, that the process of learning how to learn begins very, very early in the life of the infant child. Children begin this process in the very earliest months of life, long before they are anywhere near a first grade class, or even kindergarten, or play school groups. We have also learned that for the children of the poor, this ability to learn can begin to deteriorate very early in life, so that the youth begins school well behind his contemporaries and seemingly rarely catches up. He is handicapped as surely as a child crippled by polio is handicapped; and he bears the burden of that handicap through all his life. It is elemental that, even as in the case of polio, the effects of prevention are far better than the effects of cure.

"Increasingly, we know something about how this can be done. With each passing year—almost with each passing month, such is the pace of new developments in this field of knowledge—research workers in the United States and elsewhere in the world are learning more about the way in which an impoverished environment can develop a "learned helplessness" in children. When there is little stimulus for the mind, and especially when there is little interaction between parent and child, the child suffers lasting disabilities, particularly with respect to the development of a sense of control of this environment. None of this follows from the simple fact of being poor, but it is now fully established that an environment that does not stimulate learning is closely associated in the real world with poverty in its traditional forms. As much as any one thing, it is this factor that leads to the transmission of poverty from one generation to the next. It is no longer possible to deny that the process is all too evidentally at work in the slums of America's cities, and that is a most ominous aspect of the urban crisis.

"It is just as certain that we shall have to invent new social institutions to respond to this new knowledge."

A whole second set of "needs to be served now"—relating to what the veto message called the "protection of children from actual suffering and deprivation"—are also unmet.

Despite expanded nutritional systems, improved medical care for poor children and more effective targeting of maternal and child health services—all of which were cited by the President in his veto message, and all of which we commend and support—many children and families in need of health, nutritional, educational and other social services are still not being served.

Recent findings by the Mississippi Medicaid Commission indicate the magnitude of unmet health needs alone. The extent of undetected and untreated health problems among poor children examined by that commission—and their implications for child development—are frightening. The Commission found 1,301 medical abnormalities in the 1,178 children it examined, including: 305 cases of multiple cavities; 97 cases of faulty vision; 217 cases of enlarged tonsils; 57 cases of hernia; 48 cases of intestinal parasites—mostly hookworm; 53 cases of poor hearing; and 32 other medical conditions requiring immediate treatment.

And Administration estimates of the unmet needs for prenatal care—which are included in detail in the back of this report—indicate that it could cost approximately $380 million to provide prenatal care and hospitalization to the 1.6 million poor and near poor women who deliver children each year without necessary medical attention.

For these reasons, the Committee concludes that the need and the desirability for the wide variety of child development and family services in our new proposal have been demonstrated.

2. *Duplication and redundancy.*—The veto message suggested that "day care centers for poor children are already provided in HR 1 and that child development programs would be a duplication of these efforts", and would be "redundant in that they duplicate many existing and growing federal, state and local efforts to provide social, medical, nutritional and educational services to the very young."

For many of the reasons cited above, the Committee concludes that this bill will supplement and strengthen existing and proposed efforts, not duplicate them or be redundant. Despite the progress being made the task is far from complete. Only one-fourth of the poor children who could benefit from preschool or after school services are being served. Hundreds of thousands, and in some cases millions, of children are still not being reached with the medical, nutritional, educational services they need.

Thus, our child development program deliberately seeks to build on and improve the successful Head Start program, which is currently reaching fewer than 10% of the poor children who might benefit from it, and provide additional support for prenatal, nutritional and other efforts which—as the President noted—are currently being expanded, but are by no means reaching all those who need them.

Rather than competing with, replacing or duplicating existing or proposed efforts the programs authorized under this bill are designed as a much needed supplement. The Committee believes that they will strengthen the efforts we have begun in these fields.

3. *Costs.*—The veto message suggested that "the expenditure of $2 billion a year in a program whose effectiveness has yet to be demonstrated cannot be justified."

The Committee considered this concern and made the following modifications in the new committee bill with this in mind.

First, the effective date of the bill has been postponed an entire year, so that the planning and training year begins in FY 1973 and the first operational year is delayed until FY 1974.

Second, the authorization for the first operational year has been reduced by 40%—from $2 billion, objected to by the Administration, to $1.2 billion.

Third, the bill has been clarified to indicate that even that $1.2 billion authorization in the first operational year represents only a $700 million authorization increase. That is, the $1.2 billion authorization includes the $500 million authorization for Head Start already contained in the EOA extension bill reported by our Committee.

Thus, although this 3 year child development bill we are proposing has a total authorization of $2.95 billion—$150 million for planning and training in FY 1973, $1.2 billion in FY 1974 and $1.6 billion in FY 1975—this represents less than a $2 billion authorization increase over the next 3 years—a substantially more gradual rate of authorization increase than under the vetoed bill. And since it specifically builds and improves upon the successful and popular Head Start program, the Committee is convinced that it represents a program whose effectiveness has been demonstrated.

4. *Effects on the family.*—The veto message described one of the objectives of welfare reform as an effort "to bring the family together," but suggested that "the child development program appears to move precisely the opposite direction."

The Committee has considered that concern and made specific clarifications in the modified bill to remove any misunderstandings. We intend this to be a family-strengthening bill and we have built in a number of specific safeguards to insure that.

First, child development programs under our bill are totally voluntary. This differs sharply from some other day care proposals before the Congress, including some of the provisions in H.R. 1 as passed by the House of Representatives. Under our bill, no family is required to place their child in a day care program, a Head Start program, a part-day program or a nutrition program. These programs are offered solely and exclusively to families who chose to benefit from them. The bill specifically states in its first paragraph, that "child development programs must build upon the role of the family as the primary and most fundamental influence on children and must be provided only to children whose parents or legal guardian request them." (Section 2(a)(1)).

Second, the bill offers a whole series of services to children and families. It is not restricted to day care generally, or programs in day care centers specifically. Indeed, it doesn't even place a priority on day care. Instead, it assures that parents will have the opportunity to choose among the greatest possible variety of family supporting services—including part-day programs like Head Start, after school or full day developmental day care for children of working mothers, prenatal services, in-the-home tutoring and child development classes for parents and prospective parents.

Third, the bill has increased and clarified the priority on strengthening family life by making full day, day care available only to children whose parents are out of the home all day. Services for children whose mothers are at home are limited generally to part-day programs or in-the-home-tutoring that builds on the mother-child relationship.

This limitation is designed to underscore the Committee's desire to build on existing parent-child relationships. If a parent is in the home the bill would offer nutritional and educational services in a way that keeps the parent and the child together. That child would not, unless he were severely handicapped or had other special needs defined by the Secretary, be eligible for full-day, full-week day care. Instead, the bill would make that child eligible for part-day, or twice a week pre-school programs like Head Start or nursery school, or in-the-home tutoring for him and his parents—for the expressed purpose of building on and strengthening family life.

Only if the parents are working, or are participating in training or education, and the child is one of the 5 million preschool children in this category who needs day care and in many cases is not receiving adequate day care—would a child be eligible for full-day, full-week day care. This provision—like the others cited—reflects the Committee's desire to provide quality day care for the children and families who need it, not encourage day care for all children whether they need it or not.

5. *Parental involvement.*—The veto message emphasized that "good public policy requires that we enhance, rather than diminish both parental authority and parental involvement—particularly in those decisive early years when social attitudes, and conscience are formed and religious and moral principles are first inculcated."

The Committee agrees completely. That is why we have written in the limitations of eligibility described above, and the requirement that programs under this Act shall be available "only to children whose parents or legal guardian requests them." And that is why the bill contains extensive provisions for parental involvement in all aspects of the programs—as volunteers, paraprofessionals and professionals employed in these programs, and as 50% or more of the members of the councils that approve policy, curriculum and other basic elements of these programs.

Specifically, the bill requires that the Child and Family Councils, the Local Program Councils and the Project Policy Councils all be composed of at least 50% parents whose children are served under this program. The Committee believes strongly in this policy and in these provisions—which reflect the policy under the existing Head Start program.

We believe in increasing "parental authority and parental involvement" and we have included these provisions to assure that this very important goal is met.

6. *Staff.*—The veto message stressed concern about "who the qualified people are and where they would come from to staff child development centers."

The Committee responded to this concern by increasing the authorization under the bill for preservice and inservice training of both professional and paraprofessional staff members—at the same time we made substantial reductions in the total authorization for the program. That is, at the same time we reduced total authorizations by 40%, we increased authorizations for staff training by 50%.

In addition, the resources available for staff training during the operational years of this bill were increased from a maximum of 10%, to a maximum of 15% of the total authorization. In addition, the Committee notes that an estimated 40,000 individuals, skilled and trained in education, are graduating from college each year with education degrees but are unable to find employment in education. With appropriate retraining, these highly trained teachers could provide a major source of professional employees for child development programs. Moreover, the Committee finds that one of the most encouraging aspects of the successful Head Start program has been its ability to recruit and train nonprofessionals—especially mothers and other family members—for important staff responsibilities in these programs. The Committee proposal seeks to build on that success.

7. *Administrative workability.*—The veto message expressed concern about administrative workability. It noted that "by making any community of over 5,000 population eligible as a direct grantee for HEW child development funds, the proposal actually invites the participation of as many as 7,000 prime sponsors."

The Committee made several major changes in response to this concern.

First, the revised bill requires, in general, that a community have a population of 25,000—rather than 5,000—in order to become eligible as a direct grantee. This one change reduces the previous administrative and coordinating responsibilities by over two-thirds. Previously, 7,000 localities were eligible for prime sponsorship. Now, under the 25,000 population cut off, only 2,000 communities are eligible.

An amendment was offered in Committee to raise this population cut off to 100,000—which would have limited the number of eligible communities to approximately 500. The Committee considered it and rejected it by a bipartisan vote of 14 to 2.

A similar amendment seeking to raise the population cut off to 50,000—which would have limited eligibility to approximately 1,000 localities—was also considered and defeated by a 12 to 5 bipartisan vote.

The Committee felt that the 25,000 population cut off represented the best way to provide administrative workability in a program designed to encourage local flexibility, responsiveness and parental involvement.

In addition, the Committee considered and rejected by a bipartisan vote of 14–3, an amendment which would have removed the priority on local prime sponsors who qualify under the population and discretion requirements. It would have provided instead complete discretion of the Secretary of HEW to fund competing local and state applicants on the basis of whichever he decided "would be more effective". The Committee felt that this arrangement would: (1) represent a shirking of Congressional responsibility on a central policy issue; (2) encourage expensive, unnecessary and disharmonious competition between States and localities; and (3) place the Secretary of HEW in a difficult political and policy position on judging applicants from competing political jurisdictions without any Congressional guidance or criteria.

Second, the Committee further simplified the administrative arrangement by increasing the Secretary's discretion to determine whether applicants eligible under population criteria actually had the necessary capability to provide comprehensive child development and family service programs. The new language added in the bill states that the Secretary, before designating an applicant as prime sponsor, must determine that the applicant "has the capability of effectively carrying out comprehensive programs under this act."

Third, in order to further simplify program management responsibilities, the Committee bill reflects the simplified administrative structure in the minority's bill (S. 3228) which makes the public official of a prime sponsor (Mayor, Governor or county executive) responsible for the day-to-day administration of the programs, and responsible for determining policy, selecting the delegate agencies and preparing program statements. Under the vetoed bill, the Child Development Councils had these responsibilities. Under the revised bill, the councils have no day-to-day administrative responsibilities. They are required to approve the decision of the prime sponsor with respect to basic policy, delegate agency selection and program statements. The Committee believes this change substantially strengthens and simplifies the management and administration of this program.

8. *State role.*—The veto message suggested that "the States would be relegated to an insignificant role".

The Committee considered this and made several substantial changes on this point in the new bill.

First, by raising the general population cut off for prime sponsors from 5,000 to 25,000 this bill provides that approximately 5,000 localities which could have administered their own programs in the vetoed bill will now be served under programs administered by the States.

Second, the Committee bill has increased from 5% to 10% the set aside for States for the technical assistance, personnel exchange, dissemination of research and evaluation. Additionally , it has added to this State role a requirement for comprehensive state coordination and planning. In order to qualify for these funds, a State must reach adequate agreement with local prime sponsors in the State on comprehensive and coordinated statewide child development planning. And the State may use any of this additional funding for its own programs or programs operated by local prime sponsors in that State.

The Committee believes that this change—in addition to doubling the funds for States—provides a real incentive for cooperation among state and local prime sponsors.

Third, the Committee adopted an amendment providing the Secretary of HEW with discretion to select, on a demonstration basis, 5 States to serve as a sole prime sponsor for child development programs in these States, even where localities would otherwise qualify.

The provision states that the Secretary shall "designate as state-wide prime sponsors not more than five States which have demonstrated capability and leadership in the field of child development and which are located in various regions of the Nation and have a variety of characteristics, including differing population sizes and urban, metropolitan, and rural area and industrial and work force composition."

It further provides that a State may be designated as a State-wide prime sponsor only if the Secretary determines that: (1) the population of such State does not exceed 5% of the national population; (2) a reasonable opportunity has been provided for each otherwise eligible prime sponsor in that State to submit comments to the State and the Secretary; and (3) the State prime sponsorship plan submitted takes into account the comments submitted by these localities.

The Committee believes this demonstration authority along with the changes described above, provides substantially expanded opportunity for state involvement in this program and represents a major concession on this point.

9. *Communal versus family centered child rearing.*—Finally, the veto message suggested that "child development would commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family-centered approach."

For many of the reasons stated above—such as substantially reducing authority; the limitation of eligibility for full-day care; the emphasis on parental involvement and control; and the wide variety of non-day care services offered under this Act such as prenatal services, part-day day care services, in-the-home services, family planning services and others—the Committee believes this concern does not apply to this revised bill.

In the first two years the additional new authority for child development programs under this Act—and day care represents only part of the programs authorized—is smaller than, and supplementary to, the additional new funds for day care under the Administration's proposed welfare reform program.

Moreover, the sliding scale fee basis in the program provides little or no financial incentives for families with incomes in excess of $10,000 to purchase day care for their children. In contrast, the increased child care income tax deductions signed into law last year provide considerable financial incentives to families in these income ranges to purchase day care, if both parents work.

In addition to making these modifications in response to the concerns expressed in the President's veto message, the Committee sought further cooperation and consultation with the Administration.

At the suggestion of minority members of the Subcommittee on Children and Youth, a hearing on the new child development bills was called in order to give the Administration an opportunity to testify.

For various reasons, including scheduling, neither Secretary Richardson nor any of his representatives was able to accept the invitation. And no Administration specifications nor proposed amendments were offered to the Committee during mark-up. Thus we sought to meet what we knew from the veto message to be the Administration's major concerns, and we are hopeful the Committee bill will have Administration support.

At the hearing, however, the Committee did have the opportunity to receive testimony from Senator Buckley, a representative of the Emergency Committee for Children, and Mr. Dale Meers—all of whom had reservations about last year's bill—as well as two supporters of the legislation, Dr. Milton Senn, Sterling Professor Emeritus, Pediatrics and Psychology at Yale University; and Dr. Bettye Caldwell, Director of the Center for Early Development and Education in Little Rock, Arkansas.

This testimony—particularly that offered by Mr. Meers—influenced the Committee and resulted in amendments clarifying the bill's special safeguards for very young children, its insistence on high standards, its provision preventing dilution of staff or other essential program components, and its strong research and evaluation requirements.

In summary, the Committee has sought to address and resolve all of the objections raised to last year's child development bill in the veto message.

FAMILY STRENGTHENING PROVISIONS

Mr. MONDALE. Mr. President, I would like to emphasize in the strongest way possible the family strengthening objectives in this bill, and the specific provisions designed to support and assist families and their children. A great deal of misunderstanding and concern surrounded this point in last year's bill, and I think it is important to spell out the intentions and safeguards in detail.

First, the major objective of this bill, which appears in its first paragraph, states that:

> Child development programs must build upon the role of the family as the primary and most fundamental influence on children and must be provided only to children whose parents and legal guardians request it.

That means very simply and very importantly that child development programs authorized under our bill are totally voluntary and that under no circumstances can a family be required or coerced to participate in any program offered under this act. The committee feels very strongly that this program must be absolutely voluntary and has drafted the bill to insure that it will be.

Second, contrary to the impressions of some, this bill is not just a day care bill or a day care center bill. Indeed, it does not even place a priority on day care. Rather it offers a whole series of services to families and their children. And it assures that parents will have the opportunity to select among the greatest variety of family supporting services—including prenatal services, in-the-home tutoring, child development classes for parents and prospective parents, part-day programs like Headstart, twice a week nursery school programs and others.

Third, the bill reflects in specific terms our desire to build on existing parental-child relationships in child development and preschool education efforts. Thus, it makes full-day, full-week day care available only to children whose parents are out of the home—working or participating in education or training. Services for families in which a parent is at home during the day are limited to part-day Headstart programs or in-the-home tutoring efforts that build on the mother-child relationships. Thus we seek to provide development—rather than custodial—day care programs for those families which need them, and alternative preschool programs for families where day care is not necessary, and existing parent-child relationships can be built upon, supplemented, and strengthened.

Fourth, the bill retains extensive provisions for parental involvement in all aspects of the program. It encourages the use of parents as volunteers, the employment of parents and other family members as paraprofessionals and professionals in these programs. And it requires that 50 percent or more of the members of the councils created to approve policy, curriculums, and other basic elements of these programs will be parents of children served.

BROAD-BASED SUPPORT

Mr. President, through the consideration of this legislation over the past 3 years, perhaps one of the most remarkable aspects of the long debate and hearings and legislative process through which we have gone has been the great encouragement and support of a broad-based group of organizations concerned about the needs of families and their children. The support for this measure is growing and broadening as public understanding of the need for this measure has grown.

Last year's bill was developed in conjunction with, and supported by a wide range of organizations interested in children and families, including the Amalgamated Clothing Workers; AFL–CIO; Americans for Democratic Action; Americans for Indian Opportunity Action Council; Black Child Development Institute; Committee for Community Affairs; Common Cause; Day Care and Child Development Council of America, Inc.; Friends Committee on National Legislation; Interstate Research Associates; International Ladies' Garment Workers Union; League of Women Voters; Leadership Conference on Civil Rights; National Council of Churches; National Council of Negro Women; National Education Association; National League of Cities and U.S. Conference of Mayors; National Organization for Women, President and Vice President for Legislation; National Welfare Rights Organization; United Auto Workers; U.S. Catholic Conference, Family Life Division; and Washington Research Project Action Council.

The members of this coalition and others adopted a set of principles for any new child development bill this year, which the committee believes are embodied in the bill we propose.

Mr. President, I ask unanimous consent that those principles be printed in the RECORD at this point.

There being no objection, the principles were ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE COALITION'S STATEMENT OF PURPOSE

The undersigned organizations are committed to certain principles which were embodied in the legislation which was passed by bipartisan majorities of both houses of Congress last year. We reaffirm those principles as follows:

(1) that programs must be of high quality, comprehensive, and developmental, oriented to the needs of children and available to all children;

(2) that parents must be directly involved in policy decisions affecting their own children;

(3) that programs must be locally controlled and flexible enough to meet individual community needs;

(4) that programs must be designed to include children with a variety of socioeconomic backgrounds;

(5) that adequate protections must be provided to assure that the needs of minority group and economically disadvantaged children are met; and

(6) that this nation must make a substantial commitment of new public funds to begin to meet the compelling and immediate need for these services.

Amalgamated Clothing Workers.
AFL–CIO.
Americans for Democratic Action.
Americans for Indian Opportunity Action Council.
Black Child Development Institute.
Center for Community Change.
Child Welfare League of America.
Children's Foundation.
Common Cause.
Friends Committee on National Legislation.
Health and Welfare Council of the National Capital Area.
International Ladies Garment Workers Union.
Interstate Research Associates.
Leadership Conference on Civil Rights.
League of Women Voters.
National Board of the Young Women's Christian Association of the U.S.A.
National Council of Churches.
National Council of Jewish Women.
National Council of Negro Women.
National Council on Hunger and Malnutrition.
National Education Association.
National Urban Coalition.
National Urban League.
National Welfare Rights Organization.
United Auto Workers.
Thelma C. Adair, Coordination of Education Strategy, United Presbyterian Board of National Missions.
Mary Jane Patterson, United Presbyterian Church of the U.S.A., Washington Office.
Women's International League for Peace and Freedom.
Washington Research Project Action Council.

Mr. MONDALE. In addition, I have received the following specific letters of endorsement from a number of organizations and individuals in this field and I ask unanimous consent that they appear at the end of my remarks.

Mr. President, I believe this bill our committee proposes is similar to the measure the Senate approved overwhelmingly last year; enjoys greater bipartisan support than did last year's measure, and includes substantial revisions designed to address and accommodate the concerns expressed by the administration. I think it is a long overdue and deeply needed initiative, and I urge my colleagues to support it.

There being no objection, the material was ordered to be printed in the RECORD, at the close of the Senator's remarks:

Senator WALTER F. MONDALE,
Chairman, Subcommittee on Children and Youth, U.S. Senate.

AFL–CIO strongly supports S. 3617, the comprehensive headstart child development and family services act. This legislation is badly needed to provide decent day care services for the children of working parents and of the poor. The President's unfortunate veto of prior legislation needlessly has delayed start of this important program. S 3617 meets many of the objections raised in the veto message while maintaining key principles of the comprehensive program.

ANDREW J. BIEMILLER.

BOARD OF CHRISTIAN
SOCIAL CONCERNS OF
THE UNITED METHODIST CHURCH,
June 19, 1972.

Hon. WALTER F. MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: On behalf of our Board staff I would like to indicate our support for S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

Our 1968 General Conference of The United Methodist Church favored the objective of "supplemental educational and cultural experiences for pre-school children." In addition, the Social Principles of The United Methodist Church, adopted in Atlanta in April, 1972, declared: "We urge social, economic and religious efforts to maintain and strengthen families in order that every member may be assisted toward complete personhood." This document also stated: "We support the development of school systems and innovative methods of education designed to assist each child toward full humanity."

We believe that these objectives will be at least partially achieved through the enactment of S. 3617. This measure should help to strengthen family life by providing the assurance of meaningful day care for those children whose parents, of necessity, must work outside the home. The developmental services for children in terms of education and health should be most advantageous. Also, the after-school and part-day care will help to relieve anxious parents of the burden of otherwise inadequate supervision and training of their children, thus substantially strengthening family life. In addition, the child development classes for parents should greatly enhance the quality of family living for all who are its beneficiaries.

We strongly urge Members of the United States Senate to back this bi-partisan effort to provide adequate child development and family services for the nation's families.

Yours sincerely,

DR. A. DUDLEY WARD,
General Secretary.

AMERICAN BAPTIST CONVENTION,
DEPARTMENT OF GOVERNMENTAL
RELATIONS, DIVISION OF CHRISTIAN SOCIAL CONCERN,
June 19, 1972.

Hon. WALTER MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: Please find enclosed a letter from our Department of Ministry with Children in support of S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

Please utilize this letter in whatever way that you think best suited to help bring passage of this legislation.

Thank you for your concern and leadership in this important area of family life and responsibility. If our office can be of any further assistance, please do not hestiate to call upon us.

Sincerely,

JOHN W. THOMAS,
Director, Department of Governmental Relations.

AMERICAN BAPTIST CONVENTION,
Valley Forge, Pa., June 19, 1972.

Hon. WALTER MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: On behalf of the American Baptist Convention, Department of Ministry with Children, I would like to indicate our support for S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

We realize the crucial importance of the early years in a child's life, not only for physical and intellectual growth but for social and emotional as well. These are the formative years in which permanent foundations are laid for a child's feeling of self-worth and confidence in his ability to achieve.

We believe that the Senate, through S. 3617, has the opportunity to improve the quality of health, nutrition and education services to young children. This measure should help to strengthen family life by providing meaningful day care for children whose parents, of necessity, must work outside the home. In addition, the child development classes for parents, provided for by this bill, would greatly enhance and augment the quality of family living for all; consequently, a whole generation of children and parents would be the beneficiaries of the kind of learning experiences which would enrich both the children's personalities and the parents' understanding.

For these reasons, we strongly urge members of the U.S. Senate to support this bipartisan effort to provide adequate child development and family services for the nation's families.

Sincerely,

LINDA ISHAM,
Director, Department of Ministry with Children.

CHURCH OF THE BRETHREN,
Washington, D.C., June 19, 1972.
Hon. WALTER F. MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: The members of the Church of the Brethren have always been concerned about the social welfare of all persons and have consistently supported legislation which furthers social welfare for all persons. As a body, the Church of the Brethren has said that "as some of the deepest concerns of our church, we favor continued and more effective provisions for needy Americans, such as the aged, the poverty-stricken, the unemployed, delinquent or predelinquent youth, and underprivileged children."

We, therefore, wish to lend our support in favor of the Child Development Bill, S3617, since we feel it would not only aid the individual child, but would strengthen the family unit, by helping each member of the family unit feel a sense of personal worth.

Sincerely,
RALPH E. SMELTZER,
Washington Representative and Social Justice Consultant.

UNITED PRESBYTERIAN WASHINGTON OFFICE,
Washington, D.C., June 19, 1972.
Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Washington Office of the United Presbyterian Church U.S.A. supports the comprehensive head start, Child Development and Family Services Act of 1972, Senate Bill 3617.

A careful reading of this bill leads us to the conclusion that its provisions will help to straighten family life.

The United Presbyterian Church U.S.A. has a long history of concern for the total development of children. We believe this bill is a step in the right direction.

Sincerely,
MARY JANE PATTERSON,
Associate Director for National Affairs.

RELIGIOUS ACTION CENTER, UNION OF AMERICAN HEBREW CONGREGATIONS,
Washington, D.C., June 16, 1972.
Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Union of American Hebrew Congregations and the Central Conference of American Rabbis, which we represent in Washington, strongly support the pending *Comprehensive Head Start, Child Development and Family Services Act of 1972* (S. 3617).

For many years our organizations, which comprise respectively the congregations and rabbis of American Reform Judaism, have advocated legislation that would enhance the lives of and opportunities for children who are reached by your bill. We believe that the pending legislation enhances the quality of family life in America, and would represent a significant legislative aid both with reference to the current deficits of disadvantaged children in education and in terms of social and economic opportunity. We are particularly attracted to the fact that the legislation seeks to deliver services to children, of a comprehensive character, which goes far beyond prior federal programs, and which we believe can have, if adopted, a significant multiplier effect that may dramatically improve the quality of life for poor people generally and poor children in particular.

Last year, we were heartened by Congressional passage of similar legislation and disappointed when the President vetoed it. We hope that this year both Congress and the President will see it through to fruition. To you, we express our admiration and appreciation for the leadership you have furnished in continuing to press for this program.

Kindest regards,
Sincerely,
MARVIN BRAITERMAN.

JOINT WASHINGTON OFFICE FOR SOCIAL CONCERN,
Washington, D.C., June 16, 1972.
Hon. WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: The Joint Washington Office for Social Concern, representing the American Ethical Union, the American Humanist Association and the Unitarian Universalist Association, wishes to record its long-standing support for S. 3617, the child development bill.

We are convinced that the adult society is morally responsible for the prevention of child deprivation and the providing of developmental services for its children. We have been appalled by the high infant mortality rate in this affluent land and by the many recorded (to say nothing of the unreported) instances of child neglect and abuse. All three of our organizations have called for the funding of child care facilities and the creation of child development and family service centers throughout the country (see attached resolutions) because we are convinced that services of this nature will strengthen family life, reduce tensions which lead to family break-up and insure that all children be free of the medical, nutritional, and psychological handicaps which need not mar their lives in a society such as ours.

We further applaud the provision in S. 3617 that these services be provided free to families of four earning less than $4320 and for only modest fees for those earning up to $6960. This guarantees that the poor can raise their children without anxiety for the child's basic welfare, an anxiety which has plagued poor people for too long.

Who doubts anymore that early child deprivation and abuse is linked to later asocial and criminal behaviors? The adoption of a comprehensive child development bill is in the interests not only of children and parents but of all the nation's citizens as well. We urge its early and uncompromised passage.

Sincerely,
ROBERT E. JONES,
Executive Director.

AMERICAN HUMANIST ASSOCIATION

(Resolution on Child Development and Day Care Centers, May 14, 1972)

Specialists in child care agree that the period from two to five years in a child's life is strategic in the development of physical and mental health and good social adjustment. Working mothers, therefore, must have assurance that the day care of their children will be more than a babysitting process. There is urgent need for quality day care and family service centers open to all families.

We urge the prompt enactment of federal legislation to create such centers throughout the country, available free to low-income families and on a sliding scale to all others.

AMERICAN ETHICAL UNION—1972—64TH ANNUAL AEU ASSEMBLY

Approved Resolution on: Child Development Centers—Family and Day Care Centers.

Recognizing, that the nation's children are its most precious asset; and

That, specialists in child care lay great stress on the importance of the period between birth and five years, when children respond most favorably to health and education programs; and

That, parents must have assurance that the day care of their children will be more than a baby-sitting process; and

That, there is need for quality day care and family services centers open to all families.

Therefore, be it resolved, that we urge Congress to pass, and the President to sign, the necessary legislation for the creation of child development and family services centers throughout the country, available to the poor free of charge and on a sliding scale for all others, to be administered locally and with community involvement; and

Be it further resolved, that the Congress appropriate funds immediately so that legislation can take effect as soon as possible during this period of serious economic stress.

CHILD CARE CENTERS

Recognizing that there is widespread need for child care centers, that millions of children in North America are receiving either substandard supervision or no supervision;

Aware that growing numbers of mothers take jobs because of economic necessity, desire for job training, and continuing education; that child care centers are needed for other reasons, such as illness in the family, special problems of handicapped children, or for other compelling causes;

Acknowledging that the needs of children, our best resources for the future, must receive immediate and special attention;

Be it therefore resolved: The 1971 General Assembly of the Unitarian Universalist Association

1. Urges that highest priority be given in the United States and Canada at all levels of government to funding and activating quality, professional child care centers with effective standards, licensing, inspection and enforcement.
2. Urges that funding be accomplished additionally through private grants and fees from parents where feasible.
3. Asks that member UU societies initiate study programs so that they can intelligently participate in the structuring of quality centers.
4. Asks that societies of this denomination consider use of their facilities for weekday child care centers.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

THE WASHINGTON OFFICE, NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.,
Washington, D.C., June 16, 1972.
Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I understand that the Senate will soon consider the "Comprehensive Headstart Child Development and Family Services Act," which would provide for a network of developmental day care programs for children from families with low income and children whose parents are working. I write to express our support for this piece of legislation. The bill is, we think, a realistic and workable compromise.

The need for a national network of day care centers is clear. Mothers who are already working, mothers who want to work but cannot because there is no one to care for their small children, children who need the kinds of services that a developmental day care center can provide—all indicate that this is a public need to which the Congress ought to respond.

Yet fully as important as the need for day care itself is that the day care provided be of high quality. Custodial day care such as that provided in Title IV of H.R. 1 is not enough and ill serves both the child and his family. The day care center must first of all be child centered. It must provide a range and quality of services that serve to develop the capacities of the child both cognitively and noncognitively. So that the day care center is a supplement to and not a substitute for the role of the family, there should be opportunity for significant input from the parents of the children served. S. 3617, we believe, amply provides both this focus on the child as a person in his own right and a significant role for parents.

For these reasons we hope that the Senate will act favorably upon your bill and express to you our great appreciation for your leadership on this legislation.

Sincerely yours,

David M. Ackerman.

National Committee
Against Mental Illness,
Washington, D.C., May 26, 1972.

Hon. Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: I have had a chance to study S. 3617, the Comprehensive Child Development bill.

Our organization has been strongly in support of child care legislation during the past two years of hearings. I have made at least twenty-five speeches during that period of time in various parts of the country and have received an enthusiastic response to the concepts of Child Care Development Centers from a number of organizations in the human resources field.

We have a liaison group of mental health organizations which meets monthly in Washington. I append to this letter a list of these organizations. At our last meeting, on May 24th of this year, we again discussed the status of the child care development legislation and agreed informally to give it the highest priority. While I cannot speak formally for the entire liaison group, I do wish to convey to you the feeling of the group that the passage of this legislation would probably be one of the most important—if not the most important—developments in the human resources and mental health field in the current year.

I congratulate you for your efforts on behalf of the legislation.

Sincerely,

Mike Gorman.

The American Parents
Committee, Inc.,
New York, N.Y., May 8, 1972.

Re. Child Development legislation.

Chairman, Senate Committee of Labor and Public Welfare, New Senate Office Building,
(*Attention: Mr. Sidney Johnson*).
Washington, D.C.

Dear Mr. Chairman: As national chairman of the American Parents Committee, and as publisher of Parents' Magazine, I would like to record our strong support for the "Comprehensive Headstart, Child Development, and Family Services Act of 1972", to be reported to the Senate by May 12.

The American Parents Committee, at our annual Board of Directors meeting on January 27, 1972, unanimously recommended support of such a comprehensive bill, and our Washington Report of April 1972 specifically advocated provisions of both S. 3193 and S. 3228. In addition, the May 1972 issue of Parents' Magazine, an issue devoted entirely to the unmet needs of American children, carries a special article on the goals of developmental Day Care, entitled "What Does Our Country Owe Its Children?" Because of the timeliness of this article, I hope it may be placed in the Congressional Record's proceedings of the Senate.

Sincerely,

George J. Hecht,
Chairman.

RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS OF UNITED NEIGHBORHOOD HOUSES CONCERNING FEDERAL COMPREHENSIVE CHILD CARE LEGISLATION, FOR TRANSMISSION TO ALL MEMBERS OF THE U.S. SENATE

The Board of Directors of United Neighborhood Houses at its meeting on May 25, 1972:

Notes that the Senate Committee on Labor and Public Welfare has reported favorably a new bipartisan Comprehensive Headstart, Child Development and Family Services Bill to the 2nd Session of the 92nd Congress;

Congratulates the authors of the bill for obtaining a bipartisan compromise between the child development provisions introduced in the bill by Senators Mondale, Nelson and 12 co-sponsors, and the bill introduced by Senators Javits, Taft, Stafford, Schweiker, Packwood and 9 Republican co-sponsors;

Calls attention to the fact that this bill (S. 3617) and its accompanying report (No. 92–793) takes account of the criticisms raised in the President's veto on December 10 of the Comprehensive Child Development Act of 1971;

Urges all Senators to vote for the bill and do everything possible to obtain its enactment.

American Psychological Association,
Washington, D.C., May 8, 1972.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: This is written to indicate the wholehearted support of the American Psychological Association for the principles embodied in the Comprehensive Head Start Child Development and Family Services Act, recently reported out of the Senate Labor and Public Welfare Committee. You are to be congratulated on the revision of the original bill; we believe it retains the provisions essential for the welfare of the nation's children while meeting the objections of the President.

For your information I am enclosing a copy of the resolution passed by this Association in September 1971.

Sincerely yours,

Kenneth B. Little,
Executive Officer.

Be it resolved that the American Psychological Association call upon President Nixon to reaffirm the national commitment to early child development, as stated by him in April 1969, and to implement the resolution of the White House Conference on Chilldren calling for the permanent establishment of the Office of Child Development; and

Be it further resolved that the American Psychological Association call upon the President and members of Congress to support programs of comprehensive child development.

10. At the invitation of President Clark, Council heard a statement from Edward J. Casavantes, representing the Association for La Raza, urging concern and support from APA for Spanish-speaking Americans. Mr. Casavantes was encouraged to submit his proposals to the *Ad Hoc* Committee on Social and Ethical Responsibility.

Washington Research
Project Action Council,
Washington, D.C., March 30, 1972.

Senator Gaylord Nelson,
Chairman, Subcommittee on Employment, Manpower, and Poverty and
Senator Walter F. Mondale,
Chairman, Subcommittee on Children and Youth, Senate Committee on Labor and Public Welfare, Senate Office Building Annex, Washington, D.C.

Dear Chairmen Nelson and Mondale: We wish to reiterate our strong and continuing support for a comprehensive child development bill which will provide quality, developmental community-based and parent-controlled child care programs. As we indicated in our testimony before your Subcommittees on May 25, 1971, such legislation is urgently needed by children and families from every economic sector and geographic section of this country. It is particularly needed by economically disadvantaged families who otherwise may be forced to place their children in damaging custodial care in the name of "welfare reform," and by low and middle-income working families who cannot afford the costs of developmental care and for whom adequate facilities simply are not available.

Experience with Headstart has demonstrated the educational, health, and social benefits of quality early childhood programs, not just for children but for their families and communities as well. That experience must now be expanded in a child development program with the firm commitment of resources this national need requires.

The President's rejection of the comprehensive child development bill, which Congress passed last year, was a heartless sacrifice of millions of American children and families for the sake of politics. Contrary to the allegations in the President's veto message, the need for such a program has been clearly and repeatedly demonstrated, and the effectiveness of early childhood programs has been proven. They provide critically needed supports for family life; and the economic resources are there if we are willing to assign the proper national priority to this essential program.

Support for a quality comprehensive child development program has been and continues to be broadly based—in the civil rights community, among women's organizations, among educators and early childhood specialists, church groups, community and parent organizations, labor unions, minority and poverty groups, mayors, and within the Congress. Opposition has been narrowly focused in right-wing organizations and in the White House.

We commend your leadership in the effort last year which led to bipartisan passage of the child development bill. We urge you to resist efforts to "accommodate" such new legislation to the unfounded charges raised by the President's veto message, but to continue to insist instead upon a comprehensive child development bill which assures the highest standards of services, parents in decision-making roles, community-based and locally controlled programs, and a substantial commitment of new public funds. Such legislation is the best investment this Congress and this nation can make in the lives of our children and the future of our society.

We shall appreciate your consideration of our views on this important subject. We request that this communication be included as part of the child development hearing record.

Sincerely,

Marian Wright Edelman.

Amalgamated Clothing
Workers of America—AFL–CIO,
Washington, D.C., April 4, 1972.

Senator Gaylord Nelson,
Chairman, Subcommittee on Employment, Manpower, and Poverty and
Senator Walter F. Mondale,
Chairman, Subcommittee on Children and Youth, Committee on Labor and Public Welfare, U.S. Senate, Senate Office Building Annex, Washington, D.C.

Dear Chairmen Nelson and Mondale: I would like to take this opportunity to express to you and your respective Subcommittees the continuing support of the Amalgamated Clothing Workers of America for comprehensive child development legislation in this session of Congress.

As you know from our testimony before your Subcommittees last year, the Amalgamated Clothing Workers has been providing day care services for the children of our members in several areas of the country. We know from that experience that comprehensive, quality care, supported by parent and community participation can make a difference in the lives of children of working parents. We also know that our efforts cannot begin to meet the pressing national need. We are grateful to you for your leadership in Congress in sponsoring a broadly-conceived Federal program of day care for all the Nation's children.

There can be no doubt that last year's veto of the child development bill was a keen disappointment to the hundreds of thousands of working women in this country who recognize a need for such services for their children even if the President does not. We urgently hope that you and your fellow Senators will pass another child development bill in this session of Congress embracing the concepts of last year's bi-partisan legislation. The Amalgamated Clothing Workers of America will support you in that effort.

Sincerely yours,

Jane O'Grady,
Legislative Representative.

The League of Women Voters
of the United States,
Washington, D.C., April 4, 1972.

Hon. Gaylord Nelson,
Chairman, Senate Subcommittee on Employment, Manpower and Poverty, Old Senate Office Building, Washington, D.C.

Dear Senator Nelson: The League of Women Voters of the United States is pleased that the Senate Subcommittees on Employment, Manpower and Poverty and Children and Youth held joint hearings on the major comprehensive child care bills pending: S 3193 and S 3228, and on S 3010, introduced as an amendment to the Economic Opportunity Amendments.

The League does not believe that a significantly expanded Headstart program will meet the nation's needs. Even if adopted, there would still be a need for a comprehensive child care program. We appreciate the fact that you are pushing to create just such meaningful and comprehensive child care programs to serve a broad constituency.

Last year we filed a statement in support of S 2512, the act vetoed by President Nixon. I attach a copy because we still stand behind the principles endorsed at that time. We believe the need for greatly expanded child care facilities and developmental child care has been well documented from many sources. The achievement tests and learning rates in inner city and suburban schools, for example, should be all the evidence the nation needs that children who start out at a great disadvantage wind up being the ones deprived, in the end, of equal opportunity for full education and for full employment potential.

As you have doubtless noticed, the League endorsed the "Statement of Principles" and the eleven "Legislative Recommendations" filed by the Child Development Coalition, and submitted to both Subcommittees. Our primary concerns are that the legislation make available a very comprehensive range of child development and child care services which would at the same time require:

Complete protection to assure that participation would be voluntary;

Mandatory parental participation in determining the quantity and quality of child care services in their communities;

Availability of services to all children, free of charge to those unable to pay and on a scaled ability-to-pay basis;

Assurance of local prime sponsorship, so that small as well as large communities could be eligible for federal assistance under the program;

A substantial commitment of federal funds.

The League recognizes the necessity of educating major presidential candidates, Senators and Congressmen, to the needs for comprehensive child care legislation and of dispelling the fears—however irrational they may be—about "Sovietizing of children's brains." But every year of delay in getting good pre-school programs underway on a national scale is a year lost for thousands of children. The League, therefore, urges that legislation be enacted this year.

Sincerely,

Mrs. Bruce B. Benson,
President.

Statement to the Senate Labor and Public Welfare Subcommittee on Children and Youth in Support of S. 1512—The Comprehensive Child Development Act of 1971

League of Women Voters
of the United States,
June 2, 1971.

The League of Women Voters of the U.S. supports S. 1512 which provides a comprehensive approach to day care by initiating federal support for child development programs. We have supported Head Start since its inception, primarily out of concern that disadvantaged children should have early learning experiences to prepare them to take advantage of educational opportunities in the regular school system. In addition, the League has recognized the need for public support of day care facilities and programs to allow low-income parents to take advantage of training, education and work opportunities. It is clear that the early years are crucial to the child's total life development—in fact 50% of his learning takes place during his first six years of life. Thus, we believe that day care must be more than elementary custodial care for children of working parents and more than "Head Start" efforts to compensate when it may be too late. It must be comprehensive attention to the child's growth needs and potential at the earliest possible stage.

We are particularly pleased that S. 1512 gives priority to children from low-income families by providing that 65% of the federal share will be allocated for such children, and that children below the Bureau of Labor Statistics (BLS) lower living standard will be eligible to receive free services. We see an additional value in that S. 1512 provides for the inclusion of children from families above the poverty level with priority given to those from single- or working-parent homes. These stipulations accomplish two essentials: they insure that those with the greatest need are served first, and they create the socioeconomic diversity so crucial to quality learning situations. We believe this is the soundest basis on which to build toward the goal of day care and child development services for all children.

The prime sponsor delivery mechanism by local units of government is sensible and will undoubtedly prove to be very successful. The proposal to establish area-wide Child Development Councils to receive input from Local Policy Councils and to act as conduits for funds is a viable concept. Allowing cities of any size to act as prime sponsors assures local control and thus local flexibility in determining the type of day care needed. The full involvement of parents and community on Local Policy Councils as provided in S. 1512 is crucial to program effectiveness. We think the experience of Community Action under OEO has proved the validity of involving people in programs that directly affect them and their children. By emphasizing the role of parents, comprehensive day care becomes a family program—one in which parents control and are accountable for their children's lives. The provision for hiring low-income persons and for training them in career opportunities is consistent with a comprehensive approach to meeting needs of low-income families.

We believe the level of authorization—$2 billion the first year, $7 billion the second, and $10 billion the third—is the absolute minimum. All the cost figures that we have seen indicate that providing comprehensive day care for preschoolers and after-school programs for latch-key children is expensive. The $2 billion the first year should make a start toward the goal of adequate services to meet the health, social and educational needs of this nation's children.

It is because S. 1512 would provide real progress toward national comprehensive child care programs that we file this statement of support for the official hearing record.

Americans for Democratic Action,
Washington, D.C., April 5, 1972.

Hon. Gaylord Nelson,
Chairman, Subcommittee on Employment, Manpower and Poverty, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: With his veto of a landmark child development program, President Nixon has broken his own promises to the children of our nation. It is clear from Mr. Nixon's veto message that the only child development program this Administration wants is in H.R. 1 which would set up a system of custodial day care centers to house children of mothers who are forced to register for and accept employment as a condition for receiving welfare assistance.

We must instead provide—for all children—development programs and high quality, integrated education from preschool through post-secondary schools. Americans for Democratic Action therefore urges Congress to enact a program, modeled after last year's vetoed bill, which would include an emphasis on parent participation and control, delivery of health and nutrition services, construction of facilities, and training of personnel. Such a program should be operated on at least a 40-hour week basis, at a cost of no less than $3,000 per child. It should be free for all children of the poor. Families with higher incomes should be charged according to their ability to pay.

We commend you for your inspiring work on behalf of this country's children and hope that progressive legislation in this area will finally become law.

Very truly yours,

Lynn Pearle,
Legislative Representative.

National Council of Negro
Women, Inc.,
Washington, D.C., March 27, 1972.

Statement of Dorothy I. Height, National President, National Council of Negro Women, Inc., for the Senate Subcommittee on Children and Youth, and the Senate Subcommittee on Employment, Manpower, and Poverty

The National Council of Negro Women, Inc., was founded in 1935 by the distinguished educator and Presidential adviser, Mary McLeod Bethune. NCNW is an organization of organizations composed of 25 national affiliate bodies and individual members in 145 local sections in 40 states. In total, we have an outreach to some four million women. We have throughout our history been concerned with all that affects women and girls. This specifically means a commitment to children and to their well being.

Our experience as black Americans, as women, and often as mothers gives a particular urgency to our awareness of the critical need for quality child development programs in communities all across the country. For many of us, the lack of good programs for our children's care (thereby making work and training impossible), has held us captive in the bonds of racism and poverty.

The statistics showing that there are six million preschool children whose mothers work compared with 700,000 licensed day care "slots" amply demonstrate the need for a national commitment expressed by congressional enactment and funding of a quality, comprehensive, developmental child care program available to all children. At the same time, we know this need in a pressing way from our own experience in our families, in our neighborhoods, and wherever we live.

Surely nothing must be allowed to be more important to this country than its children. While the children are the future of the nation, their need is now. We therefore strongly urge that the Congress expedite the enactment of legislation which does no less than the following:

Provide for programs which are of high quality, comprehensive, developmental, oriented to the needs of children and available to all children;

Involve parents directly in policy decisions affecting their own children;

Provide for local control and enough flexibility to meet needs of individual communities;

Design programs to include children with different socio-economic backgrounds;

Assure that needs of minority group and economically disadvantaged children are met, and

Authorize sufficient new public monies to fund adequately the program.

Legislation of the type described is, we believe, long overdue. We hope that this nation's obligation to help its children develop to their full potential as human beings will be delayed no longer.

STATEMENT SUBMITTED TO THE SUBCOMMITTEE ON CHILDREN AND YOUTH, COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, ON THE COMPREHENSIVE CHILD DEVELOPMENT PROGRAM OF THE ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

NATIONAL COUNCIL OF
JEWISH WOMEN, INC.,
New York, N.Y., March 28, 1972.

The National Council of Jewish Women, an organization established in 1893, and with a membership of over 100,000 in local sections throughout the United States, has concerned itself with the welfare of children since its inception.

At the last biennial convention held in April of 1971, in Detroit, Michigan, the delegates adopted the following resolution:

"The National Council of Jewish Women believes that a healthy community, sound family life and individual welfare are interdependent and thrive when barriers of poverty and discrimination are removed. It believes, therefore, that our democratic society must give priority to programs which meet the economic, social and physical needs of all the people, and that the public and the private sector must work together to help individuals function successfully and independently in a changing society.

"It therefore resolves:

"To work for the expansion and development of quality comprehensive child care programs, available to all children, and to work for adequate financing."

The unmet needs of our children constitute one of the most important challenges our nation faces today. It is vital that these needs be met wisely on the basis of the intensive analysis their importance merits. As a society, we have, for all too long given little more than lip service to these needs, meeting only a tiny, fractional part of them. Literally millions of our little children suffer unconscionable harm due to the acute shortage of child development services. Many millions more, while cared for, if mere custodial care can be so described, are denied the opportunity to realize their potentials because they lack the developmental opportunities which should be the birthright of every child.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., March 30, 1972.

Hon. GAYLORD NELSON,
Chairman, Subcommittee on Employment, Manpower and Poverty, Committee on Labor and Public Welfare, Old Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: We have reviewed S. 3193, the *"Child Care Centers and Services Act"*, and S 3228, the *"Comprehensive Headstart Act"*, in light of the *Statement of Principles* (attached) which NEA signed on February 8.

While there are many similarities between the bills, we believe S 3193 more nearly conforms to the *Statement of Principles*.

Specifically, we prefer the 25,000 population minimum for prime sponsors in S 3193 to the 50,000 figure in S 3228. We believe that S 3193 safeguards maximum parental involvement, especially of low-income parents. We believe S 3193 zeroes in on the child care centers more specifically than does the broader provision in S. 3228. In light of reduced authorization in both bills, we believe the language of S 3193 is preferable.

We are opposed to authorizing participation of profit making agencies in any child care program. While neither bill is satisfactory in this regard, we believe S 3193 is the least objectionable since Sec. 517 at least provides that special consideration be given to public and non-profit private agencies.

One feature of S 3228 which is commendable is the provision to provide 5% of program funds to educational agencies for cooperation with project applicants in order to provide continuity between child development projects and educational programs, including cooperative use of professional, technical, and administrative personnel. We hope the bill which emerges from the Committee will contain this provision.

We commend the sponsors of S 3193 and of S 3228 for their sincere interest in developing child care and development legislation which may be enacted this session of the Congress.

Sincerely,

STANLEY J. MCFARLAND,
Assistant Executive Secretary for Government Relations.

THE MARYLAND
PSYCHOLOGICAL ASSOCIATION, INC.,
Darnestown, Md., April 26, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Maryland Psychological Association would again like to extend its support to you for your reintroduction of the Comprehensive Child Development Act of 1971 (S. 3193—Economic Opportunity Amendments of 1972). Enclosed is a copy of our newsletter which addresses itself to the issues raised by the veto of President Nixon. Hopefully, you might find this of interest and we would be pleased to be of any additional assistance to you in your continuing efforts on behalf of the nation's families and children. Please keep us informed of your bill's progress.

With best wishes,

Sincerely,

JAMES W. PRESCOTT, Ph.D.,
President.

CHILD CARE IS MAJOR CONCERN OF MPA

Message from MPA President James W. Prescott:

The two themes of this year's annual MPA meeting are: (a) Child Care and Development; and (b) The Management of Aggression. As the members of MPA know, considerable attention has been given to the Comprehensive Child Development Act of 1971 and the issues which that Act were addressed to. On December 9, 1971, the Maryland Psychological Association, the Maryland Psychiatric Society and the Maryland Chapter of the American Academy of Pediatrics cosponsored an evening symposium on the above bill which brought together health professionals, labor leaders and state and county government officials. Minutes before the opening of the symposium, I had the unpleasant task of announcing the veto by President Nixon of the Comprehension Child Development Act of 1971. Insofar as our annual meeting is concerned with child care and development it would appear appropriate and relevant to summarize the reasons given by President Nixon for his veto of that bill.

In his message to Congress which rejected the proposed national child development program, President Nixon stated: "First, neither the immediate *need* nor the desirability of a national child development program of this character has been demonstrated . . . for the Federal Government to plunge headlong financially into supporting child development would commit the vast moral authority of the National Government to the side of communal approaches to child rearing and against the family-centered approach."

Further, Mr. Nixon stated that "for more than two years this administration has been working for the enactment of welfare reform (H.R. 1), one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction . . . good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religion and moral principles are first inculcated."

Given the above stated concern and objectives, Mr. Nixon proceeded to outline the provisions in his welfare bill—H.R. 1. He stated: "Further, in returning this legislation to the Congress, I do not for a moment overlook the fact that there are some needs to be served, and served now. One of these needs is for day care, to enable *mothers*, particularly those at the lowest income levels, *to take full time jobs . . .*" (and I will) "provide a significant Federal subsidy for day care in families where *both parents are employed*" (italics mine). (Veto message—economic opportunity Amendments of 1971. Document No. 92-48; December 10, 1971, 92nd Congress. Senate.)

Clearly, the provisions of H.R. 1 to forcibly separate both parents from their children by requiring them to work full time is nothing less than national legislation for parental deprivation and would achieve just the opposite of Mr. Nixon's stated objectives . . . "to bring the family together" and to "enhance rather than diminish both parental authority and parental involvement with children."

These issues transcend partisan political considerations, as Congressman Ogden R. Reid's (R-N.Y.) statement on President Nixon's veto attests: "The Administration has clearly bowed to politics and broken faith with the children of America. This historic bill would have given millions of our children an opportunity for a meaningful start on life. The President's veto now kills that hope.

"As a result of this veto, which undermines the credibility of the President's pledged commitments to social progress, this Administration cannot escape much of the blame for the children who, in the next decade become dropouts, addicts, misfits and costly burdens to society. The program the President killed would have helped many of those children to grow into constructive citizens.

"For the middle income working mother, this is just one further proof that this Administration is insensitive to the tremendous problems that burden her family." (December 9, 1971).

MPA members are probably aware that Rep. Ogden Reid, whose forebears helped found the Republican Party 100 years ago, has quit the Republican Party and joined the Democratic Party. His article *The Day-Care Veto: A Republican Congressman's Challenge to the President* in the current issue of *Redbook* portrays the depths of dissension, alienation, and tragedy associated with the day-care veto.

Given the two themes of our annual meeting; child care and development and the management of aggression, the MPA mem-

> bership may be interested in a slide which I presented at our symposium on the Comprehensive Child Development Act of 1971. This portrayed in Figure 1 which relates infant mortality rates to that of homicide. I have suggested that since the U.S. has one of the highest infant mortality rates of advanced industrialized nations and since this nation has all the resources to reduce this figure to minimum but does not, this reflects a national indifference to and neglect of our infants. Many other studies have linked asocial and criminal behaviors to early infant-child neglect and abuse variables. Figure 1 represents a national picture of this relationship for the years 1930–1969. Infant mortality in the thirties and forties significantly predicts 15–30 percent of homicides in future years; infant mortality in the fifties and sixties significantly predicts 30–75 percent of homicides in future years.
>
> Infant mortality has a different meaning in this country today than it had in the 1930's and 1940's. One interpretation of this finding is that violence is intimately linked with those variables associated with our high infant mortality rate. If these variables are human indifference and neglect, as I believe them to be, then the management of aggression must necessarily involve the management and improvement of the quality of human relationships between the adults, infants and children of this nation during the formative periods of development. This cannot be achieved by forcing separation of parents from their children by requiring both parents to work full time, as envisioned by H.R. 1.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. FULBRIGHT. Mr. President, I am very pleased to join as a cosponsor of the bill. I compliment the Senator from Minnesota and the Senator from Wisconsin for the fine work they did in bringing back this bill after the veto, which was most unfortunate. I hope this bill is not vetoed.

Does the Senator recall the testimony by Dr. Bettye Caldwell who is the director of the Kramer School in Little Rock?

Mr. MONDALE. I certainly do. Her testimony was one of the most impressive statements I have heard in the years we have worked on this measure because it was based not only on her brilliance but also her work in this area and her entire experience in the Little Rock area. Her testimony was most impressive.

Mr. FULBRIGHT. I call attention to her testimony because not only have I talked with her but also I had one of my representatives in Little Rock to take a personal look at the Kramer School.

This school in Little Rock has been going on now for 3 years. It is an experimental project. It is well financed and it has the support of the Arkansas State Department of Education, the University of Arkansas, the local school district and the Federal Government. The school has been a remarkable success. It has been accepted in one of the poorer areas of Little Rock, which is about evenly divided between blacks and whites. The acceptance by the community has been remarkable.

I submit that it is not only useful for the individuals involved but also it has great implications far beyond in the area of race relations. In time I think it will have a great impact on the very difficult problem of our welfare program. The program that H.R. 1, when it is reported, will present to the people of this country is much bigger than this bill. This bill is not only beneficial to the people involved but it is also a bill that deals with difficult social problems in this country. It is difficult to take care of all those matters in one bill. I think the committee did an excellent job.

It is difficult to draw the attention of the people to a problem of this kind because this type bill is not as glamorous as treaties in Moscow. However, it is far more important in many respects. I am pleased with the work of the Senator from Minnesota and his colleagues.

There is a misunderstanding between the difference in a child development center such as Dr. Caldwell has and merely custodial day care. In many cases custodial day care does not seem to give any affirmative treatment, but rather negative because it encourages characteristics that are not beneficial to the child later on in life.

In the bill H.R. 1, I suggested to the Finance Committee some amount of money be made available for developmental child care, not trying to duplicate or infringe on this bill, but from another source, to make available in every State at least one place where we may see the difference in custodial day care and the kind of developmental program that is in this bill. I think that is very important for the country to understand.

Mr. President, I am pleased to join as a cosponsor of S. 3716, the Comprehensive Headstart, Child Development and Family Services Act of 1972. As the title of this bill suggests, it would commit this Nation's resources to the most worthwhile of causes—that of assisting American families in providing their children a better start in life through local, family oriented, child development programs.

Far from undermining the family as the basic unit of our society or "creating a nation of orphanages" as some have implied, this legislation would provide the kind of sensitive family and child-oriented programs that are unavailable today to millions of American families. In addition, it is specifically designed to meet the need for quality day care created by increasing numbers of mothers who work.

While recognizing that parental participation is essential in the planning and operation of day care programs, this bill is drafted with a knowledge of the weaknesses of purely custodial preschool programs and is designed to avoid these mistakes. Moreover, it is based on an understanding of the risk involved in separating children from their parents and includes standards designed to minimize and overcome that danger.

Perhaps most important, however, the bill's provisions, along with those in H.R. 1 relating to child care, authorize sufficient funds to plan and deliver the comprehensive health, education, nutritional, and developmental components that are necessary to help all children in this country reach their full potential.

In his 1969 message to the Congress, the President indicated his administration's commitment to provide every American child with "an opportunity for healthful and stimulating development during the first 5 years of life." In spite of this pledge, and because of the President's veto of S. 2007, the Economic Opportunity Amendments of 1971—which included a comprehensive child development title—present day care and early childhood programs remain relatively small items in the Federal budget. The $1 billion which the proposed budget allocates to this range of programs in the current fiscal year palls in comparison with the $83.4 billion which has been requested by the Department of Defense. In addition, it has been well documented that most of the $1 billion, which goes into the Headstart and AFDC programs, will reach only a fraction of these programs' potential recipients. In the case of Headstart, the committee report notes that the current program is reaching fewer than 10 percent of the poor children who might benefit from it. It also concludes that a combination of the existing Headstart programs and day care programs provided for in the welfare reform measure would together serve only 1¼ million of the 5½ million children who could benefit from preschool education and afterschool care.

These 5½ million children generally come within either of two groups that various studies have found to be in urgent need of this kind of attention. The first is comprised of children of employed mothers who cannot arrange for satisfactory care for them at home. The second group of children is that whose mothers are economically disadvantaged, who are not now working, and who are unable to provide them the kind of preschool care which would give them an equal start with others.

Although all children have nutritional, educational, medical, and psychological needs, it is clear that children from economically disadvantaged families have far less opportunity to receive these services than their more affluent counterparts. It is this lack of opportunity that degrades the lives of many millions of children who live in poverty today and enhances the chance that they will soon become misfits and wards of society requiring repair and rehabilitation in later life.

In recent years, we have increasingly recognized that this poverty, the forces which create it, and the opportunities for development of the poor child are mutually reinforcing. The poverty and Headstart programs were implemented on this rationale, and in approving the Economic Opportunity Amendments of 1971—which included a comprehensive child care and development title—the Congress clearly reaffirmed its realization of this principle.

The child care, family services, and preschool programs envisioned in the pending legislation are designed to help reach children in poverty in this country by assisting their families in providing them with the kind of environment which will stimulate rather than retard their development. The bill authorizes $2 billion over the next 3 fiscal years for the creation of a network of preschool educational services for low income and developmental day care programs for youngsters whose parents are working. Participation in all of these programs will be voluntary. In addition, $500 million of the funds authorized are reserved for the Headstart program which has proved highly successful.

These programs assure parents that they will have the opportunity to choose among the greatest possible variety of family supporting services—including part-day programs like Headstart, after-school or full-day developmental day care, prenatal services, and in-the-home tutoring and child development classes that strengthen the family relationship.

Also worthy of mention is the fact that S. 3617 focuses on our growing awareness of the importance of early childhood in the mental, physical, and social development of the individual. The committee report states:

> The central requirement is that child development programs must, in fact, be developmental—centered on the needs of the children and the family—and not custodial in nature.

Of the many millions of day care arrangements made in this country today, most involve merely custodial care for the child. Today, we know that in numerous instances this can damage a child for life by creating conditions of "environmental denial" and "learned helplessness." Such conditions were set forth and contrasted with the developmental day care anticipated by S. 3617 in the testimony of Dr. Harold H. Howe, former U.S. Commissioner of Education, which is referred to in the committee report:

> Perhaps the best way to illustrate the idea of an environmental handicap is to describe an actual situation in which working mothers typically return to work some two months after giving birth to a child. During the time that they are working, the child will be placed with another mother whose business is taking in children of working mothers, each of whom might pay a dollar a day or so to have her children cared for during working hours. In such a center will be children from several months of age up to four or five years, and an individual caretaker might look after up to ten or twelve such children in her home.
>
> For the caretaker who has neither training nor equipment and facilities to provide a stimulating environment the entire emphasis is frequently on the passivity of children. The child who doesn't cry, who doesn't need attention, who doesn't ask questions after he has learned to speak, who doesn't move about—in other words the child who does not seek, demand, and get stimulation and is least troublesome to the person in charge—is the child who gets rewarded. Such an environment discourages the early and very significant development of every aspect of human sensitivity and potential. The qualities fortified in children so treated are the qualities which lead to failure in school. The lack of positive stimulation from human contact, from active exploration of objects, from verbal interchange, and from the kind of play through which a child learns shapes and sizes and colors depresses and inhibits the development of capabilities which are extremely important not only for success in school but for success in life. The development of language as a more important component of any individual's growth often suffers in this sort of environmental handicapping system.
>
> Contrast this situation with many well-financed day care or preschool arrangements staffed by trained personnel in which stimulation of all kinds is provided. Children get all sorts of attention and praise for their achievements on a regular basis from interested adults, they are encouraged to talk over their ideas and feeling, to handle objects, explore the differences of sound, shapes, color, texture in all kinds of materials, to solve problems—and therewith their early intellectual development is much advanced. Further they are offered choices and a range of independent activities that exercise initiative, allow the child to set his own pace, and develop goals of his own—thereby giving him a sense of power over his environment.
>
> Add to this the situation in the home for many of the kinds of families which would make use of the type of day care activity described two paragraphs above, homes in which economic handicaps deny proper nutrition and certain aspects of stimulation, even though just as much love and care may be present as in the middle class home, and you get a picture of environmental denial which pyramids in its effect on children as they mature.

Mr. President, a model for the kind of day care which Dr. Howe compares to "environmental denial" already exists in my State. It is the Center for Early Development in Little Rock, Ark. The center is housed in Little Rock's Kramer School, a renovated structure in a mixed black and white neighborhood. It is dedicated to the principle that it is not only possible but essential to give formal education to very young children whose mothers are separated from them all day.

Dr. Bettye Caldwell, the director of the Kramer School, views this project as "a new kind of educational delivery system in which day care and education are combined." The Office of Child Development has such high regard for this idea that it is investing $2 million in it. The center's participants also include the Arkansas State Department of Education, the Little Rock school system, and the University of Arkansas. I ask unanimous consent to insert in the RECORD at this point an article from the Pine Bluff Commercial of April 6 describing the center and its accomplishments.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW PROJECT AT LITTLE ROCK ELEMENTARY SCHOOL COULD BE MODEL FOR THE FUTURE

(By Dala McKinsey)

LITTLE ROCK.—The Frederick W. Kramer School is housed in a traditional two-story brick buidling. The education inside is not at all traditional.

When a discipline problem erupted in the fourth grade classroom, the new metal and wood furniture was replaced by boxes and for a week students worked in isolation—separated by cardboard barriers.

The next week the boxes were replaced by old couches and other household furniture to create a more homey atmosphere. The problem disappeared and the original furniture was returned.

When four-letter words began appearing in the boys' bathroom, a teacher decided to turn it into art. She outlined on the wall a sketch of a black boy and a white boy swinging on vines and the boys painted in the figures. The walls have not been written on since.

A little over two years ago, Kramer was a sub-standard school in a decaying neighborhood of transient black and white families, with a few upper-middle class young couples in renovated apartments and a small hippie culture, attracted by MacArthur Park and the Arkansas Art Center, two blocks away.

Under the leadership of Dr. Bettye Caldwell, the Little Rock School District and the University of Arkansas at Little Rock received a federal grant to design a school for the future.

"I think everyone sees this as a model of the future," Mrs. Caldwell said.

The result was a combination day care center and elementary school, with more than 300 pupils, ranging in age from six months through 12 years.

Mrs. Caldwell moved from Syracuse, New York, where she was working on a similar project, when her husband, a surgeon, joined the University of Arkansas Medical Center staff.

She says she thought she was moving to the end of the earth.

"I found there are more true liberals in Little Rock, than where I was," she said.

Children are brought to the school at 7 a.m. They stay until one of their working parents can pick them up. Some stay as late as 7 p.m.

Mrs. Caldwell says the school fulfills several needs, among them child care for the working mother and direction for children from culturally deprived backgrounds

She said the school did not attempt to teach that being a white collar worker is better than being a blue collar worker.

"We teach the children that every kind of work has dignity," she said.

However, she said she believed that the school would open more options for the students than they might otherwise have.

Mrs. Caldwell said she also wanted the children to be able to "fit in perfectly well" in their own neighborhoods.

Mrs. Caldwell said that she did not advocate taking children away from their families but she said the school could offer children advantages some mothers couldn't.

"If the family is so poor that all she (the mother) can do is get the rats and cockroaches out of their apartment: the school has something to offer," she said.

The infants are cared for in a portable metal building behind the school where their older brothers and sisters are enrolled.

Mrs. Faustenia S. Bomar, vice-principal of the school, called to a 15-month-old child playing in a crib, and he smiled.

"When he first came here, he couldn't do that," she said. "He probably never saw anyone smile before."

Mrs. Caldwell tells of the child of a retarded mother who came to the school through the state Social Services Division.

The child, Susan, was "the most forlorn looking child" when she was first brought to the school, said Mrs. Caldwell. "She was so sad, it hurt to look at her." Now Susan is walking, talking and offering cookies to visitors.

The children eat breakfast and lunch at the school. They also get snacks.

Although the school building is ancient, Mrs. Bomar says that the building lends itself to the activities of the school.

Upstairs there are individual booths, where a pupil who earns free time may go to read, or just to be alone. The students have covered the walls of the booths with paper, so that they may draw or write on the walls if they wish.

The window shades are covered with bright flowers made from contact paper and flowers are painted behind the drinking fountains.

The preschoolers have their own second-hand piano, painted bright orange, that they can play.

Mrs. Bomar pointed to the walls, covered with murals and paintings by the children.

"This is their school, they know that it is theirs," she said.

Since the school opened, several persons have visited to view the operation for similar projects in other cities.

Although the 1969 legislature authorized the organization of public school kindergartens, it provided no money for them and, to date, there are only a few university-sponsored and private kindergartens in operation in Arkansas.

Mrs. Caldwell says she hopes that when Arkansas begins organizing kindergartens,

> the day care center idea will become the standard.
>
> "I hope that this community and this state won't let this idea go," she said.

Mr. FULBRIGHT. Mr. President, Dr. Caldwell, in her testimony before the Subcommittee on Children and Youth during its hearings on S. 3617 stressed the following conclusions from her experiences in the Kramer School:

> Children in day care or child care can develop motivationally and in terms of the skills that are considered adaptive in today's world.
>
> Day care does not weaken the primary family ties nor does the early day care program signify a new invasion of the family domain.
>
> High quality developmental day care settings do not create emotional disturbances, but in the majority of instances create happy and alert children.
>
> Day care and institutionalization are not at all comparable and it verges on the dishonest to imply that they are.

I am pleased that this bill is drawn upon the experiences of model projects such as the Center for Early Development and that its provisions will expand and build upon the achievements of such centers.

I might add that based upon my belief in the pioneering work of the Center for Early Development and its possibilities for alleviating the conditions that ultimately result in many of our social problems, I submitted an amendment in executive session of the Finance Committee—which the committee adopted—to the child care provisions of H.R. 1. This amendment would provide $60 million in grants to States over the next 3 years for model day care centers in each State to develop the potential for better educational achievement in day care.

Mr. President, nothing is more critical to the future of this country than that every child have the opportunity to develop fully his physical, intellectual, and social potential as a human being. As an enlightened society, we must be prepared to commit our resources to help families realize this potential in their children when they seek such support outside the home. Passage of S. 3617 by the Senate will mark the beginning of this commitment, and I am pleased to lend my support to the enactment of this measure.

Mr. MONDALE. I strongly endorse the observations the Senator has made. I think one of the most dangerous things this country could do would be to pursue a maximum strategy of cold custodial day care centers as an alternative for the American family. Even during the depression most of us grew up with strong family unity, and we had the support and stimulation which a family provides.

Mr. FULBRIGHT. And which other children provide.

Mr. MONDALE. Yes, and the security that comes with it. That is the most important thing we receive as human beings.

We are not going to make gains toward a healthy America by creating warehouses in which we stack children and do nothing for them, and provide no emotional support, no sense of security, and none of the things which are needed for child development.

Mr. FULBRIGHT. And no intellectual stimulation.

Mr. MONDALE. And no intellectual stimulation. We are creating a generation of young people that scares me. They will be denied the essential ingredient that a healthy person must have. That is what scares me so much about custodial centers. That is not speculation.

Recently a report was issued by the National Council of Jewish Women, based on the study they made of day-care centers in 90 cities. It is absolutely scary in terms of how emotionally ignored and untended these children are all day long. That is the worst possible thing.

Psychiatrists, psychologists, experts in the field, Bettye Cardwell being one of them, warned about that situation.

We are just concluding 2½ years of work by the Committee on Equal Educational Opportunity, of which I am privileged to be chairman. Every year we pay a tremendous economic bill, which includes a welfare bill of $12.5 billion; a crime bill, and nobody knows how big that is; we pay it in terms of lost life; we pay it in other ways such as lack of political participation. And one generation tends to produce another generation that is consigned to the same tragic condition.

One of the most hopeful things we come up with is that we should provide assistance to strengthen and support family life. In many instances these children come from broken homes where they do not have enough to eat, where the family often is not able to provide intellectual stimulation, where there is no hope, no music, no books, no aspirations for better life. Many times these children are destroyed before they go into the front door of any school. This happens up to the time they are 5 years of age. Because of the explosive development period, the first 5 years of life are the years when the foundation of a child's life is laid.

That can be a period of great development and growth or it can be a period of shocking, emotional, and mental destruction. We are trying to reach down and help these families give their kids a chance before we have another generation of broken young children. That is what this is all about.

Mr. FULBRIGHT. I thank the Senator.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that the following professional staff members of the Labor and Public Welfare Committee be admitted to the floor during the consideration of S. 3617, the Headstart, Child Development, and Family Services Act of 1972: Richard E. Johnson, William J. Spring, Sidney Johnson, Jonathan Steinberg, John Scales, and Richard Siegel.

Mr. NELSON. Mr. President, the Committee on Labor and Public Welfare has reported to the Senate S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972. As chairman of the Subcommittee on Employment, Manpower, and Poverty, which held some 13 days of hearings in child care legislation over the last 2 years, I hope the Senate will approve this bipartisan compromise measure by an overwhelming vote.

There is no need in America more fully documented nor more pressing than the provision for quality child care opportunities for disadvantaged children. In February 1969—1 month after his inauguration—President Nixon recognized this need in a message to Congress. He said at that time:

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

The child development legislation contained in the Economic Opportunity Amendments of 1971 (S. 2007) was, as Members of the Senate know, killed by a Presidential veto. The veto message raised objections which bore no resemblance to the legislation actually passed. For anyone who took the words of the veto message at face value, the Congress of the United States stood accused of passing legislation aimed at weakening the American family and "Sovietizing American children." Nothing could have been farther from the truth. Quite obviously whoever wrote the veto message never read the bill.

With over 5 million preschool children of working mothers in the country and only 700,000 places in day care facilities, the need for additional facilities cannot be doubted. For the poor, the Headstart program has provided a magnificent demonstration of what can be done in centers that provide not only warm and adequate day care but also health and education programs crucial to the future of so many of the Nation's children in poverty homes. But the Headstart program now reaches only some 10 percent of the number of poor children who could potentially use its services.

After the veto, members of the Labor and Public Welfare Committee went to work on revised legislation attempting to respond to the criticisms raised by the veto message. Senator MONDALE and I, together with 14 other cosponsors, introduced child-care legislation providing for an enlarged State role (S. 3193), and Senator JAVITS, and 12 other cosponsors introduced new child development legislation separate from the OEO legislation (S. 3228). The Committee on Labor and Public Welfare accepted the suggestion of the minority members that it would be best to separate the child-care bill from the extension of the Economic Opportunity Act of which it was a part in 1971. Furthermore, last year's proposal was changed in a number of ways in efforts to make the legislation more acceptable to the administration. In brief, the changes are as follows:

First, the cost. Rather than authorizing $2 billion a year for the program, S. 3617 authorizes only $150,000,000 for planning in the coming fiscal year—fiscal 1973—and $1.2 billion in fiscal year 1974 and $1.6 billion in fiscal year 1975.

Second, administrative workability. Last year's bill provided that any community of 5,000 population could be a prime sponsor. The new bill provides that local communities of over 25,000 population are entitled to prime sponsorship if the Secretary determines they have the capability to carry out child development programs. All other geographical areas of the State would be served by the State government as prime sponsor. Whereas there would have been a potential of 7,000 prime sponsor applicants under last year's bill, this year's higher population cut-off figure would reduce the number to 2,000 prime sponsors. That is approximately the number of Head Start grantee and delegate agencies HEW now deals with.

Third, the responsibilities of the child development councils. The committee has rewritten the bill to make it clear that mayors and Governors have full operating responsibility for child development programs. Under the revised bill the councils approve basic policies and guidelines but day-to-day administrative responsibility for carrying out child-care programs rests with the Governor or the mayor.

Fourth, the role of the States is substantially expanded under S. 3617. As previously mentioned, the State serves as prime sponsor in all parts of the State not covered by a local prime sponsor which has a minimum of 25,000 population. In addition, twice as much money—an increase from 5 percent to 10 percent—is set aside for State coordination and comprehensive planning, in cooperation with local officials, for child-care programs. Furthermore, the committee has authorized a major demonstration program for State-administered child development programs. In up to five States, the Secretary would be authorized to designate the State as the prime sponsor for the entire State including those localities of over 25,000 population that would otherwise be eligible to deal directly with Washington as local prime sponsors. These States would have to be selected on the basis of a record of leadership and demonstrated capabilities in the child development area.

The fee schedule negotiated by the committee and the administration last fall has been included in the bill. That schedule provides free services to children whose families earn up to $4,320 per year in the case of a family of four. That figure is the same as the cutoff point for aid to the working poor under the family assistance plan. For families of four earning more than $4,320, the fee schedule limits the cost to 10 percent of income between $4,320 and $5,916 and then limits fees to those with higher income to 15 percent of income between $5,916 and $6,960. That figure of $6,960 is the low adequate budget as calculated by the Department of Labor's Bureau of Labor Statistics for an average urban family of four.

How would the program work? Funds would flow from Washington to cities and States according to a distribution formula based on the number of children eligible for services under the legislation.

At the State and local level, mayors and Governors would set up child development councils. Half of the membership of these councils would be parents of children to be served; the remaining half would be appointed by the Governor or mayor to represent the public, including education agencies, community action agencies, health and welfare organizations. These councils would be responsible for approving program goals, basic policies, and approving arrangements for programs.

Headstart agencies, schools, charitable organizations, or any other local groups that wished to run child development programs would apply to the prime sponsor for funds. Each operating agency would be required to set up project policy committees composed 50 percent of parents of children to be served to oversee the day-to-day operation of child-care programs. Within a community of any size there would be a network of centers serving children, guided by project policy committees. The prime sponsor, the Governor or the mayor or the county executive, would oversee all projects in the prime sponsorship area and allocate funds among the various centers.

As I indicated earlier in these remarks, cities of over 25,000 population would have the right to be designated as prime sponsors to administer child-care programs in their own areas if they had the capability. Where local prime sponsors are so designated, the State would serve as prime sponsor for all the rest of the State. In the balance of the State, the Governor would be the prime sponsor and the State would be responsible for administering the overall program. In a provision new to this particular piece of legislation, the Governor would establish local program councils for regions within the State, serving areas of 50,000 population. In this way, State decisions with respect to a particular area of a State would be subject to review in the appropriate area of the State where programs are being carried out.

The existing Headstart program is one of the most successful of our antipoverty efforts. In order to assure that these programs will not be cut back, the bill insures that the first $500,000,000 available under the legislation would be used to continue ongoing Headstart programs. In addition, the bill provides that 10 percent of the opportunities available in child development programs go to handicapped children. In the past, handicapped children—very often the most in need—have not received the degree of representation among the children served in preschool programs that they should have, considering the proportion of handicapped children in the population.

Let me close by addressing the charge that the provision of child-care services somehow weakens the family. The fact of the matter is that millions of mothers now work based on their own choice or economic necessity. The legislation before the Senate today is merely an attempt to meet our responsibilities to the children who need adequate child care because a parent is not at home during the day. Presently available child-care facilities are often grossly inadequate, as described by witness after witness before the committee. It is more than a little ironic that S. 2007 was vetoed last year at the very time the administration was urging passage of welfare legislation containing provisions that would require mothers of young children to take low-paying jobs or lose welfare benefits.

The legislation now before the Senate is a bipartisan attempt to draft sound and responsible child development legislation. I urge Senators to support its passage.

Mr. President, I ask unanimous consent that a section-by-section analysis of S. 3617 be printed in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Section-by-Section Analysis

SECTION 1. SHORT TITLE

This section provides that the legislation may be cited as the "Comprehensive Headstart, Child Development, and Family Services Act of 1972".

SECTION 2. STATEMENT OF FINDINGS AND PURPOSE

This section sets forth the congressional findings concerning the need for child development and family services and the purpose to assist parents who request such services in providing their children with an opportunity for a healthful and stimulating development.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS

Subsection (a) authorizes the appropriation of $1.2 billion for fiscal year 1974 and $1.6 billion for fiscal year 1975 for carrying out this Act. Any unobligated amounts at the end of such fiscal year may be obligated in the succeeding fiscal year.

Subsection (b) authorizes the appropriation of $150 million for fiscal year 1973 for the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems appropriate to prepare for the implementation of this title.

Subsection (c) provides that the amounts appropriated under subsection (a) shall be made available as follows:

The amount of $500 million shall be for the purpose of providing assistance under title I of this Act for child development programs focused upon young children from low-income families, with priority for Headstart projects.

Up to 15 percent of the amounts which remain thereafter may be made available, as the Secretary of Health, Education, and Welfare deems appropriate, for titles II and III of this Act, but not to exceed 5 percent of such remaining amounts shall be used for title III.

The remainder of the appropriation is to be used for carrying out title I.

Subsection (d) sets forth advance funding authority.

SECTION 4. DEFINITIONS

This section defines terms used in the Act.

TITLE I—HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES PROGRAMS

SECTION 101. PROGRAMS ASSISTED

This section provides that the Secretary of Health, Education, and Welfare shall provide financial assistance for carrying out child development and family services programs under this title to prime sponsors and to other public and private nonprofit agencies and organizations pursuant to plans, program statements, and applications approved in accordance with this title. The purposes for which financial assistance may be used are set forth in this section.

SECTION 102. STATE AND LOCAL PRIME SPONSORS

Subsection (a) provides that a State, a unit or combination of units of general local government of at least 25,000 population or, if less, which demonstrates capability and a particular need, an Indian tribal organization, or a public or private nonprofit agency may be designated as a prime sponsor of child development and family service programs in accordance with the provisions of the legislation upon approval by the Secretary of a prime sponsorship plan.

Subsection (b) provides that the plan must provide for a child and family services council, must provide assurances that staff and other administrative expenses of the council and local program councils and project policy committees will not exceed percent of the total cost of child development programs administered by the prime sponsor (unless increased to reflect higher start-up costs or other special needs), and must provide assurances to provide or to enter into arrangements with appropriate State or local or other agencies for linkages to provide services related to child development.

Subsection (b)(8) provides that, in the case of a State applicant for designation as prime sponsor of areas not served by a local prime sponsor, the plan must also provide for designating local family service areas serving the area of one local government or of units of local government serving not more than 50,000 population unless Secretary allows area of up to 100,000 population. For each local family service area, a local program council must be maintained consisting of at least half parents and the remainder public members appointed by the local government official. These local program councils participate in developing and approve the State's program statement for the area and arrangements for projects in the area.

Subsection (c) provides that any local program council may appeal directly to the Secretary when it alleges a failure to comply with the program statement or the provisions of the Act.

Subsection (d)(1) provides that the Secretary shall approve a satisfactory State prime sponsorship plan for areas not served by local prime sponsors.

Subsection (d)(2) authorizes the Secretary to designate five States to carry out demonstration projects as Statewide prime sponsors, even with respect to localities which would otherwise qualify as local prime sponsors. No State with a population of 5 percent of the national population or more could be so designated.

Subsection (e) provides that the Secretary shall approve a prime sponsorship plan submitted by a city or county or other unit of general local government if it meets the requirements of subsection (a) and has a population of 25,000 or more. The Secretary has discretion to choose either a city or a county as prime sponsor for an area which covers a common geographical area.

Subsection (f) provides that the Secretary shall approve a prime sponsorship plan submitted by a combination of localities if the plan meets the requirements of subsection (a) and has a population of 25,000 or more.

Subsection (g) provides that the Secretary shall approve a prime sponsorship plan submitted by an Indian tribal organization if the plan meets the requirements of subsection (a).

Subsection (h) provides that the Secretary may approve a prime sponsorship plan submitted by a unit or combination of units of general local government or a public or private nonprofit agency if he determines that the plan includes provisions setting forth arrangements for serving children in a neighborhood which is not covered by a prime sponsor or in any portion of an area where the prime sponsor is not satisfactorily implementing child development programs, or for making available special services designed to meet the needs of economically disadvantaged or preschool children. He may also approve such a prime sponsorship plan setting forth arrangements for providing comprehensive child development programs on a year-round basis to children of migrant agricultural workers, or arrangements for carrying out model programs, especially projects for economically disadvantaged minority group, or bilingual preschool children.

Subsection (i) provides that the Governor of the State shall be given between thirty and sixty days to review and make recommendations on prime sponsorship plans submitted under this section.

Subsection (j) provides that a prime sponsorship plan may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary provides written notice, a reasonable time for corrective amendments or action, and an opportunity for a hearing upon which an appeal to the Secretary may be based.

Subsection (k) provides for review by the court of appeals of the Secretary's final action with respect to prime sponsorship under subsection (j).

Subsection (l) provides that the Secretary shall approve the application of an alternate unit of Government or a public or nonprofit agency or organization in the area representing the interests of minority and economically disadvantaged persons where any unit of general government or other prime sponsor is practicing discrimination against minority group or economically disadvantaged children.

Subsection (m) provides that the Secretary may directly fund programs, including those in rural areas without regard to population, where he deems it necessary, in the event that a State, or unit or combination of units of general local government, or Indian tribal organization has not submitted or the Secretary has not approved a program statement under this section, or where a prime sponsorship designation is not in effect or where the needs of migrants, preschool-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served.

SECTION 103. CHILD AND FAMILY SERVICES COUNCILS

Subsection (a) provides that each prime sponsor shall establish and maintain a Child and Family Services Council consisting of not less than 10 members half of whom must be parents of children served in programs under this Act and the remainder of whom are to be appointed by the prime sponsor's chief executive or governing body to represent the public.

(Half of the public representatives must be persons broadly representative of the general public including community agencies and organizations, and the remaining members must be persons who are skilled in child development, child health, child welfare, or other child services.)

Subsection (b) provides that, in accordance with regulations which the Secretary shall establish pursuant to regulations, each prime sponsor shall provide that the parent members of child development councils shall be chosen by the membership of local program councils described in section 102(b)(8), in the case of State prime sponsors, and participants in federally assisted day care programs especially Headstart, in the case of local prime sponsors. Not less than one-third of the total membership of such council shall be persons broadly representative of the economically disadvantaged. The council is entitled to approve program statements, basic goals, policies, actions, and procedures, and the selection or establishment and annual renewal of the administering agency or agencies, for the prime sponsor. The council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants.

SECTION 104. PROGRAM STATEMENTS

Subsection (a) provides that financial assistance to a prime sponsor may be provided for any particular fiscal year only pursuant to a program statement approved by the Secretary. Provisions which such program statement are to include are set forth in this subsection. Among these provisions are the requirements that not less than 65 percent of the financial assistance from apportionments under section 3(c)(3) must be used for programs and services for economically disadvantaged children; and that priority thereafter must be given to other children of single parents and working mothers.

Subsection (b) provides that no program statement shall be approved unless opportunities to submit comments to the prime sponsor and to the Secretary have been provided to each community action agency or single-purpose Headstart agency previously responsible for a Headstart program, to the local educational agency and other appropriate educational and training agencies and institutions, and the Governor of the State.

Subsection (c) provides that a program statement may be disapproved or a prior approval withdrawn only if the Secretary has provided written notice, reasonable time for corrective amendments or action, and an opportunity for a public hearing upon which an appeal may be biased.

Subsection (d) provides that the Secretary shall establish procedures to permit prime sponsors to submit jointly a single program statement for the areas served by such prime sponsors.

SECTION 105. PROJECT APPLICATIONS

Subsection (a) provides that financial assistance may be provided to a project applicant for any particular fiscal year if the project application is submitted by a public or private nonprofit agency and contains other provisions set forth in this subsection. Among these provisions are requirements that funds be provided only to qualified public or private agencies and that project policy committees be established and maintained Such project policy committees must consist of not less than 10 members and half must be parents of children served in such projects and the remaining half shall be comprised of persons who are representative of the community approved by the parent members and one person who is skilled in child development.

Project policy committees must participate directly in the development and preparation of project applications and have responsibility for approving basic goals, policies, actions, and procedures for the project applicant. The bill provides that no charges be made to families with an annual income equal to or less than $4,320, with adjustments in the case of families with more than two children. Charges for other families may be made in accordance with a fee schedule established by the Secretary based on ability to pay. However, such fees may not exceed 10 percent of the difference between the free services level and 85 percent of the lower living standard budget, and then 15 percent of any income between that level of 85 percent of the lower living standard budget and 100 percent of the lower living standard budget.

Subsection (b) requires that the project application otherwise further the objectives and satisfy the requirements of the prime sponsor's program statement.

Subsection (c) provides that a public or private nonprofit agency which is a prime sponsor shall submit a project application directly to the Secretary.

Subsection (d) provides that a prime sponsor may disapprove a project application only if it provides a statement of reasons to the applicant and that the project applicant may appeal to the Secretary for direct approval thereof.

Subsection (e) provides that a project application submitted to the Secretary by a public or private agency may be approved upon the Secretary's determination that it meets the statutory requirements.

SECTION 106. ANNUAL FAMILY SERVICE PLANS

This section provides that, upon submission of an annual family service plan by any State, the Secretary is authorized to provide financial assistance for carrying out activities for the purposes of determining child development and family service goals and needs, assisting in the establishment of Child and Family Service Councils, and strengthening their capabilities, and arrangements under which State agencies assist in providing child development and related services where requested by prime sponsors in the development and implementation of program statements.

SECTION 107. SPECIAL COOPERATIVE PROGRAMS WITH EDUCATIONAL AGENCIES AND OTHER PROJECT SPONSORS

This section provides that the Secretary shall use funds made available under section 108(a)(1)(E) to provide assistance to educational agencies and institutions for cooperative programs designed to provide continuity between preschool, after school, and other educational programs.

SECTION 108. ALLOCATION OF FUNDS

Subsection (a)(1) provides that, of the amounts available for this title, the Secretary shall reserve the following:

For apportioning among programs for children of migrant agricultural workers, not less than that proportion of the total amounts available for this title, as the proportion which the number of such children bears to the number of economically disadvantaged;

For apportioning among programs for children on Federal and State Indian reservations, not less than that proportion of the total amounts available for this title as the proportion which the number of such children bears to the number of economically disadvantaged children:

For special activities for handicapped children, not less than 10 percent of the total amount available for this title; and

For model programs, not to exceed 5 percent of the total amounts available for this title.

For special cooperative programs with educational institutions, not to exceed 5 percent of the local amounts available for this title.

Subsection (a)(2) provides that the amounts remaining after such reservations shall be allocated by the Secretary to the extent practicable so that such funds shall be apportioned among the States and localities within each State as follows: 50 percent in proportion to the relative numbers of economically disadvantaged children, 25 percent in proportion to the relative numbers of children up to age 6, and 25 percent in proportion to the relative numbers of children of working mothers and single parents.

Subsection (a)(3) provides that not to exceed 10 percent of the total funds allotted for use within a State may be made available to the State to carry out its annual family service plan under section 106.

Subsection (b) provides for reapportionment of unused apportionments.

SECTION 109. ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION OR ACQUISITION

This section provides that applications for financial assistance for projects including construction may be approved only if the Secretary determines that construction of such facilities is essential to the provision of adequate child development services, and that rental, lease or lease-purchase, renovation, or remodeling of adequate facilities is not practicable. Federal assistance for construction may not exceed 50 percent of cost in the case of funds to be paid to other than public or private nonprofit agencies and organizations. A maximum of 15 percent of a prime sponsor's total financial assistance may be used for construction.

SECTION 110. USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

This section requires reports as to the extent to which facilities owned or leased by Federal agencies and other agencies may be available for child development programs during times when such facilities are not being utilized fully for their usual purposes.

SECTION 111. PAYMENTS

This section sets forth the Federal share provisions. A Federal share of 90 percent is provided for child development programs ordinarily, but the Secretary has discretion to exceed that percentage and he is required to pay 100 percent of programs for migrants and Indians.

TITLE II—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND EVALUATION

SECTION 201. PRESERVICE AND INSERVICE TRAINING

This section authorizes the Secretary to provide financial assistance for preservice or inservice training for professional and nonprofessional personnel.

SECTION 202. TECHNICAL ASSISTANCE AND PLANNING

This section provides that the Secretary shall make technical assistance available to prime sponsors and project applicants to assist them in planning, developing, and carrying out child development programs.

TITLE III—SUPPORTIVE SERVICES AND SPECIAL ACTIVITIES

SECTION 301. SPECIAL RESPONSIBILITIES OF THE SECRETARY

Subsection (a) provides that the Secretary shall make an evaluation of Federal involvement in child development activities and services. The Secretary must reserve 1 percent, and may reserve up to 2 percent, of the funds under this Act for the evaluations required by this section.

Subsection (b) provides that the Secretary shall carry out research and demonstration projects, including research on the nature of child development processes, research to test alternative methods of providing child development and related services, evaluation of research findings, and the dissemination and application of research and development efforts.

Subsection (c) provides that the Secretary shall give priority in assisting research and demonstration projects to programs carried out by multicounty local development districts under the Appalachian Regional Development Act and the Public Works and Economic Development Act.

Subsection (d) authorizes the Secretary to make grants in contracts with public or private nonprofit agencies to carry out research and demonstration projects under this section.

Subsection (e) authorizes the transfer with the approval of other agency heads, of funds to the Secretary for research purposes under this part, provides that the Secretary shall through the Office of Child Development coordinate all child development research, training, and development efforts conducted within the Department of Health, Education, and Welfare.

Subsection (f) authorizes financial assistance for child development and family service programs for the children of employees of the Federal Government.

Subsection (g) provides that the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child development programs under this Act. Such services shall make use of the special food service program for children as defined in section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with such acts.

SECTION 302. FEDERAL STANDARDS FOR CHILD DEVELOPMENT AND FAMILY SERVICES

This section provides that the Secretary shall promulgate a common set of program standards to be applicable to all programs providing child development services with Federal assistance under this title, to be known as the Federal Standards for Child Development Services. Such standards shall be consistent with the Federal Interagency Day Care Requirements. A special Committee on Federal Standards for Child Development Services, consisting of parents and child development experts, is to be established for the purpose of participating in the development of such standards.

SECTION 303. DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

This section provides for a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities dealing principally with matters of health, safety, and physical comfort. Upon approval by the Secretary, standards contained in the code are to be applicable to all projects assisted under this Act.

SECTION 304. MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

This section establishes a program of mortgage insurance for child development facilities, to be administered by the Secretary of Health, Education, and Welfare.

SECTION 305. OFFICE OF CHILD DEVELOPMENT

This section provides for the Office of Child Development to be the principal agency in the Department of Health, Education, and Welfare for the administration of this title and for the coordination of programs and other activities relating to child development and family service research, training, and development efforts.

SECTION 306. SPECIAL COORDINATING COUNCIL

This section establishes by statute the Child Development Research Council.

SECTION 307. SPECIAL PROHIBITIONS

This section contains administrative provisions of the same kind usually set forth in similar legislation.

SECTION 308. WITHHOLDING OF GRANTS

This section provides that the Secretary may withhold funds for failure to comply with requirements of this Act after notice and opportunity for a hearing.

SECTION 309. FEDERAL CONTROL NOT AUTHORIZED

This section sets forth the prohibition against Federal control of education.

SECTION 310. SPECIAL PROHIBITIONS AND PROTECTIONS

This section provides that nothing in this Act shall infringe upon parental rights and directs the Secretary to establish procedures to insure that no child shall be the subject of research or experimentation under this Act unless the child's parent or guardian is informed and has the opportunity to except such child therefrom. This section also provides that the Secretary shall assume that programs providing care outside the home for very young children shall be reviewed periodically and frequently by the Secretary and that no such program shall be approved for assistance unless it is specifically authorized and approved by the Secretary.

SECTION 311. REPEAL OR AMENDMENT OF EXISTING AUTHORITY AND COORDINATION

This section provides for repealing, effective July 1, 1975, the authorization for Headstart and provides that where day care authorized elsewhere in the Economic Opportunity Act shall be provided, wherever feasible, through child care programs under this Act.

SECTION 312. TRANSITIONAL AUTHORITY

This section permits the Director of the Office of Economic Opportunity to waive allotment and Federal share provisions under title II of the Economic Opportunity Act to relieve hardship resulting from the failure to continue the authorization for Headstart under the current section 222(a) (1) when this Act takes effect.

SECTION 313. ACCEPTANCE OF FUNDS

This section authorizes the Secretary to accept, for use under this Act, funds appropriated to carry out other laws if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from Ohio (Mr. TAFT).

Mr. TAFT. Mr. President I support the Comprehensive Headstart, Child Development and Family Services Act of 1972. This bill, which was reported from the Labor and Public Welfare Committee, is the result of a bipartisan compromise between S. 3228, which I cosponsored along with 13 of my Republican colleagues, and S. 3193 introduced by the Senator from Wisconsin (Mr. NELSON) and co-sponsored by other Senators.

I believe that this measure represents a substantial improvement in several respects over title V of S. 2007, which the President vetoed last December.

I want to commend all concerned for their tolerance and patience in working out the terms of the compromise. Particularly I would like to say a word for the Senator from Minnesota (Mr. MONDALE), who has taken the leadership in this connection.

I am pleased that this bill is being considered separately, and not attached to the OEO extension, as it was previously the bill which was vetoed. At that time Members of the Senate may recall, I moved to attempt to separate the child development section from that bill, and had that been done, I feel we might have had a better chance of achieving workable legislation at an early date and also given more certainly to the existence and continued life of the OEO.

I have consistently urged that this important measure be debated on its own merit without delaying or hampering the consideration of the OEO extension.

This bill would make it possible for thousands of parents to work or further their education to improve the well-being of their families with the confidence that their children have the opportunity to participate in quality educational day care programs. I believe that this measure would be a desirable complement to the welfare reform legislation which we will soon be considering. While there are guidelines to insure that the various programs are of a high quality, flexibility is provided so that these programs can be designed to meet the needs of the families who choose to participate.

I believe that the administrative workability of the programs in this act has been improved substantially. This bill gives State and local prime sponsors clear responsibility for planning and implementing the programs. The role of the family service and child development councils has been changed from a policy making one to that of approving the plans developed by the prime sponsor. I believe that this arrangement is much sounder than the prior arrangement in which the councils themselves had some really administrative responsibility, and I did not feel they were bodies set up to take advantage of that administrative responsibility. All of the responsibility for proposing the type of programs to be carried out in the entire project is now left to the prime sponsor.

Other improvements in the bill include a more realistic authorization—$150 million for start up in 1973 and $1.2 billion for fiscal 1974, as opposed to $2 billion authorized for fiscal 1974 in S. 2007.

I call to the attention of the Senate that, in using these figures, I include the level of planning and authorization in the Headstart program of approximately $500 million per year. That amount is included in the $1.2 billion figure which I mentioned for fiscal 1974.

The provision for annual family service plans is to be submitted by the States to insure statewide coordination, and there is an increased authorization for training.

Later today, or tomorrow, I hope to introduce a clarifying amendment further extending the wording of the bill as proposed presently with regard to providing opportunity for individuals to receive training for the increased need which already exists, and which will become even more apparent as we go ahead with this program, for trained both professional and nonprofessional personnel to properly carry out this program.

I support also the basic fee schedule provisions in the bill, which were worked out with the administration last year. This represents one of the principal compromises which was arrived at, and erases one of the objections that the President expressed in his veto message. Under the plan as it is presently in this bill, free services would be provided to families with incomes up to $4,320 for a family of four, with modest fees between that level and $7,214, the so-called lower living standard of the Bureau of Labor Statistics. The Secretary of Health, Education, and Welfare would establish the fee schedule for families with incomes above that level.

I support the committee report and the additional views. Significantly, the committee bill includes an additional provision to insure that any schedule established by the Secretary will permit continued participation as income rises, and that prime sponsors may request permission to charge fees below those prescribed in order to meet special local circumstances.

Mr. President, I believe this bill will go a long way in providing a sound basis for profitable and effective day care coverage for many, many young Americans who are not getting it today. The Headstart program has been an important start forward. I think those of us who participated in its inception—back in my first term in Congress I recall we had the hearings and started out to authorize this program—it has certainly done much good. This program has the potential to expand and achieve an additional amount of good over and above present efforts being carried out by Headstart. I believe it deserves the support of the Senate, and I hope we will act favorably upon it.

Mr. DOMINICK. Mr. President, I yield 10 minutes to the distinguished Senator from Tennessee (Mr. BROCK).

Mr. BROCK. Mr. President, at the outset, lest there be any misunderstanding, let me state my categorical opposition to this legislation.

Mr. President, why must we deprive the children of this Nation of parental and kindred care by creating incentives to effectively deposit a bundled baby on the steps of an institution each day

If one accepts the premise that child rearing is best done by parents and families, then why we do not seek programs to encourage the family or neighborhood to take care of their own children?

Why not institute incentives to elderly family members who spend time in child care? Such a program could have any number of salutory effects in sustaining the family unit. What we are being asked to vote on today, while somewhat less bad than the measure vetoed by President Nixon last December, gives impetus to the forces wrenching at today's family.

Mr. President, this bill attempts to inject its plethora of councils and committees, interpositions and bureaucracies, in the lives of children. Such bureaucracies are sterile, infinitely preconditioned and arrogant, serving only to deprive the individual of social skills which would help him to strengthen his family and his community.

In the press of important business in this session, many have not had the opportunity to give this bill the thought it deserves. Many of us who have studied the proposal have come away deeply disturbed about the assumptions upon which it is predicated. Certainly one person who was concerned by the previous child development program, vetoed by the President last December, was William Shannon, editorial writer for the New York Times. In his article in the New York Times Magazine of last April 30, Mr. Shannon, who clearly considers himself a liberal, expressed his nearly complete agreement with the reasoning behind the President's veto. In particular, he pointed out that "much hard-earned human wisdom" lay behind the President's contention, expressed in his veto message, that:

> All other factors being equal, good public policy requires that we enhance rather than diminish both parents involvement with children.

Mr. Shannon declares that he can only agree with this principle, and asks rhetorically:

> Are child-development centers desirable for any children other than the most damaged and deprived? The unpopular truth is that any community facility—call it a day-care center or a child-development center—is at best an inadequate, unsatisfactory substitute, and at worst a dangerous, destructive substitute for a child's own mother.

If the scope of this bill were reduced to this central issue, the overwhelming majority of American citizens would agree with its position. Perhaps, even the great majority of my distinguished colleagues would agree with it too. I certainly do.

How do we develop the premise that effective means should be found to strengthen the family rather than weaken it? By forcing the Federal Government to interfere in family structure? Hardly. Mr. Shannon suggests that if we really wish to strengthen the family—and the bill's proponents claim that this is in fact what they wish to do—then it would be preferable to make direct money grants to mothers to take care of their own children. This would reduce their incentive to take outside employment, to leave their sons and daughters in the care of people who have no direct interest in them. By such an action, Mr. Shannon states the Government would make it clear that it considers child rearing an important task, too important, one might add, to be left to impersonal experts.

Mr. Shannon remarks:

> It is a rare and exceptionally gifted woman who does something more important in the outside world than she does during those critical first six years when she is helping to form the personality and character of a child.

He is right.

President Nixon, Mr. Shannon, and a number of other people who have written on this subject are pointing us in the right direction, whereas the proposed legislation would take us very much in the opposite direction.

I cannot state that Mr. Shannon's idea of direct money grants to mothers is the best way of approaching the matter, but it is infinitely preferable to the arrogance underlying this proposed legislation. Should we not test his and other suggestions before being stampeded? Cries that opponents of this bill are "antichild" are ridiculous. There are many preferable alternative approaches to child development, and only a fool would refuse to seek new and better ideas.

One avenue which strikes me as meriting more thorough investigation than it has received up to now is the voucher system. It could be aimed more precisely at the economically disadvantaged. It would give them infinitely more "control" over the programs in which their children are enrolled than membership on any number of the child and family service councils, local program councils, and project policy committees, envisioned by the drafters of the current bill.

A parent armed with voucher will have an effective "economic vote," for those who run child development centers will be aware that they must tailor their programs to meet the wishes of parents and the needs of children or else go out of business. In fact this was said by the National Urban League in its written statement of June 3, 1971, to the Subcommittee on Children and Youth and the Subcommittee on Employment, Manpower, and Poverty:

> We recommend some type of direct appeals process for parents who can demonstrate that a center does not serve the best interests of their children and themselves. One alternative might be to provide temporary vouchers to allow them to seek services on the "open market" in order to provide needed services until they are able to obtain either the changes deemed necessary in the center in which they enrolled or until they no longer require the service.

The idea of an appeals process in the proposed programs seems extraordinarily clumsy, but the notion of vouchers here is very much in order.

Moreover, Mr. President, it would be desirable, and probably possible, for a voucher system to be devised in such a way that a premium could be placed upon child care in the family—preferably the child's own family, as in the instance of Mr. Shannon's proposed direct money grants. The problem of designing a system based upon either direct money grants or vouchers for improving the raising of children is a very complex one.

Of course, it is difficult at best to devise a procedure to insure with reasonable certainty that the funds allotted are used for the purpose allotted, to see to it that funds are not diverted for other uses or misspent. It will be impossible to guarantee that all vouchers, say, will be used wisely by parents in the lower income groups. But then, even high-income individuals do not always spend their money well, nor does this Congress. The Government must not put itself in the business of supervising the decisions of every individual.

Mr. President, by rejecting the bill before us today and going on to work along the lines I have sketched—those of either a direct money grant or voucher system—the Congress of the United States will affirm its belief in the family as the fundamental building block of any society. It would, at the same time reject the view that each child, viewed atomistically as only one component of the mass, should become the ward of the State.

By leaving the ultimate responsibility for decisions relating to a child's welfare in the hands of parents rather than government bureaucrats, we by no means ensure that these decisions will always be wise ones, but we will affirm our belief that decisions as to the welfare of a child are best made by those closest to him.

The tie of "flesh and blood" is still basic. We should seek to strengthen it, rather than replace it with that desiccated link which we usually find between social worker and client. We should make it clear by our actions here today that we have faith in the ability of the individual to make decisions about his own future, in the ability of the family to resolve its own problems. We should limit our assistance only to those instances in which the individual or the family has so clearly failed that they recognize their plight themselves and feel they have nowhere else to turn.

In sum, the Federal Government should be the court of last resort rather than that of first resort. The proponents of this child development legislation would now encourage us, and later perhaps compel us, to look first to the State for the resolution of purely personal problems. This is an approach which I reject, Mr. President, and I urge my colleagues to join me in rejecting it.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield the Senator from Tennessee an additional 3 minutes.

Mr. BROCK. I yield.

Mr. TAFT. Mr. President, I know that the Senator is a fiscal conservative and that he would seek a solution to these problems which would be consistent with the overall economic well-being of the Nation. I am interested in his apparent espousal, or almost espousal, of the concept of a direct payment to the mothers involved. I think the figures in connection with the proposal merit some attention.

The figure we have as to the number of families in which there is family income of $7,000 or less is 6,806,000. If we take a family allowance and start throwing around the kind of allowance it seems to me the Senator is talking about, and if we are asking a working mother—there are approximately 1 million of them with family incomes at those levels—to leave the job market, I think we are talking about an amount that might be estimated at $2,000 per family.

Is the Senator suggesting that we ought to be talking about a direct grant program running in the neighborhood of $14 billion, just on the arithmetic of 7 million such families and children involved? It seems to me that the cost involved about which the Senator is talking is enormous.

It does point out what I have attempted to point out and what I think the Senator from Minnesota has attempted to point out—that this program goes hand in hand, really, with H.R. 1 and a family allowance type of approach to the problem. It is not anything more than a mere extension of the Headstart program, which I do not believe the Senator opposes, into a slightly broader realm, broader scope, in an attempt to handle problems that apparently are not being handled.

I hope the day will come when all children can be taken care of in their own homes, and adequately so, and we will not have the problem of working mothers that we have today.

I should like to get the Senator's figures pinned down as to how he feels the problem could be handled from a fiscal point of view, if we take the view suggested by the New York Times editorial.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMINICK. I yield 3 additional minutes to the Senator from Tennessee.

Mr. BROCK. That was an extensive question. I will try to answer it briefly.

I really think that the fundamental premise we have here is what the cost is for the child who is, by incentive or otherwise, taken from its family. This bill would motivate the dissolution of family care, family sharing, family concern. To me, there is no possible way to calculate the cost of that to the child.

The studies I have seen are from really good child care centers—some in Chicago and Israel. They still reflect an enormous psychological impact upon the child.

For the life of me, I cannot see how the Government could create an incentive program to encourage a woman to choose the work market over her responsibility of trying to provide her child with every ounce of love available to it, so that it can grow up with dignity and love for other people. I do not think that can be found in a child development center.

The pressure is going to come on Congress and the Government to provide the centers in every community. No one can stand before this body and say there are enough people with Ph. D.'s in psychology and all the rest to staff those centers. The result is that you are going to have wards, you are going to have warehouses, in which you take the responsibility of these babies from their mothers.

So that the question is not employment. I think there is a better way to do it. I think the mother, when she has that child, accepts the responsibility. I see no reason not to recognize that. We do it in the family assistance program. We do take cognizance of that. We are not requiring them to work until the child has reached the age of six. Why create an additional system of motivation which puts economic pressure on that family to dissolve itself and to abdicate the most fundamental principles a family has, which is the rearing and loving of their children?

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. I yield myself 15 minutes.

Mr. President, I congratulate the Senator from Ohio, who is the ranking minority member of the subcommittee, the Senator from Minnesota, and the Senator from Wisconsin for the work they did on the bill when it was considered in subcommittee and in committee. It is an enormously complex problem, and the further one gets into the bill the more complicated it becomes.

We had some executive hearings on the bill in the markup. A considerable number of changes were made to it. I believe there was some study and some consideration of the philosophical points involved. But I am not a bit certain that, under the pressure of work within which the Committee on Labor and Public Welfare operates, sufficient attention was given to the mechanics of this bill in order to avoid the pitfalls that the previous bill contained or in order to avoid what I think is the fundamental pitfall; namely, promising more than we can produce. Over and over again in the past few years Congress has, through legislation, with high ideals, promised to the American public great, flaming new programs which will solve all the social evils of the country. This is one more of that kind of idealistic approach. I have nothing against ideals. I am for them myself, but I wish Congress would not go on spending the taxpayers' money thinking it will be a panacea for all our country's social ills and then not be able to solve most of the ills to which the legislation addresses itself.

I made some individual comments on the bill in the report, some of which I think are worthwhile repeating here. I voted to report the bill so that we could get it out on the floor and consider more fully many of the problems which I felt were inadequately dealt with in committee. I hope, in the process of consideration of this bill, in the limited time we have, through consideration of the amendments which I will propose and other amendments which other Senators will propose, that we can correct some of the defects in the delivery system.

But, frankly, even if we do correct them, even if we are able to make this one of the more efficient bureaucratic systems, I doubt that we will get to solve the basic problem the Senator from Minnesota is trying to address himself to.

First, I would say that last year's veto talked about fiscal irresponsibility, pointing out that there was $2.1 billion authorized for the program over 2 years. Now that is not $2.1 million, that is $2.1 bill.

What we have done in this bill?

We have authorized $2.9 billion over a 3-year period, the first year's authorization to be devoted to planning and mechanics and then the major proportion of the authorized amount will be spent in following 2 years.

In fiscal years 1974 and 1975, 2 years, we will authorize for appropriation $2.8 billion, when a lesser amount in the previous bill was categorized as being fiscally irresponsible.

So it seems apparent that this has not been cured. As a matter of fact, we have put a little additional custard on top of the pie.

One other point that came up was a series of extended discussions, arguments, and votes, in connection with the size of the prime sponsorship. Last year's vetoed bill contained a prime sponsorship population requirement of 5,000.

In the process of the veto measure, it was pointed out that this would create so many operating units that it would be totally impossible to find personnel to staff the centers.

This year, the bill contains a prime sponsorship population requirement of 25,000 people or more.

Now, every person who has a knowledge of the presently available number of trained personnel, everyone I have heard of, including HEW, and Jules Sugarman and a significant number of others, have said that we should have a population requirement of 100,000—not 25,000, but 100,000.

If we had 100,000, we would reduce the eligible sponsors to 484 which would bring this program within the realm of administrative workability.

With 25,000, there would be 2,100 eligible applicants which is about 900 more than the present Headstart program with which they have had grave difficulty getting the program into operation.

So I would say to you, Mr. President, that, mechanically speaking, 25,000 simply does not make any sense.

Furthermore, the 25,000 is put in without any doubt whatsoever—as can be determined from the members of the committee who took part in the debate—to try to get the prime sponsorships to be within a State instead of being "a" State, in order to have the local areas within the State competing against each other for funds, instead of letting the State be the sponsor and thereby working out within the State what the necessary areas are for the centers, and how they can be best coordinated with existing programs.

I argued this point before the committee. I got nowhere with it there. But I bring it up again because I prophesy that if this bill gets through and does not get vetoed—and I think that is somewhat unlikely if it is still in its present form—then when we get into the actual operation and get into the number of applicants called for under the 25,000, we will be in serious administrative trouble.

We then have an absolute bureaucratic monstrosity, if I may say so with all due deference to the distinguished Senator from Minnesota (Mr. MONDALE), of committees, councils, and subcommittees—not advisory committees, but actual operating committees. I drew a diagram of this, which appears on page 58 of the report. Reference to that diagram clearly demonstrates that we have so many overlapping local councils, State councils, program committees, that the prime sponsor, in fact, does nothing. The Secretary has very little discretion left to try to decide which will work and which will not. In fact, there is no requirement that any councils or committees ever reach a decision. Nevertheless, that decision has to be reached and made before any program can go forward, so that any one of the councils could sit on its hands as long as it wants to. No matter how many other people want a program to start, it could not even operate. I would say that that is another very vexing problem.

It is interesting to me that on the calendar the bill is listed as the Headstart bill. The bill itself is said to strengthen and expand the Headstart program. The fact is, there is about as little relationship between this program and Headstart as it is now operating as there is between a monkey and an elephant. There is no relationship.

Let me indicate some of the things which are supposed to be carried out under the program.

Child development and family services program. That means programs—this is found on page 5 of the bill—as follows:

> "Child development and family service programs" means programs on a full-day or part-day basis which provide the educational, nutritional, health, and other services needed to provide the opportunity for children to attain their full potential, including services to other family members related to the full educational and other development of children;

Now, Mr. President, I submit that there is a built-in determination already made that someone knows what the educational, nutritional, health, and other services are which are needed in order to raise a child to his full potential. Well, with all due deference, I do not even know that with respect to my own children.

But I do not know how we are going to find experts who can do this with regard to children who will go into the day centers so that the mothers can go to work. I do not understand where we will find the expertise in order to provide an answer as to what services are needed in order to allow children to obtain their full potential.

Mr. President, I have seen many children, and I am sure the Presiding Officer has, that have been well cared for, who have been well educated and who have come to the determination that they did not want to do anything, and they have not. They have either dropped out or have not realized their full potential. They have been taken to psychiatrists and psychologists, and they have not proven very much to themselves or to anyone else. However, they have had the benefit of all the services that are supposed to be the very best from the very beginning.

I would say once again and try to emphasize as I have ever since I have been in Congress that there are differences between people, and we cannot get some kind of predetermined standard set up by an expert in Washington and determine that this is the mechanism by which a child will reach his potential. It takes far more than that.

There are other items dealing with the same thing, whether this is Headstart or not. Home services and consultation must be provided for the families of preschool age in providing for the healthy growth and development of each child's full potential. Once again we will send people in and say, "Your kid isn't reaching his potential, friend." And you will have to do something to correct this.

This is what this bill is about. Already some programs provide for day services and activities for children when there are no parents to provide any. There is a list on pages 8 and 9, and we can go back to the definition on page 5.

I referred to the size of the sponsorship once before, saying that it was 25,000. And it is true that on page 13 it says that a prime sponsor may be any State or any unit of local government or any combination of such units having a total population of 25,000 or more persons.

Then it goes on to another one. Then it goes on to No. 3. That says "any unit of local government or any combination of such units, without regard to population, subject to a demonstration by the applicant that it has the capability to carry out adequately a comprehensive child development and family service programs, and that is a particular demand for services and availability of resources within the area to be served."

Presumably, 10 people could be eligible under this bill. Certainly we could have any local educational institution or any local governmental institution which thought it had the eligibility, make the application, and it would be eligible, whether it had 25,000 or not.

So when I said in my original views 2,100, I am only talking about 2,100 eligible applicants. If we talk about 25,000 or more, if we include paragraph 3 on page 13, we could have as many prime sponsors as there are organizations in the country.

Any Indian tribal organization, regardless of size could be a prime sponsor. Then it goes on in (5) to any other public or private nonprofit agency meeting the requirements of subsection (h) of this section.

All I can say with respect to this is that it is wide open, that 25,000 really does not limit the applications at all. We will have far more applicants than the 2,100 that I referred to in my individual views, or at least there is an opportunity for them to apply.

I would say that we have not met the veto objection on this point.

Then we go on to the question of bureaucracy. And this is a honey. I am not sure I can explain it. I am not sure I can stand here, having been all the way through the hearings and all the way through the markup by the committee and having read the bill and having looked at the wording of the language, and try to explain it to the Senate.

I certainly cannot, at least not without the chart on page 58, showing what the various areas of responsibility of the committees and councils are. In any event, we have to set up a child and family service council. And usually when we set up committees and councils in addition to a prime sponsor, we set them up in an advisory capacity. However, we do not do that here.

This is what we do with the child and family service council in this case. They will be entitled to approve annual program statements, basic goals, policies and procedures, and the selection, establishment, or other renewal of any agency or agencies under paragraph 3 of this section, and will be responsible for annual and ongoing child development and family service programs contained in the prime sponsor area.

This is what the child and family service council does. It is an operating group. Then we come to local program councils and project policy committees. The project policy committee is found on page 37. It has responsibility for approving basic goals, policies, actions and procedures for the project applicant and for planning, overall conduct, personnel, budgeting, location of centers and facilities, and direction and evaluation of projects.

So, we have one child and family service council doing one thing. We have the local program council, not the project policy committee, doing more than that. And on page 30 of the bill we have the provision that all project applications shall be approved by the prime sponsor only if previously approved by the local program council for the appropriate local family service area.

So, we have three separate groups depending upon who the prime sponsor is; and either one or any one of them, as far as I can determine, has a veto power over whether or not the prime sponsor is making any sense in its application or in fact can operate this as a prime sponsor; and in fact in each case reviewing, what the other has done.

It is so complicated that I doubt very much whether any area is really going to be able to get off the ground insofar as this maze of bureaucracy is concerned.

Now we have something else that is interesting—the formula as to how this money, $2.8 billion in 2 years, is going to be spent.

I did not bring this up in my individual views at all.

Page 46 of the bill says that 50 percent will be apportioned among the States and then within each State among the local areas in proportion to the relative number of economically disadvantaged children in each State.

That means that for a change, at least, we are giving one-half of the money in the area where needed. In other words, it would be where the economically disadvantaged kids are. I think that is good.

Then, it states:

> (B) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children through age five in each State and local area, respectively; and

That means that any child, even if his father is a multimillionaire, is included in the formula.

The next section reads:

> (C) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children of working mothers and single parents in each State and local area, respectively.

This is an incentive to go to work and an incentive to be a single parent, then you get more money in the State for the purpose of developing these programs.

But there is something very interesting about this. I have not gotten to the bottom of it yet. I may make further comment on it tomorrow. I turn now to page 78 in connection with the formula and I find there are charges in the formula grants for other programs which have been developed very carefully within the bill, so that the method by which people have determined what allocation of funds they will get under OEO or under other pieces of legislation which bear on child development or economic development have been changed by this bill. I have not yet been able to make an analysis to find out what the changes are and to what extent they will bear on the formula allocation given on page 46 of the bill.

Then, we have Federal control of individual citizens. It is not actually as strenuous as it was in the previous bill which was vetoed. Some of the saving provisions may take it out of a condition which would let people say, as they did before, that this was some kind of youth camp, similar to the ones Germany had, but we have some interesting provisions here.

On page 57 of the bill we have the Secretary with power to conduct demonstration and experimental model programs "subject to the fullest extent practicable to each of the requirements with respect to project applications under section 105." In other words, the Secretary can run his own program with respect to nutrition, health, and developing the full potentials of a child.

There is nothing wrong with trying to do research in these programs but I have some doubt as to whether or not we should have the Secretary of Health, Education, and Welfare running one of the centers, and still saying that we can do this, because you have to get consent of the parent.

This is clear on page 74 under section 310(a)(2).

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 2 additional minutes.

Then, you have to go a long way to find it and you have to go through the bill item by item before you can find a number of things.

I shall not take any more time of the Senate tonight. I send to the desk several amendments and ask that they be printed.

The **PRESIDING OFFICER**. The amendments will be received and printed, and will lie on the table.

Mr. DOMINICK. Mr. President, I reserve the remainder of my time.

The **PRESIDING OFFICER**. Who yields time?

Mr. MONDALE. Mr. President, I do not plan to use much further time this evening. I tried to make the points which I think needed to be made in my opening remarks.

This is a measure with which the Senate is quite familiar. We had a long debate and several votes on essentially the same amendments which I think will come before us in the next day or so. I think the Senate is quite familiar with the issues with which we are here concerned.

One of the key arguments used by some opponents of this measure and one which is frequently seen in right-wing journals is that this measure is designed to undermine and weaken the family. This is a charge which I dismiss categorically as being unfounded. In fact, the reverse is true. This measure recognizes that the best place for a child is at home with a healthy, stable, united family. The trouble is, however, that we have millions of families which are either tragically impoverished, deeply divided, or in which, for economic reasons, both parents find it necessary to seek employment. This is not an opinion; it is a fact which I think cannot be denied.

One-third of all mothers with preschool children are working today. One-half of all mothers with school-age children are working today. This trend was not caused by this measure. This trend was caused by the economic predicament in which families now find themselves.

There is an alternative we could take which has been suggested by some, and that is a massive, multibillion dollar subsidy program for families of limited income to make it possible for one of the parents to remain home and not to work. I have not heard any of the opponents of this measure remotely suggest they would support anything near that kind of proposal. So the children of poor families are left with advice but no help. And particularly the tragically cheated children from many broken homes and tragically impoverished homes are left with insufficient food, no health care, no emotional support, no educational stimulation, and no hope. The question is whether they are going to be caught in the crossfire of political debate or whether Congress is going to act upon the almost unanimous advice of people in this field, and practically all organizations that represent experience and understanding in this field. The question is whether we will respond to the top recommendation of the President's White House Conference on Children, and begin a program along that line embodied in the measure before the Senate today.

I have seen, as have many of my colleagues, the predicament which many of these children face and confront in those highly vulnerable first years of life.

This proposal seeks to strengthen the family, assist the family where it needs help in fulfilling those fundamental obligations and responsibilities of a family to its young. It seeks to help families where, because of enormous poverty or because of the need to work, it becomes necessary for both parents to be working during the day. In those cases it seeks to provide an alternative which is helpful, supportive, and developmental during the hours when that becomes necessary.

We tried to establish a system of help which assures that these programs will be under the control of the parents whose children are involved. We have a program which is totally voluntary. There is no compulsion whatsoever in this proposal.

One of the key disputes in the development of this measure has been between those of us who favor heavy parental control on the one hand and those, on the other, who want it run by remote State welfare bureaucracy far distant from the home and usually operated under a system of incentives which I think would be destructive of family life and destructive of the best interests of these children.

So I am hopeful that some of the scare rhetoric that we hear from time to time and exaggerated talk about warehousing of children, and expressions of that kind, would be rejected and that we could have a responsible, balanced discussion of what this measure involves.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. TAFT. I want to commend the Senator particularly because of certain remarks that were made earlier by some of our colleagues who used the word "warehousing." This implied something that is directly contrary to my understanding of the purposes of this legislation. In fact, if there is a major purpose of the legislation, I think it is to prevent the warehousing of children that is growing with the growth of day-care centers without adequate controls and without adequate leadership and without adequate research or study of exactly what is being done.

In the committee hearings, as I listened to what is the problem, it is that we have an increase really in what amounts to warehousing of children today with the growth of working mothers. We are trying, as I felt, to go in the opposite direction, to provide meaningful hope for those who want to remain in their homes rather than mere custodial function performed by the day-care center.

Mr. MONDALE. I think the Senator from Ohio is inarguably correct. A recent survey of the National Council of Jewish Women reported on their survey of day-care centers around the country, and they concluded regrettably that most are in the custodial rather than in the developmental category; and that many of them provide such few services to the children as to pose a very serious danger of psychological damage. The child should be at home with his parents, if it is possible. If, for the reasons we have cited, an alternative becomes necessary, we ought to be sure that that child gets the emotional support, educational help, health care, and stimulation that are needed. Regrettably, some people are trying to find a way out through these custodial kinds of warehousing which, in order to save a few dollars more, lose a generation of children who have just been denied what is needed. So the whole thrust of this measure is, No. 1, to help parents and families in the home.

People call this a day care bill. It is not a day care bill. Its first purpose is not that of day care. Its first purpose is to help the family and it is to furnish the child developmental help, which is distinct from the custodial warehousing of children. That is a distinct element of this proposal.

If I might impose on the Senator from Ohio for a moment, I would like to report what kind of organizations support the measure which the Senator from Ohio helped to write.

I have a letter here from the Board of Christian Social Concerns of the United Methodist Church, signed by its general secretary, strongly supporting the pending legislation.

I ask unanimous consent that the letter appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOARD OF CHRISTIAN
SOCIAL CONCERNS OF THE
UNITED METHODIST CHURCH,
Washington, D.C., June 1972.

Hon. WALTER F. MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: On behalf of our Board staff I would like to indicate our support for S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

Our 1968 General Conference of The United Methodist Church favored the objective of "supplemental educational and cultural experiences for pre-school children." In addition, the Social Principles of The United Methodist Church, adopted in Atlanta in April, 1972, declared: "We urge social, economic and religious efforts to maintain and strengthen families in order that every member may be assisted toward complete personhood." This document also stated: "We support the development of school systems and innovative methods of education designed to assist each child toward full humanity."

We believe that these objectives will be at least partially achieved through the enactment of S. 3617. This measure should help to strengthen family life by providing the assurance of meaningful day care for those children whose parents, of necessity, must work outside the home. The developmental services for children in terms of education and health should be most advantageous. Also, the after-school and part-day care will help to relieve anxious parents of the burden of otherwise inadequate supervision and training of their children, thus substantially strengthening family life. In addition, the child development classes for parents should greatly enhance the quality of family living for all who are its beneficiaries.

We strongly urge Members of the United States Senate to back this bi-partisan effort to provide adequate child development and family services for the nation's families.

Yours sincerely,

DR. A. DUDLEY WARD,
General Secretary.

Mr. MONDALE. I have a letter from the American Baptist Convention, signed by John W. Thomas, director of the Department of Governmental Relations, supporting the measure now before the Senate.

I ask unanimous consent that it appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN BAPTIST CONVENTION,
Washington, D.C., June 19, 1972.

Hon. WALTER MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: Please find enclosed a letter from our Department of Ministry with Children in support of S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

Please utilize this letter in whatever way that you think best suited to help bring passage of this legislation.

Thank you for your concern and leadership in this important area of family life and responsibility. If our office can be of any further assistance, please do not hesitate to call upon us.

Sincerely,

JOHN W. THOMAS,
Director, Department of Governmental Relations.

AMERICAN BAPTIST CONVENTION,
Valley Forge, Pa., June 19, 1972.

Hon. WALTER MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: On behalf of the American Baptist Convention, Department of Ministry with Children, I would like to indicate our support for S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

We realize the crucial importance of the early years in a child's life, not only for physical and intellectual growth but for social and emotional as well. These are the formative years in which permanent foundations are laid for a child's feeling of self worth and confidence in his ability to achieve.

We believe that the Senate, through S. 3617, has the opportunity to improve the quality of health, nutrition and education services to young children. This measure should help to strengthen family life by providing meaningful day care for children whose parents, of necessity, must work outside the home. In addition, the child development classes for parents, provided for by this bill, would greatly enhance and augment the quality of family living for all; consequently, a whole generation of children and parents would be the beneficiaries of the kind of learning experiences which would enrich both the children's personalities and the parent's understanding.

For these reasons, we strongly urge members of the U.S. Senate to support this bi-partisan effort to provide adequate child development and family services for the nation's families.

Sincerely,

LINDA ISHAM,
Director, Department of Ministry with Children.

Mr. MONDALE. Mr. President, I have a letter from Ralph E. Smeltzer, representing the Washington office of the Church of the Brethren, strongly supporting the measure as embodied in S. 3617. They say:

> Since we feel it would not only aid the individual child, but would strengthen the family unit, by helping each member of the family unit feel a sense of personal worth.

I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHURCH OF THE BRETHREN,
Washington, D.C., June 19, 1972.

Hon. WALTER F. MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: The members of the Church of the Brethren have always been concerned about the social welfare of all persons and have consistently supported legislation which furthers social welfare for all persons. As a body, the Church of the Brethren has said that "as some of the deepest concerns of our church, we favor continued and more effective provision for needy Americans, such as the aged, the poverty-stricken, the unemployed, delinquent or predelinquent youth, and underprivileged children."

We, therefore, wish to lend our support in favor of the Child Development Bill, S. 3617, since we feel it would not only aid the individual child, but would strengthen the family unit, by helping each member of the family unit feel a sense of personal worth.

Sincerely,

RALPH E. SMELTZER,
Washington Representative and Social Justice Consultant.

Mr. MONDALE. Mr. President, I have a letter from the United Presbyterian Church of the United States, signed by Mary Jane Patterson, its associate director for national affairs, strongly supporting this proposal, which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNITED PRESBYTERIAN
CHURCH IN THE U.S.A.,
Washington, D.C., June 19. 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Washington Office of the United Presbyterian Church U.S.A. supports the comprehensive Head Start, Child Development and Family Services Act of 1972, Senate Bill-3617.

A careful reading of this bill leads us to the conclusion that its provisions will help to straighten family life.

The United Presbyterian Church U.S.A. has a long history of concern for the total development of children. We believe this bill is a step in the right direction.

Sincerely,

MARY JANE PATTERSON,
Associate Director for National Affairs.

Mr. MONDALE. Mr. President, I have the following letters, which I ask unanimous consent to have printed at this point in the RECORD:

A letter from the Religious Action Center, Union of American Hebrew Congregations, signed by Marvin Braiterman, strongly supporting this bill; a letter from the National Council of the Churches of Christ in the United States, signed by David M. Ackerman, strongly supporting this proposal; a letter from the National Committee Against Mental Illness, signed by Mike Gorman, strongly supporting this proposal; a letter from the American Parents Committee, Inc., signed by George J. Hecht, strongly supporting this legislation; a telegram signed by Stanley J. McFarland, director of government relations, National Education Association, strongly supporting this proposal; a resolution adopted by the resolutions committee of U.S. Conference of Mayors; a letter signed by the Joint Washington Office for Social Concern, representing the American Ethical Union, American Humanist Association, and a Unitarian Universalist Association; a letter signed by the American Psychological Association; a letter signed by the Maryland Psychological Association; a letter signed by the AFL–CIO.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

RELIGIOUS ACTION CENTER,
Washington, D.C., June 16, 1972.

HON. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Union of American Hebrew Congregations and the Central Conference of American Rabbis, which we represent in Washington, strongly support the pending Comprehensive Head Start, Child Development and Family Services Act of 1972 (S. 3617).

For many years our organizations, which comprise respectively the congregations and rabbis of American Reform Judaism, have advocated legislation that would enhance the lives of and opportunities for children who are reached by your bill. We believe that the pending legislation enhances the quality of family life in America, and would represent a significant legislative aid both with reference to the current deficits of disadvantaged children in education and in terms of social and economic opportunity. We are particularly attracted to the fact that the legislation seeks to deliver services to children, of a comprehensive character, which goes far beyond prior federal programs, and which we believe can have, if adopted, a significant multiplier effect that may dramatically improve the quality of life for poor people generally and poor children in particular.

Last year, we were heartened by Congressional passage of similar legislation and disappointed when the President vetoed it. We hope that this year both Congress and the President will see it through to fruition. To you, we express our admiration and appreciation for the leadership that you have furnished in continuing to press for this program.

Kindest regards.

Sincerely,

MARVIN BRAITERMAN.

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST,
Washington, D.C. June 16, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I understand that the Senate will soon consider the "Comprehensive Headstart Child Development and Family Services Act," which would provide for a network of developmental day care programs for children from families with low income and children whose parents are working. I write to express our support for this piece of legislation. The bill is, we think, a realistic and workable compromise.

The need for a national network of day care centers is clear. Mothers who are already working, mothers who want to work but cannot because there is no one to care for their small children, children who need the kinds of services that a developmental day care center can provide—all indicate that this is a public need to which the Congress ought to respond.

Yet fully as important as the need for day care itself is that the day care provided be of high quality, custodial day care such as that provided in Title IV of H.R. 1 is not enough and ill serves both the child and his family. The day care center must first of all be child centered. It must provide a range and quality of services that serve to develop the capacities of the child both cognitively and noncognitively. So that the day care center is a supplement to and not a substitute for the role of the family, there should be opportunity for significant input from the parents of the children served. S. 3617, we believe, amply provides both this focus on the child as a person in his own right and a significant role for parents.

For these reasons we hope that the Senate will act favorably upon your bill and express to you our great appreciation for your leadership on this legislation.

Sincerely yours,

David M. Ackerman.

National Committee
Against Mental Illness,
Washington, D.C., May 26, 1972.

Hon. Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: I have had a chance to study S. 3617, the Comprehensive Child Development bill.

Our organization has been strongly in support of child care legislation during the past two years of hearings. I have made at least twenty-five speeches during that period of time in various parts of the country and have received an enthusiastic response to the concept of Child Care Development Centers from a number of organizations in the human resources field.

We have a liaison group of mental health organizations which meets monthly in Washington. I append to this letter a list of these organizations. At our last meeting, on May 24th of this year, we again discussed the status of the child care development legislation and agreed informally to give it the highest priority. While I cannot speak formally for the entire liaison group, I do wish to convey to you the feeling of the group that the passage of this legislation would probably be one of the most important—if not the most important—developments in the human resources and mental health field in the current year.

I congratulate you for your efforts on behalf of the legislation.

Sincerely,

Mike Gorman.

The American Parents
Committee, Inc.,
New York, N.Y., May 8, 1972.

Att: Mr. Sidney Johnson.
Re: Child development legislation.
Chairman,
Senate Committee on Labor and Public Welfare, New Senate Office Building, Washington, D.C.

Dear Mr. Chairman: As national chairman of the American Parents Committee, and as publisher of Parents' Magazine, I would like to record our strong support for the "Comprehensive Headstart, Child Development, and Family Services Act of 1972", to be reported to the Senate by May 12.

The American Parents Committee, at our annual Board of Directors meeting on January 27, 1972, unanimously recommended support of such a comprehensive bill, and our Washington Report of April 1972 specifically advocated provisions of both S. 3193 and S. 3228. In addition, the May 1972 issue of Parents' Magazine, an issue devoted entirely to the unmet needs of American children, carries a special article on the goals of developmental Day Care, entitled "What Does Our Country Owe Its Children?" Because of the timeliness of this article, I hope it may be placed in the Congressional Record's proceedings of the Senate.

Sincerely,

George J. Hecht,
Chairman.

Senator Walter Mondale,
U.S. Senate,
Washington, D.C.:

The National Education Association Supports S. 3617, the comprehensive Headstart, Child Development and Family Services Act of 1972 as major step toward strengthening family involvement in early childhood programs, providing local control, and establishing proper relationship of education agencies to total program.

Stanley J. McFarland,
Director of Government Relations, NEA.

Resolution Adopted by the Resolutions Committee of the U.S. Conference of Mayors Regarding Child Development:

Now therefore be it resolved that the U.S. Conference of Mayors urges the enactment of legislation which will provide for a comprehensive range of quality family centered child care services in order to assist parents if they so choose to provide their children with an opportunity for healthy and stimulating development. Be it further resolved that cities be given the opportunity to plan and coordinate such comprehensive programs at the local level. Be it further resolved that such programs be made available to families and children with economic or other special needs in direct proportion to that need.

Joint Washington Office
for Social Concern,
Washington, D.C., June 16, 1972.

Hon. Walter Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: The Joint Washington Office for Social Concern, representing the American Ethical Union, the American Humanist Association and the Unitarian Universalist Association, wishes to record its long-standing support for S. 3617, the child development bill.

We are convinced that the adult society is morally responsible for the prevention of child deprivation and the providing of developmental services for its children. We have been appalled by the high infant mortality rate in this affluent land and by the many recorded (to say nothing of the unreported) instances of child neglect and abuse. All three of our organizations have called for the funding of child care facilities and the creation of child development and family service centers throughout the country (see attached resolutions) because we are convinced that services of this nature will strengthen family life, reduce tensions which lead to family break-up and insure that all children be free of the medical, nutritional, and psychological handicaps which need not mar their lives in a society such as ours.

We further applaud the provision in S. 3617 that these services be provided free to families of four earning less than $4320 and for only modest fees for those earning up to $6960. This guarantees that the poor can raise their children without anxiety for the child's basic welfare, an anxiety which has plagued poor people for too long.

Who doubts anymore that early child deprivation and abuse is linked to later asocial and criminal behaviors? The adoption of a comprehensive child development bill is in the interests not only of children and parents but of all the nation's citizens as well. We urge its early and uncompromised passage.

Sincerely,

Robert E. Jones,
Executive Director.

American Humanist Association

Resolution on Child Development and Day Care Centers (May 14, 1972)

Specialists in child care agree that the period from two to five years in a child's life is strategic in the development of physical and mental health and good social adjustment. Working mothers, therefore, must have assurance that the day care of their children will be more than a babysitting process. There is urgent need for quality day care and family service centers open to all families.

We urge the prompt enactment of federal legislation to create such centers throughout the country, available free to low-income families and on a sliding scale to all others.

American Ethical Union

1972—64th Annual AEU Assembly

Approved Resolution on: Child Development Centers—Family and Day Care Centers.

Recognizing, that the nation's children are its most precious asset; and

That, specialists in child care lay great stress on the importance of the period between birth and five years, when children respond most favorably to health and education programs; and

That, parents must have assurance that the day care of their children will be more than a baby-sitting process; and

That, there is need for quality day care and family services centers open to all families.

Therefore, be it resolved, that we urge Congress to pass, and the President to sign, the necessary legislation for the creation of child development and family services centers throughout the country, available to the poor free of charge and on a sliding scale for all others, to be administered locally and with community involvement; and

Be it further resolved, that the Congress appropriate funds immediately so that legislation can take effect as soon as possible during this period of serious economic stress.

Child Care Centers

Recognizing that there is widespread need for child care centers, that millions of children in North America are receiving either substandard supervision or no supervision;

Aware that growing numbers of mothers take jobs because of economic necessity, desire for job training, and continuing education; that child care centers are needed for other reasons, such as illness in the family, special problems of handicapped children, or for other compelling causes;

Acknowledging that the needs of children, our best resources for the future, must receive immediate and special attention;

Be it therefore resolved: The 1971 General Assembly of the Unitarian Universalist Association

1. Urges that highest priority be given in the United States and Canada at all levels of government to funding and activating quality, professional child care centers with effective standards, licensing, inspection and enforcement.
2. Urges that funding be accomplished additionally through private grants and fees from parents where feasible.
3. Asks that member UU societies initiate study programs so that they can intelligently participate in the structuring of quality centers.
4. Asks that societies of this denomination consider use of their facilities for weekday child care centers.

Adopted by the Tenth General Assembly

of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, D.C., May 8, 1972.
Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: This is written to indicate the wholehearted support of the American Psychological Association for the principles embodied in the Comprehensive Head Start Child Development and Family Services Act, recently reported out of the Senate Labor and Public Welfare Committee. You are to be congratulated on the revision of the original bill; we believe it retains the provisions essential for the welfare of the nation's children while meeting the objections of the President.

For your information I am enclosing a copy of the resolution passed by this Association in September 1971.

Sincerely yours,
KENNETH B. LITTLE,
Executive Officer.

Be it resolved that the American Psychological Association call upon President Nixon to reaffirm the national commitment to early child development, as stated by him in April 1969, and to implement the resolution of the White House Conference on Children calling for the permanent establishment of the Office of Child Development; and

Be it further resolved that the American Psychological Association call upon the President and members of Congress to support programs of comprehensive child development.

10. At the invitation of President Clark, Council heard a statement from Edward J. Casavantes, representing the Association for La Raza, urging concern and support from APA for Spanish-speaking Americans. Mr. Casavantes was encouraged to submit his proposals to the *Ad Hoc* Committee on Social and Ethical Responsibility.

THE MARYLAND PSYCHOLOGICAL
ASSOCIATION, INC.,
April 26, 1972.
Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Maryland Psychological Association would again like to extend its support to you for your reintroduction of the Comprehensive Child Development Act of 1971 (S. 3193—Economic Opportunity Amendments of 1972). Enclosed is a copy of our newsletter which addresses itself to the issues raised by the veto of President Nixon. Hopefully, you might find this of interest and we would be pleased to be of any additional assistance to you in your continuing efforts on behalf of the nation's families and children. Please keep us informed of your bill's progress.

With best wishes,
Sincerely,
JAMES W. PRESCOTT, Ph. D.,
President.

AFL-CIO

AFL-CIO strongly supports S. 3617, the comprehensive headstart child development and family services act. This legislation is badly needed to provide decent day care services for the children of working parents and of the poor. The President's unfortunate veto of prior legislation needlessly has delayed start of this important program. S. 3617 meets many of the objections raised in the veto message while maintaining key principles of the comprehensive program.

ANDREW J. BIEMILLER.

Mr. MONDALE. Mr. President, it is hard to believe that these organizations, representing almost the full spectrum of religious leadership in this country, would support this measure if they thought it was designed to undermine family life. Practically every letter that we have read states they are supporting it because it strengthens family life and deals with the profound issue of social justice that has been ignored for so long when it comes to the area of the formative and development years.

I yield further to the Senator from Ohio.

Mr. TAFT. Mr. President, I would like to comment further that the criticism we heard just a few minutes ago of the participation of the various councils and policy committees seems to me to be a safeguard and assurance that we will have participation of the parents, of the family units, and of the institutions of the various communities involved in the program, and assure us that this will not be Government-dominated, Government-run program. This will come from a prime sponsor which will give the political responsibility and financial backing for it, but in addition to that, carrying this program we will have the deep involvement of the community to prevent the warehousing of children from becoming the sole result.

Mr. MONDALE. The Senator is absolutely correct.

There has been some discussion about the system of delivery we have designed here. It is patterned closely after the existing regulations which govern Headstart.

It does two things, basically. First of all, it requires the approval of local governments, local mayors, local town boards, before there can be a program in one of the local communities. Second, it requires that the programs that are proposed be approved by boards, the child and family services council, the local program council, and the project policy committee, which have strong representation of the parents whose children are in the program. We do not want outside bureaucrats deciding what is best for somebody else's children. We want the community, right there, their own parents and those in the local communities where the children live.

We want it so there will be flexibility What might make sense in Harlem may not make sense in a smaller community in Ohio. There may be some communities which do not want day care at all, which want simply to provide services in the home or provide parental care. There may be other areas where day-care centers make eminent good sense. It is our desire to leave those decisions, not in the hands of a national bureaucrat or a State welfare bureaucrat, but in the local communities, and above all, in the hands of the parents of the children in the program; once again, because we do not think we should be tampering with family life through the divine guidance of outsiders.

I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, if the Senator is prepared to yield the floor, I have an amendment which I might offer at this time.

Mr. MONDALE. Mr. President, I yield the floor.

Mr. TAFT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 53, beginning with line 8, strike out through line 18 and insert in lieu thereof the following:

CHILD DEVELOPMENT AND FAMILY SERVICES PERSONNEL TRAINING PROGRAMS

SEC. 201. (a) The Secretary is authorized to provide financial assistance to enable individuals employed or preparing for employment in child development and family services programs assisted under this Act, including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by institutions of higher education, State and local child development and family service agencies, State and local educational agencies, agencies carrying out child development and family service programs, private companies and organizations engaged in teacher training, teacher training institutions, national child development and family service organizations, and producers of television programing. The Secretary is authorized to make grants or enter into contracts under this section for the purpose of establishing, developing, or upgrading child development and family services personnel training programs which shall include, but shall not be limited to, the development of programs to—

(1) provide postgraduate level training for teachers of professional and paraprofessional child development and family services personnel and for teachers of teachers of such personnel;

(2) attract and recruit personnel, both male and female, including parents, students, and older persons, to training for and subsequent employment in child development and family services programs;

(3) retrain personnel prepared for or experienced in education at levels other than childhood so as to enable them to function effectively in child development and family services programs;

(4) provide preservice and inservice training of professional and paraprofessional personnel for teaching, management and supervisory, and administrative positions in child development and family services programs, including the training and certification of Child Development Associates;

(5) help parents and high school students understand and practice sound child development and family techniques; and

(6) develop educational television programs and accompanying materials for training child development and family services personnel, parents, and high school students in the principles of child development and family services.

(b) The Secretary shall take whatever steps he deems appropriate to achieve the coordination of all federally sponsored child development and family services personnel training programs already in operation with the programs to be established under this Act and to assure the coordination of training programs with employment opportunities for such personnel.

Mr. TAFT. Mr. President, this amendment is offered on behalf of myself, the Senator from Maryland (Mr. BEALL), the Senator from Vermont (Mr. STAFFORD), and the Senator from New York (Mr. JAVITS).

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MONDALE. I would like, if possible, to be added as a cosponsor.

Mr. TAFT. And the Senator from Minnesota (Mr. MONDALE).

Mr. President, I have introduced today an amendment to the Comprehensive Headstart, Child Development, and Family Services Act of 1972, which would provide for the training of high caliber professional and nonprofessional personnel. I believe that the success of these programs depends in large part upon the quality of the trained staff who will be working with these participating children.

The shortage of trained personnel was well documented during the subcommittee hearings by Dr. Jule Sugarman, former director of Headstart and John Niemeyer, president of Bank Street College of Education in New York. In his testimony, Dr. Sugarman estimated that a total of 7,500,000 children are currently in need of some type of child-care services on a paid or nonpaid basis. One million of these would be children of working mothers in families with incomes between $4,000 and $7,000. Several hundred thousand additional professionals and nonprofessionals would be required if the program grew to meet this current need, according to Dr. Sugarman.

This amendment authorizes the Secretary to provide financial assistance to make it possible for individuals to participate in training programs conducted by colleges, universities, teacher training institutions, State and local child development agencies, States and local educational agencies, national child development organizations, private training organizations, and producers of educational television programing.

These programs will be geared to the recruitment and training of nonprofessional as well as professional staff. To require each staff member to have a college or masters degree would be too costly both in terms of financial resources and human resources. With professional supervision, nonprofessional personnel, including parents, volunteers, students, and the elderly, can be very effective in working with children.

The Office of Child Development in HEW has developed a midlevel profession of child development associates. These qualified personnel are nonprofessionals who will be certified in all States. These CDA training programs are included in this amendment.

The amendment also provides for the retraining of already certified elementary and secondary school teachers. This will provide additional employment opportunities for these people and will effectively utilize their talents and prior training.

This amendment makes a change in the more limiting provisions of section 201 of the bill as it is presently before the Senate, and I believe it provides an additional opportunity for the training of the trained people who are needed that is absolutely vital to the success of this program and, therefore, ought to be included in the bill.

Mr. MONDALE. Mr. President, if the Senator will yield, I think this is an important amendment, which improves the bill. It makes it much clearer in terms of its personnel training aspects, and on behalf of the majority, I would be very glad to accept it if the Senator will move its acceptance.

Mr. DOMINICK. Mr. President, on my own behalf, I would say that I think this is going to be very helpful, and I am happy that the Senator from Ohio has introduced it.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. TAFT. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I must begin by expressing my agreement with those of my distinguished colleagues opposed to the legislation before us, the "Comprehensive Headstart, Child Development and Family Services Act of 1972." I supported the President in his veto, and heartily agree with that portion of his veto message in which he argued that the weight of Federal authority ought not to be lent to communal approaches to child rearing without broad public debate on the subject and general acceptance of its principles. Some of my colleagues who support the bill dwell upon the necessity for corrective action to help the severely disadvantaged children of our Nation; the good which these new programs may do, and so forth. Some of my colleagues opposed to this legislation have treated the question of possible burgeoning costs, potential damage to the children in these programs, and so forth. All these are legitimate concerns. At the same time, with the unceasing press of business in the Congress, we too often concern ourselves with very immediate problems and consequences, without pausing to take a longer view of the direction in which we are headed. With the Senate's indulgence, I should like to occupy a few minutes in doing just that: considering some general propositions relevant to this legislation.

As a rough generalization it may be said that in modern political life there exists two great competing theories of the state. One of these begins with the individual and views the state as made up of individuals possessing independently sovereign rights and deriving its legitimacy from the consent of the governed. The other begins with the social collective and sees the individual as a component of the mass who derives what rights and privileges he has from the state. The United States of America was founded upon the assumptions of the first of these theories; the second theory leads to the establishment of the social systems now existing in the Soviet Union and the People's Republic of China.

The first theory, that starting from the primacy of the individual and individual responsibility, views the state as simply one of several social entities. It may be a very important one—in our day it has become increasingly so—but still it is only one. Many other groupings exist independently of the state, since our citizens enjoy freedom of association: such organizations as churches, private schools and universities, businesses, fraternal organizations, labor unions, and so forth, have an independent right to existence and, as a matter of principle, should operate in areas where the government does not and should not function. It is certainly the better part of wisdom that we should be exceedingly careful about permitting the state to encroach upon and limit the powers, and consequently the responsibilities, of such social organisms as these. When the power of the state becomes all pervasive, a society is no longer free in our sense of the word.

The second theory of political organization, that which derives from the primacy of the state, holds that there can be no social organisms independent of the state. In countries adhering to this approach many of the same sorts of organizations as those just mentioned do exist, but they have their being in order to advance the political objectives of the state, and to serve it. Such organizations may take no initiatives on their own; all initiative must flow from the state. The sole employer of labor is the state, and that means that all citizens are directly dependent upon it and, therefore, upon the government. What right the individual possesses are grants from the state, subject to revocation by the same state. This conception of the state is one which obviously the overwhelming majority of Americans would reject.

It is astonishing, Mr. President, given the relatively simplicity of these two opposing political theories, how few people understand what they lead to in their logical development. Let me cite a recent example from the Soviet Union. Not long ago there was published in the United States a book entitled, "A Question of Madness," by Zhorés and Roy Medvédev, two heroic dissenters who have fought against the abuses of the Soviet system, and especially the misuse of psychiatry to repress political disagreement there. Their personal courage is worthy of the greatest admiration. Now Zhorés Medvédev is an educated man and a scientist, one who has thought deeply about political and social matters. Nevertheless, he still considers himself a supporter of the premises upon which the Soviet system is based, and fails to graps its fundamental essence. When in 1970 three secret police agents and two psychiatrists burst into his apartment to seize evidence against him, the following exchange took place:

> "Stop," (Zhorés Medvédev) shouted, "this is a private apartment."
>
> "It belongs to the state," a hulking sergeant at once answered back, "And the police have the right to enter any apartment."

The "hulking sergeant" spoken of here was not intended to be a sympathetic figure, but the truth is that in his dull way he knew his political theory much better than Medvédev: in a State based upon the abolition of private property and derivation of rights from the consent of the state, the individual has no right to privacy. The rights, privileges, and powers of the state are paramount, as are its responsibilities.

Mr. President, I hope you will forgive my digression, but it does have a point. The drafters of the child development bill now before us were actuated, I am sure, by the best of motives. They were particularly moved by the plight of extremely disadvantaged children. But in seeking to alleviate it they have proceeded to expand the responsibility—and also the powers and privileges—of the State into very large areas which have always been rightly closed to Government in this country. If this bill is enacted, the State will take over greater and greater responsibilities for the entire process of the rearing of young children which has always been the family's private preserve. In doing so, it will drastically reduce the area of activity left to private organizations and institutions—and of all our private institutions the family is certainly one of the most important. The responsibility of the state would be extended not just to the child from 3 to 6, not just to the infant, but even to prenatal care for expectant mothers, and beyond that to the counseling of adolescents before they have thought of marriage as a serious proposition. If the family has not done so well as it might have in some of these areas, this is no excuse for undermining it even more fundamentally. If we look at child development from the perspective which I have outlined above, we see that its introduction would be equivalent to a drastic circumscription of the areas left in the care of private organizations, and a large step toward a system which can fairly be called "totalitarian," a system in which every important function within a country is directed and controlled by the central authority. We need not argue over whether that control is exercised well or badly: In a fundamental sense that is beside the point. Some child development centers already existing do a good job, others a poor one; some families are excellent at raising children, others are not. On balance, however, it seems to me that the family still does a very creditable job of raising children, at least when its authority is not undermined by the schools. It is in our interest to reaffirm our faith in the institution of the family by rejecting this legislation and seeking to deal with the real problem of disadvantaged children in a way which will strengthen our free institutions. And it is in our interest to affirm that there are many areas—and the family is certainly one of them—where the State on principle should not tread. For if we forget this principle, we shall move steadily closer to the structure of the totalitarian state. We shall have done so with the best of motives, undoubtedly, but we shall have done so, nonetheless.

Mr. President, I can only agree with the editorial writer of the Wall Street Journal, who said on March 23 of this year:

> All in all, though, the day care proposal strikes us as being flawed from just about every perspective: Financially, philosophically and practically. It is a splendid example of the mentality that whenever a problem arises Washington must do something, even if it means taking over responsibilities the bulk of the individuals concerned are already handling pretty well themselves.

I urge my colleagues to join with me in opposing this legislation because it will place the Federal Government in the form of a vast new bureaucracy in another large area where it should not be, to the further detriment of our free institutions.

AMENDMENT NO. 1251

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, in accordance with my understanding with the Senator from Minnesota and the Senator from West Virginia, I send an amendment to the desk and ask that it be made the pending business, but that we do not go forward with any debate on it until tomorrow.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 16, lines 5 and 6, beginning with the word "which" strike all through the word "sponsor" in line 6.
>
> On page 18, line 8, beginning with the word "except" strike out through line 10.
>
> On page 20, between lines 3 and 4, insert the following new paragraph:
>
> "(2) In the event that a state has submitted a prime sponsorship plan under subsection (a) of this section to serve a geographical area covered by the plan of an applicant under paragraphs (2), (3), or (4) of subsection (a), the Secretary shall designate to serve such area the applicant which he determines has the capability of more effectively carrying out the purposes of this title with respect to such area."
>
> On page 20, line 4, strike out "(2)" and insert in lieu thereof "(3)".

The PRESIDING OFFICER. Does the Senator from Colorado request that these amendments be considered en bloc?

Mr. DOMINICK. Yes, I ask unanimous consent that the amendments be considered en bloc. They all relate to the same subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the remainder of the day, no time be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROTH ON TOMORROW VACATED; REINSTITUTED FOR WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished Senator from Delaware (Mr. ROTH) on tomorrow be vacated and that the order be reinstituted for Wednesday next, immediately following the recognition of the two leaders under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS RELATING TO PROCUREMENT OF VESSELS AND AIRCRAFT FOR THE COAST GUARD

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13188.

The PRESIDING OFFICER (Mr. SPONG) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Messrs. LONG, HART, HOLLINGS, GRIFFIN, and STEVENS conferees on the part of the Senate.

WATER RESOURCES PLANNING ACT

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 14106.

The PRESIDING OFFICER laid before the Senate H.R. 14106, a bill to amend the Water Resources Planning Act to authorize increased appropriations, which was read twice by its title.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, this measure (H.R. 14106) was passed by the House of Representatives on June 5, and later on the same date the Senate passed S. 3384, a companion bill having the same purpose. Both of these measures are based upon an administration recommendation of the Water Resources Council. They would provide authority for additional appropriations to the Council amounting to $3,500,000 annually to carry out functions which were assigned to the Council by the Water Resources Planning Act of 1965 but which have been financed thus far through appropriations to the agencies which are Council members rather than through the Council's own appropriations.

The Senate, in passing S. 3384, amended the bill to limit this additional authority to fiscal year 1973 only, pending a review of the Council's activities which the Interior Committee expects to make in the near future. The House version does not include that limitation.

Mr. President, I ask unanimous consent that the Senate amend H.R. 14106 by striking all after the enacting clause and inserting in lieu thereof the language of S. 3384 as it was reported by the Committee on Interior and Insular Affairs and passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and was passed.

U.S. MEMBERSHIP IN THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11350.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 11350) to increase the limit on dues for U.S. membership in the International Criminal Police Organization, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Messrs. McCLELLAN, ERVIN, and HRUSKA conferees on the part of the Senate.

THE COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The Senate continued with the consideration of the bill (S. 3617) to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

DEPRIVED CHILDREN: THE SHAME OF AMERICA

Mr. HUMPHREY. Mr. President, as a joint sponsor of original legislation, I rise in strong support of the Comprehensive Headstart, Child Development, and Family Services Act of 1972, S. 3617.

I found it incredible that the President could veto legislation last December to authorize the establishment of child care and development programs critically needed in communities across the Nation. That veto was a cruel, heartless blow to hundreds of thousands of American families. In his veto message, the President saw no need for these programs. But the harsh fact is that well over 5 million preschool children need full- or part-time day care services while their mothers are away from home, and there are less than 700,000 spaces in licensed day care programs to serve them.

Moreover, I have been deeply concerned, as an author and legislative leader in the fight to establish the Headstart program, that this program now serves only 263,000 children on a full-year basis and 208,000 children during the summer. Even under the proposed welfare reform legislation, Headstart programs and day care centers would be able to serve less than one-fifth of the children who desperately need adequate care and services to overcome profound educational and social handicaps.

Meanwhile, there are practically no day care opportunities at all for some 1 million children with working mothers in families with incomes between $4,000 and $7,000—too high to qualify for services under Federal antipoverty programs, but too low to afford the fees for private day care programs. This unmet need for quality day care has been almost totally ignored.

I find it unconscionable that it is the children who must pay a heavy price for the inequities that exist in our society. It is they who must enter the first-grade classroom severely handicapped by their environment and the lack of early childhood learning experiences, because of administration complaints about administrative and cost provisions in vitally needed legislation to correct these abuses. It is time for the President to live up to his early commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

I believe the present legislation as reported by the Senate Labor and Public Welfare Committee represents a genuine bipartisan effort to meet the President's initial objections and to fulfill our national commitment to families and their children. This bill carries through the first priority voted by the President's 1970 White House Conference on Children to provide "comprehensive family-oriented child development programs including health services, day care, and early childhood education."

The programs provided for in this legislation are to be on an entirely voluntary basis for parents, recognizing, at the same time, that parental participation is essential in the planning and operation of these programs.

Cost problems raised by the President are met in this legislation both through delaying the first operational year until 1974, to enable effective planning and staff training, and through reducing the authorization for the first operational year to $1.2 billion, which would include $500 million already authorized for Headstart under separate pending legislation.

Building on the strengths of the Headstart program, the present legislation calls for a variety of family-supporting services—including part-day programs, after school or full day developmental care for children of working mothers, prenatal services, and in-the-home tutoring and child development classes for parents and prospective parents. It properly stresses medical services and adequate daily child nutrition—key elements of the legislative program I have presented on behalf of America's children. The present bill also places a higher priority on authorizations for preservice and inservice training of both professional and paraprofessional staff members in these programs.

In response to objections voiced by the President on the administrative workability of the child development program enacted by Congress last year, the present bill makes several substantial changes. Governmental entities are designated as prime sponsors, and with day-to-day administrative oversight, with direct grantees limited to communities with a population of at least 25,000. And a sponsor must determine that a program applicant has the capability of carrying out comprehensive programs under this act. States will play a vital role under this legislation, administering programs serving small localities, being responsible for comprehensive State coordination and planning—with 10 percent of authorized funds set aside for States for technical assistance, and the dissemination of research and evaluation—and being eligible for a special demonstration program on State prime sponsorship.

I applaud the approach taken in this legislation to extend participation eligibility to children from all income levels. Priority is placed on the provision of free services to children from families with incomes below the Department of Labor's—BLS—lower living standard, adjusted for regional, and metropolitan, urban, and rural differences—an important recognition of varying cost-of-living requirements. Up to one-third of the authorized funds are made available to serve children from families with incomes above the BLS lower living standard on a sliding scale fee basis established by the Secretary of Health, Education, and Welfare.

I also welcome the recognition taken in this legislation of the critical need of mentally and physically handicapped children for quality day care opportunities and special educational services, for which 10 percent of authorized funds will be reserved. This specific emphasis is in line with the intent of legislation I have introduced to prohibit discrimination on the basis of a mental or physical handicap in programs receiving Federal assistance. American society dare no longer isolate and ignore these children.

The 3-year authorization of $3.95 billion, a significant portion of which constitutes continued funding for the Headstart program, is a modest step toward meeting the critical need of millions of children for developmental opportunities. I strongly urge the adoption of the Comprehensive Headstart, Child Development, and Family Services Act.

THE AMERICAN ECONOMY

Mr. HUMPHREY. Mr. President, I call to the attention of the Senate a critical situation which continues to exist in the American economy.

The economy of the United States is in serious trouble, and every American knows it. But it did not used to be that way. At one time, inflation was under control. At one time, plant utilization was booming at more that 90-percent capacity. At one time unemployment was minimal. At one time interest charges were low.

Mr. President, the current administation has a record which can be summarized in these words: the highest unemployment in a decade; the highest inflation in two decades; the highest balance of trade deficit in eight decades; the highest interest rates in 100 years; and the highest budget deficits in four decades.

That is a record that will require a considerable amount of explanation of any explanation can be made at all.

Yes, the Nixon administration stands guilty of forcing millions from the work force onto the unemployment rolls.

The Nixon administration stands guilty of allowing family paychecks to be devoured by skyrocketing living costs.

The Nixon administration stands guilty of mismanaging the economy—resulting in abnormal budget deficits, the first trade deficit in 80 years, a devalued dollar, and billions upon billions of lost production.

The Nixon administration stands guilty of a Government-corporate coziness typified by the ITT affair and characterized by big business tax breaks that have shifted more of the taxpaying burden from the giant companies to the individual taxpayer.

The Nixon administration stands guilty of inflation controls that are unfair, inequitable, and not evenhanded—controls that mean profits for big business and peanuts for the workingman.

THE END OF PROSPERITY

What ever happened to prosperity—jobs and prosperity? The answer is—Republicans were elected. Richard Nixon took over the White House. And, big business took over the economy.

When Richard Nixon ran for President 4 years ago, he said:

> If I am elected, I pledge that I will adopt this approach of redressing the present imbalance without increasing unemployment or controls.

But what has happened?

Unemployment in January 1969 stood at 2.7 million, or 3.4 percent of the labor force. By May 1972 unemployment was 5.1 million persons, or 5.9 percent of the labor force. In fact, during the Nixon administration, the unemployment rate was as high as 6.2 percent. Over 700,000 more persons are classified as the "hidden" unemployed. And more than 17 million people each year have felt the pains of unemployment.

In January of 1969, only six areas in the United States were classified as areas of substantial unemployment. By March 1972 there were 55 such areas. In January of 1969, less than 335,000 persons were unemployed 15 weeks or more. By March of 1972, that figure stood at 1.22 million. In January of 1969, the number of part-time employees stood at 1.6 million. By March of 1972, that figure had increased to 2.4 million persons.

Youth unemployment continues at catastrophic high levels. Black teenagers living in the city have an unemployment rate of more than 30 percent. Black females have an unemployment rate of better than 45 percent. Teenagers totally have unemployment rates ranging anywhere from 17 to 19 percent.

There simply were no jobs for the youth. And, the American young would be forced to spend the summer of 1972 on a street corner.

For blacks, for Vietnam veterans, for construction workers, for women—the results were the same. The Nixon administration by its policy of inflation control through forced unemployment has put this Nation in the employment doldrums. People want to work. But there are not enough jobs. People want to be productive. People are looking for work, but there are no jobs.

NIXON VETOES JOBS

And, when Democrats in Congress attempted to meet the problem through legislation designed to create jobs, Richard Nixon exercised his veto—he vetoed employment and possibilities for job-searching Americans.

Richard Nixon vetoed construction funds for our hospitals. He vetoed public service employment for our jobless. He vetoed accelerated public works—to build the badly needed public facilities for our communities. He minimally expanded youth jobs.

He proposed a policy of tight money and high interest that made consumer savings zoom and caused American industrial capacity—once the greatest in the world—to operate at less than 75 percent of its potential.

This is not how the economic might of our Nation should be used. We should not be trying to increase the welfare rolls as they have been in the last 3 years—from 9.9 million to 14.7 million—or to reverse the uninterrupted trend since 1960 of reducing the number of Americans living in poverty.

The Nixon economic performance is a bleak record. This is a shameful record. This is a record that should bring forth sobering thoughts—not rosy predictions, or pledges of "good years" or "very good years."

On jobs—the Nixon administration has failed.

HUMPHREY—POLICIES FOR NEW JOBS

First. I have sponsored legislation to create 1 million jobs. I disagree with those who say public jobs are meaningless or dead end. My Employment Opportunities Act of 1972 makes Government the employer of first opportunity as well as last resort.

There are things to be done in this country. Our Nation has massive unmet public needs. And jobs that put people to work, that place consumer spending power in their hands, that take men and women off the unemployment rolls and put them on payrolls—these jobs are well worth the expenditure of funds required. The return in tax dollars, the stimulation of consumer demand, the expansion that will come about in industrial production—all of these would be a direct result of the Employment Opportunity Act of 1972.

Second. I have proposed a program of 250,000 additional jobs for youth. This job program—in addition to job slots already slated in the Neighborhood Youth Corps, will make a frontal attack on high teenage unemployment in our cities and suburbs.

The young of America do not want to waste away their summers. They want to work, to be doing, to be contributing.

A program of youth jobs will meet this need.

Third. For the working poor and those in job training, we need expanded training opportunities that lead to actual job slots, not more and extended training. And this means job slot training in the service sector as well as in the manufacturing sector of the economy.

Fourth. We must have an expanded job program and adequate day care centers in welfare reform legislation.

Fifth. I have proposed a top-to-bottom reform in unemployment compensation—to extend benefits, increase minimum and weekly benefits, provide Federal standards, and secure coverage to first time workers, agricultural workers, domestics, and other workers presently not eligible for unemployment compensation.

Sixth. Increased funding and other governmental assistance into technological development programs—programs that will provide benefits in expanded job opportunities.

Seventh. Special emphasis job programs for Vietnam veterans, defense-related skilled personnel presently unemployed through community conversion corporations and special programs for elderly forced out of jobs through early retirement programs.

Eighth. Expansionary Federal monetary and fiscal practices continued support for the Investment Tax Credit, to improve the overall economic climate, increase demand for consumer goods, and assure an available money supply for private expansion. An expansionary fiscal and monetary policy must be coupled with judicious Federal spending on public works, and metropolitan affairs programs such as water and sewer facilities, housing, and neighborhood renewal.

Ninth. A tax reform program that will close the door shut on loopholes, place spending power in the hands of those who will utilize it, and provide a fair incentive for American enterprise to expand.

INFLATION CONTROL

The history of the Nixon administration's efforts to control inflation is little more than a comic opera—marked by many players, all shouting good things, but in the end throwing up their hands in failure.

This administration has said of its program time and time again: "effects will be felt in 2 or 3 months," or "the worst of inflation is behind us."

But, what the Nixon administration never learned is that press releases are no substitute for action. And, news conferences are no substitute for inflation control programs.

THE NIXON RECORD

While the Nixon administration talked inflation control, inflation was skyrocketing. The year before Mr. Nixon took office, the cost of living rose 4.7 percent. In his first year in office, living cost rose 6.1 percent. During the second year, living cost increased 5.5 percent. During the third year, living cost had increased more than 4.9 percent. In short, during the 3 years of the Nixon administration, inflation had increased more than 14.3 percent.

Overall inflation figures tell only part of the story. Medical and health costs have increased some 6.6 percent. Homeownership costs have increased 4.8 percent. Transportation costs increased 6.6 percent, food costs up more than 3.5 percent. Utility rates are up 7.7 percent, and clothing costs are up 3.1 percent, and lumber costs are up some 29.3 percent.

What it means is that if a workingman earns $10,000 a year, then just 1 year later, he has lost about $600—vanished into sky-high prices.

And, all the while, the Nixon administration refused to examine its own policies. It chose instead to blame inflation on the workingman. "It was the workingman's fault," claimed the Nixon administration, "for his wages are too high."

The Nixon administration claimed that worker productivity was low—that American workers were not producing. Yet, the administration's own statistical figures show conclusively that American productivity has seldom been higher. American workers are productive, creative workers. And the blame for inflation ought not be placed on their shoulders.

The administration refused for almost 3 years to change its game plan. It refused to use the credit and interest control bill passed by a Democratic Congress in December 1969. It abandoned the encouragement of voluntary wage restraint. It refused to begin an incomes policy. It chose instead to issue inflation alerts—calling public attention to increases in prices but doing little about those increases.

THE NIXON RESPONSE TO SKYROCKETING INFLATION

The Nixon administration announced a freeze—on wages and prices. And the "beginning of a new economic policy."

But, it was not a new economic policy, just window dressing for the same trickle-down theory held dear by Republicans—put the money in the top, in large amounts of corporate largess, executive compensation, and profits, and sooner or later, some effect will get to the people at the bottom of the economic ladder.

The new economic policy was accompanied by one of the largest big business tax giveaways ever proposed.

Under the Nixon plans the giant corporations through an increase in the asset depreciation range, the investment tax credit, and the Domestic International Sales Corporation would get a first-year total benefit of about $6.3 billion. Individuals would get first-year tax cuts of about $1 billion. Over the years, from 1971 to 1980, the total tax cuts for big business would be $69.1 billion. The total tax cuts for individuals would be $2.3 billion.

The Nixon administration opposed putting money where it would be spent. The administration opposed legislation to increase the personal deduction, to eliminate the asset depreciation range, to give poor people a break on their taxes, and to give families with children in college a tax credit for tuition costs.

The "trickle-down" theory is bankrupt.

And the freeze was bankrupt also. There were attempts to abrogate legitimately negotiated contracts. There was mass confusion. There was inflexibility in the interpretation of the rules which led to suspicion and chaos over retroactive pay. The freeze placed an inequitable burden on the workingman while there was little policing of prices.

In short, there was a freeze for some and a frolic in profits for others. During the freeze period, profits for automobile industry increased over 999 percent. Profits for savings and loan industry went up 131 percent in the fourth quarter. Conglomerates such as AVCO, Gulf & Western, Litton, and others had a 266-percent increase in profits.

But the wages of the average American working family were held down.

PHASE II—MORE UNFAIRNESS

In November, the administration launched the next part of its inflation control program—called phase II. A Pay Board, a Price Commission, and a Cost-of-Living Council were established. These agencies have the responsibility to formulate prices and wage control regulations.

NIXON'S "NEW NEW" PROGRAM

These agencies began a program that can only be termed unfair.

Control regulations are weakest where control needs are the greatest.

The Nixon administration has systematically decontrolled large segments of the economy: 75 percent of all retail stores; 28 percent of total national sales form business firms; 45 percent of all rental units; no controls on interest rates, credit, utilities, used goods or home buying;

And prices in clothing stores and in food chains soared.

The Price Commission, with its lenient policy of automatic price approval and the administration, with its refusal to prosecute quickly and firmly have made price and pay controls nothing more than a rubber stamp for big business desires.

The system is unfair. It has a built-in business bias. It robs the workers while providing huge profits for the giant corporations.

Few Americans have confidence in it. All Americans know it will not control prices but it will control wages.

HHH ALTERNATIVES—INFLATION CONTROL PROGRAM

First. The administration of price and wage controls must be fair and evenhanded. Public officials responsible for price and wage decisions must never forget that they are exercising power for the public interest. Fairness, equity, and justice are values that simply must be guiding all price and wage decisions.

A Humphrey administration will assure fairness. A Humphrey administration will guarantee equity. Both labor and business have stated that they will participate and cooperate completely if the system is evenhanded.

Under a Humphrey administration, it will be so.

Second. Tough, strict enforcement is a prerequisite to a fair and efficient control system. Violators must be prosecuted. Fines must be levied. The American consumer must be protected.

Enforcement cannot simply be a reaction phenomenon. There must be an active program of price monitoring—in the neighborhoods, in the shopping centers, and in large super markets. Agents must search out infractions.

The American working family must feel that the price stabilization program is working for them rather than against them.

Third. Price controls must be as effective and as stringent in the service area as in the manufacturing area. Services are much more difficult to control than manufacturing; but because of the nature of family spending, it is critical that service costs be effectively stabilized.

Special attention needs to be focused on medical, transportation, and housing services. Limits must be set. Enforcement activities must be likewise concentrated.

Forth. Price control decisions must be made in the open—with open hearings and open decisionmaking. All supporting documents for or against price increases for individual companies must be made publicly available, except in these few cases where such information would reveal trade secrets.

Fifth. The present test of company profit margins as the main guide for price increase decisions must be supplemented by a second test—the additional cost impact of individual product line increases on consumers. Requests from subsidiaries of large holding companies must be examined for the individual increases in revenue and profit that the increase would mean to that company and not calculated into the profit margin of the parent conglomerate.

Companies simply must absorb more of the cost increases rather than automatically passing through such increases to consumers.

Sixth. The Price Commission and Justice Department working together must initiate activities for immediate price rollbacks in those areas where prices have shown marked increases. Food costs, for example, must be rolled back, with the processors, the large grocery chains, and handlers limiting their cost increases. Rollbacks in other areas such as automobile industry and other high-profit manufacturing enterprises are imperative—if the system is to be evenhanded and fair.

Seventh. Profits that are in excess must be taxes—either through a higher corporate rate or an excess profits tax.

Eighth. The Price Commission must become the people's advocate.

MISMANAGED ECONOMY: BUDGET DEFICITS, TRADE DEFICITS, A DEVALUED DOLLAR, AND BILLIONS IN LOST PRODUCTION

In fiscal year 1971, Mr. Nixon projected a budget surplus of some $1.5 billion. The year ended with a $23-billion deficit. A year later, he projected an $11 billion deficit and ended with a $38.8 billion deficit. And, in 1973 budget projected a $25.5 billion deficit. In short, in the 3 years of the Nixon administration, the deficits mounted to almost $90 billion.

What did the American people get for this huge deficit? Little or nothing. They did not get more jobs. They did not get decreased prices. They did not get better public facilities of a streamlined government.

Almost all the deficit was incurred to make up for a tax collection shortfall because the economy was not producing.

On top of huge deficits, under the Nixon administration, this Nation suffered its first trade deficit in over 80 years.

Our traditional trading posture of consultation with our partners has become one of surprises and confusion that can only lead us down the path to an action-reaction trade war. And, because of our weak trade position, the dollar was devalued.

The costs of the Nixon recession in terms of lost production is great.

In the middle of 1969, within 6 months after Nixon took office, the gross national product fell below potential production. We were producing less than we had the capacity to produce. From mid-1969 through the first quarter of 1972, the loss in production in present dollars has been over $150 billion. This waste can never be recovered. It is totally inexcusable in the face of the tremendous needs for housing, slum clearance, mass transit, improved schools, fresh water supplies, pollution control and endless other needs for public facilities and public services.

This year things are not different. Economists are now projecting a gap of at least $60 billion between actual and potential production.

The Nixon management of our economy is totally inept.

SPECIAL INTEREST COZINESS

Hardly anywhere in this Republican administration's public policy is the blatant special interest bias so obvious as in the relationship between the Nixon administration and giant companies.

There is a kind of coziness that translates itself into tax breaks and profits for giant business, peanuts for the working man, and allegations about the propriety of Government antitrust relations with large conglomerates such as ITT.

The administration's fiscal policy is ample evidence of its onesided, big business orientation. When the Nixon administration has a chance to propose tax changes, it gives the companies a 6-to-1 advantage over the individual—asset depreciation range, domestic international sales corporation, investment tax credit—while the administration fights against an $800 deduction for the working family.

The Nixon administration has embarked on a calculated policy of decreasing the corporate tax burden and increasing the burden on individuals. In 1969, corporations paid 20 percent of the taxes. Now, in 1972, corporation tax load has decreased to 16 percent. At the same time, payroll taxes on workers increased from 21 percent to 29 percent.

On top of this, the administration floated a trial balloon on the value-added tax, nothing more than a giant-sized national sales tax—a tax on individuals, a regressive tax that will force up the cost of goods and eat further into the workers' paychecks.

NEW ECONOMIC AGENDA

The fundamental problem with the economic analysis of the Nixon administration is that they have forgotten that the economy of a Nation should serve its people.

The people of this country are demanding a new kind of economy. They want an economy with purpose—an economy that has as its focus the fulfillment of mankind's aspirations for a life of quality as well as quantity.

They want an economy that is growing, that allows the Nation to attack some of its massive problems in the cities, in rural America, in our air, and in our waterways.

And, they expect Government to act differently toward the economy than it did 10, 20, or 30 years ago. The American people expect their Government to protect them against economic catastrophy. They expect Government to pursue policies that will eliminate gross dislocations in their economic condition. They expect Government to be the breakwater against economic disaster. They want a government that will see to it that forced unemployment does not become a possibility or a reality. They want a government that will utilize all the tools at its command to make the people part of the economy—rather than isolated from it.

It is not enough anymore for business to be concerned completely about profits. It is not enough anymore for Government merely to act as an observer of the market place. It is not enough anymore for citizens to be left to the mercy of unseen forces.

A Humphrey administration pledges the kind of programs, policies, and leadership committed to this new economic agenda.

QUORUM CALL

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Spong). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Humphrey). Without objection, it is so ordered.

COMPLETION OF WORK IN MISSOURI RIVER BASIN

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3284.

The PRESIDING OFFICER (Mr. Humphrey) laid before the Senate the amendment of the House of Representatives to the bill (S. 3284) to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior which was to strike out all after the enacting clause, and insert:

> That there is hereby authorized to be appropriated for fiscal years 1973 through 1977 the sum of $94,000,000 for continuation of work in the Missouri River Basin to be undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress, plus or minus such amounts, if any, as may be required by reason of changes in construction costs, as indicated by engineering cost indices applicable to the type of construction involved. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Pick-Sloan Missouri Basin program, whether or not included in said comprehensive plans; nor for prosecution of the Garrison diversion unit, reauthorized by the Act of August 5, 1965 (79 Stat. 433).

And amend the title so as to read: "An Act to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Humphrey) appointed Mr. Jackson, Mr. Anderson, Mr. Moss, Mr. Burdick, Mr. Metcalf, Mr. Allott, Mr. Jordan of Idaho, and Mr. Hansen conferees on the part of the Senate.

FOREIGN ASSISTANCE ACT OF 1972—LIMITATION OF TIME ON McGEE AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the distinguished Senator from Wyoming (Mr. McGee) should call up his amendment to S. 3390, there be a time limitation on that amendment of 3 hours, to be equally divided between the distinguished Senator from Wyoming (Mr. McGee) and the distinguished manager of the bill, the Senator from Alabama (Mr. Sparkman) or his designee; with time on any amendment to the amendment, debatable motion, or appeal in relation thereto to be limited to 30 minutes, to be equally divided between the mover of such and the Senator from Wyoming (Mr. McGee), unless the Senator from Wyoming (Mr. McGee) should favor such, in which case the time in opposition thereto to be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m., following a recess. After the two leaders have been recognized, the distinguished Senator from New York (Mr. JAVITS) will be recognized for 15 minutes, the order for the recognition of the distinguished Senator from Delaware (Mr. ROTH) having been vacated at his own request.

The Senate will then resume its consideration of S. 3617, the Headstart bill. The pending question at that time will be on adoption of the amendment by the Senator from Colorado (Mr. DOMINICK), No. 1251.

Consideration of the bill will be under a time limitation of 6 hours—part of which has already been consumed, of course—with 1 hour on any amendment, and one-half hour on any amendment to an amendment, debatable motion or appeal.

There will be several rollcall votes during the day on amendments to the Headstart bill, S. 3617.

It is anticipated that the first rollcall vote will not—will not—occur before 10:30 a.m.

After the Headstart bill is disposed of—hopefully, on tomorrow—the Senate will return to the consideration of the unfinished business, S. 3390. The first amendment to the Foreign Assistance Act which would be considered tomorrow afternoon would be the amendment by the Senator from Wyoming (Mr. MCGEE), which deals with Cambodia.

It is my understanding that a sizable number of amendments are in the offing and are proposed to be called up and offered to S. 3617, the Headstart bill.

It is the intention of the leadership to complete action on the Headstart bill, S. 3617, on tomorrow, which then, hopefully, will permit the Senate to resume consideration of the unfinished business tomorrow early enough for progress to be made thereon.

RECESS TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow morning.

The motion was agreed to; and, at 6:09 p.m., the Senate recessed until tomorrow, Tuesday, June 20, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 19, 1972:

INTERSTATE COMMERCE COMMISSION

Chester M. Wiggin, Jr., of New Hampshire, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1973, vice Donald L. Jackson, resigned.

NATIONAL MEDIATION BOARD

George S. Ives, of Maryland, to be a member of the National Mediation Board for the term expiring July 1, 1975. Reappointment.

HOUSE OF REPRESENTATIVES—*Monday, June 19, 1972*

The House met at 12 o'clock noon.

Rev. Charles D. Beatty, Lovely Lane United Methodist Church, Baltimore, Md., offered the following prayer:

Almighty and Eternal God, we invoke Thy blessing upon this company of our Nation's legislators, that Thou wilt inspire and strengthen them to lead us in the way of truth and justice, in the achievement of sound manners and pure laws.

Bless our people, that we may never forget where we have come from, nor lose sight of what has brought us along.

Let not the hard beginnings be forgotten, nor the struggles farther along.

Restore the unity and common understanding that has been our strength.

Help us to gainsay the mockers and deniers: And let vision and hope never fade.

May we, whose forefathers would go anywhere, holding nothing impossible in the genius of man, follow in their train: To be a nation of people, free and brave. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3808. An act to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes;

H.R. 9092. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes;

H.R. 13089. An act to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes;

H.R. 14989. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15097. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14989) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLELLAN, Mr. ELLENDER, Mr. PASTORE, Mr. HOLLINGS, Mr. FULBRIGHT, Mrs. SMITH, Mr. HRUSKA, Mr. FONG, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15097) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROBERT C. BYRD, Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. PROXMIRE, Mr. ELLENDER, Mr. CASE, Mrs. SMITH, Mr. ALLOTT, Mr. COTTON, Mr. STEVENS, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 916. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations;

S. 2699. An act to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the national forest system, and for other purposes;

S. 3105. An act to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes;

S. 3414. An act for the relief of Alexandria Nicholson; and

S. 3645. An act to further amend the United States Information and Educational Exchange Act of 1948.

THE REVEREND CHARLES DAVID BEATTY

(Mr. SARBANES asked and was given permission to address the House for 1 minute.)

Mr. SARBANES. Mr. Speaker, it is a pleasure to welcome today to the House of Representatives the Reverend Charles David Beatty.

Reverend Beatty has been since June of 1965 the pastor of the Lovely Lane United Methodist Church in Baltimore. This church is the lineal successor to the Lovely Lane Meeting House in which the Methodist Episcopal Church was organized at the famous Christmas Conference in 1784 and it is widely known as "the Mother Church of American Methodism." This pulpit has over the years been occupied by outstanding leaders of the Methodist Church and Reverend Beatty has strengthened and contributed significantly to that great tradition.

Reverend Beatty served for 20 years in the Armed Forces of the United States as a chaplain in the U.S. Navy serving both on ships at sea and at various shore stations. Upon his retirement from the Navy he came to Baltimore and served as the assistant pastor at Towson United Methodist Church, 1963–65.

Prior to his naval service he was, from 1938 to 1942, pastor of the Freedom, Pa., Methodist Church.

He is a native of Pittsburgh and attended the public schools in that city and graduated from Duke University and the Drew Theological Seminary.

Those of us in Baltimore are happy that he married a Baltimore girl, Carolin Riefle. They have three daughters, Carolin Beatty Head, Ann Beatty Welch, and Florence Elizabeth Beatty.

Reverend Beatty is giving outstanding leadership to our community, Mr. Speaker; he is one of our most respected churchmen and we are privileged to have him here with us today.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar.

The Clerk will call the first bill on the Consent Calendar.

COTTON STATISTICAL REPORTS

The Clerk called the bill (H.R. 13169) to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee, the distinguished gentleman from Texas (Mr. POAGE), what this will do for the producers of the agricultural commodities covered by the bill.

Mr. POAGE. It will give them all the crop reports at one time. Heretofore they have had the cotton crop report coming out at one time and the grain reports coming out at another time.

The Department of Agriculture thinks it will be a little more convenient for them to handle these crop reports all at one time.

Mr. GROSS. What will it do for the actual producers, if anything?

Mr. POAGE. It gives them the crop reports all at one time rather than giving it to them at several different times throughout the month.

Mr. GROSS. Of course, the producers are interested in crop reports. There can be no question about that. But what will this change do? Is this in the interest of the investor or speculator, or is it in the interest of the producer, or is it in the interest of all three? The reports are made at 3 o'clock in the afternoon, as I understand it, on given dates in the month. Does this give the producer as much time as it does, for instance, to those who may be interested in speculation in grains as a result of crop reports?

Mr. POAGE. Yes.

Mr. GROSS. Does this do as much for the producer as it will do for others who are interested?

Mr. POAGE. It will put the cotton producers on the same basis on which we now have other producers. Frankly, I do not think it will change the producers' position materially one way or the other, but it will put them on the same basis with other producers.

Mr. GROSS. Is the cotton crop report now to be issued, or has it been in existence for a number of years?

Mr. POAGE. Oh, it has been in existence for a great many years. It is probably one of the oldest crop reports.

Mr. GROSS. There are five members on this board?

Mr. POAGE. It is the same board. We did not enlarge it.

Mr. GROSS. Do they all draw a per diem?

Mr. POAGE. No, they are all regular officials of the Department of Agriculture who are ex officio.

Mr. GROSS. All five are employees paid by the Department of Agriculture; is that correct?

Mr. POAGE. Yes.

Mr. GROSS. There are no public members who have to be called in?

Mr. POAGE. No, the board is exactly the same as it is at the present time. There is no change in the board. There is a change only in time.

Mr. GROSS. How are these reports disseminated? Through the press, the news service, and that sort of media?

Mr. POAGE. The news services and in other ways we know what the reports will be.

Mr. GROSS. I thank the gentleman for the explanation. I withdraw the reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. POAGE. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 3104), to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports, be considered in lieu of the House bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the Senate bill as follows:

S. 3104

An act to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of May 3, 1924, as amended (43 Stat. 115, 44 Stat. 1373, 60 Stat. 940, 72 Stat. 149; 7 U.S.C. 475), is amended to read as follows:

"COTTON CROP REPORTS.—The Secretary of Agriculture shall cause to be issued as of the first of each month during the cotton growing and harvesting season from August to January inclusive, reports describing the condition and progress of the crop and stating the probable number of bales which will be ginned, these reports to be issued simultaneously with the cotton ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate. No such report shall be approved and released by the Secretary of Agriculture until it shall have been passed upon by a cotton crop reporting board consisting of five members or more to be designated by him. Not less than three members of the board shall be supervisory field statisticians of the Department of Agriculture who are located in different sections of the cotton-growing States, are experienced in estimating cotton production, and have first-hand knowledge of the condition of the cotton crop based upon recent field observations. A majority of the members of the board shall be familiar with the methods and practices of producing cotton."

SEC. 2. Section 1 of the Act of May 27, 1912, as amended (37 Stat. 118, 44 Stat. 1374, 72 Stat. 149; 7 U.S.C. 476), is amended by striking out "10th" and inserting in lieu thereof "12th" by deleting "August 1" and inserting in lieu thereof "or before the 12th day of August", and by deleting "December 1" and inserting in lieu thereof "on or before the 12th day of December".

SEC. 3. Section 45 of title 13, United States Code, is amended to read as follows:

"§ 45. Simultaneous publication of cotton reports.

"The reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate."

SEC. 4 Section 42, paragraph (a) of title 13, United States Code, is amended to read as follows:

"(a) The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, September 1, September 15, October 1, October 15, November 1, November 15, December 1, December 15, January 1, January 15, February 1, and March 1; but the Secretary may limit the canvasses of August 1 and September 1 to those sections of the cotton growing States in which cotton has been ginned."

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 13169) was laid on the table.

RURAL TELEPHONE BANK FUNDS

The Clerk called the bill (H.R. 14423) to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to know if there has been any reaction at all in the committee, or in hearings held by the committee, from those who at the present time provide the moneys for the Rural Telephone Bank fund under existing law?

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Texas.

Mr. POAGE. This is a matter which was considered at the time we passed the original Rural Telephone Bank bill. At that time it was felt that we should not authorize the Treasury Department to buy these debentures. There were certain Members who frankly representing your side felt that it would be inadvisable to do so. After operating a few months the Treasury Department asked for this bill.

This is a bill that was requested by the Treasury Department because they feel, as many members of the committee felt last year when we passed this bill, that it is wise to let the Treasury buy when they see that it is desirable to do so.

This bill only allows the Treasurer to come in and buy at his own discretion. It does not require him to buy. It only lets the Treasurer buy at his discretion, and the Treasurer has decided that it strengthens his position if he has an opportunity to come in and buy this paper at times it is offered.

The committee feels that having gone through this whole matter within such a recent time, if the gentleman will recall, last year, there was no need of going through it again, and therefore we would not hold hearings to cover the same matter we had covered.

Mr. HALL. Mr. Speaker, I would presume, therefore, from the gentleman's attenuated answer, that he means there were no hearings held; and that private enterprise or the lenders who would be called on to furnish this funding at the going rate of interest up until now, have not been consulted.

Now, as far as the reference to "my side" is concerned, I am not quite clear. As I understand my likeable friend, the gentleman from Texas, whom I admire and revere; this request came from the Department of the Treasury, which was headed by someone on "his side," not "my side." I would say that I am not the least bit interested in partisanship, but I am interested in principle; and I have been known to oppose "my side" as a matter of principle when it upsets the marketplace, the laws of supply and demand, or free enterprise.

My question simply goes to the doubt as to whether or not private enterprise—or the money suppliers—have been consulted; because the existing law says they may borrow only from the private money market, which the gentleman has stated in his reply, and now we are taking that away from the money market and assuring the telephone bank the money at less than the going price for funding on the open market. Is that not true?

Mr. POAGE. The gentleman misunderstood me, or probably I did not make myself plain when I referred to the gentleman's side. What I referred to was what was happening in the committee last year at the time we were holding hearings on this matter, and this very matter was discussed in those hearings. What I meant to imply was that it was not the chairman or those who had the same feeling that I did on the matter when I placed the limitation in the bill at that time.

Mr. HALL. For which I certainly would applaud the gentleman and his committee. I do not like these changes.

Mr. POAGE. And now the Secretary of Agriculture is the one who sent the message—not the Secretary of the Treasury—but he does say in his statement that:

> The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the administration's program.
>
> A similar letter is being sent to the President of the Senate.

Mr. HALL. I appreciate the gentleman's reply. I do not mean to press the point too far. I think we have had good fun and good faith in the colloquy between us on it, but is it not a fact that this may be a bit like funding under the participation sales certificates or the interagency borrowing that would be at a price less than they could get on the open market in times of high interest rates?

Mr. POAGE. It may or may not be. It gives the Secretary the authority if he sees fit to use it. It does not require the Treasury to furnish these funds.

Mr. HALL. I understand.

Mr. POAGE. It simply authorizes him to furnish these funds if he, in his discretion, feels it is for the good of managing the public debt.

Mr. HALL. I understand that. But would it not then be putting the Rural Telephone Bank in the position of getting the money from another agency, as we do in the participation sales certificates, at less than the going or commercial rate of interest; or would it be at the same rate as the costs at which other banks are supplying the funds?

Mr. POAGE. I think we would have to say it would depend upon the Treasurer of the United States. There is no requirement that the Treasurer provide any money even at any rate whatsoever.

Nor is there any requirement here that he give any special advantage in the rate. It does authorize the Treasurer, when he sees fit, to come in and buy these debentures. It also authorizes him to sell them.

It is the same authority that is now exercised by the Federal National Mortgage Association, the U.S. Postal Service, and the Federal home loan bank. They all have this same authority. The Secretaries of the Treasury and Agriculture say it is a good thing to have this authority in this case.

Mr. HALL. Mr. Speaker, that may well be, but here we are asked unanimous consent, and this one Member, at least, and some others I know, do not feel even those branches or quasi-civilian branches of Government, ought to necessarily have this authority. So I repeat, we are talking about a question of principle here.

I should like to ask the gentleman if, under any manner, this might put the telephone bank fund in the same situation of being able to borrow 2-percent money from other branches of Government which it could reinvest before implementing it for the primary use intended by the Congress?

Mr. POAGE. No; it would not.

Mr. HALL. I thank the gentleman.

Although I would much have preferred private enterprise had been heard and concurred before this was brought up under the Consent Calendar, I intend to withdraw my reservation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to my friend and colleague, the gentleman from Iowa.

Mr. GROSS. I will try not to ask an attenuated question; therefore, I hope I will not get an attenuated answer.

Will the gentleman tell me what is the limit of the obligations under this bill?

Mr. POAGE. Does the gentleman mean of the telephone bank?

Mr. GROSS. That is right.

Mr. POAGE. $30 million a year, I believe.

Mr. GROSS. There is nothing in the report or the bill or anything accompanying it that states the total obligations.

Mr. POAGE. The reason for that is that this does not change the law in that respect one iota. It leaves it just as it is.

Mr. GROSS. I thank the gentleman.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 14423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress that the Rural Telephone Bank should have the capability of obtaining adequate funds for its supplementary financing program at the lowest possible costs. In order to effectuate this policy, it will be necessary to expand the market for debentures to be issued by the Telephone Bank. The Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), is therefore further amended as hereinafter provided.

SEC. 2. Section 407 of the Rural Electrification Act of 1936, as amended, is amended by inserting "(a)" immediately preceding the first sentence thereof and adding at the end thereof the following:

"(b) The Telephone Bank is also authorized to issue telephone debentures to the Secretary of the Treasury, and the Secretary of the Treasury may in his discretion purchase any such debentures, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force are extended to include such purchases. Each purchase of telephone debentures by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the telephone debentures acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such debentures under this subsection shall be treated as public debt transactions of the United States.".

SEC. 3. The right to repeal, after, or amend this Act is expressly reserved.

SEC. 4. This Act shall take effect upon enactment.

With the following committee amendment:

Committee amendment: Page 3, line 8, strike out "after" and insert in lieu thereof "alter".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. COLLIER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 209]

Abernethy
Abourezk
Abzug
Addabbo
Anderson, Tenn.
Ashbrook
Ashley
Aspin
Badillo
Bevill
Biaggi
Bingham
Blanton
Blatnik
Brasco
Broomfield
Brown, Mich.
Cabell
Caffery
Carey, N.Y.
Celler
Chisholm
Clark
Clay
Cleveland
Conyers
Corman
Cotter
Daniels, N.J.
Davis, S.C.
Delaney
Dellums
Diggs
Dingell
Dorn
Dow
Dowdy
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fish
Flowers
Flynt
Fountain
Fraser
Fulton
Fuqua
Galifianakis
Gallagher
Gettys
Grasso
Gray
Hagan
Halpern
Harsha
Hawkins
Hébert
Helstoski
Holifield
Horton
Hunt
Keith
Kluczynski
Kyros
Landrum
Link
Lloyd
Long, La.
McCloskey
McDonald, Mich.
McEwen
McKinney
McMillan
Macdonald, Mass.
Mann
Mathias, Calif.
Melcher
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Monagan
Moorhead
Murphy, N.Y.
Nelsen
Patman
Pelly
Pepper
Perkins
Peyser
Pirnie
Podell
Price, Tex.
Pryor, Ark.
Rangel
Rarick
Reid
Roe
Rogers
Rooney, N.Y.
Roush
Roy
Ryan
Satterfield
Scheuer
Schmitz
Sebelius
Smith, Iowa
Staggers
Steiger, Wis.
Stephens
Stratton
Stuckey
Symington
Talcott
Teague, Calif.
Terry
Thompson, N.J.
Vander Jagt
Whalley
Winn

The SPEAKER. On this rollcall, 310 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONSENT CALENDAR

The SPEAKER. The Clerk will report the next bill on the Consent Calendar.

IMPROVEMENT OF FEDERAL LEAVE SYSTEM

The Clerk called the bill (H.R. 12602) to amend title 5, United States Code, to improve the administration of the leave system for Federal employees.

There being no objection, the Clerk read the bill as follows:

H.R. 12602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 5551(a) of title 5, United States Code, is amended by striking out ", except that it may not exceed pay for a period of annual or vacation leave in excess of thirty days, or the number of days carried over to his credit at the beginning of the leave year in which entitlement to payment occurs, whichever is greater"

(b) Section 5551(b) of title 5, United States Code, is amended to read as follows:

"(b) The accumulated and current accrued annual leave to which an officer excepted from subchapter I of chapter 63 of this title by section 6301(2)(x)(xii) of this title, is entitled immediately before the date he is excepted under that section shall be liquidated by a lump sum payment in accordance with subsection (a) of this section or subchapter VIII of this chapter, except that the payment is based on the rate of pay which he was receiving immediately before the date on which section 6301(2)(x)(xii) of this title became applicable to him.".

SEC. 2. Section 6303(b) of title 5, United States Code, is amended by inserting the first sentence immediately after "an employee" the words "whose current appointment is limited to less than ninety days".

SEC. 3. Section 6304 of title 5, United States Code, is amended—

(1) by striking out of subsection (a) the phrase "subsection (b) of this section" and inserting in lieu thereof "subsections (b) and (d) of this section";

(2) by striking out the word "or" at the end of clause 1 of subsection (c);

(3) by adding the word "or" at the end of clause 2 of subsection (c);

(4) by adding a new clause to the first sentence of subsection (c) to read as follows: "(3) under subsection (a) or (b) of this section which was accumulated under subsection (d) of this section;"; and

(5) by adding at the end thereof a new subsection to read as follows:

"(d) Annual leave accruing to an employee during a year which is in excess of the amount allowed under subsection (a) or (b) of this section and which is not used because of the exigencies of the public business, administrative error, or sickness of the employee shall accumulate for use in succeeding years without limitation.".

With the following committee amendment:

Committee amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

H.R. 12602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 5551(a) of title 5, United States Code, is amended by striking out ", except that it may not exceed pay for a period of annual or vacation leave in excess of 30 days or the number of days carried over to his credit at the beginning of the leave year in which entitlement to payment occurs, whichever is greater".

(b) Section 5551(b) of title 5, United States Code, is amended to read as follows:

"(b) The accumulated and current accruded annual leave to which an officer excepted from subchapter 1 of chapter 63 of this title by section 6301(2)(x)–(xii) of this title, is entitled immediately before the date he is excepted under that section shall be liquidated by a lump-sum payment in accordance with subsection (a) of this section or subchapter VIII of this chapter, except that the payment is based on the rate of pay which he was receiving immediately before the date on which section 6301(2)(x)–(xii) of this title became applicable to him."

SEC. 2. The first sentence of section 6303(b) of title 5, United States Code, is amended to read as follows: "Notwithstanding subsection (a) of this section, an employee whose current employment is limited to less than 90 days is entitled to annual leave under this subchapter only after being currently employed for a continuous period of 90 days under successive appointments without a break in service.".

SEC. 3. Section 6304 of title 5, United States Code, is amended—

(1) by striking out of subsection (a) the phrase "subsection (b) of this section" and inserting in lieu thereof "subsections (b) and (d) of this section"; and

(2) by adding at the end thereof the following new subsection:

"(d)(1) Annual leave which is lost by operation of this section because of—

"(A) administrative error when such error causes a loss of annual leave otherwise accruable after June 30, 1960;

"(B) exigencies of the public business when such annual leave was scheduled in advance; or

"(C) sickness of the employee when such annual leave was scheduled in advance;

shall be restored to the employee.

"(2) Annual leave restored under paragraph (1) of this subsection which is in excess of the maximum leave accumulation permitted by law shall be credited to a separate leave account for the employee and shall be available for use by the employee within the time limits prescribed by regulations of the Civil Service Commission. Leave credited under this paragraph but unusued and still available to the employee under the regulations prescribed by the Commission shall be included in the lump-sum payment under section 5551 or 5552(1) of this title but may not be retained to the credit of the employee under section 5552(2) of this title.".

SEC. 4. Section 6302 of title 5, United States Code, is amended by inserting at the end thereof the following new subsection:

"(f) An employee who uses excess annual leave credited because of administrative error may elect to refund the amount received for the days of excess leave by lump-sum or installment payments or to have the excess leave carried forward as a charge against later-accruing annual leave, unless repayment is waived under section 5584 of this title.".

SEC. 5. With respect to former employees who are not on the rolls on the date of enactment of this Act, except former employees under section 6 of this Act, annual leave which accrued after June 30, 1960, but, because of administrative error, was lost by operation of section 6304 of title 5, United States Code, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed by or for the former employee, with the agency by which he was employed at the time the loss of leave occurred, within three years immediatetly following the date of enactment of this Act. Payment shall be at the salary rate in effect on the date of separation from the employment during which the loss of annual leave occurred.

SEC. 6. (a) With respect to an employee of the United States Postal Service or former employee of the former Post Office Department or of the United States Postal Service, annual leave which accrued after June 30, 1960, and before July 1, 1971, but, because of administrative error, was lost before July 1, 1971, by operation of section 6304 of title

5, United States Code, shall be liquidated by a lump-sum payment only if a claim therefor is filed or for such employee or former employee with—

(1) the Postal Service, if such leave was lost while such employee or former employee was an employee of the Post Office Department; or

(2) the agency (other than the Post Office Department) by which such employee was employed at the time the loss of leave occurred;

within three years immediately following the date of enactment of this Act.

(b) The lump-sum payment authorized under subsection (a) of this section shall be made at the salary rate in effect on—

(1) June 30, 1971, or the date of separation or transfer from the Post Office Department, as applicable, in the case of a claim filed under subsection (a) (1) of this section; or

(2) the date of separation or transfer from the agency (other than the Post Office Department) in the case of a claim filed under subsection (a) (2) of this section.

SEC. 7. Section 5562 of title 5, United States Code, is amended by inserting at the end of subsection (a) thereof the following sentence: "Notwithstanding any other provision of law, an employee in a missing status on or after January 1, 1965, is entitled to payment for annual leave which accrued to his account on or after January 1, 1965, but which was forfeited under section 6304 of this title because he was unable to use that leave by virtue of his missing status. Such payment shall be made at his rate of basic pay in effect at the time of forfeiture.".

The committee amendment was agreed to.

(Mr. MATSUNAGA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MATSUNAGA. Mr. Speaker, as a sponsor of H.R. 12602, along with my friend and distinguished colleague from New York (Mr. HANLEY), I strongly urge its unanimous approval. I wish at the outset to commend the gentleman from New York (Mr. HANLEY) for the leadership he assumed in bringing this important piece of legislation to the floor. Without his sincere interest the measure would have been dead in committee.

On the first day of the 92d Congress I introduced a bill which contained the major provisions of H.R. 12602, marking the third consecutive Congress in which I introduced such legislation. By working closely with the distinguished chairman of the concerned subcommittee (Mr. HANLEY) we were able to develop a sound piece of legislation to benefit Federal employees who are presently being forced to forfeit hours, sometimes days, of annual leave, through circumstances completely beyond their control.

Briefly, H.R. 12602 would permit Federal employees to carry over leave earned during the workyear beyond the presently allowed ceiling, in cases where one of the following three circumstances exist to prevent the use of the leave: First, administrative error; second, sickness of the individual; or third, the exigencies of the public business.

In addition, the bill would make several minor administrative changes, permit annual leave during the first 90 days of employment, allow lump-sum payment for leave over present maximums in the year of an employee's separation, and improve provisions covering repayment for overcredit of leave.

Another major provision of H.R. 12602 would permit Federal civilian employees who are "missing in action" to accumulate leave over and above statutory maximums.

While there are many cases which may be cited, just one example should suffice to illustrate the inequities to which H.R. 12602 is addressed. In my files is the case of a man who lived for many months at a weather station at the South Pole. He could not, as you might well imagine, schedule any annual leave, and lost a number of hours because he exceeded the maximum carryover.

Mr. Speaker, the rationalization of our Federal leave policy, which H.R. 12602 proposes to accomplish, would entail negligible cost to the Government. If anything, the benefits from improved employee morale and cooperation would make this bill a profitmaking measure for the Government and the taxpayer.

H.R. 12602 was reported unanimously to the full committee by Mr. HANLEY's Employee Benefits Subcommittee and the full Post Office and Civil Service Committee ordered it reported by a unanimous 26-to-0 record vote. I strongly urge my colleagues to approve it, also unanimously, in order that the relatively minor, but very real, inequities might be eliminated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMISSION ON AMERICAN SHIPBUILDING

The Clerk called the bill (H.R. 15048) to amend the Merchant Marine Act of 1970.

There being no objection, the Clerk read the bill as follows:

H.R. 15048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 41(2) of the Merchant Marine Act of 1970 (Public Law 91–469) is amended by inserting before the period at the end thereof a colon and the following: "*Provided, however*, That members of the Commission who are not full-time employees of the United States may waive entitlement to per diem compensation for service heretofore or hereafter rendered".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPENSATION OF FEDERAL REPRESENTATIVES ON SOUTHERN AND WESTERN INTERSTATE NUCLEAR BOARDS

The Clerk called the bill (H.R. 14974) to amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone conversant with this bill what services these Boards perform?

Mr. KASTENMEIER. Mr. Speaker will the gentleman from Iowa yield?

Mr. GROSS. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. These Boards are established under interstate compacts The representatives of the States meet, together with our Federal representatives and others, in pursuit of developing atomic energy within the regions.

The Board itself is created to perform these functions. I can say further to the gentleman that there are two acts under which the Congress defines in some detail what precisely the Board does.

Reading from the act of 1970, Public Law 91–461, which consented to the Western Interstate Nuclear Compact, the Board meets for the purpose of developing, coordinating, and correlating the sources of nuclear energy in each State in the Western Compact, consistent with the development of the economy of the region, and with the optimum benefit from nuclear and related scientific and technological resources.

Mr. GROSS. Is there any record of accomplishment? There are two boards, are there not?

Mr. KASTENMEIER. There are two.

Mr. GROSS. They are paid at the rate of $138.40 a day, are they not? This is the rate paid to the members thereof.

What is the record of accomplishment, if any?

Mr. KASTENMEIER. Well, of course, we are talking only about the compensation of two individuals here. The accomplishment of the Board is really related to the States involved. We have a single Federal representative on each of the Boards. He represents the Federal point of view as far as the Atomic Energy Commission, the President of the United States, and the executive branch are concerned, and so represents the interests of the United States. That is his whole function. What the regional board does beyond that is the business of the States collectively involved in the compact. They are not accountable to us, that is to say, to the United States. These are inter-State compacts affecting the collection of the States themselves. What we are talking about in this particular legislation is making the compensation of the two Federal represenatives—and there are only two, one for each of the compacts—consistent with each other.

Mr. GROSS. In other words, to keep up with the pay as established for the other Board.

Mr. KASTENMEIER. It is for the purpose of making the compensation of the two coincide. I must say that what we have done in this bill is reasonable, and actually it places a limitation which did not exist in the 1970 act on the compensation of one of the representatives.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 14974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 3 of the Act entitled "An Act granting the consent of Congress to the Southern Interstate Nuclear Compact, and for related purposes", approved July 31, 1962 (76 Stat. 249), is amended to read as follows: "He shall be compensated for each day of service rendered in such capacity in an amount which is the daily equivalent of the maximum rate for grade GS–18 of the General Schedule prescribed in section 5332 of title 5, United States Code: *Provided*, That if the representative be an employee of the United States, he shall serve without such additional compensation.".

SEC. 2. The third sentence of section 3 of the Act entitled "An Act granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes", approved October 16, 1970 (84 Stat. 979), is amended to read as follows: "He shall be compensated for each day of service rendered in such capacity in an amount which is the daily equivalent of the maximum rate for grade GS–18 of the General Schedule prescribed in section 5332 of title 5, United States Code: *Provided*, That if the representative be an employee of the United States, he shall serve without such additional compensation.".

With the following committee amendments:

On page 1, line 8, strike out "which is" and insert in lieu thereof "fixed by the President not to exceed".

On page 2, line 9, strike out "which is" and insert in lieu thereof "fixed by the President not to exceed".

(Mr. McCULLOCH (at the request of Mr. POFF) was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCULLOCH. Mr. Speaker, I join with my colleagues from the Committee on the Judiciary in supporting the enactment of H.R. 14974, a bill to establish a uniform ceiling on compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards, respectively.

The present disparity between the authorization for compensation of the Federal representative on the Southern Interstate Nuclear Board and that of the Federal representative on the Western Interstate Nuclear Board is an historical accident which fails to reflect the equivalency of the two positions.

Both officers perform exactly the same functions for the respective Boards on which they serve, and there is no practical reason for their being compensated differently.

Rather than adopt either the once generous but now too restrictive limitation contained in the act passed a decade ago approving the Southern Interstate Nuclear Compact, or the completely openended authorization contained in the more recent act approving the Western Interstate Nuclear Compact, the bill allows the President to fix the per diem compensation of both Federal representatives as high as the GS–18 level. Hereafter, it will not be necessary for Congress to legislate changes in these compensation ceilings to take account of pay raises affecting comparable positions, since the ceilings will rise automatically in step with the GS–18 level.

Mr. Speaker, as a member of the Joint Committee on Atomic Energy, I have come to know the importance of the Federal interest in the use of atomic energy for the development of all regions of our Nation. I am satisfied that H.R. 14974 is appropriate legislation to promote that interest, and I urge its passage.

Mr. POFF. Mr. Speaker, on May 15, 1972, I introduced H.R. 14974, to change the statutory ceiling on compensation of the Federal representative on the Southern and Western Interstate Nuclear Boards.

In 1962 Congress, by Public Law 87–563, consented to the Southern Interstate Nuclear Compact, whereby several Southern States undertook to cooperate on a continuing basis in the development of nuclear energy facilities, materials and products and in their application toward the industrialization and economic growth of the region.

The act granting such consent authorized the President to appoint a Federal representative to serve on the Southern Interstate Nuclear Board created by the compact and provided that such appointee shall be compensated "in such amount not in excess of $100 per diem, as the President shall specify, but the total amount of compensation payable in any one calendar year shall not exceed $15,000" (76 Stat. 254).

Eight years later, in 1970, Congress passed similar legislation consenting to the Western Interstate Nuclear Compact and authorizing Presidential appointment of a Federal representative on the Western Interstate Nuclear Board, which serves the same functions within the western region as the Board created by the Southern Compact. However, Public Law 91–461 differed from the Southern act in providing that the Federal representative should be compensated "in such amount as the President shall specify" without limitation as to the amount payable either per diem or per annum (84 Stat. 986).

In reporting on H.R. 7705 which I introduced last session to change the formula for compensation of the southern representative, the Atomic Energy Commission recommended that both representatives be paid at the GS–18 level. The bill, as amended by the subcommittee, authorizes payment of a per diem as high as that of the GS–18 level.

Both representatives are Presidential appointees. There is no significant difference, either in theory or in practice, between the job qualifications or duties attending the two positions. They are, in short, exact analogs in the scheme for implementation of the two compacts. For precisely this reason, the President has exercised his discretion by setting the per diem compensation of the new Federal representative to the Western Board at the same rate as the ceiling set forth in the Southern Act.

The discrepancy in the two statutory compensation provisions was not noted in the committee reports on the Western Act, nor was it mentioned on the floor at the time of passage. There is no reason to believe that this discrepancy was intended as a device to relegate the Southern representative to a position of inferiority vis-a-vis the Western representative, though the statutes as presently worded do convey that impression. Rather, the compensation provision of the Western Act simply embodies the more flexible approach to such matters favored in recent years, as illustrated by the Federal Salary Acts of 1967 and 1970, wherein the President has been delegated by Congress the authority to adjust pay schedules for large classes of Federal officers and employees in light of rising pay rates for comparable work levels in private enterprise.

The imposition, by statute in one case and by administrative action in the other, of fixed per diem and per annum dollar limitations upon the allowable compensation of the Federal representatives to the Southern and Western Boards work to the representatives' economic disadvantage both in absolute terms and relative to other Federal officers and employees.

On the one hand, it is obvious that as a result of inflation the real economic value of the allowable compensation has steadily decreased during the 9 years since the Southern Act was passed. Roughly speaking, it would take $132 today to equal the $100 per diem specified in the statute in 1962. The Federal representative to the Southern Board, therefore, has suffered the equivalent of a 32-percent cut in pay and cannot now legally be compensated at the true rate, in constant dollars, at which Congress in 1962 authorized his compensation.

On the other hand, he has lost ground economically in relation to other classes of Federal employees whose rates of compensation have been increased in recent years to take account of the shrinking value of the dollar and rising pay rates in private enterprise. Many persons supplying personal services to the Federal Government on a part-time basis, such as consultants, are paid a per diem which is equivalent to the per diem pay of level GS–18 Government employees. In July 1962, when the Southern Act became law, the per diem equivalent of a level GS–18 salary was slightly over $71—less than the amount payable to the Federal representative. Today, however, the per diem equivalent of a level GS–18 salary is $139, for a 9-year increase of nearly 95 percent, while the Federal representative's per diem has nominally remained constant.

In August 1969, the Atomic Energy Commission—which, by Presidential directive, actually pays the two Federal representatives—compensated its consultants at a rate of $100 per diem; today the rate is $139 per diem for such consultants. And they are not Presidential appointees.

If both acts are amended to authorize compensation up to the daily equivalent of the GS–18 level, it will hereafter not be necessary for Congress to enact new legislation if economic conditions require adjustment of these rates; such adjustments could and assuredly would be made by executive action. Since compensation for only two individuals is involved, that would be a more efficient and equitable manner of effecting whatever adjustments might be necessary in the future.

An additional reason for removing the present ceiling on annual compensation is that, assuming a reasonable per diem payment, the Federal representatives should not be put in the position of possibly having to choose between first, working without pay near the end of a calendar year, or, second, not working at all, regardless of what they perceive the requirements of the job to be, because "the funds have run out." Even if a new per diem pay rate were fixed by statute, the Federal representatives should be entitled to compensation at that rate for every day that they actually serve in their official capacity, with no limitation of annual compensation to an amount smaller than what would be due them if the per diem rate were applied to full-time working conditions.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 6957, SAWTOOTH NATIONAL RECREATION AREA, IDAHO

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6957), to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. Aspinall, Taylor, Udall, Skubitz, and McClure.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON TREASURY-POSTAL SERVICE APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the Treasury-Postal Service appropriation bill for the fiscal year ending June 30, 1973, and for other purposes.

Mr. ROBISON of New York reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. BROTZMAN. Mr. Speaker, pressing business kept me away from voting on rollcall No. 204 on June 15, and I would therefore like to have the Record show that had I been present I would have voted "aye."

ATTEMPTED WIRETAPPING OF DEMOCRATIC HEADQUARTERS

(Mr. WALDIE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, illegal wiretapping, electronic surveillance, and breaking and entering are despicable activities under all circumstances. They are particularly despicable when used as tools in a political campaign.

It is unbelievably despicable when such activities are engaged in by a national political party as a part of a presidential campaign.

The recent incident involving an attempt to plant electronic devices in the Democratic National Headquarters, allegedly masterminded by the chief security officer of the Republican National Committee and the Committee to Reelect the President demands an inquiry by the Fair Campaign Practices Committee as well as the Federal Bureau of Investigation.

It may be, as John Mitchell, the former Attorney General and now campaign manager for the reelection of Richard Nixon, states that James McCord was not authorized to bug the Democratic National Committee Headquarters—it may also not be.

APPOINTMENT OF CONFEREES ON H.R. 15097, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. McFall, Boland, Yates, Steed, Mahon, Conte, Minshall, Edwards of Alabama, and Bow.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON THE PUBLIC WORKS AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the Public Works and Atomic Energy Commission appropriations bill for 1973.

Mr. RHODES reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ATTEMPTED BUGGING OF DEMOCRATIC NATIONAL HEADQUARTERS

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute.)

Mr. VAN DEERLIN. Mr. Speaker, no one has asked me to serve this body as its poet laureate. But events of the weekend and, indeed, the preceding remarks by the gentleman from California (Mr. Waldie) have prompted me to update an ancient political ditty. Properly paraphrased, it would go like this:

> Mother is merely a shoplifter,
> Sister picks pockets with me.
> Brother prowls only in pawn shops—
> But Dad's with the G.O.P.!

SETTING THE RECORD STRAIGHT

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I take this opportunity to set the record straight. Congratulations to my good friend and distinguished colleague, Congressman Paul Findley, and Pike County, which he represents, for their No. 2 position in U.S. hog sales for 1969.

On the House floor last Monday, Representative Findley commended that well-deserving constituency and also commended Henry County—in my district—for its No. 1 position in U.S. hog sales—554,834 in 1969. He also added a challenge to the people of Henry County: "Do not look back; someone is gaining." Hogwash. Henry County has long been No. 1 in hog sales, and the people of Henry County are not about to relinquish their title. I have worked with Congressman Findley on many matters of benefit to all Illinois residents, but on this one I must state that he has stars in his eyes.

Bravo, Henry County.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, D.C.,
June 16, 1972.

Hon. Carl Albert,
The Speaker, House of Representatives.

Dear Mr. Speaker: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12 Noon on Friday, June 16, 1972, and said to contain a Message from the President transmitting the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1971.

With kind regards, I am,
Sincerely,
W. Pat Jennings, *Clerk,*
House of Representatives.

REPORT OF THE COMMODITY CREDIT CORPORATION FOR THE FISCAL YEAR ENDED JUNE 30, 1971—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

In accordance with the provisions of Section 13, Public Law 806, 80th Congress, I transmit herewith the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1971.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1972.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
June 16, 1972.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12 Noon on Friday, June 15, 1972, and said to contain a Message from the President transmitting the second annual report on Hazardous Materials Control.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS, *Clerk,*
House of Representatives.

SECOND ANNUAL REPORT ON HAZARDOUS MATERIALS CONTROL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith the Second Annual Report on Hazardous Materials Control as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91–458. This report has been prepared in accordance with Section 302 of the Act and covers calendar year 1971.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1972.*

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. DONOHUE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13694) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

The Clerk read as follows:

H.R. 13694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

Section 7 (a) is amended to read as follows:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $6,712,000 for fiscal year 1973, of which not to exceed $2,400,000 shall be for grants-in-aid pursuant to section 9(1) of this Act."

SEC. 2. Section 9 is amended by the addition of the following new subsections:

"(2) make grants to nonprofit entities including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof) to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted;

"(3) in any case where money or property is donated, bequeathed, or devised to the Commission, and accepted thereby for purposes of assisting a specified nonprofit entity, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), for a bicentennial program or project, grant such money or property, plus an amount not to exceed the value of the donation, bequest, or devise: *Provided,* That the recipient agrees to match the combined value of the grant for such bicentennial program or project."

SEC. 3. Add at the end thereof the following new section 11:

"SEC. 11. For a period of one year from the effective date of this section, whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify."

SEC. 4. Section 6 is amended by the addition of the following new subsection:

"(4) In addition to the number of positions which may be placed in GS–16, GS–17, and GS–18, under section 5108 of title 5, United States Code, not to exceed ten positions may be placed in GS–16, GS–17, and GS–18, to carry out the functions of the Commission. The authority under this subsection shall be subject to the procedures prescribed under section 5108 of title 5 of the United States Code, and shall continue only for the duration of the exercise of functions of the Commission."

The SPEAKER. Is a second demanded?

Mr. SMITH of New York. Mr. Speaker, I demand a second.

Mr. SCHWENGEL. Mr. Speaker, is the gentleman from New York opposed to the bill?

The SPEAKER. Is the gentleman from New York opposed to the bill?

Mr. SMITH of New York. I am not, Mr. Speaker.

The SPEAKER. The gentleman from New York does not qualify.

Mr. SCHWENGEL. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Iowa opposed to the bill?

Mr. SCHWENGEL. In its present form, Mr. Speaker, I certainly am.

The SPEAKER. The gentleman qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Massachusetts (Mr. DONOHUE) will be recognized for 20 minutes and the gentleman from Iowa (Mr. SCHWENGEL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. DONOHUE).

Mr. DONOHUE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 13694, was introduced in accordance with the recommendations of an executive communication from the American Revolution Bicentennial Commission. As outlined in the executive communication, the enactment of the amendments contained in this bill are now required to enable the Commission to carry forward its work. At the present time, an important aspect of its work includes giving assistance and advice in connection with developing programs and activities planned by the States and local communities, civic and service organizations, Federal agencies and foreign governments.

Previously, the Bicentennial Commission has been engaged in preparing a basic blueprint for a national commemoration. Now, during the year 1973, the Commission will be emphasizing the actual initiation of programs and activities in connection with the observance of the bicentennial. Thus the authorization for appropriations for fiscal year 1973 contained in this bill is the first authorization which would have the purpose of beginning to fund implementation of the Commission's national plan.

This bill would authorize the amount of $6,712,000 to be appropriated for fiscal year 1973, and this figure would include provision for $2,400,000 for the second and final year of equal grants to the States, a program initiated in fiscal year 1972. Under Public Law 92–236, approved March 1, 1972, the 2-year program of grants to each State, the District of Colubia, the Commonwealth of Puerto Rico, and the territories was authorized to assist in the establishment and implementation of a Bicentennial Commission.

Section 2 of the bill, H.R. 13694, adds two new subsections to section 9 of the joint resolution establishing the American Revolution Bicentennial Commission. Section 9 concerns grants in aid and includes in subsection 1 the provision for grants in aid to the States which I have just referred to. The new subsection 2 which would be added by this bill, as amended by the committee, would make grants to nonprofit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico, or their subdivisions for the purpose of assisting them in developing or supporting bicentennial programs or projects. It is further provided that these grants may be up to 50 percent of the total cost of the program or project to be assisted. At the hearing it was explained that projects would be reviewed by the Commission and approved for grant support under the authority provided in the new subsection 2 on the basis of general criteria now being developed by the Commission.

At the hearing on April 13, 1972, the witness representing the Commission stated that the grant programs contemplated under section 9 are viewed as an essential inducement and stimulus for a truly national bicentennial commemoration. The Commission takes the position that these actions on a State and local basis both deserve and require encouragement and support by the Federal Government. It is contemplated that the limited financial support provided by the programs for Federal grants will have a catalytic effect in other areas of the public and private sector.

New subsection 3 added to section 9 of the bill authorizes the Commission to accept donations, bequests, or devises earmarked for specific nonprofit entities for bicentennial programs or projects. The Commission would be authorized to grant that money or property to the specified nonprofit entity, plus an amount not to exceed the value of the donation, bequest, or devise on the condition that the recipient will agree to match the combined value of the grant for the program or project. It is hoped that these programs can be financed without the need of any appropriated funds. It was explained at the hearings that no appropriated funds were authorized or requested for these grants in fiscal year 1973. It is contemplated that the Commission will use revenues generated from the sale of bicentennial commemorative medallions and possibly from other licensing programs and donations for such grants during fiscal year 1973. It was stated that it is the Commission's hope that revenues and donations of this character will be adequate in subsequent years to preclude the need for appropriations.

Section 3 of the bill adds a new section 11 to the existing law which would authorize the President when he determines it to be in furtherance of the purposes of the act creating the American Revolution Bicentennial Commission to authorize the Commission to carry out its functions without regard to specified provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of grant funds. The committee amendment is to provide that this authority would be granted for a period of 1 year from the effective date of the section.

The new section added by section 3 has the purpose of permitting a determination by the President that a waiver authorized by the section would further the purposes of the act. In the executive communication transmitted to the Congress on March 7, 1972, it is pointed out that the pressing time schedule under which the Commission is presently operating, together with the absolute deadline of the years 1975–76, as a practical culmination of its efforts for commemoration of the bicentennial dictates a requirement of flexibility in its operations.

At the hearing it was pointed out that the language of proposed section 11 is patterned after section 108a of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2458a). It was explained at the hearing that the Commission had concluded that the considerations which led to the enactment by the Congress of the waiver provisions contained in the Mutual Educational and Cultural Exchange Act are also valid consideration for granting similar authority to the American Revolution Bicentennial Commission. It is also relevant to note that the legislation providing for the George Rodgers Clark Sesquicentennial Commission (45 Stat. 723) and the Civil War Centennial Commission Act (36 U.S.C. 745(b); 71 Stat. 626) contains similar language.

The fourth and final section of the bill would amend section 6 of the law by the addition of a new subsection 4 which would authorize 10 supergrade positions to carry out the functions of the Commission. At the hearing it was explained that these positions are necessary in view of the expansion of the scope of the Commission's work as the observance gains its full momentum. It was explained that the positions will be subject to applicable Civil Service Commission procedures under section 5108 of title 5 of the United States Code. These procedures permit a position to be placed in GS–16, –17 or –18 only by action or approval by a majority of the Civil Service Commissioners. In addition, the qualifications of the individuals to be placed in such positions must be approved by the Civil Service Commission. The committee further notes that new subsection 4 expressly provides that the positions authorized under that section will be limited to the life of the Commission.

The committee has concluded that these amendments are necessary to the effective functioning of the Commission and it is recommended that the bill be considered favorably.

Mr. GROSS. Mr. Speaker, will my friend, the gentleman from Massachusetts, yield?

Mr. DONOHUE. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Will the gentleman explain why this new section 11 was added to the bill?

Mr. DONOHUE. I might point out to the gentleman if he will permit me to, that we were following a precedent that was established when two other commissions were authorized by the Congress. Similar language is now included in the Mutual Education and Cultural Exchange Act. As to commissions, the precedent was established at the time the George Rodgers Clark Sesquicentennial Commission was established, and also in the case of the Civil War Centennial Commission some years ago.

It was requested by the Commission that the authority be granted during the full life of the Commission. We amended that request by limiting it to 1 year, so that at the end of each year the Commission would have to come back to us and tell us in what way they waived the provisions of the existing law.

Mr. GROSS. This is one of the broadest delegations of power I have ever heard of. I understand that it is for a period of 1 year, but a great deal of abuse can occur in that period of time. It says:

> For a period of one year from the effective date of this section, whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify.

I would not vote for any bill with that kind of provision in it, no matter how meritorious it might be. Congress has already delegated far too much power to the executive branch of the Government.

Mr. DONOHUE. The explanation that was offered to us, I might suggest to the gentleman from Iowa, was this, that in negotiating with the Federal Government for contracts, there is a very time-consuming process and procedure that must be followed and because of the shortness of time necessary to get the activities of this Commission into proper perspective, it was necessary, as it was in a number of cases, to have such a provision in the authorizing legislation.

Mr. GROSS. If my friend from Massachusetts—and I do admire him—would yield further, let me say this. Here again we are yielding to expediency, overturning the orderly procedures, and delegating too much power to any President.

Mr. DONOHUE. I quite agree with the gentleman, up to a certain point, but in a situation such as this, where they requested the waiver of those provisions for the time the Commission will be in existence, we did not subscribe to that, and we eliminated that provision to the point where it could only be waived for a period of 1 year, and then they would have to come back to the Congress again and explain to what degree and on how many occasions they have waived the provisions of existing law.

Mr. GROSS. Once having been waived, it can be waived again and again. The time to stop it is now.

Let me say to the gentleman, I will not be surprised if this bicentennial observance goes on for 10 years.

Mr. DONOHUE. I will suggest to the gentleman from Iowa, when they come back and we have an opportunity to review any of the contracts they have waived, if there have been any abuses the gentleman can be sure it will not be in the next bill before the Congress.

Mr. SCHWENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find myself in a peculiar position today, apparently opposing the commemoration of the bicentennial. This is not true. I am not against the bicentennial. Indeed, I am very much in favor of a proper and adequate commemoration of the bicentennial.

The record is quite clear that Congress can respond adequately, when we set up the Commission for the Civil War Centennial, for the Centennial of the Lincoln First Inaugural, and the Second Inaugural, and the sesquicentennial of the birth of Lincoln, which was commemorated here, we created, as reports will show, a magnificent display of literature relating to these events. In addition, we quickened the interest in American history while we evolved a better understanding of the history and its effects.

Mr. Speaker, one of the high points of the sesquicentennial of the birth of Lincoln was in this Hall and some of you were there when Carl Sandburg spoke. It was a high moment and it evolved one of the best bits of historical literature of that time.

So I am not against commemoration; indeed, I am for commemorating what I believe is the greatest birthday and the most significant birthday of any nation in all the history of time. But I believe that under the present leadership of the Commission nothing really good is going to happen, certainly based upon the record so far.

For awhile, when Wallace Sterling, retired president of Stanford, was chairman, he started heading this in the right direction. He did what the leaders and officers of the present Commission should have done; that is, go to those who have had experience. Wally Sterling did. He went to Dr. James Robertson, now head of the departmental of history of the Virginia Polytechnic Institute, as executive director of the Civil War Centennial Commission and he counseled earlier with Allan Nevins, who was Chairman of the Civil War Centennial Commission, a historian of great note. He counseled with Carl Haverlin, one of the great and respected historians, and a successful businessman, now retired, president of Broadcast Music, Inc. Wally Sterling was beginning to head this thing in the right direction.

Now the Commission has come under new leadership.

From the beginning, Mr. Speaker, I tried my best to reach the Chairman. I wrote him a letter. It took 6 weeks to get an answer, and it was inadequate.

Mr. Speaker, when I was Chairman of the Civil War Centennial Commission and when I was vice chairman of the other commemorations dealing with that time, with the leadership of the Commission, we made some of the right things happen by working with people all across our Nation who understand history and who have had experience in promoting these kinds of things. This the present Commission has not done.

People like we have in the Library of Congress, where they had a symposium not long ago, are intensely interested, and the Chairman of the Bicentennial Commission was not even there, nor was the executive director there. What a shame.

Here was a collection of America's greatest historians, among them Dr. Henry Steele Commager, and Mr. Mahoney, who was invited to be there, was not even present.

Mr. Speaker, there is much evidence of the inadequacy of the Commission's leadership. Their concepts of the commemoration indicate a lack of understanding and appreciation of what can and cannot be done. Let me cite a bicentennial newsletter, volume III, No. 1, special bicentennial parks issue. Here are some pictures of a proposed park they are going to build in every State and spend between $15 million and $20 million and then give it to the State, without even asking of the proper officials of the State whether they are interested or have a place or the ways and means to maintain it. This idea might have been worthy of consideration if we did not already have the finest park system in the world—a park system that has been dedicated to recalling, displaying, and promoting a better understanding of history wherever the opportunity is presented. This has happened, of course, because of the leadership in this country of former President Teddy Roosevelt, who set up the original park system and other great men who had a feel for this, including former President Franklin Roosevelt, President Harding, President Hoover, indeed, all the Presidents, who aided and abetted the building of the park system so as to cultivate the history that was made there. The result is a happy conclusion we can recall and that is that we have the greatest park system telling the story, indeed, the American story that can be found in any part of this globe and it is a tragedy that representatives of the Bicentennial Commission have not even counseled or used the talent of the park system in evaluating this kind of program. It is tragic, too, that we have wasted the time and talent in presenting the kind of display that the Bicentennial Commission has presented.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield to me?

Mr. SCHWENGEL. I will be glad to yield to the gentleman.

Mr. FINDLEY. I share the gentleman's concern about the lack of progress under the Bicentennial Commission, but I am wondering what would be accomplished by rejecting this bill. What would then follow?

Mr. SCHWENGEL. I am glad the gentleman raised that question. I think that the bill needs amending. We ought not to spend $6 million until we are sure it is going to be spent for what it was really intended to be spent for; that is, to cultivate, to recall, and to promote the history of this great country.

One thing we can do, I think, is arrange somehow to get new leadership in the Commission. I have mentioned the Civil War Centennial Commission, which provided in a bill passed by this Congress that the Commission name the Chairman of the Commission from its own ranks. They could counsel and find out who on that Commission could spend necessary time to fulfill the responsibilities of the Chairman. This is one reason the Civil War Centennial Commission selected Allan Nevins when he became Chairman. He was here every week and, on every occasion he could, he attended conferences in every State of the Union and did those things necessary to enlist the help of volunteers, individuals, and organizations, to promote enthusiastic interest, writings, and understanding. This is the kind of Chairman we need.

The present executive director of the Commission has no background in this, apparently no interest in history or experience that justifies being hired as executive director of this Commission.

While I am on that, let us talk about employees. During the Civil War centennial celebration, because we had a tremendous amount of help, voluntary help, and there were thousands of them in every category of American life, we had only five paid employees, and for a while we loaned—or, rather, we borrowed—two from the Department of the Interior. And historians—and everyone who knows anything about the activities of that Commission knows that was one of the greatest commemorations in the history of our country.

So, Mr. Speaker, this bill needs to go back into the committee so that we can look at it again, and let us have the Commission come before the Congress so we can hear from people like Julian Boyd, who is one of the leading authorities on the Declaration of Independence.

Mr. DONOHUE. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Massachusetts.

Mr. DONOHUE. I understood from your remarks that you are strongly in favor of celebrating the 200th anniversary of the founding of our country. Is that correct?

Mr. SCHWENGEL. I certainly am.

Mr. DONOHUE. That being so, are you not willing to provide for certain financial funds to carry out that objective?

Mr. SCHWENGEL. I certainly am, but not until we have some adequate leadership.

Mr. DONOHUE. Having that in mind, under what authority were members of the Commission named and who appointed the members of this Commission?

Mr. SCHWENGEL. The gentleman knows the provisions of the law. I am not satisfied with some of those appointments.

Mr. DONOHUE. It was the President who selected the members of this Commission.

Mr. SCHWENGEL. That is right. And if we will not respond to this request now, maybe we will get some people to take a second look at this down in the White House and find some better leadership for this Commission. But, more than that, I think that the Congress has a responsibility in this matter also. We can, if the bill comes up under the proper rule, amend and improve it as we did when we created the Civil War Centennial Commission.

Mr. DONOHUE. If the gentleman will yield further, in the event that the White House has confidence in the members that it selected who are on the Commission, and will not change them, are we then going to hold up this entire commemoration?

Mr. SCHWENGEL. My consideration is this: That if we do what we ought and should do, withhold this, then I am sure they will act very quickly.

Mr. DONOHUE. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from Washington (Mrs. HANSEN).

Mrs. HANSEN of Washington. Mr. Speaker, I have one suggestion, and that is if we really want to have a change then as the gentleman from Iowa suggests vote Democratic in November, and that will settle this committee.

Mr. Speaker, I wish to say as a member of the American Revolutionary Bicentennial Commission appointed by the very distinguished Speaker of this House, that in the discussions we have had in the Commission—and they have been long and extensive—there are three things that the Commission is emphasizing: one is heritage, the past; second, open house, that is our present; and the third is horizons.

Just burying ourselves in what American revolutionary history gave us is but one phase of this entire matter. What do we do with the goals that were set out in one of the greatest documents ever written for mankind? So we have looked ahead, and we have not spent all our energies merely on history. But if it were history—and may I point out that we have many distinguished people working on the various committees, and we have people representing all facets of the most learned groups in the United States—I also happen to have some high regard for history, myself.

I have done a lot of research on this. I just do not speak as a political character trying to assassinate the bill.

But I want to point out that in America today groups of young people, the blacks, the Indians and women are looking for what our horizons are going to be in the future—which are guaranteed if you please by other immortal documents. And immortality is something that lives on, goes on and moves on.

I have in my hand a review from the woman who is in charge of the women's part of the ARBC program, a group representing 20 million American women who voted on which phase of the bicentennial meant most to them. By an overwhelming vote it was the "horizons."

So I think, and this has been said in my committee where we review their budgets, that a well thought out program is: yesterday, today, and tomorrow. But the horizons are really our greatest heritage from the American Revolution. I speak not only as a member of appropriation, but as a descendant of several of those men who fought and died during the American Revolution.

Mr. Speaker, I urge this House—and not for the sake of politics and a few other things that I might go into, such as the matter of change because of personalities—that we support this bill today and get on with the job of commemorating and celebrating those magnificent men's gift to the America of yesterday, today, and tomorrow.

Mr. SMITH of New York. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. SMITH of New York. Does the gentlelady also speak as a member of this Commission?

Mrs. HANSEN of Washington. Yes. Who really knows what the Commission is doing or trying to do? All I know is that the bicentennial is a very complex subject, and there are many people who would make it into just a commemorative thing—just a matter of the issuance of commemorative medals as was the implication. This is not another civil war. This is the lifeblood of our Nation today and 200 years from now—its development and its freedom.

In discussing a certain project I said at a Commission meeting, I think it is important that we look at all of our national goals—what are they? An opportunity for everyone to have an education; an opportunity to eliminate poverty; an opportunity to eat and an opportunity to realize what the Bill of Rights gives us—freedom. It is more than a mere look backwards. This is a look ahead.

Mr. SCHWENGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker and Members of the House, I was appointed to the American Revolution Bicentennial Commission by the Speaker of this House. I have attended the meetings with great regularity. I have done everything within my power to try to move along with the work of this Commission and I find it to be a virtually impossible task under the present setup.

I agree with the gentleman from Massachusetts (Mr. DONOHUE) when he says that the celebration of our 200th anniversary is very, very important.

I agree with the gentlewoman from Washington (Mrs. HANSEN) when she states that we must stress the past, the present and the future. I just do not believe that the way we are structured right now that we are going to accomplish this.

Let me tell you the sort of thing that is going on in the ARBC right now.

The law says that the Director of the ARBC shall be appointed by the Chairman with the advice of the ARBC, the entire Commission.

At last December's meeting the Chairman Mr. Mahoney introduced to us a Mr. Levant and reported that Mr. Levant was going to be taking on the duties of Director who then was Mr. Spector and Mr. Spector was going to return to the State Department.

At no time did we take any vote. That is the complete and entire report that we received on Mr. Levant. Yet on April 19 Mr. Levant, a former employee of the company of which Mr. Mahoney is president, was sworn in as Director of the ARBC at a salary of $38,000 annually.

At the February 21 meeting, which was Washington's Birthday, I returned to Washington to attend a meeting of the ARBC. The meeting started at 9 o'clock. At 10:30 we had a coffee break, and when we came back, the door was locked. We were finally let in, and there was a model of the so-called American Revolution bicentennial park system. The model was about as big as the top of a normal desk, and we received a speech about how great these parks would be—one for every one of the 50 States.

We were then permitted to look at the model, and then we were shown colored slides of the model. It looked something like the picture in my hand, if you can imagine these colored slides being taken from something approximately the size of a normal desk top.

After the presentation we were handed a two-page resolution all ready to be passed, virtually making this an official project of the ARBC.

I raised the point immediately that the next day we were meeting with the State representatives of the various State ARBC's, and I said, "Why should we be taking an action like this before we even consult with the various States?"

When the staff was asked certain questions, like, "How much is this going to cost?" and "Do we have 100 to 500 acres of surplus Federal land near urban centers?"—which is what the proposal contained—nobody knew any answers.

So finally we passed a resolution to have the ARBC staff make a feasibility study of the bicentennial parks, using also the facilities of the executive agencies of the Government, and report back to the ARBC as soon as possible. This was on the 21st of February.

As of today the ARBC staff has not started the feasibility study. Rather, a small group from the executive branch of the Government started a study. As of last Thursday they have found zero feasible sites for these parks near urban centers, and they have gotten very little input from any one member of the ARBC staff.

This bill calls for 10 more supergrades. No one knows exactly what anybody is doing about the past, the present, or the future in the ARBC, even though we have 87 employees. The salaries paid to date for the balance of this year, we have 21 people making over $30,000 annually, for a total payroll in excess of $1.7 million.

If we are going to accomplish our aim of celebrating properly the 200th birthday of this country, we are not going to do it with this type of organization.

My district borders the city of Philadelphia. The staff projected a cost of a Philadelphia International Expo to the Federal Government at between $1.5 billion and $1.7 billion. Yet, when Philadelphia made their presentation, they said the cost would be $600 million. When I asked the representative of Philadelphia that if we allow them a 2-percent overrun up to $612 million, would they accept that, they said, yes. I then asked the question that if more money was needed "Where will the rest of the money come from?" and the representatives said, "From the city of Philadelphia and the Commonwealth of Pennsylvania."

It is already provided for in the resolutions passed by the city and the Commonwealth.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SCHWENGEL. I yield the gentleman from Pennsylvania 30 additional seconds.

Mr. WILLIAMS. Mr. Speaker, I would like to recommend that what we do is defeat this bill today, and then bring it up just as soon as we can next week or after our July recess under a rule. Only by doing this are we going to be able to make amendments and have an organization that can move forward to put on the type of bicentennial celebration we need.

In conclusion, if I did not make the point clear before, on May 16 the ARBC killed the Philadelphia International Exposition, therefore excluding wide international participation in our bicentennial commemoration.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman.

Mr. BARRETT. Mr. Speaker, in 4 years our Nation will celebrate its 200th birthday. Coming from the great city of Philadelphia, this occasion is of great moment to me. And, I know it is of great import to the people of Philadelphia, the "City of Brotherly Love." We very much have a personal interest and concern because it was in our fair city that this great Nation was born.

We are, therefore, particularly concerned with the plans and programs being prepared for the celebration of that occasion. Our Government expressed its foresight and concern with the upcoming event by establishing the American Revolution Bicentennial Commission on July 4, 1966. The Commission was established to prepare an overall program for commemorating the bicentennial of the American Revolution, and to plan, encourage, develop, and coordinate observances and activities focusing on the national and international significance of the American Revolution, and its implications for present and future generations.

The bill before us, H.R. 13694, is in furtherance of that purpose, and while I may not wholeheartedly agree with all of the decisions of the Commission, I urge its adoption.

The selection of Philadelphia as a center of activity during our 200th birthday celebration is an excellent choice, for it is the most historic spot in our country. As the birthplace of freedom in the modern world, no better selection could be made. This occasion will serve as a great opportunity for people from all over the world to visit our country and particularly Philadelphia, the cradle of our Nation.

It was in Philadelphia, in September 1774, that the delegates from 12 Colonies assembled as the first Continental Congress. On October 14, 1774, the assembly adopted what has come to be known as the Declaration and resolves of the first Continental Congress. In that instrument, addressed to His Majesty and to the people of Great Britain, there was embodied a statement of rights and principles, many of which were later to be incorporated in the Declaration of Independence and the Federal Constitution.

The following year, 1775, by general necessity and by common consent, for the battle of Lexington had been fought, the delegates again met in Philadelphia as the second Continental Congress and assumed control of the "Twelve United Colonies," which soon became "Thirteen United Colonies." It became a de facto government; it called upon the other Colonies to assist in the defense of Massachusetts; it issued bills of credit; it took steps to organize a military force and appointed George Washington commander in chief of the Army.

It was on June 7, 1776, that a resolution was introduced declaring the union with Britain dissolved, proposing the formation of foreign alliances, and suggesting the drafting of a plan of confederation to be submitted to the respective colonies.

Independence was declared in Philadelphia on July 4, 1776.

The site of all this activity is preserved as a historic shrine in Independence Square.

The people of Philadelphia are proud of their heritage and the history of our city and I hope that the Bicentennial Commission will duly consider these factors when programing the activities of our country's 200th anniversary.

Mr. SCHWENGEL. Mr. Speaker, again I want to say I am regretful for having to take the position I am taking, because by some it will be misunderstood, but I would not be faithful to the historical interests if I did not stand here and tell the Members what I think are the facts of life.

We are not, under the present leadership with the kind of concept they now have, going to have a commemoration worthy of the name, except as the commemoration might happen with the association or organizations entirely independent. Mr. Speaker, North Carolina has a master plan. North Carolina's plan makes a great deal more sense, and it conceives some ideas that have been completely ignored by the present Commission, and especially by the leaders. Some people who are on the Board of the Bicentennial Commission, understand, but the leadership does not understand. The only way to do something about this is to say no, to vote "no" on this question, and then have the President do something about it. Only he, now, as I see it, can do something about it, meeting this challenge, this greatest opportunity any country has ever had to commemorate a birthday, a 200th anniversary.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I would like to point out to the Members and to the Speaker that I have had extensive communication with the State's ARBC's that have been formed. They are moving ahead with plans to celebrate their own ARBC's in their own way, but they do not feel—in almost every instance—that they have not received sufficient cooperation from the Federal ARBC.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. DONOHUE), that the House suspend the rules and pass the bill H.R. 13694, as amended.

The question was taken.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a qourum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 174, nays 165, not voting 93, as follows:

[Roll No. 210]

YEAS—174

Adams
Alexander
Andrews,
  N. Dak.
Annunzio
Arends
Aspin
Aspinall
Baring
Barrett
Begich
Bell
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brooks
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Carlson
Carney
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen,
  Don H.
Collier
Conable
Conte
Curlin
Danielson
Davis, Ga.
de la Garza
Denholm
Dennis
Derwinski
Dickinson
Donohue
Dorn
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Esch
Evins, Tenn.
Fascell
Foley
Ford, Gerald R.
Ford,
  William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Garmatz
Gibbons
Gonzalez
Green, Pa.
Griffiths
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hathaway
Heckler, Mass.
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Kee
Latta
Leggett
Lujan
McClory
McCloskey
McCormack
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mailliard
Matsunaga
Meeds
Miller, Calif.
Mills, Md.
Mink
Mizell
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Obey
O'Hara
O'Neill
Patten
Pike
Poage
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Railsback
Randall
Rees
Reuss
Riegle
Roberts
Robison, N.Y.
Rodino
Rooney, Pa.
Rostenkowski
Roybal
St Germain
Sandman
Shipley
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Springer
Stanton,
  J. William
Stanton,
  James V.
Steele
Stratton
Stubblefield
Sullivan
Taylor
Teague, Tex.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
White
Wiggins
Winn
Wolff
Wright
Wyatt
Wydler
Young, Tex.
Zablocki

NAYS—165

Abbitt
Anderson,
  Calif.
Anderson, Ill.
Andrews, Ala.
Archer
Ashley
Baker
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Bow
Bray
Brown, Ohio
Buchanan
Burke, Fla.
Byrne, Pa.
Byrnes, Wis.
Byron
Camp
Carter
Clark
Clawson, Del
Collins, Ill.
Collins, Tex.
Colmer
Conover
Coughlin
Crane
Culver
Daniel, Va.
Davis, Wis.
Dellenback
Dellums
Dent
Devine
Downing
Duncan
Eilberg
Findley
Fisher
Flood
Fountain
Frey
Gaydos
Giaimo
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Gude
Haley
Hall
Hammer-
  schmidt
Harsha
Hastings
Hays
Hébert
Hechler, W. Va.
Heinz
Henderson
Hillis
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Keith
Kemp
King
Koch
Kuykendall
Kyl
Landgrebe
Lennon
Lent
Long, Md.
McClure
McCollister
McMillan
Mallary
Martin
Mathis, Ga.
Mayne
Mazzoli
Michel
Mikva
Miller, Ohio
Minish
Minshall
Mitchell
Mollohan
Montgomery
Nichols
Nix
O'Konski
Passman
Pettis
Pickle
Powell
Quie
Quillen
Rhodes
Robinson, Va.
Roncalio
Rosenthal
Rousselot
Runnels
Ruppe
Ruth
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Seiberling
Shoup
Slack
Smith, Calif.
Snyder
Spence
Staggers
Steed
Steiger, Ariz.
Stokes
Teague, Calif.
Terry
Thompson, Ga.
Thone
Vander Jagt
Veysey
Waldie
Wampler
Ware
Whalen
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson,
  Charles H.
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zion
Zwach

NOT VOTING—93

Abernethy
Abourezk
Abzug
Addabbo
Anderson,
  Tenn.
Ashbrook
Badillo
Bingham
Blanton
Brasco
Broomfield
Brown, Mich.
Cabell
Caffery
Carey, N.Y.
Celler
Chisholm
Clay
Cleveland
Conyers
Corman
Cotter
Daniels, N.J.
Davis, S.C.
Delaney
Diggs
Dingell
Dow
Dowdy
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Fish
Flowers
Flynt
Fulton
Fuqua
Galifianakis
Gallagher
Gettys
Grasso
Gray
Hagan
Halpern
Hawkins
Helstoski
Horton
Kluczynski
Kyros
Landrum
Link
Lloyd
Long, La.
McDonald,
  Mich.
McEwen
Macdonald,
  Mass.
Mann
Mathias, Calif.
Melcher
Metcalfe
Mills, Ark.
Monagan
Murphy, N.Y.
Nelsen
Patman
Pelly
Pepper
Perkins
Peyser
Pirnie
Podell
Price, Tex.
Pryor, Ark.
Rangel
Rarick
Reid
Roe
Rogers
Rooney, N.Y.
Roush
Roy
Ryan
Scheuer
Schmitz
Sebelius
Steiger, Wis.
Stephens
Stuckey
Symington
Talcott
Thompson, N.J.
Whalley

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Monagan with Mr. Steiger of Wisconsin.

Mr. Thompson of New Jersey with Mr. Pirnie.

Mr. Rooney of New York with Mr. Horton.

Mr. Dingell with Mr. McDonald of Michigan.

Mr. Brasco with Mr. Halpern.

Mr. Stephens with Mr. Whalley.

Mr. Macdonald of Massachusetts with Mr. Cleveland.

Mr. Kluczynski with Mr. Erlenborn.

Mr. Roe with Mr. Brown of Michigan.

Mr. Carey of New York with Mr. Pelly.

Mr. Blanton with Mr. Nelsen.

Mr. Gray with Mr. Lloyd.

Mrs. Grasso with Mr. Ashbrook.

Mr. Kyros with Mr. Sebelius.

Mr. Bingham with Mr. Diggs.

Mr. Conyers with Mrs. Abzug.

Mr. Scheuer with Mr. Metcalfe.

Mr. Hawkins with Mr. Badillo.

Mr. Anderson of Tennessee with Mr. Schmitz.

Mr. Stuckey with Mr. Edwards of Alabama.

Mr. Link with Mr. Talcott.

Mr. Caffery with Mr. Price of Texas.

Mr. Cabell with Mr. Fish.

Mr. Addabbo with Mr. Peyser.

Mr. Flynt with Mr. Mathias of California.

Mr. Perkins with Mr. Eshleman.

Mr. Podell with Mr. Clay.

Mrs. Chisholm with Mr. Galifianakis.

Mr. Landrum with Mr. Long of Louisiana.

Mr. Murphy of New York with Mr. McEwen.

Mr. Cotter with Mr. Rangel.

Mr. Davis of South Carolina with Mr. Abernethy.

Mr. Mann with Mr. Flowers.

Mr. Pepper with Mr. Fulton.

Mr. Mills of Arkansas with Mr. Broomfield.

Mr. Melcher with Mr. Hagan.

Mr. Abourezk with Mr. Corman.

Mr. Delaney with Mr. Evans of Colorado.

Mr. Helstoski with Mr. Dow.

Mr. Daniels of New Jersey with Mr. Rogers.

Mr. Ryan with Mr. Symington.

Mr. Fuqua with Mr. Gettys.

Mr. Roy with Mr. Pryor of Arkansas.

Mr. Reid with Mr. Gallagher.

Mr. Roncalio with Mr. Rarick.

Mr. Roush with Mr. Dowdy.

Messrs. NIX, NICHOLS, BYRNE of Pennsylvania, KOCH, RUNNELS, HALEY, BAKER, COUGHLIN, BRAY, DEL CLAWSON, HILLIS, and PETTIS, and Mrs. GREEN of Oregon changed their votes from "yea" to "nay."

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 15495, MILITARY PROCUREMENT AUTHORIZATION, 1973

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight tonight to file a report to accompany the bill H.R. 15495, the military procurement authorization bill for fiscal year 1973.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana.

There was no objection.

NATIONAL COMMISSION ON CONSUMER FINANCE

Mrs. SULLIVAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 211) to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

The Clerk read as follows:

S.J. Res. 211

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Consumer Credit Protection Act (82 Stat. 165) is amended as follows:

(1) in section 404(b), by striking out "July 1, 1972" and inserting "December 31, 1972" in lieu thereof;

(2) in section 406(c), by striking out "Ninety days after" and inserting "After" in lieu thereof; and

(3) in section 407, by striking out "$1,500,-000" and inserting "$2,000,000" in lieu thereof.

The SPEAKKER. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentlewoman from Missouri is recognized.

Mrs. SULLIVAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a general impression among Members of the House that national commissions, once established to carry out a specific assignment within a fixed period of time at a set cost, never seem to finish their work within the time allotted and always end up costing more money than anticipated. I know that this has happened often enough in the past to make many of the Members wary of any proposal to establish a commission or to extend its life.

I served on one very major Commission which accomplished its task within the time specified in its authorizing legislation and never had to come back for additional time or funds. It was the National Commission on Food Marketing, on which Representatives Purcell and Rosenthal and former Representatives Catherine May and Glenn Cunningham also served, along with Senators Magnuson, Hart, McGee, and Hruska, and former Senator Thruston Morton, and five public members. From 1964 to 1966 this Commission conducted the most far-reaching investigation ever made into the operations of the Nation's food industry, from farm gate to supermarket shelf and checkout counter. The work of the Commission gave us the best and most reliable economic information ever made available about the food industry, on profit margins, advertising costs, price spreads, middleman costs, and so on. This information has been of invaluable help to the Congress, to Government agencies, to businessmen, and consumers and has been used and cited over and over again by Government and private economists in establishing or recommending economic policy in food distribution.

The report and 10 technical studies were not filed and forgotten. They were widely used. I also served on the National Commission to Study Mortgage Interest Rates. As in the case of the Food Marketing Commission, the members of this Commission disagreed on specific recommendations but there was complete agreement on the great value of the basic data assembled in the study. That data formed the basis for important subsequent legislation. But, as I remember, we had to extend the life of the Mortgage Interest Rate Commission because we could not complete the work within the time originally estimated.

The main justification for the creation of any national study commission is not to have a few Members of Congress and a few outsiders sit around a table and debate policy issues based on their own predelictions or hunches or prejudices or ideas, but to dig through all of the available information in the field and find out what gaps there are in this information which need fillings in and fleshing out, and then obtaining that information so that when Congress does legislate on a complex issue, it has the kind of facts necessary to make informed judgments. This is particularly important in an area such as the $138 billion consumer credit industry, on which so much of the private enterprise of the United States depends for distribution of its goods and services; in addition, there is more than $300 billion of residential real estate credit outstanding, in one-to-four family units, most of which is issued subject to the provisions of the Truth in Lending Act and thus within the purview of the National Commission on Consumer Finance.

So we are dealing here with the economic lifeblood of our competitive enterprise system. The work is of vital importance to every one who uses credit, or extends credit, and to the Congress, to the executive agencies which administer programs involving such credit, to the legislatures of all of the States, and to the general public.

When we were working in 1967 on the drafting of the bill which became the Consumer Credit Protection Act of 1968—one of the most important consumer laws ever enacted—I included in the original bill a number of provisions dealing with the regulation of creditor-debtor relationships in areas which were then covered only in State laws. The State laws varied so widely that there was truly a chaotic situation for creditors operating nationally. The States themselves recognized this problem and attempted to solve it through the development of a proposed uniform consumer credit code. But the more I looked into this problem, the more impressed I became with the lack of reliable statistics and basic information on how the credit industry actually functions in the respective States and how many gaps there were in our knowledge.

Remembering the work done by the National Commission on Food Marketing between 1964 and 1966, in assembling such heretofore unavailable information in that field, I included in the draft of the consumer credit protection bill a title creating the National Commission on Consumer Finance, and this was agreed to by five subcommittee cosponsors on the bill, Congressmen Gonzalez, Minish, Annunzio, Bingham, and Halpern. The House later confirmed this proposal when we debated the consumer credit protection bill, and the Senate conferees also agreed to it. So it was an integral part of the Consumer Credit Protection Act from its inception. In conference on the consumer credit protection bill, we had to make many compromises on House-passed provisions of the truth-in-lending title of the bill, so we assigned to the National Commission additional responsibilities to research and evaluate these compromises in truth-in-lending legislation to see whether they would reduce the effectiveness of truth in lending or whether they would be justified in operation—such things as exemptions from truth in lending annual percentage rate disclosure of certain minimum charges for both revolving and installment credit, the special exemption for utilities late charges, and so on. But basically, the Commission's assignment was to establish an encyclopedia of factual economic data on how credit is extended, who receives credit and under what terms and conditions, the impact on credit availability of State usury laws and creditor remedies which vary widely from State to State, and the role of finance companies and small loan companies in the overall credit picture.

There are now pending before the Banking and Currency Committee numerous bills to expand or amend the Consumer Credit Protection Act which are very controversial. No one is more anxious that I am, as the principal sponsor of that law, to speed the work of the National Commission so that we may have available for the committee's deliberations the kind of economic data we need in order to act intelligently on some of these additional proposals.

However, the National Commission was plagued with delays in getting started. Although authorized in 1968, it was not made operative until 2 years later. The estimated cost of $1,500,000 which we set in 1967—when the bill creating the Commission was written—was based on the money actually spent by the National Commission on Food Marketing. Despite the fact that average Government salaries have risen 40 percent since 1967, and printing costs more than 50 percent, we tried our best to keep within the same figure as the Food Marketing Commission. But unanticipated delays within the Census Bureau in structuring and carrying out the most important study undertaken by the Commission, and unanticipatable increases in the cost of that study, which doubled and then nearly tripled during the course of the work, have made it necessary for us to ask for this 6 months' extension, until December 31, and for an increase of $500,000 in the authorization for appropriations to cover the extra cost of the census work, the printing of the reports, and staff salaries and rent for the remaining period.

The surveys undertaken by the Commission are now being put into form for the Commission's review and for our policy determinations in deciding upon our eventual recommendations. We cannot report, as scheduled, by July 1. We must have this additional 6 months. Otherwise, much of the $1,500,000 already spent or committed would be for material which is not yet in usable form.

The Commission consists of Representatives GONZALEZ and WILLIAMS and myself, from the House, Senators SPARKMAN, PROXMIRE, and BROCK, and three public members, Chairman Ira M. Millstein of New York, Dr. Robert W. Johnson of Purdue University, Indiana, and former Minnesota Attorney General Douglas M. Head. Mr. Head succeeded Prof. Robert Braucher of Harvard Law School, who had been Chairman of the Commission from its organization in 1970 until his appointment last year to the Supreme Court of Massachusetts.

All of the public members were appointed by President Nixon. The congressional delegation is bipartisan. Among congressional Members who have served on the Commission are Chairman PATMAN of the Committee on Banking and Currency, Congressman HALPERN, and Senator TOWER. They all helped to develop the basic approaches the Commission has taken. Congresswoman DWYER and Senator BROOKE were appointed to the Commission during the 90th Congress but the Commission did not begin to function until the second session of the 91st Congress.

The Commission, through its public hearings, has already accomplished very significant improvements in consumer credit practices. These include the elimination of a debtor's prison provision from Maine law, under which individuals were still being sent to jail for debt as recently as 1 or 2 years ago; the curtailment of "flipping" practices operating in some States where small debts were pyramided into very large ones by unconscionable added fees and charges; action by the FCC to end harassment of debtors by collection agencies calling at all hours of the day or night; and exposure of other reprehensible procedures practices on the poorly educated, low-income borrower. We also brought about a coordination of the work of the Federal and State bank regulatory agencies in investigating violations of both Federal and State consumer protection laws during their periodic examinations. And in recent hearings we spotlighted—and thus, I hope, have speeded the correction of—untenable and outmoded discriminations against working women in obtaining credit which they are fully qualified to handle.

But our biggest task remains unfinished because of the delays in the work contracted out to the Census Bureau for basic data gathering. This particular survey will show in documented detail what amounts of credit are being extended in each of the 50 States in all areas of consumer credit—and at what rates; what creditor remedies are used and how they are used and how effective they are in making more credit available to creditworthy individuals or in reducing the availability of credit. As a result of this study, when we talk about creditor remedies and consumer defenses in the consumer credit field, we will have for the first time the facts to show whether low ceilings on credit terms result in higher prices for goods, whether high ceilings on credit rates encourage competition in actual rates or lead to everyone charging the maximum, to what extent garnishment is used and by whom, the necessity, or lack of it, of the "holder in due course" doctrine in making credit available, the role of confession of judgment notes in actual transactions, and so on and on.

I might point out that one of the reasons the Census Bureau took much longer than expected in developing the data we asked it to obtain was that the response from the credit industry to the questionnaires was unusually heavy—up to 90 percent of those contacted, and in some fields of credit the response was as high as 98 percent. Normally, a 60-percent response is considered excellent. The high response added to the cost of the survey, but it also increased the accuracy and scope of the information obtained. So it has been worth the expense. The credit industry's cooperation and assistance have been excellent, reflecting the fact that the information which will finally come from the Commission will be of great importance to creditors as well as to consumers.

Ahead of us yet are many long hours of Commission deliberation on the meaning and legislative implication of the facts we are developing. That six Members of Congress, four of whom are candidates for reelection this year, are willing to devote the additional time through the fall and early winter that this assignment is going to require from us is certainly evidence of the fact that we consider the work vitally important in the national interest.

So I respectfully ask, Mr. Speaker, that the House agree to this Senate-passed joint resolution and permit the work to go forward to its conclusion by the end of this year.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I will be happy to yield to the distinguished gentleman.

Mr. GROSS. Do we now have assurance that this report, with the expenditure of another half a million dollars, will be completed and made available by the end of this year?

Mrs. SULLIVAN. We are certain that we will complete the work by then, I will say to the gentleman from Iowa. The Census Bureau gave the commission an estimate that fell far short. This is the first time a survey of this type was ever done by them. It took much longer than Census had expected and it cost far more than estimated.

At first we were given one figure and then it was nearly doubled and later went up to almost three times the original amount the Census intended to charge us in compiling these figures. That is the big reason for the fact that we must have an extension of time and more money, plus the fact that they have gone so deeply into this. It is such a tremendous job they could not bring the data back to the commission members in time for us to be able to digest it, and have the report written by this July 1.

Mr. GROSS. If the gentlewoman will yield further, we may be assured that the report will be evaluated and ready by the end of this year, is that right, without additional expenditure?

Mrs. SULLIVAN. That is right. I can assure the gentleman that is so.

Mr. GROSS. One minor observation. Apparently there is a Member of this House with whom I am not acquainted whose name is on this report, Mr. P-A-T-N-A-M.

Mrs. SULLIVAN. I am not sure what the gentleman from Iowa means.

Mr. GROSS. On the first page of the report.

Mrs. SULLIVAN. I now see what the gentleman is referring to, a typographical error on the committee report. I see that Mr. PATMAN's name was misspelled.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mrs. SULLIVAN. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I would like to concur with the answer of the gentlewoman from Missouri that the report will be ready by the end of this year. The fact of the matter is that almost all of the chapters have been completed in rough draft, and they have to be revised. We are truly going down the homestretch, and this is not something that is going to drag on. I am sure that the $500,000 will be enough to complete the job, and we will have the report ready by the end of this year.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Joint Resolution 211. When we went into the hearings before the Consumer Affairs Subcommittee on Senate Joint Resolution 211, I was somewhat skeptical, just as the gentleman from Iowa (Mr. GROSS) apparently was, but I was impressed with the testimony of the witnesses who appeared before the subcommittee, especially the chairman of the committee, Mr. Ira M. Millstein. And we were assured that all of the studies would be completed by the end of the year, and that the Commission is not initiating any new inquiries or any new studies. It is merely completing the studies which have already been commenced, and for reasons, as stated by the gentlewoman from Missouri (Mrs. SULLIVAN) have been delayed.

This Commission on National Consumer Finance has done in my judgment an outstanding job.

In fact, I think it is fair to say that the need for the additional amounts of time and money provided by this resolution are the results of the commission's successes. I think it is important that we study all aspects of credit extensions, who extends the credit, to whom it is extended, whether there are discriminatory practices, if any, in the lending business, the various types of credit being extended, who collects the debts, how they are being collected, garnishment procedures, and so forth. All of these things are being taken into account and being studied by the Consumer Finance Commission.

Mr. Speaker, the Commission's achievements in the collection of information relative to the extension, uses, and abuses of consumer credit will be of immeasurable help to the Congress and the administration in the formulation of laws and regulations. In an economy which uses billions of dollars of credit annually we cannot afford to be without such sound factual information about its use. Recognizing this, both those who use credit, and those who extend it, have cooperated with the Commission to such an extent that it has been overwhelmed. The extension of the Commission's life by 6 months, and the provision of an additional $500,000 are necessary if the valuable information the Commission has collected to date are to be put in usable form for us. As a member of the Banking and Currency Committee I know how badly this information is needed. It can provide the basis for uniformity of information so a consumer can shop intelligently which is the real purpose of the original legislation. Again, I urge favorable consideration of the resolution.

Mrs. SULLIVAN. Mr. Speaker, I have no further requests for time.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate Joint Resolution 211.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentlewoman from Missouri that the House suspend the rules and pass the Senate Joint Resolution 211.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

VETERANS' COMPENSATION AND RELIEF ACT OF 1972

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15439) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

The Clerk read as follows:

H.R. 15439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Veterans' Compensation and Relief Act of 1972".

TITLE I—COMPENSATION AND OTHER BENEFITS

SEC. 101. (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out "$25" in subsection (a) and inserting in lieu thereof "$28";

(2) by striking out "$46" in subsection (b) and inserting in lieu thereof "$51";

(3) by striking out "$70" in subsection (c) and inserting in lieu thereof "$77";

(4) by striking out "$96" in subsection (d) and inserting in lieu thereof "$106";

(5) by striking out "$135" in subsection (e) and inserting in lieu thereof '$149";

(6) by striking out "$163" in subsection (f) and inserting in lieu thereof "$179";

(7) by striking out "$193" in subsection (g) and inserting in lieu tereof "$212";

(8) by striking out "$223" in subsection (h) and inserting in lieu thereof "$245";

(9) by striking out "$250" in subsection (i) and inserting in lieu thereof "$275";;

(10) by striking out "$450" in subsection (j) and inserting in lieu thereof "$495";

(11) by striking out "$500" and "$784" in subsection (k) and inserting in lieu thereof "$616" and "$862", respectively;

(12) by striking out "$560" in subsection (l) and inserting in lieu thereof "$616";

(13) by striking out "$616" in subsection (m) and inserting in lieu thereof "$678";

(14) by striking out "$700" in subsection (n) and inserting in lieu thereof "$770";

(15) by striking out "$784" in subsections (o) and (p) and inserting in lieu thereof "$862";

(16) by striking out "$336" in subsection (r) and inserting in lieu thereof "$370"; and

(17) by striking out "$504" in subsection (s) and inserting in lieu thereof "$554".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$28" in subparagraph (A) and inserting in lieu thereof "$31";

(2) by striking out "$48" in subparagraph (B) and inserting in lieu thereof "$53";

(3) by striking out "$61" in subparagraph (C) and inserting in lieu thereof "$67";

(4) by striking out "$75" and "$14" in subparagraph (D) and inserting in lieu thereof "$83" and "$15", respectively;

(5) by striking out "$19" in subparagraph (E) and inserting in lieu thereof "$21';

(6) by striking out "$33" in subparagraph (F) and inserting in lieu thereof "$36";

(7) by striking out "$48" and "$14" in subparagraph (G) and inserting in lieu thereof "$53" and "$15", respectively;

(8) by striking out "$23" in subparagraph (H) and inserting in lieu thereof "$25"; and

(9) by striking out "$44" in subparagraph (I) and inserting in lieu thereof "$48".

SEC. 103. (a) Chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 362. Clothing allowance

"The Administrator under regulations which he shall prescribe, shall pay a clothing allowance of $150 per year to each veteran who because of disability which is compensable under the provisions of this chapter, wears or uses a prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such a veteran."

(b) The analysis of such chapter 11 is amended by adding at the end thereof the following:

"362. Clothing allowance.".

SEC. 104. (a) Subsection (a) of section 3203 of title 38, United States Code, is repealed.

(b) Subsection (d) of such section 3203 is redesignated as subsection (a) of such section 3203.

(c) Paragraphs (1) and (2) of subsection (b) of such section 3203 are redesignated as paragraph (1) and as so redesignated are amended to read as follows:

"(b)(1) In any case in which a veteran having neither wife nor child is being furnished hospital treatment, institutional or domiciliary care without charge or otherwise by the United States, or any political subdivision thereof, is rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness, and his estate from any source equals or exceeds $1,500, further payments of pension, compensation, or emergency officers' retirement pay shall not be made until the estate is reduced to $500. The amount which would be payable but for this paragraph shall be paid to the veteran in a lump sum; however, no payment of a lump sum herein authorized shall be made to the veteran until after the expiration of six months following a finding of competency and in the event of the veteran's death before payment of such lump sum no part thereof shall be payable."

(d) Paragraphs (3) and (4) of subsection (b) of such section 3203 are redesignated as paragraphs (2) and (3), respectively; and the references in said redesignated paragraph (2) to "paragraph (2)" and "Paragraph (2)" are changed to "paragraph (1)" and "Paragraph (1)", respectively.

(e) Subsection (c) of such section 3203 is amended by deleting "(a) or".

(f) Subsection (e) of such section 3203 is amended by deleting ", compensation, or retirement pay"; and as so amended is redesignated as subsection (d).

(g) Subsection (f) of such section 3203 is redesignated as subsection (e).

Sec. 105. (a) Subsection (d) of section 3202 of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "No payment shall be made under the two preceding sentences of this subsection unless claim therefor is filed with the Veterans' Administration within five years after the death of the veteran, except that, if any person so entitled under said two sentences is under legal disability at the time of death of the veteran, such five-year period of limitation shall run from the termination or removal of the legal disability."

(b) Section 3021(a) of title 38, United States Code, is amended by deleting "section 3203(a)(2)(A) of this title and".

Sec. 106. All compensation or retirement pay which is being withheld pursuant to the provisions of subsections (a) and (b)(1) of section 3203, title 38, United States Code, in effect on the day before the effective date of this Act, shall be paid to the veteran, if competent, in a lump sum. If the veteran is incompetent, the withheld amounts shall be paid in a lump sum, or successive lump sums, subject to the $1,500 and $500 limitations of subsection (b)(1) of such section 3203 as amended by this Act. If a competent veteran dies before payment is made the withheld amounts shall be paid according to the order of precedence, and subject to the time limitation, of subsection (a)(2) of such section 3203 in effect the day before the effective date of this Act. In the event of the death of an incompetent veteran before payment of all withheld amounts, no part of the remainder shall be payable.

Sec. 107. Section 536 of title 38, United States Code, is amended by adding the following new subsection at the end thereof:

"(d)(1) Any widow eligible for pension under this section shall, if she so elects, be paid pension at the rates prescribed by section 541 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to widows of veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable, except as provided in paragraph (2).

"(2) The Administrator shall pay each month to the widow of each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (A) that which is payable to her under subsections (a) and (b) of this section as increased by section 544 of this title; or (B) that which is payable under section 541 of this title, as increased by such section 544, to a widow of a World War I veteran with the same annual income and corpus of estate. Each change in the amount of pension required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor."

TITLE II—RELIEF FROM ADMINISTRATIVE ERROR, OVERPAYMENTS, AND FORFEITURE

Sec. 201. Section 210(c) of title 38, United States Code, is amended by adding an additional subsection (3), reading as follows:

"(3) If the Administrator determines that any veteran, widow, child of a veteran, or other person, has suffered loss as a consequence of reliance upon a determination by the Veterans' Administration of eligibility or entitlement to benefits, without knowledge that it was erroneously made, he is authorized to provide such relief on account of such error as he determines equitable, including the payment of moneys to any person whom he determines equitably entitled thereto."

Sec. 202. (a) Section 3102 of title 38, United States Code, is amended to read as follows:

"§ 3102. Waiver of recovery of claims by the United States

"(a) There shall be no recovery of payments or overpayments of any benefits under any of the laws administered by the Veterans' Administration whenever the Administrator determines that recovery would be against equity and good conscience, if an application for relief is made within two years from the date of notification of the indebtedness by the Administrator to the payee.

"(b) With respect to any loan guaranteed, insured, or made under chapter 37 of this title, the Administrator may waive payment of an indebtedness to the Veterans' Administration by the veteran (as defined in sections 101 and 1801), or his spouse, following default and loss of the property, where the Administrator determines that collection of such indebtedness would be against equity and good conscience.

"(c) The Administrator may not exercise his authority under subsection (a) or (b) of this section to waive recovery of any payment or the collection of any indebtedness if, in his opinion, there exists in connection with the claim for such waiver an indication of fraud, misrepresentation, material fault, or lack of good faith on the part of the person or persons having an interest in obtaining a waiver of such recovery or the collection of such indebtedness.

"(d) No certifying or disbursing officer shall be liable for any amount paid to any person where the recovery of such amount is waived under subsection (a) or (b).

"(e) Where the recovery of a payment or overpayment made from the National Service Life Insurance Fund or United States Government Life Insurance Fund is waived under this section, the fund from which the payment was made shall be reimbursed from the National Service Life Insurance appropriation or the military and naval insurance appropriation, as applicable."

(b) The waiver authority provided by section 3102(a) of title 38, United States Code, as amended by subsection (a) of this section shall apply to improper payments, overpayments, and indebtedness established by the Administrator prior to the effective date of this Act if application for relief was pending on the date of enactment of this Act, or such an application is made within two years from the date of enactment of this Act.

Sec. 203. The analysis of chapter 53 of title 38, United States Code, is amended by striking therefrom "3102. Waiver of recovery of overpayments." and inserting in lieu thereof the following:

"3102. Waiver of recovery of claims by the United States.".

Sec. 204. Section 1817 of title 38, United States Code, is amended by inserting "(a)" immediately before "Whenever any veteran" and by adding a new subsection (b) as follows:

"(b) If any veteran disposes of residential property securing a guaranteed, insured, or direct loan obtained by him under this chapter without receiving a release from liability with respect to such loan under subsection (a), and a default subsequently occurs which results in liability of the veteran to the Administrator on account of the loan, the Administrator may relieve the veteran of such liability if he determines, after such investigation as he deems appropriate, that the property was disposed of by the veteran in such a manner, and subject to such conditions, that the Administrator would have issued the veteran a release from liability under subsection (a) with respect to the loan if the veteran had made application therefor incident to such disposal. Failure of a transferee to assume by contract all of the liabilities of the original veteran-borrower shall bar such release of liability only in cases in which no acceptable transferee, either immediate or remote, is legally liable to the Administrator for the indebtedness of the original veteran-borrower arising from termination of the loan. The failure of a veteran to qualify for release from liability under this subsection does not preclude relief from being granted under subsection 3102(b) of this title, if eligible thereunder."

Sec. 205. Section 1820(a)(4) of title 38, United States Code, is amended by striking out that part of the section beginning with "and the authority to waive" and ending with "a severe hardship upon the veteran;".

"Sec. 206. Subsection (d) of section 3503 of title 38, United States Code, is amended by inserting "(1)" after "(d)" and adding at the end thereof the following:

"(2) The Administrator is hereby authorized and directed to review all cases in which, because of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, a forfeiture of gratuitous benefits under laws administered by the Veterans' Administration was imposed, pursuant to this section or prior provisions of law, on or before September 1, 1959. In any such case in which he determines that the foreiture would not have been imposed under the provisions of this section in effect after September 1, 1959, he shall remit the forfeiture, effective the date of enactment of this amendatory Act. Benefits to which the individual concerned becomes eligible by virtue of any such remission may be awarded, upon application therefor, and the effective date of any award of compensation, dependency and indemnity compensation, or pension made in such a case shall be fixed in accordance with the provisions of section 3010(g) of this title."

TITLE III—EFFECTIVE DATES

Sec. 301. (a) Sections 101 through 107 of this Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

(b) Sections 201 through 206 of this Act shall take effect upon the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. Teague) will be recognized for 20 minutes, and the gentleman from California (Mr. Teague) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. Teague).

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the first of two veterans' bills which we are considering today was developed, after 2 days of open hearings, by our very diligent and capable Subcommittee on Compensation and Pension headed by the gentleman from South Carolina (Mr. Dorn). I wish to commend him and his fellow members, the gentleman from Texas (Mr. Roberts), the gentleman from Mississippi (Mr. Montgomery), the gentleman from Arkansas (Mr. Hammerschmidt), the gentleman from Pennsylvania (Mr. Saylor), and the gentleman from Virginia (Mr. Scott).

H.R. 15439 is basically a disability compensation increase bill, but it also provides for the first time an annual clothing allowance for service-disabled veterans who must wear or use a prosthetic or orthopedic appliance and, finally, it embodies several recommendations made by the Veterans' Administration for improvements in our various veterans' benefit programs.

I yield such time as he may desire to the chairman of the subcommittee, the gentleman from South Carolina.

Mr. DORN. Mr. Speaker, I appreciate the kind remarks of the chairman of the Committee on Veterans' Affairs, the gentleman from Texas, concerning the activities of our Subcommittee on Compensation and Pension which were only possible, of course, through his full cooperation and support.

The major purpose of H.R. 15439 is to increase the rates of disability compensation payable to service-connected disabled veterans by 10 percent. While the Veterans' Administration recommended a 6-percent bill, this was based on price indexes up to last January. As we are now midway in June and additional time will be involved before the law is finally approved and even further time before the new rates become effective, our committee felt that a 10-percent figure is both reasonable and justified. The first year's additional cost is estimated at $260 million.

The bill would also authorize for the first time a clothing allowance of $150 per year for veterans who must wear or use a prosthetic or orthopedic appliance, including the use of a wheelchair, which the Administrator determines tends to wear out or tear the clothing of the veteran. This provision was strongly supported by practically all of the veterans' organizations who testified at our hearing. The cost has been estimated at $6.6 million the first year.

The following additional provisions were either specifically recommended by the Veterans' Administration or were the subject of a no objection position:

First, abolish the withholding, after 6 months, of compensation of single veterans while they are in a hospital or domiciliary. This was recommended by the Veterans' Administration and there is no cost involved.

Second, extend to Spanish War widows the option to elect, if to their benefit, to receive pension under the "new" pension law we enacted in 1959, now available to widows of veterans of World Wars I and II, the Korean conflict, and Vietnam era. The Spanish War veterans themselves have had this option since 1960 and the failure to include their widows was obviously inadvertent. The Veterans' Administration does not object to this provision and the cost would probably not be significant.

Third, existing law authorizes the Administrator to extend certain relief in cases where veterans or their dependents have been denied benefits because of administrative error. This provision liberalizes the existing authority, is recommended by the Veterans' Administration, and the cost would be insignificant.

Fourth, this provision liberalizes and simplifies the authority of the Veterans' Administration to waive recovery of overpayments. It also liberalizes a veteran's release from liability under loan guaranty when he has disposed of the property. I am sure many of my fellow Members have run into hardship cases in this area and we are pleased to note that the Veterans' Administration has recommended this long-overdue change in the law.

Fifth, this final provision would authorize the Administrator to review all forfeiture for fraud cases which had been applied prior to September 1, 1959. On that date the law was changed to abolish forfeitures for fraud under the rationale that since criminal statutes were also applicable the administrative forfeiture was, in effect, a double penalty. Unfortunately, the 1959 law was prospective in effect only. This proposal is also recommended by the Veterans' Administration and they are unable to estimate the cost.

Mr. Speaker, H.R. 15439 carries the joint sponsorship of 25 members of our committee.

I believe it represents a reasonable and fully justified increase in the rates of monthly compensation payable to our service-connected disabled veterans—a group which deserves our prime consideration. I strongly recommend approval of the bill.

Mr. Speaker, under consent previously granted, I include at this point in my remarks a detailed explanation of the various provisions of the bill, together with relevant statistical data which I believe will be of interest to the Members:

SECTIONAL ANALYSIS OF THE BILL

TITLE I—COMPENSATION AND OTHER BENEFITS

Sections 101 and 102

These sections provide the new increased rates of disability compensation and additional allowances for dependents previously discussed. There follows at this point a chart showing the history of wartime service-connected compensation increases since the modern program was instituted in 1933, up to and including the rates payable under current law, and finally, the increased rates for each category proposed by the bill.

HISTORY OF WARTIME SERVICE-CONNECTED COMPENSATION [1] INCREASES FOR DISABLED VETERANS,[2] JULY 1, 1933 THROUGH JULY 1, 1970

Disability[1]	July 1, 1933	+ Percent increase =	Jan. 19, 1934	+ Percent increase =	P.L. 312, 78th Cong., June 1, 1944	P.L. 182, 79th Cong., Oct. 1, 1945	+ Percent increase =	P.L. 662, 79th Cong., Sept. 1, 1946	+ Percent increase =	P.L. 339, 81st Cong., Dec. 1, 1949	+ Percent increase =	P.L. 356, 82d Cong., July 1, 1952	+ Percent increase =	P.L, 427, 82d Cong.. Aug. 1, 1952
(a) Rated at 10 percent [1]	$9	11.1	$10	15	$11.50		20	$13.80	8.7	$15	5	$15.75		
(b) Rated at 20 pecrent [1]	18	11.1	20	15	23.00		20	27.60	8.7	30	5	31.50		
(c) Rated at 30 percent [1]	27	11.1	30	15	34.50		20	41.40	8.7	45	5	47.25		
(d) Rated at 40 percent [1]	36	11.1	40	15	46.00		20	55.20	8.7	60	5	63.00		
(e) Rated at 50 percent [1]	45	11.1	50	15	57.50		20	69.00 60.00	8.7	75	15	86.25		
(f) Rated at 60 percent [1]	54	11.1	60	15	69.00		20	82.80	8.7	90	15	103.50		
(g) Rated at 70 percent [1]	63	11.1	70	15	80.50		20	96.60	8.7	105	15	120.75		
(h) Rated at 80 percent [1]	72	11.1	80	15	92.00		20	110.40	8.7	120	15	138.00		
(i) Rated at 90 percent [1]	81	11.1	90	15	103.50		20	124.20	8.7	135	15	155.25		
(j) Rated at total	90	11.1	100	15	115.00		20	138.00	8.7	150	15	172.50		
(k) (1) Additional monthly payment for anatomical loss or loss of use of, any of these organs: 1 foot, 1 hand, blindness in 1 eye (having light perception only), 1 or more creative organs, both buttocks, organic aphonia (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction)—for each loss [3]	[3]25			40.0		[3]35	20	[3]42.00					11.9	[3]47
(2) Limit for veterans receiving payments under (a) to (j) above														
(3) Limit for veterans receiving payments under (l) to (n) below						300							33.3	400
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	150			33.3		200	20	240.00					10.8	266
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, either with light perception only or rendering veteran so helpless as to require regular aid and attendance	175			34.3		235	20	282.00					11.0	313
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent, use of prosthesis or anatomical loss of both eyes	200			32.5		265	20	318.00					11.0	353
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or deafness rated at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less)	250			20.0		300	20	360.00					11.1	400

See footnotes at end of table.

HISTORY OF WARTIME SERVICE-CONNECTED COMPENSATION[1] INCREASES FOR DISABLED VETERANS,[2] JULY 1, 1933 THROUGH JULY 1, 1970—Continued

Disability[1]	July 1, 1933	+ Percent increase =	Jan. 19, 1937	+ Percent increase =	P.L. 312, 78th Cong., June 1, 1944	P.L. 182, 79th Cong., Oct. 1, 1945	+ Percent increase =	P.L. 662, 79th Cong., Sept. 1, 1946	+ Percent increase =	P.L. 339, 81st Cong., Dec. 1, 1949	+ Percent increase =	P.L. 356, 82d Cong., July 1, 1952	+ Percent increase =	P.L. 427, 82d Cong., Aug. 1, 1952
(p) (1) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed						$300	20	$360.00					11.1	$400
(2) Blindness in both eyes (with 5/200 visual acuity or less) together with (a) bilateral deafness rated at 40 percent or more disabling (impairment of either or both ears service-connected) next higher rate is payable, or (b) service-connected total deafness of 1 ear next intermediate rate is payable, but in no event may compensation exceed														
(q) Arrested tuberculosis, minimum monthly compensation rate														
(r) If veteran entitled to compensation under (0) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to (o) or (p) rate														467
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound														

Disability[1]	+ Percent increase =	P.L. 695, 83d Cong., Oct. 1, 1954	+ Percent increase =	P.L. 85–168, Oct. 1, 1957	+ Percent increase =	P.L. 87–645, Oct. 1, 1962	+ Percent increase =	P.L. 89–311, Oct. 31, 1965	+ Percent increase =	P.L. 90–493, Jan. 1, 1969	+ Percent increase =	P.L. 91–376, July 1, 1970	Percent increase from July 1, 1933, to July 1, 1970	Rate proposed by H.R. 15439
(a) Rated at 10 percent[1]	7.9	$17	11.8	$19	5.3	$20	5.0	$21	9.5	$23	8.7	$25	177.8	$28
(b) Rated at 20 percent[1]	4.8	33	9.1	36	5.6	38	5.3	40	7.5	43	7.0	46	155.6	51
(c) Rated at 30 percent[1]	5.8	50	10.0	55	5.5	58	3.4	60	8.3	65	7.7	70	159.3	77
(d) Rated at 40 percent[1]	4.8	66	10.6	73	5.5	77	6.6	82	8.5	89	7.9	96	166.7	106
(e) Rated at 50 percent[1]	5.5	91	9.9	100	7.0	107	5.6	113	8.0	122	10.7	135	200.0	149
(f) Rated at 60 percent[1]	5.3	109	10.1	120	6.7	128	6.3	136	8.1	147	10.9	163	201.9	179
(g) Rated at 70 percent[1]	5.2	127	10.2	140	6.4	149	7.4	161	8.1	174	10.9	193	206.3	212
(h) Rated at 80 percent[1]	5.0	145	10.3	160	6.3	170	9.4	186	8.1	201	10.9	223	209.7	245
(i) Rated at 90 percent[1]	5.0	163	9.8	179	6.7	191	9.4	209	8.1	226	10.6	250	208.6	275
(j) Rated at total[1]	4.9	181	24.3	225	11.1	250	20.0	300	33.3	400	12.5	450	400.0	495
(k) (1) Additional monthly payment for anatomical loss or loss of use of, any of these organs: 1 foot, 1 hand, blindness in 1 eye (having light perception only), 1 or more creative organs, both buttocks, organic aphonia (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction) — for each loss[3]										(3)			88.0	
(2) Limit for veterans receiving payments under (a) to (j) above										[3] 500	12.0	560		616
(3) Limit for veterans receiving payments under (l) to (n) below	5.0	420	7.1	450	16.6	525	14.3	600	16.6	700	12.0	784		862
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	4.9	279	10.8	309	10.0	340	17.6	400	25.0	500	12.0	560	273.3	616
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, either with light perception only or rendering veteran so helpless as to require regular aid and attendance	5.1	329	9.1	359	8.6	390	15.4	450	22.2	550	12.0	616	252.0	678
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis or anatomical loss of both eyes	5.1	371	8.1	401	9.7	440	19.3	525	19.0	625	12.0	700	250.0	770
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or deafness rated at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less)	5.0	420	7.1	450	16.7	525	14.3	600	16.7	700	12.0	784	213.6	862
(p) (1) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	5.0	420	7.1	450	16.7	525	14.3	600	16.7	700	12.0	784		862
(2) Blindness in both eyes (with 5/200 visual acuity or less) together with (a) bilateral deafness rated at 40 percent or more disabling (impairment of either or both ears service-connected) next higher rate is payable, or (b) service-connected total deafness of 1 ear next intermediate rate is payable, but in no event may compensation exceed								600	16.7	700	12.0	784		862
(q) Arrested tuberculosis, minimum monthly compensation rate										(4)				
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to (o) or (p) rate				150	33.3	200	25.0	250	20.0	300	12.0	336		370
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound				265	9.4	290	20.7	350	28.6	450	12.0	504		554

ADDITIONAL FOR DEPENDENTS* (NONE IF DISABILITY LESS THAN 50 PERCENT IN DEGREE)

Degree of disability	Wife only	Wife, 1 child	Wife, 2 children	Wife, 3** children	No wife, 1 child	No wife, 2 children	No wife, 3 children**	Dependent parent or parents (each)
50 percent	$14	$24	$31	$38	$10	$17	$24	$12
60 percent	17	29	37	45	11	20	29	14
70 percent	20	34	43	53	13	23	34	16
80 percent	22	38	49	60	15	26	38	18
90 percent	25	43	55	68	17	30	43	21
100 percent	28	48	61	75	19	33	48	23

[1] The basic rates payable for those 10 percent through 100 percent disabled, subsection (a) through (j), may be increased if the veteran qualifies for additional payments listed in subsectoin (k) or (q), and if veteran is 50 percent or more disabled, the following additional amounts are payable for dependents:

[2] Rates for wartime service. Rates for peacetime are 80 percent of wartime rate.

[3] Payment generally made for 1 loss only, until enactment of Public Law 90–77, effective Oct. 1, 1967, which permitted payment to be made for each loss, to a maximum monthly payment of $500 per month.

[4] Veterans who have active tuberculosis are rated as totally disabled, and receive compensation at the 100 percent rate. When the disease become inactive, the degree of disability is reduced over a period of several years, so that after it has been inactive for at least 6 years, the veteran receives the monthly payment of $67. Public Law 90–493 repealed subsection (q) on Aug. 19, 1968, with a savings provision under which any veteran who was receiving or entitled to receive the $67 minimum on that date continues to receive this payment.

***In lieu of foregoing rates for children, $44 monthly is payable to 100 percent disabled veterans (proportionate amounts for veterans disabled 50 to 60 percent for each child age 18 to 23 who is pursuing course of instruction at approved educational institution.**

****$14 for each additional child of 100 percent disabled veterans (proportionate amounts for disabled 50 to 90 percent).**

Section 103

This section provides, for the first time, a clothing allowance of $150 per year to each veteran who, because of a service-connected disability which is compensable, wears a prosthetic or orthopedic appliance or uses an appliance or device (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such veteran.

For many years various veterans' groups have urged such an allowance and have cited specific examples of the added expense for torn and worn clothing which has to be borne by so many of the amputees, paraplegics and others who suffer such crippling disabilities. The VA has pointed out that under existing law (38 U.S.C. 623) it may furnish "special clothing made necessary by the wearing of prosthetic appliances" to veterans entitled to medical services from the VA. However, this applies only to *special* clothing and it has been interesting to learn that only about 200 cases were benefited by this provision last year at a total cost of less than $4,000. The Committee is persuaded that adequate justification has been presented for including this new benefit in the bill.

Sections 104, 105, and 106

For many years the law has provided that where a single veteran is furnished hospital treatment or domiciliary care by the VA his disability compensation or retirement pay shall be reduced after the first 6 months of treatment or care to $30 monthly or 50 percent of the benefit, whichever is greater. Upon authorized release from such treatment or care, however, the veteran is paid in a lump sum the amount by which his benefit was reduced.

Time and experience have shown that the withholding of compensation and retirement pay in the case of a single hospitalized veteran has caused undue hardship, since his needs are not necessarily substantially met merely because he is receiving bed and board from the Veterans' Administration. While such withheld amounts are payable to him upon release from hospitalization, there exists the temporary dislocation and possible inability to satisfy continuing obligations caused by his reduced income while hospitalized. Even though hospitalized, the single veteran has continuing obligations, such as payments on a house, rent, furniture, automobile, etc. These expenses often cannot be met while he receives reduced benefits. Thus, the current system often leaves a veteran with the difficult choice of remaining in the hospital until well, and losing his home and personal possessions, or of leaving the hospital prematurely in order to meet his continuing obligations.

The Committee agrees with the Veterans' Administration that considering all aspects the withholding provision does not in general serve the best interest of the single hospitalized veterans concerned and, moreover, does not justify the administrative costs involved. Accordingly, the mentioned withholding authorization is abolished.

SECTION 107

In 1959, by Public Law 86-211, the Congress established the so-called "new" pension program for veterans of World War I, World War II and the Korean Conflict, and their widows and children. This law was effective January 1, 1960. Shortly thereafter (Public Law 86-670), a law was enacted to permit veterans of the Indian Wars and the Spanish American War to make an irrevocable decision, if they felt it to be to their advantage, to receive pension under the "new" law rather than under their separate pension programs. Apparently, through an inadvertence, the widows of such deceased veterans were not afforded the same opportunity. This section of the bill would extend to Spanish American War widows the same right of election which has been the privilege of veterans of the earlier wars. It would also extend to such widows in need of aid and attendance the automatic feature which section 111 of Public Law 90-77 provided for veterans of the earlier wars who need aid and attendance. In the case of such veterans, payment of the greater pension is automatic without any action on their part. The Veterans' Administration interposes no objection to this legislation.

TITLE II—RELIEF FROM ADMINISTRATIVE ERROR, OVERPAYMENTS, AND FORFEITURE

Section 201

Since 1966, with the enactment of section 301, Public Law 89-785, the Administrator has been empowered under section 210(c)(2) to provide equitable relief to any person to whom "benefits administered by the Veterans Administration have not been provided by reason of administrative error" by officials or employees of the Government. This provision applies, however, in limited cases and only where basic entitlement to the particular benefit already existed, and where because of administrative error, a claim therefor was improperly denied.

It should be borne in mind that prior to this enactment the only means of providing relief from administrative errors of this sort was by private legislation. This remedy, of course, was time-consuming and burdensome for the Congress.

However, even with the present liberalized provision in section 210(c)(2) there is no authority under which the Administrator may grant any form of relief where the agency has erroneously determined that eligibility existed and a veteran, his dependent or some third person, without knowledge, has relief and changed his position to his detriment. This situation is illustrated by a case involving an erroneous issuance of a certificate of entitlement for an automobile and adaptive equipment for a disabled veteran under chapter 39 where basic entitlement did not in fact exist. The veteran, having applied for and been granted benefits, albeit erroneously, purchases the new car and trades in his old car. The dealer makes delivery of the new car in reliance upon the erroneous certificate. The veteran incurs a further indebtedness which he may not be able to afford and would not have incurred, but for the erroneous issuance by the Veterans Administraton of a certificate of eligibility. Other similar situations have arisen resulting in losses to innocent veterans, their dependents, or third parties.

The proposed legislation, contained in this section, and recommended by the Veterans Administration, would permit the Administrator to extend relief to veterans, their dependents, and other innocent third persons, from the consequences of reliance on such an administrative error where loss is suffered without knowledge of the error. The Administrator would be authorized to provide such relief as he determines equitable, including the payment of monies, to the person or persons whom he determines equitably entitled.

The Veterans Administration advises the Committee that the current equitable relief provisions in section 210(c)(2) have been most conservatively construed and applied. The implementing regulations require a personal determination by the Administrator on a recommendation which may originate only with a Department head or other staff official and it must be reviewed by the General Counsel. The Veterans Administration plans to implement this new provision by applying the same restrictive procedures.

Sections 202, 203, 204 and 205

These sections concern another proposal introduced at the request of the Veterans Administration. They apply to both the general authority in section 3102(a) of title 38, USC, to waive recovery of overpayments, and the authority for waiver of an indebtedness to the Veterans Administration after a default and loss occurs with respect to a loan guaranteed, insured, or made under chapter 37.

Section 3102(a) now provides, in substance, that the Administrator may waive a recovery of payments or overpayments on the basis of a determination that the payee was without fault in creating the overpayment, and either that a recovery would defeat the purpose of benefits or would be against equity and good conscience.

Two basic changes regarding the general waiver authority which would be effected by the first section of the bill are: (1) removal of fault on the part of the payee as a bar to waiver; and (2) deletion of the present alternative standard for waiver—"recovery would defeat the purpose of benefits otherwise authorized". Thus, "equity and good conscience" would remain as the only substantive standard for a waiver of recovery. Equity and good conscience, however, would not apply if, in the opinion of the Administrator, there exists in connection with the request for waiver an indication of fraud, misrepresentation, material fault or lack of good faith on the part of the person or persons having an interest in obtaining a waiver of overpayment or recovery of collections. Except for a minor difference, the waiver authority sought is the same used by the Comptroller General in waiving an indebtedness arising out of overpayment of pay.

The proposed new subsection (b) to be added to section 3102 of title 38 would clarify the Administrator's authority to waive an indebtedness of a veteran or his wife which resulted from a default and loss of the property securing a loan guaranteed, insured, or made to the veteran, and thus, would consolidate the Administrator's waiver authority to apply the single criterion of "equity and good conscience." The Committee is well aware that the interpretative regulations implementing section 1820(a)(4), as amended by Public Law 88-151, have been the subject of continuing controversy. Enactment of this proposal will resolve the matter in a manner which, we believe, will be more acceptable to all concerned.

The purpose of subsection 3(a) of the proposal is to liberalize the authority now contained in section 1817 of title 38, United States Code, to permit the Administrator to release the original veteran-borrower from liability on the Veterans Administration guaranteed, insured, or direct loan after the veteran conveyed title to residential property securing such loan, provided the veteran disposed of the property in a manner which would have qualified him for release if he had applied therefor incident to his sale or transfer of the property. There are many instances where a veteran disposes of property, without applying for a release from liability on the note and mortgage, and the position of the Veterans Administration would be substantially the same as it would have been if he had previously obtained a release from liability to the Government under the present section 1817.

Section 206

This section of the bill, also recommended by the Veterans Administration, would authorize the Administrator to review certain forfeiture actions imposed by the VA prior to September 2, 1959, because of the submission of fraudulent evidence in connection with gratuitous veterans' benefits, and to grant remission of those forfeitures if they would not have been imposed under the law in effect after September 1959.

From 1921 until 1959, the Veterans Administration had authority to administratively forfeit the rights of veterans and dependents to gratuitous VA benefits for the submission of a false or fraudulent statement made in connection therewith. Those provisions of law still appear in section 3503(a) through (c) of title 38, United States Code. This forfeiture for fraud was in addition to the penalties imposed by Federal criminal statutes. In 1959, the law was amended discontinuing the administrative forfeiture for fraud in domestic cases where the person who submitted the fraudulent statement would be subject to criminal prosecution for such act. The change was predicated upon the conclusion that criminal conviction should constitute sufficient penalty.

There were approximately 4,100 forfeitures for fraud prior to 1959. The Veterans Administration has become aware of a number of cases in which the forfeiture penalty, in retrospect, is obviously too severe. Since the 1959 remedial act is specifically limited to situations arising thereafter, authority would be extended under this proposal to review those cases and grant remission of those forfeitures imposed prior to 1959 which would not be forfeited under the 1959 law. This would, in effect, apply the philosophy of the 1959 enactment so as to cover similar cases which arose prior to that amendment.

TITLE III—EFFECTIVE DATES

Section 301

This section provides that sections 101 through 107 of the Act shall take effect on the first day of the second calendar month which begins after the date of enactment. Sections 201 through 206 shall take effect upon the date of enactment of the Act.

Cost

The Committee has ascertained the following cost estimates of sections 101 and 102 for the first five years as follows:

	Millions
First year	$260.0
Second year	262.4
Third year	263.9
Fourth year	264.2
Fifth year	264.4

The Committee has ascertained the following cost estimate of section 103, for the first five years as follows:

	Millions
First year	$6.6
Second year	6.9
Third year	7.2
Fourth year	7.5
Fifth year	7.8

The Committee has been advised, and concurs in the conclusion, that the remaining sections of the bill will either involve no additional cost or the cost aspects are not ascertainable. In the latter case, however, the Committee is confident that they would be relatively insignificant.

DISABILITY, DEGREE OF IMPAIRMENT, TYPE OF MAJOR DISABILITY, PERIOD OF SERVICE—JUNE 1971

	Total				Tuberculosis (lungs and pleura)				Psychiatric and neurological diseases				General medical and surgical conditions			
Degree of impairment	Number	Percent of total	Monthly value	Average monthly value	Number	Percent of total tuberculosis	Percent of degree of impairment	Average monthly value	Number	Percent of total psychiatric and neurological diseases	Percent of degree of impairment	Average monthly value	Number	Percent of total general medical and surgical conditions	Percent of degree of impairment	Average monthly value
Total	2,146,085	100.0	$226,113,336	$105.36	65,541	100.0	3.1	$121.46	466,987	100.0	21.8	$174.95	1,613,557	100.0	75.1	$84.57
No disability	29,211	1.4	1,889,154	64.67	27,289	41.6	93.4	66.04					1,922	.1	6.6	45.73
10 percent	846,834	39.5	21,135,993	24.96	1,187	1.8	.1	57.47	147,660	31.6	17.4	24.84	697,987	43.3	82.5	24.93
20 percent	332,651	15.5	15,421,774	46.36	9,113	13.9	2.7	65.45	26,221	5.6	7.9	46.82	297,317	18.4	89.4	45.71
30 percent	307,508	14.3	21,628,837	70.34	12,500	19.1	4.1	68.33	80,915	17.3	26.3	69.33	214,093	13.3	69.6	70.83
40 percent	173,405	8.1	17,036,678	98.25	1,690	2.6	1.0	98.49	25,877	5.6	14.9	96.74	145,838	9.0	84.1	98.51
50 percent	110,399	5.1	17,326,556	156.94	3,118	4.8	2.8	153.57	40,254	8.6	36.5	152.50	67,027	4.2	60.7	159.77
60 percent	107,507	5.0	27,420,311	255.06	1,698	2.6	1.6	242.57	18,241	3.9	17.0	223.69	87,568	5.4	81.4	261.83
70 percent	65,152	3.0	20,490,279	314.50	1,362	2.1	2.1	247.90	30,669	6.6	47.1	334.26	33,121	2.1	50.8	298.94
80 percent	34,001	1.6	11,649,669	342.63	2,092	3.2	6.2	286.51	9,029	1.9	26.6	349.91	22,880	1.4	67.2	344.76
90 percent	11,634	.5	4,525,436	388.98	151	.2	1.3	372.13	3,013	.7	25.9	395.07	8,470	.5	72.8	387.12
100 percent	127,783	6.0	67,588,649	528.93	5,341	8.1	4.2	406.73	85,108	18.2	66.6	515.49	37,334	2.3	29.2	566.14
World War I:																
Total	78,261	100.0	12,721,698	162.55	12,100	100.0	15.5	124.89	16,032	100.0	20.5	242.00	50,129	100.0	64.0	146.24
No disability	967	1.2	56,829	58.77	569	4.7	58.8	67.00					398	.8	41.2	47.00
10 percent	11,715	15.0	362,898	30.98	34	.3	.3	59.74	774	4.8	6.6	31.88	10,907	21.8	93.1	30.82
20 percent	18,670	23.9	1,125,686	60.29	8,486	70.1	45.5	66.38	2,146	13.4	11.5	59.94	8,038	16.0	43.0	53.96
30 percent	10,106	12.9	777,502	76.93	738	6.1	7.3	80.07	1,842	11.5	18.2	77.81	7,526	15.0	74.5	76.41
40 percent	7,774	9.9	818,488	105.29	420	3.5	5.4	107.69	1,315	8.2	16.9	107.48	6,039	12.0	77.7	104.64
50 percent	6,709	8.6	1,020,380	152.09	125	1.0	1.9	151.32	2,373	14.8	35.4	152.19	4,211	8.4	62.7	152.06
60 percent	6,677	8.5	1,840,332	275.62	141	1.2	2.1	340.13	1,065	6.7	16.0	202.05	5,471	10.9	81.9	288.28
70 percent	3,063	3.9	898,062	293.20	49	.4	1.6	270.53	1,093	6.8	35.7	294.33	1,921	3.8	62.7	293.13
80 percent	1,876	2.4	608,583	324.40	23	.2	1.2	320.70	519	3.2	27.7	291.05	1,334	2.7	71.1	337.42
90 percent	411	.5	156,434	380.62	10	.1	2.4	322.70	51	.3	12.4	369.29	350	.7	85.2	383.95
100 percent	10,293	13.2	5,056,504	491.26	1,505	12.4	14.6	473.53	4,854	30.3	47.2	489.06	3,934	7.9	38.2	500.75
World War II:																
Total	1,395,911	100.0	136,989,397	98.14	33,920	100.0	2.4	124.17	317,650	100.0	22.8	154.29	1,044,341	100.0	74.8	80.21
No disability	18,194	1.3	1,202,110	66.07	17,349	51.1	95.4	67.00					845	.1	4.6	47.00
10 percent	577,561	41.4	14,598,216	25.28	749	2.2	.1	59.10	115,148	36.3	20.0	25.10	461,664	44.3	79.9	25.27
20 percent	210,107	15.0	9,727,147	46.30	425	1.3	.2	66.70	17,882	5.6	8.5	46.18	191,800	18.4	91.3	46.26
30 percent	206,164	14.8	14,675,855	71.19	7,039	20.8	3.4	70.14	58,781	18.6	28.5	70.15	140,344	13.5	68.1	71.67
40 percent	114,401	8.2	11,307,261	98.84	807	2.4	.7	98.20	18,268	5.8	16.0	96.88	95,326	9.1	83.3	99.22
50 percent	70,076	5.0	11,213,598	160.02	1,274	3.7	1.8	163.22	25,515	8.0	36.4	155.96	43,287	4.1	61.8	162.32
60 percent	68,276	4.9	17,601,093	257.79	1,098	3.2	1.6	242.26	11,580	3.6	17.0	222.72	55,598	5.3	81.4	265.41
70 percent	40,166	2.9	12,973,079	322.99	1,104	3.3	2.7	248.32	18,784	5.9	46.8	352.78	20,278	1.9	50.5	299.45
80 percent	21,431	1.5	7,265,946	339.04	1,880	5.5	8.8	289.06	5,462	1.7	25.5	359.99	14,089	1.3	65.7	341.08
90 percent	6,801	.5	2,600,169	382.32	126	.4	1.9	377.77	1,606	.5	23.6	386.35	5,069	.5	74.5	381.16
100 percent	62,734	4.5	33,824,923	539.18	2,069	6.1	3.3	514.62	44,624	14.0	71.1	530.64	16,041	1.5	25.6	566.11
Korean conflict:																
Total	239,606	100.0	28,559,686	119.19	11,452	100.0	4.8	87.91	45,345	100.0	18.9	258.63	182,809	100.0	76.3	89.40
No disability	7,552	3.2	499,890	66.19	7,248	63.3	96.0	67.00					304	.2	4.0	47.00
10 percent	86,703	36.2	2,223,330	25.64	244	2.1	.3	64.16	10,521	23.2	12.1	25.35	75,938	41.4	87.6	25.56
20 percent	37,186	15.5	1,728,389	46.48	102	.9	.3	66.43	2,063	4.5	5.5	46.35	35,021	19.1	94.2	46.43
30 percent	33,101	13.8	2,377,708	71.83	2,530	22.1	7.6	70.16	6,519	14.4	19.7	70.31	24,052	13.2	72.7	72.42
40 percent	20,215	8.4	2,017,876	99.82	278	2.4	1.4	96.85	2,371	5.2	11.7	98.01	17,566	9.6	86.9	100.11
50 percent	11,732	4.9	1,955,616	166.69	398	3.5	3.4	160.63	3,746	8.3	31.9	163.35	7,588	4.2	64.7	168.66
60 percent	12,656	5.3	3,362,586	265.69	211	1.8	1.7	228.43	2,171	4.8	17.2	248.48	10,274	5.6	81.1	270.09
70 percent	8,416	3.5	2,838,129	337.23	105	.9	1.2	270.00	3,924	8.7	46.7	356.28	4,387	2.4	52.1	321.80
80 percent	4,046	1.7	1,518,384	375.28	78	.7	1.9	320.36	1,104	2.4	27.3	389.67	2,864	1.6	70.8	371.23
90 percent	1,497	.6	610,617	407.89	7	.1	.5	423.00	428	.9	28.6	416.46	1,062	.6	70.9	404.34
100 percent	16,502	6.9	9,427,161	571.27	251	2.2	1.5	501.38	12,498	27.6	75.7	560.02	3,753	2.1	22.8	613.42

DISABILITY, DEGREE OF IMPAIRMENT, TYPE OF MAJOR DISABILITY, PERIOD OF SERVICE—JUNE 1971.—Continued

Degree of impairment	Total				Tuberculosis (lungs and pleura)				Psychiatric and neurological diseases				General medical and surgical conditions			
	Number	Percent of total	Monthly value	Average monthly value	Number	Percent of total tuberculosis	Percent of degree of impairment	Average monthly value	Number	Percent of total psychiatric and neurological diseases	Percent of degree of impairment	Average monthly value	Number	Percent of total general medical and surgical conditions	Percent of degree of impairment	Average monthly value
Vietnam era: Total	244,567	100.0	$29,972,703	$122.55	2,095	100.0	.9	$297.81	48,391	100.0	19.8	$204.00	194,081	100.0	79.3	$100.35
No disability	121	.0	5,807	47.99	6	.3	2.5	67.00					115	.1	95.0	47.00
10 percent	49,223	38.5	2,382,511	25.29	56	2.7	.1	25.00	11,612	24.0	12.3	25.13	82,555	42.5	87.6	25.31
20 percent	38,305	15.7	1,773,985	46.31	10	.5	.0	46.00	2,634	5.4	6.9	46.20	35,661	18.4	93.1	46.32
30 percent	30,736	12.6	2,196,534	71.46	42	2.0	.1	70.00	7,626	15.8	24.9	70.42	23,068	11.9	75.1	71.81
40 percent	18,722	7.7	1,882,220	100.54	30	1.4	.2	96.00	2,529	5.2	13.5	98.71	16,163	8.3	86.3	100.83
50 percent	14,511	5.9	2,190,883	150.98	854	40.8	5.9	151.75	5,142	10.6	35.4	146.05	8,515	4.4	58.7	153.88
60 percent	11,194	4.6	2,642,153	236.03	103	4.9	.9	195.84	2,197	4.5	19.6	219.53	8,894	4.6	79.5	240.58
70 percent	8,082	3.3	2,347,979	290.52	30	1.4	.4	234.10	3,524	7.3	43.6	286.80	4,528	2.3	56.0	293.78
80 percent	4,450	1.8	1,594,460	358.31	11	.5	.3	325.18	1,296	2.7	29.1	356.20	3,143	1.6	70.6	359.29
90 percent	2,275	.9	938,307	412.44	1	.0	.0	293.00	752	1.6	33.1	417.65	1,522	.8	66.9	409.95
100 percent	21,948	9.0	12,017,864	547.56	952	45.5	4.3	478.11	11,079	22.9	50.5	510.17	9,917	5.1	45.2	596.00
Regular Establishment: Total	187,712	100.0	17,857,906	95.13	5,973	100.0	3.2	101.49	39,564	100.0	21.1	195.29	142,175	100.0	75.7	67.00
No disability	2,377	1.3	124,518	52.38	2,117	35.5	89.1	54.23					260	.2	10.9	37.60
10 percent	76,631	40.9	1,569,013	20.47	104	1.8	.1	46.78	9,605	24.4	12.5	20.23	66,922	47.1	87.4	20.47
20 percent	28,383	15.1	1,066,567	37.58	90	1.5	.3	52.82	1,496	3.8	5.3	37.36	26,797	18.8	94.4	37.54
30 percent	27,401	14.6	1,601,237	58.44	2,151	36.0	7.9	56.20	6,147	15.5	22.4	56.52	19,103	13.4	69.7	59.31
40 percent	12,293	6.5	1,010,834	82.23	155	2.6	1.3	78.47	1,394	3.5	11.3	79.16	10,744	7.6	87.4	82.68
50 percent	7,369	3.9	945,795	128.35	467	7.8	6.3	125.14	3,478	8.8	47.2	125.18	3,424	2.4	46.5	132.00
60 percent	8,701	4.6	1,973,085	226.77	145	2.4	1.7	203.75	1,228	3.1	14.1	215.31	7,328	5.2	84.2	229.14
70 percent	5,423	2.9	1,432,578	264.17	74	1.2	1.4	200.96	3,343	8.4	61.6	267.46	2,006	1.4	37.0	261.02
80 percent	2,196	1.2	661,554	301.25	100	1.7	4.6	228.71	648	1.6	29.5	307.62	1,448	1.0	65.9	303.42
90 percent	650	.3	219,909	338.32	7	.1	1.1	301.71	176	.4	27.1	333.59	467	.3	71.8	340.66
100 percent	16,288	8.7	7,252,816	445.29	563	9.4	3.5	392.45	12,049	30.5	74.0	428.78	3,676	2.6	22.5	597.47
Spanish American War: Total	28	100.0	11,946	426.64	1	100.0	3.6	478.00	5	100.0	17.9	413.80	22	100.0	78.5	427.23
No disability																
10 percent	1	3.6	25	25.00									1	4.5	100.0	25.00
20 percent																
30 percent																
40 percent																
50 percent	2	7.1	284	142.00									2	9.1	100.0	142.00
60 percent	3	10.7	1,063	354.33									3	13.6	100.0	354.33
70 percent	2	7.1	453	226.50					1	20.0	50.0	213.00	1	4.5	50.0	240.00
80 percent	2	7.1	742	371.00									2	9.1	100.0	371.00
90 percent																
100 percent	18	64.4	9,379	521.06	1	100.0	5.6	478.00	4	80.0	22.2	464.00	13	59.2	72.2	541.92

DISABILITY: CLASS OF DEPENDENT, PERIOD OF SERVICE—JUNE 1971

Class of dependent	Total			World War II		World War I		Korean conflict		Vietnam era		Regular Establishment		Spanish-American War	
	Number	Monthly value	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value
Total veterans	2,146,085	$226,143,336	$105.36	1,395,911	$98.14	78,261	$162.55	239,606	$119.19	244,567	$122.55	187,712	$95.13	28	$426.64
Veterans less than 50 percent disabled (no dependency benefit)	1,687,955	76,913,137	45.57	1,126,426	45.73	47,578	61.82	184,758	47.89	182,108	45.26	147,084	36.52	1	25.00
Veterans 50 percent or more disabled	458,130	149,200,199	325.67	269,485	317.19	30,683	318.76	54,848	359.41	62,459	347.92	40,628	307.32	27	441.52
Without dependents	121,869	39,490,265	324.04	57,431	332.40	11,993	304.50	10,843	353.89	29,367	332.34	12,220	304.34	15	441.73
With dependents	336,261	109,709,934	326.26	212,054	315.78	18,690	327.91	44,005	360.76	33,092	361.75	28,408	308.60	12	441.25
Wife only	135,742	43,250,093	318,62	89,691	312.82	18,093	327.00	8,624	354.93	10,928	341.16	8,394	295.68	12	441.25
Wife, child or children	168,173	54,086,024	321.61	103,918	307.98	474	354.67	28,803	350.50	19,049	365.51	15,929	304.77		
Wife, child or children, and parent or parents	4,038	1,731,854	428.89	2,422	409.14	1	784.00	956	477.90	282	448.33	377	416.00		
Wife, parent or parents	1,857	768,535	413.86	1,344	406.19	5	316.80	218	453.96	175	432.05	115	404.00		
Child or children only	16,523	5,529,482	334.65	8,942	320.95	104	343.91	3,456	360.92	1,734	383.57	2,287	311.03		
Child or children and parent or parents	680	302,390	444.69	325	428.86			193	485.54	63	469.81	99	401.01		
Parent or parents only	9,248	4,041,556	437.02	5,412	434.97	13	462.46	1,755	468.40	861	445.42	1,207	394.32		
Total dependents on whose account additional compensation was being paid	759,968			457,482		19,391		137,822		71,788		73,473		12	
Wives	309,810			197,375		18,573		38,601		30,434		24,815		12	
Children	431,971			249,589		799		95,532		39,518		46,533			
Parents	18,187			10,518		19		3,689		1,836		2,125			

(Mr. DORN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I support H.R. 15439. This bill will increase by 10 percent the monthly compensation payments to 2,177,000 service-connected disabled veterans. It has been approximately 2 years since the monthly payments to this deserving group have been adjusted. Meanwhile the cost of living has risen by more than 7 percent in this same period.

The bill, Mr. Speaker, contains additional provisions that will provide more equitable treatment to the Nation's veterans, their dependents, and survivors of deceased veterans. The ranking Republican member of the Subcommittee on Compensation and Pension, the gentleman from Arkansas (Mr. HAMMERSCHMIDT), will explain them in detail.

I want to commend Subcommittee Chairman DORN and the members of his subcommittee for developing this legislation that will benefit the Nation's service-connected disabled veteran.

Mr. Speaker, I yield such time as he may consume to the ranking minority member of the subcommittee, the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 15439. This bill will authorize a 10 percent increase in the monthly rates of compensation payable to more than 2 million service connected disabled veterans. Included in the group that will share in this modest increase are our war wounded. These are former service personnel who have suffered physical or mental disability in this Nation's struggle for freedom and national security.

This group, Mr. Speaker, has always received the highest priority consideration from the Congress, in recognition of the sacrifices they have made. The rates of compensation for this deserving group were last increased July 1, 1970. Since that time, almost every segment of our society that receives Federal payments for any reason have received an increase in those payments. We can do no less for the Nation's disabled veteran.

The bill also authorizes a clothing allowance of $150 annually for amputees and other seriously disabled veterans who must wear a prosthesis or an orthopedic appliance. The committee has received testimony that artificial limbs, braces, and other devices tend to wear out or rip clothing at an unusually accelerated pace, much faster than the normal wear and tear experienced by the average person. The committee believes a clothing allowance is justified.

Another provision of the bill, Mr. Speaker, will permit Spanish-American War widows to elect pension benefits presently available only to widows of veterans of later wars. Under existing law, a Spanish-American War widow may receive a maximum payment of $75 monthly. In many cases, particularly in the case of the widow with no additional income, it would be to her advantage to elect the benefits available to later war widows, with a maximum payment of $87 monthly if she has no dependents. This discrimination contained in existing law appears unwarranted.

Finally, Mr. Speaker, the bill revises the provisions of existing law that permit relief from administrative error, overpayment, and forfeiture. These provisions have been requested by the Veterans' Administration and the cost is estimated to be relatively insignificant. They will, however, permit the Veterans' Administration to extend relief in cases where the agency has erroneously determined that eligibility existed, and the veteran, without knowledge, has relied and changed his position to his detriment.

It will permit the Veteran's Administration to more equitably determine when overpayments should be recovered and when they should be waived.

It will permit the Veterans' Administration to review certain cases in which benefits had been forfeited prior to September 1959 and grant remission of forfeiture, if otherwise warranted.

Mr. Speaker, this is a carefully drawn bill. It has been cosponsored in a bipartisan basis by 25 members of the Committee on Veterans' Affairs. It authorizes needed increases in monthly payments to a most deserving group—the Nation's disabled veterans. I urge that it be passed.

Mr. TEAGUE of California. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise in support of H.R. 15439, the Veterans' Compensation and Relief Act of 1972, and as a cosponsor, urge the House to pass the bill immediately. To reiterate that inflation has caused great hardship among our veteran population states the obvious. In reaction to the rise in the cost of living, increased rates for veterans' compensation were enacted into law by the 91st Congress effective July 1, 1970. Since the effective date of that legislation, the cost of living index has again registered an increase. I feel there is an acute need to increase the service connected compensation to veterans by 10 percent. And we should provide additional allowances for dependents, payable to the service-connected disabled veterans who are rated 50 percent or more disabled.

In a predecessor bill to the measure at hand, the Veterans' Administration recommended a 6 percent boost in the aforementioned rates of compensation. When you consider the time period involved since this was first offered, and the further delay involved before the increased benefits are received, I share the committee's view that the 10-percent rate boost in the reported bill is entirely reasonable.

I urge the House to vote in favor of this bill as justifiable recognition of those who have so valiantly defended, and sacrificed so much for their country.

Mr. TEAGUE of California. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, H.R. 15439 has as its most important element a cost of living increase of 10 percent for all veterans and their dependents who are receiving compensation. This is considerably overdue. The last increase was effective July 1, 1970.

The bill also provides for the payment of a $150 clothing allowance annually to the veteran whose service-connected disability requires the wearing or use of a prosthetic appliance or device. These devices cause unusual wear and tear on wearing apparel.

At the present time if a single veteran receives hospitalization or domiciliary care for a period in excess of 6 months, his compensation or retired pay is reduced to $30 or 50 percent of the benefit whichever is the greater. The amount withheld is paid to him upon his release, but in certain instances this procedure causes a hardship. There are times when a veteran has continuing expenses such as maintenance of a home or purchase of an automobile and the reduction in benefits prevents him from meeting his obligations. H.R. 15439 will eliminate the withholding requirement.

The "new" pension program as established by Public Law 86–211 and subsequently amended permitted veterans of the Spanish-American War to elect to receive their pension under the "new" law. Inadvertently, this right was not extended to their widows. The bill before us will correct this.

There are certain other changes that are authorized, providing a liberalization of the law as it relates to administrative error, overpayments, and forfeitures.

There is a provision of particular interest to the veteran who may be confronted with an indebtedness arising from a default on the GI loan. This bill will permit the Veterans' Administration to release the original veteran borrower, if it is shown that he would have qualified for a release of liability had he applied at the time he sold his GI home. At present a release of liability may only be requested at the time the home is sold. It is granted in those instances where the purchaser is accepted as being sound financially and able to afford the costs of the mortgage and general maintenance of the home.

This is necessary legislation and I will vote for it.

Mr. ANDERSON of California. Mr. Speaker, I rise in strong support of H.R. 15439, the Veterans' Compensation and Relief Act of 1972.

The major purpose of this bill is to provide a 10-percent increase in the rates of compensation for service-connected disabled veterans.

The following is a chart illustrating the effect this measure would have on the monthly compensation rates of service-connected disabled veterans:

Disability (percent)	Current monthly allotment	Monthly allotment as proposed by H.R. 15439
10	$25	$28
20	46	51
30	70	77
40	96	106
50	135	149
60	163	179
70	193	212
80	223	245
90	250	275
100	450	495

Disability rates were last adjusted July 1, 1970. Since that time and by the end of this year, the cost of living will have increased by an estimated 9 percent.

Thus, a 10-percent increase will do little other than allow the disabled veteran to retain the same purchasing power that he had in 1970.

Mr. Speaker, I am not convinced that we are computing rates to reflect the actual loss suffered by the veteran. Let us compare the 100-percent disabled veteran with his counterpart who also served, but through the grace of God, was spared from receiving disabling wounds. The totally disabled veteran presently receives $450 a month, or $5,400 per year. His comrade, without a disability, earns $721 a month, or $8,660 per year—based on the median income of male veterans in the civilian noninstitutional population for 1970.

Thus, the disabled veteran not only receives $271 a month less than his comrade, he also suffers the psychological burden of not enjoying a prosperous career, such as a skilled carpenter or dentist.

Mr. Speaker, we all know that there is no way to adequately compensate a veteran who has lost a limb or an eye in service of our country. But, we have an obligation to at least insure that we are compensating our veterans for their average economic loss resulting from a disease or an injury.

Therefore, I feel that this bill is only a stopgap measure. I feel that a comprehensive reform is needed so that the rates reflect the actual loss suffered by the veteran.

But, until that reform is forthcoming, I believe that we must take every step to insure that the compensation due those who gave so much of themselves in the service of our country is adequate to meet their basic needs.

The bill before us today is such a step, and it deserves our strong support. Thus, I urge my colleagues to join with me in voting for the passage of H.R. 15439, a bill to increase the rates of compensation for service-connected disabled veterans by 10 percent.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 15439. It provides for a cost-of-living increase of 10 percent in compensation for veterans and their dependents, and since compensation is paid only to those whose disabilities were the result of their service in the Armed Forces, it will go to the most deserving of our veteran population.

This bill would authorize certain liberalizations of the existing law, pertaining to administrative error, overpayments, and forfeitures. These changes have been recommended by the Veterans' Administration in order that the agency may deal more fairly with its beneficiaries.

The agency also has proposed a change with regard to veterans who incur an indebtedness resulting from the foreclosure on a GI home loan, where the veteran failed to obtain a release of liability prior to selling the house. The change in law would permit the Veterans' Administration to release the veteran if the facts showed that at the time he sold his home he would have been eligible for a release of liability had he applied for it. This could provide relief to a number of deserving veterans.

For a period of years, legislation has been sought which would reimburse certain veterans for the wear and tear on their clothing, resulting from prosthetic devices or equipment they are forced to employ by reason of the nature of their service-connected disabilities. This bill provides for an annual clothing allowance of $150.

Another important change in law that would be permitted, is one that affects the single veteran who is hospitalized for a period in excess of 6 months. At present his compensation or retired pay is reduced to $30 or 50 percent whichever is the greater beginning with the seventh month. In many cases this has caused a hardship where the veteran has continuing expenses such as maintenance of a home or apartment, extended payments on furniture, appliances or an automobile. As soon as his income is reduced because of his hospitalization he can no longer meet his financial obligations. Under this bill the withholding of compensation or retired pay will cease.

There is another provision which would overcome an earlier legislative inadvertence. It would permit the widow of a Spanish-American War veteran to elect to come under the provisions of the "new" pension program, Public Law 86-211, as amended. This is a privilege that was granted previously, to the veteran, and, of course, should be extended to the widow as has been customary.

I am voting for this bill because it is absolutely necessary that we keep our veterans compensation payments in step with the expanding economy and I believe that the other features of the bill are very meritorious.

Mr. BURKE of Florida. Mr. Speaker, I rise in support of H.R. 15439, to increase the rates of compensation for disabled veterans and to provide a clothing allowance for veterans whose disability requires him to wear an appliance which tends to wear out or tear his clothing.

Since the disability compensation program was first established the Congress has periodically reviewed the rates of compensation and has made adjustments when deemed necessary. The rates of compensation were last increased on July 1, 1970.

The bill before us today, H.R. 15439, would, if enacted, provide for a 10-percent increase in the monthly rates of compensation payable to veterans with service-connected disabilities and a similar increase in the rates of additional allowances for dependents payable to service-connected disabled veterans who are rated 50 percent or more disabling. Over the past weekend, I was privileged to attend the annual convention of the State of Florida Disabled American Veterans as a member of DAV Chapter 41 in Hollywood, Fla. Further, I was accorded the privilege of addressing this convention held in the Galt Ocean Hotel, in Fort Lauderdale, on the matter of legislation passed by the Congress which benefits them. Happily the 92d Congress has compiled a good record in the area of veterans legislation. Nonetheless, the basic purpose of the disability compensation program—to provide relief for the impaired earning capacity of veterans disabled as the result of their military service—is still not wholly implemented.

In talking with the members of the DAV in attendance at the Florida State Convention, I found they were intensely interested in the passage of an increase in disability compensation. These people suffer doubly: First, because they live on a fixed income in a period of upward spiraling inflation, and second, because the wounds they received prevent them from earning a decent living for themselves and their families, as other Americans are able to do.

Income maintenance programs, like service-connected disability compensation have been exempted from coverage under the President's economic stabilization program. Further, the amount payable varies according to the degree of disability which represent the average impairment in earning capacity resulting from such disability or combinations of disabilities in civil occupations. Additional compensation for dependents is payable to any veteran entitled to basic compensation for disability rated at not less than 40 percent.

H.R. 15439 contains six other improvements and liberalizations in addition to an increase in compensation. They are: First, a clothing allowance of $150 per year to each veteran who, because of a service-connected disability which is compensable, wears a prosthetic or orthopedic appliance or uses an appliance or device which tends to wear out or tear the clothing of such veteran; second, abolishes the withholding authorization whereby a single veteran who was furnished hospital treatment or domiciliary care by the VA has his disability compensation or retirement pay reduced after the first 6 months of treatment or care to $30 monthly or 50 percent of the benefit and the amount of the reduction was paid to him in a lump sum upon his release; third, extends to Spanish-American War widows the privilege of making an irrevocable decision to receive pensions under the "new" pension plan passed in 1959 rather than existing program; fourth, permits the Administrator of the Veterans' Administration to extend relief to veterans, their dependents, and other innocent third persons, from the consequences of reliance on an administrative error where loss is suffered without knowledge of the error; fifth, liberalization of the authority of the VA to waive recovery of overpayments and the authority for waiver of an indebtedness to the VA after a default and loss occurs with respect to a loan guaranteed, or insured by VA; and sixth, authorizes a review of forfeiture actions imposed by the VA prior to September 2, 1959, because of the submission of fraudulent evidence in connection with gratuitous veterans' benefits, and to grant remission of those forfeitures if they would not have been imposed under the law in effect after September 1959.

It is my feeling that this measure is very timely and will relieve some of the hardships facing those whose earning capacity has been reduced as a result of their military service. I, therefore, urge speedy passage by the House of Representatives.

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise in support of H.R. 15439, the Veterans Compensation and Relief Act of 1972. As a member of the House Committee on Veterans' Affairs, I have worked closely with our distinguished chairman, Congressman TEAGUE of Texas. I know of his tireless dedication to the problems of our veterans, particularly those who are disabled in the course of serving their country. I am proud to join as a cosponsor with Chairman TEAGUE, and proud to cast my vote today for final passage of this important legislation.

Those who have followed the hearings and other deliberations of the committee know of the need for the improvements that this bill would bring. The major purpose of the bill is to provide a much-needed increase in the rates of compensation for veterans with service-connected disabilities. This would amount to a 10-percent increase in the monthly payments. There would be a similar increase in the rates of additional allowances for dependents payable to service-connected disabled veterans who are 50 percent or more disabled.

Throughout its history, the compensation program has been designed to furnish relief to a veteran to the extent that his earning capacity has been impaired as a result of his military service. This requires that there be periodic reviews and adjustments of the rates. Congress last took action to increase the rates in July 1970, and we are all aware of the economic changes and price increases which have occurred since that date.

However, the bill includes more than this increase in monthly compensation. It provides for payment of a "clothing allowance" of $150 per year to a veteran who requires special clothing or medical devices; it revises the system for the payment of pensions to widows of veterans of the Spanish-American War; it allows new procedures for the redress of grievances when a person suffers loss due to an administrative error; and it creates several other necessary revisions within the Veterans' Administration.

For too long we have neglected our veterans and their dependents, who have given this Nation so much, and it is my hope that this bill will receive the prompt approval by both the House and the Senate so that these much needed reforms may go into effect as soon as possible. It is only a small measure of the debt we owe the American veteran.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Teague), that the House suspend the rules and pass the bill H.R. 15439.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3338) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3338

An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$25" in subsection (a) and inserting lieu thereof "$28";

(2) by striking out "$46" in subsection (b) and inserting in lieu thereof "$51";

(3) by striking out "$70" in subsection (c) and inserting in lieu thereof "$77";

(4) by striking out "$96" in subsection (d) and inserting in lieu thereof "$106";

(5) by striking out "$135" in subsection (e) and inserting in lieu thereof "$149";

(6) by striking out "$163" in subsection (f) and inserting in lieu thereof "$179";

(7) by striking out "$193" in subsection (g) and inserting in lieu thereof "$212";

(8) by striking out "$223" in subsection (h) and inserting in lieu thereof "$245";

(9) by striking out "$250" in subsection (i) and inserting in lieu thereof "$275";

(10) by striking out "$450" in subsection (j) and inserting in lieu thereof "$495";

(11) by striking out "$560" and "$784" in subsection (k) and inserting in lieu thereof "$616" and "$862", respectively;

(12) by striking out "$560" in subsection (l) and inserting in lieu thereof "$616";

(13) by striking out "$616" in subsection (m) and inserting in lieu thereof "$678";

(14) by striking out "$700" in subsection (n) and inserting in lieu thereof "$770";

(15) by striking out "$784" in subsections (o) and (p) and inserting in lieu thereof "$862";

(16) by striking out "$336" in subsection (r) and inserting in lieu thereof "$370"; and

(17) by striking out "$504" in subsection (s) and inserting in lieu thereof "$554".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

Sec. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$28" in subparagraph (A) and inserting in lieu thereof "$31";

(2) by striking out "$48" in subparagraph (B) and inserting in lieu thereof "$53";

(3) by striking out "$61" in subparagraph (C) and inserting in lieu thereof "$67";

(4) by striking out "$75" and "$14" in subparagraph (D) and inserting in lieu thereof "$83" and "$15"; respectively;

(5) by striking out "$19" in subparagraph (E) and inserting in lieu thereof "$21";

(6) by striking out "$33" in subparagraph (F) and inserting in lieu thereof "$36";

(7) by striking out "$48" and "$14" in subparagraph (G) and inserting in lieu thereof "$53" and "$15", respectively;

(8) by striking out "$23" in subparagraph (H) and inserting in lieu thereof "$25"; and

(9) by striking out "$44" in subparagraph (I) and inserting in lieu thereof "$48".

Sec. 3. (a) Chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 362. Clothing allowance

"The Administrator, under regulations which he shall prescribe, shall pay a clothing allowance of $150 per year to each veteran who, because of disability which is compensable under the provisions of this chapter, wears or uses a prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such veteran."

(b) The table of sections at the beginning of such chapter 11 is amended by adding at the end thereof the following:

"362. Clothing allowance.".

Sec. 4. (a) Section 334 of title 38, United States Code, is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "that specified in section 314 of this title."

(b) Section 335 of such title is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "as provided in section 315 of this title and subject to the limitations thereof."

(c) Section 336 of such title is hereby repealed.

(d) The table of sections at the beginning of subchapter IV of chapter 11 of title 38, United States Code, is amended by striking out the following:

"336. Conditions under which wartime rates are payable.".

Sec. 5. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Teague of Texas: Strike out all after the enacting clause of S. 3338 and insert in lieu thereof the provisions of H.R. 15439, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15439) was laid on the table.

HOUSING FOR DISABLED VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3343), to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans, as amended.

The Clerk read as follows:

S. 3343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 802 of title 38, United States Code, is amended by striking out "$12,500" and inserting in lieu thereof $17,500.

Sec. 2. Section 1803(c)(1) of title 38, United States Code, is amended by striking out the semicolon and all that follows thereafter and inserting in lieu thereof a period.

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the second veterans' bill which has recently been favorably reported, with amendments, by our committee is S. 3343, a bill designed to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans. A major amendment of the bill gives the Administrator of Veterans' Affairs independent authority to adjust the rate of interest on guaranteed home loans consistent with changing market demands. His present authority, held jointly with the Secretary of Housing and Urban Development, expires June 30 of this year—less than 2 weeks hence.

This bill and its amendments are the product of recommendations of our Subcommittee on Housing, ably chaired by the gentleman from Ohio (Mr. CARNEY). I am pleased to note the diligent and prompt action taken by the chairman and his fellow members, the gentleman from Nevada (Mr. BARING), the gentleman from Texas (Mr. ROBERTS), the gentleman from Virginia (Mr. SATTERFIELD), the gentleman from New Jersey (Mr. HELSTOSKI), the gentlewoman from Massachusetts (Mrs. HECKLER), the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the gentleman from Kansas (Mr. WINN), and the gentleman from Indiana (Mr. HILLIS).

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CARNEY), chairman of the Subcommittee on Housing.

Mr. CARNEY. Mr. Speaker, this bill would increase the maximum amount of a grant payable by the Administrator of the Veterans' Administration to provide specially adapted housing for disabled veterans. Under present law, a severely disabled veteran is entitled to a grant of not more than 50 percent of the cost of a home and necessary land up to a maximum of $12,500. The bill, as passed by the Senate, would amend section 802 of title 38, United States Code, to increase the maximum grant authority to $20,000.

Veterans eligible for housing assistance grants are principally service-connected quadriplegics, paraplegics, and others who require the use of a wheelchair. Their condition requires ramps, special bathroom equipment, extra large rooms, exercising facilities, and other devices which are essential for many of them to live comfortably outside a hospital.

In 1948, Public Law 80–703 was enacted, which legislation authorized the granting of $10,000 for paraplegic and quadriplegic veterans whose disability is service connected of a permanent and total quality resulting in the loss or loss of use of both lower extremities so as to preclude locomotion without the aid of crutches, canes, or a wheelchair. The original enactment covered all those individuals who served on or April 20, 1898, and was subsequently amended to broaden its eligibility—Public Law 81–286—and in 1959, Public Law 83–239, to include those veterans who had blindness in both eyes with loss or loss of use of one lower extremity.

In 1969, by Public Law 91–22, the eligible classes were enlarged to include those veterans who from service-connected causes have lost or lost use of one lower extremity together with a residual of a disease which so affected the functions of balance or propulsion as to preclude locomotion without resorting to a wheelchair. In the course of this legislation, the bill was amended by our committee to increase the original amount of the grant to an amount which was ultimately compromised at $12,500. Now, just 3 years later, the Senate is proposing to raise the grant to $20,000, an increase of 60 percent. Our committee believes that such an increase is unduly excessive.

The Veterans' Administration advises that the average cost of a new house under the regular loan guaranty program is presently $25,502. On the other hand, it has been estimated that the average price today on a specially adapted house for paraplegics is slightly over $38,000. In view of the fact that housing costs are continuing to rise, the committee fully agrees that there is some justification for raising the special housing grant. In opposing the $20,000 grant recommended by the Senate, the Veterans' Administration expressed the view that "we consider the present $12,500 maximum grant to be generous." The committee definitely disagrees with this observation but feels that an increase to $17,500—40 percent—would be reasonable and represent a justifiable increase in the benefit afforded to this group of service disabled veterans who are making every effort to lead a normal life under such serious physical handicaps. The first committee amendment, therefore, would set the new grant figure at $17,500.

As of March 31, 1972, the Veterans' Administration had made a total of 11,863 grants since the inception of the program, involving total expenditures of $118,501,627.

The second committee amendment would eliminate the existing statutory requirement in section 1803(c)(1) of title 38, United States Code, that the interest rate on Veterans' Administration loans shall not exceed that rate in effect under section 203(b)(5) of the National Housing Act.

Section 1803(c)(1) now reads as follows:

> Loans guaranteed or insured under this chapter shall be payable upon such terms and conditions as may be agreed upon by the parties thereto, subject to the provisions of this chapter and regulations of the Administrator issued pursuant to this chapter, and shall bear interest not in excess of such rate as the Administrator may from time to time find the loan market demands except that such rate shall in no event exceed that in effect under the provisions of section 203(b)(5) of the National Housing Act.

The amendment would strike out the present language, reading "except that such rate shall in no event exceed that in effect under the provisions of section 203(b)(5) of the National Housing Act."

The effect of this amendment would be to give the Administrator of Veterans' Affairs independent authority to adjust the rate of interest on guaranteed loans commensurate with changing loan market demands without regard or reference to the maximum interest rate on FHA home loans insured under section 203(b) of the National Housing Act.

Prior to the approval of Public Law 90–301 on May 7, 1968, the maximum interest rate limitation under section 203(b)(5) of the National Housing Act was 6 percent. Public Law 90–301 authorized the Secretary of Housing and Urban Development to adjust mortgage rates above the statutory limitation of 6 percent, as he finds necessary to meet the mortgage market, after consulting with the Administrator of Veterans' Affairs. This authority of the Secretary to adjust home mortgage rates was extended by Public Law 91–351 until January 1, 1972, and again extended for 6 months by Public Law 92–213. Accordingly, the authority will terminate on June 30 of this year.

Unless the authority of the Secretary is further extended or some other provision is made to permit interest rates above 6 percent on FHA loans, the maximum rate on such loans will revert to the statutory limitation of 6 percent under section 203(b)(5) of the National Housing Act. Under the present provisions of section 1803(c)(1) of title 38, United States Code, the maximum interest rate on VA guaranteed loans would also revert to 6 percent. The same rate would also be applicable to direct loans.

Under current mortgage money market conditions, a maximum interest rate of 6 percent on VA guaranteed loans would seriously curtail the availability of mortgage funds for such financing. It is apparent that a reduction of the maximum interest rate to 6 percent as of June 30, 1972, will seriously jeopardize the availability of financing for GI loans, and such financing as would be available would involve discounts that would be considered prohibitive by most sellers and many lenders.

The flexible authority to adjust home loan interest rates is desirable in that it makes possible the prevention of a substantial cutback in available funds for VA home loans. It allows veterans to better compete for funds in tight money periods and, by minimizing loan discounts, increases the number of properties builders and other sellers offer for sale through VA financing.

The omnibus housing bill now under consideration in the Banking and Currency Committee contains a provision which would continue the authority of the Secretary of Housing and Urban Development and the Administrator of Veterans' Affairs to administratively set rates, but there appears to be no prospect that the housing bill will be passed by June 30. We cannot, under any circumstances, allow our veterans' housing program, which is very vigorous, to go into default; therefore, the Veterans' Affairs Committee strongly urges legislative action, as proposed in the second amendment, at the earliest possible date.

COST

The first full fiscal year cost of the first section of the bill, as amended, is estimated to be $3.5 million. This estimate is based upon an average of 700 grants a year at an additional outlay of $5,000 per grant. This annual cost would continue at approximately the same level for each of the succeeding 4 years, resulting in a total cost for the first 5 years of approximately $17.5 million.

Enactment of section 2 of the amended bill would not result in any significant cost impact on the administration of the VA loan guaranty program.

Mr. Speaker, at this point I would like to place in the RECORD for the information of the Members a table setting forth the history of the FHA and VA interest rates on loans since the inception of each program.

HISTORY OF FHA AND VA INTEREST RATES

[In percent]

Period	FHA rate, sec. 203		VA rate, guaranteed loans		
	Prescribed	Authorized	Prescribed	Authorized	Statute
November 1934 to June 1935	5½	6			
June 1935 to July 1939	5	6			
July 1939 to June 22, 1944	4½	6			
June 22, 1944 to Aug. 10, 1948	4½	6	4	4	Public Law 346, 77th Cong.
Aug. 10, 1948 to April 1950	4½	6	4	4½	Public Law 901, 80th Cong.
April 1950 to May 1953	4¼	6	4	4½	Do.
May 1953 to Dec. 3, 1956	4½	6	4½	4½	Do.
Dec. 4, 1956 to Aug. 5, 1957	5	6	4½	4½	Do.
Aug. 6, 1957 to April 1958	5¼	6	4½	4½	Do.
April 1958 to June 30, 1959	5¼	6	4¾	4¾	Public Law 85-364.
June 30, 1959 to July 2, 1959	5¼	6	4¾	5¼	Public Law 86-73.
July 2, 1959 to Sept. 23, 1959	5¼	6	5¼	5¼	Do.
Sept. 23, 1959 to Feb. 1, 1961	5¾	6	5¼	5¼	Do.
Feb. 2, 1961 to May 28, 1961	5½	6	5¼	5¼	Do.
May 29, 1961 to Feb. 6, 1966	5¼	6	5¼	5¼	Do.
Feb. 7, 1966 to Apr. 10, 1966	5½	6			
Mar. 3, 1966 to Apr. 10, 1966	5½	6	5½	6	Public Law 89-358.
Apr. 11, 1966 to Oct. 2, 1966	5¾	6	5¾	6	Do.
Oct. 3, 1966 to May 6, 1968	6	6	6	6	Do.
May 7, 1968 to Jan. 24, 1969	6¾	(1)	6¾	(1)	Public Law 90-301.
Jan. 24, 1969 to Jan. 4, 1970	7½	(1)	7½	(1)	Do.
Jan. 5, 1970 to Dec. 2, 1970	8½	(1)	8½	(1)	Public Law 91-152.
Dec. 2, 1970 to Jan. 13, 1971	8	(1)	8	(1)	Public Law 91-351.
Jan. 13, 1971 to Feb. 18, 1971	7½	(1)	7½	(1)	Do.
Feb. 18, 1971	7	(1)	7	(1)	Do.

[1] Loan market demands.

Mr. Speaker, as a freshman Member of this Congress, I want to say it is a great honor to serve on the Veterans' Affairs Committee under the leadership of the gentleman from Texas (Mr. TEAGUE) and the able and astute assistance given him by the ranking minority Member, the gentleman from California (Mr. TEAGUE). The great firm of Teague and Teague are doing a great job for the veterans of this Nation. I salute them.

Mr. Speaker, I urge Members to pass this very much needed legislation.

Mr. TEAGUE of California. Mr. Speaker, I support this bill also.

I concur in the statement just made by the gentleman from Ohio (Mr. CARNEY), except with a degree of modesty I believe I had better go no further than to thank the gentleman regarding the fine words he said about the ranking minority member of the Committee on Veterans' Affairs.

Mr. Speaker, I support this legislation that will adjust the special housing grant payable to certain seriously disabled veterans so that it is more compatible with today's housing construction costs. Equally important, Mr. Speaker, the committee amendment will permit the continuing flow of mortgage financing for the GI home loan program.

The authority for adjusting the interest rate on FHA and VA home loans above the statutory FHA ceiling of 6 percent is scheduled to expire June 30 of this year. The committee amendment will eliminate the provision that the VA rate cannot exceed the FHA rate. This will insure a continuation of the present 7-percent rate on VA home loans, despite the expiration of the authority to adjust the FHA rate above 6 percent.

Mr. Speaker, the Subcommittee on Housing is to be commended for their vigilance and prompt action in bringing this matter to our attention. I urge that the bill be passed.

Mr. TEAGUE of California. Mr. Speaker, I yield such time as she may consume to the ranking minority member of our subcommittee, which had charge of this bill, the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of S. 3343 with House committee amendments thereto.

This bill liberalizes a benefit available only to certain veterans with serious service-connected disabilities. Under existing law, veterans with service-connected disabilities that preclude locomotion without the aid of crutches, canes, or a wheelchair, are entitled to a $12,500 grant toward the purchase of a specially adapted home. These are homes having ramps instead of steps, hand rails in strategic locations, extra wide doorways, special bathroom equipment, and other devices that are necessary for the safety of the occupant.

The grant, of course, is designed to help defray the added costs of these specially constructed homes. Since housing costs continue to rise, there appears to be some justification for increasing the existing grant. Our committee believes that a 40-percent increase to $17,500 is warranted.

The other committee amendment, Mr. Speaker, will have the effect of extending the Veterans' Administrator's authority to adjust the interest rates on GI home loans.

Existing law, Mr. Speaker, vests the VA Administrator with authority to adjust interest rates provided the rate does not exceed the FHA rate. Existing law also permits the Secretary of the Department of Housing and Urban Development after consulting with the Administrator of Veterans' Affairs to adjust the interest rate above the statutory limitation of 6 percent. This authority, granted by Public Law 92-213, will expire on June 30 of this year.

Should this authority be permitted to expire, the permissable interest rate on FHA and Veterans' Administration home loans will revert to 6 percent. This action would seriously impede the flow of mortgage financing for both programs. Even today, the more competitive existing interest rate of 7 percent is not sufficient to attract all of the needed mortgage capital to the two programs. If we permit the rate to revert to 6 percent, I fear the home buying veteran will be unable to avail himself of this benefit of the GI bill because of circumstances beyond his control.

The committee amendment will preserve the status quo with respect to GI home loans by eliminating the statutory requirement that the VA rate cannot exceed the FHA rate.

Mr. Speaker, the bill is sound and the committee amendment is essential if we are to have a viable GI home loan program. I urge that it be passed.

Mr. Speaker, I join with my colleagues in complimenting the leadership on both the majority and minority sides of the Committee on Veterans' Affairs, on which it is a privilege to serve.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of S. 3343, as amended. This bill as it reached us from the Senate proposed to increase the current grant of $12,500 to $20,000 for the so-called "wheel chair homes." These are homes either specially constructed or remodeled to accommodate and make as comfortable as possible certain veterans whose service-connected conditions are of such severity that without special housing they might well be confined to a nursing home.

The program of specially adapted housing was launched in 1948 by the enactment of Public Law 702, 80th Congress. The aim has been to defray the costs of special equipment and adaptations necessary to make the veteran comfortable. It has never been the goal to purchase the entire home for him. Accordingly, the present law authorizes the payment of 50 percent of the total cost, but not to exceed $12,500. In my opinion, the committee amendment limiting the maximum grant to $17,500 should be ample to provide for the increased construction costs in today's market.

The second amendment would permit the Administrator of Veterans' Affairs to adjust interest rates on guaranteed loans according to the prevailing rates of the loan market. The existing statute requires that adjustments be made by the Secretary of Housing and Urban Development in consultation with the Administrator of Veterans' Affairs. This statute expires on June 30 of this year. The authority to continue it is contained in the omnibus housing bill under consideration by the Banking and Currency Committee, but there seems little expectation of its passage by June 30.

It is essential that GI loans remain competitive in the changing loan market. If the existing statute expires, the maximum loan rate permissible will revert to 6 percent. Obviously, this will almost close the door to the loans for veterans and certainly whatever financing that may remain will be subject to exorbitant discounts to make up for the low interest rate.

It is my opinion that the Administrator of Veterans' Affairs should be vested with the flexible authority to adjust loan rates in keeping with the prevailing market. This is the most satisfactory solution that I can think of if we are to maintain the integrity of the GI loan program.

Mr. BURKE of Florida. Mr. Speaker, I rise in support of S. 3343, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans.

This past weekend it was my privilege to address the annual convention for the State of Florida Disabled American Veterans which was held in Fort Lauderdale, Fla., in my congressional district. Many of those who attended this convention expressed strong support for an increase in the maximum amount of a grant payable by the Veterans' Administration to provide specially adapted housing for disabled veterans.

Under the present law, a severely disabled veteran is entitled to a grant of not more than 50 percent of the cost of a home and the necessary land up to a maximum of $12,500. We are all aware that land prices and home costs have gone up at a faster rate than most other items in the present upward inflationary spiral. Veterans eligible for housing assistance grants are principally service-connected quadriplegics, paraplegics, and others who require the use of a wheelchair. Their various conditions require ramps, special bathroom equipment, extra large rooms, exercising facilities and other devices which are essential for many of them to live comfortably outside a hospital.

Mr. Speaker, the Veterans' Administration says that the average cost of a new house under the regular loan guaranty program is $25,502. It has been estimated that the average price today on a specially adapted house for paraplegics is over $38,000.

The Senate passed S. 3343 calling for an increase to $20,000 as the maximum amount of the grant payable for specially adapted housing for disabled veterans on April 26. The Committee on Veterans' Affairs of the House of Representatives feels that a 60-percent increase is too much at this time and recommends instead of a 40-percent increase of $17,500.

While I personally feel that the $20,000 figure is more realistic, I am voting for this measure today to expedite an increase this year. It is my hope that when the conferees meet to iron out the difference in the amount between the Senate-passed version and the House-passed version, that the higher figure will be recommended for adoption.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill being considered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE), that the House suspend the rules and pass the bill S. 3343, as amended.

The question was taken.

Mr. GROVER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 341, nays 0, not voting 91, as follows:

[Roll No. 211]

YEAS—341

Abbitt
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kuykendall
Kyl
Landgrebe
Latta
Leggett
Lennon
Lent
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pettis
Pickle
Pike
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Rousselot
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stokes
Stratton
Stubblefield
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—91

Abernethy
Abourezk
Abzug
Addabbo
Anderson, Tenn.
Ashbrook
Badillo
Bell
Bingham
Blanton
Brasco
Broomfield
Brown, Mich.
Cabell
Caffery
Carey, N.Y.
Celler
Chisholm
Clay
Cleveland
Conyers
Corman
Cotter
Daniels, N.J.
Davis, S.C.
Delaney
Diggs
Dingell
Dow
Dowdy
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fish
Flowers
Flynt
Fulton
Fuqua
Galifianakis
Gallagher
Grasso
Gray
Green, Oreg.
Hagan
Halpern
Helstoski
Horton
Kluczynski
Kyros
Landrum
Link
Long, La.
McDonald, Mich.
McEwen
Mann
Mathias, Calif.
Melcher
Metcalfe
Miller, Calif.
Mills, Ark.
Monagan
Murphy, N.Y.
Nelsen
Patman
Pelly
Pepper

Perkins
Peyser
Pirnie
Podell
Pryor, Ark.
Rangel
Rarick
Reid
Rooney, N.Y.
Roush
Roy
Ryan
Scheuer
Schmitz
Sebelius
Steiger, Wis.
Stephens
Stuckey
Symington
Talcott
Thompson, N.J.
Udall
Whalley
Winn

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. McEwen.
Mr. Kluczynski with Mr. Edwards of Alabama.
Mr. Mills of Arkansas with Mr. Broomfield.
Mr. Celler with Mr. Cleveland.
Mr. Patman with Mr. Ashbrook.
Mr. Perkins with Mr. Bell.
Mr. Carey of New York with Mr. Nelsen.
Mr. Daniels of New Jersey with Mr. Fish.
Mr. Flynt with Mr. Sebelius.
Mr. Fulton with Mr. Schmitz.
Mrs. Grasso with Mr. Pirnie.
Mr. Roush with Mr. Esch.
Mr. Murphy of New York with Mr. Horton.
Mr. Metcalfe with Mr. Erlenborn.
Mr. Helstoski with Mr. Halpern.
Mr. Addabbo with Mr. Peyser.
Mr. Anderson of Tennessee with Mr. Pelly.
Mr. Bingham with Mr. Steiger of Wisconsin.
Mr. Brasco with Mr. Mathias of California.
Mr. Flowers with Mr. Whalley.
Mr. Hagan with Mr. Talcott.
Mr. Thompson of New Jersey with Mr. McDonald of Michigan.
Mr. Udall with Mr. Winn.
Mr. Symington with Mr. Brown of Michigan.
Mr. Kyros with Mr. Eshleman.
Mr. Monagan with Mr. Pepper.
Mr. Podell with Mr. Link.
Mr. Reid with Mr. Melcher.
Mrs. Abzug with Mr. Caffery.
Mr. Ryan with Mr. Conyers.
Mr. Cabell with Mr. Long of Louisiana.
Mr. Clay with Mr. Corman.
Mr. Roy with Mr. Davis of South Carolina.
Mr. Rarick with Mr. Cotter.
Mr. Rangel with Mr. Dow.
Mr. Dingell with Mr. Diggs.
Mrs. Chisholm with Mr. Galifianakis.
Mr. Abernethy with Mr. Mann.
Mr. Stephens with Mr. Landrum.
Mr. Miller of California with Mr. Pryor of Arkansas.
Mr. Delaney with Mrs. Green of Oregon.
Mr. Gray with Mr. Fuqua.
Mr. Scheuer with Mr. Blanton.
Mr. Badillo with Mr. Gallagher.
Mr. Stuckey with Mr. Dowdy.

The result of the vote was announced as above recorded.

The title was amended so as to read: "An Act to amend title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans, and for other purposes."

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 9580, DISTRICT OF COLUMBIA INTERSTATE AGREEMENTS

Mr. McMILLAN. Mr. Speaker, I call up the conference report on the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished chairman of the Committee on the District of Columbia, the gentleman from South Carolina, what happened so far as the Senate amendments were concerned, and particularly with reference to those adverse to the position of the House or increasing costs?

Mr. McMILLAN. I do not believe I understood the question.

Mr. HALL. I am asking what the Senate amendments are, whether or not they are germane, and if there is an increase in cost in the agreed-to conference?

Mr. McMILLAN. No, sir. There is no change either in the bill or in the cost.

Mr. HALL. In other words, it is the same as the House-passed version?

Mr. McMILLAN. That is correct.

At present, large dump trucks—65,000 pounds maximum weight—operating from points within the District of Columbia, regardless of where they are registered, must pay the District an annual registration fee of $269.50, plus an annual hauling permit fee of $680, for a total of $949.50 per year.

Similarly, such trucks operating from point to point within the State of Maryland, regardless of where they are registered, must pay an annual fee of $845 to the State of Maryland.

Many dump truck operators in the District and in Maryland are obliged to operate in both jurisdictions in the normal course of their business, and thus are obliged to pay both of these large annual fees. This is a real financial hardship at least to the small operators.

The bill H.R. 9580, as approved by the House on August 4, 1971, and by the Senate with amendments on May 23, 1972, provides a solution to this problem by authorizing the District of Columbia Commissioner to enter into interstate agreements with Maryland and Virginia, whereby such dump trucks may operate in all these jurisdictions without payment of any fees except in the jurisdiction in which they are registered. The Maryland legislature has already authorized that State to enter into such agreement.

At this time, the State of Virginia poses no problem in this respect, because they do not allow dump trucks heavier than 50,000 pounds to operate on their roads, and they do reciprocate with the District regarding registration fee payments for such vehicles. However, it is anticipated that Virginia may soon permit the modern larger trucks in that State, and in this case there is no doubt that substantial fees will be levied for such operation. Thus, the inclusion of Virginia in this legislation is a precautionary measure for future use.

The one Senate amendment to this bill agreed upon in conference was the addition of a new section authorizing the District of Columbia Commissioner to enter into interstate agreements with Maryland and Virginia also to the effect that each jurisdiction will refuse annual registration of motor vehicles to its residents who have outstanding traffic violation tickets in either of the other two jurisdictions. In calendar year 1971, the District lost $118,700 in revenues from unpaid parking violation tickets issued to Maryland and Virginia motorists.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 12, 1972.)

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

A MAN OF COURAGE AND INTEGRITY, A CHAMPION OF FAIR PLAY AND JUSTICE: CHET HOLIFIELD

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, long before I began my career as a Member of the House of Representatives, I knew of CHET HOLIFIELD's outstanding service to his country as a Member of this body.

He was elected to the House for the first time in 1942, the very year when the tragic Executive order was issued which resulted in the uprooting of 110,000 Americans of Japanese ancestry from their west coast homes, and their eventual imprisonment in what were called "relocation centers." Along with only a few others, CHET HOLIFIELD spoke out, at great financial and political risk, against that outrageous act.

As a young man lobbying for Statehood for Hawaii, I found in CHET HOLIFIELD one of my most sympathetic listeners.

Mr. Speaker, a recent article paid well-deserved tribute to the dean of the California delegation. Written by Mike Masaoka, Washington representative of the Japanese American Citizens League, the article expresses quite well the esteem in which CHET HOLIFIELD is held among those who value human rights and dignity. At this point, I offer for inclusion in the RECORD the text of Mike Masaoka's column, so that my colleagues might share this tribute to CHET HOLIFIELD, a man I am proud to call my friend.

[From the Pacific Citizen, June 2, 1972]

CHET HOLIFIELD

(By Mike Masaoka)

WASHINGTON.—We have known Chet Holifield since he first was elected to the National House of Representatives in 1942. We know that during the World War II period, when persons of Japanese ancestry were most unpopular, Chet Holifield was among the very few, about five in number, who consistently advocated fair play and justice for Japanese Americans in the halls of Congress, who fought against repressive and racist bills directed against those of our ancestry, and who took advantage of every possible opportunity to use his good offices with the Administration to promote our welfare and civil rights. Indeed, those who can remember some of those campaigns of the 1940s and early 1950s will recall that his political opposition charged him with being "a Jap lover." He was always willing to stake his political and business life on his belief in Japanese Americans.

After World War II, he was among the most aggressive in working for the enactment of corrective and remedial legislation, such as those providing partial compensation for some of the property losses suffered in the Evacuation, for naturalization privileges for Japanese and other Asian aliens, for the elimination of the Japanese and other Oriental Immigration Quota System and the doubly racist Asia-Pacific Triangle, for Statehood for Hawaii, and many, many other good and beneficial statutes.

A progressive, liberal, and humanitarian lawmaker, he helped found and was twice President of the Democratic Study Group, that unofficial group of about 150 Congressmen who work for civil and human rights, for decency and dignity, for equality of opportunity in employment, housing, education, public facilities etc.

Today, after serving more than 30 consecutive years in Congress, he is the dean of the entire West Coast Congressional Delegation. He is also Chairman of the House Government Operations Committee and has been chairman of the Joint House and Senate Atomic Energy Committee. His seniority, his friendship with the leadership and other members, and his legislative craftsmanship have accomplished much for the constituents of his District, the State of California, and the Nation.

Last year, he joined with Congressman Spark Matsunaga in the leadership that resulted in the repeal of Title II of the Internal Security Act of 1950, which authorized arbitrary detention and concentration camps under certain conditions. At this moment, he and his office are helping to make the 1972 National JACL Convention in Washington the great success that it deserves to be.

In spite of JACL's prohibition against endorsements, as the Washington Representative for more than a quarter of a century I wish to pay tribute to Congressman Chet Holifield for all that he has done to help Japanese Americans and others who are denied, disadvantaged, deprived, and disillusioned. Few, if any, in the entire Congress has done more. Without doubt, he deserves the support of every American of Japanese ancestry, not to mention others of decency and goodwill.

PERSONAL ANNOUNCEMENT REGARDING VOTE

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, I was required to be in my district on official business which necessitated my leaving during legislative business late Thursday afternoon, June 1, and being absent from proceedings of the House during the following week. Had I been present, I would have voted as follows:

THURSDAY, JUNE 1, 1972

Rollcall No. 179—An amendment to H.R. 13918. I would have voted "no" on the amendment to the Public Broadcasting Act, to prohibit the corporation from conducting voter polls or public opinion surveys pertaining to Federal, State, or local elections. The amendment was agreed to by a vote of 203 ayes to 135 noes.

Rollcall No. 180—An amendment to H.R. 13918. I would have voted "no" on the amendment that sought to prohibit the authorization of any funds after fiscal year 1973 until GAO audits funds through fiscal year 1972. This amendment was agreed to while the House was in the Committee of the Whole by a vote of 169 ayes to 165 noes.

Rollcall No. 181—I would have again voted "no" on the amendment to H.R. 13918 described in Roll No. 180. The amendment was rejected by the House on a vote of 166 yeas to 170 nays, following a demand for a separate vote by the House.

Rollcall No. 182—I would have voted "yea" on the passage of H.R. 13918, the Public Broadcasting Act of 1972. The bill was approved by a vote of 256 yeas to 69 nays.

Rollcall No. 183—I would have voted "yea" on House Resolution 965, authorizing the Speaker to appoint delegates and alternates to attend the International Labor Organization Conference in Geneva. The resolution was approved by a vote of 192 yeas to 80 nays.

MONDAY, JUNE 5, 1972

Rollcall No. 185—I would have voted "yea" on the conferenec report on S. 1736, the Public Buildings Amendments of 1972. The conference report was approved by a vote of 277 yeas to 40 nays.

Rollcall No. 186—I would have voted "yea" on H.R. 12674, to establish a national cemetery system within the Veterans' Administration. The bill was approved by a vote of 310 yeas to 4 nays.

Rollcall No. 187—I would have voted "yea" on H.R. 10310, to establish the Seal Beach National Wildlife Refuge. The bill was approved by a vote of 314 yeas.

Rollcall No. 188—I would have voted "yea" on H.R. 14731, to provide for the effective enforcement of the provisions of the Fish and Wildlife Act of 1956 prohibiting the shooting at birds, fish, and other animals from aircraft. The bill was approved by a vote of 310 yeas to 5 nays.

Rollcall No. 189—I would have voted "yea" on H.R. 14106, to amend the Water Resources Planning Act to authorize increased appropriations. The bill was approved by a vote of 317 yeas.

WEDNESDAY, JUNE 7, 1972

Rollcall No. 192—I would have voted "yea" on H.R. 15259, making appropriations for the District of Columbia for the fiscal year 1973. The bill was approved by a vote of 302 yeas to 67 nays.

Rollcall No. 193—I would have voted "yea" on H.R. 14990, to authorize appropriations to the Atomic Energy Commission. The bill was approved by a vote of 367 yeas to 2 nays.

THURSDAY, JUNE 8, 1972

Rollcall No. 195—I would have voted "yea" on the conference report on S. 659, the Higher Education Act of 1972. The conference report was approved by a vote of 218 yeas to 180 nays.

AIR PIRACY

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the effort by American pilots to force positive action against sky pirates is commendable. The effort is, in part, abortive because it does not take in a broad enough group of pilots and it could not be fully effective because it does not reach the countries chiefly responsible for international hijacking. Nevertheless, it shows the American pilots are in a mood to demand action.

The United Nations could be helpful in this area and should be. All of the nations which encourage hijacking are members of the U.N. The member states which deplore this practice should make the subject an important part of the United Nation's agenda until something constructive is achieved. The U.S. State Department has not worked as hard at achieving the cooperation of other nations as it should. The Congress should tighten the laws which deal with air piracy.

The fact remains that the pilots have broken the ice in an effort to discourage one very serious aspect of hijacking. For this they should receive gratitude and commendation. It is to be hoped their efforts will continue.

WORKING TOGETHER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, communication between constituents and Members of Congress is the vital ingredient in a successful representative democracy.

There is no such thing as too much communication. Because understanding begins with communication and there cannot be too much understanding if this Republic is to grow and prosper.

This is the reasoning behind my latest newsletter and the questionnaire it includes which has been mailed to 175,000 constituents in Massachusetts. I submit it as "exhibit 1" in making a case for a continuing dialog between the people and those they elect to represent them:

WORKING TOGETHER

A continuing dialogue with the people of the Tenth District is most important. Communication between constituents and member of Congress is the key to good representation in Washington. Our communication enables me to act upon your views and assist in your dealings with the Federal Government.

The lines of our communication in the Tenth District are strong and varied. There are two offices in the District, one in Wellesley, telephone 235–3350, and one in Fall River, telephone 672–1855. They are in constant telecommunication with me in Washington for the instant transmission of information and/or documents.

And I am happy to announce that we will soon have a third office in the Tenth District, this one in Taunton to serve that area plus the Attleboros and the Bridgewaters. Watch for the grand opening.

In addition, I will be visiting many other communities in my mobile Office and I will be pleased if you can join me to discuss your views and problems.

The mail bag brings us more than 500 letters a week on every imaginable subject. I am always glad to hear from you.

I have personal visits with many of you, both in the District and in Washington, in meetings with businessmen, union members, state, city and town officials, housewives, students, senior citizens and other groups. I find these meetings most valuable.

Your communications—in person, by mail, by phone—provide me the information I need to represent you in Washington, to bring your views to the Congress, and to get the Government to respond to your needs.

Some examples of how this can work are listed in the box on your left.

COMMUNICATION = ACTION

The Taunton Neighborhood Youth Corps project was in danger of being transferred to New Bedford. I objected and the Regional Manpower Administration yielded, leaving the program under Taunton control.

The North Attleboro Industrial Development Commission sought my assistance in untangling government red tape delaying its application for Federal aid. We were successful and the application is presently close to final approval.

Several months after her husband's death, a widow complained that she could not obtain the Social Security death benefits due her. I contacted the Social Security Administration and within a short time the widow received a lump sum for past benefits and will continue to receive payments on a monthly basis.

In Israel last year, I met Dr. Michael Zand, who was having trouble getting a visa to this country to lecture on the problem of Jews in Russia, from which he had recently fled. I was able to arrange for the visa and he began his talks at Brandeis University.

The Environmental Protection Association of Southern New England, centered in the Mansfield-Rehoboth area, sought my help in interesting Federal officials in its proposals to bring the ecology story to the public. The responsible officials were contacted and a meeting was arranged.

Another widow, the wife of a veteran who died from service-connected illness, was finding it difficult to obtain information from the Veterans Administration on benefits for her family. Regular monthly checks are now being received by the widow and her children.

THE ECONOMY = JOBS

The economic reawakening in the rest of the nation is not being duplicated in Massachusetts.

The best way to cope with the situation is to meet it head on. And the best weapon is jobs.

There are two sources of jobs: expansion of existing industries and the attraction of new industry.

I have been meeting with the other members of the Massachusetts Congressional delegation, with economists, employers, labor representatives in a continuing effort to solve the problem.

At the same time, I have been working with city and town officials in the Tenth District on developing the best climate for keeping and attracting industry.

I have also supported the Emergency Employment Act which has created 500 jobs in public service areas in the Tenth District as well as legislation to extend Unemployment Compensation Benefits for those who have exhausted their normal payments.

Mansfield and the Attleboros, to cite two examples, have done very well in attracting industry. Taking advantage of their location near the anchor point for Interstate 495, they have succeeded in attracting new industry into a climate in which it can flourish.

It is going to take the best efforts of all of us—industry, labor, government at all levels and private citizens—to restore Massachusetts to a healthy, growing economy.

REVENUE SHARING

An important first step toward much-needed tax reform is being taken as the Congress debates revenue sharing.

The return of Federal tax revenues to states and communities, which I support, is not tax relief as such, but it is tax reform because it is designed to pave the way for a reordering of state and local tax systems.

Basically, the revenue-sharing bill before the House provides a total of $5.3 billion to be apportioned among state and local governments the first year.

Massachusetts' share of these funds in 1972, if the bill passes, will be $104.4 million to local communities and $74.6 million to the state, for a total of $179 million.

Under the formula in the bill approved by the House Ways and Means Committee, the estimated first year fund allocation to Tenth District cities is:

$598,007 to Attleboro; $1,973,469 to Fall River; and $867,383 to Taunton.

Under the same formula, the approximate amounts for Tenth District towns are:

Berkley, $10,000; Bridgewater, $119,000; Dighton, $24,000; East Bridgewater, $84,000; Easton, $62,000; Foxboro, $182,000; Freetown, $22,000; Halifax, $36,000; Hanson, $72,000; Lakeville, $44,000.

Mansfield, $50,000; Medfield, $126,000; Middleboro, $137,000; Millis, $73,000; Natick, $226,000; Norfolk, $60,000; North Attleboro, $94,000; Norton, $48,000; Plainville, $63,000; Raynham, $34,000.

Rehoboth, $33,000; Seekonk, $56,000; Sharon, $159,000; Sherborn, $24,000; Somerset, $92,000; Swansea, $64,000; Wellesley, $360,000; West Bridgewater, $72,000; Westport, $50,000; Wrentham, $94,000.

The money given to city and town governments cannot be used as local funds to match Federal grants for other programs.

Fundamental purpose of the bill is to supply the additional revenue municipalities say they must have to meet their increasing needs. A five-year period is written into the legislation to give local and state governments "breathing room", not only to solve revenue shortages, but also to reform their own tax structures.

SENIOR CITIZENS

The country owes senior citizens something for the investment of themselves in decent, hard-working, law-abiding lifetimes that, in the aggregate, built America.

I believe it owes them economic security, comfort, ease, good health care, Social Security income equal to their needs, adequate housing suitable to their needs, easy transportation, protection from crime, and the opportunity for social activities.

Thus I have been supporting and working for a 20-percent increase in Social Security benefits and other legislation needed to provide these things for seniors.

Of more immediate importance is the Federal money I was recently able to obtain for additional senior citizens' housing in Taunton.

The Department of Housing and Urban Development has provided initial funds for planning and design work on an 80-unit complex for seniors.

The project had been snarled in red tape, but we worked it out with city and Federal officials, and it is now proceeding on schedule.

SOME OF MY OTHER MAJOR LEGISLATION

Urge definite withdrawal date from Viet Nam, concurrent with release of American prisoners.

Create a Joint Committee on the Environment.

Prohibit discrimination against the physically and mentally handicapped.

Provide tax credits for private non-profit elementary and secondary education and for higher education expenses.

Authorize programs to promote the cultural heritage of ethnic groups.

Established a Comprehensive Child Development Program.

Permit tax exemption of the first $5,000 of retirement income.

Establish a Commission on Penal Reform.

Establish a Consumer Protection Agency.

Recognize Bangladesh.

Establish a Department of Peace.

Establish a quota on imported shoes and textiles.

Provide additional compensation for prisoners of war.

Provide improved medical care for veterans.

Provide funds for Coast Guard protection of U.S. fishermen.

CONSUMERS

Two issues affecting Massachusetts consumers the most are food and fuel oil.

I have been working to bring price relief on both.

I called for a White House study of the entire food price situation which finds neither farmer nor housewife the beneficiary. Uncontrolled food prices defeat any attempt to check inflation by controlling wages and other prices.

The price Commission held hearings on the subject, as I urged, but whatever little result there has been is not enough.

Massachusetts oil consumers—victimized by high prices resulting from restrictions on imports of foreign crude oil—may be helped by two recent developments, but, again, not enough.

One is that the foreign oil import quota for New England has been slightly increased, boosting the supply and, hopefully, lowering prices.

The other is the decision is to build a pipeline to bring Alaskan oil to California. I urged that the pipeline be built in Canada to bring the oil closer to New England. I just hope some of the additional oil from Alaska finds its way to Massachusetts to ease the price pressure.

I have been working on the oil situation with the bipartisan Congressional delegation from Massachusetts since I came to Congress. But the problem is that the big oil-producing states in the West and Southwest, which have money and a lot of votes, want foreign imports controlled to protect the domestic oil industry. That is New England's chief competition and it is formidable.

REPRESENTATIVE MARGARET HECKLER'S SIXTH ANNUAL QUESTIONNAIRE

(Please check appropriate spaces and mail it back to me at 318 House Office Building, Washington, D.C. 20515)

Vietnam: Would you favor a national referendum on the war?

Which alternative would you vote for?

A. The present mining and bombing policy.

B. Immediate and total withdrawal of U.S. forces.

C. Withdrawal by a date certain concurrent with release of U.S. prisoners.

D. Total military victory.

Tax reform: Would you favor appointment of a blue-ribbon national commission to conduct a two-year study of our tax system and recommend needed reforms?

Equal rights: Should the Massachusetts Legislature ratify the proposed U.S. Constitutional amendment granting men and women equal rights?

Education: Which would you support?

A. Continued public school financing by local property taxes.

B. State financing of public school system.

C. Increased Federal financing of public schools.

D. Federal income tax credits for private non-profit elementary and secondary education expenses.

Power-environment: Would you like to see a New England Regional Power Commission representing the six states which would decide power usage, plant sites, and the environmental impact for the whole region?

Day care: Do you favor a Federal program to provide day care facilities?

Health insurance: Do you favor a national health insurance program?

Which of several proposed programs do you prefer?

A. Complete medical and hospital coverage for everyone financed by payroll tax and employer and Federal matching contributions.

B. Limited coverage financed by 75-25 employer-employee contributions with separate Federal plan for poor and low-income families.

C. Limited coverage with employer-employee or individual financing options and separate state-Federal plan for poor and low-income.

D. Limited coverage with individuals granted credit on their Federal income tax liability for health insurance premiums they pay.

OFFICERS ACCUSED OF ILLEGAL ACTIVITY IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I am publicly releasing today a series of Defense Department and U.S. Customs documents that reveal several senior American military officers "violated military laws and regulations" by giving merchandize to one of Danang's most notorious black marketeers and smugglers.

According to these documents, American officials cooperated with Miss Hoang Thi Nam by providing her with goods that apparently were in turn sold on the black market. These documents named five U.S. colonels, two lower ranking officers and an enlisted man who allegedly illegally gave Miss Nam air conditioners, refrigerators, motor scooters and stoves.

Two of these documents were written by officers of a special Crime Suppression Team of the military police and another by the U.S. customs advisory team in Vietnam.

A check I had made with independent sources familiar with the situation in Danang had revealed Miss Nam has been the recipient of major U.S. contracts since 1962 and has been involved in alleged corruption and kickbacks.

The documents also indicate that Miss Nam holds a bank account with a U.S. bank in Guam containing millions of dollars. The documents raise the possibility that some American income tax may be owed on these accounts that have been accruing interest at approximately $100,000 per year.

Mr. Speaker, there is no doubt in my mind that Miss Nam's black market business has been in existence for at least 5 years and undoubtedly involves millions of dollars of goods. I have called upon Secretary of Defense Melvin Laird to disclose what actions, if any, he has taken concerning these alleged illegal activities. While many Americans are fully aware of corruption by the South Vietnamese, it is shocking to hear allegations that our own senior military officers work hand-in-glove with top Vietnamese officials.

It is interesting to note that earlier attempts to raid Miss Nam's home by U.S. and Vietnamese officials were thwarted on at least two occasions by the presence of either an American or Vietnamese general at her home. As a result I have asked Secretary Laird to initiate an investigation to determine if there were any illegal involvement between the American general, whose presence prevented one of the raids on Miss Nam's home. The presence of Vietnamese and American generals at Miss Nam's home only raises new questions about the involvement of senior American officials with this alleged criminal.

The letter to Secretary Laird follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 19, 1972.

Hon. MELVIN R. LAIRD,
Secretary of Defense, Department of Defense, the Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I am writing to you today in order to inquire about the progress of an investigation of the alleged illegal activities of Miss Hoang Thi Nam in Danang.

About a year ago, U.S. and South Vietnamese officials raided her home and removed approximately three and one half truckloads of merchandise intended for the black market. Information I have obtained indicates that the South Vietnamese were not being fully cooperative in the investigation of Miss Nam's activities.

I have also learned that the special Crime Suppression Team of the military police in Vietnam and the U.S. Customs Advisory Team in Vietnam, believe that at least five U.S. colonels, two lower ranking officers and an enlisted man illegally gave Miss Nam air-conditioners, refrigerators, motor scooters, stoves and other goods.

I hope that you can disclose what actions, if any, have been taken concerning these alleged activities. While many Americans are fully aware of corruption by the South Vietnamese, it is shocking to hear allegations that our own senior military officers worked hand in glove with a top Vietnamese criminal.

I also understand that two earlier attempts to raid Miss Nam's home were thwarted because of the presence of an American and a South Vietnamese general. I hope that you will immediately initiate an investigation to determine if there was an illegal involvement between the American general whose presence prevented one raid on Miss Nam's home and Miss Nam. The presence of Vietnamese and American generals at Miss Nam's home only raises new questions about the involvement of senior American officials with an alleged criminal.

I hope that you will forward me a complete report on what has been done to investigate allegations against these American officers and an enlisted man as well as what actions have been taken to curtail Miss Nam's illegal activity.

I believe that the American government and the American military should not tolerate any form of corruption within its ranks. I hope that your Department through its investigations, will determine if any senior American officials have been involved.

Thank you very much for your cooperation.

Sincerely,

LES ASPIN,
Member of Congress.

BEEF PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 10 minutes.

Mr. WOLFF. Mr. Speaker, I rise to express my dismay at the skyrocketing price of beef in this country. On April 12 I addressed a Price Commission hearing on the subject of food prices and called for the imposition of controls on raw agricultural products so that food prices could be stabilized.

At that time, I cited the Department of Labor's figures for the month of February which showed a consumers' price index rise of one-half of 1 percent, the largest increase in 1 year, which was, of course, before we had any controls at all. Three-fourths of that increase was in higher food prices. Grocery prices rose by 2 percent, the biggest monthly increase in 14 years.

The news today with regard to beef prices is even worse. In that record month of February, the average weekly price of 100 pounds of choice-grade beef on the hoof reached a 24-year high of $36.68. Mr. Speaker, I was appalled to read that despite all of the efforts which we have made to hold the line on food prices, the comparable figure for beef last week had jumped to $37.36.

I am deeply distressed about the fact that the average American is being called upon, in a controlled economy, to make huge personal sacrifices in order to obtain the basic necessities of life. I think, frankly, that the continued increase in food prices is a very sad commentary on the effectiveness of our economic stabilization program.

It is very difficult for me to advocate that the consumer make yet another sacrifice when it is really the producer who should help to hold the line on inflation. But considering the way in which the administration has acted in the past, it seems that only by direct consumer action to cut the demand will the producers cut the prices at the wholesale level. Both ends of the pipeline must take steps to stop inflation. If the producers would not do it voluntarily, and if the Government would not undertake the necessary action, then consumers must take action themselves. The only real answer to the problem in view of regulatory inaction is to cut down demand. I know of no better way than to propose a return to "Meatless Tuesdays." If the housewife does not serve meat 1 day each week and the restaurants do not serve meat 1 day per week we can cut demand by about 15 percent.

Yesterday's edition of Newsday quoted Mr. Russell Ives, vice president of the American Meat Institute, to the effect that:

> You're going to have some higher prices. . . . Meat is one of the things that is truly supply-and-demand-influenced.

The same article quotes a Government economist, John Larsen, as saying of the public:

> They'll write and complain about it, but they'll still pay the prices.

Meanwhile, C. W. McMillan, vice president of the American National Cattlemen's Association, said that cattlemen were "in the net-profit picture solidly for the first time in 20 years" and he predicted that the heavy demand would keep beef prices high for the rest of the year.

Mr. Speaker, my analysis and recommendations on this intolerable situation are twofold. First it is painfully obvious that the lack of controls on raw agricultural products—and I am aware of the difficulties involved in setting controls on this—the lack of controls is directly responsible for the continued unconscionable rise in food prices. In the case of beef in particular, the continued heavy demand and apparently smaller than expected supply has forced the prices beyond all reasonable bounds.

At this time, I renew my demand that the Price Commission take affirmative action on the matter of controlling raw agricultural product prices. I find it entirely inequitable that farmers be allowed to charge what the traffic will bear at a time when the average consumer is lining in a controlled economic situation.

However, I do not expect any more action by the Price Commission on this matter than it has made to date, which is zero and since that is the case we, the consumers, are the ones who must take action. I am calling on the American public to begin a voluntary program of meatless Tuesdays. Everyone whom I quoted above spoke on the supply-and-demand correlation in beef prices. Let us join together to lower the demand and thereby lower the prices.

I plan to bring this program for lowering beef prices to the attention of the people in my district through whatever means I can: the media, my regular newsletter report, my walking tours and speaking engagements. I urge my colleagues who are similarly outraged at the high cost of beef to call on their constituents to join in this important effort by having meatless Tuesdays.

A BILL TO RESTORE THE INDEPENDENCE OF THE REGULATORY COMMISSIONS

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, a few weeks ago the House passed legislation intended to bring order to the establishment and use of governmental advisory committees. During the floor debate, I expressed my concern, however, that in acting to impose needed controls, the Congress was about to give the Office of Management and Budget and the President still another means of influencing the decision-making processes of the independent regulatory commissions which we have created to regulate highly sensitive aspects of our economic system.

The administrative powers given to OMB under that bill relating to the function and use of advisory committees, by themselves, do not offer great potential for abuse. However, they fit into a pattern which extends over the past 35 years by which the executive branch has gained extensive control of the regulatory agencies. In each case, these administrative controls have been achieved by the Executive with the acquiescence or express permission of the Congress in the interest of economy and organization.

One of the most highly respected men to serve on a regulatory agency, former ICC Commissioner Joseph Eastman, once observed:

> That to be successful, (the Regulatory Commissions) must be masters of their own souls, and known to be such.

I sincerely believe that the erosion of regulatory independence of the agencies has now progressed to the point where no agency is seriously regarded as the "master of its own soul." And today many doubt whether these agencies are any longer able to faithfully and vigorously carry out their assigned legislative functions with the cold neutrality that the public and the Congress has a right to expect of them.

As my colleagues know, each of these agencies was created as a subordinate arm of the Congress to carry out assigned legislative and judicial functions within general statutory standards of legislative policy. Great care was taken in the enabling statutes to create agencies which would be as far removed as possible from partisan politics or political influence. From the first day of their creation, however, every President who has held office—whether Republican or Democratic—has attempted to subject the regulatory agencies to Executive control and dominance. Indeed, Presidents of my own party—Roosevelt, Truman, and Kennedy—have been most responsible for encroaching on the independence of these agencies.

I believe that the time has come—and is perhaps long overdue—for Congress to act affirmatively to return to the legislative branch the influence over these regulatory commissions which through the years we have permitted the executive department to acquire and abuse. I am today, therefore, introducing legislation designed to restore to these agencies the regulatory freedom which the Congress originally intended them to have.

Reduced to its barest terms this legislation would break the influence of the executive branch by narrowly limiting its exercise of administrative control over the independent agencies and, in some cases, by revoking existing authority. To briefly summarize its basic provisions this legislation would—

First. Require Senate confirmation for appointments of agency chairmen. Today the Senate only examines the appointment of chairman if a Commissioner is designated as chairman at the time he is appointed to the Commission.

Second. Require that chairmen, once designated, shall continue to serve as such for the duration of their terms as members of the Commission.

Third. Prevent removal of agency chairmen or Commissioners except for neglect of duty or malfeasance in office.

Fourth. Permit the regulatory commissions to control civil litigation to which they are a party and to appeal lower court decisions of their own motion and on their own behalf.

Fifth. Eliminate the requirement that the agencies obtain the prior approval of OMB before distributing questionnaires or requests for information—however the agencies would still be required to submit such questionnaires and requests to OMB and allow a reasonable opportunity for the Director to comment on them.

Sixth. Direct the agencies to submit legislative recommendations or comments on pending bills directly to Congress and not to seek or obtain prior clearance or review of such submissions by any department of the executive branch.

Seventh. Require the President, in submitting his budget to the Congress, to include the agency requests originally submitted to OMB together with any supporting materials furnished by the agency so that Congress may have a clear understanding of what resources the agencies themselves believe are necessary to carry out their assigned duties.

I should note parenthetically that this legislation deals only with the regulatory commissions subject to the jurisdiction of the Committee on Interstate and Foreign Commerce of which I am a member. Thus, its terms will relate to the Civil Aeronautics Board, the Federal Communications Commission, the Federal Trade Commission, the Federal Power Commission, the Interstate Commerce Commission, and the Securities and Exchange Commission. It does not attempt to restore the regulatory freedom of the Federal Maritime Commission which is subject to the jurisdiction of the Committee on Merchant Marine and Fisheries; nor does it deal with the National Labor Relations Board which has a different cross-industry function and a peculiar status among the regulatory commissions.

I will not take the time to discuss the merits of each of these proposals today. In passing, however, I would like to make one point with respect to the suggestion that the budgetary process be amended to provide greater visibility of the agencies' determination of need. As we all know, the independent agencies are vested with enormous powers to regulate the essential industries of land and air transportation, gas and electric power, communications, and the securities markets and to control competitive practices employed by all business enterprises.

As one commentator has noted:

> The decisions of these agencies directly affect the national economy and influence the quality, service, and prices paid by consumers in well-nigh every category of trade and commerce.

Yet, in a total budget for fiscal year 1973, of $271 billion, only $159 million has been requested for these agencies—or less than one-tenth of 1 percent of the Federal budget. Perhaps no other single fact than the failure of the executive branch to request adequate funding for these vital agencies argues more strongly for this legislation.

I have incorporated in this bill what I believe to be a workable plan to restore the independence of the regulatory commissions. Hopefully, it will serve also to restore public confidence in the ability of these agencies to fairly and impartially administer their regulatory responsibilities.

In the words of Mr. Justice Jackson, while the power to legislate belongs to the Congress, "only Congress itself can prevent power from slipping through its fingers." This we have allowed to happen. Accordingly, we now must act to return that power to the Congress, to clarify the role of the regulatory agencies, to provide them with the direction which they need and which the President now seeks to give them in the place of the Congress, and to greatly improve and augment our means of legislative investigation and oversight over these agencies so that they may more properly carry out their functions as arms of the legislative department. This legislation is an important first step in that direction.

LEAA: SETTING THE RECORD STRAIGHT

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, in 1968 Congress enacted the Omnibus Crime Control and Safe Streets Act which established the Law Enforcement Assistance Administration. Under the block grant programs of LEAA, States receive specific amounts of Federal assistance based on their relative populations. Shortly after LEAA was established, as the then chairman of the Legal and Monetary Affairs Subcommittee, I directed the subcommittee to closely monitor LEAA's programs because of the great importance of that agency's mission. After the House rules were amended, the chairmanship of the subcommittee was assumed by my distinguished colleague from Connecticut (John S. Monagan) who continued the review of LEAA's programs and intensified the investigation when it became apparent that serious management deficiencies were impeding the attainment of congressional goals. The culmination of the subcommittee investigation is a recently issued report by the House Government Operations Committee titled "Block Grant Programs of the Law Enforcement Assistance Administration"—House Report No. 92–1072.

There has been considerable public and press attention to the report on LEAA and to the investigation by the Legal and Monetary Affairs Subcommittee, as there should be, because an agency of this importance should receive greater scrutiny.

Recently the Wall Street Journal editorialized about the committee's work relative to LEAA. Subcommittee Chairman Monagan responded to that editorial, and his response as published in the WSJ on June 14, 1972, deserves the attention of my colleagues:

[From the Wall Street Journal, June 14, 1972]

LEAA Criticized

Editor, The Wall Street Journal: I take this occasion shortly after the official release of the report by the House Government Operations Committee on the block grant programs of the Law Enforcement Assistance Administration (LEAA) to address matters raised in your editorial "Is LEAA a Flop?" (May 16). First of all, the editorial is a welcome continuation of the dialogue on the operations of that important agency. Unfortunately, it contains certain inaccuracies and draws conclusions that distort the function of the Government Operations Committee and depreciate a thorough and fully documented two-year investigation.

LEAA received 698 million taxpayer dollars last year and was just voted $850 million for next year by the House. This agency has had no discernible effect upon the incidence of crime in this country and millions of dollars have been misapplied through its ineptness. It is not encouraging to those of us trying to ride herd on the activities of free-spending bureaucrats to find The Wall Street Journal taking such a benign view of waste and incompetence in government. The record of the subcommittee's investigation uncovered numerous examples of poor management, poor planning and poor administration of the tax funds entrusted to LEAA.

The question really is simple enough—accountability. Given enactment of the block grant concept the issue is whether the block grant programs can achieve measurable results under the lax management that LEAA and the states have given them. Whether I was "in the forefront" of the legislative attempt in 1968 to defeat the block grant concept of the Safe Streets Act, a statement which is not correct, is not in point. I do not wish to "replay" that debate, but merely want these programs to provide results commensurate with the $1.5 billion taxpayer investment.

With regard to auditing by LEAA and the states, the report makes clear that at both levels little has been done. In 1969 LEAA promised to perform annual audits of every state program. After three years of operation, LEAA had completed audit reports on only two states. In fact, LEAA does not have an "auditing staff of 50" as you say. The President's budget requested only 43 audit positions at LEAA. The states themselves have shown very little interest in a thorough self-auditing process as the report documents.

It is useful to highlight a few of the disturbing deficiencies and abuses highlighted therein:

(1) Of the $552 million in block grants awarded to the states in the program's first three years, the states had disbursed to their subgrantees only $138 million as of June 30, 1971, a rate of 25 cents to the dollar. Federal and state bureaucratic tiers between the crime problem and the source of funds, many of which added nothing to the sufficiency of program supervision, are among the principle causes of this inertia. In New York City, for example, more than 170 procedural-bureaucratic steps must be taken for the funding of a single project.

(2) Tens of millions of block grant dollars have been spent in the purchase of law enforcement equipment, most of it not evaluated and often purchased under very lax and highly irregular procurement procedures. The inordinate commitment of state block grant funds to hardware and the improper procurement procedures have taken place with the acquiescence of LEAA or without its awareness. It was not until the subcommittee's hearings that LEAA realized an expenditure of $84,000 in federal funds had been made by Indiana for an airplane which served as a handy air taxi for the governor, his family, and state LEAA officials.

The result of this type of "supervision" by LEAA in the state of Arkansas is underscored by the fact that 37% of that state's block grant funds in the first three years of the program was spent on police two-way radio equipment. During that same period about 7% of that state's block grant funds were committed to corrections programs despite corrections facilities within the state that are so inadequate that they have been declared unconstitutional.

(3) Consultant abuses have also plagued the programs of a number of states. In Alabama, for example, a consultant firm with no demonstrated criminal justice experience was incorporated on one day and received a $91,000 payment the next day for preparation of the 1971 state LEAA plan. The plan produced by the consultant was merely a compilation of other LEAA-funded consultant-prepared plans.

(4) In Alabama, Florida and Indiana, partisan political meddling in the programs weakened public confidence, caused substantial waste, and retarded attainment of the goals of the Safe Streets Act. In one case, $117,000 was used to establish an Alabama "police cadet" program which evolved into a source of free tuition for sons and relatives of high state officials.

Numerous other examples could be cited. The disturbing aspect of the Committee's finding is that LEAA simply has no information to assure that what has been uncovered is not the "tip of the iceberg."

John S. Monagan,
Chairman, Legal and Monetary Affairs Subcommittee of the Committee on Government Operations, Washington.

INDIANA DUNES NATIONAL PARK

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, the conservationists in the Middle West are happy over the increase of $1,177,000 which was allocated this week for additional expansion of the Indiana Dunes State Park. I do hope that the Interior Committee and the administration will take immediate steps to proceed with the necessary work in developing this exceptional, wooded, sand-dune area on the South Shore of Lake Michigan into one of the most outstanding national parks of the Nation.

Hundreds of thousands of families in the Middle West are waiting anxiously for complete development and construction of all facilities necessary to accommodate the vacationers awaiting the grand opening of the Indian Dunes National Park. Three weeks ago I was present at a big anniversary dinner by the "Save the Dunes Council" of Indiana celebrating the 20th anniversary of the organization of this group who sparked the plan and worked hard over the years to get legislation to bring about this necessary recreational area for the Middle West.

Mr. Speaker, I include with my remarks a letter from President Nixon to Mrs. Sylvia Troy, president, Save the Dunes Council, Munster, Ind., for the great work which they have done for conservation and environmental enhancement.

The White House,
Washington, D.C., May 2, 1972.

Mrs. Sylvia Troy,
President, Save the Dunes Council,
Post Office Box 303, Chesterton, Ind.

Dear Mrs. Troy: It is my pleasure to congratulate each member of the Save the Dunes Council for their dedicated work in the cause of conservation and environmental enhancement. I understand that the interest you have shown over the past decade in Indiana Dunes National Lakeshore greatly influenced its establishment and is now a major factor in the proper development of the Lakeshore. It is also encouraging to note that the Council has cooperated with other citizen groups and individuals in furthering the best use of natural resources in the entire Lake Michigan area.

In a time when Americans are more concerned than ever before about the ecological health of the nation, it is heartening to know that a major volunteer effort is being exerted to assure a bright future for the Great Lakes region.

With my best wishes,

Sincerely,

RICHARD NIXON.

CONGRESSWOMAN LEONOR K. SULLIVAN RECEIVES DISTINGUISHED SERVICE AWARD FROM THE CONSUMER FEDERATION OF AMERICA

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, one of our distinguished and outstanding colleagues last week received a special recognition from the Consumer Federation of America at a banquet honoring her at the Mayflower Hotel in Washington.

The formal presentation of this outstanding honor was made by Mr. George E. Myers, CFA vice president. I hereby ask unanimous consent to include his tribute made on that occasion honoring our colleague, Congresswoman LEONOR K. SULLIVAN:

PRESENTATION REMARKS BY GEORGE E. MYERS, CFA VICE PRESIDENT

Mr. Chairman, distinguished guests, ladies and gentlemen:

George Bernard Shaw, the great English playwright, made this observation in his work, "The Devil's Disciple," early in this century: "The worst sin towards our fellow creatures is not to hate them, but to be indifferent to them: "that's the essence of inhumanity."

Tonight we are here to pay well deserved honor to a distinguished member of the United States Congress whose record proves beyond all question that she is not indifferent to her fellow citizens and their needs; we are here to show our gratitude to a woman of compassion and understanding for the "little man". We are here to extend tribute to a public official who has proven time and time again that she is a champion of the average citizen—the American consumer.

No elected public official in America today has done more to improve the lot of the American consumer than Congresswoman Leonor K. Sullivan. It is not surprising that the voters in her district in Missouri have enthusiastically returned her to the House of Representatives time after time, until she is now serving her tenth term. And we consumers hope fervently that this is just the beginning of her legislative career!

Long a defender of the cause of the ordinary American citizen, Congresswoman Sullivan gained national fame with her brilliant legislative leadership which resulted in the enactment of the Consumer Credit Protection Act of 1968, popularly known as the Truth-in-Lending law. Mrs. Sullivan, as chairman of the Subcommittee on Consumer Affairs of the House Banking and Currency Committee, took a weak, watered down, Senate-passed bill and built it into a strong, workable measure with real teeth in it. She added provisions on garnishment and extortionate credit transactions—provisions which seasoned political observers said were ahead of their time. She won support for her greatly strengthened bill in the full committee; she forced big business interests to capitulate; and with the support of her Committee chairman, Rep. Wright Patman, she led a determined and successful fight for passage of the bill on the House floor. Then in a major legislative achievement, she battled for the bill in the Senate-House Conference Committee and came through with a strong, protective measure which has become a landmark in effective consumer protective legislation. They said it couldn't be done, but the gracious lady we honor tonight didn't hear them. She fought doggedly ahead, and proved that determination and dedication, coupled with legislative know-how, can win the people's battle despite overwhelming odds.

The Consumer Credit Protection Act may well be Congresswoman Sullivan's major victory for the American consumer, but it is far from being her only consumer triumph. They include such subjects as fair credit reporting, wholesome meat and poultry, hazardous substances labeling, food and drug measures, and liberal housing provisions—these and many more consumer protective laws clearly bear Congresswoman Sullivan's unmistakeable imprint upon them. The impressive list of consumer legislation which she has written or supported is far too long to repeat here tonight.

Today this champion of the American consumer carries on her battles just as aggressively in Congress. Her loyalty and devotion to the consumer cause continue unabated as in the past.

Congresswoman Sullivan: to a charming and gracious lady with a fighting heart and a compassion for her fellow men, on behalf of the consumers of America for your dedicated and distinguished service in their cause, the Consumer Federation of America is honored to present to you its Distinguished Service Award.

A FEDERAL LIGHT ON CRIME PROGRAM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the response to the questionnaire I recently sent constituents reflected a great concern with the menace of street crime. For many people the streets have become corridors of fear after dark.

One practical way to deter street crime is to improve street lighting. On March 22, I introduced a bill, H.R. 14022, to establish a "Federal light on crime program." This legislation would mandate the expenditure of $30 million in each of the next 3 years specifically for the purchase and installation of high-pressure sodium-type lights. The funds would come in grants made directly to local governments on a 75 percent Federal, 25 percent local share basis.

High pressure sodium lights are able to illuminate a city street far better than our traditional street lighting; using the same amount of electrical power, high-pressure sodium lights give approximately four times the lighting level provided by traditional lights. In a sense, they turn night into day and their effectiveness as a deterrent against crime is undeniable.

In Washington D.C., after installation of high-level lighting in high-crime areas, crime decreased by 31 percent.

Gary, Ind. installed 5,000 new street lights. Criminal assaults dropped 70 percent and robberies 60 percent.

In Chattanooga, Tenn., crime in a 12-block area dropped 70 percent after lighting.

The program I have proposed involves relatively low costs and can have an immediate impact on reducing street crime. This is a program designed to light our streets for people rather than just for cars; it is a program designed to return the streets to the people.

New York City and other localities have initiated their own high-level lighting plans on a limited scale, combining private and local government funding. Some such lights illuminate parts of our own East Side even now. But in a time of budgetary crisis in local government, it is clear that the Federal Government should provide funding for high-intensity lighting.

An infusion of Federal funds would allow the type of massive lighting program which I believe we need in our urban areas, and which localities can never finance alone. Rather than having only individual blocks sporadically lighted, Federal funding could conceivably insure that whole communities would be illuminated, to the benefit of residents and merchants alike.

I hope that the Congress will give prompt consideration to H.R. 14022. We must do what we can to move the country to the date when we can all "see the light" and end the terror in our streets.

A PARK FOR SZOLD PLACE INSTEAD OF A RAT'S NEST

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it is no surprise that many people in our central cities have become disillusioned with Government. Surely New York and other cities need vast amounts of Federal aid. But when a city uses its available resources ineptly, no Federal aid can cure the resentment that is bred.

On New York's Lower East Side, I have recently witnessed an example of how local government, through error and inaction, breeds alienation and discontent. Henrietta Szold Place is located at 10th Street and Avenue D in my new congressional district, and in the heart of a predominately Puerto Rican community. Recreational facilities are scarce in the area, so when a public outdoor pool was completed late last summer an important step was taken to improve the quality of life. However, a large area surrounding the pool, scheduled to be a park some distant day, has been left covered with garbage and other rubble ever since the pool's completion. In fact, much of the debris on the site results from the pool construction.

Now, almost a year later, the area around the pool, despite the pleas to city government by local leaders, remains rubble strewn. Rats inhabit the lot and in all probability swim in or drink from the pool.

One child was allegedly infected by pool water last year.

The city, of course, should never have let the pool's builder leave rubble all around. But the city's failure to remedy this initial error during the many months that have passed is inexcusable.

On May 16 of this year, I wrote to the heads of three city departments—parks, sanitation, and highways—urging immediate coordinated action to clear, level, and transform the area into a temporary park before summer. I have received assurances from Administrators Heckscher and Kretchmer that the Departments of Parks will provide benches and plant greenery, and that the Department of Sanitation will clear the lot of all except the heaviest rubble. That job is up to the Department of Highways which has made no commitment yet.

No more planning is necessary, no more delays are tolerable, work must begin now. I have written to Mayor John V. Lindsay urging that he intervene personally to insure that Szold Place is cleared for temporary park use. I have also asked that he allocate the necessary funds in the city budget for construction of a permanent park there.

Mr. Speaker, on Saturday, June 17, the day the pool officially opened, I joined local residents of this community in a demonstration to protest the city's inaction. I joined the picket line and heard the people chant:

I've got a feeling
I've got a feeling this pool is full of rats
And we ain't going to take no filth like that
Cause the brothers and the sisters
Are going to fight them back

If local governments do not use their present resources more responsively, then I have a feeling that we are heading for a confrontation that is totally unnecessary.

GOVERNMENTAL EFFICIENCY BILL INTRODUCED

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, our present budget situation is unenviable. Our large and continuing deficits clearly indicate that our Government is living beyond its means. This is, perhaps, an almost inevitable result of our hit-and-miss process of creating Government programs to deal with the problems of our people.

I am not suggesting that the Government has no role to play in the solution of these problems. It certainly has. But our deteriorating budgetary situation demands that we take some action to either stem the continuing rise of Federal expenditures, provide for additional revenues, or institute new efficiencies in our programs.

Today I am introducing a bill which I hope will, upon enactment, give the Congress means to improve the efficiencies of the program which it calls into being.

The bill I offer today provides that every new Federal program which is anticipated to cost $500 million or more per year will be field tested in three States for a period of 2 years. These pilot tests would enable the Congress to see how effective the program is in dealing with the problem at which it is aimed. The Congress could then write into law an improved program which would enable the administering agency to avoid many of the built-in administrative difficulties common to all programs passed under our present system. The legislation provides that the Congress can specifically exempt any bill from coverage of this field test program if it feels a field test would be inappropriate.

We need a program of field testing to stretch our tax resources and to tighten up the administration of programs that miss their marks or are based more on fancy than on fact.

No business would commit millions of dollars to new programs or products without testing to determine if they work or not. But the Government does. Continuing this needless and wasteful process is a betrayal of the public trust.

WHY DOES NOT THE U.N. SPEAK OUT ON VIETNAM?

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is a remarkable thing that in the United Nations, the world forum for peace and understanding, so little is heard about bringing an end to the conflict in Vietnam. The U.N. could at any moment intervene in an effort to bring about a cease-fire as a first step toward peace negotiations but it has not done so. Even the prospect of a cut in the generous appropriations to the U.N. by the Congress has failed to stimulate that body into worthwhile action.

There have been many times when the United States and South Vietnam were denounced in the U.N. Many times when the North Vietnamese were praised. Why is it there have not been more protests against the tactics of the Communists and particularly against the massive and cruel invasion of South Vietnam in recent weeks.

In the not so distant past, statements by the then Secretary of the U.N., U Thant, made it appear that he was actually sympathetic to Communist aims. Let it be said for the present Secretary General, Kurt Waldheim, that he has appealed for the "utmost restraint" by all parties and has been considering the convening of an urgent meeting of the Security Council. At least he appears neutral.

The U.N. could well perform the task of international supervision of the cease-fire which President Nixon has called for. Notably the U.N. could undertake negotiations as a neutral tribunal and hopefully achieve a settlement acceptable to both sides. American POW's-MIA's could be processed through a U.N. group.

The field of potential contribution by the U.N. is unlimited. It is unfortunate that it accomplishes so little. There are many areas of world concern. There is the matter of airplane hijacking. Only about one-third of the nations of the world have agreed to join forces for concerted effort to stop hijacking, yet practically every country is a member of the U.N. Is this not an area for a studied and determined effort to bring about an end to hijacking and air piracy? However, there is no better example of immediate need for U.N. action than Vietnam and no more disheartening area of failure by the U.N. From the time the U.N. was born there has been conflict in Southeast Asia. The U.N. looks the other way. Its only accomplishments are in the field of world relief organizations and there also we are expected to pay the major share.

Those who seek to maintain the exorbitantly high level of payments by the United States to the U.N. will do well to think on the lack of return for our investment.

A SALUTE TO TEACHERS AS WELL AS TO EDUCATION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is appropriate that we pause during this month to offer a salute to education, for it is during June that graduates traditionally leave colleges or high schools and embark on further studies or on careers which place stress on the knowledge they have acquired during their years in school.

Perhaps too often we are prone to forget that it is this basic education which stands graduates in good stead. So today is a proper time for us to pause and say "thank you" to the more than two and a quarter million teachers who undertake each year to guide more than 48 million young people to and into the world of knowledge.

True, this is a salute to education and not a salute to teachers, but I believe that to a great extent they are one and the same. For every young man or woman who gets a good education, there are dedicated, sensitive teachers who have helped provide the incentive and the encouragement which are so essential to a good and useful life.

For many years the school system of America was upheld as an ideal, but it has multiplied in size and in cost. There have been demonstrations and disturbances, and growing concern about dope and crime. Now questions are being raised all across the land. Are our schools on the right track? Is there too much permissiveness, not enough discipline? Are there too many people who see education as a social tool rather than an educational process?

In addition to the social pressure applied to our schools, there also is the very real problem of financing the classrooms. Inflation has hit the schools just as hard as it has hit everything else. Costs continue to soar, yet classroom expenditures, including teacher salaries, have not kept pace. Education is perhaps the most imporatnt victim of the inflationary pinch, for unless education does its job our young people will not be able to fulfill their mission for America in the years ahead.

Despite all these problems, I am convinced that the teachers, the administrators and the majority of the students have held fast to the goal of learning rather than evolution as the prime aim of education. This is a heartening realization.

Somehow, I am confident education will manage to fulfill its mission, but it remains to those in public and private life to help provide the money, the moral support and, as is the case today, occasional expressions of gratitude for all that educators are doing for America and for all mankind.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kluczynski (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Hagan (at the request of Mr. O'Neill), for June 19 and the balance of the week, on account of official business.

Mr. Helstoski (at the request of Mr. O'Neill), for today and tomorrow, on account of official business.

Mr. Pepper (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Corman, for Monday, June 19, on account of official business.

Mr. Mann (at the request of Mr. O'Neill), for June 19 and 20, on account of official business.

Mr. Eshleman (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of continued recuperation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Goldwater), to revise and extend their remarks, and to include extraneous matter:)

Mr. Schwengel, today, for 1 hour.

Mr. Frey, today, for 5 minutes.

Mrs. Heckler of Massachusetts, today, for 10 minutes.

(The following Members (at the request of Mr. Mazzoli), to revise and extend their remarks, and to include extraneous matter:)

Mr. Aspin, today, for 5 minutes.

Mr. Gonzalez, today, for 10 minutes.

Mr. Wolff, today, for 10 minutes.

Mr. Reuss, on June 20, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden, and to include extraneous material.

Mr. Donohue to revise and extend his remarks on H.R. 13694, today.

(The following Members (at the request of Mr. Goldwater), and to include extraneous matter:)

Mr. Hastings.

Mr. Schwengel.

Mr. Springer, in four instances.

Mr. Whalen.

Mr. Steiger of Arizona.

Mr. Wyman in two instances.

Mr. Goodling.

Mr. Schneebeli.

Mr. Zwach.

Mr. McKevitt.

Mr. Chamberlain.

Mr. Derwinski in two instances.

Mr. Price of Texas.

Mr. Teague of California.

Mr. Broyhill of Virginia.

Mr. Railsback in five instances.

Mr. Thompson of Georgia.

Mr. Collins of Texas in three instances.

Mr. Veysey in two instances.

(The following Members (at the request of Mr. Mazzoli), and to include extraneous matter:)

Mr. Celler.

Mr. Casey of Texas in two instances.

Mr. Gaydos in 10 instances.

Mr. Mills of Arkansas.

Mr. Nix.

Mr. Delaney.

Mr. Karth.

Mr. Hébert in two instances.

Mr. James V. Stanton.

Mr. Vanik in two instances.

Mr. Roncalio in six instances.

Mr. Hungate in three instances.

Mr. Helstoski in 10 instances.

Mr. Patten in three instances.

Mr. Wright.

Mrs. Abzug in 10 instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Rogers in five instances.

Mr. Pucinski in six instances.

Mr. Hagan in three instances.

Mr. Harrington.

Mr. Brasco.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 916. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

S. 2699. An act to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the national forest system, and for other purposes; to the Committee on Agriculture.

S. 3105. An act to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small non-industrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

S. 3414. An act for the relief of Alexandria Nicholson; to the Committee on the Judiciary.

S. 3645. An act to further amend the U.S. Information and Educational Exchange Act of 1948; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 20, 1972, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on June 15, 1972, the following report was filed on June 16, 1972:*]

Mr. HOLIFIELD: Committee on Government Operations. Report on U.S. Economic Assistance for the Khmer Republic (Cambodia) (Rept. No. 92–1146). Referred to the Committee of the Whole House on the State of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2085. A communication from the President of the United States, transmitting an amendment to the budget for fiscal year 1973 relating to appropriations for the General Services Administration (H. Doc. No. 92–312); to the Committee on Appropriations and ordered to be printed.

2086. A letter from the Secretary of Defense, transmitting 12 reports of violations of section 3679, Revised Statutes, and Department of Defense Directive 7200.1, "Administrative Control of Appropriations within the Department of Defense," pursuant to section 3679(i)(2), Revised Statutes; to the Committee on Appropriations.

2087. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2088. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended, and for other purposes; to the Committee on Merchant Marine and Fisheries.

2089. A letter from the Chairman, U. S. Civil Service Commission, transmitting a draft of proposed legislation to extend civil service Federal employees group life insurance and Federal employees health benefits coverage to U. S. Nationals employed by the Federal Government; to the Committee on Post Office and Civil Service.

2090. A letter from the Deputy Assistant Secretary of the Interior, transmitting a report covering made by the Department of the Interior during calendar year 1971 to nonprofit institutions and organizations for support of scientific research programs, pursuant to 42 U.S.C. 1891; to the Committee on Science and Astronautics.

2091. A letter from the Secretary of Labor, transmitting a supplemental report on experience under the Emergency Unemployment Compensation Act of 1971, containing recommendations for extension and financing of the act; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

2092. A letter from the Deputy Comptroller General of the United States, transmitting a report on U.S. disaster relief to Pakistan following the November 1970, cyclone in East Pakistan; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. Report on District of Columbia food inspection and licensing (Rept. No. 92-1147). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. H.R. 12101. A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices; with an amendment (Rept. No. 92-1148). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 15495. A bill to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes (Rept. No. 92-1149). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED: Committee on Appropriations. H.R. 15585. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92-1150). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee on Appropriations. H.R. 15586. A bill making appropriations for public works for water and power development, including the Corps of Engineers-Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92-1151). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 15569. A bill to amend section 103 of title 23 of the United States Code relating to additional mileage for the Interstate System and the Highway Revenue Act of 1956 by extending the duration of the highway trust fund for the construction of certain highways, and for other purposes; to the Committee on Public Works.

By Mr. ANDERSON of California:

H.R. 15570. A bill to suspend the procedure, with respect to fiscal year 1973, for increasing certain Federal salary rates; to the Committee on Post Office and Civil Service.

By Mr. BRAY:

H.R. 15571. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. BURKE of Florida:

H.R. 15572. A bill to liberalize the granting of assistance for certain Vietnam disabled veterans requiring specially equipped automobiles; to the Committee on Veterans' Affairs.

H.R. 15573. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. CÓRDOVA, Mr. DINGELL, Mr. GALLAGHER, Mr. HALPERN, Mr. HELSTOSKI, Mr. MEEDS, Mr. PODELL, Mr. SISK, and Mr. VANDER JAGT):

H.R. 15574. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. DINGELL, Mr. GALLAGHER, Mr. HALPERN, Mr. HELSTOSKI, Mr. MEEDS, Mr. PODELL, and Mr. SISK):

H.R. 15575. A bill to amend section 203 (e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been State "off" indicator; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 15576. A bill to establish a Commission on Medical Technology and Dignity of Dying; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 15577. A bill to give the consent of Congress to the construction of certain international bridges, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. ALEXANDER, Mrs. CHISHOLM, Mr. COLLINS of Illinois, Mr. FORSYTHE, Mr. FRASER, Mr. GUDE, Mrs. HICKS of Massachusetts, Mr. KYROS, Mr. MAZZOLI, Mr. MITCHELL, Mr. MOSS, Mr. RUPPE, Mr. RYAN, Mr. SCHWENGEL, Mr. WARE, Mr. WINN, and Mr. STEELE):

H.R. 15578. A bill to protect art collectors by requiring disclosures in connection with the sale of certain fine prints and reproductions; to the Committee on Interstate and Foreign Commerce.

By Mr. HOSMER (for himself, Mrs. ABZUG, Mr. BELL, Mr. BYRNE of Pennsylvania, Mr. CONTE, Mr. GUDE, Mr. HORTON, and Mr. PETTIS):

H.R. 15579. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. McMILLAN:

H.R. 15580. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. MOSS (for himself, Mr. CELLER, Mr. DINGELL, Mr. ADAMS, Mr. ECKHARDT, and Mr. CARNEY):

H.R. 15581. A bill to restore the independence of the Civil Aeronautics Board, to the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, and the Securities and Exchange Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 15582. A bill to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 15583. A bill to amend the Social Security Act to establish a national system of minimum retirement payments for all aged, blind, and disabled individuals; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 15584. A bill to provide for the field testing of each new Federal program; to the Committee on Government Operations.

By Mr. STEED:

H.R. 15585. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. EVINS of Tennessee:

H.R. 15586. A bill making appropriations for public works for water and power development, including the Corps of Engineers-Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. HATHAWAY:

H. J. Res. 1230. Joint resolution to establish a Joint Committee on Foreign Information and Intelligence; to the Committee on Rules.

By Mr. KEMP:

H. Con. Res. 634. Concurrent resolution: Policies and procedures to end the war in Indochina; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

399. By the SPEAKER: Memorial of the Legislature of the State of California, relative to resource recovery; to the Committee on Interstate and Foreign Commerce.

400. Also, memorial of the Legislature of the State of Michigan, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SUMMARY OF THE FIFTH WORLD CONFERENCE OF THE WORLD PEACE THROUGH LAW CENTER, BY JUDGE RAYMOND PACE ALEXANDER

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, June 19, 1972

Mr. SCOTT. Mr. President, less than 1 year ago, July 21 to 25, 1971, an important conference was held in Belgrade, Yugoslavia. The results of this Fifth World Conference of the World Peace Through Law Center should not be taken lightly or forgotten. For these reasons I ask unanimous consent that an excellent and informative summary of the proceedings written by Judge Raymond Pace Alexander, of the Court of Common Pleas in Philadelphia, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

A BRIEF SUMMARY ON THE FIFTH WORLD CONFERENCE OF THE WORLD PEACE THROUGH LAW CENTER AND THE WORLD ASSEMBLY OF JUDGES

(By Judge Raymond Pace Alexander)

From July 21-25, 1971, over 4,000 jurists, lawyers, law teachers, scientists and legal scholars from 114 nations attended the Fifth World Conference on World Peace Through Law in Belgrade, Yugoslavia.

This Belgrade World Conference was sponsored by the World Peace Through Law Center—created in 1958 by Charles S. Rhyne, former President of the American Bar Association as a Special Committee. The Center has grown into an international association of the legal profession with members in 130 nations.

The Belgrade World Conference was the largest international law conference ever held. Following the highly successful previous World Conferences in Athens (1963), Washington (1965), Geneva (1967) and Bangkok (1969), it was also the first ever held in a Socialist Country.

While the major theme of the Conference was "Law and the Environment," delegates participated in a number of topics whose relevance to today's world is urgent. The Honorable Earl Warren, Chief Justice of the United States (Retired) enunciated one of the topics considered most urgent by the assembled lawyers: the enlargement of the powers and jurisdiction of the International Court of Justice.

"There is no more flagrant example of the disregard to nation-states for world order than the chronic under employment of the International Court of Justice. Secretary of State Rogers recently advanced suggestions that could mark a new start toward the use of the Court. They include . . . the convening (of the Court) outside the Hague to make the Court more visible in other areas, establishment of regional chambers to make the Court more attractive to Latin-American, Asian and African States in disputes . . . and more frequent use of summary proceedings. These suggestions merit prompt response.

Chief Justice Warren recommended the following in order to increase the effectiveness of the United Nations, which he described as ". . . the only institution in the history of man that has become indispensable before it had become possible."

1. The early admission of mainland China;
2. Also the two Germanys;
3. The two Koreas, and
4. Both Vietnams.
5. Re-assessing the United Nations concentration on passing resolutions by formal votes;
6. Re-appraise priorities with respect to the United Nations contribution to Economic and Social Programs. As an illustration, in 1970–71 the United Nations is directing less than seven billion dollars to development assistance and over two billions to armaments!

The Conference adopted a strong commitment to the further development of international law and legal institutions—a work program to build a world rule of law to structure change and channel international disputes systematically and effectively. The assembled lawyers called for observance of the humanitarian principles regarding the treatment of war prisoners of the 1949 Geneva Conventions; the creation of an interantional authority to control and prevent environmental pollution; the creation of an International Development Charter to aid the developing nations; the creation of an International Investment Insurance Agency; the development of uniform rules of international arbitration; and study of the untold effects of overpopulation on the World's environment; a study of the control of narcotics; the creation of a vast program of uniform model laws for Nations on such subjects as aircraft hijacking, trade, travel, air and water pollution and weather control; and the creation of a Draft Treaty on an International Criminal Court.

In the important field of Human Rights, the lawyers at the Belgrade Conference reaffirmed their dedication to the principles upholding the dignity of man as expressed in the Universal Declaration of Human Rights, and other international conventions; called for the ratification and implementation of the U.N. Declaration on the elimination of all forms of Racial Discrimination; and strongly objected to the following violations of human rights:

1. Holding secret trials;
2. Denying an individual his right to counsel of his choice;
3. Permitting censorship of the press;
4. Refusing admission to the legitimate international press and to members of all legal professions of all nations to observe trials; and
5. Allowing persons to be committed to mental institutions without a fair trial or as a substitute for a fair trial.

Perhaps the most important topic considered by the Conference was the revision of the United Nations Charter. A Special Committee with a world-wide membership of 100 distinguished jurists, under the direction of Dr. Max Habicht of Switzerland, prepared and presented a Special Report on United Nations Charter Revision. The Report studied and suggested those improvements in the United Nations system that the participating legal scholars felt were most necessary. Some of the suggested revisions included making the United Nations responsible for the economic development of developing nations, implementation of Security Council, direct popular election of some UN delegates, criminal jurisdiction of the International Court of Justice and the compulsory adjudication of international disputes by that Court.

In the opinion of this writer, this Conference has stimulated a considerable grass roots movement from coast-to-coast to encourage citizen participation to raise the level of awareness of the average American in the policy making of the United Nations.

THE NATION SALUTES REV. DR. JERRY D. VAN DER VEEN, M.A., B.D., S.T.M., D.D., CHURCH OF THE COVENANT, PATERSON, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. ROE. Mr. Speaker, the eloquence and richness of the wisdom of the members of the clergy throughout the breadth and scope of our Nation has been an inspiration and haven of solace to all of our people throughout history. Their thought-provoking expressions of understanding and good will are cherished and stored away in one's mind to be recalled by each of us on many occasions and particularly during a time of need.

I recently had the good fortune and honor to receive in my offices here in Washington the Reverend Dr. Jerry D. Van Der Veen, minister of the Church of the Covenant—Reformed Church of America—Paterson of my congressional district of New Jersey. I was especially moved by his prayer of thanksgiving with which he opened the May 24, 1972, session of the House of Representatives as visiting chaplain on that date and would like to share it again with you and the constituents of my congressional district, as follows:

Blessed is the nation whose God is the Lord.—Psalm 33: 12.

Eternal God, our Heavenly Father, we bow in Thy presence humbly and gratefully, acknowledging that all our blessings come from Thee.

We praise Thee for Thy greatness, Thy righteousness, Thy loving-kindness, and for Thy guidance throughout our life.

We thank Thee for our great country and for all those leaders who have guided her through difficult times.

Grant wisdom and guidance to our President. May his present journey prepare the way for peace across this turbulent world.

Bless and guide our Vice President, the Speaker of the House, and every Member of Congress along with all those who endeavor to lead us in a path of righteousness and peace.

Through Jesus Christ, our Lord, we pray. Amen.

Dr. Van Der Veen is a most distinguished outstanding citizen of the State of New Jersey. The quality of his leadership in religious and civic affairs in the cities of Paterson and Hawthorne, his hometown for the past 20 years where he presently resides with his wife Grace, has truly enriched our community, State, and Nation. He has been elected to the Hawthorne Board of Education and has served as its president. A member of the Religious Counseling Association, he has been active in the New Jersey Council of Churches and the Gospel Magazine Association of America. His hobby—the art of magic—has delighted young and adults alike.

Through this historic journal of Congress, I respectfully request my colleagues here in the House to join with me in applauding Dr. Van Der Veen in national recognition of all of his good works in his ecclesiastical pursuits redounding to the spiritual and moral integrity of those of his religious belief and materially contributing to the ecumenical spirit of brotherhood, good will, and understanding among all men.

FINDING AMERICA

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. STEIGER of Arizona. Mr. Speaker, my State of Arizona is fortunate to have 22 of its most precious natural and historical areas included in the national park system. This heritage of America is enjoyed by millions of visitors each year. Recently, the man who directs the operations of the National Park Service, Mr. George B. Hartzog, Jr., was recognized by the University of Arizona for the high quality of his leadership by the awarding of the honorary degree of doctor of laws at commencement exercises on May 27. I note that this is the third honorary degree that Mr. Hartzog received in the month of May for his devotion to the never-ending job of preserving and protecting our national heritage. He received similar degrees from Wofford College, Spartanburg, S.C., and Lincoln University, Lincoln, Ill.

At the University of Arizona exercises Mr. Hartzog made a very moving speech to the graduates, in which he effectively noted that the greatness of America is based on its ability to assimilate many points of view and opinions and to effectively use mileposts from the past in charting our course into the future

I believe many Americans would find Mr. Hartzog's address pertinent, and I am including it in the RECORD.

FINDING AMERICA

(Address by George B. Hartzog, Jr., Director, National Park Service)

A well-known journalist recently returned from a journey across the country and published an account of his search for America. His report seemed to give evidence that he was not entirely sure that he had really found America. But he is not the only one having difficulty in finding America today.

Down through our history Americans have consistently sought to "find" themselves—from Huckleberry Finn to the Easy Rider. And finding one's own identity may not be far different from finding America.

Each generation looks at the world through the prism of its own experiences, and the present always is in some conflict with the past. My own generation came to maturity at a time of great trouble. Our economic system had collapsed; totalitarian dictatorship ruled vast lands and ancient peoples; ruthless aggression destroyed hope for peace; and, we went to war.

Today, a new generation has grown up in a world of similar anxieties and profound social discontent.

Vocal members of this generation have framed a troubled indictment, that the American social and political system has lost its relevance in the face of rapid and pervasive changes.

They say there are two Americas in our midst: the one, affluent and indifferent—able to spend billions of dollars in order that men might walk on the moon and wage tragic war here on earth; the other, marked by inequality of opportunity, of hunger, unemployment and educational deprivations, particularly, among the submerged one-fourth of our population.

They seek to humanize our institutions, to broaden the base of participation and to open to all the avenues of opportunity. Filled with impatience and indignation over the failure of America to be what it is capable of being, their harsh rhetoric is often characterized as the Generation Gap.

Generations, I suggest, have rarely understood each other. Why else should Moses have said: "Honor thy father and mother"? I am sure that it was *not* because fathers and mothers were being honored consistently in Biblical times!

Gibran's widely read book "The Prophet" treats of the so-called "generation gap" by suggesting:

"Your children are not your children. They are the sons and daughters of life's longing for itself.

"They come through you but not from you. And though they are with you they belong not to you.

"You may give them your love but not your thoughts, for they have their own thoughts.

"You may house their bodies but not their souls, for their souls dwell in the house of tomorrow which you cannot visit."

Surely Gibran is correct in suggesting that each of us is unique. Each must build his own house—and live in it!

History mocks those who suggest, however, that the past is wholly dreadful and ignoble.

It is from beachheads secured at great personal sacrifice by individuals and generations gone before that society has been able to find the higher ground. Each of our lives has been enriched by the works of a Gandhi, a Rembrandt and a Woody Guthrie.

We must preserve the independence of the youthful spirit and the continuing values of the past. For every future is shaped by the past. Only in knowing the past may we judge wisely what is obsolete and what is not, what to discard and what to preserve.

In planning for a celebration of the Bicentennial of our Republic, all are agreed on one thing—the American Revolution is not yet over! Americans have always had a dream of the better life. Both the young and the old share the burden of transferring that dream and the vitality of civilization from one generation to another.

As Aristotle observed: "Youth has a long time before it and a short past behind: on the first day of one's life one has nothing at all to remember and can only look forward." By contrast, the elderly "live by memory rather than hope; for what is left to them of life is little compared with the long past."

The capacity to love and to cherish ideals with intransigent commitment is a marvelous trait of youth. On the other hand, the wisdom and earthbound experience that come with age, are necessary balance wheels on the soaring fantasy, the untested ideas and the despair of youth.

Surely, we are in the midst of a revolutionary period that is literally a watershed of history. Isolated from our natural and cultural inheritance by a brutal network of concrete and asphalt, dehumanized by a heartless technology that has robbed us of personal identification, we are asking anew the questions: "Who am I"? "Where have I come from"? "Where am I going"? "What am I contributing"? and "Where shall I find America"?

One of our great novelists, a genius constantly in search of America, Thomas Wolfe, spoke for all generations when he said: "Out of the billion forms of America, out of the savage violence and the dense complexity of all its swarming life; from the unique and single substance of this land and this life of ours, must we draw the power and energy of our own life, the articulation of our speech, the substance of our art."

Ours is a society in which scientific knowledge is a chief source of wealth and power. But what the environmental crisis tells us is that this Nation's future, as President Nixon has emphasized, rests upon new and profoundly fundamental judgments of how this knowledge, and the power that it creates, shall be used.

In our searching inquiry into the causes of a deteriorating environment, we must seek to articulate an environmental ethic to guide personal and corporate conduct.

We must come to believe that the just use of science is not to conquer nature, but to live in harmony with it. We may yet learn that to save ourselves we must save the world, which is our habitat.

Recently, William Pennel Rock, a descendant of Francis Scott Key who had determined to be an alien for the rest of his life, returned to America after a voluntary exile of seven years. He observed:

"What is utterly unique about America is that dissent—the challenge to moral values, the modification of alternatives, the criticism of cultural standards—is taking place within the context of the American situation as a whole.

"It is a fact that only America has the basic elasticity to change its cultural structure at this incredible pace because the margin of revolutionary action, cultural, social and institutional—that is freedom—is greater in America than in any other country.

"America," he concluded, "is proving its greatness by exercising the capacity to call itself into question."

As you set out to revise and rebuild the Establishment into which you are about to enter, I suggest that you do not deny your birthright, nor reject the proud heritage which is rightfully yours.

This land of ours is a noble land. It is rich not only in its natural inheritance, but in the stories and legends which are its history. Here and there, scattered across the country, are the milestones left behind by men and women seeking to "Find America."

These pioneer Americans hammered out a way of life which continues to provide hope to a troubled world.

Henceforth, from this joyous occasion you join the continuing search to "Find America."

Today is your opportunity for greatness!

Go, then. Build your houses of tomorrow.

In them may you experience a new quality in life.

May you, through your example, establish a new ethic, by which we may live in harmony with our world and with each other.

UPSIDE-DOWN POLITICS

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SCHNEEBELI. Mr. Speaker, a recent editorial in the Christian Science

Monitor by Roscoe Drummond points up an excellent analysis of the reasons for shortcomings of the Federal Government in the past four decades:

UPSIDE-DOWN POLITICS

(By Roscoe Drummond)

WASHINGTON.—We are witnessing some of the most upside-down politics the nation has ever experienced.

The theme of the opposition party has invariably been: "throw the rascals out"; the theme of the opposition candidates this year is: "put the rascals back in."

In the primary melee, which is now beginning to thin out, the leading candidates Senators George McGovern and Hubert H. Humphrey and most of the others have been attacking the Democratic Party far more than the Republican Party—but without saying so.

What they are saying is that for the past several decades the national government has been neglecting its job, has failed to do what most needed to be done and at best its actions were inadequate, tardy, and ill-conceived.

It is Senator McGovern's central thesis that the present mess, which he finds the country in, is the result of past failures. That is a reasonable thesis.

But who is most responsible for the failures and shortcomings of the past which Senator McGovern and Senator Humphrey most often cite?

Somehow it gets overlooked that the Democratic Party has controlled Congress for 36 of the last 40 years. And that a Democratic president has been in the White House for 28 of the last 40 years.

It is objective history that almost all of yesterday's actions and inactions, which Senators McGovern and Humphrey say created today's "mess," were the actions of a Democratic Congress and a Democratic president.

Here are their main indictments:

On going to war—The indictment is that presidents have put the U.S. into war too hastily and too recklessly. Yet a Democrat has been president at the outset of this period's four major wars—from World War I to Vietnam.

On ignoring Congress—The indictment is that presidents have taken the nation into war without congressional approval. Two Democratic presidents have done that—Harry Truman in the Korean war and John F. Kennedy in the Vietnam war.

On inflation—The indictment is that inflation is terrible. Inflation was at its highest under the Johnson administration and is being checked under the Nixon administration.

On Congress's eroding powers—The indictment is that congressional power and initiative have been waning for many years. But nobody forces Congress to neglect its lawmaking role. The Democratic Party has controlled 18 of the past 20 Congresses during which congressional power and initiative waned.

On tax reform—The indictment is that it is scandalous that tax reform has been so long delayed and that tax loopholes are not plugged. But Congress writes the tax laws and the Democrats put the loopholes in and have thus far refused to take them out.

On welfare reform—The indictment is that the welfare system has proved to be unworkable and unjust. Democratic Congresses wrote the welfare laws and have done most to resist reform.

If the present is the result of past neglect, as Senator McGovern repeatedly contends, then the responsibility must rest on those who have done the neglecting most of the time.

One conclusion seems justified: that Senator McGovern ought to be campaigning as an anti-Republican, anti-Democratic third-party candidate to be consistent.

GEORGIA JAYCEES ADOPT RESOLUTION SUPPORTING OUR ACTIONS IN SOUTHEAST ASIA

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. THOMPSON of Georgia. Mr. Speaker, there is no finer, more active group of young men in the United States than the Georgia Jaycees.

These young men are dedicated to God and country, and are helping to develop the future of this Nation. They are determined, aggressive leaders and when this group enacted this resolution, I believed it to be something all America should read.

It is for this reason, Mr. Speaker, that I include this in the RECORD:

RESOLUTION

Whereas, Georgia is a dynamic, prosperous and progressive State, and presents an environment second to none, in which its citizens may work, live and raise their children so as to become qualified citizens of the State of Georgia and the United States of America, and

Whereas, because of decent actions and stands by our nations highest elected officials and our military forces in Southeast Asia to put a stop to the invasion of South Viet Nam by the Communist backed aggressors, and

Whereas, said actions were not only necessary, but long in coming, and,

Whereas, these actions and stands have caused much unrest and dissent among students and other groups, and

Whereas, the news media always plays these violent actions up more than those of the working American, who believes in our nation and its actions abroad, and

Whereas, the Georgia Jaycees are a dynamic young men's organization, dedicated to community involvement and civic service, and one concerned with continued success and progress of its State and Nation, and,

Whereas, the Georgia Jaycees have listened to and discussed the unrest and dissent by many groups against the actions and stands by these United States in Southeast Asia, and

Whereas, the Georgia Jaycees in its efforts and attempts as a concerned public civic organization herewith states its position and reasons upon which it bases its opinion on the actions and stands by these United States in Southeast Asia, and

Now therefore be it resolved, by the Georgia Jaycees that they are in favor of the present actions and stands by these United States in Southeast Asia, and it is hereby resolved by the membership of Georgia Jaycees, in accordance with its Constitution and By-Laws, that they go on record as being in favor of the actions and stands by these United States in Southeast Asia for the following reasons:

1. That the United States, being the main economic and military backer of South Viet Nam, cannot allow the Communist inspired invasion to succeed and take over free South Viet Nam.

2. That the United States has paid a price of over 50,000 dead, 300,000 wounded and 1,000 MIA and POW, and cannot allow these sacrifices to have been in vain.

3. That the United States must continue to protect all remaining forces of the American military, and continue to try to have our POW's released.

4. That the United States must continue to support the Vietnamization program in any manner put forth by our officials and military forces.

5. That a vast majority of American people want out of Viet Nam, but only at the price of getting our POW's back and stopping aggression forever.

6. That a vast majority of American people support our Nation's recent actions and stands in Southeast Asia, but the news media has not shown this side of the story.

7. That if more Americans would stand up and support actions and stands by these United States in Southeast Asia, they would counteract all the unrest and dissent.

WASHINGTON REPORT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. PRICE of Texas. Mr. Speaker, it is my policy to publish a weekly news report to keep my constituents advised of my activties in their behalf. The following is the text of my report of June 5, 1972:

BUTZ SEES FARMERS' INCOME UP $2 BILLION

In his first annual report as Secretary of Agriculture, Earl L. Butz recently said American agriculture is moving into a "new and promising future." Farm income should be up $2 billion from last year and exports will hit a record $7.8 billion level this year, he declared. Farm production is up 9 percent over last year.

Rural development programs hit $2.8 billion, double that of 1969, with housing loans more than triple the 1969 total of $500 million—up to $1.6 billion this year.

FOOD IS A "BEST BUY"

Although food prices have gone up (178%, in fact, from 1957 to 1971), the average American's disposable income has gone up faster (222% during the same period). Result is that a smaller percentage of the pay check goes for food than ever before in history. In 1947 Americans spent 25% of their pay check for food. By 1950 this had dropped to 22.2%, by 1959 to 20%, and in 1971 food expenses took just over 16% of the average pay check.

That is nothing short of amazing when you consider that many people of the world spend over half their income for food. While food takes only 16.3% of the U.S. consumer's income, in Canada it takes about 20%; Western Europe and Japan 37–39%; Eastern Europe 36–54%; India 60%; and some African countries 70%. The American farmer is the most efficient in the world, and he is producing the best quality food in history.

GROCERY BILL NOT ALL FOR FOOD

Nearly 28 cents out of each dollar a shopper spends at a grocery store goes for items other than food.

This interesting bit of information was revealed by Dr. Don Paarlberg, Director of Agricultural Economics for the United States Department of Agriculture, at a House Subcommittee hearing. The breakdown in percent of what the average supermarket spending was in 1970 is as follows:

Food items 72.3 percent; alcoholic beverage 5.0; tobacco 4.0; health and beauty aids 3.6; soap and laundry supplies 2.4; housewares and household supplies 2.1; paper products and foil 1.7; pet food 1.2; magazines, books and records 0.3; and other items 7.4.

SALUTATORIAN SPEECH

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. RONCALIO. Mr. Speaker, we hear much today about the apathy and cynicism of modern youth, but I think this salutatorian address by Ronald Miller at the high school commencement exercises in Rawlins, Wyo., shows that some young people are still idealistic and eager to serve their country at every level. Ronald has proved his own patriotism by accepting an appointment to the U.S. Military Academy at West Point. I insert his remarks in the RECORD:

SALUTATORIAN SPEECH, RAWLINS HIGH SCHOOL COMMENCEMENT, 1972

(By Ronald Lee Miller)

Honorable Teno Roncalio, Superintendent of Schools Shultz, Board of Education of School District No. 1, Administration and Faculty of Rawlins High School, parents, friends, guests, and most importantly, fellow graduates:

Tonight, May 23, 1972, will be long remembered by each and every one of us. To some, this ceremony marks the end of all formal education; to others, this night is just a springboard to higher goals, Yet, all of us must remember that high school graduation is a stepping stone into life. No matter what we choose to do or where we choose to go, from now on, we will be on our own. We will cease to have contact with parents, friends, teachers, and others who have influenced our lives and sheltered us from the real world. Each of us must decide for himself "Where am I going?" The answer to this question will be one of the most important decisions of each of your lives, for your whole future could be affected by its outcome. Some of you have already decided upon your plans. To you I say "Congratulations" because you are starting your career in the finest manner possible. But many of you do not know what lies ahead for you. You may have thought that these decisions do not have to be made for long periods of time to come. But, as was once said, "The Future is something which everyone reaches at the rate of sixty minutes an hour, whatever he does, whoever he is". You must decide as soon as possible on your future goals so that these goals may be reached that much more quickly. Remember, "The Future comes like an unwelcome guest". Be ready for it.

As the graduates of 1972 step out into society for the first time, they are faced with more pressures and problems than any other graduating class in our nation's history. Never before have jobs been so scarce, even for the most learned of persons. Never before have politics and the government been scorned and mistrusted by so many citizens. Never before has one single issue, such as the Viet Nam situation, split the country to so great an extent. Pollution and ecology have never played so important a role in each of our lives as they do now. Crime, drugs, and other pressing problems of today are indeed threatening the very foundation of our society's structure.

Now is the time for each of us to decide how to handle these problems and then to take deliberate measures to alleviate the conditions that presently plague every person in this country. Not only must each of us decide "Where am I going?", but we must determine, as a whole, "Where is our country going?" Will democracy as we know it crumble or will the citizens of the United States decide to make an effort to solve these problems? The younger generation—you and I—must take the initiative in this struggle because we are the leaders of tomorrow. In a very few years the responsibilities of this country will be ours to handle. We must be ready for these important duties which will occur at every level of government and society from the family level to levels of international importance. These responsibilities, no matter how large or small, are ours and they cannot be shunned or ignored. Public apathy is at its highest level ever in our country. We, as a society, cannot allow the so-called "silent majority" to exist in the next generation as it has in the present one. This is easily said but not so easily done. Neither proclamation nor legislation will make people care about their surroundings. It is up to all of us to do our part with the hope that others will follow suit. Becoming active in government and politics from the "grass roots" level up, participating in civic, social, and service organizations, doing your job to your fullest capabilities, working in your church organizations and taking an active interest in social programs for various underprivileged groups are all ways of "doing your part".

You cannot afford to wait, for hesitation and apathy on the part of its citizens will eventually cause the downfall of our great country as we know it today. Good Luck.

RIGHT TO KNOW

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HARRINGTON. Mr. Speaker, for some time now Massachusetts has been operating a State lottery as a means of helping to raise necessary revenues without adding unnecessarily to a heavy tax burden. Unfortunately, the newspapers and broadcast stations of Massachusetts are hampered in giving full coverage to this official State function by an outmoded Federal law that treats lotteries as some sort of unspeakable crime which the media are forbidden to discuss.

The following editorial from the Thursday, June 15, edition of the Boston Record American outlines forcefully and persuasively the case for repeal of the Federal laws which hinder dissemination of information about official State run lotteries. I hope the Members of the House will read it, and support the bill to correct this situation now pending before the House Judiciary Committee when it is reported to us, as I hope it will be.

The editorial follows:

RIGHT TO KNOW

So many states, like Massachusetts, have turned to public lotteries as sources of revenue, they have created entirely new demands for public information which could never have been anticipated—and, of course, were not—when the 51st Congress, in 1890, enacted strict lottery information regulations.

Congress' concern at that time was prompted by privately promoted—and often crooked—schemes. The need for this protection still exists. But the time has now come to exempt the so-called state lotteries from the general prohibition and for the same general reason—the protection of the public.

Existing federal laws not only still require the Postal Service to impose outmoded restrictions on newsworthy information about state-operated public lotteries as on those privately and illicitly promoted, but also forbid states from using newspaper advertising as a means of disseminating it.

These papers believe they have the same obligation to give full coverage to all aspects of this state's lottery—and those in New Hampshire, Connecticut and other nearby states, too—as they would any other newsworthy event.

These are no private games of chance—as earlier illegal promotions were—but lawful and important producers of public revenue. All the funds are public; and certainly the public has a right to know every detail of how those funds are distributed between prize winners and the state treasury. That is, certainly, a matter of primary public interest.

When the handling of huge sums of money escapes examination and disclosure, that is the time opportunities for abuse and fraud increase.

It is for these reasons that we urge Congress to amend Title 18 of the U.S. Code to exempt state conducted lotteries from prohibitions against publication and advertising which now force the states to resort to less efficient—and more expensive—methods.

FARMERS MUST LIVE, TOO

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. ZWACH. Mr. Speaker, last April a lot of people were concerned over advertisements of a Washington-based food store chain which advised its customers to eat meat substitutes, because the price of meat to the producers was too high.

We pointed out at that time that producer meat prices had just returned to the level of 20 years previous and that they were then, in fact, on another downward slide.

The other day, I read a newspaper report that this food store chain reported a profit increase of 85 percent against a sales increase of 17 percent over the previous year.

Mr. Speaker, producers are not getting too much for their food products. They are not getting enough.

Carroll Fey, editor of the Edgerton Enterprise, in southwest Minnesota, recently wrote a pertinent editorial on farm prices which I would like to call to the attention of my colleagues by inserting it in the RECORD:

FARMERS MUST LIVE, TOO

Food prices have risen, but before condemning farmers and ranchers and threatening them with a wave of controls, a few facts must be considered if the nation wishes to continue eating in the style to which it has become accustomed.

Foremost among these facts is that farm prices still remain at preinflation low levels. Food prices have risen because of inflationary increases in handling costs. The plight of the farmer is well expressed in an article appearing on the editorial page of a major daily newspaper. It is pointed out that, "Farmers and ranchers are expected to stay on the land rather than join the job-seekers in the city . . . On the other hand, farmers and ranchers are not expected to make more money ever, because if they do the cost of food will go up. When beef prices rise to levels of 20 years ago, the protest is loud and clear . . . Bear in mind that farmers and ranchers are consumers, too, and as consumers their expenses have gone up more than 100 percent during the same period that prices they receive for their products have remained stable."

The conclusion reached in the article quoted above is much to the point—the food we buy today is one of the best bargains in the marketplace, ". . . even if beef prices have climbed up to 1952 levels."

MEAT PRICES RISING TO ALLTIME HIGH: IMMEDIATE REPEAL OF MEAT QUOTA ACT NEEDED

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. VANIK. Mr. Speaker, recent newspaper articles and food market studies indicate that, after a brief decline this spring, meat prices are again skyrocketing upwards. It is probable that by midsummer, the price of meat will be even higher than it was this winter. In fact, the price of meat may reach an alltime high, forcing this important element of the American diet off the dinner table.

Part of the reason for the rise in meat prices is due to a piece of anticonsumer legislation passed in 1964—the meat import quota law. This law restricts the amount of foreign meat—the type used in hamburgers—entering the American marketplace. This creates a scarcity of supply in this type of meat—known as processing meat—which our own meat producers cannot fill. The meat import quota law must be repealed. I have introduced legislation to repeal this law, and my bill has been cosponsored by some 50 Members of the House. Recent trends, however, indicate that the meat price situation is becoming more critical, and it is imperative that this legislation receive consideration early this summer.

In a speech in the House on May 11, I pointed out that a number of Department of Agriculture economists were predicting that meat prices would rise during the summer months. I also provided an analysis of price quotes on the Chicago livestock market which clearly showed that the price of cheaper cuts of meat, which those with large families and those on fixed and low incomes rely on, were being artificially maintained at high levels by the meat import quota.

Since then, new data has become available which indicates that the meat price situation is becoming more critical.

CHICAGO MEAT MARKET

For example, I would like to enter in the RECORD at this point an update of the daily price quotations of the Chicago market, as reported by the National Provisioner Daily Market Service. The first column of figures is the highest printed prices for the 30 days preceding August 15, 1971—the base period on which prices would have been frozen if the phase I controls had been extended to meats—as they should have been and as they were during the Korean war. The second column of figures is the market quotations for May 5, 1972. The third column is the price quotations for June 16, 1972:

	Top half		
	Base	May 5	June 16
F.o.b. Midwest River points:			
Ch. Strs. 5/600	53	55	58
Ch. Strs. 6/700	53½	55	58
Ch. Strs. 7/800	54	54	57-57½
Ch. Strs. 8/900	53½	53	56-56½
Carcass, cows and bulls (CHGO) cows, North:			
C.C. 350/up	48½	52½	52½
Bng. Utl. 400/up	45½	49	59½
N. Bolo Bulls 500/up	50	54	55
Boneless processing beef—Fresh C. & C. (packed), frozen:			
65, buls. beef 90% In	65	72	73½
66, Bnls. chucks	66	72	73½-74
61, Trmgs. 85/90%	61	68	69
50, Trmgs. 75/85%	50	57	59
Froz. Shank Meat (percent)	65	72½-73	72½-73
Froz. Shldr. Clods	68	74	74½
Aust.-N.Z. frozen imported meats f.o.b. port of entry (30 days):			
Cow meat 90% Vis. In	61½	67½-68	70
Bull meat 90% In	63½	69-69½	72¼
Shank meat	64½	69½	72¼
Bnts. mutton 90% In	38	44½-45	44½-45
Primal cuts beef—U.S. Choice or equal:			
Less than carlot	(1)	----------	101-102
Trad. loins 40/50	98	93	101-102
Trd. loins 50/60	1.00	93	101-102
Trad. loins 60/70	1.00	93	101-102
Ribs 25/30	72	73-74	75-76

[1] Choice.

These columns show several things. First, by May 5, the price of the better cuts of meat which the American growers specialize in had fallen back from their highs of February to approximately the level of last August. But now, the price of these choice cuts—the steaks and roasts—have risen sharply, and not all of this price increase has reached the retail supermarkets yet. Second, the price of processing meat has been consistently above the level of last August. This means that the Meat Import Quota Act is working—and the consumer who can least afford it is suffering.

CLEVELAND, OHIO, FOOD PRICES

These price trends have been documented by the Community Committee on Consumer Prices, a volunteer civic organization of 250 individuals from my Cleveland, Ohio, congressional district, which has been watching prices since the start of phase II on last November 13.

In the latest price survey finished in late May, the committee recorded 1,712 items in various Cleveland area stores. The committee found that 522 or 30 percent of these items increased in price between last November 10 and the latter part of May. It is particularly interesting—and distressing—to note that of the 1,082 food items checked, 467 or 43 percent have increased in price since the start of phase II.

While meat, fresh fruit, and vegetable prices were never covered by the price controls of last August 15—a terrible mistake—they are a major part of the food purchases of the average family. These fresh food items have been those which have had the most numerous and largest price increases. This situation is absolutely intolerable at a time when the wages of most Americans have been frozen or limited to small increases. It is even worse for retirees who have not received an increase in social security benefits for 18 months. The 22d District Consumer Committee found that of 68 beef items checked in May, 53 or 78 percent had increased in price since last November. Six out of eight lamb prices had increased. Seven out of 14 luncheon meats had increased; 37 out of 40 pork prices—or a total of 92 percent of the pork items—had increased in price. Forty-seven out of 109 dairy items increased in price. Even in canned fruits, 14 out of 33 items had risen in price. Fifty percent of the canned vegetable items also rose—22 out of 44 items checked—while a fourth of the frozen vegetable items were most costly. Among the fresh foods not covered by the price freeze, only poultry appears to be fairly stable.

I would like to list some of the price changes found over the last half year in various Cleveland-area food stores.

The list follows:

Item and quantity	Early November	Late May
Beef per pound:		
Liver	$0.54	$0.78
Hamburger 24 to 30 percent fat	.59	.69
Ground chuck	.79	.89
Sirloin butt	1.19	1.38
Sirloin—Super right	1.09	1.37
Chuck steak	.69	.79
Round—Top steak	1.14	1.34
Swiss steak	.99	1.29
Rib roast	1.38	1.54
Fish:		
Starkist tuna, solid	.49	.59
Frozen haddock fillets	.89	1.09
Bumble Bee—Red salmon	1.09	1.19
Canned fruit:		
Motts applesauce—35 ounces	.42	.52
Kroger's pears—16 ounces	.25	.35
Cell-u, peaches, unpeeled halves—16 ounces	.43	.51
Fresh fruit:		
Sunkist oranges—6 medium	.59	.79

The magnitude of the price increases in beef can be seen by adding up the cost of 53 items checked in early November and comparing the cost of buying those same items today. In November one could have purchased these 53 pounds of various cuts of beef for $62.23. Today, those items would cost $67.57, an increase of 8.5 percent.

This list of price increase goes on and on, and while the subject of my remarks today is meat prices, I would like to mention a disturbing finding of the Consumer Committee: For the first time since the start of phase II, these volunteers have begun to find a general upward drift of prices in a broad range of items. The previous surveys found that, in general, phase II was working. It now appears to be starting to disintegrate. For example, bread prices are drifting up. Fundamentals such as soups and cereals are increasing in price—only a few cents here and there—but when wages are stabilized, these increases add up. Also, for the first time, categories other than foods are beginning to increase in price. Soaps and detergents have increased significantly. A 5-pound, 4-ounce box of Tide laundry detergent has increased from $1.39 to $1.49 since the start of phase II. The price line on small appliances appears to be breaking down.

A chrome Kenmore two-slice toaster has gone from $7.97 to $8.99. The Waring Blender, Futura 900 model has gone from $25.95 to $27.95. These price changes are an ominous sign to the American consumer, and may soon force a complete reconsideration of the wage-price controls policy.

WHAT IS THE FUTURE OF FOOD PRICES

These findings indicate what every shopper knows—food prices are high and are rising. The question is, will they continue to rise?

The quotes from the Chicago livestock markets indicate that they will. Those quotes are wholesale quotes, and indicate rising prices which have not yet been passed on to the consumer. The wholesale price index for May, released on June 2, indicates that while the wholesale index of all commodities rose 0.6 percent between April and May, the prices of farm products and processed foods and feeds increased by 1.4 percent. The index for farm products, processed foods, and feeds rose at an annual rate of 7.8 percent from November to May. Beef on the hoof cost 4.5 percent more in May than in April and 17.5 percent more than last May. In the period from February to August 1971, it advanced at an annual rate of 3 percent. In terms of food prices, we were better off before the freeze of last August—and it is obvious that the freeze should have been applied to all food items.

Speculation that beef prices will decline in July and August—the traditional marketing period—has been seriously questioned by consumer analysts. Many of the producers appear to be holding back, waiting for higher prices. Beef prices will also be increased by one of the worst droughts to hit southern California, Arizona and parts of Utah, New Mexico, and Colorado in years. The drought is causing many ranches to cut their operations by 25 to 30 percent. Consumer demand is higher, particularly since other types of meat will be scarce this year and will therefore be increasing in price faster than beef. For example, the production of veal, lamb, mutton, and pork will all be down this year. Thus the total production of all American meats this year is estimated at 37 to 37.5 billion pounds, down from 37.78 billion pounds last year. Thus, even though beef supplies are increasing, they are not increasing fast enough to meet total consumer demands for meat.

There is more bad news for the grocery shopper in the months ahead. Because of the unusually warm winter, the fruit trees did not "harden off" or rest and revitalize themselves. Then, in the budding period, there were severe frosts, particularly in the Great Lakes area. I recently asked the Department of Agriculture what this would mean for this year's fruit harvest. They have informed me that the peach crop will probably be down 12 percent from last year and that some other fruit crops may be damaged. This, of course, means that fresh fruit prices will be much higher this summer than last year.

There are a number of things that can be done. Controls on meats might be established. The price commission might take a closer look at the prices charged producers, the rates charged for the shipping of livestock, and the markup of the processors and retailers—though it appears that the retailers are generally reflecting only the higher prices they are being charged. The consumer can try to purchase other items in less demand, such as poultry and, often, fish.

The Congress, of course, should take this opportunity to review the entire range of agricultural programs. At the present time there is a wide range of supply-limiting marketing orders and price support programs which not only cost the taxpayers $5 billion per year in Government programs, but are also estimated to increase the cost of all foods on the American dinner table by 15 percent.

The Congress should also immediately repeal the Meat Import Quota Law. While the world meat market is rather tight this year and repeal of the law might not lower prices, it would certainly help stabilize them, particularly the prices of the cheaper cuts and processed items—hot dogs, hamburgers, luncheon meats, and others. The 1964 Meat Quota Act, was an anticonsumer piece of legislation when it was first passed and we are feeling its effects today. It is absolutely senseless to continue this program which gouges the pocketbooks of our urbanized society for the benefit of a few thousand large cattle producers.

SENATOR THURMOND GETS L. MENDEL RIVERS AWARD FROM NCOA

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HÉBERT. Mr. Speaker, on May 25, 1971, it was my pleasure to inform this body of the continuing interest shown by the Noncommissioned Officers Association of the United States of America (NCOA) with regard to legislative actions of concern to the American military community and their encouragement to their worldwide membership to accept the challenge of American citizens by citing their views directly to their Congressmen.

At that time I reported also that the NCOA, through their legislative committee, initiated a special annual recognition award for the national legislator who, in their opinion, is most worthy of recognition for his efforts in furthering the ideals of democracy, freedom, and patriotism on behalf of our beloved Nation.

During this 11th annual NCOA convention in San Antonio, Tex., on April 7, 1972, Senator STROM THURMOND of South Carolina was honored as the first recipient of the L. Mendel Rivers Award for Legislative Action. I strongly endorse their selection of Mr. THURMOND as being first deserving of such coveted recognition because he has, indeed, and continues to serve as a great champion of all legislation dedicated to furthering the ideals which comprise the criteria for such an award.

I further note with pride and ask that each of you join me in extending appreciation to the NCOA for their sustained interest and unwavering dedication to the principles on which this great Nation is founded.

I consider it a personal honor to again apprise you of an organization (NCOA) which has in the period of 1 year esteemed itself as a representative body of a most important element of American society which allows us the opportunity of their collective thinking and has bestowed highest honors of their own on two of our great colleagues, Senator STROM THURMOND, and the late L. Mendel Rivers.

DEFENSE OUR FIRST PRIORITY ACCORDING TO FORMER SPEAKER JOHN W. McCORMACK

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. COLLIER. Mr. Speaker, on June 8, following my remarks about priorities, I placed in the RECORD excerpts from three of the Federalist papers. These excerpts, from the pens of James Madison and Alexander Hamilton, demonstrated that one of the principle reasons for establishing our Union of States was to provide for the common defense.

There are undoubtedly many who will say that these are dead voices speaking from the dim and all but forgotten past and that the views that prevailed in 1787 are irrelevant to the last third of the 20th century. In refutation I would like to quote the words of a great American who sat in this body for 42 years and for 30 of those years served as majority leader, minority whip, and Speaker.

I hope that those who choose to ignore and disregard the eloquence and wisdom of Madison and Hamilton will listen to and heed the down to earth commonsense of John W. McCormack.

Mr. Speaker, the advice that former Speaker McCormack has given us came in the form of an interview with Bill Duncliffe of the Boston Record American-Sunday Advertiser. The pertinent paragraphs follow:

> Men talk in good faith about "first priorities" like water and air pollution, conservation, and other things.
>
> I agree with them, on the domestic level—but they don't specify that. There are so many matters that are our "first priorities" on the domestic level. But what really is our first priority?
>
> You can't have any of these questions solved in the American way of life unless we preserve this country of ours. So our first priority is to take those steps that will reasonably guarantee the preservation of the United States of America.
>
> Now those other things are vitally important, but if a foreign government took over our nation or changed our form of government none of them would be priorities at all.

So they are all priorities now only if we have the American institutions of government in existence.

Whether we like it or not we must have a strong America because there are forces in the world today who would take advantage of a weak America.

It could be that in the future the Soviet Union—and I'll name names, they're our immediate potential enemy—could create a weaponry system that will overshadow all others.

If they develop it before we do, they're not going to let us catch up. They'll either blackmail us, or force us to be subject to them. And if we don't, they'll destroy us.

And yet, so many people in America will probably misunderstand what I say—but I've always spoken my view.

There are people who think, "Well, the Soviet Union isn't bent on world domination."

Are they bent on it? Yes. Will they attain it? That's another question. Have we seen any evidence of any change in their intent? No, we've seen evidence of a change in their tactics, based on necessity.

Have we seen any evidence of a change of intent on the part of Red China? No. Their tactics, yes, but their intent, no.

Does that mean that I think they are going to take over country after country themselves? No, but they can do it through having governments established that are subject to their domination and dictation, like Czecho-Slovakia, Poland, and Hungary today, beginning with an imposed coalition government.

North Vietnam started out the same way. Even Red China, with a coalition government that had Communists in it. But they got rid of the non-Communists very quickly, and what could the people do?

The Communists controlled the army, the internal police, and the jails, so what could the average person do, if they wanted to live? And the first law of human nature is self-preservation.

I believe its vitally important for the people of America to realize that the Atlantic Ocean is no longer our first line of defense. And that means we've got to be prepared before the fact.

We'll never get another opportunity, like after Pearl Harbor, to prepare ourselves after the fact. Back then, we had time to build up our great natural resources, our economy, manpower, and military strength. It took us three years before we started affirmatively on the road to victory in both Europe and the Far East.

But today, we won't have three seconds.

If we are going to be prepared, our national defenses will have to be prepared before the fact. We'll never have another opportunity to prepare ourselves after the fact.

The price for defense is the premium we pay for peace in America, because the only thing the leaders of a nation like the Soviet Union fear is power.

Now, we want power for peace, but they want it for other things, the internal subversion of other countries.

If the Soviet Union would disavow in principle and in fact trying to engage in internal subversion with the forces within a nation to overthrow a form of government they don't like, if they want to be a Communist nation economically, why I don't agree with them, but we can live with them.

So, if they want to disavow their intent of constant interference in the internal affairs of other nations, we'll get along with them all right.

But until they do, we've got to be on our guard.

No matter what the view of any American might be on this or that question, we should be solid in having a strong and adequate national defense.

THE HISTORIC RENEWAL AND DEDICATION OF THE MURRAY HOUSE AS A HAVEN FOR MENTALLY HANDICAPPED ADULTS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. ROE. Mr. Speaker, I recently had the great privilege and honor of participating in the dedication of the Murray House located on Main Street, Paterson, in my congressional district of New Jersey. The commentary of the guest speakers and particularly the remarks of Bishop Lawrence B. Casey of the Diocese of Paterson, Mayor Arthur Dwyer, Mrs. Anthony Ventimiglia, and Mr. Arthur Rigolo eloquently described the new horizons and lasting renewals that can be recreated through the action of people motivated by the warmth and indepth feeling of caring for each other—"selfless love" was the conclusion expressed by the staff of Murray House in the program that evening.

Through the creativity and vitality of Rev. John B. Wehrlen "Father Jack" and the help of many volunteers, elementary, high school, and college students and friends of Father Jack who assisted in a comprehensive renovation program, the Murray House now stands recreated, shining in its new role as a shelter home for mentally handicapped adults after over a century and two decades of providing a headquarters for the art of healing, a religious and recreation center. Donations of food, clothing, furniture and money were also made to the cause of Father Jack.

In September 1971, Murray House received its first two residents and the beginning of what promises to be an even more exciting and rewarding achievement in the life of this historic site: A haven and self-sustaining family life experience for mentally handicapped adults.

I would like to call to the attention of my colleagues here in the House and preserve in this historic journal of Congress the following real life story that provided the name for the Murray House which was dedicated on May 19, 1972. It seems fitting and appropriate that I relate to you the story behind the name as it was written by the Murray House staff in commemoration of this home, renewed with hope and promise by those who cared to help improve the quality of life for others less fortunate and enable them to experience the warmth and security of the communion of people as a family unit:

LIFE OF JIMMIE MURRAY

Along with her new role she also received a new name—The Murray House.

Her new life she received from the dream and faith of Father Jack. Her new name she received from a special little boy, Jimmie Murray.

Jimmie was the first born of five children born to Kit and James Murray. Jimmie was a physically healthy baby filling the lives of James and Kit with happiness and joy. When he was six months old however, Kit noticed that often Jimmie would get a tense, frightened expression on his face. This would last only for a few seconds and then he would return to his normal play. It happened frequently enough to cause his mother concern, yet at that time the pediatrician's examination showed nothing wrong. When Jimmie was approximately nine months old, he developed a cold, with a fever of 104. He was taken to the hospital for observation and tests. Jimmie was found to have brain damage. What this meant for Jimmie in the Doctor's words to his mother was that "He will never become the President but he'll always make a living." Jimmie was retarded.

The rest of Jimmie's life story and that of his parents could have been a sad, guilt ridden, story. It would be wrong to say that James and Kit accepted Jimmie's defect as a matter of course. It was heart breaking, but their love and faith enabled them to accept Jimmie as he was. They placed no conditions on life and happiness. Jimmie had taught them not to take life for granted. Because he could not speak, he taught them to listen in a different way, he taught them to love and showed them the depth of their own capacity to love. Even his little brothers and sister learned and shared their love with him.

Because James and Kit refused to hide Jimmie or over shelter him, he developed as any other child, only a little slower. He took his first steps when he was five years old. At six he spoke his first word, "MA."

Jimmie's growing years were never easy. He constantly suffered from convulsions, high fevers and required almost constant attention day and night. James and Kit had one weakness—they were not made of iron.

Kit herself was eventually rushed to the hospital suffering from fatigue. While in the hospital, Jimmie's father made the most important and hardest decision of his life. With the help of Monsignor Joseph Brestel, a life long friend, Jimmie's mother was convinced it was best to place Jimmie in a Special School where trained people could care for him.

Shortly after Jimmie's tenth Birthday he was admitted to Woodbine State Home. This was to be his home for the next few years. On May 29, 1969 Jimmie's parents received a call from the school. Jimmie had died.

Since Jimmie was one of God's Special Children, it was decided to have friends donate to Father John Wehrlen as it had been Jimmie's parents good fortune to meet this wonderful man of God through Jimmie's aunt, who had worked with Father Wehrlen while he was assigned to St. Philip's, Clifton. Jimmie's parents became very close friends with Father and when Father Jack finally got his home for his special children he called them and asked if he could name the home after Jimmie.

Jimmie's memory wil be lasting forever in the home named after him. Jimmie's name on the Murray House reminds and teaches us what love means and the limits to which love sometimes calls us. It teaches us too that the greatest service we could give to our family here is the gift that made Jimmie's life happy and full—the gift he received from his Mom and Dad—selfless love.

In closing, may I ask my colleagues to join with me in commending the Murray House staff and wishing them continued success and happiness in this highly noble cause that they have unselfishly dedicated themselves to on behalf of our handicapped. Our heartiest congratulations and best wishes are extended to Murray House Staff: Rev. John Wehrlen, Rev. Richard Oliveri, Miss Lillian Gallagher, Carl Zipper, Louis Tatii, Joseph Duffy, and Kathy Bradley, Michelle Duffy, Tom Ramseyer, Bob Anygl, and Mary Lee, Secretary.

PEOPLE HELPING PEOPLE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SCHWENGEL. Mr. Speaker, local organizations play an important role in communities across the Nation. Burlington Aerie No. 150, Fraternal Order of the Eagles, established on Apr. 28, 1901, is an example of a local group furthering community projects and ideals through positive self-direction and service. Membership today numbers 3,675.

The Aerie sponsors a number of social activities throughout the year. Saturday night dances are held for members, their families, and their guests. Mother-daughter and father-son banquets are another example of family oriented entertainment. An annual "Salute to Teachers" banquet, especially honoring those teachers who have retired in the previous year, is also held. At the banquet, a tuition scholarship is awarded to a high school senior for Southeastern Community College in Burlington.

The list of donations by the Eagles to community projects, made possible by volunteer fundraising functions, is impressive. Donations are: $5,400 to the Burlington Municipal Swimming Pool; $1,500 to the Dankwardt Park Shelter House; $1,000 to the swimming pool at Boy Scout Camp Eastman; $500 for the Salvation Army New Building Fund; $500 to the YMCA Remodeling Fund; $3,000 to the Des Moines County Association—Hope Haven School—Fund; $800 to the establishment of the "Ten Commandments" Monument, in front of the Burlington Memorial Auditorium; $700 to the shelter house at the West Burlington Civic Park; $1,500 to the Burlington Community Field; $1,000 to the reconstruction of the Community Field Grandstand after it was destroyed by fire; a $1,825 donation to Productions, Inc., for a sheltered workshop type operation for retarded children and adults; tuition payments for 11 Burlington police officers for a short course in law enforcement at Southeastern Community College; and yearly contributions to the Burlington United Fund.

A $1,000 grant was secured from the "Golden Eagle Fund" by the Aerie for the senior citizen groups of Burlington. And a $1,000 grant was obtained from the Order's "Jimmy Durante Children's Fund" for both the Hope Haven School, and Productions, Inc.

In manpower activities, volunteers have donated more than 500-man hours in cleaning the YMCA outdoor camping facilities, and stockpiling firewood for use during the summer camping season.

The Eagle's have a slogan—"People Helping People." Certainly, members of Burlington Aerie No. 150 deserve credit for their unselfish service in Burlington and Des Moines County. They are fine representatives of the value of community spirit in the United States.

NIXON'S SUMMIT STATECRAFT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SPRINGER. Mr. Speaker, having just returned from Russia, I have had the opportunity to watch the Nixon efforts at trying to reach some kind of agreement on several matters with the Soviet Union. It is certain that much was accomplished which never would have been done without this effort on the part of the President.

No one has said it better than Rowland Evans and Robert Novak in the May 31 issue of the Washington Post which I am sure all of my colleagues will want to read.

The article follows:

NIXON'S SUMMIT STATECRAFT

(By Rowland Evans and Robert Novak)

Moscow.—Three nights running last week, Henry Kissinger, President Nixon's national security adviser, sat until 3 a.m. with Soviet SALT negotiators and refused to be panicked into concessions on the last two sticking points.

Then, at 11 a.m. on Friday, Soviet Foreign Minister Andrei Gromyko informed him the Soviet government had finally accepted compromise formulas on these two questions: whether missiles on the obsolescent Soviet G-class submarine would count against the 950 submarine-launched missiles authorized by the freeze; and a complex, delicate question dealing with SS–9 silos, which house the giant Soviet intercontinental missiles.

At the end of the Wednesday night session in the Kremlin, the exhausted Kissinger woke up the equally fatigued President Nixon with a phone call a few minutes before the break-up at 3 a.m. Thursday to report no progress. The President's response: hold fast; don't cave in.

What this incident reveals is not that the Nixon-Kissinger team can claim bargaining triumphs over the Russians. Which side got the most out of the dramatic agreement on strategic arms limitation (SALT), if either one did, will not be known for a long time. What the incident does illustrate is the fundamental principle that has guided the President during three years of the most wide-ranging and now successful negotiations ever conducted with the Russians.

The principle: the U.S. wants agreement with the Soviet Union on many issues, starting with SALT, but not a single one of the issues is so important that it can be purchased at cut rates by the Russians.

In short, the President sought by a variety of tactics to inform the Kremlin that, however unfavorable the impact on his reelection prospects, failure was always an acceptable possibility.

Kissinger himself made that fact inescapably clear when, at the invitation of Communist Party chief Leonid Brezhnev, he made his secret visit to Moscow in mid-April. Contrary to reports that Kissinger went to Moscow to warn Brezhnev in advance about mining the harbors of North Vietnam, his real purpose was to try to break the SALT deadlock.

Kissinger's implicit message to Brezhnev was this: the President can come to the summit conference and comfortably leave it without signing a SALT agreement. Moreover, Kissinger rejected an appeal that the U.S. use its influence to encourage the Christian Democratic Party of West Germany to support the Moscow–Bonn treaty. That would have been American money in the summit bank, but it went beyond Mr. Nixon's formula of businesslike negotiating based on facts not gimmicks.

Likewise, the President's decision to mine Haiphong harbor was the clearest possible signal to Moscow that he was willing to sacrifice the long-planned summit meeting itself to prevent disaster in Vietnam. That message was not lost on the Kremlin.

There are other, lesser examples of the President's studied, restrained approach toward negotiating with the Russians, an approach calculated not only to obtain equity but also to transform a generation of Soviet love-hate for the U.S. into something very different—a healthy, genuine respect.

Certainly Mr. Nixon's extraordinary success here confirmed his judgment that the Soviet leaders respect bargaining strength if wisely employed. With China looming always in the background, Mr. Nixon's bargaining power was obviously enhanced. But Soviet fear of that most ominous threat—an anti-Soviet alliance between the U.S. and China—simply will not suffice as the whole explanation of the President's success in Moscow.

Brezhnev has more in mind than China. One week before Mr. Nixon arrived, Vietnam disappeared from its customary leading position in Pravda. The color television presentation of the President's arrival and of his astute speech to the Russian people on Sunday was unprecedented, and certainly not essential. The explanation lies partly in China, but much of its lies far beyond, in a genuine stirring for a new order.

As Prime Minister Alexei Kosygin told us at the glittering Kremlin reception that capped the eight-day summit: "Events like this are made by men, not by the elements." As a principal in the event-making, Mr. Nixon and his prudent, painstaking negotiating approach are an example of statecraft not easily praised too much.

COLLINS RADIO PRESIDENT SAYS U.S. INDUSTRY NEEDS AMERICAN SUPPORT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. COLLINS of Texas. Mr. Speaker, all of Texas was proud to see the AFCEA present Bob Wilson its gold medal of achievement. Collins Radio is a world pacesetter in communications. Collins Radio comes from a different Collins family, and I am no stockholder.

But I am an enthusiastic booster of their electronic genius. We are all impressed with the dynamic Bob Wilson who now heads the Collins Radio Co.

Here are some sections of a news report from the Dallas Morning News of June 7, 1972:

Robert C. Wilson, President and Chief Executive Officer of Collins Radio Company, has been named recipient of the Distinguished Service Gold Medal Award presented by the Armed Forces Communications and Electronics Association, it was announced in Washington, D.C.

Colonel W. J. Baird, USA (Retired), General Manager of AFCEA, said the Medal is given annually "In recognition of Executive Leadership, Professional Guidance, and outstanding and meritorious Service to Country."

Wilson was named President of Collins last November. He previously was Executive Vice President of North American Rockwell Corporation."

United States industry is having to fight a dual battle against unfair foreign competition and against antitechnology Americans at the same time, the president of Collins Radio Co. charged.

Robert C. Wilson called upon this nation's industry to "address head-on" the antitechnology mood that he said is evidence among many Americans who fail to realize that society as a whole benefits from industrial and technological growth.

Speaking before the 26th annual convention of the Armed Forces Communications and Electronics Association in Washington, Wilson also said:

Few (Americans) seem to recognize the penalties our society will pay if we lose the struggle now taking place for world communication leadership. And make no mistake, "we are losing."

Wilson said that foreign governments recognize the importance of communications while in this country the industry is attacked by "accusing voices" attacking the industrial and technological saga upon which their nation's strength has been built.

He said that "technology is moving very rapidly" and the United States position is slipping.

"As communicators," Wilson said, "we can't sit back and watch our central nervous system decay and hope that someone else will save it before it is too late."

A DEEPLY CONCERNED CITIZEN

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, my good friend W. H. M. "Bill" Stover, recently called my attention to a short message he hopes to convey to all Members of Congress, urging them to back up the President in his new approach to ending the conflict in Vietnam.

As I agree with Bill Stover that his message deserves the careful attention of all my colleagues, I insert it at this point in the RECORD:

A DEEPLY CONCERNED CITIZEN

Every patriotic American expects you to back the President in the present emergency, regardless of political persuasion; or of your personal assessment of why our forces now are in Vietnam; or who initially was responsible for getting us involved.

And this means finances as well as words. It might be well to recognize that the vast majority of citizens approve this too-long delayed action the President now undertakes to end the stupid, needless slaughter of the flower of our youth.

Unless you gentlemen on the Hill do close ranks soon, this Nation is doomed. Some are content to blame Communism for all our ills. But I believe that much of the violence in America during the past decade is the direct result of irresponsible rhetoric by persons in high places who are supposed to know better.

I suggest that far too many such persons sit in elective seats in the Congress. These should not forget that the same people who voted them in—can and surely will vote them out—if sufficiently provoked. And that point, for some, already has been reached.

Our country is almost down the drain. With lawlessness and rebellion and treachery encouraged from the top, many now lack the courage to fight for freedom, or the will to live with decency. But, it's our country—right or wrong.

What can you do about it, Mr. Legislator? What will you do to help return America to a truly American people? At least you can think twice before you speak. I hope.

HERBERT HARMAN—OUTSTANDING CITIZEN

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. CASEY of Texas. Mr. Speaker, I would like to bring to the attention of my fellow Members a man whose dedication and service have done much to advance the community spirit of my district.

Herbert A. Harman of 18506 Kingstown Court in Houston has been an outstanding member of the Bay Area Lions Club for the past 4 years, and his service in that organization has been so outstanding that his fellow members have asked me to take this opportunity to acquaint you with his record.

I would like to quote from a letter I recently received from a friend and constituent, Mr. Robert D. Sheets, president of the Bay Area Lions Club, concerning Herb Harman's outstanding service to the club and his community, which is located in the NASA Manned Spacecraft Center area of my district.

BAY AREA LIONS CLUB,
Houston, Tex., May 30 1972.

Hon. BOB CASEY,
Congress of the United States
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CASEY: I understand that individuals are sometimes nominated for special honors and recognition by the Congress and by the President, particularly when their contribution to their community, church and nation is outstanding and continuing.

I would like to nominate an individual for consideration of award and recognition. His name is Herbert A. Harman and he resides at 18506 Kingstown Court in Houston. He has been a member of the Bay Area Lions Club over four years and during that time he has held nearly every office and has done a magnificent job in anything he has undertaken. He has served on various committees and projects throughout his involvement in Lionism. He headed our non-profit Christmas Tree Project which is designed to supply Christmas trees at our cost to the community or to allow people who could not afford a Christmas tree to get one at no cost. He led our White Christmas Project which collected food, toys and clothing from donors in each of the Clear Creek School District schools and donated them to 365 needy children in 60 families in the Bay Area last year. He initiated two spectacular fund raising campaigns almost single handedly—one selling fertilizer and the other selling glasses commemorating the Apollo missions—the proceeds supporting our Lions Club charities and projects.

Herb has been very interested in children, particularly children who are less fortunate than most. He has been very active in recruiting children to attend our Crippled Children's Camp in Kerrville and led a Bicycle Rodeo in Nassau Bay where children were instructed in bicycle safety and had their bikes registered by the Harris County Sheriff's Department. He is the sole dual-award winner as Lion of the Year in two successive years, which is the highest honor Lions Clubs award their members. Herb has been President, First Vice-President, Projects Chairman, Membership Chairman, Director and Tail Twister in our Club. His enthusiasm for service to mankind is contagious and many Lions respect Herb for his leadership, devotion and committment above all.

Herb's activities are not limited to Lions. He is particularly active in church and community affairs too. He recently was Co-campaign Chairman for Clare Schweikart in the local school board election; is a leader in developing facilities and fund raising for the Boy Scouts in Friends of Scouting, and has served the Clear Lake Methodist Church as Sunday School Superintendent, and as Chairman of the Commission on Education as well as a member of the Council on Ministry and the Administrative Board. He is indeed a well-rounded Christian idealed individual whom it is a pleasure to nominate for official recognition by the Congress, the White House and our Country.

Very truly yours,
ROBERT D. SHEETS,
President.

I join Mr. Sheets' sentiments—Herb Harman is truly an outstanding individual.

THE LATE HONORABLE PHILIP J. PHILBIN

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. DELANEY. Mr. Speaker, I was deeply saddened to learn of the death of our former colleague, the Honorable Philip J. Philbin of Massachusetts.

It was my privilege to have him as a close personal friend, and I have never known a finer or more considerate person. His genial disposition and warm concern for humanity gave him a natural friendliness which won the lasting affection of Members on both sides of the aisle.

A graduate of Harvard University and Columbia University Law School, he served for some years as an aide to the late Senator David I. Walsh of Massachusetts. Subsequently, in 1940, he was elected to serve as Congressman for the Third Congressional District of his State, a position he held until he left Congress in 1970.

Phil Philbin was an outstanding legislator, and served his constituency, his State, and the Nation with deep dedication and marked distinction. As a longtime member of the Committee on Armed Services and, at one time, its chairman, he became an expert in the complex area of national security.

Also, one of his major areas of concern was for the welfare of our servicemen and women. He devoted himself to working for better pay, working conditions, housing, and retirement benefits for our service personnel, and, as an attorney, maintained an intense interest in matters of military justice.

A learned and cultured man, Phil had an inexhaustible fund of knowledge on a wide variety of subjects. He was widely read in the classics and an accomplished pianist. A star athlete at Harvard, he played with their great team in the Rose Bowl in 1919.

Phil Philbin will be greatly missed by those of us who were privileged to know him. We were enriched by his friendship and we are diminished by his death.

I join my colleagues in mourning his passing, and I extend my deepest sympathy to his family.

VALEDICTORIAN SPEECH

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. RONCALIO. Mr. Speaker, last week at the graduation ceremonies of Notre Dame Academy of Middleburg, Va., the valedictorian was Miss Adair Frances Montgomery, daughter of Mr. and Mrs. Edward C. Montgomery of Hillsboro, Va.

Her message sounded a note of optimism, and I feel it is of sufficient impact also to be made a part of the CONGRESSIONAL RECORD.

The speech follows:

VALEDICTORIAN SPEECH, NOTRE DAME ACADEMY, MIDDLEBURG, VA., JUNE 4, 1972

As the time approached for the graduation of the class of 1972, our comments about the swift passage of years became more frequent. And truly the years have flown for us as we look back over the many days we've spent here at Notre Dame and realize they have come to an end.

In looking at the world around us, we must acknowledge the accelerating pace of change and the resulting increase in confusion for our minds. Much of the literature that the seniors have studied in English, Moral Guidance and social studies has concentrated on rapidly expanding technology. The most emphasized aspect of this advancing technology is the vast "un-humanness" present in today's society. Many writings are depressing and the authors, pessimistic. They say Man has become a tool, instead of a builder; a follower, rather than a leader.

But is this true? Or more importantly, can we afford to let it be true? A decisive "no" is the answer voiced by one graduate and echoed by her fellow classmates. This is what Notre Dame has taught us.

We must not sink into the depths of despair and depression. We can not allow ourselves to indulge in escapism through drugs, despondency, alienation or any other form of suicide. We must not be overcome by the pressures and decisions of life in a highly complex and transient culture.

Instead we must turn to the knowledge we have absorbed here at Notre Dame. Knowledge that has prepared us for the future by proposing a solution to all life's difficult problems. It can be stated in one word: optimism. It is the ability not merely to cope with reality but to appreciate it. Our answer lies in finding the joy in simply being alive, in noticing the way a cat walks on silent feet or the hundreds of different shades of blue in a summer sky, in seeing a butterfly draw nectar from a lilac blossom or a horse shimmer in the sunlight as he shakes flies from his back. These are the beauties of life that God has made for us that we may take heart in them.

Just as realities such as these are not bound by time, but rather are eternal, so does friendship transcend age. Friends are certainly a source of happiness and comfort and we graduates of 1972 thank all you friends for coming this afternoon. And as we commence a new journey, we hope that bound by our mutual friendship, you will share the optimism of Notre Dame for developing a better world with us.

ADAIR F. MONTGOMERY.

TRAGIC SITUATION IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. BIAGGI. Mr. Speaker, the bombings and the bloodshed in Northern Ireland grows increasingly worse and the death toll continues to rise. The latest tragic death figure in that land has risen to 374. Since the beginning of 1972, 168 people have died. Over the course of the last 2 years I have continually voiced opposition to the tragic situation in Northern Ireland. I have opposed the British use of the Special Powers Act, which permits British troops to snatch up civilians in the middle of the night and detain them in internment camps for an indefinite period of time—without trial. In these camps, citizens are subjected to the worst sort of inhumane treatment.

In light of these events, I would like to bring to the attention of my colleagues a significant event which took place recently in New York City. On Saturday, June 3, 1972, a group of 22 courageous individuals began a 48-hour "hunger strike" to protest the internment policies in Northern Ireland. I had the honor of visiting with these people during the course of their strike and was struck by the intensity of their feelings against the repressive and dangerous British activities directed against their brethren in Northern Ireland.

I would like to bring to the attention of my colleagues the participants in this memorable event. Their names follow:

Eileen Crimmins, 1245 Park Avenue, New York, N.Y.

Brian McGeever, 109 Seaman Avenue, New York, N.Y.

Linda Siobhan Israel, 300 North Broadway, Yonkers, N.Y.

Jim Connolly, 153 West 188th Street, Bronx, N.Y.

Connie Buckley, 2523 Aqueduct Avenue, Bronx, N.Y.

Bridget Brannigan, 2707 Briggs Avenue, Bronx, N.Y.

Maureen McKenna Armstrong, 137 McLean Avenue, Yonkers, N.Y.

Sister St. Hugh, 325 East 194th Street, Bronx, N.Y.

Robert McCann, 67-35 Yellowstone Boulevard, Forest Hills, N.Y.

Jim O'Gara, 2473 Davidson Avenue, Bronx, N.Y.

Kathleen Walsh, 206 East 17th Street, New York, N.Y.

Bob Murray, 32 Morgan Place, North Arlington, N.J.

Angela Power, 306 East 96th Street, New York, N.Y.

Michael Skeahan, 73-19 53rd Avenue, Maspeth, Long Island, N.Y.

Sean Enright, 176 East 81st Street, New York, N.Y.

Martin Lyons, 2671 Briggs Avenue, Bronx, N.Y.

Gabriel Kennedy, 2544 Valentine Avenue, Bronx, N.Y.

Mary Kennedy, 2544 Valentine Avenue, Bronx, N.Y.

Frank Grady, 85 St. Andrew's Place, Yonkers, N.Y.

Catherine Heggarty, 353 West 57 Street, New York, N.Y.

Peter McGowan, 86 Camp Street, Springdale, Conn.

Kathleen Carmichael, 2850 Paulding Avenue, Bronx, N.Y.

Matthew P. Higgins, 35-61 92 Street, Jackson Heights, N.Y.

Liam Hogan, 119 East 233rd Street, Bronx, N.Y.

Thomas Egan, 114 Nagle Avenue, Bronx, N.Y.

Frank O'Boyle, 118-16 Rockaway Boulevard, South Ozone Park, N.Y.

Ed. McGuinness, 238 East 9th Street, New York, N.Y.

MAINTAINING AN INDEPENDENT VETERANS' ADMINISTRATION HOSPITAL SYSTEM

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. TEAGUE of California. Mr. Speaker, considerable apprehension has been expressed during the past several months about the possible effect of pending national health insurance proposals upon the Veterans' Administration hospital system. Officials of the veterans organizations and Members of Congress have voiced the fear that the Veterans' Administration system would lose its identity as an independent hospital system devoted to the care and treatment of the Nation's veterans.

President Nixon is ever mindful of the Nation's obligation to its veterans. Last week, at the dedication of a new Veterans' Administration hospital at Columbia, Mo., the President issued a statement in which he expressed the intention of maintaining and reinforcing the independent system of Veterans' Administration health care facilities when and as required.

This clear, concise expression of President Nixon's philosophy on veterans' medical care should serve to allay the fears of those who express concern about the future of the Veterans' Administration hospital system. The President's statement of June 16, 1972, follows:

PRESIDENTIAL STATEMENT, DEDICATION OF VA HOSPITAL, COLUMBIA, MO.

Today the Veterans Administration is dedicating a new hospital in Columbia, Missouri. This brings the nationwide system of veterans' hospitals to a total of 167, with more under construtcion and in the planning stage.

This latest addition will provide health care services primarily to the veterans of central Missouri. But its opening also symbolizes the strong and continuing commitment of this Administration to making the best possible medical care available to every eligible veteran.

Fulfilling the Nation's obligation to its veterans is a matter of justice and national honor. Meeting their medical needs is one of our highest national priorities. To insure that they are met, I intend to maintain and reinforce the independent system of Veterans Administration health care facilities when and as required.

THE LITHUANIAN SPIRIT

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. BRASCO. Mr. Speaker, this week is the anniversary of the independence of Lithuania, one of those brave nations along the Baltic littoral which was formally absorbed into the Soviet Union years ago. Although the territorial boundaries of that nation have been erased in name by Russia's action, in spirit the identity of that small but spirited republic remains fresh in the minds of millions of people who love freedom.

In past history, it is not difficult to encounter examples of how a nation, overrun by a conqueror, has kept its culture and ethnic heritage alive and well in spite of all efforts to assimilate its people by the authorities. This is done through overseas colonies of people who remain true to their backgrounds and by the loyal attachment of the native population to the language, culture and ethnic background that is uniquely theirs.

Poland is a classic example of this. In fact, so strong was this desire to keep all that was Polish alive and thriving, that a Polish cultural rebirth was created by Poles in exile. Lithuania is no exception to this kind of occurrence.

Persecuted by the czars and militarily subjected by the Bolsheviks, Lithuanians abroad kept the language and culture alive and well. Today in America it can be found in many States and cities, where colonies of these citizens tenaciously remain attached to all the appurtenances of their origin.

Meanwhile, in Lithuania itself, the people stubbornly refuse to allow themselves to be Russianized and homogenized so they will be assimilated into the great Russian culture and life style.

In fact, there has been a rebirth of ethnicity in Lithuania, as young Lithuanians, determined to reassert their ethnic identity, have stood up to the ruling regime. There has been some violence and even reports of self-immolation by young activists.

This holds a lesson for us all. Here in America we have seen a rebirth of ethnic pride in a dozen different immigrant communities. Millions upon millions of ethnic Americans or hyphenated Americans have reasserted their heritage with pride and an insistence upon recognition.

Fortunately, in America, there is no need for a violent reassertion of ethnic identity and individuality. Here, there has never been forceful demand by Government upon immigrant groups to merge their identities into an anonymous mass. In Russia, unfortunately, the authorities still feel that identifiable minorities must be stamped out and made good Soviet citizens, or else.

As a result, these people, especially the young among them, have stood up for who and what they are or wish to be, living examples of the impossibility of forcing assimilation upon a strongly defined cultural group. Surely the Kremlin will eventually and inevitably come to this belated but vital realization.

Just because a man or woman insists on the right to be a Jew, a Lithuanian, a Latvian an Estonian, or any one of a dozen other heritages, does not mean that the Soviet regime should bring to bear all of its forces to prevent that right from being exercised.

Only tyrants act in this manner. They have never yet succeeded in stamping out the yearning of a free people to be themselves. It has failed with the Jews and shall fail with the Lithuanians.

CONSUMER MOVEMENT'S TOP AWARD TO CONGRESSWOMAN LEONOR K. SULLIVAN

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. MADDEN. Mr. Speaker, it was my great privilege and pleasure last Wednesday night to attend the second annual Distinguished Service Awards Dinner of the Consumer Federation of America at the Mayflower Hotel, where a most impressive honor and a well-deserved one—was paid to our charming and conscientious colleague from Missouri, the Honorable LEONOR K. SULLIVAN.

Congresswoman SULLIVAN, who has been working for consumer causes and for progressive legislation in every field during her great career in Congress, was presented the Consumer Federation's Distinguished Public Service Award "for understanding the dimensions of the consumer interest, for recognizing the need for a more rational, humanitarian, and purposeful system, and for active participation and outstanding leadership in achieving increased protection for all consumers."

It was the second such award to be made to a public official by the Consumer Federation of America. Last year's award, the first to be made, was given to Senator PHILIP HART, of Michigan.

All of us in the House have for years looked to LEONOR SULLIVAN for leadership, guidance, and wisdom on consumer issues coming before the Congress. She has been the author of, and the driving force behind, some of the most important measures passed by Congress to improve the lot of the American citizen, from the food stamp program to the Truth in Lending Act.

In presenting the award to Mrs. SULLIVAN on behalf of the consumer movement in the United States, Mr. George E. Myers of the Credit Union National Association—CUNA—a vice president of the Consumer Federation of America, said of her that, "No elected official in America today has done more to improve the lot of the American consumer than Congresswoman LEONOR K. SULLIVAN."

REMARKS BY CONGRESSWOMAN SULLIVAN IN ACCEPTING AWARD

As usual, the gentlewoman from Missouri spoke with great sincerity and deep insight when she delivered her acceptance speech upon receipt of the Distinguished Public Service Award. It was an outstanding talk by the ranking woman Member of the House who has learned how to make the American legislative system work effectively in the public interest. I was deeply impressed by her remarks. Under unanimous consent, Mr. Speaker, I submit the text of Congresswoman SULLIVAN's remarks at the Consumer Federation of America awards dinner, as follows:

REMARKS BY CONGRESSWOMAN LEONOR K. SULLIVAN

I have no idea what it would be like to receive the Nobel Peace Prize or the Fermi Award for Atomic Energy Research or the Pulitzer Prize for Journalism or Letters, because none of these is in my field of special competence, but I can tell you what it is like to receive the Second Annual Distinguished Public Service Award of the Consumer Federation of America—it is one of the nicest things that has ever happened to me as a Member of Congress. It is an award I shall always treasure because of what it stands for in a field to which I have devoted most of my energies in the Congress for nearly 20 years.

I feel particularly honored in receiving this award following its presentation to only one other person so far—Senator Philip Hart of Michigan who is certainly one of the great figures of the consumer movement in this country. He has been a worthy successor as chairman of the Senate Subcommittee on Antitrust and Monopoly to the late Estes Kefauver of Tennessee who mastered the technique of Congressional investigative procedure and then used it relentlessly and brilliantly in the public interest, and especially, as Senator Hart has done also, in the consumer interest.

To be honored at the same affair as Sidney Margolius makes my award even more meaningful to me tonight because he was the first of the professional consumer writers, whose column in *The Machinist* newspaper pioneered in a field which the daily newspapers and the magazines assiduously neglected for so many years.

Today, however, every major newspaper in the country has at least one writer, and sometimes teams of them, specializing in consumer news, using brand names and company names and specific details such as we once found only in Sidney Margolius' column in the Labor press and in the other publications which had the courage and imagination to carry his enlightening dispatches. Fortunately, the pioneer has not been resting on past laurels nor has he been eclipsed by his many successors in the field of consumer journalism; his influence has grown with the national interest in this field and I am proud indeed to be honored alongside Sidney Margolius tonight.

The Consumer Federation of America is comparatively a come-lately in the field of national organizations—is it only six years since David Angevine organized the first consumer assembly which provided the inspiration and the impetus for the formation of this healthy and vibrant consumer organization? But while the organization itself is very young, the men and women who have been the architects and builders of this Federation in most instances have been active in the consumer movement all of their adult lives. Long before there was a Consumer Federation of America, these men and women were working effectively together informally in ad hoc committees on all of the major pieces of legislation of the past generation which have erected the framework of the consumer protections we now enjoy in this country.

I know this from long personal experience because any legislative achievements I have had in the consumer cause in the last 20 years have been due at least in part—and often to a great degree—to the efforts of men and women in this room tonight and some who would undoubtedly be here to night if they were still among us.

When I started 18 years ago on the legislation which eventually became the Food Stamp Program, about the only support I received outside of my own City of St. Louis and a handful of Members of Congress—Senator Aiken, Senator Humphrey, and a few of the Pennsylvania Members of the House—came from some of the people in this room tonight. They were among the few Americans who could understand in 1954—during the 1954 recession—the urgency of outlawing hunger in the United States.

And it was that year also when Arnold Mayer first came to see me about the horrible conditions under which the poultry workers in this country were forced to work—in filthy plants where the product often arrived in diseased condition but was nevertheless processed and packaged and shipped for sale in interstate commerce. Heaven only knows how many consumers were made ill by this garbage, but Arnold Mayer knew that poultry workers were contracting diseases in the plants and that some had actually died from this exposure. We were able to establish from government medical sources that something like 27 diseases carried by poultry could be transmitted to humans. Yet there was no Federal inspection of poultry except on a voluntary basis, paid for by some segments of the industry as a sales promotion tool. This was not in some ancient or medieval period of history—it was just 18 years ago, 1954. Within three years we have a compulsory poultry inspection law enacted—not only for all poultry in interstate commerce but even, under some circumstances, for poultry moving only within a state.

I believe it was the first law ever enacted to provide machinery for compulsory Federal inspection of any food item moving only in intrastate commerce.

Even though the 1957 law was never used to regulate intrastate poultry sales, it nevertheless established the principle of Federal concern and responsibility for food safety within the states, and from that beginning came the subsequent Wholesome Meat and Wholesome Poultry Acts of the late 1960's, when we had far more help than we had in 1957.

And I remember, too, what Evelyn Dubrow did over the years in developing support for the great Senator Paul Douglas's Truth in Lending idea, and what the late John Edelman did for elderly consumers, and how the women of the REA co-ops were organized by Erma Angevine to work for consumer legislation, and how she and her then boss, former Congressman Clyde Ellis and also the Farmers Union fought for inclusion of agricultural credit under Truth in Lending in the 1967 hearings, when Sidney Margolius and Sarah Newman and Esther Peterson and Father McEwen and Pat Greathouse of the UAW, and William Hutton, and I. W. Abel of the Steelworkers, and spokesmen for CUNA, and other groups represented here came forward to testify in favor of the strong provisions of what became the Consumer Credit Protection Act of 1968; and I recall the help given me by Ralph Nader and his people on the Fair Credit Reporting Act of 1970; and I can only say I am grateful indeed for all of this invaluable assistance from so many groups and individuals in the consumer movement.

The danger in citing some names is that you leave out many others also or equally entitled to credit. One name I must mention here—in any discussion of the work I have tried to do in the Congress—is that of Charles Holstein, for the past nine years on my Consumer Affairs Subcommittee staff, who has worked with me for 19 years in a multitude of consumer battles—and staff people who have worked with him to enable me to do the things you have honored me for accomplishing.

Of course, in this audience nearly everyone here knows who has done what in the consumer movement in these past years, and it would take all evening to recount each role and its significance, but not many of you may know how I actually got started as a consumerist Member of Congress. The women of what is now one of the constituent organizations of CFA, the nationally recognized St. Louis Consumer Federation, approached me after my first election in 1952 and asked me to speak to their members about my plans and intentions on pending consumer issues in the Congress. So I went to the library in St. Louis and started reading up on these issues, and found they were far more complex than I imagined. So I went to their meeting and threw myself on their mercy: I am going to be your Congresswoman, I said, and I want to work for consumer causes, but you're going to have to tell me what the problems are, and what can be done about them. That was the start. From then on, they fed me ideas, criticisms, and suggestions, and constantly raised questions. I hope I haven't ever let them down. The moral of the story is that if you want to influence Congressional votes on consumer issues, you can turn lots of Members of Congress into consumerists by teaching them what they should know about these issues. Once they get their feet wet in consumer causes—and you can always get them interested in some consumer issue regardless of their politics—you will find them working hard to impress their voters on how much they care. We have all seen some of the unlikeliest Members of Congress at some time or other turn into consumer activists on a particular issue. But you usually have to reach them through people in their own home districts—people with problems which cannot be solved except through Federal legislation. Once the problem registers on the Member's mind, then it is time to talk about solutions. But you must keep after them, as you all know.

Too often, when consumer issues come up on the House Floor, the "consumer-alert" system hasn't been brought into play—no one is in the galleries watching to see who is absent and calling their offices to find out why. We almost lost the garnishment title to the Consumer Credit Protection Act in 1968 because of absenteeism in the Committee of the Whole House on the State of the Union. We saved it by only four or five votes. The food stamp program was dehumanized in 1970 because of absenteeism during a teller vote. The rollcall votes are of course important, but what happens in Committee of the Whole House on the State of the Union under the five-minute rule is often more critical to the outcome. I have seen you people work your hearts out on great causes when you are really steamed up about them, counting noses, checking on absentees, and buttonholing Members outside the chamber, after organizing the writing campaigns back home, so I know you can mount an effective lobby when the stakes are clear enough to your organizations. The consumer causes don't always get that kind of support when it is needed—so don't depend upon the few conscientious ones to do all of the work; back them up with your potent presence and assistance.

Right now, in the Committee on Banking and Currency, we are deeply involved in bitter controversy over the rights of consumers in buying homes. The Subcommittee on Housing has agreed to a bill which would write into law far-reaching and badly needed consumer protections in the purchase of FHA-insured homes and in the settlement charges and fees assessed on all home-buyers at that fateful and financially disabling moment of closing.

We have had a parade of industry witnesses come before the full Committee in the past week to mourn that writing these protections into law will bankrupt the building industry, or make the purchase of homes even more difficult financially for the average family. How do we get word to consumers of their stake in this legislation?

The Committee is deeply divided. Some key Members are wavering. An effort in the Subcommittee to strike these protections out of the bill failed by the dangerously narrow margin of a 7 to 7 tie vote. Whatever happens in the Committee we are going to have this battle again on the House floor. It will be a bruising one. I hope I will be able to look up in the galleries and see a lot of consumerists keeping score—and see some in the corridors, too, lining up wavering Congressmen. And I would like to hear some mail coming into Congress endorsing my Housing amendments.

If we lose, then the average family buying a home will continue to go the mortgage closing ceremonies as the inevitable victim of a traditional system of kickbacks to lawyers and developers and real estate dealers, unearned fees, mysterious charges of all kinds, and other forms of tribute to ancient custom or to deliberate, fast-dealing; if we win, we will really have something for consumers everywhere to celebrate. Are you prepared for the battle? Not many consumer voices have been heard from as yet on this issue which hits people where they live—or hope to live.

In every Committee of the House and Senate are other bills which can be made into effective vehicles for important consumer reforms. There is no standing Committee with legislative powers which is a "minor" Committee from the consumer standpoint—from Agriculture to Ways and Means.

In each of the standing Committees a resourceful and conscientious Member of Congress can always accomplish worthwhile improvements in behalf of consumers if he knows what the issues are and how to attack them, and what questions to ask or amendments to offer.

The 93rd Congress will provide an excellent opportunity for the consumer movement to score tremendous advances, because there will be an unusually large number of new Members learning the ropes and anxious for help and advice. Many of them will land on the so-called minor committees where they will fret about their lack of influence. What they will need to become effective are some good ideas, which the men and women in this room, and the organizations you represent, can help provide them with.

At the same time, don't neglect the rest of us—those of us with seniority who are in a position to shape major bills which will help make this a more consumer-oriented society. We will always need informed suggestions, and the public support for our bills or amendments, which you can bring about.

You have done much—you have already worked some near-miracles in the legislative field—in the few years since this organization was formed, and I am looking for more of those achievements from you in the years ahead. That's why your award means so much to me tonight—as recognition, yes, from citizens whose consumer dedication I respect; but also as a commitment between us

that we will continue to fight on together for what we believe this country should be to even the lowliest among us. Thank you very much.

THE GOLDEN BULL OF HUNGARY

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SCHERLE. Mr. Speaker, 750 years ago, Hungary, the land of my grandparents, established the firm foundation for centuries of constitutional government. Shortly after the English nobles exacted the Magna Carta from King John, the free people of Hungary won strikingly similar concessions from their monarch, Andrew II. Called the Golden Bull of Hungary, this historic document guaranteed certain basic rights, including personal freedom and the right to resist tyranny. The fascinating story of how the people of Hungary secured these liberties is well described in the account which follows below.

Americans who are accustomed to thinking of the evolution of constitutional government solely in terms of the Anglo-Saxon experience may be surprised to learn that parallel developments were taking place simultaneously elsewhere in Europe. Unfortunately we are also apt to forget that, while we still enjoy the freedoms first guaranteed to English-speaking people by the Magna Carta, history has been less kind to the people of Hungary. The Communist regime which usurped power in 1945 abrogated the principles of the Golden Bull and, in less than a generation, nullified the traditions which endured for three-quarters of a millenium.

The anniversary of the Golden Bull thus provides a timely reminder that ideals of the American Revolution will not be realized completely until all those who share them can enjoy their benefits.

Include the following:

THE SIGNIFICANCE OF THE GOLDEN BULL OF HUNGARY

(Prepared by **Dr. William Sólyom-Fekete**, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, June 1972)

Hungarians and their freedom-loving friends all over the world celebrate this year the 750th anniversary of one of the most important events of Hungarian history: the issuance of the Golden Bull (Bulla Aurea) by King Andrew II of Hungary. This constitutional document was granted in 1222, only seven years after the issuance of the Magna Carta of England to which it bears a striking resemblance in content despite the geographical distance and the ethnological and historical differences between England and Hungary. This anniversary presents an excellent opportunity to take a look at this important part of the thousand-year old Hungarian Constitution

The Hungarians appeared in Central Europe at the close of the ninth century. At that time they already had an ancient constitution based on an agreement of the dukes of the seven tribes, one provision of which assured the leadership of the nation to Duke Árpád and his descendants. The prince formed a council from among the leaders and officers of the nation which assembled frequently.

Arpád's descendant, St. Stephen, obtained the royal crown from Pope Sylvester II in 1001 and assumed the title of King of Hungary. He was recognized by the Pope as the converter of the Hungarians to Christianity. From the earliest stages of the Kingdom, the laws were adopted by the royal council which consisted of the King and the nobility.

King St. Stephen's laws included a statement of human rights that was unique for that age: "Henceforward no earl or knight shall dare to place a free man in bondage."

The successors of King St. Stephen in the eleventh and twelfth centuries strove to consolidate the Kingdom and continued to strengthen the centralized administrative organization. This system was based on the counties led by administrators who were appointed or removed by the sovereign. These lord-lieutenants were responsible for the administration of the extensive real property owned by the king which was the source of both the economic and the political power of the Hungarian kings.

As a result of this centralized system of administration, the tendency toward autocratic and absolutistic rule by the kings became more prevalent, but such efforts usually met with vehement resistance by the nation.

The events immediately preceding the issuance of the Golden Bull were very similar to those in England which led to the issuance of the Magna Carta in 1215. King Andrew's succession to the throne after the death of his brother may be compared with the succession of King John to the throne of England. The political and economic conditions of Hungary also resembled those of England, and that is probably the reason why the contents of the Magna Carta and the Golden Bull are so similar.

The Hungarian nobility and the freemen enjoyed several privileges under the unwritten, ancient constitution of the nation, which were jeopardized by the absolutistic efforts of King Andrew II. The King nurtured extensive economic and political reform plans to strengthen his own power at the expense of the nation. This led to a serious conflict between the nation and its King.

The conflict was resolved in 1222 at the Diet of Fehérvár, where King Andrew II was confronted with the demands of the nobility and the freedom. He agreed to affirm their "ancient rights and liberties obtained from King St. Stephen."

The Golden Bull did not establish any new rights or privileges for the nobility but confirmed, for the first time in written form, the existing rights. However, by doing this the wisdom of the framers of this document avoided the weakening of the royal power, as Count Julius Andrássy, the well-known statesman, pointed out by saying that the Golden Bull, in contrast to the Magna Carta, "was designed to strengthen the King's power, as well as to assure the privileged classes their rights."

The great importance of this constitutional document is attributed to the fact that the King recognized that the nation had rights inviolable even by the King himself.

The most significant of these rights were: direct contact with the King at the annual diet; personal freedom; freedom from taxation; and the right of resistance.

As was mentioned before, the kings of Hungary usually held a royal council frequently where legislation was discussed. The Golden Bull provided that the King must call a diet annually, and each member of the nobility had the right to appear there in person and participate in the management of the affairs of the nation.

The personal freedom established by King St. Stephen was corroborated by the provision that no freeman should be seized or his property destroyed without—to use a modern phrase—"due process of law" that is, without first being duly cited and convicted of a criminal action.

The freedom of the nobility from taxation was a privilege which at the time of its origin was not detrimental to the state because the crown properties yielded enough revenue to sustain the economic power of the country. The Hungarian nobility enjoyed this privilege until 1848, when the nobility itself renounced it voluntarily to strengthen the independence of the country.

Probably the best-known and, according to many scholars, the most important feature of the Golden Bull was the codification of the right of resistance. King Andrew declared that if he, or any of his successors, should violate the dispositions of the Golden Bull, the nobility had the right to resist and contradict without incurring the crime of treason.

This provision of the Golden Bull was also a confirmation of the customary law existing in the 13th century, and was so deeply embedded in the spirit of the Hungarian nation that it survived through the centuries, even after its formal repeal in 1687. This right of resistance constituted the legal basis of Hungary's struggle for independence and freedom from oppression through the centuries.

TAKING A LOOK AT LITTLE LEAGUE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. KARTH. Mr. Speaker, every summer we encounter the annual debate on the value of organized sports for children. Eventually the argument often comes down to: is the child's development better served by participating on a Little League team, or playing on his own without adult supervision.

Both sides to this question have specific examples to back up their position. Those who favor organized play point out that the child is properly taught the fundamentals of the game and is protected from serious injury. The proponents of sandlot ball say that screaming moms and dads and win-at-all costs coaches ruin the fun of the game for the youngsters.

Frankly, Mr. Speaker, there is no answer to this endless argument. Rather, much like any debate concerning an institution that has been established by man, the ultimate question mark concerns the individual. The most perfected institution can be destroyed by a single individual. This, more than anything else, is the central point of dispute over Little League baseball.

Last summer I recall vividly a story written by Washington Star staff writer, J. D. Bethea. This was a chilling account of a tyrannical Little League coach who apparently believed himself to be a combination of Vince Lombardi and Ted Williams. His brutalizing tactics on the young men under his command were disturbing, to say the least.

This summer J. D. Bethea took another look at Little League baseball, and, happily, found a different story. He discovered a man of compassion whose first concern was not for winning, but for the development of the youngsters on his team—not only as baseball players, but as individuals.

Mr. Speaker, obviously this other-side-of-the-coin story does not resolve the eternal controversy of Little League baseball—to be or not to be. It does point out that the determining factor about the worth of an institution is the individual. Observing how well established the Little League program has become, it is our hope that more and more of the men who coach our youngsters are of the type that Mr. Bethea discovered this summer.

With that in mind, I place in the RECORD "Taking a Look At Little League," by J. D. Bethea from the June 15, 1972, edition of the Washington Star:

TAKING A LOOK AT LITTLE LEAGUE

(By J. D. Bethea)

The kid at bat was an interesting study. He was a nice youngster, but as a Little League baseball player he was sort of out of it. As an outfielder Frank was impossible. As a batter he was horrible. His only strong point was being short. Frank managed to get a lot of walks because of his minimal strike zone.

The bases were loaded. Frank swung his bat and, shockingly, made a slight connection with the ball. It dribbled about three feet in front of home plate.

Frank simply stood at the plate as if transfixed. His coach, Dave Jones of Reston, Va., was yelling, "Run, run." Frank yelled back, "Where, where?" The opposing catcher, in the meantime, calmly picked up the ball and tagged him out.

In many instances the youngster would have been afraid to return to the bench after such a play. With Jones, however, the player was complimented upon finally making contact with the ball.

There is every possibility that Jones would make the perfect model of a Little League baseball coach. Particularly if, as a parent, your emphasis is not necessarily on winning games.

A jovial, outgoing individual whose sense of humor is most appealing to youngsters, Jones earns his living as Washington correspondent for the Tulsa, Okla., Tribune. He also coaches a Little League team called the Cobras.

The Cobras have indicated that they are a good team, but they haven't been winning. Jones' team has now lost seven of its last eight and spirits are, naturally, less than ebullient.

"Look, I want to win. I always want to win. I'm a very poor loser," Jones said "My main problem is the feeling that I can't transmit this to grade school kids. Hell, I'm a guy who watches a game on television and ends up screaming at my set."

A typical example of Jones' influence on his team was evident following a recent 2–1 extra-inning loss. In Little League a 2–1 score, in extra innings yet, is about as rare as a pterodactyl.

As his team slowly trudged off the field, tears streaming down the faces of some players, others fighting them back, Jones gave one of his patented pep talks. Then he told his boys to give the opponents a cheer and go over and shake their hands.

"Little League to me means emphasizing sportsmanship and respect for others," Jones said. "I also don't allow the players to criticize one another. A child at this level is very sensitive. You can't tear him down without making him cease to produce.

"I've got one boy now by the name of Steve. He's an outfielder and he's a good player. In our last game Steve struck out three times. He slammed his helmet down and cried and talked about quitting. Heck, the kid has talent. Another year and he's going to be a fine player. Right now he's in a slump. So I try to build confidence."

Jones is not alone in his attempt to instill in youngsters a competitive spirit, tempered with adjusting to adversity and having fun at the same time. There are other Litttle League coaches who believe that the youngster's welfare is more important than winning.

They'll probably all be bald soon from pulling out their hair in frustration at errant calls by umpires and defensive lapses in the field. What's important, however, is that they will eventually develop the ulcers and not the kids.

GALLUP POLL SHOWS NIXON STRONGER

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SPRINGER. Mr. Speaker, the Field Enterprises, Inc., through the Gallup poll has been releasing repeatedly the standing of the President versus other candidates in the other party. The Gallup poll has been remarkably accurate on past occasions and I felt that the placing of this in the RECORD would be of help to my colleagues who might not have noticed it. This is taken from the Champaign-Urbana News-Gazette of Sunday, June 11:

GALLUP POLL—NIXON STRONGER

(By George Gallup)

PRINCETON, N.J.—Gov. George Wallace has registered sharp gains in the latest test elections, at the expense of Sen. Hubert Humphrey, and to a lesser extent, Sen. George McGovern. This has produced President Nixon's widest lead to date over both Humphrey and McGovern, despite the fact that the size of Nixon's vote has not increased since the previous measurement, taken in early May.

McGovern makes a better showing than Humphrey in the latest trial heats, conducted in late May. He trails Nixon by 13 points, 43 to 30 per cent, while Humphrey lags behind Nixon by 17 points, 43 to 26 per cent.

In the previous (early May) trial heats, McGovern trailed Nixon by eight points while Humphrey was 11 points behind.

The tables below show the trend in the trial heats since mid-April with Gov. George Wallace included as a possible third party candidate:

[In percent]

	Nixon	McGovern	Wallace	Undecided
1972				
May 26–29	43	30	19	8
Apr. 28–May 1	43	35	15	7
Apr. 21–24	45	32	16	7
	Nixon	Humphrey	Wallace	Undecided
1968				
May 26–29	43	26	22	9
Apr. 28–May 1	45	34	15	6
Apr. 21–24	44	31	16	9

The latest findings indicate that a "sympathy vote" may be operating for Wallace following the May 15 attempt on his life.

Wallace's current vote of 22 per cent in a match-up with Nixon and Humphrey represents his highest score yet recorded. His previous high of 21 per cent was recorded during the presidential campaign in late September, 1968. His support steadily fell off from then until the election when he won 13.6 per cent of the vote to 43.0 per cent for Humphrey and 43.4 per cent for Nixon.

Remarkably, the September, 1968, trial heat figures almost exactly match these recorded in the latest Nixon-Humphrey-Wallace trial heat. Nixon won the support of 43 per cent in the earlier survey, compared to 28 per cent for Humphrey and 21 per cent for Wallace, with 8 per cent undecided.

From that time, however, the Wallace vote started to fade, with his losses translating into gains from Humphrey. By election eve, as the Gallup Poll indicated, Nixon had only a slim margin over Humphrey.

Wallace's gains in the latest trial heats up (seven points from the previous test against Humphrey, up four versus McGovern) reinforce survey findings reported Friday. These showed Wallace now tied with Humphrey and McGovern is the top choice of the nation's Democrats for the nomination, and far ahead of his two rivals among Independents, winning 36 per cent of their support to 25 per cent of McGovern and 11 per cent for Humphrey.

With many political observers of the opinion that Wallace will not run as a third party candidate this year, it is important to see where his vote would go in the event he does not enter the races.

To determine this, registered voters choosing Wallace were asked to select between just the two major party candidates in each of the two trial heats.

The national findings show Nixon benefitting over each of his two leading rivals, if Wallace is not in the picture.

Nixon would gain 10 points with Wallace out, while McGovern would pick up only four points. The President would gain nine points to only six for Humphrey.

The following tables show the vote in the latest test runs, with and without Wallace:

	Nixon	McGovern	Wallace	Undecided
3-way race	43	30	19	8
2-way race	53	34		3
	Nixon	Humphrey	Wallace	Undecided
3-way race	43	26	22	9
2-way race	52	32		16

The latest trial heats are based on in-person interviews with a total of 1180 registered voters out of a total sample of 1540 adults interviewed May 26–29 in more than 300 localities across the nation. These questions were asked:

Suppose the presidential election were being held TODAY. If Richard Nixon were the Republican candidate and George McGovern (Hubert Humphrey) were the Democratic candidate, and George Wallace ran again as a third party candidate, which would you like to see win? And suppose Wallace is not in the race, which candidate would you prefer—Nixon or McGovern (Nixon or Humphrey)?

OUTSTANDING ACHIEVEMENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. WOLFF. Mr. Speaker, I should like to call to my colleagues' attention an example of outstanding achievement by a high school team in my District. I am referring specifically to the Carle Place High School Physical Fitness

Team, consisting of six young men, ninth grade, through senior, who walked away with top honors in the Northeast Regional Competition, and finished eighth in the national meet, which was held on Thursday, June 15, at the U.S. Marine Corps Base in Washington, D.C.

The Carle Place High School team was in competition with 17 of the country's finest teams, and the tests were exceedingly difficult. Therefore, it is with great pride that I offer my congratulations to Coach Victor Travaglianti, and to the members of the Carle Place High School Physical Fitness Team, namely: Wayne Giglio, Art Lavery, John Madeo, Ray Izzo, Mike Fenster, and Russ Kohn. I am sure all of my colleagues will join me in applauding these young men, not only for the desire to excel physically, but more importantly, for the dedication, sacrifice, and self-discipline that we required in order for them to do so. At a time when many young people have been receiving negative publicity, it is gratifying to know that the so-called "generation gap" is not as wide as some would have us believe.

SUDDEN INFANT DEATH SYNDROME: TRAGEDY, YES; GUILT, NO

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. **BRAY**. Mr. Speaker, there is no more heart-breaking affliction that can be visited on parents than the incredibly tragic and unfortunately unsolved "crib death," or sudden infant death syndrome.

A member of my district staff and her husband went through this horrible experience. The following article from the New York Times of June 19, 1972, tells the agonizing experiences suffered by parents when this occurs.

A TRAGEDY WITH AN AFTERMATH OF GUILT

"A simple child,
That lightly draws its breath,
And feels its life in every limb,
What should it know of death?"

—WILLIAM WORDSWORTH.

(By Judy Klemesrud)

Wordsworth's "We are Seven" is one poem that Mrs. Judith Choate can recite by heart, and often does. Early one morning in 1965, the willowy, former fashion model tiptoed into the nursery of her West Side apartment and found her 5-month-old son, Robert, dead in his crib.

The baby was the victim of "sudden infant death syndrome" (S.I.D.S.), or "crib death," the mysterious disease that is the nation's No. 1 killer of infants under 1 year of age. Each year approximately 10,000 babies die of crib death—1 in every 350 live births. The cause is still unknown.

The grief-stricken Mrs. Choate immediately sought out other parents who had suffered the same tragedy, and today she is the executive director of a growing national organization dedicated to helping parents who have lost a child to crib death.

It is the National Foundation for Sudden Infant Death, a tax-exempt charitable corporation whose headquarters are in a tiny office on the 20th floor of 1501 Broadway.

From here, Mrs. Choate, now 32 years old, and one secretary spend much of their time mailing out literature on crib death, which, as letters the foundation has received testify, can have devastating psychological effects on the family involved.

Marriages have broken up following a crib death (or "cot death," as it is known in England) because a husband refused to live with a wife who "let a baby die." Older siblings of the victims have become emotionally scarred. (Nightmares and bed-wetting are frequent results.) Guilt-ridden mothers have withdrawn from friends and relatives and refused to leave their homes for months. Suicides have been reported. Couples have refused to have further children for fear of another crib death.

Other couples, like Arthur and Ann Siegal (he is president of the R & H Advertising Agency) decided upon adoption. The Siegals adopted two children after their 16-month-old son, Danny, died of S.I.D.S. in 1966. They also have two natural children, one born after the adoptions.

"My pediatrician recommended we have another child right away," said Mrs. Choate, whose husband, Edward, is manager of the Music Box Theatre in Manhattan. "He told my husband, 'Get her pregnant right away,' and we had another child 11 months later."

Today, in addition to two adult children from his first marriage, the Choates are the parents of Michael, 10, who was with his mother the morning she found her infant son dead in his crib, and Christopher, 6.

"That was the longest period of my life," Mrs. Choate said, talking about Christopher's first year—the period when infants are most susceptible to crib death. "I had to fight myself from going into his room every five minutes to check on him."

The National Foundation for Sudden Infant Death was founded in 1962 as the Mark Addison Roe Foundation, started by a Connecticut couple whose infant son was a victim of S.I.D.S.

SOME THEORIES HAVE BEEN DISCOUNTED

Today the foundation has 20 chapters throughout the country, plus 12 others in formation. There are no dues paying members as such, but the foundation has a mailing list of 12,000 couples and individuals, Mrs. Choate said.

The literature details the latest theories as to what causes crib death, plus those that have generally been discounted: External suffocation in bedclothes, allergy to cows' milk, bleeding in the spinal cord, lead poisoning, radiation fall-out, smoking, adding bleach to the diaper wash, air pollution, fluoridation and suffocation by pet animals.

The theory advocated by Dr. Abraham B. Bergman of Seattle, the boyish-looking 39-year-old president of the foundation, is that a sudden spasm of the vocal cords closes off the airway during sleep.

The pediatrician repeated his theory at a recent meeting of the foundation's New Jersey chapter in a Lutheran church in Englishtown, N.J., then called for a "bill of rights" for S.I.D.S. parents.

These rights, he said, would include an autopsy of every suspected crib death victim by a competent medical examiner; the results given to the parents within 24 hours ("This is medically possible," he said); and accurate counseling and information about S.I.D.S. for the family, to make the loss of the child easier to bear.

One of the major efforts of the foundation, and also of a smaller group working with S.I.D.S. parents—the International Guild for Infant Survival, in Baltimore—is to acquaint medical examiners, law enforcement officials and the public with S.I.D.S. (As a result of the two groups' efforts, crib death was the subject of a recent "Marcus Welby, M.D." television program.)

Dr. Bergman said that public officials who are not informed about S.I.D.S. often immediately assume that any baby who died in his crib was a victim of child abuse. "As a result," he said angrily, "they treat the parents like criminals."

PARENTS TREATED "LIKE CRIMINALS"

"I highly resent this association between crib death and child abuse," Dr. Bergman told the 60 persons at the meeting. "It's very easy for a doctor to recognize the difference."

Mrs. Choate, who was also at the meeting, said that among the questions she was asked by a medical investigator following the death of her son were:

"How many times did you hit the baby?"

"Did your other child choke or in any way abuse the infant?"

"Did you let your dog bite the baby?"

Two international conferences, in 1963 and 1969, were held on crib death, but research is only beginning. Last year the Federal Government spent only $46,000 on research and prevention of the disease. This summer, according to Dr. Bergman, 20 college students, operating under a $90,000 Federal grant, will conduct interviews on how crib deaths are handled in 150 American cities.

"Just what do doctors know about crib death?" a distraught sounding father who had lost a son the week before asked Dr. Bergman from the audience.

"Not much," the pediatrician admitted. He said that crib death was neither predictable nor preventable, that it has been around since antiquity and is not increasing, that slightly more boys die of it than girls, and that it is most likely to occur in the winter among 2-to-4-month-old infants born prematurely or of low birth weight to low income families.

He reassured the parents that crib death was not hereditary, and that an S.I.D.S. death does not mean an increased likelihood that a subsequent baby will suffer the same fate.

After the speeches, several of the New Jersey couples were interviewed about their S.I.D.S. infants and the situations they had encountered after the deaths.

Unlike most of the parents, Kevin and Mary Ann Deas of East Brunswick, N.J., were actually present and only inches away from their 11-week-old son, Michael, when he died of S.I.D.S. last April 21. The Deas had just returned from an afternoon drive to the Jersey Shore when they discovered their son dead in a baby bed on the second seat of their station wagon.

"There was no sound, absolutely nothing," the 27-year-old Mrs. Deas said. "It was really eerie because, for some reason, I'd been thinking about crib death all day—and I wasn't even sure what it was."

The couple said they considered themselves fortunate in that most of the officials they dealt with knew about S.I.D.S. A policeman assigned to their case had lost an infant to crib death a few months earlier, and so had a rescue squad driver.

Like many of the parents, the Deas said that they now were probably over-protective of their surviving son, Kevin, who is 2.

"I BLAME MYSELF"

"I'll go to his room in the middle of the night," said Mr. Deas, a 29-year-old salesman of hospital equipment, "and I'll twitch him, just to see if he is still alive."

Crib death and guilt feelings tend to go hand-in-hand, and one mother who suffered severely was Mrs. Donald Hill, 25, of Belleville, N.J., whose first and only child, Monica, died last February 1 at the age of one month.

"I blamed myself," Mrs. Hill said. "The baby was crying the whole day before she died, and I kept picking her up. Then I decided the next time she cried I wouldn't pick her up, and when I went into her room I found her dead."

Mrs. Hill was so distraught that she refused to return to her apartment after the death. She and her husband stayed with relatives for two months, then moved to an apartment two miles from the old one. She has since returned to her job as an X-ray technician at East Orange General Hospital, and is expecting another child next January.

To Mrs. Harris Goldberg, of Englishtown, N.J., who with her husband heads the New Jersey chapter, the thing that was most disturbing after the death last June of her 16-month-old adopted daughter, Jennifer, was the complete indifference of her pediatrician.

"She didn't bother to contact us in any way," Mrs. Goldberg said, "and I had taken Jennifer to see her many times. A few months later I saw her in the supermarket, and she snubbed me completely. But from what I've learned in this group, doctors feel terribly guilty, too, and perhaps that was what was wrong in her case."

The meeting came to an end when Dr. Bergman told the couples he hoped the foundation would "self destruct" in five years as people come to understand crib death and S.I.D.S. parents learn to cope with their guilt feelings.

"That's when we will have achieved our goal," he said, "when a family feels no more guilty about losing a child to crib death than they would if the child died of pneumonia, meningitis or leukemia."

THE HONORABLE RICHARD H. POFF

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HALL. Mr. Speaker, it is with a sense of sadness that I learned of the decision of our colleague, RICHARD POFF, not to seek reelection to the 93d Congress, in order to accept an appointment as an associate justice of the Supreme Court of Appeals of Virginia. He has one of the greatest judicial minds that I have known, and his ability is being recognized as he leaves his seat in the U.S. Congress, for a seat on the highest judicial branch of the Commonwealth of Virginia.

"DICK" has served almost 20 years in the U.S. Congress—that lengthy term is an open manifestation of the esteem in which he is held by his constituents in the Sixth District of Virginia, where I have visited and confirmed. He has served his district, and the Nation, with dedication, devotion, integrity, and quality. His legal abilities have been well brought out in his long years of service on the House Judiciary Committee, and repeatedly demonstrated on the floor. I know that his clear and perceptive mind will faithfully and excellently serve any legal body. In the future, as in the past, when he received the Distinguished Flying Cross in World War II, to the present where he has worked and labored so many years, his superior abilities will be recognized.

I am sorry to see him leave the Congress, as we all are, but I am confident he will give many more years of meritorious and dedicated service to Virginia, and to the Nation, in his new role.

FLAG DAY REMARKS BY ALEXANDER CONTRACT

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. GOODLING. Mr. Speaker, Fourth of July is just around the corner, and our American flag always plays an important part in the celebration of this patriotic event.

Just recently, Mr. Alexander Contract, a constituent of mine from Carlisle, Pa., delivered an address for Flag Day services conducted at the Middletown Elks Lodge No. 1092 in Middletown, Pa. Because this address presents some very technical and interesting background information on our Old Glory, I insert it into the CONGRESSIONAL RECORD and commend it to the attention of my colleagues.

I would like to mention that Mr. Contract's presentation is particularly significant and moving because during the late 1930's and early 1940's, he was a member of the Russian Secret Police and a bodyguard for Josef Stalin. He defected to America after World War II and was naturalized in 1955.

Mr. Contract loves our free America because he has lived in a society where the freedom of the individual is subordinated to the interests of the State. The wonderful thing about Mr. Contract is that he does not appreciate America passively but, instead, demonstrates this appreciation dynamically, convincingly, and effectively. He is, indeed, a very fine example of a good American, and he is, certainly, deserving of his fellow Americans' deep respect.

I am, indeed, pleased to have the privilege of inserting Mr. Contract's remarks into the CONGRESSIONAL RECORD:

SPEECH DELIVERED BY ALEXANDER CONTRACT

The story of the origin of our national flag parallels the story of the origin of our country. As our country received its birthright from the peoples of many lands who were gathered on these shores to found a new nation, so did the pattern of the stars and stripes rise from several origins back in the mists of antiquity to become emblazoned on the standards of our infant republic.

The star is a symbol of the heavens and the divine goal to which man has aspired from time immemorial; the stripe is symbolic of the rays of light emanating from the sun. Both themes have long been represented on the standards of nations, from the banners of the astral worshippers of ancient Egypt and Babylon to the 12-starred flag of the Spanish Conquistadors under Cortez. Continuing in favor to the present patterns of stars and stripes on the flags of several nations of Europe, Asia, Africa, and the Americas.

The first flags adopted by our colonial forefathers were symbolic of their struggles with the wilderness of a new land. Beavers, pine trees, rattlesnakes, anchors, and various like insignia with mottoes such as "Hope," "Liberty," "Appeal to Heaven," or "Don't Tread on Me" were affixed to the different banners of colonial America.

The first flag of the colonists to have any resemblance to the present stars and stripes was the Grand Union flag, sometimes referred to as the "Congress Colors." It consisted of thirteen stripes, alternately red and white, representing the thirteen colonies, with a blue field in the upper left-hand corner bearing the crosses of St. George and St. Andrew, signifying union with the Mother country. This banner was first flown by the ships of the colonial fleet in the Delaware River in December 1775.

In January 1776, the Grand Union flag became the standard of the Continental Army which had come into being some months before—in June 1775. It was also carried by American Marines and Bluejackets comprising an expeditionary force to the West Indies in 1776.

Some Americans still believe that Betsy Ross made the first flag, although historians dispute this story. Another disputed story is that the first stars and stripes displayed in the face of armed enemy was at Fort Schuyler, August 3rd, 1777. The flag was improvised. The white part came from a soldier's shirt; a captain's cloak supplied the blue of the union; and the red stripes came from the flannel petticoat of a soldier's wife, who gladly donated it for the purpose. However this was probably a Grand Union flag.

Continental Congress passed a resolution that established the stars and stripes on June 14th, 1777, but did not specify the arrangement of the thirteen stars on the blue union, except to say that they should represent a new constellation.

General Washington, when the star-spangled banner was first flown by the Continental Army, is reputed to have described its symbolism as follows: "We take the stars from heaven, the red from our Mother country, separating it by white stripes, this showing that we have separated from her, and the white stripes shall go down to posterity representing liberty."

Realizing that the flag would become unwieldly with a stripe for each new state, Captain Samuel C. Reid, USN, suggested to Congress that the stripes remain thirteen in number to represent the thirteen colonies, and that a start be added to the blue field for each new state coming into the Union. A law of April 1, 1818 that resulted required that a star be added for each new state on the 4th of July after its admission but that the thirteen stripes remain unchanged.

A 48-star flag came with the admission of Arizona and New Mexico in 1912. Alaska added a 49th star in 1959, and Hawaii a 50th star in 1960.

There is no fixed order for numbering the stars in the flag, nor are stars assigned to particular states. The stars represent the states collectively, not individually, and no particular star may be designated as representative of any particular state.

One of our most memorable flags is the one that flew over the Capitol in Washington on December 7, 1941 when Pearl Harbor was attacked. This same flag was raised again on December 8th when war was declared on Japan, and three days later at the time of the declaration of war against Germany and Italy. President Roosevelt called it the "Flag of Liberation" and carried it with him to the Casablanca Conference and on other historic occasions. It flew from the mast of the USS "Missouri" during the formal Japanese surrender on September 1945.

Another historic flag is the one that flew over Pearl Harbor on December 7, 1945. It also rippled above the United Nations Charter meeting at San Francisco and over the Big Three Conference at Potsdam. This same flag was flying over the White House on August 14, 1945, when the Japanese accepted surrender terms.

Now that I have talked about the origin and history of our great flag, let us reflect on the respect and pride due our flag by practicing Americanism.

Americanism is best explained in such simple phrases as; the goose bumps that run up and down your spine, while you stand at attention and the colors pass by, or the angered repulsive feeling you get when you read of the desecration of our flag, or the tear that rolls into your eye when they bury a young soldier who didn't forsake America—instead he died.

You can promote Americanism by sponsoring parades, participating in patriotic services, and encouraging the flying of the flag Daily, not only on holidays. See that there is a flag displayed at all meetings you attend, and by renewing your allegiance to our flag Aloud at the start of these meetings and services.

There is good reason to believe that the majority of the people of the United States favor the orderly processes of the law as a means for resolving disputes.There is also good reason to believe that our social order, which is founded upon law and order, is strong enough to withstand the challenges of today, and many days to come. The real tragedy is not that our society may surrender to lawlessness, but that those who attack the law, in an effort to achieve social reform, have gone to the wrong "battlefield."

Some of the most influential voices in our midst deride our allies and applaud our enemies, bewail our shortcomings and ignore our virtues.

These influential critics would have us believe that Theirs is an accurate impression of America today. But we would make a mistake to regard Them as representative of the majority in this country.

The knockers may outshout the boosters, but they will never outnumber them.

The important thing is to do something, and not to excuse oneself with the thought that "I can do so little it will make no difference." It Does make a difference. America is People—Not Things. If each of us does his own particular job a little better, and raises his personal standards a little higher, our country will gain in strength and character.

SALUTE TO EDUCATION

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. MILLS of Arkansas. Mr. Speaker, I think it well that we stop to salute our educational establishment with all its ramifications. During the school year that is just closing, over 50 million people—48 million students and 2 million teachers—were a part of our elementary and secondary schools. No other activity in the country involves one-fourth of the population on a full-time basis. The revenues of our elementary and secondary schools alone, not counting our many institutions of higher education, amounted to $50 billion. In the truest sense, this represents a massive investment in the future.

I have always regarded education as the bridge from the past to the future. The great ideas and disciplines which we have learned throughout history are transmitted to a new generation who will become our leaders and our workers. Young minds are challenged with knowledge and they are taught specific skills, but most important of all, they have an opportunity to learn how to think for themselves.

I think our schools are doing a good job preparing students both for life and for careers. We must strive always to do a better one.

GAO REPORT SUBSTANTIATES NIX HEARINGS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. NIX. Mr. Speaker, I have moved for the inclusion in the RECORD today excerpts from a General Accounting Office report, dated June 13, 1972, which confirms testimony before my Postal Facilities and Mail Subcommittee that the U.S. Postal Service has thrown away $8 million in architectural drawings by canceling 20 large postal projects after planning on each of the projects had been completed. The excerpts include the transmittal letter from the Comptroller General and a schedule showing the amounts spent on the planning of these projects.

These projects were canceled for no better reason than the fact that postal planners came up with the idea that parcels should be sorted in different buildings than regular mail. In order to justify their theorizing, the planners eliminated projects which had been designed over 2-year periods in order to avoid the unfavorable comparisons that could result when new projects are completed.

Postal planners have determined for themselves that $8 million is not a great deal of money. In fact, considering the amount of money they are spending today, they believed that it would not be noticed.

It would not have, but a dedicated postal employee, Mr. John Tracy, a retired colonel, protested to postal officials. He had noticed that some architects were being paid standby fees months after projects had been canceled. A little further study revealed the size of the mess within his area of knowledge, some 20 projects. There are at least 20 other projects that have been closed down for the same reason. We learned about Mr. Tracy because of his courageous action. He retired from the Postal Service soon after. He appeared as a witness before our subcommittee this spring.

My thanks go to the General Accounting Office, to Mr. John Ols, and Mr. Frank Medico who worked so hard on this report.

What can the Congress do about the casual destruction of $8 million worth of planning?

I think that all we can do for the present time is to try to prevent further waste. But, we surely must consider whether or not legislation will be necessary in the future to reassert a congressional interest in a public agency that wastes public money. Wasting public money will not contribute to the solving of postal problems. So-called postal managers must be reminded that throwing tax dollars away, raised from postage, will not bring better mail service.

The excerpts follow:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C.

Hon. ROBERT N. C. NIX,
Chairman, Subcommittee on Postal Facilities and Mail, Committee on Post Office and Civil Service, House of Representatives.

DEAR MR. CHAIRMAN: In a letter dated February 28, 1972, you requested that we prepare a study on the costs resulting from canceling certain postal building projects which were so advanced that architectural and mechanical design plans had to be put aside. As agreed to with your office, we verified the financial data furnished to us by your staff concerning architect-engineer (A-E) contract amounts and related payments for 20 Postal Service projects. We reviewed in detail the projects in Atlanta, Georgia; Chicago (North Suburban), Illinois; Dallas, Texas; Inglewood, California; and Murray Hill Station, New York, N.Y.

The results of our study are summarized below and are presented in greater detail in this report.

The Postal Service paid A–E contractors about $2.8 million for the architectural design of five multistory postal buildings in which preferential mail (letters) and bulk mail (advertising circulars and packages) were to be processed. Of the $2.8 million, about $2.4 million was for A–E design work, and the remaining amount was for such items as subsoil tests, travel, foundation investigation, and termination fees. The A–E contracts for the design of the five multistory buildings were terminated because the Postal Service decided that it would be more economical to process preferential and bulk mail in separate specialized buildings rather than in one multistory building.

The Postal Service plans to build, at an estimated cost of about $950 million, a network of 21 major and 12 satellite buildings to handle bulk mail. It also plans to either construct new or modify existing buildings to handle preferential mail. This preferential mail network is to consist of 177 buildings costing about $4 billion. The Postal Service expects that the bulk mail and preferential mail networks will be fully operational by June 1975 and July 1978, respectively. The Postal Service estimated that these two networks would reduce annual operating costs by about $300 million and $1 billion, respectfully. Our Office is in the process of reviewing the implementation of these two networks, and therefore we are not in a position to comment on the validity of the estimated savings or on the desirability of the networks.

We believe that the Postal Service will receive little, if any, benefit from the work performed by the A–E contractors on the design of the five postal buildings. The buildings being designed to handle both preferential and bulk mail were multistory postal buildings, whereas the buildings to be used in the preferential and bulk mail networks are designed to handle either preferential mail or bulk mail in separate specialized buildings.

We were informed by several of the A–E contractors that very little benefit could be obtained from the design work performed under the terminated contracts. The A–E contractors also stated that their design work would be of no value if a different site was acquired or if a different A–E contractor was subsequently selected to design a postal building.

Our verification of the financial data showed that the Postal Service had made payments totaling about $5.2 million to A–E contractors for the remaining 15 A–E contracts before terminating them. Of the $5.2 million, about $4.9 million was for design work performed by the A–E contractors and the remaining amount was for such items as subsoil tests, travel, and a termination fee. Selected data relating to the 20 terminated A–E contracts are contained in the appendix.

We have not requested the Postal Service or the A–E contractors to review or formally comment on the information contained in this report. In accordance with your request, this report is also being furnished to Congressman H. R. Gross. We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General of the United States.

APPENDIX I

SELECTED DATA FOR CERTAIN TERMINATED A–E CONTRACTS

			Contract amount		Payments				
Facility location	A–E contractor	Date of contract	Design fee	Construction services and supervision fee	Design	Other [1]	Suspension costs or termination fee [2]	Total	Date contract terminated or suspended
Atlanta, Ga	Stevens and Wilkinson, Partnership; Cooper, Carry & Assoc., Inc.	Jan. 17, 1969	$1,027,000	$313,800	$513,500	$19,192	$27,471	$560,163	Dec. 12, 1969.[3]
Carbondale, Ill	R. A. Nack & Assoc., Inc	Dec. 17, 1968	89,524	39,450	89,244	6,484		95,728	May 7, 1970.
Chicago, Ill. (south surburban)	Perkins & Will Partnership; Illinois Belli & Belli Co.	Feb. 6, 1968	170,00	219,120	170,000	15,544		185,544	Do.
Chicago, Ill. (north suburban)	do	do	536,895	219,120	536,895	57,022		593,917	Do.
Dallas, Tex	Harwood K. Smith and Partners	Oct. 18, 1968	815,315	309,685	813,770	45,035		858,805	Do.
East St. Louis, Ill	Hellmuth, Obata & Kassabaum, Inc	Apr. 15, 1968	213,000	101,000	213,000	24,382		237,382	June 5, 1970.
Gary, Ind	Fred Collins	Nov. 20, 1968	164,224	79,570	164,224	3,538		167,762	May 7, 1970.
Inglewood, Calif	Angel/Mock Assoc., Inc	Mar. 30, 1970	256,030	78,728	167,949	1,135	83,068	252,152	June 26, 1970.[3] Jan. 29, 1970.
Jacksonville, Fla	Willis, Veenstra, Register & Cummings	Jan. 6, 1969	311,397	85,961	229,687	9,256		238,943	May 7, 1970.
Madison, Wis	John J. Flad & Assoc.; Daverman Assoc	Jan. 10, 1969	318,700	91,300	381,814	10,211		329,025	Do.
Morgan Station, New York, N.Y.	Edward Durrell Stone & Assoc.; Ames Assoc.; Frederick Harris Assoc.	June 29, 1967	2,538,000	(4)	1,926,491	58,357	58,498	2,043,346	May 15, 1969.
Murray Hill Station, New York City, N.Y.	Frank Grad & Sons; Hart, Benvenga & Assoc.	June 12, 1964	378,000	126,000	402,827	119,555	29,000	551,382	May 12, 1970.
Pittsburgh, Pa	Deeter, Ritchey, Sippel and M. Baker, Jr., Inc.	Jan. 15, 1969	1,125,000	410,600	237,298	2,465		239,763	Aug. 15, 1969.[3] May 7, 1970.
Rapid City, S. Dak	Kirkham, Michael & Assoc., Inc.; Meese, Peterson & Foss, Inc.; Dunham Assoc.	June 25, 1968	74,900	37,300	74,900	15,126		90,026	Do.
Riverside, Calif	Ruhnaw, Evans & Steinmann	Nov. 27, 1968	143,500	58,100	144,858	3,960		148,818	Do.
Salem, Oreg	Carkin & Sherman	Jan. 16, 1969	163,874	107,055	163,874	5,807		169,681	Do.
Salt Lake City, Utah	Ashton, Brazier, Montmorency & Assoc	Sept. 4, 1968	276,269	128,460	276,269	5,187		281,456	Do.
San Antonio, Tex	Ford, Powell & Carson	Jan. 14, 1969	340,618	115,870	340,618	18,274		358,892	Do.
Syracuse, N.Y	Quinlivan, Pierik & Krause; Heuber-Hares-Calvin.	Jan. 17, 1969	388,000	190,175	367,973	21,088		389,061	Do.
Tacoma, Wash	Seifert, Forbes & Berry	Sept. 30, 1968	222,792	92,500	222,662	4,937		227,599	Do.
Total			9,553,038	2,803,794	7,374,853	446,554	198,037	8,019,444	

[1] Other payments were for such items as travel and subsoil investigations.

[2] Several A–E contractors did not charge the Postal Service for suspension costs or a termination fee.

[3] Indicates the date contract was suspended.

[4] Not applicable.

A SALUTE TO EDUCATION

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. CELLER. Mr. Speaker, it has been estimated that in the year 1971–72 there will be a total enrollment in our elementary and secondary schools of some 48,204,104 pupils and that there will be over 2 million classroom teachers in these schools. What these figures say is an irreversible commitment to education.

While there are differences in approaches to educational methodology, the fact remains that there can be no quarrel with that commitment to education as an indispensable instrument to insure the welfare and progress of our citizens and, consequently, our country.

Education speaks for a mobile, upward society, for the cultivation of the inquiring mind, for the understanding of interpersonal relationships as well as for the development of each individual's highest potential.

Our dollars for education are investment and not expenditure. Our returns are manifold and immeasurable in terms of human values.

SALUTE TO EDUCATION

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. WHALEN. Mr. Speaker, years ago education often was synonymous with rote memorization. Today in our increasingly complex and problem-filled society, the spectrum of education is considered to range far beyond that process. Late 20th century education continues to involve the dissemination and acquisition of knowledge. However, knowledge is but one of its components.

Education now means learning to understand and empathize with other cultures and peoples. Education means learning to analyze problems clearly and searching for solutions to those problems. Education means recognition of a world outside of one's self and one's community. And education means allowing natural curiosity and creativity to surface—to be stimulated by life's experiences and the joy of discovering new things.

It is through this type of education that the characters of free men are most fully developed. Thus, it is indeed appropriate that it is given an important place in our society. Certainly, it is a crucial element in our effort to make this Nation—and this world—a better place in which to live.

As a former teacher, I am particularly proud to have this opportunity to salute our country's 50 million educators and students.

WELCOME VIVIAN SPITZ

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. McKEVITT. Mr. Speaker, today we welcome as a new reporter to the U.S. House of Representatives, Mrs. Vivian Spitz.

I had the great pleasure of having Mrs. Spitz report a number of my trials during my days of practice in Denver, Colo.

She is not only a gracious woman but an outstanding reporter. I wish to extend my congratulations not only to her but to you and members of your staff on selecting such a competent person to record the proceedings from this day forward in the U.S. House of Representatives.

HON. SAM GIBBONS' LATEST QUESTIONNAIRE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. GIBBONS. Mr. Speaker, each year, I send out a questionnaire to those living in my congressional district to ask for their opinions on major issues facing the Congress and our country. The responses I receive will be helpful to me. The following is the questionnaire which I recently sent out. Each question provided for "his" and "her" answers with multiple choices:

CONGRESSMAN GIBBONS ASKS YOUR OPINION

CHINA

What do you think the United States' position should be toward China? (a) immediate recognition of China, (b) limited trade and cultural exchanges with the Chinese, (c) we've done too much already.

UNEMPLOYMENT

Unemployment nation-wide is approximately six percent of the labor force. The federal government should: (a) provide public service employment opportunities, (b) increase unemployment compensation benefits, (c) assume no further responsibility.

AMNESTY

Should the federal government grant: (a) unconditional amnesty to both draft-evaders and deserters? (b) amnesty upon condition of equivalent public service in the United States? (c) no amnesty?

HEALTH INSURANCE

The federal government should: (a) pay for health care for all Americans, (b) pay for health care for poor persons and for "catastrophic" illnesses, (c) continue present health care programs, (d) have no role in providing health care.

TAXES

Would you like to see: (a) the system simplified and corporations and wealthy individuals pay more? (b) the system simplified but tax distribution stay the same? (c) no change? (d) corporations pay less?

REVENUE-SHARING

The federal government should: (a) share its tax revenues with the cities and states for whatever programs *they* decide on, (b) share its tax revenues only when there is a surplus, (c) continue providing grants and loans for specific purposes rather than "sharing revenues", (d) not provide cities and states with federal tax funds when Congress has no authority over how the funds are spent.

PRICES

Do you think that the government's control of prices has been: (a) ineffective, (b) fairly effective, (c) very effective.

TRADE

What should our trade policy be? (a) increase trade by lowering tariffs and quotas so that goods can flow freely between nations, (b) keep policy as it is, (c) further restrict trade by increasing tariffs and quotas.

PRIORITIES

The most urgent national problem facing us today is: (a) the economy, (b) tax reform, (c) pollution, (d) the Vietnam war.

CONSUMER PROTECTION

On behalf of consumers, the federal government should: (a) conduct tests on products and issue public reports, (b) create a special agency to handle consumer complaints, (c) do nothing under the philosophy of "let the buyer beware."

FAULT, NO FAULT OR STRICT LIABILITY?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HUNGATE. Mr. Speaker, the following article from the American Bar Journal contains further interesting insights into the continuing debate on no-fault insurance:

FAULT, NO FAULT OR STRICT LIABILITY?

(By C. L. Gaylord)

In 1910, a small town lawyer from Outagamie County in Wisconsin argued to his Supreme Court that the automobile was a dangerous instrumentality and should be put in that legal category with "the locomotive, ferocious animals, dynamite and other dangerous contrivances" so as to render the owner absolutely liable for its use. In view of the comparative sorrows and hardships the automobile has caused since then, he may well have understated the case. The court rejected his argument and started Wisconsin law down its long tortuous road of liability based on fault in automobile accident cases (Steffen v. McNaughton, 124 N.W. 1016). Five other states were already travelers on that same road. That lawyer is dead, and it probably cannot cheer him that he may have been right after all, as unsuccessful appellants often are.

At that time, the automobile was a new factor, legally and socially. The court had to decide issues arising from its operation as matters of first impression. They had to search for precedents arising out of situations before the automobile was known. They chose the "negligence and fault" doctrine instead of absolute or strict liability. We may now have come full circle. Automobiles are again posing new legal and social problems, perhaps not foreseeable by the judges who made the first decisions. But the road these judges chose has come to a dead end and things are piling up. Legislators and courts may have to start over again, as a matter of first impression, to find solutions.

One of the solutions proposed is "no-fault" insurance: theoretically, the elimination of the fault concept in compensating accident victims for their losses. It is popular with most legislators and laymen. It is unpopular with the American and most state bar associations.

"NO FAULT" IS UNPOPULAR WITH ASSOCIATIONS

Generally the belief is that it is unpopular with professional associations because it is against the economic interests of their members. It is suggested that much revenue would be lost to the legal profession if "no-fault" were adopted, which is very likely true. The associations give other reasons for their opposition, but the explanations are suspect to the laymen. They seem negative in nature, and what affirmative proposals are presented appear designed to divert attention from the issue. The layman still believes that attorneys are a devious bunch of rascals and mainly dedicated to self-interest.

The reaction is unfortunate because it may prevent a careful analysis of the merits of the no-fault proposals. If some of them, as now proposed, are passed, the remedy may be worse than, or at least inappropriate to, the ailment. But when the professional explanations are considered, the layman probably should not be faulted for his attitude. Many lawyers themselves are embarrassed by the public statements opposing no-fault, even though they may also be wary of the suggested no-fault plans.

When a pamphlet of the American Trial Lawyers Association declares that, instead of no-fault insurance, safer cars should be designed, a merit rating system introduced to reduce premiums for safe drivers and law enforcement improved, can the layman be blamed for looking a litle peculiar and saying that, of course, these are all very worthwhile proposals, but what have they to do with no-fault insurance? Can't we have these things and no-fault insurance? And when it is suggested that insurance companies should pay interest on successfully litigated or settled cases from the date of injury and that claims adjusters should be licensed to make them more responsible, can he be blamed for wondering why these recommendations have to be separated from a no-fault program?

Or when the moral approach is made that eliminating the fault concept allows the wrongdoer to avoid paying for the wrong he's done, should we be surprised that even lawyers have difficulty rationalizing why the burden of enforcing this punishment should rest on the innocent injured person? Why should he bear the economic loss and emotional trauma occasioned by having to prove the other fellow wrong? Hasn't he suffered enough already? Why should society require him to assume the prosecution of the guilty? If the wrongdoer is to be punished, why shouldn't it be done through the criminal laws? If he is guilty of an offense, he should be charged criminally, but why should the civil remedies be used for punitive purposes?

SHOULD A WRONGDOER RECOVER FOR HIS INJURIES?

It is not infrequently said that no-fault should be opposed because justice requires that a wrongdoer should not be allowed to recover for his own injuries. Eliminating the fault concept will allow him to be rewarded for his own wrongdoing. Is it unreasonable for the thoughtful layman to reply that he hopes there aren't very many drivers around who are insane enough to risk death and criminal prosecution merely to become seriously injured so they can profit from their own wrongdoing? And he suggests that most persons who have been in accidents, or who have much to do with the investigation or litigation of issues arising from them, know that usually there is very little difference, even legally, between the innocent and the wrongdoer; that most persons involved in accidents aren't intentional "wrongdoers" or criminals but rather just folks that something "happens" to without their being "good" or "bad" having anything much to do with it.

Why should we feel so vindictive about them? If the so-called "wrongdoer" loses an arm or leg, isn't he as disabled as an innocent person so injured? Isn't he as unable to care for himself and his family? Does the fact that he may have been more negligent mean that he will not need medical attention? Will the grocer give him free food and the landlord free rent? Should his family be punished vicariously for what he may have done or failed to do?

One can reasonably infer from what some members of the legal profession have said that if a person is not responsible in damages for what he does, he will go wild on the highways, mayhem will result, and the highways will become a playground for the uninhibited irresponsibles.

Is there any wonder that some laymen feel the legal profession is putting them on a bit? Laymen don't want persons like that driving cars on the highways with or without liability insurance. They don't want "uninhibited irresponsibles" playing "bump-a-car" on the roads under either a no-fault or fault plan. Obviously these drivers are uninsured anyhow. The insurance companies are not fools and neither are persons who purchase uninsured motorist coverage. They know that the fault concept is not keeping the jockeys off the racetrack.

There are also lawyers who oppose no-fault plans because the plans fail to cover all victims of accident and illness. They say they oppose these programs until a general national health insurance plan is provided for everyone. For instance, a statement of A.T.L.A. objects that the plans provide coverage for the drunken driver but "not for the hapless housewife who falls down the basement steps."

There is, of course, logic to this approach. But the layman wonders if the insistence that economic salvation must be universal and simultaneous for everyone before it is acceptable for anyone is really in good faith. He knows there is no chance of a general national health insurance plan of such scope being acceptable in the foreseeable future. He also knows that the "drunken driver", while the most inflammatory comparison, would constitute a small percentage of the no-fault beneficiaries. And, while he doesn't know the statistics of hapless housewives who fall down the stairs each day, nor how many more do so on holidays and weekends, he is aware of the auto accident toll and that serious problems are resulting from it.

And then, of course, we have the unanswerable: It is not the "American Way" to allow a person to escape individual responsibility for what he is and what he does. But is the layman to infer that it is the "American Way" to be without compassion for the injured and disabled because of a fraction of negligence on their part; to punish a man economically for years because of a momentary, often unintentional error; to visit his sins, if sins they are, upon his family, and to force him and them on to the welfare rolls? If so, then workmen's compensation laws, which do not depend on fault, should be abolished as un-American, as should social security for the permanently and totally disabled.

CONCEPT OF "NO-FAULT" SHOULD NOT SOUND NEW

Should lawyers be surprised that the parade of these horribles does not alarm laymen? Why should the superficially reported concept of no-fault insurance sound new or ominous to them? For years they have taken out hunting insurance, flight insurance and carried regular accidental death and dismemberment policies. They have also had collision and comprehensive insurance on their automobiles. They know that under those policies negligence doesn't have to be proved to recover for their losses. If they are injured they receive the amount of coverage purchased for the injury. If they are killed, their beneficiary gets the death benefits. If their car is damaged, they collect the deductible coverage. All without fault being involved. Could something like this be adopted and eliminate the complex problems we now encounter in trying to collect damages from the other person?

Leaving everyone to take out his own accidental injury and property damage insurance, as distinguished from liability insurance, would be fine if everyone operated a motor vehicle and if this were all there were to the no-fault proposals. An applicant for a driver's license could be required to purchase a minimal amount of accidental injury, death and property damage insurance to protect himself against loss as a condition of being licensed. If someone placed greater value on himself and wished more coverage, he could buy more. But everyone would have to provide for himself.

However, not everyone drives an automobile, and not all injured persons are drivers of automobiles. Pedestrians would not be protected by the driver's policy, for example, since it would not be a liability policy. And it isn't reasonable to expect everybody to take out some accident insurance to protect themselves against injuries from the operation of an automobile by someone else. If they don't drive, why should they have to buy insurance to protect themselves against those who do? And that, of course, is not all there is to the no-fault proposals.

No-fault proposals can't remain merely academic concepts if they are to do any good. They must be implemented, and the implementation causes the problems. Some of the plans—the actual Massachusetts program and the proposed Wisconsin Assembly Bill—deal primarily with claims of under $2,000, plus medicals and other specials. They are extremely bland legislative acts and should not be objectionable to even the most economically motivated attorney. These smaller claims are generally paid by insurers to claimants without attorneys' intervention unless there are substantial liability issues. The marginal cases which the lawyers do get involve a great deal of difficulty for nominal compensation because of these liability factors. Since this legislation eliminates the liability problem, the attorney could conceivably do better on these cases than he does now.

If these plans are acceptable because of their blandness, they should be unacceptable to serious legislators and lawyers for the same reasons. They do not greatly help those who need help the most: the seriously injured.

Proponents of no-fault argue for it because of the claimed great financial losses incurred by long work lawoffs, delays in getting cases to trial and claimed exorbitant fees of lawyers. However, these factors are generally not present in the minor cases covered by the plans. Persons with claims of under $2,000 generally do not have these hardships. The arguments apply to claimants' having serious injuries, but the legislation does not. Something has taken a curious turn.

Other plans depend on a pseudo-workmen's compensation arrangement. The surgeon who loses a finger or two from his suturing hand and cannot continue his profession receives the same few hundred dollars as the janitor who loses the same fingers but who can continue with his job without loss of income. This should be satisfying to those who are democratic by nature and who believe in the equality of man. The plans are great levelers. But are they really fair?

All of the plans are urged because it is represented that claimants will not have to hire attorneys to get adequate compensation. It takes a real believer to accept the proposition that once these bills are passed, some magic transformation will occur and neither claimant nor insurer will be unreasonable, that each will agree as to the nature and extent of injuries and disability, and that each will trust the other. It has not happened in workmen's compensation cases. There is no reason to believe self-interest will not enter into no-fault cases.

SETTLEMENT OF CLAIMS WILL BE ACCELERATED

It is also claimed that settlement of claims will be greatly accelerated and hardships accordingly reduced by some administrative system. Nothing in the history of administrative agencies encourages anyone to think this.

What is understandably least publicly discussed by no-fault proponents and, therefore, least understood by laymen is that no-fault plans also involve sacrifices. If fault is eliminated, there will be more claimants and a much larger percentage of them will successfully prosecute their claims. There is nothing necessarily wrong with this since this is the intent and purpose of no-fault. But who will pay the bill? It is reasonably safe to assume that insurers are not going to become suddenly philanthropic and reduce their margin of profit. And, since no-fault proponents proselytize on the appealing promise that motorists will have lower insurance premiums, it seems apparent they don't intend to have motorists, as a class, assume the increased costs. Only two other groups remain: taxpayers and the victims themselves. Who picks up the tab depends on the social attitudes of the planners.

Whether the no-fault proposal is a social security arrangement, a workmen's compensation plan, or a Massachusetts-type plan, a limited amount of funds is spread among more claimants through a scheduling or limitation of damages. The victims pay by receiving less compensation than they would receive under the fault system. The victims, of course, can generally least afford it. These plans exhibit a strange compassion.

The taxpayers, of course, will not be neglected since they will share the cost of the numerous personnel that will be required to administer the particular system. The more complex the system, the more personnel required. Assuming the fondest hope of no-fault proponents—the elimination of private legal counsel—all that has happened is that the taxpayers are now providing legal counsel at taxpayer's expense in the form of personnel, to represent claimants and insurers. Realistically, of course, there will still be private legal counsel in addition to the personnel hired by the taxpayers, as in workmen's compensation cases.

Is it necessary for no-fault insurance proposals to be complex and to involve costly administrative systems? Some think not. They believe that the difficulties arise from the failure to separate the concept of "no-fault" from the matter of damages. The legislative proposals are really misnamed. They aren't just "no-fault" proposals. They are also enactments to dictate and limit damages. If, as the proponents of no-fault suggest, it is the fault concept that is slowing up settlements, forcing people into lawyers' offices, tying up court calendars and causing the hardships, why not simply eliminate the fault concept and leave damages to be determined as they now are?

That is the simple solution proposed by the lawyer from Outagamie County years ago: Make the driver of an automobile strictly liable for injuries to others which arise from his use of the automobile, without regard to fault, but utilize the traditional method of determining damages. The strict liability concept has been applied to certain situations for many years by most courts. They hint at it in others. Other countries have successfully utilized it in automobile cases. Perhaps it is time to recognize the automobile as a dangerous instrumentality and impose that standard of care with reference to it. The only questions would be: Were you injured or have property losses arising from the operation of a motor vehicle by someone else? What amount will make you as economically whole as you were prior to the accident?

Some will say, of course, that allowing an injured person to recover without regard to his own fault is the ultimate in freedom from responsibility and is objectionable for all the reasons mentioned. But maybe the reverse is true: It is the ultimate in human responsibility. If the other person can recover for injuries arising from your operation of a motor vehicle, negligent or not, it means that you are responsible for all of your acts and the consequences therefrom. Your intentions, good or bad, careful or careless, make no difference. It recognizes a basic truth of life: All acts have consequences. The intent of the actor is irrelevant to the consequence. Things happen regardless of the motives or character of the initiator.

This strict accountability, retaining the common law measure of damages, should meet with the approval of the opponents of no-fault. What is more individualistic than this concept? What should cause a driver to be more careful than the knowledge that he is fully responsible for someone else's injuries if he has an accident? The courts recognize that strict liability is a deterrent when they impose it on persons using other dangerous instrumentalities. These devices are used at the peril of the user. Why shouldn't it have the same deterrent effect on automobile drivers? Shouldn't it promote defensive driving? And, if an accident happens, attention can then be concentrated on making the injured persons as whole, physically and economically, as possible, instead of niggling over who was most to blame and thereby increasing the hardships on the injured persons.

Isn't it time to free the courts and attorneys from the imposed preoccupation with whose fault an accident was and the fetish of apportioning blame? Who, except the moralists, care who is to blame? The injured need help. The distressed need relief. A physician who would let a person suffer because that person may have been in the intersection a second or two later than the other would be severely rebuked. He should and does do what he can to give relief based on need, not on fault. Perhaps legal remedies should attempt to do the same.

AUTO ACCIDENT COURT CASES WOULD BE REDUCED

A review of almost any state's supreme court's reports reveals a high percentage of the court's time devoted to appeals in automobile accident cases. In most of these the court has had to decide arguable issues of fault. When one considers pretrial investigations and preparations, the trials in the lower courts, the appellate preparation and the work of the supreme courts, the total judicial and lawyer time devoted to haggling over whose fault the incident was, in just these reported cases, is cause for dismay.

Surely judges, as well as laymen and many lawyers, must become exasperated with the enforced continuous contemplation of the many legal and factual uncertainties involved in determining and apportioning blame. Surely, they have something better to do with their time and talents than this.

In February of 1969, an article appeared in the *American Bar Association Journal* which recommended that other states try Wisconsin's limited comparative negligence doctrine as the answer to no-fault compensation schemes. The article asked: "Why experiment with an untried scheme that dispenses with the adversary system when the Wisconsin doctrine is successfully meeting the test of time?" Under the limited comparative negligence doctrine, the defendant, if he is guilty of the greater negligence, pays the plaintiff an award diminished by a percentage equivalent to the plaintiff's negligence. Recently, in a reasonable effort to moderate escalating tensions, the American Bar Association recommended the adoption by other states of the Wisconsin system as an alternative to no-fault plans. The impression apparently is that Wisconsin is relatively free from discontent because of its unique doctrine.

The unrest among laymen, spontaneous or otherwise, has been underestimated by the Bar. There was and is no reason for complacency in Wisconsin. Within eighteen months of the appearance of the article, the Wisconsin Supreme Court in *Vincent* v. *Pabst Brewing Company,* 177 N.W. 2d (1970), was asked to adopt a "pure comparative negligence system", to eliminate the necessity of plaintiff's negligence being less than defendant's in order to recover damages but diminishing the award by the percentage of negligence apportioned to plaintiff. The court denied the request, and urged the state legislature as the proper deliberative body, to study the two doctrines—"limited comparative" and "pure comparative" negligence—thoroughly and to make the choice between the two. The warning that there was a third choice was mentioned by Justice Hallows, who dissented, and wrote: "What I do fear is that if the doctrine of pure comparative negligence is not adopted, the whole fault system in torts will be repudiated and a no-fault system akin to workmen's compensation adopted."

The legislature did not pay much more attention to the majority's suggestion that it choose between the two comparative negligence doctrines than the majority paid to Justice Hallows' warning. By that time, the assembly members had discovered the political popularity of no-fault and have been lambasting the legal profession with it ever since. Hearings have been held by the assembly and no doubt many of its members are attempting to find the better solution to the problem, but the media releases have been more in the nature of vituperative attacks on the legal profession than a discussion of the merits of the proposals.

LEGAL NICETIES WILL NO LONGER SUFFICE

What should be clear from the Wisconsin experience is that legal niceties in the negligence field are no longer going to suffice. It may have been already too late, when Justice Hallows wrote his dissent, for the acceptance of the pure comparative negligence doctrine as a specific to quiet the restlessness of the proponents for no-fault. Introspective court decisions, hidden in advance sheets and sepulchered in books, are having difficulty being heard above the hostile clamor of the news media. And, along with the noise, there is great confusion. Something new and dramatic and simple is needed.

Perhaps that something "new" is something old. We often get the best view from a distance and maybe we can now see a little more clearly that the old argument for strict liability has considerable merit after all.

It takes the proponents of "no-fault" at their word that it is "fault" that is causing the problems and injustices, and it eliminates "fault." If the proponents are candid and not merely using the no-fault programs to insinuate more currently unacceptable proposals into eventual legislation, this should satisfy them.

On the other hand, it salvages the common law measures and method of determination of damages. For those who oppose no-fault plans but are aware of the intensity of the plans' supporters, this may be a wise settlement.

Justice Hallows' recently quoted Justice Frankfurter of an earlier era and said: "Wisdom too often never comes, and so we ought not to reject it merely because it comes late." Perhaps the time has come at last for the wisdom of those who argued years ago, and lost, for the concept of strict liability in automobile accident cases.

THE REAL ROAD TO PEACE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SPRINGER. Mr. Speaker, many of us have known for months that the President has been preparing his own analysis of American foreign policy. We know that much of this was being done before his historic mission to China and also before the United States/Soviet meeting in Moscow. He has finally completed an exclusive article for U.S. News & World Report titled, "The Real Road to Peace: A New Foreign Policy for a New World."

I have just returned from 2 weeks in the Soviet Union. Sometimes the backwash of an ocean wave tells far more in the sands about the impact than the wave actualy does when it occurs. I was there during a portion of the President's visit and for a full week after he had departed. It was during these days that I think I picked up the backwash and could read some of his imprint in the sands. It was easy to understand from talking with the average man on the street that the Nixon visit had a terrific impact on the average Russian person—not only those who had seen him in person, but those who had watched him on television.

His words would have been dazzling if they had not been accompanied by a low profile and sober earnestness.

When the President talked of peace, he hit the Russian people in their softest spot. Most of those living in the Soviet Union had gone through a traumatic experience in World War II during which time millions of countrymen had given their lives.

I cannot speak for those who lead Russia, but I came away with a firm feeling that the people themselves would make almost any sacrifice and take any journey or route, no matter how difficult, if they could truly achieve peace in their lifetime. The President, in this article, demonstrates how peace can be achieved and is willing to accept his responsibility in helping to achieve a lasting peace:

THE REAL ROAD TO PEACE

(By President Richard M. Nixon)

(EDITOR'S NOTE.—About this article: President Nixon began preparing this analysis of American foreign policy—written expressly for "U.S. News & World Report"—before his historic mission to Peking. The Chief Executive refined and revised the paper after his return from China, and did more work on it as he flew home to the United States from the Moscow summit. He completed the final version that appears on these pages on Sunday, June 11. This is the first signed article prepared exclusively and specifically for any publication that Mr. Nixon has written since he became President.)

A NEW FOREIGN POLICY FOR A NEW WORLD

Every generation can truthfully say that it lives in a new world. But in our time, the world has been changing more rapidly and more drastically than in any previous age. An intelligent foreign policy must not merely keep abreast of this change, but anticipate it; it must not merely ride with the tides of history, but seek to direct these toward the great goals that we as a Nation believe in.

In the past three years, the foreign policies of the United States have undergone sweeping and far-reaching changes—but they have also preserved a basic consistency. We have retained our basic sense of America's purpose, but have adapted the way in which that purpose is pursued to the changing circumstances of a changing world.

In the years immediately following World War II, the United States was left inescapably with the primary responsibility for maintaining peace in the world, and for helping those nations which had been devastated by war to get back on their feet.

But the world has changed profoundly since those days. The conditions which then shaped American policy have been fundamentally transformed.

The nations of Western Europe and Japan—prostrate and exhausted after World

War II—have experienced, with our help, a near-miraculous recovery. Our allies everywhere have become more independent and self-assured.

Developing nations have also acquired a new capacity to provide for their own security and well-being. A new sense of national autonomy now guides most of their decisions.

The overwhelming dominance of our earlier military might vis-a-vis that of the Soviet Union has given place to a more balanced military equation. Our military capacities are still second to none, but we can no longer expect the sheer fact of a massive American superiority to keep the peace everywhere on earth.

The solid bloc of Communist nations which confronted us after World War II is a solid bloc no longer. And even as the Communist nations have moved from solidarity to diversity, and even to intensive rivalry in their relationships with one another, so they have changed in the post-Stalin period from unremitting belligerence to a posture of at least partial accommodation with the rest of the world.

The result of all these changes has been a movement away from the rigid bipolarism of the 1940's and 1950's toward a more fluid and heterogeneous, multipolar international order—one that is more balanced and stable because it rests on broader, more diversified foundations.

When I came to the Presidency, I felt strongly that American foreign policy could not advance American interests unless it adapted promptly to this new diplomatic environment. That adaptation—in its simplest form—required us to place a greater emphasis on negotiation with our adversaries and on partnership with our allies.

These new requirements, in turn, presented us both with tough challenges and with exciting opportunities. The fact that we could no longer carry out certain responsibilities singlehandedly may have restricted our autonomy, but it also lightened some of our burdens. The fact that simple military superiority was no longer an adequate response to a stronger and more diversified Communist challenge complicated our diplomacy, but it also provided new avenues to progress and peace.

Despite all the changes in the world, one key reality has remained unchanged: American participation is still the *sine qua non* of any stable and harmonious international order. The mature wisdom that we cannot make peace all by ourselves must not be confused with the dangerous illusion that peace can possibly be achieved without us. If the United States were to follow the course advocated by the new isolationists, peace and freedom in the world would be placed in mortal danger. The new conditions of the 1970's call for creative redefinition of American leadership, not for its sullen abdication.

If we were to turn inward, if we were to lay down our world responsibilities, if we were to indulge in an orgy of self-concern and self-gratification, then we could be very certain that the vacuum we left in world affairs would rapidly be filled by others. We could also be certain that such a world would be less safe for America, less safe for democracy, and less safe for mankind.

Neither security nor peace can be found in hiding from reality. Already too many generations, on too many occasions, have paid the terrible price of self-indulgent efforts to travel that escapist route.

It is not our aim to make this an American century—but neither can we be content to let it be the century in which America is eclipsed. We cannot achieve a just and stable world order solely by our own exertions. But such an order cannot be built without the active participation of the United States.

We have chosen, then, to continue our active leadership role in the world, even as we have decided to carry out that role in new ways. The fundamental goal of that leadership is the building of an effective—and lasting—structure of peace.

In building a structure of peace, the most important consideration is the achievement of a set of agreements, of understandings, and of practices, by which those seeking change will undertake to do so only through peaceful means.

This is the way to a generation of peace. This is the heart of our foreign policies.

Already those policies are bearing fruit:

After a generation of hostility, a new and more promising page has been turned in our relations with the People's Republic of China.

After an era of confrontation, an era of negotiation has now opened, as evidenced most strikingly in the whole range of our talks and agreements with the Soviet Union.

After a period of uncertainty and adjustment, our alliances are being renewed and strengthened.

After 10 years of war, our involvement in Vietnam is coming to an end—in a way that leaves our purposes intact, and that will contribute to a lasting peace in the Pacific.

After a decade of recurrent crisis, a beginning has been made in building an international monetary system fair to the United States and fair to the world.

THE SUMMITS

The absence of healthy interaction, verging at times on policy paralysis, in this country's relations with the two major Communist powers was one of the most dangerous elements in the world situation when this Administration took office in 1969. George Washington's perceptive warning from the Napoleonic era—that indulgence of "permanent, inveterate antipathies against particular nations would render a nation "a slave to its [own] animosity"—had come alive in the cold war era, the more grimly because missiles, not the muskets of Washington's day, now bristled in the arsenals of all three parties to this deadly impasse. If the world was to be freed from confrontation as a way of life, we saw in 1969, new relationships must be developed with both the Soviet Union and the People's Republic of China.

As we pursued this goal, we recognized that certain changes had taken place in the expectations of the Communist leaders. Whatever hopes they might once have cherished that the capitalist nations would collapse in a cloud of Marxist dogma had been dissipated. Consequently, they had come to seek ways of living with a United States, a Western Europe and a free Asia that were growing stronger, not weaker, and that had enough experience with unpreparedness to maintain their guard rather than lowering it.

This was a policy change of profound importance; but it is important to recognize that it was a change of the head, not of the heart. It was a rational, calculated assessment that the old tactics would not work.

Neither the Soviet Union nor China abandoned its particular view of the world. But both accepted the idea that their own best interests would be served better by negotiation than by confrontation. We held the same view concerning the best way of serving American interests. Thus began a series of initiatives which have culminated this year in the first visits of an American President to Peking and to Moscow.

With China, the opening was perhaps more dramatic because the hostility and isolation between us had been more stark. As I had written in the quarterly journal *Foreign Affairs* back in 1967, before coming to the Presidency:

"Taking the long view, we simply cannot afford to leave China forever outside the family of nations, there to nurture its fantasies, cherish its hates and threaten its neighbors. There is no place on this small planet for a billion of its potentially most able people to live in angry isolation."

Pursued patiently from the first days of this Administration, this logic began moving matters forward—imperceptibly at first, then a year ago with the first high-level diplomatic contact between our two countries since the Korean War era, and finally this February with my "journey for peace" to Peking.

With that journey, we began to bridge a gulf deepened by 22 years of bitter silence between the world's most powerful nation and the world's most populous nation. We demonstrated that nations with very deep and fundamental differences can discuss those differences calmly, rationally, and frankly, without compromising their principles or sacrificing their vital interests.

Our meetings with the Chinese leaders did not produce any magic formula by which our differences would be dissolved. We did, however, make some important beginnings toward the expansion of cultural, journalistic, and educational contacts, toward broadening trade, and toward strengthening and expanding the communications we established.

Most importantly, we agreed on some basic principles of international conduct which will reduce the risk of confrontation and war in Asia and the Pacific. We agreed that we are opposed to the domination of the Pacific area by any power. We agreed that international disputes should be settled without the use or the threat of force, and we agreed to apply this principle to our relations with one another. And we reached these understandings without giving up any of our previous commitments to the Republic of China* or to our other friends.

In sum, the visit represented a long first step toward establishing a continuing, fruitful dialogue with the People's Republic of China, in a way that will contribute to peace not only in the Pacific but in the entire world. The second and succeeding steps are already being taken with visits to Peking by legislative leaders, periodic ambassadorial meetings in Paris, and other contacts which would have seemed impossible only a year ago.

In charting the course to better relations with the Soviet Union, we faced a different and in many ways more complex situation than we faced in dealing with Peking. The USSR by the late 1960's was conducting, as the United States had long done, a global foreign policy; each of us had interests and activities impinging on those of the other at many points around the world. Each of us possessed a nuclear force capable of destroying civilization should total war break out.

This latter fact alone argued powerfully for United States-Soviet meetings at the highest level to help lessen the danger of war. Yet the concrete reality of our differences—and of the armaments those differences had called into being—also argued that any worthwhile summit conference must hold out correspondingly concrete prospects for settlements on some of the really tough issues. Summit atmospherics, we felt, would be worse than nothing; too often in the past the world had seen false euphoria, the "spirit" of this or that meeting site, lead only to complacency, miscalculation, and disappointment.

We therefore embarked on a process whereby the American and Soviet leaders, rather than being "airlifted", as it were, to the summit—with the current necessities of going there in haste, of traveling light, and of returning quickly to the lowlands of old relationships—would be able to come up to the summit on a solid road built all the way to the top, so that the heavy negotiating baggage could be brought along and real gains could be made. We therefore entered into negotiations with the Soviets across a broad range of issues, hoping to create a momentum of achievement by which progress in one area would contribute to progress in others.

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*Editor's note: Chinese Nationalist Government on Taiwan.

That momentum developed. In the area of arms control, in addition to seeing the Treaty on the Non-Proliferation of Nuclear Weapons brought into force, the United States and the USSR reached agreement on treaties barring weapons of mass destruction from the ocean floor and prohibiting the possession or production of biological and toxin weapons. Our talks on limiting strategic arms produced accords on a more reliable Washington-Moscow "hotline" communications system and on measures for notification and consultation designed to reduce the risk of an accidental nuclear war. They also made significant progress toward nuclear arms curbs, with personal intervention on my part and on that of the Soviet leaders helping to break deadlocks in the negotiations at several points along the way.

It was this progress at the talks in Vienna and Helsinki, together with the historic four-power agreement concerning Berlin, which last fall finally paved the way for the Moscow summit.

Plans for this meeting were not altered by the events of the seven months between their announcement in October and my trip in May—a fact which contrasted sharply with the derailment of summit hopes in 1960 by the U-2 incident and in 1968 by the invasion of Czechoslovakia. This in itself was evidence of a new maturity and stability in American-Soviet relations.

Events in Moscow in May fully corroborated that evidence. While we did not negotiate instant peace, or perfect an imperfect world overnight, or liquidate a quarter century of fundamental differences between us, we did lay the foundation for a new relationship between the two most powerful nations on earth. The hallmarks of that new relationship are without the use or threat of force, and emphasis on areas of cooperation rather than points of conflict.

Our agreements for joint American-Soviet efforts to combat pollution, advance medical science and public health, and work together in science and technology can be expected to broaden with the passage of time, creating a steadily growing vested interest in peace between our two countries. The dramatic space cooperation agreement, including an Apollo-Soyuz rendezvous and docking mission in 1975, points in this same direction. So does the comprehensive trade agreement which should be worked out in a matter of months by the U.S.-USSR Commercial Commission which we set up at the summit.

But we did more at Moscow than construct valuable bridges in these relatively noncontroversial areas: we also dealt head-on with the principal military issues between us.

With respect to Europe, there was joint agreement to build on the reduction of tensions begun by the recent Berlin and West German treaties. Exploratory consultations will soon begin leading toward a Conference on Security and Cooperation in Europe and toward special talks on mutual and balanced force reductions in Central Europe.

With respect to the dangers implicit in contacts at sea between the world's two largest navies, we concluded the first high-level U.S.-USSR military-to-military agreement since the end of our World War II alliance, aimed at preventing naval incidents.

Third, and most important to the prospects for peace, we signed an unprecedented agreement limiting the strategic nuclear missile forces of the United States and the Soviet Union.

The treaty limiting each nation to two ABM sites and the interim agreement freezing certain categories of offensive missiles for five years mark the beginning of the end of the unchecked nuclear weapons spiral that began in 1945. They enhance the security of both parties, at the same time that they substantially lessen the danger of global war. The accords protect the existing strategic balance by freezing weapons categories in which we could not in any case have fielded new systems by 1977, and in which the USSR could and would have done so in large numbers. Thus they maintain a situation in which United States defenses are fully sufficient and second to none in the world.

The choice for both sides has really been whether to limit arms, or to have a runaway nuclear arms race—and in such a race there would be no winners, only losers. Neither the United States nor the Soviet Union would, over the long run, allow a situation to develop in which either would confront the other with the sort of overwhelming nuclear advantage which the United States held at the time of the 1962 Cuban missile crisis. To continue the nuclear arms spiral unchecked would set up a contest in which neither side could win, because neither would feel it could afford to let the other win.

The achievements in Moscow, of course, were only a beginning. in each area where gains were made, there is still a long road ahead. Just and enduring peace settlements must be fashioned in Indo-China and the Middle East; detente in Europe must move from possibility to realization; arms limitation negotiations must press toward a permanent curb on offensive weapons.

But I believe that a good basis for progress is provided both by the specific agreements signed at the summit and by the declaration of "Basic Principles of Relations between the United States of America and the Union of Soviet Socialist Republics" which was agreed to on my final day in the Soviet capital. The mutual commitments in these principles—to avoid direct confrontation; to exercise restraint and constructive influence in dealing with smaller conflicts which could trigger a major war; to assert no claims of special privilege or spheres of influence; to emphasize consultation, negotiation, and cooperation in our relationships—all these pledges look away from the pattern of a hostile past toward a safer and more open world,.

Like the rules for conduct on which we agreed with the Chinese leaders in Peking, these principles must now be proved in practice. But if they are proved, then the world will be well on the way from a season of summits to a generation and more of lasting peace.

It would be a mistake to regard either of these summit journeys as a cure-all for the world's ills. In international affairs the concoctions labelled "panacea" are all too often poisonous. One reason the summits were so successful was their purposes were so realistic. As I said to the people of China, "While we cannot close the gulf between us, we can try to bridge it so that we may be able to talk across it;" and to the Soviet people, "We shall sometimes be competitors, but we need never be enemies." Similar in motive though independent in conception, the two meetings have moved us closer to our great objective: the end of perpetual confrontation between the free world and the Communist powers, and the establishment of better American relations with all the peoples of the world.

OUR ALLIANCES REMAIN ESSENTIAL

The energy with which we pursued new relationships with those who have been our adversaries has been matched in every respect by our efforts to build a new spirit of partnership in relations with our friends.

As I told the Congress on my return from Moscow:

"Maintaining the strength, integrity and steadfastness of our free world alliances is the foundation on which all of our other initiatives for peace and security in the world must rest. As we seek better relations with those who have been our adversaries, we will not let down our friends and allies around the world."

The fact that our friends and allies are stronger now means that we can and should cast off any remnants of paternalism, along with any expectations that our prescriptions will always or automatically be heeded. It means that we can and will expect our allies to contribute more of the human and physical resources required for defense and development around the globe. Our task, however, is not to default to them, but to join with them in this effort.

A balanced reordering of responsibilities will draw upon the new self-confidence which many of our friends are now experiencing—and, indeed, will help to further it. A heedless shedding of our responsibilities, however, would undermine that self-confidence and imperil peace.

In particular, the security of the Atlantic Alliance and the strength and prosperity of the Atlantic world have been cornerstones of American policy ever since World War II. This is still the case today.

One of my first moves as President was to help shore up the NATO alliance, then 20 years old and considered by many to have a proud past but no future. In revitalizing this alliance, we made clear that we considered the day of American domination of NATO to be over; we broadened the process of consultation within the alliance; and we took the initiative in expanding its concerns—through the Committee on the Challenges of Modern Society—to embrace a wide range of the social, environmental and technical challenges that now confront industrialized nations.

The results have been heartening. The obituaries that were pronounced so freely over NATO in the late 1960s proved decidedly premature; few have been heard in these first years of the 1970s. Not only has NATO maintained the security of Western Europe, but its European members agreed in 1970 to pick up an extra $1 billion of the security costs, and in 1971 they assumed an additional $1 billion of the burden. Meanwhile, movement toward economic and political cooperation in Europe—including agreement on entry of Britain, Ireland, Denmark and Norway into the Common Market—has proceeded in a way that gives great promise for the future.

Across the world in the Pacific, we have given special attention to maintaining the strength of our ties with Japan—and we have reinforced those ties by our voluntary agreement to the reunification of Okinawa with the home islands of Japan. The task of the 70's is to reshape and strengthen our ties with Japan to move from the paternalism which characterized our post World War II relations to a mature partnership which is more attuned to the realities of Japan's new economic vigor.

There is a tendency in some quarters to overreact to the frustrations of the conflict in Southeast Asia and to the accumulated burdens of America's quarter century of post-World War II leadership. There are well-intentioned but world-weary Americans who would have the pendulum swing away from dominance on the one extreme to diffidence on the other, from the danger of overextension to the danger of inward preoccupation. These people hope—and some other people fear—that the new doctrine of this Administration prescribes a unilateral withdrawal from the world.

Such observers are wrong about what this country should do and wrong about what this Administration is doing. The ostrich is not about to replace the eagle.

To be sure, we have been able to scale down substantially the American military presence abroad, not only in Vietnam but elsewhere. But this is a reflection of the growing strength of our allies, not a jettisoning of our commitments. An effective American presence abroad, and a strong military assistance program in many free nations, will continue to be required for the foreseeable future.

We are able to look to others to join more fully in economic assistance efforts. But here, as well, we must maintain strong leadership—which is why the Congress and the executive branch must work together to shape a new approach to foreign assistance.

We are placing heavy emphasis on negotiations with potential adversaries. But we have no intention of bartering away time-tested friendships. Our negotiations can and should lower barriers with our opponents; but we shall continue taking every precaution to prevent them from raising barriers with our allies.

THE NIXON DOCTRINE

What has come to be known as the Nixon Doctrine is essentially a plan for strengthening our alliances, for spreading more equitably the burdens of peacekeeping, for enlisting more nations more fully in the task of securing their own defenses, and for helping ensure that future conflicts which are peripheral to the central interests of the great powers should not directly involve the great powers themselves.

Small powers can start small wars, but only the great powers can bring on large wars. The entire world has an enormous stake in ensuring that the nuclear arsenals of those nations possessing them should never be used.

We of course all hope for a world in which there will be no war of any sort. But we must nevertheless prepare for the likelihood that disputes will break out between smaller nations, and that these will involve the use of arms.

There have already been more than a hundred armed conflicts of one sort of another between nations since the end of World War II. While our ultimate goal must be the elimination of such conflicts, our intermediate goal must be to prevent them from triggering a disastrous war on a world scale.

In my State of the Union Address last January, I summarized the Nixon Doctrine this way:

We will maintain a nuclear deterrent adequate to meet any threat to the security of the United States or of our allies.

We will help other nations develop the capability of defending themselves.

We will faithfully honor all of our treaty commitments.

We will act to defend our interests, whenever and wherever they are threatened any place in the world.

But where our interests or our treaty commitments are not involved, our role will be limited.

We will not intervene militarily.

But we will use our influence to prevent war.

If war comes, we will use our influence to stop it.

Once it is over, we will do our share in helping to bind up the wounds of those who have participated in it.

VIETNAM

One area in which our new approaches to foreign policy faced a very special challenge was that of Vietnam. We have met that challenge successfully over the past three and a half years. We are coming out of Vietnam, but we are doing so with our purposes intact.

When this Administration took office, the war in Vietnam dominated America's attention. It occupied our minds, drained our resources, and sorely tried our patience.

There were nearly 550,000 American troops in Vietnam when I took office—and no plan for bringing them home. United States combat deaths were averaging more than 1,000 a month. The increasing Americanization of the war, along with a paternalistic attitude toward the Vietnamese, has demoralized our allies while escalating our own involvement.

Faced with this compounding problem, we moved immediately on two tracks: on the one hand, we made serious and sustained efforts to end the war as swiftly as possible through a negotiated settlement. On the other hand, we undertook to prepare the South Vietnamese, both militarily and psychologically, to assume the principal burden of their own defense in case the negotiations should not be successful.

The intensity with which we pursued both open and secret diplomacy to achieve a negotiated settlement is now a matter of public record. The South Vietnamese Government has cooperated fully with us in this effort. Simultaneously, the government and people of South Vietnam have been working hard at establishing new and more representative constitutional processes, even while fighting a war for national survival. Few countries in history have experimented with the development of representative institutions in the midst of war, and even fewer have done so with the degree of success that South Vietnam has achieved. And as American troops have been steadily withdrawn, the South Vietnamese steadily—and for the most part successfully—have taken over the fighting.

When North Vietnam launched its massive invasion of the South on Easter weekend of this year, the war in that beleaguered country was suddently and drastically re-escalated—and the character of the fighting was changed.

No longer could there be any pretense that this was a civil war, as Hanoi deployed almost its entire field army outside of its borders. Tanks, heavy artillery, armored personnel carriers, sophisticated ground-to-air missiles, and 12 divisions of North Vietnamese regular troops invading South Vietnam completely transformed the nature of the fighting. Not only has there been no domestic uprising in South Vietnam, but the stream of refugees has all been away from the "liberators," and toward safety behind the South Vietnamese lines. North Vietnam has thus stripped away the last shred of justification for treating the conflict as anything but a brutal armed aggression by the Communist North against a South Vietnam struggling to preserve its independence.

The massive North Vietnamese invasion confronted us with a new situation. It required a massive response—by South Vietnamese forces on the ground, by combined South Vietnamese and American air strikes and by United States naval power.

That response was launched. At the same time, we undertook another major effort to end the war through negotiations—with Dr. Kissinger's mission to Moscow, and with our return to the bargaining table in Paris. But the response of the North Vietnamese made clear that they still were unwilling to settle, except on terms that would impose a Communist government on South Vietnam.

Faced with Hanoi's continuing invasion and intransigence at the conference table, I decided on May 8 to take decisive military measures to help bring the war to an early end. After carefully weighing all the considerations involved, I announced my decision to mine all entrances to North Vietnamese ports and directed our forces to interdict the delivery of any supplies and cut rail and other communications to the maximum extent possible. These actions have not been directed against any other nation. They are solely designed to deny Hanoi the weapons and supplies it needs to continue its aggression.

This swift and effective response was necessary for several reasons.

First, it was necessary to protect our remaining forces in Vietnam, and to mainain the leverage needed to secure the release of our prisoners of war.

Second, it was necessary for the sake of the 18 million people of South Vietnam, wearied and tormented by more than two decades of war, who by any standard of international law or human decency have a right to determine their own destiny, and not to have it imposed upon them by an invading army.

Third, it was necessary for the sake of future stability in Southeast Asia. With North Vietnamese armies already in Laos and Cambodia, with Hanoi already supporting a growing insurgency in Thailand, to have allowed this attempted knockout blow against South Vietnam to succeed would have raised the level of danger to all of Vietnam's neighbors—as the leaders of those nations have stressed.

Fourth, it was necessary in order to make clear to the leaders of other nations that America's pledges would be kept, and that such a direct challenge could not be made with impunity. I had said repeatedly during the preceding three years that if North Vietnam attempted to take advantage of our troop withdrawals to escalate the war, we would make an appropriate response.

Fifth, it was necessary in order to support a principle that is central to the world's hopes for a lasting peace; the principle that no nation has the right to attack the territory of its neighbor. For seven long years Americans had been fighting alongside the South Vietnamese, and more than 45,000 had died in combat. We and the South Vietnamese had labored jointly to achieve a negotiated settlement; we had been helping them prepare to defend themselves if a settlement proved impossible. At the time of the invasion nearly 85,000 American troops were still in Vietnam. Given these facts, to have stood aside when the assault was launched would have been an abject abdication of responsibility for which history would not have forgiven us.

Eleven weeks have now passed since that North Vietnamese invasion. The fighting continues, but the South Vietnamese have held. Not only have they held militarily, but the way in which the people of South Vietnam have rallied to their nation's defense should persuade even the most committed apologists for the enemy that Saigon, not Hanoi, speaks for the South Vietnamese people.

Militarily and politically, Hanoi is losing its desperate gamble. We are nonetheless prepared to settle the conflict on honorable negotiating terms which would not require surrender and humiliation on the part of anybody. We stand ready to cease acts of force currently underway against North Vietnam when our prisoners of war have been returned, our missing accounted for and an internationally supervised ceasefire throughout Indo-China has begun. We will then proceed with a complete withdrawal of all American forces from Vietnam within four months.

These are generous terms. They would end the war and bring our prisoners home. They would permit the United States to withdraw with honor. They would allow negotiations on a political settlement among the Vietnamese themselves. Now it remains for Hanoi to choose: the path of war, or the path of peace.

INTERNATIONAL ECONOMIC POLICY

A nation's foreign policy embraces more than its diplomacy—and in the case of the United States, our foreign economic policies are a vital part of the mix. This is true in part because of the enormous volume of our foreign economic activity: American private investments abroad now total some $86 billion; the combined value of our merchandise exports and imports last year was $89 billion. It is true also because of the vital role U.S. trade plays in the economies of most of the world's nations, and because for many years the U.S. dollar has been the cornerstone of the international monetary system.

Foreign trade and foreign investments contribute to the vitality of our own economy and the variety of our consumer goods; many nations depend on the availability of U.S. capital; our trading partners depend on U.S. markets; the world economy depends on the stability of the U.S. dollar.

During the last decade the American position in the international economy changed dramatically. Major changes took place in the structure of the world economy. We found ourselves confronted with intense and increasing competition from other major industrialized nations. As one measure of this, between 1960 and 1971 Japan's exports increased by 493 percent and West Germany's increased by 242 percent, while those of the United States increased by only 115 percent.

The heightened competitiveness on the part of our trading partners is not something we shy from; on the contrary, we welcome it. It testifies to the success of our unprecedented efforts after World War II to help rebuild the shattered economies of victors and vanquished alike, and to provide a helping hand for the many new nations that came into being with the dissolution of the old colonial empires. Because it represents greater productivity, greater abundance, more rapid growth, it holds high promise of a better life for people, everywhere. But it also poses a new challenge to the United States. It means that the old days, in which we were willing to accept arrangements which put us at a competitive disadvantage with respect to our trading partners, are gone—and the old policies must go with them.

In 1971 we embarked on new policies designed to bring about a new international economic order. Operating under the International Monetary Agreement signed at Bretton Woods over a quarter century ago, the world in recent years had lurched from monetary crisis to monetary crisis, and it responded to them by simply putting a patch here and a patch there. For its part, the United States has run an almost unbroken series of basic balance of payments deficits since 1948. In 1971, for the first time since 1888 we experienced a trade deficit as well. Our total reserves dwindled from $21 billion in 1946 to roughly $12 billion at the end of 1971. And, while all of this was happening, many of our major trading partners still maintained distorted exchange rates—which favored their exports and hampered ours—and trade barriers which had the effect of limiting the access of U.S. products to their markets.

As we examined these problems last year, it was clear that far-reaching reforms were necessary. Thus, when I announced our new economic policies to deal with jobs and inflation last August 15, I included measures designed to bring about a much-needed realignment of currencies, to secure removed of barriers to American exports, and to press the other major nations toward the overdue creation of new international monetary arrangements that would be adequate for the needs of coming decades.

The aim of these moves was nothing less than a fundamental, long-term reform in the international economic system. Our goal has been to assure our products equal access to world markets and to ensure that the products of our workers, farmers, and businesses can compete on an equal footing with those of other nations.

But equal access and an equal opportunity to compete will do us little good unless the American people rise to the challenge of increased competition abroad. Faced with intensified foreign economic competition, the first reaction of many is simply to try to build a wall around America, and to hide behind it. This will not do. In today's world, there can be no prosperity behind a wall, just as there can be no security behind a wall. Only if we look outward can we go forward. And only if we show the national spirit that meets competition by becoming a more vigorous competitor rather than by running away from competition can we maintain our greatness as a nation and our vitality as a force for good in the world.

THE DEVELOPING NATIONS

The need to think and act in new ways was also evident as we reshaped our approaches to the developing nations of Latin America, Africa and Asia—what we have come to call "the third world."

One of our central discoveries has been the fact that the very term "the third world," may imply a similarity or cohesion among developing countries which is not as strong as was once thought. For as these countries have become more dynamic, they have also become more diverse. To be sure, we are seeking to encourage a sense of regional identity among developing nations which can provide a vital impetus for progress, and for the cooperation which makes progress possible. But we are also learning to take account of unique circumstances which distinguish country from country and region from region.

Above all, we have been learning that it is not within our unilateral power to determine the future for these countries—economically, socially, or politically. This does not mean we have lost our interest in these questions, but it does mean that we see our role not as one of direction but as one of support. The potential for progress in the developing world is enormous, but it will be fully realized only as developing nations shape their own futures in their own ways.

We believe in our own system. It has worked well for us, providing more freedom for all and greater abundance for more of our people than any other system in any other country. But we also recognize that what is best for us may not necessarily be best for other countries with dramatically different histories, traditions and problems; and even more important, we believe in the right of each nation to choose its own system. Thus, however much we cherish our system for ourselves, we will not seek to impose it on any other nation.

One important manifestation of our philosophy has been a new approach to foreign assistance around the world, some elements of which have already been put into action while others are pending before the Congress.

Generally speaking, this new approach recognizes the growing capacity of other developed countries to provide foreign aid, the growing effectiveness of multilateral institutions in channeling such aid, and the growing ability of recipient nations to make their own decisions about how aid should be used.

Our new approach also gives a greater emphasis to private aid, to investment and to international trade as positive influences on development. It includes strong penalties designed to discourage the expropriation of American property abroad.

It is essential that we resist the temptation to cut sharply back on our aid, especially at a time when we are encouraging other nations to share more actively in the burdens of their own defense and development. To cut them off precipitously before they are able to stand on their own would freeze them in a dependent status. The result of such an attempt to realize small savings for America in the short run would surely be far greater burdens for America in the long run.

By continuing and reforming our foreign assistance efforts we can bring closer the day when all nations will fully share in—and fully contribute to—a growing world prosperity. And by doing this, we will also bring closer the day when all nations will share in a lasting world peace.

A STRONG AMERICA

As we look to the future, it is essential that our potential adversaries retain their respect for American strength. It is essential that others recognize, as I put it in my Inaugural Address, that ". . . we will be as strong as we need to be for as long as we need to be." It is essential that they understand fully our desire to live in a world at peace and our determination to do what is necessary to keep this world at peace.

No nation, as long as it respects the rights of its neighbors, need ever fear the power of the United States. Our military power is maintained not to pursue American interests but to defend American interests—and in particular, our interest in maintaining a structure of peace, stability and progress in the world.

There are those who seek to discredit the idea that peace requires strength. They condemn it as a relic of a "cold war mentality" and ridicule military expenditures as wasteful and immoral.

However popular this attitude may be, and however it may be couched in the rhetoric of "idealism," it nevertheless flies in the face of all human experience. As we have learned again and again, especially in this century, there is simply no substitute for military strength sufficient to deter aggression. An America that was inadequately defended would present so tempting a target that war would become inevitable. By the same token, a weakening of our alliances would also increase temptation to the danger point. For potentially aggressive ambitions in some countries are held in check not by idealism, but by a clear recognition that they cannot be achieved except at an unacceptable cost. If we expect to maintain the peace, we must ensure that the cost remains unacceptable.

Those who scoff at "balance of power diplomacy" on the world scene should recognize that the only alternative to a balance of power is an imbalance of power—and history shows us that nothing so drastically escalates the danger of war as such an imbalance. It is precisely the fact that the elements of balance now exist that gives us a rare opportunity to create a system of stability that can maintain the peace not just for a decade, but for a generation—and we hope beyond.

The years ahead will not be easy ones. They will demand sacrifice. They will demand wisdom. They will present a challenge of the most serious sort, testing whether a nation democratically governed can do what is necessary to maintain the peace.

I believe we can and will meet this challenge, just as we have met the others that have confronted us during these past two centuries. But we should all be very clear in our own minds that it will require of us a particular kind of discipline. It will require us to exercise an extra measure of care in distinguishing between rhetoric and reality, between the easy temptation and the hard necessity. We will be told there are shortcuts. We will be told that all the things we want to do at home could be painlessly financed if only we would cut back our military spending. We will be told that we can have peace merely by asking for it, that if we merely demonstrate "good will" or "good faith" our adversaries will reciprocate and we will have no need to do more. This is specious nonsense.

A heavy responsibility lies on the shoulders of those who hold or seek power in today's world: a responsibility not to court the public favor by fanning illusions that peace can be either achieved or kept without paying its price.

TOWARD A STRUCTURE OF PEACE

The final test of a foreign policy is whether it works. As we survey the world today, we find that we have nearly completed the ending of America's involvement in the war in Vietnam—and that we have done so in a way that enables the people of South Vietnam to defend their own country while strengthening the stability of all Southeast Asia—an area of 300 million people which is of great importance to the entire world's future hopes for peace.

We find that the dispute in the Middle East remains unsettled, but that at least a cease-fire has been maintained now for nearly two years.

We find that America's alliances are stronger, and that resentment at what was once America's heavy-handedness has given way to a renewed sense of common purpose.

We find that the dangerous isolation of the People's Republic of China has been broken, and a new pattern of communication established between the world's most populous nation and its most powerful nation.

In our relations with the Soviet Union, we find that more significant and more far-reaching agreements have been negotiated during these past three and one-half years than were achieved in all the prior years since World War II.

We still have a long way to go in fashioning a stable and lasting structure of peace. But we also know that the framework has been erected. We are moving toward a goal which has eluded the world's statesmen through all the previous decades of this century, and we are moving toward it in a more businesslike way than at any time since World War II. This would not have been possible if we had not carefully geared all of our policies toward this central purpose. It would not have been possible if we had failed to maintain our strength, to show our determination, to demonstrate our perseverance, to be courteous but firm in our dealings with potential adversaries as well as with friends, to take measures which at the time were unpopular—indeed, to take certain risks for peace.

I have often used the term "a structure of peace." I have used it again in this discussion. It is important that we understand what that term means—important because it gets to the very heart of the way in which we seek to achieve peace in the years ahead.

Many people speak very sentimentally about peace—but sentimentality cannot achieve it. It cannot be wished into being. It has to be carefully built. A sound structure of peace must embrace a worldwide network of alliances; it must include sufficient armed force to deter aggression; it must depend upon patterns of understanding among a wide variety of governments. These patterns of understanding, in turn, do not simply involve a knowledge of what other countries and other peoples are like, or what they are thinking. Rather, they must be very concrete mutual understandings as to which patterns of international behavior are acceptable and which are not, and in which nations undertake to perform in specified ways under specified conditions. Some of these understandings are written into treaties or executive agreements. Many others are not, but they nevertheless constitute an important part of that written and unwritten code by which the relations among nations are regulated.

Nothing could be more destructive of our hopes for peace than failure to recognize the need for such disciplines.

If there is one lesson above all that history teaches us, it is that in seeking peace good intentions are no substitute for patient building, for hard work, and for the maintenance of sufficient strength to preserve the peace. The world has never yet been able to agree on a set of international institutions which could keep the peace by themselves. Peace has been kept or lost by the wisdom or folly of individual nations. A balance of power is still an essential element in maintaining peace. The new agreement we have reached with the Soviet Union on limitation of strategic arms will be an important factor in maintaining such a balance. So, too, will the developing pattern of interrelationships among the principal powers and among the various groupings of nations. It is vital that no nation which might have or develop aggressive designs should ever be led to believe that it could safely pursue those designs.

STRENGTH OF SPIRIT

Finally, as we shape our foreign policy for the future, we must also look to our spiritual, intellectual, economic and political strength here at home.

Our ability to build peace abroad depends upon this strength.

Our influence abroad depends not only on the military might of our arms, but also on the moral force of our example—and for nearly two centuries now, the example America has held out to the world has inspired the hopes of millions on every continent.

The past decade has been one of division, and of often bitter dissension. It has become fashionable to see only the evil in America, to paint every shortcoming—no matter how ancient—as an urgent crisis, to denigrate not only the policies but the motives of those in positions of leadership, to substitute diatribe for debate, and in the process to drive out faith and hope with despair and alienation. It has become fashionable to say that America has lost its sense of purpose, and has to find it again. But that fashion is false. We have a sense of purpose. What we need is to rekindle our pride in that purpose—the pride that has been so mauled by the legions of petty detractors. We need to recover our confidence that we shall attain our purpose.

Looking back over this nation's record in the field of foreign policy, Americans have a right to feel proud—and we should all hold our heads high because of that record. Ours is the first nation to become a great world power without seeking power. We have recognized that with great power goes great responsibility, and we have sought to use our influence not merely in our narrow national interest but in the world interest. Young Americans have fought in four wars in this century not for conquest, not for territory, but to help ensure the right of other people to be free from aggression. Our goal has been a more peaceful world—one in which the weak will at least be as safe as the strong and in which all nations, large and small, can be secure in their independence.

Our purpose in the world is peace—not the sullen peace of defeat, not the silent peace of despair, but the solid peace that makes progress possible, and that liberates the spirit of man for the tasks of freedom. No nobler purpose has moved any nation in the whole of human history.

We pursue peace as an end in itself. But our goal is also something more. For the peace we seek is an essential pre-condition if man is to pursue those great, humane ideals that are rooted in our religious heritage and that have inspired our highest civilizations. In seeking to prevent war, we seek also to make possible those advances in human well-being in the arts and science and philosophy, in the enriching of human experience, that define man's highest destiny here on earth. If we succeed in building a lasting structure of peace, not peace alone but a chance for mankind to fulfill this higher destiny will be the monument to our success.

ON THE REVENUE SHARING RULE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. VANIK. Mr. Speaker, later this week, the House of Representatives will consider the Revenue Sharing Act, which represents a landmark in fiscal relations between Federal, State, and local governments. A bill of this dimension and scope, which touches every State and every community in this land, should be given the fullest scrutiny by every Member of this body. It is the beginning of a permanent law.

Full participation by the House of Representatives is only possible if this bill is debated with an open rule. An open rule is fundamental to the democratic principles of representation in the Congress.

A closed rule ties the hands of House Members and places its Members in the "back seat" of the legislative process. The Senate, which is a coequal body, will be in the position to offer amendments to revenue sharing when it comes to the Senate floor. The closed rule denies House Members this opportunity—as if our legislative competence were less. Our constituents have elected us to stand up and be counted on every piece of legislation which comes before us. We are expected to amend, to improve the legislative work of a committee.

There is no excuse for any legislation going to the floor with a closed rule. When a closed rule is requested, it assumes that the wisdom of a small group is greater than the collective wisdom of the 435 Members elected from all corners of this land. A closed rule is not democracy and carries blatant overtones of "tyranny of the minority"—this is no way to inspire the confidence of the American people in the House of Representatives.

When this bill was reported out of the Ways and Means Committee, I voted against the closed rule. I spoke against the closed rule before the Rules Committee.

I have always supported Federal help for distressed cities; but I cannot support a "closed rule" which would prevent the House from eliminating the retroactive feature of the revenue-sharing proposal.

It would be unwise to distribute a "doubled-up" payment to State and local governments in the first installment. Many units of Government have not programed this expenditure. All would take it— and all would spend it. The potential exists for a wasteful and hurried distribution of $2.65 billion. With retroactive legislation, the prospects are not bright for prudent spending of Federal revenues, which the Treasury cannot afford to lose.

An open rule would permit tax reform amendments which would raise additional revenue to pay for this program.

If revenue sharing cannot survive an open rule in the House of Representatives, which would permit reasonable and necessary amendments to the bill, it does not deserve to be the law of the land.

SENIOR POWER

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. JAMES V. STANTON. Mr. Speaker, although the needs of senior citizens for income, health care, and other benefits are obvious to all, and although their claim to such benefits is unquestioned, the Government has acted to meet their needs, if at all, in a halting and even grudging manner. Too often their interests have been compromised away to the short-sighted and the tight-fisted. Even the limited health benefits of Medicare took almost 20 years to enact into law.

Such neglect is now causing a new political movement among senior citizens, a movement which will ensure that new policies, which give them the benefits they need and deserve, will be effected.

I would now like to commend to the attention of my colleagues an article on senior citizen needs and politics written by Sun Newspapers' columnist Bill Randle, and which appeared in the June 8 issue of the Southeast Sun.

The article follows:

Sound Off

(By Bill Randle)

I read the other day about a little old lady who had had it with the way American society treats older people. She's forming action groups involving old people to focus attention on and get programs started and expedited that will benefit the more advanced in age in America.

And I say "right on!" to use the contemporary social and political cliche.

We have heard for years now of black power, youth power, the military-industrial complex, the oil lobby, the railroad influence. Why not some organized way for older people to be heard other than around election time when the promises flow like wine and the glib phrases pour like melted butter to try to influence the Social Security vote?

Actually, this country treats its older citizens atrociously and has for most of its history, whereas in other countries, including some of the most "primitive" societies known to man, age is respected, depended on for guidance and wisdom, focused and organized around for stability and cohesiveness, even catered to for psychological and sociological reasons.

In this counrty, age is something to be rejected and feared. The beginning of the end for the person whose advancing years puts him (and her) in the category of useless objects . . . no longer capable of earning . . . a drain on the emotions and economy of their children and other relatives . . . still taxed and abused politically with very little if any recourse or ability to retaliate or influence events.

Now I don't really think this little old lady I mentioned above is going to have a great deal of success with her particular organization. It's kind of "Pie in the Skyish" to me as a realistic observer who makes decisions and estimates based on sophisticated information. However, as such a realistic observer, I can tell you this . . . and bluntly.

The day of the ignoring of older people in American society is through. The winds of change are blowing and have been for some time. If you want to talk about dissident members of the society . . . collectively there is no more potential and dynamic political and social force in America than the mass of people 55 and older who feel common interests in actual or potential social security, medical care, tax relief, and political acceptance and power. And they are going to be heard.

What political and social thrust this movement is going to have is still questionable. Obviously, the primary thrust will be the satisfying of definite and immediate economic needs; extensions of social security, not just little token raises but heavy, meaningful increments to meet and beat the consistent drains of inflation; extensions of medical services to where, ultimately, all older people, the ones who most need such care, will have totally free and readily available first quality medical care; tax relief at a level where no person who has worked and contributed during his lifetime will live to see the products of that effort drained away to a point where the gap between poverty and self maintenance narrows to non existence.

This batch of absolute needs could be met by almost any type of political structure.

The neo-populism of a George Wallace satisfies many older people who live in a kind of social paranoia induced by the uncertainties of contemporary America (the drug scene, rock music, long haired and abusive young people, uncaring and manipulative politicians lack of safety on the streets . . . the whole string of problems we carry in America like a giant series of albatrosses around our collective necks) and if a George Wallace, or someone with the same kind of populist charisma begins to focus on older people's problems, this is where they'll go . . . regardless of the implications of the rest of Mr. Wallace's programs.

On the other hand . . . Mr. Nixon's programs are beginning to pay lip service to the real needs of older Americans. If he begins to produce real benefits and objectively analyzes the potential power of these disadvantaged and disaffected people, then the satisfaction of those needs within this major political party structure may save it from the growing wrath of millions of newly focused and viable voters—and potential demonstrators and protestors to gain their rights—actual or imagined.

The recent successes of Mr. McGovern, who has, without much attention paid by the press, been saying very real things to please older voters, are clearly reflective of how semi-populist, vaguely anti-status quo arguments can get response that amazes the hard shelled, pragmatic political wheeler-dealer who didn't originally give him a chance.

But then the political analysts and campaign directors really don't know much about what's really happening in American society . . . or on the streets . . . or in the hearts and minds of millions of people who, for one or more reasons, are very disturbed with our established political and social powers.

Older people, among others, have had it with promises and transient hand outs and economic and psychological rejection. And, you have to remember older people have lots of time, energy and real power.

If you think you've ever seen demonstrations . . . or protests . . . just for a moment envision an army of little old ladies with umbrellas marching down Pennsylvania Avenue or closing down the Pentagon or just demanding their rights in Congress. Now that would really be something to see. And you're going to see it in the next few years in this country unless somebody starts listening closely to those winds of change.

EMERGENCY TRANSPORTATION STRIKE LEGISLATION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, whatever happened to the drive for permanent strike legislation for the transportation industry? As one committee staffer put it, as far as this body is concerned, the drive is dead—unless, of course, we have another transportation strike. An attempt to dislodge such legislation from subcommittee failed by one vote, and that was that. I am reminded of the testimony delivered by the gentleman from Michigan (Mr. HARVEY) before the Rules Committee last February when we were considering temporary legislation to end the west coast dock strike. At that time, Mr. HARVEY said, and I quote:

> Ironically, it has been said that the Education and Labor Committee should not report out permanent legislation under the pressure of the dock strike. But from our experience with permanent rail strike legislation, we have observed that once the pressure of an on-going strike is removed, the desire for permanent legislation dissipates also.

Oh, how unfortunately true that has been. This Congress continues to insist on acting only in times of crisis, and then, only to temporarily allay the immediate crisis. The irony in this, of course, is that by so doing, the Congress is simply guaranteeing the inevitability of future crises. We have seen this happen time and time again, whether with rail strikes or dock strikes or what have you. And we are bound to see it happen time and time again in the future unless we take action on some permanent mechanism to deal with these situations. And yet we refuse to take this eminently reasonable and necessary course of action, and instead we sit back and practically invite another big transportation strike.

I recently received a letter from the Governor of our State of Illinois, the Honorable Richard B. Ogilvie, in which he pointed out that the last series of national dock strikes cost the State of Illinois $75 million in lost agricultural export dollars. Secretary Volpe has estimated that the west coast strike alone cost our country $83 million a week.

Earlier this year, Governor Ogilvie appointed a committee of Illinois farm leaders to study farm income problems and they reported back to the Governor with the recommendation that the Congress should pass "sound Federal legislation to establish a structure within which transportation disputes can be resolved without crippling strikes which destroy markets for farm products."

Mr. Speaker, way back in March of 1970, over 2 years ago, President Nixon sent to the Congress his message on "National Emergency Labor Disputes," along with his legislative proposal to establish just such a permanent mechanism through the Emergency Public Interest Protection Act of 1970. That bill was reintroduced in this Congress as the Crippling Strikes Prevention Act. In addition, several other bills have been introduced to accomplish the same objective by slightly different means, including H.R. 12848 which I was privileged to cosponsor with Congressman HARVEY on February 2 of this year. That measure alone has some 76 cosponsors in this body. And yet, despite all the support in the Congress for permanent transportation strike legislation, despite all the editorial and public support for such legislation, these vital measures continue to languish in committee. How many strikes, how much damage to the economy and the public interest will it take before this or a future Congress will take the necessary action on such permanent legislation?

I would hope, Mr. Speaker, that we would have the wisdom and good sense to act before we have another major crippling transportation strike. At this point in the RECORD I include the full text of the letter I received from Governor Ogilvie:

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, May 31, 1972.

Hon. JOHN B. ANDERSON,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: The loss in agricultural export dollars to Illinois during the recent prolonged transportation disputes at our several national ports was in excess of $75 million.

With the continuing threat of shut-downs resulting from the Pay Board's action of reducing the West Coast longshoremen's contract, Illinois remains deeply concerned with the resultant effect on net farm income.

Last August I asked a committee of Illinois farm leaders to undertake a study of farm income problems. Their recommendations were made to me at a Cabinet meeting on March 4. I quote from their Report:

"We recommend that every effort be made to secure the full support of the Illinois congressional delegation in securing sound federal legislation to establish a structure within which transportation disputes can be resolved without crippling strikes which destroy markets for farm products."

There are several bills before the Congress which if enacted would do much to protect the nation generally and agriculture specifically from loss due to dock strikes. Secretary Volpe has estimated that nationally the loss was $83 million a week in the West Coast dispute.

I would ask that you directly and indirectly use your influence and your vote to help effect the much needed and long overdue legislation to prevent further crippling of the orderly movement of farm products into international trade.

Sincerely,

RICHARD B. OGILVIE,
Governor.

SALUTE TO EDUCATION

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HELSTOSKI. Mr. Speaker, I would like to take this opportunity to congratulate the National Education Association for its fine work toward the goal of improving the quality of education for all of our citizens. But, moreover, I think that this is an appropriate time to pay tribute to education itself.

As a former educator I am familiar with the value that a good education has for our young people. I have no fonder memories than of the times in my high school classes when I could broaden the world of my students with new knowledge and new understanding. To be complete men and women we must all try to expand our views of the world around us. We must learn tolerance and understanding by becoming more familiar with the hopes and fears of our neighbors. We must employ our talents and abilities to the fullest possible extent by being better informed of the many opportunities which exist in our society.

Education is an invaluable tool in achieving these necessary elements of adulthood. I am proud to have been a part of the educational system in my community, and since coming to Congress I have sought to do everything possible to see that the good educational system in our country is maintained.

"NONE DARE CALL IT CONSPIRACY"

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SCHMITZ. Mr. Speaker, last fall I agreed to write the introduction for a most interesting and significant book by Gary Allen entitled "None Dare Call It Conspiracy," which I will soon be bringing before you serial fashion in the RECORD. It explores the evidence for a concerted plan and pattern in the many reverses freedom, law, and faith have suffered in this century.

This book included a prediction that, like virtually all others on this subject, it would be attacked by the Anti-Defamation League of B'nai B'rith—an organization which, as William Buckley once said, itself frequently engages in defamation. This prediction was right on target, and the attack began with the letter to me which follows, together with reply:

ANTI-DEFAMATION LEAGUE OF
B'NAI B'RITH,
June 1, 1972.

Hon. JOHN G. SCHMITZ,
Irvine, Calif.

DEAR CONGRESSMAN SCHMITZ: We were distressed to read your introduction to and endorsement of *None Dare Call It Conspiracy* by Gary Allen, and we hereby call upon you to withdraw your endorsement and repudiate this anti-Semitic propaganda book.

Because you are a political scientist, we would have expected you to detect quickly the long discredited anti-Jewish charges that allege an insidious role being played by so-called "international bankers" which this book exhumes.

Despite Mr. Allen's pitifully weak disclaimer about anti-Semitism, his book revives anti-Semitic campaigns of the 1920's carried out by agents of the late Henry Ford, Sr. through the *Dearborn Independent*—charges later repudiated publicly by Mr. Ford—and again revived in the 1930's by Father Charles E. Coughlin, the notorious radio-priest.

We can only assume that you read the book too quickly or that you did not read it at all, a not uncommon problem plaguing very busy public officials who, too often, unfortunately rely upon the judgment of others.

As a political scientist, we urge you to check with Professor Carroll Quigley, of Georgetown University, whose writings are cited extensively in *None Dare Call It Conspiracy* as being supportive of Gary Allen's thesis, whereas the exact opposite is true.

The Birch Society's campaign to distribute millions of copies of *None Dare Call It Conspiracy* is a very serious matter because the kinds of anti-Jewish lies contained in the Allen book have been used by hate groups throughout the world for more than 50 years to foster hatred of Jews. During the 1930's and the 1940's we saw the ugly consequences of such campaigns.

Mr. Schmitz, in the name of human decency and honest scholarship we urge you to publicly withdraw your name from this book and to dissociate yourself from this insidious campaign.

We await your reply.

Sincerely,

HARVEY B. SCHECHTER.

JUNE 16, 1972.

Mr. HARVEY B. SCHECHTER,
Anti-Defamation League of B'nai B'rith,
Los Angeles, Calif.

DEAR MR. SCHECHTER: Your letter of June 1 to me regarding Gary Allen's book None Dare Call It Conspiracy, occasioned by the fact that I wrote the Introduction to it, is one of the most remarkable confirmations of the book's thesis I have seen. For if you turn to pages 39 and 40, you will read:

The Jewish members of the conspiracy have used an organization called the Anti-Defamation League as an instrument to try to convince everyone that any mention of the Rothschilds or their allies is an attack on all Jews. In this way they have stifled almost all honest scholarship on international bankers and made the subject taboo within universities.

"Any individual or book exploring this subject is immediately attacked by hundreds of A.D.L. committees all over the country. The A.D.L. has never let truth or logic interfere with its highly professional smear jobs. When no evidence is apparent, the A.D.L., which staunchly opposed so-called 'McCarthyism,' accuses people of being 'latent anti-Semitics.' Can you imagine how they would yowl and scream if someone accused them of being 'latent' Communists?

"Actually, nobody has a right to be more angry at the Rothschild clique than their fellow Jews. The Warburgs, part of the Rothschild empire, helped finance Adolf Hitler. There were few if any Rothschilds or Warburgs in the Nazi prison camps! They sat out the war in luxurious hotels in Paris or emigrated to the United States or England. As a group, Jews have suffered most at the hands of these power seekers."

Gentlemen, you are right on cue.

Of course, I would not deny that some bigoted individuals might distort the facts and conclusions in Gary Allen's book to fit their own prejudices, just as they might do with many other books. As a Catholic, I have seen anti-Catholic bigots do this just as anti-Semites have done it. Gary Allen specifically warns on page 10 against those who "because of racial or religious bigotry . . . will take small fragments of legitimate evidence and expand them into a conclusion that will support their particular prejudice, i.e., the conspiracy is totally 'Jewish,' 'Catholic' or 'Masonic.' These people do not help to expose the conspiracy, but sadly play into the hands of those who want the public to believe that all conspiratorialists are screwballs." But if the possibility of distortion is to be accepted as a reason for the suppression of truth, then all of us are the losers.

Insofar as you speak for one of the world's major religious faiths, going back to Abraham who is the "father in faith" for Christians, Jews and even Moslems, I believe you have a duty to make an objective examination of the evidence which suggests that many of the principal manipulators of twentieth century history are characterized by a deep and abiding hostility to any genuine belief in and worship of God and any attempt to live and work according to His commandments. My experience in public life has shown me that I have much more in common with believing Jews than with the secular humanists who have gained such a predominant position in our nation today. It would be most interesting to see with which of these two groups you find yourself and your organization most often in alignment.

There is not a word in Gary Allen's book which could possibly be construed by any reasonable man as an attack on any religious faith. Rather, he points out repeatedly that the conspirators of our time are dedicated to the destruction of all religious faith. Even for those who do not accept his thesis, the hostility of the dominant forces in the modern world to religion is very obvious and should provide a solid basis for cooperation and alliance among all believers as against nonbelievers. Gary Allen and I and The John Birch Society and many others are ready and eager for such cooperation and alliance. We have not attacked your faith. Why then do you attack us?

As for your objections to his thesis itself, it is a subject on which reasonable men may differ—but not one which you can reasonably claim to be "discredited." The arguments for it deserve to be considered on their merits. Your letter gives no indication that you have done so. In fact, I can only describe your position on the issues raised by this book as betraying a deeply entrenched intellectual bias of your own. In the interest of the honest scholarship to which you refer in your concluding paragraph, I would urge you and your colleagues to try to free your minds of this bias and then take another look at this question.

Jews and Catholics suffered and died together in both Nazi and Soviet concentration camps. You may have read of the recent beatification at the Vatican of Blessed Father Maximilian Kolbe of Poland, who was starved to death in a Nazi death camp after volunteering to take the place of a young father originally selected for the same kind of death. By your campaign against those who are making every effort to arouse the American people to the danger of totalitarian world conquest, you are making it more likely that similar horrors will take place here in America. If this happens, those on what you call "the right" will be among the first victims—I sincerely hope, not with your approval.

Yours very truly,

John G. Schmitz,

Member of Congress.

THE TOWN OF BIG FLATS—150 YEARS YOUNG

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HASTINGS. Mr. Speaker, on April 16, 1822, the New York State Legislature by official act, brought into being the town of Big Flats.

Located in the green rolling hills of Chemung County, once the hunting grounds of the Seneca and Cayuga Indians, Big Flats this week is marking its 150th birthday with a gala 4-day program, recalling its historic past and underscoring its burgeoning future.

The people of this fast-growing community characterize the high ideals of America's heartland and reflect in their sesquicentennial observance a faith in our Nation which should serve as an inspiration for all.

I am both pleased and proud at this time to make official note in the Congressional Record of the town of Big Flats' 150th birthday anniversary.

SALT: THE ACCORD DESERVES OUR SUPPORT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SPRINGER. Mr. Speaker, Alton Frye, a joint fellow of the Council of Foreign Relations and the Woodrow Wilson International Center for Scholars has written a number of studies on the United States and foreign strategies as well as foreign policy.

He has written an extremely detailed article in the Sunday Star of June 18 in which he says:

> Nothing Richard Nixon has done speaks so well of his judgment and his courage as the beginning he has made on strategic arms limitation.

In view of the length of the SALT talks and the details that were considered as well as the need of the discussions, I felt sure my colleagues would want to read the splendid article by Mr. Frye titled, "SALT: The Accord Deserves Our Support."

The article follows:

[From the Washington Star, June 18, 1972]

SALT: The Accord Deserves Our Support

(By Alton Frye)

Cynics say it is a typical American failing to know the price of everything and the value of nothing. This human frailty is serious enough in the routine exchanges of everyday life. In the great transactions of international politics, the tendency can be fatal to the most enlightened and essential undertakings.

The point comes to mind because of the surprising reaction in some quarters to the historic Nixon-Brezhnev agreements to limit strategic arms. The general enthusiasm for this momentous breakthrough in the Strategic Arms Limitation Talks (SALT) has been tempered not only by grumblings on the far right but by the disturbing response of a few respected commentators and congressmen.

Crosby Noyes alleges in The Star that the agreements give Russia nuclear "superiority on a silver platter." Seeking to ward off unjustified euphoria. The Wall Street Journal wonders whether the accords should be approved "anytime during a presidential campaign." Paul Warnke terms the agreement to limit offensive weapons "slightly worse than none at all," although he warmly endorses the ABM treaty. Sen. Henry Jackson, D-Wash., reserves his final judgment on the understandings, but blasts the "comic opera" procedures in Moscow and charges that the agreements give the Soviets "more of everything."

These are thoughtful and knowledgeable observers. Their opinions will carry weight with many of their fellow citizens. But close analysis reveals that the hasty critiques of the SALT agreements share a common fault: They are preoccupied with short-term balances which are totally inadequate to measure the long-term investment in mutual security which the United States and the Soviet Union have now made. And even in gauging the short-term balances, they badly misread the ledger written in Moscow. In effect the early criticisms of the Moscow summit overstate the price and understate the value of what was done there. Let us see why this is so.

THE CONTEXT OF SALT

In 1970 the Senate urged President Nixon to make a freeze on further deployment of strategic weapons the first priority of the SALT negotiations. While a freeze then would have set somewhat lower and more advantageous ceilings, the Moscow agreements contain a reasonable approximation of this objective—which was recommended by an overwhelming majority of senators.

The proposed treaty limits anti-ballistic missile deployment to no more than two sites with a maximum of 100 defensive missiles each, a force totally insufficient to weaken the credibility of either side's capacity to retaliate and hence to deter war. The interim agreement on offensive weapons halts ICBM deployments at the existing levels (about 1,618 on the Soviet side and 1,054 on the American) and limits modern submarine-launched missiles (SLBMs) to those now operational and under construction (710 on the Soviet side and 656 on the American).

Unnecessary confusion has grown out of the provision permitting conversion of some land-based missiles into sea-based weapons; briefly put, the Soviet Union can build to a total of 950 missiles on subbmarines but only if it phases out 240 launchers already deployed, i.e., if it actually reduces its land-based force to 1,400 missiles or so.

In sum, the ceilings provided in the interim agreement would permit the Soviets to deploy up to 2,350 long-range missiles on land and sea, compared with a total of 1,710 for the United States. It is the starkness of this numerical contrast which suggests, at first glance, that the United States accepted less equitable terms than it should have demanded.

But these gross figures do not reflect the crucial dimensions of the strategic bargain struck at SALT. Imbedded in that bargain are other commitments and detailed restraints which leave little doubt that the outcome of SALT is a decisive turn toward greater security. It is remarkable how far these understandings go toward fulfilling the U.S. conceptions of the requirements of strategic stability.

The United States sought explicit confirmation that mutual deterrence would be the basis for erecting a stable balance. The Soviets agreed. By curtailing ABM deployment, both sides have ratified the principle that mutual deterrence depends on mutual vulnerability. They may not welcome the condition of reciprocal terror, but they recognize the fact and acknowledge that neither has yet conceived a safe way to alter it.

The United States sought explicit acceptance of the de facto "open skies" arrangements, through which satellites keep each side appraised of the other's strategic inventory and innovations. The Soviets agreed. By committing themselves to avoid interference with observation satellites and other verification techniques, and by foregoing deliberate measures to conceal strategic capabilities from observation, the two countries have installed a necessary building block for confident progress on more substantial arms arrangements.

The United States sought to test Russian acceptance of the principle of mutual deterrence by demanding that the overall freeze include a firm limit on the gigantic SS-9 class missile, weapons which have perplexed U.S. planners because of their potential capacity to destroy American missile silos. The Soviets agreed. The interim agreement suppresses the number of supersize boosters to around 300, a level well below the danger point calculated by the Department of Defense.

The United States insisted that the freeze cover ballistic missile submarines, since the Soviet Union has been building such systems at a rapid clip (eight or nine a year) while the United States in the next five years will add no subs to the 41 it now has in service. In a decision critical to the success of the negotiation, the Soviets agreed. Without such a limit, the present building rate would have given the Soviets more than 80 missile-launching submarines by 1977, just as their present pace of ICBM construction would have produced by that year a land-based force alone in excess of 2,800 missiles.

The blunt truth is that no U.S. effort, even on a crash basis, could have matched this Soviet rate, launcher for launcher and boat for boat, during the five years governed by the interim agreement. The interruption of the massive Soviet building program is a stupendous gain to American security and international stability.

Any genuine negotiation must produce movement toward accommodation by both parties. One can only gain a distorted picture of the process by focusing exclusively on the concessions made by one side. Yet some commentators have done precisely that, implying that the United States has been too eager in conceding presumed advantages to the Soviets. As a partial corrective, one ought to understand the numerous and substantial concessions made by Moscow in its determination to promote a mutually acceptable balance.

The foremost issue on which the Soviet Union yielded is one which casts an utterly different light on the gross balance in ICBMs and Strategic Land-Based Missiles. At the outset the Russians had insisted with considerable justification that a fair definition of "strategic weapons" would include all systems capable of delivering a nuclear attack on the homeland of the other party. In order to facilitate a preliminary understanding they reluctantly agreed to treat only long-range missiles, excluding not only the U.S. strategic bomber fleet of about 460 planes but also the enormous number of forward-based systems maintained by the United States in Europe and on aircraft carriers.

These latter types of weapons are unique to the United States, in the sense that Moscow has no true carriers and no forward bases from which to mount a strike on this country with tactical fighter-bombers.

What this means is that the Soviets have granted the Americans at least for the short run, more than 2,000 additional aircraft capable of devastating all of the Soviet Union west of the Ural Mountains. Furthermore, the U.S. B–52s are being modernized with the Short-Range Attack Missile (SRAM) which will vastly increase the lethality of the force; each plane can carry 24 such missiles. And, expensive though they are, the B–52s have demonstrated over Haiphong in recent days that they can survive and function in the densest anti-aircraft environment yet tested in combat.

Those who are tempted to toss off the significance of the Soviet concession on this point should ask themselves how we would view an understanding which left the Russians with a free and unrestricted ride on more than two thousand delivery vehicles, each one of which is quite capable of demolishing any city in the United States. Had the Soviets been adamant in demanding immediate limits on forward-based systems—which play a dual conventional-nuclear role in the NATO posture—SALT could well have collapsed.

Clearly, SALT II and the coming conferences on European security will face hard and complex negotiations on these systems and similar Soviet weapons targeted on Western Europe, including particularly the several hundred Soviet intermediate- and medium-range ballistic missiles.

Another factor is central to evaluating the simple numbers of launchers controlled by the interim agreement. The superficial Soviet advantage in numbers and sizes of missiles is paired against a staggering American advantage in deliverable warheads. Roughly described, the Soviets will have a three-to-one lead in "throw-weight" or megatonnage, while the United States will have a three-to-one lead in warheads.

The ongoing U.S. deployment of Multiple Independently Targetable Re-entry Vehicles (MIRV) on both Minuteman III and Poseidon missiles is sure to maintain that advantage for the period of the agreement; the U.S. warhead inventory may well exceed 10,000 by 1977.

Having flight-tested no MIRV system to date, the Soviet Union can hardly convert its throw-weight advantage into a warhead advantage during these years. Even if they successfully develop MIRV technology, only the larger Soviet missiles look promising as MIRV platforms, and it is not realistic to expect a complete replacement of their existing missile force with MIRV-capable boosters. Judgments may vary, but no one can doubt that Soviet acceptance of continued U.S. MIRV deployment represents a concession of the first magnitude.

The tough Soviet delegation made other adjustments in its original positions, as did the American team. The illustrations here suffice, however, to highlight the fact that SALT I began an important learning process for both sides and persuaded each that its own security required realistic consideration of the other's security needs. There were no one-sided or disproportionate concessions.

PRELUDE TO PARITY

One can only appraise the achievements of SALT I by examining the agenda for SALT II, the second phase of the negotiations which is expected to begin later this year. The true worth of the ABM treaty and the five-year missile freeze lies in what President Nixon has rightly termed the "unparalleled opportunity" they create.

Critics may damn the frenetic atmosphere surrounding the last hours of diplomatic activity, although the issues resolved in those final moments were relatively marginal ones on which the options had been thoroughly explored in advance. Arms control advocates may lament the tardiness and scope of the strategic freeze. Yet the delay in setting the freeze may prove invaluable, because the long and methodical diplomacy preceding it has engendered a degree of mutual confidence which is indispensable to further steps toward reinforcing strategic stability. SALT I has made the cautious decision; the time is at hand for bolder action.

The tight limits on ABM have virtually removed the threats to stability which might arise from defensive deployments. The pressing need now is to curb the instabilities which might arise through offensive deployments threatening the survivability of either side's deterrent weapons. Ambassador Gerard Smith stressed this point on May 9 when he told the Soviet SALT delegation that the follow-on negotiations should seek "to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces." Both countries well understand that, unless progress is made on this front, the ABM limits may not endure.

Two central threats loom on the offensive side of the equation: (1) Highly accurate, multiple warhead systems which could destroy land-based ICBM silos, and (2) developments in anti-submarine warfare (ASW) capabilities which might jeopardize the sea-based forces.

The logic and the structure of the ABM treaty open promising possibilities for coping with these problems. The prohibition of extensive defenses greatly simplifies the deterrent problem. No feasible attack could destroy all of either side's retaliatory weapons; even a small fraction of surviving, single-warhead systems would be able to deliver unacceptable damage to an attacker.

Thus, there is no longer any need for the United States or the Soviet Union to retain the option of MIRVing its boosters, since MIRV is superfluous to deterrence in a situation where there are no defenses to penetrate. Indeed, in the new strategic environment the effect of MIRV systems is not to bolster deterrence by hedging against a non-existent ABM system but to weaken it by posing a threat to the survivability of land-based ICBMs. Thus, in light of the guiding standard of stable deterrence, both sides should perceive their common interest in seeking a ban on MIRV systems.

The potential centerpiece of SALT II could well be a trade of the U.S. MIRV systems now in deployment for a comparable number of Soviet missiles, including the gigantic SS–9s which have caused such consternation. Land-based forces might be phased down to 500 single-warhead systems, while the U.S. Poseidon fleet could be converted to single warhead systems.

The Soviets have been reticent about entering a MIRV limit until they perfect the technology, but skillful diplomats should be able to underscore the advantages Moscow would reap by foregoing MIRV development in return for a suspension of U.S. MIRV programs before they are fully deployed and refined to pinpoint accuracies. The President has stressed that U.S. MIRV systems are intended exclusively for retaliatory purposes, but the Soviets must realize that unrestricted testing in the future may push the technology to such precise delivery accuracies that even relatively small U.S. warheads would jeopardize hardened missile silos. That prospect is still some years away, but only concerted measures to inhibit MIRV testing and deployment can guard against it.

Each side clearly has a greater interest in persuading the other not to deploy MIRV than it has in deploying such systems itself. So long as the United States persists in its own MIRV deployment, it cannot hope to induce the Soviet Union to refrain from similar weaponry. There is a powerful case for the United States to slow its MIRV programs and to offer SALT II a chance to devise mutual restraints on this provocative and unnecessary technology.

MIRV is the principal qualitative innovation which might undermine the quantitative limitations sketched by SALT I. Henry Kissinger has intimated that "questions of technological change" will be addressed in SALT II. The ABM treaty not only facilitates such an effort; it offers vital precedents, for it specifically establishes a number of qualitative limits on defensive systems. Under the treaty, development, testing and deployment of rapid-reload launchers and multiple-interceptor launchers are banned. Sea-based, air-based, space-based or mobile ABM components are ruled out and radars are strictly controlled in numbers and characteristics. Test activities are restricted to designated ranges and the upgrading of anti-aircraft systems is closely regulated.

All of these controls deal with qualitative features of defensive systems. Parallel controls applied to offensive systems and monitored by the highly effective means planned for the ABM treaty could provide a strong barricade against destabilizing modifications of offensive missiles.

A sensible course would be to limit future missile tests to perhaps 10 or 20 a year, and to specify that there be no testing at all of multiple warheads or penetration aids. To convince the Soviet Union that the United States actually eliminates its existing MIRV boosters should pose no difficulty. Satellites could monitor the destruction of Minuteman III silos, just as they could the SS–9 and other complexes.

In the radically altered setting of joint planning for mutual security, it is conceivable that the two sides can agree to more intimate inspection to guarantee that Poseidon and analogous Soviet missiles are carrying only single warheads. The exchange of technical information and crew training arrangements for the proposed joint space venture afford encouragement that the ancient shrouds over the advanced technology of both sides may now be partially removed.

Even without local inspection, however, a stringent prohibition against testing multiple payloads could be verified reliably; since neither side could maintain MIRV systems and crews without frequent operational tests, this kind of ban would provide high confidence that neither, was retaining such weapons. Elimination of large "MIRV-able" boosters would mean that any clandestine work on a Soviet MIRV would be futile, since there would be no significant force to carry such payloads.

In short, having forestalled the instabilities that might flow from large-scale ABMd deployment, the two powers could drastically reduce the potential installibities on the offensive side by precluding MIRV systems. And such a measure could be enforced through precisely the kinds of test constraints they are relying on to verify compliance with the ABM limitations.

ANTI-SUBMARINE WAREFARE

If limits on MIRV would enhance the survivability of the land-based deterrent, there is comparable value in measures to reduce the likelihood that sea-based forces will become vulnerable. This suggests that SALT II should give intensive study to controls over anti-submarine warfare capabilities.

A first and urgent goal would be to limit the number of hunter-killer submarines and other ASW forces to levels consonant with the maximum survivability of the SLBM fleets. It may be helpful to constrain certain undersea surveillance systems, since the invulnerability of the subs hinges directly on their ability to evade detection. One important possibility would be to carve out sizeable areas of the oceans as SLBM sanctuaries in which no ASW forces would normally intrude.

A third major objective of the coming phase of arms control discussions ought to be a comprehensive ban on nuclear weapons tests. There is growing confidence that national means of verification can monitor such an agreement and the administration is actively considering the proposal. By inhibiting further refinement of warheads for either offensive or defensive missiles, an end to underground nuclear tests could contribute markedly to other efforts to prevent destabilizing breakthroughs.

In weighing these and other options for SALT II a cardinal rule of systematic arms control comes into play. It is extremely helpful to have a broad and diverse set of reinforcing agreements, the violation of any one of which would be insufficient to destabilize the balance—but quite sufficient to indicate that one or the other side was acting in bad faith. Conversely, compliance with a number of interlocked arrangements would testify powerfully to the continued dedication of the partners to the common interest enshrined in the agreements.

As the two countries approach SALT II, they face a special hazard. Both sides may be so busy hedging against possible violation of the first accords—by all-out programs to modernize their allowable missiles, submarines, and bombers—that they will lose sight of the unprecedented chance to reduce their need for such hedges.

President Nixon has won some vindication for his thesis that he needs on-going strategic programs to gain bargaining leverage in the negotiations. But it would be tragic indeed if that proposition were taken to warrant full-speed ahead on a host of possibly superfluous programs. That tragedy can only become more likely if the administration feels compelled to defend the agreements of SALT I by buying off its critics with promises of major new weapons.

The United States certainly will wish to continue gradual improvements in its arsenal, but SALT I justifies a moderate, not an accelerated, pace in this realm.

From the diplomatic standpoint, it is fortunate that the planned modernization efforts take time; for example the Soviets could not reach their potential ceilings on SLBM deployment for several years. The U.S. Trident SLBM system would not go on station until late in the decade and the B-1 bomber, if approved, is some years away from operation. There is ample time to use them as bargaining chips, and absolutely no necessity to become wedded to them before diplomacy determines whether both sides can safely content themselves with lower hedges against some hypothetical future attempt to upset the equilibrium.

The imperative task now is to sustain the momentum toward a reliable system of mutual security, a momentum which will be seriously threatened if either nation embarks on a campaign to pacify domestic criticism by intensifying the qualitative arms race.

Nothing Richard Nixon has done speaks so well of his judgment and his courage as the beginning he has made on strategic arms limitation. If SALT II is to fulfill the immense promise of SALT I, the President's diplomacy needs—and deserves the confidence of the Congress and the country. He has earned it.

LEGISLATION BY HYSTERIA

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. BRAY. Mr. Speaker, the following editorial from the June 12, 1972, issue of Indianapolis News speaks eloquently of the follies of legislation by hysteria. This always crops up in the case of firearms legislation. The editorial makes the point that social problems come from people—not material objects.

GUN CONTROLLERS

We have become familiar in recent years with a political technique which might best be described as "legislation by hysteria."

There is nothing very complicated about this procedure. It is simply a matter of seizing on some national tragedy which has shocked the electorate and demanding that certain measures be taken instantly on pain of having such horrors recur in the future. Usually the measures proposed would do little or nothing to correct things, but the disorientation of public opinion frequently lets the legislation ease through anyway.

This is exactly what is happening now in the aftermath of the attack on Gov. George Wallace. We are being told the assault on Wallace proves the need for controls on handguns, and that we must move at once in Congress to put such controls into effect. A similar outcry went up four years ago after the assassinations of Senator Robert F. Kennedy and the Rev. Martin Luther King, and five years before that following the murder of President John F. Kennedy. In each case the outcry has been mistaken.

To begin with, we may note that a gun control bill was passed in 1968 after the murders of King and Robert Kennedy, and even advocates of further regulation acknowledge that this law has had no discernible effect in restraining violent crime. Predictably enough, the controllers say this is because the law was too weak and watered down, but the facts of the case suggest that further enactments would not be appreciably more successful. There is copious evidence that such efforts totally miss the point.

What kind of gun law, for example, could have stopped the attacks on Sen. Kennedy and Gov. Wallace? Anyone who is willing to make such a close-range assault, in effect trading his life for that of his victim, is hardly going to be deterred by the requirement of gun registration. He can do the deed as well with a registered gun as with an unregistered one, and will hardly be fazed by the idea of having his weapon traced when he knows he will be captured with it smoking in his hand. Gun control is totally unresponsive to such situations.

For more routine criminals, the registration requirement is equally unreal. Someone who is out to commit a crime and want a gun for that purpose can steal one; or, alternatively, can commit violence with a knife, club, razor, or jackhandle. It is noteworthy that New York City, with its tough gun control law, is infested with violent crime. Studies of homicide show it is motivation, not the weapon used, which is decisive in criminal acts.

The gun control furore is a further example of the leading delusion of our age—that social problems derive from material implements rather than people. That conception have been proved wrong in countless different ways. The proper cure for crime is to punish criminals, not to regulate physical objects.

HOUSE CONCURRENT RESOLUTION 228 CALLING FOR A UNITED NATIONS CHARTER REVIEW

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HUNGATE. Mr. Speaker, with regard to our resolution calling for United Nations Charter review (H. Con. Res. 258, and so forth), which has the cosponsorship of more than 130 Members—and a similar resolution cosponsored by 67 Senators—and is still pending in the House Foreign Affairs Committee. I would like to call to the attention of my colleagues an example of the increasing support of such legislation.

Mr. Bruno V. Bitker, chairman of the State of Wisconsin Governor's Commission on the United Nations, has just forwarded to me the following resolution which the commission unanimously adopted on May 30, 1972:

RESOLUTION No. 2

GOVERNOR'S COMMISSION ON THE UNITED NATIONS

Adopted unanimously at Commission meeting, State Capital, May 30, 1972.

Re Hungate-Cranston Joint Resolution calling for a conference to review the United Nations Charter.

Whereas the Secretary General of the United Nations has requested Member states to submit to him before July 1, 1972, their views and suggestions on the review of the Charter of the United Nations; and

Whereas the Wisconsin Governor's Commission on the United Nations has urged for the past 13 years the need to strengthen the Organization; and

Whereas the lack of agreement by major powers on amending the Charter should not further delay positive action by the United States to assume a leadership role in calling such a Conference; Now therefore be it

Resolved, That the Wisconsin Governor's Commission on the United Nations does hereby endorse the basic concepts contained in the Hungate-Cranston resolutions now pending in Congress, and do hereby urge their immediate adoption.

Mr. Speaker, I believe this resolution is representative of growing interest throughout the Nation in the United Nations and support for a congressional initiative in working toward revitalizing this international organization.

"GENIAL JIM"

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. DELANEY. Mr. Speaker, so often we take for granted many of our national institutions. For this reason millions of people were shocked to learn that one of America's great and revered institutions, the Honorable James A. Farley, former chairman of the Democratic National Committee, distinguished prior Postmaster General, statesman, and a legend to legions, had been incapacitated by exhaustion and forced to rest in the hospital.

Jim Farley has for so many years shared his wisdom, counsel, and insight with the Nation at large it somehow seemed he would go on and on, not even having time to rest.

I know his great multitude of friends will be delighted to know that he is recovering quickly and will soon resume his arduous schedule. In this connection, I would like to share with my colleagues a recent article by Ernest Cuneo concerning the hectic pace maintained by "Genial Jim," which recently appeared in the Paterson, N.J. News.

The article follows:

HOW DARE FARLEY GET CHEST PAINS

(By Ernest Cuneo)

WASHINGTON.—A wave of indignation swept New York City, as it became known that the ubiquitous General James A. Farley, following a few pains in the chest, had ordered himself off to a hospital for an examination.

It must be explained to outsiders that the health of General Farley, eighty-four this month, is regarded as the final proof that New York City is the healthiest city in the world, come hell, high water or smog, which, incidentally, frequently happens.

Farley fans were quickly reassured, however, as the burly giant from Grassy Point brushed aside the medicos to issue his own bulletins. He was feeling fine, he reported, but the doctors had insisted on a rest and, a reasonable man, he had met them more than half-way.

He would confine his working day while in the hospital to a strict eight hours and utilize only two of his battery of secretaries. Incoming calls would be restricted to members of his family because, following the old Farley formula, if you receive one you receive all, and there's no point in tying up the switchboard of the hospital.

He also agreed to restrict outgoing calls; this he has faithfully done, confining them to his famed far-flung network of prominent Democrats, and confining his inquiries into the health of his beloved Democratic party, which, of course, has been in more or less failing health since Mr. Farley departed as its national and New York State chairman.

The Hon. James A. noticed the pain in his chest as he prepared to go to a banquet. He has attended 105 banquets and 131 luncheons within the last 12 months, which is enough to give most people a pain just to think of it. During this time, an average of 120 letters a day went out over his famed green-ink signature.

At the end of this month, as he has for years, he will receive over 6,000 birthday cards from every state of the Union and every quarter of the globe, remarkably enough. Even more remarkably though, they will be answered on a first name basis. His record of personal thank-you letters still stands, and presumably will for some time.

More particularly, after the 1936 Presidential Election, James A. sat down and dictated no less than 36,000 letters to the Democratic workers, precisely enumerating what each did and assuring each that his efforts made the total possible.

This crash job wore out six secretaries; it was completed just in time to get out the Christmas cards.

Let no man decry the power of the letter. On contributed volume alone, James A. Farley was entitled to hold his Cabinet office of Postmaster General. Actually, however, the general dates his success in politics to a single letter he wrote when he was a young Democrat in a Republican county. His town was about even when James A. became a candidate for town clerk, which he won by one vote.

As the new town clerk made his way down the village street in the fall night, an elderly pillar of the Republican party accosted him.

"Jim," he said, "I voted for you, because you were the only one who wrote us a letter of sympathy when our daughter died. I think anybody that much interested in other people would be good for the town as its clerk."

Well, of course, letters have taken America's most prolific letter writer a long way since—and so has his interest in people. It is said of him that he is the only man who can walk from Seattle to Key West and never be out of hailing distance of a friend.

The personnel is different, of course, but the patttern is the same; younger people come up to him and say, "Mr. Farley, you were my father's friend, and you wrote him when he was ill," etc. etc.

The Hon. James A. Farley doesn't smoke, and pursuant to a promise he made his mother when he was a boy, he has never taken a drink, nor indeed, does he take the Lord's name in vain.

All this adds up to proof that none of these are needed to be the merriest man and the warmest companion in New York City. Like Central Park, James A. Farley is a New York landmark, the living symbol of its open-handed and open-hearted traditions.

That's why everybody is a bit indignant at the general, in violation of his own ebullient tradition, getting a pain in the chest. Thousands, of course, have written him in conventional manner. This, perhaps, explains his terrific spirit, hospital or not; James A. Farley always feels well when there are mountains of mail to answer, and from the amount of it being delivered where he's at, it is perfectly apparent that the U.S. Mails are about to receive another massive transfusion of James A. Farley's famous green ink.

CAPT. ROLAND BRANI—AN OUTSTANDING POLICE OFFICER

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. COLLIER. Mr. Speaker, I rise to pay tribute to the memory of Roland Brani, who died recently after having served as a member of the Cicero, Ill., police department for three and a half decades.

During my postcollege days when I was a news reporter and columnist, I had occasion to cover the Cicero Police Department and local court sessions. It was during this time that I met and came to know Patrolman Brani. He was a sincere, dedicated officer of the law who moved from the bottom of the ladder in his department to the rank of captain and then chief of detectives. He maintained this post up until the time of his death.

One of the truly great tributes paid to him was by the International Association of Chiefs of Police which voted him one of the 10 outstanding police officers in the Nation. Certainly the best way to judge an individual and his professional worth is by the esteem in which he is held by those who are most closely associated with him in his field.

Mr. Speaker, the town of Cicero has adopted a resolution which I insert in the RECORD as further recognition that Captain Brani served his community with great distinction throughout his long career.

The resolution follows:

RESOLUTION

Whereas, the Good Lord is his infinite wisdom has chosen to take unto his fold Captain Roland Brani, an outstanding member of the Police Department of the Town of Cicero for the past 35 Years, and

Whereas, notwithstanding his mild, friendly and modest nature, he was the recipient of the greatest respect of each and every man who served in his command, and

Whereas, Captain Roland Brani, known by his many friends as "Beef", had achieved an enviable record, second to none in the entire Nation, filled with feats of bravery, courage, wisdom and accomplishment in the finest tradition of American Law Enforcement, and

Whereas, his reputation as a "Law Enforcement Officer" was justly recognized and complimented when he was chosen by the International Association of Chiefs of Police, an organization comprising over 400,000 members, as one of the "Ten Most Outstanding Police Officers In The Nation",

Now, therefore, be it resolved by the President and Board of Trustees of the Town of Cicero, individually, and as duly elected representatives of the industrial, commercial and residential citizens of the Town of Cicero, and on behalf of the many Judges of the Circuit Court of Cook County, Court Personnel, Police Officers throughout the State, and all others who had the privilege of knowing or working with the "Captain," we offer his bereaved family our deepest and most sincere sympathy for the great loss they have suffered by his passing.

Be it further resolved that Captain Brani will forever be in our hearts and thoughts and we shall be eternally indebted to him for the unselfish and total dedication of his entire self to the health, welfare, safety and betterment of this Community and all of its people, and "Our Captain Roland Brani" will always be remembered by the proud citizens of the Town of Cicero as "The Most Outstanding Police Officer This Nation Has Ever Known."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Tuesday, June 20, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Now therefore, O God, strengthen Thou my hands.—Nehemiah 6: 9.

Our Heavenly Father, who hast guided us amid the differences of the past, lead us through the difficulties of the present that nothing may shake our confidence in the future of our beloved country.

May Thy cleansing power flow through us and through our people guiding our youth in right paths and our adults in wise ways. Make us all mindful of Thy presence, eager to do Thy will and ready to work for the highest good of our land.

We humbly beseech Thee to bless our President, to strengthen our Speaker, and to encourage these servants of our Government as they seek to keep our Nation strong and free.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5066. An act to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act; and

H.R. 14106. An act to amend the Water Resources Planning Act to authorize increased appropriations.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3284) entitled "An act to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. ANDERSON, Mr. MOSS, Mr. BURDICK, Mr. METCALF, Mr. ALLOTT, Mr. JORDAN of Idaho, and Mr. HANSEN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11350) entitled "An act to increase the limit on dues for U.S. membership in the International Criminal Police Organization," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLELLAN, Mr. ERVIN, and Mr. HRUSKA to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 13188) entitled "An act to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. HART, Mr. HOLLINGS, Mr. GRIFFIN, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3443. An act to amend and extend the Juvenile Delinquency Prevention and Control Act of 1968.

THE LATE HONORABLE GORDON CANFIELD

(Mr. WIDNALL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WIDNALL. Mr. Speaker, I have the unpleasant duty of informing the House that former Congressman Gordon Canfield, of Passaic County, N.J., died in his sleep last night.

Gordon Canfield was one of the most beloved colleagues I have known in my years of service in the House. He was dedicated and well informed. He concentrated his efforts in the Committee on Appropriations on so many worthwhile projects that actually became law, and was responsible for much legislation that was constructive toward the development of our country.

Gordon is survived by his lovely wife, Dorothy, and by two sons, Carl and Allen. He also had five grandchildren.

Gordon Canfield had 37 years of continuous service to the House and in the House. First he served for 17 years as administrative aide to Congressman George Seger, and was then a Member of the House for 20 years of continuous service.

Mr. Speaker, I will obtain time later on next week when I hope Members who wish to do so may make their remarks about him, and may place them in the RECORD.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I am happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I was saddened when I learned this morning that Gordon Canfield had passed away. I was happy, however, that recently Gordon was down in Washington when tribute was paid to him at a luncheon where all of his friends who knew him so well had an opportunity to see him, talk to him, and pay their respects to him on that occasion. It was a wonderful gathering and Gordon looked very well.

Gordon was an outstanding leader on the Committee on Appropriations. He was a diligent worker for his district and a conscientious Member of the Congress on all legislative matters. He had a tremendously broad vision of the problems of the Nation because of his long and faithful service on the Committee on Appropriations where I was privileged to serve with him. In every respect Gordon was an outstanding citizen.

Mr. Speaker, I join the gentleman from New Jersey in extending to his wonderful family our deepest condolences.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I should like to join the distinguished gentleman from New Jersey and the distinguished minority leader in expressing our sadness at the passing of our former colleague.

Gordon Canfield was indeed an able and dedicated and hardworking Member of the House of Representatives. He might best be described as a "House man." By that I mean a Member who was perfectly satisfied to give all of his time and all of his efforts and all of his talents in the work of this great body.

He did that, as I said a moment ago, well and ably for many years and in various capacities.

I attended the luncheon given for him by the Coast Guard in recognition of the contribution that he made to the Coast Guard.

I was pleased to visit with him and his wife, and he looked extremely well at that time and, I must say, I am surprised and saddened by his passing and join in extending deepest sympathy to his family.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, Gordon Canfield was a power in the House during his service here.

He was a senior man on the Committee on Appropriations, and when his party was in power, he was the chairman of one of the appropriations subcommittees. He did an outstanding job.

A gentleman in every sense of the word, Gordon Canfield was a great legislator and a great American.

I, too, was at the luncheon in his honor and I am glad we had that opportunity to pay tribute to this noble citizen of our country.

May the Lord bless his memory.

I extend deepest sympathy to his loved ones.

Mr. PATTEN. Mr. Speaker, the news today of the passing of our former colleague Gordon Canfield was indeed a shock. Gordon was more than a colleague; he was my longtime friend and I believe he considered me a friend of his. While Gordon served on the other side of the aisle there was no dividing line between us. As both the majority and minority leaders have stated here today he was a kind and gentle person ever willing to give of himself and to be helpful to others. There is little wonder his constituency loved him and returned him to office time and time again for he was truly a dedicated public servant—and served them well. He loved people—loved to be doing things for them. Mr. Speaker, Gordon had a motto by which he lived during all of his 37 years of public service spent right here on Capitol Hill. He would say: "Few of us are permitted to do the big things in life but all of us are permitted to do the little things in life—and it's the little things that count." How true—and how important today is his philosophy of life. I have lost a real friend and New Jersey and the Eighth Congressional District has lost one of the truly outstanding legislators and public servants of the past half century. May his soul rest in peace. To his beloved Dorothy and his two sons, Carl and Allan, I extend my very deepest and sincerest sympathies.

Mr. WIDNALL. Mr. Speaker, in closing may I just say we wish to extend our very sincere sympathy to his beloved wife and children and call to their attention the fact that we never had a more beloved colleague and a more dedicated colleague in the House of Representatives. His virtues were many and his dedication was great.

His dedication was a determined dedication and he made a great contribution during his lifetime to the welfare of the people of the United States.

GENERAL LEAVE

Mr. WIDNALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD on the passing of our late colleague.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rosa Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342), for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

There being no objection, the Clerk read the bill, as follows:

H.R. 2394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (31) of the Immigration and Nationality Act, Antonio Benavides may be issued a visa and admitted to the United States for permanent residence if the said Antonio Benavides is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

There being no objection, the Clerk read the bill as follows:

H.R. 2703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a) (4) of the Immigration and Nationality Act, Mrs. Concepcion Garcia Balauro may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to enactment of this Act: *Provided further*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia Dos Reis.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JERRY L. CHANCELLOR

The Clerk called the bill (H.R. 7946) for the relief of Jerry L. Chancellor.

There being no objection, the Clerk read the bill as follows:

H.R. 7946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jerry L. Chancellor, of Wichita Falls, Texas, is relieved of liability to the United States in the amount of $131.55 representing overpayments of salary paid to him during the period from June 21, 1967, through April 10, 1969, by the Department of the Navy, United States Marine Corps, as a result of administrative error and through no fault of his own. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jerry L. Chancellor, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike "$124.77" and insert "$131.55".

Page 2, line 11, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARIA BADALAMENTI

The Clerk called the bill (S. 513) for the relief of Maria Badalamenti.

There being no objection, the Clerk read the bill, as follows:

S. 513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of sections 212(a)(1) and 212(a)(25) of the Immigration and Nationality Act, Maria Badalamenti may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *And provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FREDI ROBERT DREILICH

The Clerk called the bill (H.R. 2725) for the relief of Fredi Robert Dreilich.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

DENNIS YIANTOS

The Clerk called the bill (S. 65) for the relief of Dennis Yiantos.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILMA JUGUILON KOCH

The Clerk called the bill (H.R. 10713) for the relief of Wilma Juguilon Koch.

There being no objection, the Clerk read the bill as follows:

H.R. 10713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Wilma Jugilon Koch may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Harry G. Koch, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status, under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, line 4, strike out the name "Wilma Juguilon Koch" and insert the name "Wilma Busto Koch".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "For the relief of Wilma Busto Koch".

A motion to reconsider was laid on the table.

KYONG OK GOODWIN (NEE WON)

The Clerk called the bill (H.R. 9256) for the relief of Kyong Ok Goodwin (nee Won).

There being no objection, the Clerk read the bill as follows:

H.R. 9256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Kyong Ok Goodwin (nee Won) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, KKyong Ok Goodwin (nee Won) shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Andrew L. Goodwin, citizens of the United States: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship be accorded any right, privilege, or status under the Immigration and Nationality Act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PUBLIC WORKS-ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Arizona (Mr. RHODES) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CALL OF THE HOUSE

Mr. HUNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOLAND. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 212]

Abernethy
Abzug
Addabbo
Alexander
Anderson, Tenn.
Ashley
Badillo
Baring
Barrett
Biaggi
Bingham
Blanton
Blatnik
Brasco
Broomfield
Brown, Mich.
Byrne, Pa.
Cabell
Carey, N.Y.
Celler
Chappell
Chisholm
Clark
Clay
Colmer
Conyers
Corman
Cotter
Curlin
Davis, Ga.
Davis, S.C.
Delaney
Diggs
Dow
Dowdy
Dwyer
Erlenborn
Esch
Eshleman
Findley
Flowers
Flynt
Ford, William D.
Fountain
Fraser
Frenzel
Fulton
Fuqua
Galifianakis
Gallagher
Grasso
Green, Pa.
Hagan
Halpern
Harrington
Hathaway
Hawkins
Hays
Hébert
Helstoski
Henderson
Horton
Howard
Jacobs
Jonas
Jones, N.C.
Keating
Koch
Kuykendall
Kyros
Long, La.
McDonald, Mich.
McEwen
Madden
Mann
Mathias, Calif.
Melcher
Metcalfe
Miller, Calif.
Minish
Mizell
Murphy, Ill.
Murphy, N.Y.
Nix
Patman
Pelly
Pepper
Peyser
Pike
Pirnie
Podell
Preyer, N.C.
Pryor, Ark.
Rangel
Rarick
Reid
Rooney, N.Y.
Roush
Ryan
St Germain
Sandman
Scheuer
Schmitz
Springer
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Wiggins
Winn
Wydler
Yatron
Young, Fla.

The SPEAKER. On this rollcall 315 Members have answered to their names, a quorum.

PUBLIC WORKS-ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee (Mr. EVINS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15586, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Tennessee (Mr. EVINS) will be recognized for 1 hour, and the gentleman from Arizona (Mr. RHODES) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

We bring you today the public works for water and power development and Atomic Energy Commission appropriation bill for 1973.

Mr. Chairman, this is one of the most important annual appropriations bills considered by the Congress.

This is a vital bill—an all-American bill.

This is a significant bill as it represents a program of sound investments in America—investments in flood control, power generation, navigation, reclamation, recreation, water supply, beach erosion, shore protection, nuclear power development, and related programs and purposes.

This bill represents this Nation's continuing commitment to provide needed and essential services for our people at a time when the threat of power shortages—blackouts and brownouts—and power crises faces many areas of the Nation.

I hope the American people understand the true significance of this bill with respect to their own security, safety, and well-being.

Put in the simplest terms, this bill funds projects which will provide:

Essential electric power, flood control, water supplies, irrigation programs, environmental protection, and expansions and improvements in our network and system of internal waterways and navigation.

Essential programs of the Atomic Energy Commission, including continued development of nuclear power production with a promising new reactor program, the liquid metal fast breeder reactor—LMFBR; and

Vital and important programs and projects of the Bureau of Reclamation; the Appalachian Regional Commission; the Federal Power Commission; the Tennessee Valley Authority; the Water Resources Council; and other vital water commissions, boards, and agencies related to water resource and power development.

CAPITAL INVESTMENTS IN AMERICA

These are some of the specific benefits of this bill, Mr. Chairman, and I include herewith a table of cumulative benefits for these programs over the years:

Project benefits

	Total
Annual water supply benefits:	
Gallons of water furnished	11,049 billion
Number of people served	20 million
Annual power benefits:	
Installed generating capacity (kilowatts)	41 million
Net generation (kilowatt hours)	198 billion
Gross revenues	$1.1 billion
Flood control benefits to date:	
Estimated value of flood damage prevented	$21 billion
Expenditures for flood control facilities	$7 billion
Annual navigation benefits: Annual traffic tonnage	1.6 billion
Reclamation benefits:	
Acres irrigated	9 million
Annual value of crops produced	$2 billion
Recreation benefits: Annual visitor days	401 million

This bill represents capital investments in the future of America. Without this continuing program of public works, America would find itself weakened internally and unable to meet the challenges of population growth and economic expansion.

I would point out in the words of a great champion of internal improvements, Henry Clay, that—

> We are not legislating for this moment only, or for the present generation, or for the present populated limits of the United States; but our acts must embrace a wider scope.

And, indeed, this bill embraces projects from Maine to California—Alaska to Hawaii.

We are thus looking ahead and moving ahead with the necessary internal improvements to assure our people and future generations of an America fully capable of relating its public services to growth and progress and the multiplying gross national product with all of the implications of an expanding and growing economy.

PREDICTION OF NEED

The Water Resources Council in an assessment of the Nation's water resources has predicted that by the year 2020 the Nation will have a population of 468 million people—more than double our population today.

The Council made these predictions:

Requirements for municipal water supplies will triple and requirements for industrial water use will increase 300 percent.

Annual flood damage will triple and flood control programs continued at their present rate of construction will at best hold residual losses to $2 billion annually.

Steam electric powerplants will increase water withdrawals more than six times over the present rate of use.

Water tonnage on the Nation's system of internal waterways will increase six times in the next 50 years. The number of pleasure craft alone is expected to increase from 8 million today to 30 million in the year 2020.

And—as we all know—the demand for electricity is doubling every 10 years—a hard fact of geometric progression that must be accepted and necessary power-generating sources provided to accommodate the ever-increasing public demand and consumption.

This bill addresses itself to this need and demand.

NATIONAL POWER SURVEY

The Federal Power Commission in its national power survey released recently declared:

> We foresee recurrent and spreading power shortages unless positive steps are taken, and taken soon, to remedy conditions which are slowing the orderly development of essential power supplies.

The report warned that—

> Contradictory public attitudes about electric power are presently on a collision course.

With the demands for electricity accelerating, and vital power projects delayed or blocked on environmental grounds, the report stresses the need and importance of moving ahead with speed and dispatch to meet public and consumer demands.

The report concludes:

> It will take the best coordinated efforts of the industry, the government, and the general public to prevent this potential threat from proving real.

Predictions of power shortages in many areas have come from Chairman John Nassikas of the Federal Power Commission, Chairman James R. Schlesinger of the Atomic Energy Commission, Chairman A. J. Wagner of the Tennessee Valley Authority, and others.

A number of power-generating facilities—including nuclear powerplants—and water resource projects have been blocked and delayed by lawsuits, injunctions, and bureaucratic enforcement procedures.

NEED FOR A BALANCED POLICY

All of us recognize the need to preserve and protect our environment; and the Corps of Engineers, Federal Power Commission, and TVA and other agencies have developed detailed guidelines to assist in this effort.

However, we must strike a balance between the preservation of our environment and the need for progress.

We must establish a rule of reason that will assure the people of our great Nation adequate electric power and other essential services.

A great conservationist, Theodore Roosevelt, said:

> Conservation means development as much as it does protection.

This statement underlines the balance that must be achieved between conservation and protection—between the preservation of our environment and moving forward with progress essential in the public interest.

Mr. Chairman, as a matter of policy, I want to announce that no project funded in this bill, and not under construction, will be placed under construction unless and until a final environmental impact statement has been prepared and filed.

Every effort is being made to prepare environmental impact statements on all projects and especially on the many projects under construction for many years prior to passage of the National Environmental Policy Act.

Environmental impact statements are being prepared concurrently with all studies and investigations.

Although the Environmental Policy Act was enacted in 1970—just 2 years ago—a total of 306 final environmental impact statements have been prepared by the Corps of Engineers and transmitted to the Council on Environmental Quality.

In addition, 236 environmental impact statements are in the drafting stage. There were 140 projects underway prior to passage of NEPA.

I repeat—environmental impact statements are being prepared for all projects under construction, prior to passage of the act, as rapidly as possible—all studies and investigations carry concurrently the preparation of environmental impact statements.

Certainly no one wants to halt projects under construction for many years and far advanced toward completion.

For example, the John Day lock and dam on the Columbia River in the Pacific Northwest has been under construction more than 10 years and is 98 percent completed.

An environmental impact statement on this project is also being prepared and will be filed in 1972.

The halting of this project under construction would result in needless construction delays—increased costs—delays in placing benefits on the line—and defaults in contractual commitments.

I wanted to make this policy statement for the RECORD and information of all concerned.

As we consider the specifics of the bill, first I want to commend all the members of our subcommittee who have contributed to the preparation of this bill—all have participated and all have been most helpful.

This bill is a product of the entire subcommittee—and we bring you a unanimous report.

I want to commend the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Mississippi (Mr. WHITTEN), the gentleman from West Virginia (Mr. SLACK), and the gentleman from Louisiana (Mr. PASSMAN), the ranking minority Member, the gentleman from Arizona (Mr. RHODES), the gentleman from Wisconsin (Mr. DAVIS), and the gentleman from New York (Mr. ROBISON).

I want also to commend our excellent committee staff: Gene Wilhelm, George Urian, John Plashal, and Michael Walker.

Our committee has conducted 4 months of hearings on this bill. The testimony fills five volumes and 6,500 pages of transcript.

A total of 1,500 witnesses testified—including 140 Members of Congress.

OVERALL SUMMARY

By way of overall summary, the President's budget recommends $5,542,058,000 for public works and related water resource and power programs—and the Atomic Energy Commission for next fiscal year.

The committee is recommending $5,490,727,000.

This is $51,331,000 under the budget request.

This is a phenomenal achievement.

Almost every appropriation bill reported by the committee this year has exceeded the budget request.

However, I repeat, this bill is $51,331,000 under the budget—less than the President's budget request.

As you may recall, last year when we brought our bill to the floor we were sharply critical of the policy of the Office of Management and Budget in arbitrarily freezing, withholding, and impounding funds. We pointed out at that time, that this negative attitude on the part of officials of OMB could well contribute to power shortages—water shortages—flood damage—other adverse effects and loss of benefits on the line because the impoundments of appropriations were resulting in slowdowns, stretchouts, and delays in many important projects.

I am pleased to advise you at this time that the administration budget request had a new look this year.

The administration's budget request

was more responsive to our committee's request and the needs of the people.

The committee strongly endorses the increases requested in the President's budget for fiscal year 1973 to expedite work on projects under construction.

The reversal of policy from slowdown to acceleration will result in significant savings in project construction costs and speed up availability of essential benefits from additional flood control, water supply, power and other water resource projects.

The committee urges the administration to continue its current policy of optimum funding levels in future budgets to facilitate the completion of projects under construction at the least possible cost to the Government.

The budget this year provides for the largest public works-AEC appropriations in history.

We have been able to effect a net reduction in the budget request primarily because of carryover balances—slippages—and delays in construction schedules.

Our subcommittee exercised its collective judgment and the bill we bring you today is the end result of our hearings and extensive deliberations.

We made some recommendations and set some priorities of our own.

This $5.5 million bill reflects a balance in cuts and reductions—50 percent of the cuts and reductions were made in the budget of the Corps of Engineers and other agencies—and 50 percent in the budget for the AEC.

NEW STARTS

The committee recommendations provided for $178 million in increased construction on appropriations for the Corps of Engineers.

The budget recommended $110 million in increased construction appropriations for the Bureau of Reclamation.

The budget made allowances for only a limited number of new construction starts—15—the committee increased this number by 10 to a total of 25.

We are recommending 25 new construction starts.

A breakdown on new starts recommended in the budget and additions by the committee is as follows:

	Budget	Committee additions	Total
Studies	8	20	28
Planning	10	21	31
Construction	15	10	25
Loan program (reclamation)	4		4

In initiating these new starts and increasing appropriations for construction our committee is seeking to compensate for delays—stretchouts, slowdowns, and the prior freezing and impoundment of funds—by restoring the project timetables and returning projects to their original construction schedules.

Yet by exercising fiscal discretion and prudence, the committee was able to effect an overall net reduction.

A total of 482 projects are funded in this bill—either for planning or construction.

You will find the projects listed in the report and we commend to you a reading of the Committee report.

U.S. CORPS OF ENGINEERS

For the Corps of Engineers the committee recommends $1,807,701,000—which is $30,210,000 less than the budget estimate.

Included within this amount are $1,181,098 for general construction; $400 million for operation and maintenance; $54.2 million for general investigations; $105 million for flood control of the Mississippi River and tributaries; and $31,483,000 for general expenses and Office of the Chief of Engineers.

With these funds we are endeavoring to return construction schedules to a reasonable timetable.

Also carried in the bill for the Corps of Engineers are funds for continued work on the new State park development at Center Hill Reservoir in DeKalb and Putnam Counties, Tenn., and other similar developments.

Concerning appropriations for the Corps of Engineers, I want to point out that the bill recommends $6.8 million for continued work and construction on the Cordell Hull Lock and Dam on the Cumberland River in the Upper Cumberland area near Carthage, Smith County, in the area where my distinguished predecessor, Cordell Hull—a great American and a great Tennessean—was born and reared and served.

This great project, costing $74 million, is nearing completion—80 percent completed at this time—with the water closing and impoundment scheduled for September of this year.

The project will be completed with the lock in permanent operation in June 1974.

This project will provide benefits in the following amounts annually:

Power generated	$2,330,000
Navigation	346,300
Flood control and area redevelopment	680,000
Recreation	809,600
Total	4,165,900

ATOMIC ENERGY COMMISSION

For the Atomic Energy Commission the Committee is recommending $2,615,860,000—which is $41,232,000 less than the budget request.

More than $35 million of this reduction was from anticipated unobligated balances—$15,352,000 in operating expenses and $20 million in plant and capital equipment.

The committee has continued in the bill its full support of the budget request of the AEC for development of an economic liquid metal fast breeder reactor.

A total of $285 million is included in the bill for research, development, and demonstration of this technology which is expected to make a major contribution toward meeting the rapidly growing energy needs of the Nation.

The committee believes that only uranium offers the potential of meeting the fantastic increase in demands for clean and economical electric power which are expected to nearly quadruple by 1990.

The importance of the liquid metal fast breeder reactor is that it is expected to utilize uranium 40 times more efficiently than today's nuclear plants—thus extending for centuries the energy resources available for generating electric power.

This program has been recommended by the President and the Joint Committee on Atomic Energy—and authorized by the Congress.

I want to say at this point that I shall oppose the amendment to strike from this bill appropriations to fund a demonstration plant for the liquid metal fast breeder reactor.

This reactor project is vital—it is needed—it is safe and the only way to develop this technology and evaluate its potential is through research and development—including a demonstration plant.

I also want to say, Mr. Chairman, that I have joined my colleague, the gentleman from Arizona (Mr. RHODES) in urging that this plant be built jointly by TVA, AEC and private industry in the Tennessee Valley area.

The committee also recommends an increase of $5 million for the Cascade improvement program to provide a total of $25 million—the 1972 level—to continue the upgrading of uranium enrichment facilities—the source of fuel for nuclear power plants.

BUREAU OF RECLAMATION

The committee is recommending $463,520,000 for the Bureau of Reclamation in the Department of the Interior.

This is $1,416,000 under the budget request.

Perhaps not all of my colleagues are aware of the ongoing program called Project Skywater by the Bureau of Reclamation.

This is officially known as the "atmospheric water resources management program" and involves seeding the skies in an effort to induce rain over arid regions.

The committee has allowed $6 million for this program, a reduction of $200,000 in the budget request.

Although the committee continues to support this effort which has involved expenditure of $35 million to date, the committee in the report expressed the view that the time has come for the Bureau of Reclamation to seek legislation on this research project to define the scope of this program and the nature of such research in the future.

APPALACHIAN REGIONAL DEVELOPMENT COMMISSION

The programs of the Appalachian Regional Commission are having a beneficial impact in the 13-State Appalachian region.

The committee is recommending a total of $327 million for the Commission this year, which is $25 million over the budget request.

We are providing for funding for the Federal cochairman and staff as the Federal share of 50 percent of administrative expenses.

The $25 million increase is recommended by the committee for the Appalachian highway program to expedite high priority projects and to assist those States which are fully utilizing their current allocations and prefinancing the Federal share of urgent projects with State funds.

New highways are opening up isolated

areas for economic development under this program.

Supplemental grants are assisting communities with limited resources in securing needed public facilities—vocational and technical schools, hospitals, health centers, airports, and libraries, among others.

As one drives through the Appalachian area, the impact of the Appalachian development program is highly visible.

The following table indicates the breakdown on allocations to various components of the Appalachian program.

The committee allowance is allocated to the following programs and activities:

Highways	$205,000,000
Health demonstrations	48,000,000
Housing fund	2,000,000
Mine area restoration	2,000,000
Vocational education	25,500,000
Supplemental grants	37,000,000
Research, demonstrations, and local development districts	7,500,000
Total appropriation	327,000,000

FEDERAL POWER COMMISSION

The committee is recommending $23,500,000 for the Federal Power Commission—a cut and reduction of $390,000 from the budget request, but an increase over this year's appropriation of $1,300,000.

This Commission is assuming greater importance as the problems of energy and fuel supply continue to command the spotlight.

The Commission administers the Federal Power Act and the Natural Gas Act and performs other important work related to both Federal and private electric power development and related natural resources.

I want to commend Chairman John Nassikas and the Commission for its excellent report—the 1970 National Power Survey—released this year.

This report provides an excellent analysis and assessment of the Nation's power problems and needs.

The $1,300,000 increase in the budget over this year was allowed to finance increased Pay Act costs and for additional costs brought on by the increased workload at the Commission.

TENNESSEE VALLEY AUTHORITY

The committee is recommending an appropriation of $60,800,000 for the Tennessee Valley Authority which is $2,900,000 less than the budget request.

The appropriation for the Tennessee Valley Authority includes further and additional funding for the Duck River project in Tennessee—$2,500,000 each for work on the Normandy and Columbia Dams in Coffee and Maury Counties.

This $5 million appropriation will make available a total of $12.8 million for construction work on these projects which are urgently needed and long delayed.

These projects enjoy broad popular support from leaders and citizens in the area. There is the urgent need for water supplies to serve five cities—Tullahoma, Manchester, Shelbyville, Lewisburg, and Columbia—and four counties—Marshall, Bedford, Coffee, and Maury—in the immediate area in a multi-county water grid system that has received national attention, as an example of regional cooperation.

The committee in the report also directed TVA to halt and delay plans for dismantling the Reno Bridge in White and Van Buren Counties, Tenn., because of requests by the people in the area that this bridge be retained and continued. The delay will provide an opportunity for further negotiations and discussions between local officials and TVA.

Mr. Chairman, I want to make some additional comments and observations concerning the impact of the Public Works-AEC appropriations bill for 1973 in Tennessee.

Appropriations to the Tennessee Valley Authority are limited to the water resource development program and related activities in the area normally financed by the Federal Government.

The TVA power program is financed from revenues from the sale of power and bond financing in the private markets.

The TVA's power program is self-sustaining, self-supporting, and self-liquidating.

To date the TVA has repaid into the Treasury a total of $1,108,955,272 and is making an additional annual repayment this year of $83,000,000, including $20 million in repayment of the appropriation investment and $63 million in dividends representing the return on appropriation investment.

All TVA power projects begun since the mid-1950's have been financed from its electric power revenues and through the sale of bonds and notes authorized by Congress in 1959.

Capital outlays during fiscal 1973 are estimated at $555.4 million including design and construction of a pumped-storage project, four nuclear plants, a steam plant, and initial work on additional planned generating plants.

WATER RESOURCES COUNCIL

Mr. Chairman, in this bill we are also recommending $6,886,000 for the work of the Water Resources Council.

This appropriation provides for the expenses of the Council and the river basin commissions—the Council is concerned with providing financial assistance to States in developing comprehensive water and related land use plans as authorized by the Water Resources Planning Act of 1965.

The Commission is also concerned with coordinating the overall work of the Corps of Engineers, Bureau of Reclamation, Department of the Interior, TVA and State and local water boards and commissions.

Mr. Chairman, the allocations of funds for other power agencies and water commissions are included in the report and I commend the report for more details to the Members and others interested.

CONCLUSION

Mr. Chairman, again I would emphasize that after facing the budgetary red light from OMB last year, the committee this year welcomes the green light—the go-ahead thrust of the current budget for public works.

We have much unfinished business in water and power development—we have fallen behind because of fiscal stringency brought about in large part by the war in Vietnam.

We welcome the reversal in policy and a departure from the policy of slowdowns, stretchouts, freezes, and delays.

The committee has exercised its prerogatives and discretion by making some of its own recommendations and setting some priorities—and in the process the budget recommendation of the President has been cut and reduced by more than $51 million—$51 million under the budget.

This bill—as I said at the outset—is one of the most important appropriation bills the House will consider this year especially in view of the importance of providing an adequate power supply for the people of this Nation today and in the future.

It hardly seems necessary to point out, Mr. Chairman, that the recent devastating floods in the Nation underscore the need and necessity for public works to protect life and property in the United States.

Mr. Chairman, we are responding to a national need in the national interest with the funds recommended in this appropriation bill.

This bill is a springboard for progress throughout America.

An historian has said that the true law of mankind is progress.

The growth and strength of our economy has been built on this concept and premise.

We are committed to providing a better life for our people by providing essential services.

We all love to hear the chirp of the crickets—the warble of the birds—the throaty bass of the frogs.

But the sounds of progress must also be heard. This bill today is a song of progress that will be heard throughout the land.

This bill serves the public interest and I urge approval of this vital appropriations measure.

Mr. HALL. Mr. Chairman, will the gentleman yield for a question?

Mr. EVINS of Tennessee. I will yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Chairman, it would be inept not to compliment the distinguished gentleman from Tennessee who chairs the subcommittee, on his straightforward presentation and certainly his hopes for the future. I rise only for a point of information: On page 20, line 8, there is a "proviso", that pertains to the operation and maintenance of the administrator of the Southwestern Power Administration.

Mr. EVINS of Tennessee. Is the gentleman referring to page 20 of the report or page 20 of the bill?

Mr. HALL. No, it is not in the report; it is in the bill itself. I believe it is on page 65 of the report. Anyway, that portion of the bill simply says:

> *Provided*, That, in addition, such sums as may be necessary shall be available from the Continuing Fund, Southwestern Power Administration (16 U.S.C. 825 S–1) to defray emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

I understand that that has been similar language present in modified form before.

What is the committee's thinking and intent as to the amount of dollars involved there in this continuing fund?

Mr. EVINS of Tennessee. It is a very limited amount. The fund is limited by law to $300,000. The provision is to permit the use of the fund in the event of emergencies. The procedure would be identical to that in effect for the Southeastern Power Administration.

Mr. HALL. Mr. Chairman, I have absolutely no objection to that, and I do understand it. Does that mean that within the construction of the 16 U.S.C. 825 S–1, which I have in front of me, and this further proviso, that it would be only for the purpose of maintaining services and for facilities?

Mr. EVINS of Tennessee. This is correct, to meet any emergency that might develop requiring the purchase of power when adequate funds are not available under the operation and maintenance appropriation. This spring, for example, the Southwestern Power Administration had a power shortage involving the hydroelectric projects because of the lack of rainfall to maintain reservoir levels.

Mr. HALL. Would Congress or even this committee consider or countenance construction of a new line under the connotation of "emergency"?

Mr. EVINS of Tennessee. No. Transmission lines would have to be requested and funded under the construction appropriation.

Mr. RHODES. Mr. Chairman, if the gentleman will yield, the item to which the gentleman from Missouri refers pertains only to the operation and maintenance funds and the proposed language as solely for the purpose of allowing the Southwestern Power Administration to use the continuing fund to purchase power to meet contract commitments in the event of an emergency arising from inadequate generation from the hydropower facilities from which the Southwestern Power Administration markets power in the area.

I would say to the gentleman from Missouri that certainly this language provision would not authorize the construction of any transmission facilities. It is intended solely for emergency power purchases and related emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

Mr. EVINS of Tennessee. The gentleman from Arizona has stated the position of the committee very well.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I appreciate the statement of both gentlemen in making this legislative record. I full well understand the need for meeting peak load demands for commitments by the administration, and the necessity for this. My concern is that it might be used in further extension without the surveillance or oversight and review by this distinguished committee.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I commend the distinguished gentleman from Tennessee, the chairman of the subcommittee, and the gentleman from Arizona, the ranking minority Member, and all Members of this subcommittee, for this legislation.

Mr. Chairman, I would call to the attention of the Members the fact that we who serve on the Public Works Committee this coming week will go out to South Dakota to inspect some of the ravages of the terrible disaster there. Our mind goes back also to the West Virginia disaster. I am merely thanking this committee for their action. Many people like to call this a "pork barrel" bill, but the projects in this bill authorize millions of dollars to correct the damage to the States as a particular function of this bill.

Mr. Chairman, I particularly commend the committee for its action.

Mr. EVINS of Tennessee. Mr. Chairman, I thank the gentleman from Illinois for his comments.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I commend the distinguished gentleman from Tennessee and the entire committee for what I think is an outstanding job. I particularly commend the committee for the statement made in the report in opposition to this new 7 percent discount rate in connection with the construction of reclamation projects and so on, because to me this amounts to disaster if we permit the administration to get away with that. I commend the committee for the interest and the concern and the study that went into this report.

Mr. EVINS of Tennessee. Mr. Chairman, the gentleman from California is very astute. It is evident he has already studied the report. His kind words are always appreciated.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I commend the gentleman and the committee.

Mr. Chairman, I rise in support of the Public Works-AEC appropriations bill in behalf of the thousands of Missourians who will benefit from the appropriations for our vital public works projects contained in this bill.

The House Appropriations Committee has recommended $8,000,000 for the Clarence Cannon Dam and Reservoir for fiscal year 1973. I commend the members of the committee for recognizing the importance of this project which is an integral part of the continuing economic development and growth of northeast Missouri.

Also included in the committee's bill is $1.5 million for the Long Branch Reservoir in Macon County, Mo., and I understand the reduction reflects a reduced capability of the Corps of Engineers since submission of the budget estimates due to project delays. Again, we appreciate the committee's support of this meritorious project.

The Elsberry Drainage District in Lincoln County, Mo., has been recommended for an appropriation of $120,000 and we are glad the committee has recommended an appropriation to continue planning on the project which will eventually afford protection to over one-third of a million acres of farmland, in addition to towns and industries along the Mississippi River.

The bill contains $140,000 for the North County Levee District in St. Charles County, Mo.—Unit L–15 of the Missouri River levee system. This appropriation will make possible the preparation of a comprehensive environmental impact statement and study on the project. This continued attention to the project and for this funding recommendation will, hopefully, eliminate, through an in-depth study, any misunderstandings or inaccuracies which might now exist.

Mr. Chairman, I cannot overemphasize the importance of these projects to the residents of the Ninth District of Missouri. I am sure all of these public works projects included in this bill will benefit constituencies of many of my colleagues throughout the Nation, particularly those in rural areas where much of their continued development depends on our support here today.

I urge my colleagues to join me in support of this important and urgently needed appropriations bill.

Mr. RHODES. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, whenever we consider this bill, I always like to look at the quotation from Daniel Webster which is behind the platform and recall those famous words of Daniel Webster, which are these:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered.

I think when we consider this bill, as when we consider much legislation on this floor, it is well to recall these famous words by a very famous American.

Mr. Chairman, it is also with a great amount of satisfaction when we consider this bill that I took at the perennial occupant of the chair, the distinguished gentleman from Colorado (Mr. ASPINALL), who is also chairman of the Interior and Insular Affairs Committee, which has had such a great part to play in the development of the resources of this country and in the authorization of many projects which have been of great benefit to the country.

It has been my personal satisfaction, as well as the satisfaction of the other members of the subcommittee, I am sure, to have worked with the gentleman from Colorado, the present occupant of the chair, and his great committee for many years to better the interests of the country.

I was also pleased that the gentleman from Illinois (Mr. GRAY) made the remark he did, because one of the other great committees which prepares legislation considered in this appropriation bill is the Public Works Committee of which he is a member. I commend the Public Works Committee for going to South Dakota to look at the flood damage.

It is my hope, Mr. Chairman, that the Public Works Committee will consider the possibility of legislation which would empower the Corps of Engineers and the Bureau of Reclamation to inspect private dams in this country from time to time to determine whether or not they constitute a danger to life and property.

Many of the dams which were built some years ago are getting old now. I am sure there are many which have been weakened, because of storms, material fatigue, and the like, which may well cause the loss of life and property. We have seen this occur just within the last few weeks in South Dakota and within the last few months in the State of West Virginia.

It would certainly be my hope that some permanent program could be established so that the facilities of these great Federal agencies might be brought to bear to prevent similar occurrences in the future.

Mr. Chairman, there are several innovative programs in this bill which, I believe, deserve some mention.

In the first place, we are taking into consideration the fact that water pollution comes not only from man, but also from nature. In this bill there is money for the beginning of a study to control salt water springs in the States of Oklahoma and Texas. Also there is money for the control of springs which are saline in content which flow into the great Colorado River, which is so important to the southwestern part of the United States.

It is with these types of studies that we can proceed to develop techniques for damming off polluted waters which flow naturally into these streams. This will reduce the saline content of the streams and reservoirs and make the water potable, and of higher quality for the use of our citizens in the country.

We are also deeply involved, Mr. Chairman, in the necessity of meeting the energy crisis. If we have one crisis which exceeds any other in magnitude or in scope of its effect on the country, it may well be the environmental crisis, but certainly second and close behind it is the energy crisis.

In this country we have made great strides in past years in recognizing the problems we have with regard to the despoilment of our environment. We have been thinking some thoughts we should have been thinking many years ago and taking some actions we should have taken many years ago. As so often happens, when we realize there has been a great vacuum in areas of endeavor which should have been attacked, we overreact and take some actions which may not in the long run be beneficial to the overall welfare of the country. It is difficult sometimes to find the fine degree of balancing of interests which we must have in order to improve our quality of life in some areas without hurting it in other areas.

This has certainly been true of the fight for the environment. In being zealous in protecting and restoring the environment we have in many instances taken actions which have exacerbated an already bad situation so far as the availability of energy is concerned. It is necessary that we find better ways to burn coal and to burn gas. It is necessary that we burn them in such a way that the particulant matters and the sulfur dioxide from the burning will be at a minimum, and that the air which comes from the smokestacks of our factories and our powerplants is as clean as it possibly can be. But we must not expect miracles. In working for ideal environmental conditions, we cannot postpone indefinitely the fulfillment of other requirements for maintaining the life styles a great majority of our people desire. We must balance these two objectives, and work toward both of them at a sound, efficient, progressive pace.

It is necessary that we support research to advance the state of the art in furthering these two objectives. We are doing well along these lines, but we can do better.

Thus, it is also necessary that we develop new means of providing the power required by our people. I am thinking right now of the liquid metal fast breeder reactor, which is such an important part of the program of the Atomic Energy Commission. There are $285 million in this bill, the full amount that the Atomic Energy Commission can utilize, for the further development of this liquid metal, fast breeder reactor.

Mr. Chairman, the great store of uranium which we have in this country is still not an inexhaustible store. It is necessary when we utilize that uranium for the purpose of making power that we do it as efficiently as possible. The liquid metal fast breeder reactor and the gas cooled fast breeder reactor will result in the utilization of uranium at an efficiency rate which is 40 times that of the reactors which we now have, which are comparatively primitive in their efficiency. The Tennessee Valley Authority together with the Commonwealth Edison Corp. is in the midst now of completing plans for and operating criteria for the construction of the first liquid metal fast breeder reactor plant of a commercial type in this country. The President of the United States made it a national goal to have not only this plant, but also another liquid metal fast breeder reactor plant on the line by the year 1980. I commend the President and the administration for its farsightedness in putting the national power behind this great effort to do what we can to solve the energy crisis before it gets to be a tragic situation.

Mr. SIKES. Mr. Chairman, will my distinguished friend yield to me?

Mr. RHODES. I am delighted to yield to the distinguished gentleman from Florida.

Mr. SIKES. Mr. Chairman, I have listened with much interest to the learned discussion of the distinguished gentleman. I believe he is making a profound contribution to the records of the House and it seems to me this is a very good time to pay testimony to the excellent work done by this subcommittee. The distinguished chairman, the gentleman from Tennessee and the distinguished ranking Member who now holds the well, and the members of the committee and their staff, perform a great service to the country and to Congress. Yours is one of the most difficult of all subcommittee assignments. You are very patient and listen to many witnesses. You have custody of a great responsibility. You are helping to build America. I am proud of the job that I see you do year after year.

Mr. RHODES. I thank my distinguished friend from Florida and say that praise like this coming from a man who is one of the most effective and efficient Members of Congress is high praise indeed.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield to me?

Mr. RHODES. I yield to my good friend from Oklahoma now.

Mr. EDMONDSON. I thank the distinguished gentleman for yielding to me. I would like to join the distinguished gentleman from Florida (Mr. SIKES) in a tribute to one of the more farsighted and constructive subcommittees I think serves in this Congress. Under the leadership of the able gentleman from Tennessee, with the able cooperation of the gentleman from Arizona, this subcommittee has indeed helped to advance some of the most important causes in the service of America that exist in our country today. Having pinpointed as you have the energy crisis which we confront and the shortsightedness of this proposed 7-percent discount rate which is a slowdown factor in our meeting our water problems is typical of the great work done by this subcommittee.

I want to extend my personal appreciation to the entire subcommittee, and to its able staff, for the great job they have done.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. RHODES. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, I want to thank my good friend from Oklahoma for those fine words. Coming from a person who has also been deeply involved in developing the national resources of our country, these words of praise are very welcome indeed.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the distinguished gentleman and my friend, and the minority leader of the Committee on Public Works of the House, the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I thank the distinguished gentleman from Arizona for yielding to me, and I want to join my colleagues in expressing my deep appreciation for the effective and very necessary work that this subcommittee of the Committee on Appropriations has done with this public works appropriation bill. I know the difficulties you have in trying to allocate the limited amount of funds avaliable for projects in this country, but as usual you have done an excellent job. I appreciate the attention that was given to projects that effect the State of Ohio and my particular district.

I want to commend also the chairman of this subcommittee, and all of the members of the committee, and their most effective staff, for the very fine job they are doing, have done, and will continue to do in providing projects that will make America great in the years to come.

Mr. RHODES. Mr. Chairman, I thank the gentleman from Ohio, and I just want to add further that without the effective work done by the gentleman and the fellow members of his Public Works Committee and their staff, our work could not be possible, for you do your work first, and you do it well.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to join the gentleman from Ohio (Mr. Harsha) and the gentleman from Oklahoma (Mr. Edmondson) and others on the Public Works Authorizing Committee in paying our highest tribute to the members of this Public Works Appropriations Subcommittee.

I particularly wish to note the exceptional efforts of the subcommittee chairman, the distinguished gentleman from Tennessee (Mr. Evins) and the ranking minority member on the subcommittee (Mr. Rhodes), the distinguished gentleman from Arizona. They, with their colleagues on the subcommittee have been able to bring out one of the most constructive and effective public works appropriations bills this Congress has seen in many years.

The very able staff of the subcommittee has scrutinized each item and has made important revisions and additions to the original budget requests that reflect a responsible and responsive approach to the total public works program throughout the United States.

As one who has followed the subcommittee's work quite closely for nearly 10 years, I believe I speak for all Members of the House when I say that the country and our constituents will remain deeply in the debt of these gentlemen for years to come.

It should be made clear that President Nixon and the Office of Management and Budget are deserving of thanks and appreciation for submitting this most realistic and generously funded construction proposal to the Congress for our consideration.

The President's leadership is reflected by budgetary proposals that show a continued effort to build a better America and a better quality of life for all Americans.

The public works projects relating to flood control, water conservation, and navigation are, in my judgment, essential to the areas involved, and will benefit substantially not only my congressional district, but the entire State of California and the Nation. I would like to mention just briefly those public works projects in the First Congressional District of California for which I earnestly seek your support.

For Bolinas Beach in Marin County, I am requesting the amount of $5,000 for a general investigation. The cliffs of this headland are receding at the rate of 2 feet per year—more than 120 feet since the year 1906. Over the years, much private and public property has been destroyed, and roads and buildings have disappeared. I strongly urge support of this request.

Bolinas Channel consists of a study to determine the feasibility of constructing a small-craft harbor of refuge, one of a chain of harbors of refuge that I am recommending for the north coast of California. The subcommittee recommends $5,000 for this study, and I ask your approval of that amount.

The Cache Creek Basin project is to determine the advisability of constructing or contributing toward flood control improvements in Cache Creek Basin. I am asking your approval of the recommended amount of $30,000 for this important project.

The coast of northern California study is to determine the feasibility of establishing a chain of harbors of refuge for light draft vessels. I feel very strongly that we must place greater emphasis on a system of harbors of refuge to serve light draft fishing, commercial and pleasure craft. Experience has established that a distance of more than 35 miles between ports of refuge is an unsafe condition for small craft. Along the northern California coast, the average distance is 150 miles—five times the safe distance. For this urgently required study, I request approval of $15,000.

Northern California streams is a project to formulate a comprehensive plan for the development of the water resources of streams in northern California. This important study will include multipurpose projects for flood control, navigation, municipal and industrial water supply, power generation, and fish and wildlife. The President's budget requests—and the subcommittee recommends—$120,000 for this study, and I ask your approval of that amount.

The Novato Creek survey is to determine appropriate flood control improvements for this area of great population growth which has suffered flood damage in the past. I am asking $41,000 to complete this important survey.

The Russian River Basin project is to formulate a water resources development plan for the river basin, including consideration of multipurpose reservoirs for flood control, water supply, recreation, and other purposes. For this project, I ask your approval of the amount of $16,000.

The San Francisco Bay and Sacramento-San Joaquin Delta water quality and waste disposal project is for a general investigation for flood control purposes, and I am asking you to approve $710,000, the full amount recommended by the subcommittee for this project.

The purpose of the San Francisco—In Depth—project is a general investigation of the bay for navigational purposes. For this important work I am asking for approval of $190,000.

The Upper Putah Creek project is to determine the advisability of providing improvements for flood control, water conservation, and related purposes in the Putah Creek area upstream from Lake Berryessa. I urge approval of $23,000 to complete this survey.

The Butler Valley Dam-Blue Lake project in Humboldt County, Calif., is located in one of the most economically depressed areas in my district. Of primary importance as a flood control measure this project is also urgently needed for the conservation of water to meet growing municipal and industrial demands, and to provide employment on a local level. It is extremely important that this item be sustained because important decisions have to be made relating to this municipal-industrial facility, and I am requesting $1,280,000 to complete preconstruction planning.

The Crescent City Harbor project is vitally important to the economy of economically depressed Del Norte County which depends heavily on waterborne commerce utilizing the harbor. The harbor serves the fishing fleet, commercial shipping, and as a harbor of refuge. The project is to continue construction of a protective inner breakwater to protect the fishing fleet and harbor facilities. The subcommittee has recommended, and I urge approval of the sum of $1,150,000 to continue this work.

The Dry Creek—Warm Springs—Lake and Channel is the most urgent item I bring to your attention. Continued construction of this very important flood control, water conservation, and recreation project is of the utmost urgency. The annual flooding of downstream areas, which has resulted in millions of dollars in damage over the years would be ended once and for all. Additionally, continued construction will substantially reduce unemployment in this severely depressed area. I strongly urge approval of the amount of $10,400,000 for this project.

The Humboldt Harbor and Bay project is to modify existing improvements. Modifications will consist of widening and deepening existing channels, enlarging and deepening the turning basin and dredging to form an anchorage area. The strategically located harbor is one of the few deepwater harbors on the west coast. I am asking your approval of $50,000 for planning for this urgently needed project.

The Lakeport Lake project is urgently needed for flood control and water requirements of the immediate area. The lake has the potential, during the dry seasons, of releasing fresh water not needed for other purposes, into Clear Lake to improve the water quality. I urge your approval of $310,000 for this important project.

The Russian River and Russian River Basin project consists of continued construction of flood prevention works in the Russian River Basin including downstream channel stabilization and bank erosion protection, and formulation of a water resources development plan for the river. I strongly support approval of $450,000 for this very important work.

Sonoma Creek project is a flood control project urgently required to stem recurring extensive damage in the rapidly expanding San Francisco North Bay Area. The project consists of channel enlargement and levees designed to provide flood protection to an area of approximately 10,000 acres. I am asking your approval of $221,000 to complete advance engineering and design for this project.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I note that the Appalachian program funds keep going up year after year and year after year. Is any progress being made as a result of these funds? Is there any way of ever getting that pit filled with dollars, or is there to be a continuation from now into eternity of dropping Federal money into Appalachia?

Mr. RHODES. As the gentleman from Iowa knows, the Appalachian regional development program and the Appalachian Regional Commission were legislated by the Congress, and signed by the President, and are still on the books. The money is being appropriated and is being spent by the States which are involved.

The Appalachian Commission is made up of the Governors of the various States of the area.

I would say to the gentleman from Iowa that the oversight by our subcommittee on this particular endeavor is superficial indeed, and I could not tell the gentleman from my own knowledge whether or not these funds are being spent as the gentleman would like to have them spent. However, in looking at the legislation which established this program it appears that the States were allowed great latitude in what they did, and they certainly do exercise that latitude.

Mr. GROSS. I note that the General Accounting Office has issued a report that is highly critical of the program pointing out that in Johnson County, Ky., they dumped $21.5 million in a period of 5 years in outright grants. This amounted to annual grants of $243 for every man, woman, and child in Johnson County, Ky. I do not know of any other county in the Nation that is so favored, and I cannot help but wonder who is really administering this Appalachian program under those circumstances.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. I will say to my distinguished friend, the gentleman from Iowa, funds for the Appalachian regional development program are appropriated to the President. As you are aware this is a unique program to provide special assistance to the economy of the Appalachian area. After only a few years of the program being in operation you can see trade schools, health centers, hospitals, and new roads all contributing to the upsurge in the economy.

I think we are making a very significant contribution and the money is generally being well spent.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. RHODES. Mr. Chairman, I yield myself 5 additional minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. GROSS. I do not find that kind of information in the General Accounting Office report.

Mr. EVINS of Tennessee. You know the reports of the committee of necessity have to be somewhat brief. I believe our printed hearings point up the benefits which have resulted from the program.

I have heard the testimony of the Commission since its inception and since the act was passed by Congress, and I can say that today significant progress is being made.

Mr. GROSS. There ought to be some progress for that kind of money. I believe you have in this bill over $300 million—an increase of $25 million or $30 million over last year—and this one is above the budget.

Mr. EVINS of Tennessee. Most of the money is for the Appalachian corridor highway program. It is very difficult to build roads in mountain areas. This is where the large costs are.

The funds, as I indicated, are appropriated to the President and allocated to the Governors of our respective States, and the Governor of each State sets his project priorities within the various program categories, such as highways, vocational education, mine area restoration, and health demonstrations and hospitals.

So the decision is made by the respective Governors of the States as to how the money should be spent.

Mr. GROSS. When $243 is distributed to every man, woman, and child in a county, I am not sure the money is going for hospitals or some of the things the gentleman says it is going for.

Mr. EVINS of Tennessee. In reference to Johnson County, Ky., I would hope that the economy of that county would be improved by the expenditure of such funds.

Mr. GROSS. It is impossible to spend hundreds of millions of dollars and not get some benefit out of it.

I am thinking in terms of the rest of this country that is not getting grants of $243 for every man, woman, and child per county. But they are putting up the money. It seems to me that some progress—some real progress ought to be shown out of the hundreds of millions of dollars that have gone into this Appalachian program.

Mr. EVINS of Tennessee. The testimony we received was to the effect that most of the money in this instance went to building roads and it is impossible to evaluate the benefits per individual in the area. The highway would be shared by all areas along the corridor.

Mr. GROSS. But they want roads into Johnson County, Ky., do they not, in order to bring in tourists and industry?

Mr. EVINS of Tennessee. The gentleman is correct.

They want to get tourists there and they also want to attract industry to create jobs.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. JOHNSON of California. Mr. Chairman, I rise to support what I believe is a realistic appropriations proposal for our Golden State.

As many of my colleagues know, my district is the largest in California and contains most of the State's water supply. Having most of the supply also means we have most of the problems—especially too much water at the wrong place at the wrong time. My district also is greatly and adversely affected by the struggling economy. Unemployment is running from 8 to 14 percent, well above the national average. Therefore, public works projects are vitally needed not only for the normal requirements of providing flood control and supplying irrigation water, good quality drinking water, and recreation for this country's most populated State, but also to create jobs.

This Appropriation Committee and its fine Public Works Subcommittee has been most understanding in meeting the needs of my area but now the needs are more desperate than ever before. Public works construction can provide work and bring in dollars to the local people and eventually the U.S. Treasury, but they are high quality projects that meet the needs of the people in that they will provide employment, flood protection, irrigation and drinking water, open space, swimming, boating, and fishing.

Because of the sensitivity to our needs as shown by the Appropriations Committee in the past, the Bureau of Reclamation has made great strides forward on the Auburn Dam project. Once again the committee has seen fit to move ahead on the great project, adding $600,000 for the start of an essential unit of the overall project, the Sugar Pine Dam and Reservoir which is the key unit in the development of the Foresthill divide water system. The reservoir is relatively small, consisting of 16,500 acre-feet of storage capacity, but would permit the agricultural and industrial development of an area stricken by unemployment and having an extremely expensive and poor quality water supply. The Bureau of Reclamation has a capability of approximately $600,000 on this project. I hope that this House will concur with an additional $600,000 for the start of the Sugar Pine unit. This is an area where our investment in the project could be quickly realized if we move ahead at this time.

It also is imperative that we get full funding on our other projects—such as the Auburn Reservoir. The $24,159,000 requested for Auburn will continue construction of the Foresthill Bridge and diversion tunnel, purchase right of way, and will permit advertisement for bids on the keyway, foundation, and spillway excavation in the fall of 1972.

The $13,491,000 recommended for the Tehama-Colusa Canal will finish the Thomes Creek syphon which is critical to the operation of the canal and the fish facility.

The $5,841,000 on the Folsom-South Canal will allow completion of 26.6 miles of canal so water will be available to the Rancho Seco powerplant and permit design of the next sections.

Similarly, Mr. Chairman, I would like

to make special mention of a program which the Bureau of Reclamation is carrying out in the Imperial Valley of southern California—which may prove to be one of the more significant developments in the water resource field in our time. I refer to the geothermal investigations which are being done in concert with the westwide water plan study.

The appropriations bill before us today contains $1,150,000 for continuance of this work and most of this money will be used for drilling the first exploratory well. I endorse this item most strongly and feel we must move deliberately—to prove up this resource. I do not feel, however, that we should engage in the drilling of a number of wells until we have the benefit of the experience and knowledge to be gained from our first attempt.

Mr. Chairman, turning now to the other portion of the public works appropriations, those relating to the projects of the U.S. Army Corps of Engineers, I would comment that the appropriations bill which we have before you is realistic and will provide for continuing development of our water resources, especially as they relate to flood control. I would like to single out a few projects for special mention.

First of all, the Buchanan and Hidden Reservoirs—the twin projects getting underway in Madera County. I was very pleased that last month we received a favorable bid for construction of both of them. It looks like we are soon to see the dirt fly on both of these projects. The $4.5 million for Buchanan and the $6 million for Hidden Reservoir will meet the contractor earnings for the 12-month period commencing July 1. It is essential that we meet this timetable for if we experience any slippage in these two projects we will lose a full flood season. Both dams are scheduled for completion in the late fall of 1974. This will be close, but I am quite confident that if we can meet this schedule we will have protection for the cities of Madera and Chowchilla during the winter of 1974 or 1975. This is our goal.

On the New Melones project on the Stanislaus River, the next major contract which will be construction of the dam itself, we have experienced some slight delays on the award of this contract. Here again I hope that these delays will not delay the final completion project which is slated for the fiscal year 1978.

The $26 million included in the budget will finance the start of the dam and continue the work on the diversion tunnel and relocation of Highway 99 and Parrot Ferry Road.

Mr. Chairman, there is one area which is critical but has not been funded—that involves the Cottonwood Creek project in northern California. Proposed is a two-reservoir multipurpose project on Cottonwood Creek, a major uncontrolled tributary to the Sacramento. In recent years this creek has been responsible for heavy flood damage in many areas along the Sacramento River for dozens of miles below the convergence of the Sacramento River and the Cottonwood.

In 1970, the Congress authorized the Cottonwood Creek project, however, in this authorization there was a prohibition against construction until the problem of marketing the water was resolved. This prohibition was against construction, not against design.

It is anticipated that the preconstruction work will consume 5 years or more which would be ample time to resolve the internal differences between the agencies of the Federal Government now in disagreement. Accordingly, Mr. Chairman, I had hoped for an appropriation of $300,000 in fiscal year 1973 to permit us to commence this design work. Not only would this not be in conflict with the prohibition against construction, but I feel if the design work were started it would act as a catalyst for discussions for marketing the water and I hope would result in a resolution of this disagreement. The committee did not concur in this recommendation and I will redouble our efforts on this for fiscal year 1974.

In conclusion I want to again express my deep appreciation to the full Appropriations Committee chaired by the distinguished gentleman from Texas (Mr. MAHON) and to its Public Works Subcommittee chaired by the outstanding gentleman from Tennessee (Mr. EVINS).

Throughout my 14 years in the House of Representatives these committees have demonstrated great wisdom and farsighted concern for the conservation and wise utilization of the Nation's water resources. Throughout the country and the State of California and my own congressional district the development of these resources for the many many beneficial uses provided for under the multiple-use concepts have resulted in genuine growth and progress for our people and community.

The Appropriations Committee and its Public Works Subcommittee can be mighty proud of their acknowledgement in this field and I know that it will continue.

Mr. RHODES. Mr. Chairman, I thank the gentleman from California not only for his contribution now but for his great contribution as a distinguished member of the Committee on Interior and Insular Affairs.

Mr. Chairman, I would like to mention briefly, if I may, a subject which was mentioned by the very distinguished and very able President of the United Mexican States, speaking in this Chamber only last week. That had to do with the salinity content of the Colorado River. It is a well known fact that as a river is developed and its waters utilized that its saline content rises. That has happened to the Colorado River.

Some years ago a treaty was made between the United States and the United Mexican States involving the division of the waters of the Colorado River, in which it was agreed that a million and a half acre-feet per year would be allowed by the United States to cross the international boundary each year. Nothing was said, Mr. Chairman, about the quality of that water, and that omission was not accidental. It was purposeful. It was purposeful because the million and a half acre-feet of water which Mexico gets is much more than anybody dreamed Mexico could use or would be legally entitled to. The excess water took into consideration, and compensated for, the fact that the quality of the water would go down as the water was put to use upstream. So there is no legal requirement on the part of the United States to guarantee the quality of the water as it crosses the international boundary.

However, as the President of Mexico said so eloquently, the United States has been able to put to use its great technology, its knowledge, and its abilities to solve problems to work for the benefit of people who had previously been our enemies, and it certainly behooves us to do all we can to help those who are our friends. The people of the United Mexican States are our friends. So as a matter of friendship and international comity I think it behooves the United States to do what we can to make the saline content of the Colorado River as it crosses the international boundary as low as possible.

I have given much study to this problem, and I think I have a solution which, over a long period of time, will satisfy both the United States and the United Mexican States. The main and underlying problem is the fact that there is not enough water in the Colorado River to do all the things which the river is supposed to do. When we divided its waters between the States of the upper and the lower basin in 1924, and when we concluded the treaty with Mexico, we thought we were dealing with much more water than we have subsequently found to be the case. One of the solutions, of course, is to increase the supply of water. This would solve two problems. One is the need for water higher up in the stream for use in the United States; the other is the need to control the salinity of the water which goes to Mexico.

We should construct in the littoral of the Gulf of California, in partnership with the Mexican States, a plant to desalinize some of the waters of the Gulf of California, and to do so by using power which would come from a nuclear plant to be built in partnership with Mexico, either in the United States or just across the border in Mexico. This plant could be a liquid metal fast breeder. It could be the second plant which the President of the United States has said he wants to build. It could be a more conventional type. It could be a plant built by public money, or by private industry. The power utilities of the State of Arizona and the State of California are considering now the construction of a nuclear plant to provide more electric power for that area, which is now short of conventionally generated power.

But be that as it may, it is known this comprises a great opportunity for the people of the United States and the people of Mexico to go into partnership on something which will be for the mutual benefit of both of us, and will allow us to cement the great friendship which we have enjoyed with our sister republic through the years. I recommend very highly to the President of the United States and the President of the United Mexican States that this project, which is one of great magnitude and one of great importance, be given very serious consideration.

In closing, I want to congratulate the Office of Management and Budget. When I was here last year I took them to task, because of the fact that we did not have enough funds authorized in the budget to do all the things which needed to be done. This budget, as far as construction is concerned, is quite adequate. We hope there will be more funds in the future for further projects, general investigation, and the like. Even better, Mr. Chairman, the funds which had been impounded by the Office of Management and Budget last year have been released. I really feel that at the present time this office, which certainly performs a great function for the U.S. Government, is working on the side of developing this country, as I am sure they want to do, and as I am sure they should.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I compliment the chairman and the gentleman from Arizona and the committee for the bill which they have brought before us today.

Mr. RHODES. Mr. Chairman, I thank my friend, the distinguished gentleman from Virginia.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. Whitten).

Mr. WHITTEN. Mr. Chairman, today we bring to you our bill providing funds to continue to have the Federal Government assist in the development of rivers and harbors, to protect life and property from floods, to aid navigation, and to continue to maintain our standards of living; and, yes, Mr. Chairman, to aid in the restoration and protection of our environment. In this bill we provide funds for the Appalachian programs which have meant so much to the development of much of my district; projects which in other areas are largely handled by Economic Development Administration.

Mr. Chairman, it is a pleasure to serve on the 55-member Committee on Appropriations where I rank right next to Mr. Mahon, the chairman. Particularly do I feel fortunate in serving on the Subcommittee on Public Works.

I especially wish to compliment my chairman, Joe Evins of Tennessee, and the ranking member, John Rhodes, of Arizona. They, with our fine staff headed by Gene Wilhelm, do a wonderful job, as do other members of the subcommittee.

A LESSON WE NEED TO LEARN

It will be well, I think, particularly in view of present conditions to repeat a happening of many years ago. At the time, I happened to handle the appropriation for the National Production Authority. As I walked over to the office after a meeting, the head of that agency said to me, "Jamie, if I were the Russians and wanted to wreck the economy of the United States, do you know what I would do?"

I said, "No."

He said, "I would bring about 5 years of peace."

Think of it. If he wanted to wreck the economy of the United States, he would declare 5 years of peace. With all of us praying for peace even as we are today, such a thought was terrible.

I said, "Joe, what do you mean?"

He said, "I mean this. If we were to have all the young men in service coming back out of jobs; if we were to cancel all the war contracts and have the folks in those plants out of work; if we were to stop the movement of the excess production of the American farmer, we would wreck the economy of this country."

If you think about it, such a situation is fearsome to contemplate.

For, I realized at that time, and this was quite a number of years ago, we had enjoyed many years of the greatest prosperity we had ever known in this country—more cars, more radios, television sets, more of the things we love, more of the luxuries of life, than any nation in history. Yet, I thought, surely it does not take a war or preparation for war to have these things.

I thought the matter through—then it dawned on me that it was not war or preparation for war which created or made possible this material prosperity, but the extra effort we made as a people because of the war, which brought such prosperity.

In war we spend the money to buy shells and airplanes, gasoline to burn in the airplanes we destroy—we spend the money in things that are destroyed. We dig up our minerals, destroy our timber, and end a poorer country because we have used up so much of our resources.

If we were just wise enough to put that same effort to use to improve our own country, if we were wise enough to harness our streams and reforest our lands, stop erosion, build schools, and improve our country, we would have a much richer country. We would have a finer country. We would then be doing what we are doing for nearly every other country in the world.

If we leave our children a rich country, rich in natural resources, rich in the things that provide our high standard of living, then we truly will have left them a fine heritage.

MISSISSIPPI PROJECTS

Mr. Chairman, my colleagues have covered most of the details of the bill. However, there are numerous projects in my own area, where I have a great obligation and deep interest. These projects include $105 million for the Lower Mississippi River and tributaries. We must remember that approximately three-fourths of all the water that falls in the United States flows down this great river valley, gathering in quantity and momentum as it goes.

Other projects in our section are the Ascalmore-Tippo and Opossum Bayous, $375,000; the upper auxiliary or alternate channel, $475,000, the full amount that can be used for preliminary planning and construction; Yazoo backwater, $3,615,000; Tombigbee River and tributaries, flood control, $1,500,000; Tennessee-Tombigbee Waterway $12,000,000; Yellow Creek Port project—TVA—$3,504,000.

RESERVOIR DEVELOPMENT

Mr. Chairman, we have provided for the four reservoirs—Arkabutla, Enid, Grenada, and Sardis—for regular development toward the master plan the sum of $1,603,000.

The committee has provided an additional amount of $300,000 under construction, general, and $150,000 from the fund, Mississippi River and tributaries, for these reservoirs. This is a real step in bringing recreational development up to national levels.

OUR REPORT

In our report we provide the following directive. I quote:

> In reference to the Yazoo Basin reservoirs, the corps is urged to expedite the updating of the master plan to bring up to national standards the provision of recreation facilities, including the upgrading of access roads. Yazoo Basin: Within the funds provided the committee directs that initial planning be undertaken on a pilot program to meet the soil erosion and bank caving problems of the streams in the Yazoo Basin, including the foothill area, in cooperation with the Soil Conservation Service, as authorized by Public Law 46, 84th Congress, as amended by Public Law 91-566, 91st Congress.

These funds are in addition to those under other laws where there is a limit on each project. This work will compliment and in fact initiate a project that will total $9,000,000 under the recommendation of the Corps of Engineers now before the legislative committee—

> The allocation for the Yazoo Basin includes $845,000 for continued planning on the Upper Auxiliary Channel or other alternate means of main drainage facilities to meet the flood control needs of the Upper (Delta) Yazoo Basin, the Ascalmore-Tippo, and the Opossum Bayou drainage projects. The committee reiterates its directive that planning shall proceed from south to north so as not to aggravate prevailing conditions.

These funds should get us going on these projects.

RURAL ELECTRIFICATION AND RURAL WATER SYSTEMS

Mr. Chairman, you can understand why I enjoy serving on the Appropriations Committee. It gives us such a wonderful opportunity to aid in things so essential to our well-being. My subcommittee provided funds for rural electrification, where we will never be satisfied until we reach everybody that we possibly can and eventually have area coverage here; for school milk funds for which we added over the budget; for school lunches where we made great increases which the Department is trying to divert; for 4-H Club work, where we made 4-H available to youth in our cities; for nutrition aids in city and county; for the ACP—now REAP—and the SCS—and now our most pressing problem is that the executive branch is holding up the funds, thereby adding to costs and further damage to our environment.

Funds for REA, water and sewer grants, SRS, are still being held up. My subcommittee expects to reappropriate these frozen funds next week, and further we are going to provide that not less than 20 percent of the loan funds for water systems shall be available for existing borrowers to serve new customers and improve service.

RURAL HOUSING

We are proud of our record on rural housing where, by changing one word "farm" to "rural" in the housing program, we led to the building of millions of rural homes. The money will be repaid. We are merely providing for rural people Government guarantees for loans which those in our urban areas have had for many years.

Again, Mr. Chairman, I repeat what I said several years ago when the Congress overrode the President's veto on our second effort: The more we owe, the greater our problems, the more important it is that we protect the base on which it all depends—our land, our rivers and harbors, and natural resources—for without them not only could we not make it, but our children would not have a chance. They can set up their own monetary system, but leave them a wornout and flooded land and they have nothing on which to build.

I am glad to see the apparent united support of the Congress of the actions of our Appropriation Subcommittee on Public Works.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I compliment the House Appropriations Committee for its overall economic stance on the public works appropriations bill, H.R. 15586, yet I must at the same time express regret in its failure to include $300,000 for preconstruction planning of the deepening of Tampa Harbor.

Sometimes, Mr. Chairman, I believe we lose our perspective as to what is important and what is not. We fail to appropriate a small amount of money to continue a vital, national project because the administration has not requested it, yet often we embrace programs running into the billions because they are in the budget.

Tampa Harbor contributes substantially to our balance of payments, and it must be deepened to be kept competitive in order to maintain its important position in our Nation's economy.

I urged the Appropriations Committee to place $300,000 on Tampa Harbor this year, which is the Engineers capability, so that preconstruction planning could begin. The following is my testimony before the committee on May 17, 1972, which I would like to be made a part of my remarks today.

I hope that the Senate will act favorably on the request for $300,000 so that no more time will be lost in getting the needed deepening of the Tampa Harbor channels underway.

The statement before the Appropriations Committee follows:

STATEMENT OF CONGRESSMAN SAM M. GIBBONS

FUNDS REQUESTED FOR TAMPA HARBOR

Mr. Chairman, and Members of the Committee, I appreciate the opportunity to appear before you in behalf of the most important project within my Congressional District—the deepening of the channels of Tampa Harbor from their present 34-foot depth to 44 feet.

I urge your Committee to appropriate $300,000, which is the Corps of Engineers' capability for fiscal 1973, so that preconstruction planning and environmental studies can begin on this vital national project. The deepening was authorized under PL 91–611. I also request that $60,000 be appropriated for a study to include in the project maintenance of the North Part of East Bay. Resolutions were adopted in 1971 by the House and Senate Public Works Committees calling for this study.

Tampa Harbor contributes substantially to our balance of payments, and it must be deepened to be kept competitive in order to maintain its important position in our Nation's economy. Deeper channels are essential to handle deeper draft vessels now plying international trade.

BACKGROUND INFORMATION

To review a little background history, as you know, the Corps of Engineers studied the proposal to deepen Tampa Harbor channels and concluded that the channels should be deepened to accommodate existing and prospective traffic of large bulk carriers. In its report, the Corps concluded ". . . the plan is economically justified and worthy of construction. . . ."

The Corps' recommendations were approved by affected governmental and state agencies, including the Office of Management and Budget, and authorized by the Congress (PL 91–611). The project enjoys a favorable benefit-to-cost ratio of 2 to 1.

Last year, Mr. Chairman, your Committee recognized the importance of Tampa Harbor to the economy of the nation and placed $200,000 on Tampa Harbor even though no budget request had been made for these funds. These funds were to be used by the Corps to update its comparative costs for a 44-foot depth, which was the depth *authorized*, as against the 42-foot depth, which was the *original* recommendation of the Corps of Engineers; to *again* review offshore loading alternatives, and to consider new environmental concerns.

Several days ago when I was talking with Lt. General F. J. Clarke, the Chief of the Corps of Engineers, he stated that the funds had been utilized and the studies were nearing completion. During our conversation, he remarked about Tampa Harbor ". . . it is one of the best projects we have in terms of economic benefits. . . ."

So the Corps will be ready in a matter of weeks to move ahead with detailed preconstruction planning, engineering, and environmental review, for which the Corps has advised me its capability for 1973 is $300,000 and that is what I am requesting today.

At this point, Mr. Chairman, I would like to call especial attention to the detailed report which is being submitted today by the Tampa Port Authority in which is discussed among other things, the plans and priorities for the deepening, the study of offshore loading alternatives, and the environmental concerns for which the $200,000 was appropriated last year. I concur in this report. Briefly, the points to be emphasized are:

(1) The increase in depth for the main channel from 42' x 500' (originally proposed by the Corps to 44' x 500' (as authorized) increases the quantity of material to be removed by only 10.4 million cubic yards and would increase the costs over a 42' x 500' main channel by not more than $11.4 million, considerably less than the estimated $30 million.

(2) The second part of the study for which the $200,000 was appropriated was to again review the offshore loading alternatives. There has been no change in circumstances to warrant consideration of offshore facilities or facilities closer to the entrance. The Corps thoroughly studied these alternatives and concluded they were not feasible.

(3) The Tampa Port Authority has been farsighted in moving ahead in responsible environmental planning. At the request of the Tampa Port Authority, and financed in part by the Authority, the U.S. Geological Survey conducted an in-depth study of Tampa Bay, the flow of water, and the formation of the Bay bottom and water quality. The results provide data to insure that the dredging will not interfere with the natural environment of the Bay. Assurance has been given by the scientists of the Geological Survey that spoil could be so placed as to enhance the quality of the Bay rather than to damage it. Computerized data will provide a mathematical model of the Bay which will assist in making decisions as to spoil placement. The Jacksonville District Engineer has advised me that this study will "greatly assist the Corps in its planning and shorten the time required for the planning."

To summarize: the project is in excellent shape for the utilization of funds to plan the construction in detail and coordinate the environmental aspects of it.

ECONOMIC BENEFITS

The Corps of Engineers' reasoning for a deeper Harbor is sound. It has stated that the present 34-foot channels will not accommodate the deep draft vessels which now serve the Port when they are fully loaded. Without the deepening of the channels, the ships which ply the major sea lanes of the world increasingly will be lost to Tampa's port trade, because the vessels are growing deeper in draft year by year.

Florida is the second fastest-growing state in the nation and Tampa Harbor is one of its economic assets. It is strategically located not only to serve Florida, but to serve the water-borne transportation needs of the Nation. Tampa Harbor handles half of all of Florida's port tonnages.

Tampa Harbor is an important national economic asset. It contributes more than $50,000,000 annually to the U.S. balance of payments; provides some $18,000,000 annually to the Federal Government in import duties and taxes; provides the facilities for handling 83% of all U.S. exports of phosphate rock. Tampa Harbor provides jobs for at least some 36,000 wage earners with an annual payroll in excess of $210,000,000 from businesses related to port activities in the immediate 8-county area.

But Tampa Harbor is now handicapped and handicapped severely. While it ranks 8th in major ports in the United States, and 4th largest in total tonnage of goods moved to world markets, it is the shallowest port of any of the 20 largest ports in the United States. Seventeen have channel depths of 40 feet or more, in comparison to Tampa's 34 feet.

Outlined below in table form are important facts about Tampa Harbor's contributions to the economic health of the Nation.

THE PORT OF TAMPA, FLA.: PORT FACTS

Total tonnage in 1971—36,032,198

Total foreign tonnage—14,859,797

Value of foreign tonnage—$380,116,840

Rank in nation—8th in total tonnage handled, 8th in total foreign trade, 4th in total exports, 15th in total imports, 3rd in export rail cars unloaded

Trade with more than 75 countries

Principal exports—Phosphate, phosphatic products, scrap metal, citrus products, livestock, tallow, wood pulp, naval stores, general

Principal imports—Petroleum products, sulphur, nitrate of soda, lumber, potash, newsprint, cement, bananas, fertilizer chemicals, coal, steel and general

Customs receipts—$16,611,220

Rank among State ports—Handles 47.5% of all Florida waterborne commerce

Benefits—Provides jobs for some 36,000 wage earners with annual salary of $210,000,000; annual tax revenues of $16,000,000; crews from vessels handled through port spend $5 million annually in area

Facilities—7 general cargo terminals; 5 phosphate elevators; 6 chemical terminals; 2 cement terminals; 19 petroleum terminals; 2 scrap metal facilities; 3 grain, feed elevators; banana unloading facility; USDA approved cattle export facility; 3 ship repair yards; 440 acres of public land available for lease

Vessels—4,084 entered in 1971: 1889 ships, 981 barges, 829 tugs, 385 shrimp boats

SUMMARY

Mr. Chairman, one of the problems we constantly wrestle with on the Ways and Means Committee is how to finance the operations of government. We ponder on how to work out the trade problems we have, and how we are going to work out the problems that have to do with our balance of payments. Sometimes, a project presents itself as a "real winner" in the balance of payments problems—one that *brings in* dollars to bolster our economy—such a project is Tampa Harbor.

We have in Tampa Harbor a great national asset that must be kept operable. I believe that our Tampa Port typifies how our great Government and private industries can work together for a strong national economy.

I do not believe there should be a further lapse of time in getting the deepening underway, and for that reason, I urge you to place funds on Tampa Harbor in the amount of $300,000 for preconstruction planning and design, and $60,000 for the study of the maintenance of East Bay for inclusion in the project.

FOUR RIVER BASINS

The Four River Basins project for flood control and water conservation has a most important impact upon my district. I am, therefore, pleased, Mr. Chairman, that the President has requested in his budget $7,600,000 to continue the construction work of the Four River Basins. I thoroughly concur in the request and hope that your Committee will place funds on the project in the requested amount. I understand that this is the Corps' capability.

Thank you, Mr. Chairman, for allowing me to present testimony before your Committee.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, I commend the committee for the excellent job they have done in allocating funds under this bill.

Mr. Chairman, I want to make particular reference to some projects in central Iowa which I have been supporting for several years and to thank the committee for including appropriations for them in the full amount requested. This bill provides an additional $10,100,000 for fiscal year 1973 for the Saylorville Reservoir. The $10,100,000 would be applied as follows:

Complete acquisition of land in reservoir area	$627,000
Continue construction of relocation items	8,100,000
Continue record monumentation and removal of structures in reservoir area	20,000
Initiate construction on the final stage of the dam and continue operation and maintenance on the dam and appurtenances	666,000
Continue installation of permanent operating equipment	24,000
Engineering and design	170,000
Supervision and administration	493,000
Total	10,100,000

Allocations for this project to date total $29,595,000 and together with this $10,100,000 just referred to, the project will be well on its way to completion. It is estimated that the total balance needed in future years would be $22,605,000 and that would include the cost of some recreational facilities, permanent operating equipment and other costs which would not be needed until the construction has been completed about 3 years from now.

At one time, it had been hoped that the project would be completed about this year. However, two things primarily have been responsible for the delays. After the project had been underway, local interests and State interests decided that they would like to have a State recreational area on Big Creek. Had this desire been cranked into the original proposal, the project could possibly have been completed one and one-half years sooner. I recommended the delay necessary in order to include this project and that additional substantial sums of money be provided by the Federal Government in order to amend the project as requested because I do believe the Big Creek project will be a good one and should have been included from the beginning. Construction of that Big Creek dam has been completed and the reservoir is now filling with water. It will be a quiet type place where citizens can get closer to nature and relax in a calm and more inactive atmosphere.

On the other hand, the principal Saylorville Reservoir will provide a place for boating and active type recreation. The two together will be a great boom to the needs of the people in central Iowa for recreational facilities of this type, in addition to permitting the kinds of conservation practices in the valley and in Des Moines which have not been followed because periodic floods have made it economically impossible to do so.

The other project I want to refer to is the one on Skunk River, which in the hearing record is called Ames Lake. In 1964 or 1965, I discovered that one of the few sites in Iowa where a reservoir can be constructed on an economic and beneficial basis was about to be destroyed together with the valley involved and that this was about to occur with the approval and consent of the State conservation commission, natural resources council and local citizens groups. It was about to be destroyed in order to construct a divided interstate highway right through the middle of it with an access nearby. It is located near the city of Ames and the economic interests could see development and dollar signs much more clearly than they could see the need for enhancing our environment and preserving an outdoor recreation area for future generations. Some of the same persons who are now opposed to a permanent preservation of this area were eager to see the area covered with a highway, houses, paved streets, and under private ownership in small parcels.

The area involved is in the headwaters of the Skunk River. Surrounding this area is an abundance of rich, flat farmland. This farmland, only a relatively few years ago, had been covered with swamps and the drainage into the river immediately following rains was in rather small amounts. When the heavy rains fell in that area, the water was spread out over many sections of land until it evaporated. Over a period of hundreds of years, the valley accommodated itself to this kind of a water drainage situation. In other words, the river basin simply did not accommodate itself for the huge increase in runoff that has occurred since this area has been drained through tiles and drainage ditches. In addition to the huge increase in the volume of water dumped into the valley as a result of farmland drainage, the city of Ames has grown rapidly nearby and as streets were paved and parking lots and large areas were hard-surfaced, more and more water has been channeled to the river instead of soaking into the ground where it fell. Altogether this change of the past 50 years has resulted in such a tremendous increase in the volume of water dumped into the river immediately following the rains that the little valley has no chance whatever to handle it on anything like a reasonable basis. Constructing a dam in the area proposed will help to hold some of this water back in the headwaters area and restore the volume that goes down the valley below the dam more nearly to the volume the river had over a period of hundreds of years developed an accommodation for. There will, to be sure, still be excess water in the valley, but at least it will be reduced to more manageable proportions.

The only way to save this valley and this site from being covered up by a highway in 1965 was to quickly secure its approval as a site for a proposed reservoir. With the cooperation of my colleagues in the Congress, this was done with great speed and thereby the money was secured to pay for rerouting the highway around it and give future generations some hope of using this area for public purposes. No local or State group made any alternative offer of a financial arrangement to save the valley from being covered up by the highway.

This was before many people were talking about the environment—but this was a measure taken to save the environment. Many of those who now claim they are for enhancing the environment were strangely silent at that time or in favor of constructing a road over the area. The action taken to make it a Federal project was one in favor of preserving and enhancing the environment in that area.

In spite of the fact that a new environmental impact statement was secured in 1970, another was recently ordered and is due about 6 months from now. It does not take any great amount of study but rather only a little commonsense to see that if this area is not used for a reservoir and the area surrounding it used for public purposes with money secured through Federal appropriations, this area will simply be destroyed as far as the public is concerned and converted into housing and used for private purposes. Anyone that can add two and two can see that economically this situation will occur. While some have vaguely talked about making horseback trails in the area and using it for such purposes, they have not come forth with any plan for financing, have not proposed any increases in local taxes to pay for it and many of them are the very ones who want to benefit from subdividing and using it for private purposes. Because they have been unable to find better reasons, some are now even trying to latch onto claims that they are even for a good environment; but it was obvious to the subcommittee that the decision for the environment was made in 1965 when this project was started as a way of saving the area and purchasing it from private sources to make it into a public recreation and wildlife area. It is not possible to roll back the physical characteristics of Story County to the time before Ames was developed and the farmland was drained. However, we can, through this project, reduce the abuse that has been heaped upon this river, use the water that is held back to increase the quality of water below the dam and provide many, many additional miles of shoreline shows the dam as a habitat for wildlife. I want to commend the committee for seeing through the phony arguments presented by the commercial interests and also by the well-meaning, but in most cases ill-informed, opponents who by their opposition would preserve the area for destruction by private economic interests; and I urge the House to approve the request of $700,000 for fiscal year 1973 which will be added to the amount on hand from previous appropriations for land acquisition preparatory to beginning construction and to relieve hardships by persons who want to sell but are now at the mercy of speculators.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, I rise in support of H.R. 15586 as it has been reported by the Committee on Appropriations. Today people are greatly concerned about our national priorities and the need to concentrate Federal programs on domestic problems.

The problems of flood control, water supply, irrigation, conservation and recreation certainly deserve high priority.

I especially want to concur with the committee's action in deploring the slowdown and stretchout of projects in recent years. Appropriate action has been taken to increase certain budget estimates for fiscal year 1973 to expedite work on a number of projects.

For example, the Committee on Appropriations has recommended $230,000 for fiscal 1973 for an ongoing study of the Arkansas River from Great Bend, Kans., to Tulsa Okla. This investigation was authorized by Congress in 1965. The failure to provide funding to the full capability of the Corps of Engineers has caused a slippage in the completion date to 1977. There are many questions to be answered by this important study. One of the most important is whether or not navigation from Tulsa to Wichita, Kans. is economically feasible.

The action taken by the committee to provide funding in keeping with the full capability of the Corps will accelerate this investigation by at least 6 months.

There are instances, however, where funding has been provided for investigations by the Congress but bureaucratic redtape and footdragging have resulted in long delays which in the end threaten necessary public works projects.

I especially want to bring to the attention of the House the long and continuing delay of the completion of feasibility studies of the Kanopolis Unit of the Missouri River Basin Project, Kansas, which were initiated in fiscal year 1967, following settlement of litigation concerning formation of the irrigation district. I am greatly disturbed over the failure of the Bureau of Reclamation to meet its own completion dates for this investigation.

On a number of occasions, I have met with Bureau officials, including the Commissioner, to express my interest and to urge that the completion of the studies be expedited in order that the Congress might be able to consider reauthorization of this irrigation project at the earliest possible time.

The report was originally scheduled for completion in fiscal year 1970, and here we are 10 days away from the end of fiscal year 1972 and this feasibility study is being held up, at the request of the Bureau of Reclamation, until another reanalysis of the irrigation needs of the basin is completed.

One bureau or another has played its part in footdragging on this study. For many months the Bureau of Sport Fisheries and Wildlife was a major roadblock. There have been many excuses for the delays offered by the Commissioner such as changes in laws affecting such projects; expansion of the scope of the project to provide municipal and industrial water supply for the city of Salina, Kans.; and at last report, the Corps of Engineers was withholding its cost allocation report at the request of the Bureau of Reclamation, until the Bureau completes a reanalysis of the irrigation needs.

Last year I met with the Assistant Secretary of Interior for Power and Water Resources to discuss what actions might be taken to complete the study at the earliest possible time. The Assistant Secretary did deliver to me in December 1971, a copy of the Regional Director's proposed report.

He outlined for me the established procedures for review and comments which the report must undergo before its final review and action. According to the schedule outlined, the report should have been submitted to the Secretary of Interior by June 1, 1972. By September 1, 1972, it should be submitted to Congress for its consideration.

However, as I stated previously it has again been delayed by the Bureau of Reclamation.

Needless to say, my patience, and that of many local citizens who have long supported and worked for this project, is being severely tested. I have today requested the Secretary of Interior to investigate the reasons for further delay in the finalization of the study. I believe the people of the area and the members of the Irrigation District are deserving of immediate and frank answers for the continuing footdragging on this project.

Mr. RHODES. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, I shall take only a relatively short period of time to comment on the Public Works appropriations bill, as now before us, even though it is a measure deserving of our colleagues' careful scrutiny between now and the time, later on this week, we shall get around to voting upon it.

First, however, I wish to extend my respects to both our distinguished chairman, the gentleman from Tennessee (Mr. EVINS), and the gentleman from Arizona (Mr. RHODES), our ranking minority member. Though I have served on the subcommittee now for 8 years, I am aware of the fact that I am still the junior minority member thereof and supposed, more or less, to "keep my place." Nevertheless, despite that tradition, both our chairman and Mr. RHODES have been most kind to and patient with me—allowing me to develop our record in numerous areas in my own way though also in ways, I certainly hope, that have been constructive. For that opportunity, I am grateful to them both.

I would, accordingly, recommend to all our colleagues, Mr. Chairman, their attention to our several volumes of printed hearings, for there is a wealth of background information contained therein which can, in this environment-conscious age, be useful reference material for all of us.

Our report mentions—on page 4—the serious energy situation facing the Nation, and it is a serious situation, to say the very least, if not one also approaching crisis proportions. It is proper—if perhaps unnecessary—for us to so call your attention to that situation. Our report a year ago, however, gave almost equal attention to the need for preserving, promoting, and protecting man's environment, and to the need for establishing a proper balance as between the demands for energy and for water resource development of one kind or another on the one hand, and for the conservation and wise use of the natural resources of our Nation for the benefit of future generations.

I regret, a bit, that this year's report does not similarly refer to the importance of environmental considerations, and similarly call for a balanced policy of energy programs and water resource development. But no one should read into that emission a lessening of this subcommittee's environmental awareness or concern; as a matter of fact, a perusal of our hearings will dispel any such notion for there are constant references to environmental considerations throughout the same and I, for one, believe this subcommittee under the able leadership of our chairman has steadily and persistently brought its influence to bear upon our constituent agencies in such a way as to maximize their own, separate environmental concerns.

In commenting on the report, I believe I also must—for the sake of the record—register at least some reservations about the thrust of the comments set forth on pages 5 and 6 having reference to the discount rate to be used in evaluating proposed water resource projects and having further reference to the review of authorized, but not yet constructed, projects having a "shelf-life" of less than 5 years when it comes to the application of the still-pending "new principles and standards" for such evaluation purposes as proposed in a Water Resources Council task force report.

I know that the chairman feels very strongly along the lines so expressed on pages 5 and 6, and I respect his position as I do that of other members of the subcommittee who share his thinking, but I wish to reserve my freedom of future action on all such considerations.

As to the bill, itself, it is a good bill, and I recommend it to my colleagues. It is the product of the subcommittee and reflects, here and there as all such bills inevitably do, a spirit of compromise. But it also reflects some excellent staff work—and we are proud of our staff people—and, lastly, it bears the stamp of the personality of our chairman, and of his dedication—which is total—to the wise development of our natural resources after the fashion of the Daniel Webster admonition which appears on the wall of this Chamber, over the Speaker's desk.

Mr. Chairman, putting together a bill such as this—covering the wide range of developmental programs as it does, and involving far more than it used to the settlement of some very complex, collateral policy questions, is no easy task.

Take, for instance, the issues passed by the Atomic Energy Commission's request for developmental moneys for the liquid metal fast breeder reactor—or LMFBR, as it is called for short. There is no doubt that such an energy source, if successfully and safely made available to the people of this Nation, could go a long way toward meeting their rapidly growing energy needs.

At the same time, however, none of us can be unaware of the public concerns which have been expressed, over and over again, by opponents of this type of reactor. Those concerns are real to those who state them, and are sincerely held. They cannot be easily dismissed, or dismissed out of hand, for no one can be certain of the precise answers.

We have carefully considered these concerns, along with the justifications and assurances as preferred by the AEC for the research, developmental, and demonstration work it here has in mind, and it is our opinion—as well as our recommendation—that such work should go forward, under the careful guidelines established, since we see no other way by which the answers to the questions concerning this technology that have been raised can be supplied.

At the same time, we should guard against any AEC tendency to put all its "eggs"—so to speak—in this particular "basket." There are alternative avenues for both research and development AEC should pursue between now and that imprecise date when that environmentally utopian dream of safe, fusion reactors—which will pose vastly reduced hazards of radioactivity and virtually eliminate the threat of "nuclear runaways"—can become a reality.

One of these alternatives involves work on the gas-cooled fast breeder reactor, for which the subcommittee added $1 million over the budget request.

We similarly approved of the increase in the budget request for further research into fusion power, or into controlled thermonuclear possibilities, of $38 million, an increase from $31 million a year ago. In light of the potential great value of a breakthrough on this research front, and in the light of the progress we understand the Soviets may be making on this process, this seems a modest increase indeed.

However, $38 million is the limit of the authorized level for such work, and we have also been told by the Director of the new AEC Division of Thermonuclear Research, Dr. Roy Gould, that this was all he could responsibly use for the time being.

There are other avenues to explore I might speak to if time permitted, regarding research into the non-nuclear field of energy sources for which we have allowed the Atomic Energy Commission the $3 million which was its first request in this area. The Atomic Energy Commission has vast technical competence to venture into such fields and I, for one, hope it will give some consideration to the possibilities inherent in solar energy; but I can assure you that our subcommittee will continue to give careful scrutiny both to the promise of and the problems inherent in whatever the Atomic Energy Commission may attempt in these regards.

Now, Mr. Chairman, I would like to make some comments concerning the progress being made by the Atomic Energy Commission and leading toward the success of the artificial heart program. A few days ago in this Chamber the distinguished gentleman from Missouri (Mr. HALL), whose attention I would seek, made some remarks about the urgency of developing an implantable artificial heart. He told us at the time, and I am sure he is well qualified to make such comment, that he had previously stated and again now stated to us that the solution to the cardiac replacement problem must lie with an implantable artificial heart just as we now use pacemakers properly implanted in the chest and heart wall to regulate rhythm in the uniform contraction of the unique heart muscle itself. I am happy to report to you all, and to Mr. HALL, specifically, that the Atomic Energy Commission is completing its 4-year effort to develop the nuclear powerplant for such a totally implantable artificial heart. In May of 1973, the Atomic Energy Commission will meet a major decision point. That decision will be whether or not it can build a safe and suitable power plant for such a machine—a nuclear powerplant that will last, unattended, in the human body for a minimum of 10 years. The spokesman for the Atomic Energy Commission told us that it considered this was a goal it had to meet and it is my judgment, in advance of that decision date, that it is a goal that can be met. The major effort here on the part of the Commission has been, of course, toward the development of the nuclear engine which would then be hooked up, in turn, to a blood pump which, in effect, would be the artificial heart, itself, of which Mr. HALL spoke to us a few days ago. If this program goes forward, I think it will be, in large part, because of the interest of this subcommittee and also the efforts and the interest of members of the Joint Committee on Atomic Energy for having pursued this aspect of this essential effort. I am sure we all share an interest in its success and in its progress at whatever rate is appropriate to the technological capabilities both of the Atomic Energy Commission and of the cooperating National Heart and Lung Institute.

Eventually, I suppose we are going to have to ask ourselves certain difficult questions: If such a device could cost several thousands of dollars when there are some people not getting basic medical care, then should such a device as this be made available at what is certain to be substantial Federal expense?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. ROBISON of New York. Another question is: Should a large public expenditure be made for this type of a device when a better payoff in public health might be in a program for the prevention of heart disease. Again, if there is a short supply of these devices how would we decide who would get it. Theoretically, there should be no such shortage, but will there be enough heart surgeons to install such devices? In my judgment, all of these questions will have to be addressed by some future Congress and, of course, by the medical profession itself. However, I feel the continued support of this program by this subcommittee at whatever level and speed the Commission tells us would be proper is most desirable and I am proud of the subcommittee for its continuing interest in this regard.

Finally, Mr. Chairman, I would like to say just a few words about one of the projects under the program of the Corps of Engineers with which there is an unresolved environmental problem.

This is the Tocks Island project, which involves cooperation by the States of New York, New Jersey, Pennsylvania, and Delaware.

As the Members will note, on page 44 of the committee report, the details of this particular problem have been outlined for their information.

The budget estimate for its multipurpose project was $14.8 million. Of that amount, $7.5 million would have been applied to land acquisition and $6,080,000 would have been added to the $1.65 million we appropriated, or recommended be appropriated, in the current fiscal year for preliminary construction work on the proposed embankment, and for relocation purposes.

None of the previously appropriated $1.65 million has been spent, however, by virtue of an agreement between the Corps of Engineers and the Council on Environmental Quality that such construction work would not go forward until certain assurances had been given by both the Delaware River Basin Commission and/or the Governors of the four member States relative to their commitment to the implementation of a regional sewage treatment system in the vicinity of the proposed reservoir.

One of the corollary problems going along with the need for that regional sewage treatment system was what to do about the poultry and dairy farm wastes that would flow from farm operations along the upper reaches of the Delaware River, mostly in New York State, itself. And so CEQ had asked for special assurances from Governor Rockefeller of New York that his State—my State—would give priority to bringing all sources of pollution affecting this particular project, particularly the poultry and dairy farm wastes from the upstream areas, under an abatement plan designed to protect the reservoir from nutrient enrichment and, therefore, eutrophication.

In light of the fact that, within the last few weeks, Governor Rockefeller has advised Governor Shapp of Pennsylvania and chairman of the Delaware River Basin Commission, that he does not feel New York State could responsibly give such assurances—and I think his position is entirely understandable under the circumstances. It has been the decision of the subcommittee, accordingly, that while the amount budgeted for this project is approved, the total that would otherwise be appropriated for construction purposes, together with the amount appropriated for such purposes a year ago, would be applied only toward an accelerated program of land acquisition in the project area until the required assurances have been received, or other acceptable actions has been taken.

Mr. Chairman, I think this is the only responsible decision for us to offer our colleagues in light of this particular problem.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, during the last several years I have had the opportunity on many occasions of testifying before the Subcommittee on Appropriations for Public Works, and I never cease to admire and marvel at the dedication and patience of the distinguished chairman of the subcommittee, Mr. EVINS, and the ranking minority member, Mr. RHODES, and all the Members on both sides of the aisle. Hour after hour, day after day, the committee members and its outstanding staff patiently hear witness after witness gathering the facts with which to intelligently develop the resources of America. I take this opportunity to commend the subcommittee and its great chairman. Their districts, their States, their Nation are greatly indebted to them for the service they perform.

I wish also to thank the Subcommittee on Public Works for their timely approval of the appropriations for a construction start of the Meramec Basin project, which is located in the foothills of the Ozarks, in my home State of Missouri. This is a project for which I have worked hard for many years and the $3,000,000 approved in this bill will permit a construction start within the capability of the corps.

The total overall cost of this much needed project is $73 million dollars. Seemingly a large figure, however, when taken into consideration with losses occurring almost annually from floods in the area it is rather small.

Much fertile riverbottom land will be available for produce once the dams are constructed and the floods stopped.

The lake will consist of 12,600 acres and will afford a much needed recreation area for the citizens of Missouri and across the Nation. With more than 2½ million people located within a few moments of the lake, the project will bring water recreation to a large metropolitan area which is not now available.

Meramec is not something new, nor an overnight project. All impacts have been studied, and I commend those with the foresight which today makes available this much needed project.

This basin is one of the most studied areas in the Middle West. Numerous reports have been made by various Federal, State, and local agencies since 1880. Consideration was given to flood control, navigation, water power, and irrigation in these studies. There is no doubt in my mind that the construction of the Meramec Reservoir is the best possible use of the river. We have already waited too long to proceed with construction.

I believe that our water resources involves the total future welfare of our Nation. Water resources development must be undertaken not merely because it is profitable, or so that we may live more comfortably. It must be taken to preserve our national economy, our security, our way of life. It is one of the foundation stones of national defense and our country's future greatness. No task is more urgent. It is a challenge to us all.

The committee has risen to meet that challenge with the approval of the Meramec Basin project.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I want to commend the committee for the consideration it has given to the items in this bill for the support of the Nation's atomic energy program.

This subcommittee has worked diligently not only this year but in the past over the all important items in the nuclear program. I think this year they have done an exceptionally fine job. They have carefully examined the items and they have, in my opinion, done an excellent job this year.

The committee has been dedicated, as the Joint Committee on Atomic Energy has been dedicated throughout the years in providing a substantial program in this particular field. I want to commend the members of the subcommittee for the fine job they have done.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the distinguished gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I just want to take a couple of minutes to thank the chairman of the subcommittee and the Members on both sides of the aisle for the work they have done on the Atomic Energy Commission appropriation bill.

I am glad that they have gone ahead with the fast breeder concept money.

I call to the attention of the Members of the House that just a little over a year ago President Nixon decided after a full meeting with the Cabinet on a presentation of the reasons for this concept and for this project that he endorsed the breeder program in his energy message.

Subsequent to that, the administration has supported its development.

We have tremendous assistance from private industry. Something like $250 million has been pledged, for the first fast breeder reactor, from private industry. They are all agreed upon the type of concept that we are programing.

I would just say this for the individuals who may not know exactly what we are talking about when we talk of the fast breeder reactor.

This is a concept for the utilization of uranium which will increase the heat that we can extract from a gram of uranium by a factor of 100. We are now getting fissionable material of .7 percent out of a given amount of uranium. This will give us 70 percent or 100 times as much material for utilization.

This offers to the people of the United States and to the people of the world an assured source of energy to create electricity. When we take into consideration that here in the United States we are going to have to double every 9 to 10 years our total generating capacity of electricity in order to keep pace with our standard of living and in order to keep pace with the population growth of our society and the growth in the use of electricity we are talking of something that is very important because all of the fossil fuels, particularly gas and oil, are depletable and are going to be in very scarce supply by the end of this century.

While coal may last another 100 years, it involves many problems such as strip mining and the restrictions on strip mining. Over half of the coal now comes from strip mining.

So we are facing depletable sources of fossil fuel and a scarce source and the rapidly increasing prices for fossil fuels.

Coal, oil and gas have gone up almost double in price in the last 3 years. This all has an impact on the cost of electricity.

These people who are fighting against the establishment of generating plants, whether they be coal, oil, gas or nuclear, and who think they are doing something to help the environment, are actually standing in their own light because you cannot clean water and you cannot clean air and you cannot recycle wastes or reusable materials of any kind, and you cannot treat sewage unless you have adequate sources of cheap electricity.

So if we are going to really tackle the problem of pollution in our Nation, we are going to have to have an abundant supply of safe, clean energy. We do have this in nuclear energy. We do have a clean source and we have a safe source.

Those people who are making up scare stories about the danger of it, just simply do not know what the background of research and development has been in the field of nuclear technology. They refuse to look at the fact that we have been operating these nuclear reactors now for more than 25 years. We have more than 100 different sizes and/or types of reactors in the country.

We have 100 submarines, and these submarines have nuclear propulsion reactors in them, and they are producing an incredible supply of motive fuel. We have in each submarine from 100 to 135 men, many of them sleeping within 10, 15, or 20 feet of the reactors. There has been no case of radiation damage. I understand we will have some opposition tomorrow to the further development of this fast breeder reactor, and I hope that my colleagues will realize we have spent several hundred million dollars in this technology. We know how to do it. We know how to handle this material safely. Electricity from nuclear reactors is the hope of this generation, not only the people of the United States but the people of the world, that we will have an adequate source of energy for the next 1,000 years. We firmly believe, with the scientists and engineers, that this fast breeder concept which has been proven in the laboratories and is ready to be proven now in large nuclear plants, will bring to us an inexhaustible source of electric energy for the next 1,000 years.

I again wish to thank the Appropriations Committee for their calm consideration of the presentation of this matter and the other matters in the atomic energy budget and express my personal as well as the personal thanks of every member of the Joint Committee on Atomic Energy to Mr. Evins, Mr. Rhodes, and their colleagues on this important committee.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, first I wish to commend the committee on the outstanding work they have done, especially the two flood control projects on the Arkansas and the Mississippi Rivers.

Second, I do feel there is one place we could save a little money.

I would hope that the $126,000 budgeted for the ongoing study of deepening the Mississippi River channel to 12 feet be deleted from this public works appropriations bill.

Based on the information at hand, it appears to me that the costs of this project would far outweigh the economic advantage for shippers to have larger and fewer barges. Some $117,000 was spent during the current fiscal year, bringing to $1,212,000 the total spent on the study so far. The estimated cost to complete the study by fiscal year 1976 is another $1,125,000, for an estimated total cost of $2,580,000 just to study the feasibility of the project.

The project, moreover, poses grave environmental and ecological questions. For instance, one of the several means for providing the deepened channel would be by means of dredging. This method would require 20 percent of the 800-mile channel between Cairo, Ill. and Minneapolis, Minn., to be dredged, the remainder being at least 12 feet already. Or, the method chosen could be that of raising the pool levels or of combining raising pool levels with dredging or of building more locks and dams and dikes at various locations along the river.

The final, and to me the most desirable, alternative would be no change in the channel depth. Nothwithstanding the previous Federal investment in the study, I believe that the facts available so far, the environmental implications, and the limited beneficiaries of the deeper channel indicate a congressional decision to cut off funds is advisable.

While many may feel that $126,000 is not much of a savings, over the years stopping the study would save $1,455,000 estimated just in the study costs alone.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I wish to commend the committee for its thoughtful consideration of three items relating to Lake Michigan shore erosion control and a flood control study in my district.

Mr. Chairman, the first item is shown on page 15 of the committee report and is described as Illinois shore of Lake Michigan, in the amount of $10,000. It is my understanding that this is the total obligation which will be incurred during the fiscal year 1973 for the study of shore erosion between Waukegan, Ill., and the Illinois-Wisconsin State line, authorized pursuant to a resolution of the House Public Works Committee of December 2, 1971.

Mr. Chairman, the total estimated cost of this study is $132,000, for which additional appropriations are expected to be made during the next 2 fiscal years.

Mr. Chairman, a large part of the study covered by this authorization relates to Illinois Beach State Park, which extends along many miles of the Lake Michigan shore—and is a State park under the control of Illinois Department of Conservation, whose director, Henry M. Barkhausen, is one of my constituents and a valued friend.

Mr. Chairman, I appreciate the action of the committee in adding this item, which was not budgeted because of time factors over which neither I nor the department of conservation had any control. The action of the House Appropriations Committee enables the work to get underway promptly and assures shore protection facilities at the earliest possible time.

Mr. Chairman, I am also pleased to note on this same page of this report, funds for studying flood control measures on the Fox River in Illinois and Wisconsin—a most vital project for my constituents in the Fox River Valley area of Lake and McHenry Counties and continuing down in Kane County—part of the new 13th Congressional District.

Mr. Chairman, page 30 of the report also provides funds totaling $32,000 for reimbursement of the city of Lake Forest for shore protection facilities constructed in that community, another valuable project in the interest of conservation of the Lake Michigan shoreline.

Mr. Chairman, it had been my hope that funds would be appropriated for construction of shore protection facilities at Lake Bluff. However, it is my understanding that the study for the immediate construction having been completed and authorized in 1954, the construction is capable of proceeding with reimbursement to be provided in the appropriation for fiscal year 1974 consistent with the funds which the Corps of Engineers may expect to budget for this project.

Mr. Chairman, I understand further that the reason for failure to include an appropriation at this time is that there is no capability of completing any part of the construction work to justify inclusion of funds in the bill now before us—but that we may expect funds to be appropriated in the measure for fiscal year 1974.

Mr. Chairman, I appreciate the care with which the committee has given consideration to these requests and for the detailed study which is involved in the committee's work with respect to appropriations for such specific public works projects as those involved in my congressional district.

Mr. Chairman, I particularly commend the subcommittee's chairmen, the gentleman from Tennessee (Mr. Evins), and the ranking minority member, the gentleman from Arizona (Mr. Rhodes), for their conscientious attention to these vital public projects in which the individual Members of the House are so keenly interested.

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. Davis), a member of the subcommittee.

Mr. DAVIS of Wisconsin. Mr. Chairman, I think this bill reflects many of the statements that have been made by those who are concerned with the Atomic Energy portion of it, and it reflects a recognition on the part of all members of the subcommittee of the needs for expanding energy supplies in this country in the years that lie ahead.

In some years in the past we have been told that we did not need to develop hydroelectric power because within a very short period of time nuclear power would be there to take its place, and we were wasting money by the development of hydroelectric power projects. But I think probably the most enlightening and interesting day that we spent in our hearings was in a discussion with Secretary of Interior Morton on the overall energy problems of our country and his comments as well as the comments of the people from the Atomic Energy Commission, that we need to accelerate in all the areas of energy supply, whether it be fossil, whether it be hydroelectric, or whether it be nuclear, in order to meet the ever-increasing demands for industrial and population expansion in this country.

I think this bill does reflect that kind of recognition on the part of the members of our subcommittee.

Last year's bill, you probably will recall, was also somewhat under the budget, but that was accomplished mainly in two ways. One was through some rather substantial reductions in the Atomic Energy portion of the bill, and the other was the basic, although not complete, acceptance of the stretch-out theory with respect to the projects of the Corps of Engineers and the Bureau of Reclamation.

With costs of heavy construction continuing to increase at an accelerating rate, it became apparent to the people in the Bureau of the Budget as well as the construction agencies that this was not a wise nor an economic thing to do.

So this year's budget presentation as well as the action of our committee comes very close to meeting the schedule of capability—and I suspect economic development—of the major projects that are included in it.

I think we need to concern ourselves, however, with a word of caution in doing this. Last year we put in a great many projects without funding them to the level of capability. This year we have a great many projects and in most cases they have been funded at or near the level of capability, but I think there is always the danger that in doing the easy thing, and certainly the popular thing, of putting small amounts of money in here for studies—and these do not amount to a great sum of dollars—but the natural sequence is for the study and then the planning and then the construction. I think we need to exercise restraint that we do not get ourselves spread so thin and into so many areas in the study and in the planning field that we find ourselves with clamors which we cannot resist as far as the overall appropriation in this area in the future.

One item I wanted to bring to the attention of Members relates to the revolving fund which is discussed on pages 48 and 49 of the committee report. This is a fund that was started in 1953 or 1954. It is similar to what is known as the stock fund in the Defense Department appropriation, where funds are there, to be made available immediately for the accumulation of the necessary equipment, and then the cost of the use of that equipment is charged off to the various projects in accordance with the individual appropriations.

There is always the temptation with a fund of this kind to expand its use, usually much beyond the contemplation of the Congress at the time these revolving funds were established. I think that has happened with respect to the Corps of Engineers and that they have expanded the use of this revolving fund beyond anything that we had contemplated, or beyond what we would normally approve.

So in our report, based upon a report from the the General Accounting Office, there appear several limitations, particularly with the Government-owned dredging programs, that have tended to expand over the years. I think this revolving fund to some extent has been somewhat characterized by empire building and an accentuation of the Government operation as contrasted to contracting with the skilled and more economic private dredging operations which ought to be accentuated.

This is particularly true at a time when the private dredging capability of this country is not being used to anywhere near its capacity. Yet the request did come in for greatly expanded Government-owned capability in this area. I think it is somewhat similar to the Navy shipbuilding alteration, and conversion and repair in the Defense Department, where the private capability has been permitted to sort of wither on the vine while Government-owned and operated capabilities have continued to expand.

Our committee has sought to deal with that problem and has limited the funds available and the capabilities of the Corps of Engineers to expand in that particular area, and I believe that is wise.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. Boland), a very valued member of the subcommittee.

Mr. BOLAND. Mr. Chairman, I want to point out that this bill calls for a $445,000 appropriation to help carry out a searching ecological study of the Connecticut River Basin—a study that will identify and evaluate the environmental effects of a long-range plan for the river basin's development. The plan, proposed by the Army Corps of Engineers in cooperation with the Water Resources Council and the New England River Basin Commission, has been embattled ever since it was made public. Fundamentally, most people will agree, the plan is a sound and sober one, recommending a series of projects—in flood control, pollution abatement, water use, recreation—that the Corps of Engineers considers necessary if the river is to meet New England's needs in the second half of the 20th century. Many people, however, dispute the merits of specific projects—the height of a dam, for example, or the site of a dike. Even more people challenge the plan from an ecological point of view. No one, they point out, can predict the plan's ultimate environmental effects without an exhaustive study. Such a study, spanning 3 years, has been authorized.

Yet the administration—astonishingly, I think—sought no funds whatever for the study in fiscal 1972 and fiscal 1973: the first 2 years of the study, and its most vital years. As a ranking member of the Appropriations Subcommittee on Public Works, I made certain last year that $110,000 was made available to initiate the study. Chairman Evins, as well as the other members of the committee, agreed with me about the pressing need to begin this study promptly. This year, I am delighted to report, they agreed again: The bill now before us seeks $445,000 for the study's second year.

Clearly, Mr. Chairman we should not plunge headlong into a river development project without considering the environmental consequences.

The study financed by this public works appropriations bill will help assure the ecological stability of the Connecticut River Basin—its wildlife, its plantlife, its potential for recreation, its natural beauty.

Mr. EVINS of Tennessee. Mr. Chairman, I yield briefly to the gentleman from West Virginia (Mr. Hechler).

Mr. HECHLER of West Virginia. Mr. Chairman, I appreciate the courtesy and wisdom of the subcommittee in including a number of items, particularly in the Ohio River Basin. I regret that $200,000 has been included for the Rowlesburg Lake for land acquisition.

By abandoning this Rowlesburg project, a lot of money and grief could be saved. Here is a great way to save $150 million of unnecessary Federal and local expenditures. Why destroy Saint George and Holly Meadows, erode the tax base of Tucker County, and ruin the beautiful Cheat River? I think the Congress ought to put its foot down and call a halt to this great mistake called Rowlesburg. Let us use some commonsense and save both the land and the taxpayers' money.

Mr. EVINS of Tennessee. Mr. Chairman, I yield back the remainder of my time.

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. Keith).

Mr. KEITH. Mr. Chairman, as many Members probably know, I am leaving the Congress at the end of this term. I have elected not to run for reelection.

Of all the problems that have been brought to my attention since I have been in the Congress, I believe nothing is more important to our Nation, and to the world than this question of energy. I was pleased to learn about the progress that the committee is making toward the funding of the fast breeder reactor.

The Committee on Interstate and Foreign Commerce, through the Federal Power Commission, has responsibility for the regulatory aspects of the power creation process.

There has been a great deal in the newspapers recently about this cresting energy crisis, which can become a catastrophe if we do not have success with such processes as the fast breeder reactor to which Mr. Holifield, our colleague from California, referred.

I have just recently returned from a visit to one of the OPEC countries, OPEC headquarters in Vienna, and to the "consumer" countries of England, France, Belgium, and Austria. I have noted a transformation in the whole energy posture of the consumer countries on the world scene, as contrasted with the countries which now have the energy resources.

We have become potentially, if not presently, a "have not" power.

Those countries which are fortunate enough to have the present usable sources of energy—oil and natural gas—really can exert much more leverage on the world scene than we ever visualized they would have and we have commensurately lost our leverage.

Nuclear power now accounts for a very small portion of our total energy picture. The fast breeder reactor, as beneficial as it may be, is still many years away. We must begin our work on it now—never losing sight of the fact that oil, natural gas, and coal will be with us—or used against us—for some time to come.

I know, too, of the widespread interest other committees have in this problem, and I am aware of the fact that the Committee on Interior and Insular Affairs recently held a series of meetings and heard witnesses testify, as did Rogers Morton, that there are 61 Federal agencies involved in this energy problem.

We as a nation are lacking direction in the energy field and we must have more leadership—not only in the Congress but also in the executive branch—if we are not to be seriously threatened by these other countries which have, overnight, become the potentially powerful nations of the world.

I am suggesting to the Congress and particularly to the Committee on Interstate and Foreign Commerce that we should create a Council on Energy policy so that we can have at the highest levels of Government a perspective of the problem. This office, unlike some of the other offices, such as Telecommunications Policy, should not be solely in the executive branch of the Government.

It should be subject to the Congress in that it should report not only to the executive branch but to the committees here. It must be responsible to us.

If we do not have a policy which is understood by the private and public sectors we will find it difficult to get private corporations to invest amounts of money such as, that which we are appropriating in this bill for research in the fast breeder reactor. What private corporation is big enough or strong enough to take such financial chances when they may find themselves competing with Government initiatives which are not known or comprehended?

The present policy of this administration is to keep close to the White House our future plans for energy policy. It should not just be in the White House but rather in an office like the Council of Economic Advisors which has to report to the Congress as well as to the executive branch.

I want to congratulate the committee and particularly the gentleman from California for recognizing this problem. The Russians are ahead of us; they have a fast breeder reactor in the testing stage. The English are ahead of us too. Our energy demands are going up and our supplies are going down. We are in a period of crisis in our Nation's history.

The fuels we are now using to create power are finite. Nuclear power is a possible solution to the dwindling supply of gas and oil. The fast breeder reactor—which produces its own fuel—is one of the best solutions proposed.

We need a Council on Energy Policy. We need more research and development. Our R. & D. efforts must be accelerated. The AEC is working in that direction and we owe it our all-out support.

Mr. RHODES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would not want to close this debate without paying tribute to my good friend, the chairman of this committee, for the fine work he has done, to the other members of the committee who have been so cooperative, and also to the fine staff headed by Eugene Wilhelm. This is a committee which has disagreements but they are never political disagreements. We work together and when we do disagree we do it without being disagreeable. It is a real pleasure to serve on the committee and I hope the gentleman from Tennessee and I can keep working together on this committee for many years. I would like to change places with him next time but I hope we will be working together for many years in some capacity.

Mr. Chairman, I yield back the balance of my time.

Mr. McDADE. Mr. Chairman, I rise in support of the public works appropriation bill of 1973. It represents long and thoughtful work on the part of the committee, and I commend the members for their diligence in the preparation of this legislation. Indeed, the distinguished chairman, the able ranking minority member and the other members of this committee have consistently demonstrated their deep dedication to their duty and to their country. I would especially commend the members for meeting two serious problems in my own congressional district.

Included in the bill is the item of $14.8 million for the Tocks Island Lake in Pennsylvania, New Jersey, New York, and Delaware. For 10 years, the work of preparation for the construction of the Tocks Island Dam has progressed slowly, and the acquisition of land for the project has progressed most slowly. These delays in acquisition have visited great hardships upon the residents of the area of the planned water impoundment, who will be forced to move, who obviously cannot sell their land under these circumstances, and who have yet to have their land purchased by the Corps of Engineers.

At the same time, some serious questions have been raised concerning the wisdom of constructing the dam; and the corps has very prudently done no work in the field of construction, although $1,650,000 was appropriated in the last fiscal year for construction work on the proposed embankment. In view of the economic and ecological questions which have been raised, the committee has wisely directed that the full $14.8 million be used for land acquisition.

I commend the members of the committee for this decision. I hope and anticipate that the Corps of Engineers will proceed with this $14.8 million in the rapid acquisition of land in the Tocks Island Lake area, with particular attention to the hardship cases which should be attended to immediately.

In a second most important action, the committee has, through the language concerning the Appalachian regional development programs in the committee report, directed the Commission to proceed with the first stage of the Hill Section subsidence project in Pennsylvania, to be financed within available funds at an estimated Federal cost of $4.5 million.

This is a wise decision on the part of the committee and one that will be welcomed by any thoughtful person. It was my difficult duty to inform the residents of the Hill Section some 3 weeks ago that there had appeared ominous signs of caving in two of the mined out coal veins underlying that section. This represented a threat to the whole area with property assessed at some $70 million—a fraction of its real value—including a major university, three of our finest hospitals, and a great number of the churches and other buildings of immense importance to the community. The situation has been described by the U.S. Bureau of Mines as the most serious mine cave situation we face in America today. It is now my delightful pleasure to inform those same residents of the Hill Section that the members of this committee have taken the most extraordinary rapid action to meet this serious situation. It is most important to have the money available in the Appalachian Commission when the Commonwealth of Pennsylvania submits its flushing proposal to the Commission to commence the first phase of a project to give the most permanent stability possible to the land under this section of the city. Certainly this action will reinforce the faith of the people of this section, and the people of my whole congressional district, in the intelligence and resourcefulness of the Congress of the United States.

I thank the members of the committee, not only in my own name, but in the name of all of the people of my congressional district, and I urge the passage of this appropriation bill by the Members of the House.

Mr. CONTE. Mr. Chairman, this public works appropriations bill contains three flood prevention and recreational improvement projects of direct benefit to my First Congressional District. While these projects can be extremely helpful to economically hard-pressed communities, as well as enhance the recreational potential of western Massachusetts, I would like at this time to clarify two important considerations.

First, the moneys contained within this bill for these projects are only for the preparation of authorization reports. Only after these reports are prepared and approved by the Congress can construction begin on the revised Westfield local flood protection project, the Knightsville Dam project, and the recreational boating improvements between the Holyoke Dam and the Northampton-Hatfield line. In other words, by approving this appropriation this afternoon, we are not committing ourselves to the realization of these projects, but rather proceeding ahead with planning should they be ultimately judged beneficial to the area.

Second, one of the bases for this final judgment on the desirability of these projects must be the ecological impact of these projects on the Connecticut River Basin area. I am supporting this appropriation, therefore, because of the funds contained in this measure for a thorough study of the environmental impact of these projects on the Connecticut River Basin. The committee has recommended $445,000 to fund the second year of review of the Connecticut River Basin comprehensive study.

I feel that these two areas of the bill are integrally related. While we proceed with planning for these three projects, we must give our full attention to the environmental impact of all such projects on one of the most beautiful areas of our country: the Connecticut River Valley.

Mr. VANIK. Mr. Chairman, today we have been asked to appropriate $463.5 million for the Bureau of Reclamation of the Department of the Interior. It is time that the continuation of this massive program receive thorough reevaluation. In my opinion, this program should be phased out.

The Bureau of Reclamation has outlived its usefulness. Today it creates more problems than it solves. In the area of the environment, many of its projects have caused pollution problems. In the area of agribusiness, the Bureau of Reclamation tends to help the rich get richer and the poor poorer. Most important of all, in the area of farm surplus, the Bureau of Reclamation creates the very surpluses the Department of Agriculture is trying to prevent.

While I would favor programs which would insure adequate supplies of low-cost food for the American dinner table, the Bureau of Reclamation's programs do not do this, since the price of food, on irrigated land and throughout the country, is artificially maintained by a wide range of publicly financed price support programs.

The activities of the Bureau of Reclamation are in direct contradiction to the purposes of the farm support programs. Billions have been and are being wasted by the continuation of these two programs. One or the other must be terminated.

ORIGINAL PURPOSE OF THE BUREAU

The Bureau of Reclamation has its origins as far back as the Homestead Act of 1862, which had as its purpose the bringing of settlers into the western territories of this country. But much of this western land was arid. The Federal Reclamation Act of 1902 was passed to provide irrigated land for the farmers of the West. One of its most important sections in the law is the requirement that no one with more than 160 acres of land be entitled to the Bureau of Reclamation's water. It also allowed for a 10-year repayment period by the user of the water to the Bureau of Reclamation.

In 1911 the passage of the Warren Act increased this repayment period to 20 years. In 1926, the Omnibus Extension Act extended this period further, to 40 years. Finally the Reclamation Project Act of 1939 allowed for a 10-year free period and then a 40-year repayment period thereafter.

Over the many years of the Bureau of Reclamation's operation, actual cost have been $6,156,000,000 and the total estimated costs when all current Bureau of Reclamation projects are completed will be $11,476,000,000.

The history of the Bureau of Reclamation shows us that its original purpose was to help the settlers, the small landowner. Today, however, the Bureau of Reclamation hurts these people, helps agribusiness, hurts our environment, and cripples efforts to solve the farm surplus problem.

THE COST OF BUREAU PROGRAMS

The Bureau of Reclamation initiated in the mid-1940's what is called benefit-cost analysis. When the Bureau of Reclamation researches the feasibility of a program, it uses this benefit-cost analysis. If the benefits of a program outweigh the cost, then a project is almost certain to meet with congressional approval. But the Bureau of Reclamation's benefit-cost analysis is often faulty, as a recent Nader task force report "The Damming of the West," shows. Not only are the Bureau's estimated costs consistently far below actual costs, but the Bureau of Reclamation never accounts for the negative aspects of its programs.

What are these negative aspects? One, irrigation provide new farmland and thus contributes to this country's surplus problem. Two, Bureau of Reclamation's projects result in costly environmental problems. Three, the Bureau of Reclamation contributes, through its lack of enforcement of the 160-acre rule, to large farm and corporate control of land, and thus to the movement to our urban centers of the rural farmers.

The Bureau's 1969 Summary Report of the Commissioner showed that for 120 projects the estimated cost at the time of authorization had been $1,392,142,000. Federal expenditures for those same projects totaled, as of June 30, 1969 $3,968,436,000. Thus, the result was an excess of estimated costs of $2,576,294,000. A 200-percent increase as seen in the above data, can not be explained away by inflation. It can only be explained by a blatant misrepresentation to us by the Bureau of Reclamation of its estimated costs.

THE BUREAU CREATES UNWANTED SURPLUSES

The most serious problem created by the Bureau of Reclamation's programs is its contribution to the surplus crop problem in this country. As of June 30, 1970, Bureau water served ten million acres of land and Bureau of Reclamation irrigated land produced 50 million tons of crops. The questions that must be asked are, "Do we need more farm land?" and "Do we need more crop production?"

Currently, the Department of Agriculture through the Cropland Conversion program, Commodity Diversion programs, the Cropland Adjustment program and other programs, has tried to reduce the amount of land being cultivated. Marion Clauson, a prominent agricultural economist recently stated:

> Over 50 million acres of cropland are currently lying idle as a result of government programs.

USDA estimates that there is another 110 million acres of U.S. cropland lying idle which has not been retired by government efforts. Yet the Bureau of Reclamation continues to spend money to bring land into production.

One of the Bureau of Reclamation's responses is that it is providing for future needs. But the Bureau's claim is not true. If current production continues to progress the way it has, aided by advanced technological farming methods, additional cropland will not be needed. In fact, the consensus of agricultural experts prove this out. The USDA Agricultural Stabilization and Conservation Service made the following statement:

> Less and less land is being planted and harvested. Of the 460 million acres of cropland, farmers now harvest only about 300 million acres. This is the smallest harvested area since 1909. . . . Ever since 1950, after the accured benefits of science and technology had really hit agriculture, yields almost doubled and are still climbing.
>
> Higher yields make it possible to divert crop acres from intensive production to grass, trees and other conservation uses.

To sum up, the Bureau of Reclamation's reclaiming of land only creates problems, for it makes available more land that is not needed now and will not be needed in the future. It reclaims land at the taxpayer's expense and then the farmers are paid not to grow crops on the land or are provided with price support subsidies—all at the taxpayer's expense. This is shown by an analysis of the Bureau of Reclamation's role in the crop surplus problem.

The Bureau of Reclamation's irrigated land generally provides four types of crops. They are forage: pasture, alfalfa, corn fodder, hay; cereal: barley, corn and wheat; field crops: sugar beets, cotton and beans; and fruits, nuts and vegetables.

Forage—over 40 percent of the Bureau of Reclamation land is used to grow forage. Forage production has had an impact on USDA surplus products like butter, cheese, milk, wool, and mohair. Indirectly, through increased forage production on Bureau of Reclamation land, more and more of these products are produced, causing a surplus problem.

Cereals—25 percent of all Bureau of Reclamation land produced cereals USDA's Commodity Credit Corporation pays out nearly $50 million every year in price support and surplus for these cereals grown on reclaimed land. Bureau of Reclamation irrigated projects have increased corn acreage since 1944 by 246,000 acres. Wheat production has increased by 52,000 acres on Bureau of Reclamation land. Barley acreage also increased by 143,000 acres. While Bureau of Reclamation land use in this area has increased, farmers all over the country, especially in the North and South, have been forced by excess production to sow fewer acres of corn, wheat, and barley.

Field crops—16 percent of all Bureau of Reclamation irrigated land is utilized for field crops. In the South, between 1944 and 1964, cotton acreage dropped one-third, while on Bureau of Reclamation land an increase of almost 300 percent or 369,000 acres took place. Bean acreage shows a similar story. In the North and South between 1944 and 1964 a decline of 10,000 acres each, and in the West a 429,000-acre decrease. On Bureau of Reclamation land the opposite has happened—bean acreage has doubled, with 147,000 new acres becoming available. 500,000 acres of sugar beets were produced on Bureau land. In figures provided by two economists, Professors Howe and Easter, Reclamation land costs the taxpayers $19 million annually in sugar beet payments alone.

Fruits, Nuts, and Vegetables—7 percent of Bureau of Reclamation land is used to grow fruits and nuts. Howe and Easter found:

> Between 1944 and 1964 the acreage of fruits and nuts fell 50% in the North and dropped by 6% in the South. In contrast to these declines, overall acreage in the West increased by 23,000 acres while the acreage on reclamation-served lands increased 237% or 270,000 acres. Hence, acreage in the nonreclamation West must have declined by 247,000 acres or 13%.

Vegetable production tells a similar story. Between 1944 and 1964 vegetable acreage in the North and South fell by 500,000 acres in each area. Only in the West was there an increase. However, statistics show that on non-Reclamation land a decrease took place while on Bureau of Reclamation land—excluding potatoes—there was an increase of 111,000 acres.

Potato production follows this same path. Howe and Easter concluded that "$69 million of the $173 million decline in the farm value of potatoes can be attributed to increased production on land served by reclamation," which has created such a glut on the market that farmers elsewhere have suffered significantly. As for our taxpayers, USDA programs for feed, grains, cotton, wheat, and sugar, produced on Bureau of Reclamation served land have cost the American taxpayer between $129 million and $258 million annually.

Thus we see that the Bureau of Reclamation's irrigated land not only contributes to this country's surplus problem, but is one of the major contributors. If one-third of our farm land lies idle because of the surplus problem, how can we appropriate more money for irrigated land, which will only result in a bigger surplus problem?

THE BUREAU CREATES ENVIRONMENTAL PROBLEMS

In a recent address to a joint session of Congress, the President of Mexico, President Echeverria, talked of the high saline count that is found in the Colorado River as it flows into Mexico. Not only has the Bureau of Reclamation's projects effected the domestic environment, but they have also polluted Mexican lands. How did this high salt count come about? Through the Bureau of Reclamation's projects in the Southeastern United States.

An increase in the Bureau of Reclamation's irrigation projects resulted in an increase in the Colorado River's salt content. Chemical salts leach out of irrigated soils and accumulate in water used for irrigation. The salinity of a river increases with the amount of salt added and the amount of water taken away. The Bureau of Reclamation's irrigation projects have done both things.

The environmental hazards of a high salt count are many. The Bureau has done little to remedy the situation. The situation continues and the plant life in the area and in the Mexicana Valley is affected. Who is to blame? The Bureau of Reclamation.

The Snake River is another example of the Bureau of Reclamation's disregard for the environment. The water condition of the river has been becoming progressively worse year by year. Between 1960 and 1968 over 1.4 million fish died in several mass fish kills as a result of the Bureau's failure to maintain adequate water conditions. Thermal pollution and waste pollution have been the major causes. The more crops produced, the more processing is needed, and more waste accumulates.

THE BUREAU'S AID TO AGRIBUSINESS

Finally, to add to the Bureau of Reclamation's blunders, we have the case of the 160-acre limitation rule, first incorporated in 1902 by the Reclamation Act. It states:

> No rights to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood (i.e., within 50 miles).

The Bureau of Reclamation has not enforced these regulations. It has provided water to many a person who lives farther away than 50 miles. It has interpreted the "any one landowner" not to mean "any one person." Thus separate stockholders in a corporation and wife and husband combinations, can get around these regulations. The Bureau of Reclamation has also exempted large landowners through the Engle Formula, which allows the landowner, if he assumes some of the cost of the project at a low interest rate, to receive as much land irrigation as he desires.

But most important of all is the Bureau of Reclamation's turning its back and closing its eyes to agribusiness' violations. The honorable Fred R. Harris, Senator from Oklahoma, points out agribusiness' abuse of Reclamation water. He held a hearing on agribusiness in March of this year; in remarks on the Senate floor he stated that:

> The intent of Congress as well as President Theodore Roosevelt (at the time of the passage of the Reclamation Act of 1902) was to protect the small farmer and encourage the use of Federally irrigated land by as many people as possible.

But this has not been the case. Harris' many witnesses documented how big landowners have been pushed off their land by agribusiness. Peter Barnes of the National Coalition for Land Reform stated:

> The total value of corps harvested in 1969 in the Imperial Valley was $246,731,000. The entire irrigated acreage of 437,500 acres is irrigated with Colorado River water carried to the valley in canals from Boulder Dam. Two hundred, thirty-three thousand of these irrigated acres are held in individual ownerships in excess of 160 acres. 91.5% of the land is cultivated and farmed in units exceeding 160 acres in size. It is estimated that 60 to 70% of the irrigated land is owned by absentee landowners, persons and corporations who do not live on their land.

The statistics in table 1 also show this land concentration. At random, I chose four Bureau of Reclamation projects: Florida—La Plata County, Colo.—Yellow Tail—Big Horn and Carbon Counties, Mont., and Big Horn County, Wyo.—Smith Fork—Delta and Montrose Counties, Colo.—and Greater Wenatchee Division of the Chief Joseph—Douglas and Okanogan Counties, Wash. The Florida project was begun in June 1961, and completed in December of 1963. Yellow Tail began in May of 1961 and is virtually completed at this time and serving its customers. Smith-Fork project began in 1960 and was completed in 1962. Greater Wenatchee Division of the Chief Joseph Dam project was begun in 1960 and completed in 1964.

The statistics show the county where these projects took place, the average size of a farm in that county in 1959, 1964, and 1969, the number of farms in each of those years, and the total dollars of income from farm products. All except one county show a decrease in the number of farms. All except two show an increase in the average size of farms between 1959 and 1969. This surely does not prove that the Bureau of Reclamation is helping as many people as possible. Rather it shows that the Bureau of Reclamation is hurting many a farmer while helping a few—and those few are receiving fantastic public subsidies.

In conclusion then, the Bureau of Reclamation's irrigation projects seem to be hurting the small farmer, taking him off his land, and forcing him into our urban centers. The Bureau of Reclamation is helping agribusiness, the large land owner, get richer. This is not what Congress had in mind in 1902 when it appropriated funds to irrigate Western land.

Thus we see the result of the Bureau of Reclamation's projects. Through a faulty cost-benefit analysis they have persuaded us time and time again to appropriate money that will only cause us more problems. The Bureau of Reclamation land produces directly or indirectly many surplus crops and products that only hurt the farm economy and established farm communities. We pour money into the Bureau of Reclamation and then pour money into subsidy programs. Both defeat the other's goals. The Bureau of Reclamation also provides more farmland than is needed, thus hurting nonreclamation farmers throughout the Nation, forcing them off their land. Finally the Bureau of Reclamation's lack of enforcement of the 160-acre limit has helped big landowners get rich at the taxpayer's expense, forcing the small landowner off his land and into the already crowded urban centers.

The money that this bill appropriates will only continue this destruction of our economy and our environment. It is a waste of money to give this program money when no more farmland is needed today or in the foreseeable future.

TABLE NO. 1

	1959	1964	1969
La Plata County, Colo.:			
Number of farms	677	647	595
Average size of farms in acres	992.5	1001.2	1125.8
Dollars of farm income	$4,048,505	$4,182,050	$6,628,488
Delta County, Colo.:			
Number of farms	1,224	1,553	892
Average size of farm in acres	273.1	293.1	341.5
Dollars of farm income	$8,177,197	$11,060,500	$11,222,565
Montrose County, Colo.:			
Number of farms	1,068	941	805
Average size of farm in acres	547.9	613.6	595.6
Dollars of farm income	$9,315,555	$9,371,950	$13,114,669
Big Horn County, Mont.:			
Number of farms	620	588	540
Average size of farm	5,124.9	4,095.7	5,216.6
Dollars of farm income	$11,674,481	$10,680,500	$17,808,984

	1959	1964	1069
Carbon County, Mont.:			
Number of farms	812	749	674
Average size of farm	838.8	898.5	973.3
Dollars of farm income	$7,968,944	$8,245,750	$13,505,319
Big Horn County, Wyo.:			
Number of farms	694	621	539
Average size of farms	740.6	1,056.3	975.0
Dollars of farm income	$11,413,000	$10,146,500	$12,859,478
Douglas County, Wash.:			
Number of farms	935	866	1005
Average size of farms	1083.0	1187.6	1022.2
Dollars of farm income	$14,053,019	$11,279,500	$19,286,629
Okanogan County, Wash.:			
Number of farms	1762	1618	1307
Average size of farms	1162.5	1065.1	1097.1
Dollars of farm income	$16,405,121	$20,341,500	$26,293,877

Table 2 shows the amount of subsidy given to three counties that receive benefits from the Bureau's Yellow Tail project. The subsidy figure is the lump sum of money given to the county through various USDA programs. Yellow Tail project was begun in May 1961 and is virtually completed at this time.

The statistics show that in the latter 1960's significant increases in subsidies occurred in these counties at the time when the Bureau's water was irrigating and developing more land.

It seems that as more irrigated land has been made available in these counties, more subsidies have been given to them. Why irrigate land that will only have to be subsidized because there is too much farm produce in the country already?

TABLE 2.—TOTAL DOLLAR SUBSIDY

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
Big Horn County, Wyo	849,036	623,216	648,426	688,190	637,354	661,569	687,161	520,419	537,364	834,612	847,191	780,886	783,447	738,381
Big Horn County, Mont	390,832	456,169	430,881	397,563	724,281	671,556	989,281	1,058,497	1,579,359	1,593,020	1,645,460	1,742,861	2,096,034	1,416,569
Carbon County, Mont	397,031	339,605	336,920	433,304	452,604	501,396	589,249	684,924	849,260	1,078,226	1,165,048	917,281	1,051,819	939,860

Mr. BETTS. Mr. Chairman, the Public Works Subcommittee of the Appropriations Committee certainly deserves our praise and commendation for this bill. To have accomplished so much good for the whole country and at an expenditure less than called for in the budget, is an accomplishment of considerable importance.

I am also personally grateful for the consideration the committee gave the Eighth Congressional District of Ohio by initiating a project for improvement of the harbor at Huron, Ohio. This is something that has long been needed and the people of the city of Huron share my appreciation and I am sure they would want me to extend their official and individual expression of thanks to all the members of the committee.

The CHAIRMAN. All time has expired. The Clerk will read the first paragraph.

The Clerk proceeded to read the bill.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Aspinall, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes, had come to no resolution thereon.

TINICUM NATIONAL ENVIRONMENTAL CENTER

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7088) to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, after line 7, insert:

SEC. 6. (a) Each party with whom a cooperative agreement is entered into under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of any funds received under the cooperative agreement, the total cost of any project or undertaking in connection with the cooperative agreement entered into, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the party to the cooperative agreement that are pertinent to the cooperative agreements entered into under this Act.

Page 4, line 8, strike out "SEC. 6" and insert "SEC. 7."

Mr. MALLARY. Mr. Speaker, reserving the right to object, may I inquire of the gentleman from Michigan whether this has been discussed with the ranking minority member?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, the answer to that is yes, the matter has been cleared with the the Speaker, with the senior minority member of the Committee on Merchant Marine and Fisheries, with the minority member and the author of the legislation, the gentleman from Pennsylvania (Mr. Williams) and with the committee.

Mr. MALLARY. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from New York (Mr. Robison) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15585, with Mr. Monagan in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Oklahoma (Mr. Steed) will be recognized for 1 hour, and the gentleman from New York (Mr. Robison) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oklahoma (Mr. Steed).

Mr. STEED. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at the outset I would like to state that bringing this bill here today has been made possible only by a lot of very hard work, and by a lot of very fine cooperation that I have had from all the members of the subcommittee, and by one of the most efficient and dedicated staffs in the Congress.

I want to express my appreciation especially to the minority members who have gone beyond the call of duty in cooperating with me so that we could have the bill here today. I think our staff is entitled to special commendation because we have had a number of deletions and add-ons to the budget since we started, and we have had quite an unusual problem in getting all the material ready so that we can have the bill here today. They have done such an outstanding job that I want to pay my thanks to them.

Mr. Chairman, the bill which is here today provides funds for some of the most vital and important functions of our Government, the Treasury, the United States Postal Service, the Executive Offices, and the independent agencies, including the General Services Administration and the Civil Service Commission.

It provides for a total appropriation of $5,057,145,000 which is $9,458,000 below the final budget estimate.

This is $128,692,397 more than was expended for these very same functions in the year just ended, with two or three add-ons that I will discuss later.

The committee has confined most of the increases in this bill to those automatic mandatory increases largely for pay and for increased workload.

Most of the money in this bill goes for wages, because the bill covers more Federal employees, I believe, than any other bill outside of the military that we consider. You have these pay increases which have to be coped with, and the fact that we are here with a net increase of considerably less than the mandatory increases, indicates better than anything else that I can cite, that we have tightened up on almost all of the agencies contained in this bill.

Mandatory increases in the field of pay costs alone amount to $82,632,000.

We have had a new add-on of considerable size that you are all familiar with—the economic stabilization activities, for a total of $26,000,000. The funds for the conduct of these activities for this fiscal year were made by transfers from other sources.

The Government pay for annuitants and employees' health benefits is up $28,040,000 for a total mandatory increase in just these three areas of $136,672,000.

There are two other new items that I would like to call to your attention. We have $900,000 in an item for which we only appropriate once every 3 or 4 years, and that is for the transition of a new President. Of course, depending on what happens in November, this amount may or may not be needed in the transition of the new President.

We also have in the bill a new activity called records declassification for which we allowed $1,200,000, under the jurisdiction of the National Archives and Records Service. This is a program which will probably go on for several years, as we complete the work of declassifying the records of the World War II period.

There has been a lot of interest about this. The British are declassifying their records and we think the time has come when we also should make available many of those records that have been classified all these years.

There is a very significant deletion in the bill that shows savings at this point, but which may not eventually be a saving. I refer to $118,585,000 which the committee denied, without prejudice, for payment into the civil service retirement and disability fund. This budget request was in connection with the unfunded liability created in the fund because of the wage increases negotiated by the Postal Service with employee unions for fiscal year 1972. This is consistent with the action of the committee in denying, also without prejudice, a request for $62,991,000 in the Second Supplemental Appropriation Act for this same purpose.

This is the first time these two items have come up since the Postal Service became an independent corporation.

The law is not clear and we have not been able to get a clean determination as to whether retirement costs for Postal Service employees should be paid for by the taxpayers or whether it is a cost that should be borne by the U.S. Postal Service.

We have asked the General Accounting Office to give us some clarification on it. Studies are being made and the answers are not yet available. So we have deleted the two items—one in the supplemental and this one here, depending on the final authoritative decision.

The retirement fund is in good shape and the omission of this money at this time in no way impairs the fund. We will have plenty of time to pick it up if, and when, the final determination is made.

But it is an important matter. If it is decided that the taxpayers are required to pay this, we are beginning what will amount to at least $1,800,000,000 before these costs are completed some 30 years from now, for the postal wage increases alone—and for 1972 only.

Of course, that will mean that any additional wage increases granted to the postal workers will require substantial additional amounts for this purpose in future years. We have been in touch with the legislative committee, and some effort is being made to resolve the issue, but there are differences of opinion and it is going to take some time before we can get the kind of action we feel that we need.

Now, in the area of actual expenditures, the impact of this bill is going to mean, from the reductions made, that there will be about $37 million reduction in the expenditures during the fiscal year. This is mainly not because of the actual reductions made but because the amounts added for Federal construction do not normally result in a high rate of actual expenditures in the year in which the funds are appropriated. But this is a sizable impact on the outlays of money that will result from this bill during the next fiscal year.

This bill always makes a heavier impact expenditurewise than most of the bills because, as I mentioned before, so much of the total included here is for wages. We have an increase in personnel of 3,585 positions, all of which are justified by workload increases. We made a cut of about 266 from the positions requested, but this part of the increase we thought was very well justified by identification of actual workload increases that these agencies will be faced with this coming year.

Now, in the Treasury Department the Members will find if they read the bill Bureau of Alcohol, Tobacco, and Firearms for a total of $73,727,000. I want to point out to you that this does not mean that there is an increase in the total Treasury figures of this amount. These activities have been performed in the past by the Internal Revenue Service. The Secretary of the Treasury established the new bureau to become effective on July 1, 1972, in order to centralize Treasury Department responsibilities in these areas. We felt that a better control of this activity by the Treasury Department as well as by Congress could be obtained under a separate bureau and if we had the manpower and the resources involved in these items separate and apart from other Treasury functions.

There is one comment I want to make about the item of $1,410,000,000 we allowed for the U.S. Postal Service. We made a token cut of $14 million. We have followed the same policy this year that we used last year in making a lump sum appropriation instead of the two separate items that the Postal Service requested.

I want to emphasize that what we have done here is leave the Postal Service complete freedom in the operation of its business. We have taken the only course we can that would keep us from participating in any of the arguments now going on between postal patrons and the Postal Service and the Postal Rate Commission.

When Congress passed the law establishing a postal corporation, it wanted to divorce itself of these responsibilities, and we think that the position we followed here supports that position. We emphatically want it understood that our action here can in no wise whatsoever be construed as taking sides in any shape or form in the arguments still going on about what postal rates and other types of postal costs should be. We think that the Congress definitely intended to stay out of that particular activity, so we have followed that course.

Mr. GROSS. Mr. Chairman, will the gentleman yield on that point?

Mr. STEED. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I do want to commend the committee for writing into the bill section 608, dealing with the right of employees to communicate with Members of Congress on any question connected with the Postal Service.

Mr. STEED. The gentleman knows that that is a matter of great concern and a source of irritation. We thought this would clear the matter up. I think the current managers of the Postal Service agree with this. They have indicated to us that prior misunderstandings will be eliminated, and this will be a step in the right direction.

Mr. GROSS. Would the gentleman explain, before he leaves this subject, the increase to the Postal Service and the reason for the increase?

Mr. STEED. Actually, there is no increase, either over the budget or over 1972. The funds, the dollars vary, because there are two items. One provision of the postal reorganization law entitles them to up to 10 percent of the 1971 budget. Then the other would be involved in what is called "revenue foregone" on the difference between the rates actually charged and the actual cost. So most of this fluctuation is in the revenue foregone. Volume and rates and all this are involved in that, so each year we will have a different figure on that item than we had the year before, whereas in the 10-percent phase that will always be more or less the same item, because it is based on the 1971 budget, under the law.

We think we have been very fair about it, and we think we are within the bounds of fairness and reason, and that we have not done anything here that will compromise or otherwise involve or interfere with what is going on under the terms of the postal corporate act.

Mr. GROSS. If the gentleman will yield for a very brief observation, I want to call his attention, if he has not already seen it, to the announcement of the Postal Service only yesterday that overnight mail service is being established between the United States and Brazil. I hope that we can have overnight mail service from Oklahoma City to Washington and from Waterloo, Iowa, to Washington some time in the distant future at least.

Mr. STEED. Maybe if they do it for Brazil, it will be contagious, and we will find improvements all over the place.

Mr. ALEXANDER. Mr. Chairman, if the gentleman will yield for a brief comment on this Postal Service, the gentleman said that the committee and the Congress wanted to continue its policy of giving to the Postal Service wide latitude over the management of its affairs. The gentleman did not mean that the Congress would condone waste or indiscreet matters dealing with fiscal decisions, fiscal irresponsibility. Is that what the gentleman meant?

Mr. STEED. Absolutely. Of course, in the field of oversight, I think Congress has a very deep responsibility to continue its interest in what the Postal Service does, but we do not think the amount of money appropriated should be used to settle their types of arguments. If these are problems, they should be brought before the legislative committees for redress in the appropriate way.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STEED. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, I turn now to the Executive Office of the President. I understand there is some unhappiness with the items contained herein, but I call to the attention of the House the fact that we have made a net cut of $8,075,000 in these items. Some of them are items where we have always felt free to exercise our own will. Some of them we think are highly sensitive because they not only involve the President's own salary but also those of his staff and his own activities. Many of the items contained in this area are there by Act of Congress. Some are there by Executive order. But all of them are there, I think, because they are part and parcel of what the man sitting in the White House has to do to carry out the heavy responsibilities of his office.

We have tried to be careful and scrutinize these items as carefully as we could, and we think we have exercised the best judgment possible in the decisions we have reached. I, of course, very much hope the House agrees with us.

An expert recently made a survey of the power and scope and the fullness of the President's duties, and he discovered that at any given hour of the day or night, the powers that are held by the man we call President require 41 people to execute. So all up and down the line, we find little bits and pieces of the powers of the Presidency being executed by aides of the President, because it is physically impossible for any one man to fill all the functions of the office.

We found, going through a number of Presidential terms, they more or less all followed the same policy in the way they equipped themselves with staff and other facilities to try to carry out their heavy responsibilities.

This subcommittee has always followed the policy of being as fair with the President as we knew how, because we realize he does have one of the most difficult jobs on earth, if not the most difficult, to fulfill, and we want to make sure he has ample resources to carry out this very awesome responsibility.

Mr. Chairman, I reserve the remainder of my time.

Mr. ROBISON of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has once again been a real privilege to have worked with the distinguished gentleman from Oklahoma (Mr. STEED) in bringing this bill to you.

No one could ask for a finer, steadier, more patient person to be associated with, as chairman of one's subcommittee, than TOM STEED. He is a true gentleman, in every sense of that word, as well as a true scholar insofar as the subject matters over which he has jurisdiction are concerned. This subcommittee has been blessed, in the past, by having had some outstanding legislators assigned to its chairmanship—men such as Vaughan Gary, of Virginia, and Gordon Canfield, of New Jersey—but it has never had a finer, nor better chairman than TOM STEED.

I should also like to pay my respects to all the other members of the subcommittee, and particularly to my own colleagues on the minority side of the aisle who were so loyal in attendance during our lengthy weeks of hearings, and who have been of such great assistance to me, as ranking minority member.

Mr. Chairman, we strongly recommend this bill to you, and to our colleagues. We believe it to be a good bill, well and carefully considered.

The nature of the Treasury Department, and its numerous constituent agencies, as well as of the U.S. Postal Service—as the old Post Office Department is now called—and of those major independent agencies, such as the Civil Service Commission and the General Services Administration, whose budgetary needs we also consider, are all such as to require the services of very substantial numbers of Federal employees. This is because these are, essentially, all "service" agencies—dealing, in one way or another, with the general public, and performing some of the basic housekeeping chores that every government must provide.

The workload thus involved is a constantly growing one, as well as virtually uncontrollable. Ours is a dynamic, and growing society. No matter how some of us strive to slow the process, the services its central governmental agencies are called upon to perform will tend to keep pace.

Let me give you just one example out of many that could be offered.

The Treasury Department's Bureau of Accounts—central disbursing office for all Federal purposes except the Defense Department, the Postal Service, and a few smaller operations—will issue more than 531 million checks and other items in fiscal 1973, an increase of over 21 million pieces, or 4.1 percent, over fiscal 1972.

There is nothing very glamorous—and certainly nothing controversial—in an operation such as that, as compared, for instance, to the educational programs we argued about last week. Instead, this is simply a governmental housekeeping task that has to be done, and done as efficiently and as economically as possible.

I offer this illustration—and could offer many others, as I said—to help those listening to better understand that this is not an appropriation bill in which substantial reductions from budget estimates can be made; and to better understand the fact that we who serve on this subcommittee spend our efforts, in the main, in what can only be called an "oversight" capacity—doing our best, that is, to review the practices and procedures of these essential service agencies to insure that they add up to the optimum in both efficiency and economy.

Mr. Chairman, I would encourage my colleagues to be aware of our responsibilities in such regards, and to report their problems with, or complaints against, any of our constituent agencies to us, so that we might be better qualified to carry out those responsibilities to the end that this portion of the overall operations of our Federal Government functions to the complete satisfaction of our citizens.

I am not sure—given the historic fact that no one loves a tax collector—that we can guarantee such satisfaction on the part of our citizenry when it comes to the Internal Revenue Service, which serves as "Uncle Sam's" tax-collecting arm.

And, yet—each year—we spend additional time, as we did again this spring, discussing with the representatives of the IRS their problems and opportunities.

Because of that, and because of the essential, yet sensitive, nature of the functions performed by the IRS, I would strongly recommend to all who may be interested at least a perfunctory reading of that portion of our hearings, volume 1, beginning on page 545 thereof.

This year's appearance was the first before us by the IRS's new Commissioner, the Hon. Johnnie M. Walters. I think it is fair to say that all members of the subcommittee were favorably impressed with Commissioner Walters, with the alacrity with which he had approached the challenges implicit to his office, and with the honest and open answers he provided to our questions. It seems to me, in retrospect, that one of the real problems this particular agency has had—so important as it is—has been that we have seen too many Commissioners come and go, almost before they could get on top of their job. I know this is an election year, and the future therefore more uncertain than ever, but I, for one, would express the hope that someone of Commissioner Walters' obvious qualifications would have the opportunity to stay on in his present position long enough to see this agency through what has been an especially demanding and difficult time.

One major reason for such difficulty has, of course, been that IRS—and I think quite properly—was called upon, in addition to its other duties, to assume a key role in attempting to make the economic stabilization program succeed. I say "quite properly," because only IRS—among all other alternative Federal agencies to call upon—had the personnel and the training and the expertise to perform this vital function in the way it ought to be attempted. So, beginning last August, with what was called phase I of the economic stabilization program, IRS rapidly became the public's main point of contact for the 90-day freeze—answering during that time over 800,000 inquiries, handling over 46,000 complaints, and making over 85,000 compliance "spot-checks." Under phase II, the Service was handed an even larger role in a much more complex operation to which, during this fast-ending fiscal year, it will contribute an estimated 1,900 man-years.

Phase II's efficacy, overall, is a matter for proper political debate. I, myself, think it is a far larger success than the public realizes or than its congressional critics will admit but, where it can be said to have failed, that failure cannot, by and large, be laid at the IRS doorstep for its employees who have been assigned to this unexpected and unrequested extra task have performed admirably, and we owe them a vote of thanks.

But that task has not been carried out without incidental cost elsewhere—and those costs have to be of concern to the members of this subcommittee, as well as to all Members of this Congress. For it is manifest that this assignment of manpower to this, and other critical programs mandated in recent years by Congress to the service, has reduced its effectiveness and its capacity to carry out its primary tax-collecting functions. Though the overall strength of the service has continued to expand, as measured in personnel, its normal workload expands, too, to reflect both a growing economy and a growing population. Thus, when one considers the availability of personnel to handle that normal workload one finds that IRS' total audit strength—today—is only about what it was in 1963. It is evident that the Service's audit capability has been stretched too thin, and that the certain result of that is lost revenue—how much in actual dollars is difficult to put a precise finger upon.

No Federal taxpayer should pay a dime more than he owes this Government in taxes, but each such taxpayer—if voluntary compliance is to continue to be the unique moving force it always has been in this Nation—must be assured that his counterparts are each paying all that they owe; and the subcommittee was provided with rather serious information indicating that the formerly high level of voluntary compliance which has been the keystone of our tax-system is deteriorating.

Thus, while we surely do not intend to allow the IRS to get back to a position from which it could harass the honest taxpayer—as was the occasional complaint in past years—neither do we intend to ignore the gathering warning signals indicating we are facing a substantial compliance problem.

Accordingly, while all members of the subcommittee are dedicated, I am sure, to holding the levels of Federal employment as low as practicable, we have allowed, by and large, the additional people Commissioner Walters indicated he felt were needed to sustain the desired high level of compliance—having approved the requested additional positions, if the same can be funded within our recommended allowance, so as to provide a total of 33,735 permanent full-time positions in the accounts, collection and taxpayer service operation, and 33,423 similar positions in the compliance operation.

These are a lot of employees, to be sure, but when we are told that a lack of adequate personnel in the audit program, over the past few years, has "cost the Treasury an estimated $1.5 billion in direct revenue," it is apparent that this is one "loophole" in our tax system that ought to be plugged and probably can be plugged a lot sooner and easier than some of the other kind of "tax loopholes" those contesting for the Democratic presidential nomination are talking about.

We also had to face the fact that there simply are too many delinquent taxpayer accounts—a backlog thereof numbering some 800,000, tying up over $3 billion in uncollected revenue. Again, we hope the additional people we are allowing will able the service to forcefully tackle this backlog.

By coincidence, Mr. Chairman, on the day before the subcommittee welcomed Commissioner Walters and his people, a Wall Street Journal article appeared, headlined: "Overtaxed IRS—As Tax Time Nears, Revenuers Are Busy: On Other Matters."

The article—which was made a part of our record—reminded us of the nature of some of those other matters which run the gamut from hassling, now, with businessmen and landlords over consumers' rent and price-control complaints, to tracking down dynamiters and gun-law violaters, and on through such miscellaneous chores as measuring the rhubarb juice used in rhubarb wine, of all things.

Perhaps we have asked the IRS to do too many other things than administer our tax system as it should be administered—to devote its attention and its stretched-thin personnel to too many "other matters." If so, there is a policy question here involved which this subcommittee cannot resolve, but we wish to call it to the urgent consideration of those who can.

Since phase II is scheduled to expire next April 30—unless extended by action of President and/or Congress—the estimated 3,000 IRS people now working full or part time on some aspect of that effort might then be released back to their original duties. We considered whether or not, in light of this possibility, we might prudently reduce the new positions requested accordingly, but the situation here is so uncertain and the additional people so badly needed anyway that it was our opinion that, even if those 3,000 people become available for the Service's normal functions on or prior to next April 30, there will be no shortage of duties for them.

Turning, now, to the Bureau of Customs, Mr. Chairman, this agency continues to serve a vital frontline function in the fight against illicit drugs imported to reap their harvest of death in this country. Its record of seizures of heroin, cocaine, marihuana, and hashish during calendar year 1971 is a commendable one—the street value of the same being estimated at over $327 million. But the problem of drug abuse continues almost unabated, and the effort to prevent the entry of such drugs must continue and must be expanded. Accordingly, we have allowed the funds requested in full to give Customs the additional 152 people it wanted to expand that effort.

We have also taken action to eliminate—as mentioned on page 11 of our report—that loophole in the drug drive which so-called preclearance procedures as heretofore carried out for the convenience of air travelers at Nassau, Bermuda, and at four points in Canada, have become. There may be some "flak" as a result of our decision in this regard—from either air travelers or airlines—but if we can thereby save one young person from narcotic addiction, the inconvenience we may thus have precipitated for a relative handful of people will be more than justified.

Skipping ahead, now a bit, in both the bill and report, I should also like to call our colleagues' attention to that portion of our hearings—volume 3, beginning on page 522—wherein are covered the colloquy we had with Dr. Jerome Jaffe, Director of the new Special Action Office for Drug Abuse Prevention, as it is called.

I think it fair to state that all of us were much impressed both with Dr. Jaffe's so evident competence for dealing with this problem of drug abuse which, in his words, has "reached epidemic proportions," and with the realism with which he is approaching his difficult assignment.

Mr. Chairman, as I said during these hearings this is a problem that tears at the very fabric of our society and is also one which, if not resolved, could destroy this Nation just as surely as any nuclear bomb or any unwise foreign policy that might precipitate a nuclear exchange. In general agreement in that regard—though we would undoubtedly put it separately in different words—the subcommittee unanimously agreed to allow this new effort its full budget estimate of $6,856,000, which is, of course, but a drop in the bucket when compared to the human cost of this problem.

In the interests of time, I shall comment on only two other items in the bill before you, Mr. Chairman, though there are numerous others I should like to have discussed.

The first of these is the $1,410 million recommended for the Postal Service. All of you realize, of course, that neither this subcommittee nor this Congress has, any longer, much control over the budget of the fledgling Postal Service Corporation. If you still believe in "postal reform"—and some who originally did apparently no longer do—this is as it should be, and the Postal Service will have to stand on its own two feet, as a Government corporation, or eventually fall as the case may be.

This is, at least, the way most people put it nowadays even though, of course, the more than $1.4 billion still put up by the taxpayers to keep the corporation from falling is considerably more than an insubstantial prop.

Perhaps one could take away several millions of dollars worth from the undergirding provided by this taxpayer subsidy—which is, need I point out, in line with the spirit and intent of the Postal Reorganization Act—but, if we were to try that, I am certain we would indirectly be also voting for yet another across-the-board increase in postal rates which is something that the new Postmaster General, E. T. Klassen, is desperately trying to avoid. General Klassen—as most of us know—has already taken some "Draconian" actions in his efforts to stave off the possibly inevitable next round of rate increases which, to the tune of $450 million, was cranked into the Corporation's fiscal year 1973 budget. Understandably, these actions have not met with cries of approval from the postal employees or their union leaders. Speaking personally, however, I do not know what else Mr. Klassen could have attempted, and I wish him well in this endeavor for there are increasing signs to the effect that the Postal Service may, if its rates are not held down, inadvertently price its only product—service—right out of a substantial portion of its market.

Again—as already explained by Mr. STEED and as outlined on page 17 of our report—the subcommittee recommends to you a lump-sum appropriation in the amount already mentioned to the Postal Service fund. The reason for our so acting should be obvious: We wish to stay out of the rate-making business while, at the same time, giving General Klassen and his people maximum latitude in the use of their funds and personnel. Having said as much, however, let me also add that it is the subcommittee's intention—most of us being unhappy in one way or another with some aspect of this whole and still-uncertain picture—to "ride-herd" on the postal operation as best we can in the years ahead and to move it, as fast as we responsibly can, towards that self-sustaining status that is desired by nearly everyone including, I am sure, General Klassen.

The final item I wish to cover—really a series of items—relates to that growing crescendo of complaints offered, as we are told, in a "politically neutral" fashion in this election year, about the "unprecedented" manner by which staffs in both the Office of Management and Budget and the Executive Office of the President have "sky-rocketed beyond all previously known limits" under President Nixon's tutelage.

Mr. Chairman, whenever we get to the amending stage for this bill which, for all I know, may not be until Thursday, or even Friday, I expect certain amendments will be offered by certain of those critics to "do something" about this supposed problem.

If we are, indeed, prepared to ignore that unwritten "rule-of-comity" which has heretofore impelled prior Congresses to give prior Presidents such staff assistance as they felt they needed, and if we are serious about "bringing under control the growth of the Executive Office of the President"—as that goal is being stated—then let us also be honest enough with one another to recognize the fact that the EOP staff budgets are far more honest, today, than they were in the past in the sense that those personnel which were "on-loan" from other Federal departments or agencies to prior occupants of the White House, and did thus not appear on EOP staff budgets, have now been made permanent OMB or EOP staffers with a consequent increase, as would necessarily follow, in both OMB and EOP personnel. Let us also be honest enough to recognize the fact that it was Congress which gave its approval to handing that old whipping boy, the Bureau of the Budget, certain new management responsibilities that, in turn, created what we now call the Office of Management and Budget—even if OMB is not quite sure, yet, what its proper "managerial" functions ought to be.

And, finally, let us also be honest enough—as we consider those possible amendments—to recognize the fact that it is Congress, again, that is mainly responsible, through the glut of new programs it has given the Chief Executive to administer, for making the President's task today far more complex and consuming in staff time than it was, even during the tenure of Lyndon Johnson against whose personnel requirements the Nixon requirements may well be measured.

Perhaps both OMB and the various Executive Office agencies have more people than they should have. Who is to say? Your subcommittee has considered their respective justifications for such personnel and, with a few possible reservations by one or two of our members, not found them wanting.

Sure, we could lop some more people off—here or there. But would that make the President's task any more manageable—or somehow improve the effectiveness of the overall Federal operation at a time when its effectiveness is already being so widely questioned? And where would one begin this budget-cutting operation—with the Special Action Office for Drug-Abuse Prevention, for instance? Surely not. With the National Security Agency, then, at a time when, with both the Peking and Moscow visits still fresh in our mind, that delicate operation has taken on some new responsibilities of unforeseeable dimensions? Or with OMB, itself, when that is voluntarily down 25 people from what its ceiling allowed a year ago? Or with the White House Office, itself, that is similarly down 30 people?

Mr. Chairman, I think my questions answer themselves, and I accordingly hope that, when we come to the amendment stage, the subcommittee's recommendations in these—as in other regards—will be sustained.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman.

Mr. PICKLE. Mr. Chairman, it has been reported that the Postal Service has retained two advertising agencies with a budget of $17.5 million to improve its image.

First, I think, the Postal Service needs a product. Madison Avenue cannot sell a nonexistent service or a service being constantly reduced.

And the only product they have to sell is service.

Unfortunately, the Washington officials in the Postal Service have, by their own admission, reduced service goals to "tolerable levels concurrent with less drastic rate increases to support that service." This, in plain English, means they are systematically reducing service throughout the Nation—in the name of economy.

This means that the Postal Service is actually encouraging people to leave their work through increased retirement inducements. Too, those people lost to attrition may be lost forever.

The direct result is fewer man-hours on the job.

Unfortunately, it appears the Postal Service puts as much faith in machines as they do in their men. We are witnessing a downward spiral of service, but do not blame your local postman or postmaster—they are following orders. As usual, the postmasters and employees do an outstanding job based on the orders they are given.

Already, we have seen severe cutbacks in rural mail service. No longer are many post offices kept open on Saturday. Many are being replaced with window operations only which merely sell stamps and process no mail.

In fact, some sectional centers are being closed down with somewhat crazy results: Instead of moving mail from point A to point B—a distance of 15 miles—the mail goes from point A to point C—which could be 50 miles away—and then makes a round trip back to point B. It is hard to understand this kind of logic.

I think the Postal Service built their own trap—they purchased all these fancy machines—then they had to force-feed rural mail into city centers in order to let the machines pay for themselves. As a consequence, service to the public falters.

Further, the Postal Service at one point had a quiet survey underway to investigate closing not only the third- and fourth-class post offices, but the first- and second-class facilities as well. I anticipated the denials which came later, but you can mark your calendar and I predict that this action will surface this winter after we pass that magical equinox which we call November and national election time.

Then, should the Congress try to regain the ground lost during the Postal Reorganization Act, the Postal Service issued a gag rule whereby they actually forbade postmasters and postal employees to have any communications whatsoever with their Congressman. Talk about censorship.

It is unthinkable that any other governmental official could make investigative inquiries to postal employees—but not a Congressman. Later, this gag rule was somewhat modified by a further interpretation issued in committee hearing by the Postmaster General.

However, I would go a step further. I would encourage and insist that all postmasters write their Congressman. Further, this week, I am writing all the postmasters in my district to ask specific questions, such as:

How is the Postal Reform Act working now?

Is there an order out now requiring a cut in personnel?

How many employees are they losing? Will these be replaced?

If not, how does this affect service?

How much has the operations budget been cut back for each post office?

Have they been required to close on Saturday whether or not this is desirable?

Are they losing their postmark, in many instances?

Has an inspection team been around on a feasibility study to close their post office?

And other pertinent questions of a nonpartisan basis.

And, I hope this information will come in and we can provide our congressional committee with genuine information—information which too often is hidden by the Postal Service.

My guess is: Few postmasters will write. Every postmaster in the Nation is fearful of writing to his Congressman because of the heavy-handed manner in which the Washington Postal Service officials forbid the release of information. It is a national shame.

I do ask that my postmasters write me and I do this not out of "political" or partisan issues. If your mail is slow in coming, it does not matter if you are Republican or Democrat or something else.

One last thought, Mr. Chairman: you and I recognize that the post office in a small town is more than a post office. It is a community center, it is a tangible monument to local history and pride; and it is a service center. Sadly enough, not only does the Postal Service want to close most of these smaller post offices—they want to obliterate the name of those remaining.

I refer to elimination of the local postmark and replacing it with the sterile "U.S. Postal Service 000." Not often do you get a letter from home—it is from someplace masked in terms which would warm a mathematician's heart—but not a mother's.

Think of the color, the history, and the pride which the Postal Service has eliminated with a decision from the redtape factory on the Hill.

Mr. Chairman, there is more than nostalgia at stake. I am convinced this elimination of the postmark will have a direct adverse affect on the tracking of criminal mail. Obviously, law-enforcement agencies will face more difficulty in locating which of the 50 or 60 towns bear the innane postmark "U.S. Postal Service 000" than they would in tracking the postmark from a single town.

I wonder if John Mitchell approves.

In closing Mr. Chairman, I am compelled to mention the recent awards ceremony conducted here in Washington by the National Association of Professional Bureaucrats—NATAPROBU—under the dynamic inactive leadership of Dr. Jim Boren.

Dr. Boren ran a sample test sending first-class and special delivery mail across the Nation. Most of the time, the first-class mail arrived first, or at least in a dead heat with the special delivery. In fact, only 15 percent of the 60-cent mail beat the regular 8-cent mail. And the Postmaster General says service is all they have to sell?

Recognizing this invaluable service by the Postal Service to ineptness, Dr. Boren awarded them the coveted Order of the Bird.

I only hope he did not mail them the award.

Mr. STEED. Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, I rise in support of the legislation before us. I would first like to take the opportunity of complimenting the chairman of the committee, the gentleman from Oklahoma (Mr. STEED) for the excellent job that he does in running the affairs of this subcommittee.

May I also take the opportunity to compliment members of the subcommittee on both sides of the aisle for their tremendous dedication to this committee and for the thoroughness with which they do their job. May I say it is, indeed, a pleasure and an honor for me to serve on this subcommittee.

Second, I would like to call attention to the recommended appropriation for the Bureau of Customs of $210 million, which is $2,336,000 below the budget estimate, but an increase of $16,660,000 over the appropriation for 1972.

The committee fully supports an additional 152 personnel requested by Customs to help them continue their fight against illicit drug importation. The committee directs, however, that at least 53 of these positions be allocated to the highest priority stations along the Mexican border in order to partially alleviate manpower shortages at these ports of entry.

During the public hearing which the committee conducted in San Diego in connection with complaints about mistreatment of persons crossing the border from Mexico it was noted that 80 percent of those crossing the border are Spanish-speaking and that Customs officers of Mexican descent are almost nonexistent, all of this in spite of the fact that they are understaffed and each officer is required to work many long hours of overtime.

I can well understand how individuals working these long hours can eventually become irritable and perhaps even sometimes discouraged.

But I still do not believe that this is an excuse for some of the rudeness that has been alleged to exist at the hearings held in San Diego.

The committee at the hearings received testimony in which it was revealed that customs officers detained at least 1,800 women for a strip and body search. It was alleged by the women who testified that intrusive body searches including body cavity probes were done under most unsanitary conditions and not done by a doctor. Of the 1,800 searches made on women under this procedure, 285 were found to be carrying contraband, and a very small percentage, if any, were found to be carrying narcotics in their body cavities.

This procedure has resulted in strong protests from women on both sides of the border and a great number of allegations about other border crossing irregularities have resulted.

In order to alleviate this situation, I, as chairman of the subcommittee that conducted the San Diego hearings believe that immediate administrative reforms should be made at U.S. customs stations along the Mexican border in line with the following recommendations:

First. I believe the customs department should adopt and implement immediately an affirmative action program designed to increase the percentage of Mexican American employees in the Bureau of Customs, particularly increase the number of Mexicans assigned to serve at the Mexican border where Spanish is spoken almost exclusively.

Second. Establish a recruitment program for Mexican-American high school or college students and graduates using all available recruiting techniques, including special internship programs.

Third. Establish a comprehensive staff training program, beginning at the entry level, to prepare officers to be culturally sensitive of the people they serve, fluent in Spanish, as well as courteous and fair and professional in their conduct at all times.

Fourth. Require that all U.S. Customs and other Federal officers working along the border wear a nameplate, visibly shown at all times, and with his or her name printed in bold letters.

Fifth. Establish and enforce uniform procedures for inquiries, inspections, and searches, with a mandate that they be conducted in a reasonable, courteous, and expeditious manner, protecting the person and his property from injury or damage.

Sixth. Require that all strip and intrusive body searches, including body cavity probes, stomach pumping, and other internal methods be conducted only after it is carefully determined that substantive evidence supports such a search, and that a qualified medical doctor conduct the search under sanitary and medically approved conditions and procedures.

The officer detaining a person for the purpose of a strip or body search will, before proceeding with such a search, file and sign a report showing the substantive evidence on which he has based his decision.

Seventh. Require that any person to be detained, strip searched, or subjected to a body search, be informed of his rights and of Customs' procedures in either English or Spanish, whichever is appropriate.

Eighth. Establish an interagency council to coordinate the activities of all agencies working along the Mexican border and at all inspection stations.

Nine. Initiate immediately serious discussions with Mexican-American representatives and Mexican officials on establishing an office of ombudsman at each border station with authority to receive and document complaints on the spot; reconcile problems and potential problem areas; and provide people crossing the border with all possible assistance, including legal counsel.

This can all be done administratively, and with the approval of this appropriation goes the insistence of the committee, and I hope the Congress, that the Bureau of Customs address itself to the task of solving these problems immediately.

I, therefore, urge the approval of the legislation before us, and I sincerely hope that this appropriation will be wisely used to improve the services that the Customs Department can render our citizens as well as those of foreign countries as they cross the borders into the United States.

Mr. ROBISON of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I want to pay my respects to the chairman and the ranking minority member of the subcommittee first, for the usual thorough job they have done and for the way in which they handled the work of the subcommittee, particularly with reference to the junior members of the subcommittee. Because of their attitude about the handling of the subcommittee all of the members are in a position to participate actively and fully, and I believe this is a credit to their leadership, and certainly it works to the benefit of the House and of the people.

I should like to comment on two portions of this bill, or the committee report, for I believe they should be mentioned and made a part of the RECORD.

First is the Department of Defense, Civil Defense Preparedness Agency. The Civil Defense Agency has been for years a part of the Department of the Army. This year it was changed to the Office of the Secretary of Defense, and somebody over in the Defense Department got the bright idea to change the name to the Defense Civil Preparedness Agency. Why on earth they would decide to disrupt something that has been going on all these years is beyond me.

Hundreds and thousands of people in this country who have worked in the civil defense program all of these years are rather unhappy, judging from the mail we have been getting.

We found that the work of the new Agency is going to be the same as the work of the old Agency. There are no real changes in it. So we have appropriated the money to this Agency this year in the name of the Civil Defense Preparedness Agency rather than in the name of the Defense Civil Preparedness Agency.

Perhaps this sounds like nit-picking, but the Civil Defense Agency has been a great thing to many people for many years, and we feel they deserve to be able to continue with their old name or something similar to their old name.

Next, members will notice in the committee report, on page 41, that we have declined to appropriae any money this year for the Department of Health, Education, and Welfare, Health Services and Mental Health Administration, Emergency Health program. I believe Members are entitled to know why we have declined, and the committee report, in my opinion, does an adequate job of explaining that, but it would seem to me a little more is required.

Last year in our committee report we made it very clear to this Agency we were not happy with the way they were operating; that, in fact, it appeared no program at all would be better than the way the program was being run; and we admonished the Agency to take the necessary steps between last year and this year so that they could come back to our committee and show to the House and to the Congress that, in fact, the package hospitals, disaster relief hospitals, and the entire program they were operating, was going along smoothly and making progress.

We were amazed when they came before our subcommittee this year to find very little, if anything, had been done since the year before.

I believe we should say in all fairness that it appears to the subcommittee those responsible for the emergency health program have tried to carry out the admonition of the Congress last year, but they got absolutely no cooperation and support from the Department of Health, Education, and Welfare. Personally I find this almost unbelievable, but nevertheless it is true.

We found, for example, that of the 2,116 prepositioned disaster hospitals approximately 1,380 were so deteriorated as to be almost useless. We had a staff study made. We brought into the committee room some of the rubber goods, surgical knives, hypodermic needles and other medical types of equipment.

We found them rusted and beyond use. We found medicines had completely gone beyond their useful shelf life. No real progress had been made in this direction. The thought that came to my mind as I listened to the testimony and looked at the exhibits that our staff prepared was what if we had a disaster and one of these prepositioned hospitals was moved into the disaster area and a doctor walks into the operating room and opens up some of this equipment only to find rust, corrosion, and rubber goods all stuck together.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBISON of New York. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. EDWARDS of Alabama. This was a great concern to me, Mr. Chairman. The whole medical relief program under the emergency health part of the program would be useless in such an event. Finding that the Agency had not corrected any of these deficiencies the subcommittee felt the only way to resolve the problem was to decline to appropriate any money. Maybe this means they will find some way to work out their problems more thoroughly and more quickly, although I doubt it from past experience. At any rate under this appropriation for last year, funds were to remain in the agency until expended. There are some $65,000 still in that fund. We have suggested or urged that the Department of Health, Education, and Welfare use this money to phase out this program. Also we have urged the Civil Service Commission to see to it that the employees of this agency are put into some appropriate use in other parts of the Federal Government. We just cannot have this type of program on our books in this country when people are depending on relief from disaster and depending on emergency equipment and health facilities only to find when a disaster does occur that the equipment is absolutely useless and not available during the disaster.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I am happy to yield to the distinguished gentleman.

Mr. HALL. I appreciate the gentleman yielding. I know the dilemma of which he speaks. I have known it for many years. Having been one of the original civilian manmade or natural disaster planners in this country following World War II, I can well understand the dilemma. I wonder what adequate means there are going to be for substitution by those who have the responsibility if and when, after all of the millions of dollars of postexpenditure, we have other disasters of any type in this Nation or elsewhere, and are called upon to provide such material?

Mr. EDWARDS of Alabama. I cannot answer the gentleman for the committee. I would say for myself it is my hope the drastic action, and this is drastic action we have taken, will cause a shock effect in HEW and bring about some rejuvenation or some reorganization of worthwhile programs. I think it is fair to say that our subcommittee would be pleased to fund an adequate program. We have said this in subcommittee and on the record, but we cannot continue to fund a program that is as useless as this.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ROBISON of New York. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. EDWARDS of Alabama. I yield further to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's forthright comment and I appreciate the philosophy of getting a mule's attention by hitting him in the head with a single tree first, before you tell him to giddyap or halt, or gee or haw. I hope this happens because with all of the countless millions of dollars and with all of the storage, and indeed with a rotation system of expendables in these supplies in both prepositioned and other medical and hospital supplies, there has in the past been a great effort, and there has been a great expenditure of funds and there has been diversification.

Indeed, there has been underground storage with constant temperature control, humidification, and as I did say, rotation of supplies. I think, rather, that the trouble behind all of this program is that the Department of HEW, as the gentleman from Alabama so aptly says, the heads thereof, are in the process of trying to phase out the Commissioned Officers' Corps of the U.S. Public Health Service which is responsible by law, and has been even back as far as the Constitution for the emergency interstate care under the health and welfare clause, of our people. That being what it is, in spite of this rotation program with existing civilian hospitals which would take care of expendables and prevent the deterioration of rubber goods, and so forth, and would protect from bomb effects or other types of disaster, including many of these supplies we have expended millions of dollars on, I think the rampant question is still how are we, who are responsible for the legislative branch, or how is the executive branch going to answer the great, glaring publicity when it is suddenly turned on the lack of anything with which to meet a disaster?

Mr. EDWARDS of Alabama. I agree with the comments of the gentleman from Missouri. It is not up to the Committee on Appropriations, as I am sure the gentleman from Missouri knows, to formulate a new program. However, it is up to this committee, I think, to weigh the caliber of the program and determine whether in fact we can afford to spend more of the taxpayers' money on something as useless as this.

Mr. HALL. The gentleman will agree that it is also up to the committee to see that there is no duplication, or overlapping; in the elimination of one program with the building of another one at great expense to the taxpayers, would he not? The Appropriation Committee is taking the action, and my fear is that the cure is too drastic, that we discard the baby with the bath water.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. ROBISON of New York. Mr. Chairman, I yield 2 additional minutes to the gentleman from Alabama.

Mr. EDWARDS of Alabama. The point made by the gentleman from Missouri is well taken, and I would urge the gentleman if he has not already done so, as well as others Members, to come by the subcommittee hearing room and have a look at the display that we have there. And I am informed by the staff that made the study that what we have there in the hearing room is not some wild example, or something drawn out to prove a point, but that what we have on display is typical of the deterioration that has been found throughout the country.

I would also say that we have discussed at great length the subject of rotation of expendables with the agency. The gentleman from Missouri has suggested that rotation has been going on. Perhaps it has in some areas, but certainly what we have seen would not indicate that it has been handled very effectively. And by the admission of the agency, as I recall the testimony, rotation has not been done with any great frequency.

Mr. HALL. Mr. Chairman, I thank the gentleman for his invitation, and I want to assure him that I am familiar with the way this program has deteriorated, and it is because I go along with the gentleman that I am protesting so vehemently. Indeed, I think if you will search the records and the background carefully you will find that I am the one who suggested that the committee staff make this investigation.

Mr. EDWARDS of Alabama. I know the subcommittee protested, and the gentleman from Missouri protested to the Department of Health, Education, and Welfare. As I said earlier, maybe a little shock treatment will work wonders in this case.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I appreciate the opportunity you are giving me this afternoon to address this subject which is before the committee on this occasion.

I notice on page 7 of the bill that we are to appropriate $1,410,000,000 for the use of the U.S. Postal Service for its operations.

Mr. Chairman, although I agreed with and voted for the law which created a separate agency for the Postal Service to carry on its responsibilities, I am very much concerned about the wisdom of appropriating money in this manner for any Federal agency which is deaf to, or provides false or misleading information, to the inquiries of a Member of Congress, or to any citizen, who is requesting data that should be available to every citizen of the United States.

In addition, I find it of grave concern to me that the Congress may be helping to finance actions which appear to be in direct violation of Federal law.

I am here today to advise the Members who are here that the U.S. Postal Service is currently being investigated by two oversight committees having jurisdiction over postal affairs—one chaired by the gentleman from Arizona (Mr. UDALL) and the other chaired by the gentleman from Pennsylvania (Mr. NIX).

I am raising these points because of the events which make up my search for information concerning the selection of a site for the Midsouth bulk mail center to be located in Memphis, Tenn.

This study began more than a year ago. Initially, I was principally concerned with and interested in the need to assure that the taxpayers received full value for their dollars and that the intent of the Congress with regard to the pursuit of a balanced national growth policy would be complied with.

During the months which I have spent wrestling with this matter, I developed a third and a fourth concern. Is the U.S. Postal Service violating the National Environmental Policy Act of 1969, as it seems to be doing?

Why does the Postal Service refuse to provide a Member of Congress with honest answers to questions relevant to its multimillion-dollar decisions, or, indeed to any decisions which may be inquired about?

I came to the conclusion that neither the taxpayer's dollar interest nor the national growth interest, nor the environmental interest is being protected.

My attempts to obtain data from the Postal Service have met with reluctant cooperation, with misleading or false answers and with flat refusals to provide information.

We voted to abolish the Department of the Post Office and to establish a U.S. Postal Service on the theory that mail service could more efficiently, effectively, and economically be provided to the people of this great Nation in a businesslike way. But we agreed to continue at least some financial support of the Postal Service. That agreement carries with it the explicit right of the Congress—of the citizens of this Nation—to be provided with the true and complete answer to questions about its operations.

I know that the informational responsibility the USPS owes to the Congress and the people has been ignored. I am convinced that the service is not acting in a fiscally responsible manner.

There are several recent examples which lead me to make this conclusion and which I would like briefly to bring to your attention at this time.

The chairman, Robert N. C. Nix, of the Subcommittee on Postal Facilities and Mail brought to the attention of this subcommittee, recently, that before construction was begun on the facility to be established at Seacaucus, N.J., the project had totaled up a 109-percent cost overrun.

Just yesterday the gentleman from Pennsylvania (Mr. Nix), the chairman of the Subcommittee on Postal Facilities and Mail, placed in the Congressional Record of June 19, 1972, on page 21457, a statement from the General Accounting Office which shows that the Postal Service has wasted over $8 million in architectural and engineering services. Thrown it away without any sort of justification for its activities.

Third, I have been told by officials at the U.S. Postal Service that they have committed themselves to pay an average cost of $62,000 an acre for a site acquisition and preparation for a tract in Memphis, Tenn., on which to locate a bulk mail facility.

Mr. Chairman, all Members of Congress, and especially the members of the House Committee on Appropriations, have a very heavy responsibility to shepherd carefully the allocation and spending of dollars paid into our Federal Treasury and to see that our taxpayers are protected from waste and indiscretion, particularly at a time when people in this Nation are expressing deep concern about the high cost of Government.

We in this Congress need to redouble our vigilance over agencies such as the U.S. Postal Service in order to scrutinize their operations. Mr. Nix, as chairman of the Subcommittee on Postal Facilities and Mail, on last Wednesday agreed to issue subpenas, if necessary, in order to obtain the relevant information with reference to the chosen site to be constructed in Memphis, and I note that in the report on page 17 you say consistent with the position of this Congress, and so on, that the bill does not contain specific recommendations over the fiscal matters of the Postal Service in order to give the maximum latitude in the use of their funds.

Mr Chairman, I think it is high time that we look very closely at the operations of the Postal Service.

Mr. ROBISON of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, in reading the hearings, the bill, and the report, I came across several items that are especially interesting. First of all, the good old Bureau of the Public Debt gets an increase to enlighten us to the fact that we have a huge debt. Presumably that Bureau has the answers as to how to go about keeping this country afloat by borrowing money—in other words, servicing the debt. In that connection the committee had before it the then Secretary of the Treasury Connally, now ex-Secretary of the Treasury Connally, who has gone to his reward with a tour around the world. For what purpose I am not quite clear. At any rate, Mr. Connally gave the committee some information with respect to our balance-of-payments situation, which has long been bad and continues that way. I should like to quote what he said for the hearing record:

> They can't just look to the Treasury to perform some monetary miracles, because we are not going to be able to do it.

Continuing, he told the committee:

> The truth of the matter is that we have approached the point that most of the countries, or a great many of the industrial nations of the world, don't want dollars any more. We are out of credit, so to speak. We are going to have to get our monetary house in order. We are going to have to recognize some of the limitations on some of the things we do.

Reading further in the hearings we find the United States owns the equivalent of approximately a billion dollars worth of rupees in India, which allegedly are earning interest.

I should like to ask the distinguished chairman of the subcommittee (Mr. Steed) what rate of interest is being paid and how it compares with the rate of interest this Government pays on money that it borrows from foreign countries?

Mr. STEED. Mr. Chairman, will the gentleman yield,

Mr. GROSS. I am glad to yield to my friend.

Mr. STEED. I do not recall that we went into that particularly this year. We have in years gone by, and the highest interest I can recall of us drawing on any of our foreign currencies was 6 percent, which, as the gentleman knows, is somewhat lower than interest rates we are paying in this country for our own borrowings. I am sure that is true of Egypt, where we also have a very heavy amount of these so-called counterpart funds or Egyptian pounds. In most of the countries where we have counterpart funds the amounts are lower than this, but in the area the gentleman mentions and in one or two other countries they are still very heavy.

As a matter of fact, I do recall one bit of information about our holdings in Egypt. The earnings on the amount of currencies we hold is far in excess of our total operating expenses in the country, so the amount we own is increasing each year. I am sure that is also true in India.

Mr. GROSS. But we do not stand a ghost of a chance of recovering any of this money to put back into the Treasury of the United States, do we?

Mr. STEED. No. Under our agreements with them I understand we cannot do that. We have to spend their money for their benefit in their country.

Mr. GROSS. That is one of the prices the U.S. taxpayers pay for foolishly trying to bankroll and police the world.

Mr. STEED. The gentleman can call it that.

Mr. GROSS. According to figures I have seen, opium production in Turkey increased from 51 metric tons in 1970 to 200 in 1971, with no figures presented to the committee as to how much of this amount reached the United States. How does this increase reflect on our financial assistance program to Turkey to bribe them to curb opium production? Can the gentleman shed any light on that?

Mr. STEED. If the gentleman will yield, as the gentleman knows, we are currently in the process of working out with the Turkish people and the Turkish Government a curtailment of the acreage that can be planted in opium-bearing poppies inside Turkey. We have an AID program that is working with that. It is my understanding this year and next year there will be substantial reductions in the acreage planted, and that in a matter of a few years the illicit production there will be greatly reduced. I think there are only seven States or areas inside Turkey which are now allowed to produce opium poppies at all.

Mr. GROSS. That reduction will be in proportion to how many more dollars we plow into Turkey, I assume. They would not be satisfied with counterpart funds, would they?

Mr. STEED. If the gentleman will yield, I do not know what the dollar amount of it is. It is mostly, as I understand it, a program that helps the Turkish farmer find another crop to grow in place of the opium poppy, which has been the only cash crop for some farmers for many years. We have sent some agricultural experts, machinery, and seed and other facilities to help the Turkish Government help its farmers to convert to other types of crops. There are some payments for taking acreage out of production that farmers in Turkey are to receive, I believe.

Mr. GROSS. According to the hearings, the General Services Administration bought $2,395,687 worth of knives and forks in the first 6 months of fiscal year 1972, by comparison with $1,666,833 worth of knives and forks in all of fiscal year 1970. For whom were they buying this hardware?

Mr. STEED. If the gentleman will yield, as the gentleman knows, they are the housekeepers for nearly all the Federal Government. They operate the stores at which all the agencies buy, and they buy about $3.5 billion worth of merchandise a year for all the agencies of the Government. The agencies get the appropriations from us themselves and turn the appropriations over to the GSA which, in turn, makes these purchases for the agencies.

Mr. GROSS. Is that where it is obtained for instance, for the House eating facilities?

Mr. STEED. It is the same process we use when we buy typewriters and all other facilities.

Mr. GROSS. About half the money increase went for the purchase of foreign cutlery. Is that correct?

Mr. STEED. It could well be. Of course, GSA acts as a purchasing agent for the various agencies of the Government. I think they have something over 600 items they buy off the shelf, and mainly their purchases are made at the request of the agencies.

Mr. GROSS. Two and one-half million dollars worth of knives and forks is a lot of them, whether purchased at home or abroad.

Mr. STEED. It certainly is.

Mr. GROSS. I just do not understand what they do with all of this.

Mr. STEED. I might say to the gentleman, there are a lot of interesting statistics which go along with the GSA activities, but the more I learn about them the more convinced I am that any national total is astronomical, for almost any item we can mention.

Mr. GROSS. I note, too, that the General Services Administration claims it is the greatest purchaser in the world of "the pill" and birth control devices.

Mr. STEED. That could well be, because of all the health activities we are engaged in. A lot of that is for the foreign aid program.

Mr. GROSS. To whom do they dispense? Do these go along with the knives and forks?

Mr. STEED. As I understand it, the biggest customer they have for "the pill" is in the foreign aid program.

Mr. GROSS. Are we sending pills to Turkey to get them to stop producing opium?

Mr. STEED. I do not know where they send them, but I understand it is a part of some international program for what we call family control or family planning.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. One former administrator testified on one occasion that the most frustrating thing of all about "the pill" was to go into some foreign countries and find them around people's necks being used as beads.

Mr. GROSS. Perhaps they extract one from the necklace and gulp it every now and then.

I notice that the GSA says it owns 416,406 motor vehicles, and that the number of Government automobiles has grown from 54,000 last year to 62,000 this year. That is an increase of 8,000 cars in 1 year, and it is not explained. That is a lot of automobiles.

I note also that the GSA says the Government owns only 22 limousines, 20 of which are owned by the State Department.

I see far more official Cadillacs and Lincolns around here than that.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course I yield to the gentleman from Oklahoma.

Mr. STEED. I would call the gentleman's attention to the fact that in almost all of the appropriations bills for the various agencies there is language which permits them to use their funds for the rental of cars. A lot of these are limousines not under GSA control, which are rented by the agencies themselves. The GSA provides only vehicles as the various agencies of Government request. So what their inventory is is whatever the need is at the time.

Mr. GROSS. What is the reason why the State Department does not get this free-wheeling deal from the auto manufacturers, or whoever it is?

Mr. STEED. Somehow, in its wisdom, the Congress has set it in the budget and made this available. It all has to come through the budget process. Apparently that has been more fortunate, than in some of the other agencies.

Mr. GROSS. They would rather buy their cars than get this bargain-basement deal; is that correct?

Mr. STEED. I believe the gentleman will find, if he will talk with the GSA people, they will insist they can provide these vehicles more efficiently and at a better cost to the taxpayer than the agencies can provide their own. They have some very interesting reports to prove this.

Mr. GROSS. I thank the gentleman.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I applaud the subcommittee for its usual fine job on this bill. I thought the committee showed great foresight and wisdom in particular by putting $5.4 million in for a badly needed new Federal building in Tucson, Ariz. That was not the only wise decision in the bill and in the work of the subcommittee. As always, they have done a good job.

Mr. Chairman, this morning the Postal Service Subcommittee—which I chair—had before it representatives of the Magazine Publishers of America who have many problems in connection with the new postal rates. A great deal of discussion ensued regarding the appropriations in this bill and a similar appropriation last year with regard to the public service appropriations contained herein. I would like to ask the chairman of the subcommittee whether there was any intention on the part of the committee to deny an appropriation specifically to third-class mail?

Mr. STEED. As the gentleman knows, there are two ways under the law that would permit the Postal Service to request funds of the Congress. One is under the 10-percent 1971 budget and the other is under the so-called revenue figure. The reason why we made a lump sum appropriation here instead of dividing it between the two items is because we look at the $1,410,000,000 which we appropriated as a part of their total budget which mingles with all of their other moneys, making them a new total of $11.6 billion with which to operate during the current year. We have given them complete freedom to use these funds here along with the way they use their own funds in the operation of their business. So there was no intention of any kind, shape, or form for the appropriation made here to carry any weight whatsoever in the use of the funds by the Department.

Mr. UDALL. I would be correct then in paraphrasing the chairman to say that your subcommittee is not going into the ratemaking business and this reduction can be applied to first class, second class, or third class or simply as an indication that through overall efficiency expenditures could be reduced by the entire amount.

Mr. STEED. The gentleman is entirely right. Also I point out the law very specifically gives this authority to the ratemaking Commission and the use thereof to the Postal Service. One of the major intents of the law is to take it all out of the hands of the Congress and we tried to follow that.

Mr. UDALL. I appreciate the gentleman's clarification. Now, Mr. Chairman, on another subject let me say when we reach the 5-minute rule I propose to offer an amendment on page 38, line 18, to add a new section 611, which will read as follows:

On page 38, line 18, add a new section 611, as follows:

SEC. 611. No part of the appropriation made by this Act shall be expended for the compensation of more than 1,555 employees in the Executive Office of the President, including not more than 50 employees of any Department or agency detailed to serve in the Executive Offices;

nor shall the total amount appropriated to the Executive Office of the President for personnel compensation exceed $26,378,000;

nor shall any part of the appropriations be expended for the compensation of more than 95 ungraded employees in the Executive Office of the President, whose individual salaries shall not be in excess of the maximum rates of pay established at the pay level of GS–10 of the General Schedule (5 USC 5332);

nor shall any part of the appropriation be expended for the compensation of more than 549 employees in the Executive Office of the President whose annual rates of pay are not less than the minimum rate in effect for GS-13 of the General Schedule (5 USC 5332) nor more than the annual rate of pay for Level II of the Executive Schedule (5 USC 5313);

except that no part of this section shall apply to the compensation of any employees of the White House Office, or the Compensation of the President.

This is designed to put some limitation on the fastest growing bureaucracy in America, namely, the so-called Executive Office of the President. Every week up here a great impassioned speech on the subject of economy in Government, usually by some of my friends from the other side of the aisle and I always pose a hypothetical question: that may be a little bit painful. Suppose for a moment that HUBERT H. HUMPHREY had been elected President in 1968 and promised to have the smallest White House staff in the history of recent years, and at the end of 3 years that staff had grown in size from $19 million, the last budget of Lyndon B. Johnson who was never widely known for his reductions in the White House staff to $33 million, an increase of something well over 60 or 70 percent.

This is an increase of shocking magnitude. Imagine the shock that would occur to my friends on the west side of the Chamber if during that time a new Democratic President had increased the total personnel of the EOP by 20 percent in less than 4 years. I can imagine the shock if nine new bureaucracies had been created within the Executive Office of the President during that time, and if the number of highly paid bureaucrats, top executives in the levels of GS–13 to GS–18, including Cabinet levels, had increased from 553 to 908. And yet that is precisely what has occurred in the first 3 years of the Nixon administration, and now they are back here today asking for even more than that.

The limits that I propose are simple—For those offices within the Executive Office of the President which are covered by the present bill, approximately 2,133 employees with personnel compensation of $38,392,000, have been requested. This compares with the last Johnson budget which authorized 1,305 employees with a budget of $17,733,000. We will recommend limitations which reduce the current requests approximately 30 percent. This will still leave the appropriate offices covered by this bill with 250 more employees than President Johnson had and $8,645,560 more in salaries to pay them. Certainly this is growth enough for a short 3 years in the White House.

Mr. GROSS. Mr. Chairman, will the gentleman yield for a correction?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, as I look at the gentleman in the well I am on the right side of this Chamber, not on the west side; the right side.

Mr. UDALL. I think the gentleman from Iowa can characterize it in that fashion. Sometimes I agree with the gentleman, but not very often.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I just want to say that Herbert would not think of doing anything like that.

Mr. UDALL. I thank the gentleman for his analysis.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. STEED. Mr. Chairman, I yield 2 additional minutes to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, when we reach the amending stage we are going to have a chance to fish or cut bait on this issue, and the amendment that I will propose will not touch the Office of the President himself. I think the President is entitled to have as many employees as he can possibly stuff into the White House, but it will cut down on this growth of the special assistants, special assistants to special assistants, chauffeurs and drivers, and all the apparatus that goes with it.

This amendment will provide for a substantial reduction that will save the taxpayers of this country $11 million, and will cut down by approximately 350 of these highly paid "anonymous" bureaucrats who are withholding money that Congress appropriated, and who are doing all kinds of things we do not know about.

President Nixon will still be given substantially more people and substantially more dollars than we had in the last administration of Lyndon B. Johnson.

I think we are going to find out on Thursday or Friday who is really for economy around here. The President has called for sacrifices. All of the other departments of the Government have been asked to take reductions in personnel, and yet here we are seeing an example in the White House of the most fantastic growth of any bureaucracy in modern times. I think it is dangerous. I think it aims directly at the power of the Congress and the responsibility of the Congress under our unique system of government.

We are going to have an opportunity to see whether Congress wants to continue this sort of thing or whether we want to do something constructive about it.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I would ask the gentleman does the gentleman's amendment contemplate any substantial reduction in the Office of Management and Budget?

Mr. UDALL. I am glad to respond to the gentleman's question by saying that it would place an overall limitation on the highly priced individuals in OMB, and those in the EOP. It does not change the OMB as such. I have in my file an amendment that I will offer if I do all right on this first amendment, because it is obvious that the OMB has arrogated powers that belong to the Committee on Appropriations, and that belong to this Congress, and that belong to the Senate and the House. I think they ought to be cut back, and my amendment would certainly have that effect, but we do want to get at these bureaucrats, and I would be happy to get the gentleman as a sponsor.

Mr. PICKLE. I might add that they have some 655 employees, and I think it would be interesting for us to find out just what this enormous number of employees actually do.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. ROBISON of New York. Mr. Chairman, I will be happy to yield the gentleman from Arizona 1 additional minute if the gentleman would be pleased to answer a question.

Mr. UDALL. I thank the gentleman for the additional time, and I yield to the gentleman from New York.

Mr. ROBISON of New York. I would just say to my distinguished friend, and he is my friend, from Arizona, whether he has in fact joined in the ranks of those who have been converted to the gentleman from Iowa's (Mr. GROSS) fiscal responsibility?

Mr. UDALL. Yes, I enlisted in the gentleman from Iowa's fight many years ago, and I have tried to follow him religiously.

Mr. ROBISON of New York. If the gentleman will yield further, I suggest to the gentleman, for reasons we will go into whenever we get to the 5-minute rule stage, that he has found the wrong place in which to apply his new-found philosophy.

Mr. UDALL. I thank the gentleman from New York for his kind advice, and I will analyze it before we get to that point.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me, and I shall not take the entire 5 minutes allotted to me.

In line more or less with what has just been spelled out by the gentleman from Arizona (Mr. UDALL) on Thursday, at the appropriate time, on Thursday or Friday, as I understand it, I intend to offer an amendment directed at curbing the appetite of the administration to add affiliated offices to the White House staff and to encourage those offices to go far beyond the powers originally conferred on them.

As chairman of the Subcommittee on Communications, the particular office that has occupied my time and attention is the Office of Telecommunications Policy, headed by Dr. Clay T. Whitehead and now swollen to 65 jobs with innumerable consultants and groups doing esoteric research studies, all adding up to an annual budget of more than $3 million. In addition, there has been created in the Commerce Department an even more bloated bureaucracy of nearly 250 people and a budget that goes to $7.5 million in fiscal 1973. This substantial group is also directed by the Office of Telecommunications Policy of the White House. That means more than 300 bodies and more than $10 million, doing work which the Congress assigned to the independent Federal Communications Commission nearly 40 years ago.

I am gravely disturbed at the proliferation of these anonymous, unaccountable agencies and their incursions on the prerogative of Congress, and the arms of the Congress which have been legally set up.

Therefore, Mr. Chairman, at the appropriate time I will offer the following amendment to the bill, H.R. 15585:

On page 13, line 12, delete "$3,000,000" and substitute "$1,000,000".

And on page 12, line 13, delete "$1,025,000" and substitute "$500,000".

Mr. STEED. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise to explain an amendment which will be offered to this bill under the 5-minute rule and to supply for the RECORD and for the consideration of the Members two excellent legal statements which explain the need for and the constitutional basis of this amendment.

The amendment will restrict the appropriation of moneys under this bill, with certain exceptions, for the salaries of executive branch officials who refuse to appear before committees of the Congress.

This amendent is a partial resolution of one of the most important issues facing the Nation—the problem of the people's Representatives in Congress of obtaining information from the Executive necessary to fulfill the constitutional obligation to legislate. This is not a new issue, but events of the past decade have tended to reduce the Congress from a coequal branch to almost a figurative board of directors merely endorsing management decisions. Time and again congressional committees are denied access to information and witnesses necessary for the adequate consideration of legislation before them.

What is involved is a fundamental shift in our constitutional system of checks and balances—a gradual erosion of the ability of the legislative branch to be a check and balance on the power of the executive branch.

As Alan C. Swan of the University of Chicago has said:

> In the longer sweep of our republican history, there has been perhaps no more significant change than that from Congressional to Presidential Government. * * * now, gathered in the hands of the Executive is the central power of decision on virtually all issues about the shape of our society that are given to the Government to decide. While on many important things Congress retains formidable powers, a shield has been built around the Presidency, jealously guarding its power, particularly against any inroad from the representative branch of the government. * * * I fear that in Presidential Government we have created an ever potential threat to our liberties. At least I know that in balanced government—one punctilious in its adherence to the Separation of Powers principle—there is no such threat. So the shield must be dismantled. It is not merely a shield of secrecy. It is that the key decisions—the high and delicate matters of state—must essentially remain open until Congress speaks and cannot end with the deliberative processes of the White House.

Under the guise of the so-called doctrine of executive privilege, current and past Presidents of both parties have denied Congress the most vital information necessary to fulfill our duties as the people's legislative Representatives. This is not a partisan issue. It affects both sides of the aisle and has been caused by Presidents of both parties.

The debate over the constitutional status and reach of executive privilege has raged for years. The Foreign Operations and Government Information Subcommittee, which I chair, has received extensive testimony from eminent legal authorities, and the preponderance of evidence clearly debunks the myth of the unlimited privilege of the President to withhold information from the Congress.

I feel it is incumbent upon this body to keep the record clear on this matter, and I intend to include with my remarks learned legal analysis to support my position that the so-called doctrine of executive privilege has no constitutional basis whatsoever.

It is a matter of comity between coequal branches of Government.

It is nothing more.

As a matter of comity Congress has in the past and should continue in the future to relieve the President and his closest personal advisers from the constitutional obligation to appear before the Congress or provide the Congress with information on matters of a close and confidential nature.

The President—any President—should be able to confer in privacy with his closest advisers. But, such privilege must be granted, as a matter of comity, by the Congress. Constitutionally, it cannot be unilaterally assumed by the President.

The amendment to be offered strikes the delicate balance between Congress' right to know and the President's need for private advice. This amendment, which could be called the "Kitchen Cabinet amendment" will authorize the President to name up to 10 persons on his immediate staff who shall not be required to appear before the Congress. This will fully satisfy the needs of the Executive without shutting the door on congressional access to information.

Since 1954 when the Civil Service Commission reported figures, the President's Executive Office staff has grown from 1,466 to 6,040. The breakdown is as follows: The number of presidential advisers has grown from 25 to 45; the number on the White House staff has grown from 266 to 600; and the number of employees of the Executive Office, other than presidential advisers and White House staff, has grown from 1,175 to 5,395.

Our most important domestic and international policies are today being developed not in the appropriate departments clearly subject to congressional scrutiny but in the White House. The Congress should not, and cannot allow our senior policymakers total insulation from legislative scrutiny. To do so would be to adjudicate those responsibilities which we have to the citizens of this country.

This amendment is one way we can reach a reasonable solution to this dilemma.

If some of my colleagues feel that we are treading on unbroken ground, I wish to point out that in the past many presidential advisers—even the closest advisers—have appeared before Congress without the dire consequences forseen by strict advocates of executive privilege. Just recently Mr. Peter Flanigan appeared before the Senate Judiciary Committee. Just last year Mrs. Virginia Knauer appeared freely before Congress in her capacity as the Special Assistant to the President for Consumer Affairs. By these appearances the White House has recognized that this privilege is not absolute.

On the other hand, when the Foreign Operations and Government Information Subcommittee was holding hearings on security classification, the primary drafter of the new Executive order governing this important issue was unavailable to us. This gentleman, an assistant in the office of the National Security Council, was considered an adviser to the President and barred from appearing. His knowledge of the Executive order was essential to our deliberations. We did not wish to question him on any possible conversations with the President but merely to gain the benefit of his technical knowledge in this area. The subcommittee was stymied. Congress was denied access to important information. The American people suffer for it.

I urge all my colleagues to support this amendment. Again, it is not a partisan issue. It is a legislative enactment going straight to the heat of our responsibilities to our constituents and the Constitution. Congress must assert its responsibilities as a coequal branch of the Government.

The text of the proposed amendment is as follows:

> No part of the appropriations made by this Act shall be expended for the Compensation of any person other than those designated by the President, not to exceed ten persons employed in the White House Office, who refuses to appear before any committee of the Congress solely on the grounds of "executive privilege"; nor shall any part of the appropriations made by this Act be expended to compensate any employee of the Executive Office of the President who is employed in or designated as holding two positions in such Office.

Mr. Chairman, at the proper time I will ask unanimous consent to include statements by two eminent authorities, Prof. Raoul Berger of Harvard Law School, and Prof. Alan Swan of the University of Chicago. These statements are closely reasoned briefs thoroughly destroying any legal basis for the existence, on constitutional grounds, of the so-called doctrine of executive privilege.

I will also ask unanimous consent to include a study done by the Congressional Research Service for the Subcommittee on Foreign Operations and Government Information outlining the phenomenal increase in Executive Office manpower and a study of instances of refusal of Executive Department officials to testify or appear before congressional committees.

The material follows:

STATEMENT OF RAOUL BERGER

It is a privilege to respond to your invitation to appear before you. You are grappling with a grave national problem—the growing and dangerous practice of the Executive branch to withhold vital information from both the public and the Congress. My concern will be with the legal problems that attend the assertion of executive privilege to shut off Congressional inquiry. About the need of Congress to know if it is not to legislate and appropriate in the dark, you know full well. Much of what I shall say is familiar to this Committee. But our task is to bring the entire Congress up to the informed level of this Committee, and to educate the American people as to the flimsiness of executive privilege claims.

Let me begin with the most recent example of how history is being manufactured under our noses, the claim of privilege for Peter Flanigan on the ground that he is a member of the White House staff. Counsel for the President, Mr. John W. Dean III, explained that Mr. Flanigan's immunity was grounded on "long established historical precedent." What are these precedents? When Assistant Attorney General William Rehnquist appeared before you in June, 1971, the instances he mustered for the refusal of the President's "intimate advisers to appear" went back no further than the Truman administration, i.e. about 1950 or 1951. These refusals were based on the principle, said Mr. Rehnquist, that the advisers "ought not to be interrogated as to conversations . . . with the President or advice given or recommendations made to the President." III 363.[1] It required only twenty years to transform those incidents into "long established historical precedents." It will hardly be presumed that the President would claim that he discussed the settlement of the ITT antitrust case with Mr. Flanigan. So the claimed immunity for Flanigan constitutes a brand-new "historical precedent," mere membership in the White House staff immunizes from Congressional inquiry. Let me postpone the immunity claimed for Presidential advisers to my discussion of the case of Henry Kissinger.

I shall discuss a number of basic problems, beginning with executive reliance on the separation of powers; then I shall delineate the historical basis of the Congressional power of inquiry which, at the adoption of the Constitution, was deemed to extend to surveillance of executive performance. Then I shall show that there is no comparable history for executive privilege, and that the earliest precedents invoked by Executive spokesmen, which were incidents in the Washington administration, will not withstand scrutiny. Next I shall comment on the recent shelter claimed for "candid interchange" of opinions by subordinates, and then upon the shaky basis for the claim of immunity for confidential advice to the President. Finally, I shall comment on the refusal of the Defense Department to comply with your request for information under the Act of 1928, and on the measures open to Congress to bring executive refusals of information to a test.

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[1] References are to hearings before this Subcommittee in June, 1971, and the volumes I, II, and III will merely be cited as I, etc.

The first appeal of the Executive branch, repeated before you by Assistant Attorney General Rehnquist, is to the separation of powers, II 359, which postulates that Congress is encroaching on the Executive prerogative. Was there an executive prerogative to withhold information from Congress at the adoption of the Constitution? Only if there was such a prerogative can it claim the protection of the separation of powers. In other words, it is necessary to demark the attributes of each department before the separation of powers comes into play. To look to the Article II "executive power" for the answer is like looking into a crystal ball. When former Justice Arthur J. Goldberg testified before you in March, 1972 that "It is true that Article 2, vesting the Executive power of the United States in the President, necessarily implies that certain activities he conducts, either directly or through his staff and the Executive Departments are privileged,"[2] he assumed the answer.

For what the Framers meant when they employed the terms "legislative power," "executive power," we must look to history, exactly as the Supreme Court did when it inquired whether the "judicial power" included a power to hold in "contempt."

History discloses an established virtually untrammeled parliamentary power of inquiry; whereas the Executive Branch has *not advanced a single precedent prior to the Washington administration* which shows the existence of executive power to refuse information to Parliament. Nor do the Washington incidents stretch so far.

The great William Pitt, speaking in 1742 to the proposed investigation of the ousted Premier, Robert Walpole, said:

> "We are called the Grand Inquest of the nation, and as such it is our duty to inquire into every step of public management, either abroad or at home, in order to see that nothing is done amiss."

RB 1058.[3] Remember the words "grand inquest." Pitt's statement was echoed in 1774 by James Wilson, second only to Madison among the Framers:

> "The House of Commons have checked the progress of arbitrary power, and have supported with honor to themselves, and with advantage to the nation, the character of grand inquisitors of the realm. The proudest ministers of the proudest monarchs have trembled at their censures, and have appeared at the bar of the house, to give an account of their conduct."

RB 1288n. Reference to the "grand inquest" was made in the Massachusetts Ratification Convention by Fisher Amers, 2 Elliot's Debates 11, and in North Carolina by Archibald Maclaine, 4 Elliot's Debates 44. In the Second Congress, Elias Boudinot stated in 1792, respecting a proposed investigation of the affairs of the Secretary of the Treasury, Alexander Hamilton, that "we're now exercising the important office of the grand inquest of the nation," and noted that the inquiry was "into the conduct of an officer of the Government in a very important and highly responsible station." 3 Ann. Cong. 947–948. The investigation, I may add, was welcomed by Washington. RB 1081 n.200. That the separation of powers interposed no obstacle to such inquiry may be gathered from the high priest of the doctrine, Montesquieu, who was endlessly cited by the Founders. The legislature, he said, should "have the means of examining in what manner its laws have been executed by the public officials." RB 1059–60.

All this was summarized by the Supreme Court in *McGrain* v. *Daugherty,* 273 U.S. 135, 161 (1927) in the wake of the Teapot Dome scandals:

> "power to secure information by such [investigatory means] has long been treated as an attribute of the power to legislate. It was so regarded in the British Parliament and in the Colonial legislatures before the American Revolution."

"A legislative body," said the Court, "cannot legislate usefully or effectively in the absence of information . . . and where the legislature does not itself possess the requisite information . . . recourse must be had to others who do possess it," as Roger Sherman had said with respect to the Act of 1789. That Act made it the duty of the Secretary of the Treasury to furnish information required of him by either branch of Congress, and Sherman said, "we must procure it where it is to be had." RM 1061. The Court also declared that an investigation "of the administration of the Department of Justice . . . and particularly whether the Attorney General and his assistants were performing or neglecting their duties" was within the jurisdiction of Congress. 273 U.S. at 177. True, there the brother of the Attorney General, an Ohio banker, sought to resist the investigation; but it is absurd to argue, as did Attorney General Rogers, that the Attorney General himself could not be called in an investigation of his own derelictions. RB 1055. The Act of 1789 specifically provided that the Secretary of the Treasury must appear in person.

That Act, drafted by Alexander Hamilton, enacted by the First Congress, virtually an adjourned session of the Convention, and approved by President Washington, who had presided over the Convention, made it the duty of the Secretary of the Treasury "to give information to either branch of the legislature in person or in writing (as he may be required) respecting all matters . . . which shall appertain to his office." 1 Stat. 65–66, 5 U.S.C. § 242. Both the Secretaries of War and of the Treasury appeared before the House in the St. Clair investigation. 3 Ann. Cong. 1106 (1792). RB 1060.

Where is the comparable history of executive privilege? When Assistant Attorney General Rehnquist appeared before you in June, 1971, he stated that the privilege is "firmly rooted in history and precedent." II 360. He avouched no pre-Constitution precedent to show that legislative surveillance of the executive was in any wise limited; instead he relied on two incidents during the Washington administration: the St. Clair investigation and the Jay Treaty incident. Neither constitutes a precedent.

In 1792 the House examined into the failure of General St. Clair's expedition against the Indians and called on the Secretary of War for documents. According to what Mr. Rehnquist described as "an excerpt from Jefferson's notes of the cabinet meeting," II 360, it was agreed that the "house was an inquest, therefore might institute inquiries," but that the President had discretion to refuse papers, "the disclosure of which would injure the public." RB 1079. However, all the details of the disastrous expedition were in fact turned over, so that the case is hardly a case for a *claim* of the Executive to withhold information from Congress. Jefferson's "notes" did not find their way into the executive files; there was no evidence that the meditations of the cabinet were ever disclosed to Congress. Indeed, it would have been unsettling and unwise to excite the House by a claim of discretion to withhold when all the information was in fact turned over. The Jefferson "notes" were found amongst his papers after his death and first published many years later, under his "Anas,' what he described as "loose scraps," and "unofficial notes." RB 1089n. There this "precedent" slumbered until it was exhumed in a memorandum submitted to the Senate in 1957 by Attorney General Rogers. What a "precedent!" If it is a precedent, it teaches that Washington would not claim privilege to hide a shameful failure within his administration.

The second "historical precedent" invoked by Assistant Attorney General Rehnquist is Washington's refusal to turn over the Jay Treaty papers to the House. II 360–361. The papers had been *delivered to the Senate,* but were refused to the House because, said Washington, the House had no part in treaty-making and hence no "right" to the papers. But he emphasized that he had no disposition to withhold "any information . . . which could be requested of him as a right," as, for example, had the House required the papers for purposes of impeachment. RB 1086. In sum, this was not a case where executive privilege defeated a "right" of inquiry, for the papers were delivered to the Senate, but an alleged absence of a "right" of the House to inquire. Indeed, the very terms "executive privilege" are a relatively late newcomer on the scene.

The "executive power" was conceived by the Framers as a power to "execute the laws," RB 1071–76, and the legislature necessarily, in the words of Montesquieu, "should have the means of examining in what manner its laws have been executed." We need to recall that the prevalent belief at the end of the Colonial period was that the executive, in the words of Edward Corwin, "was the natural enemy, the legislative assembly, the natural friend of liberty." RB 1070. And despite Madison's disenchantment with State legislative excesses in the post-Revolutionary period, he concluded that "in republican government, the legislative authority necessarily predominates." Federalist, No. 51. Today the Executive branch tells Congress, the senior partner in government, that disclosure to it of certain information is "inappropriate" or not in the "national interest."

Another "precedent" cited by Assistant Attorney General Rehnquist arose in 1953, *Reynolds* v. *United States,* 345 U.S. 1, III 360. There a private litigant in a suit against the government sought disclosure of an Air Force report respecting secret electronic equipment. The claim of a private litigant to such disclosure stands far lower than that of Congress. Concealment of departmental derelictions, for example, the Teapot Dome frauds, or of foreign commitments, may be far more damaging to the national interest than a failure of justice in a private litigation. Then too, there is a long history of parliamentary inquiry into executive conduct, which is much older than, and entirely independent of, the right of a litigant to executive disclosure in the courts. *Reynolds,* in fact, speaks against the exaggerated executive claims, for the Supreme Court said that it is for the Court, not the Executive, to "determine whether the circumstances are appropriate for the claim of privilege." 345 U.S. at 8. Although the Court found that the litigant had not proven the need for disclosure in light of an "available alternative," it was yet at pains to state that "judicial control over evidence in a case cannot be abdicated to the caprice of executive officers."

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[2] Cong. Rec. March 24, 1972, E299C.

[3] Berger, Executive Privilege v. Congressional Inquiry, 12 UCLA Law Rev. 1044 (1965), hereafter cited as RB.

Indeed, Mr. Rehnquist concedes that the "President's authority to withhold information is not an unbridled one," but concludes that the "potential for abuse" must still be left "for the exercise of presidential discretion." II 361. A "bridle" on the Executive which he alone can check is no bridle at all. In short, the Executive branch asserts a right finally to determine what is "appropriate" for Congress to see after the Supreme Court decided that the Executive has no such right against a private litigant.

The claim of privilege for "candid interchange" among officials is illustrated by your own recent experience. You had requested "Country Field Submissions" for Cambodia, the type of information the "past three administrations" have routinely furnished. (Press release, Chairman Moorhead, March 16, 1972). These submissions, your Chairman explained, "describe the real political and economic situation in a country, what the goals and objectives of the United States assistance program are," and the like. When access to these submissions was refused, the Committee invoked the statutory cut-off for aid to Cambodia. At the last minute President Nixon forestalled the cut-off by an appeal to executive privilege. A similar rebuff was experienced by the Senate Foreign Relations Committee. President Nixon explained that "unless privacy of preliminary exchange of views between personnel of the Executive branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of government would be muted." Hearings before the Senate Subcommittee on Separation of Powers on Executive Privilege (July–Aug. 1971) p. 46.

No trace of this branch of privilege appears in history until it was put forth in 1954 by President Eisenhower in defense of the Army against the onslaughts of Senator McCarthy. RB 1309–10. It is therefore a recent made-to-order doctrine, altogether without historical foundation, which cannot be justified as the exercise of a *constitutional* power to withhold. Moreover, this principle of "candid interchange" was laughed out of court by the highest judicial tribunal of England, the House of Lords, in *Conway* v. *Rimmer* [1968] 1 All.E.R. 874, a private litigation. In the words of Professor Wade of Oxford, "The flimsiness (as Lord Reid called it) of this overworked argument has long been obvious and their Lordships have now shattered it without mercy." 84 L.Q. R. 173. Nevertheless, the President solemnly invokes as a sufficient reason for withholding from Congress information as to how the Defense Department plans to spend appropriated funds an excuse which the Lords rejected for withholding from a private litigant.

Such presidential frustrations of Congressional attempts to obtain information vital for the performance of its functions reveal how futile it is to make a cut-off of funds turn on presidential invocation of executive privilege. A Department determined to withhold information, as these incidents disclose, will generally procure presidential concurrence. I would therefore recommend that all future cut-offs be made dependent *solely* on departmental refusal of information to Congress. As the President's abandonment of the claim of executive privilege for Peter Flanigan, in order to save the appointment of Richard Kleindienst as Attorney General indicates, the President may conclude that some claims of privilege are too dearly bought.

We have seen that the claim of privilege for members of the White House staff, according to the "precedents" mustered by Assistant Attorney General Rehnquist, is new-minted. Suppose Peter Flanigan were charged with violation of the Corrupt Practices Act and that Congress launched an investigation to ascertain whether there were grounds for impeachment. Can it be maintained that Mr. Flanigan's plea of immunity from investigation would be sustained? Impeachment lies against "all civil officers" regardless of location in the government; and Congress, as President Washington recognized, may investigate before it impeaches.

I propose to show that even the claim for confidential advice to the President, for example, by Mr. Henry Kissinger, has very shaky underpinning. There is no need to rehearse Mr. Kissinger's omnipresence in foreign affairs. That he has taken over high-level functions of the Secretary of State is open and notorious. Although the Secretary, in the words of Chief Justice Marshall in *Marbury* v. *Madison*, is a "confidential agent" of the President, he enjoys no blanket immunity from inquiry. Mr. Kissinger, however, is claimed to be unaccountable to Congress.

This area of privilege has been highly overrated. In the memorandum Attorney General Rogers submitted to the Senate, he claimed "uncontrolled discretion" in a department head to withhold "confidential" information, citing *Marbury* v. *Madison*. RB 1101, 1110. But Mr. Rogers himself quoted Chief Justice Marshall as saying on the trial of Aaron Burr that "the principle decided there [Marbury] was that communications *from* the President to the Secretary of State could not be extorted from him." RB 1110. Even this much was pure dictum, because *Marbury* involved a claim to delivery of a commission which had been signed by the President and sealed by the Secretary of State, about which there was nothing confidential at all. So far as *Marbury* is a precedent, it does not, according to Marshall himself, shelter a communication from a high officer *to the President*. A private letter from General James Wilkinson to President Jefferson was in fact held subject to subpoena by Marshall on the *Burr* trial and it was turned over to the court by Jefferson.

In truth, *Marbury* is altogether irrelevant to Congressional inquiry. It was a litigation by a private individual, and Marshall stated that the "province of the court . . . is not to inquire how the executive or executive officers perform their duties." Precisely that function lies within the province of the legislature, as Pitt, Montesquieu and James Wilson made clear, and as the Supreme Court held in *McGrain v. Daugherty*. In 1792 Washington welcomed an investigation of the Secretary of the Treasury; RB 1081n; and he turned over all documents in the investigation of General St. Clair, thus recognizing the inquiring function of Congress.

It also needs to be remembered that a number of British Ministers were impeached for giving "pernicious advice" to the King. Berger, Impeachment for "High Crimes and Misdemeanors," 40 So. Cal. Rev. 395,413 (1971), and that in the Virginia and South Carolina Ratification Conventions Francis Corbin and Henry Pendleton alluded to such "advice" as within the scope of impeachment. Id. at 431. If such "advice" is impeachable, inquiry whether it was given cannot be barred on *constitutional* grounds whatever may be the merits of the practical arguments for confidentiality. Practical desiderata cannot be translated into constitutional dogma.

Now I come to what seems to me the most glaring example of bureaucratic recalcitrance—the refusal of the Defense Department to comply with the request of this Committee for information under the Act of 1928, now codified in 5 U.S.C. § 2594. The Act provides that upon request of the Committee on Government Operations every executive department shall "furnish *any* information requested of it relating to *any* matter within the jurisdiction of said Committee" (emphasis added). Senate Report No. 1320 (70th Cong., 1st Sess.) recites that the Bill repealed the requirements of a large number of statutes covering certain listed reports on the ground that the "requirements are obsolete . . . have no value and serve no useful purpose. . . . To save any question as to the right of the House of Representatives to have furnished any of the information contained in the reports proposed to be abolished a provision has been added to the bill requiring such information to be furnished . . ." On the basis of this report, the Assistant to the President, Mr. John D. Erlichmann, argues that the Act was merely designed to apply to the "discontinued reports." III 785, 788.

On this interpretation, the Act preserves the right of Congress to require obsolete and valueless reports while barring access to reports of immediate value and need. It reads a statute designed by Congress for its own benefit against Congress and in favor of the Executive. In effect, the Executive would revise the Act of 1928 to read, "notwithstanding the provisions of this repealer, the Committee may require the discontinued reports." But the Congress went beyond this: it provided for the requirement of "*any* information . . . relating to *any* matter within the jurisdiction of said Committee." The prototype of this provision is the Act of September 2, 1789 (1 Stat. 65–66, 5 U.S.C. § 242), which made it the duty of the Secretary of the Treasury "to give information . . . respecting *all* matters . . . which shall pertain to his office." In 1854, Attorney General Caleb Cushing advised the President that "by legal implication" every branch of the Executive Department is under the same duty. 6 Ops. Atty. Gen. 326,333. The broad language of the Act of 1928 may be read as declaratory of this duty.

Mr. Erlichmann admitted that the language of the 1928 Act "unquestionably is rather broad," III 788; and Assistant Attorney General Rehnquist "cheerfully conceded" that "the extremely broad purpose . . . is a permissible interpretation of the language." III 785. Why must we prefer a narrow to a broad reading of a statute designed by Congress for its own benefit? Our guide rather should be the statement of Chief Justice Marshall:

"It is not enough to say, that this particular case was not in the mind of the Convention, when the article was framed. . . . It is necessary to go farther, and to say that, had this particular case been suggested, the language would have been so varied, as to exclude it . . ."

Dartmouth College v. *Woodward*, 4 Wheat. 518,644 (1819). Would the Congress have excluded a request for the SST report from the words "*any* information . . . relating to *any* matter" and have restricted the request to "obsolete and valueless" reports? The answer is self-evident. It follows, in my judgment, that a refusal of information required by your Committee under the Act of 1928 is a violation of law.

Statement of Alan C. Swan of the University of Chicago on Executive Privilege

I am flattered by the Committee's invitation to express my views on S. 1125. I heartily endorse the changes it proposes. Its enactment would, I believe, give promise of a new vigilance by Congress in the defense of its Constitutional prerogatives and might even induce greater concern in the Executive for the consequences of its own assertions of power. For either of these, I as a citizen, would be grateful. And perhaps I can best make my modest contribution to these ends by what must necessarily be a too cursory review of the central precepts governing the exercise of the privilege.

The history of the President's right to withhold information from Congress is a remarkable chapter in our Constitutional story. Scarcely touched by judicial authority, the record abounds with self-serving efforts to endow each favorable outcome with the authority of precedent. Too little care is devoted to squaring with the facts of historical citation. And the very frequency with which the Separation of Powers Doctrine has been invoked induces a feeling that something of our understanding of that doctrine and of its true and vital import for our form of government has been lost.

Under this state of the record, renewed attention to first principles is badly needed. I would, therefore, like to start with a brief discussion of the Separation of Powers Doctrine. Then, I would turn to testing four major types of cases against these principles and against the precedents, but not before noting some recent claims for the privilege which suggest that renewed vigor in Congress' assertion of its rights would come none too soon.

I

It would seem elementary, yet too often forgotten, that the Separation of Powers Doctrine was not devised for the convenience of the several branches of the Government, but as a means of securing to those branches power to so check and balance each other that the people would be free from arbitrary power. As Mr. Justice Brandeis in *Myers* vs. *United States* put it:

"The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

This fundamental observation ought to be received without question; but apparently not so. I think it fair to say that by the end of the Eisenhower Administration we had arrived at a point where the Executive claimed a plenary authority under the Separation of Powers Doctrine to withhold from Congress anything it saw fit to withhold.

In 1957, then Attorney General Rogers, in a memorandum to the Subcommittee on Constitutional Rights claimed that while heads of departments "have frequently obeyed congressional demands, . . . and have furnished papers and information to congressional committees, they have done so only in a spirit of comity and good will, and not because there has been an effective legal means to compel them to do so." Such a claim, and others like it, shows I suggest, a total disregard of the need for checks and balances. The power of determining secrecy has slipped imperceptibly into the hands of a single Branch of the Government.

Nor do I believe that the situation has changed in the years since. While Presidents Kennedy, Johnson and now President Nixon, in admirable expressions of self-restraint, have drastically revised the earlier directives, nothing they have said or done retreats one whit from the broad assertions of Executive power laid down by Mr. Rogers. In the background—apparently untouched by any Presidential disclaimer—lie the precedents of the earlier period, ready to be resurrected whenever present or future administrations consider the provocation sufficient to do so.

II

A search for principles to guide in restoring the balance might usefully begin by setting aside cases where one House of Congress requests information on a subject given exclusively by the Constitution to the President or to the President jointly with the other House. If a particular subject is clearly not within the Congressional purview, it takes no citation of authority to acknowledge the Executive's right to resist a Congressional inquiry. Indeed, we could drop the matter at this point were it not for the propensity of Executive spokesmen to treat such resistance as precedent for a Privilege over matters clearly within Congress' jurisdiction, a wholly distinguishable case.

Two examples will suffice.

First, in the celebrated Jay Treaty Affair of 1796, an Executive Branch favorite. President Washington, in rejecting the House's request for all documents relating to the Treaty, emphasized the need for secrecy in foreign relations only to explain why the Constitutional Convention had put the treaty power in the President and the Senate, the latter being the smaller legislative body. He noted that all the requested papers had been submitted to the Senate, reviewed the history of the debates over the House's role in treaty-making, and concluded:

"As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light, and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office . . . forbids a compliance with your request."

In short, the Senate had a right to all the documents, the House to none, because it lacked the Constitutional authority to act upon the subject to which those documents related.

The second incident, often cited to support a plenary privilage, occurred in 1886 when President Cleveland refused a request for all documents concerning the suspension of one George Durkin as a United States District Attorney. The President denied that the documents were pertinent to Senate action on Durkin's successor and contended that the Senate had no authority to inquire into his exercise of the removal power. The Senate was not prepared to acquiesce on either count, and a Resolution of censure against the Attorney General was approved.

III

The center of our concern is with the privilege to withhold information that is clearly pertinent and possibly necessary to discharge by Congress of its Constitutional responsibilities. Here three types of information appear to account for the bulk of the cases: Defense and foreign policy secrets; documents, such as FBI investigative reports, containing confidential information usually gathered in the course of law enforcement activities; and internal working papers of the Executive. This last is the most difficult, and perhaps the most mischievous, yet subtle, of the cases and I should like to defer it to the end.

In refusing to supply defense and foreign policy secrets or confidential investigative reports to Congress, the Executive has invariably—and I know of no exception to the rule—equated disclosure to Congress with public disclosure. The often cited opinion of Mr. Justice Jackson when, as Attorney General, he explained his denial of certain FBI reports to the House Naval Affairs Committee, is a perfect case in point. The Attorney General argued that disclosure to the Committee would: (1) prejudice law enforcement by giving advance notice of the Government's case to defendants and their lawyers; (2) prejudice national defense by warning away those suspected of subversive activity; (3) prejudice the usefulness of the FBI by breaking its pledges to informers and (4) perpetrate an injustice upon innocent individuals. A similar line of reasoning was followed only a few weeks ago by the Assistant Attorney General in testimony before a House Subcommittee, when he gave as one example of the need for a Privilege to withhold information from Congress, the fact that the negotiation of a treaty is often a delicate matter, which does not "admit of being carried on in public."

These are quite remarkable arguments in light of the literally hundreds of state secrets and other pieces of confidential information entrusted by the Executive to the Congress, its members, and its Committees virtually every day. One must, I think, read between the lines, and construe the claim of privilege as a right to withhold any information which the Executive thinks should be kept confidential whenever it perceives that Congress might disagree with that judgment. In short, the question under the Privilege is not what Congress should know, but whether the Executive Branch is to be the exclusive authority for determining what the public should know.

Such a claim is extremely difficult to square with the Separation of Powers Doctrine. The Executive's own arguments tacitly admit that Congress by itself is entitled to the information when pertinent to its legislative responsibilities. If so, I can think of no more important application of the checks and balances principle than the right of Congress to information carries with it the right to determine how much of that information is to be made public. The power of one Branch to check the other in determining the need for secrecy is of the essence of liberty.

On this point it should be noted in *Reynolds* vs. *United States*, the Supreme Court refused to abdicate judicial control over the evidence in a case—in that instance highly classified military information—to what it called the "caprice of executive officers." If the Judiciary cannot be asked to abdicate to the Executive in choosing between the public's need for information and the need for secrecy, Separation of Powers might properly dictate a comparable stand by Congress.

One might also observe the seeming incongruity between the Executive's claim and Article I, Section 5 of the Constitution which provides in pertinent part:

"Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such parts as may in their Judgment require secrecy."

The framers of the Constitution certainly evinced no lack of confidence in the ability of the Legislature to judge when secrecy was required in the public interest. Indeed, there was concern that too much would be kept secret.

At this point clarification is in order. The Executive cannot be blind to the fact that at times individual members of Congress and even congressional committees, whether out of policy disagreement or a desire for personal or partisan advantage, are prepared to make confidential information public or use it to injure innocent people. The Executive cannot be expected, nor should it respond in these cases. Nothing in the Separation of Power's Doctrine equates the individual legislator's judgment or even the judgment of a Committee, with that of the Senate or the House. Here I suggest Congress has a responsibility by establishing appropriate procedures to undercut some of the legitimate fears which surely have contributed much to the erosion of the Congressional prerogative.

IV

Thus far, I have addressed myself mainly to the principle of the matter. Now let me turn to the more hazardous task of reviewing the precedents. I am fully cognizant of a long line of Attorney Generals' opinions upholding the Executive Privilege with respect to investigative materials. Likewise, there are statements of fairly recent vintage by distinguished Senators and members of Congress concurring in these opinions and confirming a plenary privilege with respect to State secrets. I am sure that the Executive Branch's witnesses will not fail to bring these statements to the Committee's attention.

Nevertheless, I believe an examination of the history justifies a reassessment of these positions. The precedents from the period when members of the Constitutional Convention were still active in Government, and upon which the Attorneys General have relied are entirely equivocal. There is ample precedent to sustain our argument with regard to state secrets. And finally the importance of the matter to the health of our democracy, warrants, I suggest, a reassertion by Congress of its historic rights.

I am sure the Committee is acquainted with Jefferson's famous notes of the meeting at which Washington's cabinet discussed the St. Clair expedition documents. According to the notes, the Cabinet acknowledged that the House could mount the investigation and call for papers generally, but also that the Executive:

"... ought to communicate such papers as the public good would permit, and ought to refuse those the disclosure of which would injure the public."

Several things are notable about this statement. There is no evidence that these views were communicated to the Congress; Jefferson's own annotations to British Parliamentary precedents fail in important respects to support the assertions stated; all documents were turned over to the Committee and the Secretaries of War and Treasury both appeared to offer "explanations." In short, this was no withholding.

Next, in 1807 during Jefferson's Presidency, the House requested the President for all information on the Burr Conspiracy "except such as he may deem the public welfare to require not to be disclosed." The President complied with the request subject to "the reserve therein expressed." By way of explaining his use of that reserve, Jefferson noted the conjectural nature of much of the evidence and stated that "... neither safety nor justice will permit the exposing of names, except that of ... (Burr) ... whose guilt is placed beyond question." The President's explanation for using an authority expressly conferred upon him by Congress, can hardly be interpreted as a claim of a constitutional right to withhold information. Moreover, the Congressional grant of discretion was, as we shall see, a matter of courtesy and not a recognition of right. Yet at least three Attorneys General have cited the case as the first definitive authority for a Constitutional privilege to withhold investigative reports from Congress.

In contrast to Jefferson, Andrew Jackson in 1835 withheld from the Senate copies of charges of fraud made against one Gideon Fitz, because the information was to be used in Executive session. This would, according to the President, have deprived Fitz of his right to a "public investigation in the presence of his accusers and of the witnesses against him."

On these authorities we must wonder, what is the true basis for an Executive withholding of investigative reports. Apparently, protection of the innocent requires not only that information be kept confidential but confidential within the Executive Branch. It alone, we are led to believe, is capable of exercising a proper regard for a citizen's rights; an assumption that finds no warrant in the Separation of Powers Doctrine.

Finally, in 1842, President Tyler refused the House an investigative report concerning frauds perpetrated on the Cherokee Indians, because to do so would, according to the President, visit "irremediable injury upon innocent parties by throwing them into libels most foul and atrocious." Earlier the Secretary of War had declined the House's request and the House had passed a Resolution asserting its right to demand any information from the Executive "relating to subjects ... within the sphere of its legitimate powers." Tyler also claimed that the courts had recognized his discretion, and what could be withheld from the courts, he argued, could certainly be withheld from Congress.

This incident is far from definitive. The House dissented from the President's assertions each step of the way. The President eventually turned over most of the documents, requesting that they be kept confidential until the appropriate Committee had judged "what portions ... should not at present be printed." His claim of judicial sanction, of doubtful validity then, has since been completely undermined by the *Reynolds* case.

These are, I believe, the main precedents from the first fifty years of our history upon which the Attorneys General have built their doctrine of an unqualified privilege to withhold investigative materials. They are entirely equivocal. At most they show ambiguous action accompanied by brave words in which the Congress never acquiesced. On this record, I would urge a return to first principles, the more so today than in Jackson and Tyler's time. At the same time it cannot be denied that the progress of the Executive on this matter has been aided, perhaps decisively, by the occasional abuses of the investigative power.

In contrast to the Executive's claims of discretion to withhold investigative reports, information pertaining to foreign and military affairs early became the subject of a special accommodation.

The first telling event occurred in 1798 when following receipt by the President of dispatches from our envoys in Paris, a resolution was introduced in the House calling for the dispatches "or such part thereof as considerations of public safety and interest, in his (the President's) opinion, may permit." This clause was objected to because it proposed to transfer to the President the House's right to determine what should be made public. In the debates, the asserted right of the House was not questioned. It was argued rather that in a matter of such sensitivity the House ought to extend to the President the courtesy of a discretion. On the vote, the grant of discretion was struck from the resolution.

Then, in complying with the resolution, President Adams requested that the dispatches be held confidential:

"... until the members of the Congress are fully possessed of their contents, and shall have had an opportunity to deliberate on the consequences of their publication; after which time I submit them to your wisdom."

The House, after considering the papers in secret session, authorized their publication. These were as famous X, Y, Z papers, which undoubtedly increased popular hostility toward France and influenced Congress in its decision to authorize the "Naval War" with France of 1798–1800.

Perhaps out of this experience—one can only conjecture—the practice developed of regularly including a grant of discretion in requests to the President for documents concerning the Nation's foreign relations. This explains the exception granted Jefferson in the request for the Burr Conspiracy documents, it being widely held that those documents would reveal the complicity of at least three foreign governments. What is most important for our purposes, is that as late as 1850 and probably as late as 1904, this grant of discretion was well understood to be a Congressional dispensation and not a Constitutionally based, Presidential right.

President Monroe used the discretion in 1821—explicitly recognizing the House as its source—and again in 1825. Jackson and Polk also used it where the information concerned negotiations in progress. In 1846 Polk fully acknowledged the right of Congress to publish the documents if they were made available. He therefore used the discretion granted him but invited members of the Senate personally to peruse the documents at the State Department.

Along with this custom, it also became the habit, at least in the Senate, of reviewing the documents in Executive session. This meant that disclosure to the Senate and disclosure to the public were kept quite separate. Indeed, by 1904 the view was expressed that the Senate's right to confidential information was contingent upon a willingness to consider it in Executive Session. Although some Senators were also of the opinion that if considered in Executive Session, the Senate should dispense with the customary courtesy. What is clear is that nothing in the practice of holding Executive Sessions implied abdication of the Senate's right to make the documents public. It merely assured the President that the Senate had assumed responsibility for maintaining confidentiality until public release had been approved by the affirmative action of the whole Senate. Such a posture, as we have argued, is based upon sound Constitutional principle.

Finally, as late as 1904, a motion in the Senate to insert the customary grant of discretion in a call for the Hay-Harran Treaty correspondence, was objected to because it might be taken as a Senatorial recognition of a Constitutionally based Executive Privilege. While the argument was made that with or without the clause the President could withhold the documents, this was hotly contested. It seemed to be the more general view that the President should be given the customary courtesy and the motion was agreed to.

On this record, we may conclude that throughout our history up to the first decade of this century, President and Congress alike recognized that the latter, particularly the Senate, had a right to all information, without qualification, necessary to the discharge of its responsibilities concerning the Nation's foreign relations and that the Congress was free to make its own independent determination of what confidential information might be made public. At the same time, in recognition of the sensitivity of these matters and of the great weight to be attached to the President's judgment, the practice developed of extending to the President the courtesy of a discretion to withhold information. So long had this practice persisted, that toward the end of the period some partisans of the President, including some Senators, began attributing to it a mandatory character; a courtesy which had matured into a right upon which the President could insist. Such a view, however, was certainly contrary to the precedents and the theoretical foundations of the practice and appears never to have commanded a majority in the Congress.

In the years since, the record becomes much less clear. Further systematic investigation is needed. Yet it does seem that calls to the President by Resolution of the Senate or House appears with less frequency. The increased reliance upon Committees, although essential, has bred a tendency to equate disclosures to and consultations with Committee leaders as disclosure to the Congress. And while this has at times been a very effective way of imposing Congressional views upon the Executive, it most surely has made it more difficult to preserve Congress in its historic role of guardian against excessive Executive secrecy. Nor should we lose sight of the fact that in the intervening period the Executive has with increasing vigor asserted its claim to a plenary power to direct the Nation's foreign affairs. Under these circumstances, the Executive has been able without great difficulty to convert a historic courtesy into an unqualified claim of right, and to go largely unchallenged by Congress. I for one urge that this continue no longer.

V

Finally, a word concerning the most difficult and perhaps most deceptive grounds asserted for the Privilege: the protection of the internal deliberative processes of the Executive Branch. In theory it can be readily defended. It is not difficult to perceive that the power of Congress to scrutinize the opinions, the recommendations, the thinking processes, of the Executive could inhibit the giving of candid and unpopular advice and the exercise of independent judgment, and in so doing render the Executive wholly subservient to Congress. Not surprisingly, therefore, the precedents for this privilege go back at least to 1833 when Andrew Jackson irately refused the Senate's request for a document purportedly read by him to the Cabinet regarding the removal of deposits from the Bank of the United States.

Yet, this is potentially a most mischevous privilege. Virtually every scrap written in the Executive Branch can, if desired, be labelled an internal working paper. Rarely are matters neatly labelled "facts", "opinion", "advice". It can be used as readily to shield opinion corrupted by graft and disloyalty as to protect candor and honest judgment. And it can be used as a "back door" device for withholding state secrets and investigative reports from Congress.

But it has a more subtle effect. In the longer sweep of our republican history, there has been perhaps no more significant change than that from Congressional to Presidential Government. Even the scanty bits offered up in this statement are witness to this change. It is not the growth in size of the Executive establishment, nor the fact that the Executive commands most of the engines that get things done. It is rather that now, gathered in the hands of the Executive is the central power of decision on virtually all issues about the shape of our society that are given to the Government to decide. While on many important things Congress retains formidable powers, a shield has been built around the Presidency, jealously guarding its power, particularly against any inroad from the representative branch of the government. Perhaps this is the way things should be. At times past it has seemed so, when Congress appeared blind to peoples' needs, or to the rights of individuals or paralyzed by a handful of willful men. But on balance, I fear that in Presidential Government we have created an ever potential threat to our liberties. At least I know that in balanced government—one punctilious in its adherence to the Separation of Powers principle—there is no such threat. So the shield must be dismantled. It is not merely a shield of secrecy. It is that the key decisions—the high and delicate matters of state—must essentially remain open until Congress speaks and cannot end with the deliberative processes of the White House. To this end, I see S. 1125 as one, albeit modest, first step.

I thank the Committee for having heard me out. I know I have taxed your patience but would be happy to answer any question you may have.

The Development of the White House Staff

The Constitution of the United States mentions only indirectly that the President might make use of subordinate administrative officials in an advisory capacity. But the language of Article II, Section 2, wherein it is stated that the President may "require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices," is generally regarded as the authority for the Cabinet. Thus it was that for many years the President's chief advisors probably were his Cabinet members and only in rare instances did a Chief Executive rely upon other officials. Those individuals attached to the President's office were secretaries and aids who provided clerical assistance to the Chief Executive but no advisory support.

The actual arrangements for an enlarged White House staff can be credited to the report of The President's Committee on Administrative Management, issued in 1937. This report called for executive assistants to assist the President "in dealing with managerial agencies and administrative departments of the Government." The report went on to say:

"These assistants, probably not exceeding six in number would be in addition to his present secretaries, who deal with the public, with the Congress, and with the press and the radio. These aides would have no power to make decisions or issue instructions in their own right.

"They would not be interposed between the President and the heads of his departments. They would not be assistant presidents in any sense. Their function would be, when any matter was presented to the President for action affecting any part of the administrative work of the Government, to assist him in obtaining quickly and without delay all pertinent information possessed by any of the executive departments so as to guide him in making his responsible decisions; and then when decisions have been made, to assist him in seeing to it that every administrative department and agency affected is promptly informed. Their effectiveness in assisting the President will, we think, be directly proportional to their ability to discharge their functions with restraint. They would remain in the background, issue no orders, make no decisions, omit no public statements. Men for these positions should be carefully chosen by the President from within and without the Government. They should be men in whom the President has personal confidence and whose character and attitude is such that they would not attempt to exercise power on their own account. They should be possessed of high competence, great vigor, and a passion for anonymity. They should be installed in the White House itself, directly accessible to the President. In the selection of these aids the President should be free to call on departments from time to time for the assignment of persons who, after a tour of duty as his aides, might be restored to their old position." [1]

The idea for and statement on executive assistants was provided by Louis Brownlow, chairman of the President's Commission. Commenting on the suggestion of establishing executive assistants, a later analysis of the reorganization report noted:

"These men were to act as anonymous servants exercising no initiative independently of the President's wishes. No authority was delegated to them. Their function was to extend the President's power to listen wherever useful information could be gathered and to see whatever needed to be seen to provide the information required for decisions. In order to give them the utmost responsibility, to presidential will, as well as ultimate flexibility, their functions were not to be defined except as the President saw fit to define them. As such they would not constitute either an additional institution or certainly not an independent one; but rather an extension of the presidency itself." [2]

A reorganization act authorizing administrative assistants for the President was passed in early April of 1939. On September 8, 1939, when issuing his "Limited National Emergency" Proclamation after the outbreak of war in Europe, Roosevelt also quietly released an executive order which called for the reorganization of the Executive Office and involved the transfer of the Bureau of the Budget from the Treasury Department as well. When the changes were effected, the Executive Office staff counted some 800 individuals in 1939.

Since 1939 the Executive Office of the President has included various emergency panels, specialized agencies and policy councils. As of this year these units include: the White House Office, created in 1939; the Office and Management and Budget, transferred (then as the Bureau of the Budget) in 1939 from Treasury; the Council of Economic Advisers, established in 1946; the National Security Council, initiated in 1947; the National Aeronautics and Space Council, set up in 1958; the Office of Emergency Preparedness, established in 1961; the Office of Science and Technology, initiated in 1962; the Office of the Special Representative for Trade Negotiations, instituted in 1963; the Office of Economic Opportunity, legislated in 1964; the Office of Intergovernmental Relations, created in 1969; the Domestic Council, created in 1970; the Council on Environmental Quality and Office of Environmental Quality, set up in 1970; the Office of Telecommunications Policy, established in 1970; the Council on International Economic Policy, created last year; the Office of Consumer Affairs, created last year; and the Special Action Office for Drug Abuse, also a 1971 addition to the Executive Office.

The number of presidential advisers and special assistants has, as the following table indicates, exhibited generally steady growth, regardless of national or international events, changes of administration, or differing management styles of the Chief Executives. While the number of advisers was reduced during the Kennedy Administration, the size of the White House staff continued to mount. As Theodore Sorenson, a Kennedy adviser, has explained:

"Kennedy wanted his staff to be small, in order to keep it more personal than institutional. Although in time a number of "special assistants" accumulated for special reasons, he kept the number of senior generalists to a minimum. Both my office, which dealt mostly with domestic policy, and that of McGeorge Bundy, which dealt exclusively with foreign policy, combined in relatively small staff the functions of several times as many Eisenhower aides. I relied on the excellent staff work of the Bureau of the Budget and Council of Economic Advisers." [3]

Thus, while statistics might reflect a reduction in the number of advisers to the President, there was, in effect, no reduction in the number of White House aides. Similarly, the statistics for the Johnson Administration indicate a further reduction in the number of presidential advisers but an increase in Executive Office staff, again reflecting no real reduction in the number of White House aides.

The following table indicates the growth of White House advisers, the White House Office, and the Executive Office of the President. The number of advisers was computed by examining the individuals and their titles listed in each year of the *U.S. Government Organization Manual.*

GROWTH OF THE WHITE HOUSE STAFF

Year	Advisers	White House staff [1]	Executive office staff [1]
1939	6		
1940	6		
1941	8		
1942	9		
1943	11		
1944	11		
1945	12		
1946	11		
1947	11		
1948	12		
1949	12		
1950	13		
1951	12		
1952	13		
1953	22		
1954	25	266	1, 175
1955	32	290	1, 167
1956	35	374	1, 196
1957	33	387	1, 218
1958	34	394	1, 255
1959	37	495	2, 769
1960	37	446	2, 887
1961	24	411	1, 838
1962	21	467	1, 676
1963	23	388	1, 664
1964	23	349	1, 542
1965	19	333	2, 871
1966	20	295	4, 683
1967	20	272	4, 815
1968	21	273	5, 305
1969	39	328	4, 896
1970	51	331	4, 265
1971	45	600	5, 395
1972	48		

[1] U.S. Civil Service statistics as of June for each year cited.

Footnotes at end of article.

Such "advisers" might be referred to as Counselors, Assistants, Counsels, or Consultants. Clerical aides were not included as "advisers" in the computations for the table. Beginning with fiscal year 1971, personnel statistics and cost estimates for the White House Office were changed to reflect the actual number of people employed and monies spent in that office. Previously the statistics for that office had included personnel and related funds which, though credited to executive departments, were actually detailed to the White House Office.

The principal reason for suggesting an increased presidential staff, and the main reason given for the continuous growth of the White House Office, is better management of the growing and uncoordinated government. As the Report of the President's Committee on Administrative Management noted:

"In addition to . . . assistance in his own office the President must be given direct control over and be charged with immediate responsibility for the great managerial functions of the Government which affect all of the administrative departments, as is outlined in the following sections of this report. These functions are personnel management fiscal and organizational management, and planning management. Within these three groups may be comprehended all of the essential elements of business management.[4]"

But, as Prof. Richard F. Fenno has noted, managerial authority has been given over to the President's advisers because other executive management instruments, such as a Cabinet, have proven unsuitable for this function. Fenno comments:

"Whether manifested by a benign lack of interest or by purposeful competition, departmentalism operates to reduce the potentialities of the Cabinet as a coordinating mechanism. Yet in view of the extent to which executive decisionmaking must now be conducted across department boundaries, it does not seem too much to say that the Chief Executive's primary managerial task is precisely this one of coordination. From the seminal recommendations of the President's Committee on Administrative Management in 1939 to the present day, the President's need for assistance in this area has been widely recognized. This, indeed, is the *raison d'être* for the phenomenal proliferation of those staff organs with interdepartmental planning, operating, and advisory functions which now comprise the Executive Office of the President. The expansion of this Office—of, for instance, the Budget Bureau, the National Security Council, the Office of Defense Mobilization, the Council of Economic Advisers, the White House Office—must be considered in part as an inevitable response to the new dimensions of governmental activity, but also in part as an adverse reflection on the ability of the Cabinet in coping with the difficult problems of coordination involved."[5]

Thus it is the White House Office which has come to better serve the President as a coordinator of executive functions. And as managers of the government as well, they have come to play policy roles, refining policy suggestions and, often, even a potential policymaker's access to the Chief Executive. But, as Theodore Sorensen has noted, such a role carries with it certain dangers.

"A White House adviser may see a departmental problem in a wider context than a Secretary, but he also has less contact with actual operations and pressures, with Congress and interested groups. If his own staff grows too large, his office may become only another department, another level of clearances and concurrencies instead of a personal instrument of the President. If his confidential relationship with the President causes either one to be too uncritical of the other's judgment, errors may go uncorrected. If he develops . . . a confidence in his own competence which outruns the fact, his contribution may be more mischievous than useful. If, on the other hand, he defers too readily to the authority of the renowned experts and Cabinet powers, then the President is denied the skeptical, critical service his staff should be providing."[6]

Indeed, what may be fast becoming a profound problem with the White House Office is noted here by Sorensen: that is, the development of the presidential advisory staff, or some arm of the Executive Office, into an entity equal to a department. Reflective of this possibility is the growing amount of money spent each year by the Executive Office of the President. Indeed, the entire Executive Office of the President has greater expenditures than such important bodies as the Federal Communications Commission (FCC), the Federal Power Commission (FPC), or the Federal Trade Commission (FTC).

Fiscal year	EOP	FCC	FPC	FTC
1971	46,961	26,715	19,493	22,405
1972	56,922	30,683	22,164	24,957
1973	64,044	32,582	23,054	26,986

Note: Expenditures in thousands of dollars.

As the White House Office and/or the presidential advisers move toward the possibility of departmental authority, whether such authority be measured in fiscal or political influence terms, the wrath of official department heads can, and often is, incurred. As Theodore Sorensen notes:

"No doubt at times our roles were resented. Secretary Hodges, apparently disgruntled by his inability to see the President more often, arranged to have placed on the Cabinet agenda for June 15, 1961, an item entitled "A candid discussion with the President on relationships with the White House staff." Upon discovering this in the meeting, I passed the President a note asking "Shall I leave?"—but the President ignored both the note and the agenda."[7]

Such disputes within the executive "family" can be viewed as merely matters of paternal favor. When these encroachments of power become enmeshed in executive relationships with other branches of government, then a constitutional crisis may be in the offering.

A short time ago, in testimony before the House Foreign Operations and Government Information subcommittee, former White House Press Secretary George Reedy made the following observation on the increasing authority of the White House staff and the significance of this development both in terms of information flow and accountability.

"At one time, the White House staff was a relatively small group of people. They consisted of personal advisers to the President, and here you have the whole question of Executive privilege which has been exercised, in my judgment, in an extremely legitimate form. I do not think that you should be able to pry loose from a President what he does not want to be pried loose. But even if you should be allowed to do it, there is simply no way of getting at it. I do not care what law you write, or what you put through the Congress, or how many safeguards you set up, there is another branch of the Government, and to really try to pry loose from the President his thoughts, and his personal advice, I think, would even come close to precipitating a Congressional crisis. But, because the authority lies within the White House, rather this ability lies within the White House, of exercising Executive privilege, what has happened with the proliferation of White House staff members is that you are to the point where you are gradually getting a shift of the operating agencies into the White House itself."[8]

What seems to be fast approaching is a government controlled by exclusive decisionmakers, untouchable by either the Congress or perhaps even the departmental bureaucracy. The most notorious of these elite policymakers is Dr. Henry Kissinger and his National Security Council staff which has usurped the field of American diplomatic affairs. Not only has Kissinger and his staff undermined the State Department in this policy sphere, but Congress cannot compel him or any member of the NSC to provide an account of any aspect of their activities.[9] Sen. Fulbright has recently noted that "Mr. Kissinger and his entire staff have taken the position of executive privilege."[10]

But the matter is no different when domestic policy is considered. In a speech given last May in San Jose, California, Sen. Ernest F. Hollings (D.-S.C.) remarked:

"It used to be that if I had a problem with food stamps, I went to see the Secretary of Agriculture, whose Department had jurisdiction over that program. Not any more. Now, if I want to learn the policy, I must go to the White House and consult John Price.

"If I want the latest on textiles, I won't get it from the Secretary of Commerce, who has the authority and responsibility. No, I am forced to go to the White House and see Mr. Peter Flanigan. I shouldn't feel too badly. Secretary Stans has to do the same thing."[11]

Price was a Special Assistant to the President and a staff member of the Domestic Council. Flanigan is simply acknowledged as an Assistant to the President.

Even officials in the executive agencies are becoming distraught over the growing authority of the White House staff and the usurpation of line department functions. A top Commerce Department bureaucrat recently complained in a New York *Times* interview that "the business community pays no attention to this department; if you have a policy problem, you go see Peter Flanigan—and he is available."

"Peter Flanigan," the official said with a sigh, "is to the Department of Commerce what Henry Kissinger is to the Department of State."[12]

The problem posed is not merely one of obtaining information from the Executive, but more importantly a matter of accountability. And even if the dispute were considered at the information level, history records very few denials of records to the Congress. Noting that Washington was the first President to, on at least one occasion, refuse information to Congress, Telford Taylor writes:

"In the years to come, Jefferson, Monroe, Jackson (thrice), Tyler (twice), Polk, Fillmore, Lincoln, Grant, Hayes, Cleveland, Theodore Roosevelt, Coolidge, and Hoover (twice) encountered Congressional demands for information which they saw fit to reject. Secure and powerful in his relations with Congress during his first two terms, Franklin D. Roosevelt did not confront the problem until his third term, during which no less than six such requests were refused, and under Truman the issue was drawn to a still higher pitch of intensity. Although partisan politics have frequently generated these conflicts, it is apparent from the foregoing list that party affiliation has never affected the basic position of the President."[13]

At present the White House staff is at its largest number with an accompanying operating budget which equates it with certain of the important independent agencies of government. In brief, the White House staff is claiming an exclusive prerogative in terms of information, decision-making, and policy priorities. Such a trend has been evident throughout past administrations and has reached a culmination of exclusive authority during the present presidential regime.

The foregoing paragraphs raise certain points of consideration which are essential to any analysis of this subject. The general presentation seeks the portray a bend in governmental activity, a trend which has been

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Footnotes at end of table.

viewed by various authorities both within and outside of the governmental system. No conclusion is reached by this analysis except the obvious view that a problem—of both a constitutional and operational nature—exists and is rapidly reaching crisis proportions. Solutions to this problem are, however, outside the scope of this analysis.

FOOTNOTES

[1] The President's Committee on Administrative Management, *Report of the Committee* (Washington: U. S. Government Printing Office, 1937), p. 5

[2] Barry Dean Karl, *Executive Reorganization and Reform in the New Deal* (Cambridge: Harvard University Press, 1963), p. 241

[3] Theodore C. Sorensen, *Kennedy* (New York: Harper and Row, 1965), p. 262

[4] The President's Committee on Administrative Management, *op. cit.*, p. 6

[5] Richard F. Fenno, Jr., *The President's Cabinet* (New York: Random House, originally published 1959), pp. 141–142

[6] Theodore C. Sorensen, *Decision-Making in the White House* (New York: Columbia University Press, 1968), pp. 71–72

[7] Sorensen, *Kennedy*, op. cit., p. 259

[8] Foreign Operations and Government Information Subcommittee, Committee on Government Operations, House of Representatives, *U.S. Government Information Policies and Practices—Administration* and *Operation of the Freedom of Information Act*, 92nd Congress, 2nd session, taken from hearing transcript for March 6, 1972.

[9] For a view of the National Security Council and its position vis-a-vis the State Department in the Nixon Administration see: I. M. Destler, "Can One Man Do?" *Foreign Policy*, No. 5 (Winter 1971–1972), pp. 28–40; John P. Leacacos, "Kissinger's Apparat," *Foreign Policy*, No. 5 (Winter, 1971–1972), pp. 3–27. Dr. Kissinger's views on elite decision-making are discussed in George Sherman, "A Sickness at State," Washington *Evening Star* (March 7, 1972), pp. A–1, A–6.

[10] Committee on Foreign Relations, United States Senate, *War Powers* Legislation, 92nd Congress, 1st session (1971), p. 453.

[11] Dom Bonafede, "Ehrlichman acts as policy broker in Nixon's formalized Domestic Council, "*National Journal*, III (June 12, 1971), p. 1240.

[12] New York *Times*, March 20, 1972.

[13] Telford Taylor, *Grand Inquest* (New York Ballantine Books, 1961), p. 119.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., May 25, 1972.

To: Foreign Operations and Government Information Subcommittee. Attn: Honorable William S. Moorhead, Chairman.

From: Government and General Research Division; Charles W. Harris, Division Chief. Research by Harold C. Relyea. Subject: Listing of instances during the period 1961–1972 when the executive branch withheld information or witnesses from Congressional committees.

In response to your request for a comprehensive study of the instances when the executive branch withheld records of witnesses from congressional committees, we enclose such a listing of those cases. The yield of information in this research effort has been, in terms of both illustrative and comprehensive information, somewhat disappointing. This is due almost exclusively to two factors. First, our research sources for this study do not index information of the type sought so that many examples of witness or document withholding remain "lost" from our view. Second, while many committee and subcommittee chairmen frequently refer, either in hearing transcripts or published statements, to the refusals by the executive of records and/or witnesses, nowhere are specific citations of the document or person in question made. Thus, while Dr. Henry Kissinger may be reported to have repeatedly refused to appear before the Senate Foreign Relations Committee, there is no precise account of these refusals. In brief, the problem we have encountered with this project is one of mechanics, not necessarily one of substance.

Our sources for this research have been the New York *Times*, the *Congressional Record*, the *Congressional Quarterly* reports and almanacs, and selected hearings. These were consulted for the period 1961 to 1972. The only useful rubric in the New York *Times* index for retrieving sought information was "Congress-Relations with the Executive." In searching the *Congressional Record* the following key terms were consulted: censorship, executive privilege, documents, secrecy, information, freedom of information/witnesses, refusal of witnesses/information/records/documents, records, public records, withholding of witnesses/information/records/documents, government information, government agencies.

Our research has revealed thirteen instances of document or record withholding and eleven instances involving witness withholding or refusal to testify in whole or in part. Those panels having the most difficulty in obtaining records and/or witnesses appear to be the Senate Foreign Relations Committee, the Senate Constitutional Rights Subcommittee, and the House Government Operations Committee.

The following is a chronological list of instances of record withholding and witness withholding or refusals in whole or in part to testify. Dates in parentheses are approximate to within one or two days of actual occurrence. In these cases it was not clear from the citation source as to the precise date involved.

RECORDS AND DOCUMENTS

Date and case

March 22, 1961: The State Department refuses to supply documents to the Government Operations Committee on the administration of the foreign aid program. (New York *Times*, 3/23/61; Committee on Government Operations, House of Representatives, *U.S. Aid Operations in Peru*, 87th Congress, First Session, p. 13.)

(June 9, 1961): National Science Foundation refuses to disclose recommendations of University of Illinois group to the House Committee on Un-American Activities. (New York *Times*, 6/10/61)

(June 21, 1962): The Food and Drug Administration refuses to comply with a request from the House Interstate and Foreign Commerce Committee for files on MER–29 drug. (New York *Times*, 6/21/62)

(June 27, 1962): The State Department refuses to provide a copy of a working paper on the "mellowing" of the Soviet Union to the Senate Foreign Relations Committee. (New York *Times*, 6/27/62)

(February 2, 1962): The Commerce Department refuses to supply records on trade with Communist bloc nations to the House Select Committee on Export Control. (New York *Times*, 2/2/62)

April 4, 1968: The Department of Defense refuses to supply a copy of the Command Control Study of the Gulf of Tonkin incident to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 39.)

June 26, 1969: The Department of Defense refuses to supply the five-year plan for military assistance programs to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 40.)

(August 9, 1969): The State Department refuses to provide defense agreement between U.S. and Thailand to the Senate Foreign Relations Committee. (New York *Times*, 8/9/69)

December 20, 1969: The Department of Defense refuses to supply the "Pentagon Papers" to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, pp. 37–38.)

March 2, 1971: Department of Defense General Counsel J. Fred Buzhardt refuses to release an Army investigation report on the 113th Intelligence Group requested by Senate Constitutional Rights Subcommittee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, pp. 402–405.)

April 10, 1971: The Department of Defense refuses to supply continuous monthly reports on military operations in Southeast Asia to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 47.)

June 9, 1971: The Department of Defense refuses to release computerized surveillance records and refuses to agree to a Senate Constitutional Rights Subcommittee report on such records. (Committee on the Judiciary, United States Senate, *Exclusive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, pp. 398–399.)

August 31, 1971: The Department of Defense refuses to supply foreign military assistance plans to the Senate Foreign Relations Committee. (New York *Times*, 9/1/71).

WITNESSES

Date and case

January 31, 1962: Willis D. Lawrence, Assistant Director for Policy and Procedure, Directorate for Security Review, Office of the Assistant Secretary of Defense (Public Affairs) refused to answer "any question in a manner which associates a particular reviewer with a particular speech or article" by order of the Secretary of Defense. Executive privilege invoked. (Committee on Armed Services, United States Senate, *Military Cold War Education and Speech Review Policies*, 87th Congress, Second Session, p. 338.)

February 1, 1962: Secretary of Defense Robert McNamara invokes executive privilege in the instance of Armed Services Committee members asking the names of speech reviewers in specific cases; letter transmitted for record. (Committee on Armed Services, United States Senate, *Military Cold War Education and Speech Review Policies*, 87th Congress, Second Session, pp. 369–370.)

February 8, 1962: President John F. Kennedy transmits letter authorizing invoking of executive privilege by Defense witnesses in the instance of Armed Services Committee members asking the names of speech reviewers in specific cases. (Committee on Armed Services, United States Senate, *Military Cold War Education and Speech Review Policies*, 87th Congress, Second Session, pp. 508–509.)

February 9, 1962: President John F. Kennedy transmits letter authorizing invoking of executive privilege by State witnesses in the instance of Armed Services Committee members asking the names of speech reviewers in specific cases. (Committee on Armed Services, United States Senate, *Military Cold War Education and Speech Review Policies*, 87th Congress, Second Session, p. 725.)

February 27, 1962: Under Secretary of State George Ball invokes executive privilege in refusing to respond to questions about speech reviewers in specific cases. (Committee on Armed Services, United States Senate, *Cold War Education and Speech Review Policies*, 87th Congress, Second Session, pp. 730–731.)

February 28, 1962: Assistant Secretary of State (Public Affairs) Roger W. Tubby invokes executive privilege in refusing to respond to questions about speech reviewers in specific cases. (Committee on Armed Services, United States Senate, *Cold War Education and Speech Review Policies,* 87th Congress, Second Session, p. 826.)

February 7–8, 1963: General Maxwell D. Taylor appeared before the House Subcommittee on Department of Defense Appropriations and refused to discuss the Bay of Pigs invasion as "it would result in another highly controversial, divisive public discussion among branches of our Government which would be damaging to all parties concerned." (*Congressional Record,* 4/4/63, p. 5817)

(October 5, 1963): Secretary of State Dean Rusk refuses to testify before the Senate Internal Security Subcommittee on the Otto Otepka case. (New York *Times,* 10/5/63)

(September 18, 1968): Treasury Under Secretary Joseph W. Barr and Presidential Associate Special Counsel W. DeVier Pierson refuse to testify before Senate Judiciary Committee on the nomination of Abe Fortas to be Chief Justice. Executive Privilege formally invoked. (*Congressional Record,* 9/18/68, p. 27518 and Washington *Post,* 9/17/68)

(March 19, 1970): Secretary of Defense Melvin Laird declines invitation to appear before Senate (Foreign Relations) Disarmament Subcommittee. (New York *Times,* 3/19/70)

April 19, 1971: The Department of Defense refuses to allow three designated generals appear before the Senate Constitutional Rights Subcommittee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive,* 92nd Congress, First Session, p. 402.)

Mr. ANDERSON of Illinois. Mr. Chairman, traditionally the Post Office has encouraged the open dissemination of ideas by facilitating the access of millions of Americans to the magazines, newspapers, and public notices which make up an integral part of our educational network.

The proposed postal rate increases threaten this essential educational service for the reader by mistaking a subsidy for the reader as a subsidy for the magazines and newspapers.

Although balancing the Postal Service budget is a goal to be encouraged, we should not be so shortsighted as to ignore the adverse repercussions which a profitable Postal Service might have on the puplications essential to an informed and democratic society. Small, new, and nonprofit periodicals which tend to depend on subscriptions rather than advertising for their revenues, are particularly affected by the new rates. The impact of a sharp postal increase and resulting subscription hikes could well mean insolvency and, very importantly, discourage new periodicals from entering the market. Moreover, excessive increases discriminate in favor of newsstand publications which often rely on provocative covers, not the Postal Service, to bring their message to the public. Rural readers, who depend on the mailman for their newspaper, will be forced to pay a disproportionately higher price for the privilege of reading about the events of the day. Similarly, increased subscription prices will force periodicals to cater to the affluent instead of a broader populace.

Yet, even disregarding these philosophical considerations, this Congress should dispassionately examine the economic realities of the proposed rate increases. Projections in a 1971 study prepared for the U.S. Postal Service by Mathematica of Bethesda, Md., entitled "A Study of the Demand for Advertising, Newpaper, and Magazine Mail," which assumes all of the additional mail cost is shifted to the subscribers, indicated that if the mail cost is increased 145 percent, mail volume will decrease 48.7 percent and the increase in mail revenue will be only 25.7 percent. Thus the cost will come not only in a probable decrease of periodicals and circulation but also in a very inefficient gain in revenue at the expense of the subscriber. I do not believe that this was the intent of Congress in 1970 when the Postal Reorganization Act was passed.

An excessive rise in third-class rates could also backfire on the Post Office. Today, several large utility companies are hand-delivering their more convenient billings; and mass advertisers, who like many second- and third-class mailers do much of the required handling themselves, are on the verge of implementing their own delivery systems. In 1962, the Post Office carried 85 percent of the bulk mail: Today, United Parcel Service delivers more bulk mail than the Postal Service. New bulk facilities are being built, but it remains to be seen whether this will improve service and profits or become another inefficient overhead cost.

These problems are for the most part unresolved, and I feel the importance of the issue demands that this body carefully examine the complex philosophical and economic issues which underly the proposed postal rate increases.

Mr. ROBISON of New York. Mr. Chairman, I have no further requests for time.

Mr. STEED. Mr. Chairman, I have no further requests for time.

The **CHAIRMAN.** There being no further requests for time, the Clerk will read.

The Clerk proceeded to read the bill.

Mr. STEED. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MONAGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ROBISON of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Treasury, Postal Service, and General Government Appropriation bill, 1973, on which general debate has been concluded; and, also, on the Public Works for Water and Power Development and Atomic Energy Commission Appropriation bill, 1973, which was considered earlier in the day.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

STATE DEPARTMENT INACTION MAY DOOM U.S. FISHING INDUSTRY

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, the State Department, either through ineptness, inefficiency, or inaptitude, has done it again.

Thanks to the inaction of those who collect a Government paycheck to practice international diplomacy—allegedly representing our interests—the Government of Mexico, like so many of our Latin American neighbors, has stuck it to our domestic fishing fleet.

We are all familiar with the mismanagement of our relations with Ecuador which led to the seizure of over 50 U.S. fishing vessels last year.

We are all familiar with the State Department's reaction to those seizures which was about as weak as a rained-on bee.

Now, with the backbone of your average jellyfish, the State Department has again shown that it is incapable of protecting our fishing fleet from the arbitrary actions of foreign governments.

On June 13, the Government of Mexico began a new policy which requires American tuna boats to hire 50 percent of their crews from Mexican nationals within the territory of Mexico.

Again, it is our fishing fleet which will suffer, as this could well be another step toward eliminating the American fisherman from the seas.

Mr. Speaker, I do not know what the people at the State Department do to justify their getting paid, but I do know that they certainly do not represent our U.S. fishing industry.

At this point, Mr. Speaker, I include in the CONGRESSIONAL RECORD copies of telegrams from Mr. John Royal and Mr. August Felando to President Nixon, and an article that appeared in the San Pedro News-Pilot on June 15, 1972:

[Night Letter]

SAN PEDRO, CALIF.,
June 15, 1972.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.:

DEAR MR. PRESIDENT: I am wiring you on a matter of utmost urgency and seriousness which was brought about by the recent passage of the new fisheries law by the government of Mexico. This law was passed by the Mexican Congress May 10 and went into effect on June 13, 1972. If enforced by Mexico it would require that American tunaboats will have to hire 50 percent of their crews from Mexican nationals within the territory of Mexico. This plus eight other points of this law would bring about greater unemployment of American fishermen and could well be the first step towards the elimination of American fishermen on U.S. flag vessels should other countries see fit to do the same. I respectfully request and urge most strongly that you intercede on our behalf with the President of Mexico who is now visiting with you in Washington, D.C.

Respectfully yours,

John J. Royal, Executive Secretary-Treasurer, Fishermen & Allied Workers' Union of San Pedro and San Diego, California, Local 33, International Longshoremen's and Warehousemen's Union.

American Tunaboat Association,
San Diego, Calif.,
June 16, 1972.

President Richard M. Nixon,
The White House,
Washington, D.C.:

The New Mexican Fishery Law in forcing U.S. vessel owners to hire Mexican citizens as 50 percent of its crew and to make such contract in Mexico as a condition precedent for permission to fish within Mexican territorial waters illustrates in best fashion why granting coastal nations the power to regulate fishery resources within 200 miles would lead to the virtual destruction of the tuna industry. We urge you to use this new fact caused by Mexico to fight more effectively against foreign countries who are trying to force the 200 mile concept as U.S. policy. We remind you that for 1971, the ex-vessel value of all fishery landings in California was $88.4 million, of which $65.8 million is attributed to tuna; further, that California ranked first in value for all fisheries in the United States for 1971, and second in volume. We urge you to take strong, effective and thoughtful reaction to this threat to a billion dollar, basic food industry.

August Felando,
General Manager.

New Mexican Fishery Law May Cost S.P. Billions

(By Peggy Luedtke)

One more straw has been added to the fishermen's back—this time in the form of a new Mexican fishery law.

And, according to John Royal, secretary-treasurer of the Fisherman's Union ILWU, this may be the straw that breaks the camel's back.

"The fishing industry has been getting worse by the day," Royal said. "We have 15-year moratoriums on everything from polar bears to porpoises.

"Senate Bill 2871 which will go before the Senate next Tuesday would require that American tuna industries get a permit from the Secretary of State to catch tuna in cases where porpoises may be caught.

"But Mexico's new fishery law, which we just learned about today (Wednesday), tops them all. Unless the United States government acts forcibly or President Nixon intervenes personally on behalf of fishermen to get Mexico to remove this new law, the California fishing industry won't have to worry about any more problems," he said.

One of the most devastating parts of the new law, which went into effect Tuesday, is a requirement that foreign vessels fishing in Mexico's national waters must hire Mexicans for at least 50 per cent of the crew.

"It's one thing to claim the high seas, but its another to come in and say you've got to hire Mexican nationals. If I had a $3 million tuna boat, I would be concerned about turning responsibility over to someone I don't even know is capable.

"If Mexico is allowed to go this route, what will happen when these boats go into other countries and they demand that 25 per cent of the crew be from their country."

Royal explained that the implications of the new law are even more far reaching. "What about the insurance? The delays? and the American fishermen left at home on the docks," he asked.

Another section of the new law which will seriously affect American fishermen is the prohibition of commercial fishing in connection with sardines, anchovy and the exclusion of taking live bait. "This exclusion of live sardines would wipe out our bait resources," Royal said.

According to Royal, the tables have been turned on American fishermen since World War II. "It started with the massive influx of imports from 6 per cent before the war to 75 per cent now. For years we've tried to get decent tariffs.

"Then the Japanese government began subsidizing Japanese fisheries with money actually given to Japan by the U.S. for economic development. After that, came a mass exodus of American canneries to Puerto Rico until now, Puerto Rico handles better than one-third of the American fishermen's catch.

"Every time incidents like this happen, the American fishermen just think I might as well transfer my boat to another flag and get out of this strangle-hold.

"But," Royal added, "every time I say the fishermen are being driven to foreign countries to fish, people think I'm exaggerating."

If Royal's hunch is right, and the new Mexican fishing law is allowed to exist wiping out California fishing and eventually the entire West Coast fleet, it will mean a billion dollar a year loss to San Pedro.

"There are 4,000 cannery workers in San Pedro alone who depend on the fish caught by American fishermen. Plus the warehouses, markets and truck drivers."

And why would the new Mexican law affect San Pedro fishermen? According to Royal, Mexico has one of the longest coastlines of Central and South America. The entire San Pedro fishing fleet fishes in this area and 25 per cent of the tuna catch coming into San Pedro and San Diego is caught off Mexico. "Mexico is even considering a 200-mile territorial limit, and if they do, this could be devastating.

"In taking this action, the Mexican government acted in extremely bad taste," Royal said, "because they are presently involved in a bilateral negotiations with the United States discussing terms for American fishermen to fish in Mexican territorial waters.

"Furthermore, we don't know the rules of the new law. We don't know what's going to happen to our fishing vessels down there now. Nor what will happen to those which are leaving San Pedro daily."

Royal said he hoped to rally American labor behind the cause of the fishermen.

As to the marine mammal bill (Senate Bill 2871), Royal pointed out that fishermen are not against protecting marine mammals as long as foreign fishermen are under the same restrictions.

Fishermen have spent a lot of money developing preventive nets to keep from catching porpoises and we have a selfish reason for doing so—porpoise leads us to the tuna.

"Since we started working towards prevention, we have reduced the porpoise catch to two per cent of the animal catch.

"But it's not going to help if we're not fishing the tuna where porpoises are involved and Mexico is. That's like the government closing down the only whaling station in the United States when it caught only 40 whales a year. * * *

The Los Angeles Board of Harbor Commissioners passed a resolution requesting that no legislation be imposed on American fishermen that is not on other fishermen of other countries. Royal also said the fishing segment is hoping the bill will be amended but there is slim chance.

"If it is not amended and tuna boat operators are required to secure permits to take porpoises, it could drive them out of business.

"We're trying all kinds of new things. But the government has yet to step in and help us. When it comes to setting the good example and going out of business, I'm sure American fishermen will choose to leave the country," Royal said.

BEWARE THE EASY ANSWER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, in line with our continuing consideration of the effects of world trade on our domestic well-being, I would like to insert at this point in the Record an analysis of the serious effects which protectionist trade legislation would have on just one of our large companies, American Cyanamid Co.

At a time when our domestic economic situation is none too healthy, we should be particularly wary of simplistic answers to our economic problems which can only do far more harm than good.

I look forward to comprehensive hearings on our trade opportunities and problems which will serve as a guide to us in formulating appropriate trade legislation.

The analysis follows:

American Cyanamid Co.,
Wayne, N.J., May 24, 1972.

Hon. Vance Hartke,
Senate Office Building
Washington, D.C.

Dear Senator Hartke: Thank you for sending me a copy of the Foreign Trade and Investment Act of 1972, which you have introduced, and especially for the invitation to submit comments.

Cyanamid has been well aware of this legislation because of the far-reaching impact its enactment could have on both our domestic and international operations. We have calculated its effect on Cyanamid's performance and the implications it holds for our employees in the United States and abroad.

Our study indicates the tax provisions of your bill would force Cyanamid to withdraw from many foreign markets and would increase rather than decrease unemployment in the United States.

Cyanamid's total sales in 1970 (the year of our study) were $1,256,000,000, of which $325,167,000 or 26 per cent were made outside the United States. The company had a favorable balance of payments to the United States of $97,500,000.

In the same year, Cyanamid had total exports from the United States of $93,800,000, more than 50 per cent of which consisted of raw material or intermediate exports to our own subsidiaries abroad. Because our export business is largely dependent upon our subsidiaries, any reduction in our subsidiary operations abroad would reduce the company's operations in the United States.

The Foreign Trade and Investment Act of 1972 assumes that if we are forced to close down our subsidiary manufacturing plants abroad, we could automatically supply these markets from plants operating in the United States employing American labor.

We believe this is the key fallacy of the bill. Cyanamid's manufacturing plants were only built abroad to meet competition or to overcome tariff and non-tariff barriers erected by other countries.

If we close our manufacturing operations overseas, we will not be able to replace them with U.S. export production; we will, instead, hand over hard-won markets to local or third-country competitors.

Cyanamid also takes issue with those provisions restricting the transfer of capital and technology abroad. In view of the current restrictions on direct investment abroad, Cyanamid sends little money outside the United States so the proposed capital restrictions would have little direct effect. However, we do not believe that any governmental body should be created to sit in judgment on the investments of private individuals or companies.

The restrictions on the working of U.S. patents abroad would not prevent their actual use abroad as nearly all countries have compulsory licensing laws which grant copiers permission to manufacture and sell foreign-researched products if the patent holder does not work the patent by manufacturing locally after an initial period, usually three years. If Cyanamid is prevented from working its patents abroad, other foreign based companies will manufacture our products in our stead.

This provision would strike at the heart of our research-oriented operations. Cyanamid spends some $40,000,000 in research in the United States, a substantial part of which is associated with our international operations. Loss of Cyanamid's patents abroad or its failure to use its technology abroad would cause a reduction in this research effort and cause the loss of many jobs in our domestic research departments.

While the other provisions of the bill, most particularly the provisions for quotas on all U.S. imports, are not subject to quantitative analysis, Cyanamid does believe they could have a damaging effect on U.S. employment. Even in the unlikely event that they did not result in retaliatory action by other governments, they would threaten international trade and eventually our economic growth.

We agree with you, Senator, that free trade is not fair trade, and that other nations cannot continue to negotiate free trade at Geneva while imposing new non-tariff barriers at home. We believe a new round of trade negotiations is necessary and that the United States must take a stronger stand in eliminating the many non-tariff barriers that prevent the reasonable growth of U.S. exports.

We also fully appreciate the problems of unemployment, inflation and lower productivity in the United States and will support legislation designed to increase job opportunities here. We believe the solution to U.S. unemployment, however, lies in greater balanced growth in the nation's economy rather than in restrictive and punitive measures which, in the long run, will cause conflict with our international trading partners and limited growth at home.

Since a letter on such an important and complex subject cannot be all inclusive, I am taking the liberty of enclosing an analysis of the Foreign Trade and Investment Act of 1972 prepared by Mr. Ernest G. Hesse, Vice President for International Operations.

I am pleased to know that you will take our opinions into consideration and will gladly amplify any point in our position or supply additional information you might request.

Sincerely,

C. D. SIVERD,
President.

THE U.S. POSTAL SERVICE—HAVE WE MADE A MISTAKE?

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOLLOHAN. Mr. Speaker, it is almost 2 years ago this month that we in the Congress approved a proposal by the President to create a new quasi-public corporation called the United States Postal Service. That service was to usher in a new era for the postal worker and the postal patron alike in our country. It was to be the end of a costly and politically dominated system, and the beginning of a fresh new vital national service run along business lines but responsive to public needs.

Today, as we consider the fiscal 1973 appropriations for the Postal Service, I must sadly confess that some of the misgivings I had two years ago are being borne out. The transfer of the U.S. Post Office to a corporation not under the control of the U.S. Government has raised a number of aggravating questions. In my own State of West Virginia, I have received a growing number of complaints from long-time postal employees who charge that they are being shifted from job to job without any regard for the functions they perform or the experience they have. Their efficiency has been impaired and their morale has been brought to a very low ebb. I have also received complaints that satisfactory employees with years of seniority are being given jobs well below their experience and ability.

I have also experienced extremely slow mail delivery from my State to my office in Washington. And finally, I know of a number of instances in West Virginia where supervisors from outside the area are being brought in to administer offices it will take 2 to 3 years to know thoroughly. I do not understand why when a supervisory position opens up in an area, that an experienced employee from that area is not upgraded into that supervisory position. This would seem to me to be efficient, rather than bringing in someone who will have to learn the area from the bottom up over a period of 2 or 3 years.

We are told by those running the Postal Service that they are operating it as if it were a private business, a pay-as-you-go operation. But I must underscore what we all know—to the American taxpayer the postal service, under any name, is not a private business, but a public service. As such its ultimate goal must be service, rather than some abstract goal of business efficiency. And I am not even sure that we are getting real efficiency in spite of numerous statements from the Post Office.

Mr. Speaker, we are told that the new U.S. Postal Service will under its present administration be more efficient and responsive to the average postal user. But I call your attention to the kinds of appointments the President has made to the Board of Governors of the Postal Service. One wonders how at $10,000 a year plus $300 a day every time they meet, this group could place themselves in the shoes of the average taxpayer. The Board of Governors of the U.S. Postal Service, according to a recent article in the Washington Post, is made up of a wealthy oilman, a corporate executive, a rancher with large holdings, the chairman of a steamship line, an ex-university president, the former head of one of America's largest corporations, and the president of a large cosmetics firm among others. One wonders whether such a group oriented toward corporate enterprise can understand the postal needs of the average citizens of West Virginia or any other State. One wonders whether their idea of postal efficiency matches our idea of postal service.

For these and other reasons, I have serious reservations about the direction of the new Postal Service.

I hope the appropriate House committee will hold hearings on the workings of the new Postal Service so that when the 1974 fiscal year appropriations come up, we will be armed with an in-depth evaluation of what the American taxpayer is getting or not getting in postal services from this new corporation.

DIETHYLSTILBESTROL, A CARCINOGENIC FEED ADDITIVE

(Mr. FOUNTAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOUNTAIN. Mr. Speaker, I want to bring to the attention of the House the extraordinary action announced last Friday, June 16, 1972, by the Commissioner of the Food and Drug Administration in connection with the drug diethylstilbestrol—DES. DES, a synthetic hormone which is a known carcinogenic, or cancer-causing drug, is used as a feed additive to stimulate more rapid growth of cattle and sheep.

The Commissioner announced that FDA will shortly publish a proposal in the Federal Register to withdraw approval of the new drug applications for the use of DES in animal feed. In making this announcement, he stated that FDA does not have sufficient information to act in this matter and is proposing the order to ban DES as a means of accumulating additional information at a public hearing.

This is a curious approach to law enforcement. Either FDA has the necessary evidence to ban DES as a feed additive, in which case the agency has the responsibility to take forthright action, or else it is not justified in beginning a formal revocation procedure of this kind before obtaining such information. Congress has given FDA ample resources to develop the necessary evidence prior to taking regulatory action.

What are the facts in this matter? They can be stated very simply. The Delaney Clause of the Animal Drug Amendments does not permit the use of a proved cancer-causing drug as an additive in animal feed if any residues are found in edible animal tissue.

It is an indisputable fact that DES has been shown to cause cancer in numerous species of animals and was associated early last year with a form of cancer in young women. It is also well established that DES residues have been found for some time, and continue to be found increasingly, in the livers of cattle and sheep which have been fed mixes containing DES.

The only relevant issue here is the FDA Commissioner's responsibility to enforce the law on the basis of the evidence as it relates to the carcinogenicity of DES and the existence of residues. FDA has the evidence now upon which to make a decision.

It is significant that FDA has already published a similar notice in the Federal Register for banning the use of DES in liquid premixes, but without indicating the need for additional information. That action was taken on March 11 of this year after an FDA investigation revealed that the crosss-contamination of nonmedicated feeds is a very serious problem when DES is used in feed in liquid form. Although more than 3 months have now passed, FDA has not yet scheduled a hearing preparatory to taking final action to withdraw the DES permits for this purpose.

The Intergovernmental Relations Subcommittee, which I chair, held extensive hearings in March, November, and December of 1971 on FDA's regulation of DES as a drug for animal feed use. It was disclosed during these hearings that the incidence of DES residues in edible animal tissue, particularly liver, was one-half of 1 percent of all animals sampled. Both FDA and the U.S. Department of Agriculture assured the subcommittee that new controls adopted by the agencies in December 1971 would eliminate these residues.

At the same time, the subcommittee heard expert testimony that DES could not be adequately controlled to prevent drug residues in animal tissue, but FDA again assured the subcommittee that DES would be controlled under the stricter requirements involving a lengthened withdrawal period—7 days prior to slaughter—and mandatory certifications that DES had not been used during the withdrawal period. As indicated in the FDA press release of last Friday, DES residues in edible animal tissue have increased almost fourfold since imposition of the more stringent requirements.

The fourfold increase of DES residues in liver is not in dispute. This is a fact accepted by FDA on the basis of careful sampling by the Department of Agriculture.

Last year the FDA Commissioner gave assurance in testimony to the subcommittee that he would ban the use of DES if the USDA continued to find residues of the drug in one-half of 1 percent of the slaughtered animals sampled.

Now that the stricter controls have been in effect for more than 6 months and DES is being found in 1.9 percent of all animals sampled, it is incomprehensible to me that the Commissioner would delay taking the action which he testified is required of him in these circumstances. The requirements of the law are clear regardless of what any of us may think about the economic advantages of the feed additive in question.

The FDA announcement appears to be merely a tactic for delaying the regulatory action which the law requires. No information is provided on when the contemplated hearing will be held, or how long it will continue. Our experience in such matters is that hearings, if held at all, occur long after an FDA notice is published, and final decisions, even then, are not made promptly. For example, on March 31, 1971, almost 15 months ago, FDA published in the Federal Register a notice of "Opportunity for Hearing" in which FDA announced its intention to revoke approval of the new drug application for Nihydrazone, a drug used in animal feeds for the prevention of certain infections in chickens. In this notice, FDA stated the conclusion that because it produces tumors in laboratory animals, the drug is not considered to be safe under the approved conditions of use.

Fifteen months after publication of this notice, no hearing date has yet been set and there is no indication of when it will be held. Meanwhile, the drug continues to be used in animal feeds. Other drugs in the same category are also carcinogenic, and FDA has indicated its intent to revoke approval of their applications in formal Federal Register statements. But here, too, no hearings have been scheduled, nor has FDA indicated when these hearings will be scheduled.

The FDA press release openly states that the purpose of publishing the notice of intent to revoke the new drug applications for DES is to provide the opportunity for a fact-gathering hearing rather than to remove the drug from meat. It should be pointed out that under applicable court interpretations and FDA regulations, FDA may revoke its approval for the use of a new drug without granting a hearing when the relevant facts are not in dispute. The Administrative Procedures Act and the Food, Drug and Cosmetic Act provide ample protection for affected parties to contest FDA's proposed action, and for appeals to the courts.

Mr. Speaker, this is a most serious matter. The American people, acting through Congress, have declared total war on that most dreaded enemy—cancer. Congress and the President have joined forces to make available whatever resources can be spent effectively for the conquest of cancer. One of the major targets in this fight is the identification of chemical carcinogens and their removal from our food supply and our environment. It has been conclusively demonstrated that DES is a powerful chemical that is carcinogenic. There is incontestible evidence that it has been found and continues to be found in the livers of animals fed this drug.

There has been much misleading talk about the quantity of liver that would have to be ingested for harmful exposure to DES and the statistical chances of a person being so exposed. I say "misleading" because our most knowledgeable scientists in the area of cancer-causation tell us that no one today can say how much or how little of a carcinogen will produce cancer in humans. On this basis, it is idle and foolhardy to speculate, especially when the resulting cancers will probably not become evident in an individual until after a decade or more. I have seen for myself, at the National Institute of Environmental Health Sciences, cancers that developed in experimental animals in their middle years after a single exposure to a carcinogen during their infant or foetal stage. It was a sobering experience.

The law, moreover, does not permit residue tolerances; no amount of a carcinogen, no matter how small, is permitted in meat.

The suggestion has also been made that the elimination of DES from animal feed would result in a large increase in the price of meat. While economic considerations are completely extraneous to the regulatory requirements under existing law, I think we should also address ourselves to this question. All of us are concerned about inflation.

What are the facts? On the basis of a detailed economic study made by the Department of Agriculture at the subcommittee's request, it is estimated that the added cost that would result from the elimination of DES would amount to about $3.85 per year per person. This figure is based upon an added cost of 3½ cents per pound and an average annual consumption of 110 pounds of beef per capita.

I do not know whether anybody has or has not developed cancer from DES residues in meat. I do not believe anyone really knows. But what I do know is that cancer mortality rates are on the increase and we do not know why. We do not know how these carcinogens act on the body cells to render them cancerous. That is precisely why Congress enacted the Delaney clause—to protect the public in the absence of such knowledge.

Under these circumstances, would the consumer, if the facts were made known, choose to risk exposure to a cancer-causing drug for the sake of saving $3.85 a year? I think not.

It should be noted, also, in this connection, that the United States has a huge surplus of grain so no shortage of animal feed is in prospect, and, further, that industry is presently working on the development of new safe additives to increase feed utilization in the production of cattle and sheep. I might add that to the extent that additional grain is fed to livestock instead of stored in surplus stocks, the cost of Government price-support programs will be reduced. We should recognize, too, that in the absence of DES, all domestic cattle and sheep producers would be in an equally competitive position.

In summation, Mr. Speaker, I think it is highly improper for the FDA Commissioner to initiate a revocation action for fact-gathering purposes and to act contrary to the assurances given in testimony before the Intergovernmental Relations Subcommittee that he would ban DES if the residues situation did not improve.

Frankly, I find this situation deeply disturbing. It is hardly surprising that public opinion polls disclose widespread distrust of Government, when high Government officials resort to subterfuges to avoid discharging the duties entrusted to them. If the FDA does not act responsibly to enforce the law and enforce it expeditiously in this and other similar matters, I believe the Congress will have no alternative but to take firm corrective steps to protect the American people.

JOHN PAUL VANN

The SPEAKER pro tempore (Mr. MOORHEAD). Under previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 60 minutes.

Mr. MONTGOMERY. Mr. Speaker, John Paul Vann was killed in the service of his country on June 9. He died as he had lived, giving his full effort and total commitment, without thought of personal safety or consideration. He had devoted the greater part of his adult life to Vietnam, and, knowing this man, he would never have thought of leaving. He wanted to be with the action, and he would never have left a job before finishing it. He died in Vietnam, and our country and the Vietnamese have suffered a great loss. He was an extraordinary man, and the epitome of the word "patriot." It is almost trite to say we shall not see his like again, but his countless friends, American and Vietnamese, are tragically aware of this bitter truth.

John Vann was born in Norfolk, Va., in 1924. He received his B.A. at Rutgers and masters from Syracuse. During World War II, he first entered as a private in 1942, then was commissioned in the Air Force and served as a B-29 navigator in the Pacific. Following the war, he was given a regular commission in the infantry and served in Korea and Japan. He came to Vietnam in 1962 where he served as adviser to the 7th Division of the Vietnamese Armed Forces, in the Mekong Delta, south of Saigon.

It was here that Vann's penchant for keen analysis and blunt speaking first came to the fore. He saw serious flaws in the South Vietnamese military structure and performance in his area of responsibility. Never one to hide his feelings or thoughts, he spoke out loud and clear to whoever would listen about what was wrong and what he thought needed to be done. He felt his message was not heeded, and he resigned from the Army in 1963. Later events in Vietnam showed the correctness of his judgments, a scenario frequently repeated throughout his career. Many people have been angered by his frank talk, but since he was so often proved right, there was little they could do.

Following his resignation from the Army, he spent several years in the United States, traveling and lecturing on Vietnam. He returned to Vietnam in 1965 as a civilian adviser with the Agency for International Development. He thus embarked on a career which was to make him intimately familiar with three of the four major corps areas in Vietnam. He was the leading civilian adviser in military region III, which surrounds Saigon and is highly significant, militarily and politically. He then returned to the delta, where he had started but this time in a better position to put his ideas and philosophy into practice. He was the top American civilian here too. And finally, in recognition of his unique combination of military expertise and grass roots knowledge of the Vietnamese country and people, he was named senior advisor to the second military region, with full responsibility for both military and pacification matters. This was the position he was filling so valiantly when he died. In addition to the Medal of Honor he was posthumously awarded, Vann in 1969 received the Distinguished Honor Award and the Christian Herter Award.

What were the qualities that made Vann so effective in Vietnam? Why have his predictions on the course of events in that complex nation proved so often accurate? On my regular trips to Vietnam, I had the occasion to meet John Vann many times and I tried to isolate his special qualities. He had, first of all, the necessary military knowledge and experience in a situation which is governed to a large extent by military factors. But there have been many brave military men in Vietnam. Without reflecting on them, what distinguished Vann was his extraordinaray dedication, knowledge, capacity for hard work and ability to inspire his subordinates to similar efforts. Vann was that rare bird, a sound military man with a keen understanding of the Vietnamese and their convoluted, intrigue-filled politics. With his unique combination of knowledge and ability to translate it into action, he could make realistic judgments and do something about them. He was of course extremely knowledgeable about the pacification program, the necessary supplement to our military effort. Vann's unfailingly realistic and hard-headed comments, his firsthand knowledge of every aspect of the program including its impact in Vietnamese terms, and his suggestions for improvement made a major contribution to this unique effort.

He did not speak Vietnamese, but he had more Vietnamese contacts and friends than many Americans who did. He was able to draw on these links with various levels of Vietnamese society to make his judgments on what the Vietnamese were thinking and how they were reacting to stimuli; ours, the South Vietnamese Government's, the enemy's. Again his judgments were almost always on the mark. As I indicated earlier, he was able to inspire his subordinates with his own zeal and unflagging dedication. As a result, he used those around him as additional eyes and ears to the Vietnamese.

He always found competent, alert young officers from various agencies to work for him, and he tested his judgments against theirs. His sources of information and the breadth of his knowledge about Vietnam were a constant source of amazement. Vietnamese, accustomed to Americans who stayed only a short time and who gained only superficial knowledge of the country, recognized his knowledge and respected it. They also sensed his genuine admiration and friendship for Vietnamese and the depth of his commitment. It goes without saying that he was as frank and honest with them as with all others.

This combination of experience, intelligence, dedication, and ambition made Vann not only an extraordinary public servant, but a memorable, remarkable man. He exemplified the laudable goals and the idealism in the often criticized American effort in Vietnam. Vann never lost faith. Through all the difficult years, despite all the obstacles and reverses, he saw what the United States was trying to do and should do, often before his perceptions received official sanction. He never faltered in his judgment that we should be in Vietnam, that the Vietnamese deserved our support and that our joint cause would prevail. His was not a soft, wishful optimism, however.

He never hesitated to speak his mind, and his comments were sometimes distasteful to Americans and Vietnamese alike. Unpalatable as his actions may have occasionally been, they stemmed from his devotion and uncompromising search for excellence. He was not the most popular man in Vietnam, but he was certainly one of the most respected.

He was one of the most consistently vocal of those Americans who decried an overly possessive and active role by the United States in Vietnamese affairs. He realized that the Vietnamese had much more capacity to get the job done than many impatient Americans gave them credit for. He saw that for our side to prevail, the Vietnamese would have to do more and that the Americans would have to stop trying to run the show. He saw the essence of Vietnamization, that it is their country and that they must take the actions and have the determination to save it. He was in fact an exponent of what is now called Vietnamization, long before it became our official policy. It was a seemingly simple truth, but one very difficult to grasp and apply in the frenetic, charged atmosphere in Vietnam. It is to his credit that he held to this philosophy through all the years when the current of events was against him. He was, again, shown to be right.

It is ironic now to realize that Vann, as previously, was going against conventional wisdom when he died. He was out of step, it seemed, back in 1962 when he warned against Vietnamese weaknesses. He was similarly prescient, when it was unpopular to be so, prior to the Tet offensive of 1968. And, just before his death, he was again defying the easy analysis. He thought, and documented his opinion with hard facts, that the South Vietnamese had improved a great deal and could, in fact, turn back their foes. This is, apparently, an unpopular view to have today. But more and more people, as they survey the course of the current offensive, are beginning to realize, albeit reluctantly, that John Vann, once again was right.

In a circulated letter to his friends, dated April 12, he predicted, at the very outset of the offensive, that the North Vietnamese would fail in what he called their "desperation attempt." He predicted that the enemy offensive would result in a South Vietnam "increasingly stronger than North Vietnam and better able to maintain its viability." And, as always, John Vann did not hedge and did not equivocate. He stated his views in clear, concise, uncompromising language and took full responsibility for his judgments. He ended his letter by saying:

> I stand ready to be challenged on the foregoing analysis by the events that take place subsequent to this date.

Two months later, his predictions have proven remarkably accurate.

John Vann died as he lived, going at full speed, without compromise and without sparing himself. He died, as he lived, totally fulfilling his commitments as he saw them. He would probably wish no other testimonial than the assurance that this country will do what it has to do in assisting the South Vietnamese to defend themselves against a cynical, blatant outside aggression. It is what he gave his life for. I am confident we will not betray his memory.

I wish to salute this outstanding public servant and human being. His contribution was immense, the stamp of his personality enduring. He was an honest man, intelligent, and dedicated. We will sorely miss him. We need and will need others like him. They are not easy to come by.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Speaker, I am glad the gentleman from Mississippi has taken the floor in behalf of John Vann. I knew him, also, in Vietnam. I was over there with a group of people to make evaluations and studies and to try to analyze that problem. No greater help came to us there than the help we got from John Vann.

The gentleman has stated it for the RECORD correctly when he has said this man really understood the real problem there. It truly is unfortunate he is not alive any more, because he understood the problem. Had we listened to him from the beginning we would have saved thousands of lives and the South Vietnamese would have been in shape to fight their own battle long ago, and a lot of other problems which persist there would have been solved, also.

I am very glad to associate myself with the gentleman's remarks, and I commend the gentleman for taking the floor and putting in the public record the magnificent record of this great and fine man who was so devoted and who did contribute so much.

It is a privilege to participate today in this tribute to John Paul Vann. A man with foresight and great determination, he never wavered from his purpose of providing a rational and realistic base to American involvement in Vietnam.

To his great credit he recognized the true nature of the Vietnam conflict far in advance of most people, but particularly his military colleagues. Resigning his commission in 1963, he, in many respects, was one of the first to protest the manner of American involvement in Vietnam.

But John Paul Vann was not content to sit on the sidelines. Instead, he worked within the system to seek the changes needed. He has been vindicated. His analysis of the situation and his prescriptions were right on the mark. What is tragic is that it took his country so long to recognize he was right.

Men like John Paul Vann are never replaced. They leave a void that can never be filled. What they leave us is a heritage from which we must learn. Let us make sure we do not ignore the lessons John Paul Vann taught us.

Mr. MONTGOMERY. I thank the gentleman for his comments. I am familiar with what the gentleman from Iowa says, for he did go to Vietnam and he has taken a task force over there. He did know this great man John Vann.

I certainly agree with what the gentleman says, that probably, if we had listened to John Vann more back in 1966 and 1967 we would have been in better shape on the war in Vietnam.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Illinois.

Mr. CRANE. I thank the gentleman from Mississippi for yielding.

I want to take this opportunity to congratulate the gentleman for his thoughtfulness in taking this special order to comment on one of the really authentic heroes to come out of this Vietnam conflict. This is not to take anything away from the many other heroes of whom we are aware, who have served faithfully and dutifully in Vietnam, but I believe in the case of John Vann one would be hard-pressed to come up with an example of anyone who gave more in behalf of the people of South Vietnam than John Vann did.

This is abundantly clear, I know, to the gentleman from Mississippi, because of the many trips he has made there, probably more than any other Member of the House.

So it is quite fitting and proper that the gentleman should take this special order, for us to have an opportunity to add our little bit to his very proper and fitting remarks in behalf of John Vann.

With the exception of "The Green Berets," the Vietnam war, unlike our other 20th-century wars, has not resulted in the production of any movies. Apparently, owing to the passions generated by this confusing and complex conflict, the movies will have to wait until the war has ended.

Surely, there are a wealth of fascinating stories of valor, intrigue, and romance attending this war as there have been in any war. Wars inevitably elicit the full range of human behavior—from cowardice to bravery, degeneracy to humanity, hate to love.

Hopefully a movie will someday be made of the life of John Paul Vann. A James Cagney personality will have to be cast in the lead role. James Cagney comes quickest to mind when one thinks of a Hollywood personality who comes closest to embodying the qualities of John Vann: short, wiry, dynamic, singleminded, occasionally abrasive, fearless, outspoken, dedicated, and deeply human.

I first met John Vann by accident. I was flying from Saigon to Con Son Island. It was the rainy season and after several unsuccessful attempts to find the landing strip at Con Son in the heavy downpour, we elected to fly over to Can Tho to wait out the rain.

The American officials accompanying me suggested that I take advantage of this departure from our itinerary to get a briefing from John Vann, who was headquartered at that time in Can Tho. Vann was in charge of pacification for the Mekong Valley area.

There was respect and a certain amount of awe in the attitudes of my companions as they described some of Vann's exploits while we were flying from Con Son to Can Tho. At that time Vann had been in Vietnam—off and on—for 8 years, perhaps longer than any other American.

His early years were spent in uniform. But in 1963, owing to disagreements with superiors over our Vietnam policy, Vann resigned from the Army with the rank of lieutenant colonel. He returned to the States for several years during which time—among other things—he secured a Ph. D. on the subject of Southeast Asia.

In 1965 he returned to Vietnam in a civilian capacity working with the Agency for International Development. By late 1967 he was in trouble again, this time for contradicting the views of superiors in Senate testimony when he insisted that Saigon was not secure from enemy attack. Owing to these disagreements, Vann submitted his resignation which was on the desk of his superiors when the Tet offensive was launched. Vann stayed on.

In fact, he was promoted. Placed in charge of our pacification program in IV Corps, Vann was the only civilian in charge of both military and civilian efforts at pacification of an entire corps area in Vietnam. He rapidly distinguished himself.

During these years he had many brushes with death. He was shot several times—both as a military man and a civilian—he was shot down from a variety of aircraft, and once he almost died from stomach poisoning. The number of hair-raising close calls Vann experienced probably developed in him a certain fatalism. He was notoriously incautious in his work in Vietnam.

When I arrived at his office after our plane landed at Can Tho it was close to lunchtime. He briefed me in his office and then suggested that we drive up north to the village of Omman where he explained they served the best Chinese soup in the area.

Dodging heavy Army trucks and potholes big enough to swallow up a Honda, we presently found ourselves on a deserted ribbon of blacktop highway that separated rice paddies and occasional Vietnamese hootches.

After hearing so many stories of Vietcong ambushes, I was nervously watching the tall grass on either side of the road half expecting to be shot at. I asked Vann about the prospect.

> It's safer than riding through any big city back home.

He said confidently:

> Oh, last week a village official was murdered several miles west of here and that sort of thing persists, but look at the number of murders that go on in New York City every day.

He did concede that his white, American made car did provide a more conspicuous target than the Toyota which he owned and drove in the past. In fact, he acknowledged that his official car had been hit with gunfire. But Vietnamese tariffs made it too costly, he felt, to continue to use his own Toyota, so he chose to run the risks involved in using the company car for business.

He took delight in showing me the TV antennas sticking out of the primitive dwellings as we passed.

He said:

> A year ago you wouldn't have seen this.

He commented on the economic revolution caused by American construction of roads, such as the one we were traversing.

Vann noted:

> The roads, coupled with the Hondas you see everywhere, enabled the farmers in the area to get out from under dependence upon the middleman.
>
> The farmers now have transistor radios and they listen to rice quotations in Saigon and Can Tho. They then seek the best market for their rice without having to sell to a middleman on his terms as they were forced to do before we built the roads.

Vann considered this development, coupled with the introduction of "Miracle Rice," a primary reason for the fall-off in Vietcong recruiting.

Van said:

> Why should a fellow pick up a rifle to fight the government when all around him he sees the opportunity to achieve the good life?

After driving for about half an hour we entered a small, typically dirty village, Vann said:

> This is Omman.

I was somewhat taken aback, for when Vann suggested lunch, I assumed we would be visiting some restaurant approved by the U.S. Government or else a restaurant on an American facility. Instead, we drove straight to the village square and parked.

There was a large, open-air market and restaurant with just a roof to protect customers from sun and rain. We sat at a coarse wooden table and Vann ordered for us. Just beyond our table was an outdoor stove and kitchen. An ancient mama-san, with several teeth missing, was the cook. I watched, with no little apprehension, as she chased flies off the meat and vegetables that had been sitting out in the open before she scooped them up with her bare hands to throw into our soup bowls.

Vann read the apprehension in my glance.

He said:

> Don't worry about germs, the boiling water she pours over everything kills all the bugs.

The steaming bowls were set in front of us. Then a waiter brought us chop sticks from an adjacent table. To clean them from use by other customers, the waiter simply wiped them off with a paper towel.

Vann said:

> Just swish them around in the soup to sterilize them.

Which I did, and, while we dined, Vann waved to several Vietnamese friends and chatted briefly with others whom he recognized. It was as friendly and informal as a small-town mayor in the States stopping into the restaurant on the village square and waving salutations to his neighbors. And Vann manifested the proprietary interest and pride in his community that any mayor back home would have.

The next time—and the last time—I saw John Vann was in August of 1971. I was only going to be in Saigon for 24 hours on this trip and a good friend arranged a dinner party for me. He had asked me, before I left Washington, if there were any special guests I wanted to invite to the dinner. One of the people I wanted most to talk to was John Vann.

Since my trip of the year before, Vann had been moved up to II Corps. As the American withdrawal proceeded apace, the vulnerability of II Corps was obvious. The terrain is mountainous, the area sparsely populated, and it is readily accessible to North Vietnamese invasion down the Ho Chi Minh Trail. John Vann was given the assignment of duplicating his pacification successes in IV Corps. Vann tackled the assignment with the same energy and optimism he had brought to his job in the Mekong Delta.

I wanted to talk to Vann because of his reputation for outspoken candor and honesty. Beyond this, I was eager to get his appraisal of Vietnamization in II Corps. Finally, I looked forward to the privilege of another visit with this remarkable man.

My dinner host explained to me that Vann would probably be unable to attend since it was the eve of the congressional elections in Vietnam and the Vietcong had promised trouble. But Vann was there and he remained for the entire evening. As usual, some of his views did not coincide with others present. But he was convinced that Vietnamization was working and he was confident that his pacification achievements in IV Corps could be duplicated in II Corps. John Vann was one of those men for whom the impossible only requires a little time. He obviously thrived on challenge and had a respect and esteem for the people of South Vietnam in their struggle. He was a driver, but one got the impression that he never demanded as much of others as he did of himself.

Then the massive invasion by North Vietnamese regulars began this spring. Predictably, II Corps became the scene of some of the major fighting, particularly at Kontum. John Vann, equally predictably, was in the thick of the fight. He was determined to prevent the North Vietnamese from overrunning his city.

A Time correspondent wrote just before Vann's death:

> There is nothing else for him now, but the saving of Kontum. Like a French colonial, he has no real ties any more with home. He will live out at least the last of the creative part of his life in Indochina.

Within days after these lines were penned, John Paul Vann was dead at the age of 47. Many have lived longer. Thousands of other Americans died much younger in Vietnam. All who served have made contributions in varying degrees, but one cannot imagine any American putting more of his creative talents and energies into the effort to, as John Vann himself said: "Bring some reason and justice to our effort."

The freedom-loving people of South Vietnam have lost one of their best friends. America has lost one of its finest sons. Mankind is richer because of John Paul Vann, but the quality of life is diminished with his passing.

ON HATING VICTORY

By Joseph Alsop

By a cruel irony, a friendly letter from John Paul Vann arrived last Tuesday. Four full days earlier, the tragic news had come that Vann, the single most experienced and prescient American in South Vietnam, had been killed in a helicopter crash in line of duty.

This, then must have been one of the last letters written by this wonderfully brave and patriotic man. (He always handled his own private correspondence, in a rather crabbed long hand, and always at the end of one of those long days of dangerous work in the field that would have put most younger men to bed for a week. The letter also had a wider message, so those parts which are not overly personal deserve reproduction.)

"It is true," wrote Vann, the American organizer of the defense of Kontum, in the central highlands . . . "We're going to hold Kontum . . . The enemy is beating himself to death against it . . . the best defense of Pleiku (the main position in the highlands) was to hold Kontum. We got (the reinforcement of Kontum with the 23d ARVN Division) accomplished just one day prior to the enemy's opening assault . . ."

(Here followed technical and detailed estimates of enemy losses, amounting to the equivalent of close to a division at Kontum and two and one half North Vietnamese divisions, over all, since mid-February in Vann's II Corps area.)

"My 12 April predictions (of enemy defeat, already reported in this space) are holding quite well . . . And they were made without the certainty of the tremendously courageous and timely decisions by the President (concerning the North Vietnamese ports and the bombing, obviously). With those decisions, I now have absolute certainty that (the Hanoi leaders have) committed a blunder equal to or greater than that of Tet '68. . . .

"Barring a negotiated settlement at Paris, the enemy has had it—and will constitute a credible threat for several years hence, which will then be irrelevant."

The letter closed, heart-breakingly, with word that John Paul Vann could not be in Washington "in July . . . could not afford to miss the (a planned counter-offensive) we're going to have that month." One day after John Vann's letter, still another came from the chief American in command on the approaches of Saigon, Maj. Gen. James Hollingsworth. Gen. Hollingsworth, another exceptional American, was reporting on the failure of the North Vietnamese siege of Anloc.

"I would think the enemy is fully aware of their total disaster," he wrote. "Two and two thirds divisions (of North Vietnamese troops) is one helluva rent to pay for 25 per cent of a small, inconsequential province capital for less than 30 days occupancy by two battered companies."

That letter arrived simultaneously with the news of the final relief of Anloc in the morning papers. As the letter was being opened, a smooth-faced young man on the Columbia Broadcasting System's morning news program was telling the world all about Vietnam. One listener wondered idly how much of danger, and indeed, how much of his country's service, this young man had seen.

At any rate, he sounded quite as sure of himself as Vann or Hollingsworth, when he told his vast audience that it began to seem Hanoi had made a voluntary decision to call off the big offensive. The idea, was, of course, that there had been no North Vietnamese defeat at Anloc; that Hanoi's leaders had just said to themselves, "Oh, shucks, why not call it a day?"

Of course Hanoi's leaders have not said that, at least not yet.

By all the signs, despite the hideous North Vietnamese losses and heavy defeats, there are still battles to be fought. Battles can always bring bad news. Ad interm, however, even the newspapers utterly failed to convey how good the news was from Anloc.

> ARVN's feat at Anloc appears more and more admirable, the more one learns. It was a resolute, unyielding defense of a wretched perimeter about a thousand meters square, under much heavier artillery and infantry attack than the French suffered at Dienbienphu.
>
> Suppose, in contrast, that Anloc had fallen instead of holding. That would have been made to seem truly catastrophic. In short, there seem to be some people in the woodwork who positively hate news of victory.

John Paul Vann was a soldier and a diplomat. He knew that the enemy had to be defeated on the battlefield, and he also knew that the peace had to be won by developing in the South Vietnamese people the confidence and ability to order and defend their own country.

In its statement concerning his tragic death, the White House called him "a truly extraordinary public servant." It declared that:

> For more than a decade he worked tirelessly in the forefront of our efforts to achieve an honorable peace in Southeast Asia, and to bind up the wounds of its ravaged people. . . . There he has now given the last full measure of devotion.

In an age when we hear so much of demonstrators and protesters, of those who care so little about the fate of countries subjected to attack by the forces of aggression and tyranny, the virtues of men such as John Paul Vann shine ever brighter. We must see to it that we do not break faith with such men, that their sacrifices have not been in vain. Their lives are a challenge to us and, hopefully, we will rise to meet it.

Mr. MONTGOMERY. I thank the gentleman from Illinois for what he has said.

I might say, Mr. Speaker, at the suggestion of the gentleman from Illinois I did take the special order, and I do thank him for his comments.

Mr. GOLDWATER. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I would be glad to yield to the gentleman from California.

Mr. GOLDWATER. Mr. Speaker, I would like to take this opportunity to commend the gentleman for taking this special order also and to pay tribute to the fine American, John Vann, a man with great insight into the problems that we and all the world face in Southeast Asia. Certainly if we had paid more attention to his words of wisdom perhaps the turn of events would have come sooner. I would like to take this opportunity also to commend the gentleman for his fine works of tribute to a great American.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from California (Mr. GOLDWATER) for participating in this special order.

Mr. COLLIER. Mr. Speaker, the tragic death of Col. John Paul Vann is a grievous loss that will be felt not only by the people of America and South Vietnam, but by the entire free world. Not only free men but those in occupied countries who yearn to be free will suffer because of his untimely passing.

Colonel Vann spent nine of the last 11 years in South Vietnam, having first arrived there in 1961. He was, throughout his years of service there, a courageous and dedicated soldier who inspired and encouraged those who were joined with him in the effort to drive out the invaders.

Colonel Vann remained at his post of duty and made the supreme sacrifice while lesser men dodged the draft and fled the country.

Just before his death in a helicopter crash, Colonel Vann expressed his optimism that the war would soon be over, that America would win a final victory over its enemies, and that the cause of freedom for small as well as great nations would be advanced. He was concerned, however, that the victory achieved in battle might be frittered away at the peace table. Let us hope that his optimism for victory on the battlefield will be sustained and that his pessimism regarding defeat through negotiations will be proved groundless.

Mr. Speaker, I want to express my sympathy to those who survive Colonel Vann. May the rest of us prove worthy of his sacrifice, may others be inspired by his example, and may the enemies within our gates be shamed into silence.

Mr. DERWINSKI. Mr. Speaker, I join the many members who are participating in this special order to commemorate the outstanding service that John Paul Vann performed in the service of our country and that of freedom of South Vietnam. His death in combat was extensively reported by the press and his career in Vietnam recalled in substantial detail. I believe that it is proper this afternoon that we recognize the personal dedication to the cause of freedom that Mr. Vann's career exemplified. He recognized the complications in foreign policy, the internal difficulties within South Vietnam, but above all else he recognized the determination which the North Vietnamese Communists pursued their goal of conquest of the south.

He served for approximately 11 years in civilian as well as military positions in South Vietnam. It is obvious that he was dedicated to seeing that the basic goals of the United States and that of South Vietnam—the development of a viable country free from Communist aggression—was a goal worth his constant effort.

Too many brave Americans who have given lives, suffered permanent wounds, or served in South Vietnam have not received the respect and appreciation from their countrymen as have our military heroes in previous wars.

Perhaps in commemorating the dedicated service of John Paul Vann this afternoon, those Members of the House who are participating in this commentary are also speaking of the positive role of the military and civilian and military advisers in South Vietnam. Quite apart from the dispute over policy, we should be proud of the individual Americans who have served and in so doing exemplified the spirit that makes America a great country.

John Paul Vann died for this country in the cause of freedom. I join other Members here this afternoon in extending my deepest and sincere sympathy to members of his family in their loss and bereavement.

Mr. ROBISON of New York. Mr. Speaker, it was with far more than passing regret that I noted, a few days ago, the death of John Paul Vann—a brave American and dedicated patriot who fell inevitable victim, finally, to the very forces he had so valiantly struggled against in Indochina for the past decade.

My acquaintance with this legendary figure was brief, but most memorable. When I was in South Vietnam in June of 1970 with the gentleman from Mississippi (Mr. MONTGOMERY), it was my privilege to spend an entire day with former Colonel Vann—first listening to him welcome and brief a new contingent of U.S. civilian advisers who had just arrived in South Vietnam to work with Mr. Vann and South Vietnamese officials on one aspect or another of the Vietnamization program of which Vann was a major architect.

Later that same morning, Vann and I—accompanied only by an unarmed civilian interpreter—rode by jeep all the way down Route 1 in the delta region from the city of Can Tho to the village of Ca Mau, where the highway ended for all intents and purposes. This was a trip of perhaps 150 to 175 miles, and through country that, until only lately, had been unsafe for American travellers even in daylight hours unless they went under heavy military escort. I was the first Congressman to venture such an experience, and I have always suspected that Vann undertook to take me—as a more or less willing guinea pig—to prove his point that both Vietnamization and its corollary pacification program had succeeded in the delta, and could be made to succeed elsewhere throughout South Vietnam.

He pointed out to me, along the way, the spot where a few months earlier he had been ambushed, and shot off his motorbike, in broad daylight—an anecdote which, in the telling, gave me some temporary pause as to my situation, but which his complete air of assurance quickly dispelled. We went freely into and through several village areas—walking, still unescorted, along village streets and into several shops and marketplaces where I talked, as best I could through the interpreter, with the natives. We visited a number of province chiefs, as they are called, and I had an opportunity to have extended discussions with several of them as to their problems and challenges, as well as to try to understand from their American advisers what the military and political situation was in their provinces.

We had an extensive lunch with one such province chief, and then drove like mad—for Vann never did anything halfway—the rest of the way down a rapidly deteriorating highway, in the inevitable afternoon downpour, to Ca Mau where we spent several hours with that province chief of whose recent successes in restoring order to his area Vann was especially proud. Later, there, we were met by helicopter which Vann took over from the Army pilot and, himself, flew back to where we would meet the rest of our group for dinner and the evening.

But the best part of the trip—and the

day—Mr. Speaker, was to have this chance to talk with Vann, alone, as I did, about his so firmly held viewpoints concerning the military mistakes the United States had earlier made in Vietnam, how those mistakes could be and were being corrected, and how it was necessary for us to carry on along the lines that Colonel Vann, himself, had in such large part laid out.

There is much that is tragic, Mr. Speaker, in our whole Vietnamese experience, and one supposes that in that context one more human life lost does not mean very much. And, yet, I also believe that it was an additional tragedy—for all of us—that John Paul Vann, who did his level best to set our feet on the right course in Vietnam, did not live to see, if any of us do, the justification for and success of his theories.

I extend my personal sympathies to Colonel Vann's family, and to his countless number of grieving friends and admirers, on the occasion of this great soldier's death and I hope it can be eventually written that he did not die in vain.

Mr. **WAGGONNER**. Mr. Speaker, last week an official North Vietnamese statement on the death of John Paul Vann characterized him as perhaps the cruelest of the American advisers in Vietnam. A man who deserved to die. These are harsh words for a fallen foe but in a sense they comprise the greatest tribute possible to a man who spent 11 years in Vietnam in both military and civilian capacities. A tribute in that John Vann was beloved and respected by South Vietnamese and Americans alike because of his great courage, human compassion, and constant devotion to duty. These qualities in conjunction with an incredible insight and understanding into a war not meant to be understood made him so remarkably effective as an adviser that he achieved a position as the third most influential American in Southeast Asia. In addition he became such a legend among his enemies that even in death they could feel only bitterness toward him.

A recent example of his devotion and tenacity was successful direction of the effort to hold Kontum against overwhelming odds. He held to it as he held to the conviction that defeat in Southeast Asia would have catastrophic repercussions for the United States. He could not tolerate the idea of the South Vietnamese under Hanoi's control. To the prevention of such a tragedy John Paul Vann committed his mind, his body, and his life. It is one of the tragedies of all time that it takes a war to recognize the talents of such a truly great American.

I extend to his family, friends, and other fellow Americans my heartfelt sympathy in this time of grief. His loss like that of the thousands of others who have made the same sacrifice will be felt throughout the free world.

Mr. **EVANS** of Colorado. Mr. Speaker, the United States has lost a true patriot. John Paul Vann was undoubtedly one of the most knowledgeable American officials in Vietnam in addition to being one of the most experienced. When it came to a strong sense of commitment, there are few who can surpass the commitment of John Paul Vann.

The Rocky Mountain News said of Vann, "He was utterly fearless." Now that the U.S. role in the war in Vietnam has been winding down to that of an adviser, the tough little man who called Littleton, Colo., his home, was destined to play an even bigger part. As the senior U.S. adviser in Vietnam, his work there was becoming more and more important. And also more dangerous.

John Paul Vann's daughter, Mrs. Patricia Buhl, lives in my hometown of Pueblo. I am enclosing a copy of a newspaper story that appeared in the Pueblo Star-Journal and Chieftain on June 11, 1972, in which Mrs. Buhl remembers John Paul Vann as a father and as a dedicated human being. I am also enclosing an editorial from the Rocky Mountain News.

I only hope that his family will have the comfort of knowing that the job he did was a job well done. Mrs. Evans joins me in extending our sympathies to John Paul Vann's family. The material follows:

[From the Pueblo (Colo.) Star-Journal and Sunday Chieftain, June 11, 1972]

PUEBLOAN, DAUGHTER OF KILLED ADVISER, RECALLS HIS SPUNK

(By Bill Racine)

"I still have a hard time believing he's dead. I have a feeling that I'll see him again.

"He's been in so many close calls that I keep thinking I'll wake up and it'll all be a mistake."

But it won't be that way at all.

John Paul Vann, 47, senior American adviser to the Vietnamese Second Military Region, a man who had spent 11 years in the Vietnam war, died Friday in a fiery helicopter crash near Pleiku, South Vietnam.

Mystery still surrounds the crash. Officials aren't certain if the helicopter in which he was a passenger along with the pilot and another American adviser was shot down by North Vietnamese gunners or whether there was a mechanical malfunction. Vann was investigating the military situation in the Pleiku area.

MORE MYSTERIOUS

Mrs. Patrica Buhl, 58 Scotland Road, in Belmont, daughter of Vann, hard-pressed to believe that her father is really dead, said the crash was all the more mysterious to her because she had always understood that he made it a practice of flying his own aircraft. He often told the family that he never went anywhere unless dozens of checks, both of the aircraft and of personnel on the ground, were made.

Jack Buhl, while roughhousing with his son, Josh, 3, told of one narrow escape. Vann had just boarded a military plane for a return flight to Vietnam when he was called off the aircraft for a routine passport check. The plane left without him and later crashed, killing all personnel aboard. The death list carried Vann's name, but he had just telephoned his wife and it all turned out to be a mistake.

Vann, who knew and reported to President Richard M. Nixon frequently as well as other top American officials, predicted in 1960, to his daughter, Pat, that Vietnam would become a household word in America.

Not that Vann was a staunch supporter of the war or of American policy. To the contrary, reported Mrs. Buhl. He wanted to present a report to the joint chiefs of staff in the early 60s about the military situation there (Vietnam), that we shouldn't let it slide. She said she thinks he advocated bombing the North at that time, but he was refused an audience. He became so frustrated that he retired from the Army after 21 years and went to work for the Martin Marietta Co., south of Littleton.

"STRONG COMMITMENT"

But, according to the Buhls, he just couldn't get Vietnam out of his blood. "He was such an energetic and dynamic man," said Mrs. Buhl. "He just had a strong attachment and commitment to the Vietnamese people."

"Once," she related, "a close friend of his, a roommate, was captured and became a POW (prisoner of war). He was so upset and concerned. He always kept in touch with the prisoner's family here in the States."

Beside offering hope and encouragement, Vann was a diplomat.

Buhl, still playing tag with his son, told of how his father-in-law would bring representative government down to the villages and hamlets of Vietnam by sitting down with the chiefs.

A duck would be caught, its head chopped off and the blood from its neck poured into a bowl. Then while the blood was still warm, Vann would drink duck's blood soup. He would make a pleasing sound and drink a second bowl.

"That was the way the people learned how to accept the Vietnamization program," explained Buhl.

Vann, who made the news frequently, wasn't talked about so much in the late '60s. But since the American adviser role is returning to the war with the withdrawal of American soldiers, Vann's highly specialized work became more important, thereby sharply increasing the danger for him.

It was characteristic of Vann to get involved, especially with his family.

KEPT IN CONTACT

"He had a remarkable quality to keep in contact even while he was half way around the world" said Mrs. Buhl.

She broke off into another story about her father. "When Peter, my brother, was 3, he nearly died from what was described as hepatitis. The doctors said he was dying, that they could do nothing, that funeral arrangements should be made.

"Well, my father became furious. He flew Peter to a Boston hospital, and literally pounded on the door with his fists and actually begged the doctors to help Peter," she said.

"It was only because a doctor's patient had died that they could help him. There was something about scheduling involved. They found an obstruction; Peter lived. I'll just never forget that about my father."

She explained how he went out at nights and sold pots and pans to pay the staggering hospital bills.

"FOUGHT HIS WAY UP"

"Persistence is where it all is. I guess that's how he got where he was," she said quietly. "He was born into poverty and he fought his way up. He always said he was being guarded by something. He had so many close calls with death."

Mrs. Buhl wasn't the only one to eulogize the memory of her father. The Air Defense Command in Colorado Springs released the following statement from Gen. William C. Westmoreland, Army chief of staff.

"It is with a profound sense of personal loss that I join with Americans across the nation and around the world in mourning the death of a devoted servant of freedom, John Paul Vann. . . .

"Strong imagination and loyal, Vann, by personal example, inspired countless men of the free world forces of many nations to make a full and complete pledge toward the defense against tyranny and aggression in Vietnam.

"He will be remembered as a man who lived up to his convictions and will be greatly missed by all who served with him."

Vann, who worked for the U.S. Agency for

International Development in Vietnam, earned a master's degree in business and had nearly completed a doctorate program. He commanded a ranger group behind enemy lines during the Korean War.

David Halberstan, New York Times war correspondent, author of "Vietnam Diary," used many references to Vann's important work in his book.

ADORED GRANDSON

But Mrs. Buhl didn't talk about her father's many interests and accomplishments. She kept looking at Josh, her son.

"My father planned to come to visit us here in Pueblo this summer. He just adored Josh." The boy is Vann's only grandson. "He wanted to come to see us and Josh and the new grandchild."

Mr. and Mrs. Buhl are expecting the arrival of their second child in a matter of days. They still don't know if they'll be able to go to funeral services. They are incomplete, but a service will be held in Denver. The body will be flown to Washington, D.C., for interment in Arlington National Cemetery.

Meanwhile, in Pueblo a young boy waits for his brother or sister to come into the world.

All young Josh knows is that his grandfather is dead, and that there will be no more toys from Vietnam.

[From the Rocky Mountain News, Denver, Colo., June 13, 1972]

JOHN PAUL VANN

John Paul Vann was a hero and a patriot.

He first saw Vietnam in 1961 as a Lieutenant Colonel sent to advise a South Vietnamese division in the Mekong Delta. He quickly proved two things: He was utterly fearless, and he would never become a general in the U.S. Army.

A tough little man from the Virginia Piedmont and later a Littleton resident, Vann spoke his mind in blunt, rude terms to the press and his military and civilian superiors alike. The press loved it. The higherups did not.

He was not the careful team player who gets ahead in the military or in business. In 1963, he was forced to retire as a colonel. But Vann, who learned the psychology of the Vietnamese better than most, was fascinated by their struggle with the Viet Cong and in 1965 returned as a civilian adviser.

Vann's knowledge of Southeast Asia was employed in 1963 when he was recalled to the Pentagon to brief Henry Cabot Lodge on Asian affairs preparatory to Lodge's assignment as ambassador.

When he retired from the Army, he chose Colorado as his new home, serving from 1963 to 1965 as a marketing specialist for the Martin Marietta Space Center here. He dabbled a bit in politics here, serving as state co-ordinator for a Draft Lodge for President group. Later he switched to coordinating Colorado Republicans and Independents for Lyndon B. Johnson. Last Christmas he managed to get away to spend the holiday with his family in Littleton.

Vann became head of the pacification program in the Delta. He flew his own helicopter over the battlefields. He deserved and got much credit for Saigon's success in the country's richest rice growing region.

As a "reward" they made Vann senior advisor in Military Region II, the indefensible central highlands that the Communists could attack from the jungled mountains of Laos and Cambodia. Ironically, the post had always been filled by a major general.

He literally took over the war in the highlands. He called for the B52 strikes that decimated the enemy. He repeatedly exposed his helicopter to ground fire, so he would know where to send the bombers.

Vann always went to see for himself. Last Friday night he went once too often. Near an obscure South Vietnamese fire base that needed help, his helicopter was shot down or crashed, killing him and two U.S. Army officers.

To North Vietnam's ambition to take Kontum and Pleiku, Vann's death is worth an extra division. To the South Vietnamese people he sought to help, it is a cruel loss. They are not likely to get another John Paul Vann.

Mr. SPRINGER. Mr. Speaker, John Paul Vann was a man who had the courage of his convictions in the strict sense of that much used, and much abused, term.

He believed that the South Vietnamese had the capacity to defend themselves provided they received the proper training and leadership. To this end, he devoted many dangerous years of service, both military and civilian, in Vietnam and in this cause he finally died.

John Paul Vann's death in a helicopter crash was not only a personal tragedy, but also a great loss for the country.

Mr. KEATING. Mr. Speaker, the recent death of John Paul Vann, America's top civilian adviser in Vietnam, certainly represents a tremendous loss for the people of the United States and South Vietnam. Both were the object of his devotion and service for many years, and it is not likely that he will be forgotten easily.

Many things have been written and spoken about this dedicated American citizen over the past several days, and almost everyone agrees that John Vann was one of the most widely respected and courageous Americans ever to serve in Vietnam. This is certainly quite an achievement in view of the many sacrifices which so many people have made during the U.S. commitment to that country.

In spite of the deep divisions caused in our Nation as a result of America's commitment to South Vietnam, John Paul Vann remarkably enough won the respect and admiration of persons representing all ideologies and points of view surrounding this conflict.

He was completely dedicated to the preservation of South Vietnam as a free and independent nation. At the same time, he pursued that goal with a deep and abiding compassion for the Vietnamese people—always cognizant of the importance of maintaining their allegiance, and always determined to assist in every way possible those who were the helpless victims of war.

John Paul Vann also won an enviable reputation among members of the press corps for his candid and knowledgeable assessments of military and political problems throughout South Vietnam. Many persons, in fact, came to regard him as the most reliable authority on any subject dealing with the war. No President, no Cabinet official, no newsman ever received an account of the war from John Vann which did not represent the situation exactly as he saw it.

The life of John Paul Vann certainly represents a proud chapter in the history of human achievement, as he achieved astounding successes in the face of tremendous obstacles. That he did so was partly a result of his intelligence, courage, determination, and frankness, and partly a result of his unwillingness to compromise his basic convictions or his integrity. His successes were indeed great. But he has paid a heavy price for them.

Mr. Speaker, I am certain that all Americans grieve the loss of one of America's finest citizens. John Paul Vann is no longer with us, but his memory and his achievements will certainly endure throughout the history of our country.

Mrs. HICKS of Massachusetts. Mr. Speaker, the American people have noted with regret and sorrow the tragic death of John Paul Vann—a brave and dedicated public servant.

Mr. Vann, the Director of the U.S. Second Regional Assistance Group in South Vietnam, was killed in a helicopter crash in the central highlands of Vietnam serving as a civilian the Nation he once served so well in uniform.

As a young lieutenant colonel, John Paul Vann went to South Vietnam in 1962 as an adviser to the South Vietnamese Army. He early saw that the war was a Vietnamese war—one that had to be fought primarily by the people of Vietnam themselves. And he had the insight, perhaps novel at that time, to state:

> This is a political war. . . .

His views were not popular with the official optimism of both Saigon and Washington in the 1960's, and he resigned from the Army in 1963—although he appeared to be at the beginning of a promising career that would have led inevitably to a general's stars.

A man of intense conviction—as well as deep moral and physical courage—John Paul Vann worked over the period of a decade to see that South Vietnam would not fall to the Communists. He saw the American role in South Vietnam grow from that of a few thousand advisers in 1962 to well over a half-million fighting men at the height of U.S. involvement in the late 1960's. And he saw that commitment gradually reduced as the South Vietnamese Armed Forces became able to bear the load of fighting their own war themselves.

His life was a short one—as lives are measured in years—but those years were spent serving, as best he knew how, the peoples of both his own beloved United States of America and the beleaguered but courageous Republic of Vietnam. His untimely death is a tragic loss to both nations.

Mr. KEMP. Mr. Speaker, I commend the gentleman from Mississippi, my friend, Mr. MONTGOMERY, and I join him in paying reverence to John Paul Vann. Those of us who have felt the John Paul Vann spirit will agree that his last conscious thought must have been outrage at the shortness of life while there is still so much to do. We will all remember the John Paul Vanns who maintain their courage, humanity, and loyalty in the face of great odds.

Mr. Speaker, I had the personal pleasure and high honor to spend a day and a half in the II Corps area with John Paul Vann whose character was definitely etched on the minds of the Vietnamese people whose lives he touched. To me, it was obvious in that short period of time that I was with him, he was that type of standup American who believed the real solution to the war in Vietnam was in helping the South Vietnamese to build a nation and he was doing just that; trying to build a nation in the middle of a naked Communist aggression.

I take this moment also to extend my gratitude to my distinguished colleague from Mississippi (G. V. "SONNY" MONTGOMERY) who requested this special order so that we might all have an opportunity to remember John Paul Vann for his extraordinary contribution to the cause of peace and humanity in South Vietnam.

We, in this body, can look upon his accomplishments with renewed spirit to commit ourselves to our tasks with the same devotion to people that John Vann had for the people in whose service he has now given his life, both here at home and in Vietnam.

I wish to make part of my remarks at this point the eulogy of John Vann by Ambassador Komer.

EULOGY TO JOHN PAUL VANN

(By Ambassador Robert W. Komer, Former Chief Pacification Advisor in Vietnam (1967–68)

For me, as I suspect for most of you, it's hard to believe that John is dead. His mortal remains may lie here before us—but they can't evoke the courage, the spirit, the inexhaustible energy, the earthy vitality, the sheer gutsiness of the John Vann we knew.

To us who worked with him, learned from him, and were inspired by him, he was that scrawny, cocky little red-haired guy with a rural Virginia twang always on the run like a human dynamo, sleeping only four hours a night, almost blowing a fuse at least twice a day, knowing more than any of us about what was really going on, and always telling us so. And any of us with his head screwed on right invariably listened.

That's the John Vann we remember. He was a mighty controversial character—a role he played to the hilt.

I've never known a more unsparingly critical and uncompromisingly honest man. He called them as he saw them—in defeat as well as victory. For this, and for his long experience, he was more respected by the press than any other American official. And he told it straight to everyone—not just to them or to his own troops, but to Presidents, Cabinet officers, ambassadors and generals—letting the chips fall where they may. In fact, I was once told (and not in jest) to fire John Vann. I replied that I wouldn't—and couldn't; that in fact if I could only find three more John Vanns we could shorten the war by half.

But John was more than a talented AID advisor. In uniform or out, he was a born leader of men. Personally fearless, he never asked anyone else to do what he wouldn't do himself. He believed the role of a leader is to lead, regardless of risk. He was the epitome of the "can-do" guy. And I've never met one of the thousands of Americans who served with or under John who didn't look up to him. He educated and inspired a whole wartime generation of Vietnamese and Americans caught up in a tragic war—he was our colleague, our hairshirt, and our friend.

But John's greatest achievement, and one which he fortunately lived to see come close to fruition, was to play a major role in shaping a more rational South Vietnamese response to internal rebellion and external attack. He passionately believed that the South Vietnamese could win their own war and that the belated pacification effort to which he contributed so much was essential to achieving that goal. For long a prophet without honor among his own colleagues, he ended up a widely influential member of the top U.S. advisory team—able to practice what he so ardently preached.

When I last visited him this February in Kontum, Pleiku, and Binh Dinh, he felt we had finally achieved a high degree of security and development in the countryside, and was confident that Hanoi's pending employment of its only remaining option—bringing down the rest of its regular army from the North—would fail to reverse this trend.

John always saw clearly why he was in Vietnam—to help defend the right of the South Vietnamese people, whom he loved, to live in freedom. He probably knew more Vietnamese and worked more closely with them, sharing their trials and tribulations, than any other American. And he was more at home in the hamlets where he so often spent the night than in the offices of Saigon.

I am sure John died the way he would have preferred—in action, again putting his finger in the dike—en route to buck up the defenders of Kontum. In his last letter to me he forecast that Kontum would hold. As so often, he seems proved right.

It's also fitting that John should lie in Arlington, among our nation's fallen soldiers. For he was the highest type of professional soldier, whose last tour fulfilled his secret longing to be back in command of American troops. But John was more than a professional soldier—he understood as few did that firepower alone was not the answer to Vietnam's travail, and too few did more to protect and build. So let us hope that his real monument will be the free and peaceful South Vietnam for which he fought and died.

Yet, whether or not this tragic conflict ends with this aim fulfilled, all of us who served with John Vann will long remember him. He is not a man who will be easily forgotten. So we say farewell to one of the few authentic heroes of a grim unpopular war, respected by all who knew him. He gave all of himself to the cause he served, finally even his life. We shan't forget you, John. You were the best we had.

Mr. BUCHANAN. Mr. Speaker, for years John Paul Vann was the symbol of the efforts by the United States to bring a better way of life to the people of war-torn South Vietnam.

He became a legend in his time because of his courage and determination and because his efforts produced results to the benefit of the people.

As the senior American civilian adviser, John Vann was uniquely qualified to command. He had served in World War II, the Korean conflict, and later in Vietnam in the military. In 1965 he returned to Vietnam in a civilian role to work with the Vietnamese people to assist in defense and to work toward pacification.

His work there earned him the respect of the Vietnamese and of Americans on all sides of this controversial war.

John Vann's willpower and determination that his programs would succeed were contagious. They spread to all with whom he came in contact.

He worked with a determination that peace would be achieved in South Vietnam and he had many successes along that route. The recapture of the Mekong Delta by the South Vietnamese following the Tet offensive and the pacification of that area are a credit to his efforts.

It is fitting that the defense of Kontum City is one of the efforts for which he will be greatly remembered by the people of Vietnam and those of the United States. For it was there that he rallied the military and civilian forces of South Vietnam to fight off the Communist aggressors. It was there that the support which had grown for him and his programs over the years came to fruition.

His efforts increased the morale of the South Vietnamese wherever he went.

John Vann will be remembered here, in the United States, and in Vietnam. He was a man who worked for a cause in which he believed and a man who proved that a goal could be achieved by sheer determination.

My only regret, Mr. Speaker, is that he did not live to see the final chapter in a book which so indelibly bears his mark and in which he played such a vital role.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. MOORHEAD). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE IMPACT OF IMPORTS AND EXPORTS ON U.S. EMPLOYMENT AND UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, as a committee chairman and as a citizen, I have had over 12 years of study, public hearings, onsite inspection and interviews in many States and foreign countries on the impact of imports and exports on U.S. employment and unemployment. I am firmly convinced in a return to a sound trade policy that can serve this Nation as well as the world's needs for economic survival in a competitive world, a policy that considers employment and investment for production, distribution, and consumption for each nation's top priority.

No nation can afford to open its markets up to goods and services produced under conditions where costs of production are below that nation's ability to compete in its own market. In our modern production world all production will flow to countries with low cost, low wage, nonunion workers, and their products will be exported to high cost nations.

Our history proves this point beyond a doubt. We have had the misfortune as a Nation to be lulled to economic slumber in the belief that external balances of payments are more important than our internal balance between production, distribution, and consumption. Our own Government is the leader in setting aside any consideration for our mandated high cost production when making purchases with tax dollars.

Our sophomoric economics has taught us the unsound theory that we must increase our exports in order to have a healthy and growing economy. Only nations underdeveloped, emerging industrially have to have exports until their wage levels create an internal market. We can and have consumed our production. Soon all nations will have to look inward for survival.

This theory started in the fateful days of the early thirties when many of our business and technical experts believed our domestic market had ceased to grow.

We followed this mistake with a new trade economics policy. We decided it was necessary to expand our exports in order to expand our domestic markets.

The third step soon followed as a natural sequence to the erroneous decisions and trade policies previously adopted. We now decided it was time we must accept more imports to pay for exports.

What followed is history and the major cause for the dilemma of our specialty steel and other essential industrial productions.

We had to reduce tariffs in order to allow more imports into this country. The workers were told that by doing so other nations would have money to buy our exports and thereby it would create more jobs.

At first, the only industries to feel the impact of lower priced imports were the age-old productions, certain agricultural items, handmade glasswares, ceramic tile, clay products, textiles, and other labor intensive, unsophisticated productions.

Our basic steel industries, specialty and stainless steels, fabrications of highly technical production, automobiles, machine tools, electrical products, electronics—plus our subsidized farm program which produces so-called surpluses in foodstuffs were exported and so our external balance of payments gave us a false sense of economic security. All the while our unemployment was obscured by welfare programs, social security, and unemployment compensation payments.

Let us look at the age-old theories, cliches, and claims of the free traders. One, they claim that free trade creates free exchanges in the world, thereby setting in motion the basis for world peace. Two, free trade creates jobs and prosperity. Three, we gain more jobs from exports than we lose by imports. Four, the consumer deserves to buy at the lowest price regardless of where the products are produced. Five, protectionism is all bad and creates isolationism. Six, finally the worst and oldest lie of all—protectionism was the cause of the 1929 collapse of the market and the worst depression in our history.

If we can convince the American Congress of the truth of the real cause behind the depression of the thirties, we can easily set aside the other claims of the free traders.

The truth stands out, in congressional hearings, public speeches, and in publications.

The seeds of the depression were sown in 1914–18. Its instigators were the international bankers, who panicked when Germany confiscated their assets in Germany. Fearful of the same action by the allies, the bankers made unsecured loans of $15 billion to Great Britain, France, Holland, and Italy. The crash has been blamed on Congress for passing the Smoot-Hawley Tariff Act. The facts behind this charge against Congress belie the charge.

The crash came in the late summer of 1929; the Smoot-Hawley Tariff Act was passed in 1930. It never really became operative because right after the election of President Roosevelt, Cordell Hull and others started a drive—1932—for a reciprocal trade agreement.

This brought to a standstill the Smoot-Hawley higher tariff rates and reciprocal trades became our policy from early 1934 to the present date.

Another little noted fact is the enormous amount of import products dumped into the U.S. market from 1919 to 1929, a sum total of $43,000,000,000. In spite of U.S. wage levels of 5 to 25 cents an hour the flood of products from Europe increased yearly while employment, investment and production in the United States decreased.

Our farms felt the impact most seriously; lower priced farm products were imported and sold in order that foreign countries could build up U.S. currency and credits to pay off their debts to the international bankers. Germany, in the meantime, floated $33 billion worth of reparation bonds. The Allies received the bonds, sold the bulk of them to the United States, received cash from the United States which turned their paper bonds into real cash. The Allies could then in turn pay off the bankers.

The United States was left with its pants down, its farmers desperate for cash to pay taxes and to purchase essential farm needs. Our workers were unemployed, owing foreign countries $3½ billion—an enormous sum at that time.

The foreign nations immediately claimed their piece of flesh, and $3½ billion of our gold reserve was claimed. The Government forced the bankers to reduce their deposits by $3½ billion to maintain our gold reserve. The bankers were forced to foreclose mortgages, notes, and so forth, and call in collateral protected borrowings. All this happened in the 11-year period after the war up to 1929.

Let us look at the trade picture and then judge whether we had so-called isolationism and protectionism during the decade of the 1920's. The free traders have told this lie so often they believe it themselves. The truth is seldom publicized.

From 1910 to 1920 we imported $22 billion worth of products. In 1910 the average tariff rate was 41.5 percent. Average rate on all goods, dutiable and free, was 5.3 percent—Payne-Aldrich Act.

In 1920, the average tariff rate was 16 percent. Average on all goods, dutiable and free, was 5.3 percent—Underwood Act.

In 1929, the average tariff rate was 40 percent. Average on all goods, dutiable and free, was 14.5 percent—Fordrey-McComber Act.

In 1930, average tariff was 44 percent and average on all goods, dutiable and free, was 15.9 percent—Smoot-Hawley Act.

In 1934, average tariff was 44 percent. Average on all goods, dutiable and free, was 18.3 percent—Reciprocal Trade Agreements.

From 1934 to 1947, under the RTA, tariffs dropped from 44 percent on dutiable goods to 19.4 percent. The Geneva agreements—1948—in 2 years dropped tariffs—1947–49—from 19.4 to 13.8 percent. In 1950 the international agreements moved rates down to 13.3 percent. In 1951 the Torquay agreements were signed and rates dropped to 12.8 percent in 1952.

The story from 1952 on requires another telling. It is so unreal that perhaps it should be titled "fiction" instead of with a dull Japanese knife; 1929 is history is a lesson in economic hari-kari, with a dull Japanese knife; 1929 is his tory—the crash, the liquidation of billions of dollars of property, businesses, stocks, and bonds. Soup kitchens, more closed factories, more idle farms, and a new theory of international trade came in at the same time.

We got over the other results of our panic policies of the thirties mainly because of Roosevelt's bank moratoriums, price increases equal to costs of production, our world leadership in productivity of new and useful products, radios, electronics, machinery, tool steel, stainless and specialty steels so important to war and peace, the passage of minimum wage and maximum hour legislation, embargoes on farm products, emergency measures that decreased imports and built up U.S. production.

We were stuck, however, with a Trojan horse trade philosophy—reciprocal trade agreements—impossible of achievement, dependent entirely upon the reciprocal action of other nations. There has been no reciprocity in any area where it hurt the exporting nation's job economy. This the records will prove.

We arrived at what is for all practical purposes, a negative tariff position, while all other nations live entirely within the self-serving trade policy based upon every type of open and hidden barriers against competitive imports.

In 1919 we ignored the facts of life as a nation. We made ourselves believe we could continue to prosper while ignoring the irrefutable economics of prosperity in an employment oriented economy—namely, production, distribution and consumption.

By importing, we stopped production, the source of the seed money for transportation and consumption payrolls. Our economy is built like a milking stool; it needs all three legs for support, otherwise it falls. We are falling fast.

In 1919, the United States had no need for foreign goods. Our factories were capable of turning out all the manufactures we needed. Our farmers were capable of producing all the food, fiber, and feed that we needed. Our labor supply was adequate for every purpose. Our economy had become adjusted to a high level of prices and volume.

We were enjoying the best economic experience of our history. Nobody was being hurt except the international bankers who had loaned their money to England, France, Holland, and Italy. If we had followed the sane course, we could have marked off those war debts and kept our own national economy on a high scale and have told the international bankers to go jump in the ocean.

Instead of doing this, we lowered the tariff bars and we started importing goods, merchandise and commodities to collect the war debts. From 1919 to 1929, over a period of 11 years, according to Government figures, we imported goods to a total of more than $43 billion. By the time Mr. Coolidge was going out of office, it was apparent to all students of national and international economy that the American economy setup had been wrecked by these wild imports.

In the late 1950's and early 1960's we were already feeling the impact of imports on employment, employment being the basic ingredient for a solvent and growing economy. The pinch was serious enough to start the free traders working to preserve their disastrous course. Their chant of the siren song of depression—Freer Trade for World Prosperity—continued. Peace—reduced tariffs, import to export, and other slogans again put the public to sleep. We are on the same route again with major stops in Peking and Moscow. Can we stop the train and get off? We had better.

President Kennedy, being oriented to free trade philosophy—except for products of his native State, Massachusetts—started a do-or-die tariff reduction plan called the Kennedy round.

As chairman of the Impact-Import Ad Hoc Committee, I met with the President for an hour. I presented facts, figures, and my beliefs and theories on the damages to industry and the devastation to our job economy that would follow any further tariff or customs reductions.

The President appeared to be impressed and asked that I send him daily reports of my hearings and any pertinent information on the trade picture. I was instructed in the matter of how to send the reports and to whom they were to be addressed.

Weeks later, after passage of the "Kennedy round," I met the President at a reception prior to a Marine Corps ceremony at the Eighth Street Barracks. I expressed regrets on the passage of the bill as well as my disappointment on his silence and apparent disregard for my reports and suggestions. I was astonished at his reaction; he said he had not received one single report of the rather detailed and documented transmittals made by my office.

In fact, he had been convinced that I had ignored his request for the reports and proceeded accordingly. My reports may not have made a difference in the final draft of the Kennedy round, but again President Kennedy was a reasonable person. No legislation has been more harmful to our economy and to employment than the Kennedy round.

Our effective tariff rate on dutiable goods is the lowest in history and with the effective rate on all goods dutiable and the enlarged free lists, we have few customs restraints left. Add to this the import discounts given to U.S. multinationals and you can understand our unemployment.

We had a deficit balance of payments from 1961 to 1972, with the staggering deficit of $9 billion plus in 1971. A deficit of this magnitude—the largest in our history, and about three times what it was in 1970—indicates something seriously out of joint in our economy. Even a free trader like Secretary of Commerce Peter G. Peterson admits:

> A nation should over the years earn enough selling its products and services to foreign countries to pay for what it imports or otherwise spends abroad.
>
> When you add up all the pluses and minuses, what stands out in 1971 is a dismaying deterioration in our exports as compared with our imports. In the mid-1960's, we were exporting about $5 billion more than we were importing. In recent years, however, our trade surplus has declined dramatically; exports could total about $2 billion less than imports for 1971. That massive deterioration was the largest factor in increasing our balance of payments deficit.
>
> The results of such competition from Japan and Europe can be seen on all sides. Today we buy more than 50% of our sewing machines from abroad, some 60% of our calculating machines, 95% of our audio-cassette recorders, and all of our 35mm. still cameras.

It would be difficult for Secretary Peterson, under any circumstances, to give a fair appraisal of the impact of imports on the U.S. economy and jobs. His past connections with Bell & Howell made him a free trader. An open-mind evaluation could not have motivated his public statements during his term of office at the Geneva Conference.

In the early 1960's I invited CHARLES PERCY—now a U.S. Senator—to appear before our committee after a television debate on free trade between PERCY and a cotton textile spokesman. The Senator headed Bell & Howell at that time.

I had information that in spite of Senator PERCY's public statements on television, his company was playing footsie with the Japanese preparation to have Bell & Howell products made in Japan. Of course, he refused; he was out of the country. He may have been away finalizing the Japanese deal which was negotiated shortly thereafter.

The failure of Congress and the President to recognize the dangerous course we follow in international trade can be traced to the persons who control the propaganda sources that support free trade and U.S. economic deterioration.

I know of no time in my years in legislative government—a period of 40 years—that a member of a policymaking body affecting tariffs and customs has been a laboring man, a family type farmer, or an official of a seriously import impacted business.

This word "protectionist" has a double face; if you are a trade protectionist in the sense that you disbelieve that free trade is the woof and the warp of our destiny, you disbelieve that imports make exports and exports make national wellbeing, then you are an isolationist protectionist.

However, if you belong to the big corporate farm block, the international banker block, or the multinational executive block that perennially raid the Treasury for high subsidies, high interest rates, and tax rebates in world markets, while at the same time you demand and get built-in embargoes and trade relief that amounts to a virtual embargo in competition, you are considered a free trade protectionists. These are the front runners for international trade and commerce and freeloaders in the atmosphere of internationalism, but are the last to belly up to the bar to pay the bill.

These same free trade advocates scream to high heaven when restrictions are proposed for manufactured goods but do not fail to appear before my committee and others to protest imports of cotton textile, tomatoes, melons, strawberries, citrus fruits and other farm and agricultural products such as timber products, meat, cheese, cream products, bank rates, foreign investments and overseas aid. Free trade too often is the hideout of a political hypocrite and a profiteering middleman. Those who advocate subsidies to help export tobacco, wheat, cotton, feed grains, peanuts, and other products because they are in surplus, fight any attempt to restrain imports of steel, autos, glass, and other products which have been and can still be produced in surplus. Almost every item produced for export is subsidized in one form or another here at home or abroad by U.S. foreign aid programs.

The same treatment for the manufacturing industries of products injured by imports would soon make our trading partners sit up and take notice.

Of course, we would be even more insolvent than we are today but that is inevitable anyway. We can't keep buying at retail and selling at wholesale prices.

We have no real surplus in feed grains. If we fed all the livestock necessary to supply our own needs, we would not have to subsidize shipments to Japan, Russia, and elsewhere.

The difference in manufacturing costs between the United States and our trading partners would be very little if we quit subsidizing their food suppliers, thereby freeing their farmworkers to produce hard goods for our already oversupplied markets.

At the same time, if we put a compensating charge on all goods to meet our parity of cost of production, or paying their exports the same parity price as our costs reflect, we would produce free trade in its purest form. It would be based upon trade in needed goods and production for use rather than the profiteering production for export and dumping into a high cost, high earnings area from a low cost, low earnings area.

We also have the "not too smart" main street merchant who chants piously for free trade on the grounds that the consumer is entitled to buy as cheap as he can regardless of where the products come from. We all know he wants free trade to get cheaper products so he can sell them at a greater profit. Check your prices on American brand name products made in foreign countries and you will find that they are the same as the U.S.-made products.

This merchant raises cain about his taxes and politicians, but seem to forget that many of his customers for whom he shows such public concern for their welfare, are displaced workers because of imports.

The only reason they are still his customers is because his tax dollars are used to give his customer the money to spend for the cheap products from abroad. He has few foreign workers for customers.

When the Congress and the people realize that the customer is the worker and vice versa, then and only then will we be tough and honest in our trade relations with other countries.

The argument that buyers or consumers benefit from lower prices is only hogwash and, at best, a temporary benefit. The minute we quit any market with a U.S. product, the importers raise their prices to meet the U.S. market price. All merchants get what the market will pay regardless of any other consideration.

For instance, there is a great hue and cry over meat prices, and at the same time, we imported a record amount of beef, veal, pork, and goat meat. I have checked many markets and talked to many consumers, and I have yet to find a person that has seen a differential in price in the marketplace, between United States and imported hamburger, et cetera. In fact, I never saw beef labeled as to its source of origin.

The same is true for all products. As soon as the U.S. production fails to compete, the foreign products jump in price. Distinguish, if you can, between a Japanese TV and a U.S. TV, or a U.S. brand-name foreign-made against the same brand made in the United States.

Price-wise, the U.S. consuming public is paying the difference in Japanese wages and U.S. wages; wages to U.S. importers in exhorbitant profits.

The multinational corporations are spending millions of dollars to defeat the Hartke-Burke bill. The fight is not against the quota proposals, because they know they are meaningless and can be circumvented, it is against the removal of $3,200 million of tax credits allowed on foreign profits of U.S. corporations.

The multinational corporation is just what its name says it is. It flies the flag of any nation so long as that nation is profitmaking.

The forgiveness of taxes, the investment credit, et cetera, is as damaging to U.S.-based industries as the free trade policy and our exorbitant local, State, and Federal tax programs.

We are asked to do even more for our runaway industries. We are going to put the charge for polluted waste and air, the destructive industrial practices of the past 50 years squarely on the shoulders of our remaining American production facilities and their workers, allowing the runaway multinationals off scot free. In fact, we will have to add to our tax bite the amount of profit these runaways hold out and never return to the United States except in the form of goods and services; thereby killing off more and more domestic production and jobs.

We politicians have failed, labor has failed, the academicians have failed, the bankers have failed, the media has failed, the business people have failed. We have all failed to realize that the injury to the least of us is an injury to us all. We are achieving free trade, but we will not have anything to trade.

The only answer lies in the classrooms and on the campuses of our schools. Education, wrongly directed, got us into this mess. Education put on the right course must get us back onto the road to realism. No high living standard—high cost nation can survive in a free trade world.

We can only survive free and independently with production distribution and consumption. If we realize this goal, we will have achieved the main ingredient for a sound economy. Work—with a job for every person who wants one.

IMPORT QUOTAS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, I wish to compliment my colleague from the adjoining congressional district for his dedication to this subject over the last 12 or 15 years. I would like to have him respond at this time, before I begin, to the accusations we hear regularly through all of the news media, editorials, and from Government officials and businessmen to the effect that import quotas drive the consumer costs up.

Mr. DENT. Well, of course, that is one of the cliches that has been fed to the American people as part of the sophomoric economic teachings still being continued in our universities, colleges and high schools. Quotas in and of themselves never solve anything. Three years ago we developed a so-called voluntary quota with the steelmakers of the world including Japan as a bulk shipper for 13.7 million tons of steel a year.

In 1971 that same voluntary quota was in effect, but they shipped into the United States 18,300,000 tons, and during that whole period there was no increase in price to the consumer because the foreign steel came into this country and found the level of our prices and charged for it.

Mr. GAYDOS. I thank the gentleman for his evaluation, and his opinion, because he has been studying the subject, as mentioned before, for the last 15 years.

Mr. Speaker, from the latest monthly bulletin of the Department of Commerce reporting our export and import trade we learn that in April, we suffered the second largest monthly trade deficit in our history. Already the 1972 deficit is higher than the total for the whole of 1971.

Last year, it was the view of the Department of Commerce that by the end of that year our balance of trade would right itself. Earlier this year the hope was expressed that surely the deficit would give way to a surplus in a matter of months. Now we have had 4 successive months of trade deficits in 1972; and the end is not in sight.

A variety of explanations have been advanced. A few years ago our heavy imports were explained by saying that the prosperity of our country drew in unprecedented imports. The slower growth of our exports, on the other hand, was explained by a lack of interest on the part of our manufacturers in foreign markets because of the lively home market. Therefore, imports were creeping up on exports.

Then, however, when the 1970 recession hit the home market, the lively place of imports, which continued, was explained as the preference of our consumers for imports because of the generally lower price tags on imported goods. The lagging exports also had a new explanation. The bloom was off the boom in our foreign markets. Therefore, other countries did not buy as much as before. How many explanations will be found as we go from here remains to be seen.

Our higher costs are sometimes mentioned while at the same time it is being said that foreign costs are rising more rapidly than our own; that inflation has been at a livelier pace in Europe than here. The thing we need to do, therefore, is to promote exports more vigorously with the help of the Government, and so forth. We need to concentrate on the exportation of "high technology" goods such as computers, in which we are said to enjoy an advantage over other countries. Also, we must increase our productivity so that our costs can be lowered.

Now, Mr. Speaker, there may be some merit in these claims and in the emphasis on higher productivity, and concentration on "high technology" items for exports.

Yet, it seems pretty clear that the fundamental difficulty has not been faced; and it has not been faced because of the stubborn adherence to the free-trade philosophy that has ridden our foreign trade policy the past 35 years and has indeed ridden it into the ground.

There is an almost total unwillingness to face the facts. These include the changed conditions in our world of trade compared with the conditions in which we operated during the first half of this century until well after World War II. There is an unwillingness to face the obvious fact of the great difference brought on by the rapid technological advancement of the other industrial nations among our trading partners.

By itself, that phenomenal advancement does not say everything. If it is read, however, in the light of accompanying developments it shapes up as a formidable alteration in the world from which we draw our imports and to which we send our exports. One of these is the bare fact of lagging foreign wages compared to our levels.

This is no surprise. It was this country that first detected the direct relationship between higher wages and higher productivity, on the one hand, and a rising market for the products of industry and agriculture, on the other. The European countries and the Far East were not impressed. They stuck by the old idea that the wages should be kept as low as possible in order to keep down the cost of production. They saw little relation between wage levels and the home markets for goods.

It was not until after World War II that, faced with a choice between our system and communism, most of Europe and Japan elected our approach as superior. Our industrial strength as demonstrated during the war was sufficient, no doubt, to shape the decision.

We had earlier gained and long held the world lead in mass production and after the war we had the "know-how" or technological and managerial skills, ready-made, accumulated over a generation or two, for dissemination to the countries of the free world. We not only did help them to our technology with few strings, if any, attached, we also helped them financially to restore their shattered industrial base.

As a result, a new industrial world soon appeared on the very scene that had so long been a virtual monopoly of this country. Our system of mass production spread rapidly in Europe and Japan.

Meantime, we had reduced our tariff to an average level of about 10 percent on dutiable goods, compared with a little over 50 percent in the early thirties. Since foreign wages did not take their cue from us the cost gap between us and the new mass production countries began to widen. This might have been expected from the higher productivity that spread so rapidly abroad. It had taken us many years to make the same progress.

To overcome this handicap many of our industries joined the other side through heavy foreign investments. If imports were taking their home market away from our manufacturers or threatening to do so, it was the better part of wisdom to locate factories abroad or to buy into foreign companies where the lower wages still prevailed. Up to this year some $80 billion have gone abroad in the form of private direct investments. By now this is an old story. Some of our foreign based industries ship their foreign made goods into this country. Also they are supplying foreign markets from within rather than exporting from here. Otherwise, it is alleged, these markets would have been lost because we were no longer competitive. In other cases they ship to third markets from abroad instead of exporting from this country, for the same stated reason.

It is true that these foreign investments have in some instances greatly stimulated our exports; but this in itself is not the whole story. Most of the rising exports were in the form of machinery, and this machinery improved the foreign competitive position. In 1971, 45 percent of our total exports consisted of machinery, including aircraft and automotive products. This fact concealed the gaping deficit we were developing in nearly all other lines of goods, including steel, textiles, electronics, meat, glass, and so forth. Our exports of parts and semimanufactures also grew in some instances, but machinery was the principal beneficiary.

Unfortunately, the great surplus in machinery exports is eroding in several respects. Our machinery imports are growing distinctly more rapidly than our exports. They may close the gap one of these years. Already our automotive trade has switched into a large deficit. Aircraft faces a doubtful export future. In other words, our one big source of exports surplus is failing. In the nonmachinery field we have lost heavily. In steel we switched from surplus to a deficit after 1958, and are in a bad deficit position now, despite the international arrangement by which foreign countries limit their exports to us. Our surplus in chemical exports has also been narrowing. We have slipped from trade surpluses to deficits in typewriters, office machinery, petroleum, automobiles, textiles, sewing machines and other products.

Because we still enjoy a long lead in computer exports it is suggested that we should concentrate on "sophisticated" products. Indeed, it has been our policy to let the so-called labor-intensive industries slide, in favor of the "capital-intensive" ones. We cut the tariff sharply in industry after industry and if many of them could not meet the additional import competition this loosed on them, it was just too bad. The "labor-intensive" industries were said to be inefficient and not worth saving. We would help them adjust and move into new product lines. The Trade Expansion Act of 1962 provided for just such adjustment assistance. To date its value has been negligible.

However, the new competitive climate soon showed us that even our "capital-intensive" industries were not immune to the new competition. Why should our steel manufacturers, for example, be able to compete with Japan when the latter built the most modern plants from the ground up, manned by labor that was soon as skilled as any in the world, but favored with wage rates a third of ours or less? We could not write off our whole steel plant investments overnight and replace them with the most up-to-date facilities. We needed the going plants for production and could infuse the new with the older parts as rapidly as possible but not in one stroke.

Our automotive industry also soon faced foreign producers operating production lines as modern as ours. The latter too enjoyed much lower wages than our levels, hand in hand with high output per man-hour. Where productivity was as high as ours the foreign manufacturers naturally came away with a much lower cost than we.

This is what happened in industry after industry. We have virtually lost the sewing machine industry, the watch industry, cameras, typewriters, household radio, television, athletic goods, motorcycles, and other industries.

Without much reflection on the implications, the cry is now for higher productivity. Unfortunately, higher productivity cannot be achieved in any meaningful sense without displacing workers. Displacement of workers is necessary because employee compensation represents some 80 percent of corporate cost of production. Yet, we are striving for full employment, or at least for a substantial reduction of unemployment. Simultaneous labor displacement leads in the opposite direction.

Right away our economists will say that cost reduction through higher productivity per man-hour is exactly what we need, because it will lead to increased consumption; and that it is import competition that provides the needed spur.

Here again there is some lack of reflection. Those who urge this course of action harken back to our own industrial history of the 20th century. The way to higher sales lay precisely in cost reduction made possible by the installation of labor-saving machinery. Even though this meant initial loss of jobs, before long the higher sales enjoyed would lead to hiring more workers than ever before. That course was in fact the very one we followed in our march to world industrial leadership—hand in hand, of course, with higher wages in keeping with the increase in productivity.

This latter was an essential part of the formula since merely producing a torrent of goods could only lead to fatal surplus accumulation unless the goods were absorbed by consumer purchasing power; and this resides principally in the hands of the employed.

So the question arises, why can we not continue the same formula that served us so well in the past? The answer is: The international competitive capabilities have changed. We no longer have a technology monopoly and we have very little tariff left. One thing that is still much the same as before is the wage gap. Therefore, the foreign competitive advantage is sharper than in former years; and the foreign volume of production of all sorts of products has reached high and growing levels. Because of their lower wages these countries need foreign markets for goods that their consumers cannot absorb.

Yet, it is not that our consumers no longer respond to lower prices as they did in the past. If a desirable new product is developed and marketed its sales will, as surely as in the past, increase as the price is reduced materially. A veritable mass market can be reached if the product has a potential national demand and the price is brought within reach of the tens of millions of people who are the market. Tens of thousands, if not hundreds of thousands of jobs will be created, not only in production but in selling, advertising, and so forth.

The same thing will happen if the price of an established product that has a potential universal demand is reduced by introduction of radical labor-saving machinery or production formula. If the price is cut 25 percent, 50 percent or more, the response will be phenomenal, with some exceptions that we should always keep in mind. The additional people hired will after a time exceed those who were dismissed by the radical new invention.

Yes, consumers will respond in the form of more buying when goods become available at materially lower prices, unless the goods are of a kind that are of limited use or limited consumption such as food. If consumers are not starving they will not eat appreciably more than before even if prices drop. They then merely have more money to spend on other items.

Most of the goods we consume are not of that variety. When the price of radio and television sets came within the reach of the middle and lower ranges of income the market ran into the millions.

So what is to stop us?

To repeat, some things have changed. In the past we pretty well had our market to ourselves when we came out with a new product. The automobile was a classical example. We did not need import competition in 1905, 1910, 1920, or 1930 to prod us. In fact, there was none; but there was a vision of a national market if we could reach it; and we did. The same was true of innumerable other products: Household appliances, electrical devices, refrigerators, dishwashers and driers, power lawn mowers, air coolers, telephones, and what not. We needed no import competition to give us a spur.

The time we needed to bring down the cost of production and to develop the market was provided by patent protection. The incentive we needed was twofold. The vision of a mass market, and after patent expiration, competition for the mass market, meaning both price and quality rivalry.

How is all this changed today?

It is changed radically.

New products no longer have a long time in which to prove themselves. Patent owners themselves may license foreign producers or manufacture the product in foreign subsidiaries under their own control, because of the lower wages and available skilled labor.

While the potential market is still here it will be supplied in considerable part from foreign sources. Therefore, a part of the employment that formerly would have taken place here will occur outside of this country. If the new product replaces an existing one, as the automobile displaced the buggy, the displaced workers may not all be hired. In any event not so many new ones will be hired—not enough to absorb many of the hundreds of thousands of new workers who appear on the scene each year.

If the product is not a new one but one that can be made, at a substantially lower cost because of some new machine, device or formula, the patent owner again has the option of having some of the manufacturing done abroad. Once more the domestic market is robbed of its higher employment potential.

In the past, moreover, a world market might have been developed for the goods made here. Today, the foreign market potential might more likely be exploited by foreign-based manufacturing, either American owned, or foreign owned operating under a license. Instead of exporting from this country the foreign markets can be supplied from within.

Again, the rising employment that in the past would have re-absorbed the displaced workers or their substitutes, and added still others to the employment rolls, would not fully materialize, if to any extent at all.

The point is we are now faced as we were not faced in the past when we depended on new products, or innovations applied to established products, to provide expanding employment, by a foreign rival who has what is often an insurmountable cost advantage over us and a ready access to our market. This is a known and experienced fact that confronts every entrepreneur or owner of risk capital in this country as he contemplates embarking on a heavy investment for manufacturing, sales and distribution organization and market development.

Will he plunge in or will he hesitate? Will he commit his finances solely to the American market or will he also look overseas and consider the possibilities of foreign manufacture? If he decides to confine himself initially to this country, will he modify this decision later in favor of adding foreign manufacture? He can, of course, do quite well abroad, as experience in recent years has shown, or possibly even better than at home: But, what happens to employment and payroll on the home front?

Whatever he does, it is clear that he will no longer concentrate on the domestic market without considering alternative action that will divide his employment potentials between the United States and foreign countries.

Thus, even if lower costs achieved through invention will continue to increase sales, there is no longer assurance that the workers who will be hired to make the additional goods will be hired in this country. This lack of assurance acts as a distinct damper on domestic economic expansion. We can no longer rely on "high technology" or other improvements to do yeoman service for us in assuring ever widening job opportunities.

Aside from this damper there is, of course, the ordinary import competition that contests the market for established products in which new invention or innovation are not involved.

It is in this sphere that we hear the plea for higher productivity. It is in regard to the labor-intensive industries that we hear the urging of economists for greater innovation, new departures, greater efficiency.

An example of the effect of import competition on established industries is provided by the employment trend in four industries that have experienced heavy import competition for a number of years.

Employment in four "industries" that were strickened by heavy imports in recent years lagged by 427,000 from 1960 to 1970 in comparison with manufacturing employment as a whole, which grew 15.4 percent in that period, including employment in the four industries in question. These were textile and apparel, steel, leather footwear, and stone, clay, and glass. The total lag was, of course, nearer 1 million workers, if we take into account the employment in the earlier stages of these industries, such as iron ore and coal mines, cotton growing, tanneries, quarries, sandpits, and so forth. The workers who were not hired naturally became a burden on the economy as a whole.

We need no import competition to remind us that there is gold in lower prices if the demand for a particular product is elastic. There is no entrepreneur, we may be sure, who is not aware of the great lift a new and acceptable product or modification of an old one would bring him if only he would bring it off; but invention cannot be scheduled or even ordered. There is much spontaneity and uncertainty in it. Indeed today the incentive may not be so great precisely because of foreign competition, which means that all the effort and expense might be lost or dissipated by imports that might soon despoil the market.

Where does all this leave us?

Obviously, contrary to predictions 10 years ago, that foreign wages would catch up with ours as foreign productivity came up to our levels, foreign wages continue far below the wages prevailing here—except Canada. For this reason our vulnerability to import competition remains wide open; and we will see more of the same that we have experienced in the past several years. Recession at home, prosperity abroad, or vice versa, or simultaneous prosperity or recession here and abroad will not overcome the wide competitive gap; and we cannot cure the malady through higher productivity alone.

Higher productivity will indeed help if—and this is the key to the whole problem—if imports are prevented from despoiling our market. Otherwise rising productivity will only mean more displaced workers who cannot find new jobs because there will not be enough new openings to go around. Foreign employment will be stimulated, not our own.

Imports can be held in check by a variety of means but it will not be necessary to halt them. They can even be allowed to grow as our market grows. What is needed is assurance of a growing market here at home when costs and prices are lowered sufficiently by higher productivity to attract new buyers or more purchases by existing consumers. It is not necessary to disrupt our foreign trade to accomplish this, but if we do not restore the hope of selling more goods at home in response to higher productivity we may as well forget about full employment or anything near it.

Mr. Speaker, I believe that one of the most important actions which has been filed in our district court was filed some 30 days ago by this Nation's largest consumer organization, here in Washington. The Consumers Union filed a suit, which constitutes the first serious challenge to voluntary import quotas as a violation of the antitrust laws. This suit is very important, and I believe it is a milestone insofar as we who have been concerned and talking about the subject for years are concerned.

I include the gentleman from Pennsylvania (Mr. DENT), as one of the most knowledgeable Members of Congress in this field.

We know import quotas have to be set in some form at some level. There is no other practicable way anybody has come up with at this time, as to devising an answer that would substitute for quotas as we know them.

In this suit the defendants named were the Secretary of State William P. Rogers; the Deputy Assistant Secretary of State, Mr. Katz; United States Steel Corp.; American Iron & Steel Institute; Japan Iron & Steel Exporters Association; Nippon Steel Corp.; Fried Krupp Huttenwerke A.G.; and the British Steel Corp. All these were named defendants.

The thrust of the suit is, the Consumer Union says, during the 3 years of the initial steel restraint arrangements domestic steel prices without vigorous foreign competition increased five times as much as they did during the preceding 8 years when no restraint agreements were in effect.

The arrangements have also induced cartelization abroad with increased prices of imported steel even here in this country. That is one of the allegations in this suit. The suit also challenges the method by which these voluntary arrangements were reached. The suit contends the 1962 Trade Expansion Act authorizes the Executive Office to seek and negotiate voluntary trade restraints with foreign countries only after Tariff Commission investigation, finally, finding that increased imports of a product will seriously injure or are injuring domestic industry involved. The suit also filed in the U.S. district court charged that the recently arranged quoto limiting imports of steel from Europe and Japan restrains trade in violation of the Sherman Antitrust Act.

A 3-year extension which we now have was announced by the White House here in the early part of last Monday. If these people, the Consumers Union, and I again emphasize they are this Nation's largest consumer organization, are successful, then I do not know what our ultimate answers will be. Maybe the gentleman from Pennsylvania may have an idea in this area, assuming that this suit is successful and the voluntary arrangement is set aside as being a violation of the Sherman Antitrust Act.

Mr. DENT. I do not know that that act would go to this particular problem because under the GATT agreement the President of the United States may use any or many advantages that he has either by quoto, embargo, tariff, or customs, to stop the inflow into the United States of exports or imports that are injurious to the American economy.

So, that is already a right under the law and given to him by the Congress of the United States, and it supersedes anything that the act might do in the event that it comes to that in court. I do not think that the case has a chance, but the serious thing is that the quotas themselves are not—you cannot possibly police them. We went from $13.7 billion to $18.3 billion in less than 3 years. Take the quota, or the so-called voluntary agreement on cotton. By changing the mix of the cotton and man-made fibers they more than quadrupled the amount of textiles coming into the United States in less than 3 years. The whole situation is one where this country has to make up its mind.

You mentioned something about sophisticated goods. We are just about to sell $3.2 billion worth of sophisticated machinery with American know-how to put it into operation to Russia. It is all a part of the trip to Russia and Moscow.

Then they are going to send back to the United States products from these factories we are building for them, in a period of 5 years, $3.2 billion worth of products. There will be the further agreement that for 20 continuing years we will buy each year the same amount that we bought for a year in the previous 5 years. In 5 years this Nation may not be in the manufacturing business at all.

Mr. GAYDOS. I thank the gentleman from Pennsylvania.

Mr. Speaker, I would like to put in the RECORD here a statement on import quotas and prices, which is a review by O. R. Strackbein, president of the Nation-wide Committee on Import-Export Policy.

The document referred to follows:

IMPORT QUOTAS AND PRICES—A REVIEW

(By O. R. Strackbein)

Constant repetition of unsupported comment tells us that import quotas will raise domestic prices of the products that are the subject of such quotas. Further, it is said that the only purpose of import quotas is to raise prices.

It should be possible to test the soundness of these unsubstantiated assertions. To do so we need do no more than to trace the wholesale price trends of products that are "protected" by import quotas compared with the price trend in general and the price on particular products that are not so "protected."

COTTON TEXTILES

One of the products that is the subject of an import quota or its equivalent is cotton textiles. An arrangement was made with Japan alone, effective January 1, 1957, whereby that country restricted its cotton textile exports to this country. This arrangement was superseded October 1, 1961 with the so-called Long-Term Arrangement negotiated under GATT. This arrangement covered some 30 countries and about 90% of our total cotton textile imports.

The wholesale price of *cotton products* (1967 equaling 100) was 104.5 in 1968. It remained at 104.5 in 1969. The wholesale price of *all commodities* in 1968 was 102.5, which was below the 104.5 for cotton products; but in 1969 the all-commodity index had risen to 106.5 while cotton products remained at 104.5.

By December 1970 the index for all commodities had risen to 111.0, while the level for cotton products had reached only 106.9. One year later the all-commodity level had reached 115.4 while the cotton products level, while also rising, nevertheless continued to lag at 113.6. (Survey of Current Business, U.S. Dept. of Com., Feb. 1971, pp. S-8-9; Feb. 1972, pp. S-8-9.)

If we go back to the index that used 1957-59 as 100 we will find that by 1968 the wholesale price index on cotton products stood at 105.2 compared with 104.5 on the basis of 1967 equaling 100. In other words very little price movement had taken place between the 1957-59 base and the 1967 base so far as cotton products are concerned.

The evidence as reflected in cotton-products price movement does not support the claim that import quotas of themselves raise prices. The index for household furniture from 1968-1971 was respectively 103.9, 108.3, 111.6, ending at 115.5 in December 1971. It kept pace with the all-commodity index, while the index on cotton products, as just noted, fell behind.

Yet household furniture was not "protected" by an import quota. The wholesale price of footwear, also without benefit of an import quota, moved from 104.8 in 1968 to 109.1 in 1969, to 113.9 in December 1970 and on to 117.1 in December 1971.

Motor vehicles and equipment, also without import quota restrictions, rose from an index of 102.8 for 1968 to 117.5 in December 1971. Tobacco products moved from 102.0 to 116.7. No import quota exists on tobacco products.

To maintain that import quotas lead to higher prices in the face of these facts merely represents unfounded assertion. Yet such assertions are widespread, found very frequently in newspaper editorials and columns as well as in speeches of public officials.

In a pamphlet recently issued in 1970 by the United States-Japan Trade Council it is asserted (p. 10) that "Textile Quotas Would Have Slight Benefit but Very High Cost."

"In sum," it says, "proposed textile quotas would be enormously costly to the United States.

"Quotas would accelerate inflation, raising clothing prices to consumers.

"They would boomerang against U.S. export sales and harm the economies of port cities." etc.

Against this cry of alarm, the wholesale price trend of *cotton textiles* of the past ten years while these products have been under import limitation, stands as a complete rebuttal.

PETROLEUM

A favorite whipping boy of those who say that import quotas raise prices is oil, or petroleum. An import quota was established in 1958, first on a voluntary basis, followed by a mandatory quota, effective March 1959.

The wholesale price of refined petroleum products expressed in an index form, where 1957-59 equals 100 had risen to only 100.3 in 1968 and 101.8 in 1969.

The more recent price index is based on 1967 as 100. By that measure the 1969 price stood at 99.6 and rose in 1970 to 101.1 for the year as a whole but reached 107.5 in December of the year. However, the December 1971 level was at 106.1, representing a slight decline. This level compares with that of all commodities, as already given, at 115.4 for December 1971, where 1967 equals 100.

"All commodities," of course, include those on which we have import quotas. Therefore it will be desirable to compare the refined petroleum price level with that of other products that are not subject to an import quota. If we select another fuel, namely, coal, which has no import quota and should therefore not be so free to move upward in price because it is not "protected," we find a sharp contrast. The wholesale price index where 1967 equals 100 stood at 103.7 in 1968, rose to 112.5 in 1969 and zoomed to 175.8 by December 1970 and on to 190.2 by December 1971.

Surely if there were an import quota on coal, the quota would be blamed for this runaway price. Obviously other factors were at work.

We find, in other words, that the wholesale price of refined petroleum increased distinctly less than wholesale prices of all commodities and very much less than the price of its competing energy fuel, namely, coal. (For confirmation, see Survey of Current Business, U.S. Department of Commerce, Feb. 1971 and Feb. 1972.)

SUGAR

Yet another product that is under import quota control is sugar. This quota has been in effect antedating World War II.

In 1955 the retail price of sugar was 10.4¢ per lb. Ten years later (1965) the price was 11.8¢. In 1968 the price was 12.2¢. In 1969 it was 12.4¢ and in December 1970 it was 13.5¢. By December 1971 the price had reached 14.1¢. (Statistical Abstract of the U.S., 1970, Table 530, p. 349; and Survey of Current Business, Nov. 1970 and Feb. 1972, p. S-29.) The increase in retail sugar prices from 1955 to December 1971 was 35.5%.

If we compare the retail price increase of sugar from 1955 to April 1971 with the increase in other food products, i.e., with those that were free of import quotas, we would be hard put to it to maintain that the sugar quota was costly to consumers. A brief table will serve adequately:

RETAIL PRICE IN CENTS PER UNIT

Product	1955 (cents)	1971 (Apr.) (cents)	Percent increase
Sugar (pound)	10.4	13.7	31.7
Bacon (pound)	65.9	[1] 79.5	[1] 20.6
Potatoes (pound)	5.6	8.4	50.0
Apples	15.1	23.5	55.6
Onions (pound)	8.1	13.4	65.4
Lettuce (head)	16.4	30.2	84.1
Tomatoes (pound)	27.4	52.1	90.1
Chickens frying (pound)	57.4	40.8	[2] 28.9

[1] The average 1970 bacon retail price was 94.9 cents per pound. This was 39.9 percent above the 1955 level. (Sta. Abs. 1972, table 541, p. 344.).

[2] Decline.

The index of all food retail prices rose 40.8% from 1955-1970 or 29% more than the retail price level reached by sugar in 1971. (Stat. Abs. 1971, Table 540, p. 343.)

It follows that the sugar quota also cannot be used to demonstate that import quotas raise prices unreasonably, or even as much as the rise in other prices.

WHEAT

Wheat is under a severe import restriction that permits less than 1% of domestic production to be imported, in pursuance of a limitation imposed under Sec. 22 of the Agricultural Adjustment Act in 1941.

The price of wheat (hard winter, No. 2, Kansas City) has fallen quite sharply in recent years. The price per bushel was $2.22 in 1950. In 1955 the price was $2.25. By 1960 the price had dropped to $2.00. In 1968 it had sunk to $1.46 per bushel, and in January 1972 it was $1.62.

Corn is not the subject of an import quota. The 1950 price (yellow, No. 2, Chicago) was $1.50 per bushel. In 1955 the price was down to $1.41. The decline, as in the case of wheat, continued. In 1960 it stood at $1.15; in 1968 it was $1.14 and in January 1972 it was $1.22 (yellow, No. 3, Chicago. The difference from No. 2 is very slight, as note, that in 1968 the price of No. 2 in Chicago was $1.14 while that of No. 3 was $1.11). (See Statistical Abstract of the U.S., 1969, Table 504, p. 343; and Survey of Current Business, February 1972, p. S–27.)

Comparing the price trend in wheat with that in corn we find that from 1950 to January 1972 the price of wheat *dropped* 27% while that of corn dropped only 23%. *Yet it was wheat and not corn that was "protected" by an an import quota.*

Since 1960 the price of wheat dropped from $2.00 per bushel to $1.53 in May 1970, a decline of 23%. The price of corn, by contrast, rose from $1.15 per bushel in 1960 to $1.30 in May 1970. This was an increase of 13%. Thus while the price of the "protected" wheat dropped 23%, that of corn which was not under import quota, rose 13%.

In comparison with other commodities the price of both wheat and corn has dropped while the other prices rose rather sharply, especially in recent years.

RAW COTTON

The price of raw cotton has also declined. The decline was greater than that of wheat and corn, dropping from some 34c per lb. in 1951–55 to some 22c in 1970 or by more than 35%. Yet raw cotton imports have been limited under Sec. 22 of the Agricultural Adjustment Act for many years to a quantity less than 5% of domestic production. (Statistical Abstract of the U.S., 1972, Table 965, p. 592). A decided increase in the price of raw cotton has occurred in the past year, bringing it to 32.9c per lb. in January 1972 (Survey of Current Business, February 1972, p. S–39.) No change has been made in the import quota to make it in the least more restrictive. Therefore the cause of the rise must be sought elsewhere.

DAIRY PRODUCTS

Dairy products have enjoyed an import limitation under Sec. 22 of the Agricultural Adjustment Act since 1953.

With a base of 1957–59 equaling 100, the wholesale price index of dairy products stood at 94.0 in 1955, at 105.0 in 1960. In recent years the price rose to 118.5 in 1966, to 127.7 in 1968 and on to 136.5 in October 1970. This was an increase of 30% since 1960, and compares with an increase since 1960 of 24.9% in wholesale price of "Farm Products, Processed Foods and Feeds," which, of course, includes grains, on which the price, as we have seen, dropped considerably and pulled down the average.

Where 1967 equals 100 the wholesale farm price index stood at 108.8 in 1969 compared with 108.2 for dairy products. In 1970 the two indexes were 111.0 and 111.2, respectively. By December 1971 the dairy product index had moved slightly ahead to 117.4 compared with 115.8 for farm products as a whole. The dairy index while moderately outpacing farm prices in general did not run wild. Dairying has, indeed, declined quite sharply per capita. Milk produced on farms was less than 1% higher in 1968 than in 1950, despite the considerable increase in population. The number of cows and heifers kept for milk declined by more than 40%. The loss of the butter market to margarine has had a very harsh effect on dairying. Unquestionably these factors have influenced the price of dairy products much more than the import quota.

The wholesale price of agricultural machinery and equipment on an index base of 100 for 1967 rose to 118.6 by December 1971. This was a shade higher than the 117.4 reached by dairy products. Yet, there is no import quota on this machinery and equipment. Moreover, agricultural implements are duty free! If imports exert such a salutary effect on prices the effect must have failed in this instance.

MEAT—BOVINE

In 1964, a ceiling that would trigger a quota if imports of beef should breach the ceiling, was established by law. Once when a breach was imminent in 1970, the ceiling was lifted slightly to permit more imports. In 1971 an actual import quota was imposed.

It will be of interest to examine the trend in beef prices.

MEAT PRICES—WHOLESALE

It is true that meat prices have moved upwards since 1964, the year in which the ceiling legislation was passed. The U.S. Department of Agriculture, Statistical Reporting Service, keeps an account of prices on cattle meat, hogs and sheep.

The 1964 average price of beef was $18 per 100 lbs. In January 1971 the price was $25.80, representing an increase of 44%. Prices rose in 1971, reaching $29.80 in December. The rise continued in 1972, up to $32.60 in February. This was an increase of 80% since 1964. The table below shows the price trend from 1964:

BEEF PRICES

Year	Dollars per 100 pounds
1964	18.00
1965	19.90
1966	22.20
1967	22.30
1968	23.40
1969	26.20
1970	27.10
1971:	
January	25.90
April	29.10
July	28.40
October	29.10
December	29.80
1972:	
January	31.40
February	32.60

This record of beef prices may be compared with that of hogs (pork):

HOG PRICES

Year	Dollars per 100 pounds
1964	14.80
1965	20.60
1966	22.80
1967	18.90
1968	18.60
1969	22.20
1970	22.70
1971	
January	15.20
April	16.00
July	19.10
October	19.50
December	19.70
1972	
January	22.70
February	25.70

From these tables, to repeat, we find that beef prices rose from $18 per 100 lbs. in 1964 to $32.60 in February 1972, an increase of $14.60 or 80%. We find also that pork prices rose from $14.80 per 100 lbs. in 1964 to $25.70 in February 1972, after having reached a peak of $27.40 in February 1970. The rise from 1964 to February 1972 was $10.90 per 100 lbs., which is to say, 74.0%, or a shade less than the price of beef.

However, at the pre-1971 peak, which was $28.80 for beef in March 1970, and $27.40 for pork in February, beef had risen 60% since 1964, the year the import ceiling on beef was established, while pork has risen 85% compared with 1964.

In 1971 the price of both beef and pork again rose after declining. Beef went from $25.90 in January 1971 to $32.60 in February 1972, representing an increase of 26%. During the same period hog prices rose from $15.20 to $25.70, an increase of 70%. In other words pork prices during the 14 months ended in February 1972 rose over twice as fast as beef. Yet, *it was beef and not pork* that was and is under import restriction.

Thus, while beef prices did rise more than the general wholesale price level and more than other farm products in general, the rise was little different from that on its companion product, pork, which had no import restriction. Indeed in the past year pork prices rose more rapidly than beef prices.

In 1970 beef prices dropped to $24.50 from $28.80 in March. Could this drop have been explained by the relaxation of import restrictions? Hardly, since the price of pork dropped from $27.40 to $15.10 in the same period; and there were no import restrictions to be relaxed.

STEEL PRICES

In the case of steel an international arrangement was concluded toward the end of 1968 under which the principal foreign suppliers of this country agreed to limit their exports to the United States. The arrangement took effect at the beginning of 1969.

According to the Survey of Current Business of July 1970, the wholesale iron and steel price index, where 1967 equals 100, stood at 106.1 in December 1968, or immediately before the export restriction by other countries took effect. In December 1971, the index had moved to 125.3. This was a rise of 19.2 points or 18%.

The index for all commodities had risen to 115.4 in December 1971 from 100 in 1967. However it had already reached 109.8 in December 1968, ahead of steel by 3.7 percentage points. The wholesale prices of iron and steel exceeded the rise of all commodities since 1967 by 10 percentage points. This is a somewhat serious rush ahead of the general price level, but not so when the earlier lag just mentioned is taken into account, nor when compared with the rise in nonferrous metal prices which jumped from a base of 103.5 in 1968 to 130.0 in May 1970, an increase of 26½ percentage points. Among the metals that made up these rising prices were nickel, copper, aluminum, lead. The increase was 23%.

Also, the wholesale price of coal far outstripped the price of steel, rising from a base of 103.7 in 1968 to 140.2 in December 1971. Coal, as it happens, is an important raw material used in the production of steel.

Neither nonferrous metals nor coal have import restrictions in effect. The rise in price in each instance was well in excess of the rise in steel prices.

There is nothing in the price trend of iron and steel since 1968 that would support the inflationary charge leveled against import quotas, especially when other metal prices which were not under a quota rose appreciably more sharply, and also coal.

PEANUT PRICES

Another product that is under an import quota limitation is peanuts.

The Department of Agriculture reports the season-average prices of peanuts annually; and these are available through 1971.

Peanuts are under price support and an import quota limitation established in 1953 under Section 22 of the Agricultural Adjustment Act.

The 1953 "season average price" was 11.1c per lb. By December 1971 this average price had risen to 13.6c per lb. (est.) or 22½%. The wholesale price of "all commodities" increased from 81.8 in 1950 to 115.4 in 1971 where 1967 equals 100. This was a rise of 41%, or nearly twice the rise in the price of peanuts.

The experience with peanuts as with the price trend on all the other products that are under quotas except dairy products, supports the conclusion that import quotas cannot be saddled with the objection that they are inflationary.

CONCLUSION

What might indeed be said is that one of the prime purposes of our import quota or similar limitation on imports is to *prevent* a drop in prices to a level so low that it would be disastrous to domestic producers but that might still return a profit to foreign exporters to this country because of their lower costs.

To say that the purpose of quotas is to raise prices is to say that to date nearly all our quotas have failed because most of them have not succeeded in keeping up with the general price level. They could then apparently be discarded with safety; but that is not the essential purpose of the quota.

However, the fact that prices might break through the floor if the quotas were removed, and thus produce an untenable price level for domestic producers, be their product textiles, sugar, petroleum, wheat, peanuts, meat or steel, represents the motivation for such qoutas as a preventive measure, rather than a windfall or the possibility of gouging the consumer.

A further condemnation of the import quotas is expressed by the notion that under their protection producers will become complacent and inefficient. The whole record of the agricultural price support program, sustained by import quotas, stands as a complete refutation. Output per man-hour in agriculture has risen phenomenally and surpassed the increase experienced in the industrial field. One reason lay in the yet greater return to be gained under a guaranteed price and limited acreage if the yield per acre were lifted, and this was unquestionably the moving incentive toward greater effort. Assurance of a merely fixed return that could not have been increased by greater effort would hardly have led to the great increase in productivity.

DRAFT RULE MAKING FISCAL RESPONSIBILITY AMENDMENT IN ORDER

The SPEAKER pro tempore (Mr. Moorhead). Under a previous order the gentleman from Wisconsin (Mr. Reuss) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, the following is the text of the amendment to the rule and of the amendment to H.R. 15390 which I intend to offer when the measure comes to the floor:

Draft Rule Making Fiscal Responsibility Amendment in Order

No amendments shall be in order, except that sections 2 and 3 of H.R. 14830 may be offered as amendments either together or separately, and said amendments shall be in order, any rule of the House to the contrary notwithstanding.

H.R. 14830

(In the House of Representatives, May 8, 1972, Mr. Reuss (for himself, Mr. Obey, Mr. Fraser, and Mr. Vanik) introduced the following bill; which was referred to the Committee on Ways and Means:)

A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by repealing certain provisions relating to the allowance for depreciation and increasing the amount of minimum tax imposed on tax preferences

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.

This Act may be cited as the "Fiscal Responsibility Amendment".

Sec. 2. Reasonable Allowance for Depreciation.

(a) Repeal of Asset Depreciation Range.—Section 167(m)(1) of the Internal Revenue Code of 1954 (relating to class lives for depreciation allowance) is amended by striking out the following: The allowance so prescribed may (under regulations prescribed by the Secretary or his delegate) permit a variance from any class life by not more than 20 percent (rounded to the nearest half year) of such life.".

(b) Effective Date.—The amendment made by subsection (a) shall apply only to property—

(1) the construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1972, or

(2) acquired after December 31, 1972, if the original use of the property commences with the taxpayer and commences after such date.

In applying this section in the case of property described in paragraph (1), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1972.

Sec. 3. Amendments to Minimum Tax for Tax Preferences.

(a) Section 56(a) of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended to read as follows:

"(a) In General.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 20 percent of the amount (if any) by which the sum of the items of tax preference exceeds $12,000."

(b) Section 56(b) of such Code (relating to treatment of net operating losses) is amended by striking out "$30,000" and inserting in lieu thereof "$12,000" and by striking out "10 percent" in each place it appears and inserting in lieu thereof "20 percent".

(c) Section 56(c) of such Code (relating to tax carryovers) is hereby repealed.

(d) Section 58 of such Code (relating to rules for application of the minimum tax) is amended by—

(1) striking out "$30,000" in each place it appears and inserting in lieu thereof "$12,000",

(2) striking out "$15,000" in subsection (a) and inserting in lieu thereof "$6,000", and

(3) adding at the end thereof the following new subsection:

"(h) Election Not To Claim Tax Preferences.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the making of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(f) Section 443(d) of such Code (relating to adjustment for minimum tax for tax preferences in case of returns for less than 12 months) is amended by striking out "$30,000" and inserting in lieu thereof "$12,000".

(g)(1) The amendment made by this section shall apply only with respect to taxable years beginning after December 31, 1972.

(2) In determining the deferral of tax liability under section 56(b) of the Internal Revenue Code of 1954 for any taxable year beginning before January 1, 1973, the necessary computations involving such taxable year shall be made under the law applicable to such taxable year.

(3) There shall be no tax carryover under section 56(c) or 56(a)(2)(B) of the Internal Revenue Code of 1954 to any taxable year beginning after December 31, 1972.

NONPOINT SOURCE POLLUTION FROM AGRICULTURAL, RURAL, AND DEVELOPING AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. Kee) is recognized for 30 minutes.

Mr. KEE. Mr. Speaker, today on every side we have cries of alarm about the pollution of our water and air. Strong new legislation is being proposed to combat these critical conditions.

However, one source—indeed the greatest source of pollution—is the nonpoint pollution from agricultural, rural, and developing areas. Nonpoint source pollution is created by soil erosion, erosion from both water runoff and wind-blown dust. If these sources are not eliminated. all the billions we will spend under other legislation could well be wasted.

Accordingly, my able and distinguished colleague, my very dear friend, Congressman Fred Schwengel and I today introduced a bill to rectify this problem. Mr. Schwengel completely understands the need—the justification for this legislation.

H.R. 15596, a bill, nonpoint source pollution from agricultural, rural and developing areas.

The crux of this bill is the fact that when rains occur and water flows over the land, the running water is completely indiscriminate; it will pick up and move anything that is movable. It matters not to the hydraulic forces in overland flow whether the materials moved are soil particles, organic residues, manure, plant nutrients, pesticides, or infectious organisms.

The principal means whereby pesticides, plant nutrients, nuclear fallout, and infectious organisms leave the land and enter water bodies is by attachment to sediment particles. Rough estimate of the suspended solids loadings reaching the Nation's streams from surface runoff shows these to be at least 700 times the loadings caused by sewage discharges. It is estimated also that up to 500 million tons of soil dust float over the United States annually.

Therefore, controlling overland flow and establishing the proper land cover to reduce wind and water erosion are vital to the attainment of clean air and clean water in our streams, lakes, and reservoirs.

Based on the 1969 annual report of the Corps of Engineers, the Mississippi River delivers approximately 250 million tons of sediment to the Gulf of Mexico during the average year. This is equivalent to the weight of 250,000 acres of topsoil measured to plow depth—average 7 inches—each year. This is 0.36 ton of sediment per acre per year for each of the 695 million acres in the Mississippi drainage basin, but much of the sediment comes from the 250 million acres of cropland in the watershed. Annual suspended sediment delivery by all of our rivers to the sea averages around 500 million tons.

Another 1.3 billion tons of sediment are deposited in our major reservoirs each year.

Total annual sediment movement exceeds 4 billion tons during the average year.

Forty-six million acres of agricultural land need attention against wind erosion. Actual yearly damage ranges up to 16 million acres. Dust in suspension is usually less than 10 percent of soil moved by wind. Dust densities in air vary from 3 to 1,500 tons per cubic mile or 675 to 280,000 micrograms per cubic meter, whereas 80 micrograms per cubic meter are considered a tolerable rate by the Department of Health, Education, and Welfare.

Windblown material destroys or damages many acres of crops per year which must be reseeded. Soil deposition occurs in channels, drainageways, irrigation canals, and along roadsides and waterways. Blowing soil also creates a driving hazard by cutting down visibility.

Virtually all of our water supply—4.75 billion acre-feet for conterminous United States in the average year—arrives as precipitation upon the land. Seventy percent of this supply is used up as evaporation from the soil surface and the vegetative cover. Beneficial use of this evaporated water is entirely dependent on the extent that good land management enables good growth of crops, grass, and trees. The other 30 percent of our precipitation becomes runoff to the sea. As indicated in the foregoing, the nature of the land and its treatment become major determinants in the quality of water flowing down the stream.

The land in the watershed and the water associated therewith cannot be treated as separate entities.

AGRICULTURAL AND RELATED POLLUTANTS

THE PROBLEM

A major part of the job to be done in achieving the national goal of clean rivers and streams is to cope successfully with the growing problems of pollution control on the farmlands of our country. Attention is being directed to farms and rural areas as sources of pollutants which impair the quality of water in watercourses, lakes, and reservoirs. Changes which have come about in farming and land management with application of modern techniques have brought into the picture various water pollution problems not present or existing only in minor degree under old farming methods. Concentration of cattle and hogs in feedlots in many parts of the country instead of finishing them in scattered small herds has created mass manure disposal problems. Heavy fertilization of various crops has increased the amounts of plant nutrients in many soils. These nutrients may be carried into streams and lakes with sediment eroded from the land. The spraying of insecticides and herbicides in crop productions and land management when not used properly, and without adequate safeguards, can cause widespread but unnecessary damage.

These and other comparable problems contribute to environmental damage. They require the development of additional and improved preventive and treatment techniques. They require the provision on a national basis of technical and financial assistance to State and local public bodies in developing and carrying out plans for coping with them. Provision should be made for the Secretary of Agriculture to carry out such a program to assist state and local agencies to abate, control, and prevent such pollution.

Programs administered by agencies of the Department of Agriculture are making significant contribution to the control of agricultural and related pollutants. For example, the technical assistance provided individual landowners and operators by the Soil Conservation Service working through some 3,000 local soil and water conservation districts is giving good results; the research activities of the Agricultural Research Service and State cooperative experiment stations are revealing new areas of concern and advanced methods and procedures for treatment; and the financial assistance provided by the Farmers Home Administration and the Agricultural Stabilization and Conservation Service has contributed to the total effort. However, because of inadequate financing, personnel restrictions, and limited authorities, the threat from agricultural and related pollutants continues to grow. Expansion of authorities and funding as authorized by the proposed legislation would provide the incentive of Federal participation needed to stimulate and assist local action. The necessary local organizations, experienced in cooperating with the Department in environmental improvement efforts, already exist and are ready to extend their participation as soon as the needed Federal assistance becomes available. The Department has a corps of experienced technicians highly skilled in the disciplines involved and can carry the proposed program with a minimum of increase in Federal employment.

ANIMAL WASTES

About two-thirds of the U.S. beef output is now finished in feedlots. The problem of animal waste disposal has increased tremendously with confinement feeding of beef cattle as well as hogs, dairy cows, and poultry. Along with animal confinement, the fertilizer industry has produced plant nutrients, less costly to buy and more pleasant to spread than equivalent nutrients from animal wastes, commonly used in agriculture some 30 or more years ago.

If all the animal wastes produced in the Missouri River basin were put through sewage disposal plants, it would be equal to sewage from 370 million people. If only 5 percent of these animal wastes reached streams, the biochemical oxygen demand—BOD—would be equal to that of 18 million people. The basin population is only 7.9 million people.

Dairy barns may house up to 500 cows or the waste equivalent of about 8,000 people. Many beef feedlots may contain 10,000 head and produce 260 tons of solid waste and 100 tons of liquids daily. Some exceed 100,000 head. In 1968, there were about 80 feedlots with more than 16,000 head, and the number is constantly increasing. Poultry enterprises with 100,000 fowls—not an uncommon number—produce 10 tons of waste daily. Poultry processing plants are responsible for large amounts of additional waste.

A barnyard or a feedlot must be looked upon as a subwatershed receiving intense pollution. A heavily manured field would also constitute such a subwatershed.

The domestic cattle population is about 118 million. These animals produce about 1.4 billion tons of excrement a year. Although most cattle droppings are deposited out on rangelands or pastures, about 20 percent of the total is dropped on feedlots.

A 1,000-pound steer in a feedlot will produce 35 to 50 pounds of fecal wastes a day. The wastes from such an animal will carry about 110 pounds of nitrogen, 22 pounds of phosphorus, 125 pounds of potassium, and about 365 pounds of biochemical oxygen demand—BOD—over a year's time. With a stocking rate of 300 head per acre, the land receives a heavy supply of potential pollutants. Some feedlots have 870 animals per acre.

When rain falls upon a subwatershed that is a feedlot, the runoff may carry 5,000 parts per million of biochemical oxygen demand. Raw municipal sewage runs about 200 to 400 parts per million of BOD. Such feedlot subwatersheds must be equipped with water diversions such as the Soil Conservation Service has been using for many years in watershed protection. The diversions collecting polluted runoff must empty into a holding pond; or better, a settling basin and holding pond followed by means for recycling both the solid and liquid portions to agricultural land. Much of the nitrogen in the wastes in a heavily stocked feedlot or dairy loafing lot may be volatilized as ammonia and adsorbed by nearby lakes and streams.

Insofar as possible, animal wastes should be returned to the land. This constitutes good resource conservation and the most feasible system of recycling these wastes. Excessive application of organic wastes on the land—200 to 300 tons per acre—may seriously impair the land's productivity and become a source of pollution within a watershed. Sound land management practices for high use of poultry wastes, cattle manure, or sewage sludge must be developed for optimum protection of water quality in a watershed.

MINERAL SALTS

The problem of pollution from mineral salts of most concern to agriculture is that of soil and water salinity. One-half of the 32 million acres of irrigated land in the Western United States is subject to serious salt accumulation.

The salts left behind as water evaporates from plant and soil surfaces are removed by downward leaching to the ground water or to a drain system. This results in progressive downstream salt enrichment of stream waters.

For example, the Colorado River water at Yuma, Ariz., carries about 1.2 tons of salt per acre-foot. This means that an Imperial Valley farmer adds 6 tons of salt annually to each acre irrigated with 60 inches of water. For the land to continue in production, this salt must be removed in drainage water.

Three thousand freight trains, 100 cars long, would be needed to do the annual salt transport job of the flowing water at Yuma.

Research has provided much knowledge for coping with soil and water salinity problems. The salt tolerance of most economic plants has been determined. Water quality measurements have been developed for ready use. Leaching requirement computations and procedures have been developed for reclamation of salt-impaired lands.

PLANT NUTRIENT MATERIALS

In the past 5 years, the use of fertilizer has increased 50 percent in the United States. This increase has occurred because fertilizer costs have decreased relative to other direct costs to the farmer. Rates of fertilizer use have also increased as farmers have become more aware of their proper use. Between 1920 and 1970, the use of nitrogen doubled every 10 years.

The amounts of nitrogen, phosphorus, and potassium reaching surface and ground waters that can be attributed to the fertilization of agricultural lands are yet unknown. Not all nitrates in waters come from fertilizers. Large amounts come from decomposition of the soil organic matter. Results from field studies have shown that from 20 to 50 percent of the applied nitrogen and 10 to 30 percent of the applied phosphorus cannot be accounted for in the crops removed from the land. Little phosphorus can be lost except by soil erosion. Nutritive balance studies indicate that portions of these inorganic chemicals may be lost through volatilization, or through fixation in the soil. Depending on soil, slope, and management conditions, the remaining portion of the phosphorus may be transported to surface streams attached to sediments. Particularly under irrigation and in sandy soils, the nitrogen may move into the ground water. Nitrogen may be in organic compounds carried by sediments, but most soluble nitrogen in runoff comes from decaying plants which might have gotten the nitrogen from fertilizers. The unaccounted for nitrogen may be due to denitrification or immobilized through biological or chemical action.

Algae and related aquatic plants tend to "bloom" when concentrations of plant nutrients are added to streams or lakes. Major concentrations of soluble phosphorous and other nutrients generally are the result of heavy point loading of streams and reservoirs by industrial and municipal waste outfalls. However, in areas of heavy agricultural usage under improper fertilizer application or inadequate conservation practices, phosphate attached to sediment may also contribute to algal growth problems.

INFECTIOUS AGENTS

Soil and water can be the transmittal medium for numerous diseases that affect man. Increased water contact sports have accelerated the hazards of contracting eye, ear, nose, throat, and skin infections. Most but not all disease-producing organisms die off rapidly in the soil. Spores of bacteria which cause lockjaw and intestinal parasites are the main exceptions.

Diseases of animals and crops cause losses of hundreds of millions of dollars annually. Some of the common livestock diseases caused by infectious agents that are transmitted by soil and water are hog cholera, mastitis, foot-and-mouth disease, brucellosis, and anthrax. Common plant diseases transmitted by water and soil are black shank of tobacco, red stele disease of strawberries, and white stringy root rot of conifers.

IMPROPER DISPOSAL OF SOLID WASTES

Agricultural land and idle areas adjacent to urban communities are being used increasingly as dumps or landfills for disposal of various solid waste materials. If well designed and properly built on suitable soils, sanitary landfills can be a definite asset and a desirable addition to a water disposal and land utilization system. Attention must be given to possible pollution of ground water and proper drainage in the selection and design of these systems.

FOOD AND FIBER PROCESSING WASTES

These wastes are made up of chemical compounds and organic complexes. They may be solids or they may be substances dissolved in water or both.

The BOD in wastes from food and textile processing is estimated to be four times that of the sewage of the country. Disposal problems can be enormous during the peak seasons when the processing plants are operating, which may be only a few weeks during the year.

PESTICIDES

There is great public concern over the prevalence of persistent pesticides in our environment. Chlorinated hydrocarbons such as DDT, endrin, dieldrin, and aldrin are particularly under attack. Fish kills caused by these chemicals have been reported. These chemicals accumulate in the fatty tissues of small terrestrial animals—worms, snails, frogs—living on treated land. Birds of prey may eat these animals and accumulate the chemicals in some of their tissues. The hatchability of eggs from such birds is reported to be impaired.

Studies by the Agricultural Research Service at Greenville, Miss., showed that the amount of DDT residue in soils was directly related to the amount of DDT that had been applied in previous years. Level of DDT in tissues of terrestrial animals was directly related to level of DDT in the soil. The amount of DDT in runoff water and the sediment burden was also measured. If there was any DDT dissolved in the water from land runoff, it was just below the level of detection. By contrast, very significant levels of DDT were found adsorbed on the surfaces of sediment particles. If pesticide delivery from treated fields is to be stopped, then curbing sediment delivery is the first requirement.

Many farmers have no alternative than to use pesticides if they are to stay in business and produce adequate supplies of food to feed the more than 200 million Americans. Nevertheless, such land should be under a sound soil conservation program such as prescribed by full watershed protection—not only for the benefit of the farmer, but also for the benefit of the wildlife enthusiast and the downstream water user.

OTHER CHEMICALS—HEAVY METALS

This source of pollution does not originate on the farm, but once there it becomes one of the more difficult to solve. Exhausts from various transportation media and industrial smoke and smelters emit huge amounts of lead, cadmium, and other heavy metals and other toxic elements like fluorine into the atmosphere daily. Internal combustion engines alone pour out millions of pounds of lead annually into the atmosphere. Motor vehicle tires also give up large amounts of cadmium. Most of these metals are deposited on soils and plants.

Studies have shown that the lead content of soils and plants along roadways varies directly with traffic volume and decreases exponentially with distance from the highway. The direction of prevailing wind skews the distribution. Global wind currents are such that large amounts of lead and other heavy metals are carried long distances from their source.

Results from field studies show that lead is found both in and on plants. These and other findings suggest that considerable amounts of these heavy metals are absorbed from the residues on the leaves, but not from the soil.

Intensively cultivated commercial crops, such as lettuce, grown along major highways may take up considerable quantities of these materials, thus constituting a hazard to those who eat the crops. Roadside plantings and ornamentals may also suffer damage from these contaminants. Animals grazing close to busy highways have been killed by lead poisoning.

SEDIMENT

NEED FOR ACCELERATED LAND TREATMENT TO CONTROL EROSION AND SEDIMENT

Sediment sources have been classified according to causative factors, eroding agent, location, and other criteria. Thus, there are manmade—accelerated—and natural—geologic—erosion; wind, splash, and water erosion; and erosion of the land surface—sheet-rill—or drainageway—gully-channel—erosion. For the United States as a whole, the predominant sediment sources are from sheet-rill erosion of cultivated lands. More localized but still serious sediment sources occur wherever the land suface is denuded—usually by man—for appreciable periods and whenever eroding forces exceed resisting forces.

Agricultural land, because of type and intensity of use and because of its large area exposed and susceptible to erosion, supplies the greatest amount of the Nation's total sediment yield, perhaps one-half of the total. A smaller portion of the sediment burden—about 10 percent—arises from range and forested lands where fire, construction of forest roads, trails, and other improvements; certain logging practices; overgrazing; and trailing of animals have denuded the surface cover. Even though sediment yield from rangeland is substantially less than from other kinds of land, sediment is extremely serious because of the importance of water systems in arid and semiarid regions.

An analysis of the 1967 conservation needs inventory of the U.S. Department of Agriculture shows that estimated annual soil losses from 437 million acres of cropland amount to 2.6 billion tons. Sixty-five percent of this loss—1.8 billion tons—comes from 30 percent of the total cropland—137 million acres. It is estimated that annual sediment yields from soil losses on cropland exceed 1 billion tons of soil.

Farmers now oftentimes use 6- to 12-row equipment for crop production. Use of such large field machinery prevents the use of contour terraces to control soil erosion as was practiced during earlier decades. Parallel strips or parallel terraces on land that has the proper contour can provide protection from water erosion. Grass back-slope terraces with drainage outlets are showing great promise toward reducing erosion and sediment delivery from cultivated land in Iowa. Farming by means of minimum tillage operations with maintenance of mulch cover is giving excellent protection on millions of acres of erodible land. Grass and good tree cover provide the best protection from water erosion.

Developing new technology to stop sediment delivery from all land exposed to erosion must continuously go on to keep pace with new developments in machines that move the earth or work the land.

On experimental watersheds in western Iowa conducted by ARS, sediment delivery from corn planted on contour averaged 30 tons per acre over the past 6 years. A huge gully was developing at the lower end of the field. Cornfields on the watershed that were provided with grass back-slope terraces delivered only one-half ton of sediment per acre per year over the same period. Little surface runoff occurred on this watershed. Gullying was checked, and downstream water yield was not impaired.

Sediment—a product of erosion—is detrimental to our environment in many ways. It damages crops and cropland; covers roads, parks, and other public facilities; fills rivers, lakes, and harbors; and increases the costs of processing water for municipal and industrial use.

Sediment is not only a pollutant in its own right, but it is a major carrier of other pollutants such as fertilizer nutrients, herbicides, pesticides, and some infectious agents. Phosphorous, one of the main contributing factors to lake eutrophication, is transported by attachment to sediment particles, as much as 95 percent.

Sound conservation land treatment to reduce erosion and runoff is an essential first step in environmental improvement.

Research at the USDA Hydrologic Field Station, Coshocton, Ohio, has shown the dramatic effect of minimum tillage in preventing sediment delivery from sloping land. July 1969 was an extremely wet month at Coshocton. Eleven inches of rain fell—7 inches above average. The watershed in corn under conventional tillage delivered 4 tons of sediment per acre during this 1 month. But the watershed in corn planted under minimum tillage delivered only 62 pounds of sediment per acre—less than 1 percent as much sediment as the conventional tillage provided.

There are tremendous possibilities in curbing sediment delivery from watersheds; and all of our land should be treated as watersheds.

The U.S. Department of Agriculture and the soil and water conservation districts have directed their attention to this problem for some 35 years. This has included technical assistance, modest cost-sharing for land treatment measures, loans, grants, research, and education. Despite these efforts over this period of time, some 63 percent of our land is still in need of conservation treatment.

Expansion of authorities and adequate funding would enable completion of the job in a reasonable time for the greatest benefit to the public in water pollution abatement, conservation of resources, and a better rural America.

STRIP MINING

There are some 2 million acres of non-federally owned surface-mined lands in the United States needing conservation treatment. In their present state, these areas are nonproductive, eroding, and gullied liabilities to the communities, counties, States, and the Nation. The annual load of sediment produced by erosion from these abandoned surface-mined areas is estimated to range up to 200 tons per acre. During a 4-year period, the average annual sediment production from Kentucky spoil banks was 27,000 tons per square mile while it was estimated at only 25 tons per square mile from forested areas. This sediment is being deposited on adjacent areas and in downstream channels and reservoirs. In addition, acid draining from the mined areas is contaminating water in streams and reservoirs. This erosion, sediment, pollution, and contamination are restricting the economic base of the people in the affected areas by unnecessarily limiting the available life-sustaining soil and water resources.

The present efforts to rehabilitate old surface-mined areas are inadequate. Damages to adjacent lands, water, fish, wildlife, and beauty continue. Much needs to be done and can be done to restore these areas and make them assets to the communities where they exist and to reduce their damaging effect on other areas. The incentive of Federal participation is needed to stimulate and assist local action. The necessary local organizations already exist and are ready to participate in sponsoring needed improvements when assistance is available.

Limited Federal assistance for treating surface-mined areas is being provided under existing authority. The Appalachian Regional Development Act of 1965 authorizes assistance in reclamation of publicly owned surface-mined areas in the Appalachian region. The rural environmental assistance program provides cost sharing for conservation practices in instances where the land qualifies as agricultural land. The Forest Service undertakes research and furnishes technical and financial assistance for reforestation and other conservation measures through programs authorized by title IV of the Agricultural Act of 1956, the Cooperative Forest Management Act of August 25, 1950, the Clarke-McNary Act of June 7, 1924, the McSweeney-McNary Act of May 22, 1928, and the Organic Act of 1897. The Soil Conservation Service furnishes technical assistance through soil and water conservation districts to individual landowners and operators under the Soil Conservation Act of 1935. This agency and other concerned USDA agencies also provide both technical and financial assistance for treating surface-mined areas in watershed projects and resource conservation and development projects that are high sediment producing sources. These programs are helpful and have produced good results, but they have not been adequate to treat the many critical areas in the Nation.

Experience gained under the existing programs has proven that mined areas and the associated spoil banks can be effectively treated. The cost of applying vegetative practices alone, however, will vary from $100 to over $300 per acre. Because of the nature of the spoil, the establishment of vegetative cover is unusually slow. Many years will elapse before landowners can expect to realize onsite benefits. Also, in many cases, some structural-type measures such as grade stabilization and gully control structures will be required. Hence, on many properties, the onsite benefits cannot be expected to equal the treatment costs. Effective offsite benefits from sediment reduction and pollution control require public action on sizable areas of land constituting small drainage areas or watersheds. Individual efforts are ineffective unless they are a part of a coordinated plan. Group action is, therefore, the logical and practical approach. Federal and financial assistance is necessary to activate this work on an adequate scale.

Since surface mining has been a practice in this country for more than a hundred years, most of the areas needing reclamation were mined prior to the passage of laws requiring reclamation. Twenty-eight States now have laws, some enacted rather recently, which require the restoration of newly surface-mined areas. However, such laws do not provide for the reclamation of the large area of old surface-mined lands. There is a need now for a new approach, a new authority, administered in conjunction with the Department of Agriculture's land and water conservation programs so as to give unified direction to the application of a wholly coordinated program for reclamation and utilization of these surface-mined lands.

The need for attention to the problem was recognized and emphasized in the report "Control of Agriculture-Related Pollution," prepared by USDA and the Office of Science and Technology in January 1969.

The most recent reliable information on costs of reclaiming surface-mined lands is in the report, "Surface Mining and Our Environment," resulting from the national study of surface mining completed under Public Law 89–4. This report shows two levels of cost—one for basic reclamation and the other for rehabilitation. Basic reclamation consists of remedial measures necessary to alleviate or eliminate conditions resulting from surface mining, such as erosion, flooding, water pollution, damage to aquatic and wildlife habitat, barriers to access, and hazards to public safety. Rehabilitation comprises land development for parks and recreational areas, residential and industrial sites, scenic improvements, and other specialized land uses contributing to the economic potential or social improvement of areas.

The report shows costs of $360 per acre for basic reclamation and $600 per acre for rehabilitation. This latter cost includes the amount required for basic reclamation plus the additional costs to develop the land for specialized uses. Although these cost estimates are averages, they are adequate for estimating the costs of applying conservation treatments to the 1.9 million acres of privately owned surface-mined lands in need of attention. As a general rule, the elimination or abatement of offsite damages will require and justify a higher degree of Federal participation. Results will be reduced erosion and subsequent sedimentation; reduced contamination of streams and reservoirs by mine acids; improved habitat for fish and wildlife; a contribution to the restoration of productivity and beauty of affected areas; and the creation of a healthful atmosphere for needed recreation. This will improve the economic base of the people living in the area and will substantially benefit downstream land and water resources and improvements.

ROADSIDE EROSION

Basic to a sound economy and an appealing countryside is the extent to which our soils are kept from eroding. Large amounts of stream and lake clogging sediment come from eroding roadsides. This erosion is from the road shoulders, cut and fill slopes, road ditches, and adjacent areas within the right-of-way.

There are more than 3.5 million miles of roads in the United States. Where these roads pass through rolling or rough terrain, they create an erosion problem. If not properly cared for, this can be costly in terms of maintenance, damaging to adjacent land, destructive of natural beauty, unsightly and depressing to those who travel the roads, and contribute significantly to the sedimentation of the Nation's streams and reservoirs. In addition, a gullied roadside ditch constitutes a dangerous safety hazard.

Slightly more than 2.1 million miles of public rural roads and highways are contributing in various degrees to the national erosion and sedimentation problem. About 425,000 miles are in need of treatment in excess of normal maintenance, of which about 25,000 will be reached by existing programs. These ordinarily are low order roads under the jurisdiction of the county or, in some cases, the State government, not constructed with Federal funds. The U.S. Bureau of Public Roads provides leadership to the erosion control program on the 875,000 miles of highways constructed under the Federal Aid System. Cities and municipalities are responsible for the erosion problem on the .5 million miles of streets and roads under their jurisdiction. The problem stems from the eroding secondary roads which contribute an estimated 56 million tons of a sediment annually into streams, harbors, and reservoirs.

The seriousness of the erosion problem within highway rights-of-way is emphasized by actual measurements by the Agricultural Research Service in Georgia. Soil loss on unprotected roadsides ran as high as 356 tons per acre, per year, or 16 pounds of soil loss per square foot. The Southeast River Basins Commission, in its report, pointed out serious roadside erosion, averaging 133 tons per mile annually on more than 20 percent of all roads and highways in the study area, which covered parts of five States.

Erosion losses measured from roadsides near Cartersville, Ga., ranged from 27,-500 tons to 185,000 tons per square mile per year, depending on rainfall, degree of slope, and direction of exposure of the bank.

In portions of the Coosa River watershed as much as 55 percent of the sediment entering the river emanated from erosion from road rights-of-way.

A limited amount of technical assistance on erosion control problems is furnished local road authorities by the Soil Conservation Service under the provisions of the Soil Conservation Act of 1935. This assistance has been limited to those road authorities that are cooperators with local soil and water conservation districts and are capable of funding the installation cost.

The Soil Conservation Service, through its watershed protection and flood prevention program and the resource conservation and development projects, provides some limited cost-sharing for treating high sediment source areas on local roads within the confines of approved projects. However, these are only a small part of the Nation's road system needing erosion control measures.

The application of conservation measures to provide protection to eroding highway rights-of-way will keep soil loss within tolerable limits. As a result, maintenance costs will be kept at a minimum; damage to adjacent land will be alleviated; sediment deposition in streams, reservoirs, and harbors with its adverse effects on fish and wildlife, and municipal and industrial water supply will be reduced. Safety hazards will be reduced and the esthetic beauty of the highway and adjacent areas of rural America will be preserved for the enjoyment of all.

DEVELOPING RURAL AREAS (URBAN)

Man influences his environment and is in turn influenced by it. Much of the environment is made up of natural resources seen each day, the land, forests, streams, and lakes. If used wisely, these resources serve an economic purpose while providing natural beauty and appealing surroundings. Used unwisely they provide monotonous, polluted surroundings, depressing to man and his spirit.

Wise use of the land—using it for purposes for which it is best suited, and protecting it from excess erosion and runoff—is basic for a healthy community or nation.

These principles have been learned and practiced for years on agricultural lands of the Nation. Various programs of the Department of Agriculture have provided technical and financial assistance to obtain wise land use and conservation treatment of agricultural lands. Rapid changes are now bringing about a need for such assistance on rural developing or urban lands of the Nation. Some 1.5 million acres of land are converted from rural to urban use annually.

Ours is an urban society. Seven out of 10 people now live in urban areas. This transition from an agrarian to an urban society has been rapid. It has not been orderly, and haphazard development has created some tremendous problems. Land poorly suited for urban use has been covered with houses, shopping centers, factories, and roads. Development plans have not recognized the need for or included provisions for controlling runoff, erosion, and sediment. This is due in large measure to the fact that planners, developers, and those controlling development have not recognized the need for such action.

Urban areas in the development stage are producing erosion and sediment out of all proportion to comparable areas in the agricultural sector. As an example, in the Potomac River Basin the sediment discharge rates of streams in areas undergoing urban growth are 10 to 50 times greater than those in rural areas. In one subwatershed in the Potomac Basin, sediment rates of 89,000 tons per square mile per year have been measured at the source. An example of accelerated erosion due to urbanization is shown in a study of a 14.3 square-mile watershed above Lake Barcroft in Virginia, a suburban area of Washington, D.C. As the area of watershed undergoing construction rose from 0.5 percent to nearly 9 percent annually, the volume of sediment reaching the lake increased from 4 to 25 acre-feet per year. On a small construction site at Johns Hopkins University, encompassing about 1½ acres, sediment yields of 140,000 tons per square mile per year were measured. This severe erosion not only damages the development area, but excess runoff and sediment produce flooding problems, clog streams and lakes, and destroy wildlife habitat and recreational areas.

Application of sound land use principles and applicable conservation measures on agricultural land has proven that runoff and soil erosion losses can be kept within tolerable limits. These same principles and practices can be applied to urban lands, especially during the development stage with equal results. Most urban planners, developers, and local authorities who control development do not recognize the need for or have the expertise to take these steps. Sound guidance and technical assistance from knowledgeable conservation technicians will be required to guide and direct until these groups and individuals are capable of providing their own expertise. Funding will be needed for planning, staffing, and incentives to direct proper attention to this problem.

STREAMBANK EROSION

Land washed away through erosion of streambanks and the eroded material deposited downstream are losses of major concern to our national welfare. The land destoyed by streambank erosion is an important part of our production resource which we cannot afford to lose.

Sediment produced by such erosion is deposited downstream where it damages productive floodplain land, clogs stream channels, covers streets and highways, damages buildings in cities and towns, and fills rivers and harbors. It pollutes streams where it is detrimental to fish and wildlife and results in more expensive treatment of water for municipal and industrial use. It destroys natural beauty and reduces recreation potentials.

A recent report of a study of the extent of the problem prepared by the U.S. Army Corps of Engineers shows that damage of some degree is occurring on approximately 549,000 miles or 8 percent of the 7 million miles of streambank—3.5 million stream miles—in our Nation. Of this total, however, the damage occurring on about 148,000 miles is sufficiently serious to warrant further studies toward remedial measures. Damages resulting from erosion in these reaches are estimated to total some $90 million annually, half from sediment damage, a third from land losses, and the rest from other types of damages.

The Virginia Tidal Riverbank Erosion Survey published in 1962 covers 951 miles of riverbank on the Rappahannock and Potomac Rivers. The survey shows 221 miles of riverbank have an average annual recession rate of 1.86 feet per year.

Unlike the treatment of many erosion problems which can be carried out by individual landowners, the control of streambank erosion requires consideration of an entire stream or major reach involving many landowners.

The U.S. Department of Agriculture over the years has developed vegetative and structural measures which, applied on a project-type basis, have proven very effective in controlling and protecting small streams from erosion.

Limited assistance for streambank stabilization is available under the provisions of the watershed protection and flood prevention program, the resource conservation and development program, and from the Agricultural Stabilization and Conservation Service and the U.S. Army Corps of Engineers. These various programs are helpful but they extend to only a few of the many critical areas of the Nation needing treatment.

Individual landowners are reluctant to undertake treatment of these problems on their own since solutions are costly and many of the benefits accrue offsite to downstream users and the public rather than on their own property.

IMPLEMENTATION

The U.S. Department of Agriculture is in a unique, favorable position to provide the leadership in carrying out a national program for water quality management and pollution control in relation to agricultural, rural, and developing rural areas.

The USDA is the logical Federal Department to undertake this phase of the overall program because it has established offices in or available to every county across the Nation staffed with competent personnel. These offices are provided supervision and assistance by State and regional offices, also staffed with experienced personnel trained in the various technical, administrative, and supporting disciplines. In view of this organization, it would be unnecessary and wasteful to establish or build up a parallel organization with these capabilities.

Furthermore, the Department has a long history of close working relations with local and State agencies which would be a vital and necessary force in implementing such a program as is envisioned by this legislation. The key to an effective program to abate water pollution is watershed protection involving proper land utilization and establishment and maintenance of proven conservation measures. Such a program is based on the concept of local-State-Federal cooperation and cannot be achieved through regulatory functions.

The proposed legislation expands the multiple authorities presently being administered within the U.S. Department of Agriculture. It meets a need not provided for in other legislation introduced to date.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. KEE. I am delighted to yield to the illustrious and dedicated Representative, the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, H.R. 15596 is the result of special interests and studies by many Members of the Congress.

The leadership of the Subcommittee on Conservation and Watershed Development has been recently unusually and importantly dedicated to the exploration of real problems in this area.

At the outset, I want to certainly thank the gentleman for the kind words he spoke in my behalf and I must say I especially appreciate having worked with him as chairman of this Subcommittee on Conservation and Watershed Development—that, incidentally, that is a new name with a broadened concept, and properly so, as a result of his leadership and his suggestion to the committee.

For years many of us have felt that we should study this whole question in depth more than we have, and have suggested some field studies and some trips.

Under the very able leadership of the gentleman from West Virginia (Mr. KEE), we did make such a study here in the United States. We traveled to Ardmore, W. Va., Georgia, Mississippi, Iowa, and Kansas. We heard testimony from the people from those States and from many other States. They told us of their experience and their studies and of their success with projects that have been evolved through the very wise decision of this Congress when we enacted Public Law 566, the small watershed program for America.

So as a result of the leadership of the gentleman from West Virginia we have a report of those hearings that were made in all those places, and have invaluable testimony, and they are the basis largely of the legislation that we have offered.

Mr. Speaker, I should like to say at the beginning that I believe that Congress will eventually—and I hope very soon—act on this bill, and when it does, it will be landmark legislation. We are concerned, as the gentleman from West Virginia has said, with the resolution of the water pollution problem, and we passed some legislation authorizing up to $24,000,500,000 to deal with municipal pollution and industrial pollution. I supported that, as he did. We both worked on it in the committee, and we think it is the most meaningful step made so far; but, my friends, it is as nothing as the impact that could come from the adoption of the provisions and the philosophy of this bill. I hope this Congress will note the testimony we gave here and will read the bill, become interested in it, and join us in completing the job of water pollution solution.

Mr. Speaker, I should like to say that Public Law 566, which established the Federal watershed program, serves many of the country's needs in handling the interrelated problems of erosion and flood control.

As of June of 1970, $180 million in agricultural and nonagricultural damage was prevented, and 281,000 people were assured of dependable water supplies.

However, some analysts have stated that even in the Corn Belt, net erosion was probably greater in 1970 than 40 years before the extensive erosion control program was begun.

This unbelievable state of affairs can be explained by one word—"delay."

The watershed program was intentionally a decentralized program, so that the people closest to the problems would have the resources to deal with them. But the system we have produced has become such a bureaucracy composed of mismatched, uncoordinated functions, that no one can be sure that the resources will be used where they are needed.

Delays have cost hundreds of thousands of dollars already. Rising land prices and construction costs add to the expense. Valuable topsoil, the most fertile of all soils, washes into our waterways, becoming silt and causing the most pervasive, yet uncontrolled pollution in our Nation. While this soil washes into our rivers, erosion increases at a geometric rate, similar to the population explosion, and watershed control programs will face greater problems even before they start. In short, while erosion and pollution are building speed like a spring flood, our watershed program rolls along like "Old Man River."

We obviously need a structure that will make sure the needed energy reaches its destination. In my home state, where the Little Sioux watershed has an estimated completion date of 2021, the Soil Conservation Service, local district officials, and the academic community alike are urging that the Secretary of Agriculture be given power to make binding agreements, and that he require assurance that needed steps will be taken.

This bill authorizes the Secretary of Agriculture to enter agreements with State and Local public agencies in planning for watershed programs. The Secretary may also enter agreements binding for up to 10 years with owners and occupiers of land, covering areas such as engineering operations, methods of cultivation, and waste treatment facilities. He may furnish financial and other assistance as he himself decides, and he may make loans under contract for the new Federal share of the costs.

The Secretary is empowered to make agreements covering five major areas:

First, farms and ranches; second, developing rural and urban areas; third, roadsides and related areas; fourth, tributaries of major rivers; and fifth, lands damaged by strip mines.

Each authorization lists specific assurances which the Secretary may and sometimes shall require. For instance, in agreements for farm and ranch programs, the Secretary may require agreements for up to 10 years for installation and maintenance of needed works, to be approved by the Secretary. In agreements for upstream tributaries, the Secretary shall require that local agencies:

First, bear at least 25 percent of the costs;

Second, obtain all necessary land rights;

Third, make arrangements for defraying costs; and

Fourth, share in costs for engineering services.

Generally, the Secretary is also authorized to initiate nationwide research and education on erosion and related pollution problems. He is also authorized to develop a summer job program for students in agriculture and related fields.

To make sure that resources and assistance do, in fact, go to those who use them in positive ways, the bill provides that wherever the Secretary has agreed on a plan and the promisors—the landowner—is found to be causing pollution, all assistance from any Federal program will be withdrawn until the pollution is stopped.

This act also amends section 10 of the Water Pollution Control Act by providing a 3-year interim period for compliance by livestock and poultry enterprises. If these enterprises comply with interim standards set by the Administrator of the EPA, abatement actions may not be initiated against them.

By outlining the areas where positive control is most needed and explicitly authorizing the Secretary to make binding agreements, this bill will furnish the assurance that the U.S. Government is getting results from its efforts. This assurance is badly needed. Delay has been uncovered and is now recognizable—as the worst problem for anyone concerned about the pollution of our environment. Perhaps, as some people believe, we will not recognize erosion as the country's biggest single source of pollution until it is either too late, or after the problem is solved.

I believe my fellow Congressmen are aware of this country's needs and will join me in this simple correction to avoid problems that will only worsen as time passes.

Mr. Speaker, at this point I will discuss a breakdown of this legislation.

I would like to begin by discussing agricultural and related pollutants.

A major part of the job to be done in achieving the national goal of clean rivers and streams is to cope successfully with the growing problems of pollution control on the farmlands of our country. Attention is being directed to farms and rural areas as sources of pollutants which impair the quality of water in water courses, lakes, and reservoirs. Changes which have come about in farming and land management with application of modern techniques have brought into the picture various water pollution problems not present or existing only in minor degree under old farming methods. Concentration of cattle and hogs in feedlots in many parts of the country instead of finishing them in scattered small herds has created mass manure disposal problems. Heavy fertilization of various crops has increased the amounts of plant nutrients in many soils. These nutrients may be carried into streams and lakes with sediment eroded from the land. The spraying of insecticides and herbicides in crop production and land management when not used properly, and without adequate safeguards, can cause widespread but unnecessary damage.

These and other comparable problems contribute to environmental damage. They require the development of additional and improved preventive and treatment techniques. They require the provision on a national basis of technical and financial assistance to State and local public bodies in developing and carrying out plans for coping with them. Provision should be made for the Secretary of Agriculture to carry out such a program to assist State and local agencies to abate, control, and prevent such pollution.

Programs administered by agencies of the Department of Agriculture are making significant contribution to the control of agricultural and related pollutants. For example, the technical assistance provided individual landowners and operators by the Soil Conservation Service working through some 3,000 local soil and water conservation districts is giving good results; the research activities of the Agricultural Research Service and State cooperative experiment stations are revealing new areas of concern and advanced methods and procedures for treatment; and the financial assistance provided by the Farmers Home Administration and the Agricultural Stabilization and Conservation Service has contributed to the total effort. However, because of inadequate financing, personnel restrictions, and limited authorities, the threat from agricultural and related pollutants continues to grow. Expansion of authorities and funding as authorized by the proposed legislation would provide the incentive of Federal participation needed to stimulate and assist local action. The necessary local organizations, experienced in cooperating with the Department in environmental improvement efforts, already exist and are ready to extend their participation as soon as the needed Federal assistance becomes available. The Department has a corps of experienced technicians highly skilled in the disciplines involved and can carry the proposed program with a minimum of increase in Federal employment.

A fairly new and rapidly growing problem is pollution from animal wastes. About two-thirds of the U.S. beef output is now finished in feedlots. The problem of animal waste disposal has increased tremendously with confinement feeding of beef cattle as well as hogs, dairy cows, and poultry. Along with animal confinement, the fertilizer industry has produced plant nutrients, less costly to buy and more pleasant to spread than equivalent nutrients from animal wastes, commonly used in agriculture some 30 or more years ago.

If all the animal wastes produced in the Missouri River Basin were put through sewage disposal plants, it would be equal to sewage from 370 million people. If only 5 percent of these animal wastes reached streams, the biochemical oxygen demand (BOD) would be equal to that of 18 million people. The basin population is only 7.9 million people.

Dairy barns may house up to 500 cows or the waste equivalent of about 8,000 people. Many beef feedlots may contain 10,000 head and produce 260 tons of solid waste and 100 tons of liquids daily. Some exceed 100,000 head. In 1968, there were about 80 feedlots with more than 16,000 head, and the number is constantly increasing. Poultry enterprises with 100,000 fowls—not an uncommon number—produce 10 tons of waste daily. Poultry processing plants are responsible for large amounts of additional waste.

A barnyard or a feedlot must be looked upon as a subwatershed receiving intense pollution. A heavily manured field would also constitute such a subwatershed.

The domestic cattle population is about 118 million. These animals produce about 1.4 billion tons of excrement a year. Although most cattle droppings are deposited out on rangelands or pastures, about 20 percent of the total is dropped on feedlots.

A 1,000-pound steer in a feedlot will produce 35 to 50 pounds of fecal wastes a day. The wastes from such an animal will carry about 110 pounds of nitrogen, 22 pounds of phosphorus, 125 pounds of potassium, and about 365 pounds of biochemical oxygen demand—BOD—over a year's time. With a stocking rate of 300 head per acre, the land receives a heavy supply of potential pollutants. Some feedlots have 870 animals per acre.

When rain falls upon a subwatershed that is a feedlot, the runoff may carry 5,000 parts per milion of biochemical oxygen demand. Raw municipal sewage runs about 200 to 400 parts per million of BOD. Such feedlot subwatersheds must be equipped with water diversions such as the Soil Conservation Service has been using for many years in watershed protection. The diversions collecting polluted runoff must empty into a holding pond; or better, a settling basin and holding pond followed by means for recycling both the solid and liquid portions to agricultural land. Much of the nitrogen in the wastes in a heavily stocked feedlot or dairy loafing lot may be volatilized as ammonia and adsorbed by nearby lakes and streams.

Insofar as possible, animal wastes should be returned to the land. This constitutes good resource conservation and the most feasible system of recycling these wastes. Excessive application of organic wastes on the land—200–300 tons per acre—may seriously impair the land's productivity and become a source of pollution within a watershed. Sound land management practices for high use of poultry wastes, cattle manure, or sewage sludge must be developed for optimum protection of water quality in a watershed.

MINERAL SALTS

The problem of pollution from mineral salts of most concern to agriculture is that of soil and water salinity. One-half of the 32 million acres of irrigated land in the Western United States is subject to serious salt accumulation.

The salts left behind as water evaporates from plant and soil surfaces are removed by downward leaching to the ground water or to a drain system. This results in progressive downstream salt enrichment of stream waters.

For example, the Colorado River water at Yuma, Ariz., carries about 1.2 tons of salt per acre-foot. This means that an Imperial Valley farmer adds 6 tons of salt annually to each acre irrigated with 60 inches of water. For the land to continue in production, this salt must be removed in drainage water.

Three thousand freight trains, 100 cars long, would be needed to do the annual salt transport job of the flowing water at Yuma.

Research has provided much knowledge for coping with soil and water salinity problems. The salt tolerance of most economic plants has been determined. Water quality measurements have been developed for ready use. Leaching requirement computations and procedures have been developed for reclamation of salt-impaired lands.

Plant nutrient materials have ironically done considerable environmental damage. In the past 5 years, the use of fertilizer has increased 50 percent in the United States. This increase has occurred because fertilizer costs have decreased relative to other direct costs to the farmer. Rates of fertilizer use have also increased as farmers have become more aware of their proper use. Between 1920 and 1970, the use of nitrogen doubled every 10 years.

The amounts of nitrogen, phosphorus, and potassium reaching surface and ground waters that can be attributed to the fertilization of agricultural lands are yet unknown. Not all nitrates in waters come from fertilizers. Large amounts come from decomposition of the soil organic matter. Results from field studies have shown that from 20 to 50 percent of the applied nitrogen and 10 to 30 percent of the applied phosphorus cannot be accounted for in the crops removed from the land. Little phosphorus can be lost except by soil erosion. Nutritive balance studies indicate that portions of these inorganic chemicals may be lost through volatilization, or through fixation in the soil. Depending on soil, slope, and management conditions, the remaining portion of the phosphorus may be transported to surface streams attached to sediments. Particularly under irrigation and in sandy soils, the nitrogen may move into the ground water. Nitrogen may be in organic compounds carried by sediments, but most soluble nitrogen in runoff comes from decaying plants which might have gotten the nitrogen from fertilizers. The unaccounted for nitrogen may be due to denitrification or immobilized through biological or chemical action.

Algae and related aquatic plants tend to "bloom" when concentrations of plant nutrients are added to streams or lakes. Major concentrations of soluble phosphorus and other nutrients generally are the result of heavy point loading of streams and reservoirs by industrial and municipal waste outfalls. However, in areas of heavy agricultural usage under improper fertilizer application or inadequate conservation practices, phosphate attached to sediment may also contribute to algal growth problems.

Infectious agents are carried and kept alive by uncontrolled farmland drainage. Soil and water can be the transmittal medium for numerous diseases that affect man. Increased water contact sports have accelerated the hazards of contracting eye, ear, nose, throat, and skin infections. Most but not all disease-producing organisms die off rapidly in the soil. Spores of bacteria which cause lockjaw and intestinal parasites are the main exceptions.

Diseases of animals and crops cause losses of hundreds of millions of dollars annually. Some of the common livestock diseases caused by infectious agents that are transmitted by soil and water are hog cholera, mastitis, foot-and-mouth disease, brucellosis, and anthrax. Common plant diseases transmitted by water and soil are black shank of tobacco, red stele disease of strawberries, and white stringy root rot of conifers.

Improper disposal of solid wastes is one of the most obvious and repugnant pollution sources. Agricultural land and idle areas adjacent to urban communities are being used increasingly as dumps or landfills for disposal of various solid waste materials. If well designed and properly built on suitable soils, sanitary landfills can be a definite asset and a desirable addition to a water disposal and land utilization system. Attention must be given to possible pollution of ground water and proper drainage in the selection and design of these systems.

Other direct sources of pollution are food and fiber processing wastes. These wastes are made up of chemical compounds and organic complexes. They may be solids or they may be substances dissolved in water or both.

The BOD in wastes from food and textile processing is estimated to be four times that of the sewage of the country. Disposal problems can be enormous during the peak seasons when the processing plants are operating, which may be only a few weeks during the year.

Pesticides are the subject of loud complaints and have become a highly emotional issue. There is great public concern over the prevalence of persistent pesticides in our environment. Chlorinated hydrocarbons such as DDT, endrin, dieldrin, and aldrin are particularly under attack. Fish kills caused by these chemicals have been reported. These chemicals accumulate in the fatty tissues of small terrestrial animals (worms, snails, frogs) living on treated land. Birds of prey may eat these animals and accumulate the chemicals in some of their tissues. The hatchability of eggs from such birds is reported to be impaired.

Studies by the Agricultural Research Service at Greenville, Mississippi, showed that the amount of DDT residue in soils was directly related to the amount of DDT that had been applied in previous years. Level of DDT in tissues of terrestrial animals was directly related to level of DDT in the soil. The amount of DDT in runoff water and the sediment burden was also measured. If there was any DDT dissolved in the water from land runoff, it was just below the level of detection. By contrast, very significant levels of DDT were found adsorbed on the surfaces of sediment particles. If pesticide delivery from treated fields is to be stopped, then curbing sediment delivery is the first requirement.

Many farmers have no alternatives than to use pesticides if they are to stay in business and produce adequate supplies of food to feed the more than 200 million Americans. There is abundant and sufficient reason why such land should be under a sound soil conservation program such as prescribed by full watershed protection—not only for the benefit of the farmer, but also for the benefit of the wildlife enthusiast and the downstream water user and equally for the benefit of our children who must depend on the food supply to feed themselves.

Heavy metals are a source of pollution and do not originate on the farm. Once there, however, they become some of the more difficult problems to solve. These metals come from exhausts from various transportation media. The industrial smokes and smelters emit huge amounts of lead, cadmium, and other heavy metals and other toxic elements like flouride into the atmosphere daily. Internal combustion engines alone pour out millions of pounds of lead annually into the atmosphere. Motor vehicle tires also give up large amounts of cadmium. Most of these metals are deposited on soils and plants.

Studies have shown that the lead content of soils and plants along roadways varies directly with traffic volume and decreases exponentially with distance from the highway. The direction of prevailing wind skews the distribution. Global wind currents are such that large amounts of lead and other heavy metals are carried long distances from their source.

Results from field studies show that lead is found both in and on plants. These and other findings suggest that considerable amounts of these heavy metals are absorbed from the residues on the leaves, but not from the soil.

Intensively cultivated commercial crops, such as lettuce, grown along major highways may take up considerable quantities of these materials, thus constituting a hazard to those who eat the crops. Roadside plantings and ornamentals may also suffer damage from these contaminants. Animals grazing close to busy highways have been killed by lead poisoning.

There is great need for accelerated land treatment to control erosion and sediment. Sediment sources have been classified according to causative factors, eroding agent, location, and other criteria. Thus, there are manmade—accelerated—and natural—geologic—erosion; wind, splash, and water erosion; and erosion of the land surface—sheet-rill—or drainageway—gully channel—erosion. For the United States as a whole, the predominant sediment sources are from sheet-rill erosion of cultivated lands. More localized but still serious sediment sources occur wherever the land surface is denuded—usually by man—for appreciable periods and whenever eroding forces exceed resisting forces.

Agricultural land, because of type and intensity of use and because of its large area exposed and susceptible to erosion, supplies the greatest amount of the Nation's total sediment yield, perhaps one-half of the total. A smaller portion of the sediment burden—about 10 percent—arises from range and forested lands where fire; construction of forest roads, trails, and other improvements; certain logging practices; overgrazing; and trailing of animals have denuded the surface cover. Even though sediment yield from rangeland is substantially less than from other kinds of land, sediment is extremely serious because of the importance of water systems in arid and semiarid regions.

An analysis of the 1967 conservation needs inventory of the U.S. Department of Agriculture shows that estimated annual soil losses from 437 million acres of cropland amount to 2.6 billion tons. Sixty-five percent of this loss—1.8 billion tons—comes from 30 percent of the total cropland—137 million acres. It is estimated that annual sediment yields from soil losses on cropland exceed 1 billion tons of soil.

Farmers now oftentimes use 6- to 12-row equipment for crop production. Use of such large field machinery prevents the use of contour terraces to control soil erosion as was practiced during earlier decades. Parallel strips or parallel terraces on land that has the proper contour can provide protection from water erosion. Grass back-slope terraces with drainage outlets are showing great promise toward reducing erosion and sediment delivery from cultivated land in Iowa. Farming by means of minimum tillage operations with maintenance of mulch cover is giving excellent protection on millions of acres of erodible land. Grass and good tree cover provide the best protection from water erosion.

Developing new technology to stop sediment delivery from all land exposed to erosion must continuously go on to keep pace with new developments in machines that move the earth or work the land.

On experimental watersheds in western Iowa conducted by ARS, sediment delivery from corn planted on contour averaged 30 tons per acre over the past 6 years. A huge gully was developing at the lower end of the field. Cornfields on the watershed that were provided with grass back-slope terraces delivered only one-half ton of sediment per acre per year over the same period. Little surface runoff occurred on this watershed. Gullying was checked, and downstream water yield was not impaired.

Sediment—a product of erosion—is detrimental to our environment in many ways. It damages crops and cropland; covers roads, parks, and other public facilities; fills rivers, lakes, and harbors; and increases the costs of processing water for municipal and industrial use.

Sediment is not only a pollutant in its own right, but it is a major carrier of other pollutants such as fertilizer nutrients, herbicides, pesticides, and some infectious agents. Phosphorus, one of the main contributing factors to lake eutrophication, is transported by attachment to sediment particles, as much as 95 percent.

Sound conservation land treatment to reduce erosion and runoff is a most important first step in environmental improvement.

Research at the USDA Hydrologic Field Station, Coshocton, Ohio, has shown the dramatic effect of minimum tillage in preventing sediment delivery from sloping land. July 1969 was an extremely wet month at Coshocton. Eleven inches of rain fell—7 inches above average. The watershed in corn under conventional tillage delivered 4 tons of sediment per acre during this 1 month. But the watershed in corn planted under minimum tillage delivered only 62 pounds of sediment per acre—less than 1 percent as much sediment as the conventional tillage provided.

There are tremendous possibilities in curbing sediment delivery from watersheds; and all of our land should be treated as watersheds.

The U.S. Department of Agriculture and the soil and water conservation districts have directed their attention to this problem for some 35 years. This has included technical assistance, modest cost-sharing for land treatment measures, loans, grants, research, and education. Despite these efforts over this period of time, some 63 percent of our land is still in need of conservation treatment.

Expansion of authorities and adequate funding would enable completion of the job in a reasonable time for the greatest benefit to the public in water pollution abatement, conservation of resources, and a better rural America.

Strip mining has been one of man's most reprehensible contributions to the erosion of our Nation's lands. There are some 2 million acres of non-federally owned surface-mined lands in the United States needing conservation treatment. In their present state, these areas are nonproductive, eroding, and gullied liabilities to the communities, counties, States, and the Nation. The annual load of sediment produced by erosion from these abandoned surface-mined areas is estimated to range up to 200 tons per acre. During a 4-year period, the average annual sediment production from Kentucky spoil banks was 27,000 tons per square mile while it was estimated at only 25 tons per square mile from forested areas. This sediment is being deposited on adjacent areas and in downstream channels and reservoirs. In addition, acid draining from the mined areas is contaminating water in streams and reservoirs. This erosion, sediment, pollution, and contamination are restricting the economic base of the people in the affected areas by unnecessarily limiting the available life-sustaining soil and water resources.

The present efforts to rehabilitate old surface-mined areas are inadequate. Damages to adjacent lands, water, fish, wildlife, and beauty continue. Much needs to be done and can be done to restore these areas and make them assets to the communities where they exist and to reduce their damaging effect on other areas. The incentive of Federal participation is needed to stimulate and assist local action. The necessary local organizations already exist and are ready to participate in sponsoring needed improvements when assistance is available.

Limited Federal assistance for treating surface-mined areas is being provided under existing authority. The Appalachian Regional Development Act of 1965 authorizes assistance in reclamation of publicly owned surface-mined areas in the Appalachian region. The rural environmental assistance program provides cost sharing for conservation practices in instances where the land qualifies as agricultural land. The Forest Service undertakes research and furnishes technical and financial assistance for reforestation and other conservation measures through programs authorized by title IV of the Agricultural Act of 1956, the Cooperative Forest Management Act of August 25, 1950, the Clarke-McNary Act of June 7, 1924, the McSweeney-McNary Act of May 22, 1928, and the Organic Act of 1897. The Soil Conservation Service furnishes technical assistance through soil and water conservation districts to individual landowners and operators under the Soil Conservation Act of 1935. This agency and other concerned USDA agencies also provide both technical and financial assistance for treating surface-mined areas in watershed projects and resource conservation and development projects that are high sediment producing sources. These programs are helpful and have produced good results, but they have not been adequate to treat the many critical areas in the Nation.

Experience gained under the existing programs has proven that mined areas and the associated spoil banks can be effectively treated. The cost of applying vegetative practices alone, however, will vary from $100 to over $300 per acre. Because of the nature of the spoil, the establishment of vegetative cover is unusually slow. Many years will elapse before landowners can expect to realize on-site benefits. Also, in many cases, some structural type measures such as grade stabilization and gully control structures will be required. Hence, on many properties, the on-site benefits cannot be expected to equal the treatment costs. Effective off-site benefits from sediment reduction and pollution control require public action on sizeable areas of land constituting small drainage areas or watersheds. Individual efforts are ineffective unless they are a part of a coordinated plan. Group action is, therefore, the logical and practical approach. Federal technical and financial assistance is necessary to activate this work on an adequate scale.

Since surface mining has been a practice in this country for more than a hundred years, most of the areas needing reclamation were mined prior to the passage of laws requiring reclamation. Twenty-eight States now have laws, some enacted rather recently, which require the restoration of newly surface-mined areas. However, such laws do not provide for the reclamation of the large area of old surface-mined lands. There is a need now for a new approach, a new authority, administered in conjunction with the Department of Agriculture's land and water conservation programs so as to give unified direction to the application of a wholly coordinated program for reclamation and utilization of these surface-mined lands.

The need for attention to the problem was recognized and emphasized in the report "Control of Agriculture-Related Pollution," prepared by USDA and the Office of Science and Technology in January 1969.

The most recent reliable information on costs of reclaiming surface-mined lands is in the report "Surface Mining and Our Environment" resulting from the national study of surface mining completed under Public Law 89-4. This report shows two levels of cost—one for basic reclamation and the other for rehabilitation. Basic reclamation consists of remedial measures necessary to alleviate or eliminate conditions resulting from surface mining, such as erosion, flooding, water pollution, damage to aquatic and wildlife habitat, barriers to access, and hazards to public safety. Rehabilitation comprises land development for parks and recreational areas, residential and industrial sites, scenic improvements, and other specialized land uses contributing to the economic potential or social improvement of areas.

The report shows costs of $360 per acre for basic reclamation and $600 per acre for rehabilitation. This latter cost includes the amount required for basic reclamation plus the additional costs to develop the land for specialized uses. Although these cost estimates are averages, they are adequate for estimating the costs of applying conservation treatments to the 1.9 million acres of privately owned surface-mined lands in need of attention. As a general rule, the elimination or abatement of off-site damages will require and justify a higher degree of Federal participation. Results will be reduced erosion and subsequent sedimentation; reduced contamination of streams and reservoirs by mine acids; improved habitat for fish and wildlife; a contribution to the restoration of productivity and beauty of affected areas; and the creation of a healthful atmosphere for needed recreation. This will improve the economic base of the people living in the area and will substantially benefit downstream land and water resources and improvements.

Roadside erosion is an often neglected, but widespread and serious problem. Basic to a sound economy and an appealing countryside is the extent to which our soils are kept from eroding. Large amounts of stream and lake clogging sediment come from eroding roadsides. This erosion is from the road shoulders, cut and fill slopes, road ditches, and adjacent areas within the right-of-way.

There are more than 3.5 million miles of roads in the United States. Where these roads pass through rolling or rough terrain, they create an erosion problem. If not properly cared for, this can be costly in terms of maintenance, damaging to adjacent land, destructive of natural beauty, unsightly and depressing to those who travel the roads, and contribute significantly to the sedimentation of the Nation's streams and reservoirs. In addition, a gullied roadside ditch constitutes a dangerous safety hazard.

Slightly more than 2.1 million miles of public rural roads and highways are contributing in various degrees to the national erosion and sedimentation problem. About 425,000 miles are in need of treatment in excess of normal maintenance, of which about 25,000 will be reached by existing programs. These ordinarily are low order roads under the jurisdiction of the county or, in some cases, the State government, not considered with Federal funds. The U.S. Bureau of Public Roads provides leadership to the erosion control program on the 875,000 miles of highways constructed under the Federal aid system. Cities and municipalities are responsible for the erosion problem on the 0.5 million miles of streets and roads under their jurisdiction. The problem stems from the eroding secondary roads which contribute an estimated 56 million tons of sediment annually into streams, harbors, and reservoirs.

The seriousness of the erosion problem within highway rights-of-way is emphasized by actual measurements by the Agricultural Research Service in Georgia. Soil loss on unprotected roadsides ran as high as 356 tons per acre, per year, or 16 pounds of soil loss per square foot. The Southeast River Basins Commission, in its report, pointed out serious roadside erosion, averaging 123 tons per mile annually on more than 20 percent of all roads and highways in the study area, which covered parts of five States.

Erosion losses measured from roadsides near Cartersville, Ga., ranged from 27,500 tons to 185,000 tons per square mile per year, depending on rainfall, degree of slope, and direction of exposure of the bank.

In portions of the Coosa River watershed as much as 55 percent of the sediment entering the river emanated from erosion from road rights-of-way.

A limited amount of technical assistance on erosion control problems is furnished local road authorities by the Soil Conservation Service under the provisions of the Soil Conservation Act of 1935. This assistance has been limited to those road authorities that are cooperators with local soil and water conservation districts and are capable of funding the installation cost. The Soil Conservation Service, through its Watershed Protection and Flood Prevention program and the Resource Conservation and Development projects, provides some limited cost-sharing for treating high sediment source areas on local roads within the confines of approved projects. However, these are only a small part of the Nation's road system needing erosion control measures.

The application of conservation measures to provide protection to eroding highway rights-of-way will keep soil loss within tolerable limits. As a result, maintenance costs will be kept at a minimum; damage to adjacent land will be alleviated; sediment deposition in streams, reservoirs, and harbors with its adverse effects on fish and wildlife, and municipal and industrial water supply will be reduced. Safety hazards will be reduced and the esthetic beauty of the highway and adjacent areas of rural America will be preserved for the enjoyment of all.

Developing rural and urban areas cause erosion and pollution, often through sheer negligence and ignorance of the problem. Man influences his environment and is in turn influenced by it. Much of the environment is made up of natural resources seen each day, the land, forests, streams, and lakes. If used wisely, these resources serve an economic purpose while providing natural beauty and appealing surroundings. Used unwisely they provide monotonous, polluted surroundings, depressing to man and his spirit.

Wise use of the land—using it for purposes for which it is best suited, and protecting it from excess erosion and runoff—is basic for a healthy community or Nation.

These principles have been learned and practiced for years on agricultural lands of the Nation. Various programs of the Department of Agriculture have provided technical and financial assistance to obtain wise land use and conservation treatment of agricultural lands. Rapid changes are now bringing about a need for such assistance on rural developing or urban lands of the Nation. Some 1.5 million acres of land are converted from rural to urban use annually.

Ours is an urban society. Seven out of 10 people now live in urban areas. This transition from an agrarian to an urban society has been rapid. It has not been orderly, and haphazard development has created some tremendous problems. Land poorly suited for urban use has been covered with houses, shopping centers, factories, and roads. Development plans have not recognized the need for or included provisions for controlling runoff, erosion, and sediment. This is due in large measure to the fact that planners, developers, and those controlling development have not recognized the need for such action.

Urban areas in the development stage are producing erosion and sediment out of all proportion to comparable areas in the agricultural sector. As an example, in the Potomac River Basin the sediment discharge rates of streams in areas undergoing urban growth are 10 to 50 times greater than those in rural areas. In one subwatershed in the Potomac Basin, sediment rates of 89,000 tons per square mile per year have been measured at the source. An example of accelerated erosion due to urbanization is shown in a study of a 14.3 square-mile watershed above Lake Barcroft in Virginia, a suburban area of Washington, D.C. As the area of watershed undergoing construction rose from 0.5 percent to nearly 9 percent annually, the volume of sediment reaching the lake increased from 4 to 25 acre-feet per year. On a small construction site at Johns Hopkins University, encompassing about 1½ acres, sediment yields of 140,000 tons per square mile per year were measured. This severe erosion not only damages the development area, but excess runoff and sediment produce flooding problems, clog streams and lakes, and destroy wildlife habitat and recreational areas.

Application of sound land use principles and applicable conservation measures on agricultural land has proven that runoff and soil erosion losses can be kept within tolerable limits. These same principles and practices can be applied to urban lands, especially during the development stage with equal results. Most urban planners, developers, and local authorities who control development do not recognize the need for or have the expertise to take these steps. Sound guidance and technical assistance from knowledgeable conservation technicians will be required to guide and direct until these groups and individuals are capable of providing their own expertise. Funding will be needed for planning, staffing, and incentives to direct proper attention to this problem.

Streambank erosion is one of the hardest problems to solve. Land washed away through erosion of streambanks and the eroded material deposited downstream are losses of major concern to our national welfare. The land destroyed by streambank erosion is an important part of our production resource which we cannot afford to lose.

Sediment produced by such erosion is deposited downstream where it damages productive floodplain land, clogs stream channels, covers streets and highways, damages buildings in cities and towns, and fills rivers and harbors. It pollutes streams where it is detrimental to fish and wildlife and results in more expensive treatment of water for municipal and industrial use. It destroys natural beauty and reduces recreation potentials.

A recent report of a study of the extent of the problem prepared by the U.S. Army Corps of Engineers shows that damage of some degree is occurring on approximately 549,000 miles or 8 percent of the 7 million miles of streambank—3.5 million stream miles—in our Nation. Of this total, however, the damage occurring on about 148,000 miles is sufficiently serious to warrant further studies toward remedial measures. Damages resulting from erosion in these reaches are estimated to total some $90 million annually, half from sediment damage, a third from land losses, and the rest from other types of damages.

The Virginia Tidal Riverbank Erosion Survey published in 1962 covers 951 miles of riverbank on the Rappahannock and Potomac Rivers. The survey shows 221 miles of riverbank have an average annual recession rate of 1.86 feet per year.

Unlike the treatment of many erosion problems which can be carried out by individual landowners, the control of streambank erosion requires consideration of an entire stream or major reach involving many landowners.

The U.S. Department of Agriculture over the years has developed vegetative and structural measures which, applied on a project-type basis, have proven very effective in controlling and protecting small streams from erosion.

Limited assistance for streambank stabilization is available under the provisions of the watershed protection and flood prevention program, the resource conservation and development program, and from the Agricultural Stabilization and Conservation Service and the U.S. Army Corps of Engineers. These various programs are helpful but they extend to only a few of the many critical areas of the Nation needing treatment.

Individual landowners are reluctant to undertake treatment of these problems on their own since solutions are costly and many of the benefits accrue offsite to downstream users and the public rather than on their own property. Our implementation programs have failed to take the fullest advantage of available resources.

The U.S. Department of Agriculture is in a unique, favorable position to provide the leadership in carrying out a national program for water quality management and pollution control in relation to agricultural, rural, and developing rural areas.

The USDA is the logical Federal department to undertake this phase of the overall program because it has established offices in or available to every county across the Nation staffed with competent personnel. These offices are provided supervision and assistance by State and regional offices, also staffed with experienced personnel trained in the various technical, administrative, and supporting disciplines. In view of this organization, it would be unnecessary and wasteful to establish or build up a parallel organization with these capabilities.

Furthermore, the Department has a long history of close working relations with local and State agencies which would be a vital and necessary force in implementing such a program as is envisioned by this legislation. The key to an effective program to abate water pollution is watershed protection involving proper land utilization and establishment and maintenance of proven conservation measures. Such a program is based on the concept of local-State-Federal cooperation and cannot be achieved through regulatory functions.

The proposed legislation expands the multiple authorities presently being administered within the U.S. Department of Agriculture. It meets a need not provided for in other legislation introduced to date.

This bill authorizes the Secretary of Agriculture to make agreements in all of the five major erosion problem areas, and provides specific requirements to be included in the agreements.

For farm and ranch land agreements, the Secretary may require as a condition to providing assistance that the landowner enter agreements for up to 10 years concerning installation and maintenance of needed works, according to the Secretary's specifications.

For rapidly developing areas, the Secretary shall require the cooperating agency to enact and enforce development negotiations and to bear proportionate development costs.

For roadside and streambank erosion agreements, the Secretary shall require the cooperating agency to: First, bear at least 25 percent of the construction costs; second, give assurance of getting the needed land rights; third, make arrangements for defraying costs, and fourth, bear proportionate costs of engineering services.

For non-Federal lands damaged by strip or surface mining, agreements may include requirements that the landowner enter agreements for up to 10 years for installation and maintenance of needed works, build works according to the Secretary's specifications, and provide protection from future damage.

These requirements should provide the Secretary with the power he needs to see that watershed programs actually do get results. They are general, flexible grants of power, yet they are specific enough to furnish guidelines. The Secretary should be able to mold the agreements into meaningful programs and finally make the program and his advantageous position work as they must to meet this pressing problem.

THE REVENUE-SHARING TRAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 20 minutes.

Mr. HOLIFIELD. Mr. Speaker, I intend to oppose H.R. 14370, the State and

Local Fiscal Assistance Act, when that bill is considered in this Chamber tomorrow, for several reasons.

First, I am appalled by the huge deficit which we have experienced over the past 3 years, and the equally huge Federal deficit forecast for fiscal year 1973—more than $123 billion in a 4-year period.

I am equally concerned about the interest on the public debt, which has more than doubled since 1965. In 1965, we paid $10.4 billion in interest; in 1973 we will be paying $22.7 billion.

These are the debt and interest burdens which have already been shared with the American people.

It is proposed that we now act to increase the burden of that debt by $30 billion over a period of 5 years at an additional interest burden of at least $1.5 billion per year.

We must not mislead the American people by referring to H.R. 14370 as a "revenue sharing" measure when, in fact, it is a debt and interest sharing bill.

Next year, when the elections are over, a Democratic President or a Republican President will see the light. I believe that I can safely predict that the next budget submitted to the Congress will be accompanied by a request to increase taxes. The individual and corporate taxpayer will be asked to cough up enough additional revenue to cover the Nation's bills plus the more than $30 billion to provide for the "Debt and Interest Sharing Act of 1972."

If the cities, counties, and States are in trouble, the above facts should convince any observer that the Federal Government is also in trouble and I can predict with reasonable certainty that an increase in Federal taxes will be just as firmly resisted as an increase in State or local taxes.

My second reason for opposing this insidious legislation is based upon the constitutional roles which are to be played by different levels of government.

The congressional role is to provide for the general welfare, among other things by levying taxes and making appropriations. In fiscal year 1971 we did this, to the extent that $117 billion out of a total budget of $212 billion was shared with individuals, cities, counties, States, and institutions. The figure for the current year will be much higher.

These appropriations, however, have been for specific Federal programs for specific national purposes, to fulfill specific national needs. We have never placed ourselves in the ridiculous position of collecting taxes or enlarging the Federal debt for the sole purpose of merely returning these funds to the local tax spenders. That is a needless exercise which accomplishes nothing.

H.R. 14370 erodes the traditional and legal distinctions established by our federal system of government. The success of this system, over the past 200 years, has depended upon each governmental entity exercising its own powers, in its own way, under its own laws. The intrusion of the Federal Government into the functions of tax collection and appropriations for purely local purposes erodes this system.

This bill (H.R. 14370), in my opinion, violates the basic principles of fiscal responsibility for Federal, State, and local elected officials.

It provides for separation of the responsibility of raising revenue through levying of Federal taxes from the responsibility of spending the revenue which has been raised.

I know of no tax levying body that has abdicated its responsibility for accountability in the expenditure of the revenue it raises.

The U.S. Congress is asked to break a principle of responsibility which has survived for hundreds of years.

We are asked to levy taxes as Federal Government representatives for State, county, city, school districts, and so forth, to spend for purposes and programs that are not designated as national in need, but can be determined by an echelon of locally elected officials for local purposes not necessarily related to a comprehensive national need, a need that has been screened and certified by a majority of a national body of elected Representatives charged with our national welfare and progress.

This bill also violates a time tested principle of placing authorization legislation for national needs in committees of the House with clearly defined jurisdictional duties, responsibilities and many cumulative member years of expertise in specific jurisdictional fields.

It ignores the time tested principle of dividing the authorization process from the appropriation process.

Can we so lightly violate these basic principles of division of committee responsibilities and duties?

Are we ready to reject, by a single legislative act, our complete basic system of responsible legislative process?

We compound this dangerous procedure by freezing this violation of time-tested legislative procedures into a time frame of 5 years. This is incomprehensible. We have zealously guarded the right of annual review of programs and annual authorization and annual appropriation.

I am not saying that 1-year annual review is sacred. Perhaps we need to go to 2-year authorization and 2-year appropriation for programs. I am willing to consider such a procedure as it could coincide with the two sessions of a specific 2-year term of a Congress.

But 5 years: A period of time that would bind 2½ terms of separate Congresses.

How can we abdicate our specific responsibility for the 2 years of our elective term and an additional 3 years of potential future Members of future Congresses?

No extensive hearings have been held on these major changes in the procedures of our committees.

Suddenly, because of pressure from locally elected officials, who have panicked in the face of their own electors, they now turn to someone else to discharge responsibilities for which they were elected.

We are opening a Pandora's box of trouble for ourselves as Federal representatives which we will be unable to close.

The pressure for more and more "free no-string" funds will grow and grow.

We the elected Members of Congress will become the subservient tools of locally elected officials.

We will bear the onus of blame for levying more taxes and we will bear the blame for increasing an ever mounting annual Federal deficit.

In the meantime the spenders of "no-string Federal funds" will reap the harvest of praise from their local recipients, for the funds we raise.

Let us turn back from the siren song of Federal fiscal irresponsibility before it is too late. H.R. 14370 should be considered under an open rule and it should be defeated.

THE ART COLLECTORS PROTECTION ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, during the last decade the market for prints and graphics has grown dramatically. In the past, prints were sold largely by small art galleries to a select clientele. As more Americans have begun to demand quality works of art at moderate prices, however, the sale of prints has become big business. According to an article this year in the Wall Street Journal:

> Parke-Bernet, America's leading auction house, sold close to 4,000 graphic works last season, and it's estimated that more than a million original graphics are brought in America annually.

Unfortunately, this boom in art appreciation has been accompanied by the growth of some rather unscrupulous practices on the part of some art dealers. Ordinarily an original print, although it is produced by mechanical means, is distinguished from a reproduction by the fact that it is hand signed by the artist in pencil and numbered to show it is part of a limited edition. According to the Print Council, "limited" means an edition of a few hundred at most. The value of a print is thus in part a function of its scarcity. Some dealers have been known, however, to issue a print in a "limited edition" on one kind of paper and, unknown to the collector, issue a second printing of that same "limited" edition.

Other sharp practices include passing off photo mechanical reproductions as originals, using such terms as heliograph and pochoir to suggest their authenticity when in fact these terms refer to mass production processes. Edwin Darby in the Chicago Sun-Times quotes art collector Scott Hodes, who observes:

> It is relatively easy to duplicate an existing print. Unscrupulous dealers have even been known to cut one of these very fine art books that you see now, the ones that sell for $75 and $125. They'll forge the artist's name—anyone can forge a name with enough practice, put a frame around the reproduction, and sell it as an original print for $500.
>
> Others have been known to make an under-the-table deal with a master lithographer. He'll create a plate from an original print and run off a couple of hundred copies. How's the buyer to know that he's not getting an original?

It is estimated that print sales have gone up by at least 500 percent in the last 10 years, and that 20 percent of the fine prints now being sold are not what they are represented to be. Clearly the consumer is in need of protection from those dealers who would take advantage of the amateur collector's lack of experience and expertise in this rather complex field.

For this reason, I am today introducing the "Art Collectors Protection Act of 1971." The bill provides that any fine print which is published in a limited, numbered, or signed edition shall be accompanied by a receipt or certificate disclosing:

First, the date of printing, if known.

Second, the name of the artist, if known.

Third, the name of the printer, if known.

Fourth, the size of the edition, if known.

Fifth, the total size of any previous editions, if known.

The sale of such a print without proper identification would constitute an unfair method of competition and a deceptive practice in commerce under section 5(a) of the Federal Trade Commission Act.

Reproductions of fine prints or paintings would have to be labeled as such.

Under the act "fine print" is defined as "any print sold for an amount in excess of $50 and includes any engraving, etching, woodcut, lithograph or serigraph." "Reproduction" means "a reproduction, imitation, or copy." The act would not apply in the case of any artist selling his own work, and the Federal Trade Commission would be authorized to prevent violations of this act and prescribe regulations to carry out its intent.

The only States which now offer art buyers specific protective legislation are New York, California, and Illinois. The Illinois law, passed in June, according to the Sun-Times:

> Requires dealers to make a full disclosure (as with a stock offering) of the pertinent information concerning a print: the name of the artist, date of the print, type of print, the number of signed and unsigned prints in the edition, etc. It makes violation a misdemeanor with fines up to $1,000 and provides that the buyer may recover triple damages for willful violations.

The act, however, applies only to prints made after July 1, 1972. And, of course, collectors in the 47 remaining States are still at the mercy of any dealer who would stoop to unscrupulous means to make a quick profit.

Most of the established gallery owners, dealers, and publishers in the graphics field are reputable men, but the boom in print sales has created a market which is wide open to those who need not concern themselves with protecting a long-standing tradition of honest business practices. Even the dealers themselves are sometimes victimized by the wholesalers they buy from.

The problem is further complicated by the differing definitions of "an original print." According to Elizabeth Stevens, writing in the Wall Street Journal:

> In the recent print boom the question turned into a metaphysical hall of mirrors with answers often reflecting whatever a dealer was selling.

She quotes one well-known dealer whom others have accused of selling reproductions rather than originals as saying:

> You have to loosen up the definition of what is original. I'm trying to take the snob part out of this art and put it on Main Street, U.S.A.

The legislation which I have introduced today, would help put an end to this confusing state of affairs, as well as providing consumers throughout the United States with the protection they need. General consumer statutes are not relevant to this issue, for in the art market as it now exists, there is no way to prove that the collector didn't get what he thought he was getting, since there is no written guarantee of the work's origin or authenticity.

Although some dealers believe that the market peaked in the late sixties and is now on the decline, others report that business this year is up 300 percent. According to A. Lublin of Consolidated Fine Arts:

> We haven't even begun to scratch the surface.

As more and more Americans are exposed to the arts through education, museum attendance, and the media, it is more than likely that interest in the arts, both as a financial investment and a source of personal pleasure, will continue to increase. It is therefore essential that we act now to prevent any further abuse of this heartening trend in American culture.

FEDERAL LEAA ASSISTANCE FOR STATE FISH AND GAME DEPARTMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 5 minutes.

Mr. WYMAN. Mr. Speaker, we are justly proud of our far-reaching system of State parks and forests which provide us with needed recreation as well as with temporary relief from the pressures of urban life. These areas are becoming increasingly popular and are used by more and more people each year. It will be even more necessary in future years for us to have them at hand as population pressures result in less and less breathing space for each of us.

The continued availability of these park lands depends on their successful management by State fish and game departments. Unfortunately, there are continuing law enforcement problems in our parks and forests as in our cities. Yet, under the present law, the Law Enforcement Assistance Administration is unable to include State and fish and game departments in its programs. These agencies face unprecedented challenges as the vacationing public visits State parks in greater numbers than ever before. Campsites are filled to overflowing, unbroken lines of hikers crowd the trails, and the commission of crime from malicious vandalism to serious felonies bear witness to the growing enforcement burdens placed on fish and game departments.

I am today introducing legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make State fish and game departments eligible to receive aid from the Law Enforcement Assistance Administration. Mr. Speaker, these agencies are responsible for safeguarding much of America's natural resources and making them available to us and to future generations. To insure that they will be able to continue and improve their handling of this responsibility, I believe that it is essential that assistance be provided to them by the Law Enforcement Assistance Administration.

HON. PHILIP J. PHILBIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the recent passing of Congressman Philip J. Philbin has been a source of deep sadness and regret to me, as it has been to so many. Phil Philbin was a warm and dear friend, and I valued very much his friendship and his counsel.

His notable career of public service, which extended several decades, began with his service as personal secretary to then Senator David I. Walsh. Congressman Philbin held many high administrative positions, serving as he did as the special counsel to the Senate Committee on Education and Labor; as an appointed referee of the Department of Labor; former president of the Clinton Chamber of Commerce, chairman of the Clinton Finance Committee, and also as a member of the advisory board of the Massachusetts Unemployment Compensation Commission.

His service in the Congress spanned 28 years, highlighted by his participation on the Armed Services Committee, and his assuming the chairmanship in his final days of service in the Congress. Congressman Philbin served with great dedication and diligence, for a more peaceful world, and for increased services to the veterans and servicemen in posts throughout the world.

He enjoyed the high esteem and respect of all his colleagues for his warmth and kindness, and his remarkable parliamentary knowledge and skill. His death leaves a void that will be difficult to fill, and in his passing all Americans have lost a champion of freedom and human rights. I extend my heartfelt sympathy to his loved ones.

BAN OF SPORTS ON CLOSED CIRCUIT TV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, as you know, 33 other Members of the House and I have sponsored legislation (H.R. 7679) in the House that would, in effect, require that all major sports events—including boxing matches—be shown on free home television. This legislation would also prevent sports events such as the Super Bowl, the World Series, and other professional sports events from being lured away from network TV because of potentially lucrative profits from closed circuit television.

While many of us are avid sports fans and look forward with great anticipation to the possibility of a second Ali-Frazier fight, I am very concerned that the average price for closed-circuit television tickets for this fight could be as high as $25 per ticket. Increased demands by the two fighters—Ali is reportedly asking for $6 million and Frazier is asking for $3.5 million—increased costs and a desire by the promoters for even greater profits on the second Ali-Frazier fight could cause the average price of tickets for this fight to almost double over the cost of tickets for the first Ali-Frazier fight.

But there is still time for Congress to act so that the average sports fan does not get completely shut out of the next Ali-Frazier fight. Immediate passage of H.R. 7679 would insure that the next Ali-Frazier fight will be shown on home television for the benefit of all boxing fans. While passage of this legislation would adversely affect closed-circuit television promoters, I believe we should be more concerned about keeping professional sports open to 120 million American sports fans than allowing a handful of already wealthy promoters to reap windfall profits through the use of closed-circuit TV.

The primary purpose of H.R. 7679, however, is preventive. For instance, CBS paid only $2.5 million to the NFL for the rights to broadcast the Super Bowl. Yet, the $2.5 million CBS paid for the Super Bowl rights was sufficient to handsomely reward 40 highly paid players on both teams, the owners of the teams, and the NFL itself. Compare that with the $2.5 million that was paid to each of the two boxers by the closed-circuit TV promoters for the first Ali-Frazier fight. Obviously, the TV networks are simply unable to compete with closed-circuit TV promoters and it is clear that if the NFL turns to closed-circuit TV for the broadcast of future Super Bowls, it could quadruple its profits. It is indeed hard to know how long the NFL and other professional sports will resist such an incredible temptation. I think it is clear that the burden falls on Congress to insure that the average sports fan does not get shut out of spectator sports in America.

THE SHARPSTOWN FOLLIES—XLVII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, one of the enduring mysteries of the great Sharpstown scandal is the question of just how Frank Sharp got away. How was it that the man who engineered the corruption of a good part of the Texas State government, who plundered any number of corporations and destroyed the financial integrity of an array of institutions ranging from his own bank to an order of Jesuit priests, got off with a suspended sentence and a grant of immunity from Federal prosecution? Just how it was possible that of all the people in the Sharp scandal, only a few little minnows got caught, while the big fish, including the biggest one of all, got clean away?

Part of the answer is that the Justice Department thought that letting Sharp off was politically expedient and advantageous. I have explained how this was so, how the Justice Department hoped to have a political field day, and how at the same time it hoped to protect Assistant Attorney General Will Wilson from being exposed as part and parcel of the Sharp gang. But a good part of the answer is also the sheer incompetence of the U.S. district attorney, one Anthony J. P. Farris. It seems that Farris, by a simple and incredible blunder, made the immunity grant almost inevitable, because it rendered Federal prosecution practically impossible.

The story, which I have on good authority, is this:

Frank Sharp, after the scandal broke, hired a good attorney, Morton Susman, who happened to have just left the position of U.S. district attorney in Houston. Susman's replacement was this Anthony J. P. Farris, whose qualifications are minimal, except that he has good political credentials. Like any good attorney in our adversary system, Susman sized up his opponent, Farris, and found him to be a lightweight. Susman had every reason to believe that Farris did not really know how to handle something as big as the Sharp case, and that Farris was so anxious to make a big splash that he would perhaps make a tremendous bungle of the whole affair. After all, greed and incompetence make a powerful combination.

One fine day, Susman and his client, Sharp appeared in the offices of the U.S. District Attorney Anthony J. P. Farris. I do not know what Mr. Farris' thoughts were at that time, but I can imagine that he had visions of a grand coup, and was anxious to see what Mr. Sharp had to say. Farris had read a lot about the scandal, but did not really know too much. The Justice Department was handling this more or less outside his office, perhaps because the matter was not yet ready for prosecution, perhaps because they already knew that it was a delicate problem, since their own Assistant Attorney General Wilson was mixed up in it, but perhaps also because Farris was simply not competent to be trusted with the case.

Farris, with visions of triumph in his head, readily agreed to see defendant Sharp and his attorney. Not long after the meeting started, Sharp startled everyone present by telling his whole story. It was obvious almost immediately that Sharp was confessing to a whole series of crimes, and that these were crimes of a most serious nature. Farris, fascinated and dumb, listened to what Sharp had to say.

Unfortunately, Farris was so fascinated that he forgot about his position as a prosecutor. He listened to the whole story without once warning Sharp that he had certain constitutional rights, that what he said might be used against him, and that he did not have to make any statement at all. It was a mistake that no cop would make, and no lawyer should, but there Farris sat, no doubt dreaming that he had in his hands the greatest confession of all time. Too bad for him that it was all invalid, because he had not warned Sharp of his rights.

So after it was all over, Attorney Susman reminded Farris that he believed that these matters were subjects of a possible prosecution against his client, and he would not want Farris to refer to the conversation in any court case. In fact, Susman said, he thought that in light of the invalid confession perhaps no prosecution at all would be possible.

Farris, of course, must have been shocked to discover the enormity of his mistake. He had committed the most elementary of all possible procedural errors, and invalidated much possibility that Sharp could ever be prosecuted at all because of the invalid confession.

I do not know what Farris' superiors had to say about all this. But as it turned out, Susman was right, and when it came down to the brass tacks, Sharp really could not be prosecuted. He had won all the chips on the table, without ever even having to go before a grand jury, much less face a trial.

The Justice Department, which had hoped to capitalize on the Sharp case—hopefully without embarrassing the chief of its own criminal division—had no other recourse than to strike the only deal it could with Sharp, which turned out to be a guilty plea on two counts, for which he got a 3-year suspended sentence and a $5,000 fine. And, of course, complete immunity from any further prosecution.

The Sharp scandal is far from over. Hundreds, even thousands of people, are still hopeful of recovering some of their money. Here and there, a bankruptcy proceeding or civil suit related to the case is filed; the State of Texas prosecutes those it can; and Sharp is as free as a fish in the sea, and safer than any of them.

How did Sharp get away? You might ask Anthony J. P. Farris, who cut the nets through his own incompetence.

SALUTE TO EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. ROY), is recognized for 10 minutes.

Mr. ROY. Mr. Speaker, much has been written about our ever-changing world and the demands that such change makes upon the school. We recognize the tremendous gaps between various areas of our culture and decry the fact that our social processes have not kept pace with our scientific inventions and discoveries. We resent the situations which concentrate on the destruction of man and deplore the resistance displayed when man faces the problems of improving human relations. We realize that many of the children and youth whom we teach know more than we do about nuclear fission, interplanetary space, and even sex education. We bemoan the fact that family life "is not what it used to be." We talk glibly about the world becoming a little neighborhood with the basic changes in national and international alliances. Here in the 20th century, when we thought we were just beginning to develop wisdom, we have been jolted, for the life we had assumed to be timeless and universal has become fluid and ever changing.

The response to the needs we now see must be made in the political arena, for education has always been a major political issue. The difficulty is that too few citizens have realized how political it really is. In the deepest sense, our entire economy and political structure depends on the educational system. Neither the economy nor the political system could work without it. The economy would not work because we would not have the skills and the manpower to run it; the political system would not work because the voters would not know whom or what to vote for.

But in a more immediate sense, education has become political. If the people want a truly productive society, the only way they can hope to achieve that goal is by the development of a productive educational system. The fact that the politician knows this, and that he also knows nearly every voter who has a child wants more than anything else an education of high quality for that child, gives us hope that at last we may get the financial support for the educational system this country deserves. We are now talking about practical politics. We are talking about the fact that Senators, Congressmen, mayors, Governors, and State legislators have to pay attention to education if they want to get elected. The voters want education for their children. In the case of public officials who do not pay attention, there are now political means to make sure that they do.

STATE AND LOCAL FISCAL ASSISTANCE TAX

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Mr. FAUNTROY) is recognized for 5 minutes.

Mr. **FAUNTROY**. Mr. Speaker, we will shortly begin consideration of H.R. 14370, the State and Local Fiscal Assistance Act. If the attempt by Congressman H. ALLEN SMITH to vote down the previous question on the rule is successful, I intend to offer an amendment that will strike out the language beginning at page 35 which would reduce the District of Columbia's benefits under this legislation by an amount equal to any moneys received as the result of any tax imposed by the District government on income earned in the District by a nonresident.

The amendment is as follows:

> An amendment by Mr. FAUNTROY to H.R. 14370: On page 35, strike out line 23 and all that follows down through line 14 on page 36.

CANADIAN NEEDS FOR THEIR OWN OIL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 5 minutes.

Mr. **BEGICH**. Mr. Speaker, in recent weeks opponents of the trans-Alaska pipeline system have made much of recent comments by Donald S. MacDonald, Canadian Minister for Energy, Mines, and Resources. He has said the U.S. security of crude oil supply could be enhanced by U.S. importation of more Canadian crude oil during the years of delay that would surely result if a trans-Canadian oil line were built instead of the trans-Alaska line. His comments have been cited as proof that the delay would not necessarily be detrimental to U.S. national interests. There is, in fact, doubt that Canada would be able to make good Mr. MacDonald's offer.

In this regard, I would like to bring to my colleagues' attention two articles that recently appeared in the Oil Daily. The first, "Alberta Output Based on High Crude Demand"—Oil Daily, June 2, 1972—points out that the demand for oil from western Canada is now at record levels, and not likely to decrease.

The article says:

> Experts believe that Alberta oil production will reach some sustained level of around 1.3 million b/d by 1973 and top production will be achieved at around 1.5 million b/d by 1975 when the prorationing system is expected to end and provincial reserves enter an accelerated period of decline.

This raises serious questions about Canada's ability to provide the extra oil that will be needed by the United States if the trans-Alaska pipeline is delayed any longer.

The second article, however raises serious questions of even greater magnitude. In this artcle, "New Supertanker Port Planned Near Quebec,"—Oil Daily, June 5, 1972—the energy chief of Quebec, Real Boucher, is referred to as having gone on record "advocating that Canada's possible Arctic and offshore oil and gas supplies should serve energy-short Quebec and eastern Canada before exports of the fuels to the United States is permitted."

It is obvious that there is not unanimity of opinion among Canada's energy officials about what should be done with Canada's supplies of crude oil.

Both articles are included here for the information of my colleagues:

ALBERTA OUTPUT BASED ON HIGH CRUDE DEMAND

CALGARY.—Alberta set June crude oil production from provincial fields at 1,024,667 barrels a day, complying with record level of demand for the time of the year from refinery purchasers in Canadian and export markets.

May output of oil was initially set at 1,015,446 b/d but revisions later in the month because of refinery "turnarounds" and high inventories, was reduced to 987,128 b/d.

Total oil production this month will be 31,764,680 barrels, while pentane plus will total 4,542,000 barrels or 146,500 b/d.

In the same month of last year, Alberta producers were permitted under the provincial system of prorated production to pump 27,421,290 barrels of oil or 926,072 b/d. Byproducts in that month, for which the American market is providing growing outlets, totaled 3,444,000 barrels. In June 1970, Alberta produced 25,870,180 barrels of oil and 3,105,000 barrels of byproducts.

Alberta oil production set an all time record last January when the province produced 37,390,823 barrels or 1,206,156 b/d.

Besides gradually easing entry of Canadian exports to the U.S. markets east of the Rocky Mountains, Alberta's oil production is on the increase because depleting fields in Saskatchewan, and to a smaller extent Manitoba and British Columbia can not meet increasing oil demands from Canadian and export buyers. The three other western provinces have never been substantial oil producers but their proximity to the export and the Ontario markets permitted producers there to pump at full capacity for years.

Current oil exports are nudging 800,000 b/d, with some 260,000 b/d going to the U.S. West Coast. Total western Canadian oil and byproducts output is at 1.6 million b/d.

Alberta has a theoretical production capacity of up to 2.2 million b/d but that top level is now unlikely to be realized, particularly because of lack of new discoveries here and the reluctance of producers and transmission companies to invest in additional field and pipeline capacity, in view of uncertainty over markets and provincial taxation on oil reserves that will be in effect on the 7 billion barrels of Alberta oil reserves from next January.

Experts believe that Alberta oil production will reach some sustained level of around 1.3 million b/d by 1973 and top production will be achieved at around 1.5 million b/d by 1975 when the prorationing system is expected to end and provincial reserves enter an accelerated period of decline.

NEW SUPERTANKER PORT PLANNED NEAR QUEBEC

CALGARY.—Plans will be announced this month for a supertanker port by the Quebec and Canadian federal governments at Ile Verte downstream in the St. Lawrence River from Quebec City, to serve as a terminal for offshore crude oil shipments and as a possible port of entry for oil from the arctic and east coast offshore regions.

The project, to cost between $500–$700 million, will also include additional refinery facilities onshore, besides providing feedstock for existing installations both in Quebec and bordering U.S. states.

An alternative site further downstream on Ile Du Bic has also been picked in the event definite engineering and marine studies now nearing completion should recommend the secondary location for navigational reasons.

Completion of the project at either location is set by 1975. It would be owned and operated by a Quebec government corporation, it was learned.

According to industry sources in Calgary, the port is the opening bid by the Quebec government to channel frontier oil from the arctic and eastern offshore areas of Canada, where discoveries have already been made, into the province to give a new lease on life to its ailing petrochemical industry as well as to redress its precarious oil supply situation, which at present makes it entirely dependent on overseas imports.

The port would be receiving offshore crude from overseas sources until arctic and east coast supplies are phased in growing volumes, possibly, after 1978. The port would also be designed to handle ships transporting liquified natural gas, again from overseas sources, at first, yielding to arctic fuel later in the decade.

Quebec energy chief Real Boucher has recently gone on record here advocating that Canada's possible arctic and offshore oil and gas supplies should serve energy-short Quebec and eastern Canada before exports of the fuels to the U.S. is permitted.

The eastern seaboard has only a few suitable harbors or waterways to accommodate supertankers in excess of 250,000 dwt. The location near Quebec City would also require icebreaker assistance during winter months.

INTERSTATE 219: "TO BE OR NOT TO BE?"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, time and time again Members of Congress and citizens from Pennsylvania, West Virginia, Maryland, New York, and Virginia have urged that U.S. Route 219 be designated as a Federal project under the Interstate Highway System. Each year has witnessed a new attempt toward this end and evidence in favor of this project continues to mount.

No one can deny that new highways have become triggers for dynamic industrial development. In fact, most industries mention "proximity to good highways" as a primary locational factor. Thus, since the area surrounding Route 219 abounds with open country, the construction of this expressway will definitely generate significant investment in industrial plants from North to South.

Let it be known here, Mr. Speaker, that New York and Pennsylvania, and I refer to the Pennsylvania Turnpike and the New York State Thruway, have been beguiled in the allocation of Interstate mileage. These specific highways were assigned to the Interstate mileage without proper restitution because at the time some officials felt they were within reasonable proximity of the standards for the Interstate System and followed the general routes for proposed Interstate Highways.

Authorities felt that new Interstate Highways did not have to be built in New York and Pennsylvania because the existing highways were considered "adequate." Thus, such funds were not allocated to New York and Pennsylvania but were used elsewhere. Although a great amount of Interstate mileage has since been constructed in New York and Pennsylvania, these States were actually, perhaps unwittingly, swindled in the original Interstate System allocation. The consequences of this action are being felt today.

As a result, other areas of this Nation are ahead of Pennsylvania and New York in construction of new interstate mileage and this is patently unfair to our citizens. I have offered a solution to this maladjustment. My proposal was embodied first in House Concurrent Resolution 145 in the 91st Congress and later as an amendment to H.R. 19504 in the same Congress. In this Congress, House Concurrent Resolution 78 would achieve the goal of adding Route 219 to the Interstate System. Yet the Committee on Public Works is reluctant to act favorably on my own proposal because of the adamant opposition by the Federal Highway Administration.

House and Senate committees, and Federal and State highway departments have contributed to the frustration and demise of the project. Promises have been made and broken. There have been proposals and public hearings, but little planning and actual construction has resulted.

How can such an indispensable, job-producing project fail as often as the Route 219 project, especially when genuine evidence sustains a conclusion to build—and build now?

The time has arrived when delay for any reason is unthinkable. The time has arrived for action—congressional action. Further delay would push costs out of sight. Governors, Congressmen, Senators, and State and Federal transportation officials should recognize that the Route 219 project is a necessity not only for the five States mentioned above and Appalachia as a whole but also for the entire eastern seaboard.

Once Route 219 is completed, Pennsylvania, New York, West Virginia, Maryland, and Virginia will once again contribute their full share of the economic prosperity of this great Nation. But, until that time, the area fails to reap the economic benefits of the Interstate Highway System from which the rest of the Nation profits.

As a frequent advocate for the completion of this project, I appeal to my colleagues for the initiation of and swift action toward the goal of reutilizing the "219 corridor."

AUTHORIZE ADDITIONAL FUNDS FOR PISCATAWAY PARK

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am introducing today a bill that would authorize additional funds for acquisition of interests in land within the area known as Piscataway Park in the State of Maryland. The text of the bill follows:

H.R. 15597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of October 4, 1961 (75 Stat. 780, 782), as amended (80 Stat. 319), is further amended by deleting "$4,132,000" and inserting "$5,657,000".

The act of October 4, 1961 (75 Stat. 780, 782), establishing Piscataway Park provided for acquisition in two areas. Section 2(b) of that act identified a "fee acquisition area," in which the Secretary of the Interior was authorized to acquire lands and interests in lands "by such means as he finds in the public interest." The 1961 act authorized $937,600 for that purpose, and the act of July 19, 1966 (80 Stat. 319), increased that authorization to the sum of $4,132,000.

Section 2(c) of the 1961 act identified a "scenic protection area." In this area or zone, the Secretary was authorized to accept donations of scenic easements, and to acquire easements by other appropriate means "when, in his judgment, such action appears necessary to assure the uniform application of scenic control."

The legislative history of the original enactment discloses that the land acquisition funds which were previously authorized were all allocated for the acquisition of land and interests in the "fee acquisition area." Prior to March 9, 1970, interests in lands in the "scenic protection area" were to be acquired by donation only. On that date, however, the Secretary of the Interior wrote to the chairmen of the House and Senate Interior and Insular Affairs Committees advising them that he was prepared, if necessary, to file a complaint in condemnation for the acquisition of scenic restrictions of the Moyaone-type over the Marshall Hall property. This ultimately resulted in an expenditure of $900,000 for the scenic easement over the Marshall Hall property. Also, in this area the National Park Service has purchased scenic controls amounting to an additional $438,895 for interests in land, or a total of $1,338,895 without considering administrative expenses, which have amounted to $249,467 for the total project to date, a goodly portion of which are attributable to the scenic protection area.

It is the purpose of this bill, therefore, to provide the necessary added funds to purchase uniform controls over the remainder of the properties which is estimated to cost $1,525,000 including necessary reserves for escalation if there is a delay in appropriations, potential for overages in cases which will undoubtedly go to condemnation, and the usual costs for program direction, facilitation services, surveys, updating appraisals, title, closing, and trial preparation, and so forth, thereby increasing the total authorization for appropriations from $4,132,000 to $5,657,000, as set forth in the bill.

This amount is $1,315,000 less than that which would have been provided by H.R. 11391, to authorize additional funds for land acquisition. The reason for this is that this latest amount does not include funds for purchase of fee now covered by Moyaone-type scenic easements in the fee acquisition area, and the fact that the recent settlement of the Marshall Hall suit was at a figure less than anticipated if the case had gone to trial.

GOING TO POT?

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, many citizens are continually vocalizing their discontent with this Nation and its policies. Few people, however, approach the problems and tribulations of the country with a patriotism that unquestionably merits our listening to them for the good of the Nation. Those who have suffered the loss of sons, and those who now have, or did have, sons fighting our battles represent a voice that should be heard—a viewpoint that deserves to be considered. Elwyn S. Woods, past national president of "American War Dads," recently wrote in Missouri Reveille an open letter to all war dads which covers a wide ranging subject matter of issues that confront us today. In the interest of allowing a strong patriotic segment of our population to have the attention of this body and to have its opinions heard, I insert the following letter of Elwyn S. Woods:

ELWYN S. WOODS,
PAST NATIONAL PRESIDENT,
Springfield, Mo.

DEAR WAR DAD: I was shocked by the report of the commission appointed to evaluate and recommend solutions regarding drug abuse. Perhaps we should not have been surprised. It would seem that most of these committees, after much time and I assume much expense, come up with worthless recommendations and "hoity-toity" ideas. One wonders on what basis the members were selected.

How easy it is to follow the broad road of expediency. How self-comforting to suggest agreeable permissiveness. How soul-satisfying to find a solution in perfect harmony with the ideas of the law-violator. That is the kind of mental junk they arrive at after months of exploration. It is a mental replica of Fibber McGee's closet. As Mollie used to say, "Tain't funny, Fibber."

Is it going too far out on a limb to ask—is our America going to Pot? We mean not only the smoking of the weed but the many other loose and lawless expressions of the un-American activities, some candidates and some of our courts.

Have we as Americans arrived at the point where only laws we like are to be obeyed? Have we gotten to the place where only easy enforcements are even attempted? Suspended sentences, quick paroles and minimum fines are becoming the court's answers to conviction. In California and many other states, there is no longer penalty by death for murder or assassination. In a few short years the murderers and assassins will again become the playmates of society.

Two wars we could have won and should have won. They are tragic testimony to loose political thinking. Korea and Vietnam have been utter failures—not on the part of our brave sons who fought and died but on the part of those who decided their fate and refused to let them win. Only winners receive acclaim and respect, the losers just meager sympathy. The un-seating of National China was proof of the losers share.

And now we come to amnesty for those who thought so little of their birthright that they fled rather than defend it. That kind of population decrease is helpful and wholesome. There should be no place in our America for cravens to benefit from the sacrifices of bravery. There are those favoring amnesty, who have never evidenced any personal bravery. In our opinion, they have again taken the wrong turn and are on the wrong road. Wasn't it Benedict Arnold who fled to Canada?

The red signal of danger is flashing its warning. Better to wake up to Reveille than to "Rip Van Winkle" until Taps is sounded. Dads should know this!!!

NEED FOR ADEQUATE MOBILE HOME TIEDOWNS

(Mr. FREY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FREY. Mr. Speaker, high winds and tornadoes associated with Hurricane Agnes have caused considerable property damage and human suffering for the residents of many mobile homes throughout Florida.

In many cases this could not have been avoided. However, adequate mobile home safety standards properly enforced, I am informed, would have substantially reduced the financial and human suffering now being endured by the residents of these homes.

At Big Coppit Key West north of Key West 35 persons were injured by a tornado and accompanying high winds. Eighty mobile homes were rendered unusable as compared to the destruction of four conventional homes. At North Fort Meyer 41 mobile homes were destroyed and a woman was killed in her mobile home at LaBelle, Fla.

Late yesterday a large mobile home park in southern Brevard County which is in my congressional district, was ripped apart and $47,000 worth of damage was done.

Only a few counties in Florida have enacted ordinances requiring tiedowns and, according to the Office of Civil Defense, those ordinances which have been enacted are inadequate or not enforced. The State itself has no requirement for tiedowns although a bill was introduced in the State legislature last year which failed to go anywhere.

Dade, Broward, and Monroe Counties do have local ordinances which no doubt prevented even greater damage or human injury from Hurricane Agnes and the accompanying tornadoes. However, these ordinances only require that they be tied-down to the bedrock.

The Office of Civil Defense after long and careful study have developed a tie-down regulation which is considerably stronger than those adopted in the three Florida counties.

It requires over-the-coach ties as well as frame ties to secure the home to the ground to prevent movement and overturning. In addition, their approach permits the homeowner to select the desired level of protection in terms of wind velocity. Their recommendation would provide protection against hurricane wind forces up to 130 miles per hour. The cost, I am told, would be about $150 per home.

Mobile homes that are not required to be tied down can be destroyed or rolled in winds of only 50 or 60 miles per hour. Recently for instance, 35 mobile homes were destroyed in Boulder, Colo., during a windstorm of only 65 miles per hour. The State did have a tiedown regulation but it was similar to the local ordinance in Florida and was not enforced.

The local ordinances, I am informed, are inadequate because they do not require over-the-coach ties, nor a sufficient number and kind of ties and anchors. Without over-the-coach ties, the home itself can be blown away and the frame will remain.

In order to determine the extent of damage and injury to mobile homes and their occupants as a result of "Agnes," I have requested the Office of Civil Defense and the Office of Emergency Preparedness to make a full and complete report to me on the damage to mobile homes throughout the State and whether such damage could have been minimized by more extensive use of proper tiedowns.

They expressed their concern and agreed to provide me with a detailed report in 7 to 10 days.

Legislation which I have introduced in the Congress would require the use of tiedowns such as those recommended by the Office of Civil Defense. Although some manufacturers build in tiedown straps under the skin of the home, all manufacturers should be required to do so.

Florida with its 1,300 mobile home parks and its location in the hurricane belt must have strong tiedown requirements properly enforced. Let us not wait for another tragedy to bring the lack of such requirement to our attention.

GOVERNMENT OPERATIONS COMMITTEE REPORT DOCUMENTS INEPTNESS, CORRUPTION, AND WASTE OF U.S. TAX DOLLARS IN U.S. AID PROGRAM FOR CAMBODIA

(Mr. MOORHEAD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, all Members who are concerned about Foreign Assistance legislation should be aware of the issuance by the House Government Operations Committee of House Report 92–1146, entitled "U.S. Economic Assistance for the Khmer Republic (Cambodia)."

Based on careful investigation and hearings on the Cambodian assistance program by the Foreign Operations and Government Information Subcommittee, the report is critical of the economy and efficiency of our AID program in Cambodia.

The report was adopted by the committee without a dissenting vote and had the bipartisan support of Members of our subcommittee and the full Committee as well.

The Cambodian report documents widespread ineptness on the part of AID officials, lack of proper import priorities, failure of AID officials to keep their word on assurances given to Congress on Cambodian program details, the use of economic assistance funds for military purposes prohibited by the Foreign Assistance Act, and profiteering and corruption on the part of Cambodian officials and importers, resulting in the waste of many millions of hard-earned U.S. tax dollars. Similar criticisms have been made by our subcommittee in previous reports on AID programs in Vietnam and Laos.

Mr. Speaker, as I reported in remarks on the House floor last March 16, the President, at the eleventh hour, exercised so-called "executive privilege" to prevent a cut-off of aid funds under section 634(c) of the Foreign Assistance Act in order to deny to your subcommittee access to the Cambodian AID "Country Field Submission." Copies of similar documents for Laos and Vietnam had been supplied only a few months prior to the Cambodian denial. In fact, over the past several administrations, such information had been routinely furnished the subcommittee for use in its investigations upon request.

As the committee report states (p. 46):

> It may have to be assumed that there must be facts and positions in the Cambodian Country Field Submission which administration officials do not want Congress to see, such as matters regarding the Exchange Support Fund, the $20 million cash grant, and failures of the U.S.-financed commodity import program.

> Denial of unrestricted access to all records of the Government may well preclude Congress from discharging its legislative and policymaking functions. Clearly, Congress must have reliable information about the public business. Unilateral decisions by administration officials as to what information Congress will be privileged to see, can—and freqeuntly does as shown in this report—result in administration officials presenting Congress with an incomplete and distorted picture of the programs which Congress is funding. Denial of unrestricted congressional access to records can only lead ultimately to undermining support for the programs involved.

Certainly the subcommittee investigation found that AID has made essentially no effort to determine specifically what truly essential commodities are needed by the average Cambodian. They admitted to our subcommittee that they do not have data on the demands of the Cambodian economy for essential imports. Consequently, AID officials have been approving for U.S. taxpayers' financing such imports as television sets, automobiles for Cambodian government and banking officials, soft drink concentrates, household air conditioners, electric typewriters and other luxury goods which AID told congressional committees would not be financed under the U.S. assistance program for Cambodia.

Mr. Speaker, these hardly seem like the kinds of priorities that would benefit the average Cambodian citizen. They are luxuries, not "essential commodities," by any rational judgment. Such frivolous imports by the Cambodian Government, with AID approval, do not indicate a serious determination on the part of Cambodia to survive relentless military pressures by the Communist forces that already occupy huge chunks of the Cambodian countryside.

The committee report calls for massive reforms of the U.S. economic assistance program for Cambodia and warns against continued abuses in expending U.S. tax dollars for luxury goods for Cambodians. The report states (p. 4):

> * * * U.S. officials made it clear in their testimony that economic assistance to Cambodia was to be limited to supplying essential commodities needed to meet the minimal import needs of the Cambodian people. The fact remains, however, that AID's concept of essential assistance appears to contain too much of a "luxury" flavor. The Government of Cambodia is, or should be, fighting for its political and economic survival. The U.S. has agreed to assist it. In doing so, however, it neither benefits Cambodia nor future U.S. public support for U.S. economic assistance if a "business-as-usual" attitude is maintained.

The report states (p. 7):

> If Cambodia desires to obtain economic assistance for the maintenance of a "business-as-usual" victory, it should approach affluent neighbors and trading partners. The United States can no longer sustain such affluent practices, especially in light of its tenuous international economic conditions. The sooner the Department of State and the Agency for International Development, as well as other nations, recognize this fact the better off the American economy will become.

The subcommittee's investigation uncovered the fact that part of U.S. aid commodities shipped to Cambodia were being reinsured by a Soviet state-owned insurance company. AID officials admitted in testimony that such Soviet-bloc companies could well be providing such insurance for millions of AID-financed commodities in the Far East.

Mr. Speaker, the committee report is also highly critical of the role of the Cambodian exchange support fund as a device to finance needs of the Cambodian civilian population. Last December, the committee issued a report showing wide corruption and administrative failure of a similar fund in Laos, the foreign exchange operations fund. (See RECORD, page 21211, June 15, 1972.)

The present report also calls upon the administration to collect, as soon as possible, the $2 million owed to the United States by the Cambodian Government in delinquent claims from the pre-1964 U.S.-financed assistance program to Cambodia.

The report likewise criticizes certain project assistance to Cambodia, not authorized by Congress, and the use of economic assistance funds for military purposes, clearly prohibited by the Foreign Assistance Act.

Most of us have supported foreign aid programs in the past, Mr. Speaker, but it becomes increasingly difficult when there is so much waste and bungling such as that we have uncovered during our Cambodian investigation and failure by AID officials to keep faith with Congress to do what they tell us they will do.

AID officials became so obsessed with "stabilizing" the Cambodian economy and installing "economic reforms" that—even before Congress appropriated fiscal year 1972 funds—AID officials gave $20 million of U.S. tax dollars to Cambodia as a no-strings-attached gift. Of that amount, $10 million was to "buy" devaluation of the Cambodian currency. The other $10 million was to encourage Cambodian officials to establish an "exchange support fund" so that AID officials would be able to give away American taxpayers' dollars to Cambodia for those kinds of goods that AID could not—legally—finance out of its commodity import program from the United States. Virtually all of that business went elsewhere; goods were imported from other nations and benefited foreign workers and foreign industries, not American producers or American workers.

Mr. Speaker, in a short time it is difficult to summarize the many shockingly incredible findings of waste and corruption in the Cambodian assistance program that are documented in our 61-page report. Copies may be obtained from the subcommittee office—extension 5-3741.

I ask unanimous consent to insert at this point the recommendations for cleaning up the Cambodian AID mess, as contained in our report:

> III. RECOMMENDATIONS
>
> The committee recommends that the Secretary of State, the Administrator of the Agency for International Development, and the appropriate committees of Congress:
>
> 1. Reexamine the desirability and acceptability of committing U.S. financial resources to the Exchange Support Fund for Cambodia.
>
> 2. Reexamine the desirability and acceptability of preferential exchange rates for U.S. financed commodities for Cambodia.
>
> And, the committee further recommends that the Secretary of State and the Administrator of the Agency for International Development take immediate action to:
>
> 3. Collect, as soon as possible, the $2 million due from Cambodia for irregularities in the pre-1964 U.S. assistance program to Cambodia.
>
> 4. Assign experienced, well-qualified personnel to determine specific essential commodity needs of the Cambodian civilian population and to adequately audit and monitor U.S. economic assistance in Cambodia.
>
> 5. Redirect the U.S. economic assistance for Cambodia into a true U.S. source commodity import program limited to minimal essential import needs of the Cambodian civilian population as clearly intended by Congress. Full consideration should be given to utilizing authority granted in titles I and II of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480).
>
> 6. Arrange to the maximum extent practical for prompt procurement of U.S. financed commodity needs for Cambodia by full use of other U.S. government agencies, such as the General Services Administration.
>
> 7. Insure that U.S. economic assistance is not used for project funding, or to meet military needs in Cambodia—either directly or indirectly—unless specifically authorized and funded by Congress.

SALUTE TO EDUCATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, now that we have approved and sent to the White House a landmark higher education bill, it seems appropriate that we should address ourselves to the Salute to Education being planned by the National Education Association for June 21.

I am pleased to join in this Salute to Education because the primary thrust of it is a salute to that most outstanding and precious individual in our midst, the dedicated and devoted teacher.

I have fond memories of several teachers, going back to my high school days. These were teachers who would have had a tremendous impact on my life whether the classroom in which they held forth was excellently equipped or poorly furnished. It was the personality and the spirit of the teacher that sparkled. They loved to teach, and they found every boy and girl a challenge—an individual to be inspired to achieve his greatest potential.

This, of course, is the basic objective of education—to develop the potential of the young, to encourage them to accept responsibility and to channel their creative idealism productively—for the good of themselves, their families, their community, and the Nation.

Many of our teachers are doing an excellent job. This is one of the reasons young people today are more knowledgeable about national and international affairs than was any previous generation.

In my view, the teacher is the most important individual in a community. It is he or she who is entrusted with the most precious resource our community and Nation possess—our young people. So it is that teachers need to be dedicated, inspirational, judicious, patient and firm. Theirs must be the spirit of genuine dedication, and this must be the spirit of education.

I hope this spirit of dedication will spread ever farther and faster as we carry out this month this Salute to Education and to our Nation's teachers.

LATVIA, LITHUANIA, AND ESTONIA

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, 32 years ago this month the Soviet Union invaded Latvia, Lithuania, and Estonia and took over these peace-loving Baltic republics. In June of 1941 the Soviet Union began mass deportation of the Baltic peoples, sending more than 150,000 Latvians, Lithuanians, and Estonians to slave labor camps in Siberia.

Since June of 1940, Lithuania, Latvia, and Estonia have lost more than one-fourth of their combined populations through the deportation and resettlement programs of the Soviet Union. According to the National Executive Committee of the Lithuanian American Community of the USA, Inc., this practice continues even today, with no end in sight.

Lithuania's Roman Catholics appear to be the primary target of the Soviet Union's repressive actions. Two recent events point up their plight.

In March 1972 a petition bearing 17,054 signatures was forwarded to Dr. Kurt Waldheim, Secretary General of the United Nations. The courageous signers were appealing to the United Nations to relay their protest to Leonid Brezhnev, secretary-general of the Russian Communist Party, because three previous letters to Brezhnev had gone unanswered.

A few days before President Nixon's visit to Moscow last month, a young Lithuanian burned himself to death after dousing his clothes with gasoline. His funeral in Kaunas, Lithuania's second city, touched off 2 days of riots involving mainly young people shouting "Freedom for Lithuania." It is said that 200 of the demonstrators are in jail awaiting trial.

Mr. Speaker, the Soviet Union has signed the U.N. Declaration of Human Rights. The United States and other free world nations should urge the Kremlin to make the rights described in the declaration available to the Balts and other captive peoples. If the Soviet leaders had the courage to carry out such reforms there would be no acts of self-immolation to shock the conscience of the world.

THE LATE HONORABLE PHIL J. PHILBIN

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, all of us who knew him mourn the death of former Congressman Phil J. Philbin.

Phil was a fine man, and a good personal friend of mine. He served in this House for 28 years and performed conscientiously on the House Armed Services Committee, which he headed for a few days after the death of L. Mendel Rivers.

Phil was not just a good-natured grey eminence. He lived quite a colorful life. While attending Harvard University as a youth, Phil was a spirited debater and a rugged center on the last Crimson football team to play in the Rose Bowl. Incidentally, that team defeated Oregon for Rose Bowl honors.

After receiving his degree from Harvard, Phil became line coach at Columbia University under former Harvard coach P. D. Houghton. While coaching, Phil resumed his studies and earned a law degree.

In Massachusetts, Phil was an attorney, a businessman and a farmer. He also served as secretary, campaign manager and personal representative to U.S. Senator David L. Walsh.

Before coming to Congress, Phil served as special counsel to the Senate Committee on Education and Labor, referee with the U.S. Department of Labor, and member of the advisory board of the Massachusetts Unemployment Compensation Commission.

First elected to the House in 1942, Phil served under six presidents and served in the House with three men who later became president—John F. Kennedy, Lyndon B. Johnson and Richard M. Nixon.

Mr. Speaker, we will all miss Phil Philbin especially those of use who knew him well. He was a gentleman and an all-around great guy. I extend my condolences to his two daughters.

The House has lost an outstanding legislator and the Nation a real American.

COOLEY'S ANEMIA—A FACT SHEET

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, Cooley's anemia presently afflicts about 200,000 persons in the United States, and tragically most of them are children. The disease, specifically identified about 1925 by Dr. Thomas B. Cooley, is a disorder of the hemoglobin of the blood and is transmitted generically. The victims of this disorder suffer malformed development leading to brittle, easily broken bones and alteration of facial appearance. In most instances, death occurs before the 20th year.

The existing programs in the research of the causes and possible cure for this disease are totally inadequate. There is no known cure. Treatment consists solely of the frequent administration of costly blood transfusions to alleviate the constantly recurring anemia. These research programs must be given adequate monetary resources to carry their activities to positive effect. Earlier this year, I introduced H.R. 14109, National Cooley's Anemia Control Act, to provide $7.1 million for research, treatment, and training programs to ease and eventually eliminate the agony of Cooley's anemia. I urge my colleagues to support this necessary legislation.

I commend the following excellent concise fact sheet prepared by the Life Sciences Division of the Library of Congress to the attention of my colleagues:

COOLEY'S ANEMIA: A FACT SHEET

Cooley's anemia is an inherited blood disease characterized by a diminished production of hemoglobin, the substance in red blood cells which enables them to carry oxygen to the tissues of the body. The result of this inadequate production of hemoglobin is a particular form of anemia. Dr. Thomas B. Cooley, an American physician, discovered and labeled this disease around 1925.

Cooley's anemia, also known as Mediterranean anemia or thalassemia major, is found in children whose ancestors were natives to the countries surrounding the Mediterranean Sea. In America, these children are of predominately Greek and Italian origin, although because of widespread intermarriage the disorder is also found in children of Irish, Scandinavian, Jewish, Oriental, and Turkish descent.

There are two forms of Cooley's anemia: the severe form, called thalassemia major; and the carrier or trait form, thalassemia minor. The difference between these forms depends on whether the individual has inherited half or all of the genetic code or defective hemoglobin synthesis from his parents. Following Mendelian laws, two carriers of the trait who marry may have the possibility of producing the trait in 50% of their offspring, and the disease, Cooley's anemia, in 25% of their offspring.

Individuals with the carrier form of thalassemia minor are not handicapped with any physical defects; in fact the only physical sign or symptom of the trait may be a change in the size and shape of the red blood cells. Individuals with the carrier form of the disorder have a normal life span and enjoy normal health. The trait (thalassemia minor) never increases in severity or converts to the severe form of the disease. At present the chief methods of detecting the carrier form involve a number of hematologic tests including electrophoresis.

Thalassemia major is usually detectable during the first year of life; its early signs include pallor, listlessness, loss of appetite, and irritability. An examination of the victim's blood will show changes in the size, shape, and numbers of red blood cells, and a variety of abnormal characteristics in special properties of the blood cells, in addition to severe anemia. Individuals with thalassemia major rarely live beyond the age of 20, and from their first year of life may have to undergo blood transfusions almost daily in order to maintain a blood count sufficient for survival. The anemia itself is basically caused by a reduction in the rate at which red blood cells are formed in the bone marrow and released to the blood stream. In Cooley's anemia, these defective red blood cells do not survive more than one-third to one-half of the life span of normal red blood cells. There is often an enlargement of the spleen which causes further complications in the rate of blood cell production. The anemia created from this low rate of production leads to severe handicaps in its young victims. Cooley's children tend to be small for their age because bone growth is poor. In addition, they suffer malformed bone development leading to brittle, easily-broken bones and an altered, somewhat monogoloid, facial appearance. The child afflicted with Cooley's anemia cannot usually engage in strenuous physical activities since the anemia causes fatigability.

There is no know cure for Cooley's anemia. At present the only effective treatment is supportive therapy such as the administration of blood transfusions to alleviate the constantly recurring anemia. Some children require transfusions several times a week; some very rarely. Besides the inconvenience of these transfusions, they also add the problem of creating excess amounts of iron in the body which then collects in the liver, heart, pancreas, and other vital body organs. This iron overload may eventually lead to failure of the liver, pancreas and endorcrine organs, and heart. There are chemicals that can remove this excess iron, but those presently available are too toxic for clinical use.

There are no statistics available on the exact number of cases of Cooley's anemia in the United States. It is estimated though that there are around 200,000 individuals in this country who are carriers of the trait.

TAXING ART

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on May 30, I introduced H.R. 15215 to rectify what is clearly a significant inequity in the charitable contributions sections of the Internal Revenue Code. Under present tax laws, an artist who donates any of his artistic works to a museum or to any charitable organization is permitted to deduct only the cost of the materials he used to create it. Thus, if a painter donates any of his paintings, he may deduct only the cost of his canvas, paint, and other materials, regardless of the worth of the painting on the market. If a composer creates and contributes a musical score, he may deduct only the value of the supplies he used to write that score.

My legislation would correct this inequity by permitting the artist to deduct the full fair market value of a literary, musical, or artistic composition which was created by his personal efforts and which he has donated to a charitable organization. If passed, this proposal would help not only the many thousands of artists who today are unable to deduct the full market value of their creations, but the museums and the viewing public who would benefit from such donations.

I am pleased to have editorial support for this legislation. I would like to include at this point an excellent editorial from the Trumbull, Conn., Times, which concisely sums up the issue at hand, and the need for reform.

TAXING ART

In this season when presidential candidates are stomping one another in the race to see who can find more tax loopholes to close, Connecticut Fifth District Congressman John S. Monagan is surely running counter to the prevailing wind when he proposes to open one.

Not only is the Waterbury Democrat displaying courage, he is also making sense.

Mr. Monagan wants to change a section of the income tax laws which states that an artist who donates a painting, a sculpture, a manuscript, or a musical score to a museum or charitable organization may only deduct the cost of the materials used to create it.

In other words, Michaelangelo, supposing he were alive and here, could substract only the price of the marble used as the raw material of his recently abused Pieta if he desired to donate it to the Metropolitan Museum of Art.

Leonardo Da Vinci would only recoup the value of a few square feet of canvas and perhaps a few pints of paint, if his gift was the Mona Lisa.

Ernest Hemingway would hardly find it worthwhile to mention the typing paper he uses for the first draft of "Farewell to Arms," nor would Beethoven get much satifaction from listing the parchment on which he scored the "Fifth Symphony."

With all respect to the Internal Revenue Service, it is not the material that matters, but the genius of the artist which shapes it into a thing of beauty, a masterpiece that will inspire men for ages to come.

When a man parts with such a creation for the benefit of others, he deserves due credit for the sacrifice he makes.

Mr. Monagan would allow him to deduct the full market value of his composition.

How does one assess the value of a masterpiece?

The question is difficult but not impossible to answer. Another artist or a connoisseur should make the appraisal. One thing is sure. It will come to more than the going rate for canvas—or typing paper.

HURRICANE AGNES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am concerned at information reaching me about inept reporting on Hurricane Agnes by the Weather Bureau in the northwest Florida gulf coast area. Apparently the hurricane was portrayed as much more dangerous than it proved to be. Now it must be said for the Weather Bureau that they seek to save lives and property and this is what they should do. Yet the reports which were received in the local area and the resulting calls for evacuation frightened many people unduly. These situations can readily produce a panic situation. It produced a serious adverse effect upon the local economy at the height of the summer tourist season.

Local sources have advised me that winds which were reported nationwide, were stated to be 85 miles per hour in velocity when they actually were clocked locally at 45 miles per hour. This is not good publicity for any community.

There were spotty reports and for long periods nonexistent reports during the period just before the storm struck, nor was there up-to-the-minute reporting during the progress of the storm over land.

Possibly the storm was not a hurricane during its passage through upper gulf waters, but a tropical disturbance, a very important difference. This faulty reporting could have resulted from failure to send out a sufficient number of hunter planes to obtain accurate information on the force and progress of the storm.

I expect a full accounting from the Weather Bureau on this matter and if the statements which have been reported to me are substantiated, I will seek an investigation into this phase of Weather Bureau services.

THE GREAT WIRETAP AFFAIR—FROM THE FOLKS WHO BROUGHT YOU ITT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, it is a measure of how far we have come in the past 4 years that no one was really very surprised by the newspaper accounts this morning of the arrest of five men who were hired to bug the Democratic National Convention.

Increasingly over the past 4 years, President Nixon's projected "father image" has come to resemble a "big brother" image.

The Nixon administration has taken the position in congressional testimony and in court that electronic surveillance is a useful weapon in the Government's arsenal to deal with criminal elements and with individuals or organizations considered by the Attorney General to represent a threat to the Government and political system of the United States.

There are those who might argue that some of our Attorneys General are a greater threat to the Government and political system than the groups they seek to monitor.

Senator ERVIN's hearings last year disclosed widespread electronic eavesdropping by the Army, directed at all kinds of public and private figures, most of whom became candidates for official snooping by virtue of their opposition to the war in Vietnam.

And now, with these latest arrests, it appears that mere opposition to the reelection of President Nixon is sufficient to open people's private lives to official scrutiny.

Needless to say, we can expect to hear indignant disclaimers from administration spokesmen to the effect that these five men were acting on their own, without the authorization or knowledge of the administration or of the Republican Party.

Their disclaimers will enjoy about as much credibility as ITT received when it explained that Dita Beard's files were shredded overnight as part of a general office cleanup.

It is not mere coincidence that one of the men arrested has been affiliated with the CIA and was named by the Republican National Committee to direct convention security for the Republicans in Miami. It is not mere coincidence that one of the men arrested has a history of doing undercover work for hire at the request of the White House.

Mr. Speaker, it is apparent that the Nixon camp has forgotten which end is supposed to be up in a democratic government. Governments exist to serve the people, not to enslave them. Governments ought to work to eliminate fear, not to instill it.

I am hopeful that the chickens will come home to roost in November, when the voters of America will remind Richard Nixon just how much his administration bugs us all.

THE IMPORTANCE OF EDUCATION IN A FREE SOCIETY

(Mr. BEVILL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEVILL. Mr. Speaker, a free, self-governing society, if it is to remain so, requires a broadly educated citizenry. In a society where the policymaking power is wielded by the people, the people must be well educated for the Nation to be governed in a wise manner.

This characteristic of our society has been recognized since the initial days of the Republic, and has spurred us to create the most extensive and generously financed education system on earth. Americans have always pursued education with an almost religious fervor. Yet, in order to maintain a society that is truly free, the quality and type of education is even more important than the size of the system. I believe our education leaders have been successful in providing us with quality educational programs while, at the same time, accommodating ever-increasing numbers of students. I believe it is good for us to pause from time to time and pay tribute to those people who have contributed so much toward making our system what it is today. Teachers, administrators, and everyone associated with education are to be commended for their dedication and service to their Nation.

This is certainly the proper time of year to offer a "Salute to Education." To the teachers and other personnel in my congressional district and State I want to thank you for your efforts this past year and offer my continuing support during the coming years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Brasco (at the request of Mr. O'Neill), for Monday, June 19, and Tuesday, June 20, on account of official business.

Mr. Corman, for today on account of official business.

Mr. Murphy of Illinois (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Pepper (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Rangel (at the request of Mr. O'Neill), for Monday, June 19, and Tuesday, June 20, on account of official business.

Messrs. Keating and Sandman (at the request of Mr. Gerald R. Ford), on account of official business with the Select Committee on Crime.

Mr. Winn (at the request of Mr. Gerald R. Ford), for June 19 and 20, on account of official business with the Select Committee on Crime.

Mr. Preyer of North Carolina (at the request of Mr. Mazzoli), for today, on account of official business.

Messrs. Fountain and Henderson (at the request of Mr. Mazzoli), until 2 p.m. today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Kee, for 30 minutes, today, and to revise and extend his remarks.

Mr. Holifield, for 20 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Mallary), to revise and extend their remarks, and to include extraneous matter:)

Mr. Halpern, on today, for 5 minutes.

Mr. Schwengel, on today, for 30 minutes.

Mr. Wyman, on today, for 5 minutes.

Mrs. Heckler of Massachusetts, on today, for 10 minutes.

(The following Members (at the request of Mr. Mazzoli), to revise and extend their remarks, and to include extraneous matter:)

Mr. Aspin, today, for 5 minutes.

Mr. Gonzalez, today, for 10 minutes.

Mr. Roy, today, for 10 minutes.

Mr. Fauntroy, today, for 5 minutes.

Mr. Begich, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Holifield, on his special order today.

Mr. Steed to revise and extend remarks made in Committee of the Whole and to include extraneous matter.

Mr. Moorhead, and to include extraneous material with his remarks today in the Committee of the Whole.

(The following Members (at the request of Mr. Mallary, and to include extraneous matter:)

Mr. Robison of New York.

Mr. Halpern in three instances.

Mr. Springer in two instances.

Mr. Anderson of Illinois in two instances.

Mr. Chamberlain.

Mr. Conover in two instances.

Mr. Broomfield.

Mr. Zwach.

Mr. Hosmer in two instances.

Mr. McDade.

Mr. Wyman in two instances.

Mr. Lent in three instances.

Mr. Wyatt.

Mr. Derwinski in two instances.

Mr. Kemp in two instances.

Mr. Goldwater.

Mr. McKinney.

Mr. Landgrebe in two instances.

Mr. Bob Wilson.

Mr. Gude in five instances.

Mr. Price of Texas in two instances.

(The following Members (at the request of Mr. Mazzoli), and to include extraneous matter:)

Mr. Dent.

Mr. Ullman in five instances.

Mr. O'Neill in two instances.

Mr. Roybal in 10 instances.

Mr. Macdonald of Massachusetts in three instances.

Mr. Biaggi in 10 instances.

Mr. Minish.

Mrs. Griffiths.

Mr. Rees.

Mr. James V. Stanton.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Rogers in five instances.

Mr. Hungate.

Mr. Hagan.

Mr. Brinkley.

Mr. Hanna in five instances.

Mr. Begich.

Mr. Roe in two instances.

Mrs. Hicks of Massachusetts in three instances.

Mr. Hamilton in 10 instances.

Mr. Anderson of Tennessee.

Mr. Ichord.

Mr. Davis of Georgia in five instances.

Mr. Stokes.

Mr. Wolff in two instances.

Mr. Celler.

Mr. Drinan.

Mr. Waldie in six instances.

Mr. Jacobs in two instances.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3443. An act to amend and extend the Juvenile Delinquency Prevention Control Act of 1968; to the Committee on Education and Labor.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9580. An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning fees for the operation of certain motor vehicles, and the enforcement of traffic laws.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 3104. An act to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports; and

S. J. Res. 211. Joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On June 15, 1972:

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes; and

H.R. 13034. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the Act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

On June 19, 1972:

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

On June 20, 1972:

H.R. 9580. An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning fees for the operation of certain motor vehicles, and the enforcement of traffic laws.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 21. 1972. at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2093. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July 1971–March 1972, pursuant to section 10(d) of the Small Business Act. as amended; to the Committee on Banking and Currency.

2094. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of a determination by the Secretary of State permitting an increase in military assistance for Ethiopia, pursuant to section 653(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2095. A letter from the Governor of the Canal Zone, transmitting a draft of proposed legislation to authorize the President to prescribe regulations relating to the purchase, possession, consumption, use. and transportation of alcoholic beverages in the Canal Zone; to the Committee on Merchant Marine and Fisheries.

2096. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend section 707 of the Social Security Act; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

2097. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Government National Mortgage Association for fiscal year 1971, Department of Housing and Urban Development (H. Doc. 92–313); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. Report on defaults on FHA-insured home mortgages, Detroit, Mich. (Rept. No. 92–1152). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15003. A bill to protect consumers against unreasonable product hazards; with an amendment (Rept. No. 92–1153). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 1021. A resolution providing for the consideration of H.R. 15390. A bill to provide for a 4-month extension of the present temporary level in the public debt limitation (Rept. No. 92–1154). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15507. A bill to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes (Rept. No. 92–1155). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 15587. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. ABOUREZK:

H.R. 15588. A bill to amend the Disaster Relief Act of 1970 to provide aid to public recreation facilities; to the Committee on Public Works.

By Mr. EVANS of Colorado:

H.R. 15589. A bill to gear the income tax more closely to an individual's ability to pay, to broaden the income tax base of individuals and corporations, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 15590. A bill to provide for the safety of motor homes, campers, and mobile homes in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H.R. 15591. A bill to amend the Railroad Retirement Act of 1937 to provide for the payment of spouse's and widow's annuities to certain divorced wives of retired or deceased employees; to the Committee on Interstate and Foreign Commerce.

H.R. 15592. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts (for herself and Mr. Podell):

H.R. 15593. A bill to establish in the Public Health Service an institute for research on dysautonomia, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ICHORD (for himself, Mr. Aspinall, Mr. Hunt, Mr. Zion, Mr. Hutchinson, Mr. Steiger of Arizona, Mr. Hogan, Mr. Schmitz, Mr. Goldwater, Mr. Davis of South Carolina, Mr. Mathis of Georgia, Mr. Spence, Mr. Montgomery, Mr. Collins of Texas, Mr. Roy, and Mr. Rousselot):

H.R. 15594. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. ICHORD (for himself, Mr. Colmer, Mr. Burleson of Texas, Mr. Rhodes, Mr. Hull, Mr. Broomfield, Mr. Lennon, Mr. Collier, Mr. Roberts, Mr. King, Mr. Henderson, Mr. Pike, Mr. Ashbrook, Mr. Burlison of Missouri, Mr. Charles H. Wilson, Mr. Cleveland, Mr. Broyhill of North Carolina, Mr. Vander Jagt, Mr. Kuykendall, and Mr. Thompson of Georgia):

H.R. 15595. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. KEE (for himself and Mr. Schwengel):

H.R. 15596. A bill; non-point source pollution from agricultural, rural and developing areas; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 15597. A bill to authorize additional funds for acquisition of interests in land within the area known as Piscataway Park in the State of Maryland; to the Committee on Interior and Insular Affairs.

By Mr. STEED:

H.R. 15598. A bill to determine the rights and interests of the Choctaw Nation, the Chickasaw Nation, and the Cherokee Nation in and to the bed of the Arkansas River below the Canadian fork and to the eastern boundary of Oklahoma as it existed at the time of the Treaty at Doak's Stand, October 18, 1820, 7 Stat. 210, Proclamation, January 8, 1821, and lands accreted thereto and lands which have since emerged by evulsive action; to the Committee on Interior and Insular Affairs.

By Mr. WAGGONNER:

H.R. 15599. A bill to provide that the terms of pension, retirement, and similar insurance plans which call for different retirement ages for men and women shall be unlawful; to the Committee on Education and Labor.

By Mr. BOB WILSON:

H.R. 15600. A bill to provide retroactive pay to certain members of the Armed Forces held as prisoners of war during World War II; to the Committee on Armed Services.

H.R. 15601. A bill to amend section 410(a) of title 38, United States Code, to provide a statutory presumption of service-connected death of any veteran who has been rated totally disabled by reason of service-connected disability for 20 or more years; to the Committee on Veterans' Affairs.

By Mr. WYATT:

H.R. 15602. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 15603. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 15604. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 15605. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include in the definition of law enforcement the enforcement of laws, ordinances, and regulations in any State relative to environmental recreation, including parks; to the Committee on the Judiciary.

By Mr. BEVILL:

H.R. 15606. A bill to provide for the establishment of the Cathedral Caverns National Monument in the State of Alabama, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Massachusetts (for himself, Mr. Hosmer, Mr. Charles H. Wilson, Mr. Dulski, Mr. McKinney, Mr. Steele, Mr. Keith, Mr. Anderson of California, Mr. Van Deerlin, Mr. Dellums, Mr. Edwards of California, Mr. Bell, and Mr. Leggett):

H.R. 15607. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Hosmer, Mr. Charles H.

Wilson, Mr. Dulski, Mr. McKinney, Mr. Steele, Mr. Keith, Mr. Anderson of California, Mr. Van Deerlin, Mr. Dellums, Mr. Edwards of California, Mr. Bell, Mr. Leggett, and Mr. Diggs):

H.R. 15608. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. GRAY (for himself, Mr. Pepper, Mr. Matsunaga, Mr. Anderson of Tennessee, Mr. Smith of California, Mr. O'Neill, Mr. Anderson of Illinois, Mr. Martin, Mr. Quillen, Mr. Latta, Mr. Abernethy, Mr. Whitten, Mr. Griffin, Mr. Madden, Mr. Montgomery, Mr. Delaney, Mr. Bolling, Mr. Sisk, and Mr. Young of Texas):

H.R. 15609. A bill to provide that the Federal building to be constructed in Hattiesburg, Miss., shall be named the "William M. Colmer Federal Building"; to the Committee on Public Works.

By Mr. GUBSER:

H.R. 15610. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 15611. A bill to establish a system of wild areas within the lands of the national forest system; to the Committee on Agriculture.

By Mr. HOGAN (for himself, Mr. Sarbanes, Mr. Dellums, Mr. Coughlin, Mr. Gude, Mr. McKinney, Mr. Schwengel, Mr. Broyhill of Virginia, and Mr. Mitchell):

H.R. 15612. A bill to amend the Washington Area Transit Authority compact to require the inclusion of rail commuter service in the mass transit plan, and for other purposes; to the Committee on the District of Columbia.

By Mr. KOCH:

H.R. 15613. A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. MARTIN:

H.R. 15614. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.R. 15615. A bill to improve the private retirement system by allowing individuals to establish their own pension plans; to the Committee on Ways and Means.

By Mr. SCHWENGEL:

H.R. 15616. A bill granting the consent and approval of Congress to an agreement between the States of Illinois and Iowa relating to the establishment by certain of their political subdivisions of a regional air pollution control board; to the Committee on the Judiciary.

By Mr. Railsback:

H. Res. 1022. Resolution amending the rules of the Houes by adding rule XLV on House-authorized Federal budget; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAMMERSCHMIDT:

H.R. 15617. A bill for the relief of Lucie Stein; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 15618. A bill for the relief of Cornelia Lydia Holder Littlejohn; to the Committee on the Judiciary.

SENATE—*Tuesday, June 20, 1972*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. Harry F. Byrd, Jr., a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, before whom the generations rise and pass away, we thank Thee for days that are past and work that is done. We thank Thee now for the new day and for work yet to be done. By Thy strength and in Thy wisdom help us to undertake our tasks as did our forefathers, holding firmly to truth and justice, striving for the better world that is yet to be—

"March on, O soul, with strength,
As strong the battle rolls,
Gainst lies and lusts and wrongs,
Let courage rule our souls:
In keenest strife, Lord, may we stand
Upheld and strengthened by Thy hand."
—George T. Coster.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The second assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., June 20, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Harry F. Byrd, Jr., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. HARRY F. BYRD, JR., thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, June 19, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFENSE PRODUCTION ACT OF 1950

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 829, S. 3715.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

S. 3715, to amend and extend the Defense Production Act of 1950.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(b)), is amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1985".

Sec. 2. The first sentence of section 717(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2166(a)), is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1974".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–868), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The bill would extend the Defense Production Act of 1950 for 2 years—from the present expiration date of June 30, 1972, to June 30, 1974. The bill would also amend the Defense Production Act by extending from June 30, 1975, to June 30, 1985, the time in which purchase and sales contracts may be entered into concerning materials in the Defense Production Act inventory.

GENERAL STATEMENT

The bill would extend for 2 additional years, through June 30, 1974, the remaining temporary powers of the President under the Defense Production Act of 1950. These include power to establish priorities for defense contracts; power to allocate materials for defense purposes; authority to guarantee loans made in connection with defense contracts; authority to make loans and purchases to build up our defense capacity and assure supplies of defense materials and to carry out existing contracts; authority to employ without compensation and when actually employed employees, including advisers and consultants; and provision for the establishment of a reserve of trained executives to fill Government positions in time of mobilization. The Act also establishes the Joint Committee on Defense Production.

These powers are scheduled to expire on June 30, 1972. They must be extended. Some of the powers are needed now to maintain production schedules on missiles and all other defense contracts; others are needed for longer range preparedness programs; and other powers must be maintained in readiness for immediate use in possible future emergencies.

The bill would also amend section 303(b) of the act to extend from June 30, 1975, to June 30, 1985, the authority to enter into commitments to purchase materials for the Defense Production Act inventory and sell materials already contained in that inventory. The extension of this restriction is important not only from the standpoint of new purchases which might be contemplated, but it is critical from the standpoint of ongoing disposal programs for the sale of excess Government contracts which would extend beyond 1975. The bulk of the remaining Defense Production Act inventory consists of materials which can best be disposed of through long-term contracts which permit introduction of these materials into markets with minimum disruption. The General Services Administration would be precluded from entering into favorable long-term agreement for the disposal of such excess materials unless this extension is made. The most recent amendment of this section was contained in Public Law 88-343, approved June 30, 1964, which extended from June 30, 1965, through June 30, 1975, the maximum period which these sales could be made.

Hearings were held on two bills to amend the Defense Production Act, S. 669 and S. 1901, on April 12 and 13, 1972. Testimony was received from Gen. George A. Lincoln, Director of the Office of Emergency Preparedness, Hon. Elmer B. Staats, Comptroller General of the United States, and other interested persons. The committee voted unanimously to report this committee bill to the Senate.

PREVIOUS LEGISLATION

The Defense Production Act of 1950 (Public Law 774, 81st Congress, 64 Stat. 799, 50 app., U.S.C. 207) was approved September 8, 1950. The original act contained seven titles:

Title I. Priorities and allocations.

Title II. Authority to requisition.

Title III. Expansion of productive capacity and supply.

Title IV. Price and wage stabilization.

Title V. Settlement of labor disputes.

Title VI. Control of consumer and real estate credit.

Title VII. General provisions.

The various titles of the act were amended, extended, or terminated by the following public laws:

Public Law 69, 82d Congress, approved June 30, 1951 (65 Stat. 110).

Public Law 96, 82d Congress, approved July 31, 1951 (65 Stat. 131).

Public Law 429, 82d Congress, approved June 30, 1952 (66 Stat. 296).

Public Law 94, 83d Congress, approved June 30, 1953 (67 Stat. 121).

Public Law 95, 83d Congress, approved June 30, 1953 (67 Stat. 129).

Public Law 94, 84th Congress, approved June 28, 1955 (69 Stat. 180).

Public Law 119, 84th Congress, approved June 30, 1955 (69 Stat. 225);

Public Law 295, 84th Congress, approved August 9, 1955 (69 Stat. 580).

Public Law 632, 84th Congress, approved June 29, 1956 (70 Stat. 408).

Public Law 85-471, approved June 28, 1958 (72 Stat. 241).

Public Law 86-560, approved June 30, 1960 (74 Stat. 282).

Public Law 87-305, approved September 26, 1961 (75 Stat. 667).

Public Law 87-505, approved June 28, 1962 (76 Stat. 112).

Public Law 88-343, approved June 30, 1964 (78 Stat. 235).

Public Law 89-346, approved November 8, 1965 (79 Stat. 1310).

Public Law 89-482, approved June 30, 1966 (80 Stat. 235).

Public Law 90-370, approved July 1, 1968 (82 Stat. 279).

Public Law 91-151, approved December 23, 1969 (82 Stat. 856).

Public Law 91-300, approved June 30, 1970 (84 Stat. 367).

Public Law 91-371, approved August 1, 1970 (84 Stat. 694).

Public Law 91-379, approved August 15, 1970 (84 Stat. 796).

Public Law 92-15, approved May 18, 1971 (85 Stat. 38).

Titles II and VI terminated June 30, 1953. Titles IV and V terminated April 30, 1953. The remaining powers of titles I (except section 104), title III, and title VII (except sections 708, 714, and 719) under present law will terminate June 30, 1972.

RECORDS OF EMERGENCY LOAN GUARANTEE BOARD

During the hearings on S. 699 and S. 1901, the Comptroller General testified about access to information on the Lockheed loan guarantee. The Comptroller General indicated that while the GAO has received all the data it has requested from Lockheed Aircraft Corp., his office has not been able to obtain certain records of the Emergency Loan Guarantee Board established by the Emergency Loan Guarantee Act (Public Law 92-70). These records involve the information on which the Board relied in approving a $250 million loan guarantee for the Lockheed Aircraft Corp., including several credit analyses of the company prepared by the New York Federal Reserve Bank. The Act requires the Board to make certain statutory findings before approving a loan guarantee, including a finding that the prospective earning power of a loan guarantee applicant furnishes reasonable assurance that the loan will be repaid.

The Comptroller General has testified that the chairman of the Emergency Loan Guarantee Board has clearly violated the Budget and Accounting Act of 1921, as well as other statutes in not giving the GAO access to the aforementioned records of the Emergency Loan Guarantee Board. On the other hand, the General Counsel of the Treasury has written that the Board is not legally required to make such information available to the General Accounting Office.

This committee does not wish to referee a legal dispute between the Comptroller General and the Emergency Loan Guarantee Board. However, there are certain overriding questions of public policy which transcend the legal arguments involved. In view of the highly controversial nature of the Lockheed loan guarantee and the size of the U.S. financial commitment, this committee believes the Emergency Loan Guarantee Board should cooperate fully with the GAO in making its records available. In passing the Emergency Loan Guarantee Act, the committee does not believe that Congress intended to deny to the GAO any information of a type which it has customarily collected in the past from other Government agencies, or authorize GAO access to records which it has not customarily collected in the past from other Government agencies.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The distinguished Republican leader is now recognized.

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New York (Mr. JAVITS) is now recognized for not to exceed 15 minutes.

THE ISSUE OF CONGRESSIONAL AUTHORITY AND THE SALT AGREEMENTS

Mr. JAVITS. Mr. President, the SALT agreements now before the Congress represent probably the most important international accords presented for congressional approval since the Versailles Treaty following World War I. I think it is highly significant that the President himself made this analogy, in his remarks to Members of Congress at the White House on June 15. It is an analogy which highlights the authority and responsibility of Congress with respect to these agreements—and the life and death issues they deal with. The SALT agreements are easily the most outstanding achievement of President Nixon's administration—an administration which already had a number of outstanding diplomatic accomplishments to its credit.

Thus far, the role of the executive branch has been primary with respect to these agreements; and its conduct of the complex negotiations leading to the SALT agreements has been excellent. Within the spectrum of the negotiating possibilities, the results must be judged a maximal rather than a minimal achievement.

But, the focus of attention now has shifted to the Congress, and particularly the Senate. In my judgment, the Senate already has played a very important role in success of the SALT negotiations. The great Senate debates of 1968, 1969, and 1970 on strategic arms issues helped importantly to guide the executive branch of our Government and the Soviet Government—for we know that the Soviets avidly read the Senate debates. The issues and the principles which were established and clarified in the Senate debates have now found expression in the SALT agreements.

I urge the President to accelerate the pace of negotiations with the Soviet Union to limit these weapons systems which might be pursued by each as "bargaining chips," so that both sides can avoid expenditures and obligations for new weapons systems which could be justified only as "bargaining chips." The relationship established with the Soviet Union should now be such as to make this entirely feasible.

As the primary role with respect to the SALT agreements now passes to Congress we should consider at the same time Congress role with respect to the vital issues involved in these particular agreements, and the constitutional question of the relationship of congressional and Executive authority on arms agreement and warmaking powers.

I believe that President Nixon by untying our hands on the new offensive weapons systems has consciously created an opportunity for us jointly to restore a good measure of the proper constitutional balance between the Executive and the Congress in national security affairs and thus to reduce the strain which has resulted from the constitutional imbalance which reached crisis proportions with respect to the Vietnam war.

In his June 1 report to the Congress at the conclusion of his trip to the Soviet Union, President Nixon said:

> We can undertake agreements as important as these only on a basis of full partnership between the executive and legislative branches of our Government.

This statement, together with the very act of making an immediate report to a joint session of Congress, represents a marked departure from the approach contained in President Nixon's April 26 and May 8 speeches in which he took the position that the strength and authority of the office of the President is the keystone to our national security and morality.

On June 15, in quite a different vein, President Nixon told Members of Congress:

> I think that the hearings that you will conduct must be searching because only in that way will you be able to be convincing to yourselves and only in that way will the Nation also be convinced . . . What we are asking for here, in other words, is cooperation and not just rubber-stamping by the House and the Senate. That is essential because there must be follow-through on this and the members of the House and Senate, it seems to me, must be convinced that they played a role as they have up to this point, and will continue to play a role in this very, very important field of arms control.

In the same spirit, on June 19 Secretary Rogers told the Senate Foreign Relations Committee:

> We are pleased to know that the Congress plans full consideration of these two documents, both with officials of the Executive branch and with the public. This is a process that is fundamental to our American system.

This new spirit in the executive branch respecting the authority and responsibility of Congress in national security matters could lead to enactment of a war powers bill, settle vexing questions of the invocation of executive privilege and overclassification of documents, and limit the use of executive agreements without congressional consent. It could in this way signal an important transformation in the politics of our Nation and help significantly to restore unity and concord within our deeply divided society. Healing the wounds of Vietnam is an overriding challenge and a necessity to our well-being as a nation.

As the President himself has said in a spirit of respect—cooperation by the Congress does not mean "rubberstamping"—if the Congress is to fulfill its own responsibilities. With respect to the SALT agreements the President has thereby facilitated a responsible and independent role for Congress. The main issue before the Nation is not ratification of the SALT agreements. The treaty and agreement, quite rightly, enjoy overwhelming support in the Congress and will certainly be approved, but the key question is what the United States should do respecting new offensive strategic weapons systems not prohibited by the SALT agreements. What is there to the bargaining chip arguments as to induce Congress to authorize major weapons systems as bargaining chips?

President Nixon and Dr. Kissinger, quite properly, have forcefully stated the sincere view of the executive branch that rapid development of such new offensive strategic systems as the B–1 bomber and the Trident/ULMS submarine system are needed for national security—and especially as "bargaining chips" for the next round of SALT negotiations.

But quite significantly, Dr. Kissinger, speaking for the President respecting the relationship between the SALT agreements and the new arms requests, said:

> Our position is that we are presenting both of these programs on their merits. We are not making them conditional. We are saying that the treaty is justified on its merits, but we are also saying that the requirements of national security impel us in the direction of the strategic programs, and we hope that the Congress will approve both of these programs as it examines each of them on its merits.

In this respect, the President has left us free by untying our hands on the new weapons systems issue for the next 5 years. It is a tribute to the President, as well as to the Congress that he has chosen to do this, without of course sacrificing his own right of advocacy and persuasion.

Together with some of my colleagues, I approach the need as well as the prudence of pushing ahead with expensive new offensive strategic weapons systems with concern and doubt. I shall, of course, reserve final judgment on each system respectively pending full investigation of all the pertinent considerations respecting each system.

The reasons for my skepticism concerning the need to push ahead now with new offensive weapons systems, as well as my concern regarding the efficacy of such measures as "bargaining chips" for SALT II, found expression in Dr. Kissinger's own extraordinary briefing of June 15. On that occasion, Dr. Kissinger told us:

> But to the extent that balance of power means constant jockeying for marginal advantages over an opponent, it no longer applies. The reason is that the determination of national power has changed fundamentally in the nuclear age . . . now both we and the Soviet Union have begun to find that each increment of power does not necessarily represent an increment of usable political strength. With modern weapons, a potentially decisive advantage requires a change of such magnitude that the mere effort to obtain it can produce disaster. The simple tit-for-tat reaction to each other's programs of a decade ago is in danger of being overtaken by a more or less simultaneous and continuous process of technological advance, which opens more and more temptations for seeking decisive advantage. . . . In other words, marginal additions of power cannot be decisive. . . . There was reason to believe that the Soviet leadership might also be thinking along similar lines as the repeated failure of their attempts to gain marginal advantage in local crises or in military competition underlined the limitation of old policy approaches.

Later on in his briefing, Dr. Kissinger told us:

> As long as it—ABM Treaty—lasts, offensive missile forces have, in effect, a free ride to their targets. Beyond a certain level of sufficiency, differences in numbers are therefore not conclusive.

Dr. Kissinger also told us:

> The quality of the weapons must also be weighed. We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy. Also, with our MIRV's we have a two-to-one lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.

It is evident that the issue resolves down to the question of basic judgments respecting the best way to enhance our national security and strengthen the structure of world peace. As a Senator and member of the Foreign Relations Committee, I am deeply gratified by the approach taken by President Nixon in the SALT agreements and in his attitude of partnership with the Congress.

It is the duty of Congress to reciprocate and to join with the President in finding the best means to protect our security. Equally, we must respond to the offer of partnership by seeking a new stability of relationship between Congress and the Executive on national security issues. I hope the new partnership can be consummated by enacting, with Presidential concurrence, the War Power Act recently adopted by the Senate.

COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The **ACTING PRESIDENT** pro tempore (Mr. HARRY F. BYRD, JR.). Under the previous agreement, the Chair lays before the Senate S. 3617, which the clerk will report.

The legislative clerk read as follows:

> Calendar No. 760 (S. 3617), a bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

ORDER OF BUSINESS

The **ACTING PRESIDENT** pro tempore. The pending question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK), which the clerk will report.

The legislative clerk read as follows:

> On page 16, lines 5 and 6, beginning with the word "which" strike all through the word "sponsor" in line 6.
>
> On page 18, line 8, beginning with the word "except" strike out through line 10.
>
> On page 20, between lines 3 and 4, insert the following new paragraph:
>
> "(2) In the event that a state has submitted a prime sponsorship plan under subsection (a) of this section to serve a geographical area covered by the plan of an applicant under paragraphs (2), (3), or (4) of subsection (a), the Secretary shall designate to serve such area the applicant which he determines has the capability of more effectively carrying out the purposes of this title with respect to such area."
>
> On page 20, line 4, strike out "(2)" and insert in lieu thereof "(3)".

The **ACTING PRESIDENT** pro tempore. The Chair will state that debate on this amendment is limited to 1 hour, to be equally divided and controlled by the Senator from Colorado (Mr. DOMI-

NICK) and the Senator from Wisconsin (Mr. NELSON) or his designee.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged against both sides of the bill.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1251

Mr. DOMINICK. Mr. President, I yield myself 15 minutes and call up my amendment No. 1251.

The ACTING PRESIDENT pro tempore. The clerk will read the amendment.

The legislative clerk read the amendment (No. 1251) as follows:

On page 16, lines 5 and 6, beginning with the word "which" strike all through the word "sponsor" in line 6.

On page 18, line 8, beginning with the word "except" strike out through line 10.

On page 20, between lines 3 and 4, insert the following new paragraph:

"(2) In the event that a State has submitted a prime sponsorship plan under subsection (a) of this section to serve a geographical area covered by the plan of an applicant under paragraph (2), (3), or (4) of subsection (a), the Secretary shall designate to serve such area the applicant which he determines has the capability of more effectively carrying out the purposes of this title with respect to such area."

On page 20, line 4, strike out "(2)" and insert in lieu thereof "(3)".

Mr. DOMINICK. Mr. President, the committee, in drafting the legislation which we have before us, foresaw and provided for the possibility of two or more local applicants seeking designation as the prime sponsor to serve the same area, insofar as the child development facilities may be concerned. What they did not do, however, was to make any determination, except by implication, as to what should be done where a State and local applicant also applied to be the prime sponsor in any given geographical area.

It strikes me that, instead of setting up a predetermination, which the committee bill has in fact done, to see that whenever there is an application by a local sponsor for a geographic area and by the State which would cover the same area, the local sponsor would succeed in this, what we really should do is give the Secretary the discretion to select, from among competing applicants, the one which he determines has the capability of more effectively carrying out the purposes of the title. This amendment reaches that result.

If my distinguished friends from Minnesota and Wisconsin will follow the amendment, they will see that what we have stricken is the material which would give at least an implied priority to the local sponsor—material which really does not give the Secretary any discretion because of the use of the key words within those lines and which in effect say that the Secretary will have to move forward with a local application regardless of whether it happens to be the most effective person or group to sponsor the child development programs within that area.

What we have done, therefore, is to say that the State is going to be the last one that will be really considered; that a local applicant will probably be chosen, in case there is a conflict between the State and the local applicant; and in fact that, if there is a conflict between two local applicants, the probability is that the first one in will be the first one chosen regardless of whether that local applicant happened to be the most effective or not.

Mr. President, the bill in its present form mandates the selection of local applicants over State applicants if the Secretary determines that the local applicant has the capability of carrying out comprehensive programs and has submitted a satisfactory plan.

The word "capability" is, to say the least, a word of considerable ambiguity. Someone may have capability to do something but never, as the Senator from Wisconsin and the Senator from Minnesota were saying yesterday, develop the potential to carry it out. They can have capability to do all kinds of things, but they may not have the potential for actually carrying out that capability.

In addition to all this, it operates to the exclusion of State applicants, which cannot be designated as prime sponsors if the area is "otherwise served by a prime sponsor" or if the local applicants "are or will be otherwise designated" as prime sponsors for the area.

The clear implication is that local prime sponsors must be selected if they satisfy minimum requirements described in such terms as "capability" and "satisfaction."

As I said, Mr. President, "capability" to my mind is a hazardous guess at best from the children's point of view; and "satisfactory" is a standard which I would neither urge nor accept against which child development should be judged.

We are talking about legislation which authorizes an expenditure level of $2.95 billion over 3 years—even more than the level of expenditure of the bill that was vetoed by the President last year. It seems to me that if we are going to move forward in terms of expenditures of this magnitude, we should put into the bill more than just the question of whether programs are satisfactory in order to give the Secretary the discretion to determine which sponsor, in case of competing applications, can be more effective. This discretion, as I have stated, is not given to him at the present time, particularly if the State happens to have applied.

I want to make it clear that I am not advocating a complete system of State prime sponsorship; indeed, Secretary Richardson testified that he had no such intention. Certainly some areas will best be served by local prime sponsors, and others, because of the scope and comprehensiveness of the services envisioned, would require State prime sponsorship, so that the State agencies can fit together the various services which they already have within their areas. What I am advocating is that the Secretary be allowed to translate that $2.9 billion into the maximum benefit possible to serve the purposes for which the bill was intended.

The thrust of this amendment, therefore, is to allow the Secretary to make the quality of the programs and the maximization of benefits to the children the criteria against which prime sponsors will be designated. To do otherwise is to allow unfounded preconceptions and conjecture to distort a judgment which should only be based on program and quality and delivery ability.

The same logic which impelled the committee to this conclusion with regard to competing local prime sponsors should persuade the Senate now to an identical conclusion with regard to local prime sponsors and the State competing for prime sponsorship. If we are going to do it in the first case, then the logic which led the committee to provide for that should also lead the committee and the Senate to do the same in the case of competing State and local prime sponsors.

Mr. President, how much time do I have left of my 15 minutes?

The ACTING PRESIDENT pro tempore. The Senator from Colorado has 4 minutes remaining.

Mr. DOMINICK. Of the 15?

The ACTING PRESIDENT pro tempore. Of the 15.

Mr. DOMINICK. I withdraw that time, and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. NELSON. Mr. President, I yield the Senator from Minnesota whatever time he may require.

Mr. MONDALE. Mr. President, the committee, by a very strong bipartisan margin of 14 to 3, rejected this same amendment when it was proposed in committee.

It is the view of the committee, and it was the view of the Senate the last time we acted on this measure, that to the fullest extent possible these child development programs should be locally controlled with a strong voice from parents whose children are in the program.

The measure as it is now before us gives priority to local prime sponsors provided that the population is at least 25,000. The pending amendment would effectively repeal that description and, in the light of the record, threaten to turn this program into a State-administered program under the control of the welfare departments of the various States—a development which the committee considers would be a serious error.

The present proposed statutory system recommended by the committee provides, in effect, that an applying local prime sponsor must have an adequate program. An applying local prime sponsor does not qualify for funding unless the applicant has shown the capability of effectively carrying out the comprehensive programs under this act, a determination which the Secretary of HEW makes. So there is no question about requiring the adequacy and the competency of the local prime sponsor, or of the power of the Secretary to make that determination.

The administration, in testifying, has repeatedly and clearly stated its preference for State administration of these programs. The administration does not want local control. It has repeatedly opposed it. The administration's position suggests that this amendment could result in the naming of 50 States to be prime sponsors, of all these programs, with the possible exception of those in communities of 500,000 or more—because the administration representatives have said on several occasions that communities of 500,000 or more are capable of handling their own programs, and those below that population are not—a conclusion which I think is utterly without support in the record or in the experience of the Headstart program. In fact, I think a much stronger case can be made for turning it just the other way around.

The other point to be made, which was made, I thought, very impressively by the Senator from New York (Mr. JAVITS) the last time we debated this bill in committee, was that the proposed amendment would create a political nightmare for any administration. It would mean that every program could be fought over by applicants at the local level and by State applicants, and the result would be that, without any criteria at all except the words "more effective," Federal Administrators would be left in the middle, trying to decide which of the two or more applicants should be awarded the program. This would be, I think, an absolutely impossible administrative situation, and for that reason as well, the amendment should be rejected.

Finally, it seems to me that Congress has a duty to accept its own responsibilities here, not to try to duck out of the issue of whether we want locally controlled programs or not, and to say as distinctly as it can what it expects the administrative apparatus to be.

That is what the committee has done by an overwhelming margin. We have said that we want local control wherever it can be achieved, provided that the local applicant has established to the satisfaction of the Secretary that it has the capability of effectively carrying out comprehensive programs under this act. That is the issue which we threshed out on the Senate floor during the last debate, and the Senate repeatedly and overwhelmingly voted for local control.

The experience we have had with Headstart, and my own observations in looking at school programs and the rest, convince me that we should be for local control. The original bill as introduced would have permitted a community of any size to apply directly for funding. But in trying to meet some of the objections of the administration, we agreed to a much higher population figure—25,000—which reduces the number of potential applicants from approximately 7,000 under the vetoed bill to 2,000 applicants under this bill.

Therefore, for all these reasons, I am very hopeful that the pending amendment will be rejected.

Mr. NELSON. I yield myself whatever time I may need.

Mr. President, as the distinguished Senator from Colorado knows, we have made several changes in this child care bill since the President vetoed the first one a year ago. We did increase the requirement for population of a prime sponsor from 5,000 to 25,000.

We did one more thing that goes to the concern of the Senator from Colorado: We provided for a five-State demonstration program; that is, five States and not to exceed 5 percent of the population of the country.

It is my feeling that, after we have some experience with these five States in which the State has the total responsibility as a prime sponsor, we may very well then go the route of the State being the prime sponsor in all these programs.

As the Senator from Colorado knows, from a philosophical standpoint, I have no objection to that. I think it is very likely that, in 2, 3, or 4 years, that may very well be the way that Congress will go. But only after we have experience under the demonstration programs authorized in this bill and after the States have developed some expertise in that field, which a majority of the States have not yet done.

So it seems to me that for the purposes of this year and this bill, raising the population requirements from 5,000 to 25,000, the creation of five States, involving not to exceed 5 percent of the population, in which the State will be prime sponsor, is a long step in the direction that the distinguished Senator from Colorado has been advocating for quite some time.

I hope that this amendment will not be adopted and that we will go ahead with the program as agreed upon in the committee, and then reevaluate it again when the authorization period arrives for the next bill.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOMINICK. I yield 5 minutes to the Senator from Maryland.

Mr. BEALL. I thank the Senator for yielding.

I should like to speak to the point just raised by the Senator from Wisconsin. As the author of the amendment that gives the Secretary the discretion to pick five States and make them demonstration projects, I hesitate to enter into too much colloquy with the distinguished Senator, because I do not want to lose this part of the bill. But I think the point he makes really is a point in favor of the amendment offered by the Senator from Colorado.

It seems to me that if it is the desire of Congress eventually to have the States more actively involved in the administration of these programs, as I think they should be, then we had better do it now, before the bureaucracy is built up downtown that is going to resist any effort to get the States involved later. I think history has shown that with the involvement of the Federal Government in various programs at State and local levels, once the Federal role has been established, it is difficult to overcome the tremendous pressures of the bureaucracy with their vested interest in their own programs. It is difficult to reverse directions and, for example, turn over the administration of a program to the States even when the evidence indicates that programs are not being operated and administered as effective as they should be.

It seems to me that if we want to get the control of these programs in the hands of local people, so that we can minimize the redtape, improve program effectiveness, and get the Federal assistance to the areas where the problems are, we had better do it now and adopt an amendment such as that offered by the Senator from Colorado. Otherwise, we will never get the job done.

Mr. NELSON. I yield myself such time as I may require.

Mr. President, as the distinguished Senator from Maryland recognizes, we accepted his amendment in committee as a compromise position. If we accept the amendment of the Senator from Colorado, we do not need the amendment of the Senator from Maryland; because we all know the position of the administration and the Secretary. They would like to have the prime sponsor not be smaller than a city of 500,000. So we do not need the experimental program if we are going to give the Secretary the option to select between two competing prime sponsors, one of them a city of 25,000 or more and the other the State government, with the policy position of the Secretary being that he wants all prime sponsors all to be 5,000 or more, anyway.

Second, as the Senator from Colorado and the Senator from Maryland know, the compromise came about because there was also the question of what agreement we can reach with the House in conference. As the Senator knows, last year the House insisted upon a prime sponsorship of 5,000, and we have moved that up to 25,000 and have gone the experimental route, expecting that if the State sponsorship turns out to be the best method in this competition, Congress may well go ahead in 2 or 3 years and follow the procedure proposed in the amendment from the Senator from Colorado.

Mr. DOMINICK. Mr. President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Colorado has 17 minutes.

Mr. DOMINICK. I yield myself such time as I may require.

Mr. President, I have listened to the Senator from Minnesota and the Senator from Wisconsin with considerable interest. The Senator from Minnesota said, to begin with—and so did the Senator from Wisconsin—that this prime sponsorship was going to be limited to units of local government of 25,000 or more.

I submit that all one has to do is to look at page 13 of this bill, where it says who the sponsors can be. It says that a sponsor can be any State or any unit of general local government with a population of 25,000 or more. Then subparagraph (3) says it can be "any unit of general local government—without regard to population." In other words it can be any unit of general government, regardless of size, and the 25,000 limit is not applicable under subparagraph (3);

and wherever a prime sponsor can show the capability and wants to put its application in, whether it has any size to it or not, it is entitled to as much of a hearing as any unit of 25,000 or more.

But that is not true of the State. Why? Because the Senator from Wisconsin and the Senator from Minnesota have said all the way through, "We want local control." But in a State situation, a prime sponsorship, where it might get this situation granted to it—and I think it is very doubtful that any State ever will—but if it does, then there is the child and family services council, there is the local project committee, there is the local program council; and the State cannot turn around until the local councils have approved what they are going to do, anyhow.

So the State is just as hamstrung by those councils or just as controlled by them or just as much governed by them—whichever way one wants to put it—as is any unit of local government.

So the question of local control, although it sounds great, really does not come into this picture at all; because all units are bound under the direction of the same local councils, whether it is a State, a unit of general government and local government of 25,000 or more, or a unit of local government with no population.

Now the third thing, I think, which is important in this whole miasma go-around is that every bill that comes out of the committee—and I can say this with deep conviction—is designed to downgrade the State government. It is not just this bill. It is not just an OEO bill. It is not just any other bill. Practically every bill is designed to avoid the State government and go directly from the Federal Government to the local government.

For the life of me, I cannot understand why that should be true, when what we should be doing is trying to diversify and control the power of the Federal bureaucratic monstrosity that we have created and get it back to the 50 States where they can use their own expertise to determine what is best to solve the problems in their particular areas.

But that is not what the majority of the members of the committee seem to want to do. What they want to do is in reverse, to go directly from the Federal Government to the local government so that they can control what they will do regardless of what the State does or does not want to do.

Over and over again, I have heard the Senator from Minnesota (Mr. MONDALE) get up and say that we cannot rely on State governments, that we know that they cannot do this or that. He is always careful to exclude his own State government from that——

Mr. MONDALE. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. In just a moment, yes. Let me finish my thought. Over and over again, I have heard him saying that on the floor of the Senate——

Mr. MONDALE. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. Yes.

Mr. MONDALE. Can the Senator cite me one case where I have said that?

Mr. DOMINICK. I can cite the Senator any number of cases. I do not have the exact words with me now, but I have heard the Senator say them in debate over and over again.

Mr. MONDALE. I have never said that. The Senator from Colorado is not quoting me correctly.

Mr. DOMINICK. If I am wrong, then I will be happy to correct the RECORD.

Mr. MONDALE. I look forward to that.

Mr. DOMINICK. I have heard it not only from that, but in this bill. We had a provision for five experimental States. What happened? Two of the members of the committee said, "We do not want particular States being involved in prime sponsors, so we will put a population deal in so that those States cannot be even considered on an experimental basis." That was adopted. So that those two States could not even be considered by the Secretary on an experimental basis for prime sponsors.

What I am saying to the membership now in the Chamber, and those who read the RECORD, is that we can reverse this trend. We can change this around so that once again the State can be at least on an equal basis with the local governmental unit.

If the State can do a better and a more effective job of putting through these programs than can the local government, I do not see why they should not be given the right to do so. Yet that right is not given to them in the bill as it now stands, and it will not be given to them unless or until we adopt this amendment.

Mr. BEALL. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. BEALL. I agree with the points the Senator from Colorado has just made. Let me state one other thing, if the Senator will bear with me, to make a comparison—I do not necessarily like using my own State of Maryland as an example—but under the bill as now written, the State of Maryland has 23 counties, and Baltimore City, all major political subdivisions and generally over the 25,000-population limit. So if, in the State of Maryland, each subdivision wants to create a child development program, they will have at least 24 separate prime sponsors coming to the Federal Government. I would assume, therefore, that the same situation would exist all over the country. So, multiply Maryland's 24, which is a small number, by the 50 States, and we come up with a minimum number of prime sponsors. The alternative is, under the Senator's proposal, for the State of Maryland itself to be a prime sponsor. That does not preclude the local government from participating, because what the State of Maryland would do will be what it does with its educational system. It says, "We are a prime sponsor from the State and we will designate the local school board to administer the child development program." So, in effect, we still have a minimum of 24 local prime sponsors. Rather than all the 24 people having to come to Washington and knock on the Federal door and wait in line with everyone else in the country, we could have one person from Maryland coming to the Federal door and getting the money and going back to the State to distribute the money to its own prime sponsors. Is that not a fair analogy to make?

Mr. DOMINICK. That is perfectly correct, as pointed up by the fact that on the 25,000 basis, which is, as I said, not a binding concept under subsection (3) of page 13 of the bill, we will have 2,100 prime sponsors eligible to apply. They have got to come to Washington and they have to filter them out in between. The only States are the five under the amendment that the Senator from Maryland got in, which was helpful, rather than no State prime sponsorship at all.

Mr. BEALL. I wonder how long it would take if each of the 2,100 prime sponsors went to HEW to get approval for the prime sponsorship; has the Senator any idea?

Mr. DOMINICK. I do not know, because Jules Sugarman, who is certainly not a Republican within this administration, but who is pretty knowledgeable in this field, came up with the statement that it is impossible to operate this unless we have a limit of at least 100,000. He said they do not have enough personnel, or training, or anything else. How in the world could we work it that way, then.

Mr. BEALL. According to a report from a regional health organization in Maryland, they filed an application on the 25th of October last year for participation in a program, which is supposed to be automatic. They are not involved yet, because the application is still making the rounds of the various desks in the bureaucracy. I do not suppose the situation would be much better under this program—probably worse

Mr. DOMINICK. It would probably get buried at the bottom of the pile and it would not see the light of day through the whole time this bill is supposed to be in effect. So I think that the Senator from Maryland has a very good point there.

Mr. President, it just does not make any sense to me to say that we are going, once again, through this role of downgrading the State governments at a time when we are trying to upgrade it, and to say that the State cannot be eligible or allowed to coordinate the programs within their areas, or go to a State agency and say, "These are the resources we have and will you put this around the country so that it works right?" No, we have got all the applicants competing in and saying to the State government, "You do not have any role to play in this, friend, I am very sorry." That is what we are saying under the bill as it is done now.

What I am saying is that five States can operate on an experimental basis if the Secretary decides that this is a good idea and if he wants to do it. Even then, we have a built-in exclusion so that certain States cannot be considered in the five experimental areas.

For the life of me, I do not see why we do not put it on an equal basis so that we can have competition not only as to capability, but also as to the potential effectiveness of the program. That is exactly what my amendment would accomplish.

I reserve the remainder of my time, Mr. President.

Mr. NELSON. Mr. President, I yield myself whatever time I may need.

In response to the comments of the distinguished Senator from Colorado, about the committee and the members of the committee running down State government, let me say that I have no recollection ever of having heard the Senator from Minnesota (Mr. MONDALE) downgrade State government. He was a distinguished attorney general of his State. He is a great defender of State government. Furthermore, as the Senator knows, one of the strong and persistent supporters of State governments on that question, time after time, has been the Senator from Wisconsin. As I have said to the Senator in the committee, and on the floor, a number of times, the ultimate route is to turn that program over to the State government. I was saying that long before the President gave his first message about revenue sharing, manpower sharing, turning functions back to the State. I was saying that in 1958.

Further, I have not run down State government. I happen to think that the States are the best forms of regional government in the United States, and that all kinds of programs that are being handled now by the Federal Government should be returned to State government and to local government. I have no difference on that philosophical position with the Senator from Colorado. At this point in time, however, a good many States, as to manpower programs, and as to programs like Headstart, have not gotten tooled up to manage it.

As the Senator probably knows, some months ago, when we were holding hearings on the manpower bill, we had half a dozen State employment service State officers before the committee, and there was not, to my recollection, a State manpower council established yet in any one of those States. And that is one of the problems.

The Senator goes on and suggests that, because we support local government, we are against State government. I want to state to the Senator that we have listened to the Republicans for so long telling us how things ought to be put back at the local level that we bought their argument. We find that they have now deserted their position.

I think that these programs can be handled best at the local level and ought to be handled there.

The distinguished Senators from Maryland and Colorado were talking about all of the applications the Secretary would have to deal with. We have 1,400 prime sponsors of Headstart programs now and, when you include delegate agencies, there are 1,700 or more sponsors of Headstart programs now.

The committee bill itself would take a long step toward greater State participation through a very creative and sensible amendment proposed by the Senator from Maryland, to designate five States as statewide prime sponsors in a demonstration program. We think it is a good idea. I do not know why we did not do it sooner.

The Senator from Maryland proposed it. It was accepted unanimously by the committee.

We decided these five States could cover 15 percent of the population of the United States so that we could have a mix of industrial and rural States and the Secretary can conduct the experiment of the proposal for State. We will then have two competing systems to look at. And if it looks best to go by the State prime sponsor route, I will be on the floor with the Senator from Maryland and the Senator from Colorado supporting the turning over of these programs to the State as the prime sponsor. The period has not arrived as yet, in my judgment, because of the lack of experience at the State level. It has not arrived at all from the political standpoint, because as the Senator knows, we could not get by the House on a conference with that proposal.

Mr. DOMINICK. Mr. President, how many minutes do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 8 minutes remaining.

Mr. DOMINICK. Mr. President, I will take such time as I require. I hope that it will not be more than 3 or 4 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I welcome the support of the Senator from Wisconsin on this position, especially in the State government. And I know that the Senator from Wisconsin was a very distinguished Governor of his own State.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. DOMINICK. Mr. President, I understand that he believes that these are good units of government. This is what we have been saying for a long period of time. However, the bill does not do that. It says that we cannot do this as far as a State is concerned. We have to give them more time to make sure that they know what they are doing.

We will turn it over to a local unit of government which does not have any idea what they are doing any more than a State does. Do they have more expertise in this field than a State? Perhaps they do. If they do, they should be chosen over the State. However, the States ought to be put on the same basis as a local unit of government so that someone can determine which route is better.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield to the Senator from Wisconsin on his own time.

Mr. NELSON. Mr. President, so that the RECORD shows this fact, the proposal in the bill is that localities of 25,000 population can be local prime sponsors. That automatically leaves 60 percent of all the population in the country under the jurisdiction of the States as prime sponsors.

Mr. DOMINICK. Mr. President, the Senator from Wisconsin is somehow missing the point that I have brought up three times, in which subsection (3) on page 13 provides for any unit of general local government or any combination of such units without regard to population. So, any unit of local government, whether it happens to be an incorporated village or a town, could presumably be a sponsor. And the only condition in there is that it has to demonstrate that it has the capability to carry it out and that here is a demand for it in the area. It does not have any population limit there at all.

Mr. NELSON. Mr. President, will the Senator from Colorado yield on my time?

Mr. DOMINICK. Mr. President, I yield to the Senator from Wisconsin on his own time.

Mr. NELSON. Mr. President, I am sure the Senator understands that that is language that would permit a prime sponsor to be a unit of government smaller than 25,000 if the Secretary decides that it is desirable to recognize such units. That is discretionary language. That is to say it would only be done if the Secretary of HEW decides, here in Washington, that the best way to provide programs in that locality is to designate that size of unit of government.

But if the Secretary does not decide that, they are not entitled to be prime sponsors. Whereas units of 25,000 or more, if they meet all of the criteria in the bill, are entitled to preferential treatment—if they meet the criteria showing that they are capable of managing a program and meeting the standards. If they are not, the Secretary does not have to recognize them as the prime sponsor.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. NELSON. I will yield to the Senator from Minnesota on my own time if the Senator from Colorado does not have any objection.

Mr. DOMINICK. Mr. President, I have no objection. However, I want to make a couple of more statements while I have the floor. I think the Senator knows that we are arguing a point that is of great, deep political significance. I think that what we are saying here in the bill is that a unit of local government of 25,000 or more within a State—24 of them around Baltimore, as the Senator from Maryland has pointed out—automatically have more expertise than the State does, and that by so doing and by putting it in that area, they can go ahead with an effective program more effectively than the State, even if the State is set up for it. That is what it says in the bill.

We cannot put a State on a competitive basis with a local unit of government under the bill as it is written. We can only do that if we adopt my amendment.

For the life of me, I cannot see what is wrong with going at least to the extent of saying that a State ought to be on the same basis as a unit of local government. Why not? In my State we have an enormous geographical difference. We have the Rocky Mountains cutting us in half, north and south. The western slope of our area deals in many cases with the eastern slope and sometimes rightly is depriving them of their resources in the way of water. They do not want to operate overall, generally speaking. Maybe they would want to have their own unit. But it has a very sparsely settled population. We would not get any unit at all with the exception of one on the western slope that could do this.

Mr. President, if it were the other way, we could get one or two or three over there. However, we cannot do it this way unless we go to the basis of subsection (3) where they do not have to have a population of 25,000. And the minute we do that, we multiply the number of applicants. And the bureaucracy will be such, as the Senator from Maryland so aptly said, that no application will ever see the light of day until the whole authorization bill is passed.

So I cannot understand why we cannot at this point put the applicants on an equal basis and then let the Secretary determine whether it has not only the capability but also the most effective program to fulfill the idealistic purposes for which this bill was created.

Mr. President, I reserve the remainder of my time.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 10 minutes remaining.

Mr. NELSON. Mr. President, I have just one observation to make with respect to the schools of this country.

The schools of this country are run at the local level by local school boards under statutes and regulations established by State government. No one that I know of has been arguing on this floor or anywhere else that the local government and local school boards should be deprived of their authority to run the local schools. These are local schools, not State school systems.

If the Senator from Colorado thinks that State government ought to run preschool and child-care programs and ought to have exclusive jurisdiction over them and deprive local government of their authority to run them, then why does he not say that for the schools, too?

Mr. DOMINICK. I say to the Senator I did not say that. I said to put them on an equal competitive basis. Let us not put that in the Record.

Mr. NELSON. Well, I wish to put this in the Record. The Secretary wants the prime sponsors to be limited to sponsors of 500,000 or more. We all know that. It has been said dozens of times. So what the Secretary wants is to deprive the local people of the opportunity to run these programs as they run the local school districts, unless it is a city of 500,000 or more. The Secretary's position is that they are incompetent to run them. That is all I can determine from his position.

All the committee bill provides is that communities of 25,000 or more population shall have preferential treatment if they meet the appropriate criteria. All I am doing is defending local government. I think someone has to defend local government, even if we cannot get the Republicans to do it.

Mr. MONDALE and Mr. BEALL addressed the Chair.

Mr. NELSON. I yield to the Senator from Minnesota.

The PRESIDING OFFICER (Mr. Mansfield). The Senator from Minnesota is recognized.

Mr. MONDALE. The question of administrative sense here, I think, would dictate rejection of the pending amendment.

First of all, the present delivery system embodied in the pending bill is drawn almost exactly from the present regulations providing for the delivery system under the present Headstart program. This delivery system, which is working, is providing services for 1,700 prime sponsors at the local level.

Mr. NELSON. But the Senator should not make that argument. They have abandoned that position. They used to be for local prime sponsors running it, but they have abandoned that now.

Mr. MONDALE. The Senator is correct. Either they are going to turn it entirely over to the States, as I suspect they are going to do—the Secretary said no community smaller than 500,000 should be permitted to run its own program—either they will do that and have 50 State welfare department-run child development programs or they will have a law in which every community can apply for a child development program in competition with its own State. That would be one of the most unbelievable, political, and administrative nightmares that anyone could possibly imagine. It would lead to bitterness, uncertainty, conflict, and delay.

The committee said, "Why do that?" Why not, first of all, agree—and I think it is demonstrated that this is the case—that smaller communities closer to the people being served, with a strong voice from the parents of the children in the program, can do a better job than the bureaucracy. That is the first judgment we made, to keep this program under local control and control by parents whose children are being served. Local government is the ideal form of government for delivery of services to be provided in the program, where it can demonstrate capability.

The second point is with respect to State involvement. The committee report, on page 12, points out several ways in which the States will and can be involved:

> First, by raising the general population cut off for prime sponsors from 5,000 to 25,000 this bill provides that approximately 5,000 localities which could have administered their own programs in the vetoed bill will now be served under programs administered by the States.

I regret that change. It is a compromise I now support in order to reach some of the President's objections.

I read again from page 12 of the report:

> Second, the Committee bill has increased from 5% to 10% that set aside for States for the technical assistance, personnel exchange, dissemination of research and evaluation. Additionally, it has added to this State role a requirement for comprehensive state coordination and planning.

In addition, we accepted with modifications the amendment offered by the Senator from Maryland for five State-run programs as experiments to determine how programs would work on a State basis. So I think we have gone as far as we can go and still offer a responsible plan for quality development care.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. DOMINICK. I yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. BEALL. Mr. President, I am interested in the conversations around the Chamber about the great affection for local government. It seems to me that if Senators have an affection for local government, they will have some sympathy for those people from local government who are required to come to every office of every Senator and beat on doors to get the assistance of Senators in breaking down barriers the Federal bureaucracy has erected to prevent these people from getting the help to which they are already entitled.

It has taken 7 years to implement the Headstart program to the extent it is now implemented. Yet, there is a great need to expand the opportunities offered by Headstart. If we are going to make the Federal program meaningful, it is necessary to get the program in the hands of the people who have the problem. The only way to do that is to reduce the redtape we have built into the program.

I suggest the amendment of the Senator from Colorado does just that because it allows the States to say to local governments, "If you want to become involved in this program we will go to the Federal Government for you and get what is rightfully yours and you will not have to beat a path to Washington."

I was interested in the remarks of the Senator from Wisconsin about State governments. He was the Governor of his State and he has a high regard for the States but I suggest that he show that regard by putting them on at least an equal footing with others in the bill.

All the Senator from Colorado and I are saying is that some States do have the capability of administering programs. Let us assume some States are better than others and let us give at least those States the responsibility for implementing the program. I suggest if we do this, more technical assistance will be available to those States that do not have the capability. Otherwise, we are saying no State can do the job, and that experts in Washington can do the job better than all the States. The result of such a policy is that those States capable of administering programs effectively are denied that opportunity. On the other hand, those States in need of help and technical assistance are denied such assistance because the Federal officials are overwhelmed by the paperwork from all the States.

If Senators have a fondness for local government and an interest in seeing the programs implemented at the local level, and if Senators wish to recognize that some States not only can but are doing the job, they will agree to the amendment of the Senator from Colorado.

Mr. NELSON. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE Mr President, I think the question of what is good for local government perhaps can best be resolved by the people running those governments. I would like to place in the RECORD a statement by the U.S. Conference of Mayors which strongly supports the committee version of the child development program on the ground that it best serves local government.

> Now therefore be it resolved that the U.S. Conference of Mayors urges the enactment of legislation which will provide for a comprehensive range of quality family centered child care services in order to assist parents if they so choose to provide their children with an opportunity for healthy and stimulating development.
>
> Be it further resolved that cities be given the opportunity to plan and coordinate such comprehensive programs at the local level.

These are the mayors talking. It does not happen to be only the Senator from Wisconsin or the Senator from Minnesota; this is the Conference of Mayors, representing local government:

> Be it further resolved that cities be given the opportunity to plan and coordinate such comprehensive programs at the local level.

Also, the record clearly shows that we have 1,700 locally controlled Headstart programs now, and, without any doubt, the people in those programs, the parents, and the children, want to continue.

For that reason, and for the other reasons we have cited, I hope the amendment will be rejected.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BEALL. The Senator has quoted from the mayors. He has not quoted the Governors. I would point out that the Governor of my State, who is a member of the Senator's party, and who has just been selected chairman of the conference of Governors, I believe, sent me a telegram when this legislation was being considered before and said, "Please do not support this bill, because you are putting the States out of the child-care business," and as a result of the bill we passed, the State of Maryland did not proceed with its own child-development plans.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. NELSON. Mr. President, I yield time on the bill to the Senator from Minnesota.

Mr. MONDALE. Mr. President, the first point I want to make is that, as a matter of fact, this is a resolution from the conference of mayors on this bill. It is not the last bill, but it is relevant to both bills because in both cases the conference is for local control. Second, the point the Senator from Maryland made is that we have to be conscious of the needs of local government. My answer to that is, Who knows best the needs of local government? I would say the mayors who run those communities know best, and they want the Senate committee's version, and not the version embodied in the State control mandate embodied in the amendment of the Senator from Colorado.

Mr. DOMINICK. Mr. President, I think my time has expired.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum, not to be charged to either side, until we can get the yeas and nays ordered.

The PRESIDING OFFICER. Without objection, the time will not be taken out of either side. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Minnesota (Mr. HUMPHREY). If present and voting, the Senator from Georgia would vote "yea," and the Senator from Minnesota would vote "nay."

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from South Dakota (Mr. MCGOVERN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Vermont (Mr. STAFFORD) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Florida (Mr. GURNEY) is detained on official business.

On this vote, the Senator from Florida (Mr. GURNEY) is paired with the Senator from Vermont (Mr. STAFFORD). If present and voting, the Senator from Florida would vote "yea," and the Senator from Vermont would vote "nay."

The result was announced—yeas 45, nays 38, as follows:

[No. 227 Leg.]

YEAS—45

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Cook
Cooper
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Pearson
Percy
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—38

Anderson
Bayh
Bentsen
Bible
Boggs
Brooke
Burdick
Cannon
Case
Church
Cranston
Eagleton
Fulbright
Hart
Hatfield
Hollings
Hughes
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Stevenson
Symington
Tunney
Williams

NOT VOTING—17

Cotton
Gambrell
Goldwater
Gravel
Gurney
Harris
Hartke
Humphrey
Inouye
McGee
McGovern
McIntyre
Metcalf
Mundt
Muskie
Stafford
Stevens

So Mr. DOMINICK's amendment was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COOK. I move to lay that motion on the table.

The motion was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

What is the will of the Senate?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

The message also announced that the House had passed without amendment the joint resolution (S.J. Res. 211) to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The Senate continued with the consideration of the bill (S. 3617) to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides on the bill.

The **PRESIDING OFFICER**. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BEALL**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 1254 AS MODIFIED

Mr. **BEALL**. Mr. President, I send an amendment to the desk and ask that it be stated.

The **PRESIDING OFFICER**. The amendment will be stated.

The legislative clerk read as follows:

On page 43, line 19, insert "(1)" after the word "designed".

On page 44, line 4, delete the period following the word "organizations" and insert in lieu thereof a comma and add the following: "and (2) to maximize community involvement in child development and family service programs by providing model projects which provide for the location of child development centers within, adjacent to, or in close proximity of secondary schools, or senior citizens centers, or both, so as to give secondary students practical work opportunities and firsthand experiences in child development and family service, and to give senior citizens the opportunity to become involved and to share their experiences and talents with preschool children. Such projects shall, to the extent feasible, foster a home-school relationship by employing the parents of the children enrolled in the center as teacher aides on a rotating basis. The Secretary shall encourage all agencies within the Department of Health, Education, and Welfare, including the Office of Child Development, the Office of Education, and the Administration on Aging, to carry out the provisions of this subsection.".

On page 45, line 20, strike "5 per centum" and insert in lieu thereof "8 per centum".

Mr. **BEALL**. Mr. President, I ask unanimous consent that the Senator from Colorado (Mr. DOMINICK), the Senator from Ohio (Mr. TAFT), and the Senator from New York (Mr. JAVITS) be added as cosponsors of my amendment.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BEALL**. Mr. President, this is an amendment to section 107, "The Special Cooperative Program With Educational Institutions," which was added as a result of my urging for the last 2 years for a larger role for educational institutions in child care programs.

Basically, this section, as now in the bill, sets aside 5 percent of the funds for educational institutions for planning, carrying out, and evaluating cooperative programs and activities designed to provide continuity between preschool programs and regular education programs.

The amendment that I offer now would increase that set-aside from 5 to 8 percent, redesignate the present provisions as (1) and add a new part (2) to the section designed to encourage greater community involvement in child care programs, particularly for senior citizens, secondary students, and parents.

Specifically, the program would authorize model projects which provide for the location of child development centers within, adjacent to, or in close proximity of secondary schools, or senior citizens centers or both, so as to give secondary students practical work opportunities and firsthand experiences in child care and development and to give senior citizens the opportunity to become involved and to share their experiences and talents with preschool children.

Mr. President, I would like to discuss some of the rationale that prompted me to offer this amendment providing for such model projects. As the ranking minority member of the Senate Labor and Public Welfare Subcommittee on Aging, I strongly support the Senior Citizens Centers, which have been funded under the Older Americans Act. One of the problems faced by senior citizens is the problem of isolation.

Senior citizens, I am convinced, do not want to withdraw from society; they want to continue in constructive and creative efforts and use their many talents. They want the opportunity to meet with their peers, but I also believe many would like the opportunity to make the generation gap a myth.

Thus, the purpose of the experimentation with the location of senior citizens centers within or near child care centers is to give retired citizens, most on a voluntary basis, the opportunity to work or to merely observe preschool children. Anyone who has seen his or her children with "grandparents" know their special magic with children. The foster grandparents program has demonstrated that this "magic" can be present notwithstanding the absence of a blood relationship.

Senior citizens in senior centers located, as envisioned here, would be a ready pool of volunteers to help, assure more personal attention, and guide preschool children. Such an arrangement would be good for the children and good for the grandparents. There are ancillary benefits in such a situation. For example, the school cafeteria would be an ideal place for serving senior citizens a good, nutritious and inexpensive meal.

Locating child care centers within or near secondary schools, also opens intriguing possibilities. One of the problems of today's society is that young people are not provided, in my judgment, enough real world work opportunities. Again, the location of a child development center within or near a secondary school, would provide our young citizens with the opportunity to gain firsthand experience in child care and development. This would be valuable as a work experience and also as an opportunity to learn about children, their education, and development, all of which should be invaluable in preparing them as future parents. Certainly, the enthusiasm and eagerness of secondary students could be of much benefit to the preschool children.

The amendment also encourages projects, to the extent feasible, to employ the parents of students enrolled in the child care center on a rotating basis. This basically is the cooperative arrangement under which as many of the parents of the children are hired or volunteer as teachers aids and spend perhaps one day in every month in the child's classroom. Now, I know this is not easy to bring about. Parents are busy. Many work. Their employees would not release them for this purpose. Yet, I believe these problems are not insurmountable.

Employers, both public and private, can be persuaded to see the value of real participation and involvement by the parents of the children. This is particularly true when the salary of the parent as an aid would equal the salary at the job. I personally hope that this kind of arrangement is encouraged throughout the child development programs, for parents can perform many critical roles in nursery schools, including that of "expert" on her child as well as a learner about her child and other children and their development.

This home-school partnership can foster the working together of parents and the school that will be good for the community and good for the children.

Finally, the project directs the Secretary of Health, Education, and Welfare to encourage all agencies within his Department, including the Office of Child Development, the Office of Education, and the Administration on Aging, to carry out the intent of this proposal. The purpose of this is to give special consideration to the funding of programs which move in this direction.

Mr. President, I believe this proposal is exceedingly sound, designed to encourage the schools, child care centers, and senior citizens centers, to become community centers to the mutual benefits of all the groups and the society at large.

I urge its adoption.

Mr. **TAFT**. Mr. President, will the Senator yield?

Mr. **BEALL**. Mr. President, I yield to the Senator from Ohio.

Mr. **TAFT**. Mr. President, I commend the Senator from Maryland on his amendment. I express my strong support for the amendment.

The Senator from Maryland has shown great leadership in the committee in pointing up the ways in which senior citizens can become more involved in the delivery of various services in the community and at the same time build themselves up in the communities and give the communities the strength of their experience and dedication by demonstrable examples, as they have done in a number of circumstances.

I think this is an excellent amendment and is an excellent improvement in the bill.

I am very happy to support the amendment.

Mr. **BEALL**. Mr. President, I thank the Senator for his support and his cosponsorship and his agreement with the principles of the amendment.

Mr. **NELSON**. Mr. President, I yield myself whatever time is necessary.

The **PRESIDING OFFICER**. The Senator from Wisconsin is recognized.

Mr. **NELSON**. Mr. President, I agree with the amendment offered by the Senator from Maryland and I am perfectly willing to accept the amendment.

The **PRESIDING OFFICER**. Do the Senators yield back their time?

Mr. **NELSON**. Mr. President, I yield back my time.

Mr. **BEALL**. Mr. President, I thank the

Senator from Wisconsin for his willingness to accept the amendment.

Mr. President, I am happy to yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Maryland (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time be equally charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANSFIELD). Without objection, it is so ordered.

Mr. BEALL. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 18, line 18, insert before the period a comma and the following: "except that if any unit of general local government having a population of one million or more persons within any such State elects to apply for prime sponsorship designation and submits a plan meeting the requirements of this section the Secretary shall designate such unit as the local prime sponsor, and in such case the Statewide plan described in this paragraph shall cover the balance of the State".

On page 18, strike out all that appears on lines 19 and 20 and insert in lieu thereof the following: "as Statewide prime sponsors under this paragraph not more than five States, having a combined population of not more than 20 per centum of the total population of all of the States in the Nation, which have demonstrated capability and".

On page 19—(1) strike out all that appears on lines 3 through 5; (2) on line 6, redesignate subparagraph "(B)" as subparagraph "(A)"; (3) on line 12, redesignate subparagraph "(C)" as subparagraph "(B)"; (4) on line 14, strike out "(B)" and insert in lieu thereof "(A)".

Mr. BEALL. Mr. President, this amendment is not complicated. Its effect would be to make all States eligible for selection under the State demonstration program, which I authored and which was adopted by the committee, but in a modified form.

One of the major issues before the Congress last year and before the committee, and now the Senate this year is the role of the States in child development programs. I personally believe that child care programs will be more effective, will be better coordinated, and will be supported with more resources if States are active, and not primarily passive partners, in early childhood programs. It has been demonstrated that the Senate is in agreement with this principle with the recent adoption of the Dominick amendment.

As a fairly recent member of the Maryland State Legislature, I can assure Senators that the States are not apt to become very interested or involved in a program without a meaningful role.

As a compromise and perhaps as a new approach in Federal aid programs, I offered an amendment that would allow the Secretary of Health, Education, and Welfare to turn over the entire administration of child care programs to five States. This amendment was adopted but the committee modified the proposal to eliminate from eligibility States whose population exceeded 5 percent of the total population of the Nation. I cannot understand the rationale for such a restriction. Such an exclusion, in my judgment, represents both bad policy and bad principle and an insult to those excluded States. The merits of a State's program, not the size of its population, should determine eligibility and selection under the demonstration program.

Mr. President, during the last decade, a plethora of programs have been enacted, all with the noblest attention, to solve the Nation's domestic problems. Despite the growing evidence that programs planned, packaged, and delivered from Washington have not been as effective as they should be, we have not brought about the necessary and needed reform.

The reason often given for not giving the States a greater role is the fear of what would happen to the program in a few States if such action were taken. Even conceding this point for discussion purposes, this is legislating to the lowest common denominator, rather than trying to achieve the highest quality available. This is penalizing many of the States for the defects of a few. I advocate consideration of a different approach. Rather than having the policies and inadequacies of a few States prevent all the States from running their programs, we should at least encourage and reward excellence in various areas by turning over the administration of programs to those States who are leaders in various fields.

Competition stimulates efficiency and economy in the private sector; competition between States to be selected for this honor could stimulate similar results in the governmental sector. An added advantage is that such a program would help eliminate some of the redtape and paper shuffling that characterizes some Federal agencies today and would enable such agencies to concentrate on providing the technical and other assistance needed by weaker States in various program areas.

Commissioner Marland has frequently indicated that the paper shuffling effort at the Office of Education prevents the Office from really being effective in those areas and in those States where its expertise would be particularly welcomed and needed.

In a recent Wall Street Journal article by Mr. Richard Jensen, entitled "What Federal Money Didn't Buy," the author discusses the recent Brookings Institution book on "Setting National Priorities." After commenting on the general disappointment and ineffectiveness of Federal programs launched in the last decade, the author concludes as follows:

> What the Brookings Panel ultimately proposes, along with admittedly modest procedural changes such as budgeting more programs for several years instead of one, is basically a resort to more "social experimentation" to find out how individuals and institutions actually respond to federal efforts.
>
> That may not make a very exciting platform for any political candidate, but it just might provide a firm foundation for a more rational fiscal future. Once the public and the government realize that experimentation is about all that has been going on all along, the many inevitable failures would not be so costly and frustrating. If successes are a few, they still might stand out all the more clearly as guides to the ultimate solutions which must be out there somewhere.

In summary, my proposal to turn over to five States, based on the excellence of their proposals, is just such an experiment.

I would like to point out that, although I prefer that there should be no limitations on which States are eligible for the State demonstration programs and that merit alone should be the determining factor, I am aware that some compromise should be reached on this particular matter.

Under this amendment, all States would be eligible to participate in the State demonstration program, rather than exclude a State because its population was in excess of 5 percent of the Nation's population. There would be two limitations; namely, that the aggregate population of the five States selected could not exceed 20 percent and a political unit with a population of 1 million or more could opt out of the program operated by the State if it desired. I would prefer no restrictions, but I think that is a reasonable compromise. I am hopeful the manager of the bill will accept the amendment.

Mr. NELSON. Mr. President, as I said previously, I think the suggestion for the demonstration project as proposed by the Senator from Maryland which we accepted in committee was a very creative and useful suggestion.

I am also perfectly happy to accept his amendment to increase the total population of States eligible to be participants in the demonstration projects from 5 to 20 percent, with cities of 1 million having the option to exclude themselves if they desire. I am willing to accept the amendment.

I yield back the remainder of my time.

Mr. BEALL. Mr. President, I thank the Senator from Wisconsin for accepting the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that the time used in the calling of a quorum be taken from the bill, equally divided, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. In behalf of the Senator from Colorado, I yield 20 minutes to the Senator from Alabama (Mr. ALLEN).

IN OPPOSITION TO CHILD DEVELOPMENT BY GOVERNMENT

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Maryland for yielding time to me at this time in order that I might discuss the due merits of this bill.

Mr. President, once again we have before us a bill to provide among other things, for "Comprehensive child care programs." On December 2, 1971, the Senate passed a conference report containing very similar provisions to those now under consideration and on December 10, 1971, the President vetoed the bill.

Mr. President, there were several reasons cited by the President for his veto. In the President's message he stated:

> But the most deeply flawed provisions of this legislation is Title V. "Child Development programs." . . .
>
> Though Title V's stated purpose, "to provide every child with a full and fair opportunity to reach his full potential" is certainly laudable, the intent of Title V is overshadowed by the fiscal irresponsibility, administrative unworkability, and family-weakening implications of the system it envisions. We owe our children something more than good intentions.

Mr. President, I spoke in opposition to adopting the conference report, and I applauded the President's decision to veto the bill. In this connection, I ask unanimous consent that my remarks which appeared in the CONGRESSIONAL RECORD on Thursday, December 2, 1971, page 44135 be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, I stated then and repeat now that I would be pleased to support legislation to expand the number of and to improve the quality of our traditional day care facilities of the type with which we are all familiar. On the other hand, I cannot support the type of program envisioned by the provisions of this bill. Such programs have a tendency to undermine the family as the basic unit of society. That remains the pernicious thrust of this bill. In the President's words, "The fault of the bill lies in its family weakening implications." Other differences between the bill before us and the bill vetoed by the President are more apparent than real.

The committee report accompanying the bill before us seeks to assure us that the major objections raised by the President's veto message have been met in this new version. I find the alterations to be only superficial, and those which are more substantial can be interpreted as mere tactical maneuvers. The most significant of these changes, perhaps, is to be found in the language of section 511 of the bill, which is intended to convey the idea that the program will be entirely voluntary, and that the numerous services enumerated in the bill shall simply be made available to those who request them. This, in my opinion, is merely a tactical move, as will be indicated later when I discuss the implications of child advocacy.

In the meantime, there are serious implications in the type of programs envisioned as they relate to the role of Federal Government in traditional family relationships.

Nobody can accurately predict the future, of course, but it is not difficult to project a trend and foresee where the bill may very well take us.

The bill provides funding to initiate a substantial bureaucracy headquartered in Washington, staffed by people whose views on child development can reasonably be expected to be substantially similar to those of Dr. Reginald Lourie, president of the Joint Commission on the Mental Health of Children, who testified in favor of the bill. Among other things he said, speaking about the timing of intervention in the life of a child:

> . . . the timing of appropriate intervention is crucial. In the first eighteen months of life, the brain is growing faster than it ever will again. This is the time when it is most plastic and most available for appropriate experience and corrective interventions.

On another occasion, when Dr. Lourie was testifying before the Senate Committee on Labor and Public Welfare, he made it clear that even the first 18 months of life did not take things back far enough for him. In his testimony he spoke of the importance of the prenatal period:

> I would like to stress the increasing importance with which we view this period, and how much we would feel that there are needs for greater emphasis on it. We think that a baby should be viewed like the ancient Chinese did, as being 9 months old at the time of its birth. By the time it is born, it has well-developed patterns which will last for the rest of its life.
>
> . . . We have increasing indications of how important the prenatal period is. . . . Increasingly ingenious devices for defining what's going on in the uterus are becoming available as well as interventions that will be diagnostic and corrective.
>
> We are entering a new era from this point of view, and we are very pleased to see that this bill makes provision for prenatal services. (Joint Hearings on the Comprehensive Child Development Act of 1971, Part 1, page 178.)

So when we stop to think a bit about the ultimate implications of this bill, we see that we are considering, not legislation which would provide something on the order of day-care centers for the children of working mothers, as its proponents often paint it, but rather a very far-ranging and comprehensive bill which involves day care and child development of children which goes into training even below the age of 2 and prenatal care with the possibility of interventions in the womb supervised by the Federal Government.

In fact, the clamor currently being raised over zero population growth suggests that it is not too farfetched to envision in the not too distant future some sort of variant of the old eugenics program for raising the quality of the population, with the Federal Government deciding whether individuals ought to have children, and how many they should have.

If this were to happen, we should be faced with an unparalleled degree of governmental intervention into areas that have hithero been reserved to the private decision of the individual. The "new era" of which Dr. Lourie spoke in his testimony will truly be upon us, and it will be the era of the total state. It will be administered by people like Dr. Lourie, who may be motivated by the best of intentions but who will as surely destroy our individual freedoms as the most malignant of tyrants. For after all, if freedom is to mean anything, it must include the freedom to make the wrong choices as these might be defined by the doctors and psychiatrists. When the possibility of making the wrong choice is denied us, we are left with the Marxist definition of freedom as the "recognition of necessity," the necessity now being that of making the correct choice. And at that point we have become a totalitarian state—perhaps by our own choice, perhaps by a decision of the majority democratically arrived at, but a totalitarian state nonetheless.

Mr. President, I have spoken of bureaucracy created to administer these programs. For whom will the bureaucracy work?

In the first place, it goes without saying that the staff will be convinced of the importance of their preconceptions concerning child rearing, and that they will wish to see their theories applied to as many children as possible, although initially their attention may be concentrated upon the economically disadvantaged. However, spokesmen who worked for the passage of this bill put it quite bluntly, asserting that:

> Programs must be . . . *available to all children;* . . . programs must be designed to include children with a variety of socio-economic backgrounds.

The bill even as written now emphasizes the importance of making extensive services available to all levels of the population, so that this program is not really intended for the disadvantaged alone, but to serve as an instrument for universal day care. But, it is argued the services are voluntary. What if the parent, of whatever social or economic class, does not wish his child to receive the benefit of these services?

In the first place, we know that the availability of free services of this type is a great temptation to anyone, regardless of other factors. But if the parent resists this temptation, there is something else looming in the background. That something else bears the name "child advocacy," and it is a concept familiar to the bureaucrats and one with which we should familiarize ourselves. In his testimony before the distinguished Senator from Minnesota (Mr. MONDALE), Dr. Lourie spoke of the recommendations of the joint committee of which he was president. He mentions one category of services to be provided as follows:

> . . . *the creation of a system that could insure that services would be available. This is what has been called the child advocacy system.* (Emphasis added.)

Mr. President, child advocacy is not a part of this bill, primarily, I believe, because its backers realize that it would not get through Congress. But child advocacy means that if a parent were so benighted as not to want his child to receive the benefits to be dispensed through the child development system, some sort of mechanism, legal or otherwise, would be established to see that the child does in fact receive these benefits, regardless of the wishes of his parent or guardian. With that, any pretense of parental control will be eliminated, and the language in the present bill suggesting voluntary participation will become meaningless.

Is such a conclusion unreasonable? Is it imagined that no one would consider going to such extremes? Note that the Office of Child Development under the Department of Health, Education, and Welfare has recently announced the establishment of a National Center for Child Advocacy. Child advocacy is not in this bill, but if the bill's prime sponsors have anything to do with it, it will before long be upon us. And if the principle is accepted, the idea of family authority in child rearing will be completely discarded, and the ultimate decisionmaking power in this crucial area transferred to the state. By "the state," I mean Government as a whole, the Federal Government, not the 50 States.

The objections which may be raised against this bill are truly legion, and I have had time to discuss only a few of them, though they are very central ones.

A major point which I would ask Senators to remember is that this bill, for all the alterations wrought upon it, is essentially the same one which the President so wisely vetoed last winter. He pointed out at that time that:

> The bill "would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach.

The current bill most definitely continues to do that.

If Members of the Senate believe that the family should have the basic responsibility for the rearing of children in our society, they should vote against this bill. If, on the other hand, we maintain that the State, in the form of the Federal Government, should be the prime arbiter of the way in which our children are to be raised, then we should vote for the bill. That is the crux of the issue.

I take my stand with the family, with all its imperfections, for I believe that the potential damage done to our society by the system to be established by this bill would be appalling.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Dec. 2, 1971]

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. DOMINICK. Mr. President, I yield 20 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Colorado for yielding to me.

Mr. President, the parliamentary situation is that the conference report on S. 2007 is before the Senate for consideration. Those of us who oppose the comprehensive child development program are not able, in view of the parliamentary situation, to obtain a vote up or down on the comprehensive child development program without first defeating the conference report.

Mr. President, the defeat of the report does not kill the bill. All it does is defeat the report. The bill itself would be before the Senate, so that those of us who would like to approve the bill with the comprehensive child development program eliminated from the bill would have that opportunity. The Senate has many options, once the conference report is defeated. It can send the bill back to a new conference with instructions, send it back without instructions, concur in the bill, or concur with an amendment, and that would be the effort that would be made by those who oppose the comprehensive child development program, in the event we can first defeat the conference report.

So by a vote against the report, one is in no sense voting against the bill itself, because the bill will be very much alive in all of its aspects and before the Senate for consideration. This child development program actually was not a part of S. 2007 at the time that bill was introduced in the Senate, because at that time there was pending in the Senate S. 1512, by the distinguished Senator from Minnesota (Mr. MONDALE), and a number of other Senators. It is added as an appendage to S. 2007. So if we could eliminate the comprehensive child development program from S. 2007, we would leave that bill exactly as it was introduced. It would certainly do no violence to the OEO program. But first we must defeat the conference report, which would leave the bill before the Senate for its further consideration.

Mr. President, in the beginning let me make it clear that I do not oppose a realistic program of Federal assistance to State and local governments to help establish and maintain child day-care centers for working mothers. It seems to me that if we intend to require work of a parent or parents as a condition of eligibility for welfare assistance, then it would be appropriate to make provisions for the care of dependent children.

On the other hand, there is a world of difference between day-care centers for working mothers and the comprehensive child development program such as contemplated by the conference report.

Day-care centers for care of children of working mothers is neither a new idea nor is it a radical approach to a longstanding problem. Day-care facilities have been operating successfully throughout the United States, either on a private enterprise basis or by nonprofit organizations such as churches and labor unions, for a long time. Such facilities have proven their value, and I would be pleased to support legislation to expand the number of and improve the quality of day-care centers of the type with which we are all familiar.

On the other hand, I cannot support the type of program envisioned by the provisions of this bill. The proposed program is radical and socialistic. In my judgment, some of the services are totally incompatible with a free society. Neither is this radical type of program new nor is it untried, except in the United States. Communist Russia and Socialist nations have long had such programs. So long, in fact, that experience with such programs in Communist Russia has occasioned serious second thoughts on the ultimate value of such programs because of their admitted tendency to undermine the family as the basic unit of society. That is the pernicious thrust of this bill, Mr. President—that it would undermine the family as the basic unit of society.

Mr. President, the committee report on S. 2007 recognizes the risk involved in separating children from their parents but claims that the provisions of the proposal minimize and overcome that danger. I doubt it. This proposal would create a gigantic bureaucratic monstrosity with near-complete control over the lives of children.

Here is a program to authorize among other things, the creation of thousands of of laboratories, in effect, with children as subjects. What parent wants his child conditioned to perform like an animal in a circus? The techniques for human conditioning have been mastered. Given a doctrine that denies the existence of a human spirit, children become merely another form of animal life and, as such, the social experimenters have no inhibition against training the human animal to respond by the same techniques as wild animals are trained to suppress their natural inclinations and to perform their unnatural routines.

In short, the program offers a sort of hog heaven for those whose faith is rooted in the man-made order. By the same token, the program offers only nightmares for those who believe in a divinity ordained order in all forms and manifestations of life. The idea that the taxpayers of this Nation should be made to bear the cost of conditioning our children to respond like robots to programed behavior patterns is intolerable to think about. Such programs, however, in the opinion of the junior Senator from Alabama, are implicit in the term "comprehensive child development."

Mr. President, I do not exaggerate. Here is a program that contemplates prenatal and infant care; a wide variety of social and cognitive developmental services including those designed to develop physical and mental health which can be carried on in after school, summer, weekend, and overnight programs.

The estimated cost of day care services for a single group of children within the 3 to 5 years of age bracket is $2,372 per child. It is estimated that 6 million children of working mothers need comprehensive developmental day care services.

The distinguished Senator from New York (Mr. BUCKLEY) disputed the fact that there are actually 6 million children who are in need of day-care services.

The last figure does not include the additional number of children who would fall into the category of need when and if work is made a condition of eligibility for public welfare. The ultimate cost of prenatal and infant care services including the cost of training to be offered in the homes is anybody's guess.

Mr. President, from the standpoint of cost, we should bear in mind that the comprehensive child development program is not intended to be limited to children of working mothers, nor is it limited to children from 3 to 5 years of age. It is intended to be comprehensive both from the standpoint of developmental services offered and from the quantitative standpoint of numbers of children served. The program anticipates the eventual mixing of socioeconomic classes which can be accomplished only by expanding the programs and services to reach children from upper and middle income families.

Mr. President, an initial authorization in the amount of $100 million is requested for fiscal year 1972 and $2 billion—jumping from $100 million to $2 billion—for fiscal year 1973. These sums are sufficient to get the program firmly embedded in the already vast and rapidly expanding permanent welfare state apparatus.

Mr. President, it is not only the initial cost of the program that disturbs me. Given the current condition of the economy, this is not the time to take on vast new welfare programs. The initial cost is merely the tip of an iceberg.

It is generally conceded that the authorizations requested at this time are merely to get a foot in the Treasury door. Thereafter, the sky's the limit. For example, an aide to one distinguished Senator described the tactic behind the conference committee compromise on family income eligibility for free participation in the child development program. The November 20, 1971, issue of National Journal quotes this person as follows:

"The key thing is that the Democrats want a bill. They don't want a veto. The Democrats feel like they've got most of what they wanted. The spirit now is let's get this on the books and we'll improve it in two years."

Mr. President, who can realistically estimate the ultimate cost of this far-reaching and revolutionary proposal?

Mr. President, putting aside all considerations of cost, there is another and more compelling reason for opposing the idea that the Federal Government has the primary responsibility for comprehensive, mental, physical, and social development of children as contemplated by this program. Child training and development is a primary function of and the responsibility of parents, churches, schools, and other autonomous institutions of authority in our society. Already too many heretofore independent institutions of authority in our society have been harnessed to the oxcart of the State and subjected to collective domination and control. If this trend is not halted—and soon—we will be caught up in an irreversible revolutionary trend. This conclusion is supported by the prediction by the French author, Jean-Francois Revel, who said:

"The revolution of the twentieth century will take place in the United States. It is only there it can happen. And it has already begun."

The revolution conceived by Mr. Revel is currently manifested in what is referred to as a transition from political democracy to economic democracy. It is also manifested in the erosion of separate institutions of authority in our society among which the family is most important.

Mr. President, let me elaborate on this point. I take it that all Senators will agree that the word "government" in its fullest meaning is the aggregate of all the institutions of authority in a society. Civil government is but one institution of authority to which we, as a free people, turn for direction and guidance in making everyday decisions. The home is the institution of parental authority and the first with which children become acquainted. At an early age children are introduced to religious institutions of authority represented by our churches and to the institution of authority represented by our schools. As adults we become acquainted with the institutions of authority in scientific, cultural, and economic aspects of our lives. Day after day we turn to similar institutions of authority represented by the innumerable professions. Each of these institutions speaks with authority which inherent in knowledge and expertise in separate areas of specialty.

Mr. President, our Constitution and the principles upon which it is founded are designed to protect these separate institutions of authority from domination and control by the Central Government.

The opposite theory of the relationship of people to their government prevails in nations characterized by dictatorial, authoritarian, and totalitarian governments. In such nations no institution of authority can be permitted to survive if it perpetuates values and ends which are inconsistent with those chosen by the heads of state.

Mr. President, we are rapidly shaping up as a socialist, collectivist society under an authoritarian central government. The proposed comprehensive child development program is but another step in that direction.

The home, family, religion, schools, the economy and most of the professions are already dominated by the Federal Government. Where do we draw the line? Shall we permit the Federal Government to assume responsibility for comprehensive development of our children?

Mr. President, in order that we may clearly understand the Socialist antecedents of this program, let me refer to the CONGRESSIONAL RECORD of October 7, 1971—35547. Here, the distinguished Representative from Minnesota (Mr. FRASER) had printed in the CONGRESSIONAL RECORD a study of day care facilities in the Soviet Union by Urie Bronfenbrenner.

The author quotes from a renowned Soviet academician, economic planner, and "old Bolshevik," Stanislav Gustovovich Strumilin, whose traditional Communist conceptions of state responsibility for child care are contained in the following excerpts:

"Under Soviet conditions it is especially noticeable how the lot of the woman worker is being lightened. She can work in one factory, her husband in another, both can eat in a communal dining facility while sending their children to nurseries, kindergartens and boarding schools. . . . Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country."

Just as they are expanding in the Soviet Union so they would expand in this country:

"Every Soviet citizen, upon leaving the maternity home, will be sent to a nursery; from there to a kindergarten maintained day and night; then to a boarding school from which he will enter independent life. . . .

"The question arises: will not this kind of early separation of this child from his family be too painful an experience both for parents and for infants who are so dependent on maternal affection?

"This question may be answered as follows: the communal organization of upbringing in no sense requires full separation of the child from the parents . . . and surely no one will keep a mother from visiting her children when she is not working, from looking into the children's area, located in the same building in which she works, as often as it is permitted by the established schedule.

"The 'vitamins of love' are necessary for all children in equal measure . . . but the easiest way to satisfy this need is through the system of communal institutions of upbringing.

"The former family is reduced to the married couple . . . and when these contracted families recognize that it is not sensible to expend so much work on maintaining an independent household just for two people, the family as an *economic* unit, having fused with other families and become incorporated into a large economic collective, will dissolve within the context of the future social commune."

Mr. President, from the same article by Mr. Bronfenbrenner, the following responses are recorded to Mr. Strumilin's views:

"An example is provided by an article in *Pravda* written by a woman reporter. She described a visit to a boarding school in Moscow. Under a window she saw a young mother who, having missed the regular visiting hours, was hoping to catch a glimpse of her son or hear his voice. The correspondent found this incident disturbing:

" 'Once again my thoughts returned to that mother standing beneath the window of the boarding school. I cannot get her out of my mind. This is not a bad boarding school. But just the same, a mother's heart begins to yearn. Can we really reproach that heart for sentimentality? Of course not. A human being—especially a mother—is so constructed that she longs to warm her own child with her love and to be warmed herself by its side.'

"Nor was the reaction particular to mothers. Solovev in his *The Family in Soviet Society* quoted a factory worker as saying:

" 'We have a great need for boarding nurseries, but the fact that my son is becoming alienated from me is so painful that I can't even talk about it. I call him "Sasha, my son." But he just runs away. No I have to spend at least an hour or two each day with my son. Otherwise, it's impossible; otherwise. I can't stand it.'

"But in Soviet society (as in our own) neither the pronouncements of professional experts nor the complaints of parents can be viewed as major determinants of social change. Such change is more likely to be affected by objective factors of the type mentioned earlier: the equalizing of the sex ratio in the population, the increase in leisure time made possible by shorter working hours, and, above all, the easing of the housing shortage."

Mr. President, are we to follow in the footsteps of Communist Russia in shifting major responsibility for the care and training of children to the state itself? That is the fundamental question which will be answered by our votes on the conference report on this bill.

Mr. President, the highly respected nationally syndicated columnist, James J. Kilpatrick, has written persuasively on this subject in his column, "A Conservative View," released October 23, 1971. I ask unanimous consent that the column and a copy of Mr. Kilpatrick's commentary on this subject on radio station WTOP, November 4, 1971, be printed in the CONGRESSIONAL RECORD.

(There being no objection, the material was ordered to be printed in the RECORD, as follows:)

Commentary—Child Development

A House and Senate conference committee is struggling to come up with a child development compromise bill that will satisfy liberals without provoking a White House veto. A better idea would be simply to bury the bill for good, and try to forget it ever happened. In either its House or its Senate form, the bill is monstrous.

The House version, adopted through a parliamentary railroad job on September 30, runs to 23 columns of fine print in the Congressional Record. The general idea is to create a vast new bureaucracy charged with the "comprehensive" development of American children, starting at infancy and carrying on to age 14. This is no mere "day care" bill for working mothers. Forget that misconception.

On the contrary, this is a bill to provide, Soviet-style, for making children virtual wards of the state. The proposed development programs would include "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential." Does anyone have any idea what that mush conceals? The bill covers medical, psychological, and nutritive services. It provides for utilization of "child advocates," whoever they are. The programs would go on all day long, year in and year out, and they would cost billions.

This nightmare proposition grew out of Mr. Nixon's modest little dream of day care centers where welfare mothers could dump their children while they went to work. That idea may have merit—but the comprehensive child development act has none.

A Conservative View

When the House met on the afternoon of September 30, not more than 40 or 50 mem-

> bers had any very clear idea of what might be contained in a proposed "Child Development Act." The bill was not even before them.
>
> Before the afternoon had ended, after a legislative coup led by John Brademas of Indiana, the House incredibly had voted 203–181 to graft this unbelievable bill onto the Economic Opportunity Act of 1971. The Senate some weeks ago adopted a milder but similar plan. The whole scheme now awaits action by conference committees.
>
> The Brademas bill runs to 11,000 words. It occupies 22 columns of fine type in the Congressional Record. No measure of greater importance has cleared the floor of the 92nd Congress, and few have had less attention from the press.
>
> The bill is a monstrosity. No other word suffices. Many observers had expected, as a part of plans for welfare reform, to see some bill enacted that would provide modest Federal subsidies for a few day care centers in major cities. These had been vaguely envisioned as places where welfare mothers could leave their children while they went off to work. Instead, the House has approved a breathtaking, full-blown plan for the "comprehensive" development of children to the age of 14. It is the boldest and most far-reaching scheme ever advanced for Sovietization of American youth.
>
> The bill begins with a recital that Congress finds "that millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years." To remedy this harm, the bill directs the Secretary of Health, Education, and Welfare to foster programs that will provide "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential."
>
> Such programs may include food and nutritional services; medical, psychological and educational services; appropriate treatment to overcome emotional barriers; and "dissemination of information in the functional language of those to be served to assure that parents are well informed." Religious guidance plays no part.
>
> Applications for Federal financing would be funneled through various Child Development Councils. These in turn would supervise Local Policy Councils, to be composed either of parents or of representatives "chosen by such parents in accordance with democratic selection procedures approved by the Secretary."
>
> Local proposals would float up to a new Office of Child Development. This office would create a special committee to develop Federal Standards for Child Development Services. Another committee would prepare a Uniform Minimum Code for Child Development Facilities. The facilities would be financed through a new Child Development Facility Insurance Fund. Meanwhile, a National Center for Child Development would foster "research." A Child Development Research Council would smile upon it all.
>
> The bill would provide "free" care for all children of families earning not more than $4,320 a year. Other children would pay a small fee. Mr. Brademas could not really say what the program might cost—maybe $350 million in fiscal '73—but the House authorization is open-ended. The bill contemplates, ultimately, Federal support of "the entire range of services that have to do with the development of a child."
>
> Doubtless the contrivers of this nightmare had good intentions. In the context of a Sovietized society, in which children are regarded as wards of the state and raised in state-controlled communes, the scheme would make beautiful sense. But it is monstrous to concoct any such plan for a society that still cherishes the values (however they may be abused) of home, family, church, and parental control. This bill contains the seeds for destruction of Middle America; and if Richard Nixon signs it, he will have forfeited his last frail claim on Middle America's support.

Mr. BUCKLEY. I yield myself a half hour.

Mr. President, before discussing my specific objections to S. 3617, the child development bill, I would like to say that it represents a very substantial improvement over the legislation which was vetoed last year, and that I am much impressed by the obvious good will and concern exhibited by its sponsors. Yet many of the bill's basic features, as well as its implicit intent to establish a system of nationwide day-care centers, remain the same as in the vetoed bill, and it is, therefore, deserving of similar criticisms.

Although I have reservations as to the propriety of having the Federal Government assume a broad responsibility for a number of the services contemplated by the legislation, I wish to concentrate my remarks on the goal of establishing day-care centers available on a broad basis for the children of working mothers. Whereas this goal is not explicitly stated, it is clear from the bill itself, from the joint press release issued by the offices of Senators MONDALE and JAVITS last May, and by the opening remarks made by the distinguished Senator from Minnesota (Mr. MONDALE), that the establishment of such a system of day-care centers is a prime objective of this legislation.

I would like to summarize my principal criticisms at this time, reserving a more detailed exposition of the most important of them for the discussion of certain amendments which I propose to introduce later today.

First of all, there is the question of the propriety of the Federal role. While the Federal Government has assumed a general responsibility in the area of poverty, the bill under consideration does not limit its scope to the children of welfare families or of those living under the poverty level. Quite the contrary, it proposes to establish full-day or part-day child care services to be made available on a sliding-scale fee basis to the preschool age children of working mothers without regard to income.

Although broad local and State participation is encouraged, the final arbiter of the nature of the services to be provided under the bill will be the Federal Government. This introduction of the Federal presence into what has hitherto been an area of State or local responsibility threatens to make the delivery of the contemplated services more difficult and costly.

Two Governors who would have to deal with the competing authority and jurisdictional disputes resulting from legislation such as S. 3617 gave testimony to Congress last year concerning the problems which they anticipated from this bill's vetoed predecessor, S. 2007. Governor Moore of West Virginia, a member of the Education Commission of the States and an ardent supporter of improved care and education for preschool children, said:

> In short, the proposed system would, I feel, not only become yet another competitor for scarce funds for children, but it would also spawn so cumbersome and conflicting a bureaucracy that the needs of children—and of quality services for children—would be overshadowed by political and bureaucratic concerns.

Governor Rampton of Utah stated that the implementation of such a program would—"Result in such additional fragmentation and confusion that those very children and families who most need such assistance would suffer."

And in a telegram to the Honorable CARL PERKINS, chairman of the House Education and Labor Committee, Gov. Marvin Mandel of Maryland said:

> You contend that S. 2007 leaves the states with a meaningful role in early childhood development, I do not agree. We in Maryland have put together a workable and coordinated state program of day care and early childhood development; this statewide approach would be effectively sabotaged by the Conference Bill. I would like to see the OEO programs continued, but I cannot support S. 2007 while it contains this feature so destructive to our comprehensive statewide program."

Although the present bill attempts to broaden State authority, I am not positive that the objections voiced by these Governors have been fully met.

A second consideration is that of cost. The Federal Government is already badly overextended financially, yet this legislation proposes to initiate broad new Federal programs which within a very few years will inevitably cost billions of dollars, even though the first year's incremental cost is a not immodest sum of half a billion dollars. Given other commitments already undertaken by the Federal Government, it is quite clear that the services to be provided under the pending legislation will have to be paid for out of increased taxes.

Third, there is the question of need. The press release to which I have referred stated that the bill would provide for "development day care programs for youngsters whose parents are working." In his opening remarks, the Senator from Minnesota stated that while there are more than 5 million preschool aged children of mothers who work, existing day-care centers can only accommodate 700,000 of them. This leaves the clear implication that there is a current need for a vast number of additional day-care slots.

Yet the need for legislation establishing widespread public child care has yet to be proven. The most recent national statistics reveal that nearly half of the 5 million preschool age children of working mothers are cared for in their own home, often by relatives. Another 40 percent are looked after in the home of a relative or neighbor. These arrangements often approximate the idea of the extended family, which is an effective and desirable social institution. A large majority of the working mothers of these children prefer such arrangements, feeling as they do that a home and family atmosphere is superior to the institutional atmosphere of a day-care center, a view that is supported by nearly all child welfare workers and child specialists.

The remaining children receive care

under a variety of arrangements, including group care in centers. Less than one-half of 1 percent of the preschool ages—perhaps 15,000 children—are grossly neglected by mothers who leave them on their own as they go to work.

The children in the last category obviously need immediate attention, as do many, many additional children who are entrusted to the care of older children or adults who are demonstrably incompetent to give them the normal care and affection required for healthy development. However, the overall figures do not demonstrate a national crisis such as to justify the language used in connection with the vetoed legislation to the effect that "millions of children are suffering unnecessary harm," thus requiring care in Government child development centers.

Furthermore, it is quite clear that there is no substantial demand for such centers. A recent report prepared by Westinghouse Corp. for the Office of Economic Opportunity—"Day Care Survey 1970"—found that more than 80 percent of the working mothers surveyed were at least reasonably well satisfied with their child care arrangements. Less than 10 percent of these working mothers chose institutionalized group care as their ideal.

These conclusions were supported by a study published in 1970 by the Auerbach Corp., which also found that 73 percent of nonworking mothers would prefer care in the home rather than in a center if they were to decide to work. Nor is there an overwhelming demand for institutionalized day-care arrangements on the part of welfare mothers who are enrolled in the federally sponsored work incentive program and who are thus entitled to free child care services. With respect to these, the Auerbach report found that—

> Many mothers do prefer to develop their own plans, and are in fact distrustful of centers and services which are offered to them. They want to know the person providing the care, and they want it in their neighborhoods. Some mothers simply do not want day care, they are afraid of the training or lack of it that children are receiving. Some are even afraid that their children are being indoctrinated in such centers.

The fact that there is not a substantial demand for child day-care services does not mean, of course, that such should not be made available for those children who are developmentally handicapped and disadvantaged, or who are neglected and abused. These are in need of the remedial services which can be made available through professionally staffed centers of the highest quality.

Fourth, the legislation does not take into adequate account the fact that for the average child, especially those under 3 years of age, a day-care center can prove to be positively harmful. The atmosphere of such centers can exhibit the normal mental and emotional development of a child, because of its removal during most of its waking hours from the affection and individual attention found in his home. It is quite clear from the evidence offered by experts on child development that institutionalized centers should be made available only in cases where children require specialized help or are otherwise being neglected or harmed if left to the devices of their parents. This is an area which I will examine in far greater detail in connection with certain amendments which I will be introducing.

A fifth objection to the bill as it now stands has to do with the ability of a federally designed and supported system of child care centers of the scope envisioned by the child development bill to assure the quality of care which is essential if the centers are not to do more harm than good. The Senator from Minnesota has emphasized that he would not favor the creation of a system which would merely "warehouse" children while their mothers are at work. He indicates that he understands the need for a degree of professional competence in the centers which will to the extent possible compensate for the loss of the normal home environment and encourage the development of each child's potential.

I would suggest, however, on the basis of past experience, both abroad and at home, that the inevitable effect of the proposed legislation will be to establish a system in which it will be impossible as a practical matter to maintain the required quality. Furthermore, the legislation in its present form would inevitably have the effect of encouraging the idea that day care for young children is not only safe and acceptable, but even desirable. Thus it will create a demand for more and more centers capable of handling ever larger numbers of children which will so tax the availability of properly trained professionals so as to make it ever more difficult to maintain minimum standards of quality.

We will be told, of course, that the required high quality standards for development care will be enforced under this new act. But the history of Government regulation in this and many other fields does not lend support to this assumption. For example, the Westinghouse report, "Day Care Survey 1970," found that—

> Although ninety per cent of existing centers are licensed, it would be a mistake to assume that possession of a license assures compliance to state and local regulations.

Another illustration of this problem is found here in Washington, D.C. In his recent book, "The State of Welfare," Gilbert Steiner of the Brookings Institution reported that most centers in Washington could not meet the Federal interagency day-care requirements, in particular the child-adult ratios and the educational requirements for staff, even though a number of the centers were receiving Federal funds through the WIN and AFDC programs. He says that—

> In the District welfare department the view is that the requirements are unrealistic and that widespread complaints from private users who cannot afford the costs involved may result in a lowering of standards.

Dr. Dale A. Meers, in his article on international day care, found some important lessons in the experience of other nations:

> The ineffectiveness of French supervising authority in maintaining minimal standards clearly illustrates a major administrative problem. Bureaucracies are hardly well known for their intrepid enforcement of even important regulations, and their dilatory action presents critical hazards in child-rearing programs that are less consequential elsewhere. Those who are familiar with the plight of other populations who suffer state care and supervision, such as the mentally ill, would urge that every day care center should have its ombudsman.

Secretary Richardson of HEW is one who has had ample experience with the difficulties of quality control and bureaucracy. He told the Senate Finance Committee last fall about these difficulties and the problems inherent in S. 2007, the child development bill later vetoed by President Nixon:

> Our experience with the Headstart program is that the children are the ones who pay the price of unmonitored programs and that there is a limit to the number of individual programs which the federal government can effectively monitor. Project Headstart has produced many benefits, but one of the negative aspects has been the number of direct grantees with which the Office of Child Development must now deal. It is almost impossible for the 10 regional offices of OCD adequately to monitor and provide technical assistance to the more than 1,000 grantees. Program quality suffers under these circumstances. This situation would be aggravated under S. 2007, as recently passed by the Senate, under which the federal government could be required to deal directly with as many as 10,000 to 40,000 local grantees. This is not a trivial or bureaucratic concern. It would be a travesty if the swift expansion of child care facilities brought with it a great many shoddy operations in which children were merely stored away or neglected or abused.

It seems clear from the above, and from our general experience with Federal programs, that the maintenance of quality will be almost impossible of achievement unless the day-care centers which would be authorized under the pending legislation are limited to those which are remedial in purpose and therefore limited in number. Yet any compromise in quality can do positive damage to the children entrusted to the centers. As a group of six distinguished psychoanalysts in the Washington area have pointed out in a statement issued recently in support of S. 3617:

> There is considerable evidence that less than "quality services" would inflict both immediate and long-range damage to the development and potential of vast numbers of children. Especially vulnerable are those children who are less than two years of age, or those who have had to contend with deficits in the supports from their parents and other factors in their environment on which children are critically dependent for healthy development.

Supporters of this and similar legislation have made much of the fact that these programs are voluntary. While this is true, I would put the word voluntary in quotation marks. Surely the existence of relatively free day-care services is a powerful inducement for mothers, for a variety of reasons, to take a job at what may be the expense of their children's well-being. And the governmental sponsorship of such day-care programs lends them a seductive air of approval and legitimacy which the facts do not warrant.

Much also has been made of the amount of parent participation in this legislation. It is alleged that S. 3617 will insure parental control and authority over the policies and programs of this act. Yet all programs must meet the Federal standards for child development and family services and all plans of local and State authorities must be approved by the Secretary of Health, Education, and Welfare. In reality, and especially when faced with the professional credentials of those advocating specific policies, it can be anticipated that most parents on the various councils will become rubber-stamps endorsing the programs which the Federal Government approves and authorizes.

While this legislation is couched in humanitarian terms and concern for the welfare of America's children and families, it seems to me that insofar as it results in establishing child-care centers of other than a remedial nature, it will have the inevitable and insidious effect of subsidizing parental neglect and avoidance of responsibility for the care and rearing of their children. The child specialist Dr. Jerome Kagan gives evidence of this from his observations in Czechoslovakia, where there has been an extensive public day-care center system. In recent congressional testimony he stated that—

> When I visited Czechoslovakia two summers ago and was taken to day care centers in Prague I asked the supervisors what was their main problem. The salient complaint was that parents began to assume that the center was responsible for their children. They stopped picking them up at 5:00 and began to assume that the responsibilities for character training, education, and health, belonged to the state-controlled center.

Encouragement of indiscriminate use of day-care programs will tend to have a disuniting effect on parent-child relationships, particularly in the areas of family values, authority, learning, role identification, and increase child alienation and hostility toward his parents. Such programs will not strengthen the family, but rather, by accommodating the strains placed on it and subsidizing its separation, they will hasten the further dissolution of the family. The oversell of child-care services has created serious conflicts within the bill. On the one hand, its supporters emphasize the pressing need for child-care services for those children who are deprived, handicapped, or neglected. On the other hand, they laud the use of so-called child development for the children of all working parents, middle class as well as poor. In connection with S. 2007, they even advocate their day-care programs for average children whose mothers do not work. In addition, day care is hailed as a cornerstone of women's liberation.

Amidst these competing and artificially stimulated demands for scarce resources, those children whose needs are most desperate and immediate—children who are developmentally disadvantaged, handicapped, abused, or neglected—are likely to receive short shrift. It is these children for whom the remedial nature of developmental day care is meaningful and valuable. And it is expensive. Trying to undo damage already done requires a lot of money, but the effort to meet the politically appealing demands of numerous and diverse populations will almost certainly result in dilution of resources and in fact if not on paper, a lowering of quality standards, which are in any case largely unenforceable. What is needed is a concentration and targeting of our limited resources and manpower on those particular groups of children who desperately require remedial and developmental services, rather than a broad program encompassing ever larger populations.

I would like to quote again from the statement issued by a group of five Washington area child psychoanalysts, generally supporting S. 3617. While they state that they do "unequivocally approve the implementation of Federal programs of quality day care for the remedial and emergency use for the developmentally handicapped and disadvantaged, neglected and abused children of all ages," they go on to state:

> We are unequivocally opposed to the general application of full-scale, full day care for children in the general population. We also underscore that quality day care should be used as an adjunct to those services available or provided to the child and his family in the home and only when individual consideration has determined the specific need for day care in addition to the home-based services.

Dr. Nagera, in the paper "Day Care Centers: Red Light, Green Light, or Amber Light," echoes this concern:

> In my view, day care centers should for the time being, strictly restrict its admissions to the groups of children described above, and only after being well satisfied that no suitable alternative methods can be implemented to improve the home situation, the family climate.

At the close of my remarks I will submit amendments intended to remedy this and other deficits in the bill.

As President Nixon stated in his veto of the previous child development legislation:

> All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated.

I heartily agree with that view.

Instead of spreading our resources too thinly among too many children and very possibly harming them in the process, instead of subsidizing the separation of parents and children, we should rather target our scarce resources on those children who are truly in the greatest need, and we should investigate ways by which we can in truth help strengthen and preserve the family unit structure, upon which the health of our society in large part depends. In the interest of America's children and its families I urge the Senate not to support this ill-conceived and quite possibly harmful child development proposal, S. 3617, in its present form.

Mr. President, I have a number of thoughtful and valuable articles on the subject of day care and child development and I request unanimous consent that they be inserted in the RECORD.

They are: First. "Day Care Centers: Red Light, Green Light, or Amber Light," by Dr. Humberto Nagera, director of the child psychoanalytic study program at the University of Michigan.

Second. "The Family and the Educational Process," by Dr. Earl S. Schaefer, University of North Carolina, from the book "Families of the Future."

Third. "How To Be a Better Parent," by Theodore Irwin, in Parade magazine, May 14, 1972.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DAY CARE CENTERS: RED LIGHT, GREEN LIGHT OR AMBER LIGHT

(By Humberto Nagera, M.D.*)

The possible impact of poorly conceived Day Care Centers on the intellectual, emotional and psychological development of children is of such proportions, in the negative sense, that an examination of some of the factors involved becomes imperative.

Naturally, the nature of the impact will be different according to a number of variables such as the "quality" of the "care" provided in any such given institution, the amount of time that the child remains in the Day Care setting every day, the type of relationship between the child or infant and his parents both generally, and more especially the amount of interaction between mother and child during the number of hours left (of his awaken life) after he is back from the Day Care Center to the home every day, and most important, of the age of the child.

In my view, the greatest potential danger concerns those infants ranging in age from a few days or weeks to one and a half years of age. The second most endangered group (but less fundamentally so than the earlier age range) concerns those children between one and a half to two and a half or three years of age. The type of damage that can accrue to children outside these two groups is so significantly reduced that we will not pursue a discussion of the problems involved for them (though there are some) in this publication.

If we consider the first the dangers involved in this practice to children in the age group of up to one and a half years of age we have to examine at least three distinct sets of variables. Each one of them plays a fundamental role in the healthy development of the infant (healthy implying here not only physical health but including a good intellectual, emotional and phychological development). The first set of variables comes from the child itself. The second from the type of environment in which the child lives including those human objects responsible for his care. The third is the resultant of the interaction between the endowment, the genetic make-up of all humans as a specie (and that peculiar to each individual) and the environment (including the human objects).

Those variables that concern the infant itself are in part genetically determined and are of the essence of certain characteristics specific for the development of the human brain. Thus, comparatively speaking the infant of the human species is born with an extremely immature, unfinished brain, to the point that it takes one and a half to two years after birth to reach the level of maturity that is typical at the time of birth in other mammal species. It is embryological maturational forces that push brain development in the anatomo-physiological sense to its completion. Such forces though genetically determined need, in order to complete their tasks, *the collaboration of specific forms of environmental stimulation.* In other words, the genetic developmental embryological forces cannot unfold the anatomo-physiological blueprint of the brain to its ideal potential without the essential contribution of environmental factors. This environmental contribution is in the nature of a diversity of stimuli that must reach the brain. The function of that stimuli is to trigger and stimulate those genetic embryological mechanisms to complete its task.

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*(NOTE.—Professor of Psychiatry, University of Michigan and Director of the Child Psychoanalytic Study Program at Children's Phychiatric Hospital, Department of Psychiatry, University of Michigan.)

Admittedly, this is still an obscure area but the evidence available nowadays is at least quite suggestive, if not conclusive. Different forms of external stimulation (usually contained in the multiplicity of interactions of the mother with her baby) seem to influence the internal, anatomical-maturational processes by at least three different types of mechanisms:

1. It seems to favor significant increases in a progressive and more complex arborization of dendrites during the first few months of life. The importance of this phenomenon should be clearly understood. More dendrites mean increased and more complex pathways in the brain. More pathways, mean more functional capabilities and better possibilities of performance for that brain.

Conel's (1939) studies of the cerebral cortex of babies have demonstrated that though the number of cells (neurons) in the cortex is fixed at birth, complex morphological changes continue to occur for long periods of time. Thus, he found progressive arborization of dendritic processes during the few months following birth without quantitative cellular increase. The situation here would be similar to a sophisticated piece of electronic equipment that has been poorly wired, where the connections between the systems are not as many in number as they could have been. Such a situation will naturally restrict unnecessarily the functional capabilities of the total equipment. Richmond and Lipton (1959) stated that "since it is now accepted generally that neurons are connected in a network and not merely in a linear series, and that nerve impulses pass about the connections in a circular, more or less continuing fashion, the potential significance of this growing arborization of dendrites for the development of the infant may be appreciated" (p. 80). Possibly then, understimulation of the brain during the first few months of life, as is bound to happen in a Day Care Center situation (the reasons for this will be discussed later) may well lead to an inferior quality brain structure (less dendritization, less connections, less functional pathways). Furthermore, such developmental maturational processes as lead to appropriate dendritization can only occur during a limited period of time after birth. If they do not take place then, during that critical period, they cannot be brought about at a later date. The damage, in the sense of loss of capabilities and function is permanent.

2. By increasing the degree of vascularization in certain anatomical structures of the brain.

The relationship between function, functional capacity and the degree of vascularization of an organ (implying here the amount of oxygen available to the organ) is a well established medical fact. If the heart's vascular system deteriorates with aging and through arteriosclerosis, the organ functional capabilities are seriously reduced. Angina symptoms appear, a heart attack may follow, etc. imposing marked restrictions in the functional capacities of the patient. Similarly, an arteriosclerotic brain interferes with brain functions, memory suffers, the quality of the thought process is affected. In extreme cases a senile dementia ensues.

Comparative anatomical studies of the brain of different species clearly shows the relation between the excellence of a function in a given specie and the degree of vascularization pertaining to that area of the brain controlling the function. Craigie (1955) for example found that the "more acute sense of hearing of snakes probably is reflected in vascularity of the cochlear nucleus notably in excess of that in other reptiles, and the mobility of the tongue is suggested by a capillary supply in the hypoglossal nucleus about twice as rich in snakes and lizards as in the turtle and the alligator" (p. 28). The extreme importance of these findings for child development is highlighted when we consider that the process of vascularization of much of the brain is far from finished at birth. In various species it seems to take several months after it to complete itself and even more, there seems to be a direct correlation between external stimulation of specific areas of the brain (after birth) and the final degree of vascularization that such areas will obtain.

Thus, for example, Rao (1955) removed the eyes of rats at birth and when they reached maturity proceeded to study the capillary beds in the visual centers. He concluded that there was a marked retardation of development of the contained blood vessels as the result of the removal of the eyes sometime before they would have normally begun to function. He thought it "as due to the absence of that portion of the functional activity in visual correlations centers of the brain which would normally have been stimulated by impulses coming through the optic nerves" (had he not removed the eyes). The same seems to be true of human babies according to Mali and Raiha (cited by Craigie, 1955). These authors examined premature infants at birth and concluded that the density of the meshes in the cerebral capillary beds is considerably less at birth than in later life.

3. By favoring the process of myelinization. Myelinization and function are very closely related. Here again there is hard evidence from animal experimentation suggesting clearly that environmental stimulation has significant effects upon ultimate structure and function.

For example, Langworthy's (1933) studies of kittens showed that myelinization is significantly influenced by neuronal function, that is, light stimulation. Blindfolding kittens from birth he could demonstrate histologically that the optic nerve of the one eye that was blindfolded showed less myelinization than the contralateral stimulated eye.

Sontag (1941) has stated that "animal experimentation suggests that the myelinization of specific nerves can be accelerated by stimulation of the nerves, and there is, of course, considerable relationship between the function of a nerve fiber and its state of myeliniztaion" (p. 1001). Kennard (1948) apparently has made similar findings in human infants. Human premature babies whose eyes were exposed to light since their premature birth show more mature optic nerve development than other full term infants of an equivalent age to the above group at their time of death.

Richmond and Lipton (1959) concluded that these "types of studies seem to give support to the contention that even after the fetal stage, environmental stimulation (or lack thereof) can modify developing structure in the central nervous system" (p. 82).[1]

Given that the adult brain weighs 1200 to 1300 grams and that at birth that same brain only weighs 300 to 350 grams, we can understand the enormous importance of the mother-child interaction (as the provider of essential stimulation) during the earliest stages. Significantly by two years the child's brain would have trebled its weight. In other words it would have reached 900 to 1050 grams of its total weight and much of its anatomical, histological and biochemical immaturity will be coming to a close.

Since the first two years of life seem to be the critical period for all these developments to take place, it follows that if the right kind of stimulation is not provided during this phase, the result may be a structure that though not necessarily "damaged" (in the sense of brain damage) has certainly not developed to its full potential.

If we take into account the possibility of cumulative effects of this type, leading to inferior development in multiple areas of the brain, it is conceivable that the finished brain is one of "inferior quality" for those unfortunate children whose fate it will be to grow, during their first two years of life, under conditions of deprivation and understimulation. Such conditions are typical of a variety of environments including, in my view, most of the existent Day Care Centers and no doubt those numbered in the thousands, that are to be created.

Students of child development and child psychoanalysts have known for many years that raising human infants outside the family model, such as orphanages, foundling homes, etc. leads to disastrous results. Observation over observation, and study after study by a large number of workers in the field have clearly demonstrated this. Naturally, poor family situations lead to similar results as the more extreme ones of the foundling homes and orphanages. The problems here, at least one of them, is what kind of balance will there be between the time the child spends in the Day Care Centers, very frequently understimulated and the time the child spends at home receiving adequate stimulation. *First,* we know nothing of how many hours a child can survive in an understimulated environment and still do well developmentally, always assuming that he will receive what he needs at some point during his daily awaken life. *Second,* many people are demanding Day Care Center services around the clock. If we go that way many children will no doubt be deposited for many days at a time in the Day Care Centers, sometimes legitimately such as in the case of severe parental illness with no possible alternative arrangement for the care of the child but at other times just out of convenience and with absolute disregard of the child's needs and the child's best interest. For example, parents that will go on vacation for extended periods and will not want to take their child or children along. Still, in many other cases children will be dumped in Day Care Centers simply because children have become burdensome to many in the new generations of parents. *Third,* I know of many Day Care Centers whose service extends from 6:30 a.m. to 6:30 p.m., that is, a block of twelve solid hours. During this time, there will be at least, two shifts of staff that raises the problems of multiple caretakers for the child and its complications. Further, even for those children that are picked up by their working mothers, let us say, at 5:30 p.m. we have to consider that many of these women, will still have a household to look after, a husband and perhaps other children to attend to, meals to prepare, personal needs for some desirable recreation, etc. It seems quite unlikely, that such mothers will have much time to devote to their infants, let alone that they may have had a long and wearing day at work or at school. These are, I think, far from the ideal conditions under which appropriate stimulation will take place.

As I mentioned in another publication (1972) that Spitz (1945) has quite clearly demonstrated the tremendous developmental

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Footnotes at end of article.

differences between the children of professionals, growing up in their parental homes (family model) and children raised in institutions. The first group (children of professionals growing up at home) showed a Developmental Quotient of 133 as the average for the first four months of life. In this group of children that average was maintained towards the end of the first year of life. The children raised in the Foundling Home showed an initial Developmental Quotient of 124 as the average for the first four months of life (pretty similar to the first group). But in sharp contrast with the first group, that average of 124 deteriorated markedly, to 72 by the end of their first year of life. Spitz's follow-up studies, though limited in nature, tended to show that this drop in Developmental Quotient and its behavioral manifestations are irreversible once a certain amount of time has elapsed.

Similarly, Provence and Lipton (1962) have clearly demonstrated by means of direct observations of infants, the appalling damage to the personality and more especially to ego and intellectual development resulting from growing under conditions of deprivation and understimulation that is, by lack of sufficient human contacts and interactions during the early stage of the child's development.

Some of such developmental lags can be "undone" by placing such children in a more suitable environment (a good foster home for example), at the appropriate time. As I said somewhere else (1972), "it seems to me that in another sense many such children are irreversible and permanently damaged. I mean now that though they will catch up to the levels of the normal, at least in many gross areas such as language and motility, normality has such wide variations that we may have a "normal human being who is permanently condemned to perform, in terms of his intelligence, at the lower end of normality. To be graphic, it is the difference between somebody digging holes in a road and somebody with the intelligence necessary for a university education. Thus, though "normal," our deprivational child rearing practices may have blunted his original genetic potential to such a point that his best is an I.Q. of 80, while genetically, and given more favorable circumstances in babyhood, he might have reached an I.Q. of 120". Clearly, no sensible society can afford to damage hundreds of thousands of its children by mass producing and officially condoning, institutionalizing and supporting child-rearing practices known to produce such disastrous results.

Observations such as those described by Provence and Lipton, Spitz, Bowlby, Ribble, Anna Freud and many others were essentially explained as the result of the lack of sufficient human contracts and interactions. The children observed were in reasonably good physical surroundings and their basic needs for food, cleanliness, hygiene etc., were well provided for. Essentially these authors' assumption was correct, though they had not clearly made the link between lack of stimulation and poorer development of the brain structure, in the anatomo-physiological sense.

Clearly then, the first step that we must ensure developmentally, is that the internal maturational embryological forces unfold as ideally as possible. That, as we have shown, requires external stimulation of the kind and quality contained "usually" in the mother-child relationship. This will ensure the best basic equipment in the form of the best brain that the child's endowment has provided him with. But that condition, essential as it obviously is, is not enough or sufficient in the human species. Most human behavior and controls are learned, a most significant difference with all other species. In the latter, most behavior is controlled instinctually. In other words is controlled automatically by innate, in-built mechanisms in the brain that triggers off adaptive responses after the reception of the significant signals and stimuli from the environment. Self-preservation, mating behavior, preservation of the species, food gathering, etc. are frequently regulated in this manner. Not so with the human infant.

To start with, his brain is enormously superior in functional capabilities to any other species. Evolution has not provided him with the type of instinctual patterns of behavior described above and observed in other species. He must when the time comes—since he is helpless and dependent on parental care and teaching for an inordinate large amount of time—use his intelligence to deal with his environment, with dangers, with one another. His specially developed brain has provided him with the capacity to learn to solve problems in a variety of ways. In other words, he can choose "intelligently" among several alternatives, the most adaptive response in a given set of circumstances. He is not restricted, like other species, to one single stereotyped solution. He has the capacity for language development as a tool of communication. He can and indeed has established innumerable forms of social organizations and cultures. He can store and teach his descendants that culture. He can modify his environment to suit his needs and for this reason he has to large measure the greatest capacity for survival, in terms of evolution, of any species known. By the same token he possesses the greatest capacity for destruction both intra-specie and of his environment.

All these differences clearly demonstrate that he must start learning from day one and at incredible pace at that, if he is going to join in an adaptive healthy manner his social group and its organization. This learning is predicated in an active and constant interaction *from birth onwards* with human objects. The intensity of the contact needed to achieve this aim *is generally lacking under the institutional conditions* of foundling homes, orphanages and most likely in ill-devised Day Care Centers. To use a comparison it is not enough to have acquired the best computer possible (the best brain possible for a given child), it is then necessary to program it wisely and efficiently. The best computer, if mishandled and badly programed will be an inefficient piece of equipment.

We have enough evidence in the field of human development to know that the best programmer of the human brain and as such of human behavior is a good mother-child interaction in the first few years of life. Once that basic and early programming has been achieved, many others (in the forms of teachers, etc.) can participate successfully in the further programming and teaching of the human brain.[2]

One essential factor in this regard, is the constancy of the object, the constancy of care of the object ministering to the child. The child's brain, at the same time that is developing and acquiring more complex capabilities, must be exercised. It must be exposed to innumerable experiences, not only so that it receives essential stimuli and continues to grow, but so that it organizes itself, learning slowly to distinguish (given its capacity to think) inside from outside, self from object, the body parts under its control and command, as that control is progressively acquired. Similarly, he must go successfully (if normality is to be achieved) through the process of separation-individuation and must learn to use his ego apparatuses as these become structured as well as understand the innumerable complexities of its environment. Most important he must learn to establish very early controls over its own primitive reactions and feelings. To further complicate the problem, all these developments must take place in a situation where the infant is not excessively subjected to undesirable forms of stimuli either. Thus, in the earliest stages it is imperative that the child (the child's brain) not be subjected to overwhelming, traumatic forms of experiences that it cannot handle and that are enormously disruptive in terms of personality organization. Such stimuli, capable of overwhelming the necessary homeostatic equilibrium in the child, can come from outside for example in the form of excessive handling or mishandling, excessive cold or heat, multiple sources of unorganized sounds and other undesirable stimuli impinging on the baby for prolonged periods of time, enforced separations, etc. It can come from the inside when the baby is left to suffer from hunger or from pain unduly.

Granting the kind of background that is ideal for human and brain development that is, *neither too excessive nor insufficient stimuli* but the right happy medium, the child still needs some *constancy of objects* to organize its experiences, to understand its world. An example may clarify this. When a newly born baby is sufficiently hungry his pleasure-pain equilibrium, his homeostatic equilibrium is disrupted. A disturbing feeling interferes with his well-being. This automatically leads to clear signs of distress on the part of the baby that are picked up by the baby's mother. This, in turn, activates the healthy mother's behavior who immediately relates to the baby and the baby's need. Usually, the mother has a very ritualized, stereotyped procedure while going about getting ready to satisfy the baby's hunger and thus alleviate or remove his distress. She might go and see her baby, talk to him, manipulate him to ascertain the cause of the cry or other signals released by the infant (he might be wet or uncomfortable for a variety of reasons). Then she may go to the kitchen to fetch bottles and to prepare the baby's milk. All this time the child is receiving a variety of sensory stimulation, the steps of the mother while she moves about, her voice if she talks to him (this tends to be stereotyped too), opening the refrigerator, closing it, sounds produced by the handling of bottles, glasses, spoons, pans, etc. The baby that must have been quite disturbed by his first few and new experiences of hunger, learns that after all this stimuli that reaches him, satisfaction arrives and his hunger and distress disappears.

Naturally, once he has established these links in his mind (after a few good experiences of satisfaction) one can observe how his crying stops automatically as soon as he can hear the noises resulting from the mother's activity in the preparation of his food. Thus, at this point the internal distress is not a frightening, disturbing experience of discomfort but one that is associated with relief and satisfaction. In short, despair becomes hope. Further, he has made in some primitive form the first connections between cause and effect, has learned that control pays, that waiting and being attentive can bring rewards, etc. Obviously, *these first steps in the organization of the mind and of the inner world* of feelings and affects, of learning and knowing something for the first time, is possible, or more feasible and easier, if the object who ministrates to the child is constant. Her stereotyped and routinized behavior, the sameness of the behavior allows the baby to find his bearings, to know the situation or rather to identify it as similar to previous experiences and consequently to predict the outcome. A constant change of caretakers, with different ways, different manners of ministering to the baby, in short the lack of sameness at the appropriate times will, I think, make it much more difficult for him to find his bearings, to learn about the situation, to predict the outcome, to acquire early control structures, to be confident and relaxed in the face of the internal distress. Clearly, sameness, familiarity, repeated similar experiences leads to

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learning, *to primitive understanding and to organization, in the mind.* Without this early and primitive processes of organization and integration later learning becomes difficult. Changing constantly the system by means of which we attempt to teach something to any child is disruptive and makes the mastery of the tasks more difficult, confusing and hopeless.

This simplified example, relating to feeding and its significance for mental organization and structuring can be multiplied ad infinitum in terms of what is happening constantly in the context of the mother-child interaction. It is for these reasons that I believe that in the early stages *of the process of the organization of the mind* the existence of essentially one caretaker for the child, the existence of sameness in certain experiences though not in all, is of enormous significance. After some time that is, after the ego structure has achieved a certain level of organization, the child is able to deal with more complex tasks even if some of the variables involved are changed frequently. The need for constancy of the caretaker still exists at somewhat later stages but that need is then based on factors other than the need for organization in the mind and for the organization of our first mental processes. These new factors concern the development of object-relatedness, its quality and the special dependence that is thus created between infant and mother.

Day Care situations will introduce, of necessity, a multiplicity of different caretakers to deal with the basic needs of the very young baby, precisely at the very time when he or she is in the greatest need of sameness of certain experiences. This problem will be discussed further later on in the paper.

The interesting electroencephalographic findings during the first three months of life seem to throw some light in the peculiar developmental processes of this period and on the enormous importance of the presence of an empathic mother during this time. As we know the electroencephalographic pattern characteristic for most of the first three months are the delta waves, that in the adult corresponds with a state of marked somnolence. These delta waves disappear only at those moments in which the baby becomes attentive in a special fashion (more frequently during the second and third month), at which points the functional capacity is heightened at this time alpha waves replace the delta waves.[3] The type of stimuli that causes the very young infant to emerge from his usually somnolent state can be presumed to be an increase of his internal needs, or some form of discomfort. At this point an empathetic mother will come to her baby. The communication and interaction between mother and infant thus take place during a stage of heightened alertness and functional capacity on the infant's side. It seems plausible that the baby's experience under these very special functional conditions are of special significance and that the contacts and interactions between the baby and his mother at such points (when the alpha wave displaces the delta pattern) facilitate and encourage not only the ego development of the child but also marks the beginning of an increasing awareness of the object.

I think it is most significant that the institutionalized child and the child at a Day Care Center will frequently miss this opportunity for contact and interaction with another human being when he is in a state of increased functional altertness. One reason for this, is that such states are of very short duration, especially if no appropriate interaction follows. Another is that they are quite likely to go unnoticed by a staff who is responsible for a large number of babies and who consequently must devote his time to cope with feeding, changing diapers, etc. Further, these occasional states of alertness during the first few weeks of life usually charm mothers who respond intensely and in kind to the child, as all those who have had the opportunity to observe babies and their mothers will confirm. Interestingly enough this response is not likely to be elicited in anybody else but the child's mother.[4]

I believe that this type of interaction has a chain effect: such states of alertness tend to arise more frequently when the child is responded to. Thus, the mothers response leads to increased alertness and to the wish for more contact.

It seems too that by the second and third month specific aspects of the mother's behavior, certain types of stimulation and play will have an arousing capacity similar to that of the internal needs of the baby. Conversely, a lack of response to these early occasional states of alertness in the institutionalized child probably contribute to, and perhaps determine, his later more withdrawn attitude, lack of alertness, etc.

Though I have highlighted the special value, during the first three months of life, of the infant mother—interaction during the states of alertness, the value of the ministrations of the mother at other times should not be underestimated. Many such ministrations take place when the functional condition of the baby's brain is of the somnolent type (delta waves pattern).[5] Naturally, their impact on the baby are of a different quality. At this time things happen to him when he is not alloplastically orientated (as in the alertness state). Nevertheless, the ministrations of the mother under delta waves conditions do provide him with a wide range of new sensory stimulation, that makes contributions to the functional awakening and the gradual development of different ego apparatuses and structures and, at the beginning, perhaps more especially the perceptual one. Through these ministrations the mother manages to provide much of the necessary and basic conditions of minimum comfort and well-being, without which ego development will not proceed normally.

One could discuss too the implications that the Day Care Centers will have at different developmental stages, i.e., the possibility of delays in the typical developmental milestones, smiling, hand-eye and ego integration, holding the head, babbling, sitting, crawling, walking, talking, etc., and the impact that such early developmental delays (and what they signify) might have in the final organization of the personality and on its quality. Such a task will lead us too far afield. Furthermore, the paucity of our knowledge in this regard may make the effort unrewarding at this time. Think for example of the phenomenon of the stranger anxiety, a phenomenon that appears usually around the tenth month of life, sometimes early, sometimes later. We can say with certainty that the child at such point is distressed at the recognition, or approach of a stranger, partly because it highlights his own mother's absence. Babies' distress in this situation varies greatly but some do become markedly upset and disturbed if handed to a stranger, or if a stranger forces his presence on the infant. One cannot but wonder what the Day Care situation will do to those babies suffering acutely from stranger anxiety, since many strangers will not only approach them but force their ministrations upon them. In this case, like in many others, we are not in a position to give definite answers as to the possible implications for the child's development of this type of mismanagement. Yet it seems, at the very least, unwise to force on the baby something against which his whole nature revolts, just because we are not aware of the possible consequences of this practice. What if we were to find in retrospect that it has undesirable effects on the child's development and mental health at a point at which we may have already subjected hundreds of thousands of babies to this experience?

By the time the child is approaching what Anna Freud has referred to as object constancy, the quality of the toddler relationship to the mother makes him extremely dependent on her, at a point when his ego development is so limited, that we know that he cannot handle separations from his mother (or his primary objects) without in most cases being overwhelmed by anxiety of traumatic proportions. Repeated experiences of this type, especially if they have traumatic proportions, are well known to have damaging effects in the personality and mental health of the child. This reaction of young children is so well known in the field of mental health that we have coined the term "separation anxiety" to describe it. The term refers to the biological unity that exists between the mother and her infant, a unity that if disturbed leads in some cases to very unwelcome results regarding the final personality of the child. It must be clear that in this case we are not referring only to permanent separations but to transitory ones as well, separations that may last just a few hours at a time. Furthermore, we have sufficient clinical evidence to assume that though separations from his biological object are always unwelcome by the very young infant, there is a particularly vulnerable and critical period in this regard in the early part of the second year of life. From all we know, it must be said that special efforts must be made not to expose the child to unnecessary separations, during this especially critical period. At this time and for developmental reasons the child has little tolerance for the absence of his object. This is feared *per se* but further, when the child is confronted with the mother's absence, his *automatic response is an anxiety state* that in many occasions reaches overwhelming proportions. Repeated traumas of this type in especially susceptible children will not fail to have serious consequences for their later development.

The reasons explaining the above phenomena are not difficult to understand. They are based in a normal relative inbalance that exists in three fundamental lines of development during the second year of life. The first, concerns the ego that is, the degree of ego development reached or more generally speaking the child's capacity (or lack of it) to understand the happenings in the world around him, the quality and level of his thought processes, the child's ego capacity to bind and to cope with anxiety as it arises, the existence of an early capacity for introjection, etc.

The second reason concerns the line of development of object relations and reflects the level and quality that object relations have reached at this point in life. There has been a gradual development from the stage of need satisfaction that is, that stage when what is most important is the satisfaction of the baby's basic needs—somewhat irrespective of which object satisfies them—to that of object constancy. When the infant reaches the stage of object constancy it is no longer the child's needs or the object's need fulfilling functions that are important. Instead, *the object*, independently of its need-fulfilling functions, has become the child's primary concern. As we know, the transition from the phase of need satisfaction to that of object constancy happens very gradually. It starts during the third or fourth month of life, gaining momentum during the second half of the first year and is usually well established (object constancy) in the second year, more frequently towards the end of the first half of the second year.

At this time, the child's interests are centered on his mother. His feeling secure and

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safe is predicated on the mother's presence. His reaction to separation is based on this simple fact coupled with the ego's inability, the intellectual inability to distinguish as yet between temporary absence and complete disappearance or even the capacity to link absence with the subsequent return of the object. It is no wonder then if he reacts with anxiety when the mother is not around. A child of this age has no concept of time either. From his egocentric position and given that he feels most secure when with his mother, especially in situations of fear, distress and anger, he cannot understand that the mother is not there when he requires her presence.[6] Her absence, especially in situations of distress, fear, pain or danger, provokes an automatic anxiety response and since the child's ego is very easily put out of action by anxiety during the second year of life it follows that he cannot make use of the scarce resources that he has available in any attempts at understanding, coping and binding the anxiety, the terror, that overwhelms him in such occasions.[7] He has not yet developed sufficiently the capacity to delay his affective response, to *pause and consider the meaning of, and the reasons for the mother's absence.* Parenthetically I should say that no other animal species will subject their infants to experiences they are not endowed to cope with, except the human animal.

A few months later, this inbalance between the extreme fixation to the mother and the ego's inability to process information and delay anxiety is altered. The ego having developed further makes the child's response, to the same events, quite different. Thus, we have observed children who in the first part of their second year of life are overwhelmed by their mother's absence while in the second part of the same year they were quite able to cope with the same experience by ego means, intellectual means and without being overcomed by fear. One child I have in mind, as an example, woke up during the night and went searching for his mother. His grandmother told him that mommy had gone out, as he knew, but had left the message for him that she was going to be back soon. The small infant turned around, walked to his bed while saying to himself several times, "Mommy will be back soon," adding, "Mommy gone to the movies." In contrast with a few months earlier when he would have been in a panic, he fell asleep again without any difficulty of distress. He could now master the meaning of her absence as his own explanatory addition to the mother's message "gone to the movies" demonstrates. It is of interest that he was able now to bind the anxiety which otherwise, as in the past would have overwhelmed him, by means of meaningful thought process. You should notice that at this time "movie" was for him a place where mother went on occasion and from which she returned soon. He did not really know the actual and concrete meaning of the word "movie." Anny Katan (1961) has shown, how the ego's capacity to tolerate and to bind anxiety increases markedly during the second year because of the beginning of language development, which is no doubt correlated with an increased capacity to think conceptually.

Day Care Centers will presumably accept toddlers during this critical stage, something that ideally does not seem desirable. How to screen such children in their admissions procedure, how to minimize the distress of the child when powerful reasons force its admission, etc. are all questions in urgent need of answers.

It is of course true, that in spite of the close tie of the toddler to his mother, he takes notice and relates to other familiar persons, especially when they make efforts to earn the toddler's sympathy. Fathers, grandparents, older siblings and others become part of the toddler's enlarging world. Yet, it should be clearly realized that these other relations take place only under the shadow of the relationship to the mother. The two year old child can spend much time playing with grandparents and others away from the mother (if these people can appeal to the toddler's interest), secure in his knowledge that the mother is around in the house, though not necessarily in sight. To assume that this behavior suggests the toddler's independence from his mother is quite mistaken. If she were to leave the house, the toddler will immediately demand to go with her and will refuse to continue playing; if left behind he will break down in tears and anxiety. By the same token there are times and activities that as far as the toddler is concerned belong exclusively in the context of their relationships to their mothers. At such points he will demand her presence and refuse substitutes, even those with whom he has a good relationship generally speaking. Bedtime, frequently feeding time, or those occasions when the child wakes from his sleep, when he is unwell, has been hurt, is frightened, etc. are good samples of such situations. All the above shows, I believe, some of the violence that is introduced into the developmental patterns of the young baby and toddler, by a Day Care situation. The results of such violence to the system are not easily predictable, since children vary in their capacity to adapt and to tolerate stresses. The cumulative nature of the stresses introduced makes one fear the final outcome if such child-rearing practices become widespread. One thing seems clear, we will produce a different type of child and for all we know one that is liable of multiple handicaps for adaptation given our present social organization and needs.

We know too that by the time the child is two and a half or three years of age he not only can separate for long periods of time, but he can accept readily mother substitutes or subrogates during that time in the form of teachers for example in a good nursery school setting. Further, in a favorable setting (nursery school) he will be capable of profiting from the experience and of making significant developmental gains. Yet, even then, we are familiar with the fact that if the child feels unwell, gets hurt, or frightened, etc. he will cry bitterly for the presence of the mother, and this in spite of his increased capacity to tolerate her absence and accept substitutes.

There are many other areas where a good mother-child interaction is significant. To mention just one example, Moore and Ucko (1957) found that for most children an adequate amount of interplay with the mother is an important factor conducive to the establishment of an appropriate sleep rhythm. They called this form of contact "excess nursing"; that is, a measure of the time given by the mother to the baby for contact and play over and above what he may need for feeding. Those babies who in their samples received the least excess nursing time had the greatest tendency to wake, while those who had ten to twenty minutes in addition to the feeding time settled best in their sleep patterns. Here again, it is difficult to see how a Day Care arrangement, with a large ratio of babies to staff can fulfill such requirements. Theoretically, if Moore and Ucko observations are correct, the potential for sleep disturbances in these babies, with frequent waking-up in the evening, is there. One cannot but wonder what this will do to the mother-child relationship, especially in the case of mothers who have a busy day for reasons of work, studies, etc., and badly need their sleep.

Day Care Center physical facilities should provide a suitable environment for a population of children that ranges widely in age. For our purposes we are restricting the discussion to children up to two and a half years of age. A hygienic and safe environment; adequate lighting and ventilation; sufficient space for each age group needs; flexibility for separation of children according to their ages (since the needs of a three month old are enormously different from those of a toddler); rooms to rest; appropriate space and provisions to deal with the feeding situation; flexible, multi-purpose utilitarian furniture; appropriate bathroom facilities to include toilets of appropriate size for toddler's usage; potties for the younger toddler; appropriate washing facilities for babies, an isolation room for sick children (especially important in cases of contagious diseases in order to avoid small epidemics); first class facilities for the preparation of food; ideally suitable playground facilities; a good provision of adequate and stimulating toys selected for their appropriateness according to age and their suitability to promote perceptual, cognitive, motoric and conceptual development; good first aid facilities; easy access to nurse's services and pediatricians; a good provision of appropriate milk, food, bottles and other utensils, as well as easy access to emergency services; facilities for the sterilization of bottles, etc, are some of the essential requirements. This is by no means a comprehensive list of basic needs for a setting where large numbers of small children are going to be looked after for substantial periods of time on a daily basis. Nevertheless, it is easy to see that present ordinances regulating Day Care facilities leave much to be desired and do not ensure all that a reasonable environment and reasonable care be provided for the children.

Many Day Care Centers as they exist now are about the most inappropriate lodgings one can think of, such as damp, dark, not sufficiently heated church basements and the like. This is not only prejudicial to the children but demoralizing to a staff on whom extraordinary demands are going to be placed. Over-crowded conditions in the Centers will be self-defeating. Not only will they interfere with safety, create dangerous conditions for the spread of many potentially dangerous infectious diseases of childhood but will create a chaotic environment, with multiple sources of loud noises, occurring simultaneously all the time, a situation that makes adults tired and inefficient rather quickly and that proves extremely disrupting to babies and toddlers. It is true that babies have (especially early on) a high threshold for sound. Yet, this means mostly one type of loud sound but a multiplicity of sources of loud sounds is a different problem. One in fact that at the early stages affects negatively the development of the mind interfering with the development of perceptual-cognitive capacities, discrimination, orientation in the world around, establishment of cause and effect connections, etc., as our multiple clinical observations demonstrate.

Further, crowded conditions will interfere to some degree with motor development and the necessary exploration of the world around that goes with it. Under such conditions babies will have little opportunities for example for crawling and consequently for exploring, learning, and exercising their already acquired skills, as well as acquiring new skills, etc. Much the same will apply to the toddlers, let alone the fact that toddlers are naturally uncomfortable in limited space and in over-crowded conditions. In the toddler's case one has further to consider their normal need to be frequently on the move as well as the fact that they do not normally engage in constructive play with other children and toddlers (that would somewhat reduce the need for space and equipment). As we know there is only essentially parallel play in a toddler's organization, a fact that increases the need for space so that they do not clash or interfere unnecessarily with one another, and so that the more aggressive toddlers are not constantly hitting and attacking other

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less aggressive or smaller toddlers or snatching and grabbing away their toys. Such a situation will only terrify the less aggressive, more passive toddler who already feels more or less fearful because of the absence of his familiar object, the mother. For the more aggressive toddler this environment will reinforce his aggressive tendencies unduly, making it all the more difficult (and more conflicting) for him to acquire necessary controls over his aggression as well as the ability to impose the necessary restrictions over it. Observations of children demonstrate quite clearly that this type of toddler, with an excess of motoric and aggressive energy, needs special handling if he is not to find himself later on in serious difficulties with his aggression, with others and with himself.

If we consider now who is going to staff the Day Care Centers we find that present law provisions for the regulation of the Centers leave much to be desired. For example, in the state of Michigan all the qualification that is required for the director's position is *any college degree*. Most college degrees offer little, if any, information regarding the developmental needs of children especially in the age group from birth to two and a half years of age. The qualifications of other staff is totally unspecified. One implication being that Day Care Centers will contribute to alleviate in some measure the unemployment situation and perhaps more especially the *hard to employ* problem. I seriously doubt that being unemployed should be sufficient criteria to entrust anybody with the most precious and delicate possession of our society, our very young infants. Clearly some screening procedure is essential here, to ensure that neither the disturbed, the unsympathetic or the cruel to children will assume caretaking positions in Day Care Centers for the very young, indeed not for any age group. Some experience with infants, some forms of training, some natural maternal qualities are highly desirable qualities in those selected to fill these positions. Obviously too, a minimum of training regarding infants needs and ideal conditions for their development should be a sine qua non. Similarly, highly informative and simple courses on the major causes of accidents in babies and toddlers are necessary if many unnecessary tragedies are going to be averted. We have only to consider that the toddler group has an enormous incidence of fatal or otherwise very serious accidents, frequently by the ingestion of toxic substances. The toddler as we know tends to ingest the contents of whatever happens to be within his reach. Similar dangers exist in relation to electrical appliances, unsafe toys, etc. Effective prevention of serious accidents has to be based in appropriate supervision, vigilance and in an increased awareness of the major causes of accidents for the age group. The above considerations refer mostly to the very minimum of "quality" to be required of the staff. Another essential consideration concerns the quantity of staff required. In this regard the ratio of staff to number of children should be much greater when we are thinking of young infants than of older age groups.

Since large numbers of children will spend no less than eight hours a day at the center we must ensure that there is sufficient interaction with babies so that they receive the necessary stimulation. That interaction, as we have pointed out earlier, is more effective at certain times than others. The staff must be alerted to this so that it is ready to go to the baby at the right time. The interaction should not be reduced to the time of feeding, cleaning or changing diapers. It is obvious that if the ratio of staff to babies is not large enough, they will be reduced to perform the most peremptory function of changing diapers and feeding. Frequently, babies will be left to suffer from hunger and other undesirable stimuli simply because the staff cannot get to them within reasonable time, if they have to handle an excessive number of babies. Babies place enormous demands on their caretakers, more so at certain stages than others. Babies within the first few weeks of life spend much time sleeping but especially after six months and onwards require a great deal of attention, handling and human interaction. Naturally, they should be held and carried around sufficiently. They should be played with. Otherwise there will appear retardations in their developmental milestones, speech development, etc. Ideally then, there should be one caretaker for three babies (at the most) in this age group. As mentioned in the first part of this paper it will be most important that so far as possible the same caretaker be responsible for the same group of babies in a consistent manner. This may be very difficult to accomplish, since vacation time, holidays, sickness, days off, etc. will complicate matters here and more especially so in those Centers that run more than five days a week.

Another complicating factor is the number of shifts of staff taking place during the working hours of the Center. We know of Day Care Centers running from 6:30 a.m. to 6:30 p.m. and there are demands for services around the clock. Many Day Care Centers' directors feel that shifts of six hours is about as much as staff can reasonably handle. The question introduces the problem of multiplicity of handlers and caretakers for babies that is, lack of constancy of objects, the importance of which has been discussed earlier. We must take into account that even in the case of those Centers that will try to provide constancy of objects for the babies, the babies will, of necessity, have been handled by at least two staff plus the mother. The development of the babies' capacity for suitable object relationships later on in his life is very much dependent in the nature and quality of these earlier experiences. What we have described earlier as the stage of object constancy in children, which incidentally is an essential step to reach developmentally, if a "normal" personality is to evolve in terms of a good capacity for object relations and otherwise, is somewhat similar to the so-called process of imprinting in other animal species. One essential difference is that the "imprinting" to an adult human takes place in a much slower fashion than in other species. For this attachment to take place a multiplicity of interactions with the same object, through at least a year is necessary. This type of attachment reaches its summit when object-constancy is fully established.

This is in sharp contrast with the same process in for example the geese, where attachment behavior (imprinting) takes place instantly and immediately after birth. The little geese getting attached automatically to whatever large size object moves within his range of sight immediately after hatching.[8] Without wanting to stretch the similarities too much between human and animal attachment behavior and imprinting (and acknowledging obvious differences), the fact still remains that in both cases, such processes are essential conditions for the normal development of object relationships with members of the specie. In the human, basic faults in the capacity to attach oneself to other humans lead indeed to veritable catastrophic results in extreme cases, and to very undesirable outcomes even in the less extreme cases.

On the basis of the information available regarding different types of child-rearing practices and their known outcomes, as well as our present day knowledge of the basic needs of the human infant to develop normally and ideally, I cannot but seriously question (for the age group I have been referring to) the advisability of moving to the establishment of Day Care Centers in the grand scale that this country is now planning. I fear that widespread and unthoughtful use of such facilities in this country, for infants in the age range between birth and two and a half years of age, could someday result in the United States mass producing large numbers of children with serious emotional problems and psychopathology. Furthermore, we may mass produce large numbers of low achievement, low I.Q. youngsters. Babies whose brains are understimulated and mismanaged, whose emotional development has been interfered with by inappropriate Day Care Center's practices. These children will later on need Head Start programs, special remedial classes in school and will probably continue to be in general and in spite of every effort, low achievers. We are all painfully aware of the small return that Head Start Programs has brought to those unfortunate children whose fate it was to grow under poor environmental conditions in early life. This painful awareness has led to the realization that programs such as Head Start reach the child far too late to be effective. Hence the move towards identifying the "problem family" earlier, thus helping to prevent the damage to their children during their babyhood and their toddler stage. This is a much more sensible approach since the disturbances that Head Start Programs try to remedy have their origin in early life.

From the considerations in this paper it seems likely that Day Care Center facilities for children (in the age group we have been discussing) is to say the least, pregnant with dangers for their healthy emotional and intellectual development. Some but not all of these dangers, can be minimized and even averted if we devote substantial amounts of time, money and research efforts, to understand and then to supply, artificially, those ingredients that make for the recipe of healthy development in a family setting, to children in Day Care settings. At the present time we are far from able to do this efficiently and with certainty. Careful design of the Day Care Centers, extensive and sound training of its staff may go a long way in the right direction. Anna Freud (1971) recently restated what she said forty or forty-five years ago that is, "that in this field [child care] we proceed to action without inquiring into the quality of the material with which we deal. . . . Work with metal, and ideas about what can be constructed from it, are based on the quality of this particular material. Whatever plans are made for it are made on the basis of the knowledge of these qualities—whether you can bend it, heat it, etc.

But it has not been so with work with children. This has been determined by extraneous factors—by feelings about them, financial possibilities, social opportunities, religious motives, or the very personal motives of a child worker. I think that many of the unexpected outcomes and many failures have been simply due to the fact that the handling of children has not been based on knowledge of their nature. . . . I think very seldom has a conference [at the Child Study Center of Yale University in 1966] expressed as clearly as this one that we should start with the developmental needs of children, and that plans for children should be based on detailed knowledge about their needs and the possibility of meeting those needs" (p. 227–228).

I am willing to admit readily that many families and many mothers do not or cannot give their infants the time and attention that they so essentially require. The reasons for this are multiple. Sometimes they just have too many children, or physical or emotional incapacities, or obligations outside the home such as working to meet the basic needs of food, shelter, etc. At others it is the appalling socioeconomic conditions under which they live that have led to emotional despair and apathy. A Day Care Center may be a welcome

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Footnotes at end of article.

addition to the lives of these unfortunate children, providing much of what is missing at home in the form of stimulation, enrichment of the environment, adequate diets, a minimum of structure, adequate medical care, etc. There can be no question either, that some children will be better off fostered, in residential care, or in Day Care Centers, than they are at home. Indeed, the life of some children, let alone their emotional health, can be in jeopardy if they remain with their parents as the increasing instances of battered and murdered children demonstrates. Nevertheless, in my view, Day Care Centers should for the time being, strictly restrict its admissions to the group of children described above, and only after being well satisfied that no suitable alternative methods can be implemented to improve the home situation, the family climate. Anna Freud (1971) has rightly remarked that if we really believe in the superior advantage of family care to any other form of care, much effort should be concentrated on helping home life to fulfill children's needs. Financial support, advice and guidance, with supplementation of home care by intensive Day Care geared to implement the lack of family care only when no other alternative is available. She questions if the authorities really do everything possible to promote family care, to enhance it, to make it financially possible. She points out how many children who are deserted or because unwanted burdens to their unmarried mothers, children that in many cases could be kept by the mother or relatives and at less cost to society if support were forthcoming. But we should not turn what is a tragedy of certain socioeconomic, lower class groups into an institutionalized norm for all children, condemned and supported by the state. After all, neglect in this area is not simply a job not done with the possibility of making up for it later. It is a wrong that is not redressable.

There are as well, of course, other genuine conflicts between the best interest of the infant and that of many young mothers still in the midst of their educational careers, at colleges and universities, not to mention high school that seem to make Day Care Centers desirable. Here again innovative solutions are required and some have been produced. I recall a television program showing a special class for unmarried high school mothers where they were allowed to take their babies and minister to them while being instructed. Similarly, we could provide video-taped versions of the courses that young mothers could watch at home, while on campus. A videotaped lecture can be interrupted at any time, while the mother attends to her baby's needs, and continued afterwards at her leisure. They can be watched while young babies sleep, etc.

It is most unfortunate that many spurious issues have attached themselves to the question of Day Care Centers. For example, women liberation movements, that in their legitimate search for equality of rights and opportunities make blind demands for Day Care facilities without considering *the equal rights of the child to develop intellectually and emotionally as fully as possible*. I am aware that it is only a small minority of extremists in this movement that will be unwilling to examine rationally the implications of some of her demands. Nevertheless, since they tend to be the most vocal and outspoken group we have an obligation to educate and alert all women and specially those who have reached motherhood, to the possible dangers for their infants involved in this demand. Bettye Caldwell (1971) remarks that at the 1970 White House Conference on Children last December, delegates of various women's groups were among the most vocal demanding that Day Care Services be made available around the clock, year in and year out, for all who want it (p. 48). I want to make it quite clear that I have no objection whatsoever to women's legitimate rights for equality of opportunities, education and the like. But I do have, as I state elsewhere (1972), the strongest objection to neglecting the similarly legitimate rights of infants, especially since they cannot speak up for themselves and cannot look after their best interest.

Another spurious issue that has attached itself to the Day Care Center is a political one. The social-welfare, liberal-minded person and politician sees in this development a highly desirable aim. He is, of course, considering the issue essentially in the sociopolitical, philosophical sense. For the conservative minded person and the politician (with similar views), this development has an unpleasant flavor of a movement in the direction of an unlimited, unrestricted and unqualified social-welfare organization. They, too, are taking a socio-political, philosophical point of view. I want to suggest that both approaches are incorrect and neither of them should decide this issue. The issue should be decided by a rational and professional examination of the factors involved, based on sound knowledge of the child developmental needs and his best interest, under present societal conditions. It will be ironic if the noble intentions of the welfare, liberal-minded citizen, supports a plan in the hope of a betterment of social conditions that in the end does not really contribute to the welfare of the child, of the parents or of society at large, in the positive sense, but just the opposite. It would be similarly ironic if the conservative minded were to be successful in defeating a plan, out of socio-political considerations, that could greatly benefit large numbers of the children of this country and their families. Clearly if made into a political issue the outcome could be disastrous.

Finally, it is perhaps not widely known in this country that Day Care Center programs of the type we are now considering were widely implemented at the end of the war in several of the Iron Curtain countries. The rationale in their case was their desire to transform what were essentially agricultural economies into industrialized countries. For this purpose they needed more manpower (in this case womenpower) and in order to free women to work in industry they embarked in wide programs of Day Care run by the State. Meers (1971) has studied this and visited these countries recently. I have been told (personal communication by Meers) that after some twenty-five years of experience these different countries are quickly changing and modifying this practice. Apparently, many of the children under such care have become severe social casualties, burdens to themselves and to society, to the point that the human losses thus incurred far outweighs the gains that were hoped for initially.

FOOTNOTES

[1] More recently Cragg (1963), in a chapter in "Functional Plasticity of Nervous Tissue" has stated: "The effects of function on neuronal structure are of fundamental importance to the problem of how neurons acquire the right connections in the developing brain, and how the function of the brain matures. In recent years there has been a great advance in detecting morphological correlates of more sophisticated 'educational' influences as well as the cruder effects of neuronal damage. . . . In the visual system it is possible to apply some degree of sensory deprivation without the use of neuronal damage, and to study the effects upon the morphology of successive orders of visual neurons. It must be admitted that there is no physiological evidence that depriving the eyes of light reduces the rate of firing in the optic nerve, yet this procedure has been shown to be effective in reducing the amount of AChE in the retina, in retarding the myelination of the optic nerve, in reducing the RNA content and size of retinal ganglion calls, and in stopping the growth of neurons in the lateral geniculate nucleus post-synaptic neurons project to the visual cortex, and here a reduced nuclear diameter, a reduction of the internuclear material (cytoplasm, axons, dendrites, and glia) and a reduction in the density of blood capillaries has been detected. Conversely a visually enriched environment combined with training in visual problems has been claimed to result in an increased thickness of visual cortex in rats, an increased cortical content of AChE, an increase in dendritic branching, and an increased number of glial cells.

More subtle changes in neuronal connections as the result of disuse have been detected by electrophysiology, but cannot as yet be approached by neuroanatomy. Thus if cats are reared from birth with one eye closed and tested at 3 months, the closed eye is found to have lost the ability to alter the firing rate of the majority of cells in the visual cortex. When both eyes are deprived of light, the effects are less severe, so that competition for neuronal connections appears to be involved. When the eyes are prevented from working together by alternating an opaque ocluder between them or by artificially deviating one of them to produce a squint, the majority of cells in the visual cortex are driven by one eye or the other only, and not by both as in normal cats." (pp. 30–34).

[2] None of this should be taken literally. Programming is a graphic word of some explanatory value but as a term it possesses connotations that are inappropriate and insufficient to describe human development. Still it expresses graphically some of the problems at hand.

[3] Oswald (1966) remarked that "the alpha rhythm is an indication that the brain is functioning at one particular level of efficiency, alertness or 'vigilance'. . . . When the alpha rhythm is lost in drowsiness, the brain is functioning at a lower level of effectiveness"(p. 21).

[4] After all mothers gain as much pleasure as the child does from these interactions. A healthy, emphatic mother, takes enormous pride in her infant, in what she does for him, in his little achievements as they occur and radiates back this pleasure and warmth to the child. It is of course not possible to expect that quality and warmth in the communications between a stranger and an infant. After all, the mother has been prepared for this response biologically and psychologically by her nine months of pregnancy. That pregnancy and that infant have an emotional and psychological value to her (in a normal situation) that is unique and cannot easily be replicated by somebody that is "doing a job" and that is dealing with a multiplicity of infants simultaneously.

[5] Much feeding of very young infants takes place under this condition.

[6] Here he is not different behaviorally from any number of other species of animals. For as long as they are not mature to have acquired independency, safety only exists in the pack and by the side of the mother.

[7] Adults too, cannot think clearly when overcome by fear or when in a panic.

[8] In other higher species such as dogs and other mammals for example the procedure is not as simple as in the geese. There is an ideal time during which it takes place, usually not immediately after birth, requiring further, certain types of interaction during more prolonged periods of time. After this, the attachment behavior has been established and the imprinting process completed.

BIBLIOGRAPHY

Burlingham, D. & Freud, (1942) *Young Children in War-Time*. London: George Allen and Unwin.

Burlingham, D. & Freud, A. (1944) *Infants without Families*, London: George Allen & Unwin.

Caldwell, B (1966), A Day Care Program for Fostering Cognitive Development. In: *On Rearing Infants and Young Children in Institutions*, ed. H. L. Witmer. Washington: U.S. Depart. of H.E.W., Children's Bureau Research Reports, No. 1 1967, pp. 33–40.

Caldwell, Bettye (1971), A Timid Giant Grows Bolder, Saturday Review, February 20, 1971, p. 47.

Conel, J. L. (1939) The Brain Structure of the Newborn Infant and Consideration of the Senile Brain. In: *Association for Research in Nervous and Mental Disease, Research Publications*, 19. The Inter-relationship of Mind and Body. Baltimore: Williams & Wilkins.

Cragg. B. G. (1968) "Gross, Microscopical and Ultramicroscopical Anatomy of the Adult Nervous System", in 4 & 5/Applied Neurochemistry, ed. Davison, A. N. and Dobbing, J., Contemporary Neurology Series, F. A. Davis Company, Philadelphia.

Craigie, E. H. (1955), Vascular Patterns of the Developing Nervous System. In: *Biochemistry of the Developing Nervous System*, ed. Waelsh, E. New York: Academic Press.

Escalona, S. K. (1966), Developmental Needs of Children under Two-and-a-Half Years Old. In: *On Rearing Infants and Young Children in Institutions*, ed. H. L. Witmer. Washington: U.S. Depart. of H.E.W., Children's Bureau Research Reports, No. 1, 1967, pp. 7–13.

Freud, A. (1971) Residential vs. Foster Care, in *The Writings of Anna Freud*, Vol. VII, International Universities Press, New York, 1971. First published in *On Rearing Infants and Young Children in Institutions*, U.S. Department of Health, Education and Welfare, Children's Bureau Research Reports, No. 1, 1967, pp. 47–55.

Gavrin, J. (1966) An Institution for Young Children. In: *On Rearing Infants and Young Children in Institutions*, ed. H. L. Witmer. Washington: U.S. Depart. of H.E.W., Children's Bureau Research Reports, No. 1, 1967, pp. 28–33.

Harlow, H. F. (1959), Love in Infant Monkeys. *Sci. Amer.*, 200 (6): 68–74.

Katan, A. (1961) Some Thoughts about the Role of Verbalization in Early Childhood, *The Psychoanalytic Study of the Child*, International Universities Press, New York, 16: 184–188.

Kennard, M. H. (1948) Myelinization of the Central Nervous System in Relation to Functions, In: *Problems of Early Infancy*, New York: Josiah Macy, Jr. Foundation.

Langworthy, O. H. (1933) Development of Behaviour Patterns and Myelinization of the Nervous System in the Human Fetus and Infant, *Publications 139–143*. Carnegie Institution.

Meers, D. R. (1971) "International Day Care: A Selective Review and Psychoanalytic Critique", *Day Care: Resources for Decision*, Office of Economic Opportunity, June 1971.

Moore, T. & Ucko, L. E. (1957) Night Walking in Early Infancy. *Archi. Dis.* Childhd., 32: 333–342.

Nagera, H. (1966), *Early Childhood Disturbances, The Infantile Neurosis*, and *The Adulthood Disturbances* (The Psychoanalytic Study of the Child, Monogr. 2). New York: International Universities Press.

Nagera, H. (1966), Sleep and its Disturbances Approached Developmentally, *The Psychoanalytic Study of the Child*, International Universities Press, New York, Vol XXI p.p. 394–447.

Nagera, H. (1972) Social Deprivation in Infancy, In: *A Handbook of Child Psychoanalysis: Research, Theory and Practice*, ed: Wolman, New York: Van Nostrand Reinhold Company.

Oswald, J. (1966), *Sleep*, London: Penguin Books.

Pavensted, E. (1966), Some Characteristics and Needs of Children Two and a Half to Five. In: *On Rearing Infants and Young Children in Institutions*, ed. H. L. Witmer. Washington: U.S. Depart. of H.E.W., Children's Bureau Research Reports, No. 1, 1967, pp. 13–20.

Provence, S. & Lipton, R. C. (1962) *Infants in Institutions*. New York: International Universities Press.

Richmond, J. B. and Lipton, E. (1959) Some Aspects of the Neurophysiology of the Newborn and their Implications for Child Development. In: *Dynamic Psychopathology in Childhood*, ed. Jessner, L. & Pavensted, E. New York: Grune & Stratton.

Robertson, J. (1952), *A Two Year-Old Goes to Hospital*, New York: New York University Film Library.

Robertson, J. & Robertson, J. (1967), *Kate, Two Years Five Months, in Foster Care for Twenty Seven Days*, University Film Library.

Robertson, J. & Robertson, J. (1968), *Jane, Seventeen Months, in Foster Care for Ten Days*, University Film Library.

Robertson, J. & Robertson, J. (1969), *John, Seventeen Months: Nine Days in a Residential Nursery*, University Film Library.

Robinson, H. (1966), A Proposed Day Care Experiment and its Physical Plant. In: *On Rearing Infants and Young Children in Institutions*, ed. H. L. Witmer. Washington: U.S. Depart. of H.E.W., Children's Bureau Research Reports, No. 1, 1967, pp. 40–45.

Sontag, W. L. (1941), The Significance of Fetal Environmental Differences, *American Journal of Obstetrics and Gynecology*, 42: 996–1003.

Spitz, R. A. (1945), Hospitalism. *The Psychoanalytic Study of the Child*, International Universities Press, New York, Vol I, pp. 53–74.

Spitz & Cobliner, W. G. (1965), *The First Year of Life*. New York: International Universities Press.

Tynes, H. (1966), A Residential Nursery for Very Young Babies. In: *On Rearing Infants and Young Children in Institutions*, ed. H. L. Witmer. Washington: U.S. Depart. of H.E.W., Children's Bureau Research Reports, No. 1, 1967, pp. 23–28.

Winnicott, D. W. (1965), The Maturational Processes and the Facilitating Environment. New York: International Universities Press.

THE FAMILY AND THE EDUCATIONAL PROCESS

(By Earl S. Schaefer)

My goal is to inform, to persuade, and to move each of you to accept personal responsibility for social change in programs that relate to families and children. I would like to tell you of an anecdote of an event that increased my awareness of personal responsibility to apply knowledge to promote human welfare. I had developed spherical conceptual models for parent behavior and child behavior (Schaefer, 1971) and told Dr. Babska, a Polish psychologist of my dream of studying the relationships of the two models to one another. She looked at me and said, "If you really understood these things, you would go out and try to change them." That is my challenge and the challenge of the conference to you. If you really understand the importance of the family, you will go out and try to develop an effective support system for family care and education of children.

An interpretation of research on early education and the role of the family in child development suggests the need for family-centered child care and education programs. My work on early education has evolved through several stages since 1964, at which time I began to realize the need for education during the period of early development of relationships and language. That insight led to the development of the infant education project, a tutoring program in the home during the second and third years of life. However, when the tutoring ended at three years of age, the children's I.Q. began to drop, suggesting the need for continuing education. The need for early education and for continuing education suggested that the family is an important educational institution from birth to maturity, in fact, that the family is the major educational institution of society. However, just as the child cannot function effectively as an isolated monad, the nuclear family cannot function effectively as an isolated unit. Therefore, we must develop the community as a support system for families and we must integrate the child care and education professions into a support system for family care and education of children.

Going beyond our current professions and institutions, we must ask, "Where are the agencies in society that are promoting the cause of the family?" We have major health agencies and education agencies, but where are the major family agencies? Very few exist, at national, state, or local levels. Therefore, we need to develop family agencies and what is more, we need to develop a national family lobby or family union. Recently, the education professions have been successful in their legislative programs by organizing an educational lobby. The health professions have been successful in many of their legislative goals by organizing a health coalition. The development of family agencies and of a family lobby may be necessary to develop programs that support families in their major role in child care and education.

The definition of education in Webster's Unabridged Dictionary as "the act or process of rearing or bringing up" suggests the major educational role of the family. A second definition—"the process of providing with knowledge, skill, competence or usually desirable qualities of behavior and education"—also applies to the family. However, the definitions of an educator "one skilled in teaching" and "a student of the theory-practice of education" are applied almost exclusively to professional educators. Yet, if parents are engaged in education, then they should truly be educators, should be skilled in teaching, and should be students of the theory and practice of education.

This analysis suggests the need to emphasize the role of the family in the educational process.

A common sense analysis of major characteristics of family care and education will support the importance of the family. Ten characteristics of families that suggest the great cumulative impact of the family upon child development are listed in Table I (Schaefer, In Press).

TABLE I

1. *Priority*. The family influences the early development of relationships, and interests and language.
2. *Duration*. The family maintains contact with the child from birth to maturity.
3. *Continuity*. Prolonged separations of parents and children are rare. Separations are often investigated under the concept of maternal deprivation.
4. *Amount*. The total amount of interaction of children with parents tends to be greater than with any other adults.
5. *Extensity*. Parents and children interact in many different situations and share many different experiences.
6. *Intensity*. The degree of involvement of the child with the parent tends to be more intense than with other adults.
7. *Pervasiveness*. The parent influences the child's contact with other persons and institutions and controls the child's access to society and society's access to the child.
8. *Consistency*. The parent's behavior with the child tends to be consistent over time.
9. *Responsibility*. Both parents and society recognize the parent's primary responsibility for the child's welfare and development.
10. *Variability*. The extreme viarability of family care and education, from extremes of acceptance, involvement, and stimulation to extremes of neglect, abuse, and physical deprivation, is related to variability in child development.

The cumulative effect of these different characteristics and family care of children is the basis of the primary importance of the family in the educational process.

Although one would expect these characteristics of family interaction to influence the child's development, the degree of that apparent influence in one recent study was startling. Alex Rode (1971) had children report their parents' behavior toward them and had them report their own alienation on Keniston's alienation inventory and found that 79 percent of the variation in the child's report of his own alienation was related to his descriptions of his parents' behavior. Alienated high school students described their fathers as neglecting, ignoring, detached, distant and hostile and their mothers as rejecting, hostile, and overinvolved—controlling through withdrawal of relationship, through instilling persistent anxiety, and through guilt. The somewhat different patterns for mothers and fathers increase the credibility of the finding that children's perceptions of their parents behavior is highly related to the degree of alienation.

Another study suggests that studies of parent-child relationships alone are insufficient in considering family influence on child behavior. Danjczek (1971) had principals and teachers nominate well adjusted and maladjusted children from intact families in their classrooms and then asked the fathers to describe their wives' behavior and the mothers to describe their husbands' behavior. With small samples of intact families of adjusted and maladjusted children, she found highly significant differences in marital adjustment related to the child's functioning in the classroom. This study suggests that parent-child interaction alone is not an adequate measure of family interaction. Apparently, the husband-wife interaction and perhaps the whole network of family relationships also influence the child's development.

Merill Roff (1950) in a review of intra-family resemblances, reported that the child's character development—moral attitudes and opinions—are highly related to those of his parents. He also reviewed studies that the child's attitudes toward the church, war, communism, and his political loyalties correlated with those of his parents.

A recent study by Smart and Fejer (1970) suggests that even drug use by adolescents may be highly related to their experience in the family. It fascinated me that if the child reported his mother used tranquilizers almost every day, as contrasted to reporting that his mother never used them, the child was eight times as likely to report that he used tranquilizers. But the similarity in drug use did not stop with tranquilizers, if the mother frequently used tranquilizers the child was also more likely to report use of barbituates, marijuana, LSD, and other drugs. The child's report of his father's drug use was also related to his report of his own drug use. Smart and Fejer concluded that parents are models for the drug use of their children. The other studies reviewed above suggest that their generalization is also true of many other behaviors.

Since intelligence test scores are highly related to educational achievement, a review of studies of parent influence on intellectual development will provide further evidence of the importance of the family in the education process. My interest in early education was aroused by the fact that major differences between socio-economic groups in mental test scores emerge during the second and third years of life, i.e., the period of early language development. The mean mental test scores of different social groups stabilize before school entrance. The schools typically do not change levels of intellectual functioning, they merely educate at the level established prior to school entrance. The family initially establishes the child's level of intellectual functioning, maintains it, and the schools have been relatively powerless to change it. These data again indicate that the family is the major educational institution, both in priority and in amount of influence on the child's intellectual functioning.

Among the many studies that show that mental test scores of different social groups develop during the first three years is the Binet by Terman and Merill (1937). They reported that differences among children from different occupational groups were approximately as great for children between two and a half and five years as for any subsequent age period. A number of studies show that the difference can be shown by standard mental tests at the end of the second year of life, during the period of early language development. Since early language measures are the best predictors of later IQ, and vocabulary scores correlate highly with total mental test scores (Schaefer, 1970), it is not surprising that several studies find that language development that is influenced by the child's early experience in the family is the best predictor of the child's academic achievement. Perhaps learning the language during the second and third year of life is the most important learning of the child, and the family is influencing that early learning. The family not only influences early language development, but also much of the child's subsequent informal language learning during the school years.

Research data on early intellectual development motivated the design of the infant education project, a home tutoring project during the second and third year of life. Data on family influence on intellectual development should have motivated an attempt to work with the family on the child's intellectual development. However, at that time I had too little faith in the ability of families to support the development of their children, or too little faith in our ability to work with parents on the child's intellectual stimulation. Therefore, we decided to go into the homes and to tutor the infants to foster their intellectual development. We made several major errors in that project, from which we have learned a great deal about early education programs. Because the errors we made are frequently made by child care and education professions and institutions, I would like to describe them.

The infant education project began home tutoring a group of poor black infants at fifteen months (Schaefer and Aaronson, in press). We discovered that fifteen months is a rather late period to begin an educational program because some of the children were very withdrawn, apathetic, and unable to relate to the tutor because of their early experiences. For some children, it took months to develop a relationship that would allow the tutor to provide appropriate educational experiences to the child. Thus the first major error of our project was that we began too late. We tutored the children for approximately four hours a week until they were three years of age and then stopped, as we had planned in our research design. That was the second major error of our program—we stopped too early. However, at the time we stopped tutoring, the mental test scores suggested that the project had been a success for the tutored infants had a mean IQ of 106 and the control group a mean IQ of 89, and the 17 point difference between groups was highly statistically significant and apparently socially significant. However, three years after we stopped tutoring the experimental group, there is only a small insignificant difference between the infants who had the early child-centered tutoring and the control group. Thus, the data confirm the thesis—the need for early education—and suggest the antithesis—the need for continuing education.

An analysis of the relationships between data on the maternal behavior of the mothers of the tutored children and their children's intellectual development, found that the hostile, rejecting, detached, neglecting mothers who did not provide verbal stimulation and were not interested and involved in their educational experiences tended to have children with low IQ's. Both tutoring and the quality of maternal care had influenced the child's intellectual development during the second and third years of life.

The tutoring could be interpreted as supplementary maternal care, for the tutors' activities of developing a positive relationship with the child, providing enriched experience and language stimulation were similar to the pattern of maternal care that fosters the child's development. These data, as well as other studies to be reviewed below, suggested that we had made a third major error—we had intended to supplement but implicitly had supplanted maternal care of the infant. Our actions had implicitly said, "We (the tutors) are the experts, we will take responsibility for the education of your infant." In the long term evaluation, this policy has been unsuccessful, for the results of the early intervention did not result in significant differences three years after the tutoring ended. I now believe we should have focused upon working with the parents and our actions should have said, "You have the primary responsibility for your child, you can develop the skills needed to educate your child. We will help you with methods and materials to do the job yourself." From the experience of the infant education project, we confirmed the thesis—the need for early education, we developed the antithesis—the need for continuing education, and we began to grasp the synthesis—the need to develop the family as an educational institution from birth to maturity.

Additional evidence of the importance of the family in the education of the child is provided by a study of the development of children in an orphanage as contrasted to children in families. Skeels et al. (1938) reported that the language scores of children in an orphanage were only one-fourth to one-half those of children reared in families. The authors interpreted their findings as revealing the effectiveness of family care and suggested as an explanation of their finding:

". . . the orphanage situation was characteristically deficient in the factors known to be associated with good language development—such factors as adult-child ratio, parent goals for child achievement, standard of acceptibility of verbal expression, number of hours being read to and being told stories, breadth of experiences, and extensions of environment."

Other Iowa studies show that genetics influence the intellectual development of the child but that differences in environment may influence the degree of development of the child's potential. Skeels and Harms (1948) found that children of mentally retarded mothers and laborer fathers, when placed in good adoptive homes, achieved a mean IQ of 104 and Skodak and Skeels (1949) reported that children whose natural mothers had a mean IQ of 89 achieved a mean IQ of approximately 110 in good adoptive homes. These data suggest that a radical change in environment may produce a radical change in intellectual functioning between generations. Jensen (1969), in emphasizing the genetic influence in intellectual development, quoted data from Skodak and Skeels (1949) that showed the correlation between the IQs of the adopted children and those of their natural parents but did not cite the differences in intellectual functioning between parents and children that are probably related to differences in environment.

A study of parent behavior and child development by Rupp (1969) quantified cultural pedagogical milieu, which was related to parent educational levels. Among a group of children from the lowest educational level variations in the cultural-pedagogical milieu of the home were significantly related to reading achievement in the first grade. Kent and Davis (1957) studied parents of delinquents, of normal school children, and of children referred to psychiatric out-patient clinics. Parents of delinquents tended to be unconcerned, neglecting, and ignoring. Parents of normals tended to have normal affection and discipline in the home. Children referred to psychiatric treatment had parents who were seen as more demanding and over-anxious. Within the school sample, parents of children with high IQs tended to be more demanding and parents of children with low IQs tended to be unconcerned. Apparently, the variables that are related to emotional development and intellectual development differ to some extent. Werner, Bierman, and French (1971) quantified educational stimulation and emotional support and found education stimulation more related to academic achievements and emotional support more related to absence of emotional problems. Thus, different patterns of parent behavior may develop different strengths and skills in children.

Data from several major longitudinal studies also support the conclusion that parent behavior influences the intellectual development of children. A study of a national sample of approximately 5000 children from England, Scotland, and Wales by Douglas (1964) quantified the quality of the schools the children attended and the degree of parent involvement in the child's education as shown by mother's visits to the teacher and principal and father's visits to the school. The degree of parental involvement in the child's education explained approximately four times as much of the variance in the child's mental test and achievement test scores at age eleven as did the quality of the schools. After controlling for socio-economic status of the parents, variations in parental involvement were still related to variations in child test scores. The quality of family care of the child also tended to be related to socio-economic status of the family.

A study by Milner (1951) had similar findings on socio-economic status, child care and education, and child achievement. Children with low test scores came from homes with very few books, were read to infrequently, and were given harsh physical punishment.

Milner also reported that the child's test scores and parent behavior were both related to socio-economic status of the family. Perhaps different socio-economic levels lead to different styles of life, different types of child-rearing, and different achievement levels of children. This suggests that responsibility for rearing children does not rest in the family alone but also in a society that assigns a given role and style of life to families and either supports or does not support family care and education of children.

A study by Moore (1968) in England showed that early observations of parent behavior can predict the child's later intelligence and reading skills. From home visits at the child's age of two and a half years, Moore qualified the quality and quantity of verbal stimulation; the toys, books, and experiences provided, and the quality of the parent-child interaction. These early ratings were significantly related to the child's I.Q. at three years but more highly related to the child's I.Q. at eight years, perhaps showing the early and continuing impact of parent behavior, correlations were found with the child's reading at seven years. Even after controlling for socio-economic status of the parents, sizeable correlations were found between early ratings of parent behavior and the child's development. Since the home tends to be a relatively stable, consistent educational environment, parents who educate early probably educate later also. The longitudinal studies, which find sizeable relationships between early parent behavior and child development even after controlling for socio-economic status, can be interpreted as revealing the cumulative impact of parent behavior.

Perhaps even more convincing is the intervention research on family education of children. Levenstein (1970) directed a fascinating study in which she conceptualized books and toys as verbal interaction stimulus material. Social workers took books and toys into homes, demonstrated their use to the mothers, had the mothers use them with their preschool children, and left the materials there. With approximately thirty-two visit over a seven-month period, during which they left approximately a dozen books and a dozen toys, the children gained approximately seventeen points in IQ. With fewer visits the next year, they were able to maintain and even increase the child's level of intellectual functioning. Levenstein's program is almost a feasible social program for supporting family education. It is of interest to me to contrast Levenstein's program with my own child-centered infant education program in which we saw children approximately 300 times over a twenty-one month period. Both my child-centered program and Levenstein's parent-centered produced approximately the same gains in intellectual functioning, but her program was less costly and probably will have much greater long-term effect. Therefore, I try to persuade others not to do my child-centered program but to adopt a parent-centered program such as Levenstein's, Karnes' or Gray's.

In Karnes', et al (1970) program, small groups of mothers were brought into a center and taught skills in early education by working with them on the development of materials and methods and also by visits to their homes at least once a month to support the group work in the center. With mothers who were not working, the group program in the center was very effective, producing approximately a seventeen point IQ gain in the children of the mothers who remained in the program. The finding that working mothers were less motivated to participate suggests that parents should be trained very early in child development skills, perhaps before and during pregnancy, in order to insure that they will have the motivation and skills required to effectively participate in the care and education of their children.

Both Weikart (1968) and Gray (1970) have used home programs that teach mothers skills in early education to supplement preschool programs. These programs have been relatively effective; in fact, Weikart (1968) has reported approximately a thirty point gain in low IQ children in a one year home and school program. However, in these early education programs that show very promising immediate results, long-term follow-up shows that year by year, after the special intervention program has ended, the differences between the experimental and control group decline. Perhaps we need not only continuing education for children, but also continuing education for parents on the skills needed to support the continuing education of their children. The skills needed to teach a one-year-old are quite different than those needed for a three-, six-, nine-, or twelve-year-old. For that reason, plans should be made to work with parents on the child's education from birth to maturity.

Gray (1970) recently reported contrasting a child-centered preschool program with a parent-centered weekly visit in the home. The two programs had equal short-term effectiveness, but working with the mother had greater long-term effectiveness. Gray reported vertical diffusion of the effects to younger children in the family and horizontal diffusion in the neighborhood and also stated that working with the mother cost one-fifth as much as the preschool programs. Gray's report suggested that a program might work with the mother from birth through five years for the cost of a year of pre-school. Thus, parent-centered programs might be far less costly and far less expensive than our current child-centered early education programs.

The experience of the parent-centered early education programs that the children's IQ's drop after termination of the program is also true perhaps even more true of child-centered programs. Just as the infant education project found that differences decreased year-by-year Caldwell and Smith (1968) reported results of the follow-up of a good university day care program that had resulted in relatively high levels of intellectual function. A year after the children left the day care center their mean IQ dropped approximately eight points. Thus, they also found the need to follow through and to provide for continuing stimulation. Apparently, brief child-centered programs may have minimal long term effect. That conclusion may also be true of children at older ages in school, because it is not the intensive, brief program that produces the child's cumulative development, but the continuing effect of his total social environment—family, community, mass media and the school—that shapes the child. The evidence of the major role of the family should influence cild care and education institutions, professions, and programs.

Results of these cross-sectional, longitudinal, and intervention researches clearly demonstrate that children have far more potential than is being developed by the current educational programs. I interpret the research as indicating the need for a major objective of increasing the effectiveness of family education of children. I am concerned with that objective from the point of view of equality of oportunity. If we have equal education in the schools, but unequal education in the home and community, many children will not develop their potential and will not be able to compete effectively with children from more favorable home environments. Studies by Moore, Rupp, Douglas, Milner and others show that early and continuing parent behavior influences heavily the child's mental test scores and reading scores during the school years. Thus, if we neglect the family as an educational institution we are not going to achieve our educational objective of equal opportunity for all.

The studies I have cited and other studies suggest that the quality of the early and continuing maternal and paternal care in the family influences the child's adjustment, alienation, character development, drug addiction, delinquency, task-oriented behaviors, language development, mental test scores, reading scores and academic achievement. These studies suggest that child-centered programs alone, that ignore the influence of the family and community, in the long run are not going to be effective in significantly influencing the child's adjustment and achievement.

The evidence is clear that the child's education should begin prior to his enrollment in school or preschool; in fact, the child's education should begin prior to his development of early relationships and early language, at birth. In order to call attention to the need for development of this area of early education in the family, I have proposed a new concept of *Ur-education*—basic, primitive early education (Schaefer, 1970). I developed this new concept because if I said "early education" people would assume I mean preschool education, and I don't. The first stage of Ur-education is the development of a positive, loving attachment to the child by the parent. The child responds to the parent's positive attachment by developing a positive attachment to the parent during the first year of life. In the context of their positive relationship, the parent and child share activities and experiences that educate the child. An example of Ur-education would be a parent looking at a picture book with a child. During the shared activity, the positive relationship is reinforced; the child developed the ability to listen, attend, concentrate and persist at a task; as well as interests and language skills. Since successful Ur-education may be a necessary basis for subsequent academic education, to solve our current educational problems we must focus upon improving the process of Ur-education—basic, primitive early education in the family.

We must develop education as a process that begins at birth and ends at death, not at school graduation or maturity (Schaefer, 1971). We must recognize the family as the major educational institution. Although we now have an Office of Education, I see the present Office of Education as the office of schooling, operating an a restricted model of education which focuses on the school age child in the classroom with a professional educator learning the academic subjects through formal instruction in order to earn academic credentials. That may be schooling, but it isn't all of education. Schools may be necessary, but they aren't sufficient to foster the child's education as defined by Webster's Unabridged Dictionary. In fact, learning goes on in the family and in the community and through the mass media, and our educational professions and institutions have largely neglected and ignored that learning, almost denied the existence and desirability of that learning.

As a result of our current definitions of education, we teach children they are merely students until they graduate from high school, college, or graduate school. Yet children can be teachers also; apparently very effective teachers. Therefore, we should be motivating and training children to teach one another and we should be teaching them the skills they will need as future parent educators. If we would teach them to participate as both teachers and students throughout their lifespan, they might become parents who would have the motivation and skills they will need to educate their children. The schools should develop an objective of not only developing future citizens and workers, but also future parent educators as part of the curriculum from kindergarten through school graduation.

The skills and attitudes that would be useful to future parent educators would also be useful to future workers and citizens; for education, teaching and learning in their varied forms, is a major component of our entire life experience.

The research on family influence on the child's development suggests the need to extend the current classroom perspective on education into a lifetime and lifespace or ecological perspective that recognizes that education begins at birth and ends at death, that everyone is a student and everyone a teacher, and that recognizes the family as the major educational institution (Schaefer, 1971). I am also concerned with the effectiveness of the mass media in this educational process. Shramm, Parker, and Lyle (1961) reported that the average child spends more time with television during the first sixteen years of life than in the school, that the child spends approximately thirty hours a week with the mass media, with approximately 60 per cent of that time with television. Yet we haven't planned use of the mass media as education, haven't attempted to influence the educational value of the mass media, and haven't taught parents and children how to use it effectively. The mass media could be an efficient and effective force for lifetime and lifespace education. Yet little attention has been given to training parents and children how to use the mass media as an educational resource.

What can be done to influence the effectiveness to family care and education to children? Perhaps an examination of our major influences on family effectiveness would contribute an answer. An obvious variable is parental *skills* in child care and education: Some parents, through their experiences and training, have many skills in child care and education, a knowledge of methods and materials and how to utilize them effectively with children of different age levels. Many of the interventions programs in early childhood education have had success in developing such skills, at last for the period of the project. Perhaps an equally important goal would be to develop parents who are constantly attempting to learn new skills, parents who are students of better child care and education methods.

Another variable that is related to effectiveness of parental care is parental *strengths*, which might include parental education, qualities of personality and character, financial resources, etc. Perhaps building strengths in families is the long term goal of many health, education, and welfare programs but the goal of increasing family strength and ability to cope with problems might be made more explicit and be given higher priority in society.

Increasing awareness is developing of the extent to which major *stresses* influence the quality of family care and education of children. Studies of samples of the general population and studies of families that abuse and neglect their children find that poor health, financial distress, marital conflict, many closely-spaced births, crowding and other stresses influence the quality of parent-child relationships, maternal care, and the child's development. Thus, a major approach to increasing the effectiveness of family care would be to reduce the stresses on families.

The last of the major influences on the quality of family care and education that should be stressed is the amount of *support*, social and emotional, as well as financial and material support. In the past, this support was largely provided by the informal support system of relatives, friends, neighbors, and neighborhood social groups. Within our mobile society, this informal support system is, to some extent, breaking down.

We now must ask "How can we develop again an informal support system for family care and education? How can the child care and education professions and institutions develop a formal support system that will strengthen and complement the informal support system? How can we reduce the isolation of nuclear families by building the community? How can we develop communities and a society that will provide for the needs of parents so they, in turn, can provide for the needs of their children?"

The studies of neglected and abused children are very impressive in their demonstration of the lack of *Strengths* and *Skills*, of the presence of many *Stresses* and of the absence of *Supports* in their families. The importance of the family in child care and education and the degree of importance of these major influences suggests we need to provide for the needs of parents as well as the needs of children.

In view of the apparent success of the parent-centered intervention projects, the question must be asked, "Who is training children and young adults for their roles as parents?" Do we still assume that training is provided by the nuclear or extended family or by the community? If so, that assumption in a mobile society with isolated nuclear families, increasing age segregation, and unstable and fragmented neighborhoods is probably often false. Many children of all social groups are not well prepared for their roles as parents. Both the training and experience that would develop skills in child care and education they will need as parents are presently lacking. Therefore, we need to build a system for training parents and future parents in the care of children.

Parents often need training, guidance, consultation, and support during pregnancy and during the first weeks and months of the child's life. Some research suggests that the mother-child relationship may stabilize during the first weeks of life. Broussard found that television instruction in child care and development on obstetrical wards significantly improved a mother's perception of her infant, as contrasted to the average infant at approximately four weeks of age. Later Broussard and Hartner (1969) found that the mother's description of her child at four weeks was related to a judgment that the child needed psychiatric care at four and a half years of age. The period of pregnancy, delivery, and first weeks of life may be a critical period for the development of the parent-child relationship. Perhaps this is a most important period to provide training and support for parents to facilitate the development of a positive attachment to the child.

Hopefully, the evidence of the importance of family care and education and the evidence that family care can be influenced will provide the *motivation* for the development of a comprehensive support system for family care and education. That *motivation* will provide the impetus for the development of the *manpower*, the *money*, the *methods*, the *materials*, and *models* that will contribute to a support system for family care and education of children.

Setting standards for family care and education might increase our motivation to work with families. If we can set standards for day care, can we also set standards for family care of children? If a consensus were developed about standards of family care, we might then develop the training needed by the personnel in the family care system, the kind of support system needed, the resources, methods and materials needed to meet the standards. We might recognize that the isolated nuclear family cannot achieve the goals set by the standards without an informal and formal support system.

The need for standards of family care is illustrated by some of our current attempts to solve social problems. In some ways the school lunch program is rather ridiculous. Should we only worry about feeding the child while he is in school? During the first two years, during which most of the development of the brain is completed, the child's need for adequate nutrition is clear. If we feed children in the school lunch program during the school year, what about week-ends, holidays, and vacation periods? Just as the child's need for education extends from birth to maturity, the child's need for adequate nutrition extends from the prenatal period through maturity. Therefore, we should be concerned with an adequate standard of nutrition and education in the home, not merely in the school lunchroom and classroom.

Clearly, adequate nutrition in the home is essential, but we should go beyond nutrition to provide for the other basic needs of children. If the child's early education is important and if we believe in equality of educational opportunity, should society provide the necessary educational materials in the home as well as in the school? Doesn't the child need books—picture books, nursery rhyme books, storybooks, books of all kinds—to foster his early language learning, to develop the interests, skills, and behaviors necessary to master reading? Perhaps this is the type of thinking we would do if we made a commitment to help families to achieve minimal standards of child care and education.

However, my perception of child care and education professions and institutions is that they are largely child-centered in their focus. Although their explicit goal is usually to supplement family care and education, the implicit effect is often to supplant it. I heard a teacher say to a group of parents, "Please don't teach your child how to read, or do arithmetic. Your methods may be different than mine. Just send me a happy child and I will educate him." That is not supplementing family education, that is supplanting it. I fear that is what most of our child care and education institutions, professions, and programs do. Implicitly, they communicate to parents, "We are the experts and we will take responsibility for the development of your children." But the professions and institutions haven't been able to care for and educate children without the help of families. They haven't done it and they can't do it. Therefore, our professions and institutions must change their major focus to strengthening and supporting family care and education of children. If the professions and institutions would do the job that Levenstein, Gray, Karnes, and Weikart have shown can be done, they might be far more effective at lower cost than the current child-centered programs.

When we realize the importance of programs that strengthen and support family care and education, we will find many specific ways of achieving that goal. I have spoken of the need to view the child as a future parent and of providing training and supervised experience in child care. One way in which this might be done is through a four generation approach to child care in which an older, experienced mother might work with a young mother with her first infant and include as part of this unit one or more school age—high school or even elementary school—children. Each of the four generations could contribute and profit from working together on child care. The older mother would have an opportunity to utilize her knowledge and experience in a constructive way, the young mother would be trained and supported during the critical period of learning how to care for her infant, the infant would be receiving additional care and stimulation, and the school age children would be trained for their future roles as parents.

Although professionals often speak of parents, typically both the speaker and the audience interpret parents as mothers. Yet, the research evidence suggests we should also train males for their roles as fathers. The study on alienated high school students who perceived their fathers as neglecting, ignoring, distant, and detached suggests that mothers should also have other interests apart from childrearing. In families in which women also work outside the home, it is unjust that the total responsibility for child care and education be assigned to the mother. If fathers were to become more involved with children and mothers were to develop more interests outside the home, both fathers and mothers might be teaching their children and might be learning to become more effective educators. Perhaps children would be more adjusted and competent, women would be happier, and men might learn to be more concerned with human needs and human relationships.

As well as preparing children for their future roles as mothers and fathers, perhaps it would be equally as important to prepare them for their future roles as husbands and wives. The study by Danjczek (1971) which suggests that the husband-wife relationship may correlate with the child's adjustment and competence in the schools as much as the parent-child relationship suggests that we must analyze the problem of man-woman relationships as much as adult-child relationships. Perhaps we might find answers to the questions, "How can a man support a woman in child care? How can a woman support a man in his role as father?" When we have found ways of training for family living and of strengthening and supporting families, the current emphasis on marriage and the family as a source of social problems and psychopathology may be replaced by an emphasis on marriage and the family as a positive force for human development.

What is the response to the increasing recognition of the need to support families? As might be expected from our fragmented and specialized services, a fragmented approach to provision of family services seems to be developing. Current programs are sending into homes family planning aides, nutrition aides, health aides, education aides, social workers, and public health nurses. How many different persons can be sent into homes? Currently, parents are expected to be generalists with skills in health, nutrition, child care, education, recreation and the entire range of skills required to rear a child. Yet our current course is to fragment the supportive services to families. Perhaps we need a more integrated approach of a generalist, a family child care and education consultant, who could provide most of the help needed by families to rear children. The family generalist might provide training and support, might be a resource person who might assist the family in obtaining more specialized assistance, and might be an advocate for family needs. Since these generalists would have a very personal knowledge of family needs, for housing, food, clothing, books, toys, and experiences, I think they would become advocates for family needs.

In order to provide for family needs, we need to develop family agencies at all levels of government. I believe we need a National Institute on the Family much more than we need a National Institute on Alcoholism or a National Institute on Schizophrenia. Why should we focus our efforts only on remedial treatment after problems develop instead of attempting to prevent problems? Perhaps an emphasis on human ecology, on the healthy positive forces of family and community, might prevent many of our social problems. We need family agencies to be advocates and organizers. We need family research to find more effective ways of strengthening families. We need to develop a national family policy that includes but goes beyond family planning. I have been told that in France the national family union is represented at the cabinet level on social policy decisions. We need family programs and family training for a wide variety of people, both for the public and for professional personnel.

To develop political support for family agencies and family programs, we need a family lobby. Apparently organized political power is necessary to obtain legislation, funds, and programs. Labor unions have political power because they are organized. The health professions have influenced legislation through organization and the education professions are able to influence legislation by lobbying. Who is presenting the needs of families, who is organizing an effective voice for family programs? Clearly, we need a coalition of organizations that are interested in family welfare to support family legislation, programs and agencies.

In order to mobilize latent support for family programs, a group of people have developed an informal organization at the University of North Carolina to discuss family needs and possible ways of meeting these needs. The interest and enthusiasm expressed at the initial meetings suggests that many other people might be interested in such groups. If such groups would organize at universities, in communities, in the states, and at the national level, I think that effective support would be developed for that most neglected, but most important institution—the family.

We are at a critical period of choice for our child care and education institutions and professions. Are we going to continue to neglect and ignore the role of the family? Are we going to continue to supplement and implicitly supplant families? Are we going to develop preschool programs that ignore families? Are we going to develop day care centers that neglect families? Or are we going to use all of our child care and education programs to strengthen and support families and to develop a support system for family and community? The choice of supplementing and supplanting or of strengthening and supporting families will be a critical choice for the future of American families, communities, institutions, and professions. What the choice will be is uncertain, but the choice should not be made blindly but after careful consideration of both alternatives. Clearly I believe that we need to make major changes in our current child-centered approaches to child care and education, that our major effects should be devoted to integrating our professions and institutions into an effective support system for family and community.

In order to mobilize the potential energy of families and communities, we must recognize that all members of society are involved in helping relationships and teaching relationships, that everyone can be a helper and everyone can be a teacher. Fostering the child's health, welfare, and education is not merely the role of the professional but of all family and community members. We must recognize the need for a comprehensive integrated system of child care and education that integrates the work of the professions and institutions with the contributions of family and communities. Therefore. I repeat my initial challenge to you, "If you understand the importance of the family, and the need to develop a support system for the family, why don't you go out and change our professions and institutions?"

REFERENCES

Ainsworth, M. D. The effects of maternal deprivation: A review of findings and controversy in the context of research strategy. In Deprivation of Maternal Care: A Reassessment of its Effects. *Public Health Papers, 14,* Geneva: World Health Organization, 1962.

Baldwin, A. L., Kalhorn, J. and Breese, F. H. Patterns of parent behavior. *Psychol. Monogr.*, 1945, 58 (3).

Bayley, N. and Schaefer, E. S. Correlations of maternal and child behaviors with the development of mental abilities: Data from the Berkeley Growth Study. *Monog. Soc. Res. Child Developm.*, 1964, 29 (6).

Bowlby, I. Maternal care and mental health. 2nd ed. Geneva: World Health Organization: Monograph Series, No. 2, 1951.

Clarke, A. D. B. and Clarke. A. M. Recovery from the effects of deprivation. *Acta Psychologicia,* 1959, *16,* 137–144.

Coleman, J. S. Equality of educational opportunity. Washington, D.C.: U.S. Government Printing Office, 1966.

Dave, R. T. The identification and measurement of environmental process variables that are related to educational achievement. Unpublished doctoral dissertation. University of Chicago, 1963.

Douglas, J. W. *The home and the school: a study of ability and attainment in the primary school.* London: MacGibbon & Kee, 1964.

Fowler, W. Cognitive learning in infancy and early childhood. *Psychol. Bull.*, 1962, *59,* 116–152.

Gordon, I. J. Early child stimulation through parent educators. A progress report on the Children's Bureau. U.S. Dept. of H.E.W., Gainesville, Florida, 1968.

Gray, S. Home visiting programs for parents of young children. Paper presented at the meeting of the National Association for the Education of Young Children. Boston, 1970.

Gray, S. W. and Klans, R. The early training project: A seventh year report. John F. Kennedy Center for Research on Education and Human Development. George Peabody College, 1969.

Hartshorne, H., May, M. and Shuttleworth, F. K. *Studies in the Organization of Character.* New York: MacMillan, 1930.

Hess, R. D. Parental behavior and children's school achievement; implications for Head Start. In E. Grotberg (Ed.), *Critical Issues in Research Related to Disadvantaged Children.* Princeton: Educational Testing Service, 1969.

Hess, R.D., Block, M., Costello, D., Knowles, R.T. and Largan, D. Parent involvement in early education. In Grotberg, Edith H. (Ed. *Day Care: Resource for Decisions*. Office of Economic Opportunity, Washington, D.C., 1971.

Hess, R.D., Shipman, V.C., Brophy, J. and Bear, R.B. (In collaboration with A. Adelberger). The cognitive environment of urban pre-school children: follow-up phase. Report to Children's Bureau. Social Security Administration, U.S. Dept. of H.E.W., 1969.

Hindley, C.B. Stability and change in abilities up to five years: group trends. *J. Child Psychol. Psychiat.*, 1965, *6*, 85–99.

Honzig, M.P. Environmental correlates of mental growth: prediction from the family setting at 21 months. *Child Developm.*, 1967, *38*, 337–364, 1967.

Hurley, J.R. Parental acceptance-rejection and children's intelligence *Merrill-Palmer Quart.*, 1965, *11*, 19–31.

Hurley, J.R. Parental malevolence and children's intelligence. *J. Consult. Psychol.*, 1967, 31, 199–204.

Irvin, O. Infant speech: effect of systematic reading of stories. *J. Speech and Hearing Res.*, 1960, 3, 187–190.

Kagan, J. Erratum *Child Develpm.*, 1964 35, 1397.

Kagan, J. and Freeman, M. Relation of childhood intelligence and social class to behavior during adolescence. *Child Develpm.*, 1963, *34*, 899–901. ,

Karnes, M.B. and Badger, E. Training mothers to instruct their infants at home. In Karnes, M.B. (Ed.). Research and Development Program on Preschool Disadvantaged Children. Project Report to the U.S. Dept. of H.E.W., 1969.

Karnes, M.B., Teska, I.A., Hodgins, A.S., and Badger E.D. Educational: intervention at home by mothers of disadvantaged infants. *Child Developm.*, 1970, 41, 925–935.

Kennedy, W.A. A follow-up normative study of Negro intelligence and achievement. *Monog. Soc. Res. Child Develpm.*, 1969, *34* (2).

Kent, N. and Davis, D.R. Discipline in the home and intellectual development. *Brit. J. Med. Psychol.*, 1957, *30*, 27–34.

Klaus, R.A. and Gray, S.W. The educational training program for disadvantaged children: A report after five years. *Monog. Soc. Res. Child. Develpm.*, 1968. *33* (4).

Levenstein, P. Cognitive growth in preschoolers through verbal interaction with mothers. *Amer. J. Orthopsychiat.*, 1970, *40*, 426–32.

Milner, E. A. A study of the relationship between reading readiness in grade one school children and patterns of parent-child interaction. *Child Develpm.*, 1951, *22*, 95–112.

Newcomb, T. and Svehla, G. Intra-family relationships in attitude, *Sociometry*, 1937, I, 271–283.

Pringle, M.L. Kellmer and Bossio, V. A study of deprived children. *Vita Humana*, 1958, 1, 65–92.

Roff, M. Intra-family resemblance in personality characteristics. *J. Psychol.*, 1950, *30* 199–227.

Rubenstein, J. Maternal attentiveness and subsequent exploratory behavior of the infant. *Child Develpm.*, 1967, *38*, 1089–1100.

Rupp, J. C. C. *Helping the Child to Cope with the School: A Study of the Importance of Parent-Child Relationships with Regard to Elementary School Success.* Groningen: Walters-Noordhoff, 1969.

Schaefer, E. S. Need for early and continuing education. In Denenberg, V. H. (Ed.). *Education of the Infant and Young Child.* New York: Academic Press, 1970.

Schaefer, E. S. Development of hierarchial configurational models for parent behavior. In Hill, J. P. (Ed.) *Minnesota Symposium on Child Psychology*, Vol. V., Minneapolis: Univ. of Minnesota Press, 1971.

Shramm, W., Lyle, J., and Parker, E. W. *Television in the Lives of Our Children.* Stanford, California: Stanford Univ. Press, 1961.

Skeels, H. H. Some Iowa studies of the mental growth of children in relation to differentials of the environment: a summary. In Whipple, G. M. (Ed.) *Intelligence: Its Nature and Nurture.* 39th Yearbook, Part II, National Society for the Study of Education, 1940. 281–308.

Skeels, H. M. Adult status of children with contrasting early life experiences. *Monog. Soc. Res. Child Development*, 1966, *31* (3).

Skeels, H. M. and Dye, H.B. A study of the effects of differential stimulation on mentally retarded children. *Proceedings of the American Association on Mental Deficiency*, 1939, *44*, 114–136.

Skeels, H. M. and Harms, I. Children with inferior social histories; their mental development in adoptive homes. *J. Genetic Psychol.*, 1948, *72* 283–294.

Skeels, H. M., Updegraff, R., Wellman, B. L., and Williams, H. M. A study of environmental stimulation: an orphanage preschool project. *Univ. Iowa Studies in Child Welfare*, 1938, *15*, N. 4.

Skodak, M. and Skeels, H. M. A final follow-up of one hundred adopted children. *J. Genetic Psychol.*, 1949, *75*, 85–125.

Smart, R. G. and Frejer, D. Drug use among adolescents and their parents: closing the generation gap in mood modification. Paper presented at the meeting of the Eastern Psychiatric Research Association. November, 1970.

Terman, L. M. and Merrill, M. A. *Measuring Intelligence: A guide to the administration of the new revised Stanford-Binet tests of intelligence.* New York: Houghton Mifflin, 1937.

Tulkin, S. R. Infant's reaction to mother's voice and stranger's voice. Social class differences in the first year of life. Paper presented at meeting of the Societ for Research in Child Development. Minneapolis, April, 1971.

Weikart, D. P. and Lambie, D. Z. Ypsilanti-Carnegie Infant Education Project Progress Report. Dept. of Research and Development. Ypsilanti Public Schools, Ypsilanti, Michigan, 1969.

Werner, E. E., Bierman, J. M., and French, F. E. *The Children of Kauai. A Longitudinal Study from the Prenatal Period to Age Ten.* Honolulu: Univ. of Hawaii Press, 1971.

Wolf, R. M. The identification and measurement of environmental process variables related to intelligence. Unpublished doctoral dissertation. University of Chicago, 1964.

Yarrow, L. I. Maternal deprivation: toward an empirical and conceptual reevaluation. *Psych. Bull.*, 1961, 58, 459–

[From Parade magazine, May 14, 1972]

How To Be a Better Parent

(By Theodore Irwin)

BINGHAMTON, N.Y.—On a shabby side street in this medium-sized industrial city, two women knock at the door of a rickety wooden building, soon to be demolished. Nora Kane, the only remaining tenant, answers. As she opens the door, her two small children rush past her and hug the visitors.

The two women, 41-year-old Sonobia Page and 60-year-old Julia Borsavage, are "outreach workers" in a federally-funded program called Home Start. The program, which now operates in 15 cities, tries to help low-income parents to understand and take care of their small children. While other government projects set up day care centers for underprivileged youngsters, Home Start works through the family. Instead of taking the child away from a troubled home, it seeks to improve the quality of life inside it.

After, the mothers in these families are harried, over-worked, impatient. Take Mrs. Kane, for instance. "When we first called on the family," reports Mrs. Borsavage, who has 12 grandchildren herself, "the kids were unsmiling, unemotional, apathetic. You can notice how different they are now. Mrs. Kane had been withdrawn, walked round barefoot in sloppy clothes, and just couldn't handle the children. Today she's really perking up and the kids are benefiting."

Mrs. Kane agrees. Her husband, long unemployed, is now working at a job obtained through Home Start. "He's stopped hollering at the kids," she says, and their marriage is on a more stable footing.

TEAMWORK

Mrs. Page and Mrs. Borsavage are two of five outreach workers in the Binghamton project. Traveling in pairs for protection in rough neighborhoods, they knock on doors, inquiring whether there are children inside. Today the five work with 121 families, with 227 children.

There has been a somewhat similar Home Start in Binghamton for six years now. Until recently, however, it was sponsored jointly by the local Catholic Social Services and the Office of Economic Opportunity (OEO), and concentrated mainly on referring families to various agencies. When, a year ago, the U.S. Office of Child Development launched an experiment in "home intervention," Binghamton was selected as one of the test cities partly because of its success in sustaining the earlier program.

Often, says Binghamton Home Start Director Dr. Dorothy Gradel, low-income mothers like Mrs. Kane suffer from malnutrition, as well as inadequate pre-natal and post-natal care. Project workers occasionally uncover cases of the "battered child syndrome," when frustrated parents reach the end of their emotional resources.

During the home visits, which take place on a regular basis, the workers try to put the mother at her ease. At Mrs. Kane's house, for instance, they compliment her on her new curtains and the neat clothes on the youngsters. While the principal targets are the mothers, fathers are also involved whenever possible, often during the evenings. "We try," says Mrs. Page, mother of four, "to build up the self-confidence of parents and make them realize what they can do for themselves and their children. We want to make them enjoy raising families."

Once the mother relaxes, the two workers gently give child-rearing hints. Most of these seem commonplace enough to middle-income, educated parents. But to low-income mothers, many of whom have never received proper instruction, they come as revelations.

SOFT APPROACH

Instead of berating the child, suggest the visitors, speak softly: "When you yell, a scared child tunes you out." The mother is encouraged to smile at the youngster, to touch and hold him as often as possible. "Take time to talk to him and hear what he's saying," explains Mrs. Borsavage. "Praise him for whatever he does well, whether it's hopping or riding a tricycle. And don't just leave him in his crib except to feed and diaper him. Talk to him and cuddle him often, to let him know you're there."

Parents are also encouraged to help develop their children's intellectual skills, utilizing simple household items. Counting and muscle control, for example, can be taught by pitching clothespins into an empty coffee can. Toothpicks or egg cartons can be used to make designs.

And of course, the visitors add, the mother should read to the child and act out what she reads—by drumming on the table, for instance, if a drum is mentioned in the story.

"The parent," explains Dr. Gradel, "is the first and most important educator of the child. Without intellectual stimulation and language development in the home, children become withdrawn, and have a hard time when they get to school later on."

In addition, visitors frequently refer parents to other agencies. If a mother on drugs threatens suicide, they call the local Drug Crisis Hot Line. A violently disruptive youngster is brought to a mental health clinic. Some parents are introduced to alcoholism centers. Others are referred for jobs or job-training.

Home visits are only one of the program's tools. Another is a biweekly meeting, rotated among the homes of the participating families, where 10 to 15 mothers listen to experts, then discuss their problems in "rap sessions."

At one of these meetings, the moderator, Danish-born Inger Thomas, poses the first topic of the day: "What has Home Start done for you as a mother?"

Hesitantly, a heavy-set woman ventures: "I used to take my problems to a beer joint. Home Start brought me out of myself, to get a good look at what I could do for my kids."

Another woman, tired-looking but neatly dressed, chimes in: "All I could look forward to was a nervous breakdown, suicide, or having another baby. Now I know people, the home visitors, who really care about me."

In a whisper, the youngest member of the group adds: "Without Home Start I would crawl back into my hole."

The program's impact may reach far beyond the 121 families which it presently serves. According to Dr. Gradel, the parents pass on the lessons they learn to neighbors relatives and friends.

"What's more," she observes, "by educating mothers, we are helping to shape their children, so that they in turn will be better parents when their time comes. Without a program like ours, whole generations of families would grow up grounded in the same hopeless despair."

Nor, cautions Dr. Gradel, is the concept applicable only to poor families. Even college-educated parents may unwittingly slight their role as "home influentials"—by sending their children off to nursery schools instead of their development at home. Day schools may indeed be valuable, Dr. Gradel declares, but they mustn't become substitutes for parental care.

DIFFICULT JOB

In Washington, Home Start Director Ann O'Keefe agrees.

"Middle-income and even wealthy parents," she says, "are also searching for support and help in the very difficult job of child rearing. The time is long overdue for professional educators to recognize and proclaim openly that parents can contribute more to their children than the professional can. I'm convinced that parents have a far greater influence on how well their children succeed in school, and in later life, than all their schoolteachers put together.

"If we can demonstrate that Home Start is an effective way of helping parents to help their own children, perhaps many parents, rich and poor alike, will try to adapt that approach to their own families."

Mr. TOWER. Mr. President, I cannot support S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

On December 9, 1971, President Nixon vetoed the Office of Economic Opportunity authorization bill, S. 2007, among other reasons because it contained a title on child development. I consider the President's veto statement one of the best statements issued by the White House in this administration. One of the President's chief objections to the bill was:

> For the Federal Government to plunge headlong financially into supporting child development would commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family centered approach.

Now the legislation reported out on May 16, of this year by the Committee on Labor and Public Welfare would do essentially the same thing the previous bill would have done: It would still "commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family centered approach." This is true even though the language of S. 3617 has been altered to make initiation of the program for particular children upon the parent's request. Essentially, the Federal Government is still saying, at the very least, that it considers these programs very excellent ones, and urges all parents to take advantage of them, to the extent that funding will allow.

Mr. President, in his veto message of December 9, President Nixon also argued—and quite correctly, in my opinion—that—

> Such far-reaching national legislation should not, must not, be enacted in the absence of a great national debate upon its merit, and broad public acceptance of its principles.

Certainly no one in this Chamber would deny that in fact no such debate has taken place. Indeed, not much more has been said about it since December. None of the many Democratic presidential candidates has discussed it in any detail. Even the Committee on Labor and Public Welfare, as I understand it, held only one supplemental day of public hearings since the veto. Quite probably, few of my colleagues in the Senate have really taken the time to examine this legislation carefully and to consider its implications. However, it can be said that the reporting out of a separate child care bill distinct from Office of Economic Opportunity legislation does now present us with an opportunity to conduct this debate.

Let me say before continuing, that I object to the inclusion of the term "Headstart" in the title of S. 3617. While the 3-year authorization under the bill includes Headstart, it should be clear that the main programs envisioned by it are quite distinct from a Headstart-type program, which is oriented specifically toward the needs of disadvantaged children at an older age. Certainly some of the concepts employed by Headstart are carried over into comprehensive child development. However, unlike project Headstart, comprehensive child development has the potential of reaching the infant below the 4- to 6-year-old category.

In my State of Texas, I think it is safe to say that Headstart has been somewhat successful, particularly when contrasted with the other components of the war on poverty effort. However, the type of comprehensive care called for in this pending bill cannot be logically defended on the grounds of the Headstart project. It certainly jeopardizes the standing of the Headstart program which, while contributing some very important experiences to disadvantaged children, is still in its experimental stage.

It is also incorrect to assume, as some have, that this legislation has as its main purpose the expansion of day-care services that some of our citizens need so vitally. Because the legislation is not at all related to welfare reform and because participation is not limited to children in the Headstart age group, it is clear that the program's major intention is not to move parents from the welfare rolls to the payrolls. Even if I were to accept the concept of universal child development, and I do not, a conservative estimate of the cost of the program in fully operational form would be $20 billion per year. This is the price tag President Nixon and Selma Mushkin, a Georgetown University economist, have given to the program.

Because the authorization is for $2.9 billion over a 3-year period, it is obvious that this bill only represents a beginning of an attempt by the proponents to establish a universal child development program. Furthermore, the limited, as opposed to national debate that the President called for, is being entertained because the sponsors of the legislation wish to use passage of this legislation as an excuse to defeat any day-care component of the welfare reform bill, H.R. 1, which is not to their liking.

Mr. President, the primary role of the Federal Government in the child care areas should be to afford our citizens the opportunity to move from the welfare rolls to the payrolls and not the experiment in a development program that has not been properly tested.

Mr. President, it would seem that a debate on comprehensive child care legislation should take as its point of departure the linkage between the raising of children and the family, and not the desirability of freeing some women so that they may join the work force, or of giving employment to large numbers of college graduates in child psychology, sociology and other such disciplines who otherwise might not find employment in their fields. Our prime consideration should be the good of the child and the strengthening of the family as the chief child-raising unit in society.

In its hearings the Senate Committee on Labor and Public Welfare was seemingly not at all anxious to hear from opponents of the legislation. However, at the insistence of Senator BUCKLEY, two specialists—Dr. Dale Meers and Dr. Ernest van den Haag—were allowed to make presentations. Dr. Meers in particular has made a number of studies on the way already existing child development programs actually work, and the effect they really have on children. We should consider his findings very soberly while we are debating this legislation—incidentally, the committee report quotes Dr. Meer's testimony extensively but also very selectively, in such a way as to leave the absolutely false impression that he was basically in favor of the bill—which was not the case. Dr. Meers, for example, visited a number of child care centers in Eastern Europe and the Soviet Union. He found that Czechoslovakia is now encouraging its citizens not to place children in the state child centers. He also quotes a Hungarian official in the field of child care to the effect that Hungary hopes to limit day care programs only to those in dire economic need. This same Hungarian official was astonished that the wealthy United States would voluntarily wish to embark upon a program of the type the Eastern European countries are striving to eliminate.

Dr. Meers' observations of the children directly involved in these programs in Eastern Europe are scarcely more encouraging. He said:

> In speaking with staff about the age at which different children had entered particular day care centers, it seemed to me that one could visually discern a direct relationship between the passivity (of the children) and the length of time the children had been enrolled.

Although Dr. Meers discounts the fear which I have felt and which Senator BUCKLEY and others expressed during debates last year that the apparatus that would be established by this legislation could instill in the child particular sets of values not endorsed by the society as a whole, Dr. Meers was quite concerned about these programs' overall effect on children at a later time:

> But I am most concerned that the conditions of group child care may lead to inhibitions in independent functioning as an inevitable consequence of early conditioning. If social disaster is to come insidiously through massive programs in childhood experiments, then it will come, I am convinced, via depersonalization, subtle developmental failures in personality structure, and in marginal intellectual capabilities.

Thus Dr. Meers makes it clear that we should entertain serious reservations about the inevitability of doing good for the children for whom we are supposed to be legislating.

Perhaps the crux of the problem of possible damage to small children from such programs, Mr. President, lies in the substitution of what is in truth the "cash nexus" for the love, affection, and discipline which the family should provide its youngest members. However weak the link between parent and child may be now, at least it is a human one, and not one determined by a day's pay for a day's work. Although this is a question which would require more detailed consideration, it is germane at this point to stop and consider what the eventual fiscal costs of this proposed program may be.

The current bill asks for $2.9 billion spread over the next 3 years. However, once the Congress accepts the principle of child development, may be quite certain that these costs will balloon. The committee offered an estimate of $1,600 per child, but there are a number of indications that this figure is far too low for quality child care. For example, during last year's subcommittee consideration of child development legislation, a representative of the AFL–CIO described a child care center run by a union in Chicago which is regarded as a model for development of this type of institution. Now the union does not dispose of such unlimited resources as the Federal Government, and it assuredly made a serious attempt to keep costs down. Still, it spent some $140,000 in 1 year to operate a quality day care center for the children of its workers, only about 60 in number. The union maintained a high adult-child ratio, and estimated that the cost per year per child was about $2,800. This is surely more realistic, but if the Government were involved in operating such day care centers the costs per child would probably be even higher. In any case, though nobody really knows exactly how much these programs might cost in the end, President Nixon has estimated they might run as high as $20 billion, a figure apparently concurred in by Selma Mushkin. Others have placed the price tag as high as $40 billion, which may be excessive, but perhaps not really if we genuinely wish to undertake all the things for children described in this bill. As a means of comparison, let us note that all governments in the United States spend a total of only some $12 billion for the first five grades of elementary school.

Mr. President, I could raise a number of questions about the mechanics of the proposed programs, but this is essentially pointless since I believe the program to be erroneous at the core. Instead of embarking upon programs which have not been notably successful in other countries where they have been tried, we should build upon the positive features of the Headstart program and orient our efforts specifically toward the impoverished and those on welfare, as we shall when H.R. 1 comes before the Senate. Mr. President, I do not see how the presently proposed legislation can be corrected in such a way as to meet the objections which I have just raised—and several others which I have not discussed. I urge my colleagues to join me in considering the serious questions I have discussed, and then to vote with me in opposition to this bill.

Mr. DOMINICK. Mr. President, I send to the desk three amendments which have been revised in handwriting. I ask the clerk to read them, and following that, I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the amendments.

The assistant legislative clerk read the amendments, as follows:

> On page 27, lines 21 through 25, and page 28, lines 1 and 2, delete subsection (3) and insert the following subsection in lieu thereof:
>
> (3) Such Council shall be entitled to exercise the power of approval consistent with section 102 (b)(4), and the Council's disapproval shall require a majority vote of the Council present and voting within thirty days after submission of the issue to the Council for such a vote and in the absence of such action by the Council, the issue will be deemed to have been approved. A majority of the Council shall constitute a quorum for the purpose of transacting business.
>
> On page 17, line 22, delete the period and insert in lieu thereof a semi-colon and the word "and", and add the following new paragraph:
>
> "(E) to assure that the local program council's disapproval shall require a majority vote of the council present and voting within thirty days of submission of the issue to the council for such a vote and in the absence of such action by the council, the issue shall be deemed to have been approved. A majority of the council shall constitute a quorum for the purpose of transacting business."
>
> On page 30, line 10 after the word "area" insert the following: ", in accordance with section 102(b)(8)(E);".
>
> On page 37, between lines 14 and 15 insert the following new paragraph:
>
> (6) that the project policy committee's disapproval shall require a majority vote of the committee present and voting within thirty days of submission of the issue to the committee for such a vote and in the absence of such action by the committee, the issue shall be deemed to have been approved; and a majority of the Council shall constitute a quorum for the purpose of transacting business.
>
> On page 37, line 15, strike out "(6)" and insert in lieu thereof "(7)", and renumber succeeding paragraphs accordingly.

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate while the Senator is addressing the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMINICK. Mr. President, under this bill the Child and Family Services Council is charged with the responsibility of approving program statements, basic goals, policies and procedures, and the selection or establishment and annual renewal of an administering agency or agencies and is responsible for annual and ongoing evaluation of the programs.

The local program councils must approve the program and must approve all operational contracts. Each project applicant must secure project policy committee approval for basic goals, policies, actions, procedures, planning, overall conduct, budgeting, location of centers and facilities, and direction and evaluation of projects.

Mr. President, I gather that I have obtained unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. Mr. President, this amendment is simply designed to stop what could be a major source of irritant, namely, that the councils would not take any action or that they would have a divided vote and that they would have no way of proceeding, because of the operational authority which these councils and committees have, unless approval were obtained.

In order to prevent these delays, what I have proposed, with what I hope will be the concurrence of the manager of the bill, is that if they do not act within 30 days by a majority of a quorum, it will then be considered as approved, so that the whole thing will not be bogged down in the local project committees and local project councils and child and family service councils.

The amendment retains parental participation. It does not alter the membership of the councils and the committees. It retains the requirement that the councils and committees approve of the prime sponsor's operational decisions. But it seems to me that a prompt indication one way or another by these committees can only enhance the effectiveness of the programs and make their administration far more effective.

So I would ask my friend the distinguished Senator from Wisconsin if this amendment as modified would meet with his approval.

Mr. NELSON. Mr. President, I think that this is a good suggestion that will make the functioning of the councils more effective, and I am perfectly willing to accept the amendments. I will accept the amendments, and I yield back the remainder of my time.

Mr. DOMINICK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendments has been yielded back.

The question is on agreeing to the amendments, en bloc.

The amendments were agreed to.

QUORUM CALL

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. NELSON. The time to be taken equally from each side of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. TUNNEY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

AUTHORIZATION FOR THE COMMITTEE ON COMMERCE TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce be authorized to file committee reports until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the distinguished Senator from Delaware (Mr. ROTH), the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum under the same conditions as heretofore agreed to.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The Senate continued with the consideration of the bill (S. 3617) to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

Mr. HOLLINGS. Mr. President——

Mr. ROBERT C. BYRD. How much time does the distinguished Senator from South Carolina wish?

Mr. HOLLINGS. Five minutes.

Mr. ROBERT C. BYRD. On behalf of the Senator from Wisconsin (Mr. NELSON) I yield the Senator from South Carolina 5 minutes.

Mr. HOLLINGS. I appreciate that, and thank the distinguished assistant majority leader.

Mr. President, more than 3 years ago, in considering the problems of the poor and disadvantaged in my own State, South Carolina, I recommended a far-reaching program of day care centers for young children. In my book, "The Case Against Hunger," I said:

> Children must escape from the poverty cycle. To help them achieve this, day-care centers should be made available throughout the United States. These centers should incorporate the Headstart ideals of reaching children, not only with the most advanced training, motivational techniques and health practices, but with good food as well. These centers should be available from infancy on.

My proposal was based upon the observation that children from homes of poverty and disadvantaged often are far behind their more privileged classmates when they enter the first grade. From that point on they fall farther and farther behind, often dropping out before they even reach the sixth grade.

The legislation being addressed by the Senate today, S. 3617, can stop this vicious cycle in its tracks. We have found that one-third of the mothers with preschool children in this country, more than 4½ million of them, are working full or part time today. Because of this more than 5 million preschool children need some kind of day care services while their mothers work. But, as the Committee on Labor and Public Welfare has so aptly demonstrated, fewer than 700,000 spaces are available in licensed day care programs to serve these children.

My position on this legislation has always been clear. On December 10, 1971, I opposed President Nixon's veto of the day-care bill. At the same time President Nixon was working in favor of the guaranteed annual wage, he was vetoing a bill which would have been a sensible, tried, and true program. When President Nixon recommended his welfare reform program, he tried to do away with food stamps, he tried to do away with the prescription feeding program for expectant mothers and young minors under the age of 6, and he tried to do away with the expanded school lunch program. These were programs which were tested and were found to be workable. They were eliminating hunger and malnutrition in this country. But what did President Nixon do? He instituted the guaranteed annual wage, claiming that this would eliminate all the problems, and then turned around and tried to wipe out all these really effective programs.

The bill before us today approaches the poverty problem at its center—the child—and we can begin to turn that cycle around. We know the problem of poverty is like a multiple injury in an automobile accident. A person has a broken arm, broken leg, a broken neck, or a fractured skull. Many injuries cause suffering to one person. Many factors can lead to recovery. Here in America we have problems on health, on housing, on job training, and rehabilitation. We have hunger and malnutrition in the most wealthy nation in the world.

We have children who never reach their full capacity because they are held back emotionally and intellectually and physically because of malnutrition and because of the inability to participate in the world around them. This bill will go toward solving this problem. This bill will allow these children to have some contact with the outside world, to learn while their mothers work and not be shut away in some room in a custodial care situation.

We have heard charges that children in day-care centers will have their minds molded. But how are they being molded now? They are being molded by the despair, the lack of instruction, the lack of food, and the lack of health care.

The idea provided by this legislation is that many of these children would be brought into society for the first time. If we leave them alone, many will never even know how to turn the page of a book by the time they reach the first grade. We are paying for our mistakes now. When President Nixon complains about a "$2 billion extravaganza" that is a fallacious charge. This is a well-studied program to get down to the problems which have been perpetuated in this country for generations. This child development program will deliberately improve upon the successful Headstart program ideals which at present are only helping about 10 percent of the poor children in this country. In addition, this legislation will provide the proper prenatal, nutritional, and other needs which, even as President Nixon has noted, are currently being unmet in this country for those who need them most. Rather than disturbing the family, this kind of legislation will actually strengthen it.

It will provide child development programs which are totally voluntary. In addition it provides an entire series of services not only to children, but to families as well, so as to improve the family unit. And the program makes day care available only to those children whose parents are out of the home all day. This is not going to be a glorified babysitting service. It is going to get right to the heart of our problem in this country of providing good day care for children who need it so that their parents too, can participate in the free enterprise system of this Nation.

I say, Mr. President, that now is the time to act on this legislation. For too long we in Congress have sat by and watched while the Chief Executive vetoed important programs or allowed others to die through inactivity. We have seen it in food stamps, we have seen it in commodity feeding, we have seen it in prescription feeding, we have seen it in the day care bill, we have seen it in the health legislation, and we have seen it in the all-important prescription feeding program for young children. Are we going to let it happen on this bill too? I think not. We must save the children. The children are the future of this country. We cannot visit upon the child the sins of the parents. I believe there are many who would like to punish children because the parents have not met the standards which our country might impose upon them. This is forcing us to pay the costs not only of our criticism of the parent, but also of our blind neglect of the child. We are paying in spades in this country, and that is why the bill to solve the welfare problem continues to go up and up and up. In my own State, I know the need is great. There are literally thousands and thousands of children who receive only custodial care while mothers work at borderline employment. This could be changed. These thousands of children in my own State could be assured a better future, and this legislation is the way to go about it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I yield 5 additional minutes to the Senator from North Carolina against the time on the bill under the control of the Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. HOLLINGS. I thank the Senator.

Mr. President, the proposed legislation is really only part and parcel of the overall reform of the welfare mess. Some days ago, I issued in a newsletter to my constituents a discourse on the welfare mess, stating what I thought to be an analysis of what others consider the welfare mess constitutes—exactly the approaches of Senator McGOVERN, President Nixon, and others—and then I tried to outline a solution. I ask unanimous consent to have this portion of my newsletter, entitled "The Welfare Mess," printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WELFARE MESS

Everyone talks about the welfare mess, but no one does anything about it. The reason: the Congress is kept too busy trying to block the guaranteed annual income plans of the President, Sen. McGovern and the National Welfare Rights Organization. All these proposals for "Family Assistance" and "Welfare Reform" will, in fact, create a bigger mess.

What is the welfare mess? Most people think: (1) too many people are on welfare; (2) administrative costs are prohibitive—there is too much time and money spent investigating; (3) too many welfare cheaters; (4) welfare promotes freeloading; and (5) welfare imprisons the poor with such a pittance that they can never escape.

Now for the proposals. President Nixon proposes to give every family of four in poverty $200 per month or $2,400 per year. Sen. McGovern proposes $4,000 a year and the welfare rights group demands $6,500 a year. President Nixon and the Welfare Righters would double the welfare rolls from 14 million to 28 million recipients. And, Sen. McGovern would put 104 million Americans or half the nation's population on welfare. The Nixon proposal costs $11.7 billion, the Welfare Righters' costs $50 billion and Sen. McGovern's costs $72 billion. The Nixon and Welfare Rights proposal would require 80,000 more Federal employees and it would be 18 months before the first check could be issued. McGovern says he doesn't know how many more employees his program would require. It is obvious that these proposals make the welfare mess messier. And once again we have overpromised and underperformed. We tell the taxpayer the welfare mess has been eliminated and we tell the welfare recipient, "Your problems are over." But the problems for both have just begun. None of these plans provides for education, local participation, or for needed institutions. Supposedly welfare families will get their $2400 or $4000 or $6500, which in theory will not only solve their food problems—but also health, housing, education, and jobs. Not one of these plans provides one more doctor or hospital bed or classroom or a single additional dwelling. Even with money, where will the poor find these?

Without local participation and local administration—with just mailing out that check—where will the money end up?

Higher grocery bills because of increased food prices, higher rents because the landlord knows he can get more money, excessive finance costs because the loan shark sees an opportunity for more profit and rising health care costs like we have seen with Medicare. Just throwing money at a problem will not solve it. Look at New York City—they have tried it. They give $1 billion each year to their 1 million citizens on the dole—$1,000 a person. And New York has the biggest mess of all.

Today we are heading in exactly the wrong direction. Instead of building up institutions and service programs, the Administration is tearing them down. Give them cash, the President says, as he eliminates day care centers and emergency feeding programs, plays numbers games with school lunch statistics while millions go hungry, and phases out food stamp and other feeding programs. A year after the guaranteed annual wage goes into effect, the overburdened taxpayer will be shouting, "Now you have the money—shape up, you bums." And the poor will still be distraught and hungry.

HUNGER

The Supreme Court has just ruled that states may pay families with dependent children smaller welfare benefits than those paid to the aged and disabled. The rationale is that "the young are more adaptable than the sick and elderly, especially because the latter have less hope of improving their situation in the years remaining to them." Thus we have enshrined into American jurisprudence the fallacy that the critical time in life is old age—that dependent children can improve their situation. False! Absolutely false! Forbid that we deny either the aged or the child. But of one thing we are sure: the greatest injury to the human brain is caused by malnutrition at infancy; and once suffered there is no "hope of improving their situation in the years remaining to them."

The human brain consists of 13 billion brain cells. Ten of these 13 billion develop the first five months in the mother's womb, but as many as two billion or 20 per cent of the cells never develop in some infants because of malnutrition of the mother. Once lost, these cells never repair. Later, the child can drink milk, take vitamins; body and bones will grow strong but the child will still end up a drone. From birth until five years of age, the brain continues its rapid development. During this critical period, children born with normal brains can still lose growth from malnutrition and for the rest of life, the brain won't concentrate, it won't assimilate, it won't respond. All the rehabilitation and training you can give it will be just like water off a duck's back. And this injured human will be labeled a lazy bum. Everyone always asks who is going to pay for all this welfare.

Already we have been paying through the nose. Those with underdeveloped brains fall behind in school, get out of sorts with their own age groups, resort to mischief, and end up in jail. And the retarded suffer illnesses to a greater degree. Accordingly we build bigger jails, we readily pay $70 a day for hospital rooms, we appropriate millions for rehabilitation and mental institutions—continuing to treat the result rather than the cause. Hunger is the beginning of poverty. The poverty cycle goes from hunger to poor housing to inferior environment to ill health to faulty training to jail or joblessless to welfare. There are families who have been on welfare for five generations. To me, this is the welfare mess that must be corrected.

SOLUTION

First, the child in the mother's womb must be adequately nourished. Society scorns the expectant mother who cannot identify the father. But rather than penalizing the expectant mother, we should be worrying about breaking the vicious cycle by improving her offspring. Regardless of what we think about the mother's morality or deservedness, the child is not immoral. The child is coming, and it is society's child. This means nourishment for the child during those all-important months in the mother's womb. If the child is denied that, we can forget about he or she ever becoming a fully productive member of society.

Step Two—Give the child a hot breakfast.

Step Three—Provide a day care center. Then the mother can work, or at least the child can receive training in the proper environment. We voted for this in Congress, but President Nixon vetoed it calling it communal living. It is a cruel joke to look upon the welfare child's situation as a normal home. Rather than communal living, day care centers provide their only chance.

Step Four—Complete the food stamp program and school lunchroom program. These have had shaky starts but are now proving their worth. The biggest objection we have to food stamps is that the poor swap the stamps for luxury foods or liquor. We should improve the policing of this but certainly the solution is not to give cash.

Step Five—Get at our health needs with comprehensive health centers that have worked extremely well along with our feeding programs but have for all intents and purposes been eliminated in this Administration.

Of course, feeding programs for the elderly as well as children would be provided. Thereupon you would have the hunger and health problems being properly treated and you could move on up the line to housing, education and job training. Poverty must be treated on a case basis. The programs of government are all there. The elements of local participation and local administration so necessary to the success of any program are all there. We have the categories of hunger care, health care, dependent children, welfare mothers, the aged, blind, sick and disabled. What adulterates all the proposals before Congress is the attempt to bring poverty families above the poverty line—$4,110 for a family of four. This involves putting millions of marginal wage earners on welfare. It involves massive forced-work schemes costing billions to create jobs and administer, which in turn creates more mess than before. Income maintenance for the marginal wage earner can be supplied by extending the food stamp program to the 15 million that are eligible and have yet to receive them, and putting food services in the 23,000 schools in America that still lack feeding facilities. We can complete the housing program and institute health insurance. But let's hold up on cash until we get some facilities built and these basic problems solved.

I don't believe we ought to tax one man to pay another man who won't work, and I don't think government should make welfare more attractive than work. But this is no reason why we can't go to the heart of America's welfare mess—hunger. After giving 81,000 complete physicals in 10 States, the National Nutrition Survey found there were 15 million hardcore hungry in America. We were on course and about to solve this problem until Mr. Nixon came along with his grandiose guaranteed annual wage. Since that time we have been squabbling over workfare and welfare. The hungry have gone hungrier, and the taxpayer pays more and receives less.

COST OF SOLUTION

1. The number of people on welfare would remain practically the same—8 million children under the age of 21; 4 million disabled and elderly; 2 million mothers of dependent children; with 126,000 able-bodied men—less than one per cent on welfare able to work.

2. The cost for expanded family feeding programs—$3 billion; for an adequate school lunch program—another $1 billion; for a school breakfast system—$500 million; for day care centers—$2 billion; for comprehensive health centers—$5 billion. That is $11.5 billion.

Where do we get the money? Last December, I voted against the $15-billion tax cut. Granting business investment credits and depreciation allowances—these are the tax loopholes that everyone now wants to close.

The cost of 535,000 troops and dependents in Europe is $19 billion a year. Cut this back like President Eisenhower suggested in 1963 to 100,000, saving $12 billion. Spend $2 billion on the Sixth Fleet strengthening defense, and take $10 billion to solve the welfare mess. Eliminate the President's proposed Volunteer Army, saving $3 billion. This is $28 billion for starters—and all we need is 11.5. There is no need to increase taxes.

Mr. HOLLINGS. At this point, I also wish to bring into issue an article by James J. Kilpatrick, published in the Washington Star of Sunday, June 11, entitled "Child Development: Once More Into the Swamp." I ask unanimous consent to have the article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHILD DEVELOPMENT: ONCE MORE INTO THE SWAMP

(By James J. Kilpatrick)

If our Republic dies before the end of this century, it likely will die not from Soviet missiles, but from our own internal frustrations. For an agonizing example of frustration in motion, consider the latest child development bill: It offers a fine manifestation of our national talent for making bad matters worse.

The bill was reported May 16 by the Senate Committee on Labor and Public Welfare. Even Colorado's conservative Sen. Peter H. Dominick, though he voiced reservations, voted to send the bill to the floor. It is entirely probable that the bill will pass.

By any rational standard, or so it seems to me, this is a bad bill. To be sure, it is not as bad as the monstrous measure that President Nixon vetoed last December. In its revised form, the proposed child development program would cost a little less than the earlier version, at least at the outset, and perhaps it would not be quite so impossible to administer. When that has been said, the best has been said.

The new bill is directed toward some 2,000 cities of more than 25,000 population. In each of these, one or more child development centers would be created. These would not be mere day-care facilities. The bill makes that clear. The purpose of the program is not merely to care for children, but to develop them. The idea is to provide "educational, nutritional, health, and other services," including the diagnosis and treatment of "physical, mental, psychological, and emotional barriers to full participation in programs."

The cost per pre-school child is estimated at $2,372 per year.

The bill proposes a start-up authorization of $150 million for the coming fiscal year, to be followed by authorizations up to $1.2 billion in fiscal '74 and $1.6 billion in fiscal '75.

The senators who have sponsored this bill, chiefly Mondale of Minnesota and Javits of New York, are not lunatics. They are good and decent men who are searching conscientiously for some way to break an iron ring that hobbles society.

All of us are dimly aware of this imprisoning circle. The ghetto child, born to poverty, passes his first few critical years in an atmosphere of social disruption. There is typically no father around; the mother works; the infant is dumped with any baby-sitter who may be handy. The child's medical and emotional needs are left unattended. He gets off to a poor start in kindergarten or the first grade. It is hardly to be wondered that the male child of this milieu grows up to rob service stations and the female child to spawn illegitimate offspring. Whereupon the process all begins anew.

If this depressing cycle could be broken for $2,372 per year per pre-school child, it might be the best money the taxpayers ever spent. Twenty years down the road, the program might deliver productive, law-abiding citizens. The ring might be broken.

But it is part of the frustration that no convincing evidence exists to suggest that the program will work. On the contrary, there is sound reason to believe it would fail. As Dr. Ernest van den Haag emphasized in testifying before the committee, we know little about the "right" way to deal with children. Who could insure that the centers would be staffed by competent persons? The nation's experience with teacher selection and with social workers, as he said, "is highly discouraging."

Add to the difficulties of competent staff the difficulties of efficient administration: The bill proposes a maze of overlapping councils and committees. Admit the virtual certainly that the costs are underestimated. Consider the failure of the present program of Aid to Families with Dependent Children. And let us pray over the wisdom of shifting to the state—to the taxpayers—one more obligation that ought to be the responsibility of the family instead.

I don't pretend to have a good and workable answer; but I have read this 79-page bill, and thought about the costly and cumbersome swamp the bill would provide, and I am satisfied this isn't it.

Mr. HOLLINGS. With respect to Mr. Kilpatrick's article, I bring into issue in my newsletter the very points we are trying to make in the present debate. I wish I could get into a debate with someone who has worked on this program; but, barring that, I would debate with my good friend, for whom I have the highest regard, Mr. Kilpatrick. He finds the same things we find—that it a mess and we have failed. Then he states further on that these day centers would not be mere day-care facilities, that the program is not only to care for children but to develop them.

The idea is to provide "educational, nutritional, health, and other services," including the diagnosis and treatment of "physical, mental, psychological, and emotional barriers to full participation in programs."

He speaks of that with alarm, just as many others refer to the present program, that this would give custodial care.

The President stated in his veto message that it would result in communal living. The inference is that something is wrong with day-care centers at ages 1 to 6. If there is a greatness to this land, it is the public school system. On what do we pride ourselves? On taking a child at 6 years of age and putting him in the first grade in the public school program, which means just that—public, publicly supported, and publicly operated and administered, at the local level, by the local PTA. But as soon as we propose a similar program for the 2-year-old or the 3-year-old or the 4-year-old, President Nixon calls it communal living and others call it communism and say that we are trying to mold the minds of the young children. Nothing could be further from the truth.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. I yield the Senator 1 additional minute.

Mr. HOLLINGS. The point is that their minds are being molded now. We are just on another program.

The Senator from Massachusetts (Mr. KENNEDY) and I are trying to help Bobby Lee Hunter, the two-time AAU flyweight champion of America, who has competed in the U.S. Olympics and is prepared to go to the International Olympics. He was born in "Do-As-You-Choose Alley" in my hometown. His mother was retarded. There was no family. He was a dropout from school, and he found himself charged with and convicted of manslaughter. He is serving his time. We are trying to rehabilitate him. But I am trying to prevent future Bobby Lee Hunters, so that they will have a home and will not grow up in "Do-As-You-Choose Alley."

Mr. Kilpatrick and the opponents of this bill say that all children in America can continue to be born and raised and exist in "Do-As-You-Choose Alley." I am trying to eliminate that with this bill, and I support the Senator from Wisconsin and the Senator from Minnesota in their very fine efforts in this regard.

I thank the distinguished Senator from West Virginia for yielding me the time.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A 20-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 20 minutes and that the time not be charged against either side.

The motion was agreed to; and at 1:27 p.m. the Senate took a recess for 20 minutes.

The Senate reassembled at 1:47 p.m., when called to order by the Presiding Officer (Mr. MOSS).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 3338) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3343) to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 12602. An act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees;

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions;

H.R. 14974. An act to amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards; and

H.R. 15048. An act to amend the Merchant Marine Act of 1970.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 3104. An act to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports;

H.R. 9580. An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning fees for the operation of certain motor vehicles, and the enforcement of traffic laws; and

S.J. Res. 211. A joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

The enrolled bills and joint resolution were subsequently signed by the Acting President pro tempore (Mr. HARRY F. BYRD, JR.).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 12602. An act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; to the Committee on Post Office and Civil Service.

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions; to the Committee on Agriculture and Forestry.

H.R. 14974. An act to amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards; to the Committee on the Judiciary.

H.R. 15048. An act to amend the Merchant Marine Act of 1970; to the Committee on Commerce.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum call not be charged against either side.

The PRESIDING OFFICER (Mr. MOSS). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The Senate continued with the consideration of the bill (S. 3617) to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

Mr. JAVITS. Mr. President, with the permission of the Senator from Wisconsin, I yield myself 10 minutes on his time.

Mr. President, I urge the passage of this bill, having been closely a party to the way in which it was worked out.

Mr. President, I urge passage of the committee bill, S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972, and it is my hope that a similar measure will be adopted by the other body and signed into law by the President.

This is a bipartisan proposal based upon S. 3228, a bill of that same title which I introduced on February 24, with Senators TAFT, SCHWEIKER, PACKWOOD, and STAFFORD—each members of the committee—and Senators BOGGS, BROOKE, CASE, COOK, HATFIELD, MATHIAS, PERCY, SAXBE, and STEVENS, and a similar measure contained in S. 3193, proposed by Senators NELSON and MONDALE.

The committee bill is designed to provide a legislative framework for increased educational and other developmental opportunities for preschool and other children whose parents request them in order to engage in employment, training or education or otherwise to enhance the well-being of their families; it authorizes $2.95 billion over a 3-year period for that purpose, with fiscal 1973 as a planning year. The program would become fully operative in fiscal year 1974.

Mr. President, in vetoing S. 2007, the Economic Opportunity Amendments of 1971, referring to the child development title, which had been included therein, the President said:

> I . . . hold the conviction that such far-reaching national legislation should not, must not, be enacted in the absence of a great national debate upon its merit, and broad public acceptance of its principles.

We now can have that debate free of other issues because, at my urging and that of other Members of the minority, the bill is presented and the issue is framed free of the extension of the poverty program. The latter will be considered separately by the Senate in S. 3010, reported by the committee at the same time as this measure.

Mr. President, there are, in my opinion, two key questions before the Senate and the Nation. First, is a Federal commitment to developmental child care opportunities and related services in the interest of children and thus desirable as a matter of policy? Second, if so, does this particular proposal represent a viable means of implementing that commitment?

DESIRABILITY AS A MATTER OF POLICY

Mr. President, there can be little doubt that there is a substantial need for increased developmental child care opportunities and related family services.

At the present time, there are only 700,000 licensed child care "slots" available in the Nation.

In contrast, there are currently:

One million poor children under the age of 6 whose mothers work, and approximately 2 million children between the ages of 6 and 14 in such families.

One million preschool children, and 1 million schoolchildren in families with income between $4,000 and $7,000 with mothers in the working force;

Two and a half million preschool children in families below the poverty line where the mother is not working.

One and one third million mothers in all socioeconomic groups who are bringing up their children without a husband.

In 1971, 43 percent of the Nation's mothers worked outside the home compared with only 18 percent in 1948.

One in every three mothers is working today, compared with one in eight in 1948.

With only 700,000 licensed child care slots available in the Nation, and 8.8 million children who might benefit therefrom, it is legitimate to ask who is taking care of the children. The answer in thousands of cases is "no one." A survey conducted by the Women's Bureau of the Department of Labor in 1965 identified 18,000 latch-key children.

But for the most part, children of working mothers are being dropped in substandard child care facilities or in inadequate home care situations.

The report of the National Council of Jewish Women entitled "Windows on Day Care," issued just a month ago concluded, on the basis of an extensive survey, that only a small percentage of the children whose mothers are employed now benefit from developmental day care services.

The President's 1970 White House Conference on Children—bringing together parents, pediatricians, health, welfare, and other experts on children—voted as their first priority the provision of comprehensive family oriented child development programs.

And indeed this opinion of experts is supported by the public at large. A 1969 Gallup poll—conducted long before the issue was raised nationally—established that 65 percent of Americans support expanded funding for child care centers.

The sponsors of this legislation believe that the States and the cities cannot provide these opportunities without Federal assistance; thus, we feel that a legislative framework should be established in which communities themselves may provide opportunities for children and families in their own way.

REBUTTAL OF ARGUMENTS AGAINST CHILD DEVELOPMENT LEGISLATION

Mr. President, the opponents of child development legislation have put forth a number of arguments against such a commitment. Let us examine them closely.

First, they say that we do not know enough about child development programs to mount any significant Federal effort and suggest that programs may be damaging to children.

But the President himself said, in his February 1969 message to the Congress concerning child development:

> Much of our knowledge is new. But we are not on that ground absolved from the responsibility to respond to it. So crucial is the matter of early growth that we must make a national commitment of providing all American children an opportunity for healthful and stimulating development during the first five years of life.

And in his veto message regarding S. 2007, the President referred to the Headstart program—upon which we have based this legislation—as a "tried and tested program which paves the way for a wider application of successful techniques."

Mr. President, because some of our knowledge is new, we took great pains to include in the bill safeguards designed to insure that programs benefit and are not detrimental to children.

To this end, the bill provides that all programs are voluntary, for continual review of the appropriateness of activities with respect to each child, and special safeguards for young children.

Second. Opponents say that the provisions of Federal funding for a child development will act as an incentive for mothers to leave the home, encouraging a kind of "de facto desertion."

The issue is not whether mothers should be encouraged to leave the home but whether we are going to make it possible for mothers already in the labor force to have adequate developmental child care available to them.

Even with our bill, assuming that the $1.6 billion authorization for the third year were appropriated and applied to preschool opportunities—we could add less than 800,000 opportunities, to the 700,000 in being for a total of 1.5 million opportunities against the potential need of 8.8 million.

Third, opponents say that we are undermining the chance of the administration's welfare reform measure, H.R. 1, and its child care provisions and that any other child development legislation would be "redundant" to or "duplicative of" that proposed effort.

Mr. President, generally speaking, the sponsors of this legislation support welfare legislation; in fact last year we wrote the President to that effect and that commitment still holds.

We do not see this measure as a substitute for child care under welfare reform, rather we view it as a necessary supplement in both a qualitative and quantitative sense.

As a qualitative matter, our bill focuses on developmental activities, building on the Headstart program; in contrast H.R. 1 focuses on child care designed primarily to assist low-income persons to work their way off the welfare rolls.

Quantitatively, it may be noted that even if all of the 700,000 existing "slots" were applied to the poor and added to the 875,000 contemplated under H.R. 1, the resulting 1.7 million opportunities is inadequate to the 7.5 million poor and near poor children who are in or on the edge of welfare dependency, much less to meet the needs of other children whose mothers work.

Therefore our bill contains the fee schedule provisions worked out with the administration last year under which there would be no charge for services up to $4,320 for a family of four, and modest fees could apply for the "near poor" between $4,320 and $7,200, the Bureau of Labor Statistics "lower living standard"; the Secretary of Health, Education, and Welfare would establish the schedule beyond that point.

Fourth, and in my opinion most misleading, is the suggestion made by the opponents of Federal legislation that it would somehow "Sovietize" or "communize" the Nation's children or families.

Nothing could be further from the fact. Those who have studied programs in Communist countries know that there is a great distinction between their state-run compulsory system and the parent-controlled voluntary system which we propose.

MEANS OF IMPLEMENTATION

Mr. President, in his veto message, President Nixon said that the purpose of the vetoed title was "laudable" but that it had been "overshadowed by fiscal irresponsibility, administrative unworkability, and family weakening implications of the system it envisions."

We have sought in this measure, as we did in S. 3228, to meet these specific objections.

First, with respect to fiscal responsibility, the committee bill authorizes $1.2 billion for the first fully operative year, fiscal year 1974, and $1.6 billion in the following year, the same basic authorizations as were contained in S. 3228. This represents a substantial change from the vetoed title, which commenced with an authorization of $2 billion for the first fully operative year.

Second, with respect to administrative workability, we have given sponsors clear responsibility for conducting the program vis-a-vis the child development councils to be established at each level of administration, provided for statewide planning, and established coordination with other efforts.

Significantly, the bill requires that any city, county, or combination of local units of general government applying as prime sponsor serve a population of 25,000 or more persons as well as meet certain substantive criteria. Under this provision it is estimated that the Secretary would designate less than 2,000 prime sponsors, compared with 7,000 sponsors under the vetoed bill, which had a minimum population requirement of only 5,000. State governments will serve as prime sponsors for areas of the State for which a local prime sponsor does not qualify.

The most important result of these actions is that State governments—which the President described as having an "insignificant" role under the vetoed bill—would now have a substantial role.

Third, in terms of family strengthening aspects, the bill contains a number of elements to which we contributed to insure that child development programs will serve to strengthen the family. These include provisions emphasizing that child development services are voluntary; providing a greater number of options to parents; emphasizing the provision of child related services to other members of the family, such as prenatal care; providing for the involvement of parents in programs and extending special protection for young children. Importantly, at least half of the membership of councils to be established at the prime sponsorship area and project level are to be parents of children enrolled in child development programs.

Mr. President, I shall close as I began, with reference to the President's statement that such legislation should be enacted only after a debate upon its merit and broad acceptance of its principles.

The basic merit of this legislation is the provision of developmental child care for children who would otherwise be completely neglected or subjected to arrangements not clearly in their interest.

And the basic principles of this legislation are opportunity, decisionmaking at the community level, and parental involvement.

Mr. President, while I know that there will be amendments to this bill regarding the delivery system, I hope that there will be agreement on its general merit and on these principles, which I believe are so essential to the future of the Nation's children.

Mr. President we really have no alternative, because there is no greater and dearer responsibility of government than with respect to damage to the children. The fact is that there is ongoing damage today, that there are enormous areas in which the parental responsibility simply will not extend unless the State extends it to the kind of care to which a child is entitled in order to be a decent American citizen, not only with security to himself or herself but also with security to the whole community in which he or she lives.

I ask unanimous consent to have printed at this point in the Record a memorandum of supplemental views which I submitted with Senators Schweiker, Taft, Packwood, and Stafford, together with an editorial published in the May 19, 1972, issue of Parents magazine, by its publisher, George Hecht, as being upon our support of this bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

Supplemental Views of Messrs. Javits, Schweiker, Packwood, Taft, and Stafford

We support the "Comprehensive Headstart, Child Development and Family Services Act of 1972", which is a bipartisan compromise proposal based upon S. 3228, which we introduced on February 24 with 9 other Republican co-sponsors, and a similar measure contained in S. 3193.

We are pleased that the Committee chose to report this measure separately from the extension of the Economic Opportunity Act, as we urged, so that there will be full opportunity for debate on child development legislation, and the essential extension of our anti-poverty efforts will not be further delayed.

A separate bill, the Economic Opportunity Amendments of 1972, S. 3010, has been reported by the full Committee simultaneously with this measure.

We believe that a legislative framework should be provided for increased educational and other developmental opportunities for preschool and children whose parents request them in order to engage in employment, training, or education or otherwise to enhance the well being of their families.

At the present time there are only 700,000 licensed child care "slots" available in the Nation, while there are five million children of working mothers in families with incomes under $7,000, as well as 2.5 million low-income preschool children whose mothers are not employed. Overall, in 1971, 43% of the Nation's mothers worked outside the home compared with 18% in 1948.

The unfortunate result has been that millions of working mothers and many others who need supplemental educational and other services for their children have been unable to find adequate child development opportunities.

In his message of December 9, 1971, vetoing S. 2007, the Economic Opportunity Amendments of 1971, President Nixon stated that the "laudable" purpose of the child development title had been "overshadowed by": "fiscal irresponsibility, administrative unworkability, and family weakening implications of the system it envisions."

We have sought in this measure, as we did in S. 3228, to meet these specific objections relating to the system established under the vetoed bill.

First, with respect to fiscal responsibility, the Committee bill authorizes $1.2 billion for the first fully operative year, fiscal year 1974, and $1.6 billion in the following year, the same basic authorizations as were contained in S. 3228. This represents a substantial change from the vetoed title, which commenced with an authorization of $2 billion for the first fully operative year.

We consider these amounts to be fiscally responsible both in terms of the extent to which new resources may be effectively channelled through the system each year, and in light of the amounts spent upon remedial programs that attempt to correct the damage inflicted upon many children who lack such opportunities during early childhood.

Second, the bill contains a number of new provisions, many of which were adopted from S. 3228, to ensure its "administrative workability"; they include provisions:

Requiring that any city, county, or combination of local units of general government applying as prime sponsor serve a population of 25,000 or more persons as well as meet certain substantive criteria. Under this provision it is estimated that the Secretary would designate less than 2,000 prime sponsors, compared with 7,000 sponsors under the vetoed bill, which had a minimum population requirement of only 5,000. Importantly, state governments will serve as prime sponsors for areas of the State for which a local prime sponsor does not qualify;

Giving state and local prime sponsors clear administrative responsibility for conducting the programs. Under the vetoed bill, the lines of administrative responsibility between the prime sponsors and the child development councils established were unclear. The Committee bill limits the role of such councils to approving certain basic actions taken by the prime sponsor;

Providing for "annual family service plans" to be submitted by State governments, in conjunction with local prime sponsors, to ensure statewide coordination and maximum utilization of resources; and

Ensuring coordination with other efforts for children, including those conducted in the schools.

These provisions also will ensure a substantial role for State governments, which the President described as "insignificant" under the vetoed bill.

Third, in terms of family strengthening aspects, the bill contains a number of elements to which we contributed to ensure that child development programs will serve to strengthen the family. These include provisions:

Emphasizing that child development services are voluntary, that is provided only at the request of parents who choose to use them and not as a matter of universal application;

Providing a greater number of options to parents, ranging from full or part day services in centers to in-home services, in each case considered supplemental to family efforts;

Emphasizing the provision of child related services to other members of the family, such as prenatal care, so that child development centers will be family centers; and

Providing for the involvment of parents in programs.

Importantly, at least half of the membership of councils to be established at the prime sponsorship, area and project level are to be parents of children enrolled in child development programs.

In our opinion, these provisions distinguish the programs contemplated under the Committee bill from the state run compulsory system which exists in other countries.

We support the basic fee schedule provisions of the Committee bill, worked out with the Administration last year, under which free services would be provided to families with incomes up to $4320 for a family of four, with modest fees between that level and $7214, the so called Bureau of Labor Statistics "lower living standard". The Secretary would establish the fee schedule for families with incomes above that level.

Significantly, the Committee bill includes an additional provision from S. 3228 to ensure that any schedule established by the Secretary will permit continued participation as income rises, and that prime sponsors may request permission to charge fees below those prescribed in order to meet special local circumstances.

We also note that the bill authorizes greater funding for training than S. 2007, an aspect which the President considered deficient.

In conclusion, we believe that the Committee bill represents a viable means of implementing the objective, which the President articulated so well in February 1969, when he said:

"So crucial is the matter of early growth that we must make a national commitment to providing all American children with the opportunity for a healthful and stimulating development during the first five years of life."

We urge that the Committee bill be approved by the Congress and signed into law so that the Nation's commitment to full opportunity may be implemented fully.

Jacob K. Javits, Richard S. Schweiker, Bob Packwood, Robert Taft, Jr., Robert T. Stafford.

[From the Philadelphia Inquirer, Apr. 29, 1972]

Antipoverty Bill Voted To Avoid Nixon Veto

The Senate Labor Committee has passed a $9 billion antipoverty bill that comes closer to the requirements President Nixon sought when he vetoed a similar bill last December.

The committee added a key provision to the bill transferring the legal services program from the Office of Economic Opportunity to an independent corporation. It now goes beyond last December's measure by giving Mr. Nixon absolute control of the new agency.

The Persident turned down the previous bill because it didn't allow him direct control of the corporation.

Sen. Jacob Javits (R., N.Y.) added the provision giving Mr. Nixon that privilege because, Javits said, it was essential to prevent another veto.

The bill authorizes about $3 billion for the current fiscal year and each of the coming two fiscal years. The allotments would include $1 billion for regular OEO programs, $950 million for manpower training programs, $500 million for the Neighborhood Youth Corps., $500 million for pre-schoolers in Head Start and $100 million for the Follow Through program for children after they enter school.

[From the Washington Post, May 4, 1972]

Senate Panel Passes Altered Day Care Bill

The Senate Labor and Public Welfare Committee yesterday approved a toned-down version of the day care bill vetoed last year by President Nixon.

The measure would provide free, high-quality day care for the children of the poor, subsidized care for low-income families, and care at fees set by the government for other children.

The bill authorizes expenditures of $1.2 billion for the year starting in mid-1973 and $1.6 billion the following year.

The bill was approved by voice vote with considerable Republican support. But Sen. Peter H. Dominick (R-Colo.) said he remained opposed and would fight the bill on the Senate floor. Sen. Jacob K. Javits (R N.Y.) said he felt changes made by the committee would meet Mr. Nixon's objections.

[From Parent's magazine]

What Must Be Done To Meet the Needs of All American Children

(By George J. Hecht)

Why, in this, the richest nation of the world, do more than ten million children live in bitter poverty? Why is our infant mortality rate higher than that of twelve other countries, including England, Sweden, and Germany? And why is our illegitimacy rate so high—close to half a million babies born out of wedlock each year, nearly a third of them to mothers who are teenagers?

Why do we provide day care services for only 650,000 boys and girls when there are six million preschool-aged children of working mothers who desperately need such care, and more than a million more youngsters under fourteen who are left alone to look after themselves while their mothers work?

What about the need for good expanded foster care services for our hundreds of thousands of homeless children, the majority of whom are legally unadoptable? And what of those adoptable children for whom it is so hard to find a home—minority group youngsters and those who are physically or mentally handicapped? What of the heretofore largely hidden problem of the abused and battered children, estimated by authorities to vastly exceed the 7,000 reported last year?

What does it indicate about our nation that 50 per cent of all crimes are now committed by boys and girls under eighteen years of age? Did you know that about a million children will drop out of school this year because of the widespread, generalized failure of the schools to reach and teach the children who attend them, and because of inadequate preventive and remedial mental health programs?

These are among the urgent problems discussed in our special issue this month on the continuing needs of American children and what can—and must—be done to meet them.

In this issue of the magazine we describe some of the many fine programs, both public and private, which are now underway or being planned to foster the physical, emotional, and intellectual well-being of children, and to help them become productive and happy members of their families and of society at large. But unfortunately we also find that these programs are only a small fraction of what is—urgently—needed. Not nearly enough is yet being done for our youngest citizens.

We must have more federal legislation and more adequate appropriations, and we must have one central governmental body, perhaps an Office of Services to Children and Youth, to coordinate federal programs and funds so that all aspects of child welfare services are available, on ability-to-pay basis, to everyone who needs and wants them. All parents should write to their Congressmen urging them to support comprehensive child care programs. Our children are unable to speak for themselves; we must be their spokesmen, their advocates, working on their behalf to see that society as a whole plays its proper role in helping parents provide for, protect, and nurture our leaders of tomorrow.

Mr. MONDALE. Mr. President, I express my deep appreciation and admiration for the leadership which the Senator from New York (Mr. Javits) has provided in the area of care for the children of our country. No person in the Senate has been more concerned, in a more responsible way and for a longer period, than has the Senator from New York. Some of the earliest legislation in this field was introduced by him.

The fact that we have been able to develop, over the past 2 years, a bipartisan approach has been due largely to the commitment and genius of the Senator from New York. I am grateful to him for his message today, and even more so for his continued leadership and bipartisan spirit as we try to develop a measure to meet the profound need which the Senator has described.

Mr. JAVITS. I am very grateful to the Senator. There are few things in my entire legislative career that I have enjoyed more.

Mr. MONDALE. Mr. President, recently, the Senator from New York delivered a magnificent speech on this subject at Cornell, and I ask unanimous consent to have the speech printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by Senator Jacob K. Javits

I am very pleased to have this opportunity to participate in this "Institute on Children" and especially to return to Cornell University which has contributed so much to education generally and to the matter to which we address ourselves today.

We have, indeed made progress in our efforts on behalf of children. The child welfare movement which began by freeing children from exploitation in the factories of the early industrial revolution has more recently established the basic right to an education.

And yet, while children and youth make up nearly 40 percent of the Nation's population, they receive less than 2 percent of our Nation's gross national product.

We are stalled short of two necessary federal commitments regarding the affirmative rights of children: the Administration's "Family Assistance Act"—which would establish a basic national benefit level of $2400 for a family of four; and comprehensive child development legislation.

These proposals reflect different strategies. In the first case, there is an "income strategy" geared to the problems of poverty; in the second, a "services strategy" directed at the needs of parents and children generally. Both signify a growing concern with the rights of children and both are necessary.

We can still entertain a basic hope that welfare reform, as passed by the House, will be refined and win eventual acceptance in the Senate, where it may be considered next month.

But child development—despite the established truth that children develop intellectual skills and capacities at a rapid rate in the first five years of life—has a harder course to follow. It lacks full commitment and leadership from the Administration.

In vetoing the Economic Opportunity Amendments of 1971, which contained the child development title, President Nixon said:

". . . neither the immediate need nor the desirability of a national child development program of this character has been demonstrated."

The President noted that the "laudable purpose" of the legislation had been "overshadowed by":

"Fiscal irresponsibility, administrative unworkability and family weakening implications of the system it envisions."

Unfortunately, the Congress was unable to override the veto.

The principal sponsors of the legislation in the Senate, Senator Mondale (D. Minn.) and I determined not to let the matter drop but to pursue the matter again this year seeking bi-partisan support for proposals designed to meet the President's specific objections.

On February 24, with 13 Republican cosponsors I introduced S. 3228, the "Comprehensive Headstart, Child Development, and Family Services Act of 1972," a bill separate from the new legislation to extend the poverty program.

Another modified version of the vetoed title was proposed by Senator Gaylord Nelson (D. Wis.) and Senator Walter Mondale (D. Minn.) again as a part of legislation extending the Economic Opportunity Act.

The bill is separate from the OEO extension, as I had urged; another bill extending the Economic Opportunity Act was reported the same day.

It is with great satisfaction that I report that the Subcommittee on Employment, Manpower and Poverty, of the Senate Committee on Labor and Public Welfare reported to the full Committee, only twelve days ago a new bi-partisan bill, and including the best elements of both child development proposals.

The Subcommittee bill, entitled "The Comprehensive Headstart, Child Development and Family Services Act" would authorize, beginning in fiscal year 1974 and continuing in the following year a full range of quality developmental services and child care opportunities to children under the age of fourteen.

Like the vetoed bill, it would give particular emphasis to the needs of pre-school children and of the economically disadvantaged, with strong provisions for parental involvement and decision making at the local level.

The services to be made available from funds under the bill will be primarily developmental in nature as under the Head Start program, and thus they will include educational, health, nutritional and other services necessary for each child to reach his or her full potential.

It includes also the fee schedule provisions of the vetoed bill—which had been painstakingly worked out with the Administration last year. Under these provisions free services would be provided to poor children, modest fees would apply to children in families with income between $4320 and $7000 (based upon a family of four) and the Secretary would establish a sliding scale above that level.

Relevant to many areas in New York, it includes a new provision which I sought under which local prime sponsors would have some leeway in charging fees below those prescribed by the Secretary, in order to take into account actual living expenses in the particular area.

You may be interested also in another provision which I authored, to ensure that the experience of the public schools is channelled into programs and that there is continuity between pre-school programs and programs in the schools.

It is expected that this bill will be considered within the next week by the full committee and that a similar bill will be introduced in the House of Representatives after final committee action in the Senate.

Whether it will be signed into law may be determined by the extent to which it meets the President's specific objections which I cited earlier.

We believe that it should, in each major respect:

First, in terms of fiscal responsibility, it authorizes $1.2 billion in the first fully operative year, fiscal year 1974, and $1.6 billion in the second, with an authorization of $150 million for planning and training in fiscal 1973. This represents a substantial reduction from the vetoed title, which commenced with an authorization of $2 billion for the first fully operative year.

We consider these amounts clearly to be fiscally responsible both in terms of the extent to which new resources may be effectively "pumped into" the system in each year, and in light of the amounts spent on defense, and upon remedial programs that attempt to erase the damage inflicted upon many from underprivileged families during early childhood.

Second, in terms of administrative workability, we provide that any city, county or combination of local units of government having a population of 25,000 or more persons may be eligible for prime sponsorship and may submit plans directly to the Secretary of Health Education and Welfare. Under our proposal, the Secretary would approve approximately 2,000 plans of prime sponsors rather than 7,000 under the provision of the vetoed title, which established a 5,000 population requirement.

This means that many more localities will come under the provision of state administration than under the vetoed bill.

To ensure that parents and children in areas not eligible for prime sponsorship enjoy the same degree of autonomy and protection in their relationship to the states as the largest units of government would to the federal government, the bill requires the establishment of local family service areas and local approval of the applicable portion of plans for each area by a parent council.

Third, in terms of family strengthening aspects, the bill makes it clear that child care is to be provided only at the request of parents who choose to use them, not as a matter of universal application, and then as a supplemental service to family efforts.

The bill emphasizes that child care centers are to be extensions of the family, with services provided to older children and parents as well.

Basic decisions regarding programs would be approved at each level by a council at least one half of which would consist of parents of children in the program.

But even with these substantial changes, we cannot be sure that child development legislation will be signed into law. I am concerned that beyond these details related to the "hardware" of the delivery system, the public and the Administration itself still harbor some basic reservations about the general necessity for child development and the form that it should take.

First, is the conception that federal child development legislation would act to encourage mothers to leave the home, acting as an incentive as a kind of "de facto desertion".

The fact is that for many different reasons mothers are choosing to enter the labor force, without regard to the availability of child care—in most cases because they have to do so. With or without child care, this trend is likely to continue.

There are currently one million poor children under the age of six whose mothers work, and approximately 2 million children between the ages of 6 and 14 in such families.

In the $4,000 to $7,000 range—the so-called "near poor"—there are more than one million pre-school children and one million school age children in families with mothers in the working force.

In 1971, 43 percent of the Nation's mothers worked outside the home compared wtih only 18 percent in 1948.

One in every three mothers is working today, compared with one in eight in 1948.

With only 700,000 licensed child care slots available in the Nation, it is legitimate to ask who is taking care of the children. The answer in thousands of cases is "no one". A survey conducted by the Women's Bureau of the Department of Labor in 1965 identified 18,000 "latch-key" children.

But, for the most part, children of working mothers are being dropped in substandard child care facilities or in inadequate home care situations.

The report of the National Council of Jewish Women entitled "Windows on Day Care", issued early this month, confirms, on the basis of extensive surveys, that most current day care facilities lack adequate developmental child services.

Moreover, any Federal legislation should include continued authority for Head Start and similar programs which will be available to poor children without regard to whether or not the mother is working. There are currently 2.5 million poor children under six whose mothers are not in the labor market—many of whom could benefit from such supplementary educational and other services.

Second there is a conception that child development is suitable only for low-income persons and then principally to "get them off the welfare rolls."

This focus is best exemplified by the Administration's proposed child care provisions under H.R. 1, the welfare reform measure.

Under its provision 875,000 opportunities will be provided in each year.

It is important that any welfare reform measure include a special quotient for child care and these provisions will have my basic support subject to a number of amendments which Senator Mondale and I have proposed to ensure that they meet children's developmental needs.

But I reject the Administration's viewpoint that child care, under welfare reform, is about as far as we should go in terms of new programs and that any other more comprehensive proposal such as we now advance is merely "redundant."

The fact is that without comprehensive child development legislation existing and projected resources available solely to the poor will be inadequate even to cover that group not to mention the millions of others who need developmental child care. While there are 5.5 million poor children who could benefit from pre-school education or after-school care the Head Start program and the proposed family assistance act would together provide only 1.25 million slots.

The real injustice of excluding other persons is seen in the fact that there are currently 1.3 million mothers in all income groups who are bringing up children without a husband and thus need child care as an absolute necessity.

And to exclude other families is to overlook the basic fact that the poverty population is not a static group, but a class into which and out of which the working poor slide almost on a daily basis.

Third, is the notion, expressed also in the President's veto message, that the child care we propose is to be "communal" in nature—a term designed to bring to mind the worst aspects of communist society.

Nothing could be further from the truth. Those who have studied programs in communist countries know that there is a great distinction between their state-run compulsory system and the parent-controlled voluntary system which we propose.

In conclusion, I urge the Administration to support comprehensive child development legislation, which is now separate from legislation extending the poverty program and to abandon the misconceptions I have mentioned, to the extent that they may still exist. If they disagree with us still with respect to the details of the program, then let them come forward with positive alternatives.

The question before the Nation is not whether the expansion of developmental child care opportunities is desirable—as we believe they are—but whether they are to be expanded in a legislative framework established at the federal level.

With or without federal legislation, the legitimate needs which I have cited will find expression in greater funding for child care under existing authorities, which are now so splintered and unrelated to each other.

Nothing promises to be more administratively unworkable, fiscally irresponsible or family weakening than to pump more money into the existing system of isolated programs which are funded through different federal sources often without any guarantee as to parental involvement.

We can take warning from the existing manpower training system which has grown in much the same way without an established procedure for decision-making at the local level and which the Administration and the Congress, after ten years of experience, now struggle belatedly to reform.

Unlike manpower reform, child development is now in its infancy and the question is whether it is going to grow up unattended—like a "latch-key" child—or with federal direction and support.

In his veto message the President said that no commitment to child development should be made in the absence of a great national debate on its merits, and broad public acceptance of its principles.

The bill now moving through the Congress affords that opportunity for debate on the merits. I hope the Administration will be guided by it.

But let the Administration agree with us now on the basic principle, which the President himself articulated so well in February of 1969, when he said:

"So crucial is the matter of early growth that we must make a national commitment to providing all American children with the opportunity for a healthful and stimulating development during the first five years of life."

The key word is opportunity—not universality—a goal which all Americans should be able to agree upon as one of the highest priority. It is time that goal be given federal legislative sanction.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. Mr. President, I join the distinguished Senator from Minnesota (Mr. MONDALE) in his remarks respecting the valuable and creative contribution that the Senator from New York (Mr. JAVITS) has made to the development of this bill, and also to all the other members of the minority who cooperated with the majority on the committee in working out what I think is a very good bill, modified substantially from the bill the President vetoed.

The bill was reported from the committee on a voice vote—without one dissenting vote.

We needed and found valuable the contribution of the Senator from New York as well as the contributions of the other members of the minority.

Mr. JAVITS. Mr. President, I thank my colleague from Wisconsin. I emphasize not only the bipartisan spirit in which we have worked together but also the spirit of complete dedication to the basic purposes of the bill which we are trying to serve, and which has been shown so well by the Senators from Wisconsin and Minnesota in their leadership as majority members on both the subcommittee and the full committee.

Mr. RIBICOFF. Mr. President, in February of 1969 President Nixon expressed his concern for child development when he said—

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

The opportunity to fulfill that commitment exists today in the Comprehensive Headstart, Child Development and Family Service Act of 1972.

This bill is the product of months of study, revision, and bipartisan consultation in response to the President's veto last year of S. 2007, the Economic Opportunity Amendments of 1971.

Everyone agrees that this Nation faces a critical shortage of quality day care and child development programs and facilities. One-third of all mothers with preschool children—a total of over 4½ million women—are working at full or part-time jobs. Some 5 million children need full- or part-time day-care services while their mothers are away from home. Yet there are less than 700,000 spaces in licensed day-care programs to serve them. And not all of these really provide quality day care.

We are not faced with a situation, as the President implied in his veto message, of legislation with "family weakening implications." Instead, we are faced with a changing society in which women voluntarily choose to work.

The problem, then, is to provide the programs and facilities which will enable these women to hold jobs and will provide the opportunity for children to develop—physically, intellectually, emotionally—in wholesome and safe surroundings while their parents are away from home—by choice—at work.

Other Senators including the distinguished Senator from Minnesota (Mr. MONDALE) have already described in full detail the elements of this landmark legislation. Therefore, I will confine my remarks to one aspect of this legislation—child-care standards.

Given the overwhelming shortage of day-care programs and facilities it is tempting to try to solve the day-care shortage problem immediately by diluting standards so that limited programs and facilities can be made available to more children.

I believe we should move more cautiously. Given a choice between many programs with weak standards and fewer programs with strong standards I would opt for high standards.

In that context I introduced an amendment last year to S. 2007 which set the 1968 Federal Interagency Day-Care Requirements as the floor below which the Department of Health, Education, and Welfare could not go in developing comprehensive day-care regulations. This amendment passed the Senate and was accepted by the conference. Such a standard is also included in my welfare reform legislation.

Although S. 2007 was vetoed by the President, it was my expectation that the administration would take note of the intention of Congress regarding the development of day-care regulations. In order to provide the administration with some flexibility in improving the 1968 requirements we wrote in language to S. 3617 allowing HEW to develop standards "consistent with" the 1968 requirements.

After reviewing drafts of the proposed 1972 standards, we find it is clear that there has been a misunderstanding as to what "consistent" means. Simply stated, "consistent" means that the standards must be at least as strong and comprehensive as the 1968 regulations.

The 1972 standards are seriously flawed in a number of respects and in no sense can they be termed "consistent."

First, they dilute child-staffing ratios so that fewer staff members would be caring for larger numbers of children. Under the 1968 standards group day-care home ratios would be set at five children to one adult when preschool children—age 3 to 6—are involved. No children under 3 could be placed in this type of care.

The proposed 1972 HEW standards requirements for babysitting, called in-home care and care provided by close relatives, specify neither the age nor the number of children that can be cared for even though it is apparent that HEW intends to provide a Federal subsidy for such care. HEW also moves one classification of group day-care homes—those serving more than 12 children—into the day-care center classification, thus avoiding certain restrictions as to the number and ages of children that may be served. Homes serving 12 children may have as few as two caregivers. Since HEW would allow four of the 12 children to be infants or toddlers under age 3, the remaining eight children could be as young as 3. This could very easily lead to situations where four infants were cared for by one caregiver and eight 3-year-olds by another.

In day-care centers, the 1968 requirements for children aged 3 to 6 involved an average ratio of 6 to 1. The 1972 requirements would set the ratio at 9 to 1. For school-age children, the 1968 requirements set the ratio at 10 to 1. The 1972 requirements set the ratio at 12 to 1 for children ages 1 through 8, 15 to 1 for ages 9 through 11, and 20 to 1 for ages 12 through 14.

Also critical are the inadequate staff-child ratios and the lack of any reference to the sizes of groups of children which are to be served; "herding" results in the kind of depersonalization that damages young children.

The 1972 requirements do not stop at increasing the number of children assigned to each care giver and allowing "herding" of young children—they also fail to require any ratio of care givers to children to be maintained at any one time. Instead, the 1972 requirements substitute "care giver hours" ratios which would allow ratios to be technically complied with but would make enforcement of even custodial standards extremely difficult.

Using HEW's own example, an operator seeking greater profits could staff a center receiving Federal funds as follows:

First, the owner is the director and works from 6 a.m. to 6 p.m., with 1 hour for lunch—from 12 to 1;

Second, five part-time employees are expected to work from 8 to 1 each day;

Third, another five part-time employees are expected to work from 3 to 6 p.m. each day.

This staffing meets the requirements of the 1972 draft; yet, there is only one person—the owner-operator—required to be on hand from 6 a.m. to 8 a.m. and from 1 to 3 p.m. each day. That one person has the sole care of 3 infants, 6 toddlers, and 18 preschoolers—27 children in all—during those four hours. Such an operation could be extremely profitable: part-time housewives and students could be employed for the brief periods required. A case could be made, in defense of the staff plan, that sufficient staff are present for the "important" times of day.

This staffing pattern assumes that the owner-operator is attempting to staff for maximum effective care of children while avoiding hiring full-time employees. Many other patterns could be used, all of which meet the "divisor ratio" suggested in the new draft guidelines, that would be less expensive and less able to meet children's needs.

For instance, an owner-operator could meet the new guidelines by relying solely on available part-time personnel from one of two pools—mothers with some child care responsibilities who are currently working "in the home" only; students, of either high school or college age, working for pay or as volunteers.

The owner-operator could hire seven housewives or obtain the services of seven students and schedule one shift from 9 to 12; a second shift of seven part-time employees could come to work from 12 to 3. In total, 42 hours of "care givers" would be tallied. If the operator worked from 6 to 10:30 a.m. and from 12:30 to 6 p.m., the requirement of 51 "care giver" hours would be met. Although the new guidelines would technically be complied with, there would only be one adult on the premises from 6 to 9 a.m.—caring for as many as 27 children. During the hours of 3 to 6 p.m., one adult would have the care of 39 children.

Such practices, were they to be allowed through imprecise rewriting of guidelines, could become widespread. May Dublin Keyserling's recent study, "Windows On Day Care," cites several such instances. A licensing worker was making an unannounced visit to a Florida center at 8:20 a.m. when she found one caretaker with 54 children.

The new guidelines are sufficiently loose to allow cooking and housekeeping duties to be performed by personnel counting as "care givers." One employee could work full time at such noncare giver tasks each day, on a rotating basis, without reaching the maximum percentage of time specified in the guidelines.

A second major flaw in HEW standards involves parental involvement in day care programs. Under the 1972 drafts it is effectively eliminated.

The current requirements are very specific, if somewhat modest. The requirements state that "—at that administrative level where most decisions are made—" there must be a policy advisory committee or its equivalent. Further, membership of that advisory committee "—should include not less than 50-percent parents or parent representatives, selected by the parents themselves in a democratic fashion." Seven specific functions are listed that must be performed by policy advisory committees.

In the draft requirements, two kinds of parent participation are discussed. Each facility serving more than 15 children must have an advisory council, and at least 50 percent of the members of the council must be parents of children served—note that there are no functions that must be performed by the advisory council at this level, and that the membership is not selected by the parents themselves in a democratic fashion.

At the level of the administering agency, even less is required for evidence of satisfactory compliance. An unspecified percentage of parents of children enrolled in day care are to be included in a policy advisory group. That percentage may or may not be 50 percent; parents need not be representative or democratically selected. Instead of seven specific functions that must be performed, these parents are only to be provided, upon their request, information on administering agency policies, budgets, and evaluations. At best, parents are to be provided information.

There is one new addition to the requirements. Administering agencies must have a written grievance procedure by which parents may take complaints to the administering agency; the written grievance procedure must be presented and explained to each parent.

Under the current requirements, parents must have a voice in day care programs. Under the new HEW draft, parents have no voice but they must be given a piece of paper which tells them how to take their grievances to an administering agency.

Much of text of the new HEW draft contains definitions and generalizations—too little of it is devoted to specific actions required to give evidence of satisfactory compliance. An example is health requirements under the 1968 requirements and the new HEW draft.

The sole evidence required under the HEW draft to assure satisfactory compliance with health requirements for staff is that each staff member "is free from communicable tuberculosis and communicable syphilis."

Are all other communicable diseases—and mental illness—allowable?

Compliance with the requirements outlined in the current interagency requirements would seem to be more advisable:

> Staff of the facility and volunteers must have periodic assessments of their physical and mental competence *to care for children.* (Emphasis added.)
>
> Tuberculin tests or chest x-rays should ensure that all persons having contact with the children are free of tuberculosis. Physical and mental competence are better assured by regular visiting and supervision by competent supervisors than by routine medical tests or examinations. The operating or administering agency must ensure that adequate health records are maintained on every child and every staff member who has contact with children.

Another area of significant difference is in the provision of social services. Six specific requirements are listed in the 1968 requirements. All that is required under the new HEW draft is:

> The administering agency possesses and makes available a current *list* (emphasis added) of the social services and social services agencies in the community. The phone number to call for information about social services is posted at each facility and a general description of the kinds of services available has been provided to each operator.

Perhaps these "social services"—a list and a phone number—can be provided within the day care cost projections supplied by the Office of Child Development during hearings before the Senate Finance Committee.

It is clear that the level of social services contemplated in HEW's 1967 cost projections for center day care at an "acceptable" level—$65 per child per year—is not to be provided. Eliminating this one requirement from the budget projections, by eliminating the required service from the new HEW draft, can "save" $65 for each of the preschool children that the administration proposes to serve under H.R. 1. If the administration only economizes to the extent of cutting out social services for preschool children, almost $10 million can be "saved." It is such subtle changes in rules and regulations that short circuit Congress intention to adequately serve America's children; it is such moves that shortchange America's children.

A full discussion of the shortcomings of the new HEW draft would fill many pages and would certainly prolong, needlessly, consideration of this obviously deficient document.

I put it to HEW once again, plainly and clearly: Congress has no intention of allowing this administration to alter by rule and regulation what it cannot alter by the legislative process. Whether for the aged, the youngsters who go to camp, or the children whose parents wish day care to be available for them—the Congress will insist on quality services, guaranteed by standards that are enforced, not weakened.

Without quality standards and enforcement, child care legislation is worthless. It is imperative then that more public attention be focused on this issue.

For that reason Senator MONDALE and I recently wrote the Secretary of HEW urging him to consult fully with legislators, parents, communities and organizations which have as their concern the children—especially the poor and minority-group children of this country—before regulations are published in the Federal Register. I ask unanimous consent that this letter be inserted at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, too often Congress has allowed itself to believe that the seeds of success or failure of new social programs are to be found in the semantics of legislation. But success or failure, as we are learning, depends on implementation of programs based on sound regulations. Congress must begin to assume more of the responsibility of insuring that such regulations are formulated and enforced if programs such as comprehensive day care are to succeed.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., June 12, 1972.

HON. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As members of the Senate Finance Committee and the Senate Labor and Public Welfare Committee, we were alarmed by the reports of efforts in the Department to seriously lower standards for federally-supported day care services.

If there is difficulty in enforcing the current standards, as has been suggested, then we must consider legislative and administrative action to assure effective monitoring and enforcement and to provide the resources and technical assistance to enable child care operators to meet these requirements. Under no circumstances are we willing to sacrifice the quality of care our youngest children receive because of bureaucratic inability to enforce decent standards or reluctance to finance them.

We herewith formally request the opportunity to review the requirements you are considering before they are published, and urge you to consult fully with the broadest possible range of parents, communities and organizations which have as their concern the children—especially the poor and minority children—of this country.

Sincerely,

ABRAHAM RIBICOFF,
WALTER F. MONDALE.

AMENDMENT NO. 1247

Mr. BUCKLEY. Mr. President, I call up amendment No. 1247 and ask that it be stated.

The PRESIDING OFFICER (Mr. RIBICOFF). The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 74, line 15, insert a new section (2) as follows and renumber succeeding sections:
>
> (2) In the case of parents who request full day child care services made available under this Act, the Secretary shall inform them in writing of the following: (a) that the mother-infant relationship is the cornerstone of healthy development for the vast majority of children; (b) that group day care is primarily a remedial or emergency device whose value extends mainly to children who are developmentally disadvantaged, handicapped, abused, neglected, or are otherwise receiving harmful care; and (c) that separation from the mother or mother figure on a systematic basis, or for long periods of time, combined with placement in a group care facility, can cause psychological harm to the child, and especially to those under three years of age.

Mr. BUCKLEY. Mr. President, the purpose of my amendment is not dissimilar to the purpose of those who sell medicines, who alert the patient to certain possible harmful side effects of the medicine. I am very much concerned that the potential for harm to young children under the day care programs provided for in this bill far outweighs the good contained in other parts of the bill now before us. While there is unquestionably a need for remedial services for "developmentally disadvantaged" or neglected children, no convincing demonstration has been made for the type of broad-reaching programs here authorized.

A fundamental objection to the overall tone and intent of this bill is what I would call the overselling of the concepts of child development and day care. In the first place, the assumption is conveyed that the Government and its agents know how to provide "healthful and stimulating development" of children. As Dr. Ernest Van Den Haag, psychoanalyst and sociologist at New York University, recently observed in congressional testimony:

> If the government has such knowledge it is a well kept secret of which the scientific

> community is quite unaware. . . . The assumption that social science has as yet produced a tested theory of child rearing is sheer fantasy. Only a few variables have been detected. And they suggest that family care should be encouraged, not replaced.

The simple fact is that the state of the art of child development is as yet primitive. Mr. Jule Sugarman, former Director of the Office of Child Development, underscored this fact in testimony before Congress in December of 1969 when he said:

> As we enter the 1970's we are still seriously deficient in (a) our understanding of how children develop, (b) the causes and nature of the deficits found among disadvantaged children, (c) the techniques for appraising the state of development and (d) the design and delivery of programs and curriculum to prevent or overcome developmental deficits.

He went on to say:

> Early childhood programs are being created and operated on an inadequate base of knowledge. There is general agreement that the early years have great importance in the growth and development of the child. There is also general agreement that high proportions of children from economically disadvantaged families begin to show developmental deficits very early in life.

But, he added—and I wish to emphasize this very strongly, Mr. President:

> There is far less agreement on what constitutes effective intervention to improve the opportunities for development of such children.

I am informed that Mr. Sugarman is a supporter of the pending legislation, as indeed he was of last year's bill. But if what he said in December of 1969 is true—and I believe it is—I cannot for the life of me see how he can be so bold in his support of the current bill. Has there been some dramatic breakthrough in the art or science of child development since December of 1969? Has some hitherto undiscovered body of knowledge come to light since then? I do not believe it has, and know of no one who claims it has. While some progress has been made, the description of the state of the art offered by Mr. Sugarman in December 1969 holds true today. As Dr. Zigler indicated in testimony in 1971, and if it is true, Congress would be premature to enact such a far-reaching program as that proposed today.

There is, in short, much disagreement in the field of child development today. At present, the educational approach to child development seems to be most popular. Indeed S. 3617 reflects this preoccupation with educational preschool programs. Yet there is widespread criticism by respected child specialists of the current emphasis on academic training for young children. It is argued that attempts at programed cognitive stimulation can destroy the creative and developmental value of play and, by pressure for performance, virtually make our children old and gray before their time.

In addition, attempts to increase the cognitive level of children outside of the home have usually been relatively ineffective, or else the successes have been of short duration. On the other hand, efforts to increase the parents' knowledge of good child-rearing techniques, such as the Homestart program, have been markedly successful in their resulting effects upon the development and well-being of the children, while at a much lower cost than preschool programs like Headstart.

My purpose in mentioning these disagreements is only to point out that a Federal program of child development will necessarily tend to impose one approach to child development on perhaps millions of children—and it could turn out to be the wrong approach.

The field of child development and preschool education is not a value-free, objective science. It is a field of controversy involving diverse value judgments about a variety of sensitive issues, from permissiveness versus discipline to the teaching of belief in God or sex education. It is an area in which Congress would be well advised to tread cautiously.

The fact is that group day care has been oversold. It has been made to appear to be a safe, indeed desirable, form of child rearing and education for virtually all children. S. 2007 is intended to make day care centers eventually available to all children, from birth to 14. The distinguished Senator from Minnesota (Mr. MONDALE) even stated last year, "I hope that we can come up with a national, pre-school developmental program. . . ." While S. 3617 is not as explicit in this regard, nonetheless, the spirit remains the same and both its wording and provisions enable and encourage future expansion on a universal basis. But such an optimistic view of the potential of day care, even the developmental kind, is erroneous on at least two counts. First, child specialists have accumulated strong evidence indicating that the institutional environment of day care centers, even the better ones, can actually be harmful to the psychological well-being and development of young children. Second, as Dale Meers, child psychoanalyst at Childrens Hospital here in Washington, and an authority on international day care recently pointed out, the notion that day care offers some general educational advantage is in error.

> I do not understand where this idea originated—

He said—

> Though I once shared it as a prejudice. The U.S.S.R. does not try to use day care as an educational vehicle; indeed, that country initiates its educational efforts a year later than we do in our public schools.

Mr. Meers explained that developmental day care has potential value as a remedial measure for those children who have been socially deprived, neglected, or handicapped in order to circumvent developmental decline. He further stated:

> In failing to designate that day care is remedial in its intent, the legislation infers that intact families can securely use such facilities; and . . . since day care is only remedial at best, it bypasses the basic problem of prevention.

The potential harm in day care involves the by now fairly well established fact that the early childhood years, especially 0 to 3, and to a lesser extent 3 to 5, are crucial to a child's later emotional and intellectual development. The quality of parental care and the experiences, or lack thereof, during these years significantly affect how well a child will eventually develop physically, mentally, and emotionally.

In connection with this finding it was learned through years of experience and research that many children who were raised in institutions, who spent long periods of their early years away from their mothers and a normal family environment, were significantly retarded in their development and suffered from psychological disturbances of varying degrees of severity. The primary cause of these problems was determined to be "maternal deprivation," that is, the absence or the inadequacy of (1) a relationship to a mother figure who need not be the real mother, (2) the continuous loving care of such a person, as well as (3) the lack of proper emotional and sensory stimulation as a result of such absence or inadequacy.

John Bowlby, a distinguished British doctor, reviewed the extensive research on the effects of many child specialists in his famous monograph "Maternal Care and Mental Health" (1951). He concluded from the evidence that—

> It is plain that, when deprived of maternal care, the child's development is almost always retarded—physically, intellectually, and socially—and that symptoms of physical and mental illness may appear. Such evidence is disquieting, but skeptics may question whether the retardation is permanent and whether the symptoms of illness may not easily be overcome. The retrospective and follow-up studies make it clear that such optimism is not always justified and that some children are gravely damaged for life. This is a somber conclusion which must now be regarded as established.

In the succeeding years a great deal of research and investigation into these issues has shed valuable light on the processes of child development and the circumstances and effects of "maternal deprivation." Nearly all studies have tended to confirm Bowlby's basic hypotheses, with several qualifications. Maternal deprivation can mean the absence of a "mother figure," which need not be the real mother; maternal deprivation also refers to the absence of the emotional relationship and sensory involvement which the mother figure uniquely provides; the effects of institutional care are not always as severe or irreversible as he had thought.

Now, how do these findings relate to the question of a large increase in the number of day care centers which this bill encourages?

First, we must realize that day care centers are institutions and offer institutional care. Second, the essential factor of institutional care is not the nature of the facilities, but rather the institutionalization of human relationships—the impersonal, the necessarily formal and homogeneous nature of the care. Third, the time an infant spends in a center represents most of his formative, waking hours. Thus, the quality of the center experience is critical and can have a great effect on a child's development.

Because, in nine cases out of 10, care in a center is much the same as that in a full-time institution, there is widespread agreement among child specialists that center care should be avoided, if possible, for children under the age of 3.

The Federal Government's interagency day care requirements state that:

> Day care centers should not accept children under three years of age unless the care available approximates the mothering in the family home. Centers usually do not attempt to stimulate family living.

The Child Welfare League of America recommends that a family day care home or some other variation of family environment be used if a mother is unable to care for her children. The league also advises that for children over the age of 3, careful consideration ought to be given to each child's needs and condition in determining whether or not he should be placed in a center. In general, the domestic atmosphere and personal scale of care in a decent family day care home is preferred as safer and more appropriate than care in a center.

The reason for this caution and concern about center care or, indeed, any form of group care, is that group day care exposes children to many of the same conditions and hazards which are found in full-time children's institutions. The hazard of the "material deprivation" syndrome exists in nearly all centers, due to the lack of trained staff, high child to staff ratios, and the necessarily lesser concern and interest felt by the staff toward the children, as opposed to the concern of the children's parents or relatives. In an article in 1970 Margaret Mead noted that—

> Paid, well trained nurses who are trustworthy, intelligent and have the character appropriate for the continuous care of an infant are almost nonexistent today. And no State-supported child care center can afford enough well trained, nurturing persons.

The Child Welfare League of America, in a 1962 policy statement, observed that "research and clinical experience have given evidence that group care of preschool children may result in emotional and intellectual damage." The multiple and intermittent mothering that is—infrequent care given by several different people—and lack of sufficient personnel in day care centers results in a situation where a young child cannot form the vital, continuous and close relationship with one particular adult. Furthermore, the child almost never receives sufficient stimulation, especially verbal, necessary for his cognitive and other developmental needs. Indeed, the common absence of socially stimulating conditions in exchanges with adults, for example, probably accounts for the backwardness in speech often found in children in day care centers.

PRIVILEGE OF THE FLOOR

Mr. President, at this time I ask unanimous consent that a member of my staff, Mr. Michael Uhlmann, be granted the privilege of the floor for the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, this situation arises not only from lack of sufficient personnel, but, more fundamentally, from the depersonalizing nature of institutional child care. Psychoanalyst Meers, whom I earlier quoted, points out in a recent article on day care that:

> The most consequential and controversial question of early day care is that of potential danger and damage to the very children for whom the centers are designed. . . . The significant causal variable appears to be the depersonalization of human relationships that are vital to the child's healthy maturation. . . . Depersonalization can readily take place in institutions. . . . It is a chronic potentiality in group care of children.

In a cautionary article, "Psychiatry and Day Care Centers" in the care of children in day care centers, published by the World Health Organization in 1964, Dr. S. Lebovici, the noted French child psychiatrist, remarks that some day care centers which pride themselves on maintaining quiet and order and cleanliness, and which point proudly to rapid progress in certain areas of development may create an excellent first impression on the superficial observer. But, he says:

> It is easy, perhaps, in such cases to lose sight of the fact that the children are dull and apathetic, respond passively to the demands of their educators and demand too much of themselves. This may have serious effects upon personality formation.

A study of emotional deprivation in a nursery by M. David and G. Appel in 1962 found much evidence of depersonalization:

> The routine of day-nursery as a rule protects the nurse against establishing any link with the children by obliging her to pass quickly from one to the other. Accomplishing her tasks conscientiously and skillfully, able to obtain a smile here and a look there, the question of real contact with the children does not arise, and she feels no need of it in the tasks she performs. This attitude prevents any attachment but also any feeling of aversion to a child—which is painful—and it also avoids any painful separation at the end.
>
> It is easy to see from this that the nursery routine "is useful to the nursing staff, and why they oppose change—even apparently simple and obviously necessary change. Such change in fact exposes the nurse to a frustrating experience, either because she cannot give sufficient time to her favorite child—from whom, moreover, she must eventually separate—or because she finds herself faced with indifference or hostility which makes her feel guilty and risks giving her misgivings about her capacity for motherhood.

Meers points out that the greatest potential for harm to children exists—

> In the early years since babies will adapt to anything. The price of accommodation to noise, confusion and different types of handling in day care centers is that babies retreat involuntarily into passivity. They respond by apathy, they stop crying and retreat within themselves. For example, I've seen one nursery in Budapest where hungry infants under the age of six months were almost totally silent. They appear to abandon their genetic potential for crying and activity (as expressions of distress) as they retreat into passivity. If some measure of pain and distress were the only question, that is if babies would outgrow the consequences, it might be alright. But the evidence is anything but clear that this is so. "The price of adaptation may be a severe psychiatric disability, and it seems probable that even physiological damage may ensue, as in our 'failure to thrive children. In East Germany, Czechoslovakia, and Hungary, it looked to me, as a clinical observer, that one could visibly discern, by age five, which children had been placed in day care centers since birth, since two or four years of age. That is, the *older* they were when they went in, the more alert and responsive they were. Conversely, the earlier they went in, the more passive, retiring and perhaps retarded."

Dr. Lebovici explains that even temporary separation of the child from the mother may result in frustrational pathology:

> In the opinion of many authors, frustrational pathology includes certain mental disorders in the fields of psychopathy, delinquency and even schizophrenia. In any case, the study of frustrational pathology should be extended to cover not only the limited field of sudden complete separation but also the more subtle effects of temporary and partial separations and especially of what has been called emotional or sensory deprivation.
>
> This, as indicated above, may represent ill-timed and delicate changes in the mother-child relationship (and may throw light on the conflict between the mother's contribution and social demands in regard to the child's needs.)

In addition to the psychological problems associated with day care centers, there is the question of the social effects of group care. As the Auerbach Corporation's report on the work incentive program comments, in its section on child care—

> Health and education authorities are continually discussing the merits of all-day care, because children growing up in groups are different from children who do not grow up in groups. Young children who spend most of their time with a group of other children (and "day care" covers most of a young child's waking hours) learn to function in a group environment; they do not necessarily function equally well without the group. There is a possibility that "day care" and other full-time group facilities for children may develop too conforming a group of children—children who are more comfortable in the group setting and who will find it difficult to function alone.

Mrs. Mary Rowe, a noted child care economic consultant, commented in congressional testimony on the loss of individuality amongst children in Soviet day care centers:

> In the Soviet Union I have seen groups where women were taking care of 15 or 30 small children, ages 3, 4, and 5. Those children are decorous, well-behaved, they move in circles, in groups. The child who steps out of the circle to pick up a leaf or to run around a tree, as a child will, is quietly and gently called back to the circle. The circle moves together to eat, moves together to the bathroom.

Meers notes that in Russia and the Eastern European countries, where day care and preschool centers have long been provided by the government for preschool children, there is growing concern over the effects of such care on the children. Recent research has led to a reevaluation of the desirability of these programs. In Czechoslovakia, for example, the Government no longer allows infants under 3 to be placed in centers, and child researchers are reviewing their desirability for the 3- to 5-year-olds. In other countries child specialists would like to cut down on day care programs, which were once necessitated by a postwar shortage of manpower.

Dr. Sally Provence of the Yale Child Study Center poses some important questions concerning group care in her book, "The Care of Infants in Groups":

> Will there be significant differences in the

> personality structure of children reared in groups by persons not their own parents compared with children reared in families? Will children reared largely in group settings be able as adults to form families and care for their own children? How does a long period of group care, with the many parent figures inevitably involved, influence such aspects of personality as the development of internalized controls over behavior or the capacity to love? What are its effects on intellectual development and on creativity? How will our society be influenced if large numbers of its members are reared from infancy in group care settings?

Can we as legislators authorize such a program as is here proposed without concrete answers to these vital questions?

Prof. B. Gornicki, Director of National Research at Poland's Mother and Child Institute, in an article on day care centers published by the World Health Organization in 1964, felt obliged to point out that—

> The environment of a well organized day care center does not *markedly retard* the child's psychomotor development or, in the majority of children, cause behavior disorders or particular difficulties other than those found in children of the same age brought up in their own homes.

But this very statement is an admission that the center experience causes retardation in most children and significant behavior disorders in at least some children.

Dr. Humberto Nagera, director of the child psychoanalytic study program at Childrens Hospital, University of Michigan, has recently written an impressive paper on the developmental and psychiatric problems of day care centers entitled "Day Care Centers: Red Light, Green Light, or Amber Light?" in it he speaks of the "violence that is introduced into the developmental patterns of the young baby and toddler, by a day care situation." He concludes that—

> On the basis of the information available regarding different types of child-rearing practices and their known outcomes, as well as our present day knowledge of the basic needs of the human infant to develop normally and ideally, I cannot but seriously question (for the age group I have been referring to) the advisability of moving to the establishment of day care centers in the grand scale that this country is now planning. I fear that widespread and unthoughtful use of such facilities in this country, for infants in the age range between birth and two and a half years of age, could someday result in the United States mass-producing large numbers of children with serious emotional problems and psychopathology. Furthermore, we may mass-produce large numbers of low achievement, low I.Q. youngsters, babies whose brains are understimulated and mismanaged, whose emotional development has been interfered with by inappropriate day care center's practices.

We in the United States must ask ourselves whether or not we are willing to give unqualified endorsement and support to a program, such as is authorized in this pending legislation which could have these kinds of adverse effects on significant numbers of our children.

As Meers warns:

> I think that the dangers of a comprehensive day care program for children under three years of age are so problematic that it's like asking Congress to approve a new drug for the market that will relieve headaches, though we already suspect that this drug may have a carcinogenic side effect. There are so many real and significant dangers we know of in institutional type care (and institutional care is not confined to four walls, but refers to institutionalization of human relationships) that this proposal entails a potential and very real danger. To establish day care centers across the country without having empirical, psychiatric assessments over time, is an undue and foolhardy risk. Why should be expose large percentages of our children to such risk when there are potentials for severe psychiatric danger?

It can be argued that the dangers outlined above may in fact be present in existing day care centers, and that one of the purposes of this legislation is to eliminate them by providing quality, comprehensive day care and development centers. This may be possible, but I believe it is unlikely for the following reasons:

First. There is as yet insufficient knowledge and an uncertainty both as to just what constitutes good developmental care and as to what causes and how to prevent early developing psychological and emotional disorders;

Second. Quality standards of care, especially in terms of personnel will be very hard to meet and maintain for a large scale program; and

Third. The problem of impersonal, comparatively uninterested care by paid attendants will continue indefinitely.

The problem of the lack of knowledge in the field of child development has been discussed earlier in an attempt to remedy these deficits in understanding concerning proper child development and child care policies, The Department of Health, Education and Welfare is currently involved in a variety of experimental child care programs designed to evaluate the different kinds of approaches and their effects and costs. Training programs are also being devised. Final results will begin to accumulate after 1973, when the experiments are completed. The very important longitudinal study which will describe the long range effects of the different approaches is to be completed in 1976.

If, rather than mounting the large scale day care program that will report from this bill, we instead expand a systematic program of research and experimentation into various approaches to center care and environment, we may at least be able to identify the more effective techniques for cushioning the impact of the potentially traumatic conditions arising in day care centers, and perhaps develop more desirable alternatives.

In the absence of such concrete knowledge, I ask you whether the implementation of a large-scale day care program, with its attendant risks, should be permitted.

Realizing that day care centers are a reality and, in some cases, a necessity for children who are developmentally disadvantaged, handicapped, abused, neglected, or otherwise receiving harmful care, we must insure that centers have high standards, not only for facilities—which, given certain minimums, are secondary in importance—but especially for quality of staff and programs. The Child Welfare League of America sets forth the requirements for good developmentally oriented centers in its standards for day care service. Most important, of course, is the number of staff and their training and attitudes. The CWLA recommends, when there is no superior alternative available, that infants be cared for in groups of not more than four, with one adult per two children, and that they receive "individualized, consistent, and continuous care from one person with whom the child can interact . . ."

But finding qualified and appropriate staff personnel is a difficult task. Staff members are thus expected to understand the developmental processes and needs of children and to be trained in the methods of transmitting the appropriate skills and assisting children in discovering themselves and the world around them. They must be of a temperament which is willing and able to relate to and give continuous and individualized care to each of their charges.

Good care, in short, should try to approximate the concern and attention of a good, average mother.

Good care, then, necessarily costs a lot of money; the operating cost of good, developmental care is usually considered to run about $2,500–$3,000 per child, with staff expenses accounting for approximately 75 percent of the total. But to meet the desirable staff/child ratios, the costs of care in a center may be as much as $4,000 per child, not including any construction costs.

Before Congress passes a major program, it must consider whether the goals of the legislation can be achieved in fact, and whether there is reasonable hope that they will be achieved. Let us consider S. 3617 in this regard.

The effect of the legislation before Congress would be the establishment of federally supported and regulated child care and development facilities across the Nation. Its supporters claim that it will not only meet the existing need for such facilities, but also provide the desired high quality, developmental care. The original legislation, which was vetoed, was intended to establish centers for millions of children, eventually making them available to all children through age 14, regardless of whether or not their mothers work, but for the time being this aspect has been toned down.

Such proposals, idealistically conceived and intended, may sound good on paper. But, aside from the issue, which I have discussed above, of the desirability of launching a full scale program of public child care as opposed to family oriented approaches, there are good grounds for questioning whether the reality of such a program will correspond to its theory.

Mr. President, I submit that it will be nearly impossible to achieve and maintain the high quality care required to prevent damage to young children if the number of day care facilities is swelled significantly by a large increase in Federal funds for that purpose. The reasons for this are essentially threefold: First, the high cost of care, second, inadequate knowledge, and third, lack of trained and capable human resources. The high cost per child for good care is related in particular to the number of staff. The large increase in demand for staff which would result from a major Government program, would force up the costs of staffing significantly. Gwen Morgan, day care consultant to the State of Massachusetts, says that—

> Many day-care operators think they can pay the staff low wages, because most States only require the director of a day care center to have full credentials in the field of early childhood development. But, as the industry grows, there will be a lot of pressure for parity with the teaching profession—look at what happened in New York City.

She refers to a several-week-long strike by day care employees in the fall of 1969, out of which the employees won a 25-percent pay increase in 1970, followed by a 13-percent hike in 1971.

Even more important than costs is the lack of the necessary knowledge. As discussed earlier, specialists are uncertain as to how a child develops and as to what specifically should be done to promote a child's optimum development. They are even more in the dark as to the prevention of childhood psychological, emotional, and behavior disorders. We simply do not know enough at present to give the right answers.

As regards to the problems of staffing, the number of trained personnel available to staff future centers is woefully inadequate, even for present needs. The Auerbach report on the work incentive program found in 1970 that—

> As the situation now stands, the number of graduates from early childhood education (child development nursery school management, or whatever name it is given), who have also had a few years experience and could therefore qualify as head teachers and directors, is too small to meet the present need, much less any expansion in the number of facilities. . . . The major barrier is still lack of training of staff.

Currently there are very few colleges or universities offering undergraduate or graduate degrees of this nature.

Dr. Humberto Nagera, director of the child psychoanalytic study program at the University of Michigan, Ann Arbor, was reported in a recent interview in the Detroit News as feeling that there are no more than 300 people in America knowledgeable and qualified enough to be directors of developmental day care centers. Yet estimates of the number of new facilities to be set up under recently proposed legislation run as high as 40,000.

His view brings to mind again the statement of Margaret Meade that the type of persons needed to make a good day care center are "amost nonexistent today."

The shortage of good staff is perhaps the major concern, for it is at the crux of good care as Dr. Lebovici noted in regard to the Paris system.

Mr. Meers has some pertinent comments regarding personnel problems:

> We sometimes assume that recruitment, staffing and training of day care personnel should be elementary. The assumption is most questionable. The status of mothers, and their substitutes (whether babysitters or caregivers), is minimal in the hierarchy of U.S. social conventions. Since we lack the emotional nest of the kibbutzin or the ideological thrust of the Communist world, it appears singularly unlikely that U.S. recruitment of caregivers could be maintained at a level much beyond that of France or East Germany. One might expect that the principle of lesser employability would determine the caregiver's self-selection and that, in lieu of high pay or high status, mobility of caregivers would be considerable.

The mobility of staff is a serious matter because it further reduces the possibility of continuity of care and results in the breaking up of whatever close personal relationships the caregiver may have established with some children. It is an aggravation of the problem of "multiple mothering." Meers adds that it is a widespread problem in European day care center operations, as well as our own.

Finally, Mr. President, we can expect to see a widespread substitution of these centers for the current arrangements of working mothers, mothers taking advantage of this subsidy to seek work, and a number of mothers who find it easier to let the government rear their children than to accept and fulfill this responsibility themselves—which, by the way, seems to be a perfect inducement to parental neglect. As Muriel Katz, director of New York City's day care program observed in 1970:

> Every time we open a new center, especially in a new neighborhood, it just seems to stimulate demand that much more.

Dr. Zigler, Director of the Office of Child Development, recently made a revealing observation in regard to this problem:

> If nothing else, women's liberation will see to it that we have day care. I know it is coming, but I am apprehensive. I am concerned that we may destroy family life.

Given the numbers of children potentially involved under the proposed Federal program and the lack of qualified personnel available, not to mention facilities, it seems that the quality of care given to children will necessarily have to suffer. Standards will have to be waived or lowered in order to accommodate the crush of children created by the availability of relatively free, Government subsidized and approved day care facilities. The first thing to go will undoubtedly be the very important high staff/child ratio requirements. Indeed, because of complaints from States and localities that the high staff/child ratio requirements of the existing Federal interagency day care standards are too expensive and inhibit this expansion of facilities, the Department of HEW is currently circulating a proposed revision of standards which lowers staff requirements.

In the Soviet Union, Meers found that—

> The vast extension of the programs appears to have made recruiting demands that do not permit the quality of staff selection aspired to by planners.

The Soviet experience has great relevance to our own situation. If we greatly expand day care facilities, as is proposed, not only may we have to make do with less staff than is required for good care, but we will be forced to hire people who are both inadequately trained and who lack the warmth and the concern so necessary for the successful development of children. In fact, we run the serious risk not only of putting the children of working mothers and others into depersonalized and potentially hazardous institutional settings, but also of putting them into the hands of people who may be less capable of and less interested in giving them good care than many of those who now look after them.

Mr. President, I want to say that I had marvelous cooperation with the sponsors of the bill, the Senator from Wisconsin and the Senator from Minnesota. I agreed I would not ask for the yeas and nays on this amendment but rather that I would submit it for a voice vote, which I am prepared to do at this time.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Is the Senator from New York prepared to yield back the remainder of his time?

Mr. BUCKLEY. I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment. (Putting the question.)

The nays appear to have it. The nays do have it. The amendment is rejected.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BUCKLEY. Mr. President, the sponsors of the bill and I have agreed to a series of amendments which I would like to call up one at a time and have a vote for them all en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. BUCKLEY. Mr. President, the first amendment is an amendment which is not printed, which I send to the desk. This amendment would make clear that nothing in this act shall be construed to authorize the creation or maintenance of child advocacy programs unless specifically authorized by statute.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 76, line 11, before "Repeal" insert the following additional paragraph (c):
>
> "(c) Nothing in this Act shall be construed to authorize the creation or maintenance of Child Advocacy programs, nor shall any funds appropriated under the authority of this Act be used for the creation or maintenance of Child Advocacy programs unless specifically authorized by statute."

Mr. BUCKLEY. Mr. President, I believe that the amendment is self-explanatory. I have no further remarks to make on it.

Mr. President, my second amendment is a substitute for my amendment No. 1248, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 3, between lines 9 and 10 insert the following new subsection:

"(c) Congress finds that the family is the cornerstone of healthy physical and psychological development for children, that the value of day-care services extends primarily to economically disadvantaged children, with special emphasis upon those children who have special developmental needs or other hardships, and to other children for whom suitable care is not otherwise available, and that day-care services outside the child's own home must be designed to supplement and support, and never to replace, the parent-child relationship. This Act is not intended or designed to provide a framework for the universal application of outside-the-home care to children in general."

Mr. JAVITS. Mr. President, would the Senator yield?

Mr. BUCKLEY. I yield.

Mr. JAVITS. I believe the clerk read "physiological" and I think the amendment states "psychological."

Mr. BUCKLEY. That is correct. I thank the Senator.

Mr. President, the amendment is self-explanatory. The purpose is to focus the resources under the bill to those who are mostly in need. The resources are limited and I am sure that all concerned want them to go to those who cannot get suitable care.

Mr. President, the next amendment I call up is amendment No. 1246.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

The Senator from New York (Mr. BUCKLEY) for himself and the Senator from Texas (Mr. TOWER) propose an amendment as follows:

On page 68, line 14, strike the period and insert the following at the end of the line: "operated or funded by the Federal Government."

Mr. BUCKLEY. Mr. President, this is purely a technical amendment. The amendment would make sure that where the Federal Government is authorized to coordinate 16 programs in the child-care field, we are talking about programs operated or funded by the Federal Government.

Mr. President, my next amendment is No. 1245.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. The sponsors and I have agreed to certain modifications which I ask be incorporated in amendment No. 1245; namely, on line 3, strike out the word "three" and insert the word "two"; on line 8, strike out the word "three" and insert the word "two"; on page 2, line 2, insert the word "suitable" after the word "other"; on line 5, strike out the word "three" and insert the word "two"; and on line 8, page 2, insert "to the extent possible" after the word "receive".

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

Mr. BUCKLEY, for himself, and Mr. TOWER proposes an amendment:

On page 59, line 3, after the date "1968.", insert the following: "*Provided, however*, That in the case of group care facilities, the ratio of caregivers to children under two shall not be more than one to two, such care to be provided for in groups of not more than four."

On page 75, line 8, after the word "served—", insert the following and renumber the succeeding paragraphs:

"(1) Children under the age of two shall not be placed in group care facilities unless it is deemed necessary and unless other suitable alternatives are unavailable. In any case where group care is provided for such children, the ratio of caregivers to children under the age of two shall not be more than one to two, such care to be provided for in groups of not more than four. Such care must approximate the mothering in the family home. Each child must receive to the extent possible individualized, consistent, and continuous care from one person with whom the child can interact."

Mr. BUCKLEY. Mr. President, the next amendment which I send to the desk is technical in nature.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 6, line 12, after "homes" and before the period (.), insert the following: ", including family day care homes."

Mr. BUCKLEY. Mr. President, again, the purpose of the amendment is clear. It is to make plain that it includes not only the child's own home, but any other home where the child can receive suitable environment and care.

Mr. President, those are the lot. Again I want to express my very great appreciation for the cooperation and help which I have received from the sponsors.

Mr. NELSON. Mr. President, the Senator from Minnesota (Mr. MONDALE) and I worked with the Senator from New York (Mr. BUCKLEY) in modifying some of his amendments.

We agreed upon modifications of some of the amendments he had introduced, and accepted some unmodified amendments, in particular technical amendments. We reached agreement on each of his proposals.

I am prepared to yield back the remainder of my time on all these amendments. My understanding is that the Senator from New York (Mr. BUCKLEY) has requested that they would be voted on en bloc.

The PRESIDING OFFICER. The amendments will be considered and voted on en bloc.

Mr. NELSON. Mr. President, unless a Senator wishes some time, I yield back my time.

The PRESIDING OFFICER. Does the Senator from New York yield back his time?

Mr. BUCKLEY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendments is yielded back. The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, third reading——

Mr. DOMINICK. Mr. President, if the Senator from New York would yield to the Senator from Maryland on the bill, I think it would help, and then I will have an amendment.

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Maryland.

Mr. BEALL. Mr. President, I would like to engage the manager of the bill in a colloquy for the purposes of clarifying congressional intent with respect to section 107, the "special cooperative programs with educational institutions and other projects sponsored." In other sections of the legislation nonpublic schools are eligible for participation in the program. A question has been raised regarding the eligibility of nonpublic schools to participate in section 107 programs. The actual language found in the section 107 does not cause any difficulties, but it is the wording of the committee report found on page 14 which uses the heading "public schools," and in the descriptive language the term "public schools" is also used.

Specifically, I would ask the manager of the bill if I am correct in my understanding that it is the intent of the committee that nonpublic schools, where appropriate, should be permitted to participate in the section 107 programs as they are able to participate in other sections of the legislation. I do believe that the wording of the committee report creates an ambiguity and I believe it is important that this matter be clarified as part of the legislative history of this measure.

I would appreciate it if the manager of the bill would make a clarification.

Mr. NELSON. Mr. President, the Senator is correct in his interpretation of the intent of the committee.

Mr. BEALL. I thank the Senator.

AMENDMENT NO. 1252

Mr. DOMINICK. Mr. President, I call up my amendment No. 1252.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 13, line 7, strike out the word "twenty-five", and insert in lieu thereof the words "one hundred".

Mr. DOMINICK. Mr. President, I want to start out by congratulating the Senator from New York on what I think have been very constructive amendments, worked out with the distinguished Senator from Wisconsin. I think the amendment of the Senator from Maryland, giving priority to those areas where there are eligible seniors and students to participate in the programs, is of great assistance. So I think we are making progress so far as the bill is concerned, both in making it more effective and also in providing the necessary impetus so that no child need fear he is being dragooned in any kind of situation which would be difficult for him to live with.

In the same light, I am calling up this amendment, Mr. President. You will recall that when the President objected to and then vetoed the bill last year, one of the objections he had was to the number of eligible prime sponsors. At that time it was a unit of local government of 5,000 people or more, and it was computed that this would result in 7,000 potential grantees, which would have, in my opinion, swamped HEW and anybody else that was trying to review it.

It was stated by the President, in his veto message, as being "administratively unworkable" and creating "a new army of bureaucrats." He pointed out that since 1965, I believe, or whenever Headstart started, we have finally gotten 1,200 grantees under that program—this is in his veto message—and that it proved a very difficult management problem.

I can vouchsafe that, having been in the middle of a number of problems of Headstart, trying to work them out in my own State. Now we have them worked out, and I think the program is going quite well, as far as my State is concerned, although there are some problems in other areas still.

We have changed that 5,000 to 25,000 in this bill, and by so doing we have the approximately 7,000 eligible sponsors down to 2,100. That is still a great number of prime sponsors. It is at least 900 potential sponsors above the Headstart figure, and, as I pointed out, we have already had management problems with Headstart. So to jump into this program at this time in this massive way seems to me to be taking an administrative situation and making it very, very difficult to work out.

If we should move forward into my amendment, which calls for 100,000, we would be cutting the 2,100 potential grantees down to 484, which would be a manageable amount.

Is there any testimony or support behind this? First of all, I would say, for the purposes of the RECORD, that HEW suggested 500,000—not 100,000, but 500,000. This would have very substantially reduced the number of eligible grantees and perhaps even reduced them below what any of us would want.

Mr. Jule Sugarman, who is the administrator for the New York City Human Resources Administration, and a former Director of Headstart, testified that 100,000 should be the lowest figure allowed for prime sponsorship in order to facilitate Federal administration and to assure a sufficiently large population so that we could have a variety of programs offered and also to insure against unreasonable overhead costs.

It should be made plain that by putting in 100,000, as opposed to 25,000, we are not cutting out small areas. As I have said in this debate before, on page 13 of the bill we set forth who may be the prime sponsors, and subsection (3) provides that it can be any unit of general local government or any combination of those, without regard to population, if it can show that it has the capability to carry out the comprehensive child development and family service program and if there is a particular demand for services and availability of resources within the area to be served.

Consequently, this figure can be put in at 100,000 and we would still leave room to take care of the eligible participants in other areas, under subsection (3), under the definition of prime sponsorship.

A population requirement of 100,000 for prime sponsorship obviously, as I have said, is not an ironclad rule, but it will meet many of the objections set forth by the President in his veto message, it will insure that administrative costs are within reason, and it will insure that a sufficiently large enough number of children could be included within the program so that we could offer a variety of economically feasible services.

It is totally possible that since we have this provision in—which I think is a very good one—that no child can go to any of these centers without the family's consent, that in many areas of 25,000 or more they may have very limited use for the programs authorized under this bill. It seemed to me, therefore, that enlarging the scope of prime sponsorship would make available more of the resources with which we are trying to be of assistance to the young people as they progress from prekindergarten up to the secondary level of education. So it would be my hope, Mr. President, that this proposal will be adopted.

I reserve the remainder of my time.

Mr. NELSON. Mr. President, in the bill that we passed a year ago, we agreed in conference that the prime sponsorship area would have a population of 5,000 or over. We agreed in committee, by a 14-to-2 vote, that prime sponsors should be of 25,000 population or over. Earlier in the day, the Senator from Colorado succeeded in getting an amendment adopted which gave the Secretary the discretion to choose between an applicant for a prime sponsorship with a population of 25,000 or more, and the State government, on an equal basis.

Since it is the position of the administration that they would have preferred to have the prime sponsors have a population of 500,000 or more, the actual effect of this amendment is to say that no community is eligible to be a prime sponsor, as a matter of right, unless its population is 500,000 or more; and we find the Senator's amendment adopted this morning giving the Secretary discretion; so I assume, then, that no one in a population area of 100,000 or more may be a sponsor as a matter of right, but again must have his application given to the Secretary, and have his application compete on an equal basis with an application from the State.

So now if this amendment is agreed to, we will have places where cities of 100,000 do not have the right to be prime sponsors under the law, even though they could meet adequate standards and prove that they could perform the functions authorized under the law.

When this matter was before the committee, the following organizations supported the bill, including the provisions for prime sponsorship:

Black Child Development Institute.

Center for Community Change.

Child Welfare League of America.

Children's Foundation.

Common Cause.

Friends Committee on National Legislation.

Health and Welfare Council of the National Capital Area.

International Ladies Garment Workers Union.

Interstate Research Associates.

Leadership Conference on Civil Rights.

League of Women Voters.

National Board of the Young Women's Christian Association of the U.S.A.

National Council of Churches.

National Council of Jewish Women.

National Council of Negro Women.

National Council on Hunger and Malnutrition.

National Education Association.

National Urban Coalition.

National Urban League.

National Welfare Rights Organization.

United Auto Workers.

Thelma C. Adair, Coordination of Education Strategy, United Presbyterian Board of National Missions.

Mary Jane Patterson, United Presbyterian Church of the U.S.A., Washington Office.

Women's International League for Peace and Freedom.

Washington Research Project Action Council.

All of these groups were perfectly satisfied with the sponsorship at the 25,000 level. I think it would be a mistake for us now to adopt an amendment which, in effect, says that no city in America which has a population under 100,000 is eligible as a matter of right to be a prime sponsor of one of these programs, though I believe there is plenty of expertise within the cities of 25,000, 30,000, 40,000, 50,000, 60,000, 70,000, 80,000, or 90,000 to manage most effectively the kind of programs authorized in this bill.

This means that if the Secretary simply decided to follow the amendment, 72 percent of the population of the United States, then, would be under State programs, and the other 28 percent would be eligible to be considered to sponsor programs, and if the Secretary decided that he really did not want to sponsor cities of 100,000, he wanted them to be 200,000 or 300,000, under the amendment we adopted earlier in the day, he could eliminate local prime sponsors for almost the total population of the United States, and I think that would be the case.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. NELSON. I yield the Senator from Minnesota whatever time he needs.

Mr. MONDALE. The Senate, in dealing with the same amendment the last time this measure was before this body, overwhelmingly defeated this proposal. I do not have the exact vote, but I believe it was somewhere on the order of 2 to 1.

The key issue here, of course, is whether this program is intended to be one under local control, one which fits the needs of local communities—which is what the committee overwhelmingly decided was the best and what the Senate decided would be the best the last time we dealt with this measure—or whether it is to become essentially a State-run program, remote from the local community, conducted and directed by, in most cases, State welfare departments.

We think the experience of Headstart has shown that local parentally controlled programs are, without any doubt, the best. They are the closest to the people concerned. They guarantee that the children will be most sensitively handled. They are programs which build upon and strengthen the family, and which build upon the strength of the community itself.

The notion that larger communities can do an exceptional job and that smaller communities cannot, I think, is without any basis. In fact, it has been my observation that just the reverse is true. If you look at the most troublesome programs, they are usually found in the major, massive central cities. This is not to be critical, because many times their problems are overwhelming. But in many of the larger communities, there is a lack of community, a lack of cohesiveness, and a difficulty in personalizing and humanizing these programs which smaller communities often do not face. That is one of the great strengths of rural America. If I were asked to say which communities are most likely to do a quality job in this field of helping children, and do it in a way which is sensitive and humane, I would say that the smaller communities are most likely to do the best job.

If this amendment were adopted, there would be many States in this Union in which not a single community of 100,000 would be entitled to be a direct prime sponsor in a single community. I do not think the State of Montana has a single community of 100,000. That is true of the State of West Virginia, and many others. My State has just three communities, Minneapolis, St. Paul, and Duluth, that would be considered eligible to run their own programs. Yet there are hundreds of other communities which are just as capable, just as qualified to establish and run their own programs. But what we would say by this amendment is, "You are too small."

I think one of the great problems with the institutions of this country is that they are too large. And we have, for too long, ignored the magnificent strengths of rural communities.

I have had a chance to see many poverty programs in smaller rural communities, and almost always they impress me by the sensitivity and humanity and compassion with which they conduct their affairs. Usually, they are the least expensive. They are almost always more sensitively adapted to the needs of an individual community than are remote bureaucratic programs.

We really want this program to be one which fits creatively the needs and desires of individual communities. And I believe the adoption of this amendment will weaken that much-desired objective.

Therefore, just as we rejected it the last time we dealt with this measure, I hope we will reject this amendment today.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. It is my understanding that Senator TAFT would like to offer an amendment to my proposal. What is the procedure by which this can be accomplished?

The PRESIDING OFFICER. The amendment would be in order when all time has been yielded back or used by the Senator from Colorado.

Mr. DOMINICK. I yield myself 2 minutes to reply briefly to the Senator from Wisconsin and the Senator from Minnesota.

Mr. President, we are dealing here not with a question of trying to cut out any small community. We have the saving clause to which I have referred, subparagraph (3) on page 13, which lets any governmental unit come in as long as they show the capability and have the resources to provide it.

What we are talking about is the prime sponsorship which the army of HEW faithful workers will have to wade through before they can decide who is going to be a prime sponsor in any area.

It seems to me that to the degree we can cut this down, to that degree we will get progress much more rapidly, we will get more diversification, we will get programs in effect more rapidly, and we will be going along with the advice of a man who probably knows more about this than anybody else, Mr. Sugarman, who is the former director of Headstart, under the Democratic administration, and who is now the head of the division of human resources in the city of New York. I think he has quite a good deal of knowledge on this subject, and I would hate to see us just say, "Well, forget what he told us; we're going to go down our own road on this," and go through all the mistakes that were made before, when we have evidence before us to show what we should do.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. TAFT. Yesterday, the Senator made considerable mention of the Project Policy Committee and the Family Service Council. I would not want the discussion on this amendment to omit mention of those bodies, because even where the State or a larger unit of Government is the prime sponsor, we still have the requirements of local participation and, in effect, the local veto power that exists in those bodies.

It seems to me that the danger that the Senator from Minnesota has attempted to point out with regard to a failure of local participation if we make this unit too big is not true, with the safeguards written into this bill.

Mr. DOMINICK. The Senator is correct, and I am glad he put that into the RECORD, because I think it is significant in this argument. I appreciate that contribution very much.

Mr. President, I yield back the remainder of my time, if the Senator from Wisconsin will yield back his time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. TAFT. Mr. President, I call up my amendment which is at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 1, line 2, of the amendment of the Senator from Colorado, No. 1252 strike "one hundred" and insert in lieu thereof "fifty."

Mr. TAFT. Mr. President, for the benefit of the Senate, the facts with regard to the relationship of the number of possible primary sponsors to the size of the unit of Government which might be a primary sponsor are set out on page 11 of the committee report.

In the considerations in the committee, an amendment was offered and—as the Senator from Minnesota indicated—was defeated on a 14 to 2 vote, on limiting the size of the prime sponsor to the 100,000 figure.

However, another amendment was offered, along the lines of the amendment to the amendment that I am proposing at this time. That amendment would have called for a minimum size of a prime sponsor governmental unit of 50,000 or less. The vote on that amendment, while unfavorable, was considerably more favorable than the vote on the prior amendment referred to.

It is my feeling that the 50,000 figure is about right. The effect of the 50,000 figure, as indicated on page 11, would be to make the number of possible prime sponsor governmental units of this size about 1,000. It has been estimated that the number of primary sponsors of various Headstart programs today is around 1,200, possibly somewhat higher over the entire life of the program, with some other contracts with special projects being involved. But we are dealing with a number with which the Department of Health, Education, and Welfare, in the case of Headstart, already has been able to work with a considerable degree of success—the 1,200 figure—and it seems to me that the 1,200 figure would not impose undue burden upon the Department of Health, Education, and Welfare in going through the applications for prime sponsorship.

But even more important than that, during this debate we have talked to a great extent about the degree of professionalism. I am sure we do not want to have all professionals in these programs. As indicated by my amendment which was agreed to yesterday, I think we ought to bring into this training process volunteers, the elderly, youth, and the entire community right across the board, for participation in these programs.

It is true that in order to run an effective program of this type, a degree of professional competence and professional guidance is necessary at the top of the program. I think it is unrealistic to expect a prime sponsor with a population of less than 50,000 to be able to carry the kind of financial burden that is involved in having the degree of professional competence and professional guidance that is required. There is a shortage of people trained in this field, anyway, in this country, in the group care area. We are attempting to remedy that with some provisions in this bill.

It seems to me that the 50,000 figure would take care of this to a greater degree. On the other hand, I think there are many cities of 50,000 which, from the point of view of administration, are as good as or even better than some other cities of larger size. When we get much below that figure, I feel that we are stretching reason to believe that we can consistently obtain a degree of professional competence that is desirable in a program of this type that is to be sponsored by such a unit of Government.

Mr. President, I feel that this issue is one on which there is bound to be a good deal of discussion in conference with the House. That occurred in the conference committee on which I served when the bill the President vetoed came before the conference committee. For that reason, I anticipate asking for the yeas and nays on this amendment at an appropriate time.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. TAFT. I am glad to yield to the Senator from Colorado.

Mr. DOMINICK. I just want to say to the Senator from Ohio that we came far closer to getting the 50,000 in committee than we did the 100,000. Although I would like to see the 100,000, I will be happy to support his amendment. It is a step in the right direction in order to try to get rid of some of the harmful bureaucratic morass we otherwise will find ourselves in. That is what we both are trying to avoid. I congratulate the Senator from Ohio on what I think is a useful and will be a fruitful amendment. I am happy to support it.

Mr. TAFT. I thank the distinguished Senator from Colorado for his remarks and his cooperation.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. JAVITS. I wish to make an observation or two.

Mr. President, the bill that was introduced largely by Republican sponsorship—about 14—carried the figure of 50,000. I am glad that the Senator from Colorado (Mr. Dominick) has seen fit to join in that figure. I supported my colleagues in reporting the bill, but I did vote to support the 50,000, which was in my original bill. I shall do so again.

My reason is that it is pretty much an arbitrary proposition as to what figure we will get in order to break it down by any particular governmental unit. For example, there are some 230 standard metropolitan statistic areas in the country. A population of 100,000 will produce 450 sponsors; 50,000 will produce about 1,200 sponsors; 25,000 will produce 2,000 sponsors. The agency complains strongly about the problem of having too many sponsors to deal with.

On the overhead question, again we have taken care of that in the bill through an amendment introduced by the Senator from Maryland (Mr. Beall). We have limited the overhead, except under unusual circumstances, to 5 percent. That is found at the bottom of page 14 of the bill. So I do not believe, on that ground, that we can make an argument either way. In deference to the strong departmental view that it does not want to deal with many sponsors and in deference to the fact that the 100,000 was thought to be too low in the committee in total number of sponsors, we have limited the overhead cost to the 5 percent figure. We have now given the Secretary authority, through adoption of the Dominick amendment, to pick a State over a locality. We also have a provision where we have no other way to deal with the problem to take a locality particularly able to carry out a program. As it is understood that the State will administer programs in areas which simply do not have enough population to warrant a program of their own, and we have provided for some degree of autonomy through councils in such areas, I believe that 50,000 is reasonable. As more funds are provided in later years, it may be desirable for localities to be permitted "spin off" and have their own programs.

It is pretty much the Republican alternative which we had offered, as I say, in respect of our bill.

While I appreciate the problems that my colleague, the manager of the bill, will have in accepting this figure, in view of the fact that it was voted on and rejected in committee, I shall support it.

Mr. NELSON. Mr. President, I think we are all aware of what the argument is as to the number involved as a prime sponsor. I oppose the figure of 50,000, the reason being that I believe that cities of 25,000 are perfectly capable of operating a child-care program.

Mr. President, I am prepared to yield back the remainder of my time, if the other side is.

Mr. TAFT. I yield back my time.

Mr. NELSON. I yield back my time.

The **PRESIDING OFFICER** (Mr. Buckley). All time on this amendment has now expired.

The question is on agreeing to the amendment of the Senator from Ohio (Mr. Taft) to the amendment of the Senator from Colorado (Mr. Dominick).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from Georgia (Mr. Gambrell) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker) is necessarily absent.

The Senator from Vermont (Mr. Stafford) is absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Michigan (Mr. Griffin) is detained on official business.

If present and voting, the Senator from Vermont (Mr. Stafford) would vote "nay."

The result was announced—yeas 36, nays 49, as follows:

[No. 228 Leg.]

YEAS—36

Aiken
Allott
Beall
Bennett
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Fannin
Fong
Gurney
Hansen
Hruska
Javits
Jordan, Idaho
Mathias
McClellan
Miller
Pearson
Percy
Roth
Saxbe
Scott
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—49

Allen
Anderson
Bayh
Bellmon
Bentsen
Bible
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Ellender
Ervin
Fulbright
Hart
Hatfield
Hollings
Hughes
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McGee
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Smith
Sparkman
Spong
Stevens
Stevenson
Symington
Tunney
Williams

NOT VOTING—15

Baker
Gambrell
Goldwater
Gravel
Griffin
Harris
Hartke
Humphrey
Inouye
McGovern
McIntyre
Metcalf
Mundt
Muskie
Stafford

So Mr. Taft's amendment to the Dominick amendment was rejected.

The **PRESIDING OFFICER.** The question recurs on the amendment by the Senator from Colorado (Mr. Dominick). (Putting the question.)

The nays appear to have it. The nays have it. The amendment is rejected.

The bill is open to further amendment.

AMENDMENT NO. 1253

Mr. DOMINICK. Mr. President, I call up my amendment No. 1253.

The **PRESIDING OFFICER.** The amendment will be stated.

The amendment was read as follows:

On page 3, line 12, strike out "$1,200,000,000 and insert in lieu thereof "$950,000,000".

On page 3, line 13, strike out "$1,600,000,000" and insert in lieu thereof "$1,250,000,000".

Mr. NELSON. Mr. President, may we have order in the Chamber so we may hear what the Senator from Colorado has to say?

The **PRESIDING OFFICER.** The Senate will be in order. Senators will please be seated.

Mr. DOMINICK. Mr. President, while the membership is here I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, this is a money amendment and I think it is pretty important. The amendment would cut back $650 million from the proposed authorization. I shall take only 5 or 6 minutes of the Senate's time because I think the amendment is easy to understand.

The President characterized last year's authorization of $2.1 billion over a 2-year period as "fiscal irresponsibility." It was one of the major reasons he gave for vetoing the bill.

Now, what we have done in this bill,

if Senators will look at page 3 of the bill, is to put in a 3-year authorization of $150 million for fiscal year 1973, which I am not touching by this amendment.

Then we go to fiscal year 1974 and 1975. In that 2-year period we are proposing to spend $2.8 billion, or $700 million more than the President vetoed last year, when he called it "fiscal irresponsibility."

I have heard on a number of occasions many Members of this body say we have to be extremely careful as to what we are doing in the expenditure of taxpayer funds, both in terms of authorization and appropriations.

I have no doubt whatever that the Committee on Appropriations would substantially cut down the amounts we are authorizing. One of the things we get hit with every time we go to conference with the House is, "Why does not the Senate bring an authorization somewhere within a reasonable limit of what the expected appropriation might be?"

Testimony before the committee by Mr. Jule Sugarman, former director of project Headstart, indicated that anything more than modest annual increases in expenditures would be wasteful and ineffective. Mr. Sugarman urged that annual increases be held to a $300 million limit due to the fact that there presently is not a sufficiently large number of qualified, competent child care personnel to either staff and run the programs or train others for this task.

Inherent in gearing up for a program of this magnitude is a significant timelag for training competent child development staffs. Based on the number of graduates with degrees in the early childhood field and utilization of these people in training others, Mr. Sugarman indicated that it would take a minimum of 3 or 4 years to train a sufficient number of qualified staff people.

Take note, Mr. President, that what we are doing is providing $150 million for training purposes in fiscal year 1973, just 1 year. Then we are jumping in with a proposed expenditure of $1.25 billion for 1974 and $1.6 billion for 1975.

We will not have the personnel. The testimony will go that far. The Committee on Appropriations is not going to appropriate that much money, and once again we will be building great iridescent dreams in the minds of those interested in this program and then not have the ability to fulfill those dreams.

Dr. Sugarman also cautioned that early childhood as an area of expertise is significantly different from the field of elementary education and the latter should not be relied on as a source of teachers or trainers for early childhood personnel.

Postponing the effective date of this bill for 1 year will not overcome the time lag problem described by Mr. Sugarman.

In line with his analysis, I offer an amendment which would reduce the authorization levels from $1.25 billion in fiscal year 1974 to $950 million and from $1.6 billion in fiscal year 1975 to $1.2 billion. Starting with the $150 million figure for the first year's planning, $500 million for Headstart and $300 million as recommended by Mr. Sugarman is added to fiscal year 1974, for a total authorization of $950 million for fiscal year 1974. An additional increase of $300 million for fiscal year 1975 brings that year's authorization to $1.25 billion.

I think it only fair to point out that the President who claimed that the $2.1 billion last year was fiscally irresponsible, even under my amendment, would be faced with a bill which is in excess of $2.1 billion. So I am not even cutting it down as much as the President indicated it should have been in past year's veto. What I am doing is retaining the committee theory that we can stretch this over 3 years and make more profitable use out of it. It seems that to cut $600 million out of a series of authorizations—which will not be appropriated, which will not be used, for which we do not have personnel—will bring this bill more in line so that perhaps we could avoid a veto.

Mr. President, I reserve the remainder of my time.

Mr. NELSON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally apportioned to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I yield whatever time the Senator from Minnesota needs.

Mr. MONDALE. Mr. President, I ask for 5 minutes.

I hope the present, pending amendment will be rejected. The committee, hoping to develop a bipartisan consensus, has gone a long, long way already to reduce authority for spending and for appropriations below that which was contained in the Child Development Act, adopted by the Senate and vetoed by the President earlier this year.

Last year's bill, passed by both Houses, authorized $2 billion in the first operational year. First, we sliced that figure by 40 percent, to $1.2 billion. In addition to that, we postponed the act for one full year. So funding was delayed for a full year, following the adoption of this measure, except for money which has been set aside for the purpose of training personnel, an objective which I think has been broadly supported by practically everyone in the Senate, and which is further highlighted by an amendment which we accepted, offered by the Senator from Ohio (Mr. TAFT), spelling out the need for training of personnel as we prepare for the operational commencement of this program.

That is the second step, the delay for one year which was taken in the hope that we could have a bipartisan consensus concerning funding levels for this proposal and for the measure itself.

Thirdly, a good deal of the money authorized in this bill is not for anything new. $500,000 of each year's program is not for the new initiatives under this measure, but for the purpose of funding on-going Headstart programs. So the additional authorization of only $700 million in the second year of the bill and $1.1 billion in the third year, a total of less than $2 billion over a 3-year period, is, as I have indicated earlier, a 40 percent reduction below the amount authorized in the bill adopted by the Senate earlier this year.

The present Headstart program reaches only 10 percent of those who are eligible for its services. If we slash the authority carried in this new bill, once again we will have resorted to the old process by which we authorize dreams and appropriate peanuts, only this time we will declare a new program, raise hopes and expectations in this country, and then destroy and crush them by the absence of any money to fulfill the objectives and purposes of the legislation.

This is not a minor reduction. This is a massive, bloody, and fatal cut in the program, to the extent that much of its hope will be taken away if the amendment is adopted.

I therefore hope that the amendment will be defeated.

Mr. JAVITS. Mr. President, will the Senator, on behalf of the Senator from Wisconsin, yield my 5 minues?

Mr. MONDALE. I yield the Senator from New York 5 minutes.

Mr. JAVITS. Mr. President, I oppose this amendment, because I think that the bill as now constituted provides affirmatively less money than the measure the President vetoed. This is a basic question of fact, and to me the facts seem very clear. In the bill the President vetoed, we had $100 million for start-up, and then $2 billion for the first operating year. Under this bill, we have $150 million for start-up, and $1.2 billion for the first operating year. The second operating year we have $1.6 billion, but if the bill the President vetoed had become law, we would have had a second operating year with a materially increased figure, probably over $2 billion. So I deeply feel that the argument that this bill provides more money than the bill the President vetoed simply does not square with what the bill says.

The critical point, to me, is the shortfall in what we are trying to accomplish. There seems to be general agreement in the country—even the Gallup polls show it—that the time has come to provide opportunities for working mothers. The bill which we have before the Senate would provide just about double the number of opportunities now in being and, even if doubled, it would still not come to a third, probably even less than that, of the opportunities which are urgently needed. This is one of the grave deficiencies of America. Therefore, why short-change it even more in the authorization?

If this were more than adequate, or if we were trying to do something which could not be handled or absorbed, it would be different, but communities and States are crying for this money. It is not a matter of giving them anything they cannot use or do not want. They want it very urgently, very badly, and it is one of the crying social needs of our time.

I noticed with great interest the statement of my friend from Colorado, who used the phrase, "iridescent dreams," that there would be iridescent dreams created if we allowed $1.2 billion and $1.6 billion, respectively.

I would like to ask Senators the question whether anyone believes there will be no iridescent dreams that did not exist before if we allow $950 million and $1.25 billion. It is strictly a matter of our judgment as to what is necessary in order honestly to try to do as much as we can do in this field.

I do not see that the order of magnitude is greatly different, and that people will have some illusions about an authorization of $1.2 billion that they would not have about $950 million. To the people who have these dreams, $950 million is a lot of money, too. But we understand, or at least we should, what is required in this situation, and how far short we are falling, actually, of the very urgent need testified to by every witness from the local communities and the States.

I would like my colleagues to take a look at the record and ask themselves, "Did anyone from my State come in and say, 'This is too much, we cannot use it'?" Did anyone from your State say, "You are giving us dreams we cannot realize," and so forth?

Not at all. From small States, big States, rural States, city States—that is, States with large cities—southern, northern, eastern, western, everybody felt this was an extremely urgent need, and they were devastated by the veto of the bill.

We have made some effort to repair it, I think in good faith, to meet the President's view, by materially scaling down the authorization. Again I come back to that basic point: The Senator from Colorado said we are providing $700 million more than the President vetoed, but he does not take account of the fact that the President vetoed a 2-year bill, and this is a 3-year bill; or, put another way, that the President vetoed a bill which, for the first operating year, had $2 billion as against $1.2 billion in this particular bill.

So, Mr. President, I feel that we would not be measuring up to the responsibility which we assume by agreeing to this amendment, in view of the fact that it does not by any means meet the need, anyway, but nevertheless, in deference to the President's views we have not increased it but cut it $800 million for the first operating year. No one knows what we could have gotten for the next operating year, because it was not in the vetoed bill, but we have cut $800 million from the first operating year, and that is a fact.

Therefore, I hope the Senate will sustain us and defeat this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, I am glad to yield the Senator from South Carolina such time as he may require.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague from Minnesota.

I have tried my best to fathom the amendment of the Senator from Colorado relative to the amounts, and how he arrived at these particular cuts. It seems to me that in an orderly approach to the day care center program and the Child Development Act, we cannot arbitrarily be cutting millions and millions of dollars, when we know that the number of children far exceeds what has already been authorized. Quite to the point, the first year authorization of $150 million is not going to do it, and I think the committee has already compromised too much in this regard. As I understand, the authorization for the first year would be about $150 million, the second year $700 million for an operational amount, and, going to the third year, $1.1 billion.

The Senator from Colorado proposes to cut out, for that particular program, some $250 million the second year and an additional $350 million for the third year. It strikes me, Mr. President, that we are in real need of anywhere from $2 to $3 billion to go into a program. We just cannot stop at this time and say, "Which of the children are going to be cared for?"

For an adequate day care center program, some of the best authorities that I could find have said that we would need immediately some $2 billion. I tried to arrive at this figure by talking to various authorities making surveys. I have spoken with the authorities of the National Nutrition Survey. These are not political judgments. These are medical findings. The National Nutrition Survey went into some 10 States in America over a 3-year period after the Surgeon General of the United States came before Congress and we asked how many hungry we have in America. The Surgeon General replied that he knew how many hungry they had in 33 other countries, but in the United States he was appalled at the question. So Congress gave him $5 million and sent him into 10 States, and in 3 years they took 81,000 complete physicals.

When Elmo Roper, Louis Harris, George Gallup, or anybody else takes a poll, they think a good national poll is testing between 1,700 and 2,300 persons. But medically, with dental tests, blood tests, and the like, at the direction of this Congress, we have gone into 10 States and found 15 million hard-core hungry, and at least half of them are minors under the age of 6.

I was talking with the sponsors of this bill and they were talking first of a 3 million figure, but then they corrected me and said that was 3 million without working mothers. With working mothers, it was another 3 to 4 million. This conforms to the National Nutrition Survey of those who need to be brought out of the hovels and shanties and the ghettos and given some chance, and in turn, as taxpayers, if we are conservatives, as I am, save taxpayers' money.

We are paying through the nose. This amendment does not save 1 red cent. It continues to pay on the other end of the line at a higher rate than what it would cause to prevent the problems by building day care centers. Oh, they say give us a rehabilitation center, a retarded children's center, a jail. There is no shortage of jails in America. We will build the jails and fill them up with the children. But if we want to build a day care center, we get high and mighty about the whole thing and start talking about communalism, communism, conforming minds, and everything else. There are no families out there.

I have found in my State that in the three retarded children's centers we are paying $137,000 per retarded child, because once admitted they never come out. So when the amendment purports to save the taxpayers' money, it is really wasting the taxpayers' money because of continuing higher cost at the other end of the line.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Eleven minutes.

Mr. NELSON. I yield the Senator whatever time he requires.

Mr. HOLLINGS. I have been sitting with the Subcommittee on Health, Education, and Welfare on Appropriations, of which Senator MAGNUSON is the distinguished chairman. We have been adding x millions of dollars to manpower training. We have a bill in HEW that approximates $29 billion. One-third of that goes into the shortsightedness of this particular amendment. We have been treating the results rather than the cause. That is what we have been doing in government over many, many years—all on the premise of so-called communal living.

Ask anybody at the country club where their kid is, and they will say, "It's a kindergarten." But ask any poor folks and it is a day care center, and then all of a sudden the kindergarten becomes communism and communal living and you are trying to conform their brains, as if they are not being conformed now by negligence and lack of care by this Congress.

The Senator from Wisconsin and the Senator from Minnesota give leadership to this particular program. To turn around and act as though you are saving money is pure poppycock. We have been wasting millions and billions of dollars. Every time health care goes up, the jail bills go up. Where do you think they get the jails from?

The Senator from Massachusetts and I are now engaged in helping one young lad who has responded to rehabilitation—Bobby Lee Hunter, two-time AAU champion—admitted into the Olympics.

Do you know where he was born? In "Do-As-You-Choose Alley" in Charleston, S.C. That is where this amendment wants to put everybody, back in "Do-As-You-Choose Alley." His mother was retarded. He was a dropout from school. He got into crime. He is serving 18 years for manslaughter. Now we are trying to rehabilitate him. Nobody came with a shortage of jails. We got him a big enough jail. We will keep building the jails. But if he had had some kind of environment, some kind of hot breakfast and meals, a Child Development Act, a day care center, that fellow would have been saved, in my judgment, and he would not be the subject of a manslaughter charge, and the taxpayers would not be paying to keep him in jail.

The Child Development Act goes to the poverty question, the child itself.

When the distinguished Senator from

Colorado goes for the integration process, the emergency provisions, I find by the record that in the emergency school assistance fund, $1.5 billion went back on a district basis. To how many districts? To 20,000. But when this one comes along, all of a sudden he starts talking about it being cumbersome, that you cannot handle it. If you can handle it for integration in busing, you certainly can handle it for the poor children.

By cutting it down now $250 million and $350 million and talking about saving, what is really attempted to be done is to oppose the very concept and to waste money by paying in spades. We are not saving money.

The only time we can break that cycle, I say to the Senator from Minnesota, is to help that little child and not try to penalize the parent. I do not know of any greater scourge in society than to have an expectant mother who has had eight children and is going to have the ninth and cannot identify the father.

They say, "We are going to take care of her. We are going to cut her off from aid to dependent children. She is not going to get food stamps. She is immoral and degenerate, and we are going to penalize her."

The fact remains that that child is going to come; and the child is not immoral; and that child, we hoped, would have had 13 billion brain cells, just as you and I. Medically speaking, we know that 10 billion of those 13 billion cells are formulated in the mother's womb, and that child is going to lose as much as 20 percent of brain cell development—2 billion cells—because the mother is not going to get proper nourishment, as she would get under the Child Development Act. That brain will continue to grow from birth until 5 years of age.

Ask George Wallace. He will tell you. Those cells do not repair. You can put all you want into rehabilitation centers, jails, schools for the retarded, and the like. Our society will take them on once they get to be 16 or 18 years of age. Those nerve cells do not repair. You can drink milk and get stronger bones, but you will never get a repaired mind.

Every time we get around to getting something for the poor children of America, to give them a chance and make them useful citizens of America, we get an economy mood. The space shuttle will cost $35 billion to $40 billion. It started with an appropriation of $250 million. To put a man in space, we are willing to start at $250 million, and the Senator from Colorado voted for that, and so did I. Why cut this proposal to start a man on his feet to $150 million and then put in an amendment to cut it the second year? The Senator is not saving money. Does he think more of getting a man in space than he does of getting a man on his feet? I think it is ridiculous. I think we ought to understand what this bill is all about. I strongly oppose the amendment.

Mr. MONDALE. Mr. President, that is one of the best speeches I have heard in the 8 years I have been in the Senate.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Sixteen minutes.

Mr. DOMINICK. I yield myself 8 minutes.

Mr. President, I listened to the speech of the Senator from South Carolina, and I covered myself with sack cloth and ashes and put high fins on and breathed smoke out of my mouth, because I am obviously an evil man, according to his statement. As a matter of fact, I probably would vote against the whole bill. Maybe that is what the Senator is trying to get me to do—I am not sure.

Apparently, the Senator does not listen very carefully Apparently, the Senator has not looked into this very thoroughly. What I said this time is, I hope the bill will not get vetoed. I would like to see it get through. I think the Senator would, too, from his speech.

Last year, when the bill was vetoed, we had $2.1 billion in the bill over 2 years. This time, if we separate the operating funds and the training funds which are for next year, we have $2.8 billion in the bill.

The President said about the state of the budget, just as Members here talk about the budget, that we have got to do something about expenditures. Well, why does not Congress do something about it? This has been an effort to try to do something about it.

Let us go beyond that for just a minute.

We are trying to make a program that will work. We have a child care program going on right now in my State. I do not know whether the Senator from South Carolina has one going on in his State. I presume that they do. The OEO is investigating it now, saying it will not get any more funds unless they change the board of directors and change the management. If they do not have the necessary personnel to be able to run it properly, then we will put in 1 year of funds to try and train the specialists to run the centers and the development programs, as well as the in-house services, including medicine, nutrition, in-home service, day care, education, and reading. We will spend $150 million in 1 year in order to get the expertise possible to run the $2.8 billion program over 2 years.

Well, I will say to the Senator from South Carolina, the Senator from Wisconsin, and the Senator from Minnesota, that this does not jibe with the views of the person who has had probably more experience in developing these things than any other single person—Mr. Jule Sugarman—whom I have quoted again and again and whom most members of the Democratic Party seem to want to forget these days, because they do not like what he says. He is now head of the Human Resources Administration Division in New York City, and a former head of Headstart. He says that we cannot develop the personnel and that we can effectively put in only a $300 million a year increase if we are going to have any kind of efficient program.

That is where my figure came from, to try to add the amount on that he recommended, so that we can have an effective program, and not simply sitting around and saying we have great good in our hearts, it is a beautiful dream, and then pour the taxpayers' funds out, when you and I, Mr. President, know that the Appropriations Committee will not appropriate the money to begin with; and if it does, they cannot spend it because we do not have the personnel to be able to take care of it and do it effectively.

So I would say to the Senator from South Carolina that it was a great speech he made, but just because we are trying to make this an effective program does not mean that we do not like children, or that we do not want to do something about their problems, or want to see them all going to jail. That is not reasonable debate, if I may say so.

What I am saying is, we will retain the $150 million for fiscal 1973 for training personnel. The Senator from Ohio (Mr. TAFT) has an amendment, which was accepted, which helps that. Then I am suggesting that we spend $950 million in operating funds, $500 million for Headstart, $300 million in order to be able to put it into an operating program.

Next year, we will spend the $500 million plus $1.2 billion, which is another $300 million added on top, going along the same way. Mr. Sugarman, who has more expertise than anyone in this Chamber, including myself, has recommended this annual increase to the committee.

So, with all due respect to the Senator from South Carolina, I would say to him that this is not an effort to try to shove more people in jail, that this is not an effort to do nothing for the little people. This is an effort to try to make an effective program that people can use, that people can enjoy, and from which we can get some hopeful results.

We cannot get it by saying we will turn the tap loose in the U.S. Treasury and pour the money upon everyone, which is what the Senator from South Dakota (Mr. McGOVERN) is proposing with his $1,000 a year—which does not work very well, so far as I can see.

So all I say to you, Mr. President, at this point, is that I hope the amendment will be adopted, but I presume it will have some tough sledding.

Mr. HOLLINGS. Mr. President, if this were turning the tap loose, I would not support it. In fact, that is why I differ with the Senator from South Dakota (Mr. McGOVERN) on his hunger program. I do not believe we can solve problems by just throwing away money.

The Senator from Colorado referred to the New York psychiatrist. I have some knowledge of the kindergarten program and the training and taking care of children. As a matter of fact, we started it down in Beaufort County some years ago, where Joe Frazier was born. He put on an exhibition boxing match at Parris Island, the Marine depot, and he got money enough to start up day-care centers. Two were completed and two ran out of money. We therefore came to Washington, and do you know what those Washington-New York psychiatrists told us, Mr. President? They said that they were running a program. They said, "Senator, you need $40,000 to complete the program. We have two $20,000 items we can put in and we can give you two consultants." Two men who were psychiatrists, mind you, but not $40,000 to build day-care centers. Finally, under a State program, we are now beginning to do just that. We have over 15,000 children in kindergartens but do not have enough people to take care—I do not know why it is they can run all the private kindergartens and private schools in America that blossomed when desegregation began. They blossomed in my backyard, and there was no shortage of personnel to run them The Senator from Alabama knows what I am talking about.

We found that the poor can be trained. Clemson University—not the New York psychiatrists—but Clemson University took some women who had never been to public school in their lives and trained them in a matter of 6 weeks as aides to nutritionists and sent 33 into the area to teach the people, using the free food stamp program, what to buy, how to buy it, how to care for the home, and how to care for their little children. They are now serving in the day-care centers and Clemson University trained them. The very same personnel give guidance on how the children are to be kept clean, and the children learn good manners and good personal habits. That is what the Child Development Act is.

But coming in out of New York and spending $300 million on 67 million needy children—and the only reason New York is spending $300 million is that they do not have the personnel—that is foolishness, and the Senator from Colorado knows it. We can take all the psychiatrists' statements made in New York—I do not want to start in on the State of New York, but that is what they have got in New York State, 1 billion for 1 million. There are 1 million persons on welfare at a cost of $1 billion. That is $1,000 per person. That is like the McGovern plan.

It is the biggest mess in the United States. When we talk about the welfare mess, what we are talking in the main about is New York.

The PRESIDING OFFICER (Mr. BENNETT). The time of the Senator has expired.

Mr. NELSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes remain to the Senator.

Mr. NELSON. Mr. President, I yield my time to the Senator from South Carolina.

The PRESIDING OFFICER. Two minutes has been yielded to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I appreciate the indulgence of the Senate. I have just seen the situation, and I have studied it. I backed into this thing. All one has to do, Mr. President, is to bring industry into his State like I did, thinking that when I got through everyone was going to have a job. I traveled day and night stealing industry from Rhode Island and New York and Wisconsin. We got industry from Wisconsin. We got Elgin Watch Co. from Illinois. If the Senator wants me to name the people we stole from his State, I can do so.

We started the momentum and it has continued with the ensuing Governors for over 10 years. However, we look around and we still have unemployment. We still have 300,000 on food stamps in South Carolina—360,000, to be exact. It is not a matter of just getting them jobs. We are talking about the people who are incapable of performing work. We are talking about the person who as a child was rendered inadequate for work.

I learned the hard way and not from the New York psychiatrists. They have not gotten a job for anybody. I want to invite the New York psychiatrist down to show him the situation in South Carolina.

We need a great deal more money than is provided in the bill. I hope that we reject the amendment.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes on the bill.

Mr. JAVITS. Mr. President, if there were not some open questions of fact, I would not speak to the matter. However, I have listened to the arguments of my friend, the Senator from Colorado, and one of the nicest elements about working with him has been our work together in the committee.

I have listened to him state that we are authorizing more than the President vetoed. I believe deeply that we are not. We are cutting the figure $800 million. I wish to repeat the fact. The fact is that the bill the President vetoed provided $100 million for startup in 1 year and $2 billion for operations in the next fiscal year. This bill provides $150 million for startup and $1.2 billion in the next fiscal year.

The bill that the President vetoed did not deal with the second operational year at all. This one does and authorizes $1.6 billion. That should not give us the right to accumulate the two figures so as to compare this bill with the bill that was vetoed.

My friend, the Senator from Colorado, has depended heavily upon the testimony from Jules Sugarman. He testified over a year ago that an increase of $250 to $350 million a year was appropriate.

I have great respect for Mr. Sugarman.

Mr. President, that was over a year ago. We are talking about a period 2 or 3 years after that in terms of the amounts we provide under the pending bill. His view would not necessarily be what is actually needed now, although I think he gives his honest and sincere judgment. However, we are not bound by that in the order of magnitude. The amount of money involved, $1.2 billion and $1.6 billion is within the ball park.

We add his figure to the $500 million that we basically provide for Headstart.

So I would feel that the arguments made in support of the amendment are not conclusive.

I hope very much that the Senate will reject the amendment.

We know that we will have to go through the appropriations process. We know that if we appropriate the whole amount, it would still only be one-third of what is needed. And I do not believe that we ought to cut it at this authorization stage.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time? The Senator from Colorida has 10 minutes remaining on the amendment. The opponents of the amendment have used all of their time.

Mr. DOMINICK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired or been yielded back. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Minnesota (Mr. HUMPHREY).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from Minnesota would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from South Dakota (Mr. MCGOVERN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK) are necessarily absent.

The Senator from Vermont (Mr. STAFFORD) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Vermont (Mr. STAFFORD) would vote "nay."

The result was announced—yeas 25, nays 61, as follows:

[No. 229 Leg.]

YEAS—25

Allen
Allott
Beall
Bellmon
Bennett
Buckley
Byrd,
  Harry F., Jr.
Cooper
Curtis
Dole
Dominick
Ervin
Fannin
Gurney
Hansen
Hruska
Jordan, Idaho
Miller
Roth
Saxbe
Taft
Talmadge
Thurmond
Tower
Young

NAYS—61

Aiken
Anderson
Bayh
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Eagleton
Eastland
Ellender
Fong
Fulbright
Griffin
Harris
Hart
Hatfield
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—14

Baker
Brock
Gambrell
Goldwater
Gravel
Hartke
Humphrey
Inouye
McGovern
McIntyre
Metcalf
Mundt
Muskie
Stafford

So Mr. DOMINICK's amendment No. 1253 was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. NELSON. Mr. President, I yield 2 minutes to the Senator from Nevada (Mr. BIBLE).

ESTABLISHMENT OF SAWTOOTH NATIONAL RECREATION AREA, IDAHO

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6957.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BIBLE. Mr. President, I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BIBLE, Mr. CHURCH, Mr. MOSS, Mr. HANSEN, and Mr. JORDAN of Idaho conferees on the part of the Senate.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, June 20, 1972, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 3104. An act to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports; and

S.J. Res. 211. A joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed without amendment, the bill (S. 513) for the relief of Maria Badalamenti.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 7088) to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes.

THE COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The Senate resumed the consideration of the bill (S. 3617) to strengthen and expand the Headstart program with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

Mr. NELSON. Mr. President, when we were taking up the amendments by the Senator from New York (Mr. BUCKLEY), he neglected to bring up one that we had previously agreed upon. I yield to the Senator from New York, so he may bring up that amendment, which I am prepared to accept.

AMENDMENT NO. 1244

Mr. BUCKLEY. Mr. President, I thank the Senator.

I call up my amendment No. 1244, on behalf of myself and the Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 1244) as follows:

On page 9, line 19, after the word "and", insert the following: ", with the prior written consent of the parent or parents,".

On page 74, line 21, strike section (3) and insert the following:

"(3) No child participating in a program assisted under this Act shall be required to undergo medical or psychological examination, immunization (except to the extent necessary to protect the public from epidemics of contagious diseases), or treatment without the prior written consent of the child's parent or guardian."

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. Mr. President, I yield myself 1 minute.

The purpose of the amendment is to make sure that no child involved in one of the programs authorized under this legislation will undergo medical or psychological examination, immunizations, and so forth, without the express consent of the child's parent or guardian.

It is similar to an amendment which was adopted in connection with S. 2007, which was vetoed earlier this year.

As the Senator from Wisconsin has indicated he has no objection to the amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. JAVITS. The Senator said "express consent." It is a fact, however, that it calls for written consent.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Who yields time?

Mr. JAVITS. I will yield myself 1 minute on the bill.

There is no question of the fact that this amendment will slow up the administration of the law, make it more cumbersome, and produce an additional bureaucracy, and I appreciate that although the Senator used the word "express," he meant "written consent." I know how difficult it is to get that, and the number of gyrations we have to go through. Nevertheless, I am inclined to agree with the Senator from Wisconsin that that is our intent—that no child, without full consent, as the Senator has said, should undergo any examination. So even though it will make it more expensive and slow it up I agree with the Senator from Wisconsin that we should accept the amendment.

Mr. NELSON. Mr. President, I am ready to accept the amendment. I yield back the remainder of my time.

Mr. BUCKLEY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. COOPER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 30, lines 8, 9 and 10, strike all language after the word "only" in line 8, and insert "after the local program council has adequate opportunity to comment and make recommendations."

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield myself 5 minutes.

In offering this amendment, I would like to say that I appreciate very much the work that the Labor and Public Welfare Committee has done and also those who are engaged in managing the bill, the distinguished Senator from Wisconsin (Mr. NELSON) and the distinguished Senator from New York (Mr. JAVITS). I have served on the Committee on Labor and Public Welfare when I had the opportunity to work closely with legislation in this area for several years. During my service in the Senate I have continually supported legislation to advance the educational opportunities of the children of this country.

I have read the bill and studied it, as well as the report. I must say I find it one of the most difficult bills, from the procedural standpoint, to understand as almost any bill dealing with education that I have seen. It is terribly difficult to find what body or what council actually has any authority under this bill

I believe there was merit in the amendment offered earlier today by the Senator from Colorado (Mr. DOMINICK), which cleared from the bill a gross discrimination, which practically forbade a State from being a prime sponsor. As I understand the substance of the amendment which was offered and adopted by the Senate, it removed various prohibitions against the State as a prime sponsor and declared that if the State was an advocate and there was a conflict between the State and some other body, the Secretary had to make a decision on the merits.

My interest in the administrative procedures of this program also arose from the fact that I have had the opportunity to observe the operation of various Federal programs in my own State including the poverty program under the Office of Economic Opportunity. I have sponsored and supported some of those bills because I believed the programs authorized provided needed services in the areas of health, nutrition, and education. Yet I have seen, throughout the years, great sums of money appropriated and wasted with little or no coordination of the programs. I think, whatever our views are on any of these bills, we certainly want these programs to go for the benefit of those for whom the money is intended, rather than the building up of a bureaucracy.

Now I get to the point I want to make in this amendment. I hope the Senate will consider the reasons for my offering it.

On page 28 of the bill, under the heading "Program statements," section 104 (a) provides that financial assistance under this title may be provided by the Secretary for any fiscal year to a price sponsor. However, before any approval by the Secretary is given, the State shall provide a comprehensive program statement which is the basis for the approval of the application. Following that, there are several sections which provide the criteria which must be observed in the program statement. Otherwise, it cannot be approved.

This leads me to my amendment.

On page 30, in subsection (8), the language in the bill which would be affected reads as follows:

> (8) provides in the case of a prime sponsor which is a State—

It does not require this against other prime sponsors, but only a prime sponsor which is a State—

> That project applications shall be approved by the prime sponsor only if previously approved by the local program council for the appropriate local family service area;

Senators will recall the local program council is to be composed of not less than 50 percent of parents of the children to be served and the remainder to be representatives of the community.

This, in my mind, unless I am persuaded otherwise gives the veto to the local council—although the State is the prime sponsor and although it must provide the funds. As the bill stands, the council must approve the project applicant before the State, as prime sponsor, can grant approval of the applicant.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. COOPER. I yield myself 5 more minutes.

I do not think that is right. My amendment would do this: It would eliminate this language "only if previously approved by the local program council for the appropriate local family service area," and place in lieu of that "after the local program council has adequate opportunity to comment and make recommendations." So the section, as amended, would read as follows:

> (8) provides in the case of a prime sponsor which is a State that project applications shall be approved by the prime sponsor only after the local program council has adequate opportunity to comment and make recommendations.

States would present the project applications, and the local council would have an adequate opportunity—and I assume the Secretary would be regulation provide for the period of time—to review that project application and to make recommendations.

It may be argued that we would be taking away from the local council its authority and its interest, and making it impossible for it to work on its own program. However, other provisions of the bill, require the participation of the local program council in the development of the State's program statement as well as the council's approval of such statement. I believe this gives the local policy council a strong voice in the program. This same section, 102 subsection (c) provides that the local program council may appeal to the Secretary if it is thought that the State does not properly meet the provision of the program statement provisions of this act.

So it seems to me that my amendment would clarify the authority and duty of the State, in the first instance, and would give full opportunity to the local council to make such recommendations or objections to the project applicant as it desires, and then—and this is to protect the local council—if the objections and recommendations are not accepted by the State and if the council believes that the State's decision violates the provisions of the act, the council could appeal directly to the Secretary for his decision.

I believe that is very proper. I think this would also give to the State some possibility for coordination of programs, something which is lacking almost entirely today in such programs as OEO and others which I have observed.

I offer this as an amendment which I think is fair both to the State and to the local council, with review by the Secretary, and would make more clear the lines of authority.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield the Senator from Minnesota such time as he may require.

Mr. MONDALE. Mr. President, I would suggest to the manager of the bill that I hope he will oppose this amendment.

The amendment seeks to make the local program councils purely advisory. Under the amendments which were adopted by the committee, and under the changes that have been made today on the Senate floor, a substantial proportion of the programs conducted under this bill will be run by the States, usually through the State departments of welfare. In a few States it may be the State departments of education.

It was the feeling of the committee that where the programs are run by the States, there ought to be some mechanisms by which the State would be required to shape programs in a form wanted by the local communities. The way we agreed this should be done was through the establishment of a local program council, which is made up of the public officials in the area, mayors and county board members typically, and parents whose children are in the program, about 50 percent of each.

This council would not run the program in the local community, but its approval would be required as a matter of policy, as a condition for the State program in that community, and it would pass on the annual program, on the budget, and on local projects. It would not be a management organization; it would simply assure that State-run programs would be sympathetic and responsive to the needs as seen by the local elected officials and the parents whose children are in the program.

We felt that without this it would be possible for State administrations to be unresponsive to the local needs of the communities, and that it was better, if we wanted to be sure that the local desires were responded to, that the locally elected officials have the power, not to run the programs, but to pass judgment in terms of policies bearing upon those programs.

The amendment offered by the Senator from Kentucky would deny that power to the local program council. It would be entirely possible for a State to go completely around the desires of local governments and establish programs which may not be wanted, or establish programs with undesirable parts to them, in complete derogation of the desires of the local communities. One would hope that that would not always occur, and I assume it would not always occur, but it could occur. We felt that this modest amount of local consent as a condition to establishing such programs was a minimal compromise to assure responsiveness to local desires. It was the result of a compromise worked out in the committee by a bipartisan majority, and I hope the amendment will be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield myself 3 minutes.

I appreciate the fact that the Senator from Minnesota has worked very faithfully on this bill, and I know his humane interests. But he has stated that this local program council, as I understood him, had no authority to operate the program.

On page 17, paragraph (D), line 18, one of the functions and powers of the local program council is stated as follows:

> To assure that contracts for the operation of programs through public or private agencies or organizations shall be entered into only if previously approved by the local program council for the appropriate local family service area.

I am very conscious of the fact that the basis of this program and similar programs, like OEO, is to secure local participation and local decisions in programs which relate to the needs of that community. On the other hand, looking more at OEO—I do not know specifically how it would work with respect to this program—I believe that a great many of those programs have not been run very well. They have wasted millions of dollars. There have been instances of corruption. I do understand that this could happen, perhaps, in any body.

Under my amendment project applications would be presented to the local program council which then have the opportunity to review it, to make such recommendations as the council thought appropriate. If the State would not be responsive, the local program council, under this bill, has the authority to appeal directly to the Secretary and have his decision upon the merits.

It seems to me that it protects the local body; it protects the State in trying to coordinate programs; it protects the purpose of the bill. Certainly, we have to assume that the Secretary is going to carry out its purposes. Also, it would tend to insure that the great sums of money we appropriate—and if they are used properly, I have no objection to it—will go to the benefit of the actual beneficiaries rather than being used up in this bureaucracy which has been built up.

I hope the Senate will adopt the amendment.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 26 minutes.

Mr. NELSON. Mr. President, I will comment briefly on this matter.

We went into the question of whether or not the program council should be advisory or should have some real authority, and we came down on the side of giving some real authority to the program council. We took into consideration the viewpoint expressed today by the distinguished Senator from Kentucky who wishes to make the program councils only advisory. We think they ought to be participants in a real way. They are, at the local level. The councils are made up of parents and local officials. They understand the local circumstance better than the State government understands it.

This does not block action, of course. This simply says that the program council must approve the project plan that is sent down to them by the State. If they do not approve, there will not be a program. So there will be a strong inclination on the part of the program council to approve a project that comes to them. But if they have real reasons not to approve it, there is no doubt in our minds that the necessary adjustments in the project proposal will be made and agreement reached, and then there will be approval by the local program council.

So I would hope that this amendment would not be adopted.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. MONDALE. I should like the attention of the Senator from Kentucky on this point.

The Senator from Kentucky made reference to some of the unhappy experiences that have been had with some of the local community action programs under the poverty program. It is true that some of these community action programs, which were composed almost wholly of local citizenry who had not been regularly elected to public offices, often were inexperienced; and, regrettably, in a few rare instances there were examples of corruption as well as waste.

The board we have established here seeks to learn from that experience. It is not a board made up exclusively of citizenry not in public office. This board is an entirely different matter. Fifty percent of this board is made up of elected local officers. These are local mayors and county board members. The other half is composed of parents whose children are in the program.

So this is a board designed to be responsive to the will of the people who elect public officers, who are serving in office, because of the respect of the citizenry of that community. I think that far more stability and far more responsibility and experience will be possessed by this local program council than was the case with some of the earlier experiences with the so-called community action program. I think that distinction may help somewhat in assuring a sense of responsiveness and responsibility by this council.

Mr. DOMINICK. Mr. President, will the Senator yield 5 minutes to me?

Mr. COOPER. I yield.

Mr. DOMINICK. Mr. President, the Senator from Kentucky is dealing with a very complicated area, one to which I addressed myself in my opening statement, and one on which I offered an amendment which was accepted by the Senator from Wisconsin and the Senator from Minnesota—the suggestion that we should have some provision in here which would require a decision by these councils. With some modification, to make sure that I was just talking about a majority of the quorum, this was accepted and is now part of the revised bill.

I ask all Senators to look at page 58 of the report, where we drew up a chart to try to depict visually some of the problems involved in the areas of control in this bill.

In the Cooper amendment, we are dealing with the State as a prime sponsor. This particular amendment just indicates what control a local program council will have over whether it ever becomes a prime sponsor. If Senators will look at the left-hand side of that chart, they will see that the State has to go under the Child and Family Service Council, which is responsible for all types of things, including the program statement annually, the goals, the policies, the procedures, and the selection and establishment or renewal of a project applicant.

Then we go down from there to the local program council, which is what the Senator from Kentucky has been talking about. Below that, we go to project policy committees. These are locally sponsored. They are in the control of the parents of the children who will be in these development camps. Here, those parents are responsible for approving the basic goals, the policies, the actions, and the procedures for the applicant. So there certainly is an enormous amount of local control in the policy committees and in the child and family service council. To interpose still a third one, as this local project council is, as a bellwether as to whether or not a State can even get its application certified for approval, seems to me to be going a little far.

The amendment I was going to offer would have made the child and family service council advisory instead of doing it this way. But it seems to me that either way we go, we ought to have one of them as advisory, so that we do not have overlapping of necessarily conflicting groups. We will not get anywhere that way, insofar as getting any kind of effective administration of the program is concerned.

So I am happy to support the amendment of the Senator from Kentucky (Mr. Cooper), and if it is adopted, I do not plan to offer my amendment.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

Mr. COOPER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Bennett). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Kentucky (Mr. Cooper).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Maine (Mr. Muskie) are necessarily absent.

On this vote, the Senator from Georgia (Mr. Gambrell) is paired with the Senator from Minnesota (Mr. Humphrey). If present and voting, the Senator from Georgia would vote "yea," and the Senator from Minnesota would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock) are necessarily absent.

The Senator from Vermont (Mr. Stafford) is absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from Vermont (Mr. Stafford) would vote "nay."

The result was announced—yeas 33, nays 53, as follows:

[No. 230 Leg.]

YEAS—33

Aiken
Allen
Allott
Beall
Bellmon
Bennett
Buckley
Byrd,
  Harry F., Jr.
Cooper
Cotton
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McClellan
Roth
Saxbe
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young

NAYS—53

Anderson
Bayh
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Curtis
Eagleton
Fong
Fulbright
Griffin
Harris
Hart
Hatfield
Hollings
Hughes
Jackson
Javits
Kennedy
Magnuson
Mansfield
McGee
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott

Spong
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NOT VOTING—14

Baker
Brock
Gambrell
Goldwater
Gravel
Hartke
Humphrey
Inouye
McGovern
McIntyre
Metcalf
Mundt
Muskie
Stafford

So Mr. Cooper's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> On page 12, after line 7, insert the following:
>
> "(8) programs operated by or with the assistance of students or faculty members of a college or university located in the community served, provided the program otherwise meets the standards established by this Act;
>
> Renumber subsections 8 through 11 of section 101(b).

Mr. TAFT. Mr. President, I yield such time as I may require.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, the bill before us in section 101(b) actually lists various types of financial assistance that may be used for various purposes.

My amendment adds another category to include States where colleges or universities wish to participate in programs of this type.

I found on investigation that Kent State University in Ohio is already operating such a program.

The PRESIDING OFFICER (Mr. Allen). The Senate will be in order.

The Senator from Ohio may proceed.

Mr. TAFT. Mr. President, I also on inquiry found that a number of other universities and colleges which I know of are anxious to get into the communities in which they are located and to participate and assist in the conduct of this kind of program. I believe that this is an excellent idea and it is well to assure specifically under language of the bill that this can be done.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I thoroughly agree with the Senator. This is a very desirable addition. I certainly would favor it strongly and also hope very much that the manager accepts the amendment.

However, I would like to ask this. The word "program" is not connected with any definition. What program? If the Senator will look at the language on page 9, line 3 he will see that it states, "Financial assistance under this title may be used for—" without referring back to section 101(a), which is the basic purpose of the legislation.

Therefore, I would like the Senator to consider whether it would not be proper to say, "Programs pursuant to section 101(a) operated by" and so on. This is just a suggestion, but it is not all programs that the Senator wants to assist.

Mr. TAFT. I concur in the suggestion. I have no objection to the language. I had hoped we covered it by the proviso at the end of the amendment, but it might be well to spell it out.

I modify my amendment to provide as the Senator suggests.

Mr. NELSON. Mr. President, I find the amendment to be a constructive addition to the bill and I am perfectly willing to accept it.

Is the amendment in proper form?

Mr. JAVITS. I would suggest after the word "programs" to insert the words "pursuant to subsection (A) of this section."

The PRESIDING OFFICER. Does the Senator from Ohio agree to the modification?

Mr. TAFT. I so request.

The PRESIDING OFFICER. Will the Senator from New York send the modification to the desk in writing?

Mr. TAFT. Yes.

The amendment, as modified, is as follows:

> On page 12, insert the following: after line 7 insert the following:
>
> "(8) programs pursuant to subsection (a) of this section operated by or with the assistance of students or faculty members of a college or university located in the community served, provided the program otherwise meets the standards established by this Act;
>
> Renumber subsections 8 through 11 of section 101(b).

Mr. TAFT. Mr. President, I am ready to yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment offered by the Senator from Ohio, as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I am pleased to support S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972.

Last December when the President vetoed the child care measure along with the Economic Opportunity Amendments of 1971, I expressed my dismay at the callous way that the Chief Executive brushed aside that legislative proposal. It was clearly designed to begin meeting the vital concerns of our needy children. The President argued that there has not been adequate national debate to sufficiently assess the merits of the need for a comprehensive child care program. With a detailed list of nine objectives he told the Nation that:

> Such far reaching national legislation should not, must not, be enacted in the absence of . . . broad public acceptance of its principles.

Yet, his response denied the delivery of seriously needed care to 5 million preschool children whose mothers work.

There are more than 12 million working mothers in this country. Only one-third of them have preschool age children, but the child care facilities simply are not available to serve the demand. Child care facilities exist for only 700,000 children.

Prof. Urie Bronfenbrenner says that the worth of a nation may be measured by "the concern of one generation for the next." According to the Bronfenbrenner yardstick, the value we place on our youth at the most critical time of their lives is shamefully low.

I am confident that Senate approval of S. 3617 will assure high quality developmental services for children in those families that most require help in providing for their developmental needs. Moreover, I am certain that the extensive review this legislation received under the leadership of the distinguished chairman of the Subcommitee on Poverty, Senator Nelson, simply increases existing widespread public understanding of the need for a broad based child care program.

When the President says, this legislation "deserves national debate upon its merits," he implies that low- and middle-income families of this Nation do not deserve to enjoy the benefits and services that higher income has delivered to the children of wealthier families.

If that is what he meant when he refused to sign the child care bill into law last December, then maybe we should hold a national debate on the credibility of the President's message in 1969 that:

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

I believe that the American people accepted that statement as a good faith expression or our Government's concern for needy children. It was in this context that the committee reviewed the objectives and answered them in the provisions of S. 3617. This bill has the bipartisan support of 14 Democrats and 14 Republicans. Its development by the subcommittee is a direct tribute to the deft care and attention from the able direction of the chairman of the Subcommittee on Children and Youth, Senator Mondale. He has worked diligently to produce a measure that provides the necessary fundamentals of adequate child care assistance in a bill that has been tailored to answer each of the specific concerns expressed by the President.

Child care is clearly one vital, national concern that has received broad public support from the White House Conference on Children, educational groups, civil rights organizations, labor unions, mayors, church groups and women's groups—a coalition of many people who have devoted interest, time and energy to the creation of an effective child care program.

I share their belief that comprehensive child development makes sense in many ways. Comprehensive child development legislation is the best long range welfare reform legislation the Congress can enact. For, it can be effective in ending the cycle of dependency of the poor.

Comprehensive child development is an effective national health insurance program because it will detect and protect against the debilitating effects of early childhood disease.

Comprehensive child development legislation is the best public service employment program we can invest in, for, it will meet the critical demands for jobs that parents and unemployed youth want so badly.

Comprehensive child development legislation is the most direct anti-hunger program we might enact, because it includes mechanisms for family nutritional counseling and guarantees balanced meals to young during the years of greatest need.

Finally, this measure is the optimum in educational programs because it starts early to develop the potential of our youth.

Mr. President, I strongly support the bill pending before the Senate and I urge each Senator to vote for its passage. This is not a measure that presents new concepts to the Senate. But rather, this is a revised version of the proposal approved by the Senate as part of the economic opportunity amendments of 1971. We have carefully studied and reviewed all of the bill's provisions. This bill will provide for the delivery of a whole series of services to children and families. It is not restricted just to day care, or to programs in day-care centers. Instead this bill creates opportunities for families to choose from a wide variety of familty supporting services, like Headstart, after school, or full day developmental day care for children of working mothers, prenatal services, inhouse tutoring and child development classes for parents and prospective parents.

Thus, the package authorizing nearly $3 billion to begin delivering the kind of services that every child in this Nation deserves to receive, has been produced after testimony from many witnesses during 13 days of hearings over the past 2 years.

The Comprehensive Headstart, Child Development and Family Services Act of 1972 clearly deserves the full support of the Senate. I will be pleased to see its approval by the Senate.

Mr. WILLIAMS. Mr. President, I strongly support the enactment of S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972.

A critical shortage of day care and child development facilities exists for working women with young children, especially for low-income families. Approximately 43 percent of the Nation's mothers now work outside the home, in contrast to 18 percent in 1948. Moreover, about one out of every three mothers with preschool children is working today, compared to only one out of eight in 1948. But, there are fewer than 700,000 spaces in licensed day care centers to serve the more than 5 million preschool children whose mothers work.

And there is clear and convincing evidence to suggest that the demand for day care and child development programs will accelerate during the 1970's. First, the dramatic rise of working mothers is expected to continue during the years ahead. In fact, leading experts have projected that 50 percent of all women will be in the work force by 1985.

The need, I believe is clear. It is imperative therefore that we insure that programs set up for the care of children provide good care, that they provide comprehensive services, and that the care provided is supervised by the parents and run in the community where the family lives. In my judgment S. 3617 represents a sound effort to provide this developmental care for working parents with children.

As the former chairman of the Senate Committee on Aging and now the chairman of the Labor and Public Welfare Committee I derive special satisfaction from the fact that this legislation will include a proposal of mine to encourage the employment of older Americans in child development programs.

This is particularly wise, it seems to me, because the foster grandparents program has already amply demonstrated the natural empathy between the elderly and the young. Besides providing badly needed supportive services for young children, the foster grandparent program has an added dividend. It has provided a dignified means for thousands of low-income persons 60 and over to help themselves out of poverty by helping others.

In my own State of New Jersey, I have had a personal opportunity to observe the effectiveness of older persons in working with young children.

The potential opportunity to maximize employment opportunities for older persons in day care facilities cannot be understated because individuals 55 and over have been particularly hard hit by the widespread joblessness throughout our Nation. More than 500,000 are now unemployed, approximately 97 percent more than in January 1969. Another 640,000 men and women aged 55 to 64 have withdrawn from the labor force during this same period. In many cases this departure is involuntary.

And this trend undoubtedly has contributed to the rise in poverty by nearly 100,000 for persons 55 and over from 1968 to 1970, reversing a longstanding downward trend.

However, the measure which I have sponsored can provide thousands of jobs for these older Americans, while at the same time offer important supportive services for young children whose mothers work.

Mr. President, for these reasons, I again urge the adoption of S. 3617.

Mr. MONDALE. Mr. President, two of the underlying principles of this legislation and overriding concerns of its supporters, are that: First, programs be developmental, rather than custodial; and second, that parents maintain control of the lives of their children through involvement in the decisions of programs in which their children are enrolled.

S. 3617 attempts to accomplish the first of these objectives by requiring comprehensive programs with education, health, nutritional, and social services components, and the second by establishing 50-percent parent councils which share in decisionmaking at both the project and the prime sponsor level.

We also attempt to insure these principles by a recommitment to the 1968 federal interagency day care requirements, the standards which now must be met by all day care programs receiving currently available Federal funds. We do not say that they cannot, or should not be changed—in fact, we established the mechanism for a regular review of these standards. What we do insist upon is that these Requirements, however they may be revised to meet changing needs, continue to embody the principles of developmental programs and parental involvement.

For example, the interagency requirements mandate maximum child-staff ratios, so that every program serving 3- and 4-year-olds has at least 1 staff person for every 5 children. A program serving 4- to 6-year-olds must maintain a 7-to-1 child staff ratio; and one for 6- to 14-year-olds must have at least 1 staff person for every 10 children. Some would like to see those ratios even lower, such as one staff member for every four young child, instead of one for every five—and there is nothing in the requirements that would prohibit a program from adopting lower ratios. Others would prefer higher child-staff ratios, and there are disturbing reports that the administration is now moving in that direction.

All of the evidence indicates that child-staff ratios are the single most important factor in determining the cost and quality of child care. It is true that costs can be cut by increasing ratios, but this can be done only by sacrificing the quality of services provided for children.

Mrs. Mary P. Rowe, a child care economic consultant with ABT Associates and an adviser to the Office of Child Development, presented impressive testimony during the Senate Finance Committee hearings on child care last September, in which she analyzed the differences between custodial and developmental care.

She said:

> One role of the Federal Government is clearly to prevent abuse, and preventing abuse requires an objective criterion. The best single objective measure that we have seems to be the number of staff working with children.

She continued:

> Favorable ratios are the implicit mechanism of ensuring quality.

Mrs. Rowe analyzed three separate studies which have been done recently for the Federal Government by outside organizations: ABT Associates, the Day Care & Child Development Association, and Westinghouse Learning Corp., and Westad Research. Each of these studies delineated custodial, adequate and desirable or developmental programs. In each study, Mrs. Rowe concluded:

> The teacher-child ratio thus appears by far the most powerful influence on both costs and "quality" . . . and is mainly responsible for the designations "desirable" and "developmental."

Mr. President, if we are serious about developmental programs which meet the needs of children, if we are going to insure that children in day-care program—to the greatest extent possible—receive the kind of warmth, affection and attention they would have at home with their parents, then we cannot afford to water down these child-staff ratios.

Another essential feature in the 1968 Interagency Requirements is the strong insistence upon parent involvement in child care programs. Every operating and administering agency which provides care for at least 40 children must have a policy advisory committee, at least 50 percent of whom are parents, democratically selected. These committees share fully in the essential decisions affecting program operations, including applications for funding, development of programs and program improvement, complaints and communication with other parents. That kind of real parent participation is absolutely essential if programs are truly to meet the needs of children, as those needs are perceived by parents as well as by professionals. Any move to eliminate or water down the parent involvement provisions of the 1968 requirements is a move against parents and against family centered programs and cannot be justified or permitted. President Nixon has expressed concern about day care programs which would remove parental authority and control over the lives of their children. Maintenance of these 1968 requirements is one way to assure that this does not happen.

In the conclusion of her testimony on the quality and costs of child care, Mrs. Rowe made an eloquent charge to the Senate and to the Nation:

> Children have no powerful lobby; poor parents often feel they can only vote with their feet—trying to avoid poor child care which does not really meet their needs, trying to seek warm responsive care that is as good as a good home. But one-third of the nation's children now live in poor and near-poor families. Their present lives need support and encouragement. Their future lives will inescapably affect those of us who are presently adult. Today you have a chance to make a difference in the lives of children; tomorrow they will have the chance to make a difference in our lives. How will we plan for children—the nations' chief resources.

We have a chance today, to make a difference in the lives of children, and thus to make a difference in our own lives, both by enacting this major new commitment to our youngest children and by guaranteeing that the principles which have already been established in the administration of Federal programs will not be destroyed.

Mr. CHILES. Mr. President, I am pleased to support the Comprehensive Headstart, Child Development, and Family Services Act of 1972. Last year I voted against the conference report on S. 2007, because I felt funding for these programs should be at the State and local level rather than in Washington. The report would have required a massive new Federal bureaucracy because it enabled many individual groups to deal directly with the Federal Government instead of working through States and local governments. I fully supported then, as I fully support now, the concept of child care support and felt this concept should be implemented and funded adequately if we are to ever break the vicious welfare cycle. But I was and remain opposed to enlarging the Federal bureaucracy and keeping the control center of these kinds of programs here in Washington, D.C.

With the adoption of the Dominick amendment, the reservation I experienced the last time the Senate considered this measure is removed.

The recent report of the President's Commission on School Finance stated:

> We cannot ignore many research findings which lead us to believe that much of the lack of success of past efforts has been because we started too late in a child's life.
>
> We believe that the Federal Government should encourage the development of early childhood education programs for all children and that financial assistance should be provided for children from low-income families.

This bill assures that early childhood education programs will be available. It puts the emphasis where we need to put it—in providing an opportunity for all American children for a healthful and stimulating development during the first few years of their life. I feel our money is better spent in these kinds of programs for early childhood development than in welfare assistance or in assistance to school dropouts. In Florida we have had encouraging success with our early education programs and our programs with migrant workers. This bill will allow for expansion of these services which I believe are badly needed.

Without preschooling for the disadvantaged there is little possibility of achieving equality in education. S. 3617 will go a long way in enabling all children to develop their full potential.

Mr. FANNIN. Mr. President, the Comprehensive Headstart, Child Development, and Family Services Act of 1972 now before us for consideration is based on some fundamental assumptions which require careful scrutiny and discussion. Indeed, the President made a point of this in vetoing the legislation containing this bill last December, when he said that a step of this nature should not be taken without extensive discussion of its "family weakening" implications. The supporters of the legislation argue that it will strengthen rather than undermine the family, and thus they have implied that they, too, consider that the family should be the social unit bearing the prime responsibility for child rearing. In particular, they maintain that family services provided in the home rather than in outside day care centers will have the effect of strengthening the family as a viable social unit. In addition, of course, they argue that the comprehensive services which they back will benefit the child. Indeed, some of the bill's language has a utopian flavor to it; the programs it would initiate are to include: diagnosis, identification, and treatment of visual, hearing, speech, medical, dental, nutritional, and other physical, mental, psychological, and emotional barriers to full participation in programs.

In any case, before we appropriate the $1.2 billion requested in this bill for the fiscal year ending June 30, 1974, we should pause awhile to consider what impact these child development programs are likely to have upon the structure of the family and the well-being of the child, quite independently of the good intentions of the bill's proponents.

As for the likely impact upon the family, let us note to begin with that this legislation, no matter how it may be interpreted, certainly legitimizes a much greater degree of Federal control and interference in private and family matters than we have seen in this country up to now. This circumstance in and of itself will cause troubled families to look more and more, not to themselves or to private and church-related agencies for assistance, but rather to the State. This will develop in the citizenry, even more than is now the case, the sort of attitude which holds that we must run to the State for solace whenever anything goes wrong. The State thus becomes the final arbiter of the most private arena still left to us, that of the family.

The American family, we all know, has its problems. The family unit is becoming less and less cohesive, and even the "nuclear" family has a difficult time maintaining itself. The rapid expansion of private and public nursing homes and Federal medical aid programs have made it possible for the older members of the extended family to be put out of sight and therefore, out of mind; the expansion of day care centers under the aegis of the Federal Government will make it ever easier for children to be treated the same way. At that point, the family becomes very "nuclear" indeed, and probably will explode, or at least disintegrate, because there will be so little of shared responsibility to keep husband and wife together. Their principal function will be procreation. Once this function is accomplished, there will in many cases be no more reason for the family to continue in being. Now it may well be that the family will develop in this way with or without legislation of the type now before us. But there can be little doubt that the establishment of widespread child development centers to take over one of the family's crucial functions would speed the process of that deterioration markedly. If you believe that the family should be basically responsible for raising children in our society, you must oppose this bill.

An additional point to consider in this debate is the fact that under the proposed bill what would happen in effect is that families in which only one parent works and the other—presumably the mother—stays at home to attend to her children, that such families would be subsidizing families in which both parents work. By their tax money, they would be supporting child care centers so that families in which both parents work, could earn a larger income. Whatever else this may be, it is not just, and it certainly does not support the family as the chief child-raising entity in society.

Second, let us consider what the effect of this bill upon the child will be, leaving aside for the moment the question of the extremely disadvantaged and impoverished children of the slums. Although we know little enough about the psychology of child rearing, we can be relatively certain that in his first 5 or 6 years, a child is extremely impressionable, and if the family wishes to inculcate its values and outlook in him, raise him in the way he should go, then it must be the dominant environmental factor in his first years. It seems to me indisputable that in the first 2 years or so of life the presence of a mother is of crucial importance to an infant, and that a mother's love can under no circumstances be replaced by institutional care without extreme damage to the child. Dr. Ernest van den Haag, in testifying before the Senate Committee on Labor and Public Welfare against this legislation, on behalf of the Emergency Committee for Children, said:

> Nothing could be more harmful than the repeated disappearance of adult figures in whom the child has vested affection. Depending on age, the development of object relations and later of a superego will suffer if the child is repeatedly having important relationships with people who disappear. And nothing could be more cruel to impose on small children than these perceived abandonments."

I think we can almost all agree that "institutionalization" of children at very early ages can have most harmful effects.

When we consider children between the ages of, say, two and six, the potential damage done by this sort of legislation is not quite so severe. Currently nearly everyone agrees that at least by age 6 a child may relatively safely be removed from the family environment for large parts of the day. And certainly there are many families which have made use of kindergartens and similar establishments for children of 4 and 5 without great detriment to them. However, in this bill we are speaking of establishing a centrally controlled chain of schools and putting the great resources of the Federal Government behind what may well turn out in effect to be a lowering of the age for mandatory school attendance. Moreover, these schools, unlike the established elementary and secondary schools, would begin with the assumption that they would not simply train a child's intellectual capacities, but they would be responsible for his "whole being," his emotional, psychological and physical welfare. In addition, they would not be locally controlled, as are our school districts now; they would ultimately be run from the center, despite all the provisions for local control written into the bill. Funding is, after all, the ultimate control, and if local child development centers do not meet the requirements of the Department of Health, Education, and Welfare they will almost certainly cease to exist, no matter how well they may satisfy local needs.

Mr. President, if my analysis of the likely effects of this legislation upon the family is accurate, then this legislation is indeed harmful, and contrary to the best interests and the wishes of the vast majority of the American people. I urge that it be rejected.

S. 3617, COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972: AMERICA'S CHILDREN DESERVE NO LESS

Mr. CRANSTON. Mr. President, I rise to add my strong support to that of my colleagues who have been urging passage of S. 3617, the proposed Comprehensive Headstart, Child Development, and Family Services Act of 1972.

This legislation is the result of a bipartisan effort to shape a comprehensive child development bill which would meet both the needs of underprivileged children and the objections of President Nixon to the comprehensive child development provisions of S. 2007, a bill to extend the Economic Opportunity Act, which he vetoed last December. I was pleased to have had the opportunity to contribute to the development of this vital legislation as a member of both the Subcommittee on Children and Youth and the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare.

I am grateful to Senator MONDALE, chairman of the Subcommittee on Children and Youth, and to Senator NELSON, chairman of the Subcommittee on Employment, Manpower, and Poverty, for exerting the kind of leadership necessary for the formation of such a strong, bipartisan measure, reflecting an awareness of and sensitivity to the needs of America's children. And without the cooperation and insight offered by the ranking minority member of the full committee (Mr. JAVITS) and the contributions of Senator TAFT, ranking minority member of the two subcommittees, this bill could not have come to fruition. I would like to add a special thanks, too, to the very able staff members—Richard Johnson and William Spring for Senator NELSON, Sidney Johnson for Senator MONDALE, John Scales for Senator JAVITS, and Patricia Gwaltney for Senator TAFT, whose incisive understanding of the issues involved facilitated the development of S. 3617 throughout our subcommittee and full committee deliberations.

EXPANSION OF HEADSTART

S. 3617 is a bipartisan compromise measure between the child development provisions in S. 3193, a bill to extend the Economic Opportunity Act, which I cosponsored with Senators MONDALE and NELSON and 11 of our colleagues, and S. 3228, introduced by Senators JAVITS, TAFT, STAFFORD, SCHWEIKER, PACKWOOD, and nine of our colleagues from the other side of the aisle. It builds on the present successful Headstart program by authorizing the appropriation of $150 million for fiscal year 1973 for the purpose of providing training, technical assistance, planning and other activities appropriate for the preparation for implementation of the measure; $1.2 billion for fiscal year 1974 and $1.6 billion for fiscal year 1975 for carrying out the purposes of the act. Any unobligated amounts at the end of a given fiscal year may be obligated in the succeeding fiscal year.

It should be noted that although this 3-year bill has a total appropriation authorization of $2.95 billion, this represents less than a $2 billion authorization increase over the next 3 years, since a portion of these moneys are presently authorized under the Economic Opportunity Act for the Headstart program. Section 311 of the bill provides for a repealing, effective July 1, 1975, of the authorization of appropriations for Headstart and provides that where day care is authorized elsewhere in the Economic Opportunity Act it will be carried out through the child care programs under this act wherever feasible.

FEE SCHEDULE

S. 3617 further builds on the Headstart program by specifying that free services are to be provided to children from families earning equal to or less than $4,320, with adjustments in the case of families with more than two children. Charges for other families may be made in accordance with a fee schedule established by the Secretary of Health, Education, and Welfare based on ability to pay. Such fees may not, however, exceed 10 percent of the difference between the free services level and 85 percent of the lower living standard budget, and then 15 percent of any income between that level of 85 percent of the lower living standard budget and 100 percent of the lower living standard budget.

I would like to note here, Mr. President, that during our deliberations in conference with the House of Representatives on the child development provisions of S. 2007, the committee spent a great deal of time working out a compromise on the fee schedule which would be agreeable to the administration. We have gone even further in modifying this fee schedule in S. 3617, and it is my hope that the administration will make every effort to cooperate with us on this particular point.

PARENTAL INVOLVEMENT

The committee has attempted to build on the successful Headstart concept and experience by increasing parental authority and involvement in all aspects of the comprehensive child development programs. S. 3617 provides that each prime sponsor shall establish and maintain a child and family services council consisting of not less than 10 members, half of whom must be parents of children served in programs under the act elected by those parents, and the remainder of whom are to be appointed by the prime sponsor's chief executive or governing body to represent the public. Half of these public representatives must be persons broadly representative of the public, including community agencies and organizations, and the remaining members must be persons who are skilled in child development services. The child and family service councils shall be responsible for approving annual program statements, basic goals, policies and procedures, and for the selection, establishment or annual renewal of project applicants. These are provisions based on amendments I offered in this bill and the predecessor, S. 2007. I think these are vital provisions, and I feel—although we made some modifications in committee—we maintained the essential thrust of the prior bill's provisions.

In addition, S. 3617 provides for the establishment of local program councils and project policy councils—each of which must be composed of at least 50 percent parents whose children are served under the provisions of the act selected by those parents. It is the responsibility of the local program council to approve the local portion of the annual program, local program contracts, and local project applications and report to the child and family service council. The project policy councils, which also report to the child and family service council, are responsible for approving basic goals, policies, actions and procedures for individual project applicants, and for the planning, overall conduct, personnel, budgeting, location of centers and facilities and direction and evaluation of projects.

PRIME SPONSORS

Section 102 of the bill, as reported, provides for both State and local prime sponsors. Any unit or combination of units of general local government of at least 25,000 population, an Indian tribal organization, or a public or private nonprofit agency may be designated as a prime sponsor, providing of course it meets the provisions of the act. The population cutoff figure in the vetoed measure was 5,000, which would have made 7,000 localities eligible for prime sponsorship. The compromise figure of 25,000 makes 2,000 communities eligible, and should contribute greatly to the administrative workability of the programs authorized under the bill.

The committee also provided a bypass provision enabling any program council to appeal directly to the Secretary when it alleges a failure to comply with the program statement or provisions of the act, and I personally feel that this is a most important provision which must be retained in the bill.

The committee agreed to a provision under this section which authorizes the Secretary to designate five States to carry out demonstration projects as statewide prime sponsors, even with respect to localities which would otherwise qualify as local prime sponsors. I introduced an amendment to this provision in committee to exclude any State with a population in excess of 5 percent of the Nation's population from eligibility to participate in demonstration projects involving States as sole statewide sponsors. This amendment insured that "experiments" could not cover more than 25 percent of the Nation's population and was supported by a bipartisan majority of the members of the full committee. I feel that this is necessary to preserve local involvement in and direction of the child development programs. The amendment offered by Senator Beall today preserves this concept as well as integrity of the local programs in States having such diverse populations in large concentration, such as California. This amendment limits the total U.S. population in the "experiment" States to, 15 percent and provides that areas with 1 million or more people may run that program directly.

SPECIAL PROGRAMS

I am delighted that the committee included in the bill a provision for special cooperative programs with educational agencies and other project sponsors. This provision—section 107 of the bill—enables the Secretary to provide assistance to educational agencies and institutions for cooperative programs designed to provide continuity between preschool, after school, and other educational programs. I had introduced a similar provision as a committee amendment to the child development title of S. 2007, which is included in section 101(b)(5) of the pending bill, to provide for programs designed to extend comprehensive prekindergarten early childhood education techniques and gains—particularly parent participation—into kindergarten and early primary grades through the use of former assistant Headstart teachers or similar early childhood education teachers as assistants working closely with classroom teachers in those kindergarten and primary grade classrooms where children they previously taught are enrolled. A pilot project to this effect which has my strongest endorsement and personal involvement has been funded by the Office of Child Development through the Foundation for Early Childhood Development in Los Angeles. I ask unanimous consent, Mr. President, that excerpts from correspondence received recently in my office from the program director of this project, Mrs. Shirley Cloke, be included at this point in my remarks since her description of the Los Angeles demonstration program beautifully describes what can be the effect of these innovative sections in reported bill.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Foundation for Early
Childhood Education,
Los Angeles, Calif., January 31, 1972.

There are many exciting moments in this Headstart-Kindergarten Continuation Program that I would like to share with you. One occurred in the Watts area in a school that has a record of vandalism equal to any. We have a kindergarten team at this school that has learned to work together in a way that expands the children's experiences and joy, involves parents in the classroom, and demonstrates an optimism, enthusiasm and harmony that is possibly more beneficial to those children than their obvious accomplishments in recognition of letters, shapes, numerals, etc.

"The kindergarten teaching team has worked energetically each Monday at our workshop making learning materials for the classroom. As an example, the classroom teacher would not join the group for a luncheon on the final day of the pre-service session as she was determined to complete a set of building frames she was making. "I can eat anytime," she said, "but there is only a limited period of time to complete this project." During the ensuing weekly workshops, this teacher and her assistant made a puppet theatre, a three-sided felt board (one side of slate), and numerous other imaginative pieces of equipment.

Three weeks ago, a fire at her school destroyed her classroom and all of the teacher-made equipment with it. The teaching team became so downhearted and depressed that we knew we would have to change this tragedy into its opposite. In a meeting with the parent coordinator for the area (Clara Godbouldt) and the assistant teacher of the classroom (Paula Gulley), we decided that we would ask the classroom parents to come to the workshop and rebuild the equipment which had been destroyed. The assistant teacher at 75th Street School (Maydell Clark) offered to bring parents from her classroom to lend a hand.

For three Thursday afternoons, parents (and all their children—who outnumbered the parents, by the way) came to the workshop with the assistant teachers Maydell and Paula and worked all afternoon. I set up a nursery school for the children so that they didn't walk into a saw or can of paint. The parents worked until dark each afternoon. On the last day of school before Christmas vacation, the assistant teacher (Paula) arranged an excursion for the class to see reindeer on Wilshire Blvd. at the May Company.

While the children and teachers were away, the parents brought the equipment they had made into the classroom, set it up, prepared a banquet table with cakes, candy and punch for all the children, and decorated the room. I cannot describe the emotions of the teacher when she returned to this scene. What I can describe is the complete amazement of the principal who kept muttering, "I have never seen anything like this!"—and the words of the school parent coordinator who nonchalantly explained that this was an example of school-community cooperation.

There is an epilogue to the story. The seven parents who prepared the party have offered to assist each of the other five kindergarten teachers in 112th Street School organize active-parent groups in their classrooms. Further, the principal has asked us to show the video tape of the party to the school Parent Advisory Council and also to his teachers staff meeting. Although the events speak loudly enough, the underlying theme that quietly asserted itself is evidence of the strength, resources, and concern of the parents working with the teacher to maximize the educational possibilities of their children.

Further events at that school include the employment of one of the Head Start parents from our Head Start-Kindergarten classroom who participated daily at the school (with the encouragement of the assistant teacher). The parent has been employed by the school as an educational aide in another classroom. . . .

At our weekly workshops, at least two other kindergarten teachers and the teacher of the Educationally Handicapped class from this school are now attending, making learning materials, and participating in the educational discussion. This is one example of the "radiation effect" of our project.

Cordially,

Shirley Cloke,
Program Director.

TRAINING

Mr. CRANSTON. Mr. President, this is the kind of parental participation which the committee seeks to enhance through S. 3617. Mothers and other family members of Headstart children have been recruited and trained as nonprofessionals for staff responsibilities in the past, and through the provisions of title II—training, technical assistance, planning and evaluation—of the act, expanded authorizations of appropriations for this purpose are provided. Indeed, the committee has increased the authorization level under S. 3617 as compared to the child development authorizations for appropriations under S. 2007 for preservice and inservice training. While the total amounts were decreased by 40 percent, authorizations for staff training appropriations were increased by 50 percent. In addition to training for these staff responsibilities, this new figure increases the amount of funds available for training of professional and paraprofessional staff members. This provision will serve to insure the best possible staffing for the child development programs proposed under this act.

MAINTENANCE OF STANDARDS

In a related action to assure high standards for any day care program established under the authorization of S.

3617, the committee, in section 302, provided that standards of child development programs under the act must be consistent with the 1968 Federal interagency day care standards which currently apply to all federally assisted day care programs. The intent of this section is to guarantee that low child-to-adult ratios necessary for high-quality programs be maintained. The section further provides for a special Committee on Federal Standards for Child Development Services, consisting of parents and child development experts, to be established for the purpose of participating in the development and improvement of the Interagency Day Care Requirements and promulgating a revised set of standards to be known as the "Federal Standards for Child Development Services."

In his veto message on S. 2007, President Nixon, in referring to his objections to the comprehensive child development title of that legislation, indicated that he would sign legislation providing day care which would enable mothers, particularly those at the lowest income levels, to take full-time jobs—legislation similar to that which would be provided in the welfare title of H.R. 1, the proposed Social Security Amendments of 1971, which have just been ordered reported by the Senate Finance Committee.

I vigorously object to programs to "house" the preschool children of welfare mothers who under H.R. 1 would be required to register for work even if they prefer raising their own children rather than warehousing them in a low-quality day care program just so that they could take a meaningless, demeaning job. I believe that if a parent of a preschool child wishes or needs to work, that his or her child should be cared for in a comprehensive, compassionate, healthful program of the type we propose through S. 3617 as reported. Only by providing such an environment for early childhood development can we break the cycle of poverty and welfare dependence which so plagues and troubles our Nation.

CONCLUSION

The present Headstart program reaches only 10 percent of the impoverished preschool children who are eligible for it and could benefit from it. S. 3617 seeks to supplement and strengthen this effort by providing additional support for prenatal, nutritional and other services, and by reaching a greater percentage of those who could benefit by them.

Unlike the provisions to be included in H.R. 1, S. 3617 stipulates that:

> Child development programs must build upon the role of the family as the primary and most fundamental influence on children and must be provided only to children whose parents or legal guardians request them.

Further, the full day child development programs provided under the act will be made available only to children whose parents are out of the home all day programs or afterschool programs, of selecting support services such as part-day programs or afterschool programs, in-home tutoring, or child development classes for parents and prospective parents.

In this way, the committee has sought to provide the best possible family-strengthening comprehensive child development legislation. I believe we have successfully accomplished this goal in S. 3617 despite the adoption of the Dominick amendment. I urge my colleagues to vote for final passage.

SENATOR RANDOLPH STATES HIS SUPPORT FOR S. 3617, THE COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

Mr. RANDOLPH. Mr. President, I support fully the goals and purposes of the pending measure, S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972. In my estimation this bill fully meets the objections voiced by the President last year when he vetoed S. 2007, which included comprehensive child development provisions.

On December 10, 1971, I urged the Senate to vote to override the veto of S. 2007. In like measure I urge today that the Senate give its strong support for this worthy legislation. The Senator from Minnesota (Mr. Mondale), the Senator from Wisconsin (Mr. Nelson), the Senator from New York (Mr. Javits), and the Senator from Ohio (Mr. Taft), along with other members of the Committee on Labor and Public Welfare, have given much of their time in developing S. 3617 to meet the objections of the President. In the committee I gave the measure my support.

The need for this program has not eased, much less disappeared, since S. 2007 was vetoed last December. There are over 5 million preschool-age children of working mothers in this country, and only 700,000 places in day-care facilities. I am compelled to ask my colleagues who oppose this measure what, if anything, should be done for the 4.3 million children who may not now be cared for in America? Is their development to be restricted to the mindless viewing of television programs all day long, or can we provide these youngsters with some quality care, education, and development? This is the issue.

Innuendoes suggesting that this measure will in some way break up families or create little Communists, are mischievous, unfair, and untrue.

As I said during the debate to override the President's veto of S. 2007:

> Families which are comfortably situated need no child care. Their family structures may be stable and sound. But the low- and middle-income families need this bill. Because of the pride and dignity it will provide to those who can climb out of the welfare rut to become taxpayers rather than tax-takers, and because of intellectual stimulation, the nutrition and the medical care it will provide to children, who are the hope of the future, America needs this bill.

Mr. President, the opponents of this legislation ascribe to its supporters some dark purpose—or at least suggest that its misguided direction will create irreparable harm to the fabric of American society.

A full understanding of the deeply serious problems associated with the absence of such a program—street gangs, unemployment, drug abuse, runaways, and underachievement, just to name a few—would dispel any doubt as to its desperately urgent need.

I urge my colleagues in the Senate to support the passage of S. 3617.

Mr. MONDALE. Mr. President, may I express again my deep appreciation and admiration of the leadership provided on this measure by the junior Senator from Wisconsin (Mr. Nelson), the senior Senator from New York (Mr. Javits), the junior Senator from Ohio (Mr. Taft), and the other members of the committee. Permit me to state again my gratitude to the junior Senator from South Carolina (Mr. Hollings) for his enlightened and eloquent efforts on behalf of this bill.

Mr. President, I would also like at this point to express my appreciation to the following members of the staff who have provided magnificent assistance to the committee during the development and consideration of this legislation: Mr. Sidney Johnson and Ms. Rita McDonald of the Subcommittee on Children and Youth; Mr. Richard Johnson, Mr. William Spring, and Ms. Carole Dunn of the Subcommittee on Employment, Manpower, and Poverty; Mr. John Scales, Mr. Martin Klein, and Mrs. Sheer of the minority; Miss Pat Gwaltney with Senator Taft; Mr. Bert Carp of the Select Committee on Equal Educational Opportunity; and Mr. Jon Steinberg of the Labor and Public Welfare Committee.

The PRESIDING OFFICER (Mr. Hughes). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. NELSON. Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

Is all time yielded back on the bill?

Mr. NELSON. I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back. The question is, shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BEALL (after having voted in the affirmative). On this vote I have a live pair with the Senator from Tennessee (Mr. Brock). If he were present and voting, he would vote "nay." I have already voted in the affirmative; therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. McGOVERN) and the Senator from Maine (Mr. MUSKIE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK) are necessarily absent.

The Senator from Vermont (Mr. STAFFORD) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Vermont (Mr. STAFFORD) would vote "yea."

The pair of the Senator from Tennessee (Mr. BROCK) has been previously announced.

The result was announced—yeas 73, nays 12, as follows:

[No. 231 Leg.]

YEAS—73

Aiken
Allott
Anderson
Bayh
Bellmon
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Griffin
Gurney
Harris
Hart
Hatfield
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—12

Allen
Bennett
Buckley
Byrd,
Harry F., Jr.
Curtis
Fannin
Hansen
Hruska
Jordan, Idaho
Roth
Thurmond
Tower

NOT VOTING—14

Baker
Brock
Gambrell
Goldwater
Gravel
Hartke
Humphrey
Inouye
McGovern
McIntyre
Metcalf
Mundt
Muskie
Stafford

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Beall, for.

So the bill (S. 3617) was passed, as follows:

S. 3617

An act to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Headstart, Child Development, and Family Services Act of 1972".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) child development programs must build upon the role of the family as the primary and the most fundamental influence on the development of children, and must be provided only to children whose parents or legal guardians request them;

(2) in exercising their moral and legal rights and responsibilities in respect to their children and families, many mothers, and single parents have determined it necessary or desirable to seek child development services for their children in order to engage in employment, training, or education on a full- or part-time basis during hours when their children would ordinarily be in the home or otherwise to enhance the well-being of their families; and

(3) while there have been increased developmental services for children of working mothers and single parents and while Headstart and similar programs have provided supplemental educational and other services for children, such services have not been made available to families to the extent that parents consider it necessary to contribute to the full development of their children and to improve the economic well-being of their families, with the result that there are millions of children living in poverty who do not receive adequate educational and other services, and there are millions of other children whose mothers are working full or part time without adequate child development arrangements for their children.

(b) It is the purpose of this Act to provide a variety of quality child development and family services in order to assist parents who request such services in providing their children with an opportunity for a healthful and stimulating development, with priority to those preschool children and families with the greatest economic or social needs, in a manner designed to strengthen family life and to insure decisionmaking at the community level through a partnership of parents, State and local governments and the Federal Government, building upon the experience and success of Headstart and other existing programs.

(c) Congress finds that the family is the cornerstone of healthy physical and psychological development for children, that the value of day-care services extends primarily to economically disadvantaged children, with special emphasis upon those children who have special developmental needs or other handicaps, and to other children for whom suitable care is not otherwise available, and that day-care services outside the child's own home must be designed to supplement and support, and never to replace, the parent-child relationship. This Act is not intended or designed to provide a framework for the universal application of outside-the-home care to children in general.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the purpose of carrying out this Act, there is authorized to be appropriated $1,200,000,000 for the fiscal year ending June 30, 1974, and $1,600,000,000 for the fiscal year ending June 30, 1975. Any amounts appropriated for each fiscal year which are not obligated at the end of such fiscal year may be obligated in the succeeding fiscal year.

(b) For the purpose of providing training, technical assistance, planning, and such other activities (including activities authorized under section 106) as the Secretary deems necessary and appropriate to prepare for the implementation of this Act, there is authorized to be appropriated $150,000,000 for the fiscal year ending June 30, 1973.

(c) From the amounts appropriated pursuant to subsection (a) the Secretary shall make funds available in the following manner—

(1) $500,000,000 shall first be used for the purpose of providing assistance under title I of this Act for child development programs focused upon young children from low-income families, giving priority to continued financial assistance for Headstart projects;

(2) not to exceed 15 per centum of the remaining amounts so appropriated shall be used for the purpose of carrying out titles II and III of this Act, as the Secretary deems appropriate, but not to exceed 5 per centum of such remaining amounts shall be used for the purpose of carrying out title III of this Act; and

(3) the remainder of such amounts shall be used for the purpose of carrying out title I of this Act.

(d)(1) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which it shall be available for obligation.

(2) In order to effect a transition to the advance funding method of timing appropriation action, paragraph (1) of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Secretary" means the Secretary of Health, Education, and Welfare;

(2) "State" means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "child development and family service programs" means programs on a full-day or part-day basis which provide the educational, nutritional, health, and other services needed to provide the opportunity for children to attain their full potential, including services to other family members related to the full educational and other development of children;

(4) "children" means individuals who have not attained the age of fifteen;

(5) "economically disadvantaged children" means any children of a family having an annual income below the lower living standard budget (adjusted for regional and metropolitan, urban, and rural differences, and family size), as determined annually by the Bureau of Labor Statistics of the Department of Labor;

(6) "handicapped children" includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, physically handicapped, crippled, or other health impaired children or children with specific learning or other disabilities who by reason thereof require special education and related services;

(7) "program" includes any program, service, or activity, which is conducted full or part time, in special facilities, in schools, in neighborhood centers, or in homes, including family day-care homes;

(8) "parent" means any person who has primary day-to-day responsibility for any child;

(9) "single parent" means any person who has sole day-to-day responsibility for any child;

(10) "working mother" means any mother who needs child development and family services under this Act in order to undertake or continue full- or part-time work, training, or education outside her home;

(11) "minority group" includes, but is not limited to, persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental, and, as determined by the Secretary, children who are from environments in which a dominant language is other than English and who, as a result of language barriers, may need special assistance, and, for the purpose of this paragraph, "Spanish-surnamed Americans" include, but is not limited to, persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

(12) "bilingual" includes, but is not limited to, persons who are Spanish-surnamed Americans, American Indian, Oriental, Portuguese, or others who have learned during childhood to speak the language of the minority group of which they are members and who, as a result of language barriers, may need special assistance;

(13) "local educational agency" means any such agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965;

(14) "institution of higher education" means any such institution as defined in section 1201(a) of the Higher Education Act of 1965;

(15) "low-income family" means a family whose annual income is less than the "poverty level" as defined by the Director of the Office of Economic Opportunity;

(16) "unit of general local government" means any political subdivision of a State having general governmental powers.

TITLE I—HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES PROGRAMS

PROGRAMS ASSISTED

SEC. 101. (a) The Secretary shall provide financial assistance to prime sponsors and to other public and private agencies and organizations pursuant to plans, program statements, and applications approved in accordance with the provisions of this title for the purpose of carrying out child development and family service programs for children and their families where parents or local guardians request them, including—

(1) preschool programs providing part-day services and activities designed to prepare children for school in the years before they enter the elementary school grades;

(2) in-home services and consultation to assist families with children of preschool age in providing for the healthy growth and the development of each child's full potential;

(3) preschool programs providing full-day services and activities for children when there is no parent at home to provide care;

(4) child development programs providing services and activities (including recreation and tutoring programs) for school-age children at times when school is not in session and there is no parent at home to provide care.

(b) Financial assistance under this title may be used for—

(1) other comprehensive child development services and programs designed to meet individual needs of children, to assist children in attaining their full potential and to prepare them for school, including but not limited to—

(A) programs designed (i) to meet the special needs of minority group, Indian, and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and other language spoken in the home, and (ii) to meet the needs of all children to understand the history and cultural backgrounds of ethnic groups, including minority groups, which belong to their communities;

(B) diagnosis, identification, and, with the prior written consent of the parent or parents, treatment of visual, hearing, speech, medical, dental, nutritional, and other physical, mental, psychological, and emotional barriers to full participation in programs.

(C) special activities designed to identify and ameliorate identified physical, mental, and emotional handicaps and special learning disabilities as an incorporated part of programs conducted under this title and, where necessary because of the severity of such handicaps, establishing, maintaining, and operating separate child development and family services programs designed primarily to meet the needs of handicapped children, including emotionally disturbed children;

(D) special food and nutritional services; and

(E) emergency child development programs for children of parents who are sick, incapacitated, or for other urgent reasons, temporarily unable to provide adequate care for their children.

(2) other programs designed to support and enhance family life and contribute to the full development of children, including but not limited to the following—

(A) (i) prenatal and other medical services to expectant mothers who cannot afford such services, designed to help reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation and other handicapping conditions, and (ii) postpartum and other medical services to recent mothers;

(B) referral services for family planning, and purchase of such services when not otherwise available;

(C) programs including home services to prepare adolescents and other family members for family responsibilities, including assistance to public secondary schools and nonprofit organizations to implement courses for adolescents and provide opportunities for the participation of adolescents in child development and family service programs authorized under this title;

(3) preservice and inservice education and other training designed to prepare professional and paraprofessional personnel and parents and other family members to provide child development and family services;

(4) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development and family service programs available to them and may become directly involved in such programs;

(5) programs designed to extend comprehensive prekindergarten early childhood education techniques and gains (particularly parent participation) into kindergarten and early primary grades (one through three) in cooperation with local educational agencies;

(6) parent and child centers, homestart, followthrough and other supplementary services and activities.

(7) rental, lease or lease-purchase, mortgage amortization payments, remodeling, renovation, alternation, acquisition of necessary equipment and supplies, and to the extent authorized in section 109, construction or facilities;

(8) programs pursuant to subsection (a) of this section operated by or with the assistance of students or faculty members of a college or university located in the community served, provided the program otherwise meets the standards established by this Act;

(9) allowances for transportation and other costs with respect to children in cases where such costs are necessary to and directly related to such child's participation in programs under this title;

(10) examination and inspection of child development and family service facilities for lead poisoning and other hazards and the correction of such hazards in the facilities;

(11) staff and other administrative expenses of child and family service councils, local program councils, and project policy committees established and operated in accordance with the provisions of this title; and

(12) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this title.

STATE AND LOCAL PRIME SPONSORS

SEC. 102. (a) In accordance with the provisions of this section, the Secretary may designate as a prime sponsor for the purpose of entering into arrangements directly with the Secretary to carry out programs under this title within a State the following:

(1) any State;

(2) any unit of general local government or any combination of such units having a total population of twenty-five thousand or more persons on the basis of the most satisfactory current data;

(3) any unit of general local government or any combination of such units, without regard to population, subject to a demonstration by the applicant that (A) it has the capability to carry out adequately a comprehensive child development and family service program, and (B) there is a particular demand for services and availability of resources within the area to be served;

(4) any Indian tribal organization;

(5) any other public or private nonprofit agency meeting the requirements of subsection (h) of this section.

(b) Such applicants under this subsection may be designated if the Secretary determines that the applicant has the capability of effectively carrying out comprehensive programs under this Act and has submitted a satisfactory prime sponsorship plan which—

(1) describes the prime sponsorship area to be served;

(2) sets forth satisfactory provisions for establishing and maintaining a child and family services council which meets the requirements of section 103;

(3) provides that the prime sponsor shall be responsible for developing and preparing for each fiscal year a program statement in accordance with section 104 and any modification thereof and for selecting or establishing an agency or agencies to administer and coordinate child development and family service programs in the prime sponsorship area;

(4) sets forth arrangements under which the Child and Family Service Council will be entitled to approve program statements, basic goals, policies, and procedures and the selection or establishment and annual renewal of any agency or agencies under paragraph (3) of this section and will be responsible for annual and ongoing evaluation of child development and family service programs conducted in the prime sponsorship area according to criteria established by the Secretary;

(5) provides assurances that staff and other administrative expenses for the Child and Family Service Councils and Local Program Councils and Project Policy Committees will not exceed 5 per centum of the total cost of child development programs administered by the prime sponsors unless such per centum limitation is increased to give special consideration to initial cost in the first operational year, in accordance with regulations which the Secretary shall prescribe;

(6) provides assurances that the prime sponsor will provide, in an effective, coordinated, and comprehensive manner (through the administering agency or agencies established or selected pursuant to this subsection), directly or by contract or arrangement with State, local, or other public agencies or private nonprofit agencies or organizations, where available—

(A) child-related family, social, and rehabilitative services;

(B) coordination with educational agencies and providers of educational services;

(C) health (including family planning) and mental health services;

(D) nutrition services;

(E) training of professional and paraprofessional personnel;

(F) where necessary full-time administrative personnel to conduct the program;

(7) sets forth procedures to insure that all project applications for financial assistance in the area to be served are given due consideration, in accordance with regulations promulgated by the Secretary;

(8) in the case of an applicant for prime sponsorship which is a State applying for designation as prime sponsor for geographical areas within the State, in addition to the

provisions otherwise required to be included in its prime sponsorship plan in accordance with this section, sets forth adequate provisions—

(A) for designating local family service areas each of which shall serve a geographical area covered by (i) a unit of general local government, or (ii) units of general local government serving a total population of not move than fifty thousand persons except that the Secretary may, upon application by such prime sponsors, permit designation of one or more local family service areas serving a population of not more than one hundred thousand persons where necessary in order to carry out most effectively the purposes and provisions of this Act;

(B) for establishing and maintaining with respect to each local family service area a local program council composed so that (i) not less than half of the members of each such council shall be parent members who shall be chosen initially by parents who are recipients of federally assisted day care services, with equitable and appropriate consideration to parents selected by the parent members of Headstart policy committees where they exist, and at the earliest practicable time by the parent members of project policy committees, and (ii) the remainder shall be public members broadly representative of the general public, as described in section 103(a)(2)(A), appointed by the chief executive officers or the governing bodies, as appropriate, of the units of general local government within the local program area;

(C) to assure that the program statement to be submitted by the State which affects each local family service area is developed and prepared with full participation and approval of the appropriate local program council; and

(D) to assure that contracts for the operation of programs through public or private agencies or organizations shall be entered into only if previously approved by the local program council for the appropriate local family service area; and

(E) to assure that the local program council's disapproval shall require a majority vote of the council present and voting within thirty days of submission of the issue to the council for such a vote and in the absence of such action by the council, the issue shall be deemed to have been approved. A majority of the council shall constitute a quorum for the purpose of transacting business.

(c) Any local program council may appeal directly to the Secretary whenever such council alleges that with respect to its portion of the program statement the State has failed to comply with the provisions of the program statement or the provisions of this Act.

(d)(1) The Secretary shall approve a prime sponsorship plan submitted by a State if he determines that the plan so submitted meets the requirements of this section and sets forth adequate arrangements for serving all geographical areas under its jurisdiction.

(2) Notwithstanding subsections (e), (f), and (g) of this section, the Secretary is authorized, in accordance with this paragraph, to approve Statewide prime sponsorship plans which he determines set forth satisfactory arrangements for carrying out demonstration projects providing for the State to be designated as prime sponsor for the entire State and which meet each of the requirements of subsections except that if any unit of general local government having a population of one million or more persons within any such State elects to apply for prime sponsorship designation and submits a plan meeting the requirements of this section the Secretary shall designate such unit as the local prime sponsor, and in such case the Statewide plan described in this paragraph shall cover the balance of the State. The Secretary shall designate as Statewide prime sponsors under this paragraph not more than five States, having a combined population of not more than 20 per centum of the total population of all of the States in the Nation, which have demonstrated capability and (b) and (c) of this section, leadership in the field of child development and which are located in various regions of the Nation and have a variety of characteristics, including differing population sizes and urban, metropolitan, and rural area and industrial and work force composition. A State shall be designated as a Statewide prime sponsor under this paragraph only if the Secretary determines that—

(A) a reasonable opportunity has been provided to each unit of general local government or combination thereof or Indian tribal organization within such State eligible under paragraph (2) or (4) of subsection (a) of this section to submit comments to the State and to the Secretary; and

(B) the prime sponsorship plan submitted by such State takes into account, to the extent appropriate, the comments submitted in accordance with clause (A) of this paragraph.

(e)(1) The Secretary shall approve a prime sponsorship plan submitted by a unit of general local government which is (A) a city eligible under subsection (a)(2) of this section, or (B) a county or other unit of general local government eligible under subsection (a)(2) of this section (excluding the number of such persons included within the population of any city which is designated as a prime sponsor under clause (A) of this paragraph), if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development and family services programs in the area covered by such unit of general local government.

(2) In the event that a State has submitted a prime sponsorship plan under subsection (a) of this section to serve a geographical area covered by the plan of an applicant under paragraph (2), (3), or (4) of subsection (a), the Secretary shall designate to serve such area the applicant which he determines has the capability of more effectively carrying out the purposes of this title with respect to such area.

(3) In the event that the area under the jurisdiction of a unit of general local government described in clause (A) or (B) of paragraph (1) of this subsection includes any common geographical area with that covered by another such unit of general local government, the Secretary shall designate to serve such area the unit of general local government which he determines has the capability of more effectively carrying out the purposes of this title with respect to such area and which has submitted a plan which meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development and family services programs in such area.

(f) The Secretary shall approve a prime sponsorship plan submitted by a combination of units of general local government eligible under subsection (a)(2) of this section (excluding the number of such persons included within the population of any city which is designated as a prime sponsor under clause (A) of subsection (e)(1)), if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development and family services programs in the area covered by the combination of such units of general local government.

(g) The Secretary shall approve a prime sponsorship plan submitted by an Indian tribal organization if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development and family service programs in the area to be served.

(h) The Secretary may approve a prime sponsorship plan submitted by a unit or combination of units of general local government or by a public or private nonprofit agency, including but not limited to a community action agency, single-purpose Headstart agency, public or private educational agency or institution, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, employer organization, labor union, or employee or labor-management organization, if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes provisions setting forth—

(1) arrangements for serving children in a community or neighborhood or other urban or rural area possessing a commonality of interest (A) with respect to which there is no prime sponsorship designation in effect, or (B) with respect to any portion of an area where a designated prime sponsor is found not to be satisfactorily implementing child development and family services programs which adequately meet the purposes of this part, or (C) for making available special services, in accordance wtih criteria established by the Secretary, designed to meet the needs of economically disadvantaged or preschool children or children of working mothers or single parents; or

(2) arrangements for providing comprehensive child development and family services programs on a year-round basis to children of migrant agricultural workers and their families; or

(3) arrangements for carrying out model programs especially designed to be responsive to the needs of economically disadvantaged, minority group, bilingual, or preschool children or to demonstrate the feasibility of conducting child development and family services programs on the basis of a neighborhood or other area possessing a commonality of interest in any locality.

(i) The Governor shall be given not less than thirty nor more than sixty days to review applications for prime sponsorship designation submitted by any applicant other than the State, to offer recommendations to the applicant, and to submit comments to the Secretary.

(j) A prime sponsorship plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons therefor, (2) a reasonable time in which to submit corrective amendments to such plan or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(k)(1) If any party is dissatisfied with the Secretary's final action under subsection (j) with respect to the disapproval of its plan submitted under this section or the withdrawal of its prime sponsorship designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further

proceedings. Such new or modified findings of fact shall be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(l) When any unit or combination of units of general government or other prime sponsor is maintaining a pattern or practice of discrimination against minority group persons or against economically disadvantaged children, the Secretary shall approve the application for prime sponsorship of an alternative unit of government or public or private nonprofit agency or organization in the area which will equitably serve minority group and economically disadvantaged children.

(m) In the event that a State, a unit or combination of units of general local government, or an Indian tribal organization has not submitted a program statement under this section or the Secretary has not approved a plan so submitted, or where the Secretary has not designated or has withdrawn designation of prime sponsorship under this section, or where the needs of migrants, pre-school-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served, the Secretary may directly fund projects, including those in rural areas without regard to population, that he deems necessary in order to serve the children of the particular area.

CHILD AND FAMILY SERVICES COUNCILS

SEC. 103. (a) Each prime sponsor designated under section 102 shall establish and maintain a Child and Family Services Council composed of not less than ten members as follows—

(1) not less than half the members of such Council shall be parents of children served in programs under this Act chosen in accordance with the provisions of paragraph (1) of subsection (b) of this section;

(2) the remaining members shall be appointed by the chief executive officer or the governing body, whichever is appropriate, of the prime sponsor to represent the public, but (A) not less than half of such members shall be persons who are broadly representative of the general public, including government agencies, public and private agencies and organizations in such fields as education, economic opportunity, health, welfare, employment and training, business or financial organizations or institutions, labor unions, and employers, and (B) the remaining members, the number of which shall be either equal to or one less than the number of members appointed under clause (A), shall be persons who are particularly skilled by virtue of training or experience in child development, child health, child welfare, education or other child and family services, except that the Secretary may waive the requirement of this clause (B) to the extent that he determines, in accordance with regulations which he shall prescribe, that such persons are not available to the area to be served; and

(3) in establishing a Child and Family Services Council under this section, the prime sponsor shall give due consideration to the membership of day care coordinating bodies then existing in the area to be served.

At least one-third of the total membership of the Child and Family Services Council shall be persons who are economically disadvantaged. Each Council shall select its own chairman.

(b) In accordance with procedures which the Secretary shall establish pursuant to regulations, each prime sponsor designated under section 102 shall provide, with respect to the Child and Family Services Councils established and maintained by such prime sponsor, that—

(1) the parent members described in paragraph (1) of subsection (a) of this section shall be chosen as follows:

(A) in the case of Councils established by prime sponsors which are States, by the parent members of local program councils established under section 102(b) (8); and

(B) in the case of Councils established by prime sponsors other than States (and by States with respect to local program councils) initially by parents who are recipients of federally assisted day care services, with equitable and appropriate consideration to parents selected by the parent members of Headstart policy committees and, at the earliest practicable time by the parent members of project policy committees;

(2) the terms of office and any other policies and procedures of an organizational nature including nomination and election procedures, are appropriate in accordance with the purposes of this Act;

(3) such "Council shall be entitled to exercise the power of approval consistent with section 102(b)(4), and the Council's disapproval shall require a majority vote of the Council present and voting within thirty days after submission of the issue to the Council for such a vote and in the absence of such action by the Council, the issue will be deemed to have been approved. A majority of the Council shall constitute a quorum for the purpose of transacting business; and

(4) such Council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before action is taken by the prime sponsor upon applications for financial assistance submitted by project applicants under this title.

PROGRAM STATEMENTS

SEC. 104. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year to a prime sponsor designated under section 102 only pursuant to a program statement which is submitted by such prime sponsor directly to and approved by the Secretary in accordance with the provisions of this title. Any such program statement shall set forth a comprehensive program for providing child development and family services in the prime sponsorship area which—

(1) provides that programs or services under this title shall be provided only for children whose parents request them;

(2) identifies child development and family service needs and goals within the area to be served and describes the purpose for which the financial assistance will be used;

(3) meets the needs of children and families in the prime sponsorship area, to the extent that available funds can be reasonably expected to have an effective impact, with priority to children who have not attained six years of age;

(4)(A) provides that funds received under section 3(c)(1) of this title will be used for child development programs and services focused upon young children from low-income families, giving priority to continued financial assistance for Headstart projects by reserving for such projects from such funds in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies and organizations within the prime sponsorship area for programs during the fiscal year ending June 30, 1973, under section 222(a)(1) of the Economic Opportunity Act of 1964, and (B) provides that programs receiving funds under section 3(c)(3) will give priority to providing services for economically disadvantaged children by reserving not less than 65 per centum of such funds for the purpose of serving economically disadvantaged children.

(5) gives priority thereafter to providing child development and family services programs and services to children of working mothers and single parents not covered under paragraph (4);

(6) provides for direct parent participation in the conduct, overall direction, and evaluation of programs;

(7) provides procedures for the approval of project applications submitted in accordance with section 105;

(8) provides in the case of a prime sponsor which is a State that project applications shall be approved by the prime sponsor only if previously approved by the local program council for the appropriate local family service area, in accordance with section 102(b)(8)(E);

(9)(A) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangement for cooperative funding where appropriate, and particularly for such coordination where appropriate to meet the needs for child development and family services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

(B) provides for coordination of other federally funded child development and family service, child care, and related programs (including those relating to manpower training and employment) with the programs assisted under this Act, as required pursuant to regulations established by the Secretary under Section 311(b) of this Act.

(C) assures that procedures and mechanisms for coordination have been developed in cooperation with agencies and organizations carrying out preschool programs and administrators of local educational agencies and nonpublic schools, at the local level, to provide continuity between programs for preschool and elementary school children and to coordinate programs conducted under this title and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act of 1965; and

(D) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business or financial institutions or organizations, industry, labor, employee and labor-management organizations, and other community groups;

(10) provides that, to the extent feasible, each program within the prime sponsorship area shall include children from a range of socioeconomic background;

(11) provides comprehensive services (A) to meet the special needs of minority group children and children of migrant agricultural workers with particular emphasis on the needs of children from bilingual families for the development of skills in English and in the other language spoken in the home, and (B) to meet the needs of all children to understand the history and cultural background of minority groups which belong to the communities;

(12) provides equitably for the child development and family services needs of children from each minority group and significant segment of the economically disadvantaged residing within the area served;

(13) includes a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

(14) provides that, insofar as possible, persons residing in communities being served by such projects will be employed therein, including in-home and part-time employ-

ment and opportunities for training in programs under title II of this Act, with special consideration for career opportunities for low-income persons;

(15) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and other interested persons in the community are fully informed of the activities of the prime sponsor, Child and Family Services Council, local program councils, and of delegate agencies;

(16) sets forth provisions describing any arrangements for the delegation, under the supervision of the Child and Family Services Council, to public or private agencies, institutions, or organizations, of responsibilities for the delivery of programs, services, and activities for which financial assistance is provided under this Act or for planning or evaluation services to be made available with respect to programs under this Act;

(17) contains plans for regularly conducting surveys and analyses of needs for child development and family services programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall require by regulation;

(18) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

(19) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

(20) provides that special consideration will be given to project applications submitted by public and private nonprofit agencies and organizations with on-going programs;

(21) provides procedures for the Council to select, and establish policy with respect to tenure and status of, its employees.

(b) No program statement or modification thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines, in accordance with regulations which the Secretary shall prescribe, that—

(1) each community action agency or single-purpose Headstart agency in the area to be served previously responsible for the administration of programs under this part or under section 222(a)(1) of the Economic Opportunity Act of 1964 has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(2) the local educational agency for the area to be served and other appropriate educational and training agencies and institutions have had an opportunity to submit comments to the prime sponsor and to the Secretary; and

(3) in the case of a plan submitted by a prime sponsor other than the State, the State Child and Family Services Council has had an opportunity to submit comments to the prime sponsor and to the Secretary.

(c) A program statement submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons therefor, (2) a reasonable time to submit corrective amendments to such plan or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(d) In order to contribute to the effective administration of this title, the Secretary shall establish appropriate procedures to permit sponsors to submit jointly a single program statement for the areas served by such prime sponsors.

PROJECT APPLICATIONS

SEC. 105. (a) Financial assistance under this title may be provided to a project applicant for any fiscal year only pursuant to a project application which is submitted by a public or private agency and which provides—

(1) that funds will be provided for carrying out any child development and family services program under this title only to a qualified public or private agency or organization, including but not limited to a community action agency, single-purpose Headstart agency, public or private educational agency or institution, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, private organization interested in child development, employer or business organization, labor union, or employee or labor-management organization;

(2) for establishing and maintaining project policy committees composed of not less than ten members as follows—

(A) not less than half of the members of each such committee shall be parents of children served by such project, and

(B) the remaining members of each such committee shall consist of (i) persons who are representative of the community and who are approved by the parent members, and (ii) one persons who is particularly skilled by virtue of training or experience in child development, child health, child welfare, or other child care services, except that the Secretary may waive the requirement of this clause (ii) where he determines, in accordance with regulations which he shall prescribe, that such person is not available to the area to be served;

(3) for direct participation of such project policy committees in the development and preparation of project applications under this title;

(4) that adequate provision will be made for training and other administrative expenses of such project policy committees (including necessary expenses to enable low-income members to participate in council or committee meetings);

(5) that project policy committees shall have responsibility for approving basic goals, policies, actions, and procedures for the project applicant, and for planning, overall conduct, personnel, budgeting, location of centers and facilities, and direction and evaluation of projects;

(6) that the project policy committee's disapproval shall require a majority vote of the committee present and voting within thirty days of submission of the issue to the committee for such a vote and in the absence of such action by the committee, the issue shall be deemed to have been approved, and a majority of the Council shall constitute a quorum for the purpose of transacting business;

(7) that programs assisted under this title will provide for such comprehensive health, nutritional, education, social, and other services, as are necessary for the full development of each participating child;

(8) that adequate provision will be made for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

(9) that with respect to child development and family services provided by programs assisted under this title—

(A) no charge will be made with respect to any child who is a member of any family with an annual income equal to or less than $4,320 with appropriate adjustments in the case of families having more than two children, except to the extent that payment will be made by a third party (including a public agency); and

(B) such charges as the Secretary may provide will be made with respect to any child of any other family, in accordance with an appropriate fee schedule established by him, designed to permit enrollment or continued participation in the program as family income increases and based upon the ability of the family to pay, which payment may be made in whole or in part by a third party in behalf of such family, except that any such charges with respect to any family with an income of less than the lower living standard budget (as determined in accordance with paragraph (5) of section 4) shall not exceed the sum of (i) an amount equal to 10 per centum of any family income which exceeds the highest income level at which no charges would be made with respect to children of such family under subparagraph (A) but does not exceed 85 per centum of such lower living standard budget, and (ii) an amount equal to 15 per centum of any family income which exceeds 85 per centum of such lower living standard budget but does not exceed 100 per centum of such lower living standard budget, and, if more than two children from the same family are participating, additional charges may be made not to exceed the sum of the amounts calculated in accordance with clauses (i) and (ii) with respect to each such additional child or, the actual cost of services, whichever is less, except that charges less than those prescribed by the Secretary pursuant to this paragraph (B) may be made with respect to any program, where the Secretary, upon application of any prime sponsor, determines that such lower charges are necessary in order to take into account actual living expenses within the prime sponsorship area, to meet the special needs of economically disadvantaged persons within such area, or to insure consistency with fee schedules for similar services under other laws.

(10) that children will in no case be excluded from the programs operated pursuant to this title because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

(11) that programs will, to the extent appropriate, employ paraprofessional aides and volunteers, especially parents, older children, students, older persons, and persons preparing for careers in child development programs;

(12) that no person will be denied employment in any program solely on the ground that such person fails to meet State or local teacher certification standards;

(13) that there are assurances satisfactory to the Secretary that the non-Federal share requirements will be met; and

(14) that provision will be made for such fiscal control and fund accounting procedures as the Secretary shall prescribe to assure proper disbursement of and accounting for Federal funds.

(b) A project application may be approved by a prime sponsor upon its determination that such application meets the requirements of this section and that the programs provided for therein will otherwise further the objectives and satisfy the appropriate provisions of the prime sponsor's program statement as approved pursuant to section 104.

(c) A project application from a public or private nonprofit agency which is also a prime sponsor under section 102 shall be submitted directly to the Secretary, together with the program statement.

(d) A prime sponsor may disapprove a project application only if it provides to the project applicant a written statement of the reasons therefor. Such project applicant may submit an appeal to the Secretary requesting the direct approval of such application or modification thereof. Any such appeal shall include such comments, including the project applicant's response to the prime sponsor's statement of reasons for disapproval, as the project applicant may deem appropriate or as the Secretary may require.

(e) A project application submitted directly to the Secretary may be approved by the Secretary upon his determination that it meets the requirements of subsection (a) of this section.

ANNUAL FAMILY SERVICE PLANS

SEC. 106. (a) In addition to any program statement submitted with respect to fiscal years beginning after June 30, 1973, any State desiring to receive additional financial assistance pursuant to section 108(a)(3) for its own use, or for grants to or contracts with prime sponsors within such States, for activities authorized in this title, shall submit an annual family service plan.

(b) Such plan shall be approved by the Secretary upon a determination that it sets forth adequate agreements between State and local prime sponsors for maximum coordination of child development and family services within the State and for full utilization of resources within the State, including, but not limited to agreements with respect to—

(1) the determination of general child development and family service goals and needs throughout the State;

(2) comprehensive planning and coordination of child development and family service programs to be conducted within the State;

(3) arrangements under which State agencies shall assist in the establishment of Child and Family Services Councils and in strengthening the capability of such Councils to participate effectively in programs under this Act where requested by local prime sponsors;

(4) arrangements under which State agencies shall assist in providing health, educational, family planning, education, nutrition, and other components of child development and family service programs and facilities and training related thereto where requested by local prime sponsors in the development and implementation of program statements submitted by local prime sponsors;

(5) arrangements for conducting programs for the exchange of personnel involved in child development and family service programs within the State;

(6) procedures for assessing State and local licensing codes and teaching standards as they relate to child development and family service programs within the State; and

(7) procedures for disseminating model program information and the results of research on programs for children and families.

SPECIAL COOPERATIVE PROGRAMS WITH EDUCATIONAL INSTITUTIONS AND OTHER PROJECT SPONSORS

SEC. 107. (a) The Secretary shall provide assistance made available for the purpose of this section pursuant to clause (e) of section 108(a)(1) of this title to educational agencies and institutions to be used by such agencies and institutions in cooperation with other project applicants pursuant to program statements for the purpose of planning, carrying out, and evaluating cooperative programs and activities designed (1) to provide continuity between preschool programs, afterschool programs and educational and related programs conducted by such agencies and institutions, including those conducted under the Elementary and Secondary Education Act of 1965, such as joint design of programs, provision for interchange and progression of children between programs, cooperative use of professional, technical and administrative personnel and development of sequential programs to be conducted by several component agencies or organizations, and (2) to maximize community involvement in child development and family services programs by providing model projects which provide for the location of child development centers within, adjacent to, or in close proximity of secondary schools, or senior citizens centers, or both, so as to give secondary students practical work opportunities and firsthand experiences in child development and family services and to give senior citizens the opportunity to become involved and to share their experiences and talents with preschool children. Such projects shall, to the extent feasible, foster a home-school relationship by employing the parents of the children enrolled in the center as teacher aides on a rotating basis. The Secretary shall encourage all agencies within the Department of Health, Education, and Welfare, including the Office of Child Development, the Office of Education, and the Administration on Aging, to carry out the provisions of this subsection.

(b) Nothing in this section shall be construed to limit the opportunity of any agency or institution receiving assistance under this section from otherwise receiving assistance under this title.

ALLOCATION OF FUNDS

SEC. 108. (a)(1) From the amounts available for carrying out comprehensive child development and family services programs under this title (after making the reservations provided for in clauses (1) and (2) of section 3(c) of this Act), the Secretary shall reserve the following:

(A) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children of migrant agricultural workers on an equitable basis, and to the extent practicable in proportion to the relative numbers of children served in each such program;

(B) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children in Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children in Indian tribal organizations on an equitable basis, and to the extent practicable in proportion to the relative numbers of children in each such program;

(C) not less than 10 per centum of the total amount available for carrying out this title, which shall be made available for the purposes of section 101(b)(1)(C) of this title (relating to special activities for handicapped children);

(D) not less than 5 per centum nor more than 10 per centum of the total amount available for carrying out this title, which shall be made available under section 102(h)(3) of this title (relating to model programs); and

(E) not less than 8 per centum of the total amount available for carrying out this title (special cooperative programs with educational institutions).

(2) The Secretary shall allocate the remainder of the amounts available for this title (except for funds made available under pargaraphs (1) and (3) of section 3(c) of this Act) among the States, and within the States among local areas, so as to provide, to the extent practicable, for the geographical distribution of such remainder in such a manner that—

(A) 50 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of economically disadvantaged children in each State and local area, respectively, excluding those children who are eligible for service under clauses (A) and (B) of paragraph (1) of this subsection.

(B) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children through age five in each State and local area, respectively; and

(C) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children of working mothers and single parents in each State and local area, respectively.

For the purposes of clauses (A) and (B) of this paragraph, there shall be excluded those children who are counted under clauses (A) and (B) of subsection (a)(1) of this section.

(3) Not to exceed 10 per centum of the total funds allotted for use within a State pursuant to paragraph (2) may be made available to enable States to carry out the provisions of section 106 of this title.

(b) Any portion of any apportionment under subsection (a) for a fiscal year which the Secretary determines will not be required, for the period for which such apportionment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, to other States or local areas on an equitable basis, taking into account the original apportionments to the States and local areas. Any amount reapportioned to a State or local area under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year.

(c) In determining the numbers of children for purposes of allocating and apportioning funds under this section, the Secretary shall use the most recent satisfactory data available to him.

(d) As soon as practicable after funds are appropriated to carry out this title for any fiscal year, the Secretary shall publish in the Federal Register the allocations and apportionments required by this section.

ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION OR ACQUISITION

SEC. 109. (a) Applications for financial assistance for projects including construction or acquisition may be approved only if the Secretary determines that construction or acquisition of such facilities is essential to the provision of adequate child care services, and that rental, lease or lease-purchase, remodeling, or renovation of adequate facilities is not practicable.

(b) If any facility assisted under this title shall cease to be used for the purposes for which it was constructed, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5. The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is to be repaid shall not be more than twenty-five years.

(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than public or private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this title. Not more than 15 per centum of the total financial assistance provided to a prime sponsor under this title shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

SEC. 110. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within eighteen months after enactment of this Act report to the Congress with respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations, through appropriate arrangements, for use as facilities for child care programs under this title during times and periods which not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such use.

(b) The Secretary may require, as a condition to the receipt of assistance under this title, that any prime sponsor under this title agree to conduct a review and provide the Secretary with a report as to the extent to which facilities, owned or leased by such prime sponsor, or by other agencies in the prime sponsorship area, could be made available, through appropriate arrangements, for use as facilities for child development and family services programs under this title during times and periods when not utilized fully for their usual purposes, together with the prime sponsor's proposed actions for such use.

PAYMENTS

SEC. 111. (a) In accordance with this section, the Secretary shall pay from the applicable allocation or apportionment under section 108 the Federal share of the costs of programs, services, and activities, in accordance with plans, program statements, or applications which have been approved as provided in this title. In making such payment to any prime sponsor, the Secretary shall include in such costs an amount for staff and other administrative expenses for the Child and Family Services Councils, local program councils, and project policy committees, consistent with limitations contained in this title.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Secretary shall pay an amount not in excess of 90 per centum of the cost of carrying out programs, services, and activities under this title. The Secretary may, in accordance with such regulations as he shall prescribe, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development and family services needs of economically disadvantaged children.

(2) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child development and family services programs for children of migrant agricultural workers and their families under this title.

(3) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child development and family services programs for children in Indian tribal organizations under this title.

(c) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated or union or employer contributions. Fees collected for services shall not be used for the non-Federal share, but shall be used by the project applicant for the same purposes as payments under this section, except that, in the case of projects assisted under a program statement, such fees shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allocation under section 108(a)(2).

(d) If, with respect to any fiscal year, a prime sponsor or project applicant provides non-Federal contributions or any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

(e) No State or unit of general local government shall reduce its expenditures for child care programs by reason of assistance under this title.

TITLE II—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND EVALUATION

CHILD DEVELOPMENT AND FAMILY SERVICES PERSONNEL TRAINING PROGRAMS

SEC. 201. (a) The Secretary is authorized to provide financial assistance to enable individuals employed or preparing for employment in child development and family services programs assisted under this Act, including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by institutions of higher education, State and local child development and family service agencies, State and local educational agencies, agencies carrying out child development and family service programs, private companies and organizations engaged in teacher training, teacher training institutions, national child development and family service organizations, and producers of television programing. The Secretary is authorized to make grants or enter into contracts under this section for the purpose of establishing, developing, or upgrading child development and family services personnel training programs which shall include, but shall not be limited to, the development of programs to—

(1) provide postgraduate level training for teachers of professional and paraprofessional child development and family services personnel and for teachers of teachers of such personnel;

(2) attract and recruit personnel, both male and female, including parents, students, and older persons, to training for and subsequent employment in child development and family services programs;

(3) retrain personnel prepared for or experienced in education at levels other than childhood so as to enable them to function effectively in child development and family services programs; institutions, national child development and family service organizations, and producers of television programing. The Secretary is authorized to make grants or enter into contracts under this section for the purpose of establishing, developing, or upgrading child development and family services personnel training programs which shall include, but shall not be limited to, the development of programs to—

(1) provide postgraduate level training for teachers of professional and paraprofessional child development and family services personnel and for teachers of teachers of such personnel;

(2) attract and recruit personnel, both male and female, including parents, students, and older persons, to training for and subsequent employment in child development and family services programs;

(3) retrain personnel prepared for or experienced in education at levels other than childhood so as to enable them to function effectively in child development and family services programs;

(4) provide preservice and inservice training of professional and paraprofessional personnel for teaching, management and supervisory, and administrative positions in child development and family services programs, including the training and certification of Child Development Associates;

(5) help parents and high school students understand and practice sound child development and family techniques; and

(6) develop educational television programs and accompanying materials for training child development and family services personnel, parents, and high school students in the principles of child development and family services.

(b) The Secretary shall take whatever steps he deems appropriate to achieve the coordination of all federally sponsored child development and family services personnel training programs already in operation with the programs to be established under this Act and to assure the coordination of training programs with employment opportunities for such personnel.

TECHNICAL ASSISTANCE AND PLANNING

SEC. 202. The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis, to assist them in planning, developing, and carrying out child development and family services programs.

TITLE III—SUPPORTIVE SERVICES AND SPECIAL ACTIVITIES

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 301. (a) The Secretary is authorized to make an evaluation of Federal involvement in activities and services for children and families by contract with any public or private agencies, organizations, and individuals. Prime sponsors and project applicants assisted under this Act and departments and agencies of the Federal Government shall, upon request by the Secretary, make available, consistent with other provisions of law, such information as the Secretary determines is necessary for purposes of making the evaluation required under this subsection. The Secretary shall reserve for the purposes of this subsection not less than 1 per centum, and may reserve for such purposes not more than 2 per centum, of the amounts available under this Act for any fiscal year.

(b) The Secretary is authorized to carry out a program of research and demonstration projects, which shall include but not be limited to—

(1) research to determine the nature of child development processes and the impact of various influences upon them, to develop techniques to measure and evaluate child development, to develop standards to evaluate professional and paraprofessional child development personnel, and to determine how child development and family services programs conducted in either home or institutional settings affect child development processes;

(2) research to test preschool programs emphasizing reading and reading readiness;

(3) preventive medicine and techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases and learning disabilities of preschool children;

(4) research to test alternative methods of

providing child development and family services, and to develop and test innovative approaches to achieve maximum development of children;

(5) evaluation of research findings and the development of these findings and the effective application thereof;

(6) dissemination and application of research and development efforts and demonstration projects to child development and family services and related programs and early childhood education, using regional demonstration centers and advisory services where feasible;

(7) production of informational systems and other resources necessary to support the activities authorized by this Act;

(8) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

(c) In carrying out this section, the Secretary shall give priority to providing financial assistance for child development and family services programs carried out by multicounty local development districts established in the Appalachian Regional Development Act of 1965, as amended, or title V of the Public Works and Economic Development Act of 1965, as amended.

(d) In order to carry out the program provided for in this section, the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or private nonprofit agencies (including other Government agencies), organizations, and institutions, and to enter into contracts with private agencies, organizations, institutions, and individuals.

(c)(1) Funds available to any Federal department or agency for the purposes of this title shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Secretary for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Secretary for the purposes for which the transfer was made.

(2) The Secretary shall coordinate, through the Office of Child Development established under section 305 of this title, all child development research, training, and development efforts, conducted within the Department of Health, Education, and Welfare and, to the extent feasible, by other agencies, organizations, and individuals.

(f) The Secretary is authorized to provide financial asistance for the purpose of establishing and operating child care programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) subject to the fullest extent practicable to the requirements of section 105, for the children of employees of the Federal Government;

(g) The Secretary shall—

(1) conduct special demonstration experimental and model programs, which demonstration, experimental and model programs shall be subject to the fullest extent practicable to each of the requirements with respect to project applications under section 105;

(2) establish procedures to assure that adequate nutrition services will be provided in programs conducted under this Act, which services shall make use of the special food service program for children as defined under section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with the provisions of such Acts; and

(3) report to Congress not later than September 1, 1975, summarizing his activities and accomplishments under this section during the preceding fiscal year and the grants, contracts, or other arrangements entered into and making such recommendations (including recommendations for legislation) as he may deem appropriate.

FEDERAL STANDARDS FOR CHILD DEVELOPMENT AND FAMILY SERVICES

SEC. 302. (a) Within six months after the enactment of this Act, the Secretary shall, after consultation with other Federal agencies and with the Committee established pursuant to subsection (c) of this section, promulgate a common set of program standards which shall be applicable to all programs providing child development and family services under this Act, to be known as the Federal Standards for Child Development and Family Services. If the Secretary disapproves the Committee's recommendations, he shall state the reasons therefor.

(b) Such standards shall be consistent with the Federal Interagency Day Care Requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968: *Provided, however,* That in the case of group care facilities, the ratio of caregivers to children under two shall not be more than one to two, such care to be provided for in groups of not more than four.

(c) The Secretary shall, within sixty days after enactment of this Act, appoint a Special Committee on Federal Standards for Child Development and Family Services, which shall include parents of children enrolled in Headstart, child care and family services programs, representatives of public and private agencies and organizations administering such programs, specialists, and other interested in services for children. Not less than one-half of the membership of the Committee shall consist of parents of children participating in programs conducted under this Act and section 222(a)(1) of the Economic Opportunity Act of 1964 and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development and Family Services and modifications thereof as provided in subsection (a).

(d) In no event shall any prime sponsor or program or project receiving assistance under this Act reduce the quality of services provided under this Act below the standards established in this section and section 302, in order to reduce expenditures per child or to extend services to larger numbers of children.

DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

SEC. 303. (a) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development and family services facilities receiving assistance under this Act or in which programs receiving assistance under this Act are operated. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children, their suitability for projected uses, and the relationship of such matters to the Federal Standards for Child Development and Family Services under section 302.

(b) The special committee appointed under this section shall include parents of children participating in Headstart, child care and other programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering such programs, and national agencies or organizations interested in services to children and families. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under title I and section 222(a)(1) of the Economic Opportunity Act of 1964 and title IV of the Social Security Act.

(c) Within one year after its appointment, the special committee shall complete a proposed uniform minimum code for facilities and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

(d) After considering the recommendations submitted by the special committee in accordance with subsection (c), the Secretary shall promulgate standards which shall be applicable to all facilities receiving Federal financial assistance under this Act or in which programs receiving Federal financial assistance under this Act are operated. If the Secretary disapproves the committee's recommendations, he shall state the reasons therefor. The Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with procedures set forth in this section.

MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

SEC. 304. (a) It is the purpose of this section to assist and encourage the provision of facilities for child development and family services.

(b) For the purpose of this section—

(1) The term "child development facility" means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development and family service programs.

(2) The terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary of Health, Education, and Welfare is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary of Health, Education, and Welfare, which demonstrates ability successfully to operate one or more child development and family service programs. The Secretary of Health, Education, and Welfare may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary of Health, Education, and Welfare may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary of Health, Education, and Welfare under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the child development

facility, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary of Health, Education, and Welfare shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary of Health, Education, and Welfare finds necessary to meet the mortgage market.

(4) The Secretary of Health, Education, and Welfare shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Minimum Code for Facilities approved by the Secretary pursuant to section 303.

(5) The Secretary of Health, Education, and Welfare shall not insure any mortgage under this section unless he has also received from the prime sponsor designated under title I of this Act a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

(e) The Secretary of Health, Education, and Welfare shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary of Health, Education, and Welfare is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary of Health, Education, and Welfare may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g) (1) The Secretary of Health, Education, and Welfare shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h) (1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary of Health, Education, and Welfare as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary of Health, Education, and Welfare may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary of Health, Education, and Welfare in connection therewith, and all earnings on the assets of the fund, shall be credited to the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Child Development Facility Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

OFFICE OF CHILD DEVELOPMENT

SEC. 305. The Secretary shall take all necessary action to coordinate child development and family service programs under his jurisdiction. To this end, he shall establish within the Office of the Secretary of the Department of Health, Education, and Welfare an Office of Child Development, administered by a Director, which office shall be the principal agency of the Department for the administration of this Act including research and evaluation and for the coordination of programs including all child development and family service research, training, and development efforts operated or funded by the Federal Government.

SPECIAL COORDINATING COUNCIL

SEC. 306. A Child Development Research Council, consisting of a representative of the Office of Child Development established under section 305 of this title (who shall serve as chairman), and representatives from the Federal agencies administering the Social Security Act and the Elementary and Secondary Education Act of 1965 and from the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Office of Economic Opportunity, the Department of Labor, and other appropriate agencies, shall meet on a regular basis, as they may deem necessary, in order to assure coordination of child development and related family service activities under their respective jurisdictions so as to assure—

(1) maximum utilization of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the achievement of the purposes of this Act;

(3) the establishment and maintenance of an information bank to insure that each office or agency of the Federal Government conducting child development and family service, child care and related family service activities is aware of the administrative actions of other offices or agencies with respect to the provision of financial assistance to eligible applicants; and

(4) recommendation of priorities for federally funded research and development activities related to the purposes of this Act.

SPECIAL PROVISIONS

SEC. 307. (a) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

(c) The Secretary make make such grants, contracts or agreement, establish such procedures, policies, rules, and regulations, and make such payments in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. Subject to the provisions of section 308, the Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(d) The Secretary shall not provide financial assistance for any program service, or activity under this Act unless he determines that persons employed thereunder, other than persons who serve without compensation, shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 206), if section 6(a) (1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar occupations by the same employer.

(e) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of section 603, of the Economic Opportunity Act of 1964.

(f) The Secretary shall not provide financial assistance for any program under this Act unless he determines that no funds will be used for and no person will be employed under the program in the construction, operation, or maintenance of so much of any facility as is for use for sectarian instruction or as a place for religious worship.

(g) Prime sponsorship plans, program statements, annual family service plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the State, the prime sponsor, the applicant, and by the Secretary.

WITHHOLDING OF GRANTS

SEC. 308. Whenever the Secretary, after reasonable notice and opportunity for a hearing for any State, prime sponsor, or project applicant, finds—

(1) that there has been failure to comply substantially with agreements contained in the State annual family service plan relating to coordination (in accordance with section 106); or

(2) that there has been a failure to comply substantially with any requirement set forth in the program statement of any such prime sponsor approved under section 105; or

(3) that there has been a failure to comply substantially with any requirement set forth in the application of any such project applicant approved pursuant to section 105; or

(4) that in the operation of any plan, program, or project carried out by any such State, prime sponsor, or project applicant or other recipient of financial assistance under this Act there is a failure to comply substantially with any applicable provision of this Act or regulation promulgated thereunder;

the Secretary shall notify such State, prime sponsor, project applicant, or other recipient of his findings and that no further payments may be made to such State, sponsor, project applicant, or other recipient under this Act (or in the Secretary's discretion that any such prime sponsor shall not make further payments under this Act to specified project applicants affected by the failure) until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected. The Secretary may authorize the continuation of payments with respect to any project assisted under this Act which is being carried out pursuant to such plan or application and which is not involved in any noncompliance.

FEDERAL CONTROL NOT AUTHORIZED

SEC. 309. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

SPECIAL PROHIBITIONS AND PROTECTIONS

SEC. 310. (a) (1) Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, physical, or other development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law.

(2) The Secretary is directed to establish appropriate procedures to insure that no child shall be the subject of any research or experimentation under this Act unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

(3) No child participating in a program assisted under this Act shall be required to undergo medical or psychological examination, immunization (except to the extent necessary to protect the public from epidemics of contagious diseases), or treatment without the prior written consent of the child's parent or guardian.

(b) The Secretary shall establish policies and procedures, in accordance with regulations which he shall prescribe, to assure that all programs and projects assisted under this Act address, on a continuing basis, the individual needs of and the appropriateness of child development services for the very young and other children served—

(1) children under the age of two shall not be placed in group care facilities unless it is deemed necessary and unless other suitable alternatives are unavailable. In any case where group care is provided for such children, the ratio of caregivers to children under the age of two shall not be more than one to two, such care to be provided for in groups of not more than four. Such care must approximate the mothering in the family home. Each child must receive to the extent possible individualized, consistent, and continuous care from one person with whom the child can interact.

(2) any program or project providing care outside the home for very young children shall be reviewed and evaluated periodically and frequently by the Secretary, to insure that it meets the highest standards of quality; and the Secretary may reserve such funds as he deems necessary from funds available under this Act for the purpose of evaluation, by appropriate persons, of programs under this Act in order to insure compliance with subsections (a) and (b) of this section.

(3) no program or project described in clause (1) of this subsection shall be approved for assistance under this Act unless it is specifically authorized and approved by the Secretary.

(c) (1) Upon determination that a prime sponsor or project is in violation of one or more of the provisions of this section, the Secretary shall give immediate public notice of such determination to such prime sponsor or project and, if such violation or violations have not been corrected, shall commence action within ninety days of such determination to withhold funds under section 308.

(2) Upon determination that a project is in violation of one or more of the provisions of this section, the prime sponsor shall give immediate notice of such determination to such project and, if such violation or violations have not been corrected, shall commence action within ninety days of such determination to withhold funds under section 308.

(d) Nothing in this Act shall be construed to authorize the creation or maintenance of child advocacy programs, nor shall any funds appropriated under the authority of this Act be used for the creation or maintenance of child advocacy programs unless specifically authorized by statute.

REPEAL OR AMENDMENT OF EXISTING AUTHORITY AND COORDINATION

SEC. 311. (a) In order to achieve, the greatest degree feasible, the consolidation and coordination of programs providing services for children, while assuring continuity of existing programs during transition to the programs authorized under this Act, the Economic Opportunity Act of 1964 is amended, effective July 1, 1975, as follows:

(1) Section 222(a) (1) of such Act is repealed.

(2) Section 162(b) of such Act is amended by inserting after "day care for children" the following: "(wherever feasible, through child care programs under the Comprehensive Headstart, Child Development, and Family Services Act of 1972)".

(3) Section 123(a) (6) of such Act is amended by inserting after "day care for children" the following: "(wherever feasible, through child care programs under the Comprehensive Headstart, Child Development, and Family Services Act of 1972)".

(4) Section 312(b) (1) of such Act is amended by inserting after "day care for children" the following: "(wherever feasible, through child care programs under the Comprehensive Headstart, Child Development, and Family Services Act of 1972)".

(b) After consultation with the head of any agency of the Federal Government immediately responsible for providing Federal assistance for child development and family service, child care, and related programs, including Title I of the Elementary and Secondary Education Act of 1965, section 222 (a) (2) of the Economic Opportunity Act of 1964, Title VII of the Housing and Urban Development Act of 1966, Title I of the Demonstration Cities and Metropolitan Development Act of 1966 and the Social Security Act, the Secretary of Health, Education and Welfare shall establish regulations to assure the coordination of all such programs with the programs assisted under this Act.

(c) (1) Section 203(j) (1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "or civil defense" and inserting in lieu thereof "civil defense, or the operation of child development facilities".

(2) Section 203(j) (3) of such Act is amended—

(A) by striking out, in the first sentence, "or public health" and inserting in lieu thereof "public health, or the operation of child development facilities",

(B) by inserting after "handicapped," in clause (A) and clause (B) of the first sentence the following: "child development facilities", and

(C) by inserting after "public health purposes" and the second sentence the following: ", or for the operation of child development facilities,".

(3) Section 203(j) of such Act is amended by adding at the end thereof the following new paragraph:

"(8) The term 'child development facility' means any such facility as defined in section 304(b) (1) of the Comprehensive Headstart, Child Development and Family Services Act.".

TRANSITIONAL AUTHORITY

SEC. 312. (a) The application of the formula prescribed by section 225(a) of the Economic Opportunity Act of 1964 for the allotment of funds among the States may be waived by the Director of the Office of Economic Opportunity to the extent he deems necessary to prevent hardship in the allotment of funds for programs under title II of such Act resulting from the discontinuance of the authorization for section 222 (a) (1) of such title by this Act.

(b) The Director of the Office of Economic Opportunity may extend assistance under sections 221 and 222(a) of the Economic Opportunity Act of 1964 to a community action agency or other agency which is in excess of the maximum prescribed in section 225(c) of such Act, if he determines, in accordance with such regulations as he shall prescribe, that the ability of such agency to provide its share of the programs costs pursuant to such section 225(c) has been impaired by virtue of the discontinuance of the authorization for section 222(a) (1) of such Act to an extent which justifies such additional assistance.

ACCEPTANCE OF FUNDS

SEC. 313. In carrying out the purposes and provisions of this Act, the Secretary is authorized to accept and utilize funds appropriated to carry out other provisions of Federal law if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Senate will now return to the consideration of S. 3390, a bill to amend the Foreign Assistance Act, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The pending amendment is the amendment by the Senator from Wyoming (Mr. McGee), which the clerk will read.

The legislative clerk read the amendment, as follows:

On page 9, line 25, strike out the figure "$275,000,000" and insert in lieu thereof "$345,500,000."

The PRESIDING OFFICER. There is a 3-hour limitation on the amendment. Who yields time?

Mr. SPARKMAN. Mr. President, it was my understanding from the Senator from West Virginia (Mr. Robert C. Byrd), that this amendment would be called up the first thing in the morning.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. I ask unanimous consent that no time be charged against this amendment today; that there now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes; and that on tomorrow, immediately following the remarks of the Senator from Iowa (Mr. Hughes), the Chair lay before the Senate the unfinished business (S. 3390). The pending question at that time will be on agreeing to the amendment of the Senator from Wyoming (Mr. McGee).

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

What is the pleasure of the Senate?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO TAKE UP THE PRODUCT SAFETY BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, immediately upon the disposition of the amendment (No. 1262) of the Senator from Wyoming (Mr. McGee) the unfinished business be temporarily laid aside; that the Senate proceed to the consideration at that time of S. 3419, the so-called product safety bill; and that the unfinished business remain in a temporarily laid aside status until the disposition of S. 3419 or the close of business tomorrow, whichever is earlier.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF CERTAIN INDIANS

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3230.

The PRESIDING OFFICER (Mr. Hughes) laid before the Senate the amendments of the House of Representatives to the bill (S. 3230) to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket numbered 279–A, and for other purposes which was to strike out all after the enacting clause, and insert:

That the funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana, in Indian Claims Commission docket numbered 739–A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided by the Secretary of the Interior on the basis of 50 per centum to the Assiniboine Tribe of the Fort Peck Reservation and 50 per centum to the Assiniboine Tribe of the Fort Belknap Reservation.

Sec. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used as provided in section 3 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, (b) persons who possess equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood and who elect to be enrolled as Sioux, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A.

Sec. 3. Upon agreement by the Fort Peck Assiniboine Tribe and the Fort Peck Sioux Tribe on the amount each agrees to contribute from the award to each tribe in Indian Claims Commission docket numbered 279–A, the agreed contribution of the Fort Peck Assiniboine Tribe shall be withdrawn from the $50,000, and interest thereon, withheld from per capita distribution pursuant to section 2 of this Act, and shall be credited to the joint account for expenditure pursuant to the Act of June 29, 1954 (68 Stat. 329): *Provided*, That upon request of the Fort Peck Assiniboine Tribe the Secretary of the Interior in his discretion may distribute all or part of the aforesaid $50,000 and interest thereon per capita to each person eligible under section 2 of this Act.

Sec. 4. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used as provided in section 5, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degrees of Fort Belknap Assiniboine and Fort Peck Gros Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 18, 1972 (Public Law 92–254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279–A.

Sec. 5. The $100,000 withheld from distribution under section 4, and interest thereon, may be used for any purpose authorized by the Assiniboine Treaty Committee of the Fort Belknap Assiniboine Tribe and approved by the Secretary of the Interior, including contributions to Reservation community projects and further per capita distribution.

Sec. 6. The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

Sec. 7. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

Sec. 8. The Secretary is authorized to prescribe rules and regulations to effect the provisions of this Act, including the establishment of deadlines.

And amend the title so as to read: "An Act to provide for the division and for the disposition of the funds appropriated to pay a judgment in favor of the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. Jackson, Mr. Burdick, Mr. Metcalf, Mr. Fannin, and Mr. Bellmon conferees on the part of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HARRY F. BYRD, JR.) laid before the Senate the following letters, which were referred to as indicated:

Proposed Revision of Section 731, Title 2, of the Canal Zone Code

A letter from the Governor, Canal Zone Government, transmitting a draft of proposed legislation to authorize the President to prescribe regulations relating to the purchase, possession, consumption, use, and transportation of alcoholic beverages in the Canal Zone (with an accompanying paper); to the Committee on Armed Services.

Report of Department of Defense Procurement From Small and Other Business Firms

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of Department of Defense Procurement from Small and Other Business Firms, for July, 1971–March 1972 (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

Proposed Extension of Section 707 of Social Security Act

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend section 707 of the Social Security Act (with an accompanying paper); to the Committee on Finance.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the Government National Mortgage Association for Fiscal Year 1971", Department of Housing and Urban Development, dated June 20, 1972 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HARRY F. BYRD, JR.):

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION No. 9

"Relative to resource recovery

"Whereas, It is in the public interest that greater resource recovery be obtained through the recycling of solid waste materials into new raw material and products; and

"Whereas, Greater recycling of resources will conserve our natural resources and provide a better environment for the people of the United States; and

"Whereas, Congress, through the enactment of the Resource Recovery Act of 1970, established national policy to stimulate the development of resource recovery methods which will provide for more economic use of waste; and

"Whereas, Recycling is the most constructive response that has been developed to answer the challenge of environmental management; and

"Whereas, Transportation is a significant economic cost in the collection, recovery, processing, refining, converting, and manufacturing of new raw materials and products from solid waste matter; and

"Whereas, The transportation rate structure affects the utilization of recycled materials; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation to ensure that rates for the transportation of materials for the purpose of the collection, recovery, processing, refining, converting, and manufacturing of solid waste for the purpose of resource recovery will be reasonable and that rates for the transportation of virgin materials used for the same ultimate purposes will not be unreasonable in relation thereto; and be it further

"Resolved, That the Legislature of the State of California memorializes the Interstate Commerce Commission to review rates for the transportation of materials for the purpose of the collection, recovery, processing, refining, converting, and manufacturing of solid waste for the purpose of resource recovery to ensure that such rates for these materials are reasonable and that the rates for the transportation of virgin materials used for the same ultimate purposes are not unreasonable in relation thereto; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Chairman of the Interstate Commerce Commission."

A resolution of the House of Delegates of the State of Maryland; to the Committee on Labor and Public Welfare:

"HOUSE RESOLUTION No. 136

"House Resolution expressing strong opposition to HR 12532, which was recently introduced in Congress and requesting that this Bill not be enacted into law by the Congress of the United States

"Whereas, On January 20, 1972, HR 12532 was introduced in the Congress of the United States; and

"Whereas, This Bill provides 'that employees of States and Political Sub-Divisions thereof shall be subject to the provisions of the National Labor Relations Act'; and

"Whereas, This Bill is presently before the House Committee on Education and Labor in the Congress of the United States; and

"Whereas, The 'Governor's Commission to Study Negotiations Within Public Education Agencies' was appointed prior to the 1971 legislative session of the Maryland General Assembly and has met on numerous occasions since to study the question of public employee-employer labor relations among professional and non-professional employees employed by various agencies in the State; and

"Whereas, The Commission has recommended legislation in this area which was introduced and passed by the General Assembly of Maryland during the 1971 session and signed into law by the Governor of Maryland; and

"Whereas, The House of Delegates is of the strong opinion that the questions concerning employee-employer labor relations among employees employed by the State and its Political Sub-Divisions, is a question to be resolved by the State and not the Federal government; now, therefore, be it

"Resolved by the House of Delegates of Maryland, That the House is strongly opposed to HR 12532 and requests that this Bill not be enacted into law by the Congress of the United States; and be it further

"Resolved, That copies of this Resolution be sent to the Governor of Maryland, to the leadership of both Houses of the United States Congress, to the Chairman of the Congressional Sub-Committee on Education and Labor, to both United States Senators from Maryland, to the Maryland Congressional delegation and to the Secretary of State of each of our forty-nine sister States.

"By the House of Delegates, March 25, 1972."

A resolution adopted by the Conference of State Sanitary Engineers, Jacksonville, Florida, praying for a study of the long-term energy needs of our society; to the Committee on Commerce.

A resolution adopted by the Conference of State Sanitary Engineers, Jacksonville, Florida, praying for the enactment of legislation relating to the collection and return to commercial channels of all abandoned motor vehicles; to the Committee on Finance.

A resolution adopted by the Acadia Parish Farm Bureau, Crowley, Louisiana, praying for the enactment of legislation to secure the exemption from taxes as imposed upon agricultural aviation by the Airport and Airways Tax of 1970; to the Committee on Finance.

A resolution adopted by the Conference of State Sanitary Engineers, Jacksonville, Florida, praying for the enactment of legislation relating to proper management of solid wasted in the various States; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce with an amendment:

S. 945. A bill to require no-fault motor vehicle insurance as a condition precedent to operating a motor vehicle on streets, roads, highways, and other lands open to automobile use by the public in order to promote and regulate interstate commerce (Rept. No. 92–891) (Together with minority and additional views).

By Mr. PASTORE, from the Committee on Commerce, without amendment:

H.R. 13918. An act to amend the Communications Act of 1934 to provide for improved financing for the Corporation for Public Broadcasting and for other purposes (Rept. No. 92–892) (together with supplemental and additonal views).

REPORT ENTITLED "THE FEDERAL JUDICIAL SYSTEM"—REPORT OF A COMMITTEE (S. REPT. NO. 92–893)

Mr. BURDICK, from the Committee on the Judiciary, pursuant to section 10, Senate Resolution 32, 92d Congress, first session, submitted a report entitled "The Federal Judicial System," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

Mr. MAGNUSON. Mr. President, as in executive session, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard Reserve which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Robert M. Bissey, and sundry other officers of the Coast Guard Reserve, to be permanent commissioned officers in the Coast Guard Reserve, in the grade of captain.

By Mr. EASTLAND, from the Committee on the Judiciary:

John T. Elfvin, of New York, to be U.S. attorney for the Western District of New York;

Douglas M. Gonzales, of Louisiana, to be U.S. attorney for the Middle District of Louisiana;

Thomas A. Grace, Jr., of Louisiana, to be U.S. marshal for the Middle District of Louisiana;

Everett R. Langford, of Oregon, to be U.S. marshal for the district of Oregon;

Howard T. Markey, of Illinois, to be chief judge of the U.S. Court of Customs and Patent Appeals;

Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States;

Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole; and

William C. Smitherman, of Arizona, to be U.S. attorney for the district of Arizona.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. YOUNG:

S. 3727. A bill for the relief of Li Su Chin Huang, Huei Chung Huang, Huei Rung Huang, Huei Luen Huang, and Yang Nene Huang. Referred to the Committee on the Judiciary.

By Mr. PASTORE:

S. 3728. A bill for the relief of Thomas Raymond Pomaski. Referred to the Committee on the Judiciary.

By Mr. HUGHES:

S. 3729. A bill to require the public disclosure of certain information relating to U.S. combat air activities in Southeast Asia. Referred to the Committee on Armed Services.

By Mr. McCLELLAN:

S.J. Res. 247. A joint resolution extending the duration of copyright protection in certain cases. Referred to the Committee on the Judiciary.

By Mr. McCLELLAN (for himself, Mr. BURDICK, Mr. JAVITS, Mr. PACKWOOD, Mr. SCHWEIKER, Mr. SCOTT, and Mr. TOWER):

S.J. Res. 248. A joint resolution to authorize and request the President to proclaim February 11 each year as "National Inventors Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUGHES:

S. 3729. A bill to require the public disclosure of certain information relating to U.S. combat air activities in Southeast Asia. Referred to the Committee on Armed Services.

AIR WAR DISCLOSURE ACT

Mr. HUGHES. Mr. President, I am today introducing legislation to provide the American people regular, consistent information on the extent of our air war activities in Indochina.

We need a yardstick in order to measure how much the war is escalating or, if we ever reverse the trend, how much it is winding down.

The old yardsticks of U.S. troop strength in Vietnam and the weekly death toll are no longer meaningful, for there are more Americans fighting the war from outside Vietnam than from inside. In fact, some Air Force units are being shifted from Vietnam to Thailand in order to meet the troop ceiling without withdrawing any forces from the combat area.

Now that the air war is the major American activity in Indochina, I believe that the American people deserve to be fully informed as to its nature and extent. Instead of the incomplete dribbles of data, they need regular reports.

Had such information been available to the Congress and the people this past year, the extent of American airstrikes on North Vietnamese targets would have been out in the open and American aircrews might have felt more constraint about making unauthorized offensive strikes under the label of "protective reaction."

We might have avoided the dangerous situation, recently brought to light, where an Air Force general conducted his own air war in defiance of Presidential orders.

We might never have seen the offensive air war against North Vietnam escalated in defiance of the 1968 bombing-halt understandings.

We might never have seen the Paris peace talks collapse in our laps last November.

The hazards of provocation and escalation are greatly increased when information the public is entitled to know is withheld or distorted.

Even now, Mr. President, the issue is not moot. The American people retain their right to know, in measurable terms, the extent to which we have shifted our combat activities from the ground to the vastly more destructive air war.

At the present time, the only unclassified information on the air war consists of monthly figures on U.S. air sorties inside South Vietnam. Monthly bomb tonnages for all of Indochina are available only after persistent calls to the Pentagon, rather than from periodic news releases.

What remains classified are the figures on airstrikes in Laos, Cambodia, and North Vietnam—both sorties and tonnages. Even the data for the early years of the war are still labeled "secret"—long after they could be of any conceivable military benefit to our opponents.

For several months I have been trying to get the Defense Department to remove the classification from this information, so that we all would have a monthly measure of the air war.

In hearings several months ago before the Armed Services Committee, I asked the Defense Department: Since enemy intelligence is assumed to know the level of bombing, what reason is there for continuing to keep these figures classified?

The official answer was:

> The enemy may be developing precise data concerning our air activity in SEA through his own system. But public release of such information would tend only to fill the gaps and eliminate errors in the enemy's system and we do not believe it prudent to provide confirmation and validation to the enemy. This policy applies as well to after-the-fact discussions of specific numbers of aircraft, sortie rates in specific target areas, and other specific or air tactics. The disclosure of this detailed information would enable the enemy to confirm trends, patterns and capabilities and would greatly aid enemy air defense planners.

I find that answer difficult to accept, Mr. President. Information on years prior to 1972 certainly can have no bearing on "enemy air defense planners" now. And as for current data, I wonder if the daily announcements out of Saigon—such as "350 missions yesterday against targets in North Vietnam just above the DMZ" or "20 B-52 missions near Kontum"—might not be far more valuable to the other side than monthly figures for each country. The trouble with the daily figures is that they are not comprehensive or complete. Only monthly figures would provide the necessary yardstick without jeopardizing the men involved in these activities.

I would have preferred that this matter of declassification be settled without resort to legislation. But after weeks of letters, questions, and phone calls from my staff, the Defense Department remains unmoved.

No issue of executive privilege is involved here, since the information in question is already furnished to the Congress. But until we strip away the "secret" label, we cannot discuss the significance of these figures and what they reveal.

Both the Congress and the people need to know by how much the war is escalating or winding down. Monthly figures are necessary if we are to measure, for example, this year's response to the dry season offensive compared with previous years. The figures are also useful if we are to check the level of bombing along the trails against the level of infiltration. Breakdowns by country are necessary if we are to judge whether existing legislative restrictions on U.S. involvement and commitments are being observed.

What I propose, Mr. President, is a law declaring that certain information now given the Congress is unnecessarily classified and that public disclosure would not be harmful to the national defense or foreign relations of the United States. The law would then direct the President to remove the security classification from this information back through 1965 and to begin regular monthly disclosure of the number of aerial combat sorties conducted by U.S. aircraft against targets in North Vietnam, South Vietnam, Laos, Cambodia, and Thailand, as well as the tonnage of munitions expended in each country.

In order to provide a timelag necessary to insure that no tactical benefit will accrue to our opponents, the law would provide that figures need not be released until 10 days following the end of each month.

Mr. President, the revelations in the past few days about unauthorized attacks against North Vietnam raise the urgency for the legislation which I propose. We can no longer rely on assurances and statistics conveniently cloaked in secrecy. These figures must be open to public scrutiny and debate, so that accountability can be assured.

If bombing has intensified in secret while we were publicly extending an olive branch, we need to know.

If nations were being bombed when our officials denied such facts, we need to know.

If we are to make informed and intelligent decisions on how to end this war, we need to know.

Since the American people clearly have the need to know these facts about the air war, I hope that this Air War Disclosure Act will receive prompt and favorable consideration by the Senate.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the classification imposed on certain information reported to the Congress is unnecessary and that public disclosure thereof would not be harmful to the national defense or foreign relations of the United States. Accordingly, the President shall, within thirty days after the date of enactment of this Act, take such steps as may be necessary to remove the security classification from, and publicly disclose (1) the number of aerial attack sorties conducted each calendar month after December 31, 1964, through the end of the calendar month immediately prior to the month in which this Act is enacted by United States aircraft against targets in each of the following countries: the Republic of Vietnam, the Democratic Republic of Vietnam, Laos, Cambodia, and Thailand, and (2) the tonnage of munitions expended in each such country in each such calendar month. Beginning on the tenth day of the calendar month following the month in which this Act is enacted, and not later than the tenth day of each calendar month thereafter, the President shall publicly disclose (1) the number of aerial attack sorties conducted by United States aircraft during the preceding calendar month in each of the countries named above, and (2) the tonnage of munitions expended in each such country in each such calendar month.

By Mr. McCLELLAN:

S.J. Res. 247. A joint resolution extending the duration of copyright protection in certain cases. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights I introduce a joint resolution to extend the duration of copyright protection in certain cases.

The purpose of this legislation is to continue until December 31, 1974, the renewal term of any copyright subsisting on the date of approval of the joint resolution, or the term as extended by previously enacted public laws, where such term would otherwise expire prior to December 31, 1974. The justification for the prolongation of the renewal term of copyrights is that the pending legislation for the general revision of the copyright law includes a proposed increase in the length of the copyright term. The Congress has repeatedly expressed its will that the owners of expiring copyrights should not lose the benefits provided in the proposed new copyright law only because of the unfortunate circumstances which have delayed final action by Congress on the copyright bill.

Any substantial progress by the Congress on copyright revision legislation has been virtually impossible during the past several years because of the protracted delay of the Federal Communications Commission in adopting new cable television rules. A resolution of the cable television copyright issues was necessarily dependent upon the determination of the many regulatory issues. The FCC rules became effective on March 31 and it was only on June 16 that the Commission completed action on petitions for reconsideration of the rules. The completion of the Commission proceedings now paves the way for real progress in the Congress on the copyright bill.

It is apparent that adequate time does not remain in this Congress for the processing of this complex legislation. I presently know of no reason why the Subcommittee on Patents, Trademarks, and Copyrights cannot promptly report a revised bill in the next Congress. It shall be my intention to bring that bill to the floor at the earliest feasible date. Because certain provisions of the bill are highly controversial it is uncertain if it can be enacted into law during the first session of the 93d Congress. It will also be necessary to allow the Copyright Office a period of time to prepare for the administration of the new law and consequently the effective date of the legislation will have to be several months after its enactment. Under these circumstances it appears advisable to provide that the temporary extension of copyrights should continue until December 31, 1974.

The pending version of the copyright revision legislation, S. 644, other than for perfecting amendments, is identical to the text of the bill reported favorably by the subcommittee in the 91st Congress. The subcommittee has already determined its position on each of the many issues and in the absence of significant new developments I do not believe there is any necessity to repeat this detailed consideration. I know of no issue on which additional hearings are necessary.

One provision of the bill that will require some modification is the cable television section. The section approved by the subcommittee contains a coordinated resolution of copyright questions and of those regulatory issues that are necessarily related to copyright matters. The new rules of the FCC are generally consistent with the recommendations of the subcommittee and it is anticipated that the regulatory provisions now contained in S. 644 will be eliminated. The subcommittee determined that all cable television systems should be subject to the copyright law and that the statute should grant such systems a compulsory license, subject to certain limitations relating to program exclusivity and sporting events, to carry the programs transmitted by specified broadcast signals. The subcommittee also approved a statutory CATV royalty schedule and established in chapter 8 of the legislation a copyright royalty tribunal to provide for periodic impartial review and adjustment of royalty rates.

Since the subcommittee action there have been two important CATV judicial decisions. In Columbia Broadcasting System, Inc. against TelePrompter, Inc. a Federal district court interpreted the existing copyright statute as not applying to the secondary transmissions of a cable system even if the system is transmitting distant signals, using microwave, inserting advertising or originating its own programs. Previously the U.S. Supreme Court in United Artists against Fortnightly held that the activities of the cable system involved in that litigation did not constitute violation of the copyright law. Since the CBS case is now on appeal I do not wish to discuss the merits of that decision. The decision in that case does not change my opinion that cable systems should be under the provisions of the copyright law.

In another important cable television decision a sharply divided Supreme Court, in which there was no majority opinion, upheld the authority of the Federal Communications Commission to require certain cable systems to originate their own programs regardless of whether there is sufficient public demand to make such programing feasible. I have long felt that the action of the Commission was a dubious extension of its jurisdiction under the Communications Act and even if authorized by the Communications Act was not sound policy under existing conditions. The deciding vote in the Supreme Court was cast by the Chief Justice. I concur in his view that "I am not fully persuaded that the Commission has made the correct decision in this case and the thoughtful opinions in the Court of Appeals and the dissenting opinion here reflect some of my reservations." It is currently unclear what immediate action on this issue will be taken by the Commission. It may be appropriate for the question of mandatory origination to be further reviewed in conjunction with the resolution by the Congress of the remaining cable television issues.

The only other issue in the revision bill concerning which there has been significant developments subsequent to the action of the subcommittee concerns photocopying by libraries and other nonprofit institutions. A Commissioner of the Court of Claims has rendered the first judicial interpretation of the application of the Copyright Act of 1909 to library photocopying. He held that the systematic and widespread duplication of articles from copyrighted periodicals by the National Library of Medicine constituted infringment of copyright. Since this case is also on appeal I again shall refrain from discussing the substance of the litigation. I observe only that the subcommittee anticipated this problem and had consequently added a special library photocopying section to the revision bill.

The subcommittee has been advised that the representatives of authors and book and periodical publishers are now meeting with library associations and other nonprofit users to explore whether agreement can be reached on the photocopying section of the copyright bill. I also understand that there is some prospect of discussions among interested parties on other issues of the bill. I have instructed the counsel of the subcommittee to prepare a modified version of the pending bill for consideration of the subcommittee in the 93d Congress. Therefore, it is to be hoped that any discussions among the parties will proceed expeditiously so that the outcome of these deliberations may be known in sufficient time to be considered in the draft being prepared by the subcommittee staff.

By Mr. McCLELLAN (for himself, Mr. BURDICK, Mr. JAVITS, Mr. PACKWOOD, Mr. SCHWEIKER, Mr. SCOTT, and Mr. TOWER):

S.J. Res. 248. A joint resolution to authorize and request the President to proclaim February 11 each year as "National Inventors Day." Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights, I introduce, for appropriate reference, for myself, and the Senator from North Dakota (Mr. BURDICK), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Texas (Mr. TOWER), a joint resolution to designate February 11 of each year as "National Inventors Day."

At a time when this country is quite properly concerned with improving its competitive position in international trade and encouraging needed innovation in important areas of public activity, it is appropriate for the Congress and the Nation to recognize the crucial role of inventors in contributing to the health, welfare, and pursuit of happiness. of our citizens.

The observance of February 11 as "National Inventors Day" is particularly appropriate, for it is the anniversary of the birth in 1847 of Thomas A. Edison, our most prolific and famous inventor. Mr. Edison received his first patent in 1868 for an electrical recorder and obtained 1,033 patents during his life.

The President in the message on science and technology that was transmitted to the Congress on March 16 of this year announced his intention to institute a new program of awarding research and development prizes for outstanding achievements by individuals and institutions which foster useful innovation. I commend the President for his initiative in recognizing the contribution of inventors to meeting the scientific and technological challenges confronting this Nation. I suggest that it would be most appropriate for these awards to be presented each year on February 11 as a major feature of the annual observance of "National Inventors Day."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, I am pleased to announce that the distinguished Senator from Arizona (Mr. GOLDWATER) has "officially" agreed to cosponsor S. 325, which would establish a survivor annuity program for widows of military personnel.

I say "officially" because Senator GOLDWATER has been an active supporter of this legislation for some time and his advocacy of expanded widow's benefits is widely known. Certainly, as a member of the Armed Services Committee, he is a key to the success of this bill and those of us who hope that legislation will be enacted this year are delighted that he has added his name as a cosponsor. I am, of course, pleased that the chairman of the Armed Services Committee has announced that hearings will be held on this important measure this year.

S. 3598

At the request of Mr. WILLIAMS, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 3598, the Retirement Income Security for Employees Act of 1972.

S. 3614

At the request of Mr. WILLIAMS, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Wyoming (Mr. McGEE), the Senator from California (Mr. TUNNEY), the Senator from Utah (Mr. MOSS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. HUGHES), the Senator from Alaska (Mr. STEVENS), the Senator from Michigan (Mr. HART), the Senator from Illinois (Mr. STEVENSON), the Senator from New York (Mr. JAVITS), the Senator from Rhode Island (Mr. PELL), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 3614, the Education For All Handicapped Children Act.

S. 3639

At the request of Mr. ROBERT C. BYRD, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 3639, a bill to amend the Food Stamp Act of 1964 to authorize the use of food stamps by elderly persons to purchase meals prepared and served by certain institutions.

S. 3644

At the request of Mr. HUGHES, the Senator from Utah (Mr. MOSS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. STEVENSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Montana (Mr. MANSFIELD), the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of S. 3644, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related Acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

S. 3659

At the request of Mr. WILLIAMS, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 3659, a bill to establish a commission to develop a plan leading to the conquest of multiple sclerosis.

S. 3670

Mr. BEALL. Mr. President, on June 5, 1972, I introduced S. 3670, which would amend the Washington Area Transit Authority Compact to require the inclusion of rail commuter service in the mass transit plan.

I am pleased that Senators HARRY F. BYRD, JR., WILLIAM B. SPONG, JR., and LOWELL WEICKER have joined in sponsorship of this measure and I ask unanimous consent that their names be added at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 228

At the request of Mr. HOLLINGS, the Senator from Delaware (Mr. BOGGS), the Senator from Wyoming (Mr. HANSEN), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. THURMOND), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Kentucky (Mr. COOK) were added as cosponsors of Senate Joint Resolution 228, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

SENATE JOINT RESOLUTION 244

At the request of Mr. RIBICOFF, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alaska (Mr. STEVENS), the Senator from Pennsylvania (Mr. SCOTT), the Senator from New Jersey (Mr. CASE), the Senator from Illinois (Mr. STEVENSON), the Senator from Ohio (Mr. TAFT), the Senator from Utah (Mr. MOSS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

SENATE JOINT RESOLUTION 245

At the request of Mr. RANDOLPH, the Senator from Colorado (Mr. ALLOTT) and the Senator from Utah (Mr. MOSS) were added as cosponsors of Senate Joint Resolution 245, to designate the calendar month of September 1972 as "National Voter Registration Month."

SENATE RESOLUTION 322—SUBMISSION OF A RESOLUTION REFERRING A BILL FOR THE RELIEF OF THOMAS RAYMOND POMASKI TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. PASTORE submitted the following resolution:

S. RES. 322

Resolved, That the bill (S. 3728) entitled "A bill for the relief of Thomas Raymond Pomaski", now pending in the Senate, together with all the accompanying papers, is hereby referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

FOOD, DRUG, AND CONSUMER PRODUCT SAFETY ACT OF 1972—AMENDMENT

AMENDMENT NO. 1256

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

AMENDMENT NO. 1258

(Ordered to be printed and to lie on the table.)

Mr. MOSS submitted an amendment intended to be proposed by him to the bill (S. 3419), supra.

AMENDMENT NO. 1259

(Ordered to be printed and to lie on the table.)

Mr. PERCY, for himself and Mr. MAGNUSON, submitted an amendment intended to be proposed by them jointly to the bill (S. 3419), supra.

AMENDMENTS NOS. 1260 AND 1261

(Ordered to be printed and to lie on the table.)

Mr. GURNEY. Mr. President, I am today introducing two amendments to S. 3419, the Food, Drug, and Consumer Product Safety Act. The purpose of these two amendments is to provide for emergency protection of the public from any possible exposure to imminently hazardous products, while retaining the most efficient and reasonable enforcement procedures for laws and regulations administered under the supervision of the Food, Drug, and Consumer Product Agency.

The first of these two amendments, amendment No. 1260, the emergency protection amendment, would provide the Administrator of the Food, Drug, and Consumer Product Agency with clear authority to petition a court to stop immediately activities which, in the Administrator's opinion, could result in the public being exposed to imminently hazardous products. During the preliminary injunction period, the Food, Drug, and Consumer Product Agency would have adequate time to take proper administrative action in relation to these products without their continued or impending danger to the public.

The second amendment, amendment No. 1261, the efficient administration amendment, is a series of technical changes, predicated on the passage of the emergency protection amendment, which would avoid unnecessarily assigning to the Food, Drug, and Consumer Product Agency enforcement powers duplicative of those now administered by the Department of Justice.

The effect of both amendments would be to give the Administrator of the Food, Drug, and Consumer Product Agency the power directly to seek the extraordinary preliminary injunction remedy for the protection of consumers, as well as the power directly to seek enforcement of subpenas and the issuance of inspection warrants, while providing for a more efficient separation of powers by assigning normal enforcement activities to the Department of Justice. Having the direct and immediate powers to assure first, prevention of public availability of harmful products, and second, adequate access to and collection of information upon which the Food, Drug, and Consumer Product Agency can act in the public's interest, there is no need to modify further or interfere with traditional efficient law enforcement through the Government's lawyer, the Department of Justice.

Granting the Food, Drug, and Consumer Product Agency enforcement powers duplicative of those of the Justice Department beyond those proposed in these amendments would be not only contrary to the spirit of the Constitution, but would also be an extremely dangerous precedent, leading to fractionalization and hampering efficient and coordinated enforcement activities within the Justice Department. The substantive enforcement power is not changed by these amendments; only the duplication of enforcement responsibility between the Food, Drug, and Consumer Protection Agency, and the Department of Justice is eliminated.

Without these amendments, this legislation can well lead to extremely expensive and inefficient duplication of enforcement powers—it would not be unreasonable to expect a situation wherein every Federal agency would maintain separate battalions of enforcement attorneys, with district offices throughout the Nation.

In addition to the need for avoiding inefficient duplication of enforcement activities, these amendments would work to separate the powers of regulation promulgation from those of legal enforcement. Maintaining this basic principle of separation of powers within a democratic government is extremely important as rapidly growing and multiplying Federal agencies tend more and more toward bureaucratic independence of congressional review.

I am confident that amendments similar to these, and very possibly several others involving judicial processes, would have been added by the Committee on the Judiciary had this legislation been considered by that committee. In light of this, I ask my colleagues to individually give careful consideration to the effects of the Food, Drug, and Consumer Product Act on Government enforcement procedures, and follow that consideration with approval of these amendments.

Mr. President, I ask unanimous consent that these amendments be printed in the RECORD at the conclusion of my remarks.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

Amendment No. 1260

On page 65, beginning with line 2, strike out through line 17 and insert in lieu thereof the following:

"SEC. 311. (a) Whenever the Administrator has reason to believe that a consumer product presents an unreasonable risk of injury or death, necessitating immediate action to protect adequately the public health and safety prior to the completion of administrative proceedings held pursuant to this Act, he or the Attorney General may bring suit in a district court of the United States having venue thereof to enjoin any person from engaging in the manufacture for sale, sale, offering for sale or otherwise offering for public consumption, in commerce, or the importation into the United States of such an imminently hazardous consumer product. Upon a proper showing, and after notice to the defendant, a preliminary injunction may be granted without bond under the same conditions and principles as injunctive relief against conduct or threatened conduct that will cause loss or damage is granted by courts of equity. Notwithstanding the existence of a consumer product safety standard applicable to such product, such an action may be filed or the pendency of proceedings initiated pursuant to section 303 of this Act."

On page 65, line 21, strike out the words "or permanent".

On page 65, line 23, insert before the period "prior to completion of administrative proceedings held pursuant to this Act".

Amendment No. 1261

On page 2, line 13, strike out the word "enforce" and insert in lieu thereof the words "assure the enforcement of".

On page 2, line 15, strike out the first comma and the words "prosecute court actions".

On page 3, line 23, strike out "(17)" and insert in lieu thereof "(16)".

On page 12, beginning with line 22, strike out through line 2 on page 13.

On page 13, line 3, strike out "(17)" and insert in lieu thereof "(16)".

On page 13, line 12, strike out the word "enforce" and insert in lieu thereof "assure the enforcement of".

On page 13, line 16, strike out "(18)" and insert in lieu thereof "(17)".

On page 13, line 20, strike out "(19)" and insert in lieu thereof "(18)".

On page 29, line 12, strike out the words "of the Agency" and insert in lieu thereof the words "of this Act".

On page 73, beginning with the word "upon" in line 3, strike out through the word "the" the first time it appears in line 5, and insert in lieu thereof the following: "The".

On page 73, beginning with the word "on" in line 16, strike out through the comma in line 17.

AMENDMENT NO. 1263

(Ordered to be printed and to lie on the table).

Mr. COTTON submitted an amendment intended to be proposed by him to the bill (S. 3419), supra.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1257

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK, for himself, Mr. BENNETT, Mr. EASTLAND, Mr. STENNIS, Mr. TOWER, and Mr. YOUNG, submitted an amendment intended to be proposed by them jointly to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1262

(Ordered to be printed and to lie on the table.)

Mr. McGEE submitted an amendment intended to be proposed by him to the bill (S. 3390), supra.

AMENDMENT NO. 1264

(Ordered to be printed and to lie on the table.)

REFUGEE ASSISTANCE TO CAMBODIA

Mr. KENNEDY. Mr. President, on behalf of myself and my distinguished colleague on the Subcommittee on Refugees, Senator Mathias, I am introducing today an amendment to the Foreign Assistance Act of 1961 to provide $2 million for humanitarian assistance to refugees and war victims in Cambodia. This amendment will simply earmark funds authorized under the supporting assistance program. I understand that a similar amendment is being proposed in the House by Congressman Fraser.

Nowhere has our sense of national priorities overseas, and the traditional humanitarian concern of the American people, been more distorted than in our aid program to Cambodia. Despite estimates which put the number of Cambodian refugees at more than 2 million in just 2 years, and the number of civilian war casualties in the thousands, our Government has not only rejected appeals for help, but the record suggests that it is our policy not to become "involved" with the problem of war victims in Cambodia. Yet, at the same time, we are willing to become "involved" in providing vast amounts of military hardware and supporting assistance which serves to fuel the war in Cambodia.

This policy of neglect was most evident during the recent hearings of the Subcommittee on Refugees. It was revealed during the hearing that a request from a Cambodian Government official for medical supplies was simply bucked back to Washington with no priority and no support. Months passed with no decision, and finally the request was sent over to the American Red Cross which responded by offering vitamin pills. This is the level of concern our Government now shows toward the humanitarian needs of the war victims in Cambodia.

Mr. President, I believe that until this tragic war comes to an end, our Nation bears a heavy responsibility to help repair the damage caused to the lives and land of the civilians of Cambodia. This amendment will provide the minimum funds necessary to help the war victims of Cambodia, and carry cut our humanitarian responsibilities to them—through the Cambodian Government, private voluntary organizations, or international agencies.

This is a modest sum which I urge the Senate to authorize.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 838

At the request of Mr. Percy, the Senator from Kansas (Mr. Pearson) was added as a cosponsor of amendment No. 838, intended to be offered to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

ANNOUNCEMENT OF HEARINGS BY THE DISTRICT OF COLUMBIA COMMITTEE

Mr. EAGLETON. Mr. President, I wish to announce hearings on Thursday, June 22, 1972, at 9:30 a.m. in room 6226, New Senate Office Building, on the District of Columbia Police and Firemen's Salary Act Amendments by the Senate District of Columbia Committee.

Because this bill is still pending in the House and, therefore, the Senate District Committee technically has no bill before it, I ask unanimous consent that the legislation proposed by the Commissioner of the District of Columbia, along with a letter of transmittal and explanatory material be printed at this point in the Record. This legislative proposal will be the basis of these hearings.

Persons interested in testifying on this matter should contact Mr. Gene E. Godley, general counsel, in room 6222, New Senate Office Building.

There being no objection, the material was ordered to be printed in the Record, as follows:

The District of Columbia,
Washington, D.C., May 11, 1972.

The President,
U.S. Senate,
Washington, D.C.

Dear Mr. President: The Commissioner of the District of Columbia has the honor to submit a draft bill "To amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes", which may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1972".

The proposed bill would increase the salaries of police and firemen in the District of Columbia, make certain changes in their retirement benefits, and increase certain District of Columbia sales taxes to provide most of the revenue needed for these purposes.

For the reasons stated in the attached "Statement of Purpose and Justification", the Commissioner of the District of Columbia urges early and favorable consideration of this draft bill by the Congress. He believes action on this legislation is imperative in order to provide adequate compensation for policemen and firemen in the District of Columbia. Moreover, the bill would authorize a sufficient increase in local tax revenues to insure that the proposal is financially sound.

On May 8, 1972, the Federal Pay Board, pursuant to the Economic Stabilization Act of 1970, indicated it had no objection to the submission of the attached proposed legislation.

Sincerely yours,
Graham W. Watt,
Assistant to the Commissioner

H.R. —

A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled.

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

Sec. 101. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–823) is amended to read as follows:

"Sec. 101. (a) Effective on the first day of the first pay period beginning on or after the date on enactment of this title, the annual rate of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

POLICE AND FIRE SALARY SCHEDULE I

"Salary class and title	Service								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
Class 1 Fire private, police private.	$9,500	$9,785	$10,260	$10,735	$11,495	$12,255	$12,730	$13,205	$13,680
Class 2 Fire inspector.	10,900	11,520	12,140	12,760	13,380	14,000	14,620		
Class 3 Detective, assistant pilot, assistant marine engineer.	11,875	12,470	13,065	13,660	14,255	14,850	15,445		
Class 4 Fire sergeant, police sergeant, detective sergeant.	12,890	13,520	14,150	14,780	15,410	16,040			
Class 5 Fire lieutenant, police lieutenant.	14,915	15,680	16,405	17,150	17,895				
Class 6 Marine engineer, pilot.	16,230	17,040	17,850	18,660					
Class 7 Fire captain, police captain.	17,550	18,425	19,300	20,175					
Class 8 Battalion fire chief, police inspector.	20,535	21,560	22,585	23,610					
Class 9 Deputy fire chief, deputy chief of police.	24,060	25,705	27,350	28,995					
Class 10 Assistant chief of police, assistant fire chief, CO executive protection service, CO U.S. Park Police.	28,500	30,500	32,500						
Class 11 Fire chief, chief of police."	33,000	35,000							

"(b) Effective on the first day of the first pay period beginning on or after July 1, 1972, such salary schedule is amended to read as follows:

POLICE AND FIRE SALARY SCHEDULE II

"Salary class and title	Service								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
Class 1 Fire private, police private.	$10,000	$10,300	$10,800	$11,300	$12,100	$12,900	$13,400	$13,900	$14,400
Class 2 Fire inspector.	11,400	12,100	12,800	13,500	14,200	14,900	15,600		
Class 3 Detective, assistant pilot, assistant marine engineer.	12,500	13,125	13,750	14,375	15,000	15,625	16,250		
Class 4 Fire sergeant, police sergeant, detective sergeant.	13,580	14,260	14,940	15,620	16,300	16,980			
Class 5 Fire lieutenant, police lieutenant.	15,700	16,485	17,270	18,055	18,840				
Class 6 Marine engineer, pilot.	17,150	18,005	18,860	19,715					
Class 7 Fire captain, police captain.	18,600	19,530	20,460	21,390					
Class 8 Battalion fire chief, police inspector.	21,560	22,640	23,720	24,800					
Class 9 Deputy fire chief, deputy chief of police.	25,300	27,015	28,730	30,445					
Class 10 Assistant chief of police, assistant fire chief, CO executive protection service. CO U.S. Park Police.	30,000	32,000	34,000						
Class 11 Fire chief, chief of police."	34,700	[1] 36,800							

[1] The salary for employees at this rate is limited to the rate for level V of the executive schedule.

SEC. 102. (a) Subsection (a) of section 201 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-824(a)) is amended to read as follows:

"(a) The rates of basic compensation of officers and members in service on the effective date of the salary schedule in section 101(a) of this Act shall be adjusted as follows:

"(1) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service rates of subclass (a) or (b) of salary class 1 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary schedule in effect on and after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity rates of subclass (a) or (b) of salary class 1 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 1 in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—Class 1, subclass (a) or (b): Longevity step A To—Class 1: Service step 7.

"From—Class 1, subclass (a) or (b): Longevity step B To—Class 1: Service step 8.

"From—Class 1, subclass (a) or (b): Longevity step C To—Class 1: Service step 9.

"(2) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service rates of subclass (a) or (b) of salary class 2 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 2 in the salary schedule in effect on and after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity rates of subclass (a) or (b) of salary class 2 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 2 in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—Class 2, subclass (a) or (b): Longevity step A To—Class 2: Service step 5.

"From—Class 2, subclass (a) or (b): Longevity step B To—Class 2: Service step 6.

"From—Class 2, subclass (a) or (b): Longevity step C To—Class 2: Service step 7.

"(3) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service rates of salary class 3, 5, 6, 7, 8, or 9 in the salary schedule in effect on the next preceding such effective date shall receive a rate of basic compensation at the corresponding scheduled service step and salary class in the salary schedule in effect on and after such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity rates of salary class 3, 5, 6, 7, 8, or 9 in the salary schedule in effect on the day next preceding such effective date shall receive basic compensation at the corresponding salary class in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—Class 3: Longevity step A To—Class 3: Service step 5.

"From—Class 3: Longevity step B To—Class 3: Service step 6.

"From—Class 3: Longevity step C To—Class 3: Service step 7.

"From—Class 5: Longevity steps A and B To—Class 5: Service step 5.

"From—Class 6, 7, 8, or 9: Longevity steps A and B To—Class 6, 7, 8, or 9: Service step 4.

"(4) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service rates of subclass (a), (b), or (c) of salary class 4 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 4 in the salary schedule in effect on or after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity rates of subclass (a), (b), or (c) of salary class 4 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 4 in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—Class 4, subclass (a), (b) or (c): Longevity step A To—Class 4: Service step 5.

"From—Class 4, subclass (a), (b) or (c): Longevity steps B and C To—Class 4: Service step 6.

"(5) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service rates of salary class 10 or 11 in the salary schedule in effect on the day next preceding such effective date shall receive a rate of basic compensation at the corresponding scheduled service step and salary class in the salary schedule in effect on and after such date, except that any such officer or member who immediately prior to such date was serving in service step 4 of salary class 10 or in service step 3 of salary class 11 shall be placed in and receive basic compensation in a service step as follows:

"From—Class 10: Service step 4 To—Class 10: Service step 3.

"From—Class 11: Service step 3 To—Class 11: Service step 2."

(b) Subsection (b) of section 201 of such Act (D.C. Code, sec. 4-824(b)) is amended to read as follows:

"(b) Each officer or member receiving basic compensation immediately prior to the effective date of the salary schedule in section 101(b) of this Act at one of the scheduled service rates of a salary class in the salary schedule in section 101(a) of this Act shall receive a rate of basic compensation at the corresponding scheduled service step in effect on and after such date."

SEC. 103. Section 202 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, section 4-825) is amended to read as follows:

"SEC. 202. Each officer or member of the Metropolitan Police force, Executive Protective Service, and United States Park Police force assigned to perform the duty of a helicopter pilot on or after the effective date of the salary schedule in section 101(a) of this Act shall receive in addition to his scheduled rate of basic compensation the amount of $635 per annum, so long as he remains in such assignment. Further, at such time as scheduled rates of basic compensation in section 101(b) of this Act become effective, such additional rate shall be increased to $680 per annum."

SEC. 104. Section 203 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-826) is amended to read as follows:

"Sec. 203. The aide to the Fire Marshal shall be included as a fire inspector in class 2."

Sec. 105. Section 204 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-826a), as added by the Act of October 24, 1962 is repealed.

Sec. 106. Section 302 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-828) is amended to read as follows:

"(a) The Commissioner of the District of Columbia, in the case of the Metropolitan Police force and the Fire Department of the District of Columbia, the Secretary of the Treasury, in the case of the Executive Protective Service, and the Secretary of the Interior, in the case of the United States Park Police force, are hereby authorized to establish and determine, from time to time, the positions in salary classes 1, 2 and 4 to be included as technicians.

"(b) Each officer or member who immediately prior to the effective date of the salary schedule in section 101(a) of this Act was receiving a rate of pay in subclass (b) of class 1 or 2 or subclass (c) of class 4, or was performing the duty of a dog handler in class 4, or whose position is determined to be a technician under (a) above shall receive on or after such date in addition to his scheduled rate of basic compensation an additional $635 per annum. Further, at such time as the scheduled rates of basic compensation in section 101(b) of this Act become effective such additional rate shall be increased to $680 per annum.

"(c) Each officer or member who immediately prior to the effective date of the salary schedule in section 101(a) of this Act was assigned as a Detective Sergeant in subclass (b) of class 4 shall receive on or after such effective date in addition to his scheduled rate of basic compensation an additional $500 per annum, so long as he remains in such assignment. Each officer or member who is subsequently promoted to the rank of Detective Sergeant from the eligible list in force on such effective date shall receive in addition to his scheduled rate of basic compensation an additional $500 per annum, so long as he remains in such assignment."

Sec. 107. Section 303 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-829) is amended to read as follows:

"Sec. 303. (a) Subsequent to the salary adjustment provided in sections 101 and 102 of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, each officer and member, if he has a current performance rating of 'satisfactory' or better, shall have his service step adjusted in the following manner:

"(1) Each officer and member in service step 1, or 2, or 3 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of fifty-two calendar weeks of active service;

"(2) Each officer and member in service step 4, or 5 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service;

"(3) Each officer and member in service step 6, or 7, or 8 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and fifty-six calendar weeks of active service;

"(4) Each officer and member in salary class 2 through 11 who has not attained the maximum service step rate of compensation for the rank or title in which he is placed shall be advanced in compensation successively to the next higher service step rate for such rank or title at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service, except that in the case of an officer or member in service step 4, or 5, or 6 of salary class 2 or 3; service step 4 or 5 of salary class 4 and service step 4 of salary class 5 he shall be advanced successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and fifty-six calendar weeks of active service;

"(b) As used in this title the term 'calendar week of active service' includes all periods of leave with pay, and periods of non-pay status which do not cumulatively equal one basic workweek."

Sec. 108. Section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-830) is amended to read as follows:

"Sec. 304. (a) Except as otherwise provided in subsection (b) of this section, any officer or member who is promoted or transferred to a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher salary class which exceeds his existing scheduled rate of basic compensation by not less than one step increase of the next higher step of the salary class from which he is promoted or transferred.

"(b) Any officer or member receiving additional compensation as provided in section 302 of this Act who is promoted or transferred to a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher class which exceeds his existing scheduled rate of basic compensation by at least the sum of one step increase of the next higher step of the salary class from which he is promoted or transferred and the amount of such additional compensation."

Sec. 109. Section 305 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-831) is amended by (1) striking out "Commissioners" and inserting in lieu thereof "Commissioner", and (2) striking out "or Subclass" immediately after "Class".

Sec. 110. Section 401 of the Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-832) is amended to read as follows:

"Sec. 401. (a) In recognition of long and faithful service, each officer and member in the active service on or after the effective date of the salary schedule in section 101(a) of this Act shall receive an amount in addition to the rate of basic compensation prescribed in the salary schedule in section 101 of this Act to be known as a total service longevity rate. Such total service longevity rate, fixed at the nearest dollar, shall be established as follows:

"(1) Each officer and member in the active service shall receive 5 percent additional compensation, computed on service step 1 of the class he occupies, upon completion of at least fifteen but less than twenty years of continuous service; 10 percent additional compensation, computed on service step 1 of the class he occupies, upon completion of at least twenty but less than twenty-five years of continuous service; 15 percent additional compensation, computed on service step 1 of the class he occupies, upon completion of at least twenty-five but less than thirty years of continuous service; 20 percent additional compensation, computed on service step 1 of the class he occupies, upon completion of thirty years of continuous service. For purposes of this paragraph, continuous service as an officer or member includes service in the Armed Forces of the United States but excludes any period of time determined not to have been satisfactory service.

"(2) Each officer and member shall accrue total service longevity compensation as provided in the first paragraph of this subsection so long as he remains in the active service. Such compensation shall be paid in the same manner as the basic compensation to which such officer or member is entitled; shall be subject to deduction and withholding for retirement and insurance; and shall be considered as salary for the purpose of computing annuities pursuant to the provisions of the Policemen and Firemen's Retirement and Disability Act and for the purpose of computing insurance coverage under the provisions of Chapter 87 of title 5, United States Code. At such time as an officer or member for any reason retires under the provisions of the Policemen and Firemen's Retirement and Disability Act the total service longevity rate to which he was entitled at the time of retirement shall remain fixed for purposes of computing his retirement compensation and, at the time of his death, the annuity of any survivors.

"(b) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of title I of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, and who are entitled to receive a pension relief allowance or retirement compensation under the provisions of the Policemen and Firemen's Retirement and Disability Act, shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section, except that each individual whose retirement was effective from and after December 31, 1971, but prior to such effective date shall, on the first day of the first month following such effective date, be entitled to receive the increase in his pension relief allowance or retirement compensation to which he would have been entitled by reason of the enactment of this section had such retirement occurred on or after such effective date."

Sec. 111. Section 501 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-833) is amended by (1) adding "and the Executive Protective Service" immediately after "United States Park Police", and (2) striking out "or Subclasses" at the end of such section.

Sec. 112. The Act approved May 25, 1926 (D.C. Code, sec. 4-131) is amended (1) by inserting "(a)" before the first word and (2) by adding at the end thereof the following new subsection:

"(b) The Chief of Police, Metropolitan Police force, Commanding Officer, Executive Protective Service, or Commanding Officer, United States Park Police force, is authorized to provide a clothing allowance, not to exceed $300 in any one year, to an officer or member assigned in plainclothes. Such clothing allowance is not part of basic compensation and shall not be used for the purpose of computing overtime, promotions, or retirement benefits. Such individual allowance may be discontinued at any time upon written notification by the authorizing official."

Sec. 113. (a) The Commissioner of the District of Columbia, in the case of the Metropolitan Police Department and the Fire Department of the District of Columbia, the Secretary of the Treasury, in the case of the Executive Protective Service, and the Secretary of the Interior, in the case of the United States Park Police force, are authorized to establish the eligibility requirements for and pay to any officer or member who meets such eligibility requirements, except officers and members in salary classes 10 and 11 in section 101 of this title, additional annual compensation for having successfully completed educational course work leading to a degree in police or fire science or administration. Such additional compensation, fixed at the nearest dollar, shall be payable at the rate of 2 percent of the salary for service step 1 of salary class 1 in the salary schedule in section 101 of this title in effect at the time of payment for each 15 acceptable credit hours of educational course work, except that the rate payable may not exceed 16 percent of such salary.

(b) The additional compensation authorized by this section shall be in addition to the basic compensation to which such officer or member is entitled and shall be paid in the same manner as such basic compensation. Such additional compensation shall not be subject to deduction or withholding for retirement or insurance and shall not be considered as salary for the purpose of computing annuities pursuant to the provisions of the Policemen and Firemen's Retirement and Disability Act, or for the purpose of computing insurance coverage under the provisions of Chapter 87 of title 5, United States Code.

(c) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of this title and entitled to receive a pension relief allowance or retirement compensation under the provisions of the Policemen and Firemen's Retirement and Disability Act shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section.

(d) The effective date of this section shall be the first day of the first pay period which begins more than sixty days after the date of enactment of this title.

Sec. 114. Subsection (h) of the first section of the Act approved August 15, 1950 (D.C. Code, sec. 4–904(h)), is amended by deleting "class 10" wherever it appears therein and inserting in lieu thereof "the salary class applicable to the Fire Chief and Chief of Police".

Sec. 115. Notwithstanding section 301, title III of the District of Columbia Police and Firemen's Salary Act of 1953 (D.C. Code, sec. 4–518), each individual retired from active service prior to the effective date of section 101(a) of this title and entitled to receive a pension relief allowance or retirement compensation under the provisions of the Policemen and Firemen's Retirement and Disability Act whose pension relief allowance or retirement compensation on the day next preceding such effective date was an amount computed upon the scheduled salary rate for longevity step C. of subclass (a), (b), or (c) of salary class 4, longevity step B of salary class 5, longevity steps A and B of salary class 6, 7, 8, or 9, service step 4 of salary class 10, or service step 3 of salary class 11 in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 shall be entitled to receive an increase in his pension relief allowance or retirement compensation in an amount at least equal to the ratio between the scheduled salary rate for the highest service step of the respective salary class in the salary schedule in effect on and after such effective date and the scheduled salary rate which corresponds thereto in the salary schedule in effect on the day next preceding such effective date. For the purpose of this section, the corresponding scheduled salary rates for service step 6 of salary class 4 and service step 5 of salary class 5 in the salary schedule in effect on and after such effective date are the scheduled salary rates for longevity step B of salary class 4 and longevity step A of salary class 5, respectively, in the salary schedule in effect on the day next preceding such effective date.

Sec. 116. (a) Section 2 of the Act of September 8, 1960 (74 Stat. 868; D.C. Code, sec. 4–823b) is hereby repealed.

(b) Section 2 of the Act of October 24, 1962 (76 Stat. 1240; D.C. Code, sec. 4–823c) is hereby repealed.

(c) Section 102 of the Act of September 2, 1964 (78 Stat. 881; D.C. Code, sec. 4–823d) is hereby repealed.

(d) Section 102 of the District of Columbia Policemen and Firemen's Salary Act Amendments of 1966, approved November 13, 1966 (80 Stat. 1592; D.C. Code, sec. 4–823d–1) is hereby repealed.

(e) Section 2 of the District of Columbia Police and Firemen's Salary Act Amendments of 1968, approved May 27, 1968 (82 Stat. 142; D.C. Code, sec. 4–823d–2) is hereby repealed.

(f) Section 103 of the District of Columbia Police and Firemen's Salary Act Amendments of 1970, approved June 30, 1970 (84 Stat. 355; D.C. Code, sec. 4–823d–3) is hereby repealed.

Sec. 117. Except as otherwise provided in sections 101 and 113, the effective date of this title and the amendments made by this title shall be the first day of the first pay period beginning on or after the date of enactment of this title.

Sec. 118. This title may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1972".

TITLE II—REVISIONS IN THE RETIREMENT BENEFITS FOR POLICEMEN AND FIREMEN

Sec. 201. (a) Section 12 of the Act of September 1, 1916 (39 Stat. 718), as amended (D.C. Code, sec. 4–521 et seq.) is amended as follows:

(1) Subparagraph (5)(B) in subsection (a) of such section (D.C. Code, sec. 4–521) is amended by striking out "or" immediately after "residence".

(2) Paragraph (5) of subsection (c) of such section (D.C. Code, sec. 4–523) is amended by adding at the end thereof the following new sentence: "No deposit shall be required for days of unused sick leave credited under subsection (h) of this section."

(3) Subsection (h) of such section (D.C. Code, sec 4–528) is amended by adding at the end thereof the following new paragraph:

"(4) In computing an annuity under this subsection, the police or fire service of a member who has not retired prior to the effective date of this paragraph shall include, without regard to the limitation imposed by paragraph (3) of this subsection, the days of unused sick leave credited to him. Days of unused sick leave shall not be counted in determining a member's eligibility for an annuity under this subsection."

(4) The first paragraph of subsection (k) of such section (D.C. Code, sec. 4–531) is amended to read as follows:

"(k)(1) In the event that any member dies in the performance of duty, and such death is determined by the Commissioner to have been the sole and direct result of a personal injury sustained while performing such duty, leaving a survivor, or if there be none a parent or a sibling, who received more than one-half his support from the member, such person shall be entitled to receive a lump sum payment of $50,000: *Provided*, That if such death is caused by the willful misconduct of the member or by the member's intention to bring about the death of himself, or if intoxication of the injured member is the proximate cause of such death, no such lump sum payment shall be made: *And Provided further*, That if such member leaves more than one survivor, or if there be none. more than one parent or sibling, who received more than one-half his support from the member, each such person shall be entitled to receive an equal share of such lump sum payment."

(b) Paragraphs (1) and (4) of subsection (a) of this section and the amendments made thereby shall be effective on and after November 1, 1970. Paragraphs (2) and (3) of such subsection and the amendments made thereby shall be effective on the first day of the first pay period beginning on or after the date of enactment of this title.

Sec. 202. (a) Section 3 of chapter 226 of the Act of July 11, 1947, as added September 27, 1959 (D.C. Code, sec. 4–183a) is amended by striking out "on the effective date of this section".

(b) Section 4 of chapter 226 of the Act of July 11, 1947, as added September 22, 1959 (D.C. Code, sec. 4–183b) is amended by striking out "on September 22, 1959".

TITLE III—AMENDMENTS TO THE DISTRICT OF COLUMBIA SALES AND USE TAX ACTS

Sec. 301. Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602) is amended by striking out "4 per centum" and inserting in lieu thereof "5 per centum".

Sec. 302. Section 125(1) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602(1)) is amended to read as follows:

"(1) the rate of tax shall be 2 per centum of the gross receipts from sales of food for human consumption off the premises where such food is sold;"

Sec. 303. Section 125(2) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602(2)) is amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

Sec. 304. Section 125(3) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602(3)) is amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

Sec. 305. Paragraph (a) of section 127 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2604(a)) is amended by (1) striking out "and other than sales or charges for rooms, lodgings, or accommodations furnished to transients", and (2) striking out the comma following the word "transients".

Sec. 306. Paragraph (c) of section 127 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2604(c)) is repealed.

Sec. 307. Section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702) is amended by striking out "4 per centum" and inserting in lieu thereof "5 per centum".

Sec. 308. Section 212(1) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702(1)) is amended to read as follows:

"(1) the rate of tax shall be 2 per centum of the sales price of sales of food for human consumption off the premises where such food is sold;"

Sec. 309. Section 212(2) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702(2)) is amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

Sec. 310. Section 212(3) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702(3)) is amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

Sec. 311. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

ADDITIONAL STATEMENTS

TELEGRAM TO THE NEW YORK TIMES, JUNE 20, 1972

Mr. DOLE. Mr. President, I am deeply disturbed, but not surprised, that the

New York Times, in a front-page news article this morning, has invented and published completely false and suspiciously misleading information concerning a telegram over my name which in fact I did not send and does not exist.

The Times smugly states that I attempted to instruct key members of the Republican National Committee and others by telegram not to discuss with anyone the deplorable events of Saturday morning at the Democratic headquarters.

This is another obvious attempt by the Times to make news where none exists and to create the illusion of some mysterious connection between the committee and the events when such is simply not true.

I state once again that the Republican National Committee is in no way involved in this matter and that there is no telegrams, no memorandums, and no instructions issued over my signature.

I demand that the Times either produce the alleged telegram or print a front-page retraction of their story.

SALUTE TO EDUCATION

Mr. MOSS. Mr. President, the National Education Association on June 21 is sponsoring a "Salute to Education" aimed at emphasizing the importance of education in a free society.

More than 46 million pupils now in the public elementary and secondary school system are taught by more than 2 million teachers. The Nation's schools, as guardians of our future generations, perform a tremendously important function, caring as they do for nearly a fourth of our population.

It is interesting to note that the total revenue receipts for running the entire public school system are abcut $46.6 billion or slightly more than $1,000 per pupil. At today's astronomical prices this is a bargain.

Is there any man or woman who does not recall, either with fondness or bitterness, his experiences in school? I say this because too many of our children today are shoved into ill-equipped, inadequately staffed schools that too easily degenerate into determent camps where the primary struggle is to maintain discipline rather than instill a love of learning.

Without the proper cultivation of our children's minds, the other natural resources of this Nation are meaningless. It is tragic to shortchange ourselves when it comes to education. No matter what indignities a man may suffer, no matter what material misfortunes may befall him, if he has the ability to think clearly, and the education to dispel fear and ignorance, then that man is rich indeed.

This, after all, is the meaning of education. Whether the end product is a philosopher or a manual laborer is, in a sense, not important. Both are needed by our society. What is important is the quality of the person, the ability to judge between right and wrong, and the ability to respect fellow human beings in their own right.

SUPPRESSION OF HUMAN RIGHTS AND LIBERTIES IN LITHUANIA

Mr. TAFT. Mr. President, I invite attention to the suppression of human rights and liberties of the people of Lithuania by the U.S.S.R. These actions by the Soviet Government violate the Universal Declaration of Human Rights and should be immediately ceased.

I ask unanimous consent that a resolution of the Cleveland Chapter of the Lithuanian American Council on this subject be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

We, Cleveland Lithuanians and representatives of other nationality groups, whose homelands have been enslaved by the Soviet Union, gathered here in Public Square in Cleveland, Ohio, this 1st day of June, 1972, to protest the severe suppression of human rights in Soviet enslaved Lithuania, have adopted the following resolution.

Whereas, the Soviet Union, acting in conspiracy with Hitler's regime, broke all existing treaties with the Republic of Lithuania and on June 15, 1940 militarily occupied its territory and two days later repeated the same criminal act against Latvia and Estonia; and

Whereas, the tyrannical clique of the Soviet Union has not only refused to leave the Baltic States, but has and still is carrying on physical annihilation, religious and other forms of persecution, together with Russian colonialization and mass deportations of the native population to Siberia and other places with the expressed intent to destroy their national identities; and

Whereas, such prevailing inhuman conditions caused Romas Kalanta, a young Lithuanian to burn himself to death on May 14th of this year in the city of Kaunas in protest to Soviet denial of basic human rights in Lithuania; and

Whereas, Kalanta's funeral precipitated a youth riot, which was brutally suppressed by special Soviet troops, who acting in their barbaric ways inflicted death and injury to many and to this day continue to arrest people by the thousands and in other ways terrorize them.

Now, therefore, be it resolved, that we condemn these savage acts of the Soviets, who use troops to squash the quest for freedom by the Lithuanian patriots and once again remind all that these acts are a direct result of Soviet imperialistic policies that have illegally occupied Lithuania and the other Baltic States; and be it

Further resolved, that we demand the withdrawal of Soviets and the complete restoration of independence of Lithuania and ask the President of the United States to use the position of his office to influence the Soviet leaders to cease their barbaric acts and to stop persecuting the people involved in this ill-fated uprising and all other peoples behind the Iron Curtain; and be it

Finally resolved, that copies of this resolution be forwarded to the President of the United States, Members of U.S. Congress from Ohio, other public officials and to the news media.

Resolution adopted, approved unanimously. On motion of the Hon. Ralph Perk, Mayor of Cleveland, it is also requested that this Resolution be printed in the Congressional Record.

ENFORCING THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, as I have often stated in this Chamber, the International Convention on the Prevention and Punishment of Genocide is an important contribution to the structure of international law. Some people, however, question whether international law can ever have any meaning. After all, they argue, no power is available to forcibly impose the dictates of international law, so there is no reason to expect it will be obeyed.

But such a view is contrary to experience. The fact is that many treaties are indeed adhered to. Those who denigrate international law often overlook the fact that sanctions are available. Nations have been known to enforce international law with their own power; under the Genocide Convention, the United Nations is empowered to take whatever action it finds necessary for enforcement.

Moreover, the fact is that neither domestic law nor international law depends completely for success on the club of physical prevention and forcible punishment. Drivers obey traffic regulations even when police are not present. Men may obey laws for the sake of mutual advantage, or simply because they believe the laws are just. These motives exist in international law as well. At a Senate subcommittee hearing in 1970, U.S. Ambassador to the United Nations Charles W. Yost said:

> I am well aware that the building of a body of law in the community of sovereign nations is an agonizingly slow and difficult process. But surely the necessary foundation of any effective law, whether domestically or internationally, is public opinion, and a broad public consensus as to what is right and what is wrong.
>
> This Genocide Convention is an assertion by the community of nations that a certain particularly heinous act, perpetrated against any national, or ethnic, or racial, or religious group whatsoever, is wrong—wrong not only in the domestic law of this or that State, but wrong also in the law and opinion of the community of nations itself.

If such a consensus exists, it might be asked why a formal law is necessary. Mr. Bruno Bitker, a Milwaukee attorney, provided the answer at the 1970 hearings:

> The requirements of morality are more likely to be recognized, if they are also the requirements of the law. Who dares now assert that the existence of such a treaty would have been without any effect on the international community, and more specifically on the United States, in the earlier days of the Nazi regime?

The enforcement of international law, like the enforcement of domestic law, cannot be perfectly guaranteed. But surely a precondition for obedience is a clear statement of what should be enforced. Seventy-five nations have agreed that genocide is criminal. The United States ought not continue to dissent from that judgment by its inaction.

I urge the Senate to take up and ratify the Convention on Genocide immediately.

BEEF PRICES ARE REASONABLE

Mr. DOLE. Mr. President, in 1952, the average American citizen consumed 56 pounds of beef. Today, that average citizen is consuming 115 pounds of beef and by 1980, he will be consuming 130 pounds of beef. It is easy to see that we like beef, and over the years we have developed our taste for beef. This increase in consumption has brought about a tremendous demand for beef at the same time our population has expanded greatly.

PRODUCTION UP 2½ TIMES

Typical of the ability of the American farmer, he has rallied to this demand and is now producing 2½ times as much beef now as he was 20 years ago. And he is making the plan to produce more to meet future demands. He does not receive a subsidy for raising cattle. He receives what the market pays, according to the demand that is created by the housewife.

As long as our farmers are able to receive a good price for their cattle, they will continue to expand their production, and beef prices will remain stable and reasonable. Regardless of what one hears or reads, the prices we are paying in the markets today are reasonable, and produce a reasonable margin for the farmer.

The farmer is receiving about the same price he was 20 years ago.

Would we be satisfied to receive the same income we did in 1952?

BEEF PRODUCTION INCREASING

Some pressure groups recommend price controls for meat and foods. This is not the answer. Farmers are responding to the increased demand. They are producing more calves, but they have to operate under the gestation limit of mother nature and the time it takes to feed out these animals to produce the type of beef you want to buy. Price controls would merely stifle this production increase and promote circumvention of such regulations as were experienced during the war years.

INCREASED MEAT IMPORTS?

Others have suggested that the imports of red meat be increased. This would increase the supply of the cheaper meat used in hamburger and processed meats. Cattle produced in foreign countries are grazed on ranges and not fed the controlled feed ration and supplements that our cattle receive. As a result, this beef is not as tender as the type of beef we like for steaks and roasts, and is used for hamburger, hot dogs, luncheon meats, and the like. An increase in these imports might provide some temporary decrease in a few meat prices; however, the constant demand for better beef cuts would maintain those prices.

FARMERS DESERVE A PROFIT

With cattle prices now at the same level as 20 years ago, the farmers raising these animals have faced the same continuing increased costs as all segments of the economy. He pays more for his trucks, for his feed grinders, for his lumber and concrete, and, yes, for his food. He deserves a raise—an increase in income the same as the rest of the economy.

Mr. President, I ask unanimous consent that the remarks of Secretary of Agriculture Earl Butz at the Fourth Annual Symposium of the California Livestock Association, Fresno, Calif., on June 15, be printed in the RECORD. Secretary Butz explains in detail the importance of maintaining the present supply and demand posture in the livestock business in order to assure a continuing increase in meat supplies.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ANATOMY OF THE BEEF PRICE SITUATION

(By Earl L. Butz)

We've been fighting a rather extended public and private battle these last few months over food prices, meat prices specifically, and beef prices in particular. The charges and the counter-charges in the controversy sometimes have been as thick as victory claims before a primary election. I've made it quite clear where I stand on the matter.

When cattle prices in Omaha reached the level of 20 years earlier, I said—it's about time! And I meant it. After all, during the same period, farm production costs doubled and hourly wages of the Nation's labor force more than doubled.

When the Price Commission wanted to investigate beef prices, I said—go ahead! And I meant it. I know farmers and ranchers have nothing to hide. And, as the facts have been examined, the beef producer has grown in stature in the eyes of the public as the public gained a better understanding of the farmer's contribution to the economy, his magnificent performance in feeding the nation, and his burdensome problems.

Most important of all, the increased understanding of the soundness of the beef producer's position prevented controls from being placed on meat prices. I'm proud to have been in this fight. Shortly after the Academy Awards were presented, the Newspaper Farm Editors of America presented me with a symbolic "Wounded Steer Award" for my efforts to fight off beef price controls. And that trophy sits proudly behind my desk.

No fierce competitor can afford to stand—or sit—on his laurels, however. After a couple of months' decline in meat prices, there was a slight upward movement again in late May. The Price Commission and the cheap-food advocates are growing restless again, so I'm now back on my horse again, riding the same trail—firing the same facts—seeking public understanding of beef prices and beef production. Tonight, at this great livestock gathering, in this great cattle state, I want to set forth some hard facts and a very straightforward explanation of the reason why beef prices have improved and what we can expect in beef prices down the road.

To begin with, let's take a look at beef prices. Beef prices are demand-dominated prices. In the short run, you just can't get any more beef—the supply is invariable because beef is so perishable. Price, then, at the moment is basically determined by consumer demand. If demand surges upward, beef prices will climb. If demand falls off, beef prices will drop.

This is in contrast with something like refrigerators which are supply-dominated. Refrigerators are made at a factory and factory prices reflect all the costs of production along the way as well as a profit for the manufacturer. Refrigerators won't spoil. They can be stored or moved from San Diego to Sacramento. If demand is off, refrigerators are held. If demand is up, more refrigerators can be brought from the warehouses or can be built quickly. Another fact: Refrigerator prices climb each year, usually with a new model, but they seldom fall. These are hard consumer costs—they are firm—they keep moving up. Meat prices are soft consumer costs; they fluctuate; they move up and down.

So, the beef price situation is affected by this fundamental principle—beef is a demand-dominated market.

Farmers and ranchers have increased their beef production by a magnificent 2½ times in the last 20 years—from 8.8 billion pounds in 1951 to 21.9 billion pounds in 1971. Now that's a tremendous increase. Normally, an increase of 2½ times in beef production—while the population increased by only about one-third—would tend to depress beef prices. But it has not.

Beef prices have not been depressed because this increase in production has been in response to a remarkable increase in beef demand. In fact, in the last 20 years, annual beef consumption per person in this country has doubled—from 56 pounds per person 20 years ago to 115 pounds per person today.

Several factors are responsible for doubling our demand for beef:

The rising affluence of the American Consumer—Rising real wages have had a marked affect upon buying habits. People want beef—and, as they have enjoyed more and more real wages, they have been buying more and more beef—and better quality beef, too. This is by far the greatest single factor in increased beef consumption.

Substantial increases in the Food Stamp Program—Food Stamp expenditures have leaped from $250 million in fiscal year 1969 to $1.9 billion during fiscal year 1972—a 660% increase. In April of 1972, 11.5 million people were participating in the Food Stamp Program. One of the first items purchased with added dollars in the food budget by consumers eligible for Food Stamps is meat, preferably beef.

Widespread boosts in welfare payments—Programs at all levels of government have vastly increased welfare payments to those on the lower end of the economic ladder. The tendency to transform added income into an improved diet is greater at lower income levels. So, a substantial portion of each welfare dollar goes for good food. In a preponderance of cases—that means an increase in meat purchases, beef wherever possible.

This is as it should be. Not only are we dedicated to eliminating hunger, we also want people to enjoy the great productive affluence of this nation.

Since beef is a demand-controlled market, it is only reasonable that the constantly increasing affluence of the American consumer, abrupt increases in Food Stamp use in the last three years, and rising welfare benefits would have a marked upward effect on beef prices. This is precisely what has happened. The supply of beef could not change quickly. The only way supply could really have increased measurably in the short run would have been to slaughter cows and heifers. And when that happens the piper really has to be paid 18 months later. Instead, prices have increased—giving signals through the market to the beef producer that increased supplies are needed. In a nut-shell, beef prices have risen because of increased consumer demand, and this is a market signal to induce increased beef production.

To better understand the beef supply situation, let's look at how farmers have increased beef production by 2½ times in the last 20 years, and meat imports as well:

Increased Beef Cow Numbers—The size of our beef cow herd has expanded over the past 20 years. The number of beef cows was about 20 million in 1952. Cow numbers now total nearly 39 million. That has been a gradual increase—but it's been a key factor in increasing beef supplies.

Switches from Dairy to Beef Production—In the last 20 years, the number of milk cows has dropped from 21 million to just over 14 million. Some cows once kept for dairy purposes—and entire herds in many cases—have been replaced by beef animals.

Increased Beef Feeding—This is by far the largest single factor in increasing our beef production. Evidence is clear—20 years ago only ⅓ of our beef was Choice grade; now

60% is Choice grade. Whereas about ⅓ of our beef was fed beef in the mid-40's, and less than half was fed beef 20 years ago, more than three-quarters of it is fed beef today.

We've got to where we feed out almost anything that can hold a mouthful of feed. We used to knock some dairy bull calves in the head—now we feed them. We used to slaughter the meatier dairy calves for veal at 150 pounds—now we feed many of them to 1000 pounds. Veal production has dropped drastically—from nearly one billion pounds in 1951 to just over a half billion pounds in 1971.

Increased Beef Imports—Beef and veal imports have increased even faster than our beef production—they are 3.7 times larger than 20 years ago. However, beef imports amount to only a small percentage of our total U.S. beef consumption—less than 5%.

Now, the real question is, given our sources of increasing beef supply, how do things look down the road? First of all, to get the full picture, we need to look at projected consumption trends.

Annual beef consumption per person will soon reach 120 pounds, and the projection for 1980 is 130 pounds per person. This, coupled with the projected population increase, will demand a one-fourth increase in beef tonnage in just the next eight years.

No matter how we slice it, that increased beef tonnage is going to be hard to come by. To see why, let's look closely at the potential in the various sources of increased beef supply:

We don't have a place for very many more cows—We can't add too many to the range where grass is already short and where the water supply is limited. In the Corn Belt, on level land where corn is king and soybeans are queen, beef cows can't really compete; the economic facts are that Corn Belt farmers can make more profit per acre raising corn and soybeans than beef calves. Some increase in cow numbers is possible in the fringe area of the Corn Belt—at the margin we say. These are usually rough areas where some years a farmer can make more money with corn and beans, and other years beef cattle would be more profitable. He will go with the one that looks like the best bet—so there is marginal potential for increasing cow numbers on the fringe of the Corn Belt. The South is the primary area where cow numbers are likely to increase.

We have made most of the shift from dairy to beef—Most of the marginal dairy cows have been culled and most of the marginal dairy herds have already given way to beef herds. This transformation is nearly completed.

We have closed the greatest part of the feeding gap—The prospects for increasing beef production through feeding really boil down to increases in efficiency. Probably we cannot achieve the increases in efficiency through feeding which we have in the last twenty years—though it is possible to make further improvements.

Meat import supplies just aren't there—Even without meat import quotas, it would be difficult to import more beef and nearly impossible to get the more costly high quality beef the American consumer prefers. Worldwide meat demand has escalated in relation to supply. The European Community has become an extremely competitive market for the major beef exporters—Argentina, Australia, and New Zealand. United Kingdom beef markets are taking Irish beef which might have come to us. Internal beef demand in Canada will reduce potential Canadian shipments to the U.S. And New Zealand's beef supply is down. And around the world, because of attractive prices, cattle producers are holding back cows and heifers for herd building that might otherwise have been slaughtered. It is simply a fact that a cow produces just one calf a year, and in times like these modern livestock industries save females for breeding.

So, the prospects down the road are for beef prices to be strong as long as beef demand is strong. In the long run, increased beef production will occur at the margins: 1) in those fringe areas of the Corn Belt and elsewhere as beef production is weighed against other attractive alternatives; 2) in shifts from dairy to beef production, which from now on will be limited; 3) at the feeding margin where maximum efficient feeding periods and maximum feeding efficiency have been nearly reached; and 4) in the international market as the growing worldwide demand for beef makes other markets an increasingly better outlet for beef export nations.

No matter which margin is approached, there must be ample inducement if beef production is going to be increased. That inducement must come in the form of beef prices—prices substantial enough to induce the Corn Belt farmer to raise cows and calves instead of corn and soybeans, prices substantial enough to make beef production more profitable than dairying, prices substantial enough to make longer feeding pay, prices substantial enough to outbid beef buyers in other parts of the world.

The chief source of increased beef production will be in this country, with the people who are now in the beef business. But it must be clearly understood that increased beef production will not be automatic. There must be profit in it. If we are going to get more beef production—it's got to be profitable enough to pull the resources involved—financing, land, labor, equipment, and management—away from other alternatives.

I'm really saying that the facts of the matter don't indicate markedly cheaper meat prices down the road. But the way to increase meat supplies is to have strong prices. That will induce gradually increased beef production.

But beef prices are not high. Every American needs to understand that fact. What has happened with meat prices happens all the time with other goods we buy. We demand better quality in a product—greater safety, more convenience, freedom from pollution. These items cost more, and when they are built in, we pay for them. This is true with services, too. We expect it. We know that if we're willing to pay more, we'll get more.

Well, it's time that every citizen faced the same cold facts in agriculture—in the food industry, especially with meat. If we want more meat—and we seem to—then we've got to pay a fair price for it if we expect the farmer to produce it. It's as simple as that.

Looking still further down the road, if we want to assure a still larger supply of good meat for the increased numbers of our children and grandchildren who are growing up, the best way to achieve that will be to put a little profit on the range and in the feed lot. In this respect, the beef industry is just like every other sector of our great American economy.

RUNAWAY FATHERS

Mr. MOSS. Mr. President, the Committee on Finance has made several important recommendations on child support in the welfare provisions of H.R. 1, the social security bill, which it recently ordered reported. Notable among them is the amendment extending access to Federal records to any parent seeking support from a deserting spouse regardless of whether the family is on welfare. This step is long past due.

The heartbreak and frustration of attempting to find fathers who have fled from one State to another to escape contributing to the support of their children is equally as great for nonwelfare families as it is for those on welfare. However, until now nonwelfare families have had few resources to help locate runaway fathers. State and local law enforcement agencies have had neither the staff or the funds to run down deserting fathers who disappear without a trace or who are adept at playing hide and seek, eating up the time and resources of those trying to locate them.

Three-fourths of the 1,630,000 families on welfare live in homes where the father is absent. In 44 percent of these situations the fathers have deserted their wives or never married the woman in the first place. One can only guess at what the figures might be for nonwelfare families in similar situations since there is no information available. However, the problem does exist and we must deal with it.

I have been interested in locating runaway fathers for many years. As a former Salt Lake County attorney and a two term president of the National District Attorneys Association, I know from firsthand experience how tragic and often hopeless locating a deserting father can be. Recognizing the need for a satisfactory system to locate these fathers and secure support money from them, I introduced a bill in the Senate in July of 1959 that would allow the Secretary of Health, Education, and Welfare to supply from the social security files the most recent address of fathers certified as having failed to support their families who were receiving welfare. The bill created enough pressure that this was made possible through administrative action and I withdrew my bill.

The amendment proposed by the Committee on Finance goes one step further and allows those files to be opened up to any parent or the attorney of that parent seeking information on a deserting spouse.

We therefore no longer discriminate against nonwelfare families in not providing the same information provided to welfare families. By assisting nonwelfare families in this manner, it may be possible for mothers to obtain the support for their children, which is rightfully theirs, before it becomes necessary to look to welfare for that support.

We must take all possible action that will discourage child abandonment. In far too many instances, fathers today simply ignore their responsibilities to their own children leaving the burden of caring for them to the taxpayer through the welfare system. We need to expand our present machinery to locate these deserters and compel them to live up to the responsibilities which they assumed when they became parents. I hope that Congress will see fit to retain this amendment.

TRAUMA CENTERS

Mr. BEALL. Mr. President, improving emergency care and services has been one of my major goals. In my State, we have the most sophisticated trauma centers in the Nation.

The President has rightfully recognized that the know-how and technology that is saving lives in Vietnam can perform similar "miracles" here at home.

The current issue of U.S. News & World Report features this problem and discusses some of the efforts that are underway in the country. I am convinced that once the American public understands the gap between what we are capable of doing in this area and what is actually being done today, for the most part that they will demand that we improve our domestic emergency care and services. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

WHERE MINUTES COUNT: DRIVE FOR BETTER EMERGENCY CARE

Getting under way across the country is a medical offensive aimed at keeping people alive after often fatal kinds of emergencies such as auto accidents, shootings and heart attacks.

It's a drive that involves the whole range of emergency care—from quicker dispatching of ambulances to the initial treatment a doctor furnishes in a hospital.

More than a million lives are lost each year in crisis situations. Medical authorities estimate that wider use of new techniques and equipment could prevent 60,000 of these deaths.

The condition of most emergency care in the United States today has prompted some doctors to say a soldier wounded in the rice fields of Vietnam gets quicker and better care than he would as the victim in the average automobile accident in a big city back home. That is beginning to change, although slowly in many areas, as studies by governmental and medical authorities indicate. In more detail:

HALF THE BATTLE: GETTING VICTIMS TO THE HOSPITAL

Some 16 million people in 185 U.S. communities already can avoid needless—and often fatal—delay in getting an ambulance simply by dialing 911 on their telephones.

When the number is dialed, a switchboard automatically sends the call to a central dispatching office. There, a dispatcher alerts the nearest vehicle which is equipped to handle the emergency.

American Telephone & Telegraph Company, which installs the system in cooperation with its Bell affiliates and local governments, plans eventually to place it in every part of the nation. Red tape, however, is holding up installation in many areas. One example:

Several local governments often share one 911 system. In metropolitan Birmingham, Ala., 47 separate communities are on a single emergency circuit.

In such cities, before the system can operate, local agencies must agree on who has jurisdiction in a particular crisis and how much of the costs each will pay. This is a slow and controversial process. Birmingham took years to get its 911 system into operation, and officials say that some problems remain unresolved.

CRITICAL 4 HOURS

Ambulance delay accounts for needless death for thousands and pain for millions each year. More than half of the 675,000 heart-attack fatalities occur within an hour of an attack. On a national average, victims must now wait about four hours before receiving expert care.

The big drive is to reduce this delay. Some health officials are doing this by stationing ambulances, with two-way radios, at strategic spots around a city—such as parking lots or shopping centers. When an emergency occurs near the ambulance, the crew is dispatched via radio, saving perhaps an hour or more.

A problem is that relatively few of the nation's 44,000 ambulances are equipped with radios. Only 6 per cent have two-way sets. Only 57 per cent have even one-way, dispatch radios.

Top-notch ambulance service—such as that in Baltimore, Chicago, Seattle, and Jacksonville, Fla.—is using not only two-way radios, but such items as electrocardiograph (EKG) machines, telemetry systems and defibrillators.

LONG-RANGE DIAGNOSIS

EKG machines are used to measure heartbeats, and telemetry is the system that monitors the health of astronauts on moon flights. By linking the two in an ambulance, doctors at work in a hospital are able to keep track of a patient's condition—even though he is miles away, still en route.

The doctors can radio the ambulance team instructions aimed at keeping the victim alive. Using this system, highly trained ambulance attendants can perform many services normally reserved for doctors—when State law permits.

As a practical example: One third of all heart-attack deaths are accompanied by fibrillation—a wild shuddering of the heart that prevents it from pumping blood. With proper training, an ambulance crew that finds such a victim can use a defibrillator to administer an electrical shock.

This stops the shuddering and allows the heart to resume its normal function. Doctors says this technique could save lives if the equiment is available and the crew trained. With defibrillators, a mobile coronary-care unit in Seattle was able to save 42 of a total of 324 victims—13 percent—over an 18-month period.

Ambulance teams, under a doctor's supervision via two-way radio, can handle several other "paramedical" duties, including:

Giving transfusions and medication—orally, intraveneously or by hypodermic needle.

Performing such minor surgery as tracheotomies—opening a small hole in the neck's air tube in order to prevent suffocation.

More and more ambulance teams are learning these functions, in addition to providing such advanced first-aid services as stopping bleeding, applying splints and tourniquets, and giving closed-chest heart massages.

Says Dr. Roy M. Baker, medical adviser to Jacksonville's highly regarded ambulance service:

"With telemetry and under supervision, our ambulance technician *is* the doctor on the scene. He is simply an extension of the doctor's arm."

Jacksonville's ambulance service, a branch of the city's fire department, is staffed with 63 experienced firemen who volunteered for the duty. They receive 50 hours of first-aid training, followed by 100 hours of hospital training.

SPEEDY VIRGINIA SQUAD

Former President Lyndon B. Johnson got a sample of first-class ambulance service in April, when he suffered a heart attack while visiting his daughter in Charlottesville, Va. An ambulance from the Charlottesville-Albemarle Rescue Squad—stopping at the nearby University of Virginia Hospital to pick up a doctor and an unusual cardiac-rescue system—sped to the former President.

This rescue system, consisting of a battery-powered EKG machine and a defibrillator, carried in two small boxes, can be taken to the patient's bed.

But the experts say that most ambulances are poorly equipped and often manned by untrained attendants.

The fact is, only 37 percent of the vehicles used across the country to rush patients to hospitals are actually ambulances, according to a survey by the Department of Health, Education and Welfare. Another 9 per cent are rescue vehicles. The remaining 54 per cent are hearses, station wagons, vans and trucks.

Another HEW survey shows that in 27 States, only 42 per cent of the ambulances carry even such rudimentary equipment as leg splints. Typical ambulances may carry little more than oxygen tanks and bandages.

One reason for the sparse equipment: Few ambulance teams are trained to use the sophisticated equipment and techniques that are available today. Medical authorities say that up to 300 hours of training is needed for attendants to master such procedures as defibrillation. In fact, officials would like to see all attendants eventually become paramedics—technicians with two or more years' formal training.

That is a distant goal, they admit. At present, only an estimated 5 per cent of the 220,000 ambulance drivers in the United States have received even the 80 hours of training recommended by the Department of Transportation's National Highway Traffic Safety Administration. Nearly 40 per cent have had only standard first-aid training or none.

COSTLY PROGRAMS

Main reason for poor training and equipment is expense. Nearly 60 per cent of U.S. ambulances are operated by commercial concerns—including 44 run by funeral homes and 14 per cent by other businesses.

In addition, 24 per cent are provided by volunteer groups, and 13 per cent by police or fire departments.

Ambulance service is seldom a moneymaking proposition. Across the country, such services are able to collect only 60 to 65 per cent of their charges, and in some areas as little as 10 per cent.

Three quarters of the undertakers say their ambulances are losing money, and continue to operate only as a public service. Losses are written off as a form of advertising and good will.

But costs of this service are rising rapidly. So is pressure from federal and State governments for better equipment and training.

One third of the undertakers surveyed by HEW said they intend to drop the ambulance service as soon as 1966 federal standards become effective in their States. This trend has already started, even though many States have yet to enforce the standards.

In many cases, undertakers are replaced by commercial services, branches of local government, or volunteers. But in some cases they are not replaced at all, and ambulance service stops.

"ATROCIOUS" MINORITY

The economic plight of the business has encouraged what authorities call "atrocious" conduct by a few unscrupulous ambulance operators. Some undertakers have taken away the dead at disaster scenes and left the injured to wait. A few commercial operators have refused to pick up patients who could not pay the fee.

Some communities, in an effort to avoid these abuses, have organized volunteer rescue units. About a quarter of the nation's ambulance service is provided by such groups. Government surveys rate their services from poor to quite excellent.

To pay for highly expensive equipment, volunteer groups must often turn to cake sales and door-to-door canvassing. Says one federal official:

"These volunteers are highly motivated people, but it may take as many as 30 of them to provide two-man, round-the-clock, seven-day service."

Alabama Governor George C. Wallace was provided with volunteer service at its best in early May, when a would-be assassin shot him at a Laurel, Md., shopping center.

An ambulance from the Laurel Rescue Squad, stationed only four blocks away, sped the Governor to Holy Cross Hospital in nearby Silver Spring, where a team of surgeons saved his life.

Laurel's squad is made up of 200 volunteers—some of them firemen and policemen from Washington and Baltimore. Squad members receive up to 200 hours of training. They regularly donate time to man the squad's fleet of emergency vehicles—including ambulances, rescue trucks, even an airplane and a 60-foot boat.

"It's just something we felt had to be done for the community," says Lt. Finley G. Docarmo, a squad officer. "Either the volunteers do it, or it doesn't get done."

In an effort to bring ambulance service up to grade nationwide, Congress in 1966 passed the National Highway Traffic Safety Act, which ordered the Department of Transportation's National Highway Traffic Safety Administration to set federal standards.

This agency has provided 50 percent matching funds for localities to buy 1,500 modern ambulances costing as much as $15,000 apiece. Also, 25,000 ambulance attendants are expected to receive the recommended 80 hours of minimum training by July 1.

THE OTHER HALF OF THE BATTLE: IMPROVING EMERGENCY ROOMS

Getting the patient to an emergency room rapidly is part of the fight. But in hospitals, too, advances are under way—in the face of growing problems. The number of patients crowding into emergency rooms has tripled in the past 14 years, as the chart on page 78 shows. In 1972, 60 million American may have to use them.

Dr. Reinald Leidelmeyer, a cofounder of the American College of Emergency Physicians, cites two reasons for the avalanche of patients:

"In the first place, the American people have become enormously mobile. It is a rare occurrence, indeed, that a newcomer to an area takes the time to find himself a physician before he really needs one.

"Secondly, the family physician—who had been the focal point of initial medical care through the ages—became more and more scarce. And when he was available, he was in a chronic state of overexhaustion."

As a result, a patient now has two choices: He can spend weeks waiting for a doctor's appointment, or he can turn up at a hospital's emergency room where he may wait several hours before eventually getting treatment.

Actually, only a third of the millions of patients have true, life-threatening emergencies. Another third have serious, but nonfatal, conditions that need treatment, such as broken bones or sudden illnesses. The other third have relatively minor complaints—such as viruses and influenza. They turn to emergency rooms often because they cannot find or afford a private physician to help them.

UNREADY HOSPITALS

This army of the ill has caught the nation's 7,000 hospitals unprepared. For one thing, only 17 per cent of the emergency rooms have a physician on hand 24 hours a day. And even if a doctor is on duty, he may not be competent to handle a particular situation. Dr. Leidelmeyer put it this way:

"In the hospital where I work, an ophthalmologist—who had done nothing for years and years except measure refractions and write prescriptions for glasses—was suddenly forced to deliver a baby. Everything apparently worked out well, but it was obvious that the patient came out of it in a better condition than the physician."

Increasingly, many hospitals no longer man their emergency rooms by rotating their entire staff of physicians, interns, nurses and technicians. Instead, they are turning to new methods to provide well-trained personnel 24 hours per day.

In Pontiac, Mich., about 30 doctors with a variety of specialties contract to staff the emergency room at all times. Such a large number enables each of them to maintain a private practice.

In an Alexandria, Va., hospital, on the other hand, the emergency ward is run by only four doctors who do not keep a private practice.

Variations of both plans are being adopted across the country.

Behind these changes is a growing conviction among doctors that emergency medicine is becoming more and more a professional specialty. Some medical schools are setting up residency programs to train emergency physicians. Some hospitals are upgrading their emergency rooms to departmental status—with bigger budgets, better-trained staffs and more clout in hospital hierarchies.

Medical authorities report that a big problem for emergency rooms is the same one that faces ambulance services—expense. Hospitals also have a difficult time collecting bills from emergency patients. Many hospitals say they cannot afford to maintain well-equipped and staffed emergency wards.

REMOVING DUPLICATIONS

Now beginning is a major effort to cut out needless duplication in larger cities with many hospitals. In such cities, instead of each hospital trying to maintain a full emergency department capable of handling all problems, the institutions are encouraged to specialize in a particular medical problem, such as burns or childhood diseases.

It is agreed that problems for ambulances and emergency rooms are complex and even formidable. Yet there is evidence that enough progress is being made so that, in the next decade, many thousands of lives now lost to heart disease and trauma will be saved.

Accidents, the chief cause of trauma, in 1971 cost the United States—in terms of property damage and the victim's lost productivity—an estimated 28 billion dollars. President Nixon commented in his 1972 state-of-the-union message:

"These are sad and staggering figures—especially since this toll could be greatly reduced by upgrading our emergency medical services. Such improvement does not even require new scientific breakthroughs; it only requires that we apply our present knowledge more effectively."

One question is: Who will pay? Authorities say it will cost about 2 billion dollars a year—beyond the estimated 75 billion now spent on health—to supply the country with adequate emergency medical care.

As a starter, President Nixon has authorized 8.2 million dollars to be spent by the year ending June 30, and 15 million the following year, to build five model emergency medical systems around the country.

Many doctors would like to see more federal funds invested in emergency medicine—enough to help insure the saving of 60,000 lives a year.

THE THREE "SUDDEN KILLERS" THAT TAKE A MILLION LIVES A YEAR

Heart attacks claim 675,000 lives a year in the U.S., are the leading single cause of death. Sixty per cent of the victims never reach the hospital.

Stroke, a sudden blood clot or vessel rupture in the brain, kills 211,000.

Trauma—often called "the neglected disease of modern society"—strikes down nearly 155,000 people each year. Trauma is a little-understood condition inflicted by a serious wound. It can be caused by highway accidents, shootings, burns, other catastrophes. Trauma has become the fourth leading cause of death for all ages.

A Lesson From Vietnam: Saving Lives by Helicopter

To speed medical aid to injured and seriously ill, a growing number of States and localities are lifting a technique right out of Vietnam:

They are using helicopters to transport trained "paramedics" to isolated patients, then fly the patients back to hospital emergency rooms.

Helicopters can whirl into a spot so remote—such as a mountainside or swampland—that an ambulance could never reach it, and deliver relief that would otherwise be delayed for hours.

One example: When a school bus overturned near Salida, Colo., nine football players aboard the bus died immediately, and many others were seriously injured. Salida's tiny hospital could not handle the sudden deluge of patients.

The local sheriff summoned three Army helicopters, manned by medical corpsmen from Fort Carson. The copters arrived an hour later and airlifted 15 of the most serious cases to St. Luke's Hospital in Denver, 125 miles away.

FEDERAL AID

These helicopters were a part of a joint project of the Departments of Defense, Transportation, and Health, Education and Welfare called MAST (Military Assistance to Safety and Traffic).

In the project, military helicopters at five Air Force and Army bases in Arizona, Colorado, Idaho, Texas and Washington are on constant call to provide emergency medical services for isolated areas nearby.

Project officials say the effort costs little or nothing extra, because the helicopters and crews are members of air-rescue units already stationed at the bases. Instead of training runs, they fly humanitarian missions—more than 1,000 since the program began two years ago.

The aircraft are the kind used in Vietnam—Army "Hueys" and Air Force "Huskies." They are manned by a pilot, copilot and two medical corpsmen, and can carry three patients easily.

MAST has been so successful that officials are considering expanding it to include 18 more bases across the South and West.

State and local governments also are beginning to use helicopters, often bought for civil-defense or law-enforcement purposes, as ambulances. State National Guards and Army Reserves are now operating 1,800 helicopters, and State law-enforcement agencies, with grants from the Justice and Transportation Departments, have purchased an additional 100.

In Maryland, three State-police helicopters serve as ambulances to deliver serious accident or heart-attack victims to the University of Maryland Hospital's trauma-study center.

"The helicopters put everybody in the State within one hour of the trauma center," says Dr. R. Adams Cowley, director of the center.

LANDING, COST PROBLEMS

Most medical authorities warn, however, that helicopters have their limitations as ambulances.

Says Dr. Dawson Mills, director of the National Highway Traffic Safety Administration's emergency medical service:

"The troubles with helicopters are twofold.

"First, they're no good in an urban environment. They can't land amid traffic jams, high-rise apartments and power lines. Their usefulness begins 30 miles outside cities.

"Secondly, they're too expensive for most agencies. The helicopter alone can cost $130,000—without the crew's salary."

Still, where they are in use, helicopters are providing quick ambulance service and saving lives.

ADDRESS BY MRS. ESTHER PETERSON

Mr. MOSS. Mr. President, Mrs. Esther Peterson was awarded an honorary doctorate at the commencement exercises of the University of Utah in Salt Lake City on the third day of June 1972. Mrs. Peterson delivered the commencement address at that time. I have known Esther Peterson for many years. She is a native Utahan and many of her family live in our State today. They are leaders of our community. Esther has not lived permanently in Utah for a good many years.

Nearly all of the members of this body know her for her work here in Washington, where she served as the first Consumer Affairs Representative in the Executive Office of the President under Lyndon B. Johnson. She established that office, which has become so important in our Government. Presently, she is working for private industry in the Washington area.

What she said in her commencement address is thoughtful and challenging, and I believe should be brought to the attention of the Senate. I therefore ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

1927–72

(By Esther Peterson)

I am honored and moved to be here today: honored, because this is a fine university with a great tradition; moved, because Utah is home. And when you come home, things come together—you think about what you carried away years ago . . . and where you've been in the meantime.

During the last few weeks, I've been wondering what I could say to you that would be meaningful. I asked a friend at the university what I should talk about. "Just talk about what it was like for you when you were starting out and what it's been like since," he told me.

I remember my own graduation day at BYU in 1927, 45 years ago, but for the life of me I can't remember the commencement speech.

My youth was a time of great innocence. Like so many others in my graduating class, my concerns centered around school—grades, dates, and social affairs. I comprehended little of what transpired beyond BYU's halls, and, to tell the truth, I didn't care very much either.

In a sense, my class reflected the period in which we lived—a period so unlike yours today. America was riding a wave of hope then. We had won the "War to End All Wars," or so we thought. At home, universal prosperity had been proclaimed—a chicken in every pot, a Ford in every garage. America was keeping cool with Coolidge; and the business of America, according to substantial citizens, was business. Horatio Alger was the mythic hero of the day, setting us an example of success through will power. The social gospel was if you failed, you had only yourself to blame. Women had won the vote, but it was still a man's world, much more than it is today.

Of course, there was a world I and my class did not know about. Underneath the calm surface was a seething discontent. If we had had radio or TV then, we might have known about it. This other world was one of low wages with no security and little protection for most working people. There was hunger and sickness for thousands of would-be Horatio Algers, but people of substance took little notice of them. Anyone who questioned this order of things, in even a gentle way, as Norman Thomas did, was said to disturb the peace. Even now, some people would like to return to those days of not seeing and, therefore, not knowing.

My first encounter with people disturbing the peace, or "troublemakers" as they were called, came in 1918 during the great railroad strike. One of the students who boarded in our house was hired to help break the strike at ten dollars a day, about twice what railroad workers then earned. When he was taken to the job in Salt Lake, I went along for the ride. I was twelve at the time. I remember the turmoil, and police on horses pushing back the crowds to form a path for our open car. We were forced to stop for a moment next to a woman with two children. She was so close I could have reached out and touched her.

"Why do you do this to us?" she asked, her eyes full of hurt more than anger.

Her look and her question haunted me, but I did not begin to understand what she meant until years later when I first saw working conditions and started to disturb the peace a little myself.

What lay before the young college graduates in 1927? For men it was business or profession—my sisters married doctors and a lawyer. My brothers went into business and the law. For women it was largely teaching or nursing. I set off on what was one of the few professions open to women—teaching school. At least that was what I thought at the time. Why not law or medicine, science, economics or mathematics? Girls just did not go into these fields. A few did, but most of us just didn't try. Of course all of us had the usual alternative—get married. We didn't even consider doing both. The idea was to rear a family, be a helpmate to your husband moving up the career ladder. Achieve through his career. Entertain his clients and customers. Participate in community activities which reflect to his credit. Protect him as much as possible from the worries of family life and the disciplining of the children, and by all means, don't get involved in any controversial, political, or social issues. For that would hurt your husband's career, besides being most unorthodox.

How fortunate I was a few years later at Columbia University to meet, fall in love with, and marry a man who thrived on social controversy and believed everyone, including women, including his wife, should participate in it. Looking back as a long-liberated woman I feel that my husband was and is one of the first liberated men, one who never felt threatened by his wife's work or interests. One who shared the problems, chores and worries of rearing a family of four children, while also sharing all the joys of that condition, and who allowed and encouraged me to be my own person in the maelstrom of politics and in the pursuit of a succession of unexpected careers.

We used to go to meetings where current issues were hotly debated, then sit on a park bench afterwards, arguing, until the park closed. Gradually, the philosophy I had been raised with fell apart—the philosophy that nobody was making too much money, that it had to be only your fault if you were not successful.

In these days of affluence, it is difficult to imagine America of the Thirties. People were frightened and desperate, and suicides were common. People worried about having children they might not be able to feed.

I started teaching in Boston and did volunteer work on the side at the YWCA, working with women from the factories. (We were raised in the Mormon Church to give freely of our time.) That's where I first started thinking about measuring reality against principle.

We talked a great deal about the principle of brotherhood at the YWCA. If we believe in brotherhood, we asked, why do we have separate Y's for Negroes? Why don't we integrate? We were just beginning to wrestle with a simple question like that. Several years later, the YWCA was integrated. It wasn't easy, and it still isn't perfect, but the principle had been established, and there was no going back.

The work at the YWCA led to involvement in the Amalgamated Clothing Workers, which led to the opportunity to work at the Bryn Mawr Summer School for Women Workers in Industry and then as a lobbyist in Washington. None of this was planned; if I had tried to plan it, it probably would not have worked out this way.

During the '40s in Washington, I came to know Utah's own Senator Elbert Thomas, the man who had much to do with the new social and economic underpinnings of our present society. He used to say that the future of America depended on its ability to measure its actions and achievements against the principles set down in the Constitution and the Bill of Rights. (It was a sad day when he was voted out of office as the result of the vicious and dishonest campaign waged against him.)

In working with Senator Thomas, I learned more about the importance of reaching agreement in *principle* with people of other views, then working to make reality conform with that principle.

The Minimum Wage Act of 1938 was an example of this approach. The *principle* was that if you worked full-time, you should be paid enough to live on. It took a lot of work and time to get a bill at all, and in the end compromises were made. Large groups on the fringes of labor were shut out—restaurant and laundry workers, retail clerks, and farm workers, to name a few. The real results were not so dramatic as either the pros or cons predicted, but they were rewarding.

The point is that the principle of a living wage had been established, and in the years since, we have gradually extended the law to include most of the groups which were at first shut out. Even the people who clean up after you in dorms and football fields are covered. The highest price of the compromise—and sometimes I wonder if it wasn't too high—was paid by the agricultural workers. These people still face the most stubborn opposition to their claim for a decent living in exchange for their labor.

The Minimum Wage Act is only one of a number of legacies passed on to you by your parents' and grandparents' generations, underpinnings for a better society. These goals that represented radical change in the Thirties and Forties—Social Security, Workmen's Compensation, Unemployment Insurance, to name a few—now find broad acceptance. They still require refinement and improvement. But they are there, irreversibly so, and nearly everyone agrees that they benefit society as a whole and that there is no going back.

No sooner were those underpinnings there than it was time to move on, to tie up the loose ends and to measure reality against principle in other ways—no time to rest on our laurels, however human the impulse may be. The Fifties and Sixties presented new lessons and problems. We found out there are limitations to legislation: What was the use of creating a Food and Drug Administration without "teeth," without enough inspectors to do the job? We learned that some of our reforms had been badly conceived—we found out that urban renewal, for example, could mean moving people out and giving them no other place to live.

We were forced to see the dilemma experienced by black Americans.

We began to realize that poverty is largely inherited, and we tried to break its vicious cycle.

What hurt most of all, in the early Sixties we stumbled into the war in Vietnam. We found out that the strong and powerful president we had wanted in the Thirties to give us social change could also almost single-handedly push us into war.

As we sank more and more resources into the war, we were humiliated by the realization that our enormous war machine could not defeat these little people. And in the process of learning this lesson, we killed so many of the ones we were trying to save from totalitarianism. "Peace with honor"—isn't it time we got together as a people to figure out what honor really means?

I hope maybe the disillusionment of our experience in Vietnam will be health in the end. It has made us question ourselves and our values as never before. At the same time, we are questioning our sacred institutions—religion, business, even the family. I wonder if there has ever been a society challenged to change so much so fast . . . and in a relatively peaceful, humane way. There's the problem, of course: in a peaceful, humane way. For it is not acceptable in America simply to wipe out the opposition as Stalin did.

I don't need to spell out to you the tasks that lie ahead—your generation has helped define and create awareness of them. If we can describe these tasks in simple terms, I suppose it would be the struggle for human rights in America . . . of still trying to make reality measure up to the principles established in the Constitution. This does not mean "do goodism," but rather a healthy sense of self-interest in view of the whole, a kind of human ecology: What happens to my brother happens to me.

It's the old philosophical problem with which democracy began, the problem of balancing my rights with the rights of others. We have won enough in the struggle for human rights, I think, to bear out Jefferson's observation that we could not enslave others without enslaving ourselves. Purging the old philosophy of *narrow* self-interest will surely move us closer to our original goal of hope for all who live in America.

If our society is to survive in a human way, we must reorder some of our priorities. Can't the engineers of Lockheed and Boeing turn wheels for rapid transit just as well as for the SST? When you think of the talented, highly trained people out of work today, their skills lying idle. . . . Can't we find ways to use these skills toward human ends? And on a personal level, can't we begin to scale down our use of natural resources? For example, do we have to continually expand our use of electric power at the price of clean air and water? Maybe we'll walk more. Maybe we'll open our cans the old way. Maybe "whiter than white" will not be the standard for neighborhood acceptance, and just clean will be good enough. Maybe public possessions we can all enjoy will begin to mean more to us than private possessions.

The questioning is beginning. Young and old—"people of substance," as well as the underprivileged—are asking radical questions. The disturbers of the peace are everywhere.

What lies ahead for you, the Class of 1972? Professions, business, etc.—just as in 1927—but with a difference. Now there is a kinder climate for disturbers of the peace. Today if you become a doctor, you will find some doctors experimenting with new ways of practicing medicine in groups, some challenging vested interests (within the profession). If you practice law, you have options which did not exist in the '20s—to follow the paths of the Naders, legal aid people, bringing equal justice under law to many who had never known it. If you teach, you will find room for stimulation and exploration which existed only on a limited scale before. If you go into business, you will find the beginnings of breathing room for the idea that social responsibility and honesty are good business. There are new careers . . . for ombudsmen and public advocates of all sorts. No matter what the field, the time is ripe for innovation and change. And if the job doesn't exist, you can always start it yourself!

You have been nurtured here. Now comes the time to break away, to test yourselves, to adjust to a harsher climate and get involved. Certain things underlie the philosophy that has guided me through my experiences and perhaps they may be helpful to you. These four things are: measuring reality against principle, a desire to get involved, a policy of flexibility, and willingness to take a risk.

How do we involve ourselves, you ask. How do we change the existing order of things? The task is so great, what can we do? We have no movement of our own, you say; unlike the older generation, we've no organized source of power and comfort such as the labor movement provided in the old days.

It is exhilarating to be part of a movement, but don't depend on mass movements to bring social changes. In fact, I wonder if the time for the mass movement approach to social change hasn't passed. Can it be that we have reached an era of more searching and lasting change in which all of us as individuals participate in the struggle for human rights? This does not mean that we all have to become public advocates. Whether you dance or farm, practice law or type, doesn't matter. It's the way you use your life that matters.

The prospect of involving yourself is exhilarating, partly because it involves risk. The more involved you become, the more mistakes you will make—and it will hurt. At the same time, the more you involve yourself in work you enjoy, the stronger and more effective you will be. You will experience satisfaction. And you will never be bored.

Keeping flexible as far as your job goes gives you options you might not otherwise have. Throw yourself into the work at hand, but be ready to change if you outgrow it or if you find that another sort of pursuit will use your abilities more fully. If you can keep your financial commitments fairly modest, you will be freer to move around.

Compromise among differing people is the essence of the democratic system. And isn't it the essence of life and living with each other? It doesn't mean giving up what you believe in; it means respecting other points of view and still getting the job done. How discouraging it is to find people who want to improve society actually hindering progress by their failure to learn constructive tactics. The Constitution and Bill of Rights would not exist in the first place were it not for the art of compromise. It was the genius of the people who bequeathed us this system to make certain that the very diverse people who followed would continue to use this art as the means of reconciling differences and effecting change.

Get to know "the enemy" and he becomes many people, some of whom you will share some attitudes with. It will take imagination and humor to reach out and find that common ground. In my own experience with industry, I have found that the stereotype of industry's refusal to change has often proved unfounded. Some of their fears have been almost a matter of habit, and for the fears that did have some basis in reality, we have been working out good compromises.

We talk about saving the system from the threats which menace it today. Aren't we talking about making the system work in the way it was intended? It was meant to be a living system, to be bent, to be shaken, and to grow. Why not use the tools at hand? There are many examples of this approach: nineteenth century water pollution laws have been dusted off and put to work by dedicated lawyers; the voting privilege is being strengthened and used by young people—a process in which your own Hinckley Institute plays a valuable role. Across the country your generation is recognizing the power of the electoral process.

Attacking the system or withdrawing from it—aren't these two sides of the same coin? Frankly, I see no great difference between the individual who refuses to throw himself into the process for fear of losing his heritage and the one who uses it to his own selfish ends. One's withdrawal makes the other's acts possible. As for attacking the system with violent means, I can only quote Martin Luther King, who continually reminded the people he led through long and painful trials, that "the means *create* the ends." Haven't we learned in this past decade that there is no such thing as saving the nation by destroying it?

Now more than ever, there is personal hope—of fulfilling the potential of human relationships, of better understanding how children grow, of pleasure in work, of the end of sharp distinctions between work and play. Most important, perhaps we can move toward a society in which each human being feels needed and useful in some way. It's beginning to happen. People are groping toward new arrangements to give the shelter once provided by the extended family and the small community, seeking an end to isolation. We are admitting the need to care and be cared for, to love and be loved.

If I can read from Ecclesiastes, Chapter 3:

"To every thing there is a season, and a time to every purpose under the heaven;

"A time to be born, and a time to die; a time to plant, and a time to pluck up that which is planted;

"A time to kill, and a time to heal; a time to break down, and a time to build up;

"A time to weep, and a time to laugh, a time to mourn, and a time to dance;

"A time to love, and a time to hate; a time of war, and a time of peace."

This will be your season for a while. Let it be a time to plant . . . a time to heal, and a time to build up . . . a time to laugh, and a time to dance . . . a time to love, and a time of peace.

THE YOUTH OF MONROE COUNTY, KY.

Mr. COOK. Mr. President, at a time when many believe that the youth of our Nation are failing to become productive citizens, I think we should take note of those who are pursuing this worthy goal. Michael Carter, Deborah Ray, and Pamela Emberton, of Monroe County, Ky, are fine examples of youth striving for both the betterment of themselves and society. Young Mr. Carter, for example, not only won the Kentucky State class A championship in pole vaulting but also placed first in a national annual high school mathematics test given at Tompkinsville High School in Tompkinsville, Ky.

I ask unanimous consent that the article published in the Glasgow, Ky., Daily Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOMPKINSVILLE YOUTH CITED

Michael Carter, 16, young Tompkinsville High School student, excells in sports as well as in mathematics.

In the state Class A Regional Pole Vaulting Contest held in Glasgow on May 19, he won easily by vaulting 11 feet 10½ inches, thereby establishing a Regional Record.

On May 27, Michael competed at Lexington Sport Center, Lexington, Ky., and this time won the State Class A championship in pole vaulting.

Carter also plays on the Tompkinsville High Football team as defensive guard.

On March 14, 1972, in a National Annual High School Mathematics test which was given at Tompkinsville High School, Michael Carter was high scorer, Deborah Ray, daughter of Mr. and Mrs. Harold Ray received second highest score and Pamela Emberton, daughter of Mr. and Mrs. Eagle Emberton was third.

On May 4, 1972, the high school was informed that these three students ranked first, second and third respectively in the test in the State of Kentucky. Michael and Deborah have been selected to participate in the first U.S.A. Mathematical Olympiad to be given to 100 students throughout the United States.

Our community is justly proud of these fine young students and their achievements. Their parents and the Tompkinsville High School faculty are also to be commended for their guidance and instruction in making this possible.

The Tompkinsville High School on May 5, presented Michael an award for placing first in the high school.

Michael is the son of Dr. William Carter and Mrs. William Carter. He is the grandson of Commonwealth's Attorney, Paul Carter and Mrs. Carter. He is a member of the First Baptist Church and is active in church affairs.

JUSTICE IN HAWAII

Mr. TUNNEY. Mr. President, Mr. Tersh Boasberg, a former employee of the Office of Economic Opportunity and at present a distinguished practicing attorney in Washington, D.C., recently journeyed to Hawaii as the attorney to defend a recipient of an OEO program grant. The alleged purpose of the hearing that Mr. Boasberg attended was to develop facts relating to the issue of whether this antipoverty grant should be refunded. Mr. Boasberg—in a witty, droll, and lucid style—has written his observations of the way the wheels of justice grind out decisions under the watchful eye of Mr. Thomas Mercer, the director of the San Francisco region of the Office of Economic Opportunity. Not so carefully concealed by the author's intentionally breezy style is a trenchant condemnation of bureaucratic decision-making gone awry. Humans fade into pathos, and what remains is a graphic depiction of why many people in this country say that OEO is unresponsive to the needs of the disadvantaged.

I ask unanimous consent that Mr. Boasberg's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JUSTICE IN HAWAII

I spent Memorial Day weekend in Hawaii on the Kona Coast of the Big Island. "God's country", said the airline representative, "the most beautiful sunsets in the world. Have a nice weekend." Visions of hula girls, macadamia nuts and mai tais. I packed my madras bathing suit, French suntan oil and my summer whites with the permanent press.

I went to Hawaii as the attorney to defend the Mil-Ka-Ko (Milolii-Ka'u-Kona) Research and Development Corporation and its sister, the Mil-Ka-Ko Fishing Cooperative. These anti-poverty projects were being closed down by Mr. Thomas Mercer, the Director of the San Francisco Region of the Office of Economic Opportunity. Well, they weren't technically being closed down. As OEO likes to put it, their grants were expiring on May 31, 1972 "by mutual agreement of the parties." Mr. Mercer was terminating the grants allegedly for reasons of corporate mismanagement, poor records, and the programs' inability to serve the poor. The funds remaining in the grant would have to be returned to the U.S. Treasury, together with Mil-Ka-Ko's few secondhand trucks and cold storage boxes for the fish.

OEO didn't like to discuss the real reason for the termination, namely, that on Mr. Mercer's one day trip to Mil-Ka-Ko on January 5, 1972, he took an immediate and intense dislike to Shirley Mesher, Mil-Ka-Ko's voluntary consultant. Shirley isn't the easiest person to get along with if you happen to be an OEO Regional Director. She's spent the last two years helping to keep Mil-Ka-Ko alive, living with Mrs. Maggie Basinga and her six children in what used to be the projection room of an abandoned movie house in the village of Captain Cook. The preceding five years she spent near Selma, Alabama, organizing SWAFCA, an indigenous Black co-op, long a nemesis of OEO.

Shirley tends to alienate officials by encouraging the eligible poor to go down to local welfare offices to ask for food stamps, social security benefits and medicare. She doesn't recruit maids and busboys for the local hotels and she doesn't support the airlines. In Hawaii, there are some people who don't like this kind of welfare activism and they don't like to be reminded of the pock-marked face of young girls or of fishermen's swollen eyes, running mucous from the ocean's glare.

So the next week, Mr. Mercer took aside Confessor Riveira, the president of the R & D Corp. and Louis Paulo, the head of the Fish Co-op, and told them (in front of three other witnesses), "Either Shirley Mesher goes or your program goes." Riveira and Paulo said they needed Shirley. Mr. Mercer began to shut down the programs.

After all, Mr. Mercer was the new Regional Director. Wasn't his mission to clean up the poverty mess? And anyway, what did a bunch of uneducated Hawaiians, Puerto Ricans and Filipinos know about federal program and financial management?

After making conditions intolerable for Mil-Ka-Ko, Mr. Mercer commenced termination proceedings on March 30, 1972, barely 13 months after the program had started. (He just couldn't wait another two months until the grant expired of its own accord.) On April 10, Mr. Mercer summarily suspended Mil-Ka-Ko, froze their bank accounts, set a quick hearing for April 12, and named himself as the impartial hearing officer.

But Mr. Mercer had erred. Under OEO's regulations, Mil-Ka-Ko was entitled to hire a lawyer (pay him $12.50 an hour) and have a public hearing since their grant authority, technically, was being "terminated" rather than "not extended". A federal court in Washington told Mr. Mercer he had to give Mil-Ka-Ko's lawyers more than three days to prepare their defense. Mr. Mercer decided that facing a public hearing on the Kona Coast in front of all those poor people and their lawyers was too risky. He withdrew the termination proceedings on April 19 and cancelled the public hearing.

Instead, Mr. Mercer waited. Then, on May 12, he told Mil-Ka-Ko that their authority to operate would be terminated on May 31. Under another OEO regulation they were entitled only to an "informal meeting" with an OEO official "to show cause" why they should be refunded. Unfortunately, they were not entitled to a public hearing, an independent hearing officer, or to confront and cross-examine OEO witnesses.

OEO set the "informal meeting" for May 27. Mr. Mercer was to give his "objective" decision after hearing the recommendations of the presiding OEO official. Mil-Ka-Ko went back to federal court, where the judge "suggested" to OEO general counsel that perhaps Mr. Mercer was overly involved. Consequently, Mr. Mercer named his new deputy director, Mr. Gonzales, to make the final decision.

The informal meeting started on Saturday, May 27, not on the Kona Coast, but at Hilo—a full three hour drive over tortuous roads from Kona. OEO calculated that the meeting might be more manageable if it was held at Hilo since few of the poor fishermen and farmers had their own cars and since all of Mil-Ka-Ko's records were at their office in Kona. Holding the meeting over Memorial Day weekend also should tend to discourage press and T.V. coverage.

But Mil-Ka-Ko rented old trucks and vans and 150 people showed up at Hilo: fishermen from Milolii, farmers from Captain Cook, busboys from Kailua, construction workers from Ka'u, and their wives, children and grandparents. A few others also gave up their weekend because they couldn't believe the federal government was taking away the few old trucks and cold storage boxes that Mil-Ka-Ko owned.

They testified in broken English and pidgin Hawaiian. Arthur Kuahula and his 18-year-old wife, Evelyn, said now that they had the Co-op, they didn't have to get up at 1 o'clock in the morning; drive to the nearest store two hours away to buy cube ice; fish for 10 to 12 hours straight; and then drive another six hours to peddle their fish at the auction in Hilo. Twenty-three-year-old Cam Spencer and Steven Kuahula, cradling their two infants, described how they still braved the ocean in outrigger canoes with 25 HP motors.

Mr. Kasuga testified that since he could buy ice from the Co-op, he now could get his fish to market without them "burning" (turning white from the heat). Mrs. Kasuga wanted the OEO official to know that it was sometimes difficult for her to raise 14 children (two had already died) in Milolii because the village still had no electricity, running water or sewage. And Mrs. Akiu, Mrs. Kaliwaii and Mrs. Basinga told about their twice-monthly meetings, the written agendas, election of directors and the myriad records, financial statements, balance sheets, MIS data, regulations and guidelines, which OEO's San Francisco office had thoughtfully required.

William and Sarah Kahele, Kalani Gregg, Louis and Mona Paulo, Shigi Takayama, Mrs. Rentigrada and Confessor Riveira testified that the fishermen who earned $1,000 a year before the Co-op were now earning $4–5,000; about the youth program which had been started; that for the first time on the Big Island a land reform project was underway; and that food co-op was being organized.

For three days and two nights the people of the Kona Coast tried to "show cause" why Mr. Mercer should let them continue to operate their meager program and second hand trucks. Most had never even met a federal official. Few had ever testified before anyone.

At the end, 20-year-old Shirley Kasuga read a poem that the young people of Milolii had written:

"Auwe! We sorry Hi Makamaka
We forget our place,
Da next time We No!

"We sorry we listen about
Da kine Rights and Believe dem,
Da next time, We No. . . .

"So, we sorry for da kine pilikia
An for liking more dan been poor,
An smile 'aloooha' and serve for da tourist,
The next time We No. . . ."

The court reporter couldn't finish transcribing the whole poem. She had to leave by the rear door of the meeting room so no one could see her crying. And the official tape recording would never show the tears on Kalani's cheeks, or on Shirley's or mine.

The "impartial" OEO official had to leave promptly at 3 p.m. on the 29th in order to catch the last plane to San Francisco. It did not matter that much remained to be said. Three days were enough. And besides, didn't Mr. Gonzales have to give his reasoned decision no later than May 31st?

Later that evening, Louis and Mona Paulo brought out their guitars, and William and Sarah Kahele, their ukuleles. They played and sang in Hawaiian. The Paulos' daughter danced hula. We ate sashimi. (The airlines were right.)

They thanked me profusely. They were even grateful to OEO for sending such an "objective" official. No one had testified against Mil-Ka-Ko. Surely, the program would continue.

When I left, Shirley Mesher put a lei around my neck. Shirley Kasuga took my picture. They all sang "Aloha." I kissed them goodbye.

The OEO telegram came on May 31st from Mr. Gonzales. "After considering all the evidence, the government feels that you have not been able to show cause why you should be refunded . . . a GSA official will pick up the trucks and cold storage box . . ."

Have a nice weekend. Aloha.

COMMENT ON JOINT COMMUNIQUE BY PRESIDENT NIXON AND PRESIDENT ECHEVERRIA

Mr. JAVITS. Mr. President, when I met President Luis Echeverria, I was enormously impressed with his energy, dedication, and philosophy. Here was one leader of the developing world who was concerned not only with relations between the countries of the developed world and those of the developing world, but also with closing the gap between the haves and have-nots within his own country as soon as he could.

One of the worrisome facts about the impressive Mexican economic development prior to the Echeverria administration was that a serious problem of income distribution was developing. President Echeverria's policies have consciously attempted to diffuse the fruits of this impressive and continuing rate of economic growth more evenly throughout the nation.

I was impressed with President Echeverria's address to the joint session of the Congress. In my view he was "telling it as it was" from the point of view of a respected leader of Mexico and of the developing world. This is a point of view we do not hear frequently.

At the conclusion of the state visit of President Echeverria, a joint communique was issued by both Presidents. The purpose of my intervention today is to bring this communique to the attention of Members of Congress. The communique makes clear not only that the meetings between President Nixon and President Echeverria were amicable, but also that progress was made on the substantive issues troubling United States-Mexican relations and U.S. relations with the rest of the developing world.

I note in particular that in the joint communique President Nixon "recognized the important role developing countries could and should play in erecting a new international monetary system and in progressing toward a free and fair trading system. In endorsing trade policies more responsive to the problems of both developed and developing countries, he reaffirmed his intention to seek congressional authorization at the appropriate time for the United States to participate with other industrialized countries in a system of generalized tariff preferences for imports from developing countries."

As Senators know, following the leadership of, first, President Johnson and then of President Nixon, most other countries of the developed world—the United Kingdom, the Common Market, Japan, Sweden—have now extended generalized tariff preferences to the countries of the developing world. President Nixon has now reaffirmed the U.S. intention to seek the legislative authority to allow the United States to live up to its pledge and it would be my expectation that generalized preferences legislation would be an integral part of any trade package sent to the Congress late this year or early next year. I also point out that our trade balance with Mexico and with the developing world as a whole remains in healthy surplus.

I also applaud President Nixon's statement that the developing nations "could and should" play an important role in erecting a new international monetary system. It is my feeling that there may be a strong community of interest between the type of new monetary and trading system that the United States wants to see evolve and that which the developing world wishes to see evolve. I note also that in making this statement President Nixon wisely was being responsive to one of the areas of greatest interest to the developing world as these issues developed at the recently concluded UNCTAD III conference.

I ask unanimous consent that the joint communique issued by President Nixon and President Echeverria be placed in the Record.

There being no objection, the joint communique was ordered to be printed in the Record, as follows:

Joint Communique Following Talks Between Richard Nixon, President of the United States of America, and Luis Echeverria Alvarez, President of the United Mexican States, June 15–16, 1972

President Richard Nixon and President Luis Echeverria Alvarez welcomed this opportunity to renew their personal friendship and the cordial dialogue which began at their first meeting here in 1970. They regarded this visit as particularly appropriate at a time when the eyes of the world have been focused on President Nixon's recent visits to Peking and Moscow. The visit of the Mexican President to the United States serves to direct broad attention to the equally important tasks of advancing new approaches to Latin America and the less developed nations of the world.

They also agreed that their meetings had contributed to the establishment of a new era, an opening characterized by a spirit of frankness with Mexico and which they hoped would characterize intra-Hemispheric relations.

The two Presidents exchanged impressions on world and Western Hemisphere affairs in considerable detail. President Nixon described his talks with the Chinese and Soviet leaders. President Echeverria recounted his experiences on recent visits to Japan, Chile and Peru. They found this review informative, useful as well as stimulating. They were firmly united in the view that world peace with social justice is essential to the well-being of all mankind.

The Presidents discussed overall relations between their two countries—political and economic affairs, and cooperation in the scientific, technical, cultural and other fields.

The President of the United States recognized the important role developing countries could and should play in erecting a new international monetary system and in progressing toward a free and fair trading system. In endorsing trade policies more responsive to the problems of both developed and developing countries, he reaffirmed his intention to seek congressional authorization at the appropriate time for the United States to participate with other industrialized countries in a system of Generalized Tariff Preferences for imports from developing countries.

Regarding the problem of the salinity of the Colorado River, President Echeverria told President Nixon that Mexico reiterates its position as regards receiving its assignment of original waters from the Colorado River, to which the Treaty of February 3, 1944 refers, and therefore, with the same quality as those derived from the Imperial Dam.

To this, President Nixon replied that this was a highly complex problem that needed careful examination of all aspects. He was impressed by the presentation made by President Echeverria and would study it closely. It was his sincere desire to find a definitive, equitable and just solution to this problem at the earliest possible time because of the importance both nations attach to this matter.

As a demonstration of this intent and of the goodwill of the United States in this connection, he was prepared to:

(a) Undertake certain actions immediately to improve the quality of water going to Mexico;

(b) Designate a special representative to begin work immediately to find a permanent, definitive and just solution of this problem;

(c) Instruct the special representative to submit a report to him by the end of this year;

(d) Submit this proposal, once it has the approval of this Government, to President Echeverria for his consideration and approval.

President Echeverria said that he recognized the goodwill of President Nixon and his interest in finding a definitive solution to this problem at the earliest possible time. He added that based on two recent trips to the Mexicali Valley and his talks with farmers there, his Government, while reserving its legal rights, had decided to stop using waters from the Wellton-Mohawk project for irrigation purposes while waiting for receipt of the US proposal for a definitive solution.

Both Presidents agreed to instruct their Water and Border Commissioners to prepare and sign a Minute containing the above program and commitments as soon as possible.

The Presidents discussed the many areas of ongoing cooperation between Mexico and the United States, and their conviction that such cooperation serves to bind our people even closer together in mutual effort and understanding. They took note of the agreements concluded during the visit by their respective Secretaries for Foreign Relations: a bilateral agreement with regard to the exchange of information, training and research in the fields of science and technology; a subsidiary agreement which contemplates the exchange of young technicians and scientists (including the training of some 100 young Mexican technicians and scientists through US Government agencies); renewal of the agreement on Cultural Relations.

President Nixon and President Echeverria discussed the serious nature of the illicit international traffic in narcotic drugs. They reviewed the joint enforcement measures which their countries have successfully undertaken over the past two years. President Nixon informed President Echeverria of recent measures taken to combat the drug problem in the United States. They agreed to acquire and employ additional equipment in the antinarcotics campaign and to make available increased training of personnel for this purpose.

With regard to the question of migratory Mexican workers, the two Presidents discussed the economic, social and political factors that produce this problem and agreed it was desirable for each government to undertake immediately a study of this question with a view to finding a mutually satisfactory solution.

Recognizing the communality of many environmental problems and the need to seek cooperative solutions through the exchange of research and experience, the two Presidents have agreed that appropriate policy level officials from Mexico and the US will meet on a regular basis for discussion and consultation concerning current and future environmental problems of mutual concern and the methods for dealing with them in a more systematic way.

The conversations between Presidents Nixon and Echeverria were at all times cordial and marked by the spirit of good neighborliness which exists between Mexico and the US. At the same time problems were discussed frankly and openly as between true friends in an atmosphere of mutual respect and trust. President Echeverria particularly wished to convey on behalf of Mrs. Echeverria, his party and himself, his deep appreciation for the warm hospitality which was extended to them by President and Mrs. Nixon.

President Nixon expressed his great pleasure that President and Mrs. Echeverria will now have an opportunity to visit other areas and cities of the United States and assured them they will receive a warm and friendly welcome from the American people.

LAND-GRANT STATUS TO COLLEGE OF THE VIRGIN ISLANDS AND THE UNIVERSITY OF GUAM

Mr. MOSS. Mr. President, the Higher Education Act Amendments of 1972 (S. 659), which has been cleared by both Houses and sent to the President, contains an amendment I offered to give land grant status to the College of the Virgin Islands and the University of Guam. I am delighted.

The amendment, which I originally offered as S. 1148 in the 91st Congress, goes a long way toward correcting an inequity. Before passage of this bill, Guam and the Virgin Islands were the only two areas under the American flag which had schools of higher learning and no participation in the land-grant college programs.

The population of Guam is about 100,000 and that of the Virgin Islands about 65,000. The young people in these territories who seek careers in agriculture, the extension service, community services, environmental sciences, dietics, home economics, mechanical arts and the many other disciplines in which land-grant colleges traditionally excel, have had to apply to colleges in the States or Puerto Rico. This has raised many problems. Mainland schools often have stringent out-of-State student enrollment policies and tuition is beyond the means of the average student from Guam or the Virgin Islands. Now these problems will disappear.

Also, the residents of the two territories can now take advantage of the cooperative extension programs which are connected with land-grant universities. Over the years, the Cooperative Extension Service has vastly increased its services in home living, community improvement, and youth development. All of these services are helpful and welcome in both the territories.

The passage by Congress culminates a lengthy legislative struggle. S. 1148 was favorably reported by both the Senate Interior and Agriculture Committees, was passed unanimously by the Senate and referred to the House Agriculture Committee where it was killed in the final days of the 91st Congress by a 2-to-2 Agricultural Subcommittee vote.

The bill was then reintroduced in the 92d Congress and offered as an amendment to S. 659. It was also incorporated in the House-passed bill.

I am especially pleased that the final version of the measure includes the full $3 million I had requested originally, rather than the lesser amounts recommended by Senate Agriculture Committee in the 91st Congress. Each college will now receive the $3 million as an endowment in accordance with the intent of the first Morrill Act. Both of the schools, far removed from the mainland United States, need and deserve this added assistance.

The funds made available to the colleges can be used for instruction equipment and supplies in agriculture, mechanical arts, English, mathematics and natural and physical sciences, and the special preparation of teachers. The funds cannot be used for the purchase or preservation of buildings or the purchase of land. I also anticipate that the courses of instructions which have particular importance to the evolving needs of the citizens of each of the territories would be added to the college curriculum.

Both schools are comparatively young. The University of Guam was founded in 1952 and the College of the Virgin Islands 10 years later.

It is time that both of them had the advantages that the Congress, down through the years, has made available to land-grant colleges.

It is also time that the citizens of these island territories get the advantages of quality education both for the present generation of students and those yet to come.

FIRST NATIONAL CONFERENCE ON STRIP MINING

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Oklahoma (Mr. Harris), I ask unanimous consent to have printed in the Record a statement by him relative to the First National Conference on Strip Mining, held in Middlesboro, Ky., on June 17, 1972.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Harris

On June 17, 1972, I took part in the First National Conference on Strip Mining held in Middlesboro, Kentucky. The conference was attended by some 500 representatives of various local organizations dedicated to stopping the exploitation of land resources and people through strip mining. They came from eleven states—Kentucky, Tennessee, West Virginia, Alabama, Ohio, Indiana, Montana, Wyoming, Oklahoma, Arizona and New Mexico. There were also approximately 100 people in attendance at the hearing who were local strip mining operators and workers. A spokesman for them addressed the conference.

Following statements by all the groups represented, the conference broke into workshops on: federal legislation and national energy policy; state legislation, legal action and tax action; methods and strategies for effecting political party platforms; Tennessee Valley Authority and public utilities. After hearing and discussing the reports of the various workshops the whole conference went on record in favor of a general policy statement as follows:

"First and foremost, we want strip mining *stopped*. Then we can turn our attention to alternative energy sources and a national energy policy—with more jobs for all, saving our people and our land. We now know the growing threat and our growing strength. We will work together until the job is done.

"We endorse all measures which will make more efficient use of our present energy supply and which will help curb our outrageous growth in energy consumption."

As a cosponsor of a bill principally authored by Congressman Ken Hechler of West Virginia, I believe that strip mining should be abolished, and I urge senators to support this position when this matter comes before the Senate. I am also the principal sponsor in the Senate of a bill to prohibit the Tennessee Valley Authority from purchasing strip-mined coal. The government itself through this agency is one of the worst culprits in this whole ugly scramble from purchasing strip-mined coal. The government itself through this agency is one of the worst culprits in this whole ugly scramble and causing great harm to ordinary people who are looking to the political process for help.

Furthermore, I believe that until strip mining is stopped altogether we should prohibit the exportation of strip-mined coal. Foreign countries, such as Japan, which buys as much strip-mined coal each year as is produced in the entire state of Kentucky, would not themselves allow this devastating practice in their own country; yet we allow them to purchase this cheap product of our exploited land and people and sell their final product—steel, for instance, back into this country at low cost. Thus, we are not only exporting cheap coal but thousands of jobs as well. This ought to be halted.

I am urging the Senate Interior and Insular Affairs Committee to take the strong and vital action necessary to stop strip mining and prevent the continued wasting of our land, streams, resources and people which strip mining necessarily entails.

THE CONTINUING CRISIS IN BURUNDI

Mr. TUNNEY. Mr. President, I again invite the attention of the Senate to the tragic situation in Burundi. Last week I introduced three resolutions designed to

elicit information and respond to the recent conflict between the ruling minority tribe, the Tutsis, and the ruled majority tribe, the Hutus. I am encouraged by reports that the mass slaughter has subsided, although we still lack authoritative news reports to verify this fact.

However, there is one facet of this devastating revolt which continues to merit the consideration of us all: the widespread destruction and impending famine which threaten to cripple southern Burundi. This morning on the "Today" show on NBC, a member of the Catholic Relief Service, Mr. Joseph Payton, discussed the problem from personal insight he had gained in the small African nation. Mass confusion still exists among Burundians in the aftermath of the slaughter in which at least 50,000 people were killed. According to Mr. Payton, if a massive effort is not mounted immediately, thousands more will die of starvation.

Our Nation should respond at once to the call for aid. Senate Resolution 317, which I submitted on June 12, requests the United Nations to report on the most effective ways to channel humanitarian assistance into Burundi. I urge all Senators to consider our moral obligation to act in this time of tragedy. It is my sincere hope that the Senate will recognize the desperate plight of Burundians and respond to their needs.

ENERGY RESEARCH PRIORITIES

Mr. MOSS. Mr. President, I ask unanimous consent to have printed in the RECORD the very timely and provocative remarks of the distinguished Senator from West Virginia (Mr. RANDOLPH), urging a realistic ordering of our energy research priorities, in a statement before the Committee on Interior and Insular Affairs on June 7, 1972.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REALISTIC FEDERAL ENERGY RESEARCH PRIORITIES ARE NEEDED

(Statement of Senator RANDOLPH)

Mr. Chairman, I appreciate this opportunity to file a statement this morning as an ex-officio member of the Committee on Interior and Insular Affairs for the National Fuels and Energy Policy Study. The subject of this hearing—Federal energy research priorities and programs—is, as never before, the key to our nation's future energy economy.

As I have stated before, our nation, and numerous other nations, are embarking on a gigantic gamble in attempting to maintain reliable and abundant production of crude oil, natural gas, and coal from other than domestic reserves. The assumption, hopefully, is that some substitute source, or sources, of immense amounts of energy will be developed in time to replace depleted non-renewable fossil fuels. Yet, should available energy supplies falter, or the requisite technology not develop, the American people and, perhaps, even large portions of the world, may experience economic and social depression verging on catastrophe.

DEPENDENCE ON OIL IMPORTS

During recent months I have become increasingly concerned for our Nation's policy of continually increasing dependence on foreign energy resources, in particular on oil imports. When the vagaries of the policies of the oil producer countries are examined the current trend is even more disturbing. In fact, the oil import program is the subject of hearings before the House Committee on Foreign Affairs this morning.

An article in last Sunday's Washington Post highlighted recent activities of the Organization of Petroleum Exporting Countries (OPEC) in their striving to obtain control over not only production facilities but also over oil's transportation systems, especially over oil tankers. As each month passes our energy economy is becoming more captive of and dependent upon imported oil.

In recent years, oil has become the dominant fuel for electric power generation along the East Coast. Today, 90 percent of the electric power generation in the Atlantic seaboard region is dependent on imported oil. In New York City, for the first time in 90 years, the Consolidated Edison Company consumes not one pound of coal for electric power generation. By the end of this year, fossil fuel electric generation in the State of Maryland will be totally dependent on imported oil.

Even more dramatic, however, is the export of dollars to pay for this oil. The value of the imported oil in Petroleum Administration District One in 1964 was $629 million. This had risen to $1.4 billion last year for District One alone. In 1970, total national imports of crude oil, distillates, and residual fuel oil cost this Nation's balance of payments approximately $2.3 billion.

Several weeks ago Treasury Secretary John B. Connally stated that "the potential impact of unrestrained oil and gas imports is of such a great magnitude as to pose a special threat to our trade balance and to the very viability of the international trading system."

ASSURING A FUTURE DOMESTIC ENERGY ECONOMY

Energy research and development is but a small part of the larger issue of people and energy, with all its ramifications—land use, mass transit, security, economic growth, mobility, etc. Perhaps the most significant of these is the location of future populations. Ever expanding patterns of concentration of population in certain areas of our Nation could place unmanageable regional burdens on all fuels and energy sources. Perhaps the most significant constraint is on our practical ability to extract and transport energy resources in the quantities envisioned.

During today's hearing testimony by Administration and other witnesses doubtless will place emphasis on the same need for a comprehensive Federal energy research program that was acknowledged in 1962 by the Senate Interior Committee's National Fuels and Energy Study Group. As a nation we are more dependent today on imported energy resources than at any time in our nation's history. And we lack the technologies so necessary to assure the future of our domestic energy economy in many regions of the country.

Clearly, our nation's long-term energy posture depends on the successful development of solar energy, the nuclear breeder reactor, and controlled fusion. First, however, we must successfully meet the requirements of the 1970's and 1980's when there will be need for the development of sulfur oxide control technology, both high- and low-BTU coal gasification, and geothermal energy sources. And there also must be the development of improved efficiencies in the conversion and end uses of energy.

These are several references to technological areas where Federal support offers potential for resolution of both our environmental and energy dilemmas. While many of these areas, and others, were reflected in the President's message on Clean Energy last July, we have not seen any enthusiastic commitment on the part of the Administration to assure their development. For example, the two new sulfur oxide control technologies cited by the President for demonstration have yet to be announced, and a year has gone by.

Perhaps the most significant long-term potential for relieving the emerging energy crisis exists in improving the feasibility and capability for the more efficient conversion and utilization of energy resources. Improvement in the efficiency of energy-conversion would relieve our dependence on imports and mitigate the environmental impacts of energy production and use.

CURRENT RESEARCH PRIORITIES

Today's hearing is to consider current and planned Federal support of energy research and development. Clearly, no achievement or national goal is more critical to our nation's future than assuring adequate and reliable domestic sources of energy that also preserve a quality environment.

Last year extensive hearings were held as part of the National Fuels and Energy Policy Study on the Department of the Interior's coal gasification program. Under that program, three different processes for production of pipeline quality gas from coal are being demonstrated in Illinois, South Dakota, and Pennsylvania under joint government-industry sponsorship. The Federal share in this energy development is $15.9 million in fiscal year 1972—and an estimated $29.2 million in fiscal 1973.

As laudable as these programs are they are only partially responsive to the obvious national energy needs. They are under-funded and are unresponsive to the critical reality that only about 18 percent of the steam coal produced in the Appalachian and Interior regions can be expected to meet 1975 environmental standards. Thus, 82 percent of current coal production will die.

Loss of this coal supply would represent a loss of $1 billion annually in sales—and a reduction of about 30 percent of the current work force employed in the bituminous coal industry. It would affect adversely 44,500 mine workers, including 15,000 in my home state of West Virginia alone. I find this situation unacceptable. Improved technology can save this valuable fuel from under-utilization at a critical time in our energy history.

This year I had the privilege of chairing hearings, pursuant to the National Fuels and Energy Policy Study, on Federal programs to develop synthetic low-Btu gas from coal. This type of gas would be acceptable for the generation of electricity in existing boiler and in new advanced power cycles, while still using high-sulfur coal and oil.

The principal differences between advanced power cycle developments and the coal gasification program, as I understand it, is the emphasis placed by the Environmental Protection Agency's program on on-site production of a low-Btu gas for use in gas turbines. The Department of the Interior's program, on the other hand, has emphasized synthetic high-Btu quality gas which can be mixed with natural gas for distribution through existing natural gas pipeline systems. Both the EPA and Interior Department objectives are good—and necessary. Neither should get short-circuited in funding and effort.

Although several industry groups have indicated a willingness to demonstrate this high risk low-Btu gas development with joint Federal-private sector funding, proposals submitted almost one year ago remain pigeon-holed within both the Department of the Interior's and the Environmental Protection Agency's archives. The question must be asked: Has the Office of Management and Budget set up fiscal roadblocks?

Considering this and past records of performance on Federal energy research directed at using our domestic fossil fuels, we cannot say that such Federal performances have been other than totally inadequate. Considering the anticipated adverse impact of proposed and existing air pollution standards on Appalachian and other sources of high-sulfur coal supplies, better pollution abating technologies must be found. EPA Administrator Ruckelshaus has stated that the only truly satisfactory way for Eastern coal to continue to serve as a large scale source of energy is to convert it to synthetic liquid or gaseous fuels.

ACTION IS NEEDED NOW

Action, not rhetoric, is needed now to increase Federal and industry support of energy research and development. Although, I do not usually favor independent agencies for research purposes, unless the necessary steps are taken immediately to decrease our dependence on foreign sources of fuel and to increase the dependence on domestic energy resources, I am prepared to suggest that an independent body be established to spearhead energy research similar to the corporation proposed by Senator Jackson in S. 1846 for coal gasification and the corporation proposed by Senator Moss in S. 2510 for the development of new energy sources. Such an Energy Development Corporation could serve as a focus for both government and industry research and, conceivably, could obtain its revenues from a fee such as that proposed by Senator Magnuson in Amendment No. 364 to S. 1684.

I have mentioned this proposal as a last resort alternative to what I consider to be the unresponsiveness of current Federal energy research programs and priorities to the obvious issues and problems facing our energy system and our national economy.

REPORT FROM ISRAEL ON SOVIET JEWS

Mr. RIBICOFF. Mr. President, last month my good friend Representative ROBERT DRINAN visited Israel as a representative of the National Interreligious Task Force on Soviet Jewry. This group was formed in 1971 to mobilize Christian concern for Soviet Jews.

In the comparatively short time he has been in office, BOB DRINAN has been an eloquent and clear voice in support of Israel and the oppressed Jews of the Soviet Union.

During his visit to Israel the Congressman spoke with key Israeli officials, including Foreign Minister Eban, and many of the new Soviet immigrants themselves. He has recommended the convening of a second Brussels Conference by Christian religious leaders to highlight the plight of Soviet Jewry. Representative DRINAN has also underscored, on the basis of his firsthand experience, Israel's desperate need for assistance in absorbing thousands of new Jewish immigrants from the Soviet Union. Hopefully, the Senate will soon be taking its final action on legislation to provide $85 million in U.S. aid to assist in this formidable task.

Upon his return from Israel, Representative DRINAN wrote three newspaper articles about his trip. I recommend them to all those who share our concern for the future of Soviet Jewry. I ask unanimous consent that the three articles, which were published in the Boston Globe on June 3 and June 4, and in the Jewish Advocate on June 15, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ISRAEL NEEDS U.S. AID FOR RUSSIAN JEWS

(By Representative ROBERT F. DRINAN)

The fate and future of Soviet Jews dominated the news and the concerns of Israelis during my days in the Holy Land.

More than 200 recent immigrants from Russia fasted and prayed day and night at the Western (Wailing) Wall during the period when President Nixon was in the USSR. These Soviet Jews pressed me to try to discover what Mr. Nixon might say to Russian officials concerning the arbitrary denial of visas to the estimated 80,000 Soviet Jews who have applied. I could only assure these immigrants that the members of the United States Congress would continue to press for justice for Jews within the USSR and for the recognition of their right to emigrate.

During my stay in Israel, Patriarch Pimen of Moscow's Orthodox Christian Church visited Jerusalem. His coming prompted demonstrations against the policy followed by the Kremlin since at least 1939, of suppressing every manifestation of Jewish culture and religion.

Israeli officials confirmed to me that the in-gathering of Soviet Jews—40,000 of whom may emigrate to Israel in the next 12 months—had approached a turning point and a moment of crisis. Israel's Minister of Immigration and Absorption Nathan Peled stated that his nation confronts, in the task of absorption of Jews from Russia, one of the most severe challenges in its history.

Peled insisted that the care of Soviet Jews was "first on the list of national priorities." It is, he asserted, Israel's privilege and duty to assure that the "aliyah" of the Russian Jews to return to the "promised land" will fulfill the meaning of "aliyah," a "rise to a better place."

Louis Pincus, chairman of the worldwide Jewish Agency, felt that President Nixon's presumed raising of the question of Soviet Jews with the Kremlin might improve the situation drastically. But he felt that the continued efforts of Americans, especially non-Jewish Americans, would be essential if Russia were to grant visas to at least a small percentage of those who apply.

I spoke with the Foreign Minister Abba Eban about a number of things—including Presidential politics in America—but the conversation always came back to the new exodus, the 13,000 Russian Jews who, contrary to all expectations, had been allowed to leave the USSR.

Eban expressed his gratitude at the anticipated passage of a bill in the United States Congress which would furnish to Israel $2,000 in American assistance for each Soviet refugee, a measure along the lines of similar assistance given in the past by the United States to refugees from Hungary, Czechoslovakia and Cuba. (The $2,000 hardly covers the sum of about $1,000 required for the purchase of each visa in Russia and for the substantial transportation costs to Vienna and thence to Israel.)

The most touching manifestation of concern came from a letter to a newspaper written by a high school girl named Mira Shahar of Haifa. She described the message she heard on the radio. "We still don't know what will happen to the Jews of Leningrad". She told of her "sharp feeling of guilt which became worse and worse." She concluded her letter with these moving words:

"Suddenly I felt the meaning of identification in its deepest sense. I wanted to help to do something for them. I wanted to ask God many things for my brothers in Russia but I could only whisper: 'Please give them power to continue to fight'."

[From the Boston Sunday Globe, June 4, 1972]

SOVIET JEWS IN NEW EXODUS

(By Robert F. Drinan)

Dr. Pintah Hanoch and his wife Dinah made their exodus from Riga, Russia, to Israel at Passover time in 1971. They left a city of 700,000, with a Jewish community of 40,000, because they finally had decided that they were determined to live as Jews and to do so was not possible in Riga.

At a luncheon in the cafeteria of Afula Hospital the Hanochs told me that they had no rabbi in Riga but only a government-appointed clerk to care for the synagogue. Religious instruction was almost unknown although family-transmitted piety in a Yiddish-speaking community survived almost miraculously in the 54 years after 1917.

Dr. Hanoch and his wife applied for a visa to Israel in 1969. Mrs. Hanoch came to her decision in a different way than her husband. She never had religious instruction and her mother was a militant Communist. She hardly identified herself as Jewish until the Six-Day War in June 1967. The pride she felt in this event made her determined not to allow her daughter, then one month old, to spend her life in Russia where anti-Zionist calumnies are repeated daily in the press and other media.

Dr. Hanoch and his wife described to me one of their relatives who, they said, was imprisoned for visibly exercising his Jewish faith. They asked me to try to intervene. They also urged me in the strongest terms to exhort increased numbers of American Jews and especially non-Jews and to write to those in Russia who are imprisoned because of religious beliefs and also to write to those 80,000 persons who suffer the wrath of the Kremlin because they have publicly declared that they want to leave Russia.

Talking with Pintah and Dinah Hanoch was one of the most moving experiences of my life.

I talked one afternoon at an absorption center in Tel Aviv with a widow named Raissa. Her husband had been killed in Russia under frightening if obscure circumstances. Now, Raissa took care of her two infant sons and learned Hebrew. Her descriptions of the culture shock she had been through in her first four months in Israel were characteristic of the psychological trauma which escapees from a police state must undergo as they adjust to a free society. Raissa said simply but beautifully that "I've learned not to be afraid" and "I've almost accepted the fact that I am now a person who is respected." Raissa shocked the government official who was with us when she said that "I've lost my identity as a Jew by becoming an Israeli."

My last morning in Jerusalem I chatted for some time with Boris and Mary Tsukerman and their sons Boris and Lev. Helping to fulfill their great desire to leave Russia was money sent to them by their cousin who, to my astonishment, turned out to be one of my constituents! When asked if they wanted to come to America, the Tsukermans replied quietly that their prayers over many years for a spiritual homeland had finally been answered in Israel. In view of the attitude of this family, and of Soviet immigrants I spoke to in Israel, I was not surprised to learn that of the 13,000 Russian Jews who have gone to the international relocation center at Vienna only 56 elected to go to the United States although virtually all of them would be eligible to do so.

It is impossible to undersestimate the exultation which exists in Israel over the current exodus of Soviet Jews. Israelis openly express the hope and even the expectation that 500,000 or more Russian Jews will come to Israel in the 1970s. Some members of the knesset and some professors at Hebrew University with whom I spoke expressed the view that the influx of Soviet Jews would open up a whole new era in the cultural and religious development of Israel.

To be sure, dissatisfaction and misunderstandings exist on both sides. Some immigrants of an earlier period and some sabras complain that too much is given too soon to the Soviet emigres. The migrants, on the other hand, complain that they have too little choice regarding their place of residence or their occupation. A good one-third of the male immigrants are professional or skilled. One-third of the 2500 new citizens who arrive each month are under 18. Practically none of the new arrivals know any Hebrew and few appear to have relatives who can help them. As a result difficulties exist and there is no indication that greater problems will not arise.

During my days in Israel studying the meaning of the new exodus of Soviet Jews I could not help but think that it should have been Christians who convened the Brussels Conference. Have Christians learned nothing from their virtual silence during the holocaust when six million Jews were killed? Would a second Brussels Conference convened by Protestant, Catholic and Orthodox Christians focus world opinion on Russia and the Arab states so that finally these nations would terminate their oppression of Jewish culture I think that it would. And I hope that Brussels II will be organized.

Leaving Israel I was overwhelmed by the searing truth that the oppression of Jews in modern times can be prevented only by Christians mobilizing world opinion against the oppressors. Perhaps Christians will do so only after they have realized the full implications of what Reinhold Neibuhr, the famous Protestant theologian, meant when he told us that no one can be a good Christian until first he is a good Jew.

CONGRESSMAN STUDIES IMPACT OF ISRAEL'S SOVIET REFUGEES

(By Rev. ROBERT F. DRINAN)

I was honored and delighted to be able to accept in early April an invitation from the National Interreligious Task Force on Soviet Jewry to visit Israel as their representative and to report to them and to the nation on the problems related to the extraordinary new migration of Russian Jews to Israel, an exodus which sometimes reaches 1,000 arrivals per week in Tel Aviv.

I had the opportunity to meet at length with Israel's distinguished Foreign Minister, Abba Eban, and with a number of other high ranking government officials—including the Minister of Immigration and Absorption, Mr. Nathan Peled—as well as the Chairman of the world-wide Jewish Agency, Mr. Louis Pincus, and many recently-arrived Soviet Jews.

Let me give some of my reflections about 1.) the economic situation in Israel, 2.) the political stability of Israel which I observed and 3.) the critical problems related to the ingathering of Soviet Jews.

ECONOMIC SITUATION

No one can fail to see in Israel the manifestations of its expanding and booming economy. The gross national product continues to rise, unemployment is unknown and the median per capita income has substantially increased despite the impact of worldwide inflationary trends.

Unfortunately the continued massive expenditures required for defense keep individual and corporate taxes at very high levels. Despite the concededly high taxes, however, there still is not enough money for many of the things that Israel desires to do to improve itself. All of the universities in Israel confront sharp deficits and are pleading for assistance from the government. The number of university students has almost quadrupled since 1960. Capital expenditures for Hebrew University have gone up sharply, for example—particularly in view of the fact that the site of Hebrew University prior to 1948, Mount Scopus, is now the scene of the construction of at least 20 new buildings for academic and residential services.

Israel's total expense for medical care has risen so sharply in the past five years that this area is also cause for serious alarm. One of the heaviest expenditures in the medical field derives from the excellent care which the Israeli government seeks in every possible way to extend to the million Arabs who reside in the territories administered by Israel since the end of the war in June, 1967.

The economic stability of Israel is aided by the flourishing condition of its citrus industry, expanding foreign markets for Israeli-made products such as chemicals and, of course, the ever-growing tourist industry.

Every analysis of the economic future of Israel, however, must begin and end with the military predicament of this small nation. Israel's tragic "simmering war" is perpetuated by a dozen surrounding nations inhabited by 100 million Arabs hostile to the very existence of Israel, and shows no apparent sign of being defused. Indeed there are ominous indications that the situation might be worsening. In the recent past Iraq formed a treaty of "friendship" with the Soviet Union similar to the inflammatory 15-year pact negotiated several months ago between the USSR and Egypt.

If Israel were not afflicted with hostile Soviet-assisted nations all around her the economic growth of Israel would in all probability surpass all of the other accomplishments that have occurred in this fantastic land since 1948. That Israel has progressed so far economically in the first twenty-five years of its existence is nothing short of miraculous.

POLITICAL STABILITY

As a member of the United States Congress it was of course fascinating to talk to members of the Knesset and to compare their viewpoints with those of typical voters in Israel.

Many Israelis complain about the high average age of members of the Knesset and the apparent almost total absence of representation in that body of the newer, non-European elements of the Israeli population. There does not appear to be in Israel, however, that same alienation from government which is so frequently evident in the United States.

The key and the unfathomable political question in Israel is, of course, the future political status of the more than one million Arabs who reside in the territories administered by Israel since June, 1967. Young persons at the age of 18 within these Arab communities are not drafted into Israel's army. Only 200 young adults from all of this vast new population attend Hebrew University, despite vigorous recruiting activities by the officials of this institution. Endless speculation continues among everyone as to the best plan by which Israel may deal with the administered territories while maintaining for itself that military security which is indispensable for its survival as a nation.

Israel seeks in a number of creative and imaginative ways to explain its purposes and objectives to the Arab nations which surround it and also to the people of the Soviet Union. I was pleased to tape a radio program over the facilities of the Voice of Israel for the people of Russia. From the testimony of several of the Soviet Jews with whom I conversed the Voice of Israel beamed in Russian, Yiddish, and English to Russia is extraordinarily effective.

Our own Voice of America is also apparently effective in Russia, although the relatively few programs broadcast by the Voice of America in Yiddish is totally unjustifiable, in my judgment—a point of view I have been expressing for many months.

The training programs conducted in Israel for citizens of African and Asian nations continue to expand in number and in influence. Israel expends a very generous and indeed an extraordinary amount of its resources on these programs which bring young people from the developing nations of the world for training in the colleges and technical institutes of Tel Aviv. Haifa and other Israeli communities. Perhaps I could sum up my conclusions with regard to the political stability of Israel by saying that one has a right to be cautiously optimistic. The State of Israel, although surrounded by imminent external dangers, has a highly sophisticated and democratic form of government which will survive and flourish.

HOW MANY SOVIET REFUGEES?

One of the questions which arose in almost every discussion I had about the emigration to Israel of Soviet Jews concerned the speculation about the motivations which finally led the USSR to release first a trickle and now possibly a torrent of emigrees to come to Israel. If anything is explainable about the foreign policy of the Soviet Union in this regard it would appear that this USSR policy was prompted by the intensive world-wide protest against the oppression of the Russian Jews. I believe that protest led the Kremlin to its decision early in 1971 to grant exit visas to about 20 percent of those 80,000 Soviet Jews who have applied.

A second point of speculation in my discussions in Israel centered on the question of what world events would cause Russia either to revert to its policy of forbidding emigration or, on the other hand, open up the doors even wider to a larger number of Soviet Jews who might apply to go to Israel or to some other nation. Perhaps the only clear conclusion from all of my discussions on this subject was the inescapable inference that continued, massive and international protest on behalf of the right of Soviet Jews to emigrate will be indispensible for the forseeable future.

It would appear that the emigration of Jews from Russia is the only even partial resolution of the problems resulting from their oppression. Despite the world-wide clamor for freedom of religion for Soviet Jews it does not appear that the Russian government is prepared to yield at all on the severe restrictions which the Kremlin, at least since 1939, has imposed on Jewish seminaries, synagogues and on all religious and cultural activities of the three million Jews who reside in the USSR. Indeed, the official attitude of the Kremlin during the past five years has hardened. I saw in Israel, English translations of diatribes and vicious cartoons against everything Jewish which appear regularly in the Soviet press. The tone and content of this material was horrifying. In view of the pervasiveness of this material in the mass media in the Soviet Union it is not difficult to imagine the derision cast upon the members of those Jewish families who apply for a visa to leave Russia. Sad and depressing tales of the cruelty visited in their schools upon the children of these Jewish families came to my attention in Israel.

Speculation by Israelis as to the number of Soviet Jews who may eventually come to Israel ranges from 100,000 to a million. Fortunately, Israel will receive at least some modest assistance in the enormously expensive resettlement of the Soviet refugees—expected to cost one billion dollars this year alone—by the enactment of a bill now pending in Congress under which the government of Israel would be entitled to 2,000 dollars for each refugee who comes to Israel seeking asylum. This bill would grant financial subsidies in the same way that the United States assisted the refugees of Hungary, Czechoslovakia and Cuba. This bill, which passed the House of Representatives several weeks ago, will hopefully pass the Senate and be signed by the President within the relatively near future. Every effort must be continued, however, to educate the American people—Jews and Christians alike—about the new exodus to Israel and all of the problems which this new wave of immigrants has brought to this small nation. Most Americans for example, do not recognize the fact that if the same proportionate number of refugees were coming to the United States as are now coming to Israel from Russia, the United States would have some three and a half million refugees to resettle within one calendar year!

While Israelis exult in the liberation of some of their brothers and sisters in Russia, everyone in Israel is profoundly concerned about the dreadful plight of the thousands of Jews who remain in Arab nations. Israelis express fear, for example, that the 4,500 Jews left in Iraq may now follow in the footsteps of the 130,000 Jews who resided in Iraq prior to 1948.

In other nations Jewish prospects are similarly bleak. The 4,500 Jews left in Syria of the 40,000 who lived there prior to 1949 are now afflicted in unbelievable ways. Only 450 Jews remain in Egypt out of that country's pre-1948 Jewish community of 80,000. In all of North Africa less than 50,000 Jews remain. with 35,000 of these residing in Morocco. The emigration to Israel of Jews in Arab lands poses dangers and difficulties even beyond those to which Soviet Jews are subjected.

There appears to be very little concern, or at least little discussion, about the plight of Jews who remain in the Communist nations of Eastern Europe. Several individuals, however, made the obvious point that possibly the strategy of Russia allowing Jews to migrate may become an accepted practice in Communist-dominated nations.

As I flew out of Tel Aviv on El Al after six unforgettable days, days of listening to Israelis from every walk of life, I was profoundly grateful for the efforts of the National Interreligious Task Force on Soviet Jewry. The work of this group has hardly begun. I have the hope that the members of this group and individuals everywhere will persuade Christians to act on the new crisis in Israel.

COMMENCEMENT ADDRESS BY SENATOR BIRCH BAYH

Mr. WILLIAMS. Mr. President, on June 3, the distinguished Senator from Indiana (Mr. Bayh) delivered the commencement address at Fairleigh-Dickinson University, in Madison, N.J. I believe his speech is especially appropriate during a time when so many of our college students are sincerely evaluating and testing the workings of our Government.

Senator Bayh has long been a defender of our constitutional rights and an advocate of full and indiscriminatory protection of our civil liberties. He has continually demonstrated, through his work in the Senate, his profound capability of serving all people of this country and his deep dedication to the American system of government.

But Senator Bayh, in his fight against those forces and causes he truly believes to be detrimental to our constitutional rights, has never been insensitive to our obligations to this Nation. Senator Bayh warned the newy graduated students that "dissent must be kept within the bounds of the law." He went on to remind all citizens of this country that—

> Patriotism, today as in the day of Nathan Hale, requires that we support our country when she is right and use our energies to make her right when she is wrong.

Mr. President, I ask unanimous consent that this significant speech by Senator Bayh be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Statement by Senator Birch Bayh

Very frankly, I am concerned about the relevancy of a commencement speech in these troubled times. Of course, I shall attempt to be relevant by discussing a subject that I believe should be of fundamental concern to all of us and by sharing with you my thoughts on this subject.

It may seem a bit unusual to ask you—the Class of 1972—who have labored through advanced biochemistry, 17th Century literature or seminars in primeval anthropology, to reflect on basic civics of years gone by.

However, I think this is necessary because too many Americans tend to take our basic freedoms, our Bill or Rights, for granted. And, in my judgment, it is a sad but nevertheless basic truth that the freedoms embodied in the Bill of Rights are threatened today. They are threatened not by some sinister external force. Rather they are threatened from within, by well-meaning Americans who confuse patriotism with acquiescence and protest with treachery.

As Justice Brandeis once observed, "The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning, but without understanding."

Actually, going back to this nation's formulative years, there was a significant group of national leaders, including Alexander Hamilton, who questioned the need for the Bill of Rights. They said that such basic rights were implicit in the very existence of the union and logical extensions of English common law.

Fortunately, the forces which wanted an explicit expression of these freedoms, including Thomas Jefferson, prevailed and the Bill of Rights was adopted as Amendments one through ten of the Constitution. I say "fortunately" because through the decades scores of Supreme Court decisions protecting basic individual liberties have relied upon the first ten Amendments.

Historically there have been several attempts to undermine these rights. The first significant attempt to roll back the blanket of democracy came soon after the Bill of Rights was ratified. In the 1790's Congress passed the Alien and Sedition Acts, some of which were soon repealed, but one of which remained on the books for almost a century before being ruled unconstitutional by the Supreme Court.

Among the more frightening provisions of the Alien and Sedition Acts, as some of you may recall, was that providing prison terms up to two years for publishing material viewed as false or malicious in relation to the Nation, the President or Congress. In short, beware of criticism. This overt contradiction of a free press was used, before it was declared unconstitutional for the most base political purposes. The real question, of course, was who should interpret what was false or malicious in relation to the Nation, the President or Congress.

It is interesting to note that during the term of Federalist President John Adams ten individuals were fined and imprisoned under the Sedition Act. It must be more than mere coincidence that all ten were Republicans.

In the period immediately following World War I the Bill of Rights suffered dramatically while Attorney General Palmer created and then exploited the "Red Scare" to chase blindly after alleged communists anarchists with little regard for the protections of due process embodied in the Bill of Rights.

For example, Palmer ordered that individuals holding divergent political views be incarcerated indefinitely while ignoring the following basic rights: grand jury hearing, due process, speedy and public trial, confrontation by witnesses, no excessive bail and no cruel or unusual punishment. All these rights were suspended for simply holding different political opinions in a supposedly open society.

Besides holding political prisoners in violation of their rights, Palmer gave short shrift to the rights of privacy, assembly and free speech with wholesale raids on individuals and groups suspected of so called unpatriotic acts.

Armed with 3,000 deportation warrants, his agents made simultaneous raids on "radical" meetings throughout the country. Everyone attending was arrested. Others were apprehended in their homes. Persons attempting to visit jailed members of their own families were arrested on suspicion of affiliation with proscribed groups. Deportation hearings were conducted without benefit of legal counsel or other judicial safeguards.

All in all, 2,700 people were convicted, including, it is well to remember, a Presidential candidate, Eugene Debbs, who had polled a million votes.

At its worst it was not unlike the procedures followed by the gestapo in Nazi Germany 15 years later.

A generation after Attorney General Palmer was doing his thing at the expense of liberty, Senator Joseph McCarthy unleashed his wholesale attacks on Communists and alleged Communists who, according to the late Senator, were lurking behind every doorway and under every bed in Washington. He, too, paid little attention to Constitutional protections for the accused. For his reckless disregard of individual liberty he was censured by the Senate.

I share these notes from history because today the Bill of Rights, the fundamental freedoms which distinguish our society from a totalitarian society, are facing another serious test.

The unhappy reality, from which we must not run lest we condemn future generations to life without liberty, is that for the past three years our government has pursued policies which if followed to their logical conclusions will mean serious and lasting erosion of individual liberties.

There is the ongoing attempt to intimidate the media and render freedom of the press as obsolete as the penny newspaper. TV stations are constantly reminded that their licenses have to be renewed by FCC. The second highest official in the land has suggested that news commentators undergo a test of philosophy before being permitted to go on the air. One of the leading national news commentators, Daniel Schorr, was the subject of an FBI investigation after criticizing the President.

There is the lingering memory of May Day last year when Constitutional rights were suspended for mass arrests which, because of their gross illegality, resulted in a conviction rate of less than one-tenth of one percent. I do not believe that anyone has the right to overthrow the government by violence. As much as I despise the Vietnam war—and I have voted to end that war time after time—opposition to the war does not justify throwing bricks through windows at the Justice Department, bombing Federal buildings, nor burning down ROTC headquarters.

We simply cannot run a nation of 200 million people if anarchy prevails. Illegal demonstrations have also been unfortunate because they have made it possible for those who want no protest to resort to severe tactics against all demonstrations, even those which are legal and proper, something which would otherwise be unacceptable to most Americans.

Dissent must be kept within the bounds of the law. But this does not condone an arrest policy which itself violates the law of the land. Perhaps even worse than the illegality of the May Day arrests in the long run will be the unfortunate precedent they established.

Now, there is in this country today a legitimate concern about the increase in crime. People fear for their safety—they fear for the safety of their families even in their own homes. But is our society so lacking in innovative ideas that we must destroy the basic tenets of the Bill of Rights in order to fight crime.

There is no place in a free society for a legal system which permits knocking down the doors of private homes without a search warrant; there is no place in a free society for a legal system which grants the chief executive the power to bug and wiretap without a Federal court order; there is no place in a free society for a legal system which disregards the right of each of us to be secure in the privacy of our own homes.

We can and we must control crime. But I am confident that if we only have the will we can control crime without preventive detention, without no-knock, without preying on innocent civilians, without photographing peaceful demonstrators, without bugging and without a retreat from the basic freedoms which distinguish our society from a totalitarian society.

Last but not least there is the Vice President, who presumes that anyone who disagrees with administration policy is a cowardly traitor. The Angewisms of radilib, nattering nabobs of negativism and pussillanimous pussyfooters have replaced the mud pail and fellow traveler of Joe McCarthy. Anyone who dares to disagree somehow becomes disloyal and unamerican.

There are those in high places who have forgotten the words of President Eisenhower when he said, "If human rights and freedoms are to flourish, government must operate with its power sharply defined and limited by the governed."

In recent years well intentioned officials have permitted the steady erosion of basic individual liberties to such a degree that today we face a crucial test of the survivability of our system of government and our historical commitment to individual liberty.

Last year then-Assistant Attorney General William Rehnquist, now Mr. Justice Rehnquist, attempted to explain away the suspension of basic freedoms during the May Day demonstrations by saying, "The circumstances were extraordinary."

In Germany in the 1930's, in Greece in the 1960's, in country after country that has evolved into a police state, the first step came when constitutional liberties and guarantees were dispensed with because of extraordinary circumstances. Almost invariably this was done in the name of preserving order and maintaining the safety of the public—the same excuses put forth by Mr. Rehnquist and the others who have sought to justify patently unconstitutional acts and the erosion of individual rights.

I yield to no one for the love of my country. For me patriotism is not out of style. But I disagree with those modern day patriots who say if you don't go along you are unpatriotic or disloyal. They define patriotism as the blind allegiance to policies which may be wrong. I disagree.

Patriotism, today as in the day of Nathan Hale, requires that we support our country when she is right and use our energies to make her right when she is wrong.

The ultimate test of our belief in liberty and freedom is not the license which we give to those with whom we agree. Rather, the true test is the tolerance with which we insist on protection of the rights of those with whom we disagree. It is easy to defend the right of free speech for one who is praising you. It is much harder, and therefore perhaps more important, to defend the right of free speech for one who is damning you.

This should be a matter of special measure of concern to each of you in the Class of 72. As you face this watershed in your lives you must not forget that your dreams, your opportunities, and your rights as an individual will be diminished in proportion to the loss of freedom in society at large.

Some may say that I am an alarmist. There are those who say it can't happen here. Well, I hope and pray that they are right. But lest we forget how precious our freedom really is, and lest we relax our vigilance in protecting that freedom—to you who say it will never affect me, let me remind you of the words Pastor Neimoller uttered in Nazi Germany a quarter century ago:

"They came after the Jews. And I was not a Jew. So I did not object.

"Then they came after the Catholics. And I was not a Catholic. So I did not object.

"Then they came after the trade unionists. I was not a trade unionist. So I did not object.

"Then they came after me. And there was no one left to object."

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FINANCING BANK—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, having discussed this request with the distinguished Senator from Alabama (Mr. SPARKMAN), the distinguished Senator from Texas (Mr. TOWER), the distinguished Senator from Wyoming (Mr. McGEE), the distinguished assistant Republican leader, and the distinguished majority leader, I propound the request as follows:

I ask unanimous consent that at such time as S. 3001, a bill to establish a Federal financing bank, is called up and made the pending business before the Senate, there be a limitation of time on that bill of 2 hours, to be equally divided between the distinguished Senator from Alabama (Mr. SPARKMAN) and the distinguished Senator from Utah (Mr. BENNETT); that there be a limitation of time of 1 hour on any amendment thereto in the first degree; that there be a limitation of time on any amendment to an amendment, debatable motion, or appeal, of 30 minutes, the time to be equally divided in each instance between the mover of such and the manager of the bill, except in any instance in which the manager of the bill supports such, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee; provided further, that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m., following a recess.

After the two leaders have been recognized, the distinguished Senator from Delaware (Mr. ROTH) will be recognized for not to exceed 15 minutes, after which the distinguished Senator from Iowa (Mr. HUGHES) will be recognized for not to exceed 15 minutes, following which the Chair will lay before the Senate the unfinished business, S. 3390.

The pending question at that time will be on the adoption of the amendment by the distinguished Senator from Wyoming (Mr. McGEE), amendment No. 1262, on which there is a time limitation of 3 hours.

Upon the disposition of amendment No. 1262 by Mr. McGEE, the Chair will temporarily lay aside the unfinished business, and S. 3390 will remain in a temporarily laid aside status until the disposition of the so-called product safety bill, S. 3419, on which there is a time limitation of 2 hours, with a time limitation on an amendment by Mr. COTTON of 3 hours, a time limitation on an amendment by Mr. GURNEY of 2 hours, and a time limitation on any other amendment, debatable motion, or appeal of one-half hour.

Mr. President, there will be rollcall votes tomorrow. The calendar will be called during the time that the distinguished majority leader is being recognized.

I assume that we may very well expect a rollcall vote on the amendment by Mr. McGEE. The product safety bill is somewhat controversial, and controversial amendments will be offered thereto. So the Senate may be alerted to the fact that there unquestionably will be yea and nay votes tomorrow.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 5:55 p.m. the Senate took a recess until tomorrow, Wednesday, June 21, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 20 (legislative day of June 19), 1972:

DEPARTMENT OF JUSTICE

Ralph E. Erickson of California to be Deputy Attorney General, vice Richard G. Kleindienst, elevated.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service officer for promotion from class 3 to class 2 and to be also a consular officer of the United States of America:

James A. May, of California.

For appointment as Foreign Service officers of class 2, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Milton Kovner, of Maryland.
James M. Snyder, of Florida.
John F. Troy, of Louisiana.

For appointment as Foreign Service information officers of class 2, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Fred D. Hawkins, of Tennessee.
Marlin W. Remick, of Virginia.

For reappointment in the Foreign Service as Foreign Service officers of class 3, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Charles A. Cariddi, of California.
Paul W. Deibel, of the District of Columbia.
Deion L. Hixon, of Virginia.
Samuel Karp, of Pennsylvania.
Earl A. Kessler II, of Florida.
Frank E. Wallace, of Tennessee.

For appointment as Foreign Service officers of class 3, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Roland P. Amateis, Jr., of Florida.
Kenneth E. Cox, of Florida.
E. Lewis Crosson, of Texas.
Charles E. Gates, of California.
James F. McKinlay, of Virginia.
Larry G. Piper, of Texas.
Lawrence J. Robert, of Michigan.
Richard T. Salazar, of the District of Columbia.
John D. Sinozich, Jr., of Illinois.
Byron P. Walker, of California.
Charles E. Watkins, of Virginia.

For appointment as Foreign Service information officers of class 3, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Stanton H. Burnett, of Washington.
Robert A. Collinge, of Virginia.
Eddie Deerfield, of Illinois.
Ernest E. Goodman, of California.
Clement Don Jones, of Florida.
Richard McKiernan, of Illinois.
James Perrin, of Florida.
Robert A. Riccio, of Rhode Island.
Irwin K. Teven, of Illinois.
James P. Thurber, Jr., of California.
Herbert W. Timrud, of Missouri.

For reappointment in the Foreign Service as Foreign Service officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Roy J. Apel, of California.
Miss Margaret J. Barnhart, of Pennsylvania.
Jack Beni, of West Virginia.
Miss Anne L. Carroll, of Idaho.
Wilbur W. Hitchcock, of New Jersey.
Miss Frances Dodd Howell, of North Carolina.
Charles J. Konya, of Maryland.
Mrs. Olga Lepo, of Florida.
George W. Small, of West Virginia.
Franklyn E. Stevens, of California.
Elwin Trafton Vangas, of New Hampshire.
Miss Olga Marie Zhivkovitch, of Illinois.

For appointment as Foreign Service officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Richard C. Andre, of Ohio.
Raymond M. Bailey, of Ohio.
John Condayan, of Virginia.
Douglas K. Davidson, of Maine.
Robert G. Deason, of California.
Charles R. Doscher, of California.
Miss Marjory J. Fiebig, of Michigan.
John G. Gilmore, of New Hampshire.
George Iacono, of Maine.
Franklin E. Jackson, of Kentucky.
Howard T. Jackson, of New York.
Gus P. Peleuses, of Ohio.
Edward Joseph Perkins, of California.
Sunao Sakamoto, of Hawaii.
Miss M. Virginia Schafer, of Washington.
Donald R. Schoeb, of Maryland.
Leonard J. Scioli, of Pennsylvania.
Philip Meade Smith, of Pennsylvania.
La Rue H. Velott, of California.
Harold E. Vickers, of California.
Christopher P. Vlachos, of Maryland.
Frederick Warner, Jr., of California.
Donald A. Wetherbee, of New York.

For appointment as Foreign Service information officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Dion Anderson, of the District of Columbia.
Frank P. Catanoso, of Ohio.
Donald E. Creager, of Wisconsin.
John L. Dennis, of California.
Terry C. Eakin, of Colorado.
Aurelius Fernandez, of New York.
Kent A. Herath, of Ohio.
Vincent J. Hovanec, of Florida.
Ray Peppers, of South Carolina.
Joseph Sadlik, of Virginia.
David G. Smith, of New York.

For reappointment in the Foreign Service as Foreign Service officers of class 5, consular officers, and secretaries in the Diplomatic Service of the United States of America:

John B. Moody, of Georgia.
Walter John O'Grady, of New York.
Edward B. Pohl, of Louisiana.
Cecil S. Richardson, of New York.

For appointment as Foreign Service officers of class 5, consular officers, and secretaries in the Diplomatic Seervice of the United States of America:

James E. Baldridge, of Illinois.
Thomas F. Barron, of California.
Miss May A. Belair, of Massachusetts.
Donald J. Bouchard, of Maine.
James F. Brackman, of West Virginia.
Mrs. Mary Reed Cencetti, of the District of Columbia.
Miss Helenann Clarke, of California.
Terrance M. Day, of Maryland.
Francis J. Dennett, of Florida.
Miss Faye E. Dunn, of Alabama.
Jake M. Dyels, Jr., of California.
Joseph F. Fagan, of Pennsylvania.
Charles A. Gillespie, Jr., of California.
John R. Graham, of Pennsylvania.
Miss Caroline M. Hasenkamp, of Florida.
Edward F. Height, of California.
Henry M. Howe, of Georgia.
Miss Catherine M. Hurley, of Connecticut.
Bernard Johns, of the District of Columbia.
Mrs. Patricia P. Kemper, of Florida.
Lewis A. Kert, of California.
Miss Velma H. Lewis, of New Hampshire.
Miss Frances T. Lide, of Mississippi.
Robert N. McGovern, of California.
Miss Judith M. McHale, of Maryland.
Thomas F. Milliren, of Pennsylvania.
Peter K. Murphy, of Massachusetts.
Miss Marie F. O'Shea, of New York.
Miss Margery J. Palmer, of California.
Vincent A. Ragone, of New York.
Charles P. Reilly, of Washington.
Oscar A. Reynolds, of Texas.
Kenneth J. Robinson, of Florida.
Miss Erma Schumacher, of California.
Allan D. Silberman, of Maryland.
Manuel Silberstein, of California.
Miss Mildred P. Tamny, of Pennsylvania.

For appointment as Foreign Service information officers of class 5, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Alfred M. Crocker, of Texas.
William T. Hines, of the District of Columbia.

For promotion from Foreign Service officers of class 7 to class 6:

Roger A. McGuire, of Ohio.
Richard H. Zorn II, of Illinois.

For reappointment in the Foreign Service as a Foreign Service officer of class 6, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Mrs. Marian L. Tipton, of Idaho.

For appointment as Foreign Service officers of class 6, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Miss Carolyn M. Allen, of Oklahoma.
Joseph F. Aronhime, of Maryland.
John A. Bastek, of Connecticut.
Phillip V. Battaglia, of Illinois.
Michael Billick, of Florida.
Maurice L. Brooks, of New Jersey.
Bruce J. Christopherson, of Colorado.
Miss Betty J. Collins, of Texas.
William A. Colwell, of New York.
Herbert D. Dunhaver, of California.
Quetzal Doty, of Illinois.
Richard C. Faulk, of New Jersey.
Miss Janice F. Friesen, of California.
Rudolph F. Glasl, of Wisconsin.
James J. Grusheski, of Tennessee.
Richard G. Haegele, of Illinois.
Miss Anna M. Hafey, of New Hampshire.
George A. Hannemann, of Texas.
Francis P. G. Hearne, of New Jersey.
Irvin Hicks, of Maryland.
Stephen J. Hobart, of Florida.
Paul M. Hooper, of Texas.
Thomas C. James, of California.
Herbert Klee, Jr., of Illinois.
Albert D. Krehbiel, of Hawaii.
Miss Jean R. Langhorst, of Ohio.
Duane T. Linville, of Indiana.
Kenneth Longmyer, of California.
Alfred J. McGinness, of Ohio.
James W. McGunnigle, of New York.
Gregory L. McLerran, of Texas.
Miss Mary Ann Meysenburg, of Nebraska.
Edward M. Milburn, of Illinois.
John D. Moller, of North Carolina.
John Monioudis, of Virginia.
Roberto R. Munoz, of Texas.
James F. Myrick, of the District of Columbia.
Alfred H. Neal, Jr., of the District of Columbia.
Robert K. Nelson, of Washington.
Ralph L. Nider, of Pennsylvania.
Joseph P. O'Neill, of New York.
Spencer W. Phillips, of Connecticut.
James W. Roodhouse, of Illinois.
Carl N. Schmidt, of Virginia.
Miss Monica J. Schmitt, of Florida.
Miss Elaine Barbara Schunter, of Michigan.
Fredrick G. Shirley, of Kentucky.
Thomas J. Sinclair, of Maryland.
Norman A. Singer, of Illinois.
William G. Smallwood, of Washington.
Moffett R. Smith, of Texas.
Gerald R. Toney, of Texas.
Donald R. Tremblay, of California.
Richard L. Weeks, of New Hampshire.
Miss Frances Lee Weinmann, of Washington.
Daniel R. Welter, of Massachusetts.
Edward H. Wilkinson, of Indiana.
Russell M. Winge, of Minnesota.
Bernard J. Woerz, of New Jersey.
Johnny Young, of Pennsylvania.

For promotion from a Foreign Service officer of class 8 to class 7:

Lawrence Marshall Grossman, of Nebraska.

For appointment as Foreign Serivce officers of class 7, consular officers, and secretaries in the Diplomatic Service of the United States of America:

William W. Allen, of Oregon.
Robert D. Arthur, of California.
Miss Joyce A. Bednarski, of the District of Columbia.
R. Rand Beers, of Michigan.
James P. Bell, Jr., of Maryland.
John E. Bennett, of Massachusetts.
Edwin L. Brawn, of Maine.
Donald S. Bryfogle, of Virginia.
Landon C. Carter, of Virginia.
Geoffrey W. Chapman, of New Jersey.
Gene Burl Christy, of Texas.

Haley D. Collums, of Tennessee.
James P. Covey, of New York.
J. Michael Davis, of Florida.
Wesley W. Egan, Jr., of North Carolina.
George P. Fourier, of Oregon.
Miss Arlene I. Gemmil, of New York.
James Hogan Glenn, of Nebraska.
Miss Ann E. Griffin, of California.
James M. Griffin, of Massachusetts.
Dennis M. Grimmer, of Wisconsin.
Alan Shaw Hegburg, of the District of Columbia.
Dale Roy Herspring, of California.
Donald K. Holm, of Minnesota.
James R. Hooper, of Michigan.
Joseph S. Hulings III, of South Carolina.
Jerrell G. Keathley, of Texas.
Willis D. King, of Oklahoma.
Douglas S. Kinney, of Florida.
Miss Therese Ann Kleinkauf, of New York.
Richard P. Livingston, of Tennessee.
Michael K. Lyons, of New York.
Ronald L. Main, of Oklahoma.
Thomas H. Martin, of Illinois.
Drew Stephen May, of New Jersey.
Gerald McCulloch, of Michigan.
Donald James McNally, of New Jersey.
Adriaen M. Morse, of Arkansas.
Michael A. Nayor, of New York.
Kenneth N. Peltier, of Texas.
David C. Pugh, of Florida.
Ronald Benjamin Rabens, of Illinois.
Miss Margot Ellen Reiner, of New Jersey.
Thomas Lee Robinson, of Michigan.
Roger Keith Rutledge, of Tennessee.
Jack W. Ryan, of Ohio.
Joseph Philip Saba, of Pennsylvania.
Louis D. Sell, of Kentucky.
James Gary Seyster, of California.
LeRoy C. Simpkins, of California.
Richard J. Stemple, of Illinois.
Charles R. Sten, of Washington.
Domonic Vallese, of Pennsilvania.
Theodore J. Villinski, of Iowa.
Miss Rhoda Weinstein, of New York.
Thomas M. Widenhouse, of Illinois.
Miss Sharon P. Wilkinson, of New York.
Edward L. Williams, of New Jersey.
Robert A. Windsor, of Florida.
Eugene C. Zajac, of Illinois.

For appointment as Foreign Service Information officers of class 7, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Sheridan W. Bell III, of Delaware.
Cesar D. Beltran, of California.
Csaba T. Chikes, of Georgia.
Miss Margaret M. Converse, of New York.
Miss Katherine M. Griffin, of North Carolina.
Stevan M. Horning, of Indiana.
Victor L. Jackovich, of Iowa.
Joe B. Johnson, of Texas.
John F. Kerr, of Texas.
Francis William Lowrey, of New Mexico.
Miss Carol E. Ludwig, of Iowa.
Miss Diane E. Mayer, of Ohio.
Gary P. McElhiney, of Massachusetts.
Kenneth A. Simms, of California.
Christopher M. Wallace of Washington.
Miss Veda B. Wilson, of the District of Columbia.
Van S. Wunder III, of Ohio.

For appointment as Foreign Service Officers of class 8, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Miss JoAnne Arzt, of New York.
Ryan Clark Crocker, of Washington.
Arnold Jackson Croddy, Jr., of Maryland.
Miss Holly Gosewisch, of Wisconsin.
John E. Hope, of California.
Wayne Stephen Leininger, of Florida.
Bruce McKenzie, of California.
William Howard Moore, of Virginia.
Richard A. Morford, of Indiana.
Ronald J. Neitzke, of Minnesota.
John F. Tefft, of Wisconsin.
John J. Tkacik, Jr., of Virginia.

For appointment as a Foreign Service information officer of class 8, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Mrs. Ann Hume Loikow, of Virginia.

Foreign Service Reserve officers to be consular officers of the United States of America:

Charles J. Cusick, of Maryland.
William R. MacLauchlan, of Maryland.
Neil E. McPherson, of Maryland.
Paul G. Nyhus, of New Jersey.

Foreign Service Reserve officers to be consular officers and secretaries in the Diplomatic Service of the United States of America:

Ronald T. Allen, of Maryland.
William J. Amshey, of Virginia.
Edmund L. Andrews, of Maryland.
Anthony Arredondo, of Colorado.
Ernest J. Ballesteros, of California.
Miss Pamela K. Balow, of Illinois.
Julian L. Bartley, of New York.
Milton A. Bearden, of Texas.
Edwin L. Beffel, of the District of Columbia.
Henry M. Bennett, of Texas.
Martin J. Bergin, Jr., of Virginia.
Roger Blattberg, of Virginia.
Richard L. Branche, of Ohio.
Miss Terrezene Brown, of California.
James A. Bruha, of Virginia.
Thomas A. Brunton, of California.
James E. Burkart, of Maryland.
Claude P. Connelly, of Virginia.
Frank Cummins, of Maryland.
John J. Devine, of Virginia.
J. Patrick Donohue, Jr., of Virginia.
Joseph F. Fernandez, of Florida.
Bernard M. Fitzgerald, of Virginia.
Robert T. Francis II, of Virginia.
Oliver P. Garza, of Texas.
Michael H. Goldman, of Virginia.
Todd D. Hagenah, of Virginia.
Roman J. Halla, of Virginia.
Lowell V. Hammer, of Maryland.
George Hawks, Jr., of Maryland.
Otis L. Hayes, of Tennessee.
McCrea Hazlett, of New York.
George B. Holmes, of the District of Columbia.
Miss Joszet S. Hudson, of Georgia.
Wyatt B. Johnson, of the District of Columbia.
Sidney L. Jones, of Michigan.
Miss Agnes T. Kang, of Maryland.
Ronald L. Kates, of New Jersey.
David N. Kelling, of Virginia.
James Kim, of Virginia.
Richard B. Leach, of Virginia.
Miss Concetta Leonardi, of Massachusetts.
George E. Lichtblau, of Maryland.
Miss Linda H. Louie, of Maryland.
Bruce MacMaster, of the District of Columbia.
Herbert Manell, of California.
David C. Martin, of Maryland.
Edward S. McCarthy, of Virginia.
John F. McCarthy III, of Virginia.
Raul A. Mendez, of Virginia.
Richard H. Miller, of Maryland.
George H. Mitchell, Jr., of Virginia.
V. Miro Morville, of the District of Columbia.
Patrick N. Murphy, of Virginia.
Bruce L. Pearson, of California.
David M. Ransom, of Virginia.
Richard L. Ratcliff, of Maryland.
William A. Read, of Wyoming.
Thomas Joseph Rice, of Washington.
Gary G. Roberts, of Maryland.
Montgomery L. Rogers, of Maryland.
Glenn A. Rounsevell, of Virginia.
Joseph G. Sancho, of Ohio.
Robert K. Simpson, of Massachusetts.
Richard A. Smith, of Virginia.
Miss Mary Cynthia Smoot, of the District of Columbia.
Laurance Stanley, of New York.
Justice B. Stevens, of California.
Dale E. Sumption, of the District of Columbia.
Gerald J. Svat, of Virginia.
Miss Frances F. Switt, of New Jersey.
Melvin M. Tano, of Hawaii.
Edward William Tatge, of Maryland.
Leonard D. Therry, of Virginia.
Darryl R. Thibault, of California.
Wade E. Thomas, of Virginia.
Miss Susie J. Tucker, of the District of Columbia.
Richard D. Van Winkle, of New Jersey.
Daniel K. Webster, of Virginia.
Frederick L. Wettering, of Illinois.
Ben B. Wickham, Jr., of Connecticut.

Foreign Service Reserve officers to be secretaries in the Diplomatic Service of the United States of America:

Marlan D. Bowe, of Nebraska.
Charles B. Dickens, of the District of Columbia.
Louis V. Ebert III, of Maryland.
William Richard Ford, of Michigan.
Kenneth M. Kauffman, of California.
Arnold C. Long, of Washington.
Stephen E. Montgomery, of Texas.
Richard W. Rauh, of Illinois.

Foreign Service Staff officers to be consular officers of the United States of America:

Leroy E. Beal, of Missouri.
Theodore A. Dawson, of Iowa.
Lyle A. Dittmer, of Washington.
Gilbert H. C. Giegling, of California.
Eugene C. Harter, Jr., of Ohio.
R. Dennis Jones, of Maryland.
Miss Marilyn A. Miller, of Pennsylvania.
Ward D. Morrow, of Pennsylvania.
James J. Murray, of New York.
William C. Poole, of Virginia.
Miss Carol B. Reavis, of the District of Columbia.
Richard A. Reiser, of Ohio.
Dennis R. Shaw, of South Dakota.
Jimmy P. Tinsley, of Alabama.

IN THE U.S. ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. John Hersey Michaelis, 116-28-8221, Army of the United States (major general, U.S. Army).

DEPARTMENT OF JUSTICE

Carl E. Hirshman, of New Jersey, to be U.S. marshal for the district of New Jersey for the term of 4 years, vice Anthony T. Greski, resigned.

DEPARTMENT OF DEFENSE

Adm. Thomas Hinman Moorer, U.S. Navy, for reappointment as Chairman, Joint Chiefs of Staff, for an additional term of 2 years.

U.S. ARMY

Gen. William C. Westmoreland, 251-64-1893, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general under the provisions of title 10, United States Code, section 3962.

Gen. Creighton W. Abrams, 226-54-1073, Army of the United States (major general, U.S. Army), for appointment as Chief of Staff, U.S. Army, under the provisions of title 10, United States Code, section 3034.

U.S. AIR FORCE

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. John W. O'Neill, 029-07-5907FR (major general, Regular Air Force) U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Edmund F. O'Connor, 018-14-4088FR (major general, Regular Air Force) U.S. Air Force.

U.S. NAVY

Rear. Adm. Marmaduke G. Bayne, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

U.S. MARINE CORPS

Lt. Gen. John R. Chaisson, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

In accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Foster C. LaHue, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

EXTENSIONS OF REMARKS

WEST VIRGINIA'S 109TH ANNIVERSARY, JUNE 20, 1972, IS SIGNIFICANT DATE FOR OUTLINING PROGRESS IN MOUNTAIN STATE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 20, 1972

Mr. RANDOLPH. Mr. President, 109 years ago, President Abraham Lincoln signed the proclamation which created the 35th State of the Union. On this anniversary, I invite Senators to join with me in marking this significant birthdate of the State of West Virginia.

Much that has been written about the Mountain State in recent years has served to obscure the richness and diversity of its human and natural resources. We read of disasters and of economic upheavals. These have occurred in West Virginia and in other States in varying proportions.

We have a good heritage. The lands that now make up West Virginia were once the outward reaches of American civilization. Old Fields, near Moorefield, was one of the earliest settlements on the western frontier. West Virginia is the fourth richest State, minerally speaking, in this richest Nation on earth. Its deep reservoirs of coal and oil and natural gas, timber, and limestone and silica sands undergird our great eastern industrial complex. Over the past two decades, the complete mechanization of our mining industry has strengthened West Virginia's role as a major producer of bituminous coal.

With its plethora of natural resources, the Mountain State has attracted in increasing numbers the major industrial companies of America. From this industrail base has sprung a broad diversity of industry.

But West Virginia's richest resource is its people, who were committed to shaking off the economic agonies of the 1950's, when the transitions of coal mining from hand labor to machinery ended thousands of jobs. I should note that this mechanization process is now affecting other major industries throughout the Nation, and the experiences of West Virginia can be of great benefit to all.

Today West Virginia is alive and well, with new job opportunities opening along a network of interstate and Appalachian developmental highways which provide new accessibility to its natural resources. Its lofty mountains and sparkling streams have long attracted knowing tourists. Today, these and other attractions have actually created an immigration of new citizens seeking the serenity of the open spaces. West Virginia is in the forefront in environmental concerns, facing such current issues as surface mining and stream pollution and timber management early in the game.

In their commitment to strengthening the economic and social resources of our State, West Virginians are following a heritage that compounds into a bright and golden page in history. When, after Fort Sumter, the Southern States seceded one by one from the Union, and formed a separate nation, the people of what was then western Virginia chose not to go along. As some historians still say, it might have been an illegal act on their part, their breaking away from the rest of Virginia. But they felt constrained not to compound a greater wrong. They formed a new State, because they felt that America as a Nation was worth saving. And they contributed heavily to that salvation in both manpower and resources.

Mr. President, my colleagues and many other Americans, do recognize that this 109th birthday of the State of West Virginia is in a sense a year of challenge for us, as well as a time of looking back. We are working to build a better West Virginia as a part of a better Nation and a better world.

CANADA'S CONTINUING EFFORTS TO GET A CANADIAN PIPELINE ROUTE CONSIDERED

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ASPIN. Mr. Speaker, the Canadian Government has made strenuous efforts—so far unsuccessful—over a long period of time to get the U.S. Interior Department to seriously consider a Canadian route to the Midwest for both natural gas and oil pipelines.

I would like to include in the RECORD today an excerpt from the Commons Debates of the Canadian House of Commons on June 9, 1972. This excerpt summarizes very well Canada's continuing, if frustrating, attempts to get the Interior Department to undertake an objective, thorough analysis of the relative merits of a Canadian route. The excerpt follows:

A massive leak from a pipeline, difficult to construct and maintain over and through the permafrost territory, could in itself destroy the northern ecology. In conjunction with the ecology problems, the two transport methods and routes would have to be weighed in light of the economics of getting the product to the consumer. In brief, which method and route would be more beneficial to Canadian consumers, and indeed to the ecology of North America? It is just that simple a question, but it requires a decision. I hope the minister will make an announcement today. As I said, Mr. Speaker, the Conservatives for some time have recommended that a study be carried out.

Tanker oil pollution near the western shoreline of Canada, in conjunction with the increase in the price of gasoline, are among the foremost problems facing Canadians.

You cannot divorce oil pollution from unemployment or the economic growth of the nation, but it can be done with judgment, with rules, regulations and decisions based on facts. As I said, Mr. Speaker, there is an increasing demand for fuel and gasoline throughout the world.

Now, I want to turn for a few moments to deal with the question of the dangers that have arisen simply because no decisions have been made. On February 15, 1970, the Liberian tanker *Arrow* was wrecked on the Cerberus Rock in Chedabucto Bay off Nova Scotia. Only 1.3 million gallons, of an estimated 2.5 million spilled into the water, were recovered. The remainder contaminated 190 miles of shoreline in the bay, miles of beaches on Sable Island 100 miles away, and 4,800 birds lost their lives. The *Arrow* was Canada's major oil spill disaster. What happened? Who paid the shot? Read the Henderson report. The Canadian taxpayer paid the shot. They cannot determine who owned the tanker. There has been no way of measuring the damage, and so the taxpayer has paid the shot.

At the beginning of May U.S. Interior Secretary Morton issued preliminary approval for a go ahead of the TAPS tanker system to ship oil from Prudhoe Bay to Valdez by pipeline and from there to the west coast by giant oil tankers. One terminus for these tankers is Cherry Point in the state of Washington, which is exactly 20 miles away from the place in Canada which is polluted today. The tanker *Arrow* was 18,000 tons dead weight. The tankers for the TAPS route are to be over 100,000 tons dead weight. What will our shoreline be like if one of these large tankers is wrecked? Where will the government be then? Where will its supporters in British Columbia be then? It is a sad story.

The ACTING SPEAKER (Mr. LANIEL): Order, please, I regret having to interrupt the hon. member, but the time allotted to him has expired.

Hon. DONALD S. MACDONALD (Minister of Energy, Mines and Resources). Mr. Speaker, I am glad to have the opportunity to follow the hon. member for Calgary North (Mr. Woolliams) in this debate because I can put to him directly the very extensive record, which has already been outlined in this House, of work done both with regard to the question of the Mackenzie Valley pipeline route and the dangers involved for Canada's west coast because of the TAPS route.

[Mr. WOOLLIAMS.]

The hon. member made a number of points, saying there has been no indication on the part of the government of its views with regard to the TAPS route, that the government has not undertaken any feasibility studies with regard to the Mackenzie route, and has failed to let the United States government know its views. I am glad to have this opportunity to point out to the hon. member, from documentation tabled in the House, and from statements made in the House and outside it, that on all three points he is dead wrong and his assertions to the House are all false.

Dealing first with the question of feasibility studies, he said that the Conservatives for some time had recommended a feasibility study. If the hon. member was on the ball and was doing his job. Mr. Speaker, he would know that on April 18, 1972, I tabled in this House copies of documents dealing with 30 various aspects of a feasibility study preparatory to informing the two agencies of government concerned with regard to the Mackenzie valley pipeline.

Some hon. members: hear, hear!

Mr. Macdonald (Rosedale): These are studies that have been under way for the past three years, and that we would hope to have finished by the end of the summer season. This has been indicated repeatedly. I suppose the only way to get a message across to the hon. member would be to have a chisel, engrave the message on a tablet of stone, and hit him over the head with it, because he does not learn easily. This question has been under extensive study. Over $15 million have been expended to put the government into a position to make a judgment about the Mackenzie valley pipeline. As I have said repeatedly in this House, Mr. Speaker, at the end of this year when the companies themselves are ready to come forward, we will be in a position to evaluate proposals for a Mackenzie valley pipeline. So, on the first of the hon. member's points that there has not been any preparatory work, he is dead wrong. If there has been any lack of preparatory work it has been by the hon. member in preparing for his speech. He just has not done his homework.

The hon. member also said that I have made no speeches in the House on this question. I spoke extensively, in fact probably too extensively on it, in the Throne Speech debate. I reviewed the question extensively—

Mr. Woolliams: Not on this.

Mr. Macdonald (Rosedale): On this and the question of energy, and I dealt at length with the matter of studies before the standing committee. Further, I dealt with the question of energy policies during an opposition day debate. Once again there is lack of preparation. Mr. Speaker, but it has been lack of preparation by the hon. member for Calgary North who has been lying down on the job.

The hon. member also suggested that members of the government have not been in the position to set before the House, the country, and the United States government its position with regard to the proposals for a tanker route and the Mackenzie valley pipeline. I would like to take a few minutes of the time of the House to go through the very extensive documentation on this point, to show just how badly informed is the hon. member.

As a start I should like to bring to his attention the statement made by my predecessor, the hon. member for Niagara Falls (Mr. Greene) in a debate in this House on March 12, 1971. He said:

As I have said, the Prudhoe Bay oil discovery was disclosed in June of 1968. As early as within one month from the time of that declaration the chairman of the National Energy Board met with the presidents of the oil companies who owned that oil—Arco, Humble and BP—and pointed out to them that the Mackenzie Valley line had advantages, as an alternative and should be considered by them.

Mr. Speaker, previous to that, in a statement made to the Canadian Club in Vancouver on February 12, 1971, my predecessor also said:

The Canadian government is not opposed to the construction of oil and gas lines from Alaska through Canada to the continental United States and the government of Canada has already acted in a broad way to define the national goals of such a development. On August 13, 1970 I announced some definitive guidelines to assist industry in their planning.

He went on to say to that audience.

Personally, I think that the United States oil indusry has been too hasty and too unplanned in its decision to move Alaska North Slope oil across Alaska from Prudhoe Bay to Valdez and then by sea to receiving points in the U.S. northwest. Too hasty, because they did not give proper care and attention to the problems of the physical security of the oil line, the security of the environment in Alaska, the protection of the Alaska, British Columbia and Washington coastlines from sea-going tanker disasters, and to the question of the long term economics of the operation of such a line—

Once again, Mr. Speaker, my predecessor the hon. member for Niagara Falls made the government's concern about the risks to the coast amply clear. He also made it clear that the government was taking careful steps to make certain that it knew all about Arctic ecology and the impact of a pipeline in northern Canada before going ahead to issue permits.

My colleague, the Secretary of State for External Affairs (Mr. Sharp), made reference to a series of meetings he had with officials of the United States government. To the hon. member who asserted that no attempt had been made to bring to the attention of the United States government the views of the Canadian government, I would refer an aide memoire delivered by the Canadian Embassy in Washington to the United States authorities on June 29, 1971, precisely on this issue, which reads in part:

"At a meeting in Washington, D.C., on June 10 the Secretary of State for External Affairs and the Minister of the Environment expressed to the U.S. Secretary of State, the great concern of the Canadian government regarding proposals to move oil by tanker along Canada's Pacific coast and to the Puget Sound area. The Canadian ministers held the view that because of the virtual certainty that oil spills would occur if the proposed tanker movements were permitted in these confined coastal waters, present plans should be reviewed with the objective of diverting these oil shipments to destinations other than Puget Sound."

The aide memoire continues:

"The Canadian ministers drew attention to the widespread public concern in Canada about the environmental risks involved in the proposed Alaska oil movements. This concern has been expressed by the unanimous approval given in the Canadian House of Commons on June 21 for the adoption of the third report of the special committee on environmental pollution. A copy of this report is attached."

That unanimous approval, Mr. Speaker, must have been in the absence of the hon. member for Calgary North (Mr. Woolliams) or maybe he was here and as usual did not know what was going on. The aide memoire goes on to indicate to the United States government the proposed line of discussions to deal with the oil tanker problem and to carry out additional research into the possible damage to fish and bird life, the question of monetary damages, the question of shipping control—all proposals that dealt with these questions long before the United States government had made its decision to go on with this route.

The aide memoire of June 29 was followed by an aide memoire to the United States government on August 20, 1971, in the following terms:

The great concern of the Canadian government regarding proposals to transport oil by tanker from Alaska to the Puget Sound area has been made known to the United States government on a number of occasions during the course of this year. This concern is based upon the certainty that any movement of oil by tanker on the scale which has been proposed will eventually result in oil spills. The most recent occasion was at a meeting of United States and Canadian officials in Washington on June 29. At that meeting a proposal was elaborated in an aide memoire for detailed consultations to be held as soon as possible,—

The aide memoire goes on to say:

In general terms, as outlined on earlier occasions, the Canadian government is convinced that if the full economic costs of the substantial environmental risks are taken into account it will be found desirable to avoid introducing large and hazardous tanker movements into the inner waters of the Pacific Coast. The Canadian government is concerned, however, that there has so far been no indication of sources of oil supply for the States in the Pacific northwest. In order to explore this aspect of the question the competent Candian authorities would be prepared to discuss the technical and other factors which might affect the continuing contribution to the oil needs of the region from Canadian sources.

Mr. Speaker, coupled with my responsibilities as Minister of Energy, Mines and Resources, I had the opportunity to meet with the United States Secretary of the Interior, under whose jurisdiction this comes, on March 30 of this year and to point out to him the great concern of Canadians as echoed unanimously by this House with respect to the danger of heavy movements of oil in the northwest Pacific coast area, particularly Puget Sound, the progress that has been made by the Canadian government in the studies I have referred to, the progress that has been made in defining the area for a Mackenzie Valley pipeline—

Mr. Woolliams: Who did you meet with?

Mr. Macdonald (Rosedale): The United States Secretary of the Interior, the member of the United States government responsible for the pipeline.

Mr. Woolliams: What was his name?

Mr. Macdonald (Rosedale): Rogers Morton. The hon. member seems to be as ignorant of that as he is—

Mr. Woolliams: I wanted to find out if you knew.

Mr. Macdonald (Rosedale): What is your name, do you know?

Mr. Nielsen: Who the hell are you?

Mr. Macdonald (Rosedale): In my letter to Secretary Morton of May 4 this year, I said:

I found most useful my meeting with you in your office in Washington on March 30 last, and appreciate greatly your courtesy in discussing with me certain aspects of the interesting decision you have under consideration in connection with an application for a permit to construct an oil pipeline in Alaska.

At the time of our conversation, you suggested that you would like to have more insights and information into the Canadian interest in having such an oil pipeline constructed through Canada from Prudhoe Bay.

In four pages, the letter goes on to cite in detail the arguments in favour in moving the oil down through the Mackenzie Valley rather than through Alaskan waters. The document has been made public, but of course one cannot make documents like that public for the hon. member for Calgary North (Mr. Woolliams) because he is too idle to do his homework on these important questions.

Mr. Speaker, the hon. member has said that the government has done no feasibility studies. I pointed out by a document laid before this House, and it must have been available to the hon. member, that there has been an expenditure of $15 million over the last three years for defining the problems involved in building a Mackenzie Valley pipeline and for the purpose—

Mr. Woolliams: Would the hon. Minister permit a question?

Mr. Macdonald (Rosedale): By all means.

Mr. Woolliams: I have listened to the argument and—

Mr. Macdonald (Rosedale): Ask your question.

Mr. Woolliams: I will ask my question if you will be patient. Have you then concluded, and have you reached a decision or made an agreement with the United States government that TAPS in fact will not be built, that the crude petroleum and natural gas will be carried by pipeline down the Mackenzie Delta? Answer that question.

Mr. Macdonald (Rosedale): Of course there is no agreement because the American administration has decided that they are going to move American oil through American territory and international waters down to the American markets. The hon. member, who is supposed to be a lawyer, should know that there is no legal action that the government of Canada can take to prevent that.

Mr. Nielsen: The government has not decided that, industry has. The government gave a permit.

Mr. Macdonald (Rosedale): If Secretary Morton is not the government, who is?

Mr. Nielsen: All he did was issue the permit; industry moves it.

Mr. Macdonald (Rosedale): He issued the permit to build the line. The hon. member knows better than that. The hon. member for Calgary North has suggested that our position has not been made clear to the United States government. I pointed out that repeatedly in personal meetings between various members of this government and members of the American administration, and in aides memoire placed before that government and, as long ago as 1968 within a month of the time that the Prudhoe Bay field was disclosed to the public, representatives of this government already proposed the Mackenzie route as a favourable one for bringing the oil to market. It seems to me that little more need be said about the contribution of the hon. member for Calgary North in this debate.

Several points raised by the hon. member for York South (Mr. Lewis) require a reply. The hon. member said, raising the same rather incredible proposition put forward by the hon. member for Calgary North, that in some way we should get inside the American jurisdiction and the Canadian government should prevent that government from making a decision with regard to oil coming from within its territory and going to its markets.

The hon. member of York South said—and I appreciate his courtesy in indicating why he would not be present when I spoke—that we should have protested the construction of refining facilities in Puget Sound at the time they came into being. Mr. Speaker, the refining facilities in Puget Sound have been in operation at least since 1961. Ninety per cent of the oil used in those refining facilities in use comes not from overseas but is Canadian oil, Alberta oil that travels via the Trans-Mountain pipeline overland from Canada. The hon. member is really suggesting that the government of Canada should have protested the construction of oil refineries in Puget Sound built expressly to take advantage of hydrocarbons coming from Alberta. I can say one thing for the hon. member for Calgary North; at least that is one objection he did not raise.

Mr. Woolliams: I thank the minister for his generosity.

Mr. Macdonald (Rosedale): I should like to take this opportunity to repeat an offer I made in the House of Commons on April 19, 1972, as reported at page 1440 of *Hansard*—the offer was repeated, as I have indicated to the United States government—namely, that we are prepared to put the United States in the position, with regard to the Puget Sound refineries, where not one ounce of oil need be brought by seaborne traffic to those refineries. Once they had established oil supplies which would come via the Trans-Mountain route and provided the oil requirements of those refineries, there would be no need to bring seaborne oil into that area. We are prepared to make that undertaking. We hope the United States government, which of course will have to seek and obtain approval of the courts with respect to these proposals, will take advantage of that offer and will meet the particular problem we face by using Canadian oil that is available via overland routes, thereby making it unnecessary for oil to be brought by sea which is the problem involved in this debate.

The government of Canada in the last four years has been active in this area. Commencing, as I said, immediately with the discovery of Prudhoe Bay oil, the government has indicated to American companies Canada's willingness to consider the Mackenzie Valley route and has set up the extensive feasibility studies necessary to determine whether a Mackenzie Valley pipeline for oil and gas can be constructed to transport these products through our country to the markets of the central continent.

Furthermore, the government has been active in putting forward, by diplomatic memoire, by personal contact and by public statement both in this House and otherwise, the danger to Canada and to the American west coast which would result from the TAPS route. Of course we are disappointed. We regret that the American government notwithstanding this, has decided to go ahead with the TAPS route. We must acknowledge, however, that it is their decision and they have the right to do this. I would not go so far as the hon. member for York South and suggest that this is an unfriendly act.

Even now it is not too late for the United States administration, as an act of comity, to reverse its decision, to be prepared to halt construction of the TAPS pipeline and come forward with a new proposal; that is, to participate with the companies which probably today or early next week will be announcing their intention to go ahead with a Mackenzie Valley route. On that basis we could be assured that in future the kind of damage which occurred in Puget Sound and which has been experienced in Canada will not be caused to the west coast.

Mr. Nielsen: Mr Speaker, would the minister permit a question?

Mr. Macdonald (Rosedale): By all means.

Mr. Nielsen: The day before yesterday I asked the minister whether he had received an application from any company or consortium for the construction of a Mackenzie Valley pipeline, and he answered that no formal application had been received.

Mr. Macdonald (Rosedale): That is right.

Mr. Nielsen: What he has just said comes as a startling revelation. He has indicated that he expects applications to be made sometime next week for the construction of a pipeline.

Mr. Macdonald (Rosedale): No, Mr. Speaker, that is not what I said, as the hon. member will see if he reads *Hansard*. I said previously that we have received no formal application. However, we have received an indication that consortiums are getting together with regard to making an application. So my statement stands that no formal application has been made.

Mr. Nielsen: The minister said, "Next week." He suggested there would be an application next week.

Mr. Macdonald (Rosedale): I expect that next week or, shall we say, in the very near future there may be such application. There have been a number of indications to suggest that applications will be coming to the Minister of Indian Affairs and Northern Development with regard to the land route. In large measure he and I will have to wait for those submissions to be made. We have reason to believe, from certain statements—the hon. member has had as much opportunity as I have had to gather this impression from news reports—that the consortiums expect to get together and make an application.

Therefore, it would be constructive and would help the proposal made by the hon. member for Fraser Valley East, and supported by the Secretary of State for External Affairs, if we put under the jurisdiction of the International Joint Commission the resolution of the problem regarding tanker shipments both in the east and in the west, both in the waters of Puget Sound and in the international waters of eastern Canada. I would therefore hope we might have the support of the whole House, not only for the resolution but for the amendment.

Right Hon. J. G. Diefenbaker (Prince Albert): Mr. Speaker, I am certainly glad that I was present today to hear the speech delivered by the minister, for it represented 30 minutes of exculpation without information. What it lacked in common sense is made up in vociferous delivery. I have always liked listening to the hon. member because one has no difficulty hearing what he has to say.

Mr. Macdonald (Rosedale): I am very glad to hear that.

Mr. Diefenbaker: This is an occasion that illustrates exactly the degree to which this House has been made to look ridiculous. The government either has not come with information or it has provided information that is not in accordance with the facts.

Mr. Macdonald (Rosedale): Not at all.

Mr. Diefenbaker: The minister laughs because he has been one of the main destroyers of this institution.

Some hon. Members: Oh, oh!

Some hon. Members: Hear, hear!

Mr. Macdonald (Rosedale): I have heard enough.

Mr. Crouse: The minister cannot take it.

Mr. Diefenbaker: His leaving is in keeping with the courage he has always displayed.

Some hon. Members: Hear, hear!

Mr. Diefenbaker: He makes a speech, we listen to him, he realizes it is foolish, ridiculous and full of incongruous statements, and away he goes because he does not want to be present when one reveals his total lack of consideration for the rights of Parliament. He does not want to hear what one says and thinks, apparently, that no one else will hear it. His leaving means that two ministers out of 30 remain in the House. Ministers of the Crown have responsibilities, but they are not held although this is supposed to be a most serious debate.

Mr. Basford: They will be here for the vote.

Mr. Diefenbaker: There is no question about that. Those automatons who are controlled by the government will be here for the vote. I am glad to receive the admission from the hon. gentleman. That is a most irresponsible statement and shows the degree to which his government has polluted Parliament. In other words, debate is no longer important.

ENVIRONMENTAL PROTECTION IN MARIN COUNTY

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 20, 1972

Mr. TUNNEY. Mr. President, many valuable programs to clean up our environment have been started throughout the country. I am always pleased to hear of individuals or local groups who initiate constructive action to enhance or improve our rapidly deteriorating environment.

In Marin County, Calif., just such a program has been run by Survival, Inc. This organization has set up a system of recycling centers and of distribution of ecological information to the public. The county board of supervisors has contracted with Survival to continue this dual program, and recently a $25,000 grant was approved to enable the program to continue for another year. I am sure that the program will gradually expand as more citizens become aware of its value to the community as a whole.

I sincerely hope that Survival will serve the local people well, and I encourage other communities to follow the example of Marin County.

LATIN AMERICAN DEVELOPMENT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. HANNA. Mr. Speaker, for some time many of us have been concerned as to our international priorities in recent years, especially in terms of our economic assistance policies. Our emphasis for the past two decades has been overwhelmingly centered on Europe, with mere residuals, as it were, being directed to certain of our less fortunate and less developed allies.

It is time, however, for these priorities to adjust to what I see as a new reality in our future economic relations with the rest of the world. As Europe and other past recipients of our beneficent policies have overcome the needs which prompted our policy orientation in the past, those who have been neglected must now move to the forefront of our list of commitments.

I have been working recently on a reorientation of our economic policy in Latin America. Past programs have foundered on the government interfaces which failed to deliver funding at a point where meaningful impact on the life of the "Campesino" was achieved. New and more effective instrumentation must be forged for these Southern Hemisphere nations. We have frequently suggested and again urge that an organization similar to the original European Payments Union be formed. Such a vehicle by undergirding trade could make more effective such institutions as LAFTA and the Central American Common Market. At the same time it could encourage stabilization of currencies and an ever-increasing trade. This mechanism could well provide the structural catalyst for a financial "unification" of the Latin American region.

One requirement of such a catalyst, however, is seed money. This we unhesitatingly provided in the late 1940's and early 1950's for the rebuilding of a war-devastated Europe. Still remaining in the original EPU fund is a sizable amount—$123.5 million, to be exact. As noted in the correspondence which follows, the Department of Treasury is of the opinion that there is "no longer a need for a European monetary organization such as the EMA." I heartily concur in this analysis and offer as well my full and active support to the Department's efforts to "recapture" these moneys and put them to a much more profitable, significant and vital use.

I include my correspondence with the Department of Treasury at this point in the RECORD:

MARCH 17, 1972.

Mr. MICHAEL BRADFIELD,
Assistant General Counsel,
Department of the Treasury,
Washington, D.C.

DEAR MR. BRADFORD: I have been researching the status of the United States' contribution to the European Payments Union, predecessor to the existing European Fund, which was originally established under the Marshall Plan following World War II. My interest in these monies is directly the result of discussions of a program similar, both in form and goals, to the European Payments Union in Latin America.

My research reveals that approximately $123.5 million of the original capital contribution of $350 million has not been expended and is currently being held in a special trust account by the Department of the Treasury for the Secretary General of the Organization for European Economic Cooperation. Some doubts exist, however, as to the status of these funds and their susceptibility to redemption efforts by the United States—to wit: was it a loan or a grant?

Your assistance is therefore requested in two areas: first, the reactions of the Department to a redirection of these funds to a Latin America effort and, second, an analysis and report on the status of the funds.

Thanking you for your attention in this matter, I remain

Yours sincerely,
RICHARD T. HANNA,
Member of Congress.

THE DEPARTMENT OF THE TREASURY, OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., May 23, 1972.

Hon. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR MR. HANNA: You have inquired as to the status of the United States contribution to the European Monetary Agreement (EMA) and to the reaction of the Treasury Department to a proposal to redirect the contributed funds for use in Latin America.

With respect to the status of our EMA contribution, these funds are an outright grant, although the United States retains some rights over the final disposition of EMA assets upon liquidation. In 1958 the United States committed $271.6 million to the EMA. The origin of these funds was a grant of $350 million made by the United States in the framework of the Marshall Plan in order to establish the working capital of the European Payments Union (EPU). When the EPU expired in 1958, $148.1 million was transferred immediately to the EMA. The remaining United States contribution of $123.5 million has never been called upon and is held in a special Treasury trust account, but is fully committed in a legal sense to EMA.

The United States does not have the contractual right to repossess its capital contribution or earnings attributable to this contribution. Furthermore, since the United States is not a contracting party of the EMA, we have no vote and thus no power to compel termination. However, the consent of the United States is required to any substantial modification of the EMA as a consequence of the agreement under which we made available to the EMA the residual capital of the EPU.

Moreover, in the event the members of EMA decide to liquidate the organization, the agreement provides for distribution of the U.S. capital among the members in accordance with an agreed formula. The United States retains a veto over the application of this formula but must work out with the European members any alternative uses of the U.S. contribution.

It has been apparent to us for some years that there was no longer a need for a European monetary organization such as the EMA. Since the early 1960's we have from time to time considered devoting the U.S. contribution to other purposes, including the use of these funds in Latin America. However, these efforts proved fruitless. It appears now that the best approach is simply to seek return of these funds to the United States.

Discussions are once again in progress to determine the future of the EMA and the disposition of its capital. We are hopeful that we will see agreement by the end of the year on a proposal which will permit the United States to recapture its EMA contribution.

If I can be of further assistance to you in pursuing this matter, do not hesitate to contact me.

Sincerely yours,
MICHAEL BRADFIELD,
Assistant General Counsel.

FISCAL AND BUDGETARY INFORMATION FOR THE CONGRESS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. O'NEILL. Mr. Speaker, under the extremely capable leadership of my friend and colleague, Chairman JACK BROOKS, the Joint Committee on Congressional Operations has just completed an extensive review of efforts to create a modern fiscal and budgetary information and automatic data processing system for use by all branches of the Federal Government.

As Chairman BROOKS pointed out in a speech at the annual conference of the Agency Management Analysis Officer's Group, Congress desperately needs not just more but better and more timely information about financial operations of National Government. I am delighted that Chairman BROOKS and the joint committee are working to extend the information reach of the Congress in this area, as intended in title II of the Legislative Reorganization Act of 1970.

So that all Members may have an opportunity to familiarize themselves with this vitally important activity, I am submitting for the RECORD the full text of the chairman's remarks delivered on June 12, 1972:

FISCAL AND BUDGETARY INFORMATION FOR THE CONGRESS

The growth of Federal programs and activities—their size, number and complexity—has challenged our government's capacity to monitor their operation and evaluate the results.

No one who has served for any length of time in Congress, or elsewhere in the Federal establishment, is unaware of this problem.

Over the past decade, for example, outlays for Federal grant programs have jumped from

$7.7 billion to $38.3 billion—a 483 percent increase. In 1962, there were about 200 individual programs. Today there are more than a thousand. And their emphasis, meanwhile, has shifted toward innovative programs in the human resources and environmental areas, such as education, health, manpower training, community development, housing and public safety.

We are not equipped with the informational and analytical tools necessary to deal sensibly with this escalating quantity and complexity. Congressional inability to acquire, process, and apply sufficient policy-relevant information, a matter of grave concern during the 1960's, is even more painfully apparent as we enter the 1970's.

To narrow this intelligence gap, numerous provisions for development of new information resources were included in the Legislative Reorganization Act of 1970. For instance, to strengthen our independent capability, we authorized additional staff and other assistance for the Committees. We also directed the General Accounting Office and the Congressional Research Service to provide more substantial—and sophisticated—research assistance. Both are working toward this now.

Tonight, however, I want to describe our efforts to carry out another of the Reorganization Act's provisions. In Title II, we directed the Executive Branch to establish—in cooperation with Congress—a standardized fiscal and budgetary information and data processing system for use by all Federal agencies.

As you know, there is a very long history of Congressional concern and legislation relating to federal accounting and reporting procedures. The basic assignment of responsibilities was made in the Budget and Accounting Act of 1921.

Since then duties and requirements have been clarified by additional laws, the objectives always being to improve the quality of information for managing federal activities. Changes and additions were made in 1946 as part of the Legislative Reorganization Act of that year, and in 1950 and 1956 as a result of the Hoover Commissions' studies. The requirements of the 1970 Act came out of the work of the Joint Committee on the Organization of the Congress, which began its deliberations in 1965, the same year that PPBS and similar efforts to enhance the planning and budgeting activities of agencies were being widely publicized.

What we are saying in Title II is:

First, that this effort must be continued, *with* Congressional participation;

Second, that the design and operating procedures of the standardized fiscal and budgetary system must provide adequately for congressional needs and applications; and,

Third, that government-wide standard classifications of programs, activities, receipts, and expenditures of Federal agencies must reflect and serve not only Executive requirements and purposes but those of the Congress as well.

In addition, both before and after the standardized system is in operation, provision must be made for Congressional access to—and full information about—fiscal, budgetary, and program-related data available in the Executive Branch.

The intent of the Title II requirement is clear:

We are not seeking to strengthen either the Congress or the Executive at the expense of the other. Our purpose is to supplement and overhaul existing fiscal, budgetary, accounting and management information systems to better serve the needs of both branches.

What we are looking for is a parallel development, to make more meaningful information more readily available to Congress and to other users throughout the Federal government.

Establishment of a Government-wide system is a large order. We realize that it won't be accomplished overnight, that dramatic break-throughs are unlikely.

We have made significant progress, however, during the first year: The systems developers within the Executive, in the Office of Management and Budget and the Department of the Treasury, gained a better understanding of Congressional expectations. And the Comptroller General—who is the agent of the Congress for this project—moved forward with an extensive survey of Congressional information needs.

Perhaps understandably, the OMB started with a limited view of what was intended. Last October, as Chairman of the Joint Committee on Congressional Operations, I wrote to the Director, then Mr. Shultz, and questioned the pace and direction of their initial work. Development of the classifications—the critically important first step—had been assigned to several *ad hoc* study groups, without any ties ot agency management. Priorities for development of the various classifications had been set, without reference to Congressional interests and needs.

Overall, there was no evidence that a broad-gauge plan for this project was either being worked out or contemplated. No plan or timetable for defining its scope, for implementation, for exchange of documentation, for incorporating congressional requirements, etc.

But it appears that the OMB is now rethinking its approach. In a statement submitted in April of this year, in connection with hearings held by the Joint Committee, the office conceded that—and I quote—"The scope of the system development effort as anticipated by the Congress is substantially greater than previously incorporated in our plans." Once Congressional needs are clearly defined, it was added, "A detailed plan to meet the expanded requirements can be developed."

Although belated, OMB's realization of what Congress anticipates is encouraging. Their willingness to consider and accommodate Congressional needs is constructive. We will give them all possible assistance in their further planning. We expect to work closely with them on this.

Meanwhile, in consultation with the Joint Committee, the Comptroller General began surveying Congressional information needs last August. Since then, his researchers have interviewed the staffs of all but one of the Committees as well as 68 individual Members of the House and Senate.

This survey is designed to help us in defining patterns of Congressional information use. Our needs are extensive and diverse, and continually change. They vary from Committee to Committee, from Member to Member, and from policy area to policy area.

What we are attempting to do is to sort out one-time information needs from those which reoccur and can be met systematically; to identify those which can be met, periodically, with printed documents and those which may require immediate response, perhaps on-line through a computer terminal; to describe the various Committee's requirements in terms of content, format and frequency of use.

Federal accounting systems cannot be set up to meet, without clerical manipulation, all Congressional data requirements. We must specify which elements of basic information are to be acquired and reported within the various classification structures adopted Government-wide.

To indicate the scope of this project, let me summarize some of the findings of our hearings and the Comptroller General's preliminary survey report:

Fiscal, budgetary and program-related data is now acquired within and reported by a maze of classification schemes and information systems. Comparisons between data produced by these systems are at best difficult to make. At worst, they are misleading. Because program terminology and coding procedures differ from Agency to Agency—and even between bureaus within Agencies. Both necessity and common sense dictate the requirement for standard definitions and uniform accounting procedures, so that we can identify and review programs and activities which have similar objectives but are operating in different agencies.

Highly generalized program information which may be suitable for use in the Executive Office of the President is not necessarily sufficient for most Congressional committees. We will require program and project classification structures to provide the kind of detail included in such documents as agency justifications.

This means that standardization and systems compatibility will have to extend deep into the Departmental hierarchy, where the transactions are, at the project manager and operating level. For example, we will need a uniform method of linking projects and funding status, the amount provided by Congress and the amount actually spent by the Executive.

So-called "impoundments" should not be covered up by semantics or defined out of sight. I do not see why we cannot devise procedures to notify Congress automatically—and immediately—whenever any Executive action effectively precludes the obligation or expenditure of appropriated funds. And Congress should be provided regular summaries of such actions, including the amounts and projects or activities involved.

In many instances, Congressional committees review individual grants, loans and contracts. The classification structure will have to permit us to easily acquire financial and program data about these, individually or in groups, from numerous operating organizations in the Executive Branch.

Federal grant programs are of particular concern to us. The Federal Domestic Assistance Catalogue, much improved in recent years, is a useful tool in identifying grant programs and in informing the American people of their objectives and application procedures. But this document should be brought up to date and published on a regular schedule, probably more frequently than at present. Moreover, a printed document alone will not meet all our needs in this area. For sensible review of these programs we should have available, on demand, current status information, including funds available and applications on file.

Congress needs to be able to identify programs and projects with the Executive organization responsible for their day-to-day management. We must also link programs and projects to their legal base, not only classifying them by appropriations but by authorizations and committee jurisdictions as well. For more intensive program review, as intended by the 1970 Act, we must be able to compare performance with the objectives and criteria intended by the Congress in authorizing and appropriating funds.

Looking to the future, as research techniques for performance measurement and evaluation become more fully developed, we will need classifications for impact data, by target groups and by geographic areas. Because of their complexity, these structures must be given extra effort now. The target group concept must be carefully defined, and a wide range of geographic area definitions must be considered, including regions, urban and rural, states, counties, and cities.

Finally, there is access. Without this—ready availability of information, as needed—we will be right back where we started. Precisely what mechanisms and procedures will ultimately have to be devised can only be determined when the systems plan has been more fully developed.

Meanwhile, we must begin assessing the capabilities of existing sources of fiscal, budgetary and program-related data. Unless we know what presently is available, our efforts could lead to duplication of reporting procedures and unnecessary costs.

Last year, in May, the Director of the OMB and the Acting Secretary of the Treasury asked Executive Department heads to provide "a brief description of any inventories of data available . . . that could be used to meet" Title II requirements. OMB reported, in July, that "virtually none of the Agencies have composite inventories of data available within their systems."

An inventory of sources is essential—now. We understand that OMB, the Treasury, and GAO are working on ways to accomplish this. We expect them to come up with realistic and feasible alternatives in the very near future.

As I indicated earlier, we are fully aware that development of the Government-wide system envisioned in Title II is a major undertaking.

Much remains to be done. Some of the Congressional needs we have identified thus far can be met through minor adjustments in existing Executive plans or practices. Others will require the sustained attention of the Congress—particularly on the part of the Committees—plus a long-term commitment by the Administration, and the active cooperation of agency managers throughout the Executive Branch.

The costs of this project wil be substantial. But these costs will be only a minor percentage of its benefits to the taxpayers.

We are all in this together. You and I are being asked today to anticipate problems before we become bogged down in them; to make decisions, more quickly, in response to pressing and increasingly complex social and human needs.

You and I are being asked to conserve the Nation's tax resources, by eliminating Federal programs that are no longer needed and replacing them with ones that are, by terminating those that do not work and starting ones that do.

There are many ingredients essential to creative public policy decisions. Reliable, timely information is one of them. We must work together to meet this vital need.

BAD TIMING

HON. WILLIAM S. CONOVER II

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. CONOVER. Mr. Speaker, the Pittsburgh Press recently published an editorial concerning the poor timing of the efforts in Congress to legislate a quick end to the Vietnam war.

It is hoped that this body will follow the recent vote of the Foreign Affairs Committee which endorsed the President's policy.

I include the editorial below:

BAD TIMING

Congress is debating new efforts to legislate a quick end to the Vietnam war at a particularly bad time.

In the House, the Foreign Affairs Committee has rejected a resolution to order withdrawal of all remaining U.S. military forces from Indochina by Oct. 1. Instead, it approved by a 19–18 vote a resolution endorsing President Nixon's Vietnam policy.

However, some Democrats say they will carry the fight for the end-the-war resolution to the House floor.

Most Americans probably would like to see us out of Vietnam even sooner than Aug. 31. But yanking 62,000 U.S. troops out of there in so short a period—and in the midst of a continuing North Vietnamese invasion of South Vietnam—seems militarily unwise.

Such a development would undermine the morale of the South Vietnamese army and risk its collapse.

Also, Sen. Mansfield's amendment proposes to end all U.S. ground, naval and air operations in South Vietnam, Cambodia and Laos if the Communists agree to return American prisoners and not fire on our departing forces. In effect, Sen. Mansfield is saying to Hanoi: "Give us our prisoners and let us go in safety. As we leave, you may, of course, continue to shoot at the South Vietnamese who fought on our side for so many years."

That is far from the honorable end to America's involvement in Vietnam that President Nixon has been promising.

Mr. Nixon's latest offer to Hanoi, which is extremely fair, calls for a complete American withdrawal from Indochina within four months of a cease-fire and a release of prisoners.

Under the President's plan, the United States at least wouldn't be walking away while its allies or friends in Vietnam, Laos and Cambodia were getting shot up. And, in the context of a cease-fire, it would leave the political future of Indochina to be worked out by the people who live there.

Ironically, Sen. Mansfield's most drastic end-the-war move comes when the desperate military situation on the ground in South Vietnam seems to be improving and there are background maneuvers toward a resumption of peace talks.

From all this, the Senate should see that this is no time to ban the use of U.S. airpower and the presence of American advisers, which are our highest bargaining cards. It is the time for steady nerves and quiet diplomacy not for the legislative meat ax.

DE FRANZO VFW POST CELEBRATES 40TH ANNIVERSARY

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. MACDONALD of Massachusetts. Mr. Speaker, this year marks the 40th anniversary of VFW Post 2346 in Saugus, Mass. The history of this fine post has been an interesting one, and I would like to take this opportunity to share some of that history with my colleagues here in the House of Representatives.

The post was chartered in 1932 in memory of Maj. R. Gordon, a veteran of veteran of World War I. The first home of the post was the Grand Army Hall, Webb Place, Saugus Center. However, soon the quarters there became too crowded and the post was relocated in the old fire station on Lincoln Avenue. The membership continued to grow rapidly, and another move was made to Pythian Hall. The next post home was the old West Cliftondale Improvement Association Building, and just prior to this relocation the Post was renamed in honor of the first man from the North Shore area to win the Congressional Medal of Honor, S. Sgt. Arthur F. DeFranzo of Saugus.

At its new location and bearing its new name, Post 2346 became very active with a large increase in membership. By 1951, it was apparent that larger and more permanent quarters were needed and over the next 3 years funds were raised so that plans could be formally developed.

Plans were drawn up by President Alfred Walker, Vice President Flore DeFranzo, Clerk William Merrithew, Quartermaster Charles Cooper, Directors William Smith, Norman Hanson, Henry Romie, Richard MacDonald, William McGrath, and Stanley Wladknowski.

On Sunday, April 24, 1955, the new quarters at 190 Main Street were dedicated. Membership in the Post continued to grow, and to such an extent that within 3 years the mortgage was completely paid off, and plans were begun for additional space. In 1963, a $100,000 addition was completed to the quarters. By now the Post was one of the largest in the Commonwealth.

Then, on the morning of April 4, 1971, a fire completely destroyed the upper floor and all its furnishings. Later that same day Corporation President William Muldoon called a special meeting of the Board of Directors, and their tireless efforts to renovate the building began immediately.

An architect and contractor were engaged and rebuilding was completed on February 29, 1972. The building was rededicated on April 9, 1972, and the inscription reads:

> With the help of God we will always truly honor the dead by helping the living.

This inscription accurately embodies the spirit of the S. Sgt. Arthur F. DeFranzo Post 2346. In each of the last 10 years, the Post has received an award for community service. Their contributions to the people of Saugus and to the entire State of Massachusetts stand as examples of their dedication to this goal.

I would like to take this opportunity to make their achievements known to my colleagues and to congratulate Post President George Hickey, Clerk Ed Heartquist, Vice President William Merrithew, Cmdr. Andrew G. Busalacchi, and president of the Ladies Auxiliary Rita Hannify for their efforts. After visiting the Post on several occasions, I realize that the 1,300 members of the Post and of its Ladies Auxiliary should be commended for their wholehearted cooperation and untiring support.

I am personally proud of their work and urge them to continue in the fine tradition which they have established for themselves.

STOP THE PERIPHERAL CANAL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. WALDIE. Mr. Speaker, a proposed public works project that will have a great and potentially damaging effect on the environment of northern California—the Peripheral Canal—may soon be before the Congress.

A recent editorial on KTVU, an Oakland television station, I think demonstrates the true views of the people of northern California about the dubious merits of this project. I am hopeful that the Members who will be studying this project are aware of the preponderance of unfavorable public opinion to its authorization and construction.

The editorial follows:

OUTLOOK: PERIPHERAL CANAL

In case you thought the Peripheral Canal was a dead issue, it's not. That's the scheme to ship northern water by canal behind the Delta and on to the south, allowing some to leak into the back stretches of the Delta.

The idea is great for Los Angeles and it's bad news for us. But when the legislature and the governor's office are both controlled by Southern California, you can understand how that can happen.

The fight will be won or lost in *Congress*, and we call on all Northern California congressmen to form a coalition to plug up all the plans to build the Peripheral Canal.

FREEDOM OF THE PRESS—A LICENSE FOR BIAS?

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. PRICE of Texas. Mr. Speaker, "bias" is an interesting word, and one definition according to the dictionary calls it "a tendency of a statistical estimate to deviate in one direction from a true value."

Of course, everyone in this world is biased in some way or another. Any person who would claim not to be afflicted with this human frailty would, of course, be either lying or frightfully ignorant of his mortal limitations. Sometimes bias can be constructive; other times, not. Bias can take the form of pride in one's self, his community, his company, his school, or his Nation. Within limits bias can promote a spirit of competition and stimulate a feeling of camaraderie among those who share a distinguishing kinship. However, without control or direction, bias can be a negative and insidious force, lashing out at those who become the targets of suspicion or blind prejudice. We all know and recognize the standard forms of bias—bias against a certain religion, race, or creed. These forms of intoleration are rightfully to be rejected as they are counterproductive to the society as a whole.

However, there is another type of bias, equally bad, but far more subtle—and that is the blind vendetta of journalistic bias which masquerades as "freedom of the press." Perhaps more than anyone else, Vice President AGNEW is to be commended for pointing out for all to see the unquestioned prejudice and slant of the liberal-dominated news media in this Nation. No one questions the right to freedom of inquiry in an open free society. But the anti-American, anti-Government vindictiveness of a great many of our news disseminating organizations is unparalleled in example anywhere else in the world. Every day our fellow citizens are fed a diet of disaster and told what is wrong with this society. It is this bias of our news media against our own Nation which is most puzzling, and, in my opinion, destructive and divisive of the best interests of our Nation.

The liberal news gathering agencies attempt to heighten and promote dissention and emotionalism and to divide and segment our people into clever but melodramatic categories. The media is quick to offer a stage to forces in this society which represent the offbeat, the bizarre, and the misfit. But demand "equal time" for those who support and defend our Nation, and immediately the cry goes up about "censorship," and Walter Cronkite bristles about ominous threats to the "freedom" of the press.

It is a modern tragedy that this good land is worthy only of contempt and scorn by faithless and fickle elements within our news media who will stop at nothing to vent the wrath of their own frustrations and ineptness upon the American public. These people have expanded the concept of "yellow journalism" in that they will not hesitate to drag the entire Nation through the mud or to condemn our most sacred institutions if it will help expand their audience or increase circulation.

Mr. Speaker, there is no question that the news media of this Nation is guilty of bias—and I use that word in a negative and accusatory sense. Regretfully, those journalists who are a credit to their profession must feel an extra measure of frustration that their credibility and sense of ethics are threatened and undermined by the reckless and abusive acts of certain of their colleagues.

Mr. Speaker, it is an old wise proverb that says, "He who knows not that he knows not is a dangerous man." Most tragic of all, our liberal-dominated news media is so caught up in its obsession with "freedom of the press" that these people are not only biased, which they vehemently deny, I believe many of them do not even realize they are biased. The lack of this realization is not only injurious to the journalistic profession, it is detrimental to the welfare and best interests of all the American people. And that cannot be allowed to continue.

A most interesting editorial appearing recently in the Amarillo Sunday News Globe identifies specific examples of bias in news reporting, and offers some suggestions to remedy the situation. If only the New York Times could read and heed:

[From the Amarillo Sunday News Globe, June 4, 1972]

WE CAN HEAL A NATION

While waiting for the President's helicopter to touch down on the Capitol grounds Thursday night, TV network reporters prowled the corridors beneath the big dome, asking members of the Congress for their views on the Nixon visit to Russia.

Among those interviewed was Sen. Edmund Muskie of Maine. What did the Senator think of the disarmament agreements signed by the President?

The gentleman from Maine felt his way cautiously. After all, members of the Congress did not yet have the full story. But obviously some progress toward peace and cooperation had been made.

The interviewer was Bob Clark, White House man for ABC; and he sounded a bit impatient when he asked, "But what about the failures?"

That may not have been the precise expression. But reporter Clark did use the word "failures," and it was obvious he wanted something controversial as his contribution to the evening's grist of television news.

And right there we may have the big clue to the national "sickness" so many Americans deplore.

"But what about the failures?"

Howard K. Smith, commentator for the same network, and a member of the Nixon press party in Moscow, offered a similar diagnosis earlier in the week in a comment just before leaving for home.

He had picked up a copy of the New York Times, freshly arrived from the states, and found it filled with accounts of American doubts and fears and failures. After spending several days in a nation, regarded in many quarters as our enemy, whose people were proudly putting their best foot forward, defending their own country and its system while ignoring its manifold failures, this journalistic self-flagellation was particularly glaring.

One area in which the determination of some correspondents to emphasize the negative is especially galling is the Vietnam war. Kenneth W. Clawson, deputy director of White House communications, took sharp issue a few days ago with a New York Times report from Correspondent Anthony Lewis who is now—or was until quite recently—visiting North Vietnam.

"In contradiction of all journalist standards," Clawson said, "the New York Times is guilty in at least two specific instances of being a conduit of enemy propaganda to the American people.

"In a report from Haiphong featured on Page 1, the Times said that independent sources confirmed North Vietnam claims that the enemy is clearing American mines from Haiphong harbor and moving ships in and out.

"That claim is entirely untrue. In answer to a query the Times was told in advance by the American government that no ship has entered or left Haiphong harbor since May 11."

Which makes us wonder—what country is the Times serving? North Vietnam or the United States?

Concluded Clawson: ". . . The Times stooped to bad journalism when it published a long irresponsible propaganda line indicating there is ship movement in and out of Haiphong."

Another outspoken critic of some recent weighted news from American correspondents in Vietnam is the publication "Monday," issued weekly by the Republican National Committee. A week or so ago it published this complaint:

"On the evening of May 6, 1972, CBS evening news viewers were greeted by anchor man Roger Mudd telling them: "The South Vietnamese suffered two more defeats today . . .'"

NBC, however, according to the "Monday" account, reported one of the same attacks and stressed that the Communists were unsuccessful in overrunning the firebase involved and were "beaten off" by elite South Vietnamese airborne units.

"Monday" also cites chapter and verse of many other recent reports slanted toward emphasis on enemy successes and derogatory to the efforts of the ARVN, the U.S. supported force arrayed against General Giap's Communists from the north. It is no secret that many of our newsmen are openly contemptuous of South Vietnamese efforts.

In a speech not long ago at Kenyon College in Ohio, Robert Novak, a syndicated columnist, explained it this way:

"Both the correspondents in Saigon and their editors back in Washington and New York share, in overwhelming numbers, axiomatic beliefs about the war.

The correspondent consciously or not, tends to look at the worst side of things. The editor, consciously or not, tends to select news that is negative."

Are things so bad with us; are the times so cruel and events so overwhelming, that we have nothing but evil to report? Or is the sickness within ourselves?

We, the American people, need healing and we can heal ourselves. We can refuse to listen to slanted news reports; refuse to read newspapers that display the failures and minimize the successes of our system. We can use our own common sense to reason that a people which for three generations has shared its own largesse with the world and has lifted millions of human beings to new levels of freedom and awareness, cannot by the most tortured twisting of logic be accused of failure.

The United States is a success. We must proclaim this with pride and abandon the nit-picking, grubby search for problems and failures.

Then our sickness will go away.

RICHARD C. VAN DEUSEN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. McDADE. Mr. Speaker, the name of Richard C. Van Deusen, Undersecretary of the Department of Housing and Urban Development, is one of the most respected names here in the city of Washington, and indeed across this entire Nation. He has served with distinction in one of the most challenging jobs in this country—as a guiding force in the enormous task of providing decent housing for all Americans.

I would call Mr. Van Deusen the perfect model of the complete dedicated civil servant, but he is even more than that. He came to Washington at a great personal sacrifice, not only financially, but even more significantly in his family relations. He was a partner in one of the finest law firms in Detroit when he was asked to take up the task of Undersecretary, and on February 7, 1969, his appointment to that position was announced by President Nixon. He knew that in accepting this position he would have to give up so much of his personal life with his wife and his three young daughters, but he came with the same spirit of intelligent enthusiasm he had given every other venture in his life, and all of us must be grateful for the work he has given us.

Richard Van Deusen was born in Jackson, Mich., on July 18, 1925. He attended Deerfield Academy and the University of Minnesota, from which he was graduated cum laude. He played on the Minnesota football team, was selected as captain of that team, and was chosen on the All-Big Ten.

He served his country in the U.S. Navy during World War II from 1943 through 1946, and upon release as an ensign in the Naval Reserves, attended Harvard Law School. Following his graduation in 1949, he joined the Detroit law firm of Dickinson, Wright, McKean & Cudlip, and remained with that firm until his appointment as Undersecretary.

He entered vigorously into the community activities. He served in the Michigan State House of Representatives from 1954 through 1956. He was a director of the Detroit Bar Association, the Michigan State Chamber of Commerce, the Automobile Club of Michigan, the Detroit Automobile Interinsurance Exchange, and the Boy's Republic of Farmington, Mich. He served also as a trustee of the Cranbrook, Kingswood, and Brookside Schools in Bloomfield Hills, Mich.

He served also as a delegate to the Michigan Constitutional Convention in 1961 and 1962, when that convention was called to reform the State's archaic constitution. It was in this position he became closely associated with the president of American Motors, who was to become Governor of Michigan and who, as Secretary of Housing and Urban Development, was to call upon Mr. Van Deusen to lend his many talents to the service of all Americans.

We are losing a most distinguished public servant in Mr. Van Deusen. I have had so many occasions to work with him at HUD. I found him most intelligent, most deeply committed, and above all most dedicated to a program of action to provide the housing for America.

I know that he and his wife, the former Barbara Congdon, and their three daughters, Amanda, Lisa, and Katy, will find relaxation away from the very demanding job as Undersecretary. But I want all of them to know that we will miss sorely Richard Van Deusen. He has served his country with distinction in time of war and in time of peace. I wish his God-speed through all the days of his life.

TOM BRADLEY

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. REES. Mr. Speaker, this Friday the citizens of Los Angeles will be honoring City Councilman Tom Bradley at a dinner at the Beverly Hilton Hotel. Tom has served the people of Los Angeles well for 30 years, first as a member of the police force and then, for the past 9 years, as a member of the city council.

I have worked closely with Tom for many years on legislation and projects relating to metropolitan problems. As chairman of the State, County, and Federal Affairs Committee, he has cooperated often on Federal legislation affecting Los Angeles.

One of his special areas of interest concerns the need for a more regional approach to the problems of cities. Tom has been a leader in this field and is presently a member of the Southern California Association of Governments, an organization formed for the purpose of developing greater cooperation and efficiency among the governmental units of our area.

When more and more Americans are moving to the cities, it is fortunate that we have leaders like Tom Bradley who are devoting their talents to finding solutions to the many problems that have arisen in our growing and congested metropolitan areas. I know that concerned Angelenos will join me in honoring this outstanding councilman.

INTERIOR DEPARTMENT REFUSED NATIONAL ACADEMY OF SCIENCES' HELP ON ALASKA PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ASPIN. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD today a letter from the President of the National Academy of Sciences to Interior Department Secretary Rogers C. B. Morton, dated March 2, 1971, noting the Academy's special interest in Arctic environmental problems and volunteering to help the Interior Department assess the expected environmental impact of the proposed 780-mile pipeline. Unfortunately, the Interior Department refused to help fund the Academy study and, thus, it was never undertaken.

This important document raises very grave suspicions about whether Interior believed its conclusions in favor of an Alaska pipeline could stand up to close scrutiny. It is another important piece of evidence that the Interior Department has gone out of its way to avoid getting the facts on the Alaska pipeline issue.

I urge those of my colleagues interested in this important issue to read the National Academy of Sciences' letter which follows:

NATIONAL ACADEMY OF SCIENCES,
March 2, 1971.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: I write to you, Mr. Secretary, concerning our views with respect to the proposed trans-Alaskan pipeline and to offer our assistance as an organization that was established by Act of Congress to provide advice to the federal government on matters of science. As you may know, the National Academy of Sciences has a long standing interest in problems concerning Alaska and the arctic region, and we have followed with interest the problems that have emerged in connection with plans for utilizing the oil resources of the Alaska North Slope area.

As an example, a committee of the Academy, acting at the request of the federal government, exhaustively studied the 1964 Alaska earthquake and is now publishing a series of volumes on various scientific aspects of that event. Another example of our interest is the continuing work of the Committee on Polar Research on scientific problems of the polar regions and on specific problems relating to Alaska. We also are currently establishing, in cooperation with interested government agencies, an Arctic Assessment Group to consider ways in which an interdisciplinary framework can be established to assist and augment efforts by government for systematically assessing emerging economic development problems in northern Alaska. More specifically, the Environmental Studies Board, a joint undertaking of the National Academies of Sciences and Engineering, has followed closely the problems of the Alaskan pipeline and was thoroughly briefed by Dr. William T. Pecora and his associates on these developments in October 1970.

I believe these examples will describe the interests of the Academy in the problems of Alaska and underscore its usefulness in providing assistance to both government and industry for mobilizing scientific and technological resources to deal with problems of national concern in that region.

Until recently, we have been reluctant to take the initiative in making inquiries concerning the technology assessment support that we might offer with respect to the considerations raised by the oil pipeline. This has been due to our awareness of the political complexities involved in plans for its construction. However, the request for comments on the draft Environmental Impact Statement for the Proposed Trans-Alaskan Pipeline that was issued in the Federal Register on January 15, 1971, by the Bureau of Land Management, has invited comments from interested groups. Our Environmental Studies Board, at its meeting on February 12, considered this statement and voted to advise the Council of the National Academies of Sciences and Engineering of its concerns.

The Council, at its meeting on February 20, 1971, accepted the following resolution of the Environmental Studies Board:

"That the Environmental Studies Board recommends to the Councils of the National Academy of Sciences and National Academy of Engineering that the services of the National Academies be offered to the Council on Environmental Quality and the Department of the Interior for a review and assessment of the Section 102 Statement on the Alaska Pipeline, provided adequate time and funds are made available for such assessment. The Environmental Studies Board also calls attention of the Councils to the fact that the filing date of February 27 is completely inadequate for such an assessment, and that this particular project is of such national interest that it deserves a review."

The Council of the Academy has instructed me to bring this action to your attention, and I am taking this opportunity to do so before the record closes. I understand that the time for submitting statements for the record has been extended beyond February 27.

I would be very happy to discuss this matter further with you, particularly if you see a way in which the National Academy of Sciences could be of service to the Department of the Interior in problems that deal with the Alaskan pipeline. The Alaskan pipeline represents one of the great technological and environmental challenges of the day. We must find ways to bring our best effort to bear on this problem, and I hope that we can all work together for the greatest benefit of the nation.

Sincerely,

PHILIP HANDLER,
President.

IN AID OF LAW ENFORCEMENT OFFICERS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ICHORD. Mr. Speaker, on May 8, 1972, I introduced H.R. 14822 which is aimed at providing a measure of protection for law enforcement officers who are sued in Federal court resulting from the performance of their duties. In addition to the support of the International Association of Chiefs of Police, the National District Attorneys Association, and the National Association of Police Legal Advisors, I have received many letters of support for the enactment of this measure from Attorneys General, State highway patrolmen, and policemen from all corners of the United States.

In response to the request of several colleagues to reintroduce this measure so that cosponsors may be listed, I am doing so today and I commend to all of the Members of this House a thorough reading of this bill. With appreciation to those colleagues who have joined me in support of law enforcement officers, Mr. Speaker, I am today reintroducing, with cosponsors, H.R. 14822 and urge my colleagues on the House Judiciary Committee to promptly schedule this measure for consideration.

TRIBUTE TO WASHINGTON, D.C.

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. CHAMBERLAIN. Mr. Speaker, we have all heard stories of how travel and sightseeing has sometimes been a harrowing experience for visitors to our Nation's Capitol. It was not too long ago that the news seemed to be nothing but stories of crime and violence. That this situation has decidedly improved is evident from the firsthand report provided by a recent visitor to Washington, Andrea Reid, of Lansing, Mich., who was so impressed that she wrote a letter to the editor of the State Journal of Lansing, Mich., which appeared in the Wednesday, June 7, 1972, edition. While such positive statements and experiences somehow never seem to make the headlines, I believe that this letter should not go unnoticed in our Nation's Capital, and I am pleased to insert it in the CONGRESSIONAL RECORD.

The statement follows:

TRIBUTE TO WASHINGTON, D.C.

LANSING.—Recently, while on a vacation in Washington, D.C., my husband and I had the privilege of seeing the nation's Capitol, the White House and the many monuments and historic landmarks Washington boasts.

I had heard much about the slums of Washington and the demonstrations and filth, but much to our surprise we didn't find these things when we arrived. We saw lovely architectural masterpieces, monuments worth picture-taking, and breathtakingly beautiful gardens and grounds around the sights.

The White House is a magnificent structure with huge yards and lovely grounds, surrounded by a wrought iron fence, enclosing the area. The Lincoln Memorial stands impressively at the end of a long body of water with the Washington Monument gracefully reaching for the sky at the other end, showing its reflection in the water. The Capitol is as majestic as the name implies.

We were amazed at the scenery and the cordiality with which we were received by the people of Washington. Most of all, we were impressed by the fact that you can drive up in front of the Lincoln Memorial and the Washington Monument and others, and stop your car and get out and take pictures . . . You don't even have to put money in parking meters because there aren't any. It seems a nice gesture for tourists and they make you feel welcome instead of "no parking" signs posted all around these areas.

Our visit to Washington was most inspirational and very enjoyable. I feel much happier with the government of our country, knowing that they support such a lovely capital. I hope everyone treats it with the respect and dignity which it deserves.

ANDREA REID.

THE SHOOTING OF WALLACE: A NEW RETURN TO VIOLENCE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ZWACH. Mr. Speaker, the shooting of Presidential candidate George Wallace, some weeks ago, gave rise to a wave of editorial protests in our Nation's newspapers.

One of the best of these editorials, which I read, was one written by Chuck Rathe, editor of the St. Cloud Daily Times in our Minnesota Sixth Congressional District.

While deploring the shooting of Wallace, Editor Rathe pointed out that there is other violence which is just as deadly in preventing the effective use of the ballot.

For the edification of my colleagues and the thousands of other people who read the CONGRESSIONAL RECORD, I insert Mr. Rathe's editorial in that publication:

THE SHOOTING OF WALLACE: A NEW RETURN TO VIOLENCE

It had all started off—this political year of 1972—with the bitter, divisive past behind. That was the hope. In fact, it was so tranquil the hope became the reality. The war that had festered into the raw political debates of four years ago appeared to be winding down. An America sick of a decade of fighting was almost euphorically lulled into a sense of well-being. The debate was to center on the economy—the wage-price freeze, Phase II and all that and a new populism marched to the fore. The riots that had scarred the cities had subsided and indeed disappeared. The demonstrations that tore up the political life were a thing of the past.

In a week all that changed. The shooting of Gov. George Wallace of Alabama came exactly a week after President Nixon announced the mining of North Vietnam ports and increased bombing raids which raises the threat of a direct confrontation with the Soviet Union.

A chill swept the nation as the pieces of a replay of the fearful days at the height of the war began falling into place. Protests and demonstrations in only the space of a few days followed, some of them near-violent, some of them erupting in bombings, burnings, loud and noisy shouting, and broken heads and tear gas and cops hit by rocks.

All the old fears that tear at the fabric of what we are doing here came rushing back with another act of political violence everyone was so sure that after the turbulent 1960s could never happen again. But it did.

In the agonized shock of a people trying to blot out what they cannot believe the first question is why. And then who. Why do they gun down a man who is taking his case to the people, however controversial? Who are these sickened people? Do they get guns too readily? Do they hear the noisy and angry shouts too loudly? Do they misread dissent and suddenly plunge into the ultimate violence? Who knows.

We all share the shock to the nation. We all share the grief of the family. We are all maddened, and saddened and alive to the treachery. This is to the way we pick our leaders. They would deny us the right to vote them in or out. And they alter the political process abnormally in one wrenching incident and we may all feel cheated they take things into their own hands. And we should. Who do they think they are that they preempt our collective prerogative to do what we want to do?

But unless we are a people morbidly turning this unjust act into a national hairshirt, we cannot all share the guilt. We have not all been guilty of a climate that may breed this. We cannot all be guilty of one man's finger on the trigger.

But this and the rising tide in the streets has thrown back into the center stage the angry word—violence—and there are those who can share the guilt in this.

There is something dark and sinister here when violence is used in any form to get a political end. The apologists may point, as they do, to the American Revolution, the Civil War, the history of our riots, the history of our warring and say, see, we are a violent people. But riding over the violence is another strain of the American mind and a people who have managed with the ballot what they cannot do with the bullet. Violence by itself does indeed alter the course of things but it is a twisting, unhappy thing that so futilely presupposes that shooting one man or another will change it the way they want it changed. But it won't. Dissent, yes—it is the structure of compromise. Violence, no—it is mean and it is ugly.

We are back to the fear that political leaders can no longer in safety take to the streets, to the airport runways, the shopping parking lots to spell out their views and this alone is bad enough.

But those who would still use violence—burning, looting, bombing for peace—are as misguided as those who pull triggers on little snub-nosed guns. You don't have to shoot a man to be politically violent. You don't have to shoot a man to take from the people their right to choose who shall lead them and the direction they want to go.

HIGHER EDUCATION BILL CENTRALIZES MORE POWER IN WASHINGTON, FAVORS BUSING

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. PRICE of Texas. Mr. Speaker, it is my policy to publish a weekly news report to keep my constituents advised of my activities in their behalf.

The following is the text of my report of June 12, 1972:

HIGHER EDUCATION BILL CENTRALIZES MORE POWER IN WASHINGTON, FAVORS BUSING

The higher education bill that passed the House and went to the President last week is another step to centralize more power in Washington than ever before over this nation's educational system. Additionally, this bill provides federal support for busing in specific instances.

Because I am opposed to further concentration of power in Washington and because I am opposed to busing in order to achieve a racial balance, I did not support the bill.

I believe the country has the obligation of providing an opportunity for our young people to further their education but not by creating more bureaucracy in Washington. We already have approximately 158 different educational programs being administered by 29 different agencies of the federal government. This bill would create a National Institute of Education, a new centralized educational planning center and give it a billion dollars. The one thing we do not need, in my opinion, is more bureaucracy.

Two good anti-busing amendments that were in the original House version of the bill were dropped in the compromise final bill. The end result is that this bill allows federal funds to be used for busing. I also see provisions in this bill that could provide grounds for endless court interference in the drawing and redrawing of school boundaries.

All in all, the bill is not, in my judgment, in the best interests of students, schools, higher education or the taxpayers of this country. I regret that the committee did not come up with a better bill, and I regret that Congress passed it; at least it did so without my support.

A CITY OF TWO TALES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. JACOBS. Mr. Speaker, what follows are two tales from the same city:

It was the best of "ideas," it was the worst of "ideas"...

Indianapolis Star editorial, October 15, 1955:

J. Bracken Lee has announced that he will not pay his income taxes. . . . Perhaps he merely wants to stir up protests among Americans against being the milch cows for people in scores of nations most of us have never heard of. If that is his purpose, we're all for him.

Indianapolis Star editorial, May 28, 1972:

The decision of Jane Hart, wife of Senator Ralph A. Hart [D-Mich.], to quit paying her income tax as a protest against the war in Vietnam is an excellent example of what has been described as the "liberal death-wish."

The editorials follow:

CHALLENGING FEDERAL COLOSSUS

The only way an American citizen can find out whether a law he opposes is constitutional is to break it. Then he can try to have it tested in the courts—if the government does not stall him off so long that he goes broke before he gets the job done. Vivan Kellums broke the withholding tax law deliberately in order to try to force a test of that law. She did not get a clear determination on the constitutional issues involved, but neither did she lose her case. So that question involving "involuntary servitude" prohibited in the Bill of Rights is still largely unsettled.

Mrs. Manual Miller of Bethel, Vt., also broke the law—the draft law—in order to get a test of its constitutionality. The government first sent her off to an insane asylum in order to sidetrack the case, but that did not work. She has since been indicted and tried in the lower court and convicted. She is appealing to higher courts hoping to get a ruling also on the applicability of the prohibition of "involuntary servitude" to conscription.

A group of women in Texas refused to collect their social security taxes from their domestic help on the grounds that they were not tax collectors and that the social security sysem was unconstitutional. They lost when the court decided that social security taxes were just like income taxes and therefore legal. They did make a point, however, which was that social security is not insurance as has been claimed, but a simple tax-supported dole.

Now the governor of Utah has decided to break another law to test its legality. J. Bracken Lee has announced that he will not pay his income taxes. He claims that the Federal government has no constitutional right to use his tax money to support people living in foreign countries, or their governments. If Mr. Lee loses, he will have to pay his taxes with 6 percent interest. If he wins, the American taxpayer can expect lower taxes, fewer deficits and less government spending.

Perhaps Governor Lee's objective is simply to dramatize the huge amounts of taxpayers' money being sent abroad for economic or military support.

Perhaps his main purpose is to mobilize public opinion against foreign aid. Perhaps he merely wants to stir up protests among Americans against being the milch cows for people in scores of nations most of us have never heard of. If that is his purpose, we're all for him. If he succeeds in getting a clear court ruling that foreign economic aid is unconstitutional, we're all for him, too.

We hope that in this case the government will not stall around, indulge in technicalities and try to wear Mr. Lee out by diversionary tactics, as the government so often does in such cases. It is difficult enough to find ways to protest the power, the arbitrariness, the unconstitutional actions of the huge government that now bestrides the land. The law is our only recourse most of the time. Let's hope the law gets a chance to work this time.

LIBERAL DEATH-WISH

The decision of Jane Hart, wife of Senator Philip A. Hart (D-Mich.), to quit paying her income tax as a protest against the war in Vietnam is an excellent example of what has been described as the "liberal death-wish."

The first reaction of anyone who does not share Mrs. Hart's dovish outlook on the war is likely to be:

"Very well. That is a game that more than one can play. I'll quit paying my taxes to protest welfare chiseling, bureaucrats, grants to revolutionary and crackpot intellectuals, abuse of antipoverty programs, half-baked decisions by left-leaning members of the Federal judiciary, funds for phony commissions that reach foregone conclusions, supporting the double crossers in the United Nations and inflated salaries for ultra-liberal lawmakers who kowtow every time a Communist commissar sneezes."

In other words, as a senator's wife, Mrs. Hart has not set the best of examples for the citizenry. She has put herself above the law, which is getting to be the rage, too much so, in an era of bombings, assassinations, mob violence and the like.

She has refused to abide by the decision of the government elected by the majority and in so refusing has tossed a monkey-wrench into the machinery of what old-fashioned liberals used to revere as "the democratic process."

But that is not the most far-reaching import of her decision. She has acted according to a line of logic which, if it were followed by all taxpayers and carried to its ultimate, would bring about her destruction.

The loss of Mrs. Hart's approximately $25,000 a year in Federal income tax would have little effect on the war only because it is an isolated protest, a drop in the bucket. But suppose it were otherwise.

Suppose most American taxpayers quit paying taxes to support a war of resistance against Communist aggression. Suppose, as a result, the American military-industrial complex, that Hades in the liberal cosmos, did collapse.

And suppose it would follow, as it inevitably would, that Communist power moved into the vacuum and occupied the defenseless United States.

What would become of Mrs. Hart? She is a member of the bourgeoisie. Communists liquidate the bourgeoisie. Does she think they would make an exception in her case? She seems to think so. They are willing to stake lives—usually other people's—on this delusion whose falsity is written in the blood of millions.

But most Americans are not like Mrs. Hart. Most are willing to go on paying the cost of defending the perimeter of freedom, including, luckily for the senator's wife, hers.

MINORITY LEADER FORD EFFECTIVELY DEFENDS SALT AGREEMENT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, as controversy grows around the recent SALT agreement and confusing contradictory statements are heard from both sides, it is important to listen to those who present a clear and balanced view of the implications of this historic first step designed to limit the proliferation of strategic weapons. Therefore, I would like to call to the attention of the entire House an excellent speech on the implications of SALT delivered by the distinguished minority leader (GERALD R. FORD) before the VFW State convention in Grand Rapids, Mich. In his presentation, Congressman FORD argues effectively against both those who warn that the treaty grants the Soviet Union a guarantee of nuclear superiority and those who urge that it be coupled with drastic cuts in our military defense budget.

Mr. FORD asserts that in securing a limitation on the quantities of nuclear weapons the President has achieved a true balance of strategic power with the Soviet Union: the Soviets' "greater number of rocket launchers and more powerful warheads" are effectively counterbalanced by our "greater number of warheads" and our "more accurate and advanced technology." He points out that since the two nations are also about the same in terms of nuclear tonnage, we not only did not "give anything away" but also accomplished two very important goals by means of the agreement: we averted a senseless "stockpiling of nuclear weapons launchers by both the United States and the Soviet Union," and "we slowed the Soviet momentum in the nuclear arms race," thus perhaps avoiding a "future nuclear holocaust touched off by a Soviet first strike."

However, the distinguished minority leader is careful to note that agreements such as the SALT treaty are accomplished only from a position of strength and that it would be folly to heed the advice of those like Senator MCGOVERN who advocate deep cuts in our defense budget. In order to facilitate further progress toward arms limitation and world peace, Mr. FORD urges that even though we have placed a "checkrein on the number of U.S. and Soviet rocket launchers," we must nonetheless be prepared to continue to improve the quality of our strategic weapons. I would certainly hope that we can soon achieve a companion agreement limiting qualitative improvements in strategic arms, but if the SALT agreement has any lesson it is that the Soviets will not likely be amenable to such a further limitation unless they are firmly convinced that we are prepared to continue these qualitative and technological improvements in its absence. Mr. Speaker, I believe my colleague from Michigan delivered an able, realistic defense of the President's historic achievement in Moscow and would commend the speech to all of my colleagues.

The speech follows:

ADDRESS BY REPRESENTATIVE GERALD R. FORD

The SALT agreements entered into by the United States and the Soviet Union have, in effect, already become a part of history.

The SALT Treaty will in time become part of the heritage of our past. "The heritage" that, in the words carved on the National Archives Building in Washington, "is the seed that brings forth the harvest of the future."

What of the seed—the SALT Treaty itself? Have we made unwise concessions to the Soviet Union? Have we placed our national defense in danger? Have we placed ourselves in a position of nuclear inferiority?

The terror remains, but the balance is frozen in terms of a standoff in strategic weaponry. It is true that the Soviets have more rocket launchers than we have and more powerful warheads. But we have greater numbers of warheads and we have the advantage in accuracy and in advanced technology. In terms of nuclear tonnage, the total is about the same.

Have we, then, achieved anything at all? Indeed, yes. We have slowed the Russians' headlong rush toward nuclear superiority, a superiority which could have tempted them into a nuclear first strike against the United States.

Further stockpiling of nuclear weapons launchers by both the United States and the Soviet Union simply did not make any sense. Both of us have the power to destroy the other many times over. That, in effect, is insanity multiplied.

So what it all comes down to is this. We did not give anything away, and we slowed the Soviet momentum in the nuclear arms race and perhaps thus avoided a future nuclear holocaust touched off by a Soviet first strike.

As for the effect of the limitation on the United States, we can still improve the quality of our nuclear weapons. The only limitation is on quantities—and that limitation makes sense.

What of the harvest which may be produced by the SALT Treaty?

My fervent hope is that it will lead to future agreements further reducing the level of nuclear terror in the world and perhaps even to at least partial disarmament—mutual disarmament—of the world's two great superpowers.

It is worth noting, it seems to me, that no columnist or commentator spoke in the aftermath of President Nixon's mission to Moscow of what might have been called "the spirit of Moscow."

This is good. This is healthy. This is realistic.

Instead of the heady euphoria generated by the meeting between President Johnson and Premier Kosygin at Glassboro—a meeting that produced nothing—we have an attitude of good common sense that followed the productive summit meeting in Moscow.

The Moscow meetings were highly productive, but we did not come away from them with our heads in the clouds. Our feet are on the ground, and we are looking straight ahead. We are hopeful about the "harvest of the future" but we are not wrapping those hopes in foolish dreams.

There are, of course, those in the Congress who now are calling for deep cuts in our defense budget. They are demanding sharp slashes in our defenses despite the fact that the SALT Treaty was possible only because we bargained from a position of strength.

What of the harvest of the future? As we wind down the war in Vietnam, I believe we are entering on an era which holds great promise for the future peace of the world. I am hopeful that we can truly have a generation of peace—that future generations can settle the world's differences in some other forum than a vale of blood and tears.

But let there be no mistake. We can have peace in this age of nuclear weaponry and so-called wars of liberation only if we remain strong.

The most cursory look at history tells us that the possibility of armed aggression can never be dismissed. Let us, therefore, be on guard against those who preach the foolish doctrine of unilateral disarmament.

Our President has journeyed to Moscow and to Peking on missions of peace. He has opened up a new era of negotiations. He has thawed the hostility and suspicion that breed incidents and confrontation.

In less than a week I, too, will be making a trip to Peking and I expect to talk with top Chinese officials while there. I will be seeking to continue the dialogue the President has started and to open wider the door to China.

But I am fully cognizant, as is the President, that we in America must keep up our strength if we are to enjoy peace even in an era of negotiations.

Let us not forget the lessons of history. We must maintain our strength—both military and spiritual. We must make sure we can come to realize the harvest of the future which our present diplomatic endeavors are making possible.

I say we can and should be No. 1 in quality, if not in quantity.

I am aware, as is every taxpayer, of the heavy financial burden that military preparedness imposes on this country. But does anyone really believe that we cannot afford an effective defense against potential threats to our national safety? Are there really very many Americans who believe that it is better to suffer defeat than to fight?

Take a close look at the lessons of history.

World War I erupted despite the Hague peace treaties.

World War II was caused by a power-hungry madman, not by an armaments race. It might well have been prevented if England, France and the United States had been better prepared.

It was for these very reasons that at the end of World Wars I and II we vowed never to be caught unprepared again. Are we doomed to once again repeat the mistakes we made following those world conflicts?

Unfortunately the passage of time throws a cloak of ignorance over the bitter errors of postwar history.

Half of today's Americans were not alive when we fought World War II. They, and other Americans in their early teens, had no direct connection with that war or any direct knowledge of it.

If indeed we are interested in preserving the peace we cannot ever again allow any foreign power to achieve overwhelming military superiority vis-a-vis the United States.

This is not to argue against attempts to negotiate an East-West detent. We should do everything possible to achieve such conditions. As I have already indicated, I strongly support President Nixon's missions to Peking and Moscow and the terms of the SALT agreements.

But the fact remains that weakness invites attack, and it takes only one aggressor nation to plunge the entire world into war.

Now that we have placed a checkrein on the numbers of U.S. and Soviet rocket launchers, there will be those in Congress who will oppose improvements in the quality of U.S. nuclear weapons and the President's plans to modernize our Navy. This, I say, is the height of folly.

There is no question that the Soviets will continue to work on qualitative improvements in their nuclear arsenal. And as for sea power, the Soviets have been and are continuing to move ahead with a naval and maritime program that is a technological marvel.

Soviet Russia is preparing a military establishment which by 1975 could be ahead of ours in many respects.

During the past 10 years the Russians have developed the world's fastest interceptor aircraft, the world's largest strategic missile, and the world's largest helicopter. They have also developed more than 50 new ships of all classes in addition to a new all-purpose land tank, new antitank weapons, artillery and aircraft. These new weapons did not evolve overnight. They were on the drawing boards in the 1950s.

With no visible letup in the Soviet research and development program, it is quite possible that the decade of the 1970s will see a steady flow of new Soviet weapons systems that have been blueprinted during the past decade.

This is why I strongly support the President's proposed $83 billion defense budget for fiscal 1973.

With this budget, President Nixon has initiated a buildup clearly intended to prevent the Soviet Union from outclassing the United States militarily.

I support the proposed stepup in the Navy's Underwater Long Range Missile System (Trident), the missile submarine program aimed at replacing our aging Polaris fleet with boats whose new missiles will have the same range as the Minuteman ICBM.

I support Navy modernization and the proposal to build three prototype B–1 superbombers for the Air Force.

And I support the proposed 17 per cent increase in defense research and development funding.

The emphasis in this fiscal 1973 defense budget rests on investment items such as research, development, modernization, ship construction, and creation of a strong technological base to offset the Soviet strides toward a more efficient and productive research and development effort. I endorse this course.

Will this defense effort constitute a distortion of priorities? Will we be spending a disproportionate share of the U.S. tax dollar on defense needs?

Defense outlays in fiscal 1973, if approved as proposed by the President, will be down to 30 per cent of all Federal outlays—the lowest level, proportionately, since 1950.

At the same time, human resources spending will be allocated 45 cents out of every Federal dollar.

Those who would attack the President's defense budget despite this priorities ratio should heed the words of Air Marshal Sir John Slessor, who said: "The most important social service a government can render is to keep its citizens alive and free."

Let us never forget, then, that strength remains the key to peace and national security.

Critics of military spending are fond of pointing out that President Eisenhower warned the American people against what he called "the military-industrial complex." But they never quote exactly what Ike said in that farewell address of his in 1961.

Ike said this: "Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. *But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions.* This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence, economic, political, even spiritual, is felt in every city, every State house, every office of the Federal government. *We recognize the imperative need for this development.* Yet we must not fail to comprehend its grave implications. In the councils of government, we must guard against the acquisition of *unwarranted* influence, whether sought or unsought, by the military-industrial complex. The potential for disastrous rise of *misplaced power* exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes."

Note that Ike called attention to the *possibility* of an abuse of power on the part of the military-industrial complex but he did not urge that this complex be dismembered or destroyed. Instead he said, "We recognize the imperative need for this development."

And in that same speech, Ike said: "Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

Ike knew, as does Richard Nixon, that we could never move from an era of confrontation to an era of negotiation except from a position of strength.

It is a matter of sober fact that one can negotiate only from strength.

Yet today we have our unilateral disarmers and the "rather be Red than dead" crowd.

This produces what I call pollution of the American spirit. It is one of the most dangerous forms of pollution in America—and one we cannot fight with dollars.

We must fight against this adulteration of the spirit which has made America strong.

We must revive the virtues of Americanism—courage and honor, as well as justice, truth, sincerity and hardihood. We must recognize that among the things that will destroy America is peace at any price.

And as we approach the celebration of our Independence Day, let us reawaken patriotism—love of country, courage with conviction, faith in freedom, and devotion to duty.

As the late Gen. Douglas MacArthur said: "Be not deceived by strange voices heard across the land, decrying this old and proven concept of patriotism. From the very beginning, it has been the main bulwark of our national strength and integrity. Be proud to be called a patriot, or nationalist, or what you will . . . if it means that you love your Country above all else—and will place your life, if need be, at the service of your Flag."

Thank you.

LITHUANIAN INDEPENDENCE DAY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, today, June 20, marks a sad anniversary for all those who love freedom. Thirty-one years ago, during the week of June 14 to 20, the world observed the Soviet Union's campaign of aggression, terror, and mass deportation in Lithuania, and during that time the Soviets deported or killed over 30,000 innocent Lithuanian men, women, and children.

I think it is fitting, on this sad anniversary, that we, as Members of Congress, take time to reflect on the tragic fate of all the Baltic States—Latvia, Lithuania, and Estonia. This is all the more fitting, for we shall soon be observing the 50th anniversary of the United States recognition of the Baltic States.

The modern history of these peoples is the story of all men's struggle for the inalienable rights of freedom and self-determination. The Communist regime did not come to power in the Baltic States by legal or democratic means. The Soviets invaded and occupied those States in 1940 and the Baltic peoples have been suffering in Russian captivity ever since.

It is one of the ironies and tragedies of contemporary history that these gallant and gifted people, totalling over one million in the United States, have been fated to have their beloved homeland suffer under alien dictatorship for so long.

On June 10 of this year, the Boston chapter of the Lithuanian American Community met in Boston and adopted the following resolution, which I am proud to insert into the RECORD:

RESOLUTION

We, American citizens of Lithuanian descent, on June 10, 1972, at the South Boston Lithuanian Citizens' Association auditorium, at 368 West Broadway, South Boston, Massachusetts, do hereby commemorate the 31st anniversary of Soviet aggression and the mass deportations of June 14–20, 1941 during which the Soviets deported or massacred 35,000 innocent Lithuanian men, women and children.

Therefore, we hereby have unanimously adopted the following Resolution:

Whereas, the Genocide Convention, which declares the destruction of nations, racial and religious groups to be an international crime, has been ratified by sixty-nine nations, including the Soviet Union, and

Whereas, the Soviet Union, through a program of deportations and resettlement of peoples, continues to pursue its policy to change the ethnic character of the population of Lithuania and the other Baltic States, thereby committing the offence of genocide, and

Whereas, the Soviet invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights, as demonstrated by the heroic attempt of defection by Simas Kudirka, the attempted escape of Vytautas Simokaitis and his wife, the arrest of Liudvikas Simutis, two bishops, and three Lithuanian priests, Fathers J. Zdebskis, P. Bubnys and A. Seskevicius for teaching religion, and most recently the tragic self-immolation by Romas Talanta-Kalanta to arouse international opinion against continued Soviet oppression, and

Whereas, an extraordinary petition protesting religious oppression signed by 17,000 persons in Lithuania reached the United Nations a week before Easter,

Now, therefore be it resolved That we demand that the Soviet Government release all political prisoners, and withdraw its armed forces, administrative apparatus, and the imported Russian colonists from Lithuania, thus permitting the Lithuanian people to freely exercise their sovereign rights.

That we respectfully request President Nixon to direct the attention of world opinion at the United Nations and at other appropriate international forums on behalf of the restoration of sovereign rights to the Baltic peoples, which policy was recommended by the President of the United States, by the House Concurrent Resolution 416 of the 89th Congress.

That this Resolution be sent to the President of the United States, and copies thereof to the Secretary of State, the United States Ambassador to the United Nations, to the Senators and Congressmen from our Commonwealth, and to the press.

That resolution speaks of the urgency of the enforcement of House Concurrent Resolution 416, which was unanimously passed by the House and the Senate in the 89th Congress. I feel that it is important that we review that resolution, and I am proud to insert the text of the resolution in the RECORD:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS, *Clerk.*

That resolution was filed and passed 6 years ago, yet Soviet oppression continues in the Baltic States. Since June 1940 the Baltic States have lost more than one-fourth of their combined populations due to the ethnically genocidal deportation and resettlement programs of the Soviet Union. Those practices continue, with no end in sight. As recently as May of this year, in the city of Kaunas, Lithuania, several thousand youths battled police and Soviet soldiers after a young Roman Catholic, Romas Talanta, burned himself in a public park for political reasons. After his funeral rioting continued for several days in the city and spread through much of the rest of the country. Those events helped bring international attention to the tragic fate of the captive nations, but more needs to be done.

America's diplomatic representatives at the United Nations and elsewhere must be prepared to confront the Soviet Union with its acts of aggression against these nations. We must do all that we can to see that the United Nations Declaration of Human Rights, which has been signed by the Soviet Union, is made a reality in the Baltic States and other captive nations. The President must bring the issue of the liberation of the Baltic States before the United Nations, and demand that the Soviets withdraw from Latvia, Lithuania, and Estonia. Above all, we must review the meaning of House Concurrent Resolution 416 and renew our determination to see that it is enforced. All of these actions will have their effect, as world opinion and criticism are brought to bear against the Soviet leadership.

I hope that we never forget the lesson of the sad fate of the Baltic peoples, and may we always remember the ancient precept that so long as some men are enslaved, none of us is truly free.

LETTER FROM CONSTITUENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. JACOBS. Mr. Speaker, I insert the following letter from a constituent of mine concerning closing cost on real estate transactions.

The letter follows:

DUTTON, KAPPES & OVERMAN,
Indianapolis, Ind., May 31, 1972.

Hon. ANDREW JACOBS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: I can appreciate the fact that Congress is anxious to put a stop to the real estate closing cost abuses by attorneys and others in the D.C., Maryland and New York areas which have recently been publicized by the Washington Post. The practice whereby a lawyer receives a split of the title insurance premium simply for referring title business to a commercial title insurance company is deplorable and should be proscribed by appropriate legislation. The Senate version of the Housing and Urban Development Act of 1972 (S. 3248) does proscribe this practice and deserves the support of every Senator and Representative. The House bill has a similar anti-kickback provision. However, in an attempt to strengthen the House version, the Housing Subcommittee has added a number of other well-intentioned but little understood amendments. The result is that the House version of the Housing and Urban Development Act of 1972 as reported by the Housing Subcommittee on May 11 contains provisions contrary to the public's interest. Title IX of that bill regulates closing costs on federally related mortgage transactions. The way Title XI is currently worded it will have the effect of depriving lower and middle income groups of the benefit of being represented by independent legal counsel at federally related real estate closings.

Section 907(a) states:

"No attorney who performs any legal services which are incident to or a part of any real estate settlement with respect to which any party to such settlement has obtained a federally related mortgage loan shall receive any commission in connection with the issuance of title insurance for any real property which is a part of such settlement."

This means that the family attorney must stop short of providing his client full legal service which includes issuance of title insurance, or he must do so without compensation. Section 912(a) states:

"Any title company and its agents qualified to issue title insurance are authorized to perform any and all title services in connection with the issuance of such insurance in any real estate settlement involving a federally related mortgage loan."

If Sections 907(a) and 912(a) become law they will have the effect of eliminating the family lawyer from these transactions. The reason for this is that the title insurance must be purchased from someone other than an attorney already representing a party to the transaction. Therefore, in order to have the family lawyer involved in the transaction, two fees must be paid—one to the title insurer and another to the attorney. Since the sections allow the title insurance company to provide all title services, most lower and middle income families will have to forgo the benefits of independent legal counsel and depend on a title insurance company which has no fiduciary responsibility with respect to them to provide closing services. Of course, the more affluent buyers and sellers as well as the financial institutions involved will be represented by their own lawyers even if they are forced to go elsewhere for their title insurance. However, it would be unwise for the Congress to place this burden on lower income families.

A middle or lower income home buyer needs complete title assurance, which is legal advice plus an insured title, as much as a more sophisticated real property buyer. The determination of the legal rights and explanation of those rights to a buyer are the greater services; the writing and issuing of the title insurance contract are the lesser. For the sake of economy and efficiency home buyers should be able to obtain all legal services from a lawyer. Prohibiting compensation in the form of commissions for drafting, writing, and issuing title insurance contracts is unreasonable and will result in denying middle and lower income families legal services in what could well be the most important transaction of their lives, the purchase of a home.

At a time when the federal government is spending large sums of money to assure legal services to the middle and lower income groups, it seems rather incongruous for Congress even to consider passing legislation which will eliminate the traditional neighborhood lawyer. It is the neighborhood lawyer, the family lawyer, who can best serve the legal needs of the local community, and any legislation should encourage the participation of the traditional neighborhood lawyer in the real estate transactions rather than the elimination of them.

It should also be noted that the House proposals would give the commercial title insurance companies a monopoly on issuing title insurance and furnishing legal services associated with federally related real estate closings. If Congress wants to keep closing costs down, the last thing they should do is to grant a few large corporations a monopoly by making it impractical for individual lawyers to compete by offering complete title service.

It is respectfully requested that you support the protection of home buyers by opposing legislation which discriminates against lawyers and which would deny the middle and lower income families legal services in real estate transactions. You can do this by opposing the Housing Subcommittee's amendments and encouraging the House Banking and Currency Committee members to adopt the Senate anti-kickback provisions as set forth in S. 3248. In terms of the bill currently before the Banking and Currency Committee that would mean substitution of the anti-kickback provisions in S. 3248 for Title IX of that bill.

Sincerely,

DUTTON, KAPPES & OVERMAN,
PHILIP S. KAPPES.

SEVENTY-FIFTH ANNIVERSARY—TOWN OF WESTWOOD

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, as the Congresswoman from the district, it was recently my great pleasure to participate in the celebration of the 75th anniversary of the town of Westwood, Mass.

The town of Westwood reflects the diversity and vitality of the district which I have the honor to represent in Congress, and its story in the story of America. On this important anniversary, I am pleased to insert in the RECORD for the attention of my colleagues the following history of Westwood, which was prepared by the chairman of the 75th aniversary committee and the selectmen of Westwood, with the special assistance of a former Westwood resident. Mrs. Marjorie Fenerty.

The history follows:

HISTORY OF THE TOWN OF WESTWOOD

Westwood, Massachusetts, incorporated April 2, 1897, was the last of fifteen towns to be carved from the 1636 Dedham Plantation. Settlements in this section of Dedham began in the late 1600's, once the danger from the Indians had more or less subsided.

A sawmill on Purgatory Brook which produced clapboards for "closing in of their houses" for protection in severe winter, became the center of one cluster of homes in the early 1700's. Other early farms in this area were located on Rock Meadow Brook to the west and Pond Plain Brook to the south.

After several years of petitioning by the residents of the land "beyond ye Rocks Westward," the Clapboard Trees Parish was established by order of the General Court January 10, 1736. There were fifty-two names on the first assessment roll. In time this section become known as the West, or Third Parish of Dedham. Ten years before the start of the Revolutionary War, West Dedham had forty-two houses and three hundred thirteen inhabitants.

Deacon Ellis's Tavern and Store was a stopping place for farmers on their way to and from market, a meeting place for the Sons of Liberty, the West Dedham Militia and other formal and informal groups. Important notices were posted here; the Liberty Club met here; the hall upstairs was the scene of many an educational and social gathering and the West Indies Goods Store evolved into a General Store. In 1824 the first post office was established here.

The first meeting house was nothing but a shell when erected in 1731 and parishioners were permitted to build their own pews. There were many stormy sessions over the location of this house of worship, which resulted in two small buildings, the other of which became the meeting house for the South, or Second Parish of Dedham. Later disputes erupted over the location of the "burying ground" and "hears house" constructed in 1752. Geography also played an important part in building the new meeting house in 1809.

West Dedham citizens participated in the Dedham Company of the Suffolk Regiment of Militia in earliest days and in Captain Moseley's Volunteers during King Philip's War. Although there seems to have been little suffering from the Indians, the first murder of King Philip's War is said to have taken place in the Dedham woods and Sachem Pumham was captured here in 1676. Dedham's "great gun" was procured for protection in these days and years later was "swung" after the alarm of April 19, 1775.

In pre-Revolutionary days the west parish had its Liberty Pole and Sons of Liberty which met at Abner Ellis's Tavern. Its men joined with others in Dedham in abhorring violence by a mob of the so-called Boston Massacre, but finally relented and voted indemnity for those suffering from this skirmish, only "on the ground of generosity" and out of gratitude for the repeal of the stamp tax. They refused to drink "foreign tea", banned all imported funeral gloves or other mourning garb and worked with others for the establishment of charter rights and privileges.

West Dedham formed three bands of minute men which answered the alarm of April 19, 1775, mustering in Dedham Center with other companies and marching to Lexington and Concord. All able-bodied men of the parish took part in one way or another during the long war and graves of thirty-seven veterans are found in the Westwood cemetery.

There were forty-three men with West Dedham connections who served in the "War of the Rebellion," twenty-six of them now buried in the West Dedham cemetery.

Eleven memorial squares in Westwood are dedicated to those who gave their lives in World Wars I and II.

As in other New England villages, West Dedham was full of small industries during the first half of the nineteenth century. Every stream had its mills of various types. Before long Mill Street was a thriving industrial complex with saw mills, cabinet shops, iron foundries and even a small tool mill powered by a windmill. Bradford Baker, who manufactured cradles, beds and coffins, advertised that he "had his customers all the way."

The first really major housing boom took place in the mid-1800's. In the 1840's many Irish families, fleeing the potato famine, settled in the High Rock-Hartford Street area.

By 1845 the West Parish had 124 dwelling houses, 192 polls and an assessed valuation, real and personal, of $388,462.

Dedham Center was becoming more and more industrial and the two sections of town grew apart in interests and needs.

"Mother Dedham", on the railroad, in the 1870's and 1880's joined the Metropolitan Parks District, talked about taking over the private water company serving the center, installed electric lights and was considering putting in sewers. West Dedham residents felt no need for these innovations and realized that they would be taxed for these improvements although it would be many years before they might benefit from them.

The separation was brought about peacefully, with only a change of name from Nahatan (too much like Nahant) to Westwood, and on April 2, 1897, West Dedham, together with a southeastern section of the First Parish, was incorporated into the Town of Westwood.

The infant town had 1015 inhabitants and 140 farms on its eleven square miles. There were 120 children in the three village schools, three fire companies and 225 voters to take part in town affairs.

The first major change that took place was the building of street railways on both sides of town. Before this, transportation was limited to the stage and private carriages.

The days of the quiet self-sufficient farming village with homegrown entertainment as well as food came to an abrupt end in the 1930's. Westwood's low tax rate attracted families of modest means, seeking homes away from the city. An enterprising real estate promoter bought up farms and subdivided some of them into small lots with correspondingly small and inexpensive houses.

The number of houses trebled between 1930 and 1950 and doubled again in the following seventeen years. The population increased at a greater rate, making necessary connection to a water system, construction of new schools and additions to old ones, installation of sewers and, of course, a spiraling tax rate.

Westwood of the 1976's is a town between 12,000 and 13,000, and has a developing, planned, industrial area (limited to light industry and warehouses) on the eastern portion near Route 1.

It is primarily a suburban town of well-kept commuter homes. There are seven churches, one junior high school, one senior high school and seven elementary school buildings.

In spite of the many changes and the rapid growth over the years, it retains much of the early New England charm in its old houses. It still has open town meeting form of government, is governed by a board of three selectmen and other elected boards, all of a non-partisan nature. Much of the newer building along High Street is in keeping with the Colonial style of architecture. Many of the older homes have been restored and, while modernized for convenience, the older features have been retained.

Through the cooperation of the town and the Westwood Historical Society, an organized celebration of the 75th Anniversary of its incorporation was planned for 1972. The high point of this event was a two hour long parade through the town, composed of some twenty brass bands, scores of floats representing many local groups, dozens of marching units and novelty entries, applauded by some 25,000 onlookers from surrounding towns. The Board of Selectmen from seven adjacent communities, with other local dignitaries, reviewed the parade, including Senator Leverett Saltonstall and Congresswoman Louise Day Hicks.

The 75th Anniversary Celebration of 1972 was heralded by raising the Anniversary Flag at the Town Hall and the erection of anniversary plaques at town boundaries. All the houses and structures built before 1850 were identified by date markers. Historical pictures and artifacts were displayed in the Public Library. An Anniversary Ball was organized by the Westwood Historical Society. Commemorative tiles were prepared and sold. All departments and grades of the school system conducted projects related to the anniversary and many of the town's private groups conducted their own anniversary activity. Westwood citizens were re-awakened to a vital awareness of their town's ancient heritage.

It may be of interest to note that in the Town's 75th year, a woman was elected to the position of Selectman.

SALUTE TO EDUCATION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ROBISON of New York. Mr. Speaker, it is a pleasure for me to join in the salute to education. The diverse institutions of American education are vital to our "free society" as initiators of progress and change. As the President's Commission on School Finance reported, "We cannot survive as a nation or as individuals without education." The value and necessity of an education today is unquestionable, not only as an academic learning process, but also as a tool for social, emotional, cultural, and physical growth.

I pay tribute to the millions of teachers and school administrators who have so ably handled the ever increasing and demanding student enrollment. They realize, as we all should, the intrinsic worth of education not only to the student, but to the country. As the number of high school and college graduates increases, we can be assured of the steady progression of our Nation toward our long-held goals and ideals. Yet, perhaps more importantly, education is a universal concept, which may, hopefully, lead us to peace. I, therefore, join my colleagues today in saluting our educators, and their aspirations and accomplishments, in the field of education.

THE 75TH ANNIVERSARY OF AMERICAN OPTOMETRIC ASSOCIATION

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. O'NEILL. Mr. Speaker, I would like to call to the attention of my colleagues the start this week of a year-long observance marking the 75th anniversary year of the American Optometric Association, an organization whose members have made exceptional contributions to the health and general quality of life in America.

The American Optometric Association is right now holding its 75th annual congress in its headquarters city of St. Louis, Mo., and I believe it is fitting that we thank these health care practitioners for all they have done, and are doing, for their fellow Americans. Surely, we should wish them every success in their future efforts.

When a handful of dedicated men first recognized the need for a national professional organization to further the increase and application of scientific knowledge about the functions, anomalies, and correction of human vision, not even they could have predicted the tremendous advances their profession would make in its first three-quarters of a century.

Early records of the American Optometric Association show that the organization began with 183 charter members. Membership today is 17,020, a major percentage of the 18,400 optometrists actively engaged in full-time practice and some 2,000 more who are semiretired or in part-time practice. They are licensed in all 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

If those figures are not sufficiently dramatic, consider these:

Optometry is the third-largest independently prescribing health care profession;

Optometrists are located in nearly 6,300 different cities and towns of all sizes;

Optometrists provide over 70 percent of all vision care in the United States by servicing approximately 74 million patient visits per year.

Optometry has been aptly described as "America's first line of defense against blindness," because optometrists are most frequently the first to see a patient with a complaint about his visual performance. With the professional training and background today's optometrist has, he is able to detect the ocular signs of glaucoma and diabetes, two of the leading causes of blindness, and to promptly refer the patient for appropriate medical treatment of such conditions.

The optometrist of the 1970's provides a number of other highly specialized services for which he is specially educated. One of the most important is the visual rehabilitation of individuals with severe impairments which frequently render a person unable to work or to fully enjoy the many benefits of our advanced society. Intensive and broad-ranging work in this field has led to the development by optometrists of tremendously sophisticated lens and lens systems for the enhancement or restoration of severely impaired visual function.

All of us and all Americans owe a great debt of gratitude to America's optometrists, and it is my privilege to focus attention on them and their fine organization as the American Optometric Association begins its 75th anniversary year.

CONGRESSMAN McCLORY URGES TOOL AND DIEMAKERS TO SUPPORT METRIC BILL

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. GOLDWATER. Mr. Speaker, our colleague, Congressman ROBERT McCLORY has been a principal proponent of legislation designed to effect a conversion of our hodgepodge system of weights and measures to the international metric system. The United States and Canada are the only major nations in the world which have not yet converted to the metric system or adopted a program for such conversion.

Mr. Speaker, following his report of legislation resulting in a 3-year study by the Bureau of Standards, Mr. McCLORY has now introduced a bill consistent with the recommendations contained in that study report calling for a comprehensive conversion to metric standards to be accomplished over a 10-year period.

Mr. Speaker, in addressing a recent meeting of the Tool and Die Institute, our colleague, Mr. McCLORY emphasized the urgency of his legislation and the apparent reluctance in some quarters to take action at this time.

Mr. Speaker, it is my understanding that following Mr. McCLORY's appearance at the Tool and Die Institute, the officers of that organization including Josef F. Klingler, president; Clifford W. Berglund, vice president; and F. N. Meredith, training director, and others indicated their active support of the legislation which Mr. McCLORY is sponsoring.

Mr. Speaker, I am attaching Mr. McCLORY's timely and persuasive remarks delivered to the Tool and Die Institute. I commend them to the attention of my colleagues.

The remarks follow:

SPEECH BY CONGRESSMAN ROBERT McCLORY

In addressing the Tool and Die Institute—including the graduates who are just now about to enter this exciting and vital discipline that enables our great industrial nation to function—I have a feeling that there may be no group that could be more influential in the success of a program to convert our existing system of weights and measures to the international metric system than you.

We must now recognize the fact that a tremendous momentum is behind the movement for a comprehensive conversion to the metric system. This may imply an eventual abandonment of the so-called English system, which we have followed with some modifications since our nation was founded. While I do not intend to reiterate the whole history of the movement which has now reached a decisive stage in our American life, I believe that some background information would be illuminating.

It is recorded that some 180 years ago, Thomas Jefferson, who was then Secretary of State under President George Washington, undertook to establish a uniform and stable system of weights and measures, including the decimal foot, in which all units of measure would be divisible by ten, in line with the decimal system of coinage which had been adopted for our monetary system.

In about 1790, the Paris Academy of Sciences established the "meter," which was considered to be a fractional part of the Earth's circumference. The meter became the basis of a system which was expanded to cover all weights and measures, and which was legalized in France in 1795. However, not until 1840 was the metric system finally made compulsory throughout the French nation. By 1900, some 35 countries in Europe and South America had adopted metric standards as their official system. By 1960, 78 countries had adopted the metric system.

At the request of President James Madison, in 1817, the U. S. Senate authorized a four-year study of our system of weights and measures. Secretary of State John Quincy Adams—soon to become President—undertook the study which he completed in 1821. Adams' report proposed alternative suggestions, among them:

(1) To adopt, in all the essential parts, the new French system of weights and measures

(2) To restore the old English system

(3) To establish a combination of both

(4) Do nothing, except to "fix" the existing standards

Adams is believed to have favored a plan whereby the President would immediately undertake negotiations with Britain, France, and Spain to establish uniform international measurements. However, nothing concrete developed from the Adams' study.

In 1889, our nation received official copies of the meter bars and kilogram weights from the International Bureau of Weights and Measures in France. Four years later, the Secretary of the Treasury issued an administrative order that these new metric standards should be the national standards for length and mass. Thus the United States became "officially" a metric nation back in 1893. The yard, the pound, and other customary units of measure were defined officially as fractions of the standard metric units.

In 1896, a bill providing that the government departments should use the metric system exclusively passed the House of Representatives; however, it was later reconsidered and referred back to committee, where it "died." It is reported that during the election campaign that year, farmers and small tradesmen exerted tremendous pressure on the Members of Congress to prevent us from adopting the metric system as our sole units of measure.

Despite occasional weak spurts of interest, legislative programs to convert to the metric system have been relatively dormant until about 1965. Meanwhile, a great many other nations—including Japan, India, New Zealand, and now, Great Britain—adopted the metric system. Indeed, the United States and Canada are virtually the only nations which continue to resist a comprehensive conversion to metric measurements.

For many years, the automobile industry, which utilized the traditional standards, was able to block any Congressional action to study and recommend a conversion program. However, as the American car manufacturers have been increasing production of automobiles for the foreign markets (where metric measurements are essential), their opposition has gradually softened. Indeed, one of the most convincing studies in favor of industrial conversion was produced by the Ford Motor Company in about 1966.

Subsequent to the diminution of the automobile industry's opposition, there developed an active opposition among certain tool and die makers (which I have never been able to understand) and among several fastener manufacturers. Despite this opposition, a metric study commission was authorized by the Congress in 1968. Its 3-year study—carried out by the Bureau of Standards of the U.S. Department of Commerce—was completed in August, 1971. The report contains four basic recommendations:

(1) A general conversion to the metric system.

(2) The establishment of a basically voluntary program to accomplish this result.

(3) The designation of a target date 10 years following the adoption of a conversion program.

(4) The costs for such conversion should lie where they fall.

Although the final report from the National Bureau of Standards was published last August (1971), the Administration did not forward to the Congress any kind of legislation to implement the recommendations at that time. Yet, even a purely voluntary program which would involve the Federal Government in no more than bare administrative costs would seem to me to have been an essential follow-on to a coordinating agency or commission, and some machinery for facilitating a general conversion program throughout our industrial, commercial, educational, and even social framework should have been forthcoming. Just before the Chirstmas (1971) recess, I prepared a very simple bill (H.R. 12307), designed to support the metric study commission's recommendations, as follows:

(1) A metric coordinating commission, composed of 9 members, would be appointed by the President, and would include representatives of (a) business, (b) labor, (c) education, (d) science, and (e) technology.

(2) The coordinating commission would be charged with carrying out the metric study commission's recommendations for changeover to the international metric system.

(3) Detailed plans and time tables for developing these plans through consultations with the various interests involved would be established.

(4) The commission would promote educational programs, primarily for the elementary and secondary schools but also for the public at large, designed to enable all Americans to think and work in metric terms.

(5) The commission would encourage appropriate American enterprise participation in international metric system activity.

(6) The target date for full conversion would be January 1, 1983—or about ten years hence.

(7) Beginning on January 1, 1983, the sole official weights and measures system in the United States would be the international system.

I should add that Senator Claiborne Pell of Rhode Island has introduced a metric conversion measure which is somewhat more detailed than my bill. It would provide for the payment of subsidies to companies which, in converting to the metric system, incur expenses that could not be absorbed in manufacture and sale of products. In March, 1972, I testified before the Senate Commerce Committee with regard to both of these measures.

It is my hope that the House Committee on Science and Astronautics also will schedule hearings within the next few weeks, and I further hope that the Congress will act at this session to implement the metric study commission's report.

The U.S. Department of Commerce did eventually submit a legislative measure just a day or two before the Senate Committee hearing. This measure is in the form of a joint resolution calling for the establishment of a 25-member committee which would not undertake to establish any program for conversion but would engage in further studies to be followed by a plan or program of conversion.

Most interested parties appear now to agree that the United States will follow in some way, and at some time, the recommendations of the metric study commission. In a recent issue of *Factory Magazine*, the lead article contains these words: "There is no doubt that the USA will go metric. The question is, 'when?' "

In the April, 1972, issue of the *Reader's Digest*, the lead article—entitled, "Here Comes the Meter!"—summarized the situation in these words:

> Like it or not, the United States is finally joining the rest of the world on the metric system bandwagon. The only remaining question: Will the changeover result from costly drift—or efficient design?

I have been at a distinct loss to understand the delays on this legislation which have occurred at the Department of Commerce. No concrete explanation has been forthcoming. However, I am aware that there has been a strong undercurrent of opposition. In the surveys conducted by the metric study commission, over 80% of the some 4,000 medium and large size companies which were surveyed favored a changeover to the metric system. But 15% of the large manufacturers were opposed, and among the smaller companies, more than a third were in opposition.

The Department of Commerce, with its intimate contact with businesses and industries (including substantial personnel with experience in the private sector), must be sensitive to this lingering opposition. I don't want to suggest that the Department of Commerce has expressed active opposition. But its seeming inaction is all that is needed to destroy the momentum which would otherwise carry the metric conversion program to a relatively orderly and early fruition.

It is possible, too, that the Department of Defense, with its staggering annual budget of more than $80 billion, is exerting some influence, since the study report shows that defense costs will be increased over a thirty year period by $18 billion by reason of the conversion.

The International Fasteners Institute, with which I assume your organization has some very close relations, persist in its opposition. At the Senate hearings, the I.F.I. contended that it was not yet prepared to testify on this subject, arguing that more time and more study is required. Perhaps this opposition is persuasive with the Department of Commerce. At any rate, the measure to implement the 3-year study report is still awaiting action in the Congress. The many mysterious and obviously powerful forces at work make the next step extremely uncertain—as well as critical.

As you are no doubt aware, we are experiencing a conversion to the metric system of weights and measures without any legislation and without any plan. How long the industrial changeover will take under such an unorganized, or shall I say, disorganized, setup is most problematical.

It can be said, without fear of contradiction, that a long, drawn-out, industry-by-industry unplanned conversion program would be by far the most costly. The maintenance of a dual system over a period of 30 or 40 years would complicate the problems of manufacturers, test the patience of tool and die makers, require the establishment and storage of huge inventories, and pose many other complex problems.

Some who are opposed to any conversion program are demanding new studies. Yet, I sense that many of those who make this demand are precisely the same persons who objected to the 3-year study on the basis that conversion to the metric system had already been studied and no new research was needed.

The fasteners industry is in a special category, where international agreements are virtually a necessity. At the present time, fasteners are designed and produced according to both inch and metric measurements. However, I believe that the total number of different fasteners is being reduced, and that there is a gradual uniformity occurring, with many of the standards being based on the metric system.

The fastener industry may not like to hear this, but its reluctance to participate more actively on the basis of standards which are quite universal—except in our country—is apparently enabling the metric-oriented nations to gain influence at the expense of our American companies.

I would not want to oversimplify the problems inherent in a conversion program. I am aware that there are reported to be more than 20,000 major engineering standards in the United States which would have to be converted to metric measurements. However, I would like to suggest that adoption by our nation of the metric system will, in my opinion, contribute substantially to ultimate advantages for every segment of our industrial community—insofar as foreign trade and international agreements are concerned.

The pharmaceutical industry has used the metric system almost since its origin. The photographic and optical industries have done likewise.

The space and aeronautics program is almost entirely metric.

Automobile manufacturers and others who produce for foreign markets have been working in metric terms for years.

Our troops returning from Vietnam deal readily in metric terms of meters, kilometers, liters, and milligrams. Our Olympic athletes have converted to metrics in most sports events.

We are encountering increasingly aggressive industrial competitors in Japan and Western Europe. American products manufactured according to metric measurements may, indeed, be one of the major means by which we meet this competition.

Resistance to change on our part can advance their cause and prejudice our competitive position. The British experience has demonstrated that in effecting conversion to metric standards many inefficient manufacturing practices may be discarded and labor-saving and money-saving innovations may result.

While tool and die makers have appeared in the past to raise the danger signal and shudder in fear of a program that would result in discarding their honored and traditional adherence to the millionth inch tolerance, it would seem to me that you could experience the greatest boom in tool and die making history by retooling American industry according to metric measurements. By providing tools and dies to American industry during the next ten years, through the precise use of centimeters and millimeters, you would not merely increase your own production, but also enable the productivity of American industry to increase as a whole, and domestic and foreign markets to expand.

Is it not possible that this evening we have an opportunity to work together in behalf of the broad objectives of a better America—a nation that is in step with the rest of the world? Together, we can establish a mechanism through which our nation could move promptly and in orderly fashion toward a universal system, a system that might contribute to improved understanding between our nation and other nations, and in all of our human relationships.

We have come a long way in history since Thomas Jefferson spoke of the new French system of weights and measures. In preparing for conversion to the metric system, we can use the best minds and advice which the nation has to offer. This means including your minds, your advice, and your energy in this task.

CONGRESSWOMAN GREEN FROM OREGON

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ULLMAN. Mr. Speaker, I believe it is most appropriate and fitting that the distinguished public service of my good friend and colleague from Oregon, EDITH GREEN, has been recognized and honored by so many organizations and institutions throughout the Nation. In the month of June of 1972 alone, Mrs. GREEN has received the following significant awards in recognition of outstanding career: Doctor of humane letters from Warner Pacific College in Oregon, doctor of public administration from Northeastern University in Boston, the Abram L. Sachar Award from the National Women's Committee at Brandeis University, and from Oregon State University she received the Distinguished Service Award, which is the highest accolade the school gives.

On Monday, June 12, 1972, the Christian Science Monitor printed a feature article on our distinguished colleague, EDITH GREEN, which appropriately recognizes her many fine qualities. The article follows:

CONGRESSWOMAN GREEN—SCHOOL-TREND WATCHER

(By Marion Bell Wilhelm)

WASHINGTON.—When Edith Starrett, the bright-eyed daughter of two dedicated teachers, yearned to become an electrical engineer, she was advised not to try for a "man's career."

Her second choice was law. Again, she was counseled out of a profession that would relegate a young woman to a "back office."

So Edith Starrett grew up to become a teacher, as was advisable for a woman looking for regular employment in the 1930's. Today she is one of the most powerful spokesmen for American education in the U.S. Congress.

After 18 years on the House Education and Labor Committee, Rep. Edith Starrett Green (D) of Oregon says philosophically: "As it turned out, the career that was chosen for me has been invaluable to my work in Congress, and I suppose it even makes me a little impatient with those of my colleagues who have never taught school."

As the chairman of the Special Subcommittee on Education, Mrs. Green keeps her eye on trends and changes throughout the 50 states and the District of Columbia. She has sponsored major legislation to help rescue the nation's schools from the gathering storms of "a social hurricane."

DECLINE OF CONFIDENCE

All over the United States, she notes, school tax levies and bond issues are being defeated. Property taxes are high and uneven. Too often, she says, those making school policy are untrained in educational and professional skills.

"People seem to be losing confidence in the public schools," she observed in a recent interview. "I fear the day may be coming when we just won't have an educated citizenry. Already, we can see some evidence of this in some of our big cities."

Representative Green's goal is to see the federal government eventually take over 35 percent of all educational costs from kindergarten through college. This would help equalize education for all Americans, she believes, while maintaining the quality of their best schools. She calls the coming changes in the financing of education "revolutionary."

However, the trend toward national financing contains some pitfalls, she cautions.

In a number of states, she points out, suits have been brought by citizens questioning the equality of education in school districts with widely divergent tax revenues. If the local property tax is abandoned for some kind of statewide tax, parents in states such as Mississippi or Alabama might also bring suits claiming inequality with states such as Connecticut. National equalization, though beneficial in some ways, could be disastrous, in Mrs. Green's opinion, "if we settle for mediocrity."

LEGISLATION INTRODUCED

"I introduced a bill last year in which I proposed that the federal government by the year 1976 would contribute 25 percent of the total cost of education in the average district," she says, "and this session I am introducing a bill that would provide one-third of the cost. At present, we are contributing 7 or 8 percent.

"But I am not persuaded that money alone is going to buy quality. Here in the District of Columbia, for example, our schools are decaying before our eyes. And yet they have the highest per capita expenditure for education of any city of similar size in the nation."

Nor does Mrs. Green think that busing is the way to achieve the best education. She says: "I think a careful reading of the evidence shows that a child's education and his ability to be educated depend more upon the environment in which he lives than on the six hours a day in which he is transported to a school outside his neighborhood. I think that the task is much greater than we have assumed. We're going to have to change homes, and we're going to have to change neighborhoods "

TOO BIG A BURDEN

Any attempt to place the major responsibility for social reform on the schools alone is doomed to failure, she asserts.

"It may be that a youngster who is attending a very poor school and is bused has an opportunity for a higher quality of education," she adds, "but I think that, overall, the reverse is accomplished. I had lunch with some school-board members in Los Angeles, for example, a year and a half ago. This last year they had to cut out $50 million in programs and services for children in the Los Angeles schools because they didn't have enough money.

"Then a state court came along and said, 'You're going to have to desegregate.' The superintendent's office told me last November that for the first year their estimate on the cost of buying buses and hiring bus drivers will be $42 million."

SETTLEMENT OF CLAIMS AGAINST COMMUNIST CHINA

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. HANNA. Mr. Speaker, in the aftermath of any extra-legal change in the government of any country, one matter of great concern to those having financial relationships with the prior governmental structure is that of the liabilities carried over to the successor government. In the international relations of the United States, this problem has been dealt with by the Foreign Claims Settlement Commission.

Subsequent to many of the governmental transitions which occurred in east Europe following World War II, this Commission made certain determinations as to the validity of alleged claims against the successor governments, these determinations then being the subject of negotiations with the successor government. Ultimately, whether through the use of impounded assets of the subject government held in and by the United States or with funds provided by the Government, some form of settlement of the claims has been accomplished.

As I noted, this process has been generally completed at this point—but with one outstanding exception. The Foreign Claims Settlement Commission has certified losses totalling $196,471,059.33 resulting from the Communist takeover of the mainland of China in 1949. These claims are still outstanding.

On September 28 of last year I sponsored House Concurrent Resolution 411 which urges the settlement of these claims as a condition to any further restoration of relations between the United States and the People's Republic of China.

Earlier this year I and five of my colleagues in letters addressed to the President and the Secretary of State went out of our way to make known our concern and that of many in this country for the prompt settlement of these claims. Responses have now been received and I am taking this opportunity to include this correspondence in the RECORD. As is obvious, these responses do not reflect a similar degree of concern or commitment to this goal. I would therefore question the interests the Government is serving in its pursuit of reconciliation with the PRC—are they the interests merely of the present administration in its efforts to find a place in history or are they the larger interests of the people the Government is committed to serve. I sincerely hope it is the latter and not the former—although I have my doubts.

The responses follow:

April 25, 1972.

The President,
The White House,
Washington, D.C.

Dear Mr. President: The Foreign Claims Settlement Commission has now certified losses totalling $196,471,059.33 resulting from the Communist takeover of Mainland China in 1949. In September of last year, the attached House Concurrent Resolution was introduced regarding the discussion of these claims in any appropriate negotiations with the Mainland government.

It is our strong feeling that this matter is deserving of high priority in any such discussions and that the resolution of these claims ought rightly to be a condition precedent to any furtherance of the improving relations between the United States and the Peoples Republic of China.

Yours sincerely,
Richard T. Hanna,
Frank E. Denholm,
George E. Danielson,
Edward J. Derwinski,
Robert L. Leggett,
George W. Collins,
Members of Congress.

[Identical letter sent to Secretary of State Rogers.]

The White House,
Washington, D.C., May 1, 1972.

Hon. Richard T. Hanna,
House of Representatives,
Washington, D.C.

Dear Mr. Hanna: I would like to acknowledge and thank you for your April 25 letter to the President, in which you were joined by five of your colleagues, urging that resolution of the certified claims of nationals of the United States be given high priority in discussions with the People's Republic of China.

You may be assured your letter will be brought to the President's attention and also shared with the appropriate members of the staff.

With cordial regards,
Sincerely,
William E. Timmons,
Assistant to the President.

Department of State,
Washington, D.C., May 31, 1972.

Hon. Richard T. Hanna,
House of Representatives,
Washington, D.C.

Dear Mr. Hanna: Thank you for your letter of April 25, regarding the settlement of claims of United States nationals against the People's Republic of China which were adjudicated by the Foreign Claims Settlement Commission of the United States under the Chinese Claims Act.

We share your strong feeling that the settlement of these claims is a matter of high priority. We are aware of House Concurrent Resolution 411, introduced last September, and have taken into account the views it expresses.

As you may know, the United States and the People's Republic of China, in a Joint Communique of February 28, 1972, issued at the close of the President's visit, "expressed the hope that the gains received during this visit would open up new prospects for relations between the two countries." While we do not consider, as your letter suggests, that it would be advantageous to make the settlement of the above claims a condition precedent to any furtherance of the improvement of relations, we believe that this atmosphere of improving relations is a beneficial one for discussion of the question of the settlement of these claims. We consider such a settlement to be particularly important for the facilitation of the development of trade, toward which the Communique specifically looks.

I appreciate very much your interest in this matter and can assure you that we intend to give it the important attention it deserves in our discussions with the People's Republic of China.

Sincerely yours,
David M. Abshire,
Assistant Secretary for Congressional Relations.

HOOSIERS GIVE MORE AND GET LESS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. LANDGREBE. Mr. Speaker, taxes continue to plague our Nation with inequities. Moreover, the Federal bureaucracy is a beneficiary of much of the funds provided by our taxes. It is especially alarming to Hoosiers to learn that they pay more for every dollar of service from the Federal Government than any other state. The Tax Foundation reports that my constituents in the Second District of Indiana, along with the rest of Indiana, pay $1.63 for every $1 that we get in return. Is this equitable?

I have been provided with an article written by a friend of mine, Ben Cole, that appeared in the Indianapolis Star recently which I think explains the situation. I wish to insert that article here:

States That Scoff at Indiana Are Sneering on Our Money

(By Ben Cole)

Washington.—Hoosiers are the prize chumps among all the nation's taxpayers, according to figures published by Representative Bill Scherle (R–Iowa) during an appropriations debate last week.

Scherle's table, prepared by the Tax Foundation, reveals that Indiana pays $695 million taxes every year to support Federal grant programs. And she gets back $431 million—a shrinkage of $264 million. That means every $1 Hoosiers get in Federal grants costs them $1.63.

Moreover, nobody else in the United States pays so much for a Federal buck as Indiana. Even Ohio, which comes next among the chumps, only pays $1.55 for a dollar's worth of Federal assistance.

There are 21 states that pay a premium for Federal grants. Hoosiers used to chant a bitter little lament about how "all our taxes go to Texas." But even Texans, nowadays, have to pay $1.05 for every $1 they get back from the banks of the Potomac.

The victim states after Indiana and Ohio are Connecticut, $1.55; Illinois, $1.54; New Jersey, $1.53; Delaware, $1.53; Florida, $1.49; Maryland, $1.38; Wisconsin, $1.38; Michigan, $1.29; Pennsylvania, $1.22; Nebraska, $1.19; Iowa, $1.17; Nevada, $1.14; Massachusetts, $1.12; Kansas, $1.08; New Hampshire, $1.06; Missouri, $1.04; Virginia, $1.04; Texas, $1.03, and Washington State, $1.02.

New York, where seldom is heard anything better than sneers about Indiana, reaps $1 back for every 98 cents paid in. The District of Columbia, wherein you can hear some of the most patronizing comments about Hoosiers is the champion taker of all, reaping a return of $1 for every 23 cents paid.

It is interesting that among the states receiving the most goodies from Uncle Robin Hood are those who hold themselves out as being so much more culturally refined and politically sophisticated than Indiana.

But thanks to Scherle's providing the figures, it is now evident that these enlightened states are able to afford their liberalism because, they live on Indiana's money.

PRIVATE PENSION PLAN SECURITY

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. WYATT. Mr. Speaker, one of the questions which should be faced by this Congress is definite action to unify and guarantee the security of private pension plans in the United States. Investigation into the status of these plans reveals some shocking facts. Today 30 million workers are under some form of retirement income hope as a result of 34,000 private pension plans. The majority of workers forfeit pension rights because of changing jobs or being discharged before vesting takes place, business failure, or business termination by merger, and so forth.

Private pension funds constitute the largest sum of unregulated capital in the United States. For an idea of the growth of the private pension funds it is interesting to note that in 1940 there were $2.4 billion in private pension plans. In 1970 there were $128.6 billion in these plans. It is estimated that there will be a quarter of a trillion dollars in these plans in 1980. This represents an increase of over 100 times in a 40-year period. Employees covered have increased from 4.1 million in 1940 to an estimated 42 million in 1980.

Present inadequate Federal law now requires only that administrators report annually the structure of the fund and its operations. The Federal Government can investigate suspected abuses. There are a few criminal penalties involving kickbacks, embezzlement, bribery, and false statements. More important there is no audit of these funds required by Federal law. There is no full funding or insurance requirement and there is absolutely no remedy for workers whose funds have been squandered either criminally or negligently.

Ninety-two percent of persons covered by plans which require 11 or more years of service before vesting never qualify for any benefits. Of 11.6 million workers covered in a recent study the average monthly retirement paid was $99.

The first industrial pension plan was established by the American Express Co. in 1875. It provided for annual payments of $500 per year for employees at the age of 60 with 20 years of service to the company.

A number of factors have led to the phenomenal growth of private pension plans this century. First the greater industrialization occurring in the early parts of the century moved many, many people away from farms. The great depression was an added impetus to the move toward retirement payments. With the advent of social security people became more conscious of the need for retirement income and with the fact that social security was meant to be a supplement and not in itself full retirement. Private plans were given additional impetus by the World War II wage freeze which did not freeze fringe benefits. In 1949 the U.S. Supreme Court left standing, thereby approving, a lower court decision that private pension plans were properly the subject of collective bargaining.

We have gone through a large number of collapses of private pension plans. A noteworthy example was the Studebaker Corp. which had a very liberal plan vesting retirement benefits fully at the age of 40 after 10 years of service; 4,500 workers under the age of 60 who were fully vested at the time of the collapse of the Studebaker Corp. received only 15 percent of their entitlement.

As a general proposition, both labor and management favor private pension plans with professional management and favor encouragement by tax incentives.

Big issues, however, remain to be coped with. It is my considered judgment that Federal standards should be adopted by statute. There should be Federal standards for vesting, meaning that an employee is given irrevocable rights at least to a portion of the benefits dependent upon his length of service. In addition, Federal law should regulate the administration of trust funds on a much more comprehensive basis. A company should be prohibited from investing pension funds in its own stock. It should not be permitted to make loans to the company from pension funds for working capital. Fiduciary standards should generally be set up for the trustees of pension plans. Trustee fees should be strictly regulated to prohibit windfalls and to prohibit investments by trustees for personal gains.

The U.S. Department of Labor advises that 500 private pension plans cease to exist each year.

Either full funding should be required under strict regulations or some form of federally insured program patterned after the Federal Deposit Insurance Corporation should be adopted in lieu of full funding.

The question of portability should be addressed—that is, the worker who changes jobs. This is an enormous problem and the cost may also be enormous.

Today I have introduced a comprehensive bill on this subject. I am not married to the provisions of this bill and have introduced it to voice my support for the proposition that some Federal legislation should be adopted in this area. We must see that there is reasonable protection offered to the worker from the collapse of funds which happens all too frequently at the present time.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

AN EXCELLENT BUT DISTURBING REVIEW OF THE WORKER SAFETY AND HEALTH LAW

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ASPIN. Mr. Speaker, the great expectations which millions of working people had for the first national safety and health law are, in the words of a keen observer, "being shattered by mismanagement, a callous view of human life and policies favoring industries the act was designed to regulate."

A recent article in the magazine Viewpoint, published by the AFL-CIO Industrial Union Department, tells what has happened to the golden promises of the new law after 1 year.

Congress has received an annual report in recent days, as required by this law, but only a handful of copies have been distributed. Until more copies are available, I suggest that my colleagues read the disturbing words of Sheldon Samuels, the occupational health, safety, and environmental expert on the staff of the Industrial Union Department.

I include this article with my remarks, along with section 26 of Public Law 91-596, the Occupational Safety and Health Act of 1970, which contains the explicit requirements of the annual report to Congress.

The article follows:

[From Public Law 91-596, Occupational Safety and Health Act of 1970]

ANNUAL REPORT

SEC. 26. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress toward achievement of the purpose of this Act, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports shall include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this Act, defining areas of emphasis for new criteria and standards; an evaluation of the degree of observance of applicable occupational safety and health standards, and a summary of inspection and enforcement activity undertaken; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; description of cooperative efforts undertaken between Government agencies and other interested parties in the implementation of this Act during the preceding year; a progress report on the development of an adequate supply of trained manpower in the field of occupational safety and health, including estimates of future needs and the efforts being made by Government and others to meet those needs; listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established; and such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this Act.

TURNING IT OFF—THE ADMINISTRATION'S APPROACH TO JOB SAFETY

(By Sheldon W. Samuels)

Two years after one of organized labor's toughest battles in the halls of Congress, in the closing days of 1970, the President signed the Occupational Safety and Health Act. Although the administration and labor were often at odds on key issues during this struggle, indeed the bill was fought with tooth and nail by the administration, the bill was signed amidst amity and euphoria. Labor looked forward to what then seemed like the beginning of a period of close collaboration with government in the most worthwhile of endeavors; protecting the environment of the workplace.

To a large extent, the expectations created by the passage of the Act are being met. The very fact of the nation's first serious job safety program is forcing at least a few employers to clean up their shops. The effect of a tough law and a few inspectors with an armory of even a few inadequate rules is having some good results.

But to a larger extent, these expectations are being shattered by mismanagement, a conscious disregard for workers' rights, a callous view of human life and policies favoring the industries the Act was designed to regulate.

Between the signing and the effective date of the Act, April 28, 1971, two agencies, the Bureau of Labor Standards in the Labor Department and the Bureau of Occupational Health in the Department of Health, Education, and Welfare, were converted respectively into the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health. A new agency was formed: the Occupational Safety and Health Review Commission. All three agencies were mandated by the Act.

Organizational activity was, and remains, intense. The lights burned late in OSHA headquarters in downtown Washington and in the offices of NIOSH in suburban Rockville, New people were being hired and many of the old-timers, who for decades fought a lonely battle within the bureaucracy for recognition of the scandalous slaughter in the workplace, were stimulated by a new sense of mission and opportunity.

Feverish planning meetings were held between labor and government. At a specially called meeting of the AFL-CIO Standing Committee on Safety and Occupational Health, Secretary of Labor James Hodgson spoke of the commitment of his agency as if it were embarking on a crusade.

But all of this activity was not on behalf of the worker.

THEN ON APRIL 28 * * *

The first hint that something was wrong came when April 28 arrived and what was to be NIOSH lay in disarray, without a director, lacking in full administrative services, and generally with no serious effort being made to make it a functional organization. Its offices in six of HEW's regional offices were not even manned.

The role of OSHA is to see that American industry, by police action if necessary, applies available science and technology to the solution of job safety and health problems.

NIOSH is supposed to supply that knowledge, without which there will be no solution, through research and training. To fill its role NIOSH must become a vigorous partner of OSHA. But the administration has other plans.

The administration has proposed another major reorganization of the government, a cheap way to win political brownie points without really doing anything. NIOSH, if the Congress approves the plan, would become a part of what is now the Commerce Department. HEW is not about to channel scarce resources into an agency the White House says it is going to lose. The consequence is conscious underfunding, less than their share of administrative services, eliminated and truncated programs and a reduction in projected personnel levels.

Despite this treatment, NIOSH is building a reputation for outstanding performance. From the top down the agency is staffed by career civil servants and commissioned officers of the Public Health Service. There are no political appointees in the agency. This explains the quality of its work and pervasive high morale.

OSHA, too, has civil servants. When the agency opened its doors, many of them were in high positions. But by playing musical chairs, utilizing openings created by attrition and transfers while closing new top positions to civil servants, the Department of Labor has succeeded in filling key positions in OSHA with political appointments from the ranks of industries it is charged to police. The department itself is one of Washington's most politicized agencies. Morale is shaky and agency effectiveness has been hampered.

Not surprising for an agency in a department whose top ranks come almost entirely from big business, OSHA is also one of the most mismanaged agencies in the federal government. The myth that large corporate structures have administrative know-how applicable to government is destroyed by an examination of OSHA operations. Communication from headquarters to area offices through the regional offices is poor. The result is an uneven and inconsistent enforcement program, unacceptable employee training programs and little real input from the field force on agency policy. But the most important failure relates to the agency's inability to mount an effective industrial hygiene effort.

Early last summer a noise complaint was transmitted to OSHA's Chicago regional office by a lodge of the International Association of Machinists in St. Joseph, Michigan. Months went by without an investigation. Finally, after an industrial hygienist was borrowed from NIOSH at the demand of the union, a noise inspection was made in January and a citation was issued in February.

Why the delays? Among other reasons, OSHA inspectors generally receive little instruction in the health field. Those few with training do not have enough equipment. For example, a contract for 400 commercially-available sound meters was issued last June to the Columbia Research Laboratory of Woodlyn, Pa., (six months after the signing of the Act). As this is being written, in violation of the deadlines in the contract, the meters have not been delivered. There has never been serious consideration of obtaining the meters elsewhere.

Noise is only one health hazard being ignored by OSHA. The Labor Department has been warned by the IUD and the AFL–CIO that most complaints would be in the health area. In fact 60% of the complaints received in 1971 were on health issues.

Yet in adopting interim standards—as required by the Act—OSHA left out threshold limit values established by the American Conference of Governmental Industrial Hygienists for about 60 toxic substances. Asked in September, 1971, when some of the missing standards would be published, essentially a printing job, the reply was "later this year." Since then the reply always has been that they would be "published in a few weeks." Actually the full list has been scheduled for publication in June, 1972.

Among the missing are standards for a group of nine compounds so lethal that no exposure for any period of time is considered safe. They all cause cancer.

The manufacture or use of one, beta-napthylamine, was outlawed in Pennsylvania only to reappear in plants of the Synalloy Corporation in Georgia and South Carolina. Questioned on this by the Industrial Union Department, AFL–CIO, the Labor Department's reaction was that "there are only a few workers involved." Their second response was that "there have not been any complaints!" (The plant is unorganized or there would have been complaints!) Even without a standard, and without formal complaints, the Labor Department can take action under the general duty clause of the Act. As this is being written a report of a NIOSH investigation of these plants sits on someone's desk in OSHA. Hopefully this will result in enforcement of the Act.

But even the publication of a standard does not insure meaningful enforcement.

Amidst reams of press releases, specially convened meetings for industry and labor, and urgent pronouncements, OSHA finally developed a primitive operation called the Target Health Hazard Program. With fewer industrial hygienists than are employed by several states, early in February of this year they proposed a concerted attack on five toxic substances, including asbestos.

Action on the asbestos hazard was initiated by the IUD lat November. The Secretary of Labor was forced to issue an "emergency standard" to replace a limitation that even industry found inadequate. Despite its weakness, especially in doing nothing to prevent asbestos-related diseases from afflicting the relatives of workers, the new standard should be enforced.

But enforcement has been virtually nonexistent. The IUD even gave the Labor Department a list of 27 plants compiled by HEW in 1969. These plants already had been surveyed and many could be expected to be in violatiton of the emergency standard. It took pressure from NIOSH and union complaints to produce any inspections. In one plant, neither a citation nor a clean bill of health has been issued four months after the investigation was initiated.

In this case, the Johns-Manville plant in Manville, N.J., state and federal government face the largest recorded epidemic of occupational cancer.

One civil servant in the Labor Department put his finger on one reason for the lack of response to the asbestos problem: "Industry has too much to say around here."

The investigation of a Mobil Oil Co. refinery in Paulsboro, N.J., is a case in point. A complaint by the Oil, Chemical and Atomic Workers on October 11, 1971, was acted upon quickly by OSHA's New York regional office. By October 15 teams of OSHA safety and health inspectors mounted a major survey of the plant conducted over several weeks.

INDUSTRY HAS INFLUENCE

The seriousness of the conditions in Paulsboro is indicated by the fact that so far the company has been cited for 93 violations (260) items. But not all hazards in the plant have been cited. One reason is company influence on OSHA decisions.

About half-way through the investigation, in response to company complaints, the department withdrew its prior approval for an international union staff specialist to aid the inspectors as a third party during the "walk-around." The company was still unsatisfied. To discourage future inspections and complaints, the company decided to dock the pay of the workers involved in the walk-around. OCAW, with support from the IUD, filed a brief in protest with the secretary of labor on the basis that both the Occupational Safety and Health Act and the Wage and Hour Act were being violated. The Department upheld the employer.

In acting in this way on this issue, the Labor Department had to revise prior policies and decisions. The effect of this policy will be to discourage workers—especially the unorganized—from exercising their walk-around right, a key mandate of the Act.

But this right is being attacked in other ways. Denial during labor disputes is one.

Recently, during a strike led by the Steelworkers for union recognition at the Seminole Asphalt Company in St. Marks, Florida, an "imminent danger" complaint was filed with the OSHA area office. The area director responded and was on the scene the next day.

Labor Department policy, even in the case of imminent danger, prohibited the striking workers or their representatives from participating in the "walk-around" to aid the inspection. The inspectors did not find the hazard and left the scene. The next day a tank of asphalt blew up. The hazardous condition had not been corrected. Luckily no one was hurt. But there is no question that serious injury or death could have been the result.

A complaint about cotton dust brought by the Textile Workers against Wellman Industries of Johnsonville, S.C., illustrates how attempts are being made to ignore any request for inspection during a labor dispute. After months of union protest, OSHA admitted the validity of this complaint only to delay action further with a plea that an industrial hygienist was not available.

Even greater failures of policy loom in the area of state-federal relations under the Act. Rather than face its difficulties, the Labor Department likes to wave the flag with loud shouts of "states rights" whenever their promotion of state programs is questioned.

When the labor movement challenged the downgrading of workers' rights—such as the walk-around—to mere procedures which could be substituted by the states for other procedures, their response was geared to create the image of fervent defenders of the states against the unions. The facts are that what labor is questioning is the perpetuation of weak state programs which do not guarantee rights established by the Act for all workers. Not only do many state program directors agree with the labor position, but they go further to say that without a strong and clear stand on this issue by the federal government their legislatures will not mandate these rights in the states.

OSHA IS UNLOADING

In reality OSHA is attempting to shake off the unpleasant and politically vulnerable policeman's role in occupational health and safety. In their haste to unload this responsibility on the states they are offering as bait millions in federal funds for phony "planning" projects. When the states don't bite fast enough, some state officials report that OSHA deals with state legislators and state agencies behind the backs of the governors and the agencies they designate as having the primary job safety responsibility.

At the same time, state officials charge, OSHA is demanding that the amount of red tape in their programs match that which is being required of OSHA's own field force. One state estimate is that OSHA inspectors are being required to spend three days a week in their offices filling out forms.

There is no question that most of the information being requested of the states, and of OSHA's field staff, is important. What is wrong is that there is no real state-federal information exchange system. The OSHA data processing systems are so primitive and incompatible with those of the states that they make interchange of information unnecessarily time consuming if not impossible. Further, there is no way in which information from other federal government sources—including NIOSH—can be automatically fed into a system for use by state and federal compliance officers. Many county law enforcement agencies are more sophisticated in this regard than the mighty United States Department of Labor.

But law enforcement is not a serious objective of the administration's job safety program. The plain fact is that the Occupational Safety and Health Act was in trouble as it approached its first birthday on April 28, 1972.

The administration has failed to ask for sufficient money to make the operation of OSHA and NIOSH meaningful. The creation of a set of rules to govern state action is shot through with employer bias, which if permitted to continue will inevitably destroy the spirit and letter of the law. The process of establishing health and safety standards moves along at elephantine pace. The factory and workshop inspection process drags and drags and drags.

In short, the administration, which together with the National Association of Manufacturers and the Chamber of Commerce desperately resisted the passage of the Occupational Safety and Health Act initially, now with almost equal tenacity seeks to abort the effective implementation of the Act.

HELLO, REMEMBER ME?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. DERWINSKI. Mr. Speaker, I have repeatedly called attention to the Members for the need to acknowledge our respect and appreciation for our flag, traditions of our country, and the pride that we all should have in this great land of ours. The Calumet Index of Chicago in a front page editorial on Wednesday, June 14, emphasized feelings we should have on that particular day which was Flag Day.

Flag Day was celebrated very appropriately by an inspiring program here in the House. I believe this editorial in the Index very properly expressed the feelings of the publication's readers:

HELLO, REMEMBER ME?

Some people call me Old Glory, others call me The Star-Spangled Banner, but whatever they call me, I am your flag, the Flag of the United States of America. Something has been bothering me, so I thought I might talk it over with you—because it is about you and me.

I remember some time ago people lined up on both sides of the street to watch the parade and naturally I was leading every parade, proudly waving in the breeze. When your daddy saw me coming, he immediately removed his hat and placed it against his left shoulder so that his hand was directly over his heart . . . remember??

And you, I remember you. Standing there straight as a soldier. You didn't have a hat, but you were giving the right salute. Remember little sister? Not to be outdone, she was saluting the same as you with her right hand over her heart. Remember??

What happened? I am still the same old Flag. Oh, I have a few more stars since you were a boy. A lot more blood has been shed since those parades of long ago. But now I don't feel as proud as I used to. When I come down your street you just stand there with your hands in your pockets and I may get a small glance and then you look away. Then I see the children running around and shouting . . . they don't seem to know who I am. I saw one man take his hat off, then look around. He didn't see anybody else with theirs off so he quickly put his back on.

Is it a sin to be patriotic?? Have you forgotten what I stand for and where I've been? Anzio, Guadalcanal, Korea and now Vietnam. Take a look at the memorial honor rolls sometime to see those who never came back because they died to keep this Republic free, One Nation Under God. When you salute me, you are actually saluting them.

Well, it won't be long now until I'll be coming down your street again. So, when you see me, stand straight, place your right hand over your heart—and I'll salute you by waving back—and I'll know you remember!!

VERNER W. CLAPP

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. CELLER. Mr. Speaker, in the Coolidge Auditorium of the Library of Congress this afternoon, tributes will be paid to the late Verner W. Clapp by his librarian peers in a public memorial ceremony. It is perhaps fitting for Members of the House to note the event, for Mr. Clapp was a dedicated employee of the Library of Congress from 1922 to 1956. As a Member of Congress these past 50 years, I am easily reminded of the tremendous growth and progress that has occurred, and is occurring, in our Library across the street. A listing of many of the high points in Mr. Clapp's career with the Library serve to remind one not only of this remarkable individual's dedication but also of the enormous and invaluable work being done in the Library of Congress and other libraries around the world. There has been a growing trend toward serving all the public with ever-increasing knowledge in ever-increasing forms. The services offered for the first time to Members of Congress less than 50 years ago by the Library of Congress are today in the process of being offered by many public libraries throughout the country to their broad constituencies.

When Mr. Clapp left the Library of Congress in 1956, it was not to retire but to assist the world's librarians to anticipate the knowledge explosion and to show them the direction in which some of their answers lay. As first president of the Council on Library Resources, established in 1956 with the support of Ford Foundation funds "to aid in the solution of library problems," Mr. Clapp approved over 400 council grants aimed at carrying out this mission. As a full-time consultant to the Council on Library Resources since his stepping down from the presidency in 1967, he has continued to be a major force in the field of librarianship. The New York Public Library, as well as other New York institutions, have also benefited from Mr. Clapp's guidance and the council's funding.

Presently the council, and its Ford Foundation benefactor, are generously assisting the New York Public Library in its financial crisis.

Verner Clapp "literally died with his boots on," one close associate in the library field commented on learning of his death. Dr. Fred C. Cole, Mr. Clapp's successor as president of the Council of Library Resources, observed that "to the last he pressed himself continuously to increase his own knowledge in order to serve his profession and his fellow man." Such tributes, and those that will be made to Verner Clapp at the Library of Congress this afternoon, should remind us of the tremendous task that lies in front of us in this vital field.

THE 750TH ANNIVERSARY OF HUNGARY'S "GOLDEN BULL"

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. McKINNEY. Mr. Speaker, President Nixon has just completed a series of meetings with Communist leaders in Peking and Moscow. These meetings could well mark the beginning of a new understanding between the United States and the Communist nations of the world. In light of these developments, I feel that the 750th anniversary of the Golden Bull, the Hungarian counterpart of the English Magna Carta, is of particular significance.

This significance stems from the fact that the Golden Bull was a forerunner in man's endeavor to strike a balance between economic and political forces which otherwise might stifle his right to self-determination. In this sense, the principles of the Golden Bull are similar to those of all freedom-loving peoples of the world.

The Golden Bull insured a citizen's right to resist injustice regardless of whether it was perpetrated by the King or feudal barons. This grant of rights to the masses of lesser Hungarian nobility—a substantial percentage of the nation—distinctly limited the King's power. Under the Golden Bull, the lesser nobles were authorized to use resistance, either collectively or individually, to any abrogation of their rights. This right of resistance also made it easier for the middle classes to stand up against the local petty monarchs.

Specifically, the Golden Bull exempted the clergy and the lesser nobility from taxation, permitted them to dispose of their property in any manner they preferred, protected them from such capricious exercises of regal power as arbitrary confiscation of property and imprisonment, and allowed them to refuse to perform military service in foreign countries. The nobles also were guaranteed the right to an annual assembly through which they could petition for a redress of their grievances.

Mr. Speaker, we who live in the United States too often take for granted the immeasurable personal liberties we enjoy. We tend to forget that the freedom we once struggled for is still only a dream to the people of Hungary. We also tend to forget our relative position in world history. Therefore, this anniversary of the Golden Bull should be a time for rededication and reexamination.

Primarily, we should reexamine our history as a free nation relative to other nations, Hungary in particular. As early as 1222, Hungry established the principles of the Golden Bull; our Constitution was signed in 1787 and we live by it today. Hungary has also found itself lost in two world wars and has been ruled by two successive totalitarian dictatorships; the United States has never lost a world war, or experienced a dictatorship. Therefore, we as a nation should rededicate ourselves to the Hungarian people. To fail in this rededication would be both a tragedy for the United States and a blow to the freedom-loving people of Hungary.

SALUTE TO EDUCATION

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. DENT. Mr. Speaker, I would like to take this opportunity to say a few words in tribute to our Nation's education system.

It is a well-known fact that I have been a staunch supporter and initiator of countless pieces of legislation concerning education. I have supported all legislation which aimed to increase Federal funds for education in addition to being the principal sponsor of the Library Services Act and the Vocational Student Loan Act.

Such actions, I feel, are blatant evidences that I am a long-time admirer of our education system. I believe that this is an area which is most worthy of all of my efforts in addition to the efforts of my colleagues in the Congress. I have devoted my time to the improvement of education because I have a deep-felt faith that it is a system which is anxious for change and renovation when needed. Because of our education system's alacrity for self-improvement, our Nation is bestowed with its most precious product—the educated and enlighted citizens of this great country.

Though my contributions to education have warranted much of my time and energy, the outputs of such efforts have exceeded my inputs which is a fact that pleases me tremendously. Results of my contributions to education are that I know I have aided this great Nation in attaining the best education system in the world; the level of our achievements in all respects is evidence of this. Also, I have received honors from organizations such as the united business schools, the Association of Private Schools Administrators, and the Jeannette Teachers Association, to name a few. These tributes to my legilative efforts are encouraging in that they express my constituents' appreciation, which is one of the highest manifestations of support that a Congressman can have.

In closing, I would like to urge my colleagues to continue their efforts and support in behalf of education in America. I know that I will continue in my relentless endeavors to aid the great education system of the United States.

NUCLEAR POLLUTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. WOLFF. Mr. Speaker, I respectfully call to the attention of the Members of the House an article in the current issue of Harper's Bazaar concerning the matter of nuclear pollution and its threat to the population of this Nation.

The Harper's Bazaar article, written by Natalie Gittelson, expresses great alarm over the effectiveness of safety measures now in force by the AEC.

I make no brief in behalf of the article, save that I believe it should be read:

THE SHAME OF ROCKY FLATS

RE NUCLEAR POLLUTION DOES THE AEC TELL THE WHOLE TRUTH AND NOTHING BUT TO THE U.S.A.?

(By Natalie Gittelson)

"What *is* Rocky Flats doing out there?" one of the wives whispered, as if the question had never been asked before. "That brown mist over the mountains . . ." another mused. "Is it really just pollution or . . .?" "Or is it plutonium dust?" a more strongly reality-moored participant in the discussion finished for her. *"Is the wind blowing plutonium dust into our backyards?"*

The conversion you have just read was not exhumed from some 1950's science fiction called Incredible Stories. Those were the words of some very real American housewives who have very good reason to feel very worried. They live, with their families, in the scenic state of Colorado—locality, Arvada—about five miles downwind from the famous (or more accurately, infamous) Rocky Flats Plutonium Plant, operated since 1953 by the Dow Chemical Company. In the spring of '69, Rocky Flats was the site of the most disastrous fire of America's nuclear age. Plutonium stored in a cabinet mysteriously ignited, spreading flames far and wide. Plutonium's primary use? Reactor fuel in nuclear weapons.

Inhaling only tiny quantities of this most virulent radiological poison damages living tissue, leads to cancer of the bone and lung and may cause death, scientists agree.

But by August, 1969, neither Dow Chemical nor the Atomic Energy Commission (which has control over every aspect of nuclear energy) had failed to make even the routine tests for traces of plutonium spread in the soil around Rocky Flats according to Roger Rapoport, author of *The Great American Bomb Machine*. So early that fall, exasperated by official inaction, Dr. Edward Martell, nuclear chemist with the National Center for Atmospheric Research, set out to conduct his own soil tests. Dr. Martell soon discovered that lethal plutonium particles had indeed escaped from Rocky Flats and had been carried by the wind all the way to Denver. Some of the worst contamination that he found lay in the suburbs of Broomfield, Westminster—and Arvada. As reported by Mr. Rapoport, "The contamination of Denver ranged from ten to 200 times higher than plutonium fallout deposited by *all* atomic bomb testing." It was also 100 times higher, said Rapoport, than the amount Dow Chemical spokesmen would acknowledge.

The housewives of Arvada were gathered together on an afternoon in the early spring of 1972. It was three long years after the fire on Rocky Flats—and *still* they were worrying and wondering. Still, they felt, nobody was leveling with them about the dangers of plutonium poisoning or the biological weapons stocked around Denver.

"Just recently, I heard that they did take the nerve gas out of the Rocky Mountain Arsenal. But I wonder what's left there? What's really stored in our area right now?"

"I tried to find out whether a list of hazardous materials stored in our state was available to the general public," another wife acknowledged. "The first office I tapped referred me to about, oh, seven or eight others. Finally I found a district director who told me that all of the information about what's stored in the Rocky Mountain arsenal is highly classified for security reasons. So the only thing we can do is guess."

More sighs. More guessing. More speculation.

"I don't think they've even taken the nerve gas out yet. They're still waiting for the okay to demilitarize those 21,000 nerve gas bombs . . ."

"All those weapons, supposedly for our security, are stored so close to us that we'll probably become victims of them in the end. One small canister of nerve gas can destroy this entire area. Why did they feel they needed 20,000 canisters?"

"A million-dollar contract, no doubt. Back to the old dollar again." The women considered that idea, soberly. It was out of grudging respect for the old dollar that most of them were living five miles away from the plutonium plant. "My husband works out there," an uncertain voice piped up. "This is a highly federally impacted area. Arvada's where the jobs are."

Other voices rose in quick support. "If my name is bandied about, my husband's employer, who thinks quite differently than we do, is going to say, "Sorry, but we don't need you anymore.' "

The crucial paycheck issue comes up, naturally, wherever nuclear installations are big business. In fact, it is fear of reprisal—economic and governmental—which causes reluctance among many employees to discuss the issues at all.

In her recent study, *Atomic Doubletalk*, subtitled "a review of matters withheld from the public by the AEC," Gene Schrader, former staff member of the Center for the Study of Democratic Institutions, examines our nuclear history. She touches all bases, starting with the first atomic explosion in Los Alamos in 1945. (Two months after that blast, a *Times* reporter revealed that radiometers showed scraps of crater glass "were actually still dangerous.") "New experiments continue and unlikely accidents happen," Mrs. Schrader warns. "But the AEC has no patience with those who question its safety policies."

The Commission's inordinate power may explain, if not excuse, its failure to cultivate patience with its critics. "Never before in the peacetime history of the United States has Congress established an administrative agency with such sweeping authority and entrusted with such portentous responsibilities," said the men who wrote the Atomic Energy Act in 1946. Roger Rapoport characterizes it bluntly as "one of the nation's major legislative disasters. The legislators merely totalitarianized nuclear power," he remarks.

As this issue of *Bazaar* goes to press, the Supreme Court has just reconfirmed that totalitarianization of power. In a 7-to-2 decision (Justices Douglas and Stewart dissenting), the Court upheld the principle that the AEC alone has the authority to regulate the discharge of radioactive debris from nuclear power plants. Minnesota met defeat asserting its right to set more rigid limits on the radioactive discharges of a plant near Minneapolis. Yet, more than a dozen other states sided with Minnesota in this dispute.

Paul Jacobs, who last year conducted yet another inquiry into the power and responsibilities of the AEC for *Atlantic* magazine, also deplores the Commission's imperious attitude. "The agency is uncomfortable presenting anything less than the most jovial view of nuclear energy," he says, then asks, "Is it possible that nuclear energy as a cure for the power crisis may be worse than the disease itself?"

Many of our most distinguished scientists answer that question in the affirmative, including Dr. Linus Pauling, twice winner of the Nobel Prize; Dr. John Gofman, research bio-physicist and director of the Committee for Nuclear Responsibility; and Dr. Arthur Tamplin, group leader of the bio-medical division of the AEC's own Lawrence Radiation Laboratory.

Dr. Tamplin: "The evidence concerning the hazard of plutonium to man suggests that if you can measure it in the air, it's probably already too hazardous . . . Radioactive wastes propose a disposal problem unique in human history. You have to protect them from getting into the atmosphere for a thousand, and in the case of plutonium, for hundreds of thousands of years . . . The Russians could set up a monitoring system and find out what is coming out of Rocky Flats. But the citizens of the United States don't know because nobody has set up the monitoring station to tell them."

Dr. Pauling: "According to my calculations, one 20-megaton bomb tested in the atmosphere is responsible for 500,000 grossly defective children and 500,000 people caused to have cancer. That's a million casualties for one 20-megaton bomb . . ."

Dr. Gofman: "In order to make the nuclear power industry safe, we will have to do 99.9% perfect work every step of the way, including the guardianship of the radioactive waste . . . That is, if there's not one accident . . . Unless we can do 99.9% perfection, the radiation all of us will get will start rising toward those numbers that would give us, for instance, 32,000 more cancers every year. . . . But I don't want to scare anyone to death, I want to scare them to life."

All those who will allow themselves to be scared to life by Dr. Gofman should get it clear in their heads that Rocky Flats is not an isolated pinhole of poison on the otherwise bland map of America. As of January, 1970, there were nearly 125 cities and towns in the United States where nuclear weapons were being manufactured, tested, deployed and stockpiled. Among them: New York, Chicago, Cleveland, Dallas, Las Vegas, Los Angeles and Miami, as well as Wichita, Kansas; Albuquerque, New Mexico; Aiken, South Carolina and Limestone, Maine. In mega-city or micro-village, how many of us are still "safe enough?" How many of us will still be safe enough in 1973?

Said Dr. Gofman, regarding the AEC request that the Commission issue "interim" operating licenses to nuclear power plants which failed to submit the final environmental impact statement required by the National Environmental Policy Act: "The AEC has failed to solve the problems of safety against major accidents at nuclear power plants. . . . The AEC has failed to solve the problems of radioactive waste disposal. . . . What is needed is a moratorium on the construction of nuclear power plants until safety problems have been solved and increased funding (made available) for the development of alternate, safe and fully adequate sources of power . . ." Harold Grey and Paul Ehrlich, among other eminent scientists, agree.

The nation is impaled on a tragic dilemma. In the last twenty years, we have built more than 40,000 nuclear bombs, more than enough to kill everyone in the world three times over. *And we live in an economy based on production-for-use.*

We have spent over $30 billion in the development and construction of nuclear weapons. This program carries with it the increasing risk of death, cancer, radiation poisoning, and literally inconceivable genetic damage.

More than 90 billion gallons of nuclear waste are already buried in the states of Washington, Idaho, South Carolina and Tennessee. In its own report, finally released to the public, the Atomic Energy Commission conceded, "None of the existing AEC disposal installations is in a satisfactory geologic location."

Recently Bess Myerson, New York City's Commissioner of Consumer Affairs, was narrator of a bold and probing radio show, *In the Name of Defense.* "Our scientists are more worried about nuclear dangers than our mothers," Miss Myerson said. "Because they have more information. . . . We, the American people, have a right to know of the dangers to our health from radioactivity. . . . We call on the Atomic Energy Commission to stop the testing of nuclear weapons. In the name of defense, we are poisoning our land, our air, our water and our children. There is no safe level of radioactivity. We who have given life must be dedicated to preserving it." If you would like to dedicate yourself to that goal, please write to Bess Myerson at Another Mother for Peace, Beverly Hills, California. This nonpartisan organization, dedicated to nonviolence and the elimination of war, has given the national issue of nuclear pollution top priority on its activities agenda for the coming year.

WASHINGTON REPORT TO INDIANA'S NINTH DISTRICT CONSTITUENTS ON THE MOSCOW ACCORDS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the complete text of my recent Washington report on the Moscow Accords.

WASHINGTON REPORT

(By Congresman LEE HAMILTON)

Editor's Note.—This is the first of two Washington Reports on the President's Summit Conference.

The Moscow Accords, which crowned a period of extraordinary diplomacy at the Summit, are probably the most important agreements since World War II. In brief, the agreements are as follows:

1. *Nuclear Arms.*—The United States and Russia will limit their defensive missile systems to two relatively modest ABM sites apiece. They also agree to a five-year freeze of their offensive missile arsenals at the present levels.

2. *Environment.*—A joint commission will study problems of air, water and soil pollution, and measures to control man's impact on the environment.

3. *Incidents at Sea.*—Rules have been agreed upon for insuring the safety of naval vessels and planes operating in close proximity, and for avoiding collisions.

4. *Medicine.*—A joint commission will coordinate research on heart disease, cancer and public health generally.

5. *Space.*—A joint docking of manned spacecraft and flight of the linked craft will be carried out in 1975. There will also be cooperation in space meteorology, space medicine, remote sensing of earth resources, and exploration of the moon and planets.

6. *Technology.*—A joint commission will recommend exchanges and combined research in science and technology.

7. *Trade.*—A joint commission will resolve an entire range of trade problems including most-favored-nation treatment, credits, trade promotion and the study of joint resources development projects.

These specific agreements were concluded with a declaration of principles intended to make a new, more stable and constructive era of Russian-American relations. These principles include peaceful coexistence, restraint by both powers, a readiness to exchange views at the highest levels, and a disavowal of any intent to create spheres of influence.

These agreements are good news. They represent a distinctive breakthrough in the relationships between the two super-powers.

No one can be certain, of course, how important these agreements really are. It all depends on their implementation, but each of these agreements represents a giant and promising step in Soviet-American relations.

The basic concept of the Moscow Accords has been to create so many mutual interests through joint committees, common projects and negotiations that constituencies for cooperation will be developed in each nation and so that neither nation will allow other conflicts of interests to disrupt the great power cooperation.

Several of these agreements, like the ventures in environment and medicine, represent an ungrading of earlier agreements, and several were delayed in announcement to assure a successful Summit.

Even though there was significant progress at the Summit, there are disappointments. No major progress was made on trade. The formation of the joint commission to devise comprehensive trade agreements represents an admission that the United States and the Soviet Union have been unable to reconcile their differences on trade.

Nevertheless, the trade agreement represents a step forward, and the commission will seek to negotiate overall trade agreements, including reciprocal most-favored-nation treatment, arrangements under which credits will be provided to finance sales by each nation to the other, provisions for the establishment of business offices in each country by concerns of the other country, and mechanisms for arbitration of commercial disputes arising from trade. The two countries were unable to resolve the Soviet Union's World War II Lend-Lease debt to the U.S., last publicly valued by the U.S. at $800 million and by the Soviets at $300 million.

Also, perhaps the major disappointment is that apparently nothing was done to resolve the political conflicts between the United States and the Soviet Union in Vietnam and the Middle East, or to establish the rules of procedure in such conflicts, like consultation and arms supply limits.

By far, the most important agreement reached in Moscow is the one relating to nuclear arms. The importance of the agreement is that it marks a reduction in strategic arms rivalry and a mutual acceptance of nuclear parity. Perhaps more important than any specific provision in the agreement is the change in attitudes reflected in the agreement with both powers wanting to reduce the risks of nuclear war and to relax international tensions.

The central purpose of the nuclear arms agreement is to achieve, not disarmament, but a more stable "balance of terror" at the existing level of armaments, and to make certain that the two superpowers understand their dependence upon mutual restraint.

The agreement is made possible because both countries believe that they are now strategically equal, that they have enough weapons to deter nuclear attack, that they need to stop adding more weapons before they can reach agreements to reduce the number of weapons, that they need to conserve resources for better purposes, and that they must collaborate where it is possible, to avoid conflicts in other areas where collaboration is not possible.

Through a strange paradox in the arithmetic of strategic weapons, the treaties, by limiting defensive systems, bring offensive systems under control. Mutual deterrence against attack has depended upon each side being confident of its ability to destroy the other after absorbing a first strike. With each side confident of its deterrent, because of the limited defensive system of the other side, there is no need to fear a first strike, and there should be no reason to deploy new offensive systems.

The President has given his assurance that the national security is not endangered by this agreement, and that the U.S. will continue to have sufficient forces to deter potential enemies. He points out that verification can be achieved by space satellite reconnaissance, and without on-site inspection.

Although the Soviet Union will have 2,300 launchers to 1,700 for the U.S., the ongoing U.S. MIRV program will ensure a substantial margin of deliverable warheads. There is no chance the Soviets can reverse that advantage in the next decade. Without the agreement, the Soviet Union would increase its lead of missile launching submarines because the U.S. has no current building program for these weapons. The U.S. achieved a major goal in setting a limit on the giant SS-9 ICBMs. In addition, the U.S. has a larger, more modern bomber force than the Soviets.

In short, the U.S. is better off with the agreement than without it. The momentum of the Soviet buildup has been stopped and the U.S. has been spared the great expense of a new building program which offered no assurance of greater security.

This first strategic arms limitation treaty should be viewed as a major step forward, but only a beginning. The nuclear agreement does not stop the arms race. It does not limit the quality of the weapons. It does not stop the two superpowers from upgrading their offensive nuclear missiles, adding more warheads, or more destructive warheads, or from improving their missile defense systems.

So the United States should press ahead towards further limitations, and perhaps even some reduction in arms. Instant success should not be expected. It took seven years of effort, and thirty months of intense negotiations, to achieve this limited result. Hopefully, agreement will soon be reached to begin the next round of the Strategic Arms Limitations Talks in the fall. This round should seek permanent offensive weapons agreement, dealing with medium range missiles, long range missiles, long range strategic bombers and forward based weapons systems.

Overall, I think the American people have good reason to be pleased with the developments in Moscow. Beyond the specific agreements, which are very important, the personnel contacts between the two nations and the positive steps taken suggest even greater progress in the future. Enormous problems still exist between the two countries, as the total lack of progress between the two countries on Vietnam and the Middle East show, and the unresolved tensions are deep-seated and many. Strong political forces will operate in both countries to keep tensions high and to accelerate military competition.

But it is encouraging that the atmosphere of international relations has improved. The agreements present a real opportunity for a more realistic, less ideological approach to the competition between the U.S. and the Soviet Union, and to start a process of stabilizing the military balance at moderate levels.

CANCER RESEARCH AT CLEVELAND CLINIC

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. JAMES V. STANTON. Mr. Speaker, last year, the Congress expressed its deep interest in the efforts to find a cure for cancer through its approval of the Cancer Conquest Act. Nothing short of a full scale research effort is now required, and I am pleased to report to my colleagues on the excellent cancer research work being done at the Cleveland Clinic, work which is supported by legislation we in the Congress have enacted.

Under the guidance of Drs. Roenigk, Deodhar, St. Jacques, and Burdick, a new technique, in which metastatic melanoma is treated with vaccina virus, is being tried, and thus far the results have been very encouraging. I am proud of the work done by these dedicated and extremely competent men, and I believe that there could be no wiser use of Federal health moneys than to support work of the type in which they are engaged.

I would now like to call to the attention of my colleagues a more detailed report on their work, which is as follows:

IMMUNOTHERAPY OF MALIGNANT MELANOMA WITH VACCINIA VIRUS

Henry H. Roenigk, Jr., M.D., Department of Dermatology, Cleveland Clinic.

Sharad Deodhar, M.D., Department of Pathology, Cleveland Clinic.

*Robert St. Jacques, M.D., Department of Dermatology, Cleveland Clinic.

Kenneth Burdick, M.D., Syntex Research, Stanford Industrial Park, Palo Alto, California.

The field of tumor immunology has progressed very rapidly in the past decade in both animal and human tumor systems. In human cancer, this evidence has come largely from the demonstration of tumor specific antigens and from in vitro studies demonstrating both cellular and humoral immunity with cytotoxic effect on tumor cells.

Morton and co-workers demonstrated humoral antibodies to melanoma cells in patients with melanoma using indirect immunofluorescent technique. They found the highest titers of antimelanoma antibodies in patients with localized metastasis of melanoma.

In 1960, Burdick and Hawk reported a prolonged remission of metastatic melanoma after repeated injections of vaccinia virus into cutaneous metastatic nodules of melanoma. They were unable to demonstrate cytotoxic activity of the patients serum after therapy, at that time.

In the past ten years, at the Cleveland Clinic, twenty patients with metastatic melanoma have been treated by this technique and significant regression has occurred in eight patients who had stage II (regional metastasis) of their melanoma (Tables 1 and 2).

I have personally seen many of the early patients treated by Dr. Burdick and was impressed by the results. Three years ago, a 42-year-old lawyer was seen with the second recurrence of an amelanotic melanoma of the groin about the size of an orange. Reexcision resulted in a third recurrence in the suture line one month after surgery. Vaccinia virus therapy was used and a complete remission was obtained.

With newer culture techniques, immunofluorescent tests and colony inhibition tests as described by Hellstrom, we are now able to measure cellular and humoral antibodies to melanoma cells and possible cytotoxic effects of vaccinia virus immunotherapy. Four patients have been studied extensively by immunologic techiniques. In addition to producing clinical remission of metastatic melanoma, we have preliminary evidence to suggest that we may have stimulated cellular immunity against the metastatic melanoma.

METHODS AND MATERIALS

(1) Routine Studies:

All patients had a complete history, physical examination, routine hematological and biochemical tests (SMA-12), x-rays of the chest, abdomen, liver scan, brain scan, bone survey, quantitative immunoglobulins, melanin determinations on urine.

Delayed hypersensitivity skin tests to different agents (PPD, monilial extract, varidase, mumps vaccine) were performed. Sensitization to DNCB was performed in addition to PHA induced blast transformation study on peripheral lymphocytes as a measure of overall cellular immunity.

(2) Special Immunological Studies:

Detection of serum antibodies to melanoma cells by immunofluorescent techniques using acetone-fixed melanoma imprints and microcytotoxic techniques for detection of cell mediated immunity in vitro involving cell inhibition were performed.

These colony inhibition techniques were done with and without the patient's serum to detect possible enhancing antibodies. The tissue culture used was melanoma tumor cells grown on a special tissue culture medium (Waymouth) fortified with fetal calf serum. Appropriate controls include reactions against the patients own skin fibroblasts, or other tumor cells such as breast cancer cells, and normal lymphocytes against melanoma cells. In the test for humoral antibodies, human serum complement will be used. The ratio of lymphocytes to target cells is that recommended by Hellstrom. The possible presence of serum blocking antibodies was tested by these cytotoxic techniques. Studies were also performed to detect HL-A antigens on the melanoma cells, skin fibroblasts and lymphocytes.

(3) Vaccinia Virus Therapy:

Patients with stage II disease with regional metastasis (skin and lymph nodes) were considered ideal candidates for vaccinia virus therapy. Early in the study, some patients with stage III disease were treated. Before therapy, the largest tumor nodules were surgically removed, Regional lymph nodes were not removed. The vaccinia virus (Lilly, from the lymph of calves inoculated with the virus) in one glass tube is diluted with up to 0.5 ml. of saline and injected directly into the tumor nodules. Depending on the severity of local and systemic reaction to the virus, subsequent injections of up to five tubes of vaccinia virus diluted with 0.5 ml. of saline are injected at two week intervals. A modified, accelerated type of vaccinia reaction with redness, swelling and induration of the nodules will be observed in about four days. It may be accompanied by fever, chills and nausea.

RESULTS

During the ten year period from 1960-1970, 476 cases of malignant melanoma were seen at the Cleveland Clinic. Twenty patients with metastatic melanoma were treated during this ten year period with vaccinia virus therapy (Table 2). The clinicopathologic stage of these cases shows a much more prolonged survival in the stage II treated patients. Their survival after vaccinia virus therapy was 32.2 months average compared to only 4.6 months in the stage III.

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* Fellow, Department of Dermatology, Cleveland Clinic.

IN COMMEMORATION OF THE 60TH ANNIVERSARY OF THE SAINT ALOYSIUS CLUB OF PASSAIC, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ROE. Mr. Speaker, I ask my colleagues here in the Congress to join with me in heartiest congratulations and best wishes to the St. Aloysius Club of Passaic, N.J., in celebration of their 60th anniversary as a social-athletic organization.

Sixty years ago, a young curate of St. Joseph's Church, the late Right Reverend Monsignor Lawrence Szorc, met with 12 young men of his parish marking the birth of the St. Aloysius Club. The club's first decade spanned the tumultuous years when the world erupted into World War I. It was during these first 10 years, however, that the St. Aloysius Club began its actual participation in the sports arena with many championship baseball teams among their membership. Some of their Passaic semiprofessional baseball greats immediately preceding World War I who keynoted the many successes of the club in the sphere of sports in the years to come were: Fischer, Marut, Grant, Lajeskie, Stazewski, Jesionowski, Roche, Siemienski, Ruskin, and Rutkowski. President Wilson's call to arms, heralding the beginning of World War I, recruited 38 members of the club. Of those who served with the American Expeditionary Forces, two did not return: Albert Danko and Frank Ruskin were killed in action.

The postwar reorganization of the St. Aloysius Club was effected under the guidance of the late Right Reverend Julius A. Manteuffel. The club's prime athletic endeavors turned to basketball with players Grant, Patlen, Jermalowitz, Kievitt, Roche, and Grabiec earning the club an outstanding reputation second to none on the basketball courts.

Through the outstanding efforts of Ted Fialkowski, Aldon Patlen, Ted Klemans, John Grabiec, and Henry Janowski, the club expanded its activities during the 1920's to include club socials, public social events, basketball, baseball, and track.

In the 1930's while Americans were recovering from the crash of 1929, the St. Aloysius Club, riding on the momentum it had acquired in the 1920's, fortified the niche they had carved out for themselves on the basketball court with new achievements on the baseball diamond. Spirited play in the Gersie League by the Reno brothers, Nowak, Gogal, Zarkowski, Staniec, Cajzer, and Sudol thrilled thousands of local followers of the national pastime.

It was during the 1930's that the club's membership focused increased attention on municipal affairs.

During the decade of the 1940's and before World War II had ended, 167 men from "St. Al's" had served in our Nation's uniform—five of them giving their lives in battle. During the postwar years, the 1946–47 season, the St. Aloysius Club fostered a professional basketball team managed by Stan "Chick" Gradzki which won the Tricounty League Championship with such stars as Ted Janeczek, Bobby Wanzer, Mike Hamner, Bob Pope, Whitey Macknonwski, and Lefty Halkard. The St. Al's seniors, with Gene Garlewicz, the Burek brothers, Ed Gradzki, Stan Wozny, Mitchell Bargiel, John Wagner, and Bill Mastrolia, took championship honors in their division winning 26 out of 28 games including a club record winning streak of 22. A fourth basketball team composed of boys of preclub age took championship honors in their division. In table tennis, the St. Al's led by Walter Biela, with Ted Soja, Walt Grembowitz, and Stan Spolnik, won all honors in the Passaic-Clifton-Garfield area. In softball, the St. Al's won the city championship with such players as Al Potosnak, Bob Neilley, Jerry Furst, Henry Kowal, Fred Kuren, Al Wasilewski, Bill Waksmudzki, and Wally Liptak.

In the 1950's the St. Aloysius Club continued their championship efforts. Twenty-three of their members served in the Korean conflict and, with God's blessing, all of them returned. They captured the softball championship in 1952 and another in 1956. Their basketball team held the spotlight in 1958.

The St. Aloysius Club with their diligence and dedication to the principles of sportsmanship and fair play in our American system and way of life has indeed been an inspiration to all of their members and has truly enriched our community, State, and Nation. The success of their efforts and the guidance they provided in their recreation athletic-social activities to the people of our district are reflected in the personal achievements of their membership. Over the years these men in their personal career pursuits have achieved prominence in all walks of life and we are especially proud of their professional expertise and outstanding contributions to the spiritual, moral, legal, political, civic, educational, industrial, and environmental integrity of our community.

Special commendation and best wishes are extended to the 1972 officers and committeemen of the St. Aloysius Club as follows:

Officers: John L. Salek, president; Louis Wolkensdorfer, vice president; Joseph Korczynski, financial secretary; Fred J. Kuren, treasurer; and John Bacha, secretary.

Committeemen: Walter Biela, Robert Biss, Zygmunt Dorski, Steve Drozdowski, Albert Galik, chairman, Stanley Gradzki, chairman, Andrew Iglody, chairman, Ed Janeczek, William Kachur, Fred Kobylarz, Ted Kozak, Walt Makowski, Al Pawlowski, John Piroch, Michael Sopoliga, Stanley Spolnik, chairman, Joseph Waksmundzki, Stanley R. Wozny, Stanley Zalewski, and Fabian Zolcinski.

We do indeed salute these officers, the parish priests throughout the club's existence, and all of the members of the St. Aloysius Club and extend our appreciation as they commemorate their 60th anniversary year in service to our people.

ATTACKING DRUG ADDICTION IN OUR PRISONS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. HALPERN. Mr. Speaker, the high number of offenders who enter correctional institutions today with a history of narcotics addiction or drug dependency constitutes a serious problem in American society, both inside and beyond our corrections system. Although hard statistics concerning previous drug usage by offenders are scarce, there is evidence that in some of our jails and prisons up to one-half of the offender population have brought a drug abuse problem with them.

In August of 1969, the District of Columbia's Department of Corrections conducted a study which demonstrated that 45 percent of all men coming to the city jail were heroin addicts. In the State of Maryland, the corrections commissioner recently estimated that as many as 50 percent of newly committed Maryland prison inmates are drug users. Four years ago the figure was placed at 30 percent and, according to the commissioner, the percentage could climb as high as 80 percent in only a few years.

The problem is also severe in our Federal prisons. In hearings before the Subcommittee on National Penitentiaries of the Senate Judiciary Committee in March of 1971, the Federal Bureau of Prisons Director, Mr. Norman Carlson, testified that roughly 20 percent of all offenders confined in Federal institutions have significant problems of narcotics addiction, a number which has been increasing rather substantially over the past several years. This figure does not include the undoubtedly higher number of offenders who are merely drug abusers.

The large number of addicts populating our correctional institutions today is frightening, particularly considering the current crime crisis. It is generally recognized that addicts released from correctional institutions are a high-risk group. According to a recent study conducted by the Federal Bureau of Investigation, 69 percent of a sample group of Federal offenders arrested in 1965 on a narcotics charge were rearrested by 1969. Our correctional institutions are failing to rehabilitate drug addicted offenders, for most simply resume their habit upon leaving prison and promptly return to a life of crime in order to support it. What is particularly disturbing, however, is the increasing evidence that more and more of our addicts are turning to violent crimes such as assault and armed robbery to obtain their drug money instead of committing nonviolent offense such as shoplifting, which they traditionally have been known to do.

It is clear that unless our penal system can improve its performance in handling this special class of offender—the narcotic addict—we can expect to make little headway in reducing recidivism and its accompanying high-crime rate.

In this article, I would like to describe the present role of our Federal and State correctional facilities in fighting drug addiction and detail my proposals to improve the situation.

A specialized treatment program for narcotics addiction was established in the Federal correctional system with the passage of the Narcotic Addict Rehabilitation Act of 1966 (NARA). Prior to this time, only a small percentage of the total Federal prisoner addict population was selected for commitment to the two U.S. Public Health Service hospitals at Lexington, Ky., and Fort Worth, Tex. Most were simply committed to one of 27 Federal correctional facilities and received no special treatment for their drug problem. Following passage of this legislation, drug treatment programs were established in 1968 in three institutions: the Federal Correctional Institutions at Danbury, Conn., and Terminal Island, Calif., and the Federal Reformatory for Women at Alderson, W. Va. Since that time, an additional unit has opened at Milan, Mich., and the capacity of the Danbury unit has been doubled.

The Narcotic Addict Rehabilitation Act directs itself, however, to only a limited number of offenders. Excluded from treatment are persons convicted of crimes of violence, drug dealers—unless dealing for their own personal use because of a habit—those who have been convicted of a felony on two or more prior occasions or against whom there is pending a prior charge of a felony, and those who have been committed under the act three or more times already.

Because only a very small percentage of addicted offenders have qualified for treatment under NARA, there remains a large number of offenders in our correctional institutions with equally serious drug addiction or dependency problems who are not receiving treatment of any kind.

In light of this deficiency, the Federal Bureau of Prisons recently has developed programs in five other institutions, which are modeled after the NARA program, to accommodate these offenders. The non-NARA facilities are located at the Federal institutions at Lewisburg, Pa.; Terre Haute, Ind.; Lompoc, Calif.; El Reno, Okla.; and Petersburg, Va. In addition, a non-NARA program has been established at Fort Worth.

The capacity of both the NARA and non-NARA programs, however, is only 1,050 persons, barely one-quarter of the Federal offender population estimated to be addicted to heroin alone.

The treatment program, itself, has two phases—institutional treatment and aftercare services.

Although each NARA treatment unit has developed its own specific treatment methods, institutional treatment throughout the entire program is focused on redirecting the patient's behavior through a group therapy approach. The offender's personal life and attitudes, after all, were initially responsible for his addiction and participation in criminal activity. Emphasis is also placed on vocational training and developing offenders' basic academic skills. It is hoped the patient leaving the program will thus be better equipped to reenter society, having overcome his need for a narcotics habit.

The after-care treatment phase is key. Treating an offender while he is incarcerated can only prepare him, in part, to function in the community. Followup in the community is crucial to the success of the program, for it is here the offender undergoes the real test. Will he or will he not be able to withstand the pressures of community living without reverting to drug use? In addition to basic counselling and maintenance services, the scope of after-care services includes self-help groups led by ex-addicts, vocational guidance, education, training, and job placement. After-care services help the offender through the critical period immediately following his release from the institution, and can determine the success or the failure of the entire program.

Has the NARA program proved successful? According to Bureau of Prisons officials, the program is still in the experimental stages and citing conclusive statistics regarding its success would be premature. Nonetheless, preliminary results have been encouraging and there is room for optimism.

Plans for the future include establishing one drug unit in each of the Federal Bureau of Prisons' 28 institutions, although obtaining adequate resources and attracting competent staff remain significant stumbling blocks.

Although it has its drawbacks, at least the Federal Bureau of Prisons has an established program to treat drug addicts. This cannot be said of our State and local prisons and correctional facilities. One-half of this country's jails, for example, have no medical facilities whatsoever, much less treatment programs for drug offenders. And most State prisons have established few, if any, drug-treatment facilities for their inmates, regardless of the fact that the State prison population is 10 times that of the Federal system.

In order to make any significant headway in treating the drug addicted offender, we must make sure that our correctional facilities on the State level have the resources and the incentive to establish adequate treatment facilities to accommodate the growing numbers of drug addicts and drug-dependent offenders in their institutions.

To help meet this crisis, I have introduced in the 92d Congress legislation designed to encourage the establishment by States of narcotics treatment programs of offenders.

Presently, the major Federal program which provides financial aid to States and localities for the purpose of strengthening their crime prevention and control activities is the Law Enforcement Assistance Administration (LEAA) program established under title I of the Omnibus Crime Control and Safe Streets Act of 1968. A 1970 amendment to this act provides for a special program of grants for the improvement of correctional institutions and facilities and correctional programs. As of now, however, there is no provision specifically providing for the establishment of drug treatment programs in State and local correctional facilities. My bill would provide that States desiring funding from the LEAA for correctional institutions and facilities make provision in their funding application for the establishment and development of such narcotic treatment and rehabilitation programs. It also would direct the Attorney General to prescribe standards for the administration of these programs.

Two courses of action hold promise in combating the growing and alarming number of drug-addicted and drug-dependent offenders. First, we need to establish drug treatment facilities and programs in our State and local correctional facilities as rapidly as possible—best accomplished, in my opinion, by using the already existing LEAA program. And, second, we need to correct some of the problems existing in our Federal Bureau of Prisons program. Principally, we need to extend treatment to a greater number of drug-addicted and drug-dependent Federal prisoners.

Our ability to come to grips with the growing rate of recidivism and the concomitant increase in crime we have all been experiencing hinges, in large part, on our ability to come to grips with the drug-addicted offender.

THE GOLDEN BULL OF HUNGARY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. RODINO. Mr. Speaker, 750 years ago, the Hungarian nation planted its seed in the garden of democracy, personal freedom and constitutional liberties—the Bulla Aurea was written to stress and to guarantee the basic rights of man.

When one turns his thoughts to the men and women living in the year 1222, when one begins to picture the feudal social structure and the extremely narrow life style embodied in the tiny East European village, the significance of this Hungarian Magna Carta becomes increasingly recognized and respected. For the Golden Bull attacked feudalism at its deepest roots; it provided for the degradation of any lord who abused his office—promising safeguards to all nobles againstt arbitrary arrest; it sought to maintain a balance between the political and economic forces within Hungary; it authorized all persons to put up resistance, individually or collectively, against the violation of their human rights.

It is truly an irony of world history that this nation which was one of the very first to speak for freedom and social justice has had its growth in this vital area stunted and its seed of democracy prevented from germination. As I join my many friends of Hungarian ancestry in honoring the 750th anniversary of the Bulla Aurea, let us continue to recognize the great contribution this nation has given to the rights of freedom and fairness for us all. Let us join, today, this brave people in reaffirming our commitment to the rebirth of these rights in their own native land.

A SALUTE TO EDUCATION

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. BEGICH. Mr. Speaker, I am glad to have this opportunity to join in the National Education Association salute to education. Lincoln said of education that "I view it as the most important subject which we, as a people, can be engaged in.". No one can quarrel with this statement, least of all a person who has devoted all of his adult life to education, as I have.

We in Alaska are privileged to have many fine and dedicated educators. These men and women have demonstrated their professional abilities both in the classroom and by working to improve the educational system as a whole. A small representative group of Alaskan educators symbolize the profound influence educators can have on education in Alaska and throughout the United States. Let me say, initially, that for each individual I mention, there are dozens more who equally deserve recognition. Lack of space here cannot diminish the vital and all-encompassing role they play in their community and State.

Mrs. Doris Ray has been teaching in the Fairbanks area for 15 years and she is currently heading the social studies department at Lathrop High School there. She was just appointed to the National Education Association Council on Instruction and Professional Development. In addition, Alaska is honored to have Mrs. Ray as one of the 12 educators in the Nation selected to serve on the National Teacher Task Force, sponsored by the U.S. Office of Education. She will meet with the task force once a month here in Washington in an effort to upgrade American education.

Working with Mrs. Ray in Alaska are Bill Potter, of Juneau, president of the Alaska Education Association; Bob Lintott of Anchorage, president-elect of the Alaska Education Association; Sanna Green of Anchorage, former president of the State association and currently serving as Alaska's PACE chairman; Hank Harrison, Alaska teacher of the year this year and NEA director for the entire State; and Bob Van Houte, the executive secretary of the Alaska Education Association.

I cannot overstate the importance of education in our society. The efforts of these and many other educators in our 49th State cannot be commended sufficiently to the degree they affect the future of our civilization. The dedication educators bring to their profession can seldom be matched. As we continue to improve and expand our education system, we will need to call again and again on these fine people and their fellow professionals. With their efforts our schools and education will continue to progress to meet the unbelievable needs of the future.

Alaska has long been called the last frontier. We have pioneered so many innovative and creative education programs and educational legislation in the last 15 years, it can truly be said that with the professional dedication of 4,000 educators in Alaska we are and will remain "the first frontier." In "the great land" there is no question we will occupy that position for many years to come.

XEROX HEAD'S PLAN IS RECOPIED

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. DERWINSKI. Mr. Speaker, the State of New York primary for delegates to the national conventions being held today will bring to an end the hectic primary campaign battles.

The struggle for the Democratic Party nomination has been arduous and newsworthy. It is hard to tell the overall public reaction to the presidential primary. Certainly many citizens were entertained, others were confused by the rhetoric of the various Democratic presidential hopefuls.

One observer, who was certainly entertained and certainly not confused by it all, was Bill Anderson, national correspondent of the Chicago Tribune. He is one of the most respected political analyst among the working reporters. He has managed to survive the Democratic battles from New Hampshire, across the country and back to New York and still retain his objectivity.

He has also retained his sense of humor which is evident in his column of Friday, June 16, which I insert in the RECORD at this point:

XEROX HEAD'S PLAN IS RECOPIED

(By Bill Anderson)

WASHINGTON, June 15.—Max Palevsky of Los Angeles is board chairman of the Xerox Corp. That's the company making the machines which reproduce copies of almost everything but people.

Not since President Thomas Jefferson of Monticello, Va., invented a letter copying device has there been anything like Xerox. People use the machines to duplicate dirty jokes to mail to friends. Radicals steal copies of the Pentagon's papers and duplicate them for distribution to the New York Times and the Washington Post.

Some copy boys at The Chicago Tribune once used the machine there to print secretly an underground newspaper which was the forerunner of the Chicago Journalism Review. They wrote uncomplimentary things about editors and reporters, in that order. There are so many Xerox copies in industry today that proliferation of papers has started a whole series of machines—paper shredders. The paper shredders are sort of the anti-ballistic missiles of both government and industry.

But that's beside the point. The point is that Palevsky has made a pot of money out of the whole thing. A lot more than Jefferson, who died a poor man. In fact, Mr. Palevsky has so much money he has become what the politicians call a "fat cat" donor. In this particular election year, he has become to Sen. George McGovern what millionaire Clement Stone already is to Richard Nixon. A lot.

Mr. Palevsky has been heavily financing Sen. McGovern since McGovern started running for President, and that has been a long time. He did so even in the dark days of the McGovern campaign, when the senator's staff was sharing the cost of rental cars with reporters tramping around the country. [Now the McGovern press rooms have free booze.]

The man from Xerox has been so helpful in the cash department ha has won accreditation to give his senator advice, and this includes advice about money. Also our money. McGovern, as some readers may remember, got into trouble during the California debates with Sen. Hubert H. Humphrey about money. Also our money. This was because of the McGovern welfare plan to give every man, woman, and child in the United States $1,000 every year.

For some reason, the figures of the cost of this program got into the Mickey Mouse realm. This has confused a lot of people. Most everybody in the U.S. would like to have an extra dollar, and would be delighted with $1,000. But at least one or two persons, including Humphrey, wondered how much it would cost. Usually when the federal government makes donations, it costs about $1.40 to give away 1. Even Mr. Palevsky admitted that "these [McGovern] figures don't add up." He indicated he might even computerize all of the political statements about the new $1,000 program because "we want to bring it into focus." That's a tall order, if I may so, even if it comes from Xerox to a computer.

Strictly to save the computers all the extra work, I would like to suggest that Sen. McGovern abandon the $1,000 plan. I have a far better one anyway. It would be far simpler and less costly for everybody in the country just to automatically give all the money they have and make to the federal government. This would eliminate all withholding tax paperwork for industry and the requirement of individuals to fill out tax forms. Think of the advantages. It would remove the temptation to list an extra child as a tax deduction.

My plan would wipe out millionaires, including Eugene L. Wyman, the Los Angeles backer of Sen. Humphrey. McGovern has already said something should be done about Wyman because he is the wrong kind of millionaire.

Furthermore, my plan calls for giving everybody more money than McGovern's plan. After careful research, I have discovered there is enough money in circulation to give each person in the United States $16,972.34 a year. Of course we would still need a defense establishment, but I propose to give President McGovern two shotguns and a 1.5 inch cannon for the White House yacht. This would cost $972.34 a year, leaving $16,000 for everybody else. I defy Xerox to duplicate this.

GREAT NECK SENIOR CITIZENS CENTER OF NEW YORK CELEBRATE 15TH ANNIVERSAY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. WOLFF. Mr. Speaker, the Great Neck Senior Citizens Center of New York is celebrating this year its 15th year of service to the community.

I recently had the privilege of sharing

the center's 15th anniversary reception and it was a most noteworthy occasion. Our senior citizens are often overlooked, if not forgotten, by the society at large, and this gathering served, Mr. Speaker, to remind me of the important contributions senior citizens make to this Nation.

Three of Great Neck's finest citizens, Mr. Jesse Markel, Mr. Fred Williams, and Mr. Joseph Grasso, helped to make possible the 15th anniversary reception at the center, and I wish here in the pages of the RECORD to note their very own special contribution. Indeed, the reception would not have been complete without the presence of Mr. Markel, known to many as "Mr. Great Neck."

I think it important that we note here all of those who played a part in making the anniversary reception a success. They are Ida Goldstick, Janice Hawley, Dr. Martin Hurvitz, Marjorie Kern, Herbert Kern, Jeanette Kramer, Frances G. Markel, Herbert Maurer, Frank Neubert, Alma Simons, Thomas J. Carroll, Henry Reed, and Fred A. Williams.

I take pride in the fact, Mr. Speaker, that we in Great Neck have such a center, and I would wish for every community in America the very same for their senior citizens.

SALUTE TO EDUCATION

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. FAUNTROY. Mr. Speaker, since their birth in the 18th century, American educational institutions have always been at the center of the Nation's progressive forces in bestowing their benefits on America's children. Education has sought to perpetuate the best in American character: social responsibility, community consciousness, and the honest and continual reevaluation of society. As the Nation's bicentennial approaches, a salute to American education is more than appropriate. Not contented with intellectual concerns alone, American educators have always devoted themselves to the development of the whole child.

Given such an admirable history, we can be sure that American educational institutions today will rise with competence to the challenges of insufficient funding, internal strife, and incomplete fulfillment of the Nation's promise of equal education for all its children. And we look with pride and hope to American educators for the leadership needed in the hard struggle for equal employment opportunity.

Education is the key to progress for tomorrow's America. Every schoolchild deserves the kind of training that will allow him to realize fully his special potential, whether he is black or white, rich or poor. I am confident that the Nation's educators can and will surpass their commendable record in the next few years as we continue to fight toward fulfillment of the Nation's promises to its children.

A GOVERNMENT OF MEN, NOT LAWS: THE WIRETAPPING CASE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. DRINAN. Mr. Speaker, the historic decision of the Supreme Court yesterday in United States against U.S. District Court for the Eastern District of Michigan, the wiretapping case, should cause all of us to reflect on the attitude of the current administration with respect to the Constitution and laws of the United States.

In that 8–0 decision, the Court held unconstitutional under the fourth amendment the announced and repeatedly exercised policy of the Nixon administration to wiretap citizens without any search warrant or other judicial authorization.

For many months I have spoken out against this policy. It is a policy of harassment, of dissent, of repression, and of unlawfulness--as demonstrated by yesterday's clear decision. On November 30, 1971, I inserted in the CONGRESSIONAL RECORD, at page 43583, an article I wrote on this subject which was published in the Boston Globe. In that article I stated:

> "No [prior] Attorney General in the history of the country has claimed that the President is above the Fourth Amendment to the Bill of Rights which states categorically that all of us are protected from 'unreasonable searches and seizures' by the government. The Constitution requires the President to 'Preserve, protect and defend the Constitution of the United States.' The President is not carrying out this duty unless he states that the Fourth Amendment applies to the President of the United States just as it does to the rest of us."

As Mr. Justice Powell stated in the Court's decision yesterday:

> History abundantly documents the tendency of government . . . to view with suspicion those who most fervently dispute its policies.

Mr. Speaker, the following statement of the Supreme Court in this case is so important that it should be carved in stone throughout the land:

> The price of unlawful public dissent must not be a dread of subjection to an unchecked surveillance power.

The Court further stated:

> The fourth amendment does not contemplate the executive officers of government as neutral and disinterested magistrates.

Therefore, when this or any other administration wants to pry into the lives of private citizens, it must, like other would-be snoopers, seek judicial authorization.

Of course, I am gratified that the power of the executive in this case has been appropriately limited, that this policy of unauthorized wiretapping has been declared unlawful. However, I take small comfort from this decision, Mr. Speaker, in view of the many other unlawful acts of the administration which have not yet been checked.

The list of unlawful acts perpetrated by this administration is so long, and reaches into so many areas of our national life, that it is in fact a pervasive pattern. This is the administration which:

First, continues to prosecute and, indeed, escalate, a war, the termination of which is a matter of national policy embodied in law;

Second, impounds billions of dollars in funds voted by Congress;

Third, in violation of the first amendment restrained the publication of the Pentagon papers until ordered by the Supreme Court not to do so;

Fourth, promulgated comprehensive tax laws—the asset depreciation range system—without any congressional authorization;

Fifth, withheld from public view unclassified material regarding the SST and Cannikin nuclear explosion in contravention of the Freedom of Information Act;

Sixth, unlawfully announced an expansion of the jurisdiction of the Subversive Activities Control Board—Executive Order 11605—without congressional approval;

Seventh, refused to prosecute those responsible for the Kent State killings;

Eighth, ordered arrested more than 10,000 demonstrators and bystanders in Washington one day last year, virtually all of the arrests being declared unlawful by the courts;

Ninth, has regularly converted Federal grand juries into tools of domestic surveillance;

Tenth, has summarily arrested, detained, and harrassed innocent aliens under Immigration and Naturalization Service policies;

Eleventh, in 1969 suspended the operation of Justice Department Civil Rights Act guidelines in order to permit certain school districts to remain segregated;

Twelfth, attempted to delay the effect of court-ordered integration plans in at least six major cities;

Thirteenth, reversed its milk price parity policy immediately after receiving a large political contribution from proponents of the reversal;

Fourteenth, settled under highly questionable circumstances the ITT antitrust case and sent representatives to Congress to lie about their involvement with the settlement; and

Fifteenth, nominated for the position of Attorney General of the United States an individual who was offered a bribe and did not report the offer until he learned a week later that the FBI had it under investigation.

The list of unlawful acts and policies of this administration is long and sordid and a discredit to the desire of most Americans for honesty—basic honesty—and fairness in government.

Fairness includes respect for the right of all individuals to privacy and I rejoice that we have a system wherein the courts will ultimately protect the people's privacy even if the executive branch will not.

In his concurring opinion in the wiretapping case, Mr. Justice Douglas refers to the "recurring desire of reigning officials to intimidate their critics—" He quotes the 1971 statement of Senator Kennedy, who stated that the unauthorized wiretaps of this administration:

> Accounted for an average of 78 to 209 days of listening per device, as compared with a 13-day per device average for those devices installed under court order—[There is a] frightening possibility.

Warned Senator Kennedy:

> That the conversations of untold thousands of citizens of this country are being monitored on secret devices which no judge has authorized and which may remain in operation for months and perhaps years at a time.

We should all be thankful that this policy has been ordered terminated. Now we must turn our attention to other unlawful practices in the executive branch of a government supposed to be of laws, not men.

The Supreme Court has rejected on grounds of unconstitutionality assertions of power by the executive on only a few occasions in the entire history of the United States. Two of those decisions—the recent "Pentagon Papers" case and this wiretapping case—have already been precipitated by unlawful policies of the current administration. I expect we will hear more along these lines from our Highest Court before the year is out.

Mr. Speaker, I insert in the RECORD at this point editorials from today's New York Times and Washington Post with respect to the Supreme Court's wiretapping decision.

The editorials follow:

[From the New York Times, June 20, 1972]

THE RESTRAINT OF LAW

The Supreme Court has delivered a sharp rebuke to those ideologues of the executive branch who consider the President's "inherent powers" superior to the Constitution. In an 8-to-0 decision the Court has rejected the assertion that the Government has the right without court orders, to tap the wires of "dangerous" radical groups. Justice Lewis P. Powell Jr., who wrote the opinion, said: "The price of lawful public dissent must not be a dread of subjection to an unchecked surveillance power."

Former Attorney General Mitchell's position that the Republic would be in danger if the Justice Department could not tap wires without court orders has now, fortunately been completely demolished by this unanimous vote of the "Nixon court," in which only Justice William H. Rehnquist, who was an advocate of the Government's case while he was in the Justice Department did not join. The Government claimed that in order to get the court's permission to tap wires, it would have to submit too much concrete evidence. But this fear of disclosure—even to the courts—goes to the heart of the matter: The Constitution means to protect all citizens against vague fishing expeditions by the executive.

It was Mr. Mitchell's view that civil liberties would be safe so long as it was he who had to give personal approval in each instance of electronic surveillance. Fortunately, the Court was not persuaded by a system of constitutional safeguards dependent on the Attorney General's, or even the President's infallibility or, as Mr. Mitchell put it, on the "self-discipline of the executive branch." Moreover, there has been growing evidence that there is far more domestic spying than has been authorized by the Attorney General.

The Supreme Court understood the historic lesson that a blank check of official powers is the prelude to their abuse. "Vigorous citizen dissent and discussion of Government action in private conversation." Justice Powell warned, must not be deterred by fear that unauthorized Government monitors are listening. Those who argued the Government's case admitted that they were asking for an "awesome power" but pledged to use it with "discretion."

The Supreme Court, ignoring the usual division between "liberal" and "conservative," has now reminded the Government that it is just because its powers are so awesome that their exercise cannot be left to the discretion of men without precise restraint of law, under the Constitution.

[From the Washing Post, June 20, 1972]

THE COURT AND ELECTRONIC SURVEILLANCES

The decision by the Supreme Court yesterday that the Federal Government cannot constitutionally use electronic surveillance devices in domestic security cases unless it gets judicial permission to do so is a landmark in the long struggle to maintain individual freedom in this country. The effect of it—if the Executive Branch complies with it, and we trust that will happen—should be to reduce substantially the near-paranoiac fears among some citizens that their conversations are being tapped or bugged by the government. Beyond this, the decision is a sharp slap at the Nixon Administration which had baldly attempted to justify as a legitimate exercise in presidential power a practice that had begun years ago and grown steadily more dangerous.

This decision, as far as we can tell, will have no substantial impact on the Executive Branch's legitimate efforts to gain information about those who would engage in acts of political espionage or terrorism. It simply requires the Department of Justice to handle its investigations into those areas as it already handles its investigations into other kinds of crime. What it does rule out is the procedure ardently advocated by this administration under which the Attorney General alone determined when wiretapping and eavesdropping equipment was to be used in domestic security cases. In the future, a judge is to make that determination under traditional standards of the Fourth Amendment. This rule, it should be noted, has not yet been extended to cover investigations into subversive activities by other governments.

It should be said that the procedure defended by the Nixon Administration in this case did not originate with it; what this administration did was give it a much more explicit rationale. For at least 25 years, the Department of Justice through the FBI has carried out electronic surveillance in domestic security cases without court approval. Lying behind these efforts to protect the domestic peace, at least in the beginning, were fears of Communist subversion and espionage. More lately, the fears have expanded to include other kinds of domestic unrest and the phrase "domestic security" seems to have grown in meaning to encompass many kinds of strong dissent against the status quo. The Court seems to have recognized this. In a powerful opinion by Justice Powell, it said:

> History abundantly documents the tendency of government—however benevolent and benign its motives—to view with suspicion those who most fervently dispute its policies. Fourth Amendment protections become the more necessary when the targets of official surveillance may be those suspected of unorthodoxy in their political beliefs. The danger to political dissent is acute where the government attempts to act under so vague a concept as the power to protect "domestic security."

Underlying the Court's decision was an explicit rejection of the key argument which the Nixon Administration had used in claiming the right to broad surveillance power. That claim was that the President could not fully discharge his constitutional duty to protect domestic security unless his agents were free to engage in whatever wiretapping and eavesdropping the Attorney General might authorize. To this, Justice Powell replied, "We recognize, as we have before, the constitutional basis of the President's domestic security role, but we think it must be exercised in a manner compatible with the Fourth Amendment."

The Justice turned aside each of the arguments the government had made to support that assertion—that this kind of surveillance was primarily intelligence gathering, not law enforcement, that domestic security matters are too complex for courts to evaluate, and that secrecy would be compromised by requiring warrants in advance. The last two points were brushed aside and to the other, Justice Powell noted that security surveillances are particularly sensitive because, among other things, of "the temptation to utilize such surveillances to oversee political dissent."

Perhaps the most important effect of this decision will come outside of government. The idea that the government is always listening has become widespread in some areas of our society and has something to do, we think, with some of the bitterness loose in the land. Adherence to the spirit of this decision, or whatever minor modifications Congress might be able to make in it. by the Executive Branch would remove one of the grievances which is helping to increase the alienation of some citizens from their government.

GEORGIA STATE CHAMPIONS

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. BRINKLEY. Mr. Speaker, on June 3 of this year the West Point, Ga., High School baseball team won the Georgia Class B State Championship. The 13 fine young men who compose the team worked long and hard all season to win the first State championship for West Point since 1964. After being down one game, they came back to win the next two for the State crown. Mr. Speaker, in a day and age when some young men are deserting and demeaning our Nation's traditional values, it is certainly refreshing to find that there are many who still find fulfillment and pride in working together and winning at such an "All-American" activity as baseball. The 13 young men of the West Point team, their coach, and the West Point Quarterback Club—which has provided such outstanding support for the school's entire athletic program—are all deserving of our commendation.

Therefore, I would like to bring to the attention of our colleagues the names of the West Point High School State baseball champions:

Jimmy Williams, Coach.

Team members: Ronald Daniel, Jim Keith, Art Jones, Scott Crook, Joe Cooper, Eddie Singlton, Johnny O'Brien, Dickie McCarthy, Mike O'Brien, Randy Daniel, Andy Shirley, Kenneth Hoats, and Mike Crook.

Keith Powell, Manager.

Kelly Powell, Bat Boy.

As the Member who is privileged to represent West Point in Congress, it is with great pride that I will present to the school, in commendation of this excellent team, a flag which is being flown over the Capitol today.

AMENDMENTS TO THE FEDERAL PRIVACY ACT

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. KOCH. Mr. Speaker, today I am introducing a revised version of H.R. 854, my Federal Privacy Act. I might note that this bill will be the subject of hearings by the House Government Operations Subcommittee on Foreign Operations and Government Information chaired by our distinguished colleague from Pennsylvania (Mr. MOORHEAD) on Thursday and several days next week.

H.R. 854 as amended responds to the problem that individuals face today in not knowing what Government agencies maintain files on them—and most important whether these files contain erroneous and unfairly damaging material. The number of records the Government maintains on individuals is growing with the retention and retrieval of information facilitated by computers which are becoming increasingly sophisticated. Even so, the Congress has yet to develop a policy governing the collection, evaluation, dissemination and use of this material.

The Federal Privacy Act would help the individual to protect his own interests against abuse by Government collecting practices and would necessarily reveal patterns of Government operations which are detrimental to individual liberties. The bill requires that any Government agency maintaining records on a person do the following:

First, notify the person that such a record exists;

Second, notify the person of all transfers of such information;

Third, disclose information from such records only with the consent of the person or when legally required;

Fourth, maintain a record of all persons inspecting such records;

Fifth, permit the person to inspect his records, make copies of them, and supplement them; and

Sixth, remove erroneous or misleading information from a person's file, and notify all agencies and persons to whom the erroneous material has previously been transferred of its removal.

Exception to the disclosure rule would be made in the case of records that are required by executive order to be withheld in the interest of national security and for purposes of criminal prosecution. The President would be required to notify the Congress on an agency-by-agency basis each year of the number of files withheld for these reasons.

H.R. 854, as amended, also creates a Federal Privacy Board to supervise the administration of the provisions of the bill. In particular, it would permit an appeal by an individual seeking the removal of erroneous or misleading information contained in his file. The Board also would hear complaints that an agency had not complied with other requirements of the bill.

The Federal Privacy Board would be composed of seven members appointed by the President, with the advice and consent of the Senate. If the Board found that one or more requirements of the Federal Privacy Act had not been met, it could issue a final order directing the agency to comply. The order would be binding on the individual and the agency. Appeals from the Board's decision could be made to the Federal district court.

The bill I am introducing today clarifies my original intent that these disclosure provisions should apply to files held on organizations and corporations, as well as individuals. Thus the word "person" has been substituted for "individual" where applicable.

The revised bill also adds a penalty, a fine of $1,000, for willful violation by an employee of a Government agency of a provision of the bill.

While H.R. 854 originally left to the individual agencies the responsibility to establish rules for the procedures with respect to how persons will be notified of records maintained on them and how the records will be made available, today's bill transfers that authority to the Federal Privacy Board.

Finally, this bill adds the requirement that an agency divulge information maintained on persons to individuals within the agency only if they have a "need to know."

Mr. Speaker, because of these and other technical changes in the bill, I insert in the CONGRESSIONAL RECORD, the full text of the revised bill as I have introduced it today. Printed under the number, H.R. 15613, it follows:

H.R. 15613

A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 5 of title 5, United States Code, is amended by adding immediately after section 552 thereof the following new section:

"§ 552a. Individual records

"(a) Each agency that maintains records, including computer records, concerning any person which may be retrieved by reference to, or are indexed under such person's name, or some other similar identifying number or symbol, and which contain any information obtained from any source other than such person shall, with respect to such records—

"(1) notify such person by mail at his last known address that the agency maintains or has augmented a record concerning said person;

"(2) refrain from disclosing the record or any information contained therein to any other agency or to any person not employed by the agency maintaining such record, except—

(A) with permission of the person concerned or, in the event such person, if an individual, cannot be located or communicated with after reasonable effort, with permission from members of the individual's immediate family or guardian, or, only in the event that such individual, members of the individual's immediate family and guardian cannot be located or communicated with after reasonable effort, upon good cause for such disclosure, or

(B) that if disclosure of such record is required under section 552 of this chapter or by any other provision of law, the person concerned shall be notified by mail at his last known address of any such required disclosure;

"(3) refrain from disclosing the record or any information contained therein to individuals within that agency other than those individuals who need to examine such record or information for the execution of their jobs;

"(4) maintain an accurate record of the names and addresses of all persons to whom any information contained in such records is divulged and the purposes for which such divulgence was made;

"(5) permit any person to inspect his own record and have copies thereof made at his expense, which in no event shall be greater than the cost to the agency of making such copies.

"(6) permit any person to supplement the information contained in his record by the addition of any document of writing of reasonable length containing information such person deems pertinent to his record, and

"(7) remove erroneous information of any kind, and notify all agencies and persons to whom the erroneous material has been previously transferred of its removal.

"(b) This section shall not apply to records that are—

"(1) specifically required by Executive order to be kept secret in the interest of the national security;

"(2) investigatory files compiled for law enforcement purposes, except to the extent that such records have been maintained for a longer period than reasonably necessary to commence prosecution or other action or to the extent available by law to a party other than an agency; and

"(3) interagency or intraagency memoranda or letters which would not be available by law to a party other than an agency possessing such memoranda or letters in litigation with such agency.

"(c) The President shall report to Congress before January 30 of each year on an agency-by-agency basis the number of records and the number of investigatory files which were exempted from the application of this section by reason of clauses (1) and (2) of subsection (d) during the immediately preceding calendar year.

"(d) This section shall not be held or considered to permit the disclosure of the identity of any person who has furnished information contained in any record subject to this section.

"(e) Any employee of the United States who under color of agency authority knowingly and willfully violates a provision of this section, or permits such a violation, shall be fined $1,000."

(b) The table of sections of subchapter II of chapter 5 of title 5, United States Code, is amended by inserting:

"552a. Individual records."

immediately below:

"552. Public information; agency rules; opinions, orders, records, and proceedings.".

SEC. 2. (a) There is established a Board to be known as the Federal Privacy Board (hereinafter referred to as the "Board").

(b) The Board shall establish published rules stating the time, place, fees to the extent authorized, and procedure to be followed with respect to making records promptly available to a person, and otherwise to implement the provisions of Sec. 552a of Title 5 of the U.S. Code.

(c) The Board shall promptly consider complaints from any person that one or more of the requirements of section 552a(a) of title 5, United States Code, have not been met, with respect to the records specified in such section, by the responsible agency. The Board upon finding that one or more of the requirements have not been met, shall issue a final order directing the agency to comply with such requirement or requirements, and this order shall be binding on the parties to such a dispute.

(d) The Board shall consist of seven members, each serving for a term of two years, four of whom shall constitute a quorum. The Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate. No more than four of the members appointed shall be of the same political party, and shall be from the public at large and not officers or employees of the United States. Any vacancy in the Board shall be filled in the same manner the original appointment was made.

(e) Members of the Board shall be entitled to receive $100 each day during which time they are engaged in the performance of the business of the Board, including travel-time.

(f) The Chairman of the Board shall be elected by the Board every year, and the Board shall meet not less frequently than bimonthly.

(g) The Board shall appoint and fix the compensation of such personnel as are necessary to the carrying out of its duties.

(h) The Board shall hold hearings in order to make findings upon each complaint, unless it determines that the complaint is frivolous. The Board may examine such evidence as it deems useful, and shall establish such rules and procedures as it determines are most apt to the purposes of this section, including rules insuring the exhaustion of administrative remedies in the appropriate agency.

Sec. 3. Sec. 1 of this Act shall become effective on the ninetieth day following the date of enactment of this Act, and Sec. 2 shall become effective upon the day of enactment of this Act.

TAX REFORM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. GAYDOS. Mr. Speaker, the issue of tax reform has been a major one in the current presidential election campaign. It should be, for the American taxpayer is shelling out more and more of his hard earned money to meet local, State, and Federal dollar demands.

A recent editorial in the Irwin, Pa., Standard-Observer pointed out this year the American household will average $4,530 in governmental taxes for 1972. The amount is $200 over last year's average and another "record" high.

Mr. Speaker, I am inserting the editorial into the Record for the consideration of my colleagues, particularly since it involves the Federal budget. According to the article, 71 percent of the Federal budget is "uncontrollable" or spending already committed by this and previous Congresses. It is long past time to reform our taxing programs and our spending.

New Tax High

Bedraggled American taxpayers are having another record thrust upon them.

Each household will average $4,530 in state, local and federal taxes for fiscal 1972, according to the Tax Foundation. That's up $200 from 1971 and is, once again, an all-time high.

This year's hike is due to boosts in social security taxes and state and local taxes, which will more than devour some relief we all will enjoy in our federal income tax load, the Tax Foundation said.

In the past 10 years estimated total taxes have increased 77.5 per cent per household. Total current tax payments at all levels (federal, state, and local), amount to $295 billion—6.5 per cent above fiscal 1971.

The spending side of the picture is even more startling. The foundation predicts total spending to rise by 12 per cent from $363 billion in 1971 to $405 billion in 1972. This means, of course, deficits at all levels of government and, probably, higher taxes in the future to help pay the interest on money governments must borrow to pay their bills.

This accelerating tax burden is very nearly out-of-hand. It is estimated that 71 per cent of the federal budget is "uncontrollable"—that it involves spending already committed by previous Congresses. If Congress won't call a halt, others will have to by refusing to send the "big spenders" back for another spending spree.

IN COMMEMORATION OF THE GOLDEN BULL OF HUNGARY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HOGAN. Mr. Speaker, this year marks the 750 anniversary of the Golden Bull, the Hungarian Magna Carta. It is indeed fitting that we pause to commemorate this Hungarian cornerstone of man's continuous struggle for freedom and justice. The Golden Bull, issued in 1222 gave constitutional protection to a far greater part of the population than other similar letters of rights elsewhere in medieval Europe. Under the terms of the Golden Bull, Hungary's freemen were guaranteed personal freedom and other basic rights and privileges and narrowed the gap which separated the existing social classes. Furthermore, the document protected the lower classes from exploitation and stipulated that if the king violated the provisions of the document then the barons and nobles had the right to collectively or individually resist. This most important concept not only limited the monarch's power but enabled the middle class to defy the petty monarchs of the realm.

The Golden Bull of Hungary represents some of the noblest human aspirations guaranteeing personal freedom and forbidding the oppression and exploitation of the poor. The Hungarian struggle for freedom and the spirit of resistance, first expressed in the Golden Bull has continued to be a cherished ideal of the Hungarian people and nation. Let us all hope and pray that the principles of the Golden Bull will in the future once again become a reality for Hungary and its people.

"BULLA AUREA"—THE HUNGARIAN MAGNA CARTA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. KEMP. Mr. Speaker, I am proud to join my colleagues in paying tribute to the courageous and freedom-loving Hungarian people on the occasion of the 750th anniversary of the Hungarian Magna Carta—the Golden Bull of Hungary.

The April 1972 issue of "The Fight for Freedom," the newsletter of the Hungarian Freedom Fighters' Federation, contained an excellent study of the history of the Bulla Aurea and I include this article in my remarks at this time:

The Golden Bull of Hungary

The 750th anniversary of the Hungarian Magna Carta recalls the past of a thousand-year-old state. And reminds us that the nature of some social and political conflicts remains more or less the same through centuries.

This cornerstone of the Hungarian constitution, named the Bulla Aurea (Golden Bull), was issued in 1222, seven years after the Magna Carta of England was granted in June 1215. While in England this charter of liberties strengthened the barons against the King, in Hungary, it served all landowners, in today's terms the middle and the lower middle classes.

Since it was a peculiarity of Hungarian history that incomparably more people were nobles than in any other European country and that they often remained noble even when impoverished, the Golden Bull gave constitutional protection to a much larger part of the population than other similar letters of rights elsewhere in medieval Europe, including England, the "cradle of parliamentarism", or Switzerland, the "flower-garden of individual liberties".

The fact that in Hungary the human rights of that period were extended over the mass of the lesser nobility, authorizing them to put up armed resistance individualy or collectively against violation of their rights, limited not only the King's power. It made it easier for the middle classes to defy also the magnates, the "petty monarchs" of the realm.

The national Diet began to emerge before the end of the 13th century and was a precursor of our modern Parliaments. It was an assembly of locally chosen delegates of all landowners and was destined to protect the lesser nobility (which then consisted of all who owned land) as well as the Church more against the aristocracy than against the King. This was one of the main reasons why feudalism could not become firmly established in Hungary.

The Golden Bull, the trailblazer of the national Diet, was such an important step towards modern democratic institutions that some of its stipulations are worth remembering even now, 750 years after the event.

It attacked the very roots of feudalism by decreeing that the title and estates of the lords-lieutenant of counties were not hereditary. It provided for the degradation of any lord-lieutenant who abused his office; and promised safeguards to all nobles—i.e., to a significant portion of the nation—against arbitrary arrest.

Soon after, in 1231, the Golden Bull was placed under the guardianship of the Archbishop of Esztergom, the Primate of Hungary. He was authorized to excommunicate the King for violation of the charter's articles.

This is why the Golden Bull, this 13th century bulwark of what today we call human rights, has been regarded as the foundation of Hungarian constitutional liberties.

If the Bull expressed them in legal terms, their political content became known as the Doctrine of the Holy Crown, the crown of the first Hungarian king, Saint Stephen, who was anointed in 1000 A.D. The constitutional Doctrine of the Holy Crown is based on the same principles as the Golden Bull: all political power, even royal prerogatives, were subject to, and derived from, the Crown that symbolized the union of, and independence between, King and nation; the Crown was considered the fountainhead of all rights, of the King's privileges as well as of the rights of all his subjects.

While according to the concept of that age the ruler's power was based on the Grace of God, in Hungary the effectiveness of royal power depended on the assent of the entire nobility. This tenet was defined by the great codifier of Hungary, Stephen Verboeczy, who also played a memorable part in European history when he accompanied Charles V of the Holy Roman Empire to Worms where the famous confrontation with Luther took place.

The basic idea of these principles—those of the Holy Crown dating from 1000, and those of the Golden Bull of 1222—is the same: a constitutional limitation of power, a limitation that served to keep a balance between economic and political forces.

A doctrine that could help us to heal some of the problems of our modern societies.

Mr. Speaker, a very fine exhibition commemorating the Hungarian Golden Bull will be on view at the Library of Congress until June 30. I have visited this fine display and I heartily recommend it to anyone interested in the glorious history of the Hungarian people.

As we celebrate the anniversary of the Bulla Aurea—the introduction of rule by law to Hungary—let us renew our dedication to the goal of a free and independent Hungary and reaffirm to the valiant people of that country that they are not forgotten.

SALUTE TO EDUCATION

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. MINISH. Mr. Speaker, I am proud to join in today's "Salute to Education" observance by paying tribute to our Nation's schoolteachers.

Teachers constitute one of our Nation's most valuable resources. Their idealism is clearly reflected in the fact that they dedicate their lives to this noble profession despite the low level of compensation usually afforded to them.

My interest in economic justice for teachers was reflected in the amendment I sponsored to last year's Economic Stabilization Act which authorized the payment of retroactive wages to teachers and others who had been denied salary increases called for in contracts signed before the wage-price freeze.

Mr. Speaker, as teachers continue their vital task of preparing our youth to meet the challenges of this complex age, we in the Congress have an obligation to support programs which enhance and improve this Nation's educational system. We owe America's 2 million teachers a debt of gratitude for the outstanding contribution they are making to our country's future.

SPACE PROGRAM PRODUCES IMPORTANT CIVILIAN APPLICATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. TEAGUE of Texas. Mr. Speaker, recently the Oklahoma City Times published a most interesting and enlightening editorial about some remarkable, newly devised items which are now available for civilian application as a result of America's manned space program. This aspect of our space program is often overlooked and taken for granted by the general public. The editorial which follows serves a most useful purpose in reminding all of us that our space program is of great benefit to all mankind:

[From the Oklahoma City Times, Apr. 25, 1972]

MORE TRACKS ON THE MOON

When the crew of Apollo 16 left the moon, the camera on the Moon Rover vehicle being left behind tracked their space ship for a second or so, and then picked up the receding spot of flame marking its path for another few seconds. The camera's aim was not good, and the viewer in his easy chair on earth had trouble picking out the right dot of light. It was something like trying to watch the puck in a televised hockey game.

So there were a few complaints registered at various TV stations. That is a measure of how much we have come to take this amazing feat of exploring the moon for granted.

That camera was being controlled from Houston's Manned Space Flight Center, which happened to be roughly 240,000 miles away. It was not only being remotely controlled from that distance, it was sending perfect, clear pictures to tens of millions of television sets in dozens of countries around the world, in full color. It recorded the liftoff of the Orion vehicle and allowed a slow-motion playback a few minutes later (obviously taken with another camera or lens). There was nothing ho-hum about the performance of men or machines.

The Moon Rover had set a new speed record for moon travel—over nine miles per hour. A number of things were done for the first time on the room by the crew of Apollo 16, prompting one newsman to marvel in passing that he was routinely saying that something had never been done on the moon before. "I hear my own voice saying that as if I were noting a new record for runs batted in," he said, "and it seems unreal."

All of the tracks on the moon to date are American. There are the huge footprints of the space-suited men themselves, the marks left by equipment dragged from one point to another, and the tracks left by the Moon Rovers. There is also a collection of abandoned scientific equipment, ordinary hardware, and landing modules.

These are the tangible evidences that man has set foot on the moon. But here on earth, there are still many who wonder whether it has been worth the cost. The Apollo flights cost three astronauts their lives, when their ship burned on the launch pad in Florida. They also have cost the nation billions of dollars.

Most of that money was spent in developing equipment that would take men there and return them safely to earth. Some of the new gear was designed to meet problems which were already assumed to exist. When they proved real, it had to be ready to deal with them quickly and effectively. Some of it was miniaturized from existing equipment. We knew how to make certain devices, but did not know how, or even whether, they could be made small and light enough to be carried on a long space journey, in a ship only 13 feet across.

Some of the most remarkable of the newly devised items made it possible for the monitoring crews on earth to keep track of the health and physical condition of each crew member during the flight. And from those ingenious, sturdy, and capable instruments came some of the most important civilian applications of space technology.

Space research technology has given us devices to measure blood oxygen in critically ill leukemic patients, notes Dr. J. R. Maxfield of Dallas. Among other "fallout" he lists are a new plastic for new arteries and for packaging food; new instruments now used in cataract surgery, infrared supersensitive detectors that permit early detection of some types of cancer; the computer used to enhance pictures televised back to earth from the moon and Mars which is now used also to analyze human chromosome pictures for further research into the mysteries of life itself, and even faster and painless dentists' drills.

Space research has also given us faster, more compact and more versatile computers. It has made possible the kitchen ware that the housewife takes from the freezer and places directly into the oven, and then places on the table when ready. It has given us the material from which the countertop range with the burners imbedded in a solid surface is made. The astronauts' helmets include sophisticated spun electrodes which have been adapted to detect hearing defects in small children. Even the live color television that will bring this year's Olympic Games to viewers around the world is a space age development.

In the final analysis, the value to each of us of all this space exploration is found in the spur to research and development it has provided. Since President Eisenhower responded to the first Russian Sputnik by ordering a full-scale space program (small by later standards), our gross national product has gone from around $440 billion a year to more than $1,000 billion.

HICKSVILLE, N.Y., REJECTS BUSING, SUPPORTS SCHOOL PRAYER, QUALITY EDUCATION

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. LENT. Mr. Speaker, several issues which have been of prime concern to me since I came to Congress in 1971 have been forced busing, quality education, and prayer in schools. On June 13, the community of Hicksville, Nassau County, Long Island, N.Y., held a "straw vote" on these issues as a part of its school board elections. The questions were modeled after the questions put to the voters of the State of Florida in March, and the results are remarkably similar—thus bearing out the unanimity of opinion on these issues throughout the United States.

I am including the results of the Hicksville voting in the RECORD at this point:

VOTING RESULTS

Do you favor an amendment to the U.S. Constitution that would prohibit forced busing and guarantee the right of each student to attend the appropriate school nearest his home?

	Percent
Yes (4,513)	78
No (1,249)	22

Do you favor providing an equal opportunity for quality education for all children, regardless of race, creed or color?

Yes (4,927)	87
No (724)	13

Do you favor an amendment to the U.S. Constitution to allow prayer in the schools?

Yes (4,307)	74
No (1,484)	26

AN OUTSTANDING ITALIAN-AMERICAN—THE HONORABLE NICHOLAS MARTINI OF PASSAIC, N.J., AND THE BOYS' TOWNS OF ITALY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ROE. Mr. Speaker, my Eighth Congressional District of New Jersey was recently honored and privileged to have as our visitors to the 27th annual Passaic area committee assembly members and friends of Boys' Towns of Italy. Through the excellent chairmanship of the Honorable Nicholas Martini assisted by Messrs. Sol Eigen and Jasper Morici—all of Passaic, N.J.—over 325 persons convened at an anniversary luncheon meeting on May 18, 1972, at the Robin Hood Inn in testimony to the genuine enthusiasm and strong support that we all have for the good work that is being carried out by the Boys' Towns of Italy. It is interesting to note that Messrs. Eigen and Morici have been associated as cochairmen of this project with Mr. Martini for over 20 years.

The eminently distinguished Monsignor Carroll-Abbing, founder and president of Boys' Towns of Italy was the honored guest and received a warm reception by all of those in attendance. Miss Dana Valery, who was born in South Africa of Italian parents and is a most talented songstress of stage, screen, and television in both the United States and Europe and sister of singing star Sergio Franchi, highlighted her featured presentation on the program with her comment that in all of her travels throughout the world as an entertainer, "the single most outstanding character of American people is their great generosity, ability, and desire to help the needy and unfortunate.

Mr. Speaker, I respectfully request you and our colleagues here in the House to join with me in tribute and appreciation to Chairman Nicholas Martini whose personal unselfish efforts over the years have contributed so much to the cultural enrichment of our community, State, and Nation by the quality of his leadership and steadfast communion among all men that epitomize the grandeur and strength of pride in one's heritage, and particularly his Italian-American ancestry. We do, indeed, salute his integrity and exemplary lifetime of dedicated service on behalf of all mankind.

Mr. Martini was born in Paterson, N.J., in 1904, attended local public schools and graduated cum laude from Rutgers State University Law School in 1926. He was admitted to the New Jersey Bar in 1926 as an attorney at law and as a counselor at law in 1929. He has been admitted to practice before the U.S. Supreme Court, the Interstate Commerce Commission, and other Federal authorities. He is also a member of the Passaic County New Jersey State Bar Association, the American Bar Association, and the American Trial Lawyers Association.

He was elected to the honorary scholastic society of Kings Beach in 1926 and has served as a member of the academy of political science of Columbia University. He was elected city commissioner of the city of Passaic in 1935 where he served 5 consecutive terms or a total of 20 years. In 1943 he was elected mayor of the city of Passaic for a 4-year term. He was elected in 1937 as a freeholder in our Passaic County and was relected in 1940 to another term on the board of chosen freeholders of the county of Passaic, receiving consecutive reappointments until his retirement in 1961.

Mr. Martini was chosen as Passaic's outstanding citizen in 1951. In 1960 he was one of the founders, helped to organize and continues to be an active board member of the Passaic County Board of Technical Vocational Education. He headed many relief drives during World War II. He was especially cited by the President of the Republic of Italy and the Italian Government as national committeeman of American relief in Italy and for his outstanding efforts on behalf of Boys' Towns of Italy. In 1947 he was awarded the Star of Solidarity, the highest civilian award of the Italian Government.

He has been a member of this national committee since it was organized in 1943 and in 1945 it became Boys' Towns of Italy. He has been chairman of the Passaic area committee for the Boys' Towns of Italy for the past 28 years.

On May 14, 1970, Mr. Martini received the Golden Cross of Honor from the Italian National Foundation for Children. This was presented to him at the 25th anniversary dinner of the Passaic area committee of Boys' Towns of Italy by Monsignor Carroll-Abbing, Boys' Towns founder, in recognition of his extraordinary services to this organization.

Yes, we do indeed share the pride of his wife Theresa in Mr. Martini's outstanding achievements. I am pleased and privileged to be numbered amongst his many, many friends and to have him as a lifelong resident of my congressional district and ask my colleagues to join with me in national recognition and appreciation to all of his good works.

HON. ROBERT PRICE'S ATTENDANCE RECORD OF COMMITTEE ON SCIENCE AND ASTRONAUTICS IN HOUSE OF REPRESENTATIVES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. TEAGUE of Texas. Mr. Speaker, on page 20732 of the CONGRESSIONAL RECORD for June 13, 1972, Hon. ROBERT PRICE of Texas inserted a corrected copy of his special action report, a report which he mails to his constituency, which dealt with the attendance record of Members of the Texas delegation in the House of Representatives. In his original RECORD insertion which appeared in the RECORD for June 12, 1972 on page 20563. Mr. PRICE pointed with pride to his being the ranking Republican member of the Subcommittee on Space Science and Application. He also made mention of the fact of his other important subcommittee assignment, the Subcommittee on Manned Space Flight of which I am chairman.

Everyone in this body knows, Mr. Speaker, that the committee system is the heart of the Congress and most of the work of a Member is carried on within the committee. Since Mr. PRICE has made an issue out of attendance to support his bill that a Member of Congress should be expelled if he does not answer to at least 70 percent of rollcalls in the House; I took it upon myself to check upon Mr. PRICE's attendance on the "very important" committees on which he serves in the House Science and Astronautics Committee. The report follows:

Through June 14, 1972, there was a total of 85 full committee and subcommittee meetings held. Mr. PRICE was in attendance at 36 such meetings; being absent for 49. A breakdown of his attendance is as follows:

ATTENDANCE RECORD

FULL COMMITTEE (1ST SESSION, 92D CONGRESS)

January 26, 1971: Panel Meeting, Absent.

January 27, 1971: Panel Meeting, Absent.

January 28, 1971: Panel Meeting, Absent.

February 23, 1971: Organizational Meeting, Present.

February 25, 1971: National Science Foundation, Present.

March 2, 1971: NASA Authorization, Present.

March 3, 1971: NASA Authorization, Absent.

March 4, 1971: NASA Authorization, Present.

March 9, 1971: NASA Authorization, Present.

March 10, 1971: NASA Authorization, Present.

March 11, 1971: NASA Authorization, Present.

March 16, 1971: NASA Authorization, Absent.

March 30, 1971: NASA Authorization, Present.

April 1, 1971: NASA Authorization, Absent.

April 29, 1971: NSF Authorization, Present.

July 22, 1971: Tech Asst bill, Absent.

September 9, 1971: Apollo 15 Report, Present.

September 14, 1971: Metric bill, Absent.

October 21, 1971: Various Committee Items, Absent.

FULL COMMITTEE (2ND SESSION, 92D CONGRESS)

January 25, 1972: Panel Meeting, Absent.
January 25, 1972: Panel Meeting (PM), Absent.
January 26, 1972: Panel Meeting, Absent.
January 26, 1972: Panel Meeting (PM), Absent.
January 27, 1972: Panel Meeting, Absent.
February 8, 1972: Panel Meeting, Present.
February 9, 1972: NASA Authorization, Absent.
March 17, 1972: NASA Authorization, Absent.
March 22, 1972: Fire Safety, Present.
March 23, 1972: NASA Authorization, Present.
April 26, 1972: National Science Board, Present.
May 16, 1972: Apollo 16 Report, Absent.

MANNED SPACE FLIGHT SUBCOMMITTEE (1ST SESSION, 92D CONGRESS)

March 22, 1971: NASA Authorization, Absent.
March 24, 1971: NASA Authorization, Present.
April 2, 1971: NASA Authorization, Present.
April 3, 1971: NASA Authorization, Present.
April 5, 1971: NASA Authorization, Present.
July 23, 1971: KSC Land bill, Present.

MANNED SPACE FLIGHT SUBCOMMITTEE (2D SESSION, 92D CONGRESS)

February 10, 1972: NASA Authorization, Absent.
February 11, 1972: NASA Authorization, Absent.
February 17, 1972: NASA Authorization, Absent.
February 22, 1972: NASA Authorization, Present.
February 24, 1972: NASA Authorization, Present.
March 1, 1972: NASA Authorization, Absent.
March 2, 1972: NASA Authorization, Absent.
March 3, 1972: NASA Authorization, Absent.
March 8, 1972: NASA Authorization, Present.
March 8, 1972 (PM): NASA Authorization, Absent.
March 9, 1972: NASA Authorization, Present.
March 9, 1972 (PM): NASA Authorization, Present.
March 10, 1972: NASA Authorization, Absent.
March 10, 1972 (PM): NASA Authorization, Absent.
March 11, 1972: NASA Authorization, Absent.
March 14, 1972: NASA Authorization, Absent.
March 14, 1972 (PM): NASA Authorization, Absent.
March 16, 1972: NASA Authorization, Absent.
March 16, 1972 (PM): NASA Authorization, Absent.
May 31, 1972: U.S.-Soviet Program, Present.

SPACE SCIENCE & APPLICATIONS SUBCOMMITTEE (92D CONGRESS, 1ST SESSION)

March 18, 1971: NASA Authorization, Absent.
March 19, 1971: NASA Authorization, Absent.
March 19, 1971 (PM) NASA Authorization, Absent.
March 22, 1971: NASA Authorization, Absent.
March 25, 1971: NASA Authorization, Present.

SPACE SCIENCE & APPLICATIONS SUBCOMMITTEE (92D CONGRESS, 2D SESSION)

February 17, 1972: NASA Authorization, Absent.
February 22, 1972: NASA Authorization, Absent.
February 24, 1972: NASA Authorization, Absent.
February 29, 1972: NASA Authorization, Absent.
March 1, 1972: NASA Authorization, Absent.
March 2, 1972: NASA Authorization, Absent.
March 7, 1972: NASA Authorization, Absent.
March 8, 1972: NASA Authorization, Present.
March 9, 1972: NASA Authorization, Present.
March 14, 1972: NASA Authorization, Absent.
March 16, 1972: NASA Authorization, Absent.
March 16, 1972 (PM): NASA Authorization, Absent.
March 21, 1972: NASA Authorization, Absent.
May 2, 1972: Briefings, Present.

SUB-COMMITTEE ON NASA OVERSIGHT

(Member during 1st Session, 92nd Cong. only)

May 13, 1971: Organization Meeting, Present.
June 15, 1971: OAO & Mariner, Present.
June 16, 1971: OAO & Mariner, Present.
June 17, 1971: OAO & Mariner, Absent.
June 18, 1971: OAO & Mariner, Absent.

SUB-COMMITTEE ON INTERNATIONAL COOPERATION

(Member during 2nd Session, 92nd Cong. only)

June 13, 1972: US-Soviet Relations, Absent.
June 14, 1972: US-Soviet Relations, Absent.

RECAPITULATION

Full Committee (1st & 2nd Sess. 92nd Cong. thru June 14, 1972)

Absent, 15.
Present, 16.

Manned Space Flight Sub-Committee

Absent, 15.
Present, 13.

Space Science & Applications Sub-Commitee

Absent, 15.
Present, 4.

NASA Over-Sight Sub-Committee (1st Sess. only)

Absent, 2.
Present, 3.

International Cooperation Sub-Committee (2nd Sess. only)

Absent, 2.
Present, 0.

BALTIC STATES

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mrs. GRIFFITHS. Mr. Speaker, the history of the Baltic Nations has been one long tragic struggle against czarist and Soviet imperialist designs to secure outlets on the Baltic Sea. The middle of June marks the anniversary of two major events in the loss of independence by the Baltic States and their absorption by the Soviet Union. Between June 14 and June 17, 1940, the Soviets presented the three nations of Estonia, Latvia, and Lithuania with ultimatums and then invaded and occupied them. This was followed by incorporation of these nations as constituent republics in the Soviet Union.

Many years have passed since these tragic days. A whole generation has grown up which has never heard of the mass deportations of Baltic peoples into Russian slavery. Many do not even know that Latvia, Estonia, and Lithuania ever existed on the face of the earth as independent and free nations.

Despite the captivity in which they live, despite the tragedies they have endured, the Baltic peoples throughout the world remain dedicated to the restoration of the independence of their respective fatherlands. It is my hope that someday the Baltic States will again be able to resume their rightful place in the community of nations, and that the desire for freedom which so many of their peoples cherish will be rewarded.

F. M. LINDSAY—A NEWSPAPERMAN AND CIVIC LEADER

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. SPRINGER. Mr. Speaker, F. M. Lindsay was a businessman and civic leader without peer in the central Illinois industrial city of Decatur.

Few other men in the last half century had as much impact on the life of that community.

His death on Sunday, June 11, at the age of 92, leaves a void that will be hard to fill.

At his death Mr. Lindsay was chairman emeritus of the Lindsay-Schaub Newspapers, publishers of the Decatur Herald and Review, the Champaign-Urbana Courier, and other daily newspapers in East St. Louis, Carbondale, and Edwardsville in Illinois as well as the Midland, Mich., Daily News and two newspapers in Florida.

Mr. Lindsay was born on November 9, 1879, the eleventh of 12 children of John and Edna Nicholson Lindsay, who were among the earlier families settling in Macon county. He began his newspaper career as a 7-year-old carrier boy for a local labor newspaper. He worked his way through the University of Illinois where he earned a bachelor of laws degree in 1904. He was admitted to the practice of law in Oklahoma but soon went into the newspaper business, first in Shawnee, Okla., and then in Decatur.

F. M. Lindsay gained control of the Decatur Herald in 1920 and became general manager of the Herald and Review when the two papers were consolidated in 1931. In 1947 he succeeded the late H. C. Schaub as president of Decatur Newspapers, Inc. The corporate name was changed to Lindsay-Schaub Newspapers in 1952.

I have known F. M. Lindsay in many different ways during the 22 years that I have represented the Decatur area in Congress. Even before I came to Congress I knew him, first as an opponent to my candidacy, one of my worst opponents I may say, in the Republican primary campaign of 1948 when I challenged incumbent Congressman Rollo McMillen and lost. Two years later, however, when I was first elected to the Congress, F. M. Lindsay was one of my best friends. You might ask how this change was possible. The reason was quite simple. Rollo McMillen, a Decatur attorney, was a lifelong friend of F. M. Lindsay and Mr. Lindsay was a man who stood with his friends. In 1950, after Mr. McMillen decided to retire, Mr. Lindsay was quick to say that he had admired the way I conducted my 1948 campaign without making any personal attack on Congressman McMillen, who was a very honorable gentleman. This appealed to Mr. Lindsay and our relationship has been a friendly one through the years.

To say that F. M. Lindsay was one of our State's most successful newspaper publishers is the truth but not the whole truth. At the same time he was a dedicated worker for the good of the community in which he lived and a devoted family man.

After being honored for his service to the Community Chest in 1953, he said:

> I have always felt that one should strive to do all that he can for his own family betterment; secondly, to do all that he can for his local community, in making it a healthy and most pleasing place to live.

Mr. Lindsay's first wife, the former Vivian Simpson, died in June, 1919. Their son, Merrill (F. M., Jr.), is president of Lindsay-Schaub Newspapers. In 1921, Mr. Lindsay married Marjorie Ruth McKay of Sarnia, Ontario, who survives with their three children, Donald M., of Champaign-Urbana, and Marjorie E. and Shirley J., both of Indiana Lakes Estates, Fla.

In extension of my remarks I include the following editorials from the Decatur Herald and the Champaign-Urbana Courier:

[From the Decatur Herald, June 13, 1972]

Independence Guided F. M. Lindsay

Although F. M. Lindsay, chairman emeritus, of the board of Lindsay-Schaub newspapers who died Sunday, traveled extensively, and had interests that knew no boundaries, his home was in Central Illinois.

His mother and father came to Macon County in the period of 1845 to 1851 and in 1879 Mr. Lindsay was born. He was active in high school athletics, and was a 1904 graduate of the University of Illinois. He continued an interest in the growth of the university and its athletic program.

The family attachment to the area also meant a newspaper attachment as his father operated the Decatur Labor Bulletin in the later part of the nineteenth century. After the death of Mr. Lindsay's father the Bulletin was consolidated with the Decatur Herald.

Following a brief association with the Decatur Review in the advertising department, Mr. Lindsay bought the Decatur Herald in 1912. The names of Lindsay and the Herald were inseparable in those years prior to consolidation with the Decatur Review in 1931.

Mr. Lindsay developed a newspaper with a broad view of the local, state and national scenes. Because it was a morning paper, its delivery area covered large parts of Central Illinois just as it does today and many people outside Decatur became familiar with the paper.

Although Mr. Lindsay was a businessman he was vitally interested in the editorial content of the Decatur newspapers and particularly the editorial page. His interest in politics and life at all levels of society was reflected in the Herald and later in the Herald and Review through editors such as Warren Hardy and Edward Lindsay, his nephew.

In those early years, the Herald developed standards that have always been a part of Lindsay-Schaub newspapers. Mr. Lindsay carried his interest in public services beyond the newspapers to personal service in a variety of Decatur activities, and he served on nonpaying state boards under governors Horner, Green, Stevenson, Stratton and Kerner.

Through it all he was a fiercely independent man, and he wanted his editorial pages the same way. He wanted editorials to comment on events without fear and without obligation to any political party.

His respect for the nation's political heritage and democratic system and his desire for independence were described in these writings of his:

"Over the years we have stressed the two-party system and have encouraged those who think independently to show their strength at the polls by supporting the party that represents best the most constructive modern thinking that comes with the changing needs as society progresses. . .

"Our newspapers should never be content to depend upon the two parties to completely monopolize the thinking and decisions for the future. Such a policy and principle would ultimately lead us to a one-party domination. Our two parties should always be forced to give full consideration to the ideas of the independent voters group."

Those words ripen with age.

[From the Champaign-Urbana Courier, June 13, 1972]

F. M. Lindsay, 1879–1972

Persons throughout the newspaper industry, and especially this organization, will remember F. M. Lindsay for his dedication to the business and his contribution to its growth in public service.

Mr. Lindsay died Saturday at the age of 92. He was chairman emeritus of the board of Lindsay-Schaub newspapers.

While he was the kind of man who easily could have become an institution in his own time, those who encountered him over the years remembered his warm, friendly manner and his deep concern for individuals. Often he expressed his feelings for mankind most eloquently.

It was this concern that led him to considerable activity in public affairs that ranged far beyond the newspaper business. His interest in local, state and national politics left its imprint on the newspapers in this organization, and throughout his years he remained intensely interested in affairs of all communities served by Lindsay-Schaub newspapers.

Of course, he was most active in his home town of Decatur, where he served in a variety of public service activities.

In addition he served on a number of governmental boards and agencies concerned with orderly growth of the community.

He dearly loved the University of Illinois, from which he was graduated in 1904. Through the years he was active in alumni affairs, and was a devout Illinois athletic fan. Although he never served the university in an official capacity, he followed its growth and counseled its leaders.

Mr. Lindsay was a busy man all his life, but he also found time to serve at the state level as well as the local, and he particularly enjoyed service on the State Housing Board. He was appointed and reappointed by governors Horner, Stevenson, Stratton, and Kerner.

As one of the founders of this newspaper organization, Mr. Lindsay felt deeply about the public service role of newspapers and their leadership responsibilities.

As guidance for those who would come after him in the organization a book was published some years ago containing statements made by Mr. Lindsay to owners and employees of the company. The last paragraph of that book is a sample of what he left for us:

"We are living in one of the great history-making periods of government—local, state, national and international. I have great faith in the ultimate success of those who believe in individual freedom. Human minds with freedom of expression will ultimately succeed in bringing about a sounder and a better world."

EDUCATION IN AMERICA

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. LANDGREBE. Mr. Speaker, the importance and value of education in America today cannot be overestimated. Although critics of the system demean teaching methods and students protest course selections, education remains the keystone to a successful life.

Statistics prove that more and more people are taking advantage of the classroom experience offered by a greater number of teachers. The number of high school graduates increased 2.4 percent this year alone.

Worthwhile education, of course, is not limited to schools. All of us should work hard at remaining "students" throughout our lives. My first employer, Bill Schleman, was a warm-hearted and knowledgeable old relator who taught me several invaluable lessons. One of his favorite proverbs has also become one of mine—"Do not make excuses—make good" and "always stay on good terms with your pocketbook."

An open mind and an inquisitive nature are the best tools a lifetime pupil can possess. In a country like the United States, our republic form of government encourages the common man to rise according to his abilities, a good education is the best foundation we can have.

I therefore want to salute education for the constantly increasing opportunities it offers the citizens of this great Nation.

FURTHER GUN CONTROLS ARE NEEDED

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mrs. DWYER. Mr. Speaker, what more need be said to convince this Congress and this Nation that the time for further, more effective gun control legislation is now? How many more Americans—public figures and private citizens, alike—need be shot before we take affirmative action to restrain the flow of firearms and regulate the purchase and sale of weapons?

In 1968, as we know, Congress was practically shamed into enacting the Gun Control Act of 1968 by the public outrage following the assassination of Senator Robert F. Kennedy. Now, Gov. George Wallace, of Alabama, is lying paralyzed in the Washington suburbs after an unsuccessful, but still despicable, attempt on his life, with the assassin using a store-bought handgun.

In my home city of Elizabeth, N.J., one young man was killed and five other innocent people injured recently by a gunman who had no apparent motive. But more importantly, neither this gunman, nor Governor Wallace's would-be assassin, nor anybody else seems to have any apparent difficulty in obtaining their choice of weapon, regardless of their previous record.

Further reasons for immediate action—carefully documented and supported by facts—are outlined in the following editorials from the Newark Evening News and the Daily Journal of Elizabeth, N.J.:

[From the Newark Evening News, May 17, 1972]

NOW, A FEDERAL GUN LAW

In the aftermath of the appalling attempt on the life of Gov. George C. Wallace, thoughts compulsively turn to what can be done to eradicate the cancer of violence.

The effort must be as forceful and as multi-faceted as the disease itself. Removing the incentive for one person to commit violence upon another will require continuous attention to removing gross social and economic inequities. To succeed entirely would necessitate the eradication of mental aberrations that grow out of real and supposed injustices. Complexity of such endeavor is sufficient to challenge every resource. Total success would seem to lie beyond attainment.

There is, however, a reachable goal which, while not eliminating all possibility of violence, could substantially limit the means of committing violent crime—both by limiting access to concealable weapons and by aiding apprehension and prosecution to a point of deterrence.

That is the imposition of federal controls on handguns.

In the shock waves of the assassination of Sen. Robert F. Kennedy, Congress was aroused to do something about the accessibility of guns in a nation where they could be bought as readily as a pair of mail-order nylons or slacks. Congress was aroused, but not very far nor fervently.

It outlawed the purchase of guns and pistols by mail order. It left it to the states to deal with over- (or under-) the-counter sales. The same lobbyists that riddled tough federal legislation with softening amendments then went to work in state capitals.

To its credit, the New Jersey Legislature withstood such erosive pressure to the extent of enacting one of the most effective gun-control bills in the country. The nationwide void, however, is deplorable—and stands as an open invitation to pack a pistol, if not on the hip at least in a closet or drawer.

The basic expedient of control enacted in New Jersey—that of fingerprinting applicants and compiling individual records of mental instability, alcoholism or drug addiction—goes a long way toward keeping guns out of the hands of the irresponsible.

In turn, those who, by reason of registration, can be held accountable are inclined to carefully supervise the accessibility of the guns in their possession.

The Senate rejected federal registration of firearms in the wake of Sen. Kennedy's assassination. This was shortly before the National Commission on the Causes of Prevention of Violence—a study commission established after his brother's assassination in 1963—reported an alarming rise in the number of pistols and revolvers being produced or imported in the United States.

In the first six months of 1968, 1.2 million hand guns were made or brought into this country, as against 1.6 million in all of the preceding year. As such commissions usually do, this one went out of business after filing its report.

Not so the gun makers and importers. They're still thriving. In fact, business keeps getting better and better.

It should not have taken another attempt on the life of a political candidate to arouse Congress from the lethargy of evasion. But the crime having been committed on the person of Gov. Wallace, the compelling incentive exists once more.

Retreat behind "fancied self-defense" or "protection of home and health," or by way of distorting the "militia clause" in the constitutional right to bear arms can no longer be justified. Stringent controls on the possession of firearms, particularly handguns, can and must reduce their wanton use to the lowest limit that is humanly attainable.

[From the Elizabeth Daily Journal, May 19, 1972]

GUN CONTROLS: SHOOTING OF GOVERNOR WALLACE DRAMATIZES THE NEED FOR TOUGHER FEDERAL LAWS

The fact that it took federal agents only 10 minutes to trace the purchase of the gun that seriously wounded Gov. George C. Wallace proves that the 1968 Federal Gun Control Act is worthwhile. Without this form of registration, it would have been difficult to pinpoint ownership of the weapon in the event that Gov. Wallace's suspected assailant had escaped.

The Wallace shooting gives fresh impetus to attempts to strengthen existing gun control laws that still allow millions of handguns to be imported into the country and to cross state lines without any trouble. Gov. Wallace is the 10th man seeking or holding the office of the President to be an assassin's target, and in nine of the ten cases the weapon used was a handgun.

Strengthening the law won't be easy. The assassination of Martin Luther King and Robert F. Kennedy in 1968 led to passage of the Gun Control Act, which prohibited the mail order or other interstate purchase of firearms and ammunition by persons who do not live in the dealer's state. But intensive lobbying by the National Rifle Association caused deletion of a provision requiring national registration of every firearm and licensing of every gun owner.

Experience has shown that the 1968 legislation is easily circumvented. Cheaply imported parts for "Saturday Night Specials" still flood the market. The ban against interstate mail order sale of firearms has been sidestepped by the shipping of guns between licensed dealers in different states. A person need only place an order locally and wait for the weapon to arrive at the dealer for pick-up. It is estimated that eight out of 10 handguns in such cities as Boston and New York came from other areas.

There were an estimated 24 million handguns in private hands in 1968, according to the National Commission on the Causes and Prevention of Violence. An additional 2.5 million are being manufactured domestically or imported every year. One new handgun is sold in the United States every 13 seconds, and used handguns are being traded at the rate of two a minute.

Not all of these guns get in the hands of criminals, of course. The Commission on Violence estimated that about half of all American households have firearms. That helps to explain why most murders are committed in the home.

It is just as important to keep guns out of the home as out of the hands of criminals, political terrorists and psychopaths. Federal controls would by no means bring about instant disarmament, but they would gradually reduce the supply of weapons and make it more difficult for crimnials and disturbed persons to secure firearms without some risk of discovery.

One of the ironies of the Wallace shooting is that he has been opposed to gun controls, and that the assassination attempt took place in a state which recently enacted a law banning concealed weapons and the transporting of handguns. The weapon used in the Wallace shooting, however, was bought in Milwaukee.

In the absence of effective laws in other states, guns can easily be brought into Maryland or New Jersey or Massachusetts, all of which have various control laws on the books. In Massachusetts, for example, a 10-year study by state police traced 87 percent of the guns used in crime in that state to out-of-state purchases.

Despite this evidence of daily murder, and the more sensational attacks on public figures, the gun lobbyists and the National Rifle Association are mobilized to the point where the 1968 Federal Gun Control Act might possibly be repealed and replaced with a federal law which the "American Rifleman" claims will be aimed at controlling criminals rather than harassing gun owners. Fourteen separate bills to repeal the law are pending in the House.

Meanwhile, a public terrorized by armed criminals and concerned over the future of democratic institutions must content itself with reading such scatter-brained slogans as "Register Communists, Not Guns," and "Guns Don't Kill People, People Do." Mull that over the next time someone waves a revolver at you and think how much easier it would be to avoid a knife, rope, brick, a pair of hands, a karate chop or even a bow and arrow.

BETHESDA-CHEVY CHASE CHAMBER OF COMMERCE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. GUDE. Mr. Speaker, it is a distinct pleasure for me to have this opportunity to commend the Bethesda-Chevy Chase

Chamber of Commerce for being the first business organization in suburban Maryland to receive full accreditation from the U.S. Chamber of Commerce.

One glance at the fine record of achievement of this chamber and the reasons for their unique and honored status are easily recognized. Last year alone 19 new businesses were brought into the Bethesda area; new buildings or additions to old ones were completed providing over 1,000 new parking spaces; 1,317 newcomers were given information about Bethesda and its businessmen; and marketing surveys for local businessmen were conducted. But the chamber's efforts were not confined to these areas of service alone. The chamber actively and effectively represented the interest of its members before the Montgomery County Council, the State legislature, and their representatives in Congress.

It is a worthy tribute that the Bethesda-Chevy Chase Chamber of Commerce should be the first to receive accreditation. It is a great pleasure for me to serve the members of this outstanding organization.

SALUTE TO EDUCATION

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. GUDE. Mr. Speaker, the education of our children is our best investment in the future of this country. Estimated expenditures for the past school year equal more than $46 billion, but dollar figures simply cannot measure the dedication of the entire educational establishment in encouraging our young people to reach their highest potential.

The education of America's youth must always be a matter of top priority. Elementary and secondary education encompasses far more than instruction in the basic skills or preparation for future careers. In challenging students to think on their own, in developing interaction skills and successful intergroup relationships, today's schools prepare our children for active roles in tomorrow's society—whether at work, at home, or in involvement in civic affairs.

With a pupil enrollment for last year of over 48 million, taught by more than 2 million teachers, our schools represent a vast commitment to the future progress of America.

ETHEL MARSDEN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ASPIN. Mr. Speaker, I have recently been notified of the death of a most remarkable constituent, Mrs. Ethel Marsden. I would like to share a few thoughts on this admirable lady.

Mrs. Marsden was, in the words of a relative, "a model of self-reliance, in the Emersonian sense." She would never have thought of asking for public support, instead, working at a variety of jobs in order to raise her family. As her relative said:

> It is sad that the courage and philosophy which mark the lives of men and women like Mrs. Marsden must pass unnoticed; while those who opt for the less honorable path achieve acclaim.

I think it is fitting that we pay tribute to this gallant lady, from whom we can all learn. Her integrity, courage, strength, and indomitable will reaffirm the real ideals of America.

YOUGHIOGHENY CLEANUP CAMPAIGN 1972

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. BYRON. Mr. Speaker, last year and again this year, it was my pleasure to be a part of the kickoff of the annual Youghiogheny River and Lake Cleanup Campaign. I want to congratulate Mr. Burl B. McVicker, reservoir manager of the Corps of Engineers, and the other officials who helped organize this year's events.

This has been an annual event on the Youghiogheny since 1967, and its success can be measured by the year-round interest in keeping the river and lake as clean as possible. I would like to commend all those citizens who have worked so hard to make the campaign a success. Once more these citizens have set an example that others should continue to try to emulate, and I wish them success during the remainder of the cleanup campaign.

HOUSE OF REPRESENTATIVES—*Wednesday, June 21, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I am doing a great work, so that I cannot come down.—Nehemiah 6: 3.

O Thou who art the Author of life and the Giver of every good gift, whose presence and power underlie all our lives, unto Thee do we lift up our hearts in prayer.

We confess that we often forget the greatness of sincerity, the power of love, and the influence of goodness. Grant that we may clothe ourselves with such devotion to duty and such dedication to deity that in daily life we may set forth the greatness and the glory of moral character.

We pray for our country that leaders and people may turn to daily tasks without doubt or fear, relying upon the guidance and the support of Thy Spirit. May we in America not be dismayed for Thou art with us and wilt take care of us every day and all the way; through Jesus Christ our Lord in whose spirit we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips;

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 4050. An act for the relief of Maria Manuela Amaral;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7641. An act for the relief of Chung Chi Lee; and

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3230) entitled "An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket No. 279–A, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Jackson, Mr. Burdick, Mr. Metcalf, Mr. Fannin, and Mr. Bellmon to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6957) entitled "An act to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Bible, Mr. Church, Mr. Moss, Mr. Hansen, and Mr. Jordan of Idaho to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3617. An act to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the

Economic Opportunity Act of 1964, and for other purposes; and

S. 3715. An act to amend and extend the Defense Production Act of 1950.

THE WELFARE PROBLEM—LESSON NO. 1

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute.)

Mrs. GRIFFITHS. Mr. Speaker, I want to tell you the sad story of Charlie, a 53-year-old man whose case was reported in the June 11, 1972, Washington Star.

Charlie lost his $15,000-a-year job, but he and his wife and daughter could qualify for $284 a month under his State's welfare program. This money is tax free and unattachable for debt. He also received food stamps.

The article reports that Charlie was offered a $2-an-hour, 30-hour-a-week job. From this money he would have had to pay social security taxes amounting to $3.10 per week, plus union dues, plus the cost of getting to work. The food stamp bonus would have been reduced.

So Charlie faces a genuine welfare problem. Should he take the $71 a week his family could get, or the $2-an-hour, 30-hour-a-week job? Obviously, the $71 a week from welfare is a far better offer.

We purport to build into the welfare system work incentives, but truth is stranger than fiction. The welfare system is inequitable alike to the recipient and to the taxpayer. It does not have work incentives; it has work disincentives.

Mr. Speaker, the whole mess should be junked and we should start over.

SALUTE TO EDUCATION

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, today the National Education Association sponsors its first annual salute to education. The purpose of this occasion is twofold: first, to recognize the role the Congress has played in the support of our Nation's schools; and second to emphasize the importance of education to a free society.

It has been a distinct honor for me to have had over the years as a close personal friend, one whose life has been dedicated to work in these two areas. I am referring to Mrs. Catharine O'Connor Barrett, a teacher in Syracuse, N.Y., and the current president-elect of the NEA. She will become its president at the end of this month.

Mrs. Barrett's accomplishments and the numerous formal awards conferred upon her indicate, I feel, the range of her involvement in the effort to improve the nation's educational system. As a teacher she taught for several years in the inner-city district of Syracuse. As a reformer she has called for extensive political action by teachers. In her own words—

> We've seen how teacher power—in the form of collective negotiation—has worked at the local level. This same teacher power—in the form of political action—is needed at the national level.

As a Member of this body and as a friend, I applaud Mrs. Barrett's past and current endeavors. Also, on the occasion of this salute to education I take this time to salute the thousands of other educators, administrators, and legislators who through their dedication and hard work have built and now seek to perfect, our institutions of learning.

PERSONAL EXPLANATION

Mr. FUQUA. Mr. Speaker, on Thursday last, June 15, it was necessary for me to be in my congressional district on business and I missed the following votes:

Recorded teller vote No. 203, had I been present I would have voted "aye."

Recorded teller vote No. 204, had I been present I would have voted "aye."

Recorded teller vote No. 205, had I been present I would have voted "aye."

Recorded teller vote No. 206, had I been present I would have voted "no."

Rollcall No. 207, had I been present I would have voted "yea."

Rollcall No. 208, had I been present I would have voted "yea."

THE REVENUE-SHARING BILL

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, it has been interesting to watch the unfolding of the gyrations and manipulations with respect to this euphoniously labeled revenue-sharing bill.

Last week the news media informed us that Gov. Nelson Rockefeller of New York, and the gentleman from Arkansas (Mr. Mills) who is also one of several presidential candidates, had finally decided they now have the votes to obtain congressional approval.

It can be assumed that some of the mayors feel the same way.

On behalf of at least some Members of the House, let me simply say, Mr. Speaker, that on this 21st day of June 1972, A.D., and after weeks of dilly-dallying, we thank Mr. Rockefeller, Mr. Mills, and the assorted mayors for giving us permission to consider so-called revenue sharing.

A SALUTE TO EDUCATION

(Mr. SHRIVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHRIVER. Mr. Speaker, many of us will join this evening in a special salute to education, sponsored by the National Education Association. In joining this occasion, we will be paying tribute to the heart of our education system: Our Nation's teachers.

All of us have fond and grateful memories of our own elementary and secondary teachers. Perhaps their lasting influence is most obvious to those of us who have chosen public service as a career, for they themselves are our finest public servants.

In my own case, the favorable impressions I obtained during those early years led me to go into the teaching profession in South Haven, Kans., after graduating from college. I have benefited from a continued close relationship with the teachers in our local schools through my service for 9 years as attorney for the Wichita, Kans., Board of Education, 12 years on the Education Committee of the Kansas House of Representatives and Kansas Senate, and these 12 years in the House of Representatives.

As a member of the Appropriations Subcommittee on Labor—Health, Education, and Welfare, I value the advice and counsel I have received from many teachers in my congressional district concerning Federal education programs and the need for increased funding. As the Federal role in the financing of education grows, and it must, it is important for all of us to listen to these voices of experience.

It is with pleasure that I join in this tribute to our Nation's teachers.

CALL OF THE HOUSE

Mr. GIBBONS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 213]

Abernethy
Abourezk
Alexander
Badillo
Bingham
Blanton
Blatnik
Celler
Chisholm
Clark
Clay
Conyers
Davis, Ga.
Davis, S.C.
Diggs
Dowdy
Erlenborn
Esch
Ford, William D.
Galifianakis
Gallagher
Hagan
Hastings
Hogan
Hosmer
McCormack
McDonald, Mich.
McEwen
McKinney
Metcalfe
Miller, Calif.
Pelly
Pike
Podell
Pryor, Ark.
Rees
Riegle
Rooney, N.Y.
Rosenthal
Scheuer
Schmitz
Springer
Steiger, Ariz.
Stokes
Stratton
Teague, Calif.
Thompson, N.J.
Wyatt
Yatron

The SPEAKER. On this rollcall 383 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

POSTMASTER OF THE HOUSE OF REPRESENTATIVES

Mr. TEAGUE of Texas. Mr. Speaker, I offer a privileged resolution (H. Res. 1023) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1023

Resolved, That Robert V. Rota, of the Commonwealth of Pennsylvania, be, and he is hereby, chosen Postmaster of the House of Representatives, effective on July 1, 1972.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE DRIVE AGAINST ORGANIZED CRIME—LONG AWAITED RESULTS NOW FORTHCOMING

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, 5 years ago the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee, which I chaired until the start of the 92d Congress, undertook a comprehensive review of the adequacy of the Federal effort against organized crime. The study culminated in a report by the House Government Operations Committee issued on June 20, 1968 and titled "Federal Effort Against Organized Crime: Report of Agency Operations" (House Report No. 1574, 90th Congress, second session).

Basically, the report characterized the Federal effort as inconstant, uncoordinated, and, at times, ineffective. The committee report concluded that only through an upgrading of the strike force concept, whereby various Federal agencies concentrate on eradicating organized crime in a particular area, could the war against organized crime be won. It is very encouraging to learn that the strike force concept has been expanded and improved through the increased efforts of a number of agencies, including the FBI, and that greater success is being achieved against the forces of organized crime. A large portion of the credit for the improved Federal response to organized crime belongs to Henry E. Petersen, the recently appointed Assistant Attorney General for the Justice Department's Criminal Division, who is one of the country's leading experts on the workings of organized crime and the great harm that it causes.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 996 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 996

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources and to authorize Federal collection of State individual income taxes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed eight hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, H. Res. 996 provides for a closed rule, waiving all points of order, with 8 hours of general debate for the consideration of the bill, H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

This is the so-called revenue sharing bill. The purpose of H.R. 14370 is to provide payments to localities for high-priority expenditures to encourage the States to supplement their revenue sources, and to authorize Federal collection of individual income taxes.

The legislation provides for the distribution of specific dollar amounts of fiscal assistance for a limited 5-year period and the Federal Government provides guidelines as to how the funds are to be spent. The funds made available to State governments are designed to encourage them to expand their revenue efforts either by greater use of income taxes or other revenue sources.

The total amount of money that will be distributed effective as of January 1, 1972, is $5.3 billion.

The total is: $1.5 billion to the States and about $3.5 billion to the local governments.

Direct appropriations to State governments; distribution to local governments used for "high priority areas" are as follows:

This is money for cities of 50,000 population or under and cities of 50,000 population or over—each one of them getting half of the $3.5 billion may be used for public safety, environmental protection, public transportation—maintenance and operation—sewage collection and treatment, refuse disposal systems and public transportation.

Mr. Speaker, the funds distributed to the States are for their unrestricted use and approximate $1.5 billion.

Now we know how effective this bill is so far as the cities are concerned. We have had the mayor of the city of Baltimore tell the leadership of this House that unless legislation of this type goes through, he is going to have to lay off, as I understood him, 15 percent of the police department of the city of Baltimore.

We have had the mayor of the city of Detroit and the mayor of New York City and the mayor of the city of Boston and the Governors of the 50 States pleading with us to get this bill out of the House.

So it is finally here. Two months ago it looked as though this bill was going to pass so easily. Suddenly, the liberal movement in this House thought there were other priorities. Then on the other side, there were the conservative group who said that this was an excellent opportunity for economy.

Then there was a group of the various committees, particularly the Committee on Appropriations who thought that we were transgressing on their rights.

So I think it is a very, very close bill.

The gentleman from Arkansas (Mr. MILLS) appeared before the Committee on Rules. When the hour of debate is through, I will move the previous question. If the previous question prevails, the vote will then be taken on the rule.

If the previous question does not prevail, I presume that the Chair will recognize the gentleman from California (Mr. SMITH) who will move to strike out all points of order.

What will happen then? The gentleman from Arkansas (Mr. MILLS) will not go forward, as I understand—but the bill will go back to committee.

Will it ever be reported again? I do not know. But it is on you—as to whether you want to vote for tax relief for the people of your towns.

If you want to give money to the cities that are so hard pressed and if you want to give money back to the States, it is up to you to make that decision.

The vital vote, in my opinion, is the vote on the motion to move the previous question.

If the previous question does not prevail, let me say this again to all of you who have told your Governors—"Well, I intend to vote for the rule." Then you have said to yourself—but I am going to vote against the previous question—you have kidded your mayor and you have kidded your Governor.

If you want to be true to yourself—if you have made a commitment to vote for the rule—then you have made a commitment to vote for the previous question.

I think this legislation is necessary. I think it is urgent for the cities and the towns. I hope the rule prevails.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I am happy to yield to the Speaker of the House.

Mr. ALBERT. Mr. Speaker, apropos of what the gentleman has just been saying, the practical issue here is that the adoption of the previous question and of the rule is essential to getting a revenue sharing bill passed. The substantive issue is one which, if it is not important and if the legislation proposed is not necessary, then scores of mayors and Governors across the land are not informed about the needs of their cities and States. The problems of our cities are crying out for solution. This is a practical way of beginning a solution. We should vote up the previous question, vote up the rule, and proceed to the consideration of the bill.

Mr. O'NEILL. I thank the Speaker. I yield to the gentleman from New York.

(Mr. DELANEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DELANEY. Mr. Speaker, revenue sharing is an idea whose time has come.

The financial soundness of our State

and local governments is essential to our federal system.

The critical problems that face our Nation today are primarily matters associated with our cities and urban areas. States, and particularly our local governments, bear the brunt of our most severe and difficult domestic problems.

While growing population and urbanization place more and more demands on States, counties, and cities for public services, these non-Federal government units are finding it almost impossible to raise sufficient funds to cope with the magnitude of jobs facing them.

To provide a more effective means of coping with this massive problem, and at the same time ease the heavy load on our taxpayers, I strongly supported—and cast the key vote—to report the revenue sharing bill out of the Committee on Rules.

This measure will provide $649.6 million to New York during the first year, and a slightly larger amount during the next 4 years.

The money provided by this legislation is to be used for high priority items—police and fire protection, environmental protection, and public transportation.

Under the bill, a certain amount of flexibility is allowed, and local governments are permitted to decide for themselves how much money should be spent on each of the priority items.

Because this is a new program, it is limited to 5 years. This assures a reasonable opportunity to see how the program works, and at the same time provides Congress a chance to make any adjustments or revisions that might be necessary.

By providing funds to alleviate some of the problems associated with these high priority items, States and local communities can use their own resources in other areas which demand attention.

Another aspect of this legislation would allow the Federal Government to collect State income taxes if at least five States, having a minimum of 5 percent of the Nation's taxpayers, agree to accept such a program.

Because of the efficiency of the Federal Government in collecting taxes, this would offer a more economical method of collection, and would simplify the annual problem of completing tax returns.

Revenue sharing offers a realistic approach to improving the quality of life in our communities—and at the same time lifts from our working men and women some of the heavy tax burden they now bear.

Mr. O'NEILL. Mr. Speaker, I yield to the gentleman from California 30 minutes.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, the 30 minutes of time that each of us, the gentleman from Massachusetts (Mr. O'NEILL) and myself have available would not be sufficient to take care of all the requests we have, and so the time of everyone will be cut down a little bit. I will try to yield half the time to the proponents and half the time to the opponents of the rule. I would appreciate it very much if I am not interrupted during my remarks, so I can figure out accurately what time I will have left. After I have finished my remarks, if Members wish me to yield, I shall be glad to yield at that time, if I have time remaining.

Mr. Speaker, in view of the fact that we have so many requests for time, I now ask unanimous consent that all Members may extend their remarks in the RECORD on the rule (H. Res. 996), which we are now considering.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of California. Mr. Speaker, the Rules Committee, by an 8-to-7 vote, reported House Resolution 996 which provides for a closed rule, waiving points of order, with 8 hours of debate for the consideration of H.R. 14370, the revenue-sharing bill.

I am certain that city, county and State officials throughout the United States would be more than happy to receive any amount of money they can from the Federal Government. No doubt they are having trouble in raising the tax money to pay for their large expenditures. However, it seems to me that if the people demand many, many services, they should realize that they are going to have to pay for them. Be that as it may, Mr. Speaker, I am not arguing for or against the passage of the bill. My comments will be confined to my oppposition toward the rule.

A waiver of points of order means that no objection can be made by any Member to any part of the bill subject to a point of order. So far as I am concerned, the only language in the bill which is subject to a point of order is the "appropriation language." This appears on pages 18 and 19 and pages 32 and 33.

A closed rule means that no amendment can be offered by any Member other than at the direction of the Ways and Means Committee. We usually do this on revenue bills so that the entire Internal Revenue Code will not be open to amendment. If we did not do so, days and possibly weeks could be spent in connection with amendments offered by various Members to change various revenue provisions.

H.R. 14370 is a 5-year authorization and appropriation bill. The Ways and Means Committee has no jurisdiction to appropriate money. This comes under the jurisdiction of the Committee on Appropriations. The rules prohibit any committee other than the Appropriations Committee to contain language in any of their bills which would appropriate money. I believe this is the first time that I can recall an effort being made by the Ways and Means Committee to appropriate money.

I am not certain that the Ways and Means Committee has authority to authorize appropriations, nor am I certain that they have the jurisdiction to do what they are attempting to do in this bill. They do have jurisdiction over revenue measures, generally. But as I say, I am not certain that this bill comes within that jurisdiction. It certainly has nothing to do with obtaining revenue. It is simply a distribution of Federal revenue to cities, counties, and States.

In taking this action, the Ways and Means Committee is not only circumventing the Appropriation Committee but several other committees who have authorization jurisdiction over certain subject matter in the bill; namely, Public Works, Banking and Currency, Judiciary, Education and Labor, and Interstate and Foreign Commerce.

During the time that this measure was being considered by the Rules Committee, it occurred to me that there might not be sufficient votes on the Rules Committee to grant a closed rule, waiving points of order.

Accordingly I prepared, with the cooperation of the Parliamentarian and two of his assistants, a modified rule. Subsequent to the action taken by the Rules Committee I introduced my modified rule as House Resolution 1006. All Members were provided with a copy of House Resolution 1006 under date of June 8. Some are available at the desk now.

During the executive session of the Rules Committee I explained the provisions of my modified rule. It provides for 8 hours of debate, does not waive points of order and will permit amendments to be offered by any Member to sections 1 through 143 of the bill. As I previously mentioned, the appropriation language is within that part of the bill. Further, it provides that no amendment can be offered by any Member except pursuant to the direction of the Committee on Ways and Means to sections 144 and title II, the remainder of the bill.

Those are the income tax provisions that have to do with the States. I have heard no comment one way or the other about amendments or criticism on those, so they will be closed, but the first 143 sections will be open to amendment by any Member, and also points of order can be made, which I believe is only on the appropriation language.

My modified rule specifically contains language on page 2 which will make it impossible to change any tax provisions. The language is as follows, and I quote:

"No amendment shall be in order that would have the effect of changing the Internal Revenue Code of 1954, as amended; increase or decrease any tax liability, or affect the administration of, or compliance with, any Federal tax law."

I wish to particularly stress this language because I have heard comments to the effect that if the previous question is defeated on House Resolution 996, it would mean that the bill would be considered under an open rule and the tax laws would thus be subject to amendment. This is not true with my substitute.

If the previous question is voted down the Speaker can recognize any Member he desires to recognize who has opposed

House Resolution 996. I am certain that he would recognize the Member who, in his opinion, was the most logical person to be granted the 1-hour provided in the rules in order to offer an amendment to House Resolution 996. I would hope that he would recognize the gentleman from California. If he does, I intend to offer the language of House Resolution 1006 as a substitute for the language in House Resolution 996. As previously stated, this would provide for 8 hours of debate, would not waive points of order, would permit amendments to sections 1 through 143 and would prohibit amendments to the balance of the bill except pursuant to the direction of the Committee on Ways and Means. It would not permit any changes in any tax provisions presently in the law.

I have heard comments about possibly changing the formula. That is in the first 143 sections. Amendments could be offered to it. I think the Committee on Ways and Means has worked hard to set up this formula. I think they have a good formula, and they can justify it—or, if not, the bill should not be here today.

I explained this to the Rules Committee. In an effort to cooperate I moved my resolution in the Rules Committee for adoption, so the gentleman from Massachusetts (Mr. O'NEILL) could move House Resolution 966 as a substitute. In an effort to be fair, I felt that the members of the committee should have an opportunity to vote on the request made by Chairman MILLS. Had Mr. O'NEILL offered his first and then I offered mine as a substitute, and had it received eight or more votes, it would have been adopted and the committee would not then have had a chance to vote on Mr. MILLS' request. The Rules Committee adopted House Resolution 996 by a vote of 8 to 7. Thus, they did not have the opportunity to vote on my original motion which I intend to present, if recognized, and if the previous question is voted down.

I believe that if House Resolution 996 is adopted it will be the first time that we have ever taken this type of action on a bill from the Committee on Ways and Means. I think it will be a start in breaking down the legislative process. I sincerely believe that the bill can be supported under my substitute rule without being damaged. In fact, I think it will be a much better procedure to have the Appropriation Committee involved in the future and so far as I am concerned, if amendments are offered for an extra 1-year leadtime, it is perfectly satisfactory to me. I believe that the Ways and Means Committee can bring this bill up for consideration under my substitute and that they can prepare the necessary language to correct the situation—and probably they may have already done that. I am satisfied that that language has probably already been prepared.

I repeat, Mr. Speaker, that my substitute will not open any tax provisions. This would be an unthinkable thing to do. I repeat further, Mr. Speaker, that in my opinion the correct procedure would be to operate under the substitute which I intend to offer if recognized and if the previous question is voted down.

Mr. Speaker, I urge a "no" vote on the previous question on House Resolution 996.

Mr. Speaker, I reserve the balance of my time.

Mr. O'NEILL. Mr. Speaker, in view of the fact that I have so many requests for time, I ask unanimous consent that discussion on the rule be extended 30 minutes, with 15 minutes given to the gentleman from California (Mr. SMITH) and 15 minutes to myself.

The SPEAKER. The gentleman from Massachusetts asked unanimous consent that time for debate on the rule be extended an additional 30 minutes, the time to be equally divided between the gentleman from Massachusetts and the gentleman from California.

Is there objection to the request of the gentleman from Massachusetts?

Mr. COLMER. Mr. Speaker, reserving the right to object, my attention was elsewhere when the request was made. Do I correctly understand that the request is to extend the time on the rule?

The SPEAKER. The gentleman is correct.

Mr. COLMER. For how long?

The SPEAKER. For an additional 30 minutes for debate on the rule.

Mr. COLMER. Equally divided, Mr. Speaker, between whom?

Mr. O'NEILL. The reason why I am asking this is that the gentleman would like to have 10 minutes.

Mr. COLMER. I understand the reason why the gentleman is doing it.

Mr. Speaker, under my reservation, if I am in order, between whom is the gentleman going to divide the time?

Mr. O'NEILL. I asked unanimous consent for 30 minutes, with 15 minutes to the gentleman from California (Mr. SMITH) and 15 minutes to myself.

The reason I asked for this is that the gentleman, as chairman of the committee, asked for 10 minutes. I allotted five members opposed to the bill 3 minutes apiece. The gentleman was not satisfied with 3 minutes and is insisting upon 10. In order to satisfy him, as chairman of the Rules Committee, I have made this request.

Mr. COLMER. Mr. Speaker, on the basis of the statement of the gentleman from Massachusetts (Mr. O'NEILL) I am unwilling to set a precedent here in order that I may be heard for additional time. Therefore, I object.

The SPEAKER. Objection is heard.

Mr. O'NEILL. Mr. Speaker, under the circumstances, since there is an objection, I yield 3 minutes to the gentleman from Mississippi (Mr. COLMER).

Mr. COLMER. Mr. Speaker, my original inclination is to tell my friend from Massachusetts, a member of my committee, what he can do with that 3 minutes; namely, to assign it to others in spite of his commitment to me for 10 minutes.

Mr. O'NEILL. Mr. Speaker, how much of the gentleman's time has expired?

Mr. COLMER. Mr. Speaker, I cannot yield to the gentleman, under the circumstances.

Mr. Speaker, I have followed the policy, since I have been the chairman of the Rules Committee, of not bringing a resolution here to the floor under my name when I am opposed to that resolution. I do not believe that is a proper policy. So I have pursued a different policy of assigning such resolutions to members of my committee who favor the rule.

I have the right, of course, as chairman of the committee—of designating who will handle these rules. I am constrained to say now—although in deference to my friend from Massachusetts I will not say it—that I will be a little more careful in the future when I assign these resolutions.

Mr. Speaker, this is bad legislation; this is bad procedure.

Mr. Speaker, I admit I am out of temper, and I have stated the reasons therefor. I should not be, but the precedents of this House, the orderly procedure of this House, is such that I would not want to see the time extended, because once you start that, you are going to have that custom followed repeatedly. I would not be willing to do that, I say, in order that I may speak.

I thank the gentleman from Massachusetts for his generosity in yielding to me.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of the resolution.

The vote that will shortly occur is not simply going to be on a procedural issue. It is going to go to the very heart of a substantive issue as to whether you want a revenue-sharing bill enacted in 1972.

I wish I had the time to point out the precedents for this kind of a rule—the 31 instances in this and two preceding Congresses where we have acted in similar fashion. I wish I had the time to go into the nine instances since June 29, 1971, when the Committee on Appropriations specifically requested the waiver of points of order on legislation it has brought to this floor.

But since I do believe the substantive issue is so important, let me take what little time I have to address myself to it.

Because the cynics among us, the skeptics, say revenue sharing is an idea whose time has come and gone, because it was conceived at a time when we anticipated a surplus and because now we are confronted with deficits, we should abandon forevermore the idea of revenue sharing. I do not happen to take that kind of dismal view of the future.

I believe if we build a strong, sound, healthy economy, Government revenues will rise, and if at the same time we can do something to curb the proliferation of categorical aid programs which have been coming forward in such profusion over the last several decades, maybe we can hold revenues and expenditures in some kind of a reasonable balance.

We had one bill alone in the Committee on Rules last week where a committee of this Congress asked to spend $5 billion in a categorical aid program in the next 12 months. We had 3 weeks ago the water pollution control bill asking for $18.5 billion over the next 3 years to spend in a categorical aid type of program. We more recently, on last Thursday, had a $28 billion bill for the Departments of Labor-HEW. Most of that money is going to literally scores of categorical-type programs.

Let me say, Mr. Speaker, we need a new approach to the problems in this country. This is exactly what this bill is designed to be.

To my conservative friends over here who are quite properly concerned about correcting these distortions and the imbalance that has taken place in our Federal system, because of some of these trends I have just very briefly described, let me suggest to you that revenue sharing represents an opportunity not only to conserve our heritage of federalism but to strengthen and reinvigorate that system.

To some of my liberal friends over here who are concerned, and rightfully so, about the plight of our cities and about our inability to deal in a really effective manner with urban problems, let me suggest to them that they ought, of all people, to be willing in a progressive spirit, which they represent, to launch this progressive experiment in intergovernmental cooperation to see if we cannot encourage greater local initiative to find solutions, to free up some of our local governments from the relatively narrow constraints of the traditional categorical aid program.

I would suggest that it is only the traditionalists in this body who stand today between us and the enactment of a revenue-sharing bill.

They say we are going to circumvent the jurisdiction of one of the great committees of this House. Let me tell you this, that the administration's original bill which would have tied revenue sharing to a formula based on personal income tax was a permanent piece of legislation which realizes, and we realize in this bill, that unless we get away from the traditional categorical approach we are simply going to go down the road that we have been traveling so long, and so unsuccessfully to date.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, may I ask the gentleman from California if I may have 1 additional minute?

Mr. SMITH of California. I will say to the gentleman that he may have 1 of the minutes allotted to the gentleman from Michigan (Mr. Gerald R. Ford), if that is all right with Mr. Gerald R. Ford.

Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, in an attempt to further assuage the fears of some Members of Congress, I say that if you will look at section 711 of chapter 11 of title 31 of the United States Code you will find some 16—16—permanent and indefinite appropriations which include amounts running as high as $22 billion a year, such as the current payment on the national debt, and there are many other trust funds today on the books of the Federal Government that make provision for the appropriation of specific revenues for specific expenditure purposes without going to the Committee on Appropriations. This is true of the Old Age Survivors Trust Fund, the Health Insurance Fund, the Disability Insurance Fund, the Unemployment Compensation Trust Fund, and I could go on and on.

So I would say to the Members of the House that the precedents are there. We are not doing anything that is going to do violence to the committee system in terms of the traditions of the House, we are simply going to enact a much-needed program, and I hope you vote for the previous question.

Mr. O'NEILL. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. Gibbons).

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time, and because the time is limited my remarks are going to have to necessarily be limited also. So I am going to address myself to the question as to whether or not this is a revenue bill, and entitled to a closed rule, or whether or not this is just an appropriation and an authorization bill.

I think if the Members will look at the bill they will recognize it as being an appropriation and an authorization bill, and a nonrevenue bill, and therefore not entitled to a closed rule.

Mr. Speaker, the charts that you will find on the last pages of the committee report, showing that if this is just an authorization bill and an appropriation bill the Committee on Ways and Means has not done the kind of job it ought to have done, so we ought not to grant a closed rule for that purpose.

There is nothing at all really complicated about this bill. It can be easily amended.

The distribution of revenue under this bill is extremely illogical. If we had more time, and after the previous question is voted down, I will go into further detail about these charts.

These charts merely show how the money is distributed. The longest bar on the graph shows the State that receives the most money, and the shortest bar on the graph shows the State that receives the least amount of money on a per capita basis.

There is no real logic why—and I hate to pick on New York, and I am not picking on New York, but there is no real logic as to why we should give the State of New York more money—on a per capita basis—than we give to its neighboring State of Pennsylvania, 39 percent more money; that is, we give New York 39 percent more than Pennsylvania gets, or 43 percent more money than we give on a per capita basis to the State of New Jersey. And why should we give New York State 48 percent more than the State of Connecticut on a per capita basis?

We would not do that in an ordinary authorization bill, and we would not do it in an ordinary appropriation bill, but we do it under this closed rule bill.

I am asking the Members of the House to vote down the previous question, and to vote for the Smith amendment to the rule so that the committee can make some changes in this distribution formula if it so wishes. I think this should be done.

I have a little graph back there that shows you where all of these provisions are in the bill, and it is very simple, and it would not take a very complicated amendment to get to them and correct them.

But this is nothing more than an appropriation bill, a 5-year appropriation bill on top of a 5-year authorization bill. There is no sense in giving to the State of New York on the basis of per capita four times as much as you give to the State of Arkansas.

There is just no reason or no rhyme to that. I think you can do a better job.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am sorry I do not have the time and I cannot yield to you now. Perhaps if I get some time after the previous question is voted down, I can yield to you.

Mr. Speaker, I have a chart here that I will pass out and there are other charts at the desk that you can examine as to the logical distribution of this money.

I think you should vote against the previous question and vote for the Smith amendment and then I think most of our problems will be solved.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. Poff).

Mr. POFF. Mr. Speaker, I address these sentiments to Conservatives.

Something in the conservative psyche prompts resistance to anything politically popular. Because revenue sharing is popular is no reason for Conservatives to vote against it. Prove your ideological incorruptibility by voting against some other popular bill. Conceptually, revenue sharing is a part of the conscience of the conservative, close to the core of the conservative doctrine. Here in one glorious moment is the chance to be both doctrinaire and popular.

I respect those who oppose closed rules. I have often joined them. Ordinarily, it is better policy to operate under an open rule.

Ordinarily does not mean invariably. Even an open rule is never wide open. An open rule is not open to nongermane amendments. An open rule is closed to amendments in bloc and amendments in the third degree.

An open rule may be good policy, but it is also good policy to have a Consent Calendar, a Private Calendar, and a Suspension Calendar which forbids all amendments.

A closed rule is simply another rule of the House. It provides another mechanism by which a majority can work its will. It is a legitimate mechanism of legislative self-discipline.

The vote on the previous question is procedural. But its impact is substantive. If it is voted down, the Speaker will recognize a Member to offer a modified rule. If the previous question on the modified rule is voted down, another Member will be recognized to offer perhaps an open rule. An open rule means that revenue sharing is dead.

Historians who write of this day will record this vote as a watershed decision.

I want to be recorded for revenue sharing. I want to be remembered for resisting the insidious drift towards a monolithic national government. I want to be counted in favor of a functional federal system.

I trust the States. I trust the cities. I trust the people to govern themselves at home.

Mr. O'NEILL. Mr. Speaker, I yield to the gentlewoman from Massachusetts (Mrs. HICKS).

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise in support of House Resolution 996, and urge my colleagues to vote "yes" on the previous question which will bring before this House H.R. 14370, the State and Local Fiscal Assistance Act of 1972. I want to take this opportunity to commend Congressman WILBUR MILLS, chairman of the House Ways and Means Committee, for bringing this important legislation to the floor of the House.

Revenue sharing is an important form of tax reform, for it allows the States and localities, with their disproportionately large fiscal pressures and responsibilities, to share in our national growth without forcing increased reliance on the regressive local property and sales taxes.

I support H.R. 14370 because I believe in the concept of revenue sharing as a means of distributing Federal moneys to those units of government which have the most limited tax resources to meet the demands for governmental purposes. Revenue sharing is an expression of confidence by the Federal Government in democratically elected local and State officials. State and local taxes, although they have climbed steadily over the past few years, cannot raise sufficient revenues. Local property taxes are so burdensome that homeowners everywhere are on the verge of a tax revolt. The property tax is inflexible and does not grow proportionately with the gross national product. Revenue sharing will permit us to meet these needs on a fair and reasonable basis.

The 1970's can be looked upon as the decade of the fiscal plight of the cities and towns of this country. The large urban areas face critical problems with the departure of the middle class to the suburbs, and the migration of citizens of other areas to the central cities. The plight of the cities is real—poverty, violence, soaring property taxes, decay, unemployment—plight which has too often been overlooked by the Federal Government. Most of these problems can only be met by prompt, direct action at the State and local levels; but action requires money. State and local authorities are in need of direct grants to provide an efficient and dispensable source of funds to help them make flexible and innovative responses to particular local problems. This bill, H.R. 14370, has developed separate funds and distribution formulas for State, city, and other local governments.

About $3.5 billion a year is to be distributed to local governments over a 5-year period. The amounts will be divided among the various States based on one-third population, one-third on the "urbanized population"—cities of 50,000 or more and the metropolitan areas surrounding them—and one-third on relative per capita income. The latter factor is population multiplied by a fraction in which the numerator is per capita income in the United States and the denominator is per capita income in the individual State. The application of funds will be limited to high-level national uses which will permit the Federal Government to set broad priorities for the use of the funds it distributes, while retaining flexibility at the local levels in order to meet specific local needs.

Funds distributed to local governments are to be used for, first, maintenance and operating expenses for public safety—including police and fire protection, and building inspection—environmental protection—including sewage collection and treatment, sanitation, pollution abatement—and public transportation—including transit systems and streets; and second, capital expenditures for sewage disposal, refuse disposal systems, and public transportation—including transit systems and street construction.

The Treasury Department is to have operating responsibility for these programs and it will make decisions with respect to distribution. The Treasury will also have responsibility for audits. The political accountability of State and local officials to the electorate would stand as a defense against wasteful fiscal practices.

The impact of this bill on the Commonwealth of Massachusetts will be a block grant of $75 million in the first year. The allocation of the cities, towns, and counties of the State will be $104,390,407.

It is anticipated that this legislation's annual impact on the Ninth Congressional District will be approximately as follows:

City of Boston	$13,748,589
Town of Canton	292,907
Dedham	460,196
Norwood	528,962
Needham	454,956
Westwood	193,329
Dover	61,036
Walpole	318,173

Mr. O'NEILL. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri.

The SPEAKER. The gentleman from Missouri is recognized for 3 minutes.

Mr. BOLLING. Mr. Speaker, somebody has mentioned the fact that there have been a number of closed rules on important matters. I suspect I have handled a good many of those closed rules—I believe most of them—and I have done so, because I thought that they gave an opportunity to the majority of the House to deal with a complicated matter on which, if it were opened up in detail, all kinds of chaos could result, and I have supported those unashamedly.

This is not that kind of a matter. The bill that this rule would make in order, if it is a closed rule, makes two fundamental changes in major policy. It changes the representative system. It divides the responsibility of representatives of the people between those who in some respect collect taxes and those who spend the moneys collected for undesignated purposes. I do not believe that the Members of this institution in the majority wish to prevent a real debate on that subject. The only way there can be a real debate is by having some modification of a closed rule. If that were not enough, the second thing that it does is to reorganize the way in which the House of Representatives functions because this bill not only infringes on the appropriation process; it infringes on the authorization process and jurisdiction of committee after committee.

This bill could be amended so that it would be acceptable, but I do not believe that a majority of the Members of this great institution wish to bind themselves to making major policy changes without reasonable real debate.

Mr. Speaker, I will vote against the previous question and for the Smith resolution, and I will come back the next day with another closed rule that I believe is justifiable within this institution. This one is not.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, with the possible exception of a comprehensive tax bill, the pending rule makes in order one of the most important measures, and one of the most complex, ever to be brought to this floor. I rise in support of the rule. It comes before us only after a most careful inquiry by the Committee on Rules into the nature of the bill painstakingly prepared by the Ways and Means Committee.

The bill in substance establishes a 5-year program of general revenue sharing by the Federal Government with all the States and virtually all general-purpose units of local government. It is not the amount of money involved that makes this legislation so important, nor the fact that our States and cities face a fiscal crisis, nor that the proposal is a major part of the administration's program.

What makes this measure of major importance is that we will be reversing the bureaucratic centralization of power in Washington and restoring to the States their proper rights and roles in our federal system of government. We will be placing new emphasis on local responsibilities and local responsiveness. We will be giving recognition to the fact ours is a diversified economy, and that our strength as a nation springs from the diversity.

The concept of general revenue sharing is not new. It has long been advocated by outstanding men on both sides of the political aisle. The initiating legislation which President Nixon transmitted to Congress in February of 1971, and introduced by some 140 Members of this body, was developed out of long and painstaking consultations with key officials of State and local governments and various groups.

The bill reported by the Ways and Means Committee is a bipartisan product of that committee's long and extensive study of the subject. The public hearings, staff consultations, and executive sessions on this legislation have extended over a period of 9 months. As the committee states in its report, the "bill differs in several fundamental respects from other proposals which have been made."

It differs from what the administration recommended, but it has the administration's full support. The bill that the Ways and Means Committee has developed with such painstaking care is an exceptional and skillful blending of all of the principal proposals that have been advanced with respect to general revenue sharing.

I commend my colleagues of both parties, who serve on the Ways and Means Committee, for the conscientious and constructive work they have performed in developing this historic advance in the field of fiscal assistance to States and localities.

While the concept of general revenue sharing is quite simple and uncomplicated, the mechanics for implementing this concept and for assuring a fair and rational allocation of these funds involve many complex considerations and computations. I have no doubt that each of us may believe he or she could produce a more advantageous result for his own State and district. But each of us knows that sound and enduring legislation is not produced by any such parochial approach. And each of us knows that we cannot write on the floor of the House a sound formula for the fair and equitable sharing of Federal revenue with our States and cities. I venture to say no one of us can propose any approach that the committee has not itself explored from every possible angle.

Mr. Speaker, I submit that legislation of this complexity, which is the bipartisan work product of unusually comprehensive committee study and deliberation, presents a classic case for the use of the closed rule in the House.

I most earnestly urge that we adopt what the Rules Committee has recommended—that we vote for the pending rule and that we vote for the bill the Ways and Means Committee has presented.

We have here a historic opportunity to take a giant step on the path of bringing government closer to the people, and to make it more responsive to the essential needs of the people.

Mr. O'NEILL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, the chairman of the Appropriations Committee (Mr. MAHON).

Mr. MAHON. Mr. Speaker, within less than an hour, the Members of this House will cast the most fateful vote of this decade and of their congressional service.

Whether a Member is for or against revenue sharing, there are overwhelming reasons why he or she should oppose this rule by voting against the previous question. And let me tell the Members why.

This bill does not raise a penny of revenue and is not a revenue bill. The bill is essentially nothing more than an appropriation bill—$30 billion for 5 years—with no required annual review by the Congress.

The bill represents an indefensible abrogation—by proud men I would say—of the power of the House for a 5-year period. Think of it—writing ourselves out of the action for a 5-year period.

In the name of commonsense, who can logically be against Congress, each year, taking action on the vital issue of multibillion-dollar aid in the form of handouts to the States and local communities?

Of course, if the program is approved, a 1-year advance appropriation authorization must be provided to give the States and local communities adequate planning time—and there is ample precedent for that action.

Mr. Speaker, it is utterly incredible that one committee of the House, comprised of 25 members—and with the support of only 17 members of that committee, less than 5 percent of the Members of this House—should attempt to seize the authorizing authority of the legislative committees and ruthlessly—yes, ruthlessly—grab the appropriating jurisdiction of all 435 Members of the House, and at the same time be asking for a closed rule, in effect telling the 435 Members of the House, "You are not to be trusted. You cannot offer one single amendment to the bill, even though you are an elected Member of this Congress."

This is intolerable. It would humiliate us in the eyes of thoughtful constituents who consider us their responsible representatives.

Regardless of party affiliation; regardless of our views on revenue sharing; we simply should not downgrade ourselves by voting for the previous question. Let us vote down the closed rule, and let us preserve the dignity and the authority of the membership—the men and women of the House of Representatives. Let us stand up and be counted, and not seek popularity, as someone a few moments ago has indicated some Members might be seeking. I am seeking to help save the Nation, and that is the issue before us today.

Mr. Speaker, under leave to extend my remarks, may I add here—as I have pointed out to the House on several occasions—the Federal Government is now giving massive aid to the States, cities, and local communities. Such aid has been rapidly accelerating, reaching the rate of $37 billion per year. Next year, without revenue sharing, the aid figure will be about $38 billion. It will be about $7 billion more if revenue sharing is approved.

I oppose revenue sharing because the Federal Government is already doing more than it can afford to do; because it is an unsound approach to the problem; because a vote for revenue sharing is a vote for a tax increase by the next Congress.

Members of the House represent well-informed constituencies. The weight of the evidence indicates that the people realize revenue sharing is a politically impractical, pie-in-the-sky idea that should not be adopted and which is not the answer to our problems.

We realize that some of the big city mayors and some officials otherwise are frantically pressing for revenue sharing but there is no evidence that the rank and file citizen favors embarking on this big additional Federal handout. They realize the cost of revenue sharing would accelerate rapidly from year to year, shredding the fiscal fabric of the Federal Government. They realize this would sharply increase the national debt now approaching $500 billion, which would mandate a tax increase by the next Congress.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I agree with many of the speakers who have spoken before: The moment of truth has arrived in the House of Representatives today, the moment of truth for the Republican Party, for the Democratic Party, and for the many, many Members of this body who by word of mouth or by letter have committed themselves to revenue sharing.

This is no time for political hocus-pocus. This is no time for playing political games. The chips are down, and the time has come to vote "yes" on the previous question and "yes" for the rule.

If the House votes down the previous question, if the House votes against the rule, we will be further undermining American voter credibility in the greatest legislative body in the history of mankind.

Let me say this to you, my colleagues, let me say this. Many, many mayors, and many of our Governors are in desperate and dire financial straits in their respective bailiwicks—in your cities and my cities, in your States and my State.

These Governors, these mayors, have relied on the word of the Democratic Party, of the Republican Party, and of a majority of the Members of this body.

If the House today fails, if the Congress fails in 1972, those who have played these games, those who have been a part of some political hocus-pocus, will have to bear the responsibility for the loss of faith in our legislative body, for the loss of jobs of firemen, policemen, public service employees, for the loss of programs and projects that have been promised in good faith.

I say to every Member on both sides of the aisle, we must vote "yes" on the previous question and "yes" on the rule.

The Democratic Party said in its platform, in 1968:

> To help States and cities meet their fiscal challenges, we must seek new methods for States and local governments to share in Federal revenues.

My Republican Party said, and I quote from its 1968 platform:

> Additionally, we propose the sharing of Federal revenues with State governments.

My party and your party are on the line, and the Members of this body, who have written to many mayors, to many Governors, who have said verbally to many citizens that they are for revenue sharing, have an honest responsibility to vote "yes" on the previous question and "yes" on the rule.

Mr. O'NEILL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. SISK).

The SPEAKER. The gentleman from California is recognized for 3 minutes.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am glad to yield to my colleague from California.

Mr. HOLIFIELD. Mr. Speaker, I intend to vote against the previous question.

This is the day of a "moment of truth," and there is a lot of hocus-pocus going on, but the hocus-pocus is in putting every Member of this House in a position of levying taxes and letting somebody else spend the money.

If the Members of the House want to know what I think about this, let them look at page 21543, beginning at the bottom of the last column, of the Record for yesterday, June 20.

I shall vote against the closed rule because it condones the basic principle of our committee structure which provides for separate authorization committees and a separate appropriation committee.

Mr. SISK. I thank my colleague for his comments, because they agree completely with my comments.

Let me say, as a member of the Committee on Rules, I believe this probably represents the most tragic rule that has ever been granted since I have been a Member of this body.

I agree with my friend from Virginia, when he said a few moments ago that this is going to b a watershed vote. I am certain in my own mind it will be the most important vote I have ever cast, in my 18 years here, because if we vote for this proposed rule today I believe we will be voting to march down the road to destruction for any further Federal-State relationships as we have known them and that this Government is dependent upon.

Yes, it is hocus-pocus all right; there is no question about it. This is the greatest raid from the standpoint of procedure ever attempted to be perpetrated by any one committee of this House on the jurisdiction of other committees.

I am not questioning or calling in doubt any single individual, but this is not even a revenue-sharing matter. This is merely an appropriation bill, and it is a $30 billion appropriation, lock, stock, and barrel, without any oversight, without any control.

I would plead with you, my colleagues, today, to consider this as probably one of the most important votes that we will ever have an opportunity to express our feelings on. I would hope that we would vote against the previous question and then vote for the resolution to be offered by my colleague from California, which will at least give us an opportunity to see if out of this unbelievable monstrosity something might be developed that would meet some of the needs we know exist in our Nation.

Mr. SMITH of California. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. Byrnes).

Mr. BYRNES of Wisconsin. Mr. Speaker, I am not at this point going to discuss the merits or the demerits of revenue sharing. I will do that during the time of general debate under whatever rule may be adopted.

There is one question I must ask, however; that is why such hysterical insistence by the proponents of revenue sharing that the bill be considered under a closed rule?

Are the provisions of the bill bad, so bad that they cannot be defended against amendments by a majority of the committee and its chairman?

Or is the chairman and the majority of the committee so ineffective that they cannot manage the bill under the normal procedures?

Why are they so afraid to let the House work its will?

If we have no confidence in ourselves, how can we expect to enjoy the confidence of the American people?

There are times and subject matters that should be considered under a closed rule. Title II and section 144 of title I are of that nature because they would open up the whole Internal Revenue Code to amendment.

But the rest of the bill—some two-thirds—are not of that nature. Title I is no different than legislation that might be reported from other committees and would be considered under fully open rules.

There is nothing about title I of this bill—the so-called revenue sharing part of this bill—that is uniquely the jurisdiction of the Ways and Means Committee. It could just as well have been reported by the Public Works Committee, or the Interstate and Foreign Commerce Committee, or Government Operations or Judiciary. Parts of title I do deal with matters within the jurisdiction of these committees.

Let this be understood—nothing in this bill raises or affects the revenue by 1 penny. It is an expenditure bill. It authorizes and appropriates money that does not exist.

But ask yourselves: If revenue sharing, title I of this bill, had been reported by any other committee would anyone have even entertained the thought that it should be considered under a closed rule? Of course not.

Why is the Ways and Means Committee so different? It is not.

I have served on that committee for over 25 years. I am proud of the committee and its work. I have the highest regard and respect for the chairman of that committee. It is the greatest committee in the Congress. But why should that committee enjoy special privilege when it reports legislation that is no different than that reported by other committees of this House? Mr. Speaker, you are just asking for trouble when you ask for a closed rule where there is no special justification—mark my word you will end up being denied closed rules in the future where such rules are needed.

We consider very controversial and complex bills from the Committee on Education and Labor. Look at aid bills for education with their complex formulas—Open rules. Look at the highway aid program, with its complex distribution formulas, from Public Works. Or the airport development program from Interstate and Foreign Commerce—Open rules. We have before us today a situation very analogous to the Highway Act of 1956 and the Airport Act of 1970.

Title I of these bills authorized various aid programs and formulas for distribution. Exactly what title I of revenue sharing does. Title I was considered under an open rule. Title II of those bills amended the tax code. Title II of revenue sharing amends the code. In the highway and airport bills, title II was considered under a closed rule. Did the open rule for title I gut or defeat those programs? Of course not.

That is exactly the procedure proposed by the Smith substitute—Open rule for title I, closed rule for title II.

Title I of revenue sharing, just because it was reported by the Ways and Means Committee, does not entitle it to any different treatment than title I of the highway bill reported by Public Works or title I of the airport bill reported by Interstate. In addition, title I is an appropriation bill—in violation of the rules of this House and subject to a point of order. There is no reason for singling out revenue sharing for special treatment. The chairman argues that we are creating a trust fund, and that States and local governments must be able to make plans. But highway and airport aid programs have trust funds—and plans have to be made here also—yet they still go through the appropriations process.

The Ways and Means Committee is treading on dangerous ground—it is asking for a special rule to which it is not entitled. It is usurping the jurisdiction of the Appropriations Committee. And this should not be permitted by this House.

The previous question should be voted down and the Smith substitute adopted.

Let us have confidence in ourselves to act responsibly.

It is not the will of Ways and Means Committee but the will of Congress that should prevail.

It will probably be argued that to defeat the rule before us and substitute the Smith rule would jeopardize or delay the bill. Did a partially open rule jeopardize the airport bill—or the highway bill? It did not.

The chairman will no doubt say that he would have to go back to the committee for further instructions. That is a bunch of malarky.

A majority of the committee voted and I quote "to order favorably reported the bill and instruct the chairman to use all parliamentary means to secure its early passage."

True, it subsequently voted to ask the Rules Committee for a closed rule, but that was not a condition imposed on consideration. It was only on expression of desire.

The committee vote "to use all parliamentary means to secure its early passage" still stands regardless of the type of rule voted by this House. After the adoption of a rule, if the chairman does not call the bill up for consideration—that is his responsibility. And if he fails to call up the bill, he will be acting contrary to the instructions of a majority of his committee.

This historic legislation should reflect the will of this House. It cannot reflect that will if Members are to be gagged by a closed rule.

Mr. O'NEILL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Carey).

Mr. CAREY of New York. Mr. Speaker, I would just like to make three principal points with respect to the substantive issues of this bill. I do so because I am sure that none of my friends who are seeking to vote down the previous question really are against helping our cities and our States. If we are to help our cities and our States at this hour, and begin to save this Republic, then this bill is essential. I would further remind the Members that if there are important amendments that would help improve this program, then let me ask you, have they been laid upon your desks, or sent over to your offices? If they have, I have not seen a single principal amendment come through my mail, or a substantive amendment that would be addressed to this bill that has been sent to the membership on the formula or on the methods of distribution of the proceeds. Not one has been brought to the attention of the membership. So we would just be opening the rule for unknown amendments that could well do damage to this bill.

Second, a vote to vote down the previous question does not give you an open rule. You then get the minority closed rule of the seven Members who voted against the majority on the majority rule.

The minority closed rule is simply a modified open rule; the difference is between the internals and the interstices—the difference is nothing.

So it is a question of the majority of the rules committee or of the minority. In terms of what we are going to do with this bill as a procedural matter, you do not get an open bill.

Finally, I was in Philadelphia recently and visited the place where this country was born to Independence. I learned that during the conduct of the great Revolutionary War, the Committee on Ways and Means was empowered to vote for expenditures from day to day and to make appropriations from day to day to carry on the conduct of the greatest Revolution in the history of mankind.

They entrusted the Ways and Means Committee with such process so that they could win that Revolution.

I remind my colleagues, there is a need for a new revolution—the most dynamic in the history of this country. This bill will be a plus for the country and the peaceful revolution.

This bill will help us on transit. This bill will help us on sanitation. This bill will help us fight crime and violence. These are the areas which demand urgent Federal assistance.

The issue which you are voting on is whether we are going to have open cities or closed cities, cities closed down by an open rule or a society with new opportunities by an orderly rule.

To vote for the previous question is to vote up for the cities, vote up for this program, vote up for the new revolution and help the cities and the States to meet the very challenges for which we meet here.

This is a vote of confidence. A vote of confidence in the mayors and the Governors. They too have their responsibilities. Let us share their responsibilities and give them a chance to help the cities and to help all parts of the counties and the country.

This bill deserves your consideration and it will only get consideration if you vote for the previous question. I plead for your support for this bill.

(Mr. LATTA (at the request of Mr. SMITH of California) was granted permission to extend his remarks at this point in the RECORD.)

Mr. LATTA. Mr. Speaker, as everyone on this floor today is aware, this bill comes before the House under a resolution calling for a closed rule which was agreed upon by the Rules Committee by a vote of 8 to 7. I was one of eight members voting for a closed rule. I did so as I was convinced by the statement of the chairman of the Ways and Means Committee, Mr. MILLS, before the Rules Committee that he was not authorized by instructions from his committee to take the bill to the floor under any other conditions. To put it another way, it was either a closed rule or no revenue-sharing bill. Being for the revenue-sharing concept and having introduced a revenue-sharing proposal, I could hardly vote against a closed rule under these circumstances.

This bill is not unlike other bills in that it has cut out provisions not to my liking and provisions which I would like to see changed. For example, I am not satisfied with the distribution formula used in the bill, but it is something which can be changed in the Senate or in a future Congress. In discussing the matter of the formula with many of the mayors and county officials in my district, I learned that they were more interested in getting urgently needed funds now and in establishing the principle of revenue sharing at the Federal level than they were in running the risk of losing the bill by attacking that formula at this time. These people are disturbed and sometimes frustrated by all of the bureaucratic "redtape" involved in the present categorical grant programs and see revenue sharing as a means of eliminating or at least reducing some of this "redtape" and securing Federal funds to be put to use in areas which they determine to need them most. Hopefully, we can pass this rule today and the bill tomorrow. Should the Senate then follow the leadership of the House and pass this legislation, we can use it in the future as a legislative vehicle to return more and more dollars, and more and more programs, to local government.

Mr. MEEDS. Mr. Speaker, recently I have heard a great deal from the mayors and other local officials in Washington State. Not only are they asking that I support H.R. 14370, the revenue sharing measure, but they are also requesting that I support a closed rule on the bill.

If the rule assigned by the Rules Committee is upheld, then there will be no chance to offer amendments to H.R. 14370.

Let us hold a mirror up to this situation and get a reverse image. I would like to know if all these anxious mayors and local officials would accept revenue sharing in reverse. In other words, a resolution would be put before the local city council requiring that 10 percent of the city's tax collections be sent to the U.S. Treasury. The city council have no control over the tax revenues, and they would not be permitted to amend the resolution.

Would they accept this? I doubt it very much. Neither do I accept a gag rule on H.R. 14370.

Before us is not one but two bills and thus two closed rules. H.R. 14370 is an appropriations bill as well as an authorization measure. Once it passes, the money starts flowing.

By far the most important implication of the closed rule is that of financing the revenue sharing bill. As reported from the House Ways and Means Committee, the bill contains no way of paying for itself. This means that financing it will have to be done by adding to the Federal deficit or by cutting existing categorical grant programs such as education, job training, and pollution control.

Representative HENRY REUSS of Wisconsin has prepared an amendment to pay for the revenue sharing measure. His amendment would close or reduce tax loopholes to furnish revenue for this $30 billion, 5-year measure. But the amendment cannot be offered if the closed rule is upheld.

The revenue sharing bill is not a national security measure, but unlike the authorization and appropriations bills for national defense, it is being debated under a closed rule. Members of this House remember distinctly the amendments offered last year on the ABM, the B–1 bomber, and on other military spending projects. And on June 28 of last year we took a vote on the Nedzi-Whalen amendment to cut off funds for the war in Vietnam by December 31, 1971. Recently we approved a $20 billion higher education bill. Members of the House, I am sure, would have been outraged had the legislation been debated under a closed rule.

Moreover, there are many Members of this House with suggestions for improving the legislation. But they can make no proposals as long as the closed rule remains intact.

Mr. Speaker, no one disputes the need of States and cities for additional funds. No one is blind to their plight. But serving up a $30 billion bill and cramming it down the throat of the House is not the best way to meet these needs. I urge rejections of the closed rule.

Mr. LLOYD. Mr. Speaker, I will vote "yes" on the previous question. This is the cornerstone on which depends the action of this Congress on the emergencies which face local government in America.

Two principal objections have been emphasized in this debate on the rule: First, the action improperly goes around the Appropriations Committee; and second, an open rule will allow improvement of the final legislation. In the debate on the bill itself I will discuss my views as to the merits of the bill itself which, in the past 2 weeks, I have decided to support. These remarks are directed to the procedural objections.

First, this bill is one of overriding policy which should be decided not by a committee of Congress, but rather by Congress itself. We make the large decision as to whether Federal aid should continue to go down the road of categories or whether we should wake up now before it is too late and replace the growing suffocation of categorical aid with the freedom and economical administration of local government responsibility.

Second, it is possible, of course, that the House can improve the bill with an open rather than a closed rule, but I seriously doubt it and am convinced, on the contrary, that in the case of a bill of this complexity and this far-reaching influence an open rule would result in time consuming chaos. As the learned gentleman from Virginia (Mr. POFF) has so well stated, a closed rule is a proper and well-established method for this House to work its will. In legislation of this kind, where a skilled committee with extensive research tools has arrived at a consensus after many months of hearings and evaluation, the chances are that under an open rule, emotion would prevail over reason, and if some semblance of the original language did survive the amending process, it would be a less serviceable, rather than more serviceable piece of legislation upon which we would finally be asked to vote.

I have had many reservations concerning the concept of revenue sharing. As a member of the Utah State Senate I was the author of a local option sales tax enacted in Utah in 1959 and out of long personal experience and direct responsibility I have believed that the appropriating body should hold the strings on the methods in which the money is spent. This is a substantive matter, however, which I will discuss in the debate on the bill itself. For the moment it is enough that I make this record of my vote on the procedural issues.

Mr. DENNIS. Mr. Speaker, the closed rule is a legislative abomination, entirely contrary, in my judgment, to the most basic principles of a representative government.

We in this body are, each of us, elected representatives of the people; we each represent about a half million of our fellow citizens; these people expect us to speak for them here; as Members of this House that is what we are entitled and, in fact, duty bound to do; and it is a complete perversion of the entire legislative and representative process for us to surrender that right, that duty, and that privilege—in respect to any piece of legislation—because a few Members of this body, however distinguished, have decided in their wisdom that a particular item on the legislative calendar is too important to be subjected to the ordinary legislative scrutiny at the hands of individual members of this House.

Mr. Speaker, I submit, that no disinterested observer can find a logical or legitimate defense for the closed rule or can justify its continued existence as a part of a representative and parliamentary system. Even where really complicated revenue bills are concerned there are usually a few important possible amendments under consideration which could readily be made individually in order under the provisions of a modified type of rule. In respect to a bill such as that we consider today, submit that a closed rule is bottomed simply on a philosophy that the work of the Committee on Ways and Means is, ipso facto, above the consideration of ordinary Members of the House.

I cannot subscribe, and I doubt that you can subscribe, to such a philosophy.

My doctrine is that I am just as entitled to be heard on an amendment to any bill here as is any other Member of the House, and that so, equally, is each one of you.

It seems to me that only long familiarity with what is essentially an abuse can lead men of good intelligence and good will to support a parliamentary device which, on any basis of fairness or logic, is essentially and obviously inconsistent with and antithetic to the functioning of a representative system.

As Alexander Pope said in "An Essay on Man" written in 1733 and 1734:

> Vice is a monster of so frightful mien,
> As to be hated needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

Mr. Speaker, it is time—in line with the current drive for congressional reform—for the dawn of a new legislative day.

Let us defeat this closed rule and let revenue sharing with the States go up or down on its own merits after the full and fair consideration of and, if need be, amendment by, the full membership of this House.

Mr. SANDMAN. Mr. Speaker, I rise to oppose the closed rule on H.R. 14370, the State and Local Assistance Act of 1972, better known as revenue sharing.

This is by far one of the most revolutionary changes in our Government. For the first time, the Federal Government will be raising the revenue and what is passed on to the States will be spent by the States.

The spending agency will have no control whatever over the revenue-raising agency. The plan is being offered in an air of hysteria, generated by the chief executives of almost every State in the Union and the mayors of almost all the large cities in the Nation—a huge push for more money with no concern whatever on where the money comes from or least of all how it will be paid back; the exact atmosphere that drives a frenzied businessman into the hands of loan sharks—a more accurate parallel, I cannot imagine.

And here we are, at the highest level of government, in what is supposed to be the truest democracy on the face of the earth, in a position where the Representatives of the people—you and me—have no authority whatever to change the proposal that is here for consideration from the Ways and Means Committee.

The Rules Committee, by a vote of 8 to 7, approved a closed rule that waives all points of order against the bill or any of its provisions, prohibits amendments to any section of the bill, and eliminates the right of any Member to offer any ideas by way of a substitute.

As a Representative of one-half million people in the Second District of New Jersey, I can vote only to sustain or disapprove the rule, and if such a rule passes, I must fight against an air of hysteria that has been generated throughout the country to overcome a proposal that almost no one can realize the potential impact that it will have upon the fiscal condition of the country.

This measure undisputedly adds $5.3 billion to the already staggering deficit of $26 billion which is anticipated at the end of the current fiscal year. And by unknown arithmetical progressions, it adds to the deficits of 4 years thereafter a minimum of $25 billion more.

This measure, if it is going to be adopted by this House, should be contingent upon the passage of a revenue bill that will pay for the same over the 5-year life of the bill.

The vote upon the rule has profound significance because, if the rule prevails, in an air of hysteria where the States and cities will do anything to get more money, for all intents and purposes more than half the battle is won on the adoption of the rule, and 8 hours or 8 days or 8 months of debate that may follow is not going to change the outcome of the vote on this highly dangerous measure.

And now Mr. Speaker, we sit as 435 Members, representing more than 200 million Americans in the most democratic nation on the face of the earth. Under this rule, all of us collectively have only 60 minutes to debate the rule. If that time were divided equally, which of course it is not, then each Member would be entitled to 8½ seconds of debate upon the floor of this House which claims to be the most democratic government on the face of the earth. How hypocritical can we be?

The rule, of course, must be defeated no matter how good or bad the bill may be.

Every Member of this House who has the strong convictions that I have has the right to be heard. The alternative right that I have, on submitting my remarks to be included in the RECORD, is not adequate since the RECORD will be printed long after the debate on the rule has ended.

I have proposed revenue source sharing as an alternative. Approximately 1 year ago today, I delivered my message to the Ways and Means Committee. I circularized my idea which would repeal the alcoholic beverage tax and the tax on tobacco, and let the States have those. It would raise the same amount of money as this bill, and it would not cause the huge deficit.

Believe it or not, Mr. Speaker, while I was testifying, every member of the Ways and Means Committee who was present that day seemed to nod his head in approval that what I was saying was right.

My thoughts have been aired for over a year in the metropolitan press, and not a single newspaper has opposed revenue source sharing, and yet, under this rule, I have no right to submit my idea to the only body in this Government that has a right to make it a Federal law.

The closed rule before us today on this matter has no place in any government that claims to be a democracy. It should be defeated by an overwhelming vote.

I have two pressing reasons for opposing the rule:

First, I have an amendment to offer as a floor substitute to H.R. 14370. The closed rule, waiving points of order that was reported by the Rules Committee, would prevent me from offering an amendment that would vastly improve the proposed act.

Second, a proposal as historic and consequential as this one for the Federal Government to start raising taxes for States and cities to spend deserves the full and open debate on the floor of Congress.

I urge my colleagues to vote down the previous question on the rule.

It is my understanding, Mr. Speaker, that a substitute rule on H.R. 14370 is to be offered by the gentleman from California (Mr. SMITH) if the committee rule is voted down today.

I will not support the Smith substitute rule either simply because it—House Resolution 1006—provides that no amendment could be offered to change the Internal Revenue Code of 1954 or increase or decrease any other tax liability.

The amendment I wish to offer would repeal subtitle E of the IRS Code of 1954 and it would therefore not be in order under the Smith substitute rule either. So I will vote against that proposal if given the opportunity.

For the record, Mr. Speaker, I can identify at least six compelling factors about H.R. 14370 that should justify our efforts to defeat the closed rule so that my amendment is in order.

The six factors are:

The Federal Government has no revenue to share.

This bill would increase dependency of States and localities on the Federal Government.

Shared revenues would bypass the appropriations process of Congress.

The bill will damage the responsiveness of State and local governments by separating the authority to spend from the liability of imposing taxes.

Enactment of H.R. 14370 would automatically add almost $6 billion more per year to already huge deficits.

The bill would unfairly discriminate against States, including New Jersey, that do not have income taxes.

The amendment I would offer to H.R. 14370 would eliminate all six of these objections. At the same time, my substitute would provide far more money for the States and localities than H.R. 14370 would.

My substitute quite simply would abolish the Federal excise taxes on alcohol and tobacco so that State and local governments can increase their existing levies on these items.

Releasing these revenue sources would provide at least $6.5 billion for the States and localities to collect as needed without increasing overall taxes or the retail costs of the items taxed.

Under my proposed substitute, Mr. Speaker, 44 States would realize a greater return than under H.R. 14370. The other six States could amend their alcohol laws slightly to "catch up" under my plan.

The language of the substitute I wish to offer is very simple: it merely repeals subtitle E of the IRS Code of 1954. There would be no complicated distribution formulas, deficits or dangerous intergovernmental strings attached.

Therefore, Mr. Speaker, I urge that the rule on H.R. 14370 be defeated.

Mr. BROOMFIELD. Mr. Speaker, the tax sources and, consequently, the tax revenues of our State and local governments, have remained virtually static at a time when inflation and demands upon local tax dollars have risen to new heights. Throughout the Nation, State and local governments have been squeezed between the opposing pressures of shrinking revenue and vastly increased demands for goods and services.

Therefore, I intend to vote for the passage of this revenue-sharing legislation. In addition, I also support the closed rule for consideration of this bill. The bill which has come to the floor for our attention and scrutiny has been subject to extended and protracted study. It is the product of a tenuous compromise reached by the leaders of both sides of the aisle. To open it to the flood of amendments which would surely spring from an open rule would be to invite defeat of the entire measure. We cannot gamble with the security and interests of our local units of government. I for one will not subject this bill to such risks and for that reason oppose an open rule.

Returning to the question at hand, the merits of this revenue-sharing proposal, I urge my colleagues to consider the vast potential which this measure holds for local units of government. I am sure that all of us here agree that there is a crisis at local levels of government. However, to translate that concern into an effective remedy is a much more difficult task.

Yet that is exactly what this measure is designed to do. It will be effective. It appropriates $3.5 billion annually for the next 5 years to local governments to help defray the mounting deficits which they have been forced to incur. Without this measure local governments will be forced to the brink of administrative paralysis. I refuse to sit back and witness the advanced symptoms of this paralysis without seeking means to forestall it.

As a sponsor of similar revenue-sharing proposals in this and previous Congresses, I have long recognized a need for action on our part to set in motion the necessary machinery to channel a percentage of Federal revenue back to the localities where it is most desperately needed.

I know that in my own district of Oakland County, Mich., that this legislation is extremely necessary and vital if county, city, and township officials are to continue to provide the most basic goods and services to their people. I have received numerous communications from mayors, councilmen, and city managers, all men of experience and expertise. They have expressed a common plea that Congress pass this revenue-sharing legislation.

Mr. Speaker, most of the challenges of this coming decade—water and air pollution, waste treatment, solid waste disposal, transportation, and others—must by their very nature be met at the State and local level. The battle for clean air and water, for fast, efficient transportation, will be won or lost not here in Washington but throughout the broad expanse of this country.

Too often we have learned that despite the expertise, wealth, and experience of Washington, that we are too far removed, too distant from the storm of these controversies to identify, much less respond adequately to the needs of a particular crisis. As such, we should welcome the fact that local governments are willing and eager to frame their own responses to fit their own peculiar challenges. Further, we should provide the means, in dollars and cents, for them to begin these most difficult tasks.

However, this bill represents more than just monetary aid to our State and local governments; it signals a new era of increased cooperation between national and local governments in seeking solutions to mutual problems. It is the beginning of a new partnership of understanding and respect.

Mr. Speaker, I for one hold a deep and abiding respect for our federal system of government. Its strength resides in the fact that national and local governments can work in concert to solve the challenges that lie ahead. We should not ignore nor sacrifice the efforts of State and local officials. It is because the essence of this revenue-sharing proposal is to retain and strengthen that Federal partnership that I urge its passage.

Mr. BENNETT. Mr. Speaker, I favor revenue sharing which will get the Federal Government out of some areas, such as education, that it is now in. Revenue sharing should not plunge the Federal Government a great deal further into debt. Revenue sharing should not force States to increase their taxation. H.R. 14370 satisfies none of these criteria and, therefore, I cannot support this legislation.

Last year I sent out a questionnaire to all the postal patrons in the Third Congressional District of Florida which I represent in the Congress. I received 26,000 responses to that questionnaire and one of the questions which I asked was: "Do you favor Federal revenue sharing that increases deficit spending?" Sixty-six percent of those people who responded to my questionnaire checked "No."

I have also met on a number of occasions with members of the Florida State Legislature. They have also assured me that they do not favor revenue sharing which plunges the Federal Government a great deal further into debt. H.R. 14370 does plunge us further into debt, $5.3 billion worth per year, and this figure will increase greatly in the future just as other Federal programs have.

H.R. 14370 will distribute $1.8 billion yearly to the States. Half of that money will go to States in proportion to their general tax effort. The other half will be divided on the basis of the various States' income tax collections. Florida does not have a State income tax and it is my belief that Floridians do not want a personal State income tax. Therefore, the State would be continually penalized and discriminated against under the State and Local Fiscal Assistance Act of 1972.

Florida recently enacted a corporate income tax. During Gov. Reubin O'D. Askew's campaign to get that corporate income tax enacted, he said that the State of Florida would not need a personal State income tax. In a letter which he wrote me on May 5, he said:

The provision of the House Resolution using state personal income tax collections as a basis for distributing funds to the state, I believe, is unfair and discriminatory. Florida has a constitutional state personal income tax prohibition and there is a great sentiment within the state not to adopt one. To penalize any state for historical circumstances is very unjust.

It is my belief that Floridians cannot accept a revenue-sharing plan which clearly discriminates against them.

Another area that makes H.R. 14370 unacceptable is the involvement of the Federal Government in how revenue-sharing funds are spent. Although revenue-sharing money is distributed rather freely on the State level, it is not so on the local level. The committee seems to feel that it is wrong in principle for the Federal Government to collect taxes and then hand them over to the local governments to be spent without guidelines. Who is better able to determine local priorities than local government?

For the reasons I have outlined, I urge the defeat of this legislation.

Mr. FRENZEL. Mr. Speaker, most Members support, with greater or lesser enthusiasm, the concept of revenue sharing. I personally support revenue sharing with great enthusiasm.

Some of us, however, have hedged our commitment. Some Members like revenue sharing, but with their own distribution formula. Some like it, but only with tax reform. Some like it only if we have a surplus or if we recede from other grant programs.

Mr. Speaker, no matter what any of us would like to do to improve the revenue sharing bill, there is no escape from the fact that it is the only revenue sharing bill we are going to get. Also inescapable is the fact that any change in the rule or the bill will doom revenue sharing for this session.

The question of the vote on the rule should be made clear—again, and again, and again. If the closed rule is opened by our vote, there will be no revenue sharing bill. The chairman of Ways and Means has been pretty explicit on that point. Therefore another inescapable fact is that a vote against the rule is a vote against revenue sharing.

Revenue sharing may be the last hope for viable, effective local government and for the harassed local property taxpayers. It should be another important nail in the coffin of creeping grantsmanship.

The President has promoted it, and has endorsed this bill, even though he would prefer his own version. The mayors and Governors have also endorsed it. Perhaps, more accurately, they have demanded it.

I intend to vote for the rule and for the bill and hope my colleagues will do likewise. Our passage of this bill will not guarantee that the Senate will pass it too, but we will have done our part. We will have stood up for our local governments and challenged the Senate to follow our example.

Mr. LEGGETT. Mr. Speaker, today, we have arrived at the jumping off point in our long trek toward designing a system to aid cities and States through a sharing of Federal revenues.

Our trek began back in 1964 when, anticipating what could have been substantial surpluses from a full employment budget, then chairman of CEA, Walter Heller, proposed a sharing of this surplus with cities and States.

That surplus never materialized. And today we still do not have a surplus to share with States and cities. We do have a deficit, and a fairly substantial one, in the range of $80 billion for 2 years.

This bill could have the effect of redirecting and reordering of our national priorities. This act could stand above the legislation which usually occupies a good deal of our time, in that it is the Nation's commitment to the communities torn apart by inflation, war, and racked by the pestilences of crime and drugs. It may be the Nation's commitment for reordering of priorities. I hope so, though I am frankly mighty skeptical.

In 1970, practically three in every four persons lived in urban environment, more than two of every three lived in the expanding Nation's metropolitan areas. It is public knowledge that the cities are in desperate need of financial aid, being left largely to the very young, the very old, and the very needy. The cities have waited for 8 years while the concept perked and boiled through the halls of the academic world and Congress. Today they await a decision, a decision on where they will be 5 years from now.

This bill in fact is a city and county income tax collected at the Federal level.

For every $5 billion we borrow on the national debt to support this bill, the interest cost will additionally equal at least $6 billion more over a 20-year debt period.

I have said we do not have the money for this bill but that if the Congress could steal $5 billion additional this year for the Vietnam war, we could do no less for the cities. Mr. Laird, Secretary of Defense, and the mayors have made their demands clear. I have stated that I will support this bill to bring $10 to $20 million extra to every congressional district in the country annually. My taxpayers have not revolted. I therefore support the closed rule and the motion for the previous question.

Mr. HATHAWAY. Mr. Speaker, I rise to speak against the idea put forth by the previous speakers that those of us who vote against the closed rule on this bill are thereby voting against the whole concept of revenue sharing. This is illogical and patently untrue. I protest the intimidation tactics of those who make such statements, and I refuse to let their assertions go unchallenged.

First, I should like to point out that I am not opposed to revenue sharing. Revenue sharing basically means the Federal Government channeling some of its revenues back to States and localities for their use in fulfilling certain of their needs. I have supported numerous revenue-sharing programs of a more specific nature; namely, grants-in-aid for education, housing, transportation, and a host of other essential public services. The bill we have before us today is just a more general form of revenue sharing, and, with the proper amendments, I am prepared to support it as I have supported other measures to aid States, cities, and towns.

What I am opposed to here is the abdication of our responsibility as legislators and as representatives of our respective constituencies, to see that this Congress produces the best possible legislation in the best interests of the American people.

This is a very important bill we have before us today. It involves the spending of $6 billion in taxpayers' money annually for a period of 5 years. It will have an impact on all of the States and localities in this country and on all the people living in them. I believe it is our duty to debate this bill fully, to offer amendments, and to decide by majority vote what final shape this legislation will take.

One reason given for ordering a closed rule is that opening the bill for amendment would open up the entire Internal Revenue Code for modification and would cause statutory chaos. I challenge this contention.

This is not the typical bill to come out of the Ways and Means Committee, not a technical tax measure to which amendments might indeed open up the whole tax code in unforeseen ways.

Rather what we have before us today is an authorization bill and an appropriations bill—both combined in one of the most comprehensive and far-ranging measures to come before this Congress. It is no different from the Elementary and Secondary Education Act and other major bills, where Members have had the right to offer and debate any amendments they so desire, and have them voted up or down on the merits.

Furthermore, our purpose in opposing the closed rule is not to declare open season on any and all provisions of H.R. 14370. Rather our stated purpose is to obtain a new rule that will open up to amendment specific parts of the bill which require constructive modification—namely, the formula, and the revenue-sharing package. A number of us find grave problems with these sections of the bill, and I feel strongly that we should have the right to present amendments for consideration by the House. This is, after all, normal practice for a democratic legislative body. I see no reason to abrogate it for a particular piece of legislation, or a particular committee.

I am also disturbed at reports that the bill will be withdrawn from floor consideration if it is made subject to amendment. This refusal to play ball unless you can do it by your own rules strikes me as inappropriate behavior in a legislative body. If all bills were handled in this fashion, then we would not pass much legislation.

In closing, I repeat that I and other Members who join me in opposing the closed rule on H.R. 14370 do so as a matter of principle. Legislation should be framed by the House of Representatives as a whole, not by 25 people on a committee, or by one chairman. To accuse us of opposing revenue sharing because we take a principled stand against the closed rule, and beyond that against certain faults in the legislation itself, is an injustice. Given an open rule and proper changes to make it more equitable, I shall be pleased to give this measure my wholehearted support.

Mr. RANDALL. Mr. Speaker, at the very outset of my remarks I wish to make it clear that I intend to support H.R. 14370, a measure which will provide payments to our localities for their priority expenditures, more familiarly known as the revenue-sharing bill.

I have already explained to several of our mayors why I cannot support a closed rule. My opposition to the closed rule has been of many years standing. The present situation does not justify any departure from that long-standing practice.

It has been argued that if we do not vote for the previous question, we have somehow deceived our mayors and local officials. It is contended that, should a closed rule be adopted, H.R. 14370 will not be brought to the floor. I reject that reasoning and that prediction.

Today we are asked to swallow a rule which waives all points of order. To support a closed rule means that the rest of us agree that only the members of the Ways and Means Committee have the wisdom to approve or disapprove the detailed provisions in this bill.

Oh, we all know the reason the committee says they must have a closed rule. They say it is because, if the right of amendment is afforded, it would open up the entire Revenue Code to amendment. But let us remember this is not a revenue matter. But this is an expenditure matter.

I have listened attentively to the gentleman from California, the ranking member of the Rules Committee, Mr. SMITH, and I noted that he has prepared a modified rule which would permit amendment only to those sections which could not in any way impair the continuity of the Internal Revenue Code. He has made the point that if the previous question is voted down it will not mean, in this instance, that there will be an open rule, but rather that the Speaker could then be expected to recognize anyone in opposition to the closed rule. While the Speaker may recognize anyone he prefers, it would seem reasonable to expect he would recognize the ranking member of the Rules Committee to offer his modified rule. The proposal of the gentleman from California is a reasonable one. It would permit limited amendment but not open up the entire Revenue Code to unlimited amendment.

Mr. Speaker, I must respectfully differ from those who argue this is a revenue bill. When all is said and done it is nothing more than a 5-year appropriation bill and also a 5-year authorization bill all in one package. This kind of thing does not need a closed rule.

If the right to amend is so important the question should be asked, What kind of an amendment is needed to improve H.R. 14370?

Our answer is that while many of us favor the enactment of H.R. 14370, we do so solely upon the premise that the proposal is entitled to a fair test with a strict time limitation. I do not believe we should bind ourselves for 5 years to something that we are not sure may be successful.

Recognizing the fact that the concept of revenue sharing as it is written in this bill does infringe upon the appropriation process, and also infringes upon the authorization process, then we should not bind ourselves for a period as long as 5 years.

Perhaps the best arguments advanced in opposition to the closed rule were those suggestions offered by the chairman of our Appropriations Committee who observed that it is incredible that one committee could seize the appropriation, as well as the authorization process from all 435 Members. He pointed out that if we vote for a closed rule we are shutting ourselves off from any voice in these procedures for 5 years.

Mr. Speaker, I cannot believe there is a need for such hysterical insistence that this bill be considered under a closed rule. Only the one title, title II, involves the Internal Revenue Code. The rest of the bill, or two-thirds of it are not of that nature. The insistence by the Ways and Means Committee for a closed rule seems to convey the idea that the committee harbors the idea that the rest of us are not to be trusted. In a closed rule, of course, the House cannot work its will but only vote up or down the will of the Ways and Means Committee. I suppose it all boils down to a matter of confidence. Surely the Ways and Means Committee should have more confidence in their fellow Members and all the rest of us should have confidence enough in ourselves to oppose a closed rule.

As the ranking minority member of the Ways and Means Committee put it, if we do not display enough confidence in ourselves to oppose a closed rule, how can we expect the public to have much confidence in the Members of Congress?

The previous question should be voted down, which would open the way for a modified rule to enable us to make one or two needed amendments and promptly pass H.R. 14370.

Our localities face severe financial problems. Some are close to the brink of fiscal bankruptcy. Let us vote down the closed rule and proceed to reduce the term from 5 years to 2 years, which will give this new concept a fair test to see if it is workable and will serve the local governments as well as predicted.

Mr. SMITH of California. Mr. Speaker, for the benefit of those who were not here when I made my statement, I would like to reiterate.

The resolution which I will offer is House Resolution 1006 which will permit an open rule and amendments. It does not waive points of order on sections 1 through 143.

The only point of order, in my opinion, is appropriation language. The rest of the bill is closed.

Mr. Speaker, I would urge the Members to vote down the previous question so that we may have a chance to consider the substitute, House Resolution 1006, to consider the bill.

Mr. O'NEILL. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, none of us relish finding ourselves in the position where two of the great committee chairmen are on opposite sides.

But all of us recognize the fact that this is a very complex issue and one upon which reasonable men may disagree.

Yet, as in all matters of this kind, one must look at the facts and examine the problem and see whether or not a reasonable solution can be arrived at.

What is the problem before us? I think no one contradicts this—our cities, particularly our large cities, face a crisis all over this country. The mayors of all these cities have come in from New York, Detroit, Philadelphia, Los Angeles, New Orleans, Houston, Baltimore, Newark—all of them—Boston—and without exception they have pointed out their problems.

Let me give you just an example or two.

I remember Newark—that comes to mind. A $20,000 home in Newark today pays about $2,000 in real property taxes each year. That means that in 10 years one pays the entire value of that house.

It was testified that in Newark each year, hundreds of houses are being abandoned as are other buildings and other structures. In truth and in fact, the local governments in this country are almost entirely dependent upon either sales taxes, which in some instances run as high as 6 and 7 percent, or real estate taxes, which in many instances have become confiscatory.

Now some will say, "Why have not the cities helped themselves? Why haven't the local governments helped themselves?"

From 1955 until 1970, local revenues increased from $31 to $130 billion. I say, Mr. Speaker, that that is evidence that they have helped themselves. The main problem is that there has been a great internal migration in this country.

The distinguished minority leader, Mr. FORD, and I are going to China on Friday, and the literature that I read says that 80 percent of the 800 million people who live in that country live in the rural areas there. But in our country something over 72 percent of the people now live in the cities, and in the last 20 years they have come in from the country in great numbers—most of them poor and ill-equipped to live in the cities, and the cities are ill-equipped to pay for their care. The cities' revenues are declining while their expenses and their costs are increasing, and that is why this bill is here before us today—for no other reason.

We have revenue sharing of a type now, very substantial revenue sharing. As a matter of fact, something like $37 billion a year can be cataloged as revenue sharing, but in many instances that revenue sharing is not helpful in that it requires certain matching formulas. Many cities and many counties are unable to accept the funds, or in many cases they are spent unwisely in order to accept the funds. So this program has been devised. It is a bipartisan program.

Granted, we are confronted with certain procedural problems.

They say, well, we bypassed the Appropriations Committee. I say it is too bad that the Appropriations Committee is bypassed, but in an emergency you take emergency action, and certainly this is not any precedent. The law is replete with program after program, particularly the trust fund programs, where the authorization and the appropriation funds are all together.

This is a complex program, and if we are required to run the whole legislative gamut of authorizations and appropriation in this emergency, I say, Mr. Speaker, that we would not get any legislation, and the crises in the cities would grow greater, and the problems in our country would multiply tenfold.

I hope that the previous question is adopted.

The SPEAKER. All time has expired.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. SMITH of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 223, nays 185, answered "present" 2, not voting 22, as follows:

[Roll No. 214]

YEAS—223

Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Aspin
Badillo
Belcher
Bell
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Boggs
Brasco
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Mass.
Burlison, Mo.
Byron
Caffery
Camp
Carey, N.Y.
Carlson
Chamberlain
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Ill.
Conable
Conover
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Delaney
Dellenback
Dent
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Eilberg
Eshleman
Evins, Tenn.
Fish
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Gaydos
Goldwater
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hébert
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hillis
Horton
Howard
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Karth
Kastenmeier
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lent
Link
Lloyd
McClory
McCloskey
McCollister
McCulloch
McDade
McEwen
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mailliard
Mann
Mathias, Calif.
Matsunaga
Mayne
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mizell
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
O'Konski
O'Neill
Pepper
Pettis
Peyser
Pirnie
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Quillen
Railsback
Rangel
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Ruth
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Shipley
Shoup
Shriver
Smith, N.Y.
Springer
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Symington
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Ullman
Wampler
Ware
Widnall
Wiggins
Whalen
Whalley
Whitehurst
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wydler
Wylie
Zablocki
Zion
Zwach

NAYS—185

Abbitt
Abourezk
Adams
Andrews, Ala.
Andrews, N. Dak.
Archer
Ashbrook
Ashley
Aspinall
Baker
Baring
Barrett
Begich
Bennett
Blackburn
Blatnik
Boland
Bolling
Bow
Brinkley
Brooks
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Cabell
Carney
Carter
Casey, Tex.
Cederberg
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Collins, Tex.
Colmer
Corman
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dellums
Denholm
Dennis
Derwinski
Devine
Dowdy
Downing
Drinan
Edmondson
Edwards, Ala.
Edwards, Calif.
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flynt
Fountain
Frey
Fuqua
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Haley
Hall
Hanna
Hansen, Wash.
Hathaway
Hays
Hechler, W. Va.
Henderson
Hicks, Wash.
Holifield
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Landgrebe
Lennon
Long, La.
Long, Md.
Lujan
McClure
McFall
McKay
Mahon
Mallary
Martin
Mathis, Ga.
Mazzoli
Meeds
Melcher
Michel
Mikva
Minshall
Mitchell
Mollohan
Monagan
Montgomery
Moorhead
Moss
Myers
Natcher
Nichols
Nix
Obey
O'Hara
Passman
Patman
Patten
Perkins
Pickle
Pike
Poage
Powell
Price, Tex.
Purcell
Rarick
Rees
Rhodes
Roberts
Robinson, Va.
Rogers
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Scott
Sebelius
Seiberling
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Staggers
Steed
Stuckey
Sullivan
Talcott
Taylor
Teague, Tex.
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
White
Whitten
Williams
Wright
Wyman
Yates
Young, Fla.
Young, Tex.

ANSWERED "PRESENT"—2

Brademas
Randall

NOT VOTING—22

Abernethy
Blanton
Celler
Davis, S.C.
Erlenborn
Esch
Galifianakis
Gallagher
Hagan
Hogan
Hosmer
McCormack
McDonald, Mich.
Metcalfe
Pelly
Podell
Pryor, Ark.
Rooney, N.Y.
Schmitz
Thompson, N.J.
Wyatt
Yatron

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Celler for, with Mr. Randall against.

Mr. Thompson of New Jersey for, with Mr. Brademas against.

Mr. Esch for, with Mr. Abernethy against.

Mr. Hogan for, with Mr. Erlenborn against.

Mr. Podell for, with Mr. Schmitz against.

Mr. Hosmer for, with Mr. Davis of South Carolina against.

Until further notice:

Mr. McCormack with Mr. McDonald of Michigan.

Mr. Hagan with Mr. Pelly.

Mr. Pryor of Arkansas with Mr. Wyatt.

Mr. Metcalfe with Mr. Gallagher.

Mr. NIX changed his vote from "yea" to "nay."

Mr. EVINS of Tennessee and Mr. DENT changed their votes from "nay" to "yea."

Mr. BRADEMAS. Mr. Speaker, I have a live pair with the gentleman from New Jersey (Mr. Thompson). If he had been present he would have voted "yea." I have voted "nay." I withdraw my vote and vote "present."

Mr. RANDALL. Mr. Speaker, I have a live pair with the gentleman from New York (Mr. Celler). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

POINT OF ORDER

Mr. GROSS. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, rule XXXII of the House reads as follows:

> The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, viz: The President and Vice President of the United States and their private secretaries, judges of the Supreme Court, Members of Congress and Members-elect, contestants in election cases . . .

The SPEAKER. Would the gentleman withhold his point of order until the Chair has an opportunity to discuss it with him?

Mr. GROSS. Mr. Speaker, I do not believe there is very much to discuss.

The SPEAKER. The Chair thinks there is something to discuss and would appreciate it.

Mr. GROSS. Has the Chair recognized the gentleman, or has he not?

The SPEAKER. The Chair has recognized the gentleman.

Mr. GROSS. Then I will proceed.

The SPEAKER. But the Chair would request the gentleman to withhold his point of order until the Chair has had an opportunity to discuss it with him. Will the gentleman withhold his point of order temporarily?

Mr. GROSS. If the Speaker will agree to recognize me later if I am still unconvinced.

The SPEAKER. The Chair will discuss the matter with the gentleman.

Mr. GROSS. Would the Chair agree to recognize the gentleman from Iowa for the purpose of raising the point of order if the gentleman is still unconvinced?

The SPEAKER. The Chair will recognize the gentleman, but the Chair would like to discuss it with the gentleman.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14370, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 4 hours, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 4 hours.

The Chair at this time recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, before beginning my statement on the bill let me express the hope that it will not be necessary for us to consume the entire 8 hours of general debate. I do not want to drag the matter out, and I know the members of the committee would not wish to do so. Perhaps we can get through in less time than that; and I should like, if we can, for us to vote by 3 or 4 o'clock tomorrow afternoon. It will not be necessary for us to go late tonight in order to do that, I feel certain.

Mr. Chairman, as many of the Members know, I opposed the administration's proposal for revenue sharing on grounds and for reasons which I outlined in a statement to the Members of the House last January a year ago. If I were voting today on that original proposal, my views would be unchanged. I would still be opposed to it.

However, I advised then, and on many occasions after that, that mine was not a negative attitude but more directed to certain specific weaknesses which I thought I saw in the original proposal.

At no time have I ever been unmindful of the financial problems of many of our cities and towns and counties. Nor have I been unmindful of the fact that State governments themselves have been unable for reasons which all of us know and which are very apparent, to keep their revenues coming at a rate equal to the increases in the demands for services. Of course, that also has been a problem for the Federal Government.

I know of no proposition that the Committee on Ways and Means considered at greater length or in more detail than it has the fiscal problems of the cities, the towns, the counties, and the States.

Bear in mind we had over 100 public and private witnesses. Their testimony covered about 1,500 pages and fills about eight volumes of hearings. There was a great amount of written material submitted in addition to the oral statements of witnesses.

We spent about 35 days, as I recall it, in intensive executive session on this problem. As a result of these extensive deliberations over a period of almost 2 years, I think the committee turned out a bill which meets the needs of the State and local governments and at the same time contains adequate safeguards to protect the interests of the Federal Government.

In saying this I know there is bound to be some feeling on the part of some that the bill might be improved in particular respects. Let me very frankly say to the membership of the committee——

POINT OF ORDER

Mr. HALL. Mr. Chairman, I raise a point of order about an excess number of committee clerks on the floor. I insist on my point of order, Mr. Chairman.

The CHAIRMAN (Mr. NATCHER). The gentleman insists on his point of order. As the Members will recall, recently the same point of order was made, and the Speaker of the House ruled that only four professional staff and the clerk of committees could be on the floor at the same time.

The rules of the House must be carried out. If there are more than four professional staff and the clerk on the floor they must retire.

Mr. MILLS or Arkansas. May I add to that, Mr. Chairman, on my own count there are, I think, six members of the staff, two on the minority side and four on the majority side.

JOHN, you keep your two, and we will keep two on our side.

The CHAIRMAN. There must be not more than four professional staff and the clerk on the floor at any one time.

Mr. BYRNES of Wisconsin. All right. That is fine.

Mr. MILLS of Arkansas. We will keep two on our side and you keep two on your side.

I do not know what Dr. HALL has in mind, but I am perfectly willing to abide by the rules of the House. I was not aware of that ruling.

You know, a great deal of individual knowledge is in the minds of the staff of the committees.

Mr. Chairman, I was about to say that the bill does not satisfy me in all respects. I offered suggestions that the majority of the committee saw fit not to adopt in three or four different respects, but I am not one of those, as maybe some of you are, who feel that the distribution formula in the bill should be varied in some particular way or other and that it might make it more equitable if we did so.

Let me tell you why. We ran through computers every conceivable suggestion that could be made by any and all members of the committee for the distribution of these funds in a formula. Sometimes we would come up with an idea that we thought was almost perfect. But by the time we ran the suggested formula through the computer it did not do what its proponents thought it would do. So it was not a simple thing by any means.

I finally suggested to the members of the committee that we probably could work on it from the time that we concluded until Christmas of this year, and limit our sole consideration to the various formulas that we might think of, and we still would not be fully satisfied with the end result on Christmas Eve. So it gives you some idea of the magnitude of the work the committee did, the extent of the committee's consideration of these matters of formulas and the difficulty that does exist in perfecting a formula that everybody would say treated his area equally or fairly by comparison with some other area.

Mr. Chairman, let me explain if I may the details of the bill, and then I will outline for you some of the considerations that prompted us to report the bill.

The bill provides for the distribution of $5.3 billion to States and local governments beginning January 1, 1972. This is retroactive for 6 months. In the 4 succeeding years the level of benefits increases until the $5.3 billion has increased by the fifth year to about $6.5 billion. I will explain the reason for the increase later.

Of these funds, $3.5 billion are made available to counties, cities, and other local governments, such as townships in the States where they perform governmental functions. An additional $1.8 billion for 1972 is made available to State governments.

It is this $1.8 billion which increases gradually over the next 4 years until it reaches a level in the fifth year of about $3 billion.

And, Mr. Chairman, I am going to insert at this point, by permission of the House, a table which is taken from page 3 of the committee report.

TABLE 1.—ESTIMATED 1ST YEAR DISTRIBUTION OF FUNDS UNDER H.R. 14370, STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972, BY STATE[1]

[Amounts in millions of dollars]

	State share	Local share	Total
United States, total	1,800.0	3,500.0	5,300.0
Alabama	14.9	65.2	80.1
Alaska	3.5	3.1	6.6
Arizona	14.0	32.1	46.1
Arkansas	8.0	30.4	38.4
California	241.1	369.7	610.8
Colorado	20.3	39.1	59.4
Connecticut	21.0	51.7	72.7
Delaware	7.8	9.5	17.3
District of Columbia	10.8	15.2	26.0
Florida	31.9	118.1	150.0
Georgia	28.3	75.1	103.4
Hawaii	13.2	12.7	25.9
Idaho	5.8	9.6	15.4
Illinois	105.1	196.6	301.7
Indiana	31.0	82.8	113.8
Iowa	26.2	41.6	67.8
Kansas	13.8	34.0	47.8
Kentucky	19.2	52.6	71.8
Louisiana	18.4	64.8	83.2
Maine	5.6	14.2	19.8
Maryland	50.1	67.4	117.5
Massachusetts	74.6	104.4	179.0
Michigan	91.0	152.7	243.7
Minnesota	51.7	62.4	114.1
Mississippi	10.1	35.9	46.0
Missouri	27.9	79.6	107.5
Montana	6.9	9.9	16.8
Nebraska	9.7	24.8	34.5
Nevada	3.7	8.5	12.2
New Hampshire	3.3	10.2	13.5
New Jersey	44.7	135.0	179.7
New Mexico	6.5	16.0	22.5
New York	317.4	332.2	649.6
North Carolina	36.3	76.8	113.1
North Dakota	3.6	8.4	12.0
Ohio	49.5	177.8	227.3
Oklahoma	11.4	41.4	52.8
Oregon	24.8	35.2	60.0
Pennsylvania	98.4	202.5	300.9
Rhode Island	7.8	18.0	25.8
South Carolina	14.3	43.5	57.8
South Dakota	3.7	9.8	13.5
Tennessee	14.3	65.0	79.3
Texas	46.2	202.0	248.2
Utah	8.8	20.2	29.0
Vermont	5.7	5.3	11.0
Virginia	38.3	77.3	115.6
Washington	20.9	58.2	79.1
West Virginia	10.0	26.4	36.4
Wisconsin	65.9	71.1	137.0
Wyoming	2.2	3.9	6.1

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[1] These figures are shown on an annual rate basis. The first distribution is for a half year, Jan. 1, through June 30, 1972.

You can look at that table if you have a copy of the report because it shows the distribution among the States of both the funds going to the State governments and the funds going to the localities within the States. The distribution of funds going to localities by individual counties and municipalities is shown in a separate part 2 of the committee report. It was too voluminous, we thought, to include in the regular report in the normal manner of filing reports by the committee.

Let me deal first with the funds to be distributed to the local governments. The $3.5 billion is distributed under various formulas which measure their need by taking into account their population, the extent of the urbanized area in a given locality, and the relative extent of poverty in the locality as is shown by the income levels of its residents relative to the income levels of residents of other localities.

The funds available in the first year and a half are distributed under formulas which generally give equal weight to those three factors. But in the remaining 3½ years—beginning on July 1, 1973—over which the bill operates the State legislatures are given the opportunity and the authority to modify substantially how the distribution formulas work within their areas so that the legislatures will retain the basic responsibility for meeting the problems of their localities.

In addition to those funds going to a State government for its own use are decreased if the State does not at least maintain its 1972 level of assistance to its localities.

The funds distributed to the local governments are available only for limited categories of expenditures. They are available for maintenance and operating expenditures for public safety, environmental protection, and public transportation. In addition, they may be used for capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation. These funds may not be used by a local government in any way which discriminates because of race, color, sex, or national origin.

Moreover, to prevent the Federal aid from constituting an undue proportion of the total revenue of the local government, the amount of that aid going to any particular local government cannot exceed 50 percent of its adjusted taxes plus intergovernmental grants other than those provided by this bill.

Let me turn to the distribution among the States of the $1.8 billion which is available for their unrestricted use. This distribution also is made over a 5-year period. But, as I said earlier, the $1.8 billion amount is increased by as much as $300 million a year in each of the four subsequent years. By the fifth year, this means that these funds may reach an annual level of slightly over $3 billion.

The funds going to the State governments are distributed on an incentive basis, a different type of formula. One-half is designed to encourage tax effort generally and one-half to encourage greater use of individual income taxes. General tax effort is measured by comparing the State and local tax collections in a State relative to its personal income level, with a similar measurement of revenue effort in such States. In other words, if you come out with one State under this formula having made a greater tax effort than another State, then that first State would receive more as a result of having made that greater effort.

Income tax encouragement is provided by distributing an amount equal to one-half of 15 percent of the State's individual income tax collections. In no event, however, even if the State has no income tax, is the basic income tax amount to be less than one-half of 1 percent of the total Federal individual income tax liabilities within a State nor may the maximum amount exceed one-half of 6 percent of those Federal income tax liabilities.

In order to prevent a State which is raising its tax effort and tax collections from taking away from a State which is already making a maximum effort, the bill provides an increase in the $1.8 billion of $300 million annually after the first full year. This makes it unlikely that a State that was making a maximum effort in the first year will receive less money in the second year just because other States increased their tax effort.

Let me turn to a feature of the bill about which there seems to be no question or argument. Under the bill States are given the option to request Federal collection of their State individual income taxes under a piggyback arrangement whereby the State tax is collected in conjunction with the Federal tax. That will be a great timesaver for the local citizens of a State not to have to figure out two separate income tax returns and go through all the complications of the two. This piggyback collection of the State income taxes by the Federal Government is to be available for 1974 and later years, but only after five or more States, representing 5 percent or more of individual income tax returns, request the Federal Government to collect the taxes for them. There is nothing compulsory about it. The State has to voluntarily request that the Federal Government do this.

I believe what I have just told you in a general way outlines how the bill works. Let me set out for you the reasons why I believe the legislation is needed at the present time.

First, let me turn to the problems of the local governments, and I might add that it was primarily their problems that finally led me to the conclusion that some kind of fiscal assistance must be provided. In the committee, our study led us to the conclusion that many localities really face very severe financial problems. In many instances, we became convinced on the basis of our own personal knowledge of the situation that a lot of these cities, a lot of these local units of government, were tottering on the brink of actual fiscal bankruptcy in their own operations. When it became apparent that in cities where crime is one of the major problems, that the city governments were having to cut back on their police forces, on their fire departments, on their sanitation officers, and when it became apparent to us that the cities were not in a position to put funds into programs that were highly needed within the cities to carry out the economic and the social responsibilities of city government, I think all of us became aware that there was a need for some degree of assistance being extended to these local levels of government.

A major reason for the problems is the substantial increase in urbanization that has occurred in recent years. In 1950 slightly over 45 percent of our population lived in what are called urbanization causes the need for local government services to rise in a geometric ratio. Cost of services, particularly services such as police, fire protection, sewage, refuse disposal, and other forms of environmental protection, and public transportation, rise disproportionately as people have come into closer and closer proximity to each other. The need for these and other services has placed very great financial strains, as I said, on many of these local governmental units.

Closely related to the problems of urbanization is the problem arising from a limited jurisdiction of many local governments. Many of them are called upon to provide services for persons who do not live in their taxing jurisdiction. At the same time those within their taxing jurisdictions are often poor and unable to pay their share of the cost of services that they must receive. This problem is probably most aptly illustrated by, although it is by no means limited to, the many core cities whose financial problems are particularly acute. The flight of the middle-income people and the higher income people to the suburbs has left cities with the financial burdens of providing for those outside their boundaries as well as large numbers of relatively low income people living within the cities who are, as I say, able to pay only a small share of the costs of government services—even those extended to them.

These problems of urbanization and of limited tax jurisdictions are compounded by the twin problems of rising costs resulting from inflation and the lower than normal increases in revenues because of the stagnant conditions of the economy. The inflation we have experienced since 1966 has added about one-third to the cost of State and local government services.

Despite these difficult problems, State and local governments in the past have tried, and in large part have succeeded, in meeting their increased expenditures by increasing taxes. Between 1955 and 1970, for example, State and local government revenues rose from $31 billion to $131 billion, and during this period their tax revenues alone more than tripled. But as these costs continue to rise, many of the local governments are having increasing problems in raising still further revenues.

It was because of the problems that I just outlined that the bill in distributing the funds to local governments has done so on the basis of the factors I just mentioned, namely population, urbanization, and relative poverty levels as measured by the incomes of the residents of the localities.

We also selected the lists of the high priority items on which local governments will be required to spend their grants with two objectives in mind. The first objective was to select expenditure items which are essential for the wellbeing of the local communities and enjoy what we think are high or top priorities. I think anyone who examines the list of these items in the bill—items which include expenditures for public safety, environmental protection, and public transportation—can have little doubt that these classes of expenditures are essential ones and of high priority need.

A second objective was to confine high priority to a relatively small number of categories in order to concentrate the grant funds on particular types of expenditures in sufficient amounts to accomplish significant results. Bear in mind that the amount of money made available here in relation to the total of expenditures of the State and local governments is really, I must admit, very small. So if it is going to be a small amount of money, we thought we would accomplish more in concentrating the expenditure of that money in these limited areas, rather than allowing it to be spent over 20 or 25 types of expenditures.

At this point, because there has been considerable misunderstanding on the subject, I want to explain why educational expenditures are not included in the list of high-priority items for which these moneys can be spent. The reason for this is not that we failed to recognize the vital importance of education. Education expenditures are thought to occupy a very high priority by Members of the House. Certainly I share that view. Rather, it is due to the recognition that other Federal programs have been designed to provide very substantial assistance to local governments for educational purposes.

There is an additional reason. If they had been included in the bill, there would be considerable danger that even a $3½ billion annual grant to local governments would be spread so thin that it would not be effective in accomplishing its purpose. Finally, there is the fact that some general purpose local governments such as cities, administer their own educational systems while in other cases there are independent school districts which perform this function. This introduces complexities which we thought made it impractical to include educational expenses in a way which would secure equitable results across the board.

The problems as I have described them so far are primarily those of local governments.

The problems of the State governments appeared to the committee, and certainly they appeared to me, to be less severe. This is one reason why the bill initially distributes about two-thirds of the funds to the localities and one-third of the funds to the States.

The problems of the States also seemed to be, at least to me, of a different nature. In the case of States, the primary difficulty seems to be that of making adequate use of possible tax sources. In particular, this is because in the past they have depended heavily on property and sales taxes which is not as flexible a source of revenue as the Federal income tax. In part, this also is because the States' financial problems have increased as they helped their local governments meet their increasing financial needs.

In addition, some of the States have not made effective use of the revenue sources available to them. This is suggested by the substantial variations on the tax effort of various States. For example, if all States and their localities had made the same revenue effort as was made in 1969 by the average of the 10 States having the highest revenue effort, State and local governments would have raised $18.6 billion more in revenue than they did. This suggested to your committee the desirability of encouraging revenue effort on the part of the States. In other words, we concluded the best thing we could do for the States was to help the States help themselves.

Some of the committee wanted to encourage a State income tax—a majority of the members. I had a different viewpoint, but I did not prevail. I wanted to look solely at the total of the revenues raised by the State in determining the States' revenue effort, but a majority of the members of the committee felt that heavy reliance on the income tax was the preferable system of taxation for States as well as the Federal Government. They felt that the States should be encouraged to make greater use of individual income taxes.

I have questioned whether we should put our sole reliance on encouraging the States to increase their income taxes. These differing views resulted in a compromise. This is better than the bill I introduced in this respect. In this respect in my view this bill before us is not quite as good a formula as one based entirely on tax collections generally. However, I am satisfied to go along with it. I would think it is perhaps the best we could do. The compromise we adopted gave the States half of what they receive, $900 million, on the basis of the total tax effort, and the other half they receive, the other $900 million, on the basis of their income tax collections.

However, we do say, if the State has no income tax, that we will give it not less under this formula than one-half of 1 percent of what the Federal Government takes from the residents of that State from the individual income tax collections so you will not be left out of even this half of the formula as a result of not having an income tax.

Then we say to the States that have income taxes, even though this half of the formula generally is based on one-half of 15 percent of income tax collections, we will never let you have more under this one-half than an amount equal to one-half of 6 percent of the Federal individual income tax take from the citizens of your State.

Some of the committee wanted to encourage State income tax effort specifically and others of us preferred encouraging general tax effort without emphasizing any particular source of revenue. We balanced these two different points of view by the formula in the bill which distributes half of the funds to the States on the basis of general revenue effort and one-half on the basis of income tax effort.

We in the committee, of course, recognized that the Federal Government has severe substantial financial problems too. The Federal Government's financial problems are all too clearly demonstrated by the large deficits we have recently experienced and are continuing to experience. The Treasury now expects the deficit for the fiscal year 1972 to be about $26 billion and the deficit in 1973 to be about $27 billion. I expect the deficit for the fiscal year 1972 to be nearer $25 billion but I fear the deficit for 1973 will be substantially above $30 billion.

Certainly, our committee as much as anyone in the Congress, believes that steps need to be taken to improve the Federal budget position. We do not believe, however, that the problems of these large deficits by themselves should preclude Federal fiscal assistance to State and local governments. In view of this vital need, to deny this assistance to State and local governments while the Congress continues other present expenditures implies that this assistance has a lower priority than all other forms of Federal spending. This is a position we cannot accept. We are convinced that the Federal assistance provided by this bill represents one of the Nation's most vital needs. As a result, even though the Federal budget is in a large deficit position—and as undesirable as this clearly is—we do not believe that this represents a justification for deferring State and local fiscal assistance any more than it is a reason for deferring any other vital needs.

I know that there has been some criticism of this legislation on the ground that it helps the wealthy States more than the poorer States. In the form in which this argument is generally presented, it usually rests on figures showing that the per capita grants to the poorer States—that is, the States where per capita income is relatively low—are smaller than the per capita grants to the wealthy States. I want to make clear, however, that this argument rests on a misunderstanding of the objectives of the bill.

For one thing, this argument does not take into consideration the fact that the wealthy States generally pay a relatively larger share of the Federal income tax while the poorer States pay a relatively smaller share of this tax. In evaluating the distributive effects, it is important to take into consideration not only the grants themselves but also the Federal income taxes that are collected to pay for these grants. When both the grants and Federal income taxes are taken into consideration, the net effect is to aid the poorer States.

For example, the States of Alabama, Mississippi, and Tennessee are three States with per capita incomes in the lower third of all the States. The local governments in Alabama will get 1.86

percent of the total local grants, although Alabama accounts for only 1.04 percent of Federal individual income taxes. Similarly, local governments in Mississippi will get 1.03 percent of the total grants for local governments while Mississippi accounts for 0.47 percent of all Federal individual income taxes. And local governments in Tennessee will receive 1.86 percent of the total grants to local governments while Tennessee contributes 1.41 percent of total Federal individual income taxes.

For the wealthy States, the reverse situation is true—the share of the total aid provided to their local governments is less than the share of the total Federal individual income taxes that these States provide. Local governments in New York, for example, get 9.49 percent of the total aid for local governments, but New York State accounts for 11.34 percent of the Federal individual income taxes. Similar figures could be presented for other wealthy States such as California, Connecticut, and New Jersey showing that they pay a larger share of Federal income taxes than the share of the total grants to local governments that would be provided to their local governments under the bill.

I would like to insert at this point in the RECORD a table which shows for all States the local share per $100 distributed to the local governments under this bill and also the individual income tax the same State contributes toward the raising of each $100 of income tax required to finance this bill. You will notice that in almost all cases, those States where the local share received is high also have made a large contribution toward the revenues required by this bill. Similarly, those who receive a smaller share in virtually all cases made a small contribution toward the revenue required by this bill. The consistency in this regard as shown in this table is quite striking.

REDISTRIBUTION UNDER $3,500,000,000 LOCAL SHARE OF H.R. 14370: COMPARISON OF LOCAL SHARE PER $100 OF LOCAL DISTRIBUTION AND FEDERAL INDIVIDUAL INCOME TAX PAID BY STATE'S RESIDENTS PER $100 OF FEDERAL INDIVIDUAL INCOME TAX

	Per capita income rank	Local share per $100	Tax [1]
Alabama	3	$1.86	$1.04
Alaska	1	.09	.17
Arizona	2	.92	.72
Arkansas	3	.87	.52
California	1	10.56	10.83
Colorado	1	1.12	.96
Connecticut	1	1.48	2.38
Delaware	1	.27	.34
District of Columbia	1	.44	.44
Florida	2	3.37	3.05
Georgia	2	2.15	1.78
Hawaii	1	.36	.40
Idaho	3	.28	.22
Illinois	1	5.62	7.08
Indiana	2	2.36	2.51
Iowa	2	1.19	1.14
Kansas	2	.97	.92
Kentucky	3	1.50	1.08
Louisiana	3	1.85	1.21
Maine	3	.41	.36
Maryland	1	1.93	2.36
Massachusetts	1	2.98	3.27
Michigan	1	4.36	5.0
Minnesota	2	1.78	1.6
Mississippi	3	1.03	.4
Missouri	2	2.28	2.1
Montana	3	.28	.2
Nebraska	2	$0.71	$0.61
Nevada	1	.24	.35
New Hampshire	2	.29	.33
New Jersey	1	3.85	4.50
New Mexico	3	.46	.32
New York	1	9.49	11.34
North Carolina	3	2.19	1.73
North Dakota	3	.24	.18
Ohio	1	5.08	5.75
Oklahoma	3	1.18	.93
Oregon	2	1.01	.95
Pennsylvania	1	5.79	5.98
Rhode Island	2	.52	.45
South Carolina	3	1.24	.76
South Dakota	3	.28	.19
Tennessee	3	1.86	1.41
Texas	2	5.77	4.79
Utah	3	.58	.35
Vermont	2	.15	.17
Virginia	2	2.21	2.08
Washington	1	1.66	1.78
West Virginia	3	.75	.61
Wisconsin	2	2.03	1.97
Wyoming	2	.11	.14

[1] Tax contributed per $100 of Federal individual income taxes.

In addition, I want to emphasize that so far as the grants to the States are concerned, looking at the distributive effects in terms of per capita income misses the point. The objective of these grants, as I have indicated, is to encourage the States to help themselves by raising adequate tax revenue for their needs. This is the reason why the grants to the States are based on their tax revenues. I might add that in this respect the bill very closely resembles the proposal made by my good friend JOHN BYRNES to aid the States by allowing individuals to credit their State income taxes against their Federal income taxes. However, I believe that the provision in the bill is superior to his proposal because it funnels the aid directly to the State governments.

Moreover, I would like to emphasize that this bill will make an important contribution toward a more equitable tax system. The Federal tax system generally is acknowledged to conform more closely than State and local tax systems to the principle of ability to pay, inasmuch as the Federal tax system relies heavily on income taxes while the State and local taxes consist mainly of sales and property taxes. Accordingly, the $3.5 billion of annual grants that will be provided to local governments for high-priority items under the bill will be financed in an equitable manner. In this respect, the grants will aid homeowners who are already subject to heavy property taxes by siphoning off some part of the pressure for increased property taxes.

Finally, I would like to emphasize that while this bill agrees with the concept of revenue sharing in that it distributes funds to State and local governments, there are a series of differences between the fiscal assistance provided by this bill and the revenue-sharing proposal initially presented to us which in my mind are absolutely fundamental.

First, the bill provides for the distribution of specific dollar amounts of fiscal assistance rather than any percentage of Federal revenues. This gives us assurance that the Federal Government in approving this bill will not be adding an ever-increasing and uncontrollable expenditure category to the budget.

Second, this bill provides the fiscal assistance for a limited 5-year period. This gives assurance of the review of the financial problems of State and local governments after a period of time. As a result, changes can be made in this program as the need develops. To whatever extent we find that this need is not essential in the future, this means that we can cut down the program or possibly even eliminate it. This 5-year program, however, gives assurance that during the current period when, because of the economic situation and other problems, the need for this assistance may well be at a peak level, it will be available.

Third, under this bill, the Federal Government—which is the Government raising the revenues—provides controls on how the local governments will spend the funds distributed to them. They can spend these funds only for generally recognized national high-priority objectives—public safety, environmental and sanitary protections and public transportation. At the same time, there is enough flexibility in how the funds may be spent by the local governments to avoid the defects of the categorical aid programs.

Fourth, the funds made available to State governments are designed to encourage them to expand their revenue efforts—either by the use of revenue sources generally or specifically by State income taxes. In other words, the bill helps the States to help themselves.

This has not been an easy bill for the committee to work out. There were so many different considerations to be taken into account that it was difficult to reach a consensus. Moreover, probably none of us is completely satisfied with every aspect of this bill. We have tried carefully, however, over an extended period of time, to weigh the different considerations and reach as good a balance in dealing with the various problems as possible. I think that this bill achieves such a balance. It will provide urgently needed assistance to State and local governments and at the same time avoids the defects of prior proposals. It is a bill which merits your support and I urge you to adopt it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 1 additional minute to answer questions.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I will be glad to yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Chairman, I have appreciated and listened intently to my colleague and neighbor from the South's explanation of this bill. At one point in his first explanation of the objectives I believe he referred to the investigations of the committee and said they were concerned, as I would paraphrase it, lest essential services be dispensed with in municipalities or States because of near bankruptcy.

Mr. MILLS of Arkansas. This is the

local governments and not the States now.

Mr. HALL. Local governments. In both local governments and municipalities or whatever we call the basic levels of government, the States do and, of course, so do the counties and municipalities have laws against exceeding a debt limit, and by and large they do not. Does the gentleman believe by the greatest stretch of his imagination that we are other than bankrupt in this generation, as a nation?

Mr. MILLS of Arkansas. Let me say I think the gentleman's State has a constitutional amendment that prohibits the State from going in debt. My own State requires the legislature to have to raise taxes to cover their expenditures.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 1 additional minute.

The gentleman's question goes to a point that does concern me.

Mr. HALL. It goes to a point, if the gentleman will yield further, that concerns many of us and about which we have heard nothing in all of the general statements thus far.

Then I have one further followup question, if the gentleman will take sufficient time.

Mr. MILLS of Arkansas. I do want to answer your question. There is no question about the validity of the gentleman's concern about the level of Government spending.

Mr. BUCHANAN. Mr. Chairman, I make the point of order that a quorum is not present.

Mr. Chairman, I withhold my point of order temporarily.

Mr. MILLS of Arkansas. I am concerned about it, too, because the Federal Government is expected to spend substantially more in 1973 than we are spending in fiscal year 1972. Certainly we must reduce expenditures or at least hold down the increase in expenditures. But this should not mean that the expenditures provided by this bill are the expenditures which should be cut. It gets down to the question shall we because of need to hold down spending say that all of the other moneys that we propose to spend for 1973, just because they are in existing programs, are being spent on programs that occupy a higher need or a higher priority than this? I cannot conclude that. Frankly, I cannot say that moneys that we are spending outside of the United States to maintain the political and financial sovereignty and integrity of countries scattered throughout the world are more important than maintaining the fiscal integrity of our own cities and counties and States. I cannot say that.

Mr. HALL. I have heard many make a similar statement and I concur in it so far as foreign aid, World Bank, undeclared war, and so forth are concerned, and have so voted.

My other basic question to the gentleman will be——

Mr. BUCHANAN. Mr. Chairman, I will not withhold further.

I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Fifty-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 215]

Abernethy
Abourezk
Addabbo
Alexander
Anderson, Tenn.
Ashley
Aspin
Blanton
Carey, N.Y.
Carney
Celler
Chisholm
Clark
Clay
Conyers
Culver
Davis, S.C.
Delaney
Dowdy
Dwyer
Erlenborn
Esch
Evans, Colo.
Foley
Fulton
Galifianakis
Gallagher
Gettys
Gray
Hagan
Hanna
Hansen, Wash.
Hébert
Hogan
Holifield
Hosmer
Jonas
Keith
Kuykendall
McCormack
McDonald, Mich.
Madden
Metcalfe
Mosher
O'Hara
Pelly
Podell
Pryor, Ark.
Pucinski
Rees
Riegle
Rooney, N.Y.
Rosenthal
Ryan
St Germain
Scheuer
Schmitz
Sikes
Smith, Calif.
Stephens
Thompson, N.J.
Wyatt
Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14370, and finding itself without a quorum, he had directed the roll to be called, when 369 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time the Committee rose, the time of the gentleman from Arkansas (Mr. MILLS) had expired. The gentleman has consumed 35 minutes.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself an additional minute in order to yield further to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distinguished gentleman yielding.

Having established that we have no source of revenue from which to refund this mythical largesse to the various States and localities; my basic second question is, if we are to have a new form of tax bill—why not leave the money in the communities or States in the first place rather than bringing it here where notoriously the inefficient Federal personnel inexorably use too much of it for administrative purposes before sending it back to the needy States and communities.

Mr. MILLS of Arkansas. Of course it should be understood that this bill involves very little administrative expense at the Federal level since the funds are paid out under formulas set in the bill. One way which was considered which would not bring the funds to Washington for distribution was to provide a tax credit against the Federal income tax for State income taxes. This, of course, would reduce our own taxes on individuals.

That would work in the 40 States where they have income taxes. If the State legislatures were willing they could pick up this amount which is given back to the individual taxpayers by increasing the State's income tax on them.

But in the 10 States where they do not have an income tax, I do not see how they could get any advantage through such a credit. Also I do not think most of us would want all of the funds returned entirely on this basis.

Mr. HALL. So we bow to the will of those who themselves by popular vote decide not to, and do it for them? It is just that simple.

Mr. MILLS of Arkansas. As a matter of fact, if we are to help all the States, we are caught in the situation where we cannot do it by using a tax credit for State income taxes since not all of the 50 States have State income taxes.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. BYRNES of Wisconsin. Could the chairman give the Members an idea of what the intention is with respect to the proceedings on this bill, and ask permission for those Members who desire to do so to extend their own remarks in the RECORD.

Mr. MILLS of Arkansas. I thank my friend for reminding me to do that.

Let me say first that we have discussed the matter with the leadership on the gentleman's side and on this side also, and also with the gentleman, and we would like to carry on the debate tonight beyond 6:30 or 7 o'clock or somewhere in that neighborhood in the hope that we can get through with most of the debate, if not all of it, because we have to bear in mind that there are two appropriation bills that are unfinished. I do not know what the leadership plans to do about the rest of the weekend, but that will give us a pretty good day for Thursday, if we dispose of this bill and the other two appropriation bills.

Mr. ARENDS. Is it not possible that we might come in a little bit earlier tomorrow?

Mr. MILLS of Arkansas. That is not within my jurisdiction or at least it is not within the purview of the Committee on Ways and Means.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Chairman, I ask unanimous consent that all Members desiring to extend their own remarks on the bill presently being considered may be permitted to do so.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I think it has to be recognized that the vote on this bill, as far as the House is concerned, was pretty well decided with the adoption of the rule. I am not going to try to kid myself that anything I might say is going to change that situation. I think it ought to be made clear, though, that the principal reason for supporting this bill has been somewhat ignored. It has been somewhat ignored by the chairman of the committee in his discussion of what the bill contains.

This principal reason to which I refer is the appetite of the Governors and mayors, State legislators, city councilmen, and county board members. Their appetite has been whetted for some free money, or new money, from Washington that they can spend as they see fit. Frankly, I cannot blame them too much.

We all know that demands are constantly being made on them for additional services, yet the people are not willing to bear the taxes that those services will cost. And so they are caught in a bind. They apparently envision a "Santa Claus" in Washington saying, "We will send you $30 billion in the next 5 years, and you will be able to take care of some of those requests for services, and you won't have to try to find any way to finance them."

That is a pretty good deal, so I am not criticizing the Governors and the mayors for taking that attitude, even though I must say that it is a pretty selfish one if balanced against the needs and interests of the country. But this is an election year, and it is nice to go home and have the Governor say, "I am with you because you sent me this check from Washington." Or you go to the mayor, and the mayor says, "I am all for you because you sent me a check." I think, frankly, that this reason for supporting the legislation is stronger than any substantive one related to the merits of the bill.

Mr. HALL. Mr. Chairman, will the gentleman yield on that point?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Missouri.

Mr. HALL. Does the gentleman feel that these selfsame mayors and Governors will be in just as strong support next year and the next Congress that we are encumbering, when we have to raise revenue in order to pay out this $30 billion?

Mr. BYRNES of Wisconsin. They will not show up on the scene at that time, since they are asking Congress to assume the painful duty of imposing the tax burden necessary to finance their benefits. But if this becomes law they are going to be back in the very near future. They are using the tremendous political cloak they have demonstrated today to increase the amount of assistance that this bill provides. This bill is just the beginning, as testimony before the committee demonstrated. Governor Rockefeller, speaking for the National Governors' Conference said $10 billion "is absolutely essential." Mayor Gribbs of Detroit, appearing for the U.S. Conference of Mayors, in effect agreed when he stated:

> We feel it should be at the level of $10 billion to meet our needs but that does not mean we would not be pleased to have you pass it at $5 or $6 billion.
>
> Pleased, but not satisfied.

I would suggest that they are never going to be satisfied. Once we start down this road of financing the general governmental responsibilities of States and localities, the Federal allocation is going to become a line item of revenue in State and local budgets. As they total up their expenditures, and their revenues, if they find a deficit, they will put in a line to balance it out, saying "We are working in Washintgon to get this additional amount."

I think anybody who looks at it in a different way is just blinding himself to the true facts of the situation.

I am not going to go through all the arguments against this legislation. I would hope that those Members who are interested in a discussion of the problems involved, and the reasons why some of us think this is a most serious step in the wrong direction, would read the dissenting views that appear in the committee report on pages 88 through 109. When we get into the House, Mr. Chairman, I will ask for permission to include that discussion at the end of my remarks.

Let me emphasize some of the high points now. The President has called this a historic piece of legislation. Others have referred to it in a similar manner. I agree thoroughly. This bill would have long-range adverse effects upon our system of government, the relationship of the Federal Government to the States, the responsibilities of local government, and governmental responsibility generally. I sincerely believe we will regret the day that we start down the road built by this particular piece of legislation.

The bill, in my judgment, is wrong in principle. Once the Federal Government assumes the responsibility of raising the money local governments spend to provide basic services from garbage collection to police protection, we will have completely altered the governmental relationships underlying the success of our pluralistic system.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, I commend the gentleman for his statement. I support him 100 percent. I believe this legislation, if passed, will go down in history as the biggest blank check for irresponsibility that this Congress ever passed.

I commend the gentleman.

Mr. BYRNES of Wisconsin. Mr. Chairman, I thank the gentleman from Indiana.

Mr. Chairman, let me point out again to the Members of this House the chain of events we are starting here. I sympathize with the problems of our Governors and mayors, because I realize the great demand that is put upon them by their people for additional or expanded governmental services. We see those same demands here. I think there is some restraint today, however, on meeting all of those demands by reason of the fact that somewhere, some time, somehow, money generally has to be raised in order to pay the costs of those services if they are rendered.

Local governments in many cases simply tell the people, "There is the alternative; if we are going to have the services we have to have the increased taxes."

We do not enjoy that same situation here in the Congress, because we have the capacity to borrow, which has led us into a situation where we do not ask ourselves in connection with an additional service, "Are we going to raise taxes?"

For instance, under this bill, we would appropriate and expend $30 billion despite the fact that we will be going $100 billion further into debt over just a 3-year span. We would add new services with the recognition that we will go out and borrow.

Although there is some restraint at the local level today, what is going to happen after the Federal Government assumes responsibility for financing the general costs of local government? A group will come into the mayor and say, "We need this new service; it would be very desirable." He will say, "I think it is desirable, too, and I will do it, if we can only get the money. So if you will get our Congressman to increase the amount of revenue sharing, so that we will get some additional money back here, then we can have that additional service." So, in the future, rest the responsibility for the denial of any service that the people might want will rest on Congress doorstep.

The Congress of the United States will be held responsible, because the Congress is going to be raising the money. Make no mistake about it.

I believe that is going to mean the downfall of the restraint which exists in keeping our fiscal house in order and having a government responsible to the people.

We talk of this as aiding decentralization of government. How blind can we be? By making our States and localities more and more dependent upon Washington, we are centralizing government.

As Jenkin Lloyd Jones said, "Centralization is that device by which the taxpayer's normal prudence is overcome by his greed." Revenue sharing is the most invidious type of centralization. It centralizes the burden of taxes and decentralizes the dispensation of benefits. It makes the benefits immediate and the burden remote.

That is the road on which we embark as we get into Federal Government financing of the general operations of State and local governments.

Let me speak briefly about some other claims that have been made for this legislation.

One is that it is going to reduce local taxes, it is going to reduce the burden on those who pay property taxes. How far-fetched can we be in the rationalizations that we make?

In the first place, let us recognize that education consumes 43 percent of local budgets and 95 percent of the local tax revenue for education is derived from property taxes.

What does this bill do in the area of education? On the surface it says to local governments, "You cannot spend any of the aid we are giving you in this bill on education. You have to limit it to certain high-priority items, and education is not one of them." So how can anybody suggest this is going to really have any effect on local property taxes?

In fact, the "free money" revenue sharing provides may actually result in a proliferation of expensive programs, ultimately requiring even greater taxes at levels of government. Let me, in this regard quote from a highly respected columnist and student of government in Wisconsin, who recently wrote:

> Yet all the lessons of modern political history show that availability of free money generates new programs, new services, and

> new pressures for higher budgets. To the extent that such infusions will tempt local governments to enlarge their budgets, the pressure will grow for more and more billions from the national treasury in future years.
>
> Municipal officers are politicians and are obliged to support the idea of free money from Washington. Yet their own training in arithmetic must caution them about the futility of sharing federal revenues that are already many billions of dollars short and that the biggest federal deficit in history impends.

Mr. HALL. Mr. Chairman, will the gentleman yield to me?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. HALL. I appreciate the gentleman yielding.

I think he is making one of the outstanding statements of the century pertaining to this landmark bill. We are discussing an appropriation without revenue for $31 billion.

Therefore, Mr. Chairman, I make the point of order that a quorum is not present. I want them to hear this.

The CHAIRMAN. The gentleman from Missouri makes the point of order that a quorum is not present. The Chair will count.

Forty-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 216]

Abernethy
Abourezk
Alexander
Anderson, Tenn.
Blanton
Brasco
Broomfield
Buchanan
Byrne, Pa.
Celler
Chisholm
Clark
Clay
Coughlin
Davis, S.C.
Delaney
Dingell
Dowdy
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Ford, William D.
Galifianakis
Gallagher
Gray
Hagan
Hays
Hébert
Hogan
Horton
Hosmer
Jarman
Kluczynski
McCormack
McDade
McDonald, Mich.
McMillan
Madden
Metcalfe
Miller, Calif.
Monagan
O'Hara
Passman
Pelly
Pepper
Pike
Poff
Pryor, Ark.
Rooney, N.Y.
Ryan
Scheuer
Schmitz
Scott
Smith, Calif.
Steiger, Ariz.
Stephens
Stokes
Teague, Tex.
Thompson, N.J.
Tiernan
Waldie
Whitehurst
Widnall
Winn
Wyatt
Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14370, and finding itself without a quorum, he had directed the roll to be called, when 365 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Wisconsin (Mr. BYRNES) has 2 minutes remaining.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 10 additional minutes.

Mr. Chairman, before the quorum call was made, I was responding to the argument that this bill will have the effect of reducing property taxes at the local level. That is simply wishful thinking. No assistance is provided for education, to which a large proportion of the property taxes are attributable. The bill is simply an invitation to spend money and expand services at the State and local level.

Another argument made is that the bill will improve relationships between the Federal Government and our States and localities and that we will have a new partnership. It is alleged that the bill will diminish categorical grants, and the redtape associated with these programs.

Mr. Chairman, let us first recognize that we will be providing Federal aid through categorical grants to State and local governments totaling $38 billion in fiscal 1973. But this program is not a substitute for any of the categorical grant-in-aid programs. It does not convert any of these programs into general revenue sharing or bloc grants. This program simply piles still another tier on the existing mess. This bill will not alter the structure nor diminish the magnitude of these existing programs.

All we have to do is to look at the legislation pending in this Congress for enlarging categorical grants. Look at the appropriation we recently approved for education. The House added more than $1 billion over the amount proposed in the budget for that purpose.

When a Congressman or Senator or the President of the United States identifies a public problem that needs solution, the Federal Government will not stand idly by expecting the States to assume full responsibility. Politicians at the national level will want credit for resolving problems.

This is particularly true when the problem is of broad concern to the Nation. In our dynamic society, change is a continuing phenomenon, and the byproducts of technological progress often require cooperative governmental programs in attacking specific problems. This is true in the environmental field, as the emphasis on ecology in recent years demonstrates, and as the $24.6 billion, 5-year water pollution bill that recently passed the House also demonstrates. Let us be honest and admit that our constituents expect us to develop solutions to these problems as they arise, and that as politicians we will want to respond. We are simply deluding ourselves and the American people by contending that this bill is in any way related to the categorical grant-in-aid programs.

The real way to attack the defects in the categorical grant-in-aid programs is through structural reform, through "special revenue sharing," or bloc grants as the President recognized in proposing his special revenue sharing programs. Let us get on with that important task instead of enacting an entirely new and potentially more expensive and harmful program.

This program is potentially more harmful, because sooner or later, "strings" or conditions will be attached to these grants. In the affairs of Government, human nature tells us that he who pays the piper calls the tune. If the money is going to come from Washington, sooner or later Washington is going to say how the money is to be spent and under what conditions.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. GIBBONS. Mr. Chairman, I appreciate the gentleman from Wisconsin yielding to me.

The gentleman is making a very intelligent and a very important statement. I want to pay tribute to the gentleman who is the ranking minority member of the committee. When the gentleman retires, I shall certainly miss his service here and I know the Nation will miss the gentleman's service.

What the gentleman was saying a while ago about this program not discouraging categorical grants gives pause for reflection.

Is it not true that the States and localities can directly or indirectly use the $5 to $6 billion dollars of annual aid under this bill as matching money in applying for assistance in the categorical grant programs, getting ourselves into a cycle of having them want more and more and more?

Mr. BYRNES of Wisconsin. I appreciate the gentleman's remarks, and I think he is correct. The committee did pay lip service to preventing this result, but no effective means of implementing this desire was found.

The bill purports to tell local units of government that they must spend this money in three basic categories. You will notice there is no maintenance of effort required. Let me tell you what any community could do, by using my community of Green Bay, Wis., as an illustration. Under this bill Green Bay would get $1.3 million annually. Green Bay's budget for its police department is $1.7 million. Its budget for the fire department is $1.9 million. Under the bill it could take that $1.3 million and finance all except $400,000 of its police department. The $1.3 million that it would otherwise have budgeted from normal revenue for the police department then becomes available to spend in any way Green Bay wants—including using some of the money to match categorical grants in aid.

The cycle the gentleman described exists under this bill, because when the subterfuge is removed from the bill it is "no strings attached" general revenue sharing not in substance different from the administration's proposal. While some improvements have been made, this is in essential concepts and philosophy the administration proposal.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding and commend him for his statement. I am sure the gentleman from Wisconsin heard the opening remarks of the gentleman from Pennsylvania, Mr. FLOOD, in connection with the Labor, Health, Education, and Welfare appropriation bill only last Wednesday or Thursday, during general debate, when he said that in that bill alone there was more than $13 billion for grants to the various States.

Mr. BYRNES of Wisconsin. That is the point I make. We are getting to the point of the ridiculous.

Mr. MOSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty Members are present, not a quorum.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 217]

Abernethy
Abourezk
Abzug
Alexander
Anderson, Tenn.
Ashley
Badillo
Barrett
Bingham
Blanton
Boland
Bolling
Brademas
Broomfield
Burton
Byrne, Pa.
Cabell
Carey, N.Y.
Celler
Chisholm
Clark
Clay
Conte
Conyers
Davis, S.C.
Delaney
Denholm
Diggs
Dingell
Dowdy
Dwyer
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Findley
Fish
Fraser
Fulton
Galifianakis
Gallagher
Hagan
Hanna
Hansen, Wash.
Harsha
Hébert
Hogan
Holifield
Hosmer
Jacobs
Jonas
Jones, Ala.
Karth
Koch
Kuykendall
Leggett
Long, Md.
McCormack
McDonald, Mich.
Madden
Metcalfe
Miller, Calif.
Mitchell
Mollohan
Moorhead
Mosher
Murphy, N.Y.
Nix
O'Hara
O'Neill
Passman
Pelly
Pepper
Poff
Powell
Pryor, Ark.
Rangel
Rees
Reid
Rooney, N.Y.
Rosenthal
Ryan
St Germain
Satterfield
Scheuer
Schmitz
Seiberling
Sikes
Slack
Smith, Calif.
Springer
Staggers
Stokes
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Udall
Van Deerlin
Vigorito
Waldie
Wiggins
Wilson, Charles H.
Wolff
Wright
Wyatt
Yatron

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14370, and finding itself without a quorum, he had directed the roll to be called, when 324 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself an additional 10 minutes.

Mr. Chairman, let me assure you and the Members of the House that it is not pleasant for me to oppose my President, to oppose my leadership on this particular subject. But let me say that I have long been opposed to this approach to meeting the problems some of our States and cities face. In the middle 1960's, I served on a task force which was set up by the Republican National Committee to consider the problems of State and local governments. The task force report was probably the forerunner of the position taken by the Republican Party in the 1968 convention. But I refused to sign that report because, among other ingredients which I favored very much, it proposed that the Federal Government assume the responsibility for the general costs of State and local governments. This is also the basic principle embodied in this revenue sharing bill. I could not change from that conviction simply because my President happened to recommend it or because my leadership supported it. I assure the Members it is not pleasant, but I feel very sincerely about the matter, and I, therefore, must take the position I am taking today.

I was sorry, Mr. Chairman, that when the chairman of our committee addressed this House and made reference to the fact that he had opposed the bill a year ago but now was supporting it he did not outline for us what changes had taken place in the basic concepts of this legislation which caused the change in his position.

Let me make very clear that I have the highest respect for the chairman of my committee. I believe everybody in this House knows of that respect.

I want to refer to arguments that he made during the last year or so—not in any way to disparage those remarks or the position taken by the gentleman from Arkansas, the chairman of my committee—but because his remarks succinctly and eloquently state the very basic reasons why I oppose revenue sharing today.

It was in June of 1971, just a year ago, in speaking before the Greater New Haven Chamber of Commerce in Connecticut, that the chairman said, and I quote:

> Ironically, this is one of the principal arguments used by supporters of general revenue sharing, the reversal of the concentration of government power in Washington. Contrary to their conclusion, I know of no proposal which would strengthen the hands of those who favor more centralization of power in Washington than this simple proposal to share Federal revenue with the States and through them with the local governments. I have described it many times as a Trojan horse. It is, indeed, just that.

There has been no change in the principle of this bill since that time. It is still subject to that very same criticism. I think the chairman was right then, and I continue to agree with the position he took at that time.

Additionally, the bill still separates the pleasure of spending money to dispense benefits from the painful necessity of imposing corresponding tax burdens. It is an inherent part of this revenue-sharing bill. The chairman of the committee on June 4, 1971, pointed out the harmful effects of such a division:

> Last and perhaps most important of all is the principle involved in revenue sharing in its separation of the spending function of government from the responsibility for revenue raising. Throughout my entire period of public service, both as a county judge in Arkansas in the depression years and nearly three decades on the House Committee on Ways and Means, I have known firsthand the difficulties and political hazards of raising revenue. I remain convinced that this is a necessary discipline on any governmental authority. I am not yet ready and I believe that when all of the facts are in this legislature will not be ready for a new American revolution that would remove this discipline from those who spend the revenues.

I agree with what the chairman said in June of 1971 before the Oklahoma Legislature.

Mr. Chairman, this bill takes us into a dark tunnel of fiscal chaos, with no light at the end. The chairman of our committee mentioned this in his speech on the House floor on January 26, 1971. He said:

> I should say I am not merely worried about the $5 billion or so dollars which the Administration currently would schedule for revenue sharing; rather, my concern is that once this road is begun, where does it end? Obviously, from the standpoint of State and local governments, nothing could be nicer than having no-strings-attached-funds for which they bear no responsibility for raising. As a result, once the $5 billion or so dollars is spent in this manner, what could be more natural than at some future time to demand in the strongest terms possible, further increases in funds available.
>
> In my view we already have too little restraint on spending programs at the present time. If the revenue sharing machinery is to be cranked up, I fear we will lose much of what restraint we now have. I am not at all sure that this was not really the intent of some of the originators of the idea of revenue sharing.

The argument made then, and subscribed to by the chairman of my committee, is as true today as it was in January of 1971.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

The chairman made the argument on several occasions last year that when one looks at the Federal fiscal situation it is difficult to imagine what revenue there really is for us to share.

Let me quote from the chairman's remarks when he reviewed our Federal fiscal plight before the Oklahoma Legislature on June 4 of last year:

> How anyone can suggest general revenue sharing, with a straight face, in full view of Federal deficits of that magnitude and the chronic string of deficits over the past 40 years is beyond me,.

At the time the chairman spoke of a combined deficit for fiscal 1971 and 1972 of $55.1 billion on a Federal funds basis. The current estimate is $62.1 billion. The combined deficits—and increase in our debt—for the 3 fiscal years 1971, 1972, and 1973 is projected at $100 billion. Next week we will again extend the debt limit, and a further increase will be needed in the fall. Events have only strengthened the chairman's arguments. They were correct when he made them a year ago; they have even more force today.

This legislation does not go to the root cause of the problems some State and local governments face. Revenue sharing simply throws money at the symptoms, leaving the underlying disease to subsist beneath the surface. The chairman recognized this also when he discussed revenue sharing before the Oklahoma Legislature in June a year ago, when he said:

> Frankly, however, I have never been one who is attracted to the idea that if you throw money at a problem it will go away. I believe that this attitude is shared by most every member of this body.

The chairman was right then, and his reasoning is equally applicable today. We are not resolving any problems. In fact, we could well be adding new problems on top of problems that already exist.

As I said when I began, it is not my belief that I am changing any votes on this matter. But I think that there are certain things that must be said before this House starts us on the perilous journey outlined by this bill.

I think it is going to be one that the Congress of the United States will regret, if this program comes to fruition. I think it is one that the executive branch of this country is going to regret. I think it is going to be regretted by the States and by the local units of government as they become more and more dependent upon the Congress of the United States and on the Federal Government for financing their basic governmental services.

But, more than by anybody else—it is going to be regretted by the American taxpayers who have to pay the bill. No matter where services are incurred, whether they be at the Federal level or the local level, it is the American taxpayer who has to fork out the money.

All we are doing here is adding another level of expenditures and we are going to be turning to these taxpayers for the additional taxes to finance it.

In the process we also will have removed what few restraints—and, frankly, the rather ineffective restraints that we have today—on public spending. By undermining public accountability we undermine the democratic process.

Who is going to suffer in that process? We all will suffer. But in the final analysis, the American taxpayer will suffer the most in order to appease the appetite of State and local officials.

Following is a reprint of Dissenting Views I filed with several of my colleagues in House Report 92-1018 on the State and Local Assistance Act of 1972:

IX. Dissenting Views of the Honorable John W. Byrnes, the Honorable Herman T. Schneebeli, the Honorable Joel T. Broyhill, the Honorable Omar Burleson, the Honorable James C. Corman, the Honorable Sam M. Gibbons, and the Honorable Joe D. Waggonner, Jr.

INTRODUCTION

Let no one be deceived: This is historic legislation. For the first time in our history, state and local governments would become dependent on federal assistance to meet their general governmental responsibilities. The assistance is not related to a carefully defined problem involving a federal interest. This is an entirely new road, fraught with peril, with no end in sight. The one certainty is that the program will be permanent and ever rising in its costs.

This bill provides an annual appropriation of $5.3 billion for a five-year period retroactive to January 1, 1972. The states would receive $1.8 billion of this amount to spend in any manner they please; the remaining $3.5 billion would be allocated to the states to "pass through" to 39,000 units of local government, to be used for so-called "high priority" expenditures.

The "priorities" to which local expenditures are limited were not selected after careful analysis of the needs of the 39,000 units of local government involved. Education, for example, is excluded, although it consumes 43 percent of local budgets and 95 percent of the local tax revenue for education is derived from property taxes. The "priorities" were plucked out of thin air for the sole purpose of distinguishing the Committee bill from the Administration's "no strings attached" revenue sharing proposal which had been consistently denounced by some members of the Committee.

What remains is a hybrid structure, with no strings attached at the state level (these governments apparently can be trusted) and strings attached at the local level (these governments apparently cannot be trusted). This is the ultimate paradox; legislation recommended to revitalize local governments, *by the terms of the reported bill itself*, expresses the least confidence in the wisdom and responsibility of the level of government closest to the people.

THE COMMITTEE BILL IS WRONG IN PRINCIPLE

It may seem anachronistic to oppose on principle a bill with something for everyone, but it is essential that we do so. Under our constitution, the power to tax is carefully linked to and limited by the power to spend for specified purposes. Additionally, responsibility for originating revenue legislation was given to the House of Representatives, since it is the most representative branch of our national legislature, has the most direct contact with the people, and is accountable to the people at the polls every two years. The "power of the purse," a critical ingredient in our system of checks and balances, was safeguarded against abuse by the one indispensable condition of democracy: full public accountability.

Public accountability is severely undermined by this bill. The responsibility for raising taxes is divorced from the dispensation of public benefits. Congress will be unable to balance the burden of increased taxation imposed at the Federal level against benefits disbursed by the 50 states and 39,000 units of local government all across this land.

Conversely, the 50 states and 39,000 localities dispensing public benefits will be relieved of the obligation to carefully weigh the benefits of increased public expenditure against the burdens imposed on their community through increased taxation.

The most serious defect, however, will be the inability of the public to measure the performance of their elected officials at various governmental levels by balancing the tax burdens imposed by these officials against the public benefits they have provided.

The historical experience of the German government during the latter half of the 1920's in making "no strings attached" grants to the states and communes indicates the dangers inherent in the Committee bill. The program, although originally described as "provisional," continued throughout the decade to complicate the problems of Germany in meeting its World War I reparation payments. S. Parker Gilbert, Agent General for Reparations, made the following comments on the German experience in his 1930 Report to the Reparations Commission:

"These recent developments illustrate what is indeed the underlying fault in the whole system of transfers to the States and communes, namely, the division of responsibility as between the authority which collects the taxes and the authority which spends the money. The Government of the Reich collects the taxes, but does not feel the full responsibility for them, since it must pass on a large share of the proceeds to the States and communes, and it now proposes, for the most part, to exclude the transfer to the States and communes from its budget—as if to emphasize its own lack of responsibility for them. The States and communes, on their side, spend the money without having had any of the responsibility or odium of collecting it, and they have fallen into the habit of expecting the Reich to provide more and more money for them to meet their recurring budgetary deficits. One of the States, in fact, has recently entered "additional transfers from the Reich" as the balancing item in its draft budget, and with each new provisional settlement the States and communes generally unite to exert all possible pressure to get larger payments from the Reich as if the Government of the Reich were an external authority depending on some other body of taxpayers. *The financial relations between the Reich and the States and communes will not be on a sound basis until the responsibility for raising the money by taxation has been reunited with the responsibility for spending it . . .*" (emphasis added)

The Chairman of the Committee, in explaining the reasons why he was opposed to revenue sharing last year, stated that, "perhaps the most important [reason] of all is the principle involved in revenue sharing, in its separation of the spending function of government from the responsibility for revenue raising." The Chairman has also emphasized that, "each citizen has the right to expect that the government official who decides how government funds are to be spent should have the responsibility for justifying the needs in terms of the tax levels he is willing to support." We fully agreed when the Chairman made these remarks, and we continue to do so.

SERIOUS QUESTIONS EXIST AS TO CONSTITUTIONALITY OF COMMITTEE BILL

Although we do not intend to belabor the point, serious questions about the constitutionality of revenue sharing have been raised and not adequately answered. Members of Congress frequently complain—with some justification—that the Supreme Court does not interpret the constitution with due regard to its language. If we pass this bill, we will be doing exactly the same thing because this bill fundamentally restructures federal, state, and local fiscal relationship while paying virtually no attention to provisions of the constitution that raise serious questions about the constitutional propriety of the Committee's action.

The constitution gives Congress the power to tax "to pay the debts and provide for the general welfare of the *United States*." This language—and the division of powers and responsibilities within our federal system—requires Congress to make a fundamental policy decision as to what constitutes the general welfare of the *United States*. By providing a blank check to the states, the Committee's bill abdicates this responsibility. A blank grant to a federal agency to spend as it sees fit would clearly be an unconstitutional delegation of Congressional power. Why is a similar delegation to the states any less unconstitutional?

Additionally, the constitution contains many specific restrictions on the way Congress can spend money. Despite the specific direction to Congress itself to insure that federal expenditures comply with these constitutional restrictions, Congress abdicates its responsibilities to exercise its independent judgment on these issues when it simply turns over federal money to the states to spend as they see fit.

Our constitution is a flexible document. It was not cast in bronze at the dawn of creation, but neither is it a formless mass to be molded to whatever shape appears expedient. The failure of the Committee to thoroughly examine these issues illustrates the subordination of principle to the demands of the moment that characterized the development of this legislation.

COMMITTEE BILL WILL INCREASE DEPENDENCE OF STATE AND LOCAL GOVERNMENTS ON POWER CONCENTRATED IN WASHINGTON

Revenue sharing has been advanced as a program for decentralizing government in order to make it more responsive to the people. This is simply not true.

This bill takes the unprecedented step of underwriting, at the federal level, the general govermental expenditures of state and local governments. The dependence of state and local governments on federal largess to meet their basic governmental responsibilities will result in the federal government eventually prescribing how state and local governments must meet their responsibilities. The Chairman pinpointed the true nature of revenue sharing with a very apt metaphor last year when he stated that revenue sharing "is more in the nature of a Trojan horse from which at the appropriate time will spring new rules and strictures on the activities of those very governmental bodies who are being wooed by this gift from Troy."

While the states' $1.8 billion share is provided on a no strings basis as recommended by the Administration, the bill restricts use of the local share to three general areas: public transportation, public safety, and environmental protection. The general restrictions prescribed by the Committee already move in the direction of meeting the demands of those who desire to run state and local government by remote control from Washington.

The potential dangers to our federal system lurking beneath the surface appeal of revenue sharing were eloquently articulated by President Andrew Jackson, in his 1833 message vetoing a bill to appropriate the proceeds from the sale of public lands to the states according to their representation in Congress.

President Jackson stated:

"It appears to me that a more direct road to consolidation cannot be devised. Money is power, and in that government which pays the public officers of the states with all political power be substantially concentrated. The state governments, if governments they might be called, would lose all their independence and dignity. The economy which now distinguishes them would be converted into a profusion, limited only by the extent of the supply. Being the dependents of the general government, and looking to its treasury as the source of all their emoluments, the state officers, under whatever names they might pass, and by whatever forms their duties might be prescribed, would, in effect, be the mere stipendiaries and instruments of the central power.

"I am quite sure that the intelligent people of our several states will be satisfied, on a little reflection, that it is neither wise nor safe to release the members of their local legislatures from the responsibility of levying the taxes necessary to support their state governments and vest it in Congress, over most of whose members they have no control. They will not think it expedient that Congress shall be the tax-gatherer and the paymaster of all their state governments, thus amalgamating all their officers into one mass of common interest and common feeling. It is too obvious that such a course would subvert our well-balanced system of government, and ultimately deprive us of all the blessings now derived from our happy union."

These fundamental principles of public finance are as essential to the vitality and responsiveness of our federal system as they were when outlined by President Jackson nearly a century and a half ago. The Committee's revenue sharing bill directly contravenes these principles.

STATES AND LOCALITIES DO NOT FACE A COMMON FISCAL CRISIS

The Committee bill is based on an assumption that all states and localities face a common fiscal crisis. The facts, however, indicate otherwise. For example, a 1971 Brookings Institution study by Robert D. Reischauer produced data which do "not imply a grave and growing aggregate fiscal crisis" for either states or cities. Mr. Reischauer concluded that a "natural growth in state and local revenues not only will cover the built-in rise in expenditures, but also will be able to support a moderate improvement in the quality and scope of public services.

Some states and localities clearly confront difficult problems in meeting growing public problems, despite a high tax burden on their citizens. But it is equally clear that there is no general fiscal crisis common in origin, nature, and magnitude, to *all* states and localities.

The need for money varies widely among the states and localities, and so does the degree to which they have exhibited a willingness to help themselves, by raising revenues on their own.

Six states make no use whatsoever of the individual income tax, four others use it in a narrowly selective way, and in fiscal year 1971, individual income tax collections represented less than one percent of personal income in 22 states. It is ironic that revenue sharing purports to rely on the income tax to help finance many governmental units which make little or no use of it as a revenue source.

Perhaps the best measure of revenue effort is to look at general revenues raised by state and local governments from their own source as a percentage of personal income within each state. A ranking of the states by this gauge also shows substantial variation, ranging in fiscal year 1970 from lows of less than 12 percent to a high of almost 20 percent.

The average revenue effort made by all 50 states and the District of Columbia on this basis was 14.51 percent in fiscal 1970. If all states and localities had made a revenue effort equal to the average of the top 10, which was 17.31 percent, they would have raised nearly $21 billion in additional revenue—almost four times the annual allocation under this bill.

The revenue effort of the states and the additional revenues that would be raised by this increase in revenue effort is shown in the following table:

TABLE 1.—STATE AND LOCAL GENERAL REVENUE FROM OWN SOURCES BY STATE [1]

State	Personal income calendar year 1969 (millions) (1)	General revenue from own sources fiscal year 1970 (millions) (2)	Revenue effort (col. 2 as a percentage of col. 1) (percent) (3)	General revenue from own sources under the average revenue effort of the 10 States with the highest revenue effort	
				Amount [2] (millions) (4)	Excess over actual (millions) (5)
Wyoming	$1,073	$213.0	19.85	$185.7	−$27.3
North Dakota	1,852	340.6	18.39	320.6	−20.0
New Mexico	2,879	528.1	18.34	498.4	−29.7
Wisconsin	15,376	2,700.5	17.56	2,661.6	−38.9
Hawaii	3,060	534.8	17.48	529.7	−5.1
Vermont	1,426	248.2	17.41	246.8	−1.4
New York	81,384	14,006.3	17.21	14,087.6	81.3
South Dakota	1,995	340.9	17.09	345.3	4.4
Alaska	1,258	[3] 211.9	16.84	217.8	5.9
Arizona	5,709	957.2	16.77	988.2	31.0
Nevada	2,037	338.7	16.63	352.6	13.9
Mississippi	5,234	869.6	16.61	906.0	36.4
California	83,408	13,747.6	16.48	14,437.9	690.3
Utah	3,132	513.4	16.39	542.1	28.7
Minnesota	13,448	2,184.9	16.25	2,327.8	142.9
Louisiana	10,413	1,687.8	16.21	1,802.5	114.7
Montana	2,172	351.7	16.19	376.0	24.3
Colorado	7,569	1,194.6	15.78	1,310.2	115.6
Iowa	9,870	1,541.2	15.61	1,708.5	167.3
Washington	13,093	2,002.9	15.30	2,266.4	263.5
Oregon	7,261	1,108.9	15.27	1,256.9	148.0
Idaho	2,120	320.9	15.14	367.0	46.1
Nebraska	5,230	783.8	14.99	905.3	121.5
Maryland	15,336	2,297.3	15.98	2,654.7	357.4
Delaware	2,218	331.0	14.92	383.9	52.9
Maine	2,987	442.3	14.81	517.0	74.7
Michigan	35,010	5,100.3	14.57	6,080.0	979.7
Massachusetts	22,722	3,233.3	14.23	3,933.2	699.9
Kansas	$8,096	$1,148.4	14.18	$1,401.4	$253.0
Oklahoma	7,825	1,106.5	14.14	1,354.5	248.0
Alabama	9,116	1,269.9	13.93	1,578.0	308.1
West Virginia	4,735	658.7	13.91	819.6	160.9
Florida	22,396	3,109.7	13.89	3,876.7	767.0
Kentucky	9,202	1,261.5	13.71	1,592.9	331.4
Georgia	14,253	1,941.8	13.62	2,467.2	525.4
Illinois	47,340	6,270.4	13.25	8,194.6	1,924.2
North Carolina	15,030	1,983.8	13.20	2,601.7	617.9
Arkansas	4,963	648.8	13.07	859.1	210.3
Pennsylvania	43,182	5,612.6	13.00	7,474.8	1,862.2
Rhode Island	3,515	456.2	12.98	608.4	152.2
South Carolina	7,018	909.5	12.96	1,214.8	305.3
Tennessee	11,189	1,442.1	12.89	1,936.8	494.7
Virginia	15,441	1,985.2	12.86	2,672.8	687.6
Texas	36,458	4,679.0	12.83	6,310.9	1,631.9
Indiana	18,868	2,393.2	12.68	3,266.1	872.9
New Jersey	30,312	3,787.3	12.49	5,247.0	1,459.7
Connecticut	13,784	1,712.9	12.43	2,386.0	673.1
Missouri	16,085	1,993.0	12.39	2,784.3	791.3
New Hampshire	2,489	303.4	12.19	430.8	127.4
District of Columbia	3,768	[4] 449.4	11.93	652.2	202.8
Ohio	40,145	4,732.5	11.79	6,949.1	2,216.6
Total, 10 States	116,012	20,081.5	17.31	20,081.5	
Total, 41 States	628,470	87,906.0	13.99	108,807.7	20,901.7
Total, 51 States	744,479	107,987.5	14.51	128,889.2	20,901.7

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[1] Under the fiscal year 1970 actual relationship between revenue and personal income and under the average relationship between revenue and personal income of the 10 States with the highest percentage relationship between revenue and personal income.

[2] Derived by applying to the personal income of each of the States the average revenue effort (17.31 percent) of the 10 States with the highest revenue effort.

[3] Exclusive of $900,041,605 derived from bonus mineral lease—North Slope; also exclusive of interest on investment of this item.

[4] General revenue from own sources; does not include any Federal contribution or Federal aid.

Note: Details may not add to totals because of rounding.

Source: Compiled and computed by the Staff of the Joint Committee on Internal Revenue Taxation.

It is clear that state and local units of government differ broadly with respect to their need for revenue and their efforts to raise it. The Committee bill would, for the most part, perpetuate these disparities.

THERE IS NO REVENUE TO SHARE

Not only does the Committee bill undermine basic principles of fiscal federalism, it proposes to share revenues that are simply not available. The fiscal case for revenue sharing was outlined by economist Walter Heller in 1968:

"Looking beyond current rising Vietnam costs, big deficits, and contingent tax increases, one can visualize an $8 billion annual automatic growth in federal revenues generating new leeway for fiscal dividends—tax cuts, tax sharing, program increases—if Vietnam demands level off. If rising revenues are not to hold the economy back under such circumstances, we need to get our bets down promptly on the competing entrants in the fiscal drag race."

Dr. Heller, of course, bet heavily on his own entry, revenue sharing. Unfortunately, the race that he envisioned has never been run. Not only have surpluses failed to materialize, but the deficits have been growing even larger.

As the Chairman of the Committee put it in reviewing the large existing and projected federal deficits in a speech he delivered on June 4, 1971:

"How anyone can suggest general revenue sharing, with a straight face, in full view of Federal deficits of that magnitude and the chronic string of deficits over the past forty years is beyond me."

It is also beyond us. We agreed with the Chairman then, and subsequent events have only served to reinforce the strength of his arguments.

At that time, the Chairman spoke of a combined deficit for fiscal 1971 and 1972 of $55.1 billion on a federal funds basis. A deficit of $74.6 billion for the comparable period is now officially estimated. Additionally, a federal funds deficit of $36.2 billion is officially projected for fiscal 1973. The federal funds deficits for these three years are officially estimated to total $110.8 billion. And, no one can assure us that there is any light at the end of the tunnel.

Because of these rising deficits, the public debt has grown substantially. The Administration recently asked an increase in the debt ceiling of $50 billion—from $430 to $480 billion—to accommodate its borrowing needs through February of next year. The Congress granted instead a $20 billion advance—to $450 billion—through June 30 of this year. A further substantial increase in the debt limit will have to be provided in less than two months.

It is clear that in making $29.575 billion[1] available to states and localities over the next five years, the federal debt will simply be $29.575 billion higher than it would otherwise be. The proceeds from additional federal borrowing, rather than surplus individual income tax receipts, is what the Committee bill proposes to share.

THIS BILL IS JUST THE FIRST INSTALLMENT

It should be clear the nearly $30 billion provided by the bill is just the first installment of an indefinite mortgage on federal resources. Subsequent installments will be greater, and in fact, the mayors and governors already want more.

The Committee was served notice to that effect during public hearings, when state and local officials repeatedly testified that $5 billion for the first year of a permanent program, even with a built-in growth factor for future years was simply inadequate.

Governor Nelson Rockefeller of New York, testified on behalf of the National Governors' Conference, recommended that the annual payment be doubled. Ten billion dollars "is absolutely essential," he declared.

And Mayor Roman Gribbs of Detroit, appearing for the U.S. Conference of Mayors, agreed, stating:

"We feel it should be at the level of $10 billion to meet our needs but that does not mean that we would not be pleased to have you pass it at $5 or $6 billion."

Pleased but not satisfied. Yet once this first step has been taken, the same pressures responsible for this bill will insure rapid growth of the program to meet the insatiable appetites of state and local officials for "no strings attached" revenues they can use to finance benefits without the painful necessity of imposing taxes. Having cleared the initial hurdle, demands will increase, the program will grow, and Congress will have the painful necessity of imposing ever greater federal taxes to finance benefits dispensed by state and local officials.

Any responsibility for failing to meet the demands for governmental services in the states and the 39,000 units of local governments receiving assistance will be shifted to the Congress. Congressmen will be blamed by state and local officials for every deficiency in state and local government, because we are not making enough money available. Increased pressure will then be directed to Congress to raise the stakes higher or accept the blame for inadequacies in the quality and quantity of general governmental services of every kind at the local level—including poor trash collection, too few policemen on the beat, the failure of local buses to run on schedule, pot holes in village streets, an a hundred other problems.

Congressmen may have no real choice but to speed up the fiscal merry-go-round, providing longer free rides for state and local officials. A Congressman's only role will be receiving the complaints, providing the money, and presenting the final bill to the American taxpayers.

THE PROBLEM IS MORE THAN MONEY

The Committee bill provides a simplistic answer to a complicated set of problems, completely ignoring root causes. As Lyle C. Fitch, President of the Institute of Public Administration, pointed out, revenue sharing "leaves unsolved numerous problems basic to American society and its economic and social development. These include the incapacities of many existing state and local governments, quite apart from financial weaknesses . . ."

According to the Census Bureau, there are some 80,000 units of local government in the United States, including more than 3,000 counties, 17,300 townships, 18,600 municipalities, 20,000 school districts, and 21,000 additional special districts. The average number of governmental units per state is about 1,600, ranging from a low of 19 in Hawaii to a high of 6,453 in Illinois.

The Chicago area alone embraces more than 1,000 separate units; Philadelphia and environs have about 870; metropolitan New York, about 550; and the San Francisco-Oakland area, more than 300. The nationwide average is 91 units of government per metropolitan area.

The Committee for Economic Development has observed that these local units of government offer a multiplicity of duplicative services, that they overlap one another to the extent that 10 different levels may tax the same parcel of property, and that their broadly divergent powers and functions have led to unnecessary conflicts and competition. By providing assistance to every general purpose unit of local government, the Committee bill invites every hamlet—no matter how small—to incorporate and share in the federal bounty. Additionally, the bill encourages fragmentation of existing entities of local government.

The bill also does little to help existing governments cope with such regional problems as "spillovers."

Because of our achievements in communications and transportation, intricate patterns of commerce, and sheer economic growth, which one part of our society does—or fails to do—has an impact on the other parts. Needs and problems tend increasingly to cross local boundary lines, and when they do, "spillovers" result.

A "spillover" occurs, for example, when the residents of City A, which has inadequate recreational facilities, travel to City B to enjoy the parks and playgrounds its taxpayers have provided there; or when the residents of City C are unable to use a nearby waterway because of pollutants carried downstream from City D.

Either by freezing governmental structures, or by encouraging further proliferation, the Committee bill will aggravate such problems. It will help solidify all the vagaries, inequities, and contradictions that plague state and local institutions now, and drown in a sea of federal funds any efforts to attack root causes.

The Chairman of the Committee said last June 4 he has "never been one who is attracted to the idea that if you throw money at a problem it will go away." But that is precisely what this bill attempts to do.

NO RATIONALE EXISTS FOR THE AMOUNT OF ASSISTANCE OR THE METHOD OF DISTRIBUTION IN THE COMMITTEE BILL

There is no rationale for the amount of assistance provided by the Committee bill or the method by which it is distributed. Indeed, it is impossible to develop in Washington a general formula that can begin to encompass the wide diversity prevailing among our 50 States and 39,000 local general purpose governments.

After the Committee decided that the Administration's formula—population with a modest adjustment for tax effort—produced intolerable anomalies, the staff conducted a thorough study to identify the problems in the hope that a generally acceptable formula could be developed. The result was H.R. 11950, the Intergovernmental Fiscal Coordination Act of 1971, introduced by the Chairman.

The bill incorporated a two-part formula: "a no strings attached" grant of $1.8 billion to the States (15 percent of each State's individual income tax collections, subject to a maximum of six percent and a minimum of one percent of federal income tax liabilities in the state); and $3.5 billion for local units of government distributed to each State pursuant to a formula giving equal weight to population adjusted for urban areas (2,500 or more) and the number of families with income under $4,000. Further criteria were spelled out for dividing the local share between the counties and units of government within the counties.

When the Committee reviewed the computer print-out showing distributions under these formulae, intolerable defects were again discovered. The most difficult stumbling block proved to be distribution of the $3.5 billion to the 39,000 units of local government that are characterized by such great diversity. The staff was sent back to the drawing board several times to develop a formula pursuant to the same trial and error methods that proved inadequate in the development of both the Administration's bill and the bill introduced by the Chairman.

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[1] The appropriation of $5.3 billion per year for five years totals $26.5 billion. However, the states' $1.8 billion allocation is increased by $300 million per year after the first year to provide some protection against a decline in the aid a particular state will receive due to increases in the relative overall tax effort or income tax collections of other states. When the increased amounts are prorated by entitlement periods (which include a half year at the beginning and another half year at the end of the five-year period), the total appropriation under the bill is $29.575 billion.

Intuitive judgments were made about old factors to be discarded, and new factors to be added, in the hope that still another formula would produce a generally acceptable distribution pattern. A garden variety of factors—population, urban population, urbanized population, relative per capita income, relative per capita revenues raised, number of families with income under $4,000—were evaluated, combined in varying patterns, and assigned different weights, all with the same result: further trials produced further errors. The Committee's bill is nothing more than the final error, reached as a result of exhaustion and despair, rather than a feeling that the Committee had finally stumbled on a workable formula. The Committee's bill will simply not withstand careful analysis.

Under the bill, half of the states' $1.8 billion will be distributed on the basis of overall tax effort (total state and local taxes as a percentage of personal income within the state), and half by giving each state 7.5 percent of its individual income tax collections (subject to a ceiling of three percent and a floor of .5 percent of federal individual income tax liability in the state). The state share will be increased by $300 million a year after the first year to reduce the diminution in a state's share that may result from an increase in the relative overall tax effort or in the income tax collections of other states.

One-third of the $3.5 billion local share will be allocated to each state on the basis of population, one-third on the basis of urbanized population, and one-third on the basis of relative per capita income. Unless a state takes action varying the criteria within limits provided by the bill, the same procedure will govern the distribution of each state's share to its counties. The county will then retain a portion of the amount it receives equal to its share of the aggregate revenues raised (excluding education revenues) by the county and local units of government within the county; the remainder will then be distributed to local governmental units within the county on the basis of population and relative per capita income.

If a state desires, it may adopt an alternative pass-through formula, effective for periods beginning after June 30, 1973. The basic formula (population, urbanized population, and relative per capita income) is adjusted by multiplying the population factor by the per capita tax revenues (excluding education revenues) of the counties and their local units of government. The rules of the basic formula continue to govern the amount of the distribution to a county that the county retains; however, the remainder is distributed to localities under the alternative formula one-half on the basis of population multiplied by the per capita tax revenues (excluding education revenues) and one-half on the basis of population multiplied by relative per capita income.

The state may alter the equal weights assigned to the three factors in either formula governing distribution to the counties, as long as no factor is decreased by more than 25 percent and no factor is increased by more than 40 percent. Additionally, a state may combine the county distribution criteria of the basic formula with the criteria for distributing the local share within a county contained in the alternative formula, or vice versa.

Despite the mantle of scientific respectability suggested by the complex details of these formulae, the plain truth is that the formulae respond to a nonexistent prototype rather than the real world diversity characterizing state and local fiscal relationships.

There is not even a rationale for the fundamental decision to appropriate a total of $5.3 billion annually for a five-year period. Normally, components of a problem are examined before arriving at a general solution. But the Committee did not examine state and local fiscal problems in detail, carefully arriving at solutions to specific problems that require total assistance of $5.3 billion a year for five years. Instead, both the Administration and the Committee, responding to pressure from state and local officials, started with an overall figure, plucked out of thin air, and then went about finding some way to distribute the money that would please all concerned.

There is no rationale for the equally fundamental decision providing one-third of the $5.3 billion to the states and two-thirds to local units of government. The decision was based on the theory that of total state and local direct expenditures, states currently spend about one-third and localities two-thirds. While this is correct if one accepts rough approximations, it is based on a generalization that becomes meaningless in the light of the prevailing diversity in state and local relationships. As the following chart reveals, the percentage of direct state and local general expenditures made by a state varies widely, from a low of 23 percent in New York to a high of 80 percent in Hawaii:

TABLE 2.—PERCENTAGE DIVISION OF TAX REVENUE AND EXPENDITURES BETWEEN STATE AND LOCAL GOVERNMENTS, BY STATE: 1969-70

State	State government percentage of—		
	Tax revenue	Direct general expenditure	Expenditure for personal services
United States	55.2	37.1	28.2
Alabama	73.7	49.1	35.7
Alaska	68.1	71.3	59.5
Arizona	62.9	39.9	29.3
Arkansas	72.6	44.6	39.3
California	49.2	30.7	25.3
Colorado	50.8	39.4	34.5
Connecticut	50.4	43.9	34.5
Delaware	79.3	55.3	41.6
District of Columbia			
Florida	60.3	33.0	24.8
Georgia	65.7	42.1	31.1
Hawaii	77.2	79.5	75.3
Idaho	62.9	49.7	37.1
Illinois	53.0	35.5	23.7
Indiana	54.0	35.6	28.9
Iowa	50.9	38.4	30.6
Kansas	48.5	33.5	34.6
Kentucky	73.0	54.0	38.5
Louisiana	69.5	49.4	36.2
Maine	54.9	52.0	43.3
Maryland	57.2	33.3	27.2
Massachusetts	49.2	45.7	27.0
Michigan	58.0	35.7	26.6
Minnesota	60.7	30.5	27.9
Mississippi	74.0	46.6	34.7
Missouri	51.1	41.3	30.9
Montana	46.6	51.8	41.1
Nebraska	44.4	34.0	29.8
Nevada	59.0	40.0	28.7
New Hampshire	38.5	48.5	40.4
New Jersey	41.5	30.2	22.0
New Mexico	74.9	51.4	38.6
New York	51.4	23.1	20.2
North Carolina	75.3	42.2	36.6
North Dakota	52.4	50.0	38.8
Ohio	46.5	33.1	22.7
Oklahoma	64.1	54.1	36.8
Oregon	51.5	44.2	36.6
Pennsylvania	58.6	44.8	28.4
Rhode Island	59.0	53.1	40.7
South Carolina	76.5	48.2	36.9
South Dakota	42.4	47.5	37.4
Tennessee	62.6	42.8	31.7
Texas	55.7	40.7	28.7
Utah	63.3	53.0	39.9
Vermont	64.5	65.1	50.6
Virginia	60.4	41.5	35.3
Washington	68.0	44.2	35.0
West Virginia	73.3	60.4	43.5
Wisconsin	59.3	32.5	29.0
Wyoming	58.6	50.7	38.0

Source: Governmental Finances in 1969-70 (Bureau of Census).

Additionally, the aggregate figures on which the Committee's bill is based include nearly $30 billion in state aid to localities in the direct general expenditures of local governments in determining that localities spend two-thirds of total state and local expenditures. And again, the amount of each state's aid to its localities varies sharply from state to state.

As a percentage of general revenues from the localities' own sources, state aid varies widely, from a low of 11.4 percent in New Hampshire to a high of 117.4 percent in North Carolina. New York and California, our two most populous states, differ substantially, California providing 53.4 percent of revenues raised locally, New York providing 77.5 percent. State aid to localities by major governmental purpose also shows great variation, both in the magnitude of the aid given and in the emphasis placed on particular governmental functions. These wide variations are shown in the following table:

TABLE 3.—STATE AID TO LOCAL GOVERNMENTS BY MAJOR PURPOSE, 1969

[Dollar amounts in millions]

States	Total State aid		General local government support	Education	Highways	Public welfare	All other
	Amount	As a percent of local general revenue from own sources					
United States, total	$24,779.3	54.0	$2,135.4	$14,858.3	$2,108.7	$4,402.5	$1,274.57
Alabama	336.5	78.1	9.1	254.5	60.4		12.5
Alaska	36.3	60.7	4.2	30.8			1.3
Arizona	259.5	78.4	50.1	183.5	22.3		3.6
Arkansas	171.2	79.4	10.1	129.5	26.5	.1	4.9
California	3.6/6.2	53.4	188.6	1,575.1	279.7	1,365.9	266.7
Colorado	222.0	42.1	.3	107.0	24.3	81.8	8.6
Connecticut	195.2	26.7	12.0	155.3	9.4	7.4	11.0
Delaware	78.7	100.8		75.5	2.1		1.2
Florida	756.9	57.5	1.2	690.2	21.8	.2	43.6
Georgia	454.8	61.9	16.7	370.3	32.4	14.7	20.6
Hawaii	16.8	13.8	12.4	1.0			3.3
Idaho	60.7	49.7	5.5	42.4	12.5		.4

States	Total State aid: Amount	Total State aid: As a percent of local general revenue from own sources	General local government support	Education	Highways	Public welfare	All other
Illinois	$824.7	30.4		$544.7	$157.3	$104.4	$18.3
Indiana	518.2	49.1	$52.2	300.2	86.8	63.1	15.9
Iowa	375.6	57.5	47.8	246.5	75.3	2.2	3.8
Kansas	234.4	42.6	11.1	126.3	15.7	77.2	4.2
Kentucky	254.1	64.8	1.8	235.0	3.3		14.1
Louisiana	453.6	90.3	70.8	335.7	24.8		22.3
Maine	53.8	32.9	.6	46.5	3.7	.5	2.4
Maryland	514.3	58.7	37.6	254.3	71.1	102.7	48.6
Massachusetts	444.8	30.7	99.6	221.5	14.8	52.8	56.1
Michigan	1,229.9	59.9	180.5	774.3	215.8	30.2	29.0
Minnesota	655.5	77.9	135.8	303.3	61.5	140.8	13.3
Mississippi	252.7	90.0	16.3	200.8	27.1		8.6
Missouri	307.2	32.8	5.6	274.1	19.6	.9	6.9
Montana	46.7	28.4		42.5		.2	3.9
Nebraska	111.6	27.8	1.3	38.2	23.2	45.0	4.0
Nevada	58.6	41.6	7.0	45.3	3.8		2.7
New Hampshire	17.2	11.4	3.7	11.1	.5	.06	1.7
New Jersey	577.8	29.1	10.2	312.3	21.0	191.3	43.0
New Mexico	149.3	112.6	4.7	133.9	5.8		5.0
New York	4,970.2	77.5	506.5	2,259.5	138.5	1,772.4	293.3
North Carolina	627.1	117.4	30.9	470.5	10.4	101.2	14.1
North Dakota	52.4	37.9	1.4	36.0	11.7	1.3	1.9
Ohio	811.5	35.0	84.9	465.6	191.0	52.3	17.7
Oklahoma	223.9	58.3	2.7	157.7	50.5	.4	12.7
Oregon	191.5	37.8	38.6	97.2	48.6	1.5	5.5
Pennsylvania	1,070.0	48.4	6.1	864.1	65.1	42.0	92.8
Rhode Island	67.5	41.4	8.1	50.6	.4	6.8	1.5
South Carolina	240.1	102.6	24.5	192.1	11.4		12.2
South Dakota	29.8	17.2	2.1	21.9	2.7	.1	2.0
Tennessee	329.5	59.7	26.3	234.8	57.8	.2	10.4
Texas	790.7	40.4	.1	763.8	7.5		19.3
Utah	113.5	63.0	1.0	103.3	4.6		.7
Vermont	39.1	52.5	.013	29.9	7.0	.4	1.8
Virginia	450.6	65.4	14.0	339.5	18.5	50.0	28.9
Washington	475.3	68.5	35.9	336.8	62.0	9.3	31.3
West Virginia	150.8	79.3		141.6		3.1	6.1
Wisconsin	760.2	77.9	348.2	207.0	95.5	75.2	34.3
Wyoming	41.4	47.6	6.4	24.9	3.1	4.5	2.4

Source: State-local finances and suggested legislation. (Advisory Commission on Intergovernmental Relations, 1971.)

Similar disparities exist if the figures are compiled on a per capita basis. Per capita state aid to localities in 1969 ranged from a low of $21.10 to a high of $271.28 on an overall basis. Additional variations on this basis exist in the distribution of state aid by major governmental purpose. State aid on a per capita basis is shown in the following table:

TABLE 4.—PER CAPITA STATE AID TO LOCAL GOVERNMENTS BY MAJOR PURPOSE, 1969

States	Total	General local government support	Education	Highways	Public welfare	All other
United States total	$123.20	$10.62	$73.88	$10.48	$21.89	$6.34
Alabama	95.30	2.57	72.07	17.12		3.54
Alaska	128.73	14.78	109.38			4.58
Arizona	153.26	29.60	108.40	3.15		2.10
Arkansas	85.81	5.08	64.90	13.29	.07	2.47
California	189.07	9.70	81.01	14.39	70.25	13.72
Colorado	105.72	.14	50.94	11.55	38.97	4.11
Connecticut	65.07	4.02	51.78	3.12	2.48	3.67
Delaware	145.75		139.76	3.80		2.19
Florida	119.12	.18	108.62	3.43	.03	6.86
Georgia	97.99	3.60	79.79	6.98	3.17	4.45
Hawaii	21.10	15.67	1.32			4.12
Idaho	84.51	7.61	58.99	17.39		.53
Illinois	74.66		49.31	14.24	9.45	1.66
Indiana	101.25	10.19	58.66	16.95	12.32	3.12
Iowa	135.06	17.20	88.62	27.07	.81	1.36
Kansas	101.01	4.77	54.40	6.78	33.27	1.79
Kentucky	78.63	.55	72.71	1.01		4.35
Louisiana	121.12	8.91	89.63	6.63		5.95
Maine	55.04	.64	47.57	3.80	.56	2.47
Maryland	163.59	9.99	67.54	18.88	27.28	12.90
Massachusetts	81.36	18.22	40.51	2.70	9.66	10.27
Michigan	140.30	20.59	88.33	24.62	3.45	3.31
Minnesota	177.20	36.96	81.97	16.61	38.07	3.59
Mississippi	107.09	6.91	85.06	11.47		3.65
Missouri	$66.05	$1.21	$58.94	$4.22	$.20	$1.49
Montana	67.25		61.27		.30	5.68
Nebraska	77.03	.91	26.36	16.02	31.05	2.69
Nevada	128.70	15.21	99.23	8.31		5.95
New Hampshire	23.93	5.18	15.49	.75	.08	2.42
New Jersey	80.83	1.42	43.69	2.94	26.76	6.02
New Mexico	150.17	4.70	134.75	5.80		4.92
New York	271.28	27.64	123.33	7.56	96.74	16.01
North Carolina	120.47	5.94	90.39	2.00	19.43	2.71
North Dakota	85.24	2.26	58.58	19.07	2.17	3.16
Ohio	75.56	7.91	43.35	17.79	4.87	1.65
Oklahoma	87.20	1.05	61.40	19.65	.15	4.96
Oregon	94.24	18.98	47.85	23.93	.76	2.72
Pennsylvania	90.65	.52	73.21	5.51	3.56	7.86
Rhode Island	74.06	8.88	55.60	.42	7.47	1.69
South Carolina	89.20	9.09	71.35	4.24		4.52
South Dakota	43.73	3.24	33.24	4.04	.18	3.05
Tennessee	82.69	6.60	58.92	14.51	.05	2.60
Texas	70.68	.01	68.28	.67		1.72
Utah	108.63	.96	98.81	4.36		4.51
Vermont	88.17	.03	68.15	15.89	1.01	4.10
Virginia	96.52	2.98	72.71	3.95	10.68	6.19
Washington	139.72	10.56	99.00	18.23	2.73	9.21
West Virginia	82.92		77.84		1.73	3.35
Wisconsin	179.59	82.25	48.89	22.57	17.77	8.11
Wyoming	129.28	20.14	77.79	9.67	14.67	7.60

Source: State-Local Finances and Suggested Legislation (Advisory Commission on Intergovernmental Relations 1971).

But even this does not tell the whole story. The amount of taxing authority which states accord to localities varies significantly from state to state. Some states permit localities to piggyback income, sales, gasoline, cigarette, or other taxes, at varying rates and under different circumstances. Other states do not permit piggybacking.

Additionally, the responsibility for government services assumed by state government or delegated to local governments varies all over the lot. As just one example: State assumption of the non-federal share of welfare ranges from 100 percent in some states to 50 percent in others. There is also great disparity in the delegation by the states of responsibility for various governmental services as between counties and cities.

Finally, no rationale, other than political expediency, exists for the inclusion of two entirely different distribution formulae for the states and for the local units of government. This may be the feature of the bill producing the greatest anomalies and damage. Consider first the anomalies:

The assistance provided to the states is on a no-strings basis; the localities must spend their money for so-called "high priorities".

A prohibition is specifically included to prohibit localities from using the money in a manner violating anyone's civil rights; no comparable provision is specifically included as it applies to the states.

The bifurcated state formulae are based partly on overall tax effort, partly on income tax collections without regard to tax effort. Although the state formulae are based in part on effort, the local share—two-thirds of the assistance—is distributed without any regard to the revenue effort a recipient government is making.

A maintenance of effort formula is included to require the states to continue to provide assistance from its own sources to its local governments at the same level as prevailed in fiscal 1972; no requirement is included to require the localities to maintain their expenditures at prevailing levels, even in the so-called "high priority" areas specified in the Committee bill.

The local share includes an adjustment for urbanization in both formulae in distributing the assistance to the county area; when the money not retained by the county is distributed to municipalities within the county, urbanization is not a factor.

The anomalies would be merely ludicrous if it were not for the damage to state and local relationships done by the federal government in dealing on a separate basis with the states and the local units of government created by the states pursuant to state constitutions and laws.

The separate programs for states and their localities imply that they are independent entities, with no basis for mutual trust. Any lack of confidence in one another will be sorely aggravated by the elaborate maintenance of effort formula in the bill that restrict the states in dealing with the local units of governments they have created. But in the final analysis, the cooperation of the states and localities is essential to the resolution of our problems.

The formulae do not represent a coherent response to a carefully defined problem. They are an odd-lot collection of criteria assembled on a trial-and-error basis to bridge the gap between the nonexistent prototype the Committee focused on and the diversity of state and local relationships as they really exist. But what they lack in logic they more than compensate for in complexity.

The bill leaves completely up in the air the serious question of adequate procedures for insuring the proper expenditures of federal funds allocated by this bill. Under the bill, there are no provisions requiring the states to account for their expenditure of the $1.8 billion they will receive each year.

While the bill pays lip service to requiring localities to insure the funds they receive are spent for appropriate purposes, the bill studiously avoids establishing any specific procedures. The Secretary of the Treasury is directed to provide for adequate audit procedures to insure local expenditures conform to the requirements of the bill, but he may rely on an audit of a local governmental unit by the state. The Secretary thus has the authority to virtually abdicate to the states the responsibility for insuring compliance by localities in spending the federal dollars made available, or he could send a federal auditor into every one of the 39,000 local governmental units receiving assistance under this bill. The Treasury apparently contemplates the former procedure, but the important point is the complete ambiguity of the bill on the issue of accountability. As in so many other areas of this bill, the Committee simply swept these problems under the rug.

Although the fundamental defects in the distribution formulae result from the completely erroneous assumption that state and local fiscal relationships can be adequately described by a prototype, serious defects of the formulae for distributing the local share also stem from the statistical quicksand on which they were erected. Much of the data underlying the formulae are, or will become, hopelessly dated, and most of the data are based on sampling techniques.

The factors common to the formulae for distribution of the local share are population, urbanized population, relative per capita income, and tax revenues by local governmental units.

Population and urbanized population are now available on a general basis only once every ten years. In a dynamic society with a highly mobile population, this data soon will become hopelessly dated as a basis for distributing money to our 39,000 units of local government. Twenty percent of our population moves every year, seventeen percent moving within a state and ten percent moving within counties. Even on a net migration basis, significant changes result in a short time.

The 1970 Census data, already two years old, will become progressively more outdated. Since 27,000 of the 39,000 local governmental units have populations of under 2,500, aggregate population data is simply inadequate. At the present time, data are not available to update estimates for these units of government.

Per capita income by governmental unit is available only once every ten years, from a 20-percent sample, based on questions asked by interviewers in connection with the census. In addition to the problem of inaccurate reporting (six percent on a nationwide basis), a sample will produce results that will deviate from those a full survey would produce, and this deviation will be greater for some of the small communities that will receive assistance under this bill. We were told that communities with as few as 10 to 15 people could receive benefits under this legislation.

Tax revenues raised by local governmental units are available on a comprehensive basis only once every five years when the census of governments is compiled. The last census of governments was conducted in 1967, and a new one is currently underway. During the intervening years, sampling techniques are used based on 16,000 of the 39,000 units of local government involved.

Money made available for the first half year of this program will be distributed on the basis of 1967 data already half a decade old. During the full year of the program, beginning in July of this year, money will be initially passed out on the same basis. In September, it is hoped that a *special* survey of the recipient governments being conducted for fiscal 1971 (at a cost of $800,000) will be available. Adjustments in quarterly payments subsequent to the receipt of this special survey will be made to insure that payments during the entire year reflect fiscal 1971 data as to state and local finances. Early in 1973, the 1972 Census of Governments data may be available, but presumably will not be used until the distribution to be made in July, 1973.

The bill frankly admits the inadequacy of the data. While requiring that the most recent Census Bureau data be utilized, the Secretary of the Treasury is given carte blanche authority to use "additional data (including data based on estimates)" when he determines that the most recent Census Bureau data "are not current enough or are not comprehensive enough to provide for equitable allocations."

The Secretary of the Treasury is, in effect, given blanket authority to make up for the statistical inadequacies underlying the distribution formulae. The additional data he may select and the estimates he makes are completely within his discretion, and no locality will have any remedy under the bill if it disagrees with the data he selects or the computations that he makes. Even this is deceiving: the Secretary is told to patch up the defects with data that are unavailable or may prove inadequate or by using unspecified "estimates" when there is no assurance they can be based on statistically workable information.

The Committee bill recognizes this by requiring that every individual supply additional information on his already voluminous income tax return each year (at an initial cost to the Federal Government of $7.5 million). But many individuals—particularly with the new low-income allowance and corresponding amendments related to filing requirements—file no income tax returns. These are the very people whose income would result in a community having low per capita income, an important part of the distribution formulae.

Additionally, *taxable income* excludes transfer payments (social security, unemployment insurance, welfare) and involves different definitions from the *per capita income* concept used by the Census Bureau and now in the formulae of the bill. The additional burden imposed on all taxpayers serves only to admit the inadequacy of the data rather than to provide meaningful correction.

The Committee made an unsuccessful attempt to bridge the gap by initially requiring the Secretary of the Department of Health, Education, and Welfare to collect income statistics on welfare recipients and members of their families by state and locality. This requirement was deleted from the Committee's working draft shortly before a clean bill was introduced and ordered reported when it was learned at the last minute from officials at the Department of HEW—who had not previously been consulted—that the provision was unworkable and would cost as much as $500 million.

The aimless grasping for data characterized by this procedure indicates the slipshod method employed to "paper over" real problems. The last minute deletion of the provision is an admission by the majority that it is not feasible to collect data they felt was important to at least a partial cure of the statistical inadequacies that exist.

The problems involved in collating meaningful data to administer the complex distribution formulae on a workable basis continually plagued the Committee's efforts to develop a bill. The Committee ordered the bill reported before being provided with any distribution figures for the local share within the states unless the state was represented by a Member of Congress on the Ways and Means Committee. And the data submitted on these 18 states was incomplete, containing omissions and errors that computer reruns failed to eliminate. In the final analysis, the Committee failed to carefully examine even the data we received on "Ways and Means Committee" states.

If this bill is enacted, no one seriously believes the program will be temporary. We will be required to collect much more data, and on a more current basis. Yet, the Committee has given no attention to the methods that may be required or the timetables that should be imposed. And, most importantly, no attention has been given to the substantially increased costs that may be incurred in collecting additional data.

COMMITTEE'S BILL WAS NOT COORDINATED WITH OTHER FEDERAL PROGRAMS OF ASSISTANCE TO STATES AND LOCALITIES

The Committee's revenue sharing bill is wrong in principle, is fiscally unsound, and distributes a sum of money arbitrarily arrived at through methods with no rational basis. Furthermore, the bill is itself bad public policy, made far worse by the complete failure to coordinate the bill with existing and proposed federal programs to assist state and local governments.

Federal aid to state and local governments is already substantial even without general revenue sharing. On this basis, federal assistance to states and localities has risen from less than $8 billion in fiscal 1962 to an estimated $38.5 billion in fiscal 1973. As a percentage of federal outlays, this assistance has more than doubled from 7.4 percent in 1962 to an estimated 15.6 percent in fiscal 1973. As a percentage of domestic federal outlays, exclusive of payments from the trust funds which are set aside for the payment of specific benefits, federal aid to states and localities—again without this bill—will consume more than one-third, or

35 percent, of the federal budget in fiscal 1973.

In view of the magnitude of present programs—some of them in the same so-called "high priority areas" aided under the Committee bill—sound legislative procedure should have required the Committee to make at least some minimal effort at coordination. For example, the so-called "high priorities" for which localities must spend their share of the assistance are public safety, public transportation, and environmental improvement and protection. Yet, while designating these as high priority areas, the Committee made no review of existing and proposed federal assistance programs in precisely the same area, either as to the amounts being made available, the method of distribution, the efficiency of the programs, or the priorities implicit in these existing programs.

Programs of federal assistance in these "high priority" areas are extensive. In the field of public safety, for example, the federal budget for fiscal 1973 includes $923 million to be used in support of state and local crime reduction activities. This sum represents 40 percent of total federal outlays for those purposes.

In public transportation, the federal budget for fiscal 1973 includes outlays of $4.77 billion in federal-aid highway grants, plus outlays of approximately $535 million for other road-related projects. And the Urban Mass Transit Administration is budgeted to grant $351 million for construction of mass transit facilities such as subways, commuter railroads, and busways.

The 1973 budget also includes estimated outlays of 1.25 billion in financial aid to state and local governments for pollution control and abatement facilities.

In addition to existing programs, actions currently being taken by the Congress were totally ignored. As the Committee neared the end of its consideration of this bill, the House passed H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972, which calls for the spending of $24.6 billion on environmental improvement over the next four years, most of it in direct allocations to state and local governments.

Possibly the most serious lack of coordination is the failure of the Committee in developing this bill to pay any attention to several major categories of state and local expenditures that are in the process of historic changes—education, public welfare, and medical assistance to the needy.

In the area of education, courts in at least four states (California, Texas, Minnesota, and New Jersey) have issued decisions that may, in the final analysis, require states to provide nearly all the costs of public education. Aside from these judicial developments, the President's Commission on School Finance (McElroy Commission) recently issued a report recommending "that state governments assume responsibility for financing substantially all of the non-federal outlays for public elementary and secondary education . . ."

The Commission proposed federal incentives to encourage the states to move in this direction that would cost the federal government as much as $7.8 billion over a five-year period. Even with this incentive, full state funding of education would cost the states at least an additional $20 billion per year. The Committee simply ignored these problems in framing its bill. None of the states' one-third share in the funds made available in this bill is specifically allocated to deal with this problem, and localities, which receive two-thirds of the money under the Committee bill, are forbidden to spend any of their share on education.

In the area of welfare, fundamental reforms have passed the House and are being considered by the Senate that would provide relief to states and localities estimated at $1.6 billion in the first year alone. More importantly, states and localities would be protected any costs attributable to future case load increases. While revenues states and localities currently devote to welfare programs will continue to grow, state and local costs for welfare will be substantially curtailed, providing budgetary latitude that may be used by states and localities to meet other pressing needs. Yet, in developing the Committee bill, no consideration was given to the fiscal relief states and localities may receive under welfare reform.

The medicaid program is another rapidly growing area of state and local expense. Although state and local expenses may well be sharply curtailed by congressional action on national health insurance, a subject on which the Committee has already held 4½ weeks of public hearings, no effort to coordinate the potential relief in this area was made in developing this bill.

Existing federal grant-in-aid programs are not well coordinated, involving duplication and overlap. Additionally, changes underway in such major areas of local expenditures as education, welfare, and medicaid, will substantially alter existing programs, redefining the magnitude and nature of state and local needs as well as state and local fiscal relationships. The complete failure to assess these problems in framing the bill is appalling.

By simply piling another program on top of the existing structure, the Committee makes a bad situation worse.

COMMITTEE BILL UNDERMINES LONG-ESTABLISHED PROCEDURES FOR CONSIDERATION OF LEGISLATION BY THE HOUSE

This bill provides for both an authorization and an appropriation. The Appropriations Committee, through its consideration of all appropriation bills, is the only Committee of the House that looks at federal expenditures on anything approaching a comprehensive basis. By examining the need for appropriations within the limits of authorizations provided, the Appropriations Committee can make a reasonably current determination as to the relative priority of specific needs in the light of other items in the federal budget, and with some regard to the level of overall federal expenditures. When the mechanisms that we already have are proving inadequate to meaningful expenditure control, the Ways and Means Committee—which should be keenly aware of the need for fiscal responsibility—establishes an extremely bad precedent in bypassing the Appropriations Committee.

It should be emphasized that the Ways and Means Committee, in end-running the Appropriations Committee, is not simply providing an appropriation for one or two years—but for a period of five years under the Committee bill. And no one seriously doubts that this bill is really establishing a permanent program appropriating a substantial and growing amount of the federal budget completely outside the normal appropriations process. Not only will the expenditures be uncontrollable as a practical matter, but they will be exempt from scrutiny by the Committee of the House charged with specific responsibility by the House for reviewing the overall level of federal expenditures.

Uncontrollable programs have proved a real problem for effective budgetary control. This bill launches a program that, as a practical matter, will be more uncontrollable than any we had in the past. And we do it in a manner that insulates the program from effective control.

If the precedent established by the Ways and Means Committee is followed by other Committees of the House, we will have to abandon all hope for dealing effectively with the federal budget. When we face a federal funds deficit of $81 billion, for the current and succeeding fiscal year, this is clearly the wrong time to drastically undermine existing procedures for promoting fiscal responsibility.

SOUND ALTERNATIVES ARE AVAILABLE

The case for revenue sharing has historically been predicated on the theory that state and local governments have responsibilities disproportionately large in relation to their revenue sources, while the federal government has revenue sources disproportionately large in relation to its responsibilities. This is the "fiscal mismatch" that revenue sharing proponents have emphasized.

The dismal picture of federal finances forces us to view this theory with skepticism. However, even if we assume the theory has validity, the correct remedy is to provide greater tax sources to states and their local governments commensurate with the responsibilities they face. By providing another federal grant, restricted in large part to specific categories, the Committee bill does nothing to provide a better alignment of tax resources with expenditure responsibility. In fact, the bill requires that Federal taxes must be higher than they otherwise would be in order to finance this vast new program.

More appropriate relief could be provided through a reduction in federal taxes, or through a federal tax credit. A tax credit could encompass all of the major tax sources used by state and local governments, or some taxes could be weighed more heavily than others. Title II of the Committee's bill in effect makes federal money directly available to the states pursuant to a formula combining several factors relating to state and local tax structures. A similar or different group of factors could be included in a tax credit provision.

Another possibility would involve updating the federal estate tax credit for state death taxes paid. Historically, death taxes have been regarded as a state revenue source. Under pressure for revenue, Congress has allowed a credit provision enacted in 1926 to become hopelessly out-of-date, and the federal government now collects 80 percent of the death taxes. Legislation is pending before the Ways and Means Committee to update the credit providing over $1 billion in increased taxing latitude to the states. The Advisory Commission on Intergovernmental relations has recommended such a proposal.

These approaches would realign revenue sources with responsibilities while providing assistance to those making the greatest effort to meet locally defined needs. It would be directly responsive to any problem of "fiscal mismatch" that exists and would continue to maintain the indispensable link between the dispensation of public benefits and the imposition of taxes necessary to finance these benefits. Both local needs and the taxes necessary to meet the needs would be locally defined. Full public accountability would be maintained.

The Committee hearings on revenue sharing include many alternative proposals that were presented for the Committee's consideration, and many suggestions were called to the attention of the Committee during our executive sessions. While we may differ as to the specifics that any alternative proposal should include, we are in agreement that providing additional tax sources is a much sounder approach than simply making grants available pursuant to the cumbersome procedures included in the Committee's bill.

CONCLUSION

The Committee bill is bad medicine, prescribed without any real analysis of the patient's condition. The fiscal malaise afflicting all levels of government is dealt with by another overdose of spending. The diagnosis is based on a series of false generalizations, ignoring the real problems. The prescription is based on the assumption there is a political need to do something—anything at all.

The bill assumes all states and localities have a fiscal crisis common in nature and magnitude with which they are equally unable to cope.

It provides for sharing revenue which really isn't there. The federal government is in worse fiscal condition than many states and localities.

It papers over the real weaknesses of state and local governments with money, ignoring the root causes of the problems.

It assumes that states and localities, highly diversified as to governmental structure, can be blithely aggregated into a prototype for the purpose of providing them relief.

It assumes the states and localities have done all they can do to help themselves, when in fact, their revenue efforts vary widely, and they have sufficient fiscal latitude to raise revenues considerably in excess of that provided by this bill.

It was devised and would operate in a vacuum; remaining uncoordinated with a host of other federal programs, current and planned, to assist the states and localities.

It would increase the dependency of states and localities on Washington, increasing centralization of government, and is of dubious constitutional propriety.

It would undermine a basic precept on which our system of government has operated successfully since its inception, by separating the responsibility for collecting taxes from the authority to spend revenue. The procedures employed in enacting the bill bypass the normal process established by the House for maintaining overall budgeting control.

Most importantly, the bill is a beginning step in the wrong direction. It contains potentially the biggest giveaway program ever enacted by the Congress. Once the bad precedent has been established, the pace will quicken, the program will grow, and all of its defects will be magnified many times over. We will have opened Pandora's box, and it will seriously weaken our federal system of government as we know it.

The only appeal the Committee bill has is based on one of the hoariest of hoaxes: That it is possible to get something for nothing. To some governors, mayors, and state and local legislators, it may seem to be manna from Heaven. But the money can only come from one source—the already overburdened American taxpayer. And the cost of this program, as well as the tax burden necessary to finance it, can go in only one direction—up!

JOHN W. BYRNES.
HERMAN T. SCHNEEBELI.
JOEL T. BROYHILL.
OMAR BURLESON.
JAMES C. CORMAN.
SAM M. GIBBONS.
JOE D. WAGGONNER, JR.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, we have agreed to rise at 6 o'clock. Will the chairman advise how much time is remaining?

The CHAIRMAN. The gentleman from Oregon (Mr. ULLMAN) has 3 hours and 22 minutes remaining, and the gentleman from Wisconsin (Mr. BYRNES) has 3 hours and 13 minutes remaining.

Mr. ULLMAN. Does the gentleman from Wisconsin desire to yield time?

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield to the gentleman from Ohio (Mr. BETTS), a valued member of the Ways and Means Committee, such time as he may consume.

Mr. BETTS. Mr. Chairman, I am completely aware of the forceful and eloquent argument that has been made by my distinguished minority leader, the gentleman from Wisconsin, whose sincerity and dedication I certainly admire and respect, but I hope I might have the opportunity to make a few comments about some of the objections that have been raised against this bill and some of the features and purposes of the bill which I do not think have been very fully explained in debate, or anyplace else for that matter.

In the first place, one of the principal arguments that has been made against this bill is that there is no revenue to share. Of course, that is a very attractive phrase which could be applied to any argument without actually amounting to a specific answer. We could say there is no revenue to share for education, and no revenue to share flood control, or no revenue to share for agriculture. So it resolves itself down to the question of not whether we have any revenue to share for this program, but rather, what priority we give to the program. I submit, and it is the position I have taken with respect to this bill, that the purposes of the bill, are ample reason for giving it first priority in the consideration of spending by the Federal Government.

In the second place, one of the arguments made against this bill is it is going to make the States completely dependent upon the Federal Government. The fallacy of that argument is that it is made about 30 years too late. Ever since the Federal Establishment began to be built up about 30 years ago, the local governments and State governments have had a continuing and increasing dependence upon the Federal Government.

If you do not believe that, just stop and think a minute about the tremendous lobbies of Governors and mayors that have been and will continue to be constantly on the scene. Somebody points out that one of the objections to this bill is that it means more Federal spending. Do not delude yourself that if you defeat this bill, you are going to stop Federal spending for local programs. The lobbies will continue to exist. The Governors are going to be down here; the mayors are going to be down here; and the pressure is going to be constantly on for more spending at the local level. So regardless of whether this bill passes or not, the pressure will continue for Federal spending.

I discount the argument that this bill is going to mean more Federal spending and more dependence by the local communities on the Federal Government.

In the third place, with respect to the arguments made that the formula is not completely fair and just so far as distribution to local and State communities is concerned, my answer to that is that I have received no single objection from any local community or State government about the formula in this bill. The formulas that we developed in the committee represent days and weeks of consideration, of amending, of reconsideration, and I point out that no one is going to come out with a bill satisfactory to any particular State and satisfy any one of the 50 States, or any one of the 435 Members of Congress.

So the claim that the formula is not fair is completely answered by the consideration the committee gave it. In fact, I do not think anybody has received any objection to the formula in the bill. So let me comment a bit about some of the features of the bill which I think have not been given adequate consideration.

I begin with this statement. I think one of the greatest dangers facing the Federal Government today is the buildup and expansion of the Federal Establishment, creeping bureaucracy. I do not have to call the attention of the Members, I think, here specifically to the delays we have experienced as far as securing projects back in our districts are concerned. My own experience, I think, can be matched by every Member here, which is that every project for any spending of Federal money in the district is an exhausting and time-consuming and irritating experience, lasting anywhere from 2 to 3 or 4 or 5 years with papers being shifted from Washington to some district office in the area where the project is to be considered, back to the community where it was originated, and then back to the Federal Government. The final decision as to where it is going to be and how much of the taxpayers' money is going to the community is made, not by any elected official, but by some bureaucrat downtown who is not responsible to anyone. He has built-in life tenure under civil service, and he has no elected position wherein he is responsible to any constituency for which the project is being considered.

What this bill does is simply bypass this bureaucracy, and it is saying to the local communities that we are sending their money back to them to be distributed by them in any way, within certain restrictions in the bill, that the community decides, under the recognized and time-honored constitutional concept of their right to make decisions at the local level.

The Constitution of the United States provides not only for the separation of powers between the executive and legislative and judicial in the Federal Government, but also for a division of powers between the Federal Government and the State and local governments. This is the thing that attracts me to this bill, because that relationship is being destroyed by the buildup of Federal bureaucracy which has taken upon itself a fourth dimension of government, usurping the legislative and judicial and executive functions of the local government and depriving our local communities of the right of self-expression.

To me, if this bill does nothing else than provide for the bypassing of this dangerous trend in our Federal Government today, I think it is worth the effort and worth the time and the expenditures provided in the bill.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I associate myself with the remarks of the gentleman. He has spoken not only eloquently but also very persuasively. He has been a star of constancy in the movement toward this very important legislation. I am very pleased to have been associated with his efforts, and I associate myself with his remarks at this point.

Mr. BETTS. I thank the gentleman

from New York, because he has made a tremendous contribution to this bill, and I am happy to be associated with him in his efforts.

Mr. SCHNEEBELI. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Chairman, I thank my friend, the gentleman from Ohio, for yielding. I am opposed to this bill, and I am sorry to have to speak at this time while my friend, the gentleman from Ohio, who is in favor of the bill, is speaking.

Mr. Chairman, this bill might properly be labeled "the fiscal follies of 1972." This legislation is wrong in so many aspects of its approach. It is wrong in its basic fiscal philosophy of the tax relationship between the Federal, State, and local governments; it is wrong in its allocation and distribution formula; it is wrong in being intiated during the period of the greatest 3-year Federal funds budget deficits in peacetime. It is so wrong that it received very little enthusiastic positive support among the 25 committee members. In essence, it substitutes political expediency for responsible fiscal accountability.

In the more than 11 years I have served on the Ways and Means Committee, this is probably one of the worst pieces of legislation that has emerged from committee deliberations. Potentially it could well become about the most expensive law this House will have approved for a long line.

The grandiose new proposed Federal giveaway and sharing of nonexistent funds could not come at a more inopportune time.

Chairman MAHON tells us in his letter of March 21, that the Federal funds deficits for fiscal years 1971, 1972, and 1973 will be more than $110 billion—which at 5-percent interest figures at about $15 million a day interest. I'd like to repeat this figure—$15 million a day interest on only 3 years current deficit. And to this deficit position, we have recently added two additional large-scale spending programs which will increase our deficits even further. I am referring to the recently approved pollution and higher education bills, which will total about $8 billion annually in increased expenditures. The conclusions of the recent Brookings Institution report add further proof our distress over our fiscal excesses and underscores further, the deterioration resulting from our decision on Federal fiscal matters. Our debt as of now stands at about $430 billion. Will someone please turn off the spending machine?

So in this background of being mired down in increasing deficits, we decide to inaugurate the potentially biggest spending program of all. What an environment for the debt of this giveaway of money we do not have.

I will not get into the matter of the lack of economic justification or the poor implementation of the intended objective—these matters have been dealt with thoroughly in the dissenting views which are recommended to you for reading and study.

This open-ended spending spree will help States and communities, many of which are in fiscal balance or running a surplus. Secretary Connally's reply to a question noted—

> None of the 50 States is in as bad a shape fiscally as the Federal Government.

As an example, my own State of Pennsylvania will probably run a surplus of between $25 and $100 million this year, but still this program will give them an additional $98.4 million. The have-nots will be contributing to the haves. This is a new sophisticated tax philosophy which defies logic.

The Federal income taxes have been reduced five times in the past 10 years—in 1962, 1964, 1965, 1969, and 1971. Just the last two tax reductions alone have produced a dramatic impact in personal tax reductions. Take the typical family of a couple with two children. The tax changes have resulted in the following:

Income	1969 tax year	1972	Percent Decrease
$5,000	$290	$98	66
$10,000	1,225	905	26
$15,000	2,268	1,820	2

What does this mean? This means that as taxes are reduced on the Federal level, it gives the States and local authorities an area for a tax increase to meet their obligations. So why should Washington start a new allocation of nonexistent funds when our recent Federal tax actions make it possible for the States to improve their own fiscal position?

Why are we doing this? Merely to accommodate a handful of big city mayors who have gotten themselves into a fiscal bind and who have high pressured their colleagues into joining them in this raid on the public treasury. Let the taxpayer beware and be aware of this ploy—and to the argument that this is only a one-shot 5-year raid, I say "Political humbug." Of the myriad Federal programs supposedly generated to resolve an emergency, how many have been terminated? Let us not resort to this type of fiscal legerdemain and political doubletalk.

We are aware of the fact that the attitude of the people of this country toward officeholders is becoming increasingly bitter and hostile. This is most evident in the recent primaries in the expressed disillusionment and disappointment of the electorate in their elected officials. When the voters realize how the House is sacrificing its responsibility in the interest of expediency and pressure groups, the hostility toward Congress will become even more bitter.

In a recent questionnaire sent to my constituents, I received more than 22,000 replies. Included in the survey was the question:

> Should the Federal Government share $5 billion of income tax revenues with state and local governments, for unrestricted use without Federal control?

The replies were 28 percent yes, 62 percent no, 20 percent undecided. The people answered more than 2 to 1 in opposition. The taxpayer is leery of this Federal largess. They wonder where the money is going to come from.

Those of us who oppose H.R. 14370 are not unaware of the great fiscal need of some of these State and local governments; however, we believe it can be met more responsibly by specific sharing of a present Federal tax base which would settle the matter of Federal cooperation at that point and not subject the Congress to the continuing and harassing pressures and lobbies from 50 States and 39,000 local units as their insatiable demands continue. Several proposals have been offered in transferring a specific tax base such as a high percentage of Federal estate and gift taxes, the Federal telephone tax—even the payment of real estate taxes by the Federal Government for its properties in each of these localities—but these proposals for more responsible transfer of tax base fell on deaf ears.

I am greatly opposed to this new raid on the empty Federal Treasury and I ask that H.R. 14370 be defeated.

Mr. BROTZMAN. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Colorado.

Mr. BROTZMAN. Mr. Chairman, I thank the gentleman for yielding. Although the gentleman from Ohio and the gentleman from Wisconsin, who spoke prior to the gentleman from Ohio, might disagree on this particular bill, each of the gentlemen has made a tremendous contribution to our committee, to the Committee on Ways and Means, and to this particular piece of legislation.

I would only say to the gentleman, we appreciate deeply what he has done. I would comment that each of these gentlemen will be sorely missed upon their resignations from the Congress.

Mr. Chairman, I rise in support of the State and Local Fiscal Assistance Act, H.R. 14370. This legislation is the final product of several months of arduous work in the Ways and Means Committee. Extensive hearings, involving both public and private witnesses, were held. Over 100 witnesses were heard, and their testimony fills eight volumes and more than 1,500 pages. For 35 days the committee met in executive session to consider this testimony and the underlying fiscal crisis which besets State and local governments.

It is this underlying crisis which compels the enactment of H.R. 14370. The provisions of the bill are carefully calculated to ease the financial difficulties of State and local governments in an equitable fashion. All localities in this country face severe financial problems, and for many of them the situation is approaching a critical point. These localities, as a result of increasing urbanization, find themselves politically separated from many of the people for whom they are called upon to provide services. Their taxing jurisdictions are limited, often to those who are poor and unable to pay for their share of local governmental services.

Even as the Nation's local governments are experiencing mounting financial troubles, so too are the States less able to provide for their citizens. States, of course, do not have the limited jurisdiction problems which play so key a role in the financial difficulties of local governments, but their tax structures cause them hardships from the standpoint of their own needs and from the standpoint of their increasing levels of assistance to local governments.

H.R. 14370 seeks to treat these financial problems by recognizing that the situation of the States differs from that of the local governments. In so doing, the bill's provisions differ from many of those contained in earlier approaches to revenue sharing. These differences are worthy of note:

Specific dollar amounts are included in the bill to prevent the addition of a new category of uncontrollable Federal expenditures;

The authorization is for a 5-year period, thereby assuring future congressional review, while at the same time allowing the recipient State and local governments a measure of planning latitude;

Local governments must spend their revenue sharing funds in certain broad areas to assure some control by the level of government raising the revenue, but at the same time local governments are left discretion within the broad guidelines so that the pitfalls of categorical grants can be avoided; and

States, through the distribution formula and other features of the bill, are encouraged to improve their own revenue efforts.

To meet these important objectives the bill provides for $5.3 billion to go to State and local governments during calendar year 1972. The total amount will rise to about $6.5 billion in the fifth year of the program. Of the $5.3 billion for 1972, $3.5 billion is to be available to local governments and $1.8 billion will go directly to the States.

Turning first to the $3.5 billion for local governments, these funds are to be distributed on the basis of a formula which first determines how much will go to all local governments in a particular State. This formula weighs equally the three factors of population, the extent of urbanization, and need as measured by the relative income levels of the residents. Then these same factors determine how much money will be made available to each county and its component cities within the State. Finally, within each county, funds are divided among the cities and the county government in proportion to the tax revenues raised by each. After June 30, 1973, however, the States may vary the impact of the three factors, within the limits of a 25-percent minimum and a 40-percent maximum, to better suit their particular needs. Alternatively, if they believe it is desirable to give more emphasis to the varying costs of government within their jurisdictions, the States may substitute for the population factor, a factor taking into account variations in tax revenues raised.

The funds to local government, as I have noted, must be used within certain broad parameters. Specifically, the bill restricts these funds to being spent on maintenance and operating expenses for public safety, including police and fire protection; environmental protection, including sewage and garbage disposal; public transportation; and capital improvements for sewage collection, refuse disposal, and public transportation. These items encompass a sufficiently broad range of municipal services to greatly ease the financial plight of the 38,700 general-purpose local governments in the United States.

The funds for the State governments are to be distributed on an incentive basis which consists of two factors. One-half of the funds are to be distributed to encourage State tax effort generally. This is to be measured by comparing State and local tax collections relative to the personal income level in the particular State with similar revenue efforts made by the other States.

The other half of the funds are to be distributed to encourage greater State use of the individual income tax. This encouragement is provided by distributing an amount equal to one-half of 15 percent of a State's individual income tax collections up to a limit of one-half of 6 percent of the total Federal income tax liabilities within the State. In no event is this amount to be less than one-half of 1 percent of the total Federal income tax liabilities within the State. This is to protect those States which have yet to enact a State income tax.

The States will have no controls placed over their utilization of revenue sharing funds and the amount available to all State governments can be increased by as much as $300 million per year meaning that these funds may grow to an annual rate in excess of $3 billion by the end of the 5-year authorization period. Without this escalator feature States already utilizing the income tax would suffer reduced benefits as other States implement income taxes to take advantage of the incentives contained in the bill.

Beginning in 1974, another form of assistance is provided to the States under the provisions of H.R. 14370. After that date, States may request the Federal Government to collect their income taxes under a piggyback arrangement whereby the State tax is collected in conjunction with the Federal tax. To trigger this device it will be first necessary for five or more States representing 5 percent or more of the personal income tax returns to request the Federal Government to collect their State income taxes.

Mr. Chairman, I believe the passage of H.R. 14370 will help stem the erosion of State and local governments; it will assist those governments in their time of admitted financial crisis; it will strengthen the existing partnership between the Federal Government and State and local governments; and it will do this in the best interest of the one factor common to all—the citizens of this country.

I urge its passage.

Mr. BETTS. I thank the gentleman. My good friend the minority leader on our committee has made the statement that this bill simply adds one layer of spending on top of the categorical grants we have. I want to comment on that.

What is the alternative? The alternative is—and it is the only alternative if the Members defeat this bill—to have a continuation of the present bureaucratic controlled categorical grant programs.

It seems to me the time has come when we ought to make some effort to break away from our 30-year practice of piling up program on program and bureaucracy on bureaucracy and send some Federal money directly back to local communities and permit them to determine how it will be spent.

This is what the bill does. It is the only opportunity I have had since I have been in the Congress—as a matter of fact, the only opportunity this House has had in the 30 years of buildup of the Federal establishment—to make some effort to register opposition and objection to this constant buildup of the Federal bureaucracy. It is one opportunity we have to bypass it.

We do not offer it as the final hope. We do not offer it as a 100-percent solution to the problem. But we do offer it as an opportunity to turn away from this insidious buildup of creeping Federal bureaucracy.

I conclude by saying that if anyone believes this bill is going to stop Federal spending for local communities on Federal projects, or is going to stop categorical grants, he is simply deluding himself. The pressure is on. This bill simply offers another way of sending the money back to the local communities.

I hope and trust the bill will receive favorable consideration by the House.

Mr. HARRINGTON. Mr. Chairman, the revenue-sharing legislation before us today must be passed without debilitating amendments. I am aware that there is a fight over the rule and I find myself in the anomalous position of voting for a closed rule.

In general I oppose closed rules because they prevent the Members of the House from voting on or even considering any alternative to the legislation before us. However, in this case, I am afraid that if the rule is open the revenue-sharing bill will be so changed and twisted that the original concept will be lost and the relief that our cities and towns so badly need will not be forthcoming. I therefore intend to vote for the closed rule.

No one can deny that State and local governments are in urgent need of financial help. Their present revenue-raising systems are heavily dependent on regressive property taxes which penalize the elderly, the middle-income worker, and the poor. For instance, the tax rate in the city of Lynn in my district is the highest in Massachusetts. If revenue sharing were to pass Lynn would receive $1,805,409.00—a substantial influx of funding which will help to alleviate the immense tax burden of Lynn's residents.

The revenue sharing bill before us contains an appropriation of nearly $30 billion in direct grants from the Federal Government to State and local governments. The bill is unusual in that it establishes a 5-year appropriation of funding. But, I believe that this 5-year funding is essential to allow States and localities the leadtime necessary to plan the most effective use of the funds.

Too often in the past—particularly in an election year—the Congress will authorize large amounts of funding for domestic programs only to fail in future years to appropriate the sum necessary to carry out the intent of the program. States and localities work hard and in good faith to plan their programs, based on a promise of adequate Federal funding, only to find that the funds have not been forthcoming. The program is then destroyed and the people lost faith in their government.

The revenue sharing bill, as presented to us today, will guarantee that the funds will be available and will allow the States and localities to make their plans accordingly. The stability of this advanced appropriation is essential.

The revenue sharing bill attaches no strings to the money distributed directly to State governments. It does, however, require that States maintain previous aggregate levels of aid to local governments. Money distributed to local government may be used only for certain high priority purposes. The purposes are:

Maintenance and operation expenses of public safety, environmental protection, and public transportation.

Capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation.

Local governments are not required to maintain past efforts to displace previous local expenditures.

The problems of our cities and towns cannot wait. Their needs are of the highest priority and the revenue sharing bill is the best means presently available of helping to solve these problems.

I will vote for the bill if the House acts this afternoon to retain the closed rule. I urge my colleagues to vote for the closed rule and for the final passage of the bill. A vote for the closed rule is the only way of assuring that the House will pass revenue sharing this year.

Mr. REUSS. Mr. Chairman, the House Committee on Ways and Means has presented us with a good revenue-sharing bill. H.R. 14370 deserves our support for at least four major reasons.

First, it provides meaningful fiscal relief to the States and localities, some $30 billion over a 5-year period ending in 1977. The amount includes an initial annual $1.8 billion for the States, to be increased by $300 million per year until an annual rate of $3.1 billion is reached in the last half of 1977. Three and a half billion dollars in yearly aid to local government is provided.

The somewhat lesser amount for the States reflects the probability that somewhere down the line, States will receive substantial additional sums under the Welfare Reform bill and under national health insurance legislation. The States will be additionally benefited to the extent that they choose under H.R. 14370 to have the Treasury Department collect State income taxes. Having the Federal Government perform this function could save the States an estimated $1 billion in the first year and some $200 million annually thereafter.

Given the fiscal plight of large metropolitan areas across the Nation, their share of the $3.5 billion set aside for local governments is palpably inadequate. To the rescue will come, I hope, the Housing and Urban Development Act of 1972, favorably reported by the Subcommittee on Housing of the House Committee on Banking and Currency on May 11, 1972, and now in markup status before the full committee.

The Housing Subcommittee bill would provide for $2.5 million a year for fiscal 1973 and 1974, of which 80 percent would go to metropolitan areas for broad purposes of community development. The grants would be free of the redtape associated with the Federal Government's existing housing and urban renewal programs. They would thus provide a necessary supplement to the local share of H.R. 14370.

Second, H.R. 14370 preserves congressional prerogatives to review and change national spending priorities. The original administration revenue-sharing bill based revenue sharing upon an automatic share of the Federal income tax base, thus eroding congressional prerogatives by setting up permanent drawing rights on the U.S. Treasury. H.R. 14370 provides for a 5-year automatic appropriation of the specified sums. Thus, H.R. 14370 provides State and local governments with some insurance of continuity in funding over a 5-year period, while allowing the Congress to revisit the subject of revenue sharing because the program lapses after 5 years.

Third, H.R. 14370 distributes local funds on the basis of need. The local distribution formula of the administration's revenue sharing bill—based on revenues raised as a proportion of total local government revenues in the state—over rewarded rich communities and over penalized poor communities.

H.R. 14370 distributes its $3.5 billion in yearly local aid under a three-part formula which gives equal value to population, urbanized population, and the inverse of the State's per capita income—States with higher per capita incomes receive less from this part of the formula than States with lower per capita incomes.

The community development block grants of the Housing Subcommittee's May 11, 1972, bill, incidentally, also take account of need. Both among metropolitan areas and within metropolitan areas, the distribution formula is based on population, extent of poverty, extent of housing overcrowding, and extent of program experience in the metropolitan area.

I regret, however, that H.R. 14370 is very little better than the administration's original revenue-sharing plan, in that it recognizes the entitlement to some revenue-sharing funds of almost every general purpose local government, no matter how lilliputian and inefficient. The administration bill gave the funds to every general purpose local government. H.R. 14370 denies funds only to local governments which under the formula would be entitled to $200 or less. H.R. 14370 thus offers precious little encouragement to tiny and inefficient communities to consolidate into more viable governmental units. But it should be remembered that the formula for distribution according to need will mean that communities that do not need very much do not get very much.

Fourth, H.R. 14370 includes important incentives to encourage the adoption of progressive State income taxes. The formula under which funds are distributed to the States allocates half the funds given each State according to the amount of its individual income tax collections, with some variations. While a total allocation under this formula would have been preferable, this should induce some of the 10 States which currently lack an individual income tax to enact such taxes. Other States which have narrowly based or flat-rate income taxes will have an incentive to make them more progressive.

States without income taxes, or which make only a token income tax, often compete unfairly with other States for industry. Worse, their reliance on property and sales taxes unfairly burdens their low- and moderate-income homeowners and poor people.

Another incentive for State enactment of State income taxes is title II of H.R. 14370, which authorizes the Treasury Department to collect income taxes for States which generally conform their State income taxes to the Federal income tax. If a large number of States exercise the option of Federal collection of their income taxes, the causes of additional State fiscal relief, and of efficient and progressive tax systems, will be served at one and the same time.

But there is one caveat. It will not profit a State to "piggyback" its income tax on the Federal income tax if the latter represents a swiss cheese more than it does a rational tax system. Until the Congress repairs some of the more flagrant loopholes and preferences of the Federal tax system, neither the Federal Government nor the States will have the fiscal systems they need.

These four solid achievements of H.R. 14370 make it landmark legislation. My one regret is that H.R. 14370 does not contain the incentives for the reform and modernization of State and local government, as a condition of revenue sharing, which were contained in the Humphrey-Reuss State and Local Government Modernization Act of 1971, H.R. 4617. H.R. 4617 would have required the States to prepare plans and timetables for modernizing and revitalizing State and local governments.

How can we move metropolitan areas across the United States toward streamlined two-tier governments—governments under which responsibilities are divided between authorities acting as wholesalers of goods and services on a regional basis and municipal retailers dealing with the people? How can we insure that all local governments of sufficient size and scope have adequate home rule and taxing and borrowing powers? How can we bring about more rational and equitably administered property tax systems? How can we assure dispersion of low-income housing throughout the metropolitan area? How can we equalize—at a high level—the quality of our schooling?

How can we decentralize power and functions back to the neighborhood to make local government more responsive and democratic?

Under the American system, the States are primarily responsible for determining the structure and powers of local government. But the Federal Government can prod the States into action—to reform their own as well as their local governments—with financial incentives. Though H.R. 14370 fails to contain the planning provision of H.R. 4617, a somewhat similar provision is contained in the Housing Subcommittee's bill of May 11, 1972.

I congratulate the House Committee on Ways and Means in presenting us the result of years of diligent study and draftsmanship. I enthusiastically support H.R. 14370.

Mr. ROSTENKOWSKI. Mr. Chairman, as a member of the Committee on Ways and Means, and as an original sponsor of the State and Local Fiscal Assistance Act of 1972, I am proud today to rise in strong support of this measure.

It is the end result of months of public hearings and committee deliberations designed to produce legislation that would best meet the challenge of the serious fiscal crisis which currently besets so much of our Nation.

Our State and local governments now face financial problems of a most severe nature. In this decade of the 1970's, it will be the States, and even more significantly, the local governments, which will bear the brunt of our more difficult domestic problems.

Almost 4 years ago, it was estimated that the gap between local needs and their revenues for the next decade would be $262 billion. Since that time, inflation has transformed rising costs into runaway costs. Many municipalities that have always been able to squeeze through are finding that even that is no longer possible. This crisis is most acute in our center cities, where local governments find their resources slipping away and their problems mounting. Their neighborhoods, bleeding and beleaguered, are losing their population and tax bases to the suburbs.

As a Representative of one of our Nation's largest metropolitan areas, I have long advocated programs to help rebuild and rejuvenate our Nation's cities. I have sponsored measures as diverse as legislation for emergency aid to mass transportation and legislation which would allocate more meaningful appropriations for summer programs for our Nation's youth. In my years in Congress, I have always supported any measure which I felt would benefit what is increasingly becoming, our urban Nation.

Mr. Chairman, I preface my statement here today with these thoughts because, as the hearings on the matter progressed in our committee, I became increasingly aware of the tragic wrong of urban life in our country. For the past 15 years, the Federal Government has devoted an increasing amount of its time and funds toward solving the urban problem. But, this problem has, if anything, become worse. America's cities are being squeezed by a powerful financial vice—one jaw of the vice is the rapidly increasing service needs of America's urban areas, while the other jaw is the inability of most cities to raise the revenues required to maintain even the present low level of services.

In the past 10 years, the Government has instituted vast new programs, organized and developed several new governmental agencies and departments—all for the purpose of constructively dealing with the problems of urban America. While these agencies and organizations have at times been successful, more often than not, they attempted to find uniform national solutions to what are individual, local problems. Problems whose causes and whose cures can only be found in the environment in which they exist.

The causes of the plight of the cities lie in large part with the programs and policies of other levels of government. In many cases, the need for vastly increased Federal services has been stimulated by nearsighted Federal programs.

In this respect, much of the dilemma of the American city is not of its own making. Local government is not responsible for the condition; in fact, it was powerless to prevent the situation and remains powerless to rectify it.

Our national farm policy disinherited millions of farm families, driving masses of them into already crowded cities. At the same time, the fragmentation of the old national welfare system often allowed certain rural States to pay as little as one-sixth as much for relief as, for example, Illinois, thus driving many more of our Nation's poor northward where their hopes were crushed and they became entrapped in some of our Nation's most squalid slums.

Certain Federal housing policies have also contributed to urban sprawl by subsidizing many times as many units of housing in the suburbs as in the inner city. And some of those units which have been placed in our cities have been poorly planned and certainly not conclusive to promoting a high quality of urban life. A tragic example of such an ill-conceived project was vividly depicted in a recent edition of Life magazine—an 18-year-old highrise housing project in St. Louis is being torn down. Years of misuse and decay clearly demonstrated that this was not the solution to this area's housing problems.

The national highway program further stimulated the suburban exodus, bisecting cities with concrete, subsidizing congestion and pollution and in most cases ignoring the need for mass transit.

In this way, national policies not only failed to stem the deterioration of our Nation's cities, they partially caused it. But, while certain Federal Government's policies have had adverse effects on urban life and growth, of greater importance, indeed the crux of the plight itself, has been the relation of the cities to their State governments. For since the cities are but creatures of the State, they are wholly dependent upon the States for their powers.

This dependency has created many porblems for the local municipalities; among them the limitation of municipal taxation and borrowing powers. And, needless to say, the State governments have been reluctant to take on the burden of increasing taxes. Taxation is never popular. Therefore, cities have been denied adequate means to raise their own revenues and the States, who have the power, have been reluctant to use it.

Cities have been denied relief from their legislatures so consistently that they began to seek help from Congress over 20 years ago. Congress has assisted them through the enactment of categorical grants-in-aid but even this financial arrangement has been far from effective in solving the real problem of urban decay.

The answer to this dilemma is not simple. Cities need operating money—money to hire police, firemen, and sanitation workers. Money to build sewage treatment plants and improve mass transit systems. Money to feed the poor and to give them medical treatment; to hire the unemployed and to return the needy addict to the real world.

Yet, what the people need in Baltimore is not necessarily what is needed in Chicago or Little Rock or New Bedford, Mass. Each community has its own list of particular priorities among these needs.

And, to meet these particular priorities, this bill was written. It is our hope that this "revenue sharing" bill, the result of almost a year of deliberation by our committee, will give the States and municipalities the flexibility they need to solve their own problems. The details of this measure have been quite sufficiently explained by our distinguished chariman and I should at this time only like to urge my colleagues to fully support this measure as the one method by which we may provide meaningful aid to our Nation's cities and towns.

Mr. ARCHER. Mr. Chairman, we are living in a time of change and stress when many established procedures and relationships are being reviewed. This is particularly true in government. The so-called urban dilemma has become one of the Nation's major concerns, while State and local governments almost without exception are searching desperately for new sources of revenue to meet escalating costs. Thus it is not unexpected that States and localities are turning increasingly for help to the Federal Government with its more flexible ability to borrow and its greater capacity to increase revenue through the income tax.

For many years the Federal Government has been responding increasingly to this need. Federal aid has risen from $1.8 billion in 1948 to $30 billion in 1971. In other words, the Federal Government already provides $1 out of every $7 spent by State and local governments. Most of this is in categorical grants for specific purposes and usually calls for matching funds. Guidelines are set for such expenditures from Washington.

The House Ways and Means Committee has now proposed, through H.R. 14370, to appropriate $17.5 billion over a period of 5 years to help local governments defray certain general expenses.

The $17.5 billion general revenue-sharing proposal has such a generous appeal that many people overlook the harsh reality that there is no such thing as a free Federal lunch counter. There is considerable evidence, in fact, that the general revenue-sharing plan is illogical, unsound, and inimical to the national interest.

It is illogical to use the guillotine efficiency of the Federal tax collecting system to raise funds to be spent by State and local governments. This fails to recognize political reality or measure up to fiscal responsibility.

It seems highly unrealistic to expect Congressmen, faced with reelection, to vote taxes to raise funds to be spent by State and local politicians who may include their opponents in their next campaign.

It would seem to be a departure from fiscal responsibility for Washington to turn funds over to State and local governments with "no strings attached." If the Congress hands over billions on this basis, it could well begin a dangerous dismantling of the control procedures designed to make sure that the Federal Government gets the best use out of its aid dollars. In other words, can Washington forsake responsibility without becoming irresponsible? What is truly at stake here is a shifting—perhaps a profound shifting—in the roles and missions of government between Washington and the States and cities. It would constitute the most basic change in public finance since the Federal income tax was imposed in 1913. We should be considering a reallocation of functions, rather than a reallocation of funds. It has not been surprising, however, to see an alliance of State, county and city officials mobilizing for this bonus march on Washington. Nation's Cities, a journal for public officials, said editorially in its March 1971 issue: "Only through practical political pressure will revenue sharing come to be." The taxpayer, though, should realize that if there are political forces strong enough to enact an initial $17.5 billion program, these same forces can then go for $30 or $40 billion. The taxpayer bears the financial burden, whether it is developed in the National Capitol, the State capitol, the county courthouse, or the city hall.

Higher public expenditures inevitably must come from an increased burden on taxpayers. The taxpayers are the producers who must work and produce goods and services at a rate which will build the national economic strength fast enough to continue to carry the enormous burden of escalating government costs. What we have been seeing develop for many years is a race between "gross national product" and "gross national prodigality."

In the second place, it is unsound for the Federal Government to propose general revenue sharing when the only way it can finance such a program is through enlarging the national debt or increasing taxes. It has experienced a budget surplus only 7 years out of the last 40 years. The Federal Government owes almost three times as much as all State and local governments combined. Expenditures built into legislation will absorb any anticipated increases in Federal income for the foreseeable future. General revenue sharing, under these circumstances, is comparable to the father whose son was leaving for college. He said to the boy: "Go ahead and write all the checks you want. When your account is overdrawn, the checks will be charged to my account." But the father's account was already overdrawn.

Next, general revenue sharing is inimical to the national interest. Since it is projected on the basis of "the more you spend, the more you will receive," it is an open invitation to unrestrained public spending. This proposal seems to be based on the great American myth that the more you spend, the better the solution—that solutions to Government problems are not possible unless they come from Washington. It will tend to discourage efforts for more efficiency in State and local governments. As a matter of fact, the general revenue sharing principle has much the same logic as loan-shark advertising: "If you fall behind on your payments, don't worry. Come in and we will increase your loan so you can pay what you owe—and have some cash left to spend."

Fourth, with State and local governments increasingly dependent upon Washington, revenue sharing will expand the centralization in the Federal Government. States and localities will become increasingly subservient to Washington. The source that supplies public funds always retains the right to withdraw or not to renew the funds. This is a reality that any recalcitrant State or local government could ill resist.

The assurance that revenue sharing plums will drop with "no strings attached" from the prolific money tree should not be taken at face value. Murray Weidenbaum, former Assistant Secretary of the Treasury, has commented that "no restrictions" does not mean "no controls." Thus, revenue sharing will always be subject not only to the whims of the Congress but also to the vagaries of Federal administrators.

General revenue sharing would not get to the root-causes of State and local problems. It would merely subsidize their weaknesses. It would not encourage more effective and efficient use of available funds. Non-Federal Government costs per person have increased 70 percent in 5 years. When a corporate body takes on weight that fast, it is reasonable to assume that it included considerable fat. In his health message, last year, President Nixon said:

> It's not how much we spend but how well we spend that matters.

Revenue sharing would not encourage efforts to modernize some of the archaic forms and structures found in State and local governments. Samuel Jackson, Assistant Secretary of the Department of Housing and Urban Development, says:

> Our major effort now should be to improve the capacity of local government to manage.

There is another, more immediate problem that is of great concern to me as a Texan: the fund distribution formula in this bill is designed in such a way that our State will receive less money than nearly every other State in the Union. In funds per capita provided to the State governments, Texas ranks 50th among the States and the District of Columbia. We would get $4.02 per person, as compared to $17.23 for New York and $8.73 for the national average. For all funds allocated under the revenue sharing program, Texas ranks 35th on a per capita basis.

Texas is 27th in tax revenue per capita paid to the Federal Government, but it is 35th in total funds it will receive. What this means is that we will be paying taxes to provide funds going to other States. This is indeed revenue sharing—sharing Texans' revenue with everyone else.

The reason for this inequity is that part of the formula for revenue sharing is based on the State income tax. In effect Texas, which has no State income tax, is being punished for collecting its revenue through other means. Penalizing the 10 States which do not have an income tax does great injustice to the spirit of federalism, which has long been a cornerstone of our republican form of government.

There is no overriding Federal interest that would justify legislation dictating the system of taxation practiced by the several States. Moreover, the fiscal condition of the Federal Government is certainly no shining example for the States to follow. Texas is run in a manner far more fiscally sound than is the Federal Government. Texas has no debt. We pay our own way.

The crunch on State and local governments has been caused largely by Federal policies, so why not remove the causes rather than subsidize the results. For example, inflation is the chief culprit in increasing costs faster than State and local revenue, and revenue sharing would be another inflationary pressure. If the Federal Government should ever reach that unlikely time when it will have surplus income, a reduction in taxes would do more to alleviate critical social problems and to resolve political disharmonies than would the further expansion of the Federal sector.

At a time when we are engaged in an agonizing reappraisal of the excesses of a welfare program for people, it would seem to be an inappropriate time to initiate a welfare program for State and local governments.

Mr. Chairman, I call for the rejection of H.R. 14370.

Mr. ABBITT. Mr. Chairman, I rise in opposition to H.R. 14370, the State and Local Fiscal Assistance Act, or better known as the "Revenue Sharing Act."

This bill is a good example of a transition from a commendable concept to an undesirable piece of legislation. Certainly all of us are aware of the tremendous need for additional revenue sources in all of the governmental jurisdictions throughout America. State and local debts are rising at an alarming rate and the demands upon all levels of government are increasing steadily.

All of us recognize these as realities but no jurisdiction of government has anywhere near the level of indebtedness under which the Federal Government is now operating.

The plain truth of the matter is that the discussion today is basically and primarily a question as to whether it makes any sense for the Federal Government to borrow money in order to share it with the localities. The Federal Government has no money readily available to distribute and already we have scheduled for consideration for next week a bill which will extend the Government's debt limit to the highest level in history. In other words, any moneys which we vote now to share with State and local governments must inevitably come from borrowing. Furthermore, any money that is borrowed is actually owed by the people of the United States and must be paid by American taxpayers.

It is abundantly obvious that the concept of getting "something for nothing" is finally catching up with us to the point where we must realistically face the question of where the money is coming from in order to finance this bill. Proponents of this legislation have argued that only through the taxing sources of the Federal Government is there sufficient power to extract the necessary revenues—but is this a fair statement?

I feel that the Federal Government should make some attempt to share sources of revenue with our States and localities in order to assist them in meeting the tremendous obligations and demands which are now pressing upon them. However, I feel that a much more propitious way of accomplishing this would be for the Federal Government to surrender to the States and local governments some of the tax sources which are now partially or exclusively held in Washington.

Sooner or later we are going to have to face up to the fact that the Federal Treasury is not a bottomless pit. The Federal debt has increased at an alarming rate and Americans are today paying well in excess of $20 billion annually in debt interest alone. It is the height of folly to suggest that this situation can be allowed to continue indefinitely and, in my opinion, the revenue sharing bill now before us would only open the door to far greater indebtedness.

Mr. MAHON. Mr. Chairman, under general leave granted to extend my remarks, may I say that Members of the House earlier today voted whether consideration of the pending bill—H.R. 14370, the so-called revenue sharing bill—should occur under a closed rule which waives points of order and prohibits any Member other than the chairman of the committee handing the bill from offering a single amendment. They will have another opportunity tomorrow to vote on the question of whether the Federal Government—already approaching $500,000,000,000 in debt and going billions deeper every year and thus with no revenues to share—is to embark on this multibillion dollar road of further aid to States and local communities.

Before that final vote is taken, I would hope that all Members would ponder what seem to me to be some of the dangers to grabbing this tiger by the tail, and to take account of what the Federal Government is already doing in the way of aid to State and local communities.

I have spoken about these matters in the House on a number of occasions, particularly in recent weeks. I alluded to them in the House earlier today during the debate on the closed rule.

REVENUE SHARING: AN IDEA WHOSE TIME HAS COME—AND GONE

As was said in an editorial in one of our great newspapers a few days ago, revenue sharing is an idea whose time has come—and gone.

Revenue sharing, I believe, was conceived by Walter Heller, a well-known economist, in the early 1960's, when it appeared that the Federal tax structure was such that it would be generating vast sums of money for which we had no spending purpose insofar as the Federal Government was concerned. It was thought that a large, overwhelming surplus would be confronting us. There was worry about a fiscal drag.

Think of it. Was that not a grand and glorious moment, when we could ponder such a delightful problem? It vanished so quickly.

Yes, this was the atmosphere in which the idea of revenue sharing was conceived and brought to the forefront. But what brushed it aside? It was the programs of the Great Society, which rapidly accelerated, and the war in Vietnam. And so the vast potential surplus which some wanted to share with the States and local communities vanished. Instead of that, we have a desperately serious budget deficit situation.

THE CLIMBING FEDERAL DEBT

Yes, the average deficit in Federal funds to run the Government during the 1960's was about $10 billion a year. But in the 4-fiscal-year period concluding with the end of fiscal year 1973, we will be running a Federal funds deficit averaging about $28 billion per year, nearly three times as much per year as in the 1960's.

As a result of this borrowing to pay our bills, the debt will go up more than $110 billion during this 4-year period—representing about one-fourth of the total monumental national debt which has accumulated over the entire history of our Nation.

Here are the Federal funds deficit figures for the 4 fiscal years 1970 through 1973: $13 billion, $30 billion, $32 billion, $38 billion—climbing, climbing, climbing. And people talk about tax reductions and revenue sharing.

GROWTH IN FEDERAL ASSISTANCE TO STATES AND LOCALITIES

In view of our growing deficits, we are already doing more for the States and local communities than we can afford to do because of the terrible fiscal plight of the Federal Government at this time.

Then, when you start a program of revenue sharing at what will be called a low level of only $30 billion for 5 years, that is chickenfeed. That is a mere pittance of what it will become once it is begun.

With reference to the grants to the States and local communities in 1960, what did we spend? We spent $7 billion.

For the fiscal year which ends this month—fiscal 1972—how much are we spending in grants to the States and local communities? Not $7 billion—but $37 billion.

That is how rapidly these grant-in-aid-programs climb. But revenue sharing will climb a lot more precipitously than that if it starts down the pike. I have no doubt of that, because of the broad based lobby groups it involves and helps to organize. I dare say that no one would undertake to dispute that fact.

If revenue sharing were being proposed as a substitute for the $37 billion in categorical grants—if we had been requested to authorize $5 billion less per year in categorical grants—then there might be some substance to the proposal. But it is proposed that we pile this $30 billion program at the rate of more than $5 billion a year on top of the $37 billion which we have made available in categorical grants for the fiscal year 1972.

A TIGER BY THE TAIL

Anyone knows that if we start this program of revenue sharing on the basis of what will be called an inadequate level of only $5 billion a year, it will grow very rapidly. When we start down that road it will indeed be at a gallop.

As I said once before in this House, if you grasp this tiger by the tail, you will find it difficult to turn him loose.

Never in this century would you ever turn that tiger loose, and everyone here knows it.

ASSISTANCE TO STATES AND LOCALITIES

Yes, we have done a great deal for the States and the local communities. They are in difficulty, but most of them are not in as much fiscal difficulty as the Federal Government. Some of them are in as much or more difficulty than the Federal Government, I agree. And it is a matter of great concern to all of us. But what have we done for them?

In Federal assistance to State and local communities, we went in the period 1960 to 1972 from $7 billion to $37 billion.

In 1960, of total nondefense Federal spending, 16 percent went to the States and local communities. But of total nondefense Federal spending in 1972—not 16 percent, but 26 percent is going to aid States and local communities. That is an additional 10 percent of the nondefense Federal dollar. It is about a 60-percent increase in Federal assistance to States and localities during that period.

In 1960, we provided State and local communities with 11 percent of their revenues. But in 1972, we provided them with 21 percent of their revenues for their expenditures, and yet some of the mayors—some of whom have not done such a brilliant job—come in here in the shadow of this Capitol and get the roll and check on Members of Congress and apply pressure for more, and more, and more.

But let us not be swept off our feet. Let us be strong. Let us be wise. Let us look beyond the ends of our noses at the future. It does not take a very wise man to see what is in prospect.

A VOTE FOR REVENUE SHARING IS A VOTE FOR A TAX INCREASE

I mark my words when I again say a vote for revenue sharing is a vote for a tax increase. Can there be anyone who thinks to the contrary?

If you add on to the $37 billion we are already providing for grants to States and localities in 1972 another $7 billion in 1973 for revenue sharing, expenditures will go up $7 billion more in the fiscal year 1973.

Spending will go up that much more precipitously. And that will only be the beginning.

Where will the revenues come from?

A vote for revenue sharing I say—and mark my words—will be a vote for a tax increase. You can tell your mayors and your folks back home that this would be a vote for a tax increase. Keep that squarely in mind.

THE RESPONSIBILITY OF REVENUE SHARING VOTE

There are a lot of distasteful problems here.

Revenue sharing is wrong in principle. This bill recommends a program that separates two inseparables—political responsibility for taxing and responsibility for spending.

Do Members want to bear the agony of raising taxes next year to support spending by States and local officeholders? Think about it.

Maybe as a temporary expediency revenue sharing might sound good. But in the long pull, I think those who become committed to this will find themselves in a box.

What will the States and the local communities do with this Christmas tree handout? Will they spend it as wisely since they do not raise these revenues as they would otherwise?

Of course, they do have their problems but revenue sharing is not the answer. If you cannot save the States and local communities with grants of $37 billion, how can you save them with this additional grant?

A MILE WIDE AND AN INCH DEEP

The revenue-sharing money would be spread so thin. How many local communities are there in the United States? There are 38,000. You are going to try to spread these funds out to these 38,000 governmental units in this country? Where will you find yourself? You will find yourself with a stream a mile wide and an inch deep and you will not solve the problems that confront the country and confront the States and the cities. It will not dent them. But it will more or less signal the takeover by the Federal Government. Everybody knows that if we appropriate Federal money, eventually there is going to be a Federal takeover. You know that. And why shouldn't the Federal Government eventually take over if the Federal Government is providing the funds?

The illustrious late Senator Dirksen, of Illinois once remarked that the day might come in this country when only Rand McNally would be interested in State lines. And I would add county lines and city lines. If that day is coming, I guarantee it will be hastened by the approval of revenue sharing.

THE BOGUS TRUST FUND CONCEPT

Mr. Chairman, another feature of this Ways and Means Committee 5-year appropriation bill is that it seeks to characterize the funds as "trust funds." Well you could just as rationally set up trust funds for the entire Federal funds budget and provide that the Federal Government—from such trust funds—is authorized to provide for operation of the State Department, the Department of Defense, the Agriculture Department, and so forth, for this year, for next year, and for the next 5 years.

Mr. Chairman, the bill deals with general Federal funds in the general fund of the Treasury, and it is a rank perversion of the trust fund concept, which is used for social security and other participating beneficiary programs, to label them as "trust funds" in any way, shape, or form.

THE REVENUE-SHARING LOBBY

If revenue sharing becomes the law of the land, Members of Congress could well become puppets on a string. We would be dancing to the tune played by the 38,000 governmental jurisdictions throughout the United States.

The lobby now is nothing by comparison to what it would be. It is small indeed compared to what it will be after we establish the vested interests that will grow out of these funds. Is that not clear to Members?

Some of our friends are here now lobbying. But, my, after the sweet taste of this painless $30 billion, what could they do? And how helpless might we be then unless we are quite strong in resisting the pressures for more and more now? The passage of the revenue-sharing bill will organize and galvanize the most powerful lobby group that this country has ever known.

I was reading one of the newspapers recently. Finally, over on a further page, I read, "Revenue-sharers say they have the votes." They had checked us off on their list. The article said, they have the votes. But that check will be nothing compared to what will happen in 1973, 1974, 1975, 1976, and 1977 up to the year 2000, and so on.

There is presently no ground swell of support for this legislation. Our constituents are better informed and wiser than some may think. They realize that all our problems cannot be solved with money—Federal money. They realize, however, that if you start a new, massive handout program, it will grow rapidly and the pressures for more and more will tend to become irresistible.

The adoption of this program of revenue sharing will tend to basically alter our federal form of government.

Mr. Chairman, it seems appropriate that as we face this momentous vote we should lay out the facts and have the best possible understanding of the implications of our actions. This is what I have undertaken to do.

Mr. COTTER. Mr. Chairman, I rise in support of H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

I will vote reluctantly for a closed rule. I do not like this type of parliamentary procedure, but I feel that House passage requires this approach.

As we have all known for many years, the State and local governments cannot continue to offer necessary services without increased costs. Some form of revenue sharing is needed to enable the Federal Government, with its wider scope of tax possibilities, to return funds where they are most urgently required. I have supported the concept of general revenue sharing as a useful approach in lessening the local tax burden.

Those of us who represent urban districts are intimately aware of the problems facing our towns and cities. I believe that revenue sharing can alleviate some of these problems. Our overburdened property taxpayers cannot accept an increased burden. I have made my support of revenue sharing clear on many occasions. The people of my district need these funds desperately to sustain their institutions and necessary services.

The plan before us today marks a beginning. H.R. 14370 does not provide the ultimate solution to the problems of State and local finances, but the passage of this bill does mark a decent beginning, and clearly commits this Congress to the goal of helping States and municipalities in their overwhelming financial difficulties.

We will have the opportunity to study the result of this novel approach to assure that this concept is effective in helping the State and local governments to provide necessary services.

Just this morning I received the complete figures to the cities and towns of Connecticut. I will include them at this point:

CONNECTICUT

Total State grant to all locals, $51,695,640.

Fairfield, area, $14,111,718; total to city governments, $8,358,202; total to township governments, $5,753,516.

Bridgeport City, $3,272,569; city of Danbury, $1,025,558; Norwalk city, $1,509,235; Shelton city, $550,825; Stamford city, $1,961,351; Bethel town, $105,850; Brookfield town, $93,469; Darien town, $195.401; Easton town, $2,811,673; Fairfield town, $543,602.

Greenwich town, $572,478; Monroe town, $116,493; New Canaan town, $167,112; New Fairfield town, $67,531; Newtown town, $163,856; Ridgefield town, $175,189; Stratford town, $480,495; Trumbull town, $302,620; Westport town, $262,850; Wilton town, $130,302; Redding town, $53,758; Weston town, $71,101.

Hartford area, $15,065,005; Total to city governments, $6,982,016; Total to township governments, $8,082,929.

Bristol City, $1,264,313; Hartford City, $3,808,505; New Britain City, $1,909,198; Avon Town, $118,370; Berlin Town, $219,540; Bloomfield Town, $265,520; Burlington Town, $69,738; Canton Town, $107,321; East Granby Town, $55,041; East Hartford Town, $923,141; East Windsor Town, $138,642; Enfield Town, $818,515; Farmington Town, $210,240.

Glastonbury Town, $309,077; Granby Town, $95,787; Manchester Town, $750,543; Marlborough Town, $48,365; Newington Town, $401,491; Plainville Town, $276,920; Rocky Hill Town, $173,666; Town of Simsbury, $258,463; Southington Town, $520,782; South Windsor Town, $251,448; Suffield Town $134,946; West Hartford Town, $917,224; Wethersfield Town, $388,895; Windsor Town, $354,224; Windsor Locks Town, $255,054.

Litchfield, area, $1,723,447; total to city governments, $564,315; total to township governments, $1,159,133.

Torrington City, $416,881; Winsted City, $115,668; Harwinton town, $43,785; Litchfield Town, $70,648; New Hartford Town, $42,184; New Milford town, $151,058; North Canaan Town, $33,318; Plymouth Town, $112,179; Salisbury Town, $30,537; Thomaston Town, $69,180; Washington Town, $20,115; Watertown Town, $198,872; Winchester Town, $117,514; Woodbury Town, $55,291.

Middlesex, area, $1,661,328; total to city governments, $649,857; total to Township governments, $1,011,471.

Middletown City, $649,066; Chester Town, $40,246; Clinton Town, $137,836; Cromwell Town, $94,238; Deep River Town, $48,492; Durham Town, $60,047; East Haddom Town, $59,472; East Hampton Town, $95,881; Essex Town, $56,616; Haddam Town, $64,714; Middlefield Town, $53,736; Old Caybrook Town, $106,332.

Portland Town, $114,032; Westbrook Town, $48,490.

New Haven, area, $14,475,223; total to city governments, $9,955,228; total to township governments, $4,519,995; Ansonia City, $459,894; Derby City, $270,417; Meriden City, $1,190,966; Naugatuck Borough, $482,660; New Haven City, $3,013,124; Waterbury City, $2,325,304: Milford City, $1,049,575; West Haven City, $1,118,687; Beacon Falls Town, $62,607; Bethany Town, $57,469; Branford Town, $315,317.

Cheshire Town, $298,159; East Haven Town, $442,559; Guilford Town, $188,274; Hamden Town, $766,445; Madison Town, $150,178; Middlebury Town, $78,217; North Branford Town, $182,454; North Haven Town, $345,508; Orange Town, $193,311; Oxford Town, $76,466; Prospect Town Hall, $114,034; Seymour Town, $214,487; Southbury Town, $123,306; Wallingford Town, $599,324; Wolcott Town, $212,442; Woodbridge Town, $99,438.

New London area, $2,518,663; total to city governments, $1,081,720; total to township governments, $1,436,943.

Colchester Borough, $43,470; Groton Borough, $100,660; Jewett City Borough, $42,439; New London City, $370,320; Norwich City, $507,965; Colchester Town, $62,105; East Lyme Town, $102,244; Griswold Town, $74,642; Groton Town, $354,909.

Lebanon Town, $36,044; Ledyard Town, $130,429; Lisbon Town, $26,854; Montville Town, $148,178; North Sionington Town, $33,660; Old Lyme Town, $39,717; Preston Town, $34,078; Sprague Town, $28,836; Stonington Town, $143,227; Waterford Town, $150,923.

Tolland, area, $1,372,045; total to city governments, $30,415; total to township governments, $1,341,630.

Stafford Springs Borough, $30,415. Town of Bolton, $43,986. Columbia Town, $39,023. Coventry Town, $105,056. Ellington Town, $98,604. Hebron Town, $47,824. Mansfield Town, $281,385. Somers Town, $85,673. Stafford Town, $114,018. Tolland Town, $99,433. Vernon Town, $344,106. Willington Town, $49,550.

Windham area, $942,200. Total to city governments, $344,896. Total to township governments, $597,204.

Danielson Borough, $61,668. Putnam City, $91,268. Willimantic City, $192,060. Brooklyn Town, $35,465. Canterbury Town, $16,505. Killingly Town, $87,088. Plainfield Town, $90,068. Pomfret Town, $16,809. Putnam Town, $59,896. Thompson Town, $53,461. Windham Town, $136,124. Woodstock Town, $30,291.

Mr. QUIE. Mr. Chairman, I am not fully in accord with the State and Local Fiscal Assistance Act of 1972. For instance, I believe there are too many strings attached to the use of money on the part of local governments. I think they should have the freedom to expand the funds received under revenue sharing with the same latitude permitted the States. I am especially opposed to the fact local communities cannot spend any of their shared revenue for education, since in most communities a large percentage of their local revenues are spent for this purpose. There have been a number of other proposals on revenue sharing also that I would like to have considered during debate.

I would prefer an open rule. I am voting today, however, for the previous question. If we vote down the previous question it will not merely open up the rule, but the proposed new rule, which would be offered by the gentleman from California (Mr. SMITH), would drop all waivers of points of order. Under that rule, the House would not work its will as to whether the Appropriations Committee should be involved each year. One point of order could relegate the whole measure to the Appropriations Committee.

Many times in the past, the Congress has promised high authorizations with the Appropriations Committee subsequently providing substantially less. I know the Committee on Education and Labor has many times been guilty of setting such a high authorization figure that no one in his right mind, recognizing the other needs for Federal expenditures, would expect it to be fully funded. In general revenue sharing, however, it is my understanding that the Federal Government would be letting each State and local community know the amount each would receive under the formula so each could plan its budget accordingly. Communities would live in total uncertainty if it were necessary to go through the Appropriations Committee each year. For these reasons, I find that it is not possible to do anything but vote for the previous question in order to retain the waivers of points of order.

Mr. BURKE of Florida. Mr. Chairman, I rise in opposition to H.R. 14370, the State and Local Fiscal Assistance Act, but miscalled a revenue sharing program. I do so because I feel that the use of State personal income tax collections as a basis for distributing funds to the State is unfair and discriminatory. Florida has a constitutional prohibition against State personal income tax and there is great sentiment in the State not to adopt one. To penalize any State for historical circumstances is unjust.

I wholeheartedly support the concept of revenue sharing. In the most simplistic terms the concept is that of returning the power of the purse to the people. As a former member of the Broward County Board of Commissioners for 14 years, I am fully aware of the financial problems of local governments. However, fiscal responsibility must be maintained irrespective of immediate gains. It is unfair that the population of a wealthy State whose residents pay enormous sums of personal income taxes to the Federal Government should receive under any revenue sharing plan less money to solve its problems than a poorer State whose residents pay far less in personal income taxes to the Federal Government solely because, due to good management, it has no State personal income tax.

Mr. Chairman, as you know, Florida is one of the fastest growing States in the country and its county and local governments are in desperate need of more revenue. Because of its fast growth, Florida has been unable to keep pace with its population growth and the needs of its people. Further, interstate tax competition for Federal moneys has kept the return of Federal money to the State of Florida at an unfair low level.

As we know, H.R. 14370, if enacted, would provide $5.3 billion in Federal aid to State and local governments in the first full year of operation. Of this $1.8 billion goes to State governments and $3.5 billion to local government—cities, counties, towns, villages, et cetera. In addition, the bill authorizes the Federal Government to collect State individual income taxes at the request of the States—piggybacking—when the State laws closely conform to Federal law.

The $3.5 billion a year is to be distributed to local governments for a 5-year period commencing with January 1, 1972. This amount is to be divided among the States—for distribution to local governments—under a formula based one-third on population, one-third on urbanized population—cities of 50,000 or over and the adjacent metropolitan areas—and one-third on relative per capita income. Funds distributed in this manner are to be used for: First, maintenance and operating expenses for public safety, environmental protection, and public transportation; and second, capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation. Operating responsibility for these programs will be the Treasury Department. All of these sound good. In fact, money for all these are needed by every city and county in my district. But, it is for me to vote for a good bill and not one that sounds good, but which will in the long run be a disappointment.

The $1.8 billion is to be distributed among the States for their unrestricted use, under a formula involving two factors having equal weights, which is to be effective as of January 1, 1972, for a 5-year period. This is where part of my objection to H.R. 14370 arises. Nine hundred million dollars of the $1.8 billion is to be distributed to the States on the basis of their State income tax collections, and since Florida, therefore, has no personal income tax, it will not be allocated any part of these funds. The other $900 million is to be distributed on the basis of the combined general tax effort of the State and local governments. This is determined by multiplying the total State and local taxes for the State by a fraction, in which the numerator is total State and local taxes, and the denominator is personal income in the State.

Estimates of State income tax collections in 1972 are to be used in determining the State-by-State distributions in the first year. Since the estimate for Florida in this category is zero, it will not participate in this one-half of the funding. It is hoped that this exclusion will encourage States to supplement their revenue sources. However, it is my hope that this provision will not be effective in forcing Florida toward enacting a personal State income tax. There are many retired people living on fixed incomes living in the State, and they all have as heavy a financial load that they can handle, trying to make ends meet with today's inflation without having to shell out more money for a State income tax. In fact, the effect of a State income tax would probably mean less revenue to Florida. However, because Florida has no personal State income, it will also lose Federal money—to be exact, a difference of $10 million will result from this provision.

Figures from the Ways and Means Committee indicate that Florida will receive $31.9 million in State funds and $118.1 million in funds for local government which amounts to $150 million for both. This is a great deal of money and certainly sufficient to make the mouths of many local officials water, but the truth of the matter is that the people of the State of Florida deserve more than they will realize from this bill.

Mr. Chairman, on a per capita basis, the formula would mean $4.53 for each resident of Florida as compared with $17.23 for each resident of New York, and compared to the national average of $8.73 throughout the entire United States. To me that is a whopping difference. In fact, of the 50 States Florida ranks 45th in per capita income which it will receive under this so-called revenue sharing plan.

Since Florida is in the middle one-third of the States by wealth based on per capita income and terribly in need of capital improvements, any help is welcome. However, those city officials who think H.R. 14370 is fair would think differently if they examined the bill without the stars—or should I say, dollar signs—in their eyes. For instance, of the funds earmarked for local governments, Florida ranks 38th nationally on a per capita basis. Florida local governments will receive $21.30 per capita compared to $35.29 per capita for New York local governments and a national average of $25.70. To be true, the local government's allocation of funds is better than that to the States, but it still does not reflect Florida's standing in the middle one-third of States by wealth based upon per capita income.

In summary, I feel that H.R. 14370 will distribute moneys unfairly to both the State of Florida and to its local governments primarily by the diminution of moneys allocated to States without a State personal income tax. I believe this bill fails to establish parity between what the residents of Florida pay in Federal income taxes, and what the State of Florida will ultimately receive back. In other words, the residents of Florida are being asked to pay for the Federal improvements of other States. I think all of us know the problems of some of the larger cities, but in view of what I stated, and as tempting as it sounds, I cannot vote for H.R. 14370 as it is now written.

Mr. BELL. Mr. Chairman, I rise in strong support of H.R. 14370, a bill to revitalize State and local governments through a program of revenue sharing.

Over the past years, numerous bills to authorize revenue sharing have been introduced, each one meeting an untimely but not uncertain death.

The time has come, however, to firmly establish a new financial partnership between the Federal Government, the States and the localities, a partnership founded on the concept of mutual respect and cooperation.

The need for a restructuring of the relationship between these diverse political entities has existed for much more than a decade.

Today, this legislative body has within its power the ability to enhance the effort to insure the continued and improved existence of State and municipal governments.

This is our responsibility and it is one that cannot be avoided.

We are all greatly aware of the eroding ability of the towns and cities of this Nation to meet the increased needs and demands of its citizens.

The inability of these governing bodies to respond to the needs of their citizens is attributable to the increased fiscal pressures that the State and local governments are facing.

For example, from 1946 to 1968, spending by State and local governments increased by 650 percent, from $13 billion to $99 billion.

At the same time, State and local tax receipts rose by 546 percent, from $11 billion in 1946 to $72 billion in 1968, while gross State and local debt expanded from $16 billion to $123 billion, or 674 percent.

Moreover, the figures available for 1968 to the present indicate that the spiraling trend in State and local deficits has not been curtailed.

In fiscal 1972, the city of Los Angeles, for example, was forced to lay off more than 200 employees and cut back on every available public service, and at the same time was required to increase property taxes.

The proposed budget for the city of Los Angeles for the coming fiscal year contemplates a $16.5-million deficit with the likelihood of another property tax increase.

The passage of H.R. 14370 would mean a $30-million flow of Federal funds into the city of Los Angeles, funds that would allow the city to balance its budget and reinstate those services that had previously been cut.

While this bill does not provide total relief to the problems of the urban communities, it does represent a substantial effort in the right direction.

If State and local governments are to continue to function as viable political beings, it is important that not only they be given the necessary funds, but that they also be given control over the manner in which much of the money is spent.

Today, it is conservatively estimated that State and local governments receive in the form of grants-in-aid approximately $25 billion from the Federal Government.

While this figure represents a marked increase over previous years, it continues to be an insufficient amount to enable the State and local governments to meet all of their pressing needs.

Moreover, the State and local governments have less control over where these increased funds may be expended.

This lack of control is often due to the stringent standards, regulations, and guidelines that accompany Federal grants.

If the present system were to continue unchanged, the State and local governments would be relegated to little more than administrators of Federal programs.

This situation is certainly not intended, nor is it desirable.

What is desirable is a system that will relieve the fiscal crisis of the State and local governments by providing them with increased revenues and permitting them greater autonomy in determining where the funds should be spent.

Such a system is embodied in the bill before us today.

H.R. 14370 will allow the State and local governments to use Federal revenues to meet their individual needs, as those needs arise, without having to suffer through agonizing grant applications or having to observe the immutable guidelines accompanying the grants.

For these reasons and for reasons articulated by my colleagues, I urge you to cast your vote in support of H.R. 14370.

Mr. MINSHALL. Mr. Chairman, a word of explanation is due as I prepare to vote against a closed rule on H.R. 14370, the Federal Revenue Sharing Act.

My vote against the rule is not to be construed as opposition to revenue sharing. I have long supported this very innovative proposal of President Nixon's and am cosponsor of revenue-sharing bills in both the last Congress and this. I will vote for passage of the bill.

However, there are some obvious inequities in the bill that I had hoped might be corrected under an open rule on the House floor. I would not be playing fair with my constituency were I to vote otherwise on the rule because, as the bill is now written, our State of Ohio would be shortchanged. Ohio's tax contribution per $100 of Federal individual income taxes is $5.75, yet we would receive only $5.08 per hundred under the proposed formula. Although Ohio ranks among the top third of all States in per capita income, it drops to 43d in the amount of revenue that will be returned to our State government and 40th in the rate of revenue shared with State and local governments on a per capita basis.

My vote against the closed rule, therefore, is not a vote against revenue sharing, but rather, a vote for a parliamentary situation that will permit us to make this a better, more equitable bill for Ohio and other States in similar situations.

Mr. BADILLO. Mr. Chairman, as our colleagues know, I ran for election to Congress in 1970 primarily to determine whether there was any realistic possibility that our Nation's cities, struggling under incredible fiscal burdens, might receive new help from Washington. My first major speech in the House of Representatives dealt at length with our urban crisis and was designed to help stimulate among our colleagues a sense of urgency about alleviating it.

Today, some 18 months since I took office, I cannot, in all candor, report that either Congress or the administration reflects any great sense of urgency about what is happening to our cities. The war in Indochina—a prime cause of the dislocation in urban America—drags on endlessly and continues to drain precious American resources. With but a few exceptions, such as the Hathaway amendment increasing education appropriations, Congress has not really come to grips with the fiscal problems of our cities and continues to provide meager funds for vital problems. For its part, the Nixon administration has demonstrated a consistent and callous disregard for the cities. It has impounded sorely needed funds for housing and community development programs; it has refused to spend congressionally approved funds to feed the hungry; it has opposed innovative new programs such as the comprehensive child development program; and its ineptitude in bringing inflation and unemployment under control has denied to millions their opportunity to share in our Nation's overall affluence.

What small hope remains that the Federal Government will provide the resources necessary to save our cities stems from such legislation as the revenue sharing bill before us today. This is by no means a perfect measure. The distribution formula could be improved, and while the $30 billion to be distributed to State and local governments over the next 5 years seems like an awesome amount, in my judgment it will be barely enough to keep things on an even keel. In New York, for example, both the State budget and the New York City budget for the new fiscal year are dependent on the funds in this bill and neither budget does more than maintain existing levels of services.

Perhaps the most serious drawback to this bill is the fact that it is being considered in 1972 instead of last year. When I took the floor for my first speech, and again in testimony before the Committee on Ways and Means, I stressed the urgency of the fiscal crisis facing our cities and the need for immediate action. That urgency was the main reason behind my proposal to take the basic general revenue sharing formula and apportion its funds on a long-term, interest-free loan basis. That could have been done last year. It would have been fiscally sound, and vitally needed aid would have reached our cities and States before their fiscal crisis had a full additional year to worsen.

I think it is clear that we dare not delay any longer in enacting this program and I trust the Senate will expedite consideration of the revenue sharing bill.

The importance of this assistance to our cities and the opposition to the revenue sharing program underlie my decision to support the closed rule under which H.R. 14370 is being considered. As a matter of principle, I oppose the closed rule. It is basically undemocratic and it lowers the legislative process to the point where 435 duly elected Representatives are given no choice but to ratify or reject in toto the decisions of a committee—the decisions of perhaps as few as 15 or 20 Members.

I had tentatively decided, in fact, to vote against the previous question, defeat the rule and open this legislation to amendments dealing with tax reform. It would have been a relatively easy decision for me to justify. Certainly, the people of my district and my city—the low- and middle-income families—bear a terribly disproportionate share of the national tax burden and any effort to close loopholes and ease that burden is bound to be politically popular.

But, after long and careful consideration, I decided that studied and reasoned overhaul of our tax laws could not be achieved on the House floor, in the absence of hearings and under the limitations of the 5-minute rule, and I further determined that those bent on killing the revenue-sharing program outright would like nothing more than to defeat the rule and commence to cripple this legislation with amendments.

And so I decided to uphold the closed rule on this bill and in this instance only. Were I not convinced that the assistance this bill offers would be lost to our cities if the rule were not upheld, I would have voted otherwise. I am opposed to closed rules and will oppose them in the future as I have in the past. I will, for example, oppose the closed rule under which the debt-limit bill is to be considered next week.

In the final analysis, this revenue-sharing assistance is vital to our cities and States. But let no one delude himself with the notion that this is by any means going to get at the roots of the urban crisis. With this bill, we are buying time, that is all—and precious little of that. Much remains to be done to reverse the tragic decline of our cities and I remain skeptical that Congress and the administration will get together in this effort. I hope my skepticism is misplaced.

Mr. BOLAND. Mr. Chairman, I rise in support of this legislation. I am wholly convinced of its merits: Revenue sharing, or something closely kindred to it, may mean survival itself for the foundering economies of many States and cities. Beset with financial problems all but unparalleled in recent memory, the country's States and cities need assistance desperately. State taxes, even though they have slowly climbed to levels undreamed of a generation ago, still cannot generate enough revenue. And local property taxes are so burdensome and so nettlesome that homeowners everywhere are on the verge of revolt. Sources of revenue for many States and cities—indeed, for most of them—are withering away.

The principal goals of this revenue-sharing plan, like the goals of rival plans that the Ways and Means Committee has already dismissed, are twofold: First, giving States and cities a welcome new source of revenue; and, second, giving them an equally welcome opportunity to decide how to spend at least some of the Federal tax money their citizens pay. Governments must now grope their way through an almost impenetrable thicket of rules, regulations, guidelines, standards ad nauseam before receiving Federal grants—even the most routine grants, let alone the major ones. Applications are sometimes ensnarled in redtape for years. I am not suggesting, of course, that the grant application system is villainous in itself. I am merely pointing out that the bloc grants yielded by revenue sharing, unlike categorical grants, will be unencumbered by so unwieldly a process.

Any unit of government, however big or however small, would be eligible for assistance under the provisions of H.R. 14370.

Massachusetts, my home State, stands to receive roughly $180 million the first year—$75 million for the State itself, $105 million for its units of local government.

Let me sketch out, just briefly, precisely what these grants would mean for the beleaguered economies of the communities within my congressional district—the Second District of Massachusetts. Springfield, the principal city in my district, would receive $3,411,066 during fiscal 1973 alone. The grant for Chicopee, a smaller city on Springfield's periphery, would be $1,391,448; for Longmeadow, $173,855; for East Longmeadow, $164,919; for Hampden, $68,242; Ludlow, $252,670; Monson, $119,580; Palmer, $173,218; Wilbraham, $158,245; Charlton, $52,000; Douglas, $31,680; Dudley, $86,690; Holden, $117,719; North Brookfield, $43,301; Oxford, $115,556; Paxton, $36,938; Rutland, $33,354; Southbridge, $175,805; Spencer, $95,315; Sterling, $43,341; Sturbridge, $47,948; Templeton, $68,145; Webster, $159,413; West Brookfield, $28,663; Winchendon, $72,625; Orange, $60,983; Ashburnham, $37,428; Athol, $117,195; and Barre, $41,037.

As you know, Mr. Chairman, I voted against the closed rule for this bill. What I sought in casting that vote—a modest and reasonable request, it seems to me—is a modified rule allowing an amendment to assure yearly congressional review of this revenue-sharing program. The Congress has already relinquished enough of its fiscal authority—indeed, too much. About 70 percent of yearly Federal outlays are now beyond the grasp of both the executive and legislative branches. Like many of my colleagues, I question the wisdom of surrendering our powers of yearly oversight for a program costing $30 billion and spent in 5 years.

But, of course, the closed rule prevailed.

Even so, Mr. Chairman, I feel the obvious benefits H.R. 14370 far outweigh the single drawback I have cited.

This revenue sharing legislation answers a pressing need—in fact, a desperate need—and I urge its passage.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

This proposal would place the taxpayer's dollar at the level of government where it is most needed, and where it can have the most immediate effect.

We all know that our cities and localities are confronted with a basic revenue problem. While urbanization has increased the need for more extensive public services—such as police and fire protection, public transportation systems, and pollution control—the amount of revenue available to the local government has remained constant.

And the primary source of revenue for our cities is property and sales taxes—taxes which fall especially hard on the middle- and moderate-income family; taxes which have already reached the limit of public tolerance.

PROPERTY TAXES

In 1970, Mr. Chairman, State and local governments derived about 74 percent of their total tax revenue from property and sales taxes. Approximately $8.50 of every $10 collected on the local level comes from the property tax.

The total propery tax bill in the United States hit $37.5 billion in 1970, up 35 percent since 1967 alone, a rate nearly twice the average increase in the cost of living during the period. In many cities, the property taxes on a medium-priced house and lot have crossed $1,000 a year. In virtually every major city, a homeowner's property taxes now exceed $500 a year. According to a survey conducted by the National League of Cities, in 1968–69, a typical tax on a house and lot with a sale value of $25,000 was $645 in Los Angeles, Calif., $594 in Inglewood, $541 in Lakewood, $595 in Torrance, $560 in South Gate, and $656 in Long Beach.

Mr. Chairman, the property tax is far too high and must come down.

But, in order to cut property taxes, a locality must either reduce governmental services, or find another source of revenue.

REVENUE SHARING

Instead of cutting back on police and fire protection, education, pollution control, health services, public transportation, or any of the other vital services provided by a locality, I feel that the Federal Government—with its many sources of revenue, ranging from taxes on imports to gasoline taxes—should allocate Federal dollars, with no strings attached, to the localities.

In addition to relieving the tax burden on the property owner, revenue sharing has the additional advantage of replacing Federal dictates, bureaucratic ineptness, waste, and redtape, with local control, supervision, and participation. As a former mayor, I feel that local problems can best be solved by those most familiar with the situation.

For too long, bureaucrats in Washington have decided how to spend money in our local communities that are perfectly capable of making those same decisions themselves.

Mr. Chairman, the bill before us is designed to do just that.

It would allocate funds to the localities with the sole requirement that the money be spent on high priority items such as police and fire protection, environmental protection, and public transportation.

At this point, I am inserting in the Congressional Record the annual amount that would be allocated to some of the communities in the Los Angeles area:

City:	*Allocation*
Compton	$1,093,628
Gardena	439,371
Hawthorne	572,449
Hermosa Beach	171,624
Lakewood	911,753
Lawndale	297,298
Lomita	217,860
Long Beach	3,781,603
City of Los Angeles	29,715,295
Lynwood	489,895
Manhattan Beach	337,208
Palos Verdes Estates	114,029
Paramount	668,498
Redondo Beach	613,771
Rolling Hills Estate	59,572
Signal Hill	58,671
South Gate	624,130
Torrance	1,375,975

EFFECT ON LOCALITIES

Mr. Chairman, the revenue sharing bill, H.R. 14370, would, once again, allow citizens to look to their local government to fulfill the necessary functions.

This measure would allow the localities to continue to provide essential services, without resorting to increased property taxes.

Frederick Bien, city administrator of Carson, Calif., has stated that—

> The revenue from H.R. 14370 will enable us to increase our law enforcement coverage by a little over 50%.

Carson's present level of law enforcement, Mr. Chairman, is nearly 20 percent under estimated needs.

Inglewood, Calif., Mayor Merle Mergell states that—

> Except for revenue sharing, we will have to drastically increase the property tax or lay off firemen and policemen . . . With federal revenue sharing, we feel that we can avoid any property tax increase almost indefinitely other than those that might be voted to support bond issues.

The city manager of Long Beach, Calif., writes that revenue sharing must be adopted "in order that the city of Long Beach and other units of local government can avoid further serious fiscal problems and service reductions which will surely occur if the subject measure or similar legislation is not speedily enacted."

Torrance, Calif., officials "see this legislation as a major answer to provide funds to meet the expanding needs of a growing community. We believe that revenue sharing is a more viable alternative than continued reliance on the property tax."

Mr. Lloyd de Llamas, city administrator of Lawndale, Calif., writes:

> That a federal revenue sharing program is the only effective alternative available to help us meet the demands of all residents for increased social and public safety requirements.

The city of Los Angeles, already cutting back on essential services, has scheduled reductions in five fire stations for fiscal year 1973, simply because funds are not available.

CONCLUSION

Mr. Chairman, I support H.R. 14370, the revenue-sharing proposal.

The direct grants from the Federal Government to the State and local governments would provide a source of funds in order to allow the local officials to make flexible and innovative responses to particular local problems.

This would allow the local governments to meet the increasing costs of public services, without relying exclusively on the regressive property tax.

This is an excellent proposal, and I urge my colleagues to join me in adopting this very necessary reform legislation.

Mr. HOGAN. Mr. Chairman, I rise in support of H.R. 14370, the State and Local Fiscal Assistance Act of 1972, otherwise known as the revenue sharing bill.

This measure would authorize permanent appropriations aggregating nearly $30 billion for the 5-year period from January 1, 1972, through December 31, 1976, to assist State and local governments. If enacted into law, this would make an estimated $5.3 billion available to these governing units during the first year that such legislation begins operation. Of this total, local governments would receive the largest share—$3.5 billion—and State governments would be allotted the remaining $1.8 billion.

Because of the vast importance of this legislation to our municipal governments particularly, I was pleased to note that part II of the committee report on this bill included preliminary Treasury Department estimates indicating the amounts available for individual States and localities. According to these estimates, the State of Maryland would receive approximately $117.5 million during the first full year that this proposal becomes effective. Of this total, the State government would receive $50.1 million and local governments, $67.4 million. The Fifth Congressional District of Maryland, which I represent, would receive $12.6 million including $12,116,461 for Prince Georges County and $565,247 for Charles County.

More important to the over 30 municipalities in my congressional district is the amount to be allocated per municipality. As presently estimated the breakdown is as follows:

Prince Georges County government	$10,854,847
Bowie	215,642
College Park	177,551
Greenbelt	107,047
Hyattsville	90,844
New Carrollton	78,784
Laurel	65,799
District Heights	54,420
Seat Pleasant	53,469
Mount Rainier	53,002
Bladensburg	45,073
Cheverly	38,605
Riverdale	36,153
Takoma Park (part)	35,331
Glenarden	30,911
Berwyn Heights	24,164
Brentwood	23,739
Forest Heights	21,735
Capitol Heights	21,189
University Park	14,690
Other municipalities	73,466
Total Prince Georges	12,116,461
Charles County government	524,567
Municipalities	40,681
Total Charles County	565,247

Although the bill proposes several different formulas for determining the distribution of these funds, the primary emphasis is on need, taking into account such factors as population, urbanized population—cities with 50,000 or more inhabitants and the metropolitan areas surrounding them—the extent of poverty, and adjusted tax revenues.

Though generally billed as a "no strings attached" measure, this bill does require local governments to exercise proper fiscal, accounting, and auditing procedures; to submit annual and interim reports to the Secretary of the Treasury; and not to use the money in any way which will discriminate against individuals on the basis of race, color, national origin, or sex. Further, the funds are to be used for the following high-priority programs:

First. Maintenance and operating expenses for: Public safety—including law enforcement, fire protection, and building code enforcement; environmental protection—including sewage disposal, sanitation, and pollution abatement; and public transportation—including transit systems and streets; and

Second. Capital expenditures for: Sewage collection and treatment; refuse disposal system and public transportation—including transit systems and street construction.

Mr. Chairman, some of our colleagues may object to this latter provision but, for my own part, I believe the committee has summarily isolated the key problem areas for which additional funding is needed in suburban metropolitan areas, such as Prince Georges which has undergone unusually rapid urbanization in the past decade.

As a cosponsor of the special revenue-sharing measure for law enforcement, I am, of course, pleased that funding for law enforcement assistance has been singled out as a high priority in this general revenue sharing bill. Similarly, after the many, and continuing, battles for environmentally sound sewage treatment facilities in Prince Georges and the Washington metropolitan area, as well as the continuing battle for a balanced transportation system, it is eminently clear that these local government funds can be used wisely and well in the high-priority programs outlined in this bill before us today.

In order to meet more specifically the financial needs of individual communities, this bill also contains a provision which will permit a State, by July 1, 1973, to enact its own alternative formula for distributing the local government share among its subordinate political units.

Very few "Federal strings" are attached to the amounts allocated directly to State governments. The States are free to use their allotments for whatever purpose they consider most urgent. The only requirement imposed is that the States maintain the same level of payments to local governments out of their own resources as they disbursed during fiscal year 1971.

Mr. Chairman, Federal revenue-sharing legislation is urgently needed in order to give some measure of relief to our financially distressed State and local governments and to give to them the responsibility and wherewithal with which to manage themselves.

Our States, counties, and cities face an even greater financial crisis each year as they attempt to provide their growing population with essential facilities and services. And their financial plight becomes more aggravated as they find their dollar shrinking rapidly due to mounting price inflation.

This bill will provide an immediate and dependable source of additional income to these governing units during the initial 5-year life of this program.

Since an expiration date of December 31, 1976, applies to title I of this measure, it cannot be argued that this represents another program which, when once enacted, will continue indefinitely, necessitating even greater Federal funding. On the contrary, by 1976 the financial condition of State and local governments may be vastly improved, and such assistance may no longer be necessary. In any case, before this program ends, Congress will have ample time thoroughly to study and review its operation and make the determination as to whether to extend its life for an additional period of time, allow it to expire, or adopt some other alternative means of assisting State and local governments.

Federal-State-local revenue sharing is needed now. I urge my colleagues to give H.R. 14370 thoughtful consideration and approval.

(Mr. GOODLING (at the request of Mr. DEVINE) was granted permission to extend his remarks at this point in the RECORD.)

Mr. GOODLING. Mr. Chairman, H.R. 14370 is popularly referred to as the revenue-sharing bill. This is indeed a misnomer. More appropriately, it should be called the strangling of John Citizen-Taxpayer bill.

This is so, because the simple truth of the matter is that the Federal Government is no worker of miracles. It cannot just wave a magic wand and bring into existence the vast sums of money that will be necessary to run this program. And, to my knowledge, there is no Houdini serving in the Congress. The fact is, the Federal Government is a distributor, not a producer, of public funds.

The bill, for instance, provides an annual appropriation of $5.3 billion for a 5-year period retroactive to January 1, 1972. The States would receive $1.8 billion of this amount to spend in any manner they please. The remaining $3.5 billion would be allocated to the States to "pass through" to 39,000 units of local government, to be used for so-called high priority expenditures. Such expenditures would relate to maintenance and operating expenses for public safety, environmental protection, and public transportation, as well as capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation. Oddly enough, however, the bill does not provide for education, an item which consumes 43 percent of local budgets.

It is understood that under this bill the State of Pennsylvania would obtain $300,877,000 with $202,500,000 of this being the share for localities and $98,377,000 representing the State share. These amounts, however, are far from absolute, because it should be borne in mind that this revenue-sharing program is another one of those "camel's nose under the tent" approaches. Various organizations throughout the country have already admitted they will strive for higher stakes after the program gets underway; hence, more of the camel will disappear under the tent.

This revenue-sharing concept might sound pretty good for people from some of the States, but I feel confident it does not to those folks in my State of Pennsylvania where, as a result of additional taxes, the State is expected to carry a surplus of millions of dollars in fiscal 1973. I might add, however, that as an ironic aside, there are many businesses and citizens leaving my State, because of this oppressive tax system.

It must be remembered, too, that under our system of government, the major source of revenue is the citizen-taxpayer; hence, he is the one scheduled to be operated on for the costs involved in H.R. 14370. The simple truth of the matter is that there just is no Santa Claus in Washington.

Of course, like all patients being prepared for an operation, the citizen-taxpayer is being properly anesthetized with the assurance that all of this is for his own good.

He is, for instance, being cocained with the idea that there need be no limit on his wishes and that he can have most of his wants satisfied, be it more education, a new bridge, a big park or dam, or a host of other things. In a paraphrase of a popular TV commercial, he is being told that he can have the whole thing. The Federal Government, through extensions of money to the individual States and localities will, the citizen-taxpayer is assured, pick up the tab.

But John Citizen-Taxpayer is not being told that before the Federal Government can give, it must first get. And the getting is going to be from him—right from his paycheck.

He is also lulled into a state of complacency by being assured that this revenue sharing is a sure thing. It cannot fail to work, he is promised, because the full weight of the Federal Government is behind the effort. Again, to paraphrase another popular TV commercial, he is being told that he should try it and that he will like it.

He is not being told, of course, that a lot of the Federal Government's weight takes the form of a national debt figure that currently is in the vicinity of $430 billion.

Nor is he being reminded that the Federal Government already extends very substantial aid to State and local governments. This aid has grown rapidly in recent years, as the record shows. In fiscal 1959, for instance, Federal income aid to State and local governments amounted to $6.7 billion. For fiscal 1973, it is expected to approximate $38 billion, outside of any of the aid that would be provided by this bill before us. In brief, over the last not-too-many years, Federal grants-in-aid have increased from 7 percent to about 16 percent of total Federal outlays.

John Citizen-Taxpayer also is being given the sedative that the States and localities are confronted with extra costs of urbanization, because of the great population expansion.

It should not be forgotten, however, that an increase in people means an increase in taxpayers; hence, if there is a need for additional citizen services, there also are more citizens on hand to pay the bill, through taxes, for these services.

John Citizen-Taxpayer is also being given liberal doses of the old dope that the inflation of recent years is adding greatly to the costs of State and local operations.

Undoubtedly this is true, but instead of this being an incentive for a revenue-sharing program, it serves to put us on guard against more of the same kind of inflation that can result from excessive Government spending. It is generally agreed that our inflation is largely the result of the Government spending money that it does not have.

As stated, our national debt is already in the vicinity of $430 billion. We are in a season of deficits. We will soon be asked again to raise the permanent debt ceiling. It will be most interesting to observe many Members of this body voting for this giveaway bill and then, for reasons of political expediency, voting against raising the debt ceiling. I expect to be consistent and to vote against both.

With respect to excessive Government spending, it is disturbing to note that the budget message sent to the Congress in January of this year estimated that the budget deficit for fiscal 1972 will be $39 billion. For fiscal 1973 it is expected that the budget deficit will be $25.5 billion, and this is a conservative estimate.

It is clear that in making $29.575 billion available through this program to States and localities over the next 5 years, the Federal debt will surely be $29.575 billion higher than it would be otherwise. What John Citizen-Taxpayer would truly be sharing, then, would not be revenue but debt.

While John Citizen-Taxpayer is being anesthetized for his revenue-sharing operation, he is not being informed about the postoperative pains.

The bill before us, through its Federal handouts, lays the groundwork for taking away the power of the States and giving it to the Federal Government. Power customarily follows the purse; hence, it will be only a matter of time before the Federal Government insists on establishing standards of performance on projects. The States will either comply with these requirements or lose the Federal assistance.

The case of revenue sharing is being justified on the grounds that State and local governments have responsibilities greater than their sources of revenue.

Why not, then, broaden the revenue bases for the States and localities, having the Federal Government pull back from certain tax areas and permitting the States and local units to move forward into them?

The legislation before us supposedly is designed, through incentives, to encourage the States to raise taxes. The American taxpayer, however, already is hard pressed, and State taxes will not hurt him any less than Federal taxes. The people of the State of Pennsylvania can attest to this. The practical solution, it would seem, is to have State taxes replace, not add to, some of the Federal taxes now in effect.

Federal tax credits could also serve as an incentive for more money to flow into State treasuries. Such credits, combined with Federal tax reductions, could provide an effective stimulant for State revenues.

The establishment of a priority system on State and local projects could also serve to limit some not-so-vital programs and, in turn, cut down on the cost responsibilities of the States and localities.

It is obvious that under a revenue-sharing program the superior tax power of Federal Government would be perpetuated. The tax authority of the States would, correspondingly, ultimately be reduced. The end result would be that the States would be unable to meet their responsibilities on their own.

Because the revenue-sharing bill would have an adverse effect on John Citizen-Taxpayer's State, his home stomping ground, it would not be in his best interest.

In still some other ways it would not be in his best interest. If, for instance, the revenue-sharing plan is to be financed on a "pay-as-you-go" basis, he is going to have to pay on the nose through increased taxes, sooner or later. If, as expected, the plan is to be paid for through borrowed money, the resultant deficit could invite more inflation, which would impose the tax of higher prices on him.

I think John Citizen-Taxpayer should be spared the scalpel of the revenue-sharing bill, and I urge your opposition to H.R. 14370.

Mr. MILLS of Arkansas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, had come to no resolution thereon.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that I and all other Members may be permitted to include in their remarks on the bill under consideration today extraneous matter such as charts and tables and things of that sort.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks in the RECORD on the bill under consideration today.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

RE-REFERENCE OF HOUSE DOCUMENT 92-296 AND EXECUTIVE COMMUNICATION 2006 TO COMMITTEE ON EDUCATION AND LABOR

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from the further consideration of House Document 92-296—the President's message proposing the Allied Services Act of 1972—and from the further consideration of Executive Communication 2006—a letter from the Secretary of Health, Education, and Welfare together with the accompanying proposed legislation to carry out the President's proposal—and that the message and the Communications be re-referred to the Committee on Education and Labor.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

REQUEST FOR PERMISSION TO CONVENE AT 11 O'CLOCK TOMORROW

Mr. MILLS of Arkansas. Mr. Speaker, on behalf of the majority leader, I ask unanimous consent that when the House adjourns today it convene tomorrow at 11 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, to that I object.

The SPEAKER. Objection is heard.

SPECIAL REQUEST

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks which I made in the Committee of the Whole on the State and Local Fiscal Assistance Act of 1972 I may be permitted to include the dissenting views of myself and other members of the committee as set forth in the committee report on that bill and found at pages 88 through 109.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

NATIONAL SALUTE TO EDUCATION

Mr. SISK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, it gives me a great deal of pleasure today to join in the national salute to education.

This is a time when we should reflect upon the individual satisfactions we have received through the national educational system and also realize what education has meant to us in our national development.

It is with particularly poignant thoughts that I look back upon my own interrupted college career. Hard necessity made it impossible for me to finish. But it has always been a source of satisfaction to me that I was able to complete 2 years, and a source of regret that I was not able to continue.

My curtailed educational experience resulted in a vow I made to myself. If I ever had the opportunity, I would see that to the extent I was able, equal opportunity of education was afforded to all, irregardless of social status, monetary wealth, race, color or religion.

My votes here in Congress have reflected this promise.

Mr. Speaker, today we are faced with grave financial problems in public school education in the United States.

Inflation and demands for a better education for all are driving the costs of education higher. State courts and taxpayers have at the same time challenged the sources of funds for education.

In the past few years, more than half the proposed school bond and tax increases have been rejected, twice the rate of only 5 years ago.

In about half the States, legal action has been undertaken to invalidate school financing systems which discriminate in expenditures on the basis of the wealth of the school district.

I think everyone in this Chamber knows what the problem is. A wealthy school district can finance schools with a low tax rate on a high assessed valuation. A poor district even with high tax rates cannot raise enough revenue to provide an equal-quality education.

The quality of a child's education should not be a function of the wealth of his parents and neighbors. This is a problem of national scope and one which, I feel most deeply, must be resolved.

We as Americans have long believed that the Nation is obligated to provide every American child with the opportunity for an equal education. This obligation is going to place new demands on us who are legislators.

Therefore, I believe we should begin now considering the long-range solution of the problems of schools the National Educational Association has proposed. I do not say here and now that it should be endorsed in toto.

But by the time the 1976 goal for full operation and funding of our public school system set by the NEA rolls around, we should have an idea of where we are going.

The NEA has proposed the Federal Government supply one-third of the total cost of public elementary and secondary schools.

It is obvious that with old methods of school financing being successfully challenged in court, we, here in the Congress, will have to provide some answers to distribution of funds to support education.

We have the opportunity to provide the leadership in a new direction in public education and I do not want to miss the chance to fully participate.

Thank you, Mr. Speaker.

THE YOUNG EXECUTIVES PLAN TO LIQUIDATE FARMERS: PRODUCT OF AN OFFICIAL COMMITTEE CHAIRED BY THE UNDER SECRETARY

(Mr. MELCHER asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, there is a great deal of interest in the plan developed by the Department of Agriculture Young Executive's Committee recommending that we forget about the importance and needs of agriculture by programs.

Since inserting the summary of the report in the RECORD of June 15, my office has been beseiged with calls for extra copies of the text, which I do not have, and I understand that the Department of Agriculture is issuing only a limited number, since they do not wish to be held responsible for the document at this time, before elections.

The Department copies are issued with a disclaimer attached to the front which reads:

> Report of the Young Executives Committee has no official status in the U.S. Department of Agriculture. It was developed independently by the 15 members of the Committee of young employees of the Department. The opinions are those of the members of the Committee. The views expressed are not representative of the policy of the Department.

This disclaimer is signed by Assistant Secretary Richard Lyng, in the absence of the Secretary but it must be noted that the chairman of the committee is the Under Secretary of Agriculture.

In all fairness to the 15 young executives who thus have been given full responsibility for getting up their amazing recommendations independently, I think that the RECORD should show that their committee was set up by memorandum of the Secretary on April 26, 1971, and that they were handpicked, with the Under Secretary of Agriculture—the second highest official in both the Hardin and Butz regimes—serving as chairman. dated April 26, 1971, setting up the Committee was as follows:

> APRIL 26, 1971.
>
> SECRETARY'S MEMORANDUM NO. 1727
>
> YOUNG EXECUTIVES COMMITTEE
>
> 1. *Objectives.* Throughout the Department of Agriculture we have many talented young executives who are in positions of high responsibility within their agencies. In an effort to increase their involvement in broad interagency matters, I am hereby establishing a Young Executives Committee.
>
> This Committee will bring together individuals from all of the agencies and offices of U.S.D.A. to work on issues of department-wide concern which are generated by the Office of the Secretary, the agencies, and by the Committee itself. In this manner, it will serve to bring additional insights and perspectives to departmental problems and opportunities.
>
> 2. *Membership.* Committee members will be nominated by the agencies and the Secretary's staff. Each agency administrator and office director may nominate from one to three individuals. Selection will be made on a nationwide basis. Nominees must be 40 years of age or under, and GS-12 or above. Members will normally be appointed for one fiscal year, with the exception of the first group whose appointments will run through the end of fiscal year 1972.
>
> The Committee will be chaired by the Under Secretary. The Chairman shall appoint an Executive Secretary and any other officers from among the membership, with the concurrence of the members.
>
> CLIFFORD M. HARDIN,
> *Secretary of Agriculture.*

Unfortunately, Mr. Lyng's disclaimer of the document does not specify which portions of the young executives' committee plan is not in accord with administration policy.

The low farm price policy certainly is. Secretary of Agriculture Butz has boasted that he killed my bill to raise loan rates on grains 25 percent by getting in touch with the "financial angels" of some of the members of the Senate Agriculture Committee, which is a rather dubious boast that the influence of campaign fund money was deliberately used to make Government policy.

The young executives' proposal to put busted farmers on welfare is not new. The House Agriculture Committee was told that the President's family assistance plan, the new welfare bill, should be enacted to take care of them during discussions of a new farm program more than a year ago by the Secretary.

Actually, much of the young executives' document is a retread of policies that have been coming up to us piecemeal for some time.

I understand that one of our Republican colleagues has called for the dismissal of the 15 young executives in the Iowa press.

In my opinion, before such a demand is made we should determine just who lectured them at their seminars, and just what their instructions were when they prepared this document and how much influence the Under Secretary exerted on behalf of Secretary Hardin and Secretary Butz.

There may be extenuating circumstances which would entitle them at least to probation; it is pretty tough on a young man with a family and a career at stake to defy the boss.

Mr. Speaker, every Member of this body should read the document in full. And in view of the demand for copies of it, I am including the full text in the RECORD so the public can also know the scheme being touted by a portion of the USDA. It is a bad scheme that I believe the American people want rejected.

The material follows:

NEW DIRECTIONS FOR U.S. AGRICULTURAL POLICY

COMMITTEE MEMBERS

Gene S. Bergoffen, Executive Secretary, Forest Service.

Allan S. Johnson, Project Leader, Economic Research Service.

Carol G. Alexander, National Agricultural Library.

Karen L. Berke, Agricultural Marketing Service.

John S. Bottum, Extension Service.

John E. Carson, Animal and Plant Health Inspection Service.

Betty L. Dotson, Food and Nutrition Service.

Avram E. Guroff, Economic Research Service.

Clarence R. Hanna, Office of Information Systems.

James E. Haskell, Farmer Cooperative Service.

Homer R. Hilner, Soil Conservation Service.

Jerome A. Miles, Director, Office of Budget and Finance.

Gerald C. Puppe, Federal Crop Insurance Corporation.

William L. Ruble, Agricultural Stabilization and Conservation Service.

Robert P. Shiner, Commodity Exchange Authority.

STUDY BACKGROUND

The Young Executive Committee was established by Secretary's Memorandum No. 1727, April 26, 1971. Each of its 15 members represent an agency of the Department of Agriculture.

Shortly after the Committee was established and organized, then Secretary of Agriculture Clifford M. Hardin asked it to undertake a review of the "farm income question" and to present its views to him and his staff.

As part of its information-gathering activities, the Committee arranged seminars with a number of Department officials and others outside the Department. In November 1971, the Committee divided into subteams of three each and visited four areas of the country to talk with farmers, food producers, and others involved in agriculture. Teams visited South Central Texas, Mississippi, Washington, and California.

Viewpoints were developed on the basis of position papers developed by individual members and discussed by the Committee. When points of view were adopted by the Committee, individual members were assigned to draft report sections incorporating the Committee positions.

The entire report has been reviewed in detail by members of the Young Executives Committee and is submitted as a Committee document.

PREFACE

Farm income is a source, if not the sole source, of personal income for millions of rural residence. Increases or decreases in the level of farm income greatly affect the well-being of these people. But income is also a return to resources employed in agriculture—land, labor, and capital. The level of resources attracted to the farming industry depends upon the rate of return the resources can earn in agriculture compared to other alternatives.

The causes of national concern over the level of farm income are twofold. First, if returns to employed resources are low and remain low over an extended period of time, the Nation's ability to efficiently produce adequate supplies of food and fiber is jeopardized. Second, if returns to resources are low or, more importantly, the resources are underemployed, the owners of these resources will earn incomes below what they or the Nation deems desirable. In other words, the income of farm people would be insufficient for them to obtain a decent level of living. This problem becomes particularly acute if alternative employment opportunities for these resources do not exist.

Within this framework, we asked the question, "Is there a farm income problem and, if so, what is the nature of the problem?" Increases in productivity in agriculture have equaled or exceeded that of most other industries, ample supplies of food and fiber are being produced to meet national needs, and, as a percent of total income, consumer expenditures for food have continuously decreased. These are not characteristics of an industry suffering from insufficient resources. While the adequacy of returns to resources may be debated, the symptoms of inadequate returns upon which national concern should be based, do not exist.

However, not all individuals engaged in farming earn an income sufficient for a decent level of living. The income of many farm families is at or below the poverty line. But, since returns to resources are adequate, or nearly so, it follows that the farm income problem is primarily one of underemployed resources.

Having so isolated the farm income problem we then asked, "What is the public sector doing to improve the income of low-income farm families?" We found that nearly all resources devoted to the farm income problem are oriented toward increasing returns to resources—that relatively little was being done to increase utilization of the underemployed resources, and hence, the welfare of low-income farm families. This finding pointed to the need for adjustments in the present farm and other rural programs.

We recognize the sweeping political, as well as economic, ramifications implicit in some of our recommendations. However, we strongly hope that this report will serve as a framework for a thorough evaluation of the Nation's approach to agriculture and rural America.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Farm income—A new perspective

The Committee concluded that the basic farm income statistics developed and published by the Department tend to present a distorted picture of the true economic conditions in the farming sector. The statistics include establishments that cannot reasonably be called farms and are inconsistent with the Department's farm income mission. The Department's mission is stated in terms of equitable returns to resources whereas the statistical measures are concerned with income of farmers, a welfare concept. To overcome these deficiencies the Committee recommends: 1) farms be defined as establishments with annual sales of $5,000 or more, 2) elimination of the parity price ratio, and 3) development of a set of statistics which would compare the return to all resources, including family labor, used in the production of each agricultural commodity with what these resources could earn outside of agriculture.

A policy framework for agriculture

Failure to obtain public agreement on the basic goals for agriculture has resulted in the formulation of individual programs with conflicting objectives. While proposing a broad framework for agricultural policy, the Committee recognizes that its views may not necessarily represent the majority views of the Nation. But, the Committee hopes that, in making its proposals, it will have stimulated in-depth analyses and discussions of the basic issues which must be resolved. The need to obtain agreement with respect to the desired characteristics of agriculture is essential to the rational development and administration of agricultural policy.

The policy framework recommended by the Committee has the following characteristics:

1. Agriculture should be viewed as an industry which consumes resources, provides employment, and produces goods of value to society.

2. National policy for agriculture should be directed at creating an environment which would enable the industry to provide adequate supplies of food and fiber at reasonable prices to meet domestic needs and to compete in world markets.

3. National policy should not be directed at assuring any particular level of income from farming for the Nation's farmers. Income from farming should be of concern only to the extent that it affects the industry's ability to produce efficiently adequate supplies of food and fiber.

4. National policy should be directed toward maintaining agriculture as a viable industry and not as a way of life.

5. The agricultural industry should operate with a minimum of direct involvement by the public sector. The public sector's role should be limited to the establishment and enforcement of rules which will allow the industry to maximize its contribution to the total welfare of the Nation.

Effectiveness of the basic farm programs and recommended changes

The present basis farm programs—the farm price support program and related direct payments to farmers—are not consistent with the Committee's basic policy framework for U.S. agriculture. The programs are costly, they limit supplies of food and fiber, and they are a deterrent to the efficient production of agricultural commodities. Because the program benefits have been capitalized into land values, their income benefits to second generation owners is negligible.

The Committee recommends that the basic farm programs be phased out over a period of 5 years. This should be accomplished by reducing the payment per bushel of projected yield rather than by restrictions on total payments. Over the same 5-year period, non-resource loan rates would be reduced to a "disaster price" level for feed grain crops and wheat and to zero for all other crops.

Comments and recommendations concerning other programs affecting farmers and farm income

Farm Credit

In concert with the objective to assure adequate supplies of food and fiber, the Nation must see that the credit needs of the farm sector are met. Private lenders, along with the Farm Credit System, should be capable of providing these credit needs. The Farm Credit System should continue to compete for funds in the money markets; their bonds should remain uninsured by the Federal Government; and their loans should be free of any interest subsidy to the borrowers. The Emergency Loan Program administered by the Department's Farmers Home Administration (FHA) needs to be continued. The Committee recommends elimination of the Farm Ownership Loan and Farm Operating Loan programs and questions the need for subsidized soil and water loans and loans to grazing associations.

Domestic Market Promotion

Expenditure of public funds for domestic promotion of agricultural products should be limited to those activities that can be justified on the grounds of improving human nutrition.

Foreign Market Promotion

The United States and other countries should strive to minimize artificial trade barriers. But increased reliance on free trade will require stepped up efforts on the part of the United States to compete for world markets. This need to take the form of improved intelligence of trade potentials by commodity and by country. Promotional activities will also be needed.

Crop Insurance

To the extent that crop insurance is not available through the private sector it should be provided by the Federal Government. If provided by the Federal Government, the premiums charged and to reflect the actual risk assumed.

Production and Market Research

The abundance of low-cost food and fiber in the U.S. can be attributed in large part, to publicly supported production and market research and dissemination. Such research and associated dissemination activities must be continued if we are to meet the needs of a growing population and compete in world markets.

Market Information and Monitoring Activities

Transferring the functions of supply management from the public to the private sector will increase the information needs of the latter. Only the public sector, with its legislative authority to acquire data from private sources, is equipped to meet these needs. It will be necessary for the Department to monitor the agricultural economy to assure success relative to the Nation's objectives to provide adequate supplies of food and fiber at reasonable prices.

Farmer Bargaining

The Committee supports all assistance government can reasonably give producer cooperatives and market agreements and orders should be authorized wherever appropriate. But the Committee would discourage enactment of any legislation that would exempt farmer associations from antitrust laws. The policy objective in this area should be to bring about a balance in the relative bargaining strength of producers and buyers without compromising existing antitrust laws or seriously disrupting the marketing and distribution system.

Improving the level of living in rural America

Agriculture cannot be looked upon to provide employment opportunities sufficient to maintain the present population base of rural areas. Neither can agriculturally oriented programs solve rural welfare problems. If rural towns and communities are to survive, and hopefully grow, off-farm employment must be found. Toward this end, the Committee makes the following recommendations:

1. Immediate enactment of the Family Assistance Plan.

2. Improved educational and vocational training for rural residents.

3. Tax incentives for industries locating plants in rural areas. Such tax incentives should be granted through the Federal tax system.

4. A credit system should be established to make credit available for construction of community services and facilities and housing. The credit should take the form of insured loans.

5. Technical advisors, trained in community planning, should be made available to rural communities. These technical advisors need

to be supported by an expanded research effort on the complex problems of rural development.

6. A national framework for land use planning should be developed to guide future growth and development.

7. A visible, specified, cabinet-level body or official must be designated to coordinate rural development efforts. The Committee firmly believes that stronger national direction is imperative and, therefore does not believe that Rural Community Development Revenue Sharing proposal should be the principal thrust toward improvement of the rural sector.

FARM INCOME—A NEW PERSPECTIVE

Society's perception of the farming sector is dependent in large part upon the statistical information published by the Department of Agriculture. This perception greatly influences public policy affecting agriculture. To the extent that the Department's statistics fail to adequately describe the real conditions which exist in the farming sector, perceptions of the farm sector are likely to be inaccurate and, hence, public policy less than optimum.

The Committee concluded that the basic farm income statistics developed and published by the Department tend to present a distorted picture of the true economic conditions in the farming sector. Those intimately familiar with the statistics are aware of this problem and can exercise necessary caution in their application to policy issues. But, it is the general public, who, through their Congressmen, established public programs affecting the farming sector. The general public cannot be expected to fully understand the limitations of a particular statistic published by the Department. Even if the limitations were fully understood, it would be unreasonable to expect caution to be exercised by those whose position is strengthened by these statistics.

The Department's stated objective with respect to farm income is to "assure that farm income is consistent with farmer investment in capital and management ability and with returns on investment elsewhere in the economy." This objective is stated in terms of equitable returns to factors of production and not in terms of the welfare of participants in the farming sector. Despite this stated objective, the key farm income statistics of the Department are welfare measures, i.e., income per farm operator, income per capita of the farm population, farm as a percentage of nonfarm per capita disposable income, etc. The Department's mission could be thought of as being concerned with income from farming, a return to resources concept, whereas the statistical measures are concerned with income of farmers, a welfare concept. With such fundamental differences between stated policy objectives and measures of accomplishments toward these objectives, it is understandable why there are differences of opinion as to the relative success of the Department's agricultural programs and the health of the farm sector.

Definition of a farm

The impact of such a fundamental difference would be less acute if it were not for the definition of a farm which is currently employed. A farm is presently defined as a place of 10 acres or more selling at least $50 worth of agricultural products. Places having less than the $50 or $250 minimum agricultural sales are counted as farms if they can normally be expected to produce agricultural products in sufficient quantity to meet the requirements of the definition. Using this definition, there were 2,924,000 farms in 1970.[1] Of this total number of farms, 789,000 had sales less than $1,000; 1,184,000 had sales less than $2,500; and 1,444,000 had sales less than $5,000. Only 1,480,000 farms had sales of $5,000 or more. But this latter category of farms accounted for 95 percent of the cash receipts from farming. In calculating average income from farming per farm, all farms are used in the denominator. This yields an average farm income per farm ($5,833 in 1970) considerably below the income of those farms producing nearly all of the Nation's agricultural products.

In 1970, the net income from farming per farm of those farms with agricultural sales less than $5,000 was $1,238. Average off-farm income totaled $7,506; therefore, total income for the average of this group of farms totaled $8,744, with income from farming accounting for only 16.5 percent.

For farms with agricultural sales greater than $5,000, average income from farming per farm was $10,617; average nonfarm income was $4,202; and total income per farm was $14,819. Nonfarm income accounted for only 28.4 percent of total income.

The above analysis points up some basic problems with respect to our present definition of a farm in light of the Department's stated mission. Average income from farming for nearly half of our presently defined farms accounts for only 16.5 percent of their total income. In total, these farms account for only 5 percent of the value of agricultural products produced. Clearly, these are farms in name only. Any reasonable increase in agricultural prices would provide them with little income assistance. A 1967 study by the Department's Economic Research Service (ERS) showed those farms with agricultural sales of less than $5,000 had returns of only 35 percent of parity (stockholders standard, excluding capital gains).[2] If that finding can be applied to conditions existing in 1970, then equitable returns to this group of farms would be $3,537; some $2,300 greater than was realized. That same study also showed that all farms on the average earned 96 percent of parity. If that finding can be applied to 1970 conditions, then the price increases required to get the returns to farms with sales of less than $5,000 up to 100 percent of parity would clearly result in returns to agriculture in excess of parity returns. The assumption here, of course, is that any price increase would apply to all producers of any particular commodity, a realistic assumption.

Including these small farms in the statistics tends to exaggerate the low-income position of commercial farmers relative to the rest of the economy and, hence, adds pressure to raise prices of farm commodities. But, increases in prices sufficient to have any significant impact on those farms with sales of less than $5,000 would push income above parity returns to those farms producing 95 percent of the agricultural output.

For the above reasons, the Committee recommends adoption by the Department of a definition that would identify farms as establishments with agricultural sales of $5,000 or more. The Committee is fully aware of the fact that allocation formulas for several grant programs to the states are tied, in part, to the number of farms within a state. We do not feel this should be a deterrent to changing the definition of a farm. Changes in the allocation formulas could be made so as to prevent any state from experiencing sizable increases or decreases in Federal funds.

A question that might be asked is, "Why $5,000 and not $10,000 or even some higher figure?" Any definition is somewhat arbitrary and our recommended definition is no exception. The definition used depends in large part upon the need to establish the definition in the first place. With respect to farms, it would seem the reason for establishing a definition would be to gather aggregate data on the farming sector of the economy—agricultural products produced, prices paid and received, value of sales, quantity and value of inputs used, etc.

The total number of farms is divided into these aggregates to get some idea what the average or typical farm looks like. Therefore, the definition used should be one that gets the maximum of aggregate data while minimizing distortions in the average. The definition adopted by the Committee would seem to satisfy this requirement. Farms with agricultural sales of less than $5,000 number 1,444,000—nearly one-half of all presently defined farms, but producing less than 5 percent of the Nation's agricultural products. Farms with sales of $5,000 but less than $10,000 total only 370,000 but produce nearly 6 percent of the Nation's agricultural products.

Parity price ratio

The parity price ratio, which compares the index of prices received to the index of prices paid by farmers using a 1910–1914 base, is neither a good barometer of return to resources employed in agriculture nor of the welfare of the farmer. It should be discarded.

The parity ratio has much philosophical appeal. Its creators and those adhering to it argue that it is only fair that prices received by farmers increase at the same rate as prices paid by farmers. On the surface this seems like a quite logical argument. But it completely fails to recognize increases in agricultural productivity. It could be argued that farmers should reap the benefits of increased productivity. But this argument fails to consider that most of the increase in U.S. agricultural productivity has been brought about by publicly supported research and research dissemination. This being the case, the public at large (through lower foor prices), not just the farmer, should also benefit from increases in agricultural productivity.

In the 1967 ERS study, it was noted that 1966 farm prices would need to have been about 33 percent higher to have achieved 100 percent of parity prices. But a much smaller increase in farm prices, 11 percent, would have provided 100 percent of parity returns for all farms on the average. It is highly unlikely that conditions have changed sufficiently since 1966 to make the findings of this study invalid today. Since the Department's objective is equitable returns to resources, the parity price ratio is a very poor measure indeed.

Other needed improvements

Changing the definition of a farm to those establishments with sales of agricultural products of $5,000 or more and eliminating the parity price ratio would be major improvements. Simple as they might seem, such changes will not be made easily. But the Committee feels the Department should make every effort to present to the public as accurate a picture of the health of the farming sector as is possible. Other deficiencies in our statistical measures exist and, over time, these too should be eliminated.

It is assumed that every establishment defined as a farm has an operator and that the operator receives the income earned from the agricultural products sold from the farm. Such an assumption might have been valid in the past, but is not so today because of the structural changes which have taken place in agriculture. Take, for example, a farm operator in the broiler industry. The farm operator might own the land and buildings, but grow the broilers under contract. He never takes ownership of the broilers nor does he purchase the feed or other production inputs. He receives a fixed price per bird delivered to the contractor. Income from the farm, using present procedures, would involve estimating the value of production expenses less some inputed farm value for the broilers. This would be the net income of the farm, but clearly, not the net income of the farm operator. The income would go to the contractor who, in turn, might be publicly owned. To the extent that operators such as these become a significant factor in the agricultural industry, average farm income or average income of the farm population becomes quite meaningless.

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[1] Data on number of farms, cash sales, and farm income obtained from "Farm Income Situation." Economic Research Service US.. Department of Agriculture FIS–218, July 1971.

[2] "Parity Returns Position of Farmers," Senate Document No. 44, 90th Congress, First Session, August 10, 1967.

In all industries except agriculture, the dominate measure is rate of return on investment with no concern given to who received the income. Measures of average net income per firm or establishment are not used to determine welfare of participants in the steel or food retailing industry or any other industry group. Only in agriculture do we attempt to come up with some sort of welfare measure from income per farm or establishment data.

Because a great deal of farm labor is provided by the operator and his family, a measure of rate of return on investment would not be appropriate for agriculture. But, given the present objective of the Department's farm income mission and its programs to achieve this objective, a set of statistics comparing the return to all resources used in the production of each agricultural commodity, including family labor, with what these resources could earn outside of agriculture—a measure similar to that developed in the 1967 ERS study for all farmers—would be more useful than present measures. The need for adjustments in the price for a particular commodity could then be supported on the grounds that existing prices are yielding returns greater or lesser than what the resources employed could earn elsewhere in the economy. In this way the operation of the Department's commodity program would conform to its stated farm income objective. The Committee has not fully explored the feasibility of developing such statistics but recommends that such a study be undertaken. Even with the changes in Department objectives and programs proposed in subsequent sections of this report, such statistics would be useful in measuring the health of the farming industry.

Concluding comments

Inclusion in Department statistics of a large number of units that are clearly not farms yields an unrealistically low estimate of average farm income. This estimate is used to justify higher farm prices, prices which may actually result in returns in excess of equitable returns for most of the agricultural products produced. There is a more subtle but equally negative aspect of the present definition. By identifying these people as "farmers" and having public programs to support farm income, we have given the public the mistaken belief that the welfare of these people was being adequately cared for. It is likely this has tended to discourage the development of programs outside the scope of agriculture (but not necessarily outside the scope of the Department) that were and are needed to assist low-income rural people.

The Committee wants it fully understood that in recommending a change in the definition of a farm, it does not intend to define away any income or welfare problem existing among these people. To the extent these problems exist, they continue to exist regardless of the definition used. But they need to be treated in the broader context of rural development. The problem of low-income rural people and rural development is discussed in more detail in the last section of this report.

A POLICY FRAMEWORK FOR AGRICULTURE

Many of the Committee's views of agriculture are implicit in the preceding discussion of farm income statistics. The purpose here is to make these views explicit—to identify in greater detail the basic principals upon which the Committee feels agriculture policy should be based.

The need to establish a basic framework for policy determination

Public debate has tended to center on agricultural prices and program administration rather than the desired characteristics of American agriculture. As a result, price policy and its administration has tended to dictate the future of American agriculture rather than contributing to some desired end.

The "ideal" public policy, given an objective to increase the number of farms, or at least maintain the present number, would be considerably different from the "ideal" policy if the Nation were indifferent to the number of producing units. Critics of present farm policy point to the declining number of farms as evidence of poor policy and poor administration of that policy. But, the Committee found no evidence of an agreed upon goal with respect to farm numbers.

Present policy is affecting the number of farming operations. But, without a publicly agreed upon goal or objective, we cannot say whether the impact is good or bad and, hence, we cannot say whether the policy is good or bad. As a result, the Department has no defense against its critics. Obtaining agreement with respect to the desired characteristics of agriculture in the years ahead is essential to the rational development and administration of agricultural policy.

While proposing a broad framework for agricultural policy, the Committee recognizes that its views may not necessarily represent the majority views of the Nation. But, the Committee hopes that these proposals will stimulate in-depth analysis and discussion of the basic issues which must be resolved. Serious conflicts exist between objectives of individual agricultural programs because basic policy goals have not been agreed upon. These conflicts are costly and must be eliminated.

A policy framework—the committee's position

Agriculture should be viewed as an industry which consumes resources, provides employment, and produces goods of value to society. The Committee believes that national agricultural policy should aim at creating an environment which would enable the industry to provide adequate supplies of food and fiber at reasonable prices to meet domestic needs and to compete in world markets.

Farm Income

The level of farm income earned from the production of agricultural commodities, either per farm or in the aggregate, should not be an end in itself. That is, the Department's objective should not be to assure any particular level of income from farming for the Nation's farmers. Income from farming should be of concern only to the extent that it affects the level of resources attracted to the industry, and, hence, the industry's ability to produce efficiently adequate supplies of food and fiber. The industry should not be evaluated on its ability to provide an adequate level of living for all participants regardless of the size of their operation or managerial ability. If adequate supplies of food and fiber are being made available at reasonable prices, we should conclude that the Nation has a healthy, viable agricultural industry. If, at the same time, some individual producers are earning a level of income below what they or the Nation deem desirable, our assessment of the industry should be amended to state that it has certain human resource adjustments to make. The Nation should then make every effort to facilitate these adjustments at the least possible total cost (economic and social) to society. The Nation can ill-afford transfer payments to allow productive individuals to remain indefinitely in the industry of their choice.

Farming as a way of life

Agricultural policy should be directed towards maintaining agriculture as a viable industry and not as a way of life. The numbers of farms or farm population size is irrelevant except as these influence performance of the agricultural industry. There is no objective evidence to support the argument that there would be a net social benefit if the farm population were to increase or if its present size were maintained.

Clearly there is need to avoid further concentration of people in large urban areas. Maintaining or increasing the present farm population would reduce the rate of migration to urban areas, but more feasible and practical alternatives are available. Because the rate of substitution of capital for labor during the past 20 or 30 years has been greater than the rate of adjustment in the supply of agricultural labor and because the Nation has the ability to produce food and fiber beyond domestic and foreign requirements, there is need to reduce labor inputs in agriculture. This, of course, assumes a national objective to productively employ the labor force, i.e., the value of labor output should exceed its costs, including transfer payments. Although put in terms of an assumption, the Committee feels this should be an objective of our economic system. Given these conditions, agriculture cannot and should not be expected to provide employment opportunities sufficient to preserve the Nation's rural towns and communities. If these towns and communities are to grow, additional off-farm employment opportunities must be found.

Food prices

Although calling for the production of adequate supplies of food and fiber at reasonable prices, the Committee recognizes there are no objective measures to establish the level at which retail food and fiber prices are "reasonable." This fact must also be recognized by those monitoring the agricultural industry. We can measure the rate of return to industry participants given existing prices. But, having done so, the conclusion that they are too high or too low cannot be objectively supported. We can also measure the percent of disposable income spent for food and fiber. But, here again, any conclusions that it is too high or too low is highly subjective. Reasonableness must be determined by what most people consider reasonable. If they think retail prices of food and fiber are reasonable, then they are reasonable. It should, however, be the role of the public sector to keep the public informed of both the level of prices and the consequences of forced adjustments so that society can determine within its sets of values whether it is willing to incur the costs of these adjustments.

Role of the public sector

The agricultural industry should operate with a minimum of direct involvement by the public sector. Ideally, the public sector's role should be limited to the establishment and enforcement of rules which will allow the industry to maximize its contribution to the national welfare. Such rules might include restrictions on the use of certain production practices or inputs, or restrictions on the use of land for purposes other than agriculture, or for purposes excluding agriculture. Once established, the industry through free market forces, would have to make the necessary adjustments. The public sector might provide assistance to alleviate the burden of such adjustments, but such assistance should be of limited duration.

In general, the rules established for the agricultural industry or any other industry should be limited to those which result in more efficient use of natural and human resources. The private sector will utilize resources efficiently only to the extent that the price structure reflects the true costs of these resources. We should not expect the private sector to cease dumping wastes into the Nation's rivers and lakes if it is not prohibited from doing so and does not have to bear the cost of removing these wastes. The public sector must establish rules that cause the private sector to view these costs as internal rather than external.

There are those who argue that society's preoccupation with economic efficiency has been detrimental to the national welfare. This criticism needs to be directed at the price structure for production inputs, including the effect of public laws and regulations such as taxes on this price structure. If the true cost of resources used in agriculture, or any industry for that matter, is reflected in the price of those resources, the detrimental effects of efforts to improve efficiency could be avoided.

EFFECTIVENESS OF PRESENT FARM PROGRAMS FOR COMMERCIAL AGRICULTURE AND RECOMMENDED ALTERNATIVES

Effectiveness of the basic farm programs

The present basic farm programs—the farm price support program and related direct payments to farmers—are not consistent with the Committee's basic policy framework for U.S. agriculture. Not only do present programs result in a high degree of government intervention in the production and marketing system, they are also quite costly and there is sufficient evidence to question their effectiveness in meeting stated objectives.

Studies reviewed by the Committee point to increased supplies of food and fiber, at lower prices, if farm programs were removed. Although we are one of the best fed and clothed nations in the world, more lower priced food would be quite beneficial to low-income families. In addition, and of more importance to the agricultural industry, lower prices would allow the United States to become more competitive in world markets. But, associated with this change would be a reduction in aggregate farm income. In 1970, direct payments to farmers totaled $3.7 billion or about 21 percent of net farm income.[3] Without farm programs, these payments would be removed and aggregate farm income would fall accordingly. Given the low price elasticity of demand for farm products, increases in marketings would not offset reductions in price, causing a further reduction in farm income. Estimates of this reduction are in the range of $3 billion in the short-run and about $1–2 billion in the long-run as resource adjustments take place.[4] This loss, together with elimination of direct payments, would result in an estimated reduction in annual farm income of about $6.0 billion in the short-run and $4–5 billion in the long-run. The income effect of direct payments and price supports of some $6.0 billion can also be thought of as the price that society pays in terms of taxes and higher food and fiber prices to "assist" American farmers.

It is interesting to note that in the analyses reviewed by the Committee, additional food and fiber would be produced without present farm programs. The reduction in farm income projected in these analyses would not impair the Nation's ability to provide adequate supplies of food and fiber. In fact, it is the additional food and fiber produced that leads, in part, to the reduction in farm income.

There are two aspects of present programs that tend to support the contention that adequate supplies of food and fiber would be produced without these programs even though farm income is reduced. The first of these concerns the capitalization of program benefits into land values. Since the programs are tied so closely to land, their income benefits have been eroded through higher land prices. Capitalization of program benefits into land prices has resulted in windfall profits for first generation owners, but has left little for second generation owners. In fact, capitalization of program benefits in land prices presents one of the principal obstacles to elimination of the programs. A recent ERS analysis of proposed legislation to eliminate price supports for tobacco indicated that land values in the tobacco growing areas would decline about $2–3 billion if enacted. Those tobacco growers who purchased land at current market value, which includes the capitalized value of the tobacco allotment, would incur significant capital losses. But, at reduced land values, less net farm income would be required to yield adequate returns to resources. If, in fact, all program benefits have been capitalized into land values, their elimination would have no impact on the level of returns to resources employed in agriculture. The value of farm assets would be reduced, and, from a welfare point of view, farmers would be worse off. But, as pointed out earlier in this report, programs for commercial agriculture must be divorced from welfare considerations. A reduced income earned per acre would result in the need for larger farm units to provide adequate income for the farm family. This would tend to accelerate the reduction in number of farms, a fact which does not disturb the Committee, assuming adequate nonfarm jobs can be found in the rural communities and sufficient number of producing units remain to insure that the industry remains competitive.

The second factor deals with the distribution of farm program benefits. Income benefits of current programs are not evenly distributed among all farmers nor are they distributed on basis of need. Income transfer payments are usually thought of as being a means by which income of the less needy is transferred to the needy. Such is not the case with farm programs. The larger the farming unit, the greater the benefits received by the owner. The level of income earned by the owner of the farming unit, either farm or off-farm, is not considered in determining the magnitude of payments he will receive. As a result, only a very small portion of the program benefits reach those farmers with an income or welfare problem. The 1967 ERS study ("Parity Return Position of Farmers"), showed that, on the average, farms with value of sales of $20,000 or more (stockholders standard, excluding capital gains) earned 167 percent of parity returns in 1966. This group of farms received $2.1 of $3.7 billion of direct payments in 1970 and, since these farms accounted for 74 of the sales, it follows they received 74 percent of the income benefits of price sup-policy that so distorts the market system that a segment of society can earn, indefi-ports. The Committee cannot support a nitely, returns to their resources considerably greater than those same resources could earn elsewhere in the economy.

The Committee also feels that the present farm programs are a deterrent to efficient production of U.S. agricultural commodities. The attachment of program benefits to land has impaired movement of agricultural production to areas of least cost. The present geographical distribution of production, particularly for cotton and wheat, would likely be different in a free market environment and the cost of producing our present bundle of food and fiber would be less.

Despite these deficiencies, the basic farm programs have helped, to some extent, control the exodus of people from the farming sector and have contributed to a more stable U.S. agriculture. Perhaps these benefits have been sufficient to justify the existence of the programs over the past few decades.[5] But, the Committee feels that conditions in agriculture today are such that government intervention in the form of present farm programs and their associated costs can no longer be justified on these grounds. Although conditions do not warrant the present set of programs, their immediate elimination would create severe adjustment problems. It is, therefore, necessary to develop an optimal farm program for the future and also to map out a series of programs to reach the optimal so as to minimize the negative aspects of this adjustment process.

Proposed changes in basic farm programs

Economic and technological forces have caused marked changes in U.S. agriculture. Although we feel that these forces must be guided somewhat, they should not be counteracted. Rather, many of the agricultural programs which impede adjustments should be progressively reduced and finally eliminated. This is not to deny the many welfare problems which arise fairly directly from these adjustments. But welfare problems in agriculture cannot be ameliorated by the "higher agricultural price" approach since people with the greatest chronic income problems produce only a small volume of agricultural products for sale. Approaches to welfare problems are given in the final section of this report. Here we will deal with programs for commercial agriculture.

Government loan programs have reduced price instability at least on the downside for many commodities. Producers are guaranteed at least a minimum loan price for certain crops if they plant within the government price support program for these crops. In addition, for some of these crops, they receive a direct payment as well. If the price support loan programs are discontinued completely, then some substitute method should be developed so that individual producers have at least a minimum price guarantee prior to yearly planning decisions.

Providing a mechanism for guaranteeing minimum prices to individual producers prior to fertilizing and planting does not necessarily mean that the government must set a price and guarantee it. For most crops not under government price supports, a system of forward contracting has built up over a period of years. For example, canning plants have long contracted with farmers for the production of particular vegetables. Although contracts may not be renewed, for a particular year the farmer has a contract before planting these speciality crops.

Forward contracting would surely have developed more rapidly for many of our basic crops in the absence of government programs. In some cases, the lowering and removal of the government price support loan program will result in the rapid development of a forward contracting system. Tobacco and cotton are both crops which may be expected to fall in this category for, although there are many producers, there are relatively few buyers (Few tobacco companies in the case of tobacco and relatively few mills in the case of cotton).

For the feed and food grain crops such as corn, grain sorghum, and wheat, on the other hand, there are not only many producers, but many buyers as well. *In the future, cattle feeding and hog feeding are expected to become highly concentrated in very large feedlots.* As this takes place, a forward contracting system for feed grains may be expected to develop much more rapidly that would be the case at the present time.

Thus, although our long-term goal would be to eliminate all direct payment and price support loan programs, the Committee believes that this should be accomplished through a series of steps:

1. All direct payments would be reduced to zero over a period of 5 years. This should be accomplished by reducing the payment

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[3] "Farm Income Situation," Economic Research Service, U.S. Department of Agriculture, FIS–218, July 1971.

[4] Schultze, Charles L., "The Distribution of Farm Subsidies—Who Gets the Benefits," Brookings Institute, 1971.

[5] One does have to wonder, though, if more efficient ways could have been found to alleviate the adjustment problems. What would the rural population be today if half of the dollars spent for farm programs had been developed to generating off-farm employment opportunities in rural areas and job training programs for displaced farm people.

"per bushel of projected yield" rather than by restrictions on total payments. Restrictions of total payments encourage inefficient farm organization.

2. Over the same 5-year period, non-recourse loan rates would be reduced to a "disaster price" level for feed grain crops and wheat and to zero for all other crops. The disaster price level would be one that is sufficiently low that it rarely sets the price although it may have a seasonal effect on price in many years. Rather than taking over a large volume of stocks in the event of a year encountered in which the market price would have remained below the loan level for crops, a reseal program extending if necessary over a few years should be instituted so that stocks remain in producers' hands rather than in CCC inventory. If reseal stocks start to rise, the disaster price should be lowered, since this would indicate that the loan price has apparently become higher than the equilibrium price.

3. Purchase programs such as the one for dairy products should be phased out over a few years. Price stability appears to be the principal justification of the program and milk marketing orders appear to be potent enough to give this stability.

4. All commodities presently supported due to a critical "national defense" requirement should be reviewed to see if they are really critical. Tung oil and gum naval stores surely are not critical to national defense. Due to the development of artificial sweeteners, domestic production of sugar seems no longer critical to national defense. Neither is domestic production of wool, due to the development of synthetics.

It is often argued that a progressive lowering of direct payments and loan rates is no better than letting the blow fall in a single year. If producers could foretell the adjustment which will be made, this might be the case. Land values would drop exactly to the levels reflected by their value in an "adjusted agriculture." We cannot, of course, anticipate many of the adjustments even from a national vantagepoint. Certainly we cannot expect individual producers to predict accurately the many institutional changes which will affect them.

Drastic shifts in agricultural enterprises may be expected from the above recommendations, but adjustments to alternative agricultural enterprises take time. It is for this reason that the Committee proposes a gradual phase-out of present programs over a 5-year period. *For example, should the raising of beef cow-calf herds become more profitable than cotton then it will take time to make this adjustment.* Beef cow herds can only be economically built up over time. A crash buildup could lead to disaster for an individual producer lacking managerial skills in beef cattle production. Too rapid a buildup would also mean chaos for present beef producers as it would cause precipitous changes in livestock prices.

Too rapid a switch between crops also causes managerial difficulties for producers as can be witnessed by talking to producers who are growing soybeans or grain sorghum or many of the speciality crops for the first time.

Even if price support adjustments are phased over a 5-year period, land prices will probably drop more than is warranted due to uncertainty as to the effect of the changing levels of support. But at least progressive decreases in support levels will give more time for the future to be known and should result in land prices not dropping to as low a level as they otherwise would.

The question of how to handle the reduction in land values resulting from elimination of present farm programs was debated at length by the Committee. Fairness would dictate a policy of reimbursing those who purchased land at prices including the capitalized value of farm program benefits, but such a policy would be impossible to administer. The question then becomes one of whether the inequities of eliminating the capital value of program benefits for those who paid for them is greater or lesser than the inequities of reimbursing all landowners, including those who neither earned nor paid for the benefits. The Committee felt that the inequities of the latter were greater and, therefore, concluded that land owners should not be reimbursed for their losses.

The Committee would not, however, want to see this issue stand in the way of elimination of present farm programs. Should political realities dictate that payment in total or in part be required, such payment should be made. The long-term benefit to the Nation would justify such a compromise.

OTHER PROGRAMS AFFECTING FARMERS AND FARM INCOME

The Department administers many programs other than price support and direct payments which have an impact on the farm sector and individual participants in this sector. These include credit, crop insurance, market information, domestic and foreign market promotion, and market research and dissemination. The nature and scope of this report prohibits a full and detailed analysis of these programs. What follows are the Committee's views on the general direction that should be taken by these programs and an identification of issues that should be explored in greater depth.

Farm Credit

The credit needs of agriculture are great and will likely increase in the future. Consistent with the objective to assure adequate supplies of food and fiber, the Nation must see that the credit needs of the farm sector are met. But the farm sector, to operate effectively within a free market environment, must not be given a competitive advantage in the capital markets. Discrimination in favor of agricultural borrowers would raise the possibility of over-investment in the farm sector.

There is some evidence to support the argument that our supply management problems are, in part, due to excess availability of capital in the farm sector brought about by discrimination in favor of agriculture in the national allocation of money.[6] Clearly, to avoid excessive availability of capital in agriculture over the long-run, the farm sector should compete for funds in the capital markets along with other industrial sectors. If farmers, in the aggregate, are receiving equitable returns to resources, sufficient capital, barring any imperfections in the capital markets, should be available.

Private lenders, along with the Farm Credit System, should be capable of providing the credit needs of agriculture. The Farm Credit System should continue to compete for funds in the money market; their bonds should remain uninsured by the Federal government and their loans free of any interest subsidy to the borrowers. It will, of course, be necessary for the Department to monitor the credit system to see that imperfections in the money markets do not impair the production of adequate supplies of food and fiber.

The large amount of capital required to develop an economically viable farming operation does serve as a formidable barrier to entry. For this reason, there are those who argue that subsidized credit should be made available to those wanting to enter the farming industry. If farming is to be treated as an industry rather than as a way of life, this position cannot be easily supported. A basic justification for subsidized loans to new entrants, regardless of the industry, is to maintain competition and allow for technical innovation. But in agriculture there are presently too many firms to provide adequate income for all participants, and technical innovation in agriculture has not been, nor will it be in the foreseeable future, dependent on new entrants who require subsidized credit. For these reasons, the Committee recommends elimination of the FHA Farm Ownership Loan and Farm Operating Loan programs.

The FHA Emergency Loan Program needs to be continued. Private sources of capital are not likely to be adequate to cover the credit needs of farmers affected by natural disaster nor are farmers generally prepared to meet the full cost of financing such loans. The Committee would, however, prefer to see increased use of insurance by farmers to cover such losses. In this way, the full cost of risk would be borne by the market system. The Committee feels that the subsidized soil and water loans to individuals and associations and loans to grazing associations need to be fully reviewed. There may exist a need for such loans, but it is unlikely they can be supported on grounds of aiding commercial agriculture or, as they are aligned in the Department's program structure, supporting farm income.

Domestic and Foreign Market Promotion

Domestic Market Promotion: The Committee feels that expenditure of public funds for domestic promotion of agricultural products, or for the administration of funds collected from producer groups for this purpose, is highly undesirable. At any given income, consumers will not likely increase their expenditures for food as a result of market promotion. Trade-offs between commodities might occur, but this is merely benefiting one group of farmers at the expense of another with little or no net social benefit. Expenditures for such purposes and with such known benefits can be justified by commodity groups whereas such expenditures by the public sector cannot. The same holds true for non-food items of agricultural origin. Here the trade-off is primarily with products of nonagricultural origin, but the argument against expenditure of public funds for promotion remains valid as no, or little, net social benefit is gained.

The exception to this line of reasoning would be promotional and educational activities aimed at improving human nutrition. The objective of such a program would have nothing to do with improving farm income, but, rather, would be directed at improving the diet of the target group. The Extension Service's Food and Nutrition Education Program is an example of this type of program. The expenditure of public funds for this purpose can be fully justified; in fact, increased effort needs to be aimed towards improving human nutrition and our knowledge of human nutrition needs.

The emphasis, domestically, is to produce adequate supplies of food and fiber and not to provide adequate demand for the output of agriculture. This being the case, public funds should not be expended on programs whose sole aim is to increase consumption of a particular commodity.

Foreign Market Promotion: National economic strength is dependent, in part, on avoidance of trade deficits over extended periods of time. One clear way to minimize trade deficits is to establish import restrictions. But, the Committee feels that the United States and other countries should strive to relax artificial trade barriers. It would be unrealistic to assume or to propose complete free trade in the near future—the impact on the world economy would be severe. But, steps in this direction need to be taken. Some degree of control will likely be needed with respect to agriculture to avoid dumping, by the United States or other countries, of large amounts of surplus commodities in any given year. Severe changes in the amount of agricultural commodities moving into world trade would exacerbate the adjustment process in the farm sector throughout the world.

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[6] "Agricultural Finance Review," Economic Research Service, U.S. Department of Agriculture, August 1971.

The system of import quotas on agricultural commodities should be reviewed. To the extent that any restrictions are needed, quotas should be converted to tariffs so that the direct effects of restrictions on imports are more apparent to consumers.

Increased reliance on free trade will require stepped up efforts on the part of the United States to compete for world markets. This needs to take the form of improved intelligence of trade potentials by commodity and by country and also promotional activities. Although the private sector expenditures for these activities can be expected, their efforts need to be supplemented and coordinated with public funds. The importance of foreign trade to the U.S. economy and, more specifically, the U.S. farm sector is too great to rely entirely on the private sector.

Crop Insurance

Farmers will continue to need protection from such natural hazards as insect and wildlife damage, plant diseases, fire, drought, flood and wind. If unprotected by insurance, natural disasters could bankrupt farmers. A disaster covering a large geographic area could, in the short-run, impair the Nation's ability to provide adequate supplies of food and fiber.

To the extent that crop insurance is not available through the private sector, it should be provided by the public sector. If provided by the public sector, the premiums charged need to reflect the risk assumed. In this way, the risk of agricultural production can be properly reflected through the marketing system to the consumer.

Production and Market Research

Production Research: The abundance of low-cost food and fiber in the United States can be attributed, in large part, to publicly supported production research and dissemination. These activities must continue if we are to meet the needs of a growing population and compete in world markets. Although the index of output per unit of input increased significantly from 1970 to 1971 (8 percent, due largely to a 5 percent increase in planted acres), the increase in the index from 1961 to 1971 (10 percent) was considerably less than the increase from 1951 to 1961 (21 percent).[7] There certainly is little doubt about the Nation's ability to provide sufficient food and fiber in the immediate future, but these data suggest that, without new breakthroughs in production technology, additional food and fiber will be forthcoming only through use of additional resources.

Public support of such research is needed since it is doubtful that sufficient private resources will be devoted to the basic research from which most major technological breakthroughs originate.

Since agriculture is a polluter of the environment (pesticides, run-off from cattle feed lots, etc.), such research also needs to be aimed at developing technology which will result in food and fiber production with minimum environmental damage.

With the exception of early adopters, agricultural production research has probably had no positive impact on the income of individual farmers. But production efficiency research should not be justified on the basis of increasing farm income. The impact of technological breakthroughs, however, needs to be anticipated and properly considered by the public sector to minimize the social cost of adjustments that technology brings to bear on the farm sector. The development of a mechanized tobacco harvester is a case in point. Adoption of this equipment will greatly reduce employment in the tobacco industry. Development and adoption of the equipment should not be discouraged, but public assistance will be needed to aid displaced workers.

Market Research: In 1971, consumers spent $105 billion for domestic farm foods with farmers receiving $34 billion of these expenditures. The remaining $71 billion was added to the farm value of foods either in the form of manufacturing or distribution services. The magnitude of these costs seem to justify market research. In fact, it might suggest a reallocation of present research funds. In 1970, $111 million of USDA funds were expended for production research while only $46 million were expended for market research. Including state funds, the comparable figures are $242 and $59 million.

Allocation of research funds entirely on the basis of the relative magnitude of the production and marketing subsectors would not be advisable. The proper split, if it could be accurately measured, would be to allocate funds such that the marginal social value or benefit of the last dollar spent for market research equals that for production research. But present distribution of research funds, given the size of the production and marketing subsectors, warrant study. The figures cited for research expenditures exclude private funds; these would have to be taken into consideration in any such analysis.

Public expenditures for market research must be restricted to those areas which result in efficiencies in the food and fiber marketing system or lead to improved nutritional value of food (increased quality in the case of fiber). Research devoted merely to increasing consumption of a particular commodity through changes in form or selling techniques without contributing to increased efficiency or nutritional value must be avoided. Research aimed at developing synthetic food products should not be prohibited. The economic performance of food firms in serving farmers and consumers should receive major emphasis.

Market Information and Monitoring Activities

Transferring the function of supply management from the public to the private sector will increase the information needs of the latter. Only the public sector, with its legislative authority to acquire data from private sources, is equipped to meet these needs. Reliance on the private sector for market information would likely give buyers of farm commodities an unfavorable advantage over producers.

It is important that information be made available for both supply and demand conditions. Present data collection and dissemination activities of the Department are weighted heavily on the supply side. Although not intended, this has given undue advantage to buyers of farm commodities. Both producers and buyers of farm products have access to information on the supply of agricultural commodities, but producers have only limited access to data on the demand side. For example, USDA obtains data on intentions to plant from farmers, but obtains no similar data of purchase intentions of buyers of agricultural products.

The sensitivity of price to available supplies of agricultural products will require accurate projections of domestic consumption and exports. The latter will be extremely important to the effective operation of a free market. Wide and erratic fluctuations in actual exports or large errors in estimated exports would create severe problems for American farmers and, therefore, must be avoided or kept to a minimum. The Department's difficulties with supply management programs have been exacerbated by wide fluctuations in exports of certain commodities. The difficulty has been particularly acute for those crops such as rice, where a large amount of the production typically moves into world markets. These changes in exports have been caused, in part, by Federal policy. To the extent that American farmers fall victim to changes in U.S. foreign policy, the Federal Government must be prepared to provide them with adequate compensation.

There clearly exists a need for the Department to monitor the agricultural economy to assure success relative to the Nation's objective to provide adequate supplies of food and fiber at reasonable prices. This monitoring function will be extremely important during the transition from present programs to a free market environment. We must have available the best possible information with respect to the impact of program changes on farmers and their response to these changes so as to minimize adjustment problems. We must also have information on the changes in the relative bargaining strength of the participants in the industry, factors causing these changes, and their short-run and long-run impact on the industry and the Nation. Such information will be necessary to identify that point at which government intervention into the system is necessary to assure a viable agriculture consistent with national objectives.

Farmer Bargaining

The structure of the agricultural industry (large numbers of geographically dispersed producers and relatively far fewer buyers) has placed the farmer at a disadvantage in dealing with buyers of farm products. To strengthen the position of farmers, cooperative and bargaining associations and marketing agreements and orders have been authorized. The Committee supports assistance to producer cooperatives. Market agreements and orders should be authorized wherever appropriate (as defined by existing legislation). But, the Committee would discourage enactment of any legislation exempting farmer associations from antitrust laws. The long-term effects of such exemption could prove extremely detrimental to the total welfare of the Nation. The policy objective in this area should be to bring about a balance in the relative bargaining strength of producers and buyers without compromising existing antitrust laws or seriously disrupting the marketing and distribution system.

IMPLICATIONS FOR AMERICAN AGRICULTURE AND THE NATION

As stated in the previous section of this report, present programs cannot be eliminated instantaneously. Time must be allowed for the industry to adjust. The most significant adjustment problems will occur in those geographical areas where production is highly dependent on the existence of present program benefits. Development of off-farm employment opportunities or assistance in adjusting to more profitable agricultural enterprises will need to be focused in these areas.

Other than geographical adjustments in production, the effects of the proposed changes will likely be nothing more than a slight acceleration of present trends in the agricultural industry. In the long-run the number of farms as defined at the outset of this report will likely not differ from the number of farms given present programs and policies.

Studies of economies of size in crop farming point out that most production efficiencies can be achieved by modern and fully mechanized one-or two-man farms—the family farm. The family farm will continue to dominate the farming economy, but it will become a larger and more sophisticated unit. The family farm of tomorrow, just as many are today, will be a highly specialized and mechanized business operation, involved not only in production but in processing and marketing decisions as well. Even if farm numbers should drop to 600,000, we should not conclude that the family farm is a dead institution. If there had been only 600,000 farms in 1970, sales of the average farm would have been about $90,000. This is well within the range of a one- or two-man operation for most agricultural enterprises.

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[7] "Changes in Farm Production and Efficiency," Economic Recreation Service, U.S. Department of Agriculture S.B. 235, June 1971, together with unpublished data obtained from ERS.

But we do not feel it necessary to prescribe the number and size distribution of farms needed for an efficient agricultural system in the future. Individual farm size will be largely determined by how well each unit carries out its production and marketing activities in relation to all other units. Under an efficiency criteria, a production-distribution system can encompass farms of various sizes and numbers. Our major concern is not whether agriculture is composed of many small farms or few large farms, or some combination of number and size of farms. Rather, it is focused on how commercial agriculture in the aggregate can best serve the desires and needs of the Nation while adequately rewarding its own participants.

Removal of the government from supply management activities will likely accelerate integration in the agricultural industry. But integration should not be confused with corporate takeover of farming operations. While most indications are that farming will be part of a highly integrated production-marketing system, we do not feel that large nonfarm corporations pose a major threat, or will play a dominant role, in tomorrow's integrated agriculture.

There is a pressing need for production at the farm level to be geared more closely to final market demands. It is to the advantage of both the farmer and processor to minimize uncertainty. And, for reasons of efficiency and lower food prices, it is also to the advantage of the consumer. Producers must intensify their search for ways of becoming a vital part of the total process by which consumer demands for food and fiber are met.

Eric Thor identifies four types of industry organization that seem to be developing to meet these needs:[8]

1. Farmers organized into bargaining associations to negotiate price and terms of contract with processor and packer.
2. Large investor-owned, food-converting corporations integrated from the ultimate consumer back into farming.
3. Fully integrated multiple-product farmer cooperatives.
4. Joint ventures between farmer cooperatives and investor-owned corporations.

The direction in which agriculture is headed, and its implication to the Nation's farmers, should be obvious. In order to play a viable role in the future, today's producer must align his production, through the distribution system, more closely with the requirements and demands of the final consumer. The possible structural arrangements mentioned by Thor are potential vehicles through which this meshing process might occur. No doubt others could be identified. The Committee endorses public policies designed to assist agriculture become more market-oriented. The alternative is a higher cost industry—one which retains inefficient production patterns and inefficient producers dependent on income transfers from the rest of society. There is, of course, need to monitor these developments to assure maintenance of a highly competitive industry.

These trends—reduction in farm numbers and increasing coordination among industry sectors—are consistent with the basic policy framework of the Committee. It is important to note that these trends are taking place today. Existing policy and programs, with their annual cost of $4–5 billion to American taxpayers, are leading us in the same direction as the much less costly policy and programs proposed by the Committee. Agrarian fundamentalists shudder at the thought of fewer farms or the loss of independence of our American farmers as a result of integration such as has occurred in the broiler industry. To a large extent it has been the agrarian fundamentalists who have created and perpetuated our present policy and programs. But that which they want to protect or preserve is not being protected or preserved with present programs.

While evidence can be brought to bear in support of either position—an efficient agriculture with resulting bigness, integration, etc., vs. preservation of traditional agrarian values with small independent farms and farmers—the Committee's set of values leads it to place greater emphasis on an efficient agricultural industry. We feel the agricultural industry can provide adequate supplies of food and fiber at reasonable prices and equitable returns to resources, including family labor, with a minimum of government intervention. Programs costing the U.S. taxpayers $4–5 billion annually are not needed for these purposes.

It is a political reality that society which is 95 percent urban will be directed by urban priorities and these priorities will call for an agriculture which provides adequate supplies of food and fiber at reasonable prices. It would seem unlikely that they would be willing to pay the cost, either in the form of taxes or higher food prices, that would result from efforts to maintain large numbers of totally independent farmers. An efficient agriculture may, however, conflict with urban desires to improve the quality of the environment. Action taken in recent years indicates that society is willing to make some sacrifice in efficiency to gain environmental benefits. The Committee recognizes the need to improve the quality of the environment. But the consequences of actions to accomplish this end, both benefits and costs, must be fully explored and made an integral part of the decision-making process.

IMPROVING THE LEVEL OF LIVING IN RURAL AMERICA

The Committee's recommendations remove from agricultural policy the welfare considerations of small farmers and other rural residents. Present farm programs have attempted to combine the objective of maintaining a healthy agricultural industry and the objective of improving the welfare of small farmers. Our attempt to accomplish both objectives by a single approach has been inefficient in meeting the former and ineffective in meeting the latter. Removing from agricultural policy consideration of the small farmer and other rural residents does not imply removal of their problems from consideration by the public sector. But as pointed out earlier in the report, agriculture cannot be looked upon to provide employment opportunities sufficient to maintain the present rural population. If rural towns and communities are to survive, and hopefully grow, more off-farm employment must be found.

The purpose of this section of the report is to present the Committee's views on what must be done to revitalize our rural communities, to tackle present rural problems, and to adjust to present trends that may be accelerated if our other recommendations are adopted.

Rural America today—and beyond

The plight of our rural people has been well documented. In recent years, many task forces and commissions have been established to study and develop remedies to alleviate the problems of rural America. While descriptions of the problem and recommended remedies are in ample supply, direct action taken to implement the recommendations has been limited. A recent report of the Senate Committee on Agriculture and Forestry noted that while much has been done for rural people there are also many gaps which must be closed.[9] The report stated that "often the Federal response to the recommendations of the rural poverty report was a series of pilot programs, which, when they proved their merit, were discontinued. These projects were often begun with great fanfare, indicating to rural people that the government was going to get something done, and then the fanfare withered away into crushing disappointment."

The basic problem in rural areas is reflected in the history of relative rural population decline. In the past 5 decades, while total U.S. population has increased from 106 million to 203 million, the rural population has remained steady at just about 50 million.[10] The farm sector of the rural population, however, has declined from 32 million in 1920 (three-fourths of the total rural population) to fewer than 10 million (one-fifth of total rural population). Although the rate of movement of people away from farms has remained high, the number of people involved has dwindled, as the size of the farm population has declined.

While the farm population continues to decline, there is evidence of a net increase of people moving into rural areas. From 1960–70, the rural counties of the country grew in population by 6.7 percent, while the urban counties were gaining by 16.6 percent. However, if the farm population, with its pronounced downward trend, is subtracted from the total rural population, one finds that the nonfarm rural population (which comprised the great majority of all rural people) rose by 19 percent in the 1960's. Thus, the heavy decline of farm population has tended to mask the rapid growth of the nonfarm segment of the rural and small city population. In the 1960's, about 200 nonmetropolitan towns of 10,000 to 50,000 population grew by 15 percent or more; that is, at a rate above the national average of 13 percent, thus implying net immigration.

Although per capita income in rural areas has been rising at a faster rate than in urban areas for the past 40 years, the percentage gain has not been fast enough to narrow the gap between rural and urban incomes. In fact, the dollar gap has widened over the years. Rural personal income, which increased at an average of 7.4 percent per year compared with 5.9 percent in urban areas, would have had to grow at the rate of 8.5 percent per year for this 40-year period to have closed the gap.

In spite of improvement in rural income in the 1960's, there remains a disproportionate extent of poverty among families outside urban areas. The rural areas, accounting for about a quarter of the population, have 49 percent of the Nation's poverty and 59 percent of the substandard housing.

The present rural welfare situation is worrisome just on the basis that an important segment of our society is locked into a life devoid of the opportunities generally available to our nation as a whole. But it deserves concern for other reasons. This Nation needs to look increasingly to the rural sector to house and employ our still-growing population if we are to avoid further concentration of people in urban areas. In this regard, the Committee is impressed with and endorses the related recommendations of the President's Task Force on Rural Development and the National Goals Research Staff.

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[8] "Increasing Understanding of Public Problems and Policies" Farm Foundation, 1971.

[9] "Effectiveness of Implementation of the Recommendations of the Presidential Commission on Rural Poverty," 92nd Congress, First Session, November 30, 1971.

[10] Data presented in this section of the report were obtained from publications issued by the Economic Research Service titled "The Economic and Social Conditions in Rural America in the 1970's," May 1971 and "Rural Development Chartbook," March 1971.

The thrust of their recommendations is that a national population distribution policy will be required for a more deliberate and planned dispersion of our total population. If this is to occur, the rural sector will have to offer realistic alternatives to the opportunities for jobs and basic amenities of life which exist in the urban sector.

Programs for action in rural America

The Committee has reviewed various program proposals for upgrading rural America and recommends Federal action in the following areas.

Income Assistance

Change often takes place at a greater rate than to which the economy, through normal forces, can adjust. During such periods, people are often without a source of income. Also, many poor, both urban and rural, are unable to earn a living because of age, illness, or other disabilities. The Nation has long recognized this problem and, over the years, has developed a series of programs aimed at providing income supplements to needy people. Although initiated with good intentions, the existing welfare programs have evolved into a bureaucratic nightmare. They have done more to perpetuate than eliminate poverty. For this reason, the Committee strongly supports the proposed Family Assistance Plan. Welfare reform is long overdue and must be given highest priority by both Congress and the Administration. Although applying equally to both urban and rural people, welfare reform would serve as a basic element in the development of programs to improve rural America.

The Committee feels that the Family Assistance Plan must incorporate the following features. First, payments to rural and urban people should be equal except for adjustments in cost of living. Second, eligibility standards should be established at the Federal level. Third, all payments should be in cash; payments in kind, e.g., food stamps should be eliminated. Fourth, the Plan should be financed through the Federal tax system. Payment in excess of the Federal minimum or to people not meeting Federal eligibility standards should be financed entirely by State and local governments.

Job Training

Greatly improved educational and vocational training are needed so that rural communities can adequately supply skilled labor and encourage new industry and business to their communities. Effective programs must meet needs of both workers and employers. Rural areas are now getting only about a third of their fair share (based on population) of present manpower development and training programs. Rural residents should have better access to these programs. Such efforts as the Concerted Services in Training and Education (CSTE) and Operation Hitchhike, as well as the Education and Employment Service program, should be expanded to assure that those transferring out of agriculture and other rural residents have the opportunity to upgrade their skills and have access to the full array of manpower services.

Rural Industrial Tax Credits

An attractive tax credit on plant and equipment should be offered new industries which locate in rural areas. Such an incentive would attract more industries to rural America and provide job opportunities locally so residents would not be forced to migrate to other areas. The tax credit could be a flat rate for all rural areas, or it might be graduated upward as one moves away from the large metropolitan centers. An objective should be employment of a substantial portion of local labor in relation to the skilled labor which might be imported from outside the community.

Such tax incentive should be granted through the Federal tax system. Local communities have often given tax privileges to new industries only to find they have insufficient revenue to meet the increased demand for services-schools, sewers, streets, hospitals, etc. Since both urban as well as rural people will benefit from a more even distribution of industrial production in the United States, it seems only proper that both should share in the cost.

Rural Development Credit Bank

A credit system should be established to make credit available for construction of community services and facilities and housing. The credit should take the form of insured loans.

Research and Technical Assistance

Research on the complex problems of rural development should be encouraged in both private and public institutions. This research must be applicable to the problems of local communities. The rather limited amount of research directed toward rural development has been largely descriptive or fundamental long-term research generalized so that it applies to the numerous and various situation found throughout the country. While such research serves a useful function in the formulation of national programs, it is of limited value to individual rural communities.

Most rural communities cannot employ officials on a full-time basis who are capable of formulating and implementing long-term development plans. Lack of such technical support has placed rural communities at a distinct disadvantage relative to urban towns and cities. To help fill this gap, the Committee recommends that technical advisors trained in community planning be made available to rural communities. The organization and funding arrangements for this could be patterned after the system developed to provide technical assistance to farmers. The land-grant universities and other state colleges and universities should be made an integral part of the system.

National Growth Policy

To assure a sound pattern of development in rural America and proper use of natural resources, the Committee recommends development of a national framework for land use planning. The Committee believes it is the responsibility of the Federal government to analyze the various consequences of alternative growth strategies, choose among them, and delineate a national growth policy. All Federal programs, including tax policies, transportation, housing and urban development, resource conservation, and welfare, must be oriented toward attainment of the goals of that policy. To accomplish this will require a major, Federally coordinated analysis of natural and other resources we have available to meet existing and known future national needs. The approach suggested in the proposed land use policy legislation cannot do this kind of job. It does encourage a stronger state role in assuring land use planning on a local level—an essential first step. But it does not acknowledge the need for overall Federal guidance of growth and development.

Getting the Job Done

In this section, the Committee has reiterated an oft-repeated agenda for meeting the problems of Rural America. The critical issue is how to mark these agenda items "accomplished."

The Committee does not plan to suggest what specific agencies in government should do the jobs needed to upgrade the rural sector. However, a visible, specified, cabinet-level body or official must be designated to coordinate rural development efforts. Rural America must have a real voice with the power to assure that the voice is heard and heeded. Improvement of the rural sector must be a national goal affirmed by action programs designed to meet specific objectives. The Committee firmly believes that stronger national direction is imperative and, therefore, does not believe the Rural Community Development Revenue Sharing proposal should be the principal thrust toward improvement of the rural sector.

The rural emphasis we suggested here does not necessarily imply that existing Federal housing and planning programs be split into rural and urban components. But the leadership emphasis recommended, along with the rural directed programs suggested above, are essential to assure balanced consideration of rural concerns within the present Federal structure. Existing general programs are biased toward the urban sector. The Department of Agriculture, although it may speak for rural America, does not have the force of program options at its disposal.

A MOMENT IN AMERICAN HISTORY

(Mr. STAGGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, the distinguished Senator from West Virginia, the Honorable Robert C. Byrd, majority whip of the Senate, used this striking phrase at an impressive ceremony far back in the hills of our wonderful State last Saturday, June 17.

The occasion was the dedication of a permanent memorial to Nancy Hanks. The place was the birthplace of this remarkable woman. The sponsoring agency was the Historical Society of Mineral County.

Forty years ago a stone marker was set up on the site. But due to neglect it was difficult to find in open country. Recently a camp for young people has been established there, and arrangements have been made to assure the mother of Lincoln the respect that is due her.

Considering the difficulty of access, a large crowd assembled for the ceremonies. The Governors assistant presented a State flag, and it was my privilege to present a flag previously flown over the Capitol. Both will be on display at the site daily.

Senator Byrd's dedication address pointed clearly and forcefully to the significance of a moment in history. His address demonstrates that he has equal claims on our admiration and respect as an orator. Both his subject and his treatment of it should be of interest. I include it in the Record:

Speech by Robert C. Byrd, a U.S. Senator From West Virginia

Mr. Chairman, Congressman Staggers, ladies and gentlemen:

It is indeed a pleasure for me to be with you on this occasion, when we are gathered to mark a moment in American history. I have always thought it unfair that, throughout the ages, so many great women have been born to blush unseen, because of the brilliance and success of the men they mothered or married.

The whole world knows of the greatness of Abraham Lincoln. The world is very apt to forget that the qualities that made him great were born and bred into him. I am not a student of genetics, but Nancy Hanks, whose birthplace this is, undoubtedly had a major influence on President Lincoln's life.

Every American schoolchild knows that Abe Lincoln was born in a log cabin in Kentucky, but I wonder how many of them know that his mother was also born in a log cabin in what is now West Virginia? Most schoolchildren, if asked the question "What do you know about West Virginia?", would answer "Well, I know it produces a lot of coal." Most of them probably would know that this great State of ours is also one of tremendous natural beauty.

I wish it were possible for all of them—indeed, for every American—to be with us today in this beautiful setting. There comes to mind, William Shakespeare's lines in "A Midsummer Night's Dream":

> "I know a bank whereon the wild thyme blows,
> Where oxlips and the nodding violet grows
> Quite over-canopied with luscious woodbine
> With sweet musk-roses, and with eglantine . . ."

We are a far cry from Elizabethan England, but beauty knows no time.

In the quiet and peace of a spot like this, it is easy to ruminate on what has been, what is, and, hopefully, what will be. One hundred years is but a moment in the history of the world, but to us in this young Republic, it is half of our whole existence. When, at Appomatox, the clash of the armies was stilled, and an exhausted, but undaunted President was vindicated, the United States of America was set on a path of reconstruction and suffering at first, but later of progress and glory, the like of which the world had never seen. Though Abraham Lincoln did not live to enjoy even the beginnings of the glory years, the examples he set of courage, wisdom, and forbearance have inspired this nation for over a century. Here, where Nancy Hanks Lincoln is being honored today might be a most suitable place to pause, and ask ourselves if we have kept the trust which Lincoln and his mother left to us.

The story of pioneer America in the early nineteenth century is one of backbreaking toil, grinding poverty, and little, if any, immediate reward. To Nancy Hanks—as to almost all of her contemporaries—life was a constant struggle against nature, marauders, and the elements. Despite the dawn-to-dusk labors of men, women, and children, it was about all a family could do to feed and clothe themselves, and keep alive through the rigorous winters.

Yet, through all the deprivations and despair, those early Americans kept the flame of hope burning in their hearts; and through their strength of character, their dogged determination, and their love of God, they built for us who came after them, a magnificent legacy.

Nancy Hanks had no learning, other than the hard, practical lessons that every frontier woman and mother had to know to survive and to protect her children. Her husband, Thomas Lincoln, had little, if any, more. But Tom was a skilled carpenter and his reputation for competent, conscientious workmanship was known and appreciated.

Modern America—unlike the America in Tom Lincoln's time—has almost no place today for the dignity of work—we have built false values on the foundation of affluent prosperity. We look too often with disdain on the men and women who work with their hands, and who earn their bread in the sweat of their brow. We have forgotten what William Shakespeare knew, that "honest labor bears a lovely face . . ."

When Tom and Nancy Hanks Lincoln left Kentucky to journey to their new home in Indiana, they had nought but their two young children, some household possessions, and Tom's carpentry tools. But they had an abundance of faith, fortitude and love, and when, only a short time after the family had settled in their new home, Nancy Hanks Lincoln died, her legacy to her daughter Sarah and to her 9-year-old son, Abraham, was not of material things. Her parting words to her children were "Be good to one another, love your kindred, and worship God." These words, spoken in pioneer days in Indiana, one hundred and fifty-four years ago, might well serve as a motto for all of us today.

In his essay "American Crisis", Thomas Paine wrote "Character is much easier kept than recovered." The most insidious influence that erodes character is an over-abundance of life's material comforts and the sybaritic trappings of great wealth.

By the sweat of their brows, the skill of their hands, and the blessings of a bountiful Nature, Americans have enjoyed a standard of living unequalled in the history of mankind. We are a generous people, and we have shared our abundance with many peoples less fortunate than ourselves, but with all our generosity to others, our bounty has been so great that we have come to look upon the horn of plenty as having no narrow end and no bottom. Unfortunately, that horn has a bottom, and unless the riches that are taken from it, are replaced, it can become sadly depleted.

And I am not talking only about the riches of the flesh; the horn of American plenty has always contained great riches of the spirit—riches that were put there by our Founding Fathers and by generations of our forebears.

We must revive some of the staid old values of which most Americans have been rightly proud and for which the world once admired us. We must cast away the false values that have crept into our society and we must put in their place a renewed appreciation of the spiritual qualities that sustained Nancy Hanks Lincoln, her son Abraham Lincoln, and so many of their contemporaries.

In 1777, when the crisis had been met and overcome, Paine wrote "Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it."

Americans have supported that freedom through many crises—by the strength of arms and treasury. But most of all it has been supported by the character and the courage of the American people.

Our nation today is going through another crisis—a crisis of the spirit. It behooves us, always, to look to our military security. But it behooves us, equally, to look to the security of the spirit and of the heart.

We accepted an incomparable legacy from the generations of Americans who produced Nancy Hanks and Abraham Lincoln, and who built this country from a rich, but wild wilderness, into the colossus it is today. If we are to keep their trust, we must experience a recrudescence of the spirit; for only then will we have the flesh.

Nancy Hanks Lincoln will be remembered in history—not only because she bore and and nurtured the 16th President of the United States, but also because she personified so many of the sound human qualities that are bred in simplicity. She did not wave flags; she did not espouse causes or spearhead movements; she did not curse the darkness; but, in her own dedicated way, she lit whatever candles she could for her children and for her husband. She showed, as have so many others like her, that small, seemingly unimportant tasks, well done, are their own lasting monuments.

When, if ever, the history of the world, as we have known it, is written, there will be few words for the militants, the extremists, the demonstrators, or the flamboyant would-be revolutionaries. But history will save its finest chapters for the lowly woman who washed the feet of the Son of a carpenter from the tiny village of Nazareth, or the humble woman who mothered the son of a carpenter in the village of Elizabethtown, Kentucky, and others like them who, by their words and their actions, taught the world to "be good to one another, love your kindred, and worship God."

THE REVENUE SHARING BILL

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to comment briefly on the concept of revenue sharing and to express my intention to vote for H.R. 14370, the Federal revenue-sharing bill we are considering today.

The concept of revenue sharing is well known and the basis for its support is the desire to strengthen the role of local government in recognition of the maxim that it is the government closest to the people which can serve them best, providing it is efficient and has the revenues to meet responsibilities.

The revenue-sharing concept will effectively strengthen local governments by providing them with the necessary financial resources they need to do their job. All the good intentions of local government will be worthless unless backed up by money. Revenue sharing will provide the money.

Having served many years in local government, I am fully aware of its potential. However, I am equally aware of the fact that these governmental units have practically exhausted their sources of revenue. Property taxes, which have been the backbone of local governments revenue, have reached the point beyond which they cannot go. Passing this legislation will serve to broaden their tax base and can, with increased administrative efficiency, permit lowering of property taxes.

The time has come for a new redirection of the revenue allocation formula from the national Government to State and local governments. This new redirection will be coupled with a redirection of effort and responsibility to each community from faraway Washington.

People in a democracy demand effective and responsive government. They can most easily obtain it from the local level where they have the closest control.

The revenue bill before us today is not the one I have introduced nor is it the bill I would prefer to see enacted. It is not perfect. But, it is rare indeed when anyone can say a bill before the Congress is precisely and in each detail a perfect bill.

However, this bill will definitely initiate the revenue-sharing program. It will definitely provide much needed revenues to local governments. It will definitely increase the ability of local government to meet local needs with local solutions. And, it definitely should have the support of each one of us who believes in strengthening local government.

I have received many letters from mayors, city officials and county officials asking that I support this measure. I have received some letters opposing the legislation as it was approved and presented to the House by the Ways and Means Committee.

I am frank to admit I have some reservations about this bill and would have preferred the administration proposal as originally presented which Chairman MILLS has said he also preferred—in describing certain provisions of the proposal.

However, over the years I have consistently advocated the advancement and adoption of a new "Domestic Doctrine of the 3 R's—Rights, Responsibilities, and Revenues" in order to make the Federal system more efficient, responsive, and functional.

Further, with the mobility of our population and people "on the move," as a result of changing job opportunities, and the rapid improvements in our transportation and communications systems, we must recognize the need to supplement and broaden the tax base of State and local governments.

At the same time, the Congress must give more attention and serious consideration, in the very near future, to changing our philosophy away from categorical aid grants to consolidated revenue-sharing "block grants." This will minimize "redtape," eliminate the need for local "matching funds," leave the decisionmaking authority with local governments, save money, increase efficiency, and provide more return to the taxpayer for his tax dollar.

The time is long overdue for a tax structure and revenue allocation revision at all levels of government. It should be simplified, duplication in programs must be eliminated and wasteful, outdated programs should be abolished. We must do this if we, as a Nation—a federation of State and local political subdivisions—are to be competitive with other merging economic and political unions throughout the world. We cannot afford the inefficiencies of "bungling bureaucracies" if democracy in our Republic is to survive. This is the challenge that all elected officials face. This is what the people are demanding. Based upon my 17 years of elective experience, I know it can and must be done.

Shortly after my arrival in Congress some 10 years ago, I prepared, circulated and had adopted by the local officials and units of government a "home rule and tax reform resolution."

Inasmuch as this is historic and "landmark legislation", I want to read the contents and language of that resolution which was adopted, at that time, by all the counties of my First Congressional District in California.

It reads as follows:

RESOLUTION

Whereas, all local governments in the United States of America are firmly committed to the advancement of the principles of home rule and local self-determination; and,

Whereas, these precious principles of American local government are meaningless unless the counties, cities, school districts, and other special service districts concerned have available tax sources for financing local government functions; and,

Whereas, with home rule there invariably comes the necessity of home responsibility and the challenge of home achievement since the fulfillment of home rule does not involve the denial of governmental services to the people nor does it involve their being furnished at substandard levels; and,

Whereas, the common property tax is now the universally overloaded mainstay of local government finances with the inevitable result that self-sufficiency of local governments is seriously hampered; and,

Whereas, local governments need additional independent sources of revenue in order to enable proper home rule performance of governmental services; and,

Whereas, strong local government is the foundation of our Republic;

Now, Therefore, Be It Resolved by Cities and Counties of California's First Dist. that support is hereby expressed for the allocation of specific tax sources to local government; and,

Be It Further Resolved that support is hereby expressed for an immediate revision of the tax structure at the state and federal level with the single goal of returning tax sources to local units of government, thereby enabling said local governments to be more self-sufficient in their own right.

A SALUTE TO EDUCATION

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I rise today to join in a salute to education which is being led this week by the National Education Association.

It is, I believe, particularly fitting that those of us who are Members of the 92d Congress should this week be joining in recognition of the role that education plays in American life.

For, Mr. Speaker, earlier this month the House of Representatives approved and sent to the White House a bill which contains a variety of programs of immense benefits to American education.

This legislation, the Education Amendments of 1972, includes what I believe to be the most significant advance in Federal support for higher education since President Lincoln signed the Land-Grant College Act over a century ago.

The bill authorizes a new program of basic educational opportunity grants which entitles each student to $1,400 annually, less what his or her family can reasonably be expected to contribute.

The bill also creates a new National Student Loan Marketing Association to stimulate new capital for the guaranteed loan program.

Of particular significance, Mr. Speaker, is a new program of direct institutional aid to colleges and universities, both public and private.

The amount of assistance estimated to be provided under this new program is $1 billion annually.

In addition, the measure authorizes $40 million annually in emergency grants to institutions in severe financial distress.

Another provision of the bill provides institutions enrolling veterans $300 for each veteran enrolled and an additional $150 if the veteran is in a special or remedial program.

I should like, Mr. Speaker, to draw particular attention to another title of the Education Amendments of 1972, a title which authorizes a new National Institute of Education within the Department of Health, Education, and Welfare to support research and development at every level of American education.

As sponsor of this measure, which was originally proposed by President Nixon, I believe the National Institute of Education gives promise of significantly improving the quality of teaching and learning in our country.

The bill Congress passed also provides funds for community colleges, occupational education, Indian education, and a new program of grants to help schools facilitate desegregation.

In addition, the measure provides grants to colleges and universities to encourage reform and innovation in higher education and grants to encourage expansion of State scholarship programs.

I should also, Mr. Speaker, observe that the Education Amendments of 1972 provide for extending all existing higher education programs.

THE HATHAWAY AMENDMENT

So, Mr. Speaker, this 92d Congress has not simply saluted American education in words but in deeds.

Not only has this Congress shaped this extraordinary omnibus education legislation, but also has voted additional money for existing education programs.

Only last week, the House voted approval of the quality education appropriations amendment proposed by our able and distinguished Congressman from Maine, Congressman WILLIAM HATHAWAY.

The Hathaway amendment, which won strong bipartisan support, provides for appropriations beyond those requested either by the administration or the Appropriations Committee for a number of essential programs.

Benefitting from the Hathaway amendment will be elementary and secondary school libraries, public libraries, vocational education, children in school districts eligible for the title I Elementary and Secondary Education Act program to benefit disadvantaged children, and children who benefit from both the guidance and counseling, and supplementary programs.

In short, Mr. Speaker, Members of the 92d Congress can take great pride in the achievements and contributions of American education while at the same time making a significant effort to raise the quality of education and widen access to education for all the people of our country. The record shows that this Congress has not taken lightly its responsibility to education.

BANK TRUST DEPARTMENTS AND ECONOMIC CONCENTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN), is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, the growing domination of institutional investors—particularly bank trust departments—of the stock markets is posing serious problems for our entire economic structure.

Nothing is more important—in my opinion—than the question of economic concentration. The concentration of wealth and economic power in the hands of a few has been intensifying in recent years and it threatens to change our entire way of life.

In the coming political campaign, I sincerely hope that these issues will be discussed and that the new Congress and the new administration will be solidly behind efforts to regulate and control this power so that the public interest can be promoted and protected. I am hopeful that the Democratic Party will deal with these questions when it adopts its platform in Miami next month and when it nominates the next President of the United States.

Yesterday, I had the opportunity to discuss these issues at a meeting of the Trust Management Conference in New York City. Mr. Speaker, I place in the Record a copy of my remarks to this conference:

Remarks of the Honorable Wright Patman

This is an election year, and we are hearing lots of rhetoric about welfare reform, tax reform, the War in Vietnam, job programs, human rights and a multitude of other problems. All of these are important areas, well deserving of exposure in a national political campaign.

But, during this campaign, I hope that the American people will demand some fundamental answers to basic questions that have been raised by a rapidly changing economic structure. I refer to the question of economic concentration which threatens to transfer the real decision-making of this nation from the people to a handful of economic giants in the business and banking world.

If we continue on our present trend, we may develop a system of political democracy within—and totally dominated by—an overpowering economic dictatorship. The decisions which the people reach at the ballot boxes—and the decisions of the leaders they select—are becoming pale beside the more fundamental and vastly more far-reaching decisions being made by a handful of men in the board rooms of our largest banking institutions, and giant corporations, and conglomerates. They are consolidating power while the Congress, the Administration, and the American people sit passively by mouthing patriotic slogans about political democracy while losing this basic economic right.

These are admittedly strong words. They are intended to be. The problem is real and the trend must either be reversed now or the people of this nation must become reconciled to concentrated bases of power where competition will be lessened, choices limited, and the development of this nation stifled.

Unfortunately, the alarms about the growing concentration of economic power are being sounded primarily in obscure publications, by inadequately-distributed books, authored by a few courageous individuals. Seldom is the issue of economic concentration clearly spelled out in the popular press. The editors of our great newspapers have—in many cases—assigned technical journalists to the financial pages and much of the news appears as little more than sophisticated versions of corporate annual reports. But, whether the daily press, the television networks, and the mass circulation magazines report it or not, the trend is clearly evident.

At the end of 1971, the 500 largest industrial corporations in the United States accounted for 66% of all industrial sales, 75% of all industrial profits, and 75% of all industrial employment. Today, the top 366 corporations control more than 50% of industrial production in this Nation.

The Economics Division of the Federal Trade Commission a few years ago warned:

"If the present accelerated trend of merging nonrelated companies continues, all major economic decisions in the United States may be made by less than 200 persons within a decade."

And the way the trend has been snowballing, it appears very likely that this FTC projection will be well on the conservative side. Moving steadily with the concentration of the industrial resources has been the consolidation of power within the big banking institutions.

In 1966, the 50 largest commercial banks had slightly more than 44% of the deposits of all banks in the United States. By the end of last year, this figure had increased to more than 49% and the trend indicates that the 50 largest will soon control well over half of all the bank deposits in the entire United States.

These bank figures might not be so important if banks were actually banks. But nearly all of these large banking institutions are today the center of far-flung operations reaching into every segment of the American economy and in foreign countries. Through their trust departments, bank holding company operations, and their interlocking directorships—not to mention their vast loan-making powers—these banking institutions have a pervasive influence on every aspect of economic activity.

A few years ago, I had the staff of the Banking and Currency Committee survey 49 banks in ten major cities and there we found more than 8,000 interlocking directorships with more than 6,500 companies. More than 750 of these interlocks were with 286 of the 500 largest industrial companies in the United States. And substantially the same degree of interlocking relationships were discovered between these 49 banks and each of the 50 largest mechandising, transportation, utility and life insurance companies.

In a democracy, this is a startling concentration of power and decision-making in the hands of an elite few. These figures should be cause for deep concern by anyone who cherishes this great country and the concept of freedom and opportunity for all which it represents.

This growing concentration of banking resources and the increasing interlocks—and related ties—between banks and commercial enterprises, are serious threats to our concept of economic freedom. But the power represented by these developments may become insignificant when placed alongside the growing concentration of stockholdings controlled through the trust departments of major commercial banks.

Today, as this audience knows, there are more than $330 billion in bank trust assets in the United States. And 50% of this sum is held by only 20 bank trust departments. To carry this one step further, the figures reveal that the 50 largest bank trust departments hold more than two-thirds of the $330 billion. One trust department alone—the Morgan Guaranty of New York—holds more than $22.7 billion in trust assests—or 6% of the total bank trust assets of the 50 states.

About 40% of the $330 billion in the bank trust departments represents pension funds. Pension funds are growing rapidly and it may well be that this sector will top $300 billion in assets by 1980. The banks have grabbed a tight lock on pension fund management and, today, they control at least 70% of these assets. So for the future, the pension funds are going to be a source of great power for commercial bank trust departments.

Already the tremendous scope and concentration of the stockholdings in major trust departments is hard to describe or to exaggerate.

The public got the first real look at the magnitude of trust department stockholdings when the Banking and Currency Committee published its study in 1968. Recently, a few bank trust departments—obviously worried about the possibility of disclosure legislation—have finally released some data of their own.

I have had the staff of the Banking and Currency Committee analyze some of these figures so that we could calculate the percentage of stockholdings controlled by these trust departments. As examples, let's look at the trust departments of Morgan Guaranty and First National City Bank. The staff analysis—using the basic data supplied by the banks own trust departments—reveals that Morgan Guaranty controls: 16.3% of the common stock of Burlington Industries; 15.9% of Disney Productions; 10.1% of Masonite; 8.7% of Polaroid; 8.2% of Squibb; 8.1% of Avon Products; 5.7% of U.S. Plywood; 5.4% of Xerox and 5.1% of Westinghouse.

The staff calculated that First National City Bank's trust department controlled 7.4% of Phillips Petroleum; 7.6% of Texas Instruments; 9.5% of the Bendix Corporation; 5.9% of TRW, Inc.; and 5.9% of Xerox.

Remember, these are just two examples. And they are examples based on the banks' own data. This is only the tip of the iceberg.

Some may regard this as theoretical . . . removed from everyday practices in the banking world. But let's take the example of Penn Central. This is a real case—not theory.

JUST before Penn Central went bankrupt, 16 of that corporation's 23 directors were directors of 19 different banking institutions. 17 of the 30 largest stockholders of the Penn Central were bank trust departments. The bank trust departments had more than 22% of the Penn Central common stock. In addition, these same banks had hundreds of millions of dollars of credit outstanding to Penn Central and its subsidiaries.

I am convinced that many of the bad decisions made by Penn Central can be traced back to the close ties to the banking community.

Without question, the banks are deeply into the securities business and, without question, their investments have a tremendous impact on the stock market and the American economy. But the banks are grabbing for still more. They are hoping that they will be able to repeal—or sharply modify—the Glass Steagall Act passed in 1933 to provide a clear separation of commercial banking from investment banking and securities brokers. The banks are hoping that a lenient Federal Reserve Board will eventually come up with loose interpretations of the Bank Holding Company Act which allow them to slide into the securities business . . . the Glass-Steagall Act notwithstanding.

As you well know, the First National City Bank of New York made a direct assault on the Glass-Steagall Act when it set up a mutual fund business in the mid-1960's with the benevolent approval of the Comptroller of the Currency. Happily, the Supreme Court turned back this effort and ruled that the Glass-Steagall Act did indeed prohibit a bank from entering this aspect of the securities business. But the banks are not through and I think we will see continuing legislative efforts to over-turn this Supreme Court ruling.

The Federal Reserve has already permitted banks to become investment advisors to mutual funds on a limited basis. The banks have also used every political device imaginable to promote legislation which would permit them to underwrite municipal revenue bonds. More recently, the President's Commission on Financial Structure and Regulation—the so-called Hunt Commission—appointed by President Nixon in 1970—has recommended that commercial banks be permitted to make equity investments for their own accounts.

The pressure to expand the role of the commercial banks in the securities business is coming from several directions and it is backed by one of the nation's most powerful and best-financed lobbies.

The mere concentration of economic resources of this magnitude would be serious enough all by itself. But, the problem takes on even more sinister—and certainly more serious—aspects when the concentration is coupled with the monopoly and utility functions involved in the credit mechanism of commercial banks.

The entire nation—every part of the economy—depends on credit and the system works best when there is a free flow of credit unencumbered by the extra-curricular commercial and investment interests of the banking institutions.

When the banks are tied to commercial interprises through investments and holding company mechanisms, their loan-making judgments become distorted and these distortions can be highly detrimental to the banks themselves—not to mention to the commercial enterprises which are forced to compete with them.

All of the public relations handouts notwithstanding, it is absurd to think that the banks are going to ignore the investments of their trust departments when they face major loan decisions. It is equally absurd to think that a bank will ignore the needs—and the competitive problems—of its holding company subsidiaries.

This mixture of the credit function with the control of corporations can seriously affect the future of this Nation. For one thing, it could easily stifle the financing of much-needed innovations, of new companies, willing to use new ideas to meet the tremendous challenges we face as a Nation. We would soon find ourselves with all of the ills so evident in a non-competitive society—enterprise discouraged, development of new products disappearing, higher prices, inefficiencies, and sloppy goods. We would find a massive misallocation of credit resources

In short, the mixture of that all-powerful force—credit—and commercial enterprise—would be disaster for this Nation. There is only one solution and that is the firm separation of investment and commercial activities from those of banking. Anything short of that is just a facade which will not prevent the aggressive money center banks from moving forward toward total domination of the economy.

In fact, the entire area covered by institutional investors cries out for greater attention by the Congress and the Securities and Exchange Commission. In the past decade, institutional investor trading on the New York Stock Exchange grew dramatically from 33% to 60% measured by the number of shares traded. And from a purely dollar standpoint, the percentage rose from 39% to 68% in the same-ten year period from 1961 to 1971.

These figures pretty well demolish the tired old cliche about the wide dispersal of stockholding. While it may be true that a great number of Americans technically own shares, the real control—in most cases—rests with institutional investors.

All of this points to the need for new approaches to regulation both from a statutory and from an administrative standpoint. Frankly, the Congress, the S.E.C., the Bank Regulatory Agencies and the Executive Branch have failed to live up to their basic responsibilities in this area.

Today, jurisdiction over various aspects of institutional investments is scattered all over the Federal Government and we have no coordinated policy despite the growing importance of this element of our economy. The Department of Labor, for example, has extensive jurisdiction over pension funds. The I.R.S. maintains a semblance of regulatory power over privately-controlled foundations. The bank supervisory agencies get involved—in their own peculiar way—in the examination of bank trust departments. And, of course, the S.E.C. maintains its traditional regulatory role over some segments of the institutional investment community.

But with the growing importance of this area, we need something bolder . . . something more imaginative . . . something that would help move these tremendous investments into areas that would have a great impact—a beneficial impact—on the Nation's economy.

I feel that the time has come to coordinate all aspects of regulation of institutional investors and to upgrade the role of the Securities and Exchange Commission for this purpose. I would give the S.E.C. original jurisdiction over all elements of the institutional investment community—foundations, pension funds, bank trust departments, and all the others . . . the entire range. Obviously, such an approach—to have meaning—would have to go beyond the traditional S.E.C. regulatory role.

It is my intention to give them broad supervisory powers, and—when necessary—to control and direct investment. I would do this not only to protect the money being invested, but also to protect the broader public interest in maintaining a competitive enterprise system. To accomplish this, S.E.C. would have to establish a special Division with expertise—and a public interest character—going beyond the nuts and bolts of the securities business.

Institutional investors—by definition—are dealing with other people's money. And this fact alone points to the need for greater supervision than would be true in the case of private investments being made solely by individual investors. But the over-riding consideration in this proposal is that institutional investors represent a tremendous and powerful concentration of investments and this area simply must be controlled for the broad public interest.

Nonetheless, I recognize that the coordination of all of these functions within S.E.C. would be a mammoth undertaking. I do not underestimate the political difficulties in accomplishing this.

But speaking just to the question of one element of the institutional investment community—bank trust departments—I think there are at least nine basic points which must be considered in any regulatory legislation. I think we must concentrate on legislation which would:

1. Retain and strengthen the strict legal separation between the commercial banking function and the investment banking function.

2. Separate the trust department activities of commercial banks from the purely commercial banking functions of deposit-gathering and lending.

3. Require that banking institutions remain essentially in the banking business and resist any attempts to permit a broadening of their activities into non-banking areas.

4. Maintain a strict enforcement policy in applying the antitrust laws to banking in order to maintain and increase competition.

5. Press vigorously for antitrust enforcement in the area of trust management, where in some parts of the country, one or two bank trust departments have a virtual monopoly.

6. Eliminate all interlocking relationships, such as stockholdings and personnel, among competing financial institutions, i.e., among commercial banks and between commercial banks and insurance companies, savings and loan associations and mutual savings banks.

7. Restrict the percentage of aggregate investment by any single bank trustee in any single major corporation so that undue influence or control will be impossible to achieve.

8. Examine the desirability of eliminating interlocking personnel relationships between commercial banks and all major nonbanking corporations.

9. Examine in detail for possible legislative action the role that commercial banks play, through the granting of loans, in fostering increased concentration and reduced competition in other industries because of the power to grant or withhold credit; and the extent to which banks play a significant role in promoting major corporate mergers through loans and other relationships with the companies involved.

These are just a few of the areas where we need to move—vigorously—to instill a public interest factor before these giant trust departments—and the banks to which they are attached—become so politically and economically powerful that regulation will be impossible.

The chances for passage of strong trust department regulatory legislation are good in the next Congress—with one great big "if" involved. The success obviously will depend on an Administration which believes in a competitive enterprise system and which is willing to go out and fight the big corporate and banking giants to keep it competitive.

There is no need to belabor the point or launch into a partisan diatribe here today, but the fact is on the record that the Nixon Administration has taken an extremely easy view of Federal regulation. . . . And no where has this been more evident than in the banking field.

And I imagine that these facts would be much easier to dramatize for the American public if the Administration consented to lift the Iron Curtain of Secrecy which surrounds the political contributions to the Nixon re-election campaign this year. The Campaign Manager for the President tells us that it's none of the public's business who gave the $10 million to the campaign before the new political disclosure law became effective. But the areas I have discussed here today are some of the reasons why it is indeed important that we know who bankrolls this Administration, and any other administration.

In my opinion, nothing is more important than this question of growing economic concentration. It is something that I hope the Congress—and the next Administration—are going to deal with firmly—like the very life of the American economic system depended on it.

SALUTE TO EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, at this time, as we participate in a salute to education, it is essential that we consider the purposes of education, for in our modern era these have often been forgotten.

During my years as a university history professor, I considered it essential to help young people think for themselves and to provide them with the tools essential for this task. Basic tools in this effort include an understanding and appreciation of the values, heritage, and tradition of the American society and of western civilization.

Education in this sense, which is the basis upon which our public and private schools, colleges, and universities were established and under which they have flourished, is essential for the proper functioning of a republic. Unless citizens are informed and educated it is impossible for them to make the important decisions which, in a republic, average citizens are called upon to make. In this sense, education and political freedom go hand in hand. It is difficult to conceive of the one without the other.

Yet today students on campuses throughout the country are demanding that education be made "relevant." They claim that the colleges and universities are far removed from the needs of society, that their years of learning are essentially a cloistered unreality.

It is, as a result, important to consider the question of what is really relevant education.

Addressing the graduating class at Amherst College several years ago, Dr. Kenneth B. Clark, Negro psychologist and professor at the City University of New York, made an impassioned defense of what he termed "nonrelevant" education. He called on colleges to recognize the needs of those who did not seek immediate relevance in their studies—students whom he called the forgotten men of the present ferment of campus confrontation.

Clark stated:

> It is from these perverse lonely nonrelevant educated persons that a practical society receives antidotes to a terrifying sense of inner emptiness and despair. From these impracticals come our poets, our artists, our novelists, our satirists, our humorists, who, because of their perspective of education and their restless search for insights, continue to try to educate us. They make the life of the thinking human being more endurable and the thought of a future tolerable.

What do students mean when they raise the question of relevance? Relevant to what? What they ought to mean, perhaps, is "relevant to wisdom," though many think only of "relevance to current affairs." The notion of "adjournment to modern society," however, may not be relevant to what we have traditionally called higher learning.

In his novel, "Scott-King's Modern Europe," Evelyn Waugh's hero learns by a summer's experience of modern society that it would be infinitely wicked to teach young men to adjust to life in the modern world. Russell Kirk notes that—

> To adjust to the age of the mass state, of the concentration camp, the secret police, and injustice triumphant, would be sin and shame. The higher learning is not meant to inculcate conformity to passing fad and foible, nor necessarily to present domination and powers. It is intended, rather, to reveal to us the norms, the enduring standards, for the person and the republic. Adjustment to abnormality is ruinous policy.

Modern technology alters so rapidly that, as Peter Drucker has pointed out, the college and university cannot possibly keep abreast of industrial methods. What higher education should do is to discipline the intellect so that it may be applied to future productive processes as to many other matters. "The truly relevant things in a college are the permanent things," in T. S. Eliot's phrase. They are the body of knowledge not undone by the machinations of the world.

Is such an education "relevant"? Dr. Kirk states that:

> If a formal education does not bear at all upon our personal and social difficulties today, of course it is a sham and worthless; in that, the students of the New Left are quite right. But no modern authors are more genuinely relevant than are Plato and Augustine today. Preoccupation with the passing pageant is merely the sort of "relevance" which the big commercial book clubs sell; and college and university were not endowed for that purpose.

As we join in today's salute to education, let us reflect upon its real meaning and real value for a free society. Hopefully, that meaning and that value will endure, for within it rests all hope for a future which learns from the errors of the past, rather than a future which closes its eyes to history and is, as a result, condemned to repeat such errors. Education was meant, at least in part, to save us from this.

TO CONTROL THE DISSEMINATION OF PORNOGRAPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, all of us are familiar with the report of the National Commission on Pornography in which a serious weakening of our pornography laws was urged. I, and a number of Members of this body and the Senate, rejected this report with the feeling that, if anything, our pornography statutes must be strengthened. However, many court decisions have restricted the area in which States and the Federal Government can effectively operate to control obscene material.

The Commission urged a complete reform of our pornography statutes. I reject this view. If the Federal statutes on obscenity are to be changed, they should be made more effective. Throughout the judicial revolution of the past 15 years, one premise continues to be upheld by the court and that is that obscenity is not protected by the first amendment. Recently, in the case of *Stanley* v. *Georgia*, 394 U.S. 557 (1969), the Supreme Court held that States have a right to control dissemination of obscene material without countermanding the first amendment. Furthermore, the decision stated:

> As we have said, the States retain broad power to regulate obscenity; that power simply does not extend to mere possession by an individual in the privacy of his home.

The leading case in this area is *Roth* v. *United States*, 354 U.S. 476 (1957), in which the Court stated that obscenity is not protected speech within the guise of the first amendment. Mr. Justice Marshall in the recent Stanley decision strongly stated that the principles enunciated in the Roth decision had not changed. Further, the courts, in the case of *United States* v. *Reidel*, 402 U.S. 351 (1971) ruled that the Congress constitutionally can prevent the mails from being used to distribute pornography based upon the fact that the Congress has the right to exclude noxious articles from commerce.

It has been a long-standing principle in the United States that the Federal Government has the right to help States in the preservation of their internal control by preventing the use of the mails or interstate commerce from transporting material which they would label contraband. This is the basis for obscenity laws at the National as well as the State level.

Recognizing that moral standards as to what is and what is not obscenity vary throughout the Nation, I feel that the law should be flexible. For that reason I am today introducing legislation which would provide that in any prosecution for the shipment of obscenity in interstate commerce in a Federal court, the determination of fact as to whether or not a material is obscene will be based upon the findings of a jury, without comment by the court upon the weight of evidence relevant to that question. The jury trial can be waived only upon agreement of both parties.

The second part of my bill would amend the United States Code to prevent the judicial review by any court of the United States with respect to any conviction in any State or subdivision thereof of any case regarding dissemination of pornography. Federal courts would be prevented from reviewing, reversing, or setting aside the determination by State courts as long as the State court acted within the bounds established by the U.S. Supreme Court in 1957 with regard to the Roth and Alberts cases.

Mr. Speaker, with the enactment of this bill, I believe that a great deal of the uncertainty with respect to the control and dissemination of pornography would be eliminated. Furthermore, this would assure that States would be able to internally control the dissemination of pornographic material under the rules set down by the Supreme Court.

SALUTE TO EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, it is with great pleasure that I rise to join my colleagues in praising the men and women who provide our children with the finest educational opportunities in the world.

The teaching profession is unique in that it is both the custodian of the history of our civilization and at the same time the incubator of our future. The commitment of individual teachers to the principles of free and rigorous inquiry, open discussion, and respect for other peoples' opinion, upon which our society has been based, is reflected and multiplied in the attitudes of their students. We owe these people a great deal and will continue to depend on them in the future.

We have come a long way from the days of Charlemagne, whose national educational goals were to teach all the adult males in his empire to predict the seasons and be able to tell time by the sun. The amount of information required for an adequate education has exploded in the last century and continues to expand at an incredible pace. Young people today must learn hundreds of things for everyday use that were unknown a few years ago.

I am pleased to see the fine job that is being done and look forward to working with our educators in preparing for the even greater task ahead.

A SALUTE TO EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, the American people have always believed that education is the well spring of national greatness. In recent years they have reaffirmed that traditional faith by giving greater support to their schools than any nation at any time in human history.

Our country's investment in education at all levels has risen steadily over the past quarter century until it now represents about 8 percent of the gross national product. This year it will exceed $85 billion—a rise of $28 billion in the past 5 years. We are now spending about $900 per pupil in average daily attendance in public elementary and secondary schools—more than double the amount we spent per pupil only 10 years ago.

We have greatly increased our human as well as our monetary commitment to education. Today education is the primary occupation of more than 63 million Americans—almost one-third of our population. More than 60 million students are enrolled in our public and private educational institutions. Three million Americans are serving as teachers and an additional 200,000 as principals, supervisors, and other instructional staff members.

It is much more difficult to measure improvement in the quality of our schools, but there is no doubt in my mind that we are getting a good return on our expanding investment in education.

Our teachers are better trained and better paid than ever before, and over the years there has been a continuing improvement in the ratio of teachers to pupils in the classrooms of our public schools. This year there are approximately 22 pupils for each teacher as compared with 25.6 pupils for each teacher a decade ago.

Young Americans today spend more time in school than any previous generation. More than 75 percent of our boys and girls graduate from high school, a rise of about 25 percent in the past two decades. The number of students enrolled in institutions of higher education has more than doubled since 1962. Over the same period, the number of bachelor's degrees conferred annually has also doubled, and the number of master's and doctor's degrees awarded each year has tripled.

American education has also progressed in many ways less adaptable to statistical measurement. We are focusing much more attention on the special educational needs of many people who have too often been neglected in the past: the physically, mentally, and emotionally handicapped; the economically disadvantaged; members of minority groups whose cultural and linguistic heritage has hitherto been given insufficient consideration and respect; adults who must adjust their occupational skills to the changing demands of a technological society. We are developing better methods of assessing the effectiveness of educational programs and better ways of disseminating promising new educational concepts and practices.

As chairman of the House Appropriations Subcommittee for the Departments of Labor and Health, Education, and Welfare, I have been closely concerned with our national investment in education and the progress of our educational system. It is with a special feeling of pride and affection that I salute American education for its long record of continuing contribution to the welfare of our people and the strength of our society.

Mrs. HICKS of Massachusetts. Mr. Speaker, it is my pleasure to join with my colleagues in a salute to education and, in particular, to commend the National Education Association for its dedicated efforts for quality education in all our educational systems.

Prior to my election as Congresswoman from the Ninth Congressional District in Massachusetts, it was my privilege to serve as a member and chairman of the Boston School Committee from 1962 through 1967. In 1963 when I was chairman of the Boston School Committee, it was my extreme pleasure and privilege to place in nomination the name of Dr. William H. Ohrenberger as superintendent of the Boston Public Schools. Happily, he was elected to that high office. He has served in that position with high distinction ever since.

On August 31st of this year Dr. Ohrenberger will complete 8 years and 8 months as superintendent, and 42 years as a teacher and/or administrator in the Boston Public Schools. It is now my personal pleasure to pay tribute to this remarkable man and to catalog some of the great works of his 42 years of dedicated service to the school children of the city of Boston.

I wish to read into the Congressional Record some of the highlights and accomplishments of the 9 years of Dr. William H. Ohrenberger as superintendent of the Boston Public Schools:

The 9 Years of William H. Ohrenberger

It was a typical understatement when Dr. William H. Ohrenberger addressed the headmasters, principals, directors, and other administrators of Boston's schools in spring conference for the last time recently after nine years as Superintendent of Schools, and he said in part: "We shall leave with a sense of accomplishment.

The facts are that the records show that the Boston Public Schools have changed, expanded, and developed during the years of Ohrenberger leadership perhaps more for the better than in any previous decade of the city's history.

It seemed almost like the leaving of a legacy when the Superintendent said at the start:

"We are on the threshold of a school building program that not only is the nation's biggest, but is probably without equal in the world. We can be proud of the work that went into the opening of our four new schools last September, and the planning being done now for about 15 more schools to open within the next two years. By 1975 we are scheduled to have 75 new schools at a cost of over $300 million. If all that comes to pass, our Boston school district by then will be the envy of the educational world."

It was the Superintendent's purpose in that meeting of May 26 to review the school year currently ending and to provide specifics for September's reopening.

He talked with obvious pride of the several new programs activated since last September, particularly the Flexible Campus and Flexible Admissions programs which, like so many others developed over the past eight years, were the nation's first of their kind.

He talked also of some of the other "firsts" which now await fulfillment by others besides himself in the months and years immediately ahead.

Next September, Boston will open its first Central Food Facility with a capacity of providing 40,000 pupil lunches for daily distribution to the schools without their own kitchens. "Because of its modern automated equipment," Dr. Ohrenberger said, "this great facility will serve as a model food processing center for other major school systems."

Also next September, Boston will introduce two pilot programs which eventually will involve every future pupil citywide. One is the Right to Read program to be initiated next fall at three new open space schools. The other is yet to be announced publicly, a pilot program at the Jefferson School in Roxbury to serve as a test-ground preview for the spectacular new $23 million Occupational Resource Center scheduled to open in about two years and start providing every high school student citywide with a saleable skill.

The Jefferson will be occupied by 380 students selected from several high schools, and by 40 special education students. Curriculum will be based on training for occupations in the paramedical field,, including Hospital Assistant, Medical Secretary, and Dietary Aide. Teachers, counselors, principals and others, meanwhile, will be profiting from training and orientation in preparation for opening of the nation's first citywide Occupational Resource Center.

So it was that Dr. Ohrenberger talked of programs and facilities that are of the new and the now. Many of them are both unprecedented and unmatched nationwide. It remains for us, at this point, to look back and review some of the accomplishments of the Boston schools since Dr. Ohrenberger became Superintendent in October, 1963.

They went like this—year by year:

1963–1964—Started with new and strong nationwide emphasis on teacher recruitment coupled with sharp increase of student teachers. Began enrichment programs for the disadvantaged two years in advance of federal funding. Established pilot programs in Development Reading, and Pupil Adjustment through Guidance. Introduced Modern Math and Advanced Work Classes for Junior High students. Of great portent, and typical of many 'first steps' which later led to nationwide leadership, was a pilot program establishing a class for pre-Kindergarten children.

1964–1965—The drive for a library in every school citywide opened with creation of libraries in three junior high schools. The 40,000-pupil lunch program mentioned above was preceded in 1964–65 by inauguration of a bag lunch program in five schools. Senior high Guidance was expanded, and was introduced at the Junior high level. The Vocational Technical Institute, soon to be reestablished as a part of the citywide ORC, was opened in 1964. Also important was introduction of "Operation Second Chance," the Stay-in-School Program which was the forerunner of Boston's much-copied and nationally-famed Work-Study program at Boston High School.

1965–1966—This was the year Congress passed the Elementary and Secondary Education Act. The former tokenism of federal funding became much more than that. So Boston greatly expanded its already two-year-old program of Education for the Disadvantaged. Highlights included establishment of a Department of Compensatory Services, the first Work-Study program geared to former dropouts, beginnings of the Model Demonstration Subsystem, new classes for non-English speaking pupils, and creation of the Office of Program Development. Physical fitness activity began for the retarded. Boston initiated its State Department School-to-School Project with San Salvador.

1966–1967—A citywide kindergarten I and II program was implemented. And Boston is still the nation's only major city offering that great service for the four-year-olds citywide. The now highly successful School Volunteer Program had its beginnings. This was the year when administrative leadership was decentralized with appointment of six new Assistant (or Area) Superintendents to service schools in six separate city areas. Associate Superintendents then were able to concentrate on other important assignments.

1967–1968—The Individual Progress Programs, prelude to today's individualized teaching, were expanded to ten schools. A new course in Law was given at Dorchester High. Education for the disadvantaged was expanded greatly with increased federal funding. The National Teacher Examination was allowed as a substitute for the Boston exam. Teacher candidates then soared to a record 2,005 from 35 states at a time when other major cities were still opening school with a lack of teachers.

1968–1969—Boston's great building program came 'out of the ground' with opening of the now nationally-known elementary magnet in Roxbury, the William Monroe Trotter, Boston's first new school in years. Tradition was broken with introduction of classes for English as a Second Language. Also new were the first classes for Bilingual Education. The Department of Curriculum Development was created. Teacher candidates reached another record at 2,129. And a dream became reality as 52 members of the first Advanced Work Class of 1962 won scholarships to 27 major colleges.

1969–1970—The Building Program shifted into high gear with announcement of the 38 new schools to be built by 1975—26 elementary, five middle, six high schools, and a postgraduate business school. The Work-Study school produced its first 16 graduates in a September ceremony, then 61 more in June, 1970. The computerization of records for all Boston pupils was completed with addition of records for 57,000 elementary and kindergarten children. The new Curriculum Development Department activated five new curriculum guides and pushed ahead on seven others.

1971–1972—This was the year of the Boston School Department's greatest administrative reorganization in history. The Deputy Superintendent became directly responsible for operations of all schools with the Area Assistant Superintendents reporting to the Deputy. New assignments were given to the five Associate Superintendents involving their concentration on the following major fields of modern education and management: Educational Planning, Staff Training and Development, Special Services, Curriculum and Instruction, and Personnel. The six Area Assistant Superintendents were vested with increased authority to strengthen policies of community involvement and decentralization.

Also in 1971–1972—The Building Program featured opening of two truly modern elementary schools, the Joseph Lee and the John Marshall. The departments of Science, Audio Visual, and others moved to the newly-built Patrick T. Campbell Resource Center, a long-needed multi-service facility for all schools. The library program, introduced in three schools seven years earlier, now included 81 schools.

When Superintendent Ohrenberger had his final season-closing chat with his full family of citywide administrators he must have reflected upon all of the scores of happenings which were the hallmarks of his nine years as Boston's school leader. But on that day he talked only of the happenings of today and the plans for tomorrow—the way he usually talks.

Sentiment? At a time like that, and after 42 years as a teacher and/or administrator with the Boston Public Schools, saying "goodbye" to so many compatriots and good friends would be difficult for anybody.

Deputy Superintendent Thomas F. Meagher said it for Superintendent Ohrenberger and for everybody present when he closed the meeting by saying:

"Ladies and gentlemen, I am sure I can say that the respect and affection that all of you have for Bill Ohrenberger will remain in his heart forever."

Mr. ABBITT. Mr. Speaker, the National Education Association is today sponsoring a salute to education which seeks to emphasize the importance of education through a free society.

Certainly education—both public and private—has played a tremendous role in the development of our Nation and we can be justly proud of the significant achievements which our schools have made in preparing our citizens to assume their rightful responsibilities.

Each of us is a product of our total experience in life and all of us recognize the role which education has played in our lives. I am especially pleased to pay honor to the thousands of conscientious educators who daily go about their task of imparting knowledge and providing the needed inspiration for learning in classrooms all over America.

Frankly, although I take pride in the past and current achievements of education in America, I am greatly concerned over its future. We have made great strides in providing facilities, books, and other implements of education and more money is being spent today on our schools than ever before in history. Ironically, at the same time that we are building up the machinery of education, we are suffering a tremendous letdown in the morale of our schools. In large measure, this can be directly attributed to preoccupation of the Federal Courts and HEW with senseless attempts to remold and remake our public schools in order to satisfy the whims and fancies of minority pressure groups.

On this occasion I trust that those who seek the ongoing and improving of our public schools will at the same time recognize that we must not destroy the basic foundation of that which has served us so well for so long.

Mr. ROYBAL. Mr. Speaker, education in America has undergone considerable critique and reform in the last decade. Important themes have emerged: the need for individualized teaching methods, equal education for all children, stress on early childhood learning, and community and parent education.

One problem that continues to plague us is the high dropout rate among low income children. Too often these children are programed for failure under our present school system; they lack adequate educational opportunities and services. The persistence of this problem has convinced educators to develop teaching methods tailored to the specific needs and talents of each student. But all of these reforms and concerns need our strong support.

Mr. Speaker, I ask my colleagues to join with me in saluting those who have worked to better our educational system and to provide equal opportunities for all children.

Mr. POAGE. Mr. Speaker, the character if not the very survival of a nation, and indeed mankind itself, is dependent on the educational process and the men and women in the education profession.

On this day designated for a salute to education, it is befitting to pay tribute to outstanding educators. None I have known has left a more lasting and uplifting impact than Dr. Samuel Palmer Brooks, who served as president of Baylor University in Waco, Tex. A lasting memorial to him is his inspirational message to the Baylor class of 1931, delivered shortly before his death. It follows:

Dr. Brooks' Message

This, my message to the Senior Class of 1931. I address also to the seniors of all years, those seniors of the past and those seniors yet to be. This I do because I love them all equally even as I love all mankind regardless of station or creed, race or religion.

I stand on the border of mortal life but I face eternal life. I look backward to the years of the past to see all pettiness, all triviality shrink into nothing and disappear. Adverse criticism has no meaning now. Only the worth while things, the constructive things, the things that have built for the good of mankind and the glory of God count now. There is beauty, there is joy, and there is laughter in life—as there ought to be. But remember, all of you, not to regard lightly nor to ridicule the sacred things, those worth while things. Hold them dear, cherish them, for they alone will sustain you in the end; and remember too that only through work and ofttimes through hardships may they be attained. But the compensation of blessing and sweetness at the last will glorify every hour of work and every heartache for hardship.

Looking back now as I do, I see things with a better perspective than ever before and in their truer proportions. More clearly do I recognize that God is love. More clearly do I understand the universal fatherhood of God. More clearly do I know the brotherhood of man.

Truths do not change. The truths of life which I learned as a student at Baylor have not varied, nor will they vary. I know now that life has been a summary of that which was taught me first as a student here. As my teachers have lived through me so I must live through you. You who are graduating today will go out in the world to discover that already you have touched much of what the future holds. You have learned the lessons which must fit you for the difficulties and the joys of the years to come. Then hold these college years close in your hearts and value them at their true worth.

Do not face the future with timidity nor with fear. Face it boldly, courageously, joyously. Have faith in what it holds. Sorrow as well as happiness must come with time. But know that only after sorrow's hand has bowed your head will life become truly real to you, for only then will you acquire the noble spirituality which intensifies the reality of life. My own faith I have had in life is projected into this vast future toward which I travel now. I know that I go to an all-powerful God wherever He may be. I know that He is a personality who created man in His image. Beyond that I have no knowledge—no fear—only faith.

Because of what Baylor has meant to you in the past, because of what she will mean to you in the future, oh, my students, have a care for her. Build upon the foundations here the great school of which I have dreamed, so that she may touch and mould the lives of future generations and help to fit them for life here and hereafter. To you seniors of the past, of the present, of the future I entrust the care of Baylor University. To you I hand the torch.

My love be unto you and my blessing be upon you.

Mr. CEDERBERG. Mr. Speaker, "free schools," "parochiade," "busing," "teacher tenure," "property tax relief"—the list goes on and on. The field of education is in turmoil, some say in the middle of a revolution. Many of the issues promote opposing factions which lash out at one another with vengeance. However, everyone, even the most antagonistic foes, agrees on the importance of the product—education. The very energy, intensity, and earnestness which people exhibit demonstrates this. It is the methods or the means to the end, not the end itself, on which they differ.

It has been said, "To learn is to change and education is a process that changes the learner." Those involved in education have the opportunity and the responsibility to help make possible these changes and channel them into positive and desirable directions.

Our schools rank with the church and the home among our most cherished institutions. The transfer, expansion, and refinement of knowledge and skills are important in all aspects of our lives, although the burden falls most heavily upon these three institutions. June 21 has been designated to salute education and I would like to extend my appreciation and commendation to the teachers, administrators, parents, clergy, and others who have dedicated themselves to helping others learn and grow.

Let us look back on the accomplishments of education in America. Education has helped us grow from 13 colonies, where vast numbers of the population could not even read, to a federation of 50 States which has virtually wiped out illiteracy and become the most influential nation in the world. The "New England Primer" and "McGuffey Reader" have given way to slide rules, tape recorders, and closed-circuit television sets. Along with such advancements have come higher productivity in agriculture and other industries, faster communication and transportation, and many other technological advances. Education has helped make it possible to virtually end the fear of polio and other dread diseases, to bring all corners of the world into almost every American home via television, and to put Neil Armstrong and nine others on the surface of the moon.

Also, let us look forward to the future and the increasing need for more and better education. As our world becomes more complex, so must our education. Our increasing technology, larger population, and longer life spans have created problems that will be even more difficult to solve than those of the past.

In 1957 sputnik shocked the Nation into providing education in greater quantity, especially in the physical sciences. The years ahead will undoubtedly focus more on the quality of education in addition to the quantity. The emphasis will be on the social sciences and the arts as well as the physical sciences. Man has developed weapons so powerful that he can destroy himself. Opposing sides may have to develop increasingly more sophisticated weapons in order to maintain a "balance of power," but they will also have to learn how to understand one another and communicate with each other.

We are at a point where we cannot take education for granted. As long as people want anything, they will have to learn how to satisfy those desires. This requires more education, not less. An American statesman once said, "All the ills of democracy can be cured by more democracy." It can also be said that all the ills of education can be cured by more education.

Mr. BURKE of Florida. Mr. Speaker, the National Education Association is having its salute to education today to emphasize the importance of education in our free society. I am pleased to join in this salute.

The Congress, since I have been a Member, has continued to increase Federal expenditures for education. In fact, the total overall figure spent on education in fiscal year 1971 was $12.7 billion and in fiscal year 1972 it is expected that it will be $13.5 billion. In addition, the sweeping Higher Education Amendments of 1971 which was passed by Congress on June 8 of this year, will greatly expand the role of the Federal Government in higher education, and will mean more millions to colleges and college students across the Nation.

There is a popular song that goes:

> Only in America can a kid from anywhere go to sleep a pauper and wake up a millionaire. Only in America can a kid without a cent get a break and maybe grow up to be President. Only in America, land of opportunity. . . .

The United States has always been a place where dreams can come true. The third-best American dream after "Anyone Can Be President" and" Anyone Can Make a Million Dollars" is, "Almost Anybody Can Go to College."

It is a credit to the educational programs of this Nation, that by 1970, 80 percent of all 17-year olds went through the 12th grade in high school. Further, the 23.9 percent enrollment of all 20 to 24-year olds in higher education is the world's high for those enrolled in higher education. Today, 50 percent of our 18-year-olds enter college, however, only about half of those attending 4-year colleges receive a degree.

Nevertheless, these figures show that, quantitatively, our elementary and secondary schools are reaching almost all youth in this country. When we consider other countries, or even our own country several years ago, we can more clearly see the magnitude of this achievement. The fact that we have one common language is an unparalleled feat in world history. We are a nation of immigrants, yet we can all understand each other because we have a common language. Most other nations are plagued with numerous languages and dialects which greatly impede communication between their peoples. Europe, for example, has never been unified and a large part of the reason is the inability of its people to communicate.

The price of this accomplishment is high. Total expenditures—National, State, and local—of public elementary and secondary school systems in 1971 to 1972 was $46,804,382,000. This figure is awesome, yet when it is examined, it means an average nationwide expenditure for elementary and secondary day schools per pupil per year of $867.

The theme in education today has shifted from "teach everyone" to an emphasis on improving the quality of the education to those attending public schools.

In recent years public schools have been the focal point of much sociological progress. Our Nation entered into the middle third of the 20th century bound to the past in the mores of caste and class. The white race, being the majority, was dominant while the Negro Americans, Mexican Americans, Indian Americans, Oriental Americans who were in the minority were given less than the more prosperous majority. Education beyond a fairly rudimentary point was largely determined by social status. However, in just a third of a century these circumstances have been extensively changed. We do owe the responsibility to improve the quality of education not by having better schools in one area than in another, but instead by a concerted effort to have uniformly good schools throughout the Nation.

In closing, let me say also that the job that has been done by American educators, for the most part, is unparalleled in world history. Their impact on all of our lives has been, and continues to be, tremendous. No other group has more say about the future of America, or its commitment to a free society, than they. They will have a tremendous effect on our children who will build it. Let us all hope they will use this power of influence with honesty and fairness, so that the future of America will be bright for all.

Mr. THONE. Mr. Speaker, there is no more valuable way to invest our resources than in education. That is not to say that all funds used for education are great investments. We sometimes make mistakes in the field of education, just as we do in all other fields.

Those mistakes are most apt to occur, I believe, in connection with investments for school plants and equipment. A school building and a teaching apparatus that serve perfectly when new may soon become out of date. In contrast, the qualities that make a schoolteacher excellent as he or she enters the field are the same attributes that mark a distinguished teacher near retirement age. If one of the truly great teachers from the classic age when Athens was the center of knowledge could be transported to a modern classroom, he would remain a great teacher, in my opinion.

In our society, compensation is the best way to attract outstanding people to our field. If you accept that as truth, you will have to agree that we have not been serious about giving a high priority to education. In many communities throughout our land, there are occupations requiring a high school education or less that provide more income than a teacher's salary. Our teachers, of course, must not only have an undergraduate degree to enter the field, but must continue to advance their education during summer recesses. Our teachers do not have just a classroom day. The best teachers are involved in extracurricular activities before and after school, nights and weekends. Our teachers must work at least as many hours outside of class in order to be prepared to do their best during the hours before their students.

With others, I join in a salute to education. Let us give thanks to all schoolteachers. Particularly at this time, I want to pay tribute to the 1,100,000 elementary teachers and the 900,000 secondary teachers in the classrooms of our public schools. Let us not just salute our teachers with words, we need to give concrete evidence that we regard those who teach our children as among the most valuable people in our lives.

Mr. TEAGUE of California. Mr. Speaker, the National Educational Association is holding today a "Salute to Education." In honor of the occasion, I would like to say a few words.

The quality of public education in America has historically been an inspiration to educators around the world and a source of great pride for our people. Our element of this pride has been the fact that education has traditionally been one of the few public activities reserved for the local community—where local control and local initiative have been most highly valued.

As the Nation's population has grown, however, so have the educational needs of the Nation, and with the growth has come an increasing strain on the resources of the local communities. Whereas 50 years ago, less than 20 percent of all Americans over the age of 25 had completed high school, today that figure has risen to over 50 percent—and the percentage rises with every graduating class. With over 50 million American children now enrolled each year, our school system offers virtually every American child the chance to go to school and to learn the skills he needs to live in our increasingly complex world.

The financial strain of supporting this monumental task has led local communities to break with tradition and turn to the States and, ultimately, to the Congress for assistance. We legislators have responded by showing our willingness to become more deeply involved than ever before in the Nation's educational system—and, I think, rightly so. We have just passed, after lengthy debate, the Education Amendments of 1972, which promise to be a landmark in Federal legislation concerning all levels of education. Next year, we will be reconsidering the Elementary and Secondary Education Act and and other legislation bearing more directly on the work of teachers in the public schools. Because of acts such as these, higher education has been made readily available to students from middle-income and low-income families, thus further broadening the range of educational opportunities offered to the American people.

Our effort to assure the continuing quality of public education has not been without its difficulties. Busing, the practice of shuffling 3 percent of our children around like pawns in a chess game, has been a particularly emotional issue in the debate over the future role of the Federal Government in education. I believe that the education acts passed this year have outlined a realistic way of dealing with this problem.

Above all, I believe that none of us who are in any way involved with education, from legislators to teachers, should not allow marginal issues to cause us to lose sight of the central issue, which is the goal of maintaining the traditional excellence that has characterized our public schools. As Dr. Wilson Riles, California's superintendent of public instruction, has emphasized over and over again, education exists not for the legislators, nor for the parents, nor for the teachers, but for the children. We must all work together to assure the quality of the education that our children will receive today and tomorrow.

Mr. QUIE. Mr. Speaker, I am happy to join my colleagues in this "Salute to Education."

Education's influence over a child is exceeded only by his home environment. America has recognized the importance of schools in training our children.

In terms of money, we spent last year approximately $48 billion for elementary and secondary education nationwide. I am very proud to come from Minnesota where the educational system is outstanding. Last year, 93 percent of those who entered the ninth grade graduated. Our dropout rate is significantly below the national average. Our students have always come out at the top of those taking the military entrance examinations.

Minnesota educators and its citizens recognize the need to expand educational opportunity beyond college preparation and have developed a superb system of post secondary vocational-technical schools. More needs to be done in this area to expand curriculum offerings in the secondary schools to cover a wider range of career opportunities.

In a school system, the teacher is the most important element. I looked at my own educational experience and can recall teachers who were extremely helpful. Each one that I remember best took a special interest in me and helped me learn on a 1-to-1 relationship. I am happy to see innovations in educational methods emphasizing the 1-to-1 teacher-pupil relationship. I hope that this trend will continue to grow. I also hope that we will soon see the time when every teacher will visit in the home of every one of his or her students so that there will be free and easy communication between parents and teachers. This relationship is also essential if the maximum amount of learning is to take place.

In conclusion, I commend educators for their dedication, the advancements they have made in American education, and look forward to continued improvement.

Mr. EDWARDS of Alabama. Mr. Speaker, for a few minutes I would like to express my thoughts on education in this great Nation of ours.

It has been said that only the educated are free. Recognizing that there are many ways to become "educated," I would add that only the educated can realize the full measure of their potential. Only the educated can completely shoulder the responsibilities of a democracy. Only the educated can enjoy the rights and privileges of a free society to the maximum extent. Only the educated can provide the leadership which the demanding present and the challenging future require.

Opportunity has always been one of America's noblest and most attractive characteristics. For this concept to have real meaning, however, each citizen must be equipped with a sound education. As long ago as 300 B.C., Plato noted that—

> The direction in which education starts a man will determine his future life.

There is no doubt that, many centuries later, a man's education is still the launching pad of his life.

A recent study has pointed out something we have always known: that merely funneling more and more money into our educational system is not enough. Certainly, we must provide adequate resources to our schools, but along with the money must go greater efficiency and productivity. We must make every education dollar count.

Despite the great successes of our educational system, there are many areas in which it can be strengthened. We need more leadership from educators, parents, and governmental officials. We need to become more aware of the career needs of our Nation and gear our educational efforts accordingly. We need to give our students the formulas along with the facts and the ability to transform raw knowledge into wisdom, the capacity to change information into tools which can be used in daily life.

Our present educational system is one of the best in the world. It is a firm foundation on which to build a system which will insure that future America will be equipped to deal with a complex, ever-changing society. It can be the crucible in which the exciting ideas of tomorrow can be tested and refined.

The thousands of dedicated educators with which our Nation is blessed deserve a special word. These are the people who make the system work and who will, I am confident, provide the leadership and direction to continue and surpass the educational successes of the past.

So, Mr. Speaker, it is fitting that the Congress should take part in a salute to education.

Mr. J. WILLIAM STANTON. Mr. Speaker, June 21, 1972, has been designated "Salute to Education Day." At this time it is clearly appropriate to review some of the highlights of the progress of education in America which make this day worthy of recognition.

Americans today enjoy the benefits of the largest, best-funded system of education, and the widest selection of educational opportunities of any society on earth. The percentage of adults who have completed at least 4 years of high school in this country has increased from 13.5 in 1910 to over 54 at present; while over the same period college graduates have grown from 2.7 percent to over 10.7 percent of the population. Meanwhile, adult illiteracy has been reduced from 11.3 percent in 1900 to less than 2.4 percent.

Today in the United States one's educational opportunities are virtually limited only by one's ability and ambition, and the advantages of postsecondary education are being enjoyed by proportions of our youth which are approached by no other nation.

Thus, as our spending for education has risen from 3.1 percent of our gross national product in 1929 to approximately 8 percent today, we have reaped rich rewards for our financial generosity to education. The expense has been enormous, but has been more than fully compensated in terms of both the personal growth of our youth and the more tangible benefits to the entire society resulting from their skills and talents developed in our institutions of education.

Mr. HICKS of Washington. Mr. Speaker, since today the National Education Association is holding a "Salute to Education," I am proud to call to your attention an outstanding program underway in my congressional district. It is my great pleasure to outline the features of this unusual program.

Office of Education funds are helping to change an entire school district in suburban Tacoma, Wash. The Franklin Pierce School District, in its second year of a $5 million grant, funded under Public Law 89-10, title IV, is assembling proven innovations from throughout the Nation into a single school district. At present the Franklin Pierce plan features:

First, individualized education programs for most project school stduents;

Second, school operation 210 days annually;

Third, interim month and fifth-day program, allowing student interest and ability to determine attendance hours;

Fourth, environmental programs teaching students in 23 adjacent outdoor education areas;

Fifth, international education programs providing 150 students opportunities to participate in foreign culture "live-in" experiences;

Sixth, K-12 vocational programs starting with "hands-on" craft programs in elementary schools; "occupational versatility" or "career choice" programs in junior high school; and "work experience" programs requiring demonstration of successful job performance prior to graduation for senior high school students;

Seventh, student assistance for teachers in program development including dozens of academic "mini" courses in drug education, lifetime sports, and occupational education; and

Eighth, a color televised class in contemporary world programs allowing students a choice of classroom or home studies.

The Federal grant pays initial startup and training costs of each program and general district funds provide major program operation costs, with a total being accounted for under a new project-developed program budget system, known as cost-efficiency-quality ratio which relates costs per student hour to variables of achievement, interest, and attitude.

Mr. NICHOLS. Mr. Speaker, I come before my colleagues today in this Chamber with a salute to education and the important role it plays in the future of our United States. Before coming to the Congress, I served on the board of education in my hometown of Sylacauga, Ala., for some 15 years and have seen dedicated teachers and administrators bring about quality education for our children.

The challenge of educating and preparing the leaders of tomorrow is quite a responsibility and those who have served most diligently are to be commended for their dedication and devotion to such a meaningful cause.

History will bear out the great technological gains and scientific gains made in the United States since its very creation and together with our keen sense of competitiveness, our children of today are coming out of school with an awareness of the world we live in which far surpasses high school and college graduates in my day. This vast progress is quite remarkable and deserves high recognition.

Mr. Speaker, my three children all attended public schools and I honestly believe that this public education, which serves the majority of Americans, should be maintained and strengthened in quality—for American education is quality education—taught by quality educators and it is my personal belief that if our country is to maintain its strength and progressiveness, we must give high priority to the betterment of the education of our young.

Mr. ROUSH. Mr. Speaker, I most recently received a request from the National Education Association that I contribute my thoughts on education and its importance to our society and in our world. Permit me to quote at length from a speech I gave little more than 2 months ago. Since these words were unsolicited, I believe they take on special weight:

> A continuing priority of mine has been education. The whole concept of a democracy is based on the belief that man is malleable, improvable, educable; that he can learn and can change himself and his environment; that the will of the majority if preferable to the will of one person or a few people. Given that presupposition, it is infinitely desirable that that majority be educated and informed.
>
> Moreover, in a technological society, education is the key to economic progress and success, for the individual and for society. I perfectly agree with the late President Kennedy's statement to those of us in Congress in 1963 when he was encouraging passage of education legislation. He said:
>
> "For the individual, the doors to the school house, to the library and to the college lead to the richest treasures of our open society: to the power of knowledge—to the training and skills necessary for productive employment—to the wisdom, the ideals, and the culture which enrich life—and to the creative, self-disciplined understanding of society needed for good citizenship in today's changing and challenging world."
>
> That quotation deserves a great deal of thought. It is not simply rhetoric or vague philosophical musings. It is the reason behind, the practical basis for supporting education in our society. Education is the ingredient that dissolves prejudices and intellectual isolation and helps us live together. Education trains men and women in the verbal and physical skills necessary to live in and progress with a technological society. Jobs, human relations, social stability, economic progress, political maturity, all depend on the quality of education in our society.

Education is perhaps the single greatest gift man can give to man. I feel this belief is embodied best in an old Chinese proverb:

> Give a man a fish, he will eat a meal;
> Teach him to fish, he will eat forever.

But education does even more than make it possible for man to "eat forever." Education insures man's place and makes possible the role he must play.

Mr. BELCHER. Mr. Speaker, this evening there will be an important symbolic event taking place here in the Nation's Capital entitled a "Salute to Education."

I have always felt very deeply about the educational process in our country. The classroom provides a forum for discussion and learning and is an important foundation for the years that follow in a young person's life.

To me "education" should be thought of in terms of the Webster's dictionary definition "act or process of educating; discipline of mind or character through study or instruction; also a stage of such a process or the training in it."

Therefore, with each passing day a person receives an education and it should never be thought of as being confined to written material or within the four walls of a classroom. The aforementioned are tools by which people—old and young—are aided in their quest for knowledge.

We are so fortunate in this country because we have great "tools." Every child in the United States has an opportunity to further expand his or her knowledge.

I suppose that one of the major reasons that I am so proud of this country's educational opportunities is that I have always been very close to our school systems. My father served on the school board, then I served on the school board before I had the privilege to come to the Congress of the United States, and my son has followed suit and is a member of the school board at this time.

Therefore, I am proud to "salute education," but in closing I want to caution that persons should never accept that the learning process is confined within the four walls of a building. Life itself is, in fact, the best education. The classroom is an important starting point and it will require the sincere dedication of men and women as teachers for generations to come so that we may insure that our young people receive the proper forum for their educational processes.

Mr. WHITEHURST. Mr. Speaker, I note that on this day a "Salute to Education" is being made by the National Education Association. On this occasion, I am reminded of the great debt that I owe to my public school teachers, who prepared me not only for a career in higher education but also for the responsibilities of good citizenship. I had many such teachers, but I particularly recall two men who played an important role in my early life. One is the now retiring superintendent of schools, Mr. Edwin L. Lamberth, and the other, Mr. W. Harry Norris, a longtime teacher in the high schools of Norfolk and now an administrative supervisor. Both of these men have remained close personal friends of mine for more than 30 years. I recall so well not only the effectiveness of their instruction but also their emphasis on intellectual honesty and the strong motivation which they kindled in their students. Nearly two generations of young people have had the benefit of their talents, and I am certain that my own success, as well as the success of countless other men and women in my city, is based on the molding influence of Ed Lamberth and Harry Norris.

And so, Mr. Speaker, as we salute education today, I reflect with gratitude upon the splendid teachers who gave me the foundation on which I could build my life.

Mr. ANDERSON of Illinois. Mr. Speaker, I think the importance of education both to human development and to society was best summed up by the poet Wordsworth when he wrote, "The child is father of the man." That is why societies throughout history have invested so much in educating their young; and that is why our own country today is probably providing its young with the best education in the history of man.

This past school year in the United States, there were over 48 million pupils enrolled in elementary and secondary schools, being taught by over 2 million teachers at a total public expense of nearly $47 billion. We indeed owe a debt of gratitude to all who are involved in this vital educational process in our country.

I have long felt that a dynamic educational system is especially essential in a democratic system such as ours which is so dependent upon an enlightened and informed citizenry, and from our very beginnings, this has been this country's approach to education. When the Frenchman, Alexis de Tocqueville, visited America in the early 1800's he observed:

> They (the Americans) have all a lively faith in the perfectibility of man, they judge that the diffusion of knowledge must necessarily be advantageous, and the consequences of ignorance fatal; they all consider society as a body in a state of improvement, humanity as a changing scene, in which nothing is, or ought to be, permanent; and they admit that what appears to them today to be good, may be superseded by something better tomorrow. (from *Democracy in America*)

Mr. Speaker, this is the spirit and the quality which has made American education the vital force it is in our democracy, and I am confident that it is this spirit which will characterize our approach to education in the future.

Mr. ESHLEMAN. Mr. Speaker, I would like to take this occasion to join others of my colleagues in paying a special tribute to education.

I have had the opportunity to be a participant in our educational system in several different roles—as a student, as a teacher, and as a legislator assigned to committees dealing with our schools. During the time of that participation, education has grown in many ways.

More children are in our schools today than were when I was a student, partially because there are more children, period, but also because educational opportunities are greater.

More public money is devoted to education today than when I was a teacher, partially because the need is greater, but also because we have recognized that quality education demands higher expenditures for better facilities and personnel.

More is expected of education today than when I first began considering it as a legislative matter, partially because our society has demanded more of the kind of training that only the schools can provide, but also because we have consciously decided to assign educators child-rearing duties that were previously reserved for other sectors of our society.

To recognize these trends of recent years is not necessarily to endorse each of them. But the recognition brings with it the realization that any such phenomenal growth brings with it growth pains. Education has been no exception to the social rule that rapid growth leads to compounded problems. However, the educational community has handled its modern problems better than most of the other social institutions faced with the crisis of change.

The fact that more children than ever before are receiving a better education than ever before stands as a tribute to our school systems and the people who make them work—school boards, administrators and, above all, teachers.

The fact that more money is available to finance the kind of schools that the times have demanded is a tribute to the American people who have been willing to dig deeper into their pocketbooks so that quality education could become a reality.

And the fact that more is expected of education today is a tribute to its success in doing so well in the past that there has developed a faith in its ability to do more.

We can be proud of American education, past and present. If we are willing to face up to the challenges presented by and to education today and meet those challenges responsively and responsibly, we can look forward to pointing to our schools, our teachers, and our students with additional pride in the future.

Mr. HILLIS. Mr. Speaker, during this past year, I have spoken to numerous high school government classes and have seen, firsthand, educational systems across the Fifth District of Indiana.

What I have seen impresses me and encourages me greatly.

I have seen teachers trying whole new approaches to make their subject—in this case, government—seem alive and very real to their students.

I have seen students really "turned on" to what they are studying. Not sitting back and waiting for class to end while reading outdated government texts—they are forever doubting, questioning, punching holes in dubious assumptions.

I have seen complete closed-circuit TV and audiovisual systems being run by students. I have seen creative and artistic designing of school buildings. One of our newer high schools has a unique students commons area complete with its own art gallery.

All this represents quite a change from the days in which I was in high school—and I endorse these improvements wholeheartedly.

To many people, such innovative items seem extravagant or not worth the cost. Why are such items needed, just to teach the three R's, it is asked. Why? Because education is changing almost daily, to keep pace with the innumerable changes of a modern world—and help prepare our children better for the world of tomorrow than we were prepared for the fast-moving changes of today.

Mr. HATHAWAY. Mr. Speaker, it is a pleasure to join my colleagues in this "Salute to Education."

Aristotle once said:

> All who have meditated on the art of governing mankind have been convinced that the fate of empires depends upon the education of youth.

Over 2,300 years later it can be said again, with just as much meaning—especially in a democracy such as ours. The most important and most legitimate reason for widespread education is that the people in a democracy are the ultimate guardians of their own liberty.

The American education system of the past 195 years has brought our country to a pinnacle position among nations. It has enabled us to conquer the far reaches of space; unlocked the mysteries of the atom; made goods abundant; given us television, computers, and other marvelous inventions.

Such happenings as the precision-engineered moon landing have demonstrated what intelligence, determination, and money can accomplish. Ironically, it has also highlighted man's failure to clear the slums, stop the wars, offer equality to the deprived, and make the commuter trains arrive on time. The key to meeting these challenges of the future is the same as the key we used to solve the problems of the past: Education.

Improving education and making it freely available to all our people is the surest way to break the cycles of poverty, crime, welfare, and blighted opportunity that prevent us, as a nation, from achieving the best that is in us.

Expanding educational opportunities will, of course, take money, and will require more Federal financial support. This can be justified both in terms of fiscal relief to hard-pressed State and local governments trying to finance education, and in terms of the soundness of an investment in education. The World War II GI bill of rights is a clear example of the economic returns that can be expected from Federal investment in education. A good estimate is that the return through increased Federal taxes paid by veterans who enjoyed higher earnings as a result of having benefited from the GI education bill amounts to $100 billion—not a bad return on an investment of $12 billion.

The House acceptance last week of my amendment to increase Federal support for education represents another step toward providing adequate resources to secure educational opportunity for all of our people. I sincerely hope that the House action marks the beginning of a new and continuing national commitment to helping produce the educated men and women who are the most valuable natural resource of this and every society.

Mr. RODINO. Mr. Speaker, to view the world through the eyes of a child, as all of us who are parents can testify, is indeed a very special experience. The wideeyed openness, the boundless energy, the deep curiosity, the laughter, the tears, the excitement of each new discovery—all these feelings and actions have filled the lives of our children and have brought to us a wealth of fond memories.

I recall, however, the words of William Wordsworth in his "Ode on Intimations of Immortality From Recollections of Early Childhood" in which he states:

> Heaven lies about us in our *infancy*,
> Shades of the prison house begin to close in upon the growing boy,
> But he beholds the light and whence it flows he sees it in his joy.

These thoughts, so clearly expressed by Wordsworth, strongly capture the importance of the educational environment of our society today.

For the mind of a child and the potential of all our children for development, for learning, and for understanding lies open, flexible and unbounded during the first years of life. This potential must not be stifled. "The shades of the prison house" must not be allowed to close in upon the growing child. All opportunities for quality education, for exposure to new ideas and for the study of all aspects of life, history, and culture must not be denied him.

There is no easy road which points directly and quickly toward the successful attainment of this goal. Yet a great deal has been accomplished, a number of changes have taken place, new theories have been discussed, tested, and acted upon and the opportunities for the continual development of additional approaches and programs are constantly illuminating the fact that the light which Wordsworth describes does glow for our children. I, therefore, join with my many colleagues and friends in recognizing today, June 21, in a special salute to education in our Nation.

Mr. ANNUNZIO. Mr. Speaker, it is a great pleasure for me to join today in this special "salute to education." I have had a long association with education in its many forms, and have followed it throughout its trial and successes for over 30 years. I have watched it grow and I have watched it respond to the changing needs of each new generation of Americans.

Today, I must admit, the public schools of this Nation and of my own home city of Chicago bear little resemblance to the schools in which I began my career as a teacher. Subjects are taught which I would never even have imagined. Teachers are held in a new respect—and are beginning to get the financial rewards which they so richly deserve. Students, too, are gaining a new role and a new sense of responsibility for the conduct of their schools.

I do not mean to belie the weighty problems which beset our public schools. Dire financial needs trouble the schools of big cities like Chicago, as well as many other schools throughout the land.

But the U.S. Congress has enacted in the recent past landmark legislation to help resolve these problems and to meet the financial needs of our schools.

During my 8-year record in the Congress, I have consistently voted in support of legislation to provide better educational programs and facilities for America's schoolchildren, and especially, to improve the quality of education for all our children. Among the bills I have supported are the Elementary and Secondary Education Act of 1965, the National Vocational Student Loan Insurance Act of 1965, the Health Professions Education Assistance Amendments of 1965, the Higher Education Act of 1965, the Veterans Readjustment Benefits Act of 1966, the Library Services and Construction Act Amendments of 1966, the International Education Act of 1966, the Adult Education Act of 1966, the National Foundation on the Arts and Humanities Act, the Education Professions Development Act of 1967, the Public Broadcasting Act of 1967, the Elementary and Secondary Education Act Amendments of 1967, the National Foundation on the Arts and Humanities Amendments of 1968, the Handicapped Children's Early Education Assistance Act of 1968, the Higher Education Act Amendments of 1968, the Vocational Education Amendments of 1968, the National Center on Educational Media and Materials for the Handicapped Act of 1969, the Emergency Insured Student Loan Act of 1969, the Elementary and Secondary Education Act Amendments of 1970, the Environmental Quality Education Act of 1970, the Drug Abuse Education Act of 1970, and the Health Manpower Act.

When I began my career as a teacher, the schools of America were called upon to respond to a grave challenge—the Second World War. They met that challenge. In 1940, there were 25 million children enrolled in the Nation's public schools. These schools employed 875,000 teachers and spent just under $2 billion a year on current expenses. Today the public schools are entrusted with the education of over 46 million children, employ more than 2 million classroom teachers, and spend nearly $40 billion a year on current expenses. It is estimated that some 2,700,000 young Americans will graduate from our public high schools this year, more than twice as many as in 1940.

This expansion and improvement of the Nation's public schools has not come in easy times. At the same time as the schools faced a rapidly rising school age population they were called upon to extend their services to more of the people—to further the goal of quality education for all American children. By and large, the schools—that is, the men and women who serve our children every day in classrooms across the Nation—have met the challenge. They richly deserve our gratitude and our continuing support.

Mr. LLOYD. Mr. Speaker, the Salute to Education being observed by the National Education Association today, affords me a welcome opportunity to add my voice to those of many other of my colleagues who are joining NEA in today's observance.

The occasion is particularly significant for Utah which has a proud educational tradition that dates back to the first Mormon settlers who came to Utah in 1847. One of the first tasks undertaken by these hardy pioneers was the establishment of an educational system for their children.

Today there are 305,746 students enrolled in private schools in Utah out of a total population of just over 1 million. Utah citizens rank No. 1 in the Nation in median school years completed by persons 25 years of age and older. This average is a remarkably high 12.2 years of schooling.

Utah ranks very high in its educational load and very low in its ability to finance education. Consequently, the effort put forth to support public education in Utah is considerably above regional and national averages. This presents Utah with the challenge of obtaining superior results from fewer funds.

Since 1950, total school expenditures in Utah have risen by $190.1 million, an increase of 6½ times over the 21-year period. The per capita State expenditures for all education in Utah in 1970 was $239.70, fifth among the 50 States.

Although the evaluation of school achievement is still largely a subjective matter there are a number of evidences showing Utah to rank high in the amount and quality of education provided. In addition to leading the Nation in the amount of education completed by the adult population, Utah also ranks high in the proportion of its population having graduated from college, in fact during 1970, 4.7 percent of Utah's total population was enrolled in public colleges in the State. Also, the percentage of Armed Forces inductees from Utah successfully passing the required mental qualification test is above the national average.

A 1971 survey of Utah high school graduates revealed that students in Utah have developed a strong appetite for learning and self-improvement. Of a total of 19,158 graduates, 76.5 percent indicated an intention to pursue some form of post-high school education. A total of 61.5 percent indicated the intention of attending college, 9.3 percent indicated a vocational school as their intention, and 4 percent stated business school as their preference.

Throughout our history, the American education system has been a cornerstone of the Nation's social structure. The quality of a nation can be measured by the quality of its education and by its educators. There is no profession which offers greater opportunity to do good—no professional entitled to more respect, than the teacher who meets his great challenge with intelligence, reason, and pride. I offer my own sincere salute to American education and to the educators of America.

Mr. COUGHLIN. Mr. Speaker, the best possible education for the greatest number of people has always been a foremost goal of American society. Today, through the generous expenditure of approximately $65 billion each year, we have the best and most broadly educated citizenry in history.

The benefits of our education system have been incalculable but clearly enormous. It has taught the technological skills which have made us the most industrially sophisticated nation on earth. And, more importantly, it has nurtured the understanding, tolerance, and humanity necessary to wise leadership in a country governed by the people. Without the critical minds and democratic ideals developed in our schools, a free and open society would be impossible to sustain.

Yet, while we may be gratified by our past successes in education, we may not now relax our efforts. Business and industry will demand graduates who are continuously better prepared to meet the requirements of their increasingly more complex technologies. The market for "unskilled" labor will soon be nonexistent. Meanwhile, the accelerating growth of our Nation has resulted in unprecedented social problems which threaten the maintenance of our political and intellectual freedom. The challenges are unparalleled, yet so are the potential benefits and, as always, Americans will place primary faith in education as the means toward meeting them.

Mr. HANNA. Mr. Speaker, I would like to take this opportunity to offer my congratulations to the National Education Association for encouraging a constructive and critical look at our American system of education. It should be acknowledged that as we approach in 1976 our 200th birthday as a nation, it is really in this century that the idea of a universal free education opportunity has become a reality. In a dynamic and swifty changing century no segment of our national life has grown more dramatically nor changed more radically.

In my appreciation of our great institutions of education, I have the view of their cumulative effort as providing for the demands of our people and the challenges of our times a mighty reservoir of talent from which all other activities of our society must draw for their streams of effort, be these cultural, scientific, industrial, commercial, or governmental. Such quality and performance as each achieves is in large part a reflection of the motivation and development of individuals whose preparation for contribution was provided by our educational elements.

Congratulatory kudo's, however, are not sufficient to contribute critical and constructive comment. It is clear that the level of satisfaction the public entertains for present performance particulary in public schools has suffered some erosion. Education as well as all the streams of human activity it feeds, must adjust to requirements not yet crystal clear. We believe it would be helpful to have a redefinition of education articulated. Such an undertaking should cut us free from the lingering emphasis of the past century, and hopefully, provide some flexible base of vision for the century just ahead.

What is education? A many splendored thing, true, but these things at least include:

First, a source of strong support for the mastery of the skills of communication in a present-day, moving society.

Second, an exposure to past knowledge deemed important enough to be used as the basic materials for improving these skills.

Third, development, motivation, and inspiration of the individual's learning processes.

Fourth, some fundamental preparation for the social, economic, financial, and employment opportunities and requirements in the society in which the individual will be expected to function.

Fifth, the development and nurturing of an appreciation for standards and values for living however arrived at and wherever set.

Sixth, the encouragement and creation of a critical state of mind.

Education has done much and must like us all go forward with the challenge of change and do even more. We the friends of education and enjoyers of all of its fruits and works must support with funds and assist with our efforts the desired future.

Mr. DANIELS of New Jersey. Mr. Speaker, on June 21, the National Education Association is holding a "Salute to Education." I think it only fitting, in honor of this occasion, to reaffirm the values which have provided the foundation upon which our educational system has been predicated.

We are a nation of immigrants. In the past two centuries millions upon millions of poor and homeless people, the world over have come to our shores with dreams of creating a new life. Perhaps the most important part of this dream has been to provide for their children the education which they, of the Old World, were so often denied. Many have realized this aspect of their dream, but just as many have been denied.

We have always prided ourselves on our way of life, claiming the opportunities were there but it was up to the individual to avail himself of them. The fallacy of this type of reasoning becomes increasingly clear every day.

In this century alone, we have seen the so-called privilege of a college education rise from the status of luxury to that of a necessity. And yet, too many young men and women are still denied admission to college for financial reasons or because the training they received on the primary or secondary levels has proven woefully inadequate.

It is our duty, here in Congress, to provide the means to relieve these conditions. Surely in the wealthiest nation in the world, a nation which spends billions for weapons of destruction, we can find the resources to assure every individual a quality education. The defense of this country, its future prosperity, its very existence lies in the hands of its youth. It is up to us to insure that they will be prepared to meet the challenges which await them.

Mr. RONCALIO. Mr. Speaker, as many of my colleagues are aware, today the National Education Association is sponsoring a salute to education. The United States offers the best public education in the world for its youth in both elementary and secondary school levels. But there is still a good deal of room for improvement.

At a time when education is breaking out of its traditional mold in order to prepare our children for a complex society, innovation is of the essence. Better equipped physical plants, sufficient educated teachers, stimulating academic programs, and a myriad of other criteria are essential to the well-being of our educational system.

Presently, local and State sources of revenue which insure the success of these goals have been absorbed to their saturation point. Collectively, the States were forced to increase their revenue resources by 9.7 percent or $1,691,384,000 between the 1970–71 and 1971–72 school years. Local communities had to expand their available funds for public education by 5.8 percent or $1,337,942,000 over the same period. The Federal Government supplemented these educational demands with only a $176,876,000 increase for the same 1-year timespan. Total revenue receipts for our Nation's primary and secondary school systems equaled $46,644,623,000 in 1971–72 which reflects a 7.4-percent increase over the previous school year. Total expenditures, however, exceed total resources this year by $155,759,000, a sum almost equal to the increase in funds by the Federal Government from the immediate previous school year to the present.

It is with sadness that I note the priorities for allocation of Federal budgetary funds. The $3,305,707,000 which was appropriated for primary and secondary school systems in 1971–72 is dwarfed by an incredibly excessive defense budget. The recent SALT agreements supposedly would make available limited funds for nondefense Government-endowed programs.

But already the Secretary of Defense is predicting increased expenditures for further development of strategic arms. The Indochinese war carries a daily price tag which denies the necessary support for essential domestic programs in public education. How many white elephants must be mounted before we realize all of our responsibilities to the well-being of our citizens and support that realization with constructive action?

I applaud the National Education Association's salute to education. I would hope to answer that salute with a positive response by this lawmaking body which will insure the best possible education for our youth of today. They must face the challenges of bettering themselves, their country, and their world tomorrow. We must help them succeed.

Mr. LINK. Mr. Speaker, an educated citizenry is a vital asset and a necessary requisite to insure the growth and survival of an advanced and changing society such as ours. Free and universal public school education has become a hallmark of the American tradition. In light of this, I would like to join the National Education Association in recognizing and honoring the great accomplishments our Nation has made in the realm of education.

We, as legislators, parents, and citizens, have reaped immeasurable benefits from this commitment. In return, this fact demands that we fully dedicate ourselves to perpetuating and extending our free educational system.

The classroom in our public schools is a forum for the transmission of knowledge. Book learning is but one facet of the knowledge involved in the educational process, which in and by itself falls short of fulfilling the total educational needs of our people individually or collectively. Total education embodies an infinite variety of processes directed toward the full development of every individual. Education, regardless of approach or methodology, attempts to stimulate, train, and cultivate the mind, body, and character of each student so as to create a framework in which each one will hopefully achieve the realization of his highest potential.

As we progress further into the 20th century new theories of approach and wider varieties of curriculums are appearing at an ever-increasing rate. Therefore, our commitment to education now will render returns multiplied many times over in the future.

Mr. HALPERN. Mr. Speaker, as another school year draws to a close, it is certainly fitting to look back and salute this country on its fine educational endeavors. Education has been part of America's tradition since colonial times. In 1647 the Massachusetts Bay Colony set up a system of community supported schools, thus bringing into existence the first public school system in the world.

This system is one of which we should be especially proud, for it has been a guiding force in the shaping of our country. During the founding days of the Republic, the school system's task of creating enlightened citizens was essential to the successful functioning of the new democracy. It played a prominent role in creating national unity among the many diverging forces within the new society. Poets, writers, historians, and artists were among those who were able to work through the schools to create a national heritage. During the 19th century the schools were a crucial factor in the absorption of millions of immigrants who streamed into America. They offered not only the place to learn a common language, but were instrumental in creating a new American people with a sense of national identity and hope for the future out of the divergent multiethnic newcomers.

Today the schools are still serving the American people as they did in the past. In the midst of a society often divided by racial strife and tensions created out of the rapidly advancing and often incomprehensible technological age, our Nation's schools provide places in which our children can develop a sense of belonging and an understanding of society, so important to the building of self-confidence.

A salute to education would not be complete without special mention of the thousands of dedicated teachers who are teaching our children and making the school system the success that it is. I am happy to say that New York State recognizes the value of its teachers; they are among the highest paid in the continental United States. We are especially indebted to these teachers for providing us with the many fine young leaders we see today ready to accept the tasks of their elders in the governing of our country.

Mr. RIEGLE. Mr. Speaker, H. G. Wells once said:

> Human history becomes more and more a race between education and catastrophe.

As a healthy democracy strives to make certain that education wins that race, increasing emphasis must be placed on the ability of all people to acquire that education. Without such an opportunity, our vote has less meaning and government "of the people, by the people, and for the people" cannot function properly.

Today we celebrate Education Appreciation Day. This is particularly appropriate in light of the House's action June 15 in approving an additional $364 million for education as part of the Labor-HEW appropriations. This is just one more step in our continuing fight to establish new priorities for peace and growth in our Nation, to invest in the future of some 48 million schoolchildren here in America.

Therefore, I would like to take this opportunity to praise the efforts of America's teachers and educators, to thank them for their efforts and conviction that the education of our children is vital. We have no more important work to accomplish than the education of our people.

Mr. BOLAND. Mr. Speaker, the National Education Association has set aside today, June 21, for a "Salute to Education." Like most of my colleagues, I want to join in this tribute to America's educational system—a system rivaled by no other country in the breadth of its scope and the length of its reach. Education, quite obviously, is the keystone of American life: Our society would disintegrate without it.

Life in the 1970's grows more bewilderingly complex day by day. What is conventionally termed the "technological age," largely the product of American genius, is making unprecedented and unforeseen demands on our system of education: schoolchildren must learn more—and learn it more quickly, as well—than at any time in this country's history. It is obvious, Mr. Speaker, that the second half of the 20th century poses a challenge that our educational system must meet. The scores of problems looming before our society—pollution, urban decay, poverty, racial strife—will ultimately yield to solution only if Americans are prepared to deal with them. And, needless to say, our school system is the means for so preparing the people of this country.

More than ever before, the strength of the United States itself hinges upon the strength of its school system.

I want to congratulate the NEA for establishing this "Salute to Education" day—an event that helps dramatize the significance of our school system and the vital role it plays in our lives.

Mr. HUNGATE. Mr. Speaker, I join many of my colleagues today in a special Salute to Education. It seems the time is long overdue for us to take our hats off to the many men and women who dedicate their lives to education.

Educators—our teachers, principals, and administrators—have played an important part in each of our lives. We often do not realize how much of an influence educators have on our lives, and that they are the ones who supply us with the most important tools to maintain our democracy.

I am pleased that the House of Representatives has recognized the value of education with the passage of the Hathaway amendment to the Labor-HEW appropriations last week. I hope we will continue to get support for education—our most valuable asset.

We in Congress can best honor our educators by joining with them in their commitment to providing a good education for every American.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the special order given today by the gentleman from Pennsylvania (Mr. FLOOD) on the subject of education.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE PROFESSIONAL TEACHER: THE BALLAST FOR SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, today is the occasion of a Salute to Education, sponsored by the National Education Association. It is an appropriate time to pay tribute to dedicated educators and to significant advances in the field of education.

It is not an understatement to say that the teaching profession serves as a ballast for society. There is a sense in which it provides stability or steadiness, guidance, and balance as we move through life. The educational system is also called on to explore and provide new avenues and fields of learning. The task can be almost overwhelming, becoming more difficult as the problems of a society increase. But it is an important and essential task for society's future.

As life becomes more complex, more demands are put on educational systems and institutions in their job of providing education adequate to equip persons to meet today's needs, and in the challenge of making equal educational opportunities available for all of America's children.

Recently I received correspondence from one of my favorite grade school teachers, and it was certainly a thrill for me. Her fine work as a teacher had a profound effect on me. In my own family, my two sisters have been teachers for many years; Miss Sarah Danielson has taught in Kearney and Nebraska City, Nebr., and Miss Luella Danielson has taught in Des Moines, Iowa.

America's educational institutions and its fine teachers and professors have led in the effort to continually renew and update education. They are to be congratulated on their dedicated service to society.

AIR FORCE LIEUTENANT PREFERS CHARGES AGAINST GENERAL LAVELLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, today I announce my support for and applaud the courage of a brave young Air Force lieutenant, Delbert Terrill, Jr., an Air Force Academy graduate who has preferred charges against Lt. Gen. John D. Lavelle, U.S. Air Force, retired, for violations of the Uniform Code of Military Justice.

In a press conference which I sponsored today, Lieutenant Terrill stated:

> On 3 June 1970, I awoke for one of the most important days of my life. After four years as a cadet, I was to graduate from the United States Air Force Academy. My oath, "I, Delbert R. Terrill, Jr., having been appointed a Second Lieutenant in the United States Air Force, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter so help me God" was and still remains sacred to me. Because my superiors and fellow officers have failed to step forward, I must. In fulfillment of the duties and responsibilities incumbent upon me by my oath, I have this day preferred charges against Lt. Gen. John D. Lavelle USAF (ret.). General Lavelle by his own testimony before the House Armed Services investigating subcommittee admitted that he had authorized air strikes in violation of standing orders. General Lavelle also admitted to filing false reports regarding some of these raids. It therefore appears that offenses under the Uniform Code of Military Justice have consequently been committed. Since I have preferred charges under Articles 90(2) and 107 and will forward such charges to the Secretary of the Air Force, the Honorable Robert Seamans, our present Secretary will be required to conduct an investigation in accordance with Article 30 of the Uniform Code of Military Justice. Likewise, I am filing a request with the Secretary of Defense that he convene a court of inquiry pursuant to Article 135 of the Uniform Code of Military Justice concerning the propriety of the conduct of the following officers with respect to the unauthorized strikes: Generals Ryan and Abrams, and Admirals McCain and Moorer.
>
> What kind of discipline can be maintained in a military system in which commanders are relieved and retired while others, for like offenses, are courtmartialed and given dishonorable discharges? The American Dream and the necessity of military cohesiveness demand equality.
>
> Democracy as an institution requires a civilian dominated military. The military must obey its civilian superiors. America and those who love her will tolerate no less. "Where law ends, tyranny begins."

The following is a letter that I have sent to the Honorable Melvin R. Laird, requesting that he act upon the charges that Lieutenant Terrill has preferred:

Congress of the United States,
Washington, D.C., June 21, 1972.

Hon. Melvin R. Laird,
Secretary of Defense,
Washington, D.C.

Dear Secretary Laird: It is with the greatest sense of urgency that I request that you act upon the charges preferred today by Air Force First Lieutenant Delbert Terrill Jr. against Lt. Gen. John D. Lavelle USAF (ret.) and that you convene a Court of Inquiry under the provisions of Article 135 of the Uniform Code of Military Justice, as Lt. Terrill has requested, to determine the propriety of the conduct of General John D. Ryan, Air Force Chief of Staff, Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, General Creighton Abrams, Commander of U.S. Forces in Vietnam, and Admiral John S. McCain, Commander U.S. Forces, Pacific, with respect to General Lavelle's performance while serving as Commander of the U.S. Air Force in Vietnam.

By conceding before a House Armed Services Committee hearing on 12 June 1972 that he broke the rules of engagement in ordering the bombing of certain targets in North Vietnam and that he inspired his staff to file false reports on these raids, disguising them as "protective reaction" strikes, General Lavelle has, by his own admission, acted in violation of Art. 90 (Willful Disobedience of a Lawful Command) and Article 107 (Making False Official Statements) of the Uniform Code of Military Justice. In response to this blatant violation of orders from higher authority, General Lavelle was relieved of his command and retired at the rank of Lieutenant General, a demotion of one grade. Such token disciplinary action taken against Lavelle calls into question the effectiveness and credibility of the entire system of military justice.

I receive hundreds of letters a month from lower-ranking officers and enlisted personnel who have been severely disciplined and given less than honorable discharges, thus stigmatizing them for life, because they have violated a simple regulation or not behaved as members of the Armed Forces should. How can I, as a Member of Congress, explain to these constituents who request my assistance why General Lavelle received a mere slap on the wrist for his gross misconduct? I am heartsick for those men who sit in stockades awaiting trial or serving sentences and for those who sit idle in the civilian world, unemployed because they have been branded "undesirable" by the military, while General Lavelle goes free after illegally ordering the bombing of North Vietnam. Such inconsistency makes a mockery of military justice.

It is enough that American bombs continue to fall over Southeast Asia without the support of the American people. It is intolerable that they fall at the discretion of one Air Force General without even the authority from the Commander-In-Chief, and it is an outrage that this General has been quietly removed from his position without a court-martial. In the interests of justice and for the sake of the morale of all members of the Armed Forces, I believe it imperative that further disciplinary action be taken against General Lavelle and that a full-scale investigation be convened by your authority as Secretary of Defense.

Sincerely,

Bella S. Abzug,
Member of Congress.

IMMEDIATE APPELLATE REVIEW NECESSARY IN MICHIGAN SCHOOL BUSING DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. William D. Ford) is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, on June 14, Judge Stephen J. Roth, of the U.S. District Court for the Eastern District of Michigan, issued an order for the development of a metropolitan plan of school desegregation. This order involves the public schools in the city of Detroit as well as 53 suburban school districts.

While there has been a judicial finding that illegal segregation exists in the city of Detroit, no such finding has been made or even claimed with respect to the suburban districts. Nevertheless, the suburban school districts have been named in the order.

I am today inserting into the Record a copy of a brief filed in the Supreme Court of the United States by the attorneys who represent 43 of the suburban school districts involved in this action. As the attorneys for the suburban districts note in their brief, the district court trial was confined to the issue of de jure segregation in the Detroit school system, and the district court made no findings of de jure segregation with respect to any of the suburban districts.

Despite the fact that there has never been any claim that the suburban school districts have failed to maintain a unitary school system, that the suburban school districts have had no opportunity to be heard on the issue of segregation, and that there is not even a scintilla of evidence that the suburban school districts have denied access to or separated pupils on the basis of race, the district court has determined that they are to be subjected to a desegregation plan calling for massive busing of possibly up to 1 million children.

Mr. Speaker, up to this point, the suburban school districts' hands have been tied. They have been made a part of a remedy for a wrong in which they have not been involved, and they have not even been permitted to have their day in court to defend themselves properly.

The brief which I am inserting in the Record today presents sound and logical reasons why the proceedings now pending in Detroit should be given immediate appellate review.

A copy of the brief filed in the U.S. Supreme Court by the attorneys representing the suburban school districts follows:

[In the Supreme Court for the United States, October Term 1971, No. 71-1468]

Brief of Respondents School Districts[*] In Support of Petition for Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

William G. Milliken, Governor of the State of Michigan, et al., Petitioners, vs. Ronald Bradley, et al., Respondents.

OPINIONS AND ORDERS BELOW

The pertinent orders and opinions of the District Court and the United States Court of Appeals are fully set forth in the Appendix to the Petition For Writ of Certiorari.

JURISDICTION

The Petition For Writ Of Certiorari invokes the jurisdiction of the Court under Section 1291 of Title 28, United States Code.

The undersigned Respondents submit that the Court also may, and should, invoke jurisdiction pursuant to Section 1254 of Title 28, United States Code, which provides, in part, as follows:

"Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of Certiorari granted upon the petition of any party to any civil or criminal case, *before or after* rendition of judgment or decree;" [Emphasis supplied.]

While the undersigned Respondents concur with the contention of Petitioners that all of the questions presented should be determined by this Court as prayed, it is respectfully submitted that the imperative public importance of question number III set forth in the Petition For Writ Of Certiorari provides the basis and urgent need for this Court to exercise its jurisdiction pursuant to Rule 20 of the Supreme Court Rules and Section 2101(e) of Title 28, United States Code.

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[*] Respondents school districts include the forty-three (43) intervening suburban school districts in this cause but exclude the defendant Board of Education for the City of Detroit.

Section 2101(e) of Title 28, United States Code, provides as follows:

"An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment."

Rule 20 of the Supreme Court Rules states that—

"A writ of certiorari to review a case pending in a court of appeals, before judgment is given in such court, will be granted only upon a showing that the case is of such imperative public importance as to justify the deviation from normal appellate processes and to require immediate settlement in this court."

QUESTION PRESENTED

Whereas single school district has been found to have committed acts of *de jure* segregation, may a court constitutionally issue a desegregation order extending to some eighty-five (85) other independent school districts and requiring massive bussing of children, absent (i) any claim or finding that such other independent school districts have deliberately operated in furtherance of a policy to deny access to or separate pupils in schools on the basis of race, or, (ii) absent any claim or finding that the boundary lines of such other independent school districts were created or have been maintained with the purpose of creating or fostering a dual school system? [1]

The undersigned Respondents contend that the answer is "no". The Court of Appeals For The Sixth Circuit did not consider the question.

STATUTORY PROVISIONS INVOLVED

Section 1291 of Title 28, United States Code, provides:

"The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court."

STATEMENT OF THE CASE

The Statement Of The Case as set forth in the Petition For Writ Of Certiorari is adopted by the undersigned Respondents. In addition, Respondents-Intervenors submit the facts hereinafter recited.

The instant action was commenced on August 18, 1970, by the filing of a complaint which alleged the unconstitutionality of a Michigan statute which was applicable only to the City of Detroit school district and further claimed that plaintiffs' constitutional rights were violated because of the segregated pattern of pupil assignments and the racial identifiability of schools within the City of Detroit school system. The complaint has never been amended and to this date there has been no claim that any school district other than Detroit has failed to operate a unitary school system.

The complaint, the trial on the merits and the District Court's "Rulling On Issue of Segregation" [2] were directed at and solely concerned with the issue of whether the Detroit school system was operated so as to impair the constitutional rights of the plaintiffs. Accordingly, the undersigned Respondents had no cause or standing to intervene in the proceedings inasmuch as no claim was made against them and no relief was sought which would affect them.

On November 5, 1971, however, the District Court issued an order which adumbrated a dramatic change in the nature of the proceedings. Despite having conducted a trial limited to the issue of unlawful segregation in the Detroit school system and having made findings limited to such issue, the court ordered the State defendants to submit a plan of desegregation which would embrace the entire metropolitan Detroit area. By judicial fiat some eighty-five (85) independent school districts were suddenly faced with the prospect of being subjected to judicial sanction without any claim, trial or finding that they had engaged in any unconstitutional acts. Pursuant to the aforementioned order, on February 4, 1972, a so-called metropolitan plan of desegregation was filed with the District Court.

On February 9th, 16th and 17th, respectively, the undersigned Respondents, Grosse Pointe Public Schools, Allen Park Public Schools, et al, Southfield Public Schools and School District for the lCty of Royal Oak, filed motions to intervene for the purpose of representing their interests and those of the parents and children situate in said school districts.

On March 15, 1972, the District Court issued its order granting said Respondents' motions to intervene as a matter of right, and simultaneously imposed the following conditions designed to circumscribe Respondents' participation in the proceedings.

"1. No intervenor will be permitted to assert any claim or defense previously adjudicated by the court.

"2. No intervenor shall reopen any question or issue which has previously been decided by the court.

"3. The participation of the intervenors considered this day shall be subordinated to that of the original parties and previous intervenors.

"4. The new intervenors shall not initiate discovery proceedings except by permission of the court upon application in writing, accompanied by a showing that no present party plans to or is willing to undertake the particular discovery sought and that the particular matter to be discovered is relevant to the current stage of the proceedings.

"5. No new intervenor shall be permitted to seek a delay of any proceeding in this cause; and he shall be bound by the brief and hearing schedule established by the court's Notice to Counsel, issued March 6, 1972.

"6. New intervenors will not file counterclaims or cross-complaints; nor will they be permitted to seek the joinder of additional parties or the dismissal of present parties, except upon a showing that such action will not result in delay.

"7. New intervenors are granted intervention for two principal purposes: (a) To advise the court, by brief, of the legal propriety or impropriety of considering a metropolitan plan; (b) To review any plan or plans for the desegregation of the so-called larger Detroit Metropolitan area, and submitting objections, modifications or alternatives to it or them, and in accordance with the requirements of the United States Constitution and with prior orders of this court.

"8. New intervenors shall present evidence, if any they have, through witnesses to a number to be set, and limited, if necessary, by the court, following conference.

"9. With regard to the examination of witnesses, all new intervenors shall among themselves select one attorney per witness to act for them, unless one or more of the new intervenors show cause otherwise."

Respondents intervening school districts filed written objections with the District Court against the imposition of such conditions. To date the District Court has made no response to said objections.

Upon being granted right to intervene on March 15, 1972, the District Court advised the Respondents-Intervenors that the Court had previously set March 22, 1972, as the date for filing of briefs on the legal propriety of a metropolitan plan of desegregation and that Respondents-Intervenors thus had one (1) week to present their legal arguments on such issue. On March 24, 1972, two (2) days after the due date for the filing of briefs, the District Court issued a "Ruling On Propriety Of Considering A Metropolitan Remedy To Accomplish Desegregation Of The Public Schools Of The City of Detroit".[3]

The District Court commenced taking testimony on a metropolitan plan of desegregation at 10:10 a.m. on March 28, 1972. About two hours after Respondents-Intervenors counsel had first appeared in the District Court and before completion of testimony of a single witness, the District Judge announced that all counsel could stop by his office and pick up his Findings of Fact and Conclusions of Law on Detroit-Only Plans of Desegregation.[4] Relying upon inapposite cases where a dual school system was fostered and operated pursuant to state policy, the District Court announced its intention to seek a racial mix by means of a metropolitan plan of desegregation.

REASONS FOR GRANTING THE WRIT

A So-Called Metropolitan Plan Of Desegregation Is Constitutionally Improper Absent A Complaint And Finding That Respondents-Intervenors School District Have Denied Access To Or Separated Pupils On The Basis Of Race, Or Absent A Finding That The Respondents-Intervenors School Districts Were Created Or Maintained With The Purpose Of Creating Or Fostering A Dual School System.

The instant case is without precedent in terms of the scope of the judicial remedy determined by the District Court, the lack of fundamental due process so far as Respondents-Intervenors are concerned and the absence of any findings against Respondent-Intervenors upon which relief can be predicated.

There are upwards of 600 independent school districts in the State of Michigan. The only complaint ever filed in this action alleges that *one* of those school districts, the City of Detroit, has failed to maintain a unitary school system due to actions of the Detroit Board of Education and certain executive officers of the State. The trial on the merits was confined to the issue of *de jure* segregation in the Detroit school system. The decision of the District Court following a trial on the issues framed by the complaint made no findings of *de jure* segregation with respect to any school district except the City of Detroit.[5]

Despite the fact that there has never been any claim that the undersigned Respondents have failed to maintain a unitary school system, that said Respondents have had no opportunity to be heard on the issue of segregation, that there is not a scintilla, indeed not a tittle, of evidence, that Respondents have denied access to or separated pupils on the basis of race, the District Court has determined that said Respondents are to be subjected to a desegregation plan calling for massive busing of possibly up to one million children.

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[1] Although the undersigned Respondents concur with Questions I and II as presented in the Petition For Writ Of Certiorari their interests are directly affected only to the extent of the constitutional propriety or impropriety of a so-called metropolitan plan of desegregation. Even assuming, *arguendo*, that the City of Detroit school district is not a unitary school system, the question of whether the judicial remedy may extend beyond the nature and locus of the constitutional violation remains.

[2] Appendix to Petition For Writ of Certiorari, page 1a.

[3] Appendix to Petition For Writ of Certiorari, page 31a.

[4] Appendix to Petition For Writ of Certiorari, page 37a.

[5] "Ruling On Issue of Segregation", Appendix to Petition For Writ of Certiorari, page 1a.

The extreme public importance of this case can be gauged by the fact that the number of children affected by the remedy decreed in this action exceeds the respective populations of twelve (12) of the States in this country. The educational future of nearly 1,000,000 children clearly warrants the attention and exercise of jurisdiction by this Court.

Since the public announcement of the District Court's determination to fashion a desegregation plan calling for massive bussing on a scale heretofore unhead of, school districts in the metropolitan Detroit area have been unable to secure voter approval at millage elections and are faced with lack of financial resources necessary to maintain an adequate educational system. Elected school officials cannot plan for the future needs of their students because of the uncertainty as to which students' needs they must meet and the number of students they must accommodate. Expenses connected with the massive bussing program inherent in the District Court's determination will run into the tens of millions of dollars and threaten the continuance of educational programs by already financially hard-pressed educational systems. Planning for future building needs and construction cannot proceed with certainty. Indeed, the assumption by the District Court of the power and authority to ignore and dismantle State-established governmental entities places the continued existence of the school districts in jeopardy.

There is a critical distinction between this case and *Brown* v *Board of Education*, 347 US 483 (1954) and its progeny heretofore considered by this Court. There is no claim or finding in the instant case that the State of Michigan has ever fostered or maintained a dual school system. Over one hundred years ago the Michigan Supreme Court in *Ex Rel Workman* v *Detroit Board of Education*, 18 Mich 399 (1869), declared that under Michigan law black children are placed on the same footing with white children, and admissible on the same terms to all schools.

Where there is no evidence of a state policy of maintaining a dual school system, the naked existence of school districts established along the lines of municipalities, and other governmental entities, does not give rise to a deprivation of constitutional rights. *Spencer* v *Kugler*, 326 F Supp 1235, 1242 (1971); affirmed 404 US 1027 (1972).

The independent school districts in the metropolitan Detroit area, including the Detroit school system, were established pursuant to a State policy of maintaining a unitary school system and the fact that there now exists a racial imbalance in the Detroit school district does not amount to unconstitutional segregation attributable to the establishment or maintenance of the suburban school districts.

In the "Ruling On A Metropolitan Plan" the District Court took cognizance of the lack of precedent for the implementation of such a plan in light of the circumstances here involved, as follows:

"The main thrust of the objections to the consideration of a metropolitan remedy advanced by intervening school districts is that, absent a finding of acts of segregation on their part, individually, they may not be considered in fashioning a remedy for relief of the plaintiffs. *It must be conceded that the Supreme Court has not yet ruled directly on this issue;* accordingly, we can only proceed by feeling our way through its past decisions with respect to the goal to be achieved in school desegregation case. . . ."[6] [Emphasis supplied.]

It is respectfully submitted that the welfare of nearly 1,000,000 children should not be jeopardized due to the lack of cogent ruling by this Court and the District Court's "feeling" its way to decision.

Pronouncement of this Court in *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 US 1 (1971) indicate that the District Court has in fact lost its way and only a determination by this Court can provide the needed direction.

"In seeking to define even in broad and general terms how far this remedial power extends it is important to remember that judicial powers may be exercised *only on the basis of a constitutional violation*. Remedial judicial authority does not put judges automatically in the shoes of school authorities whose powers are plenary. *Judicial authority enters only when local authority defaults*.

"School authorities are traditionally charged with broad power to formulate and implement educational policy and might well conclude, for example, that in order to prepare students to live in a pluralists society each school should have a prescribed ratio of Negro to white students reflecting the proportion for the district as a whole. To do this as an educational policy is within the broad discretionary powers of school authorities; absent a finding of a constitutional violation, however, that would not be within the authority of a federal court. *As with any equity case, the nature of the violation determines the scope of the remedy . . .*" *Swann, supra*, at page 16. [Emphasis added.]

Here, the only basis of a constitutional violation is the finding of *de jure* segregation in the City of Detroit school district. Local school authority in the eighty-five (85) suburban school districts in the Detroit metropolitan area has not defaulted. The only violation of constitutional rights found by the District Court is the failure of the principal defendants to maintain a unitary school system for approximately 275,000 students in *the City of Detroit*. Yet the judicial remedy authorized by the District Court would relocate hundreds of thousands of children in three counties and up to eighty-five (85) other school districts.

This Court will consider the question of the appropriate scope of a desegregation remedy within a single school district in a non-dual system State when it hears *Keyes* v *School District No. 1, Denver*, 445 F2d 990 (CA 10, 1971), cert granted 404 US 1036 (1972). The case of *Bradley et al* v *School Board of the City of Richmond*, 338 F Supp 67 (1972), now awaiting decision in the Court of Appeals for the Fourth Circuit, presents the question of the propriety of cross-district bussing, involving three contiguous school districts, to achieve desegregation where there has been a State-wide dual school system policy. *Bradley* v *Richmond*, *supra*, will undoubtedly be presented to this Court. Neither of the foregoing cases will, however, reach the issues raised in the instant case.

The Court has previously exercised its power to grant certiorari where the issues presented in other pending cases warranted consideration of all cases at one time. *Taylor* v *McElroy*, 360 US 709 (1959) and *Brown* v *Board of Education of Topeka*, 344 US 1 (1952). The undersigned Respondents suggest that by granting certiorari in this case and hearing the same in conjunction with *Keyes, supra*, and perhaps *Richmond, supra*, the Court will have before it the gamut of desegregation remedies and will be in a position to lay to rest the principal issues associated with the appropriate scope of judicial remedy in school desegregation cases.

The Court of Appeals for the Sixth Circuit admittedly has not considered the substantive questions raised herein with respect to a so-called metropolitan plan of desegregation. These substantive questions are of such monumental constitutional significance and imperative public importance, however, as to warrant the immediate attention of this Court.

The disruptive consequences of a judicial remedy affecting nearly 1,000,000 children and calling for massive cross-district busing between up to eighty-five (85) school districts is obvious and to delay final decision on the legal propriety of such remedy while the parties trod the traditional path of appeal will serve to exacerbate such disruptive consequences.

It is admittedly the duty of the District Court to effect a remedy which will prevent the impairment of the constitutional rights of children within the Detroit school system. Such remedy should put an end to *de jure* segregation, if it legally exists. The remedy, however, should not be expanded beyond what is necessary to repair the denial of the constitutional right to be protected. As stated in *Swann, supra*.

". . . The task is to correct, by a balancing of the individual and colletcive interests, the condition that offends the constitution." *Swann, supra*, at page 16.

The interests of the 750,000 children who attend suburban school districts are of no less importance than the interests of plaintiffs herein. The judicial guidance of this Court is needed now in the interests of all concerned.

CONCLUSION

This matter manifests the characteristics, in terms of public importance, of other cases[7] in which this Court has seen fit to exercise its authority to issue a writ of certiorari, even in the absence of decision by the Court of Appeals. Massive busing orders to achieve school desegregation, none of which approach the magnitude of the remedy here involved, and the public confusion associated therewith have prompted calls for definitive guidance by the President of the United States, the United States Congress and the public generally. So nebulous is the appropriate scope of judicial remedy in school desegregation cases that a substantial portion of the public, legislative and executive officials have urged the adoption of a constitutional amendment to circumscribe the remedial powers of the courts.

The substantial number of school desegregation cases now pending in District Courts and Courts of Appeals throughout the United States would be expedited by the prompt resolution of the constitutional issues in the instant case.

The circumstances recited herein and in the Petition For Writ Of Certiorari demonstrate the compelling reasons why this Court should grant certiorari.

It is respectfully prayed that the Petition For Writ Of Certiorari to the United States Court of Appeals be granted by this Honorable Court to the end that this cause may be timely reviewed and determined by this Court.

Respectfully submitted.

USO REPORT A COVERUP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I have carefully scrutinized an investigation report issued by the USO concerning corrupt and wrongdoing within the servicemen's organization.

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[6] "Ruling On Propriety Of Considering a Metropolitan Remedy To Accomplish Desegregation Of the Public Schools Of The City of Detroit", Appendix to Petition For Writ Of Certiorari, page 34a.

[7] *United States* v *Bankers Trust Co.*, 294 US 240; *Railroad Retirement Board* v *Alton R. Co.*, 295 US 330; *Rickert Rice Mills* v *Fontenot*, 297 US 110; *Carter* v *Carter Coal Co.*, 298 US 238; *Ex parte Quirin*, 317 US 1; *United States* v *United Mine Workers*, 330 US 258; *Youngstown Co.* v *Sawyer*, 343 US 579.

Careful study of the report reveals that the USO has covered up the alleged illegal activities of its present executive director.

The report released June 15 by the USO, generally substantiates the charges which I have released over the past several months concerning corruption in the USO.

However, I believe that there are several specific points in the conclusion of USO's report that must be disputed.

The USO's report fails to specifically confirm or deny whether Sam Anderson, the former director of USO in Vietnam, and currently USO's worldwide executive director, was aware of corruption and wrongdoing more than 2 years ago, but did nothing about it. Several of the witnesses who I interviewed described efforts by various USO personnel to inform Mr. Anderson of wrongdoing. Apparently, despite the fact that he was informed of the illegal activities by some USO employees, he did nothing.

The USO study carefully examines illegal and fraudulent concessions after October 1970. Curiously, Mr. Anderson left Vietnam in October 1970. The investigation, for some reason, focuses on the period after Anderson left Vietnam. USO's unwillingness to thoroughly investigate Anderson's tenure in office suggests that a coverup has occurred.

I also believe that it is completely unrealistic for USO to claim that only $5,000 worth of goods was misappropriated. The number of vehicles, air conditioners, and other equipment stolen and black marketed by USO employees was clearly valued at far more than $5,000. One vehicle provided by the USO to a Vietnamese singing group according to a former USO employee was valued at $10,000. All of the witnesses to whom I have spoken consider corruption within the USO widespread and pervasive. It seems to involve almost every form of corruption and I believe it would be more realistic to describe losses of USO property in terms of hundreds of thousands of dollars rather than $5,000.

I also think that it is inaccurate and unfair for USO President Maj. Gen. Francis Sampson to assert that no USO serviceman was defrauded in Vietnam. The USO's report clearly indicates that USO employees ran a phony mail-order scheme that defrauded our GI's. General Sampson should comment or honestly admit that some GI's have been cheated.

Mr. Speaker, I have also learned from independent sources that a Defense Department investigation of alleged USO corruption, now underway, will probably contradict some of USO's findings. I have also been informed by officials of the Department of Defense that the DOD's investigation may lead to criminal indictments against some former USO officials. The Department of Defense officials have assured me that the Defense Department's investigation will be more thorough than the USO report. In addition, the Pentagon is working with the Internal Revenue Service and a criminal division of the Justice Department in connection with the investigation.

It is also interesting to note that the USO report contradicts the results of a preliminary investigation by the Inspector General of the Army. That preliminary investigation found that "certain USO personnel were using and trafficking dangerous drugs and narcotics" and that USO abused privileges granted by the military. I am most concerned about these obvious contradictions between USO's report and the findings of the Inspector General. Either USO's report is incomplete, or the organization is contradicting the conclusions of an official Department of the Army investigation.

The USO should respond to all the specific allegations which have been publicly released. There are a large number of specific points which the USO has glossed over in its report.

The USO should also make all documents and reports connected with the investigation available to the public for close scrutiny. Members of Congress, members of the press, and the general public should have an opportunity to thoroughly review USO's own investigation.

Until all the facts are known, doubts will remain about the effectiveness of USO's investigation, particularly in view of the contradictions, coverups and omissions which have already been found.

Mr. Speaker, USO has an important function to fulfill in serving our GI's, particularly those men serving overseas. While I am confident that the vast majority of those people working for USO serve only the best interests of our fighting men, it is imperative that all individuals who either participated in direct corruption or were clearly negligent and derelict in their duty, should be removed by the organization.

TEXAS HOSPITAL ASSOCIATION'S CREDIT UNION HAS INCREASE OF OVER 60,000 PERCENT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, when a credit union can show asset increases of more than 60,000 percent in 1 year, then it is indeed a newsworthy event.

That is exactly what happened to the Texas Hospital Association Credit Union.

When the credit union opened on September 1, 1970, it had $190 in assets. By the beginning of 1971, the credit union had increased its assets to more than $6,000. And at the end of 1971 its assets were more than $381,000 which represented an increase of 6,066 percent in 1 year.

When the credit union started, it had only 14 members. But now the credit union has over 3,300 members employed in 82 member hospitals throughout the State of Texas.

And the credit union is not sitting on its money. It has lent more than $374,000 to its members and recently paid a dividend of 4 percent—a one-half percent increase over its previous semi-yearly dividend.

While the tremendous growth of the Texas Hospital Association Credit Union is an outstanding example of the popularity of credit unions, it is only one example of how well credit unions have been received across the country. Each month hundreds of new credit unions are chartered and thousands of new members are attracted to these worthwhile institutions whose motto has always been, "Not for profit, not for charity, but for service." It is this kind of philosophy that has helped credit unions grow and enabled them to better serve more than 23 million Americans. I am enclosing in my remarks a copy of an article that appeared in THA, a monthly publication of the Texas Hospital Association, describing the progress of that association's credit union.

SHOWS RAPID GROWTH: PROGRESS REPORT

"Six thousand, sixty-six per cent" is not the loan interest rate, it's the growth rate for your Association's fastest growing service, the THA Credit Union. In 1971, the Credit Union experienced this phenomenal rate of growth increasing from $6,290.60 to $381,641.87 in assets.

The rapid growth of the Credit Union is due to the enthusiastic support from the entire THA staff, especially, Executive Vice President, O. Ray Hurst, the Credit Union Board of Directors chaired by William Cotner, and the representatives of the individual hospital.

The THA Credit Union became a reality on September 1, 1970 when 14 THA Staff members deposited $190.00. Since that day the Credit Union has continued to flourish and there are now over 3300 employees from 82 member hospitals actively participating through payroll deductions. Those 3300 members have deposited more than $394,000.00 in the Credit Union. The money which has accrued in share balances has filled an actively demonstrated need. This is indicated by the fact that more than $374,000.00 has been loaned to Credit Union members during the same period.

The rapid growth and health of the organization was recognized by the Board of Directors through the voting of a 4% dividend at the end of December. This was an increase of one-half percent over the previous dividend paid in June. As growth of income continues, this dividend will be increased in size.

Membership in the THA Credit Union is available to employees and medical staff members of all THA member hospitals where a Credit Union does not now exist. Hospitals that are interested in offering this benefit to their employees may obtain detailed information from Dan Cervenka, Manager, THA Credit Union, P.O. Box 4562, Austin, Texas 78765.

THE 125TH ANNIVERSARY OF THE NORTH SYRACUSE BAPTIST CHURCH

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I rise today to bring to the attention of our colleagues the occasion of a most significant anniversary in central New York—the 125th of service to God and country of the North Syracuse Baptist Church.

This notation is particularly worthy at such times when institutions of every type and purpose are under the pressures of rapid change which challenge not only their outward structure but their bedrock principles as well. Whether it is a social escalation impelled by technocratic advances or a counterculture movement stripped of its veneered superficiality, there can be no meaningful change without retention and absorption of the basic elements of a divinely guided brotherhood.

Our Nation itself, pioneered in God's name and guided in His Spirit, observes the special status which the religious conviction and principle have in the conduct not only of personal affairs but also in the life of a pluralistic society. Thus we have, as a government, assured our people their unalienable right to freely worship their chosen divinity. Symbolic of this mutual dependence, the flag of our country, flown over this very Capitol, flies beside the Christian flag at the entrance to the North Syracuse Baptist Church.

Upstate New York had just lately emerged from its forest wilderness when the Reverend William H. Delano led the first congregation of 28 souls in prayerful dedicaton for the precursor of the present North Syracuse Baptist Church. Truly a mission amid the fields, the Plank Road Baptist Conference of 1844 grew as the area grew. Second generation colonial homesteaders were joined by newly arrived immigrant populations and the congregation reflected the dynamics of a burgeoning community. From its first wood stove-heated and oil lamp-lighted structure the church grew with America as it rounded the mark into the 20th century. To its credit and through the dedicated service of her pastors and the laity, the church today is blessed with vigor and vitality, under the leadership of Pastor Edward H. Stady and his associate, Rev. Dr. James D. Arthur. Nothing more typifies the history of this church and congregation than its own anniversary motto—"Changing Years—Timeless Truth." Through its active youth and young adult projects and its radio ministry, as well as its general membership activities and programs, North Syracuse Baptist Church has truly sought to preach and teach the "whole counsel of God" with a relevance to contemporary mores inspired by the ageless message of the Bible.

I think it most fitting again that we take note of this 125th anniversary and extend the best wishes of this body to the congregation and with it many more years of fruitful and productive service to God, their membership, their community, and their Nation.

COMMENCEMENT ADDRESS AT UNIVERSITY OF NOTRE DAME BY PRESIDENT KINGMAN BREWSTER, JR., OF YALE UNIVERSITY

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the RECORD the text of a most thoughtful and provocative address delivered by the distinguished President of Yale University, Kingman Brewster, Jr., on May 21, 1972.

The address was delivered at the commencement exercises at the University of Notre Dame.

The text follows:

Text of Commencement Address at University of Notre Dame by President Kingman Brewster, Jr., of Yale University, May 21, 1972

We meet at a time of extreme hope and extreme fear. Our hopes are that the President of the United States may have some hidden agenda for peace.

Our fears are that he may really believe his publicly asserted agenda for avoiding defeat at any cost in this misguided war.

Even the President of the United States is entitled to a presumption of innocence. But that presumption will ultimately be vindicated or rebutted by events. Most particularly it will be adjudged by the results of his stated hope for rapprochement with other major powers, particularly the Soviet Union and the People's Republic of China.

Anyway, you who are my captive audience by dint of your desire to receive your degrees from the hand of Notre Dame's distinguished President, deserve better from me than my amateur speculations about what "he" is up to. In the great headline on a column in the New York Times, "I wonder who's Kissinger now?"

Whatever the outcome of present international operations, there is a deeper tragedy for our country in the divisions which have been cleaved into our national community by the style and the process of Presidential decision. Once it is claimed that "if you are not for me you are against me," it becomes hard to restore mutual tolerance. When this all-or-nothing-at-all attitude becames: "if you are not for me you are against my office," the cleft cuts deeper. When it is asserted that "if you are not for me you are against our country," the bone as well as the sinew of the nation may become fractured beyond mending.

This tragedy is more fundamental than the rights or wrongs of the policies of the moment. For once disagreement is consciously aggravated by the disparagement of motivation; once disapproval is wilfully rubbed with salt, it will fester into distrust. A mutually distrustful community, a mutually distrustful nation cannot be held together. This is the tragedy which will outlast the moment, unless somehow it again becomes possible to accept disagreement as the natural order of a free society. This must include room for disagreement with the President of the United States.

HOLD FAST TO CONSTITUTIONAL VALUES

My message to you who are graduating is to hold fast to what I would call constitutional values. Only if we can restore a fervent allegiance to the ethic of the Constitution of the United States is there hope that we might repair the deep divisions, disapprovals, and distrust which have been sown throughout the land by the "if you are not for me you are against our country" rhetoric of the President, the Vice President, and other administration spokesmen.

The Constitution of the United States is a charter which was designed to provide a process for orderly diversity of interests and views Its spirit, its allocation of powers, and its procedures were an inspired vision and an ingenious design to permit a diverse and scattered people to work out their destiny without resort to the dictate of the tyrant on the one hand or the disarray of fratricidal squabble on the other

Now if we would restore the ethic, the rationale, the values of the Constitution we cannot expect it to be done for us adequately by any of the branches of government There are severe limitations on what we can expect of the executive, the legislature, or even the courts These limitations are much more severe today than they ever have been before.

Mr. Nixon is not the first, nor will he be the last, president to be impatient with constitutional limitations on his power I awoke to social, political, and public consciousness during the New Deal. The exuberant Franklin Roosevelt had little patience with the niceties of constitutionalism. This was most dramatically demonstrated by his nefarious court-packing plan. But his legal latitudinarianism applied also to national security policy, when he requested his Attorney General to rationalize his fifty-destroyer deal as an exercise of the executive power. His whole purpose was to bind the destiny of the country to the United Kingdom before public opinion or the Congress was ready for it.

The spunky President Harry S. Truman had to be slapped down by the Supreme Court when he tried by the stroke of a pen to seize the Steel Industry without legislative authority.

Certainly Richard Nixon has been impatient with constitutional strictures to the point of urging the Congress to impose a moratorium on the powers of the courts to carry out the Constitution's mandate for equal protection of the laws in the matter of school desegregation.

In my personal recollection Dwight Eisenhower was perhaps the only President who showed a temperamental deference to the overriding commands of the Constitution. Apparently he really believed in the separation of powers. Despite screaming pleas from the left for "leadership" he left it to the Senate to handle their own miscreant member, Joseph McCarthy. Even though it was not his social preference, he did not hesitate to carry out the spirit as well as the letter of the Supreme Court's constitutional interpretation when he ordered Federal troops into Little Rock.

But the purpose of this recital is not to compare one President with another. It is simply to point up the fact that the chief executive cannot be relied upon to defer to the constitutional ethic when it inhibits his own perception of immediate national interest.

How about the Congress? The record is not much more reassuring. Historians of the New Deal will remember that the Congress flaunted its "what the hell" attitude toward the Constitution when it passed the Bituminous Coal Act—the so-called Guffey Act—despite serious questions about its constitutionality, following the Supreme Court's declaration of the unconstitutionality of the National Industrial Recovery Act.

Under the pressure of red-baiting the Congress was equally reckless in its "Constitution-be-damned" attitude when it overrode President Truman's veto, on constitutional grounds, of the outrageous McCarran Act which cast aside the first and fifth amendments as far as the Communist Party was concerned.

More recently the champions of the military, Congressman Rivers and Congressman Hébert, urged the Attorney General to prosecute draft resisters whether or not the Department of Justice felt that such prosecutions would overstep constitutional bounds. Now the champions of the anti-busing moratorium, prodded by the President and his Secretary of Health, Education, and Welfare, do not seem inhibited by the grave constitutional doubts about the power of the Congress to deprive the courts of the remedies which they think appropriate to undo unlawful segregation of public educational facilities.

Of course we have all grown up with the notion that the most alert constitutional vigilance and the most reliable constitutional protection lies with the courts. So it does. But that too has changed mightily since I was growing up. The same judicial self-restraint taking its cue from Justices Brandeis and Holmes, which opened the door to economic legislation in the thirties, has reappeared in the name of "strict construction" to fortify a new judicial conservatism which asks us to tolerate wire-tapping and no-knock powers to intrude upon the private life of the suspect citizen in the seventies.

In short, there are many constitutional values which are of deep and pervasive importance to the quality of a free society which cannot be assured if the citizen relies solely on the courts.

The capacity of the judiciary to vindicate constitutional values in today's society faces two other very significant extensions of federal power. Both defy judicial review.

The first is the enormous extension of the federal spending power. The second is the enormous extension of the presidential power in foreign and national security affairs.

Even if you do not live in public housing, the roof over your head is likely to be held up by a federally guaranteed mortgage. Your education is likely to be dependent upon federal grants-in-aid. If you are unemployed, your compensation check is dependent upon federal legislation. Your health is increasingly paid for by federal aid, either directly by subsidized insurance or indirectly by grants or loans for medical facilities. The chances are that your business depends heavily on government contracts.

In short what you can do, how you can live is determined increasingly by whether or not you can qualify for federal help. If that help is denied, the burden may be just as great as though you were subject to federal restraint or subject to a federal penalty. Yet by long standing judicial interpretation, the ability to receive a government payment or a subsidy is a privilege, not a right. Abuse of the spending power is very, very hard to challenge in court. The taxpayer certainly has no way to get into court just because he thinks that the federal fisc is being spent in an unlawful or unconstitutional manner.

CLOSE TO HOME

This is not just the abstract rumination of an ex-law professor. It is quite close to home for anyone responsible for the affairs of a university today. There is the constant threat that because we receive federal grants or contracts or fellowships or loans, the Congress will use the spending power to blackmail us into conformity to policies and preferences which they would have no power to impose by federal regulatory or criminal law.

We came within an ace of having to impose disciplinary standards dictated from Washington if we would received federal scholarship aid. Such was the amounting demand in Congress two years ago for federal action aimed at what was politely called "student unrest." Actually this tide was stemmed by the White House in large part because the President of this University persuaded the Governors' conference and President Nixon to withstand Governor Reagan's impatience with campus self-determination. That was during the twilight of the sixties.

Now, in the seventies, we have the effort of the House Subcommittee on Higher Education to impose admissions requirements whereby any institution would lose all its federal support, medical, scientific, as well as student aid, if it refused to remove all consideration of sex from its admissions decisions.

Perhaps most outrageous to both the national security interest and to academic freedom is Congressman Hébert's proposal to deny all defense research grants and contracts and all enrollment of military personnel to any college or university which has decided to abandon its Reserve Officer Training Program. The merits of R.O.T.C. are not my point, it is rather that there may very well be no way whereby a deprived institution could test whether the discrimination against it was a "reasonable classification" as the constitutional lawyers would say. If, for instance, there were a federal tax law which taxed institutions because of their failure to have military training programs, then the reasonableness of the imposition could be tested. When that "tax" takes the form of the withholding of the chance to do defense related research, there is no legal recourse.

In short, all the apparatus of judicial review which governs criminal and regulatory law may very well be unavailing when the spending power is involved. Yet we all know that the ability to receive assistance, especially when you are competing with those who do, may be just as real an exercise of power as the imposition of prohibitions and penalties. Now that federal bounty pervades all activities, the "money license" may be a more general nexus between the citizen and the state than all the federal criminal law put together. Yet its exercise is for the most part beyond the reach of constitutional safeguards against abuse.

PRESIDENTIAL DISCRETION

The other development spurred by the necessities of the world we live in is the enormous extension of presidential discretion in foreign and national security policy. Even a most constitutionally scrupulous President cannot be expected to wait upon the niceties of congressional debate if he feels that urgent national self-interest requires immediate action.

The bind comes, of course, when his perception of the nation's interest is at odds with public opinion. It is not easy to balance the responsibilities when a President is convinced of the necessity for an action which might not command Congressional support. If he feels that imperative national interest, even survival itself, is at stake, can he be blamed for biting the bullet as the saying goes? At the same time the Constitution foresaw that a free people will not long be reliable under the lash of personal sacrifice unless there is a widespread confidence that this sacrifice was called for by a genuinely popular will expressed by the people's representative in Congress.

The balance is one of political judgment, not abstract principle. In striking this balance the Supreme Court has been properly reluctant to second-guess the Commander-in-Chief.

We cannot wish away the facts of life which have taken so much of federal power beyond the recall of judicial review. An economy like ours cannot be either productive or just without a massive federal spending power for the general welfare as well as for the common defense. No nation in a world like ours can fail to widen the executive discretion to respond to threats to the national security.

Where, then, are we to look for the vindication of the values and ethic of the Constitution; especially in those areas which lie beyond the feasible power of the courts; particularly if we cannot count on legislative self-restraint or upon the constitutional sensibility of an impatient executive?

A PUBLIC CONSTITUTIONAL CONSCIENCE

A public constitutional conscience and a popular capacity for constitutional outrage is, I submit, the last best hope for a free society in a complex and terrifying world. This, in turn, will depend greatly upon the constitutional sensitivity of those of each generation who have had the privilege of an education which has been concerned with not only the history of the struggle for fairness, but also with the yearning and frustration and triumphs and failures of the human spirit.

Those of you who have been brought up to believe in a natural law which transcends the fallibility of man may have a special obligation to keep alive a constitutional conscience which is not measured or limited by prediction of what a court will do.

By constitutional conscience I mean especially two precepts: first, the presumption of innocence; second, the accountability of power.

Both are terribly vulnerable right now. Both lie deeper and reach beyond the legal process.

The presumption of innocence is not just a question of criminal guilt. It is an attitude which is willing to believe the best of your fellow men until the contrary is proven beyond doubt, not just in a courtroom but in all human relationships. Most particularly it gives the benefit of the doubt to those who are set upon by accusers, especially official accusers. It does not impute base motives to those who disagree. It leaves generous room, not only for reasonable disagreement, but for error and mistake.

The insistence on the accountability of authority is also more fundamental than the fine print of legal strictures. It is concerned with the spirit in which power is exercised. Noblesse oblige is no substitute for the willingness of governors to take into serious account the feelings and opinions of the governed. Most important it presupposes an openness and disclosure, so that those affected by the exercise of authority may decide whether or not they are in fact satisfied with what has been done to them, for them, or in their name.

A MORAL CONVICTION

Both of these precepts—the presumption of innocence and the accountability of power—rest ultimately upon a moral conviction that the individual human being is endowed with a dignity which must be protected from unfairness, and is entitled to have a say in his own destiny. Authority, even the authority of the majority, must not be allowed to rise above this ultimate moral concern.

Many of you, and many of your faculty, and Father Hesburgh and I, are today profoundly upset by the flouting of the presumption of innocence. We are called knaves by those in authority because they resent our opposition. It would be enough if they called us fools; but somehow the compulsion of politics has so corrupted compassion that we should be called not wrong but wicked. This is the deep insult, not to us personally, but to the process which was designed to ensure the freedom of mutually respectful disagreement.

And many of you, many of your faculty, and your University's President and I, are deeply disturbed by a self-righteousness which seems to assume that benevolence can be an excuse for high-handedness, if not dictatorship. This is a challenge not to our person, but to everything we were taught to care about in the elementary civics of constitutionalism.

As you go forward from this place, make it your job to remind the Republic of its origin, and to insist that fallible men must not judge each other quickly or impatiently. Insist also that those who do, and must, have the authority of government shall remember that they do derive their just powers from the consent of the governed.

Upon you, and others like you, will depend the vitality of our nation's Constitutional conscience.

Mr. Speaker, I insert also the text of an article by Tom Wicker published in the New York Times of May 23, 1972. Mr. Wicker's article was based on Mr. Brewster's address. Both Mr. Brewster and Mr. Wicker received honorary degrees from the University of Notre Dame on this occasion.

Mr. Wicker's essay follows:

The Guardian Critics

(By Tom Wicker)

South Bend, Ind.—Any astute commencement speaker knows that he or she cannot expect today's college seniors to sit still for the old-fashioned inspirational bilge that used to be pumped from every graduation platform in the land. Yet, at the University of Notre Dame's commencement exercises Sunday, the seniors gave a standing ovation to their valedictorian, William G. McElroy Jr., of Silver Spring, Md., when he said that he had "a feeling of hope" that he and his classmates would find in the search for honor "a spark in our lives" and in the struggle against evil a "profound duty."

Mr. McElroy—one of four seniors to achieve a remarkable 4.0 grade level for his years at Notre Dame—was not of course being merely inspirational; he said he had resisted faculty advice to sprinkle his speech with "glittering matter" and "empty slogans." He was, in fact, condemning contemporary America for "abandonment of the pursuit of honor," for "self-regard" rather than "self-giving", and for using its technological power not for the advancement of mankind but to make war, pollute the atmosphere and render its cities unlivable.

Nevertheless, these remarks—heard in rapt silence and thunderously applauded—were certainly not revolutionary, in the political sense. Mr. McElroy spoke of a future in which he and his classmates would be "lawyers, doctors, businessmen"; and it was in that mundane prospect—not in some millennium—that he defined their task: "striving for justice and honor in a world that is evil." Traditional American idealism rings in those words; they are a summons to old but slighted values, not to some new system or concept.

In fact, it is not necessarily true that the sharpest critics of modern American life are the strongest advocates of change, in contrast to the super-satisfied who advised them via bumper stickers to "love it [presumably as it is] or leave it." On closer examination, some of these defenders of the status quo appeared to support the greatest changes from historical or fundamental concepts, while the critics more nearly proclaim old, if half-forgotten, values.

This phenomenon of the critic as conservative—as guardian rather than evangelist of the new—was equally evident in the commencement address of Kingman Brewster, the president of Yale, Mr. Brewster has been a strong critic of many recent developments, and so he was at Notre Dame—raking President Nixon, for example, for a policy of "avoiding defeat at any cost in this misguided war" and for proclaiming, in effect, "if you are not for me you are against our country."

But Mr. Brewster's real message was the necessity for preserving "constitutional values"—which he said could not be done by the executive, the legislative or even the judicial branches, but ultimately only by "a public constitutional conscience and a popular capacity for constitutional outrage."

Thus, Mr. Brewster urged upon his listeners a constant concern for two precepts—both of which are of the warp and woof of American tradition: "first, the presumption of innocence; second, the accountability of power." Both, he said, "rest ultimately upon a moral conviction that the individual human being is endowed with a dignity which must be protected from unfairness, and is entitled to have a say in his own destiny. Authority, even the authority of the majority, must not be allowed to rise above this ultimate moral concern."

So, he told the Notre Dame graduates, "as you go forward from this place, make it your job to remind the Republic of its origin, and to insist that fallible men must not judge each other quickly or impatiently. Insist also that those who do, and must, have the authority of government shall remember that they do derive their just powers from the consent of the governed."

That is the true voice of the American constitutional conscience; yet, somehow, those who say such things today are apt to be labeled "dissidents" or even "radicals" or charged with aiding an enemy—while those who want to shortcut the law or "turn loose" the police to put more people in jail, and those who insist that patriotism requires total support for anything President Johnson or President Nixon might do as Commander in Chief, proclaim themselves most concerned for their country and advise others to love it or leave it.

Therefore, it is not always true that the sharpest critic advocates the greatest change—not, at least, if the starting point is the Constitution of the United States and the context is that of the traditional American values. These may always have been honored mostly in the breach, but they once gave the nation an ideal of itself—an ideal to which it is necessary, not revolutionary, to cling.

S. 659 A TRULY BIPARTISAN MEASURE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on June 8, 1972, the House approved and sent to the President for his signature a landmark higher education measure that not only will extend all existing Federal higher education programs, but will add several new programs of salient importance to the future of American higher education. I refer, of course, to the provisions of the conference report on S. 659 creating a new progam of direct assistance to colleges and universities, and in addition inaugurating a new system of basic educational opportunity grants for students from both middle-income and low-income families.

At that time, Mr. Speaker, I noted that the measure enjoyed wide, bipartisan support in both Houses, and called attention in particular to the presence of several programs in the final version of the bill that were originally proposed by President Nixon.

Today, Mr. Speaker, I include in the Record that portion of the Democratic Policy Council's report to the 1972 Democratic Platform Committee, which addresses itself to higher education.

I am pleased to note that many of the programs recommended in the Policy Council's report have already received congressional approval in the measure sent to President Nixon this month. This serves to further illustrate, Mr. Speaker, that the bill that won our final approval represents good policy and is truly a bipartisan measure that deserved our enthusiastic support.

The report follows:

Higher Education

We firmly support universal access to opportunities for post-secondary education. The demands and complexity of contemporary society make it imperative that post-secondary opportunities be universally available. It is imperative too that the American system of higher education continue its tradition as an open system, and not be closed just at that point in time when so many more young people wish to enter it. Thus, the following goals are recommended for federal higher education policy:

Increasing equality of opportunity. The American education system, particularly its colleges and universities, has always been an important path toward social and economic advancement and upward mobility. This movement and the resulting lack of rigid social structure from one generation to the next have been important contributors to the strength of American society. Despite tremendous increases in the size of the higher education system and the level of government resources flowing into colleges and universities, the enrollment opportunities for students from low and moderate income families are significantly constrained at a time when higher education is increasingly a necessary requirement for mobility and when social and economic mobility are increasingly important for the maintenance of our social fabric.

To narrow the gaps in educational opportunity, *federal higher education policy should increase the proportion of low and moderate income youth who both enroll in college and eventually graduate. Federal policy should also seek to make the distribution of these students among public and private, and two and four year institutions approximate that of students from more affluent families.*

Increasing the quality and diversity of the higher education process. The products of American education, particularly its colleges and universities, are important sources of economic social strength and the advancement of the society. The quality and quantity of these human products significantly influence the composition of the nation's highly skilled manpower pool. As the society moves toward the final quarter of the twentieth century, its demand for highly trained manpower will persist. More importantly, society is beginning to confront a range of social, economic and environmental problems for which it is shamefully unprepared. If these problems are to be successfully attacked, a new range, quality and quantity of educational products, both graduates and knowledge, must come from the nation's educational system. The demand for these products and the need come at just the time colleges and universities are retreating from an active period of expansion and creative development.

To combat this retreat, federal higher education policy should seek to increase the number and kinds of individuals who receive a college education and the quality of the education that they receive. Federal policy should stress that educational quality should be measured along a wide variety of dimensions.

Stimulating reform in the higher education system. If college and universities are to serve new and diverse groups of students and if they are to produce new levels and varieties of educational outputs, it is clear that existing institutions must reform and new kinds of institutions must be nurtured. Reform or changes should not be attempted for its own sake, but in order to make higher education better serve its clientele—both students and the society-at-large—through teaching, research and public service. Without federal resources, reform and change are unlikely to occur within the higher education system.

To stimulate reform, federal higher education policy should seek to increase the resources that are available for institutional reform, change, and development. These resources should not be restricted either to existing institutions or existing educational technologies.

* * * * *

The following programs can help achieve the urgent goals of the seventies. Each requires new directions in federal support and might best be served through imaginative new cooperative arrangements between federal and state governments.

A PROGRAM TO EQUALIZE OPPORTUNITY

Direct grants to students based on family income and college cost.

Guaranteed access for all students to loan funds which have long-term repayment periods and some form of insurance against low future earnings.

Regulated vouchers to federally-aided students for supplementary and compensatory educational acivities in order to enable them to compete with other, more highly prepared students.

Grant supplements to institutions based on their enrollment of federally-aided students. These grants would aid all institutions enrolling aided students, and in particular would increase the attractiveness of these students to selective colleges and universities.

Contingent loans to institutions with repayment based on the amount of federal student grant funds expended. These loans will encourage the development of new institutional capacity.

Federal incentives to states to better equalize tuition charges between public and private institutions.

Funds to foster a new partnership between post-secondary, secondary and primary school education to concentrate on the problems of the educationally-disadvantaged and provide new patterns for learning. This arrangement would hopefully insure greater success of the educationally disadvantaged when they enter colleges and universities and utilize new techniques of teaching and performance evaluation.

A PROGRAM TO IMPROVE THE QUALITY OF THE EDUCATIONAL PRODUCT

Direct grants to colleges and universities wishing to develop new programs or new levels of capacity.

Guaranteed access to loan funds for colleges and universities that have long-term repayment periods in order to further encourage institutions to expand or develop new programs.

A PROGRAM TO STIMULATE REFORM

The best method for stimulating reform and equality and quality in higher education is to encourage institutions to experiment with new styles of educational activity. In addition, the federal government should support, through project grants, a wide range of higher education experiments. The experiments should include:

Alternative student and institutional financing mechanisms;

Alternative educational technologies;

Alternative programs that serve new kinds of students and encourage needed innovations including:

Changes in admissions policies to make them more responsive to students traditionally left behind.

Development of broad opportunities for lifelong learning.

Reforms in academic calendars to allow degrees to be obtained more quickly; to allow students to gain access to post-secondary opportunities throughout their adult years; and to encourage "stopping off" during the higher education experience.

Efforts that foster inter-institutional cooperation, in planning, use of physical and academic resources, and public service programs.

Efforts to improve institutional management, planning and budgeting.

In summary, federal policy should also identify and assist specific categories of institutions in need of special institutional support, e.g., predominantly black institutions and developing institutions, particularly new community colleges that offer comprehensive academic and vocational programs.

A WARM TRIBUTE TO THE LATE KATHY WHITE, A LOVELY AND LOVING LADY, AND WIFE OF OUR COLLEAGUE, THE HONORABLE RICHARD WHITE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in the course of a briefing for congressional wives held at the State Department on June 9, 1972, some very eloquent and moving remarks were made in eulogy to the late Kathy White, beloved and charming wife of our distinguished colleague and friend, the Honorable RICHARD "DICK" WHITE, who left us all too suddenly and all too soon.

Mrs. Pepper, who was privileged to attend this occasion, was deeply moved by the beautiful tributes to her dear friend, Mrs. White, and at her request I am honored to have the privilege of putting in the CONGRESSIONAL RECORD the warm comments of high regard made by David Abshire, congressional liaison aide for the Department of State, and by Mrs. Dorothy Hungate, whom we all know as the gracious wife of our distinguished colleague and friend, WILLIAM "BILL" HUNGATE. I feel sure that Kathy's multitude of friends on the Hill and elsewhere would want to participate in this emotional and deeply moving experience:

STATEMENT BY DAVID ABSHIRE

We now turn to the tribute to Kathy White. As you know, a few months ago, Kathy died accidentally, and Kathy made a tremendous contribution which will live on as long as these briefings continue, and I am sure they will continue as long as the State Department continues. It was through her initiative that the periodic State Department briefings were initiated and I want to, in just a minute, call on Dorothy Hungate, wife of Congressman Bill Hungate of Missouri, to make that presentation. She was Kathy's friend and colleague in the 89th Club. We are very happy to have with us this morning, Congressman White, Dick, and his three sons—Rod, Richard and Raymond. And now I call on Dorothy Hungate.

STATEMENT BY MRS. DOROTHY HUNGATE

Kathy was a beautiful person, she possessed physical, mental and spiritual beauty. I don't believe I have ever known anyone who loved life more, lived it more fully, more joyfully. Kathy truly loved people and she had that special ability to show them that she cared. Thousands of American women pay lip service to the collect of the General Federation of Women's Clubs—Kathy lived it.

Keep us, oh God, from pettyness. Let us be large in thought, in word, in deed. Let us be done with fault-finding and leave off self-seeking. May we put away all pretense and meet each other face to face without self-pity and without prejudice. May we never be hasty in judgment and always generous. Let us take time for all things. Make us to grow calm, serene, and gentle. Teach us to put into action our better impulses, straight-forward and unafraid. Grant that we may realize it is the little things that create differences; that in the big things of life we are as one and may we strive to touch and to know the great common human heart of us all, and, oh Lord God, let us forget not to be kind.

Kathy's first love—the most important thing in Kathy's life, was her family—Dick and their three sons. If you have not read Dick's tribute to Kathy which was printed in the Congressional Record of May 2nd, I hope you will. It was the most beautiful tribute I have ever read. In these few moments I have this morning, I would like to talk a little bit about the Kathy I knew. Our friend, the busy, happy Congressional wife.

My first memory was her warm friendliness to me when I came a stranger to the 89th Club in 1967. Many, many times I observed the special attention and friendliness she showed to those who were new in the group, whether it was the Congressional Club, the International Club, the Women's Prayer Group, wherever she went she generated warmth, joy and love. As I knew her more, I discovered her delightful sense of humor and her quick wit. Kathy was extremely talented, highly intelligent and well-informed, a truly concerned and aware individual. She gave so much of herself to others. She touched so many lives. She seemed so delicate and fragile. Yet she did so much. I keep thinking of these lines of Edna St. Vincent Millay: "My candle burns at both ends. It will not last the night, But Ah my foes and Oh my friends, it makes a lovely light." Kathy shed a lovely light which continues to glow in the hearts of all who knew her. All of us who loved her feel diminished by her death, but how much richer we are for having known her. In closing I would like to read a few lines from "Tears and Laughter" by Kahlil Gibran.

"Let me sleep, for my soul is intoxicated with love, and let me rest, for my spirit has had its bounty of days and nights; . . . Let me rest in the arms of slumber, for my open eyes are tired; Let the silver-stringed lyre quiver and sooth my spirit; . . . Dry your tears my friends and raise your heads as the flowers raise their crowns to greet the dawn. . . . I have passed a mountain peak and my soul is soaring in the firmament of complete and unbound freedom; . . . and can hear naught but the music of eternity in exact harmony with the spirit's desires. . . . I am in comfort—I am in peace. . . . Disturb not the air's tranquility with chanting and requiem, but let your hearts sing with me the song of eternal life; . . . Talk not of my departure with sighs in your hearts; Close your eyes and you will see me with you forever more. . . . Leave me to God and disperse yourselves slowly as the almond and the apple blossoms disperse under the vibrations of the spring breeze. . . . Go back to the joy of your dwellings and you will find there that which death cannot remove from you and me."

THE PAST, PRESENT, AND FUTURE OF CUBA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, my good friend and a distinguished news commentator in Miami, Dr. Manolo Reyes, on June 9, 1972, testified before the National Democratic Committee platform hearing in Atlanta. His description of the past, present, and future of Cuba is both knowledgeable and deeply thought-provoking. I am certain my colleagues will find his statement interesting and enlightening. Therefore, Mr. Speaker, Dr. Reyes' address appears in the RECORD immediately following my remarks:

SPEECH BY DR. MANOLO REYES, LATIN AMERICAN NEWS DIRECTOR, WTVJ

Mr. Chairman, distinguished members of the Platform Committee of the Democratic Party, ladies and gentlemen:

I am a Cuban national and it is indeed a privilege and an honor to be here today, before you, testifying about the dramatic Cuban situation and the military build-up of the Soviet Union inside my country, Cuba. Be assured that I come before you, as I have done seven times in the last two years to testify to the United Congress and the Organization of American States about this matter, with representation of no one. Because I do not represent the Cuban people. I do not have their consent. And be sure also, that I do not come here to beg for Cuban freedom, because freedom cannot be implored, but demanded.

Up to now the dead ones have been the Cuban people, before and after the Bay of Pigs expedition.

The exceptions to this statement are a United States Air Force Major that was shot down over Cuba by a Russian built missile while flying a U-2 plane during the missile crisis, a number of Americans that have been executed by the red regime of Havana and four American flyers that were shot down over the Bay of Pigs because they did not want to abandon the Cuban freedom fighters on that beach.

My presence here is a new proof of the traditional friendship between the United States and Cuba.

My people are now suffering the worst tyranny ever imposed on a nation in the Americas since they were discovered. In 13 and a half years that the communist regime has been in Cuba, approximately 33,000 Cubans have been executed in front of the firing squad. There are about 85,000 political prisoners in Cuba, one million Cubans have been forced into exile throughout the world, out of which some 800,000 are now in the United States, and seven million people are inside a big concentration camp called Cuba from one end of the island to the other.

My country was facing a less tyrannical situation at the end of the last century, but nevertheless the Congress of the United States produced a Joint Resolution in April of 1898 saying that the Cuban people had the right to be free and independent. After that, Americans and Cubans joined together to fight for Cuban freedom. As far as I am concerned the Joint Resolution still stands since it has not been superceded.

Now, with a communist regime entrenched in the heart of the Hemisphere the situation is more serious and dangerous, and as the French say "Laisse faire, Laisse passe" will get us nowhere.

On August 7th, 1962, I disclosed that there were 5,000 Russian soldiers in Cuba. The story was officially denied saying they were not soldiers, but technicians. Twelve weeks later we had the missile crisis of October 1962.

On April 28, 1969 I denounced on television and other news media that there was the beginning of a new Soviet military build up in Cuba. Again, the story was denied, but three months later, July 26, for the first time in the history of my country and the Americas, a Soviet Naval squadron anchored in Cuba

On July 27, 1971, testifying before the Interamerican Affairs Subcommittee of the House in Washington, chaired by Congressman Dante B. Fascell, I disclosed that there was a Soviet naval facility for nuclear submarines in Cienfuegos, Cuba. Two months later the Pentagon and the White House disclosed the same.

Three years have gone by since my first denouncement in April 1968, and the Soviets have sent to Cuba eight naval squadrons, the last one in May of this year. In the last visit to Nipe Bay, Oriente Province, there was a submarine called Golf Two, that carried three "Serb" missiles with a range of 750 miles. Prior to this recent visit, 11 Soviet submarines of three types have visited Cuba since July 1969 along with 30 surface vessels, including submarine tenders. Four of these submarines were Echo 2 type and each carried eight missiles called "Shaddock" with a range of 500 miles.

In a recent visit to Miami, Senator Hubert Humphrey pointed out that Soviet naval units have been making maneuvers on the Caribbean, with Castro naval units, just 30 miles from American soil, and that the Soviet military presence in Cuba is a real threat not only to the Continent but to the United States.

On May 22, it was announced that the Soviet naval units had left the Cuban ports. But the naval facilities for their ships and submarines, remained there. There also remained some 30,000 Russian troops, an international communist brigade of several thousand hard-core international communist agents and the Soviet arsenal of tank, weapons, artillery and Mig 15, 17, 19, 21 and the most advanced model of the Mig 21.

Three major airports of Cuba are in Soviet military hands, and many caves throughout Cuba have been excavated and now only house Russian military personnel.

The red regime of Havana, supported by the Soviet Union, is the second military power of the Hemisphere. The red regime of Cuba has the moral and material support of the communist block.

In the mean time, the vast majority of the Cuban people are against the regime in power, and there are not two Cuban people, one in exile and one in Cuba. There is only one Cuban people with the Cuban family divided by an execution, by a political prison, by the sea or by hate. And the majority of the Cuban people have only the moral support of the free world. Time has come to change this situation.

At least, Cuba should be excluded from the neutrality law of the United States, and then, the Cuban people should have the moral and material support of the majority of the American Continent, in their struggle for freedom. I conclude by saying that the actual communist regime in Cuba has continued to export their so called revolution to the rest of the Hemisphere, has continued to intervene in the internal affairs of their neighbors, and their increased military ties with the Soviet Union is a real threat and a positive danger not only for the United States but for the entire Western Hemisphere.

JOSE MARTI POST, VFW

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on May 27, I was privileged to be the guest of the Cuban American Post "Jose Marti" of the Veterans of Foreign Wars and give my remarks at their annual installation of officers banquet. The Jose Marti Post is made up of former Cuban citizens who have all joined the Armed Forces of the United States, their adopted homeland, and have gone to Vietnam to fight for the liberty they so deeply cherish.

Joining me on the dais was my good friend and distinguished news commentator, Dr. Manolo Reyes. I wish to call my colleagues' attention to the splendid statement Dr. Reyes gave expressing his admiration, in which I join, for the magnificent work done by this unique and outstanding group of men:

SPEECH BY DR. MANOLO REYES

One year ago I stood on this podium of the Cuban American Post "Jose Marti" of the Veterans of Foreign Wars, in the opening ceremonies of this prestigious organization.

Not many people can have the privilege of belonging to the Veterans of Foreign Wars. Because not many people have gone to foreign battle fields to defend with weapons in their hands the principles of God, Liberty and Country.

A year after, thanks to your nice invitation, I return to this podium, not to make a resume of your activities, because I don't have the privilege of being one of you. But to tell all of you that I have been a witness, a silent witness of all your accomplishments in such a small period of time.

Years ago, some of you were on the expedition of Bay of Pigs, some of you were for 22 months in the horrible communists prisons of Cuba, all of you joined the United States Armed Forces, and all of you have gone to Vietnam to fulfill your military duties.

Each one of the sequences you have lived in your life time is enough to make a man great.

You certainly have given more than your share as a free man.

And I am sure you are willing to do it again.

That's what makes you men of unique caliber. But each stage in life has its own modus operandi. Some people are now beginning to face the roads that you have long since surpassed.

And I am sure that your example will help, encourage and enlight them to overcome with success the difficult tasks that they will face ahead.

Because the road to freedom in life is a straight one, always ahead, never behind.

After many struggles, you are now facing a new way to freedom: Community Service.

Community Service means proper organization, good communication, and above all true help.

Community Service is the upper grade of military men.

First, he defends the community fulfilling his military duties. Afterwards, he defends his community with his personal involvement in the regular and direct help to men, women and children, living in his area. A military man, even when he is out of the service, is always a public servant. Military men have been successfully envolved in community action like the Denazification of Germany, the Agrarian Reform in Japan after the second World War, the Marshall plan in Europe and now the Vietnamization in Indochina.

Believe me, a healthy nation can only be accomplished through healthy communities.

It means nothing, to either defend or conquer freedom for a community, if we are not ready to have a healthy one. Because all the efforts to obtain freedom will be wasted after freedom is accomplished.

The basic reason for life is to help others.

This post that you have formed is a wonderful bridge between your previous military efforts and the community you are now living in.

This is a testing ground for yourselves and the responsibilities that will come in the future.

If the community services are not fulfilled now, what kind of future are we going to have, here or wherever destiny will place us?

You know how to handle a platoon, a bazooka, a plane, a gun.

But do you know how to handle a community?

I have to say: Yes, I have seen a silent witness during this year and you have done a superb job.

You have been helping the migrant workers, you have been working with landscape projects in a Dade County public school, you have been giving joy, entertainment and presents to children whose parents are far away.

You are technical people on the military side . . . and are becoming technical people on community affairs.

I want to congratulate all of you for your advancements and accomplishments in this year that you have been working together on a new aspect of your capacity as public servants.

And I deeply hope that the future will bring to each and everyone of you the realization of all your dreams.

I am sure, they are dreams of freedom, dreams of friendship, dreams of mutual help.

Remember, the dreams of today are the realities of tomorrow.

But the only way to make them come true is by working together, working as a team, like you did when you were on the battlefield, as a team, with high ideals, looking up to the skies, trying to put freedom, love, justice, and friendship, where there has been hatred and anarchy . . . because all of us are, and will always be, brothers under God.

A SALUTE TO EDUCATION

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, education is central to equal opportunity to our society. The Jeffersonian idea that ignorance and freedom cannot exist side by side in a democracy has given education a primary objective of seeing to it that all people have an equal chance at the starting line. Jefferson knew that the destiny of this country was inseparable from education and that education was key to the achievement of the Nation's promise. The freedoms we enjoy and the great advances we have made in nearly 180 years of nationhood have proven Jefferson to be right. Still the vessel of hope and fulfillment, education today is also the key to the Nation's, moreover mankind's, survival.

Education is also the critical element in the development of a common culture and the transmission of skills for people to function in society. The American education system is unparalleled in world history—both quantitatively and qualitatively. In large part, the success of this great venture in human growth and development has been a direct function of the kind of people who have dedicated themselves to the teaching profession. They are that adhesive force that draws not only the system, but also our country, together through their shared experiences, talents, and skills. In my judgment no manner of tribute can adequately or properly measure the contribution made by 2 million classroom teachers to the kind of life we enjoy and the Nation we live in.

PRESERVATION OF FORESTS

(Mr. GOODLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GOODLING. Mr. Speaker, Americans are being pushed and shoved by self-appointed instant experts who advocate changes in specific areas of our national economic, social, and environmental life without regard for the consequences to the whole. Like blind men of the fable examining an elephant, each reaches conclusions based upon a narrow range, completely illogical and erroneous in concept.

Advocates of 180 degrees of change on the "instant" principle, create problems that will equal or surpass the ones they profess to correct.

This is particularly true in the environmental field. While one pressure group files court suits against the U.S. Forest Service to preserve trees, another group files suits to prevent spraying to save millions of acres of trees from gypsy moths which threaten to spread across the country unless immediately halted.

Cost in dollars is also mounting into millions by the delays, either in destruction of woodlands by the insects on the one hand, or by increasing housing costs due to forced shortages of lumber.

Researchers are discovering better means of controlling insect pests and plant diseases. Some of them are being tested in the field at the present time. But, until a proven method has been perfected we cannot afford to stand idly by and permit destruction of additional millions of acres of trees. It would be like refusing to use existing methods of surgery to save the life of a patient because researchers are developing a new technique that may be available next year.

When we learn that 2 million acres of woodland in the northeastern States were denuded by gypsy moth caterpillars in 1971—twice that of 1969 and six times the 1969 average—there can be no excuse for delay in using the best controls now obtainable.

USDA has designed a comprehensive 5-year research and development program to bring the gypsy moth under control. The program contemplates making use of both biological and chemical means, while avoiding every possible environmental hazard.

Currently tests are making widespread use of a bacterial virus spray that only affects moths and their caterpillars. The chemical "Sevin" has been the principal pesticide up to now which does not have the persistent properties of DDT which has now been largely banned.

The newly developed virus spray, called BT, is being tried in New York, New Jersey, and Pennsylvania this year. Its use has also been planned for some areas of Rhode Island where the gypsy moth has infiltrated the woodlands.

USDA is also checking spread of the gypsy moth across the Nation. Some of the pests have been found as far away as Missouri, hitchhiking on mobile homes from the infested Northeastern area. The swift spread of the insects is a worry that should concern all of us. It is not something that we can shrug off, condemn proceedings being employed to contain the despoilers of our forests and woodlands, and then criticize Government for not doing something about it.

We must temper our environmental concern with commonsense. All of us want cleaner air, water, and soil. And, we are going to get it. But, we cannot instantly reverse the actions of generations. USDA is placing great emphasis on developing parasites and other natural enemies of the unwanted pests. These have been released in some of the 80 additional counties where the gypsy moth has been discovered in the past year. States include Delaware, Maryland New York, North Carolina, and Virginia.

Until these field tests have proven successful, however, we can ill afford to sit on our hands and allow more and more of our woodlands to be destroyed. There are chemicals that are low in toxicity to humans, birds, fish and other wildlife. Effective eradication work must be pursued. A negative course is unacceptable in an age when people need more trees, not less, for recreational purposes and to generate the oxygen that counters existing air pollution.

A SALUTE TO EDUCATION

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the liberating influence of education in the United States has made us the great power which we are today, and we all stand indebted to it. It has provided us with great leaders, an intelligent citizenry, and a thriving, innovative economy unparalleled in world history. What, then, is to be education's future role?

I wish to say today that I believe it is time in America that we begin to take a new look at the role of education in our lives. For too long we have looked on learning as merely the key to a good job, or a one-way ticket to the American dream. Truly, there was a time when this was the case: The more education one had, the higher one was placed on the economic ladder. But those days are over. We have come to realize that all human occupations are services required by people living in community, and that they therefore merit decent wages and respect.

Since we have changed our view of the value of human labor, we must now also adjust our view of education. The country's needs are changing. It is time for us to begin to appreciate education as a personalizing experience for each individual. Education should not be strictly a preparation for a single occupation, nor strictly a development of the intellect alone, nor strictly a pursuit of physical prowess. Rather, it should incorporate all these things and more. It should be a preparation and training for the unending process of human growth and development which takes place throughout life.

So often it is said that education has a "civilizing" effect. This is obviously true. But can we not see that America stands in need of still better education? Why are our movies and television shows predominantly violent? Why are replicas of torture machines manufactured as toys? Why does assassination of our political leaders persist? Why do we continue to desecrate our environment? What panacea can offset these ills?

Education is an answer. This is the great task which we now give to the teachers of America: To help the Nation's students develop a "sense of self" within themselves, of which they can be proud; to discover how not just to acquire knowledge, but to use it to help their fellow men; to learn to value and protect the world in which they live; and above all, to know what it means to be creative, to be sensitive, to experience beauty.

As for the teachers who will guide these endeavors, no salary can ever repay the tremendous contributions which they have given, and are daily giving, in terms of constant effort, patience, and enthusiasm. Their profession is one of the most difficult, but their perseverance will continue as an inspiration to both their students and all Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURKE of Florida (at the request of Mr. GERALD R. FORD), for next week, on account of knee surgery.

Mr. HOSMER (at the request of Mr. GERALD R. FORD), for June 21 and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Goldwater) and to revise and extend their remarks and include extraneous matter:)

Mr. Crane, for 5 minutes, today.

Mr. Blackburn, for 5 minutes, today.

Mr. Veysey, for 5 minutes, today.

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Danielson, for 5 minutes, today.

Mrs. Abzug, for 10 minutes, today.

Mr. William D. Ford, for 10 minutes, today.

Mr. Aspin, for 5 minutes, today.

Mr. Koch, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Melcher, to address the House for 1 minute, notwithstanding an estimated cost of $1,150.

Mr. Colmer (at the request of Mr. Mills of Arkansas) to revise and extend his remarks made today on House Resolution 996.

(The following Members (at the request of Mr. Goldwater) and to include extraneous matter):

Mr. Winn.

Mr. Schwengel.

Mr. Quie in two instances.

Mr. Belcher.

Mr. Don H. Clausen.

Mr. Conte in two instances.

Mr. Burke of Florida.

Mr. Bell in two instances.

Mr. Baker.

Mr. Wyman in two instances.

Mr. Zwach.

Mr. Whitehurst in two instances.

Mr. J. William Stanton in two instances.

Mr. Vander Jagt.

Mr. Riegle.

Mr. Edwards of Alabama.

Mr. Teague of California.

Mr. Kemp.

Mr. Fish.

Mr. Price of Texas in two instances.

Mr. Derwinski in two instances.

Mr. Thone in two instances.

Mr. Keith in three instances.

Mr. Keating.

Mr. Bray in three instances.

Mr. Snyder.

Mr. Bob Wilson.

Mr. Eshleman.

Mr. Steiger of Arizona.

Mr. Hansen of Idaho in two instances.

Mr. Anderson of Illinois.

Mr. Spence.

Mr. Hillis.

Mr. Cederberg in two instances.

Mr. Collier in five instances.

Mr. Shoup.

Mr. Lloyd.

Mr. Michel in five instances.

Mr. Landgrebe.

Mr. Harsha.

Mr. Broyhill of Virginia.

Mr. Horton in two instances.

Mr. Coughlin.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous material:)

Mr. Dulski in 10 instances.

Mrs. Hicks of Massachusetts in two instances.

Mr. Gonzalez in three instances.

Mr. Rarick in five instances.

Mr. Hagan in three instances.

Mr. Pucinski in six instances.

Mr. Rogers in five instances.

Mr. Hungate in two instances.

Mr. Rodino in four instances.

Mr. Dingell in two instances.

Mr. Montgomery in two instances.

Mr. Carney.

Mr. Stokes in three instances.

Mr. Roush.

Mr. Dorn in two instances.

Mr. Karth.

Mr. Monagan.

Mr. Hicks of Washington.

Mr. Seiberling in 10 instances.

Mr. Roy.

Mr. Reid in two instances.

Mr. Nichols.

Mr. Abbitt.

Mr. Hathaway.

Mrs. Griffiths in three instances.

Mr. Aspin in five instances.

Mr. Daniels of New Jersey in three instances.

Mr. McCormack.

Mrs. Abzug in five instances.

Mr. Boland.

Mr. Corman.

Mr. Leggett.

Mr. Roybal in three instances.

Mr. Johnson of California in two instances.

Mr. Dow.

Mr. Waldie in six instances.

Mr. Moorhead in five instances.

Mr. Roe in two instances.

Mr. Carey of New York.

Mr. Chappell.

Mr. Wright in three instances.

Mr. Brasco.

Mr. Mann in five instances.

Mr. Podell in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3617. An act to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

S. 3715. An act to amend and extend the Defense Production Act of 1950; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7088. An act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 513. An act for the relief of Maria Badalamenti.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, June 22, 1972, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 15587. A bill to provide for a 6-month extension of the emergency unemployment compensation program (Rept. No. 92–1156). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 3542. A bill to amend title 37, United States Code, to authorize payment of travel and transportation allowances to certain members of the uniformed services in connection with leave; with an amendment (Rept. No. 92–1157). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 5621. A bill to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the Armed Forces; with an amendment (Rept. No. 92–1158). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of Illinois: Committee on Armed Services. H.R. 14537. A bill to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile-fire areas (Rept. No. 92–1159). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 14909. A bill to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status (Rept. No. 92–1160). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 14911. A bill to amend titles 10 and 37, United States Code, to authorize members of the Armed Forces who are in a missing status to accumulate leave without limitation, and for other purposes (Rept. No. 92–1161). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 14915. A bill to amend chapter 10 of title 37, United States Code, to authorize at Government expense the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than 1 year; with an amendment (Rept. No. 92–1162). Referred to the Committee of the Whole House on the State of the Union.

By Mr. FISHER: Committee on Armed Services. S. 2945. An act to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; with an amendment (Rept. No. 92-1163). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 15619. A bill to amend title 28 of the United States Code to provide for the recovery by defendants of reasonable attorneys' fees in certain civil actions brought by the United States, in the discretion of the court; to the Committee on the Judiciary.

By Mr. ASPIN (for himself and Mr. Mitchell):

H.R. 15620. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN:

H.R. 15621. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 15622. A bill to prohibit funds appropriated to the Office of Education, for the fiscal year ending June 30, 1973, from being used by individuals at an institution of higher education or by such an institution if the playing of the national anthem at a public event is prevented or interrupted by such an individual or is not permitted by such an institution pursuant to this act; to the Committee on Education and Labor.

By Mr. BURKE of Massachusetts (for himself, Mr. Nedzi, Mr. Mollohan, Mr. Hawkins, Mr. Roybal, Mr. Price of Illinois, and Mr. Barrett):

H.R. 15623. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Nedzi, Mr. Mollohan, Mr. Hawkins, Mr. Price of Illinois, and Mr. Barrett):

H.R. 15624. A bill to amend section 203(e) (2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 15625. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit the making available of Government procurement sources to Federal grantees and contractors; to the Committee on Government Operations.

By Mr. FORSYTHE:

H.R. 15626. A bill to provide for the reduction of the amounts of Federal-aid highway funds to any State which has not made provision for free access to emergency vehicles on any toll road, tunnel, or the approaches thereto within the jurisdiction of such State; to the Committee on Public Works.

By Mr. GARMATZ (for himself and Mr. Pelly):

H.R. 15627. A bill to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MELCHER:

H.R. 15628. A bill to amend the Small Business Act to authorize the Small Business Administration to make loans to small business concerns which are adversely affected as a result of certain international agreements; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 15629. A bill to provide payments to State and localities for high-priority expenditures; to the Committee on Ways and Means.

By Mr. PURCELL:

H.R. 15630. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee Ways and Means.

H.R. 15631. A bill to provide a program of tax adjustment for small business and for persons engaged in small business; to the Committee on Ways and Means.

By Mr. RAILSBACK:

H.R. 15632. A bill granting the consent and approval of Congress to an agreement between the States of Illinois and Iowa relating to the establishment by certain of their political subdivisions of a regional air pollution control board; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia (for himself, Mr. Findley, Mr. Hogan, and Mr. Keith):

H.R. 15633. A bill to amend title 10 of the United States Code, to provide that personal delivery of notification of death of servicemen to the next of kin may only be made by officers; to the Committee on Armed Services.

By Mr. CLARK:

H.R. 15634. A bill to amend section 103 of title 23, United States Code, relating to the Interstate System; to the Committee on Public Works.

By Mr. PUCINSKI (for himself, Mr. Bell, Mr. Perkins, Mr. Quie, Mr. William D. Ford, Mr. Meeds, Mr. Hawkins, Mrs. Mink, Mr. Forsythe, Mrs. Chisholm, Mr. Veysey, Mr. Biaggi, Mr. Kemp, Mrs. Hicks of Massachusetts, Mr. Peyser, Mr. Mazzoli, and Mr. Badillo):

H.R. 15635. A bill to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

By Mr. ROE:

H.J. Res. 1231. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GREEN of Pennsylvania:

H.R. 15636. A bill for the relief of Sabatino Di Giacomo; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 15637. A bill for the relief of Melissa Catambay Gutierrez; to the Committee on the Judiciary.

H.R. 15638. A bill for the relief of Milagros Catambay Gutierrez; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 15639. A bill for the relief of Miss Modesta Juarez-Lopez; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

248. The SPEAKER presented a petition of Robert Duclos, Rockville, Md., et al., relative to including Federal employees in the social security system which was referred to the Committee on Ways and Means.

SENATE—*Wednesday, June 21, 1972*

(Legislative day of Monday, June 19, 1792)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. Ernest F. Hollings, a Senator from the State of South Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Dear Lord and Father of Mankind, grant us the faith, we pray, to believe that more things are wrought by prayer than this world dreams of. Teach us to pray without ceasing—to pray in our hearts and in our minds and in our souls. May the time of work and the time of prayer be woven of one fabric. Guard our thoughts, control our speech, and guide our actions. We pray not for security or safety but for loyalty to the highest and best for the Nation and the world. And may we find our supreme joy in work well done; our chief reward the advancement of Thy kingdom on earth. Hear both the spoken and the unuttered prayers of our hearts and answer them according to Thy will. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The second assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., June 21, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Ernest F. Hollings, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, June 20, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 831 and proceeding in consecution through Calendar No. 848.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MAGNUS DAVID FORRESTER

The bill (S. 2270) for the relief of Magnus David Forrester, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of paragraph (23) of section 212(a) of the Immigration and Nationality Act, Magnus David Forrester may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act, upon the giving of a suitable and proper bond or undertaking approved by the Attorney General, in such amount and containing such conditions as he may prescribe. This Act shall apply only to the grounds for exclusion under such paragraph known to the Attorney General prior to the date of enactment of this Act.

JUDY A. CARBONELL

The bill (S. 2489) for the relief of Judy A. Carbonell, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, Judy A. Carbonell shall be classified as a child within the meaning of section 101(b)(1)(F) of such Act upon approval of a petition filed in her behalf, pursuant to section 204 of such Act, by Staff Sergeant Basil R. Deem, a citizen of the United States. The natural brothers and sisters of the said Judy Carbonell shall not by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-871), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as an immediate relative of the alien child to be adopted by citizens of the United States.

WILLIAM JOHN WEST

The bill (S. 2575) for the relief of William John West was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 101(b)(1) of the Immigration and Nationality Act, William John West shall be deemed to be the natural-born alien child of Staff Sergeant William R. West, a citizen of the United States.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-872), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to confer immediate relative status upon the infant son of a citizen of the United States.

DR. CONSTANTE S. AVECILLA

The bill (S. 2591) for the relief of Dr. Constante S. Avecilla was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Constante S. Avecilla shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of the immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-873), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Constante S. Avecilla. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

GIUSEPPE PAUL PINTON

The bill (S. 2625) for the relief of Giuseppe Paul Pinton was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Giuseppe Paul Pinton shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-874), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Giuseppe Paul Pinton. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

RITA ROSELLA VALLERIANI

The bill (S. 2704) for the relief of Rita Rosella Valleriani was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Rita Rosella Valleriani shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Vincenzo Valleriani, citizens of the United States: *Provided,* That the parents, brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-875), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant first preference immigrant status to the adopted daughter of U.S. citizens, which is the status normally enjoyed by the natural-born alien sons and daughters of citizens of the United States.

ALBERTO RODRIGUEZ

The bill (S. 2822) for the relief of Alberto Rodriguez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2822

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That the periods of time Alberto Rodriguez has resided in the United States and any State since his lawful admission for permanent residence on December 12, 1961, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act. In the case the petition for naturalization may be filed with any court having naturalization jurisdiction.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–876), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

SLOBODAN BABIC

The bill (S. 2937) for the relief of Slobodan Babic was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Slobodan Babic shall be held and considered to be the natural-born alien son of Petar Babic, a citizen of the United States: *Provided,* That the natural mother of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–877), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for first-preference status as the unmarried son of a citizen of the United States.

MRS. GLORIA VAZQUEZ HERRERA

The bill (H.R. 1974) for the relief of Mrs. Gloria Vazquez Herrera was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–878), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Gloria Vazquez Herrera. The bill provides for the payment of the required visa fee, but does not provide for a quota deduction inasmuch as the beneficiary is the widow of a U.S. citizen.

LUZ MARIA CRUZ ALEMAN PHILLIPS

The bill (H.R. 2052) for the relief of Luz Maria Cruz Aleman Phillips was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–879), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Luz Maria Cruz Aleman Phillips. The bill provides for the payment of the required visa fee, but does not provide for a visa number deduction inasmuch as the beneficiary is the widow of a U.S. citizen.

VLADIMIR RODRIGUEZ LaHERA

The bill (H.R. 2076) for the relief of Vladimir Rodriguez LaHera was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–880), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Vladimir Rodriguez LaHera to file a petition for naturalization, notwithstanding the fact that he was formerly a member of a proscribed organization.

MARIA MANUELA AMARAL

The bill (H.R. 4050) for the relief of Maria Manuela Amaral was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–881), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the adopted daughter of lawful resident aliens of the United States to qualify for second preference status, which is the status enjoyed by the natural-born sons and daughters of alien residents.

LESLEY EARLE BRYAN

The bill (H.R. 6201) for the relief of Lesley Earle Bryan was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–882), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Lesley Earle Bryan. The bill provides for the deduction of a visa number and for payment of the required visa fee.

MATYAS HUNYADI

The bill (H.R. 6907) for the relief of Matyas Hunyadi was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–883), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The beneficiary of the bill is a 49-year-old native and citizen of Hungary, who was paroled into the United States on January 16, 1957, as a refugee. He is a medical doctor and on February 19, 1960, was convicted for forging and uttering a false prescription for narcotics for his own use. The beneficiary was given a suspended sentence and placed on probation, from which he was discharged on May 25, 1961. It is stated that the beneficiary is completely rehabilitated. The beneficiary is presently serving as a staff physician at Rogers Memorial Hospital in Washington, D.C.

CHUNG CHI LEE

The bill (H.R. 7641) for the relief of Chung Chi Lee was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–884), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who has been convicted of crimes involving moral turpitude and for which the aggregate sentences were 5 or more years in behalf of the son of a citizen of the United States.

MRS. HANG KIU WAH

The Senate proceeded to consider the bill (S. 465) for the relief of Mrs. Hang Kiu Wah which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Mrs. Haug Kiu Wah, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of such Act and the provisions of section 204 of such Act shall not be applicable in this case.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President,

I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–885), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of an immediate relative to Mrs. Hang Kiu Wah which is the status she would be entitled to were it not for the death of her husband, a citizen of the United States. The bill has been amended in accordance with established precedents.

MRS. JOSEFITA ESTHER WORLEY

The Senate proceeded to consider the bill (S. 1950) for the relief of Mrs. Josefita Esther Worley which had been reported from the Commitee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of section 301(b) of the Immigration and Nationality Act, Mrs. Josefita Esther Worley shall be held and considered to have retained her United States citizenship: *Provided*, That she returns to the United States to reside permanently upon the termination of her husband's current employment in the Republic of the Philippines.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–886), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable Mrs. Josefita Esther Worley to retain her U.S. citizenship provided she returns to the United States to reside permanently upon the termination of her husband's current employment in the Philippines. The bill has been amended in accordance with established precedents.

GUIDO BELLANCA

The Senate proceeded to consider the bill (S. 2562) for the relief of Guido Bellanca which had been reported from the Committee on the Judiciary with an amendment on page 1, line 6, after the word "Act,", strike out "upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act."; so as to make the bill read:

S. 2562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Guido Bellanca shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–887), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Guido Bellanca. The purpose of the amendment is to delete reference to the payment of a visa fee and a visa number deduction, inasmuch as the beneficiary had his status adjusted to permanent residence on October 13, 1958, at which time the visa fee was paid and a visa number was deducted.

AMENDMENT OF THE CRUISE LEGISLATION OF THE MERCHANT MARINE ACT, 1936

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 850, H.R. 9552.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 9552, to amend the cruise legislation of the Merchant Marine Act, 1936.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–889), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

Section 613 of the Merchant Marine Act, 1936, (46 U.S.C. 1183) as amended, now provides that the Secretary of Commerce may permit passenger vessels with respect to which an operating-differential subsidy contract was entered into prior to January 2, 1960, to cruise off their essential trade routes for two-thirds of each year. H.R. 9552 would amend Section 613 to authorize cruising for the entire year if the Secretary finds that the operation of the vessel on its trade route is not required.

The bill would also amend Section 613 to permit U.S.-flag passenger vessels to carry mail and cargo between ports not on their regular service if such carriage is not in direct competition with one or more carriers offering U.S.-flag berth service between those ports, or, if such carriage is in direct competition with one or more carriers offering U.S.-flag berth service between such ports, with the consent of the next scheduled U.S.-flag carrier. Such consent may not be unreasonably withheld in the judgment of the Maritime Administrator.

BACKGROUND

Section 613 of the Merchant Marine Act, 1936 was enacted by Public Law 87–45, approved May 27, 1961. This section authorized the Secretary of Commerce to amend the operating-differential subsidy contract of any passenger vessel of 10,000 gross tons or more with accommodations for at least 100 passengers to provide for the payment of such subsidy while the vessel is engaged on its regular route for part of the year, and engaged in cruises off its regular trade route for the balance of the year. Section 613, as amended, limited the period during which a vessel may cruise off its regular route to one-third of the year.

The enactment of this section reflected the fact that passenger ship operations in most trades have definite seasonal peaks. Prior to the adoption of Section 613, subsidized passenger vessels were required to maintain regular sailings on their essential trade routes throughout the year regardless of the fact that during certain months, the volume of passengers declined drastically. During these off-season periods, the earnings of passenger vessels naturally declined sharply. Whatever benefits may have been realized during the peak season were consistently wiped out by the requirement to maintain the service during the off season.

Public Law 90–358, approved June 22, 1968, increased the maximum period during which subsidized passenger vessels may cruise off their regular trade routes to two-thirds of each year. The maximum period was limited to seven months, however, with respect to cruises involving ports regularly served by any other U.S.-flag subsidized passenger vessel. In large measure, the legislation was a recognition of the decreased market in point-to-point transportation for passenger vessels as commercial jet aircraft became dominant.

Public Law 91–250, signed by the President on May 14, 1970, amended Section 613 to permit cruising vessels to carry one-way passengers between ports on another operator's assigned service with the consent of the operator, to permit the vessel to carry passengers between ports in the coastwise domestic trade, or in the non-contiguous domestic trade if it does not involve competition with a U.S.-flag berth service operator, or if it involves such competition with such operator's consent. The 1970 amendment also authorized passenger vessels when operating on their regular service to carry passengers between domestic ports if such carriage would not require a deviation that would adversely affect the service.

Hearings were held on H.R. 9552 by the Merchant Marine and Fisheries Committee of the House of Representatives on March 13, 1972. The bill was subsequently ordered favorably reported and passed the House by a vote of 374 to 0 on April 11, 1972. On May 5, 1972, this Committee gave public notice that it was considering H.R. 9552 and invited interested parties to submit their views by May 22, 1972. No objections to the bill were received.

NEED FOR THE LEGISLATION

The U.S.-flag passenger fleet now consists of only four vessels: *SS Mariposa, SS Monterey, SS President Cleveland*, and *SS President Wilson*. These vessels all operate from the West Coast of the United States. In order that they not go the same way as the laid-up East Coast passenger fleet, much of which is now expected to be sold for transfer to foreign registry pursuant to Public Law 92–296, it is desirable that these vessels be given the flexibility to operate as economically and efficiently as possible. While enactment of H.R. 9552 would not have been of significant assistance to the vessels which were the subject of P.L. 92–296, it will be helpful to the four remaining vessels by eliminating unnecessary operating restrictions.

COST OF THE LEGISLATION

Enactment of the legislation will not result in additional cost to the Government.

CONCLUSION

The Committee ordered the legislation favorably reported without objection. Its enactment should be of some assistance to the four remaining U.S.-flag passenger vessels without resulting in any additional cost to the Government.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the executive calendar will be stated.

FOREIGN CLAIMS SETTLEMENT COMMISSION

The second assistant legislative clerk read the nomination of Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1970.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

BOARD OF PAROLE

The second assistant legislative clerk read the nomination of Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole for the term expiring September 30, 1978.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. COURT OF CUSTOMS AND PATENT APPEALS

The second assistant legislative clerk read the nomination of Howard T. Markey, of Illinois, to be chief judge of the U.S. Court of Customs and Patent Appeals.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE COAST GUARD

The second assistant legislative clerk proceeded to read sundry nominations in the Coast Guard, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

FOREIGN ASSISTANCE ACT OF 1972

AMENDMENT NO. 1265

Mr. SCOTT. Mr. President, I am sending an amendment to the desk today, in the hope that we can enter into an agreement to vote under a time limitation on Friday next.

This amendment would strike the $600 million for grant military assistance and insert in lieu thereof $725 million. And where the figure of $650 million appears for security supporting assistance, add in lieu thereof $770 million of which not less than $70 million shall be available solely for Israel.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1265

On page 6, line 20, strike "$600,000,000" and insert in lieu thereof, "$725,000,000".

On page 8, lines 14 and 15, strike "$618,000,000" and insert in lieu thereof "$618,000,000, of which not less than $50,000,000 shall be available solely for Israel".

On page 8, lines 15 and 16, strike "$650,000,000" and insert in lieu thereof "$770,000,000, of which not less than $70,000,000 shall be available solely for Israel".

Mr. SCOTT. Mr. President, the purpose of this amendment is, broadly speaking, to restore the administration requests which were reduced by the committee. I do not believe the reductions were advisble. They will seriously hamper these programs. It is most important, in my view, that at least we restore the funds to these amounts, which has been carefully worked out. It runs in general sequence with our traditional policy in various parts of the world.

So I hope that when the amendment comes up for consideration, it will be adopted.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Republican leader yield?

Mr. SCOTT. I yield.

Mr. ROBERT C. BYRD. I have discussed a time agreement on this amendment with the distinguished Republican leader. It has also been discussed with the distinguished Senator from Alabama (Mr. SPARKMAN) and the equally distinguished Senator from Missouri (Mr. SYMINGTON).

It is my understanding, after having discussed the amendment with all these parties, that a time limitation of 2 hours on the amendment would be agreeable.

May I ask the distinguished Republican leader if he concurs.

Mr. SCOTT. Yes, I concur. That is my understanding also.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at no later than 11:30 a.m. on Friday next, the amendment which has just been offered by the distinguished Republican leader be made the pending question and that time thereon be limited to 2 hours, to be equally divided between the distinguished Republican leader and the distinguished Senator from Missouri (Mr. SYMINGTON); that time on any amendment thereto be limited to 30 minutes; that time on any debatable motion or appeal be also limited to 30 minutes, to be equally divided between the mover of such and, in that instance, the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distingished Presiding Officer and the distinguished Republican leader.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Delaware (Mr. ROTH) is recognized for a period of not to exceed 15 minutes.

(The remarks of Mr. ROTH when he submitted an amendment he proposes to offer to H.R. 15390 are printed in the routine morning business section of the RECORD under the appropriate heading.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa (Mr. HUGHES) is recognized for a period not to exceed 15 minutes.

COMMAND AND CONTROL IN THE LAVELLE CASE

Mr. HUGHES. Mr. President, one of the oldest questions in political theory deals with the problem of command and control over the military: Who protects us from our protectors? This question is once again urgent because of the revelations surrounding the dismissal of General Lavelle.

Last week I informed the Senate of my role in these events and raised questions which I believe must be answered before we lay this matter aside or dismiss it as "just one of those things."

We cannot and should not take it lightly when a four-star general admits violating orders from his superiors.

We cannot and should not shrug our shoulders when nearly one out of every four air missions against North Vietnam between November 8, 1971, and March 8, 1972, was not authorized.

We cannot and should not halt our investigations while there remains the possibility of widespread deception, concealment, and disobedience.

On Monday I received a briefing on this matter from two officials in the Defense Department. I am convinced that the Department recognized at once the seriousness of the charges raised against the Seventh Air Force Command and acted firmly and promptly to deal with them. But I also believe that the investigation of the circumstances in this case has not raised or answered satisfactorily all of the important questions.

What we do know now is that General Lavelle encouraged his men to bomb aggressively in North Vietnam and then to falsify reports if necessary in order to conceal violations of the standing rules of engagement.

We do not know who had knowledge of these violations or precisely what they did and said to justify or prevent them.

The orders signed by the Secretary of Defense were clear and explicit. The rules could not be bent, only broken.

The men at the top knew these rules. In several instances General Lavelle had requested authority to strike certain targets in North Vietnam, and many of these requests were specifically denied.

Even so, the targets were hit.

Mr. President, with all the fairness I can muster, I cannot interpret these facts as meaning anything other than that General Lavelle ordered air strikes on targets he had been explicitly forbidden permission to hit.

Thus, he appears to have violated not only the standing rules of engagement but also specific orders not to strike certain targets in North Vietnam.

We need to know who was aware of these orders—and why they acted as they did.

I do not know whether there was deliberate intent to deceive the President, the Congress, and the American people. But there was a conspiracy of silence which extended far beyond General Lavelle.

The general's staff had access to the orders and reports—and remained silent.

The target planners prepared their lists—and remained silent.

The wing commanders briefed their men and issued assignments—and remained silent.

The pilots made their attacks—and remained silent.

The intelligence analysts debriefed the pilots and studied the bomb damage assessments—and remained silent.

Except for one man. There at the bottom of the chain of command one brave sergeant wondered whether "this falsification of classified documents is legal and proper."

He spoke up while others remained silent, but he apparently got nowhere when questioning his superiors. In his letter to me, the sergeant wrote:

> I have been informed by my immediate officer-in-charge that authorization for this falsification of classified documents comes from secure telephone communications from the Deputy of Operations, 7th Air Force.

Conceding the truth of this statement by the sergeant, this indicates that at least two other officers—the 7th Air Force operations deputy and a lower ranking officer in charge of the intelligence section—knew of the falsification.

But General Lavelle is the only one to answer for it.

Mr. President, I have a profound respect for the members of the Armed Forces and a deep faith in their integrity and devotion to duty. I am sure that what General Lavelle and others have done in permitting unauthorized offensive strikes under the label of "protective reaction" was done with the best intentions so far as the safety of their crews and the conduct of the military operations were concerned.

Yet, if military commanders place their own authority above that of their civilian superiors, we are in very grave trouble, indeed. Moreover, strictly within the Military Establishment, the violation of orders, clear and fully understood, dishonors the proud traditions of our military service.

Such abuses of authority require a thorough investigation culminating with the removal or punishment of all who are guilty of improper activities. The violations in question are far too serious and far reaching in their implications to be adequately handled by disciplining one violator when a number were involved.

I do not believe, Mr. President, that scores or hundreds of men knowingly and willfully disobeyed the clear orders from Washington. But many men must have had suspicions and doubts. And we must find out how far this went.

What we shall probably find, Mr. President, is evidence of the gradual erosion of control from Washington. So many matters were delegated to subordinate commanders that few people knew what was happening in the field.

The war went on, Mr. President, and peace seemed farther and farther away. Most of the restraints previously imposed on military commanders were reportedly stripped away.

Initially, protective reaction strikes were said to occur on the spur of the moment and only against missile or antiaircraft artillery sites that had actually fired on one of our reconnaissance planes. Later, pilots were reportedly given permission to attack if radar had "locked on" to any U.S. plane. Ultimately, even this requirement was weakened further.

Instead of waiting to be fired upon or immediately threatened, pilots were authorized to hit targets of potential threat. Some strikes were so large and sustained that a new category—limited duration protective reaction strikes—was created. These raids involved the temporary suspension of the standing rules of engagement for air strikes into North Vietnam.

During these months, more and more strikes were reportedly conducted after the fact—and with more prior planning. Missile sites were identified as targets, and fighter bombers set out to strike them, but supply depots and truck columns were hit instead—in clear violation of the 1968 understandings under which we suspended bombing the north.

In effect, we resumed the bombing of military targets in North Vietnam long before the President announced this policy in April of this year.

Under these circumstances, it is no wonder that some target planners are reported in press interviews to have considered the "protective reaction" label a joke. The real joke, however, was on the American people—for we believed, mistakenly, that the bombing of North Vietnam had ended in 1968.

Now it is clear that this relaxation of the rules fostered a climate of permissiveness in Indochina. Since so many rules had already been changed, it was probably easy for the people involved to assume that the remaining ones were being "bent" on the basis of higher authority.

By the decisions to mine Haiphong and conduct massive bombing raids, President Nixon has now gone even further than his predecessor in allowing military commanders a free hand.

Whatever tactical benefits these decisions have had, they have also contributed to the erosion of Presidential control over the military aspects of the war.

This erosion of control led to the situation where one commander could send his pilots on unauthorized strikes against North Vietnam at the very time that secret and delicate peace talks were underway.

Have we forgotten Clausewitz's classical definition of war as "the continuation of politics by other means" and instead permitted the war machine and the peace machine to move in contrary directions?

Specifically, Mr. President, we need answers to many questions about the Lavelle case:

Why have only three of the 28 apparent violations of orders been thoroughly investigated?

Why were there no high-level suspicions of possible violations prior to March 8, 1972?

Was any followup investigation made to discover why strikes were made when no enemy action had been reported?

Can we be confident that no other violations occurred, either by the Navy or by the Air Force under previous commanders?

How does this case differ from that reported in the newspapers, in which pilots and their commander were court-martialed for bombing Soviet ships in Haiphong Harbor?

And most important of all, Mr. President, did these unauthorized strikes affect either the secret or public peace talks?

These questions should be answered by the Defense Department and thoroughly considered by the Armed Services Committee before we proceed with the nomination of General Lavelle to retire as a lieutenant general. As you know, Mr. President, I requested on May 8—when the extraordinary retirement of General Lavelle at a reduced rank was submitted by the President for confirmation—that the nomination be held in abeyance pending committee inquiry and hearing into the events that culminated in this nomination. The distinguished chairman of the committee, Mr. STENNIS, has assured me that this matter will receive the attention of the committee.

As a member of the committee, I understand and appreciate the heavy burden of responsibility that now rests on the chairman's shoulders at this particular time. The military implications of the SALT accord, the military procurement authorization bill, troop strength ceilings, and the military construction authorizations all require urgent action by the Armed Services Committee and the Congress.

I would not add to this agenda any item for consideration that was not of the greatest urgency to this country.

The matter I have described is of such urgency. It gets at the very roots of the integrity of our command control system in wartime. It gets to the fundamental issue of civilian control of the military in our society. What we do about this matter may have a critical bearing on our prospects for peace or continuing war in the months and years ahead.

Mr. President, I ask unanimous consent that various newspaper articles relating to this particular incident be included in the RECORD following this statement.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 18, 1972]

BOMBING: YOU MIGHT CALL IT "PROTECTIVE AGGRESSION"

WASHINGTON.—"Dear Senator Hughes," the letter began, "I and other members of wing intelligence . . . have been falsifying classified reports for missions into North Vietnam. That is, we have been reporting that our planes have received hostile reactions such as AAA [antiaircraft fire] and SAM [missile] firings whether they have or not."

The letter, dated Feb. 25, 1972, and mailed by an Air Force intelligence sergeant at Udorn Air Force in Thailand, was to become the cornerstone of perhaps the most potentially significant dispute of the air war, one that last week raised grave questions about the Nixon Administration's grip on command and control over the skies of Southeast Asia. Within three weeks, the following happened:

A secret Air Force investigation concluded that the Commander of the Seventh Air Force, Gen. John D. Lavelle, had ordered at least 28 unauthorized raids into North Vietnam and later reported them as "protective reaction"—a defensive action. The targets included airfields, missile sites, anti-aircraft emplacements and an array of radar equipment.

At least three classified after-action reports were said to have been falsified, largely because General Lavelle had ordered his subordinates never to file a bombing report without describing the raid as being in response to enemy action.

General Lavelle was relieved and ordered to return to Washington, where he eventually became the first four-star general or admiral in modern United States military history to be demoted upon retirement.

All of this reeked of scandal, and the Air Force chose the classic way to handle the affair. It quietly announced early in April that the officer had retired "for personal and health reasons."

There the matter rested—until mid-May, when Representative Otis G. Pike, Democrat of New York, made two short but critical speeches on the floor of the House. Mr. Pike, a former Marine pilot and usually a strong supporter of United States bombing policies, accused the Air Force of covering up.

A second Air Force statement was issued that General Lavelle had been relieved "because of irregularities in the conduct of his command responsibilities." Again, nothing happened, although the House Armed Services Investigating Subcommittee, headed by Representative F. Edward Hébert, Democrat of Louisiana, did agree—at Mr. Pike's urging—to schedule a hearing for last Monday on the firing and demotion of the general.

General Lavelle and the man who fired him, Air Force Chief of Staff Gen. John D Ryan, found themselves testifying before a packed gallery of newsmen and Congressional aides. "This is the largest contingent of press I've seen here since the Mylai situation," Representative Charles S. Gubser, Republican of California, noted at one point. "Seems like we got another chance to make America look bad."

Mr. Gubser's remark set the tone for the hearing, and most members of the hawkish House subcommittee made it clear during the testimony that they found much merit in General Lavelle's decision to bomb North Vietnam without authority.

General Lavelle acknowledged that he had ordered "in the neighborhood" of 20 raids between November and March that were later reported as "protective reaction." He did so, he said, because higher headquarters had refused his repeated requests to attack large North Vietnamese buildups of tanks, fuel and other war materials about 11 to 15 miles above the demilitarized zone (DMZ) that straddles the border between the two Vietnams. The general did insist, however, that his superior officers in the chain of command had been kept fully informed of his activities.

"Protective reaction" was first enunciated as a military concept in October, 1969, by Defense Secretary Melvin R. Laird. It authorized American bombers escorting unarmed reconnaissance flights over North Vietnam to attack enemy antiaircraft sites and SAM missile sites if the enemy initiated offensive action.

At the time, the United States was theoretically bound to the bombing restrictions negotiated with the North Vietnamese in Paris by the Johnson Administration shortly before the 1968 elections. Over the years, however, the rules gradually loosened and eventually American fighters were given permission to initiate attacks after determining that enemy radars had "locked-on" to their craft preparatory to launching missiles or firing shells.

When the North Vietnamese did attack, to begin their new offensive March 30, it came near the point where General Lavelle's pilots had reported the buildups. Yet, there were few in Washington willing to justify the general's violation of orders on the basis of intelligence—even accurate intelligence.

The Lavelle incident could have ended just as a blemish on what some experts believe has been a satisfactory record of tight command control by Air Force units. The service had even court-martialed two pilots who bombed the harbor at Haiphong in North Vietnam in the middle of the 1965–1968 air war, damaging two Russian ships in the process. The fact that General Lavelle was immediately sacked and subjected to an unprecedented demotion was an indication, as one high Government official said in an interview, that "unlike the Army, the Air Force still has a lot of pride in itself."

But within a few days, a continuing investigation by The New York Times uncovered evidence that systematic abuses of "protective reaction" have been commonplace since 1970 through all Air Force commands in Southeast Asia. More than a dozen former photo intelligence specialists and analysts for the Air Force were located and interviewed. Without exception they agreed that, as one put it, protective reaction "was a constant joke."

The former intelligence specialists, who were violating Federal codes by talking openly about their work, alleged that many so-called "protective reaction" raids had in fact been planned in advance by Air Force headquarters in Hawaii or Saigon. In addition, they said that at least three times as many such raids were actually carried out as reported by the Pentagon throughout 1970 and 1971.

Former high-ranking Government officials—all of whom worked in the Nixon Administration—subsequently acknowledged in a series of interviews that civilian command and control over the air war has indeed eroded in the past three years. President Lyndon B. Johnson "had more command and control," one former official said, "but it came at a higher cost of military irritation. The rules of engagement are more relaxed under Nixon."

Some members of Congress have criticized the seemingly slight punishment given thus far to General Lavelle whose nomination for retirement at three-star rank is now pending before the Senate Armed Service Committee. Despite his demotion, General Lavelle will receive the equivalent of a four-star general's retirement pay—about $2,250 per month—because his last active duty assignment was at that rank.

In a Senate speech last week, Senator Hughes raised some of the broader questions presented by the incident. "To what extent can the actions of a single combat commander," asked the Senator, "trigger a spiraling escalation of hostilities by both sides at a time when we are committed to winding down the intensity of the war and withdrawing?"

There were other questions, still unasked in Congress:

Did Gen. Creighton W. Adams, United States commander in Vietnam, or any of his colleagues at headquarters really know what General Lavelle was doing in North Vietnam?

Has the Air Force done all that it could in its investigation of General Lavelle to find and prosecute those officers responsible for official abuses?

Has President Nixon's day-by-day command and control over his pilots diminished?

On Thursday Senator John C. Stennis, Democrat of Mississippi, promised that his Armed Services Committee would look into the Lavelle incident more fully.

[From the Evening Star, June 26, 1972]

LAVELLE'S UNAUTHORIZED STRIKES: DID RAIDS CAUSE HANOI'S OFFENSIVE?

(By Henry S. Bradsher)

HONG KONG.—Did unauthorized air strikes on North Vietnam by Gen. John D. Lavelle's pilots cause the current North Vietnamese offensive against the South?

Analysts of North Vietnamese affairs are intrigued by what they consider the very possibility that those raids tipped the balance in Hanois' leadership toward another all-out military effort to crush South Vietnam.

The possibility was being considered today as further evidence came that Hanoi is determined to continue putting the war ahead of North Vietnamese domestic problems, despite the offensive's lack of success and the heavy price being paid in the North.

The determination was shown in the way the visit of Soviet President Nikolai V. Podgorny was handled by Hanoi.

Podgorny went to try to get the North Vietnamese to agree to a negotiated truce in the Vietnam war, if not a complete settlement. This followed President Nixon's talks in Moscow on the desire to see the war ended.

The statement by the Soviet news agency Tass on Podgorny's visit disclosed in the coded language which the Communists use for such things that there had been a failure of the Soviets and North Vietnamese to agree on basic issues.

They agreed on calling for an end to U.S. bombing of the North and mining of ports. But disagreement apparently came on having Hanoi moderate its militant attitude and negotiate a truce.

That means that the hawkish faction in Hanoi leadership which rose to ascendency about six months ago is still dominant.

Its rise was aided and maybe even made possible by unauthorized air raids on the North by the 7th Air Force under Lavelle.

Hanoi-watchers had been wondering about a missing factor in the circumstances which led to launching of the offensive. Now revelations about those raids seem to provide it.

After the lunar new year—Tet—offensive in 1968, North Vietnam had shifted to a policy of putting economic development of the North first and continuation of the war in the South second. The war was allowed to simmer along at a lower level of expenditure of men and material.

In early 1971 Hanoi began a buildup for the possibility of increased fighting in the South.

Draft calls were increased for the North Vietnamese army and movement of tanks down the Ho Chi Minh Trail must have begun.

But all available evidence suggested that no firm decision had been taken about the extent of the commitment to make a fight in the South.

Debate among the leadership apparently was going on in Hanoi last summer. The apparent lineup was Communist party First Secretary Le Duan for economic development versus the war policy of National Assembly Standing Committee Chairman Truong Shinh, Defense Minister Vo Nguyen Giap and Foreign Minister Nguyen Duy Trinh.

Severe flooding of the Red River basin in the North late last summer seemed to temporarily tip the balance toward Le Duan and his supporters, who argued that domestic improvements must come first.

At the same time Giap was publishing articles suggesting a tougher war effort was needed.

Then, Hanoi-watchers had thought some months ago, something happened which tilted the balance away from Le Duan and toward Truong Chinh.

The secret negotiations of Le Duc Tho in Paris with Dr. Henry A. Kissinger had been going on while Le Duan's policies were still officially sanctioned. But then the talks were abruptly broken off.

Revelations in Washington last week that unauthorized air raids on the North began just before the scheduled Paris meeting Nov. 20 provided a possible key to the situation.

A tentative reconstruction, based on Hanoi-watching materials which include speeches of Communist leaders and reports from visitors to Hanoi, is that the raids were what created that tilt.

They destroyed the basis for Le Duan's arguments that it was possible to negotiate seriously with the Americans and therefore not necessary to give up economic emphasis for a new military effort in the South.

[From the Evening Star, June 20, 1972]

Case in Which the System Failed

(By Orr Kelly)

It became obvious, at least as early as the middle of January, that the United States was carrying on a vigorous, even though limited, campaign of air attacks against targets in North Vietnam.

There were, it seemed at that time, two possible explanations for what was happening.

One, the official version, is that the North Vietnamese, fully aware of the flight patterns followed by American planes, had massed their antiaircraft guns and, increasingly, their surface-to-air missiles to take as high a toll as possible of the planes operating along their borders. They also had begun to move increasing numbers of jet fighters into position where they could, and on several occasions did, shoot down American planes.

It was not unusual, under these circumstances, that there should be a sharp rise in the number of occasions that American pilots would feel themselves threatened and fire missiles or drop bombs in legitimate "protective reaction."

The other apparent explanation was that the administration, in an effort to blunt the expected enemy offensive, had placed an extremely broad interpretation on the concept of protective reaction and was using that, in effect, as a cover for what was really a limited resumption of the air war against the North.

For those of us without access to copies of the rules of engagement and after-action intelligence reports, there was no way to know which of these alternatives was the right one. All we could do was guess.

Now it turns out that neither was entirely right. Instead of the administration covertly turning up the air war, Gen. John D. Lavelle says it was he who did it on his own initiative. This may explain what happened—although there still are some serious questions left unanswered.

But it does not begin to explain how the leaders of the administration or, especially, the top military leaders in the chain of command above Lavelle could fail to be aware of what was going on.

They not only could see what the rest of us could see—and that would seem to be enough to justify asking Lavelle what was going on. But they also could see the intelligence reports the rest of us can't see and Pentagon sources say now that those reports did not indicate a rise in enemy activity corresponding to the rise in protective reaction strikes, especially in January, February and early March.

It was here that the system apparently broke down.

"You just don't call up a four-star general and ask if he's sending you false reports—lying to you," explained one high-ranking civilian official.

"You might wonder about a major or a lieutenant colonel," one military man explained. "But, the way the system works, you figure by the time a guy gets to be a four-star general or even a one-star general—he's learned to follow orders and tell the truth."

So Lavelle's mini-version of Rolling Thunder kept rumbling along while, over in the White House, they kept wondering why it was so hard to get negotiations on the track and keep them there.

There is an obvious tendency on Capitol Hill to consider this all academic now that a bombing campaign with official sanction is being carried out on a much larger scale. There also are those who say this was a unique aberration, caused by "this war."

Well, neither of these assumptions is very comforting. It was obvious in this case that the system failed, both in propelling into a top command post a man who would violate his orders and permit falsification of reports and in failing to detect his violation of orders and the false reports. And a general who doesn't function in a war is like a car that works okay until you drive it.

It will be a national tragedy if the Defense Department and Congress, each in its own way, don't do whatever is necessary to find out what happened in this case, not in a vindictive effort to punish someone, but in a determined effort to make sure that nothing like this can ever happen again.

[From the New York Times, June 15, 1972]

Ex-Airmen Tell of 20 Planned Raids a Month in 1970–71

(By Seymour M. Hersh)

WASHINGTON, June 15.—Three former members of a photo-intelligence team assigned to Pacific Air Force headquarters in Hawaii said in an interview today that at least 20 to 25 planned bombing raids later described as "protective reaction" strikes were flown each month by Air Force planes over North Vietnam throughout 1970 and 1971. This number would be more than three times the total of "protective-reaction" raids officially announced by the Pentagon.

One of the former airmen, James A. Walkley of Honolulu, said that briefings on planned "protective-reaction" bombing missions were routinely provided to Adm. John S. McCain, commander of the United States Pacific Command and the officer in the chain of command between Saigon and Washington.

The controversy over protective reaction has spread since it was revealed Sunday that Gen. John D. Lavelle was dismissed as commander of all Air Force units in Southeast Asia and demoted after ordering unauthorized bombing raids into North Vietnam. Those raids were publicly described as "protective-reaction" strikes—that is, responses to direct threats to American planes.

The three airmen interviewed today, however, were discussing a period largely before General Lavelle took over his command in July, 1971.

On Monday, General Lavelle told a House of Representatives subcommittee hearing that he had ordered "in the neighborhood" of 20 such raids between Nov. 8, 1971, and March 8, 1972. A subsequent Air Force investigation concluded that he had also filed at least three falsified reports in connection with the raids.

"A CONSTANT JOKE"

All three airmen interviewed today agreed that the concept of "protective reaction" was widely considered throughout the Pacific Air Force command as simply another way of describing bombing raids. None of the three had any direct knowledge of General Lavelle's activities between November, 1971, and March, 1972.

Former Sgt. Bradley V. Ochanber of Honolulu, who was honorably discharged from the Air Force in May, said that "protective-reaction" raids had averaged at least 25 a month and added: "We were constantly hitting truck depots and storage areas and describing them as P.R. strikes."

"It was a constant joke," said Mr. Ochanber, who is 24 years old and spent four years in the Air Force in intelligence work. "After we'd bomb, we always used to go down to read the papers and see what kind of information the Air Force released on it."

The Pentagon has officially reported that Navy and Air Force planes staged a total of 20 "preventive-reaction" raids in 1971.

A Pentagon spokesman, asked to comment on the allegations concerning the number of "protective-reaction" missions, said: "We have reported all protective-reaction strikes here as given to us by MACV (Military Assistance Command, Vietnam). If those men say whatever they say, that's their problem."

FOUR SENATORS JOIN DEBATE

Meanwhile, four Senators joined the debate, including Senator George McGovern of South Dakota, the leading candidate for the Democratic nomination for President. The other Senators are John C. Stennis, Democrat of Mississippi; William Proxmire, Democrat of Wisconsin, and Clifford P. Case, Republican of New Jersey.

Yesterday, The New York Times published a series of interviews with two former Air Force photo-intelligence specialists who had been stationed in Saigon and Thailand. They indicated that abuses of the "protective-reaction" policy were widespread as early as 1970.

The interviews today with the former Hawaii-based intelligence sergeant stemmed from an investigation by The New York Times into the extent of unauthorized bombing missions. More than 10 former intelligence and present photo-intelligence specialists—officers and enlisted men—have been reached by telephone.

Some, despite the high degree of classification of all photo-reconnaissance matters, have talked freely. Others have refused to talk on grounds of security. Still others said they had no first-hand knowledge of "protective reaction." None of those contacted, however, denied that serious abuses exist and had gone uncorrected.

Mr. Ochanber's name was supplied to The New York Times by Thomas Bast of St. Louis, another former member of the intelligence unit, who himself had no direct information about the number of "protective-reaction" missions. Mr. Ochanber, in turn, supplied the name of a third former member of the unit, Miles Yoshida of Honolulu, who was interviewed.

Mr. Walkley, a former sergeant, was relatively well-known since he has been an active critic of the Vietnam war and has been mentioned in The Congressional Record.

Mr. Walkley, who said in the interview that he left the Air Force in 1971, said that units of the Seventh Air Force staged many "protective-reaction" strikes in 1969 and 1970 against North Vietnamese airfields south of the 19th Parallel and also along the Bonparai Pass between North Vietnam and Laos about 80 miles north of the demilitarized zone.

"They'd always come in later on the pilot reports as protective reaction," he said. "They just used that like an excuse to hit."

Mr. Walkley, who is now associated with an antiwar counseling service in Honolulu, said he had spent more than three years as a photo interpreter at Hickam Air Force Base.

In his job with the 548th Squadron, Mr. Walkley said, he saw all of the after-action reports filed by pilots in the Seventh Air Force, as well as much of the reconnaissance film.

In 1970, the Seventh Air Force was staging "at least one" of the "protective-reaction" raids a day, he said. He added that "just before they called limited-duration strikes, they had three to five a day."

There were eight publicly announced "limited-duration" bombing assaults—often lasting more than one day—on North Vietnam in 1970, according to Pentagon records.

Mr. Yoshida, who left the Air Force in December, 1971, said he came across at least four "protective-reaction" strikes during each working week, and he described them as "a joke."

He added that he thought that "maybe once in a while" the pilots had had a legitimate reason for staging the "protective-reaction" strikes.

Mr. Walkley said that many of the "protective-reaction" raids had been planned in advance. The process worked this way, he said:

"We'd get reconnaissance reports covering an area of North Vietnam, and if there was a large build-up of supplies, they were referred both to the target-development division and to the contingency-targeting division [at the 548th Squadron].

"Both divisions made up target folders for strikes in the area for sometime in the future," Mr. Walkley said. "Then in the next few days it was briefed to the Pacific Air Force Deputy Chief of Staff for Intelligence and then to CINCPAC Air Force and then to Admiral McCain.

"Within two or three days the target folders, which were already made up, would be pulled and the message relayed to the Seventh Air Force and they would carry out the strike, and then the strike would later be announced as protective reaction."

On Capitol Hill, Senator Case added to the debate over "protective reaction" by releasing a letter from a Navy officer who charged that reconnaissance planes had been sent over North Vietnam in order to provoke anti-aircraft action so that Navy fighter-bombers could bomb targets that were otherwise off-limits.

Senator Proxmire, entering the dispute over General Lavelle for the first time, urged the Air Force to begin a formal court-martial proceeding against the general. He said that the general had "deliberately violated the principles of civilian control over the military."

A Pentagon spokesman said that the military no longer had court-martial jurisdiction over General Lavelle since he had retired.

Senator Stennis announced that his Armed Services Committee would look into the general's retirement as a three-star officer. General Lavelle was a four-star general before he was relieved.

Senator McGovern, also discussing the incident publicly for the first time, said at a news conference in Northport, L.I., that "if the reports are true that unauthorized bombing missions were ordered by General Lavelle, it would seem to me it is a miscarriage of justice to let him off with an apparent tap on the wrist."

TERMINOLOGY IN AIR WAR

WASHINGTON, June 15.—The phrase protective reaction" was first used on Oct. 9, 1969, by Secretary of Defense Melvin R. Laird, but the practice that it represents had been carried on for almost a year before that.

Under "protective reaction," American commanders were authorized to seek out and attack enemy troops or planes or missiles that threatened them. The use of the phrase by Mr. Laird at the 1969 news conference marked a shift from previous American military orders in which United States ground forces were to put "maximum pressure" on the enemy.

In the air over North Vietnam, American planes had been following such a practice, even though it was not announced, since the suspension of the full-scale bombing of the North on Nov. 1, 1968. Reconnaissance missions, usually consisting of an unarmed reconnaissance plane and three armed jets, were authorized to fire on radars and surface-to-air missiles that had "locked on" them and were about to fire.

In addition to "protective reaction," American pilots were authorized to use what was termed "suppressive fire"—attacking whenever fired upon.

Beginning March 27, 1970, the United States began what were called "reinforced protective reaction strikes" in which large numbers of American fighters hit North Vietnamese antiaircraft and surface-to-air missiles that were judged to be a threat.

A Pentagon spokesman said today that there had been 20 "protective reaction" strikes in the last two months of 1968, and 75 during 1969, then 25 during 1970 and 121 during 1971. In the first three months of this year there were 128 such strikes, he said.

On April 4 of this year, the policy of "protective reaction" was suspended with the resumption of full-scale bombing of North Vietnam, after the start of the North Vietnamese offensive.

[From the Washington Post, June 18, 1972]

THE LAVELLE AFFAIR

(By Joseph Kraft)

A stock character in fiction is the gung-ho American military man hooked on anti-communism to the point of starting a nuclear war by private actions taken against the explicit orders of the President. So strong is the grip of art on life that all of us are tempted to cast in that role Gen. John Lavelle, the air commander who has been retired and demoted for exceeding bombing orders in Vietnam.

But the evidence, though not yet complete, points in another direction. It suggests a supreme company man who allowed himself to be made the scapegoat for a massive sophisticated and systematic streaching of presidential orders by the military commands in both Washington and Vietnam.

The official version of the case is relatively simple. In the four-month period between Nov. 8, 1971, and March 8, 1972, 147 planes carried out 28 missions over North Vietnam, and that went beyond the standing order to bomb only after being fired upon or locked by enemy radar.

On March 8, the violations were brought to the attention of the Air Force chief of staff, John Ryan, through the medium of a letter sent by a sergeant to Sen. Harold Hughes (D-Iowa) and passed on to the Air Force. Gen. Ryan ordered an investigation, Gen. Lavelle was demoted from four-star to three-star rank and retired. End of story.

Only a lot of little details kept coming to the surface which prolong the story. For one thing, Gen. Lavelle, in testimony to the investigating subcommittee of the House Armed Services Committee, said that his practice of hitting the enemy first and then calling it "protective reaction" was widely known in Vietnam. He asserted that the commanding general in Vietnam, Creighton Abrams, was aware of the practice.

Then there is a curious set of developments that took place on March 8—the day the first evidence of the bombing excess was supposedly made known to Gen. Ryan. On that very day in Vietnam, the Air Force suddenly stopped giving detailed briefing accounts of raids over North Vietnam.

Maybe that's just coincidence. But a more likely explanation is that Air Force headquarters at the Pentagon was at least dimly aware of the violations for a long time.

As soon as the sergeant's letter surfaced, the higher-ups knew without investigating what the trouble was. Accordingly they moved with unwonted speed, the kind of speed they reserve for such occasions, to cover up evidence.

On top of that, there is the treatment accorded Rep. Otis Pike, the New York congressman who has forced the issue to the surface. When Pike first began looking into the matter in April, he ran into a stone wall of silence at the Pentagon. When he raised the matter on May 15 in a speech on the House floor, the Air Force made a statement so innocent of information that Pike felt obliged to return to the issue in a second floor statement the next day.

On two occasions, very high officials in the Pentagon intervened to muzzle Pike. Once, it seems, Gen. Ryan offered to give him the true facts providing Pike kept them to himself. Pike refused.

On a second occasion, it seems, Defense Secretary Melvin Laird offered to give Pike the true story provided Pike kept it off the record. Pike again refused.

Finally and most importantly, there is the demeanor and personality of Gen. Lavelle. Nothing in his background suggests the one-man operation; everything points toward the conformist. He came up in the Air Force as a manager rather than a hot pilot. He is a non-West Pointer who has apparently always wanted to be a West Pointer.

From this evidence my own sense is that as Hanoi began preparing for its spring offensive, there was throughout the Vietnam command a growing disposition to hit the build-up in North Vietnam. Many strikes that went beyond the strict orders of "protective reaction" were probably carried out with the tacit consent of the brass in Washington and Saigon.

When the violation of orders became known, the instinct of the system was to find a scapegoat. Gen. Lavelle, loyal to the Air Force all the way, stepped forward.

If that interpretation is correct, it suggests that the problem of controlling the military is no mere matter of enforcing discipline on a few Hotspurs. It involves the far more difficult task of bending to the cruel logic of a limited war a vast, highly organized and impenetrable bureaucracy that does not understand or, in its heart, accept the limits. It is an almost impossible task—which is one more reason why the country needs to be out of Vietnam.

[From the New York Times, June 19, 1972]

UNAUTHORIZED BOMBING IS LAID TO RELAXATION OF NIXON CONTROL

(By Seymour M. Hersh)

WASHINGTON, June 18.—A number of former Government defense specialists believe that the recent disclosure that Gen. John D. Lavelle conducted a series of unauthorized bombings of North Vietnam reflects an even larger problem—the Nixon Administration's relaxation of command and control over the air war in Southeast Asia.

In a series of interviews last week, the specialists—all of whom worked in the Pentagon or the White House for the Nixon Administration—agreed that President Nixon's decision, made early in his administration, to consolidate authority in the hands of a few men in the national security structure and to remain more remote from day-by-day military planning loosened Washington's ability to control Air Force activity in Vietnam.

More than half a dozen specialists were interviewed, including men who had direct responsibility for the over-all planning and focus of the air war. For reasons of security, the men—four of whom worked in similar positions during the Johnson Administration—did not discuss any specific incidents that occurred during their tenure with President Nixon.

"THINGS GET VERY SLOPPY"

One man who recently left the Government stressed that the command and control system, with its reliance on the forwarding of orders down the chain of command to tactical units, "is by its nature capable of incredible sloppiness."

"If you don't go and check things up," he added, "things get very sloppy."

In the current dispute, General Lavelle was relieved as commander of the Seventh Air Force in Southeast Asia and demoted after ordering—by his own admission—"in the neighborhood" of 20 unauthorized bombing attacks on military targets in North Vietnam and reporting them to higher authorities as "protective reaction." The strikes took place between November, 1971, and March, 1972.

Because of the vastness of the undertaking in Indochina, the loss of command and control of military commanders in the field is not unique to the Nixon Administration. Some of the Government specialists recalled lapses in command and control during the Johnson Administration as well.

One source mentioned the bombing of Hanoi in December, 1966, just after the United States had received indications from an envoy that the North Vietnamese were willing to open peace discussions in Warsaw. A second major incident during the Johnson Administration involved the bombing of two Soviet ships in Haiphong harbor by American Air Force jets. The pilots in that case, along with their commander, were court-martialed.

The Mylai massacre—involving the slaughter of 300 civilians by American troops—also took place during the Johnson Administration. No charges were filed in the case for 18 months after it was first reported to the Pentagon in a letter from an enlisted man—a pattern similar to that in the Lavelle incident.

BENDING THE RULES

In interviews last week, a number of former photo intelligence analysts said that at least 20 unauthorized "protective reaction" raids on such targets as oil and truck depots were planned in advance and carried out each month by the Seventh Air Force throughout 1970 and 1971. General Lavelle took over his command in July, 1971, indicating that such abuses—if the allegations are true—were carried out by his predecessors.

One former key White House aide acknowledged that he and others had "assumed" that some of what he termed "bending of the rules" of protective reaction had been going on in the last three years.

"I don't think that there was an effort made to look carefully into every single P.R. raid," he said, explaining that it would be considered "within the rules of the game" for Air Force and Navy reconnaissance aircraft operating in North Vietnam to provoke enemy missile batteries or antiaircraft guns into action.

Under the rules of "protective reaction" as enunciated in 1969, when such strikes were formally initiated, American fighter planes flying escort for the unarmed reconnaissance missions could bomb and strafe North Vietnamese missile and gun positions after enemy action.

In his appearance before a House of Representatives subcommittee last week, General Lavelle admitted that he had ordered his subordinates always to list "enemy action" in filing official after-action reports to justify the unauthorized raids.

The former White House aide, asked about the general's testimony and the reports of earlier abuses of "protective reaction," declared that such action would not be within the informal rules as the White House understood them. He added that the staging of offensive and unauthorized "protective reaction" missions without reporting all of them, as also was alleged by some former intelligence personnel last week, "would be out of bounds." Also ruled out would be the bombing of enemy supply depots and similar targets, he said.

"CONSPIRACY" REJECTED

This official categorically rejected, as did all the others interviewed, the conclusion that the Nixon White House was aware of all the "protective reaction" raids and in fact had a role in planning them in an attempt to apply maximum, but covert, pressure on North Vietnam. Such views had been expressed privately by some high-ranking former Johnson Administration officials.

"I don't see a big conspiracy," he said. "In fact, I think the White House role has often been one of restraint" on the military. Nonetheless, he said he believed that "L.B.J. had more command and control over the military—but at a higher cost of military irritation."

"Under Nixon," he said, "the rules of engagement have been more relaxed."

Another former White House official, who also was closely connected with planning for the Vietnam war, gave the following analysis to explain why he thought command and control had eroded under the Nixon Administration:

"The chain of command, particularly with McNamara, was much tighter. McNamara dealt much more frequently, in my opinion, on matters of strategy with the President than Laird does. McNamara was an intensely loyal and selfless man and he really did rule military operations with a very firm hand—that was the source of much of the military's difficulty with him. The chain of command worked much better because the communication was much better."

[From the Evening Star, June 18, 1972]

REDS SAID B-52'S MADE UNAUTHORIZED RAIDS

(By Orr Kelly)

Hanoi Radio complained repeatedly during the period when authorized air raids were being made against North Vietnam that B52 bombers and naval gunfire were striking at targets in the northern half of the demilitarized zone.

The Air Force acknowledged last week that Gen. John D. Lavelle had permitted his pilots to carry out 28 unauthorized "protective reaction" missions, involving single attacks by 147 planes, against targets in North Vietnam between Nov. 8, 1971, and March 8, 1972.

Pentagon officials, asked last week about the North Vietnamese charges, insisted that B52s did not attack targets in the North between the bombing halt in 1968 and the resumption of bombing in April 1972 after the beginning of the current enemy offensive.

Big-bomber attacks like those described by the North Vietnamese would have gone beyond the concept of "protective reaction" and would have violated the "understandings" that ended the bombings in 1968.

The officials did acknowledge, however, that the rules covering "protective reaction" had been relaxed in the months preceding the current offensive to permit large-scale attacks not only on offending antiaircraft sites but also upon surrounding barracks, fuel dumps, trucks and other military installations.

But they insisted that the investigation of the Lavelle case, who was dismissed as commander of American air forces in Southeast Asia because he exceeded the rules on bombing, had uncovered no evidence of violations involving the B52 bombers or collusion by the Navy in the violations.

As commander of the 7th Air Force, Lavelle had direct command over Air Force fighter-bombers based in South Vietnam and Thailand. As deputy for air in the overall American military command in South Vietnam, he had operational control over the Strategic Air Command's B52 bomber force based on Thailand and on Guam, and coordinated Navy and Air Force operations.

DISCREPANCIES FOUND

A review of broadcasts by Hanoi Radio, published here by the government's Foreign Broadcast Information Service, showed that there was a broad correspondence between American announcements of "protective reaction" air strikes and North Vietnamese complaints about attacks on their country. There was frequent disagreement over the type of targets and the number of planes involved, but general agreement on the time and place that something had happened.

The major discrepancy involved the frequent complaint by North Vietnam that B-52's were hitting in the northern portion of the Demilitarized Zone—the area they call the "Vinh Linh Special Area."

On some occasions, the reports of raids in the northern part of the DMZ came on the same days that the American command reported raids in the Southern portion. On other days, however, there were no U.S. reports of B52 activity near the border.

A comparison of North Vietnamese and American statements at the time, and recent conversations with Pentagon officials also revealed these other aspects of the air war during that four-month period:

Major air raids were conducted in the first 11 days of March, 1972, but were reported only as 25 distinct "protective reaction" missions. The U.S. command refused to reveal the number of planes involved.

A North Vietnamese group, the Commission for Investigation of the U.S. Imperialists, War Crimes in Vietnam, issued a special communique on March 16 in which it said 300 sorties had been flown against targets in the DMZ and three provinces between March 1 and 10.

Large raids were also apparently carried out on Nov. 7 and 8; Nov. 21 to Dec. 5; Dec. 18; Jan. 19 to 30; Jan 31, Feb. 1 and Feb. 18 to 25. In addition, there were announced limited-duration attacks from Dec. 26 to 30 and on Feb. 16 and 17.

Navy planes participated in about half of the attacks during the periods of concentrated bombing. But Pentagon officials insisted no evidence had been uncovered that the Navy had either violated the rules of engagement or falsified reports—the two violations that led to Lavelle's dismissal and retirement.

The difference between the Air Force and Navy operations, one Pentagon official explained, was that the Air Force planned and carried out attacks regardless of whether there was enemy-initiated action that would justify an America reaction. The Navy was always careful that it could justify its reaction before attacking.

As the evidence of the enemy's imminent spring offensive into South Vietnam became increasingly apparent, the rules of engagement were relaxed to permit heavy reaction raids, officials said. Pilots were permitted to attack not only the gun, missile site or radar that had threatened them, but also other installations in the area that could be said to support the gun, missile, or radar.

A liberal interpretation was also permitted of the time in which the reaction could take place. Both American and North Vietnamese accounts indicate that reinforcements from the fleet offshore were called in to help out.

On Jan. 19 and again on March 6, for example, the Navy planes staged major attacks on the Quang Lang airfield area north of Vinh. Hanoi Radio reported that "many waves" of planes were involved in the Jan. 19 battle in which the Navy claimed the destruction of a Mig 21 fighter plane.

During this period, both the Navy and the Air Force practiced a form of selective "protective reaction" according to Pentagon officials. Reconnaissance planes flying over North Vietnam were fired upon with increasing frequency, but the reaction would often be reserved for certain critical areas—such as the Quang Lang airfield—that the military commanders were eager to hit.

Reports from Lavelle's headquarters not only falsified the enemy actions but reported some attacks as having been carried out against one target when the attack was actually aimed at another target, Pentagon officials said. A report, for example, would describe the target as a missile site when in fact the primary target was a nearby fuel dump.

Congressional sources said the numbers of sorties reported by Hanoi Radio during some parts of the four-month period were much larger than the number of sorties reported in a classified document to members of Congress. The number of sorties flown against targets in the north was not publicly announced in the past but is being announced during the current bombing campaign.

Defense Secretary Melvin R. Laird ended a visit to Saigon on Nov. 6, just before Lavelle's unauthorized raids reportedly began. Hanoi Radio complained on Nov. 8 about attacks by "many planes" and blamed the increase in air activity on Laird. Pentagon officials have insisted, however, that Laird remained unaware of the unauthorized raids until a sergeant wrote to Sen. Harold Hughes, D-Iowa, and began an Air Force investigation.

Pentagon officials say they know of no explanation for the continued North Vietnamese complaints about B52 attacks on the northern portion of the DMZ.

During the period before B52 attacks on North Vietnam were authorized in April, they said the policy was to keep the big planes away from areas where the surface-to-air missiles were located.

On Feb. 8, however, the war crimes commission said in a broadcast that the big planes had carried out 47 sorties and dropped 1,410 tons of bombs in "16 carpet (heavy) bombings" in and just north of the DMZ during January. And on March 7, it said the B52 attacks were continuing "on an almost permanent basis."

[From the New York Times, June 21, 1972]

Raids' Impact Overstated, Ex-Air Force Men Say

(By Seymour M. Hersh)

Washington, June 20.—A number of former Air Force photo interpreters—the men who help pick future bombing targets and assess results from previous raids—believe that the military has consistently exaggerated the effectiveness of bombing results in North Vietnam.

More than a dozen former intelligence specialists were interviewed by The New York Times in the last five days and, without exception, they contended that misleading bombing claims were routinely processed at intelligence centers in Thailand, in South Vietnam and at Pacific Air Force headquarters in Honolulu.

Bradly V. Ochanber of Honolulu, a former sergeant who left the Air Force in May after serving as a photo interpreter with the Pacific command, told of a mission in which five or six Air Force planes dropped at least 50 bombs in a futile attempt to destroy a truck, which was subsequently reported as destroyed.

"The fact is that the truck had been sitting there for six weeks and was a derelict," Mr. Ochanber said. "I went back through our reconnaisance films and saw it constantly."

Former Sgt. Michael A. Lewis, who served in photo intelligence with Seventh Air Force headquarters in Saigon, said: "We used to just inflate our statistics all the time. We knew it wasn't accurate but we really didn't care.

CHURCH WAS LISTED

Most of the enlisted men in his unit "were against the war and really didn't care" said Mr. Lewis, who is now a student at the University of Michigan at Ann Arbor.

"The supervision was very poor," he added. "The major and the colonel never bothered to check us out and make sure that we were doing a good job.

"Those who were supposed to check were the sergeant and the career enlisted men, but they were more interested in rank and organization than in the information we were putting out."

Another former intelligence specialist, in an account verified by two of his former colleagues, told of seeing a bombed-out church in the middle of a village that had been targeted by his unit at Udon Air Force Base in Thailand.

"I could see dogs, buffalo and goats around," said the youth, who has one more month of Air Force active duty remaining and asked not to be identified. "Most of the people had gone and the church was smoking. I was mad, but the captain said I couldn't report any villages as being hit. He doctored the report to make it look like it was a storage area."

Former Sgt. Alvin R. Knoblock of Birmingham, Mich., who served with the 432d Intelligence Squadron based at Udon, also told of occasions when he and other photo specialists would locate what they suspected were enemy tanks on reconnaissance film. "This was a pretty big thing," Mr. Knoblock said, "but it got stymied right there in headquarters."

Since the suspected tank sightings were not confirmed, Mr. Knoblock went on, the reports were not sent to higher headquarters. "The officers would say it'll raise too much trouble and we'd have to make extra prints," he said.

Mr. Knoblock also said that some of the bombing in North Vietnam was extremely inaccurate, often missing its primary target by 10 miles or more.

"We kept finding this one armored truck which you don't find too often," he related. "They tried a few times and said, 'Oh, the thing's destroyed.' A few days later someone got in the truck and drove it away."

SAYS KISSINGER WAS AWARE

In subsequent interviews, a number of former high-ranking Government officials—some of whom served in key White House jobs during both the Johnson and Nixon Administrations—acknowledged that they had grave doubts about the quality of bombing intelligence.

"It was all so bad," one key former official said. "We are always so skeptical of all the reports. The numbers were so bad."

"Kissinger knew it as well as anyone did." he added, referring to Henry A. Kissinger, President Nixon's national-security adviser.

Most of the airmen left the service well before the current bombing campaign and the mining of the harbor at Haiphong, which many senior Goverment officials believe are having a serious effect on North Vietnam's ability to keep sending supplies to the South.

Some of those raids have utilized the so-called "smart bombs," which are guided to their targets by laser and television technology. Most of the bombing of the North, however, has involved conventional high-explosive ordnance.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. HUGHES. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. I commend my able colleague for bringing this matter to the attention of the Senate.

The Senator sent me a letter that he had received from a serviceman, leaving the name off. I, in turn, sent the letter to the Secretary of the Air Force. Later the Chief of Staff of the Air Force told me the matter was being handled, and asked I not say anything about it at that time.

It is also my understanding from a reputable source that the general said, when he testified before the House, his actions were known to his superiors. I regret the Senate Armed Services Committee did not check the story from the Senator from Iowa that brought out this unfortunate incident about civilian control of the military, a subject with which I have had some experience.

Let me ask the able Senator from Iowa if he does not believe this question should be explored. The morning press says General Abrams is to be the new Chief of Staff of the Army. I was briefed earlier this year in Vietnam by General Abrams and General Lavelle together; and it is hard to understand how this covert bombing could have gone on so long without other people knowing about it. Naturally, I have a special feeling for the Air Force, nor do I like to see one man take the full rap for something which others may have known about. It is difficult for anybody who knows anything about the military to believe this could have gone on over a period of weeks, if not months, without the knowledge of Lavelle's superiors.

So I would ask my good friend from Iowa, who is making another contribution to the country in his talk this morning, does he not believe this matter should be explored thoroughly?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business for not to exceed 6 minutes, with statements limited therein to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Iowa.

Mr. HUGHES. Mr. President, in response to the question of the distinguished Senator from Missouri, I believe the facts indicate, if I am correct, that bombing missions, which were planned in advance, at least partially, were carried out by pilots bombing targets that were not within the spectrum of assigned orders, and then when the debriefing of the pilots was accomplished, reports were filed which were falsified.

Obviously, assessment of the bombing damage by aerial intelligence would have indicated that the bombing targets were different from those in the reports that were filed. Those reports must have gone all the way to the top, and the assessment of bombing damage must have gone all the way to the top. Someone at the top had to realize either that the pilots were so inaccurate in their bombing that they were not even coming close to the targets, but at the same time were hitting important targets at different positions in Southeast Asia, or that, with precision bombing for our day and our time, it was intentional.

So I think the opinion of the Senator is completely in line with what was happening. This matter, in my opinion, must be cleared up before the nomination of General Abrams, which has been forwarded by the White House to the Senate, can be considered by the Armed Services Committee without questions arising as to who on top knew what was happening in Southeast Asia during the bombing offensive that was unauthorized the Secretary of Defense himself has said the orders could not possibly have been misinterpreted, and that it was a direct violation of those orders.

I think the Senator from Missouri, as a former Secretary of the Air Force, knows full well the implications of the necessity for discipline in carrying out orders. I have appreciated the Senator's help and contributions in this matter.

Mr. SYMINGTON. I thank the distinguished Senator from Iowa. Let me emphasize I am in no way criticizing anybody additional, just do not see, based on past experience, how only one man, over a period, could have operated in this way.

In no way do I criticize General Abrams, or the Secretary of the Army or the Secretary of Defense, or anybody else, including the Chiefs, but I do think that the Senate and the people of the United States are entitled to know all the truth.

Mr. HUGHES. I think the Senator would agree that I am not criticizing anyone who has not yet publicly admitted violating, or who investigation has not yet indicated has violated, the rules and regulations not only of the Department of Defense but of the President of the United States. But the inquiry should necessarily be held in order to eliminate any questions that could arise. For that reason, again, I want to join with the Senator in saying I am not pointing the finger at or raising a question against any personality. I am only saying that both the Senate and the people of America are entitled to answers to these unanswered questions.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SYMINGTON. Mr. President, may I have 2 minutes?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period be extended for 3 minutes, and I yield that time to the able Senator from Missouri.

Mr. SYMINGTON. I thank the able Senator.

There is no question that General Lavelle disobeyed orders. He so admits, and he should be criticized. At the same time, however, I think we should find out how an operation of this character could have gone on over quite a period without others knowing of it.

I intend to write, and have already requested verbally, to the chairman of the Armed Services Committee, suggesting that General Lavelle be brought before the committee at the committee's convenience. Again, I am much impressed by the factual data that has been presented by the able Senator from Iowa, who is a member of that committee.

Mr. HUGHES. I thank the Senator from Missouri, and I yield back my remaining time to the acting majority leader.

REPORTS OF COMMITTEES

The following reports of committees wee submitted:

By Mr. MAGNUSON, from the Committee on Appropriations, with amendments:

H.R. 15417. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–894).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2147. A bill for the relief of Marie M. Ridgely (Rept. No. 92–895);

H.R. 632. An act for the relief of the village of River Forest, Illinois (Rept. No. 92–898);

H.R. 3227. An act for the relief of Staff Sergeant J. C. Bell, Junior, United States Air Force (Rept. No. 92–899);

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene (Rept. No. 92–900);

H.R. 5318. An act for the relief of Mrs. Fernande M. Allen (Rept. No. 92–901);

H.R. 6666. An act for the relief of Major Michael M. Mills, United States Air Force (Rept. No. 92-902); and

H.R. 6820. An act for the relief of John W. Shafer, Junior (Rept. No. 92–903).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 910. A bill for the relief of Dennis Keith Stanley (Rept. No. 92–896);

S. 2753 A bill for the relief of John C. Mayoros (Rept. No. 92–897); and

H.R. 2118 An act for the relief of Amos E. Norby (Rept No. 92–904).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 311. A resolution authorizing supplemental expenditures by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States (Rept. No. 92–907);

S. Res. 314. A resolution to print the Annual Report of the National Forest Reservation Commission as a Senate document (Rept. No. 92–908);

S. Res. 323. An original resolution authorizing the printing of a revised edition of the "Election Law Guidebook" as a Senate document (Rept. No. 92–909);

S. Res. 324. An original resolution to pay a gratuity to Lewis J. Swagger;

S. Res. 325. An original resolution to pay a gratuity to Gretchen E. Jenkins;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Virginia, its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial (Rept. No. 92–910); and

H.J. Res. 812. A joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes (Rept. No. 92–911).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 313. A resolution authorizing the printing of the report entitled "The Economics of Clean Air, Summary of Analysis" as a Senate document (Rept. No. 92–912); and

S. Res. 320. A resolution making $30,000 available to the Committee on Appropriations from the contingent fund (Rept. No. 92–913).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 304. A resolution authorizing expenditures by the Special Committee on the Termination of the National Emergency (Rept. No. 92–914);

S.J. Res. 204. A joint resolution to authorize the preparation of a history of public works in the United States (Rept. No. 92–915); and

S.J. Res. 221. A joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the national memorial to Benjamin Franklin (Rept. No. 92–916).

By Mr. PELL, from the Committee on Rules and Administration, with an amendment:

H.J. Res. 55. A joint resolution proposing the erection of a memorial on public grounds in the District of Columbia or its environs in honor and commemoration of the Seabees of the United States Navy (Rept. No. 92–917).

REPORT ENTITLED "CONSTITUTIONAL AMENDMENTS"—REPORT OF A COMMITTEE (S. REPT. NO. 92–905)

Mr. BAYH, from the Committee on the Judiciary, submitted a report entitled "Constitutional Amendments," which was ordered to be printed.

REPORT ENTITLED "IMMIGRATION AND NATURALIZATION"—REPORT OF A COMMITTEE (S. REPT. NO. 92-906)

Mr. EASTLAND, from the Committee on the Judiciary submitted a report entitled "Immigration and Naturalization," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, The following favorable reports of nominations were submitted:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry:

Carroll G. Brunthaver, of Ohio, to be an Assistant Secretary of Agriculture; and

Carroll G. Brunthaver, of Ohio, to be a Member of the Board of Directors of the Commodity Credit Corporation.

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

George S. Ives, of Maryland, to be a member of the National Mediation Board.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably 76 appointments and promotions of general and flag officers in the Army, Navy, Marine Corps, and Air Force. I ask that these nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, in addition I report favorably 4,371 promotions and appointments in the Army in grade of colonel and below; 639 appointments in the Navy in grade of captain and below; 194 appointments in the Marine Corps in grade of first and second lieutenants; and 1,983 promotions and appointments in the Air Force in grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings of June 7, 12, and 13, 1972.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MONDALE (for Mr. INOUYE):

S. 3730. A bill for the relief of Mr. and Mrs. Eduardo Quiroz Luber (Mrs. Engracia L. Luber); and

S. 3731. A bill for the relief of Miss Juana Gamulo. Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S. 3732. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize free or reduced rate transportation for persons who are 65 years of age or older. Referred to the Committee on Commerce.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3733. A bill to amend the National Environmental Policy Act of 1969 to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements. Referred to the Committee on Interior and Insular Affairs.

By Mr. McGOVERN:

S. 3734. A bill to amend the Disaster Relief Act of 1970;

S. 3735. A bill entitled "Black Hills Disaster Relief Act of 1972.";

S. 3736. A bill to amend the Disaster Relief Act of 1970 to provide for public recreation facilities; and

S. 3737. A bill to amend the Disaster Relief Act of 1970. Referred to the Committee on Public Works.

S. 3738. A bill to reduce interest rates on SBA disaster loans. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BELLMON:

S.J. Res. 249. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States, and to the direct popular election of such officers. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROOKE:

S. 3732. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize free or reduced rate transportation for persons who are 65 years of age or older. Referred to the Committee on Commerce.

REDUCTION IN TRANSPORTATION FARES FOR THE ELDERLY

Mr. BROOKE. Mr. President, I have introduced today legislation that would authorize interstate airlines, trains, and buses to provide reduced fares for passengers over 65 years of age.

Many elderly citizens and members of their families have told me of their wishes for a greater opportunity to visit children and grandchildren who live throughout the United States. In addition, many of the elderly very much wish to travel for pleasure to areas that they have not previously been able to visit.

Statistics show only 5 percent of all airline passengers during the past year were over 65. Yet, 10 percent of the population is in this age bracket, and great numbers of these older citizens have the leisure time available for travel.

Last year, I suggested to the airlines and the Civil Aeronautics Board that the airlines should gladly make a greater effort to attract these potential passengers with rates that more of them could afford, especially in view of the continuing large number of empty seats on a majority of all air flights. Similarly, a majority of all seats on intercity buses and trains are unfilled.

Regrettably, none of these services have yet responded to this suggestion. Therefore, it is now time for the Congress to take the matter into its own hands and approve a proposal for reduced rates for the elderly on all public codes of transportation.

The bill I have filed today authorized the Federal Aviation Administration, and the Interstate Commerce Commission to grant reduced-rate transportation for persons aged 65 and older. As a result of legislation recently approved by Congress, ratesetting provisions pertaining to the Interstate Commerce Commission are also applicable to Amtrak, the National Rail Passenger Corporation.

This proposal is equitable for several reasons. It gives the elderly a greater opportunity to travel and to enlighten their retirement years with pleasant experiences. It provides to citizens, young and old, the opportunity to maintain greater family unity. And practically speaking, it fills seats in many vehicles that now go empty.

In the past, regulatory agencies have approved discounts by common carriers to several groups of passengers, including youth, military, religious leaders, and carrier employees and their families. As a result, it was especially disconcerting to me to learn that the Civil Aeronautics Board rejected a request from KLM, the Royal Dutch Airlines, to implement lower fares for senior citizens flying between the United States and Amsterdam.

Both the propriety and the need for legislation is clear: senior citizens should no longer be forced to remain at home because the costs for travel continue to rise. Because Congress has traditionally not set specific rates, I have not written into the bill the amount of the discount. Nonetheless, I would suggest that, should this legislation be approved, interstate airlines, trains, and buses consider providing significant discounts in the range of 30 to 50 percent.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3733. A bill to amend the National Environmental Policy Act of 1969 to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of myself and the senior Senator from Colorado (Mr. ALLOTT) I introduce, by request, a proposed bill "to amend the National Environmental Policy Act of 1969, to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements." This measure has been proposed by the administration and was transmitted to the Senate on May 24, 1972. I ask unanimous consent that the letter of transmittal by the Administrator for the Environmental Protection Agency and the proposed bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, my introduction of this measure is at the request of the administration and is for the purpose of insuring that the administration's legislative program receives that formal attention of the Senate and does not necessarily indicate my concurrence in the merits of the proposed legislation.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., May 24, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill, "To amend the National Environmental Policy Act of 1969 to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements."

Under Executive Order 11574, directing the establishment of a water quality permit program, EPA is responsible for advising the Corps of Engineers concerning the relation between discharges subject to permits and water quality standards and related considerations. Under the guidelines issued by the Council on Environmental Quality on Federal agency responsibilities under the National Environmental Policy Act (NEPA), we have considered that our actions under this Order were environmental regulatory actions, and that impact statements were not required by NEPA in connection with such actions.

However, in the recent case of *Kalur* v. *Resor* the District Court for the District of Columbia held that NEPA required the preparation of impact statements in connection with the issuance of Refuse Act permits. The court also enjoined the Corps of Engineers from issuing permits for discharges into navigable waters until such time as the Corps amended its regulations to require impact statements under NEPA.

The Department of Justice is appealing the *Kalur* decision. However, many months will undoubtedly elapse before these issues can be resolved in the appellate courts. We have examined the potential effect on the Refuse Act permit program of applying to that program the full requirements of section 102(2)(C) with regard to impact statements. It is difficult to estimate the cost that such a decision would entail in dollars and in time delays, since available case law provides little guidance for determining which permits would be classified as "major" actions having a "significant" impact. Our present estimate is that EPA will be called upon to make recommendations to the Corps of Engineers in connection with about 20,000 pending applications. If even a fraction of these are determined to be major Federal actions, thousands of impact statements could be required. Accordingly, we have concluded that the administrative burden of writing impact statements with respect to these pending permits would at this time be incompatible with the need to carry out an effective permit program under the Refuse Act. In our judgment, further delay in effecting such a program will jeopardize our efforts to protect the environment through vigorous enforcement of water quality standards.

The proposed bill would exempt the Refuse Act permit program administered by the Environmental Protection Agency and the Corps of Engineers from the requirements of section 102(2)(C) of the National Environmental Policy Act until December 31, 1975. However, this exemption would not apply to permits for discharges from sources on which construction commenced after April 1, 1972. In addition, any permit issued before December 31, 1975 would expire on December 31, 1977, unless the Administrator of the Environmental Protection Agency were to publish a determination that its issuance did not constitute a major Federal action significantly affecting the quality of the environment, or unless there had been compliance with section 102 of NEPA. The exemption provided by the bill would also apply to the issuance of permits by the Administrator under the permit program which would be established by the Federal Water Pollution Control Act Amendments of 1972.

This proposed legislation is identical to H.R. 14103 on which hearings have been held by the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisherise.

The Office of Management and Budget advises there is no objection from the standpoint of the Administration's program to the enactment of this proposed legislation.

Sincerely,

WILLIAM D. RUCKELSHAUS,
Administrator.

S. 3733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Environmental Policy Act of 1969 (83 Stat. 852) is amended by adding a new section to read as follows:

"SEC. 106. The provision of section 102 (2)(C) of this Act providing for the preparation and filing of environmental impact statements shall not apply to the issuance on or before December 31, 1975, of permits under section 13 of the Act of March 3, 1899, or under section 402 of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, or to any action taken by any Federal agency in connection with such issuance: *Provided,* That unless the Administrator of the Environmental Protection Agency determines, and publishes his determination, that the issuance of any such permit does not constitute a major Federal action significantly affecting the quality of the human environment, such permit shall not remain in effect beyond December 31, 1977, unless there has been compliance with section 102 of this Act: *And provided further,* That this section shall not apply to any permit for a discharge from a facility on which construction commenced after April 1, 1972. Nothing in this section shall be construed as affecting any other requirements or procedures established by, or pursuant to, this Act."

By Mr. McGOVERN:

S. 3734. A bill to amend the Disaster Relief Act of 1970;

S. 3735. A bill entitled "Black Hills Disaster Relief Act of 1972";

S. 3736. A bill to amend the Disaster Relief Act of 1970 to provide for public recreation facilities; and

S. 3737. A bill to amend the Disaster Relief Act of 1970. Referred to the Committee on Public Works.

S. 3738. A bill to reduce interest rates on SBA disaster loans. Referred to the Committee on Banking, Housing and Urban Affairs.

THE BLACK HILLS DISASTER

Mr. McGOVERN. Mr. President, I am sure all Members of this body join me in mourning the missing and the dead after the tragic flood of June 9 and 10 in the Black Hills. The people of Rapid City and the Black Hills are gratified by the response of humanitarian persons throughout the United States and the world. Within hours of the word of the tragedy, outpourings of aid were on their way to Rapid City.

A personal visit on June 11 and reports from governmental and other leaders have convinced me that all that possibly could be done immediately after the disaster were carried out with great efficiency. I particularly commend the Office of Emergency Preparedness, the South Dakota National Guard, the officers and men of Ellsworth Air Force Base, the county commissioners of Pennington County, the Pennington County Civil Defense Officials, Pennington County State legislators, and the Rapid City Common Council, and agencies of South Dakota State government.

A special tribute is due Rapid City Mayor Don Barnett, the Pennington County Sheriff's Office, the Rapid City Police Department, the Rapid City Fire Department and the Rapid City Street Department who all worked incessantly and unflaggingly until the immediate threats to life and property were brought under control. I should add, Mr. President, that thousands of others gave their time and energy immediately after the flood and on into the aftermath. Personally, I wish to thank the many Members of the Senate for their offers of timely advice and staff assistance.

It seems to me to be appropriate at this time to present a brief account of the scope of the disaster and some of my concerns for the future. According to the Office of Emergency Preparedness, the death toll stood at 213 as of Monday. Some 63 persons are hospitalized as a result of the disaster. Another 350 to 400 persons are unaccounted for. It is my fervent hope and prayer that the many missing are alive and well. Originally, as many as 1,500 persons had been reported missing. Nonetheless, it is very likely that the number of dead may ultimately reach 300 despite our hopes and prayers.

While information is in some details still sketchy, I would like to offer this brief chronological account of the flood which inundated parts of Rapid City, Keystone, and other communities on the eastern slope of the Black Hills. The most severe damage occurred in Rapid City and Custer, Lawrence, Meade, and Pennington Counties. The National Weather Service reported that an arctic air mass over the Great Lakes region triggered a cloudburst. The weather service estimated that 7 inches of rain fell within 3 hours, beginning at about 5 p.m. mountain daylight time on June 9. The flooding, which began during the early evening hours of June 9 in the Black Hills, continued until the early morning hours in the areas below the Black Hills.

Many houses and trailer homes were washed away in Rapid City along Rapid Creek, which meanders through the city. The creek crested at 1 a.m. June 10. Discharge on the creek reached 24,000 cubic feet per second. Further adding to the floodwaters was the failure of Canyon Lake Dam on Rapid Creek at the extreme western edge of the city. When the dam broke, additional tons of water were added to the flood crests. Other creeks which flooded and caused severe damage include the Box Elder, Little Elk, Big Elk, Whitewood, Spring, Battle, and French creeks. For a few days after the flood it was uncertain if a reservoir above the city of Sturgis, S. Dak., would hold. Pumping operations and other timely actions by the Corps of Engineers, the Office of Emergency Preparedness, and State and local officials saved the dam.

In Rapid City, the floodwaters ruptured gas mains, downed power lines, and caused fires throughout the flooded area which raged uncontrolled. In addition to Rapid City the towns of Hermosa, Keystone, and Rockerville were also badly damaged by the flood. Keystone, two and a half miles north of the Mount Rushmore National Memorial, was all but obliterated. There has been no firm estimate of property damage yet, but it is expected to range from $100 to $150 million. According to the American National Red Cross, 738 homes were destroyed by the flood. Another 1,839 homes suffered major damage and 1,979 homes were damaged to a lesser extent. In addition, 519 mobile homes were destroyed and 981 mobile homes had major damage. A total of 128 farm buildings were either destroyed or had major damage. According to the Office of Emergency Preparedness, 6,062 families suffered loss as a result of the flood.

The situation confronting Rapid City and other areas inundated by the flood is particularly acute. According to the latest report available from the Office of Emergency Preparedness, the Department of Housing and Urban Development had received 1,006 applications for temporary housing. Of these five were placed in mobile homes. By the end of last week, the American National Red Cross had provided shelter for 11,032 persons. The Red Cross provided meals for 14,000 and assisted with health and welfare problems. In addition to the Red Cross, the Mennonite Disaster Service, the Seventh-day Adventists, and the Salvation Army are also providing relief services. The Department of Labor so far has received 1,016 claims for disaster unemployment assistance and had placed 304 persons in jobs by the end of last week.

The relief and reconstruction efforts underway last week were hampered by another downpour Saturday which claimed two more lives and caused additional property damage. The extent of the property damage as a result of the second flood has not been determined.

It was gratifying to learn that Mr. Brad Patterson of the White House staff sent an official to Rapid City immediately after the disaster to assure that the civil rights provisions of the Disaster Relief Act were being followed to the letter and the spirit of the law. I have received several complaints from Indian residents of Rapid City charging discrimination in the relief operations. It is my hope that these charges will be fully investigated. The Indian population of Rapid City was particularly hard hit by the flood: Over 30 were killed in the flood and an estimated 1,000 Indian families were hit by property damage. Efforts are currently underway to resolve some of the special problems of the city's Indians. Members of the Indian community of Rapid City and State, local, and Federal officials, including the Division of Indian Health are working on those problems now.

The response of the Federal Government was, as I have indicated, timely and expertly accomplished. The Office of Emergency Preparedness fully filled its mission. So did the other Federal agencies. I was pleased to hear that Presidential Assistant Robert Finch visited the stricken area within a few days of the disaster.

The First Lady, Mrs. Richard M. Nixon, continued her outstanding tradition of compassion and concern by attending a memorial service last Saturday evening in Rapid City for the victims of the flood. Not only was her visit a genuine example of the concern of the entire Nation and the President, but her presence in Rapid City did much to bolster the area's morale, which will be sorely tested in the weeks and months ahead.

Mr. President, many Americans have been genuinely moved by this disaster. They have asked what they can do. I have been informed by the officials in the devastated area that there is no need of additional food or clothing. Mayor Barnett told me as early as June 11 that the area's greatest need is financial help. Anyone wishing to make a donation should send a check to the Mayor's Disaster Fund, Mayor Don Barnett, City Hall, Rapid City, S. Dak. 57701.

In addition to the loss of life and property in Rapid City and the Black Hills, there is another serious threat. The major industry in the Black Hills is tourism. Anyone who has ever visited the Hills will readily tell you the trip was well worth the while. There is genuine and well-founded fear that many tourists will avoid the Black Hills this year as a result of adverse publicity which naturally follows any major disaster. A bad year could cripple many of these seasonal tourist attractions and facilities. I join with South Dakota's Gov. Richard Kneip in saying that the best action an individual could take to help the economy of the devastated area would be to spend their vacation in South Dakota's Black Hills.

I have already announced my intention to spend 2 weeks in the Black Hills vacationing with my family after the Democratic National Convention. In making that announcement I pointed out that only 1 percent of the tourist facilities were in the least bit damaged by the flood. We have over 10,000 rooms and campsites and other tourist facilities available each night for tourists. Every major attraction in the area is open for business as usual, including the Mount Rushmore National Memorial. It would be a cruel blow if we were able to rebuild Rapid City, only to see our entire economy in that area collapse because vacationers altered their plans.

Rapid City and the other devastated areas are now looking to the future. Community leaders are hard at work in the difficult task of rebuilding the city. Frankly, they are not happy with the help the Federal Government is willing to provide. There are serious flaws in the Disaster Relief Act of 1970. These flaws are so serious, Mr. President, that many small businessmen and homeowners have announced their plans to file for bankruptcy unless additional financial assistance is forthcoming. The citizens of Rapid City have a very persuasive argument. They point out that our Nation is quick to rebuild a former foe and provide a greater amount of economic assistance to foreign nations struck by a major disaster than it is citizens of the United States. This is their hour of need. What we do on the Federal level may well determine the future of Rapid City and the Black Hills area.

Because of the shortcomings in existing legislation, I have asked the President to appoint by Executive order a Black Hills Rehabilitation Commission. In making that request, I cited as precedent the highly successful Federal Reconstruction and Development Planning Commission for Alaska. This Commission was formed by President Lyndon Johnson after the Alaska earthquake in March of 1964. It is my view that the emergency demands of the situation in the Black Hills require the immediate action of the President. The fact is, the homeless and the business community of the second largest city of South Dakota cannot wait for the Congress to act. Should the President agree to such a commission, it could have authority to go beyond the assistance limits provided under the Disaster Relief Act of 1970. Such a commission, funded at $75 million, would be able to compensate the homeowner and owners of small businesses for damages wraught by the flood. It is clear that a Presidential commission is the quickest and most sure way of getting the aid we need.

I have told the residents of the area affected by the flood that it is highly unlikely that the Congress would act favorably on special legislation tailored to meet the demands of the disaster. During my visit to Rapid City I said there was little precedent for such action. I have also pointed out that the rationale of the Disaster Relief Act of 1970 was to eliminate the need for special legislation.

But a review of that act does disclose that it is clearly inadequate to deal with the financial hardships facing the owners of homes and businesses. The bills I introduced today represent several ways to correct these shortcomings.

If a goal of the Disaster Relief Act of 1970 is to put victims of a disaster back on their feet financially, it is a dismal failure.

As I said earlier, many owners of homes and business concerns are considering bankruptcy as an alternative. According to the Office of Emergency Preparedness, only 76 applications for home loans and only eight business loan applications have been received by the Small Business Administration. This confirms my initial hunch as well as reports from members of my staff on the scene.

It is my view that the Disaster Relief Act should be amended to increase cancellation amount, or the forgiveness clause, from $2,500 to $15,000 for both Small Business Administration and Farmers Home Administration emergency loans.

Under the interpretation of the law "substantial damage" is construed to mean property loss of 50 percent or more. At the very least, we should spell out that a 25-percent property loss is sufficient for participation in the emergency loan program.

The law also limits the SBA or Farmers Home can refinance to the amount of the property loss. This leaves many persons paying off an old mortgage generally at much higher rates than the emergency interest rate. Again, it seems to me the very least we must do is authorize these agencies to refinance the total obligations of a damaged home, business concern or farm. The Disaster Relief Act of 1970 is also extremely restrictive in terms of unemployment compensation. The law provides that the benefits may not be higher than those in the State where the disaster occurred. South Dakota's benefits are relatively low. It seems to me the President should have the authority to set compensation benefits as high as those of any State.

The Disaster Relief Act of 1970 is also unduly restrictive in prohibiting assistance to recreational facilities. Rapid City, for instance, over the years built a remarkable number of parks and playgrounds. These facilities not only enhanced the quality of life for the residents of Rapid City but for thousands of tourists who visit Rapid City each year. In any case, it is my view that a public playground or swimming pool is just as much a public facility as a jail or a library. The law should be amended to reflect this reality.

Other proposals should be considered in the alternative. Strong consideration should be given to lowering the interest rate on emergency loans to 1 percent which would go a long way in helping these people as well as victims of disasters in the future. Also, the best way to approach the cancellation or forgiveness feature may be to raise it on a percentage basis, up to 90 percent of the amount of the property loss caused by the disaster.

Because of the serious deficiencies in the Disaster Relief Act and because the Congress may not want to perform a massive revision of the act at this time, special legislation for the victims of the Black Hills must be considered. Essentially, such legislation would authorize an appropriation of $75 million. These funds could be spent by a Presidential commission which would have the power to determine an equitable means of distribution of the funds to homeowners, owners of businesses, and other victims of the disaster.

Mr. President, I could comment extensively on my observations at Rapid City the day after the flood. For a time, the welfare and whereabouts of Mrs. McGovern's relatives were in doubt. The loss of life and damaged property was heartbreaking. One retired couple I visited with told me they lost three small homes to the flood. Two of the houses were rental property the couple had invested all their savings for retirement income. Unless something is done, their fate is now welfare and the dole.

Under the severe stress of the disaster, the people of Rapid City showed their mettle. If one person could be singled out for special recognition, it would have to be Mayor Don Barnett. Despite his relative youth or perhaps because of it, Mayor Barnett's prompt and decisive actions saved countless lives. He also deserves much of the credit for the close coordination of the rescue operations. Don Barnett is one of the so-called new politicians. He made a personal commitment to political life while serving as an officer in Vietnam. He chose to enter the political arena because he was not satisfied with conditions at home and our involvement abroad. It is gratifying, to say the least, that young men and women like Don Barnett throughout the Nation have chosen a career in public life. Mr. President, the New York Times of June 15 featured Mayor Don Barnett as its "Man in the News." I ask unanimous consent that the article be inserted at this point in the RECORD.

Mr. President, I also introduce, for appropriate reference, five bills to amend the Disaster Relief Act, the Small Business Act, and a bill to authorize special grant authority. I ask unanimous consent that these bills be printed in the RECORD.

There being no objection, the article and bills were ordered to be printed in the RECORD, as follows:

AN UNDAUNTED MAYOR: DONALD VERN BARNETT

RAPID CITY, S. DAK., June 14.—Among the modest trophies on the wall of Mayor Donald Vern Barnett's office is a hand-lettered, framed quotation from an article by Norman Cousins in The Saturday Review in 1971. It reads: "Optimism supplies the basic energy of civilization . . . pessimism is a waste of time." Mr. Barnett, at 29 one of the youngest Mayors in the United States, is no waster of time, no pessimist, despite what has happened to his plans and his city.

A flash flood cut through the heart of South Dakota's second-largest city last Friday, leaving more than 200 dead and damage in the tens of millions of dollars.

But as the Mayor moves about this battered city of 43,000, he says:

"Boy, I'll tell you, when people picked themselves up and started to put it together again, it made you pretty damned proud. Nobody is more proud of this city than me now."

Many put the shoe on the other foot.

"HE'S THE GREATEST"

"He's the greatest Mayor in the United States," said Mrs. Charlotte Cox, a dental assistant who went to high school with him. "Everything about him is open. He's just nice people."

The feeling is not universal, though.

One man who had kind words for the Mayor on Sunday said last night, "There's only one thing he wants—that's to be President of the United States."

Dr. William Mitchell, principal of Central High School, called Mr. Barnett a "sincere, totally committed, hard-working young man."

"Even people who voted against him when he ran have come to believe he's done a whale of a job," Dr. Mitchell said.

Mayor Barnett was elected to a two-year term in April, 1971, by a 168-vote margin. The campaign was a bitter one, centering largely on his youth. He defeated Col. John W. Barnes, retired base commander of the huge Ellsworth Air Force Base, which is just outside of town and has 14,000 residents.

After his election, Mayor Barnett drew together his opponents and his friends to plan the city's future.

One result was a convention center approved by 63 per cent of the voters and financed by a sales tax. It has not yet been built.

He also organized a citywide cleanup campaign and hauled off 1,000 truckloads of trash to the city dump.

The Mayor, born Oct. 26, 1942, in Rapid City, was shy as a boy. He stuttered in high school, something he eventually overcame. During the drive for the convention center, he made 50 or 60 speeches.

He was graduated from South Dakota State College in Brookings in 1964, having majored in political science, and studied for his Master's degree at the University of Nebraska. He taught for a time at Nebraska Wesleyan University.

NO DRAFT MOVEMENT

Mr. Barnett entered the Army with a direct commission as a Medical Service Corps officer and spent two years in Vietnam, coming home in December, 1969, as a captain. While in Vietnam, he decided to run for political office.

He ran unsuccessfully for Congress in 1970, then took a job briefly as a lobbyist for the South Dakota Consumers League.

He says he despised lobbying, and quit to return to Rapid City to run for Mayor.

"There was no 'draft Barnett' movement, I'll tell you," the Mayor recalled. "I had to go around and do it myself."

He married last February. His wife, Jo Ann, works in the trust department of the United National Bank as an assistant cashier and worries that her husband spends 80 hours a week at his $14,000-a-year job.

Mr. Barnett's father works for the local electric company and his mother at the delicatessen counter of a supermarket.

He has done his best to sell this city a positive attitude—a sense that it can grow and move ahead.

When his friend Senator George McGovern came to Rapid City to inspect the flood damage, Mayor Barnett told him:

"You take care of Nixon and I'll take care of Rapid City."

S. 3734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 234 of the Disaster Relief Act of 1970 is amended by striking out "determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed two per centum per annum. In no event shall any loan made under this section bear interest at a rate in excess of six per centum per annum," and inserting in lieu thereof "not in excess of one per centum per annum."

SEC. 2. Section 231 of the Disaster Relief Act of 1970 (Public Law 91–606) is amended by striking out clause (1) and the language contained therein and inserting in lieu thereof "(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall cancel 90 per centum of the principal of the loan except that this clause (A) shall apply only to loans made to cover losses and damage and injury resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act."

SEC. 3. Section 232 of the Disaster Relief Act of 1970 (Public Law 91–606) is amended by striking out clause (1) and the language contained therein and inserting in lieu thereof "(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall cancel 90 per centum of the principal of the loan except that this clause (A) shall apply only to loans made to cover losses and damage and injury resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act."

SEC. 4. Section 304 of the Disaster Relief Act of 1970 is amended by striking out "and 233" and inserting in lieu thereof "233, and 234."

S. 3735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of South Dakota suffered extensive property loss and damage as a result of floods and high waters during June of 1972 (2) that much of the affected area is federally owned and administered, and (3) that the livelihood of the people in the area is dependent on prompt restoration of normal facilities, and therefore the Congress declares the need for special measures designed to aid and accelerate the State in its efforts to provide for the reconstruction of devastated areas.

Sec. 2. There is authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, in addition to amounts authorized by Public Law 91–606, a sum of $75,000,000. Such sum shall be expended by any Commission created by the President which shall have determined an equitable means for distribution of funds authorized by this act to homeowners, owners of business concerns and other victims of the disaster.

Sec. 3. The Secretary of Housing and Urban Development shall undertake an immediate study of various alternative methods which could be established to help provide financial assistance to those suffering property losses from the flood, including alternative methods of Federal disaster insurance and shall report his findings to the President and the Congress and any commission the President may create, not later than two months after the enactment of this act.

Sec. 4. Any assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age or economic status prior to the disaster.

Sec. 5. The President, acting through the Office of Emergency Preparedness, shall make a survey to determine what protective works would be necessary to prevent recurrence of damage by floods in the Black Hills watershed.

Sec. 6. This may be cited as the "Black Hills Disaster Relief Act of 1972."

S. 3736

To amend the Disaster Relief Act of 1970 to provide for public recreation facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 252(C) of the Disaster Relief Act of 1970 (P.L. 91–606) is amended by striking out "or system, other than one used exclusively for recreation purposes." and inserting in lieu thereof "or system."

S. 3737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 231(1) of the Disaster Relief Act of 1970 is amended by striking out "except that the total amount so canceled shall not exceed $2.500," and inserting in lieu thereof "except that the total amount so canceled shall not exceed $15,000;"

Sec. 2. Section 231(3) of the Disaster Relief Act of 1970 is amended by striking "in the case of the total or substantial property damage of a home or business concern," and inserting in lieu thereof "in the case of the total destruction or 25 per centum property damage of a home or business concern;"

Sec. 3. Section 231(3) is amended by striking "except that the amount refinanced shall not exceed the amount of the physical loss sustained;"

Sec. 4. Section 232(1) of the Disaster Relief Act of 1970 is amended by striking "except that the total amount so canceled shall not exceed $2,500," and inserting in lieu thereof "except that the total amount so canceled shall not exceed $15,000;"

Sec. 5. Section 232(3) of the Disaster Relief Act of 1970 is amended by striking "in the case of total destruction or substantial property damage of home or farm service buildings and related structures and equipment," and inserting in lieu thereof "in the case of total destruction or 25 per centum property damage of homes or farm service buildings and related structures and equipment;"

Sec. 6. Section 232(3) of the Disaster Relief Act of 1970 is amended by striking "except that the amount refinanced shall not exceed the amount of the physical loss sustained;"

Sec. 7. Section 240 of the Disaster Relief Act of 1970 is amended by striking "Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payment under the unemployment compensation program of the State in which the disaster occurred," and inserting in lieu thereof "Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payment under the unemployment compensation program of any of the several States."

S. 3738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The next to last sentence of section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), is amended by inserting before the period at the end thereof the following: "and the net interest rate on any loan made pursuant to paragraph (1) and (2) to a homeowner or small business concern to enable them to repair or replace their home or small business concern (taking into account both the Administration's share of such loan and the share of any participating bank or other lending institution) shall not exceed one per centum per annum."

Sec. 2. This Act shall take effect as of December 31, 1970.

By Mr. BELLMON:

S.J. Res. 249. A joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States, and to the direct popular election of such officers. Referred to the Committee on the Judiciary.

Mr. BELLMON. Mr. President, every 4 years the attention of the world is focused upon our country as we go through the orgy of a presidential election.

Citizens of almost every nation, friend and foe, large and small, realize that they have a stake in the outcome of our presidential contest. Our presidential election process should be a showcase of democracy in action. It should be conducted in a straightforward manner which fairly matches the finest leadership the great political parties of this Nation produce. The presidential campaign should provide an unhampered opportunity for our greatest political minds to discuss burning political views of our time in a broad national forum with the final decision coming directly and clearly from the collective intelligence and equal judgment of the citizens of this country.

Instead, Mr. President, the means by which we now elect our President, the most powerful office in the world, is both a national disgrace and an international joke. Try, if you dare, to honestly and fully describe the process to a knowledgeable citizen of any foreign nation. I assure you your listener will be left either convulsed in tears or roaring with laughter. The idea that this great and powerful Nation, leader of the world in many fields including self-government, could be guilty of creating such a disaster-prone system of choosing its most important official is almost inconceivable. The time has long since arrived for the Congress to simplify and clarify our presidential election process.

Mr. President, I am today introducing a resolution to accomplish this objective, and I ask that it be appropriately referred. The resolution is short. I ask that it be printed in full in the Record. I realize that many other Members have also presented legislation dealing with this extremely important question and that hearings on the subject will shortly be held. I believe this proposal contains provisions not previously presented to the Senate which deserve to be considered.

Briefly my proposal contains these provisions:

First. It recognizes the existence of political parties. In spite of their long and vital role our present Constitution ignores these fundamental forces in our system.

Second. It provides for a uniform, direct, national primary election without the confusion of crossover voting.

Third. It eliminates frivilous candidates, thus making possible meaningful national debates through the electronic media.

Fourth. It limits the presidential contest to candidates of the two political parties holding the most seats in Congress, thus eliminating the "spoiler" effect of splinter parties. The proposal does not outlaw third parties. Rather it provides that they shall develop and mature through the capture of senatorial and congressional seats.

Fifth. It creates a national runoff primary election to assure that the candidate of a political party truly represents the desire of the majority of that party.

Sixth. Selection of the vice-presidential candidate would be by each political party after the presidential candidate has been nominated.

Seventh. The election of the President and Vice President is by direct popular vote, thus eliminating that useless, dangerous, outmoded relic of the past, the Electoral College. Voters in small States are given equal importance with voters in States with large blocs of "electoral votes."

Eighth. The resolution provides for the simultaneous conduct and simultaneous public announcement of election results, thus eliminating the psychological effect upon western voters who cast their votes after already knowing voting trends on the east coast.

Ninth. Flexibility to cope with changing conditions is provided by authorizing Congress to establish necessary enabling legislation.

Mr. President, Congress must act now to eliminate the complex, confusing, disorderly, destructive, easily manipulated and excessively expensive presidential election process. The role of our Nation as a world leader, even its very existence, depends upon our willingness and our ability to cope with this problem.

Our present system can be understood in the light of history. The early history of this vast country, when transportation and communications moved at mule speed, a simple direct method of electing our President would have faced insurmountable problems. Also, the ability of the common citizen to wisely choose his national leader was not proven. As we approach our 200th anniversary, these conditions have changed. The collective wisdom of our people has been proved. Thus the Electoral College no longer functions as designed by our Founding Fathers. The political nominating process has "just growed up." It is high time the Congress abolished the electoral and formalized the nominating process.

Mr. President, a recent editorial by David Lawrence in U.S. News & World Report points up the need for reform of our presidential elections. I ask unanimous consent that this editorial be printed in the Record at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the U.S. News & World Report, June 26, 1972]

There Ought Never To Be Another Presidential Nominating Convention

(Back in 1912, the Democratic National Convention which nominated Woodrow Wilson for the Presidency inserted a plank in its platform advocating a constitutional amendment which would confine presidential tenure to a single six-year term. Early in 1913, the Senate passed a resolution proposing such an amendment, and sent it to the House of Representatives. On Feb. 5, 1913, the President-elect replied to a letter from A. Mitchell Palmer, Democratic leader of the House, who had asked for his views on the subject. Excerpts from Mr. Wilson's answer are given below.—David Lawrence, Editor.)

(By Woodrow Wilson)

The question is simply this: Shall our Presidents be free, so far as the law is concerned, to seek a second term of four years, or shall they be limited by constitutional amendment to a single term of four years or to a single term extended to six years? . . .

Four years is too long a term for a President who is not the true spokesman of the people, who is imposed upon and does not lead. It is too short a term for a President who is doing, or attempting a great work of reform, and who has not had time to finish it. . . .

A fixed constitutional limitation to a single term of office is highly arbitrary and unsatisfactory from every point of view. . . .

Presidents, it is said, are effective for one-half of their term only because they devote their attention during the last two years of the term to building up the influences, and above all, the organization, by which they hope and propose to secure a second nomination and election.

It is their illicit power, not their legitimate influence with the country, that the advocates of a constitutional change profess to be afraid of, and I heartily sympathize with them. It is intolerable that any President should be permitted to determine who should succeed him—himself or another—by patronage or coercion, or by any sort of control of the machinery by which delegates to the nominating convention are chosen.

There ought never to be another presidential nominating convention; and there need never be another. Several of the States have successfully solved that difficulty with regard to the choice of their governors, and federal law can solve it in the same way with regard to the choice of Presidents. The nominations should be made directly by the people at the polls.

Conventions should determine nothing but party platforms and should be made up of the men who would be expected, if elected, to carry those platforms into effect. It is not necessary to attend to the people's business by constitutional amendment if you will only actually put the business into the people's own hands.

I think it may safely be assumed that that will be done within the next four years, for it can be done by statute. It need not wait for constitutional change. That being done, the question of the presidential term can be discussed on its merits.

It must be clear to everybody who has studied our political development at all that the character of the Presidency is passing through a transitional stage. We know what the office is now and what use must be made of it. But we do not know what it is going to work out into, and until we do know, we shall not know what constitutional change, if any is needed, it would be best to make.

I must speak with absolute freedom and candor in this matter, or not speak at all; and it seems to me that the present position of the Presidency in our actual system, as we use it, is quite abnormal and must lead eventually to something very different.

The Presidnt is expected by the Nation to be the leader of his party as well as the Chief Executive officer of the Government, and the country will take no excuses from him. He must play the part and play it successfully or lose the country's confidence. He must be prime minister, as much concerned with the guidance of legislation as with the just and orderly execution of law, and he is the spokesman of the Nation in everything, even in the most momentous and most delicate dealings of the Government with foreign nations.

Why in such circumstances should he be responsible to no one for four long years? All the people's legislative spokesmen in the House of Representatives and one-third of their representatives in the Senate are brought to book every two years—why not the President, if he is to be the leader of the party and the spokesman of policy?

Sooner or later, it would seem, he must be made answerable to opinion in a somewhat more informal and intimate fashion—answerable, it may be, to the houses (of Congress) whom he seeks to lead, either personally or through a Cabinet, as well as to the people for whom they speak. But that is a matter to be worked out—as it inevitably will be—in some natural American way which we cannot yet even predict.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3133

At the request of Mr. Eastland, the Senator from Utah (Mr. Moss), the Senator from Ohio (Mr. Saxbe), the Senator from New York (Mr. Buckley), the Senator from Maine (Mrs. Smith), the Senator from Georgia (Mr. Talmadge), the Senator from Florida (Mr. Chiles), and the Senator from Illinois (Mr. Percy) were added as cosponsors of S. 3133, a bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful.

S. 3327

At the request of Mr. Kennedy, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 3327, the Health Maintenance Organization and Resources Development Act of 1972.

S. 3538 AND S. 3539

At the request of Mr. Bayh, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 3538, a bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced; and S. 3539, a bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II.

S. 3549

At the request of Mr. Tower, the Senator from Kentucky (Mr. Cook) was added as a cosponsor of S. 3549, a bill to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60.

S. 3615

At the request of Mr. Cranston, the Senator from Minnesota (Mr. Humphrey) and the Senator from South Dakota (Mr. McGovern) were added as cosponsors of S. 3615, a bill to authorize grants to the D–Q University in California.

S. 3616

At the request of Mr. McIntyre, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 3616, a bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes.

S. 3650

At the request of Mr. Nelson, the Senators from New Jersey (Mr. Williams and Mr. Case) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 3650, a bill to provide for transmittal of the Department of Defense 5-year defense program and for congressional deliberation of major mission and support functions of the 5-year defense program.

S. 3716

At the request of Mr. Kennedy, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 3716, the Health Facilities, Manpower, and Community Mental Health Centers Act of 1972.

SENATE JOINT RESOLUTION 244

At the request of Mr. Ribicoff, the Senator from Minnesota (Mr. Humphrey), the Senator from Nevada (Mr. Cannon), the Senator from California (Mr. Cranston), the Senator from New Jersey (Mr. Williams), the Senator from Arkansas (Mr. McClellan), and the Senator from Tennessee (Mr. Brock) were added as cosponsors of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

SENATE RESOLUTION 323—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE PRINTING OF "ELECTION LAW GUIDEBOOK" AS SENATE DOCUMENT

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from

the Committee on Rules and Administration, reported the following resolution:

SENATE RESOLUTION 323

Resolved, That a revised edition of Senate Document Numbered 91-61, entitled "Election Law Guidebook", be printed as a Senate document, and that there be printed two thousand three hundred additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTON 324—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO LEWIS J. SWAGGER

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following resolution:

SENATE RESOLUTION 324

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lewis J. Swagger, widower of Rose A. Swagger, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 325—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO GRETCHEN E. JENKINS

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following resolution:

SENATE RESOLUTION 325

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Gretchen E. Jenkins, widow of Norman W. Jenkins, an employee of the Architect of the Capitol assigned to duty in the Senate Office Building at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

EXTENSION OF TEMPORARY INCREASE IN THE PUBLIC DEBT CEILING—AMENDMENT

AMENDMENT NO. 1266

(Ordered to be printed, and referred to the Committee on Finance.)

Mr. ROTH. Mr. President, I am submitting this morning an amendment to H.R. 15390, the latest bill to provide for an extension of the temporary increase in the public debt ceiling. My measure adds a second section to that bill—which has been reported by the Ways and Means Committee—calling for an airtight ceiling on fiscal year 1973 Federal outlays.

My distinguished colleagues here will recognize this effort as similar to the amendment I introduced last March when the debt limitation was raised from $430 to $450 billion. This spending language places all categories of Federal expenditures and net lending under a firm roof. It is the language which President Nixon urged the Congress to adopt in his budget message last January. And it uses the figure of $250 billion, which the administration has most recently recommended.

Let me recount, for a minute, the Senate's action last March. The thrust of this amendment is the same as the bill S. 3123, which I introduced last February 4, with a bipartisan list of 48 cosponsors. The Finance Committee chose to report a "clean" debt bill in March, whereupon I brought up the measure as a floor amendment. The Senate voted to modify its language by permitting the Congress to rescind any spending cuts, necessitated by the discipline of the bill, within 30 days of the President's stated course of action. And then the language carried on this floor by a decisive vote of 53 to 30. That measure was deleted in conference. I supported that action.

THE NEED FOR IMMEDIATE ACTION

Mr. President, I am certain that everyone here has had the opportunity to review the administration's latest budget revisions, presented to the Ways and Means Committee in testimony on June 5 and 6. These figures show that the Federal funds deficit will approximate $32.2 billion for fiscal year 1972—down $12.5 billion from January's estimate—but that fiscal year 1973 outlays will rise, producing an even larger deficit of $37.8 billion. Naturally the unified budget computation reflects smaller deficits—owing to trust fund surpluses—but even this analysis shows an estimated unified deficit of $27 billion in fiscal year 1973. I ask unanimous consent to have printed in the RECORD the OMB's table showing these budget revisions.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE I.—SUMMARY OF CHANGE IN BUDGET RECEIPTS AND OUTLAYS, BY FUND GROUP

[Fiscal years; in billions of dollars]

	1972		1973	
	January estimate	Current estimate	January estimate	Current estimate
Federal funds:				
Receipts	137.8	147.1	150.6	152.6
Outlays	182.5	179.3	186.8	190.4
Deficit (−)	−44.7	−32.2	−36.2	−37.8
Trust funds:				
Receipts	73.2	73.2	83.2	83.6
Outlays	67.2	67.0	72.5	72.8
Surplus	5.9	6.2	10.7	10.8
Unified budget:				
Receipts	197.8	207.0	220.8	223.0
Outlays	236.6	233.0	246.3	250.0
Deficit (−)	−38.8	−26.0	−25.5	−27.0

Note: Detail may not add to totals because of rounding.

Source: Office of Management and Budget.

Mr. ROTH. Mr. President, I need hardly remind my colleagues that these early predictions almost always prove too low when the actual numbers appear in the retrospective portion of each year's budget. Hence, the need for this legislation which says prospectively, the Congress and the Executive will be bound by strict limitations of Federal outlays.

THE DANGERS OF PERSISTENT INFLATION

This point in time is most certainly propitious, for we are moving into a new fiscal year in which no appropriation bills have been jointly approved by both Houses of Congress. We also face a general election in November; between now and then the urge to spend will certainly gain momentum. Yet we, in Congress, will be reluctant to enact increased tax legislation, following so closely on the reductions in the Revenue Act of 1971. That bill's major objective was to help stimulate a lagging economy, then foundering under the double stress of savage inflation and widespread unemployment.

Private and public spokesmen warn us that a swollen budget this fiscal year could set off a new surge of inflationary pressures. The President's program of economic controls has faced and, I believe, moderated some of the problems in the private economy. But we are a long way from the comforting state of a truly healthy economy. Though the inflation rate is abating and new job opportunities are opening up around the country, we must not forget how large an influence the Federal budget has on our Nation's economic development. If Federal spending runs too far ahead of a well balanced stimulus, we, in Congress, could inadvertently undo much or all of the work that has been accomplished in the last 9 months. A glut of new obligations necessary to finance a growing deficit could easily strain the credit markets and the Fed's ability to digest a manageable diet of Federal debt. The consequent pressure on interest rates and the Nation's money supply could have devastating effects on the country's economic recuperation.

A recent report by the Brookings Institution highlights our budget squeeze. Its main prediction has been that anticipated spending will continue to far outdistance anticipated full employment revenues through 1975 and barely balance out by 1977. I should stress that the report assumes generous economic growth, and an unemployment level at 4 percent. If we fail to achieve these goals, the Brookings' forecast becomes even more unsettling.

Based on their mathematical budget model, these noted economists have drawn the scenario which indicates the Federal Government must either raise substantial levels of new revenue between now and 1977, or curb existing outlays. Implicit in their analysis is the belief that current programs, growing at the present rate, will more than consume available revenues, leaving little or no room for new legislative efforts. We must therefore examine carefully our spending decisions and exercise the greatest restraint with each appropriation, mindful that an overall ceiling would force the Congress to make difficult, but necessary, budget decisions.

THE ADMINISTRATION CALLS FOR ENACTMENT

Mr. President, let me reemphasize the administration's posture on the need for these spending controls. Two weeks ago George Shultz, now Treasury Secretary, Charls Walker, his Deputy, and Herbert Stein, Chairman of the CEA, all testified before the House Ways and Means Committee. Each of these top administration officials spoke vigorously on the need for necessary fiscal restraint, obtainable only if we curtail our spending for the coming year. A ceiling which applied to all the budget categories is the only honest way to achieve this end. Certain accounts are admittedly more difficult to forecast and control than others; we must meet all of our contractual obligations and the largest of those—interest, social insurance, and health benefits, and so forth—cannot be pinpointed 12 to 18 months in advance. Consequently we must focus more attention on discretionary spending. My amendment would impose this requirement on both the Congress and the Executive.

I would urge the Congress to heed the words of Dr. Arthur Burns who wrote me last week encouraging this amendment. His letter contained this caution:

> I have felt for some time that it is absolutely essential to bring Government spending under control. The need for a rigid ceiling on expenditures is becoming more apparent with each passing month. After a sluggish start, economic recovery is accelerating. We must guard against the possibility of an overly-stimulative fiscal policy adding to inflationary pressures as we move closer to an economy in which resources will be fully utilized.

Mr. President, we must act now if the Congress is going to exercise its responsibility in helping to curb the insidious effects of inflation. Starting with the President's leadership last August, the administration and the Congress have shown their desire to break the back of this Nation's most pressing domestic problem. I am sure this amendment, if enacted, will push us farther along the road toward that goal.

I ask my colleagues here to join me in opposing the extension of the debt ceiling unless this spending discipline is attached as an ironclad amendment.

Mr. President, I ask unanimous consent that at this point in the RECORD a copy of my amendment be printed.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will be referred to the Committee on Finance; and without objection, the amendment will be printed in the RECORD.

The amendment (No. 1266) is as follows:

AMENDMENT NO. 1266

SEC. 2. (a) Expenditures and net lending during the fiscal year ending June 30, 1973, under the budget of the United States Government shall not exceed $250,000,000,000.

(b) The President shall, notwithstanding the provisions of any other law, reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

(c) In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to subsection (a), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

PUBLIC BROADCASTING CORPORATION ACT OF 1972—AMENDMENT

AMENDMENT NO. 1267

(Ordered to be printed and to lie on the table.)

Mr. BAKER. Mr. President, Tuesday, the Committee on Commerce, without amendment, reported H.R. 13918 (Report No. 92–892), a bill to amend the Communications Act of 1934 to provide a 2-year authorization for the financing of the Corporation for Public Broadcasting—CPB—and for other purposes. During consideration of that bill by the Committee on Commerce, I offered an amendment which failed on a voice vote to limit the authorization for the Corporation for Public Broadcasting to 1 year.

I filed along with my colleagues, Messrs. COTTON and GRIFFIN, supplemental views to the committee report which clearly explain the reasons why Congress should agree to only a 1-year extension. In brief, there are a number of questions regarding the manner in which CPB has fulfilled its responsibilities under the 1967 Public Broadcasting Act. H.R. 13918 appears to deal with some of these questions but in fact fails to come to grips with the fundamental deficiencies of the public broadcasting system. For that reason, I intend to offer the following amendment at the time the Senate considers H.R. 13918 and ask that it now be printed in the RECORD and lie on the table.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1267

On page 4, line 6, strike all through and including line 2 on page 5, inserting in lieu thereof the following:

"(2) There are authorized to be appropriated to the Fund for the fiscal year ending June 30, 1973, the lesser of—

"(i) $65,000,000, or

"(ii) $35,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1971."

ANNOUNCEMENT OF CONTINUATION OF HEARINGS ON THE PROPERTY TAX

Mr. GURNEY. Mr. President, on behalf of Senator MUSKIE, chairman of the Subcommittee on Intergovernmental Relations, Committee on Government Operations, I should like to announce that the subcommittee will continue hearings on June 26 on the property tax system.

The hearings will be held in room 3302 of the New Senate Office Building, beginning at 10 a.m.

Anyone wishing to file a statement with respect to the property tax should contact the chief clerk of the subcommittee, Ms. L. T. Dennis, at 225–4718, area code 202.

NOTICE OF HEARING ON JUDICIAL NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 28, 1972, at 10 a.m., in room 2228, New Senate Office Building, on the following nominations:

Robert L. Carter, of New York, to be U.S. district judge, southern district of New York, vice Thomas F. Croake, retired

William B. Enright, of California, to be U.S. district judge, southern district of California, vice J. Clifford Wallace

Ralph E. Erickson, of California, to be Deputy Attorney General, vice Richard G. Kleindienst, elevated

Thomas P. Griesa, of New York, to be U.S. district judge, southern district of New York, vice a new position created by Public Law 91–272, approved June 2, 1970

Whitman Knapp, of New York, to be U.S. district judge, southern district of New York, vice Walter R. Mansfield, elevated

Charles E. Stewart, Jr., of New York, to be U.S. district judge, southern district of New York, vice Sidney Sugarman, retired

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA); and myself as chairman.

ANNOUNCEMENT OF HEARINGS BY THE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS

Mr. BAYH. Mr. President, I wish to announce that next Friday, June 30, 1972, at 10 a.m. in room 318, Old Senate Office Building, the Subcommittee on Constitutional Amendments will hold hearings on Senate Joint Resolution 200, proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of Congress.

Persons interested in submitting statements for the record should contact Mr. Michael Helfer, assistant counsel, room 300, Old Senate Office Building.

NOTICE OF HEARINGS ON SOFT CONTACT LENS

Mr. McINTYRE. Mr. President, I wish to announce that the Subcommittee on Government Regulation of the Select Committee on Small Business will hold hearings on soft contact lens.

The hearings will be held on July 6 and 7, 1972, in room 318, Caucus Room, of the Old Senate Office Building at 10 a.m. each day.

ADDITIONAL STATEMENTS

SALUTE TO EDUCATION TO BE GIVEN ON JUNE 21

Mr. ELLENDER. Mr. President, it is a privilege for me to join today with my colleagues in a salute to education. Throughout the history of civilization, the ever-changing field of education has been the medium through which man's accumulated intellectual, spiritual, and social knowledge has been passed on to subsequent generations. Without the continuity and challenge which education offers, mankind would have been unable to make its many strides forward in all areas of endeavor.

Today education faces its greatest challenge. It is my understanding that man's accumulated knowledge before 1960 has doubled in the past 10 years, and everyone concerned with education must respond to this knowledge explosion. Only through encouraging new ways of teaching, tempered by past experience, can education assume its leadership role in a new and dynamic way. I am certain, because of past experience and because of the wealth of knowledge that is held by hundreds of thousands of devoted teachers, the educators we salute today will prove more than adequate to meet this challenge.

I join men and women of all ages across America today in a salute to education, and I pledge my continued support for an educational system which can effectively form man's link with his past and offer him solutions to the perplexing problems of his future.

OPTOMETRY CONTRIBUTES TO BETTER HEALTH CARE

Mr. ROBERT C. BYRD. Mr. President, on June 6, our distinguished colleague, Senator Jennings Randolph, the senior Senator from West Virginia, was honored by the West Virginia Optometric Association with presentation of that organization's first annual award for public service. The optometrists of the State, meeting in annual convention, cited Senator Randolph for his outstanding service in the Government, with particular reference to his long-standing interest in vocational rehabilitation and his foresight in sponsoring and continually working to improve the program of vending stands in Federal buildings, which has provided so much opportunity for so many sightless persons since the Randolph-Sheppard Act became law 36 years ago.

Senator Jennings Randolph is held in such esteem that the West Virginia Optometric Association has named its award the Jennings Randolph Annual Award for Public Service.

I feel sure I speak for all his colleagues when I offer my sincere congratulations for the signal honor this award represents, and for Senator Randolph's outstanding record of service which makes him so richly deserving of the award.

In accepting the West Virginia Optometric Association Award for Public Service, Senator Randolph made some comments which I believe ought to be read by our colleagues and all who have access to the Record.

I ask unanimous consent, therefore, that the speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Optometry Contributes to Better Health Care

It is a privilege to receive this honor.

It is even more meaningful to have the West Virginia Optometric Association dedicate an award to me and to allow me to be its first recipient.

I also appreciate the gift Dr. Bodie has given to me from all of you.

West Virginia optometrists have done and are doing constructive work for the visual welfare of the citizens of our State.

The honor you have bestowed carries greater significance because such fine professionals as yourselves have found me worthy to receive this award.

During the last several sessions of Congress, as a result of legislation which originated in the Senate Labor and Public Welfare Committee, of which I am the ranking majority member, I have come to know many of your colleagues.

The Subcommittee on Health and the Subcommittee on the Hanidcapped, which I chair, are deeply involved in legislation which will affect most of you.

Officers of the national body, the American Optometric Association, have brought your efforts to my attention and have submitted documents in support of, and demonstrating the need for adequate vision care for the American public. On each occasion these individuals have made a significant impact on the committee members and have represented optometry's interest in an extremely favorable manner.

As members of the Nation's health care team, you, the practitioners, are keenly aware of the many aspects of legislation pending in Congress intended to respond to the health crisis in America. You and I know that the art of healing is better than ever before, the technology is unsurpassed in history—but that the health delivery system has failed in part.

For this reason, one of the major programs that has directly affected your profession—and one with which the Senate Labor and Public Welfare Committee has concerned itself with—is the Health Professions Educational Assistance Act. This legislation enables the health professions listed in the act to be eligible for grant to aid in support of their educational institutions. The rationale behind this legislation is that we are faced with a critical shortage of health manpower to care for the health needs of our citizens. The act was created in an effort to alleviate this shortage.

Through the Health Professions Educational Assistance Act and a variety of other health programs, the Congress has attempted to recruit, educate and make available all those health workers whose skills are so urgently needed.

Since 1965, approximately $32 million have been appropriated for grant monies to the schools and colleges of optometry to aid them in construction costs of new facilities, costs for their institutional support, costs for innovative teaching techniques and other special projects, and support for student loans and scholarships.

We speak of $32 million as a "modest amount," relative to the billions of dollars involved each year in major programs. But this investment has reaped praiseworthy dividends. Under the concept of HPEA, your profession has lived up to its commitment by increasing the enrollment of optometry students from 1,547 in 1964 to 3,000 students in 1971.

As Don mentioned to you earlier, there are two areas of health care legislation dealing with vision care and the blind that I have been closely involved in, and they are the Blind Vending Act and the Vocational Rehabilitation Act. Both are under the jurisdiction of our Subcommittee on the Handicapped.

The 1972 amendments to the Randolph-Sheppard Vending Stand Act, which, over the past 35 years, has employed many thousands of blind persons, will enlarge and expand the scope of the program to provide blind vending facilities in all Federal installations. We expect over the next five years to more than double the 3,400 vending operations now located in public and private facilities. It is my responsibility to have a part in securing the amendment to this act that would permit a freedom of choice to an optometrist or a physician skilled in diseases of the eye in the legal determination of blindness.

As for the vocational rehabilitation program, my subcommittee is presently involved in hearings on proposed legislation. We are considering, in addition to several Senate bills, the House-passed H.R. 8395, which would permit optometrists, for the first time, to certify the eligibility of blind or visually handicapped applicants for vocational rehabilitation programs. Under the present act, optometrists were permitted to perform only restorative services to Voc-Rehab patients, who had been declared eligible through examination by a physician and medical specialist.

This amendment will bring the Voc-Rehab program in line with other Federal-State blind programs which, since their inception, have allowed full optometric participation. I am hopeful that we can report this bill to the full committee with the amendment intact. Don and his fellow workers have labored long to make eligibility requirements uniform.

There are other major areas of health legislation before the 92d Congress in which your profession has an interst.

You have a definite professional stake in the Social Security Bill, known legislatively as H.R. 1, the bill before the Senate Finance Committee. H.R. 1 is expected to be reported to the floor later this month, along with its controversial provisions on welfare. Of prime interest to you, however, is the proposed revision of several titles of the Social Security Act. There are three major parts of this measure which, if enacted, would directly affect optometry:

The first is:

Medicare: Title XVIII: Under section 1861–R, an amendment would define an optometrist as a "physician" for purposes of this program.

The second is:

Medicaid Title XIX; an amendment to section 1905—would assure the availability of optometric services to recipients where those visual services are now provided, in the States which have this care in their programs.

And the third major proposal:

Aid to the aged, blind and disabled. This will be provided by the creation of a new Title XX to the Social Security Act. Consideration is being given to the Finance Committee to the fact that patients have the freedom to choose their type of vision-care practitioner just as they are allowed under the existing blind programs to be consolidated under this program.

With the exception of Medicaid amendment, these provisions have been passed by the House of Representatives and now need only the Senate Finance Committee's approval and full Senate passage.

There is also the bill to create a position of chief optometrist within the Veterans' Administration's Department of Medicine and Surgery. Now in Conference Committee after approval of both houses, this legislation is a breakthrough which hopefully will be the first step for optometrists to become full staff members in VA health care programs. Last November, with the enactment of military special pay legislation to pay optometry officers on a par with other health professionals, you achieved another breakthrough in the military establishment.

Each year there are more than 27,000 pieces of legislation introduced in Congress, and about 6,000 of these bills have to do with health care. Optometry is involved in one way or another with many of these proposals.

In addition, there are many overriding health concepts that have been proposed in Congress that deal with some far-reaching solutions to developing new ways of relieving the health care crisis in America.

You are familiar with the proposal to create a system of national health insurance, ranging from "cradle to grave" coverage to increases in Medicaid benefits. The feasibilities and philosophies of these proposals will be cussed and discussed in and out of Congress for many months to come. In my opinion, passage of national health insurance legislation will not occur before 1974, at the earliest.

Another general health concept being debated in Congress deals with the creation of health maintenance organizations. Our Health Subcommittee is shaping this proposal to present to the Labor and Public Welfare Committee.

In spite of these major concepts being espoused to alleviate the health care crisis in America, it is my belief that we must continue to first support the basic act that will make all this possible. And that is the Health Professions Educational Assistance Act. Without relieving the health manpower shortage, we can't begin to fully implement other concepts.

Ladies and gentlemen, again—my genuine thanks.

NEA "SALUTE TO EDUCATION"

Mr. YOUNG. Mr. President, I wish to join with other Members of the Senate in support of the importance of education to our society.

I have the greatest respect for teachers and school administrators. Theirs is a difficult task, often thankless, and one which cannot be matched in importance by any other profession I know of. Every child, from the time he is able to absorb knowledge, is exposed to the care, training, and experience of members of the education profession. For most children, their teachers are nearly as much a part of their lives as their parents. The influence teachers can and do exert on their students has much to do with what becomes of these young people as they mature.

Mr. President, I know something about the problems and the difficulties the average school system is confronted with. Long before I came to the Senate, in fact, just about my first elected public office was as a member of my local school board. The requirement of board members to select teachers which was the common practice in smaller school systems, and to deal firsthand with the financial and other problems of the school system gave me good training in coping with and solving these problems. While education has advanced to something more sophisticated and complex than it was in my time, the basic challenge has remained: providing all the reliable learning tools to which every child is entitled. Our educational system is excellent and every member of this profession can be proud of his or her contributions.

I am happy to join in this "Salute to Education."

ACTION IS NEEDED NOW ON 20 PERCENT SOCIAL SECURITY RAISE

Mr. CHURCH. Mr. President, soon the Senate will vote on legislation to raise the ceiling on the public debt.

It is my present intention to offer to that bill an amendment providing for a 20-percent across-the-board increase in social security benefits.

This proposed increase is the same as that contained in my Amendment No. 999, cosponsored by 60 other Senators.

Amendment No. 999 was submitted on March 7 as an amendment to H.R. 1, then before the Senate Committee on Finance. That extraordinarily complex bill, as is widely known, is an omnibus measure incorporating provisions dealing with social security, welfare, medicare, and medicaid.

As passed by the House, H.R. 1 provided a 5-percent increase in social security. As reported by the Senate Finance Committee, H.R. 1 authorizes a 10-percent increase. The committee chairman, the distinguished Senator from Louisiana (Mr. LONG), announced his own personal leanings toward a 20-percent increase. Earlier, the distinguished chairman of the House Ways and Means Committee, Representative WILBUR MILLS, had stated that—in view of recent actuarial assumptions which would permit a significant increase in benefits with only a small rise in payroll tax—he also now favored 20 percent.

So we have a situation where an actuarially sound, long-needed upward thrust in social security commands the support of a clear majority in the Senate and the key chairmen in both Houses.

But it is no secret that an attempt is being made to hold any increase in social security benefits hostage to highly controversial changes in the welfare program.

Mr. President, I think that we must face up to hard facts about the income squeeze faced by most older Americans.

When debate opens on H.R. 1 after Congress resumes its business following the Democratic National Convention, only a few crowded weeks will remain before the Republican National Convention convenes. The Senate will be hard-put to settle the welfare controversy in that limited time.

In other words, there is every likelihood that protracted debate could extend into September or even beyond. Elderly Americans—who have watched the struggle over welfare, not for months but for years—would have to watch once more as the benefits they need today continue to be withheld from them, imprisoned within a complicated and controversial bill. And there is a strong possibility that no agreement on H.R. 1 can be reached between the two Houses in this session, if Congress runs out of time, as was the case 2 years ago.

And yet, the need for boosting social security benefits without further delay is, in my judgment, compelling.

Right now, nearly 5 million older Americans subsist below the poverty line, about one out of every four persons 65 or over. If the hidden poor are included, their numbers swell to 6.3 million.

Even more disturbing, the number of poverty-striken elderly has actually increased by almost 100,000 between 1968 and 1970—reversing a longstanding downward trend.

Social security benefits for the typical retired worker amount at present to only $1,596 a year, or about $30 per week. This amount is almost $400 below the Government's own poverty threshold of $1,980 for a single aged person.

Quite clearly, these facts demonstrate that adding a few dollars every year or two to the monthly social security checks of the elderly will not solve their deepening retirement income problems. What is needed now is a substantial boost in social security benefits to allow older Americans to escape from the economic treadmill which keeps them impoverished.

Older Americans have already waited long enough for a boost in their retirement benefits. I think the Senate should act now to insure that their social security increase will be handled as expeditiously as possible.

If there is a better vehicle for assuring rapid passage of a substantial increase in social security than the upcoming debt ceiling bill, I will be willing to consider it. But, at the moment, I see no other alternative.

SALUTE TO EDUCATION

Mr. ROTH. Mr. President, with more than 46 million students enrolled in our elementary and secondary schools for this fall, our commitment to education has never been greater; nor have the demands on that commitment, and we have met them well.

Confronting those many and varied obligations with imagination and candor has been the cornerstone of growth and flexibility in our educational institutions. From filmmaking to black studies, pottery to the Russian language, our educators have sought to broaden the traditional and exclusively academic definition of education to the constantly evolving, totally perceptive experience that we recognize today.

Special schools for the mentally retarded, vocational-technical secondary schools, preschool programs for the poor and culturally deprived—all of these have served to redefine the role of education in our country, while enriching the lives and enhancing the productive participation of more and more of our children every year.

This redefinition of education bespeaks a general redefinition of social mobility, of the right of the individual to develop and offer his own unique talents to society, of earnest and constructive debate. Without our commitment to education, we would never have reaped the benefits of the free society we now enjoy. With renewed commitment, we shall no doubt see a wider acceptance of the diversities that make humanity an endless course in discovery.

Quality education, at all grade levels, for all children, regardless of background, must remain our goal, for this is basic to the free exchange of ideas which we have come to value so highly.

THE RESISTANCE TO ORGANIZATIONAL CHANGE: LOBBIES DIG IN AGAINST CREATION OF NEW DEPARTMENT

Mr. PERCY. Mr. President, an excellent article by Arlen J. "Jim" Large published in the Wall Street Journal of June 19, describes the reasons why overhauling Government is not easy. Mr. Large tells about the interest groups that have combined to oppose the creation of a new Department of Community Development, which is contained in a bill that is now before the House Rules Committee.

The new Department would take programs from the Departments of Agriculture, Transportation, and Housing and Urban Development, and OEO, and combine them in a department whose goal is to provide coordinated Federal services to communities.

As Mr. Large explains:

> The farther along this bill gets, the more it's beset by circling bands of "special interests" anxious to preserve their old pipelines for putting influence in or getting money out.

This kind of resistance to change is to be expected, but hardly condoned. The fact is that the actual functions authorized for the various agencies that will be reorganized will not be changed. This reorganization is nothing more than a restructuring of programs already mandated by Congress. The mandates do not get changed. However, the way they are implemented and managed hopefully will be changed by the new Department of Community Development in order to provide far better Government services to this country's rural and urban communities.

An editorial in the same edition of the Wall Street Journal explains a part of the logic behind the creation of the Community Development Department:

> The reasons for the transfers are sound. The great majority of the people who do business with the Farmers Home Administration are no longer farmers, but people in smaller towns whose housing and water and sewer needs aren't measurably different from those people who deal with HUD. And now that the interstate highway program is near completion, most of the Federal Highway Administration's tasks are urban-oriented. Clearly, the nation would be better served by coordinating efforts and eliminating duplication.

I join the Journal in commending Chairman CHET HOLIFIELD and Representative FRANK HORTON, the ranking Republican on the House Government Operations Committee, for their hard work and determination to secure passage of this legislation in the House. I ask unanimous consent that the article and editorial be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OVERHAULING GOVERNMENT IS NOT EASY

(By Arlen J. Large)

WASHINGTON.—A whole year ago former HEW Secretary John Gardner warned how hard it would be to overhaul the federal bureaucracy. "Special interests" would try to block changes in the departments. He told a congressional committee with a snappy phrase: "It took them years to dig their particular tunnel into the public vault, and they don't want the vault moved."

It's all too true. Of President Nixon's plan to amalgamate seven old departments into four new ones, only one section is making any progress on Capitol Hill. The new Department of Community Development is supposed to be the easiest of the four to create, just by changing the sign on the door at the Housing and Urban Development Department and throwing in some bureaucratic tag-ends from elsewhere around town.

But the farther along this bill gets, the more it's beset by circling bands of "special interests" anxious to preserve their old pipelines for putting influence in or getting money out. Homebuilders, farmers, highway contractors, veterans, actors, preachers and—no kidding—the League of Women Voters all are unhappy with the new department's makeup.

SOME STRONG REACTIONS

It's not that every last farmer or veteran or woman voter knows or cares much about the placement of bureaucratic boxes in Washington's organizational charts. Rather, complaints about the proposed Community Development Department are coming from organizations claiming to speak for these people. The strong reaction of the lobby groups, or "special interests," is only partly explained by a natural fear of change in the status quo. And the reorganization plan certainly isn't caught, as Vice President Agnew charged last month, "in the web of partisan politics in the Congress." A key backer is Democratic Rep. Chet Holifield of California, chairman of the House Government Operations Committee. John Gardner as head of Common Cause is always getting into fights with the administration on Vietnam and other topics, but he testified strongly in favor of Mr. Nixon's bureaucratic shuffle. Among those with objections are some quite conservative Republican House members.

Instead of producing traditional Democrat-Republican or liberal-conservative divisions, the plan has split people with distinctly different perception of the government money pipeline. Reorganization supporters tend to identify with the thinking of government officials who distribute the cash and worry whether it's doing any good. Reorganization foes tend to sympathize with recipients of the government help. The receiving groups worry that the benefits of having their "own" program will be diluted if it's submerged in other activities of a new departmental conglomerate.

This partly can be just a feared loss of prestige, which is what's bugging the homebuilders. They are important constituents now of HUD, which would change its name to become the nucleus of the new Community Development Department. In testimony last March before Rep. Holifield's committee, the National Association of Home Builders endorsed the "general concept" of the new departments, but with hookers. A major one would retain "housing" in the department's name. It should be called the Department of *Housing* and Community Development, urged NAHB President Stanley Waranch. He also worried that the familiar old Federal Housing Administration mortgage-guarantee operation that's the special pet of homebuilders would vanish from public view in the new department. Mr. Waranch suggested calling one of the department's top officials the "Federal Housing Administrator," thus preserving the old initials FHA. "We believe it is important that this good will and well-known symbol not now be unceremoniously tossed away," he said.

The homebuilders struck out, Republican Rep. Frank Horton of New York, a keen backer of Mr. Nixon's plan, responded that the whole idea of reorganization "is to get away from the idea of the constituent-oriented department." Putting "housing" in the name would subvert that goal and encourage other groups to ask for mention as well.

When the Government Operations Committee approved its bill last month, the homebuilders' suggestions were nowhere to be seen. Miffed, NAHB's board of directors passed a resolution complaining that under the bill "many programs and activities pursued by private entrepreneurs in providing housing would be seriously diminished, efficiency and economy impaired and diluted and valuable expertise dissipated. . ." The resolution said NAHB is against creating the department.

While proposing to make the FHA a component of the new department, the administration didn't dare touch a companion mortgage-guarantee program run by the Veterans Administration. Logical as such a transfer might seem, nobody wanted to stir up the veterans' groups which hover so protectively over the VA. The veterans stirred anyway. Rep. Holifield got a warning shot from both the American Legion and the Veterans of Foreign Wars. A letter from a Legion official complained that the department-creating bill "could be interpreted as opening the door" for a transfer of the VA mortgage program. As approved by the House committee, the bill leaves the GI mortgage operation where it is.

On the theory that transportation routes have a lot to do with the way a community develops, the new conglomerate would get both the mass transit and highway programs now run by the Department of Transportation. Moving the subsidy spigot for bus-and-subway transit systems has roused little objection. But switching the federal roadbuilding headquarters has set alarm bells clanging among the many highway-related groups, already upset about threatened raids on their roads-only trust fund. "Why should highway transportation be subordinated to housing?" demands the Associated General Contractors of America. The Wisconsin Asphalt Pavement Association objects to "dismantling" the Transportation Department. The Indiana State Highway Commission fears "a diminution of a program which has been the backbone of this country's prosperity."

Despite these outcries, the House committee agreed to the highway switch. Approved, too, was another controversial transfer: moving to the new department a key command post of the old Great Society's War on Poverty. The Office of Economic Opportunity currently runs a $325-million-a-year community action program, organizing local groups of poor people for job training and the like. Moving community action to the new department would strike a "mortal blow" at the OEO and bury the program under layers of bureaucracy, complains a coalition of some 90 do-good organizations. They include the League of Women Voters, Actors Equity Association, National Council of Churches and even Mr. Gardner's Common Cause.

THUNDER FROM THE FARMERS

But the biggest ruckus of all comes from the farmers. The administration proposes a ripoff of two Agriculture Department subagencies, the Farmers Home Administration and the Rural Electrification Administration, both becoming the new department's instruments for developing rural communities. The complaints were thunderous last year when Mr. Nixon presented this as part of a bigger plan for abolishing the Agriculture Department entirely, a breathtaking idea that was soon dropped. But the administration still wants Farmers Home and the REA moved, and farm organizations are still upset. The American Farm Bureau Federation, usually a Nixon ally, says it "cannot support" the reorganization bill if it touches the two farm agencies. City slickers will dominate the new department, in the belief of Republican Rep. Richard Shoup of Montana, meaning the rural-oriented agencies will come out on the "short end" in bureaucratic competition for money. Democratic Rep. W. R. Poage of Texas, chairman of the House Agriculture Committee, makes the same point in barnyard terms: "You just cannot put a calf with a 1,000-pound steer and expect the calf to come out very well if you are feeding them together."

The Government Operations Committee gamely approved creation of the new department despite all the outcries against it. As a result, the bill has so many enemies it's having a hard time getting cleared by the Rules Committee for floor action. If it reaches the floor, it will be especially vulnerable to amendments restoring the farm agencies and the highway administration to their comfortable old homes. The Senate mainly is waiting to see what happens in the House.

"Special interests" aside, the developing debate involves basic disagreement over the objectives of government itself. What's said about the agglutination of agencies into the Community Development Department thus will apply in part to later consideration of Mr. Nixon's proposals for three other jumbo agencies: the Departments of Natural Resources, Economic Affairs and Human Resources.

The government historically has been organized along "functional" lines, with bureaucrats having an assignment to do something: forecast the weather, take care of Yosemite National Park, subdue Indians, print money, dig canals, build roads. Increasingly federal management functionaries worry about overlooking the relationships between tasks, such as the impact of a new highway of future requirements for new sewers. Heads of special-interest agencies run the risk of becoming "parochial in their interests and points of view," warned Robert Weaver HUD Secretary during the Johnson administration, in testimony supporting the reorganization proposal. He added that when a federal manager's "responsibilities touch multiple problems and organized interests, they are less likely to be captive to any one of these."

GOALS VERSUS FUNCTIONS

Thus by structuring the bureaucracy toward "goals" rather than "functions," creators of the super-departments hope more conflicts can be settled at lower planning levels by officials who care little about special constituencies. That's what appeals to old Cabinet hands like Messrs. Gardner and Weaver, both of whom ran multi-function departments.

Opponents of agglutination have just the opposite view, arguing that a federal office should have a specific job and constituency. Four liberal Democrats on the House committee who voted against creation of the Community Development Department complain it's based on an "erroneous concept." In a statement of minority views, the four declare: "Functions such as 'transportation,' 'housing,' 'agriculture,' 'health,' 'education,' and 'welfare' are far more manageable goals than 'community development,' 'human resources,' or 'economic affairs,' which are too abstract to serve the concrete needs of effective government programs."

By the time the discussion reaches this level, it, too, is getting pretty abstract. The dullness of organizational theology is the main reason why Mr. Nixon's proposals haven't grabbed the general public's attention. But the "special interests" are very interested. Somebody's moving the vault.

A Yearning for Change

Vice President Agnew has a point. He observes that Mr. Nixon's broad set of reform proposals—revenue sharing, welfare reform, and reorganization—languish in Congress while the Democratic candidates travel about the country discovering the public's yearning for change. The candidates, he says, "tell us that the average citizen is fed up with the way things are going and has lost faith in the ability of his government to handle its problems. They say the average citizen wants change, and they promise to deliver it."

There is some mild irony here. But somehow we can't get as upset over this state of affairs as the Vice President seems to be. True enough Congress has spent most of three years sitting on the President's legislative package, but it was of such elephantine dimensions when issued that a lengthy incubation period seemed desirable from the start. And it never did seem politically realistic to expect it to hatch without Mr. Nixon first getting a fresh mandate.

As it is, both revenue sharing and the Family Assistance Plan are being systematically mangled on Capitol Hill. Conservatives and liberals, eminently aware that neither measure will survive the 92d Congress, are having sport with them. And what seemed like reasonable ideas when they were in pristine form now appear grotesque, especially the pricetags. The administration is kidding itself if it believes that if only the measures can be brought to the House and Senate floors, thence into conference committees, the reforms can be stripped of flotsam.

Yet incredibly, there is still a faint hope that the third leg of the reform triad—reorganization—can still make some headway through Congress in this election year. The opposition is formidable, as our Mr. Large indicates elsewhere on this page. But Chairman Chet Holifield of the House Government Operations Committee still sees the possibility that a new Department of Community Development will see the light of day.

While we have expressed doubts about the rest of Mr. Nixon's triad, we hope Mr. Holifield is right. DCD would pull together a dozen agencies involved in community development that are now scattered across the federal establishment. The largest are Housing and Urban Development, Farmers Home Administration, and the Federal Highway Administration.

The reasons for the transfers are sound. The great majority of the people who do business with the Farmers Home Administration are no longer farmers, but people in smaller towns whose housing and water and sewer needs aren't measurably different from those people who deal with HUD And now that the interstate highway program is near completion, most of the Federal Highway Administration's tasks are urban-oriented. Clearly, the nation would be better served by coordinating efforts and eliminating duplication.

The measure, though, will have to survive the vigorous assaults by the farm and highway lobbies, who in this case are representing the best interests of the farm and highway lobbyists, not necessarily the constituents they look after. The only people clearly hurt by consolidation, those who would have to adjust to a new environment, are the professional lobbyists.

For the most part, this is the situation that applies to each of the reorganization plans. The grouping of federal agencies into four new Cabinet departments—the DCD, a Department of Human Resources, Department of Natural Resources, and Department of Economic Affairs—is clearly preferable to the present scattered arrangement. Yet the professional lobbies, which feel threatened by loss of "visibility" upon merging into new bureaus, have been able to slow the legislation to a crawl.

Because of Mr. Holifield's determination, though, there is a chance part of the program can be pushed through this year. One added element makes this possible. The Democratic presidential hopefuls who are detecting a public yearning for change need have no fear that Mr. Nixon could capitalize politically through creation of a new Cabinet agency. If there is anything that excites the public at large as little as the international monetary system it is the domestic bureaucratic system.

INCISIVE COMMENTARY FROM THE ILLINOIS STATE JOURNAL ON AMERICAN COMPETITION IN WORLD MARKETS

Mr. PERCY. Mr. President, I commend to the attention of my Senators an excellent editorial from the Illinois State Journal, which is published in Springfield, Ill., about the U.S. trade and monetary position, and the competitive ability of American industry.

The State Journal wisely concludes that we cannot depend on panaceas, like dollar devaluation and price controls, new trade possibilities with the Soviet Union or China, or import controls like those proposed in what has frequently been referred to as the infamous Hartke-Burke bill, to solve our international trade problems. The editorial stresses the role of productivity as the key to a more stable economy. Wage demands must be kept in line with productivity increases, it argues, and deficit spending must be controlled in order to dampen underlying inflationary forces.

The only real solution, the State Journal concludes, "is for the Made-in-U.S.A. label to reflect the inherent value it did before inflation began making its inroads into the purchasing power of the dollar."

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Boost Productivity To Overcome Trade Deficit

The U.S. trade deficit—up significantly again in April—gives the impression of a fire burning out of control. With our exports lagging $2.2 billion behind imports for the first four months of this year, compared with a $2 billion deficit for the whole of last year, the administration's hope of seeing our trade balance back on the plus side by the end of 1972 is growing forlorn.

We can only conclude that for all the impact of last December's dollar devaluation and the continuing wage and price restraints on our economy, these measures are not yet doing enough to improve the competitive position of American products in the world marketplace.

The need to stimulate our export markets is painfully clear. There is a limit, however, to what our government can do without resorting to outright subsidies to reduce the price of our goods abroad—a violation of elementary principles of free trade.

Steps taken at the Moscow summit toward new trade agreements with the Soviet Union will be a long time in producing any significant flow of goods between our countries, if ever. Communist China is even less promising as a new American customer. It is within our existing trading sphere that the problem lies and must be solved.

Protectionist trade measures like the Burke-Hartke bill are not the answer to the competition which imports are creating for our domestic products. They trigger retaliation by other nations, and only reduce the pressure on American producers to hold their prices down. The only real solution is for the "Made in U.S.A." label to reflect the inherent value it did before inflation began making its inroads into the purchasing power of the dollar.

We have cheapened our currency by demanding services of our government which can only be met by deficit spending that sends unearned dollars flowing through the economy. We have acquiesced to labor contracts which ignore the necessity of keeping wages in step with productivity. We have surrendered to the notion that an hour's work can enjoy increased rewards even when there is no increase in the intrinsic value of the goods or services it produces. In the hard world of economics, however, there is no miracle of multiplying loaves and fishes to create wealth where it does not exist.

The United States of America has taken pride in the fact that its dollar has always been backed by the extraordinary energy and productivity of the American people. It is our capacity for competitive production which has been allowed to falter and is leading us into trade deficits and monetary problems.

Trade agreements and currency negotiations are the business of governments, but restoring the demand for the fruits of American technology and labor is the business of the American people. They, in the end, must establish an atmosphere of realism in terms of what they demand of their government and what they demand of themselves.

ADDRESS BY JOHN A. HANNAH, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. McGEE. Mr. President, last week the Administrator of the Agency for International Development, Mr. John A. Hannah, delivered a thought-provoking speech to the Houston, Tex., Rotary International Club.

The thrust of Mr. Hannah's remarks was directed at the obligation on the part of the developed countries, such as the United States, to provide the developing countries with economic and technical assistance.

Mr. Hannah also discussed the changing attitudes of the developing countries as they view the developed spheres of the world. He emphasized that more and more the developing nations want to control their development in an effort to fit solutions into the framework of their own needs.

And finally, Mr. Hannah warns that the entire world may have to pay a heavy price for a failure to work resolutely to aid in solving the problems of the developing countries. He pointed out that:

> Problems do not stay bottled up behind national borders. Diseases ignore national boundaries. Polluted air and polluted waters flow across national boundaries.
>
> The impact of uncontrolled human reproduction vitally affects the well being of all nations.
>
> The sense of injustice, frustration and bitterness which accrues when people in the less developed world are unable to see progress toward a better life cannot be bottled up. It produces violence. Violence too, flows across national borders.

In short, Mr. Hannah presents an excellent and far-reaching analysis of the developed countries and their relationship to the developing countries.

I ask unanimous consent that Mr. Hannah's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE JOHN A. HANNAH

I

Paul Hoffman's illness has prevented him from appearing here today. No one can preempt his well deserved place of honor. No one else brings his blend of experience and wisdom to the topic of development. The U.S. Agency for International Development, over which I preside, shares Mr. Hoffman's commitment to world development. We are honored by your invitation to submit for Mr. Hoffman and address this important topic. I am sure that all of you join with me in wishing him a full and complete recovery.

Rotary International has displayed deft or fortunate timing in scheduling this morning's discussion of disarmament eighteen days after the signing of the Arms Limitation Treaty in Moscow.

This new treaty is only a first step. It may or may not yield savings which can be applied to helping solve the real needs of people.

But the importance of the Moscow Treaty cannot be measured by dollars and cents accounting. It clearly is the signal event to date in the growing detente between East and West. The cold war is winding down. Hopefully, the Vietnam war will soon end. A first step has been taken to normalize relations between the United States and the People's Republic of China.

President Nixon's announced goal of a generation of peace for all the world appears to be an attainable possibility.

Behind all these moves stands the desire of the major powers to de-emphasize wasteful national rivalry and attend more to the urgent needs of their peoples.

Russia is concerned to fill the needs of its population for a better standard of living.

The United States is concerned to fill unmet demands for social justice, to eradicate vestiges of poverty, and to attend to the new problems of pollution, urban decay, and social unrest which growth and change has thrust upon us.

It is no coincidence that the signing of the Moscow Treaty was accompanied by agreements for joint efforts in disease control, environmental protection, and scientific and technical exchange.

The Moscow Treaty opens the door of disarmament only a crack. But through that crack filters a ray of bright hope. It encourages a recognition that the confrontation between East and West has occupied the energies of our respective countries for too long. It points to a possibility *and an opportunity* to put first emphasis on the needs of people.

It is only people that are important, whether we are talking about the community where you live, or your State or Province, or your country, or the whole world. When we talk about people, we mean all kinds of people, rich and poor, all races, all religions, all colors, everywhere.

II

The confrontation between East and West is winding down. But as we meet here today another confrontation may be winding up. This is the confrontation between rich and poor; between the less than one-third of the world's people who use and consume more than 80 percent of the world's resources and the poorer two-thirds who enjoy less than 20 percent of the world's total products.

There are about thirty-seven-hundred million (3.7 billion) people alive in the world today. Thirteen-hundred-million (1.3 billion) of them live in the rich countries—the developed countries. Twenty-four-hundred-million (2.4 billion) of them live in the poor countries—the less developed countries. By the end of the century at present birth rates the numbers will grow to about fifteen-hundred-million people—up 200 million—in the developed countries, and approximately fifty-eight-hundred-million people—up thirty-four-hundred million—in the less developed countries.

My thesis today is not to downgrade the importance of winding down and deemphasizing the Arms Race, but rather to emphasize the community of interest of all the people in the world in the peoples of the poor countries who want to help themselves develop their own resources, human and material, to provide better lives for all of their people.

The developing countries today are taking a fresh look at their relations with the developed countries. They are demanding to be treated as equals. They are pressing for increasing recognition of their right to influence policies of the rich countries which affect them and their development.

A prominent present example is the developing countries pressure to participate in and influence the restructuring of the world monetary system which followed the recent devaluation of the dollar. They have asked that the so-called Group of Ten rich countries admit them to the table at which new trade and monetary arrangements will be worked out.

At Stockholm, where the UN conference on environment is now underway, the developing countries are saying to the richer ones that no scheme for dealing with the problems of the environment can work if it does not also deal with their legitimate aspirations for a better life.

The oil-producing countries have banded together to demand what they feel is a more equitable deal from the major petroleum consumers.

To date, these confrontations are quite gentlemanly. Some in the developing countries complain of the insolence and arrogance of the developed. Some in rich nations grumble about harrassment or extortion by the poor. To date, however, this is minor. But there is no doubt that the developing countries are increasingly beginning to confront the developed countries on issues which they perceive to affect their own vital interests.

Why? What's happening in the 1970s to exacerbate tensions between rich and poor?

To answer these questions let's ask four questions: (1) How have the developing countries been progressing in coping with the problems of their people? (2) What is their attitude as they view these problems? (3) How much are the developed countries doing to help or impede developing countries' efforts to solve their problems? and (4) What more should be done and why?

III

The developing countries have made significant progress in recent years. During the past decade their economies grew on an average of 5.6% a year. They have increased manufacturing output by 92 percent. Food production has increased thirty-six percent. Average life expectancy reached 57 years in 1971. In the last decade, the developing countries have progressed far faster than the developed countries did in comparable points in their history.

But this commendable growth is still the silver lining around some very large clouds.

There is a major problem of food. There are up to a billion and a half people in the less developed countries who are generally hungry. In some countries up to one-half of all children die before they reach the age of five from malnutrition and related diseases. If the burden of hunger is to be lifted, the world in the next three decades must learn to grow more than twice as much food than it now does.

Fortunately, a hopeful beginning has been made. New high-yielding varieties of wheat and rice and other cereal grains have been developed which, when used with proper amounts of fertilizer, pesticides and water, can double, triple, or quadruple yields. Plantings of these new seeds has increased from 41,000 acres in 1965–66 to more than 50 million acres last year.

As a result, India is currently self-sufficient in food grain production. The food situation in much of Asia and elsewhere is much improved. This upsurge in production has been called the Green Revolution. But much work remains to be done to sustain and expand this progress.

More work is needed to match the surge in cereal production with a similar leap forward in the production of protein foods.

The world must now seriously tackle the more difficult requirement of materially increasing food production on non-irrigated—rain fed lands. That will be much more difficult to accomplish.

There is the most difficult problem of too rapid population growth. Population growth rates in the less developed countries are now about 2.6% per year—enough to double their populations every generation. Rapid population growth erodes many of the developing countries best efforts to provide better lives for their people.

Despite a 36 percent rise in world food production in the last decade, the per capita food production is barely higher today than it was ten years ago. The magnitude of the problem of feeding growing populations is well illustrated by the situation in India where there is a net increase of one million more mouths to feed every four weeks, thirteen million more each year.

In education, the developing countries have doubled and tripled the size of their school systems in the past ten years. But due largely to population growth, more than half of all their children—more than 300 million children—still do not go to school. There are no schools, no teachers, no books for them.

On the job front, the population explosion is sending people into the labor markets at far faster rates than ever experienced in the U.S., Western Europe or Japan. Unemployment rates in most of the developing countries are as high or higher than the U.S. experienced in the worst years of its great depression. The rate of unemployment ranges from ten to twenty percent in the urban areas of most developing countries. This is only the visible tip of the iceberg. There is another army of underemployed workers subsisting on occasional service jobs or intermittent agricultural labor.

Added to this problem is the fact that jobs must be found for 170 million more people to be added to the labor force in the LDC's in this decade of the seventies.

I could continue this litany of problems but the general picture is clear. The developing countries have built a record of progress and accomplishment. But the lives of most people hover still at the margins of subsistence.

Many of the major problems confronting the less developed countries are problems which the developed countries did not face in their earlier days of their development. The Western world never faced a population problem of the magnitude found now in the developing countries. It never had to create jobs at the rate which must be done now in the developing countries to find productive work for their people.

Most of the major problems of the developing countries require new types of public and private institutions, new policies for allocating resources, new means for delivering services, new patterns of growth which provide jobs more efficiently, and in many cases, new technologies.

For too long it has been taken for granted that the best development course for the LDC's was to follow the paths the West has traveled. But this is not necessarily so.

Twenty-five years of growth and coping with problems of development have made the developing countries increasingly confident and competent. Across the globe, cadres of bright, energetic, fully-trained technicians and managers have moved into positions of responsibility. They have confidence in their ability to plan their countries future and manage its resources for the benefit of their own people.

They still want foreign assistance. They still require specialized technical advice. But they are appropriately less and less willing to tolerate donor countries attempting to tell them what their priorities should be; how they should plan; how they should budget and expend resources. The old tutorial relationship which has marked relationships between donors and recipients has become obsolete. They realize that for every dollar of foreign aid from all sources, the developing country must invest at least eight dollars of its own resources. It is increasingly clear that the problems of the LDC must be solved in that country, by their own people. Outside help can expedite the process.

Linked to this is their increasing awareness that the new and different problems facing many of their countries may require different solutions than those used decades ago when the developed countries were in the stage of development where they are now.

It is also becoming clear to many of them that affluent, industrial societies create their own new problems: problems of population, problems of ecology, the problems of compacted or congested living with ever increasing dependence on the economic system and the state administrative apparatus and a weakening reliance on the personal values of family and community.

It is not improbable that some developing countries will find the industrial societies of the West increasingly less attractive as models for their own goals and aspirations. China, India, Chile, and Burma are other examples of countries seeking to find different patterns of development. Some may want to borrow ideas from them.

These new atitudes have resulted in a sense of distinctiveness, self-assertiveness, and feisty independence which is the root force behind the growing willingness of the developing countries to confront the major powers on issues they consider of vital interest to themselves. They are critical of some of the attitudes and patterns of the free world and equally questioning of those of the communist world.

IV

Now what about the other side of the ledger.

How is the developed world doing in responding to the growing gap between rich and poor.

Beginning with the Marshall Plan twenty-five years ago, the concept of development assistance from the developed to the less developed spread rapidly and was adopted by virtually every developed nation. The United States was alone in the beginning and the early leader. Other countries have rapidly increased their contributions. A wholly new set of international institutions—the World Bank, the Inter-American Development Bank, the Asia Development Bank, the African Development Bank—came into being and are now enduring institutions. Behind them and the central currencies of the members of the World Bank stands the International Monetary Fund, the IMF, with its concern for world money flows and stability in foreign exchange.

There are the United Nations agencies, the UNDP, FAO, ILO, UNICEF, UNESCO, UNIDO, WHO, UNFPA and all the rest.

Formal systems and institutions have been built where developed and developing nations can meet to discuss assistance requirements and negotiate agreements. Machinery for a cooperative attack by rich and poor on the problem of world poverty is in place.

But in recent years there has been less and less fuel for this machinery. Transfers of official development assistance from the developed countries to the LDC's have grown only marginally since 1967.

Since a large fraction of this audience is made up of U.S. citizens, let me briefly describe the U.S. A.I.D. program. The U.S. provides about two-fifths of the total Free World aid to the developing countries and the other 15 assisting countries provide the other three-fifths of the total.

The main thrust of U.S. foreign economic aid is to provide technical assistance and low interest loans to help poor countries help themselves with their *own* development. Our assistance is concentrated in four principal areas—agriculture and food production, education, population planning and health, and public administration. We provide resources for growth. We help poor countries build the schools, public health systems, agricultural research and extension systems and the institutions required in a modern society.Two-thirds of all U.S. A.I.D. is in loans, repaid with interest over time. The recipient countries do pay the interest and principal. Less than one-fourth of one percent of all U.S. A.I.D. loans have ever been in default.

We in A.I.D. are adjusting our programs to the changing circumstances in the developed and developing countries. The U.S. is one participant in a worldwide assistance effort encompassing 16 donor countries, half a dozen major international institutions, and many private foundations and agencies. This places a premium on coordinating our assistance with others. It means that the U.S. should concentrate on types of assistance in which we have particular expertise or interest such as agriculture and education and public health and population planning and encourage others to concentrate in other fields. It means that the U.S. should maintain the attitude that we are one of many participants, not a domineering donor country. A.I.D. is increasingly focussing its efforts on programs of direct benefit to people.

Now let us return to the world scene.

The developed countries have moved very hesitantly in responding to developing country requests for expanded trade, and for stabilizing the world markets and prices for the crops and goods, the export of which is vital to their economic well-being.

We are moving reluctantly, if at all, to open up the world monetary system so that the developing countries may have special access to the new world reserves—called SDRs—created by the International Monetary Fund.

In sum, the ingredients for a growing confrontation between rich and poor are all on the stove: new confidence and assertiveness on the part of the developing countries; a continuing legacy of very serious problems; and a slowdown in the responsiveness of the developed countries—particularly of the United States—to the legitimate aspirations of the poor countries.

Whether or not this pot begins to boil depends on many factors. The continued restraint and moderation of the poor countries is essential. Their tendency, sometimes, to treat their admittedly legitimate interests as moral imperatives while casting into darkness the interests of the developed countries is not constructive.

Yet wisdom and continued action on the part of the developed countries is also required.

It requires a small fraction of the resources of the developed world. The U.N. goal calls for less than 1 percent of the GNP for all bilateral and multilateral assistance.

Trade can be more important than aid. It requires that we open the doors to freer trade with the developing countries.

It requires continued support for the World Bank and the Regional Banks and for the UNDP and other U.N. agencies.

It requires an understanding on the part of the LDC's that the aid-giving countries are reluctant to see their contributions wasted. The governments of the Development Assistance Countries are increasingly insistent on accountability and a useful result from all funds made available for development.

It requires an international outlook on the part of many of our institutions so that universities, business, and private groups can join in collaborative efforts to find answers to the problems of world hunger, of population, of public health and of education.

It is in the interest of the whole world, developed and less developed, that we get on with this job.

In 1970, public and private flows of capital from rich to poor countries totaled about $15 billion. It is estimated that—for the developing countries to maintain a decent annual growth rate of six percent—total annual capital flows from rich to poor should grow to more than $20 billion by 1975. This is a significant increase. But it is small in comparison with the $170 billion which the developed world spent on arms in 1970.

The root question which now faces the developed countries and particularly the United States is a question of *vision, commitment,* and *will.*

A key question of paramount interest everywhere on earth is—"What will life be like for my children or grandchildren ten, twenty, or thirty years from now?"

That question cannot be answered without first answering a prior question—"What will the world be like then?"

Look for a moment at the population problem.

It took millions of years for the human population of the whole earth to reach the one billion mark. There were 1.6 billion people on the earth at the beginning of this century. There are now about 3.7 billion people. At present growth rates, the world population will grow to 7.3 billion people by the year 2000, 28 years from now. This is an awesome strain to place on the earth's resources and on man's capacity to live at peace with his fellow man.

The world cannot ignore this worldwide problem. It is unrealistic to think that thirty years from now the people in any developed country can live comfortably while across the continents of Asia, Africa, and Latin America, some five billion people struggle to eke out an existence.

Make no mistake about it. If the poor nations of the world do not progress toward decent lives for all of their citizens, there is no way the developed world can immunize its citizens from the consequences of this failure.

We in the developed world really have no alternative but to join with the peoples of the other developed nations of the free world in a common effort to do our fair share to help those countries which want to help themselves harness their own resources, material and human, to move in the direction of an improved quality of life for all of their people.

Problems do not stay bottled up behind national borders.

Diseases ignore national boundaries.

Polluted air and polluted waters flow across national boundaries.

The impact of uncontrolled human reproduction vitally affects the well being of all nations.

The sense of injustice, frustration and bitterness which accrues when people in the less developed world are unable to see progress toward a better life cannot be bottled up. It produces violence. Violence, too, flows across national borders.

Your children and grandchildren and mine must live in the same world with the children and grandchildren of the peoples of all the rest of the world, all continents, all races, all colors, all religions. Like it or not this is one world, and the only one we know.

I will conclude these remarks by reading a quote from a speech by Adlai Stevenson when he was the U.S. Ambassador to the United Nations. He was talking about all of us who live on this earth. It is an appropriate dedication for Rotary International—for today, for tomorrow, and for the long years ahead:

"We travel together, passengers on board a little spaceship, dependent on its vulnerable reserves of air and soil, all committed for our safety to its security and peace; preserved from annihilation only by the care, the work and, I will say, the love we give our fragile craft. We cannot maintain it half fortunate, half miserable, half slave to the ancient enemies of man—half free in a liberation of resources undreamed of until this day. No craft, no crew can travel safely with such vast contradictions. On their resolution depends the survival of all. . . ."

SALUTE TO EDUCATION

Mr. BURDICK. Mr. President, the U.S. Declaration of Independence states that all men are created equal and that they are endowed with certain inalienable rights, among them, liberty and the pursuit of happiness. It further states that governments are instituted to insure these rights. It has thus become one of the fundamental goals of our Government not only to protect these rights, but to see that all citizens have an opportunity to exercise them.

This is where education has played such an important role in our society. It is both a great equalizer and a channel of upward mobility for the disadvantaged. This has been true in America from the very beginning, but it has become increasingly important in the 20th century world of automation and technology.

It is not just that education provides citizens with the tools to understand his society, it also is often the key to the economic success needed to participate in it. As the Senate Education Subcommittee pointed out in its report on the education bill, S. 659, the person with a post-high school education will earn $200,000 more in his lifetime than the person with only a high school diploma. Statistics prove that liberty and the pursuit of happiness in America has become closely tied to the ability to earn a decent living.

There are now nearly 48 million children enrolled in elementary and secondary schools and over 7 million students enrolled in colleges across our land. Although there are always good words for education, the Government's actual monetary commitment has been only a small percentage of the total budget and of the full amount needed. I would hope that, especially with the passage of S. 659, our commitment would grow, and that we will help education to play the vital and invaluable role it can in America.

SALUTE TO EDUCATION

Mr. STEVENSON. Mr. President, I am pleased to join with the National Education Association in today's Salute to Education. No group of people is more qualified to lead today's salute than the educators who face the future in their classrooms every day. And to no group are we, as a people, more indebted. We are bound to our educators by a universal belief that the education of the young is the most important business of a free, self-governing society.

We have reason to be proud of America's educational record. Thomas Jefferson set us on the course of a continuing commitment to broad educational opportunities for all our citizens when he proposed a system of free public education for the citizens of Virginia. Our Federal Government began its commitment to quality education in 1785 with the grant of land to States for the use of public schools. We have strengthened these two concepts of broad and quality public education over our 200-year history with Federal aid to education, culminating in the Elementary and Secondary Education Act of 1965. But we cannot afford to become complacent about our educational system. Complacency breeds compromise, and our tendency in the decade of the 1970's has been to deprive schools of necessary resources. I believe that it is now time to go beyond the 1965 law to provide general assistance to elementary and secondary schools.

The most valuable resource that we have as a Nation is our people. The most tragic mistake we could make would be to deprive our children of their right to develop to their fullest potential by denying them a superior education. This day is an appropriate time to rededicate ourselves to the American ideals of equal educational opportunity and an equitable distribution of resources to our educational community. I commend the National Education Association for the fine work it has done in this regard and for sponsoring this salute to education.

NATIONAL EDUCATION ASSOCIATION'S SALUTE TO EDUCATION

Mr. CASE. Mr. President, technology has brought vast material advances to the Western world. But, at the same time, it has placed vast new demands on our society.

Nowhere is this more evident than in the field of education.

There is no less, perhaps even more, need for the basics of education such as reading, writing and arithmetic.

But education today also is faced with the task of providing individual children with a wide variety of additional information and with providing different types of education for different types of individuals.

There are in our public schools today more than 48.2 million pupils receiving elementary and secondary education. That education must provide them with the means of coping with widely divergent life styles and vocations. It has to enable them to live in a world vastly more complex than even the one into which they were born a short while ago.

It would be folly to say that our system of education has met with complete success in the effort to equip all pupils with the resources they need.

But, in light of the complexity of the problems it has faced, the system has produced remarkably well. And no small part of the credit for this goes to the more than 2 million teachers who must adapt constantly to changing conditions and constantly changing individual needs.

The National Education Association today is holding a "Salute to Education," and I am happy to join in that salute to both education and the teachers throughout the country who make it possible.

SALUTE TO EDUCATION

Mr. TALMADGE. Mr. President, I am proud to join Senators today in this special "Salute to Education."

No other force is more vital to the fulfillment of our Nation than education. It is still true, as Aristotle wrote, that the fate of empires depends upon the education of youth.

Education is naturally a means for increased income and general economic growth but it is also the acquisition of knowledge which is now and will always be an end unto itself. Aside from its economic dividends, education pays returns that cannot be estimated in intellectual development, and in increasing the ability of man to get along with his fellowman to live, work, and grow together.

Many of us today take for granted the value of the services of the men and women who teach in our public schools. It is a sad commentary on our sense of value that of all our professional public servants, none are given less recognition or are more underpaid than our teachers.

Ask any successful person, and virtually without exception you will find that the inspiration of his success came from a teacher who aroused within him a sense of purpose and who channeled his talents into a capacity for accomplishment.

Speaking for myself, I know that whatever success I may have achieved or may in the future achieve, I owe to a teacher who awakened in me an interest in public affairs and who taught me to love the give-take of debate and to appreciate the satisfaction of public service and public speaking.

She was Mrs. Jerry Duggan, of Dublin, Ga. She was Miss Enda to her many friends and loved ones, and to me was the personification of all a good teacher should be. It was the Miss Enda's of the teaching profession that Goethe referred to when he wrote:

> A teacher who can arouse a feeling for one single good action, for one single good poem, accomplishes more than he who fills our memory with rows and rows of natural objects classified with a name and form.

The leaders of the world of tomorrow are being developed under the influence and guidance of our teachers today. We must all work to support these loyal instructors of our future generations in every way possible.

SALUTE TO EDUCATION

Mr. BEALL. Mr. President, today the National Education Association marks its salute to education, a day where all of us can stop and take pride in our country's education system, and its many successes.

Each day during the school year, American education serves over 45 million young people on the elementary and secondary level, preparing them to assume their necessary place in our society. Charged with this critical responsibility for our Nation's future are the over 2.3 million teachers, administrators, and staff, who through their unstinting efforts, have made the American education system.

As a member of the Subcommittee on Education, I am deeply committed to insuring high standards of education for all Americans. But while we can provide the tools for this work, it is the ultimate educator responsibility of the individual to transform these resources into quality instruction for each student in this country. I am proud to say that America's teachers are accomplishing this task in a most commendable manner. We must remember, too, that it falls to those of us in Congress to continue to support our educators in their battle against ignorance, poverty and deprivation. Thus, as we salute our system of education today, let us also reaffirm our goal of quality education for all our citizens. We face no greater challenge.

SALUTE TO EDUCATION

Mr. ALLEN. Mr. President, education is without a doubt the keystone to the progress and success of our great country. From the tiny one-room schoolhouse of a century ago to the great multiuniversities of today, we can take great pride in our educational system.

In recent years, our country has been torn apart by tensions created in a world growing in size and advancing in technology almost beyond our comprehension. We need more than ever to rely on our schools as places of instruction and understanding about what is going on around us. Schools at the neighborhood level are especially important since it is only by attending a school with neighborhood companions and in a familiar setting that a child develops a true sense of belonging so necessary to the creation of self-confidence. Neighborhood schools can instill in the child the meaning of good citizenship and the feeling that his country will offer him the kind of life he will want to lead as an adult. It is only this kind of loyalty and understanding created in the child that will preserve the internal peace and welfare of this country.

It is a credit to our Federal Government that it recognizes the value and importance of education and has attempted over the years to provide an opportunity for a high-quality education for everyone. The higher education bill which we just passed, is the most recent example of our Government's faith in education.

To salute education without mentioning the outstanding job that is being done by the thousands of school teachers and school officials and personnel throughout the country is impossible. Without their support and their desire to teach others, we would not continue to find young leaders capable of continuing the tasks of their elders in running the country.

I believe that it is certainly appropriate at the end of another school year to congratulate our school systems on the fine jobs they are doing, and I want heartily to endorse their continued efforts to provide the finest education possible for our children.

GENERATION GAP IN THE SOCIAL SECURITY SYSTEM

Mr. CURTIS. Mr. President, Mr. John A. Fibiger of Lincoln, Nebr., has assembled some figures concerning social security. Mr. Fibiger is a distinguished actuary who is well informed, both in the fields of social security and life insurance. I believe his article merits the consideration of Congress. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IF PROPOSED SOCIAL SECURITY CHANGES ARE ADOPTED—YOUNG MEN MAY BE WORTH MORE DEAD THAN ALIVE

(By John A. Fibiger, F.S.A.)

Should a young, affluent widow with two small children have more real income provided by the government than her husband brought home in take-home pay when he was alive? Should a young family be better off financially if the breadwinner is dead?

That's the way things are shaping up if Congress gives a further boost to Social Security benefits under consideration now.

How can this be?

Let's look at the situation of a young college man working in 1973 at $850 a month if some of the current Social Security proposals become law. Consider what his situation could be in 1976 if he is married with two small children, is still earning $850 a month, and suddenly dies.

Monthly Income	$850
Federal and state taxes	99
Social security tax	48
Contributory health insurance	20
Miscellaneous deductions	6
His working expenses (transportation, clothing, lunches, miscellaneous)	80
Total	253
Take-home pay available to his family before his death	597
After he dies, his widow could collect a monthly tax-free social security income of	606

He's actually providing more for his family by being dead than alive! These payments continue until his youngest child is 18, and then stop until his widow is 60.

But that's not all! What about college expenses? There could be $260 a month from Social Security for each child for a college fund. A total of $12,480 for each child, if paid over a full 48 months. Will he save $25,000 to send his two children to college if he lives? Most people don't.

In addition, life insurance provided by his employer can be used for final expenses, to pay off the mortgage, etc., again leaving his family better off than when he was alive.

This example may seem out of line considering all the publicity given poverty-ridden retirees who can't make ends meet on Social Security benefits. What many overlook, however, is that Social Scurity provides survivorship benefits as well as retirement benefits, and the benefits are calculated on *average wages* covered during the Social Security working career.

Under the present law, there is a maximum average monthly wage that can be credited for a worker *retiring* in 1972. There are some years where only $300 or $350 of monthly wages can be counted. Even if a worker has earned the maximum provided by law all during his working years, he and his wife would retire on only $335 a month maximum in 1972.

There is a generation gap in the Social Security system, since even without any changes in the present law, a similar couple retiring in the future, with credited earnings of $9,000 a year, will receive $443 a month, or $5,316 a year, tax free.

This all comes about because the easiest way to provide benefit increases for senior citizens has been to raise the covered wage base for everyone. But when the wage base and Social Security taxes are increased to pay for current old-age benefits, they have also been increased proportionately for survivors of young workers.

What Congress is doing is distorting the Social Security system, which is now providing adequate benefits for workers just entering the system, in order to make up for past years of low earnings for our senior citizens of today. And these benefit increases aren't a gift from Washington, D.C. They come out of the working man's pocket.

Congress must recognize what attempts to provide more income for senior citizens have done to today's workers.

There are answers. Congress sets the benefit formulas for Social Security. Benefit increases can very well go to current senior citizens without changing survivor benefit formulas. Or retirement benefits can be based on recent wages, instead of averages including years of low earnings.

There are solutions. But first Senators and Congressmen must be made aware of the consequences of what they are about to do, and must be aware that there are alternatives. Because if some of the current proposed Social Security changes become law, America's young workers may soon be worth more dead than alive!

TO END VIETNAM WAR IS DELICATE DIPLOMATIC TASK

Mr. ALLOTT. Mr. President, the Rocky Mountain News of June 14 contains an editorial which expresses my feelings about the latest attempts to intrude the Senate into the delicate diplomatic task of ending the war in Vietnam and securing the return of our men who are prisoners of war or missing in action.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A CASE OF BAD TIMING

The Senate is debating a new effort to legislate a quick end to the Vietnam War at a particularly bad time.

At issue is Senate Democratic Leader Mike Mansfield's latest amendment to force the withdrawal of all American troops from South Vietnam by August 31.

It's hard to believe so decent a politician as Mansfield wants his proposal to pass. He is asking the United States to pull out its remaining 62,000 men within two and a half months and right in the middle of a North Vietnamese invasion aimed at winning the war.

Such a development would undermine the morale of the South Vietnamese army and risk its collapse.

Also, Mansfield's amendment proposes to end all U.S. ground, naval and air operations in South Vietnam, Cambodia and Laos if the Communists agree to return American prisoners and not to fire on our departing forces.

In effect, Mansfield is saying to Hanoi: "Give us our prisoners and let us go in safety. As we leave, you may, of course, continue to shoot at the South Vietnamese who fought on our side for so many years."

That is far from the honorable end to America's involvement in Vietnam that President Nixon has been promising.

Nixon's latest offer to Hanoi, which is extremely fair, calls for a complete American withdrawal from Indochina within four months of a cease-fire and a release of prisoners.

Under the President's plan, the United States at least wouldn't be walking away while its allies or friends in Vietnam, Laos and Cambodia were getting shot up. And, in the context of a cease-fire, it would leave the political future of Indochina to be worked out by the people who live there.

Ironically, Mansfield's most drastic end-the-war move comes when the desperate military situation on the ground in South Vietnam seems to be improving and there are hints of useful talks in Paris.

Last week Le Duc Tho, Hanoi's chief negotiator in Paris, indicated he would be willing to resume his private meetings with presidential adviser Dr. Henry A. Kissinger if the United States returned to the semi-public peace conference.

No sooner than you could say something's afoot, U.S. Delegate William J. Porter, who had boycotted the conference table for five weeks, returned from Washington to Paris.

From all this, the Senate should see that this is no time to ban the use of U.S. airpower and the presence of American advisers, which are our highest bargaining cards. It is the time for steady nerves and quiet diplomacy, not the legislative meat ax.

SALUTE TO EDUCATION

Mr. HOLLINGS. Mr. President, today—through the efforts of the National Education Association—we salute America's system of education. I am proud to be a part of this national "Salute to Education."

The importance of education to the life of our Republic cannot be overemphasized. In the way a country goes about educating its young people, we see that nation's character, its values, its most fundamental commitments, its way of life. The Greek philosopher, Diogenes, recognized this more than 2,300 years ago when he wrote:

> The foundation of every State is the education of its youth.

The first settlers who came to America's shores understood the importance of education, and they went about the task of building schools as one of their earliest projects. From those first efforts of the early 17th century, we have now developed the finest and most productive system of public and private instruction in the world's history. We have over 46 million students in our elementary and secondary schools, and 8 million more in our colleges and universities. Education is becoming not the privilege of the few, but the right of the many.

But rather than a simple celebration of the past, today should be a dedication to the future. For in spite of all its acknowledged successes, education today still faces serious problems and unmet challenges. When some are beginning to question the very value of extended education, we must reaffirm America's basic commitment to learning. When some talk about our inability to afford new advances, we must proclaim that America can afford nothing less than to go forward with the task of educating our people to the maximum. When some argue that morality and character formation have no place in public instruction, we must recognize that the school is—or should be—one of the most effective tools for transmitting a nation's values and ideals from one generation to the next.

Today's salute to education is really a challenge to us all. To those who would be statesmen, I recall the injunction of Horace Mann:

> In our country and in our times no man is worthy the honored name of statesman who does not include the highest practicable education of the people in all his plans of administration.

And to Americans everywhere, I would stress that there is no investment so productive as education, We must commit ourselves anew to seeing to it that every young man and woman in this broad nation is educated up to the limits of his or her ability, regardless of the financial situation of the family involved. I would point to the need for sacrifice—the sacrifice of labor, because it is on the immediate local level where the whole enterprise either fails or succeeds. And the sacrifice of money, to provide the bricks and mortar and books and teachers to turn the promise of America into the reality of America.

Our success—or lack of it—will not be difficult to measure. It will be seen in the response of tomorrow's citizens to the stresses and strains which surely lie ahead—in the character, as well as the tempo, of their daily life—in the very survival of our most precious ideals and institutions.

Will we open further the doors of educational opportunity, or will we slam shut the door to the future? The hinge is our commitment of today.

The time for talk is past. Now it is time to move. Our children are waiting.

A SALUTE TO EDUCATION

Mr. DOLE. Mr. President, today is "A Salute to Education Day" in recognition of the accomplishments of America's educators.

The importance of the contributions made by our teachers to our society have long been recognized. President James A. Garfield wrote in 1880:

> Next in importance to freedom and justice is popular education without which neither freedom nor justice can be permanently maintained.

As we move ahead into an era of increased justice and equality for all Americans and toward a goal of "a full generation of peace" we must be constantly aware of the role of education.

Today, with over 46 million students enrolled in our public elementary and secondary school systems, the challenges of education are greater than ever. I am proud to say that America's educators are meeting that challenge.

I join in saluting them. Their past accomplishments mirror the prospects of the future—a future made bright by their unselfish dedication to the goal of providing every young American with a quality education.

EDUCATION—A KEYSTONE

Mr. CHURCH. Mr. President, every generation, it is written, must decide whether it shall levy upon itself taxes to pay for the education of the child or for the ignorance of the adult.

I believe this generation of Americans has resoundingly made up its mind in favor of a strong commitment to education. This is in harmony with an original admission, contained in the Northwest Ordinance of 1787, that knowledge is necessary to good government and the happiness of mankind and, therefore, schools and the means of education should forever be encouraged.

In one sense, education has become the biggest undertaking of our time. Approximately 58 million Americans are involved in full-time education either as students, teachers, or administrators in our schools, elementary, secondary, and beyond. In 1900, 1 out of 25 men, and women of college age was enrolled in an institution of higher learning. Today this ratio has become 1 in 3—approximately 7 million men and women.

And knowledge—human knowledge—is doubling every 10 years. The number of scientists and engineers alive today is greater than the total number who have ever lived. It took our own Library of Congress 135 years to accumulate its first 10 million items. Within the last 30 years, the Library has added three times as many, 34 million.

The British philosopher, Alfred North Whitehead, once said:

> In the conditions of modern life, the rule is absolute—the race which does not value trained intelligence is doomed. Not all your heroism, not all your social charm, not all your wit, not all your victories on land or at sea can move back the finger of fate.

Those are sobering words. But events are proving them out. We need the knowledge available at our institutions of education, but, even more, we need the wisdom to know how to handle that knowledge.

On this June 21, "Salute to Education Day," sponsored by the National Education Association, I am pleased to join in this tribute to education, without which we could only curse the darkness.

QUALITY EDUCATION

Mr. COOK. Mr. President, today the National Education Association is holding a special salute to education, a day in which each of us should take the time to consider the value of education, to himself personally and to American life in general. Undeniably, education has made possible the tremendous advantages we as Americans now have over the majority of people in the world today. We have committed ourselves to a life of progress through education, the American dream in which every American is capable of seizing his opportunity to make a better life for himself and to become an active, productive member of society.

This is where education has brought us today. However, I am beginning to question where it will take us tomorrow.

Last week I received a letter from a young man in western Kentucky. I think that it points quite persuasively to the most basic problem in education today. What is it for, and where it is taking us?

Much has been said over the last several years concerning the problems currently plaguing education in general and school systems in particular and the need to give each of our young people the very best possible in quality education. There is little denying that there is a crisis in education that will require enormous amounts of money and manpower from all levels of government in order to resolve. As a member of the select committee on equal education opportunity and the father of five school-age children, I have been personally involved in much of this discussion. But beyond the often-discussed symptoms of the unhealthy state of contemporary American education lies the real question of why. Do we even know enough about what we want from this system of universal education to know why it is in trouble? Why education? Where is it that we want to go?

Surely money and resource commitment is a significant part of the problems facing education today. But even more basic is the indefiniteness of its direction: Education for the sake of education, knowledge for the sake of knowledge.

Therefore, I urge each Member of Congress and every American alike to take a closer look at our commitment to education, to ask himself just what it is that we want for our young people—and what more we can do to insure that they receive it.

I ask unanimous consent to have printed in the RECORD a letter on this subject from Ronnie E. Golden, of Paducah, Ky.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ROUTE 1, HIGHLAND CHURCH ROAD,
Paducah, Ky.

MY DEAR SENATOR COOK: I am a December graduate of Western Kentucky University. Since my graduation, I have been ungainfully unemployed. My attempts at finding employment include applications to 25 Kentucky school systems, personal interviews with 10 different school systems, visits and applications with *all* industry in western Kentucky, answering all reasonable newspaper ads, a visit to the State unemployment office in Paducah, which resulted in a 300 mile trip to Frankfort and back to take tests for a job in which I later discovered there were no vacancies. I have also been to several unemployment agencies (including Western Ky. U. placement center and the Kentucky Dept. of Education) without any satisfaction.

Senator Cook, I am no stranger to work. Prior to graduation, I was able to secure part-time work, which enabled me to get my degree. Now with degree in hand, I am faced with a dilemma: how can a college educated, single, white, 23 year old, male, U.S. citizen, find a job?

Please don't misunderstand. I am not using this letter as an application for a job. Its primary purpose is to acquaint you with the problem confronting many young college graduates today, although I know you probably realize this fact by now.

Solving the problem, I realize, will take time. But until I get a job, I must eat. The fact remains that if I had worked (full-time) these last four years and been layed off, I would receive some type of unemployment compensation, but as it now stands, I am ineligible.

I would greatly appreciate any solutions or even ideas you might present to Congress to remedy this situation.

Sincerely yours,

RONNIE E. GOLDEN.

SALUTE TO EDUCATION

Mr. McINTYRE. Mr. President, the great dream of a quality education for every American is at a critical stage now. The demand for new approaches and alternatives to the traditional educational experience is constantly increasing. And this call for change is not limited just to pressure to implement new teaching methods or learning techniques. The demand for change is reaching to the very core of our educational system: the complicated question of how best to finance this vast network. Many proposals are being circulated and debated which seek to resolve this complex problem.

In the midst of this flurry of debate, however, one thing stands foremost in my mind. We seem to be on the verge of a new era in the relationship between the Federal Government and local education systems. All the signs indicate that for the first time the Federal Government may assume a major role in financing the Nation's schools.

Of course, the Government has been supplying funds for local education over the years. Billions have been spent to build new schools and classrooms to relieve the pressure caused by the 1950's "baby boom." And there was a post-sputnik push to upgrade achievement standards in public schools—especially in the sciences.

But this effort, vast as it is, has been mostly a supplementary one, aimed at correcting imbalances and plugging holes. The money has been tied to specific goals, like helping disadvantaged students and beefing up science programs. While this, of course, is extremely important, more extensive help is needed now. Schools need general, unrestricted operating funds to keep the basic enterprise functioning.

I know that general aid to schools has been seen by some people over the years as a sinister effort to control from Washington what goes on in the classrooms. But in the face of the financial crisis affecting many school districts, many of the fears and misgivings have given way. I therefore see a much larger role by the Federal Government in the financing of education.

And I am convinced that we can increase the Federal contribution without losing the local control over education which I feel must definitely not be tampered with. Our No. 1 priority should be to insure that legislation authorizing these Federal funds does not contain language which would unduly affect the local government's primary power to set school policy. The way in which funds for education are to be spent is a problem I feel must be solved at the State and local level.

I invite the attention of Senators to a provocative article by William Stevens on this subject which appeared earlier this year in the New York Times of January 10, 1972. While I do not agree with everything the author says in his essay, entitled "Wide U.S. Aid in Prospect," Mr. Stevens traces the development and expansion of Federal aid to education and offers several interesting predictions as to what the future direction of the Federal role will be.

One big problem remains, and that is to find a way to finance this role. I am not satisfied with some of the approaches that have been suggested. Nor do I want to see Federal aid tied to Federal intrusion into local and State matters.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Jan. 10, 1972]

Wide U.S. Aid in Prospect

(By William K. Stevens)

After 175 years of debate over its role in American education, the Federal Government appears ready to join the states, localities, tuition-payers and private gift-givers as a full partner in financing the nation's schools.

Since 1795—when George Washington was trying to get a national university established, and the American Philosophical Society offered a prize for the best essay on the merits of a national school system—the country has been arguing about Federal involvement in education.

Usually, the proponents of such involvement have had hard going. Americans as a whole have never shown any taste for the nationally prescribed, nationally controlled school systems of some European countries—say, for instance, France, where an official is once said to have boasted that he could look at the clock and know what every child in the land was studying at that moment.

So although the Founding Fathers often stressed the importance of education to the well-being of the Republic, schooling has remained essentially a state, local or private function, jealously guarded. In the late 19th century, Federal intervention in this function was assailed as un-American and even ungodly. As recently as a decade ago, general aid to the schools was seen by some as a sinister effort to control from Washington what went on in the classroom.

Such fears and misgivings have now been suppressed, if not abandoned, in a latter-day rush of schools and colleges to Washington for fiscal salvation.

All the signs and portents indicate that for the first time the Federal Government is on the verge of assuming a major role in financing the general operation of the nation's schools and colleges. Maybe this year, maybe next, maybe the year after. In any case, within the foreseeable future.

Washington has already placed a deep imprint on some segments of education through aid programs that now total $16-billion a year, making the Federal Government the nation's biggest single educational spender. But the money is dispensed in the form of thousands of restricted "categorical" grants for special needs and programs, from atomic research to manpower training to bilingual education to compensatory schooling for the poor.

This diffuse, largely uncoordinated Federal effort, vast as it is, has been essentially a supplementary one, aimed at correcting imbalances, seeking to intervene where leverage is greatest, attempting to plug holes in the basic structure of the nation's educational system.

The difference now—the one that lends urgency to appeals for deeper Federal involvement—is that the system itself is creaking, malnourished, in need of more sustenance than localities, states and private sources are able to provide.

COMMON CRY BY EDUCATORS

College presidents and school superintendents today raise a common cry as they flock to Washington in search of money. It adds up to this.

"Federal aid is helping us to meet special needs, but it does little to help us keep the basic enterprise running. We need general, unrestricted operating funds."

In response to this new urgency, the Senate and House have passed differing versions of a program of general aid to colleges and universities, one version authorizing up to $700 million a year, the other up to $1 billion a year. That has never happened before.

The program's fate in conference committee is threatened by unrelated riders designed to end school busing that promotes racial integration. Many fear that, the bill may not get out of its parliamentary box, and may have to be re-introduced in the 93d Congress next year.

But there seems little doubt that the basic idea of general aid to higher education, in itself, is one whose time has come.

The principle of general aid to elementary and secondary schools apparently is widely accepted, too, although many of those close to the question believe that the form in which it is proposed will generate much debate.

Some Congressional staffers and insiders at the Office of Education believe that President Nixon is preparing an "education masterstroke," a program that would provide a measure of general aid, but tie it to reform of the system of financing the schools.

The President is reported to have been impressed by the California Supreme Court ruling in Serrano v. Priest, declaring the local property tax discriminatory, and to have seized on the decision as a justification for his education program.

Mr. Nixon told the White House Conference on Aging last November that his Administration was preparing a plan to promote local tax reform. And last month, Mr. Nixon's Commissioner of Education, Sidney P. Marland, said he believed the Federal Government should pay 25 to 30 per cent of the cost of public education, using revenue-sharing as a vehicle. Washington, through categorical aid, now pays less than 8 per cent of the cost.

No specifics of the Administration plan have yet emerged, but several devices are possible. One, for example, would provide Federal grants of general aid to states that lift more of the burden of school support off the localities and that equalize school expenditures within each state.

Where the Federal funds would come from is a matter of conjecture. There has been talk in Washington of a Federal sales tax for the purpose.

Congressional sources say further that although the basic principle of general aid appears to find favor on Capitol Hill, a major political question intervenes: Who is to get the credit for providing such aid?

Whether Federal control would follow massive general aid is still an open question. The 10th Amendment assigns the operation of schools to the states, and the full Federal partnership at the outset, at least, would probably be an investing and advising partnership. But there are still those who believe that if Washington ultimately provides 25 per cent of the cost of the schools, some control is bound to follow.

Today, through its $16-billion in "categorical" aid programs (including $3.3-billion for manpower training outside the schools), the Federal Government provides 20 per cent of all money spent by colleges and universities, and 7.5 per cent of that spent by elementary and secondary schools.

Figures do not tell the whole story. Washington's influence is far greater than dollar amounts would suggest, particularly in higher education. Federal tendrils reach into every corner of the educational enterprise. Intervening at crucial points, Federal programs have transformed parts of the enterprise, and of general society as well.

For instance, the revolution in American agriculture crystallized around the federally funded Agricultural Extension Service, operating out of land-grant colleges and universities set up under the Morrill Act of 1862. Three generations later, through the G.I. Bill of Rights, Congress helped convert many colleges into mass institutions with all the problems of size, scale and resources that that involves.

By handing out billions in academic research grants, the Federal Government subsidized the nation's post-World War II burst of scientific creativity.

In the process, it also served as midwife to a new model of the elite university, one that became the standard of aspiration for most other institutions: the "research university," dominated by its graduate schools, sometimes neglecting undergraduate education. Those who criticize this "academic revolution" believe it to have been a major contributor to the student malaise of the 1960's.

Federal involvement in elementary and secondary education began essentially with the Smith-Hughes Act of 1917, providing aid for vocational education. Since then, Federal funds have helped finance school lunches; the stocking of libraries; the beefing-up of instruction in science and foreign languages (a product of the post-Sputnik scare of 1957–58); and the education of numerous special groups, from the handicapped to the gifted.

Federal aid is presently nourishing numerous attempts to reform instruction and restructure educational institutions. It is supporting, for example, a teacher-training program that is changing elementary education across the entire state of North Dakota from a formal to an informal basis.

It underwrote "Sesame Street," the educational television program that has struck the consciousness and intellect of pre-schoolers with uncommon impact.

The Federal Office of Economic Opportunity originated Project Head Start, the Job Corps and the Neighborhood Youth Corps. It is the country's chief supporter of experiments in education performance contracting and voucher systems.

The big breakthrough in aid to public schools was Title I of the Elementary and Secondary Education Act of 1965. It represents the most massive expression so far of the basic principle of many kinds of Federal aid: rectifying socially imposed inequalities.

Title I has poured $8.77-billion into the states for the specific purpose of improving the education of the poor and disadvantaged, most often through programs to improve reading.

It is widely recognized that Title I has had mixed effects. Some Title I programs have demonstrably improved the literacy of poor children. But many others have not, and countless schools have vitiated the effect of the program by using the funds for general purposes, or by spreading them so thinly that they have had no discernible effect.

After all is said and done, the crucial question remains: Would massive, general Federal aid, even when coupled with school tax reform, solve the financial crisis now upon American education, as many seem to believe?

Many fear it might not, inasmuch as school expenditures just keep going up and up, seemingly out of control. In the words of Norman Karsh, executive director of the President's Commission on School Finance, no one is able "to put his hand on the valve."

Americans have not, as a rule, questioned seriously the assumption that education should expand, or been inclined to clamp a lid on the growth of the school enterprise. And it is undeniably easier to run to Washington for money than to face the hard, often very painful task of bringing educational spending under control.

Part of the problem has to do with the difficulty—some would say the impossibility—of judging what the public is getting for its educational dollar.

Part of it stems from economic difficulties, particularly inflation, and labor costs driven upward by militant unions, that afflict many other enterprises. Those are problems to be grappled with by the society as a whole.

In short, Washington may be about to join the educational enterprise as a full partner, but not as fiscal savior.

A SALUTE TO EDUCATION

Mr. THURMOND. Mr. President, the National Education Association and the various State and local education associations are sponsoring their first annual "Salute to Education" this evening in Washington. I should like to participate in this salute by paying tribute on the Senate floor to the education profession and its great contribution to our Nation.

It has been my privilege to be a part of the education profession, having been a schoolteacher, an athletic coach, and a school superintendent. This background has made me acutely aware of both the problems and satisfactions which face our educators. I believe that today more than ever our society is conscious of the importance of education and is striving to arrive at new and more effective methods of educating America's young people in today's fast-changing world.

Mr. President, as a part of the responsibility which we as Senators face, we have sought to provide Federal assistance for education which will be effective and which will preserve and extend State and local control of the educational process. We have recognized that the Federal Government is our Nation's most efficient revenue collector, but that the State and local governments are closer to the people and thus are better able to provide the educational services so vital to the Nation.

In closing I should like to pay tribute to the millions of Americans instrumental in education—as students, as teachers, as administrators, and as interested and concerned parents. The dedication and hard work of all of these people is essential to educational progress. In addition, I am confident that Congress wants to assist in providing the support which is essential for a strong education system.

Mr. President, I ask unanimous consent that my weekly newsletter, STROM THURMOND Reports to the People, of April 3, 1972, entitled "What Is Quality Education?" be printed in the RECORD.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

WHAT IS QUALITY EDUCATION?

Everyone is talking about quality education these days. Somehow this elusive term has become entwined with the busing controversy. Advocates of forced busing have said this practice is essential for quality education. Many opponents of forced busing said it would prevent quality education. Most who took any position on the busing issue did so in the name of quality education.

Yet, the recent Florida presidential primary and some influential polls taken across the country indicate that people at the state and local level are beginning to view busing and quality education as two separate issues. Seventy-five percent of Florida's voters expressed opposition to forced busing while an even larger percent registered their support for quality education for all.

Whatever quality education is, it is something that is received or not received primarily in the classroom, and not during a bus ride.

I doubt if anyone would disagree with me that quality education for all is a desirable goal. Everyone agrees that we should work harder toward that goal, turning more of our intellect and resources toward its achievement.

However, it should be obvious to us now that busing children long distances does not guarantee quality education. It is also apparent that this goal will require more than merely the allocation and expenditure of funds. What we need now is a cogent concept of what we are trying to achieve.

We should begin with a sound and solid definition of the term "quality education" from which we can articulate its purpose. This need is present at all levels of education—from the college down through the lowest elementary grades.

Educators tell us that the purposes of education changes with the needs of society, but there is an unchanging basic definition. Education, they tell us, is the process by which man's culture is transmitted, enriched and preserved.

By "culture" the educators do not refer to the "establishment," as many people refer to the current social, political and economic framework. They refer to man's development from the beginning of time, his accumulated wisdom through the ages.

Transmitting this culture involves the process of teaching and learning. Enrichment of this culture occurs when each generation adds its own experience to the vast reservoir of man's historical record. Then, of course, it is each generation's responsibility to preserve that culture, complete with its own contribution, for generations which will follow. This is quality education.

Now, in practical terms, how do we achieve quality education?

I believe we begin by seeing it in its three basic fundamental elements: 1. a teacher, 2. a learner, and 3. something to teach.

I suggest that we need not worry about number two—the learner. We have a good supply of students, and projections indicate that we are not likely to run out of them any time soon.

Number three—something to teach—is, in my judgment, largely the prerogative of number one—the teacher.

This leaves the average citizen, parents and voters with the most promising area where they can contribute to the achievement of quality education in our schools—the teacher.

Quality education depends upon quality teachers. What happens in the classroom is primarily their responsibility. Citizens, especially parents, should involve themselves through such organizations as parent-teacher groups and others in an effort to help acquire quality teachers for their schools. These citizens should make every effort to see that teachers are adequately paid, that they measure up to high standards of professional competency, and that they have our full support as they transmit, enrich and preserve our culture.

Very truly,

STROM THURMOND.

SALUTE TO EDUCATION

Mr. PERCY. Mr. President, I speak today in honor of the National Education Association's Salute to Education.

In the coming school year, there will be more students, more teachers, more high school and college graduates, and more dollars spent for education in the United States than ever before. Although education continues the spectacular growth that has been its principal characteristic for the last 25 years, this is not a comfortable time for education.

We are dealing with one of the most complex institutions in our society, comprising, in the last school year, nearly 50 million children, more than 2 million classroom teachers, some 200,000 principals, supervisors, and other instructional staff members, and almost $47 billion in expenditures. Just to keep this vast machine running from day to day is a superhuman task.

Increasingly, the failures of our society are being laid at the doorsteps of our schools. The sheer challenge of obtaining enough money to repair schools and build new ones and pay teachers and staff and deal with the ever-multiplying redtape has burned away time for the primary tasks of education and left school officials to advance by force of habit and necessity from crisis to crisis.

The American people seem to be moving away from their allegiance to the good and power of education. Traditionally openhearted and openhanded in the financing of education, they have lately seen fit to defeat bond issue after bond issue, leaving school district after school district on the verge of bankruptcy.

Teachers, too, have lost their aura of unimpeachable authority, as students withdraw their consensual acceptance of authority. The students are questioning, doubting, and disputing the relevancy of the very foundations of our most sacred institutions.

Education carries a staggering weight of expectations and responsibility, for it has been the cornerstone of our American dream. Who among us can deny his debt to education—for what he knows, or what he has, or what he is. Although education has not succeeded in delivering its promises to a portion of our population, for most of our citizens the American educational system is among the most successful in the history of the world, providing the best possible education for the greatest possible number of people.

To whatever extent the American people have found their schools wanting in excellence, relevance, equality, or efficiency, I do not believe that they have ever lost faith in education as a vital determinant of their children's futures and as a prime influence on the way of life in this country. Education deserves to be applauded for its past accomplishments, but it must be challenged to justify our people's faith in it.

SAVE THE CHILDREN HAILED ON 40 YEARS OF WORLD SERVICE

Mr. WEICKER. Mr. President, it is with a very real sense of pride that I call attention today to an organization, with headquarters in Connecticut, which is observing its 40th year of service to children, their families and communities. Save the Children Federation, Inc., Norwalk, Conn., the oldest voluntary agency for child sponsorship in the United States has, in these past four decades, played a significant role in helping children rise from poverty both within the United States and in many nations overseas. Save the Children Federation came into being in 1932 in the midst of our greatest depression. Initially it sought to feed and clothe the children of Southern Appalachia who indeed were suffering

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much from the economic woes of those dark days.

From this early role as a relief organization Save the Children has become a symbol throughout the U.S. and in many lands overseas for assistance, not in the usual sense of handouts, but rather in programs of self-help which recognize the inherent desire of all people to increase their well being through their own initiative.

But little of the work of this organization would have been possible without the open-handed support of millions of American contributors and sponsors, who recognized that through Save the Children Federation they could lend a hand to the less fortunate without impairing the dignity of those they helped.

It was during World War II that Save the Children took on international dimensions. Americans from all walks of life responded to the needs of British children bombed from their homes during the Nazi blitz. Entire communities, schools, and day care centers were recipients, through SCF, of American aid.

Following the war SCF created a school sponsorship program for France, Belgium, and the Netherlands. As the memory of conflict diminished SCF moved into other nations in Europe and the Near East. Sponsors were aiding children in Finland, Italy, West Germany, Austria, Greece, and Lebanon.

It was during these late postwar years that the SCF philosophy of self-help burgeoned into community development. In 1959 the Community Development Foundation, the cooperating agency of SCF, was founded.

But the world, as we all know too well, has not been at peace. Natural cataclysm and war has been the lot of all too many of us in the past quarter century. But SCF's role has not wavered.

When a 5-day blizzard struck a Navaho reservation in our Southwest, SCF was among the first agencies to offer assistance. The guns of the Korean war were hardly stilled before SCF began programs of community development and child sponsorships. The earthquake in Peru and the tidal wave in what was then called East Pakistan, now Bangladesh, brought immediate reaction from Save the Children Federation and the Community Development Foundation. Through self-help programs in these devastating areas, children, families, and communities were enabled to pick up the threads of life again. In South Vietnam, SCF and CDF have played an imposing role in helping many of these war-weary people toward a better life.

Whether in Colombia, Tanzania, Appalachia, or among the many tribes of American Indians, SCF and its staff have been ambassadors of good will. Eschewing the role of vocalizer for that of listener, SCF has pioneered a foreign aid direction which might well be emulated by our own Government.

The philosophy of self-help has been proven by SCF and CDF throughout the world. People have found within themselves an ability to quite literally move mountains. With minimal incentives provided by SCF and CDF in the form of cash and food, they are creating new vistas for their children through better education; improved nutrition is giving families an increased ability to work; community benefits spurring cultural and economic advances. And the overriding benefit to all is an increased economic well-being which reduces unemployment, and replaces apathy with a new zest for living.

I am proud of what this Connecticut-based group has offered to children and their families these past 40 years, and proud of the support Americans have given this worthy cause.

JOB ENRICHMENT IN THE AUTO INDUSTRY

Mr. PERCY. Mr. President, one of the most important aspects of contemporary American life is the new concern about the nature of work. Younger Americans are questioning as never before the desirability and the necessity of work. They are expecting more from work than just pay.

Ralph Nader has expressed this problem very well in his afterword to a book entitled "The Workers," written by Ken Lassen. Mr. Nader said that—

> The quest for meaning in work as distinguished from the quest for work is one of history's least charted courses. Man struggles to make a living. To make a living has always overshadowed the interaction of humans with their work and what it does or means for them.

The signs of dissatisfaction with traditional forms of work have become increasingly clear. At the Joint Economic Committee's hearings on productivity on April 25, 26, and 27, witnesses alluded again and again to the high rates of turnover, rework and scrap, and instances of drug abuse, all of which have contributed to increased costs and declining product quality and safety.

American industry has begun, though slowly and with great hesitation, to respond to the problem of dissatisfaction with work particularly among younger workers.

An article by Agis Salpukas was published in the New York Times of June 19. Mr. Salpukas has written several interesting articles about job dissatisfaction, particularly in the auto industry. He describes the efforts being made by the Chrysler Corp., to make jobs more worthwhile, to engage the worker more completely in his work, and to provide a greater measure of initiative, participation, and self-development in the context of the highly automated auto assembly line.

A Chrysler official is quoted as saying that his company has been through a small revolution. My own experience at a very large, very new Chrysler plant in Belvidere, Ill., confirms the need for such revolutionary changes in the way management conceives of work and the worker. At the Belvidere plant, where the average age is about 27, the work force has turned over completely every 13 months. An official of the plant has been assigned to job enrichment as his single task.

Chrysler is to be commended for its willingness to experiment and its efforts to change as described in Mr. Salpukas' article. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AUTO WORKERS GIVEN ASSEMBLY LINE VOICE

(By Agis Salpukas)

DETROIT, June 18.—Since Henry Ford and his engineers put together the first car assembly line in 1914, the auto industry has been fitting the man to the line.

Today, faced with spreading absenteeism, high turnover and even sabotage among an increasingly dissatisfied work force, the industry is experimenting to see what can be done to make the line fit the man.

The Chrysler Corporation is the most deeply involved of the Big Four auto producers in trying to make work not simply a penalty a worker feels he has to pay to survive but something that provides satisfaction in itself.

For the last year and a half, workers in many of Chrysler's 32 plants have been meeting with their foremen, engineers and production managers to exchange ideas, solve problems and make suggestions about their jobs.

Some plants are experimenting with letting workers supervise their own assembly lines, letting them control the flow of material on the lines, and allowing them a choice of working on an assembly line or at tables where they can make whole components.

The program is still in its early stages. Its problems are complex, and any judgments would be premature. So far, it has often resulted in giving more responsibility to middle managers while reaching only a small part of the rank and file.

But many of those who have participated are enthusiastic. John Rand, a black assembly line worker for three years at the Hamtramck plant, paused for a moment in his job and said: "Things were explained, now you feel like a part of things. Before it was: 'You do this. You do that.' And that's it."

During the last year he has met many times, on company time, with foremen, production supervisors and other workers who are responsible for assembling caster and camber parts, which are vital to steering and wheel alignment.

Before the meetings, he said, he did not know what the part was for and did not care. Often he would let the car body go by and grumble to himself about the pace of the line.

It was this kind of dissatisfaction and indifference that led Chrysler to begin its experiments.

Eugene A. Cafiero, group vice president of the Chrysler North American operations, said: "We've changed more in the past year and a half than in the last 12 years. This company has been through a small revolution."

EFFECTS HARD TO SEE

The effects are hard to see since almost no major changes have been made in the way workers scrape, wipe, lift, paint and assemble cars and none is expected in the near future.

What has been brought to many of the company's plants is a new atmosphere, a new team spirit. Workers are now often given a voice, for example, in deciding how to set up their assembly line.

In many plants, workers are being given a chance to look over the '75 models. The parts are explained and the workers are asked to comment on how the line will be set up.

Mr. Cafiero, the prime mover behind the program, is continuing to visit the company's plants and prod managers to experiment. He has let it be known that the program does not have to show sudden gains in productivity.

At this point, he measures results mostly through reactions of workers and supervisors. A skilled trades worker, he recalled, recently came to him and said: "This is the first time in 16 years anyone has asked me to use my head and heart instead of my hands and feet."

OTHER COMPANIES' EFFORTS

The effort is not unique to Chrysler. Other major companies such as Bell Telephone, Corning Glass and Texas Instruments are trying to change jobs not only of blue-collar workers but of white-collar workers as well.

General Motors and Ford also have programs, although none is on the scale of Chrysler's, which is a priority effort throughout the corporation.

Those in charge concede that there are major uncertainties on how it will come out. Although workers like Mr. Rand may feel better about their jobs, there is some question how long it will last—especially as they go on working with the same parts in the same way on the same line as before.

It is hard to try to change work on assembly lines. Even for a seemingly simple change such as letting workers follow a car along and assemble a large part of it would mean a major cost increase.

Chrysler's management is also worried that frustrations may only be intensified if expectations are raised and workers are involved in decision making and then, for whatever reason, no important change results.

Only a few feet away from Mr. Rand, for example, another worker, Edward Walker, a 23-year-old Vietnam veteran, compared the plant now to when he left for the service two years ago.

"There's nothing easier and there ain't nothing harder," he said as he shoved one side of a car body to the line. "You're still under pressure. That line don't stop."

FOREIGN COMPETITION A FACTOR

There is little possibility in the near future that assembly lines will change significantly in an industry where costs are figured to the penny and foreign competition is a major threat.

Douglas Fraser, a vice president of the United Automobile Workers Union and head of the union's Chrysler department, made a recent tour of plants in Japan.

In a report to the union's executive board, he said that in some plants Japanese workers put together cars at speeds that would not be tolerated by American workers.

Still, even with those uncertainties, there is optimism at Chrysler that major gains can be made in motivating workers without making major changes in the jobs themselves.

AN AID TO SCHEDULING

At the Hamtramck plant, for example, some workers are no longer punished for taking an unexcused day off.

Instead, large calendars have been put up in one part of the plant and workers are asked to mark the day in advance when they want to take off.

Management can then juggle its schedules by knowing when a man will be absent, instead of having to scramble around at the last minute to fill in for absent workers.

For two months absenteeism dropped, but then it crept up again to near its old rate. One advantage has remained. Half of the men now notify the company ahead when they take a day off.

One foreman objected so vociferously to the program that he resigned. Older workers, who often have more skilled jobs and do them with ease, have objected to proposals such as letting men rotate in different jobs. And some supervisors fear that their jobs will be eliminated through the program.

At the Detroit Gear and Axle plant, workers are being allowed to control the flow of assembly lines. William White a 44-year-old worker, sat on a stool in front of a line where gear assemblies moved past him. There was a pedal he could hit with his foot to stop the line if he wanted to get a drink of water or take a break.

He is still expected to turn out 1,000 units a day, but now has a choice of working ahead and then shutting off the line for a while. "It's better," he said. "You've got more control now."

SENATOR SCOTT'S RECORD FOR HUMAN NEEDS

Mr. SCHWEIKER. Mr. President, we have heard much in past months about the need to reorder our priorities. There is one Senator among us whose priorities have always been clear: the distinguished Republican leader, Senator HUGH SCOTT, of Pennsylvania.

Senator SCOTT has consistently sought to serve the needs of people. He has been a leader in the fight for better housing, more jobs, and improved education. People are important in HUGH SCOTT's book and his outstanding record shows it.

I ask unanimous consent to place in the RECORD a detailed accounting of Senator SCOTT's accomplishments in the field of human needs.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

92D CONGRESS

Legislation

S. 10—To establish a national policy for metropolitan centers and rural areas relative to the revitalization of rural and other economically distressed areas.

S. 23—To create a series of regional ethnic centers for the study of ethnic history and traditions.

S. 31—Emergency Employment Act of 1971 to provide during times of high unemployment for programs of public service employment for unemployed persons.

S. 34—To establish a National Cancer Authority with the priority to discover the method by which to conquer the menace of cancer.

S. 346—To provide incentives for the establishment of new and expanded job-producing industrial and commercial establishments in rural areas.

S. 575—To authorize funds and to carry out the purposes of the Appalachian Regional Development Act of 1965.

S. 687—To authorize financial assistance for Opportunities Industrialization Centers.

S. 908—To exempt from induction and training, under the Selective Service Act, the surviving sons of a family which has lost two or more members as a result of military service.

S. 1172—To exempt citizens of the United States who are 65 years-of-age and over from paying entrance or admission fees for certain recreational areas.

S. 1182—To provide assistance and encouragement for the establishment and expansion of health maintenance organizations.

S. 1290—To provide for continuation of programs authorized under the Economic Opportunity Act.

S. 1428—To establish an Institute for Continuing Studies of Juvenile Justice.

S. 1598—To provide health care insurance for people of the United States and to improve the availability of health services.

S. 1623—To require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan.

S. 1664—To authorize additional appropriations for the Commission on Civil Rights.

S. 1769—To establish a Legal Services Corporation for the purpose of providing legal services in non-criminal matters to persons financially unable to afford counsel.

S. 1871—To provide for the inclusion of child-care facilities in low-rent housing projects and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the family.

S. 1872—A bill for the relief of Soviet Jews.

S. 2097—To establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

S. 3012—To strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement and by increasing contribution limitations for self-employed individuals and shareholder employees of electing small business corporations.

S. 3080—To amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

S. 3121—To extend the Commission on Civil Rights for five years, to expand the jurisdiction to include discrimination because of sex and to authorize appropriations for the Commission.

S.J. Res. 7—To propose an amendment to the Constitution extending the right to vote to citizens 18 years old or older.

S.J. Res. 32—To propose an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

S.J. Res. 34—To propose an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings.

S.J. Res. 79—To propose an amendment to the Constitution of the United States relative to equal rights for men and women.

S. Con. Res. 8—Relating to the control of international drug traffic.

S. Con. Res. 33—Regarding persecution of Jews and other minorities in Russia.

S. Con. Res. 49—A Senate Concurrent Resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and its allies in Southeast Asia.

S. Con. Res. 52—Expressing the sense of the Congress with respect to the rights of mentally or physically handicapped persons.

S. Con. Res. 57—Calling for a national day of prayer for the cause of world peace.

VOTES

Voted to provide Federal assistance for programs of public service employment during periods of high unemployment.

Voted for financial assistance to better provide local educational opportunities for all children.

Voted to provide for the identification and treatment of drug and alcohol dependent persons in the Armed Forces.

Voted to provide full Federal payment of unemployment compensation benefits for an additional 13 weeks.

Voted for amendment calling for President to take all possible means through international cooperation to reduce illegal importation of heroin and other narcotic drugs into the United States.

Voted for a 10% increase in old age, survivors, and disability insurance payments (social security).

Voted to extend the Appalachian Regional Development Act and Public Works and Economic Development Act.

Voted for the Economic Disaster Relief Act of 1971.

Voted for the Drug Abuse Office and Treatment Act of 1971 together with the conference Report thereto.

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Voted for the Housing and Urban Development Act of 1972.

Voted for the proposed amendment to the Constitution assuring equal rights for men and women.

Voted to extend the Select Committee on Nutrition and Human Needs.

Voted for amendment to increase funds for facilities for school lunch programs from $16,110,000 to $33,000,000.

Recorded in favor of using certain funds to assure free and reduced price lunches for needy children.

Supported an amendemnt to allow as a business deduction (instead of a personal deduction) up to $400 per month for domestic help and child care.

Voted for the nutrition program for the elderly.

Voted for supplemental appropriations for fiscal year 1972 to provide for special programs for the aging.

THE 91ST CONGRESS

Legislation

S. 15—Rural Job Development Act—To provide income tax incentives and other benefits for employers operating certain industrial or commercial enterprises in rural job development areas.

S. 861—To provide Federal assistance to States for establishing and strengthening consumer protection programs.

S. 1072—To authorize funds to carry out purposes of Appalachian Regional Development Act of 1965.

S. 1300—To improve the health and safety conditions of persons working in U.S. coal mining industry.

S. 1362—To provide Federal financial assistance to Opportunities Industrialization Centers to assist in job training in low-income areas.

S. 1689—To protect children against dangerous toys.

S. 1788—To assist in removing financial barriers to the acquisition of a postsecondary education by all those capable of benefiting.

S. 1865—To establish programs to find causes and effects of malnutrition and to facilitate detection and treatment.

S. 1896—To include dental and eye care and hearing aids among the benefits provided by Medicare.

S. 1997—To provide for more effective prevention and treatment of alcoholism by providing grants for education and training programs and by establishing regional centers for research in alcoholism and alcohol-related problems.

S. 2037—To authorize grants for the construction or modernization of Neighborhood Health Centers.

S. 2184—To include prescribed drugs under coverage of the supplementary medical insurance program for the aged.

S. 2259—Credit Union Act amendment to assist in meeting the savings and credit needs of low-income persons.

S. 2470—To allow the elderly to trade food stamps for prepared meals.

S. 2518—To liberalize conditions governing eligibility of blind persons to receive disability insurance benefits.

S. 2579—To authorize Commissioners of Education to make Vocational Education Opportunity Grants.

S. 3025—Urban Land Improvement and Housing Assistance Act of 1969.

S. 3204—To require safety devices on household refrigerators.

S. 3316—To require the Secretary of HEW to study and to report annually to the Congress on the health hazards and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels.

S. 3388—To expedite enforcement for air pollution control standards.

S. 3418—To provide for making of grants to medical schools and hospitals to assist them in establishing special programs in the field of family practice.

S. 3560—To allow 18-year-olds to vote.

S. 3566—To establish a National Council on American Minority History and Culture.

S. 3709—Veteran's pension to the Social Security Bill to prevent a decrease in the dependency and indemnity compensation of any veteran or widow of a veteran as the result of the increase in the Social Security benefits.

S. 3941—To provide penalties for the use of lead-based paint in certain dwellings.

S. 4104.—To strengthen and improve the school breakfast program for children.

S. 4208—To lay the groundwork for providing the medical manpower needed to meet the rising health demands of the country.

S. 4396—Extension of Medicare to the Nation's disabled coal miners.

S. 4454—To make available Federal assistance to law enforcement agencies to halt attacks on policemen, firemen, and judicial officers.

S.J. Res. —— —Proposing a Constitutional amendment to permit voluntary prayer in public buildings and public schools.

S. Con. Res. 41—Concurrent Resolution urging adoption of policies to offset adverse effects of governmental monetary restrictions upon a housing industry (ceramic tile industry).

S. Amdt. 682—To provide a minimum monthly Social Security benefit of $100 and increases in larger monthly benefits.

S. Amdt. 683—To increase special age 72 Social Security benefits by 10 percent.

S. Res. 68—To authorize funding of the Senate Select Committee on Nutrition and Human Needs.

Votes

Voted to prohibit issuance of credit cards, except on request, and to limit holder's liability for loss.

Supported the Consumer Products Warranty and Guaranty Act.

Voted for the Hospital and Medical Facilities Construction and Modernization Amendments of 1968 (Hill-Burton).

Voted to create the National Insurance Development Corporation to provide reinsurance for insurance companies for losses resulting from riots and civil disorders.

Voted for the Housing and Urban Development Act of 1968.

Voted to increase appropriations for the Office of Economic Opportunity from $1,624 billion to $2,048 billion.

Voted to express the sense of the Senate that the aggregate of opportunities for job training for disadvantaged youth shall in no event be less than that for fiscal year 1969.

Voted to increase funds for the Neighborhood Youth Corps summer program under the Manpower Training and Development Act.

Voted to authorize funds to extend programs under the Economic Opportunity Act.

Voted for a 15% increase in Railroad Retirement benefits.

Voted to include under the Community Mental Health Centers Act of 1970 persons suffering with drug abuse and drug dependence problems.

Voted to strengthen laws concerning the illegal use, transportation, or possession of of explosives.

Voted for Employment and Training Opportunities Act of 1970.

Voted for Employment and Manpower Act.

Voted for an increase in funds for Neighborhood Youth Corps summer programs.

Voted to declare it the policy of the United States to apply uniformly the criteria in dealing with conditions of unconstitutional segregation in schools by race.

Voted to create a Select Committee on Equal Education Opportunity.

Voted to provide $150 million for emergency school assistance for desegregating local educational agencies.

Voted to allow voluntary nondenominational prayer in public schools and buildings.

Voted to reduce voting age to 18.

Voted to increase by $47.9 million funds for student loan programs.

Voted to provide $53,680,000 in impacted aid for children living in low-rent public housing projects.

Voted for Drug Abuse Education Act of 1970.

Voted to make public schoolchildren from households of four persons, the annual income of which is $4,000 or less, eligible for free lunches.

Voted for school lunch and nutrition amendments.

Voted to increase funds for Project Headstart to bring the appropriation to the authorized level.

Voted for amendment to provide incentive pay increases for military personnel and making recommendations contemplating establishment of an all-voluntary military service.

Voted to provide $587.5 million in urban renewal funds.

Voted to extend unemployment insurance, to permit workers to continue to receive unemployment compensation while enrolled in training programs designed to increase their employability, and for other purposes.

Voted to increase the ceiling for combined workmen's compensation and social security disability benefits.

Voted for the direct popular election of the President and Vice President.

A SALUTE TO EDUCATION

Mr. JORDAN of North Carolina. Mr. President, today the National Association is holding a Salute to Education and it is a pleasure for me to have this opportunity to express my strong support for all education programs throughout our Nation.

I have always recognized the importance of education in our lives and have sought during my 14 years in the Senate to encourage strong legislative support for our institutions of learning, for our teachers, and for our young people.

As one so long and deeply committed to the cause of education, I am immensely proud that North Carolina's school system has produced the National Teacher of the Year for 1972, James M. Rogers, Jr.

Through the selfless and unstinted use of his talents he has set an inspiring example both for those who teach and for those who aspire to learn. In doing so he has brought great credit to his school and to his State and it was a great honor for me to join with the President and with others to pay tribute to his excellence in teaching.

There are many fine teachers throughout our land who perform the invaluable service of preparing our young people for the future. I look forward to the continued enthusiastic support of these teachers and of our education programs in the days and years to come.

REDUCED AIR FARES FOR SENIOR CITIZENS

Mr. PERCY. Mr. President, many of us in the Senate would like to see the commercial airlines offer to senior citizens specially reduced air fares similar to those now offered to young people. On April 20 of last year, I introduced a bill, S. 1591, specifically authorizing such fares. And last week, the Senate Commerce Committee held hearings on S. 1591 and similar proposals introduced by several of my colleagues.

Certain factors distinguish the elderly population from other segments of our population, and serve to make transportation a uniquely difficult problem for them. For example, the elderly have less than half the income of younger people, and while the incidence of poverty is decreasing among the younger population, it is increasing among those over 65. Because of their income problems, the elderly are less able than other segments of the population to purchase transportation services. Furthermore, the percentage of elderly people able to drive automobiles is much lower than that of the general population. It is estimated that substantially less than one out of four of the elderly possess drivers licenses. Many automobile insurance companies can and do cancel the policies of older people solely because of their age, regardless of their driving history or current physical condition.

Although many retired people do not have the money to travel, they most definitely have the time and the desire to do so. I have long felt that the need and desire of elderly people to travel should be considered more seriously by the commercial airlines, many of which now operate half-filled flights which could easily accommodate senior citizens.

The airlines have aggressively sought to increase their passenger loads by offering specially reduced youth fares, but they have largely ignored the senior citizens. Because few airlines have even bothered to experiment with such fares, good statistical information on the effects of such programs on revenues is hard to find.

One notable exception can be found in the experience of Hawaiian Airlines, which for 5 years now has been allowing senior citizens to travel at reduced fares. Interestingly, Hawaiian has found that the percentage growth in senior citizen passengers—since 1967 when the special offer first went into effect—has been substantially higher than the system's overall growth. Revenues derived from this special fare have increased 30 percent over what they were in 1967. On a seat availability basis this is almost all added revenue for the airline. Otherwise empty seats were simply filled.

Mr. President, I believe that many Senators would be most interested in the statement made by Hawaiian Airlines describing its experience with reduced fares for the elderly, I therefore ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HAWAIIAN AIRLINES, INC., SENIOR CITIZEN STANDBY FARES

HISTORICAL BACKGROUND

The Senior Citizen Standby Fare originated from a similar philosophy of the Youth Standby Fares in the Second Quarter of 1966. The thinking behind the Youth Fare movement was to stimulate traffic, utilize empty seats at departure times, initiate youths between the ages of 12 to 21 to air travel, and limited income of this age group.

The Youth Fares were at 50% of full fares on a no reservations, standby basis with restrictions on certain holiday weekends. Youth Fare cards were sold at $3, renewable annually.

The Senior Citizen Standby Fare was made effective about a year later in the Second Quarter of 1967 under the same philosophy with the same restrictions. Permanent Senior Citizen cards were sold at $5. The same fares as Youth Fares were applied.

The differences in the cards were that the Youth Fare card expires at age 21 whereas the Senior Citizen card was permanent. Lost cards are treated as new applications in both instances.

Since the initial tariff on these two fares, the following were changed.

1. The restrictions on travel during certain days were removed.

2. Youth Fare Card renewal annually eliminated.

3. 50% discount from full fares decreased to approximately 40% (slight variations due to rounding into whole dollars after including 8% tax).

STATUS OF SENIOR CITIZEN FARES

Although not specifically mentioned by the Examiner or finalized by the Board, Hawaiian has submitted evidence and exhibits supporting its Youth and Senior Citizen fares in the Discount Fares Phase of the Domestic Passenger Fare Investigation, Docket 21866-5.

Since the Senior Citizen fares and rules are similar to the Youth Fares, it would appear that the decision on Youth Fares in this Investigation (Docket 21866-5) would be applicable in both instances.

Hawaiian alone has submitted evidence and supports the Senior Citizen fare.

HAWAIIAN'S SENIOR CITIZEN STANDBY FARES

1. Tariff.

As seen from the attached tariff pages 24-27 and 47-48 of Hawaiian's CAB No. 6, Local Passenger Tariff No. 6, the following rules apply.

a. Purchase of a Hawaiian Airlines Senior Citizens Identification Card by any person 65 years of age and over for $5.

b. Having in possession the Hawaiian Airlines Senior Citizen card when traveling.

c. Presentation of Senior Citizen card with proper identification for discount ticket purchase.

d. No reservation, standby status accommodated on space available basis.

e. Accommodated after all reservations and military passengers but before Youth Fare passengers (See page 30, CAB No. 6 attached).

f. Fares are approximately 60% of full fares.

HAWAIIAN'S PROMOTION OF SENIOR CITIZEN FARES

All of Hawaiian's discount fares are widely promoted and specifically publicized in our timetables. Additional brochures on Hawaiian's discount fares including the application forms for Senior Citizen and Youth Fare cards are widely distributed. See enclosed timetable effective February 15, 1972 and Discount Fares brochure.

HAWAIIAN'S EXPERIENCE OF SENIOR CITIZEN FARES

Since the beginning of the Senior Citizen fares in the Second Quarter of 1967, Hawaiian has contacted numerous senior citizen groups, retirement homes and community groups within the islands.

1. From 1967 to 1971, Hawaiian has sold 6,451 Senior Citizen membership cards for revenues of $32,255. Additionally, these members' travel revenues totaled $355,832 for a total of $388,087. The success of this fare may be seen from the steady growth of 1/10% to 1/2% on total transport revenues for Hawaiian (page 8).

2. In terms of growth, Hawaiian enplaned 33,715 Senior Citizen passengers in the 1967-1971 period. The percentage growth in Senior Citizen passengers has been substantially higher than the total system growth. The substantial growth in Senior Citizen Fare travel may be seen from the 4,421 enplanements in 1968 to 12,706 enplanements in 1971—three times as many in 3 years. By comparison, total system traffic grew from 1,418,076 passengers in 1968 to 1,878,921 in 1971 or a 32% increase in 3 years (page 9).

Due to the 40% discount in fares, the question of diversion from full fares is brought out. That is to say that diversion would outweigh stimulation unless the percentage growth is greater than 40%. Hawaiian would argue that the diversion factor is outweighed by stimulation since the fares are strictly standby. Positive space Senior Citizens would still pay full fares on business or commitment travel. Additionally, it stimulates traffic by the addition of accompanying members of the family.

3. Senior Citizen standby revenues have grown from $34,702 in 1968 to $151,618 in 1971 or more than a fourfold increase (page 10).

4. Youth Standby revenues have grown from $106,165 in 1967 to $541,340 in 1970 for a five-fold increase (page 11). The decline in individual youth fare travel is attributable to the Youth Group Fare made effective in December, 1970 which provided the Hawaiian carriers with a tax incentive by the State of Hawaii.

5. Since both the Senior Citizen and Youth Fares are standby, non-reservation, space available traffic, Hawaiian would argue that these traffic fill seats that would have gone empty. On this basis, these traffic contribute at least a point or more in load factor throughout Hawaiian's system (page 12).

If the 12-21 age group travel is justifiable on standby discounts, the 65 and over group is equally if not more deserving in filling seats that would have operated empty.

The limited incomes and ample time elements are clearly recognized in the case of Senior Citizens. The Senior Citizens are an important element of Hawaiian's traffic.

THE GENOCIDE CONVENTION AND THE FIRST AMENDMENT

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have expressed concern about article III, section (c) of the treaty, which prohibits "direct and public incitement to commit genocide."

It has been suggested that this provision could undermine the U.S. Constitution's first amendment guarantee of freedom of speech. This fear is without foundation. Two distinct and separately compelling arguments apply here.

First, whatever treaties the United States enters into are subordinate to the provisions of the Constitution. The Supreme Court's decision in Reid against Covert makes this perfectly evident, and the Court's opinion in that case cites five previous cases which held the same thing. This means that if there is a direct conflict between the Genocide Convention and the Constitution, the courts would strike down the conflicting provisions of the Genocide Convention. If there is only the possibility of a conflict, the Court would interpret the treaty in a way that would satisfy constitutional requirements. Thus if the Genocide Con-

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vention's language were more restrictive of free speech than the Constitution allows, the Convention's restriction would be narrowed by the Court to comply with the Constitution.

Furthermore, the Convention's language is precisely that which the Supreme Court has used in interpreting the first amendment. In the 1969 case of Brandenburg against Ohio, the Court held that:

> . . . the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

The Court's distinction between advocacy and incitement is crucial. Advocacy is what the first amendment protects; incitement amounts to shouting fire in a crowded theater. Incitement is exactly what the Convention prohibits in the section in question. There can be no doubt that this prohibition is consonant with the U.S. Constitution's first amendment.

I urge the Senate to take up and ratify the Genocide Convention without further delay.

TO GUARANTEE JUSTICE AND OPPORTUNITY FOR INDIANS

Mr. HUMPHREY. Mr. President, throughout my period of public service, I have placed the needs and rights of Indian Americans high on my agenda of priorities. In Minnesota, originally the land of the Sioux—Dakota—and Chippewa—Ojibway—Tribes, I have made a continuing effort to address the critical problems of reservation Indians, the Indian family isolated in rural poverty, and the Indian confronting an alien culture in the city—basic problems confronting tribes and individual Indians throughout America.

The many ways in which Indians confront a denial of justice and a constant struggle against poverty must be brought clearly before public attention if effective action is to be achieved. That was why, as mayor of Minneapolis, I appointed the first Indians on the city's human rights commission. It was also why, as Vice President, I welcomed the opportunity to serve as the first chairman of the National Council on Indian Opportunity. I was honored, as Senator, to become a member of the Red Lake Chippewa Band, and I have continued to work over the years on projects and cases of immediate importance to Indians in Minnesota, to meet vital needs in the areas of health care, education, employment, housing, and the protection and development of land resources.

TO PROTECT INDIAN LAND AND WATER RESOURCES

I believe the next administration must establish a new direction and firm commitment in national policy to restore pride and promise to Indian people. Land resource rights have been of immediate and central importance in clearly demonstrating this commitment. I fully supported the return of the Blue Lake land to the New Mexico Taos Indians, not only as an important conservation measure, but also and far more importantly, because the land is sacred to the Indians. I felt the Senate Interior Subcommittee on Indian Affairs, in failing twice to vote on this vital measure, established a serious credibility gap between expressions of support and actual performance, before the Indian people.

My concern to protect the vital land resources of the First Americans and their right to long-overdue justice also explain my joint sponsorship of the original Senate legislation dealing with the settlement of Alaska Native claims.

It is for the same reason that I strongly supported recent legislation to convey trust title to the Stockbridge-Munsee Indian Community in Wisconsin of 13,077 acres of submarginal land purchased by the Federal Government some 37 years ago under a depression-era progam to provide tribes with an adequate land base on which to survive and develop. The purpose of the original act has been thwarted by the failure to pass trust title to the tribe. Passed by the Senate, this legislation carries through important precedents that can be of benefit to a number of tribes in other States, including Minnesota.

I have also expressed my full support for legislation recently introduced in the Senate to repeal the act terminating Federal supervision over the Menominee Indian Tribe of Wisconsin, to reinstate the Menominees as a federally recognized, sovereign Indian tribe, and to make the tribe eligible for the services the Federal Government furnishes to Indians. The effect of the Termination Act has been the loss of liquid assets and an unemployment rate of over 22 percent, with extensive poverty. The simple fact is that the burden of current liabilities and limited legal rights has prevented the restoration of a viable economy based on forestry management.

The termination policy adopted by the 83d Congress is morally and legally unacceptable and has produced bad practical results. It should be repealed.

I support the establishment of an Indian Trust Council Authority to assure independent legal representation of the national resource rights of Indians. But I believe the Water Resources Council immediately should adopt a firm policy that no water project should be built on Indian lands unless it can be shown that there is a clear margin of benefits over the costs, for Indians.

TO ESTABLISH ELIGIBILITY OF URBAN AND RURAL INDIANS

What are clearly required today are specific actions by the Federal Government to end its long history of broken commitments to the Indian people. I strongly believe, for example, that the concept of trust responsibility extends to all Indian people, regardless of where they reside.

Specifically, I call for the full implementation of a new eligibility study completed by the Bureau of Indian Affairs, which calls for extending eligibility for Federal services to three main groups of off-reservation Indians—urban, rural, and state reservation. The time has come to fulfill the commitment of the United States to all of the 800,000 Indians who for too long have known only the repeated violation of their civil rights, a struggle against ill health, malnutrition, and poverty, and the denial of equal opportunity in education and employment.

It is particularly important that all relevant programs and services be coordinated under the Bureau of Indian Affairs to reach those Indians who are isolated in rural poverty or condemned to an existence of despair in the city, for their migrations can be traced precisely to the encouragement provided by a federal policy or program.

I strongly supported the enactment of the Indian Education Act of 1971, subsequently incorporated in the Education Amendments of 1972 passed by Congress. This act launched the needed shift in eligibility policies in authorizing increased Federal financial assistance to meet the special education needs of Indian children. For it based this new assistance directly on the number of Indian children enrolled. The clear intent of Congress is that the discriminatory allocation of educational services for Indians under Public Law 874 shall end forthwith. A further important provision in this legislation calls for direct Indian participation in education policy determination, from the local to the national level.

I have also joined several Senators in immediately communicating to the Senate Appropriations Committee our strong support for additional funds recently passed by the House to establish additional urban Indian service centers. It is important to recognize that this appropriation will help the BIA extend its services to off-reservation Indians for the first time, enabling urban Indians to apply for critically needed social benefits and to obtain vital health, educational, and employment services.

TO PROVIDE JOBS AND ECONOMIC OPPORTUNITY

I believe the decade of the 1970's must be the decade of decisive advances in Indian economic self-development. The economic condition of the 450,000 Americans of Indian ancestry living on or near a federally recognized reservation, colony, rancheria, or pueblo is appalling, not to mention the desperate plight of Indians who have relocated into urban and rural poverty.

I have long been involved in encouraging corporations to locate on or near reservations, including the Navajo lands, to provide critically needed jobs. I am fully aware of the problems which must be met, but I strongly believe this direction must be pursued to promote economic self-sufficiency among the tribes.

I am committed to a Federal policy of Indian self-determination, without termination of the legal and historical relationship between the Indians and the Federal Government. And I have jointly sponsored, with Senator HENRY JACKSON, a bill to authorize the Secretary of the Interior to contract with tribal organizations so they may directly plan and administer Federal programs of educational, agricultural, and social welfare assistance.

Meanwhile, I believe it is essential to substantially increase appropriations for health services and housing assistance critically needed by Indians.

But with an unemployment rate that is 10 times the national average, the Indian people are rightly demanding extensive Federal efforts to provide job opportunities and to promote economic self-development. I have called for substantial increases in economic development revolving loan funds. And the Employment Opportunities Act of 1972, which I have introduced, should be administered to assure Indians a fair measure of the more than 1 million public service jobs that can be created under this bill and related measures.

Finally, I have fully supported the establishment of an American Indian Development Bank, to assist Indians and Indian tribes in the development of industrial and agricultural facilities and enterprises, and in the development of their natural resources. I believe the initial capitalization for this bank should be set at least at $500 million.

With 80 percent of reservation Indians living in poverty, a total approach to Indian socio-economic development must be launched without delay. Urban Indians must also be enabled to undertake programs of community economic self-development. And to meet the special needs of rural Indians, I believe a Federal program of substantial assistance for Indian cooperatives is now required on a sustained basis. This can provide an essential tool for joint economic efforts by Indians and to end their exploitation as consumers.

The time has come for a totally new direction in national policy toward the Indian people. We must enable the Indian to again stand with pride and to have hope in the tomorrows of this great land. We must acknowledge the rich heritage this pluralistic Nation enjoys in the traditions and values of the Indian people, and the strength it can receive from their direct involvement in its economic, educational, social, and political life.

SALUTE TO EDUCATION

Mr. BAYH. Mr. President, I commend the National Education Association for initiating a salute to education today, June 21. Education continues to hold the key to social mobility and the self-actualization of countless individuals in our society today.

As indication of the impact of education, in 1971 estimated fall enrollment in our public schools was 46.1 million; projected figures reveal that by the fall of 1978, 6.2 million more students will have enrolled—an increase of nearly 1 million students per year. During the same 7 years, college enrollment is expected to increase by 63 percent. These young people will comprise the future leadership of our country. Education has played a vital role in preparing them to deal with the complex problems of today.

The mainstay of our education system is the dediction of teachers throughout this Nation. Approximately 2 million men and women have given their time and talents to the education not only of our children, but also of adults interested in continuing their education. During the fiscal year 1970, over 8 million adults were enrolled in education programs—an increase of 10.2 percent over 1969. Experimental programs such as English as a second language have proven highly successful for recent citizens and adult education has even reached into the home with programs designed to show parents how to make education more vital to their children. More important, librarians across the country have given their time so that many public schools library facilities can stay open at night for community use. All of these programs are possible because teachers are willing to devote their extra energy to special evening programs in addition to regular daytime classes.

Of course higher education is increasingly crucial in this technological age. This year, Congress passed a bill, S. 659, which promises to have a revolutionary impact on our system of higher education. The bill attempts to establish access to higher education as a basic Federal right by providing financial assistance to all those who need it. The bill also provides desperately needed operating subsidies to help meet the skyrocketing costs of education. Congressional passage of my amendment to prohibit sex discrimination in educational institutions gives me particular pride. I personally would like to thank those teacher organizations, administrators of education, and countless individuals who have contributed to the passage of this legislation. Women are now guaranteed equal opportunities in admissions, scholarship aid, and faculty status.

The academic community is to be commended for its continued advancements—not only in the area of improved teaching techniques, but also in the effort to expand equal educational opportunity to all.

FEDERAL RESERVE BOARD FAILS IN ITS DUTY—WHAT DO THEY HAVE TO HIDE?

Mr. PROXMIRE. Mr. President, I am sorry to report that the Federal Reserve Board ducked, misled, hid out, avoided calls, and gave us the idiot treatment in connection with my request Monday for a report to me on the name of the bank or banks involved in issuing the $100 Federal Reserve bills found on the men caught bugging the Democratic National Committee.

I think their refusal to cooperate was both a despicable act and unworthy of them as an arm of the Congress.

As the ranking Democratic member of the Senate Banking Committee and as chairman of the Financial Institutions Subcommittee, before 10 a.m. on Monday, June 19, I not only requested the names of the bank or banks which issued the notes but also the name of the person or persons receiving the funds—estimated at $6,300—the source of the check or financial instrument used to purchase the $100 bills, and other pertinent details.

FEDERAL RESERVE KNOWS WHO ISSUED $100 BILLS

I did this for several reasons. First, Federal Reserve notes were involved, they were in numerical sequence, and commercial banks keep details of transactions of this size. Those who paid for this job could be traced through the bills.

Second, in this case the executive branch is a party of interest. One of the men caught was directly connected with the Nixon campaign. I hope that higher ups may be innocent of these wrongdoings. But with the executive branch having a conflict of interest, it was essential that the Federal Reserve Board, which is an agent of the Congress, should give Congress the facts promptly, fully, and completely.

WRONG AND MISLEADING INFORMATION

Until 4 p.m. on Tuesday, the Federal Reserve gave us the run-around. For example, at the same time that the FBI told my staff on Monday they had already been in touch with the Federal Reserve to identify where the bills came from, Chairman Arthur Burns wrote me that, "We at the Board have no knowledge of the Federal Reserve bank which issues those particular notes."

Until 4 p.m. Tuesday, even after newsmen had traced the bills to the Miami and Philadelphia Federal Reserve Districts, the Federal Reserve was telling my staff they had no information and the Reserve Bank at Philadelphia refused to return our calls. Finally, at 4 p.m. Tuesday the Federal Reserve stated that the information ". . . should not be released to anyone other than the investigative authorities," namely the FBI and Justice Department.

FEDERAL RESERVE FORGETS IT IS AN AGENT OF CONGRESS

The fact that the Federal Reserve, an agent of Congress and independent of the executive branch refused to cooperate with Congress while falling all over itself to aid the executive branch suggests they have something to hide.

One would have to be extraordinarily naive not to feel the Federal Reserve may be covering up for someone high in the executive branch of our Government who is directly involved with the espionage action against the Democratic National Committee.

Chairman Arthur Burns should reread the Constitution. It provides that Conress, not the executive, has the money power. Under our Constitution the Federal Reserve Board is directly obligated to Congress and is independent of the executive branch.

Certainly with the President of the United States and his supporters a party at interest, the Federal Reserve Board should recognize their clear constitutional obligation to the Congress. In this case they have failed to do so.

SALT: SOME BASIC QUESTIONS

Mr. JACKSON. Mr. President, in connection with the scrutiny by Congress of the Moscow arms limitation agreements, I ask unanimous consent that the text of my article raising some basic questions about SALT, which was published in Newsday on Sunday, June 18, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Ideas, Newsday's Journal of Opinion, June 18, 1972]

ARE WE NO. 2?

(By Senator HENRY M. JACKSON)

With President Nixon to the Moscow summit went the hopes of all Americans for progress toward a lessening of international tensions and the instabilities that cause wars. Individual views of the results of the summit may vary, but I believe all Americans respect the President's sincerity and the scale of his efforts in Moscow.

President Nixon has now submitted the strategic arms limitation agreements signed in Moscow to the Congress for its advice and perhaps consent. The Congress, in carrying out its constitutional responsibilities, must study carefully the impact of these agreements on our deterrent posture and the future foreign policy of this country. One cannot give a responsible final judgment until all of the hearings have been held and until all the evidence is in. I will endeavor to play the role of a good lawyer in examining the witnesses and pursuing the facts.

I must say, however, that what I already know is enough to raise some very serious questions that go to the heart of the security of the United States and the future of individual liberty. All Americans want to see the strategic balance become more stable. We all desire the increased security that flows from a potential aggressor's knowledge that he simply can't execute a disarming first strike against our deterrent forces. Unfortunately, I see nothing in the present agreements that lessens the threat to the security of these deterrent forces. On the contrary, far from placing us in a condition of stable deterrence, the agreement permits the Soviet Union to continue its offensive build-up in a way and on a scale that could prove highly dangerous. Simply put, the agreement gives the Soviets more of everything: more light ICBMs (Intercontinental ballistic missile), more heavy ICBMs, more submarine-launched missiles, more submarines, more payload, even more ABM (anti-ballistic missile) radars. In no area covered by the agreement is the United States permitted to maintain parity with the Soviet Union.

Something was basically wrong with the administration's approach to such difficult and vital arms control negotiations. In May 1971, the agreements existed only in outline and many critical issues were still outstanding. Nevertheless, President Nixon publicly announced that there definitely would be a U.S.-USSR agreement on strategic arms. In effect, he said we had decided to purchase the house even before knowing the price! The administration then compounded its error by instructing our SALT delegation to see to it that President Nixon had a final agreement ready to sign at the Moscow summit. We thus put ourselves over a barrel. As in all bargaining, the side more eager for agreement at a specified date will pay more to get it. There is clear evidence that the self-imposed deadline led to major concessions by the United States that have had the result of gravely increasing the disadvantages to us of the agreements.

For example, on May 20, just six days before the signing, the U.S. caved in to the Russians and withdrew our key proposal to include in the agreement a mutual ban on the deployment of land-mobile ICBM launchers. On May 26—the very day of the Moscow signing—the President capitulated on the vital requirement to get agreement with the Russians on a common definition of the all important term "heavy missile."' The administration resorted to a weak and unilateral assertion as to what we understand a "heavy missile" to be, while the Soviets have chosen even to withhold comment on our definition. The failure to resolve disagreement on this term raises doubt about the central claim that is being made for the agreement: that it will prevent the Soviets from deploying more huge SS-9 type missiles.

The pressures imposed by public relations requirements at the summit made matters even worse. We were still negotiating on the plane carrying the two SALT delegations from Helsinki to Moscow for the signing ceremonies. There existed no copies of the agreement other than the ones signed by the principals so that the press corps was left to rely on vague and partly misleading briefings about the contents of the agreements. The initial press, radio and TV reports from Moscow were full of misinformation. As a result, the false figures circulated in these early stories confused most Americans. Top administration officials are still contradicting each other about what these agreements mean. The full content of the agreements—essential to any evaluation of their import—was not given to the Congress or made available to the public until 19 days after the Moscow signing.

It was only after I made repeated demands for these additional "private understandings" that the administration admitted their existence and announced its willingness to release them.

This is no way to negotiate. If you negotiate this way you inevitably end up with unsatisfactory agreements. And as Robert A. Lovett has warned: "Do not give unilateral concessions, particularly to the Russians. They will not feel gratitude. They will feel contempt for your gullability."

The strategic arms agreements have one overriding fault: They freeze the United States at a serious numerical inferiority in both ICBMs and submarines while they authorize the Russians to continue their buildup. Not only do the Soviets get 1,618 ICBMs to our 1,054 ICBMs, but they are permitted to exercise options that would give them 62 modern nuclear ballistic missile submarines to our 44. The crucial question for the nation and for the cause of world peace is whether these numbers add up to stable parity or unstable inferiority.

Now there are some who argue that "numbers don't matter"—that both sides have "sufficiency" and that therefore the strategic balance is stable. Wishful thinking springs eternal and strong. How curious it is that the people who hold to the "numbers don't matter" doctrine are the same ones who believe that without an immediate arms control agreement the world is in danger of a greater nuclear war. Either numbers matter or arms limitation agreements don't—you can't have it both ways.

Among those who acknowledge that numbers do indeed matter there are those—and I am afraid the administration must be counted among them—who argue that because we now have more MIRV (multiple-independently-targeted reentry vehicle) warheads than the Soviets it is safe for the President to have granted the Soviets (as he has done) a license to outdistance us by 4–1 in payload capacity.

But MIRV is not frozen under this agreement. The Soviets, therefore, can—and will—proceed very rapidly under the agreement to catch up with us in the MIRV field. We know they are hard at work on it. Since the Soviets are permitted so many more missiles than we have and so many missiles many times more powerful than our own (as much as four or five times as large), the Russians could end up overwhelming us in numbers of warheads as well as numbers of missiles and missile size.

In the course of our Senate hearings on SALT—long before the Moscow summit—we warned the administration many times that the Congress, at my initiative, had turned down funds for an ABM site around Washington, D.C., on the grounds it would not be effective. The Soviets could easily overwhelm that ABM site. I was amazed, therefore, to learn that the President had signed an agreement in Moscow that called for a deployment on our part that the Congress had previously rejected while abandoning a sensible deployment that the Congress had approved—namely, additional ABM sites to protect our deterrent land-based missile forces.

I think we must also recognize that the next phase of the SALT negotiations cannot help but be influenced by the outcome of SALT I. Within the five-year life of the interim arms agreement, that is, by mid-1977, we will be in the position of having to ask the Soviets for *parity*. In other words, we will be asking them to give up in SALT II what they have gained in SALT I. Yet what possible reason is there to expect that the Soviets will be willing to do this? Or, more to the point, what political and diplomatic concessions will we be forced to make so that the Soviets will not further widen their margin of superiority? For is it reasonable to believe that the Soviets will not attempt to gain political and diplomatic benefits from the strategic arsenal in which they have invested so heavily, and which we have now licensed them to expand?

I have said on several occasions that increased Soviet strategic capabilities can embolden the Soviets, can increase their willingness to take risks, can harden their bargaining position in negotiations, and can therefore lead to new instability in international affairs. Operating from a much more favorable correlation of forces, the Soviet leaders could be expected to seek fresh advances, especially in the third world.

Nothing that has happened in recent months—whether on the Indian subcontinent, in the Mideast or with the Soviet supplied North Vietnamese offensive across the DMZ—can be cause for altering this assessment.

Summits are difficult at best and a summit in an election year before a nationwide TV audience is a very doubtful instrument of sound diplomacy. One must ask whether we would not have been much better off to continue the SALT I negotiations, do some tough bargaining, and seek secure agreements rather than insist on the hasty signing of less secure ones.

The American people will be bitterly disappointed if the many serious problems in the SALT accords have the effect of both diminishing our security and forcing increases in the defense budget. As the administration has presented its program, there will be no savings in the defense budget as a result of SALT, and already there are proposed increases.

As much as I can understand the desire to believe that the Moscow summit heralds a new era of peace and cooperation, I must say that there is no substitute for facing facts. The Moscow arms agreements, I believe, raise as many questions as they answer.

THE COUNTY ASC COMMITTEES

Mr. NELSON. Mr. President, sometimes, because of our frustrations with modern problems, we tend to overlook the great good being accomplished by many American citizens in on-going, long-term Government programs. A program of this nature which very much deserves credit is that of the county ASC committees which function throughout the Nation in cooperation with the U.S. Department of Agriculture.

Just recently I was reminded of this again when I read the testimony given before the Senate Subcommittee on Agricultural Appropriations by Mr. Boyd Frank of Clear Lake, Wis., which happens to be my hometown. Mr. Frank, as his testimony demonstrates, is the type of selfless American who makes our Government function at its best. His thoughtful and constructive testimony epitomizes the excellent approach of a good organization to one of those persistent problems, soil erosion, that worries all thoughtful Americans. But while many of us just worry, Mr. Frank and his associates are working diligently and intelligently on our behalf. Because of the importance of his work, I ask unanimous consent that Mr. Frank's thoughtful testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF BOYD FRANK

Mr. Chairman and Members of the Committee:

I am Boyd Frank of Clear Lake, Wisconsin. I am a dairy farmer and operate a 200 acre farm. I have also served for 13 years on the County ASC Committee and have had a great interest in the conservation of our soil and water of our County, State and Nation.

I certainly appreciate the opportunity to appear today in support of increased funding for the Rural Environmental Assistance Program to 500 million dollars, which was authorized by Congress in 1936. Much has been accomplished in the years past, under the program known as the Agriculture Conservation Program, more recently named the REAP (Rural Environmental Assistance Program). In our State of Wisconsin which I am familiar with and also in other States, I am sure this program has offered much in its more than 35 years of existence.

According to the latest survey of Wisconsin, 52% of our cropland, or 6.4 million acres needs conservation practices applied. Of the 6.4 million acres, 3.6 million acres need the extra protection of terraces, stripcropping, contour farming, grassed waterways and other water outlets and diversion terraces, to properly manage runoff water. 541,000 acres need annual cover of crop residues or other cover crops for protection to meet conservation needs as well as pollution abatement. 566,000 acres need a permanent type of grass or legume cover used in a long rotation so that land is under cover for a longer period of time, maybe five years at a time.

482,000 acres should be planted to trees or left in grass on a permanent basis. Also, there are 1.2 million acres that have too much water and need proper drainage. Of our 2.8 million acres of pasture land, 72% needs conservation practices applied. Nearly 1 million acres need to be re-established to grass and legumes which require lime and fertilizer.

Forest land—14 million acres—48% needs conservation treatment as follows: 3.2 million acres need planting; 3.6 million acres needs Timber Stand Improvement. With these needs and interest by farmers to carry out these practices, many farmers' requests have to be turned down, due to a shortage of funds each year. (As of this date, more than $70,000,000 in requests remain unapproved in our county).

With this great amount of our land that is not under erosion control practices, it is no wonder that the mouth of the Mississippi River is constantly being moved south. As I stood by the Mississippi River in New Orleans, I was told that the mouth of the river was originally at that point, but now it is many miles south and the Mississippi delta which covers 15,000 square miles of land had passed this point. I realized that some of it was from our county and state, and that it was the best part of our soil; the organic matter which is the easiest to move.

This is in fact the greatest loss of our nation's assets, as it is top soil that cannot be replaced by man, but only by nature. It would take 1000 years to build one inch of soil by natural decay of plant growth. With this loss of ⅓ or 3 inches of our top soil, it is causing the use of larger amounts of fertilizer to be applied to produce crops, and greater losses of fertility due to elements leaching out of the soil. There is a direct relationship between the amount of organic matter and calcium (commonly called lime) in the soil and the amount of nutrients and moisture it will absorb and hold.

As farms get larger, machinery must also get larger to operate these farms. The fields have doubled and tripled in size, causing more opportunity for erosion. There are also larger concentrations of cattle on given areas.

As I see it, our problem of soil erosion and the pollution of our lakes and streams is becoming greater because the amount of land we have to raise crops and use for recreation is less each year. Also, more and more of our land is being covered with concrete, asphalt, or buildings, which causes greater water run-off.

In my observation concerning how government money is spent to control water and prevent soil erosion, certainly that spent on small structures and practices on the land are far more important and outweigh the benefits of those for large dams.

For example—a Corps of Engineers dam in our county and an adjoining county, about 10 million dollars was spent to protect one city, but it did nothing for the protection of soil and control of water on farm land except right near the river below the dam. If this had been used in REAP practices, I am sure all the run-off water and erosion in the county could have been controlled. We also have a watershed that has done a wonderful job. It consists of 11 major dams, and several small dams in the area constructed under ACP funds. This only cost about 1.5 million dollars and covers about 36,000 acres.

I cannot emphasize enough that the duty of sharing the cost of preserving our soil and water, is the duty of each and every citizen. Therefore, the federal government should surely share in the cost with the farmers, who are caretakers of the land only for their generation. The time has come when we can no longer move on to new land, when what we have is the spoils of man's neglect.

Today we also have other problems arising. Air and water pollution from many sources. The one covered by REAP funds pertains to animal waste, which again is brought about by larger units of farming operations where large numbers of livestock are confined in smaller areas. Farmers are aware of what is happening, and are willing to try and do something about it, but they cannot stand the cost involved to correct them without cost sharing. Because of this, there is a greater need to increase REAP funds to include this part of pollution of our streams and rivers. We cannot neglect our other conservation practices on the land. There is also a need for more county SCS technicians to help with technical assistance, and early announcement of the program in July so lay-out and survey work can be done in the fall and plans drawn up during winter months. Our county had 4 and 5 county SCS technicians about 5 years ago. Now we have only 2 and 3. In many cases today, the $2500.00 limit that each farmer can earn, does not cover but 25% of the cost of large pollution control practices, and many erosion control structures, if they are large, due to the fact of increased costs in the last five years. Cost of earth moving equipment has raised from 15 to 25 dollars per hour. With this great part of the cost that must be borne by the farmer, he cannot afford to control the problems on his farm. Many young farmers today do not have over 10% net worth in their operation, and cannot borrow the additional money needed.

I urge you to consider that this cost share limit be raised to $5,000, for large pollution and erosion control practices. I also urge that Congress continues to permit ASC Committees to maintain practices of 1970 and earlier years in their county programs where they feel the need arises. Farmers should have 100% cost sharing on a stream bank fencing practice as he is giving up land on each side of the stream or river, from which he has no source of income. Keeping cattle out of streams is the greatest method I know to stop stream bank erosion.

When local, state and private individuals contribute 114 million dollars per year to help out on water shed protection and for conservation practices and soil surveying; and the farmers have and are willing to match every dollar the federal government will provide in REAP funds; let it not be said by future generations that their forefathers did not care or understand the necessity of controlling erosion and pollution.

Now man has only one choice left. To conserve what he has left of the soil and water, or face poverty and starvation as many of the older countries of the world that did not conserve their soil, have experienced.

This is God's land for today's generation to use and preserve for future generations.

Remember, man cannot survive without the fertile soil and unpolluted air and water.

Let us get closer to the problem by putting ourself in the place of a raindrop.

A RAINDROP FELL

"There's nothing unusual about that, but its environment decides whether it will cause destruction or add to the bounties of the earth.

"I fell to earth, I know not where, but the soil was hard and barren. Small as I was, I moved a small particle of soil. In no time at all, there were millions more like me, and now we formed a body of water. We started moving, taking the path of least resistance, which was easy because there was no plant cover and the soil was smooth. As we moved, we picked up particles of soil, making us more abrasive, causing other particles to move. Soon we had a small ditch started, and as we moved along at an ever increasing speed, we left much damage behind us on the field. Not many of us stayed behind to soak into the soil.

"We met many others coming from another direction, also seeking a lower level. We were no longer a trickle, we were now a stream with considerable more power. Look! There's a sharp curve ahead! It looks like some before had started to cut the bank. We are strong, fortified with good top soil. Each one of us took on a little more, making a great cut in the bank. What was that? A tree just fell behind us! We washed the dirt away from its roots. So on we go, ever increasing in size and power until the river banks will not be able to hold us within its bounds. Just as I thought, we are now beginning to spread out over lush farm land where there is something planted in rows. The dirt is loose and moves very easily. Soon the plants have become our victims and travel along with us. The plants caught on to something, probably a fence which caused us to slow down and back up and spread out over more fertile fields until we can break down the fences. As we slow down, we are losing the soil particles. They are settling back on the ground. Many of these particles we have moved hundreds of miles.

"At last we are back in the banks of the river, leaving destruction untold behind. Some buildings destroyed, roads washed out, crops destroyed, bridges washed away and huge piles of earth moved to where it is of no value, so man will have to move it in order to farm his land. Also along the way we have picked up chemicals and much unpurified sewage, we are not pure and clean like we were when we started out. Certain species of fish cannot live in our environment any longer. As we slow down, we deposit acres of new land that was not here years ago. Now we are mixing with other water which seems salty. We must have reached the ocean! What will my destiny be?

"A few years later! Something is happening! I'm being picked up as vapor into the air and carried by wind and clouds out over the land. Suddenly some cold air is encountered and condensation takes place. Down I come as a rain drop once more. Where will I land? If it is the same area as before, great changes have taken place. This is called conservation, maybe even a watershed area. That was a soft landing. Either trees or grass has been planted here. There are millions of us here, but we aren't moving fast. Many of our number are soaking into the soil, as we move slowly down the slope, to provide moisture for the crops until more of us arrive.

"At last we are forming a body of water, but we are quite clear yet. We have very little soil with us. Maybe we can move some now. Guess not! This must be a terrace as there is not much slope and we move very slow. What's ahead? Looks like a creek, but it seems different. It must be a sod waterway or a diversion.

"There is grass on the bottom and on the sides, and we are moving toward a larger body of water. Must be a structure to hold water back, but I am clean, and not carrying much soil with me. I think there are fish in my presence. Look! On the bank there is a boy and a girl fishing. Is it a farm boy and girl, or is it a boy and girl from the city, who may never have come so close to nature before?

"Well, I must say, this journey was shorter than the last one, and not as exciting as I caused no destruction. But I am proud that someone was caring for his land and conserving the water for the benefit of all mankind."

Thank you, gentlemen, for the opportunity of sharing some of my views with you today.

A TRIBUTE TO EDUCATION

Mr. PROXMIRE. Mr. President, education has played a unique role in the history of our country. Our educators are probably best known as innovators, but let us also remember that we are the first country in the world to have provided universal education for our children. We are continuing to devote increasing resources to the education of our citizens.

The presence of not only a literate but also a knowledgeable citizenry has contributed to the rapid economic development which has characterized our past. It has also been essential to the proper operation of our political process.

If we are to continue to improve the quality of life for all of our citizens, we must place high priority on education in the future. We must be willing to provide educational opportunities which satisfy the needs of our diverse citizenry. Only when we have an equality of opportunity, allowing people to develop their talents to the limits of their abilities, will education have gained the position which it must have in our society.

BARBITURATE LEGISLATION SUPPORTED BY SENATOR FRANK E. MOSS BEFORE THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

Mr. BAYH. Mr. President, I commend the Senator from Utah (Mr. Moss) for his support of two bills which I have introduced relating to barbiturate drugs. S. 3538, would require all manufacturers and producers of solid oral form barbiturates to place identifying marks or symbols on their products. This would facilitate police efforts in tracing barbiturates diverted to the illicit market back to the original production and distribution sources. S. 3539, would provide for the rescheduling of four commonly abused short acting barbiturates from schedule III to schedule II of the Controlled Substances Act. This change would subject these particular barbiturates to stricter production and distribution controls as well as to more stringent import and export regulations.

These two bills attempt to deal with the most significant aspects of production, distribution, and diversion of the short-acting barbiturates. I welcome Senator Moss as a cosponsor of both of these needed pieces of legislation.

Mr. President, Senator Moss has supplied a statement for the hearing record relating to barbiturate legislation that I held on June 12 and 13, 1972. For the benefit of Senators, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR FRANK E. MOSS

Subject: S. 3538 and S. 3539, to curb Drug Abuse.

Mr. Chairman, I commend you and the Subcommittee for holding hearings on these bills (S. 3538 and S.3539), which place misused drugs under greater restrictions.

All too many of our citizens—and our young people especially—are using, and misusing, barbiturate drugs. Because they are inexpensive, they are readily available. We have all known young men and women whose wide use of "Downers" has brought tragedy into their lives.

The abuse of psychotropic drugs has been increasing at an alarming rate. On the street these sedatives are known as "Red Devils," "Red Balls," "Rainbows," "Goofers," and "Downers."

This abuse, however, is not limited exclusively to the street culture. More and more these drugs are being introduced into our American way of life. Drug abuse has been introduced into such diverse groups as college, high school, and junior high school students, industrials workers, businessmen, middle-class party-goers, and members of the Armed Forces. Even children in the fourth grade of grammar school are not immune to the dangers of these drugs.

It has been estimated that as many as four million school age youth have abused barbiturates and that this trend is gaining momentum. One concerned medical doctor noted that because of the ready availability and low prices of these drugs, 1972 may be known as the "Year of the Downer." I quote Dr. Sidney Cohen of the U.C.L.A. Center for Study of Mind-Altering Drugs:

"Downers seem to be coming on fast especially among the very young. Why is this so? For the youngster barbiturates are a more reliable 'high' and less detectable than 'pot.' They are less strenuous than LSD, less 'freaky' than amphetamines, and less expensive than heroin. A school boy can 'drop a red' and spend the day in a dreamy, floating state of awayness, untroubled by reality. It is drunkenness without the odor of alcohol. It is escape for the price of one's lunch money."

The Task Force on Drug Abuse reports the use of barbiturates is now more widespread than the use of heroin, and that overdoses of barbiturates are even more frequent. Moderate doses of these drugs tend to relax and calm one's nerves. Yet, an overdose has the opposite effect on the user. Rather than tired or drowsy, the experienced user feels high, light, euphoric, and rather divorced from reality.

The momentary euphoric illusions produced by barbiturates, however, are far exceeded by the potential dangers inherent in the drug.

Withdrawal for an experienced user will be marked with severe symptoms including tremors, insomnia, convulsions, delirium and high fever. These withdrawal effects of barbiturates are more likely to be fatal than any other drug including heroin.

Many pushers, evidently, obtain their merchandise through legitimate channels. Forged prescriptions, and duplicated prescriptions are employed by some users. Theft, employee pilferage, foreign drugs markets, and even the family medicine chest are other frequent resources relied upon. Barbiturates are easily obtained and can be purchased for a very low price. Our responsibility, in dealing with this problem, is to locate the points at which these drugs are diverted from legitimate to illegitimate channels and offset the diversion.

In an attempt to curb misuse of barbiturates, corrective legislation must be supported by the Congress. S. 3538 would require manufacturers and producers of oral form barbiturates to place identifying marks or symbols on their products. This would enable immediate identification of the original source of the drug and also facilitate the tracing down of the intermediate pushers and the point of diversion from legal to illegal channels. In addition, S. 3839 would provide a rescheduling of four commonly abused short-acting barbiturates from schedule III to schedule II of the Controlled Substances Act. Rescheduling would place the specified barbiturates under stricter production, storage, and distribution controls. This move would allow us to limit the surplus of barbiturates that are presently on the market.

I give my support to these two bills, Mr. Chairman. I realize that the Congress and the Administration have progressed a great distance since the initiation of our drug concern over three years ago. But even with the progress that has been made, no one can be oblivious to the formidable agenda which remains before us. It is evident that legislative efforts must not be relaxed until this menace which has already raged way too far out of control is caught and obliterated.

I hope these bills will soon be considered on the floor.

PROJECT SANGUINE

Mr. NELSON. Mr. President, since 1968 I have been raising questions in Congress about Project Sanguine, the Navy's proposed system for communicating with our worldwide nuclear submarine force. My specific concerns have been related to the possible serious environmental damage from the system and whether or not the system is in fact feasible.

These concerns have been shared by a large number of people in Wisconsin, one of proposed sites for Sanguine, and by many distinguished scientists from my State and throughout the Nation.

My further concern has been that the Congress would appropriate funds to deploy Project Sanguine prior to a resolution of the environmental and workability questions.

Now, however, after a series of conferences with naval personnel, including Admiral Zumwalt, Chief of Naval Operations, we have been specifically assured for the first time that the funds requested for Sanguine for fiscal year 1973 will not be used in any manner whatsoever for deployment and are, in fact specifically earmarked for further research on the system's feasibility and environmental impact. The Navy has assured me in writing that the $12 million request on which the Congress will soon make a decision is only for the pilot project and that no decision for deployment of Project Sanguine in Wisconsin or elsewhere has been made.

Furthermore, I have been assured that the report of the Senate Armed Services Committee on this matter will also make clear that Project Sanguine will continue in the developmental stage for the next few years. Any decision to deploy the system will be dependent upon the feasibility and environmental studies.

Because of the importance of this matter, I ask unanimous consent that the correspondence I have had with the Navy on this point be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Finance,
Washington, D.C., June 6, 1972.

Hon. John W. Warner,
Secretary of the Navy,
The Pentagon.

Dear Mr. Secretary: Congress will soon be making the decision on the Navy's proposal that, in fiscal year 1973, Project Sanguine be advanced to the "Validation" phase and that some $12 million be appropriated for this purpose. In a continuing effort to evaluate the program, there have recently been a series of Naval briefings as well as a productive meeting between Naval scientists working on Project Sanguine and distinguished scientists who have asked probing questions concerning the technical feasibility of the system.

This letter is being written, prior to Congressional action, based upon my interpretation of the series of conference between myself, my staff, independent scientists, and Navy representatives over the past few months. It is for the purpose of reviewing the status of Project Sanguine and the FY 1973 proposals for it.

1. TECHNICAL FEASIBILITY

Scientists working on Project Sanguine are convinced that the practical feasibility of the communications system has been demonstrated. The Navy proposes, in FY 1973 to further test the practical aspects of the system during this test or development phase. Other eminent scientists, outside the program, express serious reservations concerning the technical feasibility of it.

Bearing importantly on this divergence of views is the need, raised both in the National Academy of Sciences report on Sanguine and by the distinguished scientists who have been critical of it, for a full-scale discussion in the national scientific community of the technical questions involved.

Sanguine obviously involves different theories and techniques of communication that have not had wide-spread, careful analysis by the scientific community. It is my understanding that the Navy agrees that the unclassified data respecting technical aspects of this system should be widely published in scientific journals so that it can be evaluated by experts in all of the scientific disciplines involved and the Navy agrees to make the unclassified data available.

In my opinion, the question of the practical feasibility of the system remains open until the scientific community has had ample opportunity to evaluate the data.

2. ENVIRONMENTAL IMPACT

In March, 1971, the Navy said, in its draft environmental impact statement on Sanguine, that it could build such a system compatible with the environment. Among those critical of this report were the environmental subcommittee of the Governor's Ad Hoc Committee on Sanguine in Wisconsin; the U.S. Army Corps of Engineers; and the U.S. Forest Service, which questioned the entire test procedure because of the lack of previous information on the test sites prior to their development.

In addition, preliminary results of tests, conducted by the Hazelton Laboratories of Virginia under contract with the Navy, indicated seed growth retardation, avoidance of electrical fields by aquatic life, mutagenisis of fruit flies (at a rate "too important to be neglected . . ."), and other potentially serious acute and chronic effects from Project Sanguine.

Recently, in April, 1972, the Navy filed a second environmental impact statement, which, based on pilot projects, concludes essentially that Sanguine will not have a substantial adverse effect on the environment. While their evaluation of this document is not yet completed, I am informed that the environmental subcommittee of the Governor's Ad Hoc Committee is critical of this statement for much the same reasons raised with the first statement. The subcommittee expects to issue a critique on this environmental statement on June 15, 1972.

Of course, environmental research on Project Sanguine is continuing. There are now studies being conducted at nine colleges or universities, some of which started as little as a month ago, and most of which will be completed in a year or so. Also, the Navy's FY 1973 proposed budget for Project Sanguine earmarks some $400,000 for continuing environmental study purposes.

Therefore, the question of the environmental impact remains unresolved for the time being.

I would like also to note that the Navy advises me that a final decision on the site for Project Sanguine has not been made. It is also the position of the Navy that continued testing at the existing site is essential to complete development and evaluation of Sanguine regardless of ultimate site location.

In summary, it is my understanding in my discussions with the Navy that the FY 1973 appropriations on which the Congress is asked to act involve only continuation of research and development ("Validation" phase) and do not include any funds for the Final Development and Deployment phases. I would appreciate being advised if my interpretations of these conferences do in fact represent a correct view of the status of Project Sanguine and the purpose of the funds requested for FY 1973.

Sincerely yours,
Gaylord Nelson,
U.S. Senator.

Department of the Navy,
Office of the Secretary,
Washington, D.C., June 9, 1972.

Hon. Gaylord Nelson,
U.S. Senate,
Washington, D.C.

Dear Senator Nelson: In your letter of June 6, 1972 you requested Navy confirmation of your interpretation of recent events affecting the status of Sanguine and the purpose of the funds requested for FY73.

I am pleased to advise you that your understanding of the efforts planned for Sanguine in FY73 are correct. I have enclosed a copy of the letter recently sent to the Chairmen of the Committees on Appropriations and Armed Services which also discussed the Navy's plans for Sanguine in FY73.

The technical feasibility of Sanguine has received considerable study and review for over ten years. This work has been supported by actual communications experiments with submerged submarines to test all aspects of the system. The recent National Academy of Sciences/National Academy of Engineering report supported the technical basis used by the Navy in developing the Sanguine concept.

As you correctly noted the Sanguine system involves concepts and theories that have not been extensively utilized in other systems. This is one of the reasons for the long and careful Navy research and development efforts since 1958. There are always some differing opinions on new scientific concepts. These can be best resolved by conducting actual experiments to test applicable theories while at the same time conducting scientific/technical discussions with all interested parties. The Navy has in the past and will continue in the future to encourage publication of unclassified technical material by the scientists working on the project. Considerable technical material was recently provided to Sanguine critics which should assist in their understanding and evaluation of Sanguine. The Navy will continue to cooperate in providing unclassified information regarding particular technical areas.

Several technical and professional societies will have sessions during the coming year specifically devoted to scientific papers on Sanguine. Several of the technical critics have indicated they will participate in these sessions which should provide a forum for meaningful technical exchange.

The Navy is not yet in a position to make a final assessment of the environmental impact of the *construction* and *operation* of an operational system. Environmental research is continuing and there has not been a decision on a final site or design. The recent Environmental Impact Statement (EIS) states there will be no adverse impact during the next four years of development. I must emphasize that this statement covers the remainder of Sanguine development only, and there is no intention that it be construed to be a statement of final impact, which as you know will be dependent upon results of this next phase as well as the exact location of the site. The present EIS does contain the current assessment of the potential impact from construction and operation of a Sanguine system. The final evaluation will be submitted in an updated EIS prior to requesting authorization for construction of an operational system.

The funds requested for Sanguine in FY73 are for continuation of research and development as part of the Validation Phase of the major defense systems development and acquisition cycle. Approval of these funds, and the conduct of the Validation phase, do not constitute a commitment to full scale development or production of a Sanguine system. Development needs to proceed in order to insure that future decisions on full scale development are based on availability of all necessary factors, including environmental issues.

The FY73 efforts for Sanguine do involve contracting with industry for competitive preliminary development tasks and continued testing at the existing Wisconsin Test Facility. The operation of the test facility will continue as in the past with only the addition of buried cable tests to provide additional data on cost, environmental considerations and antenna radiation factors.

I believe the recent discussion and reports made available including the NAS/E report will do much to provide a basis for future consideration of the Sanguine program.

Sincerely,
Robert A. Frosch,
Assistant Secretary of the Navy.

DECISIVE ACTION TO HELP MINORITY ENTERPRISE

Mr. HUMPHREY. Mr. President, harsh statistics point to the continued exclusion of minority groups from the economic mainstream of America. In 1969, blacks in the United States owned and operated some 163,000 business enterprises—primarily limited to retail and service businesses—with receipts totaling $4.5 billion, or substantially less than even one percent of all business receipts in the Nation. Businesmen of Spanish ancestry owned and operated 100,212 business enterprises with receipts of $3.4 billion.

There are still only a handful of black-owned radio stations, no black-owned TV stations, and only a few black-owned newspapers of any size. Minority investment banking institutions remain extremely limited in number. And dollar receipts in 1969 for minority construction contractors totalled only $947 million—1 percent of the receipts for all firms.

The support of minority enterprise must now be viewed as an essential national policy, just as it has been deemed a national interest to provide extensive assistance to underdeveloped nations.

AN EQUAL ROLE IN THE AMERICAN DOCTRINE

We must move beyond support for minority-owned businesses at the edges of the American economy, to champion the right of minorities to expanded ownership of the instruments of that economy itself. Talk about capitalism is meaningless, unless blacks, Spanish-surname peoples, and Indians can compete, head to head, with the white businessman for the business of the white and as well as their own communities—with factories, trucking companies, banks, mortgage loan companies, and wholesale houses.

Participation—self-help — economic power—these are essential elements in any process of deprived inner-city residents becoming productive, self-sustaining, and involved members of society—and of bringing new economic vitality to inner-city neighborhoods. Being left only to do something for somebody else denies the right to equality of self-respect—of pride. Millions of Americans struggling to survive in the urban ghetto or the poverty-stricken rural county want businesses where they are, and employing the residents of their own areas, but serving the total community. They rightly demand the chance to succeed within the system.

FINANCIAL INSTITUTIONS, CAPITAL, AND TECHNICAL HELP

In 1968, as Vice President, I convened a working group of top Federal officials to make an intensive analysis of minority entrepreneurship, out of a fundamental conviction that this represented a major new direction in moving beyond the legislative victory of 1964 to establish equal rights under law, to achieve the critical objective of establishing genuine equality. I am gratified that several of the basic recommendations I made on the basis of the conclusions of these work sessions—for example, new programs to be initiated through the Department of Commerce and Small Business Administration—have been carried through in recent Federal programs of assistance to minority enterprise.

But there is much more that can and must be done now to enable minority peoples to undertake community self-help economic development and to participate directly in the American economy.

I fully support and would implement the recommendation of the Congressional Black Caucus of the establishment of an independent, publicly funded minority economic development bank with an annual appropriation of at least $1 billion, to provide the direct infusion of capital that is critically needed by minority businesses if they are ever to overcome debt-servicing costs and credit limitations that prevent them from reaching the level of business activity that can sustain their further growth.

Four years ago I presented a detailed program for the establishment of a national urban development bank, to provide and guarantee loans to inner-city businesses, to fund nonprofit neighborhood development corporations, to offer loans to business cooperatives established to strengthen purchasing power and product distribution, and to assure representation of core city residents on bank boards.

There is a critical need for minority owned and controlled financial institutions, and I would require that this be a priority agenda for such Government agencies as the Federal Home Loan Bank Board. In addition to providing adequate capitalization and enabling these institutions to make loans at a reasonable cost to minority businessmen, we must assure that minority-owned banks and investment companies have expert technical assistance—under Federal policies that emphasize help rather than surveillance.

I would propose that specific legislative authorization be given to the Federal Deposit Insurance Corporation to use a portion of its assets to provide technical assistance to minority banks. But I would go further to make extensive technical and management assistance a guaranteed addition to loans to minority small businesses. Advisory committees should be established at the Federal, State, and local levels, of competent people in the field of business management, who can work with and continuously advise a new enterpriser. And we should build upon present business executive volunteer programs connected with the Small Business Administration, by creating a permanent and expanded service that assigns a business consultant to each minority enterprise loan to provide firsthand management assistance.

But we must also greatly increase the number of black, Indian, and Spanish-speaking business managers and consultants. This must be a central part of Manpower Development and Training Act programs, and a recognized area of Federal education and on-the-job training assistance for veterans, beyond existing federally assisted higher education programs and opportunities provided through programs run by the National Alliance of Businessmen, which must also receive substantially increased support. And I would require that minority-owned technical assistance firms receive a fair share of grants under Section 406 of the Economic Opportunity Act to provide consultant services to minority entrepreneurs, in contrast to present practices.

LOANS AND CONTRACTS FOR MINORITY ENTERPRISE

The central problem confronting minority small businesses, however, is undercapitalization. Far too often, they find themselves strapped to loan commitments that go to pay immediate overhead costs, rather than provide an equity investment to move ahead and expand operations to complete effectively with larger firms.

Not only must there be a substantial increase in the lending authorization of the Small Business Administration, and basic reforms to enable minority enterprise small business investment corporations to operate with adequate capitalization, and to extend higher loans at reduced interest rates, but we must also assure that a fair share of Federal small business loans actually reach minority enterprises.

Over one-third of all SBA loans were made to minority businesses in fiscal 1971, but minority enterprises received only 19 percent of the total amount of money loaned by SBA. And the percentage of both the number of loans and the total dollars loaned to minority firms actually declined in fiscal 1971 from what it had been the previous year. I am determined that the all-too-frequent story of minorities falling further and further behind in their share of the action will not be repeated in the next administration.

Further reforms must be made in Federal contract policies to assure minority firms effective participation opportunities, to provide effective assistance for these firms to meet contract standards as in bonding, and to enable them to sustain operations upon contract completion or termination after having substantially geared up production, staff, and budget. Such reforms must accompany the substantial enlargement of SBA's section 8A program that assigns Federal Government contracts and subcontracts to businesses owned and operated by minority groups or businesses that hire the unemployed.

It should also be a policy of the Federal Government that contractors working on federally assisted and financed projects should set aside a specified percentage of their subcontract work for minority firms.

FEDERAL REORGANIZATION

Fundamentally, however, in establishing effective assistance for the promotion of minority enterprise and community development across America, there must be a reorganization of Federal agencies to implement this national priority. The President's Advisory Council on Minority Business Enterprise, in its report of June 1971, presented a detailed discussion of alternative routes toward ending the fragmentation of Federal programs and for mobilizing Federal resources for expanded ownership and participation by minority peoples in the American economy. I believe that recent centralization-of-authority directives by the President in this area will not be adequate measures by which to accomplish these objectives.

I propose the establishment of a Cabinet-level Department of New Enterprise and Economic Development. I believe this reorganization is essential to combine authority and resources in numerous but uncoordinated Federal programs, to assist minority enterprise, small business, and poverty-stricken urban and rural areas to participate in a strong and growth-oriented American economy. And I endorse, as part of this program, the central recommendation of the Advisory Council that 100 local delivery centers be established in local urban and rural target areas to provide "one-stop-packaging" for the delivery of financial, managerial, and technical assistance. I would emphasize that these centers be staffed by public, private, and minority representatives who know the needs of the local area at firsthand and are committed to its development—they must not become another layer of bureaucracy which those seeking help must endeavor to surmount.

Finally, we must recognize that the growth of black and other minority businesses will be directly tied to the rebirth of America's towns and cities. It is to accomplish a major national investment in this rebirth that I have introduced the National Domestic Development Bank Act and am continuing to develop a legislative program focused on national growth policies for the decade of the 1970's.

In this work, I am committed to achieving the goal set by Senator Robert F. Kennedy, who called 4 years ago for building in the poverty areas of America, "a community of freedom of private initiative, a new community of self-pride and self-determination."

A VALEDICTORY ADDRESS

Mr. MATHIAS. Mr. President, on May 18, I had the honor of speaking at the commencement ceremonies of the Anne Arundel Community College in Arnold, Md. It was delightful for me to be able to speak to all the fine graduates, their families, and friends. But what I found most impressive was the thoughtful and searching valedictory address of Mrs. Carla Snuggs, an address dealing with America's transient youth. I commend it to my colleagues and request unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

VALEDICTORY DELIVERED BY CARLA SNUGGS

Senator Mathias, President Ludlum, Fellow Students, Parents, and Friends: Youths present visible problems in the community, by the way they dress, by the way they wear their hair, and so on. Transient youths move invisibly among us. They move invisibly both by choice and because we don't want to recognize them.

Much has been said in recent years about minority groups: blacks, Indians, women. Women have even been recognized as a legal minority. But what about youth? They seem to me to be a neglected minority. They are disenfranchised, and an increasing number of youths is mobile.

This large group of youth transients has been described by the Canadian Council on Social Development as being . . . between 13 and 22 years of age, temporarily or permanently living away from home and with no settled residence or occupation and no certain means of support. They may be in transit from one city to another. They may be relatively permanent visitors to the inner city of a metropolitan centre, having moved in from the surrounding suburbs or from other parts of the province. They may be young people on the move within their own city.

The most prevalently discussed group of youth transients in this country are the runaways. A few years ago, people seemed to feel that runaways were part of a fad that would diminish once youth revolts became less frequent. Violence on and off campus has slackened, but the number of runaways has increased. The problem of runaways was discussed recently in the April 24th issue of *U.S. News and World Report.* Detroit, Chicago, Atlanta—all reported an increase in the number of runaways, according to the article. The ratio of girls to boys running away has changed significantly over the last few years. The number of girls now equals or exceeds the number of boys in most American cities.

The article also states that glamour cities, such as San Francisco and Los Angeles, seem to have fewer runaways from other parts of the United States now than they did a few years ago. Why? More young people seem to be staying closer to home. But staying *near* home is not the same as staying *at* home!

In a program proposal by Caroline Martin, she recognizes the crisis of transient youth and offers some insight into the kinds of problems encountered. Three hundred fifty thousand parents reported their children missing in 1970. The Federal Bureau of Investigation estimated that three times that number of American youths were moving around with their locations unknown to their parents. The FBI theorized that many parents were too embarrassed to acknowledge the problem to the authorities and that some just did not want to help for reasons of their own. The figure has increased. Last year, over 60,000 young people left home in Maryland alone.

Briefly, for a few days, the young people have few problems. Over a longer term, Mrs. Martin says, they wind up existing below poverty level; they are unemployed—without direction—and have no relation to the community. In short, these people have nowhere to turn. As a result, they are compelled to meet strangers who offer them drugs, possibly rob them, teach them to survive in the crime circuit, sometimes injure them and so forth.

Among these youths, there is a high promiscuity rate. Venereal disease is common. The girls often become pregnant. Both for them and for their parents, this is a period of physical and mental anguish.

The reasons that young people choose to travel are innumerable. They want to see new places or wish to escape unbearable home situations. They fail or are unable to find jobs. Many are drop-outs from high school or college.

Europeans have long had a network of hostels readily available to youths to take care of the summer exodus from school or the winter vacation periods between terms. Canadians recognized the phenomenon of transient youth several years ago and established effective ways of helping them to remain safe. Canada has a national network of hostels that offer protection to the young. They are generally limited to a three-day stay, but if there is some extenuating circumstance, such as sickness, the stay can be lengthened. Nutritional food is supplied at the hostel. Both food and shelter are provided at a minimal cost to the young person, say roughly 50¢ per day. Provision has been made for the licensing of youths so that they can travel in safety, so long as parental consent is given. Medical and dental care are available. Counselling and referral services function in cooperation with the local community agencies. The young people are offered the means to communicate with their families, if they so desire.

In this country, a limited number of shelters have been established: a total of 100, and in the rest of the world, it has taken 45,000 to do the job. Marylanders are now taking a leading role in trying to establish a coordinated network of hostels. Toward the end of recognizing and dealing with the problem of transient youths, several new groups have taken action this spring. They have recognized that young persons on the move represent a poverty group. These are the poorest of the poor, because of their age and inexperience. They lack skills and are unable to find jobs. These young people are ineligible for welfare. Often they need parental consent to work. A newly found agency in Annapolis hopes to report its findings to the governor, the legislature and the mayor of Baltimore.

This past March, Delegates Allen, Menes and Hopkins presented a House Resolution related specifically to traveling and runaway youths. And finally and most importantly, the United States Congress, under the leadership of Senators Mathias and Bayh, introduced a most comprehensive bill for the protection of these youths. In it, they recognized the problem of youth transients and took a step toward the consideration of national legislation that would alleviate the problems regarding youths, particularly those moving across state lines and the laws that govern their freedom. One proposal is being drawn up as a model. According to it, a network of youth hostels would be set up throughout the state. The first one would be established in Annapolis, with a second one being introduced in Ocean City shortly thereafter. Ultimately, there would be twenty at selected points throughout the state so that these youths could travel from one hostel to another in safety.

Youth, by nature, is on the move. Youth is a time of discovery; young people lack the ties and commitments that bind others to one place. Among the people leaving now, there are probably some who will belong to the group of transient youths. I want to wish them luck, and to be sure that they are aware that something is being done by people like Senator Mathias to help them. Just as they will take their education with them, they will take another help on the road. It will be a kind of moving university.

Lastly, when your parents hear the television question, "Do you know where your children are tonight?" they can rest a little easier, knowing they *can* be safe in a youth hostel in Maryland while they continue their education in a type of dormitory that moves with them.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. STEVENSON. Mr. President, I was necessarily absent from the Senate on the evening of Thursday, June 15, and on Friday, June 16. During my absence, the Senate held three record votes on which my position was not recorded. If present and voting, I would have voted "yea" on Senator TUNNEY's appeal to the floor of the Chair's ruling on a point of order, "yea" on final passage of H.R. 14989, and "no" on the Allott amendment—No. 1241—as modified.

In addition, on the Hruska amendment—No. 1236—I have been recorded, if present and voting, as though I would have voted "no." I should be recorded, if present and voting, as though I would have voted "yea."

STATEMENT OF U.S. SENATOR ROBERT T. STAFFORD IN JOINING IN "A SALUTE TO EDUCATION"

Mr. STAFFORD. Mr. President, I think it is most appropriate as I rise to join in "A Salute to Education," that I call the attention of this body not to my own views, but to the dedication to education of the citizens of my home State of Vermont.

Although Vermont, because of its size, ranks near the bottom of the list of States in terms of total population and total financial resources, I am proud to note that my State ranks second among the 50 States in the financial effort it makes to support its public schools.

The latest figures compiled by the National Education Association show that local and State revenues for public schools represent 7.4 percent of the total personal income of Vermonters.

That effort is almost 50 percent higher than the national average, and stands as remarkable evidence of the importance Vermonters attach to the value of education. Indeed, when it comes to supporting public education, Vermonters put their money where their words are.

A SALUTE TO EDUCATION

Mr. HARTKE. Mr. President, education is the cornerstone of American democracy. To function properly, our institutions and the principles on which they are based require an informed and aware public.

I am particularly proud to join my colleagues today in saluting the American elementary and secondary education system which serves more than 40 million students. Our schools have sought to provide the highest quality of education to all of the young people of the Nation.

In these times of social change, schools are beset by many serious problems, but none of these dilemmas is without a solution. We must not forget our responsibility to assure that every American child receives a quality education to the full measure of his or her potential and interest. There has been far too much tendency in recent years to make short-term political gains at the expense of our schools and their problems. In the final analysis, we must either make the commitment to quality education for all—with everything which that commitment implies—or else we must pay a far higher price in loss of human productivity and worth—with everything which that implies.

American education has accomplished so much for the Nation, yet it is too often taken for granted. This week, the National Education Association is sponsoring a "Salute to Education." We can honor this organization and the educational system it seeks to promote and improve by supporting new and bolder legislative initiatives which seek to provide a higher standard of education for Americans.

COMMENDATION FOR KANSAS TEACHERS

Mr. PEARSON. Mr. President, today, and for decades to come, teachers face some of the greatest personal and professional challenges in our Nation. Responsible for the education of our youth, they must keep pace with increasingly complex advances in their profession and in the fields they teach.

Teachers and school administrators have the opportunity to provide innovative leadership in their profession, their communities, and the Nation as we search for new answers to age-old questions about education. I am certain that they will meet the challenge of the future.

For their dedication to excellence in education, and their continuing efforts to improve the quality of education in our Nation, I commend the teachers of Kansas and the Nation.

JUSTICE

Mr. McGOVERN. Mr. President, the recent attempt on the life of Governor Wallace is another shocking reminder of how far we Americans have still to go in achieving a society free of violence and terror. Often it must seem even to the most optimistic nature that this great Nation bears a kind of curse which condemns it to live eternally under the shadow of the gunman with no one ever safe—not the presidential candidate from the assassin, not the ordinary citizen from the mugger, not the woman from the rapist, nor even the child from the narcotics pusher. A reading of the daily newspaper with its depressing reports of crime, especially in our big cities, sometimes calls to mind the Hobbesian definition of the state of nature where human life was "nasty, brutish, and short."

Still I would urge those who are tempted to despair of our society, particularly those who would recommend a diminution of our freedom in order to gain a climate of so-called law and order, not to give up too soon.

I would urge them to keep a sense of balance in analyzing the admittedly grave problem of crime and lawlessness, and to remember that for all the problem's gravity, the vast mass of the American people are profoundly law-abiding. Only a tiny percentage of our population fails to meet Edmund Burke's qualifications for civil liberty.

Burke said:

> Men are [so] qualified in exact proportion to their disposition to put moral chains on their appetites. . . . It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions form their fetters.

Since most of us are guided by these standards and thus earn the right to be free men and women, any governmental response to the lawless minority which would reduce our freedom is patently unjust and excessive. The teacher does not discipline the entire class when one or two pupils misbehave. A government of free men does not—or should not—buy discipline and public order with the precious coin of individual liberty.

If I am elected President I will do everything in my power to reduce crime and to enhance the public tranquillity. I have no doubt but what this can be accomplished without impinging on the constitutional rights of the American citizen.

Why do people commit crimes? It is not necessarily that we are a violent society. Neither would I suggest that the deaths of John Kennedy, Robert Kennedy, Martin Luther King, Jr., and the shooting of Governor Wallace are symptomatic of a sick, beserk society. They were individual acts of violence, unrelated, in every case, to any identifiable social or political force at work within this society.

If the assassin's crime is often motiveless, street crime is not. The purse-snatcher, the mugger and the car-stripper want money. They want money because they often have no other means of getting it. When Willie Sutton was asked why he robbed banks, he said:

> Because that's where the money is.

There's no justification, of course, but the dismal fact remains that the street criminal is almost always the product of poverty and alienation.

To deplore street crime and not deplore the conditions that provoke it is senseless. And yet those who rail against such crime are the first to rail against the expenditure of public funds to alleviate poverty and frustration.

And this cynicism—a crime itself—is compounded by the corruption and the mismanagement of far too many of the funds Government does allocate to the economic ghettos and the barrios. There are too many layers of patronage between the appropriation and those it is meant to serve.

As President, I would appoint a Secretary of Health, Education, and Welfare whose first charge from me would be to slash through the bureaucratic jumble—Federal, State, and local—and see to it that the dollar earmarked for impoverished areas gets there without political deductions along the way.

But the failure and waste inherent in much of our antipoverty effort is too apparent for me to belabor the point. It is enough to say that we are doing a miserable job of combating those conditions that produce crime.

What of our courts? They are clearly the victims of a "litigation explosion," which results in unconscionably long delays in bringing offenders to trial. Never before in our history has there been greater congestion in our Federal courts. Nearly a third of all Federal criminal cases have been pending for more than a year. The case overload in most State and local courts is even more onerous. Everyone suffers—not just the accused and the accuser, but the taxpayer who must bear the cost of interminable incarceration of the offender.

WE NEED A "POLICEMAN'S BILL OF RIGHTS"

The President, of course, has jurisdiction only on the Federal level. I pledge that U.S. attorneys and Federal judges will be appointed in a McGovern administration solely on merit and without regard to political sponsorship or pressures. I frankly do not think the answer to court congestion is more Federal judgeships. The answer is more efficient management of the courts we already have. I support the recommendation of the American Law Institute for an intensive review of the jurisdiction of the Federal courts; the application of the most modern managerial techniques in processing the case load, and the creation of extralegal occupations that would relieve judges and Federal attorneys of the paperwork they now have to contend with.

I would ask Congress to enact a strict timetable for the trial and appeal of Federal cases, to allow no more than 60 days to elapse between arrest and trial.

Complementing this, I would recommend more stringent control of defendants who are freed pending trial. For example, any defendant charged with a new offense while awaiting trial or while on probation or parole, would automatically be reincarcerated. At the same time, those who do not violate their release should be given help in finding work to sustain themselves until they come to trial.

What of the peace officer? Again, "law and order" rhetoric has done nothing to relieve the peace officer of either the danger or frustration of his work.

We expect the policeman to carry out his functions with the skill and wisdom of lawyer and judge, usually without the benefit of more than token education in law. And we continue to pay him a salary grossly out of line with the risks and responsibility of his profession.

In March of 1971, I proposed that we create a "Policeman's Bill of Rights," modeled somewhat on the GI bill of rights. It would provide the peace officer with additional education while remaining on full salary with his department. Many recent court decisions affecting evidence, search and seizure and defendants' rights are so complex that a lawyer has difficulty understanding them, yet the police officer is expected to apply them without error on a street corner and, often, in highly dangerous circumstances.

The additional police education I propose would include a study of such new complexities in the law, and it would greatly strengthen law enforcement as a profession.

We come, finally, to our system of penology. It is, generally, a failure, and the percentage of recidivism proves it. Most of our prisons are nothing more than warehouses where the offender serves out his time and walks out the gate—only to return a month or a year later.

The fact is that we do little or nothing to prepare the felon for a productive life outside the prison. There are not many jute mills or license plate fabricators in the outside world. And when we do teach the prisoner a skill, it very often is obsolete by the time he has a chance to use it or requires a union card in a trade where many union members are already out of work.

I believe we have to apply to our prisons the same guidelines we use in vocational schools; the anticipation of skills that will be in demand 5 and 10 years from now. At the moment, we are training most prisoners to be unemployable.

It is also clear that we put too many people in prison. Ohio estimates that it could free 40 percent of its prison population tomorrow without danger or violence to its citizens. Other States put the figure at 75 percent.

The nonviolent offender—the forger or bigamist, for instance—does not belong behind walls for long periods of time. He is certainly no physical risk to society, and most unlikely to commit another offense under strict parole supervision.

Steps should also be taken to provide less variance in the sentencing of convicts in different courts. It is a source of great resentment and anguish to men in prison that for similar crimes one man may be sentenced to 20 years in jail while his cellmate who has committed an almost identical offense may be sentenced to 5 years.

It might be well for every judge to begin his career on the bench by living inside a prison for 10 or 15 days so that he better understands what his sentences mean in human terms.

Our prisons are, without doubt, overcrowded. And this is responsible for much of the violence that occurs within their walls. Most of our prison population would be better served and ultimately better able to rejoin society if confinement were limited to small, community-based units, in which the inmate would have greater contact with his family and greater opportunity to obtain employment in advance of his release.

If we stop the warehousing, we have gone a long way toward eliminating confinement as the incubator of crime. Certainly this is true of the first offender. Our present policies virtually assure his return to prison at a later date—and usually for the commission of a more serious crime.

The terrible attack on Governor Wallace has once again emphasized the need for measures to control, if not ban altogether, the sale of handguns. I am a country man from South Dakota and I am aware of the jurisdiction in rural areas and among sportsmen, for the ownership of long guns. But I see no justification for the snub-nosed handgun or "Saturday night special" which—let us face it—are designed for threatening or killing people. I think this kind of handgun should be limited to the possession of law-enforcement officers in this country and I would press for the enactment of legislation to bring this about.

In 1970 handguns were responsible for the death of 500 persons in New York City while in Tokyo—strict gun control being in effect in Japan—the death toll from handguns was three. It is time that this country learned that handguns are used by the fanatic, the robber, the angry man, simply because they are available. It is time to make them unavailable.

EVERY JUDGE SUOULD SPEND 10 OR 15 DAYS IN JAIL

I think we must also examine more closely, our attitudes toward the drug offender. As a starter, the 20-year-old marihuana smoker certainly does not belong in the same institution with the rapist or kidnapper. In fact he does not belong in prison at all unless he is a supplier, for profit, to others.

In the area of hard drugs, I am impressed with the system put into effect in California under Governor Pat Brown. The California plan for the heroin-user provides for a system of civil commitment for the nonviolent addict. The addict himself, his family or a court commits him to a therapeutic institution for a period of 7 years. But the addict is eligible for release after 1 year if the institution determines that he is ready to return to his home. Naline testing and strict parole supervision have been remarkably successful in keeping such "outpatients" free of drugs. The rate of parole success has been spectacularly higher than that for addicts released from conventional prisons.

It's a cliche, obviously, to say that those who lead us set the moral tone of our society—that disrespect for the law grows in proportion to the disrespect we have for the actions and the credibility of our leaders.

But I do believe that a Government which can lie blandly to the people; which uses its influence to protect its friends from criminal prosecution and which openly announces it has no intention of enforcing a decision of the Supreme Court, is not manifesting respect for law in this country.

BICYCLING FOR HEALTH

Mr. MATHIAS. Mr. President, America today is enjoying a bicycling boom, as millions of our citizens reacquaint themselves with the enjoyment of traveling the highways and byways on personal vehicles under pedal power instead of internal combustion.

It is estimated that at least 6,000 commuters in Metropolitan Washington come to work daily by bicycle. Nationally, it is reported that more bicycles than automobiles may be sold this year if the present pace is maintained.

The National Park Service and local governments have made impressive initial efforts to accommodate and encourage bicyclists in this area, but much more remains to be done. I am pleased that the Senate last week saw fit to include in the appropriation bill for the District of Columbia for the coming fiscal year an item of $35,000 for marking new bike routes through the city, and I would hope that the conferees on the part of the Senate will insist on this amendment being included in the final bill which will be brought back for our approval.

In an age of increasingly serious concern over air pollution, traffic congestion, and lack of exercise by the general population, the encouragement of bicycling is one way of attacking all three of these problems at once.

I was pleased to note a recent editorial in the Washington Post on this subject. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

ON TWO WHEELS

Bicycle trails are becoming an important and very pleasant part of this city's outdoor life. Every extension of the trail system strengthens the case for the next link. The

National Park Service deserves applause for the imaginative work already accomplished and encouragement for the sections still to be undertaken.

The trail that was opened this spring along the Potomac, from Columbia Island down to Alexandria, is a fine example of the benefits that this project offers. Long stretches of the riverside parkland has been, in fact, little more than a site for a heavily travelled commuter highway. The bike trail has now opened to the public those considerable distances along the river banks that were entirely cut off by the road. The heavy and constant use of this path in the past weeks is impressive evidence that the Park Service is meeting a real need. The Park Service hopes to extend the trail south from Alexandria to Mount Vernon over the next year. It is difficult to think of any other project that would bring as much pleasure to as many people for so modest a cost.

In Washington, nearly five miles of the Fort Circle trail has been completed in Anacostia. Eventually it will run more than 20 miles in a continuous loop through the city. The trails in upper and lower Rock Creek Park will in time be joined and, for an increasing number of people who work downtown, it is possible to commute by bicycle. For Virginia commuters there is access over the Memorial Bridge and at least a future possibility of a bike path across the river over the 14th Street Bridge complex.

For the rider who needs a map, the Park Service is publishing a brochure showing the trails in detail. For the rider who needs a bike, the brochure also lists rental concessions. The rider who needs a brochure can telephone the National Capital Parks public affairs office at 426-6700, or write to it at 1100 Ohio dr. sw., Washington 20242.

A SALUTE TO EDUCATION

Mr. EAGLETON. Mr. President, it is a pleasure for me to join today in the salute to education. Education is an investment in the future that pays incalculable social dividends. As the President's Commission on School Finance stated:

> We cannot survive as a nation or as individuals without education.

Through the centuries, the advancement of civilization has been directly dependent upon the acquiring of knowledge. This fact has been clearly demonstrated in the last 50 years, in which more technological and social growth occurred than had occurred in the previous 5,000 years. These unparalleled developments resulted from the great wealth of knowledge provided by research and the educational system developed for communicating this knowledge.

Although there are isolated areas in our Nation's educational system which are inadequate, the system is basically sound. The educational community, by its continuing rededication to improving the quality of our schools, has served the country well.

Education will always be the single most important element in the future of America. I therefore salute our educators—their accomplishments and their goals, which I feel certain will be achieved.

THE "RIVER RATS"

Mr. SAXBE. Mr. President, recently the Red River Valley Fighter Pilots Association held its annual practice session at McConnell Air Force Base, Kans. And I want to take this opportunity to congratulate them on their continuing diligence and dedication to the return of their POW and MIA buddies.

For those not familiar with the River Rats, I would like to bring forth the history of the organization and commend those members working so hard on behalf of the POW's. The River Rats were organized to commemorate the interservice organization teamwork that resulted from the air campaign against the most heavily defended area in the history of aerial warfare, North Vietnam's route 6A and 6B. This area encompasses the Red River Valley, Hanoi, and Haiphong and runs to the Chinese border. Members of the organization included air crews from a wide range of missions; fighter, attack, rescue, and helicopter units, all part of the total operation.

Shortly after the group was organized, it was realized that the most important element was absent—the Red River Valley veterans who are still POW's and/or are missing in action. It was soon determined that the primary purpose of this group would be to create concern for the plight of those brave men unable to be present and for their families patiently waiting for them at home. All of the POW's and MIA's have been declared life members, and it is to them that the efforts of the River Rats have been dedicated. The idea for the Red River Valley Association is credited to Col. Howard "Scrappy" Johnson. He wanted combat pilots to get together and discuss the problems of the "valley" and devise new tactics to meet the challenge of the north.

The group will not have regular reunions until all the POW's have been repatriated. Until then they will continue to get together to discuss plans for regular reunions and to promote programs supporting our prisoners of war.

Not only are the River Rats working hard to accelerate repatriation of the POW's and MIA's, but they have also established a scholarship fund for the children of the prisoners of war and those missing or killed in action. Scholarship grants are given to the sons and daughters of those missing members of the association to seek a college degree in their chosen field of endeavor.

Mr. President, I know my colleagues will join me in saluting the Red River Valley Fighter Pilots Association for its good works and dedication to repatriation of the POW's and MIA's. Our hats off to the River Rats.

SALUTE TO EDUCATION

Mr. McGOVERN. Mr. President, today's Salute to Education comes at an appropriate time, just as teachers and parents, school administrators and government and judicial officers are pondering the means by which we can best furnish quality education and equality of educational opportunity to all the Nation's children.

America's schools should be complimented on the way they have performed a difficult task that involved 46 million children and $45 billion last year, each figure a substantial increase over the year before.

The task will be no easier in the future. Problems of higher enrollments, problems with school support and financing of facilities are becoming more and more complex.

We are all confident that the good work will continue and will improve just as it has for almost 200 years—since the Government first granted funds and determined that an education should be the right of every child.

American citizens, involved in a responsible partnership of local, State and Federal governments, will keep in sight the goal of ever improving education for their children.

A MONUMENT TO THE BLACK SOLDIER

Mr. MATHIAS. Mr. President, on June 12, the city of Baltimore unveiled a new sculpture in Monument Square in the heart of the city. The Memorial to the Black Soldier, sculpted and presented to the city by Prof. James E. Lewis of Morgan State College, represents long-overdue recognition of the contribution which our black community has made and continues to make to Maryland and to this Nation. Both in military and civilian endeavors, the black citizens have been full participants in meeting the obligations of citizenship, in spite of the fact that they have not always been participants in enjoying the benefits of citizenship.

The new monument is also indicative of the efforts of Mayor William Schaefer to bring the population of Baltimore together, to emphasize the unity requisite to the survival of our cities.

The master of ceremonies at the dedication was the Honorable Theodore R. McKeldin, twice Governor of Maryland and twice mayor of Baltimore. Governor McKeldin has, during a long career of dedicated service to Maryland, gained a deep appreciation for the commitment of our black citizens. I ask unanimous consent that, for the benefit of my colleagues, Governor McKeldin's remarks at the unveiling of the Monument to the Black Soldier be inserted in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

> Mayor Schaefer has asked me to preside on this significant occasion, and I am honored by the request.
>
> Mayor Schaefer's administration has been marked by an earnest desire to bring the different peoples of Baltimore together. This ceremony today is part of that kind of progressive administration all cities need if they are to thrive.
>
> This ceremony is also symbolic for another reason. We are, with this monument, trying to erase some of our errors of the past. In this country we have done the Blacks two types of disservice. We have either excluded Blacks altogether from an area of activity or we have let him participate but never acknowledged his participation. The total exclusion of Blacks can be seen in such an area of American life as professional baseball where for years Blacks were so excluded that they had to form their own leagues. The tragedy is that there languished probably some of the great baseball players of the age. We can see how many by just looking at how many Black stars appeared once the odious color barrier was lowered.

But the second form of discrimination, letting Blacks participate but ignoring that participation, has been as tragic. We have, for instance, let Blacks fight in our wars but we have done little or nothing to recognize their contribution. Our history books were blank. Our newspapers were vacant. Our archives are bare. Blacks have fought for this country, died for this country, and, yet, one would hardly know it by looking around. This discrimination of silence has had its corrosive effects as much as the discrimination of exclusion. Not only have Blacks been denied pride in their own people's accomplishments, but we have been kept ignorant and stifled about our true history and our common humanity. As with all other forms of discrimination this, too, has served to impoverish both those discriminated against and those discriminating.

A hopeful sign is that we are finally trying to do something about it. Our schools are beginning to teach Black history. Our television stations are starting to run programs on Black culture. Our government is trying to acknowledge the contributions of the Blacks.

This monument and this ceremony are part of that effort. But monuments are static symbols of the past unless they spur us to action. Our former silence will be truly broken when we recognize by word and deed that Blacks, who have been slaves in this land, have contributed significantly to the progress of America because they, too, believe this can be a Promised Land.

Let our history books and our governments and our newspapers and our television stations recognize this, but most importantly, let each of us remember the important part Blacks have played and are playing in American life.

THEY'LL GO ALL OUT

Mr. HANSEN. Mr. President, the distinguished columnist, Joseph Alsop, in an article printed today in the Washington Post points out some of the potential danger to the national security should the Congress fail to provide an adequate defense budget.

Mr. Alsop points out that the reason some have criticized the SALT agreements with the Soviet Union is that in 1966, "the United States began to neglect the nucelar-strategic balance." The columnist contends that President Nixon, to meet his duty to insure the national security, was forced to negotiate the SALT agreements because—

> The Joint Chiefs judged that if we start from scratch, where we are now, and the Soviets go on at their present tempo, the Soviets will be even further ahead five years from now without the SALT agreement.

He says that we can expect the Soviets to "go all out" in an effort to achieve maximum strategic weapons development.

Mr. President, the Congress must examine carefully all of the facts and probabilities in consideration of the strategic arms situation and apply those findings accurately in development of a sufficient defense budget. I ask that Mr. Alsop's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 21, 1972]

THEY'LL GO ALL OUT

(By Joseph Alsop)

Privately, both President Nixon and Dr. Henry A. Kissinger have warned congressional leaders that they still expect the Soviets to make a "maximum" effort of strategic weapons development, within the limits of the SALT agreement.

"They'll go all out," is the quoted assessment on this highest of all levels.

If this is the message that Moses-Nixon has brought down from the mountaintop in Moscow, a serious question arises. The question is why it is sensible to sign a SALT agreement, aimed to halt the arms race, which will admittedly do no such thing. The answer comes in three parts.

First, the SALT agreement writes into a treaty and the accompanying executive agreement what seem like great advantages for the Soviets; yet the Joint Chiefs of Staff were strongly favorable. The JCS are favorable, in turn, because they believe that in the existing situation, the U.S. will be worse off without the SALT agreement's extremely modest limits on Soviet weapons-deployment.

In other words, the Joint Chiefs judged that if we start from scratch, where we are now, and the Soviets go on at their present tempo, the Soviets will be even further ahead five years from now without the SALT agreement. This is the bitter result of the follies committed since 1966, when the U.S. began to neglect the nuclear-strategic balance.

Second, no sort of change in the basic pattern of Soviet behavior is promised by the Nixon-Kissinger warning, "They will go all out." But there is a real chance of this kind of change if the United States also does what needs to be done about the nuclear-strategic balance in the vital interval just ahead.

We got a SALT agreement, such as it is, because we rejected the advice of the wise fools who favored unilateral disarmament. Conceivably, at this strange stage in history, we may get something like enduring stability for this weary world, if we just do a bit more to keep our guard up in the years immediately ahead.

Third, however, that last "if" is certain to be decisive. There is zero room for maneuver if the U.S. government's optimists (who include the people in the White House, for once) prove to be as wrong as usual.

One thinks of 1949, when the great Dr. Vannevar Bush had to tear a whole chapter from his forthcoming book, because the Soviets had just tested their first nuclear weapon. (In the chapter, he had said this could not happen for fifteen years!)

One thinks of 1949, in turn, because the White House has also bought the view of the Bush-like people in the U.S. intelligence community. These people hold the Soviets are "more than five years behind the U.S." in multiple warhead technology.

There is no doubt that the Soviets are somewhat behind on MIRV technology, because they took the wrong road to begin with. But in numbers of missiles, in warhead weight, and in all other respects one can think of, the Soviets now have every advantage that a MIRV technologist could ask for. They also have excellent scientists.

If the Soviets are going to go "all out," therefore, they sould soon be MIRVing their SS–9 missiles, and also the still bigger missiles they will soon be deploying. They may even multiply greatly their MIRVing capability, by adapting the "cold launch" technique of our Polaris-Poseidons to their SS–9 missiles.

The calculated risk in SALT, in short, is an immensely big risk. If we do not want the most disagreeable kind of surprise, we have to do three things, regardless of cost.

We have to go ahead, full speed, with the ULMS or Trident program. We have to go ahead with the B–52 replacement, the B–1 bomber. Above all, we have to go ahead with maximum improvement of the Minuteman system—which can more or less true up the nuclear-strategic balance in a fairly short time.

This will cost a lot of money. The arms race will not end, as the White House warned the congressional leaders. That leads to the real criticisms of the President. First, he did not directly ask the country, three years ago, for the kind of maximum effort that might have prevented the present imbalance.

The President did not do this because he thought he could not defeat the Democratic opposition in Congress. Against the background of the SALT agreement, however, the President will again have great difficulty with Congress in doing what needs to be done now. One has to conclude that he is gambling, probably quite shrewdly, on a much more pliant Congress after election day next November.

JAPAN'S FIGHT AGAINST ITS DRUG AND NARCOTIC PROBLEM

Mr. TALMADGE. Mr. President, I invite the attention of the Senate to an article published in the June 19 issue of Time magazine, which recounts Japan's fight against its drug and narcotic problem.

About 10 years ago, Japan cracked down on the hard drug problem with a vengeance. It is a harsh program which confines addicts for a minimum of 30 days of treatment, and forces them to go through the pain process of "cold turkey"—withdrawal unassisted by chemical crutches. It is a program of tough law enforcement, which hands out a life sentence for narcotic pushers.

But, more important, in terms of the overall well-being of the Japanese society, it is an effective program. Heroin use in Japan has been virtually eliminated. Even organized crime there has steered clear of hard drug traffic.

I think the Japanese have a program that the U.S. Government might very well examine closely. Although some people might flinch at the toughness of Japan's crackdown on drugs, it produces the desired results of protecting individuals in society from the evils of drug abuse and addiction.

This is not the case here in the United States, where drug addiction has become virtually epidemic.

In the midst of the national drug and narcotic crisis, pushers continue to ply their dirty trade in cities and suburbs alike. We passed new laws to combat narcotics, but more and more narcotics flow into the country from places like Southeast Asia, Turkey, and France. The fact is, hard drugs are now easier to get than ever. Moreover, they are cheaper. Hard drugs are one of the few commodities in America which have escaped the effects of inflation. Heroin is actually getting cheaper, reportedly costing on the street now only about 40 percent of what it cost in 1965.

As addiction increases, so does crime. The crime rate in the United States runs about 10 times higher than our population growth. Addicts, men, women, and children, turn to lawlessness and violence in order to support their habit. Drugs and narcotics are unraveling the country's moral fiber, turning human beings into desperate animals and making cities unsafe for law-abiding people. The problem is particularly acute among our young people. There are daily reports of drug traffic and addiction in our colleges, high schools, and even elementary schools.

If the ever-increasing rate of drug addiction is any indication, if higher and higher crime is any indication, our Nation's approach to narcotic control and enforcement is a failure. We seem to be trying to shovel out the ocean with a teaspoon.

To my way of thinking, there could be no penalty too harsh for someone who peddles the ruin, the wasted lives, and human suffering and agony that comes from drug addiction. Drug traffickers are worse than murderers, and they should be treated as capital felons.

We need a nationwide assault on illegal drugs and narcotics, at every level of government, Federal, State, and local. We need tougher laws and tougher enforcement and tougher courts that will take narcotic pushers off the streets and put them away where they will no longer be a menace to the American society.

I ask unanimous consent that the Time magazine article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Time magazine, June 19, 1972]

SAYONARA HEROIN

Only a decade ago, a heroin epidemic threatened Japan. An estimated 40,000 addicts provided a market for the growing traffic in hard drugs, and some users brazenly mainlined on street corners in such areas as Yokohama's Kogane-cho (Gold Town). Today, says Dr. Yoshio Ishikawa of the Serigaya-en mental hospital, heroin addiction "has become a subject without a living example for study, like smallpox," and medical students may finish their entire education without seeing an actual addict. Police and narcotics agents face the same triumphant scarcity.

Heroin use in Japan has been virtually eliminated by stringent enforcement of a 1963 law that provided for harsh handling of both pushers and addicts. A life sentence is meted out for selling *butsu* (the Japanese gangsters' untranslatable coinage for heroin). Mere possession can mean several years in jail. To cut off the demand, the government required that every user caught be confined for at least 30 days of treatment. The most Draconian fact—by American standards—is that each addict's treatment begins with "cold turkey," or withdrawal unassisted by chemical crutches such as methadone.

The ordeal can be excruciating. Early in the process, which can take a week or ten days, the addict's eyes water and his nose runs while sweat pours from his body. By the third day, he is likely to be wracked by severe intestinal cramps, diarrhea, vomiting and nerve spasms. Goose bumps cover his body; they make his skin resemble that of a plucked fowl and give the process its name in the U.S. Cold turkey is rarely fatal—the Japanese claim 100% survival for those treated in hospitals—but the urge to commit suicide can be strong.

VERGE OF HELL

Many U.S. physicians believe that such agony is neither necessary nor desirable. They prefer to assist the addict through his withdrawal with other drugs (TIME, Jan. 4, 1971) and even to keep a patient on a heroin substitute indefinitely if necessary. But the Japanese, who have always taken a puritanical attitude toward drugs, regard this as a continuation of addiction.

The country's first antidrug law, adopted in the 1880's, prescribed *zanshu*, decapitation with a samurai sword, for those trafficking in narcotics. Opium eating, a major problem in 19th century China, never caught on in Japan. After World War II, however, heroin began to gain a foothold. Rival gangs pushed the drug among prostitutes and in the underworld generally, bringing Japan to what Tokyo Social Worker Michinari Sugahara called "the verge of hell."

The authorities moved to end heroin use before it spread to the country's teen-agers. A government-financed public relations campaign, assisted by the press, lectured the public on the drug's social, moral and medical dangers. The 1963 statute persuaded drug abusers that the government meant business. Some pushers reacted to the new law by simply dropping out of the business. In some brothels, the gangsters themselves forced girls to go through cold turkey; those reluctant to kick the habit were sometimes tied to their beds until withdrawal symptoms ended. Others were put in government-run hospitals that had been constructed specifically for drug offenders.

The medical profession cooperated fully with law enforcement agencies, taking the attitude that addiction is not merely a personal medical problem but an offense against society. Says Tokyo Narcotics Agent Hiromasa Sato: "Addicts found no alternative but to capitulate, and eventually submitted to cold turkey. *Sayonara.*"

NOT FOR EXPORT

Drug abuse has not been completely eradicated, of course. Youngsters now go in for glue sniffing and amphetamines, and a heroin arrest is still made occasionally. But Japan's success has been dramatic enough to awe visiting American experts. Can the Japanese system be exported to the U.S.? Many U.S. exports think not. Japan's population is homogeneous, generally law-abiding and, where national goals are concerned, responsive to official appeals for cooperation. Americans are far more heterogeneous and resistant to authoritarian preaching. The young, in particular, insist increasingly on asserting their "individual rights." Many officials feel that it would be difficult to get wide support for a system that emphasizes the punishing process of withdrawal.

Dr. Vincent Dole of New York's Rockefeller University Hospital, a pioneer in the use of methadone, argues that physicians should relieve, not increase, the suffering of the heroin addict. Most drug users apparently agree. Addicts are far more likely to turn themselves in for treatment if chemical substitutes are offered than if the prospect is cold turkey. The flaws in that argument are that American treatment programs have a high relapse rate and that the addiction epidemic is nowhere near being checked in the U.S.

THE U.S. NUCLEAR DETERRENT

Mr. STEVENSON. Mr. President. Dr. Herbert Scoville, Jr., in the June edition of Scientific American, gives us a scholarly description of the nuclear deterrent on which the United States increasingly relies for its defense—our submarine-based nuclear missiles. He points out that from submarines alone the United States will soon be able to deliver 5,540 nuclear warheads against 5,120 targets. With a U.S.-U.S.S.R. agreement on the limitation of ABM's, our invulnerable submarines will continue to have the power to virtually destroy the U.S.S.R.

In short, our submarine-based deterrent is secure. The restraint with which Dr. Scoville describes the administration's plans to inflict a new $40 billion missile submarine fleet upon the taxpayers is admirable, if unwarranted. These new nuclear submarines would be larger than the Soviet's newest cruiser, so large I am told, that we will not have bases capable of serving them. The bases will be constructed or expanded at an additional cost. The environmental and political consequences of a sunk Trident submarine armed with perhaps 240 nuclear warheads are rarely considered, even by Dr. Scoville. And for the phenomenal expense and all the implicit dangers, the greatest of which is the destabilizing effect of another lurch forward in the arms race, we gain at best a marginally improved strategic submarine force.

It was not long ago that Mr. Laird said the United States had to proceed with a 15-percent increase in strategic programs for fiscal year 1973 because we could not bank upon a SALT agreement. Now he says that we must go forward because we do have a SALT agreement. I urge Members of Congress to read Dr. Scoville's article before accepting Mr. Laird's logic, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MISSILE SUBMARINES AND NATIONAL SECURITY

(Land-based missiles are giving way to submarine missiles as a secure deterrent to a nuclear first strike. The question now is whether or not the U.S. should spend perhaps $40 billion on a new missile fleet)

(By Herbert Scoville, Jr.)

In recent years, as the nuclear-weapons arsenals of both the U.S. and the U.S.S.R. have continued to grow, the concept of deterrence has become almost universally accepted as the key to maintaining national security and preventing the outbreak of a nuclear war. "Winning" a nuclear exchange is no longer regarded as a rational strategic objective; in such an exchange everyone, participant and nonparticipant alike, would be a loser. In keeping with the deterrence principle President Nixon affirmed in his State of the World Message of February 9 that "our forces must be maintained at a level sufficient to make it clear that even an all-out surprise attack on the U.S. by the U.S.S.R. would not cripple our capability to retaliate." For the Russians to feel secure they must have a similar capability; only then would a stable strategic balance exist.

The primary attribute required of any deterrent force is the ability to survive a "counterforce," or preemptive, attack. Ballistic-missile submarines are almost ideally suited to satisfying this requirement. Although they are expensive compared with other strategic weapons (more than $100 million per submarine exclusive of the missiles), their mobility and invisibility make them virtually immune to destruction in a surprise attack. In contrast, land-based intercontinental ballistic missiles (ICBM's) can readily be located with the aid of surveillance satellites, so that they must be regarded as "targetable" in the event of an enemy first strike. Attempts to "harden" such fixed missile-launchers (that is, to increase their resistance to the effects of nuclear explosions) are in the long run doomed to futility, since in the absence of qualitative arms-control agreements improvements in offensive missiles, particularly improvements in accuracy, will inevitably make fixed missile-launchers vulnerable and hence reduce confidence in their deterrence value.

The advent of multiple independently targetable reentry vehicles (MIRV's), which are currently being deployed on a large scale by the U.S., creates a situation in which the "exchange ratio" strongly favors the attacker. Thus a single missile with, say, six warheads can potentially destroy six enemy ICBM's if they are caught in their silos.

Moreover, strategic bombers are extremely vulnerable while they are on the ground and would therefore be very susceptible to annihilation in a surprise missile attack. Attempts to avoid this weakness by maintaining aircraft on continuous airborne alert have proved to be expensive and potentially dangerous. Even the current 15-minute ground alert is not completely satisfactory, since adequate warning would be more difficult to obtain if fractional-orbital-bombardment systems (FOBS) or depressed-trajectory missiles launched from submarines were used to attack the bombers.

Hence given the present state of military technology and reasonable anticipated advances, the primary element in the strategic-deterrent forces of both the U.S. and the U.S.S.R. will continue to be the ballistic-missile submarine. All other strategic systems will remain secondary. Moreover, it seems likely that any agreement that may emerge in the near future from the strategic-arms-limitation talks (SALT) will further enhance the relative importance of the missile-submarine forces. Since the chances that MIRV's will be limited by a SALT agreement are extremely low, ICBM's will become increasingly vulnerable. The more likely limitations on anti-ballistic-missile (ABM) systems, on the other hand, would guarantee the retaliatory capability of even a comparatively small number of submarine-launched ballistic missiles (SLBM's). The expected failure to limit antiaircraft defenses and to restrain qualitative improvements in offensive-missile systems would further decrease the value of strategic bombers. Although there will probably not soon be restrictions on antisubmarine-warfare (ASW) measures, the technology in this area is so far behind that it could not possibly threaten the submarine deterrent, if it can threaten it at all, until far in the future. In sum, the Navy will increasingly be the principal military guardian of our national security.

What characteristics must an SLBM force have in order to fulfill its function as a deterrent against the initiation of nuclear warfare by the U.S.S.R.? (Since China is so far behind both the U.S. and the U.S.S.R. in this respect, the same forces would be more than adequate to deter China as well.) First of all, the submarines should be designed to operate in, and fire their missiles from, large enough ocean areas in a variety of directions around the U.S.S.R. so as to decrease their vulnerability to ASW detection and tracking and to facilitate the penetration of any ABM system. The closer these areas are to ports in the U.S., the less will be the time lost in moving to and from operational stations and the less will be the need for overseas bases. Higher submarine speeds will also reduce this travel time and increase the ability to break contact with a trailing ASW submarine or surface vessel. The gains here may be marginal, particularly since tracking vessels will probably be faster than any missile submarine. The faster a submarine moves through the water, however, the more noise it will produce, and in countering ASW measures quietness may be much more important than speed. The reduction of submarine noise is the most critical element in preventing detection and continuous covert tracking, both of which must rely on passive acoustic sensors.

If an ABM defense is a realistic possibility, then the submarine missiles must have enough payload capacity to allow the use of multiple warheads and other penetration aids. The entire submarine force should be large enough so that the destruction of a few submarines by a concerted enemy attack, by slow attrition or perhaps by a series of accidents does not seriously degrade its overall capability. If continuous tracking by antisubmarine submarines or other ASW vessels ever becomes a realistic operation on a large scale, then the more vessels there are in the missile-submarine fleet, the harder it will be for this tactic to be successful in destroying the entire force. Ballistic-missile submarines cannot be used to attack other submarines and are no threat to the SLBM deterrent of the other side.

In addition to an adequate number of submarines, missiles and warheads, it is essential to have secure and reliable communications between these vessels and their command authorities. It is not enough to send the submarines to sea with sealed orders. Controls to prevent inadvertent or unauthorized firing are an absolute necessity, and reliable methods for ordering retaliation in the event of a surprise attack are required. These communications must be jam-proof; the potential attacker cannot be allowed to hope that a communications failure might prevent a retaliatory strike.

The submarines must also be able to navigate accurately, so that after they have moved through the oceans into their operational areas they will always be in a position to fire their missiles at predetermined targets. High navigational accuracy is not as great a requirement for a retaliatory strike against cities as it would be if the submarines were to be used in a counterforce role for destroying such "hard" targets as enemy missile sites. In fact, if one side wishes to use missile submarines only as deterrent weapons, then it is important that the accuracy-yield combination of the system not be so great as to give the other side concern that the submarines have a first-strike capability against land-based ICBM's; otherwise the position of mutual stable deterrence will be eroded.

With these general principles in mind, let us examine how the U.S. missile-submarine forces have developed over the years. The U.S. launched the first nuclear-powered submarine, the *Nautilus,* in 1955, but it was not until the late 1950's that development of long-range missiles had proceeded to the point that these could be installed in such submarines. The first ballistic-missile submarine, the *George Washington,* became operational in November, 1960. It was armed with 16 solid-fuel Polaris *A-1* missile, which could be fired at a rate of about one per minute. The range of this missile was about 1,200 nautical miles and the warhead yield about one megaton. The submarines were designed to fire their missiles while submerged, using compressed gases to expel the missile; the rocket engine is then ignited after the missile has cleared the surface. By 1963, 12 more Polaris submarines were operational.

Meanwhile the development of more advanced missiles continued. The next generation missile, the *A-2,* had a range of about 1,500 nautical miles. The first test of the *A-3* missile, with a range of 2,500 nautical miles and a "triplet" reentry vehicle, was conducted from a submerged submarine in the fall of 1963. The triplet reentry vehicles, which could carry three individual nuclear warheads each, did not have independent guidance; the three warheads were intended to reenter the atmosphere in a shotgun pattern with the target at the center. Since such warheads cannot be aimed at separate targets, they do not alter the exchange ratio and do not provide any first-strike advantage. Their advent was therefore not in itself regarded as destabilizing.

In the early 1960's there was considerable debate over the appropriate size of the Polaris fleet. The Navy originally sought 48 ships, and the final decision was to build 41. One factor limiting the number of submarines is the problem of manpower recruitment. Nuclear-submarine duty, which involves 60-day underwater cruises, calls for a certain type of person who is not easy to find and who must be highly trained. Normally each vessel has two crews of about 140 men who go on alternate patrols.

By the end of 1966 all 41 Polaris submarines were operational; eight carried A-2 missiles and 33 were eventually fitted out with A-3's. Thus the force carried a total of 1,712 warheads, but since the triplet warheads cannot be aimed separately, 656 was the maximum number of separate targets that could be hit. Of course, not all of these submarines can be kept at operational stations at all times. In general a submarine spends 60 days at sea and 30 days in port for maintenance. In addition the submarine might take five or more days to move from the U.S. to its launch point and the same period to return. If a submarine wished to avoid detection by moving quietly and therefore slowly, the travel time would be even greater. Thus the number of submarines at launch stations at any one time could be reduced to some 20 to 25 ships. The situation is improved by using forward bases (on Guam, at Holy Loch in Scotland and at Rota in Spain), which reduces the time needed to reach launch stations from five or six days to one or two days.

With a range of 2,500 nautical miles, a submarine-launched missile can hit Moscow from most of the North Atlantic (inside an arc extending from the tip of Greenland to North Africa), from the Mediterranean and even from some parts of the Indian Ocean, a total sea area of about six million square miles [*see illustration below*]. The sea area from which a submarine-launched missile could hit important targets other than Moscow, say targets only 200 miles inside the U.S.S.R., is even larger [*see illustration on opposite page*]. One high-ranking Navy officer reported in 1964 that a Polaris submarine equipped with the A-3 missile could operate in 15 million square miles of ocean area while covering its targets in the U.S.S.R. No land target anywhere in the world is inaccessible from attack by the A-3 missile.

Although mobility provides a submarine with the tremendous advantage of improving its survivability, it creates a new problem: the determination of its location at the moment when the missile is to be launched toward its target several thousand miles away. Unless the missile is provided with some means of determining its position during flight or with a terminal-homing capability, the accuracy at the impact point can never be better than the uncertainty in the launch point. To determine the launch position calls for accurate submarine navigation, which is made more difficult by the requirement that in order to avoid disclosing its presence the submarine should not surface to determine its location. The attitude of the ship with respect to the vertical and true north at the time of the launch is also needed. When the missile force is being used for deterrent purposes, an accuracy greater than a few thousand feet is not needed; it is only necessary to be able to hit a large urban complex. Today this order of accuracy in locating the position and attitude of a submarine can be readily achieved. The U.S. has made tremendous advances in the development of inertial-navigation systems in recent years, and reasonably accurate position fixes can be obtained even after the submarine has been submerged at sea for many days.

The inertial-navigation system in a Polaris submarine is a complex system of gyroscopes, accelerometers and computers that relate the movement and the speed of the ship in all directions with respect to true north. If an initial position is known, then this system will provide continuous data on the ship's position. For an absolutely stationary submarine, or one whose motion can be corrected for, inertial sensors can determine without external data the vertical, the true north, the latitude and all velocity components by inertially sensing the earth's gravitational and rotational vectors, but there is no way of determining the longitude by inertial means. Submarines that have been voyaging at sea for protracted periods and whose inertial-navigation errors may have become unacceptably large can, by trailing an antenna while they are still submerged, get a radio "position fix" from navigation satellites or land-based transmitters. It may also be possible to locate a submarine by reference to accurately known geographical landmarks on the ocean bottom such as seamounts. In sum, the present technology has advanced to the point where the location and attitude of the submarine could in principle no longer be the critical factor in obtaining missile accuracies down to less than an eighth of a mile.

A deterrent force must also be able to receive communications from national command centers. Direct command and control originating with the President and with many verification checks is vital to prevent unauthorized launching; it is also essential that command authorities be able to communicate in times of crisis with the submarine captains without fear of interference by the other side. Otherwise communication would be the Achilles' heel of the submarine deterrent. There are a number of means of communicating with a submarine, at least one way from shore to ship, that do not require the submarine to surface. Very-low-frequency (VLF) radio waves can penetrate a short distance into the water, so that a receiving antenna does not need to be exposed at the surface. Moreover, the submarine can operate at a considerable depth, since it can trail an antenna as much as several hundred feet above its deck. The U.S. has a number of land-based VLF transmitters at various locations around the world for communication with Polaris submarines, and more recently an airborne VLF system has been devised in order to eliminate the possibility that the fixed land-based stations would be destroyed in a surprise attack.

The use of satellites for relaying messages to submarines provides an alternative means of communication. Recently much research has been devoted to extremely-low-frequency (ELF) waves, which can penetrate even deeper into the water. The Navy project named Sanguine proposed to set up a vast antenna for this purpose in Wisconsin. The data rate of such a system would be quite low, but it would be adequate for command-communication purposes. The project has run into difficulties with local residents because the large antenna currents and the potential hazard to living things. For communication from a submarine to the command center the problem is more difficult; it calls at the very least for trailing an antenna close to the surface and must in any case be avoided in order to prevent disclosure of the submarine's location to listening enemy radios. Fortunately such communication is not essential to the viability of the submarine deterrent force.

By the end of 1966 the U.S. submarine-missile force together with its support systems was by itself more than adequate to deter any nuclear attack on the U.S. It had more than enough missiles and warheads to devastate the U.S.S.R. even when only a fraction of the submarines were on station. It could operate in ocean areas on all sides of the U.S.S.R., and the Russians ASW capability was quite rudimentary, with virtually no ability to "draw down" the size of the U.S. fleet. At that time the Russians had no ABM system deployed.

Military technology did not, however, stand still. The need to operate in restricted sea areas close to the northern coast of Europe and the Mediterranean in order to reach Moscow and other interior Russian cities created fears that someday ASW measures might become a threat. More important, concern that the U.S.S.R. might deploy a large ABM system capable of coping with our missile-submarine force was becoming more acute every day. The Russians were in the process of deploying an ABM defense around Moscow, using a large interceptor missile estimated to have a single-warhead yield large enough to destroy all three warheads of the Polaris A–3. In addition they were deploying radars and defensive missiles in the "Tallinn system" widely throughout the U.S.S.R. Some "worst case" analyses of U.S. planners, particularly during the early phases when factual information was limited, postulated that these facilities were for ABM defense. Later, as more data became available, the predictions were scaled down to the effect that the Tallinn system was an antiaircraft defense that could perhaps be upgraded to provide an ABM capability. (Now even this upgrading is not considered practicable by most experts.)

As a result research and development proceeded on a next-generation missile for the Polaris submarine that would give increased future assurance of penetrating any ABM defense and would at the same time give the submarines enough flexibility to operate at greater distances from the U.S.S.R. To increase either the payload or the range significantly called for a larger missile, and the resulting Poseidon missile required enlarging the launching tubes in the Polaris submarines, a costly and time-consuming task requiring 13 or more months. Since many of the submarines were due for overhaul in any case, however, the two shipyard activities could be combined with a minimum loss in operational readiness for the fleet as a whole. The cost of converting a Polaris submarine to carry the advanced Poseidon missiles is on the average $29 million, with another $38 million for normal submarine overhaul and replacement of the nuclear fuel.

The new Poseidon missile is about twice as heavy as the Polaris A–3 and has a payload about four times as great. Although its nominal range of about 2,500 nautical miles is the same as that of the A–3, a trade-off between range and payload is always possible, so that the potential range of the Poseidon is somewhat greater. The new missile incorporates MIRV technology, that is, the ability to disperse many warheads aimed at separate targets. The technique developed for this purpose employs the "bus" approach, in which shortly after burnout of the propulsion stages the missile's final stage (the bus) is aimed at a first target point and releases a warhead, which then follows a ballistic trajectory to that target while the bus is redirected toward a second aim point. The same procedure can be repeated until all the warheads have been sent to individual targets. If a single target is to be attacked, then MIRV technology allows the warheads to approach the target at widely spaced intervals and on different trajectories so that no more than one warhead can be destroyed by a single ABM interceptor. The Poseidon is reported to be capable of carrying 14 warheads, each with a yield of about 50 kilotons, several times the yield of the bomb that destroyed Hiroshima. Warheads can be traded off for either ABM penetration aids or increased range. The nominal complement is usually taken as being 10 MIRV warheads. Department of Defense officials have repeatedly stated that these warheads do not have the accuracy-yield combination to provide a first-strike capability against hardened silos (a "circular-error probability" of about an eighth of a mile or better would be needed with that yield), but the Russians might still be concerned on this score.

As with the Polaris A–3, a Poseidon missile with a range of 2,500 nautical miles can launch warheads at Moscow not only from large areas of the North Atlantic and the Mediterranean but also from some parts of the Indian Ocean, a total area of about six million square miles. Targets within 200 miles of the border of the U.S.S.R. can be reached from some 15 million square miles. These large ocean areas present great problems for any possible future ASW system. To deploy detection and tracking systems throughout these waters is a prodigious, if not impossible, task. Furthermore, on short notice these areas might be somewhat enlarged if it ever became critical by reducing the Poseidon payload, either by eliminating penetration aids or by cutting down the number of warheads in each missile.

The first Poseidon missile was tested in August, 1968, and the development of the entire Poseidon system was completed two years later. The first Polaris submarine went to sea with Poseidon missiles in March of last year. At present about 10 submarines have been converted. The program calls for modifying 31 submarines to carry these new missiles, leaving 10 to be equipped with the older A–3's. When the program is completed in 1976, the U.S. submarine force will be able to launch 5,440 warheads at 5,120 separate targets. It should be possible to keep considerably more than half of these submarines on station at all times, and in times of crisis the operational readiness can be stepped up if necessary. This is an awesome force, capable of overwhelming even a massive ABM defense system. There is, of course, no evidence that the Russians have any intention of building a large ABM system with nationwide coverage, and it is highly likely that such a system will be precluded in the first stage of a strategic-arms-limitation treaty.

Even one missile submarine can launch 160 warheads at separate industrial centers in the U.S.S.R., an attack that the Russiains could not afford even if the U.S. had been annihilated. This means that any ASW system would have to be able to eliminate almost instantaneously every single submarine, a herculean task. Today it is difficult, if not impossible, to destroy even a single submarine that follows skilled evasion tactics. Yet if ABM defenses were forbidden by treaty, an ASW system that has still to be devised would be the only threat to the submarine deterrent. That is one reason why an ABM agreement at SALT would by itself be such an important gain to the security of both the U.S. and the U.S.S.R.

The U.S.S.R. has always lagged considerably behind the U.S. in the development of nuclear submarines and SLBM's. The first Russian nuclear submarine was built about four years after the *Nautilus*, and Admiral Hyman G. Rickover, the director of the U.S. nuclear-submarine program from the beginning has made it clear he believes the Russian submarines are technically inferior to the U.S. ships. The first Russian ballistic-missile submarines were diesel-powered and therefore had limited endurance and cruising ing range. Their first nuclear-powered missile submarine carried only three missiles with a 300-nautical-mile range, which in later models was extended to about 700 nautical miles.

By the late 1960's it must have been obvious to military planners in the U.S.S.R. that their land-based ICBM's would become increasingly vulnerable to the U.S. MIRV's, which were then under development and which had been publicly justified as providing an improved counterforce capability. The Russian deterrent needed shoring up with a more effective SLBM force, whose value had been demonstrated by the U.S. In 1966 the U.S.S.R. launched its first Y-class submarine, which carries 16 missiles with a reported range of 1,300 miles. This class of vessels was similar to the Polaris submarines, which the U.S. had put into operation seven years earlier. All the Russian SLBM's deployed so far have had storable liquid fuels, whereas all the U.S. missiles have had solid fuels. The Russians apparently decided to continue with the Y-class design and began building submarines at a rapid pace, initially at the rate of six to eight per year and currently at nine per year. Two shipyards are engaged in this work, one at Severodvinsk on the Arctic Sea and one in Siberia on the Pacific. At present the Russians have about 26 Y-class submarines operational and another 16 under construction.

Although the Russians have tested a new missile with a range of about 3,500 miles, John Stuart Foster, Jr., chief research scientist for the Department of Defense, recently reported that this missile was so long that he did not believe the Y-class submarine could be modified to launch it. The Russians have never even tested multiple warheads on their submarine missiles, let alone MIRV's. Their missiles are each armed with a single warhead with a yield of about one megaton. These missiles have no capability for attacking our ICBM silos, but it has been postulated that they might be employed to attack our bombers on the ground and our command and control centers, using a depressed trajectory to achieve the necessary surprise. The missiles have not, however, been tested in this mode, and this approach would, in any case, entail a reduction in their already limited range.

The U.S.S.R. will have a slightly larger ballistic-missile submarine fleet than the U.S. when it completes those vessels now under construction (42 to 41). Even then, however, the capabilities of the Russian fleet will be far inferior to those of the U.S. Polaris fleet. President Nixon in his 1972 State of the World Message said that "our missiles have longer range and are being equipped with multiple independently targetable warheads. Moreover, our new submarines are now superior in quality." The shorter range of the Russian missiles requires that their submarines operate fairly close to the U.S. coast in order to be able to strike inland U.S. targets; this makes the Russian submarines potentially more vulnerable to a U.S. ASW system [*see illustration on page 20*]. On the other hand, the population centers and industrial complexes on the east and west coasts of the U.S. can be reached from much larger ocean areas, and these targets would be quite satisfactory if the SLBM's were to be used for deterrent purposes [*see illustration on page 21*]. The restricted range would be a serious factor only if the SLBM's were to be used against our bomber bases or missiles in the interior of the U.S.

There are other reasons why the parity between the U.S. and the U.S.S.R. in operational submarines cannot be evaluated on numerical grounds alone. Since bases in the U.S.S.R. are farther from the operational launching areas and since the Russians have no locations available for forward bases, more time is wasted getting submarines on station and it takes more submarines to maintain the same deterrent force operational at any one time. It would take Russian submarines a minimum of six days in the Atlantic and eight days in the Pacific to reach the nearest launch stations, so that the transit time to and from home ports, in many cases a quarter to a third of the duration of the patrol, seriously degrades the operational readiness of the Russian fleet. This disadvantage can be only partly alleviated by using submarine tenders for maintenance and crew exchange at sea. Moreover, in any East-West comparison the small British and French missile-submarine fleets, each of which may eventually consist of four submarines and 64 missiles, must be added to the U.S. total. Thus, whereas the Russians now have an adequate missile-submarine deterrent, their fleet is markedly inferior to that of the U.S. and its allies and provides no threat to the U.S. deterrent.

As the first phase of SALT is drawing to an end, then, it is becoming universally recognized that ballistic-missile submarines are the essential foundation of a secure and stable strategic balance. Under these circumstances it is only natural to investigate ways to still further improve submarine missile systems. The U.S. has had a research and development program in this area for several years, so that the developments at the frontiers of technology could be incorporated in the successor to the Polaris-Poseidon system. The particular system proposed by the Navy for this role has been called ULMS, for undersea long-range missile system.

One obvious way to improve the present submarine missile would be to extend its range, making possible the launching of missiles from larger ocean areas in all directions around the U.S.S.R. Increasing the missile's payload would allow the incorporation of more warheads per missile or additional ABM-penetration aids. Payload can, of course, always be traded off for range. A longer-range missile would reduce the time required to move from U.S. ports to launching areas and thereby reduce the need for overseas basing in order to maintain the submarines on station for a larger fraction of their cruising time. With a range of 4,500 nautical miles a missile could reach Moscow shortly after the submarine leaves the U.S., whereas with a range of 2,500 nautical miles at least three days' travel would be required. Thus for a 60-day cruise lengthening the missile range by 2,000 miles could increase the period of operational effectiveness by about 10 percent if forward bases were abandoned.

More advanced guidance systems employing terminal control (the ability to change the path of the warhead during reentry) are being developed to avoid interception by ABM systems or to improve accuracy. Higher accuracy obtained by this means or others is not required if missiles are to be used as deterrent weapons. Indeed, it might be construed by the other side as an attempt to attain a counterforce capability for a first strike. Although it is more difficult to acquire such a capability with a submarine missile system than with an ICBM because of the inherent limitations on the payload and the nuclear explosive yield and because of navigational complications, there are no scientific barriers to its achievement. The greatest technical restriction on the use of SLBM's for a counterforce first strike may lie in command and control. It may be feasible to preprogram and command the initial launchings, but there will inevitably be failures. The difficulties of directing subsequent firings to destroy the silos missed the first time appear to be virtually insurmountable.

The submarine itself can be improved by making it quieter as it moves through the water, thereby rendering detection and tracking by passive acoustic techniques more difficult. Although increasing the speed of the submarine will make it somewhat harder for enemy ASW ships to follow it, the higher speed will also raise the level of noise produced by the submarine. In any case it is probably a losing proposition for a missile submarine to try to outrun an ASW vessel, which can always be designed to move faster. High speed will enable the submarine to reach its launch area more rapidly and thus reduce the time it spends in a nonoperational condition, but again the potential gains are not large, and they may be outweighed by the disadvantages. If all other factors are equal, it will require a bigger power plant and larger submarine, both of which will increase cost and detectability. Increasing the depth at which a submarine can operate is not particularly significant, at least for the depths that are likely to be achieved in the next generation of submarines; submarines can be detected acoustically and destroyed by nuclear depth charges or homing torpedoes at any reasonable depth.

If space for more and larger missiles is needed to increase the destructive capacity and the ABM-penetrability of any single submarine, then larger submarines with bigger power plants will be required. The larger the submarines, however, the fewer the ships that will be available for the same investment. Therefore, if funds are limited (and they always are), this means a smaller fleet, which is more vulnerable to being wiped out in a simultaneous surprise attack. Thus there are many trade-offs in system design, and the final decision on a successor to the Polaris-Poseidon system should be based only on the nature of the specific threat.

In 1971 $104.8 million was appropriated for the advanced development of ULMS. Although this expenditure still left options open, it was a major step on the path toward procuring a specific new submarine system. This year the Department of Defense is seeking $977 million for ULMS. If that amount is authorized, the U.S. will be irrevocably committed to a large and very expensive new shipbuilding program. Unclassified details of the proposed ULMS program are still scarce, but it appears that the submarine in the system would be quite large (more than twice the size of the Polaris ships) and that it would be capable of launching 20 to 24 large missiles equipped with MIRV's. It is proposed to have a higher maximum speed and to incorporate the latest available silencing techniques, although these two objectives are competitive.

The ULMS program has been divided into two parts. The first stage (ULMS 1) would involve a new missile with a range of about 4,500 nautical miles capable of being deployed in the present Polaris submarines as well as in any new vessel. The second stage (ULMS 2) would include the development of the new submarine and a still more advanced missile with a range of about 6,000 miles that would be too big to be substituted for the Poseidon in the existing Polaris ships. A maneuvering reentry vehicle (MARV) is also being developed for the new ULMS missiles. According to one estimate, the total cost of a program for 30 such ULMS vessels would be $39.6 billion [*see illustration at right*].

So far no convincing case has been made for the need to proceed with a replacement for the Polaris-Poseidon system and for making a commitment to a new large, high-speed submarine. Russian construction of SLBM's is no justification for ULMS; the Russian missile submarines do not in any way threaten the Polaris deterrent. Numerical superiority in launchers is meaningless; all authorities agree that the U.S. is far ahead qualitatively and can deliver from submarines about 5,000 warheads to fewer than 700 for the U.S.S.R. Even if we foolishly choose to race the Russians in the number of SLBM's, ULMS is certainly not the way to do it; each ULMS system will probably cost five or more times per missile launched than the Russian Y-class system.

The Poseidon with 10 or more MIRV's on each missile has a far greater capability than is needed to overwhelm any Russian ABM system that can be foreseen at present. Admiral Thomas H. Moorer, chairman of the Joint Chiefs of Staff, testified in February that "the Moscow ABM system even with improved radars and more and better interceptors could still be saturated by a very small part of our total missile force. In any event, the programmed Minuteman III and Poseidon forces, with their large number of reentry vehicles, provide a hedge against a future large-scale Soviet ABM deployment." Since such a large-scale ABM deployment will almost certainly be precluded by a first-stage SALT agreement, there is nothing in the ABM area that would require replacement of the Poseidon; in fact, even the Poseidon MIRV's will not be needed if a SALT ABM treaty is realized.

Therefore it is necessary to examine anti-submarine warfare to determine if there is anything that would currently justify the major ULMS step. Without going into a detailed analysis of possible ASW measures and countermeasures, suffice it to say that no evidence has yet been presented that the Russian ASW program could present a threat to the Polaris deterrent in the next decade. [An article on the ASW situation by Richard L. Garwin will appear in next month's SCIEN-

TIFIC AMERICAN.] Admiral Levering Smith, director of the Navy's Strategic Systems Project, testified in 1969 that even the new generation of Russian ASW submarines will not be able to follow our Polaris submarines, and that the U.S.S.R. has no specific new ASW methods that would make the Polaris fleet vulnerable to attack. That is still true today. The U.S. has spent tens of billions of dollars on ASW efforts over the past 20 years and still does not have any system that could even begin to approach the kind of capability that would be needed to eliminate 20 to 30 missile submarines almost simultaneously. The Russians are far behind the U.S. in this area, and they have the serious geographical disadvantages of remoteness from and unavailability of land areas contiguous to the oceans in which this ASW systems would have to operate. Since the nature of the potential ASW threat to the Polaris-Poseidon system cannot even be foreseen at this point, ULMS, if built now, may be designed to cope with the wrong threat. The most obvious improvement to Polaris-Poseidon would be to increase the range of the missile in order to enlarge the ocean areas from which missiles could be launched. The deployment of such a new long-range missile might cost nearly seven billion dollars, however, and in any case, as the maps on pages 18 and 19 how, the Poseidon system already has a tremendous operational flexibility and is not threatened in its present launch areas.

Thus there are strong arguments for keeping both the ULMS missile and the ULMS submarine options in the research and early development stage. This would allow the exploration of all approaches, including smaller, slower but quieter submarines, and would avoid the making of a premature commitment to a large, expensive submarine and missile program. We must not fall into the trap of buying new military hardware just because we have made technological advances; there is no quicker way to price ourselves out of the security market. The submarine missile force is the backbone of our deterrent; its present strength and invulnerability obviate the need for its replacement for at least a decade.

DEATH OF HAROLD WESTON

Mr. PELL. Mr. President, on Monday, April 10, Harold Weston, past president of the Federation of Modern Painters and Sculptors, and chairman of the National Council on the Arts and Government, died at his home.

Mr. Weston was long one of the leaders championing the concept of Federal support for the arts. Indeed, he was one of the first witnesses in the early 60's when hearings were held on what was to become the legislation which established the National Endowment for the Arts. From that time on, Mr. Weston continued to work with the Special Subcommittee on Arts and Humanities. His views were incisive and of much value, and his death deprives us of a leader in this field. I ask unanimous consent that this obituary, biography, and eulogy be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, April 12, 1972]

HAROLD WESTON, LED ARTISTS' FEDERATION

Harold Weston, artist and past president of the Federation of Modern Painters and Sculptors, died Monday at his home, 282 Bleecker Street. He was 78 years old and lived also at St. Hubert's, N.Y., in the Adirondacks.

Mr. Weston prepared at Phillips Exeter Academy for Harvard, from which he was graduated in 1916. A volunteer Y.M.C.A. secretary in World War I, he served with British forces in India, Mesopotamia and Iran, and then traveled in that area, picking up themes for his first one-man show here in 1922. His last was in 1961.

In between, his works included murals in the lobby of the Federal Procurement Building in Washington, 1936–38, and many paintings in the Phillips Gallery and other collections.

Mr. Weston, as vice chairman of the National Council on the Arts and Government, was active in urging art patronage by the Federal and state governments. In World War II he was director of Food for Freedom, Inc., urging relief measures.

Surviving are his widow, the former Faith Borton; 2 daughters, Mrs. Esty Foster Jr. and Mrs. William H. Sudduth Jr.; a son, Bruce; and 11 grandchildren.

BIOGRAPHY OF HAROLD WESTON

Harold Weston, painter, etcher, muralist and author, was born in Merion, Pennsylvania, on February 14, 1894, and died at his home in New York City on April 10, 1972.

Mr. Weston attended Phillips Exeter Academy, class of 1912, and was graduated from Harvard in 1916, magna cum laude and Phi Beta Kappa.

He began painting as a child, influenced, perhaps, by winning fist prize in a children's competition at John Wanamaker's store in Philadelphia. His first one-man show of oils, consisting of 150 Adirondack and Persian landscapes, was held at the Montross Galleries in 1922. His canvases of that period, executed in brilliant color with bold outlines and distorted forms, were widely publicized and created for the artist an immediate reputation.

Forty one-man exhibits of Weston's oils, watercolors and etchings have been held in New York, Philadelphia, Washington, Chicago, St. Louis, San Francisco, Paris, and other cities. He has participated in numerous group shows in the United States and Europe. He received the Third Prize for American Painting at the Golden Gate International Exposition in 1939.

Paintings and etching by Harold Weston are owned by many private collectors, and over 300 examples of his work are in museums or public collections, among them: Phillips Collection, Washington; Whitney Museum of American Art; Museum of Modern Art; Fogg Art Gallery, Cambridge, Mass.; Corcoran Gallery of Art, Washington; Smithsonian Institution, Washington; Yale and Princeton Universities; and the Syracuse University Art Collection.

Duncan Phillips, who purchased more than thirty of Weston's works for the Phillips Collection, said this about his work:

"Color is Weston's instrument. He insists upon the linear demarcation in his pictorial document—to that extent he is an artist of abstract tendencies, although realist at heart. His lines . . . function in the dual capacity of giving emphatic contours of intensely expressive character to those shapes and of organizing a pattern of dynamic movement. The two chief attributes of anything that lives are coordination and movement. Weston's pictures are alive with both of those vital functions."

Harold Weston's artistic career was paralleled by an extraordinary involvement in public affairs and governmental activity.

A few weeks after Pearl Harbor, Weston proposed steps to prepare for a vast International relief effort to help win the peace, which could not be left until after the war was over.

In 1918 in Persia, where he had been in charge of YMCA activities (a paralyzed leg from polio had kept him from serving in the armed forces), he had witnessed the effects of famine, and he was deeply convinced of the urgency to forestall large scale hunger at the end of World War II. With encouragement from a dozen distinguished members of both political parties, he organized the Reconstruction Service Committee, serving as its Executive Secretary from 1942 to 1943. During this period he convinced responsible officials in the government to establish an office in the State Department to conduct the negotiations that eventually led to the creation of the United Nations Relief and Rehabilitation Administration (UNRRA).

In 1943 Weston's original Committee was expanded to become Food For Freedom, with Mrs. Dwight Morrow as President. By agreement with the White House, he remaind outside the Government to serve as Executive Director of this citizen's organization from 1943 to 1948. Major labor unions, church groups, civic and relief groups, and the U.S. Chamber of Commerce were represented on its Board of Directors.

Weston's activities from 1942 to 1948 are permanently recorded in the files of Food For Freedom in the Library of Congress. Also in its archives is a manuscript Weston wrote in 1948 about this organization under the title of "Battle of Bread."

Weston's international interests carried him into the early organizing of the International Association of Art, an affiliate of UNESCO for professional artists (painters, sculptors and graphic artists), first called together in Venice in 1954. He was elected a member of its ten man International Executive Committee, 1957 to 1963, Vice-President, 1960 to 1962, and President, 1962 to 1963. He was President of the United States Committee of IAA from 1961 to 1967. He also was chairman of the Exhibition Committee for the Exhibit of 75 Paintings by 75 Living Americans, toured by USIA in Germany and France from 1955 through 1957.

Perhaps the crowning touch of a career devoted to art and public service came for Harold Weston with the enactment of legislation for the National Foundation for the Arts and Humanities by the United States government in 1965. Long interested in governmental support for the arts, Weston had been a founding member in 1954 of the National Council on the Arts and Government, Inc., composed of distinguished practicing artists in all fields. He served as Vice-Chairman of this organization from 1954 to 1960, and its Chairman from 1960 to his death in 1972.

By obtaining bi-partisan sponsors of legislation affecting the arts, by testifying at numerous hearings, by being the principal author of National Council on the Arts and Government annual reports from 1956 to 1968, considered authoritative by members of Congress, national organizations and cultural leaders, and by numerous radio and television appearances, Weston brought his clear objective thinking and persuasive drive to bear on many groups and organizations.

Weston assisted in 1954 in drafting and promoting a bill for a New York State Council on the Arts. Three years later, with the support of Governor Rockefeller, such a bill was passed, and the New York State Council on the Arts has become, with variations, a model for arts councils in every state.

Weston became an authority on legislation for the arts. He wrote major portions of the bill that created the National Foundation for the Arts and the Humanities, passage of which in 1965 culminated ten years of unremitting work in attempting to convince the Congress that the welfare of the arts was in the national interest. Weston was among the guests at the White House when President Johnson signed the bill on September 29, 1965, and he was presented with one of the pens the President had used.

Earlier that same year, August Heckscher, speaker at a meeting of the Architectural League of New York, said: "There is one person who has a more dedicated spirit than anyone I know in this epoch, and it is pertinent to mention him because his dedication is to the advancement of the arts—all the arts. The person I refer to is Harold Weston."

In 1963 Weston was elected a Life Fellow of the World Academy of Art and Science as a distinguished artist with world-wide humanitarian achievements. The American Society of Contemporary Artists honored Weston with its 1964 Annual Award "in recognition of his outstanding dedication to art and his tireless service in behalf of artists."

At the time of his death, the National Council on the Arts and Government declared: "Americans in all fields of the arts will be forever in his debt."

No biography of Harold Weston, however brief, can omit reference to his abiding passion for the preservation of the beauty of his beloved Adirondack Mountains, where he built a home of his own design, and where he summered with his family for many years.

In 1971 Mr. Weston wrote Freedom in the Wilds, A Saga of the Adirondacks, published under the sponsorship of Adirondack Trail Improvement Society, Inc. In the book he traced the development of the concept of wilderness preservation and the Adirondack State Park, and called attention to the importance of keeping similarly inviolate a forever wild area within each one of us.

Freedom in the Wilds was so well received upon publication that its first edition was quickly exhausted, and a second edition is currently in preparation.

EULOGY OF HAROLD WESTON GIVEN BY LLOYD GOODRICH

One of the chief things to remember about Harold Weston is that he was primarily an artist. In every action he took in his busy public-spirited life, playing a part in so many different kinds of activities, he was always acting as an artist. From the very first his art was that of an individualist, a man going his own way, hewing his own path, regardless of what other people were doing, regardless of fashions. From the first his subject matter was individual: whether it was the human figure, portraits, landscapes, still life, interiors, it was always something connected with his personal life, something that meant a great deal to him. Out of the intensity of his feeling for his subjects came a poetic quality—a combination of realism and poetry that was quite unusual. I always felt that even in his most realistic work there was a religious element, a sense of man and his place in the universe, and of the divinity latent in man. Even his six mural paintings of the construction of the United Nations buildings in New York, which are now owned by the Smithsonian Institution, even those pictures with all their meticulous accuracy of detail, express a feeling of the aspiration of the human spirit; they express what he himself felt about that great enterprise, the United Nations. And we know the part that he played in UNESCO and in the International Association of Art.

In Harold Weston's style, realism was combined with a clear sense of abstract values: an emphasis on design, a decided linear quality, a rhythmic sense of movement, and a feeling for the expressive role of color. Even in his earliest works these traits showed. As his art evolved, nature became more and more the dominant theme. You have heard about his feeling for the outdoors, the wilds of the Adirondacks, expressed so eloquently in his recent book, *Freedom in the Wilds*. The same emotion came through in his later work: a sense of the undying life of nature, the rhythm of the seasons—a pantheistic sense, especially in his very latest paintings. His style evolved in these late works into a highly individual kind of abstraction, growing out of natural forms and movements, but using these elements even more freely, to achieve pure design—and design which owed nothing to any other artist, an expression of his personal feeling about his world and the universe of nature.

Harold Weston's many public activities on behalf of the arts, and the effectiveness of these activities, are due a great deal to the fact that he always spoke as an artist, as a man who from youth had been involved in the creation of art. Hence his invaluable work as President of the Federation of Modern Painters and Sculptors from 1953 to 1957, and as President of the International Association of Art from 1962 to 1963, and last but not least, as Chairman of the National Council on the Arts and Government.

When the National Council on the Arts and Government was formed in 1954, the climate of opinion in our country about governmental activities in the arts was quite different from what it is today. The United States was then the only major nation whose government paid practically no attention to the arts.

And there was opposition to the idea of any governmental involvement in the arts. On the extreme right of the arts world there was hostility based on fear of governmental control, as in totalitarian countries; and a similar fear from the opposite side, the individualistic liberal wing of the arts. Only a minority of us in the artistic professions felt that our Federal government should do more for the arts than it had done in the past, and that it could do so without fear of official control of the arts.

So in 1954 we formed the National Council on the Arts and Government. It was a body made up entirely of professional persons, that is, creative artists. And it covered all the fields of the arts; not just Harold Weston's own field of the visual or plastic arts, but also theater, ballet, music, literature, architecture, interior design, crafts. The membership ultimately reached seventy or over. I don't think that any such body of distinguished creative individuals has ever been brought together for public purposes in this country.

The basic principles of the Council were a belief in the importance of the arts in the national life of our country, a complete dedication to freedom of artistic expression and to democratic diversity, and the cardinal principle, freedom from governmental control of the arts. We all recognized, like our opponents on both right and left, that the last was the greatest danger from any governmental participation in the arts. Hence, one of the fundamental principles of the Council was that governments on all levels, Federal, state and local, should draw on professional advice, and should form advisory committees made up of practising professionals. The final principle we stood for was the interdependence of all the arts in their relation to public matters. We felt that we had similar interests, and that we should work together.

To me it was always astonishing that Harold Weston, who was a painter, and one who of course knew a great deal about his fellow artists in that field, managed to pull together so many high-powered persons in other arts, to become familiar with their special problems, and to act on them. He had a unique combination of an acceptance of different viewpoints, an extraordinary grasp of details, tireless energy, and a complete devotion to any cause that he undertook. These were the qualities that made all of us follow his banner, and that made him our ideal leader.

I don't think that a single important piece of legislation concerning the arts took place in the years that Harold Weston was Chairman of the Council, without his giving it his complete attention, to the point of writing long critiques of such legislation, and making constructive suggestions. Many provisions of the statutes now on the statute books were largely proposed by him. And when I say by him, I mean by him and not by us. He was our leader and we backed him completely, but it was he who did all the detailed work, who did the exhaustive study that was needed in order to put pending legislation into the form that would correspond with what we believed in.

He had continuous contacts with members of the Congress. He would come to Washington to talk with Senators and Representatives, and persuade them to amend their bills, and also to offer our support, which we frequently gave for the measures we believed in. He carried on a voluminous correspondence with members of the Congress. He testified many times before Congressional committees. I know that he was always aware that these activities took away time from his painting, but we all know that he never stopped painting; he had so many different interests, and so much energy to pour into them.

The most important contribution, I think, that the National Council on the Arts and Government made was the part we played in the formation of the National Endowment for the Arts and the Humanities in 1965. This was the culmination of a long battle that had started way back in the late 1940's, when some of us in the art world believed that there should be a body in the Federal government which would be concerned with the arts. But it was Harold Weston more than any other individual, with the support of the Council, who did most to bring this about, building up national support, getting individuals and organizations to write their representatives in the Congress, persuading key members of the Congress to sponsor the legislation, and offering advice about essential provisions of the legislation. At the request of the administration, he produced a 72-page memorandum analyzing the good points and defects of the legislation, and many of his recommendations were incorporated in the final structure of the Endowment. The result was the first long-range, completely thought-out body in the Federal government concerned with all the arts—a great step ahead, one which we all hope will grow with years into a body with more financial support than it has now, but which now seems to be fully established, having been in existence for seven years, during which its appropriations have been increased.

The creation of the National Endowment for the Arts and Humanities was only one of the many legislative and administrative matters that received the benefit of Harold Weston's experience, wisdom and support. And his activities were not confined to the Federal level. The remarkable growth in the last few years of state councils on the arts, which now exist in a large majority of the states, is in no small part due to the initiative taken by the National Council on the Arts and Government and its devoted Chairman, Harold Weston, in working for greater governmental recognition of the arts.

In 1970 Harold Weston resigned as our Chairman, due to health and also I am sure because he wanted to devote more time to his central interest, the art of painting. So far, we have nobody to take his place.

LLOYD GOODRICH,
Vice-Chairman, National Council on the Arts and Government.

TAX REFORM AND NATIONAL PRIORITIES

Mr. HUMPHREY. Mr. President, recently, I was invited by Life magazine to respond to questions on Federal tax reform and national spending priorities. My views, side by side and in sharp contrast with those of Secretary of the Treasury George Shultz, appeared in the June 16, 1972 issue of this magazine.

In my remarks, I pointed to the central and critical need for a more unique sense of vision about where America should be heading and in what manner. What we have confronted is an administration devoid of leadership on domestic policies and platforms—leadership that is desperately needed to address the complex problems of dramatic but seriously imbalanced economic growth since 1945, and at the expense of human and environmental priorities. This has resulted in middle-income families bearing a heavy tax burden, while poverty in America is on the rise, and extensive needs of the people for social and public services receive no response.

I called for a new vision, targeting a rural-urban balance, a healthy balance between the people and the land—a complete turnabout of our view of the land as something to be exploited, and of growth for the sake of growth, no matter how haphazard or how it concentrates and beats down upon our people. I spelled out the demand for comprehensive national growth policies, planned to revive and develop rural as well as urban areas. And these totally new national growth policies demand equally innovative reforms in our tax and financing strategies.

An important part of the legislative program I have presented to launch these strategies is the National Domestic Development Bank Act. Further immediate measures include:

Revenue sharing with reform, since State and city governments face both a fiscal and an organizational crisis at the same time.

A gradual Federal takeover of welfare to ease the fiscal burden of States and localities.

Tax reform which eliminates the poor from Federal tax liability, reduces the payroll tax burden on working and middle income families, and replaces the property tax with an alternative method of financing school costs, while closing the loopholes of special privilege for the wealthy and the giant corporations.

Mr. President, I ask unanimous consent that the text of my statement in Life magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR THE DEMOCRATS—HUBERT HUMPHREY

(Humphrey's familiarity with taxation and government stems from his experience as mayor of Minneapolis, nearly 18 years as a U.S. senator and as Vice-President)

When a post-Nixon administration takes office in January 1973, it will discover that not a single new or visionary federal program has been developed through executive branch leadership since 1968. Under the Republican administration, we have now been living through nearly four years of bankruptcy of vision and ideas about political issues and domestic programs. At no time since the late 1920s has our nation been so devoid of national leadership on domestic policies and platforms.

Justice Holmes once remarked that "We must sail sometimes with the wind, sometimes against it; but we must sail and not drift or lie at anchor." It is this lesson which the administration has ignored. Other than their plans for welfare reform and revenue-sharing, proposals initially put forth by Democrats a decade earlier, can anyone recall any innovative domestic programs put forth by the Nixon Republicans?

Our American author Thomas Wolfe said that we can't look back to the outmoded ideas and systems of yesterday if we are to be in league with the future. Our world must be that of 1972, 1980 and beyond, the world is growing smaller and smaller through increasing technological and social change. For a more human and, indeed, a more humane future we need, above all, new horizon, a more unique sense of vision about where America should be heading and in what manner.

Since 1945 the United States has experienced enormous economic growth whose magnitude is seen by the fact that the Gross National Product grew more between 1945 and 1971 than it did in the years between 1789 and 1945! The outcome of this growth has clearly been an improvement in the welfare of the majority of the American people.

But this has been an uneven growth, a growth grounded in economic, not in human and environmental, priorities, unplanned, now out of joint, and with its benefits spread in a grossly uneven and unjust manner. It has left us with greater and greater public benefits for the well-off, disproportionate tax burdens for middle-income families, enormous public poverty and vast unmet social services, transportation, housing and educational needs.

I, for one, think these trends can be stopped or at least slowed down and possibly reversed, provided we have a realistic vision of the future and a practical blueprint for liberal progress. This means we must avoid the chimera of abstract liberal perfectionism. Nor should we resort to sloganeering—"send them a message"—or flout the good sense of Adlai Stevenson who held that "Who leads us is less important than what leads us." To move beyond the past I believe we must grasp one central idea: the land as space to live on is taking priority over the old idea of the land as something to be exploited, no matter what the consequences. By using this principle as a touchstone for establishing a national policy of growth and development, I believe that we can create a new and a practical vision for America's future, yet not lose sight of the reality that we must and can solve the problems of the present.

NO-GROWTH IS NOT A CHOICE FOR AMERICA

The basis of our vision should be targeting a rural-urban balance, a healthy balance between the people and the land. This means focusing on orderly growth—designing this for people rather than for expediency—and slowing down the forces underlying our population "implosion"—forces which have pressed one-third of our people to live in the six states of New York, California, Illinois, Pennsylvania, Ohio and Texas.

With strong national policies and leadership we could improve all rural areas rather than see another million American farms disappear by 1980. Then we could spread out our population, build new cities on existing small towns, build whole new cities, re-create the old cities which are now in a desperate crisis, and provide adequate public services with our tax dollars. It is vital for our future, I believe, that we treat our population problems—and they are real—as a challenge to population planning and dispersal, not as a clarion to promote abortion-on-demand or other anti-life philosophies.

At the present time, apart from Title IX of the Agricultural Act of 1970 and Title VII of the Housing and Urban Development Act of that year, there has been scant legislation which mentions the nation's need to create national growth policies, and after setting up a commission on national goals, the Nixon administration quietly buried its report which dealt with new growth and development.

As new policies are established we should seek to improve our tax and financing strategies to pay for orderly growth. I have therefore proposed the creation of a national domestic development bank which would do for America what the World Bank does for others.

We are, then, being forced to reexamine where we are heading so that our national wealth can be fairly distributed and our civic well-being improved. Clearly, we cannot quest after a mythical regreening of America where we return to a Bronze Age community.

For several reasons, no-growth is hardly a viable option for the American economy. While we don't have to worship the great god Growth, continuing economic growth is, in fact, absolutely essential. How else can we provide an economic and social base under the living standards of all Americans and respond without a muffled conscience to world poverty and injustice?

Economic growth in a technological society, moreover, depends critically on advances in education, experience and managerial and production techniques. Unless we are willing to stifle all education and the pursuit of knowledge, we cannot curb growth, although, of course, we can reorder this through better planning. And we must remember that just stopping growth would not cause a change in the habits of men who pollute.

Man's knowledge about natural resources is really quite limited. When I first came to Congress in the postwar period, national commissions assured us we were exhausting the earth's mineral supplies and its agricultural potential. During the intervening years old resources were upgraded and substitutes or new resources were uncovered. The pessimists' alarms were not unfounded; their information was simply inadequate and they could not see into the future. At the present time Resources for the Future, Inc. has observed that our economy "is winning its independence from the traditional natural resources sector to a remarkable degree. Ultimately, the raw material inputs to industrial productions may be only mass and energy."

I don't deny that genuine shortages now threaten for many substances that are considered essential for current industrial society. But this is a long way from doomsday, and with cheap power and recycling of wastes on the horizon, perhaps even our natural resources will someday be reconstituted.

THE POOR SHOULD PAY NO FEDERAL TAXES

Yet as we look to 1980 and beyond we must equally cope with existing realities and not just presume that new faces, illusionary ideas or elusive proposals can substitute for hard policies and programs or that the American public will be deceived either by liberal utopianism or by conservative sloganeering. Our people want positive and decisive action on the serious questions we now face: revenue-sharing, welfare reform and taxes.

This means that we must pursue:

Revenue-sharing with reform, since state and city governments face both a fiscal and an organizational crisis at the same time. Federal money returned to states and localities should not be permitted to do harm by giving inefficient governmental structures and policies a new lease on life. Let us link revenue-sharing to modernization of state and local government and find ways to combine regional government with local power and community control. People want "street-level" government which is responsive to their daily needs, not some remote bureaucracy ruling from on high.

A gradual federal take-over of welfare to ease the fiscal burden of states and localities. The federal government now pays about $7 billion of an estimated $14 billion annual welfare cost. Astronomical increases are in sight. A federal take-over of financing welfare could provide a better welfare system, reduce the interstate welfare competition which now plagues states, and channel the "local share" to states and communities with the greatest welfare cost.

Let us also have tax reform which eliminates the poor from federal tax liability. During the debate on the Revenue Act of 1971, I offered such an amendment, which was adopted by the Senate, but fought by the Nixon administration in conference committee as being "too costly." As I said during the debate in November: "The Treasury loses this revenue. There is no getting around it. But it loses it from those who can least afford to pay, and may I say from those whom society can least afford to tax." This principle is central to tax reform.

We also need to reduce the payroll tax burden on working and middle-income families by establishing one-third general revenue financing of social security and railroad retirement benefits and by replacing the property tax and an alternative method of financing school costs.

The property tax burdens the elderly living on fixed incomes and the poor; produces decreasing revenue for public services in cities and discourages rehabilitation and improvements in housing. An alternative revenue system with the federal government as a chief money supplier would require changes in the states as to the uniformity and equitability of property taxes but maintain local control over fundamental school decision-making.

In short, a reformed taxing system should include closing the door on the loopholes of special privilege for the wealthy and the giant corporations, promoting inventiveness and imagination among all our people by making certain that the tax system does not penalize some for the advantage of others and ending the fast write-offs, tax dodges and tax shelters which make our tax system unfair.

A creative response to both future and existing needs does not require a frenetic pursuit of change for its own sake but a positive vision and hard work. Our goal must be orderly, balanced national growth, the end of segregation by race, age and income—to bring Americans closer to each other, and a family policy which preserves individual freedom while also sustaining population growth adequate to enriching the values and goals of our heritage.

This is not a vision for an easy America. Nor do I think we will arrive at a once and future America. But it is a vision for a better future tempered by compassionate concern for the traumas of the present.

FUNDS FOR ADDITIONAL SERVICES TO RURAL AMERICA

Mr. TOWER. Mr. President, today I supported Senate Resolution 232, which is very similar to Senate Resolution 271, which I submitted. It expresses the sense of the Senate that the remaining $107 million in appropriated funds for the Rural Electrification Administration be released for use in providing additional services to rural America.

Rural development is of interest to each of us, as evidenced by the unanimous vote on the Rural Development Act of 1972. One of the major considerations of new business and industry is adequate utilities—this is the reason for having the Rural Electrification Administration. REA cooperatives were formed to provide modern facilities to rural areas when it was apparent that existing companies either would not or could not provide this service. The services of these cooperatives are in demand and the need for them doubles on the average every 7 years. Their customers increase at the rate of 150,000 every year.

Mr. President, I feel that the administration should be commended for their attempts to cut Federal spending. However, I feel there are other areas where budget cuts could be made. Money which can assist in promoting rural development is serving two purposes. It is giving needed assistance to rural areas, as well as indirectly assisting urban areas by promoting growth of smaller towns and eliminating many problems created by continued mass movement into already crowded areas.

The release of this $107 million will help to provide funds for the many REA cooperatives which need loans to modernize existing facilities, as well as for constructing new ones and providing the ever increasing needs for rural power.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, S. 3390, which the clerk will read by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on the amendment by Mr. McGEE, which the clerk will read.

The legislative clerk read the amendment, as follows:

On page 9, line 25, strike out the figure "$297,000,000" and insert in lieu thereof "$345,500,000".

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call be equally charged against both sides on the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Wyoming is recognized.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me 1 minute?

Mr. McGEE. I am happy to yield.

LIMITATION OF TIME FOR DEBATE ON S. 3722, TO ESTABLISH FOREIGN SERVICE GRIEVANCE PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 3722, a bill to provide for the establishment of the Foreign Service grievance procedure, is called up and made the pending business, there be a time limitation thereon of 10 minutes, to be equally divided between and controlled by the distinguished Senator from Indiana (Mr. BAYH) and the distinguished Senator from Kentucky (Mr. COOPER); that the time on any amendment thereto be likewise limited to 10 minutes, and that the time on any debatable motion or appeal be limited to 10 minutes, to be equally divided between the mover of such and the distinguished Senator from Indiana (Mr. BAYH).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE CONSIDERATION OF S. 3722 TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that on tomorrow, immediately following the disposition of Senate Resolution 299, the Senate proceed to the consideration of S. 3722, and that the unfinished business (S. 3390) remain in a temporarily set-aside status until the disposition of S. 3722.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1262

Mr. McGEE. Mr. President, when I submitted my amendment yesterday, I inadvertently submitted the wrong figure on the amendment. I ask unanimous consent that the figure be changed from $345.5 million to $320 million.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McGEE's amendment, as modified, is as follows:

On page 9, line 25, strike out the figure "$275,000,000" and insert in lieu thereof "$320,000,000".

Mr. McGEE. That is the figure to which I wish to address my comments at this time.

The amendment, Mr. President, would seek to restore some funds to the assistance program for the Government of Cambodia. "Cambodia" has almost become a dirty word in the minds of some Members of this body, and I wish we had a substitute phrase for it. But it remains a proud name for the people of that beleaguered country—a country that, because of its location and its geography, finds itself caught up in the vortex of the fighting in Southeast Asia.

Therefore, some time back, we in this country recognized the immediacy of the problem of funds for Cambodia.

The ACTING PRESIDENT pro tempore. Will the Senator yield for an inquiry from the Chair? On the unanimous-consent request for reducing the 345 to 320, it was not clear whether the Senator intended to reduce it from 345.5 to 320.5, or to 320.

Mr. McGEE. I reduced it from 345.5, and I reduced it to 320.

The ACTING PRESIDENT pro tempore. Even?

Mr. McGEE. Even.

The ACTING PRESIDENT pro tempore. I thank the Senator.

Mr. McGEE. The Cambodian question is one of now trying to assist that country simply to hold on to its own national identity. Caught up as it has been with the encroachment by military personnel from North Vietnam, caught up as it has been by the historic difficulties that it has always been involved with in terms of South Vietnam, it was probably unavoidable that, in itself, it should become a battleground, as it did for some time, or at least as a supply base, a base of operations.

Because the Cambodian Government itself had recently gone through some significant changes, when Prince Sihanouk was finally put out of the country, and still remains out of the country, and they have striven to hold their own type of government together, it seems to me, Mr. President, to make it more important that we give whatever informal assistance we can on this important plane to the activities going on in Vietnam at this time.

I would hasten to add, Mr. President, that this does not seek to involve the Cambodians in someone else's conflict. It does not seek to tie them to the United States or anyone else as an ally. It simply recognizes one of the harsh, harsh facts of the political-military situation in that part of the world, which is that there is an absence of national boundaries in many areas, an overlap of similarly-based population, linguistic and cultural groups, particularly among some of the Montagnard tribal groups, and that all of this has tended to make it impossible to isolate the fields of battle along traditional geographical lines.

The fact that Cambodia, Vietnam, and Laos likewise were all the victims of the colonial powers' administrative convenience throughout history has attended and abetted the difficulties of separating their national distinctions.

That is by way of explaining why, given the importance we have attached to Vietnam, given the symbolism that we associate with a peaceful settlement in that area, it seems to me to be incumbent upon us to provide such technical military assistance, supplies, and equipment as will enable the Cambodians better to preserve their own national identity, if that is at all possible.

I realize this poses many problems. The Cambodians have had little opportunity to perfect their own techniques. They have had very short existence in developing the qualities of administrative independence in a new country. But the fact also remains that this is their aspiration, and that they would have a better chance at it were it not for the long and difficult war that has been raging among their neighbors.

I think this is the least that we owe. American troops are not there, and an American commitment is not there; this is simply trying to recognize the facts of life.

I would think, Mr. President, that any Member of this body should strive to understand, with some sense of the cravings of the Cambodians not to be Vietnamese, not to be Laotian, not to be Thai, but to try to be their own independent selves, and yet, as a very weak nation, unable to prevent their neighbors from using their territories as bases of operations, and thus becoming targets, that whatever we can do, whatever we can supply that may help them to survive this ordeal, will certainly go down in history as a very worthwhile and understanding contribution on our part.

I would also make one other point, Mr. President: It has to do with the course of very recent events in Southeast Asia. What is happening there now seems to be more promising, seems to hold greater opportunity for the chance of a peaceful settlement in the area. I think it does not exaggerate the present facts as we know them to suggest that those prospects are better now than at any time in a great many months. We all have been groping for light at the end of the tunnel, to borrow a well-worn phrase. That goes back to the very earliest years in Vietnam. But now, after the President's visit to Peking, in the wake of his visit to Moscow, with Mr. Kissinger at this moment in China and obviously there talking about a resolution of the difficulties in Vietnam, with the President having survived the risk that was taken in bombing in Haiphong and intensifying the bombing raids on the north, with the affairs both between Peking and Washington and Moscow and Washington not having been complicated by this development, it would seem to me that this combination of things augurs well for the prospects of a hopeful settlement of this long, tortured struggle in Southeast Asia.

Even the events on the battlefield seem to be taking a slight turn for the better. The North Vietnamese have not realized their fondest hopes of the south caving in. Apparently, they have run out of steam in their offensive that was launched a good many weeks ago. They have not seized the great provincial capitals that they had as their targets—a design, I suppose, that was more for psychological purposes than any other. They even have failed in this respect until now. I am sure that they have reserves left for other thrusts. for other attempts to discombobulate the Government of South Vietnam.

But let it be said, in all fairness, that the Government of South Vietnam and the people of South Vietnam have responded far above the levels that many of their critics were predicting, and that not only is the line being held against the invaders from the north, but also, counteroffensives have been launched and they have succeeded in recovering some significant chunks of territory.

This is indeed a new profile in that part of the world. This is indeed a new prospect that perhaps we are witnessing on the brink of other gains, of new breakthroughs.

Having said those things, Mr. President, I think we need to remind each other in our sober moments, as we reflect on this question, that what we are talking about is not two sets of invaders trying to grab somebody else's testimony, but one set of invaders from the North. No troops from South Vietnam are in North Vietnam. There are no military forays by the South Vietnamese into the territories that were under the control of North Vietnam. It all has been a one-way move, from Hanoi, north of the DMZ, into the territories of the South. But in that form of aggression, the North has likewise taken over large sections of its neighbor Laos and occupied considerable sections of its neighbor Cambodia. The result is that both Laos and Cambodia have their own difficulties, due to no fault of their own except their geography, their proximity to the areas of significant action.

What I am saying is that, as we seem to be approaching the best chance we have had until now to resolve peacefully this difficulty, it is even more important that we help Cambodia, with this kind of assistance, to try to stay on its feet—to try to stay afloat, as it were—to retain its posture of nationhood. That is pretty important in that part of the world as a symbol for others who seek the dignity of independence, as well as for the Cambodians themselves.

That is really what is behind the amendment I have offered to increase the committee's allowance of $275 million.

I have some other things that I want to discuss on this question a little later in the morning, but I did want to set forth the timing element as a critical one in our continuing this program at the level of $320 million, for the timing is of the greatest importance.

As the prospects for peace improve, our tendency, understandably, is to begin to let down. But it is at that moment that the need probably is even more acute and requires that we sustain our efforts to help these people until we can readjust and negotiate and resettle the great issues of that section of the world. It is imperative that we not lose ground or cause a small country to have to collapse for want of support at the very time that we will be at the negotiating table, trying to achieve an honorable agreement. So much, then, rides on our taking the action that my amendment would propose.

The Committee on Foreign Relations, of which I am a member, chose, in its wisdom, to authorize $275 million for this purpose. The President was requesting a much higher figure—nearly $350 million. We hear all kinds of dispute as to how much money really is necessary. At a time such as this, in an area of the world that has cost us tens and tens of billions of dollars, I do not think this is the moment to try to fudge over whether it is $275 million or $320 million; that, rather, it is important that we allow the benefit of the doubt, even as the talks are underway and as the face-to-face confrontations between the statesman of the President, Mr. Kissinger, and the leaders of the government in Peking are taking place.

So the appeal is not only for the restoration of some of these funds but also for acknowledging the factor of the timing as a reason to give the benefit of the doubt to the larger figure for the time being.

Mr. President, that is all I will take time to say at this time. I will have more to say a little later this morning.

I yield the floor.

QUORUM CALL

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. On whose time?

Mr. SPARKMAN. I ask unanimous consent that the time be charged equally to both sides.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. Allen). Without objection, it is so ordered.

TEN-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a recess for 10 minutes, that the distinguished Senator from Wyoming (Mr. McGee) be recognized following the recess, and that the time for the recess be equally charged against both sides.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Thereupon, at 10:18 a.m. the Senate took a recess for 10 minutes.

The Senate reassembled at 10:28 a.m., when called to order by the Presiding Officer (Mr. Allen).

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The **PRESIDING OFFICER.** The Chair recognizes the Senator from Wyoming.

Mr. McGEE. Mr. President, in discussing the question of economic military assistance to Cambodia for the next fiscal year I think it important to review the recent history of that country.

It thus casts the need for my amendment into the perspective of the events that surround us right now. Most of us recall that in March 1970, Prince Sihanouk was deposed by unanimous vote of the Cambodia Parliament. At the time he was dismissed he was on a trip to Moscow and Peking to protest the occupation of eastern Cambodia by the North Vietnamese and the Viet Cong. He was seeking Russian and Chinese support in bringing a halt to the arrogant behavior of the North Vietnamese and the Viet Cong military units, which were stealing rice and cattle and abusing the population in general. These acts reached such proportions that even Sihanouk, who from his earlier statement was sympathetic toward China and Moscow, could no longer tolerate the violation of his country's borders.

The Cambodian Government which replaced Sihanouk immediately insisted on the withdrawal of all foreign forces. They called out the military reserves and they appealed to the United Nations to use its influence to have the North Vietnamese and the Viet Cong remove their forces from Cambodia. However, before that month of March was ended, these alien forces were moving westward and occupying large additional areas of Cambodian territory. It was at this time that Government forces were small and desperately equipped—ill-equipped is an understatement. However, in that crisis, volunteers — Cambodian volunteers—rushed to join the Government cause, and during the summer of 1970 the enemy's drive was contained.

The line between enemy and Government controlled territory remains about the same now as it was in the summer of 1970, almost 2 years ago.

Since Sihanouk's ouster, we have often heard dire predictions that the Cambodians were no match for the North Vietnamese and that the Government forces would soon be defeated.

I remember hearing from this floor, Mr. President, predictions that they would not last 6 days. The more temperate ones said they would not last 6 weeks. But the Cambodian Government still lasts, and that ought to cause the Members of our body here to move slowly in pronouncing the demise of a people that seems somehow determined to survive.

In the midst of all this, the Cambodian Army has grown from 35,000 men in March 1970, to about 200,000—almost entirely volunteers. Realizing the horrors of a protracted war against the North Vietnamese, the Cambodian people have chosen to stand up and to defend their country. At the same time that they were engaged in a full-scale military struggle, the Cambodians have recently taken important steps to rid themselves of the vestiges of the previous monarchy. On April 30 of this year, they voted overwhelmingly in favor of a new democratic constitution, and on June 4 they elected Lon Nol as the first President of the Khmer Republic. These steps indicate the determination of the Cambodians to develop their country in a democratic fashion while at the same time defending themselves against foreign intruders.

The United States has supported the Cambodians in a very limited way. We have provided no U.S. troops or advisers. There are no Americans dying in Cambodia. And I think the most encouraging point is that the Cambodians have not requested such assistance. We have provided only basic arms and equipment and considerable training which has been conducted in South Vietnam. We have also financed the essential imported commodities, which the Cambodians, themselves, were unable to fund because of extensive war damage to their economy.

The situation in Cambodia is an admirable example of a small country which is making an all-out effort to defend itself against a foreign invader. The United States is supplementing the Cambodian effort. It is their war—not ours.

But I hasten to add that what is happening to them is largely a spillover of events that to us have been basically important now for a great many years.

Under the circumstances which I have described and, given the contribution which the Cambodians are making to the protection of the withdrawal of our forces from South Vietnam, I believe that our aid is thoroughly justified, both from the standpoint of our national interest and in the interest of regional security in Southeast Asia. We must not lose sight of the fact that there are at the present time more than 50,000 United States servicemen in South Vietnam at a time when the North Vietnamese are continuing their all-out effort to crush the South Vietnamese Army. We are spending billions of dollars to try to thwart that act of aggression, the North Vietnamese offensive action. Then, in this situation, it makes no sense at all to reduce the very austere support to maintain the Cambodian Government's 200,000-man army in the battle against the North Vietnamese. The supply lines for the four NVA divisions which are attacking An Loc, for example, and in the Mekong Delta, run directly through Cambodia. Once more, this is the inescapable geographic factor I have alluded to before. The Cambodian Army is engaged in joint operations with the South Vietnamese in the border region, and is holding a key provincial capital at Svay Rieng in the Parrot's Beak. Furthermore, the Cambodians not only threaten the North Vietnamese supply lines, but also pose a threat to the NVA units which are now attempting to return to bases inside Cambodia to rest and refit after the severe casualties which they have taken around An Loc.

Thus it ought to be obvious to us that the pressures that the Cambodians themselves can keep on the flanks of the invaders from North Vietnam redound to our own advantage and our chances to preserve and protect the security of our flanks as we withdraw our remaining troops.

Second, Mr. President, the stopping of the North Vietnamese offensive, at a time when the President has just completed his historic trips to Peking and Moscow, creates the conditions for greatly increased prospects for a just negotiated settlement of the war. The next year is the crucial period which offers a hope for a peaceful end to this long conflict, and it is no time for the United States to be reducing its support to the Cambodians, who have a very important stake themselves in a fair negotiated settlement. Thus we should do nothing during this crucial period to discourage our friends in little Cambodia or to lead them to believe that we have lost faith in their ability to defend their own country against foreign invaders. The very modest aid which we are providing the Cambodians represents only the imported items such as basic arms, ammunition, and economic commodities which they themselves cannot produce. They are supplying all of the manpower and most of the economic material for their armed forces. We are only supplementing their own national effort in defending themselves.

At this crucial moment, it would be sheer folly to reduce our assistance by a few millions of dollars, when we are spending billions to dignify the status of independent nations in that part of the world, even as we help the South Vietnamese to meet their own requirements. Rather, now is the time to maintain and support our friends in Southeast Asia, at the same time as we attempt, with all of the skills and wisdom that we can command, to negotiate a just, equitable, and responsible settlement to the war.

I would like to point out, Mr. President, that the admirable efforts of the Cambodian people to defend themselves against foreign aggression have elicited substantial support abroad, particularly from Asian nations. Australia, Japan, Great Britain, Thailand, Malaysia, and New Zealand have all contributed to the $35 million exchange support fund for that country, and Malaysia, Thailand, South Vietnam, Indonesia, New Zealand, and Australia have provided various forms of military assistance.

So to sum up, let me again emphasize that here we have a situation where a small friendly nation is fighting against large numbers of North Vietnamese troops which are occupying its soil. Cambodia is fighting for its very existence, and is providing all of the manpower for its defense. The United States is furnishing minimum amounts of imported items which the Cambodians cannot pay for because of their war-ravaged economy, and at the same time we are helping the Cambodians, we are also reducing the threat to our own forces in South Vietnam.

This is a crucial moment in Southeast Asia, when the prospects for peace are improving, and our chances of a responsible survival of hopes in that part of the world are all far brighter than just a few months ago. At this very moment when we are conducting preciously delicate negotiations to end the war altogether, it is no time to be rocking the diplomatic or the economic boat. It is no time for Congress to limit the flexibility which is vital to the success of these negotiating efforts. And we cannot, in good conscience, arbitrarily cut the administration request by the very large figure that the committee itself has already cut it—$75 million. Given the overall reductions in the authorization for MAP and AID, it appears that the amount available for Cambodia may even so fall a bit short. My figure of $320 million is the best judgment we can make. It is far better than the committee figure of $275 million. But I reemphasize, Mr. President, that this is no time to be risking a misjudgment on too little. Too much rides on the wisdom and the judgment of our keeping Cambodia in a position to defend herself and to protect her own independence.

Therefore, I urge my colleagues in the Senate to join in raising the ceiling for Cambodia and in supporting this vital element of our policy and sustaining the process for bringing the war to a negotiated end.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Allen). On the Senator's time, or on equal time?

Mr. McGEE. I was thinking we could proceed on the equal distribution of the time between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

Mr. McGEE. Mr. President, a number of my colleagues have raised a couple of questions in regard to the Cambodian aid issue which is implicit in my amendment. In view of the fact that they are not here, obviously, I ask unanimous consent that my responses to the two questions along with the questions be printed in the Record.

There being no objection, the two questions and answers were ordered to be printed in the Record, as follows:

Several of my colleagues have asked what, if any, rationale there is for continuing to assist the Government of the Khmer Republic after US troops have been withdrawn from Vietnam.

I make the following points:

US assistance to Cambodia after all or most of US troops have been withdrawn from Vietnam must be considered in the context of our overall policy in Southeast Asia. Assuming continued aggression on the part of North Vietnam, I believe that our response must be to provide minimal amounts of economic and military assistance to friendly countries which are threatened by the North Vietnamese. Our assistance will be designed to supplement the essential self-defense efforts of the countries involved.

In the case of Cambodia, the Government has raised an all-volunteer armed force of about 200,000 men. By December of this year, we expect this force to be almost completely trained and equipped. Thereafter, we see our role primarily as that of supplying military consumables (such as ammunition and petroleum products) and some equipment items lost due to attrition. Thus we expect to make our basic contribution by the end of this year, and the cost of our military assistance should decline in future years.

However, I should add one note of caution. The planning which I have described assumes no increase in the threat to Cambodia. In other words, should the North Vietnamese give a higher priority to their efforts in Cambodia, we would have to reassess our assistance effort. At this time there is no indication that the North Vietnamese are in fact contemplating such a change in strategy.

I have been asked why the Cambodians failed to use all of last year's funds.

The Cambodians, for several reasons, did not utilize last year as much aid as originally thought might be required. Aid funds voted under the FY 1971 supplemental bill were drawn down at a slower rate than first anticipated, in large part because the Cambodians were able to use inventories and remaining pre war stockpiles of industrial materials. They were also able to drawn down, their foreign exchange reserves to buy goods from their accustomed sources rather than switching immediately to unfamiliar United States goods under the AID program. But Cambodia has used up its foreign exchange reserves. Its export earnings have dwindled to less than 10 percent of prewar because of the fighting. Reduction in the U.S. economic aid requested, $75 million in Security Supporting Assistance and $30 million in PL 480 would have a real impact on Cambodia's import level. Most likely, the import of industrial raw material would suffer rather than the level of consumption imports. But these raw materials are needed to get Cambodia's domestic production restored, and this is an essential prerequisite to any progress toward greater Cambodian self sufficiency.

Mr. SCOTT. Mr. President, section 9 of the bill under consideration would amend section 655 of the Foreign Assistance Act of 1961 by reducing the current ceiling for Cambodia of $341,000,000 to $275,000,000. The $275 million is not enough. The administration-submitted budget requests for Cambodia for fiscal year 1973 total $345.5 million. These requests break down to:

Supporting assistance, $75 million.

Public Law 480, $30 million.

Military assistance—of which about one-half is for ammunition—$225 million.

In addition, about $15.5 million in excess defense articles will be provided.

A limit of $275 million will result in sizable reductions of all three programs. We would be reducing funds to provide ammunition, we would impair the capacity of the Cambodians with their own courageous forces to defend population centers and lines of communications. The enemy—the same forces we are opposing in Vietnam and Laos—would regain freedom of movement, operation, and sanctuary in Cambodia which would impact on the battles in Vietnam and U.S. withdrawals.

This is not acceptable. I hope the House will support the administration request and that a higher level will be recommended by the conference.

Mr. DOLE. Mr. President, one of the questions which has been raised regarding our assistance to Cambodia is whether our aid is necessary at a time when U.S. troop levels have been considerably reduced in South Vietnam. I believe that assistance is vital, and two basic points support that belief.

First, there are still more than 50,000 U.S. servicemen in South Vietnam at a time when the North Vietnamese are continuing an all-out effort to crush South Vietnam. In this situation it makes no sense at all to reduce beyond reason the austere support which we are providing the Cambodian Government to maintain its 200,000-man army in the battle against the North Vietnamese. The supply lines for the four NVA divisions which are attacking An Loc and operating in the Mekong Delta run directly through Cambodia. The Cambodian army is engaged in joint operations with the South Vietnamese in the border region and is holdng a key provincial capital at Suay Rieng in the Parrot's Beak. Furthermore, the Cambodians not only threaten the North Vietnamese supply lines, but they pose a serious threat to NVA units which are now attempting to return to base areas inside Cambodia for rest and refitting after suffering severe casualties around An Loc.

Secondly, stopping the North Vietnamese offensive at a time when the President has just completed his historic trips to Peking and Moscow is highly important to the prospects for a just, negotiated settlement of the war in Indochina. The coming year is a crucial period which offers significant hope for a peaceful end to this long war. It is no time for the United States to reduce support to Cambodia. That nation has an important stake in the outcome of this conflict; and we should do nothing to hamper its self-defense efforts or to lead the Cambodian people to believe that we have lost faith in their ability to protect and defend their nation. The very modest aid which we are providing Cambodia represents only imported items such as basic arms, ammunition, and economic commodities which they, themselves, cannot produce. They are supplying all of the manpower and most of the economic material for their armed forces. We are only supplementing their effort to defend themselves.

At this crucial point, it would be folly to reduce our assistance to Cambodia unreasonably. Rather, now is the time to maintain and support our friends in Southeast Asia while attempting to negotiate a settlement to the war which is just for all parties and which will allow us to withdraw our remaining troops in safety with the maximum prospects for an honorable and stable peace.

Mr. SYMINGTON. Mr. President, the Senator from Wyoming's amendment would make the ceiling on aid to Cambodia meaningless. I hope the Senate will demonstrate again that it is willing to impose some small restriction on our unfortunate involvement in Cambodia.

A little less than 2 years ago the United States did not have an aid program in Cambodia. Before the incursion began the Committee on Foreign Relations, by an almost unanimous vote, cautioned the administration not to become further involved in Cambodia. But the committee's warning was not heeded. When the Cambodian incursion began in April, 1970 the U.S. mission consisted of 12 people. We now have about 175 Americans there, an aid program that will cost the American taxpayers some $250 million this fiscal year, an army we pay for that is increasingly reluctant to fight, and a government which is fast taking on the economic and political characteristics of another South Vietnam.

Last year the executive branch asked for $341 million for assistance to Cambodia. The Senate approved this full amount with the understanding that the figure was to cover the U.S. share of South Vietnamese military operations in Cambodia. The Senate was forced to compromise in conference to exclude the cost of the South Vietnamese operations for the 1972 fiscal year. But both the House and Senate agreed that the cost for 1973 be estimated and calculated in the new 1973 ceiling. The executive branch has not only refused to comply with that mandate—it has refused to come up with any ceiling estimate at all. Apparently, it chose to ignore the requirement for a specific authorization for Cambodia for the 1973 fiscal year, preferring to go back to the old method where the bits and pieces of foreign aid for any country—Cambodia or otherwise—were hidden away in various programs so that Congress seldom knew the extent of the total package for any one country.

But Congress last year made it clear that it does not consider Cambodia to be an ordinary foreign-aid recipient, where the executive branch can allocate funds from various foreign-aid pockets as it sees fit. Congress said that it wants to keep a very tight rein on what the executive branch can do in Cambodia. Last year it said "$341 million worth of involvement in fiscal 1972 but no more." According to the information supplied to the committee, only an estimated $249.2 million will actually be used this fiscal year—$92 million less than the amount requested.

Since Congress imposed that limitation the military and political situation in Cambodia has gone downhill rapidly. A story in the June 6 New York Times reported that:

> In recent weeks the Cambodians have, almost without a fight, given up most of the territory east of the Mekong River.

It quoted a "high American official", talking of the U.S. military aid program, as saying, "I don't see any vigorous prosecution of the war in the cards." The military equipment bought with the enormous amounts of U.S. aid has, however, turned out to be handy for Lon Nol's presidential campaign. The article stated:

> A giant parade of military vehicles filled with soldiers bearing placards has circled the city every morning, blaring Marshall Lon Nol's political propaganda and DC-3 aircraft have dropped thousands of little pictures of the Marshal, similar to those printed on the ballots.

As to the war, the article ended;

> It is already a kind of de facto truce.

I ask unanimous consent that this, other pertinent articles, excerpts from a staff report to the Foreign Relations Committee, excerpts from House Report 92–1146, and a comparative table be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, we have taken on another client state—that is true. But Congress has a duty to draw the line on how much the American taxpayers are going to shell out for that client. The various components of the executive branch's fiscal 1973 request for aid to, and spending in behalf of, Cambodia totals $348 million, excluding the cost of combat air operations over Cambodia and of South Vietnamese operations within the country; practically the same as the amount requested for the current fiscal year. We all know that executive branch foreign aid requests, by tradition, are grossly padded with fat in the expectation that Congress will make sizable cuts in amounts. Last year they asked for $110 million in economic aid for Cambodia; now they estimate that they will use only $37.1 million. The requests for the coming fiscal year are likely to be similarly exaggerated.

In agreeing to a ceiling which is $26 million more than the amount to be used this year, the committee believes that it is being generous. But at the same time, the ceiling should impose some restraint on any executive branch inclinations to increase the aid program there by a significant amount. If, by chance, the situation should change drastically and more aid truly warranted, the administration can come back to Congress and ask for an increase in the ceiling.

Mr. President, if the Senate wants to play a role in the making of foreign policy it must begin to say more specifically how the money it votes for foreign aid can be used. For too long Congress has given the President a free hand in the spending of billions in foreign aid. Let us not turn Cambodia into another Honda and Sony economy for the benefit of the elite, while the masses suffer from the ravages of war—as we did in South Vietnam.

This ceiling is but a small step toward helping assure greater congressional control over how tax dollars for foreign aid are to be used. And, hopefully, it will serve to prevent our becoming sucked even deeper into yet another quagmire in Southeast Asia.

EXHIBIT 1

CAMBODIA CEILING DATA

[In thousands]

Program	Fiscal year— 1972 estimate	Fiscal year— 1973 request
Military grant aid	$179.7	$225.0
Excess defense articles	15.0	15.5
Supporting assistance	37.1	75.0
Public Law 480	14.6	30.0
Military aid mission costs	2.8	2.5
Economic aid mission costs	(1)	(1)
Costs of Vietnamese operations in Cambodia	(2)	(2)
Total	249.2	348.0

[1] Not yet received.

[2] The Defense Department says it cannot provide a realistic estimate of the costs of Vietnamese operations in Cambodia.

Note: fiscal year 1972 ceiling was $341,000,000.

THAILAND, LAOS, AND CAMBODIA: JANUARY 1972

(A staff report prepared for the use of the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Committee on Foreign Relations, May 8, 1972)

IV. CAMBODIA

A. GOVERNMENT AND ENEMY MILITARY STRENGTH

The Cambodian armed forces, known as the FANK, are now believed by some American officials to number not more than 175,000 (75,000 of whom are territorial forces who stay in one military region and 65,000 of whom are part of a general reserve which can be employed all over the country), about 5,000 in the Air Force and about 5,000[1] in the Navy. The Cambodian high command says that the FANK numbers 230,000, but that figure is considered to be grossly inflated by the inclusion of "phantom soldiers" (at least 10%), wounded and absentees. (The FANK has a census committee which examines various units. A recent report by the Committee, issued on January 19, states that "two officers, unit commanders, caught in the act of fraud have been indicted before the Military Tribunal.") The eventual "force goal" for Cambodia is 220,000—[deleted] in the Army, [deleted] in the Air Force and [deleted] in the Navy—meaning that this is the size of the force that the United States thinks the Cambodian economy can sustain and that the United States has agreed to support. Some high Cambodian Government officials have said that there should be a larger force and that they will support it themselves without outside assistance.

South Vietnamese Army strength in Cambodia at the time of our visit was estimated at 3,000 to 4,000. At times, the South Vietnamese have had as many as 15,000 troops in Cambodia.

Enemy forces in Cambodia in January consisted of 60,000 to 75,000 North Vietnamese and Viet Cong and 18,000 to 20,000

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[1] The precise numbers are considered to be classified.

Khmer communists. About 45% of the North Vietnamese/Viet Cong are estimated to be combat forces (and of these 15 to 20% are estimated to be Viet Cong.) The other half are rear service troops (about half of whom are Viet Cong.) A new North Vietnamese division has arrived in Cambodia in the past year so that there are now about six divisions in the country. It is estimated that two and a half of these divisions are targeted against Cambodia, while the remainder can be targeted against either Cambodia or South Vietnam.

The Khmer communists are composed of various groups. Some are pro-North Vietnamese, others are not. Some are pro-Sihanoukist, others are not (they are considered to be non-Sihanoukist rather than anti-Sihanoukist.) The dissident Khmer military force as a whole, however, is considered to be anti-Sihanoukist and under close North Vietnamese direction. In the areas in which these Khmer groups are strong, communist civilian and military organizations are beginning to appear and that infrastructure may be as high as 35,000 to 50,000. It, too, is considered to be generally non-Sihanoukist.

In 1971, it is estimated that 4,146 members of the FANK and 5,866 enemy have been killed (but that only 140 Cambodian civilians have been killed in combat accidentally). This estimate of enemy killed does not include those killed by air. FANK estimates of enemy killed, which are always far higher than U.S. estimates, are considered to be greatly exaggerated. FANK sources estimated that between March 18, 1970, and January 23, 1972, the enemy had lost 71,295 killed and 30,588 wounded while FANK had lost 9,062 killed, 15,517 wounded and 9,067 missing. A high FANK official told us that the statistics for the period in question were: between 96,247 (confirmed) and 144,914 (estimated) enemy killed, 9,357 FANK killed, 22,562 FANK wounded and 1,752 FANK missing.

FANK headquarters says that their forces captured 997 Khmer communist prisoners in 1970 and 1,626 in 1971. The U.S. Mission does not know the number of North Vietnamese and Viet Cong prisoners held by the Cambodians but has the general impression that there are about 25. [Deleted.]

B. MILITARY ASSISTANCE

The Military Assistance Program in Cambodia was run by the Political-Military Section in the Embassy during 1970. On January 31, 1971, a Military Equipment Delivery Team Cambodia (MEDTC) was formed to administer the program. The Chief of the MEDTC and later an additional 7 MEDTC officers and his staff were located in Saigon, but 16 were stationed in Phnom Penh. In July 1971, the MEDTC Chief, a Brigadier General, moved to Phnom Penh, and the MEDTC element in Cambodia was raised to its present strength. In Phnom Penh, there are now 43 MEDTC personnel (50 are authorized and up to 12 more have been approved by the Executive Branch). There are 63 other MEDTC personnel at MACV in Saigon. Of the 12 new personnel, 4 will be used to monitor third-country national contracts (50 additional third-country nationals will be hired to train Cambodians in logistics), 4 to monitor training, 3 to be assigned to help advise on port operations at Kompong Som and 1 will be a fiscal specialist who will monitor the military uses portion of the Public Law 480 agreements (these agreements are discussed below).

Although American military personnel in the MEDTC seem to be acutely aware of the prohibition against their acting as advisors or participants in the planning and execution of tactical operations, they are nevertheless deeply involved as advisors or organizers in activities such as force planning, military budgeting, logistics and training. As noted above, 11 of the 12 new MEDTC personnel will be involved in logistics and training activities.

Last year, as the FY 1972 Military Assistance Program was being developed, there were extensive discussions within the U.S. Government and between the United States and Cambodia regarding the size of the armed force to be supported by the United States. The Cambodians maintained that they then had [deleted] men under arms and therefore wanted the United States to agree to support that number in FY 1972 and to agree to build toward an ultimate goal of [deleted] men. The Embassy at the time estimated the FANK at about [deleted] and took the position that there were not [deleted] under arms and that [deleted] was a more realistic goal. It was finally agreed, in an exchange of letters between [deleted] that we would support a force of 220,000 well trained and well equipped troops.

Since that time, there has been considerable disagreement between the State Department and the Embassy, on the one hand, and the MEDTC, CINCPAC and the JCS, on the other, regarding the nature of this undertaking. CINCPAC and the JCS have tended to regard 220,000 as a figure to be reached in FY 1972, while the Embassy and the State Department consider 220,000 as a goal to be reached over time subject to the availability of funds, training schedules and FANK's ability to use American support effectively.

Meanwhile, the MEDTC was told by the Department of Defense that it should be guided in its planning by a program figure of $200 million in this Fiscal Year (in the absence of appropriating legislation, the MEDTC had been told at the time of our visit that it could obligate up to a level of $115 million as the result of a Presidential Determination based on the continuing resolution). The MEDTC had already developed a program for this Fiscal Year, the cost of which turned out to be $252.6 million, and $52.6 million was thus put in "shortfall" to be funded out of the FY 1973 Military Assistance Program or discarded if necessary. With a $200 million program, the Military Assistance Program would have been supporting a FANK force of about [deleted] men in FY 1972 (the actual amount made available after the appropriation was passed was somewhat lower). Present plans are to recommend a Military Assistance Program in FY 1973 of [deleted] million[3] for a force level of not to exceed 220,000.

The program is aimed at providing the FANK with the most basic equipment. The cost of equipping each company is estimated at $15,000 (the cost for a South Vietnamese Army company is $55,000).

As of December 31, Military Assistant Program deliveries had totalled $172.5 million—$7.5 million from FY 1970 funds, $134.5 million from FY 1971 funds ($44.2 million more has been ordered but is still in the pipeline) and $30.5 million from FY 1972 funds. In addition, $14.2 million in long supply and excess materiel had been delivered in FY 1971 (in aircraft, weapons and ammunition) and $1.5 million in FY 1972. (In FY 1972 there is a projection of $11 million worth of excess at one-third of acquisition value because of the legislative ceiling of $341 million on expenditures in Cambodia; there was no ceiling on excess last fiscal year.) Packing, crating, handling and transportation costs are charged only from Vietnam and not from the continental United States except in the case of direct shipments.

Based on the assumption of an FY 1972 program of $200 million, the MEDTC made the following allocations (in no case are the amounts for each category the same as those in the Congressional Presentation Book):

	(Or 45% of the total)
Ammunition	[deleted]
Aircraft	[deleted]
Patrol Craft	[deleted]
Weapons	[deleted]
Trucks	[deleted]
Communications Equipment	[deleted]
Clothing	[deleted]
Aircraft spares	[deleted]
Training	[deleted]
Supply Operations	[deleted]
Other Articles	[deleted]
	$200

Since the beginning of the Military Assistance Program to Cambodia, 12 planes and 4 helicopters provided by the United States have been lost—5 T–28's, 4 C–47's, 2 O–1's, 1 T–41, 1 UH–1 and 3 U–1A's. Three were destroyed in the January 22, 1971, sapper attack on the Phnom Penh airport; five others were destroyed in rocket attacks on the airport (three on November 10); two were shot down by enemy fire; and the rest were lost in crashes.

Other than aircraft, MAP equipment losses, except for those incurred in Chenla II, have included: 92 trucks; 1 landing craft; 4,845 carbines; 79 60 mm mortars; 36 81 mm mortars; 6 105 howitzers.

The present MEDTC Chief, who is about to complete his tour and will be replaced by another Brigadier General, is convinced that even with 62 personnel in Cambodia he will not be able to carry out his assigned responsibilities. He cites the Congressional end use check requirements specified in the Military Assistance Manual, as amplified by CINCPAC directives, and the conclusions of a recent MACV study team which he said indicated that 35 people would be required to monitor Public Law 480 military uses, a job that will now have to be performed by one of the 12 new personnel to be assigned. He was, however, not able to give a figure when asked how many people he felt he would need in order to do what he thought should be done. On the other hand, there are Americans who know the program well who believe that the MEDTC element in Cambodia is, if anything, already too large.

At the time of our visit, a CINCPAC personnel team was about to visit Saigon and Phnom Penh to examine the question, but some officials believed that CINCPAC had already concluded that there should be an increase and that the personnel team was therefore unlikely to conclude to the contrary.

3. ECONOMIC ASSISTANCE

The economic assistance program for Cambodia in FY 1971 was $70 million, and the Executive Branch proposal to the Congress for FY 1972 was $110 million. In presenting the FY 1972 proposal to Congress, the Executive Branch stated that it had two purposes in mind: to finance a flow of imports at approximately pre-war levels to help off-set losses in Cambodian production and export earnings caused by the war and thus prevent a serious deterioration in living standards; and to complement U.S. support of Cambodian military efforts, using local currency generated by AID financed imports.

In March 1971 the U.S. agreed to give the Cambodian Government a reimbursable cash grant of $20 million from FY 1971 funds for the purpose of financing imports. At first, utilization of this grant was slow because of Cambodian inexperience in dealing with the United States, the technical complexities of procurement and a policy of watchful waiting on the part of importers who already had large inventories on hand. Eventually, however, between June and September 1971 almost the entire $20 million initial grant was committed. These commodities, primarily petroleum, have now begun to move into the country.

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[3] In early April, the Executive Branch proposed $225 million in military assistance for Cambodia for FY 1973; $209.5 million in grant aid and $15.5 million in excess defense articles. Of the $209.5 million in grant aid, $100 million is for ammunition compared to an estimated cost for ammunition in FY 1972 of $85.7 million.

The agreement to establish a Commodity Import Program utilizing the remaining $50 million from the FY 1971 program was signed on May 1, 1971. All of this money was originally tied to U.S. procurement, and the General Services Administration was designated to handle all the procurement in the United States with SONEXIM the sole agency in Cambodia designated to process applications from importers. The General Services Administration was inserted into the process, first of all, because it was assumed that Cambodians had not had much contact with the U.S. market and thus did not know U.S. suppliers and, secondly, in order to cut down corruption. As a result, however, orders lagged because Cambodian importers had no direct contact with suppliers, had until recently been unable to specify brand names and were confronted with complicated bureaucratic procedures and long lead times (9–12 months) to which they had not been accustomed.

Importers have also proceeded slowly in placing orders under the Commodity Import Program because they were waiting to see whether the exchange rate would be lowered. As it turned out, exchange rates did fluctuate. The rate had initially been 55 to 1. In March 1971, it was set at 83. It then went to 140 in October 1971 and was subsequently dropped to 120. Because importers insisted this rate was too high, on January 18 a preferential rate of 90 was established for imports from the United States under the Commodity Import Program. The 120 rate still applies to all other transactions.

Mission officials also tend to attribute some of the blame for the program's slow start to delays in Congressional authorization of the FY 1971 aid program. In this connection, however, the following sequence of events is worth noting: (1) the legislation authorizing the FY 1971 aid program was passed by the Congress on January 4, 1971; (2) the initial $50 million commercial import agreement was not signed by the U.S. and Cambodian Governments until May 1971; and (3) procedures for implementing the Commodity Import Program were not established until September 1971. To date, no commodities financed under the May 1971 agreement have arrived in Phnom Penh and, in fact, only $17.6 million of orders have been placed.

Because the use of FY 1971 supporting assistance was so slow, the U.S. Mission in Phnom Penh recommended considering shifting $20 million from the Program to the Military Assistance Program. Washington did not concur, among other reasons because of a feeling that such a transfer would have a detrimental effect on FY 1972 appropriation requests to Congress. There was, however, a shift of $3.4 million worth of bridging material and $1.7 million of highway maintenance equipment from the Military Assistance Program to the Commercial Import Program. Some thought was given to shifting some POL from the Military Assistance Program to the Commercial Import Program but the decision was made that this shift could not be made because POL was fungible and it would therefore be illegal for AID to fund any part of the Cambodian Army's POL requirements.

It was decided at the end of October 1971, however, to free half of the $50 million from the requirement of U.S. procurement and to permit procurement in the so-called Code 941 countries which are free world less developed countries. As of mid-January, the Cambodian Government had authorized import licenses of $1.2 million out of this $25 million and of $15.4 million out of the $25 million tied to U.S. procurement, the latter consisting principally of purchases by the Cambodian Government.

As a further spur to imports, at the suggestion of the IMF an Exchange Stabilization Fund (ESF) will begin operations on March 1, 1972, with an initial capitalization of $35 million. The Cambodian Government is contributing $15 million, the United States will eventually contribute $12.5 million (out of FY 1973 aid funds) and the Japanese Government $5 million. Of the remaining $2.5 million, Australia has pledged $1 million, Thailand $250,000, New Zealand $119,000 and Malaysia $100,000. Indonesia, the Philippines, Korea, Itay, the U.K. and Singapore have refused to contribute at all, and the contributions of Japan, Australia and New Zealand were lower than the amounts these nations were requested to contribute.

The U.S. contribution to the ESF, as indicated above, will not be made until the FY 1973 aid program has been authorized by Congress. Originally the money was to have been taken out of FY 1972 funds, but it was decided not to do so because, despite the fact that the ESF had been included in the Embassy's plans since early 1971, the fund had not been included and justified in the FY 1972 program and the Executive Branch was thus concerned that there might be adverse Congressional reaction if FY 1972 funds were contributed.

In addition to the regular economic assistance program, two PL 480 agreements have been signed: one for $8.5 million on March 2, 1971, and one for $14.1 million on January 13 of this year. The agreements provide that 80% of the counterpart generated will go to pay Cambodian military salaries [a use which PL 480, Section 104(c) requires] and 20% for United States uses. The military-uses aspects of the counterpart program is administered by the MEDTC. The commodities to be furnished under the second of these PL 480 agreements are 18,400 bales of cotton, 4.4 million pounds of cotton yarn, 1500 metric tons of tobacco, 3,000 metric tons of vegetable oil and 24,000 metric tons of wheat flour.

The $110 million in economic assistance requested for FY 1972 was to be divided into several components: a cash grant of $20 million in connection with the economic reforms announced on October 29 (which has already been committed); a further $12.5 million cash grant to the Economic Stabilization Fund (which has been delayed); and the remaining $77.5 million to be divided between the Commodity Import Program (which some say was far too large to begin with and is now even larger by $12.5 million because of the delay in contributing to the ESF) and public sector imports. Present thinking in Phnom Penh is that for FY 1973 a supporting assistance program of about [deleted] million will be proposed.[3] There are some knowledgable observers who believe that the total FY 1972 and FY 1973 programs could be reduced by at least $50 million.

In 1969, 1970 and 1971 economic assistance to Cambodia from other countries amounted to $49.8 million, although $22.5 million of this amount was a loan from France negotiated in January 1970 and not yet implemented and $12 million was an East German loan negotiated in September 1969 but now in abeyance. Of the remaining $15.3 million, Belgium has loaned $7 million, Japan has provided a grant of $4 million, Denmark has loaned $4 million and the U.K. has provided a grant of $300,000. Not included in these totals are pledges to the Exchange Stabilization Fund (discussed above) and to the Prek Thnot Dam (for which loans and grants totaled $19.2 million) or a $1.5 million grant from the United Nations Development Board and a $300,000 grant from UNICEF.

D. THE U.S. PRESENCE

As of January 27 this year, there were 160 Americans in the U.S. mission, well below the ceiling of 200 set in the Foreign Assistance Act. Of the 160, there were 52 civilians and 79 military personnel permanently assigned; 20 people on temporary duty; and 9 American contract personnel. There were also 31 American dependents. In addition, the Mission employs 35 Third-Country Nationals but is planning to hire 50 more for the MEDTC which will bring the total to the ceiling of 85 set by legislation. The 79 military personnel include 43 in the Military Equipment Delivery Team (50 are presently authorized and 12 more spaces have been approved by the Executive Branch) and 21 in the Defense Attaché's office. CIA personnel are not separately identified.

EXCERPTS FROM THE REPORT OF THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, "U.S. ECONOMIC ASSISTANCE FOR THE KHMER REPUBLIC (CAMBODIA)," H. REPT. 92-1146

APPENDIX D.—COMMODITIES APPROVED FOR FUNDING UNDER U.S. GRANT AGREEMENTS (THROUGH MAR. 10, 1972)

	$20,000,000 agreement	$50,000,000 agreement
Air-conditioning equipment and repair parts [1]		$65,407.97
Aircraft engines [1]		5,470.40
Aluminum sheets	$68,703.10	
Automotive equipment:		
Batteries [1]	237,128.97	126,065.74
Passenger vehicles (autos and station wagons) [1]		115,038.54
Repair parts [1]	71,895.14	299,706.21
Tires and tubes [1]	486,678.25	
Tractors, bulldozers, fork lifts, and repair parts	24,332.69	315,482.97
Trucks and trailers	169,831.16	544,743.19
Battery chargers		10,542.20
Bicycle parts [1]	146,448.00	
Bicycle tires and tubes [1]	24,600.00	
Brewery supplies (bottle tops) [1]	19,465.00	
Carbowax		19,223.52
Cellophane tape		10,340.44
Cement	232,539.00	
Chrome and nickel plating materials		22,607.50
Cigarette manufacturing materials	$360,519.82	$342,474.84
Compressors and repair parts		13,792.17
Copper wire		25,779.36
Cotton fabrics		623,023.00
Diesel engines and repair parts		21,472.13
Dry cell battery manufacturing equipment and materials	650,631.38	
Electric motors and blowers		25,430.00
Fire extinguishers		23,653.51
Fluorescent tubes, starter and ballasts	140,958.98	55,889.42
Freezer (commercial)		166,405.50
Freon gas		6,114.00
Garden hose	138,221.45	
Gasoline engines, 4-cycle, 1 cyclinder	462,275.37	6,158.10
Gasoline pumps and repair parts		62,278.30
Generators and repair parts		117,556.23
Glutamic acid (flavor intensifying season)	211,703.21	
Glycerine		34,010.43
Hand tools (mostly files and hacksaw blades)	5,398.00	127,159.66
Homogenizer and repair parts		1,489.00
Industrial chemicals [2]	578,860.12	317,308.44
Isopropyl alcohol, etc		27,399.83
Lactose		14,244.30
Magnetic tape [1]		7,682.00
Nonfat dry milk		1,445,961.00
Office machines:		
Accounting machines		46,998.88
Adding machines	59,780.16	
Calculators		126,110.00
Duplicating machines and accessories	30,356.63	6,540.00
Typewriters	260,480.77	175,995.00
Padlocks		5,158.45
Paper products:		
Cardboard	152,456.58	
Duplex board	63,640.50	
Duplicating paper	158,604.88	14,852.40
Kraft paper	30,480.00	
Manifold paper	90,411.90	
Newsprint	469,475.35	
Labels	57,075.00	
Waxed cartons	11,482.91	
Writing paper	421,647.00	
Paraffin wax	49,363.20	

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[3] The Executive Branch subsequently proposed a supporting assistance program of $75 million and $12.3 million in P.L. 480 for Cambodia in FY 1973.

EXCERPTS FROM THE REPORT OF THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, "U.S. ECONOMIC ASSISTANCE FOR THE KHMER REPUBLIC (CAMBODIA)," H. REPT. 92-1146—Continued

APPENDIX D.—COMMODITIES APPROVED FOR FUNDING UNDER U.S. GRANT AGREEMENTS (THROUGH MAR. 10, 1972)—Continued

	$20,000,000 agreement	$50,000,000 agreement
Pen refills (4,000,000)		82,330.00
Petroleum products	7,950,448.20	
Pharmaceutical filtering machine		7,888.53
Photographic supplies		71,502.02
Plumbing fixtures (color)		9,991.28
Polyethylene/polypropylene/polystyrene	431,125.83	389,728.40
Polyvinyl	158,718.90	
Printing ink	25,602.80	
Pumps	9,648.93	17,441.00
Sewing machines (household)	315,360.00	
Soft drink manufacturing equipment and materials[1]	186,521.96	825,381.62
Spectrophotometer		5,680.16
Steel hoops and sheets		22,278.62
Sugar, raw		2,000,000.00
Sugar, refined		1,446,240.00
Television sets[1]		17,120.00
Textile equipment, dyes and bleaches	255,835.37	444,149.43
Time magazine		5,850.00
Tinplate		883,277.00
Toothpaste		55,483.14
Transmission belts	14,778.91	
Voltage regulators	5,387.00	
Welders		10,384.43
Welding rods		57,368.75
Total	15,238,872.42	11,727,659.10

[1] Includes commodities not eligible for financing under U.S. commodity import program for Vietnam.

[2] Includes chemicals for glass, leather, petroleum, plastic, rubber, soft drink, and textile industries.

Source: Subcommittee compilation from AID's paid vouchers and purchase authorization.

[From the New York Times, June 6, 1972]

Cambodia Seems Adrift After 2 Years as Republic—A Demoralized Cambodia Losing Confidence in Her Leadership and Institutions

(By Craig R. Whitney)

PHNOMPENH, CAMBODIA, June 5—From a start full of hope two years ago, Cambodia has sunk into a deep malaise, without confidence in her leadership, institutions, or ability to decide her own future, in the assessment of a wide range of Cambodians and foreign diplomats.

The malaise has been months in developing, but has had a chance to take root in the last two months, during which the Government of President Lon Nol has been virtually paralyzed by its attempts to legitimize itself as a popularly elected presidential regime.

Yesterday the country held its first presidential election. Marshal Lon Nol was ahead in preliminary results today with 58 per cent of the vote, while his closest contender, In Tam had 24 per cent, and the marshal will almost certainly turn out to be the winner when the final results of the light voting are proclaimed by the Government in a few days.

He proclaimed himself President March 13 after dissolving what remained of the Cambodian legislature, with Mr. In Tam at its head, and bowed to student pressure to eliminate his friend and closest adviser, Lieut. Gen. Sisowath Sirik Matak, from the Government. The next legislative elections will not take place for three months.

The beginning of the worst part of the decline in Camboda's morale seems to date from the disastrous rout of Cambodian troops trying to clear Route 6 north of Phnompenh in December. Since that operation, called Tchenla 2, the Cambodian Army has made no new offensive sweeps except unsuccessful ones around the temples of Angkor.

In recent weeks the Cambodians have, almost without a fight, given up most of the territory east of the Mekong River that North Vietnamese and Vietcong troops are using as a staging area for the offensive in South Vietnam.

AMERICAN OFFICIAL GLOOMY

A high American official speaking of the United States' $200-million military aid program in Cambodia, shrugged his shoulders as if in despair and said: "I don't see any vigorous prosecution of the war in the cards. Tchenla 2 caused a certain lack of confidence on the part of Lon Nol and the army and the Communists' use of tanks and large amounts of heavy ammunition in their offensive has just indicated to the Khmer that they are no match for the North Vietnamese.

It was also the failure of Tchenla 2 that caused the exacerbation of political strains, but that had been growing quietly ever since March 1970 when Marshal Lon Nol enjoyed seemingly unanimous backing at the beginning of the republic. The trend since then has been one of centralized rule in his weak hands, but with growing frustration and with the elections of the weekend open opposition by some who supported the President in the beginning.

Marshall Lon Nol's principal opponent in the election. Mr. In Tam was president of the Cambodian National Assembly at the time of the overthrow of Prince Norodom Sihanouk and was one of the three principal figures of the new republic in 1970—along with the President and his close friend, General Sirik Matak.

What has happened to Mr. In Tam and to General Sirik Matak shows, in some ways, the deterioration of the regime. In the summer of 1971, Mr. In Tam became Minister of the Interior, but asked to resign and was dismissed last September as his differences with the marshal grew. He became president of the renamed Constituent Assembly in November after Marshal Lon Nol took away the legislature's law-making powers and told it to proceed with the drafting of a constitution.

But in March, after student demonstrations against General Sirik Matak, who was Lon Nol's premier and, in effect, the man who had ruled Cambodia since the marshal's stroke more than a year ago, the President bowed to these outside pressures, took Genera Sirik Matak out of the Government and abolished the Constituent Assembly.

Within 10 days, he had his subordinates draft a constitution to his liking, establishing a presidential form of government with a Cabinet answerable to him and to the two-house legislature, and submitted it to a nationwide referendum., which approved it April 30.

Since March, the Government has been headed by the only man Lon Nol could get to accept the job, Son Ngoc Thanh, a shadowy figure who was on the side of the anti-Sihanouk forces at the beginning of the republic but whose allegiance is now believed to be mostly to the forms and trappings of the republican Government.

"The Government has been virtually paralyzed for the past two months while Lon Nol has been trying to secure his political future," a senior diplomat said, "I would hope he'd start to govern again rather quickly after the elections."

Indeed in the last few days in Phnompenh have been devoted almost entirely to political activities. A giant parade of military vehicles filled with soldiers bearing placards has circled the city almost every morning, blaring Marshal Lon Nol's political propaganda and DC-3 aircraft have dropped thousands of little pictures of the marshal—similar to those printed on the ballots—all over the city.

During the voting yesterday, Mr. In Tam charged that the Government was making it difficult for his supporters to vote for him, and that his pollwatchers had not been permitted in some of the places where military people, who strongly support Marshall Lon Nol, were voting. Today, he said he would contest the results as "fraudulent and antidemocratic." There has been talk of a coup d'etat by disgruntled elements, but Mr. In Tam refused, in an interview, to go that far.

The third candidate, Keo Ann, was the dean of the Faculty of law of Phnompenh, whose students led the fight against General Sirik Matak in the spring, but he did not campaign prominently and was expected to get less than 5 per cent of the vote.

Mr. In Tam campaigned actively but, one Western diplomat said: Even if In Tam said nothing, a lot of people would vote for him. There's a feeling that the Government has not kept any of the promises it has made, and that it is corrupt.

NOT ENTIRELY BLEAK

In the preliminary results, Mr. Keo Ann did better than expected and the two opposition candidates together had almost 42 per cent.

American officials here point out that the situation is not entirely bleak, and say that a series of monetary reforms and changes in Government policy have staved off a serious rice shortage that seemed to be inevitable last fall. In fact, only 20,000 tons of rice was imported and only 10,000 tons had to be used, according to American economists.

The Nixon Administration has asked Congress for $75-million in economic aid to Cambodia for the fiscal year beginning July 1, twice this fiscal year's amount.

But the Cambodian budget is at a large deficit because of the war, and unrest is growing among low-paid civil servants and salaried workers whose pay has not kept up with inflation. In the last few weeks, for example, there have been a series of strikes for higher wages in Government ministries—something inconceivable in the early days of the republic.

The unrest within the Government and in political movements outside it has been matched by a growth in the ranks of the Cambodian Communists, who are fighting against the Government forces alongside the North Vietnamese and Vietcong in the occupied parts of the country.

The number of members of Khmer Rouge, the Cambodian Communist force, is now estimated at at least 30,000. "There has been a growth, a development of the movement, which, we think, has serious longer-term meaning for the country," an American diplomat said. "But the Government seems to resist the notion that the way to stand up to them is to fight them hard."

Both Mr. In Tam and Marshall Lon Nol, in their campaign statements, emphasized that they wished for a reconciliation with the Cambodian Communists but neither offered any detailed proposals for achieving a reconciliation. One Western diplomat even said, "I don't think it's certain that even if the Vietnam war ended by negotiations, the war in Cambodia would necessarily end at the same time."

All the Cambodian factions seem to realize that, ever since Tchenla 2, it is futile to talk of chasing the North Vietnamese out of the country and that peace will not come to Cambodia before it comes to Vietnam—in the framework of an internationally guaranteed settlement.

The outlook for the future, according to diplomats here, is that the Cambodian forces will offer only token resistance to the Vietnamese Communists, reoccupying lost territory only when the enemy abandons it, and leaving again—as the Cambodian Army has done in the last two months in Svayrieng and Preyveng provinces near the Vietnamese border—when the North Vietnamese want that territory. It is already a kind of de facto truce.

[From the Washington Post, May 8, 1972]

Cambodian Experience Turns Sour

(By Laurence Stern)

"Cambodia is the Nixon Doctrine in its purest form." Richard M. Nixon, Nov. 15, 1971

"The quarter-billion dollar aid program for Cambodia is, in my opinion, probably the best investment in foreign assistance that the United States has made in my lifetime." Richard M. Nixon, Dec. 10, 1970

The army that marched in sneakers, rode ebulliently to war in Pepsi-Cola trucks and fired Chinese carbines only two years ago seems like a romantic fiction. There are now proper trucks and uniforms and American M-16s.

Nonetheless President Nixon's description of the Cambodian aid program is a piece of hyperbole that has turned bittersweet, if not completely sour.

The Cambodian army, known as FANK (Forces Armee Nationale Khmer), has grown from a poorly equipped and ill-trained militia of 30,000 at the time Prince Norodom Sihanouk was overthrown in 1970 into a poorly led and frequently outfought force that is now, at least on paper, supposed to number 200,000.

Although the figure is still technically classified, the administration is seeking to raise its military aid sights to support a Cambodian army of 220,000, although U.S. military planners envision further expansion of the force.

The United States has been pouring in military supplies at a rate of 5,000 tons a month along the Mekong River from Vietnam and into Pochentong Airport in Phnom Penh. Half of the incoming cargo is ammunition.

More than 50,000 Cambodian troops have undergone training in South Vietnam, Thailand, the United States, Indonesia, Malaysia and elsewhere, knowledgeable U.S. officials in Phnom Penh report.

Since President Nixon spoke the above-quoted words 16 months ago the dollar value of assistance to Cambodia has more than doubled.

However, at least half of Cambodia's land mass and a quarter of its 7 million population now lie beyond the writ of the Lon Nol government, by official intelligence estimates.

GUERRILLA STRENGTH GROWS

The insurgent Khmer Rouge (Red Cambodian) movement has grown from a scattered force of about 2,000 to a wide-spread guerrilla force that one key White House official this week set at 50,000. State Department intelligence estimates of Khmer Rouge strength are 15,000 to 30,000.

The current North Vietnamese offensive demonstrates that the avowed objective of the American "incursions" two years ago and follow-up operations by the South Vietnamese army—the cleaning out of Cambodia's Communist sanctuaries—was short-lived in its effect.

Despite the rapidly rising scale of American weapons, logistic support and tactical air assistance, the Cambodian army failed its most important test of "Cambodianization" when a major offensive thrust along Route 6 last fall turned into a demoralizing rout.

These are not the judgments of amateur war critics or "knee-jerk" dissenters but of professional diplomats and military men whose job it is to know how the Cambodian conflict goes.

For the progress of the war is the test of the realism and efficacy of the military and economic support programs which in this fiscal year reached an obligational level of $341 million from a zero starting point two years ago.

One well-informed U.S. official in Cambodia said the defeat inflicted by counter-attacking North Vietnamese in the Highway 6 operation, known as Chenia II, devastated the Cambodian Army for the 1971–1972 dry season.

REOCCUPATION IS CONCEALED

Before the current Communist offensive into South Vietnam officials were conceding that the North Vietnamese had long reoccupied the eastern sanctuaries which served as the staging grounds for the new offensive probes toward Saigon and into the Mekong Delta.

Corruption, no stranger to the Cambodian military or to the civil government before Sihanouk's downfall, has increased in scale along wtih the enlarged range of opportunities.

The "phantom battalion" system that is a legacy of the Vietnam war experience, under which senior officers collect and pocket the pay of nonexistent troops claimed to be under their command, has achieved a solid reincarnation in Cambodia.

This has been tacitly recognized in the American assistance command. Last fall, at the direction of Gen. Theodore Metaxis, former head of the U.S. equipment delivery program in Cambodia, hundreds of cameras were distributed to Cambodian commanders for troop verification purposes. Several American surveys were also conducted on a spot basis. The results never surfaced nor, it is said, by some observers in Phnom Penh, did the cameras.

"HAVEN'T LOST ANY GROUND"

"What does anyone expect of a ratty-assed, inexperienced little country of seven million?" asked one senior U.S. official with rhetorical fervor. "At least they haven't lost any ground they didn't have in 1970." That was the year the North Vietnamese backed their forces throughout Cambodia following the American and South Vietnamese incursions from the east.

The scope and objectives of the American aid that has poured into Cambodia in the past two years seem to have expanded at a more rapid pace than was implied in President Nixon's April 30, 1970, telecast announcing the American incursions.

". . . We shall do our best to provide small arms and other equipment which the Cambodian army of 40,000 needs and can use for its defense. But the aid we will provide will be limited to the purpose of enabling Cambodia to defend its neutrality—and not for the purpose of making it an active belligerent on one side or the other."

On May 14, 1970, Secretary of State William P. Rogers said the defense of the Cambodian government is not "our primary purpose and that will not be our purpose in the future."

But on March 14, 1972, Rogers told the House Foreign Affairs Committee: "As you know, one of the reasons we have increased the request for Cambodian assistance is that we are anxious to see that the government in Cambodia survives."

With the irresistible momentum that has characterized so much of the American experience in Southeast Asia, the commitment took wings.

MILITARY AID GRANTS

Within 12 days of his April 1970 speech Mr. Nixon signed a presidential determination for $7.9 million in military aid grants to the Phnom Penh government. By June 30, there was another trickle of $1 million. Within a month—$40 million more. By November the President asked Congress for a $255 million supplemental military aid program—$155 million for Cambodia and the rest to repay the program for the emergency Cambodian borrowings.

When Congress enacted the supplemental bill it signaled a new stage in the Cambodian commitment and also touched off an intra-governmental debate over the U.S. military presence there.

Until that point the MEDT (military equipment delivery team) program was funded out of the President's own drawing account and run by ex-Green Beret Jonathan F. Ladd, a military maverick and legendary Vietnam combat advisor. Ladd was sent to Phnom Penh in May of 1970 by presidential National Security Adviser Henry A. Kissinger. His instructions were to provide objective reporting, set up a "primitive" logistics system and keep a low silhouette.

The mission was to his liking because of Ladd's anti-bureaucratic style of operation.

PENTAGON ASSUMES CONTROL

But when the program was funded by Congress it automatically went under the control of the Pentagon and gradually Ladd's influence waned while the military hierarchy in Washington and at Pacific Command headquarters in Honolulu took over.

The tendency from that point onward was toward more Americans, more sophisticated weapons and toward the erection of a typical military assistance bureaucracy in Phnom Penh. (The size of the American government contingent in Cambodia has increased from five in March, 1970, to about 160 today. A limit of 200 Americans has been imposed by Congress.)

An illustrative episode occurred last June when the Joint Chiefs of Staff asked for a U.S. logistics delivery team of 100 Americans in Phnom Penh. At the time Ladd had only 23 technicians working under him. Both Ladd and Ambassador Emory C. Swank protested vehemently. Defense Secretary Melvin R. Laird halved the Joint Chiefs' proposal to 50—still more than doubling the Phnom Penh contingent.

"No, no," Ladd pleaded. "I have functional use for no more than seven men." He got 27.

The size of the MEDT mission now exceeds 115, with less than half the number in Phnom Penh and the rest in Saigon. The new MEDT chief, Gen. John Cleland, who replaced the expansion-minded Metaxis, has put out the word that he will try to reduce the size of the American group and sharply police U.S. "end-use" inspections in the field. The end-use checks are intended to assure that the weapons are being put to the purposes for which they were delivered—and no more.

PRESERVE BUILDING SYMBOLIZES

The most palpable symbol of the American presence and of the Nixon Doctrine in Cambodia is a high-rise "tempo" building behind the enlarged American embassy that houses the MEDT program in Phnom Penh. Resident wags call it, as inevitably they would, Pentagon East.

American voices are heard where they would have been a jarring novelty in 1970. At the poolside of the Phnom (the republicanized Royal) Hotel, once a predominantly French sunbathing preserve, hefty U.S. technicians and officers shout, "Gar-sahn" at confused, scurrying waiters. It is an old page out of the Vietnam war next door.

Economic aid to Cambodia has also followed a well-rutted trail that winds through the earlier aid programs to Vietam and Laos. The newly established Commodity Import Program for Cambodia is stalled dead center and reflects little attention to the priorities of the country's war-disrupted economy.

It has already become a matter of unfriendly attention on Capitol Hill that in the one-year lifetime of the AID program far more money has been pushed on Phnom Penh than the government has been able to digest.

During the first half of 1971 less than a tenth of the $70 million in economic assistance obligated for Cambodia was used. Nonetheless AID officials in Cambodia asked for another $110 million to finance commodity imports in this fiscal year.

PROGRAM BORN OF HASTE

The economic aid program for Cambodia was hatched in the greatest of haste. AID programmers arbitrarily set the level of the commodity import program, under which the U.S. finances the shipment of essential commodity items to Cambodian importers, at what they believed to be the level of imports before the war broke out in 1970. The guess proved disastrously high. Only a trickle of import applications were filed by the shrewd Chinese traders who form the elite of Indochinese mercantile society.

"It may be that they are unfamiliar with our procedures," conjectured one AID advisor in Cambodia, a theory that brings guffaws of incredulity from more experienced officials.

The Phnom Penh traders and financiers are past masters at dealing with governmental red tape, smuggling, black market operations, currency manipulation and the many other varieties of private enterprise in Southeast Asia.

The more plausible and commonly accepted explanation is that AID underestimated the disruption of the war on consumer demand.

Among the "essential items" approved by AID to underwrite Cambodia's economic survival last year were: 1,700 Italian motor scooters valued at $660,000; more than $100,000 worth of color movie film and other professional movie equipment; radio paraphernalia worth $307,700 to provide broadcasting facilities at the port city of Kompong Som and Battambang. (One U.S. official in Phnom Penh refers acerbically to the project as the "Cambodian Radio Amelioration Program, C-R-A-P."

United States Shows Cambodia How To Send Pleas for Funds

(By Bernard Gwertzman)

WASHINGTON, Jan. 11—The State Department said today that its technical assistance to Cambodia extended to showing the Government how to send fund-raising letters asking other countries for money.

Charles W. Bray 3d, the department spokesman, acknowledged that secret cablegram sent to Emory C. Swank, the United States Ambassador, contained a suggested form letter soliciting funds for Cambodia's for use by Premier Lon Nol in development.

The form letter, as drafted in Washington, left a blank space for the amount of money to be sought in each case.

The cable was made public today by Jack Anderson, the syndicated columnist, who has said that he has received "scores" of secret documents from an unidentified informant. Most of the material he has released so far has related to the recent Indian-Pakistan war.

"POLITICAL APPROACH" URGED

The message as quoted in part by Mr. Anderson, said: "We believe political approach necessary lest finance ministers who are generally opposed to new aid programs, arrange for an evasive or negative reaction to appeal."

"Department believes high-level political appeal needed to improve chances for success," the message said, according to Mr. Anderson. "Letter from Lon Nol to heads of prospective donor governments could help nail down."

The columnist said the form letter began as follows:

"Excellency: I am writing this note on a personal basis in order to bring to Your Excellency's attention directly the economic problem that we are now confronted with in the Khmer Republic."

It concluded: "I am asking that your government make a contribution of —— to the fund for 1972 at a meeting to be held on Phnompenh."

According to Mr. Anderson, Premier Lon Nol was to fill in the blank with the amounts sought from the countries scheduled to take part at a meeting beginning Friday in the Cambodian capital.

Mr. Bray, who confirmed that the meeting would take place, said that Roderic L. O'Conner, Assistant Administrator for the Agency for International Development, would head the American delegation.

The United States is prepared to pledge half of the $25-million sought by the Cambodians, Mr. Bray said.

The amounts sought from other countries, Mr. Anderson said, include $7.5-million from Japan, $3-million from Australia, $500,000 from Britain, $300,000 from New Zealand and $250,000 each from Indonesia, Malaysia, Singapore, Thailand and the Philippines.

Mr. Anderson asserted that the State Department message said:

"Once letters were sent, we prepared to urge our embassies in key countries to make high-level approaches in support of Lon Nol request.

"We understand that Japanese will then move out and actively lobby for participation in E.S.F. [exchange support funds.] We can, on selective basis, do some lobbying here, especially with U.K. and Australia."

Up to now the State Department has declined to comment on Mr. Anderson's published documents. Apparently because of Congressional sensitivity to American involvement in Cambodia. Mr. Bray was authorized to comment on the message and respond to Mr. Anderson's allegation that the United States was engaged in deception in getting others to aid Cambodia.

Mr. Bray, explaining that the United States was aiding Cambodia in organizing an aid consortium as it has done for Tunisia, Moracco, India and Pakistan, among others, said: "It is in part an attempt to lighten the burden on the United States taxpayers to enlist other countries in assistance."

"We have consistently sought to aid the Cambodians to elicit support in other countries." he said. "We have been open throughout and have kept Congress informed."

The form letter "falls clearly and openly" under that policy, he added, saying: "As part of our technical assistance to the Cambodian Government, and to get the multilateral assistance fund off the ground, the department sent the embassy in Pnompenh a kind of letter it might send to potential doners."

[From the Washington Post, Jan. 11, 1972]

U.S. Deception on Role in Cambodia

(By Jack Anderson)

A secret exchange between Washington and Phnom Penh reveals that officials aren't telling the truth about the U.S. role in Cambodia.

Because of congressional hostility, the Nixon administration has pretended to take no active part in raising funds from other nations to support the tottering regime of Cambodian strongman Lon Nol.

The secret cables show, however, that the U.S. not only is bringing political pressure on other governments to contribute to Lon Nol but has actually prepared a solicitation letter for Lon Nol's signature.

Apparently, U.S. policymakers don't trust the Cambodian leader to write his own letters on such a delicate matter. The appeal was supposed to be addressed "on a personal basis" to other heads of state who might have a little cash to spare for Cambodian aid.

Congressmen have balked at financing Lon Nol because of the dismaying similarity between his regime and some of the corrupt, floundering South Vietnamese regimes that have cost the American taxpayers a fortune.

In an earlier column, we quoted from secret dispatches that described Lon Nol as "a sick man, both physically and mentally" and told of wide-spread incompetence and corruption throughout his government.

COMPULSIVE WOMANIZER

Even some of the able men under him were characterized respectively, as "an inveterate gambler," "a compulsive womanizer" and as a leader whose "personal authority is diluted by a tendency toward financial corruption."

American Ambassador Emory Swank, in one secret report, criticized "Lon Nol's haphazard, out-of-channel and ill-coordinated conduct of military operations." The result is that Communist hit-and-run harassing operations have developed—apparently much to the Viet Cong's surprise—into a serious military treat to the Cambodian capital.

Similar reports about some of South Vietnam's earlier political corruption and military bungling were kept secret from the American people. If the truth had been known in time, the U.S. might have been spared some of the lives and resources that have gone down the drain in Vietnam.

Because of the Vietnam experience, Congress is keeping a tight pursestring on Cambodian aid. The Nixon administration has gone behind congressional backs, however, to sneak military supplies into Cambodia through South Vietnam and Indonesia.

Now the administration has resorted to deception again to raise exchange support funds for Cambodia.

Cambodia "has undertaken to do its own representations to elicit donors for the ESF," a State Department spokesman told us blandly.

SECRET INSTRUCTIONS

But secret instructions were cabled to the American Embassy in Phnom Penh, declaring: "We believe political approach necessary lest finance ministries, who are generally opposed new aid programs, arrange for an evasive or negative reaction to (the Cambodian) appeal.

"Department believes high-level political appeal needed to improve chances for success. Letter from Lon Nol to heads of prospective donor governments could help nail down (contributions)."

The suggested letter begins: "Excellency: I am writing this note on a personal basis in order to bring to your Excellency's attention directly the economic problem that we are now confronted with in the Khmer Republic . . ."

It winds up: "I am asking that your government make a contribution of—to the fund for 1972 at a meeting to be held in Phnom Penh (on January 14.)"

All Lon Nol had to do was fill in the blank space with the correct amount for each country. The sums that will be sought are: U.S. $12.5 million; Japan, $7.5 million; Australia, $3 million; Britain, $500,000; New Zealand, $300,000; Indonesia, $250,000; Malaysia, $250,000; Singapore, $250,000; Thailand, $250,000; and the Philippines, $250,000.

Despite the State Department's public pretense that Lon Nol is running his own fund-raising drive, here's what the secret instructions add:

"Once letters sent, we prepared urge our embassies in key countries make high-level approaches in support of Lon Nol request. We understand that Japanese will then move out and actively lobby for participation in ESF. We can, on selective basis, do some lobbying here, especially with UK and Australia."

These secret instructions, like the India-Pakistan revelations, demonstrate, sadly, that the government of, by and for the people cannot always be trusted to tell the people the truth.

[From the Sunday Star, June 18, 1972]

Cambodian Aid Data Concealed, Panel Says

(By Carl C. Craft)

A congressional committee has accused the Nixon administration of suppressing the record on U.S. aid to Cambodia because it wants to conceal aspects of the operation.

Because President Nixon denied Congress access to a basic document called a "country field submission" dealing with Cambodia, the House Government Operations Committee said yesterday:

"It may have to be assumed that there must be facts and positions in this document which administration officials do not want Congress to see, such as matters regarding the exchange support fund, the $20 million cash grant, and failures of the U.S.-financed commodity import program."

Furthermore, in a statement with the report, Rep. William S. Moorhead, D-Pa., head of the committee's foreign operations subcommittee, said administrative ineptness and waste of U.S. tax dollars have "marked the dismal failure of the Cambodian assistance program—a program that has been held up as the model of the Nixon Doctrine in Southeast Asia."

In reply, AID said in a statement that the committee report "has the flavor of a determined effort to discredit the administration of economic aid to Cambodia." AID said none of the report's allegations is new, "they have been reviewed with the committee in testimony and in extensive staff consultation for over half a year" and were answered by the agency.

ESSENTIAL COMMODITIES

The congressional report said AID "has made essentially no effort to determine specifically what—in the way of food, clothing, shelter materials and other truly essential commodities—are needed by the average Cambodian.

"Consequently, AID officials were approving for U.S. financing such imports as television sets, automobiles for government and banking officials, soft drink concentrates," household air conditioners and electric typewriters.

The report said the Cambodian government "is or should be fighting for its political and economic survival. The United States has agreed to assist it."

But, the report said, "If Cambodia desires to obtain economic assistance for the maintenance of a business-as-usual society, they should approach affluent neighbors and trading partners. The United States can no longer sustain such affluent practices, especially in light of its tenuous international economic condition."

"OUTRIGHT GIFT" OFFERED

AID replied that Cambodia "is not doing 'business as usual' nor is U.S. aid being conducted on a 'business-as-usual' basis." The program is successful and "is meeting Cambodia's basic economic needs in an emergency wartime situation," AID said.

The report said AID "offered Cambodian officials an outright gift of $20 million to get Cambodia to undertake some economic reforms, the two key elements of which were a floating exchange rate and an exchange support fund.

"In October 1971, Cambodia devalued its currency and established a floating rate—AID transferred $10 million to Cambodia's bank account in New York. In March 1972, Cambodia issued a governmental decree establishing an exchange support fund—AID transferred another $10 million to Cambodia's bank account."

Moorhead's statement said his panel's inquiry "uncovered the fact that part of U.S. aid commodities shipped to Cambodia were being reinsured by a Soviet State-owned insurance company.

"Agency for International Development officials admitted in testimony that such Soviet-bloc companies could well be providing such insurance for millions of AID-financed commodities in the Far East," he said.

Mr. McGEE. Mr. President, I introduced this amendment at the beginning with the principal purpose of permitting us to make a record on the issue.

Now that that has been done, I ask unanimous consent—first I have to yield back the remainder of my time——

Mr. ROBERT C. BYRD. The Senator does not have to.

The PRESIDING OFFICER. The Senator may withdraw his amendment by unanimous consent without yielding back his time.

Mr. McGEE. I thank the Chair. I ask unanimous consent that my amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. I yield the floor, Mr. President.

FOOD, DRUG, AND CONSUMER PRODUCT SAFETY ACT OF 1972

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the unfinished business will now be temporarily laid aside and the Senate will proceed to the consideration of Calendar No. 800, S. 3419, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments, on page 1, line 3, after the word "the", strike out "Consumer" and insert "Food, Drug, and Consumer Product"; on page 2, line 1, after the word "Of", insert "Food, Drug, and"; in line 2, after the word "Consumer", strike out "Safety" and insert "Product"; after line 2, insert a new section, as follows:

FINDINGS AND DECLARATION OF POLICY

SEC. 101. The Congress hereby finds and declares—

(1) that the regulation of foods, drugs, and consumer products is scattered widely throughout several Federal departments and agencies, and that inconsistent policies and incomplete regulation has resulted from this diffusion of regulatory efforts within the Federal Government;

(2) that effective consumer product regulation requires creation of a new independent agency with the power to take all action necessary to enforce food, drug, and consumer product safety laws, including the power to promulgate regulations, prosecute court actions, and make legislative and make legislative and budgetary recommendations;

(3) that each year many Americans are needlessly injured in their homes because present Federal law inadequately regulates most consumer products;

(4) that in addition to consolidating present food, drug, and product safety regulation in a new independent regulatory agency, new statutory authority is needed to protect consumers against the hazards of many household products not covered by present Federal safety regulation;

(5) that because intrastate and interstate commerce in consumer products are closely intertwined and directly affect each other, Federal control over intrastate commerce in consumer products is essential to the effective control of the intrastate commerce in such products;

(6) that unacceptable numbers of hazardous consumer products now affect interstate commerce, and their increasing number and complexity make it imperative that the Federal Government act promptly to eliminate unnecessary death and injury in the future; and

(7) that the American public has a right to be protected against risk of death or injury from hazardous consumer products when such hazards can reasonably be eliminated or minimized.

On page 3, at the beginning of line 16, change the section number from "101" to "102"; at the beginning of line 17, strike out "(1)" and insert "(a)"; in the same line, after the word "product", insert "or a component thereof,"; in line 18, after the word "produced", insert "for"; in the same line, after the word "distributed", strike out "for sale"; in line 21, after the word "or", strike out "otherwise; and an electronic product as defined in paragraph (3) of this section; but it does not mean" and insert "otherwise, but, except to the extent provided in section 104(c)(17), it does not include—"; at the beginning of line 25, strike out "(A)" and insert "(1)"; on page 4, at the beginning of line 1, strike out "(B)" and insert "(2)"; in the same line, after the word "to", insert "safety"; at the beginning of line 4, strike out "(C)" and insert "(3)"; in line 5, after the word "safety", strike out "regulations" and insert "regulation"; at the beginning of line 7, strike out "(D)" and insert "(4)"; in the same line, after the amendment just above stated, strike out "foods, drugs, or devices subject to safety regulation under the" and insert "food or drugs as defined in the Federal"; in line 10. after "(21 U.S.C. 201 et seq.)", strike out the comma and "as amended by section 204(a) of this Act"; at the beginning of line 11. strike out "(E)" and insert "(5)"; in the same line, after the word "safety", strike out "regulations" and insert "regulation"; at the beginning of line 14, strike out "(F)" and insert "(6)"; in line 16, after "(29 U.S.C. 651 et seq.)", insert "insofar as such products are regulated for use in employment"; at the beginning of line 18, strike out "(G)" and insert "(7)"; at the beginning of line 20, strike out "(H)" and insert "(8)"; at the beginning of line 23, strike out "(I)" and insert "(9)"; in line 24, after the word "to", insert "safety regulation under"; on page 5, at the beginning of line 3, strike out "(2)" and insert "(b)"; at the beginning of line 5, strike out "(3)" and insert "(c)"; after line 8, strike out:

(4) "Electronic product" means (A) any manufactured or assembled product which, when in operation, (i) contains or acts as part of an electronic circuit and (ii) emits (or in the absence of effective shielding or other controls would emit) electronic product radiation, or (B) any manufactured or assembled article which is intended for use as a component, part, or accessory of a product described in clause (A) and which when in operation emits (or in the absence of effective shielding or other controls would emit) such radiation.

(5) "Electronic product radiation" means—

(A) any ionizing or non-ionizing electromagnetic or particulate radiation or

(B) any sonic, infrasonic, or ultrasonic wave, which is emitted from an electronic product as the result of the operation of an electronic circuit in such product.

And, in lieu thereof, insert:

(d) "Subject to safety regulation" means authorized to be regulated for the purpose of eliminating any unreasonable risk of injury or death, as determined by the Administrator through communication and consultation with appropriate department or agency officials.

On page 6, at the beginning of line 5, strike out "(6)" and insert "(e)"; in the same line, after the word "means", strike out "accidental"; at the beginning of line 6, insert "adverse reactions and"; in line 7, after the word "electrical", strike out "or"; in the same line, after the word "radiological", insert "or other natural or man-made"; at the beginning of line 9, strike out "(7)" and insert "(f)"; at the beginning of line 14, strike out "(8)" and insert "(g)"; on page 7, at the beginning of line 5, strike out "(9)" and insert "(h)"; at the beginning of line 7, strike out "(10)" and insert "(i)"; in line 8, after the word "hazardous", strike out "elements, conditions" and insert "elements, conditions of use"; in line 11, after the word "for", insert "limitations on use and"; in line 12, after the word "eliminate", strike out "or"; in the same line, after the word "control", insert "or minimize"; and, in the same line, after the amendment just above stated, strike out "hazards," and insert "hazards and to promote health and safety."; at the beginning of line 15, change the section number from "102" to "103"; at the beginning of line 16, insert "Food, Drug, and"; in the same line, after the word "Consumer", strike out "Safety" and insert "Product"; in line 18, after the word "health", strike out "and"; in the same line, after the word "safety", insert "and welfare"; in line 19, after the word "consumers", insert "against adulteration, misbranding, and illegal distribution of food, drugs, devices, and cosmetics, and"; in line 21, after the word "of", strike out "foods, drugs, or"; in line 23, after the word "of", strike out "Foods" and insert "Food"; in line 24, after the word "of", strike out "Product Safety" and insert "Consumer Products"; on page 8, at the beginning of line 4, change the section number from "103" to "104"; in line 13, after the word "of", strike out "Foods" and insert "Food"; in line 14, strike out "Product Safety" and insert "Consumer Products"; after line 14, strike out:

(2) select, appoint, employ, and fix the compensation of such officers and employees as are necessary to carry out his duties under this title, Act, subject to the civil service and classification laws;

At the beginning of line 19, strike out "(3)" and insert "(2)"; in the same line, after the word "personnel", strike out "so selected, appointed, or employed" and insert "of the agency"; at the beginning of line 21, strike out "(4)" and insert "(3)"; on page 9, at the beginning of line 9, strike out "(5)" and insert "(4)"; in line 12, after the word "this", strike out "title" and insert "Act"; in line 14, after the word "Government", strike out "without regard to any conflict of interest statutes"; at the beginning of line 20, strike out "(6)" and insert "(5)"; in the same line, after the word "such", strike out "rules" and insert "regulations"; at the beginning of line 22, strike out "delegate authority for the performance of any function to any officer or employee under his direction and supervision" and insert "for the efficient enforcement of the laws subject to the jurisdiction of the Agency"; at the top of page 10 insert:

(6) issue subpenas to require the attendance and testimony of witnesses and the production of documentary evidence relating to any matter within his statutory authority which is the subject of a public hearing, have access for the purpose of examining and copying any documentary evidence relating to any matter within his statutory authority, and require by general or special orders signed by him the submission of annual or special reports or answers in writing to specific questions containing such data and information relating to any matter within his statutory authority as will enable him to enforce the laws subject to his jurisdiction. The district courts of the United States shall have jurisdiction to enforce such subpenas or general or special orders or to require access to such documentary evidence upon application of the Attorney General or the Administrator. An action for such enforcement may be brought in any district court of the United States for the district wherein the person involved is found or transacts business.

After line 19, strike out:

(7) obtain by subpena where necessary such information as he is authorized to acquire under this title;

At the beginning of line 22, strike out "(8)" and insert "(7)"; in line 25, after the word "reimbursement", strike out "thereof" and insert "therefor"; on page 11, at the beginning of line 1, strike out "(9)" and insert "(8)"; at the beginning of line 9, insert "independent testing laboratory,"; at the beginning of line 10, strike out "(10)" and insert "(9)"; at the beginning of line 13, strike out "(11)" and insert "(10)"; at the beginning of line 21, strike out "(12)" and insert "(11)"; in the same line, after the word "research", strike out "and" and insert "or"; on page 12, at the beginning of line 4, strike out "(13)" and insert "(12)"; in line 6, after the word "consumer", strike out "products, and compel the attendance of witnesses by subpena when necessary" and insert "products"; after line 7, insert:

(13) prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the administration and enforcement of the laws subject to his jurisdiction, and receive from the President and Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Agency;

(14) prescribe personnel policies for the Agency including selecting, appointing, fixing compensation of, hiring, firing, promoting, and transferring of employees without prior approval or clearance, subject to the civil service and classification laws;

(15) submit legislative recommendations and testimony to Congress without prior approval or clearance;

(16) initiate, prosecute, defend, or appeal any court action in the name of the Agency to enforce the laws subject to his jurisdiction, through his own legal representative or through the Attorney General, and direct the course of all litigation involving the Agency;

(17)(A) petition any Federal department or agency which has jurisdiction over products included within the definition of consumer product in section 102(a) but exempt under paragraphs (1)–(9) to establish and enforce appropriate safety regulations for any such product;

(B) participate in the establishment of such regulations; and

(C) upon request of such department or agency, establish and enforce such regulations in accordance with title III of this Act. Upon such request, such product shall be deemed to be a consumer product under section 102(a).

On page 13, at the beginning of line 16, strike out "(14)" and insert "(18)"; in line 17, after the word "this", strike out "title" and insert "Act"; at the beginning of line 19, strike out "title" and insert "Act"; at the beginning of line 20, strike out "(15)" and insert "(19)"; in the same line, after the word "of", strike out "the above powers" and insert "his functions and duties under this Act, including functions and duties transferred to him pursuant to title II"; on page 14, at the beginning of line 2, change the section number from "104" to "105"; in line 4, after the word "of", strike out "Foods" and insert "Food"; in line 6, after the word "attempt", strike out the comma and "in good faith,"; at the beginning of line 8, strike out "safety"; at the beginning of line 10, strike out "and Representation"; at the beginning of line 14, strike out "accident occurrences resulting in injury or death" and insert "injuries or deaths associated with food, drugs, and consumer products"; in line 16, after the word "agents", strike out "producing" and insert "associated with"; in line 17, after the word "such", strike out "injury" and insert "injuries or deaths"; in line 18, after "(e)", insert "establish and"; in line 20, after the word "Counsel", insert "for the Agency and an Assistant General Counsel for each Commission"; in line 23, after the word "Act", strike out "and to coordinate the efforts of the legal representatives of each Commission"; on page 15, line 1, after the word "which", strike out "the Administrator and Commissioners are" and insert "he is"; at the beginning of line 9, change the section number from "105" to "106"; in line 10, after the word "this", strike out "title" and insert "Act"; on page 16, at the beginning of line 4, change the section number from "106" to "107"; in the same line, after the word "The", strike out "President" and insert "Administrator"; in line 5, after the word "shall", strike out "appoint, with the advice and consent of the Senate" and insert "appoint"; in line 6, after the word "of", strike out "Foods" and insert "Food"; in line 8, strike out "Product Safety" and insert "Consumer Products"; after line 8, strike out:

(b) Term of office. Each Commissioner shall be appointed to serve at the pleasure of the President.

After line 10, strike out:

(c) Vacancy. In the event of a vacancy in the position of Commissioner, the Administrator shall appoint an Acting Commissioner to serve until the President appoints, with the advice and consent of the Senate, another Commissioner.

At the beginning of line 16, strike out "(d)" and insert "(b)"; in line 18, after the word "are", insert "authorized and"; in line 24, after the word "products", strike out "and compel the attendance of witnesses by subpena at such hearings when necessary"; on page 17, at the beginning of line 2, change the section number from "107" to "108"; in line 5, after "(1)", strike out "attempt, in good faith," and insert "attempt"; in line 6, after the word "injury", strike out "in accordance with procedures set forth in laws he is given authority to administer in accordance with titles II or III of this Act"; in line 15, after the word "facilitate", strike out "standard setting" and insert "regulation-making"; in line 20, after "(5)", strike out "establish" and insert "utilize where practicable and establish where necessary,"; on page 18, line 2, after the word "him;", insert "and"; after line 2, strike out:

(6) appoint a Counsel to assist him as his legal representative in carrying out his duties under this Act; and

At the beginning of line 6, strike out "(7)" and insert "(6)"; in line 10, after the word "Information", strike out "And Representation"; at the beginning of line 12, change the section number from "108" to "109"; at the beginning of line 14, strike out "and Representation who shall serve during the duration of the term of the Administrator unless removed by the Administrator for good cause shown"; in line 18, after the word "Consumer", strike out "Safety"; in line 20, strike out "concerning consumer safety"; in line 21, after the word "programs", strike out "based on data supplied by the Commissioners"; in line 25, after the word "by", insert "the Administrator or"; on page 19, at the beginning of line 9, strike out "or Commissioners related to consumer safety,"; in line 10, after the word "section", strike out "113" and insert "114"; in line 13, after the word "distribution", strike out "the"; in the same line, after the word "information", insert "available for public disclosure"; in line 14, after the word "shall", strike out "also"; in line 17, after the word "copy.", insert "The Agency shall charge the public the minimum practicable amount for the search for and production of documents, shall take all reasonable measures to reduce or waive, where appropriate, any charge to persons to whom such charge would be financially burdensome, and in no event shall charge any amount which exceeds the actual cost of such search and production. All funds collected for copying and for search for and production of documents shall be paid to the Administrator and shall be obligated and expended by him to finance the Agency's consumer information program."; on page 20, after line 2, strike out:

(d) Powers of Director. (1) (A) In order to insure proper representation of the consumer interest in any rulemaking proceeding undertaken by any Commissioner or the Administrator, the Director shall appoint and compensate an attorney, chosen from among attorneys engaged privately in the practice of law or employed by the United States or any State thereof, to represent the consumer interest in that proceeding, unless he determines that the consumer interest will be adequately represented in any such proceeding without such appointment.

(B) The Director may appoint such other experts as he deems advisable unless the Administrator objects in principle to such appointment in writing.

(2) In proceedings other than rulemaking the Director may appoint an attorney or other expert to present for the public record the consumer interest to the Commissioner or Administrator unless the Administrator objects in principle to such appointment in writing.

(3) Any person appointed under authority of this subsection shall be chosen for his ability to represent the consumer interest fairly, effectively, and without conflict of interest.

(4) Nothing contained in this subsection shall be construed as limiting the authority or standing of any person to participate in the proceedings of the Agency.

On page 21, after line 2, insert:

(d) The Director shall establish a Consumer Information Library.

At the beginning of line 6, change the section number from "109" to "110"; at the beginning of line 11, strike out "accident occurrences that produce injury" and insert "injury associated with food, drugs, and consumer products"; in line 12, after the word "any", insert "natural or man-made"; in line 14, after the word "thermal", strike out "or"; in the same line, after the word "radiological" insert "or other"; in line 16, after the word "contact", strike out "accidentally"; in line 22, after the word "of", strike out "foods" and insert "food"; in line 23, after the word "or", strike out "other" and insert "consumer"; in line 24, after the word "injuries", strike out "resulting from the use of their" and insert "associated with such food, drugs, and consumer"; on page 22, at the beginning of line 5, strike out "(C) (1)" and insert "(d) Limitations.—(1)"; in line 17, after the word "this", strike out "Act;" and insert "Act, in a manner designed to preserve confidentiality to the greatest practicable extent"; on page 23, line 4, after the word "persons", insert "or person treating them"; at the beginning of line 12, change the section number from "110" to "111"; in the same line, after the word "designation.", strike out "Each Commissioner shall designate five persons within his Commission involved in the scientific detection of hazards or the establishment of standards to serve on a Joint Scientific Committee chaired by a Director of Science appointed by the Administrator to serve at his pleasure." and insert "After consultation with the Commissioners, the Administrator shall establish and appoint the members of a Joint Scientific Committee which shall be composed of at least one representative of each Commission and chaired by an Associate Administrator for Science appointed by the Administrator."; on page 24, line 1, after the word "The", strike out "Director" and insert "Associate Administrator"; after line 10, strike out:

AGENCY RESPONSIBILITY

Sec. 111. (a) Civil Action Against the Agency.—Any individual or class of individuals may commence a civil action on his or their own behalf against the Agency upon a showing that a person or persons in the Agency, by their acts or omissions have exposed said individual or individuals to foods, drugs, devices, or consumer products presenting unreasonable risk of injury or death. The district courts shall have jurisdiction without regard to the amount in controversy or the diversity of citizenship of the parties to entertain such action. The United States, through the Attorney General, shall defend the Agency against such action. Costs of litigation (including reasonable attorney's fees and expert witness fees) may be apportioned to the parties as the interests of justice require.

(b) Powers of the Court.—If the court finds that any person or persons in the Agency, have by any act or omission, or by any series of acts or omissions exposed individuals to foods, drugs, devices, or consumer products presenting unreasonable risk of injury or death, the court shall order performance or cessation of performance, as appropriate.

(c) Conflict of Interest. No former Agency (1) in which he at any time person-employee shall at any time subsequent to his Agency employment assist any other person, whether or not for compensation, in any transaction involving the Agency (1) in which he at any time personally and not collaterally, casually, or incidentally participated during his Agency employment; or (2) if such transaction involving the Agency was under his official responsibility as an Agency employee, at any time within a period of eighteen months following such transaction.

And, in lieu thereof, insert:

AGENCY RESPONSIBILITY

Sec. 112. (a) Petition of the Agency.—Any individual or class of individuals who alleges that he or they have been exposed by an act or omission of the Agency to a food, drug, or consumer product presenting an unreasonable risk of injury or death, shall first petition the Agency to take specific action sufficient to eliminate the alleged unreasonable risk of injury or death. After opportunity for interested parties to comment on the petition not to exceed thirty days, the Agency shall determine whether an unreasonable risk of injury or death exists as a result of an act or omission of the Agency and issue a decision either refusing to take any action or taking action designed to eliminate any unreasonable risk of injury or death. The Agency shall make such determination and issue such decision within a reasonable period of time, but in no event more than one hundred and twenty days following the presentation of the petition to the Agency.

(b) Civil Action Against the Agency.—If the Agency refuses to take any action in response to the petition, or if the Agency action taken in response to the petition is regarded by the petitioner or petitioners as insufficient to eliminate the alleged unreasonable risk of injury or death, a petitioner or petitioners may commence a civil action in a United States court of appeals. Any such action shall be filed within sixty days after the decision of the Agency pursuant to subsection (a) to take or refuse to take any action. If a petitioner or petitioners apply to the court to adduce additional evidence and show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure of the petitioner or petitioners to adduce such evidence in the proceeding before the Agency the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Agency either in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper.

(c) Powers of the Court.—(1) If the court finds, based upon a preponderance of the evidence which constitutes the record of the Agency, that the Agency, by an act or omission, has exposed such petitioner or petitioners to a food, drug, or consumer product presenting unreasonable risk of injury or death, the court shall remand the matter to the Agency for appropriate action. The "record of the Agency" means the information upon which the Agency based its decision, including the petition and any information submitted by the petitioner or petitioners and all other information identified in the decision of the Agency as part of the record, and any additional evidence adduced in accordance with procedures established in subsection (b) of this section.

(2) No action pursuant to any section may be filed for the purpose of requiring the Agency to permit the sale, distribution, use, or shipment in commerce of any food, drug, or consumer product, and no award of money damages may be made in any court action pursuant to this section.

(d) Costs of Petition and Civil Action.—Costs of the petition and civil action (including reasonable attorney's fees) may be apportioned to the parties as the interests of justice require.

On page 28, at the beginning of line 2, change the section number from "112" to "113"; in line 5, after the word "submit", insert "directly"; at the beginning of line 6, strike out "without review of the Office of Management and Budget"; in line 12, after the word "the", where it appears the first time, strike out "President," and insert "President and"; in line 13, after the word "Administrator", strike out "and" insert "the budget recommendations of"; in line 15, after the word "for", insert "the fiscal year following the year of the report, for"; in line 21, after the word "Information", strike out "and Representation,"; on page 29, line 3, after the word "activities", strike out "standards-setting" and insert "regulation-making"; at the beginning of line 5, strike out "standards established" and insert "regulations promulgated"; in line 14, after the word "of", strike out "nontechnical"; in line 16, after the word "prosecutions", insert "and"; in line 19, after the word "Information", strike out "and Representation"; at the beginning of line 21, change the section number from "113" to "114"; in line 23, after the word "or", where it appears the second time, strike out "the" and insert "any"; on page 30, line 1, after the word "Information", strike out "and Representation", in line 17, after the word "this", strike out "Act;" and insert "Act, in a manner designed to preserve confidentiality to the greatest practicable extent; and"; on page 31, line 2, after the word "persons", insert "or persons treating them"; in line 9, after the word "person", insert "outside the Agency"; at the beginning of line 17, change the section number from "114" to "115"; in the same line, after the amendment just above stated, strike out "Upon request by the Administrator, each Federal agency is authorized—"; after line 18, insert:

(a) The Administrator is authorized to utilize the resources and facilities of the National Bureau of Standards in the Department of Commerce with or without reimbursement, for the purpose of developing food, drug, or consumer product safety standards, testing, enforcing compliance or for other purposes related to carrying out the authorities of the Administrator under the Act. The Administrator shall report to the Congress each year on his implementation of this section;

(b) Upon request by the Administrator, each Federal agency is authorized—

On page 32, at the beginning of line 5, strike out "(a)" and insert "(1)"; at the beginning of line 9, strike out "(b)" and insert "(2)"; at the beginning of line 16, change the section number from "115" to "116"; at the beginning of line 23, change the section number from "116" to "117"; on page 33, at the beginning of line 1, strike out "not to exceed $180,000,000 for the fiscal year beginning July 1, 1972, not to exceed $200,000,000 for the fiscal year beginning July 1, 1973, not to exceed $225,000,000 for the fiscal year beginning July 1, 1974, and for succeeding fiscal years only such sums as the Congress may specifically authorize by law" and insert "such sums as may be necessary"; in line 7, after the word "funds", strike out "so authorized to be"; in the same line, after the word "appropriated", strike out "shall" and insert "to carry out this Act may"; in line 9, after the word "research", strike out "and" and insert "or"; in line 10, after the word "by", insert "other"; at the beginning of line 11, change the section number from "117" to "118"; in line 15, after the word "Administrator", strike out "Consumer Safety" and insert "Food, Drug, and Consumer Product"; in line 19, after the word "new", strike out "paragraph" and insert "paragraphs"; in line 21, after the word "Commissioners", strike out "Consumer Safety" and insert "Food, Drug, and Consumer Product"; after line 22, insert:

"(96) General Counsel, Food, Drug, and Consumer Product Agency."

On page 34, at the beginning of line 2, change the section number from "118" to "119"; in line 18, after the word "the", strike out "Consumer Safety" and insert "Food, Drug, and Consumer Product"; in line 21, after the word "Welfare", strike out "administered by the Division of Biological Standards of the National Institutes of Health" and insert "under the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263 (a)) and under section 351 and 352 of the Public Health Service Act (42 U.S.C. 262, 263)"; on page 35, line 1, after the word "the", where it appears the second time, strike out "Consumer Safety" and insert "Food, Drug, and Consumer Product"; after line 2, insert:

(c) All functions of the Secretary of Agriculture under the virus, serum, toxin, and analogous products provisions applicable to domestic animals of the Act of Congress approved March 4, 1913 (21 U.S.C. 151 et seq.), under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), and those functions of the Secretary of Agriculture and the Secretary of Commerce dealing with food performed pursuant to section 1622(h) of title 7, United States Code, are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(d) All functions of the Secretary of Commerce and the Federal Trade Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) and under the Act of August 2, 1956 (15 U.S.C. 1211) are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

At the beginning of line 20, strike out "(c)" and insert "(e)"; in line 25, after the word "the", strike out "Consumer Safety" and insert "Food, Drug, and Consumer Product"; on page 36, at the beginning of line 8, strike out "(d)" and insert "(f)"; after line 10, strike out:

Sec. 202. (a) The Administrator shall delegate all standard setting functions transferred to him to—

(1) the Commissioner of Foods and Nutrition if the functions relate to foods, including but not limited to functions in Chapter IV of the Food, Drug, and Cosmetic Act (21 U.S.C. 341) and section 702a of that Act (21 U.S.C. 372a); the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.); the Import Milk Act (21 U.S.C. 141 et seq.); the Filled Milk Act (21 U.S.C. 61 et seq.); and the Import Tea Act (21 U.S.C. 41 et seq.);

(2) the Commissioner of Drugs if the functions relate to drugs, including but not limited to functions in Chapter V of the Food, Drug, and Cosmetic Act (21 U.S.C. 351); and

(3) the Commissioner of Product Safety if the functions relate to other products over which the Administrator or the Commissioner of Product Safety have been given statutory authority.

(b) The Administrator shall exercise the functions under the Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) relating to color additives in cooperation with the Commissioners of Foods and Nutrition and Drugs.

And, in lieu thereof, insert:

Sec. 202. (a) The Administrator shall, insofar as practicable and consistent with sound administration of the laws subject to his jurisdiction, delegate all or part of the authority transferred to him to—

(1) the Commissioner of Food and Nutrition with respect to functions relating to food, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Federal Import Milk Act (21 U.S.C. 141 et seq.), the Filled Milk Act (21 U.S.C. 61 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)), and the provisions relating to pesticides, interstate travel sanitation, milk and food service sanitation, and shellfish sanitation under the Public Health Service Act (42 U.S.C. 241, 243, 246, and 264);

(2) the Commissioner of Drugs with respect to functions relating to drugs, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262, 263), the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263a), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), and the virus, serum, toxin, and analogous products provisions applicable to domestic animals of the Act of Congress approved March 4, 1913 (21 U.S.C. 151 et seq.); and

(3) the Commissioner of Consumer Products with respect to functions relating to other consumer products over which the Administrator has jurisdiction, including but not limited to functions under title III of this Act, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Poison Prevention Packaging Act (15 U.S.C. 1471 et seq.), the Radiation Control for Health and Safety Act (42 U.S.C. 263b et seq.), the Federal Caustic Poison Act (44 Stat. 1406), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), the Act of August 2, 1956 (15 U.S.C. 1211), and the provisions relating to product safety under the Public Health Service Act (42 U.S.C. 241, 244, 246, and 264).

On page 39, at the beginning of line 10, strike out "(c)" and insert "(b)"; in the same line, after the word "shall", insert "annually"; in line 11, after the word "Congress", insert "as part of his annual report under section 113"; in line 12, after the word "detailed", strike out "plan of delegation, within ninety days after the effective date of this Act which shall become effective unless disapproved by Congress within ninety days following its submission by joint resolution" and insert "statement of delegation"; in line 18, after the word "effect.", strike out "(except as provided in section 204 of this title)."; on page 40, after line 10, strike out:

SEC. 204. (a) The following laws are repealed and superseded by the authority granted in title III of this Act:

(1) the Federal Hazardous Substances Act, as amended (15 U.S.C. 1261 et seq.);

(2) the Flammable Fabrics Act, as amended (15 U.S.C. 1191 et seq.);

(3) Chapter VI of the Food, Drug, and Cosmetic Act (21 U.S.C. 361–63);

(4) the Radiation Control for Health and Safety Act (42 U.S.C. 262 et seq.);

(5) the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76); and

(6) the Act of August 2, 1956 (15 U.S.C. 1211).

(b) Orders, rules, regulations, permits or other privileges made, issued, or granted, or in the process of being made, issued, or granted, by authority of the laws enumerated in subsection (a) of this section shall continue in effect and be administered by the Commissioner and enforced by the Administrator to the same extent as if the laws under which they had been made, issued, or granted, or are being made, issued, or granted had not been repealed and superseded, until such time as they are modified, amended, or repealed under authority granted to the Commissioner of Product Safety or Administrator in title III of this Act.

On page 80, after line 4, insert a new title, as follows:

TITLE IV—FEDERAL FOOD, DRUG, AND COSMETIC ACT AMENDMENTS

SEC. 401. The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended as follows:

(a) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(g) If in package form unless its label bears (1) the common or usual name of the cosmetic, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that fragrance and color may be designated as fragrance and color without naming each ingredient: *Provided*, That to the extent that compliance with the requirements of clause (2) is impracticable, or results in deception or unfair competition, exemptions may be established by regulations promulgated by the Secretary."

(b) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(h) Unless its labeling bears adequate warnings against use where it may be dangerous to health."

(c) Section 201(i) of such Act is amended by striking "articles; except that such term shall not include soap.", and inserting in lieu thereof "articles.".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food, Drug, and Consumer Product Safety Act of 1972".

TITLE I—CREATION OF FOOD, DRUG, AND CONSUMER PRODUCT AGENCY

FINDINGS AND DECLARATION OF POLICY

SEC. 101. The Congress hereby finds and declares—

(1) that the regulation of foods, drugs, and consumer products is scattered widely throughout several Federal departments and agencies, and that inconsistent policies and incomplete regulation has resulted from this diffusion of regulatory efforts within the Federal Government;

(2) that effective consumer product regulation requires creation of a new independent agency with the power to take all action necessary to enforce food, drug, and consumer product safety laws, including the power to promulgate regulations, prosecute court actions, and make legislative and budgetary recommendations;

(3) that each year many Americans are needlessly injured in their homes because present Federal law inadequately regulates most consumer products;

(4) that in addition to consolidating present food, drug, and product safety regulation in a new independent regulatory agency, new statutory authority is needed to protect consumers against the hazards of many household products not covered by present Federal safety regulation;

(5) that because intrastate and interstate commerce in consumer products are closely intertwined and directly affect each other, Federal control over intrastate commerce in consumer products is essential to the effective control of the interstate commerce in such products;

(6) that unacceptable numbers of hazardous consumer products now affect interstate commerce, and their increasing number and complexity make it imperative that the Federal Government act promptly to eliminate unnecessary death and injury in the future; and

(7) that the American public has a right to be protected against risk of death or injury from hazardous consumer products when such hazards can reasonably be eliminated or minimized.

DEFINITIONS

SEC. 102. As used in this Act—

(a) "Consumer product" means a product, or a component thereof, produced for or distributed to an individual for his personal use, consumption, or enjoyment in or around a household or residence, a school, in recreation, or otherwise, but, except to the extent provided in section 104(c)(17), it does not include—

(1) tobacco and tobacco products;

(2) products subject to safety regulation under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.);

(3) aircraft or other aeronautical products subject to safety regulations by the Federal Aviation Administration;

(4) food or drugs as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.);

(5) products subject to safety regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.);

(6) products subject to safety regulation under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) insofar as such products are regulated for use in employment;

(7) products subject to safety regulation under the Gas Pipeline Safety Act (49 U.S.C. 1671 et seq.);

(8) products subject to safety regulation under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); and

(9) vessels, appurtenances, and equipment subject to safety regulation under title 52 of the Revised Statutes, as amended, the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.), or other marine safety statutes administered by the Department in which the Coast Guard is operating.

(b) "Commerce" means commerce among, between, or within the several States.

(c) "Consumer product safety standard" means a minimum standard promulgated under this Act which prevents such product from presenting an unreasonable risk of injury or death.

(d) "Subject to safety regulation" means authorized to be regulated for the purpose of eliminating any unreasonable risk of injury or death, as determined by the Administrator through communication and consultation with appropriate department or agency officials.

(e) "Injury" means harm (including adverse reactions and illness) produced by biologic, chemical, thermal, mechanical, electrical, radiological, or other natural or manmade agents.

(f) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, the Trust Territory of the Pacific Islands, or the Canal Zone.

(g) "Unreasonable risk of injury presented by a consumer product" means that degree of risk which the Commissioner determines is incompatible with the public health and safety either because the degree of anticipated injury or the frequency of such injury, or both, is unwarranted because—

(A) the degree of anticipated injury or the frequency of such injury can be reduced without affecting the performance or availability of the consumer product, or

(B) the degree of anticipated injury or the frequency of such injury cannot be reduced without affecting the performance or availability of the consumer product but the effect on such performance or availability is justified when measured against the degree of anticipated injury or the frequency of such injury.

(h) "Use" means: (A) exposure to, and (B) normal use or reasonably foreseeable misuse.

(i) "Risk-based analysis" means analysis which (A) identifies hazardous elements, conditions of use, and potential accidents, (B) determines the significance of their potential effect, and (C) provides the bases for limitations on use and design and procedural safety requirements to eliminate, control, or minimize hazards and to promote health and safety.

ESTABLISHMENT OF AGENCY

SEC. 103. There is hereby created an independent Food, Drug, and Consumer Product Agency (hereinafter referred to as the "Agency") whose function it is to promote the public health, safety, and welfare by protecting consumers against adulteration, misbranding, and illegal distribution of food, drugs, devices, and cosmetics, and against injury resulting from the use of consumer products. Within such Agency there shall be established a Commission of Food and Nutrition, a Commission of Drugs, and a Commission of Consumer Products, each to be headed by a Commissioner as provided in section 106 of this Act.

ADMINISTRATOR

SEC. 104. (a) APPOINTMENT.—The President shall appoint, with the advice and consent of the Senate, an Administrator of the Agency.

(b) TERM OF OFFICE.—The Administrator shall serve for a term of five years. He may be reappointed to the position of Administrator only once in succession.

(c) POWERS.—In order to fulfill his duties under this title, the Administrator is empowered to—

(1) direct and coordinate the activities of the Commissions of Food and Nutrition, Drugs, and Consumer Products;

(2) direct and supervise all personnel of the Agency;

(3) employ experts and consultants (including such experts as provided for in section 108 of this title) in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5, United States Code, and, while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(4) appoint advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees, or otherwise serving at the request of the Administrator, compensation and travel expenses at the rate provided for in paragraph (4) of this subsection with respect to experts and consultants;

(5) promulgate such regulations as may be necessary to carry out the functions vested in him and for the efficient enforcement of the laws subject to the jurisdiction of the Agency;

(6) issue subpenas to require the attendance and testimony of witnesses and the production of documentary evidence relating to any matter within his statutory authority which is the subject of a public hearing, have access for the purpose of examining and copying any documentary evidence relating to any matter within his statutory authority, and require by general or special orders signed by him the submission of annual or special reports or answers in writing to specific questions containing such data and information relating to any matter within his statutory authority as will enable him to enforce the laws subject to his jurisdiction. The district courts of the United States shall have jurisdiction to enforce such subpenas or general or special orders or to require access to such documentary evidence upon application of the Attorney General or the Administrator. An action for such enforcement may be brought in any district court of the United States for the district wherein the person involved is found or transacts business.

(7) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities with or without reimbursement therefor;

(8) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Agency and on such terms as the Administrator may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, independent testing laboratory, or institution;

(9) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(10) designate representatives to serve or assist on such committees as the Administrator may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies and independent standard-setting bodies carrying out programs and activities related to the protection of consumers against injury resulting from the use of foods, drugs, and consumer products;

(11) construct such research or test facilities as may be necessary to carry out the purposes of this Act, (A) after fully utilizing the personnel, facilities, and other technical support available in other Federal agencies, (B) when authorized by the Congress to plan, design, and construct such facilities, and (C) subject to the appropriation of funds for this purpose by the Congress;

(12) conduct public hearings anywhere in the United States to consider the safety of foods, drugs, or consumer products;

(13) prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the administration and enforcement of the laws subject to his jurisdiction, and receive from the President and Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Agency;

(14) prescribe personnel policies for the Agency including selecting, appointing, fixing compensation of, hiring, firing, promoting, and transferring of employees without prior approval or clearance, subject to the civil service and classification laws;

(15) submit legislative recommendations and testimony to Congress without prior approval or clearance;

(16) initiate, prosecute, defend, or appeal any court action in the name of the Agency to enforce the laws subject to his jurisdiction, through his own legal representative or through the Attorney General, and direct the course of all litigation involving the Agency;

(17) (A) petition any Federal department or agency which has jurisdiction over products included within the definition of consumer product in section 102(a) but exempt under paragraphs (1)-(9) to establish and enforce appropriate safety regulations for any such product;

(B) participate in the establishment of such regulations;

(C) upon request of such department or agency, establish and enforce such regulations in accordance with title III of this Act. Upon such request, such product shall be deemed to be a consumer product under section 102(a);

(18) undertake such other activities as are necessary to carry out his duties under this Act, including those enumerated in other sections of this Act; and

(19) delegate any of his functions and duties under this Act, including functions and duties transferred to him pursuant to title II, other than subpena powers, to the Commissioners or other officers or employees of the Agency.

DUTIES OF THE ADMINISTRATION

SEC. 105. The Administrator shall—

(a) direct and coordinate the activities of the Commissions of Food and Nutrition, Drugs, and Product Safety;

(b) attempt to secure levels of funding for the Agency that will permit it to carry out its mission on behalf of the public;

(c) establish an Office of Consumer Information in accordance with the provisions of section 108 of this title;

(d) establish a National Injury Information Clearinghouse which shall systematically monitor and report injuries or deaths associated with food, drugs, and consumer products and identify the agent or agents associated with such injuries or deaths;

(e) establish and supervise the activities of the Joint Scientific Committee;

(f) appoint a General Counsel for the Agency and an Assistant General Counsel for each Commission, to assist him as his legal representative in carrying out his duties under this Act;

(g) enforce the laws which he is required under title II of this Act to administer; and

(h) publish notice of any proposed public hearing in the Federal Register, and afford a reasonable opportunity for interested persons, including consumers, to present relevant testimony and data.

OBLIGATIONS OF AGENCY CONTRACTORS

SEC. 106. (a) MAINTENANCE OF RECORDS.—Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project undertaken in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) ACCESS TO RECORDS.—The Administrator and the Comptroller General of the United States or their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants or contracts entered into under section 103(c)(9) under other than competitive bidding procedures.

COMMISSIONERS

SEC. 107. (a) APPOINTMENT.—The Administrator shall appoint a Commissioner of Food and Nutrition, a Commissioner of Drugs, and a Commissioner of Consumer Products.

(b) POWERS.—In order to fulfill his duties under this title, a Commissioner is empowered to—

(1) undertake such activities as are authorized and necessary to carry out his duties under this title, including those delegated to him by the Administrator and those enumerated in other sections; and

(2) conduct public hearings anywhere in the United States to consider the safety of foods, drugs, or consumer products.

DUTIES OF THE COMMISSIONER

SEC. 108. Each Commissioner, in cooperation with the other Commissioners and as directed and coordinated by the Administrator shall—

(1) attempt to eliminate products presenting unreasonable risk of injury;

(2) establish a capability within his Commission to engage in risk-based analysis;

(3) establish an interdisciplinary epidemiology capability and undertake investigations in coordination with the National Injury Information Clearinghouse to facilitate regulation-making and to assist in risk-based analysis;

(4) establish a scientific capability within the Commission to assist in hazard detection, test method development, and quality control requirements;

(5) utilize where practicable and establish where necessary, field operations as authorized by the Administrator to facilitate detection of conditions which might lead to injury or death, to monitor compliance with required levels of safety performance, to report violations, and to assist the Administrator in any enforcement action taken by him; and

(6) publish notice of any proposed public hearing in the Federal Register, and afford a reasonable opportunity for interested persons, including consumers, to present relevant testimony and data.

OFFICE OF CONSUMER INFORMATION

SEC. 109. (a) DIRECTOR.—The Administrator shall appoint a Director of the Office of Consumer Information.

(b) DUTIES OF DIRECTOR.—The Director shall—

(1) establish a Consumer Information Center which can respond to written inquiries from consumers;

(2) conduct consumer education programs so as to inform the public about certain specified hazards and thereby reduce the risk

of those hazards. Such consumer education programs shall not be relied upon by the Administrator or any Commissioner as a substitute for action designed to minimize any hazard unless the Director publishes in the Federal Register a finding that such reliance would sufficiently reduce the risk of such product so that its use would not present an unreasonable risk of injury or death; and

(3) insure public access to information concerning pending or completed actions of the Administrator in accordance with section 114 of this title.

(c) PUBLIC INFORMATION ROOM.—In addition to publishing information in the form and manner best adopted for widespread distribution, information available for public disclosure shall be made available in a "Public Information Room" within the Director's office, equipped with a self-help copying machine, from which the public can make copies at the cost of the production of the copy. The Agency shall charge the public the minimum practicable amount for the search for and production of documents, shall take all reasonable measures to reduce or waive, where appropriate, any charge to persons to whom such charge would be financially burdensome, and in no event shall charge any amount which exceeds the actual cost of such search and production. All funds collected for copying and for search for and production of documents shall be paid to the Administrator and shall be obligated and expended by him to finance the Agency's consumer information program.

(d) The Director shall establish a Consumer Information Library.

NATIONAL INJURY INFORMATION CLEARINGHOUSE

SEC. 110. (a) DIRECTOR.—The Administrator shall appoint a Director of the National Injury Information Clearinghouse.

(b) DUTIES OF DIRECTOR.—The Director shall establish a system of nationwide reporting centers to monitor injury associated with food, drugs, and consumer products, to identify any natural or man-made biologic, chemical, mechanical, electrical, thermal, or radiological, or other agents that caused such injury to describe the way in which such agents came into contact with the victim, and to ascertain the severity of the injury.

(c) POWERS OF DIRECTOR.—(1) The Director may—

(A) obtain injury data from other governmental and nongovernmental sources; and

(B) require manufacturers, importers, processors, distributors, retailers or assemblers of food, drugs, or consumer products, and their insurers, to submit information concerning injuries associated with such food, drugs, and consumer products that have come to their attention in accordance with regulations promulgated by the Administrator, which ensure that such persons providing such information are not compromised in any pending litigation.

(d) LIMITATIONS.—(1) The Director shall not disclose information obtained by him under this section which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) to other Federal Government departments, agencies, and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, in a manner designed to preserve confidentiality to the greatest practicable extent; and

(E) to the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within 15 days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons or person treating them be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 522, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

JOINT SCIENTIFIC COMMITTEE

SEC. 111. (a) DESIGNATION.—After consultation with the Commissioners, the Administrator shall establish and appoint the members of a Joint Scientific Committee which shall be composed of at least one representative of each Commission and chaired by an Associate Administrator for Science appointed by the Administrator.

(b) MEETINGS.—Such Committee shall meet at least once a month.

(c) DUTIES.—

(1) The Associate Administrator and members of the Committee shall insure that there is an exchange of scientific information between the Commissions and shall report to the Administrator on the needs of the scientific personnel in each of the Commissions.

(2) The Committee shall advise the Administrator or any of the Commissioners on technical matters and shall make recommendations for the soliciting of expert scientific opinion on particular issues.

AGENCY RESPONSIBILITY

SEC. 112. (a) PETITION OF THE AGENCY.—Any individual or class of individuals who alleges that he or they have been exposed by any act or omission of the Agency to a food, drug, or consumer product presenting an unreasonable risk of injury or death, shall first petition the Agency to take specific action sufficient to eliminate the alleged unreasonable risk of injury or death. After opportunity for interested parties to comment on the petition not to exceed thirty days, the Agency shall determine whether an unreasonable risk of injury or death exists as a result of an act or omission of the Agency and issue a decision either refusing to take any action or taking action designed to eliminate any unreasonable risk of injury or death. The Agency shall make such determination and issue such decision within a reasonable period of time, but in no event more than one hundred and twenty days following the presentation of the petition to the Agency.

(b) CIVIL ACTION AGAINST THE AGENCY.—If the Agency refuses to take any action in response to the petition, or if the Agency action taken in response to the petition is regarded by the petitioner or petitioners as insufficient to eliminate the alleged unreasonable risk of injury or death, a petitioner or petitioners may commence a civil action in a United States court of appeals. Any such action shall be filed within sixty days after the decision of the Agency pursuant to subsection (a) to take or refuse to take any action. If a petitioner or petitioners apply to the court to adduce additional evidence and show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure of the petitioner or petitioners to adduce such evidence in the proceeding before the Agency the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Agency either in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper.

(c) POWERS OF THE COURT.—(1) If the court finds, based upon a preponderance of the evidence which constitutes the record of the Agency, that the Agency, by an act or omission, has exposed such petitioner or petitioners to a food, drug, or consumer product presenting unreasonable risk of injury or death, the court shall remand the matter to the Agency for appropriate action. The "record of the Agency" means the information upon which the Agency based its decision, including the petition and any information submitted by the petitioner or petitioners and all other information identified in the decision of the Agency as part of the record, and any additional evidence adduced in accordance with procedures established in subsection (b) of this section.

(2) No action pursuant to any section may be filed for the purpose of requiring the Agency to permit the sale, distribution, use, or shipment in commerce of any food, drug, or consumer product, and no award of money damages may be made in any court action pursuant to this section.

(d) COSTS OF PETITION AND CIVIL ACTION.—Costs of the petition and civil action (including reasonable attorney's fees) may be apportioned to the parties as the interests of justice require.

ANNUAL REPORTS

SEC. 113. (a) TIME OF REPORT.—With one hundred and twenty days following the convening of each regular session of each Congress, the Administrator shall prepare and submit directly to Congress and the President a report on the activities of the Agency and its recommendation for legislative action.

(b) CONTENTS.—Such reports shall contain the following—

(1) budget information containing the budget requests of the President and the Administrator, and the budget recommendations of each of the Commissioners, the appropriation of the Congress, and the distribution of appropriated funds for the fiscal year following the year of the report, for the fiscal year of the report, and for the preceding three fiscal years;

(2) a detailed summary of the activities of the Agency, including but not limited to an account of the activities of the National Injury Information Clearinghouse, the Office of Consumer Information and the Joint Scientific Committee detailing the number and type of personnel employed and the moneys expended by each;

(3) a detailed summary of the activities of each Commission prepared by its Commissioner which presents information as to its epidemiology efforts, risk-based analysis activities, regulation-making efforts (including a brief description of final regulations promulgated), certification programs, scientific activities (including basic research and test methods development) undertaken by the Commission or by other Government agencies or private persons under contract with the Agency, and its field operations;

(4) a detailed summary of the enforcement activities of the Agency including violations reported to the Administrator by each Commissioner, a summary of the disposition of violations including but not limited to voluntary agreements, seizures, recalls, civil fines, and criminal prosecutions; and

(5) legislative recommendations of each Commissioner, the Administrator, and the Director of the Office of Consumer Information.

PUBLIC ACCESS TO INFORMATION

SEC. 114. (a) AVAILABILITY.—Copies of any communications, documents, reports, or other information received or sent by the Administrator or any Commissioner shall be made available to the public, upon identifiable request, and at reasonable cost, through the Office of Consumer Information unless such information may not be publicly released under the terms of subsection (b) of this section.

(b)(1) Limitations.—The Administrator, Commissioner, or any officer or employee of the Agency shall not disclose information obtained by him under this section which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) to other Federal Government departments, agencies, and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, in a manner designed to preserve confidentiality to the greatest practicable extent; and

(E) to the public in order to protect their health and safety, after notice and opportunity for comment in writing or for discussion in closed session within 15 days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons or persons treating them be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) Proceeding Communications.—Any communication from a person outside the Agency to the Administrator, the Commissioners or any other employee of the Agency concerning a matter presently under consideration in a rulemaking or adjudicatory proceeding in the Agency shall be made a part of the public file of that proceeding unless it is a communication entitled to protection under subsection (b) of this section.

COOPERATION OF FEDERAL AGENCIES

Sec. 115. (a) The Administrator is authorized to utilize the resources and facilities of the National Bureau of Standards in the Department of Commerce with or without reimbursement, for the purpose of developing food, drug, or consumer product safety standards, testing, enforcing compliance or for other purposes related to carrying out the authorities of the Administrator under the Act. The Administrator shall report to the Congress each year on his implementation of this section;

(b) Upon request by the Administrator, each Federal agency is authorized—

(1) to make its services, personnel, and facilities available with or without reimbursement to the greatest practicable extent within its capability to the Agency to assist it in the performance of its functions; and

(2) to furnish to the Agency such information, data, estimates, and statistics, and to allow the Agency access to all information in its possession, as the Administrator may reasonably determine to be necessary for the performance of the functions of the Agency as provided by this Act.

SEPARABILITY

Sec. 116. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

Sec. 117. There are authorized to be appropriated for the purpose of carrying out the provisions of this Act such sums as may be necessary. No part of the funds appropriated to carry out this Act may be used to plan, design, or construct any research or test facilities unless specifically authorized by the Congress by other law.

Sec. 118. (a) Executive Schedule Level of Administrator.—Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) Administrator, Food, Drug, and Consumer Product Agency."

(b) Executive Schedule Level of Commissioners.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(95) Commissioners, Food, Drug, and Consumer Product Agency.

"(96) General Counsel, Food, Drug, and Consumer Product Agency."

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

Sec. 119. (a) This Act shall take effect ninety days after the Administrator first takes office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Agency pursuant to this Act.

TITLE II—TRANSFERS OF FUNCTION

Sec. 201. (a) All functions of the Secretary of Health, Education, and Welfare administered through the Food and Drug Administration are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(b) All functions of the Secretary of Health, Education, and Welfare under the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263(a)) and under sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262, 263) are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(c) All functions of the Secretary of Agriculture under the virus, serum, toxin, and analogous products provisions applicable to domestic animals of the Act of Congress approved March 4, 1913 (21 U.S.C. 151 et seq.), under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), and those functions of the Secretary of Agriculture and the Secretary of Commerce dealing with food performed pursuant to section 1622(h) of title 7, United States Code, are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(d) All functions of the Secretary of Commerce and the Federal Trade Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) and under the Act of August 2, 1956 (15 U.S.C. 1211) are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(e) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds which are used primarily with respect to any office, agency, bureau, or function transferred under the provisions of this section are transferred to the Administrator of the Food, Drug, and Consumer Product Agency. The transfer of personnel pursuant to this subsection shall be without reduction in classification or compensation for one year after such transfer, and this provision shall not be construed to impair the authority of the Administrator to assign personnel during this period to carry out the functions of the Agency most effectively.

(f) The Civil Service Commission shall establish criteria, in consultation with the Administrator, when preparing competitive examinations for positions in the Agency.

Sec. 202. (a) The Administrator shall, insofar as practicable and consistent with sound administration of the laws subject to his jurisdiction, delegate all or part of the authority transferred to him to—

(1) the Commissioner of Food and Nutrition with respect to functions relating to food, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Federal Import Milk Act (21 U.S.C. 141 et seq.), the Filled Milk Act (21 U.S.C. 61 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), the Agricultural Marketing Act of 1946 (7 U.S.C. 1622 (h)), and the provisions relating to pesticides, interstate travel sanitation, milk and food service sanitation, and shellfish sanitation under the Public Health Service Act (42 U.S.C. 241, 243, 246, and 264);

(2) the Commissioner of Drugs with respect to functions relating to drugs, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262, 263), the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263a), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), and the virus, serum, toxin, and analogous products provisions applicable to domestic animals of the Act of Congress approved March 4, 1913 (21 U.S.C. 151 et seq.); and

(3) the Commissioner of Consumer Products with respect to functions relating to other consumer products over which the Administrator has jurisdiction, including but not limited to functions under title III of this Act, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Poison Prevention Packaging Act (15 U.S.C. 1471 et seq.), the Radiation Control for Health and Safety Act (42 U.S.C. 263b et seq.), the Federal Caustic Poison Act (44 Stat. 1406), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), the Act of August 2, 1956 (15 U.S.C. 1211), and the provisions relating to product safety under the Public Health Service Act (42 U.S.C. 241, 244, 246, and 264).

(b) The Administrator shall annually present to Congress as part of his annual report under section 113 a detailed statement of delegation.

Sec. 203. All laws relating to any office, agency, bureau, or function transferred under this Act shall, insofar as such laws are applicable, remain in full force and effect. And orders, rules, regulations, permits, or other privileges made, issued, or granted by any office, agency, or bureau or in connection with any function transferred by this Act, and in effect at the time of the transfer, shall continue in effect to the same extent as if such transfer had not occurred until modified, superseded, or repealed. No suit, action, or other proceeding lawfully commenced by or against any office, agency, or bureau or any officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this Act, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the appropriate office, agency, bureau, or officer of the United States.

TITLE III—CONSUMER PRODUCT SAFETY

COLLECTION AND DISCLOSURE OF INFORMATION ON CONSUMER PRODUCT RISKS

SEC. 301. (a) The Commissioner of Product Safety (hereinafter referred to as the "Commissioner") shall collect, evaluate, and disseminate, on a continuing basis in conjunction with the National Injury Information Clearinghouse, information on the types, frequency, severity, and causes of injury associated with the use of consumer products, and on means to test, measure, or evaluate the risks of such injury. In carrying out his functions under this section the Commissioner in addition to or in aid of the foregoing—

(1) shall collect data or perform research or studies to facilitate the establishment of consumer product safety standards and to evaluate their efficacy in reducing risks associated with consumer products;

(2) shall use interdisciplinary epidemiological teams where appropriate to ascertain the details and causation of injury resulting from the use of a consumer product;

(3) shall plan, conduct, coordinate, or provide technical assistance to research activities, development of methods, training of personnel, or operations, designed to minimize the risks associated with consumer products, or designed to develop means to test, measure, or evaluate such risks;

(4) shall secure information on the risks associated with consumer products from other Federal or State departments and agencies with related interests, professional organizations, industry, industry or labor associations, and other public or private agencies, organizations, or institutions;

(5) shall make available, through publications and by other appropriate means, the results of, and other information concerning, research and studies relating to the nature and extent of the risks associated with consumer products, and may include recommendations for the reduction of such risks, or information on the means of testing consumer products for risks; and

(6) shall obtain (by negotiation or otherwise) consumer products for research and testing purposes, and sell or otherwise dispose of such products.

(b) The Commissioner is authorized to obtain from any person by subpena, issued pursuant to regulation, information in the form of books, records, or other writings in his possession pertinent to the frequency or causes of death, or the types, frequency, severity, or causes of illness or injury associated with exposure to or use of consumer products. The district courts of the United States shall have jurisdiction to enforce such subpenas upon application of the Attorney General or the Administrator. An action for such enforcement may be brought in any district court of the United States for the district wherein such person is found or transacts business.

(c)(1) The Commissioner shall not disclose information obtained by him under this section which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) to other Federal Government departments, agencies, and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act; and

(E) to the public in order to protect their health and safety, after notice and opportunity for comment in writing or for discussion in closed session not to within fifteen days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(d) The Commissioner shall communicate to each manufacturer of a consumer product, insofar as may be practicable, information as to any unreasonable or significant risk to health or safety associated with such product.

(e) Whenever the Commissioner finds, on the basis of information available to him, that exposure to an aspect of the household environment other than a consumer product presents an unreasonable risk of personal injury or death and that a recognized building, electrical, or other code covers that aspect of the household environment, he may recommend to the appropriate code-making authority, and to those authorities responsible for enforcing the code having jurisdiction over that aspect, the code changes he considers warranted to reduce the risk to a reasonable level.

AUTHORITY TO PROMULGATE STANDARDS FOR CONSUMER PRODUCTS

SEC. 302. Whenever the Commissioner finds a need for action to eliminate unreasonable risk of injury or death associated with the use of a consumer product, or any type or class of such products, he may by regulation, in accordance with the requirements of this Act, promulgate for such product, or type or class of such products, a consumer product safety standard or amend any standard previously established. Such standard or amendment to a standard, insofar as practicable, shall be compatible with any environmental standards established for any consumer product by the Federal Government.

INITIATION OF PROCEEDING TO PROMULGATE A CONSUMER PRODUCT SAFETY STANDARD

Notice of Proceeding

SEC. 303. (a) A proceeding to promulgate a consumer product safety standard shall be initiated by the Commissioner by publication in the Federal Register of a notice of proceeding. Such notice shall invite public comment with respect to the initiation of such proceeding and shall include—

(1) a description or other appropriate designation of the consumer product or type or class of such products with respect to which the proceeding is initiated;

(2) the risk or risks intended to be controlled;

(3) a summary description of the information upon which the Commissioner has found a need to initiate the proceeding, and the manner, consistent with subsection (c) of section 301, in which interested persons may examine such information;

(4) information with respect to any existing standard known to the Commissioner which may be relevant to the proceeding; and

(5) an invitation for any person, including any Federal agency, within thirty days after the date of publication of the notice—

(A) to submit information challenging the need to control any risk or risks presented by the consumer product, or type or class of such products, with respect to which the proceeding is initiated;

(B) to submit to the Commissioner an existing standard as such proposed consumer product safety standard; or

(C) to offer to develop such proposed consumer product safety standard in accordance with regulations of the Commissioner prescribing procedures for such development.

Petition by Interested Party

(b) Any consumer or other interested party may petition the Commissioner to commence a proceeding for the issuance, amendment, or revocation of a consumer product safety standard or other action. Such petition shall set forth with particularity the reasons for such petition. The Commissioner shall publish petitions in the Federal Register and allow opportunity for comment. If the Commissioner denies such petition he shall publish his reasons for such denial.

Decision To Proceed

(c) If the Commissioner determines, after receiving and evaluating any information to the contrary, that there exists a need to control a risk or risks presented by the designated consumer product, or type or class of such products with respect to which the proceeding to promulgate a consumer product safety standard was initiated, then he shall proceed toward the publishing of a proposed consumer product safety standard.

Use of Existing Standard

(d) If the Commissioner—

(1) finds that there exists a standard which has been published by any Federal agency or other qualified agency, organization, or institution;

(2) has made reference to such standard (unless it is a standard submitted pursuant to section 303(a)(5)(B)) in his notice pursuant to subsection (a)(4); and

(3) determines that such standard may be acceptable to him as a consumer product safety standard, then he may, in lieu of accepting an offer pursuant to this section, publish such standard as a proposed consumer product safety standard pursuant to section 306.

Acceptance of Offers To Develop Proposed Consumer Product Safety Standards

(e)(1) Except as provided by subsection (b), the Commissioner may accept one, or more than one, offer to develop a proposed consumer product safety standard pursuant to the invitation prescribed by subsection (a)(5)(C), upon his determination that—

(A) the offeror is technically competent and is likely to develop an appropriate standard within 150 days of the notice of proceeding or such longer period of time not to exceed 360 days from the date of such notice; and

(B) the offeror has the capacity to comply with regulations of the Commissioner prescribed pursuant to section 305.

The Commissioner shall publish in the Federal Register the name and address of each person whose offer he accepts, and a summary of the terms of such offer as accepted.

(2) Upon an offeror's application therefor prior to the acceptance of his offer under this subsection, the Commissioner may agree to contribute to the offeror's cost in developing a proposed consumer product safety standard, if the Commissioner determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution, and that the offeror is financially responsible. Regulations of the Commissioner shall set forth the items of cost in which he may participate, and shall exclude any contribution to the acquisition of land or buildings.

DEVELOPMENT OF A PROPOSED CONSUMER PRODUCT SAFETY STANDARD BY THE COMMISSIONER

SEC. 304. If the Commissioner has published a notice of proceeding as provided by section 303(a), and he has not accepted an existing standard pursuant to section 303 (d) then the Commissioner shall proceed to develop a proposed consumer product safety standard whether or not he has accepted offers to develop a proposed standard if he has determined that his own development will be of benefit to the public.

REGULATIONS GOVERNING DEVELOPMENT OF STANDARDS

SEC. 305. The Commissioner shall prescribe regulations governing the development of proposed consumer product safety standards under sections 303 and 304 of this Act, which regulations shall not be considered rules of agency organization, procedure, or practice for purposes of section 553 of title 5, United States Code. Such regulations shall include requirements—

(1) that standards recommended for promulgation be supported by test data or such other documents or materials as the Commissioner may reasonably require to be developed, and be suitable for promulgation pursuant to section 306;

(2) that standards recommended for promulgation contain such test methods as may be appropriate for measurement of compliance with such standards;

(3) for opportunity by interested persons to participate in the development of such standards;

(4) for the maintenance of such records as the Commissioner prescribes in such regulations to disclose the course of the development of standards recommended for promulgation, the comments and other information submitted by any person in connection with such development, including comments and information with respect to the need for such recommended standards, and such other matters as may be relevant to the evaluation of such recommended standards; and

(5) that the Commissioner, the Administrator, and the Comptroller General of the United States, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records, relevant to the expenditure of any contribution of the Commissioner, pursuant to section 303(e), to the development of such recommended standards.

PROMULGATION OF CONSUMER PRODUCT SAFETY STANDARDS; DECLARATION OF BANNED HAZARDOUS CONSUMER PRODUCT

Proposal To Promulgate Consumer Product Safety Standard or To Declare a Banned Hazardous Consumer Product

SEC. 306. (a)(1) Not more than one hundred and eighty days after his publication of a notice of proceeding pursuant to subsection (a) of section 303 (which time may be extended by the Commissioner by a notice published in the Federal Register stating good cause therefor), the Commissioner shall publish in the Federal Register either a notice withdrawing such prior notice or a proposal to promulgate a consumer product safety standard applicable to any consumer product subject to such notice, or a proposal to declare any such subject product a banned hazardous consumer product. A proposal to promulgate a consumer product safety standard and a proposal to declare a product a banned hazardous consumer product may be published in the alternative with respect to any consumer product subject to such notice.

(2) A proposal to promulgate a consumer product safety standard shall contain only one such proposed standard formulated by the Commissioner on the basis of the proposed standard developed by an offeror under section 303(e) of this title or by the Commissioner, or both.

(3) A proposal to promulgate a consumer product safety standard, or to declare a product a banned hazardous consumer product, shall set forth such proposed standard, or the reason for such declaration, the manner in which interested persons may examine data and other information upon which such proposed standard or declaration, or need therefor, is based (consistent with subsection (c) of section 301), and the period within which all interested persons may present their comments on such standard or declaration, or the need therefor, orally or in writing.

Disputes of Fact

(b) The Commissioner may conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of material fact raised by any person when presenting comments in accordance with paragraph (3) of subsection (a) of this section.

Findings

(c)(1) Prior to his issuance of an order to promulgate a consumer product safety standard pursuant to subsection (d) or to declare a product a banned hazardous consumer product pursuant to subsection (f), the Commissioner shall consider, and shall make appropriate findings for inclusion in such order with respect to—

(A) data and comments submitted in the course of any proceeding under section 303 relevant to such order;

(B) the types, frequency, severity, and causes of injury that may be attributed to those aspects of the consumer products subject to such order;

(C) the approximate number of consumer products, or types or classes thereof, subject to such order;

(D) the need of the public for the consumer products subject to such order, and the probable effect of such order upon the utility, cost, or availability of such products to meet such need; and

(E) any means of achieving the objective of the order while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety.

(2) The Commissioner shall include in any order promulgating a consumer product safety standard or banning a hazardous consumer product, a determination that his findings pursuant to paragraph (1), upon which such order shall be based, show that such standard or declaration is reasonably necessary to carry out the purposes for which such standard or declaration is authorized.

Order To Promulgate Consumer Product Safety Standard or To Declare a Banned Hazardous Consumer Product

(d) Within sixty days after the publication of a proposal to promulgate a consumer product safety standard, or to declare a consumer product a banned hazardous consumer product, the Commissioner shall, by order published in the Federal Register, act upon such proposed standard or declaration, or withdraw the applicable notice of proceeding. The order shall set forth the consumer product safety standard or declaration, if any, the reasons for the Commissioner's action (including reasons for the promulgation of a consumer product safety standard materially different than that set forth in the proposal or for his failure to promulgate any standard), and the date or dates upon which such standard or declaration, or portions thereof, shall become effective. If such effective date is later than six months after publication of an order setting forth a consumer product safety standard, the Commissioner shall publish his reasons therefor.

Characteristics of Consumer Product Safety Standards

(e)(1) Consumer product safety standards shall, where feasible, pertain to the safety performance characteristics (including safe packaging characteristics) of a consumer product, or type or class of such products, and shall to the extent practicable set forth test procedures (including instrumentation) capable of producing reproducible results to measure such performance characteristics, except that any such standard may apply to the composition, design, construction, or finish of a consumer product (or any component thereof, or type or class of such products, if the Commissioner determines that it is not feasible to protect the public health or safety by development of a consumer product safety standard pertaining to safety performance characteristics or any other consumer product safety standard authorized by this subsection.

(2) A consumer product safety standard may require that a consumer product (or any component thereof), or type or class of such products, (1) be marked, tagged, or accompanied by clear and adequate warnings or instructions, or (2) be subject to precautions related to physical distribution, as may be reasonably necessary for the protection of the public health or safety.

Ban of Product

(f)(1) The Commissioner may declare a consumer product to be a "banned hazardous consumer product", in accordance with the procedures of this section, only upon his finding, to be included in the Commissioner's order pursuant to subsection (d), that no feasible consumer product safety standard will adequately protect, the public from unreasonable risk of injury or death presented by such product. A firearm or ammunition may not be declared a banned hazardous consumer product.

(2) Any banned hazardous consumer product sold after the date on which notice was published of the proposal to declare such product a banned hazardous consumer product shall, in accordance with regulations promulgated by the Administrator, be repurchased as follows:

(A) The manufacturer of any such consumer product shall repurchase it from the person to whom he sold it, and shall—

(i) refund that person the purchase price paid for such consumer product, upon tender of the product, less a reasonable allowance for use if such product has been in the possession of the consumer for one year or more at the time of such tender,

(ii) if that person has repurchased such consumer product pursuant to subparagraph (B) or (C), reimburse him for any amounts paid in accordance with that paragraph for the return of such consumer product, and

(iii) if the manufacturer requires the return of such consumer product in connection with his repurchase of it in accordance with this subparagraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the manufacturer.

(B) The distributor of any such consumer product shall repurchase it from the person to whom he sold it, and shall—

(i) refund that person the purchase price paid for such consumer product, upon tender of the product, less a reasonable allowance for use if such product has been in the possession of the consumer for one year or more at the time of such tender,

(ii) if that person has repurchased such consumer product pursuant to subparagraph (C), reimburse him for any amounts paid in accordance with the subparagraph for the return of such consumer product in connection with its repurchase, and

(iii) if the distributor requires the return of such consumer product in connection with his repurchase of it in accordance with this subparagraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the distributor.

(C) In the case of any such consumer product sold at retail by a dealer, if the person who purchased it from the dealer or a subsequent owner returns it to him, the dealer shall refund that person the purchase price upon tender of such product, less a reasonable allowance for use if such product has been in the possession of the consumer for one year or more at the time of such tender and reimburse him for any reasonable and necessary transportation charges incurred in its return.

SAFETY ANALYSIS STUDY

SEC. 307. In order to insure that a manufacturer gives adequate consideration to the safety aspects of a consumer product, so as to prevent an unreasonable risk of injury or death from such consumer product, the Commissioner, where applicable, may require by regulation that a consumer product (or component thereof), or type or class of consumer products, be subjected to a detailed safety analysis, if such consumer product is not subject to a consumer product safety standard under this Act. Such safety analysis shall be conducted in conformity with criteria set forth in such regulations promulgated by the Commissioner. If such consumer product is later subject to a proceeding under section 303 of this Act, then the Commissioner may take into consideration such safety analysis when considering the need for a consumer product safety standard on such consumer product. The Commissioner may demand of the manufacturer a copy of any required safety analysis report.

REVOCATION OR AMENDMENT OF STANDARD

SEC. 308. (a) The Commissioner may revoke, in whole or in part, any consumer product safety standard, upon the ground that there no longer exists a need therefor or that such standard is no longer in the public interest. Such revocation shall be published as a proposal in the Federal Register and shall set forth such standard or portion thereof to be revoked, a summary of the reasons for his determination that there may no longer be a need therefor or that such standard (or any part thereof) may no longer be in the public interest, the manner (consistent with subsection (c) of section 301) in which interested persons may examine data and other information relevant to the Commissioner's determination, and the period within which all interested persons may present their views, orally or in writing, with respect to such revocation. As soon as practicable thereafter, the Commissioner shall by order act upon such proposal and shall publish such order in the Federal Register. The order shall include the reasons for the Commissioner's action, and the date or dates upon which such revocation shall become effective.

(b) The requirements of sections 303, 304, 305, and 306 of this title for the promulgation of a consumer product safety standard shall apply to the promulgation of a material amendment of a consumer product safety standard. The Commissioner may promulgate an amendment of a consumer product safety standard, other than a material amendment, without regard to section 303, 304, or 305, but shall comply with the procedures set forth in subsections (a) and (b) of section 306, and shall set forth, in his order promulgating such amendment, such findings as he may deem appropriate in explanation thereof. As used in this subsection, the term "material amendment" means an amendment that would substantially increase any performance standard applicable to a consumer product, or substantially alter the composition, design, finish, or packaging of such product.

COMPLIANCE

SEC. 309. (a) QUALITY CONTROL PROCEDURES.—Whenever the Commissioner has good cause to believe that a particular manufacturer is producing a consumer product with a significant incidence of noncompliance with a particular consumer product safety standard—

(1) he may require such manufacturer to submit to the Commissioner a description of the relevant quality control procedures followed in the manufacture of such product; and

(2) if the Commissioner thereafter determines that such noncompliance is attributable to the inadequacy of the manufacturer's control procedures, he may, after notice and opportunity for hearing pursuant to section 554 of title 5, United States Code, order the manufacturer to revise such quality control procedures to the extent necessary to remedy such inadequacy.

(b) NAMES OF FIRST PURCHASERS.—(1) The Commissioner may establish, by order at any time, procedures to be followed by manufacturers or importers, including procedures to be followed by distributors, dealers and consumers to assist manufacturers or importers in securing and maintaining the names and addresses of the first purchasers (other than dealers or distributors) of consumer products for which consumer product safety standards have been promulgated. Such procedures shall be reasonable for the particular type or class of consumer products for which they are prescribed.

(2) In determining whether to require the maintenance of the names and addresses of the first purchasers, the Commissioner shall consider—

(A) the severity of the injury that could result if a consumer product were not manufactured in compliance with an applicable consumer product safety standard;

(B) the likelihood that a particular type or class of consumer product would be manufactured not in compliance with an applicable consumer product safety standard; and

(C) the burden imposed upon the manufacturer or importer by requiring the maintenance of the names and addresses of the first purchasers (including the cost to consumers of such maintenance).

(c) COMPLIANCE TESTING.—(1) The Commissioner shall conduct compliance testing of consumer products subject to consumer product safety standards in order to insure that such products are in compliance with applicable consumer product safety standards pursuant to regulations promulgated in accordance with section 553 of title 5, United States Code.

(2) (A) Any person who manufactures or imports a consumer product for which a consumer product safety standard is in effect shall furnish a reasonable number of such products without cost to the Commissioner upon request. Consumer products furnished to the Commissioner under this subsection shall be drawn from regular production runs of such product.

(B) Upon the completion of any compliance testing, the Commissioner shall return the consumer product in compliance with any applicable consumer product safety standard to the manufacturer or importer from whom he obtained it, and such manufacturer or importer, in any subsequent sale or lease of such product, shall disclose that it has been subjected to compliance testing and shall indicate the extent of damage, if any, prior to repair.

(d) Any manufacturer, importer, or distributor of a consumer product subject to a consumer product safety standard shall furnish to the distributor or dealer at the time of delivery of such consumer product by such manufacturer or importer, or distributor, certification that each such consumer product conforms to all applicable consumer product safety standards.

JUDICIAL REVIEW

SEC. 310. (a) Any interested person affected by a final order or regulation of the Commissioner promulgated pursuant to sections 305, 306(d), 307, 308, or 309 may, at any time after such order is published by the Commissioner, file a petition with the United States Court of Appeals for the District of Columbia, or any circuit in which such person resides or has his principal place of business for a judicial review of such order. Copies of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or other officer designated by him for that purpose and to the Administrator. The Commissioner shall transmit to the Administrator, who shall file in the court, the record of the proceedings on which the Commissioner based his order, as provided in section 2112 of title 28, United States Code. Such record shall include such order of the Commissioner and, if issued, held, or obtained in connection therewith, the notice of proceeding published pursuant to subsection (a) of section 303; any notice or proposal published pursuant to section 305, 306(a), 307, 308, or 309; the transcript or summary of any proceedings and the findings arising therefrom; and any other information, including comments of interested persons, required to be considered by the Commissioner in the promulgation of such order.

(b) Upon the filing of the petition under subsection (a) of this section the court shall have jurisdiction to review the order of the Commissioner in accordance with chapter 7 of title 5, United States Code and to grant appropriate relief, including interim relief, as provided in such chapter. The order of the Commissioner shall be affirmed if supported by substantial evidence on the record taken as a whole.

(c) The judgment of the court affirming or setting aside, in whole or in part, any order of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

EMERGENCY ACTION

SEC. 311. (a) The Administrator or the Attorney General may file, in a district court of the United States having venue thereof, an action against a consumer product to have such product described an imminently hazardous consumer product, or against any person who manufactures for sale, sells, or offers for sale, in commerce, or imports into the United States, such product. Such an action may be filed, notwithstanding the existence of a consumer product safety standard applicable to such product, or the pendency of proceedings initiated pursuant to section 303. As used in this section, and hereinafter in this Act, the term "imminently hazardous consumer product" means a consumer product presenting an unreasonable risk of injury or death which requires action to protect adequately the public health and safety prior to the completion of administrative proceeding held pursuant to this Act.

(b) The district court in which such action is filed shall have jurisdiction to declare such product an imminently hazardous consumer product, and to grant (as ancillary to such declaration or in lieu thereof) such temporary or permanent equitable relief as may be necessary to protect the public from such risk. Such relief may include a mandatory order requiring the notification of the first purchasers of such product of such risk, public notice, the recall, the repurchase, the repair, the replacement, or the seizure of such product.

(c) Concurrently with the declaration of an imminent hazard, the Commissioner shall initiate a proceeding, pursuant to section 303, to promulgate a consumer product safety standard applicable to the consumer product with respect to which such declaration is made, or, if the initiation of such proceeding is not feasible, shall initiate a proceeding, pursuant to section 306, to declare such product a banned hazardous consumer product.

STOCKPILING

SEC. 312. Between the time a final order establishing a consumer product safety standard is issued and the time such order becomes effective, no manufacturer or importer, in an effort to stockpile that consumer product, shall produce or import such product in quantities significantly greater than quantities he had produced for a base period established by the Commissioner prior to the promulgation of a final order establishing a consumer product safety standard.

NOTIFICATION OF FAILURE TO COMPLY; REPAIR OR REPLACEMENT OF NONCOMPLYING CONSUMER PRODUCT

SEC. 313. (a) Every manufacturer, importer, or distributor of, or dealer in, a consumer product who discovers that such product has a defect which relates to the safety of use of such product or that such product fails to comply with an applicable consumer safety standard shall immediately notify the Commissioner of such defect or failure to comply if such product has left the place of manufacture. The notification required by this subsection shall contain (1) a clear description of such defect or failure to comply with an applicable consumer product safety standard, (2) an evaluation of the hazard reasonably related to such defect or failure to comply, and (3) a statement of the measures to be taken to effect repair to such defect or failure to comply.

(b) If any consumer product fails to comply with any applicable order issued pursuant to this title and thereby presents an unreasonable risk of injury or death or has a manufacturing defect which causes it to present an unreasonable risk of injury or death, the manufacturer, importer, or distributor of, or dealer in, such product may be required by the Administrator (by order after opportunity for hearing pursuant to the provisions of section 554 of title 5, United States Code) to give public notice (including notice through electronic media when necessary to protect the public health and safety) and—

(1) to mail to each consumer of such product known to such manufacturer, importer, distributor, or dealer, and, in the case of a manufacturer or importer, to each distributor or dealer to whom he delivered such product, a notification of such failure containing such information as the Administrator may prescribe, upon the Administrator's determination that such notification is required in order adequately to protect the public health or safety,

(2) to bring such product into conformity with the requirements of such order without charge to the consumer, or

(3) to either replace such product with a like or equivalent consumer product which complies with such order without charge to the consumer or to refund the purchase price of such product upon its tender, whichever option is elected by the manufacturer, importer, distributor, or dealer whose product fails to comply. If an election is made to refund the purchase price, the price shall be less a reasonable allowance for use, if such product has been in the possession of the consumer for more than one year at the time of tender.

The manufacturer, importer, distributor, or dealer against whom an order is issued under this subsection shall reimburse each consumer of the product which is the subject of such order for any reasonable and foreseeable expenses (including transportation expenses) incurred by such consumer in availing himself of the remedies provided by such order.

INSPECTION AND RECORDKEEPING

SEC. 314. (a) For purposes of carrying out regulations, standards, or orders promulgated under this Act, officers or employees duly designated by the Commissioner, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized—

(1) to enter, at reasonable times, any factory, warehouse, or establishment in which consumer products are manufactured, assembled, or held for introduction into commerce or are held for sale after such introduction; or to enter any vehicle being used to transport consumer products in interstate commerce; and

(2) to inspect, at reasonable times and in a reasonable manner, those areas of such factory, warehouse, establishment, or vehicle where or in which such products are produced, stored, or transported, and all pertinent equipment, materials, containers, and labeling therein.

A separate written notice shall be given for each inspection, but a notice shall not be required for each entry made during the period of inspection set forth in such notice. Each such inspection shall be completed with reasonable promptness. If the officer or employee who makes such inspection obtains any sample in the course thereof, he shall, prior to leaving the premises, give to the owner, operator, or agent in charge, a receipt therefor describing such sample.

(b) Every person who manufactures, assembles, distributes, or sells in commerce, or imports, a consumer product required to conform to a consumer product safety standard shall establish and maintain such records, and make such reports, and provide such information as the Commissioner may by regulation reasonably require with respect to the safety of such product. Upon request of an officer or employee duly designated by the Commissioner every such person shall permit the inspection of such records and other books, records, and papers relevant too determine whether such person is in compliance with this Act and regulations, standards, and orders prescribed thereunder.

(c) The district courts of the United States shall have jurisdiction to issue any warrant in aid of an inspection or investigation under this section, if such warrant is required by the Constitution or laws of the United States, upon a finding that such inspection or investigation is for the purpose of enforcing this Act.

PROHIBITED ACTS

SEC. 315. It shall be unlawful for any person engaged in the business of making consumer products available to consumers, either directly or indirectly, to—

(1)(A) manufacture for sale or lease, in commerce, any consumer product which does not comply with a consumer product safety standard; (B) sell or lease, or offer for sale or lease, in commerce, any consumer product which does not comply with a consumer product safety standard (i) if such product was manufactured or assembled in the United States after the effective date of such standard, or (ii) if such product was imported into the United States in violation of clause (C); (C) import into the United States any consumer product which does not comply with a consumer product safety standard; or (D) manufacture for sale or lease, sell or lease, or offer for sale or lease, in commerce, or import into the United States, any consumer product which has been declared a banned or imminently hazardous consumer product;

(2) fail or refuse to comply with any order of the Commisisoner pursuant to section 313;

(3) fail or refuse to comply with any requirement of sections 309, 312, and 314;

(4) alter, modify, destroy, or remove any portion of, or do any other act with respect to, a consumer product or labeling thereon or attached thereto, if such act is done while such product is being held or transported for sale, and results in the consumer product or its labeling failing to conform to a consumer product safety standard, or renders the product a banned or imminently hazardous consumer product;

(5) fail to provide to the Director of the National Injury Information Clearinghouse the information concerning injuries as required in section 109(c)(1)(B); or

(6) fail to provide, pursuant to section 307, any required safety analysis.

ENFORCEMENT

Civil and Criminal Penalties

SEC. 316. (a) Whoever knowingly commits any act prohibited by section 315, or, in case of commission of any such act by a corporation, the corporation and any individual director, officer, or agent of such corporation who knowingly caused in whole or in part the corporation to commit such act, shall be subject to a civil penalty of not more than $10,000 for each such act which shall accrue to the United States and may be recovered in a civil action brought by the United States or the Agency in its own name by any of its attorneys designated by the Administrator for such purpose, and, if such act was willfully committed, shall be guilty of a misdemeanor and, upon conviction, fined not more than $10,000 for each such act or imprisoned not more than one year, or both. As used in this subsection, the term "knowingly" means (1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including (A) knowledge obtainable upon the exercise of due care to ascertain the truth of representations, and (B) knowledge of the probable consequences of action taken in disregard of reasonable safeguards.

Injunctions

(b) Upon application by the Administrator or the Attorney General, the district courts of the United States shall have jurisdiction to enjoin the commission of acts prohibited by section 315, and to compel the taking of any action required by this Act.

Seizure

(c) Any consumer product which is not manufactured in compliance with an applicable consumer product safety standard, or which is not in compliance with such a standard as the result of an action made unlawful by clause (4) of section 315, or which is declared a banned or imminently hazardous consumer product, shall be liable to be proceeded against while in commerce or at any time thereafter, on complaint for forfeiture by the Administrator, and condemned in any district court of the United States within whose district the consumer product is found.

Private Suits

(d)(1) Any person who may be exposed to unreasonable risk of injury or death presented by a consumer product may bring an action in any district court for the district in which the defendant is found or transacts business to enforce a consumer product safety standard, or to enforce any order under subsection (f) of section 306, or under section 311, and to obtain appropriate injunctive relief. Not less than thirty days prior to the commencement of such action, such interested person shall give notice by registered mail to the Commissioner, to the Administrator, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. No separate suit shall be brought under this subsection if the same alleged violation is the subject of a pending action by the United States under this title. In any action under this action, such interested person may elect, by a demand for such relief in his complaint, to recover reasonable attorney's fees, in which case the court shall award reasonable attorney's fees to the prevailing party.

(2) Any person who shall sustain injury by reason of any knowing (including willful) violation of a consumer product safety standard, regulation, or order issued by the Commissioner may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, subject to the provisions of sec-

tion 1331 of title 28, United States Code, and shall recover damages sustained, and the cost of suit, including a reasonable attorney's fee, if considered appropriate in the discretion of the court.

(e) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law.

IMPORTS

SEC. 317. (a) Any consumer product imported into the United States to which a consumer product safety standard applies (except insofar as the Commissioner may otherwise provide with respect to a consumer product accompanied by a certification of compliance with such standard in a form prescribed by the Commissioner) or which is declared a banned or imminently hazardous consumer product, shall not be delivered from Customs custody except as provided in section 499 of the Tariff Act of 1930. In the event an imported consumer product is delivered from Customs custody under bond, as provided in section 499 of the Tariff Act of 1930, and is declared a banned or imminently hazardous consumer product or fails to conform with a consumer product safety standard in effect on the date of entry of such merchandise, the Administrator shall so inform the Secretary of the Treasury, and unless it appears to the Administrator that the product can be brought into compliance with all applicable requirements under this title shall request the Secretary of the Treasury to demand redelivery. Upon a failure to redeliver, the Secretary of the Treasury shall assert a claim for liquidated damages for breach of a condition of the bond arising out of such failure to conform or redeliver in accordance with regulations prescribed by the Secretary of the Treasury or his delegate. When asserting a claim for liquidated damages against an importer for failure to redeliver such nonconforming goods, the liquidated damages shall not be less than 10 per centum of the value of the nonconforming merchandise if, within five years prior thereto, the importer has previously been assessed liquidated damages for failure to redeliver nonconforming goods in response to a demand from the Secretary of the Treasury as set forth above.

(b) If it appears to the Administrator that the consumer product can be brought into compliance with all applicable requirements under this title, final determination as to admission of such consumer product may be deferred and, upon filing of timely written application by the owner or consignee and the execution by him of a bond as provided in the preceding provisions of this section, the Administrator may, in accordance with regulations, authorize the applicant to perform such action specified in such authorization (including destruction or export of rejected consumer products or portions thereof, as may be specified in such authorization). All such action pursuant to such authorization shall, in accordance with regulations, be under the supervision of an officer or employee of the Agency or of the Department of the Treasury.

(c) The Secretary of the Treasury shall obtain without charge and deliver to the Commissioner, upon his request, a reasonable number of samples of consumer products being offered for import. The owner or consignee of any such product may have a hearing before the Administrator with respect to admission of such imports into the United States. If, except as provided by subsection (b), it appears from examination or testing of such samples or otherwise that a product fails to comply with the requirements of this Act, such product shall be refused admission, and the Secretary of the Treasury shall cause destruction of such product unless it is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days after notice to the importer or consignee.

(d) All expenses (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in this section, the amount of such expenses to be determined in accordance with regulations of the Secretary of the Treasury, and all expenses in connection with the storage, cartage, or labor with respect to any consumer product refused admission under this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any further importations made by such owner or consignee.

EXPORTS

SEC. 318. This title shall not apply to any consumer product manufactured, sold, or held for sale for export from the United States (or to any consumer product imported for export), if such consumer product, and any container in which it is enclosed, bears a stamp or label stating that such consumer product is intended for export and such consumed product is in fact exported from the United States; except that this Act shall apply to any consumer product manufactured for sale, offered for sale, or sold for shipment to any installation of the United States located outside of the United States.

EFFECT ON STATE LAW

SEC. 319 (a) No State or political subdivision thereof shall establish or continue in effect, with respect to any consumer product, any standard or similar regulation prescribing requirements applicable to any aspect of health or safety of such consumer product, if such aspect is required to conform to a consumer product safety standard under this title unless that standard or similar regulation is identical to a consumer product safety standard established pursuant to this title. Nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing or continuing a health or safety requirement applicable to a consumer product for its own use, if such requirement imposes a higher standard of health or safety than that required to comply with the applicable consumer product safety standard under this title.

(b) The Administrator may, upon application of a State or political subdivision thereof, exempt such State or political subdivision from the limitation of subsection (a) if a consumer product safety standard proposed by such application (1) imposes a higher level of health or safety than the Federal consumer product safety standard with respect to consumer products to be manufactured, sold, held for sale, or used in such State or political subdivision thereof, (2) is required by compelling local conditions, (3) does not unduly burden commerce, and (4) is adopted by such State or political subdivision pursuant to procedures and requirements which in the judgment of the Administrator are substantially comparable to those prescribed for consumer product safety standards under this title.

(c) Compliance with any consumer product safety standard issued under this title does not exempt any person from any liability under common law.

UTILIZATION OF OTHER FEDERAL AGENCIES

SEC. 320. (a) In carrying out their duties under this Act, the Administrator and the Commissioner shall, to the maximum practical extent, utilize the personnel, facilities, and other technical support available in other Federal agencies.

(b) Technical research support for fire safety projects undertaken by the Administrator or the Commission shall be provided by the National Bureau of Standards on a reimbursable basis.

TITLE IV—FEDERAL FOOD, DRUG, AND COSMETIC ACT AMENDMENTS

SEC. 401. The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended as follows:

(a) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(g) If in package form unless its label bears (1) the common or usual name of the cosmetic, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that fragrance and color may be designated as fragrance and color without naming each ingredient: *Provided*, That to the extent that compliance with the requirements of clause (2) is impracticable, or results in deception or unfair competition, exemptions may be established by regulations promulgated by the Secretary."

(b) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(h) Unless its labeling bears adequate warnings against use where it may be dangerous to health."

(c) Section 201(i) of such Act is amended by striking "articles; except that such term shall not include soap.", and inserting in lieu thereof "articles.".

RECESS AT 1:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, the manager of the pending bill, the distinguished Senator from Washington (Mr. MAGNUSON), and the ranking minority member of the committee handling the bill, the distinguished Senator from New Hampshire (Mr. COTTON), are both engaged at this time in a markup of the bill making appropriations for the Department of Labor and Health, Education, and Welfare. I have just been advised by those two Senators that they cannot be ready to come to the floor to handle the pending bill until 1:30 p.m. today.

Therefore, Senator MCGEE having withdrawn his amendment to S. 3390, and there being no other business at this time, I move that the Senate stand in recess until 1:30 p.m., with the time consumed by the recess not charged against either side.

The motion was agreed to; and at 11:04 a.m., the Senate took a recess until 1:30 p.m.; whereupon the Senate reassembled when called to by the Presiding Officer (Mr. CRANSTON).

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally against the two sides on the pending bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL TELEPHONE BANK FUNDS

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may take up a committee matter which will not take over 3 minutes, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, on Monday, June 19, the House passed H.R. 14423, which permits the Secretary of the Treasury to purchase debentures of the Telephone Bank. Yesterday that bill was referred to the Committee on Agriculture and Forestry. It is identical in substance to the provisions which the Senate adopted as section 905 of the Senate amendment to the rural development bill, H.R. 12931, and which was lost in conference.

Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of H.R. 14423 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will read the bill by title.

The legislative clerk read the bill by title, as follows:

> A bill (H.R. 14423) to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield.

Mr. MILLER. I merely want to echo the sentiments of my colleague the distinguished senior Senator from Georgia, chairman of the Committee on Agriculture and Forestry. This matter was thoroughly discussed and was agreed to unanimously in our committee. I also hope that the bill will be passed without delay.

Mr. DOLE. Mr. President, the bill we are considering today pertains to legislation identical to an amendment I offered to rural development bill on April 20 of this year. It is also the same legislation introduced by the chairman of the Senate Agriculture and Forestry Committee in S. 3518. My amendment was agreed to in the rural development bill, but was deleted in conference due to question by the House conference members as to germaneness. This legislation has the endorsement of the administration. It was requested by the Secretary of Agriculture and the Treasury Department. It has the support of the Office of Management and Budget.

Essentially, this legislation will enable the Rural Telephone Bank to expedite its operation to provide better telephone service to rural America. The Rural Telephone Bank bill, which I authored last year, and which was signed into law May 1, 1971, has been readily accepted and already a backlog of applications for loans from the bank have caused the need for this legislation.

This bill enhances the ability of the Rural Telephone Bank to obtain funds with which to finance needed rural telephone Service.

At present, the borrowing authority of the bank is restricted to the private market; however, other Federal enterprises, after which this bank was patterned, have authority to borrow from the Secretary of the Treasury.

The lack of this authority denies to the Rural Telephone Bank the possibility of direct loans from the Treasury which can be obtained at lower costs than private market borrowing, even by Federal agencies which have their loans backed by the full faith and credit of the United States. These direct loans would have no adverse budgetary effect, since the Telephone Bank's receipts and expenditures are already included in the Federal budget, irrespective of its source of borrowings.

In addition, the bill would eliminate the need for the Rural Telephone Bank to have its own fiscal agency and permit it to minimize borrowing costs and avoid cash flow problems which could disrupt its lending program. Interest cost of the various federally sponsored agencies normally exceed Treasury borrowing costs by substantial amounts and the cost of money to such agencies is further increased by the higher underwriting costs of relatively small issues. The Treasury already has the necessary expertise, flexibility, volume, and the marketing power to minimize financing costs and assure an effective flow of credit for the supplementary financing program established by Congress.

Mr. President, due to the prior consideration already given this provision of the bill, the support, and approval of the administration and the Office of Management and Budget, and the need to provide more communications to rural America, I would ask Senators to support and promptly pass this legislation.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. TALMADGE. Mr. President, I move its passage.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on third reading.

The bill was ordered to be read a third time, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question, Shall it pass? (putting the question).

The bill (H.R. 14423) was passed.

THE FOOD, DRUG, AND CONSUMER PRODUCT SAFETY ACT OF 1972

The Senate continued with the consideration of the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. MOSS. Mr. President, I ask unanimous consent that during the consideration of the product safety bill Mr. Michael Pertschuk, Mr. S. Lyon Sutcliffe, Mr. Edward A. Merlis, and Mr. Edward B. Cohen of the staff of the Committee on Commerce be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I ask unanimous consent that Mr. Arthur Pankopf, the minority staff counsel, be permitted to remain with me through the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MOSS. Mr. President, asking unanimous consent that the time for the quorum call not be taken from the time of either side, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I call up for consideration S. 3419, a bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

The PRESIDING OFFICER. The bill is now before the Senate.

Mr. MAGNUSON. I yield to the Senator from Utah.

Mr. MOSS. Mr. President, I ask unanimous consent that the names of the following Senators be listed as cosponsors of the measure now before the Senate: Messrs. GAMBRELL, HARRIS, HART, INOUYE, KENNEDY, MCGEE, MCGOVERN, METCALF, MONDALE, MONTOYA, MOSS, MUSKIE, NELSON, PASTORE, PEARSON, PELL, PERCY, RIBICOFF, and WILLIAMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, this bill would usher in a new era in product safety—an era in which Government, industry, and the consumer would work together to assure the safety and efficacy of our foods, drugs, and other products.

The bill grants the Federal Government the authority to move decisively against any unsafe product in the marketplace. It also grants the consumer the right to cause such Government movement when the Government fails to act. Piecemeal product safety programs are broadened and combined in a single

Food, Drug, and Consumer Product Agency which is given undiluted responsibility for insuring the safety and efficacy of products in the marketplace. The bill is designed to bring about the rapid detection and the rapid elimination of those products determined to present unreasonable risk of injury or death. To enable the agency to do these things the bill provides for functional independence, incentives for proper resource commitment, and increased public accountability.

The bill would transfer to this new, independent agency, first, the authority of the Food and Drug Administration over foods, drugs, and other consumer products; second, the authority of the Division of Biologics Standards over human biological drugs; third, the authority of the Center for Disease Control over clinical laboratory licensing; and, fourth, the authority of the Department of Commerce, and the Federal Trade Commission over flammable fabrics and such things as refrigerator doors.

This legislation has been in the works a long time. In 1967 those of us responsible for the creation of categorical consumer safety laws recognized that the continued piecemeal approach to consumer product safety might not adequately protect the right of the American consumer to safety in the products he purchases. Therefore, we proposed the creation of a National Commission on Product Safety to survey consumer product safety problems and to make recommendations concerning the Government's proper role in securing the consumer's right to safety.

The final report of the National Commission on Product Safety—and they worked a long time—which recommended the creation of an independent Product Safety Commission gave great impetus to S. 3419.

I am pleased to report to my Senate colleagues that S. 3419 was reported favorably as an original bill by the Senate Commerce Committee by a vote of 17 to 1. Because the bill is broad in its scope and treats important safety matters which are within the jurisdiction of other committees, the Government Operations Committee and the Labor and Public Welfare Committee have also carefully examined the bill as originally reported to the Senate Commerce Committee. The Executive Reorganization Subcommittee of the Government Operations Committee and the Labor and Public Welfare Committee, in consultation with representatives of the Commerce Committee, have formulated certain improving and strengthening amendments to the Commerce Committee bill. The Labor and Public Welfare Committee has reported S. 3419, as amended, to the floor without a dissenting vote.

Mr. President, I would at this time like to yield the floor to my distinguished colleagues who have all worked diligently to forge improvements in S. 3419. They will be able to describe these improvements to the Members of the Senate.

Mr. President, the Senator from Utah did yeoman work on this bill, as did the Senator from Connecticut in his committee.

Does the Senator from Utah wish to make an opening statement?

Mr. MOSS. I thank the Senator for yielding.

Mr. President, I will take 2 or 3 minutes to indicate that this is a bill on which all members of the committee worked very diligently. We held long sessions on the matter. I think it is a landmark bill, because it now brings together, as the chairman has mentioned, bits of piecemeal legislation that we have passed during many years dealing with various consumer items. As this has gone on, the jungle has sort of grown like "Topsy."

This is an attempt, first of all, to expand the principle of safety in the marketplace to all products, not just certain selected ones, and to bring together the administration of the safety features of the marketing process under one independent agency that is not deterred or deflected in any way by other functions than making appropriate assessments of the safety in products that come before it, and to take appropriate measures to be sure that those who market the products and distribute them abide by the laws and the regulations to protect the consumers. This, of course, will become apparent as we discuss the structure of the agency.

I commend the chairman, the ranking Republican member of the committee, and all other members of the Commerce Committee and the other committees for the great diligence displayed in preparing this measure. The staff also has done yeoman work on it.

I probably will speak later with respect to amendments that are offered, but that is all I want to say by way of an opening statement.

I again thank the chairman for yielding to me.

Mr. PEARSON. Mr. President, the Senate today considers landmark legislation to promote the manufacture of safer consumer products for use in and around the home. The Food, Drug and Consumer Product Safety Act of 1972 is the result of more than a decade of effort to perfect the "consumer's right to safety" through responsible Federal laws and regulations.

The Committee on Commerce has attempted over the years to eliminate the most obvious hazards to the physical safety of the American people. The committee has approved—and the Congress has passed—the Child Protection Amendments of 1966, the Flammable Fabrics Act of 1967, the Gas Pipeline Safety Act of 1968, the Radiation Control for Health and Safety Act of 1968, the Child Protection and Toy Safety Act of 1969, and the Poison Prevention Packaging Act of 1970.

This piecemeal approach to product safety has reduced the incidence of unreasonable risk to the unsuspecting consumer of hazardous products, but has been wholly inadequate in responding to the broad spectrum of risks which confronts all of us in our daily lives.

An estimate by the National Center for Health Statistics indicates that each year, in and around the home, about 30,000 persons are killed, 110,000 permanently disabled, 585,000 hospitalized, and more than 20 million injured seriously enough to require medical treatment or be absent from work a day or more. One estimate has put the annual dollar cost to the economy at more than $5 billion. Other surveys provide additional information, but none indicates that the accident toll is of less magnitude.

The legislation before the Senate today creates an independent agency with responsibility for the safety and efficacy of food, drugs, and consumer products. This reorganization of the Federal bureaucracy is needed to insure vigorous implementation of the mandate for consumer safety.

The new agency will be responsible to the consuming public and to the Congress. Its work will be visible, its leaders will be in the public spotlight. The budget of the new agency will not be buried in the budget of a larger department of the executive branch. The commitment to product safety will not be deemphasized or diminished by competing considerations, or competing requests for limited funds. The ultimate responsibility for consumer safety will not be fragmented among the various agencies of the Government—the responsibility will be vested in a single entity.

I do not believe the reorganization contemplated in S. 3419 will produce a bigger Federal bureaucracy—only a more effective one.

Mr. President, the Committees on Commerce and Labor and Public Welfare have considered this legislation in some detail; and 33 Senators have voted in committee to report the bill favorably. This degree of unanimity could not have been achieved without the strong commitment of Mrs. Knauer, Secretary Richardson, and President Nixon to effective product safety legislation. The administration is to be commended for recommending S. 1797, a bill containing language upon which the committees have drawn heavily.

The administration and the committees are of a single mind on the critical policy determination: That the Federal Government must have authority to identify hazardous products, promulgate standards of safety, and ban those products which create an unreasonable risk to the consumer. This consensus will permit this Congress to adopt meaningful legislation in the public interest. This consensus will promote full funding and adequate staffing for the agency charged with the heavy responsibilities enumerated in the bill.

Mr. President, I am moved to pay tribute to the distinguished chairman of the Commitee on Commerce (Mr. MAGNUSON). His leadership has been instrumental in developing a bill which enjoys such broad-based bipartisan support. This act will be a testament to Chairman MAGNUSON's legislative skills and commitment to consumer protection. I am honored to have the opportunity to serve as cosponsor of S. 3419, and join the chairman in urging its adoption by the Senate.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Connecticut such time as he may require.

Mr. RIBICOFF. Mr. President, I commend the distinguished chairman of the Committee on Commerce for another great achievement in behalf of the consumers of America. Due to the work of the distinguished Senator from Washington over the past 6 years, the consumers of this country have been provided increasingly more effective protection in the marketplaces of America.

Mr. President, I support the bill as amended by the Committee on Labor and Public Welfare. It has now been approved by two committees and the Subcommittee on Executive Reorganization of the Government Operations Committee. It deserves the approval of the Senate.

This bill was favorably reported from the Commerce Committee on March 24. Titles I and II were then jointly referred to the Government Operations and Labor and Public Welfare Committees. My Subcommittee on Executive Reorganization held 4 days of hearings on the legislation in April and May. We heard testimony from consumer spokesmen, industry groups, and the administration. Some thought that the new Food, Drug, and Consumer Product Agency should become a part of the Department of Health, Education, and Welfare. Others thought it should be an independent agency or a part of some other organization. But there was broad agreement that, for effective operation, the new agency should have a large measure of legal and functional independence.

After considering all the issues, we concurred in the judgment of the Commerce Committee that an independent agency should be established. This is the best way to assure that the programs entrusted to the agency will be carried out in the manner Congress intended. Plainly and simply, if the agency remained part of HEW, the regulatory decisions of the Administrator could be overruled by political appointees in the Department. Nor could Congress obtain the unaltered views of the Administrator on important matters such as the agency budget and legislation affecting its work. Though there is a strong policy against the establishment of new independent agencies, in these circumstances it is justified.

The amendments added by the Labor and Public Welfare Committee improve the organization and operation of the new agency. Overall, they will make the agency more efficient by giving the Administrator greater authority and flexibility in managing the agency.

I ask unanimous consent that a chart comparing the major provisions of titles I and II of S. 3419 as reported by the Commerce and Labor and Public Welfare Committees be printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

S. 3419	REVISED BILL
1. Titled Consumer Safety Act of 1972.	1. Title changed to Food, Drug and Consumer Product Safety Act of 1972.
2. No provision.	2. Consumer products subject to safety regulation under other laws are defined as "authorized to be regulated for the purpose of eliminating unreasonable risk of injury or death." Such products may be regulated by the Consumer Product Agency after a petition to the agency with jurisdiction over the product, asking to regulate it, and a request by that agency to the Consumer Product Agency to regulate it.
3. Administrator authorized only to "coordinate" activities of the three Commissioners.	3. Administrator authorized to "direct and coordinate" the Commissioners.
4. Mandatory delegation of standard setting to Commissioners by Administrator.	4. Discretionary delegation of regulatory authority "insofar as practicable and consistent with sound administration."
5. Subpena authority limited to witnesses at hearings and "information."	5. Subpena broadened to cover access to records and general or special reports by producers.
6. No provision.	6. Direct submission of budget to President, for review and transmittal to Congress, and direct receipt of all funds from OMB.
7. No provision.	7. Authority to prescribe personnel policies "without prior approval of clearance," subject to civil service laws .
8. Law enforcement through Justice Department.	8. Law enforcement by Agency plus authority to "direct the course of all agency litigation."
9. Separate legal staffs for Administrator and three Commissioners.	9. One legal staff for Agency.
10. Commissioners appointed by President, no fixed term.	10. Commissioners appointed by Administrator.
11. Authorized appointment of private attorneys to represent consumers in agency proceedings.	11. No provision.
12. Mandamus action against agency where its act or omission has exposed a person to unreasonable risk of injury or death. DeNova trial in District Court.	12. Petition to agency for action to eliminate the unreasonable risk. Review in Court of Appeals on agreed record. Court will remand to Agency if petition shows by preponderance of evidence that agency action was not sufficient to eliminate risk.
13. Authorizes $180, $200 and $225 million for next three fiscal years.	13. Authorizes such sums as may be necessary.
14. No provision.	14. Transfers USDA authority under Meat. Poultry, Egg and other Agricultural Product Inspection Acts to Administrator, plus authority over animal drugs.
15. Repealed Hazardous Substances Act, Flammable Fabrics Act, Radiation Control for Health and Safety Act, Poison Prevention Packaging Act, Refrigerator Door Safety Act, and Chapter VI of the Food, Drug and Cosmetic Act.	15. Transfers authority under these laws to the new Agency.

Mr. RIBICOFF. These amendments were unanimously approved by the Subcommittee on Executive Reorganization on May 18. However, action on them could not be completed by the Government Operations Committee due to lack of a quorum at three scheduled meetings.

The most significant of these amendments is the transfer of the food inspection and animal drug programs from the Department of Agriculture. In my view these transfers are fully justified. Three GAO reports on the meat and poultry inspection programs in the past 2½ years have demonstrated that the Agriculture Department is not adequately protecting the public health. There is wide agreement that these programs should be combined with the food inspection programs in FDA. The 1969 White House Conference on Food and Nutrition, the GAO in June 1970, and the administration in 1971 all recommended this move. Mr. Rodney Leonard, former head of the Consumer and Marketing Service, which operated these programs until an internal reorganization in April, strongly urged the transfer, as did John Schnittker, former Under Secretary of Agriculture.

At recent hearings, FDA Commissioner Edwards recognized the overlap in food inspection programs between USDA and FDA, commented that the transfer of the USDA activities would increase FDA inspection capability and said the transfer was primarily a matter of timing. In my view the time is now.

The bill also transfers the Division of Biologics Standards to the new agency. The regulatory failures of DBS are well documented in a recent GAO report, which I requested. The GAO found that DBS had allowed at least 32 ineffective vaccines to remain on the market. Several of them had serious side effects. GAO also revealed that between 1966 and 1968, DBS allowed millions of doses of diluted influenza vaccine to be marketed. Combining DBS with FDA in the new agency will provide more effective vaccine regulation.

Mr. President, this bill shows that Congress is responding to the growing public demand for better consumer protection. Consumers will no longer accept the morals of the marketplace. They expect their Government to act as guardian of the market to assure that the goods they purchase are safe, effective, and meet the claims made for them.

American consumers no longer want just a larger pie. They want to know the quality of the ingredients and their nutritional value. There is a rising tide of concern over the quality of all our goods and services.

Too often Government and industry have defaulted on their promises of consumer protection. While no law can be any better than the people administering it, and the amount of resources committed to it, this bill provides a strong new framework for assuring the safety of hundreds of products. It will help assure that our promises to consumer protection become a reality.

Mr. President, I urge the adoption of the amendment and approval of the bill.

Mr. MAGNUSON. I say to the Senator from Connecticut that I tried to make clear and to explain the work he has been doing on this type of legislation for many years.

I thoroughly agree with him that here we are trying to bring together many things that we thought of piecemeal. I authored the Flammable Fabrics Act in 1953, and there has been a series of subsequent safety legislation resulting in different modes of administration. Some were badly administered, and some were not administered at all. Now we are putting them together for the purpose of efficient adminstration.

What the Senator and I are saying to the American people is that we are putting it together so that the consumer will get a better deal.

Mr. RIBICOFF. Mr. President, it has been a special privilege for me to work with the distinguished chairman of the Committee on Commerce.

Since we started our hearings on automobile safety many years ago, the Government Operations Committee has cooperated with the Commerce Committee on consumer protection legislation. During this entire period, the cooperative efforts between our committees have been of the highest quality.

I also want to commend the respective staffs of our committees, who worked closely to improve this bill and other legislation. I do not recall any proposal that went to our two committees for consideration on which we could not reach a meeting of the minds, and by our joint efforts improve the legislation finally presented to the Senate.

I again commend the distinguished chairman for his outstanding contribution and cooperation in the cause of consumer protection.

Mr. MAGNUSON. I thank the Senator.

Mr. President, I believe the Senator from New Hampshire wishes to speak at this time.

Mr. COTTON. I yield myself, on my share of the time, such time as necessary for a brief opening statement.

Mr. President, S. 3419—the Food, Drug, and Consumer Product Safety Act of 1972—is a far-reaching omnibus bill. It is a legislative measure which has a most praiseworthy objective of protecting consumers against unreasonable risk of injury from hazardous products.

It is a bill which has been considered by our Committee on Commerce and subsequently, by the Committee on Government Operations and the Committee on Labor and Public Welfare. Although the Subcommittee on Executive Reorganization and Government Research of the Committee on Government Operations did hold hearings on this bill and did consider it, it was not possible for that committee to complete its deliberations within the time limitation specified in the referral. However, the Committee on Labor and Public Welfare was able to complete its consideration and was able to report on this measure.

Mr. President, when the bill, S. 3419, was considered by our Committee on Commerce I was in general support for the need for new and improved authority with respect to consumer product safety. As a matter of fact, I joined with the distinguished chairman of our Committee on Commerce, (Mr. MAGNUSON), in cosponsoring Senate Joint Resolution 33 of the 90th Congress which established the National Commission on Product Safety, the report of which provided the genesis for the legislation now under consideration, S. 3419.

Unfortunately, Mr. President, I felt compelled to vote in the Committee on Commerce against reporting this bill owing to the following three principal objections as set forth in my minority views in that committee's report—No. 92-749 at page 139:

> (A) There is no demonstrated need for the establishment of a new independent Consumer *Safety* Agency, especially in light of the pending legislation (H.R. 10835) which would establish a new independent Consumer *Protection* Agency, and which is, unlike that proposed in S. 3419, supported by the Administration;
>
> (B) The apparent unknown impact of including "an electronic product" in the definition of "Consumer product" coupled with the repeal of the Radiation Control for Health and Safety Act (42 U.S.C. 263b–263n); and
>
> (C) The erroneous and mischievous legislative interpretation given in the Committee report to the terms "subject to regulation" and "subject to safety regulation" found in section 101(1) of S. 3419 which could lead to dual and duplicative regulation in [several] product areas. . . .

Mr. President, the Committee on Labor and Public Welfare is in my opinion, to be complimented for meeting at least in part two of my three principal objections. It has met my second objection concerning the inclusion of "an electronic product" in the definition of "consumer product" by appropriately striking language from the definition provision of section 102 appearing on pages 3 and 5, as well as the repealing provisions of section 204 affecting several existing categorical consumer safety statutes. This, Mr. President, constitutes a definite improvement in this legislative measure.

The Committee on Labor and Public Welfare also met in part my third objection concerning the erroneous and mischievous legislative interpretation given in the Commerce Committee report to the terms "subject to regulation" and "subject to safety regulations" as found in section 101(1) of the bill. If the legislative interpretation placed upon these terms by the Committee on Commerce in its report had been left standing then we would have been confronted with the following situation as pointed out in my minority views:

> Where the Commissioner of Product Safety has found that a particular consumer product, although coming within the purview of one of the enumerated statutes is not *in fact regulated,* then he, the Commissioner of Product Safety, would be able after notice to the administering agency to promulgate a safety standard. It would make the Consumer Safety Agency a "super agency", which could enter into all such areas not *actually* regulated! If so, then this would seem to prejudge the effectiveness of the Consumer *Protection* Agency proposed in legislation now pending before the Senate Committee on Government Operations and which, in its "watchdog" advocacy functions on behalf of the consumer, is designed to see that such consumer products are regulated where there is a demonstrated need.
>
> In other words, if carried to its logical conclusion, the Ford Motor Company and the General Motors Corporation may be subject to regulation not only by the Department of Transportation under the National Traffic and Motor Vehicle Safety Act of 1966, but by the Commissioner of Product Safety. Similarly, manufacturers of aircraft or other aeronautical products such as the Boeing Company and Beech Aircraft Corporation, might be subject to safety regulations issued by both the Federal Aviation Administration and the Commissioner of Product Safety. This same could hold true for the regulatory area of the Atomic Energy Commission. This could very well lead to an untenable situation.

Mr. President, the Committee on Labor and Public Welfare quite appropriately, I believe, has added a definition of "Subject to safety regulation" in subsection 101(d) appearing on pages 5 and 6 which represent a definite improvement. As noted in the report of the Committee on Labor and Public Welfare accompanying S. 3419—No. 92-835:

> The Committee has added a definition of "Subject to safety regulation", in order to clarify the intended meaning. Under this definition, the enumerated products would not be considered "consumer products" if they were authorized to be regulated under the other statutes so as to eliminate any unreasonable risk of injury or death. Thus, the primary jurisdiction of other agencies has been recognized.

Mr. President, there remains my first objection concerning the efficacy of establishing a new independent Consumer Safety Agency. I still am convinced that there has been no demonstrated need shown for the establishment of a new independent Consumer Safety Agency, particularly cognizant as I am that within the not-too-distant future the Senate Committee on Government Operations will be calling upon this body to support yet another independent agency, the Consumer Protection Agency. A proliferation of independent agencies makes neither good sense nor good government. As a matter of fact, Mr. President, as pointed out in my minority views on S. 3419 the establishment of an independent Consumer Safety Agency is—

> Contrary to recommendations on reorganization submitted by the President to this Congress, as well as, ironically enough, legislative proposals advanced by several of the proponents of the new Consumer Safety Agency.

I went on in my views to point out that there now is pending a conflicting legislative proposal, S. 3432, introduced by the distinguished Senator from Connecticut (Mr. RIBICOFF), himself a former Secretary of Health, Education, and Welfare, along with more than 20 cosponsors, four of whom are members of the Commerce Committee supporting the present proposal for an independent Consumer Safety Agency. Two more members of the Committee on Commerce have been added as cosponsors to this bill, S. 3432, since its introduction—the distinguished Senator from Nevada (Mr. CANNON) and the distinguished Senator from South Carolina (Mr. HOLLINGS).

I simply feel, Mr. President, that we in the Congress would be making a very grave mistake, indeed, if we continue what seems to be a growing trend to splinter off into separate independent agencies all those interests which seem to have an emotional appeal for such independence, especially at a time when we are confronted with a Government structure which constantly is being lamented as unmanageable. Agency independence certainly is no panacea. And, as a distinguished Cabinet officer under the administration of former President Johnson once observed:

> A separate chapter in the Government Organization Manual is not going to be any magic elixer. . . .

Accordingly, Mr. President, at an appropriate time during the consideration of S. 3419 I plan to offer an amendment placing these product safety functions more appropriately at this time within the Department of Health, Education, and Welfare.

Mr. President, the only other amendment which I presently contemplate offering deals with an amendment made by the Committee on Labor and Public Welfare with which I do not agree. The amendment concerns the authorization of appropriations for the purpose of carrying out the provisions of S. 3419 and which appears in section 117 on pages 32 and 33. As reported by our Committee on Commerce, this provision carried a specific dollar amount ceiling for the next 3 fiscal years which the Committee on Labor and Public Welfare deleted substituting an "open-ended" appropriation authorization of "such sums as may be necessary."

Mr. President, this provision of the bill deleted by the Committee on Labor and Public Welfare was an amendment which I offered in the Commerce Committee and which was adopted. As a member of the Committee on Appropriations, I feel very strongly about this particular issue. There is a need, if not an obligation, upon legislative committees to furnish the Committee on Appropriations some guidance in the funding requirements of legislation which they handle. It also is necessary for purposes of future budgetary control. Accordingly it is my intention to offer an amendment prior to the conclusion of debate on S. 3419 which will restore a specified monetary ceiling on appropriation authorizations for purposes of carrying out the provisions of this legislative measure. Since any such figures will be dependent upon amendments which may be adopted by the Senate, it will be necessary for me to await the final action on whatever substantive amendments may be made to the bill before offering in this particular amendment.

Mr. President, I wish to extend my compliments to the distinguished chairman of the Committee on Labor and Public Welfare (Mr. WILLIAMS), and the senior Republican Senator of that committee (Mr. JAVITS), for the commendable drafting improvements made by that committee in amending S. 3419 and I would join in urging that these amendments be adopted en bloc at such time as they are offered.

Mr. President, this product safety measure could be a good bill. However, as the ranking minority member on the Commerce Committee I did find it necessary to file dissenting views on certain important points. Thus, our distinguished chairman's (Mr. MAGNUSON) comment that the vote was 17 to 1 in committee was correct.

Now, in conclusion, Mr. President, I should note that "consumer" has become a sacred word and any dissent from any particular proposal that can be interpreted into being "anticonsumer" is a sacrilege. Nevertheless, I did feel compelled to do so in this instance on some very basic issues.

Mr. MAGNUSON. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. MAGNUSON. I want to say for the record that if there is any implication the Senator from New Hampshire has not been for the basic purposes of this bill or the goals of the bill, I deny it right here on the floor. We have all worked hard to perfect the bill. We could not agree on every amendment. That is what it is all about. But the Senator from New Hampshire has worked as hard on this bill with the members of the committee as any other member to achieve what we are trying to do in the total bill.

Mr. COTTON. I thank my chairman, the distinguished Senator from Washington (Mr. MAGNUSON). He is always fair. He is always considerate.

Let me say there has been no ill feeling engendered at any time during consideration of this legislation, because it is a bill with a worthy objective.

As I have always done in the past, I want to commend the distinguished chairman of the committee (Mr. MAGNUSON). I think, it can be honestly said—without disparaging the earnest efforts of many of our colleagues—that in the position he occupies the distinguished Senator from Washington probably has done more to advance the cause of the consumers of this Nation than almost any other man who has ever sat in the Senate.

Mr. President, as I have said, the purpose of this is a praiseworthy one. I have no doubt that it will pass.

I might add that I know of no intention on the part of any of our committee, to interfere, whatsoever, with functions which now repose in the Department of Agriculture. I understand that at an appropriate point an amendment will be offered to make this clear.

Mr. President, let me again say that there is no disagreement about the need for legislation in this area. The principal disagreement has to do with this matter of setting up a new and different agency of Government which confuses the picture more than clarifies it in the opinion of this Senator.

Mr. President, I again commend the chairman of our Committee on Commerce (Mr. MAGNUSON) and the other members who worked hard and diligently on this meritorious legislation. I also commend the Committee on Government Operations and the Committee on Labor and Public Welfare for their constructive work on the bill.

If this bill comes out with some amendments which this Senator feels are vitally necessary, I am confident that it will meet with the approval of the other body. I am also quite confident that it will meet with executive approval.

If this can be done, then the distinguished Senator from Washington (Mr. MAGNUSON), the chairman of the Committee on Commerce, and the chairman of the other two committees and the members of these committees will be able to pride themselves on the fact that they will have written on the statute books one of the most constructive measures of this session of Congress.

Mr. MAGNUSON. Mr. President, I yield to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. I thank my distinguished friend, the Senator from Washington. Mr. President, S. 3419, as amended by the Subcommittee on Executive Reorganization of the Government Operations Committee and by the Committee on Labor and Public Welfare, creates a new, independent agency within the Federal structure with undiluted responsibility for preventing consumers from being exposed to unsafe foods, drugs, devices, and other consumer products commonly found around the home. The measure would also consolidate within the new agency various consumer product safety activities now being handled by a number of Government entities by transferring to an independent Consumer Safety Agency the present food, drug, cosmetic, vaccine, and product safety activities of HEW and other product safety functions of the Commerce Department and the FTC.

S. 3419 would retain various existing consumer safety laws directed at particular products or specific hazards and complement them with a single omnibus product safety law capable of reaching any consumer product in the marketplace presenting an unreasonable risk of injury.

Although much of the discussion of S. 3419 concentrated primarily on organizational issues, I want to reaffirm the underlying reasons why the Congress is and should be addressing itself to a regulatory plan of this nature.

The American consumer has a right to safe products for use in his home. The safety of a product begins in its design, before it reaches the market, before it causes illness, injury, blindness, disfigurement, or death.

Today we are faced with a number of

unreasonable hazards in and around the home. In determining their unreasonableness, we can ill-afford to sit by and await an epidemic of tragedies to verify that a hazard exists. Instead, it is the proper role of the Federal Government to stimulate American industry to reduce product risks by an omnibus legislative approach which will permit the Government, where necessary, to promulgate and enforce minimal standards of reasonableness in product design and manufacture.

Currently, however, the folly of Federal regulation of consumer products is all too plain. Legislation in this area consists of a hodgepodge of unrelated statutes dealing with specific hazards in very narrow product categories. There is no general Federal authority to seize or ban consumer products which exhibit unreasonable risks nor to require such products to conform to minimum safety standards.

And to the extent any Federal authority does exist, jurisdiction is commonly scattered among agencies or shared by as many as four different agencies. As the National Commission on Product Safety concluded:

> Federal product safety regulation is burdened by unnecessary procedural obstacles, circumscribed investigative powers, inadequate and ill-fitting sanctions, bureaucratic lassitude, timid administration, bargain-basement budgets, distorted priorities, and misdirected technical resources.

All this in the face of 20 million Americans injured in the home each year in accidents involving consumer products, 110,000 of whom are permanently disabled and 30,000 killed.

Through the passage of S. 3419, we hope to move away from the facade of Federal regulation in the area of consumer products. To date, and largely due to the fault of Congress itself, such regulation consists of piecemeal pablum which provides little more than a morsel of protection for the American consumer.

The Senate Commerce Committee has identified the problem. The question before us in the Senate today is how best to house the related functions of food, drug, and consumer product safety regulation. One thing is certain. If we accept a straw house for protection, we will have to rebuild it year after year. And if we accept a scarecrow to oversee the terrain, we will have to prop it up so often that it will hardly be worth the effort.

The Commerce Committee proposes an alternative to the house of straw and the man of straw by offering an independent Consumer Safety Agency headed by an administrator with a full panoply of powers.

Clearly, an "independent regulatory agency" is not some kind of magical formulation which will eliminate for all time lackluster performance in the name of public protection. The history of such agencies as the Interstate Commerce Commission, the Federal Power Commission, and the Federal Maritime Commission, among others, attests all too sadly to that fact.

But after considering the alternate plans which were before us in the Executive Reorganization Subcommittee, I became convinced that, notwithstanding how we have treated this subject in the past, we cannot afford now to give less than the highest priority attention at the Federal level. Otherwise, I am afraid that our priorities are woefully askew.

The arrangement of a new and independent regulatory agency avoids mere box-shuffling, title changes, and pay raises which give the illusion of substance but in fact amounts to straw piled upon straw.

Significant changes reflected in consideration of the bill by the Executive Reorganization Subcommittee of the Government Operations Committee unanimously agreed upon, are as follows:

(1) The new agency is renamed "Food, Drug, and Consumer Product Agency" instead of "Consumer Safety Agency." This is to avoid confusion with the proposed Consumer Protection Agency, as well as to indicate that more than safety alone is involved (for example, nutritional labelling of foods, ingredient labelling of cosmetics, etc.).

(2) Section 101, containing findings and declaration of policy is added. The original bill had no comparable section.

(3) The definition of consumer product in Section 102 is clarified, primarily through the insertion of subsection (d), which defines the phrase "subject of safety regulation." This was one of the major points which Senator Cotton had appropriately raised in his minority views in the report accompanying S. 3419.

(4) The powers of the Administrator vis-a-vis the Commissioners under him are strengthened, in that practically all authority is vested in the Administrator who shall *direct and coordinate* the activities of the Commissions of Food, Drugs, and Consumer Products (see Section 104(c)(1)). The Administrator is, however, empowered to delegate any of his functions and duties under the Act to the Commissioners under him by virtue of Section 104(c)(20). See also Section 202(a).

(5) General subpoena power is granted not only to the Commission on Product Safety but also to the Commission on Food and the Commission on Drugs, by virtue of Section 104(c)(7). Omission in the original bill of enforcement authority by the courts is now corrected.

(6) The Agency is to submit directly to the President and transmit to the Congress its annual budget estimates, which is a departure from the typical OMB approval procedure (see Section 104(c)(14)).

(7) The Agency is to submit its legislative recommendations and testimony to the Congress without prior approval or clearance, as by OMB (see Section 104(c)(15)).

(8) The Agency would handle its own cases in court, without prior approval or recourse to the Justice Department (see Section 104(c)(17)).

(9) The Agency could petition other safety regulatory agencies (for example, FAA, Agriculture, AEC) to establish and enforce new safety regulations, to participate in the development of such regulations by that other agency, or, upon request of the other agency, to assist in establishing or enforcing such regulations (see Section 104(c)(18)).

(10) Elimination of an organizational defect, raised in the hearings, of four General Counsels, one reporting to each Commissioner (Section 105(f)). Now there is provision for a single General Counsel and an Assistant General Counsel for each Commission, reporting to the General Counsel and not to the individual Commissioners.

(11) Elimination of possible duplicative function involving the proposed Consumer Protection Agency. The Section 109 "Office of Consumer Information and Representation" is changed to simply an "Office of Consumer Information," and all consumer representation functions are eliminated.

(12) Instead of repealing the former product safety legislation now in effect as old Section 204(a) would have done, the new draft leaves that legislation in effect in order that there be no gap in coverage while new regulations, promulgated under the authority in Title III, are being developed over the next few years.

From my own experience of more than a quarter century in business, I think it is important to emphasize that the forces of competition, free enterprise, and profit motive are neither inherently conducive to nor inconsistent with consumer safety. But with the backing of Government, properly organized to do the job, these forces can be focused to reduce unreasonable product risks.

An investment of this kind in the safety of consumer products—from rotary lawnmowers, to power tools, to plate glass panels, to unvented floor furnaces, to children's toys, and the rest—can be expected to produce an exceptional rate of return on the capital required. Such investment will also result in a more productive economy, an expanded market for consumer goods that can be relied upon, and, most important of all, a safer home environment for ourselves and our children.

Mr. President, in closing I wish to commend very much, indeed, the Committee on Commerce, both the majority side and the minority side, for the outstanding job that has been done on this bill. There was no quarrel at all as to the objectives and purposes as we in the Government Operations Committee reviewed the bill. We addressed ourselves to how best to set this new function, organizationally.

My colleague, the Senator from New Hampshire, has a difference of opinion on this matter but it is not on the objectives we are trying to achieve.

I feel that this action today will culminate years and years of devotion to this subject by the distinguished Senator from Washington (Mr. MAGNUSON) and the ranking minority member from New Hampshire (Mr. COTTON) who had uppermost in their minds the fact that there is presumed to be a great deal more protection to the consumer in the consumer's mind than there is. Much of what we do is shallow, and we are now trying to beef up and give the support to this activity which it deserves.

The National Commission on Safety has done an excellent job and the members of that Commission should be commended for proposing comprehensive legislation of this nature. I particularly commend one member, Mr. Stuart Statler, whom we took on our staff as Chief Counsel to the minority of the Subcommittee on Executive Reorganization, and who has been the guiding spirit not only behind this legislation but also the drug abuse legislation and other matters of deep interest and concern, including the Consumer Protection Agency legislation that we will be dealing with very soon in the Senate.

But it is the outstanding work of members of this body and the staff that has made possible what I consider to be a landmark piece of legislation.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. PERCY. I am happy to yield to the Senator from Rhode Island.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. COTTON. Mr. President, reserving the right to object, I want to hear what the Senator has to say. Is the Senator objecting to the unanimous-consent request?

Mr. PASTORE. No.

Mr. COTTON. Reserving the right to object, I ask for 1 minute on my time to inquire as to the request.

Mr. PERCY. I would ask the distinguished chairman to comment.

Mr. MAGNUSON. These are amendments the Committee on Labor and Public Welfare agreed upon. For technical purposes we adopt them en bloc as original text. Then the bill would still be open to amendment, such as by the Cotton amendment.

Mr. DOMINICK. Mr. President, as a member of the Committee on Labor and Public Welfare, if we adopt these amendments and we transfer inspections into that new agency, is the Moss amendment then in order to put them back where they were to begin with?

The PRESIDING OFFICER. The Parliamentarian informs the Chair it is in order.

Is there objection to the request of the Senator from Illinois? Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I do not rise at this time to make any parliamentary observation on amendments proposed. Rather, I direct myself to the very complimentary statement the sound observation on this bill made by our distinguished colleague from Illinois (Mr. PERCY). I associate myself with everything he said. One significant element in my opinion, that lends tremendous credence to the statement by the Senator from Illinois is the fact that he was a distinguished businessman in his own right at the time he came to the Senate.

There has been some apprehension on the part of business as to whether or not we have gone too far in this product safety legislation. I think the end result will be that insofar as the legitimate businessman in this country is concerned, in time he is going to welcome this legislation. This legislation is for the benefit not only of the consumer but also for the benefit of the legitimate businessman who wants to produce a product that guarantees the safety of the people of this country who use it. I want to make that clear because I do not think that business is going to be harassed by any agency of government. This is true whether we go to HEW or an independent agency—and I think the independent agency is the best way to do this. But in either case I do not think any agency is going to harass business. This is a growing economy. What we want are more jobs created. We want them created by creating products that will be safe and salable in the open market.

I commend the Senator from Illinois.

Mr. PERCY. Mr. President, I thank the Senator from Rhode Island. I think the comment he has made is especially worthy of response because many of us have been subjected to tremendous pressures from the business community on this legislation and companion legislation to create an independent consumer advocacy agency. I warn all Senators ahead of time they will be subjected to similar pressures with respect to the Consumer Protection Agency legislation.

I have now appeared before the U.S. Chamber of Commerce and the National Conference of Better Business Bureaus. I have received close to four thousand letters from businessmen, many of whom I feel did not bother to read the bill.

They took the word of some executive director, perhaps fighting for his $35,000 job, and they responded by contacting me on things that most were just simply not properly informed about.

I feel that when I can specify the cost to American society and consumers—at least $5.5 billion a year in costs that we suffer, not to mention human hardship, as a result of products that never should have been put on the market by a company—when we have free license to market and distribute hazardous consumer products, it is time to do something.

I saw a rotary cutter at a hardware store that I would not even want around my house. It would be like putting a handgun on the open shelf for somebody to pick up. When we permit that to happen, the need is not simply to talk, but to do something about it.

Mr. PASTORE. Mr. President, talking about these rotary mowers, a very close friend of mine had a frightening experience, mowing his own lawn—it may have been through his own carelessness a mechanical fault, or it may have been for some other reason—accidentally he had three fingers of his hand severed. Should corporations be allowed to build these instruments with such disregard to product safety that younger people, as well as older people, cannot use them without practically taking their lives in their hands?

That is what the legislation is aimed at. Some have the idea that we are out to harass business. Of course we are not doing that. This country cannot survive without business. This Government cannot operate without taxes derived from business. Our wages cannot be paid without a prospering business. So we are not trying to put business out of business. What we are trying to do is to protect the consumer and at the same time to protect sound business.

Mr. PERCY. The greatest enemies of business are businessmen who do not adhere to reasonable laws. It is the 5 percent who put the taint on the 95 percent. We are not trying to get at the 95 percent. It is the 5 percent, or the 3 percent, or the 2 percent that will be especially affected by the provisions of this act and that must be regulated and controlled and kept to a reasonable level of responsibility with respect to consumer products.

Mr. MAGNUSON. Of course, this will stimulate more research by business itself, to be sure they are going to do the right thing.

Mr. PERCY. Absolutely.

Mr. MAGNUSON. Because when they see this law, they will not want to be hauled in and told they are not doing the right thing. I would say it is true of 98 percent of them. This is what we need. We have the technology to do many of these things. I have a friend who is a great technician, a research man in the electrical industry. He said to me, "There must be a better way to make an electric light plug than the way we are making it." It is things like this which will stimulate industry.

Mr. PERCY. Mr. President, if I may at this point, I would like to point out the social cost of injuries, including actual millions of dollars unrealized as income taxes as a result of preventable deaths and injuries: $446 million in public expenditures representing 1.7 percent of the current expenditures for health care. Injuries caused 2.1 percent of hospital admissions, filling 18,782 beds for acute care, a number equal to the annual construction of such beds at a capital expenditure of $600 million.

The loss to society is tremendous.

I once again commend our distinguished chairman for articulating so well how all of us agree on the purposes of this bill. I think virtually all of responsible business supports this purpose in legislation. I worry and wonder about those who say this is not a proper function of government after these and like figures are cited.

Mr. JAVITS. Mr. President, I support S. 3419 as reported by the Labor and Public Welfare Committee with amendments and have joined this bill in this form as a cosponsor. I believe the recommended changes improve the bill and more effectively serve consumer interests.

The Labor and Public Welfare Committee and the Executive Reorganization Subcommittee of the Government Operations Committee, on both of which I am the ranking member, had the responsibility for reviewing titles I and II. These titles were the executive reorganization provisions of S. 3419, "The Consumer Safety Act of 1972," as reported by the Commerce Committee. Since the bill extends considerably beyond issues of safety, and covers such matters as misbranding of food, drugs, cosmetics, and medical devices, and encompasses provisions that protect the health and pocketbook of the consumer, as well as his safety, the title of the bill has been changed to "The Food, Drug, and Consumer Product Act of 1972."

Title I of the bill would establish an independent agency in the executive branch with the responsibility to promote the public health and safety by protecting consumers against injury resulting from the use of foods, drugs, devices, and consumer products—as defined in the bill. Title II would transfer to the new agency all functions of the Secretary of Health, Education, and Welfare which are presently administered through the Food and Drug Administration or through the Division of Biologics Standards of the National Institutes of

Health, and the authority of the center for disease control over clinical laboratory licensing. It would also transfer consumer safety laws directed at certain classes of products or hazards such as the authority of the Department of Commerce and the FTC over flammable fabrics and refrigerator doors; and the authority of the Agriculture Department over food inspection and animal biological drugs.

A new title IV adds to the present cosmetic provisions of the Federal Food, Drug, and Cosmetic Act three new substantive labeling provisions which, in effect, bring the cosmetic requirements of the Act more closely into conformity with the labeling requirements for food, drugs, and devices.

As reported by the Committee on Commerce, the bill established a new independent agency. However, the Labor and Public Welfare Committee, of which I am ranking minority member, began from the well-accepted proposition that new independent agencies should be created only on evidence of compelling need and we should guard against unnecessary fragmentation of the Federal structure. I join with my other colleagues who have so eloquently put the case for some new Federal structure to better protect the consumer from hazards associated with food, drugs and consumer products. In this instance, the weight of the evidence as presented in both of my committees argued for an independent agency.

The administration was concerned that the creation of a new agency would sever the relationship between FDA and HEW, and sought to retain these functions within HEW. Their proposal to structure a consolidated regulatory effort within HEW did not, I believe, offer sufficient safeguards to insure the fullest protection in the consumer's interest.

Essential ingredients that I believed would be required for the administration of a structure in HEW and which the administration could not support are:

First, a measure of authority to initiate and litigate all court action in the name of such structure as may be necessary to carry out its functions, and to enforce the statutes subject to its jurisdiction as efficiently and effectively as possible.

Second, a measure of authority to submit its budget request and legislative recommendations directly to Congress.

Third, the authority to prescribe its own personnel policies.

The Agency established by this bill clearly has the aforementioned authorities—and certain additional authorities—which permit it to perform in the public interest, and I anticipate that there will be strong ties between the Department of Health, Education, and Welfare and the new Agency. Removing FDA from the Department of HEW is simply an organizational move to increase responsiveness and accountability, and need have no adverse impact on its relations with the health components of that Department in the future. In fact, these relationships may be substantially improved once the new Agency is established and is in a position to operate with the new strength and mandate given it in this legislation.

Mr. JAVITS. Mr. President, as the ranking minority member of the Committee on Labor and Public Welfare, which revised this bill after the Committee on Commerce completed its work, I feel it my duty not only to state my support for the bill but also to ask unanimous consent to have printed in the RECORD at this point a table of the revisions made in the bill by the Committee on Labor and Public Welfare and concurred in by a large number of members of the Committee on Government Operations, which never had a chance formally to act on these changes but concurred in those of the Committee on Labor and Public Welfare.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISIONS

S. 3419	REVISED BILL
1. Titled Consumer Safety Act of 1972.	1. Title changed to Food, Drug and Consumer Product Safety Act of 1972.
2. Definition of "Consumer Product" authorized to be regulated under Title III. Exemption of certain products "subject to safety regulation" under certain other laws was confusing; could have been interpreted to authorize this Agency to regulate in those exempted areas (e.g. FAA, Motor Vehicles, Occupational Safety and Health, etc.).	2. "Consumer products subject to safety regulation under other laws" are defined as "authorized to be regulated for the purpose of eliminating unreasonable risk of injury or death." Such products may be regulated by the Food, Drug and Consumer Product Agency after it petitions the agency with jurisdiction over the product, asking to regulate it, and such agency requests the Food, Drug and Consumer Product Agency to regulate it. Sec. 102(a), p. 3. Sec. 104(c)(17), p. 13.
3. Administrator authorized only to "coordinate" activities of the Commissioners (Food, Drug and Consumer Products).	3. Administrator authorized to "direct" and coordinate" the Commissioners. Ultimate responsibility rests with the Administrator. Sec. 105(a), p. 14.
4. Mandatory delegation of standard setting to Commissioners by Administrator.	4. Delegation of regulatory authority "insofar as practicable and consistent with sound administration." Sec. 202, p. 37.
5. Subpoena authority limited to witnesses at hearings and for "information."	5. Subpoena broadened to cover access to records and general or special reports by producers (based on FTC). Sec. 104(c)(6), p. 10.
6. No provision.	6. Direct submission of budget to President, and direct receipt of all funds from OMB. Sec. 104(c)(13), p. 12.
7. No specific provision.	7. Authority to prescribe personnel policies "without prior approval or clearance." Sec. 104(c)(16), p. 12.
8. Law enforcement through Justice Department.	8. Law enforcement by Agency authorized plus authority to "direct" the course of all agency litigation." Sec. 104(c)(16), p. 12.
9. Separate legal staffs for Administrator and 3 Commissioners.	9. One legal staff for Agency. Sec. 105(f), p. 14.
10. Commissioners appointed by President, no fixed term of office.	10. Commissioners appointed by Administrator. Sec. 107(a), p. 16.
11. Authorized appointment of private attorneys to represent consumers in agency proceedings.	11. No provision. Consumer Protection Agency (advocacy), as embodied in S. 1177 now pending, will perform this function. "Representation" struck from Sec. 109, p. 18.
12. Mandamus action against agency where its act or omission has exposed a person to unreasonable risk of injury or death.	12. Rewritten to require suit against the Agency only after petitioning Agency for corrective action. Petitioner would have to show by preponderence of the evidence that act or omission has exposed a person to unreasonable risk of injury or death. Sec. 112, p. 25.
13. Authorizes $180-$200-and $225 million for next three fiscal years.	13. Authorizes such sums as may be necessary. (Subsequently modified by Senator Cotton's amendment to authorize $250-300-and 350 million for next three fiscal years). Sec. 117, p. 32.
14. No provision.	14. Transfers USDA authority under Meat, Poultry, Egg and other Agricultural Product Inspection Acts to Administrator. (Subsequently deleted by amendment offered by Senator Moss.) Sec. 201(c), p. 35.
15. No provision	15. Transfers authorities of Division of Biologics Standards. (DBS works on vaccines, *inter alia*; is in NIH). Sec. 201(b), p. 34.
16. Repealed several consumer safety laws.	16. Transfers authority under these laws to the new Agency. Old Sec. 204, p. 40 struck; now in Sec. 202(a), p. 37.
17. No provision.	17. Adds certain labeling requirements for cosmetics by amending the Food, Drug and Cosmetic Act to bring cosmetics more closely into conformity with the labeling requirements for food drugs and devices. Title IV, p. 80.

Mr. JAVITS. The need for this new agency is clear. We were unable to work out any arrangement putting the essentials of this agency in HEW that would have best served the consumer with all the changes made by the Labor and Public Welfare Committee. This bill now deserves the support of the Senate.

PRIVILEGE OF THE FLOOR

Mr. MAGNUSON. Mr. President, I yield to the Senator from New Mexico.

Mr. MONTOYA. Mr. President, in view of the fact that I intend to offer an amendment, I ask unanimous consent that Mr. Frank Silbey, one of my legislative assistants, be permitted to be on the floor with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RIBICOFF. May I offer an amendment at this time?

The PRESIDING OFFICER. An amendment would be in order.

Mr. RIBICOFF. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment offered by Mr. RIBICOFF, for himself and Mr. WILLIAMS.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, lie 20, insert the following:

"(1)" immediately after "(e)".

On page 36 following line 7, insert the following:

"(2) Any commissioned officer of the Public Health Service who, upon the day before the effective date of this Act, is serving as such officer primarily in the performance of functions transferred by this Act to the Agency or the Administrator may, if such officer so elects, acquire competitive status and be transferred to a competitive position in the Agency subject to paragraph (1) of this subsection, under the terms prescribed in Sec. 15(b)(3)—(8)(A) of the Clean Air Amendments of 1970 (84 Stat. 1676, 42 U.S.C. 215 nt).".

Mr. RIBICOFF. Mr. President, the purpose of this amendment is to assure that the Public Health Service personnel transferred to the new agency under this bill may retain their status, or be permitted to acquire competitive Civil Service status. This was done in a similar situation in the 1970 Clean Air Act Amendments. This amendment follows that precedent. I hope the chairman of the Commerce Committee will accept the amendment.

Mr. MAGNUSON. Mr. President, yes; I think the amendment helps the bill. I think this is just something that was overlooked.

Mr. RIBICOFF. I agree.

Mr. MAGNUSON. If it is all right with the Senator from New Hampshire.

Mr. COTTON. Certainly, I have no objection.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. RIBICOFF. Mr. President, I yield back my time.

Mr. MAGNUSON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. RIBICOFF. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

On page 33, following line 24, insert the following:

"(c) ADDITIONAL POSITIONS.—Section 5108(c) of title 5, United States Code, is amended by—

(1) striking out the word "and" at the end of paragraph (9);

(2) striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon and the word "and", and

(3) by adding immediately at the end of such subsection the following new paragraph:

"(11) The Administrator of the Food, Drug, and Consumer Product Agency, without regard to this chapter (except section 5114), may place twenty-five positions in the Food, Drug, and Consumer Product Agency in GS–16, 17 and 18 for the purposes of carrying out his responsibilities under the Food, Drug, and Consumer Product Safety Act of 1972.".

Mr. RIBICOFF. Mr. President, the purpose of this amendment is to provide 25 new positions in grades 16, 17, and 18 for the Food, Drug, and Consumer Product Agency. This bill will establish a major new Federal agency. While its core will be the present Food and Drug Administration, the responsibilities and powers are significantly expanded. At present, the FDA has been allocated 40 supergrade positions under its quota by the Civil Service Commission. The Agency has requested 18 additional positions.

Mr. President, the new agency will require several additional top quality employees in administrative and supervisory positions to carry out its expanded duties competently. This amendment will provide them. I hope the chairman of the Commerce Committee will accept the amendment.

Mr. MAGNUSON. Mr. President, I shall be glad to accept the amendment. It is a matter that the committee has looked at for a long time, and I think it helps to perfect the bill.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. RIBICOFF. Mr. President, I yield back my time.

Mr. MAGNUSON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I congratulate the members of the Government Operations Committee and the Labor and Public Welfare Committee for their efforts in improving S. 3419. I was, of course, pleased that both committees concurred in the judgment of the Senate Commerce Committee that an independent agency was essential in order to insure the safety and efficacy of foods, drugs, and other consumer products.

The changes in the agency responsibility section of the bill—section 112—bring clarity of meaning and administrative efficiency to the section. I still believe that this section is one of the most important in the bill. The section grants citizens in this country the right to overturn bureaucratic inertia in a court of law by showing, through a preponderance of the evidence, that the bureaucracy has failed in its mission to protect consumers from unsafe foods, drugs or other consumer products.

The Government Operations Committee and the Labor and Public Welfare Committee have also improved the definition of "consumer product." These committees have eliminated ambiguity with respect to the treatment of "electronic products" and clarified the words "subject to such regulation." These are both areas which appropriately concerned my distinguished colleague, Senator COTTON, in his minority views on S. 3419.

I also agree with the decision of these committees to retain the present authority over cosmetics and medical devices while simultaneously applying the new authority in title III to these products. I am also pleased with the transfer of the Center for Disease Control to the new Food, Drug, and Consumer Product Agency. Secretary Richardson in his statement before the Senate Commerce Committee mentioned that CDC was an important resource upon which the Food and Drug Administration drew. By having CDC and FDA under one roof, their exchange of resources should be significantly facilitated.

Mr. MOSS. Mr. President, I call up my amendment No. 1258.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. MOSS. Mr. President, I send to the desk a modification of that amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the modification.

Mr. MOSS. Mr. President, I ask unanimous consent that I may explain it, without its being read. It is a technical matter, and I think it can be better done that way.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 35 beginning with line 3, delete all through line 14, and renumber accordingly by changing "(d)" on page 35, line 15 to "(c)", by changing (e)" on page 35, line 20 to "(d)", and by changing "(f)" on page 36, line 8 to "(e)".

Beginning on page 37, line 21, with the word "the" strike out all through "(h)", in line 2 on page 38.

On page 38, beginning in line 15 with ", and

the", strike out all down to but not including the semi-colon in line 18.

Mr. MOSS. Mr. President, this amendment has to do with the transfer of functions from the Department of Agriculture to the Food, Drug, and Consumer Product Agency as presently in the bill.

It is with no great joy that I offer this amendment, because I fully support the action of the Committee on Labor and Public Welfare and the Committee on Government Operations in placing the authority of the Agriculture Department over food inspection in the Food, Drug, and Consumer Product Safety Agency. But to do so would involve the jurisdiction of another committee of this body and would involve recalling from the Department of Agriculture some of its jurisdiction. To do this, of course, would greatly delay the bill before us, while we discussed the matter in committee and held hearings and later had to come to the floor.

So, in the interest of passing meaningful product safety legislation in this Congress, I think it is advisable to delete from the bill the section transferring the agricultural functions.

If we were to accept the amendment, procedural difficulties would ensue both in the Senate and in the House of Representatives concerning the appropriate jurisdiction of the bill. It has already been through three committees, and to pass jurisdiction on to additional committees would certainly jeopardize our chances of creating this important agency this year.

I feel, therefore, that it is of greater importance that we create the agency and pass the bill, leaving the agricultural functions out at this time, and then at a later time this body and the House of Representatives may determine whether or not they wish to bring within the new agency the functions of agriculture such as inspection of meat and poultry.

So my amendment, Mr. President, simply deletes those sections of the bill which transfer agricultural functions to the new agency that would be created by the bill.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. MOSS. I am glad to yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, I intend to support the amendment of the Senator from Utah. This was not in the original bill as reported out by the Committee on Commerce, and although it does run contrary to one of the main purposes of the legislation, which is to consolidate the various consumer protection and safety agencies and activities, I think another reason why we might delay the consideration of consolidating these agricultural agencies and the consumer protection activities at this time is that the new agency itself is really taking a very big bite at this time, with the consolidation of the various protective agencies coming in, the promulgation of rules, and the enforcement of the same. I think the commission report indicated that there was going to be an enormous amount of activity for the first year or two.

In dealing with the independent agency question, I think the chairman indicated that after 2 or 3 years we might consider putting it back into HEW, for instance; but I think that perhaps one important reason why we ought to leave it out at this time is the enormous amount of work, with the promulgation of rules and enforcement, that will be incumbent upon the new agency at this time.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I call up my amendment——

The PRESIDING OFFICER. The Chair reminds the Senator there is an amendment pending.

Mr. COTTON. Oh, I beg the Senator's pardon.

The PRESIDING OFFICER. Who yields time on the pending amendment?

Mr. MOSS. Mr. President, does the Senator from North Dakota seek time on my amendment?

Mr. YOUNG. Yes, I do.

Mr. MOSS. I yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I think it would be a serious mistake to take the meat inspection, and not only the inspection of meats, but that of other food commodities as well, out of the Department of Agriculture. They have done a superb job over the years, and have a great number of highly trained, qualified people in that field. Not only clean and wholesome meat and food products such as that are involved, but better quality food products of all kinds.

Moreover, in the Department of Agriculture we have research people who have done a marvelous job in breeding better cattle, hogs, and poultry, so as to provide better food products for the consumer. This and other important programs are closely related to meat inspection in the Department of Agriculture.

With respect to grades, we get into a terribly involved problem. In wheat alone, for example, there are many different grades. We have the problem of providing the necessary amount of protein and the necessary amount of gluten in wheat to produce a good bread.

There is no other department of Government as qualified in this area as the Department of Agriculture. We have this same problem of grades involved with all farm commodities. As I understand this provision, it would take all of these functions out of Agriculture, where I believe they are best able to handle them.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. MOSS. I am happy to yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I agree to this amendment with great reluctance. The Department of Agriculture has so poorly performed its duties in connection with meat, and poultry inspection that the situation has become a national disgrace. If there is one agency in our Government that needs a thorough shaking up, it is the food inspection divisions of the Department of Agriculture. For the past 3 years the General Accounting Office has pointed out its negligence. It has failed year after year, through one administration after another, to clean house.

I understand the problem with which the chairman is faced. This bill has gone through three committees. Legitimately, the Committee on Agriculture and Forestry, under the distinguished leadership of the Senator from Georgia (Mr. TALMADGE), does have a right again, if it so demands, to have this bill referred to it.

If that were done, there is no question in my mind that we would not be able to have this independent agency come into being during this session of Congress. Three committees, and especially the distinguished Senator from Washington, have done yeoman work to bring the bill to this point. It would be a shame to refer this bill to another committee at this time because that would mean we would not have any bill to present to the American people this year. Therefore I agree to this amendment, as I say, with great reluctance.

But I do hope that this will act as a warning to the responsible officials in the Department of Agriculture to clean up their own house and truly fulfill their mandate to provide the American housewife clean and wholesome meat and poultry.

Mr. MAGNUSON. Mr. President, I was about to make somewhat the same remarks that the Senator from Connecticut has made. We have been on this bill for a long time. We started out originally talking about hazardous substances and things that caused injury. Then it branched out, and we had the long Product Safety Commission report, but we did not include the Agriculture inspection functions in the Commerce bill originally.

I thoroughly agree with the Senator from Connecticut and the Senator from Utah, and I also reluctantly, for the purpose of getting this bill passed and getting the agency established, am going to suggest that we accept the amendment.

I know how the Senator from Utah feels about it. I just had a conversation with the Senator from Georgia at the beginning of the debate on this bill, and I suggested to him, as the Senator from Connecticut has, and I am sure he agrees, "Let us go ahead with this bill."

We do have this problem down at Agriculture. In some places they may have done a good job; other places it is terrible. If they do not shape up sooner or later and do the kind of job we want, then I shall be the first to join with the Senator from Connecticut, the Senator from Utah, and the rest to put them under an independent agency.

I think this is the better part of discretion. After all, legislation is a matter of getting things done. Maybe we do not get the whole loaf at once, but we can get this moving and get this commission established.

I know some of the Senators feel deeply about this matter. There are a great number of people working down at the Department of Agriculture; I do not know how many hundreds are involved in this inspection process, but there are a great number, and some of them are good. But I just want to say, if they do not shape up, I am going to be the first to join with the Senator from Connecticut and the Senator from Utah. I am sure the Committee on Commerce will back me up, and I am sure the Senator from Georgia will join in making every effort to see that they shape up.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. YOUNG. I cannot understand what bad record the Senator has been talking about. There is nowhere in the world where consumers are getting purer food than in the United States, or where food products are subject to more severe inspections than in the United States. Where is the Senator buying rotten eggs?

Mr. MAGNUSON. Oh, I have bought several.

Mr. YOUNG. Not in recent years. Years ago.

Mr. MAGNUSON. I have bought several.

Anyway, I can give the Senator from North Dakota many cases, chapter and verse, on some of these things. I did say that some of them do a good job. I have been in two or three packinghouses in my time in which the inspector let them get away with everything, and finally they were caught. In the meantime, it all went to the market.

Mr. YOUNG. We passed a bill a couple of years ago that required all the States to live up to certain new standards of meat inspection or the Federal Government would take over. Our State let the Federal Government take over. The restrictions were so stringent and the cost so high that they said, "Let the Federal Government inspect." The restrictions could not be tougher. It would be a terrible mistake to take meat and other food inspection out of USDA.

Mr. MAGNUSON. I hope they continue to be tough, because they should be. I agree that some of them are all right.

Mr. RIBICOFF. Mr. President, there is no man for whom I have higher respect than the distinguished senior Senator from North Dakota. But we have had report after report from GAO on the poor performance of the food inspection programs of the Department of Agriculture. Since he raises the point, I ask unanimous consent to have printed at this point in the RECORD summaries of four reports on the food inspection programs of the Department of Agriculture.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

[Comptroller General's Report to the Congress, Sept. 10, 1969]

ENFORCEMENT OF SANITARY, FACILITY, AND MOISTURE REQUIREMENTS AT FEDERALLY INSPECTED POULTRY PLANTS

WHY THE REVIEW WAS MADE

The Poultry Products Inspection Act of 1957, as amended, provides for the inspection of poultry and poultry products which are processed in plants engaged in interstate or foreign commerce to ensure that the poultry products are wholesome, free from adulteration, and processed under sanitary conditions.

Because of the widespread production and consumption of poultry and poultry products and the fact that about 86 percent of all poultry is processed in about 900 plants under Federal inspection, the General Accounting Office (GAO) has examined into the Federal inspection program to ascertain whether the Department of Agriculture's Consumer and Marketing Service (C&MS) was adequately enforcing the minimum standards established in accordance with requirements of the Poultry Products Inspection Act. GAO's review was directed primarily to the adequacy of actions taken by C&MS at those federally inspected plants which had been reported for repeated violations of minimum standards for sanitation, facilities, and moisture absorption.

FINDINGS AND CONCLUSIONS

GAO found that there was a need for C&MS to strengthen its enforcement procedures to ensure that minimum standards for sanitation, facilities, and moisture absorption were met by federally inspected poultry plants.

GAO identified 40 plants that were reported by C&MS supervisory personnel for repeated violations of minimum standards over periods ranging from 6 months to over 5 years. Most of the violations involved sanitation requirements which were intended to ensure the wholesomeness of the product. The 40 plants accounted for about 6 percent of the 11.2 billion pounds of poultry slaughtered under Federal inspection during calendar year 1967.

GAO believes that the lack of timely action by C&MS to suspend or terminate inspection services at plants which were in repeated violation of minimum standards did not adequately protect the consuming public from poultry or poultry products that could have become adulterated or otherwise unfit for human consumption. During a period of suspension, plants cannot process poultry or poultry products for sale in interstate or foreign commerce.

GAO believes also that the failure of C&MS to suspend or terminate inspection services at such plants could imply to the management of other federally inspected plants that violations would be treated with minimum consequence.

GAO identified also 44 federally inspected plants which were permitted to ship poultry in interstate commerce for sale to the consuming public that, on the basis of daily tests, contained water in excess of that permitted by regulations. These plants exceeded moisture requirements at least 20 percent of the time during 4 to 11 months of calendar year 1967. The 44 plants accounted for over 13 percent of the poultry slaughtered under Federal inspection during calendar year 1967.

GAO believes that the consuming public was not adequately protected against increased costs resulting from excessive water in poultry because C&MS inspection personnel were not authorized to retain poultry containing water found to be excessive on the basis of the results of daily moisture absorption tests.

RECOMMENDATIONS OR SUGGESTIONS

The Administrator of C&MS should:

Strengthen enforcement procedures by establishing effective criteria for the suspension and termination of inspection services at those plants in violation of minimum standards.

Determine whether the poultry plants identified during GAO's review as having operated in violation of minimum standards over extended periods of time are currently operating in compliance with minimum standards.

Establish a daily-testing procedure that can be used as a basis for retaining for additional processing any product that is in excess of moisture absorption tolerances.

Authorize the C&MS inspector in charge at the plant to retain poultry for additional processing on the basis of daily tests.

AGENCY ACTIONS AND UNRESOLVED ISSUES

C&MS informed GAO that a rigorous national effort had recently been activated to ensure adequate sanitation in inspected plants. C&MS stated that inspection had been suspended at several plants, that numerous plants had been required to make immediate improvements, and that major long-term improvements were being called for and rigid deadlines established therefor.

C&MS stated also that suspension action was being and would be taken on plants unwilling to provide acceptable sanitary conditions and that instructions to field personnel were being amended to ensure proper understanding of their authority to take action to ensure proper plant sanitation. GAO agrees with the actions taken by C&MS and believes that the intensified C&MS efforts to ensure adequate sanitation in federally inspected plants should be continued as a permanent part of the enforcement program.

C&MS advised GAO that the regional directors having responsibility for the plants identified in GAO's review had been advised of the need for immediate in-depth reviews of such plants and for taking appropriate action, including suspension of inspection, should the nature of current findings warrant such action.

With respect to moisture control, C&MS informed GAO that there was in the final stages of design a statistical control system of daily tests to be performed by C&MS inspectors assigned to the plants. C&MS stated that full authority for retaining birds out of compliance on the basis of the results of daily tests would be placed in the hands of the plant inspector in charge and the retained birds would not be distributed to consumers until excessive moisture had been removed. C&MS stated also that it planned to put this system into use, nationally, in the near future.

MATTERS FOR CONSIDERATION BY THE CONGRESS

Because poultry products are an important source of the Nation's supply of food and are consumed throughout the Nation, the Congress may wish to consider the matters discussed in this report in its continuing evaluation of consumer protection programs.

[Comptroller General's Report to the Congress, June 24, 1970]

WEAK ENFORCEMENT OF FEDERAL SANITATION STANDARDS AT MEAT PLANTS BY THE CONSUMER AND MARKETING SERVICE

WHY THE REVIEW WAS MADE

The Congress has determined that it is essential for the health and welfare of consumers to be protected by ensuring that meat and meat food products distributed to them are wholesome and processed under sanitary conditions.

Under the Federal Meat Inspection Act, the Consumer and Marketing Service, Department of Agriculture, has the responsibility for establishing and enforcing sanitation standards in federally inspected meat plants. Inspectors assigned to the plants are responsible for enforcing the sanitation standards.

The Consumer and Marketing Service also is responsible for ensuring that sanitation standards are maintained by nonfederally inspected plants that receive Federal grading service—a marketing service provided to meat plants upon request.

As of December 31, 1969, there were about 3,200 federally inspected plants and about 140 nonfederally inspected plants which had been approved by the Consumer and Marketing Service as eligible to receive Federal grading service.

The General Accounting Office (GAO) in a report to the Congress (B–163450, September 10, 1969) pointed out the need for the Consumer and Marketing Service to strengthen its enforcement procedures to ensure that standards for sanitation, facilities, and equipment were met by federally inspected poultry plants. Also, the Office of the Inspector General, Department of Agriculture, in 1965 and 1969 pointed out weaknesses in the enforcement of sanitation standards at federally inspected meat plants.

In view of previously indicated weaknesses in the enforcement of sanitation standards, GAO wanted to ascertain the adequacy of the Consumer and Marketing Service's enforcement of sanitation standards at meat plants provided Federal inspection or grading service.

GAO's review was directed primarily to certain of the plants which Consumer and Marketing Service records indicated had sanitation problems.

Conditions found in the plants and reported in this review therefore may not be typical of conditions in all plants receiving Federal inspection or grading service.

FINDINGS AND CONCLUSIONS

The Consumer and Marketing Service needs to strengthen its enforcement procedures to ensure that standards for sanitation are met by plants receiving Federal inspection or grading service.

Accompanied by Consumer and Marketing Service supervisory personnel, GAO visited 40 federally inspected plants and eight nonfederally inspected plants receiving Federal grading service. Evaluations of the plants were made in accordance with Consumer and Marketing Service sanitation standards.

In calendar year 1969, the 40 federally inspected plants accounted for about 7.7 percent of the cattle and swine slaughtered and about 4.9 percent of meat products processed in all federally inspected plants.

Consumer and Marketing Service inspection personnel were not uniform in their enforcement of sanitation standards and generally were lenient with respect to many unsanitary conditions unless product contamination was obvious.

At 36 of the 40 federally inspected plants and at the eight nonfederally inspected plants, animals were being slaughtered or meat food products were being processed for sale to the consuming public under unsanitary conditions. GAO observed instances of product contamination at 30 of the federally inspected plants and at five of the nonfederally inspected plants. Some of the major unsanitary conditions observed during GAO's plant visits included:

Lack of adequate pest control as evidenced by flies, cockroaches, and rodents.

Improper slaughter operations resulting in contamination of carcasses with fecal material and hair.

Use of dirty equipment and processing of product in unsanitary areas.

Contamination of product by rust, condensation, and other foreign material from deteriorated or poorly maintained overhead structures.

At the plants visited, Consumer and Marketing Service inspection personnel had not consistently:

Rejected for use equipment and plant areas or suspended inspection in federally inspected plants when unsanitary conditions were found and

Recommended the withdrawal of Federal grading services at nonfederally inspected plants that were found operating under unsanitary conditions.

If Federal inspection service is suspended, a plant cannot slaughter animals or process meat for movement in interstate commerce. The withdrawal of grading service from a nonfederally inspected plant precludes the plant's using any official mark or other identification of the Federal grading service.

GAO was unable to ascribe to any one cause the failure of inspection personnel to require plant managements to promptly and effectively correct unsanitary conditions. GAO believes, however, that a primary cause of the lack of uniformity and leniency in enforcement of sanitation standards was a lack of clear and firm criteria setting forth the actions to be taken when unsanitary conditions were found.

GAO believes that weaknesses in the Consumer and Marketing Service's system for reporting on plant reviews also contributed to the inadequate enforcement of sanitation standards at federally inspected plants. Because reports generally did not show what action, if any, was taken to correct reported unsanitary conditions, information was not readily available to Consumer and Marketing Service management as to whether appropriate and timely corrective actions were required by inspection personnel.

Clear and firm criteria—setting forth the actions to be taken when unsanitary conditions are found—and improved reporting policies can provide a basis for improving the enforcement of sanitation standards at meat plants. In the final analysis, GAO believes that the effectiveness with which such standards are enforced will be dependent on the resolve of Consumer and Marketing Service personnel at each and every level—from the plant inspectors to the Washington officials.

RECOMMENDATIONS OR SUGGESTIONS

The Administrator of the Consumer and Marketing Service should reemphasize to individual employees at all levels their responsibilities for the enforcement of regulations to ensure that meat and meat food products are wholesome and unadulterated.

To assist employees at all levels in carrying out their responsibilites the Administrator should establish:

Criteria setting forth specific conditions under which inspection and grading services should be suspended at plants in violation of sanitation standards and under which equipment and specific plant areas in federally inspected plants should be rejected for use until made acceptable, and

A uniform reporting policy whereby action taken and to be taken will be a required part of all reports pertaining to observed sanitation deficiencies.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Administrator of the Consumer and Marketing Service (see app. I) stated that:

The conditions described in GAO's report are of deep concern to the Department of Agriculture, and the Department is and has been determined to eliminate such threats to the wholesomeness of the Nation's meat and poultry products.

The emphasis and objectives of the major inspection improvement program already under way and now being intensified in the Consumer and Marketing Service are completely in line with and responsive to GAO's recommendations.

Much has been accomplished but much remains to be done.

With respect to specific actions taken and planned, the Administrator stated that:

A letter had been directed to all Consumer Protection Program personnel clearly outlining inspection objectives and procedures regarding sanitation and assuring each employee of full support for his efforts in enforcing sanitation standards.

Meetings would be held with committees from major meat packer organizations for the purpose of reemphasizing meat inspection objectives and developing an educational program for their membership on the whole spectrum of meat inspection, particularly sanitation.

Revised procedures, forms, and instructions had been issued to assist inspectors in carrying out the Consumer and Marketing Service's policy at plants where unsanitary conditions are found, including criteria for withholding or suspending inspection for cause.

The Administrator also provided detailed information on enforcement actions taken as a result of the inspection improvement program. He stated that, although the record demonstrates progress during the past year, the need for still further action is acknowledged.

The action needed will be determined by a management study now under way to determine improvements needed in administration. This study is expected to have strong impact on carrying out GAO's recommendation relating to improved reporting systems to demonstrate actions taken.

The Administrator provided the following report on the status of the 48 plants visited by GAO as determined by recent Consumer and Marketing Service plant visits.

Federal inspection has been discontinued at five of the 40 federally inspected plants.

Conditions of sanitation in 27 of the federally inspected plants have been so improved as to meet Consumer and Marketing Service sanitary requirements.

Two of the eight nonfederally inspected plants ceased operations following withdrawal of recognition for Federal grading service.

Four nonfederally inspected plants' operating conditions are now acceptable.

In the remaining eight federally inspected plants and the two nonfederally inspected plants, action has been taken to protect the product while the remaining needed plant improvements are being completed.

GAO believes that the actions already taken and the further actions outlined by the Administrator, if fully implemented, substantially comply with its recommendations and will provide greater assurance to the consuming public that meat products are processed under sanitary conditions. GAO believes, however, that, even with the intensified enforcement actions planned by the Consumer and Marketing Service, continuing efforts of all inspection personnel to require compliance with sanitation standards are vital to mainaining the integrity of the inspection program and ensuring the consuming public of a wholesome product.

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report discusses matters of such importance to the consuming public that the Congress may wish to consider the facts revealed and the steps being taken to correct the situation.

[Comptroller General's Report to the Congress, Nov. 16, 1971]

CONSUMER AND MARKETING SERVICE'S ENFORCEMENT OF FEDERAL SANITATION STANDARDS AT POULTRY PLANTS CONTINUES TO BE WEAK

WHY THE REVIEW WAS MADE

The General Accounting Office (GAO) made this follow-up review at poultry plants to determine whether the Consumer and Marketing Service had improved the enforcement of sanitation standards after GAO's earlier reviews. This review covered 68 federally inspected plants, including 17 of the 40 plants GAO covered in its prior review and 51 plants selected at random from five of the leading poultry slaughtering and processing States. The 68 plants accounted for about 19 percent of the 13 billion pounds of poultry slaughtered in the United States in calendar year 1970.

FINDINGS AND CONCLUSIONS

Enforcement of sanitation standards still weak

Following GAO's earlier reviews, the agency took some actions to improve the enforcement of sanitation standards, including:

Sending letters to its inspection program employees, including plant and supervisory inspectors, clearly outlining inspection objectives and sanitation procedures and assuring each employee full support for his efforts in enforcing sanitation standards.

Issuing revised procedures, forms, and instructions, including criteria for withholding or suspending inspection, to assist inspectors in carrying out the agency's policies.

The actions taken by the agency have not been successful in achieving adequate enforcement at the plants GAO visited. For each of the 68 plants, supervisory inspectors, who accompanied GAO and evaluated each plant for compliance with the agency's standards, reported some deficiencies. The types and extent of the deficiencies, classified as either minor variations or unacceptable conditions, varied from plant to plant.

The evaluations showed that unacceptable conditions:

Continued to exist at most of the 17 plants covered in GAO's prior review. In many cases the conditions were similar to those previously noted.

Existed at most of the 51 randomly selected plants. At many of these plants, the conditions appeared to be of a long-standing nature and were similar to conditions noted at most of the 17 plants.

After most of GAO's fieldwork had been completed, the agency implemented a revised regulation providing criteria on the amount of moisture which may be absorbed and retained in poultry during processing. When the amount of moisture absorbed is determined to be above the specified limits, the inspector is to require that all poultry processed be held and drained to acceptable levels. Because of the timing of the regulation's implementation, GAO did not determine how well it was being implemented.

Conclusions

Many of the sanitation deficiencies appeared to have existed over a long period. In GAO's opinion, this situation is indicative of a lack of strong, day-to-day enforcement by the agency's plant inspectors and of a lack of effective supervisory review. Weaknesses in the agency's enforcement of sanitation standards may be widespread.

Adequate criteria and policies now exist for enforcing sanitation standards. Such criteria and policies, however, provide only a basis for improving enforcement. In the final analysis the effectiveness with which sanitation standards are enforced depends on the resolve of the agency's employees at every level—from plant inspectors to Washington officials.

Ways must be found to demonstrate convincingly to the agency's inspection employees that consumer protection is the main objective of enforcing sanitation standards and that strict enforcement of such standards is essential.

RECOMMENDATIONS OF SUGGESTIONS

In August 1970 two consultants hired by the Department of Agriculture completed a study of the agency's consumer protection programs. The consultants recommended a number of changes for reorganizing the programs. Most of the recommendations were adopted; however, one recommendation—that a separate agency be established within the Department for consumer protection programs—was not. The consultants stated that the recommendtion was predicated on their belief that:

There is an inherent difference between the nature of the agency's marketing activities and that of its consumer protection activities which creates an internal conflict.

Consumer protection is so large an area and has such complex problems that it needs a full-time administrator.

GAO recommends that the Secretary of Agriculture reevaluate the consultants' recommendation because GAO believes that implementation of the recommendation would demonstrate convincingly that the Department was placing emphasis on consumer protection.

GAO recognizes that, should the Department adopt the consultants' recommendation, its full implementation would take some time. Also, if a separate agency were established within the Department, many of the employees now responsible for enforcing sanitation standards would continue to be responsible.

For these reasons GAO recommends also that the Secretary explore other and more immediate avenues to improve and emphasize the enforcement of sanitation standards. Such avenues might include an intensification of efforts already under way to strenghten supervision and to improve the training of inspection employees as well as increased use of disciplinary action when inspection employees do not meet their responsibilities.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department said:

That it initially decided not to adopt the consultants' recommendation to establish a separate agency because the consultants had stated that the meat and poultry inspection program also could function within the existing agency and because one advantage of keeping it there would be that separate administrative support functions would not have to be developed.

That the agency was attempting to respond in specific ways to deficiencies in its supervisory structure which had been totally inadequate and was taking or planning other actions to improve the enforcement of sanitation standards.

That the merits of establishing a separate agency should be considered but that, in its judgment, it would be a grave error to consider the creation of a new agency until the actions already under way and others being planned had been given a reasonable time test.

MATTERS FOR CONSIDERATION BY THE CONGRESS

The Congress may wish to consider the matters discussed in this and earlier reports in connection with a number of measures now before the Congress. These measures include bills to establish a separate Department of Consumer Affairs and the President's Reorganization Plan which would transfer the agency's poultry and meat inspection activities to a proposed Department of Human Resources.

[Comptroller General's Reports to the Congress, June 30, 1970]

NEED TO REASSESS FOOD INSPECTION ROLES OF FEDERAL ORGANIZATIONS

WHY THE REVIEW WAS MADE

Before acceptance by the Government or distribution to the public, food is generally subject to inspection by two or more organizations. Because of apparent overlapping of Federal food inspection activities, the General Accounting Office (GAO) made a Government-wide review.

FINDINGS AND CONCLUSIONS

Federal food inspection started in 1891. The function evolved from piecemeal legislation and regulations designed to solve specific problems as they arose.

Because of their relatively limited scope, the laws and related regulations do not provide a clear expression of overall Federal policy for food inspection. As a result, parts of the food inspection function are performed by many Federal, State, and local organizations. This has led to some inspection overlap and to problems in making inspections and has caused dissatisfaction in the food industry.

GAO conservatively estimated that over 14,500 people were involved in Federal food inspection activities which were costing over $185 million annually. About $48 million of this amount was reimbursed by the users of certain inspection services.

Similar inspection activities are frequently performed by more than one organization at the same commercial establishment and often on the same food product. At a dairy products company visited by GAO:

Military veterinarians made monthly sanitary inspections and obtained bimonthly milk samples which were analyzed for bacteria and butterfat,

One group from the Department of Agriculture checked plant sanitation quarterly to qualify the plant for grading services, while another group obtained butter and cheese samples eight times a month,

Food and Drug Administration personnel inspected periodically for potential health hazards, and

The State health department inspected for sanitation and analyzed fluid milk for bacteria, at least quarterly, to qualify the plant for the approved listing of the U.S. Public Health Service.

Many of the inspections are made for different purposes and vary in degree. However, GAO believes that a more effective and economical method of discharging the Federal food inspection function could be devised.

Several Federal organizations have established food standards, some for the same item. This creates a need for close coordination which in practice appears to be a lengthy process. Although more than one standard for the same food item may not be improper in itself, it has caused dissatisfaction among food suppliers.

For example, the Departments of Agriculture and Defense tested the same lot of smoked hams. Because of the use of different product standards and testing methods, these hams met Defense requirements but did not meet Agriculture standards for moisture content.

Agreements have been made between organizations to establish clearer lines of responsibility, make more effective use of the skills and experience of each, and reduce overlap. To reach agreements has been time consuming. Moreover, the agreements sometimes have been difficult to administer and, in some cases, have led to further difficulties. Accordingly, GAO believes that a more effective system for discharging food inspection responsibilities—involving changes in existing legislation where necessary—would reduce, or eliminate, the need for such agreements.

There are basic differences in the concepts and practices of the inspecting organizations. Some of the differences involve

The extent of reliance placed on food vendors for product quality,

The desirability and extent of the use of statistical sampling techniques for product inspection, and

Federal surveillance of State and/or local inspections in lieu of direct Federal inspection.

GAO believes that maximum standardization in requirements, procedures, and concepts is desirable and would enable inspections to be made more effectively and economically.

GAO believes that there is a need to reassess the Federal role in food inspection and the participation of the various organizations that currently perform parts of the function so as to arrive at sound recommendations for improvement. This reassessment—involving as it does sensitive relationships between the numerous Federal, State and local governmental agencies and the food industry—should be conducted under the leadership of the Bureau of the Budget.

RECOMMENDATIONS OR SUGGESTIONS

The Director, Bureau of the Budget, should make a detailed evaluation of the food inspection function to determine the most effective method of improving the administration of this function. The study should determine the feasibility of consolidating at least some of the inspections, and it could draw upon the skill and experience of the agencies performing inspections.

The findings and recommendations of this evaluation should be reported to the Congress as soon as possible since reconsideration of existing legislation may be involved.

AGENCY ACTIONS AND UNRESOLVED ISSUES

Federal agencies that make food inspections agreed that there is a need for reassessing the food inspection function. The Bureau of the Budget agreed to make the evaluation when sufficient resources are available.

MATTERS FOR CONSIDERATION BY THE CONGRESS

Significant legislation affecting food inspection has been passed in recent years and several bills are pending. This report is being furnished to the Congress to provide a basis for considering actions taken or proposed by the executive branch and for such other action as the Congress sees fit.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. TALMADGE. Mr. President, I thank the distinguished chairman of the Committee on Commerce and the distinguished Senator from Utah for offering this amendment and agreeing to it on the Senate floor.

The distinguished chairman of the committee will recall that months ago, when this matter was floating around in the various committees, I pointed out to him that the Committee on Agriculture and Forestry had jurisdiction of the subject matter which was intended to be included in the new consumer agency by various committees.

The jurisdiction of the Senate Committee on Agriculture and Forestry is extremely clear. It is set out in rule XXV of the Standing Rules of the Senate, as follows:

Rule XXV, Standing Rules of the Senate

1. * * *

(b) Committee on Agriculture and Forestry, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Agriculture generally.
2. Inspection of livestock and meat products.
3. Animal industry and diseases of animals.
4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.
5. Agricultural colleges and experiment stations.
6. Forestry in general, and forest reserves other than those created from the public domain.
7. Agricultural economics and research.
8. Agricultural and industrial chemistry.
9. Dairy industry.
10. Entomology and plant quarantine.
11. Human nutrition and home economics.
12. Plant industry, soils, and agricultural engineering.
13. Agricultural educational extension services.
14. Extension of farm credit and farm security.
15. Rural electrification.
16. Agricultural production and marketing and stabilization of prices of agricultural products.
17. Crop insurance and soil conservation.

The Poultry Products Inspection Act and the Federal Meat Inspection Act which would be transferred by the amendments of the Committee on Labor and Public Welfare clearly fall within item 2 of rule XXV, "inspection of livestock and meat products." The Egg Products Inspection Act, the Agricultural Marketing Act of 1946, and the act of March 4, 1913, all fall within item 16, "agricultural production and marketing and stabilization of prices of agricultural products." The act of March 4, 1913, also falls more specifically within item 3, "animal industry and diseases of animals." The food inspection bills also fall within item 11, "human nutrition and home economics" and all of these measures, of course, fall within item 1, "agriculture generally."

Once again the Department of Agriculture is faced with an effort to undermine, or perhaps even destroy, the achievements of over 100 years of dedication in the pursuit of a policy of abundance for mankind. For over 100 years the Department of Agriculture has been involved in the technical progress in agriculture in this country. For over 100 years the Department of Agriculture, with the support of the farming community, has been engaged in a never ending struggle to provide consumers of this land with a variety and an abundance of wholesome food at fair and reasonable prices.

In just the past 20 years total farm output has increased by 44 percent. The production of beef has increased 2½ times; the production of broilers by over 5 billion pounds. This abundance was achieved despite the fact that about 50 million acres were retired from production of corps through various programs.

Farmers and the food industry have combined to make it possible for consumers to enjoy the widest variety and the most wholesome and healthful food in the world. More than 200 million persons in this country and many more millions throughout the world now depend upon our farms for most of their food and fiber. When we go to market we can choose from over 6,000 different food items including fresh, frozen, canned, concentrated, dehydrated, ready mixed, ready to serve, or in heat and serve form. Today farmers feed over 50 million more persons in this country than they did just 20 years ago. Despite this consumers are now required to devote less of their income for a wider variety and higher quality of food than ever before. In 1972 only 15.8 percent of disposable income was spent on food as compared to about 23 percent 20 years ago. Compare this with up to 30 percent in Europe, 50 percent in the Soviet Union, and as high as 90 percent in many other countries. This tremendous productivity did not just happen. It is a result of combined efforts of millions of dedicated farmers on the one hand and the application of technology developed by the thousands of the dedicated technicians in the Department of Agriculture and in our land grant colleges.

Food is basic to life but the bounty that has been forthcoming from the farms of America is little appreciated. There is no praise, rather there is constant criticism and continued efforts to belittle the achievements of our farm community. But I say that the miracle of agriculture in this country is a never ending story and it has many facets. The farmers of this land have long been involved in the preservation of our environment and in the conservation of our resources. The farmers of this Nation through their own Department of Agriculture have long been involved in efforts to provide for and protect all of the people of this Nation long before the present general interest in the preservation of our environment, the conservation of our resources and the protection of consumers.

In 1957, my first year in the Senate, the Senate Committee on Agriculture and Forestry approved the continuous Federal inspection of poultry and poultry products in interstate commerce. This mandatory inspection law succeeded a voluntary program that had been put in operation by the Department of Agriculture some 28 years before.

But that was not the first law administered by the Department of Agriculture designed to protect the consumers of this Nation. In 1946 the Congress approved the Agricultural Marketing Act which directed the Secretary of Agriculture among other things to inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce to the end that consumers may be able to obtain the quality product which they desire. He was directed to conduct and cooperate in consumer education.

But even before this, in 1906, Congress directed the Secretary of Agriculture to provide for a mandatory continuous inspection service for meat moving in interstate commerce in order to protect consumers.

Federal meat inspection laws were updated in 1967 to provide additionally that all meat and meat products moving in intrastate commerce must be federally inspected or inspected by States to standards at least equal to the Federal.

And as late as 1970 the Department of Agriculture was entrusted with the Egg Products Inspection Act signed into law on December 29 of that year.

The 1946 Marketing Act, among other things, provided for national uniform standards of quality for agricultural products to be applied to specific lots of products to promote confidence, reduce hazards in marketing, encourage better preparation for uniform quality products for market, and furnish consumers with more definite information on the quality of products they buy. These standards are applied by or under the supervision of Federal employees at the request of any interested party and generally for a fee.

Last year almost 20 billion pounds of beef and veal were produced under Federal inspection standards, plus about 14 billion pounds of pork and over 13 billion pounds of liveweight poultry. In addition, USDA inspection and grading covered about 55 billion pounds of fresh fruits and vegetables; about 14 billion pounds of processed fruits and vegetables; over 3 billion pounds of dairy products; and over 3 billion pounds of eggs.

For more than half a century the Department of Agriculture has been intimately involved in protecting consumers. They have done a magnificent job under very adverse conditions with little support outside the farming community until recent years.

In the committee report on S. 3419 by the Committee on Labor and Public Welfare the statement is made "the consumer benefits that can result in the form of more balanced and effective inspections throughout the country and greater efficiency through the elimination of duplicative efforts are too important to ignore." But there is nothing in that report that guarantees that there will be more effective inspections throughout the country or even that duplicative efforts will be eliminated. To make a statement is not to guarantee that it will come to be.

The report further states that "the food regulatory functions of the Department of Agriculture which cover just a portion of the Nation's food supply involve resources, funds, manpower, organization and scientific capability which are greater than those available to the Food and Drug Administration for regulation of all other food, drugs, and consumer products." But the report does not say in respect to meat and poultry that there is continuous inspection rather than spot inspection, such as the Food and Drug Administration usually provides.

Earlier I spoke of the billions of pounds of food inspected by Agriculture. This has been going on for years. The transfer of the continuous inspection of meat and poultry programs and other inspection programs from the Department of Agriculture will not improve one iota the inspection of other food establishments by the Food and Drug Administration. The only way to accomplish this is to increase the budget of the Food and Drug Administration. The fact of the matter is, that today under the present organization, the people in this country, the consumers of this country, are receiving the most nutritious, the most wholesome, the most healthful food ever provided any people anywhere in the history of this world. And to dismantle this protection will lead only to deterioration and abuse of existing law.

Mr. President, the provision that the Senator from Utah would strike invade at least five different categories of the jurisdiction of the Committee on Agriculture and Forestry. I do not think the people of this country or Members of the Senate want the Committee on Agriculture and Forestry to give up its jurisdiction on legislative matters.

This is a vitally important matter, affecting the lives, the incomes, and the method of livelihood of countless millions of people in this country.

The Department of Agriculture has been engaged in meat inspection for 66 years, since 1906. It has considerable expertise in that field.

I think the housewives of this country, report to the contrary notwithstanding, when they see a stamp on a food item, "USDA inspected and approved," have absolute confidence in its quality and its desirability.

The fact is that the food inspection services of the United States of America are the world's best and the world's greatest, and the food that our housewives purchase is more sanitary and more suitable for human consumption than any other food on the face of the earth.

I do not expect all people to be perfect, and certainly not every inspector of the Department of Agriculture is perfect. Doubtless, from time to time some of them make errors. But they have done an outstanding job. To take away all their functions, with 66 years of experience and expertise, and transfer those functions to a new, unknown, and untried Federal agency is the height of folly.

That is particularly true when the farmers of this country, those who produce the swine, those who produce the poultry, those who produce the livestock, and those who slaughter and process and market them, have not had an opportunity to come to Congress and state their views on an issue of such fundamental importance.

Again, I thank the distinguished Senator from Utah and the distinguished chairman of the Commerce Committee for accepting this amendment, which would delete from this bill subject matter over which the Committee on Agriculture and Forestry has jurisdiction. We had no opportunity to study the proposed legislation until it was reported to the Senate. We have had no opportunity to let the people of this country come before the committee and state their views on a matter of such vital importance. I appreciate the cooperation of the Senators.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the Senator from Nebraska, with the permission of the distinguished floor manager of the bill.

Mr. CURTIS. I thank the distinguished chairman of the Committee on Agriculture and Forestry. I should like to associate myself with his remarks.

I point out that a great deal is involved in food inspection, particularly meat inspection. The meat inspection involves the inspection of live animals before the slaughter as well as the carcasses of the meat products afterward. Is that not true?

Mr. TALMADGE. That is entirely correct. It involves inspection on the farm for tuberculosis and various other matters, in order to protect the consumers of this country. Not only does the Department of Agriculture protect the consumer, but also it has jurisdiction over matters such as tuberculosis and various other diseases, even on the farm.

Mr. CURTIS. It would be totally illogical to attempt to transfer this out of the hands of the agriculturalists and the Agriculture Department.

Mr. TALMADGE. That is correct. They have jurisdiction over livestock, as the Senator knows.

Mr. CURTIS. I will not take any further time, but I do commend those who have offered this amendment and who have agreed to accept it, because I believe that what they are doing is in the very best interests of the consumers of the country as well as the producers.

If this change were made, I am sure that all parties involved would suffer through higher costs in carrying on these operations by putting a new agency in charge, and I am also sure that there would be a loss to the consuming public by the disruption that would occur to our very efficient production facilities and record of agriculture.

Mr. TALMADGE. I thank the distinguished Senator from Nebraska, the distinguished senior Senator from Washington, and the distinguished Senator from Utah.

Mr. ALLEN. Mr. President, I wish to state my strong opposition to the amendment to include among the responsibilities of this proposed Consumer Protection Agency those functions presently performed by the Department of Agriculture relating to the grading of agricultural commodities, the inspection of meat, poultry, and eggs for wholesomeness, and the regulation of animal biologics under the Virus-Serum-Toxin Act.

We in Congress have heard before the complaint that consumer services are badly scattered throughout the Federal Government—at a purportedly high price in wasted tax dollars and inefficient service. I, for one, would not support anything which would tend to increase this inefficiency. However, while those who propose this amendment do so out of a virtuous intent to avoid such waste—from a very practical side—they fail to realize that they would be compounding the very problem they seek to remedy.

Let us look at the matter of grading agricultural commodities, for example. This work has been done as a voluntary service by USDA for over half a century. The cost of the service is paid for by those who want it.

From the very outset, these grading services were meant to facilitate the orderly and efficient marketing of farm commodities—to enable producers, marketeers, and buyers who are widely separated geographically to trade with the assurance that a neutral, independent third party has attested to the quality of the product involved. The bulk of these grades are not carried through to the consumer, for they are not meant to be used in the purchasing of individual packages in small volume.

Further, these grading services are based upon the development of precise standards for the raw commodity. But this standardization work would not be transferred—nor should it be—since it is more closely related to basic agricultural production. The result would be a fragmentation of interrelated activities—to the detriment of all.

There are other USDA services which are closely intertwined with the grading program which would also suffer. This would include the extensive market news network, which provides farmers and others interested in farm marketing with precise data on the supply, demand, price, and movement of various commodities from farm to market. The collection of this data is augmented considerably by the grading service—but this, too, would be lost if they are separated as has been proposed.

Hence, to carve out one part of what is now a closely interrelated network of marketing services would be to fragment a system which has been serving this Nation very effectively for many years. That, it seems to me, is totally illogical.

There is another angle to this fragmentation that cannot be overlooked. Some of us in Congress—and more recently the executive branch—have sought for years to gain recognition for the advantages of decentralizing Goverment services at the Federal level. From long experience, we have known that the States are willing and competent to perform such services when they receive proper resources and support. And, oftentimes, they can do a better job, because they are closer to the people they serve.

This proposal to shift the voluntary grading and mandatory inspection services to a consumer protection agency would violate that principle. Worse yet, it would destroy what is now an efficient and effective system of Federal-State cooperation to the benefit of no one.

I suspect that some of my colleagues here are unaware of the fact that many of these grading and inspection programs are conducted in close cooperation with the States under long-standing cooperative agreements. This is authorized by the Agricultural Marketing Act of 1946, under which the grading programs are carried out.

These cooperative agreements offer many advantages—advantages that would disappear if this amendment were passed. For example, the grading of many products is performed by employees of State departments of agriculture who work under the broad supervision of counterparts in USDA. If these grading programs were transferred to a consumer protection agency, and this counterpart relationship severed, the base for such cooperation would no longer exist.

Likewise, these agreements permit the Nation's food marketing system to benefit from the cross-utilization of highly trained commodity specialists. By destroying the relationship between USDA and the State agencies, it is doubtful that such cross-utilization would survive.

The administration of the Egg Products Inspection Act—another part of this proposal—provides a case in point. This act has three basic parts: First, it provides for the continuous inspection in plants which process egg products; second, it regulates the sale and disposition of eggs of less than U.S. grade B quality; and third, it provides for the enforcement of uniform egg standards, grades, and weight classification that are established under the Agricultural Marketing Act of 1946.

Currently, about 150 plants process egg products in the United States. These plants are supervised by a force of about 185 inspectors. Since many of these plants are part of a shell egg grading operation, this allows the USDA to cross-utilize some of these inspectors and use one person where two or more would otherwise be needed.

Also, to insure that only eggs of U.S. grade B or better quality are sold to consumers, USDA will rely upon currently employed egg graders in those shell egg grading plants which presently use the voluntary grading service. About 700 graders are now employed, hence their services can be utilized at no additional cost to anyone. In addition, USDA is assembling a force of about 1,000 more graders to monitor the marketing of shell eggs that are currently handled by plants that do not use the voluntary grading service. Ninety percent of these new graders, as I understand it, will be employed by the States, and will work under cooperative State-Federal agreements.

It is doubtful whether a new Consumer Protection Agency could duplicate this type of cooperative enforcement relationship, therefore necessitating the hiring of a whole new force of Federal inspectors that are not needed under the present arrangement.

Mr. President, I am positive that many other examples can be cited whereby the interrelated network of services now performed by USDA would be severed by passage of this amendment to the detriment of the other programs involved; that is, meat and poultry inspection, and regulation of animal biologics. USDA has long been the nerve center of technical and scientific knowledge on animal production and disease control. I cannot understand the logic that says it is better to split apart these functions which have helped to achieve for this Nation a food production and marketing system that provides the best fed consumers in the world today.

Therefore, Mr. President, I submit to you and our colleagues here today that passage of this amendment would not be in the best interests of this Nation, because it would badly fragment—rather than draw together—important services which should remain closely related for the long-term benefit of all Americans.

Mr. MAGNUSON. That is why we did not have the original bill in the Committee on Commerce.

Mr. TALMADGE. I am aware of that.

Mr. MILLER. Mr. President, I fully support the amendment by the distinguished Senator from Utah (Mr. Moss). Transferring the functions from the Department of Agriculture to the new Consumer Safety Agency—or to the Department of Health, Education, and Welfare would serve no useful public purpose and, indeed, could be very harmful. The Department of Agriculture has performed these functions well, and these functions are closely interrelated to other functions of the Department, which insures the harmony and coordination needed for maximum efficiency.

If it be suggested that all concerned personnel would be transferred from the U.S. Department of Agriculture to the new agency to preserve the expertise needed. I would suggest that there would be large scale resignations and retirements in the face of such an unnecessary and warranted action.

The amendment should be approved.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is yielded back.

The question is on agreeing to the amendment of the Senator from Utah. (Putting the question.)

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOSS. I move to lay that motion on the table.

The motion was agreed to.

AMENDMENT NO. 1263

Mr. COTTON. Mr. President, I call up my amendment No. 1263.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 2, lines 1 and 2 strike out "FOOD, DRUG, AND CONSUMER PRODUCT AGENCY" and insert in lieu thereof "CONSUMER SAFETY ADMINISTRATION".

On page 2, line 12, strike out "independent agency" and insert in lieu thereof "Administration within the Department of Health, Education, and Welfare".

On page 2, strike out lines 14, 15, and 16 and insert in lieu thereof "cosmetic, medical device, and product safety laws;".

On page 2, strike out lines 21 and 22 and insert in lieu thereof "drug, cosmetic, medical device, and consumer product safety regulation in a new Administration within the Department of Health, Education, and Welfare, new statutory authority is needed".

On page 3, line 23, strike "(17)" and insert in lieu thereof "(13)".

On page 4, strike out line 8 and insert in lieu thereof "food, drugs, cosmetics, or devices, as defined in the Fed-".

On page 6, lines 2 and 16, strike out "Administrator" and "Commissioner", respectively, and insert in lieu thereof "Commissioner of the Product Safety Administration".

On page 7, line 14; page 15, line 8; and page 25, line 18, strike out "AGENCY" and insert in lieu thereof "ADMINISTRATION".

On page 7, lines 15, 16, and 17, strike out "an independent Food, Drug, and Consumer Products Agency (hereinafter referred to as the 'Agency')" and insert in lieu thereof "a Consumer Safety Administration (hereinafter referred to as the 'Administration') within the Department of Health, Education, and Welfare,".

Strike out "Agency" and insert "Administration" in lieu thereof on page 7, line 22; page 9, line 25; page 11, line 3; page 13, line 24; page 14, line 7; page 25, lines 19, 21, and 23; page 26, lines 3, 5, 7, 10, 11, 12, 13, 18 and 25; page 27, lines 1, 6 (two places), 10 (two places), 11, 14, and 18; page 28, lines 7 and 19; page 29, lines 9 and 12; page 32, lines 7, 9, 10, and 13; page 34, line 13; and page 76, line 25.

On page 7, lines 23 and 24, strike out "Commission" (three places) and insert "Office" in lieu thereof.

On page 8, line 1, strike out "Commissioner" and insert "Director" in lieu thereof.

On page 8, line 2, strike out "106" and insert "107" in lieu thereof.

On page 8, strike out lines 3 through 9 and insert in lieu thereof the following:

"ADMINISTRATION FOR HEALTH; COMMISSIONER OF THE CONSUMER SAFETY ADMINISTRATION

"SEC. 104. (a)(1) APPOINTMENT OF ADMINISTRATOR.—There shall be in the Department of Health, Education, and Welfare, in addition to the officers now provided for by law, an Administrator for Health who shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such functions (related to health and science) as the Secretary may prescribe. The provisions of the second sentence of section 2 of the Reorganization Plan Numbered 1 of 1953 shall apply to the Administrator to the same extent as they apply to the Assistant Secretaries authorized by that section.

"(2) The President shall appoint, by and with the advice and consent of the Senate, a Commissioner of the Administration (hereinafter referred to as the 'Commissioner'), who shall report directly to the Administrator for Health.

"(3) There shall be in the Administration a Deputy Commissioner who shall perform such functions and duties and exercise such powers as the Commissioner may prescribe and shall be Acting Commissioner during the absence or disability of, or in the event of a vacancy in the office of, the Commissioner.".

On page 8, line 10, strike out "(c)" and insert "(b)" in lieu thereof.

Strike out "Administrator" and insert "Commissioner" in lieu thereof on page 8, line 11; page 9, line 17; page 11, lines 4 and 14; page 15, lines 12 and 20; page 16, line 5; page 18, lines 12 and 25; page 19, lines 8 and 25; page 21, line 6; page 22, line 2; page 23, lines 21 and 22; page 24, lines 4 and 7; page 28, line 4; page 32, lines 11–12; page 34, line 3; page 67, lines 15–16; page 68, line 1; page 75, lines 19 and 21; page 76, lines 12 and 18; page 77, line 5; and page 79, lines 4 and 15.

Strike out "Associate Administrator" and insert "Commissioner" on page 24, line 1.

On page 8, lines 12–13, strike out "Commissions" and insert "Offices" in lieu thereof.

On page 8, strike out lines 21 and 22 and insert in lieu thereof—

"(3) employ experts and consultants".

On page 10, lines 15–16, strike out "upon application of the Attorney General or the Administrator".

On page 11, line 20, strike out "and" and insert "cosmetics, devices, or" in lieu thereof.

On page 12, line 5, strike out "or" and insert "cosmetics, devices, or" in lieu thereof.

On page 12, strike cut lines 8 through 24.

On page 13, strike out lines 1 and 2.

On page 13, line 3, strike out "(17)" and insert "(13)" in lieu thereof.

On page 13, strike out lines 16 through 19.

On page 13, line 20, strike out "(19)" and insert "(14)" in lieu thereof.

On page 13, line 23, strike out "Commissioners" and insert "Directors" in lieu thereof.

On page 13, line 24, strike out the period, insert "; and" in lieu thereof, and add thereafter the following:

"(15) undertake such other activities as are necessary to carry out his duties under this Act, including those enumerated in other sections of this Act; and shall—

"(A) attempt to eliminate products presenting unreasonable risk of injury;

"(B) establish a capability within the Administration to engage in risk-based analysis;

"(C) establish an interdisciplinary epidemiology capability and undertake investigations in coordination with the National Injury Information Clearinghouse to facilitate regulation making and to assist in risk-based analysis;

"(D) establish a scientific capability within the Administration to assist in hazard detection, test method development, and quality control requirements;

"(E) utilize where practicable and establish where necessary, field operations to facilitate detection of conditions which might lead to injury or death, to monitor compliance with required levels of safety performance to report violations; and

"(F) publish notice of any proposed public hearing in the Federal Register, and afford a reasonable opportunity for interested persons, including consumers, to present relevant testimony and data.".

On page 14, lines 3 and 4, strike out "Commissions" and insert "Offices" in lieu thereof.

On page 14, line 11, strike out "title" and insert "Act" in lieu thereof.

On page 14, line 19, insert "and" after "Committee;".

On page 14, strike out lines 20 through 24.

On page 15, strike out lines 1 through 3.

On page 15, line 4, strike out "(h)" and insert "(f)" in lieu thereof.

On page 16, line 1, strike out "103(c)(9)" and insert "104(b)(8)" in lieu thereof.

On page 16, line 3, strike out "COMMISSIONERS" and insert "DIRECTORS" in lieu thereof.

On page 16, line 4, strike out "APPOINTMENT.—".

On page 16, lines 6 and 7 (two places), strike out "Commissioner" and insert "Director" in lieu thereof.

On page 16, line 8, insert immediately before the period ", who shall undertake such activities as may be delegated to them by the Commissioner".

On page 16, strike out lines 16 through 25.

Strike out all of page 17.

On page 18, strike out lines 1 through 9.

On page 18, line 12, strike out "109" and insert "108" in lieu thereof.

On page 19, line 1, strike out "Commissioner" and insert in lieu thereof "Director of an Office established under section 103".

On page 19, line 2, strike out "Director" and insert in lieu thereof "Director of the Office of Consumer Information".

On page 19, line 10, strike out "114" and insert "113" in lieu thereof.

On page 19, line 25, strike out "documents" and insert "documents" in lieu thereof.

On page 20, line 1, strike out "Agency's" and insert "Administration's" in lieu thereof.

On page 21, line 6, strike out "110" and insert "109" in lieu thereof.

On page 21, lines 12 and 22, strike out "drugs," and insert in lieu thereof "drugs, cosmetics, devices,".

On page 23, line 12, strike out "111" and insert "110" in lieu thereof.

On page 23, line 18, strike out "Commissioners, the Administrator" and insert in lieu thereof "Directors of the Offices established under section 103, the Commissioner".

On page 23, line 21, strike out "Commission" and insert "of such Offices" in lieu thereof.

On page 24, lines 3–4 and 5–6, strike out "Commissions" and insert "such Offices" in lieu thereof.

On page 24, line 8, strike out "Commissioners" and insert "Directors of such Offices" in lieu thereof.

On page 25, line 19, strike out "112" and insert "111" in lieu thereof.

On page 25, line 22, strike out "drug," and insert "drug, cosmetic, device," in lieu thereof.

On page 27, line 8 and 19, strike out "drug," and insert "drug, cosmetic, device," in lieu thereof.

On page 28, line 2, strike out "113" and insert "112" in lieu thereof.

On page 28, line 5, strike out "directly" and "and the President".

On page 28, lines 7 and 8, strike out "and its recommendation for legislative action".

On page 28, lines 12, 13, and 14, strike out "and the Administrator, and the budget recommendations of each of the Commissioners".

On page 29, strike out line 1 and insert in lieu thereof "Office established under section 103 which pre-".

On page 29, line 8, strike out "Commission" and insert "Office" in lieu thereof.

On page 29, line 10, insert "and" after the semicolon.

On page 29, lines 12 and 13, strike out "including violations reported to the Administrator by each Commissioner".

On page 29, line 16, strike out "; and" and insert a period in lieu thereof.

On page 29, strike out lines 17 through 19.

On page 29, line 21, strike out "114" and insert "113" in lieu thereof.

On page 31, strike out lines 16 through 19 and insert in lieu thereof the following:

"COOPERATION OF FEDERAL AGENCIES

"SEC. 114. (a) The Commissioner is authorized to utilize the".

On page 31, line 22, strike out "drug," and insert "drug, cosmetic, device," in lieu thereof.

On page 31, strike out line 25 and insert in lieu thereof "the authorities administered by him. The".

On page 32, line 2, strike out "section" and insert "subsection" in lieu thereof.

On page 32, strike out lines 3 and 4 and insert in lieu thereof the following:

"(b) Upon the Commissioner's request, each Federal agency is authorized—"

On page 32, lines 16 and 23, strike out "116", and "117" and insert respectively in lieu thereof "115", and "116".

On page 33, line 11, strike out "118" and insert "117" in lieu thereof.

On page 33, strike out lines 15 and 16 and insert in lieu thereof the following:

"(59) Administrator for Health, Department of Health, Education, and Welfare."

On page 33, strike out lines 17 through 24 and insert in lieu thereof the following:

"(b) EXECUTIVE SCHEDULE LEVEL OF COMMISSIONER, DEPUTY COMMISSIONER, AND DIRECTORS, CONSUMER SAFETY ADMINISTRATION.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"'(95) Commissioner, Consumer Safety Administration.

"'(96) Deputy Commissioner, Consumer Safety Administration.

"'(97) Director (5), Consumer Safety Administration.'"

On page 34, line 2, line out "119" and insert "118" in lieu thereof.

On page 34, strike out line 14 and all that follows down to and including line 10 on page 40.

On page 41, line 10, strike out "III" and insert "II" in lieu thereof.

On page 41, line 13, strike out "301" and insert "201" in lieu thereof.

On page 41, lines 13 and 14, strike out "of Product Safety (hereinafter referred to as the 'Commissioner')".

On page 43, line 11, strike out "or the Administrator".

On page 45, lines 9 and 23, strike out "302" and "303", respectively, and insert "202" and "203", respectively, in lieu thereof.

On page 46, line 10, strike out "301" and insert "201" in lieu thereof.

On page 48, line 4, strike out "303" and insert "203" in lieu thereof.

On page 48, line 10, strike out "306" and insert "206" in lieu thereof.

On page 48, line 25, strike out "305" and insert "205" in lieu thereof.

On page 49, line 17, strike out "304" and insert "204" in lieu thereof.

On page 49, lines 18 and 19, strike out "303" and insert "203" in lieu thereof.

On page 50, line 2, strike out "305" and insert "205" in lieu thereof.

On page 50, line 4, strike out "303 and 304" and insert "203 and 204" in lieu thereof.

On page 50, line 13, strike out "306" and insert "206" in lieu thereof.

On page 51, lines 8 and 9, strike out "303" and insert "203" in lieu thereof.

On page 51, line 16, strike out "306" and insert "206" in lieu thereof.

On page 52, lines 9 and 17, strike out "303" and "301", respectively, and insert "203" and "201" respectively, in lieu thereof.

On page 53, line 11, strike out "303" and insert "203" in lieu thereof.

On page 58, line 15, strike out "307" and insert "207" in lieu thereof.

On page 59, lines 1, 8, and 18, strike out "303", "308", and "301", respectively and insert "203", "208", and "201", respectively.

On page 60, lines 3 and 9, strike "303, 304, 305" and insert "203, 204, 205" in lieu thereof; on lines 4 and 11, strike "306" and insert "206" in lieu thereof; and on line 19, strike "309" and insert "209" in lieu thereof.

On page 63, line 16, strike out "310" and insert "210" in lieu thereof.

On page 63, line 18 strike out "305, 306 (d), 307, 308, or 309" and insert "205, 206 (d), 207, and 208, or 209" in lieu thereof.

On page 63, line 25, strike out "and to the Admin-" and insert a period in lieu thereof.

On page 64, strike out lines 1 and 2 and insert in lieu thereof "The Commissioner shall file in the court the record of the proceed-".

On page 64, lines 8 and 9, strike out "303" and "305, 306(a), 307, 308, or 309" and insert "203" and "205, 206(a), 207, 208, or 209", respectively, in lieu thereof.

On page 65, line 2, strike out "Sec. 311. (a) The Administrator or" and insert "Sec. 211. (a) Upon request of the Commissioner" in lieu thereof; and at line 11, strike out "303" and insert "203" in lieu thereof.

On page 66, lines 5, 9, 12, and 22, strike out "303", "306", "312", and "313", respectively, and insert "203", "206", "212", and '213", respectively, in lieu thereof.

On page 68, line 2, strike out "the Administrator's" and insert "his" in lieu thereof; and at line 25, strike out "314" and insert "214" in lieu thereof.

On page 70, line 18, strike out "315" and insert "215" in lieu thereof.

On page 71, lines 13 and 15, strike out "313" and "309, 312, and 314", respectively, and insert "213" and "209, 212, and 214", respectively in lieu thereof.

On page 72, lines 3, 7, and 8, strike out "307", "316", and "315", respectively and insert "207", "216", and "215", respectively, in lieu thereof.

On page 72, strike out lines 15 and 16 and insert "United States" in lieu thereof.

On page 73, line 4, strike out "Administrator or the".

On page 73, lines 7 and 14, strike out "315" and insert "215" in lieu thereof.

On page 73, line 17, strike out "Administrator" and insert "Attorney General" in lieu thereof.

On page 74, line 1, strike out "306" and "311" and insert "206" and "211", respectively, in lieu thereof.

On page 74, line 5, strike out ", to the Administrator,".

On page 75, line 5, strike out "317" and insert "217" in lieu thereof.

On page 78, lines 2 and 14, strike out "318" and "319", respectively, and insert "218" and "219", respectively, in lieu thereof.

On page 79, line 22, strike out "320" and "their" and insert "220" and "his" in lieu thereof.

On page 79, line 23, strike out "the Administrator and".

On page 80, line 2, strike out "the Administrator or".

On page 80, line 5, strike out "IV" and insert "III" in lieu thereof; and at line 7, strike out "401" and insert "301" in lieu thereof.

The PRESIDING OFFICER. The Chair asks the Senator whether this is the amendment on which there is an agreement for 3 hours of debate.

Mr. COTTON. That is correct, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I ask unanimous consent to correct a typographical error in my amendment. On page 2, line 12 of the amendment, strike out the word "Product" and insert the word "Consumer."

The PRESIDING OFFICER (Mr. Stafford). Without objection, it is so ordered.

Mr. COTTON. This simply conforms to the text of the amendment. It is purely typographical.

Now, Mr. President, this amendment embodies the real sharp difference of opinion in regard to the bill now under consideration by the Senate. So far, with the exception of some slight altercation about rotten eggs, everyone has spoken on the same side. But, the real issue is whether we want the best, the most effective, and the best organized machinery we can devise in the Government to protect the American consumer from the dangers from many products which come onto the market.

As I have said before, I hope this bill, properly amended, will be a milestone in the history of the crusade in Congress, participated in by all of the distinguished Senators here this afternoon, to protect the consumers of our Nation.

Now, Mr. President, my amendment is quite simple. It would establish by statute the reorganization proposed within HEW by President Nixon in his letter of July 19, 1971, to the distinguished chairman of our Committee on Commerce (Mr. Magnuson) which was presented and explained by Secretary of Health, Education, and Welfare Richardson when testifying before the committee on the same date—that is July 19, 1971.

The President's letter to the distinguished Senator from Washington (Mr. Magnuson) noted in part the following:

> Today, Secretary Richardson will announce with my approval, that upon enactment of this bill [i.e., S. 1797], he will create within DHEW a new Consumer Safety Administration. This unit will build upon the activities, personnel, and facilities of the Food and Drug Administration, which has a long and distinguished history in the field of consumer safety, primarily in the vital regulation of the food we eat and the drugs we use.

At the same time, Secretary Richardson went on to note the following:

> Upon its enactment, therefore, I propose to build, as the President's letter has just informed the Committee, upon the FDA framework by establishing a new Consumer Safety Administration to be composed of three major offices:
>
> The Office of Product Safety Regulation;
> The Office of Drug Regulation; and
> The Office of Food Regulation.

Mr. President, rather than await enactment of the pending legislation and the establishment of such an organizational structure within HEW by administrative action, my amendment proposes to establish this framework by law.

Mr. President, briefly described what my amendment proposes is that in lieu of the creation of an independent Food, Drug and Consumer Safety Product Agency as proposed in S. 3419, there be created a Consumer Safety Administration within the Department of HEW. My amendment would also accomplish the following:

First. Provide for the appointment by the President, by and with the advice and consent of the Senate, of an Administrator for Health and for a Commissioner to head up the proposed Consumer Safety Administration;

Second. Provide for a Deputy Commissioner who shall be Acting Commissioner during the absence or disability of, or in the event of a vacancy in the Office of, the Commissioner of the Consumer Safety Administration;

Third. Provide that the Commissioner of the Consumer Safety Administration appoint three Directors, each to head up one of the three offices established by my amendment—that is, the Office of Food and Nutrition, the Office of Drugs, and the Office of Consumer Products;

Fourth. Retain the Office of Consumer Information as now provided for in S. 3419, but provide for the appointment of the Director of that Office by the Commissioner of the Consumer Safety Administration;

Fifth. Retain the provision concerning the National Injury Information Clearinghouse, but provide that the Director of such Clearinghouse be appointed by the Commissioner of the Consumer Safety Administration;

Sixth. Retain the proposed Joint Scientific Committee but provide that its establishment and appointment of members be made after consultation with the Director of each of the Office of Food and Nutrition, the Office of Drugs, and the Office of Consumer Products;

Seventh. Retain the provision for petition of and civil action against the agency, but substitute the Consumer Safety Administration for the proposed independent agency;

Eighth. Retain in large measure the provisions concerning annual reports and public access to information as now provided for in S. 3419;

Ninth. Retain the provision for cooperation of Federal agencies with appropriate technical amendments substituting the proposed Commissioner for the presently proposed Administrator;

Tenth. Provide that the Administrator for Health in my amendment be compensated at level III of the Executive Schedule—that is $40,000—the same level as that proposed for the Administrator of the proposed independent agency; and the Commissioner, Deputy Commissioner, and the five Directors of the proposed Consumer Safety Administration at level IV of the Executive Schedule—that is, $38,000—which is the same as that now proposed in S. 3419 for the Commissioners within the independent agency;

Eleventh. Strike all of title II which would seek to divest the Secretary of HEW of several areas of statutory responsibility, leaving that appropriately to be delegated by the Secretary to the proposed Administrator for Health and the Consumer Safety Administration;

Twelfth. Redesignate title III as title II and all sections accordingly, making no other changes in the provisions of that title except for—technical amendments, and, the single substantive change of providing that judicial actions and enforcement proceedings be handled by the Attorney General of the United States as has been the case rather than in the alternative by the Attorney General or by the proposed head of the independent agency; and

Thirteenth. Redesignate title IV as title III to conform with the earlier deletion of title II concerning the transfer of certain statutory functions.

Mr. President, the proposal embodied in my amendment is quite similar to that introduced by the distinguished and knowledgeable chairman of the Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce—Congressman PAUL G. ROGERS, Democrat of Florida—and several of his colleagues as H.R. 15315.

Mr. President, my amendment is a logical and a sensible approach when compared with the dismantling of HEW as now proposed in S. 3419.

Most important, Mr. President, I believe that each and every Member of this body should constantly keep in mind that waiting in the wings for action by the Senate is a proposal now before the Senate Government Operations Committee to establish still another independent agency, the Consumer Protection Agency.

Now, Mr. President, I am not predicating what I am saying purely on the position of the administration. I have been in the Senate long enough to know that if we are going to make a party issue of something, we had better do so when we have more members of our party than the other. I hope that this amendment will not be considered—and I think before I get through I can reasonably demonstrate that it should not be considered—purely as to whether the Senate decides it wants to comply with the wishes of the Executive. That is not that case at all.

Some time ago Secretary Richardson issued a statement in which he said:

> The bill for a separate agency is regressive. It will deal the cause of consumer safety a crushing setback.

He then went on to say:

> It would abandon the field to exploiters of the consumer by destroying existing mechanisms for regulation. It would create a serious vacuum—one lasting as long as three years—into which the exploiters could move while the new agency is being set in motion. It would have an adverse impact on the public health and the public purse.

The point is, Mr. President, one cannot move the whole Food and Drug Administration operation out of HEW and move into this new independent agency without a hiatus. It takes time to get a new organization functioning. So it is true as the Secretary contends, that it will require a period of time—I do not know whether it will be 1 year or 2 years—but a period of time in which current on-going efforts to protect the consumer will retrogress.

Mr. President, during the debate on my amendment we, no doubt, will hear considerable about what HEW and FDA have and have not done. Then, the proposed independent agency set forth in S. 3419 will be held up as some sort of panacea for all of these ills and personal bureaucratic frustrations. But, Mr. President, there is no truly definitive evidence to show that this will be the case.

On the contrary, Secretary of HEW, Elliot Richardson, rebutted such argument in the following manner:

> I doubt that these observations hold true over the long run. As examples, actions of the Federal Trade Commission or Interstate Commerce Commission have never seemed to me to be more "visible" than an action of the Food and Drug Administration, even though they are independent agencies. Nor do I think that independent regulatory agencies have historically shown a greater resistance than other agencies to the pressures that often cause agencies to identify their interests with those of the industry they regulate.

I might add, Mr. President, that in recent months the FDA has begun to function more effectively than it has, perhaps, ever before. Just as it begins to produce, the proponents of S. 3419 want to pull it up by its roots and move it somewhere else.

Continuing with the Secretary's statement, he goes on as follows:

> This Administration has submitted its own strong product safety legislation to the Congress, along with a letter from the President committing HEW to establishing within the Department a new consumer safety administration which would have an upgraded Food and Drug Administration as its core.
>
> Yet, to my complete disbelief, the Senate Commerce Committee seems to have chosen to counter this strong proposal by adding to it a disruptive reorganization which threatens to harm the health concerns of consumers. Instead of helping the consumers, the regressive bill now before the Senate Commerce Committee moves counter to this with its new load of fatal flaws.

The Secretary then begins to numerate the flaws such as—

> Slow downs the increasing momentum the FDA and HEW have been building in consumer safety.

The next thing the Secretary calls attention to is that—

> It would destroy vital relationships between the FDA's food, drug, cosmetic, and product safety regulatory processes and other health responsibilities of the HEW.

When I got to that point in the Secretary's pronouncement, I began to wonder what relationships he was talking about. So, I took steps to inquire of the Secretary's office. I put the minority staff of the Commerce Committee on the job of seeking clarification of this statement that says in effect:

> You are tearing this agency out of the HEW and by tearing out the Food and Drug Administration, you are leaving other vital functions that are closely related and are separating rather than consolidating the function of protecting the consumer.

I discovered what the Secretary was talking about. I discovered that it is very necessary to have complete cooperation and close cooperation—not as between one independent agency and another or between one department or another—but cooperation between the Food and Drug and the National Institute of Mental Health, which is interested in the methadone treatment for drug addicts as well as all other drug regulations.

I also learned that the operation of blood banks requires cooperation between the Biologics Division, recently transferred to the Food and Drug Administration and the National Heart and Lung Institute, which are, of course, at the very heart of the health delivery activities of HEW.

In addition, toxicological research required by the Food and Drug Administration is performed by the National Institute of Environmental Science and the National Cancer Institute—which has been greatly enlarged. Also, FDA's regulations of vaccines, allergenic products, and derivatives closely related to research in the National Institute of Allergy and Infectious Diseases, and the National Heart and Lung Institute and other institutes of the NIH.

In other words, by creating a new agency, we move away from the allies that we need to have if the Food and Drug Administration is really going to be effective. Thus, we are weakening rather than strengthening our case.

Mr. President, I am not saying this in criticism. However, I think it justifies my feeling that this is a somewhat hastily considered bill, creating this new agency at this time.

Let me also point out that we have a Senate bill (S. 3432) sponsored by 26 Members of the Senate, or more than one-fourth of the entire membership of the Senate. And among its sponsors are six members of the Committee on Commerce, including its distinguished chairman, and several chairmen of its subcommittees.

It is a bill to establish a Department of Health introduced by the distinguished chairman of the Subcommittee on Executive Reorganization and Government Research of the Senate Committee on Government Operations (Mr. RIBICOFF), himself a former Secretary of HEW. Cosponsoring S. 3432 were such distinguished Members as the Senators from California (Mr. TUNNEY), from Florida (Mr. CHILES), from Georgia (Mr. TALMADGE), from Indiana (Messrs. HARTKE and BAYH), from Massachusetts (Mr. KENNEDY), from Michigan (Mr. HART), from Minnesota (Messrs. MONDALE and HUMPHREY), from Missouri (Mr. EAGLETON), from Maine (Mr. MUSKIE), from New Jersey (Mr. WILLIAMS), from Nevada (Mr. CANNON), from New Hampshire (Mr. MCINTYRE), from Rhode Island (Messrs. PASTORE and PELL), from South Dakota (Mr. MCGOVERN), from Oklahoma (Mr. HARRIS), from South Carolina (Mr. HOLLINGS), from Washington (Messrs. MAGNUSON and JACKSON), and from Wisconsin (Mr. NELSON).

The point is, Mr. President, whether it be the reorganization proposals of the President of the United States or legislative proposals such as S. 3432, what the new independent agency in S. 3419 represents is a prejudgment of all such proposals. I personally do not feel that we have all the necessary evidence at this time to render such a judgment.

Now, I recognize that both in the Senate and in the House, there is a strong sentiment—and I think the chairman of the committee and I share this view to a considerable extent—that we have amassed in HEW far too many activities. Personally, I feel that health and welfare are so closely intermingled that these functions could not be separated. However, the sooner we separate education from health and welfare, the sooner we will be able to deal with the problems of the Department and its appropriations more intelligently.

Mr. CURTIS. Mr. President, would the distinguished Senator yield?

Mr. COTTON. Mr. President, I am pleased to yield to the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, what information can the Senator from New Hampshire give me with reference to the powers granted to this new agency to issue citations and levy fines or take other punitive actions for alleged violations of the law?

Mr. COTTON. Mr. President, I was about to come to that. The new agency would be glad to enforce the act in court itself. It would not have to go to the Justice Department to prosecute its cases. It would have the power to prosecute in court for violations.

That in itself is rather significant, because we have pending a bill that I would predict is very likely to pass. It would set up still another agency, a Consumer Protection Agency. It would serve an advocacy function for consumers.

It is just one more point that further complicates the picture.

Mr. CURTIS. Mr. President, the Senator from New Hampshire has said this agency would have access to judicial processes. I wonder how judicial they are. Some 18 months or more ago, Congress enacted an Occupational Safety and Health Act. And I find that their inspectors are actually serving as inspectors, prosecutors, judges, and juries. Then they go a step further and write up the case and give it to the newspapers.

There was an incident in Nebraska in which a company was fined $36,000, and none of the parties ever went near a courthouse. It was not a judicial procedure at all. It was the case of an inspector who said that the amount of his fine depends upon the attitude of the person he is dealing with.

Are we presented with a possibility of something of that sort in the pending bill?

Mr. COTTON. I do not believe so. I refer the distinguished Senator to page 72 of the bill and to section 316, entitled "Enforcement—Civil and Criminal Penalties," which says:

> SEC. 316. (a) Whoever knowingly commits any act prohibited by section 315, or, in case of commission of any such act by a corporation, the corporation and any individual director, officer, or agent of such corporation who knowingly caused in whole or in part the corporation to commit such act, shall be subject to a civil penalty of not more than $10,000 for each such act which shall accrue to the United States and may be recovered in a civil action brought by the United States or the Agency.

That is, this new Agency—

> In its own name by any of its attorneys designated by the Administrator for such purpose, and, if such act was willfully committed, shall be guilty of a misdemeanor and, upon conviction, fined not more than $10,000 for each such act or imprisoned not more than one year, or both.

In other words, it would be its own prosecutor. If my amendment is agreed to that part will be out and the Agency, as a part of the HEW setup, would refer its complaints to the Department of Justice. But, we must also keep in mind the new Consumers Protection Agency that is following so close on the heels of this bill that it is almost overtaking us.

Mr. CURTIS. This section to which the Senator referred states they shall be subject to a civil penalty of not more than $10,000 for each such act, and it may be recovered in a civil action brought by the United States or the Agency. It does not say where the action shall be brought. Is that before the Agency or must it be brought in the U.S. district court?

Mr. COTTON. In the Federal court.

Mr. CURTIS. It may be that some other section refers to that but here it does not say the court.

Mr. COTTON. I am informed by the staff that the action would be brought in Federal court.

Mr. CURTIS. But it is the Senator's understanding that the agency cannot fine or penalize individuals or persons on its own?

Mr. COTTON. No; I do not think so.

Mr. CURTIS. It must go to court.

Mr. COTTON. It must be said, in fairness, in my opinion that is not in the bill and not in this independent agency.

Mr. CURTIS. What is not?

Mr. COTTON. That they themselves can act as judge and exact penalties. It could bring the action through its own attorneys in Federal court rather than to wait for the Department of Justice.

But I do want to make clear that the independent agency cannot move against John Doe or Richard Roe and exact a penalty on its own without first going to court.

Mr. CURTIS. They cannot have inspectors running around all over the country, with the inspectors levying fines and penalties.

Mr. COTTON. No. The action has to be brought in court by its attorneys.

Mr. CURTIS. I thank the Senator.

Mr. COTTON. Mr. President, I want to make it clear that this amendment which I am asking the Senate to consider is not a negative amendment. It sets up, in the Department of Health, Education, and Welfare machinery which I insist is every bit as comprehensive and effective as this proposed independent agency. I want to make this clear to the Senate.

First, let me show on this blackboard as well as I can the proposed setup under my amendment.

(Chart referred to not printed in the RECORD.)

Mr. COTTON. Mr. President, this is the organizational structure proposed by the Secretary of Health, Education, and Welfare with the approval of the President of the United States. I therefore do not claim any authorship. But, I want to make plain exactly what my amendment would set up in place of the independent agency, and I can do this best with the diagram on this blackboard.

Up here we have the Secretary of Health, Education, and Welfare. Down here, in the next slot, this amendment would create an Administrator for Health. In other words an Administrator for Health would be responsible to the Secretary of HEW for the health activities of the Department, which in a sense does exactly the same thing that 26 Senators have urged that we do in separating the health functions from the other functions of HEW.

Now, this Administrator of Health would be appointed by the President, with advice and consent of the Senate. It would be a Presidential appointment with a salary of $40,000.

Now, next in the chain of succession would be the Commissioner for the Consumer Safety Administration. In other words, this would separate consumer safety from the other health functions of the present Department of HEW. He would be responsible and devoted to consumer safety. He, too, would be appointed by the President and have to be confirmed by the Senate. He would receive a salary of $38,000.

Under the Commissioner would be a Deputy Commissioner, who would not be a Presidential appointment.

Now we come to the important part. We come to the three offices that would function under this Health Administrator, and this Commissioner for Consumer Safety. First would be the Director, Office of Food and Nutrition. The second would be the Director, Office of Drugs. The third would be the Director of the Office of Consumer Products. By consumer products, I mean all those substances and all those appliances that do not come under food and do not come under drugs.

Also, under my amendment, there would remain in full force and effect these extremely important and meritorious acts: the Federal Hazardous Substances Act, the Flammable Fabrics Act, Radiation Control for Health Safety Act, Poison Prevention Packaging Act. In other words, all the acts relating to dangerous toys, dangerous substances, household substances—all of these very necessary and very effective acts that have been passed by the Congress. Frankly, every one of these have been enacted under the guidance and leadership of the distinguished chairman of the Commerce Committee (Mr. MAGNUSON).

Mr. President, if that does not come as close to an independent agency, without tearing FDA out by its roots from HEW and separating it from the National Institutes of Health, and from all of the other agencies in the Department whose work must be closely coordinated in the enforcement of this very meritorious act we are considering this afternoon, then I do not know what would do it.

Mr. President, I would not want to take advantage of my distinguished chairman (Mr. MAGNUSON). But, I have been handed a letter addressed to him, which I would like to get into the RECORD at this time, if the chairman does not object.

Mr. MAGNUSON. Mr. President, I did not hear the Senator.

Mr. COTTON. I said I did not want to take advantage of my chairman in any way, shape, or manner, but I have had handed to me a letter addressed to the Senator, excerpts of which I would like to put into the RECORD. I may say there is nothing derogatory in it about my distinguished friend.

Mr. MAGNUSON. Very well.

Mr. COTTON. This is from Jean Mayer, Ph. D., D. Sc., A.M., M.D., professor of nutrition, and lecturer on the history of public health, Harvard University School of Public Health.

Mr. President, I have been waiting almost 26 years for a chance to get up and make a speech and prove that I am a real liberal by quoting somebody from Harvard, and my hour has come. What a joy it is.

In this letter Dr. Mayer says:

> I am writing in opposition to the separation of the Food and Drug Administration from the Department of Health, Education and Welfare. In doing so, I am well aware of my difference in attitude from that of other consumer-oriented spokesmen. I understand their impatience with the slowness that the

> FDA has often exhibited in taking necessary action, the frequent lack of consumer input and the seeming vulnerability to special interest pressures in the past.

Dr. Mayer does not gloss over the situation and goes on to note the following:

> At the same time, I believe that policies concerning foods and drugs are so much a part of the management of health programs that separating the FDA from the administration of national health programs would make overall planning impossible. This is particularly so at a period when our emphasis in health programs should increasingly be on preventive medicine.

Mr. President, I will put the whole letter in the RECORD, but to save time, I will skip to the closing paragraph:

> As for drugs, there is little doubt that the gigantic number of over-the-counter drugs (200,000 to 500,000) is in need of total reevaluation, regulation and reduction of this absurb amount. Considering the pressures of the market place, only tight coordination with the medical authorities, and in particular with the National Institutes of Health, can achieve this goal. Prescription drugs are in need of better statistical evaluation, so that effectiveness and dangerous side effects can be evaluated faster.
>
> This cannot be done—

Says Dr. Mayer of Harvard—

> except through tighter relationship with our health care delivery system.

In that sentence alone, Mr. President, is the whole thrust of my amendment. All I have been saying is that in order to make this very praiseworthy project in the bill work, it must be tied tighter to the National Institutes of Health, to the medical facilities, to the medical experts, and to the activities of Government in the health field, and not moved away from there.

I continue quoting Dr. Mayer:

> I am perfectly ready to believe that the present structure of HEW is in need of reform to make it more manageable. I would personally favor a structure similar to that of the Department of Defense, with full secretaries for Health, for Education, and for Social Security and Welfare.

That is practically what I wrote on that blackboard before to show what my amendment suggests, and Dr. Mayer observes:

> In such a structure, FDA would naturally be a part of Health, and be involved in policy planning concerning Health. I believe that separating FDA from HEW is a step backward from the viewpoint of Public Health.

Mr. President, I ask unanimous consent to insert the entire letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HARVARD UNIVERSITY,
SCHOOL OF PUBLIC HEALTH,
Boston, Mass., June 6, 1972.

Hon. WARREN MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: I am writing in opposition to the separation of the Food and Drug Administration from the Department of Health, Education and Welfare. In doing so, I am well aware of my difference in attitude from that of other consumer-oriented spokesmen. I understand their impatience with the slowness that the FDA has often exhibited in taking necessary action, the frequent lack of consumer input and the seeming vulnerability to special interest pressures in the past. At the same time, I believe that policies concerning foods and drugs are so much a part of the management of health programs that separating the FDA from the administration of national health programs would make overall planning impossible. This is particularly so at a period when our emphasis in health programs should increasingly be on preventive medicine.

Consider for example, the heart disease picture. In the past twenty years we have quintupled our health expenditures, pursued the most vigorous effort in medical research the world has ever known, and enormously increased the scope of our system of delivery of medical care, all this without achieving any improvement in the life expectancy of adults. Decrease in mortality from other causes has been nullified by a corresponding increase in cardiovascular mortality. It seems obvious to me that just building and manning more intensive cardiovascular care units, desirable though it may be, will not arrest this trend. What is needed is a coordinated, nationwide effort entailing screening and correcting high blood pressure, effectively campaigning against cigarette smoking, and changing both food habits and our food supply. We must clearly label all our foods so people can count their calories while remaining on balanced diets; decrease the overall fat content of the diet and improve the polyunsaturated to saturated fat ratio; this can be done, again, by the pressures engenered by proper labeling as well as by issuing the proper standards of identity. We must also decrease the sugar content of our diet, again by the same methods, and it would also be wise to decrease the salt content of diet or at least to make labeling of sodium content compulsory on all processed foods in common use. Initial steps have been taken in this direction. I think the needed measures are more likely to be taken if we bring the FDA closer to the federal health institutions than they are now, rather than if we separate them further.

As for drugs, there is little doubt that the gigantic number of over-the-counter drugs (200,000 to 500,000) is in need of total reevaluation, regulation and reduction of this absurd amount. Considering the pressures of the market place, only tight coordination with the medical authorities, and in particular with the National Institutes of Health, can achieve this goal. Prescription drugs are in need of better statistical evaluation, so that effectiveness and dangerous side effects can be evaluated faster. This cannot be done except through tighter relationship with our health care delivery system.

I am perfectly ready to believe that the present structure of HEW is in need of reform to make it more manageable. I would personally favor a structure similar to that of the Department of Defense, with full secretaries for Health, for Education, and for Social Security and Welfare. In such a structure, FDA would naturally be a part of Health, and be involved in policy planning concerning Health. I believe that separating FDA from HEW is a step backward from the viewpoint of Public Health.

Respectfully yours,
JEAN MAYER, Ph. D., D. Sc.,
A.M. (hon.), M.D. (hon.),
Professor of Nutrition and Lecturer on the History of Public Health.

Mr. COTTON. Mr. President, I have tried to make as clear as possible what is in my rather lengthy amendment, and the organizational structure that it advocates. I wish to assert with all the emphasis at my command that this amendment should receive favorable consideration if this very fine bill is going to be effective and move forward rather than backward.

I intend to read two or three quotations which will somewhat refute any idea that this is purely an administration appeal.

The Honorable Charles L. Schultze—not to be confused with the Republican Shultz who is now the Secretary of the Treasury—the Honorable Charles L. Schultze, Director of the Bureau of the Budget under the administration of former President Lyndon B. Johnson, noted the following with respect to an earlier legislative proposal to create a new Federal Maritime Administration:

> Consolidation, not fragmentation, is the direction we should follow.

He continued:

> Many groups in our community seek to have independent agencies established within the Executive branch which can act as advocate for their particular interest. This is an understandable desire. . . .
>
> With the growing complexity of our Federal government and the increasing demands on the time of both the President and the Congress, a relatively small independent agency . . . can easily get lost in the shuffle. . . .

I would add, it either gets lost in the shuffle or it becomes so big that we have created another Frankenstein's Monster.

Another Cabinet officer under former President Johnson, the first Secretary of Transportation, Alan S. Boyd, made the following observation:

> A separate chapter in the Government Organization Manual is not going to be any magic elixir.

Finally, on this point, Mr. President, the distinguished and knowledgeable chairman of the Committee of Government Operations of the House of Representatives (Mr. HOLIFIELD) observed the following when debating against an independent agency during the consideration of the Department of Transportation Act in 1966:

> Will they obtain a dynamic, viable . . . program by withdrawing themselves from the mainstream of . . . attention, and getting off to one side and playing solitaire in the back room, or if they allow themselves to be put into this Department . . .—and that is where the chips are—they might be able to sit in and get a few more chips from that game.

Mr. President, as the President of the United States stated in his message on Government reorganization of March 25, 1971:

> The problem with government is not by and large, the people in government.
>
> * * * * *
>
> Good people cannot do good things with bad mechanisms. But bad mechanisms can frustrate even the noblest aims.

I respectfully submit, Mr. President, that the proposal now embodied in S. 3419 is just such a "bad mechanism."

Mr. President, while I agree with and I enthusiastically commend the work of my chairman and my colleagues on the Commerce Committee, as well as the two other committees involved in producing this bill, I believe this bill should be a measure that marshals and makes more effective measures such as the Hazardous Substances Act and other acts that have been enacted by the Congress. It should not create a period of confusion while we draw new lines. Nothing is to be gained by creating a new agency, which, in accordance with Parkinson's law, will grow and grow and grow into another huge department, and would of necessity, only create confusion.

I, therefore, earnestly urge the Senate to favorably consider my amendment. I insist that it does not detract one ounce or one iota from the effectiveness of this meritorious measure to protect the consumer. Rather, it would separate within the department the whole health setup from education and welfare as practicably as it can; provide presidentially appointed leadership; and establish Offices of Food, Drugs, and Consumer Products, each headed by a director. Most important, it would not do violence to the experience and the know-how that has been gained through all the years that we have been working on these problems.

From the very fact that we have written into this bill—and quite properly so—provisions for transferring all the Civil Service personnel, or giving them an opportunity to do so, in moving one setup into another, anyone who has watched government must know—and I defy anyone to intelligently refute this statement—that there will be a period of confusion in the process.

And, that I truly fear is exactly what will happen, I insist, if we persist with this independent agency. I believe that if we want this bill to pass not only the Senate but the House of Representatives, and be signed by the President into law in the short time remaining in this session, my amendment would aid that effort very materially.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I yield such time as he may require to the Senator from Utah.

Mr. MOSS. Mr. President, I rise to oppose the amendment offered by my distinguished friend and colleague the senior Senator from New Hampshire, whose amendment strikes at the very heart of this bill.

Three committees have taken favorable action on a bill which would create an independent agency, and I urge my colleagues to reject the amendment of the Senator from New Hampshire, which would eliminate any semblance of independence of the Food, Drug, and Consumer Product Agency.

To retain administration of the Food, Drug, and Cosmetic Act, the Federal Hazardous Substances Act, and the host of other important consumer protection measures in FDA, as well as place in the Department of Health, Education, and Welfare authority for regulating consumer product safety, would be an incalculable disservice to the American people.

Look at the record of the FDA within HEW. FDA Commissioner Edwards has chastised us for failure to provide appropriate aid in the form of high budgets. In checking the FDA budgets for the last 4 years, we find that Congress has appropriated just about every dollar that has been requested. In 1 year, Congress even appropriated some additional money. In 1 year, we did appropriate a smaller amount than requested, but with a justifiable reason: The agency had failed to spend the appropriations from the year before, and we had no way to gauge whether the budget request was trumped up or was realistic. Last year, the agency asked for $99 million and Congress appropriated it. The agency needs more money, but it also needs visability. It has neither in a tight-fisted HEW where social programs have always exceeded public protection in the eyes of the budget makers.

Look at the administration of the Flammable Fabrics Act, the Toy Safety Act, and the Poison Prevention Packaging Act in HEW. There is not a single standard in effect for child-resistant safety closures on hazardous products under the Poison Prevention Packaging Act. When criticized about this in a WCBS–TV editorial several months ago, the FDA's injured response to the station's citation of 400 children's deaths since passage of the act was that only 284 had died.

Mr. President, we can go on and on. We can cite the GAO report on the dimensions of unsanitary conditions in the food industry. We can cite the intolerable ineptness of FDA in gathering the data necessary for proper implementation of the Flammable Fabrics Act. We can cite the cozy relationships between the Food and Drug Administration and the industries it regulates, a virtual revolving door of personnel between industry and Government. We can talk about the lead tinsel deal, a secret the Food and Drug Administration kept from the American people until brought to light by the distinguished Senator from New Mexico.

We can cite many many gaps in the administration of the laws under the Department of Health, Education, and Welfare. To compound these errors by including additional authority in this agency would be a bungling disaster and an insult to the American people.

During executive consideration of the toxic substances bill several months ago, one of the staff members on the Commerce Committee was overheard to ask why administration of this act was given to EPA rather than FDA. The distinguished chairman, overhearing the comment, leaned over and laid it out clearly. He said:

> Everytime we give something to HEW to administer, they mess it up.

Another situation which might be mentioned: As the Senate Commerce Committee was about to report this bill in March, Secretary Richardson issued a statement criticizing the bill and saying that the consumer was being sold a "phony bill of goods." But the ineptness of HEW was showing through even in this vehement denunciation of our well thought out bill, for the Secretary's release was headlined "Secretary Opposes Consumer Protection Agency Bill." Mr. President, you really fumble it when you do not now the identity of the bill that you are denouncing.

I invite attention to an article which recently came over the Associated Press wire, dated Washington, D.C.:

> Whenever President Nixon attends an official dinner in the nation's capital, Arnold K. Clark is in the kitchen to protect the President's health.
>
> Clark, 42, is Washington's field service chief of the Bureau of Food and Drugs and part of his job is checking everything from sauce to silverware at a presidential banquet.

Clark says:

> My job includes making sure that the proper sanitary methods are adopted to assure the protection of the President's health. And my men and I—there are usually four or five of us—are extremely cautious in this regard. And we have available techniques and equipment for analyzing food on the spot for any sort of contaminent.

Defeat of the Cotton amendment and passage of the Food, Drug, and Consumer Product Safety Act will be an important step toward placing an "Arnold Clark" in each of our household kitchens.

The thrust of this bill is to provide for the safety of the products that our citizens buy in the marketplace, and this must be done by a competent, hard-driving, efficient organization. I think it would be the greatest mistake we could make to just put it in HEW along with the other many, many divisions and bureaus that are administered in that conglomerate department.

I think that the Cotton amendment, which would have the effect of leaving this in HEW, would very largely defeat the work that has been done over such a long period of time by the committees of Congress in which we have had testimony from many people—industry and consumers alike.

As a consumer protection bill, I think this will be one of the landmark bills that this Congress has provided to protect our consumers. I do not want to see it shunted aside or put in a disadvantageous position by the Cotton amendment. Therefore, I oppose the amendment.

Mr. President, I am very happy to yield to the Senator from New Mexico.

Mr. MONTOYA. I thank the Senator from Utah for yielding to me.

Mr. President, I think one thing has emerged from the debate on this amendment, and it is very clear: The present administration of the Food and Drug Act and other related acts has been bungled, and we have to come up with a very new approach.

For years we have had an ad hoc consumer agency emanating from the White House. We have received a great deal of rhetoric, and I think that we in this Chamber have been responsible for some of it. But I think that finally a bill has emerged from the Commerce Committee which answers the expectations and the aspirations of the American consumers.

The distinguished Senator from New Hampshire has made a very valuable contribution to this bill as a member of the committee. But I also want to commend all the members of this committee, who worked day and night and deliberated over the fine features of the measure now before the Senate.

One point made repeatedly by critics is that a separate consumer protection agency is unnecessary. They say that allowing consumer protection functions to remain within HEW would serve just as well. I disagree.

Many Federal consumer protection functions are concentrated in the Food and Drug Administration. If we allow retention of consumer protection functions within HEW, FDA will certainly retain much authority, which would be against the consumer interest.

I say this with regret, but with certainty based upon sad experiences. Most of my dealings with FDA make me conclude that the agency requires elementary restructuring in the public interest. Stripping it of much of its consumer protection functions and reposing them in a separate consumer protection agency seems to be the only reasonable solution.

FDA failures at public expense are appalling, inexcusable, and intolerable. Here are some examples.

About 3,900 children annually eat caustic detergents, although many times that number of cases go unreported. Tests conducted by the National Institute of Environmental Health Sciences indicate such detergents cause blindness in lab animals. Authorities suspect some cases of human blindness are being caused by these products, yet the FDA has never required reporting of their causing eye damage.

Lead-based paints were revealed to be the cause of a variety of ills afflicting children from low-income families in disadvantaged environments. Minimal controls on use of lead in paint were bitterly opposed by the FDA's Bureau of Product Safety.

John Nestor, leading FDA cardiologist, led the fight against thalidomide in that agency. Recently he was transferred to a job with little relation to his specialty in the Bureau of Compliance. It has been alleged that drug industry pressure was responsible.

The relationship between FDA and the drug industry is of great public concern, yet nothing changes. Drug industry personnel move between the FDA and industry as if on an interchangeable circuit.

Disclosures by the General Accounting Office on FDA's inability to prevent unsanitary conditions in food manufacturing and processing were intended to inform us but they made us sick instead. We are blandly informed by FDA apologists we should not worry about "allowable quantities" of rodent hairs, droppings, and other garbage in our food.

The Safe Toy Act sat unenforced for an intolerable time because of FDA inaction.

A disgraceful example of FDA inability or unwillingness to enforce strong consumer protection laws revolves around the Poison Prevention Packaging Act of 1970, requiring childproof safety closures on products containing substances potentially harmful to small children if ingested.

It has taken FDA 18 months to guarantee even minimal compliance. FDA's Bureau of Product Safety turned out to be a roadblock to enforcement that cannot be adequately described here.

It took FDA more than 4 months to appoint a technical advisory committee, and more than 11 months to publish a testing protocol. Today, even though several categories of products are under final orders as published in the Federal Register, not a single safety closure to protect children is being marketed and sold as a direct result of FDA enforcement of this law.

It will be the middle of August, at the earliest, when FDA enforcement results in even one product, aspirin, being sold equipped with a safety closure that meets requirements under the law. Meanwhile, children under age 5 die at a rate of approximately one daily, and at least one other is crippled daily.

Yet the worst example of FDA inability and unwillingness to perform comes under the heading of what I prefer to call, "The Lead Tinsel Caper."

In February of 1971, FDA addressed a series of inquiries to prominent medical authorities across the Nation regarding potentially harmful properties of lead tinsel, such as millions of Americans use to decorate homes and Christmas trees during the holiday season.

Letters came back swiftly to FDA's Bureau of Product Safety, indicating the product was potentially very dangerous to small children, especially those in inner cities where exposure to lead was high and cumulative accumulation could result in severe, permanent harm to youngsters.

Letters urging FDA action to ban its manufacture and sale came from the Commissioner of Public Health of New York City and the chief pediatrician of Baltimore's city hospitals.

Under the Child Protection Act of 1966, FDA is authorized to ban from interstate commerce household substances so hazardous that warning labels are not adequate safeguards. Also, under the Hazardous Substances Act, FDA has power to simply remove from the market any substance deemed a menace to public welfare.

The agency took no action as it digested these answers from prominent public health and medical authorities. Meanwhile, on all sides, there was a public outcry as further revelations revealed that lead in our environment, in any form, was a growing, cumulative hazard to the health of Americans, especially children. The agency people seemed to have been oblivious to all this.

Dr. Mary McLaughlin, commissioner of public health of New York City, said in her letter to FDA:

> It is our opinion that the safest and best course of action would be to ban the use of lead as Christmas tree tinsel . . .

FDA sat on all such letters and facts until August of 1971, at least 5½ months, presumably contemplating the evidence and their virtues, such as they may be.

Then the agency moved. On August 12, 1971, FDA's Bureau of Product Safety called a secret meeting of all domestic manufacturers of lead-foil icicles, or Christmas tree tinsel. The gathering was in no way publicized. While the media, Congress, the public, and consumer protection people remained unaware, the meeting was held in the office of FDA's Director of Product Safety, Malcolm Jensen.

At the meeting, FDA proposed the following deal, for such it was:

> (1) No manufacture of lead tinsel after Christmas of 1971.
>
> (2) No sale of lead tinsel after Christmas of 1972.
>
> (3) If all six affected companies agreed, the Bureau of Product Safety would recommend FDA accept voluntary action and take no rulemaking or court action on lead tinsel until the end of the 1972 Christmas season.
>
> (4) To minimize manufacturer loss, FDA would not initiate or publicize the secret agreement or alleged dangers from lead tinsel until conclusion of the Christmas, 1972 season.
>
> (5) FDA would take appropriate action to see to it that the Bureau of Customs of the Treasury Department banned import of lead icicles at the end of the Christmas, 1971 season.

There is the entire business. In effect, they said, we will let you make it for another 5 months and sell it for another year and 5 months. We will not tell anyone about dangers doctors told us about or of this meeting and agreement. Plus, we will sweeten your pot by making sure your foreign competition gets shut off from the American market this year, so you boys can make a killing next year and get rid of your entire stock.

Our distinguished colleague, JOHN MOSS, of California, Congressman from California, first unearthed this outrage. I managed to get hold of part of the correspondence and inserted it into the CONGRESSIONAL RECORD.

There is a letter from Malcolm Jensen to the president of one of the affected companies, in which he acknowledges the entire agreement and its terms. There are three letters, all published in the CONGRESSIONAL RECORD of March 22, 1971; each from an official of one of the companies to Jensen, again acknowledging the entire meeting and agreement.

When JOHN MOSS assailed the deal, Jensen vigorously defended it, stating he knew of no cases of lead poisoning arising from this product. Yet in one of his letters to one of the lead tinsel manufacturing executives, Jensen speaks of the agreement helping, "to reduce the occurrence of lead poisoning," and "reducing the threat to the children of the Nation."

No public warning was ever issued, even though one was asked for by Congressman Moss. No ban on the product was placed in effect. No tests on laboratory animals were conducted, even though one of the physicians answering the original query from FDA urgently recommended this be done.

Yet FDA knew the lead tinsel in question was 77 percent lead.

It knew, or at least its Bureau of Product Safety knew, that other commercial tinsels, made out of plastic, were easily available. These are safe, according to Dr. McLaughlin's letter of March 4, 1971. The same advice was offered FDA by MIT's environmental medical service. This, too, was ignored.

FDA has allowed this agreement to fall into the "dead letter" category as a result of our public disclosures and resulting publicity. Yet there is a more meaningful lesson to be learned from the entire shabby experience.

The basic philosophical enforcement premise of the Bureau of Product Safety is not: "How do we protect the public." Rather, it appears to be "How do we protect profits of industry."

Here is FDA's entire enforcement philosophy. A cozy relationship has been cumulatively built up over the years between this agency and people it is supposed to regulate. It has become: "Good old Joe," and "Good old Chuck," instead of a regulator and regulated relationship. In the process, the public interest has been cast aside, and the public has become an unwelcome intruder in its own domain.

FDA has become almost completely divorced from the reality of consumer protection and what it means to an average citizen who thinks that somewhere, somehow, his Government is protecting him and his family against such menaces.

Mr. President, I find that the concept contained in the bill which provides for a separate protection agency is a healthy concept for the reason that the Director of this agency is going to be responsible to the American people, to Congress, and to the President. For any mistakes that he makes and for any omissions in his duties, he will be responsible and he will be charged with them. He will be responsible to the legislative, to the executive, and also to the American people.

However, if we immerse again the protection and enforcement in a vast agency such as HEW, we will lose sight of the responsibility vested in any public official with respect to enforcement.

Mr. President, that is the fatal defect I see in the amendment offered by my good friend, the Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

Mr. COTTON. Mr. President, I commend the distinguished Senator from New Mexico for his very able presentation. I find much that I can agree with in what he has said. There have been chapters throughout the history of this situation that we viewed not only with deep regret, but also many times with horror. However, I would call the attention of my good friend, the Senator from New Mexico, to the fact that the question before the Senate is the amendment of the Senator from New Hampshire.

The amendment of the Senator from New Hampshire not only does not entrust enforcement to the Food and Drug Administration, but it reorganizes it more effectively within HEW. Furthermore, I think that the Senator from New Mexico should bear in mind that only the other day the subcommittee chaired by the distinguished Senator from Connecticut (Mr. RIBICOFF) reported to the full Committee on Government Operations a bill creating a Consumer Protection Agency to assume the advocacy role for the consumer.

Now, I cannot quite understand the theory of the Senator from New Mexico. Does he want two agencies, each entrusted with and made responsible for protecting the consumer? Usually when there are two or three agencies entrusted with similar duties, it does not get done because it falls between their respective jurisdictions.

The Consumer Protection Agency bill is practically certain to receive the approbation of the Senate. So we are not in disagreement. I agree with much that the distinguished Senator from New Mexico has said.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article that was published in the Evening Star of Thursday, February 10, 1972, entitled "Overreacting on Consumer Safety" written by Charles Bartlett.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Thursday, Feb. 10, 1972]

OVERREACTING ON CONSUMER SAFETY

(By Charles Bartlett)

Politicians these days have a tendency to overreact on issues involving the consumer and many in Congress want to go further than is wise on product safety.

Sen. Warren Magnuson's Commerce Committee is bent on creating a five-man independent commission to police consumer goods which cause, the experts say, some 20 million accidents a year. Many Democrats favor the commission over HEW Secretary Elliot Richardson's proposal to enlarge the Food and Drug Administration into a consumer safety administration.

The notion of a special commission on product safety arose from studies by an earlier commission whose members found the FDA laggard in pushing toy safety and poison prevention. They want the visibility and vitality of a body whose lone concern will be the average man's surprising lack of concern with the safety aspect of the items he purchases.

Their argument against Richardson's proposal is that a huge bueraucracy directed agaist unsafe foods, drugs, and cosmetics may not give adequate attention to the perils which lurk in power lawn mowers, electronic gadgets, and glass doors. "There needs to be a special focus," maintains Arnold Elkind, chairman of a two-year study of the problem.

But the record does not show that five regulatory commissioners, appointees from both parties with fixed terms, are capable of sustaining a high-lighted focus on any problem. The regulatory agencies are the dreariest corner of the government. Except during rare periods when they have unusual chairmen, they drift into industry-oriented mediocrity.

The FDA has known dark days also but not until recently has it been given funds to do what Congress expected of it. It does have 3,000 agents, laboratory facilities, and a headquarters staff which can be expanded to regulate product safety.

Apart from the duplication and confusion involved in creating a wholly new agency, a divided jurisdiction will leave regulation more vulnerable to the special interests. Consumer protection requires a running sequence of decisions based on good science and good sense. Five commissioners, divided amongst themselves, will find it harder to make rapid decisions beyond reach of industrial or emotional bias than one good administrator.

Sen. Frank Moss, D-Utah, wants the consumer protected by two independent agencies. He proposes to take FDA out of the Department of Health, Education and Welfare where it performs a policeman's function quite unlike the department's other activities. The aim is to free the FDA's regulatory activities from domination by the department.

This issue is less important than the need to keep consumer protection under one agency headed by a single administrator. Richardson holds his FDA administrator, Charles Edwards, on a long leash. Richardson demands only to be kept informed on what Edwards is doing. If he doesn't like what he learns, he will choose a new commissioner but he does not become involved in the decisions on products.

The issue of whether the consumer agency should be taken away from HEW is linked, like the issue of whether education should be a separate department, to the larger question of whether Congress intends to accept President Nixon's proposal for a Department of Human Resources. This in turn depends on whether Congress wants the organization of government to be more fragmented or compact.

But it is an illusion to believe that shaking up the bureaucracy or putting new reliance on the outdated commission style of regulation will give consumers all the protection their champions demand. The best hope is to give adequate funds to a strong administrator.

Mr. COTTON. Mr. President, the article I have had printed in the RECORD deals with consumer safety and with enforcement. In the article attention is called to the very fact which I wanted to call to the attention of the very able Senator from New Mexico when we create a new agency. Quite frankly, looking at the history of the ICC, the FTC, and all of these independent agencies, I am not especially thrilled with their performance in the matter of enforcement. And, in this new agency, in the opinion of the Senator from New Hampshire, the question of enforcement is going to be taken care of by the advocacy role of the proposed Consumer Protection Agency.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, would the Senator from Washington yield me 3 minutes?

Mr. MAGNUSON. Mr. President, I yield 3 minutes to the Senator from West Virginia.

ORDER FOR CONSIDERATION OF AND TIME LIMITATION ON PUBLIC BROADCASTING BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, on the disposition of S. 3722, the Senate proceed to the consideration of H.R. 13918, the public broadcasting bill; and, having discussed this matter with Senators WEICKER, GRIFFIN, COTTON, BAKER, and PASTORE, I propose the following further unanimous-consent request thereon: That there be 2 hours on the bill, to be equally divided between the distinguished senior Senator from Rhode Island (Mr. PASTORE) and the distinguished senior Senator from Tennessee (Mr. BAKER); that time on any amendment be limited to 30 minutes with the exception of one amendment by the Senator from Tennessee (Mr. BAKER), on which there be a 1-hour limitation; that time on any debatable motion, or appeal be limited to 30 minutes, the time to be divided between the mover of the amendment, debatable motion, or appeal and the distinguished manager of the bill, the Senator from Rhode Island (Mr. PASTORE).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YIELDING OF TIME ON PUBLIC BROADCASTING BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators in control of time on the public broadcasting bill, H.R. 13918, may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TEMPORARILY LAYING ASIDE AMENDMENT TO THE FOREIGN ASSISTANCE ACT AND FOR CONSIDERATION OF THE FEDERAL FINANCING BANK BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon the disposition of H.R. 13918 on tomorrow, the Senate proceed to the consideration of S. 3001, the Federal financing bank bill, and that the unfinished business, S. 3390, remain in a temporarily laid-aside status until the final disposition of S. 3001 on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF TREASURY AND POST OFFICE APPROPRIATIONS BILL ON FRIDAY MORNING

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday morning, immediately following the recognition of the two leaders or their designees, and any Senators for whom 15-minute orders may have been entered in the meantime, the Senate proceed to the consideration of H.R. 15585, the bill making appropriations for the Treasury and Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF SCOTT AMENDMENT NO. 1265 TO THE FOREIGN ASSISTANCE ACT OF 1961 ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Treasury and Postal Service appropriations bill, H.R. 15585, on Friday, the Senate proceed to the consideration of the Scott amendment, No. 1265, to the unfinished business, S. 3390.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION ON FRIDAY OF THE DOMINICK AMENDMENT TO THE AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Scott amendment, No. 1265, on Friday, the Senate proceed to the consideration of the Dominick amendment to S. 3390.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION ON TOMORROW OF BILL FOR CONTINUATION OF PROGRAMS AUTHORIZED UNDER ECONOMIC OPPORTUNITY ACT OF 1964

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the disposition of S. 3001, the Senate proceed to consider, for a second track item, Calendar order No. 759, S. 3010, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964.

Mr. GRIFFIN. Mr. President, reserving the right to object, is the Senator from Michigan correct that with respect to the last bill, the OEO bill, on which I understand there are some differences in controversy, there is no time limit that has been agreed to?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. GRIFFIN. The Senator just plans to lay it down.

Mr. ROBERT C. BYRD. To lay it down as a second track item, with S. 3390 to remain as the first track item, the unfinished business.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. MAGNUSON. That is a pretty long list the Senator has there. I hope we can get it finished. If it should happen that the HEW appropriation bill will be ready for consideration, the Senator would move one of these aside.

Mr. ROBERT C. BYRD. May I ask the Senator—if I may have the attention also of the Senator from New Hampshire (Mr. COTTON)—would it be agreeable to take up the HEW appropriation bill on Tuesday next?

Mr. MAGNUSON. Yes.

Mr. ROBERT C. BYRD. Would it also be agreeable on Tuesday next to lay aside S. 3390, the unfinished business temporarily, and to take up the HEW appropriation bill under a time limitation, say, of 3 hours on the bill, and 1 hour on any amendment thereto, so that we could finish that bill next Tuesday?

Mr. COTTON. I would say to the distinguished Senator that that would be all right with me.

Mr. MAGNUSON. Many people have an interest in the scores of items in the bill. I would not like to agree and then find that they would be shut off.

Mr. COTTON. The Senator from Washington and I are for the bill. When we agree to any time limitation, we are a little bit out of our scope.

Mr. PASTORE. How about a time limitation of 5 hours?

Mr. ROBERT C. BYRD. May I request, as the distinguished Senator from Rhode Island has proposed, that there be a time limitation of 5 hours on the bill making appropriations for the Department of HEW, 1 hour on any amendment, and one-half hour on any amendment to an amendment, debatable motion, or appeal, with the understanding that Senators in control of time on the bill may yield time therefrom on any amendment, debatable motion, or appeal.

Mr. MAGNUSON. That would cover it. If someone came in here and said, "We wanted to talk a long time about NIH," I guess we could arrange for that by unanimous consent.

Mr. COTTON. It seems to me that 5 hours on the bill would be enough time. At this juncture if we cannot get through that bill in 5 hours, I would say that someone would be filibustering, although I know that is not an acceptable word.

Mr. ROBERT C. BYRD. Very well, Mr. President, with the acquiescence and consent of the Senators who have just participated in the colloquy, I so ask unanimous consent.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MAGNUSON. Mr. President, I hope we can start it early Tuesday morning and that there will not be too many speeches in the morning hour so we can get through with the bill.

Mr. ROBERT C. BYRD. Mr. President, may I say to the distinguished Senator that his request will be kept in mind, and I think the schedule can be arranged accordingly.

The PRESIDING OFFICER. Is there objection to the previous request of the Senator from West Virginia made prior to the unanimous consent request on the appropriation bill?

Mr. ROBERT C. BYRD. I take it that the Chair is now referring to the economic opportunity bill.

The PRESIDING OFFICER. Yes. The Chair hears no objection, and it is so ordered.

FOOD, DRUG, AND CONSUMER PRODUCT SAFETY ACT OF 1972

The Senate continued with the consideration of the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

Mr. COTTON. Mr. President, while there is a sufficient number of Senators in the Chamber I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Illinois such time as he wishes.

Mr. PERCY. Mr. President, I feel I have an obligation to my colleague from New Hampshire to review very briefly the history of the relationship of the Committee on Government Operations to the bill. I thoroughly agree with my colleague that clearly the history of such agencies as the Interstate Commerce Commission, the Federal Power Commission, the Federal Maritime Commission, and others, attests all too sadly to the fact that independent regulatory agencies do not all of a sudden provide a sudden formulation which will wipe out for all time lackluster performance in the name of public protection. So we approached this responsibility, fully accepting the objectives and goals with the understanding that our purpose was to find the best way to go about organizing around this vital function, and knowing the administration wanted to keep it within the framework of HEW.

We held hearings with the thought in mind that we would try to make this accommodation; that we would lay down certain principles and guidelines that we felt extremely important.

As I look at this particular design that the distinguished Senator from New Hampshire has presented, when he talks about Parkinson's Law, this scheme fits the description. The one thing I have been absolutely certain of in looking at organizational structure is that the further down one is on a totem pole and the further he gets from the decisionmaking power, the greater difficulty he has and the greater chance there is in the process for things to go wrong. So as I look at this structure, we have the President, then the Domestic Council under the directorship of John Ehrlichman, the Secretary of HEW, the Under Secretary, who is not shown here, then an Administrator for Health, then, the Commissioner, the Deputy, and finally we get down to Food, Drug, and Product Safety. So we are down about eight layers deep.

Mr. COTTON. No; I have not shown the Under Secretary.

Mr. PERCY. No Under Secretary. Then, Mr. President, you are still seven layers deep. So deep is this that when the Secretary came to the Committee on Government Operations, he had a retinue, an entourage of assistants with him that spread across the room. And so low was consumer product safety that the Administrator of that particular function—a Mr. Jensen, who has regulatory authority over approximately $145 billion worth of products turned out by American industry every year and has the responsibility for safeguarding the safety of these products—was not at the table and was not even in the room.

I would imagine that if he wanted to see the Secretary he would not have a very easy time of it since he is so far down the line. Whereas the organizational structure established in the bill adopted by the Committee on Commerce has the Administrator reporting directly to the President. The Administrator would, of course, have someone in the White House responsible for that activity and for cognizance over it, but there would be just one other line down to the Commissioner on product safety.

Approaching this from the standpoint of good organization, I suggested certain guidelines be established whereby we could keep the unit within HEW. I even outlined to the Secretary certain critical facets of independence that would have to be guaranteed.

Mr. President, to save the time of the Senate, I ask unanimous consent that those guidelines be printed in the RECORD at this point.

There being no objection, the guidelines were ordered to be printed in the RECORD, as follows:

[From May 2, 1972 Hearings Before the Subcommittee on Executive Reorganization]

In the event that we in the Government Operations Committee determine that there is good reason for keeping food, drug, and consumer product safety regulation together under the Department of Health, Education, and Welfare, instead of an independent agency, it may be helpful, based upon my study of the issue to date, to set forth certain minimal guidelines for organizing around this vital purpose and assuring virtual regulatory independence.

Most important of all, authority for regulating in the area of consumer safety would have to be elevated within the Department and vested in an Assistant Secretary or Administrator for Consumer Safety reporting directly to the Secretary. I can think of no higher concern, or any function more deserving of immediate attention by the Secretary of this or any other Department of the Federal Government, than the protection of public health and safety.

By vesting authority directly in the Assistant Secretary or Administrator for Consumer Safety, I mean that he should have final authority to establish standards, to promulgate regulations, to decide when and whom to prosecute, and to enforce Agency rules and orders. This would promote certainty in decision making and hopefully avoid future cyclamate snafus or vacillation over phosphate detergents, which ill-serve the consuming public as well as affected industries.

Consideration should also be given to the other important facets of independence which are reflected in S. 3419 in order to fully insulate this peculiar safety function from forseeable political influences and economic and other trade-offs. These factors include a fixed term of office for the Agency head, and his removal only for cause; permitting him to appoint those who will serve under him; flexibility and an absence of interference in his budget submissions and legislative recommendations.

Finally, to facilitate an ongoing exchange of information and health-related research within HEW, I would suggest the formation of a Health and Safety Council consisting of the Secretary, the Assistant Secretary (or Administrator) for Consumer Safety, the Assistant Secretary for Health, the Directors of HSMHA and NIH, and the Commissioners of Food, Drugs, and Product Safety.

Mr. PERCY. Mr. President, we approached the organizational question from the standpoint that certain key ingredients had to be maintained: that final regulatory authority be vested in the commissioner who, to the extent practicable, would be immunized from political pressures. Whether there is a Democratic administration or a Republican administration, in the scheme contemplated by Senator Cotton's amendment there are so many layers of pressure that can be put on the Commissioner of Product Safety. We also felt it necessary to have authority for the commissioner to go to the court to enforce laws rather than subcontracting that function to the Department of Justice.

Similarly, we felt it important to have authority for the Administrator to come directly to the Congress for funds and new legislative proposals and to make his appeal without the necessity of having that subjected to a whittling down process or to a layering of bureaucracy or to a filtering through the Office of Management and Budget, or to any like process that would deprive him of the opportunity to show what he really needs to carry out his responsibilities.

We offered the proposition that if those guidelines could be met, we would find a way to structure this within HEW. Those guidelines were not met, and it was for that reason that I reluctantly came to the conclusion that there was no alternative other than the alternative that was offered in this bill which I think will succeed. I could not in good conscience agree to mere cosmetics as by just shuffling around boxes, making it look like we were changing things around, but not really. I could not be satisfied that the public and the consumer interest could be met by any cosmetic treatment. So often we make cosmetic changes that do not amount to a hill of beans.

We have in the committee bill a direct line of responsibility. The buck cannot be passed beyond the Administrator. We will know, after having passed this provision, who has the responsibility and whom we can hold responsible if they do not carry out that function.

It is for that reason that I reluctantly have to oppose the amendment.

Mr. COTTON. Mr. President, will the Senator yield to me on my time?

Mr. PERCY. I yield.

Mr. COTTON. I do not blame the Senator if he cannot read the chart on the blackboard owing to my handwriting. But, I am sure the Senator understands the Commissioner certainly will have stature. He would be a Presidential appointee, subject to confirmation by advice and consent of the Senate. His complete job would be that of product safety. He also would have a Deputy and the Directors of the three Offices. That is where the real chain of command follows.

I recognize what happens when it comes to getting appropriations. I serve on the Appropriations Committee, as does the Senator from Illinois. But, I also inquire of the Senator from Illinois, of whom I have great respect for his judgment, and I think he presents his case very well, is it not the expectation of the Senator, who is a distinguished member of the Government Operations Committee, that a bill establishing a Consumer Protection Agency is going to come out of that committee very shortly?

Mr. PERCY. Yes. The Consumer Protection Agency bill has been unanimously reported out of the Subcommittee on Executive Reorganization and it will be acted on, I trust, sometime next week by the full committee.

The functions are entirely separate, of course. The Food, Drug, and Consumer Product Agency will have full initiatory power and regulatory power. It acts directly with manufacturers, with industry, and with other Government agencies, to regulate in the area of consumer safety. The Consumer Protection Agency, on the other hand, is not a regulatory agency. It is an agency to which the consumer can go to have his interests represented. It is an advocate for the consumer before other Government agencies and the Federal courts, but cannot decide cases, set standards, or punish violators of laws. We have been very careful to have no duplicative functions whatsoever between the two agencies. We have removed any reference to advocacy in the bill before us now, and we have deleted any reference to product safety regulation in the CPA bill.

Mr. COTTON. I want to thank the Senator. His explanation to me is both enlightening and confusing.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senator from New York (Mr. JAVITS) be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, will the Senator yield to me for a unanimous consent request?

Mr. MAGNUSON. I yield.

Mr. MOSS. I ask unanimous consent that the Senator from Indiana (Mr. Bayh) be shown as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, the amendment offered by my distinguished friend and colleague, the senior Senator from New Hampshire (Mr. Cotton), strikes at the very heart of S. 3419. Three Committees have taken favorable action on it. It would create an independent agency. I urge my colleagues to reject the amendment of Senator Cotton which would prevent independence of the Food, Drug, and Consumer Product Agency.

Mr. DOMINICK. Mr. President, I strongly support my distinguished colleague from New Hampshire's amendment which would establish a Consumer Safety Administration within the Department of Health, Education, and Welfare. I think this approach is far preferable to S. 3419's proposed transfer of the Food and Drug Administration to a new independent Food, Drug, and Consumer Product Agency outside of the Department of Health, Education, and Welfare.

I agree that additional household product regulatory authority is needed in order to protect consumers adequately. But a persuasive case has not been made that such authority would be more effectively utilized by a new independent agency than by a strengthened and reorganized Food and Drug Administration within the Department of Health, Education, and Welfare, as the Administration has proposed. A Consumer Safety Administration within HEW would accomplish the objectives of the independent agency proposed in S. 3419—strengthening and consolidating food, drug, and product safety regulatory authority; and increased viability and accountability.

Independent agencies have no more viability or accountability to the public than agencies within Cabinet-level departments. They have less access to the President, and certainly no advantages in competing for funds. And they are probably more vulnerable to political pressures.

I don't see how consumers will benefit from disruption of the close relationships between the regulatory functions of the Food and Drug Administration and the consumer-related functions of other agencies within the Department of Health, Education, and Welfare. The same applies to the proposed transfer to the new agency of the Agriculture Department's meat, poultry, and egg products inspection functions. Considerations like these led Congress to reject the separate independent agency approach in the cancer legislation enacted last year. Further, the functions of the new independent Food, Drug, and Consumer Product Agency would overlap and conflict with the consumer safety functions of the new independent Consumer Protection Agency which is proposed in House-passed legislation.

I think much of the motivation for the independent agency approach lies in the fact that it gets the attention of constituents. This approach to problem solving, which appears to be overtaking the "let's appoint a blue-ribbon panel to study it" approach, was described by Secretary Richardson in his testimony on S. 3419, as "reorganization for its own sake." He suggested the effect is to sell the consumer "a phony bill of goods." I agree. This expedient is unfortunate because, given the opportunity to choose, I think most constituents would prefer an agency within a Cabinet-level department if they knew it could accomplish the same purposes—probably more effectively—without contributing to the complexity of our already too complicated bureaucracy. There are now some 62 separate Federal entities reporting directly to the President. S. 3419 as reported would add yet another.

Mr. President, I urge my colleagues to support this amendment.

Mr. MAGNUSON. Mr. President, unless a Senator wants to speak on the amendment, I am prepared to yield back the remainder of my time.

Mr. COTTON. Mr. President, I yield back my time.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from New Hampshire. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Florida (Mr. Chiles), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Montana (Mr. Mansfield), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from Iowa (Mr. Hughes), the Senator from South Dakota (Mr. McGovern), and the Senator from New Hampshire (Mr. McIntyre) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Hatfield) is necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from South Carolina (Mr. Thurmond) is detained on official business.

On this vote, the Senator from South Carolina (Mr. Thurmond) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 32, nays 51, as follows:

[No. 232 Leg.]

YEAS—32

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Brock
Buckley
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Miller
Smith
Spong
Stennis
Taft
Tower
Weicker
Young

NAYS—51

Allen
Bayh
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cranston
Eagleton
Fulbright
Hart
Hollings
Humphrey
Jackson
Javits
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—17

Anderson
Chiles
Gambrell
Goldwater
Gravel
Harris
Hartke
Hatfield
Hughes
Inouye
Mansfield
McGovern
McIntyre
Metcalf
Mundt
Muskie
Thurmond

So Mr. Cotton's amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2394. An act for the relief of Antonio Benavides;

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro;

H.R. 7946. An act for the relief of Jerry L. Chancellor;

H.R. 9256. An act for the relief of Kyong Ok Goodwin (Nee Won); and

H.R. 10713. An act for the relief of Wilma Busto Koch.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 513. An act for the relief of Maria Badalamenti; and

H.R. 7088. An act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 2394. An act for the relief of Antonio Benavides;

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro;

H.R. 7946. An act for the relief of Jerry L. Chancellor;

H.R. 9256. An act for the relief of Kyong Ok Goodwin (Nee Won); and

H.R. 10713. An act for the relief of Wilma Busto Koch.

AUTHORIZATION FOR RECEIPT AND REFERRAL OF H.R. 15585

Mr. MOSS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive a message from the House of Representatives on H.R. 15585 making appropriations for the Treasury Department, the U.S. Postal Service, and the Executive Office of the President, and that the bill be referred to the Appropriations Committee during the adjournment of the Senate or until 9 a.m. Thursday morning, June 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD, DRUG, AND CONSUMER PRODUCT SAFETY ACT OF 1972

The Senate continued with the consideration of the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

Mr. HUMPHREY. Mr. President, I rise in support of S. 3419, the Food, Drug, and Consumer Product Safety Act of 1972.

I believe the enactment of this legislation is dictated by the clear need of the American consumer for adequate protection in obtaining safe foods, drugs, and cosmetics, and in avoiding accident hazards in the use of fabrics, toys, certain electronic products, toxic substances, and other articles, and in the prevention of deceptive packaging and inadequate labeling.

The heavy responsibilities laid upon existing Federal regulatory agencies in these areas cannot be met with full effectiveness without the establishment of an independent agency in the executive branch, directly responsible to the President and Congress and openly accountable to the public. The operations of the Food and Drug Administration, which will provide many of the primary components of this new agency can only be strengthened under this reorganization. This is an essential step that must be taken beyond the increase of FDA appropriations and the expansion of staff.

I do not regard the establishment of an independent Food, Drug, and Consumer Product Agency as an unnecessary fragmentation of the Federal structure. To the contrary, there is a compelling need for this consolidation of diverse and uncoordinated regulatory, research, and inspection functions in the Federal Government, if full protection is to be provided to consumers, and if a priority level of authority and responsibility is to be established to articulate clear regulatory policies to industry.

Further deliberation must be given to the need for providing in this legislation for the transfer of Department of Agriculture food inspection programs. But it is essential that the functions of the new Agency be organized as provided for under the three subordinate Commissions of Food and Nutrition, Drugs, and Consumer Products. A direct line of authority must also be provided to the Agency Administrator, appointed by the President, by and with the advice and consent of the Senate, for an initial term of 5 years with a one-time reappointment—a provision designed to achieve a reasonable Agency independence from immediate political pressures, but at the same time to assure the Agency's responsiveness to immediate public concerns. And this line of authority is further emphasized by the provision in this bill directing the Administrator to submit an annual Agency budget directly to the President for review and submittal to Congress, and prohibiting the Office of Management and Budget from impounding any funds appropriated to the Agency by Congress.

I applaud the initiatives taken in this bill to establish an Office of Consumer Information, a Consumer Information Library, and a National Injury Information Clearinghouse, as well as a Joint Scientific Committee to assume the coordination of functions within the Agency. An unacceptable number of hazardous consumer products now affect interstate commerce, and their increasing numbers and complexity make it imperative that the Federal Government act promptly to eliminate hazards resulting in death or injury.

I also strongly believe the Agency must adopt a position of openness toward and accessibility by the American consumer public. It is for this reason that I fully support provisions in this legislation to assure public access to information received or sent by the Administrator or any Commissioner, subject only to specified and fair limitations on information relating to trade secrets as covered under Federal law. Further provision is made for a consumer to commence a civil action against the Agency, if it refuses to take action in response to a petition, or if its action is regarded by the petitioner as insufficient to eliminate an alleged unreasonable risk of injury or death. And specific guidelines are provided in this bill to assure that the promulgation of consumer product standards is expedited and that hazardous products are removed from the market, if necessary by emergency action initiated before the appropriate U.S. district court by the Agency Administrator or the Attorney General. Finally, I fully support the provisions in this bill giving the Agency Administrator the necessary powers to take all action necessary to enforce food, drug, and consumer product safety laws.

The time has come to end needless injury and death resulting from the inadequate regulation of consumer products under present Federal law. I urge the Senate to address this national issue forthrightly by passing the Food, Drug, and Consumer Product Safety Act.

Mr. KENNEDY. Mr. President, it gives me great pleasure to support S. 3419, the Food, Drug, and Consumer Product Safety Act of 1972, as amended and reported by the Committee on Labor and Public Welfare.

S. 3419 is far-reaching and comprehensive legislation to protect consumers in the vital areas of food, drugs, and consumer products. It provides a clear mandate to insure the safety and efficacy of drugs, the wholesomeness of foods, and the safety of consumer products to prevent unnecessary injury and harm to the consumer. S. 3419 is a giant step forward to implement and achieve a strong Federal commitment in an area of critical concern to all Americans. The Committee on Commerce and its distinguished chairman, Senator MAGNUSON, are to be highly commended, for once again reporting outstanding legislation for Senate consideration.

I strongly support S. 3419 as amended by the Committee on Labor and Public Welfare and believe the committee amendments merit strong support and consideration. S. 3419 would establish an independent agency in the executive branch to regulate foods, drugs, and consumer products. It would combine into a single agency; first, the authority of the Food and Drug Administration over food, drugs, and consumer products; second, the authority of the Division of Biologics Standards Over Human Biological Drugs; third, the authority of the Center for Disease Control over Clinical Laboratory Licensing; fourth, the authority of the Department of Commerce and the FTC over flammable fabrics and refrigerator doors; and fifth, the authority of the Agriculture Department over food inspection and animal biological drugs. The result will be one agency with comprehensive jurisdiction and authority to regulate all food, drugs, and common household products.

FDA's shortcomings have not been a matter of partisan politics; the same kinds of problems have plagued the FDA in Democratic as well as Republican administrations. Under all administrations, the Agency has failed either to provide full protection to consumers against unsafe products or to articulate clear regulatory policies to industry.

The most important reason for this failure has been the agency's lack of clear-cut responsibility for accomplishing its mission. Authority for the regulation of food, drugs, and consumer products is widely fragmented within the Federal Government: The FDA sets standards for the level of dangerous drug residues in meat and poultry, but testing and inspection is done by the Department of Agriculture; the FDA has responsibility to investigate the safety of flammable fabrics, but regulatory authority is vested with the Federal Trade Commission, the Department of Commerce, and the Department of the Treasury. The same division of authority is present in other areas.

FDA has never had independent authority to regulate those matters within its jurisdiction. As presently structured within the Department of Health, Education, and Welfare, the Commissioner of the Food and Drug Administration must report to the Assistant Secretary for Health and Scientific Affairs, who must report to the Under Secretary of the Department of Health, Education, and Welfare, who must report to the Office of the Secretary of Health, Education, and Welfare, who must report to the Office of Management and Budget, to the Domestic Council, and finally, once all those channels have been exhausted, to the President. At any step along that route, a regulatory decision by the Commissioner could be reversed. Because of this structure, the agency has not been able to make clear-cut regulatory decisions or even to make clear to consumers and to industry what its basic policies are.

In the Department of Health, Education, and Welfare, basic health programs are directed toward health research and health delivery systems. Even if all of FDA is considered health-related, 98 percent of the health resources of the Department and 88 percent of the manpower in fiscal year 1972 was devoted to health research and delivery. Health regulatory functions of FDA are only a small part of HEW's total health responsibility and cannot receive the attention they deserve.

Furthermore, in addition to health regulation, FDA plays an important role in economic regulation. It is concerned not only with adulteration of food and drugs which may be harmful to health, but with misbranding and deceptive labeling. With respect to adulteration of food, there are problems that are important but which do not, strictly speaking, involve dangers to health. For example, the FDA has published guidelines governing the amount of filth and foreign matter that may be permitted on food. In hearings before the Subcommittee on Executive Reorganization and Government Research, the Secretary stated that the presence of such foreign matter as rodent hairs in chocolate bars raised no health problem. Implicit in his statement was the assumption that since no health problem was raised, there was no pressing need for effective regulation to improve the purity of food. Yet, there is clearly an interest in regulation to assure the purity of food, even when impurities are merely displeasing and do not pose a clear danger to health.

It is unlikely, however, that interests in economic and non-health regulation will ever be given appropriate consideration in a department in which health responsibilities focus on research and delivery. Nor is it likely that the entire program of regulation of food, drugs, and consumer products can ever be given the attention resources, support, and services it deserves in as enormous and multifaceted a department as HEW. This problem is built into the very structure of the Department, and is as prevalent in Democratic as in Republican administrations.

It will continue to exist so long as the Secretary is called upon to choose between competing needs. In short, to be an effective policeman of the marketplace, the agency must be free from the restraints of competing policies, priorities, and objectives.

Examples are numerous. In the regulation of cyclamates, confusion over whose policy would prevail led the industry to build up vast inventories of products ultimately and unexpectedly banned from the market. This would not have happened if clear-cut authority to determine policy had been placed in one responsible official. Another example is the confusion concerning the use of detergents containing phosphates. Neither consumers, environmentalists, nor industry can tell for sure what the Government's regulatory policy is.

Finally, once a policy is enunciated, the FDA lacks the authority to enforce these decisions. The FDA must turn to the Department of Justice which because of other priorities may inadvertently frustrate or delay implementation of the FDA policy.

Mr. President, the problem of food, drug, and consumer product regulation also satisfies both of the basic criteria for the creation of an independent agency set out by the President in his message proposing the Environmental Protection Agency. The first, was that responsibility is divided among several agencies, but is not the primary function of any of them, and the other functions affect the agencies' views of the regulatory issues. The committee record shows that this situation exists in food, drug, and consumer product regulation.

The President stated a second criterion justifying the creation of an independent agency; a situation must exist in which the centralizing of authority in one agency would better enable that agency to make decisions about the activities of other agencies. The President stated that such decisionmaking functions were better lodged in an independent agency than in an existing Cabinet department. He reasoned that a Cabinet agency, with multifarious nonregulatory responsibilities, might be regarded by other agencies as a representative of competing interests and constituencies and a promoter of its own programs at the expense of those of other agencies. He felt that it would be unwise in such a situation to transfer regulatory responsibilities to such a Cabinet agency.

It is entirely possible that promotion of HEW's health research and health delivery programs might appear to be in conflict with the promotion, marketing, and manufacturing of certain products. This problem could arise, for example, from the transfer of all authority over the use of the hormone diethylstilbesterol—DES—used to promote growth in cattle. The hormone has been shown to cause cancer in some animals, and residues of it in human food are prohibited. At present, authority is divided between HEW and the Department of Agriculture; largely because of this division, the Government's policies have been inadequate and neither consumers nor industry have been satisfied with the result. Consolidation of authority would be desirable. But if all authority were transferred to HEW, heavily influenced by the need to promote its health delivery and research programs, the concerns of the Department of Agriculture might be ignored. Similarly, if all authority were transferred to the Department of Agriculture, health interests in HEW would feel uneasy.

A similar situation exists in the area of flammable fabrics, where the division of authority among the FDA, the FTC, the Department of Commerce and the Department of the Treasury, has produced great confusion and no effective regulation. Consolidation is necessary, but authority would be lodged in an independent, wholly regulatory agency, without promotional programs designed to serve particular constituencies.

It is essential to keep product safety regulation together with food and drug regulation, enforcement and field operations in the three areas are already shared. To establish product safety regulation in a separate agency would cause needless duplication of staff, facilities, training, and other resources.

The creation of a new agency will not sever the relationship between FDA and HEW. There should be strong ties between the Department of HEW and the new agency, just as there are presently strong ties between FDA and its sister agencies such as, FTC, EPA, and USDA. Removing FDA from the Department of HEW is simply an organizational move to increase responsiveness and accountability, and need have no adverse impact on its relations with the health components of that department in the future. In fact, these relationships may be substantially improved once the new agency is established and it is in a position to operate with the new strength and mandate given it in this legislation.

Mr. President, as amended, S. 3419 covers food, drugs, and a wide variety of other consumer products. Accordingly, the short title of the bill has been changed to "the Food, Drug, and Consumer Product Act of 1972," and the name of the new independent regulatory agency created by the bill has been changed to "the Food, Drug, and Consumer Product Agency." This title more adequately describes the precise regulatory function of the new agency. Further, it draws upon the name of its predecessor agency, the Food and Drug Administration, which has been well-known since it was first adopted in 1931, and thus has 41 years of recognition by the public.

Since many of the primary components of the new agency come from the Food and Drug Administration, the Committee on Labor and Public Welfare expects that it shall retain its present jurisdiction respecting regulatory authority exercised by the new agency. The committee also expects that it shall share the responsibility for holding confirmatory hearings on the administrator of such agency with the Senate Commerce Committee.

In keeping with the change in name for the new agency, section 103, establishment of agency, has been amended to show that its mission includes protecting consumers against adulteration, misbranding, and illegal distribution of food, drugs, cosmetics, and medical devices, as well as against injury resulting from the use of consumer products.

The Labor and Public Welfare Committee has amended section 104 to provide the Administrator of the agency full subpena power, access to documentary guidance, and authority to require general or special orders. This will make the authority of the Administrator to issue subpenas equal to that contained in sections 6 and 9 of the Federal Trade Commission Act. The new authority will cover products presently regulated by the Food and Drug Administration as well as all of the other products over which jurisdiction is granted to the new agency. The FDA does not now possess subpena authority. In testimony before the Executive Reorganization Subcommittee, Secretary Richardson agreed that the FDA should be granted such power. This amendment remedies an important gap in the enforcement authority of the new agency.

The committee has also added five other new paragraphs providing additional authority for the Administrator.

Paragraph 13 permits the Administrator to prepare and submit, directly to the President without review by the Office of Management and Budget for review and transmittal to Congress, an annual budget estimate. It also requires that all appropriated funds be obligated and expended by the Agency, without the possibility that they may be reduced by the Office of Management and Budget. This language is modeled on section 407(b) (9) of the Pubic Heath Service Act, as added by the recently enacted National Cancer Act of 1971, Public Law 92-218. It will insure that the Congress receives the undiluted judgment of the Administrator concerning his budget needs and that no funds appropriated for the Agency will be withheld.

Paragraphs 14 and 15 authorize the Administrator to prescribe personnel policies and to submit legislative recommendations and testimony to Congress without the usual prior approval or clearance from the Office of Management and Budget or the President. If the Agency is to be effective, the Administrator must be capable of informing Congress, directly and without outside interference, exactly what he and his Agency believe to be the facts about the matters before it. The inevitable compromise softening of approach and delays achieved through a review process, which often includes several departments and agencies, is inconsistent with the type of strong new Agency envisioned by this bill. Similarly, it is important that the Administrator establish his own personnel policies in a manner suited to the regulatory mission of the new Agency, rather than the judgment of some official outside the Agency.

Paragraph 16 authorizes the Administrator to initiated and litigate all court action in the name of the Agency. He will be represented in court by his own representative, the general counsel of the Agency, or through the U.S. attorneys, representing the Attorney General. The Secretary of Health, Education, and Welfare, in his testimony before the Executive Reorganization Subcommittee, endorsed this authority for FDA in principle. It may be unnecessary for the new Agency to establish its own network of local attorneys to handle routine matters. In the past, the Food and Drug Administration has prepared all pleadings for the U.S. attorneys, has sent its own attorneys who are experts in the field to assist in the litigation of the case, and has prepared all appellate briefs. The committee intends this to continue, but the authority granted here will safeguard the independence of the new Agency.

It is important that the litigation of the Agency, which is critical to enforcement of the laws it administers, be directed and controlled by the Administrator. No one else has the responsibility for enforcement of those laws, and no one else should be in the position to frustrate their enforcement. The decision whether to file a criminal information, and the decision whether to include or to dismiss individual defendants, must be made by the Administrator. The Administrator must also be in the position to file, within hours, seizure or injunction actions, in order to prevent continued violation of the law. Similarly, the decision as to what legal arguments are to be made and how to make them most effectively for orderly development of the law through trial and appellate litigation is best handled by the Administrator who is responsible solely for enforcing the food, drug, and product safety laws.

Paragraph 17 provides that where a product is subject to safety regulation under certain other laws, the Administrator may petition the appropriate Federal department or agency to establish and enforce necessary safety regulations for such product. The Administrator may establish and enforce such regulations upon request of other agencies and may participate in proceedings of other agencies to establish safety regulations.

The committee has also substantially modified section 109, Office of Consumer Information. Conforming amendments and technical changes have been made in subsections (a), (b), and (c). With respect to the public information room, it is specifically provided that all funds collected for copying, or for search for and production of documents, shall be paid directly to the Agency and obligated and expended to finance the consumer information program, after start up costs have been met. The Freedom of Information Act does not provide that funds paid for copying should remain available to the agency involved. As a result, the information program is a drain on an agency's resources. This new provision corrects that deficiency. The Agency will be able to hire personnel and finance a program out of the funds collected for copying.

Subsection (c) has also been amended to provide that the charge for search and copying shall be the minimum practicable amount, not exceeding actual cost. The bill also directs the Agency to take all reasonable measures to reduce or waive charges which would be financially burdensome to any person. These provisions are intended to carry out the basic policy of this bill to encourage consumer participation in the procedures and processes of the Agency. This can only be achieved if ordinary citizens are provided access to all essential Agency information free or at a reasonable cost. It is intended to apply to small numbers of documents that can reasonably be obtained without significant burden to the Agency, and not to permit fishing expeditions or requests for large numbers of documents that could impede the regulatory work of the Agency.

The committee deleted the subsection (d) which provided for the appointment of private attorneys to represent consumers in proceedings before the Agency to avoid potential conflict with the proposed Consumer Protection Agency bill, S. 1177, and added new subsection (d) establishing a Consumer Information Library. There is no single location in government where the vast amount of literature on foods, drugs, and consumer products is available to the general public. This provision will cover that deficiency.

The National Injury Information Clearinghouse established under section 110 is a most important and innovative provision. A system of monitoring should be invaluable to assist the Commissioners and the Adminstration to carry out their functions. A confidentiality provision is included for the names or identification of either the injured parties or the person treating them. Either party may waive such privilege concerning his or her own name.

S. 3419, as reported by the Committee on Commerce, authorized in section 112, agency responsibility, a civil mandamus action by individuals against the agency where its act or omission has exposed a person to an unreasonable risk of injury or death from a food, drug, or consumer product. The Committee on Labor and Public Welfare fully agrees with the concept underlying this provision, but has revised it to streamline its functioning and to make it more efficient. The basic policy behind this provision is that the Agency should be responsive and accountable to the public.

The section now provides that an individual, by himself or as a representative of a class, who believes he has been exposed by an act or omission of the Agency to a food, drug, or consumer product presenting an unreasonable risk of injury or death shall first petition the Agency to take specific action sufficient to eliminate the alleged unreasonable risk. This permits a petition by an individual or class complaining that a product such as a new drug presents an unreasonable risk, and does not permit a person to submit a petition with respect to an agency act or omission removing a product from the market or failing to allow it on the market.

After submission of the petition, and a 30-day period during which interested parties will be permitted to comment, the Agency must issue a decision either refusing to take action or taking action which it determines sufficient to eliminate any unreasonable risk. This decision is to be made within 120 days following the filing of the petition. The parties may, of course, stipulate to a longer period of time.

If the petitioner disagrees with the Agency decision, he may commence a civil action in a U.S. court of appeals against the Agency. Any such action must be filed within 60 days after the decision of the Agency—if such an action is not filed within that time period, the petitioner may seek judicial review of the Agency decision pursuant to the applicable provisions of the Administrative Procedure Act.

The court of appeals may remand the matter to the Agency for the gathering of additional evidence upon a request by the petitioner for good cause shown. The court may place any conditions it wishes upon such a remand for additional evidence. Such new evidence might then require the Agency to reconsider its decision.

The U.S. Court of Appeals is charged with determining whether a preponderance of the evidence in the record on which the Agency made its decision—which is limited to the petition, all information submitted by the petitioner, and all information identified in the Agency's decision as part of the record—shows that the Agency has exposed the petitioner to a food, drug, or consumer product presenting an unreasonable risk of injury or death. In making this determination, the court must consider whether the risk is unreasonable in light of all the relevant circumstances shown in the record. The burden of proof is on the petitioner to show that a preponderance of record evidence establishes the unreasonableness of the risk associated with the product, and that an act or omission of the Agency has exposed him to such risk.

If the petitioner prevails, the remedy available to the court is to remand the matter to the Agency for appropriate action. The Agency will then have an opportunity to consider what alternatives are available to eliminate the unreasonable risk determined by the court to exist, and to choose among those alternatives one that will be sufficient. Should the petitioner again dispute the Agency decision, the same type of civil action could again be undertaken. The court has no power to award money damages against the Agency or any individual.

This provision establishes a new standard of review applicable only in these cases, but this departure from the administrative procedure act is justified by the nature of the right involved. In these cases an individual, or a group, is seeking protection from some food, drug, or consumer product which may expose them to an unreasonable risk of injury or death.

Agency action affecting interests in life and health should be subject to the most searching judicial examination. The importance of these interests justifies a departure from the normal standard of review. In such cases, substantial evidence in the record should not be sufficient to sustain the Agency action. Since this right of action gives the plaintiff no economic incentive—only costs may be recovered in the discretion of the court—it is unlikely that a large number of suits will disturb the orderly processes of agency decision. Yet the possibility of suit will serve as a constant spur to action safeguarding the public, but this does not preclude an independent tort action against an individual by the injured party.

Mr. President, the committee also accepted an amendment proposed by Senator EAGLETON which adds to the present cosmetic provisions of the Federal Food, Drug, and Cosmetic Act three new substantive labeling provisions. These provisions in effect bring the cosmetic requirements of the act more closely into conformity with the labeling requirements for food, drugs, and devices.

The first provision requires each cosmetic to be labeled with the common or usual name of the cosmetic, and with the common or usual name of each ingredient. The provision permits exemptions to be established where there is a showing that ingredient disclosure would be impracticable or deceptive.

The second provision requires warnings in all labeling for any cosmetic which would be dangerous under any reasonably foreseeable conditions of use or misuse.

The third provision deletes the present exemption for soap from the cosmetic requirements of the act.

The committee strongly supports these provisions which shall insure greater safety for consumers in regard to cosmetics.

The committee believes cooperation among the Federal agencies is most important and has provided in section 115 for the administrator to utilize the resources and facilities of the National Bureau of Standards. The Bureau can be of invaluable assistance in the area of public health and safety. The committee does not intend for the administrator to delegate to the Bureau the setting and enforcement of standards.

Mr. President, the present fragmentation of regulation of food, drugs, and other consumer products throughout a number of Federal departments and agencies has resulted in inconsistent policies and incomplete regulations, to the detriment of the consuming public. Effective food, drug and consumer product regulation requires creation of a new agency with independence to exert the leadership and vigorous enforcement necessary for consumer protection. Past experience shows that, unless the agency has the power to issue regulations, direct the course of all litigation, and make legislative and budgetary recommendations, without approval or clearance by outside agencies, its effectiveness will be substantially impaired.

The Committee on Labor and Public Welfare has made many amendments to the bill, yet its basic framework remains intact. The amendments strengthen and improve the bill by expanding the mandate of the agency, broadening its powers and increasing the authority of the administrator to manage the business of the agency efficiently. These changes will help assure that the bill's promise of better consumer protection in foods, drugs and consumer products becomes a reality.

I commend the Senate Commerce Committee and its distinguished chairman, Senator Magnuson, for originally reporting out S. 3419, and I strongly urge that S. 3419, as amended by the Committee on Labor and Public Welfare do pass.

As chairman of the Health Subcommittee of the Committee on Labor and Public Welfare, I want to express my deep appreciation to the distinguished Senator from Wisconsin, GAYLORD NELSON, who was kind enough to chair the Health Subcommittee hearings on S. 3419. I also wish to thank the Subcommittee on Executive Reorganization, and Government Research of the Government Operations Committee and its distinguished chairman, Senator RIBICOFF, for the cooperation and support in respect to S. 3419.

Mr. EAGLETON. Mr. President, I rise in support of S. 3419, and particularly title IV which requires ingredient labeling of all cosmetics, and where applicable, cautionary labeling.

Federal law now requires that a cosmetic be labeled without false or misleading representations, with information about the manufacturer, packer or distributor of the product, and the quantity of its contents. The law also provides that a cosmetic be packaged in a safe and non-deceptive container, and that it be produced in a sanitary plant. That is all the law presently requires.

The inadequacy of these existing provisions under the Federal Food, Drug, and Cosmetic Act, is clearly demonstrated by the 60,000 persons injured annually by cosmetics, as reported by the National Commission on Product Safety. The Food and Drug Administration cannot require pretesting for safety of cosmetics before they are marketed. They cannot even demand that the manufacturers list the ingredients. The FDA can act to ban harmful products, but only after some damage has been done.

My amendment, which the committee adopted with no dissenting votes, would be the first step toward giving the consumer protection from potential harm. It is directed to protecting the consumer with a known allergic reaction to a particular ingredient. The provision requires each cosmetic to be labeled with the common or usual name of the cosmetic, and with the common or usual name of each ingredient. Color, fragrance, and flavor ingredients may be declared generally by "color", "fragrance", or "flavor", without specifying each color, fragrance, and flavor ingredient. This is the same type of requirement as presently applies to food under section 403 of the same act.

Despite the contention of the cosmetic industry that half the population is allergic to one or another ingredient and that manufacturers cannot possibly guard against all sensitivities, many consumers could protect themselves if they knew what a cosmetic contained before they bought it—simply by reading the label.

The cosmetic manufacturers have in the past protested vigorously that the listing of ingredients would give away jealously guarded trade secrets. We are not asking that they list formulations on the label, or that they give specific quantities of each ingredient; we are only asking that they list each ingredient of the product so that the consumer can protect him or herself by minimizing use of those containing suspected substances. Cases of cosmetic injury range from mild discomfort to temporary damage to serious disfigurement and permanent injury. Consumers have suffered underarm and skin irritations from deodorants and lotions, vision damage from shampoo, scalp burns and loss of hair from hair dye, eye infection from contaminated mascara, and systemic reactions from creams and powders.

Yet in most cases, all of this could be prevented. Upon reading the ingredient labeling, the consumer could know which products contain ingredients to which she is sensitive, and thus, which products not to use.

The second provision requires warnings in all labeling from any cosmetic which would be dangerous under any reasonably forseeable conditions of use or misuse. This cautionary label would also contain directions for proper use of the product to avoid a hazard, or direction for steps to be taken if a problem does occur.

The provisions before you now would be a major breakthrough for cosmetic safety. I urge that the Senate retain these provisions in the bill as reported from the Committee on Labor and Public Welfare.

Mr. TALMADGE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 64, after line 25, insert the following:

(d) (1) Any manufacturer of a product declared a banned hazardous consumer product under this Act, who seeks judicial review under this section, may be awarded at the discretion of the court, damages, interest, and the cost of suit, including reasonable attorney fees, for actual damages suffered by him due to any order of the Commissioner declaring a product to be a banned hazardous substance determined by the court to constitute an abuse of the discretion granted to the Commissioner under this Act.

(2) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated the amount of damages, interest, and costs awarded by the court under paragraph (1).

Mr. TALMADGE. I yield myself as much time as I may require.

Mr. President, this is a very simple amendment. I have discussed it with the distinguished floor manager of the bill and his staff, and it is my information that they are agreeable to it.

The amendment I have offered will correct what I believe to be a fundamental inequity which exists in this act.

The situation which I am trying to correct can best be illustrated by the following example. Suppose we have a shoe manufacturer in Georgia. He has a relatively small operation. Let us assume that under the provisions of this bill, the Consumer Protection Agency orders that his shoes be banned because they cause injury to the feet of children.

Under the provisions of this act, he can take an appeal to the Federal courts. He can urge the courts to stay the effective date of this order until the appeal is settled, but there is no guarantee that the court will find that it is in the public interest to do so. I do not think it is unreasonable to assume that this appeal would take from 1 to 2 years. In the meantime, he will have no other choice than to close down his business and dismiss his employees. Even if he wins the court fight, what is he left with—a business which has been shut down, a life which has been wrecked, and an admission from the Government that they were wrong, and they are sorry that his business was closed down.

That is not enough, Mr. President. He is an American citizen, too, and the Government owes him more than that. In my amendment, I propose the following solution. If a Federal court finds that a product which was banned should not, in fact, have been banned, the court shall then make an inquiry into the question of whether or not the decision to ban the product constituted an abuse of discretion. If such an abuse is found, then a special master would be appointed to assess the manufacturer's actual damages and refund them to him from the public treasury, along with the payment of the legal rate of interest on this sum computed since the order to ban was issued.

This is only simple justice, Mr. President. Why should the American manufacturer be required to indemnify himself against abuses of discretion on the part of Government officials? The power to ban is an extensive one. If a manufacturer has only one product, the power to ban amounts to a life and death power over his entire enterprise. If we are going to assume this kind of power as a government, then we must take the responsibility which goes with it.

Some will say that this will have a "chilling effect" on the administrator. To them I say that when you are dealing with a power this broad, it should be exercised with maximum caution. If a manufacturer is victimized by an abuse of discretion on the part of the Government, then he deserves to be made as whole as possible.

Quite frankly, Mr. President, I think that he should be reimbursed even for those decisions to ban which are found to be good-faith errors of judgment on the part of the administrator. It is still an error. If it is not an error which was made by the manufacturer, why should he be called on to pay for it with his entire business?

But I am not asking for that, Mr. President, though I think it would be the fair thing to do. All I am asking the Senate to do is to say to the American manufacturer, "If a Government official abuses his discretion and takes action which causes you severe financial damage, then we will do what we can to make you whole again." I am not talking about punitive damages, Mr. President, only actual damages.

I would ask any Senator who is prepared to vote against this amendment to stop and think for a moment how he would try to explain to that shoe manufacturer in Georgia why his shoe plant was closed down because of a governmental abuse of discretion, and there is no recourse for him.

This is a new and viscous kind of eminent domain, Mr. President. I am totally opposed to it, and I hope the floor manager will accept this amendment.

Mr. MAGNUSON. Mr. President, I have conferred with the Senator from Georgia and the ranking minority member of the committee, and I think it is an amendment we can take and talk to the House. I think, as the Senator points out, it is only fair to the people to be made whole if something happens to them, if an administrator abuses his authority or his power. I think it is common justice.

Mr. TALMADGE. Mr. President, I thank the distinguished floor manager of the bill and I agree with him.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). All time on this amendment has now expired.

The question is on agreeing to the amendment of the Senator from Georgia (Mr. TALMADGE).

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I send another amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 56, line 24, insert "except as provided in subsection (g)," after "(ii)".

On page 57, line 18, insert "except as provided in subsection (g)," after "(ii)".

On page 58, between lines 13 and 14, insert the following:

Notice by Manufacturer or Distributor

(g) If any maufacturer of a product which has been declared a banned hazardous consumer product under this Act furnishes notice by registered mail to a distributor or retail dealer of that product, his liability to reimburse that distributor or retail dealer under subsection (f)(2)(A)(ii) of this section with respect to the refunded purchase price of any such product sold by that distributor or retail dealer after the day on which he receives notice shall be limited to the price paid for the product by that distributor or retail dealer. If any distributor of such a product furnishes notice by registered mail to a retail dealer of that product, his liability to reimburse that retail dealer under subsection (f)(2)(B)(ii) of this section with respect to the refunded purchase price of any such product sold by that retail dealer after the day on which he receives notice shall be limited to the price paid for the product by that retail dealer.

Mr. TALMADGE. Mr. President, this is a simple amendment. I have discussed it with the distinguished floor manager of the bill and my understanding is that he is agreeable to accepting it.

Mr. President, the purpose of my amendment is to correct a defect which exists in the section of the bill dealing with repurchasing requirements.

Under the bill as it is currently written, when a manufacturer's product is banned, he is obligated to repurchase it from the distributors, retailers and general public. An aggrieved consumer can also resell the product to the retailer from whom he purchased it, in which case, the retailer resells it, in turn, to the manufacturer. The manufacturer is required to refund, to the retailer, the retail price paid for the product, and not the wholesale price.

The purpose of my amendment is to give the manufacturer an option by which he can protect himself. In the event that his product is banned, he can notify his distributors and retailers by registered mail of the fact that the product has been banned. They can then resell them to the manufacturer for the price they paid for them. But if they continue to sell these products after receiving the notice from the manufacturer, in the event that the manufacturer is required to repurchase such items from the retailer and distributor, he only has to pay them the wholesale price, and is not responsible for their mark-up as he would be in the case of goods sold before notice is received.

Mr. President, if this amendment is not accepted, we will have created a situation where a retailer could continue to sell products after learning that they are banned, knowing that even if they were returned by the consumer, he could resell them to the manufacturer at the retail price rather than the wholesale price. I think that this is a perfectly reasonable protection to extend to the manufacturer.

I urge the Senate to adopt this amendment.

Mr. MAGNUSON. Mr. President, the pending amendment pursues the same objectives as the Senator's first amendment. It does simple justice and I am in favor of it.

Mr. TALMADGE. I thank the distinguished floor manager of the bill and I agree with him.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Georgia (Mr. TALMADGE).

The amendment was agreed to.

Mr. COTTON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 33, line 6, strike: "such sums as may be necessary" and insert in lieu thereof the following: "not to exceed $250,000,000 for the fiscal year beginning July 1, 1972, not to exceed $300,000,000 for the fiscal year beginning July 1, 1973, not to exceed $350,000,000 for the fiscal year beginning July 1, 1974, and for succeeding fiscal years only such sums as the Congress may specifically authorize by law"

Mr. COTTON. Mr. President, I can explain this amendment in just 2 minutes. When the bill was reported by the Commerce Committee, it had limits on the appropriation authorizations.

The limit for the first year was $180 million; for the second year, $200 million, and for the third year, $225 million.

When it was reported by the Committee on Labor and Public Welfare, it took the limits out.

The original limit was the best judgment of the Commerce Committee. I am a member of the Appropriations Committee, as is the chairman of the committee, the distinguished Senator from Washington (Mr. MAGNUSON). We both share, I believe, a dislike for open-ended authorizations. So I am not so much interested in what the authorization is, but rather that some benchmark be set.

My amendment would provide for the first year, not to exceed $250 million, instead of $180 million; for the second year, not to exceed $300 million, instead of $200 million, and for the third year, not to exceed $350 million, instead of $225 million.

Mr. President, I offer these higher limits since I understand there is some concern that the appropriation authorization contained in the bill as reported by the Committee on Commerce might be too low. However, I have no personal knowledge of any other estimates of either any committee or agency of the Executive which contradict those made by the Committee on Commerce.

Quite frankly, I feel that I have been generous in raising the ceiling as I have in the amendment which now is pending since over the first 3 fiscal years it represents an increase in appropriations authorizations of almost $300 million.

Accordingly, Mr. President, unless my colleagues in the Chamber know of some compelling reasons why the sums specified in my pending amendment are still too low, then I would urge its adoption.

Mr. MAGNUSON. Of course, I will be glad to join my colleague in support of his amendment. We have had a little trouble getting exact figures on the bill. Surely, I think, with the figures the Senator from New Hampshire has would be a sufficient ceiling for them to enforce the bill. So I join him in support of his amendment.

Mr. COTTON. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from New Hampshire (Mr. COTTON).

The amendment was agreed to.

AMENDMENT NO. 1259

Mr. PERCY. Mr. President, I call up my amendment No. 1259 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 58, line 23, delete the sentence beginning with the word "Such" down through line 25 and substitute in lieu thereof the following: "Such safety analysis shall be conducted in conformity with criteria set forth in such regulations promulgated by the Commissioner and may be conducted by the manufacturer, an independent testing laboratory, or any other person who the Commissioner may designate."

On page 62, line 11, delete the words "The Commissioner shall conduct compliance testing" and substitute in lieu thereof the following: "The Commissioner shall conduct or contract pursuant to section 104(c)(8) for compliance testing".

On page 63, line 1, insert the words "or cause to be returned," after the word "return".

On page 63, beginning on line 8, delete the sentence beginning with the word "Any" down through line 14 and substitute in lieu thereof the following:

"(d) CERTIFICATION.—Any manufacturer, importer, or distributor of a consumer product subject to a consumer product safety standard shall furnish to the distributor or dealer at the time of delivery of such consumer product certification

"(a) by said manufacturer, or importer, or distributor; or

"(b) by an independent testing laboratory qualified to perform such tests or testing program,

that each such consumer product conforms to all applicable consumer product safety standards. Any certification under this subsection shall be based upon test procedures in conformance with subsection 306(e)(1) or, where no procedures are prescribed, upon a reasonable testing program approved by the Commissioner.".

On page 78, line 9, delete the word "Act" and substitute in lieu thereof the word "title".

Mr. PERCY. Mr. President, as my general remarks on this bill indicate, I take great pleasure, as a cosponsor of S. 3419, in knowing that after so many years the American consumer will be afforded the protection he deserves in connection with the ordinary products used in and around the home.

My purpose at this time is to introduce an amendment on behalf of myself and the distinguished floor manager from the State of Washington (Mr. MAGNUSON), who, as chairman of the Committee on Commerce, has steadfastly and forcefully fought for this legislation for almost a decade. The fact that the Senate is taking up this bill today is a tribute to the persistence of Senator MAGNUSON.

This amendment consists of several parts, all directed to the single reality that private testing laboratories are and should be an important facet in any ongoing consumer safety program in this country.

The amendment is meant to make clear that the omission of any reference to private testing laboratories was unintended and that, upon the commencement of a Federal standards program as authorized by this bill, such laboratories will continue to perform a vital service to the manufacturing community of this Nation. Accordingly, in amending S. 3419, Senator MAGNUSON and I have provided that—in connection with any safety analysis study as provided for in section 307 and in connection with compliance testing as provided for in section 309(c)—qualified independent testing laboratories be authorized to conduct such studies and tests as are prescribed, approved, or otherwise necessary to insure the safety of consumer products which may present an unreasonable risk of injury or death.

Typically today, with respect to many potential hazards—electrical, thermal, mechanical, toxic, or whatever—a manufacturer will ask an independent laboratory, such as Underwriters' Laboratories, to test his product to make sure that it complies with recognized consumer safety standards, most of which, to date, have been voluntarily promulgated by one or another industry. The amendment we offer at this time simply recognizes this state of affairs and assures that the legislation before us in no way impairs that procedure. Indeed, a firm like Underwriters', which has proven time and again to be eminently qualified to perform such tests, will I suspect in the future be more and more in demand as the Federal Government promulgates product standards in connection with particular hazards.

I am particularly interested in the

increased sensitivity of a private, not-for-profit firm like Underwriters' Laboratories toward the safety problems that beset the American consumer today. I note that in its final report issued in June 1970, the National Commission on Product Safety referred to Underwriters' Laboratories as a "principal force in preventing electrical and fire hazards in the home," and went on to make the following observations:

> Until recently, a product bearing a UL mark might have been tested with regard to only one hazard. An electric toy might be tested for shock hazards but not for sharp or protruding surfaces. UL announced in February 1970 that it would hereafter restrict its Listing Service for household products to those which have been evaluated with respect to "all significant hazards."
>
> With its acknowledged technical competence and inspection force, UL has been an important factor in self-regulation by private industry. Its standards are particularly important to consumers, since UL listings are frequently relied upon by county and municipal electrical inspectors in discharging their duties under the National Electrical Code.
>
> Considering the technical and economic realities, UL has been relatively independent of the manufacturers who finance its work. None of its 124 "members"—elected by the board of trustees to 4-year terms—has a financial connection with manufacturers of products which UL might test. Nonetheless, its president says it must "successfully walk the tightrope of responsibility" between setting standards too high to be acceptable to manufacturers and permitting an unacceptable number of injuries. The problem of drafting an acceptable standard is also locked into the capacity of the manufacturer to produce and the willingness of the consumer to pay. UL says:
>
> "Getting safe equipment into the hands of the public is not always achieved by simply publishing a standard whose requirements provide for a high level of safety. Standards could and sometimes do provide such high levels of safety that no one manufactures them, hence, they are self-defeating."

Underwriters' Laboratories, Inc., is an independent, not-for-profit corporation founded in 1894, chartered by the State of Illinois in 1901, and incorporated under the laws of Delaware in 1936. Its certificate of incorporation provides that it shall have no capital stock; it shall be for service and not for profit.

The certificate further provides that members and trustees shall be associated with one of the following categories: insurance industry, consumer interest, governmental body or agency, education, public safety body or agency, safety expert, standardization expert, public utility, or officer of the corporation. No more than one-third of the board of trustees may be from any one of the above categories.

Its objectives, as stated in the certificate of incorporation are:

> By scientific investigation, study, experiments, and tests, to determine the relation of various materials, devices, products, equipment, constructions, methods, and systems to hazards appurtenant thereto or to the use thereof, affecting life and property and to ascertain, define and publish standards, classifications and specifications for materials, devices, products, equipment, constructions, methods, and systems affecting such hazards, and other information tending to reduce and prevent loss of life and property from such hazards.

Underwriters' is supported solely by charges made to clients and subscribers for its services. These charges are generally on a time and material basis and are not affected by the nature of the report rendered, whether favorable or unfavorable.

Operations are primarily in two phases: New work engineering and factory followup services. The new work engineering is conducted by six engineering departments: burglary protection and signaling; casualty and chemical hazards; electrical; fire protection; heating, air-conditioning and refrigeration; and marine.

The engineering departments, by test and examination of submitted products, ascertain their conformity or nonconformity with established requirements. The factory followup service is for the purpose of auditing the procedures of the manufacturer that provide for conformance with the established requirements.

Testing laboratories are located in Chicago, Ill.; Northbrook, Ill.; Melville, N.Y.; Santa Clara, Calif.; and Tampa, Fla. Inspection services at factories are conducted on a worldwide basis.

The factory followup services encompass all the procedures by which Underwriters' audits those mechanisms manufacturers employ to assure compliance with the laboratories' requirements.

Factory inspection visits in 1971 increased to 209,673, an increase of 2.8 percent over the previous year.

The number of labels issued in 1971 to identify listed products increased 25.8 percent, to a total of 1,685,589,950—the largest single annual increase in the number of labels issued in the laboratories' history. This reflects a wider use of UL's method of identifying products that meet nationally-recognized safety requirements.

While there is no record of the units of production to which the listing mark was applied during the past year, it is estimated that in the electrical appliance industry alone, over 100,000,000 units were identified by manufacturers as having met the laboratories' requirements.

The number of full-time domestic inspection centers increased by 15 during the year, while 25 part-time centers were closed or consolidated into the full-time centers, resulting in 190 domestic inspection centers in operation at year's end.

New domestic inspection centers were opened during the year in the following cities:

Casper, Wyo., Chicago, Ill. (North Shore), Chicago, Ill. (South Shore), Cody, Wyo., Electra, Tex., Huskerville, Nebr., International Falls, Minn., Laurens, S.C., Lower Brule, S. Dak., Lumberton, N.C., Mobile, Ala., and Pawtucket, R.I.

Supplementing the factory inspection program, the market survey program, inaugurated in mid-1970, continued throughout 1971 with 3,483 shopping visits in 81 different cities. This activity frequently included unannounced visits to trade shows where new developments are exhibited to prospective buyers for the first time.

I have gone into this detail, Mr. President, to point up that with respect to Underwriters' Laboratories and several other qualified testing laboratories throughout the country, the major new legislative impetus of S. 3419 in the consumer product safety area will not disrupt what is now a most beneficial and worthwhile service to the manufacturing community and to the consumer. With the approval of this amendment to S. 3419, the compliance and certification role of such laboratories will be preserved in a manner consistent with the original intention of this measure.

Mr. COTTON. Mr. President, will the distinguished Senator from Illinois include me as a cosponsor of his amendment?

Mr. PERCY. I am happy to do so. Mr. President, I ask unanimous consent that the distinguished Senator from New Hampshire (Mr. COTTON) be added as a cosponsor of my amendment.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. MAGNUSON. As a cosponsor of the amendment, I yield back my time.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois (Mr. PERCY).

The amendment was agreed to.

AMENDMENTS NOS. 1260 AND 1261, AS MODIFIED

Mr. GURNEY. Mr. President, I send to the desk two amendments and ask for their immediate consideration.

The PRESIDING OFFICER (Mr. BAYH). Which amendment is the Senator from Florida sending to the desk at this time?

Mr. GURNEY. Both, Mr. President.

The PRESIDING OFFICER. Does the Senator from Florida wish both to be read by the clerk at this time?

Mr. GURNEY. Yes, Mr. President, please.

The PRESIDING OFFICER. Does the Senator from Florida ask unanimous consent that they be considered en bloc?

Mr. GURNEY. I was going to ask for that next.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will read the amendments.

The legislative clerk read as follows:

> On page 65, beginning with line 2, strike out through line 17 and insert in lieu thereof the following:
>
> "SEC. 311. (a) Whenever the Administrator has reason to believe that a consumer product presents an unreasonable risk of injury or death, necessitating immediate action to protect adequately the public health and safety prior to the completion of administrative proceedings held pursuant to this Act, he or the Attorney General may bring suit in a district court of the United States having venue thereof to enjoin any person from engaging in the manufacture for sale, sale, offering for sale, or otherwise offering for public consumption, in commerce, or the importation into the United States of such an imminently hazardous consumer product. Upon a proper showing, and after notice to the defendant, a preliminary injunction may be granted without bond under the same conditions and principles as injunctive relief against conduct or threatened conduct that will cause loss or damage is granted by courts of equity. Notwithstanding the existence of a consumer product safety standard appli-

cable to such product, such an action may be filed or the pendency of proceedings initiated pursuant to section 303 of this Act.".

On page 65, line 21, strike out the words "or permanent".

On page 65, line 23, insert before the period "prior to completion of administrative proceedings held pursuant to this Act".

On page 2, line 13, strike out the word "enforce" and insert in lieu thereof the words "assure the enforcement of".

On page 2, line 15, strike out the first comma and the words "prosecute court actions".

On page 3, line 23, strike out "(17)" and insert in lieu thereof "(16)".

On page 12, beginning with line 22, strike out through line 2 on page 13.

On page 13, line 3, strike out "(17)" and insert in lieu thereof "(16)".

On page 13, line 12, strike out the word "enforce" and insert in lieu thereof "assure the enforcement of".

On page 13, line 16, strike out "(18)" and insert in lieu thereof "(17)".

On page 13, line 20, strike out "(19)" and insert in lieu thereof "(18)".

On page 29, line 12, strike out the words "of the Agency" and insert in lieu thereof the words "of this Act".

On page 72, beginning with the words "or the Agency" on line 15, strike out through the comma in line 16.

On page 73, beginning with the word "upon" in line 4, strike out through the word "the" the first time it appears in line 5, and insert in lieu thereof the following: "The".

On page 73, beginning with the word "on" in line 16, strike out through the comma in line 17.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. I yield.

Mr. ROBERT C. BYRD. As I understand it, 2 hours have been allotted to the amendment, am I correct?

The PRESIDING OFFICER. The understanding of the Chair is that 2 hours have been allotted at least to one of the amendments. For the edification of the Chair, does that apply to both?

Mr. MAGNUSON. Mr. President, if the Senator from Florida will yield——

Mr. GURNEY. My understanding is that both amendments were to be considered in the 2 hours.

Mr. MAGNUSON. These are two separate amendments. We want to vote on them separately.

Mr. GURNEY. They are being considered en bloc.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the Senator from Florida (Mr. GURNEY) was granted unanimous consent to have 2 hours on one amendment.

Is it to be the interpretation of the Chair that this amendment is now to be considered en bloc and is one amendment that the Senator from Florida requested and received unanimous consent for earlier?

Mr. GURNEY. Mr. President, that is the understanding that I have.

The PRESIDING OFFICER. Two hours time limitation on this en bloc amendment then?

Mr. MAGNUSON. These are two different amendments. I did not know the Senator from Florida wanted to put them together and have one vote on two amendments which are two different things. I think we should vote on them separately.

Mr. GURNEY. If the Senator will yield——

Mr. MAGNUSON. The Senator has submitted two amendments. Let us take up one and then take up the other.

Mr. GURNEY. These are two amendments covering exactly the same thing.

The second amendment is a technical amendment to bring the rest of the bill into accord.

Mr. MAGNUSON. The second amendment enlarges on what the Senator is seeking to do by the first amendment?

Mr. GURNEY. No. The two amendments accomplish the same thing; that is the enforcement proceedings under the bill would be conducted by the Department of Justice.

Mr. MAGNUSON. That is right.

Mr. GURNEY. However, in order to carry out the import of the full amendment, it is necessary to make some technical corrections in other parts of the bill.

Mr. MAGNUSON. I understand. I had not read that amendment. I had read the other amendment.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, would the Senator be willing to cut the time in half on his amendments?

Mr. GURNEY. Mr. President, I would say to the distinguished acting majority leader that I think it could be considered in 1 hour easily.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Florida.

May I inquire of the distinguished manager of the bill if it would be agreeable with him to cut the time limit on the amendments to 1 hour, rather than 2 hours. The distinguished Senator from Florida has already indicated that it would be agreeable with him.

Mr. MAGNUSON. It is all right with me if it is all right with the Senator from New Hampshire. I will oppose both amendments. I do not think it will take too much time. Several Senators have asked all of us, including the distinguished acting majority leader, whether the Senator is going to ask for a rollcall vote.

Mr. GURNEY. Mr. President, I will ask for a rollcall vote.

Mr. MAGNUSON. Let us get it now, then.

Mr. GURNEY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the Gurney amendments be 1 hour rather than 2 hours.

The PRESIDING OFFICER (Mr. BAYH). For the edification of the Chair, the unanimous-consent request is that both amendments be considered en bloc, the time to be 1 hour.

Mr. ROBERT C. BYRD. The distinguished Presiding Officer is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GURNEY. Mr. President, these two amendments to S. 3419, the Food, Drug, and Consumer Product Safety Act of 1972, would bring this legislation into line with previous congressional enactments on similar issues and longstanding Government policy.

Briefly, the net effect of these two amendments would be to eliminate any duplication in enforcement procedure while, at the same time, making it possible for the new Food, Drug and Consumer Product Agency—FDCPA—to act quickly in an emergency situation involving an imminent health or safety danger to the consumer.

The first amendment, entitled the emergency protection amendment, permits the Administrator of the FDCPA to apply to the courts for an injunction whenever a product appears to constitute a real and imminent threat to the buying public. Furthermore, during the preliminary injunction period, the products in question will be kept off the market, giving FDCPA time to take proper administrative action without any risk to purchasers. This represents an effective compromise between the need for speedy remedial action and the desirability of having the enforcement function separate from that of the investigative.

Obviously, the American public deserves protection from products that might present an immediate threat to consumer health and/or safety. That is not the question here. What is at stake is whether we are going to compromise the separation of powers—so essential to due process—in order to provide this protection. In my opinion, this amendment helps balance the rights of consumers and producers and, at the same time, provides a highly acceptable alternative which avoids the necessity of compromising a right so basic as due process.

The second amendment, known as the efficient administration amendment, consists of a series of changes that would remove from the FDCPA any enforcement powers, other than those provided for in this emergency protection amendment, now vested in the Department of Justice. Instead of having a single agency interpret and enforce the law on consumer protection cases, the Department of Justice would prosecute the cases and the courts would decide them. This method of operating is both cheaper and more efficient. This approach is fairer to all concerned. Just as the interests of consumers must be protected, so too must the overall public interest in a workable economy.

Now, with this bill, the question is not the desirability of consumer product safety, but whether the enforcement power of FDCPA should be different from that of other agencies. The Justice Department and the courts should enforce consumer protection decisions as they do in the case of other agencies rather than the Food, Drug and Consumer Protection Agency.

Fifty years ago, when Americans went to buy something they went to the corner grocery or the local dry goods store. There were no supermarkets, no radio, no television, no mass advertising campaigns, no huge shopping centers and far fewer goods than there are today. If somebody bought something, he could generally see what he was getting and if he was not satisfied, he could go back and get a refund or replacement without too much difficulty. A merchant just couldn't afford to alienate too many customers or he would soon be out of business.

But now, the technological revolution, bringing with it all the conveniences of modern day to day living, has changed all that. Products have proliferated as transportation has improved and the demand for additional goods and services has increased. But, wonderful as such progress has been, it has not come without a pricetag; in the changeover to the mass consumerism of the 1970's, something important has been lost—the personal relationship between producer and consumer that helped promote a mutally beneficial exchange of quality goods for a fair price. What we are seeing now, in this concern for consumer protection, is the search for a satisfactory substitute. And we are all interested in that. This measure does that.

However, this search, like the progress that has spawned it, is not new. The first Pure Food and Drugs Act was passed in 1906, the first meat inspection act a year later, and the Federal Trade Commission has been in business since 1914. What is new about this proposal and some others like it that will probably be before us soon is that it contradicts the constitutionally rooted and time-tested principle of separation of legislative, executive and judicial functions.

The American consumer must be provided with an adequate means of protection against dangerous or harmful products—and my amendment in the way interferes with that. But I see no reason for duplicating enforcement functions, adding to the bureaucratic tangle, or casting aside the best means of assuring fair treatment for all parties concerned. By giving the FDCPA administrator the right to seek a preliminary injunction, during which time the product in question would not be available for purchase, the consumers are well protected. If the injunction has merit, the courts will so rule; if not, efficiency and fairness will still have been served.

There is another aspect to this issue, one to which I have briefly alluded, and that is this business of adding to the bureaucratic tangle. If we begin with giving separate enforcement functions to this Agency, where will we stop? In the months ahead, we will be considering the formation of numerous new Federal agencies, in connection with the reorganization of the executive branch.

Another consumer product bill will come before us shortly. Shall we give each Federal agency a complete set of huge legal offices throughout the country, all of them suing and being sued by each other and the public? The inefficient bureaucratic tangle which would result can well be imagined.

No one questions the need for attention to product safety. The figures given in the final report of the National Commission on Product Safety are reason enough for concern; each year 30,000 deaths, 20 million injuries and $5.5 billion worth of expense result from incidents connected with consumer products. This is a high price to pay—unnecessarily high—but certainly with a reasonable legislative approach and with the realization, by producers and consumers alike, that greater care must be exercised in the production and utilization of goods, these figures can be reduced.

In conclusion, I believe that the amendments I have offered provide the reasonable, balanced legislative approach that is necessary to bring about greater safety for all without discriminating against either producers or consumers. I, therefore, urge adoption of these amendments.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. GURNEY. I am pleased to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I have read the Senator's amendment and have also read section 311(a) that it seeks to amend. What is the distinction between the language of the amendment and section 311(a), not merely the language of the amendment, but its effect?

Section 311(a) and the amendment seem to be similar.

Mr. GURNEY. The distinction is this. My amendment to the bill limits the legal procedures available to the new agency to obtaining a preliminary injunction. If the Administrator thinks a product coming on the market is unsafe and hazardous he can go to court with his lawyers and get an injunction.

In the bill section 311(a) is much broader. It allows him to go to the full extent, as stated in the bill, insofar as enforcing penalties under it with his own legal staff.

For example, he could bring several actions and penalties under the bill. He could apply for permanent injunction or apply to stop the manufacture of hazardous products with his own legal staff.

Under the time-honored system we have in the Government of the United States under the Constitution, we have all kinds of agencies that have powers much like this but they cannot go into court with their own attorneys and do these things.

They go to the Department of Justice and say that there has been a violation of procedures under the act. They say, "This person is violating the procedures of the act and, Mr. Attorney General, please bring action against him." That is the way we do things. They do things in most departments and agencies of Government. But this bill would place all those legal duties and prerogatives in the new agency, and this is what I seek to prevent.

Mr. COOPER. I thank the Senator. I note that section 311(a) provides as follows: "The Administrator or the Attorney General may file, in a district court of the United States having venue thereof, an action."

The amendment also gives authority to both the Administrator and the Attorney General to institute a civil action. The Senator has stated that under his amendment only preliminary injunctive relief could be granted.

Aside from the question of such a limitation, it appears fairer that the court consider the case as a whole, with whatever determinations are necessary.

I am trying to find the distinction. Under the bills' section 311(c) either the Administrator or the Attorney General may file an action and secure injunctive relief. What is the difference?

Mr. GURNEY. Perhaps I was not able to explain to the distinguished Senator from Kentucky the difference between my section and that section 311 which is in the bill now. In my amendment the Administrator would be permitted to file for preliminary injunction, but not a permanent injunction. During the time the preliminary injunction was in effect the Administrator would go through his administrative proceedings and procedures set out in other parts of the bill to determine with his own hearings, which are rather extensive in most cases, if a product is hazardous or unsafe, rather than to burden the court with that. My amendment would seek to avoid getting the court tied up in those things the Administrator should do.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. COTTON. Mr. President, as I read the language on page 72 of the bill, the new agency is authorized through its own attorneys not only to seek injunctions and civil penalties, but also criminal penalties.

Mr. GURNEY. It does exactly that, and the legal staff of the administrator would have all those powers shown on page 27.

Mr. COTTON. And it would carry a penalty of imprisonment?

Mr. GURNEY. That is correct.

Mr. COTTON. I wish to ask one more question. The Senator from Florida is aware of the fact that a bill is about to be reported by the Committee on Government Operations, according to the Senator from Illinois who is on that committee. The subcommittee already has acted favorably on it. So we will surely have on the heels of this bill another bill called the "Consumer Protection Agency" bill, which creates yet another independent agency

As I understand the bill presently, and probably as it will be reported to the committee, the agency will have an advocacy role. It is not a prosecuting agency. But if I know the temper of the Senate, as I have observed it today, and knowing of the power of the magic word of "consumer," before it passes the Senate there will be a second agency with powers to prosecute. Does the Senator feel this makes it doubly necessary to take this provision out of the bill? My amendment would have taken it out of the bill.

Mr. GURNEY. The Senator from New Hampshire has made the precise point I was making just a moment ago: That if we go ahead with this one now, then we are going ahead with other independent agencies and doing the same thing. As the Senator pointed out, perhaps there will be an amendment on the floor to give the Consumer Protection Agency, when it comes before us, the broad legal powers that are in this bill. It seems to me that we are tampering with the structure of the Government we have. The Department of Justice was set up in the beginning under the Constitution to be the legal enforcement part of the U.S. Government. When a department or an agency has a legal problem and has enforcement which it wishes to be carried out, it goes to the Department of Justice under the law of the land and has it done. This completely departs from that procedure and changes the structure of the Government and sets up in this agency a great big new law firm so they can hire a lot of lawyers and after the investigation is done by the administrative section, then the lawyers can swing into action and file a lot of lawsuits. I do not think that is a good precedent. I have not heard any complaints about the Department of Justice so far as to the way they carry out the legal obligations of Government with respect to any other department or agency. I think we should continue to do it that way.

Mr. COOPER. Mr. President, will the Senator yield for another question?

Mr. GURNEY. I yield to the distinguished Senator from Kentucky.

Mr. COOPER. The Senator has made a good argument about the separation of the authority to prosecute criminal actions from the investigative authority. It is a proper argument accepted by statute and reason.

But again, I do not see where the Senator's amendment separates such authority. It deals with civil action.

Mr. GURNEY. That is only for the preliminary injunction. As far as all other actions are concerned that now can be done by the agencies. As was pointed out in the colloquy between the Senator from New Hampshire and me, under the amendment the agency would not be able to do these things, but only the Department of Justice in behalf of the agency.

Mr. COOPER. Are you referring to the language on page 2? Would that be an effect of the Senator's second amendment? Would that be the consequence of the second amendment?

Mr. GURNEY. The Senator is correct. That would be the consequence of my second amendment.

Mr. COOPER. If the Senator's amendment were adopted, would authority for criminal action be retained by the Department of Justice?

Mr. GURNEY. The Senator is correct.

Mr. COOPER. The Senator is attempting to separate criminal action from the investigating and civil action.

Mr. GURNEY. That is exactly right, although at the same time I have preserved the needed, and I think it is needed, power in the administrator for a preliminary injunction. If he believes a product is hazardous to the safety of people he has the right to go into court, with his own people and get a preliminary injunction. I think it is important to preserve that right, and I have done that under the amendment, but all the other legal enforcement procedures that are in the bill are lodged in the Department of Justice.

Mr. PERCY. Mr. President, will the Senator yield for a point of clarification?

Mr. GURNEY. I yield.

Mr. PERCY. The distinguished Senator from Florida is a valued member of the Government Operations Committee, and I think he will certify that in the Consumer Protection Agency bill we will totally delete any regulatory responsibility and jurisdiction over consumer safety. That agency has an advocacy function only. In the bill we are considering right now, the committee specifically deleted the subsection which provided for appointment of private attorneys to represent people before the Food, Drug, and Consumer Product Agency. As explained in the report, the committee took this action to avoid potential conflict with the Consumer Protection Agency bill's provisions. Thus, we did take into account the obvious need, to avoid possible duplication and overlap, and we took preventive action in that area.

I hope that answers satisfactorily the comments of the Senator from New Hampshire.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. COTTON. I thank the Senator from Illinois, and I certainly take that as a complete answer as far as the committee is concerned. As far as the Senate is concerned, I would not want to guarantee anything.

I requested from the Department of Justice an analysis of this prosecution power of this bill and received a memorandum on this point. The appendix to the memorandum cites the following from section 519 of title 28, United States Code:

> Except as otherwise authorized by law, the Attorney General shall supervise all litigation to which the United States, an agency, or officer thereof is a party, and shall direct all United States attorneys, assistant United States attorneys, and special attorneys appointed under section 543 of this title in the discharge of their respective duties.

I repeat the words "Except as otherwise authorized by law." Clearly the word "otherwise" authorizes separate enforcement by the new agency proposed in S. 3419.

If the Senator will forgive me, I ask unanimous consent that the memorandum may be inserted in the RECORD at the close of the remarks of the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GURNEY. I thank the Senator from New Hampshire, and amplifying what he just said, I inquired of the Department of Justice how much law enforcing of this kind it did for the Federal Government. The Senator from New Hampshire may be interested to learn that all of the criminal proceedings done under any of the agencies or departments are done by the Department of Justice now. This is a completely new departure here. This is criminal procedure, where this agency may bring criminal prosecution. So far as the civil end is concerned, the amount of business done by the Department of Justice for the rest of the government in proceedings like this amounts to about 95 percent. There are a few special cases here and there where agencies have been given legal power of their own, but these are rare exceptions. About 95 percent of the legal business of the United States is done by the Department of Justice. For the life of me, I do not see why we should give this new agency all kinds of broad new legal power.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. COTTON. The memorandum I have just introduced confirms what the Senator said. It recites in great detail the precedents.

Let me make it clear that the memorandum does not comment on this particular bill. I did not ask for that kind of comment. I asked for a memorandum of the law on this subject from the Department of Justice and it clearly indicates that this bill constitutes, in the criminal enforcement angle of it, a real departure from precedent.

Mr. GURNEY. I thank the Senator. That is my understanding. May I inquire of the Chair how much time I have remaining?

The PRESIDING OFFICER. The Senator from Florida has 5 minutes.

Mr. GURNEY. In summary, then, let me say that here we are singling out for special treatment this bureau. We are duplicating in this field of law enforcement. We are providing added expense. It is a deviation from the structure of Government, as we know it now under the Constitution, so far as the duties of the Justice Department are concerned, and I think it would set an exceedingly bad precedent.

I would hope the Senate would adopt my amendment which, I again say, in no way weakens this bill in any fashion so far as the protection of consumers is concerned.

EXHIBIT 1

SUMMARY BY DEPARTMENT OF JUSTICE

At the beginning of our national government, three Departments (War, Treasury, and Post Office) were created. In addition, the President was authorized to appoint, with the advice and consent of the Senate, an Attorney General. For the first 80 years of that office, the Attorney General lacked staff, permanent offices, and control over most of the legal affairs of the Government of the United States.

In 1870, primarily because of the high cost of retaining competent outside counsel to handle the Government's litigation, the Department of Justice was established with the Attorney General as its head. Under this Act, law officers in other Departments were transferred to the Department of Justice and the Attorney General was given supervisory authority over the conduct of all litigation involving the interests of the United States.

The Act did not put to rest the problem of achieving unified control over the Government's litigating efforts because the Attorney General still lacked permanent office space, forcing the agency attorneys placed under his supervision to remain in their agency offices. Further, the statutes authorizing agencies to hire their own attorneys were not repealed. Hence, two sets of Government attorneys continued to operate.

In addition, Congress has from time to time carved out exceptions to its directive that supervisory authority over all litigation involving the United States be lodged in the Department of Justice, by giving some agencies control over their own litigation or leaving the statute silent with respect to the control of litigation. In other instances the statutes are not clear on this point, giving agencies the right to conduct litigation under the "supervision and control of the Attorney General". In the last situation, the Department has worked out agreements with the agencies on the handling of litigation but these have not been entirely satisfactory. The need for uniformity in the litigating positions of the United States, the desirability of informed selectivity in the filing and presentation of cases, and the demonstrated preference of the Federal judiciary for unified litigation control under the Department of Justice all provide substantial reasons for continuing the current practice.

I. THE HISTORICAL DEVELOPMENT OF UNIFIED CONTROL

The Attorney General started out as a lawyer for the President and the chief law officer of the Executive Branch only to the extent of giving advice when asked and arguing cases on behalf of the United States in the Supreme Court. 1 *Stat.* 93 (September 24, 1789). He had no control over legal proceedings in the lower Federal courts or over the men who did—the district attorneys. Nor was he given any resources to strengthen his position, such as an adequate salary, clerical help, permanent offices, or a library.

Complaints over these shortcomings began in 1790 with the report of the first Attorney General, Edmund Randolph. They were to be reiterated by all of his successors for the next 80 years. During this period, the legal affairs of the Government were fragmented, with each executive department handling its own business by outside counsel and by its own legal officers.

Following the Civil War, there was a great expansion in the Government's legal business, due mostly to claims arising out of the war and its aftermath. By 1870, the Congress was ready to establish a Department of Justice and did so. 16 *Stat.* 162 (June 22, 1870). Section 3 of that Act transferred law officers of all other departments to the Department of Justice, to exercise "their functions under the supervision and control of the head of the Department of Justice."

Section 5 gave the Attorney General the power to send any officer of the Department of Justice to conduct and argue any case in which the United States is interested in any court of the United States as well as to "attend to the interests of the United States in any suit pending in any of the courts of the United States, or in the courts of any State[.]" By virtue of Section 16, the Attorney General was given "supervision of the conduct and proceedings of the various attorneys for the United States in the respective judicial districts . . . [and] of all other attorneys and counsel[l]ors employed in any cases or business in which the United States may be concerned." Section 17 prohibited the heads of the existing departments from employing attorneys or counsel "at the expense of the United States [.]" These provisions are currently codified with minor revisions in 28 U.S.C. §§ 516–519 (See Appendix).

The debate preceding the enactment of this statute makes clear that its primary purpose was the elimination of highly paid outside counsel, and the substitution of qualified government attorneys, capable of representing the interests of the United States in all sections of the country. Other objectives were to insure uniform interpretation of the laws of the United States, and to give the Attorney General some authority over proceedings in the lower courts involving the United States, so that he would be better able represent the Government's interests effectively before the Supreme Court, if the matter came before that Court.

The objectives of the 1870 statute were sound, but the results left much room for improvement. The Attorney General still was not given sufficient office space to accommodate the necessary staff, and the laws authorizing the employment by various government agencies of their own legal staffs were not repealed. Hence, the desired unified control and responsibility was not achieved.

The next significant effort to centralize responsibility for the legal affairs of the Government was achieved through Executive Order No. 2877 (May 31, 1918), issued by President Wilson. The President stated that in order to avoid confusion in policies, duplication of effort, and conflicting interpretations of the law, unity of control in the administration of the legal affairs of the Federal Government was essential. Accordingly, he placed all law officers and all governmental litigation under the supervision and control of the head of the Department of Justice, and further directed that opinions of the Attorney General were to be binding upon various government agencies. This order expired six months after the Armistice, however.

In 1928, the Attorney General recommended legislation to Congress to consolidate all the legal activities of the Government under the supervision of the Attorney General. The objectives were again to secure uniformity of interpretation of the laws and to establish unified responsibility and control of all the litigation of the United States and its departments. The bill was never enacted. Pursuant to powers granted to him to reorganize executive agencies by the Treasury and Post Office Appropriations Act of 1933, 47 *Stat.* 1517, President Roosevelt issued Executive Order No. 6166 on June 10, 1933. Section 5 of the Order provided:

> Claims by or against the United States. The functions of prosecuting in the courts of the United States claims and demands by, or offenses against the Government of the United States and of defending claims and demands against the Government, and of supervising the work of the United States attorneys, marshals, and clerks in connection therewith, now exercised by any agency or officer, are transferred to the Department of Justice.
>
> As to any claim referred to the Department of Justice for prosecution or defense in the courts, the function of decision whether and in what manner to prosecute, or to defend, or to compromise, or to appeal, or to abandon prosecution or defense, now exercised by any agency or officer, is transferred to the Department of Justice.

Thus, by statute and by Presidential order, control over all litigation involving the United States has been entrusted to the Department of Justice.

And when the issue has arisen, the courts have given effect to this grant of supervisory authority to the Department of Justice. In *United States* v. *San Jacinto Tin Co.*, 125 U.S. 273 (1888), the Supreme Court declared the impact of the 1870 statute to be that:

> He [the Attorney General] is undoubtedly the officer who has charge of the institution and conduct of the pleas of the United States, and of the litigation which is necessary to establish the rights of the government, 125 U.S. at 279.

See also Perry v. *United States*, 28 Ct. Cl. 483, 491 (1893); *cf. Kern River Co.* v. *United States*, 257 U.S. 147, 155 (1921).

Judge Learned Hand, in *Sutherland* v. *International Insurance Co.*, 43 F. 2d 969 (2d Cir. 1930), emphasized the importance of lodging unified litigation control in the office of the Attorney General, and the necessity for clear evidence of contrary Congressional intent before it could be presumed that litigation involving the interests of the United States could properly be conducted by someone other than the Attorney General:

> The government has provided legal officers, presumably competent, charged with the duty of protecting its rights in its courts . . . . Congress, having so provided for the prosecution of civil suits, can scarcely be supposed to have contemplated a possible duplication in legal personnel. The cost of this is one consideration, but far more important is the centering of responsibility for the conduct of public litigation. The Attorney General has powers of "general superintendence and direction" over district attorneys . . . . and may directly intervene to "conduct and argue any case in any court of the United States". . . . Thus he may displace district attorneys in their own suits, dismiss or compromise them, institute those which they decline to press. No such system is capable of operation unless his powers are exclusive, or if the Departments may institute suits which he cannot control. His powers must be co-extensive with his duties. And so, quite aside from the respectable authority that confirms our view, we should have no doubt that no suit can be brought except the Attorney General, his subordinate, or a district attorney under his "superintendence and direction," appears for the United States. 43 F. 2d at 970–71.

In 1955, after an extensive survey of the organizational needs of the Executive Branch, the Hoover Commission concluded and so recommended to the Congress that:

> The Department of Justice should be recognized as the chief law office of the Government. It should conduct all litigation before the courts on behalf of the Government and its executive departments and agencies, except as Congress authorizes otherwise.[1]

II. STATUTORY EXCEPTIONS TO THE ATTORNEY GENERAL'S SUPERVISORY AUTHORITY OVER ALL LITIGATION INVOLVING THE UNITED STATES

Even though it has exclusive control over Federal criminal litigation, the Department of Justice does not supervise the conduct of all litigation involving the interests of the United States. There are many areas of civil litigation outside the Attorney General's supervisory authority.

For example, there are two courts of the United States in which the Attorney General has no authority to designate who shall represent the United States—the Tax Court and the Court of Military Appeals. Prior to December 30, 1969, the Tax Court was an independent agency in the Executive Branch of the Government (26 U.S.C. § 7441). By 26 U.S.C. § 7452, the Secretary of the Treasury was represented before the Tax Court by the Chief Counsel of the Internal Revenue Service. By Section 951 of the Tax Reform Act of 1969, P.L. 91–172 (December 20, 1969), the Tax Court was raised to the status of an Article I court. Since this change in status was accomplished by an amendment to 26 U.S.C. § 7441 with no mention of 26 U.S.C. § 7452, the Chief Counsel of the Internal Revenue Service continues to represent the United States in this court. The Court of Military Appeals is an Article I court (10 U.S.C. § 867(a)(1)). Appellate counsel selected and detailed by the Judge Advocate General of each military service represent the interests of the Government before this court. 10 U.S.C. § 870.

In addition, on occasion Congress has expressly given certain agencies the authority to control litigation arising out of their activities. For example, Congress has authorized the Interstate Commerce Commission, the National Labor Relations Board, the Federal Home Loan Bank Board, the Equal Employment Opportunity Commission and the Federal Power Commission to employ attorneys to represent the agency in litigation involving such agencies.[2]

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[1] *Legal Services and Procedure*, Report to the Congress by the Commission on Organization of the Executive Branch of the Government 6 (March, 1955).

[2] I.C.C.—49 U.S.C. § 16(11)—The Commission may employ such attorneys as it finds necessary for proper legal aid and service of the commission . . . or for proper representation of the public interests in investigations made by it . . . or to appear for or represent the commission in any case in court.

F.P.C.—16 U.S.C. § 825m(c)—Substantially similar language as Interstate Commerce Commission's grant of authority.

Federal Home Loan Bank Board—12 U.S.C. § 1464(d)(1)—The Board shall have power

Where the statute has been silent as to agency legal representation, it has been the Department's position that the Attorney General controls the litigation. For example, many statutes authorize an *agency* to invoke the aid of a court in requiring the attendance of witnesses and the production of documentary evidence.[3] In such cases, the Department of Justice has claimed the right to represent the agency involved in the court proceedings, and that claim has most often been upheld in the courts. *Federal Trade Commission* v. *Guignon*, 390 F.2d 323 (8th Cir. 1969); *cf. Federal Trade Commission* v. *Continental Can Co.*, 267 F. Supp. 713 (S.D. N.Y. 1967) *But see Securities and Exchange Commission* v *Collier*, 76 F.2d 939 (2d Cir. 1935) (legislative history indicates that SEC can properly conduct and control civil actions in district courts to enjoin practices violative of its statute or its rules or regulations).

There are also some instances where government agencies, despite the absence of express authority in the statute to do so, have assumed full responsibility for the conduct of litigation. The Attorney General has not contested the assumption of such control over litigation by the Tennessee Valley Authority or the Federal Deposit Insurance Corporation, for example, for the following reasons. Both agencies are independently financed. Neither depend upon government funds for continued operation. They are truly independent agencies engaged in commercial enterprise, and as such, appear to be entitled to manage their own legal affairs.[4]

Some statutes fail to make clear, however, the extent to which agency litigation is to be subject to the Attorney General's actual control. For example, the Fair Labor Standards Act of 1938 created a Wage and Hour Division of the Department of Labor, and provided:

> Attorneys appointed under this Section may appear for and represent the [Wage and Hour] Administrator in any litigation, but all such litigation shall be subject to the direction and control of the Attorney General. 52 *Stat.* 1060, 29 U.S.C. § 204(b).

A question soon arose as to whether the Department of Labor or the Department of Justice was in charge of litigation stemming from the Act. The two Departments agreed to divide the responsibility for the Fair Labor Standards Act's enforcement, with the Department of Labor taking the responsibility for handling litigation arising under the Act at the trial level, and the Justice Department handling all appeals to federal Courts of Appeals or the state supreme courts. This agreement is expressed in a letter dated January 18, 1939 from Attorney General Frank Murphy to Elmer Andrews, Administrator, Wage and Hour Division.

In *Lowell Sun Co.* v. *Fleming*, 120 F.2d 213 (1st Cir. 1941), the court held that the statutory expression "under the direction and control of the Attorney General" was permissive and not mandatory, and, therefore, that the Attorney General had the option of delegating responsibility in this fashion to the Department of Labor. This allocation of enforcement resources was approved in another case, in which the court observed:

"If the consent of the Attorney General to file this petition was necessary, which this court does not hold that it was, consent was clearly given by the Attorney General to the Administrator. It was the evident intention and purpose of Congress to place the ultimate responsibility with the Department of Justice. The advantages of placing litigation under and subject to the control of the Attorney General lie in thus avoiding a conflict of policy between various commissions and administrative offices, and placing the ultimate responsibility in the proper Department of the Government." *Fleming* v. *Cudahy Packing Co.*, F. Supp. 910, 913 (S.D. Cal. 1941).

Supplementary agreements between the Department of Justice and the Department of Labor have similarly allocated litigating responsibility between the two departments in cases brought under the Age Discrimination in Employment Act of 1967, 81 *Stat.* 602 (see letter dated March 29, 1968 from Assistant Attorney General Weisl to the Solicitor of the Department of Labor), and under the Equal Pay Act of 1963, 77 *Stat.* 56 (by agreement of Assistant Attorney General Douglas and the Solicitor). Although the agreement set forth in Attorney General Murphy's letter called for the Department of Justice to control litigation at the appellate levels, the Department of Labor developed such manifest expertise in the field involved that, by mutual and unwritten consent, Labor Department attorneys have written the briefs and argued cases in the various courts of appeals and in the Supreme Court.

The Congress, with respect to all final orders of the Atomic Energy Commission and the Federal Communications Commission, and with respect to certain designated final orders of the Secretary of Agriculture, the Federal Maritime Commission and the Federal Maritime Administration, has authorized the agencies to appear and be represented in any proceedings to review such orders in the appropriate court of appeals, but provided that the Attorney General "is responsible for and has control of the interests of the Government in all court proceedings under this chapter." (28 U.S.C. §§ 2342, 2348, 2350) The Department has not contested the right of any of these agencies or the Department of Agriculture to handle appeals from their final orders, either at the apellate or the Sureme Court level, since the United States is a separate statutory respondent in such review proceedings, and is thus represented by the Department of Justice.

III. CONCLUSION

The foregoing history demonstrates that there were several sound reasons for lodging supervisory authority and control over all litigation involving the interests of the United States in the Department of Justice. These reasons have equally compelling validity today. First, unified control of all litigation would insure that the United States speaks with one voice in the courtroom. Effective enforcement policy requires that significant differences on important legal issues be resolved prior to the courtroom stage so that inconsistent or contradictory positions do not arise to confuse the public and hamper enforcement efforts. Second, centralized decision making permits greater objectivity and selectivity in the filing and handling of cases, as well as the more effective use of test cases as devices to clarify or modify existing law. Finally, unified control of litigation stimulates greater rapport with Federal judges, many of whom have openly and candidly expressed their desire to have government cases presented by Department of Justice attorneys. A former Attorney General has provided an excellent summary of the case for unified control of all litigation involving the Government of the United States:

> Many considerations require this result. Uniformity of interpretation of the laws, the necessity of centralized responsibility for the contacts of the executive with the judicial department, and economy, among others, have forced an organized administration of federal justice. Moreover, attorneys of the Department of Justice, because of their very detachment from the business of administration, are equipped to interpret the laws and gauge the temper of the courts. There are also many objections often made to a system whereby an administrative agency with the aid of its own attorneys first acts in a semi-judicial capacity in deciding the scope of its authority and then becomes a litigant in the courts to maintain the validity of its own proceedings.
>
> Greater variety of experience, increased resources, more numerous assistants, and the nation-wide network of district attorneys, marshals, and special agents versed in the local practice before the courts and local conditions have been made available to all government agencies through the Department of Justice.
>
> These, plus a tradition dating from the foundation of the government itself, could not be duplicated by single departments or agencies of the government. Without them no large program of law enforcement could succeed. Cummings and McFarland, *Federal Justice* 490–91 (1937).

These reasons are as persuasive today in the light of the Government's current litigating needs as they were when written in 1937.

APPENDIX

28 U.S.C. § 516. CONDUCT OF LITIGATION RESERVED TO DEPARTMENT OF JUSTICE

Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General.

28 U.S.C. § 517. INTERESTS OF UNITED STATES IN PENDING SUITS

The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States.

28 U.S.C. § 518. CONDUCT AND ARGUMENT OF CASES

(a) Except when the Attorney General in a particular case directs otherwise, the Attorney General and the Solicitor General shall

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to enforce this section and rules and regulations made hereunder. In the enforcement of any provision of this section or rules and regulations made hereunder . . . the Board is authorized to act in its own name and through its own attorneys. . . .

Equal Employment Opportunity Commission—42 U.S.C. § 2000a–4(g)—Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

NLRB—29 U.S.C. § 154(a)—Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court.

[3] Federal Trade Commission, 15 U.S.C. § 49.

Civil Aeronautics Board, 49 U.S.C. § 1484 (c), (d).

Federal Aviation Administration, 49 U.S.C. § 1487(a), (b).

Federal Communications Commission, 47 U.S.C. §§ 401, 409(f).

Federal Maritime Commission, 46 U.S.C. §1124(b)

National Mediation Board, 45 U.S.C. § 157 (h).

Secretary of Health, Education and Welfare (Social Security investigations), 42 U.S.C. § 405(e).

Small Business Administration, 15 U.S.C. §§ 687a(d), 687b(a)

Subversive Activities Control Board, 50 U.S.C. § 792(c).

[4] In 1939 and again in 1954 the Department determined that it would be inappropriate to contest the right of government owned agencies such as the various farm credit corporations and the FDIC to be represented by their own counsel.

conduct and argue suits and appeals in the Supreme Court and suits in the Court of Claims in which the United States is interested.

(b) When the Attorney General considers it in the interests of the United States, he may personally conduct and argue any case in a court of the United States in which the United States is interested, or he may direct the Solicitor General or any officer of the Department of Justice to do so.

28 U.S.C. § 519. SUPERVISION OF LITIGATION

Except as otherwise authorized by law, the Attorney General shall supervise all litigation to which the United States, an agency, or officer thereof is a party, and shall direct all United States attorneys, assistant United States attorneys, and special attorneys appointed under section 543 of this title in the discharge of their respective duties.

Mr. MAGNUSON. Mr. President, I listened with great interest to the colloquy. Of course this is a departure. That is exactly what we want to do with this bill. We want to give authority to this agency to act quickly. We did it with the Federal Trade Commission. It was a pretty substantial departure when we did it for the Federal Trade Commission, so it could go in and get some action. Under this proposal the agency could go to the Attorney General. It is an alternate method. But if we require the agency to go through the Attorney General, it may be a long, long time before anything happens, and when we are dealing with dangerous substances, we have to have some place where we can get quick action and allow these people to go into court, as we do with the Federal Trade Commission, where there might be some reason to hold something up.

In another part of the amendment, the amendment denies any court the right to order a recall of dangerous products on the market. This is not the intent of the bill, and it is not the intent of the committee. We were unanimous on this. Of course it is a departure. That is exactly what we want it to be, so we can get some action in this particular field.

They may use the Attorney General for 90 percent of their cases, but sometime they will want to go into court, just as the Federal Trade Commission and other agencies do. That is the purpose of it.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. They may have to go into court quickly to take some dangerous product off the market. That is the exact purpose of the bill. I know the Senator from Florida objects to that, but I do not want to suggest that we are saying this is not a departure in this field. It is, and that is what we want it to be. Otherwise we will never get anything done.

Mr. GURNEY. Mr. President, will the Senator yield on that point?

Mr. MAGNUSON. Well, all right, I yield, but I am going to yield back the remainder of my time.

Mr. GURNEY. I would like to point out to the distinguished manager of the bill that my amendment takes care of exactly what the Senator wants so far as quick action is concerned, because it still retains within the agency and its administrator the power to go into court at once if it wants to get a preliminary injunction against a hazardous product.

Mr. MAGNUSON. I understand that.

Mr. GURNEY. So it does exactly what the Senator wants it to do. The only thing it does not do is permit the administrator to get a permanent injunction or to do the other things that can later be done by the Justice Department, which have absolutely nothing whatever to do with immediate urgency of doing something then.

So my amendment in no way militates against what the Senator wants.

Mr. MAGNUSON. I think the Senator's amendment does. It stops quick action. If they went in for a preliminary injunction, they could hang around for days, and we are dealing with hazardous substances. They have got to go to court; the court has to order this, no matter what we do. But they have a right to go in and get quick action. That is the purpose of this.

Mr. GURNEY. That is exactly my point.

Mr. MAGNUSON. If they have some big cases that can hang around, the court would probably say, "Mr. Attorney General, nobody has a privilege of immediate hearing on routine matters in this court, not even the Attorney General's Office." We want them to be able to move fast, and this is exactly what we did in the Federal Trade Commission.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. I find myself halfway between my two friends here. It was my understanding that the amendment of the Senator from Florida permitted only preliminary injunctions. I thought he was striking out of this bill all power for the attorneys in this new agency to handle criminal prosecutions.

Mr. MAGNUSON. The agency cannot do that.

Mr. COTTON. Yes, it can, under this——

Mr. MAGNUSON. The agency has got to go to court.

Mr. COTTON. The agency goes to court for the injunction, certainly.

Mr. MAGNUSON. Or for the imposition of any fines or anything like that.

Mr. COTTON. But the agency can directly invoke criminal penalties, which is really——

Mr. MAGNUSON. If the court agrees with them.

Mr. COTTON. Well, criminal prosecution, to my mind, should be left for the Department of Justice. As to the temporary and permanent injunctions, I would like to see this amendment permit the use of injunctions to stop dangerous products. But, when it comes to going to Federal court to send a businessman to a Federal penitentiary, I do not think that should be in the hands of attorneys hired by the proposed new agency.

Mr. MAGNUSON. Well, that may be true. I hope they would be of the same caliber as the attorneys hired in the Attorney General's office. They would be Government attorneys in this particular field, like the fine attorneys we have down at the Federal Trade Commission.

This does not allow an order to get a product recalled, does it?

Mr. GURNEY. What was the question?

Mr. MAGNUSON. We cannot get an unsafe product off the market, under the Senator's amendment.

Mr. GURNEY. Sure we can.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. Mr. President, if I may answer——

Mr. MAGNUSON. I have no more to say about it. I have studied the two amendments—not the second one, but the first one. The danger of it is that you cannot get swift action; and as to the fact that it is a departure, of course it is a departure. That is what we intended to have, a departure.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MAGNUSON. We voted this for the Federal Trade Commission, the same thing. But in dealing with dangerous products, if they are to get a product off the market that involves fraud or things like that, we have said they can go into court. This deals with dangerous products, and it may be a serious matter. I suppose they will use the Attorney General for many, many of their cases, where they have a lot of appeals and the case does not require immediate attention.

Mr. COOPER. Will the Senator yield?

Mr. MAGNUSON. I have no more to add to it. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I do not want to turn attention away from the question raised by the Senator from Florida, but I want to ask about section 316(a), which is related to it.

Mr. MAGNUSON. Oh, excuse me. Let me add to the record a more complete statement about the amendment of the Senator from Florida.

Mr. President, quite a bit has been said today with respect to the merits of an independent consumer product safety function within the Federal Government. Achieving the goal of an independent agency, however, involves more than the creation of a new regulatory body. The new agency must also be equipped with procedures and safeguards which will be out of the reach of any particular corporate or political pressure.

One provision of S. 3419 designed to insure both independence and the expeditious handling of the enforcement function of the agency would be eliminated by the amendment proposed by my colleague from the State of Florida (Mr. GURNEY). Section 104(c)(1) of the bill now authorizes the administrator of the agency to initiate, prosecute, defend, or appeal any court action in the name of the agency to enforce any laws subject to his jurisdiction, through his own legal representatives or through the Attorney General. The proposed Gurney amendment would allow the agency to perform this similar function only through the Attorney General.

An effective compliance and enforcement mechanism is absolutely essential. It does little good to equip an agency with the authority and personnel to locate defective or nonconforming products and then not equip it with the ability to take action against manufacturers or processors of those products. This amendment would not only wipe out the ability of the agency to go to court to seize products, obtain injunctions or enforce regulations, but also destroy the agency's ability to criminally prosecute offenders.

Adoption of the Gurney amendment would add another layer of review to any agency court proceeding and result in delayed proceedings. The need for quick action is obvious: If an adulterated food is located in a warehouse, then it is crucial that the agency be able to obtain a seizure order before that food is introduced in interstate commerce. Requiring the agency to utilize Justice Department lawyers oftentimes results in delay. In fact, almost one-tenth of all seizure orders obtained by FDA since 1968 have been meaningless because Justice Department delay resulted in the defective foods or drugs being introduced in interstate commerce and beyond the reach of seizure.

But the need for quick action is not the only argument in opposition to the amendment offered by my colleague from Florida (Mr. GURNEY). In a recent letter to Congressman PAUL ROGERS, William W. Goodrich who was FDA's chief counsel for well over two decades, endorsed the concept of direct agency action and outlined several other convincing arguments in support of his views. Among other things, Goodrich noted that the area of food and drug law and technology is exceedingly complex. Needless to say, this description is also applicable to product safety law. It requires an advocate for the Government's position who is equipped with the necessary expertise to match wits with the highly paid and qualified representatives of the defendants. Obviously, a Justice Department lawyer cannot be expected to possess this degree of specialization and in fact, FDA attorneys themselves are the only ones within Government who possess this knowledge.

Accordingly, to put the Government on an equal par with those who are being prosecuted, it is often necessary for the Justice Department to allow FDA lawyers to argue the cases themselves, under the supervision of the U.S. attorneys. This is particularly true in situations where agency action is required on short notice such as a temporary injunction.

The waste in resources and manpower due to this duplication of effort is obvious. But of even more concern to me is the question of what possible function the Justice Department attorney can play in a Food and Drug case? I am afraid that the answer to this question is that the presence of such lawyers from Justice presents a unique opportunity for making political decisions about the prosecution proceeding. It enables political manipulation or influence of Agency enforcement actions by administration representatives—the very influence that this legislation was designed to prevent. As currently structured, Justice can refuse to file or even dismiss a case without FDA approval. It can even drop parties or accept settlements without the presence of the FDA legal staff.

Those who endorse the Gurney amendment argue that since 1870, the Justice Department has been the sole representative of the United States in the court rooms throughout the land and should remain in that position. In 1870 however, we were not involved in the highly technical litigation to which a Food, Drug, and Consumer Product Agency is forced to address itself. At present, FDA prepares all of its own cases for court including brief writing, evidence gathering and arranging for witnesses; since it is most intimately involved in the case, it should also argue it.

Moreover, the Congress holds FDA and its Commissioner responsible for the efficient administration of laws under its jurisdiction. Yet, the Department of Justice is charged with the role of deciding when and whom to prosecute and how to settle cases once they have been initiated. To be perfectly frank, the record of the Justice Department in the last few years has not only been outrageous, but also the most effective argument against this amendment that I can muster.

Let's look at the record:

Thus far in 1972, the Food and Drug Administration submitted to the Department of Justice a total of 32 cases for criminal prosecution for violation of the Food and Drug Act. Justice declined outwardly to prosecute four of the cases. In addition, a total of 10 cases were not filed by the U.S. Attorney in the District where the action was to be commenced. This is in spite of the fact that the case was completely prepared by the FDA attorneys and all that was necessitated was walking the papers over to the courthouse. Hence, over 40 percent of the cases for criminal prosecution that FDA requested to be filed were blocked by Justice.

It must be remembered in considering this statistic that FDA inspectors discover almost 5,000 potential criminal prosecutions per year and it is only through a screening process from the inspector to a Food and Drug Officer; to a bureau within the administration; and finally through the General Counsel's office that a case finally goes to Justice. Only about 60 cases per year are recommended for criminal prosecution; the point of this being that FDA itself is quite selective in the cases it chooses to prosecute. In view of the fact that the most recent critical GAO report recommended an increased number of criminal prosecutions by FDA, Justice seems to be substantially mitigating the effectiveness of FDA enforcement activities.

But statistics alone do not tell the story. Let me cite for you some of the cases that the Department of Justice refused to prosecute or file in the last 6 months.

Case No. 1: FDA action 57724 against Delchamps, Inc. The offenses complained of occurred in late 1970 and early 1971 and involved quantities of popcorn, kidney beans, flour, blackeye peas and sugar held in the defendants' warehouse which were contaminated by rodents. To be specific the foods were contaminated with rodent hairs, rodent urine, excreta pellets, and were being held under insanitary conditions. To be even more explicit, the FDA inspector was able to photograph mice scampering about in the warehouse, a mouse carcass found on a case of frosting mix, mice tracks in spilled flour, baby mice nesting in packaging materials, excreta pellets, and rodent gnawed food packaging. Those who are not convinced by my description are free to come forward and view the photographs of the rodent infestation of the Delchamps warehouse. In this instance, FDA had done its job but the Department of Justice refused to prosecute.

Case No. 2: United States against Wendt Laboratories, Inc. The case was filed by the U.S. attorney but later dismissed by Justice. The defendant was accused by the FDA of processing, packaging, and labeling an injectable for animals which was unsafe since no approval of an application for use of the drug was ever issued by FDA. Further, the methods used for manufacture and facilities and controls for processing, packing and holding did not conform with current good manufacturing principles. This is of particular concern in view of the fact that there are indications that harmful tissue residues resulting from use of the drug may be ingested by humans. It should also be added that this case was dismissed by the Justice Department without even first consulting the FDA.

Case No. 3: FDC No. 57320 involving the Rala Singh Farms. Rala Singh was cited by FDA for shipping in interstate commerce, lettuce which exceeded the HEW tolerance levels for pesticides. Although a seizure was effected, the Justice Department refused to file the criminal charges despite FDA advice to the contrary.

There are other cases. One where the U.S. attorney failed to move against a company and it was later discovered that the father of the wife of the attorney owned the company. In two districts: the Eastern District of Missouri and the Northern District of Texas, the U.S. attorney refused to file any FDA cases submitted to them. I could cite more cases, but the point has been made. The current situation is intolerable. It is hard enough to get the Food and Drug Administration to act at all. But when they finally do act and their inspectors do discover situations such as the ones outlined above, they should not have their hands tied. To insure that this recent Justice Department record is never again duplicated, I emphasize the importance of defeating the amendment and adopting the proposal of S. 3419.

Frankly, I am somewhat confused as to where the administration stands on this issue. On the one hand, in hearings before the Rogers subcommittee in the House, Steve Kurzman, Assistant Secretary of Health, Education, and Welfare for legislation stated unequivocally, that authorizing the FDA Administrator to prosecute his own cases would be duplicative and disruptive. On the other hand, the Secretary of Health, Education, and Welfare, Mr. Richardson stated before Senator PERCY at Government Operations Committee hearings, and I quote:

> I think it would be useful for the Commissioner to have the authority (to bring his own cases). I am not sure he would want to exercise it in every case, nor does the legislation propose so.

The provision in S. 3419 fulfills the authority that Secretary Richardson has endorsed: granting the Product Safety Agency the authority to bring its own cases or allow Justice to handle them itself.

For these reasons, Mr. President, I respectfully urge the Members of this body to defeat the amendment proposed by my colleague from Florida.

Mr. COOPER. Mr. President, will the Senator from Washington yield so that I may ask a couple of questions?

As I have said, I do not want to turn the interest of the Senate away from the question raised by the Senator from Florida, but reference was made to section 316(a), and it does have pertinence to this question, because the administrator would be able to take both civil and criminal action under section 316(a).

More and more we are legislating the imposition of civil penalties. Section 316(a) provides a civil penalty of not more than $10,000 for each such act which shall accrue to the United States and may be recovered in a civil action.

This may seem a specious question, but does not mean a $10,000 civil penalty can be imposed by the administrator, and then that the burden of proof against its imposition would be upon the defendant?

Mr. MAGNUSON. No; the administrator has to go to court and say to a judge——

Mr. COOPER. This is what I want to know.

Mr. MAGNUSON. "We think this man should be subject to a penalty because," and the judge will say, "Tell me the becauses," and then, after a hearing, he may waive a penalty, or he may not. The Administrator cannot fine anyone, send anyone to jail, or either, unless he goes to court and the judge says, "This is a good case; I will grant it."

Mr. COOPER. That is what I wanted to find out about and have interpreted. We have passed a number of acts in the last 3 years giving authority to agencies to impose civil penalties, with only a subsequent hearing. It is a proceeding without due process.

Mr. MAGNUSON. Yes.

Mr. COOPER. I want to know if there is due process in section 316 A1.

Mr. MAGNUSON. Well, the Administrator cannot place a fine on anyone. He has got to go to court and make the suggestion to the judge, and tell the judge why.

Mr. COOPER. He has to prove it?

Mr. MAGNUSON. Of course he does.

Mr. COOPER. He has the burden of proof?

Mr. MAGNUSON. I do not think a Federal judge would grant it willy-nilly. Of course, they might, but he would have to prove it.

Mr. COOPER. I am not just bringing up a frivolous question. The section goes to due process and justice?

Mr. MAGNUSON. I might say most Federal judges I know would not.

Mr. COOPER. We have passed several acts in the last 3 years which give to agencies a power to impose a civil penalty and only a subsequent hearing. As an example, the Coal Mine Safety Act. I am very familiar with it.

Mr. MAGNUSON. The Senator from New Hampshire and I will give the Senator another example. The Senator from Colorado was there also. The Occupational Safety and Health law.

Mr. COOPER. Yes; that is another one.

Mr. MAGNUSON. Yes; you could go out and fine a man. The investigator can fine him, not the Administrator but the investigator.

Mr. COOPER. And without the due process.

Mr. MAGNUSON. Yes. And the review board down here, or the Department of Labor, can fine the guy.

Mr. COOPER. There have been some cases in the past on this issue——

Mr. MAGNUSON. And the Senator is correct that in most safety measures we have gone much farther than this bill.

Mr. COOPER. I want to be sure we are not following the two acts to which we have alluded, in this bill, because it is a failure of due process.

Mr. MAGNUSON. Yes.

Mr. COOPER. The Supreme Court will probably finally rule on the two acts. There have been some cases in the past which have suggested that the imposition of a civil penalty of size, is in fact a criminal penalty, and would require a criminal trial; and I assume it is still true that in Federal courts a unanimous verdict by all the members of a jury would be required. But I wanted to raise the question.

Mr. MAGNUSON. The court must approve it, and the lawyer who comes in for the agency will have to do like I used to do when I used to be a U.S. attorney: We would recommend to the judge, "Put this fellow away and throw the key away," or "Let him go," or somewhere in between on a lot of them. But that is all these lawyers would do, is the same thing. The judge has to approve it.

Mr. COOPER. I am glad the Senator has made this very clear. I have been concerned about this imposition of civil penalties without a hearing, without due process, and I must say this: There are people in our country who express very liberal and correct views for justice, but who seem to have no feeling at all about due process in such cases as I have cited.

Mr. MAGNUSON. That is not contained in this bill, I assure the Senator of that.

Mr. COTTON. And, if the Senator will yield, I want to join the Senator from Washington in assuring the Senator from Kentucky that there is no such thing in this bill. The only thing in the bill I find objectionable—and it is no departure as far as the injunctive powers or civil penalties are concerned. I agree with my distinguished chairman that there is no departure.

The only departure I am talking about is the departure of starting the custom of having the attorneys retained by these departments pursuing criminal prosecutions in the Federal courts. I think that criminal prosecutions have been and should continue to be confined to the Department of Justice.

Mr. GURNEY. Mr. President, again I want to make clear to the Senate, because of the colloquy I had with the distinguished manager of the bill, that my amendment gives just as much power as the bill presently does to the Administrator to go into court and stop by injunction, right now, any hazardous product. It says:

> To enjoin any person from engaging in the manufacture for sale, sale, offering for sale, or otherwise offering for public consumption . . . an imminently hazardous consumer product.

If that does not take it off the market, I do not know what does.

After that preliminary injunction has been issued, the administration is going through the administrative process. Sometimes that takes a year or two. Some of the Federal Trade Commission actions, when the hearings are printed, occupy whole shelves. We do not want the Federal district court to do that. We want that to be done by the Administrator.

But so far as setting up a legal department within this new agency is concerned and giving it special treatment and allowing it to duplicate what the Justice Department is now doing at extra expense, a complete deviation from the enforcement procedures we now have, that is a mistake and a bad precedent. That is what my amendment would seek to stop, and it should stop.

One other comment, with respect to what the Senator from New Hampshire was talking about. Section 316(a) does give to the Administrator, the agency, or his lawyers acting on his behalf, the right to go into court and seek a conviction of somebody. It says that it would be guilty of a misdemeanor or, upon conviction, fined not more than $10,000 for each such act, or imprisoned not more than 1 year, or both.

If the Senate is going to permit an agency to do that and take that criminal procedure away from the Department of Justice, we are making a very bad mistake. I hope the Senate adopts my amendment, which puts the procedures in the proper perspective, as we always have done.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. ALLOTT. Mr. President, being present on the floor during this discussion, I cannot let the discussion take place without stating my own stand upon these very important issues.

The Senator from Kentucky and the Senator from Florida have stated a position which the Senator from Colorado believes in very firmly and very thoroughly.

The Senator from Washington, the manager of this bill, spoke of the Occupational Safety and Hazard Act. In my opinion, one of the greatest mistakes the Senate has made in the last few years was to permit that department to go in and exercise the right of fine upon the people who violate that act. If we want to do anything really great, one of the things we ought to do is to bring this back.

The purpose for the formation of the Department of Justice was to file and proceed with criminal procedures against people who violate Federal laws. Regardless of any power that has been put into the Federal Trade Commission—I was for writing their powers in the field of injunction—I still believe that any time we permit this to go on, we are making a great error.

The PRESIDING OFFICER. All time of the Senator from Florida has expired.

Mr. ALLOTT. Mr. President, will the Senator from Washington yield me 2 minutes?

Mr. MAGNUSON. I yield.

Mr. ALLOTT. The prosecuting powers of this Government should lie with the Attorney General and no one else. I do not believe, as the Senator from New Hampshire said, that we should permit the Government lawyers hired by an individual agency to pursue the right of prosecution of people for criminal acts. In that respect, I am particularly and wholly opposed to the law as it is proposed in section 316.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield 5 minutes to the Senator.

Mr. PERCY. Mr. President, I would submit as evidence that we need go no further than an article published this morning in the Washington Post, written by Mr. Morton Mintz, whom I consider one of the Nation's most knowledgeable and capable reporters in the field of consumer protection. This article very carefully documents a single case that occurred last year.

A Food and Drug Administration inspector, Lewis R. Sikes, began an inspection at a wholesale grocery warehouse in Alabama that stores beans, flour, peas, popcorn, sugar, and other foods. I read from the article:

> The inspection showed evidence of heavy rodent habitation . . . throughout the food storage area which is not only unsanitary and obnoxious, but a possible source of disease.
>
> Twenty-five live adult mice were seen and four nests were found containing a total of 19 live baby mice," Hutt continued. "One live mouse ran out of a bag of kidney beans while the lot was being examined.
>
> Twenty-five lots of human food were found to be defiled by rodents in varying degrees; and at least 15 of these lots were rodent-gnawed or were in rodent gnawed containers.
>
> Fifteen lots were found to have rodent excreta pellets or urine stains on the immediate product container or the shipping containers.

I read this simply because it is not an isolated case but because we have taken testimony time after time after time indicating that there are the conditions that frequently are found.

What do you do with an injunction? Do you issue an injunction to enjoin the mice from coming in, the rats from excreting on food, the rodents from depositing urine strains all over the kidney beans and flour and whatever else? How do you operate? What do you do under the law as it now exists or as this amendment would provide.

You go to the U.S. attorney—and they did. They did not go once or twice. They went several times. The FDA lawyer told the prosecutor of the conditions that were found, and his belief that a criminal action was clearly warranted. But the U.S. attorney wrote that he did not feel that action was appropriate at that particular time.

I wish the RECORD was capable of printing pictures. Certainly, as the former head of a camera company, I would like to see the RECORD in color. I now submit pictures of actual conditions that existed in that warehouse, which were submitted to the U.S. attorney. If these pictures do not cause anyone not to have a good appetite for dinner this evening after they peruse them, I would like to know what would. But the U.S. attorney, after these facts were stated and these pictures presented, simply said:

> I continue to be of the same opinion, that prosecution is not appropriate.

What do you have to do to break the law in a food warehouse? This is not an isolated case. It has been documented many times over that these conditions exist. The hearings held before the Committee on Government Operations are filled with instances of this kind.

I maintain that we must do something more than we are now doing if we intend merely to fulfill our public responsibility.

In connection with this amendment, Mr. President, I ask unanimous consent that the closing excerpts from Mr. Mintz's outstanding investigative article to be printed in the RECORD:

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> The FDA says it recommends only the most serious cases for prosecution—about 60 per year—to the 93 U.S. attorneys around the country.
>
> In about 30 to 35 per cent of the cases, Hutt told a House commerce subcommittee on June 9, the prosecutors refuse to prosecute, dismiss the case over the FDA's objection, or, also over its objection, dismiss one or more of the individuals named in the complaint.
>
> Subcommittee Chairman Paul G. Rogers (D-Fla.) said he had information on an unidentified U.S. attorney who rejected an FDA recommendation to prosecute a firm that, it later developed, "his wife's father owned." In another case, Rogers said, a former prosecutor turned up representing a client "he refused to file against."
>
> Rogers has introduced a bill that, like Magnuson's, would let the FDA prosecute its own cases but that would keep the agency in the Department of Health, Education, and Welfare.
>
> At a recent Senate hearing on the Magnuson bill, HEW Secretary Elliot L. Richardson said, "I think it would be useful for the Commissioner of the FDA to take at least some of his own cases to court.
>
> But Richardson's assistant secretary for legislation, Stephen Kurzman, disputed at a hearing on the Rogers bill on June 9. Warning against the "fragmentation" and "helter-skelter enforcement" that would result if each agency were to set up "satellite U.S. Attorney offices," Kurzman said:
>
> "The Administration strongly believes that the United States should continue to speak with one voice in the courtroom, as it has done since 1870. In this way, consistency can be maintained in the handling of government cases. In addition, because of its broad experience in courts throughout the country, the Justice Department has the responsibility and the unique capacity to judge the likelihood of the government's prevailing in a particular case. . ."
>
> Rogers produced a direct challenge to this from Hutt's predecessor, William W. Goodrich. The former FDA counsel, in a letter to Rogers, said that the FDA's relationship with the Justice Department generally worked tolerably during the 30 years that responsibility lay in the criminal division, but the recent transfer of representation of the FDA to the antitrust division has made the situation "more difficult, and in many cases impossible."

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Senator will state it.

Mr. COTTON. Is it in order to offer a substitute to the amendment of the Senator from Florida?

The PRESIDING OFFICER. The amendments offered by the Senator from Florida are open to amendment but it would be difficult, in the opinion of the Chair, to draft one as a substitute for the amendments.

Mr. COTTON. It is proposed to amend the amendment.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The amendment of the Senator from Florida is open to amendment.

Mr. COTTON. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> Commencing on page 72, line 16, insert a period after "purpose" and strike out all thereafter through page 73, line 2.

Mr. COTTON. Mr. President, this amendment simply leaves everything in the bill. It leaves in the injunction authority. It leaves in the enforcement of civil penalties up to $10,000. It merely takes from the bill the authority for the attorneys of the new agency to prosecute criminally in the courts. That is all it does. It leaves everything else intact which, in my opinion, would give the new agency all the power it needs, including the situation outlined by the distinguished Senator from Illinois (Mr. PERCY). But it does not start the precedent of having the attorneys employed by the various agencies becoming criminal prosecutors in the Federal courts.

Mr. MAGNUSON. I want to ask one question. I oppose the amendment because that is exactly what the Senator from Florida is trying to do, to take away from the agencies and do it through the U.S. attorneys.

Mr. COTTON. It would do much more than that——

Mr. MAGNUSON. It would not take care of certain things, such as the matter the Senator from Illinois raised, because the U.S. attorneys would not act.

Mr. COTTON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). If the Senator will withhold his request, the Chair would advise the Senator that the amendment offered by the Senator from New Hampshire as drafted is not in order because it seeks to strike a section of the bill to which the amendment of the Senator from Florida does not touch.

Mr. COTTON. But it will be in order after his amendment is voted on; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. Mr. President, may I have 1 minute to say to my friend from Washington (Mr. Magnuson), that the amendment of the Senator from Florida goes much further. It would strike out the civil penalties in the case of the rats the Senator from Illinois talked about. If my amendment is adopted they could still go ahead with their own attorneys regardless of the district attorneys and they could seek to impose the $10,000 penalty.

Mr. MAGNUSON. As to the civil penalties, I understand that, but it takes away from the agency to bring the action into the Federal court—routes it through the Attorney General—and that is what I would not like to see happen. I think many members of the committee and members of the other two committees feel the same way about it. I have a feeling about cases like that going through any Attorney General's office. They take too long. It is too much trouble. But we are talking about emergencies like this one example. There are many, many others, I can think of, where they find some fish in a warehouse, say, it is supposed to be fresh fish, but it might make thousands of people sick, and we have to act immediately and we cannot find a U.S. attorney, perhaps, that will say that they will do it. That is what the bill intended. We may have been wrong in our contention but I do not think we are.

I believe that the bill would not have any force or effect on hazardous substances if we routed this through the U.S. attorney's office. They can go there anyway. On a particular case, they may go out and want the U.S. attorney to handle it and they would, but we have to have some emergency measures. We are not going to get the people by just saying, "Mr. Judge, I hope you will fine them," when there are some criminal acts involved somewhere along the line. Toys are an example.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Florida (Mr. Gurney).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. Chiles), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Iowa Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Montana (Mr. Mansfield), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), the Senator from New Mexico (Mr. Anderson), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), and the Senator from Arkansas (Mi. McClellan) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Georgia (Mr. Gambrell), would each vote "nay."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Hatfield) and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "nay."

The result was announced—yeas 31, nays 51, as follows:

[No. 233 Leg.]

YEAS—31

Allen
Allott
Baker
Beall
Bellmon
Bennett
Brock
Buckley
Byrd,
  Harry F., Jr.
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Miller
Saxbe
Scott
Smith
Stennis
Taft
Thurmond
Tower
Young

NAYS—51

Aiken
Bayh
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cranston
Eagleton
Ellender
Hart
Hartke
Hollings
Humphrey
Jackson
Javits
Kennedy
Long
Magnuson
Mathias
McGee
McGovern
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—18

Anderson
Chiles
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Harris
Hatfield
Hughes
Inouye
Mansfield
McClellan
McIntyre
Metcalf
Mundt
Muskie
Weicker

So Mr. Gurney's amendments were rejected.

Mr. COTTON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment may be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 72, line 6, strike "and Criminal".

On page 72, line 16, insert a period after "purpose"; strike the comma and all through "both." on line 20.

Mr. COTTON. Mr. President, this amendment simply would eliminate from the bill the authority for attorneys for the new agency to bring criminal prosecution. It takes out criminal fines and prison sentences, but would leave them free for temporary injunctions and permanent injunctions. That is all it would do.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, the Senator from Washington opposes the amendment. The committee discussed part of this amendment and decided against it. I think it seriously weakens the bill.

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. COOPER. Mr. President, this is a complex bill.

Under the bill, as I understand, the Administrator would have vast powers, as the Senator from New Hampshire said, to proceed to secure the imposition of civil penalties up to $10,000 and wide emergency powers in securing preliminary and permanent injunctions, and to do all these things necessary to prevent distribution of these products on the market.

I think it is correct that in the case of criminal actions, jurisdiction has always been held by the Department of Justice, and I think it should remain there. We have been giving more and more power to the Administrators of agencies, and the very fact that their lawyers can go into court and prosecute, if they choose, and the suggestion of such powers provides too great authority—the power to investigate, to bring charges, to prosecute criminal action.

I have had some complaints about other acts, and agencies which have been given these powers. I have been told when civil penalties are imposed these agencies suggest, "Well, if you do not take this civil penalty we can impose a larger one or prosecute you." That is a veiled threat which is unjust. I hope that with the vast powers given the Administrator in this bill, we would leave jurisdiction of criminal action to the Department of Justice.

Mr. COTTON. I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from New Hampshire. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Florida (Mr. Chiles), the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr.

HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. McCLELLAN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from California (Mr. TUNNEY), are necessarily absent.

On this vote, the Senator from Louisiana (Mr. ELLENDER) is paired with the Senator from Iowa (Mr. HUGHES).

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Iowa would vote "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator of Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 39, nays 41, as follows:

[No. 234 Leg.]

YEAS—39

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Miller
Roth
Saxbe
Scott
Smith
Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Young

NAYS—41

Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Cook
Cranston
Eagleton
Fulbright
Hart
Hartke
Humphrey
Jackson
Javits
Kennedy
Long
Magnuson
Mathias
McGee
McGovern
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stevenson
Symington
Williams

NOT VOTING—20

Anderson
Chiles
Ellender
Gambrell
Goldwater
Gravel
Griffin
Harris
Hatfield
Hollings
Hughes
Inouye
Mansfield
McClellan
McIntyre
Metcalf
Mundt
Muskie
Tunney
Weicker

So Mr. COTTON's amendment was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONTOYA. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

TITLE V—FEDERAL HAZARDOUS SUBSTANCES ACT AMENDMENTS

SEC. 500. This title may be cited as the "Hazardous Substances Registration Act of 1972."

SEC. 501. Section 2(a) of the Federal Hazardous Substances Act (15 U.S.C. 1261(p)) is amended by adding at the end thereof the following new paragraph:

"The term 'misbranded hazardous substance' also includes any hazardous substance required to be registered under section 16 of this Act if such substance fails to bear prominently and conspicuously on the label, in accordance with regulations issued by the Secretary, a registration number issued by the Secretary for the substance pursuant to section 16."

SEC. 502. The Federal Hazardous Substances Act is further amended by redesignating sections 16, 17, and 18 as sections 17, 18, and 19, respectively, and adding after section 15 the following new section 16:

REGISTRATION OF CERTAIN SUBSTANCES

"SEC. 16(a). Before beginning commercial distribution of any substance intended, or packaged in a form suitable, for use in or around the household or by children that may be 'toxic' or 'corrosive' a manufacturer or distributor shall conduct all screening tests prescribed by the Secretary, or, where applicable, the Administrator of the Environmental Protection Agency, by regulation to determine whether the substance is toxic or corrosive. A copy of the results of such screening tests shall be maintained by the manufacturer or distributor for two years after the last shipment of the substance, and shall be available upon request by the Secretary.

"(b) The manufacturer or distributor of a substance which falls within any such screening level for a toxic or corrosive substance shall register such substance with the Secretary in accordance with regulations promulgated by the Secretary. The registration shall include the formulation of the product, a brief summary of the results of all screening tests," and the proper antidote or treatment for the substance.

"(c) If the Secretary determines that the substance is a hazardous substance, he shall issue a registration number for the substance, which number shall appear on the label of the substance prominently and conspicuously in accordance with regulations promulgated by the Secretary. Such a registration number shall be the same as any registration number for such substance that is required to appear on the label under any other provision of Federal law. Such registration number for any drug shall be the same as that assigned pursuant to the National Drug Code.

"(d) The Secretary shall establish a central office through which information contained in the registrations submitted under this section (except for trade secret information referred to in section 1905 of Title 18, United States Code) shall be immediately available to any physician, hospital, clinic, poison control center, or other person requesting such information to provide treatment to any person injured, or who may be injured, as a result of the ingestion of, contact with, or exposure to any such substance. The Secretary shall notify physicians, hospitals, clinics, poison control centers, and other persons who may have use for such information, of the availability of such information and the methods by which it may be obtained at any time.

"(e) The Secretary may exempt from any requirement of this section any substance for which he determines such requirement is unnecessary to protect the public health."

SEC. 503. Subsection 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)) is amended by deleting "nor to foods, drugs, and cosmetics subject to the Federal Food, Drug," and Cosmetic Act, nor to substance intended for use as fuels when stored in containers and used in the heating, cooling or refrigeration system of a house,".

SEC. 504. (a) Section 19(a) of the Federal Hazardous Substances Act, as redesignated by section 502 of this Act (15 U.S.C. 1277(a)) is amended by striking out "except as specified in section 19" and replacing the comma after "Congress" with a period.

(b) Section 19 of such Act is hereby repealed.

SEC. 505. Section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263) is amended by adding at the end thereof the following new subsection:

"(1) The failure to conduct screening testing, maintain a copy of the results of such testing, or to provide the results of such screening testing, or to register, or to label a hazardous substance with a registration number, as required by section 16."

SEC. 506. Subsection 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1270(b)) is amended by deleting "and" immediately before "(3)" in the first sentence, changing the period to a semicolon, and adding the following:

"and (4) to inspect and copy the results of screening tests as required pursuant to section 16."

SEC. 507. The Federal Caustic Poison Act (44 Stat. 1406) is hereby repealed.

SEC. 508. Title V shall become effective 180 days after the date of enactment of this Act except that the Secretary may postpone the applicability in the case of persons who were engaged on the date of enactment of this Act in the manufacture, compounding, or processing of a substance subject to these amendments if he determines such action is necessary to afford sufficient time for the proper and orderly testing and registration of such substances.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. MONTOYA. I yield myself 4 minutes.

Mr. President, the amendment is designed to provide a registration mechanism for products which have caustic components or which are hazardous and injurious to the health of human beings.

The amendment provides as follows:

Title V amends the Federal Hazardous Substances Act—FHSA—which is transferred to the new Food, Drug, and Consumer Product Agency under title II of the act, "to strengthen it by requiring submission of product formulas, the results of screening tests for hazards, and antidote and treatment information," by the manufacturer or distributor of a household product to the new Agency. The Agency will then be in a position to furnish this information upon request to any poison control center or other organization or individual who requests it in order to provide immediate treatment when any household product is misused.

Section 501 amends the definition of "misbranded hazardous substance" to include a hazardous substance that is required to be registered under the new provisions but which fails to bear the registration number prominently and conspicuously.

Section 502 redesignates certain sections and adds a new section 16 providing for registration of substances intended for use in or around the household which fall within the screening levels as "toxic" or "corrosive" under tests prescribed by the agency. Since the definition of "toxic" includes "highly toxic," the latter is automatically included wherever the former term is used. All manufacturers or distributors are required to conduct such screening tests if they are potentially applicable, but only those substances which fall within the screening levels must be the subject of registrations submitted to the Agency. Manufacturers of substances which fall outside the screening levels must nevertheless retain the results of the screening tests and make them available to the Agency upon request. The registration submitted to the Agency shall include—but not be limited to—the formulation, the results of the screening tests, and proper antidote or treatment information.

The agency shall then determine whether the substance is a "hazardous substance" as that term is defined in the FHSA. In addition to meeting the screening levels, this requires a finding under section 2(f)(1)(A) of the act that the substance may cause substantial personal injury or illness. Information relevant to that question may well be requested as part of the registration. If that determination is made, the agency will then issue a registration number which must be carried on the product label. Should the manufacturer disagree with the agency's determination under this section that the substance is a hazardous substance, he would have recourse to the courts to contest this final agency action under the Administrative Procedure Act.

To avoid proliferation of label registration numbers, it is required that the registration number be the same as is required to be labeled under any other Federal law. Specific provision is also included for using the same number as under the voluntary National Drug Code. Under the existing preemption provisions in section 18(b), this would preclude any additional State or local requirement for labeling registration numbers.

The agency will then compile all of the information in the registrations submitted to it in a central office, in such a manner as will permit immediate reference thereto for purposes of communicating it to any physician, hospital, clinic, poison control center, or other person requesting it for treatment purposes throughout the country. The agency will be obligated to make the availability of this information widely known.

Section 503 deletes the present exemption from the FHSA for foods, drugs, cosmetics, and certain fuels. This exemption has meant that hazards presented by these products that are identical to hazards presented by other household products either have been labeled in quite different ways, or have not been labeled at all, to the vast confusion of the public and to the detriment of consumers. The aerosol warning on a cosmetic aerosol container should be identical with the aerosol warning on any other aerosol container that presents the same hazard. The provisions of the Federal Food, Drug, and Cosmetic Act have apparently been inadequate to impose this requirement. Similarly, there is no excuse for failing to require adequate warnings on all fuel containers in or around the household. This provision will therefore guarantee uniformity of labeling for hazardous substances, which is a major objective of the FHSA.

Deletion of this exemption will also subject foods, drugs, and cosmetics to the premarket screening and registration requirements of new section 16. It is at least as important that poison control centers have immediately available to them toxicity data and antidote and treatment information for drugs and cosmetics as it is for any other household substance.

Section 504 contains technical amendments redesignating the references to certain sections in the other provisions of the act. Combined with section 507—discussed below—it also repeals what remains of the obsolete Federal Caustic Poison Act.

Section 505 amends section 4 of the FHSA to add, as new prohibited acts, the failure to comply with the requirements of new section 16.

Section 506 amends the present factory inspection provisions of the FHSA to include the right to obtain a copy of the results of screening tests required under section 16. Such results could also be obtained by the Agency upon direct request by mail or through a Federal Register notice.

Section 507 repeals the Federal Caustic Poison Act (44 Stat. 1406) by deleting section 19 of the FHSA. Section 19 of the FHSA had repealed that act except insofar as it pertained to foods, drugs, and cosmetics. In view of the deletion of the exemption from the FHSA for foods, drugs, and cosmetics, the repeal of section 19 of the FHSA and the full repeal of the Federal Caustic Poison Act is now appropriate.

Section 508 provides that these amendments shall become effective 180 days after the date of enactment except that the agency may postpone the effective date if necessary to afford sufficient time for testing and registration.

In recent years, due largely to efforts of modern consumer advocates such as my colleagues WARREN MAGNUSON and FRANK MOSS, we have become aware of a plethora of hazards confronting shoppers.

America is familiar with this catalog of grievances. Guarantees guaranteeing nothing. Warranties that warrant nothing. Lack of service on purchases. Shoddy workmanship deliberately designed into an item. False advertising. Bait and switch tactics. Extortion camouflaged as credit extension and collection. Deceptive packaging. Deliberately scrambled contracts, replete with legalese a Justice of the Supreme Court would find difficulty interpreting.

There is an even more serious category of consumer ills. As a result of prevailing corporate philosophy in some industries, hazardous products are marketed with a complete disregard of consequences to consumers. Power lawnmowers are one example. The ongoing horror story of Detroit's recalling of automobiles to correct dangerous defects is very well known. Drug combinations are often dumped into the marketplace with minimal attention to fully investigating side effects.

So the shopper is painfully vulnerable to calculated deceit, which lightens his wallet, guarantees loss of faith in our system, and exhibits calculated corporate contempt for the shopper.

Government agencies charged with consumer protection have been notable for past inaction, ineptitude and cozy relationships with industry. Corporate enterprise can afford to maintain full-time, highly paid lobbyists year round in Washington. The consumer cannot.

Consumer protection laws have been vigorously resisted by industry and laxly enforced by Government. Voluntarism is useless. Congress must fill the breach.

One final element must be added to the equation; a constant growth in the quantity of new products being placed on the market.

A decade ago, any new product was a novelty, attracting attention because such a happening was rare. Today, a bewildering variety of concoctions, attractively packaged and promoted, shower on us from every corporate direction. They are here today and gone next week, as product and promotions flash across our bewildered consciousness like a motion picture projector gone wild.

Any glance at packaging periodicals reveals a cross section of frenzied activity. Manufacturers are engaged in a violent, vicious daily grapple.

Advertising claims that each product is best, biggest, finest, greatest, and most wonderful. It will cure bunions, aches, acne, bad breath, and hallucinations. Plus, you can win 4 days in Hawaii, a boat, a car and 11 pairs of old shoes donated by the company president.

But has anyone thought to ask what is really in these dandy little wonders being peddled?

Many items contain hazardous ingredients, including many that, once ingested by an unsuspecting person, especially a child, mean either agonizing death or crippling injuries.

Over the past year and a half, I have been deeply concerned by nonenforcement of existing consumer protection laws. One such is the Poison Prevention Packaging Act of 1970, requiring child-proof safety packaging for products containing substances potentially harmful to children.

While seeking strict enforcement, I discovered that thousands of products are sold without anyone, beside the actual manufacturer, fully knowing their composition.

Today any manufacturer with a factory, laboratory, and marketing facilities can create, make, test market, and sell a product everywhere—without revealing its true contents.

An unsuspecting public, attracted by packaging and enticed by often deceptive advertising, purchases an item, bringing it into millions of homes without knowing what the consequences are if it is ingested.

Entire new categories of products appear, such as liquid lye bowl cleaners, oven cleaners, and the like. Vast quantities of highly toxic substances are sold as household conveniences.

It is vital to every consumer that all such products and their composition be made known to a central agency of Government.

Such knowledge is available today to

our Government only on a purely voluntary basis. If a manufacturer decides to register toxic contents of his product, with the exception of drugs, it is done as an afterthought.

Consequences of this gap in consumer protection laws emerged during work on the Poison Prevention Packaging Act. It was common to encounter instances of child poisonings by new products. One case involved ingestion by a child of Clorox II. Immediately after ingesting it, he became severely ill.

His parents rushed him to Walter Reed Hospital in minutes. Located there is a poison control center, supposed to control such happenings by swiftly providing vital product information. According to the report, the Walter Reed Center had no listing on the product. No knowledge was available on its makeup. So no projection could be made by physicians on reactions going on inside the child. No meaningful effort could be mounted then to save him.

They could not proceed with treatment, even though he was in the midst of one of the world's most sophisticated medical facilities. No help was forthcoming from the label of Clorox II because of lack of legal requirement on labeling of contents—still another commentary on our state of consumer protection.

The physician placed an emergency call to the Clorox Co. Yet it was almost 3 hours before he finally received required information. It seems, to quote the child's mother, that, "Everyone who knew anything about Clorox II was out to lunch."

Conclusions? This child could easily have expired while parents and medical staff stood by helplessly. He was lucky that immediate action and administering of an antidote was not essential.

Our need is to insure that the Federal Government is able to keep tabs on hazardous ingredients of such new products, plus those already on the market.

For this reason, I am offering my previous measure, the Poisonous Substances Registration Act, as title V of the Consumer Safety Act of 1972. It reads as follows:

TITLE V—FEDERAL HAZARDOUS SUBSTANCES ACT AMENDMENTS

Sec. 500. This title may be cited as the "Hazardous Substances Registration Act of 1972."

Sec. 501. Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (p)) is amended by adding at the end thereof the following new paragraph:

"The term 'misbranded hazardous substance' also includes any hazardous substance required to be registered under section 16 of this Act if such substance fails to bear prominently and conspicuously on the label, in accordance with regulations issued by the Secretary, a registration number issued by the Secretary for the substance pursuant to section 16."

Sec. 502. The Federal Hazardous Substances Act is further amended by redesignating sections 16, 17, and 18 as sections 17, 18, and 19, respectively, and adding after section 15 the following new section 16:

REGISTRATION OF CERTAIN SUBSTANCES

"Sec. 16(a). Before beginning commercial distribution of any substance intended, or packaged in a form suitable, for use in or around the household or by children that may be 'toxic' or 'corrosive' a manufacturer or distributor shall conduct all screening tests prescribed by the Secretary or where applicable, the Administrator of the Environmental Protection Agency by regulation to determine whether the substance is toxic or corrosive. A copy of the results of such screening tests shall be maintained by the manufacturer or distributor for two years after the last shipment of the substance, and shall be available upon request by the Secretary.

"(b) The manufacturer or distributor of a substance which falls within any such screening level for a toxic or corrosive substance shall register such substance with the Secretary in accordance with regulations promulgated by the Secretary. The registration shall include the formulation of the product, a brief summary of the results of all screening tests", and the proper antidote or treatment for the substance.

"(c) If the Secretary determines that the substance is a hazardous substance, he shall issue a registration number for the substance, which number shall appear on the label of the substance prominently and conspicuously in accordance with regulations promulgated by the Secretary. Such a registration number shall be the same as any registration number for such substance that is required to appear on the label under any other provision of Federal law. Such registration number for any drug shall be the same as that assigned pursuant to the National Drug Code.

"(d) The Secretary shall establish a central office through which information contained in the registrations submitted under this section (except for trade secret information referred to in section 1905 of Title 18, United States Code) shall be immediately available to any physician, hospital, clinic, poison control center, or other person requesting such information to provide treatment to any person injured, or who may be injured, as a result of the ingestion of, contact with, or exposure to any such substance. The Secretary shall notify physicians, hospitals, clinics, poison control centers, and other persons who may have use for such information, of the availability of such information and the methods by which it may be obtained at any time.

"(e) The Secretary may exempt from any requirement of this section any substance for which he determines such requirement is unnecessary to protect the public health."

Sec. 503. Subsection 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)) is amended by deleting "nor to foods, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in containers and used in the heating, cooling or refrigeration system of a house,".

Sec. 504. (a) Section 19(a) of the Federal Hazardous Substances Act, as redesignated by section 502 of this Act (15 U.S.C. 1277(a)) is amended by striking out "except as specified in section 19" and replacing the comma after "Congress" with a period.

(b) Section 19 of such Act is hereby repealed.

Sec. 505. Section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263) is amended by adding at the end thereof the following new subsection:

"(i) The failure to conduct screening testing, maintain a copy of the results of such testing, or to provide the results of such screening testing, or to register, or to label a hazardous substance with a registration number, as required by section 16."

Sec. 506. Subsection 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1270(b)) is amended by deleting "and" immediately before "(3)" in the first sentence, changing the period to a semicolon, and adding the following:

"and (4) to inspect and copy the results of screening tests as required pursuant to section 16."

Sec. 507. The Federal Caustic Poison Act (44 Stat. 1406) is hereby repealed.

Sec. 508. Title V shall become effective 180 days after the date of enactment of this Act except that the Secretary may postpone the applicability in the case of persons who were engaged on the date of enactment of this Act in the manufacture, compounding, or processing of a substance subject to these amendments if he determines such action is necessary to afford sufficient time for the proper and orderly testing and registration of such substances.

Presently, any manufacturer goes through a series of elementary processes before marketing any new item. Under this proposal, he would have to insure that his scientific personnel notified an appropriate Federal agency of potential hazards posed by a given ingredient of his product.

No major new cost is involved for industry or Government in complying with this proposal. A central data center and round-the-clock access to it is all that would be required. We throw away more money daily on ordinary waste in a single department of Government.

Industry benefits. Physicians gain knowledge. Lives will be saved.

Mr. MAGNUSON. Mr. President, we will be glad to take that amendment to the bill, because it further carries out a good program that should be expanded.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. JORDAN of North Carolina. Does the Senator know that table salt is highly corrosive? It will rust anything that gets close to it.

Mr. MONTOYA. Yes, but under the criteria provided in the act, the substance must be injurious to the health of human beings.

Mr. JORDAN of North Carolina. I think that word "corrosive" should be left out of it.

Mr. MONTOYA. It is already in the act.

Mr. JORDAN of North Carolina. The act is bad enough without it in there.

Mr. MAGNUSON. I yield back my time.

Mr. COTTON. Mr. President, on my own time, I would like to ask a question of my good friend, the Senator from New Mexico.

Only a few short weeks ago the Senate passed the bill, S. 1478—the so-called Toxic Substance Control Act. It was well and fairly considered in the Committee on Commerce. It was sponsored by our distinguished chairman.

What effect will this amendment have on that act—and call attention to the fact that this amendment constitutes new legislation which has never been before any committee, and has never been the subject of hearings. It is a complete new proposal in the form of an amendment on this bill.

Mr. MONTOYA. Mr. President, if the Senator from New Hampshire will permit me, that matter was brought up a few minutes ago, and I have a provision in this bill. The Toxic Substances Control Act (S. 1478) recently passed by this body did require the registration with EPA of certain chemicals that may be contained in certain pesticides.

I have made an insertion to this effect: "or, where applicable, the Administrator of the Environmental Protection Agency." We bring him into this by virtue of the specific act which the Senator mentions, that was passed 2 weeks ago.

So this amendment is complementary to that act, and in no way in derogation of it.

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. MONTOYA. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BROCK. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 22, line 7; page 30, line 7; and page 43, line 17, strike the phrase:
>
> "referred to" and substitute therefore the phrase "or other confidential business information; not related to a consumer product in such a way as to indicate the presence of an unreasonable risk of injury or death, described".

Mr. BROCK. Mr. President, I yield myself such time as I may consume.

My amendment is designed to give greater protection to confidential business information, the release of which would be to the competitive disadvantage and detriment of domestic corporations, particularly with respect to international competition. The amendment does not restrict the specific authority of the Agency to release confidential information to committee of Congress, to courts and Federal agencies, or to the public when necessary to protect health or safety as provided by the bill.

This amendment is necessary to make it clear that the Agency is not intended to be free to disclose, without any limitations, the kinds of confidential business information—including confidential processes, cost and pricing statistics, confidential statistical data, and other similar business information—the disclosure of which, absent statutory authority, would constitute a criminal act under section 1905 of title 18 of the United States Code.

The present language of section 301 (c)(1), referring only to "trade secrets" is not adequate to insure that this critical information will not be regularly disclosed in a manner by which it would be readily available to competitors, both domestic and foreign. As a matter of statutory construction, it is highly possible that a court would conclude that because section 301(c)(1) refers only to "trade secrets" in section 1905, it was not intended to protect the other confidential data referred to in section 1905.

Moreover, there is considerable precedent for a narrow reading of the term "trade secrets" which would exclude from its protection some formulas (*e.g., Drew Chemical Corp.* v. *Star Chemical Co.*, 258 F. Supp. 827, 836 (W.D. Mo. 1966); *cf. Venn.* v. *Goedert,* 319 F. 2d 812 (8th Cir. 1963)), cost and pricing information (*e.g., Cudahy Co.* v. *American Laboratories, Inc.*, 313 F. Supp. 1339 (D. Neb. 1970)), and other information protected by section 1905.

The amendment will insure confidential treatment of such information except as it is necessary for the Agency to disclose it in carrying out its functions under the bill.

The same question arose under the language in section 208(c) of S. 1177, the Consumer Protection Organization Act of 1972, when that bill was being considered by the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations. I was pleased that that subcommittee amended section 208(c) to provide protection not only of "trade secrets" but also of "other confidential business information" described by section 1905 of title 18, United States Code. It would appear to me that this has been a drafting oversight which can and should be curbed by my proposed amendment.

I have discussed this amendment with the distinguished floor manager of the bill and with the Senator from New Hampshire. They have suggested amendments which I think would improve the effect of the amendment, and their suggestions have been incorporated.

The simple purpose of the amendment is to protect businessmen against the release of confidential information, statistical data, cost data, and related information which has no relevance to health and safety, and to prevent the agency from wantonly abusing American industry and creating a competitive disadvantage, particularly with international competition.

My amendment, very simply, prohibits the unwarranted disclosure of confidential business information.

I am prepared to yield back the remainder of my time, if the manager of the bill is.

Mr. MAGNUSON. I am prepared to yield my time back, too. The committee is willing to accept the amendment. We intended to discuss this matter in conference, anyway.

I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1256

Mr. ALLEN. Mr. President, I call up my amendment No. 1256, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 7, line 24, after the comma, insert the words "a Commission of Veterinary Medicine,".
>
> On page 38, beginning at line 19, insert the following:
>
> "(3) the Commission of Veterinary Medicine with respect to functions relating to food and drugs for use in animals other than man, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), and the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), and".
>
> On page 8, line 13, after "Drugs," insert the words "Veterinary Medicine,".
>
> On page 14, line 4, after "Drugs," insert the words "Veterinary Medicine,".
>
> On page 16, line 7, after "Drugs," insert the words "a Commissioner of Veterinary Medicine,".
>
> On page 37, line 14, after "relating to", insert the word "human".
>
> On page 38, line 7, after "relating to", insert the word "human".
>
> On page 38, line 18, strike the last word, "and".
>
> On page 38, line 19, substitute "(4)" for "(3)" and renumber lines 19 onward, beginning "the Commissioner of Consumer Products. . .".

Mr. ALLEN. Mr. President, this amendment would add a Commission of Veterinary Medicine to the three—Food and Nutrition, Drugs, and Consumer Products—which would be established in the "Food, Drug, and Consumer Product Agency" under S. 3419. As you know, the present Food and Drug Administration in the Department of Health, Education, and Welfare has five bureaus, each at the same administrative level. These present FDA subdivisions are the Bureau of Foods, the Bureau of Drugs, the Bureau of Veterinary Medicine, the Bureau of Product Safety, and the Bureau of Radiological Health. Although they vary in size, budget and public attention, these FDA bureaus have equal access to the FDA Commissioner.

If a new independent agency—FDCPA—is to be created by an act of Congress, it is essential that the legislation make it clear that direct jurisdiction over veterinary medicine will be vested in a separate commission. The desire of Congress for such a separation was expressed emphatically when it enacted the Animal Drug Amendments of 1968—Public Law 90-399—consolidating into one section—512—of the Federal Food, Drug, and Cosmetic Act all provisions dealing with animal drugs. In its report on that legislation—Senate Report No. 1308, 90th Congress—the Senate Committee on Labor and Public Welfare said:

> By consolidating into one place in the law all of the provisions providing for regulation of these (animal) drugs, clearances (of new products) should be expedited, with resulting decreases in costs, consequent encouragement for the development by manufacturers of new drugs for use in animals.

The Senate committee report also said that, at congressional hearings on the legislation:

> There was ample testimony that the existing provisions of the Federal Food, Drug, and Cosmetic Act, because they were designed primarily to be applicable to drugs and food additives for human consumption, created problems in the administration of the act with respect to animal health products . . . it seems quite apparent that . . . coordination should be fostered legislatively by consolidating into one section of the act, in a coordinated fashion under a simplified procedure, the various provisions and requirements applicable to animal-health products.

Furthermore, the Senate committee report said the animal drug amendments were intended to—

> **Coordinate and consolidate the applicable provisions (of the FD&C Act) governing drugs, feed additives, and antibiotics for animal use into one logical coordinated system that, without removing any of the stringent requirements for premarketing clearances, would assist this clearance and the subsequent use of animal-health products.**

In its 1968 enactment, Congress wisely recognized the many significant distinctions between drugs administered to humans and drugs administered to animals, while recognizing the necessity for humane treatment of animals and for constant surveillance of the effect on human health of drugs administered to food animals. It would be inconsistent for Congress to ignore these distinctions by enacting a new law which could be construed to assign responsibility for veterinary medicine to a Commission of (Human) Drugs.

Mr. President, I recognize that S. 3419, as reported to the Senate by the Committee on Labor and Public Welfare, gives the FDCPA Administrator the organizational option to retain authority outside of the three Commissions created by the bill—referring to sec. 202(a)—page 37, lines 9–12.

I am apprehensive, however, that in working out the detailed organizational structure of FDCPA in the absence of explicit congressional instructions to the contrary, the Administrator might feel compelled to delegate animal drug authority to the Commissioner of Drugs, even though long FDA experience, plus the 1968 congressional enactment, mitigate for separation of human medicine from animal medicine.

In the animal production aspect of American agriculture as it has been revolutionized in the past two decades, no factor is more important than the availability of drugs and feed additives which permit the farmer to produce clean and healthy cattle, sheep, swine, and poultry at prices the American consumer can afford.

The Bureau of Veterinary Medicine in the present FDA structure receives and considers new animal drug applications, which must be checked out thoroughly and approved before any new veterinary pharmaceutical can be marketed. It is BVM also which makes certain that medicated animal feeds are safe and effective for their intended uses, and that they pose no health hazards for the human consumers of meat and poultry products.

As our scientists learn more about these substances, we may discover that some now in use must be replaced by safer products which accomplish the same objectives—therapy, disease prevention, or heightened feed efficiency, for example. Such new products must be developed in an atmosphere of understanding which can only come under a Government agency which is fully cognizant of the unique character of veterinary medicine. They must be proven safe and effective, then approved expeditiously for farm use if the American consumer is to continue to have the benefits of a bountiful supply of wholesome, healthful animal protein.

Although it is not in the limelight nearly as often as its sister bureaus dealing with human foods and drugs, the present Bureau of Veterinary Medicine plays an equally essential role in protecting the public health, and it merits equal status as a separate commission in the new "Food, Drug, and Consumer Product Agency" which will be created if the Congress enacts S. 3419.

U.S. agriculture is feeling the combined impact of "consumerism" and "environmentalism" from all directions as public concern, some of it justified but much of it ill-founded, is exemplified by multiple congressional enactments and the myriad actions of State legislatures and Federal and State regulatory agencies.

The American consumer is understandably disturbed at rising food prices, and at every turn we see accusing fingers pointing out the alleged villains. Unfortunately, the consumer hears little about the technological advances which have kept agricultural costs as low as they are today. And the consumer has no way of knowing—indeed, our best economists can only guess—what the food price impact would be if our farmers were deprived of the tools they now employ to assure us of a bountiful supply of wholesome, nutritious foodstuffs.

In this amendment, I am addressing one small but significant portion of this technology, the veterinary pharmaceuticals which make possible our phenomenal production of animal protein. The self-appointed protectors of our environment can rant and rave endlessly about the chemical hazards they envision as imperiling survival of mankind. Such diatribes make sensational copy for the newspapers and the television networks. But have our "protectors" any idea of what would happen if these chemicals were suddenly not available? Do they know how much painstaking research, costing tens if not hundreds of thousands of dollars, must be conducted, checked and cross-checked before a single animal drug can be marketed for use in food-producing animals?

No, I am afraid these considerations are not sensational enough to capture the critics' attention—or the public imagination. Quietly and, I understand, rather efficiently FDA's present Bureau of Veterinary Medicine processes a workload of paperwork that boggles the mind. Headed by a dedicated Director, Dr. C. Don Van Houweling, this Bureau has less than 160 employees, most of them highly trained scientists in specialized fields that escape public attention.

I am told that the workload of this BVM staff has accelerated tremendously in the past few years. It is estimated that in fiscal 1973 BVM will receive 2,800 investigational new drug applications—these are for experimental products which must be proved safe and effective before they can be marketed—and more than 2,000 applications for marketing of drugs which have purportedly passed all of the tests. In fiscal 1970 the comparable numbers were 1,883 investigational applications and 1,185 marketing applications.

These dull figures illustrate what one American industry is doing constructively to confront the so-called chemical pollution "crisis"; its scientists are working diligently to discover substitute products which are even safer than those now in use. Without overly belaboring my argument, I would just like to point out that these drugs cannot be expeditiously studied and cleared for introduction in the marketplace by a small subdivision of a "Commission" whose primary function is the regulation of drugs used in human medicine. I am not belittling human medicine; it is supremely important. But the study and scrutiny of veterinary medicines, while it will never call for the budget dollars and numbers of personnel required by the human drug sub-agency, is vitally important to all of us in an entirely different way.

If American farmers' herds and flocks of food-producing animals cannot be kept free of disease, there will be no more meat or poultry products on the tables of anyone except the very wealthy. The modern, integrated broiler production plant will go by the wayside, the beef cattle feedlot will cease to exist, and animal protein will become a luxury product out of reach for the average consumer. That, Mr. President, is why I urge all my colleagues, consumerists, environmentalists, or agriculturists alike, to vote for this simple amendment which retains veterinary medicine where it belongs in the Federal regulatory apparatus.

Therefore I urge, Mr. President, that the Senate accept this amendment to authorize establishment of a Commission of Veterinary Medicine as a coequal branch of the new Agency with the Commissions designed to deal with human foods, human drugs, and consumer product safety

Before closing, I should explain som technicalities of my major amendment to page 38 of S. 3419, which spells out what authority the Agency Administrator should delegate to the Commissioner of Veterinary Medicine. This paragraph is intended to cover the existing authority, now vested in the Secretary of Health, Education, and Welfare, to establish tolerances and standards for residues in edible byproducts of animals which are intended for human food, including contaminants, drug residues, byproducts or metabolites found in the edible portions or products of such animals.

Mr. President, the Subcommittee on Health has reported a bill with the identical language of this amendment. All it would do would be to carry forward into the new agency the same structure as now exists in FDA, of which the Bureau of Veterinary Medicine is now a part. It would continue to separate the Department of Drugs for Human Use from the Drugs for Animal Use.

The amendment has been discussed with the manager of the bill, the distinguished Senator from Washington (Mr. MAGNUSON), and with the distinguished Senator from New Hampshire (Mr. COTTON). It is my understanding that they have no objection to the amendment.

Mr. MAGNUSON. We have no objection to it. It merely extends the whole matter in the veterinary field, and I think that is a good extension of the bill.

Mr. ALLEN. Mr. President, I ask unanimous consent to have printed in the RECORD certain communications endorsing the amendment.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

ANIMAL HEALTH INSTITUTE,
Washington, D.C., June 20, 1972.

Hon. **JAMES B. ALLEN,**
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR ALLEN: The Animal Health Institute is a national trade association whose member companies produce about 90 percent of the animal health and nutrition products marketed in the United States. This letter relates to S. 3419, a bill "to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes," which is cited as the "Food, Drug, and Consumer Product Safety Act of 1972."

AHI does not intend herein to endorse or oppose S. 3419, but rather to express its wholehearted support of your Amendment, which would bring the bill into conformity with a previous Congressional enactment, as is explained below. As we understand it, your Amendment would establish a Commission of Veterinary Medicine in addition to the three Commissions contained in the bill. By adopting your Amendment, the Congress would merely be expressing its intention that, in the "Food, Drug, and Consumer Product Agency" proposed to be created, the present Food and Drug Administration structure—with its Bureau of Foods, Bureau of Drugs, Bureau of Veterinary Medicine, and Bureau of Product Safety—be paralleled. It would assure the continued execution of the will of Congress, as expressed in the Animal Drug Amendments of 1968 (Public Law 90–399) which separated veterinary medicine from human medicine.

We realize that S. 3419 would enable the new agency's Administrator to retain authority over veterinary medicine in a subdivision outside of the statutory Commission dealing with drugs administered to humans. Our concern, however, is that—in the absence of clear Congressional instructions to the contrary—some future Administrator might decide to place jurisdiction over veterinary products in the Commission of Drugs. Such placement would thwart the separation of jurisdiction approved by the 90th Congress and return the regulation of animal health and nutrition products to its pre-1968 status.

We applaud your decision to sponsor an Amendment to preserve this little-recognized but highly important separation of regulatory authority, and we will render every assistance possible to insure its adoption.

Very truly yours,

FRED H. HOLT,
Executive Vice President.

NATIONAL GRAIN & FEED ASSOCIATION,
June 20, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: I have been informed that you are contemplating the introduction of an amendment to S. 3419 which would provide for the appointment of a Commissioner of Veterinary Medicine. This is to advise you that the National Grain and Feed Association supports such an amendment.

As you know, the membership of the National Grain and Feed Association covers the wide spectrum of grain and feed installations throughout the Nation, including food processors and exporters. We congratulate you on your wisdom in sponsoring the amendment and wish you every success.

Sincerely yours,

ALVIN E. OLIVER,
Executive Vice President.

AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION,
Denever, Colo., June 20, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR ALLEN: The American National Cattlemen's Association feels strongly that S. 3419, Food, Drug and Consumer Product Safety Act, should be amended so as to provide for a Commission of Veterinary Medicine. Such an amendment would maintain equal status for veterinary drug usage as currently exists in the Bureau of Veterinary Medicine of the Food and Drug Administration.

Our Association feels that if animal drugs are made a part of an agency also dealing with human drugs, priority consideration will not be given to register certain new animal drugs, for example. The ability to incorporate new animal drugs into beef cattle production is vital for efficiencies needed in order to continue to provide ample quantities of wholesome beef at reasonable consumer prices. We feel strongly that a direct line to the proposed new Administrator of the Food, Drug and Consumer Product Agency is needed for veterinary drugs to help maintain the priorities, just as that which is being provided for human drugs.

Your assistance in providing this very important change which we feel so necessary to domestic cattle production will be most sincerely appreciated.

Cordially,

C. W. MCMILLAN.

AMERICAN VETERINARY MEDICAL ASSOCIATION,
Washington, D.C., June 21, 1972.

Hon. JAMES B. ALLEN,
New Senate Office Building, U.S. Senate, Washington, D.C.

DEAR SENATOR ALLEN: The American Veterinary Medical Association, a professional organization representing over 21,000 veterinarians, is pleased to learn that you are sponsoring an amendment to require establishment of a separate "Commission of Veterinary Medicine" in the agency which would be created by enactment of S. 3419, the consumer protection measure currently before the Senate.

As you undoubtedly know, AVMA has throughout its 109 years of existence striven to elevate the status of the veterinary medical profession, by enhancing the quality of education and improving the scientific stature of its membership. A highly significant aspect of our activity deals with the administration of veterinary pharmaceuticals to food animals—cattle, sheep, swine, and poultry whose meat and daily products are destined for human consumption.

The continued use of these vital tools, particularly veterinary pharmaceuticals for disease prevention and therapy, is absolutely essential if our country is to maintain and improve upon its present high standard of nutrition. Wholesome animal protein is undoubtedly the most significant single component of the American diet, and there is no question that costs and prices would rise significantly if our herds and flocks were deprived of the benefits of such products, judiciously administered by, or under the supervision of, licensed veterinarians.

The separation of veterinary medicine from human medicine is not just a whim to satisfy our profession's aspiration for prestige. FDA learned through long experience that a separation of regulatory standards was necessary to expedite the processing of applications for clearance to market new and innovative animal drugs. In these times when all of us are concerned about long-range effects of chemicals on the environment, we must be certain that the governmental apparatus for screening veterinary preparations, while always giving top priority to human health considerations, does not obstruct the marketing of new chemical entities once they are proven to be safe and effective.

FDA first officially recognized this need for separation of jurisdiction in 1965, when the Commissioner established the Bureau of Veterinary Medicine as a subdivision separate from the Bureau of (human) Medicine. The separation of regulatory jurisdiction and standards for clearance of veterinary products was solidified in 1968 when the Congress re-codified and consolidated the laws relating to animal pharmaceuticals by enacting the Animal Drug Amendments. These amendments, incidentally, had the wholehearted support of the Departments of Agriculture and Health, Education, and Welfare.

We find no evidence that the three Senate Committtees which considered S. 3419 gave any thought to the issues discussed above, and our apprehension is that the intent of the Senate if it passes this legislation without your amendment might be construed as favoring subordination of veterinary medicine to human medicine.

Again, AVMA sincerely applauds your wisdom in sponsoring this perfecting amendment, and we assure you that our profession favors its adoption.

Sincerely,

FRANK A. TODD, D.V.M.,
Washington Representative.

MONTGOMERY, ALA.,
June 20, 1972.

Senator **JAMES ALLEN,**
New Senate Office Building,
Washington, D.C.:

The cattlemen of Alabama deeply appreciate your introducing the amendment to S. 3419 creating a Commission of Veterinary Medicine. This amendment is vital to the continued growth and development of the cattle industry in Alabama. Keep up the good work.

HAM WILSON,
Alabama Cattlemen's Association.

AMERICAN FEED MANUFACTURERS ASSOCIATION, INC.,
Washington, D.C., June 20, 1972.

Hon. **JAMES ALLEN,**
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: The American Feed Manufacturers Association is the national trade association of the feed manufacturing industry. Our customers are the livestock and poultry farmers of the country. Thus, we are vitally interested in the health of animals. All consumers of meat, milk and eggs also have an important stake in the same subject, as healthy animals produce higher quality products at lower cost.

We support your proposed Amendment to S. 3419 which would provide for a Commission of Veterinary Medicine within the Food and Drug Administration. Your Amendment would help carry out the objectives of the Animal Drug Amendments of 1968 (Public Law 98–399) which recognized that animal health is a significant and specialized field. Three years of experience since the passage of the Animal Drug Amendments have indicated that the legislation was soundly based, and was in the public interest.

U.S. farmers last year produced about three billion broilers, more than 120 million turkeys, about 100 million hogs, kept an average of more than 320 million laying hens, kept an average of more than 100 million cattle and calves, etc. Comparable numbers are being produced or maintained this year. Even larger numbers will be needed in the future if current rates of per capita consumption of meat, milk and eggs are to be maintained.

The task of protecting the health of the animals which provide much of our food supply is obviously a major undertaking. It is also a specialized assignment. Doctors of human medicine have little or no training in veterinary medicine. In almost all cases doctors of human medicine do not have the time to give serious consideration to animal disease problems. Veterinary medicine is a major profession and is vitally important to everyone who consumes animal products.

Your Amendment would continue the present policy of recognizing the important and specialized needs of animal health. It would help assure health animals which is clearly in the public interest.

Sincerely yours,

OAKLEY M. RAY,
President.

NATIONAL BROILER COUNCIL,
Washington, D.C., June 21, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: The National Broiler Council represents the producers of more than 70 percent of the nation's approximately three billion broilers marketed annually. This letter expresses our support of your efforts to amend S. 3419, the "Food, Drug, and Consumer Product Safety Act of 1972," to authorize establishment of a Commission of Veterinary Medicine.

We appreciate your demonstrated awareness of the broiler industry and its dramatic growth which has occurred since the early 1940s. During a period when nearly every aspect of our society has undergone skyrocketing price increases, poultry costs have actually been lowered due to the application of modern technology. Among the most significant tools employed in today's poultry-production technology are the veterinary health and nutrition products subject to the jurisdiction of the Food and Drug Administration.

Up until about seven years ago, direct authority over the regulation of veterinary products was vested in a subdivision of FDA's Bureau of Medicine, the bureau whose primary responsibility was for drugs administered to the human population. At that time, FDA wisely recognized the many significant distinctions between the two classes of pharmaceuticals, and it established the Bureau of Veterinary Medicine as a branch at the same level as, although smaller than, the Bureau dealing with medications and foods for human use.

These distinctions were further recognized in 1968, when the 90th Congress, after long and detailed consideration, enacted the Animal Drug Amendments, consolidating all of the scattered laws dealing with regulation of veterinary products.

Now it appears that the Senate may approve S. 3419, a bill which would dismantle FDA and establish an independent agency with jurisdiction over foods, drugs, and consumer products. The National Broiler Council has taken no position on S. 3419, and we do not propose to endorse or oppose it.

To summarize, our endorsement of your proposed amendment is an indication that any Federal agency—whether it is within the present Department of Health, Education, and Welfare, in a new Department of Health, or independent, as proposed in S. 3419—which exercises primary regulatory jurisdiction over pharmaceutical products should maintain the present separation of animal drugs from human drugs. The necessity for this separation has been verified by executive and legislative decisions, and it would indeed be retrogression to again bury veterinary medicine in a Commission primarily concerned with human medicine.

NBC therefore endorses the objective of your amendment and hopes the Congress, however it ultimately deals with the broad issues of consumer protection, will not overlook the necessity for separate subdivisions to regulate these distinct classes of pharmaceutical products.

Sincerely,

JOHN PARISH,
Executive Director.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. NELSON. Mr. President, I send to the desk two amendments, and I ask unanimous consent that they be acted upon en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

On page 50, delete lines 17 and 18, and substitute in lieu thereof the following:

"(3) that the offeror, where the Commissioner has accepted an offer or offers under section 303, provide opportunity for all interested persons including consumers to participate in the offeror's development of a proposed consumer safety standard in accordance with accepted standards of due process, including adequate notice to all participants and access to all relevant records and documents;"

On page 49, between lines 3 and 4, insert the following:

"(C) the offeror, including any person assisting the offeror in the development of the proposal, is not a manufacturer, distributor or retailer or the employee of a manufacturer, distributor or retailer of a consumer product proposed to be included in the consumer product safety standard to which the offer applies."

On page 48, line 22 delete the word "and"; on page 48, line 25 delete the period, add a semi-colon, and the word "and".

Mr. NELSON. Mr. President, these amendments are designed to insure that, whenever the Consumer Agency delegates to a nongovernment group the responsibilities for suggesting proposed consumer product safety standards, that group or any of its members does not have an economic stake in the manufacture or sale of the products involved.

The amendments also insure that such groups outside the Government follow fair procedures in their standard making so that all interested parties, including consumers, are afforded due process participation in the standard making.

These amendments apply only to the development of suggested standards, which are offered to the Agency for consideration. The Agency, in seeking to develop a standard, first promulgates a notice of need for a standard. Outside groups may offer to suggest such standards. In promulgating standards, the Agency must follow administrative procedures, and may include in its own proposed standards—as published in the Federal Register—whatever it chooses from the suggestions developed by outside expertise.

The proposals drawn up under these amendments do not give outside groups legal authority to set standards—only to propose standards for consideration by the Agency.

The provision in the bill, to allow suggested standard making outside of the Government agency, is designed to enable the Agency to take advantage of technical competence existing in the scientific and engineering communities, including independent testing laboratories, university connected experts, professional societies, and such consumer organizations as Consumers Union.

The amendments prevent a conflict of interest between companies setting standards for, and marketing, the same product, and insure that fair procedures are followed in the proposed standard making.

The most serious condemnation of the voluntary standards system which emerged from the studies of the Product Safety Commission and others—upon whose recommendations this entire bill is based—was the chronic tendency of the standards committees to be dominated by companies with an economic stake in the product. The result was that standards generally met the lowest common denominator in the marketplace.

Because consumers have had little or no voice in these voluntary standard-making procedures, the standards have been industry dominated.

I would like to quote from the Product Safety Commission report:

> We have studied this system (of voluntary safety standard-setting) and found it is valuable in marshalling technical competence but has certain inherent limitation. . . .
>
> In no standards procedure can it be said that consumers have a substantial voice. Rarely have they an effective veto. . . . The need for a consensus commonly waters down a proposed standard until it is little more than an affirmation of the status quo. . . .
>
> At the same time, voluntary safety programs, with due regard for the public interest, need and warrant Federal technical and financial assistance and oversight.

These amendments are offered to strengthen the voluntary standard-making procedure, if such suggested standards are offered to the Agency for consideration.

They require:

First. That anyone offering to suggest proposed standards not be a manufacturer, distributor, or retailer, or the employee of a manufacturer, distributor, or retailer, of a consumer product proposed to be included in the consumer product safety standard; and

Second. That anyone drawing up such suggested standards follow fair procedures, by providing an opportunity for all interested persons, including consumers, to participate in the standard-making procedure in accordance with accepted standards of due process, including adequate notice to all participants and access to all relevant records and documents.

Mr. President, these two amendments clarify at least what I think is the intent of the bill. The bill provides that the Administrator may contract with an outside organization for the purpose of developing proposed safety standards.

One amendment provides that the private contractor must guarantee the opportunity for all interested persons, including consumers, "to participate in the offeror's development of a proposed consumer safety standard in accordance with accepted standards of due process."

The other amendment provides that the independent contractor must be one who is not manufacturing or selling the product.

The objective of the proposals is to permit the Administrator to contract with such independent organizations as the Underwriters Laboratories, American Society for Testing Materials, American National Standards Institute, and so forth.

Mr. MAGNUSON. Mr. President, the Senator from Wisconsin and I have discussed this matter with the staffs, and we think it is a good amendment. It clarifies what we all probably wanted to do, anyway, but it nails it down.

I accept the amendment.

Mr. COTTON. Mr. President, I could not hear what the chairman said, and I am not familiar with these amendments. I heard the second amendment, and I can see no objection to it. I did not quite get the first amendment, but I have a feeling that it raised havoc with the "instant action" about which the chairman has been talking.

Mr. MAGNUSON. No; it does not do that.

Mr. COTTON. What is the first one?

Mr. NELSON. The first amendment provides that, when an outside agency, outside the Government, or a university has a contract to propose standards—they cannot establish them—they must afford the opportunity for all interested persons, including consumers, "to participate in the offeror's development of a proposed consumer safety standard in accordance with accepted standards of due process."

In other words, if a university or the American Society of Testing Materials is going to contract to propose some safety standards, the manufacturer and the consumers have the right to submit their arguments before the proposed standard is sent up to the Agency.

Mr. COTTON. Must all this take place before any product can be placed on the market?

Mr. NELSON. That takes place during the course of the independent agency, outside the government—whatever it is—proposing standards that go back to the Administrator, who then does with them what he wishes and follows the regular Administrative Procedure Act.

Mr. COTTON. Is this prior to or after the product is on the market?

Mr. NELSON. I am assuming that standards will be established for products that are already on the market under the act as well as prior to.

Mr. COTTON. But after that, nothing new can come on the market until the process has been gone through?

Mr. MAGNUSON. Not necessarily. It is just that they ask for a review and they get the independent agency—the agencies which businesses use now—so that everybody can participate. It may be a product on the market. There may be some change in it. Or it could be a new product, too.

Mr. NELSON. This only relates to the authority of the Administrator to establish minimum safety standards. He can do that himself within the Department and file in the Federal Register, or he can contract outside the agency.

They would develop a proposed standard and would come back to the administrator. They would modify it, reject it, accept it—whatever they please—and then file the Federal Register, according to the regular procedure.

Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendments has been yielded back.

The question is on agreeing to the amendments of the Senator from Wisconsin.

The amendments were agreed to.

Mr. EAGLETON. Mr. President, I send to the desk an amendment which is in the nature of a technical amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 80, line 7, insert "(a)" after "SEC. 401.".

On page 80, line 9, strike out "(a)" and insert in lieu thereof "(1)".

On page 80, strike out line 11, and insert in lieu thereof the following:

"(g) If in package form unless its label, or labeling affixed to or within the package, bears conspicuously and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase, (1) the".

On page 80, line 15, strike out the words "and color" both times they appear in such line, and insert in lieu thereof a comma and the following: "color, and flavor" in both places.

On page 80, line 21, strike out "(b)" and insert in lieu thereof "(2)".

On page 81, line 3, strike out "(c)" and insert in lieu thereof "(3)".

On page 81, after line 5, insert the following new subsection:

"(b) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect one year after the date of enactment of this Act."

Mr. EAGLETON. Mr. President, these amendments reflect a number of changes in title IV of the act, including renumbering and relettering sections thereunder to conform with the act.

One amendment permits the required ingredient disclosure for cosmetics to appear either on a label affixed to the product, or on labeling within the package that is conspicuous to the purchaser at the point of sale. This amendment is consistent with the intention of the Committee on Labor and Public Welfare. Ingredients could thus properly be disclosed, for example, by a package insert held against a small decorative bottle by a cellophane over-wrap, or on a display card holding a small item like an eyebrow pencil. There is no requirement that the label or labeling be prominent and conspicuous under customary conditions of use. Thus, a tear off label is permitted.

Another amendment permits flavor in such cosmetics as lipstick and mouthwash to be labeled as such, as has already been provided for fragrance and color. This amendment corrects an oversight and conforms this provision to the food labeling provisions contained in the act.

The final amendment adds effective dates for the title. The ingredient and cautionary labeling requirements would become effective 1 year from the date of enactment of these amendments. The repeal of the soap exemption is effective upon enactment of this act.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. I yield.

Mr. COTTON. Does the Senator's amendment contemplate that a mobile home——

Mr. EAGLETON. This is not the mobile home amendment. That is my next one. This is in the nature of a technical amendment relating to cosmetics, which was an item added on by the Committee on Labor and Public Welfare.

Mr. MAGNUSON. Mr. President, we can accept the first amendment. So that Senators will understand, the second amendment would extend this act to mobile homes.

Is that correct?

Mr. EAGLETON. That will be the next amendment.

Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. EAGLETON. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 3, line 22, before the word "but" insert the following: "and includes any mobile home;".

Mr. EAGLETON. Mr. President, I rise to offer a clarifying amendment to the Food, Drug and Consumer Product Safety Act. This amendment places mobile homes specifically within the definition of "consumer product" to eliminate any doubt as to the Commissioner of Product Safety's authority over them.

My amendment is consistent with the report of the Commerce Committee, which states:

> It is the committee's intent to include mobile homes under the definition of "consumer product."

It is intended only to clarify that intent, as the language of S. 3419 as presently written may be subject to misinterpretation on this point.

Over 7 million Americans now live in mobile homes. Half the one-family houses built in this country today are mobile homes and 95 percent of the houses sold for under $15,000 are mobile homes. In this day of high costs for real property and housing, mobile homes with a median price of $6,000 to $7,000 provide an affordable alternative for many—including a significant number of young married people and elderly people—who want homes of their own.

Unfortunately, there remains a crying need for stricter regulation of the mobile home industry. Each year, defects in mobile homes result in an inexcusably high toll in property damage, personal injury, and death. There are now far too many complaints of defective electrical wiring, inadequate mooring, insufficient exits and window construction that inhibits emergency escape.

The greatest threats to property and life for mobile homeowners are the likelihood of fire and damage by high winds. Because mobile homes are so susceptible to damage by fire and wind under current law, insurance rates for mobile homeowners have skyrocketed.

Mobile homes are now regulated neither as motor vehicles under the Motor Vehicles Safety Act nor as housing under local housing codes of most communities. They are subject only to minimal standards which the mobile home industry itself has promulgated. These standards were prepared under the aegis of the American National Standards Institute—ANSI—with the participation of the Mobile Homes Manufacturers Association as required guidelines for MHMA members.

While some States have incorporated some or all of the ANSI standards into their law, enforcement is generally poor. These standards thus form the basis of what is essentially a voluntary compliance program, with manufacturers self-certifying that their vehicles meet ANSI standards. Even where ANSI standards are met, mobile homeowners may not be adequately protected. The National Commission on Product Safety found serious deficiencies in these standards at the time of their report in 1970. It is my understanding that these standards have been upgraded to some extent since that report, but it is apparent that they should be subjected to a systematic review by the Federal Government and stricter standards promulgated where they are needed.

I believe that the hazards to property and life presented by defective mobile homes require the promulgation of stringent, uniform standards coupled with effective enforcement authority. The question now is not whether such standards are necessary, but how most effectively to accomplish this end. I share the view of the members of the Commerce Committee that the bill before us provides the most effective vehicle.

Mr. President, the essence of the amendment is to clarify the language of the statute itself by adding to it mobile homes so as to conform with the statement in the committee report that certain mobile homes are included under the aegis of the act.

I reserve the remainder of my time.

Mr. COTTON. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. COTTON. I gather that the Senator from Missouri had this brought to his attention because it was in the committee report?

Mr. EAGLETON. Yes, sir.

Mr. COTTON. Does the Senator from Missouri consider a mobile home to be a hazardous substance, impure food, or an appliance?

Mr. EAGLETON. I believe it is a product manufactured under the act.

Mr. COTTON. Would the Senator include submarines and battleships in this bill then?

Mr. EAGLETON. No, no.

Mr. COTTON. They might be a little too big?

Mr. EAGLETON. That is correct.

Mr. COTTON. I merely want to say for myself, and I am not speaking for minority. But, I personally never knew that this was in the report.

The report was, naturally, prepared by the staff. It is getting now so that the tail is wagging the dog. The staff is running the committee most of the time.

I did not know it was in there. I think it is utterly absurd and utterly ridiculous.

I made a statement early this afternoon that whether my amendments, which I thought were important, were adopted or rejected, I thought this was a good bill. I would vote for it. This has changed my mind. I am not going to vote for any monstrosity that carries any such silly amendments as this one.

In saying that, I am not reflecting on the distinguished Senator from Missouri (Mr. EAGLETON), because it was in the committee report. Some of us were not responsible for what went into that committee report.

Mr. SPARKMAN. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. SPARKMAN. Mr. President, I strongly object to the amendment. First of all, housing comes under the jurisdiction of an entirely different committee. It has only been within the past couple of years that we have authorized the FHA to insure mobile homes. We have provided that the Secretary of Housing shall set standards, and I do not see why we have to go to any other committee bill or to any other piece of legislation with reference to mobile homes which are clearly within the jurisdiction of our committee. We might as well apply it to single-family dwellings or to apartment houses, or to anything else, if we are going to start here on mobile homes.

I strongly object to the amendment.

Mr. TOWER. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. TOWER. Mr. President, as the ranking minority member on the Committee on Banking, Housing and Urban Affairs, I should like to second what our distinguished chairman, the Senator from Alabama (Mr. SPARKMAN) has just said, that if we are going to extend it to mobile homes, why not extend it to modular housing which has just become a breakthrough in construction in order to bring it within the reach of low-income families.

Our distinguished colleague from Tennessee (Mr. BROCK) already has a bill before the committee. It should be left to this committee which has the appropriate jurisdiction and not be dealt with on the Senate floor now in the form of an amendment to the pending bill.

Mr. MOSS. Mr. President, in dealing with this matter of ridiculing the amendment affecting mobile homes, that we might as well take some other kind of home, and so forth, the fact is, this was considered by the committee. There is testimony on it. We did consider it at length. So, it seems to me to be a logical amendment and I should like to support it.

I understood the Senator from Texas to say that there had been some bill or an amendment offered recently in which they intended to take it up in the Committee on Banking, Housing, and Urban Affairs; but a mobile home, under these circumstances, is quite different from any other living quarters which people occupy. A mobile home is a movable, transferable vehicle. It is a manufactured product. The deficiencies were outlined by Mr. Karl Herrmann, the State fire marshal of the State of Washington, so that there is little question about the need for safety regulation of mobile homes.

The mobile home industry has experienced phenomenal growth in a short period of time. The concept of the mobile home has changed from that of portable, temporary living quarters for travelers and transient workers of limited means to that of semipermanent dwellings for a large portion of our population. The industry has not had the benefit of long years of experience in designing construction and voluntary standards have proved inadequate for insuring safety.

The inadequacy of the voluntary standard was documented in the final report of the National Commission on Product Safety. It noted that the standard does not provide exits opening out on either side at opposite ends, in the event of fire or upset. In addition, provisions for safety glazing were braking to prevent fishtailing are not included. Other deficiencies of the standard include permitting the use of gas-fired floor heaters which generate excessive grate surface temperatures and the lack of requirements that the heater be constructed to preclude blocking.

Similar deficiencies were outlined in testimony before the Commerce Committee during hearings on S. 3419 by Karl Hermann, State fire marshal of the State of Washington. He noted that private standards do not include combustibility provisions for all structural and finished materials, establish flame spread requirements that are too high, and do not include design requirements to provide for fire separation between sleeping areas and other portions of the mobile home.

In short, there is little question that there is a great need for Federal regulation of mobile homes. The Commission on Consumer Products is best qualified to perform this function, and for this reason I support adoption of the amendment proposed by the Senator from Missouri (Mr. EAGLETON).

Mr. EAGLETON. Mr. President, I thank the Senator from Utah for his comments and his support of my amendment.

Mr. COTTON. Mr. President, what I am about to say is no reflection on the Senator from Missouri because this was in the committee report, although God knows why, but it seems to me that this simply shows how far afield we are getting.

Here we are trying to pass a bill to protect the consumer, and this is the first time I ever knew that one could consume a mobile home. If we are going to have mobile homes in the bill, we might as well put in bowling alleys, or dance halls, or make this a whole new and extraordinary department of government to maintain control over our whole society.

I have never heard of a more ridiculous thing in my life.

When we write into a committee report a provision for mobile homes in a bill that seeks to protect the consumer against improper food, medicine, and electrical appliances, then I think we are making monkeys of ourselves. It is not conducive to the dignity of the Senate.

I did not intend to speak so strongly, but this turn of events took me by surprise.

Mr. SPARKMAN. Mr. President, if the Senator will yield, I refer the Senator to the bottom of page 12 of the committee report and invite his attention to the following:

> Other products excluded from the definition of "consumer product" include products "subject to regulation" under the National Traffic and Motor Vehicle Safety Act of 1966, aircraft or other aeronautical products "subject to safety regulations" by the Federal Aviation Administration, foods, drugs, or devices subject to safety regulation under the Food, Drug and Cosmetic Act, . . .

This is subject to regulation under the laws that we passed authorizing the FHA to grant insurance. We do require standards. They are required already. The Senator from Tennessee (Mr. BROCK) has introduced a bill that strengthens those requirements. There is a bill before our committee now and we will have hearings on it.

Mr. COTTON. Mr. President, this is something I have never done in all my years of service in the Senate, but I move to lay the amendment on the table.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table is not in order until the Senators have yielded back their time.

Mr. COTTON. Mr. President, I withdraw my motion.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me one-half a minute.

Mr. MAGNUSON. Mr. President, I yield to the distinguished Senator from West Virginia.

ORDER FOR LIMITATION OF TIME ON ROLLCALL VOTES TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on each rollcall through the rest of the evening take 10 minutes rather than the usual 15 and that the warning bell be sounded midway.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I yield such time as desired to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BROCK. Mr. President, I rise in opposition to the amendment and in support of the statement of the Senator from Alabama, the chairman of the Committee on Banking, Housing and Urban Affairs.

I think this amendment really goes to the wrong point. The point is that we have statutes today. We have existing regulations and controls which have been established. We also have my bill which seeks to provide uniformity and improvement of existing standards before the Committee on Banking, Housing and Urban Affairs. Moreover, the Senator from Alabama (Mr. SPARKMAN) has graciously afforded my legislation the opportunity for hearings.

The fact of the matter is that the Senator's amendment tries to equate a waffle iron with a home. The Senator from Utah said that there is something different about a mobile home. I was always taught all my life that if something looks like a duck, waddles like a duck, and sounds like a duck, it is a duck. A mobile home looks like a house, functions as a house, sleeps as a house, it is a house.

There are 7 million Americans who live in these mobile homes. They call them homes. There is no possible way we could put them under this Agency in this bill without diminishing the effectiveness of the control and the opportunity for greater safety to the consumers, because they would be swept in with a hodgepodge of things like toasters and everything else.

Each piece of equipment in a mobile home, such as toasters, refrigerators, and other components, is covered under the present proposal. However, to try to say that a mobile home is not a house and should be covered under the Consumer Product Act is ridiculous and certainly is not logical.

This is a serious problem. I agree with all of the Senator's objectives of achieving greater safety for the homeowners. However, in this instance this is the wrong way to go about it.

The Senator from Utah mentioned the witnesses who testified. Three witnesses testified about this bill before the committee. Two of those witnesses endorse my bill to create standards. Two of the witnesses who testified before the Senate Commerce Committee. The National Association of Independent Insurers endorsed my bill. As a body, the mobile home manufacturers have not. However, the people who insure those homes have. They say that it costs as much per family to insure a mobile home costing $6,000 as it does to insure a $40,000 conventional home.

There is something very wrong here. The Senator from Missouri does not solve the problem. He creates a problem and compounds a felony by putting one more item and 7 million families under the Product Safety Act.

We have duplicate standards between FHA, DOT, VA, FHLB, and this agency. And nobody will win. We know that.

It makes a great deal more sense to treat it as a home under the jurisdiction of the Committee on Banking, Housing and Urban Affairs. Let us write the bill. We will do it and then we will respond to the actual need.

Mr. President, the distinguished junior Senator and I both agree standards are imperative for mobile homes. But to seek to place mobile homes under the jurisdiction of this new agency would be to dilute the effectiveness of what we are both attempting to achieve. If this new agency is designed to give the assurances of safety to consumers "of products for his use, consumption, or enjoyment in or around a household or residence, a school, in recreation," then to give its Commissioner authority over already regulated items such as minibikes, boats, automobiles, or mobile homes can only result in a dilution of competence and effectiveness of the Agency. This is particularly true in the case of mobile homes. For if this amendment were to be adopted the Consumer Product Safety Agency would be thrust into an area which relates solely to housing. A mobile home is a dwelling. These domiciliary units have become a vital and critical component of America's future housing capability. They are practically the only form of housing available to the home buyer for less than $15,000. To attempt to place mobile homes within the definition of a consumer product as envisioned by this act is tantamount to denying the consumer the protection which undeniably should be his when he purchases his home.

If this amendment were adopted, mobile homes would be the only form of housing contained in this legislation although presently modular homes also are not presently regulated by local building codes in most parts of the country. To bury mobile homes in an agency with jurisdiction over items such as irons, televisions, and diet pills is absurd when you think that nearly 7 million people occupy mobile homes as their place of residence.

Mr. President, separate regulation and treatment of mobile homes in an agency with the expertise is required. There is a severe safety problem. But it cannot be solved by an agency without the expertise and resources. Since there is no one agency with established authority over mobile homes today, the ability of the Consumer Product Safety Agency would place these dwellings in dubious priority at a time when action is imperative.

We cannot ignore the fact that the mobile home is the fastest growing sector of American housing and provides 95 percent of all single family dwellings under $15,000. For this reason, I have emphasized in my legislation that the per unit cost of a regulation be considered before promulgation of final standards. There is no such provision in the bill presently under consideration. We must realize that the mobile home is the only mode of housing within reach of the average American. Young people and the elderly are the principal purchasers of mobile homes and we must consider the effects of regulations on their continued ability to own this type of home. Regulation of mobile homes under the Consumer Product Safety Act could push the cost of such a dwelling beyond the reach of these consumers and I believe factors of cost must be weighed.

Thus, regulation should be administered by HUD, not HEW or a new consumer agency. And the goal of such regulation should be to establish minimum uniform safety standards while at the same time promoting the use of the mobile home as a low-cost desirable form of housing.

Mr. President, the use of mobile homes have grown at an astounding rate. In 1967 the manufacturers of mobile homes produced 240,000 units. In less than 3 years in 1970 production was over 500,000. There can be little doubt that mobile homes are the wave of the future.

People are being killed everyday in mobile homes unnecessarily. To seek to relegate mobile homes to the status of toasters, waffle iron, diet pills and the like is to perpetrate the worst kind of injustice on the consumer. We are not talking about an item that is used once a year, once a month, or even once a day. We are talking about a home in use daily where many people, especially the elderly, spend literally thousands of hours. We cannot hope for adequate protection of the mobile homebuyer if we shove him to the side and tell him to wait behind the man with the broken toaster, waffle iron or whatever. These people need protection which is effective. They do not want their homes seized because of a failure to meet an administratively determined standard. This is not consumer protection. It is consumer be damned.

NEED FOR FURTHER EXAMINATION

Mr. President, during consideration of this bill the Senate Commerce Committee scheduled three witnesses on mobile homes. None were technical witnesses, but nevertheless their testimony was enlightening. During hearings on this Consumer Product Safety bill in the other body, now witnesses were heard on Mobile Home safety and it is my understanding that agreement has been reached to exclude mobile homes from their bill in favor of a hearing on specific legislation introduced by my former colleague, Lou Frey of Florida.

Mr. President, all this shows we need to examine this subject carefully before we act, so the result will have the desired effect. At present we have four Federal agencies with statutory authority over mobile home safety. We have 29 States with some sort of regulatory programs covering mobile homes.

Yet, after hearing from a grand total of three witnesses who state something is needed, we are being presented with an amendment which seeks to define a mobile home as a consumer product in the same category with a toaster.

What we need to do is gather representatives from the four Federal programs and the various States with existing safety legislation. Give them a hearing which will result in a reasonable, effective bill.

If we do not, if we pass this proposal we run the risk of establishing yet another unsynchronized federal program for mobile homes.

We risk diminishing the real priority status of mobile home safety.

We risk forcing prices on mobile homes to a level beyond the purchase power of average Americans.

We risk the establishment of standards which are ineffective and ill-conceived.

I urge my colleagues to reject this amendment. I urge them not to run these risks.

Mr. TAFT. Mr. President, I do not believe that mobile homes should be included under the purview of the Food, Drug, and Consumer Product Agency.

The need for establishing Federal safety standards for mobile homes cannot be overemphasized. Unlike conventional housing, mobile homes are not subject to local building ordinances. More than half of the States have adopted standards covering mobile home construction, but in most States that have such standards only those mobile homes manufactured and sold in the State are regulated. There is no control over mobile homes manufactured in a State without regulations. Even in States with adequate standards, the enforcement of such standards is often lackadaisical or hampered by a lack of funding and personnel.

In view of the fires and other tragedies involving mobile homes which have recently been reported, this situation is clearly unacceptable.

At the same time, however, it is clear that any standards for mobile homes should be promulgated with the full benefit of all the expertise available. Ninety-five percent of all homes sold for under $15,000 in America are mobile homes; 400,000 last year. For many Americans earning modest incomes, the only kind of new home which they can afford is a mobile home.

It would be a tragic blow to those low-income consumers if Federal mobile home standards were established which unnecessarily raised the price or complicated the financing of mobile homes.

For those reasons, I have agreed to cosponsor S. 3604, Senator BROCK's bill to establish a national safety standard for mobile homes. That bill calls for the establishment of these standards in consultation with a National Mobile Home Safety Advisory Council, consisting of representatives of the general public, the standards-setting research agencies and the mobile home industry. In promulgating any standard, HUD is directed to consider all relevant mobile home safety data, the advice of the States, the practicality of the standard and the possible financial burden which the standard may place on the manufacturers or dealers.

I feel strongly that this is a more fitting method for regulating mobile homes than allowing the Food, Drug, and Consumer Product Agency to establish the standards as it sees fit. Mobile homes are dwellings, and HUD has the technical expertise necessary to deal with complicated structural problems which may arise when evaluating a dwelling's safety. In addition, HUD is familiar with the financing arrangements which would be made for mobile homes but not for the other types of products which the Food, Drug, and Consumer Product Agency is to regulate.

I urge the Senate not to accept the Eagleton Amendment because of its impatience with the under-regulation of mobile homes. I look forward to hearings and subsequent action on S. 3604 in the near future. At that time, Congress will have an opportunity to determine in a more considered manner the way to regulate mobile homes which will be most beneficial to consumers.

Mr. EAGLETON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

Mr. EAGLETON. Mr. President, mobile homes are now regulated neither as motor vehicles under the Motor vehicles Safety Act, nor as housing under local housing codes of most communities. Mobile homes are subject only to minimal standards which the Mobile Home Association itself has promulgated. These standards were prepared under the aegis of the American National Standards Institute with the participation of the Mobile Homes Manufacturers Association.

Thus, they are a product, a sizable product to be sure. However, they are a manufactured product. They are risky. They cause death and injury to human beings and they are yet unregulated.

It seems to me that the vehicle before the Senate is an appropriate vehicle by which to bring some semblance of regulation and control to this otherwise unrelated and uncontrolled industry.

Mr. President, I yield back the remainder of my time.

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDNIG OFFICER. All time has expired or been yielded back. The question is on agreeing to the amendment of the Senator from Missouri. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. SPONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPONG. Mr. President, are the yeas and nays on the amendment or on the motion to table?

Mr. COTTON. Mr. President, I withdrew my motion to table.

The PRESIDING OFFICER. The yeas and nays are on the amendment of the Senator from Missouri. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. TUNNEY), and the Senator from

South Dakota (Mr. McGovern), are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), would vote "nay."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Hatfield), and the Senator from Connecticut (Mr. Weicker), are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senators from Colorado (Mr. Allott and Mr. Dominick), are detained on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "nay."

The result was announced—yeas 16, nays 63, as follows:

[No. 235 Leg.]

YEAS—16

Cranston
Eagleton
Fulbright
Hart
Hollings
Jackson
Kennedy
Magnuson
McGee
Montoya
Moss
Pastore
Pell
Ribicoff
Stevenson
Symington

NAYS—63

Aiken
Allen
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Fong
Gurney
Hansen
Hartke
Hruska
Humphrey
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mathias
Miller
Mondale
Nelson
Packwood
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Williams
Young

NOT VOTING—21

Allott
Anderson
Chiles
Dominick
Gambrell
Goldwater
Gravel
Griffin
Harris
Hatfield
Hughes
Inouye
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mundt
Muskie
Tunney
Weicker

So Mr. Eagleton's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MAGNUSON. Mr. President, while everyone is here I will ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, I nervously rise to offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 67, lines 12 and 13, strike "manufacturing".

Mr. EAGLETON. Mr. President, I offer an amendment to section 313(b) of the Food, Drug, and Consumer Product Safety Act. This section, as currently drafted, provides the Product Safety Commissioner with strong remedial authority when he finds that a product is either substandard or has a manufacturing defect which presents an unreasonable risk of injury or death. Under this section, he may require manufacturers or others in the distribution chain to give public notice of such defects or to repair the defect without charge or refund the purchase price.

As reported by the Commerce Committee, this section applies only to "manufacturing defects," that is, defects which occur as a result of an oversight or error on the production line or during the inspection process or use of materials not up to design specifications. It does not apply where the defect is socalled design defect. Design defects are those which occur when a product is constructed according to a plan, without production error, but the plan itself results in a product which presents a risk to safety.

We need only look to our recent experience with safety-related defects in automobiles to see that any effective product safety program must provide adequate remedies for all safety-related defects, whether they are technically deemed "manufacturing" or "defect" related. Some of the most serious safety defects found in cars have related to design—including, for example, the recall of 7 million Chevrolets for faulty engine mounts and the recall of all Corvairs manufactured in the 1960's for faulty heaters which propelled noxious fumes into the car interior.

There are countless examples of dangerous designs in the kinds of products that would be covered by the Product Safety Act. For example, Consumer Reports recently rated some of the following products "unacceptable" for purchase:

> A $40 washing machine which has neither 3-wire grounding cord nor double insulation to protect the user against the possibility of a shock hazard;
>
> An $80 humidifier which has large openings in the motor housing at the back of the unit making it possible to touch electrical windings accidentally, causing shock;
>
> A $9 portable electric drill with a trigger which locks too easily in the "on" position;
>
> A $25 bench grinder with a ¼ inch gap between the work rest and the grinding wheels, posing the chance of jamming the work between the wheel and the housing; and
>
> A $40 electric hair setter in which terminal pins on rollers go through holes in plate to make contact with conductors. Severe shock could result from attempting to retrieve a hairpin while the electricity is alive.

Moreover, the Commission on Product Safety Report refers to design defects in floor furnaces, high-rise bicycles, infant furniture, power tools, and other products likely to be found around the average household.

Consumers need protection against design defects even more than they need protection against manufacturing defects. A manufacturing defect may affect a day's run on the assembly line. But a design defect, unless caught and rectified, will affect an entire production run of a product—all the 1972 models, say, of a particular bicycle or toaster.

We must keep in mind that the legislation before us does not deal simply with esthetic complaints, but with safety-related defects—those which pose an unreasonable risk to health and safety. I think it is fair to say that anyone stuck with a product which poses a threat to him or his family does not care whether the danger results from the failure of someone on the line to use the proper bolt, or from the fact that the master plans called for an improper bolt in the first place.

I would also stress the fact that no other product safety legislation of which I am aware—including the statutes which now regulate automobile safety and the safety of products with a potential radiation hazard—make a distinction between manufacturing and design defects. These laws go to any safety defect when it presents a sufficient danger to justify action. Nor does the proposed legislation of the Commission on Product Safety, after which the pending legislation is modeled, make such a distinction.

The Commerce Committee report refers only briefly to this point, stating that—

> If a design defect were to present an unreasonable risk of injury or death, the Commissioner could proceed under authority of section 311 to remove immediately the product from the marketplace or could resort to the standard-setting procedures contained in the bill.

It is clear to me, however, that more attention should be focused on this point. For the reasons I am about to set out, neither the standard setting procedure nor the emergency injunctive authority under section 311 provide an effective alternative for defectively designed products which are already on the market.

Turning first to the standard-setting alternative proposed by the committee, the most obvious drawback in relying on standards is delay. Realistically, we cannot expect that the Commissioner of Product Safety will turn to standard setting for a defectively designed product on the day he learns about the defect. There will be many competing demands. Moreover, even when he determines that standards should be set, promulgating of final standards can be expected to take at least 240 days—180 days for development, 60 days for Commissioner action—with an effective date at least 6 months later in most instances. During this period, defective products will be sold at the risk of injury to consumers.

Furthermore, even where standards are eventually promulgated, they have only prospective effect. Thus, those who have been buying defective products until the effective date of the standard are simply out of luck. The standards afford them no remedy whatever.

Nor does section 311 provide an effective remedy in the case of a defective product already on the market. This section provides for emergency power to seek injunctive relief through the courts for products deemed to be "imminently hazardous." These are products for which no safety standards can be fashioned which would adequately protect consumers. These products are by their very nature dangerous.

Moreover, the section presumes that some administrative proceeding is underway at the time of the court action—a presumption that would not be met in the case of a design defect just discovered by the Commissioner of Product Safety.

The importance of the notification and recall provisions of section 313(b) is that they provide a relatively quick, effective mode of action for the Commissioner when he knows that a product already in the hands of consumers is potentially dangerous. Neither the standard setting procedure nor the emergency injunctive remedy if defects relating to design are excluded from its scope.

Mr. MAGNUSON. Mr. President, I have just conferred with my colleague from New Hampshire. I think we can accept the amendment. It clarifies the difference between design and manufacture. Some of it I do not understand but there is a difference in the question of safety. The testimony was to that effect. We accept the amendment.

I yield back the remainder of our time.

Mr. EAGLETON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. MOSS. Mr. President, I send to the desk two amendments that are really technical amendments clarifying the numbering, and I ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. MOSS. I ask unanimous consent that further reading of the amendments be dispensed with and that they be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the Record.

The amendments, ordered to be printed in the Record are as follows:

> On page 22, line 4, insert after the word "any" the word "claim or".
>
> On page 8, line 2, strike out "106" and insert "107".
>
> On page 8, line 22, strike out "108" and insert "109".
>
> On page 9, line 18, strike out "(4)" and insert "(3)".
>
> On page 10, line 19, strike out the period and insert a semicolon.
>
> On page 13, line 15, strike out the period and insert a semicolon.
>
> On page 14, line 11, strike out "108" and insert "109".
>
> On page 16, line 1, strike out "103(c)(9)" and insert "104(c)(8)".
>
> On page 17, line 20, after "practicable" insert a comma.
>
> On page 31, line 21, after "Commerce" insert a comma.
>
> On page 32, line 2, strike out the semicolon and insert a period.
>
> On page 33, line 15, strike out "(58)" and insert "(59)".
>
> On page 33, line 21, strike out "(95)" and insert "(96)".
>
> On page 33, line 23, strike out "(96)" and insert "(97)".

Mr. MOSS. Mr. President, this is really a renumbering of sections to conform the bill after the amendments made by the Committee on Labor and Public Welfare. One renumbering was picked up by the staff. It makes the bill technically correct. I do not think any explanation is needed. This is to make the bill technically correct.

Mr. COTTON. Mr. President, the Senator was kind enough to bring the amendments over to us and we agree.

Mr. MAGNUSON. Mr. President, I yield back my time.

Mr. MOSS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendments has been yielded back. The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

The PRESIDING OFFICER. Are there further amendments? If there be no further amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MAGNUSON. Mr. President, I would like to clarify three matters which have been raised in discussions of the text of S. 3419. They are as follows:

First. Section 306(d) provides that the Commissioner may set a later effective date for a standard beyond the 6-month norm, but that the Commissioner must publish his reasons therefore. It is of course contemplated that, in accordance with the provisions of the Freedom of Information Act, all of the documents upon which the Commissioner has relied in making such determination will be made public.

Second. In regard to section 315(b) which authorizes the Commission to inspect records, in accordance with normal practice it is contemplated that the right to inspect includes the authority to make appropriate copies of such records.

Third. Section 305(4), providing for the maintenance of records of the development of proposed standards requires that "comments and other information submitted by any person in connection with such development" be disclosed. This provision contemplates that any dissenting views submitted to the person or persons developing a proposed standard will be made public in a timely manner.

RADIATION SAFETY

Mr. President, S. 3419 meets the recommendations of the National Product Safety Commission in the key area of electronic product radiation safety by transferring the administration of the Radiation Control for Health and Safety Act from the Food and Drug Administration to the new agency. Under the authority of this consumer protection legislation, over 34,000 products have been repaired at no cost to the purchaser. S. 3419 carefully preserves this effective consumer protection measure and, in the process, avoids duplication of effort. Today, there are over 116 Federal employees—of whom 70 are engineers and physicists—working on radiation hazards to the public from television receivers, microwave ovens, lasers, ultrasonic products, and X-ray equipment. However, as noted by the National Product Safety Commission—

> Legislation for a single hazard often fails to cover other serious hazards. . . . The Radiation Control for Health and Safety Act authorized inspection of television sets for radiation but not for fire hazards.

It is prudent, therefore, that these highly competent and trained persons be permitted to work on the solution of the full range of problems associated with electronic products—whether it be radiation, fire, or electrical shock. Furthermore, over 33,000 square feet of electronic laboratories now exist, and these should also be made available to the new agency. Otherwise, these facilities will have to be duplicated at a cost of over $3 million.

The progress that has been made under the Radiation Control for Health and Safety Act has been almost solely oriented toward product safety: Radiation safety standards for demonstration tubes used in high schools, television receivers, microwave ovens, and medical X-ray equipment. Each of these standards deals specifically with the engineering and physical principles of how the product is to perform. As noted in the June 12 issue of Product Safety Letter—

> Despite the Buck Rogers aura that surrounds lasers, a number of products could move quickly from the R&D stage to the marketplace. Their future depends on radiation limits that will be set by the government.

The new agency to be established by S. 3419 will need expertise in this area, because lasers not only present a potential radiation hazard, but also have potential problems in electrical shock.

It is the full intent of S. 3419 to draw together into one agency the existing Federal authority and expertise which is needed to provide the fullest possible protection to the consumer from hazardous products. We should not place an unneeded burden on a manufacturer to have to report to separate safety agencies on the same products and thus require the Congress to fund two groups when one could do it. Failure to place the administration of the Radiation Control for Health and Safety Act with the new agency proposed by S. 3419 would deny to the agency, and to the consumer, an immediate and demonstrated ability to respond to the complex engineering problems involved in product safety.

The PRESIDING OFFICER. Is all time yielded back on the bill itself?

Mr. MAGNUSON. Mr. President, I yield back my time.

Mr. COTTON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Florida (Mr. Chiles), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK) are detained on official business.

If present and voting, the Senator from Michigan (Mr. GRIFFIN) and the Senator from Oregon (Mr. HATFIELD), would each vote "yea."

The result was announced—yeas 69, nays 10, as follows:

[No. 236 Leg.]

YEAS—69

Aiken
Allen
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cranston
Dole
Eagleton
Ellender
Fong
Fulbright
Gurney
Hart
Hartke
Hollings
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGee
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Williams
Young

NAYS—10

Buckley
Cotton
Curtis
Eastland
Ervin
Fannin
Hansen
Hruska
Stennis
Tower

NOT VOTING—21

Allott
Anderson
Chiles
Dominick
Gambrell
Goldwater
Gravel
Griffin
Harris
Hatfield
Hughes
Inouye
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mundt
Muskie
Tunney
Weicker

So the bill (S. 3419) was passed, as follows:

S. 3419

An act to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food, Drug, and Consumer Product Safety Act of 1972".

TITLE I—CREATION OF FOOD, DRUG, AND CONSUMER PRODUCT AGENCY

FINDINGS AND DECLARATION OF POLICY

SEC. 101. The Congress hereby finds and declares—

(1) that the regulation of foods, drugs, and consumer products is scattered widely throughout several Federal departments and agencies, and that inconsistent policies and incomplete regulation has resulted from this diffusion of regulatory efforts within the Federal Government;

(2) that effective consumer product regulation requires creation of a new independent agency with the power to take all action necessary to enforce food, drug, and consumer product safety laws, including the power to promulgate regulations, prosecute court actions, and make legislative and budgetary recommendations;

(3) that each year many Americans are needlessly injured in their homes because present Federal law inadequately regulates most consumer products;

(4) that in addition to consolidating present food, drug, and product safety regulation in a new independent regulatory agency, new statutory authority is needed to protect consumers against the hazards of many household products not covered by present Federal safety regulation;

(5) that because intrastate and interstate commerce in consumer products are closely intertwined and directly affect each other, Federal control over intrastate commerce in consumer products is essential to the effective control of the interstate commerce in such products;

(6) that unacceptable numbers of hazardous consumer products now affect interstate commerce, and their increasing number and complexity make it imperative that the Federal Government act promptly to eliminate unnecessary death and injury in the future; and

(7) that the American public has a right to be protected against risk of death or injury from hazardous consumer products when such hazards can reasonably be eliminated or minimized.

DEFINITIONS

SEC. 102. As used in this Act—

(a) "Consumer product" means a product, or a component thereof, produced for or distributed to an individual for his personal use, consumption, or enjoyment in or around a household or residence, a school, in recreation, or otherwise, but, except to the extent provided in section 104(c)(17), it does not include—

(1) tobacco and tobacco products;

(2) products subject to safety regulation under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.);

(3) aircraft or other aeronautical products subject to safety regulation by the Federal Aviation Administration;

(4) food or drugs as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.);

(5) products subject to safety regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.);

(6) products subject to safety regulation under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) insofar as such products are regulated for use in employment;

(7) products subject to safety regulation under the Gas Pipeline Safety Act (49 U.S.C. 1671 et seq.);

(8) products subject to safety regulation under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); and

(9) vessels, appurtenances, and equipment subject to safety regulation under title 52 of the Revised Statutes, as amended, the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.), or other marine safety statutes administered by the Department in which the Coast Guard is operating.

(b) "Commerce" means commerce among, between, or within the several States.

(c) "Consumer product safety standard" means a minimum standard promulgated under this Act which prevents such product from presenting an unreasonable risk of injury or death.

(d) "Subject to safety regulation" means authorized to be regulated for the purpose of eliminating any unreasonable risk of injury or death, as determined by the Administrator through communication and consultation with appropriate department or agency officials.

(e) "Injury" means harm (including adverse reactions and illness) produced by biologic, chemical, thermal, mechanical, electrical, radiological, or other natural or manmade agents.

(f) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, the Trust Territory of the Pacific Islands, or the Canal Zone.

(g) "Unreasonable risk of injury presented by a consumer product" means that degree of risk which the Commissioner determines is incompatible with the public health and safety either because the degree of anticipated injury or the frequency of such injury, or both, is unwarranted because—

(A) the degree of anticipated injury or the frequency of such injury can be reduced without affecting the performance or availability of the consumer product, or

(B) the degree of anticipated injury or the frequency of such injury cannot be reduced without affecting the performance or availability of the consumer product but the effect on such performance or availability is justified when measured against the degree of anticipated injury or the frequency of such injury.

(h) "Use" means: (A) exposure to, and (B) normal use or reasonably foreseeable misuse.

(i) "Risk-based analysis" means analysis which (A) identifies hazardous elements, conditions of use, and potential accidents, (B) determines the significance of their potential effect, and (C) provides the bases for limitations on use and design and procedural safety requirements to eliminate, control, or minimize hazards and to promote health and safety.

ESTABLISHMENT OF AGENCY

SEC. 103. There is hereby created an independent Food, Drug, and Consumer Product Agency (hereinafter referred to as the "Agency") whose function it is to promote the public health, safety, and welfare by protecting consumers against adulteration, misbranding, and illegal distribution of food, drugs, devises, and cosmetics, and against injury resulting from the use of consumer products. Within such Agency there shall be established a Commission of Food and Nutrition, a Commission of Drugs, a Commission of Veterinary Medicine, and a Commission of Consumer Products, each to be headed by a Commissioner as provided in section 107 of this Act.

ADMINISTRATOR

SEC. 104. (a) APPOINTMENT.—The President shall appoint, with the advice and consent of the Senate, an Administrator of the Agency.

(b) TERM OF OFFICE.—The Administrator shall serve for a term of five years. He may be reappointed to the position of Administrator only once in succession.

(c) POWERS.—In order to fulfill his duties under this title, the Administrator is empowered to—

(1) direct and coordinate the activities of the Commissions of Food and Nutrition, Drugs, Veterinary Medicine, and Consumer Products;

(2) direct and supervise all personnel of the agency;

(3) employ experts and consultants (including such experts as provided for in section 109 of this title) in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5, United States Code, and, while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(4) appoint advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees, or otherwise serving at the request of the Administrator, compensation and travel expenses at the rate provided for in paragraph (3) of this subsection with respect to experts and consultants;

(5) promulgate such regulations as may be necessary to carry out the functions vested in him and for the efficient enforcement of the laws subject to the jurisdiction of the Agency;

(6) issue subpenas to require the attendance and testimony of witnesses and the production of documentary evidence relating to any matter within his statutory authority which is the subject of a public hearing, have access for the purpose of examining and copying any documentary evidence relating to any matter within his statutory authority, and require by general or special orders signed by him the submission of annual or special reports or answers in writing to specific questions containing such data and information relating to any matter within his statutory authority as will enable him to enforce the laws subject to his jurisdiction. The district courts of the United States shall have jurisdiction to enforce such subpenas or general or special orders or to require access to such documentary evidence upon application of the Attorney General or the Administrator. An action for such enforcement may be brought in any district court of the United States for the district wherein the person involved is found or transacts business;

(7) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities with or without reimbursement therefor;

(8) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Agency and on such terms as the Administrator may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, independent testing laboratory, or institution;

(9) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(10) designate representatives to serve or assist on such committees as the Administrator may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies and independent standard-setting bodies carrying out programs and activities related to the protection of consumers against injury resulting from the use of foods, drugs, and consumer products;

(11) construct such research or test facilities as may be necessary to carry out the purposes of this Act, (A) after fully utilizing the personnel, facilities, and other technical support available in other Federal agencies, (B) when authorized by the Congress to plan, design, and construct such facilities, and (C) subject to the appropriation of funds for this purpose by the Congress;

(12) conduct public hearings anywhere in the United States to consider the safety of foods, drugs, or consumer products;

(13) prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the administration and enforcement of the laws subject to his jurisdiction, and receive from the President and Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Agency;

(14) prescribe personnel policies for the Agency including selecting, appointing, fixing compensation of, hiring, firing, promoting, and transferring of employees without prior approval or clearance, subject to the civil service and classification laws;

(15) submit legislative recommendations and testimony to Congress without prior approval or clearance;

(16) initiate, prosecute, defend, or appeal any court action in the name of the Agency to enforce the laws subject to his jurisdiction, through his own legal representative or through the Attorney General, and direct the course of all litigation involving the Agency;

(17) (A) petition any Federal department or agency which has jurisdiction over products included within the definition of consumer product in section 102(a) but exempt under paragraphs (1)-(9) to establish and enforce appropriate safety regulations for any such product;

(B) participate in the establishment of such regulations; and

(C) upon request of such department or agency, establish and enforce such regulations in accordance with title III of this Act. Upon such request, such product shall be deemed to be a consumer product under section 102(a);

(18) undertake such other activities as are necessary to carry out his duties under this Act, including those enumerated in other sections of this Act; and

(19) delegate any of his functions and duties under this Act, including functions and duties transferred to him pursuant to title II, other than subpena powers, to the Commissioners or other officers or employees of the Agency.

DUTIES OF THE ADMINISTRATOR

SEC. 105. The Administrator shall—

(a) direct and coordinate the activities of the Commissions of Food and Nutrition, Drugs, Veterinary Medicine, and Product Safety;

(b) attempt to secure levels of funding for the Agency that will permit it to carry out its mission on behalf of the public;

(c) establish an Office of Consumer Information in accordance with the provisions of section 109 of this title;

(d) establish a National Injury Information Clearinghouse which shall systematically monitor and report injuries or deaths associated with foods, drugs, and consumer products and identify the agent or agents associated with such injuries or deaths;

(e) establish and supervise the activities of the Joint Scientific Committee;

(f) appoint a General Counsel for the Agency and an Assistant General Counsel for each Commission, to assist him as his legal representative in carrying out his duties under this Act;

(g) enforce the laws which he is required under title II of this Act to administer; and

(h) publish notice of any proposed public hearing in the Federal Register, and afford a reasonable opportunity for interested persons, including consumers, to present relevant testimony and data.

OBLIGATIONS OF AGENCY CONTRACTORS

SEC. 106. (a) MAINTENANCE OF RECORDS.—Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project undertaken in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) ACCESS TO RECORDS.—The Administrator and the Comptroller General of the United States or their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants or contracts entered into under section 104(c)(8) under other than competitive bidding procedures.

COMMISSIONERS

SEC. 107. (a) APPOINTMENT.—The Administrator shall appoint a Commissioner of Food and Nutrition, a Commissioner of Drugs, a Commissioner of Veterinary Medicine, and a Commissioner of Consumer Products.

(b) POWERS.—In order to fulfill his duties under this title, a Commissioner is empowered to—

(1) undertake such activities as are authorized and necessary to carry out his duties under this title, including those delegated to him by the Administrator and those enumerated in other sections; and

(2) conduct public hearings anywhere in the United States to consider the safety of foods, drugs, or consumer products.

DUTIES OF THE COMMISSIONERS

SEC. 108. Each Commissioner, in cooperation with the other Commissioners and as directed and coordinated by the Administrator, shall—

(1) attempt to eliminate products presenting unreasonable risk of injury;

(2) establish a capability within his Commission to engage in risk-based analysis;

(3) establish an interdisciplinary epidemiology capability and undertaken investigations in coordination with the National Injury Information Clearinghouse to facilitate regulation-making and to assist in risk-based analysis;

(4) establish a scientific capability within the Commission to assist in hazard detection, test method development, and quality control requirements;

(5) utilize where practicable, and establish where necessary, field operations as authorized by the Administrator to facilitate detection of conditions which might lead to injury or death, to monitor compliance with required levels of safety performance, to report violations, and to assist the Administrator in any enforcement action taken by him; and

(6) publish notice of any proposed public hearing in the Federal Register, and afford a reasonable opportunity for interested persons, including consumers, to present relevant testimony and data.

OFFICE OF CONSUMER INFORMATION

SEC. 109. (a) DIRECTOR.—The Administrator shall appoint a Director of the Office of Consumer Information.

(b) DUTIES OF DIRECTOR.—The Director shall—

(1) establish a Consumer Information

Center which can respond to written inquires from consumers;

(2) conduct consumer education programs so as to inform the public about certain specified hazards and thereby reduce the risk of those hazards. Such consumer education programs shall not be relied upon by the Administrator or any Commissioner as a substitute for action designed to minimize any hazard unless the Director publishes in the Federal Register a finding that such reliance would sufficiently reduce the risk of such product so that its use would not present an unreasonable risk of injury or death; and

(3) insure public access to information concerning pending or completed actions of the Administrator in accordance with section 114 of this title.

(c) PUBLIC INFORMATION ROOM.—In addition to publishing information in the form and manner best adopted for widespread distribution, information available for public disclosure shall be made available in a "Public Information Room" within the Director's office, equipped with a self-help copying machine, from which the public can make copies at the cost of the production of the copy. The Agency shall charge the public the minimum practicable amount for the search for and production of documents, shall take all reasonable measures to reduce or waive, where appropriate, any charge to persons to whom such charge would be financially burdensome, and in no event shall charge any amount which exceeds the actual cost of such search and production. All funds collected for copying and for search for and production of documents shall be paid to the Administrator and shall be obligated and expended by him to finance the Agency's consumer information program.

(d) The Director shall establish a Consumer Information Library.

NATIONAL INJURY INFORMATION CLEARINGHOUSE

SEC. 110. (a) DIRECTOR.—The Administrator shall appoint a Director of the National Injury Information Clearinghouse.

(b) DUTIES OF DIRECTOR.—The Director shall establish a system of nationwide reporting centers to monitor injury associated with food, drugs, and consumer products, to identify any natural or man-made biologic, chemical, mechanical, electrical, thermal, radiological, or other agents that caused such injury, to describe the way in which such agents came into contact with the victim, and to ascertain the severity of the injury.

(c) POWERS OF DIRECTOR.—(1) The Director may—

(A) obtain injury data from other governmental and nongovernmental sources; and

(B) require manufacturers, importers, processors, distributors, retailers or assemblers of food, drugs, or consumer products, and their insurers, to submit information concerning injuries associated with such food, drugs, and consumer products that have come to their attention in accordance with regulations promulgated by the Administrator, which ensure that such persons providing such information are not compromised in any claim or pending litigation.

(d) LIMITATIONS.—(1) The Director shall not disclose information obtained by him under this section which concerns or relates to a trade secret or other confidential business information, not related to a consumer product in such a way as to indicate the presence of an unreasonable risk of injury or death, described in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) to other Federal Government departments, agencies, and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, in a manner designed to preserve confidentiality to the greatest practicable extent; and

(E) to the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons or person treating them be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 522, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

JOINT SCIENTIFIC COMMITTEE

SEC. 111. (a) DESIGNATION.—After consultation with the Commissioners, the Administrator shall establish and appoint the members of a Joint Scientific Committee which shall be composed of at least one representative of each Commission and chaired by an Associate Administrator for Science appointed by the Administrator.

(b) MEETINGS.—Such Committee shall meet at least once a month.

(c) DUTIES.—

(1) The Associate Administrator and members of the Committee shall insure that there is an exchange of scientific information between the Commissions and shall report to the Administrator on the needs of the scientific personnel in each of the Commission.

(2) The Committee shall advise the Administrator or any of the Commissioners on technical matters and shall make recommendations for the soliciting of expert scientific opinion on particular issues.

AGENCY RESPONSIBILITY

SEC. 112. (a) PETITION OF THE AGENCY.—Any individual or class of individuals who alleges that he or they have been exposed by an act or omission of the Agency to a food, drug, or consumer product presenting an unreasonable risk of injury or death, shall first petition the Agency to take specific action sufficient to eliminate the alleged unreasonable risk of injury or death. After opportunity for interested parties to comment on the petition not to exceed thirty days, the Agency shall determine whether an unreasonable risk of injury or death exists as a result of an act or omission of the Agency and issue a decision either refusing to take any action or taking action designed to eliminate any unreasonable risk of injury or death. The Agency shall make such determination and issue such decision within a reasonable period of time, but in no event more than one hundred and twenty days following the presentation of the petition to the Agency.

(b) CIVIL ACTION AGAINST THE AGENCY.—If the Agency refuses to take any action in response to the petition or if the Agency action taken in response to the petition is regarded by the petitioner or petitioners as insufficient to eliminate the alleged unreasonable risk of injury or death, a petitioner or petitioners may commence a civil action in a United States court of appeals. Any such action shall be filed within sixty days after the decision of the Agency pursuant to subsection (a) to take or refuse to take any action. If a petitioner or petitioners apply to the court to adduce additional evidence and show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure of the petitioner or petitioners to adduce such evidence in the proceeding before the Agency the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Agency in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper.

(c) POWERS OF THE COURT.—(1) If the court finds, based upon a preponderance of the evidence which constitutes the record of the Agency, that the Agency, by an act or omission, has exposed such petitioner or petitioners to a food, drug, or consumer product presenting unreasonable risk of injury or death, the court shall remand the matter to the Agency for appropriate action. The "record of the Agency" means the information upon which the Agency based its decision, including the petition and any information submitted by the petitioner or petitioners and all other information identified in the decision of the Agency as part of the record, and any additional evidence adduced in accordance with procedures established in subsection (b) of this section.

(2) No action pursuant to any section may be filed for the purpose of requiring the Agency to permit the sale, distribution, use, or shipment in commerce of any food, drug, or consumer product, and no award of money damages may be made in any court action pursuant to this section.

(d) COSTS OF PETITION AND CIVIL ACTION.—Costs of the petition and civil action (including reasonable attorney's fees) may be apportioned to the parties as the interests of justice require.

ANNUAL REPORTS

SEC. 113. (a) TIME OF REPORT.—Within one hundred and twenty days following the convening of each regular session of each Congress, the Administrator shall prepare and submit directly to Congress and the President a report on the activities of the Agency and its recommendation for legislative action.

(b) CONTENTS.—Such reports shall contain the following—

(1) budget information containing the budget requests of the President and the Administrator, the budget recommendations of each of the Commissioners, the appropriation of the Congress, and the distribution of appropriated funds for the fiscal year following the year of the report, for the fiscal year of the report, and for the preceding three fiscal years;

(2) a detailed summary of the activities of the Agency, including but not limited to an account of the activities of the National Injury Information Clearinghouse, the Office of Consumer Information, and the Joint Scientific Committee detailing the number and type of personnel employed and the moneys expended by each;

(3) a detailed summary of the activities of each Commission prepared by its Commissioner which presents information as to its epidemiology efforts, risk-based analysis activities, regulation-making efforts (including a brief description of final regulations promulgated), certification programs, scientific activities (including basic research and test methods development) undertaken by the Commission or by other Government agencies or private persons under contract with the Agency, and its field operations;

(4) a detailed summary of the enforcement activities of the Agency including violations reported to the Administrator by each Commissioner, a summary of the disposition of violations including but not limited to voluntary agreements, seizures, recalls, civil fines, and criminal prosecutions; and

(5) legislative recommendations of each Commissioner, the Administrator, and the Director of the Office of Consumer Information.

PUBLIC ACCESS TO INFORMATION

SEC. 114. (a) AVAILABILITY.—Copies of any communications, documents, reports, or other information received or sent by the Administrator or any Commissioner shall be made available to the public, upon identifiable request, and at reasonable cost, through the Office of Consumer Information unless such information may not be publicly released under the terms of subsection (b) of this section.

(b) (1) LIMITATIONS.—The Administrator, Commissioner, or any officer or employee of the Agency shall not disclose information obtained by him under this section which concerns or relates to a trade secret or other confidential business information, not related to a consumer product in such a way as to indicate the presence of an unreasonable risk of injury or death, described in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) to other Federal Government departments, agencies, and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, in a manner designed to preserve confidentiality to the greatest practicable extent; and

(E) to the public in order to protect their health and safety, after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons or persons treating them be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) PROCEEDING COMMUNICATIONS—Any communication from a person outside the Agency to the Administrator, the Commissioners, or any other employee of the Agency concerning a matter presently under consideration in a rulemaking or adjudicatory proceeding in the Agency shall be made a part of the public file of that proceeding unless it is a communication entitled to protection under subsection (b) of this section.

COOPERATION OF FEDERAL AGENCIES

SEC. 115. (a) The Administrator is authorized to utilize the resources and facilities of the National Bureau of Standards in the Department of Commerce, with or without reimbursement, for the purpose of developing food, drug, or consumer product safety standards, testing, enforcing compliance or for other purposes related to carrying out the authorities of the Administrator under the Act. The Administrator shall report to the Congress each year on his implementation of this section.

(b) Upon request by the Administrator, each Federal agency is authorized—

(1) to make its services, personnel, and facilities available with or without reimbursement to the greatest practicable extent within its capability to the Agency to assist it in the performance of its functions; and

(2) to furnish to the Agency such information, data, estimates, and statistics, and to allow the Agency access to all information in its possession, as the Administrator may reasonably determine to be necessary for the performance of the functions of the Agency as provided by this Act.

SEPARABILITY

SEC. 116. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 117. There are authorized to be appropriated for the purpose of carrying out the provisions of this Act not to exceed $250,000,000 for the fiscal year beginning July 1, 1972, not to exceed $300,000,000 for the fiscal year beginning July 1, 1973, not to exceed $350,000,000 for the fiscal year beginning July 1, 1974, and for succeeding fiscal years only such sums as the Congress may specifically authorize by law. No part of the funds appropriated to carry out this Act may be used to plan, design, or construct any research or test facilities unless specifically authorized by the Congress by other law.

SEC. 118. (a) EXECUTIVE SCHEDULE LEVEL OF ADMINISTRATOR.—Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Administrator, Food, Drug, and Consumer Product Agency."

(b) EXECUTIVE SCHEDULE LEVEL OF COMMISSIONERS.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(96) Commissioners, Food, Drug, and Consumer Product Agency.

"(97) General Counsel, Food, Drug, and Consumer Product Agency."

(c) ADDITIONAL POSITIONS.—Section 5108(c) of title 5, United States Code, is amended by:

(1) striking out the word "and" at the end of paragraph (9);

(2) striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding immediately at the end of such subsection the following new paragraph:

"(11) The Administrator of the Food, Drug, and Consumer Product Agency, without regard to this chapter (except section 5114), may place twenty-five positions in the Food, Drug, and Consumer Product Agency in GS-16, 17, and 18 for the purposes of carrying out his responsibilities under the Food, Drug, and Consumer Product Safety Act of 1972.".

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 119. (a) This Act shall take effect ninety days after the Administrator first takes office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Agency pursuant to this Act.

TITLE II—TRANSFERS OF FUNCTION

SEC. 201. (a) All functions of the Secretary of Health, Education, and Welfare administered through the Food and Drug Administration are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(b) All functions of the Secretary of Health, Education, and Welfare under the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263(a)) and under sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262, 263) are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(c) All functions of the Secretary of Commerce and the Federal Trade Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) and under the Act of August 2, 1956 (15 U.S.C. 1211) are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(d) (1) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which are used primarily with respect to any office, agency, bureau, or function transferred under the provisions of this section are transferred to the Administrator of the Food, Drug, and Consumer Product Agency. The transfer of personnel pursuant to this subsection shall be without reduction in classification or compensation for one year after such transfer, and this provision shall not be construed to impair the authority of the Administrator to assign personnel during this period to carry out the functions of the Agency most effectively.

(e) The Civil Service Commission shall establish criteria, in consultation with the Administrator, when preparing competitive examinations for positions in the Agency.

(2) Any commissioned officer of the Public Health Service who, upon the day before the effective date of this Act, is serving as such officer primarily in the performance of functions transferred by this Act to the Agency or the Administrator may, if such officer so elects, acquire competitive status and be transferred to a competitive position in the Agency subject to paragraph (1) of this subsection, under the terms prescribed in section 15(b)(3)-(8)(A) of the Clean Air Amendments of 1970 (84 Stat. 1676; 42 U.S.C. 215 nt).

SEC. 202. (a) The Administrator shall, insofar as practicable and consistent with sound administration of the laws subject to his jurisdiction, delegate all or part of the authority transferred to him to—

(1) the Commissioner of Food and Nutrition with respect to functions relating to human food, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Federal Import Milk Act (21 U.S.C. 141 et seq.), the Filled Milk Act (21 U.S.C. 61 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), and the provisions relating to pesticides, interstate travel sanitation, milk and food service sanitation, and shellfish sanitation under the Public Health Service Act (42 U.S.C. 241, 243, 246, and 264);

(2) the Commissioner of Drugs with respect to functions relating to human drugs, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262, 263), the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263a), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat 1236);

(3) the Commission of Veterinary Medicine with respect to functions relating to food and drugs for use in animals other than man, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), and the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236); and

(4) the Commissioner of Consumer Products with respect to functions relating to other consumer products over which the Administrator has jurisdiction, including but

not limited to functions under title III of this Act, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Poison Prevention Packaging Act (15 U.S.C. 1471 et seq.), the Radiation Control for Health and Safety Act (42 U.S.C. 263b et seq.), the Federal Caustic Poison Act (44 Stat. 1406), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), the Act of August 2, 1956 (15 U.S.C. 1211), and the provisions relating to product safety under the Public Health Service Act (42 U.S.C. 241, 244, 246, and 264).

(b) The Administrator shall annually present to Congress as part of his annual report under section 113 a detailed statement of delegation.

SEC. 203. All laws relating to any office, agency, bureau, or function transfered under this Act shall, insofar as such laws are applicable, remain in full force and effect. And orders, rules, regulations, permits, or other privileges made, issued, or granted by any office, agency, or bureau or in connection with any function transferred by this Act, and in effect at the time of the transfer, shall continue in effect to the same extent as if such transfer had not occurred until modified, superseded, or repealed. No suit, action, or other proceeding lawfully commenced by or against any office, agency, or bureau or any officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this Act, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceedings to obtain a settlement of the questions involved, may allow the same to be maintained by or against the appropriate office, agency, bureau, or officer of the United States.

TITLE III—CONSUMER PRODUCT SAFETY

COLLECTION AND DISCLOSURE OF INFORMATION ON CONSUMER PRODUCT RISKS

SEC. 301. (a) The Commissioner of Product Safety (hereinafter referred to as the "Commissioner") shall collect, evaluate, and disseminate, on a continuing basis in conjunction with the National Injury Information Clearinghouse, information on the types, frequency, severity, and causes of injury associated with the use of consumer products, and on means to test, measure, or evaluate the risks of such injury. In carrying out his functions under this section the Commissioner in addition to or in aid of the foregoing—

(1) shall collect data or perform research or studies to facilitate the establishment of consumer product safety standards and to evaluate their efficacy in reducing risks associated with consumer products;

(2) shall use interdisciplinary epidemiological teams where appropriate to ascertain the details and causation of injury resulting from the use of a consumer product;

(3) shall plan, conduct, coordinate, or provide technical assistance to research activities, development of methods, training of personnel, or operations, designed to minimize the risks associated with consumer products, or designed to develop means to test, measure, or evaluate such risks;

(4) shall secure information on the risks associated with consumer products from other Federal or State departments and agencies with related interests, professional organizations, industry, or labor associations, and other public or private agencies, organizations, or institutions;

(5) shall make available, through publications and by other appropriate means, the results of, and other information concerning, research and studies relating to the nature and extent of the risks associated with consumer products, and may include recommendations for the reduction of such risks, or information on the means of testing consumer products for risks; and

(6) shall obtain (by negotiation or otherwise) consumer products for research and testing purposes, and sell or otherwise dispose of such products.

(b) The Commissioner is authorized to obtain from any person by subpena, issued pursuant to regulation, information in the form of books, records, or other writings in his possession pertinent to the frequency or causes of death, or the types, frequency, severity, or causes of illness or injury associated with exposure to or use of consumer products. The district courts of the United States shall have jurisdiction to enforce such subpenas upon application of the Attorney General or the Administrator. An action for such enforcement may be brought in any district court of the United States for the district wherein such person is found or transacts business.

(c)(1) The Commissioner shall not disclose information obtained by him under this section which concerns or relates to a trade secret or other confidential business information, not related to a consumer product in such a way as to indicate the presence of an unreasonable risk of injury or death, described in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) to other Federal Government departments, agencies, and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act; and

(E) to the public in order to protect their health and safety, after notice and opportunity for comment in writing or for discussion in closed session not to within 15 days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(d) The Commissioner shall communicate to each manufacturer of a consumer product, insofar as may be practicable, information as to any unreasonable or significant risk to health or safety associated with such product.

(e) Whenever the Commissioner finds, on the basis of information available to him, that exposure to an aspect of the household environment other than a consumer product presents an unreasonable risk of personal injury or death and that a recognized building, electrical, or other code covers that aspect of the household environment, he may recommend to the appropriate code-making authority, and to those authorities responsible for enforcing the code having jurisdiction over that aspect, the code changes he considers warranted to reduce the risk to a reasonable level.

AUTHORITY TO PROMULGATE STANDARDS FOR CONSUMER PRODUCTS

SEC. 302. Whenever the Commissioner finds a need for action to eliminate unreasonable risk of injury or death associated with the use of a consumer product, or any type or class of such products, he may by regulation, in accordance with the requirements of this Act, promulgate for such product, or type or class of such products, a consumer product safety standard or amend any standard previously established. Such standard or amendment to a standard, insofar as practicable, shall be compatible with any environmental standards established for any consumer product by the Federal Government.

INITIATION OF PROCEEDING TO PROMULGATE A CONSUMER PRODUCT SAFETY STANDARD

Notice of Proceeding

SEC. 303. (a) A proceeding to promulgate a consumer product safety standard shall be initiated by the Commissioner by publication in the Federal Register of a notice of proceeding. Such notice shall invite public comment with respect to the initiation of such proceeding and shall include—

(1) a description or other appropriate designation of the consumer product or type or class of such products with respect to which the proceeding is initiated;

(2) the risk or risks intended to be controlled;

(3) a summary description of the information upon which the Commissioner has found a need to initiate the proceeding, and the manner, consistent with subsection (c) of section 301, in which interested persons may examine such information;

(4) information with respect to any existing standard known to the Commissioner which may be relevant to the proceeding; and

(5) an invitation for any person, including any Federal agency, within thirty days after the date of publication of the notice—

(A) to submit information challenging the need to control any risk or risks presented by the consumer product, or type or class of such products, with respect to which the proceeding is initiated;

(B) to submit to the Commissioner an existing standard as such proposed consumer product safety standard; or

(C) to offer to develop such proposed consumer product safety standard in accordance with regulations of the Commissioner prescribing procedures for such development.

Petititon by Interested Party

(b) Any consumer or other interested party may petition the Commissioner to commence a proceeding for the issuance, amendment, or revocation of a consumer product safety standard or other action. Such petition shall set forth with particularity the reasons for such petition. The Commissioner shall publish petitions in the Federal Register and allow opportunity for comment. If the Commissioner denies such petition he shall publish his reasons for such denial.

Decision To Proceed

(c) If the Commissioner determines, after receiving and evaluating any information to the contrary, that there exists a need to control a risk or risks presented by the designated consumer product, or type or class of such products with respect to which the proceeding to promulgate a consumer product safety standard was initiated, then he shall proceed toward the publishing of a proposed consumer product safety standard.

Use of Existing Standard

(d) If the Commissioner—

(1) finds that there exists a standard which has been published by any Federal agency or other qualified agency, organization, or institution;

(2) has made reference to such standard (unless it is a standard submitted pursuant to section 303(a)(5)(B)) in his notice pursuant to subsection (a)(4); and

(3) determines that such standard may be acceptable to him as a consumer product safety standard, then he may, in lieu of accepting an offer pursuant to this section, publish such standard as a proposed consumer product safety standard pursuant to section 306.

Acceptance of Offers To Develop Proposed Consumer Product Safety Standards

(e)(1) Except as provided by subsection (b), the Commissioner may accept one, or more than one, offer to develop a proposed consumer product safety standard pursuant to the invitation prescribed by subsection (a)(5)(C), upon his determination that—

(A) the offeror is technically competent and is likely to develop an appropriate standard within one hundred and fifty days of the notice of proceeding or such longer period of time not to exceed three hundred and sixty days from the date of such notice;

(B) the offeror has the capacity to comply with regulations of the Commissioner prescribed pursuant to section 305; and

(C) the offeror, including any person assisting the offeror in the development of the proposal, is not a manufacturer, distributor or retailer or the employee of a manufacturer, distributor or retailer of a consumer product proposed to be included in the consumer product safety standard to which the offer applies.

The Commissioner shall publish in the Federal Register the name and address of each person whose offer he accepts, and a summary of the terms of such offer as accepted.

(2) Upon an offeror's application therefor prior to the acceptance of his offer under this subsection, the Commissioner may agree to contribute to the offeror's cost in developing a proposed consumer product safety standard, if the Commissioner determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution, and that the offeror is financially responsible. Regulations of the Commissioner shall set forth the items of cost in which he may participate, and shall exclude any contribution to the acquisition of land or buildings.

DEVELOPMENT OF A PROPOSED CONSUMER PRODUCT SAFETY STANDARD BY THE COMMISSIONER

SEC. 304. If the Commissioner has published a notice of proceeding as provided by section 303(a), and he has not accepted an existing standard pursuant to section 303(d) then the Commissioner shall proceed to develop a proposed consumer product safety standard whether or not he has accepted offers to develop a proposed standard if he has determined that his own development will be of benefit to the public.

REGULATIONS GOVERNING DEVELOPMENT OF STANDARDS

SEC. 305. The Commissioner shall prescribe regulations governing the development of proposed consumer product safety standards under sections 303 and 304 of this Act, which regulations shall not be considered rules of agency organization, procedure, or practice for purposes of section 553 of title 5, United States Code. Such regulations shall include requirements—

(1) that standards recommended for promulgation be supported by test data or such other documents or materials as the Commissioner may reasonably require to be developed, and be suitable for promulgation pursuant to section 306;

(2) that standards recommended for promulgation contain such test methods as may be appropriate for measurement of compliance with such standards;

(3) that the offeror, where the Commissioner has accepted an offer or offers under section 303, provide opportunity for all interested persons including consumers to participate in the offeror's development of a proposed consumer safety standard in accordance with accepted standards of due process, including adequate notice to all participants and access to all relevant records and documents;

(4) for the maintenance of such records as the Commissioner prescribes in such regulations to disclose the course of the development of standards recommended for promulgation, the comments and other information submitted by any person in connection with such development, including comments and information with respect to the need for such recommended standards, and such other matters as may be relevant to the evaluation of such recommended standards; and

(5) that the Commissioner, the Administrator, and the Comptroller General of the United States, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records, relevant to the expenditure of any contribution of the Commissioner, pursuant to section 303(e), to the development of such recommended standards.

PROMULGATION OF CONSUMER PRODUCT SAFETY STANDARDS; DECLARATION OF BANNED HAZARDOUS CONSUMER PRODUCT

Proposal To Promulgate Consumer Product Safety Standard or To Declare a Banned Hazardous Consumer Product

SEC. 306. (a)(1) Not more than one hundred and eighty days after his publication of a notice of proceeding pursuant to subsection (a) of section 303 (which time may be extended by the Commissioner by a notice published in the Federal Register stating good cause therefor), the Commissioner shall publish in the Federal Register either a notice withdrawing such prior notice or a proposal to promulgate a consumer product safety standard applicable to any consumer product subject to such notice, or a proposal to declare any such subject product a banned hazardous consumer product. A proposal to promulgate a consumer product safety standard and a proposal to declare a product a banned hazardous consumer product may be published in the alternative with respect to any consumer product subject to such notice.

(2) A proposal to promulgate a consumer product safety standard shall contain only one such proposed standard formulated by the Commissioner on the basis of the proposed standard developed by an offeror under section 303(e) of this title or by the Commissioner, or both.

(3) A proposal to promulgate a consumer product safety standard, or to declare a product a banned hazardous consumer product, shall set forth such proposed standard, or the reason for such declaration, the manner in which interested persons may examine data and other information upon which such proposed standard or declaration, or need therefor, is based (consistent with subsection (c) of section 301), and the period within which all interested persons may present their comments on such standard or declaration, or the need therefor, orally or in writing.

Disputes of Fact

(b) The Commissioner may conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of material fact raised by any person when presenting comments in accordance with paragraph (3) of subsection (a) of this section.

Findings

(c)(1) Prior to his issuance of an order to promulgate a consumer product safety standard pursuant to subsection (d) or to declare a product a banned hazardous consumer product pursuant to subsection (f), the Commissioner shall consider, and shall make appropriate findings for inclusion in such order with respect to—

(A) data and comments submitted in the course of any proceeding under section 303 relevant to such order;

(B) the types, frequency, severity, and causes of injury that may be attributed to those aspects of the consumer products subject to such order;

(C) the approximate number of consumer products, or types or classes thereof, subject to such order;

(D) the need of the public for the consumer products subject to such order; and the probable effect of such order upon the utility, cost, or availability of such products to meet such need; and

(E) any means of achieving the objective of the order while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety.

(2) The Commissioner shall include in any order promulgating a consumer product safety standard or banning a hazardous consumer product, a determination that his findings pursuant to paragraph (1), upon which such order shall be based, show that such standard or declaration is reasonably necessary to carry out the purposes for which such standard or declaration is authorized.

Order To Promulgate Consumer Product Safety Standard or To Declare a Banned Hazardous Consumer Product

(d) Within sixty days after the publication of a proposal to promulgate a consumer product safety standard, or to declare a consumer product a banned hazardous consumer product, the Commissioner shall, by order published in the Federal Register, act upon such proposed standard or declaration, or withdraw the applicable notice of proceeding. The order shall set forth the consumer product safety standard or declaration, if any, the reasons for the Commissioner's action (including reasons for the promulgation of a consumer product safety standard materially different than that set forth in the proposal or for his failure to promulgate any standard), and the date or dates upon which such standard or declaration, or portions thereof, shall become effective. If such effective date is later than six months after publication of an order setting forth a consumer product safety standard, the Commissioner shall publish his reasons therefor.

Characteristics of Consumer Product Safety Standards

(e)(1) Consumer product safety standards shall, where feasible, pertain to the safety performance characteristics (including safe packaging characteristics) of a consumer product, or type or class of such products, and shall to the extent practicable set forth test procedures (including instrumentation) capable of producing reproducible results to measure such performance characteristics, except that any such standard may apply to the composition, design, construction, or finish of a consumer product (or any component thereof), or type or class of such products, if the Commissioner determines that it is not feasible to protect the public health or safety by development of a consumer product safety standard pertaining to safety performance characteristics or any other consumer product safety standard authorized by this subsection.

(2) A consumer product safety standard may require that a consumer product (or any component thereof), or type or class of such products, (1) be marked, tagged, or accompanied by clear and adequate warnings or instructions, or (2) be subject to safety precautions related to physical distribution, as may be reasonably necessary for the protection of the public health or safety.

Ban of Product

(f)(1) The Commissioner may declare a consumer product to be a "banned hazardous consumer product", in accordance with the procedures of this section, only upon his finding, to be included in the Commissioner's order pursuant to subsection (d), that no feasible consumer product safety standard will adequately protect the public from unreasonable risk of injury or death presented by such product. A firearm or ammunition may not be declared a banned hazardous consumer product.

(2) Any banned hazardous consumer product sold after the date on which notice was published of the proposal to declare such product a banned hazardous consumer product shall, in accordance with regulations promulgated by the Administrator, be repurchased as follows:

(A) The manufacturer of any such consumer product shall repurchase it from the person to whom he sold it, and shall—

(i) refund that person the purchase price paid for such consumer product, upon tender of the product, less a reasonable allowance for use if such product has been in the possession of the consumer for one year or more at the time of such tender,

(ii) except as provided in subsection (g), if that person has repurchased such consumer product pursuant to subparagraph (B) or (C), reimburse him for any amounts paid in accordance with that paragraph for the return of such consumer product, and

(iii) if the manufacturer requires the return of such consumer product in connection with his repurchase of it in accordance with this subparagraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the manufacturer.

(B) The distributor of any such consumer product shall repurchase it from the person to whom he sold it, and shall—

(i) refund that person the purchase price paid for such consumer product, upon tender of the product, less a reasonable allowance for ues if such product has been in the possession of the consumer for one year or more at the time of such tender.

(ii) except as provided in subsection g, if that person has repurchased such consumer product pursuant to subparagraph (C), reimburse him for any amounts paid in accordance with the subparagraph for the return of such consumer product in connection with its repurchase, and

(iii) if the distributor requires the return of such consumer product in connection with his repurchase of it in accordance with this subparagraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the distributor.

(C) In the case of any such consumer product sold at retail by a dealer, if the person who purchased it from the dealer or a subsequent owner returns it to him, the dealer shall refund that person the purchase price upon tender of such product, less a reasonable allowance for use if such product has been in the possession of the consumer for one year or more at the time of such tender and reimburse him for any reasonable and necessary transportation charges incurred in its return.

Notice by Manufacturer or Distributor

(g) If any manufacturer of a product which has been declared a banned hazardous consumer product under this Act furnishes notice by registered mail to a distributor or retail dealer of that product, his liability to reimburse that distributor or retail dealer under subsection (f) (2) (A) (ii) of this section with respect to the refunded purchase price of any such product sold by that distributor or retail dealer after the day on which he receives notice shall be limited to the price paid for the product by that distributor or retail dealer. If any distributor of such a product furnishes notice by registered mail to a retail dealer of that product, his liability to reimburse that retail dealer under subsection (f) (2) (B) (ii) of this section with respect to the refunded purchase price of any such product sold by that retail dealer after the day on which he receives notice shall be limited to the price paid for the product by that retail dealer.

SAFETY ANALYSIS STUDY

Sec. 307. In order to insure that a manufacturer gives adequate consideration to the safety aspects of a consumer product, so as to prevent an unreasonable risk of injury or death from such consumer product, the Commissioner, where applicable, may require by regulation that a consumer product (or component thereof), or type or class of consumer products, be subjected to a detailed safety analysis, if such consumer product is not subject to a consumer product safety standard under this Act. Such safety analysis shall be conducted in conformity with criteria set forth in such regulations promulgated by the Commissioner and may be conducted by the manufacturer, an independent testing laboratory, or any other person who the Commissioner may designate. If such consumer product is later subject to a proceeding under section 303 of this Act, then the Commissioner may take into consideration such safety analysis when considering the need for a consumer product safety standard on such consumer product. The Commissioner may demand of the manufacturer a copy of any required safety analysis report.

REVOCATION OR AMENDMENT OF STANDARD

Sec. 308. (a) The Commissioner may revoke, in whole or in part, any consumer product safety standard, upon the ground that there no longer exists a need therefor or that such standard is no longer in the public interest. Such revocation shall be published as a proposal in the Federal Register and shall set forth such standard or portion thereof to be revoked, a summary of the reasons for his determination that there may no longer be a need therefor or that such standard (or any part thereof) may no longer be in the public interest, the manner (consistent with subsection (c) of section 301) in which interested persons may examine data and other information relevant to the Commissioner's determination, and the period within which all interested persons may present their views, orally or in writing, with respect to such revocation. As soon as practicable thereafter, the Commissioner shall by order act upon such proposal and shall publish such order in the Federal Register. The order shall include the reasons for the Commissioner's action, and the date or dates upon which such revocation shall become effective.

(b) The requirements of sections 303, 304, 305, and 306 of this title for the promulgation of a consumer product safety standard shall apply to the promulgation of a material amendment of a consumer product safety standard. The Commissioner may promulgate an amendment of a consumer product safety standard, other than a material amendment, without regard to section 303, 304, or 305, but shall comply with the procedures set forth in subsections (a) and (b) of section 306, and shall set forth, in his order promulgating such amendment, such findings as he may deem appropriate in explanation thereof. As used in this subsection, the term "material amendment" means an amendment that would substantially increase any performance standard applicable to a consumer product, or substantially after the composition, design, finish, or packaging of such product.

COMPLIANCE

Sec. 309. (a) Quality Control Procedures.—Whenever the Commissioner has good cause to believe that a particular manufacturer is producing a consumer product with a significant incidence of noncompliance with a particular consumer product safety standard—

(1) he may require such manufacturer to submit to the Commissioner a description of the relevant quality control procedures followed in the manufacture of such product; and

(2) if the Commissioner thereafter determines that such noncompliance is attributable to the inadequacy of the manufacturer's control procedures, he may, after notice and opportunity for hearing pursuant to section 554 of title 5, United States Code, order the manufacturer to revise such quality control procedures to the extent necessary to remedy such inadequacy.

(b) Names of First Purchasers.—(1) The Commissioner may establish, by order at any time, procedures to be followed by manufacturers or importers, including procedures to be followed by distributors, dealers and consumers to assist manufacturers or importers in securing and maintaining the names and addresses of the first purchasers (other than dealers or distributors) of consumer products for which consumer product safety standards have been promulgated. Such procedures shall be reasonable for the particular type or class of consumer products for which they are prescribed.

(2) In determining whether to require the maintenance of the names and addresses of the first purchasers, the Commissioner shall consider—

(A) the severity of the injury that could result if a consumer product were not manufactured in compliance with an applicable consumer product safety standard;

(B) the likelihood that a particular type or class of consumer products would be manufactured not in compliance with an applicable consumer product safety standard; and

(C) the burden imposed upon the manufacturer or importer by requiring the maintenance of the names and addresses of the first purchasers (including the cost to consumers of such maintenance).

(c) Compliance Testing.—(1) The Commissioner shall conduct or contract pursuant to section 104(c) (8) for compliance testing of consumer products subject to consumer product safety standards in order to insure that such products are in compliance with applicable consumer product safety standards pursuant to regulations promulgated in accordance with section 553 of title 5, United States Code.

(2) (A) Any person who manufactures or imports a consumer product for which a consumer product safety standard is in effect shall furnish a reasonable number of such products without cost to the Commissioner upon request. Consumer products furnished to the Commissioner under this subsection shall be drawn from regular production runs of such product.

(B) Upon the completion of any compliance testing, the Commissioner shall return or cause to be returned the consumer product in compliance with any applicable consumer product safety standard to the manufacturer or importer from whom he obtained it, and such manufacturer or importer, in any subsequent sale or lease of such product, shall disclose that it has been subjected to compliance testing and shall indicate the extent of damage, if any, prior to repair.

(d) Certification.—Any manufacturer, importer, or distributor of a consumer product subject to a consumer product safety standard shall furnish to the distributor or dealer at the time of delivery of such consumer product certification

(a) by said manufacturer, or importer, or distributor; or

(b) by an independent testing laboratory qualified to perform such tests or testing program.

that each such consumer product conforms to all applicable consumer product safety standards. Any certification under this subsection shall be based upon test procedures in conformance with subsection 306(e) (1) or, where no procedures are prescribed, upon a reasonable testing program approved by the Commissioner.

JUDICIAL REVIEW

Sec. 310. (a) Any interested person affected by a final order or regulation of the Commissioner promulgated pursuant to sections 305, 306(d), 307, 308, or 309 may, at any time after such order is published by the Commissioner, file a petition with the United States Court of Appeals for the District of Columbia, or any circuit in which such person resides or has his principal place of business for a judicial review of such order. Copies of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or other officer designated by him for that purpose and to the Administrator. The Commissioner shall transmit to the Administrator, who shall file in the court, the record of the proceedings on which the Commissioner based his order, as provided in section 2112 of title 28, United States Code. Such record shall include such order of the Commissioner and, if issued, held, or obtained in connection therewith, the notice of proceeding published pursuant to subsection (a) of section 303; any notice or proposal published pursuant to sections 350, 306(a), 307, 308, or 309; the transcript or summary of any proceedings and the findings arising therefrom; and any other information, including comments of interested persons, required to be considered by the Commissioner in the promulgation of such order.

(b) Upon the filing of the petition under subsection (a) of this section the court shall have jurisdiction to review the order of the Commissioner in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided in such chapter. The order of the Commissioner shall be affirmed if supported by substantial evidence on the record taken as a whole.

(c) The judgment of the court affirming or setting aside, in whole or in part, any order of the Comimssioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(d)(1) Any manufacturer of a product declared a banned hazardous consumer product under this Act, who seeks judicial review under this section, may be awarded at the discretion of the court, damages, interest, and the cost of suit, including reasonable attorney fees, for actual damages suffered by him due to any order of the Commissioner declaring a product to be a banned hazardous substance determined by the court to constitute an abuse of the discretion granted to the Commissioner under this Act.

(2) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated the amount of damages, interest, and costs awarded by the court under paragraph (1).

EMERGENCY ACTION

SEC. 311. (a) The Administrator or the Attorney General may file, in a district court of the United States having venue thereof, an action against a consumer product to have such product described an imminently hazardous consumer product, or against any person who manufactures for sale, sells, or offers for sale, in commerce, or imports into the United States, such product. Such an action may be filed, notwithstanding the existence of a consumer product safety standard applicable to such product, or the pendency of proceedings initiated pursuant to section 303. As used in this section, and hereinafter in this Act, the term "imminently hazardous consumer product" means a consumer product presenting an unreasonable risk of injury or death which requires action to protect adequately the public health and safety prior to the completion of administrative proceedings held pursuant to this Act.

(b) The district court in which such action is filed shall have jurisdiction to declare such product an imminently hazardous consumer product, and to grant (as ancillary to such declaration or in lieu thereof) such temporary or permanent equitable relief as may be necessary to protect the public from such risk. Such relief may include a mandatory order requiring the notification of the first purchasers of such product of such risk, public notice, the recall, the repurchase, the repair, the replacement, or the seizure of such product.

(c) Concurrently with the declaration of an imminent hazard, the Commissioner shall initiate a proceeding, pursuant to section 303, to promulgate a consumer product safety standard applicable, to the consumer product with respect to which such declaration is made, or, if the initiation of such proceeding is not feasible, shall initiate a proceeding, pursuant to section 306, to declare such product a banned hazardous consumer product.

STOCKPILING

SEC. 312. Between the time a final order establishing a consumer product safety standard is issued and the time such order becomes effective, no manufacturer or importer, in an effort to stockpile that consumer product, shall produce or import such product in quantities significantly greater than quantities he had produced for a base period established by the Commissioner prior to the promulgation of a final order establishing a consumer product safety standard.

NOTIFICATION OF FAILURE TO COMPLY; REPAIR OR REPLACEMENT OF NONCOMPLYING CONSUMER PRODUCT

SEC. 313. (a) Every manufacturer, importer, or distributor of, or dealer in, a consumer product who discovers that such product has a defect which relates to the safety of use of such product or that such product fails to comply with an applicable consumer safety standard shall immediately notify the Commissioner of such defect or failure to comply if such product has left the place of manufacture. The notification required by this subsection shall contain (1) a clear description of such defect or failure to comply with an applicable consumer product safety standard, (2) an evaluation of the hazard reasonable related to such defect or failure to comply, and (3) a statement of the measures to be taken to effect repair to such defect or failure to comply.

(b) If any consumer product fails to comply with any applicable order issued pursuant to this title and thereby presents an unreasonable risk of injury or death or has a defect which causes it to present an unreasonable risk of injury or death, the manufacturer, importer, or distributor of, or dealer in, such product may be required by the Administrator (by order after opportunity for hearing pursuant to the provisions of section 554 of title 5, United States Code) to give public notice (including notice through electronic media when necessary to protect the public health and safety) and—

(1) to mail to each consumer of such product known to such manufacturer, importer, distributor, or dealer, and, in the case of a manufacturer or importer, to each distributor or dealer to whom he delivered such product, a notification of such failure containing such information as the Administrator may prescribe, upon the Administrator's determination that such notification is required in order adequately to protect the public health or safety,

(2) to bring such product into conformity with the requirements of such order without charge to the consumer, or

(3) to either replace such product with a like or equivalent consumer product which complies with such order without charge to the consumer or to refund the purchase price of such product upon its tender, whichever option is elected by the manufacturer, importer, distributor, or dealer whose product fails to comply. If an election is made to refund the purchase price, the price shall be less a reasonable allowance for use, if such product has been in the possession of the consumer for more than one year at the time of tender.

The manufacturer, importer, distributor, or dealer against whom an order is issued under this subsection shall reimburse each consumer of the product which is the subject of such order for any reasonable and foreseeable expenses (including transportation expenses) incurred by such consumer in availing himself of the remedies provided by such order.

INSPECTION AND RECORDKEEPING

SEC. 314. (a) For purposes of carrying out regulations, standards, or orders promulgated under this Act, officers or employees duly designated by the Commissioner, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized—

(1) to enter, at reasonable times, any factory, warehouse, or establishment in which consumer products are manufactured, assembled, or held for introduction into commerce or are held for sale after such introduction; or to enter any vehicle being used to transport consumer products in interstate commerce; and

(2) to inspect, at reasonable times and in a reasonable manner, those areas of such factory, warehouse, establishment, or vehicle where or in which such products are produced, stored, or transported, and all pertinent equipment, materials, containers, and labeling therein.

A separate written notice shall be given for each inspection, but a notice shall not be required for each entry made during the period of inspection set forth in such notice. Each such inspection shall be completed with reasonable promptness. If the officer or employee who makes such inspection obtains any sample in the course thereof, he shall, prior to leaving the premises, give to the owner, operator, or agent in charge, a receipt therefor describing such sample.

(b) Every person who manufactures, assembles, distributes, or sells in commerce, or imports, a consumer product required to conform to a consumer product safety standard shall establish and maintain such records, and make such reports, and provide such information as the Commissioner may by regulation reasonably require with respect to the safety of such product. Upon request of an officer or employee duly designated by the Commissioner every such person shall permit the inspection of such records and other books, records, and papers relevant to determining whether such person is in compliance with this Act and regulations, standards, and orders prescribed thereunder.

(c) The district courts of the United States shall have jurisdiction to issue any warrant in aid of an inspection or investigation under this section, if such warrant is required by the Constitution or laws of the United States, upon a finding that such inspection or investigation is for the purpose of enforcing this Act.

PROHIBITED ACTS

SEC. 315. It shall be unlawful for any person engaged in the business of making consumer products available to consumers, either directly or indirectly, to—

(1)(A) manufacture for sale or lease, in commerce, any consumer product which does not comply with a consumer product safety standard; (B) sell or lease, or offer for sale or lease, in commerce, any consumer product which does not comply with a consumer product safety standard (i) if such product was manufactured or assembled in the United States after the effective date of such standard, or (ii) if such product was imported into the United States in violation of clause (C); (C) import into the United States any consumer product which does not comply with a consumer product safety standard; or (D) manufacture for sale or lease, sell or lease, or offer for sale or lease, in commerce, or import into the United States, any consumer product which has been declared a banned or imminently hazardous consumer product;

(2) fail or refuse to comply with any order of the Commissioner pursuant to section 313;

(3) fail or refuse to comply with any requirement of sections 309, 312, and 314;

(4) alter, modify, destroy, or remove any portion of, or do any other act with respect to, a consumer product or labeling thereon or attached thereto, if such act is done while such product is being held or transported for sale, and results in the consumer product or its labeling failing to conform to a consumer product safety standard, or renders the product a banned or imminently hazardous consumer product;

(5) fail to provide to the Director of the National Injury Information Clearinghouse the information concerning injuries as required in section 109(c) (1) (B); or

(6) fail to provide, pursuant to section 307, any required safety analysis.

ENFORCEMENT

Civil and Criminal Penalties

Sec. 316. (a) Whoever knowingly commits any act prohibited by section 315, or, in case of commission of any such act by a corporation, the corporation and any individual director, officer, or agent of such corporation who knowingly caused in whole or in part the corporation to commit such act, shall be subject to a civil penalty of not more than $10,000 for each such act which shall accrue to the United States and may be recovered in a civil action brought by the United States or the Agency in its own name by any of its attorneys designated by the Administrator for such purpose, and, if such act was willfully committed, shall be guilty of a misdemeanor and, upon conviction, fined not more than $10,000 for each such act or imprisoned not more than one year or both. As used in this subsection, the term "knowingly" means (1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including (A) knowledge obtainable upon the exercise of due care to ascertain the truth of representations, and (B) knowledge of the probable consequences of action taken in disregard of reasonable safeguards.

Injunctions

(b) Upon application by the Administrator or the Attorney General, the district courts of the United States shall have jurisdiction to enjoin the commission of acts prohibited by section 315, and to compel the taking of any action required by this Act.

Seizure

(c) Any consumer product which is not manufactured in compliance with an applicable consumer product safety standard, or which is not in compliance with such a standard as the result of an action made unlawful by clause (4) of section 315, or which is declared a banned or imminently hazardous consumer product, shall be liable to be proceeded against while in commerce or at any time thereafter, on complaint for forfeiture by the Administrator, and condemned in any district court of the United States within whose district the consumer product is found.

Private Suits

(d) (1) Any person who may be exposed to unreasonable risk of injury or death presented by a consumer product may bring an action in any district court for the district in which the defendant is found or transacts business to enforce a consumer product safety standard, or to enforce any order under subsection (f) of section 306, or under section 311, and to obtain appropriate injunctive relief. Not less than thirty days prior to the commencement of such action, such interested person shall give notice by registered mail to the Commissioner, to the Administrator, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. No separate suit shall be brought under this subsection if the same alleged violation is the subject of a pending action by the United States under this title. In any action under this section, such interested person may elect, by a demand for such relief in his complaint, to recover reasonable attorney's fees, in which case the court shall award reasonable attorney's fees to the prevailing party.

(2) Any person who shall sustain injury by reason of any knowing (including willful) violation of a consumer product safety standard, regulation, or order issued by the Commissioner may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, subject to the provisions of section 1331 of title 28, United States Code, and shall recover damages sustained, and the cost of suit, including a reasonable attorney's fee, if considered appropriate in the discretion of the court.

(e) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law.

IMPORTS

Sec. 317. (a) Any consumer product imported into the United States to which a consumer product safety standard applies (except insofar as the Commissioner may otherwise provide with respect to a consumer product accompanied by a certification of compliance with such standard in a form prescribed by the Commissioner) or which is declared a banned or imminently hazardous consumer product, shall not be delivered from Customs custody except as provided in section 499 of the Tariff Act of 1930. In the event an imported consumer product is delivered from Customs custody under bond, as provided in section 499 of the Tariff Act of 1930, and is declared a banned or imminently hazardous consumer product or fails to conform with a consumer product safety standard in effect on the date of entry of such merchandise, the Administrator shall so inform the Secretary of the Treasury, and unless it appears to the Administrator that the product can be brought into compliance with all applicable requirements under this title shall request the Secretary of the Treasury to demand redelivery. Upon a failure to redeliver, the Secretary of the Treasury shall assert a claim for liquidated damages for breach of a condition of the bond arising out of such failure to conform or redeliver in accordance with regulations prescribed by the Secretary of the Treasury or his delegate. When asserting a claim for liquidated damages against an importer for failure to redeliver such nonconforming goods, the liquidated damages shall not be less than 10 per centum of the value of the nonconforming merchandise if, within five years prior thereto, the importer has previously been assessed liquidated damages for failure to redeliver nonconforming goods in response to a demand from the Secretary of the Treasury as set forth above.

(b) If it appears to the Administrator that the consumer product can be brought into compliance with all applicable requirements under this title, final determination as to admission of such consumer product may be deferred and, upon filing of timely written application by the owner or consignee and the execution by him of a bond as provided in the preceding provisions of this section, the Administrator may, in accordance with regulations, authorize the applicant to perform such action specified in such authorization (including destruction or export of rejected consumer products or portions thereof, as may be specified in such authorization). All such action pursuant to such authorization shall, in accordance with regulations, be under the supervision of an officer or employee of the Agency or of the Department of the Treasury.

(c) The Secretary of the Treasury shall obtain without charge and deliver to the Commissioner, upon his request, a reasonable number of samples of consumer products being offered for import. The owner or consignee of any such product may have a hearing before the Administrator with respect to admission of such imports into the United States. If, except as provided by subsection (b), it appears from examination or testing of such samples or otherwise that a product fails to comply with the requirements of this Act, such product shall be refused admission, and the Secretary of the Treasury shall cause destruction of such product unless it is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days after notice to the importer or consignee.

(d) All expenses (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in this section, the amount of such expenses to be determined in accordance with regulations of the Secretary of the Treasury, and all expenses in connection with the storage, cartage, or labor with respect to any consumer product refused admission under this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee.

EXPORTS

Sec. 318. This title shall not apply to any consumer product manufactured, sold, or held for sale for export from the United States (or to any consumer product imported for export), if such consumer product, and any container in which it is enclosed, bears a stamp or label stating that such consumer product is intended for export and such consumer product is in fact exported from the United States; except that this title shall apply to any consumer product manufactured for sale, offered for sale, or sold for shipment to any installation of the United States located outside of the United States.

EFFECT ON STATE LAW

Sec. 319. (a) No State or political subdivision thereof shall establish or continue in effect, with respect to any consumer product, any standard or similar regulation prescribing requirements applicable to any aspect of health or safety of such consumer product, if such aspect is required to conform to a consumer product safety standard under this title unless that standard or similar regulation is identical to a consumer product safety standard established pursuant to this title. Nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing or continuing a health or safety requirement applicable to a consumer product for its own use, if such requirement imposes a higher standard of health or safety than that required to comply with the applicable consumer product safety standard under this title.

(b) The Administrator may, upon application of a State or political subdivision thereof, exempt such State or political subdivision from the limitation of subsection (a) if a consumer product safety standard proposed by such application (1) imposes a higher level of health or safety than the Federal consumer product safety standard with respect to consumer products to be manufactured, sold, held for sale, or used in such State or political subdivision thereof, (2) is required by compelling local conditions, (3) does not unduly burden commerce, and (4) is adopted by such State or political subdivision pursuant to procedures and requirements which in the judgment of the Administrator are substantially comparable to those prescribed for consumer product safety standards under this title.

(d) Compliance with any consumer product safety standard issued under this title does not exempt any person from any liability under common law.

UTILIZATION OF OTHER FEDERAL AGENCIES

SEC. 320. (a) In carrying out their duties under this Act, the Administrator and the Commissioner shall, to the maximum practical extent, utilize the personnel, facilities, and other technical support available in other Federal agencies.

(b) Technical research support for fire safety projects undertaken by the Administrator or the Commissioner shall be provided by the National Bureau of Standards on a reimbursable basis.

TITLE IV—FEDERAL FOOD, DRUG, AND COSMETIC ACT AMENDMENTS

SEC. 401. (a) The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended as follows:

(1) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(g) If in package form unless its label, or labeling affixed to or within the package, bears conspicuously and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase, (1) the common or usual name of the cosmetic, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that fragrance, color, and flavor may be designated as fragrance, color, and flavor without naming each ingredient: *Provided,* That to the extent that compliance with the requirements of clause (2) is impracticable, or results in deception or unfair competition, exemptions may be established by regulations promulgated by the Secretary."

(2) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(h) Unless its labeling bears adequate warnings against use where it may be dangerous to health."

(3) Section 201(i) of such Act is amended by striking "articles; except that such terms shall not include soap.", and inserting in lieu thereof "articles.".

(b) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect one year after the date of enactment of this Act.

TITLE V—FEDERAL HAZARDOUS SUBSTANCES ACT AMENDMENTS

SEC. 500. This title may be cited as the "Hazardous Substances Registration Act of 1972".

SEC. 501. Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (p)) is amended by adding at the end thereof the following new paragraph:

"The term 'misbranded hazardous substance' also includes any hazardous substance required to be registered under section 16 of this Act if such substance fails to bear prominently and conspicuously on the label, in accordance with regulations issued by the Secretary, a registration number issued by the Secretary for the substance pursuant to section 16."

SEC. 502. The Federal Hazardous Substances Act is further amended by redesignating sections 16, 17, and 18 as sections 17, 18, and 19, respectively, and adding after section 15 the following new section 16:

"REGISTRATION OF CERTAIN SUBSTANCES

"SEC. 16. (a) Before beginning commercial distribution of any substance intended, or packaged in a form suitable, for use in or around the household or by children that may be 'toxic' or 'corrosive' a manufacturer or distributor shall conduct all screening tests prescribed by the Secretary or, where applicable, the Administrator of the Environmental Protection Agency, by regulation to determine whether the substance is toxic or corrosive. A copy of the results of such screening tests shall be maintained by the manufacturer or distributor for two years after the last shipment of the substance, and shall be available upon request by the Secretary.

"(b) The manufacturer or distributor of a substance which falls within any such screening level for a toxic or corrosive substance shall register such substance with the Secretary in accordance with regulations promulgated by the Secretary. The registration shall include the formulation of the product, a brief summary of the results of all screening tests, and the proper antidote or treatment for the substance.

"(c) If the Secretary determines that the substance is a hazardous substance, he shall issue a registration number for the substance, which number shall appear on the label of the substance prominently and conspicuously in accordance with regulations promulgated by the Secretary. Such a registration number shall be the same as any registration number for such substance that is required to appear on the label under any other provision of Federal law. Such registration number for any drug shall be the same as that assigned pursuant to the National Drug Code.

"(d) The Secretary shall establish a central office through which information contained in the registrations submitted under this section (except for trade secret information referred to in section 1905 of title 18, United States Code) shall be immediately available to any physician, hospital, clinic, poison control center, or other person requesting such information to provide treatment to any person injured, or who may be injured, as a result of the ingestion of, contact with, or exposure to any such substance. The Secretary shall notify physicians, hospitals, clinics, poison control centers and other persons who may have use for such information, of the availability of such information and the methods by which it may be obtained at any time.

"(e) The Secretary may exempt from any requirement of this section any substance for which he determines such requirement is unnecessary to protect the public health."

"SEC. 503. Subsection 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)) is amended by deleting "nor to foods, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in containers and used in the heating, cooling or refrigeration system of a house,".

SEC. 504. (a) Section 19(a) of the Federal Hazardous Substances Act, as redesignated by section 502 of this Act (15 U.S.C. 1277(a)) is amended by striking out "except as specified in section 19" and replacing the comma after "Congress" with a period.

(b) Section 19 of such Act is hereby repealed.

SEC. 505. Section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263) is amended by adding at the end thereof the following new subsection:

"(i) The failure to conduct screening testing, maintain a copy of the results of such testing, or to provide the results of such screening testing, or to register, or to label a hazardous substance with a registration number, as required by section 16."

SEC. 506. Subsection 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1270 (b)) is amended by deleting "and" immediately before "(3)" in the first sentence, changing the period to a semicolon, and adding the following: "and (4) to inspect and copy the results of screening tests as required pursuant to section 16."

SEC. 507. The Federal Caustic Poison Act (44 Stat. 1406) is hereby repealed.

SEC. 508. Title V shall become effective one hundred and eighty days after the date of enactment of this Act except that the Secretary may postpone the applicability in the case of persons who were engaged on the date of enactment of this Act in the manufacture, compounding, or processing of a substance subject to these amendments if he determines such action is necessary to afford sufficient time for the proper and orderly testing and registration of such substances.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. I ask unanimous consent that the bill as passed be reprinted.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERENCE OF DRUG ABUSE PROPOSALS

Mr. MOSS. Mr. President, I ask unanimous consent that a letter addressed to the President pro tempore of the Senate proposing certain legislation on drug abuse be jointly referred to the Committee on Labor and Public Welfare and the Committee on the Judiciary. I also ask unanimous consent that the letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

STATE OF CALIFORNIA,
Sacramento, Calif., June 12, 1972.

Hon. ALLEN J. ELLENDER,
President pro tempore of the Senate,
Washington, D.C.

DEAR SENATOR ELLENDER: As Lieutenant Governor, one of my constitutional duties is that of Chairman of the California delegation to the Commission of the Californias. The Commission was established in 1964 by the Legislatures of California and the State of Baja California, Republic of Mexico, to further and develop economic and cultural relations between the two states. The Territory of Baja California Sur joined in 1967. Work is carried on by committees composed of legislators, government officials and private ctizens of the three entities.

One of our major concerns has been in the area of drug abuse. In 1970, the Commission sponsored a conference attended by American and Mexican experts in the educational, public health, and legal and law enforcement aspects of the drug abuse problem. From this frank and earnest exchange of views came an intensified cooperation among the authorities of the several jurisdictions. The State of Baja California enacted a new and stringent law with regard to dangerous drugs and impressive quantities of drugs have been seized and destroyed on the Mexican side of the border.

A second Conference was held recently, resulting in a compendium of the laws of the two countries, in both English and Spanish, which will soon be distributed to law enforcement agencies and other appropriate groups in California and Mexico, and an exchange drug education program is being instituted.

During the second Conference, the Senate of the United States was singled out for its outstanding endeavors in the field of drug abuse education, prevention, and treatment, specifically following unanimous passage of the Drug Abuse Office and Treatment Act of 1972. A genuine expression of appreciation is herewith conveyed to you and all members of the Senate.

Additionally, the Delegates to the Conference ask the following recommendations be forwarded to the Senate of the United States of America for consideration:

Provide funds for medical and psychological treatment facilities for the cure and control of narcotic addiction as an alternative to the incarceration of drug and narcotic addicts.

Enact legislation requiring all drug tablets and capsules to be marked by the manufacturer so as to identify the chemical composition of the contents. Such legislation would materially assist physicians treating an unconscious patient for drug over-dose in emergency situations.

Enact legislation requiring each governmental agency responsible for the custody of persons accused of the use or possession of illegal narcotics or dangerous drugs be housed in a separate facility or portion of the jail from that used for persons held for crimes of violence.

Enact legislation to provide for adequate civil damages for violation of the Fourth Amendment by law enforcement officers. Enactment of such legislation would make it unnecessary for a court-made rule excluding evidence because of the inadequacy of legal remedies for the victims of illegal searches and seizures.

Enact legislation to insure effective controls on pharmaceutical laboratories to regulate and limit the delivery or sale of narcotic or drug products only to authorized pharmacies, drug stores, and distributors who should appear on an official list issued by the health authorities.

Enact the strongest possible punitive laws aimed at the nonusing trafficker in narcotics and dangerous drugs.

Review with the Republic of Mexico the problem of jurisdiction between both countries in dealing with narcotic investigation, prosecution, and seizure of the products in possession of American or Mexican nationals who cross the international boundaries to escape from the law and prosecution.

Insure adequate funds for educational programs to inform youth of the seriousness and consequences of drugs.

Similar requests are being directed to the government of Mexico, and we respectfully request these measures be introduced and enacted in the most expeditious manner to fight this very grave problem facing our nation.

Very sincerely,

Ed Reinecke.

EXTENSION AND RENEWAL OF INTERSTATE COMPACT TO CONSERVE OIL AND GAS

Mr. MOSS. Mr. President, in behalf of the Senator from Washington (Mr. Jackson), I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 72.

The PRESIDING OFFICER (Mr. Allen) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 72) consenting to an extension and renewal of the interstate compact to conserve oil and gas which were, on page 11, line 4, after "the" where it appears the first time, insert "Interstate Oil Compact Commission and the".

On page 11, line 6, after "compact" insert ", and have been limited to activities related directly to the immediate purpose of such compact as set out in article II of such compact".

Mr. MOSS. Mr. President, the amendments of the House to this measure, consenting to an extension and renewal of the interstate compact to conserve oil and gas, are clarifying in nature and do not change in any way the intent of the Senate-passed version. The House amendments are intended to make certain that the activities of the Commission and the States are consistent with the primary purpose of the compact which is to insure good conservation practices.

I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EQUAL EXPORT OPPORTUNITY ACT

Mr. MOSS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 851, S. 3726.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Thereupon, the Senate proceeded to consider the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes. which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO THE EXPORT ADMINISTRATION ACT OF 1969

Sec. 101. This title may be cited as the "Equal Export Opportunity Act".

Sec. 102. Section 2(3) of the Export Administration Act of 1969 is amended by inserting before the period at the end thereof a comma and the following: "particularly when export restrictions applied by the United States are more extensive than export restrictions imposed by countries with which the United States has defense treaty commitments".

Sec. 103. Section 3 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(6) It is the policy of the United States that the desirability of subjecting, or continuing to subject, particular articles, materials, or supplies, including technical data or other information, to United States export controls should be determined after review by and consultation with representatives of appropriate United States Government agencies and qualified experts from private industry."

Sec. 104. Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established under section 5(c), shall undertake an investigation to determine which articles, materials, and supplies, including technical data and other information, should no longer be subject to export controls because of their significance to the national security of the United States. Notwithstanding the provisions of paragraph (1), the Secretary of Commerce shall remove unilateral export controls on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, except that any such control may remain in effect if the Secretary of Commerce determines that adequate evidence has been presented to him demonstrating that the absence of such a control would constitute a threat to the national security of the United States. The nature of such evidence shall be included in the special report required by paragraph (4).

"(3) In conducting the investigation referred to in paragraph (2) and in taking the action required under such paragraph, the Secretary of Commerce shall give priority to those controls which apply to articles, materials, and supplies, including technical data and other information, for which there are significant potential export markets.

"(4) Not later than six months after the date of enactment of the Equal Export Opportunity Act, the Secretary of Commerce shall submit to the President and to the Congress a special report of actions taken under paragraphs (2) and (3). Such report shall contain—

"(A) a list of any articles, materials, and supplies, including technical data and other information, which are subject under this Act to export controls greater than those imposed by nations with which the United States has defense treaty commitments, and the reasons for such greater controls; and

"(B) a list of any procedures applicable to export licensing in the United States which are more burdensome than similar procedures utilized in nations with which the United States has defense treaty commitments, and the reasons for retaining such procedures in their present form.".

Sec. 105. Section 5 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(c) (1) The Secretary of Commerce shall appoint a technical advisory committee for each group of articles, materials, and supplies, including technical data and other information, which—

"(A) is or may be made subject to export controls because of its significance to the national security of the United States; and

"(B) is difficult to evaluate for technical or strategic reasons.

Each such committee shall consist of representatives of United States industry and government who may be appointed for terms of not more than two years. No person serving on any such committee who is representative of industry shall serve on such committee for more than two consecutive years.

"(2) It shall be the duty and function of the technical advisory committees established under paragraph (1) to advise and assist the Secretary of Commerce and any other department, agency, or official of the Government of the United States to which the President has delegated power, authority, and discretion under section 4(d) with respect to actions designed to carry out the policy set forth in section 3 of this Act. Such committees shall be consulted with respect to the level of United States export controls applicable to all articles, materials, or supplies, including technical data or other information, and including those whose export is subject to multilateral controls undertaken in cooperation with nations with which the United States has defense treaty commitments. Such committees shall also be consulted and kept fully informed of progress with respect to the investigation required by section 4(b) (2) of this Act. Nothing in this subsection shall prevent the Secretary from consulting, at any time, with any person representing industry or the general public regardless of whether such person is a member of a technical advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Secretary of Commerce, to present evidence to such committees.

"(3) Any member of any such committee who is not an officer or employee of the United States shall be entitled to receive compensation at not to exceed the daily rate prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code, during such time as he is engaged in the performance of his duties as a member. Each member may be reimbursed for travel, subsistence, and other necessary expenses incurred in connection with his duties as a member.

"(4) Each such committee shall elect a chairman, and shall meet at the call of the Chairman but not less often than four times each year."

SEC. 106. Section 14 of the Export Administration Act of 1969 is amended by striking out "August 1, 1972" and inserting in lieu thereof "June 30, 1974".

SEC. 107. Nothing in this title shall be construed to require the release or publication of information which is classified pursuant to Executive order or to affect the confidentiality safeguard provided in section 7(c) of the Export Administration Act of 1969.

TITLE II—COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SHORT TITLE

SEC. 201. This title may be cited as the "International Economic Policy Act of 1972".

STATEMENT OF PURPOSES

SEC. 202. It is the purpose of this title to provide for closer Federal interagency coordination in the development of a more rational and orderly international economic policy for the United States.

FINDINGS AND POLICY

SEC. 203. The Congress finds that there are many activities undertaken by various departments, agencies, and instrumentalities of the Federal Government which, in the aggregate, constitute the domestic and international economic policy of the United States. The Congress further finds that the objectives of the United States with respect to a sound and purposeful international economic policy can be better accomplished through the closer coordination of (1) domestic and foreign economic activity, and (2) in particular, that economic behavior which, taken together, constitutes United States international economic policy. Therefore this Act establishes a Council on International Economic Policy which will provide for—

(A) a clear top level focus for the full range of international economic issues; deal with international economic policies including trade, investment, balance of payments, and finance as a coherent whole;

(B) consistency between domestic and foreign economic policy; and

(C) close coordination with basic foreign policy objectives.

The Congress intends that the Council shall be provided with the opportunity to (i) investiagte problems with respect to the coordination, implementation, and long-range development of international economic policy, and (ii) make appropriate findings and recommendations for the purpose of assisting in the development of a rational and orderly international economic policy for the United States.

CREATION OF COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SEC. 204. There is created in the Executive Office of the President a Council on International Economic Policy (hereinafter refererd to in this title as the "Council").

MEMBERSHIP

SEC. 205. The Council shall be composed of the following members and such additional members as the President may designate:

(1) The President.

(2) The Secretary of State.

(3) The Secretary of the Treasury.

(4) The Secretary of Defense.

(5) The Secretary of Agriculture.

(6) The Secretary of Commerce.

(7) The Secretary of Labor.

(8) The Director of the Office of Management and Budget.

(9) The Chairman of the Council of Economic Advisers.

(10) The Special Representative for Trade Negotiations.

The President shall be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place.

DUTIES OF THE COUNCIL

SEC. 206. Subject to the direction of the President, and in addition to performing such other functions as he may direct, it shall be the duty of the Council to—

(1) assist and advise the President in the preparation of the International Economic Report required under section 207;

(2) review the activities and the policies of the United States Government which indirectly or directly relate to international economics and, for the purpose of making recommendations to the President in connection therewith, consider with some degree of specificity the substance and scope of the international economic policy of the United States, which consideration shall include examination of the economic activities of (A) the various agencies, departments, and instrumentalities of the Federal Government, (B) the several States, and (C) private industry;

(3) collect, analyze, and evaluate authoritative information, current and prospective, concerning international economic matters;

(4) consider policies and programs for coordinating the activities of all the departments and agencies of the United States with one another for the purpose of accomplishing a more consistent international economic policy, and make recommendations to the President in connection therewith;

(5) continually assess the progress and effectiveness of Federal efforts to carry out a consistent international economic policy; and

(6) make recommendations to the President for domestic and foreign programs which will promote a more consistent international economic policy on the part of the United States and private industry. Recommendations under this paragraph shall include, but shall not be limited to, policy proposals relating to monetary mechanisms, foreign investment, trade, the balance of payments, foreign aid, taxes, international tourism and aviation, and international treaties and agreements relating to all such matters. In addition to other appropriate objectives, such policy proposals should be developed with a view toward—

(A) strengthening the United States competitive position in world trade;

(B) achieving equilibrium in international payment accounts to the United States;

(C) increasing exports of goods and services;

(D protecting and improving the earnings of foreign investments;

(E) achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis; and

(F) increasing the real employment and income of workers and consumers on the basis of international economic actiivty.

REPORT

SEC. 207. (a) The President shall transmit to the Committee on Banking, Housing and Urban Affairs of the Senate, the Committee on Banking and Currency of the House of Representatives, and the Joint Economic Committee an annual report on the international economic position of the United States. Such report (hereinafter referred to as the "International Economic Report") shall be submitted not later than sixty days after the beginning of each regular session of the Congress, and shall include—

(1) information and statistics describing characteristics of international economic activity and identifying significant current and foreseeable trends and developments;

(2) a review of the international economic program of the Federal Government and a review of domestic and foreign economic conditions and other significant matters affecting the balance of international payments of the United States and of their effect on the international trade, investment, financial, and monetary position of the United States; and

(3) a program for carrying out the policy objectives of this title, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the International Economic Report, each of which may include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the purposes and policy objectives set forth in this title.

EXECUTIVE DIRECTOR AND STAFF OF THE COUNCIL

SEC. 208. (a) The staff of the Council shall be headed by an Executive Director who shall be appointed by the President. It shall be the duty of the Executive Director to—

(1) direct the activities of the Council staff,

(2) develop the agenda and supporting materials for Council meetings and review all matters before the Council, and

(3) establish a work program, including topics and the selection of individuals to carry out particular assignments.

(b) (1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such staff personnel as he deems necessary. Except as provided in paragraph (2), the staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) With the approval of the Council, the Executive Director may appoint and fix the compensation of one officer at a rate of basic compensation not to exceed the rate provided for level IV of the Federal Executive Salary Schedule, and appoint and fix the compensation of two officers at rates of basic compensation not to exceed the rate provided for level V of the Federal Executive Salary Schedule.

(c) With the approval of the Council, the Executive Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for GS–18.

(d) Upon request of the Executive Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Council to assist it in carrying out its duties under this title.

(e) Section 5313 of title 5, United States Code (relating to positions at level II of the Executive Schedule), is amended by adding at the end thereof the following:

(22) Executive Director, Council on International Economic Policy."

AUTHORIZATION FOR APPROPRIATIONS

SEC. 209. For the purpose of carrying out the provisions of this title, there are authorized to be appropriated not to exceed $1,400,000 for fiscal year 1973, and not to exceed $1,600,000 for fiscal year 1974.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–890), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE LEGISLATION

The purpose of Title I is to facilitate prompt removal of United States unilateral export controls which are not necessary to protect our national security, to insure that the commercial and technical expertise of private industry is utilized as effectively as possible in the administration of export controls, and to extend until June 30, 1974 the President's authority to control exports under the Export Administration Act.

The purpose of Title II is to provide a mechanism for the coordination of all the many departments and agencies of the U.S. Government engaged in actions affecting U.S. international economic policy.

Title I contains the following key provisions:

1. It requires the Secretary of Commerce (hereafter "the Secretary") to direct a study to determine which goods and technology should no longer be subject to export control because of their significance to the national security of the United States.

2. It directs the Secretary to remove export controls from any item now controlled unilaterally by the United States, which is freely available from foreign sources, unless adequate evidence is presented that decontrolling the item would threaten the national security. (Unilaterally controlled in this case means subject to United States export controls covering items which are not subject to an agreed level of control within the framework of COCOM. COCOM controls are applied by the NATO countries plus Japan but not including Iceland.)

3. It requires the Secretary to report on his actions in six months by listing the reasons for retaining unilateral controls on any item and the reasons for retaining any procedures concerning the licensing process which are more burdensome than the procedures used by our Allies.

4. It requires the Secretary to create industry-government technical advisory committees for each group of goods and technology which could be subject to export controls and is difficult to evaluate for technical and strategic reasons.

5. It extends the Export Administration Act to June 30, 1974.

Title II contains the following key provisions:

1. It establishes a Council on International Economic Policy responsible to the President. Members of the Council shall include: the President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Special Representative for Trade Negotiations.

2. It creates the office of Executive Director of the Council on International Economic Policy who is to be appointed by the President.

3. It gives the Council authority to advise the President concerning various aspects of U.S. international economic policy, and the responsibility for assisting him in coordinating policy in this area.

4. It requires the President to transmit to the Congress each year a Report on International Economic Policy, which is to be prepared with the assistance of the Council.

5. It authorizes an appropriation not to exceed $1,400,000 in FY 1973, and $1,600,000 in FY 1974 for the Council.

NEED FOR LEGISLATION

The Committee believes that Title I of this legislation is needed because the United States is handicapping itself by continuing to control the export of many items which are not of strategic value and are not controlled by our foreign competitors. While it is essential to the national security that the government continue to restrict the export of some items to Communist countries, the Committee believes that restricting the export of items which can be bought freely from our Western European or Japanese competitors does not benefit the national security. Excessive restrictions result in a worsened balance of payments situation, fewer export sales for American industries, and fewer jobs for American workers. In 1970 the United States share of the World market was 16%, but the U.S. share of the Eastern European market was only 3%. It will be difficult to improve the export performance of United States industries in Eastern Europe unless unnecessary restrictions which prevent them from competing on an equal footing with foreign competitors are eliminated.

Representatives of the Administration pointed out in testimony that much progress has been made in decontrolling non-military exports since the enactment of the Export Administration Act in 1969. It is true that the number of items which have been decontrolled is substantial. Decontrol actions have varied a great deal, however, from industry to industry. Some industries have seen very few of their products decontrolled, while others have witnessed decontrol only of low technology items for which foreign demand is limited. For example, some time ago, the machine tool industry submitted extensive data to the Office of Export Control, showing that many non-strategic machine tools were readily available from European and Japanese sources. Today, virtually all machine tools, including general purpose tools such as grinders, transfer machines, milling machines, and lathes, are still subject to unilateral United States export control.

At this time the United States controls 495 classifications of goods and technology by multilateral (COCOM) agreement with our Allies. In addition, the United States chooses to retain unilateral controls on 461 classifications of goods and technology. The United States is the only COCOM country which controls the export of a significantly greater number of items than those which the COCOM agree to control multilaterally. Some of the items under unilateral control are eventually granted export licenses, but the delay and uncertainty in the licensing process often costs American exporters sales even when this happens. Twenty-six percent of the applications for export licenses to Eastern Europe, involving many of the high technology items in which the Eastern Europeans are most interested, took more than 15 working days to process.

Some of the groups of items which are now subject to unilateral controls that may not be necessary to protect the national security are chemicals, electrical machinery, other types of machinery including machine tools, and certain types of fabrics and materials.

To help alleviate these problems the legislation mandates that items which are available in comparable quality and quantity from foreign sources shall be removed from unilateral controls unless the Secretary gives adequate evidence that such decontrol would threaten the national security. Present law requires that the President report his reasons to Congress whenever he decides to require export licenses on an item because "considerations of national security override considerations of foreign availability." The Committee finds, however, that such reports have not been detailed enough to be of assistance in evaluating the President's decisions. Such explanation should contain more information in the future, to the extent considerations of national security permit.

The legislation directs the Secretary's attention to items under unilateral control which are available from foreign sources. There may be other types of items, however, which are unnecessarily controlled. For example, some items may be controlled because of an overly cautious interpretation of what constitutes "significant military applicability". The Committee would welcome the decontrol of such items.

Several industry witnesses testified before the Committee that U.S. exporters face licensing procedures which are more burdensome than those faced by exporters in other COCOM countries. They alleged that processing time for licensing applications is longer in the United States than abroad. It has also been reported that our COCOM competitors provide advantages to their exporters by giving them a better idea of which licensing applications will receive favorable action, referring their applications for exceptions to COCOM regulations to the COCOM with less preliminary screening, requiring less documentation regarding the end use of the item to be exported, imposing less stringent requirements for ensuring that an item is never diverted for strategic use, granting more liberal licensing provisions for supply spare parts, and in several other ways. The Committee does not have enough evidence to take a position on these allegations. It believes, however, that procedures and licensing requirements which are more burdensome than those used by our Allies would severely handicap American exporters. Therefore, the Committee urges the Secretary to scrutinize carefully these procedures and requirements.

The establishment of industry-government technical advisory committees will enable the government to utilize more effectively the technical and commercial expertise which only representatives of industry affected by export controls can provide. Industry witnesses testified that decisions concerning export controls are sometimes based on inadequate or inaccurate information. The government officials making these decisions are responsible for applying export controls to many types of items. They are necessarily generalists, and it is impossible for them to become familiar with the intricacies of each product which must be regulated. Yet that is exactly what is necessary, for example, to give the definitions of items on the export control list the needed precision and uniformity. These decisions are technical, but they are also important business decisions. The technical advisory committee can help make them. These committees can also be of assistance in discussing more general questions of export control; for example, in defining the level of technology in their industry which is advanced enough so that the exportation of items reaching that level of technology could be a significant addition to a country's military capacity. In addition, the Committee would serve the vital function of keeping industry informed with regard to the latest developments in the administration of export controls.

Several members of the Committee expressed concern that the technical advisory committees' work would be severely hampered by the necessity to refrain from discussing classified information or information that industry does not want to divulge in the presence of its competitors. The Committee believes that the technical advisory committees can serve a valuable function without having access to such information. Industry representatives would be willing to discuss the functions of their products in detail at the committee meetings, just as they would have to discuss such functions with any potential buyer. Such information is essential in determining whether an item is strategic. In addition, it is expected that many of the meetings will concern the basic policies underlying the export control program in the light of changing international and technological conditions. Such discussions need not involve classified information or trade secrets.

The Committee hopes that technical advisory committees can be established and operated in a manner which will avoid creating delays in the export licensing process. Because technical advisory committees are only to be created for groups of items that are difficult to evaluate from a technical and strategic standpoint the number of such committees should not become excessive. The Committee does not expect these committees to be involved in the licensing process on a case-by-case basis. Their involvement will instead be principally in the decisions affecting groups of items. In addition, the legislation recognizes that the administrators of export controls may need to consult a specific expert on some particular problem even though that expert is not a member of a technical advisory committee. It expressly gives the administrators the flexibility to engage in such consultations.

The Committee does not intend that any section of this Title should be construed to require any action which is detrimental to the national security, or the divulgence of any classified information or confidential industry information protected in section 7(c) of the Export Administration Act to unauthorized parties. Nor does the Committee intend the provisions of Title I to be used as a basis for legal action by exporters. In the Committee's opinion, Title I will help to increase East-West trade without threatening our national security. This will be beneficial for all nations involved.

QUORUM CALL

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BAKER TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders or their designees under the standing order, the distinguished Senator from Tennessee (Mr. Baker) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDUCTION OF TIME LIMITATION ON TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. ROBERT C. BYRD. I ask unanimous consent, having cleared this request with the distinguished Senator from Delaware (Mr. Boggs) and the distinguished Senator from New Mexico (Mr. Montoya), that time on H.R. 15545, the bill making appropriations for the Treasury Department and the Postal Service, be reduced from 2 hours to 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m., following a recess. Hence, there will be no morning business.

After the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Tennessee (Mr. Baker) will be recognized for not to exceed 15 minutes, after which the Senate will take up Senate Resolution 299, dealing with confidential American documents, on which there is a time limitation. There will be one or more rollcall votes in relation thereto.

Following Senate Resolution 299, the Senate will take up S. 3722, dealing with foreign service grievance procedures, under a very short time limitation, and with a rollcall vote on passage.

Next, the Senate will proceed to the consideration of H.R. 13918, the Corporation for Public Broadcasting bill. There is a time limitation on that bill, and one or more rollcall votes will occur.

Next, S. 3001, the Federal Financing Bank bill, will be called up, with a time limitation thereon. A rollcall vote may occur.

S. 3010, the Economic Opportunity Act, will then be laid down and made the second track. Let it be understood that S. 3390, the unfinished business, remains the unfinished business before the Senate and, therefore, is entitled to the main track daily.

Mr. President, I ask unanimous consent—if I have not done so already—that S. 3390, the unfinished business, be temporarily laid aside immediately following the remarks of Senator Baker on tomorrow; that it be considered temporarily laid aside throughout the afternoon until the final disposition of S. 3001, at which time the order would be in effect for the second track to begin, with S. 3010, the Economic Opportunity Act, being at that time made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. In other words, Mr. President, I know of no amendment to S. 3390 which would be called up tomorrow. This does not preclude such an amendment from being called up. But I know of none at this point. The unfinished business would remain in a temporarily laid aside status, under the program I have announced, throughout the day tomorrow.

I ask unanimous consent that at the close of business tomorrow, S. 3390, the unfinished business, be again laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, for the further information of the Senate, on Friday the Senate will convene at 9 a.m. The first order of business on Friday, following the recognition of any Senators who may be speaking under 15-minute orders, will be the Treasury-Post Office appropriation bill, under a time limitation, and there will be a rollcall vote on final passage of that bill.

Next, the Senate will proceed to the consideration of amendment No. 1265, by Senator Scott, to S. 3390, the Foreign Assistance Act, and there is a time limitation on that amendment. A rollcall vote will occur thereon.

Following the disposition of the amendment by Mr. Scott, the distinguished Senator from Colorado (Mr. Dominick) will offer his amendment—which I understand is called the "third country" amendment—to S. 3390. That will be disposed of with a rollcall vote thereon, although there is no time limit thereon at the present moment.

The Senate will continue consideration of S. 3390 if there are other amendments called up following the Dominick amendment. If there are no further amendments to that bill, the Senate then will return to the consideration of the second track item, S. 3010, the Economic Opportunity Act.

There will be no session on Saturday, in view of the fact that the Senate has been in session from 9 o'clock in the morning until late in the evening on almost every day this week. No unanimous-consent agreements can presently be reached with respect to the no-fault insurance bill or the minimum wage bill, and no further unanimous-consent agreements have been reached with respect to remaining amendments to S. 3390. It is the feeling of the leadership that in view of that situation, and in view of the fact that the calendar is in generally good condition otherwise, it would not be profitable to come in on Saturday. Saturday sessions are normally productive when consent agreements will insure progress. Hence, the decision that there will be no session on Saturday. But there will be several rollcall votes, as I have indicated, and reasonably long days on tomorrow and on Friday.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 7:55 p.m. the Senate took a recess until tomorrow, Thursday, June 22, 1972, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 21 (legislative day of June 19), 1972:

U.S. COURT OF CUSTOMS AND PATENT APPEALS

Howard T. Markey, of Illinois, to be chief judge of the U.S. Court of Customs and Patent Appeals.

DEPARTMENT OF JUSTICE

John T. Elfvin, of New York, to be U.S. attorney for the western district of New York for the term of 4 years.

Douglas M. Gonzales, of Louisiana, to be U.S. attorney for the middle district of Louisiana for the term of 4 years.

William C. Smitherman, of Arizona, to be U.S. attorney for the district of Arizona for the term of 4 years.

Thomas A. Grace, Jr., of Louisiana, to be U.S. marshal for the middle district of Louisiana for the term of 4 years.

Everett R. Langford, of Oregon, to be U.S. marshal for the district of Oregon for the term of 4 years.

BOARD OF PAROLE

Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole for the term expiring September 30, 1978.

FOREIGN CLAIMS SETTLEMENT COMMISSION

Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1970.

IN THE COAST GUARD

Coast Guard nominations beginning Robert M. Bissey, to be captain, and ending Marion L. Weiss, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 15, 1972.

EXTENSIONS OF REMARKS

TRIBUTE TO A DEDICATED TEACHER

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CHAPPELL. Mr. Speaker, one of the most extraordinary and exciting classrooms I have ever visited is that of Mrs. Nellie Spinks, who is chairman of the Social Studies Department at Vanguard High School in Ocala, Fla.

Stepping into her classroom is like entering an imaginative cyclorama. On every side, a colorful mural depicts the basic tenets of the free enterprise system and in the center is a group of informed, knowledgeable ninth graders, who have spent weeks studying and designing it.

Pictured at the beginning of the mural is a man surrounded by various tools. A summary of the three factors of production is illustrated in the formula: MMW=NR+HE×T; or "man's mechanical welfare is conditioned by his multiplying human energy and natural resources with tools."

Adjacent to the tools is pictured a house, land, and in the foreground a large key looms toward us with the inscription: "Private Property." The class felt that the right of private property in a democracy is the incentive which provides and encourages competition as a discipline along with customer choice.

Most intriguing in the mural is a huge wheel—with every part—hub, rim, spokes, all labeled to show the interchange and interdependency of our economic system.

Spokes shooting out from the hub—labeled "freedom"—support the rim, which stands for the individuality of man. The spokes include important truths which the class learned in its study: The customer is the boss; private property is the key; productivity brings prosperity; competition is a discipline; tools do the work; and costs must be tied to productivity.

Further explanation by the class of their work, included these thoughts:

> The wheel has individual responsibility as its rim because man must assume individual responsibility in a free society. Individuality is illustrated on the rim, at intervals, with pictures of citizens as farmers, educators, housewives, producers, investors, and managers.
>
> The wheel of economics progress must run on the road of respect for law and order. Laws encourage competition, prevent unregulated monopoly, protect private property, make possible investments and private savings, assure rights of individual choices in work experiences and other aspects of life.
>
> The driving force of the hub is economic-freedom illustrated with the eagle for strength and durability. Directly contingent upon the driving force of the hub is the work of each spoke. These represent the five costs of production. Surrounding the wheel are illustrations of the affluent society in America with private property dominating wealth in many form. There is an American citizen with freedom of choice of a multiplicity of goods.

Lastly, on the mural is a painting of the justice figure, blindfolded and holding balanced scales of law and order, while pointing toward those factors which support law and order: a police car, a responsible private citizen, Uncle Sam, the President of the United States, a court and a prison.

The mural was completed by the students—a committee studied, planned, discussed, and painted it.

Mrs. Spinks has inspired students to study about our system of government, to analyze the factors involved and to convey what they have learned to others. In a discussion with the students, I was amazed and deeply impressed at their knowledge and depth of understanding.

Neither Mrs. Spinks nor her students stopped in their studies. Before the close of school, they painted another mural depicting various vocations available to the students. What meaningful knowledge she is imparting to these students.

SALUTE TO EDUCATION

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, June 21, 1972

Mr. GRIFFIN. Mr. President, from the earliest days of our Republic, Americans have demonstrated a great faith in education as the basis of our democratic system of government.

They have realized, James A. Garfield once wrote, that—

> Next in importance to freedom and justice is popular education, without which neither freedom nor justice can be permanently maintained.

These words are of particular significance as we pause today to salute education.

This is an occasion for taking stock of where we stand and where we are going in the field of education. In recent years, we have seen one crisis after another in our educational system from financial and other reasons. They are the symptoms of change and not the failure of education itself.

On this occasion it is well to remember just how much our schools have accomplished and what they are continuing to accomplish.

This year more than 45 million children are enrolled in elementary and secondary schools.

More than 2 million men and women are employed as teachers, translating in dedicated fashion their ideals into the reality of education for our young people.

I am especially proud of my own State of Michigan. Its schools have 2 million children enrolled and the average expenditure per pupil is the sixth highest in the Nation.

Undeniably, there are serious problems confronting the schools especially in providing the necessary financial support. In Michigan, I am glad to say, Governor Millikin has been in the forefront in seeking some solution to this problem. Two years ago he called for a complete overhaul of school financing—and this was long before the Serrano decision in California challenging the traditional method of financing schools through local property taxes.

We have every reason to be proud of our educational system, and particularly the dedicated men and women in the teaching field.

While there are many problems, there is every reason to believe they will be solved as they have been in the past.

D-Q UNIVERSITY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ROYBAL. Mr. Speaker, recently I introduced a bill to provide Federal grants to D-Q University in California for the next 5 years. I am pleased to have Senators CRANSTON and TUNNEY introduce my bill on the Senate side.

The bill, H.R. 14988, authorizes the U.S. Commissioner of Education to provide $35 million in grants to D-Q University for the purpose of becoming "a national learning and cultural center for Indian and Chicano students, as well as for others having a special interest on matters affecting Indian and Chicano people and communities."

D–Q is the first university to be created and controlled by Americans of Indian and Mexican descent. It stands as an important national endeavor not only for the 8 million Indians and Chicanos in this country, but to all Americans dedicated to the idea of fostering cultural and racial understanding.

The university came into existence as the result of a Federal grant made in April 1971 of 640 acres of land located in Yolo County, Calif. The land was formerly an Army communication center transferred to the Department of Health, Education, and Welfare. Under this grant, the university holds title to the land for the next 30 years, conditional on its pursuit of an ongoing educational program.

At present D–Q has been principally financed by private donations, foundation support, and several Federal contracts and grants. It has already established a reputation for its leadership in developing community education programs, innovative teaching methods, bilingual approaches, and migrant manpower training and education.

However, it is difficult to see how the university can reach its goal as a national learning center without a 5-year funding commitment. The adoption of H.R. 14988 remedies this situation by providing $35 million over the next 5 years.

Currently D–Q has "correspondent" status with the Western Association of Schools and Colleges, which is the first step to full accreditation. It is a degree-granting institution in the State of California and is recognized by the U.S. Office of Education for participation in its programs.

After 1 year of operation, the university has an enrollment of 70 students with an expected enrollment of 1,500 by the end of 5 years and perhaps an additional 1,000 in extension programs.

The naming of D–Q has its roots in the traditions and history of the Indian and Chicano people themselves. The D refers to the great Iroquois leader Deganawidah who founded the Iroquois Federation, an early experiment in democracy predating the U.S. experience. The "Q" refers to Quetzalcoatl, an Aztec spiritual leader and prophet who founded a religion based on peace and social reform. This blend of democracy, social reform, and cultural pluralism forms the backbone of D–Q University.

Crucial to D–Q's educational philosophy is its deep commitment to the needs of its people and to serving the surrounding rural and migrant communities. Abandoning traditional academic aloofness, it has adopted a community approach closely linked to the Aztec and early Cherokee and Choctaw schools, which were integral parts of their society and culture.

Only recently has this country discovered the importance and benefits of this approach with its emphasis on community and vocational education.

D–Q carries forward this community focus through its objectives:

Training of teachers and school administrators to meet the needs and concerns of Indian and Chicano children.

Training of social workers and government personnel in working with Indian and Chicano communities.

Fostering of American Indian and Chicano studies with strong emphasis on history, anthropology, and social sciences.

Training for farming and economic development, geared to the realities and hardships confronting Indian and Chicano communities.

Development of vocational training programs, including such fields as farm management and crop production, economic development, and graphic arts.

Precollege training to prepare the students for college level work as rapidly as possible.

Community health programs focusing on the health needs of minority communities.

Development of a cultural and intellectual center to develop new approaches to solving domestic and international problems and to seeking cooperation among all races.

Clearly D–Q has dedicated itself to creating a model for community education as well as racial understanding and cooperation.

Mr. Speaker, I seek the full support of my colleagues in endorsing this important and innovative endeavor. The need for this university has already been documented by more than a century of persecution and discrimination against these people, who have suffered educational neglect at all levels, as well as exclusion from institutions of higher education. Our commitment to D–Q University would be a major step to ending this pattern of neglect and, in turn, developing a national Indian and Chicano center of education and leadership in America.

VIETNAM POLICY ON COURSE

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, a guest editorial recently appeared in one of my district newspapers, the Del Norte Triplicate in Crescent City, Calif., entitled "The Mansfield Amendment Filed, Vietnam Policy on Course."

This editorial, which originated with the Copley News Service, is significant in several respects and the thought occurred to me that many of my colleagues may find it interesting. Primarily, it places in true perspective the real meaning of the Mansfield amendment which I believe the American people should be made aware of.

The editor and publisher of the Del Norte Triplicate, Mr. James Yarborough, no doubt found this editorial worthy of reprinting because he was a prisoner-of-war in World War II. The fact that Mr. Yarborough saw fit to place this editorial in a position of prominence on his editorial page, certainly adds to its credibility, in my judgment.

The editorial follows:

THE MANSFIELD AMENDMENT FILED, VIETNAM POLICY ON COURSE

The Mansfield Amendment, that symbol of congressional determination to dictate a withdrawal of American forces from Southeast Asia on any terms at any cost, has finally run its course. President Nixon duly noted it in signing the military procurement bill to which it was attached, and then filed it away.

Mr. Nixon is perfectly correct in pointing out that the amendment is without binding force or effect. The President knows his powers and responsibilities as commander in chief.

It is obvious that Mr. Nixon also realizes to a greater degree than supporters of the Mansfield Amendment that the establishment of a troop withdrawal deadline would compromise the entire strategy we have been pursuing to bring both American troops and American prisoners home safely from Southeast Asia.

The strength of Mr. Nixon's position through the period of phased withdrawal of our forces has been the consistent movement along a rational course toward a specific goal. The weakness of congressional efforts to prod or persuade the President into speeding up the withdrawal lies in a blindness to all the elements of that strategy.

The year 1972 promises to be the most fateful for Southeast Asia since 1964. The defensive position of the shrinking U.S. combat force will be growing more perilous, and consequently the responsibility placed on the South Vietnamese Armed forces becomes more grave. The pressure of the Communists to negotiate a cease-fire and the release of American prisoners will be at its crucial point. To fix a "date certain" for our troop withdrawal under such conditions, as the Mansfield Amendment would have us do now, would be the height of recklessness.

We are not out of the woods in Southeast Asia, nor are our allies. As Mr. Nixon was reiterating the uncertain factors that must govern the final phase of our withdrawal, Secretary Laird was warning that U.S. air power may again have to support South Vietnamese operations in Cambodia or Laos in the interest of protecting our own withdrawing forces.

The debate on the Mansfield Amendment and threats in Congress to curtail military aid to Indochina must certainly be having an unsettling effect on our allies. The sudden decision by Premier Thanon Kittakachorn of Thailand to suspend the construction and invoke martial law reflects the growing unrest in that country over Communist threats along her borders—unrest that must be heightened by the prospect of diminishing U.S. support of the anti-Communist effort throughout Indochina.

President Nixon faces a most difficult task in keeping our Vietnam strategy firmly tied to its goals in the months ahead. With the Mansfield Amendment exercise in futility out of the way, we can hope that Congress now will put its shoulder to the wheel and help Mr. Nixon for the sake of our prisoners as well as the safety of the fast dwindling numbers of U.S. troops.

RETIREMENT OF JOHN F. PARKINSON, ASSISTANT GENERAL MANAGER FOR LOS ANGELES HARBOR DEPARTMENT

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 21, 1972

Mr. CRANSTON. Mr. President, this month the southern California steamship and transportation industry will lose one of its most experienced and knowledgeable members when John F. Parkinson, assistant general manager for the Los Angeles Harbor Department, retires. For the past 50 years, Mr. Parkinson has worked in the industry, spending the last 15 years with the Los Angeles Harbor Department.

Over the years, he has been active in organizations which promote world trade and enhance the transportation industry and has traveled on trade missions to the Far East and Europe. One of the founders of the Foreign Trade Association of Southern California, he has also served as an officer of the Los Angeles Transportation Club and as a member of the Department of Commerce Export Expansion Council. He is a past president of the San Pedro Chamber of Commerce and the Propeller Club of Los Angeles-Long Beach and is executive vice president of the Pacific Coast Association of Port Authorities. He currently serves on the World Trade and Harbor Affairs Committees of the Los Angeles Chamber of Commerce and the Mayor's Council for International Visitors.

His outstanding efforts for the industry have earned him the Award of Merit of the Catholic Maritime Clubs and the 1970 World Trade Week Bronze Plaque.

I know that Senators will join me in wishing Mr. Parkinson a successful and enjoyable retirement.

HIGHWAY SAFETY

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. WRIGHT. Mr. Speaker, I wish to point out for the record a significant investigative report on the subject of highway safety recently prepared by the General Accounting Office for the Public Works Committee's Subcommittee on Investigations and Oversight. Titled "Problems in Implementing the Highway Safety Improvement Program," the report was introduced into the record of testimony before the subcommittee today by the able and distinguished Comptroller General of the United States, the Honorable Elmer B. Staats.

The report represents an extensive review of problems in implementing the highway safety improvement program of the Federal Highway Administration. This is a program in which Congress had reposed great hopes at its inception some 8 years ago. The disappointing progress made from 1964 to date raises the question of whether the Federal Highway Administration's program guidance has motivated the States to take all feasible action to identify and correct high-hazard locations on the Nation's highways.

Dealing with the question in its usual incisive and perceptive way, GAO brought forth a report that gives Congress considerable food for thought and, indeed, outright concern. In addition to its value in our current public hearings on highway safety, the report is timely and enlightening for members of the Public Works Committee who are considering proposed highway safety legislation as well as a Federal Aid Highway Act of 1972.

It is my intention to see that a copy of the full report is delivered to each Member of Congress. Meanwhile, I am sure that all of my colleagues will be interested in the following digest of the GAO report which sets forth the findings in summary form:

PROBLEMS IN IMPLEMENTING THE HIGHWAY SAFETY IMPROVEMENT PROGRAM

WHY THE REVIEW WAS MADE

Because of the large number of traffic deaths—54,800 in 1970—the General Accounting Office (GAO) reviewed the highway safety improvement program established to identify and correct hazards on Federal-aid highways. Such hazards contribute to a significant number of accidents and fatalities each year.

The review was performed in six States—Colorado, Illinois, Missouri, Montana, Oregon, and Utah.

BACKGROUND

The program started in 1964 when the President expressed concern over the large number of highway fatalities and said that there was an urgent need for a program to improve highway safety. The President also said that special attention should be given to the correction of hazards on highways having large numbers of accidents.

The program is being carried out under the Federal-aid highway program which is administered by the Federal Highway Administration, Department of Transportation.

Fixed roadside objects—wall-like bridge abutments, unyielding signposts, rigid light poles, concrete footings, and spearlike guardrails—are among the more easily identified and correctable types of highway hazards. Such hazards have been called booby traps and have been responsible for killing and maiming thousands of motorists each year.

FINDINGS AND CONCLUSIONS

Eight years after inception, the highway safety improvement program has yet to become a fully implemented major national program.

Varying degrees of State compliance with the Highway Administration's program guidance have produced a fragmented approach to reducing highway accidents and fatalities through identification and correction of hazardous highway locations. GAO believes that this happened because Highway Administration guidance to States largely has been advisory, rather than mandatory, and because quantified goals have not been established for the program.

An opportunity exists to materially improve the Nation's traffic safety record if the Government will provide stronger program leadership.

The six States were all doing some type of work to correct highway hazards. GAO believes, however, that the highway safety improvement program is dependent upon—

Routinely setting aside and using funds specifically to eliminate highway hazards;

Identifying hazardous locations on the basis of actual accident experience; and

Correcting hazards in accordance with priorities based on potential for accident reduction in relation to the cost of the correction.

Reservation of funds

The Highway Administration has not reserved Federal-aid highway funds specifically for highway safety programs. GAO noted that the States had spent a small part of their Federal-aid highway funds to eliminate highway hazards. Of the total Federal-aid funds available to the six States during the 7 years ended December 31, 1970, only 3 percent were spent for that purpose.

The six States had not routinely set aside and used a designated part of their Federal-aid funds to correct hazardous locations. For calendar year 1971 one of the six States did commit $10 million of its highway funds specifically for highway safety improvement projects. About $5.5 million actually was used for this purpose. The remaining funds were used for other highway work, and the highway safety improvement projects for which the money was to have been used were deferred until the following year.

Identification of highway hazards

Meaningful inventories of hazardous locations, as described below, are needed to provide the Highway Administration and the States with a basis for determining (1) the magnitude of the overall highway hazard problem in the States, (2) the total estimated cost of correcting the hazards, and (3) the order and pace at which safety improvement work should be done to timely and significantly reduce highway accidents, deaths, and injuries.

Each of the six States had developed a system which, in part, met Highway Administration criteria for a systematic highway safety improvement program. For example, all six States were preparing summaries showing highway accidents by location. None of these States, however, had a comprehensive inventory of correctable hazardous locations that was updated systematically and used routinely for developing and carrying out safety improvement projects.

Assignment of priorities for correction of highway hazards

Because enough money to do all necessary safety improvement work seldom is available, States need to establish priorities for identified projects so that those having the greatest accident reduction potential for each dollar spent are undertaken first.

Three of the six States were not ranking possible safety improvement projects on a State-wide basis in terms of the highest potential benefit at the lowest relative cost. The other three States had developed priority listings for their safety improvement projects, but were not scheduling and carrying out their safety work fully on that basis.

Under the conditions described above, neither the Highway Administration nor the States have reasonable assurance that the safety improvement projects—selected on a case-by-case basis by the States and approved by the Highway Administration—represent the most worthwhile use of safety improvement funds.

AGENCY ACTIONS AND UNRESOLVED ISSUES

Officials of the Office of the Secretary, Department of Transportation, and the Highway Administration agreed generally with GAO's analysis of the progress and status of the safety improvement program.

Highway Administration officials stated that greater recognition should be given to other safety-related work being carried out by the States, such as work to upgrade the safety of the Interstate System and other high-speed highways in accordance with the recommendations of the American Association of State Highway Officials (referred to as yellow-book work).

GAO recognizes that yellow-book work promotes highway safety. This report comments on such work to the extent that it was identified by the six States.

Yellow-book work on existing highways, however, is directed primarily toward correcting generally recognized *types* of hazards (for example, replacement of fixed signs with breakaway signs over a section of the Interstate System), rather than toward correction of identified hazardous *locations*. Except for major safety improvement projects at specific locations, yellow-book work on the Interstate System, unlike other safety improvement work, does not have to be based on accident data analysis.

Highway Administration officials stated also that many safety-related highway projects have been financed wholly with State funds. They provided GAO with data showing that the States had reported that wholly State-funded projects classified as safety related had averaged about $125 million annually during the 7 years ended September 1971.

A Highway Administration analysis of the reported information showed that not all the projects included would meet the requirements of the safety improvement program. Also, the procedures followed by the States for identifying and correcting hazardous locations reduces assurance that the safety-related projects being financed wholly by the States represent the most worthwhile use of the funds involved.

Since GAO considers the reservation of funds to be important for an effective program, GAO also discussed the feasibility of the Secretary's administratively reserving a part of available trust funds specifically for gram. Highway Administration officials projects under the safety improvement propointed out that generally, in the past, reservations of funds for specific highway-related programs have been based on legislative authorization. Accordingly they planned to obtain legal clarification on this matter.

GAO believes that legislative action specifically setting aside part of highway trust funds to ensure an appropriate level of accomplishment would provide a more effective program incentive.

THE NEED FOR A COORDINATED ENERGY POLICY

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KEITH. Mr. Speaker, this Nation has many needs. Among the most pressing on them is one for a Coordinated Energy Policy. Throughout the country builders are being instructed not to provide for gas heating, pipeline companies are branching out into other fields because of dwindling gas supplies, oil companies are spending more time and money to find oil outside the United States than inside, electric bills are going up and we can expect them to go still higher. The cause of all of this is the finiteness of our energy fuels oil and gas, and the present inability to use coal.

This Nation is facing a serious energy crisis. For months there have been daily references to it in the CONGRESSIONAL RECORD, the daily papers, and the weekly magazines. Innumerable hearings have been held in both Houses of Congress dealing with this problem.

Questions such as how much do we import, where do we import from, what contingency plans are there, shall we build powerplants, where do we direct research and development money and many more keep cropping up.

If we run short of energy we run short of power—in both senses of the word. Without the power to run industry and the home, our economy, or foreign and domestic policies, indeed our very style of life would be completely turned around. We are not, today, or even this year in such a serious predicament. But what of next year—of 5 years from now—of 1980 or 1990? The time to act is now, not when it is too late. We are charged with providing for our country—to provide for its future. We must decide what kind of America we want in 1980 and 1990.

According to Secretary of Interior Rogers Morton, there are more than 60 Federal agencies concerned with energy matters. In the Congress there are more than a dozen committees involved in the problem.

As a member of the Commerce Committee's Subcommittee on Communications and Power, I, as have my colleagues on that committee, have become keenly aware of the disorganization, the diffusion and the disorientation of our national efforts in the energy field. We believe that a national energy policy is desperately needed. It would be a policy that would give an overview of the energy situation in the United States, that it can be expected to be in 10 years and how well we are able to meet or stave off those good or bad expectations.

Accordingly, our colleague LIONEL VAN DEERLIN of California, and I are planning to file legislation next Wednesday, June 28th, which calls for a Council on Energy Policy. We propose, today, the creation of such a council and ask that the bill enacting it be read into the RECORD at the conclusion on my remarks.

Briefly, the council would be a three-man group of nonpartisan, knowledgeable men—this problem is bigger than politics—who would formulate a national energy policy. They would be responsive to both the President and the Congress—the council would be the chief advisor on energy. The members would be appointed by the President with the advise and consent of the Senate and would serve for a period of 5 years.

The council would in no way assume the duties of existing agencies. It would be purely advisory, as is the Council of Economic Advisors or the Council on Environmental Quality. It would formulate the general guidelines under which the existing agencies would be better able to carry out their tasks.

The council would also publish an annual report—a kind of "state of the energy world" message. This report would include the policies it plans to set forth or recommend, the legislation it recommends, the energy fuel supply domestically and in foreign lands, the availability of that supply and projections of demand and how we can best meet those projections.

In the years ahead, as this Nation becomes more reliant on imported fuels, our foreign policy will be based on our energy policy; as this Nation experiences shortages of power our economic policy will be based on our energy policy; as this Nation finds its citizens out of work because of industry cutbacks due to shortages of fuels our social policy will be based on our energy policy.

Energy enters into every facet of our lives. We are in a problem situation now—a situation that just 2 weeks ago, Gen. George A. Lincoln of the Office of Emergency Preparedness called a crisis. If we are to avert that crisis, and the catastrophic consequences of it, we must act now to coordinate the energy policies of the United States; we must give our energy field some direction. We, in Congress, must be able to find out what the energy problems are and may be—not from five dozen different people all over this city—but from one knowledgeable, coordinated source. We must act now to create a Council on Energy Policy.

The cosponsors of this bill and I ask our colleagues to join us before we reach a critical hour in our history. We ask you to help us pass this proposal.

Mr. Speaker, I would now like to insert a copy of the proposed legislation into the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, There is created in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate. The members of the Council shall serve for five-year terms, except that of the three such members first appointed one shall be appointed for a two-year term and one for a four-year term, as designated by the President at the time of appointment. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the energy needs of the Nation; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies with respect to energy. Not more than two members of the Council shall be appointed from the same political party.

(b) (1) The Council shall serve as the principal advisor to the President and Congress on energy policy, exercising leadership in formulating government policy concerning domestic and international energy issues, and shall assist in developing plans and programs which take full advantage of the Nation's technological capabilities in developing clean energy and in conserving energy resources. In addition the Council shall help formulate policies for, and coordinate operations of, energy resources and facilities owned or controlled by the Federal Government. The Council shall prepare for the President in cooperation with the Council on Environmental Quality and with the assistance of other interested departments and agencies the annual Energy Report required by subsection (f).

(2) (A) All legislative recommendations and reports to Congress of Federal agencies, to the extent such recommendations and reports deal with energy matters, shall be subject to the approval of the Council.

(B) The Council shall make recommendations to the President and Congress for resolving conflicting policies of Federal agencies.

(C) The Council shall recommend policies to Federal and State agencies respecting power emergencies.

(3) The Council shall develop a long-range, comprehensive plan for energy utilization in the United States, and shall provide assistance to any executive agency concerned with energy and power in the United States.

(4) All agencies of the Federal Government shall include in every recommendation or report on proposals for legislation and other major Federal actions having a significant effect on energy availability or use a detailed statement by the responsible official on whether such proposal or action is consistent with the long-range plan formulated

under paragraph (3). If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action.

(5) Neither the Council nor its members may refuse to testify before or submit information to either House of Congress or any duly authorized committee thereof.

(c) In exercising its powers, functions, and duties under this section, the Council shall—

(1) consult with representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

(d) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

(e) The Council may employ such officers and employees as may be necessary to carry out its functions under this section. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(f) The President shall cause to be prepared and submitted to the Congress on or before July 1, 1973, and annually thereafter, an Energy Report. The report shall include—

(1) an estimate of energy needs for the ensuing ten-year period to meet the requirements of the national defense, the commercial and industrial life of the country, and the general welfare of the people of the United States;

(2) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economical manner with due regard for the protection of national security, and the environment and the conservation of natural resources;

(3) current and foreseeable trends in the quality, management and utilization of energy resources and the effects of those trends on the social, economic, and other requirements of the Nation;

(4) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices, including regulatory practices, employed to achieve the foregoing objectives;

(5) recommendations for the development and application of new technologies, procedures, and practices which he may determine to be required to achieve such objectives; and

(6) recommendations for legislation.

(g) There are authorized to be appropriated to carry out the provisions of this section not to exceed $300,000.00 for fiscal year 1973, $750,000.00 for fiscal year 1974, and $1,000,000.00 for each fiscal year thereafter.

ECOLOGY SINS, PLUS—

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. LANDGREBE. Mr. Speaker, following criticism by a so-called environmental group called Environmental Action, several articles have appeared criticizing the group for their analysis. One article that appeared in the Gary Post Tribune on Friday, June 16, 1972, deserves particular attention. Since the newspaper serves part of my Second Congressional District, it makes specific reference to my inclusion on the list of "Dirty Dozen." However, Mr. Zuckerman makes very appropriate criticism for the so-called environmental group. For the information of my colleagues, I insert it here:

ECOLOGY SINS, PLUS—

(By Ed Zuckerman)

WASHINGTON.—Those bratty radiclib kids at Environmental Action displayed a lot of nerve last week when they put Rep. Earl Landgrebe, R-Valparaiso, on their "dirty dozen" list. Among other things they pointed out he's opposed to such liberal perversions as child care development and congressional intervention in President Nixon's war.

It was the second time that environmental group selected Landgrebe for its "endangered species" list.

Environmental Action originally blossomed in 1969 as the national coordinator of the first Earth Day. It has since become a perennial flower in the political-garden-by-Potomac, spraying its negative endorsements every two years on candidates who have failed to appease the group's views on issues which go far beyond the environment.

The organization utilized 31 votes of the past two years as the basis for selecting candidates for the ignominious list of "ecological criminals." Only 13 of them were genuinely related to environmental questions. The rest covered a wide range of foreign and domestic questions such as the importation of Rhodesian chrome, the Vietnam war, consumer protection, equal rights for women, family planning, child care development and campaign spending reform.

Since five of the test votes were about Vietnam, every hawkish lawmaker such as Landgrebe who supports Nixon's Indochina policy was "one sixth" dirty when the search began for the dozen candidates.

On the basis of his overall performance, the young environmentalists judged Landgrebe's ecology record as the worst of any they picked for defeat in the fall election. They said the Valparaiso Republican had "upheld his reputation by voting wrong on every major piece of legislation considered by our voting chart save one."

The vote which kept Landgrebe from "zero per cent" perfection was one he cast for an amendment to the multi-billion dollar Clean Water Act. The amendment prevents "industrial blackmail" by companies which threaten to relocate plants to states with less restrictive antipollution enforcement standards. Landgrebe voted against the whole package on the final roll call, but that vote wasn't considered by the environmentalists.

In the analysis of how the dozen House members performed on the 31 issues, Landgrebe did earn the "worst" record. But, that doesn't mean he was the worst of the 435-member House—just the worst of the dozen.

And, if you strip away those non-environmental issues, look what happens.

Landgrebe, with his single pro-environment stand, performed better in that field than five other members of the "dirty dozen."

Failing to score a single blow for the environment (as far as environmental action is concerned) were Reps. Wayne Aspinall, D-Colo. (who is chairman of the House Committee on Interior and Insular Affairs and is a powerful voice on environmental legislation); Walter Baring, D-Nev.; Earle Cabell, D-Tex.; Sherman Lloyd, R-Utah, and Roger Zion, R-Ind.

For some reason, those "filthy five" got less of a rebuke from environmental action than did Landgrebe.

The young ecologists, who say their group is not of the "fashionable birds and squirrels" variety, turn out to be poaching on another groups territory.

Masquerading as an environmental protection group, they really are a junior grade edition of Americans for Democratic Action (ADA), the liberal political organization which publishes its own congressional performance ratings to separate the liberals from the conservatives. Another group, Americans for Constitutional Action (ACA), performs a similar role in reverse.

Landgrebe, who is every bit the "arch-conservative" the young environmentalists say he is, understandably gets low marks from ADA and high marks from ACA.

In addition to environmental, foreign and domestic votes, candidates for the "dirty dozen" had to satisfy two other qualifications to make the list. First, their opponents in the fall election must also have a viable chance of winning the election.

Somehow, the additional qualifications seem to suggest that the "dirty dozen" candidates were selected first and the process worked backwards from there. How else could such things as Rhodesian chrome and the rest make a difference to a group that is, by its own name, concerned with environmental action?

ROCKWOOD, TENN., AMERICAN LEGION SPEAKS OUT

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BAKER. Mr. Speaker, on February 29 of this year, I joined a number of my colleagues in the House in cosponsoring H.R. 13455. Our bill would restore November 11 as Veterans' Day and May 30 as Memorial Day.

Since then, I have received great support for our bill from veterans and other concerned residents of the Third Congressional District of Tennessee.

Many veterans' groups have sent me copies of resolutions they have passed urging Congress to adopt our legislation.

This week, one such resolution—from the Curtis E. Smith American Legion Post 50 of Rockwood, Tenn.—has come to my attention. The resolution seeks to restore November 11 as the national date of celebration of Veterans' Day.

I heartily concur with this resolution. So that my colleagues may share its patriotic message, I ask that the resolution be reprinted in its entirety.

I commend members of the Rockwood Post and Legionnaires throughout Tennessee for their devotion to America and the ideals it represents. As an American Legion member myself, I will join with Legionnaires throughout the country on November 11 in rededicating our lives to the patriotic goals for which American men have fought and died.

The resolution follows:

RESOLUTION RECOMMENDING THAT THE NATIONAL HOLIDAY STATUS OF VETERANS DAY BE RESTORED TO THE ORIGINAL DATE OF NOVEMBER 11

On November 11, 1918, the greatest war of all time was ended by an armistice being declared between the Allies and Germany. On every subsequent November 11th, the people of the United States celebrated this great event by honoring the war dead and veterans by festivities, banquets and parades. Nearly every town and city in the country held an Armistice Day parade.

When a war of even greater magnitude, World War II, was ended in 1945, November 11th took on added meaning and subsequently, because it was a day honoring all veterans, the name was changed from Armistice Day to Veterans Day and until 1971 Veterans Day on November 11th was a date when the citizens of the United States made a special point of honoring those who fought for their country and for American principles on the battlefields around the world.

By Act of Congress for the year 1971 and subsequent years, Veterans Day was to be celebrated on another date, which in 1971 fell on October 25th. This met with disapproval of all veterans organizations throughout the country, including the American Legion, Veterans of Foreign Wars, Disabled American Veterans and others. The turnout for parades on October 25, 1971 in many places was much less than it had been on the November 11th date. This was true in Knoxville.

Considering the history of this special date, November 11, we believe it is fitting that we recognize November 11th as Veterans Day, a time for annually considering once again the sacred ideals for which so many Americans have taken up arms and for which so many have given "that last full measure of devotion." These are the same ideals which we must continue to defend and protect. Man has the perpetual need for a vital faith, something to live by. Horizons have broadened because of the nature of a changing world, but the core of our belief is substantially the same as that held by our forefathers. We look to our families, our churches, our schools, and other American institutions to transmit our ideals and beliefs to each new generation. On November 11th of each year we pledge ourselves to work anew toward these ends, ever remembering the extremely high price that our soldiers and sailors have paid for liberty, which indeed is the core of our American heritage.

Now, therefore, be it resolved, Post 50, Rockwood, Tennessee, The American Legion, Department of Tennessee which is comprised of 638 members in this area, goes on record as recommending that the national holiday status of Veterans Day be restored to the original date of November 11th by the Congress of the United States, and that a copy of this Resolution be furnished to each of our Senators, Howard Baker, Jr. and William Brock, and to our Congressman, Lamar Baker, and Joe L. Evins.

TRIBUTE TO THE LATE HONORABLE PHILIP J. PHILBIN

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, today, Wednesday, June 14, which fittingly is Flag Day, a great American and grand human being passed away. Those of us in the U.S. Congress who were privileged to know and serve with the former Representative of the Third Congressional District of Massachusetts are deeply saddened by the loss of this fine gentleman.

Philip J. Philbin brought an added dimension to the Congress. He was no ordinary politician, nor for that matter was he an ordinary man. The distinguished Members from Massachusetts have pointed with pride to Phil Philbin's fine leadership and his contributions to the Nation, but I will remember him for the person he was.

Phil Philbin was a gentleman in every sense of the word. He never spoke unkindly to or about anyone and his love and compassion for his fellow man were returned tenfold. Phil had a good word and a warm greeting for everyone and his winning way won him the respect and esteem of everyone on both sides of the aisle.

Phil was a legend in his own time. His name was a household word throughout his Third District where he was known as "Phil." He was truly Mr. Personality and the kindness, compassion, and understanding which characterized him will not be forgotten.

Phil possessed the finest qualities nature can bestow. He was an erudite man who could have succeeded in whatever endeavor he chose to pursue. His way with the written and spoken word was the envy of scholars and writers and few athletes are not familiar with his accomplishments on the Harvard football field. He was a cultured man who enjoyed good music. He often composed songs and accompanied himself on the piano. Phil could delight and amuse, as well as teach, and those who had the pleasure of his company always came away refreshed. His greatest love, however, was people and to best serve them, he devoted his life to public service.

Although Phil Philbin was not with us in the 91st Congress, he was not forgotten either by us in the House or the constituents whom he had served so ably for more than a quarter of a century. We are all a little richer for having known him and in wishing him a peaceful repose, I would like to borrow one of his own phrases, "God love you, Phil."

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the Record the June 19, 1972, edition of the news bulletin of the American Revolution Bicentennial Commission—ARBC. I take this action to help my colleagues be informed of the nationwide activities in preparation for the 200th anniversary of this Nation in 1976. The bulletin is compiled and written by the staff of the ARBC Communications Committeee. The bulletin follows:

The National Governors' Conference has officially endorsed the concept of a nationwide network of Bicentennial Parks as proposed by the ARBC on February 22, 1972. Governor Arch A. Moore (W. Va.), Chairman of the National Conference has informed ARBC Chairman David J. Mahoney of the action of the governors during their recent meeting in Houston, Texas. The resolution which was unanimously passed states, "That the National Governors' Conference endorses the concept of Bicentennial Parks as having a significant potential for enhancing a truly nationwide participation in a meaningful commemoration of our Nation's 200th Anniversary and looks forward to receiving, at an early date, a report of the results of the feasibility study now underway." In a June 12 release Chairman Mahoney replied: "This endorsement of the Parks concept by the Nation's governors is most encouraging. The favorable reaction of the governors to the idea of developing a Bicentennial Park in each State is welcomed by the Bicentennial Commission."

On Wednesday, June 21, the ARBC Communications Committee is meeting at Headquarters in Washington, D.C. in a full morning session beginning at 10:00 a.m. The ARBC Executive Committee is meeeting the following day, Thursday, June 22, also at Headquarters at 9:00 a.m.

State Representative Floyd M. Sack, Chairman of the Colorado Centennial-Bicentennial Commission has announced that Governor Jack Love has appointed 8 new members from throughout the state to the Commission.

Commission members Thomasine Hill, Ken Beale and Roy Brooks will participate in the nationwide assembly of 1,000 high school Student Council leaders, June 25–29 at Forest View High School in the Chicago suburb of Arlington Heights.

The Princeton University Bicentennial Committee has been meeting and formulating plans during the past several months and will shortly present its recommendations to the president of the University. The committee is headed by Irving Dilliard, former Editorial Page editor of the St. Louis Post Dispatch.

The Bicentennial Council of the Thirteen Original States will meet at Princeton University, June 28–30, at the invitation of the Historical Commission, which has represented New Jersey on the Council.

Mayor John Gatti of San Antonio has informed the ARBC that on June 19 the city will host the President of the Republic of Mexico, Lic Luis Echeverria Alvarez, who will dedicate the Instituto de Cultura de Mexico. The Mayor writes: "Because of San Antonio's deep interest in the forthcoming Bicentennial Celebration of the United States, it is our desire to identify this historical visit as the first significant Bicentennial 'open house' event in America."

Dr. J. Duane Squires, Chairman of the New Hampshire ARBC has informed the ARBC that the State Commission has issued a report to Governor Walter Peterson of the activities of the Commission during the two years of its existence. The report is dated June, 1972.

The New England Drum Corps Federation has a plan they hope will fit into the "Festival USA" theme of the Bicentennial. The Federation would like to invite a drum corps from a foreign country, or from outside the northeastern section of the U.S., to pay a visit of a week or two to New England during the summer of '76. The Federation has noted that other organizations might well adopt similar plans and points out that Boy Scout camps in one State might accommodate Scout troops from foreign countries or distant states paying a Bicentennial visit to the region where so much Revolutionary activity took place. Another Drum Corps Federation plan is to stage an exhibition of American music of the Colonial period during the Bicentennial year.

A San Diego County ARBC has been formed comprised of each community in the County and the Board of Supervisors. The mayors in the County will serve as ex officio members. Allan B. Skuba, Escondido, and M. D. Berchdorf, San Diego, will serve as cochairmen. An organizational meeting has been held and much enthusiasm exists in the San Diego area, which celebrated its Bicentennial in 1969. The County ARBC will be the local agency to support the ARBC.

A new "Revolutionary Collection" of fabric commemorating the up-coming Bicentennial was introduced at the Owens Fiberglas Center in New York City. The collection is based on colonial period designs gathered from the Smithsonian, Cooper-Hewitt and Winterthur museums as well as from private collections. Print designs were inspired by sampler patterns, hand-loomed counter panes, basketry, 18th century block prints, patchwork quilts and embroidery stitch patterns. Designer Leslie Fillet created the signature collection.

Arizona ARBC—Lt. Gen. Frank Sackton (Ret.) of the Governor's Office has been assigned by Governor Jack Williams to see that all possible assistance is given to the Arizona ARBC by the State Government. The Arizona Commission was formally established by Executive Order of the Governor on June 9. John Eversole, the Chairman, announced two new members were appointed by the Governor, Mr. Eric Maxwell and Mr. John V. Fels.

Students from all Belton, Texas schools have been appointed to the Belton Bicentennial Commission and to serve as a board to guide their respective schools in participating in the Bicentennial celebration. And in Des Moines, Iowa the class of 1976 of the Chariton, Iowa school were presented a 45-minute program, including slides and a quiz, on the Bicentennial and the World Food Expo '76.

The May 1 issue of the Bicentennial Bulletin reported that an 80-minute film dramatizing the role of immigrants in building America was being planned in Washington Crossing, Pennsylvania. It shoud be noted that the film is not being produced by the Washington Crossing Foundation but rather by Sol Feinstone of Washington Crossing, Pennsylvania.

Contact: F. C. Duke Zeller, Editor (202) 254-8007.

APOLLO 16: A TRIBUTE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. TEAGUE of Texas. Mr. Speaker, much has been said over the years as to the significance of man as a direct participant in space flight. A recent editorial in the San Jose Mercury of April 24, 1972, discusses this subject in the light of the outstandingly successful Apollo 16 lunar mission. I offer this balanced and significant editorial as an important contribution to the discussions of manned space flight in the present and future:

APOLLO 16: A TRIBUTE

The manner in which the Apollo 16 moon mission has unfolded to date underlines once more the essential role of man in the exploration of space.

Unmanned probes are excellent as far as they go—and in terms of sheer distance they go much farther than manned expeditions at the moment—but there are as yet no cameras and computers to equal the human eye and mind.

Apollo 16 appeared to be plagued from the outset with minor difficulties, jammed antennas, erratic circuits and malfunctioning instruments. Yet the minds and hands of Astronauts John Young, Charles Duke and Thomas Mattingly contrived nonetheless to place the former two on the moon's surface only a few hundred feet from their target and only a few hours behind schedule.

Even though Young, Duke and Mattingly were barred from spending as much time in lunar orbit as originally planned, Apollo 16 must be counted a qualified success even at this point; it won't be a total success, of course, until all three astronauts are safe on earth once more.

The geological data Apollo 16 will return from the mountainous Cayley Plains is certain to give scientists a firmer grip on the origins of the moon and, perhaps, even of the solar system itself. Beyond that, the nuclear-powered data gathering and reporting station Young and Duke deployed on the moon's surface will continue serving man's thirst for knowledge well into the future.

All of which attests to the indispensability of man in space. Few if any of the more sophisticated scientific experiments Young and Duke conducted could have been performed by automated equipment. Further, it is highly improbable that any such experiments would have been undertaken at all if Apollo 16 had been an unmanned probe; at the first technological malfunction, it is more likely the whole mission would have been scrubbed automatically.

It is regrettable that only one more Apollo moon flight remains in the National Aeronautics and Space Administration's schedule. Just when man is becoming familiar with the moon at close hand, he abandons further personal exploration. This is short-sighted and wasteful, but given the temper of the country at this point in history it is probably inevitable. The only short-term consolation is that Congress is funding the space shuttle and Skylab programs at reasonably adequate levels. Thus the United States will not lose all space exploration capability through atrophy and apathy.

For the long haul, it is inevitable that interest in lunar exploration will be rekindled at some future date. The Apollo program answered a great many questions about the moon, but it is in the nature of scientific inquiry that answers beget more questions, and lunar exploration has been no exception to this general rule. Consequently, it is a certainty that man will journey to the moon again—after Apollo 17. The only uncertainty is when. Most probably it will be after man has perfected techniques for maintaining colonies of explorers on the lunar surface for extended periods.

Apollo 16 is a noteworthy achievement in its own right, but it is more than that. It is, more importantly, the latest step in man's restless journey into the unknown. It is a tribute to his curiosity and, ultimately, to his faith in life and in the ability of knowledge to make that life somehow better in the future than it has been in the past.

RECOMPUTATION OF MILITARY RETIRED PAY

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KING. Mr. Speaker, many Members of Congress have been receiving a heavy volume of mail concerning the so-called recomputation of military retired pay. Some of the retired military personnel take the position that the former system of allowing military retirees to recompute their retired pay on the basis of current active-duty basic pay scales should be reinstated. This would mean that increases in retired pay would be automatically geared to increases in the basic pay of the active-duty forces.

The Congress departed this method of adjusting retired pay in the 1958 Military Pay Act and in 1963 repealed the pertinent section of the law. Under that legislation, Congress provided a flat, across-the-board 6-percent increase in retired pay. This action has created considerable controversy over the proper method of increasing military retired pay. The controversy continues to this day.

Under leave to extend my remarks in the CONGRESSIONAL RECORD, I would like to include a letter on the subject of recomputation which I received this week from Col. John B. Holst, USAF, retired, a constituent and good friend of mine from Elizabethtown, N.Y. While I am sure my colleagues will find the narrative prepared by Colonel Holst interesting and amusing, I know it sincerely expresses not only his sentiments concerning military recomputation but also the sentiments of many other retired military personnel.

Numerous bills on recomputation have been introduced, and it is my understanding that the administration has recently submitted a legislative proposal providing a one-time, partial recomputation. In view of the considerable interest, congressional and otherwise, I am very pleased that Hon. F. EDWARD HÉBERT, chairman of the Committee on Armed Services, has announced his intention to schedule hearings on these proposals as soon as the committee's legislative calendar will permit.

Colonel Holst's letter follows:

ELIZABETHTOWN, N.Y., *June 15, 1972.*

Hon. CARLETON J. KING,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: This is just a note to let you know that the family are well and doing fine—that is everybody except Uncle Sam and some of his nephews. He has been acting so strange and unlike his old considerate and generous self that some think maybe he is a little teched in the head. They asked me to write to see if you could get him to see reason before it is too late.

You may have been out of touch with most of Uncle Sam's nephews who are hurting the worst, so I'll try to bring you up to date on why they think his behavior is so odd.

You remember back in the thirties when there were so many bad guys running loose all over the world Uncle Sam gathered all his nephews together to get ready for the big shoot out. There were three main gangs causing most of the trouble, the Swasticas, the Rising Suns, and the Black Shirts. Uncle Sam, even with all his nephews, wasn't strong enough to face them alone so he teamed up with lots of friends around the world and the Red Star Gang which turned out not so friendly later on. All together they were too much for the bad guys and the final shoot out ended in 1945.

After that most of the nephews wanted to go home to their jobs and families, but about that time the Red Star Gang showed their true colors and started grabbing off everything they could get their hands on including some of our weaker and smaller friends who had helped throw out the bad guys. Fearing that the new bad guys, that is the Red Star Gang, would pluck off all the old friends one by one, Uncle Sam went all around the world reassuring them that he would not let that happen. So when he got back home and found most of the nephews packing to go home, he begged them to stay with him because otherwise he would not be strong enough to protect his friends overseas. In order to keep the nephews with him he reaffirmed the ancient policy that if they stayed with him that even after retirement they would still get all the benefits, including pay increases, that he would provide to those still active. Feeling secure in the reputation for integrity that Uncle Sam had built up over the years many of the nephews agreed to stay with him. And so Uncle Sam was then able to keep the promises he had made around the world.

After that everything went fine in the family. The nephews that went home were eager to compete in the land of free enterprise where the sky was the limit, and many became wealthy and famous.

The ones that stayed with Uncle Sam worked loyally in the belief that while they would never be rich, they were building credits toward a secure and dignified retirement.

But then in 1958 Uncle Sam did something very out of character for him. He broke his promise to the nephews who stayed with him. By then most of them were too old to go home and start over again, and many of them think Uncle Sam may have done it with this in mind. I wouldn't go so far as to say that myself, but I do think he dishonored the family name by cutting off the loyal nephews and welching on the deferred payments promised them at a time in life when there was little they could do about it.

Since Uncle Sam broke faith with the older nephews in 1958, the younger ones have been skeptical about what they might expect on retirement, and so to keep them happy Uncle Sam has had to give them more frequent and bigger pay raises. This means that the younger ones when they retire will get a much larger deferred payment than the older ones with the same grade and length of service. By following this policy Uncle Sam is able to keep his friends abroad and his younger nephews happy while his older nephews are gradually slipping down the economic ladder into second class citizenship. The younger ones don't care because it wasn't their fault that the older ones were born many years too soon.

Well that's about how things stand in the family today. If you still have any influence with Uncle Sam, I would appreciate it if you would try to make him see the error of his ways and get him to do something about it while there is still time. I believe that if Uncle Sam made good on his promise to the older nephews, his credibility would be restored and the younger ones would be less demanding of cash on the barrel head.

I truly believe that Uncle Sam really wants to make restitution and bring us together again, but he needs help. And he needs to be shown that honor and integrity and unity within the family are more important than the money that their restoration would cost. Also he should be reminded that without the support of the older nephews in the years following the big shoot out there probably wouldn't be any family left to bring together.

Here are the names of a few of the fine people down your way who are trying to get Uncle Sam to bring us together. Hope you will help them. Hon. Charles Gubser (R-Cal) HR 14524, Hon. Burt L. Talcott (R–Cal) HR 14643, Hon. G. William Whitehurst (R–Va) HR 14662, Hon. Dawson Mathis (D–Ga) HR 14871, Hon. Bob Wilson (R–Cal) HR 14916.

Meantime I want you to know how sorry I am that you have been redistricted out of our part of the Adirondack Mountains, and I hope this won't keep you from coming up here to see your old friends.

Yours sincerely,

JOHN B. HOLST.

PAUL REDLINSKI STEPS ASIDE; SAVED BUFFALO'S MARKET

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DULSKI. Mr. Speaker, in each community there are individuals whom we can admire and respect for their dedication to their families, their friends, and their neighbors.

Such an individual is Paul Redlinski of my home city of Buffalo, N.Y., who retired last week as president of the Broadway Market Merchants Corp. Paul is a long-time personal friend for whom I have the highest regard.

He immigrated to the United States as a youth, age 13, and built his own business. He built not once but twice, his first being the victim of the Depression of the 1930's.

Paul is a highly respected leader of his community and is singularly responsible for leading the successful fight to preserve the city-owned Broadway Market as a landmark of Buffalo's Polish-American community.

Mr. Speaker, as part of my remarks I include a story from the June 15 issue of the Am-Pol Eagle:

PAUL REDLINSKI ENDS ASSOCIATION WITH BROADWAY MARKET

The man who is credited with single-handedly saving the Broadway Market as a landmark of Buffalo's Polish American community is leaving the market after an association that has spanned 25 years. Paul Redlinski, Sr., who began his successful fight against the sale of the Broadway Market to private enterprise ten years ago, announced yesterday his retirement as president of the Broadway Market Merchants Corporation after serving in that capacity for three years. His announcement of his retirement thus completes his separation from the market. In 1969 he retired as president of his family-owned meat business, turning the operation of Paul Redlinski Meat Products Inc. over to one of his four sons.

The story of Paul Redlinski's rise to a position of prominence and respect in Buffalo's Polish American community is filled with both successes and disappointments. Born near Warsaw in 1900, he came to Buffalo at the age of 13. His father, who had emigrated here three years before the rest of his family, settled on Clark St. on Buffalo's East Side.

Having virtually no knowledge of English, Paul Redlinski's early life was pretty much limited to the Polish-speaking areas of Buffalo's East Side. His earliest memories are of walking down Broadway and seeing Polish names above businesses. He thought to himself that he would like to see his name over his own business someday and he knew from then on that he was destined to a life in the world of business.

BECAME ELECTRICIAN

His first employment, at the age of 16, was not exactly what he had in mind. His first job was pulling nails out of boxcars standing along the New York Central Terminal on Curtis St. This did not last for too long a time. And after moving from one job to another for several years, he finally landed a position as an apprentice electrical worker. Although the $4 a week salary was not what he had hoped for, the job did provide him with experience that would prove to be invaluable in later years. After learning both the electrical business and the English language, he began wiring houses for an electrical contractor whose business was located on Clinton St. next to the Strand Theater.

His first break in the business world came in 1925 when the owner of the Clinton St. business told him that he would have to close down because he could not pay the bills. He offered the business to the then 25-year-old Redlinski who, after borrowing $500 from friends and relatives to pay off the debts, accepted.

He became a success almost immediately. In addition to house wiring and other electrical jobs, he sold small appliances such as radios and washing machines from his Clinton St. store. For young Redlinski, owning his own successful business was like a dream come true.

His success was to be short-lived. The Great Depression came and he lost everything. He learned a lesson from the depression, however. The cause of his downfall was credit buying and he pledged that his future business ventures would be of the "cash-over-the-counter" nature.

His second business was to be a long time in coming. He was now married to the former Martha Nowak and he had four sons whom he had to think about. He could not afford to take another chance in business. He had a job as an electrician and was making a livable salary.

Yet, the call of the business world would not cease. By the late forties his sons were growing up and one had learned the butcher's trade. He wanted to do something for them. So in 1947, after much reflection, he sold the house he had managed to buy on Miller St., and invested the money in a butcher stand at the Broadway Market.

BEGINS MARKET RULE

This brings us to another side of Paul Redlinski, the most important side. He did not decide to open the stand for himself but rather for his sons. In fact, he maintained his job as an electrician for several years after the Broadway Market butcher stand was opened. It was his concern for his four sons (Emil, Daniel, Leonard and Paul Jr.) that motivated him to take this great chance. Those who knew Paul Redlinski well realize that his great love for his family is, and always has been, placed above all else.

The success story of the Broadway Market stand of Redlinski Meat Products is truly phenomenal. A second stand was obtained in 1952 and by 1957, a third was needed. Sausage was always home-made behind the counter but by the early '60's, it became evident that demand would force a change. In 1965 a sausage and meat processing plant was opened on Sienkiewicz Pl. adjacent to the Market. The plant now makes more than 30 varieties of meat products.

In 1947, 30 pounds of Polish sausage was made behind the counter of Redlinski's stand. Last week, 1500 pounds of Polish sausage was made in the Redlinski plant on Sienkiewicz.

The first signs of trouble for the Broadway Market came in 1962 when our city leaders began to talk about selling the city-owned facility. It was then that Paul Redlinski began his fight. His frequent visits to City Hall on behalf of the Market must have made some people wonder if he was on the city payroll. Everytime an item that could affect the future of the Broadway Market was being discussed in City Hall, Paul Redlinski was there.

His efforts of time and money were not wasted. In 1969 a compromise was reached whereby the merchants would lease the market from the city. The Broadway Market Merchants Corporation was formed and Paul Redlinski was elected as its first president. The market had been saved as the center of our Polish American community and Paul Redlinski was the one person responsible for this. Today, the operation of the market is that of a smoothly run business with no problems in sight.

SENIOR CITIZEN CENTERS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. SHOUP. Mr. Speaker, recently, I had the privilege of attending a "listening session" with a group of senior citizens at the Walford Senior Citizen Center in Missoula, Mont. The meeting was held with representatives from the Montana Commission on Aging, other senior citizen centers, and delegates to the White House Conference on Aging. The purpose of the meeting was to discuss the recommendations of the White House Conference and other areas of concern. Because I believe the minutes of this meeting will be informative to my colleagues, I insert the following minutes into the CONGRESSIONAL RECORD.

LISTENING SESSION, WALFORD SENIOR CITIZEN CENTER, MISSOULA, MONT., MAY 21, 1972

Congressman Shoup opened the meeting, stating he hoped for quick implementation of the recommendations arising from the White House Conference on Aging (WHCA).

Bertha Wieloff, one of the four panel members, stated the President had promised not to ignore the WHCA recommendations. She spoke on H.R. 1 which would provide increased Social Security benefits, allow the aged to work without being financially penalized, and eliminate the $5.80 Medicare insurance premium. She also spoke of providing tax relief to those who own and live in their own homes.

Lyle Downing said the Walford Center was one of the best of the 46 centers in Montana. He recounted a history of the activities on behalf of the aged, beginning in 1965. In 1966 Governor Babcock appointed Downing as Executive Secretary to the Commission on Aging. Barclay Craighead raised $6,500 and the Federal government added $13,000 to fund the Commission. The first office was located in the Old Governor's Mansion, later moved to the Montana Historical Society, then Mitchel Building, and finally to the present Office in the Penkay Manor, where they currently are staffed by 11 people. Downing told the group that Shoup had treated the Montana WHCA delegation with great kindness, bringing the group together for a breakfast. The hotel accommodations were such that the group was scattered throughout Washington and some delegates have yet to receive per diem payments. The WHCA was productive; some $500,000 has been granted to Montana for nutrition since the Conference was completed.

Mr. Thompson, another panelist, explained how John Haugan had asked him to help when he heard there was no delegate from Missoula for the conference. He called his daughter who lived in Washington and she contacted Shoup. Shoup then arranged for Mr. Haugan to receive credentials as a member of the conference.

Downing explained that the delegates to the WHCA were selected by the Governors of the states.

Don Sekora, the fourth panelist, and an employee of the Commission on Aging, explained as background that he was employed by the Welfare Department. Explaining that WHCA was a working session, he described the breakdown of the group into its 14 subcommittees. The subcommittees then came out with various recommendations among which were:

Permanent standing committees in House and Senate on aging.

A presidential advisor or cabinet level position on aging.

A recommendation that the war be ended and money thus saved be used for the aging.

He said that some of the recommendations have since been translated into action.

Shoup said he would send copies of the bill, history, and committee print to the Walford Center.

Downing asked for a report on the future of the Old Americans Act.

Shoup said the nutritional program has passed but he wasn't aware of when it would be implemented.

Downing spoke of a critical letter from Frank Sennett complaining about the delay in implementation. Downing added that the sentiments expressed reflected his own feelings. He disagreed with the areawide concept because it ignored small communities and the problems there.

Sekora stated there was great confusion about implementation with further studies being asked by the federal government, and continual promises that guidelines will soon be furnished, followed by new delays.

Wieloff said demonstration projects are underway for the "meals on wheels" with great success.

Downing said he wanted to have a permanent program, not demonstration programs. He said one such program is now operating in Helena which was funded by OEO, and has since been funded by Lyle's office.

A suggestion was made that the kitchen facilities at St. Patrick's Hospital be used to cook meals for the Missoula program when it is not being used for patient meals.

A woman stated that her neighbor gets one meal per day, which is prepared in the hospital.

Mrs. Gold said she was involved in a "meals on wheels" program in Missoula, through the Unitarian Church, but the recipients she knew of were required to pay.

Shoup stated that some demonstration programs have proved the worth of expanding the programs. He inquired about the Green Thumb program.

Downing responded by saying it is sponsored by the Farmers Union with a limited budget. Transportation of the elderly is a problem. In Glendive coupons are used to provide taxi service, with a portion of the cost picked up by the Welfare Department. In Butte, a Model City grant is aiding in solving transportation problems there. Transportation is basic and without it. many of the other programs will not work.

Shoup said a bill has been introduced which would encourage the elderly to work where they are not competing with the labor force. Talking about other matters, Shoup warned of the trap of accepting programs for limited periods, after which funding expires. Demonstration projects frequently expire with States, cities, and counties then expected to continue funding, which they frequently are unable to do.

Downing said that the Senior Citizen Centers have had difficulty raising their 25% share of matching funds, but the last legislature passed a bill which allows cities and counties to tax for that purpose. He said projects which cross city and county lines will be more difficult to fund at the state level.

A lady stated that transportation in Hawaii is solved by presentation of the Medicare card to the drivers of public vehicles.

Shoup said that in Washington, D.C., a reduced fare is available to Senior Citizens. The problem of what to do in smaller communities—where there are no taxis—was raised. Shoup said the answer may be to provide a grant to secure a driver within the locality.

One lady asked if school buses could be used. Downing said the matter had been probed but there are legal problems.

Shoup said they have been used in some places by arrangements made with either the schools or the contractor.

Mr. Thompson said they were in the process of buying their building but needed financial help. He envisioned problems in taking the property from the tax rolls.

Shoup pointed out that interest on SBA loans was paid to banks and not to the SBA.

One man asked where application should be made for the Green Thumb program. Downing said the grant should be directed to his agency and that approval could be expected in about one week.

A program to provide for used hearing aids was discussed. It was thought that they should be distributed to the aged throughout the area by the University of Montana. It was determined that financing was a problem, with some recipients paying $15 for the test, while others cannot afford that sum. It was warned that itinerants should be avoided.

Mr. Watts said bloc grants to the states would be a better way to handle problems of the aged instead of the narrow method now in use. Shoup agreed that priorities could better be defined at the local level.

Another added that for the price of a dollar, that a certificate can be purchased in Washington which frees Montanans shopping there from paying that state's sales tax.

After a coffee break, the program continued with a comment by Shoup who said local decisions should be made in the cases of medical service provided to the elderly people. He said some of the elderly have been treated and assumed Medicare would pay the bill, but that in many cases that was found to be insufficient.

A lady stated that she objected to the exclusion of payments to chiropractors.

Shoup, after no further comments or questions were forthcoming, thanked those present for attending and the meeting was ended.

NO. 2 FUEL OIL SUPPLIES—THREAT OF SHORTAGE LOOMS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CONTE. Mr. Speaker, as the Members of the House from the Northeastern States are well aware, fuel oil supplies have been a continuing problem for our region. During many periods in past winters, supplies of vital No. 2 fuel oil have run short and emergency allocations were required to prevent homes from running out of oil. Just this spring—in March and April—disruptions and shortages occurred in many markets, and it was only the arrival of warm weather that averted a crisis.

Once again, New England, New York, and other areas are faced with the possibility of shortage—next winter. The supply-demand problems that could lead to such a shortage—and the competitive difficulties they cause independent deepwater terminal operators—have been ably and convincingly documented in a petition recently filed with the Oil Policy Committee. I commend it to the attention of all my colleagues; it provides ample cause for concern, but also sets forth an effective plan of action.

Mr. Speaker, I include the "Petition for Increase in No. 2 Fuel Oil Imports—District I" filed by the Independent Fuel Terminal Operators Association with the Oil Policy Committee on June 5, 1972, at this point in the RECORD:

PETITION FOR INCREASE IN NO. 2 FUEL OIL IMPORTS—DISTRICT I

JUNE 5, 1972.

Hon. GEORGE A. LINCOLN,
Chairman, Oil Policy Committee, Office of Emergency Preparedness, Executive Office of the President, Washington, D.C.

DEAR GENERAL LINCOLN: On behalf of the members of the Independent Fuel Terminal Operators Association, I hereby submit a Petition for an increase in No. 2 fuel oil imports into District I (the East Coast, from Maine to Florida). The Association is composed of 14 independent deepwater terminal operators, all of whom own or control deepwater terminals in District I and none of whom is affiliated with a major oil company. All members received allocations to import No. 2 fuel oil into District I in 1972 under Section 30 of the Oil Import Regulations.

We are requesting that *imports of this product be increased for the period January 1–December 31, 1972, from the current level of 45,000 b/d to 65,000 b/d—an increase of 20,000 b/d.*

I. BACKGROUND: THE EXPERIENCE OF PAST WINTERS

Since the Winter of 1966–67, the fuel oil markets of the Northeast—particularly New England and New York State—have been characterized by a recurrence of shortage conditions, lack of assured supply for independent marketers, escalation in cargo prices, and a decline in the competitive strength and position of independent marketers and deepwater terminal operators. Although major oil company competitors also experienced shortages at their own deepwater terminals from time to time, these majors enjoyed access to overseas supplies of both crude oil and finished products; they also found it increasingly profitable and increasingly possible (as more hydrocracking facilities went on-stream) to shift to production of more gasoline and jet fuel, to restrict supplies of No. 2 fuel oil available to independents, and to market an increasing proportion of fuel oil through their own integrated system. The number of independent marketers on the East Coast declined and the prospects were poor for the continued survival of this segment of the market.

As their existence became increasingly perilous, independents looked to the Federal Government for assistance under the Oil Import Program. Interim relief was provided by the Oil Import Appeals Board through emergency allocations of No. 2 fuel oil. These allocations played a significant role in preventing actual shortages of oil in New York and New England, particularly during 1967 and early 1970.

It soon became clear, however, that this emergency mechanism was not a permanent, effective solution to the competitive, supply and price problems facing independent deepwater terminal operators.

II. NO. 2 FUEL OIL IMPORT PROGRAM FOR DISTRICT I

A major step toward a solution was taken on June 17, 1970, when the President established the No. 2 Fuel Oil Import Program for District I. The impact of that Program has been set forth in previous submissions to the Oil Policy Committee, but, in brief:

For the first time—during the Winter of 1970–71—there was no No. 2 fuel oil supply crisis (despite a severe shortage of No. 6 fuel oil);

Cargo and rack prices in the Northeast were stabilized, and in many terminal areas, dealers and jobbers enjoyed the benefits of increased competition;

The competitive position of independent deepwater terminal operators improved.

On November 5, 1971, a further significant development took place; on the advice of the Oil Policy Committee, the President established the No. 2 Fuel Oil Import Program for District I on a permanent basis. The new program was a major improvement:

With the assurance of permanent access to overseas supplies, independent terminal operators have been able to plan more effectively;

With such assured access, they have been able to make financial commitments for construction of new docking and storage facilities;

The crude oil exchange provision has strengthened the competitive position of terminal operators in dealings with major oil company suppliers.

III. WINTER OF 1971–72: INCREASES AND CHANGES IN FUEL OIL DEMAND

The experience of the Winter just past dramatized the major increases and shifts in demand taking place in the U.S. fuel oil markets, particularly in the Northeastern states.

In District I (the East Coast), during the period September 1, 1971–February 29, 1972:

The weather, as measured by degree days, was 10.8% warmer than the corresponding period in 1970–71.

Total distillate demand was 284 million bbls—2.5% more than during 1970–71.

If weather had been normal during this period, instead of unusually warm, *added demand for distillate* in District I would have been *15 million bbls*, and total demand would have been 7.5% greater than the previous year.

Distillate stock fluctuations during the heating season were as follows:

[In millions of barrels]

Distillate stock levels as of—	East Coast	Gulf Coast—Texas and Louisiana
Sept. 4, 1970	79.5	26.7
Apr. 30, 1971	39.4	18.6
Draw-down, 1970–71 heating season	40.1	8.1
Total draw-down		48.2
Sept. 3, 1971	87.3	31.3
May 1, 1972	30.2	15.0
Draw-down, 1971–72 heating season	57.1	16.3
Total drawdown		63.2

During the 1971–72 season, the total "drawdown" was 32% greater than the previous year—despite the fact that the weather from September through April was 8.4% warmer.

March–April 1972

The experience of the past two months of the heating season—March and April—has been particularly alarming for independent marketers of fuel oil. Supplies of No. 2 fuel oil at terminals in New England and New York ran very low, and in some cases, the storage tanks ran dry.

Both independents and majors experienced shortage. Refiners, including the largest major oil company suppliers of No. 2 fuel oil along the East Coast, ran low, refused to deliver product to some independent deepwater terminal operators and stretched out delivery schedules to others.

In several areas of New England, during March and April, there were only 2–3 days supply of heating oil available in some markets. Only the facts that this supply crisis occurred later in the heating season, that overseas supplies could be imported quickly, and that warm weather arrived, prevented homes and apartments from running out of oil.

These tight conditions persisted into early May.

IV. CAUSES OF CHANGE IN DISTILLATE DEMAND

The data and events outlined in Part III above, underscore two major facts about No. 2 fuel oil demand: first, there has been and will be a substantial *increase in demand for No. 2 fuel oil for non-heating purposes*; and second, there has been and will be a *substantial increase in No. 2 fuel oil burning for heating purposes*. The causes have been:

A. Nonheating uses:

Electric power generation. Utilities have, in recent months, been entering the market to buy substantial quantities of No. 2 fuel oil, to replace high-sulfur No. 6 fuel oil and natural gas as the source of power for their steam turbines.

In District I, the utility consumption trend is a follows:

	Consumption (barrels per day)	Percent of totat distillate demand in district I
1968	11,700	1
1969	21,700	2
1970	48,000	4
1971	66,000	6
1972 (estimate)	85,000	
1973 (estimate)	[1] 120,000	

[1] More than.

Blending to reduce sulfur content of residual fuel oil. In order to meet the state and local strict anti-pollution standards now going into effect from Pennsylvania and New Jersey through New England, increasing amounts of No. 2 fuel oil are being used by refineries and terminal operators to blend with No. 6 fuel oil. The diversion of No. 2 fuel oil for this purpose has been substantial over the past heating season.

The volume used in blending is likely to be even greater next year, as the permissable sulfur levels under pollution standards and regulations are lowered.

B. Heating uses:

Conversion from gas to No. 2 fuel oil. The gas shortage is accelerating the conversion to oil burners in existing homes and the installation of oil furnaces in many thousands of homes under construction; the shift to No. 2 fuel oil has been particularly dramatic in New Jersey and Pennsylvania and on Long Island, New York.

Conversion of many No. 6 fuel oil heating units to No. 2 fuel, to meet anti-pollution standards. Although this is occurring all along the East Coast, such conversions have been greatest in Eastern Massachusetts where No. 6 fuel oil has been prohibited in all units burning less than 20 gallons per hour.

An increase in consumption of No. 2 fuel oil by office buildings, factories, apartment houses as a replacement for natural gas and high sulfur coal.

V. PROSPECTS FOR THE WINTER OF 1972–73: POSSIBLE SHORTAGE, HIGHER PRICES

The Association is deeply concerned about the prospects for No. 2 fuel oil next winter. For District I, we project:

An *increase* in No. 2 fuel oil demand of at least 8 percent;

A *levelling off—and perhaps a drop—in supplies* of No. 2 fuel oil made available by domestic refineries to independent deepwater terminal operators;

A *shortage* of No. 2 fuel oil in the independent segment of the market of at least 20,000 b/d;

Or, if more imports are not permitted, a substantial *increase in the price* of No. 2 fuel oil, in order to provide incentive for domestic refiners to produce sufficient quantities of the product to meet all domestic needs.

These projections are based on the following considerations:

Demand

We assume that the weather will be normal and No. 2 fuel oil demand will increase at approximately the same rate as in the past year. This will result in increased requirements in District I of 8%. However, the demand increase could reach 10% or more as a result of three factors:

The shift by utilities to No. 2 fuel oil in District I and/or District II could be greater than anticipated; it has been in past years.

Use of No. 2 fuel oil by utilities and commercial and industrial users during the summer period (July 1–September 30) could also be greater than anticipated. This will prevent the normal summer inventory build-up, essential to assuring sufficient supplies during the Winter, from taking place to the extent it has in the past.

Consumption of No. 2 fuel oil by industrial and commercial users as a substitute for No. 6 and natural gas could also be greater than projected. These large power users are, of course, under increasing pressure from more stringent anti-pollution standards and the well-publicized gas shortage.

Supplies

Although refining capacity has not expanded in recent years, particularly along the East Coast, we agree that under normal circumstances domestic refineries can probably produce enough No. 2 fuel oil to meet the demands of next Winter.

Unfortunately, these are not normal times. The Department of the Interior projects a shortage of domestic refining capacity in the near future and states that "the short term answer will almost certainly be to increase product imports." The Department predicted this would occur in 1974. But based on the experience of recent months and our projections, we believe the danger point could well be reached next Winter. U. S. refineries must operate at more than 90% of capacity to meet current demand. During the coming year, nonheating demand (from utilities) and heating demand (if the winter is cold) could well put U. S. refining capacity to a severe test, and shortages might occur.

We are deeply concerned about the adequacy of supplies throughout the country. But for East Coast independent deepwater terminal operators, the situation is already critical. As we shall indicate below, there will not be enough No. 2 fuel oil for the independent segment of the market in District I.

Our concern about refining capacity and supplies of No. 2 fuel oil in District I in the coming Winter is based on several considerations:

First, the experience of the past Winter. Domestic output of No. 2 fuel barely kept pace with demand. Early in the Winter, warm weather prevented a shortage; later in the Winter, imported supplies of No. 2 fuel oil prevented one.

Second, the impact of the continuing increase in gasoline demand on No. 2 fuel oil production. We are concerned that increased gasoline demand and the increased *summer* demand for No. 2 fuel will reduce the *winter* availability of No. 2 fuel oil.

Third, the sharp increase in demand in the Middle West (District II) which is likely to force diversion of substantial quantities of No. 2 fuel oil production from the Gulf Coast. Gulf Coast refineries have customarily been major suppliers to the East Coast heating oil market, and such diversion will contribute to supply problems in District I.

District II is a major consumer of distillates; in 1970, the five states of Illinois, Indiana, Michigan, Ohio and Wisconsin consumed nearly as much as the six New England states. Demand in these states (and elsewhere in District II) has also been increasing under the dual pressures of pollution controls and the gas shortage. The Middle West also has a unique problem, which is likely to force an even greater increase in No. 2 fuel oil consumption: unlike the East Coast, the Middle West has limited access to supplies of low-sulfur No. 6 oil. Neither the refining capacity nor the facilities for storage and shipment of residual fuel exists in the Middle West or Gulf Coast; No. 6 oil is thus not available as a substitute for coal (which is high sulfur) or natural gas (which is in short supply). The only ready substitute is No. 2 fuel oil which can be easily produced and readily shipped and stored.

As a result, we are concerned that much less of the Gulf Coast distillate production will be available than in the past to meet East Coast demand and the supply requirements of independent deepwater terminal operators.

VI. SUPPLY-PRICE PROBLEMS OF INDEPENDENT MARKETERS

Tight supply

The tight supply conditions are a particular threat to independent marketers. Unless import levels are increased as requested, the competitive and supply position of independent deepwater terminal operators will be severely eroded.

There have been several indications of an impending supply problem during the Winter of 1972–73:

Most refiners have informed independent deepwater terminal operators that no additional supplies of No. 2 fuel oil will be available; some refiners are reducing supply levels to independents next Winter. These refiners indicate that they will need additional quantities of No. 2 fuel oil to meet growing demands of their own integrated marketing systems and for sale to utilities.

The principal East Coast supplier, Humble, has notified independents that contract quantities for 1972–73 will not be increased over 1971–72 deliveries. In some instances, Humble has cut supplies to independents substantially below the levels of previous years.

Independent refiners are expected to provide less No. 2 fuel oil to independent deepwater terminal operators. For example, the production of the Coastal States refinery at Corpus Christi, Texas, is being taken over by Texaco and Southwestern Refining Company at Corpus Christi has been diverting a substantial portion of its No. 2 fuel oil production to the utility market.

Utilities themselves are entering the distillate market and taking supplies away from independent marketers. In recent weeks, as indicated above (p. 7), utilities have demonstrated that they will be major purchasers in the heating oil market. Their entry into the market on a large scale *in direct competition for supply* with independent marketers can only hurt the independents:

Utilities have tremendous purchasing power and can easily outbid cargo buyers; the price paid for fuel oil is not a major consideration to utilities, since they can pass on costs of fuel to consumers;

Utility business is more attractive than independent cargo business to the major oil companies, since it involves large purchases and an "even monthly take" (i.e. utility business fluctuates little with the seasons or temperature levels; heating oil business obviously does).

Insufficient import levels

Independent deepwater terminal operators cannot rely on imported supplies—at the current level of 45,000 b/d—to make up the supply gap facing them next Winter.

Under the No. 2 Fuel Oil Import Program, 45,000 b/d (16,470,000 bbls) is available for use, during 1972, by independent deepwater terminal operators in District I.

Because sufficient No. 2 fuel oil was not available from domestic refineries, particularly during March and April, the members of our Association were forced to use the major proportion of their allocations by the end of April. Of our total allocations,

40% has been used to import No. 2 fuel oil;

33% has been used for crude oil exchanges (approximately 50% of the No. 2 fuel oil received by exchange has already been delivered);

Thus, of our total allocations, only 3.1 million bbls—27%—remains for importation of No. 2 fuel or for exchange during the remainder of the year.

Possible price increase

Refiners have informed us that a major reason why they are limiting supplies of No. 2 fuel oil for next Winter to independent deepwater terminal operators is that the cargo price is too low. The cargo price was scheduled to rise by approximately 1 cent per gallon in Boston and New York last winter, but this was prevented by Phases I and II of the President's Price Control Program.

Refineries maintain that, at current prices, it is uneconomic to produce additional quantities of No. 2 fuel oil. They will only produce more if the price is permitted to rise.

The alternative is thus clearly presented: higher prices for refiners or short supplies for independents.

Loss of competitive position

Independent deepwater terminal operators face, at best, the prospect next Winter of receiving the same quantity of No. 2 fuel oil from their suppliers as last Winter. In an expanding market, this poses a severe threat to their competitive position; unless they receive additional supplies, terminal operators and independent marketers will be prevented from competing for and sharing in the 8–10% market growth in District I.

Their competitive position will be eroded; markets will be lost to their direct competitors—who are also their suppliers.

Demand-supply gap

The impact of the factors outlined above cannot, of course, be quantified precisely, but it is clear that independent deepwater terminal operators are facing a severe supply gap in the coming winter—totalling at least 20,000 b/d.

The following are the projections for 1972–73:

Total sales, by independent deepwater terminal operators, District I, July 1, 1971–June 30, 1972, 240, 000 b/d.

Total sales, by independent deepwater terminal operators, July 1, 1972—June 30, 1973. This projection assumes that independents maintain—but do not increase—their share of the East Coast market. 260,000 b/d.

Import allocations, at currently authorized levels, 45,000 b/d.

Supplies required from domestic refineries, 1972–73. 215,000 b/d.

Supplies available from domestic refineries (same level as 1971–72). 195,000 b/d.

Supply gap 20,000 b/d.

VII. REQUEST FOR INCREASED IMPORTS

The Independent Fuel Terminal Operators Association urgently request the Oil Policy Committee to approve amendment of Section 2(a) (1) (ii) of Presidential Proclamation 3279, as amended, to:

Increase, for the period January 1-December 31, 1972, the level of No. 2 fuel oil imports into District I from 45,000 b/d to 65,000 b/d—an increase of 20,000 b/d.

Provide that the crude oil exchange provisions of Section 30(h) apply to the additional allocations.

Suspend the Western Hemisphere purchase limitation.

The proposed increase of 20,000 b/d is a bare minimum, based, as indicated, on conservative projections. Demand may actually be higher, supplies lower and the supply gap more serious than projected.

The increased allocations to independent deepwater terminal operators under the No. 2 Fuel Oil Import Program for District I will strengthen that Program by:

Assuring sufficient supplies in the Northeastern states to avoid a severe supply crisis next Winter.

Enabling independent marketers to maintain their competitive position in the market. If allocations are not increased, the terminal operators' position will be seriously weakened; the majors are continuing to withdraw supplies from the independent market which means that independent terminal operators, unless they receive additional imports, will lose a substantial share of business to the majors.

Helping to maintain No. 2 fuel oil prices at current levels.

In conclusion, we request your prompt attention. Action and decision must be taken soon in order to avoid critical supply, price and competitive problems later in the year.

Respectfully submitted.

ARTHUR T. SOULE,
President.

LLOYD W. BEGGS EDITS AWARD-WINNING NEWSPAPER

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. JOHNSON of California. Mr. Speaker, for 25 years Lloyd W. Beggs has served as editor of one of California's finest weekly newspapers, the Auburn Journal. The Journal is an award-winning paper, having been accorded high honors for general excellence and for other specific editorial excellence by the California Newspaper Publishers Association, six times in the last 5 years. It therefore is recognized as superior by others in the profession. In the community it is also held in high regard as an outstanding newspaper and one which truly is not only the voice of the community but reflects the heart of the community.

Much of the credit for this fine reputation in Auburn, Placer County, and throughout the State of California, can be attributed directly to the editorial leadership of Lloyd Beggs. In my experience in public service over the years, I have knwn no one who is more fair, more accurate and more compassionate in their editorial approach than Lloyd Beggs and the staff which he guided.

A few days ago, Lloyd retired and Mrs. Helen T. Bale, a veteran on the Auburn Journal succeeded him as editor. In her first editorial she summed up what the Auburn Journal is all about and outlined her personal philosophy on the management of a newspaper. This was an excellent statement, which not only reflects Mrs. Bale's concept of newspapering, but also that which Lloyd Beggs so successfully tried to achieve in the managment of the Auburn Journal.

Mr. Speaker, I would like to share these thoughts, expressed so well by Mrs. Bale, with my colleagues here in the House of Representatives and I would request leave to insert the editorial from the Auburn Journal entitled, "Let There Be No Mistake," in the RECORD at this time.

The editorial follows:

LET THERE BE NO MISTAKE

Lloyd Beggs is a tough act to follow. No one is more aware of this than the individual who this week settles into the editor's chair which Lloyd filled so capably for 25 years.

The Journal is a community newspaper, reflecting what the community itself wants; therefore, the community is entitled to know what it may expect as the guard changes.

We have the distinct advantage of having spent the past six years in close and harmonious association with "LW" on the news desk, and share many of his views. It is our aim to continue the same vein of fairness and tolerance which he pursued.

We believe, first, that life is to be enjoyed, not endured, and that a newspaper can and should take a role of leadership in helping develop a community in which all residents can have a good and happy life.

We believe firmly in the public's "right to know" and in a newspaper's right and responsibility to "tell it like it is" with neither fear nor favor.

This newspaper will not be used for personal vendetta nor for personal aggrandizement of anyone—staff members, public figures, friend or foe. Both sides of an issue will have equal access to our columns.

We will continue to insist, so far as humanly possible, on accuracy of fact, spelling and grammar and on the qualities of professionalism which have made the Journal a prize winning newspaper.

As much as possible, we'll say "yes" to requests for publicity. When necessary, in our editorial judgment, we'll say "no".

Production of a newspaper depends on team work. We believe we have a good team here at The Journal; and the community is part of that team.

We'll be happy to "talk it over" anytime. But you'll get a warmer welcome if you drop by on a Thursday or Friday, when the pressures of publication deadline for the week are past.

RESULTS OF PUBLIC OPINION SURVEY IN 21ST TEXAS DISTRICT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. FISHER. Mr. Speaker, I recently sent a questionnaire to all the people whose names appear on the 1972 voter registration lists in the district I represent.

A little more than 100,000 ballots were sent out, about three-fifths of them addressed jointly to husbands and wives. There were over 31,000 responses, which reflected the views of about 50,000 voters.

It can be said with assurance that the results represent a fairly accurate cross section of public opinion on the issues covered and reflects the prevailing views of nearly half a million Texans.

The questions and the results of the tabulation follow:

	Approve	Disapprove	Undecided
1. Vietnam. Do you approve or disapprove of the way President Nixon is handling the war in Vietnam, including POW release efforts?	71.2	28.8	0
2. Red China. Do you approve or disapprove Preisdent Nixon's actions in trying to establish friendlier relations with Red China?	79.0	19.8	1.2
3. United Nations. Total yearly costs of the U.N. run more than $1,000,000,000, of which the United States pays about 36 percent. Should we reduce our contribution?	87.9	11.8	.3
3a. United Nations. Should the United States get out of the U.N.?	24.8	70.3	4.9
4. Amnesty. Do you favor amnesty for draft dodgers?	9.1	88.7	2.2
5. Social Security. Do you favor an increase in social security benefits, with increase in social security taxes to pay the added cost?	43.6	54.9	1.5
6. Pollution. Do you think more tax dollars should be expended to combat air and water pollution?	67.3	28.9	3.8
7. Health plan. Do you favor a completely national health plan covering everyone, the estimated annual cost of which exceeds $60,000,000,000?	17.9	79.7	2.4
8. Labor. Do you favor compulsory arbitration to control serious nationwide strikes, such as dock strikes, when voluntary means fail?	90.6	7.7	1.7
9. Labor. Should Federal welfare benefits be paid to striking workers?	4.1	95.5	.4
10. Labor. Do you think we should outlaw compulsory union membership as a requirement for any job?	90.1	9.1	.8
11. Minimum wage. Should the Federal minimum wage be raised from $1.60 to $2 an hour?	38.8	59.4	1.8
12. Busing. Do you favor forced busing of children to achieve a racial balance in classrooms?	3.0	97.0	0
13. Inflation. Do you support the administration's wage-price control program?	74.4	22.4	3.2
14. Welfare. Do you favor the Federal Government guaranteeing an annual income to every American family?	8.2	91.6	0.2
15. OEO. More than $11,000,000,000 have been expended on the war on poverty (OEO) since it began in 1964. Do you think this program has been worthwhile?	14.2	79.9	5.9
16. Peace corps. More than $1,000,000,000 have been expended on the Peace Corps since it began in 1961. Do you think this program has been worthwhile?	39.8	54.2	6.0
17. National Defense. Do you think our military posture should be at least on a parity with potential enemies and adequate to deter aggressors?	95.2	4.6	.2
18. Federal judges. Do you favor my proposal to require that all Federal judges be reconfirmed every 6 years?	93.3	6.1	.2
19. President Nixon. In general, how do you rate President Nixon's performance thus far?			
(a) Excellent			25.2
(b) Good			54.2
(c) Poor			17.8
Undecided			2.8
20. 1972 election. If the election were held today, which of the following would you prefer?			
Nixon			51.1
Humphrey			6.7
Muskie			1.9
Ashbrook			.3
Jackson			1.8
Mills			.8
McGovern			5.7
Kennedy			2.2
McCarthy			.2
Wallace			18.1
Undecided			12.2

Mr. Speaker, I am indebted to my constituents for making this survey such a success. The returns include thousands of comments on a variety of topics, all of which I have read with much interest.

I initiated the opinion poll practice on Capitol Hill some 20 years ago, and have continued it when new, updated voter registration lists, with current addresses, are compiled every 2 years.

I will now make some observations which are relevant and responsive to many of the views and inquiries I have received.

WELFARE

Thousands of comments relate to welfare—a hodge-podge set of programs which need a major overhaul. Many people report witnessing affluent shoppers using food stamps, some driving expensive automobiles, who obviously were not entitled to any form of public welfare.

Indeed, welfare in any form should be strictly limited to the really deserving and needy who cannot help themselves. This means the elderly, the orphans, the blind, and the physically handicapped.

I am convinced the proposed $2,500 guaranteed annual income would make bad matters worse. It would tend to lock many into a permanent welfare status. Its enactment would double the number now on relief, and the mounting cost would be astronomical.

Another expensive welfare program relates to various housing aids, including certain construction where the Government pays all interest charges above 1 percent. Recipients of this form of welfare are by no means limited to the low income and needy.

The omnibus 1968 Housing Act—which I opposed—containing sections 235, 236, turnkey III, and other highly subsidized items, is costing the Government hundreds of millions of dollars and is imposing hardships on many communities.

Those on strike should receive no food stamps or other public welfare. When labor-management disputes arise, it is axiomatic that the Government should not favor either side if collective bargaining is to make any sense at all.

DAYLIGHT SAVING TIME

Many comments expressed displeasure with the daylight saving time. I share that viewpoint. It should be understood that each State now determines whether it is to have or not have daylight saving time. Each State makes its own decision. A few State legislatures have voted to discontinue it.

SOCIAL SECURITY

Much interest is shown in the level of social security benefits, with many favoring an increase but opposing any increase in social security taxes. While the fund is reported to be liquid, both the chairman of the Ways and Means Committee and agency spokesman insist that from an actuarial standpoint any significant increase in payments must require additional taxes.

The following table contains a history of increases in payroll taxes, and the maximum annual income upon which the tax was levied:

	Percent	Maximum
From 1937 through 1949	1	$3,000
1950	1.5	3,000
1951 through 1953	1.5	3,600
1954	2	3,600
1955 through 1956	2	4,200
1957 through 1958	2.25	4,200
1959	2.5	4,800
1960 through 1962	3	4,800
1963 through 1965	3.625	4,800
1966	4.2	6,600
1967	4.4	6,600
1968	4.4	7,800
1969 through 1970	4.8	7,800
1971	5.2	7,800
1972	5.2	9,000

A comparable tax is paid by employers, making the total 10.4 percent.

A pending proposed 10-percent increase in social security payments, as provided in a Senate action, calls for a rather substantial increase in the tax. Under this plan, starting next year the tax for both workers and employers would increase from 5.2 to 5.7 percent, while the amount of salary against which the tax is laid would go up from $9,000 a year to $10,200.

It was unofficially estimated that the maximum social security contribution by an individual worker would go up $113 a year, or roughly $10 a month, to pay for the new benefits. And the percentage of worker and employer contributions would increase further in 1978 to 6 percent and scale up slightly more in years after 1980.

I have explained this program in some detail, because of the public interest that has been shown and the cost that is involved.

A limitation on outside income of beneficiaries is now $1,680 per year. This is not enough. It should be increased substantially for the benefit of those on fixed incomes who are capable of higher earnings.

FOREIGN AID

Analysts have pointed out that, historically, the mounting costs of great society's massive welfare and other programs account for much of our present financial dilemma—and resulting inflation. But over a 25-year period foreign aid has been a major contributor to the problem. During the 1946–71 period this totaled $138.4 billion. If interest on what was borrowed for this program were added, the total would be $212.8 billion. While most of this has been economic aid, some military assistance to friendly allies is included.

Despite this generosity, in terms of gratitude and friendship it appears some very low dividends have been received on American investments.

In my own case, I supported the Marshall plan, but have voted against all foreign aid bills since that time, because each has contained too many items I could not justify.

CROSS BUSING

A total of 97 percent of those who live in the 21st District want no part of forced busing for the sole purpose of achieving a racial balance in classrooms. This attitude is shared by parents of all races.

Laws have been enacted against this practice, but HEW and certain judges have condoned it. It is now under further active study by the Supreme Court. And the Congress needs to take additional action.

TOO MUCH SPENDING

Replies to the poll overwhelmingly insist that nonessential spending be curbed. We know that chronic deficit spending is a prime cause of inflation. It is my view that people now have more government than they need and more than they want. People are simply overregulated and overcontrolled.

Wage-price controls, properly enforced and administered, may provide temporary help; but to obtain long-range results, retrenchments in spending becomes imperative.

The space program, which has provided breakthroughs in the fields of communication and photographic intelligence, surveillance, has been reduced.

Some people seem to be obsessed with the fallacious idea that if enough Federal money is spent you can cure any problem on the face of the earth.

How long can this Nation survive under the weight of repeated annual inflationary deficits and a mounting public debt which exceeds $400 billion, the annual interest on which now runs $22½ billion?

LAW NEEDED TO CURB STRIKES

Thousands of my constituents deplore unnecessary strikes and the abuse of power on the part of those who cause them. Many refer to the 125-day west coast dock strike which cost our economy well over a billion dollars. Effective legislation to provide better solutions of labor-management disputes is long overdue. Why, for example, should labor unions not be subject to the same antitrust and antimonopoly laws as are now applied to individuals and business?

LAW AND ORDER

The public is most insistent that criminal laws be strengthened and enforced, with adequate penalties to fit each case. The Congress has enacted additional laws against drug pushers, racketeering, and other offenses over which the Federal Government has jurisdiction.

It must be kept in mind, however, that more than 90 percent of all crimes are committed against State and local laws. Law enforcement is essentially a local responsibility, but crime is prevented by the certainty of punishment of the guilty and the adequacy of punishment.

The Congress has enacted strong laws against traffic in pornography and smut, although some court decisions have added to the difficulty. It is believed recent appointments to the Supreme Court will strengthen this battle, and also as related to crime in general.

While most of our judges are capable men, it is now widely recognized that some who are chosen as judges were picked, because of cronyism, politics, or other considerations not necessarily related to judicial temperament or legal ability.

It was for that reason that I introduced a resolution to require all Federal judges to be reconfirmed every 6 years. Under the Constitution ordinary incompetence alone is not grounds for impeachment, and it does seem the public is entitled to have the performance records of these men examined periodically.

AMNESTY

People are asking: Would it be fair to those who fought to forgive those who refused? Indeed, how could our country ever field an array of draftees in the future, if the occasion required it, if it is now determined as a national policy that draft dodging and desertion are to be forgiven? Under existing law conscientious objectors are not required to perform combat duty. Those who violate any law should be held accountable for their misconduct.

ANTIPOLLUTION LAWS

The public strongly supports laws designed to promote clean water and clean air. Many who favor more tax money to support antipollution insist that industry and others who directly contribute to the problem be required to bear their proper share of cost for remedying these problems. That is the law now. A healthy, pleasant environment is a prime objective.

TAX REFORM NEEDED

Along with reduced spending there is a pressing need for reform of tax laws to assure that every taxpayer is treated fairly and that none be allowed to escape their just share of the tax burden. Hearings on this subject have been announced for early next year.

MEDICARE

Many people justly complain about the high cost of medical and hospital services. Medicare is in need of being updated and ways found to reduce these costs. Certainly socialized medicine, advocated by some, is not the answer. And the cost would be prohibitive.

MINIMUM WAGE

Good wages are always desirable, but when the minimum gets too high it becomes counter productive. Many employers have commented that if the minimum is raised to $2 they will be forced to get along with fewer workers. Moreover, the proposed increase of 25 percent would violate the wage-price guidelines, and many deserving people would be denied employment.

Bureaucracy was vastly expanded by the creation of the Equal Employment Opportunities Commission, and both employers and employees have suffered as a result. Employees should be chosen on a basis of merit, regardless of race, and the employers in a free society should have the right to make those decisions.

UNITED NATIONS

The United States contributes 33 percent—$318 million—of annual U.N. budgets, plus some for special projects.

The wholly unjustified expulsion of the Republic of China from the United Nations last October, and the admission of Red China, has caused many to insist that financial contributions of each member nation be based on the ratio of each member to the population of all members. I have cosponsored a bill to that effect. Under that formula our annual share would be $68 million.

Under the present arrangement two-thirds of the General Assembly votes belong to countries which together pay only 4½ percent of the regular U.N. budget—and many of them default. Here are some interesting comparisons:

PERCENTAGE CONTRIBUTIONS TO U.N. BUDGET

(Source: Washington Daily News, Oct. 28, 1971)

[*In percent*]

United States	33.0
U.S.S.R. (including Ukraine and Byelorussia)	16.5
France	6.0
United Kingdom	5.9
Japan	5.4
China	4.0
Italy	3.5
Canada	3.1
54 countries (each less than)	2.0
67 countries (each)	.04

In my judgment the United Nations should be moved to some neutral country in Europe or elsewhere. With diplomatic immunity enjoyed by delegates, the U.N. enables spies and saboteurs to work their trade, with detection made difficult. Already a good many of them, caught in the act, have been arrested.

RECOMPUTATION AND SURVIVORS BENEFIT

There is strong justification for recomputation of retired military pay, and also for new survivors benefit legislation. The House has already approved the latter, and the House committee chairman has announced recomputation will be considered this year. This would reinstate a previous congressional commitment.

Mr. Speaker, there are other important topics of particular interest to my constituents which I should like to discuss. But I will not encumber the record further at this time. We are living in a time of great stress and peril, which calls for clear thinking and firm decisions. It is imperative that in the search for solutions the Congress recognize our plight and listen to and heed the voice of the American people. The hour is growing late.

PROBLEMS WITH THE FOOD STAMP PROGRAM

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mrs. GRIFFITHS. Mr. Speaker, at this time, I insert in the RECORD a resolution adopted by the Board of Directors of the Michigan County Social Services Association calling for reform of the complex administrative procedures now in existence in administering the food stamp program:

RESOLUTION ON FOOD STAMP PROGRAM

Whereas, Clients are not being seen and are being denied the benefits of the Food Stamp Program because of complicated and lengthy United States Department of Agriculture regulations,

Whereas, It takes up to an hour and a half of a caseworker's time to certify one person for food stamps under the new regulations,

Whereas, The new United States Department of Agriculture system necessitates double applications, double budgeting and double verifications of persons currently on Public Assistance and applying for Public Assistance,

Whereas, The new Food Stamp Act of 1970 and the regulations of the United States Department of Agriculture have created an unworkable administrative burden on the County Departments of Social Services and their staffs.

Whereas, The time being required for the new food stamp program is reducing the time available to provide services for other State/Federal programs,

Whereas, The complex procedure is discouraging the really needy adults and disabled persons from participating,

Whereas, The County Social Services Departments, the logical department to handle this program, seeks a simple, effective means to supply the nutritional needs of needy people,

Now therefore be it resolved that the Board of Directors of the Michigan County Social Services Association, in a meeting held on June 14, 1972 in Mount Pleasant, Michigan recommends that the Secretary of the United States Department of Agriculture, the Secretary of the Department of Health, Education and Welfare, the Governor of the State of Michigan, the two United States Senators, the 19 United States Representatives, the members of the Michigan Legislature, the Director of the State Department of Social Services and his staff are urged to take whatever steps are necessary to immediately simplify the very complex administrative procedures now in existence in administering the Food Stamp Program.

Be it further resolved that failing action by the stated government officials and bodies in resolving the Food Stamp problem by July 1, 1972 the Michigan County Social Services Association Board of Directors recommends to the County Social Services Boards that they strongly consider withdrawing from the United States Department of Agriculture Food Stamp Program.

NEW BEDFORD'S 125TH YEAR

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KEITH. Mr. Speaker, for the past 3 years a committee of civic-minded individuals and members of the New Bedford City Council has presented a Whaling City Festival, designed to attract tourists, promote the history of New Bedford, and provide entertainment for all who wished to attend the weeklong festivities.

From June 18 to June 25, the Whaling City Festival and the people of New Bedford will celebrate the 125th anniversary of New Bedford as a city in the Commonwealth of Massachusetts.

New Bedford is in the 12th Congressional District which I proudly represent. It is therefore, only fitting that at this time I share with my fellow Members of Congress and the people of this country some of New Bedford's history as written by Mr. Reginald B. Hegarty, a retired whaler and curator of the Melville Whaling Room in the New Bedford Free Public Library.

The material follows:

EARLY HISTORY

Legend has it that the Norsemen entered Buzzards Bay in the year 1007 and remained in this vicinity about eight years. These adventurers, who came from Greenland, called the "Bay" Straumfiord (Bay of Currents).

Then in 1602 a party of Englishmen, led by Bartholomew Gosnold, landed on Cuttyhunk Island where they built a fort and storehouse. During that same year, in the course of their explorations, they landed at "Smoking Rocks" in what is now New Bedford.

A half century later a group of 36 Plymouth settlers bought from Massasoit "a tract of land known as Accushena, or Aquset, the bounds of which tract fully extend three miles to the eastward of the most easterly part of the river or bay Accushenah . . . and extending eight miles into the woods".

The territory was named Dartmouth in 1664 when the whole tract was legally made a township and sent a representative (John Russell) to the general court in Plymouth. Dartmouth included Coakset (Westport), Ponaganset (Dartmouth, Sconticut (Fairhaven) and Cushena, meaning as far as the river (New Bedford).

Though the history of the four sections are closely interwoven, Cushena (Acushnet) grew far more rapidly due to its position near the river of the same name, which led into a sheltered bay. Most of the settlers, who were farmers and fishermen, no doubt came here so they might adopt their own customs and conduct their own affairs more or less independent of the controlling government at Plymouth.

It was not until the early 1700's that Cushena really began to be settled. In 1711 Joseph Russell, Sr. and Joseph Jr. moved from Ponaganset to Cushena. The son of the latter, also named Joseph is considered as the actual founder of New Bedford. As the village grew, farming and fishing became the principle occupations of the inhabitants. The farms in those days extended from the banks of the river back to the swamps that mark the western boundary of the city today. Even as early as 1743, three whaling sloops and a "tryhouse" were in use.

It was not until 1760 that there were any real indications of the future commercial and industrial life of the village. In that year John Loudon, a ship builder, came to town and bought the first lot sold in what is New Bedford. He was quickly followed by Benjamin Tucker, a boatbuilder; John Adlen, a house carpenter; Elnathan Sampson, a blacksmith; Barzillai Myric, a ship carpenter, and Gideon Mosher, a mechanic. These men were the pioneers of the town's early industries.

In 1765 Joseph Rotch came from Nantucket, where he had been very successful in the whaling industry. The vigor with which he pursued the business was a great factor in the growth and prosperity of the village.

The first large vessel, the Dartmouth, was built in 1767 and by 1775 there were between 40 and 50 ships of various kinds; a few were merchant ships but the great majority were engaged in whaling.

Fate in the form of differences between the mother country, England, and the colonies interrupted the steady progress of the village. There occurred the "Boston Tea Party" with its destruction of the tea cargoes of three ships, the Dartmouth, the Beaver, and the Eleanor, all whaleships that had returned from England with cargoes of tea. Then came the Revolutionary War with its almost total destruction of the whaling fleet.

Although most of the inhabitants, being Quakers, did not approve of violence, many privateers were fitted out and brought their prizes to this harbor. This Port had, from the very beginning of the war, been noted as a rendezvous for privateers. As early as May 1775, only a few weeks after Lexington, the British cruiser *Falcon* captured three vessels in the bay. A schooner was fitted-out in New Bedford and recaptured two of the vessels. The damage inflicted upon the English commerce by the whalemen caused a great deal of resentment.

In retaliation Major-General Grey, carrying out the orders of Sir Henry Clinton, raided the village September 5th, 1778. Between 4,000 and 5,000 troops landed at Clark's Cove, to avoid passing the fort which guarded the Acushnet River, and marched up County Road (County Street) to the village where they began a methodical destruction. In all seventy shops, twenty-six store-houses and two rope-walks were put to the torch, for a loss of nearly $500,000. Four men were killed and sixteen were carried off as prisoners.

THE TOWN OF NEW BEDFORD—1787

With the end of the war the growth of the village, in spite of its tremendous losses, was very rapid and it was soon ready to become an independent community. By an act of the State Legislature, New Bedford was incorporated as a town on February 23, 1787. The town, which added the prefix New to distinguish it from another Bedford in the state, included not only the present territory but also that of Acushnet and Fairhaven.

The first town meeting elected three selectmen, a town clerk, treasurer, assessors, surveyors of lumber, inspector of fish, constable and collector, tithing men, fence viewers, cullers of staves, and hog reeves. The treasurer was instructed to wait until sufficient money came into the town treasury and then to purchase a "rheim" of paper for the purpose of making books for the records and accounts.

On July 19th, 1787 the three assessors: Joseph Taber, Thomas Kempton and Barthom Akin ordered the town constable, Gambier Bryant, to collect the real and poll taxes for the year. Of this money, £210. 9s was to go to the state treasurer and the remainder £23. 2s. 5¾d was to go to the town treasurer, John Pickens.

As the recovery from the effects of the war began to move at a faster pace the old fashioned customs were out of keeping with the town's ambitions and various innovations were made. A post office was opened January 1st, 1794, several post routes were established and with the start of a regular stage to Boston, by William Kenshaw, the inhabitants could go to that city and return in the same week, the mileage or fare three pence or six cents per mile. The town merchants, by subscription, had a lighthouse erected on Clark's Point in 1797. The following year it was destroyed by fire. The structure was replaced, again by subscription of the merchants, in 1799; the next year the lighthouse was turned over to the government.

In the middle 1790's began New Bedford's bridge "troubles" that were destined to plague the residents for nearly two centuries.

In 1796 an attempt was made to have a bridge built "north of Palmer's Island" connecting the two parts of the town. After a few years of bickering a toll bridge was finally erected in late 1799. The tolls were so high and the method of figuring was so complicated that it was hardly possible for the average man to take his family across the river. In 1805 a "great tide" washed the bridge away. A new structure was erected in 1807, this was in turn destroyed by the great gale of 1815. A third bridge was completed in 1819 and this in turn was partly demolished in the gale of September 1869. The two towns (Fairhaven had separated from New Bedford in 1812) purchased the remains and bridge rights for $21,000 and the structure was rebuilt and made free of tolls, being completed in 1870. Construction on the present bridge was begun in 1896 and it was opened in 1902.

The economy of the town suffered another severe setback in 1812 with the outbreak of the second war with England. Once again the town's commerce was wiped out when its ships were either captured or driven from the seas. At the conclusion of the struggle the whaling industry revived quickly and began its steady advance, which was to have such a lasting effect on the future growth and prosperity of the region.

Improvements in the town kept pace with the increasing prosperity. In 1831 the main streets were lighted with "panthorns" and the next year the town began to lay flagged sidewalks. In 1833 part of Water Street was paved and by the end of the year there were thirty miles of streets, twenty of which were graded, curbed and the sidewalks flagged.

By this time New Bedford's whaling industry was greater than was that of Nantucket and the town became the greatest whaling port in the world. The town continued to grow, expanding in all directions of civic and social life as well as industrially and was ready to take its place as a city.

THE CITY OF NEW BEDFORD—1847

On March 18, 1847, an election was held to decide on the acceptance of an "Act to Establish the City of New Bedford." The resulting vote: for, 1,130; against, 814. On April 28th of that year the city government was organized with its staffers entrusted to: a major, common council consisting of four from each of the six wards and a board of Aldermen composed of one representative from each ward. The relationship of the mayor and these two bodies had the same relationship to one another as that between the president and the two houses of congress. Various other departments were set up to carry on the necessary functions of the city government.

The whaling industry continued to expand very rapidly and by 1857, the year the greatest number of vessels engaged in the business, New Bedford owned half the whaleships in the country, and half the remainder came from within twenty miles of the city. Thus it was that nearly three quarters of all whaleships were outfitted and brought their catches to this city. At the height of whaling the total value of the catches amounted to about thirteen million dollars a year. The wealth derived from whaling and its allied industries was so great that the city was not only preeminent in that field, but also was a leader in per capita wealth. Among the names closely connected with the industry, we find the Russells, the Rotches, the Wings, Swifts, the Knowles, Seaburys, Morgans, Johnathan Bourne (the largest individual owner of whaleships) and Edward Mott Robinson, to name but a few.

After the "Golden Years," which ended about 1860, the industry started a steady decline. Several factors contributed to this decline—the discovery of petroleum in Pennsylvania was one of the principal reasons. The displacement of whale oil by petroleum was slow due to the inability to refine the coal oil, as it was called. Here again the ingenuity and perseverance of the city's inhabitants were exemplified. The process for refining petroleum commercially was perfected in a little building on Fish Island right in New Bedford.

The Civil War with its destruction of fifty whalers by the Confederate Raiders, Alabama, Florida, Georgia and Shenandoah, along with the forty-one ships used to block the harbors of Savannah and Charleston, greatly reduced the size of the whaling fleet.

Several natural disasters also contributed to the decline; in 1871, thirty-two ships were lost in the ice off Point Barrow and lesser numbers were lost to the crushing ice in 1876, '88 and '97. The industry declined steadily until it came to a final end with the return of the schooner *John R. Manta*, from the last whaling voyage, August 20, 1925.

While whaling, during the first one hundred years of her history, was the main source of her wealth, progress was made in the development of other industries. Whaling had naturally attracted industries such as shipbuilders, riggers, boatbuilders, shipsmiths, coopers, etc., and all the principal whaling merchants had their own oil and candle factories. Thus from the beginning there was a great diversity of industry, a condition that produced an adaptability among the inhabitants that enabled them and those that followed to turn to other fields as necessity or opportunity demanded.

INDUSTRIAL DEVELOPMENT

As early as 1700 there were "fulling" mills (weaving) which manufactured woolen cloth, in Dartmouth, the motive power being furnished by the waterwheels on the various streams and brooks. Shortly after 1800 cotton manufacturing began in the town of New Bedford. A deed of transfer, dated November 27, 1811 by William White, 2nd, conveys a parcel of land, "Where-on is now erected a cotton factory including cotton machinery." This was on the upper Acushnet River. The stone building which remains was erected in 1814.

Other industries sprang up; carriage manufacturing began shortly after the War of 1812, pioneered by Ayres Marsh and Augustus Brownell. The first steam engine used in manufacturing was used by Joseph Taber, a pump and block maker, in 1838. The New Bedford Cordage Co. began in 1842, the New Bedford Iron Foundry in 1847, as was the Tabor Art Company to name a few of this period.

With the coming of steam power a new era in manufacturing was begun. During the early 1840's Thomas Bennett, Jr., a young man from Fairhaven who was employed in a Southern cotton mill, decided he wanted to head his own business. New Bedford, the city of great wealth, was the logical place to seek financial backing. He succeeded in obtaining the necessary funds and on April 8th, 1846 the state legislature granted a charter to the new corporation. Thus it was that the Wamsutta cotton mill was established during the very time that the chief thought of the city was the outfitting of ships and the taking of whales. The construction on the first building began in 1847 and the first cloth was produced in January 1849. Once started, the Wamsutta grew rapidly and in 1870 the mill installed the largest stationary steam engine in the world.

From this early beginning the industry's growth was steady. New plants were built—by 1896 there were 35, by 1916, 67. Once again New Bedford became the leader, this time in the manufacture of fine cotton goods. This position was retained into the late 1920's when the introduction of synthetic fibers, among other causes, brought about the decline of the city's largest industry.

From the earliest times fishing naturally has been one of the important occupations followed by the inhabitants of the region. Although often overshadowed by the larger industry of whaling, those engaged in fishing have prospered. The growth of the fishing industry has closely paralleled the progress of the city until today, the wheel of fortune has seemingly made a complete revolution. The city which was nurtured by products of the sea has returned to the sea for one of its largest present day industries, fishing.

The industry, by discovering newer and more efficient methods of handling and merchandising their product, along with vigorous advertising, has once again made the name of New Bedford world-famous.

In 1959 nearly two hundred boats outfitted, sailed and landed their catches in this city, making New Bedford the third largest port in dollar value of its fish landings. New Bedford assumed world leadership in the scallop industry, handling 90% of all scallops taken from the sea. Now, however, both the fishing and scallop industries face severe setbacks.

DIVERSIFICATION—1900

Never content to rest on past laurels, the city continued to attract new industries, pioneering in some and improving on others. Telephones under what might be called the Bell System were introduced in the city in 1881 with seven subscribers. Around the beginning of the twentieth century the Automatic Telephone Company opened. This company had a dial system, which was the actual forerunning of today's dial phones. In the 1920's the Automatic Co. was absorbed by the present Bell System in order that the latter company might obtain the former's patents.

The diversity of products and services obtainable in New Bedford is far greater than most people can conceive. Today there are in the city upwards of 500 industrial concerns.

Why has such a small segment of this great world, as is the city of New Bedford, so aptly lived up to its motto, Lucem Diffundo, "we light the way," both literally and figuratively?

It does not boast of a great area of rolling fields of tilled land. It is but a comparatively small area that lies on the west shore of the Acushnet River, at the head of Buzzards Bay. Its length is 10.71 miles, its average width is 1.86 miles and its area but a scant 19.39 square miles.

Nature, as though to recompense the locality for its lack of rich farm lands, provided the means by which the city's great industries could prosper.

The river at her door flows south and the prevailing winds are westerly; the two together provided the means by which the great fleets of whaleships could enter or leave the well protected harbor.

The humidity of the region, due to the city's proximity to the sea and Gulf Stream, as well as its protected position from strong winds, provided the best natural conditions for the manufacture of fine cotton goods.

It simply remained for man to discover and take advantage of nature's gifts. How well the inhabitants met the challenge is a living history of dogged determination.

The versatility of the inhabitants has been demonstrated repeatedly by their ability to shift from one major industry to another entirely different industry and "show the way" once again.

New Bedford has never been content to rest on past laurels but is constantly striving to press forward. The inhabitants give of their wealth to further the progress of the city. Over a half million dollars was pledged to buy and build an industrial park to attract new industries. The waterfront is being developed with an eye to increasing the fishing and allied industries.

The most important factor in the wellbeing of any locality is the inhabitants that go into the make-up of the community. Although the majority of the original settlers were Quakers of English extraction, the population was not too long in assuming a cosmopolitan character with the influx of many nationalities. The vast opportunities presented by the ever-growing city, whose fame was world-wide, was the attraction that drew the peoples of many lands. As the newcomers took their places in the land of opportunity they retained many of their native customs and characteristics.

The Portuguese, especially those from the Azores and the Cape Verde Islands, being from a seafaring nation, naturally gravitated to the waterfront and whaling. The English went into the cotton mills. Then there are the French, Germans, Italians, Scandinavians, and Jews; in fact, there is not a nation or religion in the world that is not well represented within the city.

Mr. Hegarty said in the Foreword to this book, "During the nearly two hundred years of its existence, as a separate entity, New Bedford has met and survived many severe blows to its economic well-being. In each instance the city has risen, Phoenix like, from the ashes of near financial ruin to reach greater heights with a new, more vigorous economy."

I trust that my colleagues in the Congress will join with me in wishing New Bedford a bright and prosperous future. Mayor John A. Markey and the citizens of New Bedford have much work to do, but I know they have "Respect for the Past—Confidence in the Future."

THE SOVIETS SHOULD WITHDRAW FROM LITHUANIA, LATVIA, AND ESTONIA

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. STEIGER of Arizona. Mr. Speaker, during this month it has become customary to reflect on the tragic events which have accompanied the Soviet occupation of the Baltic countries. This year I invite you and my other colleagues to join me in urging the President to implement House Concurrent Resolution 416, 89th Congress by bringing the Baltic States' question in the United Nations and requesting the Soviets to withdraw from Lithuania, Latvia, and Estonia. A copy of the resolution is included.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exists many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

ELEMENTARY AND SECONDARY EDUCATION'S IMPORTANCE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. WINN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Mr. Speaker, elementary and secondary education are of utmost importance since this is the only form of education that all Americans are exposed to at one time or another. Its importance cannot be overstressed; it affects everyone's life.

The teachers in our elementary and secondary schools have a profound responsibility equaled in importance by few other professions. The thoughts and ideas they portray in the classroom have an impact on their students. But perhaps one of the most important parts of education is the creative thinking process developed by the student.

We must constantly strive to improve this basic education to better qualify our young people for their roles in society. Our society is structured in such a way that by being a product of a superior educational process, a person will most likely have a greater chance for success in his endeavors, as well as lead a more normal and productive life—a life that is also characterized by awareness.

We must continue to work with new ideas in order for education to be innovative and reflect the changes in society. The "open" concept today marks a change in teaching methods; education is geared toward the individual who can work at his own pace and level.

Education should not try to place one in a mold; rather, it should be broad enough to expose a person to the many diverse viewpoints that he will come in contact with in life.

OAKLAND, CALIF., CATHOLIC PTA VIEWS THE WAR IN VIETNAM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. WALDIE. Mr. Speaker, amidst searching for solutions to the issues before us, we can forget our foremost obligation as national leaders and human beings, which is concern for our fellow man. The Oakland, Calif., diocese of the Catholic parent teachers group and the Most Reverend Floyd L. Begin, bishop of Oakland, provided me with their views on the war in Vietnam. It effectively reaffirms the national opinion that we must end that suffering and tragedy. They offer a plan for the war's end, with which I thoroughly agree.

I include at this point this wise and compassionate message in the RECORD:

CATHOLIC PARENT TEACHER GROUP. DIOCESE OF OAKLAND

We the board members of the Oakland Diocesan Parent Teacher Group, hereby resolve to express our concern for the children of all mankind in a world where war still exists as a legalized institution. We realize that as long as injustice prevails, wars will continue unless means are taken now to build suitable alternatives to resolving conflict. Every child has the right to grow physically, psychologically and spiritually whole without threat of annihilation. We believe that a world without war is possible if international leaders would allocate their resources and energies to that end.

As Christian people we are anguished for the families of the world who have suffered death, maiming and daily terror for over twenty-five years in Vietnam. We implore our national leaders to take action to implement the following:

1. An immediate cease fire.
2. A request for mediation by the United Nations.
3. An exchange of prisoners.
4. A withdrawal of the U.S. military presence in Indochina.

We view this resolution not in the light of isolationism but as an effort to obtain a responsible foreign policy that seeks to attain disarmament, world law, world development and an international community in which intercultural exchange and mutual respect are a way of life.

BENEFITS OF THE SPACE PROGRAM

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. QUIE. Mr. Speaker, many people criticize the space program as an unnecessary and wasteful expenditure of millions of dollars, thinking only of manned space flights and walks on the moon.

There are untold benefits which have accrued to all of American society as a result of space research and the development of products for space flight. I submit for the edification of my colleagues an article written by Father V. J. Schaefer in the June 9, 1972, issue of the Courier, published in Winona, Minn.

The article follows:

IT'S A GOOD 2 CENTS WORTH

(By Fr. V. J. Schaefer)

Since we covered the launch of Apollo 16, many people have asked us, "What good is accomplished by going to the moon? There's nothin' up there."

So we did some research on "What good was Apollo and the space program?"

It created over two million jobs.

It gave us weather satellites which so far have tracked 93 typhoons and 30 hurricanes. It increased weather forecast accuracy which has saved billions in crop and property damage.

It gave us advances in medicine. Lives are saved daily in using electronics developed for Apollo.

It gave us space sensors which detect crop blights before they're noticed on the ground. The same sensors track the Gulf Stream and tell fishermen where the catch is.

It gave us instant communication from anywhere in the world from communication satellites. And with our snooper satellites up there we can detect if the enemy is gearing up to stab us in the back. A back door approach to peace, it's true, but nonetheless effective.

It helps us save fuel in the winter. Insulation developed for Apollo save homeowners hundreds of annual heating dollars. And space developed surface treatments reduce building temps 10 degrees in summer.

It gave us plastics which are as strong as steel and weigh only half as much. Adhesives developed for space capsules will soon make our cars cheaper to manufacture. Orbital factories will use space conditions for cheap fabrication of micro-miniature chips 100,000 to pound which will cut the cost of color TV sets. Etc. etc.

"But the program costs so much! Does it? Just two cents of your tax dollar. Don't you think we are getting our two cents worth?

"Better we spent it on Earth for social programs." What we spend for space would be only a drop in the bucket compared to what we already spend for social programs. In 1972 the federal government has earmarked $100 billion for social programs of all kinds and $3.2 billion for the space effort. In the last 15 years of space effort the ratio has been 11 to 1 in favor of social action. And what have we got so far to show for the latter? The most bungled up welfare mess only a governmental bureaucracy could create.

In order to have more of the same, some legislators like our own Senator would like to scrap what's left of the space program. They know the voter appeal of promising everyone that good old Uncle Sammy will solve all their problems for them.

Instead of asking "What has the space program accomplished for the nation?" we might more relevantly ask, "What have the social action programs accomplished for the nation at the cost of eleven times more money?" A hopeless generation of underprivileged who have had nothing but money shoved at them instead of getting at the root of their problems. Add the trickle of another $3.2 billion and see if that will do the trick?

Would the world have been better off had Columbus hocked Isabella's jewels and thrown a big bash for the dock loafers in Lisbon?

I'd sooner see these millions of jobs sustained instead of reading about the agonies experienced by highly trained space technicians and engineers who had to go on welfare in Los Angeles after they were laid off.

I'd sooner see the triumph of 400,000 scientists, engineers and technologists plus the expertise of some 20,000 private companies accomplishing something worthwhile than to see us drifting further into a deadening welfare state.

I'd sooner see the youth of the nation observe the example of dedicated men willing to sweat it out and then taking pride in their accomplishments—the spirit that made America great in the first place—than to have to observe good men sadly lining up as a last resort to receive welfare handouts.

I'd sooner see a little money expended for scientific research, for high energy physics, for space research than to have Americans stunt their understanding of God's marvelous creation and lop off pieces of their minds to save money which the politicians will waste anyway. As J. D. Bruckner, Los Angeles Times columnist puts it, "This is the economizing of brutes and barbarians."

I'd sooner have future generations be able to point to one glory, one work of merit—if any achievement of mankind is remembered, this lunar exploration will be—in this dark time of U.S. history than to have them remember how we slaughtered the innocent in legalized abortion mills.

I'd sooner be counted as a citizen of a nation which opened up the heavens than one of a nation which built more highways and slaughtered more on them than any in history, or a citizen of a nation which, at unspeakable cost, blundered so badly in Vietnam.

I'd sooner sit at Cape Kennedy as I did and feel a glow of pride in America for a change than always concentrating on what's wrong with America.

HON. FLOYD SPENCE'S LATEST QUESTIONNAIRE RESULTS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. SPENCE. Mr. Speaker, early this year, I sent out the first issue of what I hope to be my annual questionnaire. So that I could obtain the best possible sampling of opinion, questionnaires were mailed to every household in South Carolina's Second Congressional District.

The response was overwhelming.

In order that my colleagues may have the opportunity to study this unusually complete and valid study of constituent concern, I include my June newsletter entitled, "The Second District Speaks

Out," in the CONGRESSIONAL RECORD at this point:

THE SECOND DISTRICT SPEAKS

(From your Congressman FLOYD SPENCE)

Early this year, questionnaires were mailed to postal patrons of the Second Congressional District, and so far more than 20,000 have been completed and returned. This response exceeds by far the most optimistic expectations; in fact, it is a larger sampling than that required by professional pollsters to determine opinion in a given area. Thus, I am presented with a unique opportunity to gauge the interests and concerns of my constituency.

This response exhibits a sincere determination to make your judgment known; and a survey of the completed forms reveals an acute awareness, on your part, of current conditions in this country. Those factors, along with the unusually heavy volume of return, have made my poll a particularly popular one among those here in Washington who want to know what Americans are thinking.

Many individuals took the time to make additional comments, and these were helpful. Some were no doubt frustrated because they were faced with only a 'yes or no' choice, and had no opportunity to elaborate. This is indeed a problem, and one which Members of Congress often struggle with on the Floor of the House of Representatives when called upon to vote. Also, questions were necessarily framed in such a way that they were meaningful to the widest possible range of experience and interest. My chief aim was to be fair, while at the same time encouraging participation from all groups, thereby increasing the validity of my results.

Capsuling the tabulation, those who returned the questionnaire generally: Support the President's Vietnamization policy and reject the idea of setting an absolute date for withdrawal; believe that a strong defense capability is a necessary deterrent to aggression; favor my bill to cut U.S. contributions to the U.N.; support the concept of revenue sharing; agree that action should be taken to stabilize the economy; and overwhelmingly approve of Mr. Nixon's overall performance as President.

Respondents were most divided on whether or not the U.N. serves a useful purpose, with an even split among both men and women; gun control, with men opposing federal registration and licensing, and women favoring; and effectiveness of the Administration's economic initiatives, with both men and women doubtful.

Men and women tended to agree on most items, a major exception being gun control. Both thought National Defense our number one priority, with The Economy, Crime, and Government Spending following as issues of importance to each. Welfare Reform was only slightly behind these.

Considering "Excellent" and "Good" as favorable, and "Fair" and "Poor" as unfavorable, the President received his worst marks on crime and drug control, and his fight against inflation. His most favorable rating was "Performance as a President Generally", with 78% of the men and 74% of the women approving.

The 35–50 age group returned the most questionnaires, closely followed by 25–35 and 50–65. A substantial plurality considered themselves "Independent" politically.

Results of the questionnaire follow:

[In percent]

	His	Hers
1. Vietnam—Do you support the President's recently announced peace plan?		
Yes	87	87
No	13	13
If this plan is rejected, what is the best U.S. policy? (check one):		
(a) Increase military effort to achieve military victory	22	17
(b) Withdraw U.S. troops by stages while strengthening the South Vietnamese to assume responsibility for their own defense	59	65
(c) Publicly set an absolute date for withdrawal, regardless of events in the meantime	18	18
2. National defense—What is the best U.S. policy? (check one):		
(a) Cut back on arms research and development in hopes that Russia and China will follow suit	10	6
(b) Maintain a strong and modern defense capability as a deterrent to possible Communist aggression	90	94
Do you agree with the following statements? (answer yes or no):		
(a) The balance of military power is shifting and the United States is in real danger of becoming second best:		
Yes	84	84
No	16	16
(b) If Russia becomes convinced that she can make the United States back down, she won't hesitate to provoke dangerous Cuba-type confrontations around the world:		
Yes	87	87
No	13	13
(c) We have nothing to fear from Russia or anybody else:		
Yes	13	13
No	87	87
3. United Nations (answer yes or no):		
(a) Do you think the U.N. has been effective in the past?		
Yes	28	34
No	72	66
(b) Does it serve a useful purpose?		
Yes	50	50
No	50	50
(c) Do you favor my bill which would prohibit U.S. contribution to the U.N. in excess of our share according to population?		
Yes	89	89
No	11	11
4. Revenue sharing—Do you support President Nixon's plan to return certain powers to the State and local governments and share with them Federal revenues?		
Yes	88	91
No	12	9
5. National media (answer yes or no):		
(a) Do you agree with the charges of Vice President Agnew and others that the national media are often biased?		
Yes	88	88
No	12	12
(b) Do you think the networks and national press should strive to be more objective?		
Yes	91	94
No	9	6
6. Economy (answer yes or no):		
(a) Do you think the President is justified in taking action to stabilize the economy?		
Yes	96	98
No	4	2
(b) Do you think the new economic policies will keep inflation in check?		
Yes	43	43
No	57	57
7. Gun control—Do you favor Federal registration and licensing of firearms?		
Yes	45	53
No	55	47
8. Drugs—Regarding possession and use of marihuana (check one):		
(a) Legalize it and thus abolish present penalties	15	12
(b) Reduce present penalties	14	14
(c) Retain present penalties	24	21
(d) Increase present penalties	47	52
9. National priorities—Please check the 4 issues which you feel are most important to our country at this time?		
(a) National defense	18	18
(b) Drug control	11	11
(c) The economy	15	16
(d) Busing	7	7
(e) Crime	17	15
(f) Environment	7	8
(g) Welfare reform	12	12
(h) Government spending	13	14

10. How do you rate these initiatives of the President:

	Excellent		Good		Fair		Poor	
	His	Her	His	Her	His	Her	His	Her
(a) Trip to China	33	30	32	35	19	17	12	17
(b) Trip to Russia	22	25	42	42	15	17	12	14
(c) Foreign relations generally	12	14	40	34	35	32	10	19
(d) Economy	9	14	37	38	37	28	15	18
(e) War on Crime, Drugs	9	8	27	26	31	32	12	28
(f) Appointments to Supreme Court	28	28	34	35	18	15	12	20
(g) Fairness to South	15	15	33	41	25	18	10	22
(h) Performance as a President generally	24	26	54	48	20	15	1	6

	His	Hers
11. Do you consider yourself:		
(a) Republican	40	37
(b) Democrat	13	18
(c) Independent	47	45

	His	Her
Age:		
(a) Under 25	10	14
(b) 25 to 35	26	26
(c) 35 to 50	31	30
(d) 50 to 65	23	22
(e) Over 65	10	8

A FOUNDATION TO BUILD A LIFE ON

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. J. WILLIAM STANTON. Mr. Speaker, on Memorial Day 1972, it was my privilege to give the commencement address at Fairport Harding High School in Fairport Harbor, Ohio.

Preceding my remarks, Miss Pei Eng Wang delivered the valedictory address. The salutatory address was given by Miss Pamela Marie Gavelda.

Mr. Speaker, I was thoroughly impressed with the inspiring messages of these two graduates, and I commend them to my colleagues. Pei Eng Wang and Pamela Marie Gavelda are representative of the high caliber young people we have in Fairport Harbor, Ohio.

The address follows:

A FOUNDATION TO BUILD A LIFE ON

Faculty, parents, distinguished guests, and fellow classmates:

It is my great honor to speak to you this evening. I really appreciate all the help and patience that my teachers, my friends, and my parents have given me in the years of my education.

My topic is a foundation to build a life on. At this commencement service, naturally, we think back to the many happy moments of our high school years. These are memories that we will always cherish. Today is also a day when we turn our eyes to the future. It is a day of transition: change from the familiar environment to a new atmosphere, change from the comfortable dependence on family and friends to the dependence on self alone, change from classroom preparation to that of practical experience. Above all, these changes will bring us to a world filled with tremendous opportunities. Already, man has gone to the moon and even brought back portions of it. The untapped ocean is just being opened to discovery of foods to feed millions of people in the near future.

Yet, in the midst of this promising world, we are faced with great problems—wars, senseless killings, riots, rebellions, and even persecutions. Should we fear this situation and retreat from society? No, we should not, and we cannot. We are a generation who must face these problems, and a generation who must attempt to solve these problems. We often hear the cry that we can change the world. We, indeed, can change the world, but whether we change it for the better or worse depends on our vision and hope. How we achieve that goal depends on what we will choose to build our lives on.

We are living in a great nation. This commencement is on Memorial Day, a day which we have taken to honor those who sacrificed their lives for this country. The people who made America great had complex problems during their time, but through diligence and perseverence, they overcame difficulties and solved problems. History tells us that their problems were different from generation to generation, yet they held one view in common, that is, "In God We Trust," the motto found on our coins.

Today, we can continue to make this country great, not because we can make more powerful atomic bombs or more sophisticated computers, but because we can choose to build our lives on the solid foundation which those before us chose to build this nation on. This foundation is the faith in God.

As I have mentioned, we are facing many problems. One of them is the moral decay in society. When morals of a society are upset, the family is the first to suffer. The home is the basic unit of a country. The breaking up of a home does not often make headlines, but it eats like termites at the structure of a nation.

Too often young people are saying that there is nothing to do. The monotony of doing nothing constructive has brought forth a restless and unoccupied youth with the potential to be destructive. But to build a life on faith in God gives a person a whole new meaning in life. The cries for peace and love become a reality when true peace and the love of Christ enters a heart of a person. Hatred, jealously, lust, and prejudice are then removed. In this fast changing world, only Jesus Christ remains the same yesterday, today, and forever.

Now the time of high school classroom preparation is completed; however, the preparation through practical experience is just beginning. We have dreams to be realized, goals to be accomplished, and barriers to be removed. When we face the unknown future, our hearts are filled with anxiety and eager anticipation. We should not have fear. We must march on confidently with faith in God as our foundation. When we trust Him, He will give us guidance and direction. We can build a nation that is spiritually, mentally, and morally strong. A better and more harmonious world can be built for all mankind.

Thank you.

SALUTATORIAN'S ADDRESS

(By Pamela Marie Gavelda)

Tonight's commencement is, for us, the end of a relatively carefree way of life, and the beginning of a more difficult, demanding one.

How well are we prepared to face the world?

An educational system which teaches only the barest of the essential facts does not prepare students for life.

Algebra equations . . . biology terms . . . English vocabulary and grammar . . . French conjugations . . . these alone do not make an education.

A true education is the unified development of mind, body and soul.

As the mind is taught many various facts, it must also learn to assimilate, or put together, and then make use of these facts.

These many different bits of knowledge we, hopefully, have happened to pick up during the twelve years we've been in school, must fit together in some way, in which all of them relate to each other and form one complete body of knowledge. And the pattern for fitting all this knowledge together is different for each individual.

In the meantime, the body must be cared for and strengthened, because it houses the mind—and the soul.

Most important of all, the character of the soul must be built.

The soul is the person. It's the "real you." It is made and molded by every thought you ever had, by everything you ever did, and by everything that ever happened to you.

It holds your ideas and opinions, your hopes and dreams, your life and immortality. It's you.

Part of your soul you show to the world, the part that you share in your relationships with others.

It's the part of you that makes true friendships that last through good times and bad times, despite distance or time.

It's the part of you that enables you to care and to feel—to care about another person, or to care about anything; and to feel . . . compassion, understanding, and love.

Your soul is your conscience, your character. You can fool everyone in the whole world, but your soul will never let you fool yourself. It tells you to be *you*, and not a fake.

A real education is the development of these three parts of a person: mind, body and soul. It can't be accurately measured by any kind of grades.

When you can go out in the world and have enough knowledge in your head to make a mark on this mixed-up world—a favorable mark!—however big or small that mark is doesn't matter, just something to say that you were here, you found something in this confusion . . . you not only existed, you lived . . . that's part of an education.

And when you have sense enough to take care of your body, and not misuse it, so that you'll live long enough and be well enough to make that little favorable mark on the world . . . that's part of an education.

And when you can share a part of your soul with another person, either as a friend or as something more—or just being able to care, and keep on caring, even when it hurts, because you know that you can never have love without some sorrow, but that the greatest sorrow of all is never to love at all . . . that's part of an education.

And when you have the wisdom to know the right decisions, and not only that, but also, when you have the courage to make and carry out the right decisions . . . that's part of an education.

And when you can choose the good, no matter how much easier—or more fun—the bad is . . . that's part of an education.

And most important of all, when you've learned to really do the best you can with your life, when you've learned to be true to yourself more than anything else, when you've learned to *be* yourself, which is all you really could be, whether you've made it by society's standards or not doesn't matter then.

You have made it.

If you've learned to say honestly—"I know who I've always been and who I always will be. I know who I am—I'm just me!"—well, *that's* an education.

A SALUTE TO EDUCATION—AND TO A DEDICATED TEACHER

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. COLLIER. Mr. Speaker, a renowned philosopher once said that people shape the lives of men more than events. Perhaps this is an observation which would evoke great debate; nevertheless, I believe deeply that his judgment was entirely right.

In most people's lives, as in my own, parents provide the greatest influence for the reason that their concerns are deeply rooted in parental love which is unique.

Perhaps it is natural then that the second strongest influence is often provided by those who are charged with the responsibility of guiding youngsters through the learning process.

It is appropriate that we pause on the occasion of this "Salute to Education" today designated by the National Education Association to review the influences of those who played the most important roles in our educational lives. The differences between a good, mediocre, or poor teacher can often be found in the attitude of the teacher and his or her ability to impart knowledge which is often more important than having superior knowledge on any subject without the ability to properly communicate.

In the very early days of the great depression of the 1930's, I entered high school as a midyear freshman. Those were very difficult times. Few students or teachers today who did not live through them can fully understand the tribulations of that era. Millions of people were jobless; foreclosures on homes were common because people could not pay either their mortgage payments or their taxes. With massive tax delinquencies, schools and municipalities were without funds to meet their payrolls. At my high school, teachers were receiving paper scrip in lieu of pay. This scrip was redeemed at local stores for food and clothing. Yet, the attitude of these teachers was one of amazing dedication. They rarely missed a day of school and enjoyed none of the fringe benefits of current times. Because of the stress of the most severe economic conditions in most homes, pupils faced problems which understandably affected their educational pursuits. Their frustrations were real, not psychological.

More than 40 years have passed since those days; yet, I can remember by name every teacher that I had in high school. Looking back, I was most fortunate because all of them, without exception, left something of themselves with me in the educational process, and they survived most other memories of that period of my life, as well as the subsequent years. Hence, it is difficult to select one who influenced my life the most. But I do feel that my vocations teacher, Clark T. Logan, stands out in my mind among them all.

Mr. Logan had a keen sense of understanding and was never unwilling to discuss even the most troublesome problem, large or small, with which I burdened him—as so many other teenagers did in those days. In fact, if some aspect of my studies of school life became frustrating, I could go to Mr. Logan's office during his lunch hour or after class. I remember that he would frequently send down to the cafeteria for a bottle of milk and bring a sandwich from home in lunching in his office. He often tolerated the interruption of his lunch hour to talk with me and other students. Frequently, if we ran into the time his next class was due to start, he would invite us back to finish the discussion at the end of the regular schoolday. If there was something with which you disagreed in your study program or relationship with another student or teacher, he would listen. He did not always agree with complaints and did not hesitate to tell me when I was wrong. But he did it in a way that was not abrasive—but reasoned. He had an unusual knack of encouraging students to pursue those studies and interests which they enjoyed most or at which they excelled. Yet, he had a sly way of getting a student to study just a little harder without being dictatorial or impatient.

I guess it was just the fact that he was the kind of fellow that you could count on for the guidance which immaturity often demands. And he was the kind of fellow who gave of his own time to make certain that a student did not walk away from his problems with frustrations. He did a great deal of after-hours work without compensation of any kind because he was truly interested in trying to help every student who sought his counsel.

Clark Logan came to the J. Sterling High School as a young man in 1928, and taught continuously until he retired in 1964 after 36 years of teaching and counseling. He passed away on February 2, 1970. I am sure he had the same strong influence on the lives of countless other students as he did on mine—but I am grateful there was a teacher named Clark T. Logan.

A SALUTE TO EDUCATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DERWINSKI. Mr. Speaker, many Members are paying tribute today to education and the influence which dedicated teachers have had upon their lives, and I am especially pleased to participate as I think of the teachers who had a profound influence on me as a student.

I feel fortunate that throughout my elementary and high school career I had the good fortune of being taught by dedicated teachers. Specifically, a very excellent teaching nun, Sister Aymard, S.N., who was my teacher in the first, third, and fourth grades at Assumption School in Chicago. The good Sister stimulated my interest in reading at an early age, and especially stimulated by early interest in reading history books.

At Mount Carmel High School in Chicago I especially recall Father Maurice Anderson, O. Carm., who was my English instructor and also the moderator of our high school newspaper. He instilled in me an appreciation for the great classics of literature and he was also a very excellent journalist, imparting to those of us who were on the school newspaper staff respect for accurate and objective reporting.

Mr. Speaker, I could go on and name many other teachers who were very helpful to me. However, I do believe that despite the problems that are besetting education these days, we must reemphasize the dedication that is essential to the success of a good teacher—that the rewards of teaching are just not monetary but the pride that comes with seeing a young student develop his or her potential and go on to further accomplishments.

THE IMPORTANCE OF THE INDIVIDUAL IN EDUCATION

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KARTH. Mr. Speaker, it is very difficult to say anything about the value of our educational system without sounding like the second verse of last year's commencement address. All too often our well-meaning phrases sound like tired cliches, no matter how true they may be. This became very clear to me only a short time ago as I prepared a dedicatory address for the Consolidated East Elementary School in St. Paul.

Frankly, I came up with some very high-sounding phrases. But they were phrases that held little meaning. Finally, I did some research on the three schools that the consolidated school I was going to help dedicate would replace. Before long I discovered that many of my friends had attended one or another of these three schools. As a matter of fact, my administrative assistant had once been "asked to leave" one of those schools due to his bad habit of entering the front door in the morning and exiting out the back door seconds later.

While all of this was very interesting to me, I found it difficult to relate this to the value or the meaning of an education in a free society. Eventually, I began to discover a common denominator among my thoughts. That was the importance of the individual in our educational system. That, I believe, is the key.

And that key individual, more often than not, is the teacher in the classroom. For it is true that we in Congress may appropriate money for educational facilities, for better textbooks, for programs and scholarships that advance our educational system.

But what makes this entire system work is the person standing at the front of each and every classroom. No amount of money or bricks and mortar could make this system work without dedicated individuals who take pride in their profession of teaching.

This is what our entire educational system comes down to.

And it is to that key individual—the teacher—in our educational system that I take pride in paying tribute to today.

BUGGING THE DEMOCRATIC NATIONAL COMMITTEE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KEATING. Mr. Speaker, I was appalled by the reports during this past weekend of individuals allegedly attempting to place listening devices within the office of the Democratic National Committee in Washington.

This is a most incredible conduct and should be condemned by all members of both parties. What is frightening is that private individuals have the ability to do this without court order. It makes one wonder if there is any extensive use of this means in private industry for trade secrets, et cetera.

I should hope that severe restrictions and elimination would be placed upon the use of such equipment except by the law enforcement arm and as presently constituted by law.

We will all anxiously await the report of the Federal Bureau of Investigation on this entire matter. In the meantime I hope the Government will take full efforts for complete prosecution of those responsible for this invasion of privacy.

A CHANGE MUST COME

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DERWINSKI. Mr. Speaker, at the close of the school year, teachers throughout the country are taking a well deserved break. However, we will soon be entering a new school year with the many growing problems in our educational system.

One area of concern is the question of discipline, which is almost nonexistent in some of our educational institutes.

The Life newspaper of Berwyn, Ill., discussed this question in what I consider to be a very profound editorial commentary, which I place in the RECORD at this point:

> A CHANGE MUST COME
>
> A half century ago and earlier a teacher was one of the most highly respected members of the community. Students who were subjected to physical discipline with a ruler or a switch for the more severe infractions might expect the punishment to be duplicated by their parents if they learned of it.
>
> There was little intercession by parents who invariably upheld the teacher. Only in those cases where suspensions or expulsions were imminent would the parents seek to ease the lot of their offspring.
>
> If a student misbehaved and was caught, he expected and generally received the punishment merited by the offense. If the teacher was a man, he would mete out the physical punishment. If the teacher was a woman, a trip to the principal's or superintendent's offices would bring the same result.
>
> The strong-handed discipline maintained a high degree of order in the classrooms. There was no fear of parent reprisal, a teacher being dragged into court or the American Civil Liberties Union figuratively breathing down their necks.
>
> How things have changed in the intervening years! So-called do-gooders have resulted in changes in laws that virtually permit juveniles to do whatever they want in this new day of permissiveness.
>
> Last Monday night a male teacher at Morton West stood up in the district school board meeting before some 200 to 300 teachers, students and parents and delivered one of the most scathing indictments of the "now generation" about which we have heard.
>
> "Students do what they like," he charged. "Drinking, smoking and dope are running rampant in the district. Two lady teachers in my department resigned because of the vile language used against them by the students. Many of them are animals."
>
> Such comment seems to be justified at the high school level when we learn that gutter language has been used by some grade school pupils to their teachers at the elementary level.
>
> Couple these actions and attitudes with the report of the high school superintendent on absentees where parents think nothing of keeping their children out of school to go on shopping trips or for "personal reasons" that remain unexplained and the cause can be traced back to the parents.
>
> A change of attitude must come or the young hoodlums will take over the schools. Teachers may face bodily harm if they attempt reprimands. This is one place where a return to the "good old days" would be a blessing.
>
> More than a decade and a half ago, a man teacher, who had played tackle for the New York Giants and no one questioned his personal valor, resigned his position in a suburban high school because of the fear he would lose his temper over the personal affronts from some of the students and himself wind up in jail or defending himself in court.
>
> This sad state of affairs must come to a halt sometime. The only way would seem to be to revoke the immunity granted juveniles under our laws and make them and their parents responsible for their acts.

EDUCATION IN AMERICA—A SALUTE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. SCHWENGEL. Mr. Speaker, the National Education Association is planning to hold, on June 21, a salute to education. It is my pleasure to extend these remarks on behalf of the educational system—the teachers and the students—in America.

Education is an elementary building block in the continuing process of a democratic society. In order to function as a responsible citizen in America, it is absolutely necessary to understand our system of government, and how the vote—exercised with a knowledge of the issues—can move the Nation.

The Federal Government has an important role to play in protecting and perfecting the educational process. As Congressman from Iowa's First District, I have strongly supported the Elementary and Secondary Education Act and its extensions. The Higher Education Act of 1971, passed by the House in November, is another example of positive congressional action. The act provides student assistance grants and loans, as well as assistance for needed educational facilities.

In 1971–72, 2,733,156 persons graduated from high school; this was 65,062 more than in 1970–71. Classroom teachers in 1971–72 numbered 2,089,623, up 27,380 from the preceding year. Education is an expensive, long-term process; but it is invaluable. Classroom work, applied to what can be learned through experience in dealing with others, can provide a sound base for charting a course for the individual and the United States.

The value of an education cannot be overemphasized. Speaking at recent commencement exercises at Kirkwood Community College in Cedar Rapids, Iowa, I delivered the following introductory remarks:

> Your obligation as beneficiaries of a fine education can best be fulfilled if each of you determines to do your best in your chosen field. For your talent, time and knowledge, are the best currency you have to offer this nation. We cannot take education or our school system for granted . . . you who are benefitting must ponder its meaning and come to realize its enormous significance, and contribution to the quality of life in this land.

THE NEED TO PRESERVE EDUCATIONAL ALTERNATIVES

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. PODELL. Mr. Speaker, severe financial crisis threatens the continuation of the hallowed American tradition of educational alternatives.

I refer specifically to the fiscal jeopardy of our Nation's 1,967 nonpublic, nonprofit elementary and secondary schools, which serve 5 million students, more than 10 percent of the Nation's school population.

In response to need for education diversity, the nonpublic school system, burgeoning from the time of the revolution, hit a peak in 1967. In 1970, however, violent inflationary pressures hit the schools, and changing neighborhoods replaced old clientele with new constituencies who could not afford their services. Schools began to close at the rate of 1 a day.

State governments stepped in to help—they wanted to preserve the variety of educational choices, they wanted to alleviate the tax burden of parents who were supporting two school systems, they wanted to promote competition for excellence in their State's educational setup.

One State passed a law to reimburse private schools for State required services and bookkeeping associated with State regulation and accreditation. Another instituted teacher salary subsidies. Another established grants to parents of non-public-school children.

But all these methods have been declared unconstitutional by the courts, with the Supreme Court emphasizing the principle of church-state separation.

I am sure that my colleagues share the apprehension of the Supreme Court that those laws aiding nonpublic schools would cause excessive entanglement with religion. I am sure that my colleagues share my belief that the courts have reaffirmed the principle of church-state separation. For this is one cornerstone of our democratic society that must be buttressed, not eroded.

I am concerned that any direct aid to parochial schools could jeopardize the church-state separation.

But we should adjust tax inequities that force already overburdened parents to support two school systems. That is why I have introduced a tax credit bill, allowing parents of private school pupils to take a tax credit of 50 percent of the tuition charge or $500, whichever is lesser.

Protecting the principle of Church-State separation does not exclude fulfilling our responsibility to assure educational diversity in the United States.

Insuring church-state separation does not mean that we should allow the atrophying of nonpublic schools which are essential to the culture and moral fiber of our society. Both goals can be served—constitutionally—by the type of tax credit system I have introduced.

Allowing the time, effort, and energy invested in the nonpublic school system to go down the drain would cost the taxpayer much more than the tax credit bill I have introduced.

The bill I have introduced would cost the United States only approximately $500 million in lost revenues a year—surely much less than the cost of adjusting other tax inequities, and surely worth it to the taxpayer.

Were the public schools to close, school systems around the country would be forced to absorb 5,000,000 students, at the approximate cost of $858 per pupil. The $750 million that it would cost New York State to absorb its 814,378 private school students into its already overcrowed and financially strapped public school system, would be crippling to the State's taxpayers. That does not even include the incalculable cost of decreasing educational options and further crowding already overcrowded facilities.

We must not allow educational freedom to become the exclusive domain of the rich who can easily afford any tuition fees at all. The inflationary pressures are hitting the ghetto and inner city nonpublic schools the worst. Those institutions can offer real opportunity and choice to poor students. They make up more than 27 percent of the Nation's nonpublic schools—but without some relief on the financially overburdened parents of these poor children—these schools are exceeding the national average closing rate of almost two schools per day.

The bill I have introduced is similar to the one introduced by my distinguished colleagues Mr. MILLS and Mr. BURKE. It is aimed at remedying tax inequities, and allows only a greatly reduced credit for those who can afford to pay.

It is urgent that Congress act on this proposal soon. The need is great and the need is now.

A SALUTE TO EDUCATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. YOUNG of Florida. Mr. Speaker, have you ever stopped to think what your life would be like if you were not able to read or write? Your ability to communicate with others and to relate to the modern world would indeed be severely hampered. Illiteracy is so infrequent in our modern society that we seldom give it a second thought, however, it was not very long ago in our Nation's history that it was more the rule than the exception.

Thanks to the foresight of great leaders and educators who realized the invaluable importance of education, our country set forth to establish a public education system second to none in the world. This educational system has virtually erased illiteracy from our citizens and has made it possible for each child to gain the education necessary to live a full life and meet the challenges of this modern world.

I personally, would like to salute those dedicated people whose work has made this educational system what it is today. These teachers and administrators are continually improving the quality of education and teaching, to insure the basic right of each child to gain an education. These people provide the backbone of our society, for it is education that teaches the tolerance and understanding necessary to live together in peace and the knowledge and skills necessary to build a better world for tomorrow.

A SALUTE TO EDUCATION

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CARNEY. Mr. Speaker, a free society, in order to avoid the twin threats of anarchy and tyranny, must of necessity be composed of individuals who are intellectually and morally responsible, informed and mature. It is vital that these characteristics be dispersed throughout the population to the broadest possible extent, for it is with the mass of the people that leadership must lie in order for a nation to be truly free.

Since the birth of our Republic, this imperative has applied more fully to the United States than to any other society on earth. The stress has naturally been greatest on our educational institutions, and, as a result, Americans today enjoy the largest, best-financed, and most open system of education mankind has ever seen. Its successes have been monumental—not only has the survival of the democratic experiment initiated by the American Revolution been secured, but our schools and colleges have nurtured the freest as well as most industrially advanced society on earth. Of course, no institution which has been given such enormous tasks to perform can be perfectly successful; our educational system has its failures, which continuously act as spurs to self-evaluation and improvement. However, our educators' performance on balance has been remarkably gratifying, and is indeed worthy of our congratulations on this Salute to Education Day.

JOHN PAUL VANN

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. COUGHLIN. Mr. Speaker, I had the pleasure of knowing John Paul Vann during a trip I took to South Vietnam in 1970. We spent some time together in the Delta region which was under his charge at the time.

He was one of the most effective and talented men we had in South Vietnam. His knowledge and understanding of the country and the Vietnamese people was encyclopedic. He appreciated the subtleties of Vietnamese society and in return he was loved and respected by the people of that strife-torn country. He had a keen analytical mind, a refreshing penchant for speaking his mind, and a noted lack of patience for fools. He was the kind of public servant and human being who is all too rare in this world—dedicated, hardworking, prescient, and self-effacing.

The loss of John Paul Vann is a blow to our efforts to return South Vietnam to a state of peace, stability, and tranquility. His friends in Vietnam and here in this country will miss his wise counsel and independent views. But I believe the spirit of the man will live on. For those who follow in his footsteps, I believe it would be wise for them to consider seriously emulating the thoughts and actions of this most extraordinary man.

SENATE—*Thursday, June 22, 1972*

(Legislative day of Monday, June 19, 1972)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. ROMAN L. HRUSKA, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of the ages, before whom nations rise and fall and pass through times of trouble, be near to all leaders of this Nation to judge and to guide them in their labors. If we have turned from Thy ways, reverse our direction. If we have broken Thy law, help us to amend our ways as to keep Thy law. Send Thy light and truth into our hearts that we may follow the higher law of love. Grant Thy higher wisdom that we may see clearly Thy will and, seeing what Thou dost intend for mankind, help us to do it. May our work this day begin, continue, and end in Thee, to the glory of Thy holy name. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 22, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROMAN L.

HRUSKA, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HRUSKA thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, June 21, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEMOCRATIC CONVENTIONS

Mr. SCOTT. Mr. President, the Minnesota Convention of the Democratic-Farmer Labor Party offers an interesting preview of what some people may regard as the priorities of issues in this country.

Their platform, in a tumultuous convention, came out in favor of unlimited amnesty, all-out freedom on abortion legislation, and marriage between homosexuals.

The convention devoted no consideration whatever to jobs, employment, health improvement, tax relief, or those other issues with which Congress deals constantly.

The Oregon Democratic Convention was pretty much the same way. As I recall it, they were for GI benefits for deserters, liberalizing abortion laws, and legalization of marihuana—in other words acid, amnesty, and abortion.

The Vermont Democratic Convention proceeded on much the same lines and favored pretty much the same general approach, except I do not believe they went so far as to propose a full GI bill of rights to deserters and cowards generally.

These conventions gave little or no thought to the real issues that affect America today, the issues of how to relieve people from the onerous burden of taxes, how to improve their health, how to give them better job opportunities, or how to enable them to cope with the problems of everyday living in a society which is the more tumultuous and the more turbulent because of their own actions.

So, I hope that when we get down to discussion of issues, it will be remembered that these legions of license, these lads for liberty, are not true libertarians in the ancient sense of the word at all, but are simply people who would turn this country over to the wildest freedom to pursue their own emotions, their own lusts, their own passions—which passions do not seem to include a passion for the improvement of the condition of the average man, woman, and child in America.

What a pity, Mr. President. What a shame. What an abhorrent distortion of democratic procedures.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. TUNNEY). Under the previous order, the distinguished Senator from Tennessee (Mr. BAKER) is now recognized for not to exceed 15 minutes.

WORLD CONFERENCE ON THE HUMAN ENVIRONMENT IN STOCKHOLM

Mr. BAKER. Mr. President, from June 5 to June 16, 1972, there assembled in Stockholm, Sweden, delegations from 113 nations to an unprecedented world conference, convened to deal with unprecedented world problems: the crisis of the human environment.

Having served at Stockholm as a member of the U.S. delegation, and for a year before that as Chairman of the Advisory Committee to the Secretary of State in planning U.S. participation in the Conference, I take this occasion to share with my Senate colleagues a few impressions of that unique and possibly historymaking assemblage.

Compared with the many other international environmental meetings that have been taking place at a rising tempo in recent years, this United Nations Conference in Stockholm was unique primarily in its scope—which was nearly worldwide. I say "nearly" because the Soviet Union and most of its Warsaw Pact allies regrettably elected to boycott the Conference over the East German participation issue, despite Western offers to negotiate a compromise. Against this can be set the participation of all the other major powers of the world including the People's Republic of China, and—what is perhaps more remarkable—the participation of the vast majority of the low-income nations that are striving for development. Of the 113 countries attending, about three-quarters were developing countries of Latin America, Asia, Africa, and Oceania.

This global participation, including a preponderance of less developed countries, was a major distinguishing feature of this remarkable conference. Over the long future there can be no doubt that the preservation of the resources and environmental quality of the earth will require the cooperation of all countries, at all stages of development. But to enlist the cooperation of low-income nations in this global effort requires that we speak to their condition and their aspirations—which are primarily those of poor peoples seeking to overcome poverty.

It was largely because of this fact that, for the purposes of this U.N. Conference, the term "human environment" was understood in its broadest sense. As the very able Chairman of the U.S. delegation, the Honorable Russell E. Train, Chairman of the Council on Environmental Quality, said in his opening address to the Conference, "our subject is much broader than pollution." He called attention to the presence on the agenda not only of pollution problems, but also of the environmental problems of human settlements, the preservation of natural resources, and the environmental aspects of development. Then, in a well-reasoned appeal to the interest of the developing countries, he continued:

> My country has learned that economic development at the expense of the environment imposes heavy costs in health and in the quality of life generally—costs that can be minimized by forethought and planning. . . . The time to do the job of environmental protection is at the outset, nor later. Is is far cheaper and far easier. . . .
>
> Economic progress does *not* have to be paid for in the degradation of cities, the ruin of the countryside and the exhaustion of resources.
>
> And the converse is equally true: Environmental quality and resource conservation for the long future do *not* have to be paid for in economic stagnation or inequity.
>
> Environmental quality cannot be allowed to become the slogan of the privileged. . . . I reject any understanding of environmental improvement that does not take into account the circumstances of the hungry and the homeless, the jobless and the illiterate, the sick and the poor.

I ask unanimous consent to have the full text of Mr. Train's thoughtful address to the Conference printed at the end of my remarks.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAKER. Mr. President, many statements by spokesmen of the developing countries made clear that they shared with us a common awareness: That environmental protection is not a threat to their hoped-for development but rather a new, qualitative dimension of development. There can be no question that this common awareness, forged over 2 years of preparation for the Stockholm Conference, was a sine qua non of its success. Without it, the votes simply would not have been available to adopt the key action recommendations.

As it was, the Conference approved over 100 recommendations on an enormous variety of environmental questions on which, for one reason or another, international cooperation is required. At the conclusion of the Conference the most important of these recommendations were summarized by our delegation in these 12 points:

First. Recommended unanimously the creation in the U.N. of a permanent high level environmental unit to coordinate U.N. environmental activities, and a U.N. environment fund expected to be funded at $100 million over the first 5 years. The United States has pledged up to $40 million on a matching basis, subject to congressional action.

Second. Urged completion in 1972 of a global convention to restrict ocean dumping.

Third. Recommended steps to minimize release of such dangerous pollutants as heavy metals and organochlorines into the environment.

Fourth. Recommended a global "Earthwatch" program to be coordinated by the U.N., to monitor and assess environmental trends in atmosphere, oceans, land, and human health.

Fifth. Called for early completion of conservation conventions, including the World Heritage Trust for natural and cultural treasures and a convention restricting international trade in endangered species.

Sixth. Called for world programs to collect and safeguard the world's immense variety of plant and animal genetic resources on which stability of ecosystems and future breeding stocks depend.

Seventh. Urged strengthening of the International Whaling Convention and a 10-year moratorium on commercial whaling.

Eighth. Recommended creation of an Environmental Referral Service to speed exchange of environmental know-how among all countries.

Ninth. Urged steps to prevent national environmental actions from creating trade barriers against exports of developing countries.

Tenth. Recommended higher priority for environmental values in international development assistance, for example, more emphasis on conservation, land use planning, and quality of human settlements.

Eleventh. Urged greater emphasis on population policy and accelerated aid to family planning in countries where population growth threatens environment and development goals.

Twelfth. Issued a declaration on the human environment containing important new principles to guide international environmental action, including principle 21 that states are responsible to avoid damaging the environment of other states or of the international realm.

Mr. President, I am all too well aware that these recommendations, useful as they are, do not by any means measure up in every respect to the vast requirements of the world's environmental problems. Even the modest steps they contemplate can only be realized if governments will follow through in the action stage.

I will not try to comment in detail on each of these 12 key points. However, I would like to dwell briefly on the first point and the last point on the list.

Point 1 recommends that a permanent U.N. environmental coordinating unit be created, under the policy guidance of a 54-member governing council and headed by an executive director; and that he be charged with coordinating all U.N. environmental activities and with administering a new U.N. environment fund.

This recommendation is, in effect, the organizational key to all the others. The U.N. General Assembly is expected to act on it at its 27th session next fall. The concept originated in a proposal which President Nixon made last February 8 in his environmental message to the Congress. It flows from the President's conviction, stated in the U.N. chapter of his 1972 foreign policy report to the Congress, that—

> Ours is the age when the problems and complexities of technological revolution have so multiplied that coping with them is, in many ways, clearly beyond the capacities of individual national governments. Ours, therefore, must be the age when the international institutions of cooperation are perfected. The basic question is—can man create institutions to save him from the dark forces of his own nature and from the overwhelming consequences of his technological successes?

It is gratifying that the U.S. delegation was able to negotiate, and obtain unanimous conference approval for, a viable organizational structure for environmental activities within the United Nations. This was a major achievement at the Stockholm conference. It was made possible in large part by the knowledge that the U.S. Government takes a serious interest in this new venture and is prepared to make its fair share contribution to it on a matching basis up to $40 million over 5 years. I may add that the timely action of the Senate in passing Senate Concurrent Resolution 82, in support of this proposal, at the moment when the matter was under discussion in Stockholm, was most welcome.

I turn now to item 12 on the list, the adoption of the Declaration on the Human Environment. Like all composite and negotiated texts, this one cannot possibly satisfy anybody. But it contains among its 26 principles some to which we attach major importance as laying a foundation for future international law in the field of the environment. The most basic of these is the language in principle 21 declaring that States have "the responsibility to insure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction." Unfortunately, the text as a whole—like that of most negotiated instruments—is sadly lacking in consistency, relevance, and inspirational tone. But the same could be said of some of the most influential documents of all history, such as Magna Carta which established trial by jury as well as the basic principle that the King is subject to the law—and yet is virtually forgotten except for a few lines.

The final chapter in the negotiation of this Declaration on the Human Environment was an instructive exercise in diplomacy—one which threatened to end in total failure and was rescued on the very last day of the Conference. The main threat to the document came from the People's Republic of China, making one of its first major diplomatic efforts in the United Nations. The Chinese delegation succeeded in reopening the carefully balanced draft that had been painstakingly negotiated in advance of the Conference. They stimulated a number of extreme amendments, full of intemperate language aimed at the United States and other alleged imperialist-colonialist powers.

They seemed to be trying to produce majority support for a document so anti-American that we would have to repudiate it, or perhaps destroy the document altogether. In this they failed. If it was also their purpose to become accepted as the new champions of the poor and underprivileged of the world, they scored no brilliant success in that effort either. Some minor language backed by the Chinese delegation was included, but to their evident discomfiture the United States was able to support the final text—while the Chinese delegation stood in conspicuous isolation in its refusal to participate in the act of adoption, since it objected to the final clause on the environmental effects of nuclear weapons.

These two results—the recommendation on a U.N. environmental unit and fund, and the adoption of a meaningful declaration over Chinese objections—these successes indicate the basic wisdom of our environmental diplomacy in making common cause with the moderate nations of the developing world. Their support, their votes, their sense of a basic common ground with the United States and the West, were indispensable to the success of the conference and are a good augury for world environmental cooperation in future years. It should be a major task of our U.N. diplomacy to make sure that this common ground is consolidated in future years.

Mr. President, it would be idle to exaggerate the achievements of the Stockholm conference. But it would be still more foolish to dismiss them. As the exceptionally able Conference Secretary General, Maurice Strong of Canada, told the final meeting:

> We have taken the first steps . . . to act together in a manner consistent with the earth's physical interdependence.

Whether those first steps will be followed by truly effective action to preserve this planet earth, will depend on the will of governments and many kinds of institutions, from the world level to the regional, national, state, city and village level, for countless years to come.

Mr. President, I will say in candor that some of the recommendations of the conference, particularly in regard to international cooperation to control pollution, did not go nearly as far as many of us, myself included, would have wished. This merely reflects the fact that the UN can only do what its members are willing to do, and no government—not even that of the United States, which has done far more than most in this field—has yet received an undeniable mandate from its citizens to take all the costly steps that pollution abatement and control are sooner or later going to require. But we have begun to move. And at Stockholm we began to move even at that most necessary and difficult level, the entire world.

The American people have reason to be proud of the participation of the United States in this first world conference on the Human Environment. Under Chairman Russell Train, who led our efforts with consummate skill, we had a delegation which was remarkable for its distinction and ability—both from congressional and governmental ranks and from the private sector. To substantiate this fact I ask unanimous consent to have printed in the RECORD the full list of the U.S. delegation.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OFFICIAL U.S. DELEGATION

Chairman, Mr. Russell Train, Chairman, President's Council on Environmental Quality.

Vice-Chairman, Mr. Christian A. Herter, Jr., Special Assistant to the Secretary of State for Environmental Affairs.

Senator Howard H. Baker, Jr., Chairman, Secretary of State's Advisory Committee.

Mr. William D. Ruckelshaus, Administrator, Environmental Protection Agency.

Mr. Rogers C. B. Morton, Secretary of the Interior.

Mr. Laurance Rockefeller, Chairman, Citizen's Advisory Committee on Environmental Quality.

Mrs. Shirley Temple Black.

Mr. Bert S. Cross, Chairman, Minnesota Mining and Manufacturing Co.

Mr. Roger Egeberg, Special Assistant to the Secretary, HEW.

Mr. John D. Ehrlichman, Assistant to the President for Domestic Affairs.

Mr. Jerome H. Holland, U.S. Ambassador to Sweden.

Mr. Frank Ikard, President, American Petroleum Institute.

Mr. Samuel Jackson, Special Assistant to the Secretary, HUD.

Mr. Norman B. Livermore, Secretary of Resources, State of California.

Mr. John A. Love, Governor, State of Colorado.

Dr. Gordon MacDonald, Member, CEQ.

Mr. S. Dillon Ripley, Secretary, Smithsonian Institution.

Mr. John W. Rollins, Chairman of the Board, Rollins International, Inc.

Mr. William J. Scott, Attorney General, State of Illinois.

Mr. Elvis J. Stahr, President, Audubon Society.

Mr. John Tukey, Professor of Economics, Princeton University.

Mr. Ross Vincent, Louisiana Ecology Center.

Mr. John C. Whitaker, Deputy Assistant to the President for Domestic Affairs.

Mr. Robert White, Administrator, NOAA.

Mr. **BAKER**. Mr. President, in addition to Chairman Train, I want also to pay tribute to the vice chairman of the delegation, the Honorable Christian A. Herter, Jr., whose service at Stockholm was the culmination of a preparatory process lasting nearly 2 years and involving 15 or more agencies of the Government. As Special Assistant to the Secretary of State for Environmental Affairs, Mr. Herter supervised this entire process within the U.S. Government, which resulted in major American contributions to the proposals that were placed before the conference. It is doubtful that a successful conference could have been held without this contribution.

Finally, let me say that as Chairman of the U.S. Advisory Committee for the Stockholm Conference I received in the months preceding the conference the views of thousands of concerned American citizens about what our policy at Stockholm ought to be. I am well aware that many of the Stockholm recommendations are bound to fall far short of the hopes of these public-spirited people. Indeed, they fall far short of my own hopes in many respects.

I believe the answer for this is not a hysterical rejection of the governmental process or of international negotiation. It is rather to continue and to try ever harder to educate public opinion, here and around the world, on what is necessary to assure for ourselves and future generations a better quality of life. The success of the Stockholm venture depends completely on the backing of effective public opinion both here and abroad. I congratulate all good citizens who are lending their efforts to this cause and urge them to continue. In doing so I hope they will consider not only our national environmental efforts but those of the entire world, the finite and vulnerable home which we Americans share with the rest of humanity.

Mr. President, may I say in closing that it was an eye-opening experience for me to participate in this conference and to be exposed, not only to the tenure of the conference, but also the procedures. One of the highlights was the 8:30 a.m. meeting of delegates each morning. Many of our colleagues in the Senate were there, including the junior Senator from New York (Mr. BUCKLEY) who is in the Chamber now, the Senator from Utah (Mr. Moss), the Senator from New Jersey (Mr. CASE), and others. It was a magnificent performance by the American delegation, one that the Senate and the country can be proud of.

EXHIBIT 1

REMARKS BY THE HONORABLE RUSSELL E. TRAIN, CHAIRMAN, U.S. DELEGATION TO THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT AND CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES

Mr. President, Mr. Secretary-General, distinguished Ministers and Delegates:

On behalf of the United States I wish to congratulate you, Mr. President, on your election to lead us in our work during these two critical weeks, and to express our appreciation to the Government of Sweden as the original proposer and generous host of this very important United Nations Conference on the Human Environment.

Let me also express our warm thanks to the distinguished Secretary-General of the Conference, Mr. Maurice Strong, for his able leadership during more than year and a half of intensive preparations, the quality of which has much to do with the hopes for this conference.

From the beginning of his Administration, President Nixon has given high priority to environmental protection as a matter of both domestic and international policy. As he has stated, we must act as "one world" to protect the human environment. This Conference provides a unique opportunity for such a united effort.

An immense diversity of nations is gathered here from every region of the earth. We are brought together by a common concern for the quality of human life, the everyday life of people throughout the world. Our subject is much broader than pollution. It includes the kind of communities in which people live. It includes the way resources will be managed for billions of people today, and still more billions in the future. Our concern is that all nations of the world should better understand and better control the interaction of man with his environment; and that all peoples, now and in future times, should thereby achieve a better life.

In addressing this universal subject of the human environment, every nation's view is conditioned by its own historical experience.

When my country was very young, and President Thomas Jefferson resided at the edge of the Virginia wilderness at Monticello, what distinguished our new republic was not wealth or industry, in which we were not at all impressive, but the compelling force of an idea newly put into practice. This idea was that a nation of immigrants, equal under the law and exercising their right to "the pursuit of happiness," could settle and cultivate a continental wilderness, and establish in it their free institutions. For a century and more, we were largely preoccupied with that undertaking.

Some 65 years ago, when the American frontier was a thing of the past, President Theodore Roosevelt wrote with admiration about this continental adventure—but he struck a new and more ominous note. Our natural resources, he said, were being rapidly depleted; and he continued with these words:

"The time has come to inquire seriously what will happen when our forests are gone, when the coal, the iron, the oil, and the gas are exhausted, when the soils shall have been still further impoverished and washed into the streams, polluting the rivers, denuding the fields, and obstructing navigation. These questions do not relate only to the next century or to the next generation. It is time for us now as a nation to exercise the same reasonable foresight in dealing with our great natural resources that would be shown by any prudent man in conserving and widely using the property which contains the assurance of well-being for himself and his children."

Unfortunately, our country did not always follow that good advice. Particularly in the generation just past, we not only committed many of the faults Theodore Roosevelt criticized. We went further and, through inadequate control of our increasingly powerful technology, imposed burdens on our environment, urban and rural alike, such as he never dreamed of.

Now the United States is altering its course. We have examined the costs of correcting the most obvious of these problems—pollution—and we have begun to pay the high price of corrective action too long delayed.

Of course, the environmental afflictions we are coping with are largely those of an affluent nation. My country enjoys economic blessings such as many another country earnestly desires to achieve. The United States Government remains convinced that other nations throughout the world can and must increasingly enjoy the same blessings of economic growth and overcome the curse of poverty. In this Second Development Decade it remains the firm purpose of the United States to assist in that global effort through the United Nations and otherwise.

My country has learned that economic development at the expense of the environment imposes heavy costs in health and in the quality of life generally—costs that can be minimized by forethought and planning. We are learning that it is far less costly and more effective to build the necessary environmental quality into new plants and new communities from the outset than it is to rebuild or modify old facilities.

This point bears repetition: The time to do the job of environmental protection is at the outset, not later. It is far cheaper and far easier.

This point holds true for every country at every stage of development. Economic progress does *not* have to be paid for in the degradation of cities, the ruin of the countryside and the exhaustion of resources.

And the converse is equally true: Environmental quality and resource conservation for the long future do *not* have to be paid for in economic stagnation or inequity.

Environmental quality cannot be allowed to become the slogan of the privileged. Our environmental vision must be broad enough and compassionate enough to embrace the full range of conditions that affect the quality of life for all people. How can a man be said to live in harmony with his environment when that man is desperately poor and his environment is a played-out farm? Or when the man is a slum-dweller and his environment is a garbage-strewn street? I reject any understanding of environmental improvement that does not take into account the circumstances of the hungry and the homeless, the jobless and the illiterate, the sick and the poor.

President Nixon, in transmitting to the

Congress the first annual report on the quality of our nation's environment, expressed this central thought when he said: "At the heart of this concern for the environment lies our concern for the human condition, for the welfare of man himself, now and in the future."

This insight—the unity of environmental protection and economic well-being—is likely to be one of the most vitally important insights to emerge from this Stockholm Conference. No longer should there be any qualitative difference between the goals of the economist and those of the ecologist. A vital humanism should inspire them both. Both words derive from the same Greek word meaning *house*. Perhaps it is time for the economist and ecologist to move out of the separate, cramped intellectual quarters they still inhibit, and take up residence together in a larger house of ideas—whose name might well be the House of Man.

In that larger house, the economist will take full account of what used to be called "external diseconomies" such as pollution and resource depletion, and he will assign meaningful values to the purity of air and water and the simple amenities we once foolishly took for granted. He will develop better measures of true well-being than the conventional Gross National Product. The ecologist, in turn, will extend his attention beyond the balance of nature to include all those activities of man's mind and hand that make civilized life better than that of the cave dwellers. Both will collaborate to advise the planners and decision-makers—so that cities and countryside of the future will promote the harmonious interaction of man with man, and or man with nature; so that resources will remain for future generations; and so that development will lead not just to greater production of goods but also to a higher quality of life.

This conference, then, is a great beginning. The many countries here have differing experience and differing priorities, but all of us are reaching toward a new realization of truths taught us by science and by bitter experience. Together we can now broaden our cooperation for the common good—to learn the facts about man's interaction with his earthly environment; to persevere in global development efforts while taking new steps to cleanse and protect the atmosphere, the oceans, the soil and the forests.

We are of course well aware of the limits of international cooperation. It is often fitful and troubled with false starts. The fact of national sovereignty entails frank recognition that many or even most of the crucial environmental actions have to be taken freely by governments and by citizens in their own interest as they see it. In my own country we have taken vigorous measures in recent years to clean up our air and our waters, to reorganize our government structure for more effective environmental management, and to open up our courts and our processes of government to the invigorating energies of concerned private citizens. In the quest for environmental quality, no need is greater than the development and participation of a concerned, informed, and responsible citizenry.

We in the United States are definitely beginning to make progress in our war on pollution. For example, the level of major air pollutants such as particulates, carbon monoxide, and sulfur oxides, has dropped significantly over the past three years in most of our cities. The level of automobile emissions is likewise going down. We still have a long way to go and there is no room for complacency. But we are demonstrating that the problems of environmental pollution are not insoluble and that they can be dealt with through determined action by government and by citizens.

On the international level, we believe that the United Nations itself has a vital role to play in providing coordination and leadership in the global quest for environmental protection and the quality of life. The Stockholm Conference can help give direction and energy to this historic opportunity for the United Nations.

We have high hopes for the Stockholm Conference. The United States has given its full support to the preparations for it. Of the nearly two hundred recommendations submitted by the Secretariat for our consideration, the great majority have the general or specific support of the United States.

This Conference will do more than raise the level of national and international concern for environmental problems—indeed, it has already achieved that. We are confident that it will also generate national, regional, and global action to recognize and solve those problems which have a serious adverse impact on the human environment.

Among the action proposals, in the view of the United States, certain ones stand out as of particular importance.

1. Specifically, the United States supports the establishment of a permanent entity within the United Nations—a 27-nation Commission of the Economic and Social Council and a high-level secretariat unit—to coordinate multinational environmental activity and to provide a continuing focus for U.S. attention to environmental problems.

2. The United States supports the creation of a $100 million U.N. Environmental Fund financed by voluntary contributions from member governments. We are prepared to commit $40 million over a five-year period on a matching basis to the fund.

3. We support and urge vigorous regional action where this is necessary to adequate management of environmental resources. Last April the President of the United States and the Prime Minister of Canada signed a pioneering agreement committing both nations to a cooperative long-term program to protect the water quality of the Great Lakes. But many other major international bodies of water are in similar need. The Baltic, the North Sea, the Mediterranean, the Caspian, the Rhine, the Danube and many more in every continent cry out for effective regional environmental cooperation. In many of these areas the time for action is rapidly running out.

4. We support efforts to strengthen monitoring and assessment of the global environment, and to that end to coordinate and supplement existing systems for monitoring human health, the atmosphere, the oceans, and terrestrial environments.

5. We support coordinated research to strengthen the capability of all nations to develop sound environmental policies and management.

6. We support effective international action to help nations increase their environmental capabilities. This includes the strengthening of training, education, and public information programs in the field of environment—both to develop an environmentally literate citizenry and to train professional environmental scientists and managers. It also includes the establishment of improved mechanisms, such as an international referral system, by which nations can efficiently share their national experience concerning the best methods of solving specific environmental problems in such fields as land use planning, forest and wildlife management, urban water supply, etc.

7. We support creation of a World Heritage Trust to give recognition to the world interest in the preservation of unique natural and cultural sites.

8. We support international agreement at the earliest practicable date to control the dumping of wastes into the oceans and we also urge appropriate national action to support this objective. The announcement by the delegate of the United Kingdom of the progress recently made toward agreement on an ocean dumping convention is very welcome, and the United States strongly supports prompt follow-up action. Marine pollution generally should have a high priority for international cooperative action.

I recall last Christmas standing on a magnificent stretch of lonely beach in the Bahamas, watching the great sea waves sweep in from the open Atlantic. Hardly a foot of that beach was without its glob of oil, and the upper reaches of the beach, at the limits of the tide, were littered with the plastic and other non-degradable detritus of our civilization.

9. We support cooperative action to protect genetic resources and to protect wildlife. For example, the United States hopes that this Conference will support the objective of a moratorium on the commercial killing of whales. Such action would be especially timely in view of the scheduled session of the International Whaling Commission in London later this month.

10. Recognizing that uniform pollution standards are not practical or appropriate at this time with respect to pollution which is without significant global impacts, we support the establishment by the appropriate international agencies of criteria upon which national pollution control policies can be based. We believe all nations, in their own interest, will wish to establish and enforce the highest practicable environmental standards needed to protect human health and the environment. Even though these levels will vary among nations, it is important that every effort be made to harmonize differing national environmental policies.

11. We support the identification and evaluation of potential environmental impacts of proposed development activities. Such evaluations should normally lead to higher development benefits in the long term. Likewise, we urge all nations and international organizations to undertake systematic environmental analyses as a normal part of their planning and decision-making activities.

12. Finally, we support the draft Declaration on the Human Environment as a fitting message from this Conference to the world, and a further proof of our serious intent. In particular we support its important provisions concerning the responsibility of States for environmental damage and the obligation of States to supply information on planned activities that might injure the environment of others. We believe that every nation should adopt effective procedures to insure that its neighbors have adequate notice of plans and projects which could significantly affect their environment, and that measures should be taken to assure that any such adverse impacts be avoided or minimized.

The frustration of modern man is two-fold. There are those who have not even the basic material equipment for a decent life and who rightfully desire very ardently to acquire it. But there are also those who get much of what they ask for, and who for awhile go on asking for more—more goods, more services, more electric power, more comfort—until some dark night, alone with themselves, they are moved to ask: Why? What is it all worth if the fields and the forests have been despoiled, the air befouled, the animals reduced and the broad oceans debased?

The fabric of human happiness is as complex and as delicately balanced as natural processes themselves. Our immense and still growing power over our surroundings must go together with a new responsibility and a new discipline—the discipline of conserving resources, of limiting our births, of living within the means of the natural support systems on which we depend.

Such thoughts raise difficult questions, but they are unavoidable. Probably one of the most useful functions of this Stockholm Conference is to raise such questions, even where the answers are not yet fully apparent.

In many respects, no doubt, the questions and the answers will vary widely from one nation or region to another. But in other respects the environmental and economic problems of this one earth are truly global, and we need to begin systematic analyses of them on a global scale.

Certainly one truth is already undeniable: In our use of resources we must have regard for the needs of those who will come after us. Our most fundamental obligation to future generations is to enhance the estate we transmit to them. Where once man saw himself as custodian of a body of goods and values and traditions, we now realize that he is also custodian of nature itself. Our children will not blame us for what we wisely use, but they will not forgive us for the things we waste that can never be replaced.

Now that the natural order is increasingly subject to human design, our concern, our sense of co-responsibility must grow commensurately with our new understanding. There is a great excitement in the new journey we are on, a journey of understanding and cooperation, not of mastery and conquest. The essence of 20th century achievement will lie in our success in the struggle—not with each other or with nature, but with ourselves—as we try to adapt creatively to the realization that we are all hostages to each other on a fruitful but fragile planet.

The nations of the earth have many opportunities for working together to meet these challenges. The United States has joined in numerous active bilateral and multilateral arrangements for environmental protection. I have already mentioned the recent Great Lakes Water Quality Agreement with Canada. Two weeks ago, on May 23rd, President Nixon and President Podgorny signed a long-term agreement for close environmental cooperation between the United States and the Soviet Union. By signing the agreement, both our countries have signaled to the world the priority attention that should be devoted to the environment and to working together on the great causes of peace. Both nations recognize the deep desire of all people to direct their resources to solving the pressing social problems of today.

It will be the task of the United Nations to view all these environment activities in a global perspective—to speak for the whole world on international environmental questions.

We know the United Nations cannot solve every problem, but it must not set its sights too low. It should be animated by the same essential fact that has brought us tgoether in Stockholm: There is an environmental crisis in this world. The crisis differs, it is true, both in kind and in degree from one nation or region to another—but it is a world crisis nonetheless.

President Nixon, discussing the tasks facing the United Nations in his foreign policy report to the American Congress early this year, described the crisis—and the response to it—in these words:

"Ours is the age when man has first come to realize that he can in fact destroy his own species. Ours is the age when the problems and complexities of technological revolution have so multiplied that coping with them is, in many ways, clearly beyond the capacities of individual national governments. Ours, therefore, must be the age when the international institutions of cooperation are perfected. The basic question is—can man create institutions to save him from the dark forces of his own nature and from the overwhelming consequences of his technological successes?

"I believe profoundly that the answer is yes."

Mr. President and fellow delegates to the Stockholm Conference, it is by our actions, both now and in the years to come, that we have a chance to justify that affirmative answer. We need not act in hysteria, nor credit every prophecy of ecological doom—but act we must. If we act with vision and determination, we will preserve for the children of all nations a chance to live in an earthly home worthy of their needs and hopes.

Mr. RANDOLPH. Will the Senator yield?

Mr. BAKER. I yield to my colleague from West Virginia.

Mr. RANDOLPH. I have listened to the helpful report of the Senator from Tennessee (Mr. BAKER). I desire to commend him and Senators BUCKLEY, CASE, MAGNUSON, MOSS, PELL, and WILLIAMS who were members of the U.S. delegation to the first United Nations Conference on the Human Environment in Stockholm, Sweden. The Senate Public Works Committee has contributed a substantial body of law to the subject of environmental development. I am sure that not only those of us on that committee, but those who serve on other committees having jurisdiction over environmental matters and all Members of the Senate, are indebted to Senator BAKER and our other colleagues who worked constructively to make this first international effort worthwhile.

Mr. BAKER. I appreciate the gracious comments of the distinguished chairman of the Senate Committee on Public Works and am grateful for his support in this very significant undertaking. Senator RANDOLPH is a vigorous leader in the development of environmental protection legislation, and his leadership is reflected in our country's progress in this area.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BUCKLEY. Mr. President, I rise to add my few comments to those made by the distinguished Senator from Tennessee on the results of the Stockholm conference. I know the newspaper reports in the United States tended to take a gloomy view, and purely political implications were inserted into what should have been a scientific endeavor among nations.

However, when one contemplates the enormity of the problems and the cooperation of all nations for the first time in human history in this intensely important area, we can all be proud of the accomplishments, concern, and particularly the leadership of the United States.

The attention of the world has been riveted on the importance of coming to grips with the impact of man's activities on the environment. We have taken the important first step, and as the Senator from Tennessee emphasized, whether those steps will lead us in the proper direction at the proper speed will depend entirely on whether the people of our various nations will back the efforts that have been initiated at Stockholm.

One of the very important things that came to the surface is the fact that, understandably, many underdeveloped nations are fearful that the environmental concerns which have originated in developed countries may have the effect of freezing them at their present status of economic development. It is my hope and expectation, however, that as they increase their understanding of the ultimate economics of shaping their own developmental activities into environmentally necessary channels, they would see that far from pricing themselves out of the world markets, they will achieve vigorous accomplishments.

If all nations of the world adopt the same sense of conscientiousness and environmental responsibility, the net impact would not be to disturb or dislocate trade channels.

I want to take this opportunity to say how much the success of that conference depended on the leadership of the Senator from Tennessee who did a magnificent job in collecting and synthesizing information from the thousands of people from whom he received views.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business for not to exceed 6 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HRUSKA) laid before the Senate the following letters, which were referred as indicated:

REPORTS ON FINAL DETERMINATION OF CERTAIN INDIAN CLAIMS

Three letters from the Chairman of the Indian Claims Commission transmitting, pursuant to law, reports on the final determination of the Commission with respect to the claims of the Natives of Palmer, Alaska, the Natives of Tatitlek Village, Alaska, and the Natives of Chitina, Alaska (with accompanying papers); to the Committee on Appropriations.

PROPOSED LEGISLATION TO PHASE-IN MOTOR VEHICLE SAFETY STANDARDS

A letter from the Secretary of Transportation submitting proposed legislation to authorize the Secretary to phase-in motor vehicle safety standards by specified percentages over a period of time, and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

Two letters from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "The Federal Program of Aid to Educationally Deprived Children in Illinois Can Be Strengthened" and a report entitled "U.S. Technical Assistance to Support Indian Agricultural Development" (with accompanying reports); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 3511. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 92-918).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that, on today, June 22, 1972, he presented to the President of the United States the enrolled bill (S. 513) for the relief of Maria Badalamenti.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. RIBICOFF:

S. 3739. A bill to establish within the Department of Commerce an Economic Adjustment Administration, to transfer thereto certain functions and duties of other departments and agencies relating to economic development and assistance, to establish a comprehensive program of economic adjustment assistance, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MAGNUSON (by request):

S. 3740. A bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes. Referred to the Committee on Commerce.

By Mr. MATHIAS (for himself, Mr. BROOKE, Mr. CHILES, Mr. CHURCH, Mr. EAGLETON, Mr. NELSON, and Mr. PEARSON):

S. 3741. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the Uniited States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests. Referred to the Committee on Government Operations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF:

S. 3739. A bill to establish within the Department of Commerce an Economic Adjustment Administration, to transfer thereto certain functions and duties of other departments and agencies relating to economic development and assistance, to establish a comprehensive program of economic adjustment assistance, and for other purposes. Referred to the Committee on Government Operations.

ECONOMIC ADJUSTMENT ORGANIZATION ACT

Mr. RIBICOFF. Mr. President, the American economy is in deep trouble. Our tragic 6 percent unemployment figure persists—in my own State of Connecticut it is more than 8 percent, and in some communities 20 percent. Our trade deficit is mounting—more than $2 billion in the first quarter of this year alone. Twenty-five percent of our industrial capacity remains idle while our Nation desperately needs rebuilding.

Clearly, both workers and businessmen need effective help now. One approach which has become the subject of much discussion is the Foreign Trade and Investment Act of 1972, the Hartke-Burke bill. This is a well intentioned effort to preserve American jobs. But its sweeping provisions would create many new problems for our foreign relations and for American foreign trade and investment, while it is not at all clear whether it would provide any net benefits in terms of domestic employment. While interim measures to protect certain American industries may indeed be necessary, the application of across-the-board quotas would probably provoke retaliation by our major trading partners. It is of the highest priority that practical effective alternatives to the Hartke-Burke legislation be developed to deal with the legitimate grievances of all those adversely affected by our trade policies.

In order to provide such alternatives, I am today introducing the Economic Adjustment Organization Act.

I have been in touch with Chairman MILLS of the Ways and Means Committee in the other body regarding my proposal and hope to consult with him and other interested congressional colleagues on this legislation in the future. After full hearings and the opportunity for all parties concerned to express their views I hope that legislation will be passed which will meet the needs of both workers and businessmen.

The Economic Adjustment Organization Act is an attempt to develop adequate Federal programs to help workers, companies, and communities affected by public policy decisions, and is not confined to assistance necessitated by trade policy decisions. It goes beyond present adjustment assistance provisions both in its coverage and types of assistance offered. The present provisions on the books since 1962 offer much too little, are too difficult to get and are invariably too late.

At present we have only bits and pieces of offices and agencies and department planning and administering programs dealing with economic conversion, adjustment assistance, training and job placement. Also lacking is a single high level body to spot in advance those industries and companies which are or will be soon facing serious difficulties, and to identify the priority areas for economic activity in the next 5, 10 or 20 years.

To remedy this situation two new governmental bodies are set up under my act. The Economic Adjustment Administration, to be located in the Commerce Department, would coordinate existing adjustment programs whose benefits would be liberalized and expanded. It would establish new workers' retraining programs and offer incentives to industries about to relocate to stay where they are. The administration would make agreements with affected States and communities and work closely with them.

Also created is a new independent Economic Priorities Advisory Council to set civilian priorities for the Nation and identify future manpower needs and economic trouble spots.

There is no early warning system for labor when jobs are in danger. There is no way for helping firms before they are in desperate straits or retraining workers before they are lining up for unemployment checks. The Economic Priorities Advisory Council made up of industry, labor, and Cabinet representatives will perform those needed functions. We have no systematic way to encourage industries to develop along lines with high social priority and a high degree of future success. Much talk is heard about the need to convert from a wartime to a post-Vietnam peacetime economy. The key to any successful defense conversion program will be the assumption by the Government of the responsibility for defining civilian priorities. This new Economic Priorities Advisory Council will help chart the future directions of the civilian economy and encourage economic expansion into new areas of viable economic activity. The Council would also advise the new Economic Adjustment Administration in the types of training and other assistance needed.

Too many of our manpower training programs are teaching skills for jobs that no longer exist or that will not be offered in a particular locale. Training programs must be geared to specific jobs which will be available when the training is ended. There is little point to training a worker in New York for a job that exists only in California.

Smaller companies experiencing financial difficulty need more than low-cost loans. They would also be able to get the expert technical advice and individualized planning they need to remain competitive. Research and development seed money would be made available for private projects and the development of new products. At the same time their employees would be trained to perform the new skills that will be needed in the new operation. Interim emergency financing would be available to these companies pending approval of longer term loans.

If companies decide to transfer production facilities abroad they would be required to demonstrate that the full range of Government assistance offered them is inadequate to insure profitable operations within a reasonable period of time. If they cannot, they would help defray the costs of assisting the laid-off employees they are leaving behind. These provisions should allay the fears of workers and communities that they will be left in the lurch by companies concerned only with their own immediate interests. Yet a company would still retain its freedom to relocate elsewhere by demonstrating its good faith and sound business reasons for leaving.

Under this legislation, once eligibility is established both a company and its laid-off workers would receive immediate assistance. Workers would begin collecting roughly 85 percent of their previous wages and their health and pension benefits would be continued. Those within 3 years of retirement would be able to retire with full benefits. Younger workers would be able to enroll in new or existing training programs which would help insure their employment upon completion of the training courses either with their former employer, and preferably in the area where they live.

The company could receive loan assistance, technical advice, retraining of its labor force, and other benefits in order to continue operating in the same locale. If it still decided to move elsewhere in the United States, it would have to offer its employees the right of first refusal for a similar job at the same rate of pay.

In sum, my legislation embodies a new approach to deal with some of the new kinds of problems facing us today. It involves a coordinated attack by the Federal Government, with the emphasis on early warning, and speedy, unencumbered help for workers. The focus is on readjustment and retraining in order to best utilize our technological, managerial, and manpower resources.

Enactment of my proposed bill will enable us to anticipate change instead of dealing only with its effects. It will enable our trade negotiators at the projected 1973 trade talks with our major trading partners to negotiate with greater confidence in our ability to adapt to changes. It will enable working people to feel more confident of their jobs and the well-being of their families. The Economic Adjustment Act offers both labor and industry a means of improving their respective economic positions while contributing to the overall health and vitality of our Nation.

I ask unanimous consent that a comparison of the Economic Adjustment Organization Act and the Foreign Trade and Investment Act of 1972 (S. 2592) be printed at this point in the RECORD, along with the text of the Economic Adjustment Organization Act.

There being no objection, the comparison and bill were ordered to be printed in the RECORD, as follows:

COMPARISON OF THE ECONOMIC ADJUSTMENT ORGANIZATION ACT AND THE FOREIGN TRADE AND INVESTMENT ACT OF 1972, S. 2592

1. New Government bodies:

S. 2592 establishes a three member Foreign Trade and Investment Commission which has discretion to impose and modify the import restrictions and decide escape clause cases.

Economic Adjustment Organization Act establishes a nine member Economic Priorities Advisory Council to give advance warning of industry and labor problems, set civilian priorities for years ahead. Also establishes a new Administration within the Commerce Department to plan and implement worker retraining and relocation programs and assistance to companies.

2. Import restrictions:

S. 2592 limits annual imports to same percentage as 1965–1969 on country by country and item by item basis. (Would not affect existing voluntary quota agreements, e.g., textiles, steel).

Economic Adjustment Organization Act does not set import limits which might lead to retaliation and higher costs to consumers. It provides timely, adequate help to workers displaced by imports or any other public policy decision and retraining for jobs available in their locality wherever possible. Does not modify existing provisions of law providing for restriction of imports.

3. Tax changes:

S. 2592—Effects activities of U.S. companies abroad by eliminating foreign tax credit, personal income tax exemption, and no longer permits these companies to defer taxes on foreign earnings until income repatriated to U.S.

Economic Adjustment Organization Act—Seeks to prevent American companies from going abroad by making them pay one-half of costs of retraining and assistance to their displaced workers if companies cannot prove they would have been unprofitable in U.S. even with the assistance offered them. Does not penalize U.S. companies doing business abroad by imposing a tax burden greater than competing foreign firms.

4. Capital and technology flows:

S. 2592:

Grants President authority to restrict capital and technology flows abroad.

Tightens enforcement of anti-dumping statutes and countervailing duty (foreign government subsidies).

Economic Adjustment Organization Act—Economic Adjustment Administration would give technical help, R&D money and low cost loans to companies to permit them to stay competitive, permitting U.S. to continue receiving benefits of foreign technology.

5. Effect on present adjustment assistance:

S. 2592—Loosens the injury requirement for eligibility for current adjustment assistance benefits.

Economic Adjustment Organization Act—More simple and liberalized injury test for adjustment assistance, and in addition makes workers and firms eligible for expanded benefits if affected by changes in government, procurement patterns (e.g. defense, space) or other public policy decisions. Includes retention of health benefits for workers and families and accelerated retirement for older workers.

S. 3739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Adjustment Organization Act".

TITLE I—TRANSFER OF FUNCTIONS AND ESTABLISHMENT OF ADMINISTRATION AND ADVISORY COUNCIL

SEC. 101. STATEMENT OF PURPOSE.

It is the purpose of this Act to consolidate in a single agency in the Executive branch the administration of programs of economic development and worker retraining and assistance, and to provide a comprehensive program for the solution of economic and unemployment problems caused by—

(1) changes in government procurement and budgetary priorities;

(2) the relocation of United States firms to other areas in the United States or to locations outside the United States;

(3) economic dislocation resulting from increased imports; and

(4) any other economic dislocation caused, in whole or in part, by governmental action.

SEC. 102. DEFINITIONS.

For purposes of this title—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "Administration" means the Economic Adjustment Administration established in the Department of Commerce by section 104 of this title.

(3) The term "Administrator" means the Administrator of Economic Adjustment.

(4) The term "Council" means the Economic Priorities Advisory Council established under section 105 of this title.

SEC. 103. TRANSFER OF FUNCTIONS.

(a) To carry out the purposes of this Act, there are transferred to the Secretary all functions, powers, duties, authorities, assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, and records of—

(1) the Office of Economic Adjustment of the Department of Defense;

(2) the Economic Affairs Bureau of the United States Arms Control and Disarmament Agency; and

(3) the Research and Development Incentives Program of the National Science Foundation.

(b) All functions of the Secretary under the Public Works and Economic Development Act of 1965 shall be carried out through the Administration, and all powers of the Secretary under section 701 of such Act are conferred on the Secretary for the purpose of carrying out this Act.

(c) The President is requested to present to the Congress, after consultation with the Secretary and the Administrator, a reorganiaztion plan providing for the transfer of—

(1) such functions and authorities of the Secretary of Labor relating to manpower development and training;

(2) such functions and authorities of the Small Business Administration relating to economic development; and

(3) such other functions and authorities, as the President determines are necessary or appropriate to carry out the purposes of this Act.

SEC. 104. ESTABLISHMENT OF ECONOMIC ADJUSTMENT ADMINISTRATION.

(a) To assist the Secretary in carrying out the purposes of this Act, there is established within the Department of Commerce the Economic Adjustment Administration. The Administration shall be headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate.

(b) There shall be two Associate Administrators of the Administration who shall be appointed by the President by and with the advice and consent of the Senate, and who shall perform such duties as the Administrator shall prescribe.

SEC. 105. ECONOMIC PRIORITIES ADVISORY COUNCIL.

(a) There is established an Economic Priorities Advisory Council which shall consist of nine members as follows:

(1) the Secretary of Commerce who shall be chairman of the Council;

(2) the Secretary of Labor;

(3) the Secretary of Treasury;

(4) three members representing organized labor; and

(5) three members representing management or the business community.

The members appointed pursuant to clauses (4) and (5) of the preceding sentence shall be appointed by the President by and with the advice and consent of the Senate.

(b) Each member of the Council who is not an officer of the United States shall be entitled to receive compensation at not to exceed the daily rate prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code, during such time as he is engaged in the performance of duties as a member of the Council. Each member of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(c) The Council shall meet at the call of the chairman but not less than four times a year.

(d) The Council shall—

(1) advise and assist the Secretary and Administrator with respect to the activities of the Economic Adjustment Administration under this Act;

(2) review and evaluate the effectiveness of programs carried out under this Act;

(3) conduct surveys and establish area and industry priorities for the application of economic adjustment assistance under this Act;

(4) carry out studies and prepare projections of future areas of economic activity in which the United States can expect to be competitively disadvantaged and identify industries in which economic adjustment assistance may be necessary; and

(5) conduct research and propose new measures and programs to provide economic adjustment assistance to workers and firms who may be eligible for assistance under this Act.

(e) The Secretary shall make available to the Council such professional and clerical assistance as the Council may require.

SEC. 106. TECHNICAL AMENDMENTS.

(a)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(59) Administrator of the Economic Adjustment Administration."

(2) Section 5315 is amended by adding at the end thereof the following:

"(95) Associate Administrators of the Economic Adjustment Administration (2)."

(b)(1) The last sentence of section 601 (a) of the Public Works and Economic Development Act of 1965 is repealed.

(2) Section 5316(120) of title 5, United States Code, is repealed.

TITLE II—ECONOMIC ADJUSTMENT ASSISTANCE

SUBTITLE A—ELIGIBILITY FOR ASSISTANCE

SEC. 201. DEFINITIONS; ADMINISTRATION OF TITLE.

(a) For purposes of this title—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "firm" includes a subdivision of a firm.

(3) The term "worker" means, with respect to a firm, an employee or former employee of the firm.

(b) The Secretary shall administer this title through the Economic Adjustment Administration, established by title I of this Act.

SEC. 202. ELIGIBILITY REQUIREMENTS.

(a) A firm shall be eligible for economic adjustment assistance under subtitle B if it is established that a significant number or proportion of the workers of the firm have become unemployed or underemployed, or are threatened to become unemployed or underemployed, and that such unemployment or underemployment, or threat of unemployment or underemployment, has been caused in material part by—

(1) changes in Federal government procurement patterns or in Federally supported programs, or other policy decisions of the Federal government, or

(2) increased imports of articles competitive with articles produced by the firm.

(b) The workers of a firm shall be eligible for economic adjustment assistance under subtitle C if it is established that the workers have become unemployed or underemployed, or are threatened to become unemployed or underemployed, and that such unemployment or underemployment, or threat of unemployment or underemployment, has been caused in material part by—

(1) changes in Federal government procurement patterns or in Federally supported programs, or other policy decisions of the Federal government,

(2) increased imports of articles competitive with articles produced by the firm, or

(3) the relocation, or proposed relocation, of facilities of the firm to a place outside the United States.

SEC. 203. PETITIONS.

(a) A petition by a firm for eligibility for economic adjustment assistance under subtitle B may be filed with the Secretary by the firm or its authorized representative.

(b) A petition by the workers of a firm for eligibility for economic adjustment assistance under subtitle C may be filed with the Secretary by the workers or by the certified or recognized union or other authorized representative of the workers

SEC. 204. DETERMINATIONS BY SECRETARY.

(a) Upon the filing of a petition under section 203, the Secretary shall determine and certify whether the firm is eligible for economic adjustment assistance under subtitle B or the workers of the firm are eligible for economic adjustment assistance under subtitle C, as the case may be.

(b) Determinations and certifications by the Secretary under subsection (a) shall be made as soon as possible after the date on which a petition is filed but in any event not later than 60 days after such date.

(c) Any certification under subsection (a) that the workers of a firm are eligible to apply for economic adjustment assistance under subtitle C shall specify the date on which the unemployment or underemployment began or threatened to begin.

(d) Whenever the Secretary determines, with respect to any certification of eligiblity of the workers of a firm, that separations from the firm are no longer attributable to the conditions specified in section 202 (b), he shall terminate the effect of such certification. Such termination shall apply only with respect to separations occurring after the termination date specified by the Secretary.

SEC. 205. INVESTIGATIONS AND REPORTS BY TARIFF COMMISSION.

At the request of the Secretary, the United States Tariff Commission shall conduct an investigation with respect to a firm to assist the Secretary in determining whether increased imports of articles competitive with articles produced by the firm has been a cause in material part of unemployment or underemployment, or threatened unemployment, of workers of the firm. The Commission shall report the results of its investigation to the Secretary at the time specified by him.

Subtitle B—ECONOMIC ADJUSTMENT ASSISTANCE TO FIRMS

SEC. 211. APPLICATIONS; ECONOMIC ADJUSTMENT PROPOSALS.

(a) A firm certified under section 204 as eligible for economic adjustment assistance under this subtitle may, at any time within 2 years after the date of such certification, file an application with the Secretary for such economic adjustment assistance. Within a reasonable time after filing its application, the firm shall present a proposal for its economic adjustment.

(b) Economic adjustment assistance under his subtitle consists of technical assistance, financial assistance, and tax assistance, which may be furnished singly or in combination. Except as provided in section 212, no economic adjustment assistance shall be provided to a firm under this subtitle until its economic adjustment proposal has been certified by the Secretary of Commerce—

(1) to be reasonably calculated materially to the economic adjustment of the firm,

(2) to give adequate consideration to the interests of the workers of the firm, and

(3) to demonstrate that the firm will make all reasonable efforts to use its own resources for economic adjustment.

(c) Any certification made pursuant to this section shall remain in force only for such period as the Secretary may prescribe.

SEC. 212. INTERIM ASSISTANCE.

(a) In order to assist a firm which has applied for economic adjustment assistance in preparing a sound proposal for its economic adjustment, the Secretary may furnish technical assistance to such firm prior to certification of its proposal.

(b) In order to assist a firm which establishes its need for financial assistance prior to certification of its economic adjustment proposal, the Secretary may provide financial assistance to the firm to the extent he determines such assistance to be necessary.

SEC. 213. USE OF EXISTING AGENCIES AND PROGRAMS.

(a) Insofar as possible, the Secretary shall provide technical assistance and financial assistance under this subtitle through existing programs established by law. To the extent that a firm's certified proposal for economic adjustment cannot be carried out through any existing program, the Secretary is authorized to furnish technical assistance under section 214 and financial assistance under section 215 to such firm.

(b) The Secretary is authorized to cooperate with State and local governments in furnishing technical and financial assistance to firms under this subtitle and, in connection therewith, to furnish technical assistance to such State and local governments.

(c) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary from time to time to carry out his functions under this subtitle in connection with furnishing economic adjustment assistance to firms, which sums are authorized to be appropriated to remain available until expended.

SEC. 214. TECHNICAL ASSISTANCE.

(a) The Secretary may provide to a firm, on such terms and conditions as he determines to be appropriate, such technical assistance as in his judgment will materially contribute to the economic adjustment of the firm.

(b) Technical assistance under subsection (a) may include assistance, by means of grants or otherwise, for research and development in connection with projects which will create new employment opportunities.

(c) The Secretary of Commerce shall require a firm receiving technical assistance under this subtitle to share the cost thereof to the extent he determines to be appropriate.

SEC. 215. FINANCIAL ASSISTANCE.

(a) Subject to the provisions of this section and section 216, the Secretary may provide to a firm, on such terms and conditions as he determines to be appropriate, such financial assistance in the form of guarantees of loans, agreements for deferred participations in loans, or loans, as in his judgment will materially contribute to the economic adjustment of the firm. The assumption of an outstanding indebtedness of the firm, with or without recourse, shall be considered to be the making of a loan for purposes of this section.

(b) Guarantees, agreements for deferred participations, or loans shall be made under this section only for the purpose of making funds available to the firm—

(1) for acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery, or

(2) in cases determined by the Secretary of Commerce to be exceptional, to supply working capital.

(c) A guarantee, agreement for deferred participation, or loan shall be made by the Secretary only if he determines that the interest rate of the loan is reasonable.

(d) The Secretary shall make no loan or guarantee having a maturity in excess of 25 years, including renewals and extensions, and shall make no agreement for deferred participation in a loan which has a maturity in excess of 25 years, including renewals and extensions. Such limitation on maturities shall not, however, apply to—

(1) securities or obligations received by the Secretary as claimant in bankruptcy or equitable reorganization, or as creditor in other proceedings attendant upon insolvency of the obligor, or

(2) an extension or renewal for an additional period not exceeding 10 years, if the Secretary determines that such extension or renewal is reasonably necessary for the orderly liquidation of the loan.

(e) No financial assistance shall be provided under this section unless the Secretary determines that such assistance is not otherwise available to the firm, from sources other than the United States Government, on reasonable terms, and that there is reasonable assurance of repayment by the borrower.

(f) The Secretary shall maintain operating reserves with respect to anticipated claims under guarantees and under agreements for deferred participation made under this section. Such reserves shall be considered to constitute obligations for purposes of section 1311 of the Supplemental Appropriation Act, 1955 (31 U.S.C. 200).

Sec. 216. Administration of Financial Assistance.

(a) In making and administering guarantees, agreements for deferred participation, and loans under section 215, the Secretary may—

(1) require security for any such guarantee, agreement, or loan, and enforce, waive, or subordinate such security;

(2) assign or sell at public or private sale, or otherwise dispose of, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with such guarantees, agreements, or loans, and collect, compromise, and obtain deficiency judgments with respect to all obligations assigned to or held by him in connection with such guarantees, agreements, or loans until such time as such obligations may be referred to the Attorney General for suit or collection;

(3) renovate, improve, modernize, complete, insure, rent, sell, or otherwise deal with, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by him in connection with such guarantees, agreements, or loans;

(4) acquire, hold, transfer, release, or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes; and

(5) exercise all such other powers and take all such other acts as may be necessary or incidental to the carrying out of functions pursuant to section 215.

(b) Any mortgage acquired as security under subsection (a) shall be recorded under applicable State law.

Sec. 217. Tax Assistance.

(a) If—

(1) to carry out an economic adjustment proposal of a firm certified pursuant to section 211, such firm applies for tax assistance under this section within 24 months after the close of a taxable year and alleges in such application that it has sustained a net operating loss for such taxable year, and

(2) the Secretary determines that tax assistance under this section will materially contribute to the economic adjustment of the firm,

then the Secretary shall certify such determinations with respect to such firm for such taxable year. No determination or certification under this subsection shall constitute a determination of the existence or amount of any net operating loss for purposes of section 172 of the Internal Revenue Code of 1954.

(b) For purposes of the Internal Revenue Code of 1954, references to certifications and applications under section 317 of the Trade Expansion Act of 1962 shall be treated as also referring to certifications and applications under subsection (a).

(c) The Secretary may recommend to the Congress the enactment of such special tax benefits for firms eligible for economic adjustment assistance under this subtitle as he considers desirable.

Sec. 218. Miscellaneous Provisions.

(a) Each recipient of economic adjustment assistance under this subtitle shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Secretary may prescribe.

(b) The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to economic adjustment assistance under this subtitle.

(c) No economic adjustment assistance shall be extended under this subtitle to any firm unless the owners, partners, or officers certify to the Secretary of Commerce—

(1) the names of any attorneys, agents, and other persons engaged by or on behalf of the firm for the purpose of expediting applications for such assistance, and

(2) the fees paid or to be paid to any such person.

(d) No financial assistance shall be provided to any firm under section 215 unless the owners, partners, or officers shall execute an agreement binding them and the firm for a period of 2 years after such financial assistance is provided, to refrain from employing, tendering any office or employment to, or retaining for professional services any person who, on the date such assistance or any part thereof was provided, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which the Secretary shall have determined involve discretion with respect to the provision of such financial assistance.

Sec. 219. Penalties.

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Secretary under this subtitle, or for the purpose of obtaining money, property, or anything of value under this subtitle, shall be fined not more than $5,000 or imprisoned for not more than two years, or both.

Sec. 220. Suits.

In providing technical and financial assisttance under sections 214 and 215, the Secretary may sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction or in any United States district court, and jurisdiction is conferred upon such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against him or his property. Nothing in this section shall be construed to except the activities pursuant to sections 214 and 215 from the application of sections 517, 547, and 2679 of title 28, United States Code.

Subtitle C—ECONOMIC ADJUSTMENT ASSISTANCE TO WORKERS

Part I—Authority

Sec. 231. Applications.

(a) Any adversely affected worker may file an application with the Secretary for one or more of the forms of economic adjustment assistance provided by the subtitle.

(b) Economic adjustment assistance under this subtitle consists of—

(1) readjustment allowances,

(2) training benefits,

(3) relocation allowances, and

(4) early retirement benefits.

(c) The Secretary shall determine whether an applicant is entitled to receive the economic adjustment assistance for which application is made and shall furnish such assistance if the applicant is so entitled. Such determination shall be made as soon as possible after the date on which application is filed but in any event not later than 30 days after such date.

Part II—Readjustment Allowances

Sec. 241. Qualifying Requirements.

(a) Payment of a readjustment allowance shall be made to an adversely affected worker who applies for such allowance for any week of unemployment which begins after the 30th day after the date of the enactment of this Act and after the date determined under section 204(c), subject to the requirements of subsections (b) and (c).

(b) Total or partial separation shall have occurred—

(1) after the date of the enactment of this Act, and after the date determined under section 204(c), and

(2) before the expiration of the 2-year period beginning on the day on which the most recent determination under section 204(c) was made, and before the termination date (if any) specified under section 204(d).

(c) Such worker shall have had—

(1) in the 156 weeks immediately preceding such total or partial separation, at least 78 weeks of employment at wages of $15 or more a week, and

(2) in the 52 weeks immediately preceding such total or partial separation, at least 26 weeks of employment at wages of $15 or more a week in a firm or firms with respect to which a determination of unemployment or underemployment, or threat thereof, under section 204 has been made, or

if data with respect to weeks of employment are not available, equivalent amounts of employment computed under regulations prescribed by the Secretary.

Sec. 242. Weekly Amounts.

(a) Subject to the other provisions of this section, the readjustment allowance payable to an adversely affected worker for a week of unemployment shall be an amount equal to 85 percent of his average weekly wage or to 85 percent of the average weekly manufacturing wage, whichever is less, reduced by 50 percent of the amount of his remuneration for services performed during such week.

(b) Any adversely affected worker who is entitled to readjustment allowances and who is undergoing training approved by the Secretary, including on-the-job training, shall receive for each week in which he is undergoing any such training, a readjustment allowance in an amount (computed for such week) equal to the amount computed under subsection (a) or (if greater) the amount of any weekly allowance for such training to which he would be entitled under any other Federal law for the training of workers, if he applied for such allowance. Such readjustment allowance shall be paid in lieu of any training allowance to which the worker would be entitled under such other Federal law.

(c) The amount of readjustment allowance payable to an adversely affected worker under subsection (a) or (b) for any week shall be reduced by any amount of unemployment insurance which he has received or is seeking with respect to such week; but, if the appropriate State or Federal agency finally determines that the worker was not entitled to unemployment insurance with respect to such week, the reduction shall not apply with respect to such week.

(d) If unemployment insurance, or a training allowance under any other Federal law, is paid to an adversely affected worker for any week of unemployment with respect to which he would be entitled (determined without regard to subsection (c) or (e) or to any disqualification under section 253) to a readjustment allowance if he applied for such allowance, each such week shall be deducted from the total number of weeks of readjustment allowance otherwise payable to him under section 243(a) when he applies for a readjustment allowance and is determined to be entitled to such allowance. If the unemployment insurance or the training allowance paid to such worker for any week of unemployment is less than the amount of the readjustment allowance to which he would be entitled if he applied for such allowance, he shall receive, when he applies for a readjustment allowance and is determined to be entitled to such allowance, a readjustment allowance for such week equal to such difference.

(e) Whenever, with respect to any week of unemployment, the total amount payable to an adversely affected worker as remuneration for services performed during such week, as unemployment insurance, as a training allowance referred to in subsection (d), and as a readjustment allowance would exceed his average weekly wage, his trade readjustment allowance for such week shall be reduced by the amount of such excess.

(f) The amount of any weekly payment to be made under this section which is not a whole dollar amount shall be rounded upward to the next higher whole dollar amount.

(g) (1) If unemployment insurance is paid under a State law to an adversely affected worker for a week for which—

(A) he receives a readjustment allowance, or

(B) he makes application for a readjustment allowance and would be entitled (determined without regard to subsection (c) or (e)) to receive such allowance.

the State agency making such payment shall, unless it has been reimbursed for such payment under other Federal law, be reimbursed from funds appropriated pursuant to section 287, to the extent such payment does not exceed the amount of the readjustment allowance which such worker would have received, or would have been entitled to receive, as the case may be, if he had not received the State payment. The amount of such reimbursement shall be determined by the Secretary on the basis of reports furnished to him by the State agency.

(2) In any case in which a State agency is reimbursed under paragraph (1) for payments of unemployment insurance made to an adversely affected worker, such payments, and the period of unemployment of such worker for which such payments were made, may be disregarded under the State law (and for purposes of applying section 3303 of the Internal Revenue Code of 1954) in determining whether or not an employer is entitled to a reduced rate of contributions permitted by the State law.

SEC. 243. TIME LIMITATIONS ON READJUSTMENT ALLOWANCES.

(a) Payment of readjustment allowances shall not be made to an adversely affected worker for more than 52 weeks, except that, in accordance with regulations prescribed by the Secretary—

(1) such payments may be made for not more than 26 additional weeks to an adversely affected worker to assist him to complete training approved by the Secretary, or

(2) such payments shall be made for not more than 13 additional weeks to an adversely affected worker who had reached his 60th birthday on or before the date of total or partial separation.

(b) Except for a payment made for an additional week specified in subsection (a), a readjustment allowance shall not be paid for a week of unemployment beginning more than 2 years after the beginning of the appropriate week. A readjustment allowance shall not be paid for any additional week specified in subsection (a) if such week begins more than 3 years after the beginning of the appropriate week. The appropriate week for a totally separated worker is the week of his most recent total separation. The appropriate week for a partially separated worker is the week in respect of which he first receives a readjustment allowance following his most recent partial separation.

SEC. 244. APPLICATION OF STATE LAWS.

Except where inconsistent with the provisions of this part and subject to such regulations as the Secretary may prescribe, the availability and disqualification provisions of the State law—

(1) under which an adversely affected worker is entitled to unemployment insurance (whether or not he has filed a claim for such instance), or

(2) if he is not so entitled to unemployment insurance, of the State in which he was totally or partially separated, shall apply to any such worker who files a claim for readjustment allowances. The State law so determined with respect to a separation of a worker shall remain applicable, for purposes of the preceding sentence, with respect to such separation until such worker becomes entitled to unemployment insurance under another State law (whether or not he has filed a claim for such insurance).

PART III—TRAINING

SEC. 251. PURPOSE; APPLICATIONS; ETC.

(a) To assure that the readjustment of adversely affected workers shall occur as quickly and effectively as possible, with minimum reliance upon readjustment allowances under this subtitle, every effort shall be made to prepare each such worker for full employment in accordance with his capabilities and prospective employment opportunities. To this end, and subject to this part, every adversely affected worker who applies for readjustment allowance under part II shall also apply for testing, counseling, training, and placement assistance under this part. Any other adversely affected worker may apply for testing, counseling, training, and placement assistance under this part. Each such applicant shall be furnished such testing, counseling, training, and placement services as the Secretary determines to be appropriate.

(b) Insofar as possible, the Secretary shall provide assistance under subsection (a) through existing programs established by law. To the extent that assistance cannot be provided through any existing program, the Secretary is authorized to furnish such assistance through programs established by him for purposes of this part, including programs carried out through private institutions and organizations.

(c) To the extent practicable, before adversely affected workers are furnished training, the Secretary shall consult with such workers' firm and their certified or recognized union or other duly authorized representative and develop a worker retraining plan which provides for training such workers to meet the manpower needs of such firm, in order to preserve or restore the employment relationship between the workers and the firm.

SEC. 252. PAYMENTS RELATED TO TRAINING.

(a) An adversely affected worker receiving training under section 251 shall be paid a travel allowance and a subsistence allowance, necessary to defray transportation expenses and subsistence expenses for separate maintenance, when the training is provided in facilities which are not within commuting distance of his regular place of residence. The Secretary shall by regulations prescribe the amount of such allowances for various areas of the United States.

(b) In the case of an adversely affected worker receiving training under section 251 who has been totally or impartially separated from employment, the Secretary shall, when possible, enter into an agreement with the firm from which the worker was so separated under which the worker will continue to be fully covered under the retirement and health programs of the firm. Any such agreement shall provide that the United States will pay to the firm the full amount of the costs incurred by the firm in providing such coverage.

SEC. 253. REFUSAL OF TRAINING.

(a) An adversely affected worker shall not be entitled to payment of any readjustment allowance under part II unless he has applied for assistance under this part.

(b) Any adversely affected worker who, without good cause, refuses to accept or continue, or fails to make satisfactory progress in, training which has been provided for him under this part shall not thereafter be entitled to readjustment allowances until he accepts or resumes, or makes satisfactory progress in, such training.

PART IV—RELOCATION ALLOWANCES

Any adversely affected worker who is the head of a family as defined in regulations prescribed by the Secretary may file an application for a relocation allowance, subject to the terms and conditions of this subchapter.

SEC. 262. QUALIFYING REQUIREMENTS.

(a) A relocation allowance may be granted only to assist an adversely affected worker in relocating within the United States and only if the Secretary determines that such worker cannot reasonably be expected to secure suitable employment in the commuting area in which he resides and that such worker—

(1) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which he wishes to relocate, or

(2) has obtained a bona fide offer of such employment.

(b) A relocation allowance shall not be granted to such worker unless—

(1) for the week in which the application for such allowance is filed, he is entitled (determined without regard to section 242 (c) and (e)) to a readjustment allowance or would be so entitled (determined without regard to whether he filed application therefor) but for the fact that he has obtained the employment referred to in subsection (a)(1), and

(2) such relocation occurs within a reasonable period after the filing of such application or (in the case of a worker who is being provided training under part III) within a reasonable period after the conclusion of such training.

SEC. 263. RELOCATION ALLOWANCE DEFINED.

For purposes of this part, the term "relocation allowance" means—

(1) the reasonable and necessary expenses, as specified in regulations prescribed by the Secretary, incurred in transporting a worker and his family and their household effects, and

(2) a lump sum equivalent to two and one-half times the average weekly manufacturing wage.

PART V—EARLY RETIREMENT PAYMENTS

SEC. 271. APPLICATIONS.

Any adversely affected worker who meets the requirements of this part may file an application for early retirement payments.

SEC. 272. ELIGIBILITY REQUIREMENTS.

To be eligible for early retirement payments under this part, an adversely affected worker—

(1) must be totally separated from employment at the time of this application,

(2) must have accrued vested rights to retirement pay under a retirement or pension plan of an employer (other than a governmental employer), or to benefits under title II of the Social Security Act, before he became an adversely affected worker, and

(3) must be entitled to begin receiving the retirement pay or benefits referred to in paragraph (2) not later than 3 years after he became an adversely affected worker.

SEC. 273. EARLY RETIREMENT PAYMENTS.

(a) The Secretary shall pay to each adversely affected worker who meets the requirements of section 272, and who files application therefor, the retirement pay or the benefits under title II of the Social Security Act, in the same amounts, and subject to the same terms and conditions, as the adversely affected worker will receive when he becomes entitled to receive such retirement pay or benefits.

(b) Payments to an adversely affected

worker under subsection (a) shall terminate upon the commencement of his entitlement to the retirement pay or benefits referred to in such subsection.

Part VI—General Provisions

Sec. 281. Agreements With States.

(a) The Secretary is authorized on behalf of the United States to enter into an agreement with any State, or with any State agency. Under such an agreement, the State agency (1) as agent of the United States, will receive applications for, and will provide, assistance under parts II, III, and IV of this subtitle, and (2) will otherwise cooperate with the Secretary and with other State and Federal agencies in providing assistance under this subtitle.

(b) Each agreement under subsection (a) shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

(c) Each agreement under subsection (a) shall provide that unemployment insurance otherwise payable to any adversely affected worker will not be denied or reduced for any week by reason of any right to allowances under this subtitle.

Sec. 282. Payments to States.

(a) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which has entered into an agreement under section 281 (1) the sums necessary to enable such State as agent of the United States to make payments of allowances provided for by this subtitle, and (2) the sums reimbursable to a State pursuant to section 242(g). The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment to the State in accordance with such certification, from the funds for carrying out the purposes of this subtitle. Sums reimbursable to a State pursuant to section 242(g) shall be credited to the account of such State in the Unemployment Trust Fund and shall be used only for the payment of cash benefits to individuals with respect to their unemployment, exclusive of expenses of administration.

(b) All money paid a State under this section shall be used solely for the purposes for which it is paid; and any money so paid which is not used for such purposes shall be returned, at the time specified in the agreement under section 281, to the Treasury and credited to current applicable appropriations, funds, or accounts from which payments to States under this section may be made.

(c) Any agreement under section 281 may require any officer or employee of the State certifying payments or disbursing funds under the agreement, or otherwise participating in the performance of the agreement, to give a surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from funds for carrying out the purposes of this subtitle.

Sec. 283. Liabilities of Certifying and Disbursing Offices.

(a) No person designated by the Secretary, or designated pursuant to an agreement under section 281, as a certifying officer, shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to the payment of any allowance certified by him under this subtitle.

(b) No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this subtitle if it was based upon a voucher signed by a certifying officer designated as provided in subsection (a).

Sec. 284. Recovery of Overpayments.

(a) If a State agency or the Secretary, or a court of competent jurisdiction finds that any person—

(1) has made, or has caused to be made by another, a false statement or representation of a material fact knowing it to be false, or has knowingly failed or caused another to fail to disclose a material fact; and

(2) as a result of such action has received any payment of allowances under this subtitle to which he was not entitled,

such person shall be liable to repay such amount to the State agency or the Secretary, as the case may be, or either may recover such amount by deductions from any allowance payable to such person under this subtitle. Any such finding by a State agency or the Secretary may be made only after an opportunity for a fair hearing.

(b) Any amount repaid to a State agency under this section shall be deposited to the fund from which payment was made. Any amount repaid to the Secretary under this section shall be returned to the Treasury and credited to the current applicable appropriation, fund, or account from which payment was made.

Sec. 285. Penalties.

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment or assistance authorized to be furnished under this subtitle or pursuant to an agreement under section 281 shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

Sec. 286. Review.

Except as may be provided in regulations prescribed by the Secretary to carry out his functions under this subtitle, determinations under this subtitle as to the entitlement of individuals for economic adjustment assistance shall be final and conclusive for all purposes and not subject to review by any court or any other officer. To the maximum extent practicable and consistent with the purposes of this subtitle, such regulations shall provide that such determinations by a State agency will be subject to review in the same manner and to the same extent as determinations under the State law.

Sec. 287. Authorization of Appropriations.

There are hereby authorized to be appropriated to the Secretary such sums as may be necessary from time to time to carry out his functions under this subtitle in connection with furnishing economic adjustment assistance to workers, which sums are authorized to be appropriated to remain available until expended.

Sec. 288. Definitions.

For purposes of this subtitle—

(1) The term "adversely affected employment" means employment in a firm, if workers of such firm are eligible to apply for economic adjustment assistance under this subtitle.

(2) The term "adversely affected worker" means an individual—

(A) who, because of lack of work in an adversely affected employment, has been totally or partially separated from such employment, or

(B) who, because of threatened lack of work in an adversely affected employment, is threatened with total or partial separation from such employment.

(3) The term "average weekly manufacturing wage" means the national gross average weekly earnings of production workers in manufacturing industries for the latest calendar year (as officially published annually by the Bureau of Labor Statistics of the Department of Labor) most recently published before the period for which the assistance under this subtitle is furnished.

(4) The term "average weekly wage" means one-thirteenth of the total wages paid to an individual in the high quarter. For purposes of this computation, the high quarter shall be that quarter in which the individual's total wages were highest among the first 4 of the last 5 completed calendar quarters immediately before the quarter in which occurs the week with respect to which the computation is made. Such week shall be the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

(5) The term "average weekly hours" means the average hours worked by the individual (excluding overtime) in the employment from which he has been or claims to have been separated in the 52 weeks (excluding weeks during which the individual was sick or on vacation) preceding the week specified in the last sentence of paragraph (4).

(6) The term "partial separation" means, with respect to an individual who has not been totally separated, that he has had his hours of work reduced to 85 percent or less of his average weekly hours in adversely affected employment and his wages reduced to 85 percent or less of his average weekly wage in such adversely affected employment.

(7) The term "remuneration" means wages and net earnings derived from services performed as a self-employed individual.

(8) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico; and the term "United States" when used in the geographical sense includes such Commonwealth.

(9) The term "State agency" means the agency of the State which administers the State law.

(10) The term "State law" means the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

(11) The term "total separation" means the layoff or severance of an individual from employment with a firm in which adversely affected employment exists.

(12) The term "unemployment insurance" means the unemployment insurance payable to an individual under any State law or Federal unemployment insurance law, including title XV of the Social Security Act and the Railroad Unemployment Insurance Act.

(13) The term "week" means a week as defined in the applicable State law.

(14) The term "week of unemployment" means with respect to an individual any week for which his remuneration for services performed during such week is less than 85 percent of his average weekly wage and in which, because of lack of work—

(A) if he has been totally separated, he worked less than the full-time week (excluding overtime) in his current occupation, or

(B) if he has been partially separated, he worked 85 percent or less of his average weekly hours.

TITLE III—RELOCATION OF FIRMS

Sec. 301. Definitions.

For purposes of this title—

(1) A firm is considered to have relocated facilities if, within two years before or after the firm ceases to use facilities at one location, similar facilities are placed in use by it at another location.

(2) The term "Secretary" means the Secretary of Commerce.

(3) The term "United States" means those areas within the customs territory of the United States (within the meaning of the Tariff Schedules of the United States).

Sec. 302. Relocation Within the United States.

(a) It shall be the duty of every firm engaged in commerce or in activities affecting commerce which, after the date of the enactment of this Act, relocates facilities from one location in the United States (hereinafter referred to as the "old location") to another location in the United States (hereinafter referred to as the "new location") to offer employment at the new location, to the extent thereof, to individuals employed at the old location who have been or will be rendered unemployed or underemployed by reason of the relocation of the facilities. Such offer shall include, with respect to each individual, terms and conditions of employment not less favorable than the terms and conditions of employment of the individual at the old location.

(b) Any firm which fails to comply with the requirements of subsection (a) shall be liable to the United States for one-half of the costs incurred in providing economic adjustment assistance to its workers under subtitle C of title II.

SEC. 303. RELOCATION OUTSIDE THE UNITED STATES.

(a) It shall be the duty of every firm engaged in commerce or in activities affecting commerce, before relocating facilities from a location within the United States to a location outside the United States, to apply for and utilize all economic adjustment assistance for which it is eligible under subtitle B of title II.

(b) Subsection (a) shall not apply to a firm if it establishes to the satisfaction of the Secretary that—

(1) economic adjustment assistance for which it is eligible under subtitle B of title II would not enable it to operate profitably within a reasonable period of time, or

(2) its failure to apply for and utilize economic adjustment assistance for which it is eligible under subtitle B of title II is warranted by unusual cirumstances or by the absence of adequately skilled labor at the location of its facilities in the United States.

(c) Any firm which fails to comply with the requirements of subsection (a) shall be liable to the United States for one-half of the costs incurred in providing economic adjustment assistance to its workers under subtitle C of title II.

SEC. 304. RECOVERY OF AMOUNTS DUE THE UNITED STATES.

(a) Amounts due the United States by a firm under section 302 or 303 shall be recovered by the Secretary in a civil action against the firm.

(b) The United States districts courts shall have jurisdiction over actions instituted under subsection (a).

By Mr. MAGNUSON (by request):

S. 3740. A bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and ask unanimous consent that the letter of transmittal, statement of purpose and need be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Shipping Act, 1916 (46 U.S.C. 801 et seq.), is amended as follows: The first section is amended by adding at the end thereof the following new paragraphs—

" 'domestic offshore commerce' means commerce by water between any State, a Territory, a district, a possession, or the Commonwealth of Puerto Rico and any other Territory, district, possession, or the Commonwealth of Puerto Rico, or between the State of Alaska or the State of Hawaii, and any State, or between places within a Territory, a district, a possession, or the Commonwealth of Puerto Rico.

"The term 'intermodal carrier' means any person or persons holding out as a common carrier to transport or provide transportation of property, in foreign or domestic offshore commerce, part of which may take place within the United States, a Territory, a district, a possession or the Commonwealth of Puerto Rico, and part of which takes place on the high seas or the Great Lakes, which jointly or severally, (a) quotes a single-factor rate to the shipper or consignee, (b) assumes responsibility for the through transportation of such property from place of receipt to place of delivery, or has liability imposed by law for the safe transportation of the property, and (c) utilizes for the whole or any portion of the transportation, the facilities and services of the person or persons so holding out, or the facilities and services of one or more underlying carriers.

"The term 'single-factor rate' means one local or joint rate or charge which covers the entire, through intermodal transportation of the property from place of origin to place of delivery.

"The term 'underlying carrier' means any carrier whether or not subject to the Interstate Commerce Act or the Federal Aviation Act or the Shipping Act, 1916, that is utilized for a line-haul transportation of property, in interstate, foreign or domestic offshore commerce."

SEC. 2. The definition of "other person subject to this Act" is amended by adding after "means" the words "an intermodal carrier or", so that said definition reads as follows—

"The term 'other person subject to this Act' means an intermodal carrier, or any person not included in the term 'common carrier by water' carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water."

SEC. 3 Section 15 is amended by—

(a) adding after the words "of every agreement with another such carrier or other person subject to this Act," the following—"and every agreement to establish and maintain through intermodal rates, routes and services for the transportation of property in the foreign or domestic offshore commerce of the United States with any other carrier or carriers."

(b) adding the following after the fifth paragraph:

"The Commission shall not approve under this section any agreement to establish and maintain a through intermodal rate, route or service for the transportation of property in the foreign or domestic offshore commerce of the United States or any agreement on the division of rate therefor which has been arrived at with the participation of (1) a carrier not physically participating in the particular intermodal movement; (2) a steamship conference; or (3) a rate bureau.

SEC. 4. Section 17 is amended by inserting between the words "no" and "common carrier", in the first sentence, the words "intermodal carrier or".

SEC. 5. Redesignate section 45 as section 49, and insert immediately after section 44 the following new sections:

"SEC. 45. (1) From and after ninety (90) days following enactment hereof, every intermodal carrier in foreign or domestic offshore commerce shall file with the Commission and keep open to public inspection tariffs showing its single factor rates for transportation to or from a place within the United States, its Territories, districts, or possessions, or the Commonwealth of Puerto Rico, to or from a place in a foreign country, or between a place in any State, Territory, district, possession, or the Commonwealth of Puerto Rico, and a place in any other Territory, district, possession, or the Commonwealth of Puerto Rico, or between a place in the State of Alaska or the State of Hawaii and a place in any State or between places within a Territory, a district, a possession, or the Commonwealth of Puerto Rico. Such tariffs shall plainly show the places between which freight will be carried, and shall contain the classification of freight in force, and shall also state separately such terminal or other charge, privilege, or facility under the control of the intermodal carrier which is granted or allowed, and any of its rules or regulations which in any way change, affect, or determine any part or the aggregate of such aforesaid rates, and shall include specimens of any bill of lading, contract of affreightment, or other document evidencing the transportation agreement. Such tariffs shall also show the names of all participating carriers or other persons, the established through route, a description of the service to be performed by each participating party, and the Federal Maritime Commission number and date of approval of the agreement pursuant to which any joint single-factor rate is established. Copies of such tariffs shall be made available to any person and a reasonable charge may be made therefor.

"(2) It shall be the duty of the intermodal carrier to establish single-factor rates which are not so unreasonably high or low as to be detrimental to the commerce of the United States.

"(3). (a) No change shall be made in any single-factor rates, or charges, or classifications, rules, or regulations in intermodal domestic offshore tariffs, which have been filed with the Commission as required by this section, except by the publication, and filing of a new tariff or tariffs which shall become effective not earlier than thirty days after the date of publication and filing thereof with the Commission, and each such tariff or tariffs shall plainly show the changes proposed to be made in the tariff or tariffs then in force and the time when the single-factor rates, charges, classifications, rules or regulations as changed are to become effective: *Provided,* That the Commission may, in its discretion and for good cause, allow such changes to become effective upon less than the period of thirty days herein specified; and *Provided, further,* That tariffs or changes which provide for extension of actual service to additional points of destination at single-factor rates of that intermodal carrier already in effect for similar service at the nearest point of destination to said additional points shall become effective immediately upon notice to the Commission.

"(b) Whenever there shall be filed with the Commission any tariff stating a new single-factor rate, or charge, or a new classification, regulation or practice affecting any single-factor rate, or charge in domestic offshore trade, the Commission shall have and it is hereby given, authority either upon complaint or upon its own initiative without complaint, and if it so orders without answer or other formal pleading by the interested intermodal carrier, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such single-factor rate, charge, classification, regulation or practice: *Provided, however,* That there shall be no suspension of a tariff, single-factor rate or service which extends to additional destination points, actual service at single-factor rates of said intermodal carrier for similar service already in effect at the nearest point of destination to said additional point.

"Pending such hearing and decision thereon the Commission, upon filing with such tariff and delivering to the intermodal carrier affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such tariff and defer the use of such single-factor rate, charge, classification, regulation, or practice, but not for a longer period than four months beyond the time when it would otherwise go into effect; and after full hearing whether completed before or after the single-factor rate, charge, classification, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of the single-factor, rate, charge, classification, regulation or practice, shall go into effect at the end of such period. At any hearing under this paragraph the burden of proof to show that the single-factor rate, charge, classification, regulation, or practice is just and reasonable shall be upon the intermodal carrier. The Commission shall give preference to the hearing and decision of such questions and decide the same as speedily as possible.

"(c) Whenever the Commission finds that any single-factor rate, charge, classification, tariff, regulation, or practice demanded, charged, collected, or observed by any intermodal carrier in the domestic offshore commerce is unjust or unreasonable, it may determine, prescribe and order enforced a just and reasonable rate or charge, or a just and reasonable classification, tariff, regulation or practice.

"(4). No change shall be made in single-factor rates, charges, classifications, rules or regulations, in a tariff filed by an intermodal carrier in foreign commerce, which results in an increase in cost to the shipper, nor shall any new or initial single-factor rate of an intermodal carrier in foreign commerce be instituted, except by the publication and filing, as aforesaid, of a new tariff or tariffs which shall become effective not earlier than thirty (30) days after the date of publication and filing thereof with the Commission, and each such tariff or tariffs shall plainly show the changes proposed to be made in the tariff or tariffs then in force and the time when the single-factor rates, charges, classifications, rules or regulations as changed are to become effective: *Provided, however*, That the Commission may, in its discretion and for good cause, allow such changes and new or initial single-factor rates to become effective upon less than the period of thirty (30) days herein specified. The term 'tariff' as used in this section shall include any amendment, supplement, or reissue.

"(5). No intermodal carrier in foreign or domestic offshore commerce shall charge or demand or collect or receive a greater or less or different compensation for the transportation of property or for any service in connection therewith than the rates which are specified in its tariffs on file with the Commission and duly published and in effect at the time, nor shall any intermodal carrier rebate, refund, or remit in any manner or by any device any portion of the single-factor rates so specified, nor extend or deny to any person any privilege or facility, except in accordance with such tariffs: *Provided, however*, That the Commission may in its discretion and for good cause shown permit an intermodal carrier to refund a portion of freight charges collected from a shipper or waive the collection of a portion of the charges from a shipper where it appears that there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and that such refund or waiver will not result in discrimination among shippers: *Provided further*, That the intermodal carrier has, prior to applying for authority to make refund, filed a new tariff with the Commission which sets forth the single-factor rate on which such refund or waiver would be based: *Provided further*, That the intermodal carrier agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff or such steps taken as the Commission may require, which give notice of the single-factor rate on which such refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application: *And, provided further*, That application for refund or waiver must be filed with the Commission within one hundred and eighty (180) days from the date of shipment.

"(6) The Commission shall by regulations prescribe the form and manner in which the tariffs required by this section shall be published and filed; and the Commission is authorized to reject any tariff filed with it which is not in conformity with this section and with such regulations. Upon rejection by the Commission, a tariff shall be void and its use unlawful.

"(7) An intermodal carrier, with respect to the transportation of property in the foreign or domestic off-shore commerce of the United States, shall be subject to the provisions of sections 14, First, Second, Third, and Fourth.

"(8) Whenever the Commission, after hearing, finds any single-factor rate or charge filed by an intermodal carrier in the foreign commerce of the United States to be so unreasonably high or low as to be detrimental to the commerce of the United States, it shall disapprove the rate.

"Sec. 46. (a) No person shall operate as an intermodal carrier in the foreign or domestic offshore commerce or hold himself out to carry as an intermodal carrier in such commerce, unless such person holds a license issued by the Federal Maritime Commission to engage in such business.

"(b) An intermodal carrier's license shall be issued to any applicant therefor if it is found by the Commission that the applicant is fit, willing and able to meet obligations to shippers incurred as an intermodal carrier. The Commission may require an applicant to demonstrate financial responsibility by a showing of sufficient assets or the furnishing of a bond, or other security in such form and amount as prescribed by regulations promulgated by the Commission pursuant to this Act. *Provided, however*, That subject to United States Treaty Obligations, no license shall be issued to an applicant other than a citizen of the United States, to operate as an intermodal carrier in the United States, unless pursuant to information obtained and furnished by the Secretary of State, it is determined that the country in which said applicant has his principal place of business, extends reciprocal privileges to citizens of the United States: *Provided further*, That an intermodal carrier who is operating as such on the effective date of this section, has an effective tariff on file with the Federal Maritime Commission and who within ninety days of such date notifies the Commission of his intentions to apply for a license as an intermodal carrier, may continue such operation pending a final determination of the application.

"(c). A holder of a license issued by the Commission pursuant to this section may, notwithstanding any other provision of law, operate as an intermodal carrier in accordance with the terms of said license. Licenses shall remain in effect until suspended or terminated as herein provided. A license may, upon application of the licensee, in the discretion of the Commission, be amended or revoked in whole or in part, or may, upon complaint, or upon the Commission's own initiative, after notice and hearing, be suspended or revoked in whole or in part for willful failure to comply with any provision of this Act, or with any lawful rule or regulation of the Commission promulgated thereunder, if the Commission finds that the licensee no longer is able to meet the standards for licensing as set forth in this section, or that the licensee has not operated as an intermodal carrier for a period of one year.

"(d). No application for a license shall be denied unless the applicant is given notice and an opportunity for hearing.

"(e). Any intermodal carrier receiving property for transportation in foreign or domestic offshore commerce shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage or injury to such property caused by it or by any underlying carrier or other person to which such property may be delivered or whose facilities or services may be utilized in such transportation: *Provided, however*, That the intermodal carrier's liability to the holder of the receipt or bill of lading shall be not less than an amount determined according to the laws pursuant to which the liability of a carrier by water is determined.

"Sec. 47. The Commission shall prescribe reasonable rules and regulations to be observed by intermodal carriers, including reasonable requirements for financial and traffic reports from intermodal carriers operating in the domestic offshore commerce, and as may be necessary to carry out the provisions of sections 45 and 46.

"Sec. 48. Whoever violates any provisions of sections 45 and 46, shall be liable to a civil penalty of not more than $1,000.00. Each day such violation continues shall be a separate offense. Such penalties shall be assessed by the Commission and may be remitted or mitigated upon such terms as it may deem proper."

Sec. 6. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

FEDERAL MARITIME COMMISSION,
Washington, D.C., June 6, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are submitted herewith four copies of a proposed bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes. The need for and purpose of the proposed bill are set forth in the accompanying statement.

The Federal Maritime Commission urges enactment of the bill at an early date for the reasons set forth in the statement.

The Office of Management and Budget advises that there would be no objection to the submission of the proposed bill to the Congress for its consideration; however, certain of the interested agencies, including the Federal Maritime Commission, may wish to raise questions and suggest possible alternative courses of action if called on by the committees to report or testify on this proposal.

Sincerely,
HELEN DELICH BENTLEY,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR THE BILL TO AMEND THE SHIPPING ACT, 1916, TO PROVIDE FOR THE ESTABLISHMENT OF SINGLE-FACTOR RATES UNDER A THROUGH BILL OF LADING IN U.S. FOREIGN AND DOMESTIC OFFSHORE COMMERCE

The new transportation technologies which have been emerging during the past decade have pointed up the significant part played by the "operator" who does not actually own the facilities in which cargoes are moved. Or it may be that such person owns some portion of the facilities, but relies for part of the transportation on facilities of another. The Federal Maritime Commission, and its predecessor agencies have long recognized the important role of this party which for lack of a better name, for purposes of administering the Shipping statutes has been referred to as an "NVOCC"—non vessel operating common carrier. The NVOCC holds himself out to provide a through service from point of origin to point of destination, notwithstanding that he may depend on others for the actual performance of the transportation or some part of the transportation. He may be an ocean freight forwarder, an ocean terminal operator or any person who holds himself out to provide through transportation assuming responsibility or having liability imposed by law for the transportation of the shipment, and who arranges in his own name with an underlying water carrier for the performance of the transportation, whether or not owning or controlling the means of such transportation.

Common Carriers by Water—Status of Express Companies, Truck Lines and Other Non-Vessel Carriers., 6 F.M.B. 245 (1961); *Bernard Ulmann Co., Inc.*, 3 F.M.B. 771 (1952).

The NVOCC operating in the waterborne foreign or domestic offshore trades has been required to file its water rates with the Federal Maritime Commission the same as any other "Common Carrier by Water," and in all respects is treated as a "Common Carrier by Water" in the administration of the shipping statutes. The Commission's General Order 13 has been extended so that all such carriers now are required to file with the Commission any *through rates*, charges, rules and regulations governing the *through transportation* of freight between ports or points in the United States and ports or points in a foreign country. Such filing must show the division of the through rate to be collected by the water carrier. (35 F.R. 6394) April 21, 1970. The Interstate Commerce Commission likewise has published a proposed rule dealing with the filing of through rates in international commerce. This rule, however, would not permit NVOCC's and the Interstate Commerce Commission Part IV freight forwarders to file intermodal through tariffs. After petitions for reconsideration were filed, the Interstate Commerce Commission indefinitely suspended this rule.

For some time now there have been indications that the advent of the container age has brought into sharp focus the need for updating our regulatory statutes which were enacted at a time when this concept of transportation was not envisioned. For example, in the 90th Congress several bills were introduced which had as obvious aims the fostering of intermodal movements—The Trade Simplification Act and The Equipment Interchange Bill. Both of these proposals have bogged down—however the need is still there—even more than ever since enactment of the Merchant Marine Act of 1970 which commits the United States to a ten year construction program of 300 new ships designed to supply the needed impetus to rebuild our floundering merchant marine and provide the means whereby our growers and manufacturers can penetrate overseas markets enhancing both our national economy and our foreign trade balances. No effort should be spared in seeing to it that the most modern technological advances can be incorporated in the new ships with adequate assurance that regulatory restrictions will not prevent their maximum utilization.

The NVOCC is deserving of a new look in the light of the promises of this revitalization. He performs a needed and valuable service to the public—he concentrates on small shipments and the consolidation of those shipments; he prepares waybills, bills of lading, manifests, collects charges, performs handling services, routes and traces shipments, settles claims, performs transfer services and solicits freight. Thus the underlying carrier is relieved of many chores which he otherwise would have to perform. In like manner the small shipper is provided with many services which are performed in the traffic department of his larger competitive organizations and which otherwise would be unavailable to the small shipper.

Carriers subject to the Interstate Commerce Commisison are an important link in intermodal shipments in both the foreign and the domestic offshore commerce. Many VNOCC's are in their purely domestic operations Part IV freight forwarders. Under the ICC's intermodal rule, ICC carriers have a distinct advantage over the Part IV freight forwarder who is precluded from entering into a joint rate since under the Interstate Commerce Act he is viewed as a shipper and not as a carrier. Thus he cannot negotiate a through rate with the other carriers subject to the Interstate Commerce Act—he must derive whatever profit he makes from the rate structures of those underlying carriers.

Another barrier to the full realization of the inherent advantages of the container/intermodal age is the position of the water carrier in soliciting and arranging for shipments and deliveries at inland U.S. points. He cannot solicit and consolidate notwithstanding that it is for transportation in the foreign commerce as distinguished from interstate commerce because he is not licensed by the ICC. Even under the indefinitely suspended ICC rule, he cannot enter into a joint rate arrangement with the Part IV Forwarder—he is restricted to the rail and motor carrier.

These are but two examples of the need for regulations to put the intermodal concept in proper perspective. Another is the need to protect the public—as the intermodal concept continues to expand there will be many opportunists attempting to climb on the band wagon eager for a quick and easy dollar. It is relatively easy to enter the transportation field as an NVOCC—no significant capital investment is required and there is no need to demonstrate financial responsibility. We think this carrier has obligations to the shipping public. He has liability for shipper claims—for payment of charges—for providing transportation. We think entrance into this field should be controlled and that a showing of ability and financial responsibility should be required. In addition there should be flexibility which would permit carriers to provide intermodal movements unhampered by artificial barriers of *archaic* regulatory statutes. The NVOCC which is included in the designation "Intermodal Carrier" in the attached proposal should be expressly recognized by statute designed to specifically deal with that carrier. All of these objectives would be accomplished by the attached draft legislation.

The attached proposal is based primarily upon the standards of the Shipping Act, 1916, which were designed for the international and domestic offshore commerce of the U.S. and therefore more adaptable than the criteria of the Interstate Commerce Act which are geared to purely domestic surface movements and policies.

Under this bill, intermodal through movement will be regulated by one law administered by a single regulatory body which has the expertise in the foreign and domestic offshore trades necessary to provide effective regulation—the Federal Maritime Commission. The bill provides for the filing of the through intermodal rate. Antitrust immunity is provided as to arrangements entered into by carriers of the different modes, subject to the jurisdiction of different regulatory agencies when approved by the Federal Maritime Commission, a feature not possible under the present regulating statutes. The present safeguards of the Shipping Act, 1916, as to unfair and unjust practices, undue or unreasonable preference or advantage as to shippers, carriers or localities are carried forward into this proposal.

As an added protection to the public (and a necessary one), this bill requires that intermodal carriers demonstrate that they possess the ability, experience, finanical resources and other qualifications necessary to carry on the business of an intermodal carrier, and has or will have adequate financial resources to meet obligations to shippers. Any person would be prohibited from operating as an intermodal carrier unless licensed by the Federal Maritime Commission.

This proposal, if enacted, will provide shippers and carriers with a single expert regulatory panel which will aid materially in the growth and economic welfare of the nation and its waterborne trade.

By Mr. MATHIAS (for himself, Mr. BROOKE, Mr. CHILES, Mr. CHURCH, Mr. EAGLETON, Mr. NELSON, and Mr. PEARSON):

S. 3741. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests. Referred to the Committee on Government Operations.

Mr. MATHIAS. Mr. President, the 1972 presidential primaries are widely interpreted as protest against the old politics. Additional evidence can be found by examining some recent polls. In 1967, one Gallup Poll revealed that six out of 10 Americans believed shady conduct among Congressmen was fairly common. A Harris survey during the same period noted that over half of the Nation's population felt that at least some Congressmen were receiving money personally for voting a certain way. Another Harris poll published in February of last year revealed that during the period 1965 to 1971, the percentage of the public which gave Congress a positive rating, declined from 64 to 26 percent.

In November of 1971 another Harris poll indicated, by a margin of 65 to 25 percent, the public feels that only a few men in politics are dedicated public servants. It should be noted that in the fall of 1967 a similar view was expressed by a lesser margin—58 to 34 percent. In this same November poll, it was revealed, 63 to 28 percent that most Americans feel politicians are out to make money. This reflected a dramatic increase since 1967, when the same question was asked and only a close plurality registered the same viewpoint. This November survey also found that by a margin of 59 to 20 percent, a majority of Americans feel that "most politicians take graft."

These findings have been published in the CONGRESSIONAL RECORD from time to time, and have been confirmed by more recent polls. There is no way of denying the fact that the American people are fast losing confidence in the Government to govern, and in the elected leaders to lead. It is clear that this disillusionment is not limited to the young, but rather pervades the entire society. This steady and discernible loss of confidence in our elected officials is in my mind the most serious problem facing this Nation and this Congress.

I believe that for the most part this attitude of distrust is unfounded. The overwhelming number of those in Government are honorable, hardworking and dedicated public servants and the public has unfortunately characterized us all, by the actions of a few. But whether or not the public's attitude is well founded, is really not the question here; it exists, and we must react. This representative system is based upon and gets its strength from the consent of the people, and without this trust, the system simply will not work.

A good deal of problem, I believe, is due to the public's attitude of not being adequately informed about its Government and its decisionmaking process. This was made clear, not only in the polls mentioned earlier in this statement, but also by a Harris poll taken during the Pentagon papers episode. Most Americans interviewed, sided with the newspapers' right to publish the Pentagon Papers on the basis that Government usually hides the true facts and the motives for their decisions.

The unfortunate result of this mistrust has been the continued isolation, detachment, and hostility of the electorate. When most of us are faced with an unpleasant occurrence or something which has angered us, we react by isolating ourselves from that adversity. With an increased fear and distrust of criminals, we find ourselves buying locks for our homes, and angrily moving to the suburbs or the country. We built fall-out shelters in the fifties to overcome the distrust of the Russians. We seek divorce and isolation from our families when the distrust is overbearing. And, with this increased distrust and disillusionment in the Government, we are witnessing a continuing drop-out and isolation of the electorate. This isolation more fundamentally has resulted in a loss of production that has weakened the entire framework of government.

The biggest and most difficult challenge of this Congress is to restore the confidence in our Government, and stop this trend of isolation. Resolving this problem should occupy every working day and every decision.

How do we restore this confidence? Of course, we can become more candid and open in our legislative activities. We can provide moral leadership for the Nation, and be conscientious in our responses to human needs. We can also do something very specific, something which I am sure will go a long way in restoring this confidence, and dispelling this attitude of mistrust.

Mr. President, with this objective in mind, I am today introducing, in behalf of myself and Senators BROOKE, CHILES, CHURCH, EAGLETON, NELSON, AND PEARSON a bill, which if enacted, would require all Members of the Senate and House of Representatives as well as employees of these two chambers who earn more than $22,000 per year to disclose to the public their income and other related financial interests.

At this time, I ask unanimous consent that the entire text of the bill be printed in the RECORD.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Disclosure of financial interests by Members of Congress and certain congressional employees

"(a) Each Member of Congress and each employee of the Congress shall file annually with the Comptroller General a report containing a full and complete statement of—

"(1) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from his spouse or any member of his immediate family) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value, including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind;

"(2) the value of each asset held by him, or by him and his spouse jointly which has a value in excess of $5,000, and the amount of each liability owed by him, or by him and his spouse jointly, which is in excess of $5,000 as of the close of the preceding calendar year; and

"(3) any business transaction, including the sale, purchase, or transfer of securities of any business entity, commodity, real property, or any other asset or any interest therein, by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in such transactions exceeds $5,000 during such year.

"(b) Reports required by this section shall be filed not later than May 15 of each year In the case of any person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Comptroller General may prescribe.

"(c) Reports required by this section shall be in such form and detail as the Comptroller General may prescribe. The Comptroller General may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchase and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

"(d) Whoever willfully fails to file a report required by this section, or knowingly and willfully files a false report under this section, shall be fined $2,000, or imprisoned for not more than five years, or both.

"(e) All reports filed under this section shall be maintained by the Comptroller General as public records which, under such reasonable regulations as he shall prescribe, shall be available for inspection by members of the public.

"(f) For the purposes of any report required by this section, an individual shall be considered to have been a Member of Congress or an employee of the Congress during any calendar year if he served in such position for more than six months during the calendar year.

"(g) As used in this section the term—

"(1) 'income' means income from whatever source delivered;

"(2) 'security' means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b);

"(3) 'commodity' means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2);

"(4) 'Member of Congress' means a Senator, a Representative, a Resident Commissioner, or a Delegate;

"(5) 'employee of the Congress' means a congressional employee, as defined in paragraph (1), (2), (3), or (5) of section 2107 of title 5, United States Code, who is compensated at a rate in excess of $22,000 per year; and

"(6) 'immediate family' means the child, parent, grandparent, brother, or sister of an individual, and the spouse of such persons."

(b) The table of sections for such chapter 11 is amended by adding at the end thereof the following item:

"225. Disclosure of financial interests by Members of Congress and certain congressional employees.".

(c) The chapter analysis for title 18, United States Code, is amended by striking out the item relating to chapter 11 and inserting in lieu thereof the following:

"11. Bribery, graft, and conflicts of interest.".

Mr. MATHIAS. Mr. President, the bill, as you can see, requires all Members to report to the Comptroller General, information regarding one's income, debts, assets, and business transactions in the preceding year. Specifically, it requires public disclosure of the amount and source or each item of income, regardless of its value, and all gifts which exceed $100 in value. It requires the disclosure of each asset, and the nature of each liability, which has a value in excess of $5,000. And finally it requires the disclosure of any transaction whether it be in securities, real estate, or commodities, which has a value in excess of $5,000. These reports would be filed with the Comptroller General for review by the public not later than May 15 of each year. Violation of the law would bring a fine of $2,000 or imprisonment for not more than 5 years, or both.

Bills of this nature have been introduced in each Congress since 1958, when my distinguished colleague from New Jersey (Mr. CASE) introduced the first comprehensive disclosure bill. My colleague from New Jersey is the recognized advocate in the Senate for full disclosure, and he should be congratulated for his leadership. Twice in recent years, the Senate has come within four votes of adopting a full disclosure rule.

The bill which I am introducing is similar to Senate bills S. 343 and S. 344, introduced in this Congress by Senators CASE and SPONG, respectively. It differs from these measures in two main respects. First, unlike the Spong and Case bills, it covers only Members of the Congress and their employees. S. 343 and S. 344 cover specified employees of the executive and judicial branches as well as employees of the Armed Forces. They also cover candidates for political offices. Senator SPONG's bill goes even further and includes members of the national political committees of each major party. Second, the bill which I am today introducing has a more liberal reporting requirement. In the case of reporting one's assets, debts, and transactions, S. 343 and S. 344 require the reporting of such items regardless of their value, while my bill would provide a $5,000 minimum in these categories.

I am a cosponsor of S. 343 along with

18 of our colleagues, including both the majority and minority leaders. We must, however, now think about realistic and acceptable legislation with the objective of passing these measures in the very near future. I think the full Senate Committee on Rules and Administration should now conduct hearings on all these bills. There are some problems with S. 343 and S. 344 that were brought out by hearings held on these two bills by the Subcommittee on Privileges and Elections. For instance, there is a problem of coverage. Should we include all presidential appointees? What about State officials who administer Federal grants? It was testified during these hearings, that over 219,000 Federal employees would be required to file if either of these two bills would pass. With regard to the dollar amounts, the figures which I have chosen are, in my mind, realistic and workable compromises.

In addition, and most importantly, it is essential that we first put our own house in order, and let the standards created by this legislation be the norms and standards for the other branches of Government. This bill, if enacted, could be just the first step. But it would, in the interim, enact the needed uniformity among both Chambers of Congress, which is now lacking. Each Chamber would, of course, decide whether it wanted to retain its present reporting and disclosure procedure.

Today, what the Congress imposes upon others, it has been reluctant to demand of itself. For instance, we ask judges to create blind trusts before taking office, but when it comes to Members of the Congress, it is the public that is asked to put up the blind trust.

Financial disclosure by Members takes place for the most part behind sealed envelopes and sealed doors in an air of mystery and mystique. Disclosure is beyond the view of the public, and for the most part beyond the view of even our colleagues. Some committees, such as the Committee on Commerce and the Armed Services, require their members to disclose their financial interests, but such disclosure is usually examined only by committee counsel. It is never disclosed to the public. We are required only to publicly disclose the source and amount of each honorarium over $300 in value. The rest of our financial interests, our income and financial ties, are kept from public scrutiny.

We have created in the Senate, the Select Committee on Standards and Conduct, and in the House, the Committee on Standards of Official Conduct, to process and retain these reports. However, the machinery of these committees and the confidential disclosure of a Member's conflicts of interests to Members of the Committee, is only put in motion after the conflict is recognized. For the public's sake, it might then be too late.

Disclosure, I feel, is the best way to restore confidence in government. The use of disclosure to improve the legislative process and to give the public confidence in the integrity of government goes back to 1913, with the landmark legislation of the Underwood tariff. The highlight of the Sente debate came when Senator Robert LaFollette and others demanded that Senators publically disclose their personal property holdings which might be affected by the tariff legislation. The demand was met and each Senator appeared before the Senate Judiciary Committee to disclose their financial interests. The bill passed, and the New York Times heralded the public confidence it evoked. An editorial stated—

> This is no tariff by log-rolling, by manipulation, by intrigue, by bribery. It was bought by no campaign contributions. It was dictated by no conspiracy between corrupt businesses and corrupt government.

Disclosure does not attempt to define the rights or wrongs in any situation. It makes no judgment, imposes no sanctions or penalties. It gives the public the basis upon which to make a reasoned and well-founded judgment. It is a modest attempt. By permitting the public to make the judgment, disclosure respects the intelligence of the public and the integrity of the democratic process.

Some will feel that disclosure is an intolerable invasion of one's privacy, and make public officers second-class citizens. I would disagree. I, along with a growing number of my colleagues, have voluntarily disclosed a complete list of my financial interests to the public annually in the CONGRESSIONAL RECORD. The public's confidence in the democratic process is a bigger issue, I believe than an invasion into one's privacy. If we are to restore this needed confidence, we must permit the public to judge us on our complete record for clearly this is the public's domain.

Most of us in the Congress will find disclosure to our benefit, for it will protect us from an uninformed rumor or ill-founded suspicion. It will also help us more directly by permitting the public to judge us rather than we judging each other. We all know how unpleasant it is to sit in judgment of a fellow colleague's conflict of interest. It is indeed an ugly task. Disclosure will put the burden of policing where it belongs—in the hands of the public.

Disclosure is based upon the public's right to know, and its right to have information accessable to it. It is clearly aimed at increasing the sensitivity and involvement of the public in the governmental process. These were the same objectives in passing the recently enacted Campaign Reform Act of 1972. It is a logical and necessary second step to now require what we asked of candidates, to now ask of the elected officials. In this campaign reform legislation, we required both incumbents and challengers to disclose to the public, information regarding contributions and expenditures during their political campaign. We must now afford the public the same protection once that person is elected.

The procedure used in the enforcement of this proposed bill is conveniently identical to that used in enforcing the campaign reform legislation. The reports would go to the Comptroller General, who would perform the ministerial act of receiving and storing the reports, while the enforcement of the disclosure requirements would be delegated to the Justice Department.

Mr. President, I urge the passage of this act for the benefit of us all.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Florida (Mr. CHILES) and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of S. 32, the Conversion Research, Education, and Assistance Act.

S. 895

At the request of Mr. ERVIN, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 895, a bill to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes.

S. 3070

At the request of Mr. THURMOND, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 3070, a bill to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care.

S. 3357

At the request of Mr. MONDALE, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 3357, a bill to provide price support for milk at not less than 85 per centum of the parity price therefor.

S. 3634

At the request of Mr. MONDALE, the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 3634, a bill to provide continued rail transportation in rural America.

S. 3641

At the request of Mr. PEARSON, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 3641, a bill to establish a National Energy Resources Advisory Board.

SENATE JOINT RESOLUTION 244

At the request of Mr. RIBICOFF, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kansas (Mr. DOLE), the Senator from Michigan (Mr. HART), and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

SENATE RESOLUTION 326—SUBMISSION OF A RESOLUTION AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

(Referred to the Committee on Rules and Administration.)

Mr. MONDALE submitted the following resolution:

S. Res. 326

Resolved, That Senate Resolution 247, Ninety-second Congress, agreed to March 6, 1972, as amended by Senate Resolution 300, Ninety-second Congress, agreed to May 30, 1972 is further amended as follows—

(1) In subsection (a) of the first section, strike out "June 30, 1972" and insert in lieu thereof "December 31, 1972".

(2) In section 2, strike out "$107,500" and insert in lieu thereof "$175,000".

(3) In section 3, strike out "June 30, 1972" and insert in lieu thereof "December 31, 1972".

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1268

(Ordered to be printed and to lie on the table.)

Mr. **GRIFFIN** submitted an amendment intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

TEMPORARY INCREASE IN PUBLIC DEBT CEILING—AMENDMENTS

AMENDMENTS NOS. 1269 AND 1270

(Ordered to be printed and referred to the Committee on Finance.)

Mr. **HARTKE** submitted two amendments intended to be proposed by him to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENT

AMENDMENT NO. 1271

(Ordered to be printed and to lie on the table.)

Mr. **HARTKE** submitted an amendment intended to be proposed by him to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

NOTICE OF HEARING ON PROTOCOL AMENDING THE 1961 SINGLE CONVENTION ON NARCOTIC DRUGS

Mr. SPONG. Mr. President, I wish to announce that the Committee on Foreign Relations has scheduled a hearing on the protocol amending the 1961 Single Convention on Narcotic Drugs for Tuesday, June 27, in room 4221, New Senate Office Building, beginning at 9:30 a.m.

Interested persons should communicate with the Chief Clerk of the Committee.

ADDITIONAL STATEMENTS

HEADSTART

Mr. MOSS. Mr. President, I would like to explain why I supported the Comprehensive Headstart, Child Development, and Family Services Act of 1972 (S. 3617) passed by the Senate yesterday.

The bill is essentially a bipartisan compromise designed to meet the objections made by President Nixon in vetoing the Child Development Act of 1971. The President, at that time, approved of the bill's laudable aims but castigated what he called the fiscal irresponsibility, administrative unworkability, and family-weakening implications of the system it envisions.

While I disagreed with the President's evaluation, and in fact voted to override his veto, I feel that the compromise bill represents the best judgment on both sides of the aisle on how to meet our national commitment to families and their children.

The need for quality day care, on a voluntary basis, is beyond real dispute. One-third of the mothers with preschool children—over 4.5 million women—are employed either part or full time. This translates into 5 million preschool children who need some sort of day-care services. Right now there are less than 700,000 spaces in licensed day-care programs to serve them.

The President's veto message listed nine areas where he questioned the value of the act. He quarreled with whether the immediate need or the desirability of a national child development program of this character has been demonstrated. He charged that families would be destroyed by communal child rearing, and accused the program of being administratively unworkable.

The bipartisan report answers these objections in detail. The committee has considered the effects on the family and has actually come up with what they consider and I agree, are some family strengthening provisions. The programs, first of all, are totally voluntary. Second, the bill offers a whole range of services to children and the family. Finally, the bill has increased and clarified the priority on strengthening family life by making full day care available only to children whose parents are out of the home all day.

The bill goes on to provide extensive provisions for parental involvement in all aspects of the program—as volunteers, paraprofessionals, and professionals employed in these programs and 50 percent or more of the members of the councils that provide policy, curriculum, and other basic elements of these programs.

The program has also been administratively streamlined and the number of localities eligible as direct grantees has been cut from 7,000 to 2,000 by setting the minimum population of a community at 25,000.

All objections by the administration have therefore been met. I sincerely hope the President will sign it. We are not talking about lifeless statistics but rather about flesh and blood human beings at the formative stages of their lives. Being born into a poverty or marginal income environment is no fun, and these children could be mentally, emotionally, and socially crippled for life. We need this bill.

AN AMERICAN FOREIGN POLICY FOR THE SEVENTIES

Mr. CHURCH. Mr. President, today, the Democratic Party is holding a platform committee hearing on foreign policy in New York City. I was invited to testify, but was unable to appear in person due to flight cancellations caused by the inclement weather that has inundated the eastern seacoast. However, my statement has been submitted as a part of the hearing record.

I ask unanimous consent that the statement, which calls for a restructured American foreign policy for the 1970's, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A DEMOCRATIC FOREIGN POLICY FOR THE SEVENTIES

The first necessity—and the precondition for everything else required by our foreign policy—is an end to American participation in the war in Vietnam. When Mr. Nixon campaigned for the presidency in 1968, he said that he had a "plan" to end the war. At Hampton, New Hampshire, on March 11, 1968, Mr. Nixon said: "And I pledge to you that the new leadership will end the war and bring us peace in the Pacific; that is what America wants." Mr. Nixon repeated that pledge many times during the campaign which led up to the day, ten months later, in January, 1969, when he took the oath as President of the United States.

Three years later, in the Spring of 1972, the war was still on; American ground forces were no longer directly engaged but American air power was inflicting devastation on North and South Vietnam on a scale far exceeding the bombing during the Johnson Administration and President Nixon was no longer, as in November, 1969, heralding his "vietnamization" program as the plan which would "end the war" and "win the peace." Instead a bellicose President was proclaiming: "You have to let them have it when they jump on you." [1]

He had also jumped on them. Even before the North Vietnamese offensive in the Spring of 1972, President Nixon had dropped a greater tonnage of bombs on Indochina—over three million tons—than had President Johnson during his entire period in office. President Nixon, by early 1972, had become—in the words of the *Washington Post*—"the greatest bomber of all times." [2] Between January, 1969, when President Nixon took office, and April, 1972, 20,000 American servicemen died in Indochina and 110,000 were wounded; during the same period some 340,000 Asians died; 600,000 civilians became casualties; and 4 million people became refugees. Since the recent North Vietnamese offensive and the retaliatory American bombing, the toll has of course risen far higher. The war which Richard Nixon pledged to end has persisted and intensified; it has become, in every sense, Nixon's war, a savage and futile conflict that bears no relationship to the security or interests of the United States—a war bankrupt of purpose or justification.

One by one, the arguments for the war have been discredited: it was supposed to protect the freedom of the South Vietnamese people, but they have no freedom—and no prospect of it—under the corrupt military dictatorship of General Thieu. It was supposed to inspire confidence throughout the world in America's loyalty to her commitments; but it has only undermined world confidence in American judgment and stability. It was supposed to enable the South Vietnamese to defend themselves; but "Vietnamization" is now a shambles. The South Vietnamese Army struggles to stem the advance of a force only a fraction its size, under the umbrella of a pulverizing American air campaign. In this extremity, Mr. Nixon has come up with a new excuse; the need to preserve "respect" for the office of the Presidency—not respect for the United States or for the American people but for the office of the Presidency, which is to say, for Mr. Nixon himself. With all respect for the office, Presidential pride is not sufficient reason for the perpetration of this war.

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[1] Quoted by Bernard Gwertzman in "Rogers Defends Bombing; Warns of Further Moves," *New York Times*, April 18, 1972, p. 1.

[2] *The Washington Post*, April 9, 1972, p. B6.

For these reasons, let us as Democrats pledge to do exactly that which President Nixon has so conspiculously failed to do: "end the war" or, at least, our part in it. We should implement this purpose by pledging that a new Democratic Administration will, within 90 days of taking office, undertake the withdrawal of all remaining American forces from Indochina and terminate all acts of belligerency, by land, sea and air, subject only to an agreement for the release of all American prisoners of war and an accounting, so far as possible, of Americans missing in action.

Once the war in Indochina is liquidated, a new Democratic Administration would be free to turn its attention to more hopeful enterprises. In so doing, we should be guided by the need to restore a sensible balance between foreign and domestic programs, between the instruments of national security consisting of diplomacy and military power and the true foundation of national security, which is essentially domestic in nature, having to do with the strength of our economy, the cohesion of our society, the well-being of our people, and the integrity of our constitutional system.

With this necessity as our guidepost, let us pledge to conduct a thorough review of our interests and commitments abroad, starting, I would recommend, with Asia, where we have fought two wars since the end of the Second World War.

Purporting to have served exactly that purpose, the touted "Nixon Doctrine" is not in fact a revision or re-thinking of old commitments but a device for adhering to those commitments by means other than American manpower. The huge casualties we suffered in Vietnam, so excessively disproportionate to anything ever at stake there, have rendered the future use of American ground forces in Asia politically unfeasible; the "Nixon Doctrine" would replace them with foreign troops, lavishly financed by the United States and reinforced by American air power, sea power, and logistic support. "Vietnamization" has already provided us with a demonstration of the Nixon Doctrine in action; Vietnamese now do most of the dying instead of Americans, but the objective is unchanged. No less than in the days when half a million American soldiers were in the field, the objective is the propping up and perpetuation of feeble client regimes in Vietnam, Cambodia and Laos. Prohibited by the Cooper-Church amendment of 1970 from using American ground combat troops or advisors in Cambodia, the Administration employs something called "military equipment delivery teams" to check on the use of American military equipment in Cambodia and—perhaps just a little on the sly—to drop some hints now and then on how to employ it. These and other transparent devices are used to circumvent the law because, law or no law, the Administration remains determined to sustain client regimes in southeast Asia. The Nixon Doctrine has given us some ingenious new nomenclature, and it has changed the color of the corpses; but that is all it has changed. The American garrisons remain in Thailand, Taiwan and Korea; the network of dubious alliances remains unaltered and unquestioned; and the war in Indochina goes on.

A new Democratic Administration would do well to re-evaluate American interests and involvements in Asia with a view to bringing about substantive, authentic changes of policy. We would need, first of all, to consider the meaning and implications of the incipient rapproachment with China—an opening which must indeed be acknowledged as a worthy achievement on the part of the Nixon Administration. If the new relationship with China signifies anything, it is that the conflict with communism as an ideology in Asia has become meaningless. The Chinese and the Russians have shown themselves to be traditional great powers; whenever their ideological affiliations have conflicted with their national interests, the latter invariably takes precedence. The specter of "Asian communism with its headquarters in Peking," or of a "world cut in two by Asian communism," which underlay not only the war in Indochina but the entire SEATO Alliance, has shown itself to be a phantom.

This being the case, we should now contemplate the withdrawal of American forces from Taiwan and Korea as well as from Indochina. We should also consider whether SEATO itself is not moribund, even detrimental to its own objective of containing Chinese power. In this respect, there is excellent reason to believe that, just as Soviet missiles in Cuba provoked American intervention, American military power on the Asian mainland is more of a magnet for, than a deterrent to, Chinese intervention. In 1954, Chou En-lai told a group of visiting Burmese leaders that China would not interfere in Burma as long as she allowed no foreign bases on her territory; some years later—in 1967—U.N. Secretary General U Thant, who had been present at that meeting in Peking, told a group of United States Senators that there had been not "one single instance" of Chinese intervention in support of Burmese Communists despite a common border of 1400 miles.

Once American forces are removed from the Asian mainland, an indigenous, Asian balance of power could come into being, with China, Japan and the Soviet Union as its major components, India and Indonesia as bulwarks in southern Asia, and, ironically enough, a jealously independent North Vietnam in the role of an Asian Yugoslavia. For our own security in the Pacific, we would of course retain our preponderant air and sea power.

In Europe as in Asia the Nixon Administration conducts an ambivalent, contradictory policy, trying, it would seem, both to end the cold war and to prosecute it more vigorously. The Moscow agreements of May, 1972, are a significant achievement, deserving bipartisan support and Congressional ratification. The essential meaning of the SALT agreements, most particularly the limitation of each side to no more than two ABM sites, is that the two superpowers have agreed in effect to make themselves hostage to each other's nuclear power. This is tantamount to a mutual commitment to coexistence.

Having taken this initial step toward ending the cold war with the Soviet Union, the Nixon Administration then hastened to demand of Congress a multi-billion-dollar increase in the military budget for new offensive strategic weapons, including the missile-launching submarine Trident and the new B-1 supersonic bomber. The ostensible purpose of these new weapons is to provide "bargaining chips" for the next round of SALT talks. Secretary of Defense Laird went so far as to say that he could not support the Moscow agreements unless they were accompanied by this proposed acceleration in the arms race, which would, in effect, largely nullify the benefits derived from the Moscow accords.

I recommend that in its platform the Democratic Party pledge to put an end to this ambivalence between alleviating and intensifying the cold war. The proper commitment of the Democratic Party in 1972 is toward the early achievement of additional agreements in the field of arms control.

I would also recommend a plank in the Democratic platform in support of the objective sought by the Mansfield Amendment. calling for a sizeable reduction in the number of American troops in Europe. When American forces returned to the European continent in the early '50's, Western Europe was still enfeebled by the effects of World War II and the Soviet Union posed a formidable military threat. Twenty years have now passed, and the Soviet threat has greatly diminished. Equally important, the Western European countries now possess collective resources greater than those of the Soviet Union, and their economics, on the whole, are sounder and more stable than that of the United States. Should they judge their security to be threatened by the phased withdrawal of American troops, they are fully capable of replacing those troops with their own without undue exertion. An additional, important factor allowing for the reduction of American troops in Europe is the ratification of West Germany's non-aggression treaties with the Soviet Union and Poland, signifying, in large degree, the acceptance by Germany of the outcome of the Second World War.

It remains desirable for the United States to retain troops on the European continent to make credible the nuclear shield we furnish NATO. Beyond that, the withdrawal of part of our forces from Western Europe would represent an additional step, along with the SALT agreement and the German treaties, toward the goal of ending the cold war in Europe.

As for the Middle East, I am in full agreement with Senator George McGovern when he says "there is no common element between the lamentable role we have played in Indochina and the role we must continue to play in the Middle East . . . because we make a mistake in backing a corrupt dictatorship in Saigon is no reason at all to deny our economic, diplomatic and political help to the free and independent state of Israel."

Our goal in the Middle East should be to encourage a secure peace between Israel and the Arab states, a peace not imposed artifically from without, but one based upon a realistic settlement reached by the adversaries themselves. Only such a peace will ever produce genuine reconciliation and mutual respect between neighbors.

Meanwhile, we must pursue policies that discourage further bloodshed and improve the chances for eventual reconciliation. This means that we must see to it that Israel's deterrent strength is maintained, providing it with sufficient numbers of advanced aircraft and other weapons essential to its security.

In this regard, it is noteworthy that the initiative to strengthen and support Israel has stemmed from the Democratic Congress, rather than the Republican Administration. Year after year, Congress has overridden Administration opposition, to both earmark for Israel and increase the amount of military assistance; ease the repayment terms on military sales; include additional money to help Israel cope with the new influx of Soviet Jews; and furnish financial support to Israel's overburdened economy which must maintain at the ready defending forces sufficient to counteract the Russian build-up of Arab military capability.

The Democratic platform should also support the maintenance of a strong and credible U.S. military posture in the Mediterranean Sea and in the Persian Gulf, as long as the

Russian presence there makes such a deterrent necessary.

Turning to the "third world" of Asia, Africa and Latin America, the Democratic platform would do well to acknowledge the obsoleteness of ideological confrontation and, with it, of bilateral American military and economic aid programs, served up on a global platter. Foreign aid was originally conceived as one weapon in our arsenal to be employed in a world-flung strategy of containment. Military assistance, starting with the Truman Doctrine, was supposed to bolster nations along the periphery of the "Sino-Soviet bloc" and shaky regimes beyond the periphery of the "bloc," in Asia and Latin America, against the danger of foreign sponsored subversion. Economic assistance, it was thought, would serve the same purpose by promoting better living standards, thus robbing subversion of its appeal.

Experience demonstrates that, at best, American aid has had only a marginal influence throughout the "third world" in promoting either stability or development, and almost no influence whatever on whether a country "goes communist," as Cuba and Chile have shown. The countries of Asia and Africa which have remained non-communist have done so, not because the United States has succeeded in buying their allegiance or in launching them toward economic "takeoff," but because they have not wished to become Communist, regarding Communism as an alien ideology, or because their populations have been too poor and illiterate to be interested in ideology at all. The Russians have had no greater success in buying ideological converts with aid than we have had in trying to head them off.

Nonetheless, the Nixon Administration has persisted in the delusion that it can buy influence with aid. So President Nixon seemed to believe before the Indo-Pakistan war in letting our military and economic aid filter through to the Government of West Pakistan, even though that government was engaged in a genocidal suppression of its own people. The cost of that aid was the loss of our status with democratic India, which concluded a friendship treaty with the Soviet Union.

As for long-term bilateral loans made in the name of promoting economic development, I recommend that the Democratic platform call for the transfer of this function to the World Bank, the Asian Bank, the Inter-American Development Bank, and other multilateral lending agencies, and also that the platform call for substantial U.S. contributions to these agencies. I further recommend confining our bilateral aid in the future to technical assistance grants, administered, where feasible, by the Peace Corps.

As for military aid, the major preoccupation of our present program in the massive, indiscriminate disbursement of munitions, which we either give away or make available at bargain basement prices, should be drastically curtailed. Most of the world has become a dumping ground for ships, tanks, and planes, which we label as "surplus" to our needs. Easy credit is available at the interest rates well below the cost of money to the U.S. Government. We ply half a hundred foreign governments with our weaponry, most of which are dictatorial regimes who hold their own people in check with the weapons we supply. This whole program, perpetuated by its own momentum, has become a preposterous scandal.

The Democratic Party should favor military assistance, whether by grant or credit policy, only in support of free governments, as in the case of Israel, or in those particular cases where the actual security interests of the United States plainly require it.

Finally, and perhaps more important than any specific policy proposal for Europe or Asia, for foreign aid or for arm reductions, a new Democratic Administration must be committed to a foreign policy oriented to traditional American values, to the democratic values in which we have reared our young, to the values from which we have strayed so far in these years of interminable war, blowing hot and cold.

Our democratic processes, our system of separated powers, checked and balanced against each other, have been undermined by the very methods we have chosen to defend these processes against real or fancied foreign dangers. We cannot safely wait for quieter times to think about restoring the Constitutional balance in our own government. If we do, we may find that, like the American major in Vietnam who said that he had to "destroy Ben Tre in order to save it," we shall have destroyed American democracy—in order to save it.

As a step toward averting this ultimate tragedy, I strongly recommend the commitment of a new Democratic Administration, through the Party platform, to these two basic constitutional principles: no American troops to be committed to foreign hostilities in the future without Congressional authorization as provided by the war powers bill adopted by the Senate in 1972; and no substantive foreign commitments to be made in the future by executive agreement or declaration, or by any other means which circumvent the legislative power of Congress and the treaty power of the Senate. I recommend the reassertion in the Democratic platform of the general principle enunciated by George Washington in his farewell address: ". . . let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

The American people were not prepared by their national experience for the role of either ideological crusader or practitioner of the old style 19th century realpolitik. We came to believe that we could set a democratic example to the world by the way we governed our own society, and we came to believe after each of the two world wars that it was worthwhile to try to build something new under the sun. There was, after all, no tried and true system to fall back upon. The old Concert of Europe lay in ruins and the balance-of-power system had been utterly discredited. Under the circumstances, it seemed a reasonable, practical necessity to try to move forward in international relations from the rule of force toward the rule of law, from the unreliable balance-of-power to a world security community.

That idea is still valid and it cannot be said that it has failed because it has never really been tried. Once the Vietnam war is liquidated, and with the cold war abating in both Europe and Asia, it will be practical as well as desirable to breathe life into the United Nations. For this purpose the Democratic platform could endorse various useful proposals for structural and procedural reform of the United Nations—proposals such as the introduction into the General Assembly of voting "weighted" according to the size and power of the members; or the introduction of a new and more reliable system of finance, especially for the support of peacekeeping forces.

These innovations—as well as others in such fields as economic development, population control and the protection of the environment—can go far to strengthen the United Nations. But in its major field of responsibility—peace-keeping—the United Nations has one surpassing and indispensable requirement: the trust and confidence of its leading members, especially the United States, the Soviet Union and China. With this trust the United Nations can be made to function as an effective collective security system despite the veto and other procedural disabilities. Without it, even the most ingenious organizational improvements will be of marginal utility. As Lester Pearson has commented, man's ability to transform the world is limited only by "faintness of heart and narrowness of vision."

We cannot promise strength of heart and breadth of vision on the part of others. But we can, through the platform of the Democratic Party, pledge the heart and vision of America.

SALUTE TO EDUCATION

Mr. SPARKMAN, Mr. President, yesterday and last night there was observed in the Nation's Capital a "Salute to Education." It had been my plan to attend the reception last night, but due to the late Senate session and the fact that I was involved in the legislation, I was not able to go. Today, I want to add my word in saluting education in this country and in saluting those who carry it on and make it better and stronger, day by day, throughout the Nation.

When I think back of education as it existed in the area in which I grew up, and contrast it with education in that same area today, I realize how much we owe to those people who have been dedicated to the education of our boys and girls and even the adults. A tremendous development has taken place, and we have moved more and more toward quality education in all of our schools and in all of our educational systems. I personally am grateful for what has been done, and I am proud to salute those who have brought it about.

PSYCHIATRIC CARE IN NURSING HOMES

Mr. MOSS. Mr. President, one of the issues under consideration by the staff of the Senate Committee on Aging has been the acceleration in the discharge of patients from State mental institutions into nursing homes. This national trend causes me very great concern particularly since the major reason for this summary discharge seems to be simply to save money for the States.

In our investigations in Illinois last year the Department of Mental Health testified that the State's average cost to keep a patient in a State hospital was about $550 a month. This same patient, we were told, could be housed in a shelter-care nursing home for about $250 a month.

In Illinois, the Chicago Sun-Times in conjunction with the Better Government Association recently studied patients in these shelter-care homes. The reporters concluded that there was very little screening to decide who were proper candidates for discharge; that there was very little follow-up by the institution; that the patients in these shelter-care facilities had very little in the way of recreation and almost no psychiatric services.

It was the conclusion of the reporters who wrote that series that in most instances patients were better off in the State mental institution. This view has been shared by a wide share of the medical community in Illinois.

From my experience a great many of our State hospitals leave very much to be desired and a statement that patients are better off in such facilities rather than in shelter-care homes is incredible. It is apparent, however, that these discharged patients receive little more than board and room whereas in the hospital they had at least the availability of recreational and, more importantly, psychiatric services.

As we continue to burden our nursing homes with more and more patients from State mental institutions it is imperative that we provide greater psychiatric services. Our failure to do so will place an intolerable burden on our nursing homes who continue to struggle to gain public confidence.

I ask unanimous consent to have printed in the Record an article entitled: "Patients Need More Psychiatric Care," published in the May issue of Modern Nursing Home.

There being no objection, the article was ordered to be printed in the Record, as follows:

Patients Need More Psychiatric Care, Survey Results Indicate

Washington, D.C.—Most patients admitted to nursing homes with a physical illness have severe emotional problems or mental illness in addition to their physical impairment, according to a study conducted in 40 nursing homes in the greater metropolitan area of Washington, D.C., by Sharon B. Sloboda, mental health nursing specialist of the District of Columbia's Department of Human Resources and Walter Sloboda, instructor of mathematics and statistics, Federal City College. Results from the survey indicate that: (1) 57.5 percent of the nursing homes admit patients from mental hospitals; (2) 55 percent admit patients with psychiatric diagnosis not from mental hospitals, and (3) 67.5 percent presently have patients with psychiatric diagnosis.

In addition, the transfer of elderly patients to nursing homes from their own homes, general hospitals, and mental hospitals can be a traumatic event. According to the survey report, approximately one in 10 admissions usually does not make a satisfactory adjustment to the nursing home, often for one or more of the following reasons: (1) no preparation of the patient for admission; (2) a lack of proper attitudes by the nursing home staff and little understanding of the feelings of the patient, and (3) inappropriate actions of the staff following admission of the patient.

Both the psychiatric and physical care of the elderly patient could be enhanced, the authors suggest, if the staff were to receive additional training in such areas as recognizing the need to respond appropriately to symptoms of emotional disturbance, treating patients in an understanding and therapeutic manner, and understanding and intervening appropriately at times of acute stress when patients exhibit emotional reponses, such as upon admission after visits by the family, or upon the death of someone close.

However, there is a chronic shortage of registered and licensed practical nurses and a lack of training or supervised experience among nursing personnel in the management of psychiatric patients and problems. The purpose of the Washington survey was to assess the psychiatric services of the nursing home, the emphasis on psychiatric care of the aged in the in-service education program of the home, and the degree of psychiatrically oriented training and education of the professional nursing staff.

The survey found that 42.5 per cent of the homes reported use of psychiatric consultation, with 12.5 per cent having been visited by a psychiatrist within the seven days preceding the survey. Although the use of group therapy to aid in the adjustment of the patient to the nursing home is relatively new, the authors reported, the survey indicated that 32.5 per cent of the homes have initiated some type of group therapy program.

Intake groups consist of new nursing home residents, their families, and, in some cases, longstanding residents of the home meeting for the purpose of orientation and discussion of the problems of adjustment to the nursing home situation. Intake group sessions serve three basic functions: (1) They promote an awareness on the part of the family of the reasons for the patient's behavior and an understanding of what it means for the relative to be in the nursing home; (2) they promote an awareness by the families of their own feelings and reactions about having put the relative in the nursing home and the manner in which these feelings affect the relationship between themselves and their relatives and the home, and (3) they promote a clear understanding and appreciation of the entire field of aging and the attendant problems, both personal and community. In the sample, however, only 25 per cent of the nursing homes indicated that they offered some type of intake group.

The more conventional method of the use of psychotropic drugs on mentally disturbed patients was reported by 2.5 per cent of the homes. Special care units were used by 50 per cent of the homes and 30 per cent separated patients with mental illness. All but four of the homes reported having ongoing activities programs for their residents.

Thirty of the homes studied (75 per cent) offered in-service education programs and 27 of these homes found that in-service education helped in the care of the psychiatric patient. In contrast, however, only 11 of the homes (27.5 per cent) said they emphasized the psychological aspects of aging in their in-service education program.

The authors quoted the Massachusetts Nursing Home Survey, conducted by the Boston College School of Nursing and published in 1964, which recommended that nursing care be under the direct supervision of a qualified registered nurse prepared to assume a leadership role in the administration and supervision of patient care. It further recommended the use of nurse consultants to assist in development of sound organization and administration of nursing services and the provision by nursing homes of continuous training programs for personnel.

A study done by the United States Department of Health, Education and Welfare in 1964, also quoted in the survey, revealed that homes with 24 hours nursing service provided higher levels of nursing care than homes providing fewer hours of nursing service. The intensity of the level of care was related to the type of supervisory nurse, *i.e.* registered or licensed practical nurse. The study also found that the level of care was related to type of ownership. In homes operated by a proprietor, the proportion of residents under intensive nursing care was more than twice that in nonprofit homes.

In the present survey, 85 per cent of the homes reported a licensed nurse employed on each shift, and 13 per cent of the registered nurses had college degrees. The Washington study also found that proprietary homes provided a significantly greater number of nurses than did nonprofit homes, as well as more psychiatric services and programs.

The care of the total person includes both mental and physical health, the authors concluded. There is, therefore, a greater need for more emphasis on the mental health of the geriatric patient in the nursing home setting. The nursing home administrators, according to this survey, are beginning to recognize these needs. The survey suggests that a greater effort is necessary to: (1) improve in-service education in psychiatric-geriatric nursing; (2) utilize the services of a mental health nurse consultant; (3) establish a therapeutic community, and (4) integrate patients regardless of medical histories.

REPRESENTATIVE SHERMAN LLOYD ON TRANSPORTATION EMERGENCY DISPUTES

Mr. PACKWOOD. Mr. President, the news last month that there would not be a resumption of the economically ruinous dock strikes, and that the Sheetmetal Workers Union and the Nation's railroads were able to resolve their contract differences without resorting to a strike at all, understandably evoked a national sign of relief.

I know that the Members of this body shared with the thousands of innocent third parties who still bear the scars of earlier transportation conflagrations this deep sense of relief for these most welcome developments.

But despite these developments, Mr. President, we must not allow them to lull us into a false sense of security. The fact is that we still do not have an effective way to prevent the devastating effects of strikes and lockouts in the transportation industry when collective bargaining breaks down. And the further fact is that a number of major contracts in the transportation industry will be expiring again next year. These include all railroad contracts and the west coast longshoremen's contract—again.

Clearly, Mr. President, Congress cannot continue to play "Russian roulette" with the welfare of the American people. We must act now to insure that they will not shortly again be living under the gun of a major transportation strike. The Senate Labor Subcommittee has begun markup of an emergency disputes bill, but as of now there is no indication when such a bill might be reported.

On the House side, this critical situation has been actively studied by the distinguished chairman of the House Republican Task Force on Labor-Management Relations, Representative Sherman P. Lloyd, of Utah. Representative Lloyd put his finger on the nub of the matter when he declared on the floor of the House recently that Congress should be taking advantage of this present respite from recurring transportation strikes and emergency atmosphere they engender to enact a permanent mechanism to prevent future crises.

Mr. President, I applaud the distinguished gentleman from Utah for his perceptive remarks, which I believe are worth repeating for thoughtful consideration by the Members of this Chamber as well. Accordingly, I ask unanimous consent that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

[From the Congressional Record, May 24, 1972, page 18655]

Cooling-Off Period for Congress

Mr. Lloyd. Mr. Speaker, our existing labor laws provide cooling-off periods for the parties to negotiate a settlement free from the heated and emotional atmosphere of a strike. We are all too sadly familiar with the tragic and economically devastating consequences which result when they fail to effectively use these "cooling-off" periods.

Mr. Speaker, from recent accounts in the press, it appears that the threats of a renewed dock strike and a nationwide railroad strike have apparently dissipated. This is news for which I know everyone is most grateful. Beyond that, however, Congress has in a very real sense now been given its own cooling-off period—in other words, a chance to debate and vote a permanent mechanism to prevent damaging transportation strikes free from a crisis atmosphere.

Mr. Speaker, in testimony earlier this year, our Task Force on Labor Management Relations warned that continued congressional inaction in this area would be an open invitation to repeated tragedy.

In this regard, we cannot ignore the fact that a number of major labor contracts in the transportation industry will be expiring next year.

Mr. Speaker, Congress must act before the present cooling-off period expires.

SALUTE TO EDUCATION

Mr. RIBICOFF. Mr. President, I wish to join Senators in a salute to education.

Education plays a critical role in the lives of all Americans. More than 60 million Americans are now full-time students; 3.3 million more are professional staff. These figures do not include the millions of children who watch "Sesame Street," or the millions who receive formal education each year from industry, the Peace Corps, the military, Federal manpower programs, and adult and continuing education. When we include all of these people, 125 million Americans are part of this country's education system.

Expenditures for formal education exceeded $65 billion last fiscal year and were handled by 50 States, five territories, the Federal Government, 18,000 operating school districts, and more than 2,500 institutions of higher education.

Our society and the technology which supports it continue to increase in complexity and require individuals possessed of more sophisticated educational background and preparation. In addition, one of the dominant features of contemporary life is change. It is all about us, its pace increasing, its impact on our lives more insistent.

High technology, population growth, greater human density, unprecedented advances in communications and data processing, the systematic pursuit of knowledge, and the managerial revolution have stamped the present and the future with the characteristic of continual change.

Things are moving so fast we are beginning to suffer from what author Alvin Toffler calls future shock. He contends that the rapid pace of change is not merely creating a changed society, but developing an entirely new society.

The study of the future as a way of gaining a firmer grasp on the present has begun to attract the attention of an increasing number of scholars and analysts. The presence of change places great stress on education. In earlier times, for example, we could afford to think of education as preparation for life. Our society, our technology, our way of life evolved at a comparatively slow pace so that each of us could prepare for a career upon which we could then enter and remain.

Now we experience three, four, or five career changes in the course of our lives. Old techniques and skills become obsolescent; new ones need to be acquired. Education is still preparation, to be sure, but it now must be preparation for change. And education has become equally important as a continuing or recurrent activity, following us along in our professional and personal lives to the point of retirement and beyond.

I am sure that with proper leadership and appropriate governmental assistance our educational system will meet the challenges of the future.

INASMUCH AS YOU HAVE DONE IT UNTO ONE OF THE LEAST OF THESE

Mr. ERVIN. Mr. President, the Durham, N.C., Morning Herald for Wednesday, June 7, 1972, contains an article entitled "Trouble-Plagued Family Finds Friend in Durham," which recounts how Lewis Locust, of Durham, befriended a family of strangers who virtually became stranded in Durham when their car broke down while they were en route from New York City to Miami, Fla.

This newspaper item makes it manifest that Lewis Locust is entitled to the blessing implicit in the words of the Gospel according to Matthew, chapter 25, verse, 40, where the King says:

> Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.

I ask unanimous consent that this human interest story be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Trouble-Plagued Family Finds Friend in Durham

(By Jim Lasley)

There will forever be a place in the hearts of an Auburn, New York, family for Lewis Locust of Durham.

For two days he assumed the responsibility of the family's welfare, and he did it not because they were friends or family but simply because of his concern.

Locust was recognized at a Durham City Council meeting Monday night and is scheduled to receive additional recognition next Tuesday night by the Durham Human Relations Commission.

He rescued Mrs. L. J. Campanelli and her five children when their car broke down on Interstate 85. Never having seen them before he took the six into his home, gave them money to continue the trip by train, repaired their car and later received Campanelli into his home.

Locust did all that, and more, because he thought it was the right thing to do.

"I didn't think it was going out of my way or it was an imposition. You just don't put a lady and five children out on the side of the road," he said.

Locust, a Vietnam veteran and student at North Carolina Central University, figures that anyone with any concern for humanity would have done the same.

"They were just nice people," he said. "And you treat nice people right. . . . I don't think I've done anything so great."

Campanelli, however, was overwhelmed by Locust's actions, so much so that he wrote Mayor James R. Hawkins.

"Mr. Mayor," the letter said, "If your city has a man of the year award, or if you award a citation for exceptional deeds or acts of kindness I would be most pleased if you were to submit the name of Lewis Locust. . . .

"Unselfish actions such as those can be expected from family or best friends, but from a complete stranger I would call this extraordinary."

For Campanelli and his wife it was a lesson in action, something they maybe never would have truly gotten across to their children.

"With today's constant reference in newspapers and on TV concerning the problems between blacks and whites this experience was the living proof for my children, of what we have tried to instill in them, that regardless of color it is the individual that counts."

Locust is black; the Campanelli's are white.

The story began on April 30, as Locust and Campanelli told it:

Locust was at a service station filling up with gas. Mrs. Campanelli and her children were on the way to Miami to meet Campanelli.

There was trouble with the car. She pulled in at a service station and asked the young man for help. Repairs were made by Locust and he was directing the Campanelli's to the interstate highway when the brakes failed. The car went out of control but didn't wreck.

Locust took charge, transferring belongings and people to his car. Then it was to his home where his mother, a teacher, arranged sleeping accommodations and prepared food.

The next day Locust obtained train passage for the mother and her children. Campanelli fund's were running unexpectedly low.

Train time was that night, so Lewis took the family to the zoo, lunch, and a movie, paying for everything himself.

At the end of the day Locust was still in charge. He saw the family on the train, leaving them with a container of fried chicken to eat on the way.

As the train was leaving, he shook hands with Mrs. Campanelli, pressing $48 in her hand for emergencies.

In the next few days Locust had the car repaired. It was ready and paid for when Campanelli arrived later to thank Locust and pick up his car.

Locust had paid a $20 wrecker charge, taken the car home, bought parts and repaired the defects himself. He did that not with the idea of being repaid but to help his new-found friends.

Campanelli finally persuaded Locust to accept partial repayment, but it was only after he had stayed the night and promised to call if the car broke down on the way to New York.

THE SALT AGREEMENTS

Mr. SAXBE. Mr. President, President Nixon returned from Moscow with two important agreements on strategic arms limitations. These agreements are a good first step toward eventual lessening of the arms race.

The SALT agreements have been inappropriately criticized. Some people claim we are defenseless or might be left defenseless. The fact is we can destroy each other many times over. Some Senators are saying we did not get as much as we gave. Still, we must begin somewhere, and again the fact is that we can both destroy each other.

It is true that the agreements were not final. We must continue to develop some new weapons systems to be prepared for the next round of talks. But we must begin somewhere. We must make serious attempts to talk to the Soviets and the Chinese.

In all the debate, the Senator from Illinois (Mr. PERCY) has been outstanding in his ability to pick out the important issues. He has recognized the need to take reasonable risks for peace. His June 18, 1972, interview on ABC's "Issues and Answers," along with the Senator from Washington (Mr. JACKSON), is an excellent example of Senator PERCY's defense of President Nixon's commendable and cautious first step toward ending the arms race.

I ask unanimous consent to have the text of the program printed in the RECORD.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

"ISSUES AND ANSWERS," JUNE 18, 1972

Guests: Senator Charles H. Percy (R. Ill.) and Senator Henry M. Jackson (D. Wash.)

Interviewed by: Ted Koppel, ABC news diplomatic correspondent; and Bob Clark, ABC News Capitol Hill correspondent.

Mr. CLARK. Gentlemen, welcome to "Issues and Answers."

We want to get your reaction first if we may to some mysterious signs that something is going on in various capitals of the world in a new effort to end the Vietnam War.

Soviet President Podgorny was interviewed in India this morning on his way back to Russia from Hanoi and he says among other things that the Soviets will do everything possible to bring about deescalation of the war in Vietnam, and he also told newsmen that he expects the Vietnam peace talks in Paris will be resumed soon.

Do either of you think that we are at long last succeeding in enlisting the support of the Communist powers in bringing the Vietnam war to an end?

Senator JACKSON. I really think there is some movement here. It is my judgment that we are very close to reaching an understanding. Certainly Podgorny wouldn't be in Hanoi, and the top Hanoi representative in Peking and Dr. Kissinger about to arrive in Peking, and two summit meetings having been held—it seems to me this scenario is quite clear. We are very close to some kind of understanding.

Mr. CLARK. Well, Senator, are you expressing a personal opinion? You are often privy to what is going on in the administration at the highest levels. Do you have reason to believe that we are close to reaching an understanding?

Senator JACKSON. It is a personal judgment on my part but there are other factors that I think give some credence to that personal judgment.

Mr. CLARK. And Senator Percy, would you share that optimism?

Senator PERCY. There is no hard evidence at all that we are close to an understanding. What there is is evidence that we may be resuming the Paris peace talks. There is solid evidence now that Henry Kissinger does intend to discuss Vietnam in Peking, and from Mr. Podgorny's statement alone there is evidence now for the first time that the Soviet Union is attempting to work toward some sort of a cease-fire across the board, and assist in this regard, all of which, I think, is part of the initiative undertaken by the President to have a new solid foundation on which we can build our relationships with the Soviet Union. There is hope, but nothing hard in evidence today that would say that we are on the brink of an understanding.

Mr. KOPPEL. Well Senator Jackson, let me approach this from a slightly different angle. You have expressed some fear that perhaps the President settled for a weaker kind of SALT agreement simply because this is a political year. Can we take that similar approach on the Vietnam settlement, wouldn't it behoove the President before early November to reach some kind of settlement, even if it is less than we should be settling for?

Senator JACKSON. I don't think there is any doubt about that. The President, of course, modified in his speech his position regarding a settlement on Vietnam. You will recall that he agreed to have all of our troops out in four months, provided that our prisoners are returned. There is an immediate stand-still cease-fire. And that got lost in the rhetoric of the moment. And the facts are that this was quite a significant concession made by our government. Therefore I wouldn't be surprised that we are able to reach some understanding on a stand-still cease-fire. There isn't any doubt that the North Vietnamese are really being hurt now, and they are in a better position on the ground than they were a few months ago because of the invasion across the DMZ.

Mr. KOPPEL. Well Senator Percy, other than the proposals that the President made on May 8 can you see the United States making any more concessions? We have been very tough up until this point and yet now we seem to have made about as many concessions as we can. If it turns out in a few weeks that we have given away something more would you be satisfied with a settlement like that?

Senator PERCY. I want to see us get out of Vietnam and settle this war and end our involvement in it, totally and completely. I think the President's proposals are imaginative, creative, and they do not leave our destiny in the hands of South Vietnam. They are agreements that we can reach directly with Hanoi. I fully support his initiatives in this regard.

Senator JACKSON. I think there is a clear point we want to get out, but we want to get our prisoners of war out, and this is the big hang-up. Let's not kid ourselves. This is the hang-up about getting our prisoners of war out. Every time we get down to, about to reach some kind of general understanding, it is always on the prisoners of war, plus other demands.

Senator PERCY. But this is one of the three parts of the President's proposal. The only difference is whether they are actually out, or what is an agreement to get them out, and I would be willing to settle for an agreement, because I can't imagine Hanoi not observing that agreement if they signed and sealed it.

Mr. CLARK. To get back for a moment to what is going on currently, we have had a brief moratorium on the bombing of Hanoi, the Hanoi area, while President Podgorny was there. Would either of you feel that this might be the time, again, to call a temporary halt in the bombing of North Vietnam until we see what is going on?

Senator PERCY. If it would help bring about a negotiated settlement in Paris which would end this war totally and completely—not just our involvement but for everyone—I would certainly support it, but we would have to have some evidence that it would bring that about.

Mr. CLARK. Senator Jackson, you have been optimistic that something is happening. Would you stop the bombing?

Senator JACKSON. I am not saying they are about to settle this long, drawn out conflict but before we stop the military pressure which obviously is having some impact, I would certainly say that it would be mandatory that we have a definite understanding that there is going to be some kind of resolution within a period of time. Otherwise we get into this old filibuster business that has been going on over four years now, the Paris talks, and I want to get all our men out, I want to get all our prisoners out, and I want to get our involvement to an end. But I think we would have to have some kind of very clear and unambiguous arrangement by which the final phases of the talks could be held and terminated.

Mr. CLARK. So until you see more concrete signs of what is going on you would not call a halt to the current bombing of North Vietnam?

Senator JACKSON. No, I would not.

Senator PERCY. The most hopeful thing would be to have a stand-still cease-fire right now. All bombing, all ground action, all sea action stopped. If we stand on that ground, then I would tend to say the chances of working out something are better. But as long as the hostilities are carried on at the present level that they are, working the rest of it out is much more difficult.

Mr. KOPPEL. Now Senator Percy, the President suggested just that a couple years ago. We haven't heard a great deal about this stand-still, or cease-fire in the past two years. To the best of your knowledge does that offer still stand?

Senator PERCY. I think it certainly would. I would support such an offer.

Senator JACKSON. I happened to have been the author of course of the bipartisan letter that went to the President in September of 1970 suggesting a stand-still cease-fire. I supported it.

Senator PERCY. And I remember co-sponsoring that. It was a fine initiative.

Senator JACKSON. That's right. And the President utilized a part of that in connection with these talks that were held in secret through Dr. Kissinger, when he revealed that we had done that. But now, you see we are in a little different context, are we not, we are in the context of there having gone over the DMZ, holding certain areas of South Vietnam, and I believe the President's requirement, of course, involves the tying of all three things together.

Mr. KOPPEL. But I mean the President has not withdrawn that offer, has he; it is still on the table?

Senator JACKSON. That may be technically true, but I believe what we are really talking about now is a standstill cease-fire as a part of a package involving all of our troops being out in four months and a return of our prisoners. That is it. It is 1, 2, 3, and I support that move. I think it makes sense.

Mr. CLARK. Senator Jackson, you have been leading almost a one-man fight in the Senate protesting the nuclear arms agreements that were signed in Moscow. There appears to be at this moment overwhelming support in Congress in favor of those agreements.

Do you have any new evidence or any reason to believe that somehow you can turn the tide and convince Congress that these nuclear arms pacts are dangerous to the United States.

Senator JACKSON. Well, I think this coming week as the hearings get under way we will try to find out what is in the agreement.

You know, there are a lot of misconceptions. The American people have the idea that this is going to end the arms race. It is a license on both sides to spend tens of billions of dollars.

Mr. KOPPEL. Senator Jackson, you were just about to outline what you consider to be some of the major weaknesses of the SALT agreements.

Senator JACKSON. Yes. We all want to see an end to the arms race. We all join in that effort. We all want to see less tensions in the world. The problem, I think, is that the public has certain misconceptions. They think that this is going to mean an end to the arms race. The facts are, on both sides, under the agreements, tens of billions of dollars will be invested on the part of the respective countries on strategic arms. The Russians will spend more; they will get more. We don't have parity. Most Americans thought we would end up with parity. We don't know how many missiles we are talking about that are decontrolled. We have a lot of misconceptions about what is in this agreement.

Mr. Koppel. Well now, Dr. Kissinger was talking about, for example, the figure of 1618 offensive missiles.

Senator Jackson. Yes, sir, and I asked him the question, why is it that we have in the agreement a specific limitation on the number of Polaris-type submarines with missiles, but we don't have it on land-based missiles, and he has told me he doesn't know for sure why that is the case. What we are relying on is our estimate of what the Russians have land-based. I think it is a good question. Why are we specific on one and not on the other?

Mr. Clark. Well, Senator, Dr. Kissinger did say at that briefing you both attended at the White House this past week that our detection procedures are good enough that they can't be off significantly; that 1618 figure might be off slightly, but not significantly.

Senator Jackson. Let me give a simple explanation to that question. All we have to do is watch one place where the submarines are turned out. That task is totally different than watching the whole Eurasian land mass, where the land-based missiles are deployed. This is why the Russians agreed on the number of submarines, but didn't agree on the number of land-based missiles to be deployed.

Now, this can be an element of great controversy because the cut-off date is coming soon, July 1st, and it is the number of missiles deployed or under construction.

I think we have to know, don't we, how many we are talking about?

Mr. Clark. Do you really feel the Russians might have substantially more than 1600 missiles?

Senator Jackson. What do you mean by "substantial?" These are significant. This is part of the problem. We have got to nail it down. I think the constitutional responsibility of the Congress is to nail down these ambiguities. Who ever heard of an agreement being worth anything that failed to be explicit? What we want to do is to avoid future tensions so there are misunderstandings. We want to see a stabilization of relations, not a destabilization.

Mr. Koppel. Senator Percy, Senator Jackson believes there is a very broad issue, and an important one: The question of American intelligence-gathering abilities. Can we really keep accurate track of how many land-based missiles the Soviets have?

Senator Percy. I think that Senator Jackson himself, who incidentally I believe is performing a great service, in exactly what the President would want the Congress to do, a searching inquiry into these agreements and every conceivable question that can be asked about them, and we will begin that process in the Foreign Relations Committee tomorrow with Secretary Rogers and Secretary Laird.

But Senator Jackson has himself revealed movements the Soviet Union have made, digging more holes, enlarging those holes. He revealed intelligence reports which he felt was for the good of the country and I agree with him.

Our aerial reconnaissance is so accurate and so good I do not doubt that we can verify these agreements and maintain them. Our technology in that area is absolutely superior, and I will admit there are certain phases of the agreement that should be brought out.

I go back to this premise: No agreement we have ever entered into with any other nation has ever been more thoroughly and exhaustively researched and prepared for. No one is more confident to put a final seal of approval on those agreements from the Executive Branch than President Nixon. He has thoroughly done his homework over a lifetime and particularly intensively for three and a half years so I believe these agreements will be supported by the Congress but we will be performing our separate and absolute obligation that we have to ask the searching questions that Senator Jackson has been asking and will be asking.

Mr. Koppell. Senator Percy, you had a distinguished record in business. Would you enter into a contract where the consideration and basic subject matter is not spelled out on a bilateral basis?

Senator Jackson. Now, this is what we are talking about and this, of course, is one of the key questions that we want to ask this coming week. It is spelled out on submarines. Why didn't we get the Russians to agree on the same basis on land-based missiles, and I am not——

Senator Percy. You have asked the question and I will try to answer it. I have negotiated international agreements in business over a period of a quarter of a century. I have never seen as thoroughly prepared a set of agreements as these. I have never entered into one that didn't have some area of disagreement as to interpretation.

Senator Jackson. But, Senator, this is the heart of the whole agreement; it isn't a minor detail.

Senator Percy. Mr. Brezhnev and the President initialed, even, a memorandum which interpreted the agreement, to try to nail down every single thing that they could, and I really feel that these have been as thoroughly prepared as any agreements that could possibly be entered into.

Senator Jackson. How do you explain why you have spelled out the number—there is 62 Polaris-tye submarines, and agreed to, but they are not spelled out on the biggest part of the agreement and that is on land-based missiles. Now how would you explain—how would you write a letter and explain it?

Mr. Clark. Well, Senator, if we could relate this to your specific concerns what is it you are worried about, that somehow the Russians are going to cheat on this agreement?

Senator Jackson. No, I think that the key thing that we must do first of all is to nail down these ambiguities. It is that simple. If you don't, you are immediately going to be in a debate here——

Mr. Clark. Except the agreement has already been signed with the Russians. How do you nail it down now?

Senator Jackson. Well, I think you nail it down by calling—there are a lot of things—this is what we will get into. You can have reservations, you can have understandings. After all, bear in mind, Mr. Clark, they sent up not just these agreements, but they sent up understandings that are a mile long, and there are our interpretations not joined in by the Russians. It is obvious there has to be further clarification.

Senator Percy. Well, there is going to be, too. We know this is just the beginning phase—we trust a period of refined agreements that will cover everything, mutual reduction of forces, that will cover bombers. They could well say "Why don't you cover bombers? You have got far more bombers than we have, why don't we cover the intermediate missiles?"

Senator Jackson. Why don't we cover specifically what we are talking about first. How can you possibly have an on-going viable agreement that will stand up and not cause conflict? I want to get an agreement that will work, and this is just but one example. What is a heavy missile? It is not defined.

Senator Percy. Fine. What do we consider is an SS-9?

Senator Jackson. Well, that is not defined. Can you take that kind of missile and put it in another missile of that size. We think they are allowed 313.

Senator Percy. In the memorandum of interpretation they have said if you increase the size of the missile by more than 15 percent, this is substantial upgrading of that missile. I think that interpretation was very clear—

Senator Jackson. We say it is 313. The Russians don't agree as to the number, and that again is an example of the kind of clarification I think that we need to have. What we want is—

Senator Percy. You are asking the question will we strengthen SALT II negotiating hand in nailing down some of these things?

Mr. Clark. Gentlemen, if we can go back very briefly to the Moscow Agreements, they would permit each of the two countries, Russia and the United States, to complete two ABM sites. The United States is completing one in North Dakota. The Administration also wants to ring the capital, to ring Washington with a defensive missile system. Are each of you ready to vote the money to complete or to start—we haven't started yet—a defensive missile system around Washington? Senator Percy.

Senator Percy. I much preferred a zero ABM all along. I much prefer a single site to a double site. I would want more evidence as to what the ABM around Washington will really accomplish.

Mr. Clark. At the moment you would not expect to support the Administration on this, Senator Jackson?

Senator Percy. It is a quarter of a billion dollar decision.

Senator Jackson. Well, this is one of the great mistakes the Administration made. They are on notice that they can't get the fight through on Washington. We voted it down two years ago in the Armed Services Committee. I led that effort, and I also led the effort to save the ABM, but this is a silly arrangement that was made, in my judgment, and at best they will get the one site in North Dakota.

Mr. Clark. So you would agree then that is unlikely the President is going to get a defense missile system——

Senator Percy: It would be quite a struggle——

Mr. Koppel. Well, gentleman doesn't that kind of eliminate one of the crucial aspects of the SALT agreement? Do we still have an agreement——

Senator Jackson. Well, we are not required to—we are permitted to, but we are not required to.

Mr. Koppel. Will it considerably weaken us, though, Senator.

Senator Jackson. Absolutely. The real tragedy—the Administration had held out what all of us had fought for, and that is a two-site minimum, to defend Minuteman. Now, that makes sense because we did not add on to our offensive forces, and I supported that effort. But to turn around and pour hundreds of millions of dollars into defending Washington, which is not defendable in a missile context that we are talking about, to me makes no sense, and they were aware of it and they were on notice and that is why I think the ABM agreement was an unwise one, because we came out on the short end of the stick. Moscow's not dismantling anything. We are dismantling the site in Montana. They get to go forward with the site they already have, this huge complex around Moscow, which also covers some of their——

Senator Percy. But, as you say, if it makes no sense at all, why do we care if they want to make a mistake, rather than our making a mistake?

Senator Jackson. Senator Percy, their site in Moscow also covers some of their offensive systems, which an ABM site here will not do.

Senator Percy. A system around Moscow isn't worth a thing. You cannot defend that on a practical basis.

Mr. Koppel. Gentlemen, while we are on the subject of money, though. I would like to ask what seems to me to be a very basic question: The administration seems to have rationalized this kind of agreement to the public at large on the basis of cutting military spending. Instead we find that we are going to have a larger military budget next year than we have this year. Why?

Senator PERCY. Our budget request is $83.4 billion. We are going ahead apparently, according to the administration, with two sites instead of twelve. They are prepared to cut out three-quarters of a billion dollars right away because of the SALT agreements, and that should multiply many fold in future years.

Mr. KOPPEL. But we do have a bigger military budget upcoming for next year than we had this year.

Senator PERCY. That is mainly because of pay increases which now constitute 54 percent of our whole budget.

Mr. KOPPEL. What I am concerned about, Senator, is that we seem to be getting into kind of a spiral where Dr. Kissinger, for example, the other day says we have to go ahead with certain programs, otherwise we are weakened in our negotiations in SALT-II.

I can just see this going on for years where the administration will be saying: We are not going to be able to trust the Russians, or if the Russians break an agreement, we still have to go along preparing the same kinds of systems, new systems, that we have all along.

Senator PERCY. Assume that this agreement will suddenly and dramatically cut our defense budget in half and that would be a delusion. We are not implying that at all. But it is the beginning of arresting an unlimited nuclear arms race and that is what it is. It is a beginning. You have to begin this journey at some point, and it has now begun.

Senator JACKSON. Ted, let's be frank about this. The administration's presentation of this proposal makes it mandatory for Congress to increase funds for strategic arms. It is going to increase our budget. It is not going to cut it in half, it is not going to decrease it, it is going to increase it. Not this coming year, but the year after and the year after. Now that is what is involved here. Now let's get these facts out on the table. We are going to start doing it in the Armed Services committee on Tuesday, and they are going to build the so-called new type of ULMS submarine which will cost $1 billion a boat. Now that is what the administration is proposing.

Senator PERCY. I don't agree with that at all and I will have no part in that kind of an escalated step-up because of the agreement.

Senator JACKSON. That is your President's proposal.

Senator PERCY. Absolutely not. That is a misinterpretation of what his intention is.

Senator JACKSON. Well that is his proposal. The budget is already up there.

Mr. CLARK. I would like to ask you at least one political question. You are still a candidate for the Democratic Presidential nomination, though you dropped out of the primaries. Senator McGovern is expected to pick up some 200 votes on Tuesday in the New York primary which will put him within almost 200 votes of the number he needs to go over the top. Is McGovern stoppable at this stage?

Senator JACKSON. I believe that he is running into real resistance. It is possible, but not probable.

Mr. KOPPEL. On that note, thank you very much, Senator Jackson, Senator Percy, for being with us on Issues and Answers.

GETTING THE MOST OUT OF OUR SCHOOLS

Mr. CHURCH. Mr. President, two recent articles by Sylvia Porter tell us how communities across the Nation often ignore one of the their most valuable resources, their schools, through "wasteful disuse." And Miss Porter goes on to suggest that the community education concept is one of the best ideas she has found to stop this extravagance and make the schools full-time partners in the community.

As the Porter articles make clear, the benefits of a community school program can be made available through only a modest increase in the school budget. The school can become a total community center for people of all ages, operating extended hours throughout the year.

To get the most out of our schools, I have introduced S. 2689, The Community School Center Development Act, which would promote the development and expansion of community schools in all 50 States. Senator WILLIAMS joined me in introducing this bill last fall, and 20 other Senators have since become cosponsors.

I invite more Senators to join in support of S. 2689. Sylvia Porter's articles point to many of the compelling reasons why such support is in the best interests of citizens of all ages throughout the Nation.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Evening Star, June 13, 1972]

WASTEFUL DISUSE OF SCHOOLS

(By Sylvia Porter)

In one rural area near New York, property taxes have just about gone out of sight—primarily, of course, to finance the handsome, beautifully landscaped elementary and high schools.

In a matter of days, these schools will be closing for the term and in large part will be unused and wasted until the kids go back in the fall.

This is a real squandering of resources. This is, in the words of Sen. Frank Church, D-Idaho, "a kind of disuse of schools and extravagance that modern America cannot abide." This is, in today's environment plain stupid.

Last year property taxes climbed more than 9 percent, on top of a 35 percent upsurge between 1967 and 1970.

Many older Americans are now paying 20 to 40 percent of their incomes to the local tax collector. So distasteful and oppressive have local property taxes become that only 47 percent of local school bond issues were approved during the last fiscal year, a new record low and a resounding come-uppance for school officials—for the biggest chunk of all property taxes goes for schools. Also, the National Education Association points out, local school districts bear more than half of school costs today; the state kicks in 41 percent, the federal government about 7 percent.

Yet, while the cost of supporting the elementary and high school system has nearly tripled during the past decade to almost $50 billion, the typical school is locked up about 50 percent of the time.

The majority of the schools are used only five days a week, 39 weeks a year. The schools are restricted to the formal education of Americans between the age of five and 17 or 18. Even pre-school "Head Start" children have been banned from the elementary school in some cases.

Meanwhile, there is a mounting need for further education of the older American—ranging from vocational retraining to retirement preparation and planning, consumer education, nutrition, music, arts, crafts.

What's the answer?

One is to find new ways to use idle public schools. And this answer also would help to slash local tax bills by avoiding the need to build additional expensive facilities and by keeping more real estate from falling off local town tax rolls.

In fact, some 300 U.S. communities have done precisely this—with a wondrous array of activities and services and with refreshingly positive results. For instance:

In Gloucester City, N.J., a broad tutorial program has been set up, using the elderly along with elementary school students to "help kids with their homework" and personal counseling.

In Salem, Oregon, about 100 different classes and activities are going on, with some 2,000 attending each week—ranging from knitting lessons to mountain climbing and small business administration. One lady involved in the program noted tartly that this was the first time she had set foot in the local school in 32 years. The extra cost of expanding the Salem school has been about 6 percent of the regular budget. "With that 6 percent, the time the school is open can be increased by two-thirds," say officials in charge.

Your local school could be, in the words of Barry E. Herman of New Haven's Winchester Community School, a place where:

Children and adults can study and learn and where learning can take place 18 hours a day or more;

Educational or vocational skills of people of all ages can be upgraded for the benefit of the individual and the community;

People of all ages can take part in such activities as sports, physical fitness programs, informal recreation, arts and crafts, musical programs, civic meetings, adult education, home economics, tutoring;

People can find health services, counseling services, legal aid, employment services, homemaking help;

All residents of the community can study and cooperate in the solution of significant neighborhood problems.

HOW YOU CAN USE A COMMUNITY SCHOOL

(By Sylvia Porter)

In Brockton, Mass. (population about 90,000) one person in 50 enrolled in adult education classes—including English as a second language for the Spanish-speaking newcomers. Using the Brockton public school system evenings, weekends and summers are two different groups ranging from a drama group to the symphony orchestra.

Total cost: $150,000 out of a yearly school budget of $17 million.

In the high school of Elizabeth, N.J.—only 15 miles from Manhattan—citizens of all ages are attending classes in basic English, remedial reading, arithmetic, swimming, plumbing.

Among the program's hidden advantages: vandalism in and around the school has become negligible. Now the new high school, says its architect, "is being developed as a community school, with all the facilities for full-time, year-round use for young and old."

SILENCE COSTLY

In Boca Raton, Fla., where more than one-third of the people are 65 or over, another "our school" atmosphere has developed. Among the goings on in Boca Raton's public schools: a new Audubon Society chapter and regular meetings of a voluntary patrol unit of the Coast Guard. Says Community Education Director Courtney Cheri:

"Silence may well be the costliest item in our school budgets today. The waste of public facilities lying for a great portion of the afternoon and evening far outweighs the cost of opening the doors for community use."

And in Boise, Idaho, at least 67 different programs go on each week during evening hours in 10 public schools. Among them: Boise's citizens of Basque origin are taking a course in conventional Basque and would-be hunters have started an archery course.

Cost to date: about $60,000. In addition, the city is now considering turning to existing schools instead of building a planned new $200,000 senior citizens center—which would save significantly on construction and future maintenance costs as well as prevent the removal of real estate from the tax rolls.

SENATOR CHURCH PROPOSAL

In response to this solid and much more similar evidence, Sen. Frank Church, D-Idaho, is proposing the Community School Center Development Act, sponsored jointly with Sen. Harrison Williams, D-N.J. It would:

Make modest Federal grants to bolster community education training programs and develop new ones;

Give modest financial assistance for the establishment of new community schools and the bolstering of existing ones and would also help train and pay community directors;

Promote and assist, via the U.S. Commissioner of Education. the idea of the community school.

BIG SAVINGS SEEN

Hearings are scheduled before the Senate Education Subcommittee later this year. No price tag has been set on the idea, but says Church, "Why not start modestly?" And he adds, "It's a proven idea which has worked well in more than 300 communities. And it probably would save a lot more money in the long run than the very small amount needed to set up the program."

Actually, the concept of the community school goes back at least a generation—to the pioneering work done by the Charles S. Mott Foundation in Flint, Mich. And actually, you need not wait for any new laws to help your own community develop and use a community school.

You can, for instance, let community organizations of all kinds hold meetings in your local schools. The elderly, particularly, lack buildings in which to meet.

You can set up special feeding programs for those who need them—breakfasts for underprivileged children, dinners or perhaps lunches in special shifts for the elderly.

You can use school buses as extra transportation to take groups of older people sightseeing or on outings or to the theater.

You can launch rehabilitation programs—physical, vocational, occupational—for those in the community who need them.

You can conduct drug awareness programs for both students and adults, experimental programs in delinquency prevention.

You can use the schools as meeting places to inform residents—again, the elderly in particular—of special services available and valuable to them.

The possibilities for using a community school to your own and your community's advantage are limitless.

THE GENOCIDE CONVENTION AND THE HOUSE OF REPRESENTATIVES

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have suggested that ratification of the treaty would amount to adoption of legislation on the subject of genocide without the approval of the House of Representatvies. While concern for obedience to constitutional processes is commendable, I believe that fears regarding the genocide treaty are misplaced.

Article V of the Genocide Convention states that—

> The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

Nothing could be more clear from this provision than that the prohibition on genocide does not take effect until implementing legislation is adopted; and such legislation would, of course, require the approval of both Houses of Congress, just as all other legislation does. The treaty itself is not a Federal law pushed through the back door; it rather provides that a Federal law will be brought in the front door before it takes effect. The treaty says specifically that implementing legislation is to be adopted "in accordance with" the Constitution.

If any possibility of doubt remains on this subject, it is utterly dispelled by an Understanding which the Foreign Relations Committee has proposed for adoption along with the treaty. The Understanding says:

> That the United States Government declares that it will not deposit its instrument of ratification until after the implementing legislation referred to in Article V has been enacted.

That implementing legislation has already been proposed by Senator Scott and Senator Javits (S. 3182). The House of Representatives will, if we ratify the treaty, get full opportunity to consider the legislation even before the Senate's ratification is formally submitted to the international community.

I urge the Senate to move swiftly to the consideration and ratification of the Genocide Convention.

DISTINGUISHED RECIPIENTS OF HONORARY DEGREES—YALE UNIVERSITY COMMENCEMENT 1972

Mr. JAVITS. Mr. President, on June 12, 1972, at the Yale University Commencement a number of honorary degrees were awarded to distinguished individuals in many fields. I invite the attention of Congress to those recipients whom I have known over the years and greatly admired, and who are also well known to millions of Americans. These are: The Reverend Leon Howard Sullivan, pastor of the Zion Baptist Church in Philadelphia, receiving a doctor of divinity; Ada Louise Huxtable, architecture critic of the New York Times, doctor of humane letters; Katharine Graham publisher of the Washington Post, doctor of humane letters; Saul Bellow, doctor of letters; William G. Bowen, president designate of Princeton University, doctor of laws; Henry Ford II, doctor of laws; Francis Plimpton, distinguished lawyer and diplomat, doctor of laws; Gerard Smith, Chief U.S. negotiator at the SALT talks, doctor of laws; and Paul Abraham Freund, Carl M. Loeb University professor, Harvard University, doctor of laws.

A number of other distinguished individuals also were awarded honorary degrees: Carl Pfaffmann, professor at Rockefeller University, doctor of science; Stephen William Kuffler, Robert Winthrop professor of neurophysiology at Harvard Medical School, doctor of science; and Piet Hein, scientist and philosopher, doctor of humane letters.

I congratulate all the recipients of this high honor and ask unanimous consent that the citations relating to them be printed in the Record.

There being no objection, the citations were ordered to be printed in the Record, as follows:

Yale University Commencement, June 22, 1972, the Reverend Leon Howard Sullivan

Starting with Zion Baptist Church, you initiated creative programs in Philadelphia in Housing, Health Care, Youth Development, Education, and Employment. You have expanded these programs throughout the Nation with Opportunities Industrialization Centers and economic development programs. Thousands who would have remained on welfare and in poverty and despair are now attaining success with worthwhile jobs and more constructive and hopeful lives. Through your strong Christian concern and example you have built a bridge for better understanding among persons of all races and all economic levels. Yale takes pleasure in conferring upon you the degree of Doctor of Divinity.

ADA LOUISE HUXTABLE

Architecture historian and critic of the living city, you have been a leading force for humanism and a promoter of aesthetic excellence in the effort to reshape urban America. Gadfly to public officials, developers, and metropolitan designers, you have brought professional perception to bear on the cause of restoring and rebuilding our cities. Your criticism and sensitive analytical journalism have cultivated a more discriminating public awareness of the architectural environment Honoring the grace and forthrightness which have characterized your distinctive public contribution, Yale confers upon you the degree of Doctor of Humane Letters.

KATHARINE GRAHAM

You have elevated both news and opinion without confusing the two. The governors of the Republic are subject daily to your tutelage. Your publications inspire and attract many of the most talented writers of the youngster generation because you live and share your sense that journalism is "rather marvelously bracing and marvelously uncomfortable." Because of your dedication to freedom, zest, and quality, it gives Yale great pleasure to confer upon you the degree of Doctor of Humane Letters.

SAUL BELLOW

In a time when so much of narrative art has yielded itself to reportage, you have sustained a vital tradition of the American Novel. By continuous invention of moral and psychological character, in situations at once contemporary and representative of enduring human patterns, you have reminded us how necessary it is that we humanize ourselves anew through what is genuinely the novel. In your major men—Augie March, Henderson, Moses Herzog, Mr. Sammler—we find again examples of what Emerson prophesied as "the single man," capable of planting himself indomitably on his instincts, and abiding there until the huge world comes round to him. In creating these sensual men, you have become a sensual man yourself. Yale takes pleasure in conferring upon you the degree of Doctor of Letters.

WILLIAM G. BOWEN

A somewhat beleaguered, fatigued, and cliche-ridden university world welcomes your youth, vigor, and candor. Your highly professional mastery of the dismal science has shed light and hope on the corners of the bare cupboards of academe. Provostial experience endows you with special qualities which will allow you to capitalize on the momentum achieved by your distinguished predecessor. Yale looks forward to a generation of productive, collaborative rivalry in a spirit of joint venture. You will contribute through Princeton to all of us who struggle to vindicate the heritage and fulfill the promise of the ancient private university. Yale is happy to confer upon you the degree of Doctor of Laws.

HENRY FORD II

In an age when many industrialists look for the riskless course and too many business spokesmen are puppets of their public relations staff, you have remained a thoroughly authentic outspoken man. Born to a name which was already a national legend, you have nevertheless made your executive accomplishments your own. You were way ahead of your competitors and the government itself in taking an energetic responsibility for minority employment, training, and promotions. Now you are setting a standard for industrial and financial contribution to the inner city by your massive investment in the rehabilitation of Detroit. Yale with great delight acknowledges its academic maternity as it awards to her son the degree of Doctor of Laws.

FRANCIS TAYLOR PEARSONS PLIMPTON

Eminent lawyer, distinguished diplomat, and counselor to humanity, you have provided self-effacing trusteeship to Amherst, Barnard, Harvard, Union Theological Seminary, the New York Philharmonic, and the Bowery Savings Bank. With cheerful eclecticism, you have found it possible to embrace both planned parenthood and polygamy. You were America's able advocate in the United Nations. In your seventieth year, you roused the conscience of your profession and your countrymen in two great campaigns: to preserve, protect, and defend the Supreme Court of the United States; and to bring an end to the tragic Vietnam war. With wit and wisdom, you vindicate law's liberating purposes, and Yale gladly confers upon you the degree of Doctors of Laws.

GERARD COAD SMITH

We like to think the liberality of your Yale College exposure contributed to the dedicated heart and that your Yale Law training equipped you with the hard head required to achieve agreement on major weapons between mutually hostile super powers.

Your sustained efforts may still bring sanity and trust to a world in which pathological fear and suspicion have reigned since the memory of man runneth not.

We can respect your caution against premature euphoria, but Yale is not at all inhibited in her praise for and pride in your highly professional accomplishments as she confers upon you the degree of Doctor of Laws.

CARL PFAFFMAN

Our senses and our behavior are less mysterious because of your pioneer work. Your own advances have opened up new vistas for psychology. Your outstanding students are numbered among the leaders of your field. More recently you have contributed greatly to both the capacity and opportunity of distinguished colleagues by helping to shape and to direct one of the country's foremost institutions for advanced study and research. In appreciation of these contributions to human self-perception, Yale is proud to confer upon you the degree of Doctor of Science.

STEPHEN WILLIAM KUFFLER

Distinguished neurobiologist, you have been guided by the conviction that understanding the intricate mysteries of the human brain requires knowledge of the functional properties of individual nerve cells. Appreciating that the neurons of even such modest animals as the crayfish and the mudpuppy have important secrets, you have been skillful in the laboratory in eavesdropping on their activities. You have contributed greatly to an understanding of the cellular processes that enable our nervous system to perform its many and complex tasks. Yale University, proud to recognize your scholarship and your humanity, confers on you the degree of Doctor of Science.

PIET HEIN

You are a humble artist
Molding your earthly clod,
Adding your labor to nature's,
Simply assisting God.
Not that your effort is needed
Yet somehow, you understand,
Your maker has willed it that you too should have
Unmolded clay in your hand.

Yale confers upon you the degree of Doctor of Humane Letters.

PAUL ABRAHAM FREUND

Appeals from the Supreme Court of the United States can be taken only to legal history and legal criticism. You are the Presiding Justice of this ultimate bench. Generations of students and colleagues have found delight, as well as wisdom, in your teaching, your writing, your company. Younger aspirants, especially, have found generous encouragement in your compassionate ability to find some spark worth kindling even in the coldest embers. More than any other living American, you have sustained the constitutional conscience of your country. Yale is proud to confer upon you the degree of Doctor of Laws.

THE JOURNALIST'S ROLE AND RESPONSIBILITY IN A FREE SOCIETY

Mr. ERVIN. Mr. President, during the past year, the Senate Subcommittee on Constitutional Rights has been studying the state of freedom of press in America. As part of this study, a 13-day series of hearings was held at which journalists, broadcasters, publishers, and constitutional law experts presented their respective views on the subject.

Among several themes which were developed in the course of the subcommittee's hearings was the great responsibility which professional newsmen have to the public. While the subcommittee's hearings underlined the wisdom of the Founding Fathers in securing freedom for the press from Government regulation and intimidation, they also pointed out the importance of this freedom being exercised with responsibility.

In an article published in the Washington Post, of June 20, 1972, Mr. Ben Bagdikian has set forth the competing views respecting the journalist's responsibility and role. He wisely observes:

> Precisely because it is a time of passion and change, there is a need for the professional journalist dedicated to skeptical and disciplined observation, able to suspend his own opinions while interpreting the actions of others. This does not mean that the journalist has no strong personal feelings on issues he deals with—he would be a strange citizen if he didn't and probably a bad journalist. But it does mean that he takes seriously his role as the public's—the whole public's—representative on the scene.

Mr. President, because of the continuing public interest in the subject of freedom of the press and in the role of the journalist in American life, I ask unanimous consent that the excellent article by Mr. Ben H. Bagdikian, entitled "Should Personal Bias Influence a Newspaper's Content?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Should Personal Bias Influence a Newspaper's Content?

(By Ben H. Bagdikian)

How much should the personal desires of newspaper employees influence what gets into print? Should reporters take personal stands on public issues that are subjects of professional news coverage that claims to be fair? Many people, most noticeably Vice President Agnew, believe that the content of American news media already is unfairly biased by personal political values.

A middle school claims that the traditions and disciplines of American journalism insulate papers from such bias as much as is humanly possible. At the other end, "advocacy journalists" tend to see the ideal of "fairness and balance" as an excuse used by some of their colleagues to avoid their moral duty to speak against injustice and civic danger.

And the debate and the disparity of views are not limited to the newsroom—to writers and editors. Another aspect of the same problem was on display one night last month in a melodrama that took place 30 feet below the surface of 43d Street in Manhattan in the pressroom of the New York Times. It began at 9:30 p.m. on May 30, when a pressman bearing a large piece of paper approached his union chief, Robert Siemers, and said, "Look at this."

It was a paid political advertisement to be printed in the next morning's Times whose first edition was scheduled for the start of presses in 15 minutes. Siemers looked at the preliminary proof of the ad and went at once to the pressroom foreman, Charles Cohen, and said:

"We refuse to handle those two plates."

Cohen, as Siemers recalls it, was shocked and said, "You can't do that!"

What they stood looking at was a two-page ad with a big headline:

A RESOLUTION TO IMPEACH RICHARD M. NIXON AS PRESIDENT OF THE UNITED STATES.

The ad consisted largely of the text of a House resolution sponsored by eight House members alleging that the President had exceeded his legal authority by taking new military action in Vietnam. The ad was sponsored by "The National Committee for Impeachment" headed by a former U.S. senator from Alaska, Ernest Gruening, and a civil rights leader, Randolph Phillips. The ad cost them $18,870 and, among other things asked for contributions.

It is easy to imagine the foreman's alarm. A big paper's production involves thousands of interlocking operations and when one crucial link is suddenly frozen the whole system goes into shock.

Foreman Cohen and Siemers couldn't do it, and legally Siemers couldn't. But as union head of the disciplined 600-man press crew, Siemers had the brute force and if he persisted, the Times at the moment would have only two choices: cancel the printing of its 900,000-plus papers for that day, or pull the ad in favor of something more to the union's liking.

Times executives were quickly involved in the negotiations. Siemers says now that he relented only on the promise that his union's opinion on the ad would be printed. On June 1 the Times ran a story reporting the delay in the press run and in the sixth and seventh paragraphs gave the pressmen's opinion as issued by Siemers.

Siemers said recently that he considered the ad in bad taste. In addition, he said, "You know, all of us are middle-class people and we're sick and tired of people protesting and beatniks lying down in the street and stopping traffic and all that. We wanted to show the enemy that there were ordinary people in this country behind the war.

Asked if in his 25 years as a Times pressman he knew of any similar action taken against the epidemic of "Impeach Earl Warren" ads while Warren was Chief Justice of the United States Supreme Court, Siemers could recall none.

He said the threat to block the impeachment ad had results "beyond my wildest dreams."

President Nixon sent a personal emissary, Donald F. Rodgers, to greet the incoming 7:30 p.m. shift of the pressmen on June 1 with official presidential thanks and in a small ceremony presented Siemers with a pen inscribed, "Richard M. Nixon, White House."

Former Attorney General John N. Mitchell, now the President's campaign manager, sent a telegram commending "the sentiments of patriotism and responsibility expressed by The New York Times pressmen in objection to the advertisement . . ." Going in an opposite direction 200 miles away in Boston. About 50 reporters and editors of the Boston Globe wanted to buy an ad in their own paper calling for the President's impeachment.

Thomas Winsip, editor of the paper, told them he believed in maximum access to the ad columns for them but urged them not to do it for professional reasons, since it would raise doubts about the paper's ability to cover the President fairly.

Winsip convinced the group that their case could be made in an article signed by one person on the page opposite the editorials with a counter article against impeachment signed by Charles Whipple, editor of the Globe's editorial page.

There are many incidents in which the issue of the Vietnam war has caused a crisis in journalism as it has in other American institutions. In 1970 during the Cambodian invasion, James Doyle, a prominent reporter for The Washington Evening Star, was permitted to have a personal letter-to-the-editor disassociating himself from a pro-invasion editorial in The Star and the editorial's harsh condemnation of critics of the invasion. The letter, according to an editorial note, was endorsed by 29 other members of The Star staff.

At about the same time, some editorial employees of The New York Daily News tried to buy an ad in their own paper to disassociate themselves from their paper's support of the invasion. They were turned down and took their ad to The Times, which printed it.

Occasionally, fierce local issues also break through traditional restraints. In Chicago when the Sun-Times and Daily News, both owned by Field Enterprises, endorsed Richard Daley for re-election as mayor, 270 newsroom employees petitioned for equal space to rebut the editorial and ended up buying paid ads in their own papers. The editor, James Hoge Jr., laid down two conditions to the ad. One was that the ad had to be signed personally by each one subscribing to it. The other was that anyone signing it would create serious concern by management about his future assignment to cover politics.

In Philadelphia, where Frank Rizzo aroused similar emotions, five members of the staffs of the Philadelphia papers signed Rizzo's nomination petition, including the Philadelphia Daily News' City Hall reporter, and Daniel McKenna, the Evening Bulletin's City Hall Bureau chief (who was hired by Rizzo after the election). A Daily News photographer who covered the campaign wore a "Rizzo for Mayor" lapel button throughout.

(Benjamin Bradlee, executive editor of The Washington Post, said that the basic manual for The Post newsroom recognizes "the incompatibility of many outside activities and jobs with the proper performance of newspaper work." Staff members of The Post are required to discuss with their editors outside activities and jobs. "I would consider the signing by staff reporters of an advertisement calling for the impeachment of the President to be incompatible with the proper performance of newspaper work.")

There are two simplified views of the problem. One is that some issues, like war and race, are so threatening to society that "professional detachment" is personal irresponsibility, a kind of Eichmannism that permits a person to carry out technical duties without personal responsibility for consequences. This can take the form of advocacy journalism in which the person openly propagandizes for a cause, or writes partisan speeches, or marches in protests.

The other view is that honest, disciplined journalism is sufficiently important to justify sacrifice by the journalist of some degree of personal adversary activity. Furthermore, there are acceptable forms of advocacy within commercial papers. Editorials by definition are judgmental. Special articles done in depth are implicitly judgmental to the extent that they say the subject requires special attention. Knowledgeable reporting calls for background and some degree of Interpretation. Columns are subjective and sometimes ideological. But reporting of a public event, in this view, must be fair and balanced, the facts presented ungoverned by personal opinions of the reporter.

The evolution of public policy is not a serene, socratic process. There is charge and counter-charge, propaganda and anti-propaganda and in this the advocate journalist can play an honorable role, indispensable to the arousel of society to do what needs to be done. John Milton and Tom Paine were advocate journalists and so are hundreds of contemporary writers. It is a time of deep passions and social change and it is inevitable that people will speak and write passionately.

Precisely because it is a time of passion and change, there is a need for the professional journalist dedicated to skeptical and disciplined obeservation, able to suspend his own opinions while interpreting the actions of others. This does not mean that the journalist has no strong personal feelings on issues he deals with—he would be a strange citizen if he didn't and probably a bad journalist. But it does mean that he takes seriously his role as the public's—the whole public's—representative on the scene.

Unless some fundamental facts about important subjects can be agreed upon by most of us, we are all in danger of flying off into mass paranoia. If essential reality is not recognized by a significant part of the population, society is blind. "Essential reality" is not always simple to arrive at. A reporter merely reporting accurately what some politician says is not necessarily "essential reality," as most people learned during the days of Joseph McCarthy. What public men say may be only the beginning of the good journalist's job, but at least it should be agreed what was said.

It is possible for journalists to sign a petition for the impeachment of the President and still cover the President fairly. It is possible for the pressmen to censor political ads they don't like and still have most of the paper open to dissenting ideas. But it's asking the public too much to believe it, or to know when they are seeing a disciplined report or an uncensored paper.

When the government used its legal sword to take The Washington Post and The New York Times to court to censor the Pentagon Papers, at least the public knew something was being suppressed. When the pressmen, or unprofessional reporters, simply omit ideas, very few people know something is missing. In this case, President Nixon seems to have discovered that the ballpoint pen given to Mr. Siemers can be mightier than his legal sword.

If the pressmen or the newsroom staffs can censor a paper outside the bounds of professional news responsibility, in daily papers which, in 97 per cent of cities with papers, are monopoly papers, they are diminishing the only major institution dedicated to providing a hardcore of believable daily intelligence during a time of wild confusion. The government can't be trusted to do it because it has its own axe to grind. Nor can committed advocates, no matter how honorable their cause, because they have no obligation to present opposing views. If vigorous national debate is good—as it certainly is—then a believable record of the debate is indispensable to it.

F–14A HAS A MINOR PROBLEM: SHOOT THE CANNON AND IT STALLS

Mr. PROXMIRE. Mr. President, when Mr. Robert Moot, the Assistant Secretary of Defense—Comptroller—testified before the Joint Economic Committee on May 31, I questioned him about rumors I had heard regarding engine-stall problems on the Navy's F–14 jet fighter when its cannon is fired in flight.

Mr. Moot denied any knowledge of the problems, but said that he would refer my questions to the Navy. In the 2 weeks since, I have not received a reply.

I was gratified to learn, therefore, that Newsday, a Long Island newspaper published in Grumman Aerospace Corp.'s. own backyard, has been somewhat more successful in getting the answers I have sought.

A story in the June 11 edition of Newsday confirms the existence of the problem and contains an acknowledgment by Admiral Snead, Navy program manager for the F–14, of its potentially serious nature in combat.

The story also suggests that a fix has been found, but that the costs of the fix and who will pay them are still not known.

Also of interest are the last two paragraphs of the story:

> [Grumman Vice President Michael] Pelehach . . . expressed concern that the cannon-gas problem has been "blown out of all proportion." Asked if it rates as a major problem, he replied, "Major problem? We've got plenty of problems much more serious than this.
>
> "What are they?" he was asked. He leaned back on a patio lounge, smiled, and shook his head from side to side.

There are more major problems on the F–14, not the least of which is an impend $1.25 billion over-run for a 313 aircraft program, even from current inflated price levels. Unless Congress acts in the next few months, American taxpayers will be saddled with these problems.

I intend to speak out on these problems in the days ahead and to seek action in a floor amendment if it is not taken within the Armed Services Committee itself.

Mr. President, I ask unanimous consent to have printed in the Record the

Newsday article on the F–14's cannon-gas problem.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

F–14A HAS A MINOR PROBLEM: SHOOT THE CANNON AND IT STALLS

(By Chapin A. Day)

BETHPAGE.—The F–14 program has had many more serious, more costly, more publicized difficulties. But a problem it is.

Simply stated: At certain altitudes and speeds, when an F–14A fighter pilot pulls the trigger to fire his plane's 20mm. cannon, one of the plane's two jet engines momentarily stalls.

It's one of those embarrassing hitches that congressmen can use to put Pentagon officials on the spot in a hearing room. A problem which, simply stated, seems ludicrous.

A problem that raises visions of an F–14A engaging a MIG in a dogfight, getting the enemy plane in its sights, opening fire—and putting itself out of action.

A solution to the problem is already in the works. Nevertheless, Pentagon officials were spending most of their time last week preparing answers to questions about the cannon problem for Sen. William Proxmire (D-Wis.), an unrelenting critic of the F–14 program. And nevertheless, Grumman Vice President and F–14 Program Director Michael Pelehach, though unconcerned about it, still took time off from working in the yard of his Centerport home yesterday morning to sit on the patio and answer a reporter's questions about the problem.

Yes, there is a problem, he said. And the simple statement is not false. But it is incomplete. Being incomplete, he said, it is not accurate.

"COULD HAVE BEEN SERIOUS"

The problem, as distilled from conversation with Pelehach and the Navy's F–14 project officer, Rear Adm. Leonard Snead, is this: When the F–14A fires its 6,000 round-per-minute Mark 61 20 mm. cannon while flying at some relatively low speeds at some relatively high altitudes, gases emitted from the cannon's muzzle are swept back into the left engine, where they upset the delicate mixture of fuel and air in the combustion chamber. The result, in two vocabularies: "an engine temperature rise" and "a brief stall" (Pelehach), or "a momentary dropoff of performance" (Snead). "It had implications that could have been serious [in combat]," Snead said, "but this is the reason for early ground and flight testing."

Besides, there is a "fix" in the works. In Pentagon jargon, a "fix" is a solution to a problem. Pelehach sketched the fix on the back of a reporter's file folder—two panels on the left side of the plane's fuselage near the cannon's muzzle are to be replaced with parts designed to divert the gases under the plane between the two engine housings.

The proposed fix, which weighs 15 pounds, already has been tested satisfactorily on a test stand at Grumman's Calverton facility, Pelehach said, and should be installed on a test plane in time for the second Navy F–14A evaluation scheduled to begin July 5. Recent engine modifications, made as the result of the last Navy evaluation, also may help eliminate the cannon-gas problem, he said.

The Navy has not approved the fix yet, Snead said, "but it looks good to us." Negotiations between the company and the Navy will determine which should pay for the change; he added. Although he declined to give a precise figure, Pelehach said that the costs are not large.

Pelehach, who has had to face tougher problems with the F–14 program—including an early test flight crash and a continuing contract dispute with the Navy—expressed concern that the cannon-gas problem has been "blown all out of proportion." Asked if it rates as a major problem, he replied, "Major problem? We've got plenty of problems much more serious than this."

"What are they?" he was asked. He leaned back on a patio lounge, smiled, and shook his head from side to side.

RESPONSIBLE POLITICAL ADVERTISING

Mr. PERCY. Mr. President, a Chicago Tribune article dated June 9, 1972, reported that John E. O'Toole, president of Foote, Cone & Belding, is on a whistle-stop tour of the country talking about the need for more responsible political advertising. The Members of this body and the Members of the House who are running for reelection, as well as their challengers, should give heed to Mr. O'Toole's guidelines.

A political campaign can be either the best adult education program for anyone to engage in, or it can be a mere charade that appeals to emotion rather than reason and does nothing to improve public understanding of the major issues facing our Nation. To spend a million dollars to elect someone to a $42,000 job seems to make no sense whatsoever, if that is the only goal. It is eminently worthwhile, however, to use that same million not only to elect a candidate, but at the same time to make the citizenry more aware of problems, opportunities, and issues. The millions we spend on campaigns can be an utter bore or the best investment we make to better inform the people about the problems of the Nation.

Mr. President, I ask unanimous consent that a speech I gave on this subject at a testimonial dinner in Chicago be printed in the RECORD at this point, followed by the Tribune article describing Mr. O'Toole's efforts to have more responsible political advertising.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR CHARLES H. PERCY AT A TESTIMONIAL DINNER IN HIS HONOR, CHICAGO, ILL., MAY 23, 1972

You honor me by attending this dinner tonight. Only through events such as this can I run the type of campaign I want to conduct—and which I think the vast majority of Illinoisans want me to conduct.

I'd like to take the few minutes allotted to me tonight to talk about how I intend to campaign for re-election—what I will do, and what I will not do—and to describe my goals for the months ahead.

Those of you who know me well have heard me say that I believe political campaigns can be—and should be—the most important adult education program conducted in this country. Or, they can be a scandalous waste of money and an insult to the intelligence of every citizen.

A campaign must be more than the mere pursuit of votes. It should give clarity to great and complex issues and bring understanding to people. It should educate and inform the public, and allow voters to make choices from knowledge and conviction, rather than on the basis of ignorance and image.

In the months ahead, my campaign will attempt to reach out to the whole electorate, to seek the involvement of the people of Illinois in a way that leaves them with something of value.

We will make use of massive numbers of volunteers who will go out, door-to-door, to talk about the issues.

Our messages—in all media—will address themselves to the problems that we face jointly and how we can best work together to solve them.

All of my communication with the people of Illinois—whether it be face-to-face or through the media—will reflect my commitment to offering solutions, not merely listing problems. I believe it is irresponsible to tell the voters what is wrong with this society and not tell them how these wrongs can be righted.

It is not enough, for example, to point out that the elderly of this nation—the 20 million Americans over 65—are our most neglected minority group.

It is necessary to provide answers to this tragic situation, as I believe I have done with my legislative package of 12 bills and five amendments to benefit the elderly in a wide variety of areas.

It is not enough to lament the fact that dangerous drugs are the largest single cause of crime in our country or to note that they have invaded our high schools and our armed forces.

To deserve the support of the people, a candidate must propose creative solutions. I believe that the recently enacted Drug Abuse Office and Treatment Act, which I introduced in the Senate meets the test.

It is not enough to assert that inflation and unemployment are too high. Talking about economic problems does not solve them.

I strongly believe that increasing our national productivity is the key to restoring our economic health. Simply stated, this means that labor and management must pull together to increase the size of the economic pie, rather than waging mortal combat over who gets the larger piece of a smaller pie. To stimulate this effort, I worked for implementation of modernized accelerated depreciation regulations and restoration of the investment tax credit, and I secured passage of the so-called "Percy Amendment", which exempted from Phase II controls all pay increases that are matched by productivity increases.

It is not enough, in my view, to state that the war in Indochina was a tragic mistake.

What is needed is a vehicle to insure that there are no more Vietnams, that no more wars are prosecuted without the support of the people, and their elected representatives, the Congress. Toward that end, I have been working in the Congress for the passage of legislation that would redefine and clarify the respective powers of the President and the Congress in questions of peace and war.

As important, perhaps, as what I will do in this campaign is what I will not do.

I do not believe that slogans are a substitute for substance, or that symbolic pictures are solutions to complex national problems.

Accordingly, I have requested that my campaign committee spend not one cent of your contributions on billboard advertising, which, by its very nature, cannot provide the voters with a substantive message. And I will not employ simplistic phrases or meaningless photographs or TV film, which confuse the voter and appeal to emotion, not to reason. Art's loss will, I hope, be the public's gain.

I will not engage in personal attacks on my opponent or any other candidate for public office. Not only do I have enough faith in the people of Illinois to believe that he who slings mud loses ground, but—of far greater importance—I strongly believe that the voters are entitled to something better than name-calling and character assassination.

In essence, that is my goal for the next six months—"something better." I want to wage a campaign that educates the people and elevates political discourse, in which voters are people with problems, not numbers on a computer print-out.

Over the past six years I have compiled

a record of performance, which is the single standard by which I hope to be judged. By your presence here tonight, you have indicated that you believe in the courses I have chosen. Be assured that I am deeply grateful for your loyalty. I will need your support more than ever in the difficult period that will follow. I know that you will not fail me, just as I trust I shall never fail you.

Thank you.

MARKETING—O'TOOLE CAMPAIGNING FOR BETTER POLITICAL ADS

(By Lynn Taylor)

John E. O'Toole is not a political candidate. Nevertheless, O'Toole, president of Foote, Cone & Belding, is on his own whistlestop tour of the country talking up a storm about his favorite issue: the need for more responsible political advertising.

The tour is not a formal one, but every chance he gets he does seem to talk about the subject—as he did yesterday before the Public Affairs Council Round Table in Washington, D.C.

He has made some headway during the last several months, chief evidence being that the American Association of Advertising Agencies Wednesday issued a Statement on Political Advertising of which O'Toole was one of the creators.

The statement urged political candidates, advertising agencies working on their behalf, and the media to assume greater responsibility for the content of political messages.

SUGGESTS MORE TIME

It suggested that segments of at least five minutes be offered for sale for political announcements—in addition to selling conventional time segments.

The statement was couched in formal polite terms, but O'Toole's speech on the same topic was not. He sharply criticized—with considerable documentation—the agencies, campaign managers, and the media.

The 4 A's Statement did not go as far as O'Toole obviously would have preferred. In the speech he reiterated his feelings that short "spot" political advertising should be eliminated completely in favor of a minimum five-minute segment.

There has been an understandable reluctance on the part of the broadcast industry to do this, he said, since a five-minute segment would be sold at program rates which are considerably less than the sum of five commercial minutes.

"I really didn't expect immediate assent from the broadcasting industry," O'Toole continued. "They have seldom been accused of plunging head-long into reform.

"No, it will happen eventually despite the protestations of broadcasters. Because candidates—and enough people—want it to happen."

DIFFERENT TYPE

He said it is not possible to equate product to political advertising because the object of the political message is to put the competition out of business. This means there is more temptation to justify the means than the ground rules of advertising could possibly control.

"Furthermore, none of the safe-guards imposed upon contemporary television advertising applies to political spots. Even the libel laws are suspended," he said.

"The National Association of Broadcasters and network continuity acceptance departments have seldom challenged the statements, claims, and promises made for a political candidate who might some day be in a position to influence a license renewal."

The theme of most major political spots has been disparagement of other candidates, and the advertising industry has reaped the blame for it.

SUGGESTS GUIDELINES

He suggested several guidelines for stations and politicians.

The message should be designed to help the voter know and understand the candidate, his character, and his ability to communicate.

The message should establish what the issues are and which the candidate feels are important.

The message should clearly state where the candidate stands on the issue.

O'Toole concluded: "It's going to happen. Now the question is: With the major campaigning for the crucial elections of 1972 only three months off, will it happen in time?"

Only if O'Toole hires an advance man, buys some 30-second spots, and issues a few more disparaging statements—unfortunately.

THE NON-ENGLISH SPEAKING AND THE LEGAL SERVICES CORPORATION

Mr. TUNNEY. Mr. President, I am pleased to join with several of my distinguished colleagues in sponsorship and support of S. 3010, whose purpose it is to continue the funding of the many beneficial programs in relief of poverty and unemployment authorized under the Economic Opportunity Act of 1964.

I am particularly proud of, and commit my full support, to those provisions of the bill which establish the National Legal Services Corporation and require it to be guided by a 19-member Board of Directors, one of whom must be representative of and chosen from the population within the Nation of persons who speak a language other than English as their predominant language.

After discussing with several Chicano and Puerto Rican attorneys the absence of any representation of the Spanish speaking on the Board of Directors, I recommended to the Senate Committee on Labor and Public Welfare that S. 3010 include a provision which could correct this lack of representation.

The object of my suggestion is the approximately 10 to 12 million Spanish-speaking and surnamed Americans, over 3 million of whom reside in California alone. They comprise the second largest minority group in the United States, representing 5 percent of our total population. Speaking little or no English, it is altogether proper that they should be represented on the Board of Directors by someone drawn from their own constituency—a person who can articulate and who is appreciative, perceptive, and understanding of the many legal problems peculiar to them by reason of the language barrier and the consequent poverty. The committee is to be congratulated for including this requirement in the bill.

By these remarks, it is not my intent to find—nor do I find—fault with the legal services program as it has existed and operated these past 7 years. To the contrary, the record of the hearings on the predecessor bill (S. 2007, 92d Cong.), vetoed by the President on December 9, 1971, is replete with examples of the provision of effective, comprehensive, and economical legal services to the client community by the presently funded legal services program. But I believe that the time has come to focus our efforts in also meeting the legal needs of the Spanish-speaking citizens of our Nation. And a Spanish-speaking member on the Board of Directors who is familiar with the legal problems and needs of his people will be of immeasurable assistance and value in articulating these problems and needs to the Board. Such a member can help the Board focus its attention and efforts to resolving and dispelling the attitudes of Americans who view our law enforcement and judicial system with suspicion and distrust.

These attitudes are not without foundation in fact. Stereotyped throughout much of his history as ignorant, a drunkard, and a thief, the Mexican American and other Spanish-speaking Americans have been the object of abuse and unequal treatment by law enforcement authorities. A number of incidents in these areas have been reported to the U.S. Commission on Civil Rights. Among these are complaints of police brutality; unequal treatment of juveniles—that is, Anglo-American juvenile offenders are released without charge to the custody of their parents while Mexican American and other Spanish-speaking and surnamed youths are charged with offenses and jailed; verbal abuse, discourtesy, and the use of "trigger words" by police officers; and frequent "stop and frisk" practices, and arrests for "investigation" in Mexican-American neighborhoods.

Numerous incidents of discriminatorily high bail for Mexican-American suspects also have been reported. Excessive bail or the denial of an opportunity to post bail has been used by law enforcement officials to retain custody of accused Mexican Americans or to harass them rather than assure their appearance at trial.

Against this background of abuse, can we seriously question expressions of mistrust of the courts by Mexican Americans? There is a basis for their feeling that the law is being used to create and perpetuate injustice rather than as an instrument to solving their problems.

This bleak picture of the relationship between Spanish-speaking and surnamed Americans and the legal process points up the committee's wisdom in concluding that the ubiquitous attitudes of suspicion and distrust can be allayed in a large part only by granting them a strong and knowledgeable voice and representation in the policymaking councils of the board of directors of the newly established and independent National Legal Services Corporation. It is significant to note that the OEO bill vetoed last year by President Nixon contained no such requirement. Unfortunately, however, it should be noted that the compromise bill which the Senate is now considering prescribes no procedures, criteria, or standards to be applied in selecting such a representative on the board of directors. In this respect, the bill is vague and ambiguous. I would prefer—and this is my only reservation concerning the bill—that the bill be clarified to provide standards that there be some clarification that will result in the appointment of a person who is more than nominally familiar with the legal needs and problems of Spanish-speaking and surnamed citizens.

PRESIDENTIAL ADVISORY COMMISSIONS

Mr. KENNEDY. Mr. President, it used to be said that the reports of Presidential advisory commissions were simply ignored by those in a position to do anything about them. The present administration has at least changed that. Now these reports are used as convenient whipping boys by a White House anxious to blame our troubles on anything but its own inadequacy. Sometimes a report has even been attacked before it was presented, leading one to wonder whether the President will soon tell a commission as he appoints it which are the answers its study is supposed to produce.

With a fine nonpartisan spirit, the Republican administration has attacked the work of the Nation's best minds no matter whether they were appointed to commissions by itself or its Democratic predecessor. An article published in the Progressive magazine for May details the fate of several such studies—the Pornography Commission, the Campus Unrest Commission, the Population Commission, and the Marihuana Commission, the last of which was the one to suffer the unique fate of having one of its central recommendations rejected by the President in advance.

Mr. President, we need to pay more serious attention to the work of these advisory bodies. I intend to propose soon legislation which would require a fairly detailed response procedure from the executive branch after a report is presented. To remind the Senate what happens all too often with the painstaking work of these advisory groups, I ask uanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Progressive magazine, May 1972]

THE COMMISSION GAME

Almost five years ago on July 29, 1967, President Lyndon B. Johnson appointed a National Advisory Commission on Civil Disorders. There was rioting in Detroit when he issued the Executive Order and, as the President noted, "wholesale looting and violence" had occurred "in small towns and great metropolitan areas."

The President was firm in his instructions to the Commission chairman, Governor Otto Kerner of Illinois, and the other commissioners. "We are looking to you not to approve our own notions but to guide us and to guide the country through a thicket of tension, conflicting evidence, and extreme opinion," Mr. Johnson said. "As best you can, find the truth, the whole truth, and express it in your report . . . The work that you do ought to help guide us not just this summer, but for many summers to come and for many years to come."

Well, we all know what happened—and what didn't. The Kerner Commission, after seven months' work, issued a massive, thoughtful report which warned of the deep and deepening divisions in America and called on the Government to mount "new initiatives and experiments that can change the system of failure and frustration that now dominates the ghetto and weakens our society." The report was published by the Commission, ignored by the Administration, and promptly forgotten by almost every one else.

In what turned out to be prophetic testimony, one of the first witnesses before the Kerner Commission, sociologist Kenneth B. Clark, said: "I must in candor say to you members of this Commission—it is a kind of Alice in Wonderland, with the same moving picture reshown over and over again, the same analysis, the same recommendations, and the same inaction."

The Kerner Commission's sad and frustrating experience was hardly unique. It was, rather, the all too common experience of most of the Presidential panels appointed in recent years to examine issues of critical public concern. Senator Edward M. Kennedy, whose Subcommittee on Administrative Practice and Procedure conducted hearings last year on the ramifications of the commission game, was moved to comment that commissions "are merely so many Jimminy Crickets chirping in the ears of deaf Presidents, deaf officials, deaf Congressmen, and perhaps a deaf public."

Milton S. Eisenhower, who headed the Presidential Commission on the Causes and Prevention of Violence, told the Kennedy Subcommittee that his group's fifteen-volume report had met with "almost total silence" after it was presented to President Nixon. Former Attorney General Nicholas Katzenbach testified that the same fate had befallen the report of his Presidential Commission on Law Enforcement and the Administration of Justice.

The Commission on Obscenity and Pornography, which presented its report in 1970, was denounced for its pains by the President and other official spokesmen. Former Governor William Scranton's Commission on Campus Disorders incurred the wrath of Vice President Agnew.

In recent weeks, two more Presidential commissions have issued thorough reports calling for major changes in critical areas of social policy. Both have been met with official indifference, if not hostility. After two years' work, the President's Commission on Population Growth and the American Future concluded that "no substantial benefits would result from continued growth of the nation's population." It recommended, among other measures, removal of legal restrictions on abortion, which it viewed as "obstacles to individual freedom." Mr. Nixon, having declared a year ago that abortion is "unacceptable," has displayed no interest in his Commission's finding.

The formal report of the National Commission on Marijuana and Drug Abuse encountered the same problem of Presidential preconceptions. Its 184-page study asserted that "the time for politicizing the marijuana issue is at an end," and therefore called for the abolition of criminal penalties for the personal possession and use of pot. But Mr. Nixon told this Commission even before it began its work a year ago that he saw "no social or moral justification whatever for legalizing marijuana."

In Senator Kennedy's view, Presidential commissions "could be the nation's conscience, spurring us on to do what we know ought to be done, showing us the way, strengthening our determination to build a just and peaceful and productive society." They could be, but they have not been, and it seems unlikely that they will be.

Perhaps the lesson is that if a problem is urgent enough to warrant the appointment of a Presidential commission, it is too urgent to be left to a Presidential commission. Perhaps the next time the President gravely announces he is naming a blue-ribbon panel to study a pressing issue, we all should say, "Okay, but what are you going to *do*?"

WHY A CONSUMER PROTECTION AGENCY IS NEEDED—A CONTINUING STORY

Mr. PERCY. Mr. President, last week the Subcommittee on Executive Reorganization of the Government Operations Committee unanimously approved a revised version of the Consumer Protection Agency bill (S. 1177), jointly cosponsored by Senators RIBICOFF, JAVITS, and myself.

At that time, I made reference on the floor to a number of instances of laxity and neglect in various agencies of government which document the need for a new and independent agency to represent the interests of consumers in proceedings and activities that may substantially affect their interests.

Through the enterprising work of a journalist for the Newhouse News Service, Kay Mills, I have now been apprised of one more in a continuing series of examples that unfortunately keep cropping up, showing why such an advocacy agency for consumers is necessary. Kay Mills, after sitting through lengthy hearings before the Interstate Commerce Commission on a requested increase for railroad freight, has filed a story wherein the point is made that—

> The Interstate Commerce Commission will act soon on proposed railroad freight increases—following hearings marked by shippers requesting reductions and average consumers asking nothing at all because they weren't there.

She goes on to relate:

> The railroads outlined their case; trade associations affected asked, in effect, "why should we pay more when competitors pay less"; and the consumer said nothing at all.

Instances such as this, which go on repeatedly among some of our regulatory and other agencies of Government, point up the true need for an institutional advocate on behalf of the consumer. The Federal Government has this responsibility.

I am hopeful that the full Committee on Government Operations will very shortly be taking up this legislation and considering it on its merits, instead of upon the very exaggerated and unwarranted charges—that, in effect, amount to false packaging—that have come from some segments of the business community. I am pleased to report that in recent days we have seen a responsible attitude on the part of other segments of the business community, in particular, such large retailers as Montgomery Ward, Sears, and J. C. Penney. Those companies, and others, that have come in to review and discuss the bill and now understand its provisions, have indicated that they are far less concerned that any business will be unduly burdened or interfered with or that any orderly process of government will be disrupted.

Mr. President, I ask unanimous consent that the entire piece written by Kay Mills be printed in the RECORD, and that it be followed by two other articles on the same subject. The two articles, both reflecting expert understanding of the legislation, deal with the action taken by the Subcommittee on Executive Reorganization last week. One is by Jim Large of the

Wall Street Journal and is entitled "Bill To Set Up Agency as Consumers' Voice in Federal Units Clears a Senate Hurdle." The other is by UPI reporter Jane Denison.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PAYING THE FREIGHT

(By Kay Mills)

WASHINGTON.—The Interstate Commerce Commission will act soon on proposed railroad freight increases—following hearings marked by shippers requesting reductions and average consumers asking nothing at all because they weren't there.

The railroads want the increases, ranging as high as 10 percent on some goods, because of mounting labor costs. The ICC can either approve the rate increase request as is, trim it or deny it entirely A spokesman described the last alternative as "unlikely" and agreed that the hikes undoubtedly would be passed on to the consumer.

In two days of dry, legalistic testimony just ended in a chandeliered, wood-paneled ICC hearing room:

—The railroads outlined their case,

—Trade associations affected asked, in effect, "Why should we pay more when competitors pay less"

—And consumer said nothing at all.

It's not that the major consumer groups weren't welcome, but "none asked to appear," the ICC spokesman said.

"Sure, they may have put a notice in the Federal Register but we just don't have the personnel to catch every announcement and testify at every hearing," a Consumer Federation of America representative said.

"The regulatory agencies idea of public notice is vastly different than ours," she said.

Sen. Charles Percy (R-Ill.) said such cases where "substantial consumer interest" apparently is at stake and unrepresented at a Government agency "underscore the critical need for creation of the Consumer Protection Agency."

Percy has co-sponsored a bill to establish this Federal agency, which could intervene in other Government proceedings on behalf of what are now largely-disorganized consumer interests.

The Consumer Federation spokesman concurred with Percy, saying the new agency would provide "far greater representation than we have now with the ICC and other regulatory bodies. It would know when hearings or rate cases were pending and it could represent the consumer interest in a consistent manner."

Groups represented before the ICC at these hearings included various power companies, Nestle Co., Diamond Walnut Growers, the Beet Sugar Industry, California Grape and Tree Fruit League, U.S. Steel, Chicago Fly Ash Co., the Asphalt Roofing Manufacturers Association and the Washington Potato Association as well as the railroads.

Howard Gould, who represented the Institute of Scrap Iron and Steel, echoed much of the testimony when he said, "We have no quarrel with the rate increase. We recognize the carriers need for revenue." But his group—and the others—felt the selective increases discriminated against them.

Edgar A. Kaier, speaking for the railroads, said the lines needed the increases immediately to offset expenses which increased by $1.6 billion in the last year.

Railroads already have won a 2.5 per cent temporary surcharge imposed in February and expected to yield $246 million annually. The additional rate increases, which average 4.5 percent but range as high as 10 per cent, would bring another $155 million a year.

The railroads still would have to go to the Price Commission with rate increase requests. But an ICC spokesman said that commission could defer to the ICC ruling as "the expert opinion."

The railroads contend the proposed increases will meet price commission standards because the money won't increase profit margins, just meet increased costs.

The ICC decision could come within a month.

[From the Wall Street Journal, June 14, 1972]

BILL TO SET UP AGENCY AS CONSUMERS' VOICE IN FEDERAL UNITS CLEARS A SENATE HURDLE

WASHINGTON.—Long-stalled legislation creating a government spokesman for consumers in the deliberations of other federal agencies is moving again in the Senate.

A Senate Government Reorganization subcommittee approved a bill establishing a new Consumer Protection Agency, sending the measure to the full Government Operations Committee for more consideration later this month. After that, the bill probably will make a stop at yet another committee before reaching the full Senate. Then it must be reconciled with a bill passed in a different form last year by the House.

Despite this long legislative road, Sens. Abraham Ribicoff (D., Conn.) and Charles Percy (R., Ill.), the bill's chief sponsors, predicted it will be enacted in this session of Congress and take effect next year.

The proposed agency is regarded with considerable suspicion by such business groups as the Illinois Chamber of Commerce, which has been critical of Sen. Percy for sponsoring it. Mr. Percy yesterday insisted the bill "doesn't tip the scales for the consumer or against business." He said it's needed because "the regulatory agencies we have set up to protect the consumer simply haven't been doing the job."

The new agency would have power to intervene in cases pending before federal regulators such as the Interstate Commerce Commission. It could fight a request for higher freight rates, for example, or a proposed change in the Agriculture Department's rules on the fat content of hot dogs. The agency also could appeal a regulatory decision to federal courts.

The House-passed bill gives the agency this power to intervene in many kinds of regulatory proceedings, but not in cases where a company faces administrative fines or penalties. An example would be proposed fines levied by the National Highway Safety Agency on auto manufacturers for violations of safety standards.

The Senate subcommittee bill would allow the Consumer Protection Agency to enter such cases. It also would authorize the agency to insert itself into "informal" consumer-related activities throughout the government, such as a Food and Drug Administration investigation of food contamination.

The subcommittee's decision to give the agency this additional authority drew praise from Ralph Nader, who last year was furious about the House restrictions. "It is a good bill," said Mr. Nader yesterday.

As the bill currently is written, the agency would be forbidden to get involved in cases pending before state or local regulatory agencies, unless those bodies specifically requested it. This touchy point will be considered again by the full Government Operations Committee.

Besides speaking for consumers in the federal bureaucracy, the agency would be a clearinghouse for consumer complaints. This role currently is played by Virginia Knauer, President Nixon's consumer-affairs adviser. After getting a complaint, the agency would send it to the company named for a reply. The complaint and answer ultimately would be made public.

The subcommittee bill would establish a three-member Council of Consumer Advisers to the President, patterned after the existing Council of Economic Advisers. The council would draft an annual report on federal consumer-protection activities.

A UPI NEWS DISPATCH

(By Jane Denison)

WASHINGTON.—With the firm backing of two senior Republicans, a Senate subcommittee today gave 7–0 approval to a Consumer Protection Bill far stronger than the Nixon Administration wants.

The bill, which now goes to the Parent Government Operations Committee for Review, would set up an independent consumer protection agency (CPA) to advocate consumer interests before other Government Agencies and the courts.

Its near-unanimous approval—two subcommittee members were absent and did not vote—came despite a massive lobbying campaign against it by segments of the business community.

Committee sources have said up to 150 major companies are allied in a campaign to kill it, and Newsweek magazine this week reported that they are spending more than $100,000 in the effort.

Sponsored chiefly by Subcommittee Chairman Abraham Ribicoff, D-Conn., the bill has had the active support of the subcommittee's two ranking Republicans, Jacob K. Javits of New York and Charles H. Percy of Illinois.

Percy hailed the bill as a "precise and balanced" measure that would provide consumers an effective advocate without tipping the scales against business.

"The housewife who buys tainted chicken or flammable babywear, or whose children are inoculated with ineffective flu vaccine is victimized the same whether her husband is a corporation president or a truck driver," said Percy, a former corporation president himself.

Besides arguing the consumer's cause, the proposed CPA also would be empowered to handle consumer complaints, conduct surveys and research, intervene in Government proceedings affecting consumers, and publish and disseminate consumer information.

WET FIELDS FLOODING DISASTER IN WESTERN MINNESOTA

Mr. MONDALE. Mr. President, farmers in 23 counties of my home State of Minnesota continue to suffer setbacks in planting of crops this season due to unusually wet fields. The fall of 1971 was very rainy. Harvesting was delayed into the winter in many cases. This was followed by an extremely rainy spring. Many areas have gotten heavy rains each week for the past 3 months.

This situation was approaching disaster proportions in mid-May. Several farmers had not been able to plant more than small portions of their cropland. In a normal year they would have been near completion of planting by that time. In addition to the planting delays caused by these terrible weather conditions, much of the crop which had been planted was drowning out. These would require replanting if possible later on.

To fully understand the importance of early planting and the consequences of delayed planting in Minnesota, one must realize that the growing season for these farmers is very short because of early frosts in September. Crops such as corn require 90 days or more to fully mature for harvest. Higher yielding varieties require a longer growing season. If a farmer plants corn after June 1 he runs tremendous risks unless he has been able to buy seed for a shorter season variety. This seed is difficult to find when last minute changes have to be made in production plans.

Because of the desperate situation described by those farmers on June 1, I joined Congressman BOB BERGLAND, of the Seventh District in Minnesota, several Senators and Congressmen in an appeal to Secretary of Agriculture Earl Butz for immediate aid to the farmers in the depressed area. The next week, Wendell R. Anderson, Governor of the State of Minnesota, asked President Nixon to declare the area a national disaster emergency. I wired the President urging prompt consideration of Governor Anderson's request and asking that he speed all available aid to the disaster area.

To date, neither the President nor his Secretary of Agriculture have responded favorably.

Mr. President, recently I made an air tour of the flooded area with Governor Anderson and Representative BERGLAND. I should like to report to the Senate the details of the flood situation.

Less than 50 percent of the corn and soybeans have been planted. Where these row crops have been planted, they are heavily infested with weeds because wet soils since planting have prevented cultivation and application of weed control chemicals.

Some corn has been broadcast seeded by airplane because wet ground would not support ground equipment. This is growing well except in spots where standing water has drowned it out.

Oats and other small grains are far behind the normal stage which would be achieved by this time of year. Virtually every grain field I saw had some spots that either had been skipped over because of wetness during planting, other spots where grain had not come up because the seed rotted in the cold wet soil or places where grain had come up and drowned out later because of standing water.

Many alfalfa fields with water standing in them have suffered root rot and thus devastation of the entire crop. Other alfalfa fields, past the optimum cutting stage are lodging. Extremely wet ground will not support harvest machinery.

My home State of Minnesota has long enjoyed compliments for being a scenic land of 10,000 lakes. However, at the present time, an aerial view of the farmlands of western Minnesota closely resemble the lake regions. Fields look like lakes. Other farmland looks like one big swamp. During our tour I commented that it looked as though one more light rain would flood the entire region because the saturated soils could not absorb more moisture. Ironically, it started raining while we were talking to a farmer whose land is already flooded.

A typical example of the farmers with whom we talked is a young man who farms in Swift County, Minn. He has some beautiful corn growing but as he points out:

> That's only 150 acres that was planted on time out of 1,700 acres I farm. I got some other corn planted late but some 1,100 acres are still too wet to work.
>
> I bought seed and fertilizer with borrowed money. I have to pay the interest but I can't go on credit for ever.

This young farmer, like many others is a topnotch operator and a good business manager. But the events beyond his control over the last 3 years are forcing him toward leaving his profession. In his words:

> I was raising sugar beets three years ago. I paid a lot of money for expensive specialized equipment. Then the sugar plant closed. That dried up our market.
>
> Last year I decided to raise corn. It was a fine year for corn and we had a bumper crop. But because that excellent crop caused an oversupply of corn, corn prices dropped to the lowest point in several years and we could barely clear our costs.
>
> Now we face the possibility of having no crop at all. Farming is my life. Everything I have earned has been reinvested in land and machinery. I have expanded from a quarter section to almost three sections of land. But now I don't know how long I can keep going.

Mr. President, I am speaking of a sadly desperate situation. Thousands and thousands of farm families face a season with no crops. This comes immediately after a year of the lowest wheat and feed grain prices since the depths of the great depression. Last year's low wheat and corn prices meant losses to several farmers in the wet area. Having no crop this year will force them off the farms.

We are often asked to grant hundreds of millions of dollars to bail out bankrupt corporations. It is shameful that our Government cannot spend less than $20 million to help thousands of farm families.

Those people deserve help from their Government. They did not cause the low wheat and feed grain prices that have been visited upon them. The low prices were due to a weak and ineffective farm program. Control of the weather is even beyond the Federal Government. But we have programs available within our present laws to help victims through such a disastrous situation as they now face.

In my judgment the President and the Secretary of Agriculture have responsibility to bring all the resources of the Federal Government to bear—through the Office of Emergency Preparedness and the Department of Agriculture—to help relieve this disaster. Something must be done now.

I have had literally hundreds of phone calls from small businessmen, bankers, and community leaders expressing their concern over this matter. They know that their businesses and towns will suffer if farmers have another bad year. The entire economy of the State will be depressed.

I hope that the President will respond favorably to our requests for aid to people in the distressed area of Minnesota.

Mr. President, I ask for unanimous consent to have printed in the RECORD a selection I have made of the communications I have received from people in the disaster area; also, my communications to the President and the Secretary of Agriculture concerning this matter and some recent news articles about the wet fields situation.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
Clarkfield, Minn., June 6, 1972.

Hon. WALTER F. MONDALE,
Washington, D.C.

DEAR SENATOR MONDALE: Enclosed is a photo copy of recommendations sent to the State Disaster Committee

Sincerely,
JOHN E. JOSEPHSON,
County Executive Director.

U.S. DEPARTMENT OF AGRICULTURE,
June 5, 1972.

To: State USDA Disaster Committee, Federal Building & U.S. Courthouse, 316 Robert St., St. Paul, Minn. 55101.

From: John E. Josephson, Secretary, Yellow Medicine County Disaster Committee.

Subject: Disaster Situation due to Excessive Spring Rains.

The Yellow Medicine County Disaster Committee met on June 1 and discussed what could be done to assist farmers due to the continuous rain fall this spring. It was estimated that practically no small grain had been planted. About 35% of the corn and about 10 to 15% of the beans had been planted in the county. The fields are still too wet to be worked. Many look dry but are just crusted and are wet under the crust.

A list of 22 farmers who had done very little planting was made. There are hundreds more.

The Yellow Medicine County Disaster Committee would like to submit the following requests:

(1) Yellow Medicine County be declared a disaster area.

(2) That USDA open the set-aside programs to disaster counties and producers be permitted to set aside 100% of their bases.

(3) That REAP completion dates for spring practices be extended.

(4) That assistance be given with demurrage on fertilizer cars on siding because fields were too wet and all storage filled. Some cars of fertilizer have been on siding for some time.

GRANITE FALLS, MINN.,
June 19, 1972.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I write to you in frustration and mixed emotions. We know that our local USDA program officials are being helpful and keeping you informed but it is difficult for anyone to realize fully how desperately we need assistance. We have been plagued for years with low farm prices and increasing debts at higher interest rates. And now the bottom seems to have fallen out. Any number of us face financial disaster and bankruptcy if needed programs are not adequate and could benefit only a select few. Most of us need a supplemental income now and long term financing at a reasonable rate of interest.

Some of us have little or no crop planted. Continuing rains have made planting impossible and forecasts of additional rain are most disheartening. Much less than the average corn crop is planted in this area, and much of this has rotted or cannot come through the crust and has had to be reworked and seeded to an earlier variety of corn or soybeans when fields become workable. The only hope for much of the corn now is for silage and roughage.

We had hoped that the Feed Grain Set Aside Program should be reopened, allowing us to set all the corn base if need be. But it sounds as though that has been definitely denied.

The financial repercussion of this crisis will be almost unbelievable when applied to our tax structure and its effect on our schools, local government cooperatives and rural main streets. We sincerely believe that to avoid irreparable harm to our area, the Presidential Emergency Area legislation will need to be activated. We know that you are aware that up to $2500 of loans made under these provisions are marked off. This would ease our problems until many of us could be refinanced properly. Most of our financing is short term at unfavorable interest rates and needs to be changed. We are asking for the same privileges extended to other segments of our economy. This could be legislated by direct or guaranteed loans by our Farmers Home Administration.

We believe it is exceedingly important to our nation to preserve our Family Farm operation. Believe us when we say that any number of us in this area will be liquidated next fall if immediate assistance is not available.

We know we can depend on you in this time of need and will be looking forward to hearing from you.

Sincerely yours,

HAGEN SEDERSTROM.

GRACEVILLE, MINN.,
June 8, 1972.

Hon. WALTER MONDALE,
U.S. Senator,
Washington, D.C.

In re: Big Stone County Republican Party

DEAR SENATOR MONDALE: I am writing this letter as County Chairman of the Big Stone County Republican Party for and in behalf of the members of our party.

We, here in Big Stone County, and in the counties in the general area, are faced with almost a calamitous situation, because of the heavy and continuous rains. I am sure you know that a great majority of the farmers in this area have very little crop planted. Many of them have no crop at all and it is almost the middle of June.

We ask that steps be taken immediately so that the Secretary of Agriculture will reopen the sign-up program for the feed grain and allow producers to participate further, if they so desire, in the feed grain program.

We also ask that this area be declared a Presidential Disaster Area. I cannot say anything more, because I am sure you are already familiar with our very great problem.

I assure you that the farmers of this area everywhere will be grateful for any help you can give to them.

Yours very truly,

ARNOLD SOUBA, Jr.,
Big Stone County Republican Chairman.

JUNE 2, 1972.

Hon. WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: No doubt you have heard of our disastrous farm situation in West Central Minnesota. The farmers have not been able to get into their fields to work and plant them due to excessive rainfall on top of a saturated soil from last fall's excessive rain. To compound this, there is still some corn and soybeans from the 1971 crop in the field.

We estimate today that perhaps 25% of our crops are planted and this is on our droughty soils. We also estimate that about 50% of our farmers have no crop in at all and will likely need 1–2 weeks of drying weather to get into most fields.

The effect of this condition on the farmers is disastrous. Most are heavily in debt and have been operating on 100% borrowed capital. A poor crop year will mean that they will lose everything. The effect of this will hit our communities like a bomb and have far reaching consequences.

We would like aid of some form; perhaps an opening up of set-aside acreage would be most helpful. After that, low interest loans or direct grants would be in order and perhaps allowing grazing on set aside acres.

A call to any of the farmers in the area can verify my statements.

Sincerely,

JAMES L. EDMAN,
County Extension Agent.

MADISON, MINN.,
June 7, 1972.

STATE USDA DISASTER COMMITTEE,
Federal Building and U.S. Courthouse,
316 Roberts Street,
St. Paul, Minn.

Lac qui Parle County, Minnesota hereby requests disaster status, because rainfall during the months of September and October, 1971 were excessive and above average rainfall during May, 1972 resulted in delayed planting of crops about one month on 90 percent of the 1,362 farms in Lac qui Parle County. The distribution of the precipitation has kept farmers out of their fields most of the time from early April through June 7, 1972.

Normally, 95 percent of the corn, soybeans, and small grain would have been planted by June 1. Less than 25 percent of the cropland has been planted by that date and 15 to 20 percent of that has been lost from flooding.

Many farms have less than five percent of their crop planted. All farmers have made investments in seed, fertilizer, herbicides, and insecticides, and most of them find themselves with no way to recoup these investments. Other annual costs that must be met are insurance, taxes, interest, and rent.

Lac qui Parle County Disaster Committee further requests that a presidential emergency be declared.

A meeting of officials June 1, 1972 at Madison, Minnesota make the following request:

1. That farmers be allowed to set aside twice as many acres under the Federal Feed Grain Program as they now have diverted.

2. That farmers be allowed to pasture or harvest hay from set-aside acres.

3. That emergency long-term (10 years) credit be made available through the Farmers Home Administration.

FLOYD B. HAUGEN,
Chairman, County Disaster Committee.

ODESSA, MINN.,
June 16, 1972.

Senator HUBERT HUMPHREY,
Washington, D.C.

DEAR SIR: The spring of 1972 has been the wettest on record in our area. No one living with whom I have come in contact, can recall a worse season. For this reason most crops in the area have been planted late on are not planted so far. There are many fields still too wet for machines to work.

The economy of our area is dependent on the farm income. If the farmer doesn't make out, all others suffer. It is virtually impossible to harvest a good crop under the existing conditions in this area. For this reason we request that the following steps be taken:

1. Low interest loans could cut expenses for the farm operators. In this day with all prices of goods and services being at such a high level, interest expense is a major item.

2. If the CAP program could be funded and implemented for this year, many farmers would benefit. This seems to be a desirable program in line with the farm program.

3. If the set aside acreage were increased for this season it would be possible for many farmers to recover some income from the land. It would also help to get more land into the program.

We are engaged in honey production personally. In the course of our daily work we come in contact with more than 100 farmers. The loss of crop income this year will mean disaster for many. We urge serious consideration of this matter.

Sincerely,

HERMAN ELLINGSON, *Mayor.*

UNIVERSITY OF MINNESOTA,
Madison, Minn., June 2, 1972.

Hon. WALTER MONDALE,
U.S. Senator from Minnesota, Senate Office Building, Washington, D.C.

A more serious crop loss situation exists at this date in Lac qui Parle County, Minnesota than any time in history; due to frequent rains during the month of May, 1972.

Normally, 95% of the corn, soybeans, and small grain would have been planted by June 1. Less than twenty-five percent of the cropland has been planted to date and 15 to 20 percent of that has been lost from flooding.

Many farms have less than five percent of their crop planted. All farmers have made investments in seed, fertilizer, herbicides, and insecticides, and most of them find themselves with no way to recoup these investments. Other annual costs that must be met are insurance, taxes, interest, and rent.

A meeting of officials (see attached) June 1, 1972 at Madison, Minnesota makes the following request:

1. That farmers be allowed to set aside twice as many acres under the Federal Feed Grain Program as they now have diverted.

2. That farmers be allowed to pasture or harvest hay from set-aside acres.

3. That emergency long-term (10 years) credit be made available through the Farmers Home Administration.

4. That assistance be given to the Agricultural Service Industry.

Many suppliers have been paying large demurrage charges for storing needed supplies that would normally been used well before this date.

For Lac qui Parle County,

JAMES FLAA,
Chairman, Board of County Commissioners.
GEORGE M. GEHANT, Jr.,
Extension Agent.

NOTE.—The officials whose signatures appear in the attached roll, made estimates of cropland planted and flooded, and pasture land flooded, in their neighborhood.

NEW ULM, MINN.,
June 15, 1972.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Please lend your support to the hard stricken western wet counties of the New Ulm and other dioceses of Minnesota by one: asking for already available Agricultural Department funds to aid the farmers. Two: working for activation and enlargement of the C.A.P. program for one year. Three: seeking increase in set aside acreage. Four: having the affected counties declared a presidential disaster area. These would include Big Stone, Swift, Yellow Medicine, Chippewa, Lac qui Parle, Lyon, Lincoln and Traverse, The latter in St. Cloud diocese. Thank you.

Sincerely,

ALPHONSE J. SCHLADWEILER,
Bishop of New Ulm Chancery.

MORRIS, MINN., *June 6, 1972.*

Senator MONDALE,
Washington, D.C.:

Whereas weather conditions in the Counties of Swift, Stevens, Pope, Grant, Traverse, Big Stone, Lyon, Lincoln, Chippewa, Kandiyohi, Lac qui Parle, Wilkin, and Yellow Medicine in west central Minnesota have prevented a susbtantial number of farmers from harvesting their 1971 crop and continued adverse weather conditions have prevented planting for a majority of farmers and whereas the present debt load of farmers is such that more credit in the form of low interest plans will not solve the farmers' income situation; now therefore be it resolved that we the undersigned farmers and businessmen in the respective Counties of Stevens, Swift, Big Stone, Grant, Pope and Kandiyohi do urge and recommend that the Secretary of Agriculture reopen signup for the feed grain and wheat program to allow producers to participate to the extent of 100 percent of their feed grain base and wheat allotment.

Milton W. Raasch, Stevens County GOP County Chrmn.
Dr. Charles F. Krassas, DFL County Chrmn.
David Hoffman, Farmers Union.
Don Stroman, Farmers Union.
Joseph Jacobson, Scott Twnshp.
Otto Drewes, Ascs.
Peter Erdahl.
E. L. Dosdall, Co. Commissioner.
Marlin Beyer, City Council.
Geta Libbon, Farmer's Wife.
Perry Cook, Farmer.
Mrs. Perry Cook, Farmer's Wife.
Dr. C. F. Grassas, DFL Chrmn.
Dick Bluth Morris, Chamber of Commerce.
Dennis Warnes, West Central School and Experiment Station.
Samuel Evans, West Central School and Experiment Station.
Wesley Gray, West Central School and Experiment Station.
Don Beers, PCA.
Bill Rickmeyer, C to C Store.
Robert Zirke, Farmer.
Charlene Grabell, Chokio Review.
Anthony Marks, Co. Comm., Grant County.
Leonard Blume, Implement Dealer, Grant County.
Russ Hepola, First Natl. Bank, Grant County.
Charles Wohlrabe, Farmer.
Art Amborn, Farmer.
Melvin Brunkow.
Paul Simpson, Farmer.
Elizabeth Grant, Farmer, All Grant County.
Rep. Bill Shores, State Rep., Swift County.
Douglas Swenson, Unger Furn. Store, Kandiyohi County.
Sen. Clifford Benson, State Senator, Big Stone County.
Rep. Delbert Anderson, State Rep., Pope County.
Harvey Richardson, Wallace Staples Co.
Commissioner Arnold Huebner, Farmer.
Paul Huebner, Farmer.
Robert Tomalla.
Sylvia Schmidt, DOL Chairwoman.
Joan McNally, Morris Sun Tribune.
Murl Erickson, Morris Coop Assn.
Warren Huebner, Morris Coop Assn.
Robert Stevenson, Co. Commissioner.
Martha Kroening, Farmer.
Lee B. Temte, KMRS Radio.
Don Gieselman, Farmer.
Ed Madison, Mayor.
Clarence Frank.
Willie Martin, Red Owl.
Lewis Roberts, Fairway Foods.
Marvin Bruer, Farmer.
Jim White, Farmer.
Math White, Farmer.
Dean Paulson, Ascs.
Robert Unger, Unger Furn Co.
Merlyn Shelstad, PCA.
Marlton De Neui, Farmer.
Warren R. Luebke, Fed Land Bank.
Dick Stonestrom, PCA.
Kermit Stahn, Farmer.
Dl. Lieohtonmnnord Hedberg, KMRS Radio.
Randall B. Grimm, Farmers Home Adm.
Ernest A. Strubbe, Town Board.
Carl A. Anderson, Stevens SWCD.
David E. Anderson.
Merle A. Felstul, Morris State Bank.
Howe Anderson, ASC.
Leonard Nelson, Town Board.
Elmer F. Anderson, County Auditor
Vincent Ritter, Farmer Union.
Ronald Lemmerman, Farmer.
Joe Smith, Farmer.
Norman Jorgenson.
Henry Erdall, Stevens Co Ascs.
A. W. Roberts, F. and M. State Bank.
Harry Miller, J. C. Penney Co.

WASHINGTON, D.C.,
June 12, 1972.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

MR. PRESIDENT: I respectfully request that you give favorable attention to Gov. Wendell R. Anderson's request that several counties of West Central Minnesota be declared a national disaster area. No less than 16 counties have suffered severe agricultural damage due to abnormal rains throughout this spring. According to Jon Wefald, Commissioner of Agriculture for the State of Minnesota, there has been severe crop damage on approximately 1,000 farms and more than 1 million acres have been devastated. Most of the fields in the area are under water and there is strong possibility that this year's crop will be a total loss. I respectfully urge you declare the area a national disaster to insure that disaster relief for the residents may be expedited. Your attention is sincerely appreciated.

WALTER F. MONDALE,
U.S. Senator.

Hon. EARL BUTZ,
Secretary, U.S. Department of Agriculture,
Washington, D.C.

DEAR SIR: Farmers in large areas of Minnesota continue to suffer setbacks in planting of crop due to wet weather. Several counties still indicate as little as 15% to 20% planted and much of that has been drowned out.

In announcing the set aside program earlier this year, you said that 38 million acres diverted from feed grains was a reasonable objective. Actual diversion was 600,000 acres less than this goal.

I respectfully ask that you reopen the set aside program to allow additional acreage diversion by farmers in this disaster area. By doing so you would increase the total acres set aside and the feed grain program. This would also be a very humanitarian act for presently hard-pressed farmers who normally produce over one-third of the grain in the State of Minnesota. I cannot overemphasize the extreme urgency for action on this matter. Prompt attention would be sincerely appreciated.

WALTER F. MONDALE,
U.S. Senator.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1, 1972.

Hon. EARL L. BUTZ,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Farmers in large areas of Minnesota, North Dakota and South Dakota have encountered serious delays in spring planting due to wet field conditions caused by heavy and frequent rain storms.

Reports from some counties indicate that as little as 20 percent of the crop has been planted and much of this has been destroyed by the water. During a normal spring session, planting would be 80 percent complete by this date. Unfortunately, too, this same general area suffered from too much rain last fall resulting in some corn never being harvested.

In announcing the set aside program goals early this year, you cited 38 million acres diverted from feed grains as a reasonable objective. Actual diversion was 600,000 acres short of this goal.

In order to provide some help to those hard pressed farmers and the merchants who serve these communities, we respectfully ask you to re-open the feed grain and wheat program sign up. Not only would it allow an increase in total acres set aside under the feed grain program, it would allow those producers who had signed up under these programs a chance to modify their agreements by setting aside all the acreage the law will allow.

Many cornfields are still unharvested but beaten to the ground due to heavy winter snows and the fall and spring rains. Consequently, we further ask that you grant farmers permission to turn livestock into these fields until July 1 and give these fields eligibility for set aside program benefits.

Sincerely,

BOB BERGLAND, M.C.; JAMES ABOUREZK, M.C.; MARK ANDREWS, M.C.; FRANK E. DENHOLM, M.C.; ARTHUR A. LINK, M.C.; ANCHER NELSEN, M.C.; and JOHN M. ZWACH, M.C.

QUENTIN N. BURDICK, U.S.S.; HUBERT H. HUMPHREY, U.S.S.; GEORGE MCGOVERN, U.S.S.; WALTER F. MONDALE, U.S.S.; and MILTON R. YOUNG, U.S.S.

BUTZ URGED TO REOPEN SET ASIDE ON WHEAT FEED GRAINS

Twelve mid-western legislators Friday urged Agriculture Secretary Earl Butz to re-open the sign up period under wheat and feed grain programs in large areas of Minnesota and North and South Dakota where serious delays in planting have been caused by unusually wet field conditions. In a letter to the Secretary, initiated by U.S. Rep. Bob Bergland (D-Mich.), Butz was also asked to grant farmers permission to graze livestock in unharvested corn fields until July 1 and make these fields eligible for set aside program benefits.

To justify such action by the Secretary, Bergland, spokesman for the legislators, noted that the Department of Agriculture had established the goal of diverting 38 million acres to set aside programs this year. During the regular sign up period, actual diversion was 600,000 acres short of that objective. By re-opening the program in an area where 20 instead of the normal 80 percent of crops have been planted and by allowing farmers to modify their set aside agreements to the fullest extent permitted by law, Bergland said that Butz would be providing essential aid to both farmers and local merchants who are suffering serious losses from the weather conditions of last fall and this spring.

Joining Bergland in the bi-partisan action were U.S. Senators Burdick (D-ND), Humphrey (D-Minn), McGovern (D-SD), Mondale (D-Minn), and Young (R-ND); and U.S. Reps. Abourezk (D-SD), Andrews (R-ND), Denholm (D-SD), Lind (D-ND), Nelson (R-Minn) and Zwach (R-Minn).

Bergland advised farmers who have been unable to complete their planting to protect their wheat and feed grain histories by contacting their county ASCS Committee.

[From the Madison, Minn., Press, May 31, 1972]

MOISTURE SITUATION IS "CRITICAL"

The Spring of '72 will have to go down as one of the wettest in history as rain has plagued the area for 30 days during April and June. Up until May 22nd, 6½" of moisture had dripped on the area and along with that 4" of snow on April 3rd and April 21st.

George Gehant, County Agent has almost given up hope of farmers getting in any more corn this year. He calls the situation "Critical". "If we do not get corn in by June 10th," Gehant said, "we aren't going to have a corn crop except for forage purposes. Even using what I would call emergency variety corn or the early maturing (85-90 days) it'll be touch and go unless we have an extremely favorable Fall."

Mr. Gehant continued, "if farmers don't have their corn in by June the 10th, I would guess that they will have to go to beans this year. Beans will give them about a $75 dollar crop unless something really unforeseen happens."

Normally, the farmers of this area would be planting 105 to 110 day maturity corn and would have it in the ground by about May 15th with the majority of the planting done around May 1 to the 10th. "Right now." George said, "we are about a month behind in our planting and there is no end to the rain in sight. Farm income is growing less each day the rain continues and we are now in what I would call an emergency situation. The crop for this area are a near disaster and we must take all emergency measures to get some kind of crops in."

When asked what kind of "emergency" crops the County Agent would recommend, he said, "as I mentioned before, beans are about the only cash crop left for the farmers to put in otherwise they will have to go to some kind of forage crop such as Millet, Sorghum, Sudan Grass or use non-matured corn or beans for forage also."

County-wide, only about 20% to 25% of the crops are in and they are mainly smallgrain crops with very little corn in at all. Those with crops already in face another problem and that is weeds. The weeds are thriving in this weather and are getting worse all the time. Of course, farmers who have no crops in at all are lucky in that respect. When they cultivate, most all of the weeds will be destroyed and will not germinate again so these crops planted now will practically be weed-free.

Will soybean prices be depressed with so many farmers going to beans? "Not so", says the County Agent. "This moisture has only affected a small portion of the overall bean belt. Prices should hold up to a good level," Gehant said.

In 1944, we had a similar year to this, in so far as moisture is concerned, but we had a very favorable Fall. Frostr didn't come until November and we had warm weather up into October. Crops were good that year. Nature has a way of making up for itself some say. Let's hope that it turns out that way again this year or we'll see a lot of farm auctions again this year.

[From the Minneapolis Tribune]

WET FIELDS CHANGE SOME FARMERS' PLANS FOR PLANTING

(By Russell Asleson)

"This is a good way to grow old fast," mused a tired Vern Lageson, a 58-year-old farmer near Danvers, Minn., who has been working 17 to 18 hours a day in an attempt to get his crops planted on wet fields.

"I stopped at his house at 11:30 the other night and he was just coming in from planting his oats," added James Edman, Swift County agent at Benson. "He'd been at it since 5 a.m."

Lageson is in the heart of a 16-county area in west-central Minnesota that has been beset by wet fields all spring—an area that Jon Wefald, state agricultural commissioner, estimated at nearly 1 million acres. The area usually produces crops running into the millions of dollars.

"I can find 50,000 to 75,000 acres in Swift county alone that haven't been touched," said Edman. "One farmer has been in his fields only twice—and got stuck both times."

Some progress was made in the last week or so as land began to dry out. But it is getting late for planting corn.

As a result, hundreds of farmers in the area are shifting their wet acres to less profitable soybeans, which have a shorter growing season. Forage crops like sorghum and sorghum-sudan hybrids are being planted in some wet areas in central and northeastern South Dakota.

In adjoining Chippewa County, which shares the same problems, County Agent Roger J. Larson of Montevideo, talked about the impact of what he described as "the worst planting season I can remember.

"We've planted most of our crops a month late and the yield potential will be cut seriously," he said. "Corn and smallgrain acreage will be down about 40 percent."

While farmers are planting more soybeans than they'd intended, Larson said, "they still have thousands of acres yet to plant. Early varieties of beans will be planted until July, but the risk is greater and yield potential less."

But all isn't bad in the Upper Midwest crop picture. In fact, the bigger part of the area reports excellent crops.

"We've got corn that's knee-high already," said David Hanson, Dodge County agent at Dodge Center. The same situation was reported by John Peterson, Sibley County agent at Gaylord, Minn.

HELP SOUGHT FOR WET AREA

(By Al Woodruff)

Gov. Wendell Anderson today asked that a 15-county region of western Minnesota be declared a disaster area because of the soggy and rain-flooded fields that have prevented most farmers from planting their crops.

Many farmers have given up trying to plant crops this year at all, the governor said.

The governor earlier had sent Jon Wefald, state commissioner of agriculture, to inspect the area. Based on Wefald's report, Anderson sent two letters to Washington today.

One asked U.S. Secretary of Agriculture Earl Butz to reopen the former federal "set-aside" program, which provides federal money to farmers whose land is taken out of production. This would provide cash to farmers unable to plant crops for livestock feed, the governor said.

The second request went to President Nixon, asking him to declare the 15-county region a disaster area, thus making those affected eligible for loans.

The reopening of the set-aside program would benefit the farmers more than loans because this would provide them with money to buy feed grains they cannot raise, the governor's office said.

The counties, which reach from Wilkin in the north to Lyon in the south, also include all or parts of Grant, Traverse, Stevens, Pope, Big Stone, Swift, Chippewa, Lac qui Parle, Kandiyohi, Yellow Medicine, Renville, Lincoln, and Douglas.

[From the Minneapolis Star, June 7, 1972]

FIELDS TOO WET, STATE FARMERS TO CALL FOR AID

Gov. Wendell Anderson was to be asked today to declare western portions of the state a "disaster area" because of wet fields that have hampered spring planting.

Farmers are facing what some call the wettest field conditions in years.

Anderson was to return today from a governors' conference in Houston, Texas.

Jon Wefald, commissioner of agriculture, back from a tour of the areas involved, was expected to make a report on which Anderson would base his decision.

A formal request already has ben sent to the governor's office from Morris, Minn., by the commissioners of Stevens County. They voted to ask for a declaration of "disaster area" after meeting with soil conservation officials Monday.

Officials said the spring planting of small grains has been hampered.

Ralph J. Godin, deputy commissioner of agriculture, said, "Preliminary reports indicate we may be out of the growing season in certain crops because of excessive moisture."

Besides Stevens County, the sections involved include Yellow Medicine, Lac qui Parle, Big Stone, Swift, Kandiyohi, Chippewa, Traverse, Grant, Wilkin, and Renville Counties.

Ernie Johnson of the Soil Conservation Office at Montevideo in Chippewa County said:

"Too much rain. You couldn't put it any simpler—a wet fall, a wet spring. One man here said it hasn't been this bad since 1919. Before, they've always been able to get into the fields, even in the 'dirty thirties' when the crops didn't grow because they didn't get rain. It's critical."

Marvin Olson, extension agent at Kandiyohi County in Willmar, said, "Every day there are new fields we can get into, but the season is so late there's been a great loss in a lot of yield potential. There are folks who don't have 30 acres of corn planted when normally they have 150.

"They're hurting pretty bad."

Olson said that while driving to a meeting Monday night, "I saw several tractors stuck in the mud. On the way back. I saw one tractor had gotten out—and then got stuck in another hole."

He said a wet fall prevented completion of the corn and soybean harvest and that this spring, "We've never had any drying days. Just drizzle and rain."

David N. Taylor, director of the federal-state Crop and Livestock Reporting Service, said yesterday that 83 percent of Minnesota's spring wheat and oat seeding has been completed, 75 percent of barley and 50 percent of flax.

The five-year average is 91 percent of spring wheat, 96 percent of oats, 92 percent of barley and 85 percent flax.

About 75 percent of the spring wheat crop is emerged, 76 percent of oats, 64 percent of barley and 36 percent of flax. The normal is 82 percent of spring wheat, 89 percent of oats, 83 percent barley, 66 percent flax.

About 80 percent of the corn is planted statewide, with 73 percent emerged, compared with normals of 96 percent planted and 79 percent emerged.

About 14 percent of the corn is cultivated, compared with a normal of 12 percent. Soybean planting is completed in southern areas with about 67 percent of the crop in the ground statewide and 54 percent emerged.

This compares with 86 percent planted and 63 percent emerged on the five-year average. About 63 percent of potatoes and 69 percent of sugar beets are planted, compared with a normal of 66 percent and 83 percent, respectively.

According to Taylor, several areas "are still too wet to work." He said rains that fell during the Memorial Day weekend slowed field work in "most areas" of Minnesota, but that by the end of the past week work "was again possible on well-drained soils."

In some sections, the service reported, some replanting of corn and soybeans was required because of frost and hail damage.

Should Anderson declare the problem sections a disaster area, the federal government would then have to decide whether farmers are to be granted emergency credit.

JOINT STATEMENT BY CHAIRMAN WILBUR D. MILLS, HOUSE WAYS AND MEANS COMMITTEE, AND SENATOR EDWARD M. KENNEDY BEFORE DEMOCRATIC PLATFORM COMMITTEE—ST. LOUIS, MO., JUNE 17, 1972

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD, for general review, a statement which Chairman WILBUR MILLS and I jointly delivered to the Democratic Platform Committee at their hearing in St. Louis on June 17. The subject of the statement is our Nation's need for improved health services, and principles to which Chairman MILLS and I agree for reform of our Nation's health care system.

Mr. President, health care is in many respects a bipartisan issue and concern. It is an issue on which many proposals have been made in Congress, but an issue on which no clear consensus or course of congressional action has yet emerged. I am pleased that after many weeks of discussions, Chairman Mills and I have identified broad principles of agreement which I believe can be the basis for building a congressional consensus and laying out a course of congressional action. We have asked that these principles be incorporated in the Democratic platform, but I would ask also that they be incorporated in the Record for review and criticism by all Members of this body, of both political parties.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Joint Statement of Congressman Wilbur D. Mills, Chairman, Committee on Ways and Means, U.S. House of Representatives, and Senator Edward M. Kennedy, Chairman, Subcommittee on Health, U.S. Senate

Mr. Chairman, there is one area of his life that virtually every American, regardless of his economic status or where he lives, feels hopeless, dependent and powerless to change. The fear and concern of Americans over how to get quality health care and how to pay for it permeates their daily living. Other information you will receive or have available will spell out in detail the statistics which so clearly indicate what the problems are—problems of access to care, runaway costs, lack of preventive health care and so on.

We thought it might be helpful in our presentation to describe what some of these generalized statements mean in the everyday lives of American people.

Let's take first the common complaint that our health services are in short supply, even nonexistent, in some areas of the country. What does it mean to the people who live in these areas? For a family living in any one of the 130 or so counties without any practicing physician it means long drives and long waits to find a physician. It means going without needed medical care until the condition is so serious that attention can no longer be delayed. It is the continual fear of a young mother that one of her children will suffer or die because medical care is unavailable.

In fact, even in areas where the statistics seem good we find the same problem. The American family living in a ghetto has much in common with the rural family, even though living in the shadow of some government-subsidized medical center. This family must wait in the long lines at hospital emergency rooms and suffer the overcrowded condition of a poorly financed city hospital.

And the family living in the suburbs is hardly without its problems in finding health care. Many a young family has moved into an area where every physician has stopped taking new patients. The search for quality medical care can then be difficult indeed. Even if this family finds a physician who will serve them, the problems are not over. They find themselves shunted back and forth in a maze of referring practitioners—specialists, subspecialists, laboratories, clinics and so on. Yet, in an emergency they will likely have to settle for whoever happens to be on duty in an emergency room of a nearby hospital.

Now let's look at how the individual American is affected by another common complaint about our present health care system, its runaway inflation.

First, the cost of his health insurance, if he is lucky enough to have some, has been taking a larger and larger bite of the family budget. Second, his out-of-pocket expenses for the services not covered by his health insurance have been rising rapidly. Third, a larger and larger share of his tax dollar goes for government-paid health programs like Medicare and Medicaid.

The effect of all of these factors has been to price people out of health care, as well as to create a general feeling of helplessness in dealing with the situation. A family can buy cheaper cuts when meat prices go up, but where do you find a cheaper doctor to care for a child's earache?

A third area of complaint centers around problems in private health insurance. While all private health insurance companies, including Blue Cross and Blue Shield, pay out less for health care than Medicare and Medicaid together, private insurance is still the major source of protection for millions of Americans. We will not detail here the problems of lack of coverage; of arbitrary limits and exclusions which people find when they attempt to claim benefits; and of individually written protection which pays out only 58c of each dollar collected.

These problems too, are not just statistical in nature. Every Member of the Congress gets letters from people who find that the policy they thought was protection for them turned out instead to be protection for the company issuing the policy.

The hearings held by the Senate Subcommittee on Health uncovered a not unusual case of this. A young family faced $12,000 in hospital bills because their insurance policy would not cover the first two weeks of an infant's life.

We all know of cases where the medical costs for an individual and his family drive people into bankruptcy and worse. Just last week a father phoned Chairman Mills' office in desperation because his daughter committed suicide for the sole reason that the family could not afford the expensive life saving medical equipment which she required. Her brother has now developed the same disease and the father is desperately trying to avoid another personal tragedy. Each of you know of such cases from your own experiences. Yet, we have allowed our insuring mechanisms to avoid covering these cases.

Mr. Chairman, we could go on for a good while cataloging the problems in health care and how these problems affect people. The major point we wished to make is that the problems which pervade our present methods of financing and delivering health care are clearly not limited to one class of people or to one area of the country. We are all involved in them and only through joint action will we solve them.

We, therefore, urge the Democratic Party to adopt the principle that:

America has a responsibility to offer every American family the best in health care whenever they need it, regardless of income, where they live, or any other factor.

We must devise a system which will assure that:

1. Every American receives comprehensive health services from the day he is born to the day he dies, including dental services and mental health services, with an emphasis on preventive care to keep him healthy.

2. Every American is free to consider his family's need for health care knowing that he can meet the costs. We cannot measure the value of health or health care solely with a dollar sign.

3. Every American is protected against the heavy financial burden of major illness and hospitalization.

4. Every American has a doctor, hospital or some form of medical help near and ready to serve him and his family.

5. Every American is offered better organized forms of health care, with special assistance for the young, the elderly and the chronically ill.

6. Every American receives the best health care this country's advanced science and skilled medicine can possibly offer.

The Federal Government should assume this responsibility by establishing a system of compulsory national health insurance which covers all Americans with a standard comprehensive set of basic benefits supplemented by protection against catastrophic costs.

Every American must know that he can afford the cost of health services. Every doctor, hospital, or other provider must know that he will be paid for his services.

A compulsory health insurance system should cover a comprehensive set of basic benefits as well as protection against catastrophic costs. It should cover health care whether given in a hospital or in the doctor's office. These benefits should be extended to every American regardless of his income, his prior history of illness, his occupation, where he lives, or any other factor. The health insurance we propose should include no deductibles and coinsurance except in those few areas where these mechanisms encourage efficiency and appropriate utilization.

The national health insurance system should incorporate incentives and controls, (1) to assure that all health services are of high quality, well organized and efficiently delivered, and (2) to slow down inflation of health care costs.

Simply by paying for office treatment, the system we propose will eliminate the existing incentives to hospitalize patients unnecessarily. Some surveys show hospitalization is cut in half when office treatment is fully covered. Billions of dollars can be saved by this process.

We propose that this system of health insurance be designed to make it profitable for physicians, hospitals and other providers to offer better care. The system must incorporate new ways of paying providers, such as prepaid capitation and prospective budgeting, as well as fee-for-service. The system must include strong cost and quality controls, such as peer review, conditions of participation, and standardized medical records. Finally, the national health insurance system must standardize claim forms, processing procedures and otherwise simplify the process that physicians, hospitals, and other providers must go through to obtain payment.

In short, rather than simply passing dollars through to the providers, the health insurance mechanism must be used as a means of encouraging efficiency and improvements in the health care system. In the last analysis this may prove the biggest benefit of national health insurance, it will give us at last a handle on rising costs of health care.

The Federal Government should assume the responsibility also of making sure that the health care covered by the system is in fact available to those who need it.

The national health insurance system must, therefore, provide needed health service resources and develop higher quality, better organized and more efficient health services. We must specify, this Nation's current and future needs for health services on a rational basis. Then we must invest the funds needed to develop additional health care resources in every community that needs them, or will need them as a result of national health insurance. We must invest in additional doctors, dentists, and nurses in ways that encourage them to enter the kinds of specialties, and practice in the parts of the country where we need them the most.

We must build the health facilities and buy the equipment that communities need.

And we must invest in new and better ways to get good health care to our people—such as health maintenance organizations and area health education service centers.

Above all, we must support the creative

efforts of health care providers and others who are even now working to offer health care that is more efficient, of a higher quality, or more acceptable to the patient. Where these efforts work, we must assure that every provider and every community is offered these improvements.

We do not propose that the Federal Government own or manage the American health care system. We do propose that the Federal Government establish standards, offer every possible incentive, and increase financial support to doctors, hospitals, and other community leaders who are working to improve our system of health care.

It is urgent that we create these expanded health care resources. A health resource development fund should be created to assure that funds to build resources are consistent with funds spent to buy health care. The need is already great—and it will become greater as national health insurance eliminates economic and other barriers to needed care.

The Federal Government's responsibility also extends to meeting identified problems with special tailor-made efforts, such as:

Make new efforts to control communicable disease.

Eliminate lead poisoning in America's children.

Meet the special needs of crippled and mentally retarded children.

Establish a nonprofit regional blood-banking system.

Mr. Chairman, both those who offer health care and those who receive it—both doctor and patient—know that it is time for change, time for reform. The challenge is to create a system whose incentives encourage health care that is best for both the provider and the patient. The challenge is to bring about this change in such a way that we meet every American's need for health care while protecting every American's right of freedom of choice. Such a system can be built—and can make the following guarantees with regard to free choice:

The Federal Government must not remove the freedom of every physician and every patient to choose where and how they will give or receive health care.

The Federal Government must not take over ownership of the various elements of the health care system.

Neither the Federal Government, nor any of its agents, should make any medical judgments in a patient's care; this function is reserved solely to the responsible physician and his peers.

The Federal Government should not make community policy, but should offer financial and technical support, and information and guidelines based on national planning to support local policy formulation.

We believe our society has a responsibility to its members to guarantee its freedoms—and we do not propose for the Federal Government to violate these freedoms.

CONCLUSION

Mr. Chairman, the Democratic Party must make a commitment to the American people to solve the health care crisis in America. This crisis is not one big noticeable problem like the Vietnam war. What we have is the sum of millions of quiet crises in the lives of every American family.

The Democratic Party platform must prescribe a program of strong Federal action and leadership to remove these crises from American families.

Our party must find common ground on these problems to assure that the Democratic candidates taking office in January can meet this commitment.

It is our deep hope that the Democratic Party can find such common ground. This explains our joint appearance here. We have committed ourselves to this effort and we will continue until our efforts are successful.

PRINCIPLES AND ACTION ITEMS FOR INCLUSION IN THE DEMOCRATIC PLATFORM PLANK ON HEALTH

PRINCIPLE I

Our society has a responsibility to its members to assure that every American, poor, middle-income and rich alike, receives quality health care when he needs it, regardless of his economic status, where he lives, or any other factor.

Action item A. The Federal Government should establish a system of compulsory national health insurance which covers all Americans with a standard, comprehensive set of basic health insurance benefits supplemented by protection against catastrophic costs.

1. These basic benefits should cover: physician services; inpatient and outpatient hospital services; extended care facility services; home health services; diagnostic laboratory, and diagnostic and therapeutic radiologic services; physician medicine and rehabilitative services (including physical therapy); preventive health and early disease detection services that are judged realistic and productive; vision care and podiatric services; emergency health services including emergency vehicle services; mental health services provided by psychiatrists and other mental health workers (including drug abuse and alcoholism); dental services (emphasizing preventive dental health services to children); prescription drugs; durable medical equipment, medical devices, prosthetic appliances, and home dialysis.

2. These basic benefits should be offered without limit with the following exceptions:

Dental health services should be limited initially to children; extended care should be limited to 120 days of health care per benefit period; vision care and podiatric services should be covered only if offered in an organized setting; outpatient mental health services should be unlimited in a community mental health center or other organized setting, but limited to 20 consultations during a benefit period in any other setting. Inpatient mental health care should be limited to 45 days of active treatment in an institution with a relationship with a community mental health center.

3. These basic benefits should be offered without deductibles, coinsurance or copayments, except for those patient initiated elective services for which such cost-sharing devices encourage appropriate utilization of the system. For example, small deductibles might be required for such services as prescription drugs or house calls. They should not be used for preventive services, and in no case should they be used in ways that discourage Americans of any income level from seeking needed care.

4. All Americans, poor, middle income and rich alike, should have protection against catastrophic costs as a supplement to the basic insurance coverage.

5. These coverages should be available to and compulsory for all Americans without regard to their age, employment status, vocation, place of residence, previous health history, or any other factor, and at out-of-pocket costs they can afford to pay.

Action item B. National health insurance should incorporate incentives and controls, (1) to assure that all health care services are of high quality, well organized and efficiently delivered, and (2) to slow down inflation of health care costs.

1. The system must be constructed and administered in a way that assures equally high quality care to all Americans and avoids creation of a second-class health care system for any segment of the population.

2. The system must offer financial incentives and otherwise encourage physicians, hospitals and other providers to offer comprehensive care on an organized basis, especially prepaid group practice arrangements and medical care foundations.

3. The basic set of comprehensive benefits will remove existing incentives for inefficient utilization of health care services (such as unnecessary hospitalization) by providing coverage for less expensive health care services as well as the more expensive ones. To further this goal, the system must augment existing fee-for-service reimbursement methods with other methods, such as prepayment on a capitation basis and prospective budgeting, which offer incentives to provide health care in the most efficient and quality-conscious way.

4. The system must institute strong cost controls through its reimbursement methods. Various classes of providers of health services participating in the program should be reimbursed in the same way for all the services it provides, with the result that providers would know that the system would pay the same amount for a given service regardless of the status of the patient. The program would use uniform capitation rates and relative value scales for covered services, adjusted for regional variations, and modified annually to allow for increases in the cost of living and other factors.

5. The system should assure rational planning of health services by refusing payment for costs of major construction and expansions that are inconsistent with comprehensive community health planning.

6. The system must incorporate additional provisions aimed at assuring quality care, such as:

Requirements and support for locally organized peer review and continuing education activities in all geographical areas of all types of health care utilizing national, state and local standards developed in consultation with national specialty societies and practicing physicians;

National conditions of participation including staffing patterns, affiliation and referral agreements, utilization review and medical record-keeping, and other quality and cost factors;

Special review procedures for certain medical procedures—such as prior approval for certain elective surgery;

Standardized medical record forms, statistical information, and diagnostic codes.

7. The system must establish standard claims payment forms and other administrative simplifications aimed at lowering current high overhead costs and paperwork to physicians and providers.

Action item C. Since a national health insurance system will result in increasing the demand for health services, it must be accompanied by increased Federal efforts to meet the need for health service resources and to develop higher quality, better organized, and more efficient health services.

1. Based on national, state and local planning, Federal resources must be used to stimulate and support creation of needed health service capacities in areas of need and through education and outreach to bring Americans who need care into the health care system.

2. Federal support to health professional educational institutions must be increased and placed on a stable, planned, predictable basis in ways that:

Produce needed health professionals; influence students to enter needed specialties; stimulate new curricula to educate providers in new patterns of health care delivery; influence students to offer health care in areas of the country that are presently underserved.

The Federal Government must at the same time decrease the admission for permanent residence of foreign nationals graduated from foreign schools so desperately needed in their own Nations. (The United States should continue a substantial role for post-graduate education for doctors from all over the world.)

3. The Federal Government should offer financial support for start-up costs and initial operating losses of proven new methods for health care delivery in every community—especially prepaid group practices (HMOs), medical care foundations, and improved methods for handling medical emergencies and severe accident cases.

4. To raise the quality and availability of care in rural and inner-city areas, and to make medical practice in such areas more professionally attractive, the Federal Government should support Area Health Education Service Centers and other cooperative arrangements among providers, clinical facilities and educational institutions in such areas.

5. The Federal Government should support research and development in improved patterns or techniques for health care delivery, and disseminate these improvements for applied use through continuing education and demonstration programs.

6. The Federal Government should offer financial support to community health planning agencies—financing and organizing (if necessary) educational programs to create experts to serve community health planning efforts.

Action item D. The Federal Government should take steps to meet identifiable health service needs which may not be readily met by the reformed health care system. We should:

1. Establish a new and broadened public health function aimed at controlling the causes of disease and poor health. These functions should coordinate multiple Federal, State and local activities in such areas as:

Communicable disease control.

Control and reduction of environmental levels of lead and other poisons.

Control and reduction of the consumption of tar and nicotine.

2. Eliminate lead-poisoning in children.

3. Assure a sound regional, nonprofit blood-banking operation in every area in the Nation.

4. Expand programs for maternal and child health, mental retardation, and crippled children.

5. Meet the backlog of dental disease among children (with the emphasis on preventive care).

6. Augment medical research on the leading causes of death and disability.

Action item E. All Federal health activities should be reorganized to allow more coherent, better integrated, and planned Federal support of the health care system, and to make it feasible for communities and providers to use Federal programs effectively at the local level without red tape.

1. A Department of Health, should be created for all Federal health activities including programs which finance health services and those designed to improve the delivery of health services.

2. The Federal health budget should be consolidated under the new Department with a health resource development fund set aside as a proportion of all funds invested nationally in financing health services. This proportion would be based on nationwide, State and community planning and projected increases in need.

3. Medicare should be integrated into the new national health insurance system to assure that older Americans will enjoy the same comprehensive benefits available to younger Americans and will benefit from the other improvements in health care which will occur under the system.

4. To assure that health services are responsive to the needs of the people, knowledgeable consumers should be represented at national, state and local levels. Consumers should be given avenues for appeal and redress of grievances, and community-based consumer organizations should be eligible to organize new forms of health services with Federal support.

PRINCIPLE II

Our society has a responsibility to its members to assure maximum freedom to Americans who provide health care as well as Americans who receive health care.

Guarantee A. The Federal Government should not own and operate the various elements of the health care system.

Guarantee B. The Federal Government should not remove the freedom of every physician and every patient to choose where and how they will give or receive health care.

Guarantee C. Neither the Federal Government, nor any of its agents, shall make any medical judgments in a patient's care; this function is reserved solely to the physician and his peers.

Guarantee D. The Federal Government shall not make community health policy but shall offer financial and technical support and information and guidelines based on national planning to support local policy formulation.

NOTE.—Additional elements of the proposed system are being worked out and will be released at a later date.

THE 75TH ANNIVERSARY OF AMERICAN OPTOMETRIC ASSOCIATION

Mr. SCOTT. Mr. President, a milestone in the progress of mankind is being noted this week in the city of St. Louis, Mo. The occasion is the beginning of a year-long 75th anniversary observance commemorating the establishment of the American Optometric Association, whose headquarters are located in St. Louis.

We are all aware of the importance of good vision. This God-given human sense is vital to every aspect of life. Over 80 percent of all learning is obtained through vision. Personal safety and public safety are directly related to the visual function, because more than 90 percent of decisions made by drivers of motor vehicles are based on what drivers see.

The preservation and improvement of human vision is the goal of the profession of optometry, which is the third largest independently prescribing health profession in the Nation.

Individual optometrists, their national professional organization, and the 12 schools and colleges of optometry have all made tremendous contributions to the advancement of visual science since the AOA had its start 3 years before the turn of the century. Special lenses for visual rehabilitation of low vision, design of highly specialized instrumentation for examination of the human eye and its related structures, and development of improved methods of correcting problems of the visual system are but a few of the areas in which optometry has played a vital and brilliant role.

Perhaps the most laudable characteristic of optometrists of the 1970's is their deep concern for the visual welfare of the community and the Nation. Optometrists today are closely identified with, and actively involved in the planning and execution of public health-oriented programs designed to bring the benefits of good vision to more Americans. They are to be found in neighborhood health centers, in the Indian Health Service, the Armed Forces, in the outpatient facilities of the Veterans' Administration, in the emerging health maintenance organizations and other group clinical situations, to mention but a few. Their participation in vocational rehabilitation programs, provision of services under medicaid and medicare, and a host of other federally supported health programs is exemplary.

On the occasion of the start of the 75th anniversary of the American Optometric Association, I know I speak for my constituents, for all Senators, and all Americans when I offer my heartfelt appreciation for the important contributions made by the profession of optometry since the AOA was founded in 1897. We know they will continue to increase their knowledge and their service to Americans in the years ahead.

THE DEMOCRATIC PLATFORM AND NORTHERN IRELAND

Mr. RIBICOFF. Mr. President, along with many concerned Americans, I welcome the growing indications that peace is returning to Northern Ireland. However, grave problems still remain and the future course of events in Ulster is by no means clear. If there is to be a lasting peace with justice for all concerned, Great Britain must take giant strides to eliminate the discrimination practiced against the Catholic minority in Northern Ireland.

Because of the continuing deep concern of so many Americans over this issue, it is important that the platform of the Democratic Party contain a clear statement of policy on this issue. Senate Resolution 180, which I submitted on October 20, 1971, with the cosponsorship of Senators Kennedy, Hartke, and Pastore, should still serve as a basis for a final settlement of the conflict. I have today submitted, along with Senator Kennedy and Representative Hugh Carey, a statement to the Democratic Platform Committee which we hope will serve as a basis for the Democratic Party's plank on Northern Ireland.

I ask unanimous consent that the text of our submission be printed in the Record.

There being no objection, the submission was ordered to be printed in the Record, as follows:

Submission to the Democratic Platform Committee by Senators Abe Ribicoff and Edward M. Kennedy, and Congressman Hugh Carey

NORTHERN IRELAND

The violence and bloodshed in Northern Ireland have been a source of deep concern for many Americans. The recent signs of moderation are most welcome. But the underlying causes of the violence still exist.

America and the Democratic Party must speak out against injustice and discrimination wherever it exists. It will be a sad day in this nation when we think in terms of the freedom and well-being only of Americans. The persistent and oppressive discrimination against the Catholic minority in Northern Ireland deserves to be condemned. But more than this, our own government should be able to suggest equitable, just solutions upon our friend and ally, Great Britain. Our friends certainly do not hesitate to advise us on such matters.

The Democratic platform should express our highest concern over the tragic situation in Northern Ireland and call upon the British Government to take the following steps consistent with the principles of nondiscrimination and justice:

1. The complete termination of the policy of internment without trial and release of all persons detained.
2. Full respect for the civil rights of all the people of Northern Ireland and the end of all political, social, economic and religious discrimination.
3. The prompt implementation of the reforms promised by the Government of the United Kingdom including those reforms in the fields of law enforcement, housing, employment and voting rights.
4. The establishment of law and order with justice leading to the withdrawal of all British forces from Northern Ireland.
5. The development by the governments of the Republic of Ireland and the U.K. of appropriate forums and procedures leading to the eventual unification of a united and independent Ireland with the rights of all citizens fully protected.
6. The use of the good offices and facilities of the United Nations to assist in the quest for peace in Northern Ireland.

DEATH OF BOSTON FIREMEN

Mr. KENNEDY. Mr. President, last Saturday in Boston a tragic fire took the lives of nine Boston firemen:

Lt. John Hanbury; Lt. Thomas Carroll; firefighters Charles E. Dolan, Joseph Saniuk, John E. Jameson, Thomas Beckwith, Paul J. Murphy, Richard Magee, and Joseph Boucher.

Today the weather prevents me from attending services for these courageous men, but I would like their families to know that our thoughts and our prayers are with them during these difficult days.

We are always reminded at a time of tragedy such as this, what we otherwise seldom remember, that every day firemen across the Nation risk their lives not only to pursue a livelihood for their families, but also to provide fire protection and safety for their fellow citizens. Theirs is a difficult job even at the best of times and one for which they are usually inadequately compensated and seldom praised.

The families of these firemen live every day with some amount of fear and a great deal of courage. We seldom share those lonely, frightening moments, but we do share with them today their great sense of pride in the courage and dedication of these men.

IMMOLATION OF ROMAS TALANTA

Mr. SCOTT. Mr. President, the recent self-immolation of Romas Talanta tragically points out the frustration of the Lithuanian people under the domination of communism. This young man took his life and rekindled a moving thought that 200 years ago stirred the hearts of Americans—"Give me liberty or give me death!"

Many times I have expressed to the Senate the plight and tragedy of the people of the Baltic States. At this time, more than any other, the free people of the United States must fully recognize and support Lithuania, Estonia, and Latvia as their oppressed people struggle to be free.

Romas Talanta will not be the last to die for a dream of freedom. However, the United States should do everything it can to bring the day of freedom for all mankind closer to reality.

A PROFILE OF REPRESENTATIVE LEONOR K. SULLIVAN BY WMAL'S JOSEPH McCAFFREY

Mr. SYMINGTON. Mr. President, the only woman elected to Congress from the State of Missouri, the Honorable LEONOR K. SULLIVAN, of St. Louis, is now the ranking woman Member of the House of Representatives in terms of service and one of the most effective Members of the entire House in terms of legislative accomplishment. The people of Missouri are mighty proud of their great lady and her achievements, from the food stamp program which she brought into existence by her tireless individual effort, to the Consumer Credit Protection Act of 1968, which owes its existence also to Mrs. SULLIVAN.

It is with great personal pride and pleasure, Mr. President, that I ask unanimous consent to have printed in the RECORD the text of a recent broadcast by Joseph McCaffrey about my friend Representative SULLIVAN. Mr. McCaffrey has been following Congress daily for more than 25 years as a newscaster and commentator for WMAL, and is undoubtedly one of the most knowledgeable persons in the Nation on the workings of Congress and on the effectiveness of its individual Members. The "Meet the Member" broadcast about Mrs. SULLIVAN reflects not only Mr. McCaffrey's reportorial excellence but the regard in which Representative SULLIVAN is held by all Members of Congress.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

U.S. REPRESENTATIVE LEONOR K. SULLIVAN, DEMOCRAT, MISSOURI

(By Joseph McCaffrey)

When Leonor Kretzer finished her high school work in St. Louis, going on to college was out of the question. One of nine children in a closely knit but far from affluent family, she went to work at $35 a month for the Southwestern Bell Telephone Company, totaling up long distance toll charges. Lee Kretzer had a lot of spunk and drive, and soon she was learning, on her own time, how to use the company's accounting machine equipment. Before long, she was teaching this skill as head of the training school of the Comptometer Company, and showing corporate officials how to restructure their accounting departments—of course, using comptometers.

While rising up the ladder of business success to an executive post, Leonor Kretzer always felt she had missed something important by not obtaining a college degree, so she attended night classes at Washington University in fields related to her business work.

Today, as Congresswoman Leonor K. Sullivan of the 3rd District of Missouri, she has three honorary doctorates from Missouri colleges and universities and is a Dean of Women—that is, Dean of the women in the United States House of Representatives, the senior woman in length of service. If she missed anything by not going to college full time as a young woman, it certainly doesn't show in her ability to drive important consumer, economic, and housing legislation through the House and through Congress. To her, the problems of the average American family are challenges to pass the kind of laws which will improve the quality of living, the health and safety of the public, and opportunities for employment and education.

As the wife of Congressman John B. Sullivan of St. Louis from 1941 to the time of his death in office 10 years later, Mrs. Sullivan put her office management talents to such good use in his Congressional office, that newspapermen covering Washington said St. Louis had two Congressmen in that office for the price of one. Following her husband's death, Mrs. Sullivan tried and failed to win the local Democratic party's nomination to succeed Congressman Sullivan in the special election. The seat was lost to a Republican. In 1952, running on her own without party support, she won the Democratic primary over six other candidates and went on to recapture the seat her husband had held. She has been overwhelmingly re-elected every two years since then, usually by 70 percent or more of the vote. She credits her first election in 1952 to her husband's reputation as a Congressman, but from then on it was up to her to prove she could handle the job. This she has done brilliantly, according to her enthusiastic constituents. She made her mark in Congress as a consumerist before the word was even coined.

Congresswoman Sullivan's consumer triumphs include, among many others, the Poultry Inspection Law of 1957; the Food Additives Act of 1958—which she cosponsored with Congressman James J. Delaney of New York; an instrumental role in the creation of the National Commission on Product Safety; initiation of the successful drive to make meat and poultry sold only in intrastate commerce subject to federal wholesomeness standards; and numerous improvements in the Food, Drug and Cosmetic Act and its enforcement. She feels that the Act must be rewritten after 34 years, and she is the sponsor of a 120-page omnibus bill to accomplish that purpose.

As chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, Congresswoman Sullivan pushed through the most comprehensive consumer protection bill passed in Congress in many decades, the Consumer Credit Protection Act of 1968, which includes the Truth in Lending Act; and she was responsible for House passage of the Fair Credit Reporting Act of 1970 which regulates the activities of credit bureaus selling personal data about individuals applying for credit, insurance or employment.

She has taken courageous legislative positions without regard to the strength of the lobbying opposition, and fights hard for what she believes is best for the American family. Because of her persistence and indomitable effort, millions of low-income families now enjoy decent and nutritious diets through the Food Stamp Program, which came into existence only because Congresswoman Sullivan refused to give up the fight for its enactment.

The Dean of Women of the House is a very feminine person who dresses meticulously and is always the gracious lady, no matter how tense the legislative battles become. None of her colleagues makes the mistake of taking her lightly; they respect her ability, her knowledge of legislation, and her refusal to compromise on principle.

THE NEED TO PROVIDE ADEQUATE SUPPORT FOR THE ARTHRITIS TRAINING AND RESEARCH PROGRAMS OF THE NATIONAL INSTITUTE FOR ARTHRITIS AND METABOLIC DISEASES

Mr. ROTH. Mr. President, during this session of Congress I have taken considerable interest in the public and private efforts to bring arthritis and rheumatic diseases under control. The National Institute of Arthritis and Metabolic Diseases is the major Federal participant in the fight against our second most common chronic disease. It, therefore, must be adequately funded.

On May 24, 1972, I had the pleasure of introducing Mr. Charles B. Harding, chairman of the board, the Arthritis Foundation, to the Senate Appropriations Subcommittee on Labor, Health, Education, and Welfare, chaired by the able senior Senator from Washington (Mr. MAGNUSON). I would like to share with Senators Mr. Harding's remarks. I, therefore, ask unanimous consent that his statement and the table accompanying it be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CHARLES B. HARDING, TESTIFYING ON BEHALF OF THE ARTHRITIS PROGRAMS OF THE NATIONAL INSTITUTES OF ARTHRITIS AND METABOLIC DISEASES

(NOTE.—A prepared statement offered by Mr. Charles B. Harding, Chairman of the Board, The Arthritis Foundation, on behalf of the programs in arthritis of The National Institute of Arthritis and Metabolic Diseases. Mr. Harding is former board chairman and is at present a member of the advisory board of Smith, Barney & Co., New York, investment bankers; former president of The New York Chapter of The Arthritis Foundation, 1963–1970; former chairman, board of governors, New York Stock Exchange; president, New York Botanical Garden; trustee, American Academy in Rome, The Eisenhower Exchange Fellowships, Hampton Institute, and the Frick Collection; director, Cerro Corporation. Presented to The Senate Appropriations Subcommittee on Labor, Health, Education & Welfare on May 24, 1972.)

Mr. Chairman and Members of the Committee: It is a privilege to appear before you again this year to speak on behalf of the research and training programs in arthritis carried out under the aegis of The National Institute of Arthritis and Metabolic Diseases. I have been asked by The Arthritis Foundation, the only voluntary health agency in the nation directing its energies solely against the number one crippling disease in the United States—arthritis, to represent our 75 chapters, our tens of thousands of volunteers, our 18 million arthritics, especially those 3.5 million who are disabled, and the often forgotten families of the arthritics who comprise 25 per cent of the population of this country. So you see, Mr. Chairman, although you may only see before you a single individual who has long been interested in a disease which nearly all of American has chosen to ignore except those affected by it, standing behind me and listening attentively to this Committee's response is a growing number of Americans who are destined for a life of pain and disability unless more is done to find a cure for the many insidious forms which arthritis can take.

There is an *urgent* need today for increased Federal support for research in arthritis, and for more training grants and fellowships to produce academically and research-oriented rheumatologists. These are in very short supply. One-third of the teaching hospitals in the United States have no Rheumatology or Connective Tissue Division, and none of the new medical schools are able to find rheumatologists to head up newly established Divisions of Rheumatology.

This critical manpower shortage is a direct result of severe cutbacks in Research Training Grants for arthritis over the past six years, to the point where today only 27 medical schools are receiving support from the National Institute of Arthritis & Metabolic Disease, as compared to 40 in 1966, and 43 in 1962.

Such a constant decrease in Federal support for the training of research specialists in arthritis and of faculty for teaching rheumatology is most discouraging to those of us at The Arthritis Foundation who must explain to the nation's arthritics why there are so few specialists and so few arthritis clinics to care for victims of the *nation's leading crippling disease*.

The 3.5 million persons—children, young adults, middle-aged and older Americans—who are *disabled* by rheumatoid arthritis, osteoarthritis, gout, and systemic lupus erythematosus—disabled because of inadequate care and knowledge—represent more than twice the total number afflicted by cerebral palsy, multiple sclerosis, and muscular dystrophy put together.

There are also substantially more arthritics requiring medical attention—over 18 million—than the combined total affected by diabetes (4 million), kidney and urologic diseases (8 million), and skin disorders (4 million).

If each of the 2,200 members of the American Rheumatism Association (the only professional organization for physicians and surgeons concerned with rheumatology in the United States) were to be called upon to take his share of all arthritic patients, his patients would number over 8,000. As is the case, the average rheumatologist sees some 375 patients with various forms of arthritis each year. This would indicate that only 825,000 of the nation's 18 million arthritics are receiving the attention of a physician especially trained to deal with the manifold problems of diagnosing arthritis and prescribing treatment for it.

What do the rest do? One of three things: (1) stay away from a doctor and progressively get worse; (2) go to a non-rheumatologist who is uninformed about the modern methods of diagnosing and treating the disease who then mismanages the case until the manifestations of the disease reach such critical proportions that he is forced to refer the patient to a specialist; (3) receive fairly good medical advice from a physician who has received some continuing education in rheumatology but who is unaware of the necessity for a close and continuing physician-patient relationship for the effective management of the disease, and thus fails to maintain the strict home care regimen necessary for amelioration of the disabling and debilitating aspect of arthritis.

RESEARCH AND TRAINING

The Administration's proposed 1973 budget for arthritis research and training—$13,922,000—a 2.3% increase over 1972, is not only inadequate, but is tragic. To spend a mere 76 cents of Federal funds each year for each arthritic requiring better medical care while allocating $6 per person afflicted with sickle cell anemia is surely a disproportionate distribution of the health dollar. The prevalence of rheumatoid arthritis among minority groups, especially Indians and Blacks, is much greater, as you know, than among Whites. This has been revealed, through recent data from the U.S. Public Health Service.

We need more rheumatologists and we need them now. We need a Rheumatology Division in every medical school. The one major boost from the Federal government in meeting this need would be a restoration of the Research Training Grants for arthritis to the 1966 level of 40. This would provide approximately 120 *training* opportunities, as contrasted to about 80 at present. These additional 40 training positions would be an important beginning to closing the gap between available professional manpower in rheumatology and the need for this specially trained physician/teacher/researcher. The cost of this moderate increase in training would be only $780,000, a relatively small amount for the impact it would have.

Arthritis research has reached what has been recently described as its "most exciting era" with gains being registered in immunology, virology, and drug therapy, as well as in rehabilitative surgery. Until this year, Federal support of arthritis research had been at a standstill, going from $7,055,000 in 1967 to $8,428,000 in 1971. In 1972, it rose $1,347,000 to $9,775,000, an increase of about 16 per cent. The Arthritis Foundation itself spends nearly $2 million each year in research but cannot possibly meet the increasing demands for support of excellent proposed projects. It is estimated that an increase in research funds of $3,000,000, or 31 per cent, would help finance the *best* of the pending *approved* requests for research support. It would also indicate to the medical research community the intent of the Federal government to emphasize the need for an increased effort to find the cause of arthritis and thereby reduce its economic burden on the country of $4 billion per year.

To this $3 million, The Foundation requests that $500,000 be added to ensure adequate financing of the clinical testing of drugs carried out by a group of cooperating arthritis research centers. This is a program of special interest to The Foundation which I would like to describe briefly to the Committee.

CLINICAL DRUG TESTING

Every year a variety of new treatments are proposed for the rheumatic diseases, and the potential benefits and also the potential dangers of such therapy must be very carefully defined. In their enthusiasm to bring these drugs to the market as early as possible, the proponents of new cures often lose perspective. We feel that it is vital to the public interest that impartial, independent trials of these drugs be done, and that this information be transmitted to the Food and Drug Administration by an unbiased, objective group.

For the past sixteen years, The Arthritis Foundation, in cooperation with the National Institute of Arthritis and Metabolic Diseases (NIAND), has sponsored clinical studies of drugs used in the treatment of rheumatic diseases.

At present, sixteen universities and their hospitals participate in these programs. They include the three branches of the University of California, and State-sponsored universities in Illinois, Michigan, New York, Tennessee, Texas, Virginia, and Washington, plus such private universities as Harvard, Yale, Columbia, Miami, and Rochester, and the Clinical Center of the National Institutes of Health.

This important program has sought to demonstrate the efficacy, or lack of efficacy, of medications used in treating rheumatic diseases, to develop new methods to evaluate the effect of drugs on the activity of these diseases, and to provide a model or standard of excellence for therapeutic trials of chronic diseases in general, and rheumatic diseases in particular, for both the practitioner and the drug industry.

In addition to permitting better care of the patient today, we are certain that this kind of work will lead us to a better understanding of the entire process of rheumatic diseases.

The Federal investment in these clinical trials has recently fallen below $200,000 per year. This is an exceedingly small amount compared to what is expended in similar drug trial programs in diabetes, cancer, and other chronic diseases. Because of this limitation of funds, only a few of the most promising drugs can be tested, and then only at the latest stages of development. With more drugs coming on the market every year, it is essential that this program be expanded.

We specifically request, therefore, that the Committee earmark $500,000 of the increased research funds in arthritis to fund more extensive trials of the drugs used in the treatment of the rheumatic diseases, especially rheumatoid arthritis. Doubling the amount of support currently available to $500,000 would increase the amount of clinical work by a factor of nearly four, since the basic analytical machinery is already available.

The potential benefits of this program are of great importance to the more than 18 million Americans afflicted with rheumatic diseases, and will be directly translated into better care for the patient. We want the arthritic in America to have the benefits of the newest therapies that are available, and at the same time protect him from worthless remedies.

This small investment will provide us with funds to launch an ambitious four-pronged attack in this area.

First, every reasonable remedy proposed for rheumatoid arthritis will be screened in a brief trial. Without objective and uniform data, it is impossible to reach any meaningful conclusions regarding a new drug. Therefore, we feel that there is a need very early after a new compound is proposed for a small, highly-standardized, and inexpensive trial to be performed. This trial may be with as few as 25 patients for as short a period as a week. During the course of 1973, as many as 15 to 25 such minor trials might be needed. Since all of these trials would be done in a similar fashion on similar types of patients, the results of all remedies would be compared over a period of time to see which had the most merit, and deserved further trial.

Second, based on the initial screening, a medium-length trial of all promising drugs would be done. This would involve larger trials, involving as few as 50 patients for as long as four months.

Third, if a drug passes the first two of these screening procedures, a large-scale trial would be indicated to confirm the efficacy of the compound and to demonstrate the potential for long-term effects which might not be apparent in a briefer trial. Trials of this type would involve more than 100 patients and last as long as one year.

In addition to documenting long-term therapeutic effects, these trials would detect toxic effects which would not be apparent in briefer trials.

Fourth, even after long trials demonstrate beyond any doubt that a particular type of drug therapy is of benefit, we will need information about unsuspected and rare adverse reactions. We therefore propose a registry of all arthritics treated in our 16 cooperating centers, in order to maintain a surveillance of patients treated with commonly used drugs and to detect these side effects.

These three areas of support—Research Training Grants to be increased from $1,410,000 to $2,190,000, Extramural Research to increase from $9,775,000 to $13,275,000, and a special earmarking of $500,000 in research funds for the expansion of the Arthritis Cooperating Clinics' controlled drug trials—are basic to the urgent needs of this nation's leading crippling disease—arthritis—a disease which affects one in every four families.

The accompanying budget page delineates how The Arthritis Foundation's proposed budget for arthritis programs within The National Institute of Arthritis & Metabolic Diseases compares with the Institute's actual 1972 spending level and with the President's proposed budget for 1973.

AMOUNTS ALLOCATED TO ARTHRITIS BY THE NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES (NIAMD)

Year	Research grants	Research training grants	Fellowships	Collaborative programs	Epidemiology and field studies	Intramural research	Total
1972 spending level	$9,775,000	$1,410,000	$507,000	$50,000	$170,000	$1,693,000	$13,605,000
1973 President's budget	$10,065,000	$1,410,000	$488,000	$50,000	$175,000	$1,734,000	$13,992,000
Dollars change	+$290,000	+-$0	-$19,000	+-$0	+$5,000	+$41,000	+$317,000
Percent change	2.4	-+0	-3.7	0	+3	+2.4	+2.3
1973 budget as proposed by the Arthritis Foundation	$13,275,000	$2,190,000	$550,00	$51,000	$175,000	$1,734,000	$17,975,000
Dollars change	[1] +$3,500,000	+$780,000	+$43,000	+$1,000	+$5,000	+$41,000	+$4,370,000
Percent change	+30.7	+55.3	+8.5	+2	+3	+2.4	+31.9

[1] Of which $500,000 is to be specially earmarked for controlled drug trials by the cooperating clinics program of the Arthritis Foundation.

JOSEPH F. VAN VLADRICKEN, VALUED SENATE STAFF MEMBER, RETIRES AFTER 35 YEARS OF GOVERNMENT SERVICE

Mr. RANDOLPH. Mr. President, I announce to the Senate that Joseph F. Van Vladricken, senior member of the professional staff of the Senate Committee on Public Works, will retire on June 30, after 35 years of Government service.

For the past 9 years, Mr. Vladricken has been professional staff member for the committee's Subcommittee on Flood Control-Rivers and Harbors. From 1941 to 1964, he was legislative coordinator of the Civil Works Division in the Office of the Chief of the Army Corps of Engineers. He earlier served in the U.S. Navy.

Mr. Van, as he is known to all of us, is a valued member of the staff of the Committee on Public Works. The results of his work can be seen throughout the country in the water resource projects that are helping to provide a better life for all Americans. He brought a high level of professionalism to his work and throughout his career he has been a conscientious and diligent advocate of worthwhile water resources development.

Mr. Van Vladricken, who lives at 6929 Custis Parkway, Falls Church, Va., was born in Hackensack, N.J. He is considered an authority on civil works projects and water resources law. Since 1946, he has been instrumental in drafting and processing major legislation relating to rivers and harbors development and flood controls.

UNFINISHED BUSINESS (S. 3390) TEMPORARILY LAID ASIDE

The PRESIDING OFFICER (Mr. TUNNEY). Under the previous order the unfinished business will be laid aside until the Senate disposes of S. 3001.

Mr. ROBERT C. BYRD. Mr. President, may I inquire whether the previous order required the laying aside of the unfinished business until the close of business today?

The PRESIDING OFFICER. Until consideration of S. 3001 was concluded or until adjournment.

Mr. ROBERT C. BYRD. I ask unanimous consent that the unfinished business be temporarily laid aside and that it remain in a temporarily laid-aside status until the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDY RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

The PRESIDING OFFICER. The Senate, under the previous order, will now proceed to the consideration of Senate Resolution 299, which the clerk will state.

The legislative clerk read the resolution by title, as follows:

> A resolution (S. Res. 299) to establish a Select Committee to study questions related to secret and confidential government documents.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, time for debate on this resolution is limited to 90 minutes on the resolution and 30 minutes on amendments, debatable motions, or appeals, except on one motion to refer, which will be limited to 60 minutes.

Mr. ROBERT C. BYRD. Mr. President, may I inquire as to whether time may be yielded from the time allotted on the resolution by Senators in control thereof to any Senator on any motion or amendment?

The PRESIDING OFFICER. It was not specifically so allocated.

Mr. ROBERT C. BYRD. Very well. I thank the Chair.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged against both sides on the time allotted to the debate on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute, without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, upon the disposition of the amendment by Mr. DOMINICK to S. 3390, the unfinished business, S. 3390 be temporarily laid aside and remain in a temporarily laid aside status until the close of business tomorrow, and that upon the disposition of the Dominick amendment to S. 3390 the Senate resume the consideration of the second track item, S. 3010.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDY RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

The Senate continued with the consideration of the resolution (S. Res. 299) to establish a select committee to study questions related to secret and confidential Government documents.

Mr. JAVITS. As I understand the time situation on Senate Resolution 299 there is an hour and a half, to be equally divided between the proponents and the opponents.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. And there is 1 hour in addition on an amendment or motion to be made by the Senator from Nebraska.

The PRESIDING OFFICER. There is 1 hour on the motion of the Senator from Nebraska, and 30 minutes on any other motion or amendment.

Mr. JAVITS. Fine. Mr. President, I yield myself 10 minutes.

Mr. President, it is very important to understand the genesis of this resolution in order to determine whether it should be acted on by the Senate now or whether it should be referred to a committee.

It was my understanding that an effort would be made to refer it to the Committee on the Judiciary, but I am now advised that the effort will be to refer it to the Committee on Government Operations.

Mr. President, the resolution arose, not spontaneously, but as a result of a closed door session held by the Senate a few weeks ago. The only reason for the delay up to this point is simply that we could not find a time mutually suitable to the Senator from Nebraska and those who oppose the resolution. I was ready to have it acted on immediately, but it is very understandable that it has taken us some weeks to find, first, a time suitable to the opponents, and then a time suitable for the calendar.

Not much has changed in these weeks, except that we have tended to forget what brought on this issue. The issue was brought on by a closed-door session called essentially to deal with the situation of a Senator who had papers which he had obtained, which were highly classified, and which he wished to discuss with the Members of the Senate.

In the course of that discussion, the whole issue of what happens with papers that are classified and have come into the possession of a given Member came under debate, and, indeed, so did the question of executive privilege and classification of documents by the executive branch.

As a result of that discussion and debate, both public and private, it seemed desirable to get some overview of the Senate's attitude toward the entire situation. What ought the Senate to do when faced with situations of this character? It seemed impossible to deal with the problem in a deliberative session, unless it was inordinately long, and we simply could not afford that much time to arrive at that kind of a determination.

In a real sense, the closed session was a kind of preliminary hearing. A further hearing would have put the matter, naturally, before some one or more of the committees of the Senate. However, in order to first decide, as a threshold proposition, what should be done in this area, it seemed that the collective judgment of the Senate would be the best. In view of the fact that it was impossible to elicit that collective judgment by a meeting of the whole Senate—time and circumstances simply did not permit it—the idea occurred to several of us at the time that we ought to have a proxy for the whole Senate to make that threshold decision; hence the resolution which is before us today.

This resolution was almost immediately introduced, indeed the following day after the closed-door session. It would establish a Senate special *ad hoc* committee of 10 members, to be equally divided between the majority and the minority, because this is not a partisan thing, it is a matter of the conscience and providence of the Senate. The members would be appointed, respectively, by the majority and minority leaders, with the majority leader as chairman and the minority leader as cochairman.

In short, it was simply a way of substituting the judgment of a smaller body for the collective judgment of the Senate, which under these circumstances could not be obtained except by spending inordinate time in a closed-door session, which the Senate simply did not have.

That is all this resolution involves. There is no remedy whatever for any committee to consider. If we referred this resolution to a committee, it would be meaningless, because there is nothing for the committee to think about. The special ad hoc committee would not be a substitute for any of our regular committees. The 10 Members of the Senate sitting on the special committee would only decide what if anything should be done about the problem. Then I would assume that the majority and minority leaders, if they agreed, would together introduce legislation, whether it was housekeeping or otherwise, or perhaps they might introduce separate bills; but those bills would be referred to the appropriate committees, whatever they might provide.

So the motion to refer this resolution to a committee is simply a motion to abort the matter; that is all. And expressions such as I see in the broadside by the Senator from Nebraska, which is on my desk and other desks, in which he says, "The resolution is a usurpation and encroachment upon the province and jurisdiction of a standing committee, which would be fully justified in deeply resenting such intrusion," simply will not stand up. All that is, Mr. President, is argumentative rhetoric, and that does not convince anyone; at least I hope it will not convince sophisticated individuals like those in the Senate. I do not believe a case can be made for sending this resolution to a committee for an extended period of time.

Specifically, Mr. President, I do not know why we have to take 2½ hours this morning about this matter. There is no definitive action to be taken. It is simply a convenient way for the Senate to focus in a preliminary way on this problem with 10 Representative Members, to decide, not what to do, but how to go about deciding whatever we want to do. This is simply a mechanism for laying the groundwork for further action.

It is interesting, Mr. President, that those who have joined with me in sponsoring this resolution reflect, in a completely bipartisan way, the purpose of the resolution. These are men of very different points of view—conservative, liberal, middle-of-the-road—and of totally different disciplines and different interests here in the Senate. The cosponsors are Senators BROOKE, ROBERT C. BYRD, CHILES, CHURCH, COOPER, CRANSTON, FULBRIGHT, HATFIELD, HUGHES, MATHIAS, RANDOLPH, and STEVENSON. This was an overnight matter, so I am sure that other cosponsors could have been obtained as well.

Now, Mr. President, a word about the problem. Part of the problem is whether the Senate is bound by the classification which is placed on papers by the executive departments. We do not classify papers ourselves; nor up to now have we sought to declassify them or to reduce the classification or to terminate it after a given time. The President has issued an Executive Order No. 11652 which supersedes previous orders—this one is effective on June 1, 1972—carrying out what he considers to be his power in this area.

I entered into the RECORD on May 5, 1972, a very careful analysis of the entire situation made by the Foreign Relations Committee and Congressional Research Service of the Library of Congress. When you search into the situation, you find that, aside from specific espionage or the violation of cryptographic material or the Atomic Energy

Act dealing with atomic secrets or the traditional military protections against making maps or plans of military installations, and so forth, which are found in the National Security Act, there really is no statutory authority for the power the President is exercising when he makes these orders. At best the situation is not very clear.

He relies upon his constitutional authority, and the analysis of the Library of Congress states that. He relies upon the fact that he is to execute the laws; that the laws and their execution require documentation; that some documentation, according to the tradition of nations, must be secret; that, therefore, he has the authority, in the absence of any statute specifically dealing with the generality of the information which might be classified, to order this classification and to protect it when classified. Penalties are imposed upon the breach of the classification by laws which simply accept that it is classified, though there is not necessarily a statute saying who is to classify it and for what reason.

The PRESIDING OFFICER. The time of the gentleman has expired.

Mr. JAVITS. I yield myself 2 additional minutes.

The answer is that there are thousands of Government officials of high rank—this is a big Government—who have the power to classify. Conversely there are 100 Senators and 435 Representatives who have the power to take the floor and breach the classification publicly, and they are given complete immunity. That is the problem that faced Senator Gravel. This is a subject which we have not faced up to in the past.

It is rather unusual that the congressional immunity should be used for the purpose of breaching the classification of a document imposed by a Government official. But it has been felt, both in foreign relations and in military affairs, that classification was being used in a way to deny Congress and the public certain information, that things were overclassified or that the classification stayed on too long, that the most casual matters were classified which did not need to be classified at all, and that the law we had passed affording greater public information—that is, the Freedom of Information Act—had not helped, because it was built on the existing structure.

That is where we stand today. In order to get an overview of not what to do but how to do it, what laws should be introduced, how the matter should be approached compatible with the Constitution and our national policy, we have proposed this resolution.

One last point, Mr. President. If we are going to refer it to a committee, what committee? If we refer it to the Committee on Government Operations, it does not have jurisdiction over Senate housekeeping. What is it going to do about the immunity of the individual Senator? It cannot even make recommendations with respect to our power to discipline or expel a Member. If it is referred to the Committee on Foreign Relations, the Committee on Armed Services has the right to say, "It affects us just as much." Indeed, many other committees are similarly affected. Or, if it is referred to the Committee on Armed Services, the same arguments could apply.

Senator Hruska has changed his motion from the Committee on the Judiciary. Why? Obviously, this was not a question of constitutional amendment or some penal statute. We do not know what we are going to do about it yet, so it did not belong in any slot until we made that determination. So actually, it is not susceptible of reference to any committee.

In point of fact this is just another way of killing it. You do not want to deal with it, and you do not want to table it because you want to be respectful to a group of Senators. By referring it to a committee for an indefinite time you can bury it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. JAVITS. 2 minutes.

Mr. PASTORE. Mr. President, I ask unanimous consent that my name be added as a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, this, to me, is one of the most sensitive subjects and issues that has confronted this body in a long, long time. As a matter of fact, the whole business of classification and just how far we can go in either classifying or declassifying has become a very difficult and sensitive problem.

It has been my experience that sometimes we are puzzled when it behooves certain individuals in the administration to invoke classification—I am not talking about any specific Democratic administration or the Republican administration. For example, for the longest time in our Joint Atomic Energy Committee the question arose as to how far we could go in talking about the ABM and what progress in that area had been made by the Russians. Then I have noticed that when we became anxious and enthusiastic as to whether or not we should engage in the fabrication of an ABM system and it looked as though our vote would be very, very close—that is, as to whether or not the answer would be "yes" or "no"—the Secretary of Defense took it upon himself overnight to declassify many things we had been talking about in the committee very confidently and confidentially.

After all, if this has become a matter of expedience, just to satisfy certain issues of status that might be close to certain people, that is one thing. On the other hand, if we are talking about retaining the classification of sensitive information, that is another thing. But I think we ought to know where we stand, on this matter of classification. That is the purpose of this committee—to know exactly where we stand, which things are to be classified, and why. Should certain things that are already classified be declassified? How far can an elected representative of the people go in talking about these very important problems to make sure that the country is apprised of what is going on?

Time and time again for example, when we have had the Central Intelligence Agency come before our Joint Committee on Atomic Energy, they talked about certain critical matters. I raised the question, "Don't you think that if we are to spend the taxpayers' money to do more things in the way of our security, it is important for us to tell the people just what the peril is from the other side?" The objection was always made that if we do that, we would reveal to the Russians how we got the information. There may be some substance to that. On the other hand, if you are going to ask the American people to consider whether they need an ABM system—let us say—you have to begin to talk to them about whether or not the Russians have an ABM system and how good it is and why we know it is good or why we judge it is not good, so that we Americans can make up our minds. It is like all decisions. Unless you know the other side of the coin, how can you decide whether the coin of your decision is genuine and that coin is correctly spent for your security.

So I say that the time has come when this matter has to be handled in a more judicial and judicious way. I think this is the only way to do it. This resolution suggests and ad hoc committee.

I think the time of decision has come, in view of what has transpired here. We have had quite a difficult situation involving a Senator from Alaska. He made quite a strong argument, on one hand. On the other hand, there were some things about it with which I could not go along. But I think the time has come when we ought to be more decisive, and we ought to resolve the matter. That is why I think it is mandatory at this time that we do something about it.

Mr. JAVITS. I thank the Senator very much. His support is very meaningful to me. The long experience of the Senator from Rhode Island with this problem, in connection with the Joint Committee on Atomic Energy, is very important and I appreciate his support.

Mr. HRUSKA. I yield myself 10 minutes.

Mr. President, this resolution should be referred to a committee for regular processing. There are a number of reasons and elements that can be found in support of that statement.

It undertakes to establish a select committee to study and report on laws, rules, and questions relating to secret, confidential, and classified Government documents. There was an inquiry into a specific situation as to the conduct of an individual Member of this body but the subject generally, basically, and fundamentally, has never been referred to or been considered by a committee.

The resolution contains no provision for funding. I do not know that that will be necessary but, at any rate, there is no provision or any consideration as to whether funding would be needed.

The subject is extensive. It is profound. It is complex. A cursory and fleeting examination and report by a short-lived select committee, as contemplated here, would necessarily be superficial and would serve no useful purpose.

The resolution, Mr. President, is a usurpation and an encroachment on the province and the jurisdiction of a standing committee, which would be fully justified in deeply resenting such intrusion. It is unseemly for the Senate to circumvent the functioning of the committee system in this fashion.

Now, Mr. President, it is suggested that the resolution arose and was brought about as a result of the closed-door session we had some weeks ago, when a Senator had received a document and breached, violated, imposed on, or exploited his immunity to the extent of publishing or seeking to publish that document. It presented a situation which would require, in the judgment of the Senator from New York and the cosponsors of this resolution, the collective judgment of the Senate as to what should be done in such a situation, and that a smaller body than the Senate itself would be required for that purpose, the purpose being not to consider legislation, but this particular situation. As I understand it, that is the thrust of the argument made on behalf of the resolution.

Well, Mr. President, the leadership can undertake an informal discussion of this particular situation on its own, in its role as a leadership organization on both sides of the aisle. It can summon to its assistance and to counsel it any Member of the Senate that it wishes. It can call upon the chairman or the ranking members of committees if it wishes, and formulate some program or some proposal that it can bring forward before a future executive session of the Senate. That is entirely within its power and jurisdiction. It is its prerogative right now.

Mr. PASTORE. Mr. President, will the Senator yield on that very point?

Mr. HRUSKA. I yield.

Mr. PASTORE. The Senator's suggestion that disturbs me—as the Senator knows, I have the highest respect for him—and I know that he wants to do the right thing as we all want to do the right thing. But I am afraid, unless we pass some specific resolution, we will not have under existing statutes the authority that will give us the immunity we need. That is what is disturbing me, because as the Senator will remember the argument made by the Senator from Alaska, he declared the only binding thing in this procedure outside of a Presidential directive—and a Presidential directive is not a statute or a legislative fiat—the only thing we have to lean on is the law on espionage. The law on espionage was enacted to prevent certain people who had classified information from revealing it to others. But that had nothing to do with the immunity of a Senator or the immunity of a Member of the House. That is the reason why I raise the question that, unless we do it in some affirmative, procedural way, as we are suggesting here by this resolution, we may fall short even though the leadership might say, "We think this is all right." Because some attorney general who does not think it is all right could still bring a criminal action. We want to obviate that. That is the point.

We must have some crutch to lean on to give a Senator the immunity. If this committee had this crutch and a Senator revealed forbidden information, then he would be subject, of course, to being censured or to being expelled by the Senate.

Mr. HRUSKA. What kind of crutch? A bill, a law, resolution? What kind of crutch?

Mr. PASTORE. This very Senate resolution which will be acted on by the entire Senate.

Mr. HRUSKA. Not necessarily.

Mr. PASTORE. We have a background for this. We went through this in executive session for a long time. We argued this proposition forward and backward. The Senator will remember that. I did not go along with the Senator from Alaska entirely, but he did have a substantial argument. If we look up the law, we will find that this is an area which is pretty much confused. It is nebulous as to who has authority to do what. I am afraid that unless we clear the air, all of us could be placed in a sensitive position.

On the floor the other day, for example, I was asked some sensitive questions. One was on the storing of atomic weapons outside of this country and whether we needed a treaty to do it. I had quite a dialog with the Senator from Missouri. We came pretty close to the point of wondering whether we were getting ourselves into classified information.

We have to clear the air. The Senator from Nebraska takes the position it should go to a committee. I am not too much opposed to that. Maybe that is the proper way to do it. But I would suggest that if it does go to a committee we have a time limitation so it will come back to the floor of the Senate, reported either favorably or unfavorably, so that we can have a vote on it up or down. But let the Senate vote on it—and let us act promptly.

The idea of sending it to a committee and then forgetting the whole thing or using it as an instrumentality to defeat it, that would be wrong, and I think the Senator from Nebraska would agree with me on that.

If the resolution would be returned within 30 days, and the committee would report back yes or no, and then let us debate it on the floor, that would be all right with me. I do not want to shortcut anyone. But the time has come when we have actually to do something about the substantive issue involved.

Mr. HRUSKA. The argument the Senator from Rhode Island has just made reinforces the position of this Senator. It is said now that we have to do something, that we have to have a crutch, that we have to have a resolution of substance here, something substantive.

Well, Mr. President, that is the province of a standing committee. I suggested that the leadership on its own can get together and formulate a proposition of any kind they wish as to the particular conduct of a particular Senator under particular situations. That they can do. Then he would debate that in the Senate, either in open or in executive session, and go on from there.

But when it is to formalize an organization known as a select committee for the purpose of dealing with matters of substance, and dealing with rules and classified regulations that inhere in this situation, then we get into the province of a standing committee with its expertise and authority. I say again that the standing committee that would be entitled to it would have reason and ground to be resentful of that kind of usurpation and intrusion. I do not say that they have, Mr. President. I think they have justification for it. There was no resentment in the heart of the chairman of the Government Operations Committee when he considered this. There was no resentment on my part that we were not given the matter to discuss and consider in the Judiciary Committee, nor in the mind of the chairman of the Judiciary Committee himself. No one got mad. But the point is we are repudiating and circumventing the functioning of the committee system in this fashion.

Why should it be considered by a standing committee? Because a standing committee has also had some exposure to the problem.

I should like to call attention to the fact that we developed 600 printed pages of testimony in the Subcommittee on Separation of Powers last year dealing with this entire subject. There have been hearings held last March in the Armed Services Committee in the House on this, on a bill that would set up a commission for the purpose of getting at this problem, H.R. 9853.

Of course it is a very deep, profound, and complex problem. But these committees have already been exposed to it. They have developed expertise, knowledge, and experience in it. It is they who should be considering anything that goes into a substantive proposal in the nature of a rule or a law, or an interpretation of the law, and bring it back to the Senate for the purpose of handling it.

Mr. President, the question is asked, "What committee is it, and is there a committee that can handle the conduct of Senators under circumstances of this kind?"

My suggestion to that is again that the leadership can formulate some propositon and make it fair and present the issue in a particular case of a particular Senator. That is within their power. That is within the perview of their legislative duties. With regard to conduct beyond that of an individual, rules for general application, that is within the jurisdiction of the Government Operations Committee.

Mr. President, that is the way to handle a situation of this kind. The leadership needs to be called in on the question concerning to whom the Senator wishes to assign the duty of inquiring into the conduct of a particular Senator under particular circumstances. But when we leave that point, then we have any number of committees, as has been suggested, that would be eligible to consider the study and any specific measure or proposal.

It could be the Armed Services Committee if it is a proposition dealing exclusively or heavily with military secrets or weaponry or strategy, or documents of that kind.

It could be the Foreign Relations Committee if treaties are involved or documents relating to treaties.

It could be the Judiciary Committee where internal security is a matter that has been assigned and delegated to the Subcommittee on Internal Security.

It could be the Government Operations Committee whose authority cuts across and covers all departments and their operation and performance.

That is why this matter should be referred to a committee and let the leadership develop its own devices for the purpose of dealing with a particular situation.

Senate Resolution 299, now pending before the Senate for final action, would establish a select committee to study questions related to secret and confidential Government documents. It has never been referred to any committee and contains no provisions for funding.

There is pending before the Committee on Government Operations, of which the distinguished senior Senator from Arkansas (Mr. McCLELLAN) is chairman, a bill, S. 2965, to provide greater access to Government information, and for other purposes. Under its provisions, there would be established an independent disclosure board charged with the supervision and review of the entire Government classification system.

Senator McCLELLAN is unable to be present today. In view of the close relationship in the subject matter of these measures, he believes it would be appropriate to consider them both at the same time. Accordingly, he has asked me, on his behalf, to request that the resolution be referred to the Committee on Government Operations. We have been informed that the Committee on Rules and Administration would have no objection to the reference.

So, pursuant to this request, Mr. President, I ask unanimous consent on behalf of the senior Senator from Arkansas (Mr. McCLELLAN) that Senate Resolution 299 be referred to the Committee on Government Operations.

Mr. JAVITS. Mr. President, I reserve the right to object and I would like to ask the Senator a question. I happen to be a member of the Government Operations Committee. In fact, I am its second-ranking member of the minority.

Mr. HRUSKA. Mr. President, I assume this colloquy is being charged to the time of the Senator from New York.

Mr. JAVITS. Yes, that is agreeable.

I do not believe the resolution should be referred to that committee for the reasons which I have already given, and given as sincerely as I am sure the Senator from Nebraska (Mr. HRUSKA) made his argument in the other direction. However, in an effort to accommodate the situation and because it is critically important to solve this problem, I would like to ask the Senator if he would agree that the committee shall, ipso facto, report back, say, within 30 days. That would bring it down to about a week after we get back. Then at least we will have assurance that there will be action and that the matter will not be permitted to die and get soaked up in some other controversy and never be heard from.

Mr. HRUSKA. Mr. President, may I suggest that come a week from tomorrow we will be gone for 17 days, all of us. I doubt that any Senator will be here in the Nation's Capital. May I suggest further that we are in the middle of a virtual avalanche of urgent legislation where all of us are taxed up to the hilt with many, many important measures that must be enacted before we adjourn.

I ask the Senator from New York whether he can find any hours which he could devote in company with nine other Members of the Senate for the purpose of considering this, even 5 or 6 hours.

To put a time limitation on a matter like this and to say that we must do something, whatever it is and however it might be considered and however studiously and carefully it might be considered and by whom, even if it is by the staff of a committee, I do not think would be prudent. I do not think it is the kind of situation that lends itself to that type of determination. I think that sort of an approach would be self-defeating.

Mr. JAVITS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HRUSKA. Mr. President, I move that Senate Resolution 299 be referred to the Senate Committee on Government Operations.

Mr. JAVITS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. JAVITS. I understand that such a motion is not in order until the time for debate has expired.

The PRESIDING OFFICER. The motion is in order.

Mr. JAVITS. It is in order now?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. What is the time situation then?

The PRESIDING OFFICER. There will be 1 hour, the time to be equally divided between the Senator from Nebraska and the Senator from New York.

Mr. JAVITS. What happens to the time provided for the debate on the resolution?

The PRESIDING OFFICER. It will be handled the same as when handling a bill and an amendment is proposed.

Who yields time?

Mr. HRUSKA. What is the ruling as to what happens to the time on the resolution?

The PRESIDING OFFICER. The motion is in order. The time on the resolution is held in abeyance until the motion is disposed of.

Mr. JAVITS. Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, is an amendment to the motion in order?

The PRESIDING OFFICER. When the time has expired, an amendment will be in order.

Mr. JAVITS. When the 1 hour has expired?

The PRESIDING OFFICER. The Senator is correct. And the amendment would be subject to a 30-minute limitation.

Mr. JAVITS. Mr. President, I thank the Presiding Officer.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. HRUSKA. I would be happy to yield to the distinguished Senator from California.

Mr. TUNNEY. Mr. President, I wonder if the Senator from Nebraska opposes the basic principle outlined in the resolution of the Senator from New York, that the Senate of the United States investigate, through a delegation of authority to 10 Senators, or whatever number it might be, the various laws covering classification and the responsibilities of individual Senators when matters that are classified come to them, and their right to disclose such classified material to the American public.

Does the Senator oppose the Senate, through a committee, studying this matter and furnishing the Senate with some guidelines which individual Senators will be able to follow in the future?

Mr. HRUSKA. Mr. President, if the Senator will remember—perhaps he was not here when I made my remarks—I do not object to that. I think it would be notable for the majority leader, the minority leader, their assistants or deputies, and any number of Senators who want to get together for the purpose of counseling and deliberating on a matter, to go into that. That is fine. However, the matter they should consider would be the particular conduct of a particular Senator under particular circumstances, such as we considered in executive session some time ago.

However, as soon as we formalize that kind of body and charge it with the responsibility to come here with their findings and recommendations not only with respect to that type of situation, but also recommendations on laws relating to secrecy, confidentiality, and classification of classified documents and so forth, when you do that or seek to do it, then you are intruding upon the jurisdiction and the province of the standing committee. It should not be so, and this Senate should not do that; they should not do that. It is a reflection on that committee that they were not asked. If you want to do something, ask them and let them do it.

In my experience here, on at least three occasions, we have gone into this matter in depth in the Committee on the Judiciary. The first time, in 1957 and 1958, under the leadership of the late and very lamented Senator Tom Hennings of Missouri, we struggled with that problem for the greater part of the summer and into the next year and turned up doing nothing. Why? It is that type situation, as pointed out in the testimony of Assistant Attorney General Erickson before the Committee on Armed Services in the House, that the thrust and burden depends on executive and administrative action, and their good faith in setting up rules that will be reasonable and accommodate the Senate and the House as much as possible without compromising those portions by way of secrecy necessary to conduct this Nation's affairs properly.

We got stalemated because we reached that situation. There may be penalties for disclosing classified documents. But on these other matters we reached that conclusion. Four or 5 years later we went back and we reached the same conclusion and the same result. I venture to say we will come to that same conclusion again.

I differentiate that from the situation where a particular Senator, acting in a particular fashion with particular documents comes into the Senate and, in the view of some Senators, either violates his immunity, abuses or exploits it. Some Members of this body might not like that and might want to take action not only to deal with that situation but also similar situations, following the precedent set in that case. That is a different thing. For that purpose I say there should be an informal meeting of the leadership. They have certain powers and responsibilities. They should meet and come here with a position paper or 2, and supporting documents, and then let the Members of the Senate act upon that case and not try to raise this entire field which is very complex, very extensive and very profound, and it has all kinds of implications and ramifications which can be dealt with most effectively and properly by a standing committee that has acquired through its years of experience and literature some experience in that field.

This Senator went into great detail on the ramifications of this type of procedure when Senate Resolution 299 was called up at an earlier time. I refer the Senator to my statement on the Senate floor on May 8, 1972, beginning at page 16139. The reasons why I oppose this resolution are set out at some length there. I will not take the Senator's time to repeat them now.

Mr. TUNNEY. Would the Senator object to having a time limitation put on a committee so that the committee would have to report back to the Senate its findings?

Mr. HRUSKA. No, I would not, provided the Members named to the committee would forgo the high pleasures and privileges of attending the National Democratic Convention, and later on the National Republican Convention, and also forswear the necessity of performing their other duties with which they are occupied for nearly 10 to 12 hours a day here. But we get into time limitations and 30 days means nothing, and 60 days at this time of year means nothing. It depends on how far you go into it.

We have had 4 days of hearings before the Subcommittee on Separation of Powers and have reached no conclusion. We were still laying the foundation. I venture the conclusion will be the same as it was some years ago. But limitations of time are very difficult.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. PASTORE. If I follow the Senator from Nebraska very closely, his rationale adds up to this: Because this is a complex subject it is impossible of solution. A similar problem was brought before the committee in 1957, and they wrestled with it and wrestled with it, and they finally decided they could do nothing. I do not subscribe to that philosophy.

Mr. HRUSKA. And this Senator does not preach that philosophy.

Mr. PASTORE. No, the Senator said we struggled with it and struggled with it and could come up with no answer.

As far as I am concerned there are only two things that are inevitable and impossible of avoidance and solution: One is death and the other is taxes. Outside of that everything is soluble. Let us solve this. Let us not try to avoid, or dodge, or delay.

What the Senator from Nebraska said just now is this: That we should wait until some Senator has violated the question of immunity and then decide whether or not we are going to have him censured.

Mr. HRUSKA. Against whose time is this?

Mr. PASTORE. Make it my time.

Mr. JAVITS. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. I do not think that is a wise way to resolve the matter. I want this body to give guidelines to this Senate so Senators will know how far they can go and not violate any laws and how to preserve their right of immunity. That is why I am interested in this. It is not because I want to punish any Senator or because I am afraid any Senator is going to hurt this country by revealing classified material.

But we have a situation here where I think the motives of a certain Senator are being challenged. There is no question about it. But I think in all probability he acted in all sincerity. Who am I to disect his brain to determine his sincerity or insincerity. I think he probably acted in all sincerity.

Certain members on the other side have risen to say he should be censured because he violated the law. Every Senator has been around here long enough to know that if you have a Democratic majority and an offense is committed by a Democrat there will be no censure, and if there is a Republican majority and an offense is committed by a Republican you will find an excuse not to censure him. We are always back in the same boat.

All I am saying is we have an ad hoc committee to supervise the CIA. Why? Because we realize the dissemination of information has to be looked upon by Congress, but not revealed to everyone, unless there is need to do so. That is why we have this ad hoc committee and it is constituted of members from one committee and another committee.

What I am saying this morning is that I do not care just how you do this, whether it is sent to one committee or another committee, but somehow and soon we have to resolve this question on the matter of immunity of a Senator—how far can he go on information that is classified and what and how information should be declassified if it should not have been classified to begin with.

I know that pretty much classification today is being done by presidential directive. That is not law. All I am saying is I want a legislative directive to do the same thing the President does. The President does not classify anything; he leaves it up to the Secretary of Defense, or a combined committee formed by the President can classify information. Why, in the name of heaven, can we not form a committee to declassify information? Are we that impotent?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. That is all I am going to say on this subject.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, it has been suggested that this Senator advocates doing nothing because it is impossible to do anything and therefore we should throw up our hands and quit. That is not what this Senator believes in, nor is it what this Senator has described here as the situation.

The situation I have described is this. In the committees and subcommittees on which I have served, whenever we embarked or explored this problem with an idea of legislation, it has come to a point where it comes to a grinding halt because of the disagreement, the fundamental disagreement, among members of the committee itself. That does not mean it is right and that does not mean that specific legislation or proposals cannot be produced and referred to the floor of the Senate.

I point out that the original proposition, that if it involves particular guidelines for the Senate to be laid down by the Senate as a rule, the leadership has power and responsibility of canvassing the situation and bringing it here.

Are we so impotent that we cannot get at the situation in that fashion? It is not necessary to wait for a violation by a Senator and then try to do something. That likewise was not the proposal, nor is it the idea of this Senator. If the leadership wants to make guidelines, formulate guidelines and bring them to the Senate, and have the Senate adopt or reject them, that will be all right. That will be perfectly agreeable with the Senator from Nebraska.

But when we get to the proposition of what kind of law there is and its applicability and when a man violates the law or not, that is not for an ad hoc committee, or even for the Senate, to decide. That should go into the law enforcement section of the Department of Justice to determine whether a certain rule of conduct or a certain incident of conduct will be within or without the law. If additional laws are needed, then the Congress, through its duly constituted committees should consider that question in routine fashion.

I want to say that, effective on June 1 of this year, a new Executive order on classification or declassification of information and material became effective, Executive Order No. 11652. It is a good Executive order, anticipating and dealing specifically with many of the problems inherent in our present difficulties in this field, and it will do much to ease tensions which have arisen between the legislative and the executive. It will do much in that area. We must give it time to operate before we become critical of its effectiveness.

What is needed is a massive education

and training program to stop the wrongful use of classification power and also the abuse of disclosure power which was possessed or exercised by this body, or some Members of it. The Assistant Secretaries of the Defense Department, the National Security Council, the Justice Department, and others are having meetings currently for the purpose of implementing this Executive order. I understand one is taking place this very morning.

It seems to me that if we just proceed in the regular channels of parliamentary procedure, we are going to make progress. We certainly will not make progress if we say to a standing committee, we do not want you to get into this. We are going to put a supercommittee over you.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. HRUSKA. For a brief question. I do not have much time.

Mr. TUNNEY. The junior Senator from California has not decided yet how he is going to vote on the resolution, but I am disturbed by what I consider to be the implication of the Senator's last statement—that the President, through executive order, can establish guidelines for the conduct of individual Senators when it comes to their handling of classified information, and the way Senators are going to handle classified information, and the way Senators will divulge on occasion classified information to their fellow Senators or to the public as a whole.

I do not personally feel that the executive branch has any right to establish a code of conduct for individual Senators or Senate Committees; that it ought to be the Senate which does that. That is why I think some action has to be taken by some committee to establish guidelines for individual Senators in their handling of classified information. Whether it be the Government Operations Committee or an ad hoc committee is immaterial to me.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I yield 2 minutes to the Senator.

Mr. TUNNEY. I am sure the Senator from Nebraska did not mean to imply that the executive branch ought to establish a code of conduct for individual Senators when it comes to the handling of classified material.

Mr. HRUSKA. Senators are not exempt from criminal laws even though there are certain immunities that attach to Senators' statements and conduct. There are certain other situations when immunities exist. But when the law of the Nation makes it illegal for a person to receive certain kinds of documents from somebody who procured them either lawfully or unlawfully there should be no immunity for that, as far as this Senator is concerned, just because he happened to be an incumbent Senator. So that situation will take care of itself on the basis of statutes already on the books. But when we get into the conduct of Senators and guidelines for Senators, there are ways of handling that through the leadership.

Mr. TUNNEY. Although I think the matter of the Senator from Alaska (Mr. Gravel) is very important——

The PRESIDING OFFICER. The Senator's time is expired.

Mr. JAVITS. Mr. President, I yield the Senator 1 minute.

Mr. TUNNEY. I do wish to say that when I was a Member of the House of Representatives, and when I had a study done for me by the GAO on Vietnam, and then the Pentagon classified it, that meant that I could not use the information developed by the GAO in a study I offered to the Foreign Affairs Committee of the House of Representatives. What under those circumstances is a Member of Congress supposed to do? What is the law that governs? Does an Executive order govern that kind of activity? I do not think so. I think it ought to be Congress itself that ought to have very specific guidelines to govern the conduct of individual Members. That is why I think it is most important that some committee consider this and consider it in a time frame so we will have action on it before the end of the year, and not have it buried in some committee without attempting to have any timetable in which it may be before the Senate.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Delaware (Mr. Roth).

Mr. ROTH. Mr. President, I, too, deplore the lack of action during the current session on this most important problem of secrecy in Government.

One of the things mentioned by the distinguished senior Senator from New York that has particularly concerned me is the fact that neither the Judiciary Committee nor the Government Operations Committee has taken any action with respect to this most important problem.

I would like to point out that on last June 24, 1971, I introduced a bill that would have carefully considered this whole problem. This piece of legislation was cosponsored by Mr. Allott, Mr. Baker, Mr. Bellmon, Mr. Boggs, Mr. Brock, Mr. Buckley, Mr. Harry F. Byrd, Jr., Mr. Cook, Mr. Cotton, Mr. Dole, Mr. Ervin—who, of course, is known as the constitutional expert of the Senate—Mr. Fannin, and Mr. Mathias.

Under my bill a special commission on executive secrecy would be created consisting of seven men, two from the Senate, two from the House, plus three to be appointed by the President. The purpose of this particular legislation is to carefully consider all the ramifications of classification and declassification.

One of the things that concerns me about the discussion today is that we are really dealing with one small part of the problem, and that part is the problem of Senators' immunity. I would say that even more important is the general issue of determining where to strike the balance between the public's right to know what the Government is doing and the necessary right of the Government to classify materials that need to be protected from the standpoint of national security or because of delicate relations with foreign countries.

The point I want to make—and I really have not decided how I am going to vote on this resolution—is that my bill, which was referred to the Judiciary Committee and to the Subcommittee on Internal Security, has had no action taken on it whatsoever, even though we have in the past attempted to have hearings held on it.

I notice also that the junior Senator from Maine (Mr. Muskie) has introduced another bill, which was referred to the Government Operations Committee, of which I am a member, and that committee, too, has done nothing, as far as I am aware, on S. 2965.

This is legislation that should not be brushed aside, because it is important to the American people. For many reasons, some valid, others not so valid, there is a gnawing doubt in the public's mind as to whether they are obtaining the information they should be receiving, and I think it is important that Congress carefully examine what can be done in this area.

It is no secret that the executive branch at every level will tend to overclassify merely as a matter of self-protection. I will say, in all honesty, I am not overly confident that you can rely upon the executive branch to declassify to the extent that may be possible without hurting our national security.

Mr. President, in my bill, we provide that this national commission would consider the basic issues involved. Let me read it:

DUTIES

Sec. 4. (a) The Commission shall—

(1) conduct a study of all laws, and of all rules, regulations, orders, and procedures of the executive branch relating to the classification and protection of information in the interest of the security of the United States;

(2) determine which such laws, rules, regulations, orders, and procedures are necessary, appropriate, and consistent with (A) the freedoms of speech, press, and assembly guaranteed by the first amendment to the Constitution, (B) the provisions of section 552 of title 5, United States Code, relating to freedom of information, and (C) the proper performance of legislative duties by the Congress of the United States, with due regard to the portection of the security of the United States:

(3) make recommendations for legislation or other governmental action to preserve and protect the security of the United States in a manner consistent with the constitutional right of the people of the United States to full disclosure of information relating to their Government;

(4) consider the feasibility of establishing an independent agency to ensure the full disclosure of such information while protecting the security of the United States;

In closing, I would like to ask the Senator from Nebraska and the Senator from New York, whom I commend for bringing this matter to the Senate floor, these questions:

I would like to ask the Senator from Nebraska what assurance we have that action will be taken. How do we know, if we refer the matter to a standing committee, that what has happened for the last 12 months will not continue to happen? Is there any way we can get any assurance that the Committee on the Judiciary or the Committee on Government Operations, as he proposes, will move ahead?

I would like to ask the Senator from New York this question: What can really be accomplished in 60 days? I think the matter is complex. I think it is not enough only to consider the rights of Senators and their immunity; I think it is more important that we consider the whole problem of declassification and of the public's right to know, and for that reason I question whether that much can be accomplished in 60 days.

I do applaud the Senator for his effort, and I think it is important that we move ahead.

Mr. JAVITS. Mr. President, I yield the Senator another 2 minutes so that I may answer my part of the question.

One thing that can be accomplished in 60 days is that this ad hoc special committee can decide there are segments of this matter that should be considered by different committees, and assign those segments for consideration. The leaders could introduce a bill or bills that would be referred to specific committees. There is no dearth of suggestions made to the Senate, including the Senator's bill and other bills which have been introduced.

A second point is that they could decide to consolidate all the inquiries in one committee, so that, for example, the Senator's bill might be rereferred, on their recommendation, to whatever committee that is chosen; or all bills might be referred to the Committee on the Judiciary, to which the Senator's bill was referred.

Another thing they could do is to lay down—because that is why we have an Ethics Committee, which was also a sort of ad hoc committee—guidelines for an individual Senator as to his utilization of his own immunity, and that would be a guide for the conduct of a Senator, for which he is responsible to the Senate.

They might also sit down with the executive departments to find out how this matter could be rationalized without a confrontation between the executive and legislative departments. They could enlist the cooperation of the House of Representatives, to see what their judgment would be.

The purpose of the resolution is to save the entire Senate from sitting down for 60 days, which it obviously could not do. It is just a matter of a smaller number of surrogates substituting for the entire Senate.

Mr. ROTH. Then would it be the Senator's intention for all legislation, all bills along the line of mine, to be considered by the special committee?

Mr. JAVITS. I would have those bills considered by the appropriate legislative committee, but I would have the special committee take a look at everything there is, and give us an overview as to what we ought to do.

Mr. ROTH. I think the Senator's resolution is most worthwhile, because I do think it most important that some action be taken immediately.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New York has 17 minutes. The Senator from Nebraska has 14.

Mr. HRUSKA. On the motion?

The PRESIDING OFFICER. On the motion.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

I shall in due course offer an amendment to the motion. May I inquire of the Chair whether such a proposal needs to be in writing? I have no desire to ask for that.

The PRESIDING OFFICER. The only time a motion must be in writing is on the demand of a Senator.

Mr. JAVITS. And can I amend it, though it is not in writing?

The PRESIDING OFFICER. A Senator can modify his motion at any time.

Mr. JAVITS. No; I mean can I move to amend Senator HRUSKA's motion although that motion is not in writing?

The PRESIDING OFFICER. The Senator may do so.

Mr. JAVITS. Mr. President, I shall move to amend, as soon as it is proper the motion of the Senator from Nebraska. I shall offer an amendment to the motion to provide as follows:

> *Provided, however,* That the Committee on Government Operations shall report on or before July 31, 1972, at which time, if the committee shall not have acted, the resolution shall be deemed to have been reported and placed on the calendar.

Mr. President, I find myself in agreement with a number of the Members who have spoken about not considering, as a passionate question, whether a standing committee does or does not have a look at this, or whether it is the ad hoc committee which I had in mind to give us the overview.

I do not think it is worth suffering about on the floor of the Senate, but I do think that the essential point—namely, that the Senate shall act upon this matter and act promptly—is critical and important. And, Mr. President, it was in a spirit of accommodation, in the hope that we could then thereby deal with the matter, which is really an internal matter for the Senate, that I offered that proposal to the Senator from Nebraska. I regret very much that he does not see fit to accept it, and I can only say, from what he has said, that he takes a very dim view of everything we are trying to do.

He says—I tried to take his words down as closely as I could—that "we should leave it in the regular channels of parliamentary procedure." Then he says that there has been no result for years, since 1957, and "I venture to say we will come to the same result—to wit, nothing."

Therefore, Mr. President, it seems to me that a vote on this question, is therefore a vote upon the issue: Do we or do we not want something done? If we do, I am perfectly willing to adopt the procedure suggested by the Senator from Nebraska, and to agree to the committee to which he wants to send it if he will agree to set a time limit on reporting back to the Senate.

So I hope very much, Mr. President, that the Senator is really serious about wanting to see something done in this field, and that we will, even though adopting the suggestion of my honored and distinguished colleague, put a time on it, so that we will know something is going to be done, and within this Congress.

Mr. HRUSKA. Mr. President, will the Senator yield, on my time?

Mr. JAVITS. Or my time, I do not care.

Mr. HRUSKA. I yield myself 3 minutes.

If the Senator please, I was asked if we would limit the reference to the Government Operations Committee to 60 days. I pointed out, Mr. President, that out of the next 60 days Congress will be out of session for half of that period of time. I would suggest that we be realistic about this. If Senators do not want to give the committee any time, that is all right. I do not think I would be agreeable and amenable to an extension of the time to less than, say, 90 days, because 30 of those days we will not even be in session.

Would the Senator consider a matter of that kind? I think we can reach an agreement here, but I do think we ought to be realistic and practical.

Mr. JAVITS. Mr. President, in the first place, I was here when Senator PASTORE said what he did. He was being rhetorical and testing the Senator from Nebraska in saying, "If you don't want 30, what about 60?" He was not fixing a time.

I have established in my own view—and I will explain why—July 31, for this reason. We are not asking for definitive and final action on a piece of legislation. This resolution only deals with whether or not we shall have a special committee to give us an overview of the situation, including the possibility of guidelines for individual Senators. It is but a step along the road; and, as a step along the road, it need not take all the time that the Senator specifies.

As to the conventions, we know we are coming back on July 17. We do not know that we will come back thereafter. We probably will, but we do not know. We will be coming back on July 17, so I set the date at July 31, which is 2 weeks after we come back. Certainly, within that time the Committee on Government Operations should be able to come to us with some kind of idea, not as to precisely what to do but as to how to dispose of this particular resolution. They could recommend for it or against it. They could change it and say, "Let us go into this in some other way."

At least, the Senate, between the two conventions, will have a chance to consider what to do about this problem. If we let it go beyond the Republican convention, then we really will be in a mess. We may not come back; we may come back in November, and so forth. We know we will be back from July 17 to roughly the middle of August.

If the Senator would be happy with another week, it does not matter to me. I just want us focusing on this situation when we come back, at a time when we are sure to be in session. That is all I am really asking. I fixed the date in between the two conventions in order to give us leeway at both ends: One, for the committee, so that they will have a couple of weeks to consider it; and, two, for us, so that we will have a couple of weeks to consider it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

I hope very much that we need not tax the Senate with this. If that is all that separates us, I think, with all frankness, that the weight is more on my side in saying that if we are going to fix a date, at least fix it when we know we are going to be here.

Mr. HRUSKA. I yield myself 3 minutes.

Mr. President, that would seem reasonable to me. With the addition of a little more time, I think we probably could find a meeting ground. But again I say that we will not have any time between now and next Friday. We will then adjourn until July 17. When we come back, we will be caught in the same maelstrom in which we are now engaged. It will be most difficult within 2 weeks for the committee even to get together and consider it.

Would the Senator extend that to August 22?

Mr. JAVITS. On August 22, we will be away. We will be at the Republican Convention. Let us make it August 7, which is 3 weeks after we come back, and that leaves us only a week before we go out. To make it August 7 seems fair to me. I want to defer to the Senator.

Mr. HRUSKA. I want to, also.

Mr. JAVITS. Let us make it August 7. That will be suitable to me, and we will wind up this whole matter.

Mr. President, I ask unanimous consent that I may send the amendment to the desk so it may be read for the information of the Senate while the Senator is thinking about it.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

> At the end of the Hruska motion insert the following: "*Provided, however*, That the Committee on Government Operations shall report on or before August 7, 1972, at which time, if the committee shall not have acted, the resolution shall be deemed to have been reported and placed on the calendar."

Mr. JAVITS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum and that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield myself 1 minute.

Mr. President, this is agreeable to Senator HRUSKA and it is agreeable to me; and if we may then proceed to agree to the motion of the Senator from Nebraska as amended, that will end the matter here.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from New York to the motion of the Senator from Nebraska is agreed to.

The question is on agreeing to the motion of the Senator from Nebraska, as amended by the amendment of the Senator from New York.

Is all time yielded back?

Mr. HRUSKA. I yield myself 2 minutes.

Mr. President I modify my motion to read as follows:

> I move that Senate Resolution 299 be referred to the Senate Committee on Government Operations, with instructions to report thereon on or before August 7.

Mr. JAVITS. Mr. President, reserving the right to object, I wish the Senator would add to that:

> At which time, if the committee shall not have acted, the resolution shall be deemed to have been reported and placed on the calendar.

So that we do not have any fuss about that.

Mr. HRUSKA. Yes; that is all right. And I thank the Senator for his cooperation and understanding. It is a further example of his generosity.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from New York is agreed to.

The question is on the motion to refer the resolution to the Committee on Government Operations, as amended by the amendment of the Senator from New York.

Do Senators yield back their time?

Mr. JAVITS. I yield back the remainder of my time.

Mr. HRUSKA. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion, as amended.

The motion, as amended, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EXPORT OPPORTUNITY ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote by which the Senate passed S. 3726, the measure concerning export policy, together with its third reading, be reconsidered and that the bill be returned to its respective position on the Senate Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT; CONSIDERATION OF S. 3390 AND S. 3010

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, following the recognition of the two leaders or their designees under the standing order, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business, S. 3390, but that immediately the Chair lay S. 3390 temporarily aside and the Senate resume its consideration of S. 3010; that the unfinished business remain in a temporarily laid-aside status until the disposition of S. 3010 or until the close of business on Monday, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without

objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF AGRICULTURE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Agriculture.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NATIONAL MEDIATION BOARD

The assistant legislative clerk read the nomination of George S. Ives, of Maryland, to be a member of the National Mediation Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, Army, Navy, and Marine Corps which had been placed on the Secretary's desk.

The PRESIDING OFFICER (Mr. MONTOYA). Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

FOREIGN SERVICE GRIEVANCE PROCEDURE

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3722, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3722) to provide for the establishment of a Foreign Service grievance procedure.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Time is under control. Who yields time?

Mr. COOPER. Mr. President, S. 3722, to provide for the establishment of a Foreign Service grievance procedure, is designed to insure a full measure of due process and appropriate procedures for consideration and resolution of grievances of officers, employees, and survivors.

The pending bill is now before the Senate after a year of effort on the part of the Foreign Service Association and several Members of the Senate.

The distinguished Senator from Indiana (Mr. BAYH) deserves great credit for his sincere efforts to provide a just system of redress of grievances in the Department of State. Over the past year, he and I worked in cooperation with our staffs and with employee groups. We have consulted fully—I have at least—with officials of the Department of State, for their views and suggestions. We have, over a year, written this legislation which is now before the Senate.

The report issued by the Committee on Foreign Relations describes the main provisions of the bill, and I ask unanimous consent that the excerpts of the report be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

MAJOR PROVISIONS OF BILL

Pursuant to the provisions of section 692 of the bill, the Secretary of State is required to promulgate regulations providing for the consideration and resolution of grievances which do not "in any manner alter or amend the provisions for due process." This section also provides that informal procedures for the resolution of grievances shall be established by agreement between the Secretary of State and the organization accorded recognition as the exclusive representative of the officers and employees of the Foreign Service. In the event a grievance is not resolved under the informal procedures within 60 days, the grievant shall be entitled to file a grievance with the Grievance Board.

Under the terms of the bill, the Grievance Board is to be composed of "independent, distinguished citizens of the United States well known for their integrity, who are not officers or employees of the Department, the Service, the Agency for International Development, or the U.S. Information Agency." One of the members shall be appointed by the Secretary of State; another by the organization "accorded recognition as the exclusive representative of the officers and employees of the Service"; and the third shall be appointed by the other two members from a roster of 12 "independent, distinguished citizens of the United States * * *" agreed to by the Secretary and the organization representing the officers and employees of the Foreign Service. This roster is required to be maintained and kept current at all times. Provision is also made for the establishment of additional panels of three members as may be necessary "to consider and resolve expeditiously grievances filed with the board * * *."

All expenses of the Board, including compensation for such officers and employees as the Board considers necessary to carry out its functions, are to be paid out of funds appropriated to the Department of State.

A grievance shall be barred unless it is filed within a period of 8 months after the occurrence or occurrences giving rise to the grievance except that if the grievance arose prior to the date the regulations are first promulgated or placed into effect, and not considered and resolved, it may be filed within a period of 1 year after the date of enactment of this new part.

The Board is required to conduct a hearing on any case fired with it and such hearings shall be open unless the Board determines otherwise.

Any grievant, witness or other person involved in a proceeding before the board "shall be free from any restraint, interference, coercion, discrimination or reprisal."

In considering a grievance, the Board shall have access to "any document or information considered by the Board to be relevant," including security records "under appropriate security measures."

If the Board resolves that a grievance is meritorious (in any case that does not relate directly to promotion, assignment or selection out of an officer or employee), it shall direct the Secretary to grant such relief as the Board determines proper and "the resolution and relief granted by the Board shall be final and binding upon all parties." In the case of a grievance directly related to any promotion, assignment or selection out, the Board shall certify its resolution to the Secretary of State together with such recommendations for relief as it deems appropriate. The Board's recommendations are to be final and binding on all parties, except that the Secretary may reject a recommendation "only if he determines that the foreign policy or security of the United States will be adversely affected" and fully documents his reasons therefor.

Section 693 provides that a grievant may not file a grievance under this new part if he has formally requested (prior to filing a grievance) that his grievance be considered under a provision of a law, regulation or order other than those provided under this part.

Any actions taken by the Secretary of State or the Board are subject to judicial review and the Secretary is required to promulgate and place into effect regulations to establish and appoint members of the Board not later than 90 days after the date of enactment of the pending bill.

Mr. COOPER. Mr. President, this bill before us was made a part of the Foreign Relations Authorization Act of 1972, and approved by the full Senate, but in conference the House conferees stated that they had not considered the provisions of that portion of the bill concerned with the grievance procedure. The House conferees said they believed they must have hearings on it before they could approve any grievance procedure. Representative HAYS of the House, a conferee, said that he would begin hearings in his subcommittee, I believe beginning on June 27 and that they would then proceed to complete the hearings. Representative HAYS said he would do his best to report a bill to the House for action.

Mr. President, it is my hope that the Senate will approve this bill for a grievance procedure for the Department of State. I believe it will provide an effective procedure for the consideration of grievances, with full due process for the employees of the State Department. Such a step will help to strengthen the morale and the effectiveness of the Department of State which plays such an important role in our Government.

I may say that this issue arose over a year ago. Bills were introduced in the Senate by Senators BAYH, MOSS, SCOTT, myself and others to establish a grievance procedure in the Department of State. In the meantime, the Department of State established an interim procedure. In the hearings held in the Foreign Relations Committee, officials of the Department of State said that they would develop a grievance procedure and would submit it to the Senate for its consideration, to be incorporated in this legislation. We have studied the interim grievance procedure very carefully, but we consider the procedure in the pending legislation to be more effective. We believe that this measure is fair to the Department of State, and to the Secretary of State, what might be called the administration of the Department of State, and also to the Foreign Service Association, AFGE, and the employees of the Department of State as a whole.

We must have fair procedures for redress of grievances for those who serve in the agencies of Government. This bill is, in my opinion, and in the opinion of the Senator from Indiana (Mr. BAYH), a very fair procedure for all parties concerned.

The PRESIDING OFFICER (Mr. STEVENSON). Who yields time?

QUORUM CALL—ORDER FOR YEAS AND NAYS

Mr. COOPER. Mr. President, I suggest the absence of a quorum, and, inasmuch as the Senator from Indiana (Mr. BAYH) wanted to be here, I ask unanimous consent that the time consumed for the call of the quorum not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the pending bill.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Mr. President, am I correct in assuming that the present position is that the Senator from Indiana has 5 minutes in which to address himself to the Foreign Service Grievance Act which is pending before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAYH. Mr. President, an important provision in the Senate version of the State Department authorization bill would have provided independent grievance procedures for Foreign Service officers. I have been working with the Committee on Foreign Relations for passage of this legislation for nearly a year now, and the State Department has been working equally hard to kill the bill.

I was disappointed last week to learn that the conference committee decided to delete the provisions establishing grievance procedures from the State Department authorization bill. It is because of the urgency of the problem that Congressman HAMILTON and I first introduced legislation last June, and have pushed for its prompt enactment. However, there was a strong desire on the part of the House conferees to hold hearings before completing action on this question. Hearings are now scheduled for June 27 and July 18, and I hope that further examination of the sorry record of due process in the Foreign Service will indicate the need for immediate and strong legislation.

In the meantime, the Senate Foreign Relations Committee has reported the bill, S. 3722, before the Senate today, so that the House committee will have a strong bill with which to work as they begin hearings. S. 3722 is identical to the provisions which the Senate debated and passed earlier this year as part of the State Department authorization bill.

I would like to relate to my colleagues in the Senate how I got involved in a matter as intricate and as foreign to my committee assignments as the Foreign Service Act.

Some time ago I received a call and then a letter, and then a personal visit, from a gentleman by the name of Charles Thomas from Fort Wayne, Ind. Mr. Thomas had served with distinction as a Foreign Service officer for 18 years, and consistently had received the highest commendation from his superior. However, on one occasion, an unsatisfactory rating report of another Charles Thomas was placed by mistake in his State Department file.

As a result of this action, Mr. Thomas was not promoted during the time period in which the State Department required that he be promoted. And as a result of that, he was faced with the ultimate punishment in the State Department: selection out.

He brought the clerical error to the attention of the State Department, as did a large number of Senators. The State Department admitted the error, but refused to reconsider the case. Indeed, there was no meaningful way in which Mr. Thomas could even appeal his selection out or firing. Close study on the part of the Senator from Kentucky (Mr. COOPER) and the Senator from Indiana brought to our attention the fact that this is really the only Federal agency in this country that does not have a panel to which an aggrieved employee can appeal to get justice.

Mr. President, to reach the end of the Thomas case—a rather disastrous end—Mr. Thomas was selected out of the Foreign Service. He became so frustrated at his inability to appeal his case or find a new job that he finally committed suicide, leaving a wife and several small children behind.

As a result, the Senator from Kentucky and I are trying to provide a forum to which any aggrieved Foreign Service officer can appeal. Until the introduction of this legislation, the State Department had granted only one hearing in 15 years, despite several hundred grievances.

Our bill would provide such basic guarantees as the right to a hearing, the right to representation at all stages of the proceeding, the right to the access to documents relative to a grievance case, the right of a transcript of the hearings and cross-examination of the witnesses, and the right to other witnesses under supervision of the Department. Most important, the Board's findings and recommendations are binding on the Department of State, with narrow exceptions. None of these safeguards are guaranteed under the Department's grievance procedure now in operation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I have just returned from an interparliamentary delegation meeting in Cameroon. We have Foreign Service officers stuck out there in remote parts of Africa, and the first question they asked me was, "What about the grievance bill?"

It seems to me that if we ask American citizens to go to the four corners of the world to carry our flag and to stand proud of their responsibility, the least that can be done for them, and what this bill would provide, is a safety mechanism so we do not send them halfway around the world only to grant them second-class citizenship. Let us see that they get these benefits and that they are not the subjects of unfair discrimination.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. FONG. Mr. President, as I noted in my remarks——

The PRESIDING OFFICER. Unless the Senator has an amendment no debate is in order.

Mr. FONG. I wish to speak on the bill.

Mr. PASTORE. How much time does the Senator desire?

Mr. FONG. Two minutes.

Mr. PASTORE. I ask unanimous consent that the Senator from Hawaii may proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, as I noted in my remarks to the Senate when this same proposal was before us a few weeks ago, I view these procedures as unworkable. Further, the bill undercuts seriously the authority of the Secretary of State over the Foreign Service. We cannot hold the Secretary responsible for the conduct of foreign affairs if we make it impossible for him to control his staff. We have not taken such action with respect to any other Government agency. I am certain no Senator would be prepared to apply these procedures to his office staff.

I submit herewith for the record a brief statement on the deficiencies of this bill prepared by the Department of State.

I shall vote against the bill.

SUMMARY CRITIQUE OF S. 3722—FOREIGN SERVICE GRIEVANCE PROCEDURES

The Department of State opposes S. 3722 as imposing unworkable procedures on the Department which would destroy control of the Secretary of State over the Foreign Service.

Some of the principal objections are:

First, the bill would make the procedures available not only to present employees but also without limitation to former Foreign Service personnel—or their survivors—to litigate complaints dating back to 1924 relating to the application of policies, regulations, and even laws which have long since been changed.

Second, all complainants would be accorded a mandatory hearing regardless of whether any facts were in dispute or whether the Board might unanimously consider the complaint frivolous on its face.

Third, individuals would appear entitled to bring complaints which would have the Grievance Board sit in judgment on past or present substantive foreign policy or general management policies which by law are to be worked out between the management of the Department or any exclusive representatives of Foreign Service employees chosen by them.

Fourth. The Grievance Board could direct the Secretary of State to take any action it "deems proper under the circumstances" unless the order related to promotion, assignment, or selection-out, and even in such cases the Secretary would be bound by recommendations of the Board unless the Secretary personally determined that the foreign policy "or security of the United States will be adversely affected." Thus, for example, the Secretary, to avoid the Board's recommendation for assignment of an officer who did not enjoy the Secretary's confidence, would have to declare that officer a substantive risk, to the obvious detriment of the officer's career.

Fifth. The Board, without any limitations, could suspend any action proposed by the Secretary which the Board deems "is related to or may affect the grievance pending before the Board," such action to be suspended until the Board, following a formal hearing, has ruled on the grievance. Thus, the Board could even prevent the Secretary from filling a critical post at an important Embassy during a period of crisis.

The Secretary of State is on record as favoring grievance legislation, but he considers that the bill now before the Senate is unworkable. The State Department position has been placed on the desk of all Senators, and I hope that the Senators will have a chance to study it. OMB is very concerned about the present bill. I know that the Members have before them a letter from OMB on this subject. I do want to emphasize that the Secretary of State has sent to the Foreign Relations Committee an outline of the kind of legislation which he feels would be helpful. But he believes that the present proposed legislation would encumber him in carrying out his role as Secretary of State.

Mr. COOPER. Mr. President, in view of the statement of the Senator from Hawaii, I ask unanimous consent that I may proceed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. I have heard the distinguished Senator from Hawaii. I do not know how thoroughly he has studied the bill, but I must say the conclusions of his remarks are incorrect.

I am familiar with every provision in the bill, because the Senator from Indiana and I worked steadily for a year on this bill. The facts are these.

The State Department had no grievance procedure. It was the only agency in the U.S. Government with no grievance procedure when we began discussion of this bill. After we began to work on the bill the Department of State established an interim grievance procedure which was better than none, but the employees found it inadequate and still susceptive of wrong to them.

This bill, unlike what the Senator said, provides a board made up from a list agreed upon by the Secretary of State and representatives of the employees to consider grievances.

If the grievances apply to promotion, assignment to a position, or selection out—which means separation from the Foreign Service—the Secretary of State makes the last decision. He does not lose control of his department. If he says that whatever the board's decision is, it is wrong in his judgment, because it would be adverse to foreign policy, he can make that decision. If the employee wants to appeal to the courts he can do so, but it is done on that procedure and upon the record.

I would say that since the interim procedures were established 50 to 60 cases have been heard. But why should employees of the U.S. Government not have the right to have their grievances heard justly and with due process.

The Undersecretary of State, Alexis Johnson, wrote to the committee and said that there should be grievance legislation. The Foreign Service Association and AFGE have written to say that they support this bill which the Senator from Indiana and I had worked out and that it is just; the Secretary and the Undersecretary have said that there should be legislation, and that is what we have done.

This bill will go to the House and the House will hold hearings. If the State Department has other objections they can go before the House committee and eventually I hope we will go to conference.

Let us not deprive these people of the chance to be heard if they are wronged.

Mr. BROCK. Mr. President, once again, this body is being called upon to act on a measure which would establish unreasonable and unworkable procedures for handling any complaints which employees of the Department of State might have.

I feel compelled to reiterate my earlier statements on this subject for what this measure would do is to transform the Department of State from a department of diplomats to a litigious debate society.

The proposal before us today places no limits on what an employee of the State Department can complain about. If he did not like his assignment, he could file a complaint. If he coveted the assignment of another employee, he has the right to complain. He could complain about not being promoted, about someone else's promotion, about any reprimand he might receive, or even about foreign policy if he felt that policy were injurious to his career prospects.

Moreover, the bill provides that any of the aforementioned complaints can be made retroactively back to the creation of the Foreign Service in 1924.

Mr. President, S. 3722 would effectively eliminate the ability of the leadership in the State Department to deal with complaints on the basis of their merits by establishing an outside board of an adversary nature rather than an objective nature. In virtually all cases open hearings would be mandatory and rulings would be binding except where injury to the national security of the United States could be proven.

Mr. President, these so-called grievance procedures do not solve a problem. They create one. It is not our business to prevent the Secretary of State from exercising authority over the organization for whose conduct he is responsible.

I, for one, will not be dissuaded by arguments that this bill is not as bad as it looks, because the employees of the Department of State will not avail themselves of the provisions of the law. I am sure that most of the Department's employees will not do so. But this bill would allow only a handful of malcontents to tie the State Department in knots and frustrate the effective conduct of American diplomacy.

Mr. President, this bill is ill considered, inadequately debated, and faulty in its conception. I urge my colleagues to reject it and to allow the internal procedures newly instituted within the Department the opportunity to prove their worth. For if they are inadequate, then I am sure we will hear about it through the public press.

JUSTICE FOR THE FOREIGN SERVICE

Mr. HUMPHREY. Mr. President, I want to speak out at this time in support of S. 3722 to restore the grievance procedures which were originally part of the Senate version of H.R. 14734. As an original cosponsor of this legislation, I was dismayed at the fact that the conferees removed this part of the authorization bill. It is an important piece of legislation designed to assure sound management-employee relations within the Foreign Service. The Senate recognized how crucial this measure was when it passed S. 3526 with the relevant provisions for formal grievance procedures within the State Department.

Now that the conferees have removed this provision in the bill as reported out of conference, it is incumbent upon this body to once again voice its strong support by restoring this provision in a separate bill.

The issue remains the same. It is regrettable to find that the State Department has not offered a suitable set of grievance procedures which would insure the rights of State Department employees on its own. The initiatives it has taken in the interim between the time S. 2023 was first introduced and the passage of the State Department authorization bill are inadequate. They do not provide for a high standard of justice within the Foreign Service.

It is apparent that the State Department will not take the appropriate action on its own to insure its employees have the rights of other Federal employees guaranteed by civil service standards. This is most unfortunate, but we do not have to sit back and accept this fact. We must act immediately to see that this legislation is implemented and I, therefore, urge my colleagues to join in supporting this bill we are now about to vote on.

Mr. McGEE. Mr. President, I wish to record my opposition to S. 3722 in its present form. While I consider it desirable that Government employees should have available machinery for the redress of their grievances, any such procedure should also safeguard the authority of the head of the Department.

The bill does not adequately recognize the authority of the Secretary of State over the Foreign Service. Further, the bill is too detailed, and would establish cumbersome procedures which would greatly complicate the administration of the Department of State.

If the President and the Secretary of State are to exercise their responsibilities for foreign relations, they must have a disciplined and responsive Foreign Service. The bill in its present form would destroy discipline in the service and greatly reduce the Secretary's control over the service. I urge that the bill be defeated. Should it pass the Senate, I hope that it will be substantially modified in the House and in conference to maintain the authority of the Secretary of State.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 56, nays 27, as follows:

[No. 237 Leg.]

YEAS—56

Aiken
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Cooper
Cranston
Dole
Eagleton
Eastland
Fulbright
Hart
Hartke
Hollings
Humphrey
Javits
Jordan, Idaho
Kennedy
Magnuson
Mathias
McGovern
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney

NAYS—27

Allen
Allott
Bennett
Brock
Buckley
Byrd,
  Harry F., Jr.
Cook
Cotton
Curtis
Dominick
Ellender
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hruska
Jackson
Jordan, N.C.
Long
McGee
Roth
Smith
Stennis
Taft
Young

NOT VOTING—17

Chiles
Gambrell
Goldwater
Gravel
Harris
Hatfield
Hughes
Inouye
Mansfield
McClellan
McIntyre
Metcalf
Mundt
Muskie
Thurmond
Weicker
Williams

So the bill (S. 3722) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title VI of the Foreign Service Act of 1946 is amended by adding at the end thereof the following new part:

"PART J—FOREIGN SERVICE GRIEVANCES

"STATEMENT OF PURPOSE

"SEC. 691. It is the purpose of this part to provide officers and employees of the Service and their survivors, a grievance procedure to insure the fullest measure of due process, and to provide for the just consideration and resolution of grievances of such officers, employees, and survivors.

"REGULATIONS OF THE SECRETARY

"SEC. 692. The Secretary shall, consistent with the purposes stated in section 691 of this Act, implement this part by promulgating regulations, and revising those regulations when necessary, to provide for the consideration and resolution of grievances by a board. No such regulation promulgated by the Secretary shall in any manner alter or amend the provisions for due process established by this section for grievants. The regulations shall include, but not be limited to, the following:

"(1) Informal procedures for the resolution of grievances in accordance with the purposes of this part shall be established by agreement between the Secretary and the organization accorded recognition as the exclusive representative of the officers and employees of the Service. If a grievance is not resolved under such procedures within sixty days, a grievant shall be entitled to file a grievance with the board for its consideration and resolution. For the purposes of the regulations—

"(A) 'grievant' shall mean any officer or employee of the Service, or any such officer or employee separated from the Service, who is a citizen of the United States, or in the case of the death of the officer or employee, a surviving spouse or dependent family member of the officer or employee; and

"(B) 'grievance' shall means a complaint against any claim of injustice or unfair treatment of such officer or employee arising from his employment or career status, or from any actions, documents, or records, which could result in career impairment or damage, monetary loss to the officer or employee, or deprivation of basic due process, and shall include, but not be limited to, actions in the nature of reprisals and discrimiation, actions related to promotion or selection out, the contents of any efficiency report, related records, or security records, and actions in the nature of adverse personnel actions, including separation for cause, denial of a salary increase within a class, written reprimand placed in a personnel file, or denial of allowances.

"(2)(A) The board considering and resolving grievances shall be composed of independent, distinguished citizens of the United States well known for their integrity, who are not officers or employees of the Department, the Service, the Agency for International Development, or the United States Information Agency. The board shall consist of a panel of three members, one of whom shall be appointed by the Secretary, one of whom shall be appointed by the organization accorded recognition as the exclusive representative of the officers and employees of the Service, and one who shall be appointed by the other two members from a roster of twelve independent, distinguished citizens of the United States well known for their integrity who are not officers or employees of the Department, the Service, or either such agency, agreed to by the Secretary and such organization. Such roster shall be maintained and kept current at all times. If no organization is accorded such recognition at any time during which there is a position on the board to be filled by appointment by such organization or when there is no such roster since no such organization has been so recognized, the Secretary shall make any such appointment in agreement with organizations representing officers and employees of the Service. If members of the board (including members of additional panels, if any) find that additional panels of three members are necessary to consider and resolve expeditiously grievances filed with the board, the board shall determine the number of such additional panels necessary, and appointments to each such panel shall be made in the same manner as the original panel. Members shall (i) serve for two-year terms, and (ii) receive compensation, for each day they are performing their duties as members of the board (including traveltime), at the daily rate paid an individual at GS–18 of the General Schedule under section 5332 of title 5, United States Code. Whenever there are two or more panels, grievances shall be referred to the panels on a rotating basis. Except in the case of duties, powers, and responsibilities under this paragraph (2), each panel is authorized to exercise all duties, powers, and responsibilities of the board. The members of the board shall elect, by a majority of those members present and voting, a chairman from among the members for a term of two years.

"(B) In accordance with this part, the board may adopt regulations governing the organization of the board and such regulations as may be necessary to govern its proceedings. The board may obtain such facilities and supplies through the general administrative services of the Department, and appoint and fix the compensation of such officers and employees as the board considers necessary to carry out its functions. The officers and employees so appointed shall be responsible solely to the board. All expenses of the board shall be paid out of funds appropriated to the Department for obligation and expenditure by the board. The records of the board shall be maintained by the board and shall be separate from all other records of the Department.

"(3) A grievance under such regulations is forever barred, and the board shall not consider or resolve the grievance, unless the grievance is filed within a period of eight months after the occurrence or occurrences giving rise to the grievance, except that if the grievance arose prior to the date the regulations are first promulgated or placed into effect, the grievance shall be so barred, and not so considered and resolved, unless it is filed within a period of one year after the date of enactment of this part. There shall be excluded from the computation of any such period any time during which the grievant was unaware of the grounds which are the basis of the grievance and could not have discovered such grounds if he had exercised, as determined by the board, reasonable diligence.

"(4) The board shall conduct a hearing in any case filed with it. A hearing shall be open unless the board for good cause determines otherwise. The grievant and, as the grievant may determine, his representative or representatives are entitled to be present at the hearing. Testimony at a hearing shall be given by oath or affirmation, which any board member shall have authority to administer (and this paragraph so authorizes). Each part (A) shall be entitled to examine and cross-examine witnesses at the hearing or by deposition, and (B) shall be entitled to serve interrogatories upon another party and have such interrogatories answered by the other party unless the board finds such interrogatory irrelevant or immaterial. Upon request of the board or grievant, the Department shall promptly make available at the hearing or by deposition any witness under the control, supervision, or responsibility of the Department, except that if the board determines that the presence of such witness at the hearing would be of material importance, then the witness shall be made available at the hearing. If the witness is not made available in person or by deposition within a reasonable time as determined by the board, the facts at issue shall be construed in favor of the grievant. Depositions of witnesses (which are hereby authorized, and may be taken before any official of the United States authorized to administer an oath or affirmation, or, in the case of witnesses overseas, by deposition on notice before an American consular officer) and hearings shall be recorded and transcribed verbatim.

"(5) Any grievant filing a grievance, and any witness or other person involved in a proceeding before the board, shall be free from any restraint, interference, coercion, discrimination, or reprisal. The grievant has the right to a representative of his own choosing at every stage of the proceedings. The grievant and his representatives who are under the control, supervision, or responsibility of the Department shall be granted reasonable periods of administrative leave to prepare, to be present, and to present the grievance of such grievant. Any witness under the control, supervision, or responsibility of the Department shall be granted reasonable periods of administrative leave to appear and testify at any such proceeding.

"(6) In considering the validity of a grievance, the board shall have access to any document or information considered by the board to be relevant, including, but not limited to, the personnel and, under appropriate security measures, security records of such officer or employee, and of any rating or reviewing officer (if the subject matter of the grievance relates to that rating or reviewing officer). Any such document or information requested shall be provided promptly by the Department. A rating officer or reviewing officer shall be informed by the board if any report for which he is responsible is being examined.

"(7) The Department shall promptly furnish the grievant any such document or information (other than any security record or the personnel or security records of any other officer or employee of the Government) which the grievant requests to substantiate his grievance and which the board determines is relevant and material to the proceeding.

"(8) The Department shall expedite any security clearance whenever necessary to insure a fair and prompt investigation and hearing.

"(9) The board may consider any relevant evidence or information coming to its attention and which shall be made a part of the record of the proceeding.

"(10) If the board determines that (A) the Department is considering any action (including, but not limited to, separation or termination) which is related to, or may affect, a grievance pending before the board, and (B) the action should be suspended, the Department shall suspend such action until the board has ruled upon such grievance.

"(11) Upon completion of the proceedings, if the board resolves that the grievance is meritorious—

"(A) and determines that relief should be provided that does not directly relate to the promotion, assignment, or selection out of such officer or employee, it shall direct the Secretary to grant such relief as the board deems proper under the circumstances, and the resolution and relief granted by the board shall be final and binding upon all parties; or

"(B) and determines that relief should be granted that directly relates to any such promotion, assignment, or selection out, it shall certify such resolution to the Secretary, together with such recommendations for relief as it deems appropriate and the entire record of the board's proceedings, including the transcript of the hearing, if any. The board's recommendations are final and binding on all parties, except that the Secretary may reject any such recommendation only if he determines that the foreign policy or security of the United States will be adversely affected. Any such determination shall be fully documented with the reasons therefor and shall be signed personally by the Secretary, with a copy thereof furnished the grievant. After completing his review of the resolution, recommendation, and record of proceedings of the board, the Secretary shall return the entire record of the case to the board for its retention. No officer or employee of the Department participating in a proceeding on behalf of the Department shall, in any manner, prepare, assist in preparing, advise, inform, or otherwise participate in, any review or determination of the Secretary with respect to that proceeding.

"(12) The Board shall have authority to insure that no copy of the Secretary's determination to reject a board's recommendation, no notation of the failure of the board to find for the grievant, and no notation that a proceeding is pending or has been held, shall be entered in the personnel records of such officer or employee to whom the grievance relates or anywhere else in the records of the Department, other than in the records of the board.

"(13) A grievant whose grievance is found not to be meritorious by the board may obtain reconsideration by the board only upon presenting newly discovered relevant evidence not previously considered by the board and then only upon approval of the board.

"(14) The board shall promptly notify the Secretary, with recommendations for appropriate disciplinary action, of any contravention by any person of any of the rights, remedies, or procedures contained in this part or in regulations promulgated under this part.

"RELATIONSHIP TO OTHER REMEDIES

"SEC. 693. If a grievant files a grievance under this part, and if, prior to filing such grievance, he has not formally requested that the matter or matters which are the basis of the grievance be considered and resolved, and relief provided, under a provision of law, regulation, or order, other than under this part, then such matter or matters may only be considered and resolved, and relief provided, under this part. A grievant may not file a grievance under this part if he has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered and resolved, and relief provided, under a provision of law, regulation, or order, other than under this part.

"JUDICIAL REVIEW

"SEC. 694. Notwithstanding any other provision of law, regulations promulgated by the Secretary under section 692 of this Act, revisions of such regulations, and actions of the Secretary or the board pursuant to such action, may be judicially reviewed in accordance with the provisions of chapter 7 of title 5, United States Code."

(b) The Secretary of State shall promulgate and place into effect the regulations provided by section 692 of the Foreign Service Act of 1946 (as added by subsection (a) of this section), and establish the board and appoint the member of the board which he is authorized to appoint under, as provided by such section 692, not later than 90 days after the date of enactment of this Act.

Mr. COOPER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PEARSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC BROADCASTING ACT OF 1972

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the Senate will now proceed to the consideration of H.R. 13918, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 13918) to amend the Communications Act of 1934 to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes.

The PRESIDING OFFICER. Time is under control.

Mr. PASTORE. Mr. President, if we may have order——

The PRESIDING OFFICER. The Senate will be in order. The Senator from Rhode Island may proceed.

Mr. PASTORE. The bill before us, Mr. President, is the authorization for the Public Broadcasting Corporation. It is a bill passed by the House of Representatives with several amendments that were incorporated by motion on the floor.

The bill as passed by the House provides authorizations for the Corporation for Public Broadcasting for 2 fiscal years. The authorization for the first fiscal year being $65 million, and for the next fiscal year $90 million; and it authorizes $25 million to be appropriated, for fiscal 1973, for grants for radio and television construction facilities.

Heretofore, the amount that has been allocated by way of grants by the Corporation for local stations has been in the neighborhood of 15 percent of the amount of money that has been appropriated by Congress. The House of Representatives saw fit to write into the bill that the Corporation must distribute, in each fiscal year, to noncommercial education ratio and television stations, not less than 30 percent. When the President of the Corporation appeared before our committee, he said he would go along with that, and he could live with it. So I think we can go along with it as well.

The next change that was made was with reference to the limitation on salaries to be paid to the members of the Corporation. The President was being paid, I think, $65,000 a year, and the House decided that it would write into the bill a limitation of $42,500.

We were told that they could live with that, and the committee is willing to go along with that amendment of the House of Representatives.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield at that point?

Mr. PASTORE. I yield.

Mr. HARRY F. BYRD, JR. As I understand the Senator from Rhode Island, the legislation now before the Senate would put a limit of $42,500——

Mr. PASTORE. As the top salary.

Mr. HARRY F. BYRD, JR. As the top salary that could be paid——

Mr. PASTORE. To an officer.

Mr. HARRY F. BYRD, JR. To an officer or employee of the corporation?

Mr. PASTORE. That is right.

Mr. HARRY F. BYRD, JR. I had read that much higher salaries were being paid than the $42,500. I forget the exact figure; I think one was $70,000, another $85,000. Am I correct in assuming that such salaries could not be paid if the Senate enacts the legislation?

Mr. PASTORE. No, it is a little different. The salary that the Senator is talking about is the salary of Sander Vanocur. Let us spell it out. His salary, I think, was $85,000.

That was done by way of contract through the National Public Affairs Center with some of the money paid from another source.

By the same token, we have a program called Firing Line, which is run by Mr. William Buckley, a very fine intellectual of our time, conservative in philosophy, and that program runs about $700,000 a year. But that is done through a contract arrangement. That has nothing at all to do with the officers of this Corporation. The officers of the Corporation are paid exclusively out of taxpayers' money. That is money appropriated by Congress.

Mr. Macy was receiving $65,000 a year, and one of his associates was receiving more than the $42,500.

The limitation that is provided here, which appears on page 7 of the bill, section 5, reads as follows:

> (3) No officer or employee of the Corporation shall receive compensation at a rate in excess of that prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

That is $42,500.

Mr. HARRY F. BYRD, JR. My interest is not concerned with the political philosophy of any of the individuals.

Mr. PASTORE. I realize that.

Mr. HARRY F. BYRD, JR. Either of Mr. Vanocur or Mr. Buckley.

My interest goes back to 1969, as late as 1968, when I presented an amendment in the Committee on Armed Services in connection with the Federal Contract Research Centers, having nothing at all to do with politics, which was receiving most of its funds from the taxpayers and was paying its personnel up to $97,500. I presented an amendment in the committee to limit it to $45,000 without the express approval of the Secretary of Defense. That amendment was approved by the Senate and subsequently by the House.

When I read that another corporation, deriving most of its funds from the taxpayers, was paying large salaries, I thought this matter should be looked into. To some extent, I suppose, the limitation of $42,500 takes care of the problem that I had in mind. I am not completely clear on this point, however.

As I understand it from what the Senator from Rhode Island has said, the reason why the intermediary, so to speak, is able to pay salaries larger than $42,500 is that the amounts going to pay salaries above $42,500 do not come from the Public Broadcast Corporation.

Mr. PASTORE. Not exclusively.

Mr. HARRY F. BYRD, JR. But would come from other sources.

Mr. PASTORE. The Ford Foundation and other contributors.

What you would be up against is this. If you invoke this as a universal limitation, what are you going to do about Sesame Street? What are you going to do about these other contracts? This is a contractual situation, and in many instances you might have to go over the $42,500.

I am not one who is preaching that these people should be paid exorbitant salaries such as are paid, let us say, in commercial broadcasting, because there the situation is different. But I do not think we can place a ceiling with respect to the other situations, because it all depends on what you are trying to get and what you are trying to achieve and what you are trying to produce.

I think it would be rather dangerous if we invoked the limitation, because I think the first thing that would be knocked off would be "Sesame Street," and that is one of the best programs this Corporation supports.

This is the story: We appropriated last year approximately $35 million to the Corporation, but actually the money available was in the neighborhood of $143 million, if my memory serves me correctly. The difference was made up by public or private contributions to public television. So, much of the money comes from the outside. Only part of it is taxpayers' money.

Those who actually work for the Corporation and are employees and officers of the Corporation cannot earn more than $42,500. They were paying the president $65,000 a year, and he was willing to take the cut, so that is the limitation. I think it is a good limitation.

Frankly, I do not think that anybody who works for the Corporation works any harder than a Congressman or harder than the Secretary of the Navy, and I think the limitation should be invoked. That is the level we have achieved here, and that is the level I think it ought to be.

Mr. HARRY F. BYRD, JR. I assume that the Senator from Rhode Island feels that it would not be practical to go beyond the point this bill goes in applying it only to officers and employees of the Corporation.

Mr. PASTORE. That is correct. Otherwise, it would become nonproductive.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. PASTORE. When the Senator from Virginia is finished, I will be glad to yield.

Mr. HARRY F. BYRD, JR. In other words, as a practical matter, this $42,500 limitation could not be carried to a third party, so to speak?

Mr. PASTORE. That is correct.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Florida.

Mr. GURNEY. Following that colloquy a little further—I certainly understand the explanation, and I do not disagree with it—with respect to the outside people who supplement the salary of Vanocur or Buckley, is that earmarked? By that I mean, does the Ford Foundation say, "If you hire Sander Vanocur, we will supplement his salary by $30,000," or do they give a blanket contribution?

Mr. PASTORE. They give a blanket contribution. It is this agency that makes these arrangements, because under the law the Corporation itself cannot be a vehicle for production. Production has to be made by someone other than the Corporation.

For instance, Public Broadcast Service was formed and consists of local broadcasters—I mean noncommercial broadcasters and the public. I think 12 members of the Board are executives of the stations and six are public members. Mr. Hartford Gunn, who is the president of this Corporation, is the 19th member. That is the way it is done.

A lump sum is paid to this group by the Corporation delegate. Mr. Sander

Vanocur, who produces certain programs, is employed by the National Public Affairs Center and they agreed to pay him $85,000. Some people feel that is a lot of money. To me, it is a lot of money. But you can only go so far in impinging upon the independence of a group that is charged with the responsibility to produce. Those responsible have to go to certain people who are worth a certain amount of money. In the case of Mr. Buckley, they made that decision. I am not being critical of him. I am not getting into production. Insofar as Sander Vanocur is concerned, they decided to make it $85,000.

I think that figure rubbed some people the wrong way, maybe because of the individual's philosophy, and I suppose some people are a little peeved about the Buckley show because of what they regard as his philosophy. But I cannot get into that, and I do not care to get into that. I am only justifying the procedure under which these contracts were made.

Mr. GURNEY. That was not my inquiry. I just wanted to make sure that the outside funds went into a common part.

Mr. PASTORE. They do and then they spend them independently. Most of the representatives on PBS board are connected with the grassroot operations of these television stations in the various States.

Mr. GURNEY. I thank the Senator.

Mr. BAKER. Mr. President, will the Senator yield on my time?

Mr. PASTORE. I yield.

Mr. BAKER. Mr. President, I have listened carefully to this colloquy, especially the questions put by the distinguished Senator from Virginia. I have some minor disagreement with the implication that there is nothing we can do.

I do not propose to offer an amendment to limit Sandor Vanocur's salary. Had I wished to do so, I would have done so in committee. It was discussed at some length in the Commerce Committee when the bill was reported. I did not offer an amendment to limit Sander Vanocur's salary at that time. But to say that we cannot do it is going a little far afield. Clearly, we can do it. It seems to me that if we want to provide a limitation on the amount that can be spent in programs that are funded in whole or in part by the Federal Government, we can do so.

It happens that Sander Vanocur is employed by the National Public Affairs Center for Television. My information is that the Federal Treasury pays 51 percent of the operating budget of that corporation. $1.8 million comes from the Fderal Treasury for that purpose. Forty-nine percent is paid from other sources.

But the history and the traditions and the operating mores of the Federal bureaucracy are such that it is entirely consistent and it is entirely ordinary and regular for a company or institution or an organization that is going to receive Federal funds to have to submit in advance a budget on how it will spend the funds, designate what salary scales there will be, and pledge that it will hire or fire on a nondiscriminatory basis, and any other range of things that we have grown to take care of with Federal guidelines.

So, once again, I do not rise to offer an amendment to limit the salary of Sander Vanocur. That does not concern me that much, what they pay him. But, rather, to say it certainly is not impossible to take care of it, if we choose to do so. We should understand that even if we decide to pay Sander Vanocur $85,000, we can change that if we choose to do so, but we are choosing not to.

Mr. PASTORE. The Senator from Virginia (Mr. HARRY F. BYRD, JR.) used the word "practical." He did not use the other word, "impossible." We can do anything. We can even defeat the Public Broadcasting Corporation bill, this afternoon, if we wish. We can put in an amendment to do away with it. It is not a question of what is possible. It is not a question of what is impossible. It is a question of what is practical under the circumstances and what we are trying to achieve. We can emasculate this Corporation if we want to.

I hate to bandy names around here, but I do not know how much Bill Buckley gets for his program. I do not know what the salary is of the woman who puts on the Sesame Street show, I do not know what that is. But, if we get into that avenue now, we are going to get so far away so that we will vitiate the law.

I hope that this colloquy will at least impress the members of the Corporation that they cannot make reckless expenditures. I would hope that we would not legislate this limitation to be spread over and beyond the officers and employees of the Corporation because if we do that, I am afraid we will be whistling down a dangerous course.

Mr. BAKER. If the Senator will yield, on my time, by now the Senator knows that I, as the ranking member of the Communication Subcommittee, had I wished to emasculate public broadcasting, I had a number of opportunities to try to do that before now. I do not intend to. Nor do I intend to limit the salary of Sander Vanocur. Once again frankly, that does not concern me.

What I am saying is, whatever we do, we do with our eyes wide open——

Mr. PASTORE. That is right.

Mr. BAKER. We should do it if we wish to, but I happen to think that we should not. Let us not get started by giving the impression that someone is trying to emasculate public broadcasting. I am not trying to do that. I am not trying to limit the salary of Sander Vanocur. What I am trying to say is that if the Senate wants to do something which is practical or possible, the Senate can do that.

The Senator from Virginia (Mr. HARRY F. BYRD, JR.)—and this is what prompted my additional query of the Senator from Virginia—I understood to say he thought it was not possible to do this. If a question of whether it is practical, that is a matter of judgment for us.

Mr. HARRY F. BYRD, JR. Mr. President, I expressed no view on this. What I was trying to do in my colloquy with the Senator from Rhode Island was to understand just what limitation there is in the bill and how much farther, if any, it would be practical for Congress to go.

Mr. BAKER. "Practical" is a judgment the Senator from Virginia has to make, which I have to make, which we all have to make. But it is clearly possible, and I think we all agree on that.

Mr. PASTORE. As I said earlier today in discussing another bill, there are only two things which are impossible to do anything about, and those are death and taxes.

Now, Mr. President, another prohibition put in by the House was with reference to polls and opinions. There is a limitation that the Corporation cannot spend funds in that area. Members of the Corporation did not like that too much, but they are going to live with it, so we left it in the bill. That is the sum and substance of it.

This is a 2-year authorization. Some feel, like the Senator from Tennessee, that it should be a 1-year authorization, but the House passed a 2-year authorization. We are appropriating only for 1 year.

This is the practical problem that confronts us here this afternoon—because it is 2 minutes past 12 now—that if we begin to amend the bill on the floor, we have to go to conference. I have held off on the bill at the request of certain Senators who had official commitments and could not be present and, for that reason, I accommodated them by holding up the bill.

The appropriation bill on HEW has been reported by the committee. This is an item contained in that bill. That bill already has been assigned for consideration next week under a unanimous-consent agreement. I do not question the merit of some of the amendments that will be proposed, but what I am trying to do is to pass the House bill, if possible, without amendment so as to avoid going to conference. I am afraid that, if we go to the conference, not only will we consume time but we may also hit a stone wall on some of the matters, so that we will accomplish very little. I was wondering whether, in the committee, we could not have the cooperation of Members of the Senate that this time, realizing what the situation is, and pass the House bill. I am perfectly willing to consider separately some of the other matters that will be proposed by way of amendment.

That is the story, simply told.

I have no personal interest involved in this. I think that this Public Broadcasting Corporation is a fine concept we have created. There have been some things about it which have been criticized. But when we get into the area of communications, we cannot satisfy everyone, any more than we can in all things satisfy everyone on the floor of the Senate. If we all agreed with one another on the floor of the Senate I do not believe this would be a very exciting place in which to serve. As a matter of fact, I do not believe that I would want to be here. Because of the give and take that transpires on some of these things, when we balance the scale, we find that usually the good part of it greatly outweighs whatever little abuses there might be.

So I say today, let us not throw out the baby with the bath water, let us not lose sight of the forest for the trees, let us not trade off the orchard for an apple.

I hope that this bill will pass. That is all I have to say. I am ready to answer any questions or have the bill open to amendment if Members so desire.

The PRESIDING OFFICER (Mr. Moss). The bill is open to further amendment.

AMENDMENT NO. 1267

Mr. BAKER. Mr. President, I call up my amendment No. 1267 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

> On page 4, line 6, strike all through and including line 2 on page 5, inserting in lieu thereof the following:
>
> (2) There are authorized to be appropriated to the Fund for the fiscal year ending June 30, 1973, the lesser of—
>
> (i) $65,000,000, or
>
> (ii) $35,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1971.

Mr. BAKER. Mr. President, I shall not take too long to discuss the bill. The program has been discussed in general by the distinguished chairman of the Communications Subcommittee, for whom I have great respect, and with whom I have worked and will continue to try to work very closely in communications matters, including public broadcasting matters.

There are matters that concern me greatly about this situation and that I want to discuss in connection with my amendment.

To begin with, I think that the whole situation can best be described in terms of the question whether we have arrived at the time when we are clear and at peace with ourselves on what the role of public broadcasting should be and what the performance of those mandated to undertake it has been so far.

The purpose of this amendment is to signify my concern that we have not yet fully defined what the role of public broadcasting should be, and to signify further that the senior Senator from Tennessee, at least, is not fully satisfied that the performance of the Corporation for Public Broadcasting is responsive to the statutory requirements.

Mr. President, it is not without some reluctance that I propose this amendment to H.R. 13918. The distinguished Communications Subcommittee chairman (Mr. PASTORE), whom I have the greatest respect and affection for, made a sound argument in committee and here on the Senate floor today in support of expeditious action on this authorization bill.

However, I feel it is necessary that the Senate focus its attention on the structure of our public broadcasting system. While we cannot as a legislative body involve ourselves in program content, we do have a responsibility to see that our original purposes in creating the existing public broadcasting system are being fulfilled.

Over the years, the Congress has had a consistent view of the role of noncommercial educational broadcasting in our country and of the relationship between the center of the system and its parts. We have followed the general approach of the Communications Act of 1934 by placing the principal public interest responsibility on the local broadcast stations, which are licensed to serve the needs and interests of their own communities. The national entity that we created in 1967—the Corporation for Public Broadcasting—CPB—was intended to strengthen and to support the local stations in providing general educational programing for their communities.

However, there are a number of questions regarding the manner in which CPB has fulfilled its responsibilities under the act. H.R. 13918 appears to deal with some of those questions but it in fact fails to come to grips with the fundamental deficiencies of the present system.

These same issues are now the subject of debate and discussion both within and without the public broadcasting community. It would be premature to cut short this reevaluation of the purpose and function of public broadcasting by increasing CPB's present authorization by nearly 200 percent over the next 2 fiscal years.

Instead, I urge that the Senate adopt my amendment which would extend for 1 year CPB's funding at an increased level of appropriations commensurate with those financial needs of CPB that are clearly defined and substantiated at this point in time. This approach would facilitate the efforts being made at present to address the basic issues posed for the public and the Congress by public broadcasting, and would enable us to work with the administration and devote the necessary time during the next Congress to put public broadcasting financing on a more stable, long-range basis.

To a certain extent CPB has achieved success in many of the responsibilities it has undertaken in support of the public broadcast system. In carrying out the congressional mandate, CPB created an interconnection system that will, by January 1973, tie together 110 public television stations. More important than the mechanics of station interconnection, CPB has used the national system to make available many high quality programs to the American viewers.

For example, "Masterpiece Theater" presents some outstanding programing from Great Britain and other countries. This series and the "Hollywood Playhouse" series have shown that drama on television can be absorbing and rewarding for the home viewer.

Public broadcasting has also opened our eyes—and the eyes of the commercial networks—to television's enormous potential for instruction and education, especially when the medium is used intelligently to teach our children through such programs as "Sesame Street" and "Electric Company."

CPB has also brought new life to educational radio.

However, these glimpses of what public broadcasting can offer also highlight some deficiencies in the present scheme of things, and raise the question as to why CPB does not devote more attention to education and to assisting the local radio and television stations in meeting their obligations to their own communities.

Indeed, education, in a broad sense, was to take priority over the creation of a new national network to rival the commercial networks in presenting entertainment and current affairs programing. We recognized that public broadcasting was to go through an evolutionary period to work out the basic responsibilities and roles of various parts of the system, and it was partly for this reason that a long-range financing structure was not immediately established. Our first few years of experience under the Public Broadcasting Act have seen the development of a strong, centralized, national network system, but only limited support for the nonnational educational program needs of the local stations.

The matter of "networking," or how CPB has used its statutory authority to provide for interconnection of public television stations, is perhaps the best example of how far CPB has strayed from the congressional intent. It also emphasizes the need for structural reform of public broadcasting before CPB is "turned loose" with massive Federal funding with minimal oversight by the Congress. The act itself states that one of CPB's primary purposes is to:

> Assist in the establishment and development of one or more systems of interconnection to be used for the distribution of educational television or radio programs so that all *noncommercial educational television or radio stations that wish to may broadcast the programs at times chosen by the stations;* (47 U.S.C. Sec. 396(g)(1)(B)). (Emphasis supplied)

The Committee on Commerce's report on the Public Broadcasting Act of 1967 quoted in my supplemental views illustrates the congressional intent on this issue, and explains why it was thought to be essential that the stations have complete freedom of choice to broadcast the CPB-supported programs at times of the station's own choosing.

In line with the concern about CPB's broad authority to arrange for interconnection and the impact this could have on local station operations, the distinguished chairman of the Communications Subcommittee of the Commerce Committee and manager of the bill (Mr. PASTORE) stated during the floor debate that:

> Since the fundamental purpose of the bill is to strengthen noncommercial stations, the powers of the Corporation itself must not impinge on the autonomy of local stations. (113 Cong. Rec. 12985 (1967)).

It was noted in the Commerce Committee's report accompanying S. 1160 that it intended to follow CPB's interconnection activities closely to see what impact the broadening of the Corporation's authority would have on the development of a nationwide public broadcasting system.

Any committee member who reviews the CPB practices under the act will find that the actuality departs substantially from the theory and intent of the Public Broadcasting Act. Rather than creating the kind of interconnection system envisioned by both the Carnegie Commission and the Congress; rather than maximizing the local station's options for choosing and scheduling national programing; and rather than financing and developing regional and local interconnection systems, CPB and its interconnection "intermediary"—the Public Broadcasting Service—PBS—have created a system of fixed-schedule networking in prime time evening hours 6 days a week, which will soon be expanded to a full week network operations.

The Public Broadcasting Service sends out nearly 19 hours per week of prime time programing for simultaneous presentation throughout the country.

We hear, as pointed out by Mr. Macy when he testified on June 13, 1972, during confirmation hearings for the new CPB board nominations, that PBS is structured as a station membership organization and that local station managers control the PBS board. This is true, and to some extent it allows the local stations an important voice in national program selection and scheduling. But it is also true that virtually all of PBS's funds come from CPB, and, as a practical matter, CPB calls many of the tunes when it pays the PBS piper. The basic point is that no matter how representative the PBS board may be, the Congress intended that each local station would have complete, effective and realistic control over its own schedule and that CPB would structure the interconnection system in order to enhance this type of control. When the local station is fed a program schedule from Washington and PBS has provided no attractive alternative to carriage of that program at that time, it is PBS and not the stations that determine the schedule of programing.

Moreover, CPB and PBS devote nearly $2 million of their funds to advertising the national schedule of programs, which makes it difficult for the local stations to refuse to air a PBS program at the time that has been advertised. These prime-time network hours are not devoted to events or programs that require "live" presentation nationwide or to take advantage of unusual or special opportunities, but are used for Friday night movies, French cooking lessons, musical performances, and the like.

Undoubtedly, this type of network is less difficult and less expensive to operate than the type of distribution system envisioned by the Congress. It also is attractive to firms such as Xerox, Polaroid, Mobil Oil, Humble Oil, and General Electric to be able to "underwrite" the costs of PBS programs and be assured that their programs will be aired nationwide during prime-time evening hours. But operational convenience and advertiser support were never the principal goals in establishing a public broadcasting system. CPB's type of network is one that in the name of convenience and advertiser support undercuts the concept of localism which is the dominant thrust of the Public Broadcasting Act.

It is not appropriate for the Corporation for Public Broadcasting to respond to criticism regarding its network operations by stating at this late date that it does not have sufficient funds to create the type of interconnection system required by the act. The Corporation had many opportunities between 1968 and the present time to advise the Congress that it was simply creating a fixed-schedule network as a temporary expedient until more funding was provided. It is wrong to believe that the system CPB did create is a steppingstone on the road to a localized network. CPB created a "fourth network"—the type of system considered but specifically rejected by the Congress in 1967.

As evidence of the disinterest of the Corporation in assisting the local stations, it should be noted that between fiscal year 1969 and fiscal year 1972, CPB has received a total of $78 million in Federal appropriations, plus $13.7 million from other sources, including foundations, TV networks, and industry, but disbursed only $11.7 million, or 12.7 percent to local broadcast stations.

These funds have been disbursed in the form of grants—the minimum being roughly $16,000—the maximum close to $48,000. In the present-day economics of TV, even the maximum grant is a drop in the basket.

And while much is made of the national programing provided the local stations and proponents rely particularly on the programs produced by the Children Television Workshop—"Sesame Street" and "Electric Company"—the $2 million CPB has directed to the Workshop budget represents less than one-third of the Workshop funds with the rest coming from the Ford Foundation and HEW's Office of Education.

Corrective action is clearly needed to restore an appropriate balance between centralization and localism in public broadcasting.

I believe strongly that a 2-year extension of CPB's funding at a total level of $155 million is inappropriate at this time. Establishment of a plan for long-range funding for CPB was initially deferred because the Congress had no clear understanding of CPB's future needs—needs which we hoped would be clarified once CPB had gained operational experience. I believe, however, that CPB's operational experience has not clarified these needs. To the contrary, it has raised new questions and new doubts as to CPB's role in the system and its relationships with the local stations. CPB has not shown to our satisfaction how it intends to resolve these issues. More importantly, CPB has not stated clearly how it intends to use its increased funding to serve the financial and operating needs of the local stations, and how it intends to pursue the goal of local station autonomy and independence within the national public broadcasting system.

We are well aware of CPB's claim, reiterated by Mr. Macy in his June 13, 1972, appearance before the Commerce Committee, that an 18- to 24-month period is needed for advance program planning. Mr. Macy stated that—

> In order to provide for its programing development over that 18- to 24-month period, there must be some assurance of continued funding, which is extremely difficult to provide when we recognize that the funding is on a year-to-year basis. (Transcript of Hearings on Nominations of Members of the Board of Directors of CPB, p. 18).

However, the supposed need for program planning time would appear to be illusory.

While a few public broadcasting programs require 2-year advance planning, the majority of the programs do not. Those that have required extensive leadtime—such as "Sesame Street" and "The Electric Company"—have been funded by the Department of Health, Education, and Welfare and other Government entities, foundations, and private enterprise, and are virtually unrelated to CPB's budget. As with Federal agencies themselves, all that is required for CPB's program planning is the assurance that Federal funding will continue to increase substantially as it has over the past 5 years. Public broadcasting has this assurance, even though the precise amount of future increases may not be known at this time. Indeed, CPB presently has two alternative program plans ready to implement in fiscal 1973—one plan based on a $45 million funding level and one based on a $65 million level. Some of the increased funds would be used to acquire additional productions or episodes in existing program series, for which no planning leadtime is required, and the balance of the increase would be used for new programing, for which CPB has stated that planning is well advanced.

In summary, to provide the Congress, CPB, and the public broadcast stations appropriate incentives to correct the operational deficiencies in public broadcasting and to reform the structure created by the 1967 act, the Congress should reject a 2-year funding authorization and merely increase CPB's appropriation for fiscal 1973 to meet CPB's and the stations' immediate needs while the fundamental issues are being resolved.

The administration made a commitment during the hearings held by the House Committee on Interstate and Foreign Commerce on public broadcasting legislation that if a 1-year bill were enacted it would submit a workable long-range funding bill which would have broad support during the coming fiscal year, in time for the Congress to take final action on it prior to June 30, 1973. Rather than to adopt the proposals contained in H.R. 13918, the Congress must keep the pressure on the administration and CPB to agree on a satisfactory long-range funding plan.

Mr. President, to continue further, I think that there is a way to approach this problem without running the risk of seriously damaging or even emasculating public broadcasting. That is the essence of amendment No. 1267, to change the language of the authorization from 2 years to 1 year. One year does not mean that we will not go forward with the Federal support of public broadcasting. It means that we will go forward for a limited period of time until we get plans for permanent financing and a better reading of how the system will work. We must ask whether there is going to be a fourth commercial network, whether we can resist temptation as Members of the legislative branch to become involved in program content, and whether public policy is such that we have to get involved in program content.

I think this will be resolved in favor of public broadcasting and in terms of the obvious best interests of the morals and mores of the people of the United States.

I am treading on thin ice, by my own judgment. I am not quite sure how I can do what I want to do in terms of expressing my dissatisfaction with public broadcasting in certain material respects without appearing to get involved in the question of dictating what will be broadcast and what will be withheld.

However, I am sure that we can approach it by doing it a year at a time, temporarily. If we make this authorization for 1 year, therefore, Congress and the Nation will perhaps have a chance to look at the public broadcasting and decide what is the next best course and decide how adequately public officials and public broadcasting have complied with the mandate of Congress, and the words and the meaning of the statute.

To discuss these matters, I bring myself to the edge of danger and find myself skating on thin ice. For instance, in the full Commerce Committee in executive session, it was brought to the attention of the committee that a program originated by channel 13 in New York, WNET, a station that is publicly funded, aired a nude ballet that was not run in Tennessee because there is a Tennessee statute that prohibits the programing of nudity on television stations in Tennessee.

The response and rejoinder is, "Well, that is true. It was a nude ballet. But how are you going to get yourself involved in questions of policy judgment as to whether this complied with the meaning and the intent of the public broadcasting statute without running the risk of legislative censorship? How am I to judge the presentation of a nude ballet on television? And, by the way, it was not just a glimpse. It was pretty well done by way of the press accounts of a Scripps-Howard writer's report:

> The federally financed Public Broadcasting Service will offer coast-to-coast viewers of non commercial television their first look at total nudity on the TV screen June 2.
>
> Nude male and female dancers, directed by Alwin Nikolais, will cavort across the PBS network late enough in the evening, it is hoped, that most young viewers will be asleep dreaming of what they have learned on Sesame Street and The Electric Company.

That was from the Memphis Press Scimitar of May 6, 1972. I have a whole string of correspondence and communications on that program and on many others that express their considerable concern over a nude ballet being carried on public television which is financed out of the Federal Treasury.

Once again, bringing myself to the edge of danger, I will refrain from commenting on whether or not the public morals of the United States allow the showing of a nude ballet on television. However, I will say that I do not intend to open the question by disagreeing with the statute of my State which prohibits it. I will say that I have policy concern as to whether or not that is the sort of thing that our hard-pressed Federal Treasury ought to be involved in at this time.

I will not offer an amendment that provides that they cannot show nude ballet dancers and dance scenes, because that clearly would be an intrusion into the programing system. However, I will suggest, as I do in my amendment, that this is jolting enough, at least to me, so that I think we ought to authorize this for 1 year instead of 2 years.

Whether or not we want to pay Sander Vanocur $85,000 or whether public broadcasting should carry a nude ballet is not the real issue. The issue is whether we will create a fourth network and whether that network will hire Buckleys and Vanocurs and give them star salaries and star billings in order to compete with the national networks.

The mandate is that we shall not have a fourth network, but that we shall have a loose association of local stations provided national programs from Government-funded agencies that would not otherwise be available to the public.

As surely as we are standing here, four networks are growing up. I believe 190 stations are on the public broadcasting interlink carried by ATT. And they carry some darn good stuff. "Sesame Street" which was mentioned by the Scripps-Howard staff writer, and Masterpiece Theatre and others. However, I cannot say that the presentation of the ballet or the salary of Vanocur is right or wrong.

All I can say is that the only amendment which will let me approach this thing without undue legislative intrusion and the charge of governmental censorship of public broadcasting is to authorize a year at a time.

That is why I offered the amendment to limit the authorization to 1 year instead of 2 years. I do not even quarrel with the funding level. I very well might quarrel with it if it were not for the fact that I am far more interested in the concept than in the funding level at the moment.

There is another program that, once again, tempts me to try to express a viewpoint on program content that is substantial enough and is sufficiently serious to warrant discussing it, even though I will refrain from offering my amendment dealing with the matter at hand and will limit myself to the question of 1-year authorization instead of two. That is a program that originated in the New York area, a program called the "Fifty-first State."

In the whole question of broadcasting, public or private broadcasting, we have the implicit and inherent question of fairness. We have the question of equal time and a whole range of things imbedded in the statute that would require judgment of morals and good taste that I thought had so firmly been imbedded into the fabric of commercial broadcasting, the idea that programs should be balanced in presentation by the national networks and that they should try to present both sides, that we should no longer argue that. But that is not the case for public broadcasting.

I had this matter called to my attention by Representative MICHEL, of Illinois, concerning a program that originated on station WNET, channel 13, in New York, a public broadcasting station. It was about a program on Vietnam. And this is what happened as described at 19471 of the CONRGRESSIONAL RECORD of June 1, 1972:

> BILL JORGENSEN. Last night Channel 13 Television here in New York City, the Public Broadcasting System, aired a five-hour program on the Vietnam situation.
>
> There were 30 to 40 guests invited to make statements and express their feelings in various ways, and almost all were anti-war. And today Steve Bauman asked Channel 13's anchorman, Patrick Watson, if it wasn't true that there was virtually no representation of the Nixon administration's point of view.
>
> PATRICK WATSON. Oh, yeah, absolutely true. The one man who could be considered a representative of the administration's point of view was Senator Dole, who was interviewed in Washington. I think I could argue, without being frivolous about it, that the program would have been better if there had been no representatives of the Washington point of view on, because it was perfectly clear that what this program was about was reflecting and articulating that body of opinion in the country that's concerned and frightened over what's going on in Vietnam.
>
> I think the country knows, and it's had ample exposure to what the administration's position is.
>
> STEVE BAUMAN. Well, haven't there been ample expressions of the anti-administration point of view, and in terms of a balanced program, don't you feel you are obligated to attempt to get administration's spokesmen or supporters?
>
> WATSON. Not within the body of one program. I think that's an old-fashioned concept that went out of broadcasting—where I live, anyway—a long time ago.

Mr. President, I can disagree with that, as I do, and I can suggest it was improper, as I do, and I can say that it is not an attitude that should permeate public broadcasting at the expense of the Federal Treasury, as I do, but I refrain from offering any amendment to prohibit it. I say we should limit this authorization to 1 year instead of 2 so that we can take a look at what we are doing and so we can have a better understanding of how these public officials in public broadcasting are undertaking to discharge the functions they perform. I have grave doubt that what I just read accords with the mandate for public broadcasting. The argument might be made that this was not done directly by the Federal Government, that WNET is a NET affiliate and that the Corporation for Public Broadcasting should not be held accountable for it.

However, to substantiate my point, I might point out that over the past 4 years NET, and later the merged operation of the NET program production center and the New York City public TV station—now WNET-13, have received the lion's share of program production funds supplied by CPB. In 1971 and 1972, CPB has given NET an average of the total funds it granted for program production. The plan for fiscal year 1973 is to give NET between 31 percent and 32 percent of these funds. This has enabled NET to dominate the prime time evening schedule of the public TV national network, PBS, with NET consistently supplying between one-quarter and one-third of the national, prime time schedule over the past 4 years.

Mr. President, once again I confess to danger. There is the danger that these remarks will be construed separately and out of context as an effort by this Member of the Senate to change program content, to legislate morals, or make a judgment on the propriety or the desirability of programing, per se. That simply is not the case.

I am offering these examples to point out the fact that I am not satisfied with the performance of public broadcasting, albeit, the mandate or statute. I suggest doing it the good old American way by going slow, for 1 year, and we will see what the situation is and how it materializes.

I went to some length in the colloquy with the distinguished Senator from Virginia and the distinguished chairman of the Subcommittee on Communications to point out that I do not think it really matters how much we pay Sander Vanocur. I am sure he thinks it is, and if I were he, I would, too. What is important is whether or not public broadcasting is going to launch a fourth network and whether or not it is going to embrace the star system. I bet Sander Vanocur will not contend he is not part of the star system.

That is the real issue; it is not a question of the $85,000. The same could be said about Bill Buckley. But whether I am talking about a nude ballet that was barred by statute from a Tennessee program, or the "51st State" where the anchorman claims it is old fashioned to have a balanced program in public affairs on a question such as the war in Vietnam, or the star system paying $85,000 to a commentator or interconnecting stations to compete as a fourth network, or the production of "Sesame Street," or access by minority groups, or young people, or others, this is part and parcel of our bill—and the basic question is what is the direction of future public broadcasting in the United States? We have not come to terms with that question and at some point we must do so.

The only way I can approach this in good conscience, having the broad range of concerns I do, as distinguished from narrower concerns that may or may not be offered as amendments to the bill, as I have said, is to do this for 1 year and not 2. This is not an effort to emasculate public television. This is an effort to do it 1 year at a time and to see what happens next.

There were additional views filed with the report in which some question was raised whether public television should be funded from the public treasury. I note with special interest the remarks of the Senator from Connecticut (Mr. WEICKER) in this connection. There are many other problems that no doubt will be raised.

I guess the most we can say is that the basic question of whether we should have a public broadcasting system was decided by Congress some time ago and we decided we should have it, although all of us knew there were hazards involved in it. I am not here to reargue that. I am here to say much of what is going on now I believe not to be responsive to the statute authorizing public broadcasting and we should do it a year at a time, and in this case make it 1 year instead of 2.

Mr. President, on my amendment as printed, which the clerk stated, I note an error. I ask unanimous consent that the amendment read:

> On page 4, line 6, strike all through and including line 3 on page 5—

Instead of line 2.

The PRESIDING OFFICER. The Senator may modify his amendment. The amendment is so modified.

Mr. BAKER. Mr. President, this is an important matter and it is one that I am sure other Senators will want to discuss. However, for the moment, I reserve the remainder of my time. I might signify that as the manager of the bill on this side, so that we can fully develop the entire range of concern, if there are other concerns, I would be perfectly willing to set aside my amendment so that other Senators may speak on this matter, if they wish to do so. Otherwise, I reserve the remainder of my time and yield the floor.

Mr. PASTORE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Rhode Island has 30 minutes remaining.

Mr. PASTORE. Mr. President, I hope this afternoon I will not be placed in the position of being a devil's advocate. With reference to commercial broadcasting no one has been more critical than I have been about violence on television and sex on television so much so that from time to time I have been chided by producers in the business and even by some performers. I am not a prude, but I certainly go along with the thought that we have to be very careful what we show the people of this country and that we do not get off in the area of vulgarity.

I did not see the performance that the Senator talked about, but I do have here a Washington Post comment which reads:

> Anyone having a nodding acquaintance with Nikolais' work need not be told that Relay—the name, as I have it, of that program—is removed from considerations of prurience. Nikolais is second to none in his admiration and respect for the human body, both as an organic entity of endless fascination and as a sculptural form of unique beauty. This reverence is axiomatic in his choreography. He could no more debase his dancers with vulgarities than he could cut off his own legs.
>
> The fact is that in Relay, as in other Nikolais pieces, the dancer's figure becomes one element among many in a visual continuum that makes little or no distinction between the animate and inanimate.
>
> The highly individual manner in which Nikolais deploys the human body and its movements is a key to his originality.

That appeared in the Sunday edition of the Washington Post, May 14.

I am not trying to justify this compliment any more than I have tried to criticize the criticism that was made by the Senator from Tennessee, because I think that he and I stand foursquare when it comes to decency and dignity on television and radio. But I must say this: None of the money for this performance or for this particular production was paid by the corporation. It is something that was bought by NET in New York. It paid $15,000 to the British Broadcasting Co. and it made it available to those stations which wanted that show. But it was not something paid for out of the funds of the Public Broadcasting Corp. I want to make that clear.

With reference to the second program criticized by the Congressman from Illinois, there again it was a strictly local production and none of the money of the Corporation went into it. That was done by the local broadcaster or the licensee of that particular station. That does not make it right and it does not make it wrong.

I hope I have made my position clear. The appropriation will be for just 1 year. I had urged the Johnson administration, time and time again, and now the Nixon administration, to come up with a long-range plan of financing, and, up this date, both the previous administration and this administration have ducked the issue. They have ducked the issue. The time has come when they should come up with a program of long-range financing.

I do not think whether we make the authorization 1 year or 2 years this afternoon is going to make that much difference in getting a reaction from the administration. As a matter of fact, the Senator from Tennessee has better contact at the White House at the moment than I have, and I would hope he would use his good offices to go down there and twist somebody's ear so that we could get some kind of comprehensive long-range financing program for public television.

Mr. President, I think I have made my point clear to the Senator from Tennessee. I do not think his amendment is either going to destroy the bill or help the bill. What the Public Broadcasting Corporation wanted was an authorization of from 3 to 5 years. The House decided to give it 2 years. The administration wants 1 year. The Senator from Tennessee is the advocate for the administration. The administration is responsible for not sending up a long-range program. I think their feet should be put to the fire. I would hope, I repeat again, he can do something about resolving this very sensitive and difficult situation.

The reason I am resisting the amendment today is not because it is without merit. The Senator from Tennessee knows that. I have made my position clear. I held up this authorization bill to accommodate the Senator from Tennessee, who had to go to Stockholm. He had to go to Stockholm; that was his official responsibility. We had to wait a couple of weeks, because I did not want to do anything about it until he came back. When he came back I explained my position to him. The reason why I am trying to expedite the bill and adopt the House bill is so that we may avoid any difficulty in acting on the HEW appropriation bill. This must be done now for next week we go to the Democratic Convention. I was hopeful we could do something about it. I am just trying to expedite it.

If we make the authorization 1 year on the floor of the Senate, we will have to go to conference. We cannot make it for 18 months. We cannot authorize for a year and a half. Then there is the question of whether the House accepts the Senate version or the Senate accepts the House version. The Senator from Tennessee has had experience with the House. He knows all they say is no, and we are going to be up against their saying, "No, no, no; that is not the way to do it." So we will come back here with the House bill.

I am trying to be practical and realistic this afternoon. I will say to the Senator that I will be the first one to work shoulder to shoulder with him to see if we cannot get a sound long-range plan.

On the question of programing, that is about one of the most sensitive areas we can get into. Under the law, the Congress of the United States cannot dictate programing, and nobody wants to do it. I know that.

They are talking about a fourth network. I do not know what they mean when they say that. If we do not have interconnection how will a national program like "Sesame Street," be distributed? Does that make it a fourth network? It is all right to say we have a national body when it comes to programing. But when it happens that somebody criticizes Vietnam, they say, "That is all wrong." I do not know who gave the program praising opposition to Vietnam or criticizing it.

As a matter of fact, on that subject very frankly, I am for getting out of Vietnam. Perhaps the Senator from Tennessee feels a little different from the way I do. Perhaps some of our politicians become a little touchy when somebody disagrees with their positions. Everybody knows nobody scares easier than a politician, especially when he is running for reelection. It happens very often.

But the point is that we cannot get into programing. We have had a new group of newly appointed officials by the President to the Board of Directors of CPB. Five names were chosen. Up to a short time ago the majority were Democrats. Now the majority are Republicans. Who knows? Maybe they will get somebody in place in Vanocur. I do not know who he might be.

That is apart from the question. We had a hearing on the question of violence on television. We had the Surgeon General come before our committee, and we had him bring his advisory committee. His council was composed of some of the foremost psychologists and psychiatrists and sociologists. We had them all up here, and, to the man, everyone of them said we ought to do more in public broadcasting. Dean Burch said in February, before the House committee that—

> FCC has never had any fairness complaints . . . against educational stations that were serious enough to take any action on.

He went on to say:

> The FCC gets "a lot" of fairness complaints in regard to commercial broadcasting, "but we have not had that sort of reaction to the education stations." Clearly, therefore, the record of public broadcasting is better than that of the rest of broadcasting in regard to fairness.

There is the Chairman of the FCC, who comes out of the State of Arizona, sponsored by BARRY GOLDWATER and Mr. FANNIN, appointed by President Nixon, and that is what he had to say.

If I can believe him as a Democrat, I think a Republican ought to believe him, too.

So, I say to my good friend—and I love to work with the Senator from Tennessee. He and I are about the same size; we can look one another straight in the eye. I do not have to look up at him, and he does not have to look up at me. We can stand on the same level, and I think we can intellectually see eye to eye on a lot of things. We usually do. But this is a time in our lives when we do not. I suppose. He would like to make the authorization 1 year. I would like to see the House version remain, because I know how it is going to end up in the long run. So I say, "Why waste all the time? Let us have it over and done with, pass this bill, and go on to the next item of business," because we have more important things to talk about than whether the authorization should be for 1 year or 2 years. The appropriation can only be for 1 year.

Mr. BAKER. Mr. President, how much time do I have remaining on the amendment?

The PRESIDING OFFICER. Eight minutes remain to the Senator from Tennessee.

Mr. BAKER. Mr. President, I remember the first speech I made on this floor in 1967. There were not many people here to hear my maiden speech, but one of them was the distinguished Senator from Rhode Island, who sat in his place in the Senate and heard my long dissertation on revenue sharing. It was a good speech, by the way, or I thought it was. And he got up and said:

> "I am glad to be able to say that the Senator from Tennessee and I see eye to eye.

Being a new Senator, and also not of tall stature, it did not strike me for a little while exactly what he meant, because he obviously did not mean he agreed with my bill; but rather, as he puts it, we do have many things in common.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. BAKER. Of course.

Mr. PASTORE. Does the Senator know what Disraeli said? He said:

> We measure our men from the neck up, and not from the neck down.

Mr. BAKER. Mr. President, I have never been sure I fell in that category, but I have always been grateful for the statement.

Mr. President, I cannot overstate my admiration for our distinguished chairman of the Subcommittee on Communications. He does a magnificent job. He deals foursquare and straightforward with me and with the other members of the subcommittee, and with administrations. I have seen him do it firsthand, with Democratic and Republican administrations alike. The business and the welfare of broadcasting in the United States, both public and commercial, is the beneficiary of his judgment and his dedication to principle and objectivity.

I do not say that to soften him up. I mean it, and I am genuine in my admiration for his handling of his responsibilities as chairman.

I cannot resist making one observation, though, on his further remarks. He urges that the Senate get about the business of passing this 2-year authorization before we go to the Democratic National Convention. It almost sounds as if he never expected to come back.

Now, the Democratic National Convention will be, as some have said, energetic, I am sure. But we will still be here. The Republic will survive, and there will be time enough to worry about the HEW appropriation and about this authorization.

But more to the point, I am genuinely concerned about the question of whether we are doing the right thing. I think the only good safeguard I can offer now, in general terms, is to make it a 1-year authorization instead of two.

Mr. President, I reserve the remainder of my time. I might say it is my understanding that the distinguished Senator from Maryland (Mr. BEALL) has an amendment, and the distinguished Senator from South Carolina (Mr. THURMOND) has an amendment. I called up my amendment previously because there seemed to be no other amendment in the offing. I am perfectly willing now, if no one objects, to let them call up their amendments at whatever time they wish.

Mr. PASTORE. Mr. President, I was going to suggest this: I have more time left than the Senator from Tennessee; I am perfectly willing to give him whatever time he might need. But some of our colleagues have to go downtown to attend, as members of the board of trustees of the Kennedy Center, a meeting being held down there with reference to contributions.

If it is agreeable, I wonder if we could not enter into an agreement that we would suspend further action on this particular amendment, with the understanding that a vote on it would occur at a quarter to 2.

Mr. BAKER. Mr. President, I think that——

Mr. PASTORE. And in the meantime we could consider other amendments, with the understanding that, after we have exhausted the time, that vote would occur right after the quarter-to-2 vote.

Mr. BAKER. Mr. President, let me suggest this: I think we ought to do that, for the reason that the Senator suggests, that is, we do have a directors' meeting at the Kennedy Center.

Let me now take down my amendment, and let them take up theirs, and, rather than voting on mine, let them vote on theirs at a quarter to 2.

Mr. PASTORE. They have a half hour on theirs, and they will be through at a quarter past 1. I did not want a vote to take place until a quarter to 2.

Mr. BEALL. Mr. President, my amendment has a half hour. However, the Thurmond amendment——

Mr. PASTORE. Does the Senator intend to ask for a vote on his amendment?

Mr. BEALL. Yes, I would like to ask for the yeas and nays, unless the Senator is willing to accept it.

Mr. PASTORE. I do not know what the amendment is.

Mr. BEALL. It has a great deal of merit. The Senator might be willing to accept it.

Mr. PASTORE. Right now, no matter what the merits are I would not want to accept it. As I told the Senator frankly, if the committee loses one amendment, I am perfectly willing to be very amenable. If I have to go to conference, I can go to conference with six amendments as well as one. I am trying to avoid a conference. I have made my position clear.

Mr. BAKER. With the Senator's usual candor, he has, but I suggest——

Mr. PASTORE. My point is this: I do not want any vote to take place before a quarter to 2. So I was wondering if we could exhaust the time on the Senator's amendment, and after we take a vote on this one, we could proceed to a vote on the Senator's amendment right after a quarter to 2.

Mr. BAKER. Mr. President, may I suggest that we stack the votes, as we have done previously?

Mr. PASTORE. That is right; that is what I am talking about.

Mr. BAKER. That we proceed with the debate on the Beall amendment, proceed with the debate on the Thurmond amendment, and then have three fast votes on BEALL, THURMOND, and BAKER.

Mr. PASTORE. And vote first on the one that happens to be on the floor at a quarter to 2?

Mr. BAKER. That is fine.

Mr. JACKSON. That is fine with me.

Mr. PASTORE. Is that satisfactory, I ask the Senator from South Carolina?

Mr. THURMOND. Mr. President, I would suggest that they be voted on in the order in which they are taken up: The Baker amendment, the Beall amendment, and then the Thurmond amendment.

Mr. PASTORE. All right. I have no objection to that. I ask unanimous consent to that effect.

The PRESIDING OFFICER. Is the unanimous-consent request that the Senate proceed with the debate on the other amendments, the Beall amendment and the Thurmond amendment, and that voting on the amendments start at a quarter to 2?

Mr. PASTORE. Or as soon thereafter as time is exhausted on these other two amendments.

The PRESIDING OFFICER. Is there objection?

Mr. JACKSON. Reserving the right to object, but not before.

Mr. PASTORE. Not before a quarter to 2. In other words, if Senator THURMOND is on his feet at 10 minutes to 2 we are not going to interrupt him to have a vote on this amendment.

Mr. BAKER. Mr. President, reserving the right to object, I think it ought to be clear—and I hope it is—that nothing in this unanimous-consent agreement limits the right of anyone else to offer an amendment.

The PRESIDING OFFICER. Certainly not. The Senate will proceed with these amendments, and vote not earlier than a quarter to 2.

Is there objection? The Chair hears none, and it is so ordered.

Does the Senator from Rhode Island wish to reserve his remaining time on the Baker amendment?

Mr. PASTORE. Oh, yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, before getting into my amendment, the Senator from Tenneessee (Mr. BAKER) and the Senator from Michigan (Mr. GRIFFIN) have submitted minority views with reference to the committee report on H.R. 13918, and I did not have an opportunity to read those views fully before they went to the printer. But I have read them in their entirety since that time, and I find myself in agreement with the points raised in those views, so I ask unanimous consent that I be reported as joining them in the RECORD in their minority views.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 5 after line 24 add the following new section:

"(e) Section 396 (h) of such Act is amended by adding to the end thereof the following:

"'*Provided, however,* That in no event shall the commercial value of such interconnection services, as determined by the Federal Communications Commission, exceed the sum of $10,000,000.'"

The PRESIDING OFFICER. The Senator from Maryland has 15 minutes on the amendment, and the Senator from Rhode Island has 15 minutes.

Mr. BEALL. I yield myself such time as I may require.

Mr. President, as we discuss the extent of the Federal subsidy appropriate for the Corporation for Public Broadcasting—CPB—and the public broadcast system generally, we should be aware of the existence of a substantial hidden subsidy which must be added to the funds which H.R. 13918 would authorize. I refer to the subsidy provided CPB in the form of reduced rate interconnection services for its national broadcast network. This subsidy is both hidden and beyond the Congress' immediate control as to amount. It is currently estimated to run between $10 million and $15 million per year.

Section 396(h) of the Communications Act permits the telephone company and other communications common carriers to grant free or reduced rate interconnection service to public broadcasting, subject to FCC regulations. After a lengthy proceeding, the FCC determined that it would not be in the public interest to grant CPB free interconnection. The Commission rightly concluded that this would be too much of a burden on other users of leased communications services and the general public, who end up supporting this aspect of CPB's operations through increased rates. However, the FCC did work out a plan for reduced rates under which CPB gets a 110 station fixed network by January 1973. By the end of 1974, CPB will be paying a stabilized annual rate for this service of only $4.9. It has been estimated that this is less than a quarter of what the telephone company charges each commercial network. The difference is coming out of the pockets of American consumers—to the tune of roughly $10 to $15 million annually—and no one knows what the actual amount is or what it will come to in the future.

The legistlative history of section 396 (h) is not extensive but it is clear that Congress never intended to write a blank check to subsidize CPB's plans for an extensive, 24 hour a day national network linking all public broadcast stations. Section 396(h) was derived from the recommendation of the Carnegie Commission on ETV that the Congress allow preferential rates for public broadcasting interconnection. The Carnegie Commission had estimated that, by as late as 1980, actual costs for all public broadcasting interconnection—not only national, but regional and intrastate as well—would be only $17 million. And that estimate assumed the existence of 380 TV stations, as compared with the 220 now in existence. This is the order of magnitude of costs Congress had before it when it authorized preferential rates. But now we find that in 1972, with only 110 stations actually interconnected, it is costing about $15 to $20 million per year, with only $5 million of this amount actually visible as a CPB expenditure.

We simply cannot perpetrate this open-ended, hidden subsidy. If the American people are going to pay more for communications service in order to promote public broadcasting, we should at least know how much it is costing and we should establish some ceiling. I am sure that even the most ardent public broadcasting supporter in the Congress would agree that there must be some limit—some point beyond which the general public cannot be expected to carry CPB's network.

I believe that the amendment I offer places a reasonable ceiling on CPB's interconnection subsidy. It means that the difference between what CPB pays for its interconnection service and what the same service would cost at commercial rates could never exceed $10 million. In this way we would close a gaping hole in the public purse and assure that, if there is to be any greater subsidy of CPB interconnection, the Congress will decide the subsidy question on its merits and with knowledge of the precise costs involved.

Mr. President, I can understand the reluctance of the distinguished chairman of the subcommittee, the manager of the bill, to want to open up this bill to amendment at this time. However, having recently come from the House, I think they make mistakes every once in a while, and that the House does not always consider all the aspects of a particular piece of legislation.

I noticed this on a couple of occasions when I was in the House. I have come to the Senate, and I have a greater appreciation for the job the Senate often does in helping to straighten out these mistakes and fill in gaps in legislation when it leaves the House. This is one of those gaps.

I suggest to the Senator that it is this kind of gap that ought to be closed, and this is the kind of examination that ought to be given to legislation. I suggest that the Senate would be remiss in its duties if it just accepted at face value everything the House sent to it.

Here is a chance to let the taxpayers know where the money is going. This kind of amendment deserves not only consideration but also acceptance by the Senate.

Mr. President, I reserve the remainder of my time.

Mr. PASTORE. Mr. President, it is frustrating when the manager of a bill is more or less—I will not use the word "harassed"—placed in an awkward position by Members of the Senate who are not members of the committee. But it is extremely awkward when it happens to be members of the same committee, who had every opportunity to bring matters to our attention, at that time and did not. This authorization bill has been before my committee for I do not know how long after it was passed by the House, and I held it off at the request of the Republican members of the committee. And not once did anyone bring up this amendment.

In my humble opinion, this amendment would handcuff the corporation; because if it takes less than $10 million on interconnection, this is going to be encouragement to spend the $10 million. If it takes more money, what we are doing is biting off our nose to spite our face, in order to bring these programs which have a national value.

One of the significant responsibilities that the Corporation has is in the way of interconnection. That was one of the biggest debates we had when the measure was discussed on this floor in 1967, and I was the manager of the bill. I think that when we begin to say how much can be spent for interconnection and we do not know how much money is going to be appropriated from time to time to the Corporation, what we are actually doing is beginning to handcuff this thing.

I say to Senators that if they do not want a Public Broadcasting Corporation, they should stand up and say so. But if they want one, some latitude must be given to these fine people. If one wants to know how fine they are, most of them are Republicans now. They have the majority, and they are all fine. A group came in from New York to object to their nominations being confirmed. I told this group that I could never rebuff the President of the United States on the caliber of the names he submitted.

If we cannot trust these people, who are we going to trust? They are selected by the President of the United States. President Nixon did a marvelous job in picking out the directors of this Corporation, and I compliment him. If these people cannot run the Public Broadcasting Corporation to satisfy the public interest, then we ought to do away with the Corporation.

Here we are with amendment after amendment coming in. From whom? From what side? The Democratic side? Of course not. I do not know what this is all about. There must be some background to all this.

I never contended for one moment that we of the Senate should become a stooge for the House. I never said that. But we have assigned the HEW appropriation bill for consideration next week, and a point of order will be raised if we do not have an authorization on public broadcasting. That is all I said.

All this could have been adjusted later on. All this could have been adjusted if I had been told about it before. The question is this: What is going to happen if we have to go to conference and the House delays it for awhile, and if we do not get to it, and then have to consider the HEW bill, which is important for health, education, and welfare? That bill has to be passed.

It is one of the largest bills that comes before the Senate and before Congress—one of the most important bills, concerning the health of the people, the education of the people, and the welfare of the people. I do not want to hold it out because we cannot agree on this authorization.

If I had known I was going to run into this, I would have brought this bill up a long time ago. I would have done that. I would have said to my colleagues then seeking delay, "I am sorry, I cannot accommodate you. If you are not in the Senate, that is too bad." But I did not do that.

Now here I am this afternoon, a member of the same committee, being placed in this awkward position that I have to fight my own colleagues on these bills. I see nothing too seriously wrong about this bill. I have explained it. I do not want to be chided that I am following the dictates of the House. I did not say that. I have never been a stooge for the House. I have never been a stooge for anyone. I am not pushed around by anyone, either a Member of the House or anyone else. But I think I made my position clear and if it is not understandable, and if that is not acceptable, then I am afraid I have wasted my breath up to now.

I have said before that I am perfectly willing to take this amendment to conference if it is the desire of this body to amend the House bill. I am perfectly willing to take the amendment of the Senator from South Carolina to conference if they want to amend the House bill. But I say that if we start amending the House bill with these amendments, which are not that important and can be resolved later on, because these issues are not new, I am perfectly willing to go along with it.

I say, let us get on with it. I do not want to have to struggle with my own colleagues on my own committee. I have enough to do. I repeat, if Senators do not understand what I mean, I am very, very sorry. All I am trying to do is to get the bill out.

Now if you want to delay this thing after we come back from the convention and hold up the HEW appropriation bill until after the convention—sure, I am coming back from the convention and, with the grace of God, I am coming back from the convention; but I tell you frankly, Mr. President, not with any more laurels than when I went there. That is not the purpose at all.

I want you to go to your convention and I want you to come back from your convention in August and I hope that you come back as a candidate for Vice President. But the fact still remains that here we are. As a matter of fact, I think it is about time to give you fellows a break. Maybe we should have a Vice President as big as Disraeli. It may do the country a lot of good.

Mr. BAKER. Mr. President, will the Senator from Maryland yield to me so that I may make an imperative remark?

Mr. BEALL. I am happy to yield to the Senator from Tennessee.

Mr. BAKER. Let me say to the Senator from Rhode Island that I appreciate the flattery but the Republic could not stand it. [Laughter.]

Mr. President, I thank the distinguished Senator from Maryland for yielding to me briefly to answer one point that the Senator from Rhode Island has made.

I expressed my concern for a 2-year authorization before the House passed its bill. I expressed my intention to offer an amendment for 1 year instead of 2 years months ago. I expressed my desire to offer it on the floor of the Senate if it was not adopted by the Commerce Committee in reporting the bill.

I have no control, nor do I desire to have any control over the desire of any other Member of the Senate, nor any other member of the Commerce Committee of the Senate, to offer any amendment. The fact is, I think that the amendment of the Senator from Maryland (Mr. BEALL) is a good amendment and I intend to support it, notwithstanding that it was offered here and not in committee.

But the point is, I have no apology to make for offering the amendment to make this 1 year instead of 2 years. I have made that point extremely clear from the outset that, one, I do not intend to get involved in trying to judge what is and what is not good programing; two, I am not happy with the form and substance of public broadcasting as it is obedient or is not obedient to the mandates of the statute; and, three, I intend to suggest, therefore, that the authorization be for 1 year instead of 2 years, instead of challenging the level of authorization, or any other amendment.

That is precisely what I have done. That is precisely what I said I was going to do weeks and months ago and I have no apology to make for it.

Mr. BEALL. Mr. President, I thank the Senator from Tennessee for his support.

Mr. President, I yield myself such time as I may consume.

I must say that the Senator from Rhode Island is well known as a skillful debater. On his remarks concerning the Vice Presidency, I am caught between my allegiance to my own State and its former Governor and the great Senator from the State of Tennessee.

The Senator from Tennessee said that he would like to have proposed his amendments in the committee, and I think, when possible, that we should do that, that we should use the committee process and not amend the bill. But, fortunately, of course, we were able to bring the bill to the Senate subject to further amendment.

If, as a member of the committee, I had been aware of the fact that this $10 million to $15 million hidden subsidy was being given to public broadcasting, I would have proposed an amendment when the bill was under consideration in the committee. But the fact, is I became aware of this only fairly recently. I think it is the kind of situation that should be corrected.

I am a strong supporter of public broadcasting and educational television. I am happy to say that when I was a member of the legislature of the State of Maryland, I was a sponsor of legislation that set up an educational television network in our State. We now have a good network with expanding broadcasting facilities. But one thing we tried to make sure of as we did it in our State, and one thing we should be sure of here, I think, if we do this all over the country, is that Congress constantly exercise its prerogative by closely examining what public broadcasting is doing and whether they are carrying out their legislative mandate.

We talk about exercising congressional prerogatives all the time. We talk about control in the field of foreign affairs and in other fields. I do not want to forfeit our responsibility to the public with respect to any administrative agency, whether it be the Corporation for Public Broadcasting or any other, but we have to guard it. This is our duty and our responsibility.

Mr. PASTORE. Mr. President, will the Senator from Maryland yield on my time?

Mr. BEALL. I am happy to yield to the Senator on my time.

Mr. PASTORE. The fact still remains that there have been no hearings on this item. The Senator knows what will happen when we go to the House in conference. The Senator has had that experience before, when there have been no hearings.

President Nixon sent up five names for members of the Corporation. The White House urged me to exercise all expedition in order to get that to hearings. I was there at the first hearing. Mr. President, do you know how many people attended those nearings most of the time? Just one. Pastore. That is all. I did not hear from anyone. I went all through this. What I am saying is that at that time we could have asked—if this was suggested—to the members of the Corporation, to the President of the Corporation, "What does this mean to you? What would it do to the efficiency of the Corporation?"

We have no record of any hearings. That is what I am saying. The Senator from Tennessee said he was for the 1 year. He told me that. But when I was ready to put the bill in for hearings, I was told that he could not attend the meeting and he was away for 2 weeks so we had to wait until he came back.

It would not have made that much difference if I had to go to conference. But I am in a bind now because the HEW bill is down for consideration next week and we have got the authorization. That is the only plea I am making here. I am making a greater plea here this afternoon for the HEW bill than I am for this, because, as I said before, I do not think it makes that much difference whether the authorization is 1 year or 2 years, if we appropriate for only 1 year. That is where we can control it.

Here I am. I am fighting with my friends.

Mr. BEALL. Mr. President, to continue on the amendment, as I said, if I had known that there was this $15 to $50 million cost at the time we had the hearings, I would have offered this amendment at that time. But I did not know it.

I think, in order to be fair to the public, we are telling them that we are authorizing an expenditure of money for the support of a Public Broadcasting Corporation network across the country. The public believes the authorization and appropriation levels in the legislation. They believe when we say we are going to allow them to spend *x* dollars this year for this purpose.

But if we also allow them to spend another $10 or $15 million in a subsidy coming out of their telephone bill, they ought to know that, too.

Mr. PASTORE. The Senator is correct.

Mr. BEALL. We, having discovered this subsidy, ought to limit it so that it does not grow to $30 or $40 million before we know about it. It is our responsibility to be honest with the public and to see that they do not continue down the road of spending subsidies. We should adopt this amendment now.

Mr. PASTORE. Mr. President, I believe the same situation would apply as applied in the case of the amendment of the Senator from Tennessee.

The PRESIDING OFFICER. Does the Senator from Rhode Island want the remaining time on the amendment reserved?

Mr. PASTORE. It will all be reserved. However, we will begin voting at a quarter to 2.

Mr. THURMOND. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 8, after line 7, insert a new section 7.

Subsection (B) of Section 396(g)(2) of the Communications Act of 1934 (47 U.S.C. § 396(g)(2)(B)) is hereby amended by adding to the end thereof the following:

"In contracting or making grants for program production under this subsection, the Corporation shall insure that there is equitable geographical distribution of its contract or grant funds throughout various regions of the country."

Subsection (C) of Section 396(g)(2) of the Communications Act of 1934 (47 U.S.C. § 396(g)(2)(B)) is hereby amended by adding to the end thereof the following:

"In making payments for local programming and operational costs under this subsection, the Corporation shall insure that there is equitable geographical distribution of such payments throughout various regions of the country."

Mr. THURMOND. Mr. President, I want to say in the beginning that some years ago I was a member of the Commerce Committee and a member of the Communications Subcommittee of which the distinguished Senator from Rhode Island was chairman. It was a pleasure to work with him.

I commend the Senator from Rhode Island for the outstanding leadership he has provided in the public communications field.

A great deal of progress has been made in my home State of South Carolina. I think it is one of the leaders in this field. However, there is a matter that I think deserves great attention. I have therefore offered my amendment to the Public Broadcasting Extension Act which is intended to strengthen the Corporation for Public Broadcasting and to develop its potential throughout every region of this Nation. Public Broadcasting is a concept which has wide support in this body. It has already achieved broad acclaim for innovative programing, particularly in the children's field. It has begun to explore new fields which have been previously untouched.

It can be said now, however, that the Corporation is well-established and out of the organizational stage. It is time to consolidate these gains and move forward. Public broadcasting is a concept which by its very nature does not have to adhere to traditional patterns or to the organizational systems of the past. It offers the opportunity to develop regional interests and to support the development of the rich and diverse cultural heritages of the various parts of the Nation.

Up to this point in time the Corporation for Public Broadcasting has let this area of development lie fallow. Perhaps there were understandable reasons for this. In starting a project, it is necessary to start somewhere, and CPB began to operate in the established production centers. The bulk of its programing contracts have been made in these established centers. I think it is time that the intent of Congress be made clear. The phase of initial operations is over. It is now time to move out across the land and develop regional sources. If we fail to do this now, the Corporation will be too well established, and perhaps too set in its ways when we next get the opportunity.

Mr. President, the Corporation for Public Broadcasting—CPB—distributes two kinds of funds to local public broadcast stations. A portion of the Federal appropriations given to CPB is used by CPB for support of the local stations' operating expenses. But, over the past 5 years, these funds have amounted to only 13 percent of CPB's total budget. While it is clear that CPB has not devoted enough of its funds for station support, the limited amount of money that has been distributed has been done so equitably to all public television stations and to eligible public radio stations throughout the country.

The other type of funds distributed by CPB—and by far the largest single category of CPB expenditure—is the TV program production funds. In fiscal 1972 CPB spent approximately $15 million in television program production. By no stretch of the imagination can it be said that these funds have been distributed equitably among the public television stations in the country. For example, of CPB's total TV program budget in 1972, 41 percent was spent in New York City—with NET receiving 27.9 percent of the funds and the Children's Television Workshop receiving 13.2 percent; 11.6 percent of the total budget was spent on Boston's WGBH-TV; 10.7 percent was spent on Washington, D.C.'s WETA-TV; 9 percent was spent on Los Angeles' KCET; and 9.2 percent was spent in Pittsburgh for the combined operations of WQED and the Mr. Rogers television program. That is, over 81 percent of the total CPB television production budget is distributed to only five major metropolitan areas. The balance of the funds go to stations in San Francisco, Chicago, and Columbia, S.C.

The funds which go to Columbia, S.C., are a perfect illustration of the case I am making. The Corporation has made a $725,000 program production grant to the Southern Educational Communications Association—SECA—based in Columbia. This grant is used for the production of the William F. Buckley "Firing Line" program, which has achieved international attention. We are very proud of my good friend, Bill Buckley, with his family ties to our State. We are very proud of the work which SECA has been doing across the board in promoting public broadcasting in the South. We want to keep the Buckley show based in Columbia.

However, appearances can be deceiving. Although the Buckley show is based with SECA, very little of the money is spent in South Carolina, and very little of the production is done in South Carolina. Most of the CPB grant goes directly to the National Review Corporation in New York, which bears all of the production costs and pays all of the salaries of producers, directors, program production staff, guest fees, and other fees. To show just how little South Carolina gets involved, I should point out that "Firing Line" has been produced over the past year in the following cities: New Orleans, Washington, D.C., San Francisco, Austin, Chicago, Boston, Sacramento, Los Angeles, Jerusalem, London, Saigon, and finally, Columbia.

I would like to see SECA get Federal funding to produce not only the Buckley show, with its international milieu, but also programs of regional interest to the South, and programs from the southern heritage which would be of interest to the Nation. I do not think that SECA will get such additional funds under the present policies of the Corporation.

I use SECA only as an example. Most of the production is done on the east and west coasts. The CPB has no production contracts in the Southeast, other than the Buckley show. It has no such contracts in the Southwest, none in the Midwest, none in the Northwest, nor in the Northeast. I am certain that all of these areas have a vital potential for public programing. With the increased funding contemplated in this bill, Congress must make sure that the funds are distributed equitably.

The CPB's record in the past year has given little encouragement that new regional production centers will be set up. While a $15 million television program budget is spent by CPB in some six or seven major metropolitan areas, only $350,000 has been distributed among some 210 television stations—the rest of the stations throughout the United States. Because of this imbalance of program expenditure, during prime time evening hours, over 90 percent of CPB's programing came from six station production centers that do national programing under grants from and contracts with CPB. One station production center—WNET in New York City—produced over one-quarter of the prime time programing, the Washington, D.C., station produced over 17 percent; the Boston station over 14 percent; the San Francisco and Los Angeles stations nearly 13 percent each; and the Buckley programing—ostensibly from South Carolina—accounted for 7 percent of the prime time schedule.

This type of imbalance must end if CPB is to live up to the requirement in the Public Broadcasting Act of 1967 that high quality programs must be obtained from diverse production sources.

When it comes to the Federal moneys for construction of public broadcasting facilities, the Congress has required HEW, which distributes these facilities moneys, to achieve equitable geographic distribution of the funds throughout the various States. The act also requires that no more than 8.5 percent of the total facilities appropriation be spent in any single State.

I believe that there should be similiar requirements for equitable geographic distribution of the substantial Federal funds used to underwrite television program production. If not, CPB will continue to spend most of these funds and obtain most of its programs from a few very large television stations in very large east coast and west coast metropolitan areas. The United States is more culturally, politically, and educationally diverse than is reflected in public television programing, and the Congress has an obligation to insure that public television reflects America's great diversity.

Mr. President, I have offered the amendment to H.R. 13918. I have sent a copy of the amendment to the desk and I shall not repeat it at this time but I do ask for its consideration at the time agreed upon.

Mr. PASTORE. Mr. President, there is nothing really objectionable to the position taken by our good friend from South Carolina except, of course, I have to keep repeating once again that the purpose was to try to pass this bill without amendment. This is for the simple reason we are trying to expedite consideration of the HEW appropriations and without this authorization, which is a very small part, we could disadvantage the health, education, and welfare of our people, and I would not want to do that.

Apart from that, I must say to my good friend from South Carolina that he is absolutely correct. In order to bring about a more equitable distribution there is contained in the legislation about 30 percent of the money for distribution to local stations.

In our report in 1967, to show the philosophy and feeling of Congress at that time we stated:

> The aid which the Corporation may provide under these subparagraphs, therefore, should be equitably distributed with the view to creating strong and imaginative local stations.

Mr. President, I repeat again, the only reason I am resisting this amendment is for the reason I have already given. This is no reflection on the merits of the amendment.

If we could adjust this without amending the bill I would be willing to take it up with the Corporation to see where the fault lies, if this amendment should fail. I make that promise to the Senator. That might not be satisfactory to him and he might want an up or down vote at this time. But I do want him to know there is nothing essentially wrong with his amendment; it is only a question of whether or not this time is the propitious time to bring this about. I think I can accomplish what he wants without his amendment, whether it is agreed to or not.

RECESS UNTIL 1:40 P.M.

Mr. PASTORE. Mr. President, if other Senators have nothing further to say at this time, inasmuch as we start voting at a quarter of two, I ask unanimous consent that the Senate stand in recess until 1:40 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered. Accordingly, at 1:25 p.m., the Senate took a recess until 1:40 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. TUNNEY).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call be charged equally against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there are expected to be three rollcall votes within the next few minutes. I ask unanimous consent that on the second and third rollcall votes the time for each vote be limited to 10 minutes, and that the warning bell sound midway.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, and I do not intend to object, I would like to check this with the leadership on my side and make sure it is all right.

Mr. ROBERT C. BYRD. Very well.

Mr. TOWER. I do not object.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum call be equally charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Does the Senator from Tennessee want the yeas and nays on his amendment?

Mr. BAKER. Yes. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I am ready to yield back the remainder of my time, if the Senator from Tennessee is.

Mr. BAKER. Mr. President, I am not quite ready yet. I need to confer with the authors of the other amendments. I suggest the absence of a quorum, to be charged against my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am prepared now to yield back whatever time I have remaining on the amendment.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TUNNEY). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee (Mr. BAKER). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. TAFT (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Montana (Mr. METCALF), the Senator from Florida (Mr. CHILES), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 26, nays 58, as follows:

[No. 238 Leg.]

YEAS—26

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Cooper
Cotton
Dole
Dominick
Fannin
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Packwood
Roth
Scott
Smith
Thurmond
Tower

NAYS—58

Allen
Anderson
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Cook
Cranston
Curtis
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Hart
Hartke
Hollings
Humphrey
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mathias
McGee
McGovern
Miller
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Young

ANSWERED "PRESENT"—1

Taft

NOT VOTING—15

Chiles
Gambrell
Goldwater
Gravel
Harris
Hatfield
Hughes
Inouye
Mansfield
McClellan
McIntyre
Metcalf
Mundt
Muskie
Williams

So Mr. BAKER's amendment (No. 1267) was rejected.

Mr. PASTORE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ROTH). The pending question is on agreeing to the amendment of the Senator from Maryland (Mr. BEALL) who has 3 minutes remaining; and the Senator from Rhode Island (Mr. PASTORE) has 7 minutes remaining.

Mr. BEALL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. BEALL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Maryland (Mr. BEALL).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 30, nays 54, as follows:

[No. 239 Leg.]

YEAS—30

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Brock
Buckley
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Mathias
Miller
Packwood
Scott
Smith
Stafford
Thurmond
Tower
Weicker
Young

NAYS—54

Allen
Anderson
Bayh
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cranston
Eagleton
Eastland
Ellender
Ervin
Fulbright
Hart
Hartke
Hollings
Humphrey
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
McGee
McGovern
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney

ANSWERED "PRESENT"—

Taft

NOT VOTING—15

Chiles
Gambrell
Goldwater
Gravel
Harris
Hatfield
Hughes
Inouye
Mansfield
McClellan
McIntyre
Metcalf
Mundt
Muskie
Williams

So Mr. BEALL's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOSS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the senior Senator from South Carolina. The senior Senator from South Carolina has 4 minutes remaining, and the Senator from Rhode Island has 11 minutes remaining.

Mr. THURMOND. Mr. President, I am willing to yield back the remainder of my time if the Senator from Rhode Island is.

Mr. PASTORE. Mr. President, I will yield back my time after a very short statement. I want this clearly understood. There is merit to the amendment. And I have explained all that this afternoon.

The purpose of the Senator from Rhode Island in rejecting these amendments that he deems may be desirable, but at this time not immediately necessary, is in order to avoid a conference that would delay the consideration of the appropriations bill on HEW. We would be accepting the House bill—and that has been my argument right along—in order that we might expedite the consideration of the appropriations bill on Health, Education, and Welfare which, in my opinion, is a very important bill. It has to do with the health, the education, and the welfare of our people.

Mr. President, we have written in the 1967 report that this money should be equitably distributed. We have raised the amount that must be given to the local stations up to 30 percent of what we appropriate.

I am perfectly willing, as I said to the Senator from South Carolina, to follow this through whether his amendment carries or not, to make sure that his idea is carried out.

I would hope that at this juncture the Senator will not compel our committee to go to conference because the action would be delayed, and would hamper this very important bill that has been assigned for consideration by the Senate next week, the appropriations bill for HEW.

I hope that is understood. I do not deny the merits of this particular amendment. However, I think at this time it would be unfortunate to attempt to do it in this way.

Mr. THURMOND. Mr. President, the only thing I am concerned about is that just a few States are getting all of this money.

Mr. PASTORE. The Senator is correct.

Mr. THURMOND. Mr. President, five cities are getting almost 82 percent of this money. Why should this money not be distributed over the country geographically so that the rest of the States can share in it? I do not know how else to do this except through the passage of legislation.

The bureau has not done it. We have no expression from them that they will do it.

If the Senator from Rhode Island can assure me that there will be a definite distribution on a geographical basis, I am willing to dispense with a rollcall vote and withdraw the amendment. But unless we get the assurance, we have to put it in the law because there are five cities getting 82 percent and the others are getting driblets. There is no reason why these stations should not be able to manufacture their own programs and join in these funds. At the present time this is not being done.

Mr. PASTORE. This is what I am willing to do. I am willing to invite Mr. Macy to come to my office and the Senator may come there also, and put his complaint before him. I will insist that the aid under these paragraphs be equitably distributed with the view to creating strong and imaginative local stations. That language was written in the report. I am going to insist upon it. But I cannot agree that 82 percent of this money is going where the Senator said it is going.

Mr. THURMOND. I can name the cities that it goes to.

Mr. PASTORE. I know. Those are the Senator's statistics.

I am perfectly willing to call Mr. Macy to my office and have the Senator there and straighten this matter out. But I think it would be disastrous at this time to force this bill to a conference.

Mr. THURMOND. Mr. President, in view of the assurance of the Senator from Rhode Island that he will contend for the principle laid down in the amendment, that he will get Mr. Macy in and invite not only me, but other Senators who wish to appear——

Mr. PASTORE. Anybody the Senator wants to bring.

Mr. THURMOND. So we can assure that this money is distributed on a proper geographical basis, and that is all I want to do—if it is not done this year I shall be back with the amendment again and at that time we will expect a rollcall vote.

Mr. PASTORE. And the best ally the Senator will have in that case will be Pastore.

Mr. THURMOND. In view of those assurances, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. WEICKER. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 4, line 21 strike the word "and".

On page 5 after line 3 insert the following:

'"(C) for the fiscal year ending June 30, 1975, the lesser of—

'"(i) $90,000,000, or

'"(ii) $40,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1973;

'"(D) for the fiscal year ending June 30, 1976, the lesser of—

'"(i) $90,000,000, or

'"(ii) $40,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1974; and

'"(E) for the fiscal year ending June 30, 1977, the lesser of—

'"(i) $90,000,000, or

'"(ii) $40,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1975;

Provided, however, That it is the intent of Congress that no further funds shall be authorized or appropriated under this Act or for the purpose of supporting any form of radio or television broadcasting after the fiscal year ending June 30, 1977."'

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend for a moment. The Chair requests that the Senate be in order.

The Senator may proceed.

Mr. WEICKER. Mr. President, this amendment would guarantee 5 years of Federal financing for the Corporation for Public Broadcasting and at the end of those 5 years it declares it to be the intent of Congress to have no further Federal financing of that entity.

Ever since the Corporation for Public Broadcasting was created by Congress in 1967 there has been a constant, often acrid debate over, not the quality, but the content of both national and local public programing. In recent months this debate has become sharply reflected in both Houses of Congress and has evolved into a quesiton of Federal funding and the very future of public broadcasting.

The debate over a 1-year or 2-year authorization, the debate for or against a national public television network, the debate over salary limitations for public broadcasting executives—all these cloak the real issue: Does public television reflect all views on the political spectrum adequately to satisfy representatives of those views? This is a very dangerous question. It runs directly counter to the first amendment guarantees of freedom of the press.

The last time any government had such a large and powerful communications entity as CPB at its disposal was 30 or 40 years ago, and that government went out of business with Germany's defeat in World War II.

On a regular basis Congress is asked to authorize Federal funds for public broadcasting. If that were the extent of the issue, I would have no problem. Unfortunately as each of us votes on any issue relating to public funding of broadcasting, the votes we cast, consciously or unconsciously, reflect legislative or executive approval or disapproval of the programing we see.

I offered an amendment in the Commerce Committee to authorize funds for CPB over a 5-year period with the clear understanding that at the end of that time no further Government money would be forthcoming for public broadcasting. I strongly believe that my amendment has merit on several counts:

First, it would get Congress and the administration out of the perpetual debate over program content and bias.

Second, it would firmly establish the political independence of public broadcasting, making it subject only to normal FCC procedures.

Third, it would tell public broadcasters exactly where they stand, removing the uncertainty over future funding.

Fourth, it would direct public broadcasters to seek their eventual support from the public at large.

The original purpose of public broadcasting was to give a relatively limited audience a form of entertainment and information which was unavailable on commercial stations; to upgrade viewing and viewers. If this audience is expanding and appreciating what it is getting, it should be willing to pay for it. If public broadcasting actually appeals to an audience so intellectually and politically limited that it is unable to support itself with private contributions, then, under my proposal, it has 5 years to broaden its appeal.

In the case of public broadcasting, the basic problem is now very much in focus. The power of the purse is quite literally the power to shape content. Such awesome power of persuasion has no place in the hands of a Federal Government whose accountability to the people should be shaped by its deeds rather than its words.

I now see very clearly the problems of Government getting into television. I think we all understand the motivations behind the debates that have gone on in these halls over the past several years. Administrations do not like federally financed criticisms. Now that this administration has had a chance to appoint a board of directors, I can assure the Senate it is only a matter of time before policies will change, and if it is a Republican administration continuing the next 4 years, as I think it will be, that is fine for some of us. If it is a Democratic administration, they will run the same gambit. That is the whole reason for getting Government out of the business of radio and television.

Mr. President, I do not intend to ask for a rollcall vote, but only to highlight this matter. This is a matter that has not had a full hearing. We had hearings on 1-year and 2-year extensions of funding for CPB, but never on the question whether any funding was a proper investment for Government to make.

I hope in the next session the chairman of the Subcommittee on Communications will grant hearings on this subject to see what the feelings of the people of the Nation are on this basic constitutional and policy issue. With that, I am willing to yield back the remainder of my time. I hope the distinguished chairman has a comment on whether or not it will be possible to get hearings on this vital question.

Mr. PASTORE. Mr. President, when the Senator said there have been no hearings on this he was in error. I was manager of the bill in 1967 when we created the Public Broadcasting Corporation and it was done at the request of the previous administration. The vote on this was overwhelming. What the Senator from Connecticut is now saying, is that unless Public Broadcasting becomes financially independent in 5 years and begins to raise money on its own, without looking to the U.S. Treasury, it should go dark.

That is the sum and substance of his argument. Of course, I cannot subscribe to that. I think what we need to have, is something we have been promised time and time again, not only by the Johnson administration but by the Nixon administration. I must say I have urged them time and time again by way of letter—that is a recommendation on a long-range financing plan. That has not, of course, been forthcoming. I do not know why. I do not know what the motivation is on their part. I realize it is a very sensitive field.

On the other hand, if we do not get the money out of the U.S. Treasury, it has to come from somewhere else. Last year we appropriated $35 million, but there was $143 million for public broadcasting. The rest came from the foundations and private contributions, and most of the money was spent at the local level. About 15 percent of the amount of money we appropriated last year was actually granted to the local stations. This year we have raised the percentage so that no less than 30 percent has to be given the local stations.

So I say to my good friend from Connecticut, if he introduces a bill to carry out his idea and it comes before the committee, we will have to give very serious consideration to that and hold hearings on it. He is a member of the committee. I hope he will come in. We will have to call not only people who are interested in public broadcasting. I have said previously this afternoon that when we had the Surgeon General before us, after the recent statements about the problems of violence on television and what effect violence on television had on the behavior of children, we invited him and his entire advisory council, made up of expert sociologists, psychiatrists, and psychologists. To a man, each witness said we ought to do more about public broadcasting.

Perhaps here and there we have failed. Perhaps here and there we have had to have a nudge. But we should not use the ax.

If it would please the Senator from Connecticut, he might introduce his amendment sometime as a bill, or at any time when the members of the Corporation appeared before us. If he would attend those hearings, we could go into this matter in depth.

Mr. WEICKER. Mr. President, I am afraid we have a slight disagreement. I think we ought to get it clarified. While the Senator from Rhode Island was very active in studying public broadcasting here in the Senate, I was likewise busy in the House of Representatives, in Hartford, Conn. So we are both for public broadcasting. Let us make that very clear. His statement that I wanted to do away with it is not correct.

The Senator may talk about long-range financing, but we are talking about a very basic question—whether or not an incumbent administration should have at its disposal such a potential propaganda entity as public broadcasting. That is what we are talking about.

I am not going to attribute any motives to the distinguished Senator from Tennessee, but I am going to make my own observations. This is the way I look at it from what I have heard in the Halls of this Capitol—not from the distinguished Senator from Tennessee. I want to make that point clear. But I know one of the reasons we had an amendment on the floor today for a 1-year authorization, rather than a 2-year authorization, was the displeasure of the administration at some of the programs on public television.

This is what the amendment is all about. I do not care whether it is a Republican administration or a Democratic administration, we are always going to have such debate. What I wanted to do with my amendment was to give public broadcasting adequate funds over a long period of time so it could devise plans to free itself from any sort of governmental control—not to do away with it, as the Senator from Rhode Island says.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WEICKER. I will yield to the Senator, on his own time.

Mr. PASTORE. Of course on my time.

Will the Senator be a little more specific as to how he intends to do this? I thought his argument was that after 5 years we would take away the public money. Is that correct?

Mr. WEICKER. That is correct.

Mr. PASTORE. That is the death knell.

Mr. WEICKER. Why is it the death knell?

Mr. PASTORE. Because unless the Government comes up with a long-range plan in the meantime, we do not get public money and it is going to die.

Mr. WEICKER. What is the proportion of financing to which the Senator referred? How much is from public money?

Mr. PASTORE. I have already stated it—$35 million as against $13 million.

Mr. WEICKER. From the Government.

Mr. PASTORE. The difference between $35 and $13 million came from the Ford Foundation—the only reason the Ford Foundation gives is because the Federal Government gives—it came from CBS—the only reason CBS gives is because the Government gives—it came from other individual contributors—the only reason they give is because the Government gives. The minute the Government stops giving, they will stop giving, and it is going to die a natural death. Therefore, some permanent form of financing is necessary, and we have been waiting for it.

Some people say we ought to allow the stations to advertise. The minute we do that, people will object. Some persons have said we ought to have an excise tax on television sets. Then people will argue that that is an injustice to the consumer. Why should a man have to pay an extra charge for something he is not going to use? Others say those who build television sets should pay for it. Manufacturers of the television sets say, "Why should we carry the burden? If the educational process of our people is for the public good, it belongs to everybody, and let everybody pay for it."

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BAKER. I want to speak in opposition to the amendment of the Senator from Connecticut. The Senator from Connecticut offered the essence of the amendment in the executive session during final markup of the bill. We had a voice vote, and it was not adopted. He very properly filed separate views on the subject.

I entirely agree with the Senator from Rhode Island that to commit this Congress to the termination of public financing or Federal financing of broadcasting at some future date spells the death knell for the days of public broadcasting. We designed and adopted in 1967 a public broadcasting system which was never designed to be free of the public treasury.

As a matter of fact, it was stated that unless we could devise what in effect was a hedge against centralization, we would have, in fact, a fourth commercial network.

The remarks I tried to make earlier in the day, in the debate on my amendment, to have a 1-year authorization instead of two, were to the effect that, rather than jeopardize the original concept of public broadcasting, rather than try to inject myself into the program content, rather than try to chuck the whole thing, I proposed we do it a year at a time, while we get a program of permanent financing, so that it can proceed in an orderly way, free of the fear so properly expressed by the Senator from Connecticut.

Now, on another matter, it has been said that sometimes the most dangerous thing on earth a man can do is to try to speculate or postulate on another man's motives. In my situation, there is nothing dangerous about it, because the speculation of the able Senator from Connecticut is not accurate.

Mr. WEICKER. If the Senator will yield, I did not speculate on the motives of the Senator from Tennessee and so stated.

Mr. BAKER. The Senator from Connecticut said he thought the reason for it was that the administration was displeased with the program content.

Mr. WEICKER. That was my interpretation.

Mr. BAKER. Since I offered the amendment, I interpreted that to be a speculation on my motives in offering it.

Be that as it may, for some time I have been active in the Communications Subcommittee, for some time I have been interested in public television, and as I also said in earlier debate, I am sure the Senator from Connecticut will fully appreciate and understand that I have been working for a long time on this amendment. But my concern with the bill was not on the level of funding, and it was not with the amendments I understood would be offered, but, rather, with whether it was 1 year or 2 years.

That was not this week, or last week, or last month. That has been a longtime concern of the senior Senator from Tennessee. It has not anything to do with what anybody thinks about program content or the prospects of public broadcasting.

In sum, I think the amendment offered by the Senator from Connecticut would end the design for public broadcasting which was adopted overwhelmingly by the Congress in 1967.

Mr. WEICKER. When the Senator from Tennessee takes a look at the RECORD, he will see that I took pains to dissociate my observations from his motivations, but my observations hold true as to what was behind the vote which we recently had.

Let us make no mistake about it, whether it is the Senator from Rhode Island, the Senator from Tennessee, or the Senator from Connecticut, all three of us are 100 percent behind the Corporation for Public Broadcasting. However, there seems to be quite a bit of difference of opinion as to whether or not it is healthy to exercise governmental control. Let me assure the Senate, and I think the Senator from Tennessee knows this, that much of the debate within the committee and much of the talk on this bill relates to broadcast content. I do not think that is a job for the Government. I do think, as I said in my statement, that we should be judged on our deeds, not on our powers of propagandizing what we have or have not done.

The concept of public broadcasting was to give seed money to this institution, with the hope that they would be innovative, that they would branch out in fields that, at that particular moment in television history, were not commercially profitable enough for free enterprise to take on.

The Senator from Tennessee indicates that he wants 1 year's worth of funding. My amendment calls for 5 years, but in the course of that 5 years I want CPB to be able to plan to free themselves from the control of the Senate Commerce Committee, the House Commerce Committee, or the administration. We have no business in this business.

I yield to the Senator from New York.

Mr. BUCKLEY. Mr. President, I just want to say that I share the concern over the dangers inherent in the public financing of any system of broadcasting which has been expressed by the Senator from Connecticut. I believe that inevitably, if important Federal funds are channeled into the support of such a system, arguments will arise time and time again as to bias in news analysis, and in the shaping of programs presented to the public. This is not desirable, in the first instance, and it is potentially dangerous. By the same token any system which has become dependent on the Federal Government for an important source of funds cannot survive a sudden termination of that funding.

So I intend to vote in favor of the proposal of the Senator from Connecticut, even though I think 5 years is too long a period within which to phase out Federal funding. I also want to say that I am convinced that as between state and private sources, a healthy system of public broadcasting can be maintained.

As I said earlier, I do not believe it is possible or desirable to terminate Federal funding of the public broadcasting system promptly. However, as there is no doubt but that the bill under debate will be adopted by a wide margin, and I intend to vote "no" on final passage so as to emphasize my own view that the system must be weaned from the Federal Treasury.

Mr. PASTORE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. WEICKER. I beg the Senator's pardon. Has the Senator from Rhode Island yielded back the remainder of his time?

Mr. PASTORE. Yes.

Mr. WEICKER. I yield back the remainder of my time.

The **PRESIDING OFFICER.** All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was rejected.

The **PRESIDING OFFICER.** The bill is open to further amendment.

Mr. PASTORE. Mr. President, I do not know whether the Senator from Michigan (Mr. GRIFFIN)——

Mr. BAKER. Mr. President, I do not believe the Senator from Michigan intends to offer his amendment. I know of no further amendments to be offered at this time.

The **PRESIDING OFFICER.** If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

Mr. PASTORE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I yield 5 minutes to the Senator from New Hampshire.

Mr. COTTON. I thank the Senator.

Mr. President, I merely wanted to make an observation or two before this bill passes.

Together with the distinguished chairman of our Committee on Commerce, the Senator from Rhode Island, the Senator from Tennessee, and others, I was a sponsor of the first public broadcasting bill. I have been deeply interested in public broadcasting through the years. As a matter of fact, I recall personally urging my constituents to give funds to support the local public broadcasting station situated at our State University in my State of New Hampshire.

Yet, it is a little ironic that, although in complete sympathy with many of the ideas expressed here today supporting public broadcasting, I myself have been the victim of the very local public broadcasting station for which I solicited funds. In my last campaign I received what I feel was the most unfair treatment from that particular station of any news medium, perhaps with one exception, in the State of New Hampshire. Nevertheless, I still am a friend of public television.

As a member of the Appropriations Subcommittee on Labor, Health, Education, and Welfare, I have complete sympathy with the motives of the Senator from Rhode Island in seeking to get this bill through without necessitating a conference with the House of Representatives. It is vitally necessary that this matter not be delayed, since it contains an authorization which is needed if the appropriation process is to move forward in a timely fashion.

I wish to say, Mr. President, that perhaps the most meritorius amendment of all those offered, or contemplated to be offered, was that which the Senator from Michigan (Mr. GRIFFIN) was prepared to offer. I understand he did not do so, because he, too, agreed with the distinguished Senator from Rhode Island as to the necessity of not amending this bill to avoid the delay of a conference.

His amendment, as I think most Senators know, would have required local public broadcasting stations to keep records, including audio recordings, for a reasonable period of time of public affairs programs. Then, any aggrieved candidate, any aggrieved political group or party, anyone representing the committees of Congress, or any other interested members of the public could examine what had been broadcast by these stations and ascertain for themselves whether the news had been slanted or the commentary had been unfair.

I understand that the distinguished Senator from Rhode Island, who is so fair in all these matters, has indicated to the Senator from Michigan that he will hold hearings on the Senator's bill (S. 3277).

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. PASTORE. I certainly have made that promise, and I shall do so. It will not be before the Republican convention, but sometime after that.

Mr. COTTON. As far as I am concerned, I do not even care if the Senator waits until next January.

Mr. PASTORE. All right; that is even better for me.

Mr. COTTON. I do think it is something that should receive attention. I agree with the Senator from Connecticut and the Senator from New York that there is inherent in public broadcasting what potentially could be a grave danger and menace to this Republic. It is a news medium supported by public funds. It is in a position to become—and I neither say it ever will, nor do I claim it is now—a very serious problem with its potential power over the minds of our people.

I have confidence in the people who administer it now. Mr. Macy is a personal friend of mine. Before he came into Government, he was president of my alma mater. I knew him in that capacity. I hold him in high regard. I have great confidence in him.

But, I do feel that we should constantly bear this possibility in mind. I will say to my friend from Connecticut, even if he had his amendment adopted, providing that Federal funds would stop at the end of 5 years, it does not mean this would happen.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. Mr. President, will the Senator yield me 2 additional minutes?

Mr. PASTORE. I yield.

Mr. COTTON. During the 18 years I have been in the Senate, I recall that on at least three occasions when we passed the foreign aid bill, a provision was written into the bill that all foreign aid would cease in 2 years, 3 years, or 4 years. This has been going on for 18 years. The point is that you do not stop these things, because you say so in an amendment.

Mr. President, I merely wanted to make these observations as one who has supported public broadcasting from the beginning—but is very keenly aware of its inherent dangers.

As the ranking minority member of the Commerce Committee, I again commend the Senator from Rhode Island. His leadership in the field of communications all during the years I have known him has been superb.

I also wish to commend the Senator from Tennessee, the ranking minority member of our Subcommittee on Communications, for his diligent work on this measure.

I am glad we will not have to go to conference. But I am also glad that we are not sweeping some of these very important policy questions under the rug.

Mr. PASTORE. Mr. President, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I wish to join in commending the leadership of the distinguished Senator from Rhode Island. I am pleased to express my strong support for H.R. 13918, the Public Broadcasting Act of 1972, intended to provide improved financing for the Corporation for Public Broadcasting.

I consider public and educational broadcasting among the more important and worthwhile activities receiving Government assistance. I commend the Committee on Commerce for its favorable consideration of this legislation and for recommending a 2-year authorization for the Corporation for Public Broadcasting and increasing the authorization of Federal funds to $65 million in fiscal 1973 and $90 million in fiscal 1974. Another important feature of this legislation is the authorization of increased Federal matching grants under the educational broadcasting facilities program.

The need for quality radio and television broadcasting in this country is clear. There are many gaps in the service provided by the commercial networks and stations. The public stations have begun to fill some of these gaps and with additional support should be able to do even more.

Public broadcasting has made a particular contribution in the area of children's programing, with "Sesame Street," "The Electric Company" and "Misterogers Neighborhood." There have also been outstanding accomplishments in public affairs and cultural programing. I refer to such programs as "The Advocates," "World Press," "American Dream Machine," "Film Odyssey," and "Masterpiece Theatre," which has offered some outstanding and popular productions from the British Broadcasting Corp.

I would also mention that public television has on occasion provided live coverage of Senate hearings. This provides the American people the opportunity to see the Congress at work, considering subjects of major importance to the Nation. National public radio has provided extensive coverage of important hearings of House and Senate committees, including, for example, the hearings of the Committee on Foreign Relations this week on the arms limitation agreements.

The record of public broadcasting thus far merits our further support and I believe there is great potential for service to the Nation. Although the funds authorized by this legislation would represent a considerable increase over past Federal funding, the sums are still meager in comparison with many of our foreign and military expenditures. I might also point out that the amounts authorized by this legislation are still considerably less than the total of tax funds allocated to the Voice of America, Radio in the American Section of Berlin—RIAS—Radio Free Europe, Radio Liberty, and the overseas Armed Forces Radio and Television Service.

Mr. President, I am particularly proud of the achievements of public radio and television in Arkansas. I am hopeful that the increased funding in this legislation will enable extended service in the State. KETS, the State's public educational station, serves only the central Arkansas area. Because this is the more heavily populated region, and because residents of many other communities in the State receive KETS through cable television, large numbers of Arkansas citizens are being served. However, there is a need to make this a truly statewide service, and I am hopeful that educational broadcasting facilities matching funds can be made available to assist in constructing additional transmitters. Gov. Dale Bumpers had indicated his support for such a move.

KETS recently joined the public broadcasting service network, thus receiving programs on a direct rather than delayed basis. KASU at Arkansas State University is a member of the national public radio network and for the past 3 years has benefited from community service grants of the Corporation for Public Broadcasting. KASU offers an outstanding and varied selection of programs, including classical and jazz music, public affairs, and news. Among these is NPR's "All Things Considered," an innovative daily news digest. KASU also carries numerous programs of special local interest.

Mr. President, public radio and television are making a strong contribution in Arkansas with their quality programing, in addition, of course, to the instructional services provided by KETS. Tonight, for example, Arkansas viewers can see programs such as "For the Love of Art," "Arkansas Game and Fish Highlights," "Thirty Minutes With . . .," "Net Playhouse," "World Press," and "Critic at Large," featuring singer Maria Callas.

I once again express my support for this legislation, and want to emphasize its importance to the people of this country. Finally, I want to indicate my agreement with the committee's recommended 2-year authorization. In this case I believe it is important to provide the Corporation with the stability needed for the planning inherent in television. Further, it is important to insulate public broadcasting from Government interference. Oversight is one thing, but interference is quite another. The efforts by some administration officials to undercut PBS public affairs programing make the need for this insulation all too clear.

Mr. President, I ask unanimous consent to have printed in the RECORD several articles about public broadcasting in Arkansas and a letter from the president of the Southern Educational Communications Association who refers to the outstanding work of Mr. Lee Reaves, director of the Arkansas Educational Television Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arkansas Gazette, March 30, 1972]

KETS TO JOIN PBS SUNDAY EVENING; MAJOR PROGRAM CHANGES WILL RESULT

KETS, Channel 2, the state's educational television station will join the Public Broadcasting Service network at 5 p.m. Sunday. This will bring some major changes in the station's evening programing.

The station hopefully will be able to begin color programing. Fred Schmutz, the station's program administrator, said the KETS transmitter has always been color-capable, but that since the network programs KETS has been showing were videotapes that were shipped to the station, they had been broadcast in black-and-white.

"We received a burst of color from the network this morning, so we're hopeful that we will be able to show network programs in color," Schmutz said Wednesday.

He said the station had no studio facilities for producing its own color shows, and that it would not be able to show color videotapes or slides. However, the network hookup will allow it to show the "live" PBS shows filmed in color.

The network link also will allow KETS to operate on Sundays.

Schmutz said program schedules would be "jumbled" after the network hookup, and advised viewers that their favorite programs may be shown at different times.

PBS programs on KETS have been seen on tape about a week late, since they must be shipped in. Beginning next week, most of these will be broadcast at the time they are shown nationally.

Also, many programs of a topical nature will be added to the schedule. PBS had refused to let the station show these programs since many of them would be out of date by the time they were received on tape. "This Week," "World Press," "Wall Street Week" and "Washington Week in Review" are some of the programs that will be added.

The network link was made possible by a microwave transmission system from Little Rock to Conway. A horn antenna atop the microwave platform of the Southwestern Bell Telephone Company Building at 120 West Eighth Street will beam the PBS signal to a relay station at High Point, north of Roland. The signal will then be strengthened and relayed to an 87-foot tower at Cadron Ridge, west of Conway, for relay to the KETS transmitter.

The installation of the equipment required in the network hookup cost Southwestern Bell $150,000.

The state legislature has appropriated funds for color transmission from the station, although not for originating programs in color at the station. Application has been made to the federal Health Education and Welfare Department for matching funds for new color transmission equipment, but the grant has not been approved. Schmutz said the federal grant application would be considered around the end of May.

"Androcles and the Lion," a children's Easter special, will begin the new PBS schedule at 5 p.m. Sunday. Other Sunday evening programs are "Zoom," a children's program; "The French Chef," William F. Buckley's "Firing Line" and "Masterpiece Theater."

Schmutz said "Sesame Street" and "Misterogers' Neighborhood", two of the station's most popular children's programs, would still be shown in black-and-white, since they are received in the morning, then videotaped for broadcasting in the afternoon.

[From the Arkansas Gazette, Apr. 2, 1972]

NETWORK ETV STARTS TODAY

(By Martha Douglas)

Live network shows and some colorcasts arrive on Channel 2 today. So does Sunday afternoon programming.

For TV fans the development is most welcome because commercial network offerings for Sunday have been declining season by season, except for occasional good movies and sports events.

Channel 2 listings now will provide an alternative to those of the other stations—from 5:30 to 10 p.m. (The station goes on the air earlier (3:30) today to present a pair of Easter programs.)

The network linkup was established with the installation of a $150,000 microwave system by Southwestern Bell Telephone Company. Finally Channel 2 at Conway has been hooked into the national Public Broadcasting System network of more than 100 educational TV stations. Arkansas viewers now will see PBS programs at the same time as persons elsewhere in the country. Gone will be the clumsy tape and film operation, via the mails, which forced delays of a week or more in showing the programs in Arkansas.

Limited color now is available, for shows which the station receives in color directly from PBS. From two and a half to three hours of colorcasts are planned each night. No equipment presently is available for originating programs in color.

A drastic schedule scramble results from the network linkup. You will find many favorite shows in new slots. The instructional schedule, however, is unchanged.

The switch to "live" telecasting means that some PBS programs will be missed, noticeably so if the shows are in sequence. For instance, the first chapter of the Masterpiece Theater's eight-part version of James Fenimore Cooper's "The Last of the Mohicans" will be lost. Under the old tape and delay arrangement Masterpiece Theater showed on Wednesdays what the network carried on Sunday. Thus, Chapter 1 of the Cooper classic was telecast last Sunday by PBS.

CHANNEL 2 TODAY

An hour-long version of the children's story, "Androcles and the Lion," is Channel 2's first live network show. The performance by the University of Alabama Children's Theater group will be seen at 5.

"The Last of the Mohicans," which follows the six-part "Elizabeth R" on Masterpiece Theater, is a romanticized version of the French and Indian War in which Cooper comments on the clash between savagery and civilization. Like "Elizabeth," the series first appeared on the BBC. It will be carried at 8 o'clock.

The schedule: 3:30 p.m., Arkansas Continuum, repeat of highlights of the recent all-state band clinic; 4 p.m., Oscar Brand's Easter; 4:30 p.m., Easter at Boys Town, concert by the 65-voice Boys Town Choir; 5 p.m., "Androcles and the Lion"; 6 p.m., Zoom; 6:30 p.m., The French Chef, repeat of "Spaghetti Dinner Flambe"; 7 p.m., Firing Line; 8 p.m., Masterpiece Theater; 9 p.m., "Self Defense for Women," first of 10 lessons, and 9:30 p.m., Guitar, Guitar, opener of a series, features jazz guitarist Jerry Hahn.

[From the Jonesboro Sun, April 30, 1972]

GRANT MADE TO STATION

The Corporation for Public Broadcasting has announced a $9,000 Community Service Grant to KASU, Arkansas State University's noncommercial, educational FM radio station. It was the third consecutive year for KASU to receive financial aid from the Corporation.

Only selected public radio stations which meet standards set by CPB are eligible to receive Community Service Grants from the Corporation. This grant brings to almost $30,000 the amount KASU has received in three years.

Charles Rasberry, ASU's Director of Broadcasting, said the grant money will be used to continue funding the salary for a full-time news director for KASU, to purchase special children's programs and to provide a small promotional budget for KASU programs.

SOUTHERN EDUCATIONAL
COMMUNICATIONS ASSOCIATION,
Columbia, S.C., June 20, 1972.

Hon. J. W. FULBRIGHT,
Washington, D.C.

DEAR SENATOR FULBRIGHT: As you are aware, the Public Broadcasting Act of 1972 is scheduled for your consideration, possibly by the end of this week. The Board of Directors and membership of the Southern Educational Association, a 14-state organization made up of educational television and radio stations, has gone on record in enthusiastic support of this measure. Passage of the bill will provide public broadcasting a strong base of financial support; and with the two-year authorization, public broadcasters will be able to more accurately project the level of service they can provide to their audiences.

As you know, the efforts in educational broadcasting at KETS, Conway, are making a dramatic impact on the lives of thousands of Arkansans. Under the leadership of SECA Board member Lee Reaves, the scope of service has grown to outstanding proportions; and the future looks brighter with the addition of new equipment. Passage of this legislation will enable Lee to make greater, more significant strides toward full service to everyone in the state. Your favorable consideration of the Public Broadcasting Act of 1972 is earnestly sought.

Sincerely,

WAYNE SEAL,
President.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. BAKER. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. TAFT (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. McCLELLAN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Louisiana (Mr. Ellender), the Senator from Iowa (Mr. Hughes), the Senator from New Jersey (Mr. Williams), the Senator from Maine (Mr. Muskie), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Jersey (Mr. Williams), and the Senator from Oklahoma (Mr. Harris) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Oregon (Mr. Hatfield) is necessarily absent.

If present and voting the Senator from Oregon (Mr. Hatfield) would vote "yea."

The result was announced—yeas 82, nays 1, as follows:

[No. 240 Leg.]

YEAS—82

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGee
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—1

Buckley

ANSWERED "PRESENT"—1

Taft

NOT VOTING—16

Ellender
Gambrell
Goldwater
Gravel
Harris
Hatfield
Hughes
Inouye
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mundt
Muskie
Williams

So the bill (H.R. 13918) was passed.

Mr. PASTORE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. SPARKMAN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

ORDER FOR THE YEAS AND NAYS ON H.R. 15585

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on H.R. 15585, the Treasury-Postal Service appropriation bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on that bill.

The yeas and nays were ordered.

FOREIGN ASSISTANCE ACT OF 1972

The **PRESIDING OFFICER** (Mr. Roth). Under the previous order, the Chair lays before the Senate S. 3390, to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Massachusetts (Mr. Kennedy) be recognized at this time for the purpose of calling up an amendment to the unfinished business, S. 3390, that there be a time limitation on that amendment of 20 minutes to be equally divided between the Senator from Massachusetts (Mr. Kennedy) and the Senator from Alabama (Mr. Sparkman); and that upon disposition of that amendment, the Senate return to the order already entered and, at that time, the Chair lay before the Senate S. 3001, the Federal Financing Bank bill. I have cleared this request with the distinguished Senator from Vermont (Mr. Aiken), the distinguished Senator from Alabama (Mr. Sparkman), and the distinguished Senator from Massachusetts (Mr. Kennedy).

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1264

Mr. KENNEDY. Mr. President, I call up my amendment No. 1264 to S. 3390.

The **PRESIDING OFFICER.** The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment reads as follows:

On page 8, line 12, after "Sec. 5" insert the subsection designation "(a)".

On page 8, between lines 16 and 17, insert the following new subsection: "(b) Chapter 4 of part II of the Foreign Assistance Act of 1961, relating to security supporting assistance, is amended by adding at the end thereof the following new section:

" 'Sec. 534. Refugee Assistance in Cambodia.—The President is authorized to provide humanitarian assistance, on such terms and conditions as he considers appropriate, to refugees and war victims in Cambodia. Of the funds appropriated pursuant to section 532 for the fiscal year 1973, not less than $2,000,000 shall be available until expended solely to carry out this section.'."

Mr. KENNEDY. Mr. President, this is a very simple amendment. It provides an earmarking of the sum of $2 million in counterpart funds to be used for humanitarian purposes in Cambodia.

The **PRESIDING OFFICER.** Would the Senator suspend? The Senate will be in order.

The Senator may proceed.

Mr. KENNEDY. Mr. President, it will be used primarily for war victims, for civilian war casualties, and other health programs, and for refugees in Cambodia.

Cambodia is the only country in Southeast Asia that has not received U.S. funds for refugees. They have received certain kinds of foodstuffs, but, unlike South Vietnam or Laos, they have not participated in any kind of U.S. aid program for refugees.

The best estimate is that there are now 2 million refugees in Cambodia and tens of thousands of war victims. This is an amendment not to increase the authorization, but to take counterpart funds that would otherwise be expended and to earmark them for the war victims of Cambodia.

The need is apparent. The GAO reports and our own committee reports of the Subcommittee on Refugees show that there is a tremendous need for health assistance to refugees.

There has been a general reluctance on the part of the Government of Cambodia to meet these requests because they have felt—and the record shows this—that, if they made a request for civilian needs, perhaps their military aid would be reduced.

I believe that the amendment is worth while. I think it extends America's humanitarian concern for the people of Southeast Asia.

I think this is an extremely reasonable amendment. I would like to see one 10 times this amount. But even this will be helpful in alleviating much of the pain and suffering of the people of Cambodia.

I have had an opportunity to discuss this amendment with the distinguished Senator from Alabama (Mr. Sparkman), and with the ranking minority member of the committee, the Senator from Vermont (Mr. Aiken), to make them aware of the need for this amendment. I am hopeful that they will agree to take the amendment to conference. It is further my understanding that the House Foreign Affairs Committee agreed to this amendment.

I hope that the manager of the bill will accept it and take it to conference.

The **PRESIDING OFFICER.** Who yields time?

Mr. SPARKMAN. Mr. President, I have conferred with the Senator from Massachusetts. I thought there was merit in his proposal. I suggested that he discuss it with the Senator from Vermont (Mr. Aiken).

As far as I am concerned, I am willing to accept the amendment. But I defer to the Senator from Vermont.

The **PRESIDING OFFICER.** The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, I think Cambodia is at least as much deserving of assistance in this field as most of the countries to which we already provide assistance.

The amount provided in the amendment offered by the Senator from Massachusetts is very small. I understand that if the President finds it advisable, he can take more than the $2 million of the very considerable sum which is allowed for all expenditures.

I think it is a very good and humanitarian amendment and I would be willing to accept it.

Mr. KENNEDY. Mr. President, I thank the Senators for their comments.

This amendment is supported by voluntary agencies and the representatives of religious groups which have performed so nobly in alleviating suffering in the past.

I appreciate the comments of the Senator from Alabama and the Senator from Vermont.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts (putting the question).

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips;

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 4050. An act for the relief of Maria Manuela Amaral;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7641. An act for the relief of Chun Chi Lee; and

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936.

The ACTING PRESIDENT pro tempore (Mr. HRUSKA) subsequently signed the enrolled bills:

FEDERAL FINANCING BANK ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3001, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 815 (S. 3001), a bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Financing Bank Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress finds that demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies. The purpose of this Act is to assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Federal agency" means an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress which is owned in whole or in part by the United States.

(2) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership interest in the issuing Federal agency.

(3) The term "guarantee" means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any obligation, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions, or any guarantee or pledge arising out of a statutory obligation to insure such deposits, shares, or other withdrawable accounts.

(4) The term "Bank" means the Federal Financing Bank established by section 4 of this Act.

CREATION OF BANK

SEC. 4. There is hereby created a body corporate to be known as the Federal Financing Bank, which shall have succession until dissolved by an Act of Congress. The Bank shall be subject to the general supervision and direction of the Secretary of the Treasury. The Bank shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

BOARD OF DIRECTORS

SEC. 5. (a) The Bank shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Bank or of any Federal agency. The Chairman and each other member of the Board may designate some other officer or employee of the Government to serve in his place.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Bank. The Chairman of the Board shall select and effect the appointment of qualified persons to fill such offices as may be provided for in the bylaws, and such persons shall be executive officers of the Bank and shall discharge such executive functions, powers, and duties as may be provided for in the bylaws or by the Board of Directors. The members of the Board and their designees shall not receive compensation for their services on the Board.

FUNCTIONS

SEC. 6. (a) The Bank is authorized to make commitments to purchase and sell, and to purchase and sell on terms and conditions determined by the Bank, any obligation which is issued, sold, or guaranteed by a Federal agency. Any Federal agency which is authorized to issue, sell, or guarantee any obligation is authorized to issue or sell such obligations directly to the Bank.

(b) Any purchase by the Bank shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration (1) the current average yield on outstanding marketable obligations of the United States of comparable maturity, or (2) whenever the Bank's own obligations outstanding are sufficient, the current average yield on outstanding obligations of the Bank of comparable maturity.

(c) The Bank is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves.

TREASURY APPROVAL

SEC. 7. (a) To ensure the orderly and coordinated marketing of Treasury and Federal agency obligations and appropriate financing planning with respect thereto, and to facilitate the effective financing of programs authorized by law subject to the applicable provisions of such law, the prior approval of the Secretary of the Treasury shall be required with respect to—

(1) the method of financing,

(2) the source of financing,

(3) the timing of financing in relation to market conditions and financing by other Federal agencies, and

(4) the financing terms and conditions, including rates of interest and maturities,

of obligations issued or sold by any Federal agency.

(b) Upon receipt of a request from a Federal agency for his approval under subsection (a) of this section, the Secretary of the Treasury shall act promptly either to grant his approval or to advise the agency of the reasons for withholding his approval. In no case shall the Secretary of the Treasury withhold such approval for a period longer than one hundred and twenty days unless, prior to the end of such period, he submits to the Congress a detailed explanation of his reasons for so doing. Expedited treatment shall be accorded in any case in which the Federal agency advises the Secretary of the Treasury that unusual circumstances require such treatment.

(c) Federal agencies subject to this section shall submit financing plans to the Secretary of the Treasury at such times and in such forms as he shall prescribe.

INITIAL CAPITAL

SEC. 8. The Secretary of the Treasury is authorized to advance the funds necessary to provide initial capital to the Bank. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE BANK

SEC. 9. (a) The Bank is authorized, with the approval of the Secretary of the Treasury, to issue publicly and have outstanding at any one time not in excess of $15,000,000,000 or such additional amounts as may be authorized in appropriations Acts, of obligations having such maturities and bearing such rate or rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. So far as is feasible, the debt structure of the Bank shall be commensurate with its asset structure.

(b) The Bank is also authorized to issue its obligations to the Secretary of the Treasury and the Secretary of the Treasury may in his discretion purchase or agree to purchase any such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(c) The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Bank in excess of such amount.

(d) Obligations of the Bank issued pursuant to this section shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or any agency or instrumentality of any of the foregoing, or any officer or offices thereof.

GENERAL POWERS

SEC. 10. The Bank shall have power—

(1) to sue and be sued, complain and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof;

(9) to enter into contracts, to execute instruments to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct to its business;

(10) to act through any corporate or other agency or instrumentality of the United States, and to utilize the services thereof on a reimbursable basis, and any such agency or instrumentality is authorized to provide services as requested by the Bank; and

(11) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

EXEMPTIONS

SEC. 11. (a) The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

(b) All obligations issued by the Bank pursuant to this Act shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) of section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), and of section 304(a)(4) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)).

(c) Nothing herein shall affect the budget status of the Federal agencies selling obligations to the Bank under section 6(a) of this Act, or the method of budget accounting for their transactions. The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Bank may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and other material, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Federal Financing Bank" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be applicable to the Federal Financing Bank in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act (31 U.S.C. 846).

PROGRAM REVIEW

SEC. 16. No Federal agency shall enter into any commitments to guarantee any obligation, except in accordance with a budget program submitted to the President. Such budget programs shall be submitted at such times and in such form as the President may deem essential. The President may limit such programs when, in view of the overall fiscal requirement and demands for credit, he finds such limitations necessary.

PAYMENTS ON BEHALF OF PUBLIC BODIES

SEC. 17. (a) Notwithstanding any other provision of this Act, the purchase by the Bank of the obligations of any local public body or agency within the United States shall be made upon such terms and conditions as may be necessary to avoid an increase in borrowing costs to such local public body or agency as a result of the purchase by the Bank of its obligations. The head of the Federal agency guaranteeing such obligations, in consultation with the Secretary of the Treasury, shall estimate the borrowing costs that would be incurred by the local public body or agency if its obligations were not sold to the Bank.

(b) The Federal agency guaranteeing obligations purchased by the Bank may contract to make periodic payments to the Bank which shall be sufficient to offset the costs to the Bank of purchasing obligations of local public bodies or agencies upon terms and conditions as prescribed in this section rather than as prescribed by section 6. Such contracts may be made in advance of appropriations therefor, and appropriations for making payments under such contracts are hereby authorized.

NO IMPAIRMENT

SEC. 18. Nothing in this Act shall be construed as impairing any authority or responsibility of the President or the Secretary of the Treasury under any other provision of law, nor shall anything in this Act affect in any manner any provision of law concerning the right of any Federal agency to sell obligations to the Secretary of the Treasury or the authority or responsibility of the Secretary of the Treasury to purchase such obligations.

SEPARABILITY

SEC. 19. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected.

EFFECTIVE DATE

SEC. 20. This Act becomes effective upon the date of its enactment, except that sections 7 and 16 become effective upon the expiration of thirty days after such date.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, debate on the bill will be limited to 2 hours and debate on any amendment in the first degree will be limited to 1 hour, and debate on any amendment to an amendment, debatable motion, or appeal related thereto will be limited to 30 minutes.

Mr. SPARKMAN. Mr. President, I shall make a very brief statement.

Mr. President, the purpose of the bill, S. 3001, which is presently pending before the Senate, is to assure coordination of Federal and federally assisted borrowing programs with the overall economic and fiscal policies of the Government, to reduce the cost of Federal and federally assisted borrowing from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

S. 3001, as amended by the committee, contains the following key provisions:

First, it provides for a Federal financing bank through which the marketing of Federal and federally assisted borrowing activities can be centralized.

Second, it provides for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of issues or sales of obligations by Federal agencies.

Third, it provides for submission to the President of Federal agency budget programs for loan guarantees and for limitation by the President of such programs if overall fiscal requirements and credit demands so warrant.

Our committee was informed that this legislation is urgently needed because the increase in Federal credit program activity in recent years has greatly expanded the total Federal impact on the credit markets. Borrowings for Federal credit programs have increased over the past decade at a pace more than twice the rate of increase in the total supply of the Nation's credit.

Many Federal agencies are now required to finance their programs directly in the securities markets. Similar financing arrangements have also been proposed for a number of new agencies. These agencies must develop their own financing staffs, and their abilities to cope with their principal program functions are lessened by the need also to deal with the complex debt management operations essential to minimizing their borrowing costs and avoiding cash flow problems which could disrupt their basic lending programs.

Borrowing costs of the various Federal agency financing methods normally exceed Treasury borrowing costs by substantial amounts, despite the fact that these issues are backed by the Federal Government. Borrowing costs are increased because of the sheer proliferation of competing issues crowding each other in the financing calendar, the cumbersome nature of many of the securities, and the limited markets in which they are sold. Underwriting costs are often a significant additional cost factor due to the method of marketing.

Under the proposed legislation these essentially debt management problems could be shifted from the program agencies to the Federal financing bank The Federal financing bank would be authorized to purchase obligations of Federal agencies and obligations guaranteed by Federal agencies. Agencies would be authorized to sell obligations to the bank. However, the legislation would not require the bank to lend to any agency nor require any agency to borrow from the bank. Many of the obligations which are now placed directly in the private market under numerous Federal programs would instead be financed by the bank. The bank in turn would issue its own securities. The bank would have the necessary expertise, flexibility, volume, and marketing power to minimize financing costs and to assure an effective flow of credit for programs established by the Congress.

While many of the agencies placing issues in the market are subject to coordination with Treasury's financial management advisers, others are not. Some of the coordination requirements are vague or incomplete, and none require advance submission of financing plans as would be required in the proposed legislation.

Under present arrangements there is little or no forward planning or coordination of Federal credit program financing with overall financial planning. The uncoordinated financing of these programs has the potential for serious adverse impacts on the programs, on financial markets, and on the Federal budget. Nor is there now any effective means of controlling the growth of Government assisted loans.

This legislation would provide that commitments to guarantee loans under Federal credit programs could be made only in accordance with budget programs submitted to the President. The President would be authorized to limit such programs when necessary in view of overall fiscal requirements and demands for credit.

Financing these programs through the bank would assure greater flexibility and a broader market for the securities as well as coordination and planning in light of overall credit availability. The proposed Federal financing bank would provide a focal point for explicit and early recognition of the volume and cost of the proposed level of Government assisted credit and its likely impact on financial markets.

The coverage of the bill is limited to entities established by the Congress which are owned in whole or in part by the United States. Thus the bill does not cover nor does the committee intend it to cover the Federal Reserve System or the five federally sponsored but wholly privately owned agencies, including the Federal land banks, banks for cooperatives, Federal intermediate credit banks, Federal home loan banks—including the Federal home loan bank board and the Federal Home Loan Mortgage Corporation, and the Federal National Mortgage Association.

Mr. President, as I mentioned earlier, S. 3001 as introduced was amended by our committee. The committee rejected a proposal in section 7 of the legislation which would have given the Secretary of the Treasury extensive new authority over Federal loan guarantee programs. The Treasury wishes only to have coordinating authority over guaranteed obligations issued in large amounts and generally financed in the securities markets. On the other hand, there are those who are concerned about the potential Treasury authority over small individual guarantee transactions. I would hope that we can work out a solution which will meet the objectives of all concerned.

The other three amendments imposed on the bill by the committee were what are termed technical amendments which I will not describe today.

Mr. President, I would like to report for the benefit of the Senate that S. 3001 as amended by the committee was reported without objection.

I add that while the vote was unanimous to report the bill there were individual minority views expressed on some features of the bill. I ask unanimous consent that a section-by-section summary of the bill as reported by the committee be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FEDERAL FINANCING BANK (S. 3001)

SECTION-BY-SECTION SUMMARY

Sec. 1. Short title.—The act could be cited as the "Federal Financing Bank Act of 1972."

Sec. 2. Findings and declaration of purpose.—Findings: That demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit, and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies.

Purpose: To assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

Sec. 3. Definitions.—"Federal agency," "obligation," and "guarantee" would be defined in a manner which would include all debt obligations issued, guaranteed, insured or otherwise secured by an agency of the United States.

Sec. 4. Creation of bank.—A Federal Financing Bank would be established as an instrumentality of the U.S. Government subject to the general supervision and direction of the Secretary of the Treasury. The Bank would be authorized to maintain such offices as appropriate to carry out its purposes.

Sec. 5. Board of Directors.—The Board of Directors would determine the general policies of the Bank and would consist of five members, including the Secretary of the Treasury or his designee as Chairman and four other members appointed by the President from officers and employees of the United States.

Sec. 6. Functions.—The Bank would be authorized to purchase and sell any obligation issued, sold, or guaranteed by a Federal agency at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration current average yields on outstanding obligations of the United States or of the Bank of comparable maturity. The Bank would be authorized to charge fees to provide for expenses and reserves.

Sec. 7. Treasury approval.—Federal agencies issuing or selling obligations would be required to submit financing plans to the Secretary. The approval of the Secretary would be required of agency financing plans including the terms, conditions, timing, methods, and sources of financing. The Secretary's authority would be confined to dealing with the financing aspects of agency programs. The Secretary could not withhold his approval for more than 120 days unless he has submitted a detailed explanation to the Congress of his reasons for so doing.

Sec. 8. Initial capital.—The Secretary of the Treasury would be authorized to advance up to $100 million to the Bank which would bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding Treasury obligations of comparable maturity. Appropriations would be authorized for this purpose.

Sec. 9. Obligations of the Bank.—The Bank would be authorized, with the approval of the Secretary of the Treasury, to issue its obligations to the public in amounts not to exceed $15 billion outstanding at any one time.

The Bank would also be authorized to issue obligations to the Secretary of the Treasury, and the Secretary would be authorized to use the proceeds of public debt transactions to finance such purchases.

The Bank could require the Secretary of the Treasury to purchase its obligations in such amounts as will not cause the Secretary's holdings resulting from required purchases to exceed $5 billion at any one time.

Obligations of the Bank would be lawful investments for fiduciary, trust, and public funds under Federal control.

Sec. 10. General powers.—The Bank would have the usual corporate-type powers.

Sec. 11. Exemptions.—The Bank and its income would be exempt from all taxes except real and personal property taxes and taxes on the principal or interest on obligations issued by the Bank, which would be taxed to the same extent as obligations of private corporations.

Obligations issued by the Bank would be exempt from SEC requirements.

The budget status of agencies selling obligations to the Bank would not be affected. Receipts and disbursements of the Bank would not be included in the budget of the U.S. Government and would be exempted from statutory limitations on expenditures and not lending (budget outlays) of the United States.

Sec. 12. Preparation of obligations.—The Secretary of the Treasury would be authorized to prepare, hold, and deliver obligations for the Bank on a reimbursable basis.

Sec. 13. Annual report.—The Bank would be required to transmit to the President and Congress an annual report of its operations and activities.

Sec. 14. Obligations eligible for purchase by national banks.—National banks would be permitted to invest in or deal in obligations of the Bank.

Sec. 15. Government Corporation Control Act.—The Bank would be subject to the budget and audit provisions of the Government Corporation Control Act in the same manner as they are applied to a wholly owned Government corporation.

Sec. 16. Program review.—No Federal agency would be permitted to enter into a commitment to guarantee any obligation, except in accordance with a budget program submitted to the President. Such budget programs could be limited by the President when he found such limitations necessary in view of the overall fiscal requirement and demands for credit.

Sec. 17. Payments on behalf of public bodies.—Federal agencies would be authorized to make payments to the Bank on behalf of a local public body or agency to avoid increasing net costs to any such body as a result of purchases of the Bank. Appropriations for such payments would be authorized.

Sec. 18. No impairment.—The act would not impair any authority of the President or Secretary of the Treasury under any other provision of law, nor would the act affect the right of Federal agencies to sell obligations to the Secretary of the Treasury or the authority or obligation of the Secretary of the Treasury to purchase such obligations.

Sec. 19. Separability.—The remaining provisions and validity of the act would not be affected if any provision is held invalid.

Sec. 20. Effective date.—Sections 7 and 16 of the act would become effective 30 days after enactment. Other sections would become effective immediately.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I am pleased to voice my strong support of S. 3001, the Federal Financing Bank Act. This measure has the unanimous approval of the Senate Banking Committee and enjoys broad bipartisan support in the Congress. The Financing Bank Act is a much needed and long overdue financial reform which will permit the savings of hunderds of millions of dollars in the borrowing activities of Federal agencies. In the course of 3 days of hearings on S. 3001, the committee received no testimony against the bill, and the bill was endorsed by representatives from the administration, from the private financial community, and from State and local government organizations.

While I am convinced that there is no essential disagreement over this legislation, I am concerned that a misunderstanding caused the committee to amend the bill in a way which would jeopardize the achievement of part of its objectives which I believe are shared by all. I refer to the committee's deletion of the provision in section 7 of S. 3001, as introduced, which would have required approval by the Secretary of the Treasury of the market financing aspects of obligations guaranteed by Federal agencies. At this point I want to emphasize that when I refer to Secretary of the Treasury approval over the financing aspects of agency obligations, I mean just that. There is no authority in this legislation giving Secretary of the Treasury any control over the programs of Federal agencies, only over the financing of these programs. This provision for Treasury approval of the financing aspects of guaranteed obligations would have assured the coordination of the market financing activities of all Federal agencies. As amended, the bill provides that only obligations issued or sold directly by a Federal agency may be required to be coordinated through the FFB. This legislation would have placed all agency financing activities whether direct issues or guaranteed issues on the same footing.

Excluding agency guaranteed issues from Treasury approval requirements will result in an uneven and inequitable coordinating mechanism. That is, many Federal credit agencies now have the authority both to sell blocks of guaranteed loans in the securities markets which would be subject to Treasury coordination and to guarantee blocks of loans sold by private dealers or agents which would not be subject to Treasury coordination under the bill as reported. The financing techniques and the impact on the financial markets are essentially the same regardless of whether the guaranteed obligations are sold directly by the Federal agency or by a private agent. Thus it just does not make sense to have the Secretary of the Treasury coordinate the one method of financing—direct sales—through the Federal Financing Bank but not the other—guarantees of private sales.

I would like to give just a few examples of financing techniques which are widely employed by Federal agencies to illustrate how the bill as reported would leave gaps in the coordinating mechanism.

First. The Small Business Administration is authorized both to make loans and to guarantee loans to small business investment companies. Under this authority SBA has in the past arranged for the financing of blocks of SBIC debentures in the securities markets by two methods. Under one method SBA acquired the SBIC debentures and sold them in the securities market through underwriters, and the financing aspects of such sales by SBA would be subject to approval by the Secretary of the Treasury under S. 3001 as reported. Under the other method employed by SBA, however, SBA arranges for the obligations to be acquired and sold by a private trustee, and such sales would not be subject to Treasury approval under the bill as reported. In both cases SBA negotiates the sale with the underwriters, and in both cases SBA provides a full guarantee of the obligations.

Second. The Government National Mortgage Association can now either guarantee or acquire and sell directly in the securities market obligations guaranteed by the Federal Housing Administration, including, for example, multimillion dollar subsidized project loans for a variety of low and moderate income housing programs. Direct sales of guaranteed obligations by GNMA would be subject to approval by the Secretary of the Treasury under S. 3001 as reported by the committee. Yet if the obligations were sold by FNMA or by a mortgage banker as mortgage-backed bonds or securities, which are guaranteed by GNMA to make them salable in the securities market, such sales would not be subject to approval by the Secretary of the Treasury under the bill as reported.

Third. The Export-Import Bank also has broad authority to make, sell, and guarantee loans. Eximbank frequently makes loans directly and finances them through direct Eximbank borrowings or sells the loans as guaranteed obligations in the securities market, such as the certificates of beneficial interest which have been sold by Eximbank, and all such financings, would be subject to Treasury approval under the bill as reported. Yet Eximbank also guarantees similar obligations sold in the securities markets by private sellers, including the recently established Private Export Funding Corporation, and such sales would not be subject to Treasury approval.

The point I am making is that there are many forms in which Federal agencies can arrange for direct securities market financing of obligations backed by the full faith and credit of the United States, and I believe that the Federal Financing Bank Act should be concerned with all of these financings.

The budget for the fiscal year 1973 estimates a net increase in guaranteed obligations of $27 billion and new guarantee commitments of $54 billion. Under existing law virtually all of these guaranteed obligations could conceivably be financed directly in the securities market by means of Federal guarantees of private sales of obligations. Thus the committee amendment could result in virtually no Treasury coordination of federally backed issues in the securities market.

The committee stated four reasons for deleting the requirement that the Secretary of the Treasury approve the financing of guaranteed obligations.

First, the committee felt that the Secretary of the Treasury should not have control over the operational aspects of loan guarantee programs.

Second, the committee felt that there was no need for the Treasury to control the financing of individual loan guarantees which do not have the same impact on credit markets as the issuance or sale of securities by Federal agencies.

Third, the committee felt that Treasury control over Federal guarantee programs would not be administratively feasible because of the large number of individual loan guarantees.

Fourth, the committee felt that loan guarantee programs should not be subject to a system of double regulation, by the Secretary of the Treasury and by the President.

I fully concur in these four basic points stated by the committee. These same concerns were expressed to me and other members of the committee in a letter from the National Association of Home Builders, the U.S. Savings and Loan League, the Mortgage Bankers Association, and the National Association of Real Estate Boards. Yet section 7 of the bill as proposed by the administration, and as introduced, contained a number of restrictions on the powers of the Secretary of the Treasury which were intended to overcome the objections expressed by the committee. Thus, I do not think there is any basic disagreement between the administration and the committee. The problem, I believe, is simply a matter of legislative drafting. Since the action by the committee, we have been working with the Treasury and interested parties to redraft section 7 of the bill to lay to rest the concerns expressed by the committee and various groups involved in homebuilding and financing that the Secretary of the Treasury might become involved in program limitations but at the same time permit the necessary coordination by the Secretary of the Treasury of all market financing activities of Federal agencies.

The approach we have been working on would exempt from Treasury approval under section 7 all agency guaranteed obligations below a certain dollar level. Thus, it would be assured that the Secretary of the Treasury would have no authority over the hundreds of thousands of relatively small transactions not financed in the securities markets, such as individual home mortgages guaranteed by VA and FHA and originated and serviced by widely dispersed lending institutions. The Secretary would be authorized to coordinate only the financing of guaranteed obligations issued in large amounts which are typically financed in the securities markets, such as the tax-exempt public housing and urban renewal notes and bonds guaranteed by HUD, SBIC debentures guaranteed by SBA, new communities debentures guaranteed by HUD, hospital and other medical facility bonds guaranteed by HEW and HUD, mortgage-backed bonds guaranteed by GNMA merchant marine bonds guaranteed by the Commerce Department, Private Export Funding Corporation issues guaranteed by Export-Import Bank, Amtrak borrowings guaranteed by the Transportation Department, borrowings by the proposed new Student Loan Marketing Association guaranteed by HEW, and many other similar guaranteed issues in the securities market.

The Department of Housing and Urban Development is satisfied that the Secretary of the Treasury would not become involved in setting interest rates on mortgages or controlling housing programs, but some private groups affected by this legislation remain concerned about this. I believe that an agreement can be reached which will further assure the protection of Federal programs from Treasury interference, to the satisfaction of those who now question whether the original administration bill provided such protection. However, the Department of the Treasury is anxious to have the Congress take action on this legislation setting up the Federal financing bank as quickly as possible so that the bank can become operative and begin to coordinate and reduce the cost to the Federal Government of financing of issues by Federal agencies.

In order not to delay the consideration of this measure, I have agreed not to try to amend the bill at this time. I intend, however, to press for an agreement between the Treasury—which wishes only to have coordination authority over guaranteed obligations issued in large amounts and generally financed in the securities markets—and those who are concerned about the authority of the Treasury over small individual guarantee transactions. I hope that such an agreement will be forthcoming and that it will be accepted by the House—and in turn be acceptable to the Senate. Without such market coordination by the Secretary of the Treasury, we run the risk of chaotic competition among Federal agencies in the securities markets, excessive financing costs at the expense of the general taxpayer, and serious inequities among Federal credit assistance programs.

Of course, I urge speedy consideration and passage of the bill.

I would be remiss if I did not compliment and commend my distinguished colleague, the chairman of the committee, for his leadership and for the usual competent and able way he steered the bill through committee.

Mr. BROCK. Mr. President, will the Senator yield to me briefly?

Mr. TOWER. I yield to the Senator from Tennessee.

Mr. BROCK. Mr. President, the Federal financing bank legislation presently before the Senate will improve the management of Federal and federally related debt, saving the taxpayers of this country substantial sums in unnecessary interest costs and also smoothing out the frequently traumatic impact of uncoordinated Federal and federally related financing demand on the capital markets.

Yet, the bill does have a substantial defect which will impair its ability to save money for the taxpayer and to smooth out Federal credit demands. This defect is the absence of authority for the Treasury to control the timing of federally guaranteed obligations. There will be an estimated $27 billion in new guaranteed obligations in fiscal 1973, almost half the total of all new Federal and federally related borrowing in that year. Clearly, these guarantees have an enormous impact on the capital markets, which affects the stability of those markets and will contribute to unnecessarily higher interest rates, without the coordination originally provided for in this bill.

The concern of those who voted for the amendment in committee which removed guarantees from the coverage of the coordination authority seemed basically to be that Treasury might be able to utilize the authority to control the actual substantive programs involved, such as the various housing-assistance programs. It is rather obvious that this would not, in all practicality, actually occur, and certainly it is not the purpose of the coordinating authority for guarantee programs. However, to try to assure those concerned that particularly the housing programs and smaller guarantee programs would not be unduly affected by the authority in the bill, a compromise amendment to exclude smaller guarantees from the authority, but to leave in the authority over larger guaranteed obligations, is being worked on by Treasury, in consultation with interested Members of Congress and other concerned parties. It is important that we recognize here that an agreement acceptable to the Senators concerned with this question may be reached in the near future, and the question might be appropriately resolved in the House. In that event, the Senate conferees on this bill may, therefore, be bringing back a revised version of this bill for Senate approval later on this year; at least, I, for one, certainly hope so.

In the meantime, however, with the time remaining for legislative action in Congress drawing near a close, it is vital that the Federal financing bank legislation be moved on to the House for timely consideration, and hence I am in full support of the passage of the bill here today.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Wyoming.

Mr. McGEE. Mr. President, I am strongly in support of this measure. I have had some misgivings about only one small portion of the pending legislation. I have had conversations with the manager of the bill and chairman of the committee, with members from the Treasury Department of the United States and the Postmaster General in regard to those misgivings. They stem from the action taken by the Committee on Post Office and Civil Service over 2 years ago in which we set up an independent Postal Service. In setting it up one of its basic features was the authorization to go into the open market and sell bonds up to $10 billion to cover construction of new post office facilities, whatever the new system required, and because the pending bill does enter into this area——

[Disturbance in the visitors' gallery.]

The PRESIDING OFFICER (Mr.

Roth). Under the rules of the Senate, visitors in the galleries will please not demonstrate in any way.

The Senator from Wyoming may proceed.

Mr. McGEE. Mr. President, I wanted to make sure that all of the possibilities were clear in relation to each other on this bill.

Mr. President, although I support the enactment of S. 3001 to establish a Federal Financing Bank and improve coordination in the issuance of government obligations, I would like to make it clear that the authority vested in the Secretary of the Treasury to control issuances should not be construed to override the authority vested in the Postal Service to issue obligations under the financing provisions of the Postal Reorganization Act.

Getting the money to finance construction of modern postal facilities was a major reason for the enactment of the Postal Reorganization Act. As long ago as 1953 Congress attempted to establish an independent means of financing new construction in the post office without having to secure the blessings of the Bureau of the Budget and attain from the Congress annual appropriations to finance such projects. In my statement to the Senate on the Postal Reorganization Act, a little more than 2 years ago, I dwelled at some length on the problem of obtaining no-year money and the need for authorizing long-term borrowing at the post office. Chapter 20 of title 39, as enacted in the Postal Reorganization Act, authorizes the Postal Service to issue up to $10 billion in its own bonds outstanding at any one time.

The provisions of section 2006 of title 39 sets out in detail the procedure for bond issuance. Under that law the Postal Service is required to consult with the Secretary of the Treasury at least 15 days before it intends to issue a bond and the Secretary of the Treasury is empowered to recommend coordination of the time and place and conditions of the sale. However, the only control over the sale is that if he does not want the post office to go into the marketplace to sell its bonds he may preempt the issue, that is, buy it up himself. Otherwise, the Postal Service is free to go ahead and market the obligations if there are any buyers.

Section 410 of title 39 related to the applicability of Federal laws to the Postal Service. Among other things that section says that no law is applicable to the Postal Service unless it is set out in title 39 or unless the law is made specifically applicable to the Postal Service. One of the problems you encounter is that after the enactment of a law both the legislative and executive branches tend to forget what is or what is not applicable and might inadvertently make a provision applicable to an agency of the Government which is inappropriate. It is my conviction that the Congress, having authorized the Postal Service to handle its own financial affairs without a veto being vested in anyone else, including the President of the United States, would not now wish to impose the authority vested in the Secretary under S. 3001 to impair the authority of the Postal Service enacted just 2 years ago.

Let me point out that the Secretary has authority to control the Postal Service bonds. The Postmaster General is not free to deal as he wishes. He must consult with the Secretary before attempting to sell and the Secretary can, if he wishes, preempt the entire issue. Those provisions of law were very carefully thought out in 1970, and I believe they are quite workable.

Mr. President, under the terms of chapter 20 of title 39, as enacted by the Postal Reorganization Act of 1970, the Postal Service is authorized, within certain limitations and under certain conditions, all of which are carefully spelled out in law, to issue obligations on the market for postal modernization.

Does the Senator believe that that authority is impaired by the provisions of S. 3001?

Mr. SPARKMAN. No.

Mr. McGEE. Can the Postal Service itself stand, perhaps, to gain from this bill in the sense that it would be able to borrow money under this new Federal financing agency?

Mr. SPARKMAN. Yes. As a matter of fact, it gives the Postal System a new marketing area for its securities. It does not compel the system to use it, but it is its choice if it wants to use it.

Mr. McGEE. In the Postal Reorganization Act, we did specify that before it could go on the private bond market, it had to offer to the Treasury Department, should the Treasury prefer, those bonds for itself. So there was that limitation on it in that legislation.

There is a general rule of law that a specific statute, such as the Postal Reorganization Act, provides certain powers for a governmental agency, and a general statute seems to modify that power, the specific will be favored over the general, regardless of the sequence of enactment.

Does the Senator agree that the law included in the Postal Reorganization Act supersedes any general provisions of S. 3001?

Mr. SPARKMAN. Let me answer in this way: In the case of the Postal Reorganization Act, there are specific provisions relating to financing coordination by the Secretary of Treasury. In view of this, the more general law—the Federal Financing Bank—would merely modify the Secretary's authority to coordinate financing under the Postal Reorganization Act.

The exemptions under the bill are clearly spelled out in the committee report on page 3. The fourth paragraph states:

> The coverage of this bill is limited to entities established by the Congress which are owned in whole or in part by the United States. Thus the bill does not cover nor does the committee intend it to cover the Federal Reserve System or the five federally sponsored but wholly privately owned agencies, including the Federal land banks, banks for cooperatives, Federal intermediate credit banks, Federal home loan banks (including the Federal Home Loan Bank Board and the Federal Home Loan Mortgage Corporation), and the Federal National Mortgage Association.

I make that statement in my presentation.

May I say to the distinguished Senator from Wyoming that I have a letter from the Secretary of the Treasury, a copy of which has been supplied to him, and I ask unanimous consent at this point to insert the letter in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Secretary of the Treasury,
Washington, D.C., June 22, 1972.

Hon. John Sparkman,
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, D.C.

Dear Mr. Chairman: I understand that Senate floor action on S. 3001, the bill to establish a Federal Financing Bank is scheduled for Thursday, June 22. We appreciate the prompt favorable action by your Committee on this important legislation to improve efficiency in financing Federal agency programs.

It is my understanding that some confusion may exist regarding the position of the Administration on the question of the relationship of the Postal Service to the Federal Financing Bank. As you know, Mr. Chairman, the position of this Administration on this matter is that the Postal Service should not be excluded from obtaining the benefits of the financing efficiencies we expect to achieve through the Federal Financing Bank.

As the Treasury Department outlined in its transmittal letter of December 9, 1971, to Congress, the proposed legislation does not require or intend that the Treasury have any role in or any veto power over the programs of Federal agencies. Thus the legislation contemplates no involvement by the Treasury or the Federal Financing Bank which would affect the structure or scope of agency programs. The legislation does provide that the Treasury will coordinate the timing and nature of Federal agency borrowing activities. Effective coordination requires that all such agencies including the Postal Service be covered by the proposed legislation. Also, to exclude the Postal Service from this legislation might encourage other agencies to press for exemption.

We believe that coordination of Federal agency financing through the Federal Financing Bank will facilitate the smooth functioning of the private credit markets and will thus be advantageous to the Government's financing efforts in general as well as to the Postal Service. Such coordination will reduce borrowing costs and will shift many debt management problems to the Federal Financing Bank, relieving the agencies of this burden.

In the specific case of the Postal Service, it now has the authority to sell its securities in the market. The Secretary of the Treasury now has the authority to preemptively purchase the debt obligations of the Postal Service. Neither of these features of the Postal Reorganization Act will be changed by the Federal Financing Bank legislation. However, excluding the Postal Service from this legislation limits its financing options since it would not be able to sell its securities to the Federal Financing Bank. I assure you that the Federal Financing Bank is intended to facilitate and not to hinder agency programs.

Again, thank you for your support of the Federal Financing Bank. I hope it will be possible to obtain passage of this bill without excluding the Postal Service.

Sincerely yours,

(S) George P. Shultz.

Mr. McGEE. Mr. President, I want to thank the chairman for clarifying these questions, and I would like to add for the

RECORD the testimony before the Senate Post Office and Civil Service Committee during our hearings on postal reorganization that was submitted by the Under Secretary of the Treasury, Mr. Volcker, in regard to his understanding of what the financing capabilities and powers were in the new postal reorganization bill. It is rather long. I shall not read it, but ask unanimous consent to make it a part of the RECORD, along with a further statement from the Under Secretary that he submitted to the House hearings on the same measure.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. PAUL A. VOLCKER, UNDER SECRETARY OF THE TREASURY FOR MONETARY AFFAIRS; ACCOMPANIED BY EDWARD P. SNYDER, DIRECTOR, OFFICE OF DEBT ANALYSIS, DEPARTMENT OF THE TREASURY

Mr. VOLCKER. Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you to present the Treasury Department's view on the financial provisions of the President's recommendations for postal reform.

The Treasury Department does not have specialized knowledge of the personnel, rate and ratemaking, rail transportation, and other matters involved in postal reform, and I expect that other witnesses will provide you with expert testimony on these questions.

However, the Treasury Department, not only because of our financial responsibilities, but also as a major user of postal services, has a direct interest in an efficient, effective, and economical postal system.

We strongly endorse the objective of creating an independent postal establishment which will be able to conduct its activities and to make decisions on a business-like basis.

The Treasury Department's primary area of competence is in the financial provisions contained in chapter 10 of the proposed "Postal Service Act of 1969."

These provisions were drafted in consultation with the Treasury Department. They provide a degree of financial independence and responsibility not now available to the Post Office Department but which will be necessary to achieve a truly business-like character for the proposed Postal Service.

The financial independence provided by chapter 10 however would be subject to continued congressional oversight, and the advice and assistance of the Treasury Department would be given in the issuance of debt obligations by the Postal Service.

Under a new section 1005 of title 39, United States Code, the proposed Postal Service would be authorized to borrow money and to issue and sell such obligations as it determines necessary to the efficient conduct of its business.

The aggregate amount of Postal Service obligations outstanding at any one time would be limited to $10 billion, and the annual net increase in outstanding obligations issued for capital improvements would be limited to $1.5 billion.

The legislation also would require the annual preparation, submission, and congressional consideration of a business-type budget.

Under new section 1006, the Postal Service would be required to consult with the Secretary of the Treasury at least 15 days before selling any issue as to the amount, proposed date of sale, maturities and terms and conditions, and expected maximum rates of interest.

The Secretary could elect to purchase such obligations on such terms, including rates of interest, as he and the Postal Service might agree upon, but at a yield not less than the current yield on outstanding marketable Treasury obligations of comparable maturity.

If the Secretary did not exercise his option to purchase the obligations, however, the Postal Service could proceed to sell them in the market, drawing on the assistance of the Secretary in finally fixing the date of sale, maximum interest rates, and other terms and conditions.

In addition to the provision giving the Secretary of the Treasury the option to purchase Postal Service obligations, new section 1006 would also permit the Service—at its own discretion—to sell up to $2 billion Postal Service obligations directly to the Treasury.

New section 1007 would authorize the Secretary to use proceeds from the sale of public debt securities to purchase Postal Service obligations.

The financing provisions which I have outlined are consistent with the overall intent that the debt obligations of the Postal Service meet the test of the market.

The language prescribing the minimum rate of interest on Treasury purchases of Postal Service obligations is designed to preclude a sizable hidden or disguised subsidy by assuring that any borrowings from the Treasury will be at rates not less than the current cost of money to the Government.

The Secretary of the Treasury's option to purchase Postal Service obligations—his right of first refusal—will enable the Secretary to assure the coordination of Postal Service borrowing operations with the financing of other Government activities without—and I would stress this point—interfering with the financing of essential Postal Service activities or arrogating to the Secretary any control over the operations of the Postal Service.

The provision granting the Postal Service authority to require the Secretary to purchase a limited amount of its obligations will help to assure private investors in Postal Service obligations of the timely payment of principal and interest and will thus help to minimize the cost of Postal Service borrowing in the transition stage until the Postal Service is firmly established on a businesslike basis.

We believe these provisions are preferable to the financial provisions in other postal reform legislation which has been introduced in the House. For example, H.R. 4, which I believe is now being considered for markup by the House Committee, would authorize the Postal Modernization Authority to borrow in the market with the approval of the Secretary of the Treasury, but the overall financing provisions of H.R. 4 would be less flexible than under the administration proposal, could add needlessly to the cost of postal service through higher interest rates, and would not assure coordination with the overall financial program of the Government.

In summary, it is the Treasury Department's view that the financial provisions contained in the President's recommendations for postal reform are appropriate for the proposed Postal Establishment.

Indeed, in working with the Post Office on this matter, we felt the financing provisions, in whole or in part, could well become a model for other business-type activities of the Government.

Let me conclude by making some brief comments on specific questions which arose during the House hearings on August 11. I understand that the Comptroller General wrote to the chairman of the House committee on August 1 along the following lines:

"We are concerned that the issuance of bonds to the public by the corporation would result in higher financing costs than would be incurred if the corporation used the financing facilities of the Treasury Department. Studies made by our office have disclosed that interest costs are generally higher when agencies obtain financing directly from the public rather than through the facilities of the Treasury Department."

We believe, if the objectives of the reform legislation are achieved and the postal service is put on a businesslike basis, that its obligations will sell in the market at rates of interest which are comparable to the rates of interest paid by other Government and Government-sponsored agencies.

These rates are only fractionally higher than the rates paid by the Treasury on its direct obligations and compare favorably with the rates which are paid on the highest quality private obligations.

Once of the ancillary purposes of the authority of the Secretary to purchase postal service obligations, however, is to provide the postal service with some protection against the chance that market terms on its borrowings might be unreasonable, particularly in the transition period before a solid record of operating performance is established.

Apart from this we feel the Postal Service should be capable of meeting the test of the market, including covering the cost of capital from its own resources, so that the Congress and the public will have an undistorted measure of the true costs of providing postal service.

Questions were also raised as to whether or not financing the Postal Establishment other than through the Treasury would not constitute an evasion of budgetary control and in particular, an evasion of the debt limit.

As I have already observed, the business-type budget of the Postal Service would be subject to congressional oversight. The next expenditures of the Postal Service would continue to be reflected in the unified budget expenditure total just as postal expenditures presently are so reflected. There would be no change in this treatment.

The debt obligations of the Postal Service would not themselves be included in the debt subject to limit, but this is a consequence of the narrow construction of the debt limit now embodied in law and does not reflect any intent to avoid the restraint of the debt limit.

In fact, in February of this year the President proposed that the definition of the debt subject to limit be broadened to include the net debt obligations of all Federal agencies.

This would have brought the debt limit coverage more closely into accordance with the concept of the unified budget, but the administration's proposal was rejected by the Ways and Means Committee at that time.

A question was also raised as to whether the obligations of the Postal Service would be general obligations, or full faith and credit obligations, of the United States.

In view of the intent that the Postal Service become self-supporting, apart from any subsidized operations which would be openly financed through direct appropriations by the Congress, we have visualized that the obligations issued by the Postal Service would be akin to revenue obligations or, perhaps in some cases, in the nature of mortgage bonds.

Specifically, it is our view that these obligations should stand on their own merits, and not be obligations of the United States. In order to clarify this objective we would certainly not object to the addition of language, such that which now applies to bonds issued by TVA. That language reads as follows:

"Bonds issued by the corporation hereunder shall not be obligations of, nor shall payment of the principal thereof or interest thereon, be guaranteed by, the United States."

Such an amendment, I believe, would be fully consistent with the general intent of the President's recommendations for postal reform.

In conclusion, the Treasury Department strongly supports both the broad recommendations for a new Postal Service and the specific financing provisions. We urge that this committee act favorably on the President's proposal.

MAY 8, 1972.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Postal Service on S. 3001, a bill to centralize certain federal and federally-assisted borrowing activities in a newly-created Government instrumentality, the Federal Financing Bank.

Under the Postal Reorganization Act, which established the new Postal Service and endowed it with broad operating authorities in many ways similar to the authorities under which enterprises in the private sector of the economy operate, the Postal Service is authorized to borrow money and to issue obligations up to a maximum outstanding amount of $10 billion. The relationship between the Department of the Treasury and the Postal Service in the issuance of Postal Service obligation is spelled out in some detail in the Act. That relationship includes the right in the Secretary of the Treasury to preempt all offerings of Postal Service obligations to the public by requiring the Postal Service to sell all obligations issued by the Postal Service to the Secretary. 39 U.S.C. 2001 *et seq.* (1970).

The Postal Reorganization Act also provides in part, with exceptions not here relevant, that "no federal law dealing with public or federal . . . budgets, or funds . . . shall apply to the exercise of the powers of the Postal Service." 39 U.S.C. 410(a), (1970). Since S. 3001, if enacted, would clearly be a federal law dealing with funds, it would not, in our opinion, apply to the Postal Service.

The provisions of S. 3001, if enacted, would be inconsistent both with the provisions authorizing the issuance of debt obligations by the Postal Service and with section 410(a), quoted above. An interpretation that S. 3001 extended to the Postal Service, therefore, would mean that S. 3001 constituted a *pro tanto* implied repealer of section 410(a) and various other provisions in the postal code. Under the ordinary rules of statutory construction, however, the presumption is against such repealers by implication. Section 410(a) is a unique provision of law, specifically applicable only to the Postal Service, which serves a critical function in the statutory reorganization mechanism established by the Postal Reorganization Act. It is "familiar law that a specific statute controls over a general one 'without regard to priority of enactment'." *Bulova Watch Co.* v. *United States,* 365 U.S. 753, 758 (1961). Accordingly, in the absence of language in the bill making it specifically applicable to the Postal Service, it is our opinion that enactment of the bill would have no legal effect upon the borrowing authority contained in the Postal Reorganization Act.

The borrowing authority contained in the Postal Reorganization Act, and the exclusion of the application of general federal laws relating to funds from application to the Postal Service, were provided in the Postal Reorganization Act in order to grant the Postal Service the legal authority necessary to finance the complete reform and modernization of the nation's mail system. At the same time, however, the need for coordination of Postal Service borrowings was recognized, and the Treasury was given blanket authority to preempt all Postal Service offerings of debt obligations, whenever market conditions required, as determined by the Treasury Department. The Treasury Department itself drafted the coordination provisions, and recommended their enactment. In discussing the coordination of Postal Service financings with the overall financing program of the Treasury during hearings on the provisions of the Administration's postal reform bill, Under Secretary of the Treasury Volcker testified as follows:

"What we want from the standpoint of the Treasury Department is not the authority to control the scale of operations of the Post Office Establishment but the opportunity to coordinate these financings with the overall financing program of the Treasury and the Government as a whole, *and we believe that this arrangement provides this*" (Emphasis added.) Hearings before the House Committee on Post Office and Civil Service, 91st Cong., 1st sess., Ser. No. 91-4(a), Pt. III, at 1165 (1969).

Since we understand the purpose of S. 3001 to be to permit improved coordination of agency financing and not to grant the Treasury Department control over the statutorily authorized levels of activities of the agencies subject to the Federal Financing Bank's jurisdiction, the stated purpose of the bill has already been accomplished—as to the Postal Service—by provisions of law already in effect. These provisions went into effect less than one year ago, and the first bond offering thereunder has already been completed successfully. There is no indication, to our knowledge, that the interests of the Treasury Department or the Government have been, or will be, prejudiced by the present arrangement. On the other hand, inclusion of the Postal Service within the ambit of the proposed legislation could be construed to reflect a step away from the generally independent, businesslike operating principles embodied in the Act which are governing the new Postal Service as it undertakes the modernization of the nation's mail system.

For the reasons set forth above, it seems abundantly clear that S. 3001 as presently drafted would not apply to the Postal Service. The Office of Management and Budget and the Treasury Department, however, have taken the view that the provision in the legislation for Treasury coordination of Federal borrowing activities contemplates that the Postal Service would be included among agencies covered by the proposed legislation, as reflected in the attached letter of April 8, 1972. In view of the OMB letter and since, if S. 3001 were enacted, even an insubstantial question about non-coverage of the Postal Service could impede the future marketability of Postal Service bond offerings under the Postal Reorganization Act, the Postal Service must oppose enactment of S. 3001 unless the question of non-coverage is definitely laid to rest either by explicit statutory provision or by unmistakable legislative history—as, for example, a specific statement in the Committee's report that the bill would not be applicable to the Postal Service.

If hearings are to be held on the bill, we request an opportunity to testify so as to explain more fully our objections to its application to the Postal Service.

Sincerely,

E. T. KLASSEN,
Postmaster General.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SPARKMAN. Yes, I yield to the Senator from Wisconsin.

Mr. PROXMIRE. I congratulate the chairman of the committee (Mr. SPARKMAN) for the position he has taken on the Postal Service. I know that there was considerable pressure to exempt the Postal Service. There were those who felt very strongly the service should be exempt.

I think the position taken by the Senator from Alabama is very wise, for two reasons. He pointed out and the Senator from Wyoming pointed out that the Postal Service is authorized to borrow $10 billion. There is no question that it will borrow $10 billion. It is going to borrow that much, because there is no question about the need. This will have a serious effect on housing and many other areas of our economy.

The whole purpose, it seems to me, of giving the Treasury an opportunity to exercise priority judgment is to do something that we have needed so badly in the past—to give housing an opportunity and a break, and to put the needs of the Federal agencies into proper perspective. This legislation does that.

We suffer in this body from "excluditis." Everybody wants to get out from something.

The second reason why I support the chairman of the Post Office and Civil Service Committee (Mr. MCGEE) and the chairman of the Banking, Housing and Urban Affairs Committee (Mr. SPARKMAN) is that this is in the great interest of the Postal Service. As I understand it, the Federal financing bank will enable the Postal Service—I think the Senator from Alabama pointed this out—to secure funds at a lower rate, in all probability. The Treasury has said this, and I think the Treasury is right. I think under those circumstances the user of the Postal Service will have lower costs. I think we should direct our credit operations as much as we can, especially when Federal agencies are involved.

Mr. SPARKMAN. Of course, the Senator referred to their getting a lower interest rate. That is not necessarily always true, but it does give the service a broader market in which to operate, and therefore a better chance to get a lower rate of interest.

Mr. PROXMIRE. I think under many circumstances their interest will be lower. As the Senator has pointed out, they have a choice. They have an option. It could be more. In many cases it will be less. Over the long run, it probably will cost less.

Mr. SPARKMAN. I think it is a good thing. I am glad we were able to work it out.

Mr. President, I should like to call attention to the fact that the Senator from Texas (Mr. TOWER) was a joint sponsor of this legislation and worked very diligently in getting it through, as did all members of the committee, and I want to express my appreciation to each for the very fine way that was done.

Mr. TOWER. Mr. President, I thank the chairman.

I am prepared to yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The committee amendment is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engagement and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 3001) was passed.

Mr. **TOWER**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **SPARKMAN**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The **PRESIDING OFFICER**. Under the previous unanimous-consent agreement, the Senate will now proceed to the consideration of S. 3010, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Economic Opportunity Amendments of 1972".

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. (a) Sections 171, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964, as amended, are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

(b) Section 523 of such Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) (1) For the purpose of carrying out parts A, B, and E of title I (relating to work and training) of the Economic Opportunity Act of 1964, three are authorized to be appropriated $900,000,000 for the fiscal year ending June 30, 1972, and $950,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year.

(2) For the purpose of carrying out Neighborhood Youth Corps programs under paragraphs (1) and (2) of section 123(a) of such Act, there are further authorized to be appropriated $500,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years. No State shall, with respect to any such fiscal year, receive less than $3,000,000 of the amounts appropriated pursuant to this paragraph or six-tenths of 1 per centum of the amounts so appropriated, whichever is less.

(b) (1) For the purposes of carrying out the Project Headstart program described in section 222(a) (1) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $500,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years.

(2) The Secretary of Health, Education, and Welfare shall establish policies and procedures designed to assure that not less than 10 per centum of the total number of enrollment opportunities in the Nation in the Headstart program shall be available for handicapped children (as defined in paragraph (1) of section 602 of the Elementary and Secondary Education Act of 1965, as amended) and that services shall be provided to meet their special needs. The Secretary shall implement his responsibilities under this paragraph in such a manner as not to exclude from any project any child who was participating in the program during the fiscal year ending June 30, 1972. Within six months after the date of enactment of this Act, and at least annually thereafter, the Secretary shall report to the Congress on the status of handicapped children in Headstart programs, including the number of children being served, their handicapping conditions, and the services being provided such children.

(3) For the purpose of carrying out the Follow Through program described in section 222(a) (2) of such Act, there are authorized to be appropriated $100,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years.

(c) (1) For the purpose of carrying out titles II, III, VI, VII, IX, and X of the Economic Opportunity Act of 1964, there are authorized to be appropriated $950,000,000 for the fiscal year ending June 30, 1972, and $1,000,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year.

(2) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to paragraph (1) of this subsection for the fiscal year ending June 30, 1973, and for the succeeding fiscal year, the Director of the Office of Economic Opportunity shall for each such fiscal year reserve and make available not less than $328,900,000 for programs under section 221 of the Economic Opportunity Act of 1964 and not less than $71,500,000 for Legal Services programs under section 222(a) (3) and title IX of such Act.

(3) The Director shall allocate and make available the remainder of the amounts appropriated for carrying out the Economic Opportunity Act of 1964 for each fiscal year pursuant to paragraph (1) of this subsection (after funds are reserved for the purposes specified in paragraph (2) of this subsection) in such a manner, subject to the provisions of subsection (d) of this section, that with respect to each fiscal year—

(A) $394,900,000 shall be for the purpose of carrying out title II of which $114,000,000 shall be for the purpose of carrying and the Comprehensive Health Services program described in section 222(a) (4), $62,500,000 shall be for the purpose of carrying out the Emergency Food and Medical Services program described in section 222(a) (5), $25,000,000 shall be for the purpose of carrying out the Family Planning program described in section 222(a) (6), $8,800,000 shall be for the purpose of carrying out the Senior Opportunities and Services program described in section 222(a) (7), $18,000,000 shall be for the purpose of carrying out the Alcoholic Counseling and Recovery program described in section 222(a) (8), $18,000,000 shall be for the purpose of carrying out the Drug Rehabilitation program described in section 222(a) (9), $5,000,000 shall be for the purpose of carrying out the Environmental Action program described in section 222(a) (10), $10,000,000 shall be for the purpose of carrying out the Rural Housing Development and Rehabilitation program described in section 222(a) (11), $10,000,000 shall be for the purpose of carrying out the Design and Planning Assistance program described in section 226, $6,000,000 shall be for the purpose of carrying out the Youth Recreation and Sports program described in section 227, and $117,600,000 shall be for the purpose of carrying out programs and activities authorized under sections 230, 231, 232, and 233 of such title;

(B) $38,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(C) $18,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination) and title X (relating to evaluation); and

(D) $58,000,000 shall be for the purpose of carrying out title VII (relating to community economic development).

(d) Adjustments in allocations for the specific purposes set forth in clauses (A) through (D) of paragraph (3) of subsection (c) of this section shall be made by the Director as follows:

(1) If the amounts appropriated pursuant to paragraph (1) of subsection (c) for any fiscal year are not sufficient to assure that the full amount of the allocation specified for each of the purposes set forth in clauses (A) through (D) of paragraph (3) of subsection (c) will be provided for such fiscal year—

(A) the Director shall first allocate (i) not less than $18,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years, to be used for the Alcoholic Counseling and Recovery program, and (ii) not less than $30,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Emergency Food and Medical Services program; and

(B) the Director shall then determine the amount by which particular allocations (except for allocations under subparagraph (A) of this paragraph) are to be reduced, the sum of which reductions shall be equal to the total amount by which the appropriations are not sufficient to fund fully all such allocations.

(2) Any further adjustments increasing or decreasing such allocations (after any adjustments in such allocations as may be made under paragraph (1) of this subsection) shall be made by the Director in accordance with section 616 of the Economic Opportunity Act of 1964.

The Director shall promptly report to the Congress adjustments in allocations resulting from his determinations under this subsection.

(e) For the purpose of carrying out full-time volunteer programs under part A of title VIII of the Economic Opportunity Act of 1964, there is authorized to be appropriated $37,000,000 for the fiscal year ending June 30, 1972.

(f) In addition to the amounts authorized to be appropriated and allocated pursuant to subsection (c) and (e) of this section, there are further authorized to be appropriated for carrying out the Economic Opportunity Act the following sums:

(1) $62,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Community Economic Development program under title VII;

(2) $100,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Legal Services program under title IX;

(3) $5,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Rural Housing Development and Rehabilitation program described in section 222(a) (11);

(4) $16,000,000 for the fiscal year ending June 30, 1972, to be used for Domestic Volunteer Service programs under title VIII, of which $8,000,000 shall be available for carrying out full-time volunteer programs under part A of such title VIII and $8,000,000 shall remain available for expenditure in accordance with the provisions of such title during the fiscal year ending June 30, 1973.

(g) There are authorized to be appropriated $53,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for Domestic Volunteer Service programs under title VIII of the Economic Opportunity Act of 1964, of which with respect to each such fiscal year (1) the amount of $44,500,000 shall be available for carrying out full-time volunteer programs under part A of such title VIII, and (2) the amount of $8,500,000 shall be available (notwithstanding the 10 per centum limitation set forth in the second sentence of section 821 of such Act) for carrying out part B of such title VIII. If the sums authorized to be appropriated under this subsection are not appropriated and made available in full, then such sums as are so appropriated and made available for each such fiscal year shall be used for the purpose specified in clause (1) of the preceding sentence except that 50 per centum of any such sums in excess of $37,000,000 shall be available for the purpose specified in clause (2) of the preceding sentence.

TRANSFER OF FUNDS

SEC. 4. (a) Section 616 of the Economic Opportunity Act of 1964 is amended by inserting: "for the fiscal year ending June 30, 1971, and not to exceed 25 per centum" immediately before the words "for fiscal years ending thereafter".

(b) Section 616 of such Act is further amended by striking out the semicolon the first time it appears therein and all matter thereafter through "$10,000,000" the second time it appears in such section.

COMPREHENSIVE HEALTH SERVICES CHARGES

SEC. 5. Section 222(a)(4)(A)(ii) of the Economic Opportunity Act of 1964 is amended by striking out "such services may be available on an emergency basis or pending a determination of eligibility to all residents of such areas" and inserting in lieu thereof "pursuant to such regulations as the Director may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance".

DRUG REHABILITATION PROGRAM

SEC. 6. (a) Section 222(a)(8) of the Act is amended by striking out the last sentence thereof.

(b) Section 222(a)(9) of the Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts or addicts enrolled and participating in methadone maintenance treatment or therapeutic programs, and assisting employers in dealing with addiction and drug abuse and dependency problems among formerly hard-core unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans, with priority to those areas within the States having the highest percentages of addicts. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process."

NEW SPECIAL EMPHASIS PROGRAMS

SEC. 7. Section 222(a) of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for work (which would not otherwise be performed) on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment; and the improvement of the quality of life in urban and rural areas.

"(11) A program to be known as 'Rural Housing Development and Rehabilitation' designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in such areas, and to otherwise assist families in obtaining standard housing. Financial assistance under this paragraph shall be provided to rural housing development corporations and cooperatives serving areas which are defined by the Farmers Home Administration as rural areas, and shall be used for, but not limited to, such purposes as administrative expenses; revolving development funds; nonrevolving land, land development and construction writedowns; rehabilitation or repair of substandard housing; and loans to low-income families. In the construction, rehabilitation, and repair of housing for low-income families, the services of persons enrolled in Mainstream programs may be utilized. Loans under this paragraph may be used for, but not limited to, such purposes as the purchase of new housing units, the repair, rehabilitation and purchase of existing units, and to supplement existing Federal loan programs in order that low-income families may benefit from them. The repayment period of such loans shall not exceed thirty-three years. No loans under this paragraph shall bear an interest rate of less than 1 per centum per annum, except that if the Director, after having examined the family income of the applicant, the projected housing costs of the applicant, and such other factors as he deems appropriate, determines that the applicant would otherwise be unable to participate in this program, he may waive the interest in whole or in part and for such periods of time as he may establish except that (1) no such waiver may be granted to an applicant whose adjusted family income (as defined by the Farmers Home Administration) is in excess of $3,700 per annum and (2) any applicant for whom such a waiver is provided shall be required to commit at least 20 per centum of his adjusted family income toward the mortgage debt service and other housing costs. Family incomes shall be recertified annually, and monthly payments for all loans under this paragraph adjusted accordingly.

COMMUNITY ACTION BOARDS

SEC. 8. The last sentence of section 211(b) of the Economic Opportunity Act of 1964 is amended by striking out "three" and inserting in lieu thereof "six" and by striking out "six" and inserting in lieu thereof "twelve".

NON-FEDERAL CONTRIBUTION CEILING

SEC. 9. Section 225(c) of the Economic Opportunity Act of 1964 is amended by inserting after the second sentence thereof the following new sentence: "The Director shall not require non-Federal contributions in excess of 20 per centum of the approved cost of programs or activities assisted under this Act."

TERMINATION OF ASSISTANCE

SEC. 10. Section 231 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(d) If any member of a board to which section 211(b) is applicable files an allegation with the Director that an agency receiving assistance under this section is not observing any requirement of this Act, or any regulation, rule, or guideline promulgated by the Director under this Act, the Director shall promptly investigate such allegation and shall consider it; and, if after such investigation and consideration he finds reasonable cause to believe that the allegations are true, he shall hold a hearing, upon the conclusion of which he shall notify all interested persons of his findings. If he finds that the allegations are true, and that, after being afforded a reasonable opportunity to do so, the agency has failed to make appropriate corrections, he shall forthwith terminate further assistance under this title to such agency until he has received assurances satisfactory to him that further violations will not occur."

SPECIAL ASSISTANCE

SEC. 11. Part C of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"SPECIAL ASSISTANCE

"SEC. 234. (a) The Director may provide financial assistance for projects conducted by public or private nonprofit agencies which are designed to serve groups of low-income individuals who are not being effectively served by other programs under this title. In administering this section, the Director shall give special consideration to programs designed to assist older persons who are not being effectively served by other programs under this title.

"(b) For the purpose of carrying out this section, there are authorized to be appropriated (in addition to amounts otherwise authorized to be appropriated for carrying out the Economic Opportunity Act of 1964) $50,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years."

DISTRIBUTION OF FINANCIAL ASSISTANCE

SEC. 12. Section 244 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(8) Consistent with the provisions of this Act, the Director shall assure that financial assistance under this title will be distributed on an equitable basis in any community so that all significant segments of the low-income population are being served."

AMENDMENT TO MIGRANT FARMWORKERS PROGRAM

SEC. 13. Section 312(b)(3) of the Economic Opportunity Act of 1964 is amended by inserting after the word "Government" the words "employment or".

PLAN REPORTING DATE

SEC. 14. Paragraph (3) of section 632 of the Economic Opportunity Act of 1964 is amended by inserting at the end thereof the following: "Such plan shall be presented to the Congress no later than August 1, 1972, and the documents updating such plan shall be presented to the Congress no later than January 31 of each succeeding calendar year."

GUIDELINES

SEC. 15, Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"GUIDELINES

"SEC. 623. All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the Federal Register at least thirty days prior to their effective date."

NONDISCRIMINATION

SEC. 16. Part A of title VI of the Economic Opportunity Act of 1964 is further amended by adding at the end thereof the following new section:

"NONDISCRIMINATION PROVISIONS

"SEC. 624. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act."

COMMUNITY ECONOMIC DEVELOPMENT

SEC. 17. (a) The Economic Opportunity Act is amended by inserting immediately after title VI the following title:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT

"STATEMENT OF PURPOSE

"SEC. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large, with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

"PART A—SPECIAL IMPACT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 711. The purpose of this part is to establish special programs of assistance to private locally initiated community corporations and related nonprofit agencies, including cooperatives, or organizations conducting activities which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration, and (3) hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title.

"ESTABLISHMENT OF PROGRAMS

"SEC. 712. (a) The Director is authorized to provide financial assistance to community development corporations and to cooperatives and other nonprofit agencies in conjunction with qualifying community development corporations for the payment of all or part of the costs of programs which are designed to carry out the purposes of this part. Such programs shall be restricted in number so that each is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

"(1) economic and business development programs, including programs which provide financial and other assistance (including equity capital) to start, expand, or locate businesses in or near the areas served so as to provide employment and ownership opportunities for residents of such areas, and programs including those described in title IV of this Act for small businesses in or owned by residents of such areas;

"(2) community development and housing activities which create new training, employment, and ownership opportunities and which contribute to an improved living environment; and

"(3) manpower training programs for unemployed or low-income persons which support and complement economic, business, housing, and community development programs, including without limitation activities such as those described in part B of title I of this Act.

"(b) The Director shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent economic and social benefits in such areas.

"REQUIREMENTS FOR FINANCIAL ASSISTANCE

"SEC. 713. (a) The Director, under such regulations as he may establish, shall not provide financial assistance for any program or component project under this part unless he determines that—

"(1) such community development corporation is responsive to residents of the area under guidelines established by the Director;

"(2) all projects and related facilities will, to the maximum feasible extent, be located in the area served;

"(3) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing, cooperatively or otherwise, by residents of the area served;

"(4) projects will be planned and carried out with the maximum participation of local businessmen and financial institutions and organizations by their inclusion on program boards of directors, advisory councils, or through other appropriate means;

"(5) the program will be appropriately coordinated with local planning under this Act, the Demonstration Cities and Metropolitan Development Act of 1966, and with other relevant planning for physical and human resources of the areas served;

"(6) the requirements of subsections 122 (e) and 124(a) of this Act have been met;

"(7) preference will be given to low income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and

"(8) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas, other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

"APPLICATION OF OTHER FEDERAL RESOURCES

"SEC. 714. (a) SMALL BUSINESS ADMINISTRATION PROGRAMS.—

"(1) Funds granted under this part which are invested, directly or indirectly, in a small business investment company or a local development company shall be included as 'private paid-in capital and paid-in surplus,' 'combined paid-in capital and paid-in surplus,' and 'paid-in capital' for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1972, the Administrator of the Small Business Administration, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(b) ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS.—

"(1) Areas selected for assistance under this part shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1965, and shall qualify for assistance under the provisions of title I and title II of that Act and shall be deemed to fulfill the overall economic development planning requirements of section 202(b)(10) thereof.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1972, the Secretary of Commerce, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(c) PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps (1) to assure that community development corporations assisted under this part or their subsidiaries, shall qualify as sponsors under section 106 of the Housing and Urban Development Act of 1968, and sections 221, 235, and 236 of the National Housing Act of 1949; (2) to assure that land for housing and business location and expansion is made available under title I of the Housing Act of 1949 as may be necessary to carry out the purposes of this part; and (3) to assure that funds are available under section 701(b) of the Housing Act of 1954 to community development corporations assisted under this part.

"(d) COORDINATION AND COOPERATION.—The Director shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this part.

"(e) REPORTING ON OTHER FEDERAL RESOURCES.—On or before six months after the date of enactment of the Economic Opportunity Amendments of 1971, and annually thereafter, the Director shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsections (a), (b), and (c) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this part.

"FEDERAL SHARE

"SEC. 715. Federal grants to any program carried out pursuant to this part, including grants used by community development corporations for capital investments, shall (1) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that assistance in excess of such percentage is required in furtherance of the purposes of this part, and (2) be made available for deposit to the grantee, under conditions which the Director deems appropriate, within thirty days following approval by the Director and the local community development corporation of the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital investments made with funds granted as a result of the Federal share of the costs of programs carried out under this part, and the proceeds from such capital investments, shall not be considered Federal property.

"Part B—Rural Programs

"STATEMENT OF PURPOSE

"Sec. 721. It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

"FINANCIAL ASSISTANCE

"Sec. 722. (a) The Director is authorized to provide financial assistance, including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than $3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of such families, or will contribute to the improvement of their living or housing conditions, by assisting or permitting them to—

"(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

"(2) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

"(3) participate in cooperative associations, or to finance nonagricultural enterpises which will enable such families to supplement their income.

"(b) The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing, and to improve their income as producers and their purchasing power as consumers, and to provide such essentials as credit and health services. Costs which may be defrayed shall include but not be limited to—

"(1) administrative costs of staff and overhead;

"(2) costs of planning and developing new enterprises;

"(3) costs of acquiring technical asistance; and

"(4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

"LIMITATIONS ON ASSISTANCE

"Sec. 723. (a) No financial assistance shall be provided under this part unless the Director determines that—

"(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

"(2) adequate technical assistance is made available and committed to the programs being supported;

"(3) such financial assistance will materially further the purposes of this part; and

"(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

"(b) The level of financial assistance for related purposes under this Act to the area served by a program under this part shall not be diminished in order to substitute funds authorized by this part.

"Part C—Support Programs

"TRAINING AND TECHNICAL ASSISTANCE

"Sec. 731. (a) The Director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and both urban and rural cooperatives may include planning, management, legal, preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of urban and rural cooperatives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this title.

"DEVELOPMENT LOAN FUND

Sec. 732. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferral basis) to community development corporations and to cooperatives eligible for financial assistance under section 712 of this title, to families under section 722(a), and to local cooperatives eligible for financial assistance under section 722(b) for business, housing, and community development projects who the Director determines will carry out the purposes of this title. No loans, guarantees, or other financial assistance shall be provided under this section unless the Director determines that—

"(1) there is reasonable assurance of repayment of the loan;

"(2) a loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

"(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Loans made by the Director pursuant to this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that for the five years following the date on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower, which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him, and to take such other actions in respect to such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this section.

"(c)(1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

"(2) The Rural Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund and the revolving fund previously established under section 306 of this Act, the assets and liabilities of which shall be transferred to the Rural Development Loan Fund, effective July 1, 1972, and (B) such amounts as may be deposited in such Fund by the Director out of funds made available from appropriations for the purposes of carrying out this title.

"(3) The Community Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund, and (B) such amounts as may be deposited in such fund by the Director out of funds made available from appropriations for the purpose of carrying out this title. The Secretary may make deposits in the Community Development Loan Fund in any fiscal year in which he has made available for grants to community development corporations not less than $60,000,000 out of funds made available from appropriations for the purpose of carrying out this title.

"EVALUATION AND RESEARCH

"Sec. 733. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted by such public or private organizations as the Director may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. The results of such evaluations, together with the Director's findings and recommendations concerning the program, shall be included in the report required by section 608 of this Act.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents. The Director shall particularly investgate the feasibility and most appropriate manner of establishing development banks and similiar institutions and shall report to the Congress on his research findings and recommendations not later than June 30, 1973.

"Part D—General

"PROGRAM DURATION AND AUTHORITY

"Sec. 741. The Director shall carry out programs provided for in this title during the fiscal year ending June 30, 1972, and for the three succeeding fiscal years. For each fiscal year only such sums may be appropriated as the Congress may authorize by law."

(b) Part D of title I of the Economic Opportunity Act of 1964 is repealed.

(c) Effective after June 30, 1972, part A of title III of the Economic Opportunity Act of 1964 is repealed.

LEGAL SERVICES PROGRAM

Sec. 18. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new title:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"Sec. 901. The Congress hereby finds and declares that—

"(1) it is in the public interest to provide greater access to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform;

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change; and

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 902. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter in this title referred to as the 'Corporation') which shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 and as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 903. (a) There shall be a transition period of at least six months following the date of enactment of the Economic Opportunity Amendments of 1972 for the process of incorporation and initial organization of the Corporation.

"(b) The Director of the Office of Economic Opportunity shall serve as the incorporating trustee for the purposes of this section and shall carry out his responsibilities under this section in consultation with the National Advisory Committee for Legal Services as constituted on April 15, 1972, pursuant to Executive Order 11007 (February 26, 1962) and appropriate Office of Economic Opportunity regulations. The Director shall use, and make available to the Committee in connection with its consultative responsibilities under this section, such administrative services and other resources as are necessary to carry out the provisions of this section.

"(c)(1) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1972, the incorporating trustee, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall establish the initial Clients Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trustee which meet the requirements of section 905(a)(2), from among individuals eligible for assistance under this title.

"(2) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1972, the incorporating trustee, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall establish the initial Project Attorneys Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trustee which meet the requirements of section 905(b)(2), from among attorneys who are actively engaged in providing legal services under any existing legal services program.

"(d) Not later than ninety days after the enactment of the Economic Opportunity Amendments of 1972, all recommendations as provided in section 904(a)(2) for persons to serve on the initial board of directors shall be submitted to the President.

"(e) During the ninety-day period of incorporation of the Corporation the incorporating trustee shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, execpt the selection of the executive director of the Corporation.

"(f) The responsibilities of the incorporating trustee shall terminate upon the first meeting of the board of directors, such meeting to occur following appointment of all members of such board.

"(g) During the ninety-day period immediately following the meeting referred to in subsection (f) of this section, the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation pursuant to section 906 of this Act.

"DIRECTORS AND OFFICERS

"SEC. 904. (a) The Corporation shall have a board of directors consisting of nineteen individuals appointed by the President, by and with the advice and consent of the Senate, one of whom shall be elected to serve as chairman annually by vote of an absolute majority of such board. Members of the board shall be appointed as follows:

"(1) Ten members shall be appointed from among individuals in the general public, not less than six of whom shall be members of the bar of the highest court of a State.

"(2) Nine members shall be appointed as follows—

"(A) five members, (i) one of whom shall be appointed from recommendations made by the American Bar Association, (ii) one of whom shall be appointed from recommendations made by the Association of American Law Schools, (iii) one of whom shall be appointed from recommendations made by the National Bar Association, (iv) one of whom shall be appointed from recommendations made by the National Legal Aid and Defender Association, and (v) one of whom shall be appointed from recommendations made by the American Trial Lawyers Association;

"(B) two members who are representative of individuals eligible for assistance under this title, at least one of which members shall be an individual eligible for such assistance, from recommendations made by the Clients Advisory Council;

"(C) two members from among former legal services project attorneys from recommendations made by the Project Attorneys Advisory Council.

At least one director shall represent and be chosen from the population within the Nation of persons who speak a language other than English as their predominant language.

"(b) The directors appointed under subsection (a) shall be appointed for terms of three years except that—

"(1) the terms of the directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1972;

"(2) the terms of the directors first taking office shall expire, as designated by the President at the time of appointment, as follows—

"(A) in the case of directors appointed under paragraph (1) of section 904(a), three at the end of three years, four at the end of two years, and three at the end of one year;

"(B) in the case of directors appointed under paragraph (2)(A) of section 904(a), the term of the director appointed under clause (i) shall expire at the end of three years, the term of director appointed under clause (ii) shall expire at the end of three years, the term of the director appointed under clause (iii) shall expire at the end of two years, the term of the director appointed under clause (iv) shall expire at the end of one year, and the term of the director appointed under clause (v) shall expire at the end of one year;

"(C) in the case of directors appointed under paragraph (2)(B) of section 904(a), one at the end of three years and one at the end of one year;

"(D) in the case of directors appointed under paragraph (2)(C) of section 904(a), one at the end of three years and one at the end of two years; and

"(3) any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers, as may be named and appointed by the board of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board ex officio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"(e) All meetings of the board, executive committe of the board, and advisory councils shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) The board shall, in consultation with the respective advisory councils, provide for rules with respect to meetings of the Clients Advisory Council and the Project Attorneys Advisory Council.

"ADVISORY COUNCILS; EXECUTIVE COMMITTEE

"SEC. 905. (a)(1) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall provide for the selection of a Clients Advisory Council subsequent to the first such council established under section 903(c)(1) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualification, and method of selection and appointment, from among individuals who are eligible for assistance under this title.

"(2) Procedures for selecting members of the Clients Advisory Council must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on such Council be from any one State. The Clients Advisory Council shall advise the board of directors and the executive director on policy matters relating to the needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate, including informational programs in languages other than English. The Clients Advisory Council shall submit to the President the recommendations as provided in section 904(a)(2)(B) for persons to serve on the board of directors.

"(b)(1) The board, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of a Project Attorneys Advisory Council subsequent to the first such council established under section 903(c)(2) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among attorneys who are actively engaged in providing legal services under this title.

"(2) Procedures for selecting members of the Project Attorneys Advisory Council must insure that all areas of the country are represented, and in no event may more than one representative on such Council be from any one State. The Project Attorneys Advisory Council shall advise the board of directors and the executive director on policy matters relating to the furnishing of legal services to members of the client community. The Project Attorneys Advisory Council shall submit to the President the recommendations as provided in section 904(a)(2)(C) for persons to serve on the board of directors.

"(c) The board shall provide for sufficient resources for each Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"(d) The board may establish an executive committee of not less than five members nor more than seven members which shall include the chairman of the board, at least one director appointed pursuant to paragraph (1) of section 904(a), one director appointed pursuant to paragraph (2)(A) of section 904(a), and one director appointed pursuant to paragraph (2)(B), and one director appointed pursuant to paragraph (2)(B) or (2)(C) of section 904(a).

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 906. (a) Effective ninety days after the date of the meeting referred to in section 903(f) of this Act, in order to carry out the purposes of this title the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 903 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs, and special emphasis programs to provide services to migrant or seasonal farmworkers, Indians, and the elderly poor;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community or assisted by the Federal Government including—

"(A) reveiwing all grants and contracts for the provision of legal services to the client community made under the provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client, and to assure that such attorneys adhere to the same Code of Professional Responsibility and Canons of Ethics of the American Bar Association as are applicable to other attorneys;

"(8) establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness, and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would futher the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations of services, money, or property, real personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provision of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community in both urban and rural areas;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal services programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date of enactment of the Economic Opportunity Amendments of 1972, has a majority of persons who are not lawyers on its policymaking board) and members of the client community constitute at least one-third of the members of such board.

"(c) In any case in which services, otherwise authorized, are performed for the Federal Government by the Corporation, the Corporation shall be reimbursed for the cost of such services pursuant to an agreement between the executive director of the Corporation and the head of the agency of the Federal Government concerned.

"(d) The Corporation shall insure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(e) The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committee's request that the attorney makes representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(f) The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit the client community or any members of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation. For the purpose of this subsection, solicitation does not include mere announcement or advertisement, without more, of the fact that the National Legal Services Corporation is in existence and that its services are available to the client community, and does not include any conduct or activity which is permissable under the Code of Professional Responsibility and Canons of Ethics of the American Bar Association governing solicitation and advertising.

"(g) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractee of the Coropration to insure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and the Code of Professional Responsibility.

(h) At a reasonable time prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the State bar association of the State in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application.

"(i) No funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 907. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute

to or otherwise support any political party or candidate for elective public office.

"(d) The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain (1) from any partisan or nonpartisan political activity associated with a candidate for public or party office, and (2) from any voter registration activity other than legal representation or any activity to provide voters or prospective voters with transportation to the polls. Employees of the Corporation or of programs assisted by the Corporation shall not at any time identify the Corporation or the program assisted by the Corporation with any partisan or nonpartisan political activity associated with a candidate for public or party office. The Board of Directors of the Corporation shall set appropriate guidelines for the private political activities of full-time employees of the Corporation or of programs assisted by the Corporation.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 908. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractees shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, the substance of such reports shall be furnished to the grantee or contractee who is the subject of the evaluation, inspection, or monitoring visit.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"SEC. 909. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 910. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b) (1) The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or used by the Corporation pertaining to its accounts and operations, including the reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors required to be maintained by section 908(b) and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the operations and conditions of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(c) (1) Each grantee or contractee, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title. The Comptroller General of the United States, or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

"REPORTS TO CONGRESS

"SEC. 911. The Corporation shall prepare an annual report for transmittal to the President and the Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

"DEFINITIONS

"SEC. 912. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities (including, in areas where a significant portion of the client community speaks a language other than English as the predominant language, or is bilingual, services to those members of the client community in the appropriate language other than English);

"(6) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States; and

"(7) 'nonprofit', as applied to any foundation, corporation, or association, means a foundation, corporation, or association, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

"PROHIBITION ON FEDERAL CONTROL

"SEC. 913. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"SPECIAL LIMITATIONS

"SEC. 914. The board shall prescribe procedures to ensure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractee has been given reasonable notice and opportunity to show cause why such action should not be taken; and

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee or contractee has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

"COORDINATION

"SEC. 915. The President may direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractees to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"SEC. 916. (a) Notwithstanding any other provision of law, effective ninety days after the date of the meeting referred to in section 903(f) of this Act, all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective ninety days after the date of the meeting referred to in section 903(f) of this Act, all personnel (except personnel under schedule A of the excepted service), and all assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the Director under section 222(a)(3) of this Act, shall be transferred to the Corporation. Personnel transferred under this subsection shall be transferred in accordance with applicable laws and regulations, and shall not be reduced in classification or compensation for one year after such transfer. The Director shall take whatever action is necessary and reasonable to seek suitable employment for personnel who would otherwise be transferred pursuant to this subsection who do not wish to transfer to the Corporation.

"(c) Collective bargaining agreements in effect on the date of enactment of the Economic Opportunity Amendments of 1972 covering employees transferred pursuant to subsection (b) of this section shall continue to be recognized by the Corporation until altered or amended pursuant to law."

(b)(1) The Director of the Office of Economic Opportunity shall take such action as may be necessary in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such Corporation of financial assistance to legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision, of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation tc provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

(2) Effective ninety days after the date of the meeting referred to in section 903(f) of this Act, section 222(a)(3) of Economic Opportunity Act of 1964 is repealed.

(3) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out this title, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the National Legal Services Corporation and in carrying out its activities.

(4) Part A of title VI of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following new section:

"INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

"SEC. 625. Nothing in this Act, except title IX, and no reference to this Act unless such reference refers to title IX, shall be construed to affect the powers and activities of the National Legal Services Corporation."

EVALUATION

SEC. 19. (a) The Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following new title:

"TITLE X—EVALUATION

"COMPREHENSIVE EVALUATION OF PROGRAMS

"SEC. 1001. (a) The Director shall provide for the continuing evaluation of programs under this Act and of programs authorized under related Acts, including evaluations that describe and measure, with appropriate means and to the extent feasible, the impact of such programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. The Director may, for such purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

"(b) The Director shall to the extent feasible develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act.

"(c) In carrying out this title, the Director may require community action agencies to provide independent evaluations.

"COOPERATION OF OTHER AGENCIES

"SEC. 1002. Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he deems appropriate, to the fullest extent permitted by other applicable law; and

"(2) provide the Director with such statistical data, program reports, and other materials, as they collect and compile on program operations, beneficiaries, and effectiveness.

"CONSULTATION

"SEC. 1003. (a) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of programs.

"(b) The Director may consult, when appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

"PUBLICATION OF EVALUATION RESULTS

"SEC. 1004. (a) The Director shall publish summaries of the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

"(b) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(c) The Director shall publish summaries of the results of activities carried out pursuant to this title in the report required by section 608 of this Act."

(b)(1) Subsection (a) of section 113, subsections (b) and (c) of section 132, section 154, section 233, and section 314(b) of the Economic Opportunity Act of 1964 are repealed.

(2) Section 632(2) of such Act is amended by striking out "carry on a continuing evaluation of all activities under this Act, and".

(3) Sections 132 and 314 of such Act are each amended by striking out "(a)".

SPECIAL PROGRAMS AUTHORIZED

SEC. 20. Part B of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sections:

"DESIGN AND PLANNING ASSISTANCE GRANTS

"SEC. 226. (a) The Director shall make grants or enter into contracts to provide financial assistance for the operating expenses of programs conducted by community-based design and planning organizations to provide technical assistance and professional architectural and related services relating to housing, neighborhood facilities, transportation and other aspects of community planning and development to persons and community organizations or groups not otherwise able to afford such assistance. Such programs shall be conducted with maximum use of the voluntary services of professional and community personnel. In providing assistance under this section, the Director shall afford priority to persons in urban or rural poverty areas with substandard housing, substandard public service facilities, and generally blighted conditions. Design and planning services to be provided by such organizations shall include—

"(1) comprehensive community or area planning and development;

"(2) specific projects for the priority planning and development needs of the community; and

"(3) educational programs directed to local residents emphasizing their role in the planning and development process in the community.

"(b) No assistance may be provided under this section unless such design and planning organization—

"(1) is a nonprofit organization located in the neighborhood or area to be served with a majority of the governing body of such organization comprised of residents of that neighborhood or area;

"(2) has a primary function the goal of bringing about, through the involvement of the appropriate community action agency or otherwise, maximum possible participation of local residents, especially low-income residents, in the planning and decisionmaking regarding the development of their community; and

"(3) will carry out its design and planning services principally through the voluntary participation of professional and community personnel (including, where available, VISTA volunteers).

"(c) Design and planning organizations receiving assistance under this section shall not subcontract with any profitmaking organization or pay fees for architectural or other professional services.

"(d) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971.

"YOUTH RECREATION AND SPORTS PROGRAM

"SEC. 227. (a) In order to provide to disadvantaged youth recreation and physical fitness instruction and competition with high-quality facilities and supervision and related educational and counseling services (including instruction concerning study practices, career opportunities, job responsibilities, health and nutrition, and drug abuse education) through regular association with college instructors and athletes and exposure to college and university campuses and other recreational facilities, the Director shall make grants or enter into contracts for the conduct of an annual youth recreation and sports program concentrated in the summer months and with continued activities throughout the year, so as to offer disadvantaged youth living in areas of rural and urban poverty an opportunity to receive such recreation and educational instruction, information, and services and to participate in such physical fitness programs and sports competitions.

"(b) No assistance may be provided under this section unless satisfactory assurances are received that (1) not less than 90 per centum of the youths participating in each program to be assisted under this section are from families with incomes below the poverty level, as determined by the Director, and that such participating youths and other neighborhood residents, through the involvement of the appropriate community action agency or otherwise, will have maximum participation in program planning and operation and (2) all significant segments of the low-income population of the community to be served will be served on an equitable basis in terms of participating youths and instructional and other support personnel.

"(c) Programs under this section shall be administered by the Director, through grants or contracts with any qualified organization of colleges and universities or such other qualified nonprofit organizations active in the field with access to appropriate recreational facilities as the Director shall determine in accordance with regulations which he shall prescribe. Each such grant or contract and subcontract with participating institutions of higher education or other qualified organizations active in the field shall contain provisions to assure that the program to be assisted will provide a non-Federal contribution (in cash or in kind) of no less than 20 per centum of the direct costs necessary to carry out the program. Each such grant, contract, or subcontract shall include provisions for—

"(1) providing opportunities for disadvantaged youth to engage in competitive sports and receive sports skills and physical fitness instruction and education in good health nutrition practices;

"(2) providing such youth with instruction and information regarding study practices, career opportunities, job responsibilities, and drug abuse;

"(3) carrying out continuing related activities throughout the year;

"(4) meeting the requirements of subsection (b) of this section;

"(5) enabling the contractor and institutions of higher education or other qualified organizations active in the field located conveniently to such areas of poverty and the students and personnel of such institutions or organizations active in the field to participate more fully in the community life and in solutions of community problems; and

"(6) serving metropolitan centers of the United States and rural areas, within the limits of program resources."

FUNCTIONS OF DIRECTOR

SEC. 21. Notwithstanding the provisions of section 602(d) of the Economic Opportunity Act of 1964, the Director of the Office of Economic Opportunity shall not delegate his functions under section 221 and title VII of such Act to any other agency.

PUERTO RICO

SEC. 22. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall reserve, for the purpose of section 225(a) of the Economic Opportunity Act of 1964, not more than 4 per centum of the appropriated sums for the fiscal year ending June 30, 1972, for Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs.

(b) Effective after June 30, 1972, section 225(a) of such Act is amended by striking out "Puerto Rico,".

(c) Effective after June 30, 1972, the first sentence of paragraph (1) of section 609 of such Act is amended by striking out the word "or" the second time it appears in such sentence and inserting in lieu thereof a comma and the following: "Puerto Rico, or".

AMENDMENT TO THE OLDER AMERICANS ACT OF 1965

SEC. 23. (a) Section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) is amended by adding at the end thereof the following new sentence: "The Director of ACTION may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section."

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this Act. In the case of any project with respect to which, prior to such date, a grant or contract has been made under such section or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

ACADEMIC CREDIT IN VOLUNTEER PROGRAMS

SEC. 24. Section 821 of the Economic Opportunity Act of 1964 is amended, effective July 1, 1972, by inserting before the period at the end thereof a comma and the following: "which shall include any program, project, or activity otherwise authorized under the provisions of this title for which academic credit is granted to volunteer participants in connection with their volunteer service (not including time devoted to training)".

POVERTY LINE

SEC. 25. Part A of title VI of the Economic Opportunity Act of 1964 is further amended by inserting the following new section at the end thereof:

"POVERTY LINE

"SEC. 626. (a) Every agency administering programs authorized by this Act in which the poverty line is a criterion of eligibility shall revise the poverty line at annual intervals, or at any shorter interval it deems feasible and desirable.

"(b) The revision required by subsection (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the average percentage change in the consumer price index during the annual or other interval immediately preceding the time at which the revision is made.

"(c) Revisions required by subsection (a) of this section shall be made and issued not more than thirty days after the date on which the necessary consumer price index data becomes available."

Mr. JAVITS. Mr. President, what is the time limitation on the bill?

The PRESIDING OFFICER. There is no time limitation.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

TIME LIMITATION ON TOWER AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I have discussed with the Senator from Wisconsin (Mr. NELSON), the Senator from New York (Mr. JAVITS), and the Senator from Texas (Mr. TOWER) two amendments which Mr. TOWER proposes to offer to the pending bill. It is agreeable with those parties that there be a time limitation on each of those two amendments of 1 hour, the time to be equally divided between the distinguished Senator from Texas (Mr. TOWER) and the distinguished Senator from Wisconsin (Mr. NELSON); and that the time on any amendment to an amendment, debatable motion, or appeal be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill (Mr. NELSON). I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I also ask unanimous consent—and this, again, is with the approval of the author of the amendments—that the Senator from Texas (Mr. TOWER) be recognized on tomorrow for the purpose of calling up his two amendments in succession immediately upon the laying down of S. 3010, the Economic Opportunity Act, and its assumption of the second track at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, the pending legislation is S. 3010, the Economic Opportunity Amendments of 1972. This bill represents an attempt to reach a bipartisan compromise with the administration's objections to the Economic Opportunity Amendments of 1971.

Senators will recall that after some 12 days of hearings last year the Senate voted 49 to 12 in support of the Economic Opportunity Act extension, and on December 2 voted 63 to 17 for acceptance of the conference report. However, the legislation was deemed unacceptable by the administration. This year, the Labor and Public Welfare Committee decided not to hold additional hearings but rather to seek reasonable compromises with the administration so that the extension of the Economic Opportunity Act could go forward.

What were the objections the President raised and what has been our response? In his veto message of December 9, 1971, the President objected to the fact that S. 2007 prohibited further delegation of programs; earmarked funds for specific programs; established a Legal Services Corporation Board and procedures for administering the program while the incorporation process went forward with which he disagreed. At the same time the President indicated his support of the Office of Economic Opportunity "as the principal pioneer in the Nation's efforts to combat poverty." Sharing the President's concern that the Office of Economic Opportunity continue in its role as a pioneering agency, the committee has sought reasonable compromise with each of the President's objections.

ON CHILD CARE

It was decided to separate child care legislation from the extension of the Economic Opportunity Act.

ON EARMARKING

In the committee reported bill, earmarking is limited to four programs in contrast to the 15 programs for which funds were earmarked in last year's bill. The four programs are: Local initiative, $328.9 million; legal services, $71.5 million; emergency food and medical services, $30 million; and alcoholic counseling and recovery, $18 million. It should be noted that in the cases of alcoholic counseling and emergency food only has the committee earmarked more funds than the administration has budgeted.

ON SPINOFF

The vetoed bill contained a provision prohibiting the Director of OED from taking administrative action to delegate or "spinoff" OEO programs to other agencies. As Senators know, in the past, a number of manpower programs such as the Job Corps and the Headstart program have been spun off to the Department of Labor or to the Department of Health, Education, and Welfare. Last year Congress expressed its determination that the remaining operational programs not be delegated. It is our conviction that the Office of Economic Opportunity cannot remain "the principal pioneer in the Nation's efforts to combat poverty," that the President wishes it to be, without maintaining its responsibility for the funding and operation of the programs central to the war on poverty. But in view of the President's strong objection to the broad prohibition in last year's bill the committee has provided in this year's bill that spinoffs be prohibited in the case of only two programs: Local initiative, the network of 900 local community action agencies that give the war on poverty its local impact and provide funds for local experimentation and demonstration of new program concepts, and the new comunity economic development program, title VII. However, these two programs are subject to delegation pursuant to the Reorganization act. The community economic development program is an innovative effort to organize poor rural and urban residents for community development across the traditional division between economic and social concerns. Community development corporations—or CDC's as they are called—have been in operation for some years in Bedford-Stuyvesant in Brooklyn, in the Hough area in Cleveland, in Boston, Mass., in Hancock County, Ga., and in scores of other locations around the country.

ON LEGAL SERVICES CORPORATION

Title IX of the Economic Opportunity Amendments of 1972 (S. 3010) now pending before the Senate establishes a National Legal Services Corporation and transfers to that Corporation the legal services program currently administered in the Office of Economic Opportunity.

The committee-reported bill's legal services title responds in every significant respect to the administration's viewpoints. As with all legislation, there are many compromises in the legal services title. Its provisions were worked out on a bipartisan basis with the leadership of Senators Taft and Javits of the committee minority and Senators Mondale and Cranston of the committee majority.

Let me remind the Senate of the history of the development of this legislation to establish a National Legal Services Corporation outside the Office of Economic Opportunity.

The President himself called for the Corporation to replace the current legal services program in a Presidential "Message Relative to Providing Legal Services to Americans Otherwise Unable to Pay for Them" transmitted to Congress on May 5, 1971.

In fact, the original initiatives toward the proposal for a National Legal Services Corporation came when the President, as he points out in his message, specifically asked the President's Advisory Council on Executive Organization—the Ash Council—to examine the status of the legal services program.

In response to the President's initiative, the Ash Council in November of 1970 recommended that the Government create a special corporation for the program. The Ash Council stated:

> We believe strongly that its (the Legal Services program's) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique Federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.
>
> In our view, this program should be placed on an organizational setting which will permit it to continue serving the legal needs of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate. . . .
>
> Therefore, we recommend that the functions of the Legal Services program be transferred to a nonprofit corporation chartered by Congress.

So it was the President's own reorganization task force, the Ash Council, that first called for the establishment of the National Legal Services Corporation as the most appropriate organizational structure for administering financial assistance to legal services programs.

In addition, the National Advisory Committee on Legal Services recommended in its March 21, 1971, report to the White House that:

> After considering various alternatives regarding a future home for the Office of Economic Opportunity's Legal Services program other than OEO itself, the National Advisory Committee concluded and recommends that the program be transferred to a District of Columbia nonprofit corporation chartered by the Congress.

On April 29, 1971, the American Bar Association's Board of Governors adopted a resolution stating—

> * * * (T)hat the American Bar Association supports, in principle, the creation of a federally funded nonprofit corporation to administer moneys which will be used to fund programs which will provide a broad range of legal services to persons unable to afford the services of an attorney, the charter of which shall contain assurances that the independence of lawyers involved in the Legal Services program to represent clients in a manner consistent with the professional mandates shall be maintained. * * *

After receiving the recommendations of his own Reorganization Council, of the National Advisory Committee on Legal Services, and of the American Bar Association, along with other groups including many legal organizations, President Nixon called for the Legal Services Corporation in his message of May 5, 1971. The President then stated:

> Today, after carefully considering the alternatives, I propose the creation of a separate, nonprofit Legal Services Corporation. The legislation being sent to the Congress to accomplish this has three major objectives: First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice.

On the same day, the President's message on legal services was sent to Congress, the administration's bill was introduced. Senator Cook introduced the bill in the Senate (S. 1769) on the administration's behalf.

It is illuminating to compare key provisions and safeguards in the bill drafted and submitted by the administration with the bill which is now before the Senate.

First, the administration bill provided for the creation of an independent nonprofit corporation for legal services which would not be a Federal agency. So does the committee bill.

Second, the administration bill provided that the corporation be prohibited from interfering with attorney-client relationships. So does the committee-reported bill.

Third, the administration bill requires that legal services attorneys who are employed full-time and while engaged in legal services activity, refrain from undertaking to influence the passage or defeat of legislation except when legislative bodies request that the attorney make representations to them. The committee-reported bill contains the same prohibition making clear the administration's interpretation that this prohibition applies when a legal services attorney is not representing a client.

Fourth, the administration bill required that full-time attorneys, and part-time attorneys while engaged in legal services activities, refrain from partisan political and voter registration and transportation activity. The committee-reported bill contains the same prohibitions.

Fifth, the administration bill provides that no funds may be made available by the Corporation to provide legal services with respect to any criminal proceeding. The committee-reported bill likewise provides that no funds or personnel made available by the Corporation shall be used to provide legal services with respect to any criminal proceeding.

Let me reiterate that the legal services title was developed on a bipartisan basis. Last year during the Senate debate on S. 2007, the Senator from Kentucky (Mr. COOK)—the sponsor of the administration's bill—expressed his views on the legislation. Let me say that his views had great influence with the Senate conferees, and the bill that came out of conference had strong safeguards as a result of his efforts and his counsel. The flat-out prohibition on criminal representation is in accord with his concern that the legislation be crystal clear on that point.

The President's veto message on last year's bill objected to the provisions of the legal services title in two respects: the composition of the board of directors and the incorporating trusteeship for the transition period while the new corporation is being established.

On both of these points, the bill reported by the committee contains substantial changes designed to meet the President's objections. The veto message criticized last year's bill on the ground that it gave the President full discretion to appoint only six of the 17 directors and that he would have had to select the remaining 11 from lists of recommendations from various groups. This year the committee drastically altered the composition of the board so that the President would appoint a clear majority—10 of the 19 board members—without having to consider any recommendations. The remaining nine members would be appointed by the President from recommendations from the legal organizations and advisory councils. The committee bill, therefore, gives absolute policymaking control to the persons the President wishes to appoint. And he still appoints the remaining nine from recommendations. So no one can be appointed to the board whom the President does not approve. The minority will be heard but a majority of the board will make the policies, governing the Corporation's role in providing legal services to the poor.

The other objection to last year's bill was that it provided that the incorporating trusteeship during the 6-month period for establishing the new corporation would consist of the presidents—or their designees—of the five national legal organizations. In order to meet the President's objection to the appropriateness of that incorporating trusteeship, the committee-reported bill provides that the Director of the Office of Economic Opportunity shall be the incorporating trustee during the transition period.

Mr. President, the legal services program enables more than 2,000 lawyers to work for the poor in some 900 neighborhood law offices. More than a million cases a year are handled by these legal services attorneys. As President Nixon said in his message proposing the establishment of a National Legal Services Corporation:

> A large measure of credit is due the organized bar. Acting in accordance with the highest standards of its profession, it has given admirable and consistent support to the legal services concept. The concept has also had the support of both political parties.
>
> The crux of the program, however, remains in the neighborhood law office. Here each day the old, the unemployed, the underprivileged, and the largely forgotten people of our Nation may seek help. Perhaps it is an eviction, a marital conflict, repossession of a car, or misunderstanding over a welfare check—each problem may have a legal solution. These are small claims in the Nation's eye, but they loom large in the hearts and lives of poor Americans.

In addition to the compromises made to gain the support of the administration for this legislation, I believe the Senators should be told of several other features of the legislation.

First, the legislation authorizes an additional $500 million for the Neighborhood Youth Corps. Unemployment among black 16- and 17-year-olds in this Nation is well over 40 percent. Meanwhile, the number of positions available in the NYC out-of-school program, our number one program to provide jobs and training for unemployed youths, have dropped from 98,600 slots in 1966 to only 36,800 slots for 1972. We need a major program to assure employment and meaningful training opportunities to become useful citizens for all our young people. The Neighborhood Youth Corps authorization in this bill would provide a start.

The bill includes other new language to authorize an expansion of community design and planning programs which involve the architectural profession in volunteer services to poverty communities; a youth recreation and sports program which would provide a specific authorization for the national summer youth sports program which has been in operation as a demonstration program since 1969; additional funding of $50 million for elderly poor and other groups that are left out of current OEO programs; assurances that at least 10 percent of the children served by Headstart shall be drawn from among the handicapped; an environmental action program included in last year's OEO bill; and a rural housing program also included by the House in last year's legislation.

In the Senate committee we added a provision to the rural housing program to make it explicit that Mainstream workers may be used to build new housing or to repair old housing for the rural poor.

The bill authorizes a 3-year extension of the Economic Opportunity Act, through fiscal year 1974. For 1972, it authorizes $950 million for programs administered by the Office of Economic Opportunity and $1 billion for those programs in 1973 and 1974. The bill also authorizes $500 million for Headstart and $100 million for Follow Through in each of these years. It authorizes $53 million for Action including the Vista program for each year. Work and training programs operated by the Department of Labor under the Economic Opportunity Act are authorized $900 million for fiscal year 1972 and $950 million for each of the years 1973 and 1974. The totals are $3,053 million for 1972, and $3,320 million for 1973 and 1974.

Mr. President, no one has ever suggested that the service programs operated by the Office of Economic Opportunity are able by themselves to end poverty in the United States. In fact, during the last few years the number of people living in poverty has actually increased for the first time in a decade due to rising unemployment and the cost of living. However, the community action agencies and the Office of Economic Opportunity have written a record of which we can be proud—a record which is often overlooked by its critics. The Headstart program, the legal services program, the community development corporations around the country are all doing extraordinarily good work. And the local community action agencies including those in rural areas are performing invaluable services for poor people and for the larger community.

As then Director Frank Carlucci pointed out in testimony before this committee in 1971:

> The agency's range of programs reach some 11 million of the 24 million Americans whose income places them below the poverty line.

Indians and migrant workers in recent years have benefited especially from Office of Economic Opportunity programs. There are some 67 Indian community action agencies now in operation. While controversial in its early days, the community action program can now boast extraordinarily wide support.

May 5, 1971, some 90 major national organizations joined in a statement to this committee which concluded:

> We believe that the Office of Economic Opportunity must be permitted to build on this impressive record. It must continue to focus national attention on the needs of the poor. The lessons of the past should be used to give OEO a new vitality.

Mr. President, I believe that the Office of Economic Opportunity represents an invaluable asset not only to the poor and disadvantaged in this Nation but to all of us. If we are ever to deal effectively with the problems that plague the poor it is essential that there should be a federally funded organization both at the national and local levels which represents the poor in their struggle to deal with these problems. We are very fortunate to have the Office of Economic Opportunity. This legislation will continue its existence for another 3 years. I ask all Senators to join with me in supporting its passage.

Mr. President, I ask unanimous consent that a section-by-section analysis of bill S. 3010 be printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section provides that the legislation may be cited as the "Economic Opportunity Amendments of 1972."

SECTION 2. EXTENSION OF ECONOMIC OPPORTUNITY ACT

This section extends the provisions of the Economic Opportunity Act for three years.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS

Subsection (a)(1) of this section authorizes $900 million for fiscal year 1972, and $950 million annually for fiscal years 1973 and 1974, for carrying out the provisions of title I (parts A, B, and E) of the Economic Opportunity Act relating to work and training (and which are administered by the Department of Labor).

Subsection (a)(2) further authorizes an additional appropriation for Neighborhood Youth Corps programs under section 123(a)(1) and (2) of such act of $500 million annually for fiscal year 1972 and the next two fiscal years, and provides that no State shall receive less than $3 million (in the event that the full amount is appropriated) or six-tenths of 1 percent of the amounts appropiated for this purpose.

Subsection (b)(1) authorizes appropriations of $500 million annually for fiscal year 1972 and for the next two fiscal years for carrying out the Headstart program (administered by the Department of Health, Education, and Welfare) under paragraph (1) of section 222(a) of the Economic Opportunity Act.

Subsection (b)(2) provides that the Secretary of Health, Education, and Welfare shall establish policies and procedures to assure that at least 10 percent of the Nationwide enrollment opportunities in the Headstart program shall be available for handicapped children and that services shall be provided to meet their special needs.

Subsection (b)(3) authorizes appropriations of $100 million annually for fiscal year 1972 and for the next two fiscal years for carrying out the Follow Through program under paragraph (2) of section 222(a) of the Economic Opportunity Act.

Subsection (c)(1) authorizes appropriations for other Economic Opportunity Act programs (titles II, III, VI, VII, and X) of $950,000,000 for fiscal year 1972 and $1,000,000,000 annually for fiscal years 1973 and 1974.

Subsection (c)(2) earmarks funds out of each fiscal year's appropriation for programs under the Act as follows:

Not less than $328,900,000 shall be reserved for section 221 (local initiative programs).

Not less than $71,500,000 shall be reserved for legal services programs under section 222(a)(3) and under the new title IX.

In addition to such reserved funds, the amount of $394,900,000 shall be used for title II of which $114 million is for Comprehensive Health Services, $62,500,000 for Emergency Food and Medical Services, $25 million for Family Planning, $8,800,000 for Senior Opportunities and Services, $18 million for Alcoholic Counseling and Recovery, $18 million for Drug Rehabilitation, $5,000,000 for Environmental Action, $10,000,444 for Rural Housing Development and Rehabilitation, $10,000,000 for Design and Planning Assistance, $6,000,000 for Youth Recreation and Sports, and $117,600,000 for technical assistance and training, State agency assistance, research and pilot programs, and evaluation.

The amount of $38 million shall be used for programs for migrant and seasonal farmworkers under title III–B.

The amount of $18 million shall be used for administration and coordination under title VI and evaluation under title X.

The amount of $58 million shall be for community economic development programs under the new title VII contained in this bill (consolidating the old titles I–D and III–A).

Subsection (d) provides that if appropriations are insufficient to fund fully all of the above amounts, after the full amounts specified above are reserved for Local Initiative and Legal Services, the remaining funds are first made available as follows: $18,000,000 for Alcoholic Counseling and Recovery for each of fiscal years 1972 through 1974; and $30,000,000 for Emergency Food and Medical Services for each of fiscal years 1973 and 1974.

Subsection (e) authorizes the appropriation of $37,000,000 for fiscal year 1972 for carrying out full-time volunteer programs under title VIII–A of the Act.

Subsection (f) authorizes further appropriations, as add-ons to the amounts otherwise appropriated and allocated, of $62 million annually for fiscal years 1973 and 1974 for the Community Economic Development program under title VII, $100,000,000 annually for fiscal years 1973 and 1974 for the Legal Services program under the new title IX, $5,000,000 annually for fiscal years 1973 and 1974 for the new Rural Housing Development and Rehabilitation program under section 222(a)(11), and $16,000,000 for fiscal year 1972 for Domestic Volunteer Service programs under title VIII (of which $8,000,000 is for full-time volunteer programs under part A of such title and $8,000,000 is to remain available for expenditure under the title during fiscal year 1973).

Subsection (g) authorizes the appropriation of $53,000,000 annually for fiscal years 1973 and 1974 to be used for Domestic Volunteer Service programs under title VIII of the Act. Of such authorized amount, $44,500,000 is for full-time volunteer programs under part A of such title and $8,500,000 is for part B of such title.

SECTION 4. TRANSFER OF FUNDS

This section amends section 616 of the Economic Opportunity Act to provide increased flexibility to enable the Director to transfer funds from one program to another.

Subsection (a) amends such section 616 to increase the percentage of an allocation which may be transferred out of one program to increase the allocation for another program from the current 15 percent to 25 percent.

Subsection (b) further amends such section 616 by deleting the limitation which places a ceiling on the amount that may be transferred into a program when funds are taken away from other programs under the flexibility described in the preceding paragraph. (The existing law provides that such transfers may not result in increasing by more than 100 percent any program for which amounts otherwise available are $10 million or less, or increasing by more than 35 percent any program for which the amounts otherwise available exceed $10 million.)

SECTION 5. COMPREHENSIVE SERVICES CHARGES

This section authorizes the Director of the Office of Economic Opportunity to require, with respect to medical services provided the near or non-poor under the Comprehensive Health Services program, that payment be made in whole or in part for such assistance, pursuant to regulations.

SECTION 6. DRUG REHABILITATION PROGRAM

This section deletes two sentences in the Economic Opportunity Act which required dollar reservations for fiscal years 1970 and 1971 for the Alcoholic Counseling and Recovery program and the Drug Rehabilitation program—these reservations having, by their terms, become inoperative.

Section 222(a)(9) of the Act is further amended relating to the Drug Rehabilitation program to authorize the Director to undertake special programs promoting employment opportunities for drug dependent individuals. Special priority is required for programs serving veterans and employers of significant numbers of veterans with priority to those areas within States having the highest percentages of addicts. In addition, the course of rehabilitation may be completed even though the drug dependent individual has ceased to be "low-income" by virtue of his participation in an employment program.

SECTION 7. NEW SPECIAL EMPHASIS PROGRAMS

This section adds to section 222(a) of the Act a new national emphasis program known as "Environmental Action" to provide payment for low-income persons working on projects combating pollution and improving the environment.

This section also adds another new national emphasis program known as "Rural Housing Development and Rehabilitation" to assist in the alleviation of housing problems of low-income families in rural areas.

SECTION 8. COMMUNITY ACTION BOARDS

This section amends the existing law's limitation on the length of time a person may serve on a community action board from 3 consecutive years under the present provision to 6 consecutive years, and also extends the total number of years which such a person may serve from 6 years under the present provision to 12 years.

SECTION 9. NON-FEDERAL CONTRIBUTION CEILING

This section provides that the Director of OEO shall not require non-Federal contributions of more than 20 percent of the program costs.

SECTION 10. TERMINATION OF ASSISTANCE

This section establishes a procedure under which a community action board member could request the Director to investigate allegations that a State Economic Opportunity office was not observing the requirements of the Act or regulations promulgated under it. Where reasonable cause is found, the Director is required to hold hearings and is authorized to cut off funds until satisfactory assurances are provided that such violations would be prevented.

SECTION 11. SPECIAL ASSISTANCE

This section authorizes the Director of OEO to provide financial assistance for projects designed to serve low-income groups not effectively served by other programs under title II of the Act, with special consideration for such programs for older persons. A special authorization of $50,000,000 is included for this purpose.

SECTION 12. DISTRIBUTION OF FINANCIAL ASSISTANCE

This section provides that the Director shall assure that community action funds are distributed on an equitable basis in any community so that all segments of the low-income population are being served.

SECTION 13. AMENDMENT TO MIGRANT FARMWORKERS PROGRAM

This section amends section 312(b)(3) of the Act to authorize the Director to conduct programs to enable migrant and seasonal farmworkers to take advantage of the opportunities available to them in "employment" as well as "training" programs.

SECTION 14. PLAN REPORTING DATE

This section provides that the 5-year national poverty plan, required to be presented on an annual basis to the Congress by Sec. 622, must be presented by August 1, 1972, and updated no later than January 31 of each succeeding year.

SECTION 15. GUIDELINES

This section requires that all rules, regulations, guidelines, instructions, application forms, etc., promulgated pursuant to this Act be published in the Federal Register thirty days prior to their effective date.

SECTION 16. NONDISCRIMINATION

This section prohibits the Secretary from providing financial assistance unless the recipient provides specific nondiscrimination assurances.

This section further provides that no person shall be discriminated against on the ground of sex in any program under this legislation, to be enforced under title VI of the Civil Rights Act.

SECTION 17. COMMUNITY ECONOMIC DEVELOPMENT

Subsection (a) of this section inserts in the Economic Opportunity Act a new title headed:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT"

The new title consolidates the old title I-D and III-A programs.

SECTION 701. STATEMENT OF PURPOSE

This section states that the purpose of this title is to encourage special urban and rural programs of economic and social improvement.

PART A—SPECIAL IMPACT PROGRAMS

SECTION 711. STATEMENT OF PURPOSE

This section restates the statement of purpose in section 150 of the existing law except that it deletes "out-migration" as the sole criteria for rural programs, adds "duration" to size and scope as program characteristics, and adds "community determination" to the list of problems to which the program is addressed.

SECTION 712. ESTABLISHMENT OF PROGRAMS

The section restates the language in section 151 of the existing law except that it expressly identifies community development corporations and nonprofit agencies in conjunction with community development corporations as the delivery vehicles for programs, and adds housing to the list of supportable programs and activities.

SECTION 713. REQUIREMENTS FOR FINANCIAL ASSISTANCE

This section is substantially the same as section 152 of the existing law except that clause (1) assures that community development corporations be responsive to residents of the area under guidelines established by the Director of the Office of Economic Opportunity.

SECTION 714. APPLICATION OF OTHER FEDERAL RESOURCES

Subsection (a) permits community development corporations to use funds granted under this part as private paid-in capital for small business investment company and local development corporation programs of the Small Business Administration. This subsection also provides that the Small Business Administration prescribe regulations to insure that its programs assist community development corporations.

Subsection (b) restates section 153(b) of the existing law with changes making areas assisted under this new part eligible redevelopment areas for purposes of the Public Works and Economic Development Act. This subsection also provides that the Secretary of Commerce prescribed regulations to insure that its programs assist community development corporations.

Subsection (c) restates section 153(a) of the existing law with additional provisions qualifying community development corporations as sponsors under the following programs: Section 106 of the Housing and Urban Development Act of 1968 which provides technical and financial assistance to nonprofit sponsors of FHA housing programs; sections 221 and 236 of the National Housing Act which provides financial assistance for construction of rental housing for low- and moderate-income families; and section 235 of the National Housing Act which provides financial assistance for low- and moderate-income homeownership programs.

Subsection (d) provides that the Director shall take steps to assure that contracts and deposits by the Federal Government are placed in such a way as to further the purposes of this part.

Subsection (e) requires the Director to report to Congress on efforts to have other Federal resources made available to community development corporations.

SECTION 715. FEDERAL SHARE

This section provides for a Federal share of 90 percent of program costs unless the Director approves a higher percentage. This section also provides that capital investments made with funds under this part shall not be considered Federal property.

PART B—RURAL PROGRAMS

SECTION 721. STATEMENT OF PURPOSE

This section states that the purpose of this part is to support self-help programs in rural communities or areas.

SECTION 722. FINANCIAL ASSISTANCE

Subsection (a) authorizes financial assistance, including loans, to low-income rural families for improvements of real property and of operation of family-sized farms.

Subsection (b) authorizes financial assistance to rural cooperatives engaged in farming, purchasing, marketing, and processing programs. Costs which may be defrayed include administrative, planning, and technical assistance costs.

SECTION 723. LIMITATIONS ON ASSISTANCE

This section sets minimum requirements for assistance. Cooperatives must have a minimum of 15 active members, a majority of whom must be low-income rural persons.

PART C—SUPPORT PROGRAMS

SECTION 731. TRAINING AND TECHNICAL ASSISTANCE

This section requires Director to provide technical assistance and training of personnel required to effectively implement the purposes of this title.

SECTION 732. DEVELOPMENT LOAN FUND

This section authorizes the Director to make or guarantee loans under parts A and B of this title. To carry out such lending and guarantee functions, a development loan fund is to be established, consisting of two revolving funds: a rural development loan fund and a community development loan fund. The rural development loan fund would incorporate the loan fund under section 306 of the existing law. The community development loan fund would not be activated until grants for community development corporations exceed $60 million in any year.

SECTION 733. EVALUATION AND RESEARCH

This section authorizes evaluation and research to suggest new programs and policies to achieve the purposes of this title to provide opportunities for employment, ownership, and a better quality of life for low-income residents.

PART D—GENERAL AUTHORITY

SECTION 741. PROGRAM DURATION AND AUTHORITY

This section provides that the Director shall carry out programs under this title during fiscal year 1972 and the three succeeding fiscal years.

Section 17(b) repeals part D of title I of the Economic Opportunity Act.

Section 17(c) repeals part A of title III of the Economic Opportunity Act, effective after June 30, 1972.

Section 18. Legal Services Program

Subsection (a) of this section adds to the Economic Opportunity Act a new title headed:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION"

SECTION 901. DECLARATION OF POLICY

This section sets forth the congressional findings and declaration of policy to provide greater access to legal services and to create a private nonprofit corporation free from extraneous interfence and control.

SECTION 902. ESTABLISHMENT OF CORPORATION

This section establishes a nonprofit corporation known as the "National Legal Services Corporation."

SECTION 903. PROCESS OF INCORPORATION AND ORGANIZATION

This section provides that, during a transition period of at least six months, the Director of the Office of Economic Opportunity shall serve as the incorporating trustee to undertake the process of incorporation and initial organization of the National Legal Services Corporation. The Director shall carry out his responsibilities as incorporating trustee in consultation with the National Advisory Committee for Legal Services. Within 60 days after enactment of this legislation, the incorporating trustee must establish the initial Clients Advisory Council and the initial Project Attorneys Advisory Council, each of which shall submit its recommendations for persons to serve on the initial board of directors.

SECTION 904. DIRECTORS AND OFFICERS

This section provides that the corporation shall have a board of directors consisting of nineteen individuals, appointed by the President, with the advice and consent of the Senate, ten of whom are to be appointed from the general public, five individuals, one each from the following legal organizations: American Bar Association, American Association of Law Schools, National Bar Association, National Legal Aid and Defender Association, and the American Trial Lawyers Association, two from recommendations made by the Clients Advisory Council, and two from recommendations made by the Project Attorneys Advisory Council.

Terms of members of the board may not exceed 3 years. The terms of the public members of initial board are staggered.

The corporation is to have an executive director who must be an attorney and may not serve more than 6 years. The executive director serves as an ex officio member of the board without a vote.

Officers and employees of the corporation shall not receive any salary from any other source while employed by the corporation.

SECTION 905. ADVISORY COUNCILS: EXECUTIVE COMMITTEE

This section provides that the board of directors shall provide for the selection of a Clients Advisory Council and of a Project Attorneys Advisory Council subsequent to the initial councils established by the incorporating trusteeship under section 903(c).

The board may establish an executive committee of from five to seven members, consisting of the chairman of the board, the executive director of the corporation, one of the directors appointed by the President from the general public, one of the directors appointed from those recommended by the clients advisory council and the project attorneys advisory council, and one director from those representing the national legal organizations.

SECTION 906. ACTIVITIES AND POWERS OF THE CORPORATION

This section sets forth the authority of the corporation to provide financial assistance for legal services programs, research, training, technical assistance, experimental, and legal education programs.

The corporation must ensure that attorneys employed full time in programs funded by the corporation refrain from outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the corporation.

The corporation shall ensure that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the corporation, from lobbying legislative bodies unless requested to testify, and that no funds shall be utilized for any disruptive activity, or demonstration, or advertising campaign, to influence the passage or defeat of legislation.

No funds shall be used to provide legal services with respect to any criminal proceeding.

SECTION 907. NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

This section provides that the corporation is nonprofit and that it may not contribute to or otherwise support any political party or candidate. The corporation must ensure that all employees of legal services programs funded by the corporation, while engaged in activities carried on by legal services programs, refrain from partisan political activity and from any voter registration activity (other than legal representation) or any voter transportation.

SECTION 908. ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

This section provides that copies of all records and documents pertinent to grants and of all evaluation reports shall be maintained at the principal office of the corporation for public inspection. The corporation must afford notice and opportunity for comment to interested parties prior to issuing regulations and guidelines and must publish in the Federal Register all its bylaws, regulations, and guidelines. This section provides that the corporation shall be subject to the provisions of the Freedom of Information Act.

SECTION 909. FINANCING OF THE CORPORATION

This section provides that, in addition to any funds reserved and made available for payment to the corporation from appropriations for carrying out the Economic Opportunity Act for any fiscal year, there are further authorized to be appropriated such sums as may be necessary for any fiscal year. Funds remain available until expended.

SECTION 910. RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

This section provides that the accounts of the corporation shall be audited annually by a certified public accountant, and authorizes the General Accounting Office to audit the financial transactions of the corporation, making a report of each such audit to Congress.

This section also provides that the corporation and the General Accounting Office shall have access to the pertinent records of any recipient of assistance under this title.

SECTION 911. REPORTS TO CONGRESS

This section provides for annual reports to the President and the Congress on the activities of the National Legal Service Corporation and any recommendations it deems appropriate.

SECTION 912. DEFINITIONS

This section sets forth definitions of terms used in this title.

SECTION 913. PROHIBITION ON FEDERAL CONTROL

This section provides that nothing contained in this title shall be deemed to authorize any department, agency officer, or employee of the United States to exercise any direction, supervision, or control over the corporation or its activities.

SECTION 914. SPECIAL LIMITATIONS

This section provides that the board of directors shall prescribe procedures providing notice and opportunity to be heard before financial assistance may be suspended or terminated.

SECTION 915. COORDINATION

This section provides that the President direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities be utilized by the corporation.

SECTION 916. TRANSFER MATTERS

This section sets forth certain provisions to facilitate the transfer of personnel and of property and obligations from the Office of Economic Opportunity to the National Legal Services Corporation.

Section 18(b)(1) requires the Director of OEO and the executive director of the National Legal Services Corporation to take necessary action to arrange for the orderly continuation of financial assistance for legal services programs until obligations are assured by the Corporation.

Section 18(b)(2) repeals paragraph (3) (the existing legal services language) of section 222(a) of the Economic Opportunity Act, effective 6 months after the enactment of this legislation.

Section 18(b)(3) requires the Director of the Office of Economic Opportunity to assist in meeting the organizational expenses of the corporation.

Section 18(b)(4) amends title VI of the Economic Opportunity Act to make clear that references to that act do not affect the National Legal Services Corporation unless specific reference is made to this title IX.

Section 19. Evaluation

This section adds a new title to the Economic Opportunity Act consolidating existing authorities for conducting evaluation activities. The Director is required to develop and publish standards for evaluation of program effectiveness. Independence evaluations may be required of Community Action Agencies. Federal agencies administering related programs are required to cooperate with the Director and to provide statistical data and reports consistent with their collection process. The poor are to be consulted in the evaluation process, as are the State agencies. Evaluation results are to be published within 60 days of completion. All such studies and evaluations are to be the property of the United States.

Section 20. Special programs authorized

This section amends title II–B of the Economic Opportunity Act to add two new sections. Section 226 provides for a program of "Design and Planning Assistance Grants." Section 227 provides for a "Youth Recreation and Sports Program."

Section 21. Functions of director

This section provides that the Director shall not utilize his authority under the Economic Opportunity Act to delegate to any other agency the Local Initiative program under section 221 or the Community Economic Development program under the new title VII of the Act.

Section 22. Puerto Rico

This section provides that, in the allotment of funds under title II of the Economic Opportunity Act, there will be a set-aside of 2 percent for Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands and amends the Economic Opportunity Act as that Puerto Rico is treated as a State for such purpose, effective July 1, 1972.

Section 23. Amendment to the Older Americans Act of 1965

This section corrects an oversight that occurred when the Foster Grandparents Program was transferred out of the Economic Opportunity Act. It gives the Director of ACTION authority to approve assistance in excess of 90% of costs where he determines such action is required.

Section 24. Academic credit in volunteer programs

This section amends section 821 of the Act (authorizing special volunteer programs) to cover any program for which academic credit is granted to volunteer participants in connection with their volunteer service (not including time devoted to training).

Section 25. Poverty line

This section provides that every agency administering programs authorized by the Economic Opportunity Act which utilize the poverty line as a criterion of eligibility shall revise the poverty line at annual or shorter intervals and that such revisions shall reflect changes in the consumer price index.

Mr. NELSON. Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I, too, wish to make an opening statement, as this is a completely bipartisan bill, in which I have joined with the Senator from Wisconsin (Mr. NELSON), chairman of the Subcommittee on Employment, Manpower, and Poverty, in an effort to redeem what I feel the country was in danger of losing as a result of the Presidential veto of the previous bill in 1971.

Mr. President, I urge Members of the Senate to support the committee's bill, S. 3010, the Economic Opportunity Amendments Act of 1972.

This is a bipartisan bill, introduced by Senator NELSON, chairman of the Subcommittee on Employment, Manpower and Poverty, and myself immediately after the Presidential veto of S. 2007, the Economic Opportunity Amendments of 1971.

It has been carefully tailored to meet each of the administration's concerns expressed with respect to the previously vetoed measure.

It is absolutely essential if we are to continue to cut into the syndrome of poverty, which now embraces 26 million of our citizens—nearly 13 percent of our population.

Mr. President, I shall now indicate in respect to each of its major elements why I believe the bill deserves the support of the Members of the Senate and of the administration.

First, it does not include, as did last year's measure, a new title for child development. This element, to which the President objected so strongly last year has, at the urging of myself and other Republican members of the committee, been considered separately. S. 3617, the Comprehensive Headstart, Child Development and Family Service Act, which the Senate approved this past Tuesday, will provide that element.

Second, the bill provides for a 3-year extension of the poverty program, through fiscal year 1974. As introduced, the bill provided only for a 2-year extension, as has been the practice since the inception of the program.

I am pleased that the committee adopted my amendment for a 3-year extension, so that the poverty program—which has proven itself over and over again as an effective effort—will not be undermined by the failure to provide the secure tenure which it deserves.

This element should be a great assurance to the persons who live daily with the problems of the poor that the program is no longer on probation and that the Congress believes in what they are trying to do.

Third, the bill provides for a total of approximately $9 billion over a 3-year period for a wide range of activities, including migrant, manpower, Headstart, Senior Citizens, volunteer programs and others which are important antipoverty efforts.

The annual amount of $3 billion represents a minimum which should be applied.

We spend approximately $32 billion for all poverty-related programs of the Federal Government.

But the poverty program—which represents annually less than 10 percent of that total—is the most essential element because it involves the poor in the effort, thus insuring relevancy; it lifts the spirit of the poor.

A major concession to the administration in this bill is that only four of these programs—legal services, local initiative, alcoholic counseling, and emergency food and medical are subject to earmarking in contrast to the vetoed bill which earmarked 15 programs.

Fourth, the bill contains a new title for the establishment of a new independent nonprofit corporation for the conduct of the legal services program.

Mr. President, I am a lawyer of long experience, and I say advisedly that I know of no antipoverty effort more effective than the legal services program. I know of nothing in the whole antipoverty program more essential than the legal services program. My reason is this: We have learned from experience that the poor, in terms of their own rehabilitation, value the dignity of having a lawyer who can represent them in a case which is their case. Above everything else, above even food, clothing, and shelter, is this question of dignity, which is represented by the legal services aspect of this bill. So we did our utmost to forge a bipartisan consensus on this question.

Mr. President, I know of no antipoverty effort more effective than the legal services program and nothing in S. 3010 more essential than this provision.

The committee bill reflects a recognition of these efforts, and a bipartisan consensus on the desirability of expanding them in a context which will insure their independence.

As President Nixon stated, in his message to the Congress on May 5, 1971, proposing the establishment of such a corporation:

> Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

The key obstacle to establishing such a corporation has been the failure to agree on the composition of its Board of Directors. I think, with all humility, that we have arrived at a really good solution.

With respect to last year's measure, the President stated in his veto message:

> The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under congressional revisions, the President has full discretion to appoint only six of the 17 directors; the balance must be chosen from lists provided by various professional, client and special interest groups, some of which are actual or potential grantees of the Corporation.

Mr. President, as the result of an amendment which I and other members of the minority proposed, the committee bill now provides for a 19-member Board, consisting of 10 public members appointed by the President, and nine members appointed by the President "from recommendations made by" various national bar, clients, and project attorney groups.

Giving the President untrammeled authority to appoint 10 out of 19. This should provide the accountability which the President urged, while maintaining the involvement of various key groups which have contributed so much to the development of the current Legal Services program.

Additionally, it should be noted also that section 903(b) of the proposed Legal Services title the Director of OEO will serve as the incorporating trustee thus responding to the administration's objections to the previous provision, which relied heavily upon outside groups.

Finally, I note that section 904(e) of the proposed Legal Services title specifically states that no member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

Mr. President, as the bill is considered I intend to strongly oppose any amendment or action which would in any way prevent or impede the establishment of the Corporation or violate the right of any Legal Services attorney serving through the existing or the proposed program to do what he or she deems to be in the best interest of the client.

As a representative of the client community said in testimony before the Subcommittee on Employment, Manpower, and Poverty on October 9, 1970:

> The clients have come to trust this program because the lawyers in it fight for us; the program staff fights to protect its integrity; and the organized bar fights to insure that the highest standards of professional conduct are maintained. We know, at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. . . . If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

The very key to the program's continued effectiveness is this credibility.

And we cannot afford by any contrary action here to tamper with that credibility or the rights of the poor.

This program and the proposal to establish such a corporation enjoys not only the support of the clients—but the overwhelming support of the organized bar as well.

The committee's report documents this support in detail, beginning on page 28.

It includes the American Bar Association, and State and local bar associations across the country; for example, a number of bar associations in my own State, the Michigan Bar Association, the Ohio Bar Association, the Philadelphia Bar Association, and many others.

Mr. President, the basis for the support of the organized bar and many attorneys individually goes beyond belief in legal services per se to the larger concern of increasing the ability of the so-called establishment to provide an alternative to the politics of violence.

As John D. Robb, chairman of the American Bar Association's Committee on Legal and Indigent Defenders, told members of the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare on November 14, 1970:

> I think this is terribly important. I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society. We know from documented reports by various presidential commissions and by hearings that you yourselves have participated in that the poor by and large have little confidence in our society, in its structure, in its institutions, in lawyers, in the law, in the court system, and as a result, when their own rights are not honored it is not too surprising, I think, that they riot in the streets and that there is violence on our campuses. What we are trying to do in this program is to have a peaceful vehicle where these disputes can be taken from the strife-torn campuses, in the streets and the fire and burnings that are taking place and give these people a peaceful forum in which the grievances that they have against society can be aired, where their position can be set forth and where nobody can interfere with that lawyer's sole obligation to represent his client.

Mr. Robb feels, and I agree with him, that this is one of the greatest incentives to stop the riots in ghettos and slums, the kinds of riots and unrest which have been such a deplorable feature of our society in recent few years.

The American Bar Association continues to support the enactment of legislation establishing a National Legal Services Corporation and urges that any amendments to S. 3010 seeking to strike the new title be resisted.

The substantial support of these organized groups will become even more apparent as we debate this bill.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. Mr. President, this modification was a response, of course, to the administration objection to the way the board was composed in the bill last year.

I commend the Senator from New York, the Senator from Ohio (Mr. TAFT), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Minnesota (Mr. MONDALE) who worked out this compromise, which gives the President an absolute majority and much more than that—because, quite obviously, the President will be able to select, from the recommendations that are made to him, appointees who are satisfactory to him. In fact, he does not have to accept any one of the recommendations or particular ones or groups that are sent to him. Is that correct?

Mr. JAVITS. That is correct. As a matter of fact, he could have a working board with 10 out of 19; and then we, the drafters of the legislation, would be the sufferers, in a sense. This is important to note. He has a working board. He has a quorum. He has a majority, if he simply does not like any of the recommendations submitted to him.

So the impact would be on the bodies which need to submit recommendations, to submit as many as are required until the President is suited. I think that preserves their participation in a meaningful way and deprives the President of absolutely nothing.

Mr. NELSON. I am sure the Senator also knows that the American Bar Association has notified us that they thought this was a satisfactory method of composing the board.

Mr. JAVITS. That is correct. Indeed, I was going to offer for the record—I will do it now—the American Bar Association telegram, dated June 15, 1972, signed by Leon Jaworski, president.

Mr. President, I ask unanimous consent to have the telegram printed at this point in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

> American Bar Association,
> *June 15, 1972.*
>
> Hon. Jacob K. Javits,
> *U.S. Senate, Senate Office Building, Washington, D.C.*
>
> The American Bar Association supports the enactment of legislation establishing a National Legal Services Corporation, having concluded that the Corporation will tend to further the Association's interest in preserving the independence and professional integrity of the Legal Services Program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike Title IX or which would threaten the independence of the Corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the Association's long standing commitment to equal access to justice for all citizens.
>
> Leon Jaworski,
> *President, American Bar Association.*

Mr. JAVITS. Mr. President, fifth, the bill contains a new title for community economic development, coauthored by myself and Senator Kennedy which would authorize grants to urban and rural community development corporations and their nonprofit partners. This would encourage greater assistance to such corporations, as well as to rural cooperatives, from a number of Federal and other sources.

This title builds upon the special impact program under title 1–D of the Economic Opportunity Act, which was included in the law in 1967 by the late Senator Robert Kennedy and myself.

The new title, like the previous measure, is based on the model of a very successful program in the Bedford-Stuyvesant section of Brooklyn, N.Y.

According to a task force report issued by the Twentieth Century Fund of New York on the basis of a review of the experience of more than 75 urban and rural community development corporations throughout the country, such corporations have demonstrated—

> Unique capacity for pooling a community's talents and resources . . . for linking together a variety of businesses and projects . . . and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area.

Sixth, the bill contains important new provisions for rural housing, drug rehabilitation, environmental action, and other new activities which should greatly advance our antipoverty efforts.

I am particularly pleased with the inclusion of provisions which I sponsored for the treatment of Puerto Rico as a State for the purposes of financial assistance and to provide more adequately for groups who often do not receive full benefits under the programs, such as the aged.

Seventh, the bill, unlike the vetoed bill does not contain a blanket prohibition against delegation or transfer of OEO programs to other agencies. The committee bill applies that prohibition to only two programs, local initiative and community economic development, which are at the very heart of the antipoverty efforts.

This, too, is a major concession to the administration, which many of us made quite reluctantly.

Mr. President, the antipoverty program remains the best insurance policy we can have against the escalating uncontrollable welfare expenditures and our best assurance that a commitment to a Federal floor under welfare, as proposed in H.R. 1, will not be a costly one.

For all of these reasons, I believe the bill should be adopted and should be signed into law by the President. I have no official word from the President in that respect, but they should regard this as a substantial movement into their position as expressed in the veto message, and I hope that the bill—which emerges from conference with the House—which adopted a 2-year extension some time ago—will be signed into law.

Before I conclude, Mr. President, I should like to pay tribute to the distinguished Senator from Wisconsin (Mr. Nelson), the chairman of the subcommittee, for his unfailing, not just cooperation, but partnership in trying to fashion a bill which would meet the approval of our colleagues and the approval of the President.

It has been a terribly difficult labor. He had every right to be discouraged when the President vetoed the previous bill. On the contrary, he took it as a goal and incentive to try to meet the President's views. He and I introduced this new bill quite soon after the veto. For that reason, it is a matter of the greatest satisfaction to me to have worked with him so closely.

I believe everything that I have said goes equally for the other members of the minority—to Senator Taft of Ohio who did some creative work in respect of the Legal Services Corporation, and to the other members of the minority on Senator Nelson's subcommittee, and on the full committee.

I am very hopeful that the Senate will find our bill to be agreeable to it and that it will go to conference and be speedily enacted into law.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO RECEIVE AND REFER H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATION BILL DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive the message from the House of Representatives on H.R. 15585, making appropriations for the U.S. Treasury-Postal Service, and for the Executive Office of the President, and that the bill be referred to the Appropriations Committee during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute for the bill S. 3010.

FOREIGN ASSISTANCE ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of the unfinished business.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m., following a recess. After the two leaders or their designees have been recognized under the standing order, the Senate will proceed to the consideration of H.R. 15585, the Treasury-Postal Service appropriation bill, under a time limitation. There will be at least one rollcall vote on that bill, the yeas and nays having already been ordered on the final passage thereof.

Next, the Senate will return to the consideration of the unfinished business, S. 3390. The amendment (No. 1265) of the Senator from Pennsylvania (Mr. Scott), will be called up under a time limitation, and a rollcall vote will occur thereon.

Following the disposition of the amendment by Mr. Scott, the Dominick amendment—the so-called third country amendment to S. 3390—will be called up and disposed of, and there undoubtedly will be a rollcall vote on that amendment.

The Senate will then return to the consideration of the second-track item,

S. 3010, the Economic Opportunity Act, and at that time the distinguished Senator from Texas (Mr. TOWER) will be recognized for the purpose of calling up two amendments in succession, on each of which there is a time limitation of 1 hour.

I would imagine that the Senator from Texas would want a rollcall vote on each of those amendments. Therefore, Mr. President, I would suggest to Senators that they might be prepared for a reasonably long day tomorrow, even though it is Friday, and I think we can expect from three to a half dozen yea-and-nay votes. I see at least three yea-and-nay votes assured as I look at the program for tomorrow, and I should think that there would probably be at least two additional ones, as I have already indicated, on the amendments by Mr. TOWER, making a total, in all likelihood, of at least five rollcall votes tomorrow.

Does the distinguished assistant Republican leader wish to be recognized before the motion to recess is made?

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 4:41 p.m. the Senate took a recess until tomorrow, Friday, June 23, 1972, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 22 (legislative day of June 19), 1972:

U.S. AIR FORCE

The following-named officer, under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Kenneth W. Schultz, 085–14–8118 FR (major general, Regular Air Force), U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Louis T. Seith, 545–28–8317FR (major general, Regular Air Force) U.S. Air Force.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8992, title 10 of the United States Code:

To be brigadier general

Col. Robert S. Corbett, Sr., 250–10–9224FG, South Carolina Air National Guard.

Col. Cleveland J. Perkins, Jr., 254–28–0574 FG, Georgia Air National Guard.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Leo Edward Benade, 326–05–4359, Army of the United States (brigadier general, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. James Madison Lee, 246–20–1593, Army of the United States (major, U.S. Army).

Col. John Winn McEnery, 520–44–2282, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Richardson Sadler, 229–28–1369, Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Upton Greer, 266–30–0303, Army of the United States (lieutenant colonel, U.S. Army).

Col. Eivind Herbert Johansen, 569–20–6835, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Benedeck Starker, 527–16–0447, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Joseph Malley, 475–20–0596, U.S. Army.

Col. Lee Eli Surut, 081–32–6261, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Joseph Tallman, 198–14–1783, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Albert Maurer, 298–12–3716, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harold Dean Yow, 429–46–6995, Army of the United States (lieutenant colonel, U.S. Army).

Col. Morris Joseph Brady, 346–18–2472, Army of the United States (major, U.S. Army).

Col. Julius Wesley Becton, Jr., 197–14–1624, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Macon Mullens, 462–34–5604, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harry Williams Brooks, Jr., 308–24–1286, Army of the United States (lieutenant colonel, U.S. Army).

Col. Calvert Potter Benedict, 534–38–6899, United States Army.

Col. George Macon Shuffer, Jr., 460–64–3564, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard John Eaton, 336–14–7464, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Linus McFadden, Jr., 191–20–6333, Army of the United States (lieutenant colonel, U.S. Army).

Col. Gerd Susman Grombacher, 340–16–0471, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Greer, 233–34–8814, Army of the United States (lieutenant colonel, U.S. Army).

Col. Raphael Dean Tice, 509–26–9886, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur James Gregg, 227–20–0740, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Lyman Lemnitzer, 263–60–2965, Army of the United States (major, U.S. Army).

Col. John Franklin Forrest, 356–16–9650, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Lewis Fant III, 425–44–0179, Army of the United States (major, U.S. Army).

Col. Ennis Clement Whitehead, Jr., 514–40–3562, Army of the United States (lieutenant colonel, U.S. Army).

Col. William White Palmer, 241–32–2474, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Harry Johnson, 218–24–2299, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Donald Stevenson, 447–24–2833, Army of the United States (major U.S. Army).

Col. Hugh French Thomason Hoffman, Jr., 460–64–4253, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Santo Moura II, 028–18–9333, U.S. Army Reserve.

Col. John Carter Faith, 346–18–0189, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Charles Kingston, 012–22–3429, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Laflin Kelly, 510–22–9173, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert George Yerks, 081–32–6760, Army of the United States (major U.S. Army).

Col. Wilfrid King Grover Smith, 433–58–2185, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jerry Bennett Lauer, 036–26–5540, Army of the United States (lieutenant colonel, U.S. Army).

Col. Otis Clyde Lynn, 409–30–3190, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Dewey Eggers, Jr., 081–32–6626, Army of the United States (lieutenant colonel, U.S. Army).

Col. Donald Raymond Keith, 364–26–3704, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Vincent Mackmull, 294–22–6931, Army of the United States (lieutenant colonel, U.S. Army).

Col. Kenneth Eugene Dohleman, 346–22–8288, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Payne Clarke, 371–14–9446, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Greenleaf Trefry, 017–20–0149, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Franklin Means, 280–20–0506, Army of the United States (lieutenant colonel, U.S. Army).

Col. Orvil Cranfill Metheny, 538–16–5091, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Hirsch, 186–18–7133, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Arnold Cheney, 003–16–2544, Army of the United States (lieutenant colonel, U.S. Army).

Col. William James Kennedy, 559–24–2325, Army of the United States (lieutenant colonel, U.S. Army).

Col. Willard Latham, 464–22–0730, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Ashbrook Patch, 466–60–3313, Army of the United States (lieutenant colonel, U.S. Army).

Col. Tom Judson Perkins, 457–30–8222, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Edgar Read, 240–28–5658, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Gordon Beckner, 485–03–9614 U.S. Army.

Col. Lloyd Joseph Faul, 433–40–2296, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Griffin Jones, 561–54–8201, Army of the United States (lieutenant colonel, U.S. Army).

So the impact would be on the bodies which need to submit recommendations, to submit as many as are required until the President is suited. I think that preserves their participation in a meaningful way and deprives the President of absolutely nothing.

Mr. NELSON. I am sure the Senator also knows that the American Bar Association has notified us that they thought this was a satisfactory method of composing the board.

Mr. JAVITS. That is correct. Indeed, I was going to offer for the record—I will do it now—the American Bar Association telegram, dated June 15, 1972, signed by Leon Jaworski, president.

Mr. President, I ask unanimous consent to have the telegram printed at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
June 15, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate, Senate Office Building, Washington, D.C.

The American Bar Association supports the enactment of legislation establishing a National Legal Services Corporation, having concluded that the Corporation will tend to further the Association's interest in preserving the independence and professional integrity of the Legal Services Program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike Title IX or which would threaten the independence of the Corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the Association's long standing commitment to equal access to justice for all citizens.

LEON JAWORSKI,
President, American Bar Association.

Mr. JAVITS. Mr. President, fifth, the bill contains a new title for community economic development, coauthored by myself and Senator KENNEDY which would authorize grants to urban and rural community development corporations and their nonprofit partners. This would encourage greater assistance to such corporations, as well as to rural cooperatives, from a number of Federal and other sources.

This title builds upon the special impact program under title 1-D of the Economic Opportunity Act, which was included in the law in 1967 by the late Senator Robert Kennedy and myself.

The new title, like the previous measure, is based on the model of a very successful program in the Bedford-Stuyvesant section of Brooklyn, N.Y.

According to a task force report issued by the Twentieth Century Fund of New York on the basis of a review of the experience of more than 75 urban and rural community development corporations throughout the country, such corporations have demonstrated—

> Unique capacity for pooling a community's talents and resources . . . for linking together a variety of businesses and projects . . . and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area.

Sixth, the bill contains important new provisions for rural housing, drug rehabilitation, environmental action, and other new activities which should greatly advance our antipoverty efforts.

I am particularly pleased with the inclusion of provisions which I sponsored for the treatment of Puerto Rico as a State for the purposes of financial assistance and to provide more adequately for groups who often do not receive full benefits under the programs, such as the aged.

Seventh, the bill, unlike the vetoed bill does not contain a blanket prohibition against delegation or transfer of OEO programs to other agencies. The committee bill applies that prohibition to only two programs, local initiative and community economic development, which are at the very heart of the antipoverty efforts.

This, too, is a major concession to the administration, which many of us made quite reluctantly.

Mr. President, the antipoverty program remains the best insurance policy we can have against the escalating uncontrollable welfare expenditures and our best assurance that a commitment to a Federal floor under welfare, as proposed in H.R. 1, will not be a costly one.

For all of these reasons, I believe the bill should be adopted and should be signed into law by the President. I have no official word from the President in that respect, but they should regard this as a substantial movement into their position as expressed in the veto message, and I hope that the bill—which emerges from conference with the House—which adopted a 2-year extension some time ago—will be signed into law.

Before I conclude, Mr. President, I should like to pay tribute to the distinguished Senator from Wisconsin (Mr. NELSON), the chairman of the subcommittee, for his unfailing, not just cooperation, but partnership in trying to fashion a bill which would meet the approval of our colleagues and the approval of the President.

It has been a terribly difficult labor. He had every right to be discouraged when the President vetoed the previous bill. On the contrary, he took it as a goal and incentive to try to meet the President's views. He and I introduced this new bill quite soon after the veto. For that reason, it is a matter of the greatest satisfaction to me to have worked with him so closely.

I believe everything that I have said goes equally for the other members of the minority—to Senator TAFT of Ohio who did some creative work in respect of the Legal Services Corporation, and to the other members of the minority on Senator NELSON's subcommittee, and on the full committee.

I am very hopeful that the Senate will find our bill to be agreeable to it and that it will go to conference and be speedily enacted into law.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO RECEIVE AND REFER H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATION BILL DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive the message from the House of Representatives on H.R. 15585, making appropriations for the U.S. Treasury-Postal Service, and for the Executive Office of the President, and that the bill be referred to the Appropriations Committee during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute for the bill S. 3010.

FOREIGN ASSISTANCE ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of the unfinished business.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m., following a recess. After the two leaders or their designees have been recognized under the standing order, the Senate will proceed to the consideration of H.R. 15585, the Treasury-Postal Service appropriation bill, under a time limitation. There will be at least one rollcall vote on that bill, the yeas and nays having already been ordered on the final passage thereof.

Next, the Senate will return to the consideration of the unfinished business, S. 3390. The amendment (No. 1265) of the Senator from Pennsylvania (Mr. SCOTT), will be called up under a time limitation, and a rollcall vote will occur thereon.

Following the disposition of the amendment by Mr. SCOTT, the Dominick amendment—the so-called third country amendment to S. 3390—will be called up and disposed of, and there undoubtedly will be a rollcall vote on that amendment.

The Senate will then return to the consideration of the second-track item,

S. 3010, the Economic Opportunity Act, and at that time the distinguished Senator from Texas (Mr. Tower) will be recognized for the purpose of calling up two amendments in succession, on each of which there is a time limitation of 1 hour.

I would imagine that the Senator from Texas would want a rollcall vote on each of those amendments. Therefore, Mr. President, I would suggest to Senators that they might be prepared for a reasonably long day tomorrow, even though it is Friday, and I think we can expect from three to a half dozen yea-and-nay votes. I see at least three yea-and-nay votes assured as I look at the program for tomorrow, and I should think that there would probably be at least two additional ones, as I have already indicated, on the amendments by Mr. Tower, making a total, in all likelihood, of at least five rollcall votes tomorrow.

Does the distinguished assistant Republican leader wish to be recognized before the motion to recess is made?

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 4:41 p.m. the Senate took a recess until tomorrow, Friday, June 23, 1972, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 22 (legislative day of June 19), 1972:

U.S. Air Force

The following-named officer, under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Kenneth W. Schultz, 085-14-8118 FR (major general, Regular Air Force), U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Louis T. Seith, 545-28-8317FR (major general, Regular Air Force) U.S. Air Force.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8992, title 10 of the United States Code:

To be brigadier general

Col. Robert S. Corbett, Sr., 250-10-9224FG, South Carolina Air National Guard.

Col. Cleveland J. Perkins, Jr., 254-28-0574 FG, Georgia Air National Guard.

U.S. Army

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Leo Edward Benade, 326-05-4359, Army of the United States (brigadier general, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. James Madison Lee, 246-20-1593, Army of the United States (major, U.S. Army).

Col. John Winn McEnery, 520-44-2282, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Richardson Sadler, 229-28-1369, Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Upton Greer, 266-30-0303, Army of the United States (lieutenant colonel, U.S. Army).

Col. Eivind Herbert Johansen, 569-20-6835, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Benedeck Starker, 527-16-0447, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Joseph Malley, 475-20-0596, U.S. Army.

Col. Lee Eli Surut, 081-32-6261, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Joseph Tallman, 198-14-1783, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Albert Maurer, 298-12-3716, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harold Dean Yow, 429-46-6995, Army of the United States (lieutenant colonel, U.S. Army).

Col. Morris Joseph Brady, 346-18-2472, Army of the United States (major, U.S. Army).

Col. Julius Wesley Becton, Jr., 197-14-1624, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Macon Mullens, 462-34-5604, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harry Williams Brooks, Jr., 308-24-1286, Army of the United States (lieutenant colonel, U.S. Army).

Col. Calvert Potter Benedict, 534-38-6899, United States Army.

Col. George Macon Shuffer, Jr., 460-64-3564, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard John Eaton, 336-14-7464, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Linus McFadden, Jr., 191-20-6333, Army of the United States (lieutenant colonel, U.S. Army).

Col. Gerd Susman Grombacher, 340-16-0471, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Greer, 233-34-8814, Army of the United States (lieutenant colonel, U.S. Army).

Col. Raphael Dean Tice, 509-26-9886, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur James Gregg, 227-20-0740, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Lyman Lemnitzer, 263-60-2965, Army of the United States (major, U.S. Army).

Col. John Franklin Forrest, 356-16-9650, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Lewis Fant III, 425-44-0179, Army of the United States (major, U.S. Army).

Col. Ennis Clement Whitehead, Jr., 514-40-3562, Army of the United States (lieutenant colonel, U.S. Army).

Col. William White Palmer, 241-32-2474, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Harry Johnson, 218-24-2299, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Donald Stevenson, 447-24-2833, Army of the United States (major U.S. Army).

Col. Hugh French Thomason Hoffman, Jr., 460-64-4253, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Santo Moura II, 028-18-9333, U.S. Army Reserve.

Col. John Carter Faith, 346-18-0189, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Charles Kingston, 012-22-3429, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Laflin Kelly, 510-22-9173, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert George Yerks, 081-32-6760, Army of the United States (major U.S. Army).

Col. Wilfrid King Grover Smith, 433-58-2185, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jerry Bennett Lauer, 036-26-5540, Army of the United States (lieutenant colonel, U.S. Army).

Col. Otis Clyde Lynn, 409-30-3190, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Dewey Eggers, Jr., 081-32-6626, Army of the United States (lieutenant colonel, U.S. Army).

Col. Donald Raymond Keith, 364-26-3704, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Vincent Mackmull, 294-22-6931, Army of the United States (lieutenant colonel, U.S. Army).

Col. Kenneth Eugene Dohleman, 346-22-8288, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Payne Clarke, 371-14-9446, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Greenleaf Trefry, 017-20-0149, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Franklin Means, 280-20-0506, Army of the United States (lieutenant colonel, U.S. Army).

Col. Orvil Cranfill Metheny, 538-16-5091, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Hirsch, 186-18-7133, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Arnold Cheney, 003-16-2544, Army of the United States (lieutenant colonel, U.S. Army).

Col. William James Kennedy, 559-24-2325, Army of the United States (lieutenant colonel, U.S. Army).

Col. Willard Latham, 464-22-0730, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Ashbrook Patch, 466-60-3313, Army of the United States (lieutenant colonel, U.S. Army).

Col. Tom Judson Perkins, 457-30-8222, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Edgar Read, 240-28-5658, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Gordon Beckner, 485-03-9614 U.S. Army.

Col. Lloyd Joseph Faul, 433-40-2296, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Griffin Jones, 561-54-8201, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Edward Fix III, 136-32-3557, Army of the United States (lieutenant colonel, U.S. Army).

Col John Wesley Currier, 497-24-0625, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Earl Turnmeyer, 484-16-2355, U.S. Army.

Col. Paul Traylor Smith, 430-48-8214, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Jacob Koehler, Junior, 072-18-9345, Army of the United States (lieutenant colonel, U.S. Army).

U.S. NAVY

The following named Reserve Officers of the U.S. Navy for permanent promotion to the grade of rear admiral:

LINE

Chester C. Hosmer
Paul C. Huelsenbeck
Samuel W. Van Court
Ira D. Putnam

MEDICAL CORPS

Scott Whitehouse

SUPPLY CORPS

Owen C. Pearce

CIVIL ENGINEER CORPS

John H. McAuliffe, Jr.

U.S. MARINE CORPS

Lt. Gen William G. Thrash, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

In accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Robert P. Keller, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

DEPARTMENT OF AGRICULTURE

Carroll G. Brunthaver, of Ohio, to be an Assistant Secretary of Agriculture.

Carroll G. Brunthaver, of Ohio, to be a Member of the Board of Directors of the Commodity Credit Corporation.

NATIONAL MEDIATION BOARD

George S. Ives, of Maryland, to be a member of the National Mediation Board for the term expiring July 1, 1975.

IN THE AIR FORCE

Air Force nominations beginning Clayton H. Schmidt, to be colonel, and ending Henry J. Wright, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1972; and

Air Force nominations beginning John R. Abbott, to be colonel, and ending Robert W. Kleinhelter, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on June 12, 1972.

IN THE ARMY

Army nominations beginning Paul T. McDonald, to be captain, and ending Craig A. Winkel, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1972;

Army nominations beginning Robert W. Sherwood, to be colonel, and ending Bonnie E. Sweeney, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on June 12, 1972;

Army nominations beginning Ludvig J. Aamodt, to be major, and ending Hilda L. Walker, to be major, which nominations were received by the Senate and appeared in the Congressional Record on June 12, 1972; and

Army nominations beginning Joe A. Alexander, to be second lieutenant, and ending Myron E. Whitehead, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 13, 1972.

IN THE NAVY

Navy nominations beginning Richard B. Porterfield, to be ensign, and ending Brad S. Smith, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1972; and

Navy nominations beginning John H. Blake, Jr., to be ensign, and ending CWO Robert J. Schoonover, to be lieutenant (j.g.), which nominations were received by the Senate and appeared in the Congressional Record on June 13, 1972.

IN THE MARINE CORPS

Marine Corps nominations beginning Charles W. Adams, to be first lieutenant, and ending Paul M. Young, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1972.

HOUSE OF REPRESENTATIVES—*Thursday, June 22, 1972*

The House met at 12 o'clock noon.

Dr. John W. Tresch, Jr., First Baptist Church, Greeneville, Tenn., offered the following prayer:

Our Father, because Thou art the Lord of our lives and because Thou hast made this day for us, we pause now to give Thee thanks.

We rejoice in the knowledge that Thou didst work through the minds and hearts of our forefathers to lead them to create this form of self-government. Keep always before us the fact that Thou art the author of the institutions of government; and that, accordingly, all governments must give an account unto Thee for the stewardship of their powers and abilities.

Grant to these honorable men who serve in the Halls of Congress a singleness of purpose.

We ask not that Thou wouldst approve what they do; but rather lead them to do those things which Thou wouldst approve.

Help each one of us to so live this day that we will be living monuments unto the glory of our Lord Jesus Christ, in whose name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 465. An act for the relief of Mrs. Hang Kiu Wah;

S. 1950. An act for the relief of Mrs. Josefita Esther Worley;

S. 2270. An act for the relief of Magnus David Forrester;

S. 2489. An act for the relief of Judy A. Carbonell;

S. 2562. An act for the relief of Guido Bellanca;

S. 2575. An act for the relief of William John West;

S. 2591. An act for the relief of Dr. Constante S. Avecilla;

S. 2625. An act for the relief of Giuseppe Paul Pinton;

S. 2704. An act for the relief of Rita Rosella Valleriani; and

S. 2937. An act for the relief of Slobodan Babic.

REV. JOHN TRESCH, JR.

(Mr. FULTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON. Mr. Speaker, it is my privilege today to sponsor Rev. John Tresch, Jr. as our Chaplain to open this session of the U.S. House of Representatives with prayer.

Reverend Tresch currently is pastor of the First Baptist Church of Greeneville, Tenn.

He is a native of my community, Nashville, Tenn., and spent 5 years as a minister there at Parkway Baptist Church.

Reverend Tresch attended Nashville Central High School and received his BA degree at Belmont College in Nashville.

He attended Southwestern Baptist Theological Seminary at Fort Worth, Tex., where he received his M.V.D. He received his M.A. degree from Texas Christian University at Fort Worth and received his Ph. D. at Vanderbilt University in the history of American Christianity.

Reverend Tresch also has had published by Broadman Press a book, "A Prayer for All Seasons."

He is married to the former Beverly Gillian of Columbia, Tenn., and they have two sons, John David, age 12, and William Kyle, age 8.

He is a 32d degree Scottish Rite Mason, a member of the Greeneville Exchange Club, and a member of two honor societies.

Mr. Speaker, I am extremely pleased to have Reverend Tresch here today and very much appreciate his taking of his time to come here for the purpose of opening the June 22, 1972, session of the U.S. House of Representatives with a prayer.

PROVIDING FOR CONSIDERATION OF CONTINUING APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order in the House on any day after Monday next to consider a House joint resolution making continuing appropriations for the fiscal year beginning on July 1 next.

The SPEAKER. Is there objection to the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, apparently we are off and running again with continuing resolutions. This is the first of them this year; is it not?

Mr. MAHON. Yes, it is the first of a number of continuing resolutions. How many, I do not think anyone can say with certainty.

Mr. GROSS. We did not have any in January of this year; did we?

Mr. MAHON. No; fortunately we did not have any in January.

Mr. GROSS. That was a year ago in January?

Mr. MAHON. Yes.

Mr. GROSS. That was when the fiscal year was within a few months of expiring; is that right?

Mr. MAHON. That is right. That involved the transportation appropriation bill, including the SST controversy. The final resolution extended to June 30.

Mr. GROSS. Does the gentleman see any end to this session of Congress or is it to go on indefinitely?

Mr. MAHON. I think you would have to ask the leadership of the House about that.

If the gentleman would yield, may I say with reference to the appropriation bills, by the end of next week—by June 30—we hope to have cleared through the House 10 of the regular appropriation bills for the fiscal year 1973. That is all of them except three, and as to the three, the authorizations have not as yet been passed by the House, so we have been marking time. I refer to the Defense Department appropriation bill, the military construction appropriation bill, and the foreign assistance appropriation bill.

But, as I understand it, next week the defense procurement authorization bill will be considered in the House. So I think we are doing a respectable job in the House in moving the appropriation bills along. It is my opinion that the other body will move rapidly toward considering and passing those bills and sending them to conference.

Mr. GROSS. I am sure there is one thing the gentleman could add if he cared to do so and that is that once the Democratic Convention is over it may be possible to get the Democratic presidential candidates to help constitute a quorum in the Senate to enable them to do business. We in the House have not suffered from that impediment, although we do have presidential candidates.

Mr. MAHON. I am hopeful that the foreign aid authorization bill will be called up before too long—maybe not next week, but certainly early after the House resumes business on July 17.

I do not know what the plans for the future are, but if Congress could get the necessary authorizations completed, then from the standpoint of the Appropriations Committee——

Mr. GROSS. Apparently there is no hope that the House will even try to live up to the Reorganization Act passed a good many years ago which provided that we would get through our business on July 31?

Mr. MAHON. There is no hope for that at this point. We have recognized for some years that we would not, as a practical matter, do the job by that date, but we are this year doing better than we have done in some years in moving the appropriation bills, but when the House passes these pending authorizations, then we feel we can shortly follow with appropriation bills in the period between July 17 and August 18.

Mr. GROSS. I do not care to prolong this colloquy, but I do have another question. How do these bills to which the continuing resolution would apply stack up with respect to spending? Will the continuing resolution restrict to less than it would be otherwise?

Mr. MAHON. Some of the appropriation bills which have been passed are below the budget estimates; some are above. When the appropriation business of the session is completed, we will probably be at about the level of the budget estimates, overall, in the appropriation bills. Of course, the revenue-sharing appropriation bill, which is scheduled to pass the House this week, would require an additional sum of about $7 billion in spending for the fiscal year 1973 beginning July 1 next.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. The gentleman from Illinois is interested in economy——

Mr. ARENDS. Yes, very much.

Mr. GROSS. I will particularly watch his vote today in that respect. I am glad to yield to him.

Mr. ARENDS. I am glad the gentleman will watch my vote. The chairman of the Appropriations Committee mentioned the fact that there were three authorizations which should be passed by June 30. Two such authorization bills have now been cleared by the Armed Services Committee. They can be passed as soon as they can be scheduled, and that will leave only one authorization bill, as far as I know, that should be passed by June 30. I wish to commend the gentleman from Texas, the chairman of the Appropriations Committee, for having done a good job in having his fine committee finish most of their appropriation bills prior to July 1.

Mr. GROSS. I thank the gentleman for his explanation. I should like to ask the chairman of the committee how the continuing resolution will work.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. The legislative appropriation bill will probably clear—it has been in conference several weeks—it will, I should think, clear the Congress and go to the White House next week. I do not know for sure. But aside from that, the continuing resolution will apply to the rest of the Government beginning July 1. It will apply more or less the guidelines that were used last year, the year before, and previous years. There will be no special innovations in which the gentleman would be interested, I believe, in the continuing resolution.

Mr. GROSS. All right, at the level of spending of last year or a lesser amount, is that the way the resolution reads?

Mr. MAHON. Generally speaking, if the appropriation bill has passed the House and the Senate, it will be the lower of the two bills. The gentleman knows that generally it is a rather restrained, conservative approach to spending until the regular appropriation bills are passed.

Mr. GROSS. I would appreciate it if the gentleman would not use the words "rather restrained." Let us leave out all the qualifying words and go to the lowest possible dollar figure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON S. 1893, THE GOLDEN EAGLE PASSPORT PROGRAM

Mr. ASPINALL submitted the following conference report and statement on the bill (S. 1893) to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92–1164)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 1893) to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

That subsection 1(b) of the Act of July 15, 1968 (82 Stat. 354) is hereby repealed.

SEC. 2. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601), is further amended by inserting the following new section and renumbering subsequent sections accordingly:

"ADMISSION AND SPECIAL RECREATION USE FEES: ESTABLISHMENT AND REGULATIONS

"SEC. 4. (a) ADMISSION FEES.—Entrance or admission fees shall be charged only at designated units of the National Park System administered by the Department of the Interior and National Recreation Areas administered by the Department of Agriculture. No admission fees of any kind shall be charged or imposed for entrance into any other Federally owned areas used for outdoor recreation purposes.

"(1) For admission into any such designated area, an annual admission permit (to be known as the 'Golden Eagle Passport') shall be available, for a fee of not more than $10. Any person purchasing the annual permit, and any person accompanying him, in a single, private, non-commercial vehicle shall be entitled to general admission into any admission fee area designated pursuant to this section during the calendar year in which the annual fee is paid, but such permit shall not authorize any use of specialized sites, facilities, equipment, or services for which additional fees are charged pursuant to subsection (b) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be punishable in accordance with regulations established pursuant to subsection (d). The annual permit shall be available for purchase through the offices of the Secretary of the Interior and the Secretary of Agriculture and through all post offices of the first- and second-class and at such others as the Postmaster General shall direct. The Secretary of the Interior shall transfer to the Postal Service from the receipts thereof such funds as are adequate for the reimbursement of the cost of the service so provided.

"(2) Reasonable admission fees for a single visit at any designated area shall be established by the administering Secretary for persons who choose not to purchase the annual permit or who enter such an area by means other than by private, noncommercial vehicle.

"(3) No admission fee shall be charged for travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101, title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside the area. Nor shall any fee be charged for travel by private, noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area. In the Smoky Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof.

"(4) The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of an annual entrance permit (to be known as the 'Golden Age Passport') to any person sixty-two years of age or older applying for such permit. Such permit shall be non-transferable, shall be issued without charge, and shall entitle the bearer and any person accompanying the bearer in a single, private noncommercial vehicle to entry into any admission fee area designated pursuant to this section. No other free permits shall be issued to any person: *Provided*, That no fees of any kind shall be collected from any persons who have a right of access for hunting or fishing privileges under a specific provision of law or treaty or who are engaged in the conduct of official Federal, State, or local Government business and *Provided further*, That for no more than three years after the date of enactment of this Act, visitors to the United States will be granted entrance, without charge, to any designated admission fee area upon presentation of a valid passport.

"(b) SPECIAL RECREATION USE FEES.—Each Federal agency developing, administering, or providing specialized sites, facilities, equipment, or services related to outdoor recreation shall provide for the collection of special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense.

"(1) Daily use fees for overnight occupancy within areas specially developed for such use shall be determined on the basis of the value of the capital improvements offered, the cost of the services furnished, and other pertinent factors. Any person bearing a valid Golden Age Passport issued pursuant to paragraph (4) of subsection (a) of this section shall be entitled upon presentation of such permit to utilize such special recreation facilities at a rate of fifty per centum of the established daily use fee.

"(2) Special recreation permits for uses such as group activities, recreation events, motorized recreation vehicles, and other specialized recreation uses may be issued in accordance with procedures and at fees established by the agency involved.

"(c) All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection and other pertinent factors. Clear notice that an admission fee or special recreation use fee has been established shall be prominently posted at each area and at appropriate locations therein and shall be included in publications distributed at such areas. It is the intent of this Act that comparable fees should be charged by the several Federal agencies for comparable services and facilities.

"(d) In accordance with the provisions of this section, the heads of appropriate departments and agencies may prescribe rules and regulations for areas under their administration for the collection of any entrance fee and/or special recreation use fee, as the case may be. Persons authorized by the heads of such Federal agencies to enforce any such rules or regulations issued under this subsection may, within areas under the administration or authority of such agency head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine of not more than $100.

"(e) Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees collected shall be covered into a special account in the Treasury of the United States to be administered in conjunction with, but separate from, the revenues in the Land and Water Conservation Fund. Revenues in the special account shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected: *Provided, however*, That not more than forty per centum of the amount so credited may be appropriated during the five fiscal years following the enactment of this Act for the enhancement of the fee collection system established by this section, including the promotion and enforcement thereof.

"(f) Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, nor shall it affect any rights or authority of the States with respect to fish and wildlife, nor shall it repeal or modify any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law.

"(g) Periodic reports indicating the number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data, shall be coordinated and compiled by the Bureau of Outdoor Recreation and transmitted to the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate. Such reports, which shall be transmitted no later than March 31 annually, shall include any recommendations which the Bureau may have with respect to improving this aspect of the land and water conservation fund program."

SEC. 3. (a) The Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of "The Golden Eagle Insignia", originated by the Department of the Interior and announced in the December 3, 1970 issue of the Federal Register (35 Federal Register 18376) as the official symbol for Federal recreation areas designated for recreation fee collection. Any fees collected pursuant to this subsection shall be covered into the Land and Water Conservation Fund.

(b) Chapter 33 of title 18 of the United States Code is amended by adding the following new section thereto:

"§ 715. 'The Golden Eagle Insignia'

"As used in this section, 'The Golden Eagle Insignia' means the words 'The Golden Eagle' and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border) which was originated by the Department of the Interior as the official symbol for Federal recreation fee areas.

"Whoever, except as authorized under rules and regulations issued by the Secretary of the Interior, knowingly manufactures, reproduces, or uses 'The Golden Eagle Insignia', or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake, or to deceive, shall be fined not more than $250 or imprisoned not more than six months, or both.

"The use of any such emblem, sign, insignia, or words which was lawful on the date of enactment of this Act shall not be a violation of this section.

"A violation of this section may be enjoined at the suit of the Attorney General, upon complaint by the Secretary of the Interior."

(c) The analysis of chapter 33 immediately preceding section 701 of title 18 is amended by adding at the end thereon:

"715. 'The Golden Eagle Insignia'."

(d) The rights in "The Golden Eagle Insignia" under this Act, shall terminate if the use by the Secretary of the Interior of "The Golden Eagle Insignia" is abandoned. Nonuse for a continuous period of two years shall constitute abandonment.

Amend the title so as to read: "An Act to amend the Land and Water Conservation Fund Act to restore the Golden Eagle Passport Program, and for other purposes."

And the House agree to the same.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
HAROLD T. JOHNSON,
JOE SKUBITZ,
Managers on the Part of the House.

ALAN BIBLE,
FRANK CHURCH,
FRANK E. MOSS,
GORDON ALLOTT,
CLIFFORD P. HANSEN,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1893) to restore the Golden Eagle Passport program to the Land and Water Conservation Fund

Act submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying Conference Report.

The language agreed upon by the managers is the language of the House amendment with various changes. There were numerous points of difference between the Senate version and the House Amendment which were the subject of discussion and action by the Committee of Conference. These differences and the disposition of them are as follows:

(1) Both the House and Senate versions of the legislation provided for the indefinite extension of the $10 annual carload admission permit known as the "Golden Eagle Passport". However, the House amendment would prohibit the collection of admission fees at any Federally operated outdoor areas except designated national parks, national monuments, national historic sites, and national battlefields, while the Senate version would continue the authority for the collection of admission fees at all designated outdoor recreation areas operated by any Federal agency. The Conference Committee recommends that the collection of admission fees be limited to designated units of the national park system including recreation areas administered by the Department of the Interior and to national recreation areas authorized pursuant to law which are administered by the Department of Agriculture. It is the intent of this provision to limit the collection of admission fees to those areas where admission can be uniformly controlled at established and manned entrance stations where visitors are supplied with information concerning the area and where fees can be collected and explained.

The conferees believe that, to the extent that annual entrance permits have been issued by any agency pursuant to existing legal authority, those permits should be recognized for the remainder of calendar year 1972, but the continued sale of such permits should be phased out as soon as practicable. It is the consensus of the Conferees that the purchasers of such permits be entitled to the same privileges authorized for holders of the Golden Eagle Passport, including admission into any designated unit of the national park system or national recreation area.

(2) The second principal difference involves special benefits for senior citizens. As approved by the House, the Secretary of the Interior was directed to develop a program for the issuance of a free annual admission permit to any person 65 years of age or older. That permit was to be valid for the admission of the bearer and his/her spouse and it was limited to any designated admission fee area in his/her State of residence. The Senate-approved legislation provided for the issuance of a nontransferable "Golden Age Passport" to those citizens 65 years of age or older. That permit was to admit the bearer to any Federally operated outdoor recreation area anywhere in the nation without charge. The Conference Committee recommends the approval of a "Golden Age Passport" for persons 62 years of age or older as a nationwide free admission permit into any designated admission fee area in the national park system or designated national recreation area administered by the Forest Service. This "Golden Age Passport" would operate in the same manner as the "Golden Eagle Passport," and, in addition, would entitle the bearer to a 50 percent reduction in special recreation use fees, including camping. It is the consensus of the Conferees that persons qualifying for the Golden Age Passport who have purchased a 1972 entrance permit from any agency should, upon validation, be entitled to the 50 percent reduction in special recreation use fees charged by Federal agencies administering outdoor recreation facilities.

(3) The third major difference between the Senate and House versions of the legislation involves special recreation use fees, such as camping facilities, boat launching ramps, bath houses, and other special sites, facilities or services provided by the Federal Government. Under the terms of the House amendment, these charges would continue to be imposed on a daily basis so that the frequent users would pay more than the occasional users. The Senate approved bill provided the users an option of paying a daily charge or purchasing an annual permit which would have allowed the use of these special facilities at a rate of $25 per annum. This fee included entrance or admission charges, if any. The Conference Committee recommends that a reasonable daily fee be collected for the use of specialized sites, facilities, equipment or service, but for persons bearing a valid Golden Age Passport (i.e. persons 62 years of age or older) the fee collected is to be reduced by 50 percent. It is the intent of the Conferees that special recreation use fees shall be limited to those facilities which require a substantial investment and regular maintenance and which are utilized for the personal benefit of the user for a fixed period of time. No special recreation use fee should be collected for the use of facilities which virtually all visitors might reasonably expect to utilize, such as roads, trails, overlooks, visitor centers, wayside exhibits, or picnic areas. To satisfy the need for special permits covering special circumstances, the language contained in the Senate-approved bill has been incorporated into the Conference Committee recommendation. Under this provision, special permits may be issued at reasonable rates for the use of group campsites, special events, or for the use of off-road and other recreational vehicles.

(4) Other differences in the legislation approved by the two Bodies involved the sale of the annual permit, the use of the proceeds, and the promotion of the program and enforcement authority. The Conference Committee adopted the approach of both Houses for the sale of the Golden Eagle Passport and the issuance of the Golden Age Passport through the Nation's local Post Offices and at the Federal agency's facilities. The cost of providing this service by the Postal Service is to be reimbursed by the Secretary of the Interior from the gross receipts collected. A special account in the United States Treasury is to be established in conjunction with the Land and Water Conservation Fund. The receipts of each collecting agency will be deposited to their credit for appropriation to them as a supplement to their regular appropriations for existing authorized programs. It is the consensus of the Conferees that credit for the revenues from the sale of the annual permits by the Postal Service, after reimbursement to the Postal Service, should be divided by the Secretary of the Interior on an equitable basis between the National Park Service and the National Forest Service. Both Houses approved the repeal of the restriction on promotion of the program, and the Conference Committee recommends that promotional programs and enforcement enhancement be limited to no more than 40 percent of the amount credited to the fee collection system. As part of the "See America" programs promoted by the United States, the Conferees agreed that foreign visitors holding a valid passport to the United States, should continue to be admitted, without charge, to the national parks for three years, but in no event should this practice extend beyond that time. The Conferees agreed that a strong effort should be made to inform the public about the nature and purpose of the fee collection program and that a greater effort should be made—particularly in periods of heavy use—to adequately man fee collection stations to assure the uniform collection from all visitors at admission fee areas and all users of specialized facilities. It is anticipated that a significant effort will be made to improve this aspect of the program and that a portion of the funds collected will be used to expand seasonal employment programs.

Finally, the House amendment was silent on the question of the protection of the Golden Eagle symbol, but the Senate language provided for the control of its use for other than officially recognized purposes. The Conferees agreed that this symbol has become meaningful to the general public and that it should be protected in the same manner as other recognized Federal symbols.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
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Managers on the Part of the House.
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Managers on the Part of the Senate.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 13955, LEGISLATIVE BRANCH APPROPRIATIONS, 1973

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes.

Mr. STRATTON. Mr. Speaker, reserving the right to object to this request, the rules of the House provide that a conference report must lie on the table for 3 calendar days, excluding Saturday, Sunday, and holidays. If this report is filed today, that means that 3 days, which would mean Friday, Monday, and Tuesday, would have to pass before this report would be eligible to be taken up on Wednesday.

I wonder if the gentleman from Texas, the chairman of the committee, could assure us that there will not be any attempt to call this report up by unanimous consent prior to that time, and whether he could assure us of the time that it will come up, because, as we are all aware, there is a very important issue involved in this report, the expenditure of $60 or $70 million of the taxpayers' funds for the controversial extension of the west front of the Capitol, after one of the Nation's most prestigious engineering firms has indicated we do not have to spend that kind of money and can easily restore the west front for $15 million. There should be, I think, a reasonable opportunity for us to debate this issue. I wonder if the gentleman could assure me on that point?

Mr. CASEY of Texas. If the gentleman will yield, I can assure the gentleman there is no intention to bring this up until the 3 days have expired under the rule. The gentleman stated that would be Wednesday, but as I understand the rule, if I understand the rule correctly, the report could be brought up under the rule on Tuesday.

Mr. STRATTON. That is not my understanding. I consulted the Parliamentarian yesterday, and the 3 days required would be Friday, Monday, and Tuesday, and therefore, the first day on which the report would be eligible would be Wednesday.

Mr. CASEY of Texas. If the gentleman will yield, I will assure the gentleman I have no intention of asking unanimous consent to bring the report up. It would be brought up under the rule without asking for any waiver of the rule.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STRATTON. Mr. Speaker, if this report is filed before midnight tonight, what would be the first time it could be considered under the rule?

The SPEAKER. Under the rule, it would be eligible on Wednesday.

Mr. STRATTON. I thank the Chair.

Further reserving the right to object, can the gentleman tell me when it will be brought up?

Mr. CASEY of Texas. That is up to the leadership as to when they will schedule it, but certainly I hope to bring it up as early as we can under the rule, so that we can dispose of this before the recess.

Mr. STRATTON. Is there any reason why we cannot have an understanding on this as we have had on others conference reports, as to when it will be brought up?

Mr. CASEY of Texas. The gentleman will have to get the understanding from the leadership.

Mr. STRATTON. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

THE WELFARE PROBLEM—LESSON NO. 2: MORE WORK FOR LESS MONEY

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GRIFFITHS. Mr. Speaker, I want to tell you the sad case of John No Doe.

John lives in a State which gives him unemployed father benefits of $3,756 a year plus medicaid. He is now offered a part-time job at the minimum wage. He happily accepts. He works 25 hours per week, and this brings his cash income up to $5,100 plus medicaid, which means he is getting about $4 an hour.

His employer is delighted with his work, and offers him a full-time job, with a raise, $2.10 an hour. Tempting as this is, John realizes he would lose his eligibility for unemployed father benefits and medicaid, so that the $4,368 he would earn is $800 less than he is now getting. He respectfully declines the offer. John is no chump.

This is a ridiculously perverse situation for John as a part-time worker, and grossly unfair for the full-time worker, and grossly unfair for the taxpayer.

Mr. Speaker, it is high time we junked the whole welfare system and started over.

BUGGING

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, there is a little bit of the ridiculous in the alleged bugging attempt by the Republicans at the Democratic National Headquarters. Of course, it is a reprehensible thing regardless of reason. But why in the world would anybody want to bug Democratic headquarters? We are broke; we always are broke. There is nothing to be learned about our finances. Our candidates cut each other up, but that is no secret. It makes the headlines every day. It just seems to be a complete waste of time to bug Democratic headquarters. Possibly the Republicans feel that our disarray is in reality a shield for some weapon with which we are going to sweep them out of office. And who can say it is not true?

THE REVENUE SHARING BILL

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I am a humble man myself and it may well be that, as Mr. Churchill once said, I have got an awful lot to be humble about.

I have learned a lot in this House, but I must say that I have learned something here the last couple of days that is most remarkable. A bill is being brought to the floor of this great body, of which I am a very small and humble part, with a gag rule giving us 8 hours to listen to the rhetoric surrounding it.

I am constrained to recall a parody of the lines from Omar Khayam: "The hand of Ways and Means has written and having writ passed on to this House their measure, and all our piety and wit can never change a line of it."

So I suggest that a little of this humility be spread around. I am willing to state here I entertain an appropriate amazement for the great expertise of the committee that has brought this legislation before us. I am ready to stipulate that the managers of this bill with their flaming rhetoric and incisive comments will probably enthrall our minds and guide our votes about on a par with what they have done in the past. We have a gag rule, for heaven's sake, on a bill we all know from one end to the other. We have been flailing at it lo these many days, let us get on with it and vote it up or down and get on with something to which we might have some contribution to make. Exercise a little humility, gentlemen, revise and extend.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14370, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on yesterday the gentleman from Arkansas (Mr. MILLS) had 3 hours and 22 minutes remaining, and the gentleman from Wisconsin (Mr. BYRNES) had 3 hours and 1 minute remaining.

The Chair now recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I want to assure the House that the committee has no intentions of using the full time allotted. We do want to get on with the vote as rapidly as possible. On the other hand, this is an extremely important piece of legislation, one that should not be treated lightly. I think the committee also has no intentions whatsoever of closing anyone off in the debate.

Yesterday there was a great deal of discussion about the far-reaching importance of this bill, and it is important. There was a general agreement that the cities and localities of this country are in crisis but among the opponents of the bill there was an expressed feeling that this is really none of our business, that this involves problems that they can solve and should solve at that level. But in my humble judgment this is our business and there is no way in the world that we can shirk our responsibility. We are part of the cause, unfortunately, of the crisis in our State and local governments.

We have during the last number of years in this Congress created grant-in-aid programs on top of grant-in-aid programs so that we now have well over 300 or 400 such grant-in-aid programs that we have dangled before the localities. As a result of this we have placed them in a situation where it has been impossible for them politically or economically or any other way to reject these offers of aid.

We have also in many other ways encouraged the growth of local responsibilities to the point now where the localities are in a position where they are incapable of resolving the problems that have surrounded them. This is part of our business. The federal system itself is in crisis. I serve as one of the three members on the Commission on Intergovernmental Relations where we sit from time to time with representatives from all levels of the federal system—mayors, county commissioners, State legislators and Governors—and there is unanimity of opinion on the local level that no branch of the federal system is capable of resolving the problem except the Federal branch.

Unfortunately here at the national level we are going to have to assume the responsibility of ironing out these basic difficulties that have arisen between the different branches of the Federal Government. You see in facing up to all of these new national problems such as environment, ecology, problems of crime, the whole multitude of national problems, and of course the problems of the cities, including transit, we have gotten ourselves into a situation in this Nation of ours where these problems are beyond the scope of the individual cities and the individual States. Thus far we have in a sense assumed the responsibility in a willy-nilly way. Now I think it is time that we begin to face up to the problem in a more orderly manner.

The reason I am supporting this legislation is that in my judgment—after working on it for a long time, and after going through my advocacy of a different approach to the problem—I have concluded this is a basic step toward the reform of the financial structure within the federal system.

The States all have the power to levy income taxes in the same manner as the Federal Government. The States, however, are treating their responsibilities in a different way from State to State. Now, this legislation will encourage a greater uniformity of treatment with respect to taxation matters from State to State and I think this objective alone is enough to warrant the passage of this bill.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman.

Mr. ICHORD. I have listened very intently to the gentleman in the well. He has made some very incisive and penetrating observations of the problem we are dealing with at the present time.

I agree with the gentleman we are a part of the problem but my greatest concern about this particular piece of legislation deals with the separation of the responsibility of taxing and the authority to spend. In theory anyway, I do not think the separation will be conducive to good spending. However, I realize we really have a mess in our categorical grant programs and I would like to have the gentleman address his remarks to that particular problem.

Mr. ULLMAN. I appreciate the gentleman's concern. I have expressed the same concern in the Advisory Commission in meeting after meeting. It is something we have to keep in mind. For that reason I advocated originally the tax credit approach to revenue sharing whereby we would give a Federal credit against a portion of the State income taxes paid. This would have placed the burden on the State legislatures to pick up the revenue they need and thus put the burden back on the States. I consider this the most responsible way to deal with the problem.

I still think that is the best approach to the problem.

Unfortunately because of the divergence of taxing policy in the different States—some States do not have an income tax—it was not possible to gain the support for that approach to the problem which I think would better resolve this whole crisis that we are in.

Mr. ICHORD. I certainly agree with the gentleman that tax credits would be a preferable approach. Still the underlying philosophy of this legislation is to get the problem-solving and the decisionmaking back closer to the people and to give the local units of government the financial means to solve those problems. Does the gentleman think that the particular way in which this legislation is framed will enable us to carry out those objectives?

Mr. ULLMAN. I agree with the gentleman that this program will bring decisionmaking closer to the people and also provide some of the financial resources to solve the problems that must be faced.

As the committee knows this bill is divided into two parts. We have in the first part the $3.5 billion that is paid directly to the cities and localities. It is an emergency measure to directly meet an emergency situation. If you could have sat in on the hearings and listened to the mayors and to the Governors from all over this land of ours you would well recognize that they are looking at problems that they cannot resolve and somehow they must get emergency assistance. This is certainly the direction that we are taking in the emergency $3.5 billion that goes to the cities and localities.

It was the feeling of the committee that this should not be money just fed into their treasuries, but that it should go toward certain expenditure areas that can be justified. It was our feeling that if we could limit these expenditures to certain socially desirable objectives, and where the greatest pressure is on for local spending, that this would resolve that problem.

Let me go a little beyond this. There was some talk yesterday about a grab for power, about the fact that the Ways and Means Commitee was moving into other areas. I want to assure you that certainly as one member of the committee there was no desire on my part in any way to move in on the jurisdictions of other committees. But I want to say that we had no alternative here.

The two alternatives we had were to feed the money directly into the treasuries of all the localities and municipalities in the land without conditions, or do so with certain conditions. In my judgment, the first alternative would not be a responsible position. I just simply think that we have to feed them into the programs with an audit to follow; so I think we were completely justified in saying that these moneys should be spent in certain areas, and the Treasury and the GAO can move in and audit these programs. I think that is the responsible approach. It is not intended as a grab for power in any way.

Let me tell you this: We are going to have to find in this Congress some better vehicle for putting all these programs together. In some way we are going to have to get away from the proliferation that has created 400 different grant-in-aid programs, many of them duplicating, many of them overlapping. These individual committee jurisdictions in this Congress are not facing up to the fundamental problem of putting it together. We are not doing it on the appropriation level. We are simply overspending ourselves year after year.

I sympathize with the problem of the Appropriations Committee. It is an overwhelming problem but, in my judgment, in the next Congress we are going to have to find a mechanism for establishing some overall capability that we can live up to in the Congress if we are really to keep this country solvent and keep it free and keep it the kind of a place that we desire it to be.

But the same is true of the grant-in-aid programs. We do not have a mechanism for putting them together. I think that if we could have done it, it would have been far better to offer the Federal aid provided under this bill to localities, and in the process taken away or reformed the grant-in-aid programs. That is where the money should come from.

Hopefully, if we get this revenue sharing program going, then we can do what needs to be done so desperately. We can cut down on the grant-in-aid programs, consolidate them, eliminate many of them, and gradually work toward a more responsible system of sharing the responsibility for the costs of our society.

Mr. BYRNES of Wisconsin. Will the gentleman yield on that point?

Mr. ULLMAN. I am glad to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. As a member of the Advisory Commission on Intergovernmental Relations, you have been in contact with the mayors and the Governors. I wonder if you could comment on their lack of interest in the proposals of the President with respect to special revenue sharing, which has the objective of consolidating the categorical grant programs, the elimination of the red tape, the granting of more leeway to the State and localities.

I ask the question, because these are problems—and I think the gentleman realizes it—that localities have complained about. They have complained about the redtape and the lack of discretion involved in the categorical grant program. Yet, when a program is proposed to restructure these programs, they pay very little attention to it. All of their attention has been directed at getting more money through another buyer of new programs instead of instructing the $38 billion of categorical grants programs. Why is there that lack of interest in this area? It is just the point the gentleman was talking about, as I understand it.

Mr. ULLMAN. I might advise the gentleman that the Advisory Commission is concerned about the problem of grants in aid. They will support the block grant approach and the Advisory Commission is the one, as the gentleman well knows, that led the way toward the recommendation of the tax credit approach, which I sponsored and which the gentleman from Wisconsin sponsored, and on which he and I share the opinion it would be ultimately a more responsible and better approach to the total problem. But the facts of life are that the Governors, the mayors, and the State legislatures simply would not buy this program, and we could not sell it to them. We had to put together a package that came as close to the concept as was possible and still be practical from the standpoint of the States and local governments. For this reason we provided for the distribution of half of the funds going to the States generally on the basis of the size of their State income tax collections. This has the same effect as the allowance of Federal income tax credits for State income taxes if the States took the additional step of increasing their State income taxes by the amount of the credits.

I want to say that in my judgment the committee did a most thorough and a most responsible job of putting together a formula that does better than any other possible formula that we examined, one that does cope with the basic problem of distributing revenue in a way so that it will meet the greatest need and do the most good throughout this Nation of ours.

Our States and local governments are experiencing severe financial difficulties and it is apparent that a new approach is needed to help them to extricate themselves from these problems. The State and Local Fiscal Assistance Act of 1972, which we are considering today, represents such a new and effective response. I urge the House to pass this urgently needed matter without delay.

In view of the widespread attention that has been given to the beneficial effects of this bill on local governments, there appears to be some danger that the beneficial effects on State governments may not be equally understood. Actually, the bill provides very substantial aid to the States over a 5-year period beginning January 1, 1972. For the first 12 months of the program, this aid amounts to $1.8 billion; thereafter, each year the aid to the States is increased in $300 million increments until it reaches an annual rate of over $3 billion at the end of the fifth year.

If this bill merely provided substantial amounts of aid to the States, I would not have much to say today in its support. Actually, the bill does considerably more than just make aid available to the States: It recognizes the fundamental reason why the States are in financial trouble today and helps to remedy this situation.

While the States have an urgent need for additional Federal aid, their problems cannot be resolved merely by giving them more Federal money in an indiscriminate way. This is because a substantial part of their present financial problems is due to the fact that they have not been making effective use of their tax resources. Accordingly, an important aspect of the problem is how to encourage the States to help themselves through more effective use of their own tax resources.

The pending legislation does exactly that. It extends Federal aid to the States in a way which is carefully designed to encourage them to improve their tax systems and to make them more equitable.

The bill achieves this desirable result by basing the Federal annual payments to the States on their tax collections. As I have indicated, the States receive a total of $1.8 billion in aid in the first 12 months of this program. Of this first year total, $900 million is distributed on the basis of State income tax collections. Under the language of the bill, each State gets a share of the $900 million which is equal to one-half of 15 percent of its income tax collections—with a ceiling of 6 percent of Federal individual income tax liabilities in the State and a floor of 1 percent of Federal individual income tax liabilities in the State. This, in effect, gives each State a share of the $900 million equal to 7.5 percent of its individual income tax collections—with a floor of one-half of one percent of Federal individual income tax liabilities in the State and a ceiling of 3 percent of Federal individual income tax liabilities in the State.

The remaining $900 million is distributed to the States on the basis of the combined general revenue effort of each State and its local governments—that is, on the basis of the adjusted tax collections from all sources in relation to personal income in the State.

This formula gives the States a substantial incentive to make more adequate use of individual income taxes. Since individual income taxes are generally accepted to be among the fairest taxes, conforming to the principle of ability to pay, the net result will be to make State tax systems not only more adequate but also more equitable. Reliance on State income taxes could also have a beneficial effect in forestalling the placing of heavier property taxes on the backs of already overburdened homeowners.

In framing this bill, the Ways and Means Committee gave considerable thought to basing the entire Federal payment to the States on State income tax collections. However, after careful consideration, we came to the conclusion that it would be better to base part of the aid on the State's general revenue effort in order to provide more flexibility for the States to adjust their tax systems to meet their particular circumstances. The net result is a well-balanced provision which encourages the States to adopt income taxes without placing undue emphasis on such taxes.

After the first 12 months, the total aid going to the States increases in annual increments of up to $300 million for the duration of the program. Of this total incremental amount, up to $200 million of annual increments is allocated to the portion of the aid which is distributed on the basis of State income tax collections. The remaining $100 million of annual increments is allocated on the basis of combined general revenue effort.

These annual increments are designed to increase the amount of the Federal aid as State and local tax revenues grow. Because the aid is based on State tax revenues, a State can increase its relative share of the total aid by increasing its taxes at a faster rate than other States. This is in keeping with the objective of the bill which is to encourage States to adjust their taxes to their needs. However, the fact that the total aid going to the States as a whole increases as a result of the annual increments will also generally prevent declines in the dollar aid provided to States which do not increase their taxes as fast as other States.

In some quarters, there has been concern that this bill would diminish the authority of the States. Actually, the bill is carefully designed to leave the States with very considerable flexibility in regard to the aid and with undiminished authority. The bill, for example, nowhere specifies how the States are to spend the substantial amounts that are provided directly to them. Indeed, the States are left free to spend these funds in any manner that they think secures the best results. The only restriction that is placed on them in this regard is that after July 1, 1972, if a State wishes to receive the full amount of aid provided by the bill, it must not permit its total distributions to its local governments, which are financed from other sources, to fall below the aggregate level for fiscal 1972. I think that, upon reflection, you will agree with me that this requirement for a State, which is itself receiving substantial Federal aid, to maintain its aid to its localities is a reasonable one.

Moreover, as I will indicate shortly, the bill gives the States very considerable authority within specified limits to vary the formulas for allocating funds to their particular localities.

So far, I have discussed the aid that is given to the States by the bill. Let me turn now to the substantial assistance that the legislation would provide directly to local governments in recognition of their financial problems. Under the provisions of the bill, general purpose local governments would be given $3.5 billion annually for a 5-year period beginning January 1, 1972.

Local governments like the States are encountering serious financial problems. To a large extent, the financial problems of State and local governments stem from similar causes. For example, both types of governmental units have experienced huge increases in costs as a result of widespread demands for expanded services and the rapid surge of prices in recent years.

However, local governments are faced with serious problems which are unique to them. For one thing, the flight of middle-income and high-income people to the suburbs has left the core cities with the financial responsibility of providing costly services to large numbers of relatively low-income people who just cannot afford to pay heavy taxes. In addition, overlapping jurisdictions and the fragmentation of governmental authority has made it even more difficult for local governments to raise sufficient revenue to meet their responsibilities. Finally, local governments frequently have limited tax powers and in many cases are required to tailor their taxes with a view toward tax levels in neighboring localities.

These considerations make it impractical to attempt to use Federal aid as an incentive to induce local governments to adjust their taxes. Instead, the aid to the localities is designed to give them substantial assistance in as fair a way as possible and in a way which will help to tide them over the present crisis.

In general, the aid to the States provided by the bill fills a gap in the present Federal aid program. The present aid programs are largely categorical and are provided for specific and often narrowly defined purposes. In contrast, the present bill makes available to local governments a new type of aid which will give them greater flexibility in the use of the funds than the categorical grants. At the same time, the legislation provides Federal guidance as to how the local governments should spend the aid funds. The objective, in other words, is to provide the new additional aid funds which local governments will be free to spend within an area of high priority items designated by the Federal Government.

The distribution formulas used in the bill are specifically designed to secure more equitable results than the administration's general revenue-sharing proposal. The latter would have given substantial aid to many wealthy communities while other local governments with equal populations and greater needs received less aid. The pending legislation avoids this undesirable result; it is designed to put the money where the needs are.

The $3.5 billion of aid is allocated among statewide areas for distribution to their local governments on the basis of three factors, each of which is given an equal weight. These factors are population, urbanized population, and population weighted inversely by per capita income so that poor communities will receive more aid than rich ones. This formula recognizes that the needs of local governments vary directly with the size of their population, that urbanized populations tend to have particularly acute problems, and that communities with relatively low per capita incomes tend to have severe financial problems that are usually not encountered in wealthier communities.

In determining how the funds going to each statewide area are to be distributed to specific local governments within that area, the bill takes a balanced approach. It provides substantial guidance as to how these funds are to be distributed by providing specific formulas for this purpose. At the same time, it introduces substantial flexibility by allowing each State to vary the formulas within specified limits.

Let me give you just one example. In the first year and a half of the program, that is, up to June 30, 1973—the statewide funds must be distributed among the county areas—which include both the county government and the municipal and township governments within the county—on the basis of the same three factors that were used to distribute the $3.5 billion among the statewide areas. This is to get the program started. However, after June 30, 1973, the State can base the distribution to its county areas either on this standard three-factor formula or it can elect to use an alternative formula. This alternative formula has the same three factors as the standard formula, except that it gives recognition to tax effort by replacing the factor of raw population by another factor—population weighted by per capita tax revenue raised by the county area.

In addition, after June 30, 1973, a State could decrease the amount passed on to its county areas, which is attributable to any of the three factors in the formula by as much as one-fourth and could increase the amount passed on which is attributable to another factor by as much as 40 percent. As a result, if a State wishes to give relatively greater assistance to urban areas, it can do so by increasing the amount distributed under the factor, urbanized population; while, if it believes that greater aid should be given to communities with poor populations, it can do so by increasing the amount distributed under the factor, population weighted inversely by per capita income.

Unlike the administration's proposal, the bill requires the local governments to spend the aid on a specified list of high priority items. These include maintenance and operation expenses for public safety, environmental protection and public transportation as well as capital expenditures for sewage collection and treatment, refuse disposal systems and public transportation.

However, the local governments will have considerable flexibility in spending the aid funds since they are allowed to determine how much of these funds is to be spent on any particular high priority item. For example, if a local government has particularly great need for improved public transportation, it can use the funds for this purpose. On the other hand, local governments which have acute public safety problems may elect to spend the larger part of their aid funds on police and fire protection.

I also want at this time to express my support for the provisions of the bill which authorize the Federal Government to administer and collect State income taxes for those States which agree on a voluntary basis to have the Federal Government perform this function for them. Over the long run, I believe that this so-called piggyback provision will have effects as far reaching and as beneficial as the grants in this legislation.

Federal collection of State income taxes on a voluntary basis will have substantial advantages. The resulting standardization of State income tax laws will reduce the costs of administration. The piggyback provision will also make a substantial contribution to tax simplification by reducing the problems now encountered by taxpayers in filing separate tax forms for their Federal and State income taxes. Anyone who has had any experience in preparing such separate tax forms for Federal and State income taxes will readily agree that such simplification is essential. Moreover, there is every reason to believe that the piggyback procedure will produce significantly increased tax revenues for the State by reducing evasion of State income taxes.

Mr. GROSS. Mr. Chairman, will the gentleman yield

Mr. ULLMAN. I yield to my friend, the gentleman from Iowa.

Mr. GROSS. Where is it proposed to get the money to finance this handout to the States and municipalities? Does the gentleman think the taxpayers of this country can afford it?

Mr. ULLMAN. The gentleman from Iowa is certainly one of the great economizers of the House and has done the Nation a great service in his advocacy over the years.

I believe at some point one has to balance the expenditures against the need, and particularly against the crisis which faces the Nation. Certainly this expenditure should not be the lowest priority. Yet that would be the effect if this program were eliminated and other programs were kept.

I would say also that this program is already included in the President's budget.

Mr. GROSS. That does not convince me.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois, a member of the committee (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, yesterday the distinguished and able ranking member of the House Ways and Means Committee presented an eloquent and persuasive speech against legislation before us today.

In stilettoed verbage he lashed out at revenue sharing as though it were a conspiracy being perpetrated by the Congress, mayors and governors against the taxpayers of the country.

Philosophically his argument was masterful but it was based more upon prophecies and apprehension than fact.

As one of the two primary sponsors of the original revenue sharing bill and a supporter of the amended measure, I would be remiss if I did not take the floor to make some far more limited comments and offer a rebuttal to these attacks upon what I feel is a sound program.

First let me say that the concept of revenue sharing is not in essence new.

It is a new approach to an old process.

We all know that the Federal Government has been sharing its Federal revenues with not only States and local communities but independent agencies for more than 3 decades and has been doing so at a constantly accelerated pace. Pealing away the invisionary fears of what might happen or what will happen in the future, we return to the principle of the device itself.

That, I think we must do if we are to make a factual and politically unemotional evaluation and judgment of the program.

What we are really talking about in revenue sharing is establishing a system whereby a very modest sum of Federal tax revenues be returned to the States and the cities to be spent for rendering public services without the need to comply with bureaucratic regulation and restriction.

We are simply saying to the States and local communities, "exercise your own good judgment as to where your priorities are the greatest."

Frankly, I hope this will be a forerunner establishing special revenue sharing which would replace the narrow categorical grant system which has been fraught with bureaucratic redtape, inequities, and inefficiency in so many cases.

And to this let me add that I am convinced that the closer the Government gets to the people the more responsive it is in the expenditure of public funds.

To suggest this is not true is to ignore the history and experience of past Federal programs.

You know, of course, that the return of these funds to the States and local communities represents a return of less than 3 percent of our total Federal outlays.

Now, no one can argue against the fact that our fiscal and budgetary situation is very serious.

It is serious because Congress has seen fit in the past to consistently appropriate more money than revenues produced.

In fact to a point where it is now created the somewhat specious argument that we have no revenue to share but if that be the case we have no revenues to funnel back through the categorical aid system.

I repeat that in almost every instance the budgets of local and State governments are scrutinized much more carefully than the Federal aid dollars.

Recognizing as we must that any appropriation bill passed by this Congress is not really met by current tax revenues but indeed through deficit financing, how shallow is the argument that this program ought to be deferred when it certainly has a higher priority in the scheme of rendering government services than many of the programs we have passed and will be financing before the end of this session.

Opponents of this bill also argue that it amounts to granting a license to mayors and Governors to dump all their financial woes upon the steps of Congress or to develop a dependency upon the Federal Government where power is concentrated in Washington.

To tell you that State and local governments will not be looking toward Washington for increase aid under this program in the future would be insulting your intelligence but to tell you that State and local governments as well as well oiled lobbying functionaries will not continue to do the same thing in the future would again insult your intelligence.

Getting pressures from local and State governments and a host of other political subdivisions is nothing new to Members of Congress.

In fact, it has become almost a way of life.

That being the case, we had better look at what is going to be accomplished by this program as compared to others and resist these pressures when they arise in exactly the same manner we resist, or at least some of us, the pressures on other programs.

With over 1,200 federally financed projects today ranging the gambit of health, education, welfare, housing, and transportation will bring continued demands and political pressures for more and more Federal financing, why then should we regard this program as any greater problem when, in fact, it will bring far less pressures than those specific projects which so freqeuntly have Members of Congress burning the telephone wires to the approving agencies and thus commit themselves to support of the most liberal authorization and appropriation bills.

No, I just do not think that the arguments against revenue sharing will sell except on a philosophical basis and even then the arguments are inconsistent with the conservative philosophy of moving money and power closer to the people.

Getting back to dollars and cents, and you can spell the latter either way you like, let us draw a bit of a comparsion in the proposed outlays under this program and those under the higher education bill which was passed by this House on June 8.

I will take my own State of Illinois for this comparsion.

If this bill becomes law, the per capita return to the States and local communities will be $26.90, yet in the ill-conceived higher education bill there seems to be comparatively little concern with the fact that it proposes a subsidy in sum of $1,400 to every student attending a college or university.

In the orderly and equitable process of government how can you rationalize opposing the former and not the latter.

In conclusion, I would repeat that there will be more public accountability for the dollars we request in this program than most any other in the budget which means that it will bring a greater return to the average resident in any town, city, village, or hamlet across the 50 States.

Revenue sharing is a budgeted item.

Many others we have passed are not.

By practicality and sound reasoning this bill deserves your support.

It is time we make a more concerted effort to make tax dollars count where they will best provide for the common good of all people.

Mr. BETTS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, one of the amazing aspects of the legislation before us is that it is called a revenue-sharing bill. This is certainly a misnomer because there is no excess revenue to share. In fact, we have committed ourselves for years to spending billions of dollars in excess of the revenue which was available. And it is ironic that we are considering this legislation within a few days of the time when we will be considering legislation to increase the statutory debt ceiling again. This bears directly on the question that the gentleman from Iowa directed to the gentleman from Oregon (Mr. ULLMAN) as to where the money is coming from to divide among the States and cities under this alleged revenue-sharing bill.

We have a temporary debt ceiling of $450 billion which expires at midnight June 30. So this is emergency legislation we will have before us in a few days. We must act immediately if the Treasury is going to be able to continue with business as usual.

I wish to point out further, Mr. Chairman, that a mere extension of the temporary debt ceiling of $450 billion will not suffice for long. Another increase will be necessary in a very few months just to carry the Treasury until the next Congress can convene and act further.

A majority of the Committee on Ways and Means was not willing at this time to increase the ceiling sufficiently to cover Treasury's borrowing needs until next year even though another increase is inevitable before then. What the committee has approved is simply an extension of the temporary ceiling until October 31 of this year. That is an easy date to remember and it is not an arbitrary date. It happens to be exactly 7 days before the first Tuesday after the first Monday in November.

It will be interesting when we compare the statements made here today and yesterday in support of this so-called revenue sharing bill with the votes on extending and eventually increasing the debt ceiling. These debates will be recorded for history in the CONGRESSIONAL RECORD, and scholars in future years may be amused by the contradictions that are going to appear with respect to the views in support of this misnomered revenue sharing program and the views in opposition to doing something about the debt ceiling.

Let me point out another way in which the debt ceiling issue ties into the action being proposed here today. One of the main concerns that was expressed in committee on the subject of the debt—and this is a concern that will be expressed here when we bring the matter to the floor—is how we can reduce spending. Or I will put it another way—how can we stop the increase in spending? This is a reasonable and proper concern.

There were several suggestions made in this regard in committee.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BETTS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BROYHILL of Virginia. One suggestion was that we do not increase the debt ceiling and thus force the President to cut back the expenditures. But we have authorized the programs and we have appropriated the money here in the Congress, we have caused the executive branch to enter into contractual obligations, and the bills are due and payable.

Of course, we could have put a spending ceiling on this bill just as easily. But the chairman of the Committee on Appriations pointed out most appropriately to us that a spending ceiling is meaningless. Congress can put a spending ceiling on any bill, and can repeal it in subsequent action.

So what it boils down to is that the Congress, and only the Congress, has the responsibility to stop this constant increase in spending. We cannot pass the buck to some other branch of our Government. The only way to curb the increase is to stop authorizing new Federal spending programs.

Yet, what we have before us today, Mr. Chairman, is a new spending program, which is going to cost us a minimum—an absolute minimum, because these things have a tendency to increase—of almost $30 billion over the next 5 years.

There will be no retreat from this program. Once the camel gets his nose under the tent, there is no way of getting rid of him.

If this bill is passed—and I have no illusions about this; I know the votes are already counted—it will cause a corresponding increase in the borrowing authority which will be required, because it is clear that in making $29.575 billion available to States and cities over the next 5 years, the Federal debt will be $29.575 billion higher than it would otherwise be.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Iowa for just one moment.

Mr. GROSS. I wish to commend the gentleman for pointing out the utter fiscal and financial irresponsibility implicit in the passage of this bill. I wonder if Gov. Nelson Rockefeller and the chairman of the House Ways and Means Committee, Mr. Mills, the Governors and the mayors of the country—all of them are agreed that they have the votes next week—I believe the gentleman said the debt ceiling bill would come up next week—if they have the votes to assure the passage of that next week, as they have assured the newspaper last week that they finally have the votes to pass this bill, this conglomerate of the Governor of New York, the chairman of the committee, and others.

Mr. BROYHILL of Virginia. I stated earlier it is going to be interesting when we do compare the debates on the two pieces of legislation. Why talk about forcing the President to cut back on expenditures by not increasing the debt ceiling? Why not exercise our own responsibility by not adding any new programs at this time?

This is a golden opportunity for us. We can beat our breasts and say we are against the increase in Federal spending. The time to stand up and be counted is this week—right now.

Mr. Chairman, all of us share in the desire to help our counties, our cities, our towns, and our States. We recognize that these units of government have their problems. But we also recognize that their problems will vary widely from State to State and from community to community.

We cannot, with a broad brush, paint a solution to fit all of their problems, and we must recognize that their efforts in trying to solve these problems on their own also will vary from State to State and community to community. By passing this bill we would be penalizing those who have done a little bit more, who have exerted a greater effort to solve problems for themselves.

Possibly one of the greatest deficiencies in this bill, possibly one of the greatest dangers, is that in our efforts to be of help to our State and community leaders, we are providing billions of dollars for them to spend without also providing them with the responsibility for raising the money.

I feel, Mr. Chairman, that any elected official at any level of government, who has the privilege—and it is a privilege—of serving his people by bestowing upon them various benefits provided by public funds, also should have the privilege—and the responsibility and the courage—to tax those same people for the cost of the services provided.

I think this is only fair to the public official, as well as to the taxpayer who is receiving the benefit of the service.

By passing this bill we would be denying to our people the benefits of responsible government. I am all in accord with what our distinguished committee chairman has said on a previous occasion, that he who pays the piper should call the tune. What we are going to be doing here today if we pass this bill is to pay the piper and have someone else call the tune.

To sum it all up, Mr. Chairman, this bill has been prescribed as a cure-all for the fiscal ills which afflict some of our States and cities today. But I submit that it would be very bad medicine, indeed. It might provide the patients with temporary symptomatic relief, but it would not go to the roots of their troubles, and it might very well worsen their condition in the long run.

Ironically, the program set forth in the legislation goes against the very grain of the federal system it purports to strengthen. It would radically alter basic fiscal relationships among the National, State, and local governments.

It would imperil a fundamental precept of our system of government by separating the responsibility for spending public money from the responsibility for raising it.

It would make the States and localities more dependent than ever upon the Federal dole, thus furthering the centralization of government.

It would attempt to "lump" into an impossible prototype some 39,000 vastly differing local units of government, in order to give them money which they may or may not need.

It would bypass the established procedures of this House by providing simultaneously for both an authorization and an appropriation of funds.

And it would put the Federal Government in the position of sharing phantom funds—revenue which it really does not have.

When the concept of general revenue sharing came into prominence almost a decade ago, it was put forward as a means of spending a projected "fiscal dividend." Dr. Walter Heller and other economists, who promoted the idea in the 1960's, were looking beyond Vietnam to a time when Federal revenues, generated by the progressive income tax, would exceed the expenditures necessary to maintain existing programs. A substantial part of the resulting surplus—or "fiscal dividend"—should go to the States and cities, they argued. And, general revenue sharing was the vehicle which they devised to attain that goal.

Unfortunately, that "fiscal dividend" remains just a dream, and I can find no substantial evidence that it will materialize any time soon. We have not had a Federal funds budget surplus since 1960, and none is imminent.

As a matter of fact, the administration only recently issued Federal funds budget estimates which call for deficits of $32.2 billion in the current fiscal year, and $37.8 billion in the next fiscal year. Added to the deficit of $29.9 billion in fiscal 1971, they produce a 3-year deficit total of almost $100 billion.

The Federal Government can obtain revenue to share in only two ways: It can raise taxes or it can borrow. Either way, the same taxpayer who supports Government at all three levels will have to bear the cost eventually. And, I frankly believe the taxpayer already is carrying an extremely heavy load.

With these factors in mind, I certainly feel it is absurb for us to try to assist the States and localities which face financial crises without considering carefully some potential alternatives to the scheme embodied in H.R. 14370.

The mayors and Governors, who have been among the leading advocates of general revenue sharing, have said that one of their main goals is a substantial and continuing source of revenue, relatively free from Washington control. This objective could be achieved, and their fiscal malaise better dealt with, through a reorganization of categorical grants-in-aid or through a system of Federal tax credits or a combination of both.

It has been argued that the present system of grants-in-aid is inefficient and ineffective, and I generally subscribe to that viewpoint myself. But the way to handle this problem would be to reorganize the system, rather than simply add a layer of overhead grants.

President Nixon has gone directly to the heart of this particular problem in his special revenue sharing program which would consolidate some 130 different categorical grants into six broad purpose grants. I believe this program has merit and that it deserves the careful consideration of this body.

A system of Federal tax credits, which would call for the sharing of sources of revenue instead of revenue itself, also warrants consideration as a preferred alternative to H.R. 14370. The long-established estate tax credit could be expanded easily, and taxpayers could be given a credit against their Federal individual income tax for the amount of State and local income taxes they have paid. The States could "pick up" revenue equivalent to these credits by adjusting their rates or applying a surcharge.

Although the States have had access all along to the individual income tax, it has been contended that the Federal Government has, in effect, preempted this prime source of revenue, forcing the States and their political subdivisions to use the more regressive sales and property taxes.

To the degree that this has developed, the Federal Government could relinquish its grip on the individual income tax, easing the way for States and localities to shift to this revenue source from those on which they are now relying.

There are a number of specific options available in the tax credit area, and although I am not wedded to any one of them, I firmly believe they point the way to a much more sensible approach for us to take in trying to aid the financially distressed members of our Federal family.

A tax credit approach offers important advantages over general revenue sharing. It would uphold the principle of public accountability by making those who have the authority to spend revenue also responsible for collecting the required taxes. It would advance the cause of governmental decentralization by encouraging the States and their political subdivisions to increase their own tax efforts, lessening their reliance on Federal money and helping them to become fiscally independent. It would help curb interstate tax competition and it would put our trilevel system of taxation on a more progressive basis by stimulating greater use of the income levy.

It would, in the long run, make more money available to the States and cities than would be allocated to them under H.R. 14370. And it would not necessarily add to the total tax liability of the American taxpayer.

Opponents of the tax credit approach argue that it would be impractical because it would result in an immediate and substantial drop in Federal revenues, at a time when the Government could ill afford it. But the bill before us also represents a revenue loss—about $30 billion over the next 5 years. If we cannot afford to share the source of revenue, how can we possibly afford to share the revenue itself?

There are far more effective remedies for the illnesses within our federal system than the general revenue sharing, and we would be wiser to take the time to look them over with care instead of plunging ahead now with a treatment which is so clearly wrong.

Perhaps a more appropriate title to give this legislation would be "the Fiscal Boondoggle of 1972." Or if we wanted to be a little kinder, we might call it "the Debt Proceeds Distribution Act of 1972."

But if we really want to stop this constant increase in expenditures, then we should simply call it a bad bill and shoot it down right now.

Mr. MILLS of Arkansas. Mr. Chairman, I yield 8 minutes to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I endorse everything that has been said against this bill, and particularly the remarks of the ranking Republican, Mr. BYRNES. He summed up very well both the things wrong with this bill and the prospects for our slowing it down, which obviously are not very good.

I did want to say, I have looked for something good about this bill. In listening to the colloquy a few minutes ago between the gentleman from Iowa (Mr. GROSS), and the chairman of the Appropriations Committee, I can see one potential good from this program. It seems to me that by the end of this decade, if we just give the generals all the money they want to defend the country and if we give the mayors all the money they want to run the cities, we will not have any other money to spend, so we would have only two bills to take up each year, and we might then very well be out of here by July 1.

If revenue sharing follows its natural course we may very well not have any other expenditures to worry about except defense and revenue sharing.

Seriously, Mr. Chairman, I would like to speak first about the $1.8 billion that goes to the States and why I so much regret the changes that the committee made in that portion of the bill.

First of all, this bill might have been used to bring about two badly needed reforms. Reform in the way the States finance their own needs. Many States are underfunded and because of that they heap undue costs on local governments within their States. This bill as introduced by the chairman and a number of others of us, would have provided substantial incentives to the States to broaden their use of the income taxes and to more adequately fund their State needs so that, first of all, they would not have to look to Washington for money but, second, they would not have to heap so much of the cost of government on local real property taxpayers.

In our executive sessions I got the feeling that the administration is not greatly in favor of progressive income taxes. They were very reluctant to do anything with this bill that would encourage the States to expand their use of the income tax. So we cut in half that rather modest incentive.

Then there was something else we did rather quietly, and that was, to destroy the use of piggybacking. Piggybacking has been proposed for a great many years by a lot of people who say if the State and the Federal Government are going to collect income taxes, why do they not just do it all at once. Let the Federal Government collect the taxes for the State after the State decides how much it wants. It would simplify things for the poor old taxpayer. Well, that was in the bill, and I had hoped that California might use it. We could use a bit of reform in our State income taxes and give the Governor the privilege of paying some, too. But the last day, at the urging of the Treasury Department, we said that a State cannot piggyback until five States have asked for it. There is a lot of political pressure against the use of the piggyback form of collecting State taxes. Obviously, the reason for changing it from one to five was to discourage its use.

Now, Mr. Chairman, turning to the two-thirds of the money that goes to the cities. The most important part, obviously, is the formula that is involved.

The committee struggled, as our chairman pointed out, for weeks and weeks. We almost burned up the computers down at the Treasury because every day we would see something wrong with the formula that we had thought of just the day before. We would change it and ask for another computer run. Then we would look at the new one and find out it was just as absurd as the one we had before. We finally quit not because we hit on a rational formula but because we were exhausted. And finally we got one that almost none of us could understand at the moment. We were told the statistics were not available to run the print on it. So we adopted it and it is here for you today.

Now let us look quickly at what this does.

First of all, we gave money to every city, town, and hamlet in the Nation. For a while we said it is just the big cities that need help, and so we would limit beneficiaries to cities of 25,000 or more. But, after all, the Conference of Mayors does not limit its membership to that number, so we kept cutting and cutting and cutting in order to let everybody in on the act. Finally do you know what we did? We said that if you are entitled to less than $200, do not send in your chit. Cities get roughly $10 a head, so if you have fewer than 20 people in your city, you cannot get in on this until you find some more residents.

How do we divide it up? We talk about putting the money where the need is. I will tell you where we will put some of it. We would put it into Beverly Hills, Calif. I was out there last week, and I could not detect any growing decay in Beverly Hills, but they are favored under this formula in two ways. First, everybody gets an even break on the one-third related to population. If you have people living there, you come in for a third of the formula. If you live in an urban area, you come in for another third. Beverly Hills is in an urban area, so they receive preferential treatment because of that.

The third piece of this formula is poverty.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. GRIFFITHS. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. CORMAN. So Beverly Hills will not come up very high on that scale of poverty, but remember, they do get their full share of it because of urbanization.

Let us look at a town in Appalachia which may be dying on the vine and polluting the local stream and doing all kinds of things that make it difficult for people and have no tax base. They have equal treatment with Beverly Hills on the basis of population and they will be way ahead on the basis of poverty, but they are not in an urban area, so they will not be any more favored than will be Beverly Hills.

The reason a formula cannot be devised for the automatic disbursement of this $3.5 billion, is that there is too much diversity among cities and there is too much diversity among States as to what kinds of responsibilities are put on local governments and what kind of taxing powers are given to local government. It makes as much sense to try to devise a formula that fits the cities of this Nation as it would to tell a tailor to make one suit that fits everybody in this House.

I think you would find that if you used me for a model you would probably find that the trousers were a little too big at the waist and the shoulders would be a little too tight. The gentleman from California (Mr. HANNA) and the gentleman from Massachusetts (Mr. O'NEILL) would both be in trouble. This formula is as absurd as that proposal.

One of the tremendously wasteful things about local government is fragmentation. I use Los Angeles County because I know it. I served for 3½ years on the Los Angeles City Council. That county has some 7.5 million people and it is served by 80 separate cities and all of them will be beneficiaries of this great proposal. Not only that, there are probably 1 million people in that county who live in unincorporated areas. So what do we invite them to do with this bill? It takes only 500 people in our State to create a city, but any 500 people can do it. So we say, "If 500 people get together and become a city we will put their name on the list and we will send them a check every year."

So, rather than using this tremendous amount of money to encourage more efficient local government, this bill invites further fragmentation and further waste at the local level.

We talk a lot about how we will finance this bill. In my own view when we pass it we should increase taxes. As a matter of fact, I feel very strongly that we must increase taxes. We should have done so last year, and we will have to do it next year. And in the next year's Congress it will be difficult to do it if the administration opposes it. Yet it seems to me that if we are to continue to spend some $30 or $40 billion more each year than we take in we will have to raise taxes. I know that we will not increase taxes this year, that is for sure. We will increase the debt ceiling and I do not think any responsible Member of this House would vote that we not pay our bills. I think what we will do, along with increasing that debt ceiling, is to impose an expenditure ceiling. That means that we direct the President, we obligate him, to spend no more than x dollars, and we will just fix that at his budget. That is what we will be telling the President and we will flimflam the people when we appropriate several billions of dollars for education, or to curb water pollution, because we are directing the President not to spend that money. And we will tell him, "You must not spend any more than your original budget request," and when we go over budget figures, we are just flimflamming the voters.

It has been mentioned that we have Federal controls in this bill, that this money is going to be directed to the high need areas of local government. That is just a lot of eyewash. This money will be about 3 percent of the city's budget. If you look at what it costs for fire, police and sanitation, and those are things cities can spend it for, they consume 60 to 80 percent of a city's budget, and we simply will be giving them 3 percent on top, and when we do, obviously we will have given them 3 percent more money than they would have had otherwise.

And so with that fact in mind, I would refer you to another city in my county, the city of Long Beach, which by the way is buying a boat. They bought the *Queen Mary* and spent $45 million and it still is not finished. Of course, they can afford to do that because they have some oil royalties, they pump oil from under the city. They are still getting a big check from this proposal and they will do so every year.

We have tried to create some kind of new federalism, a relationship between the Federal Government and the cities. That is what what we say, and that is an absurdity.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mrs. GRIFFITHS. Mr. Chairman, I yield 2 additional minutes to the gentleman from California (Mr. Corman).

Mr. CORMAN. There are 50 sovereign States in this Union, and there are no sovereign cities. Those cities, counties, and school districts are creatures of the States. We have no business trying to circumvent the State governments by creating a relationship with those cities. We cannot do it. Obviously if we pump money into those cities then the States will hold back on what they give them. We have said, "Oh, no, they would not do that," but they will, and we did, the day we considered the District of Columbia, to decide whether we would give anything of this revenue sharing to the District of Columbia. We said, "Give them all they want, we will just take it out of their appropriation bill." And that is precisely what the States will do. And really there is nothing wrong with that. The States are sovereign entities and they are the ones with whom we should deal.

Now, Mr. Chairman, I remember a poet once said that:

> The saddest words of voice and pen are not what is but what might have been.

This $30 billion might have been used to encourage the States, to help the States to reasonably meet their needs. It might have been used to encourage reform in local government structure, but it has moved in exactly the opposite direction.

So I suggest to you it is a wasted $30 billion that we do not have and that we must tax to get. Or we must cut the heart out of other well-conceived programs to finance it.

Mr. Chairman, I share the view of the ranking Republican (Mr. Byrnes). It is not likely that this bill will be slowed down. I would hope that when it gets to the Senate some thought can be given to how this bill might be used to accomplish some reasonable objectives other than pandering to the Conference of Mayors, the Conference of Governors, and the Nixon administration.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the passage of this legislation.

Also I compliment the gentleman from Virginia (Mr. Broyhill) and I point out, along the lines the gentleman was pursuing, that we called this morning the Joint Committee on the Reduction of Federal Expenditures and asked for calculations on the impact of this legislation on the Federal deficit. Assuming this amount becomes a deficit, as the gentleman from Virginia has assumed, and as I assume, because there is evidently no effort to raise the revenue necessary to pay for this, this bill will cost us over the 5-year period of time in interest alone $5.360 billion. That is, Mr. Chairman, $5.360 billion interest alone. That is how the figure the gentleman pointed out, $7.9 billion this year, gets so high.

Not only are we going to be passing out revenue we do not have, or as the gentleman points out, sharing a deficit which we do have, but also we are going to be accumulating a much larger deficit just in paying for the deficit which we are creating.

Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, that our cities and States need financial help to meet pressing demands for services cannot be denied. They are pinched and need our support. Over the years I have consistently supported additional Federal funds for the States and cities.

On June 17, 1971, Representative William Moorhead and I testified during hearings on revenue sharing conducted by the House Ways and Means Committee. We offered a plan by which State and local governments could acquire additional revenues for needed services.

Our proposal was pegged to the progressive Federal income tax, and we emphasized this revenue source because it is far more efficient at raising money than are other forms of taxation.

It has been said that a 1-percent increase in our gross national product brings an increase of 1½ percent in Federal income tax collections. The report of the Ways and Means Committee on H.R. 14370, the bill before us today, notes that:

> The bulk of State and local revenue comes from sources which do not increase rapidly as income levels rise.

The report adds that in 1970 income taxes accounted for only 17 percent of State and local tax collections while property and sales taxes represented 74 percent of the total tax take.

Worse, property and sales taxes place an unfair burden on lower and middle income citizens, for they pay a larger percentage of their income in taxes than do more affluent citizens. In a column for weekly papers in my district, I pointed out last year that persons with annual incomes over $15,000 pay 33 percent of the Federal taxes but only 8 percent of the State and local taxes. And as Ralph Nader and others have stressed recently, property tax assessments are frequently unfair. Nader has pointed to instances where large corporations are paying only a fraction of the property taxes they should pay.

THE MEEDS-MOORHEAD PLAN

In our testimony before the Ways and Means Committee last June 17, Representative Moorhead and I identified the real problem:

> This problem, in our view, is not simply the need of states and localities for more money—but rather for money which they can raise for themselves to perform the services which our Federal system requires of them. Assuming that their role under the Federal system is not to change materially, this means that they need increased revenue sources which they can tap themselves. Moreover, since our economy can be expected to grow, the new revenue sources should grow equally fast or faster. In other words, our States and localities need an expanded and more progressive revenue raising capability."

The heart of our plan is a piggyback tax on the Federal income tax. States and localities would be empowered to enact a tax which would be a percentage of the Federal income tax paid by their residents. The rate could be no higher than 20 percent of the Federal income tax. If both the State and a locality enact this tax, the State's rate would be limited to 10 percent and so would that of the locality.

To encourage this progressive taxation, our plan would reward State and local governments with a Federal matching grant of one-fifth of the amount produced by the first 10 percent of the surcharge and one-tenth of the second 10 percent.

These incentive Federal revenues could come from the corporate tax collections; corporations are interstate operations frequently and are not always chartered in the State of their operation or operations.

Were a State to enact a piggyback tax but forbid localities from doing so, 60 percent of the revenues would have to "pass through" to the local governments. The distribution formula would recognize both population and need.

H.R. 14370: A FOOLISH EXPEDIENT

The strengths of the piggyback plan are the great weaknesses of H.R. 14370, the revenue-sharing bill we are now debating. First, our proposal provides a way to pay for additional expenditures. A tax supports an expense. But H.R. 14370 is a deficit sharing bill. It is not a free beer.

H.R. 14370 provides $30 billion over 5 years. The money would come from one of two sources. Either we would add $30 billion to the Federal deficit, or we would obtain the funds by cutting back on existing categorical programs such as those for education and pollution control. If the latter course were followed, it is very conceivable that States and localities would end up with less under revenue sharing than they are receiving today.

For the 3 fiscal years ending June 30, 1971, the Federal deficit is expected to be around $110 billion. Is there any revenue to share?

Second, the bill before us separates the taxing power from the spending power. It is unprecedented. It is revolutionary. And it is terribly wrong.

Mr. Chairman, hardly a day passes when I do not receive a letter from a constituent who is upset with this or that Federal program, project, or expenditure. The people want us to watch over the spending of their tax dollars. We try to do this. For the people to be concerned is only natural and proper. We are their representatives spending their money.

H.R. 14370 removes the Congress from watching over how Federal tax money is spent. This foolish expedient of a bill simply loads the money into a legislative cannon and fires it out across the land to fall to earth in bits and pieces. Kiss the taxpayers' money goodby and do not worry how it is used—that is the principle of this ridiculous bill. On the other hand, our alternative would make the taxing body responsible for supervising expenditures.

NO ALTERNATIVES, NO MONEY FOR SCHOOLCHILDERN

Many Members of the House had suggestions for improving H.R. 14370. But they are being gagged by the adoption of a closed rule that forbids amendments to the bill. Representative REUSS of Wisconsin had an amendment to pay for the revenue sharing by closing or reducing tax loopholes. Yet he cannot offer the amendment because of the closed rule.

Education is often the largest single cost of State and local governments. The Federal Government's share of total U.S. educational costs is only about 7 percent.

Here again the revenue-sharing bill compares poorly with the Meeds-Moorhead plan. It limits the use of the revenue-sharing dollars to law enforcement, sewage-garbage disposal, transportation, and environmental protection. There is no money for schoolchildren.

Our alternative would enable States and localities to allocate more funds for education. And most importantly our plan offers progressive taxation. In other words, fair taxes could be used to replace the unfair, unreliable, and unpopular property taxes. In my opinion, property taxes are about as equitable as two institutions from the Middle Ages: the salt tax and the rack.

RIGHT GOAL, WRONG ROAD

In conclusion, H.R. 14370 is the wrong road to the right goal. I will continue to support efforts to aid State and local governments. H.R. 14370 is a foolish expedient that alters constitutional principles and scatters the taxpayers' money across the country with no accountability as to how it is spent. Accountability is the heart of our representative democracy. H.R. 14370 is a wedge that separates those who raise the taxes from those who pay the taxes. The Meeds-Moorhead plan is a far better method to achieve a desirable end.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BETTS).

Mr. BETTS. Mr. Chairman, I yield 20 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman and members of the committee, I know this is a repetitive debate to a degree. We are all deeply involved in this issue which as has been pointed out is a watershed issue, a dramatic new program, and one subject to a good deal of philosophical debate.

The chairman of the committee and the ranking minority member each from his own point of view has discussed the technical aspects of the bill. So in considering what contribution I may make to this debate I have decided that I would like to go through a series of questions with you—the kind of questions that your constituents ask you about such a central issue—and try to give you my answers and my reasons for supporting revenue sharing in terms that will be comprehensible to the average American.

The first question is—Should revenue sharing be tied to tax reform?

The reason in back of this question is quite obvious—we are by this program putting a greater pressure on the income tax. We are transferring to other governments a $5.3 billion raised for the most part by the Federal income tax system. And in doing that some people feel that we should not be asking more of the taxpayers without insuring that the income tax is more equitable.

I would be the first to acknowledge that our income tax system, like any other human institution, has its defects. I am an advocate of tax reform in a continuing and comprehensive sense rather than a symbolic sense. But however imperfect our income tax system is, it is obviously more progressive—and that is what most tax reformers are looking for in their tax system—than the real estate taxes and sales taxes, the basic devices for generating revenue for State and local governments. So anything that we can do to transfer an increasing portion of the total burden from the real estate and the sales tax to the income tax is a step in the direction of tax reform. The money for basic services is already being spent—the question is what tax shall we use to pay for it.

It is interesting to me that some people have opposed revenue sharing despite the fact that it makes our total tax system more progressive through this shift of income tax money to an area previously nourished by real estate and sales taxes, because they feel that we should do more reform than is implicit in the revenue sharing measure itself.

The chairman of our committee has promised that the first order of business next year will be comprehensive tax reform. If we waited for that I am afraid we would be doing a disservice to the communities and to the States that are already under very severe fiscal pressure. We would be rejecting a type of tax reform that is available to us now, and which has been carefully studied and prepared for action by the Congress.

In connection with this first question, the question of tax reform, there is a subsidiary question—will revenue sharing reduce real estate taxes—that is a question that many of your constituents will ask you.

Nobody can guarantee that this or any other device will reduce real estate taxes. Real estate taxes will continue to be the primary resource for the local governments. Local governments and State governments between them last year spent roughly $150 billion which was largely raised through regressive tax devices—those devices that are historically available to them.

This measure produces only $5.3 billion a year for State and local governments. Nobody then can guarantee that real estate taxes will go down. The only way that the total tax burden on the American people can be reduced is by government's spending less.

The effect of this measure, however, is to take the pressure off regressive taxes at least to the extent of $5.3 billion a year. And that is all that you can promise your people out of this measure.

I think that the fact that nobody can guarantee that real estate taxes will go down, however, is no argument against revenue sharing. It has a tendency in the right direction—it takes pressure off a regressive tax, and that is what we are here to try to do in the pattern of government that we are trying to establish.

A second question your constituents will ask you will be: Does revenue sharing contribute to centralization or decentralization? I personally think it contributes to decentralization and that's good. I consider myself a Jeffersonian Republican, a man who believes in keeping Government as close to the people as possible.

I should like to say that one of the most centralizing devices we have in Government is the categorical grant program, and revenue sharing which distributes money to the community with very modest strings tied to it has a tendency of increasing the discretionary funds available to them so that they can provide the basic services which are to many people the only real justification for the social contract of government. Categorical grants for the most part go into the more esoteric programs of local government. The basic services, however, will be nourished by revenue sharing to a much greater degree.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. We are going to run in this fiscal year a deficit of between $35 and $40 billion and there is a built-in deficit in the 1973 budget of about $25 billion.

Will the gentleman tell me where, under those circumstances, he proposes to get revenue to share with anyone?

Mr. CONABLE. That happens to be the next question I am going to discuss. I know this is the gentleman's great concern generally, and I shall be glad to get to it at the appropriate time.

The revenue-sharing bill does have the effect of decentralization because it makes discretionary money available to the communities and, therefore, makes it possible for them to use their own priorities, not priorities set here in Washington, in determining what services their people are going to have.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

I simply wish to say to my friend it is very difficult for me to understand how you really strengthen local government when you make it dependent for its basic services, as you say, on Federal revenue. It seems to me, if you really want to strengthen local government, you would take the other approach of the tax credit against the Federal tax for local tax effort and would thus give the State and local governments a chance to raise their own money locally. That would be the way to go if you want to give them discretion; under this bill are you not making them dependents of the Federal Government?

Mr. CONABLE. I would be inclined to agree with the gentleman if I felt that it was possible for localities to have effective local income tax systems. The problem is that the localities, left to their own devices or given possible credit opportunities, are going to have to rely on the regressive taxes substantially.

I personally would like to see the localities' independence increased. I acknowledge that any program that pays money to the locality tends to increase their dependence, but I should like to point out that the available alternatives at this point to a community are likely to lock them into a greater degree of dependency than revenue sharing.

For instance, we could go the route of centralizing basic services if the cost of services is outrunning local communities' ability to deliver revenue. We also could go the route of increasing our categorical grant programs. Either one of these, I submit, is substantially more destructive to local autonomy than the revenue sharing which we are now proposing.

The third question I should like to take up is the question the gentleman from Iowa asked: How can we share tax revenue when we do not have enough revenue to share? That, of course, is a basic question of government. It assumes, however, that revenue sharing is not a higher priority item than many of the categorical grant programs we have now. How can we put more money into education; how can we put more money into the environment; how can we put more money into defense; how can we put more money into all of these things when we do not have the revenue? The fact is that we continue to put this money into the categorical grant areas, going deeper and deeper into debt along that primrose path.

I personally do not think that just because a program is a new program that means it is worse than the categorical type of approach which has been gobbling us up in recent years. I think the gentleman will acknowledge that I, myself, have tried to do all I could to stem this particular type of categorical madness.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, why, then, compound it by the enactment of this legislation?

That is what you will be doing, compounding a desperate situation.

Mr. CONABLE. If this legislation constitutes a better approach, I give it a higher priority than the types of programs we have been increasing without regard to the effect they are having on our total system.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, where does the gentleman think he is going to be able to cut the expenditures, including the grants already being made, especially the $13 billion in health, education, and welfare grants to the States? Where does he think he is going to cut any of those?

Mr. CONABLE. I submit we are going to have a better chance of cutting the categorical grants back if we have an alternative that makes better sense than they do. The issue is one of priority and not whether or not the Federal Government has been wise in its fiscal approach under the existing programs.

Mr. Chairman, the fourth question is, Do we not already give the communities enough money? It was pointed out the other week by the chairman of the Committee on Appropriations that our categorical grant programs have gone from $7 billion in 1958 to $37 billion this past year. We do give a great deal of money to the localities, and unfortunately it has not had the effect of making them do their basic job of providing the basic services any better than they did before the various categorical grant programs were conceived and expanded.

Admittedly, any amount of money given them can be used to some advantage, but unfortunately the way in which we give the money is in many cases more important than the amount of money we give them. We here in this Chamber should be concerned about the patterns of government, and we should be concerned about the effective use of our national resources, and not just in a quantitative measure that takes no account of the consequential effects of what we are doing.

Question No. 5, Mr. Chairman: Will the communities not waste the money without more accountability, more guidelines? That is a possibility. There is nothing magic about local government. There is nothing magic about Federal Government either.

I personally think there is a much closer degree of accountability held on the local government by our constituents out there than is held on us here in this remote and distant seat of government on the Potomac. Frankly, I have more confidence in accountability on the local level than I do on the Federal level. Distance and activity insulate us. We do not live directly with our neighbors, subject to their direct control.

The minute we get into this particular subject, people start reciting examples of waste on the local or State level. They do not know what happens down here in many cases. Believing in democracy as I do, I believe also in the power of the people to hold a tighter rein on that government which is closer to them. Therefore, it seems to me the chances of waste under this program are considerably less than they are under the type of program which is directed from Washington and subject to the insulation that comes with distance.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I want to associate myself with the remarks of the distinguished gentleman in the well. I am impressed by his eloquent and valid defense of this legislation. I support it. I simply want to indicate that the remarks of the gentleman from New York (Mr. CONABLE) are bases on which I believe this legislation ought to be passed. The problems facing hard-pressed local governments are very real and revenue sharing represents a landmark effort to revitalize our federal system. I think particularly what the gentleman has just said in defending this bill is an important ingredient in why the Congress of the United States should pass this particular piece of legislation. I commend the gentleman for the effort and the work he has put into this. Since my service in the State legislature and the Congress I have worked to implement the program of sharing revenue. This bill is a reasoned fruition of the work of many but especially the leadership of President Nixon. I hope this bill will be adopted by a large majority today, and hopefully the other body would agree with the wisdom of this approach.

Mr. CONABLE. Mr. Chairman, I thank the gentleman for his comments, as well as for the many contributions he makes here.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Ohio.

Mr. KEATING. I, too, rise in support of the bill, and I should like to associate myself with the remarks of the gentleman from New York.

Many of the comments the gentleman made here today are experiences I found as the finance chairman in my community of half a million people over a 3-year period. We found that the priorities were dictated from Washington. We found we would take money earmarked in our budget for matters which concerned our local community and would put it in an application of 5 percent, 10 percent, or 25 percent participation, so we could get a grant from Washington. We found our priorities were distorted by reason of these categorical grants, so I appreciate what the gentleman has said.

Mr. CONABLE. I thank the gentleman for the comments he has made about local government because it reminds us of the experience many Members of this body have had in local government, which contributes to our understanding of the problems of local government.

I should like to add that on this particular issue, the issue of whether the communities will waste the money, the usual argument is: because we are separating the taxing and spending power, the easy money for the communities will be spent much more easily.

The money, of course, subject to accountability, very likely will be combined with other local funds. It is going to constitute a very modest part of the total funds spent by the communities. For that reason I believe it is unlikely that Federal taxpayers, who are also local taxpayers, will relish waste any more on the local level merely because it happens to be a portion of the revenue sharing money that is involved. They will feel about waste as strongly as they would feel if it were taken out of their real estate taxes in the first instance.

Mr. KEATING. The separation of the taxing authority and the spending authority is not unique in this bill.

Mr. CONABLE. We separate taxing and spending authority right in this body, and to a degree also in the categorical grant programs.

Mr. KEATING. That is correct. We also separate it within our States, between counties and cities, and other governmental bodies. So it is not a unique proposition. It is not new in this body or in any other body.

I certainly agree with the gentleman from New York. My feeling is that the local government is more responsive to the people and can be more responsive to the needs of the community. Each community's needs are different. This gives them the opportunity to have flexibility and to reduce the amount of waste.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I wonder if the gentleman could clarify for me his understanding and the understanding of the committee with regard to funds collected and/or disbursed. Will they be subject to the same General Accounting Office review that any other Federal funds would be?

Mr. CONABLE. Yes, they will be. Of course, money going to the communities is broken down into three broad areas where it must be spent, high-priority areas. So far as the State government is concerned, there are no restrictions put on the money. There the money, incidentally, could be spent for education. Many people think it could not be, on the State level. The money is subject only to general accountability. On the community level it has to be used for a government purpose within the high-priority areas.

Mr. DON H. CLAUSEN. Is there any limitation on me as a Member of the Congress or on anyone else as to demanding an accountability to the GAO, the Government Accounting Office, with regard to any of these funds?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BETTS. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. CONABLE. No. We assume there will be, certainly, Treasury oversight on the use of the money for Government purposes. I believe a GAO audit could be asked if it were felt that this or any other money were being used improperly. At least the GAO will lay down guidelines for the types of audits which will be made.

Mr. DON H. CLAUSEN. So in effect there will be oversight on any funds allocated.

Mr. CONABLE. Yes.

Mr. Chairman, I should like to move to another question we hear a lot about, the one about lobbying.

Will this measure increase or reduce congressional lobbying? I agree that there has been a great deal of lobbying on this bill. Lobbying does not bother me. I suspect that passing a 5-year bill with a fixed amount of money determined by formula will very much reduce the lobbying over what would happen if we had an annual appropriation ritual to go through on this particular type of bill. I would hate to see this bill reduced to the status of just another aid program, because I consider it to be of the highest possible priority. Personally I would rather be lobbied by an elected official with whom I shared the responsibility of Government in this country than I would be by the zealous amateurs who identify themselves with the causes that make possible a great crossruff between local and Federal Government on the categorical aid programs. In other words, although there is going to be no assurance that we are not going to be lobbied on this or any other subject in the future, I think the manner in which this bill and this type of aid have been put together is very likely to reduce the sum total of lobbying to which we are all now subject in a preeminent degree under the categorical aid type of program.

Another question is will the program be expensive to administer? It will be the most remarkably inexpensive Federal program to administer that you have ever seen, because it necessarily bypasses the Federal bureaucracy.

My distinguished colleague (Mr. BETTS) made an eloquent speech on this point yesterday in debate.

It will permit, as the chairman of the Committee on Appropriations had pointed out, sending checks to some 38,000 communities. The aid process, however, will primarily be a computerized process. The amount of accounting that is necessary will be comparatively modest, and we will not have the tremendous number of Federal administration guidelines that have made so inevitable the growth of the Federal bureaucracy. So I think this will be a remarkably inexpensive program to administer. Certainly in comparison to the costs of other Federal programs, it will be a gem of the purest ray serene.

Now let us go on to the issue of the distribution formula. Is the distribution formula fair? I will tell you that any one of us could have made a better distribution formula for our individual districts. This distribution formula is necessarily a compromise. It was hammered out on the anvil of debate in a very broadly based committee over a long period of time, and the distribution formula we believe the most equitable possible for our diverse land. That means for each individual Member we can still find plenty to complain about, but as a compromise, as a broadly based distribution formula and not essentially a redistribution formula, which some people would like to see, this revenue sharing bill is, I think, as fair as we can make it.

I wish all of you could get more money than the other fellow, but that is not going to work. It just is not in the nature of things. To the extent that there is any redistribution of these Federal resources, it is going into areas of need, into areas, particularly urbanized areas, where we have found the greatest shortfall in available tax resources lies.

The last question that your constituents will ask because they are so used to being told this sort of thing is, will it solve our problems? The answer to that is no, it will not solve our problems. This is not a magic wand or a panacea.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BETTS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CONABLE. Mr. Chairman, this is not a magic wand or a panacea, it is a very modest change in the total spectrum of government that we are so used to dealing with here. It does have the effect of putting some progressive tax money into a regressive tax area. It does have the tendency of increasing the discretionary funds available to local governments. I think it makes a contribution to a rational pattern of government. But I will not say for 1 minute that it is going to solve all our problems with categorical grants or in any dramatic way affect or make the lives of the mayors, Governors, and ourselves a lot easier.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, the gentleman spoke a minute ago about equity, and stated his opinion that this bill was an equitable bill.

Mr. CONABLE. Yes, and admittedly that is only an opinion.

Mr. WAGGONNER. And admittedly the gentleman's State of New York at the State level gets a per capita grant of $17.23 per person per year, and my State of Louisiana gets by comparison at the State level only $4.95 per person, per year. Does the gentleman consider that that is equity?

Mr. CONABLE. If the gentleman from Louisiana will pardon me for saying so, I suspect that if we look at the categorical grants that Louisiana does pretty well there in the return it gets on its tax dollars. I would point out that the State of New York is also the largest income tax paying State in the Nation. This is in effect a revenue-sharing proposal intending to return the tax money to the localities for the most part from whence it came.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield further?

Mr. CONABLE. I yield further to the gentleman from Louisiana.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BETTS. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield further, would the gentleman say whether he considers that equity or not?

Mr. CONABLE. Any question of grant equity must look at the entire system of government, and must not focus on any one particular statistic or any one particular program.

I suspect that Louisiana has done very well, and that one of the reasons it has done well is because of the very able representation that Louisiana has had in this body.

Mr. WAGGONNER. If the gentleman will yield further, this bill will go to the Senate and perhaps we will do a little better over there, because we have a Senator from Louisiana who heads the counterpart committee over there.

Mr. CONABLE. I thank the gentleman for reminding me that we are going to watch with great interest what happens to this bill as it progresses. There is, of course, a good deal of political interest in it, and there are people I am sure in this body and the other body who would like to see a Nixon initiative not brought to fruition with respect to such a vital area as the concern we all have about the health of our federal system, and the life of our cities and States. While not daring to attack it directly, some would like to see it die of uncompleted action.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(**Mr. KEATING** asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KEATING. Mr. Chairman, I rise in support of the State and Local Assistance Act of 1972.

Before coming to Congress, I served almost 9 years as judge in two different State courts, and 3 years as chairman of the Finance and Labor Committee of the Cincinnati City Council. During those years as finance chairman, I was responsible for a budget of something more than $80 million. By the Federal Government standards, this does not appear to be a large sum of money. But we considered every dollar to be extremely important.

Critics of revenue sharing say that local officials will not be accountable for the money they spend. My experience in local government forces me to respectfully disagree. On the local level, with the more manageable budget, with the daily contact of the smaller community, and the closer examination by the local media, there is much more accountability than there is in Washington with the protection of the distant Capitol and the larger and more unmanageable bureaucracy.

Like all Members of the Congress, I am deeply concerned with the budget problem. This program is the cornerstone to the President's New Federalism. If we are to truly have a diversification of the decisionmaking process down to the local level then the passage of this bill is an essential first step.

The issues in this bill have been thoroughly debated in the extensive committee hearings. The bill the Ways and Means Committee reported is a fair compromise of different ideas that were proposed to the committee. The formula that takes into account per capita income insures that the poor areas get a fair share of the funds.

With 50 different States and over 38,000 local units of government eligible funds there will never be a formula that pleases everyone; however, the formula in this bill seems to have flexibility and the support of the vast majority of the cities.

The Federal income tax is the most efficient and most effective way of collecting taxes. The Federal Government is going to have to share these funds if the Nation's cities are to provide the needs of today's urban population.

Citizens are upset over the tax structure and in this election year we have heard many comments that tax reform is needed. No longer can local units rely on the property tax. In my own district of Cincinnati, 50 percent of the school levies in the past 5 years have been defeated. The defeat of these tax issues across the country have put severe financial limitations on the local government in every area of its operation. I am personally aware of local officials' efforts to cut essential services to the barest minimum. Even such life and death services such as police, fire and health are jeopardized by the income crisis at the local government level.

Today the average citizen is keenly aware of the needs of his community and want to participate in the decisionmaking process. I am convinced that we can create a Federal system where local decisions are made on the local level. In the end accountability and participation depend on accessibility and it is for this reason that we must restore a balance to our Federal system. This bill is not a panacea; it will not make the Federal-State relationship perfect, but it is a good start.

Mrs. GRIFFITHS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. WILLIAM D. FORD) for the purpose of asking a question.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of this bill, and I wish to add my words to those that have been spoken on this floor in praise of the diligent work the Committee on Ways and Means has put in to bring to the floor what I think is a bill in every way superior to the original proposals of President Nixon in this area, and one which is eminently fair in terms of its treatment of local governments particularly.

But I did want to ask the distinguished chairman of the committee a couple of questions to clear up questions that have been raised with me by local officials in Wayne County, Mich., in my district which is a suburb of Detroit, Wayne County, which is an urban county.

They are distributed by the Joint Committee on Internal Revenue printout showing the amount of money that each municipality or local unit of government would receive under the formula for distribution of funds under this legislation.

Upon examination of this preliminary report it would appear that townships are not identified individually but are identified en bloc.

I would like to know from the distinguished chairman if we can be assured that suburban townships, even though they bear the title of township rather than city, will receive their full share of the distribution under the formula in this bill and full and individual consideration.

Mr. MILLS of Arkansas. The gentleman can be assured, if he will refer to part 2 of the committee report, page 352 shows that the township in Wayne County, all the townships in Wayne County, will receive among them $998,286 in revenue in the first full year of operation of the program.

The printout confined this distribution to cities and counties and other municipalities because the figure on which the distributions are based up to the present have been available in detail only for those units of local government. The distribution however will be made to townships which are operating units of government on the same basis as they will be made to the municipalities.

Mr. WILLIAM D. FORD. I thank the distinguished chairman.

I am also informed that the reason why the two relatively newly incorporated cities in western Wayne County the city of Romulus and the city of Taylor were not included in this printout is because the figures used at the time the printout was made were based on 1967 data.

May I ask the chairman, is it correct to assume that even though the cities have subsequently been incorporated that they will be considered as they exist at the present time having been incorporated in 1970 and 1968?

Mr. MILLS of Arkansas. Since they were incorporated before the end of 1970 they will be eligible for the distribution for the fiscal year 1973 and later years. They will not be eligible for the distribution of funds relating to the fiscal year 1972 if they were not incorporated in 1967 but the same funds will go to the area in the same manner as if they were incorporated. By that I mean that if the communities were not incorporated in 1967, distribution relating to these communities for 1972 will go to the county.

Mr. WILLIAM D. FORD. I thank the chairman.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, to follow through on the colloquy between my good friend, the gentleman from Louisiana (Mr. Waggonner), if I may have his attention, and my equally good friend, the gentleman from New York (Mr. Conable), if I may have his attention also—the question was raised about the fairness of the distribution and the comparison was between New York and Louisiana.

Under the formula, if you will look at the local share per $100 and a tax contribution per $100 of Federal income tax from the States, you will note that in the State of New York, though they get $9.49 per $100, the State of New York is paying into the Federal Treasury per $100 of Federal income tax, $11.34.

Whereas in the State of Louisiana the local share per $100—that Louisiana gets—is $1.85, whereas the tax contribution per $100 in Louisiana is $1.29.

So, even under this formula Louisiana fares better in that respect than does the State of New York.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. WAGGONNER. The gentleman from New York had said that Louisiana probably fared better under the categorical programs than does New York.

The distinguished chairman would not take the position that this program is anything but an extension of existing categorical programs which are already in existence, and are effective in government today, would he?

Mr. MILLS of Arkansas. If I may respond to the gentleman, in view of the fact that we have proscribed for local levels of government very limited purposes for which our money could be spent, I think our bill does go more in the direction of the categorical grant idea than the bill that was submitted by the administration.

If that is what the gentleman has in mind, I would be willing to agree to that.

Mr. CONABLE. Mr. Chairman, I do not want to belabor this point because frankly I do not think our purpose here is to get more money for our State or community. Our purpose here is to try to establish what we think would be a rational pattern of Government, and so far as I am concerned this bill makes a contribution in that direction.

This is not a categorical grant program, I say to my friend from Louisiana, because it uses quite a different distribution formula from the traditional categorical grant formula. The Lister Hill formula is not included in this. This, in fact, sets up a whole new set of categories which are to determine how much money goes where.

Mr. MILLS of Arkansas. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Florida (Mr. Gibbons).

Mr. GIBBONS. Mr. Chairman, the debate yesterday proved a number of things: First, it proved that if you had a great deal of money and you wanted to give it away, you would have a lot of recipients who would be pleased to have it, and they would lobby like the dickens to get anything passed in order to get the money. If you decide to give away money that you do not have or that you are going to borrow, if you decide to give away that much money, or as much money as you gave away yesterday, even a bunch of high spenders will not argue about how much they are going to get.

Second, I think I should point out—and I am sorry there is no member of the leadership of our party on the floor—but despite all the debate and everything else that went on, more Democrats voted against the closed rule yesterday than voted for the closed rule. I think it is high time our party began to recognize that. Certainly our leadership ought to recognize that 128 Democrats voted against that closed rule yesterday and only 110 voted for it.

There are four main reasons I am against this bill. The first is that we cannot afford it. I am talking about the Federal Government.

The second reason is that they do not need it, and I am talking about the States and local governments.

The third reason is that even if you wiped out those first two reasons, this is the most crazy and illogical distribution of money that anybody ever saw.

The fourth reason is that it is just not good government, whether it is the American Government, Chinese Government, Russian Government, or any other kind of government, to divorce spending and taxing, those two responsibilities, this far, and that is what we have done.

Let us go to the first premise: We cannot afford it. Today the national debt stands at about $28 billion more than it was last year. As I stand here in the well, the interest on the national debt is running at $719 a second, and is escalating up. It is up $43 a second just over last year. How in the world can we as sensible people who are charged with the responsibility for representing 209 million people stand here and spend money as if we were imbeciles? We cannot afford it, we do not have the money; the money is not in sight.

We are collecting taxes that we have not even levied at the rate of $10 billion a year more than we have levied in taxes. We have to pay that money back at the end of the tax year. In all justice, we ought to pay interest on the money that we have taken involuntarily from the taxpayers.

So we cannot afford it. We do not have the money. It is not in sight. It is going to have to be raised by taxes. It is going to have to be raised either by borrowing money or, as some naive Member in Chamber said, we are going to have to cut other programs.

You and I know that we cannot cut other programs. Just talk to those mayors and Governors and ask them what programs they want us to cut. I tried it one time. They are not for cutting any program. They will just want more, more, more. So we will have to get the money from some place.

Next year the time will come when those of you who survive this election are either going to have to raise the debt ceiling unconscionably high—and the interest will not be running at $719 a second as it is running now; it will be running about $900 a second—or they are going to have to raise taxes, not just a few billion, but in the neighborhood of about $40 billion. We are going to have to raise taxes, and we just cannot do that by plugging loopholes. We are going to have to raise some real hard taxes.

So we cannot afford it. We do not have the money. Nobody is as busted as the Federal Government is right now. So we just cannot afford it.

The next premise I am going to offer is that they do not need it. By "they" I mean State and local governments. I realize this gets controversial. I realize Members have been told by a great many people that they have just got to have the money. Yesterday we were told by my chairman, the gentleman from Arkansas (Mr. Mills), how much the State and local government spending has increased in the last 10 years. They have a great many resources from which to increase the spending.

If the Members will consult the committee report, they will find two charts there, one on page 117, and the same chart except for a year later on page 93 of the report.

Members are going to see that local governments and State governments can easily increase the amount of money that they will need, if they need any at all. Members are going to see in these charts that if all the States tried as hard to finance their own operations, bearing in mind we are already paying $37 billion a year of their bills, if they tried as hard as the top 10 States, in 1969 they could have raised another $18 billion to $19 billion, and in 1970, they could have raised another $20 billion to $21 billion. I would assume that in 1973, which is what we are really talking about, they could really raise $25 or $30 billion more without really straining their resources.

I guess I am just old fashioned enough to believe that if we cannot raise enough money to support ourselves, then we had better start reexamining ourselves and do something about it. I am just old fashioned enough to believe that if a level of government cannot justify itself enough to the people it represents to raise enough money to carry out the demands of those people, then somebody ought to reexamine that level of government. Maybe New York City is just obsolete, and maybe New York State is just living too high on the hog. But something is wrong. If the Governor or if the mayor does not get out of his own people the amount of money he needs to run his own operation, then I would say some change needs to be made in that operation.

Maybe I ought to look at myself and say that we in the United States cannot raise enough money at this level of government to pay for our Government, and maybe we ought to reexamine ourselves.

But we cannot go along this head-in-the-sand attitude much longer. We are at the end of the road and just do not recognize it.

But if the Members say Old Sam does not know what he is talking about, I say, look at these arguments. I have here in my hand the State Government News. This is the house organ of State governments. It is their semiofficial publication, and I have the issue of March 1972 in my hand. Do the Members know what the lead item in this house organ of State government is? Let me read the headlines. It says:

> No major new taxes were deemed necessary in 1972 by most Governors delivering state of the State messages to the State legislatures. Only four of 39 Governors requested increases in sales or income taxes.

If the Members say Old Sam does not know what he is talking about, let us ask if 39 Governors addressed their State legislatures, and only four of the Governors said they need any new taxes, then do they really need any new taxes? These are the Governors, the chief executives, the people who run the State governments, and who are responsible for all the cities and counties and townships within their States.

The Governors said this year, in 1972, when addressing their State legislatures, that they did not need any new taxes. In fact, if Members will read this article, they will find some threaten to veto taxes if they levy any more.

The Governor of New York did not ask for any new taxes. Nobody asked for any new taxes, except the Governors of four States, and one of them was just to extend a tax that would expire.

That is how ridiculous things are. We think there is a fiscal panic in State and local government. How silly can we be?

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. GIBBONS. May I have 10 more minutes?

Mr. ULLMAN. Mr. Chairman, I yield the gentleman an additional 10 minutes.

Mr. GIBBONS. I am only half started.

Mr. Chairman, let us get to my next argument about whether this is a logical distribution of money. I have these charts here. I have distributed them to everybody. They are in the committee report. I wish some of the members of the committee would get up and challenge me on this.

This is the most illogical distribution of funds I have ever seen under any Federal program at any time in my life.

How in the world can anyone argue that we ought to give to the State of New York 39 percent more on a per capita basis than we give to the State of Pennsylvania, right next door to them, or 43 percent more than we give to the State of New Jersey, right next door to them?

How about it, Mr. CONABLE? Can you defend it? How can you give two States right next door to New York State, that have heavy tax burdens, that have the same kinds of people, that much difference in money?

Mr. CONABLE. I do not want to get into any invidious comparisons here. Does the gentleman know whether there has been an income tax either in New Jersey or in Pennsylvania prior to this year?

Mr. GIBBONS. Apparently they did not feel they needed one.

Mr. CONABLE. I am not sure about that.

Mr. GIBBONS. All I know is that your folks in New York always scream about how high the cost of living is, and when I look at New York there I see the reason why it is so high. It is because they live so high.

Does the gentleman know where most of the retired New York employees are?

Mr. CONABLE. They always retire and go to Florida to die, and pay death taxes there.

Mr. GIBBONS. They do not go to Florida to die. They go to Florida to live, because most of them go there at about 40 years of age.

The public employees in New York State and in New York City have run off with the government and have run off with the treasury of the State and the city.

The retired employees go to Florida at the ripe old age of about 40, and will work for anything, or just not do anything except enjoy the sun. That is the truth.

That is the reason why the cost of government is so high in New York City and in New York State.

Mr. DENT. Mr. Chairman, will the gentleman yield

Mr. GIBBONS. I yield to the gentleman from Pennsylvania.

Mr. DENT. The State of Pennsylvania does have an income tax, probably the highest personal income tax in the United States, because it is on the full earned income without any deduction. It also has the highest sales tax in the United States.

And, because we are considered a high income State, we also have the highest per capita tax in the country.

We are getting less than New York, because they have failed to take from their people the same percentage of their income that we take.

Yes, I voted for it and will probably vote for it, because my local government people, my Governor, my county government people, have been brainwashed that this is the savior. Not having time between now and November to explain it, I am going along, like the rest of you.

Mr. GIBBONS. That is a word of truth. right there.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. If it were not for the fact that the beginning of the end of the Congress occurred some time ago, I would say it was occurring right now with this revenue-sharing legislation.

I have had pressure from the mayor of Baltimore City, from the Baltimore County executive, from the president of the county council and from the president of the city council.

My opponent in the May primary ran against me on this platform of revenue sharing. In fact revenue sharing was the only plank in my opponent's platform. My opponent pounded on the platform all day, every day for about 4 months. It did not work.

Nevertheless, these high officials got together recently and passed a resolution putting Congressman LONG on the spot. Some of them have been going around saying that this probem or that problem could be solved if they could get this Federal revenue.

I am going to be very interested to see if they can solve all of these problems when they do get this money. This is an iniquitous piece of legislation, and I congratulate the gentleman for the valiant fight he is making against it. I intend to vote against it.

Mr. GIBBONS. I thank the gentleman.

I want to say in response to that, do you know what they are going to do? They will come up in 5 years and ask for more—for more—and it is going to be a whole lot more.

Mr. PATTEN. Will the gentleman yield?

Mr. GIBBONS. I will be glad to yield to the gentleman.

Mr. PATTEN. New Jersey is penalized because we have no income tax, but I want to tell you further than that that according to the NEA the taxpayers of New Jersey pay the highest per capita taxes in the United States. Of course, if you own a little home in my city, it will cost you $2,000 just for real estate taxes. Our State does not collect the money and pay for the schools.

These formulas are wrong. You can see in New Jersey you have to vote for this bill in order to win a popularity contest. However, where we get $6, in California and New York and those other big spenders they will get two or three times as much.

I am up against the same thing that the gentleman from Maryland (Mr. LONG) mentioned about all of the propaganda. I asked one of the mayors if he knew about this per capita basis, and I will finish here by saying that New Jersey will send $3 down to the Treasury of the United States for every dollar that it gets back.

Mr. GIBBONS. I thank the gentleman.

We are just on my third premise here. Let me say this. Remember, we cannot afford it. They do not need it, and this is an illogical distribution of money. I wish there was somebody here from Arkansas who could tell me how you can justify giving to the people of Arkansas on a per capita basis just about one-fourth of what you give to the people of New York in order to solve their problems. I cannot justify it and I do not believe anybody else can justify it. I have never heard anybody else justify it.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield to me?

Mr. GIBBONS. I will be glad to yield. I did not see the chairman here.

Mr. MILLS of Arkansas. I think I can speak for the people of Arkansas. I believe I can.

Let me call the gentleman's attention to a chart that I inserted in the RECORD yesterday on page 21708. We paid into the Federal Treasury in personal income taxes for $100, 52 cents. We get back for $100 under this bill 87 cents. That cannot be said of all of the States of the Union where we are still maintaining the record we have for several years of getting back more under this program than we put in.

Mr. GIBBONS. Yes, sir. The people of Arkansas are poor, and if there is any reason for collecting taxes at the national level and redistributing it, it is in order to try to have some justice for everybody who lives in this great country of ours, this common market that we call these United States. That is the only reason for bringing all of this money into Washington and redistributing it. You can see by these charts here the redlines on them are the States that have the highest per capita income. You will notice that the people that have the highest per capita income get the highest amount of money under this bill. In other words, it is just like I said in the beginning. The rich get richer and the poor get poorer, and that is not America.

Now, Mr. Chairman, I had extended these charts to show you how bad this gets, as you go on and as you add this $300,000 more each year, I feel the States are going to find the rich continue to get richer and even at a faster pace and the poor continue to get poorer. There is no logical reason for this distribution of this money. We cannot afford it, and they do not need it. It is not a logical distribution.

So let us go to the last premise. Every place that revenue sharing has been tried in the world—and it has been tried in a lot of other countries, like Germany—and they do it in Great Britain now—what has resulted? Not a federal system such as we have in this country where each level of government is supposed to stand on its own feet, but you have a highly centralized system that eventually turns local officials into nothing more than just mere administrative officers.

Who in this Chamber will challenge me that that will not happen in 10 or 15 years from now, when the appropriation gets large enough, or some future Congress that is not as scared of the mayors and Governors as we are begins to put some restraints on them? You know what is going to happen. I know what is going to happen. The great federalism that has characterized our Government in this country is going to cease to exist, and we are going to become homogenized mass.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I want to compliment the gentleman from Florida on the commonsense remarks he has made here today. I want to ask the gentleman a question.

Is it not true that in the last 15 years—I believe it is—that the categorical grants have gone from about $2 billion to about $30 or $34 billion; something like that?

Mr. GIBBONS. About $39 billion.

Mr. HOLIFIELD. About $39 billion.

Is there any assurance that once having embarked upon this irresponsible course of levying taxes or levying increased deficits, whichever you are going to have—and you have to have them one way or another—that if this bill on revenue sharing passes it will not go from $5 billion a year to $30 billion a year?

Mr. GIBBONS. Well, certainly it is going to go up, but maybe some future Congress will have more guts than we have, or more sense than we have.

Mr. HOLIFIELD. If the gentleman will yield further, I would like to say—and I am not patting myself on the back—because maybe this will be the last time my back will be here—that I have had pressure from some of the mayors and the city councilmen in my district to vote for this bill.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. ULLMAN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Florida.

Mr. HOLIFIELD. If the gentleman will permit me to continue, I have told these local officials in my district that when they start levying additional taxes on their constituents that elected them, to send back here to the Federal Government, then I will start levying taxes on the same constituents for money to send back for them to spend for purposes of their own choosing.

I agree with the gentleman from Florida that the basic principle that is involved here, which in my opinion is going to rise up to haunt us in the years that lie ahead, is that we are deserting the principle of "he who pays the fiddler calls the tune."

In other words, if we are going to pay the fiddler with the moneys that we raise, why should we let others call the tune on how that money is spent.

Mr. GIBBONS. I want to say that the gentleman has good company in that, because I have here in my hand a speech given by a Member of this body to the Oklahoma Legislature of about a year ago, and I will quote you that speech.

Mr. HOLIFIELD. I would like to hear it.

Mr. GIBBONS. Mr. Chairman—

> All of us here in this legislative body today are familiar enough with government to recognize the lesson of history that "he who pays the piper calls the tune."

Those are not my words, but those are the words of somebody else in this Chamber.

Mr. HOLIFIELD. Well, I come from Kentucky and Arkansas, you know, and they have fiddlers down there, they do not have pipes, except corncob pipes, and they call them corncob pipes.

Mr. GIBBONS. Anyway, I think we understand what we are talking about.

Mr. HOLIFIELD. We certainly do.

We have been talking about decentralizing government. This move centralizes the tax-levying powers of the local governments upon the tax raisers in the Federal Government. This is a backward step toward making the local governing bodies dependent upon the Federal Government for moneys for local expenditures.

Mr. GIBBONS. I agree with the gentleman.

Now, I hate to talk so long, but I may never get to talk on this subject again, because possibly, as popular as this program is said to be, then I may not be here again to talk about this subject.

We have established—we can afford this program—they do not need it—it is illogical—and it is bad Government policy anyway.

Let me tell you some of the silly things that you can do under this proposal.

First of all it starts off now there are no strings attached to it. You can spend this money any way you want to. If you just read that bill close enough, and you do not have to be a Philadelphia lawyer, you can spend that money any way you want to.

Now, it only takes 20 people in an unincorporated area to get together and they can start sending in requests up here to the Secretary of the Treasury and he will send you a check. Just send in your application and you don't really have to tell them why they need it or what it is going to go for. And you can get the money.

You can hire your community yardman out of this or your community babysitter—and call it an environmental project or a preschool education—or anything you want to.

Three or four families can get together and start paying for their own expenses out of this program. That is how loose it is. And it will happen. We have all kinds of silly illustrations. As soon as this silly thing starts to happen whatever Members of Congress control this will begin to put some strings on and in 20 years the States and the local governments will be sorry that they ever asked for this money—they will just be administering a few Federal funds.

Mr. WAGGONNER. Mr. Chairman will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. WAGGONNER. The gentleman as well as a number of others have been talking about the lobbying efforts of local elected officials and Governors. I have not heard anybody yet say that the people of this country—the taxpayers of this country had expressed any desire to have this program. And I do not believe anybody is for it except the local elected officials.

Mr. GIBBONS That is all that I have been able to discover. And I cannot blame them.

If we offer to give them money you cannot really get mad at them for saying that they want to take it. I wish they would have a little more restraints than they have but I really cannot get mad at them for not turning it down.

Mr. WAGGONNER. To show you what I think the taxpayers really feel, before we reported this bill out of committee—on Good Friday before Easter Sunday I was privileged to address one of the large service clubs in the city of Shreveport in my congressional district.

At that time I had not made a decision as to what I was going to do because we had not yet arrived at a final version of this proposal.

As best I could, for 30 minutes, I tried to discuss the pros and cons of this proposal, as we had been discussing it in committee. I talked about the financial situation facing the cities and the problems of the Federal Government and the difficulties in arriving at something equitable.

When I concluded I said to that group of men, and they were hundreds in number, that I had not yet decided what I would do about this proposal but I was curious to know what their opinions might be and that I would like for them to give me a show of hands to see how many of them, if they were the Congressman from the Fourth Congressional District of Louisiana, would vote to create or to initiate such a program as this. And I said that I did not even want to know how each of you feel and I am going to turn my back and ask someone to just count the number who favor this proposal. I turned my back and asked for a show of hands, with an individual to count. And I think that everybody will be surprised—that out of this group there on that occasion, not a single individual raised his hand as favoring this program—and included in that group was, I am told, the brother of the mayor of that city—and the media and others.

This is what the people of this country think about it. They do not want it because they know that they are going to have to pay the tab. They know that there is going to be a tax increase—an undue tax of larger proportions next year if we pass this program—and that is when you are going to hear from the people of this country.

Mr. GIBBONS. Yes, sir. And if you do not hear from them directly—you are going to hear from them through the inflation.

We cannot go on spending money that we do not have and that we do not have guts enough to raise.

We are $29 billion worse off today so far as the debt is concerned than we were last year. And we have collected taxes that are not even owed at the rate of about $10 billion a year.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. HOLIFIELD. We are $123.9 billion worse off than we were 4 years ago. The average annual deficit was $31.9 billion for the last 4 years.

Mr. DENHOLM. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from South Dakota.

Mr. DENHOLM. I should like to ask the gentleman if he knows whether or not there are any limitations on what a township, county, or city government can spend of the money received under this bill.

Mr. GIBBONS. Well, there is some language in the bill that purports to restrict local governments as to what they can spend it on, but you do not have to even understand elementary public accounting to understand that it is just eyewash, because what they can do, for instance, is this: There is no maintenance of effect requirement in here so all you do is decide, "Well, I will spend it for one of the three broad categories," and you just quit putting local money into that category and put this money into that local category, and you are all taken care of. You can take the local money and spend it some place else. It is the old shell type of game, so to begin with nobody is going to be too badly hamstrung as to what they can spend the money for.

Mr. DENHOLM. In other words, money that is designated for transportation in a rural township in an upper Midwestern State would not necessarily have to spend that money on transportation?

Mr. GIBBONS. No. You could spend the money on the police department, and take local money out of the police department and spend that money some place else, or you could spend it on roads, and then take the road money and spend it some place else. It is just that simple.

Mr. DENHOLM. In our State you are limited by taxation. You have only so much money for highways, culverts, and everything like that, so I do not really see how it is going to be that easy to transfer that money into different categories.

Mr. GIBBONS. I have always found if there is money there, you can find a way to spend it. I have never had a governmental agency say they had more money than they could spend.

Mr. DENHOLM. Is this going to reduce taxes at the local or State level, or is it going to be a substitute for taxation that we now have, or is it going to encourage the development of additional programs which will lead to an additional cost to local and State governments?

Mr. GIBBONS. I think it will help to socialize this country much more rapidly than it has been socialized in the past.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

Following further the question of our colleague from South Dakota (Mr. DENHOLM) will the gentleman not tell the House that when the mayor of Milwaukee was before the committee during our open hearings that, in answer to a question I asked him about the reporting of a news item, he said that if revenue sharing came to be and he participated in it, he was going to cut taxes in Milwaukee? Did he not say that?

Mr. GIBBONS. He will just before the next election; I can assure you of that.

Mr. WAGGONNER. Does not that prove the point that he does not really need it, if he can do with what he has and cut taxes as a result of this?

Mr. GIBBONS. That is the way it usually works.

Last of all, I will say I appreciate the indulgence of Members who have stayed here and listened to my speech. I wish to thank my chairman for yielding me this much time, and my chairman and the staff for their many courtesies. Although we disagree, I have never found them disagreeable. I know that our disagreements are based upon our honest convictions.

I regret that I have to dissent in this matter as vigorously as I do. I wish that this bill had never come up, and I wish we had had the votes yesterday to defeat it. I know it is going to pass, but we have made a mistake. We are going to have to eat that mistake next year and next year and next year.

As the gentleman from Washington (Mr. MEEDS) said awhile ago, the interest on the money we are going to have to borrow will soon amount to more than all the money we are beginning to put out here, and that is going to come out of the hide of the poorest people in this country, because it is going to contribute to the inflation. We cannot control this economy merely by putting on controls. We are going to have to control this economy by self-discipline, and self-discipline begins with the spending that we do at all levels of government. Anybody who has followed government will tell you that local government spending has skyrocketed much more rapidly than has national Government spending in the last 10 years.

You know, we may be at the end of an era in this country. After World War II we were omnipotent.

We had a victorious army. We had three-fourths of all the world's gold. We were more than self-sufficient in oil and other fuels. We had a booming industrial operation, a great demand. We had the best system of free education.

All that is passed. Now one out of every five people who are gainfully employed in the United States—well, I say "gainfully employed"—is on a Government payroll, not producing wealth, but spending wealth. We are now, because of poor policy, faced with the prospect of having to import fuel from people who have sworn they are going to bury us. We are importing petroleum from the Arabs, whom we do not get along with very well. We could not pay and we could not redeem the debts we have got out in this world if we took all the gold in the U.S. Treasury and threw it out there.

If Members had been to Europe, as I have been recently—and not at the taxpayer's expense on this trip—they would find that although in France they post the exchange at 5 French francs to the dollar, if they try to go out and get it at that rate, they would find it impossible except at the U.S. Embassy, and one has to have a letter from the Ambassador to get it there and get 5 French francs to the dollar. Members would find out how worthless the money in their pockets is getting to be.

We are at the end of an era, and we cannot do anything to remedy it except by making up our minds that we are going to spend less and produce more, that we are going to work harder and loaf less.

The kind of program we have here today is going in the wrong direction, because it is going to encourage sloppiness in government. At a time when we ought to be eliminating useless levels of government and doing away with duplicating local governments, we are going to encourage the growth of numbers of them. We are not even papering over our problems and standing still. We are moving backwards. That is how serious this vote is. That is the reason why I differ so sharply from the spirit of this legislation.

Mr. BETTS. Mr. Chairman, I yield such

time as he may consume to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Chairman, the bill before us today, H.R. 14370, the State and Local Fiscal Assistance Act of 1972, without doubt is a landmark piece of legislation. This is not because of the amount of money that is involved. We have passed larger bills before. It is rather because this proposal embodies a basic new approach in Federal-State relations in seeking to meet the growing needs of our citizens.

The concept of sharing Federal revenues with State and local governments, I believe, is grounded on two principal considerations. First, there is the very real financial crisis facing all levels of local government and particularly our cities.

Second, there is the fact that the Federal Government has largely preempted the most productive forms of taxation. In addition, there is the realization that while the Federal Government is very good at collecting money, it is decidedly much less effective in the spending of it—and that under the system of categorical Federal aid programs we have seen the size of the Federal Government expand enormously but we do not seem to be finding solid solutions to our problems. Clearly, a new approach is needed and one that will provide a more effective return on each tax dollar.

While I have joined in sponsoring revenue sharing proposals since 1967 and supported this bill in committee and intend to vote for it today, I nevertheless, must say that this is not without some reservations. For example, one fundamental concept that this bill departs from is the time proven view that those who spend the money should also be directly responsible for levying the taxes to provide the funds. While H.R. 14370 does contain certain provisions and language designed to encourage State and local governments to make the most effective use of the money provided by this bill, I believe that the actual performance should be carefully watched by the Congress to insure the most efficient use of these Federal dollars.

Mr. Chairman, once this legislation is enacted there are certain to be strong pressures to increase the amount of revenues shared in the future. Anticipating this I take this occasion to offer this suggestion to my colleagues. Instead of preempting so much of the tax base and collecting all the money to return to the States, why do we not surrender some of the tax sources to the States so they can help themselves. A good place for the Federal Government to start would be to repeal the Federal excise tax on the telephone in order for the States to impose such a tax of their own. This 10-percent tax, which as you know, we have already voted to phase out over the next 10 years, currently brings into the Treasury some $1.2 billion annually. It seems to me that in relinquishing this tax we could help provide the needed revenues for State and local governments and take the pressure off the certain demand to expand the aid provided by this legislation.

Mr. Chairman, reasonable men may differ over the long-reaching potential implications of H.R. 14370. On balance, after much deliberation I have concluded that we should give this new approach a real try.

I urge the passage of this legislation.

Mr. BETTS. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, for the sake of brevity, I would like to join in the remarks of my friend, the gentleman from Florida, insofar as his argument on the distribution of money is concerned.

I think he did a very excellent job, not only on that, but also on many other points. Beyond all question, the gentleman proved that this is an extremely unfair formula. I come from the State that is treated the most unfairly, namely the State of New Jersey.

I would like to address my remarks to something else that has been said here today, and I think it is really a joke. It has been said here by responsible people that this is going to bring the government back to the people, and it is going to promote a government close to the people. We can see by the process we used yesterday and the process we are using today, that is the last thing that can be expected through this kind of legislation.

Oh, some people say this is going to be a day in history, one to be remembered—and I agree with them, but for altogether different reasons. It is going to be a day that a great many people here will wish they never heard of as time passes, because it is going to be the day that this House passes one of the most irresponsible pieces of legislation ever before it.

Let us look at the method, the democratic process we are using here.

We each represent about a half million people. Let us be honest about it. This thing is cut and dried. The whole decision was made yesterday when we voted on a very ugly rule. And this is supposed to be the greatest democracy on the face of the earth.

If the time had been divided equally on the 1-hour rule yesterday, each of us would have had 8½ seconds for our half million constituents. That is what we would have had. If we were not in that privileged little group who serve on the Ways and Means Committee, or some of the ranking people on the Rules Committee, or somebody else, we would not have gotten a second. I did not, and neither did more than 400 other Members.

That is how close the government is going to be sent back to the people. That little rule yesterday, for all intents and purposes, is spending $31 billion, not counting the interest. That is how it was rifled through. You and I do not have an opportunity to offer any kind of an amendment.

I happen to be one fellow who does not like to criticize the idea of someone else unless he thinks he has a better idea himself.

I presented to the Ways and Means Committee a year ago an idea which no one has ever said to me has any flaws in it. Unlike this idea, my idea does not create a deficit. Unlike this particular program, my idea does give the government back to the people.

The States do not need Uncle Sam to be their tax collector. They never did and never will.

There is a slippage going back to the States, and especially New Jersey, which, for 40 years, paid in more money than any other State in the Union, as compared to what it go back.

When we were shiningly last in the Nation a few years ago, we paid $1.92 for each $1 we got back. Is that not nice?

We have been a little more fortunate in recent years. Indiana has run ahead of us. I believe they are last now. So has one other State. But New Jersey is 47th in what it gets back.

Under this program, because of the inequitable program of distribution, New Jersey undisputably is dead last all over again.

I am not persuaded by what these Governors have to say, not at all. I am not persuaded by what these mayors have to say, not at. I am here to try to do something sensible for the half million people I do represent.

We should not have Uncle Sam try to give away something he does not have. I would rather say it is because Uncle Sam has preempted the States from levying on the largest source of revenue; namely, State income taxes.

The real reason I know, because I was a State senator for 10 years. The real reason they have great difficulty in enacting that kind of tax at the State level is that Uncle Sam's tax on income is already too high in the eyes of the people, and they do not want a State legislature putting one any higher. That is why it is not there.

Because Uncle Sam has preempted, let us say, the States insofar as providing a bigger tax upon the incomes of the people, I say the best way to do this is to take away the right of the Federal Government to levy excise taxes.

Let me remark about one little thing my friend from New York, Mr. CONABLE, said. He said that this program is very cheap in what it costs to operate. I have one that is much cheaper. Repeal the Federal right to tax alcoholic beverages and tobacco products. The States all have the same kinds of taxes. They would not have to spend one dime more to collect them.

What did New Jersey taxpayers pay this year? It paid $310 million in alcoholic beverage and tobacco taxes and it comes down here to Washington. My program says let the New Jersey taxpayers' money stay in New Jersey. If you do this, then, instead of New Jersey getting $179.7 million under this monstrosity, under my program New Jersey gets $310 million.

Let me give you a few figures. I am amazed at some of my friends and how they voted yesterday when they had the chance to beat the bad rule. I noticed, for example, most of my friends from the State of New York voted for this proposal.

The State of New York, under my idea of keeping New Yorkers' taxes in New York, on just those two excise taxes would get $67 million more.

My friends from Illinois. They were fast to vote yes on this thing yesterday, too. Let me give you a couple of figures on what the difference would have been in Illinois. Forty-four States receive more money under my proposal than under the present proposal. The present bill gives Illinois $301 million. If Illinois kept the taxes paid by the citizens of Illinois, on just those two things Illinois would receive $440 million.

California had every reason in the world to oppose this bill. Under my particular bill, they would have received $205 million more if California's liquor taxes and tobacco taxes stayed in California.

Those two taxes, my friends, raise approximately $6 billion or almost $1 billion more than this monstrosity gives away. All of the money goes to the States under my idea with no strings attached. That is returning government back to the people.

This is precisely the way I testified before the Committee on Ways and Means. And do you know something? Every member of the committee as I testified kept nodding his head as though, "Boy, that guy has got something." And that is about as far as the idea got from then until now.

I wanted to have the right to offer this proposal as a substitute to this monstrosity, but I do not have the right to do that, and neither does anybody else now.

I heard some responsible people saying here. "You know, maybe we ought to make this thing contingent upon an increase in the income tax to pay for it." Well, that is the way I think, too, and I am willing to do that, but you cannot amend this and make it contingent upon an income tax increase because of the democratic process that we have in this House that you voted upon yesterday.

The **CHAIRMAN**. The time of the gentleman has expired.

Mr. **BETTS**. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. **SANDMAN**. Last year I went over to a great meeting we had down the street when the brains of the Nation were here, the 50 Governors.

I heard the Governor of New York say—and I say this letting you know that I am a warm friend of his and I have a great regard for his ability—not his judgment all the time but his ability—he said at that meeting "$5 billion is not nearly enough, we have to have $10 billion." After I listened to him I thought, "You know, maybe he has got something, because New York is a bottomless pit. How can you ever get enough money to satisfy New York?"

I said, "You can do something outstanding here tonight. Why do you not get up and say that all 50 Governors are going to support an act of Congress that is going to make available $10 billion for the States and cities, and that you, the 50 Governors, will support an increase in the Federal income tax immediately to pay the bill?"

You know, he did not do it. These fellows are great at taking what they can get, but they are not so great at taking the responsibility for raising the money.

I listened yesterday, as you did, to one of the greatest speeches I have ever heard in my life from my friend, the gentleman from Wisconsin, the ranking member of the Committee on Ways and Means. But what he said was an argument that fell on deaf ears. Three quorum calls were made by responsible people to get the Members to listen to one of the greatest arguments ever presented, at least, in my tenure here, and only a handful of people heard that great address. That is another part of the democratic process that we have here today.

Now, we have an 8-hour rule. We can argue our heads off if we want, but it is an argument after the fact. Everything has been established by the vote yesterday. It passed by 35 votes.

The thing that horrifies me the most is that some of the people in this Chamber I respect the most confessed to me, and said, "This is a vote I shall never be proud of." It was a vote that was made in a spirit of hysteria, hysteria created by the chief executives of the States, and the mayors of the big cities.

We can go through any number of things here that have already been discussed, and I do not want to duplicate those, but I do want to direct my attention to a remark that was made yesterday, the bucket of tears job that is supposed to get everybody's vote, and it affects the largest city in the State I come from, the city of Newark, N.J., where it costs $2,000 in real estate taxes day, the bucket-of-tears job that is supposed to be a reason to support this legislation. The mayor of Newark, who is trying to do as good a job as he can, Mr. Gibson, came to see me one day, and I spent a lot of time with him. He came to see the whole delegation, not just to see me. And I told him that this was the worst kind of distribution that the State of New Jersey can ever get, and for this reason I intended to vote against it. I said, "I want you to understand why. I want to help the mayors of the big cities. I want to help the Governors of the 50 States. That is my purpose."

Do you know what Mayor Gibson said to me? And if you forget everything else I have to say on this floor today I hope you will remember this.

He said, "I am so hard hit that I have to take money from wherever I get it—no matter how bad the program is."

Now, you know when he said that it reminded me of one of the first cases I ever tried as a young lawyer a long time ago. I was waiting for my case to come up and the judge was sentencing a fellow in a criminal case, because he was a loan shark. I will never forget the way the judge talked to him. He said to this man, "You are the most dangerous kind of man on the face of the earth. You ruin good people. You drive good business people into unsound transactions because when a man needs money—he does not think about where it comes from and least of all does he care how it is going to be paid back."

But you are creating a vehicle that is going to lead this country down the primrose path to disaster. This measure must be defeated.

Mr. **ULLMAN**. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BURKE).

Mr. **BURKE** of Massachusetts. Mr. Chairman, I rise in support of H.R. 14370, the State and Local Fiscal Assistance Act of 1972. In my judgment, this bill is one of the most important pieces of legislation to be considered by the House in this session.

There is no need for me to detail the immediate and pressing financial need of our State and local governments. Nor need I describe the many vital programs that have not been completed because adequate funds are not available to these governments. The important fact is that H.R. 14370 will provide $5.3 billion to State and local governments in 1973 to meet these pronounced needs. Somewhat larger sums are provided in each of the 4 succeeding years, increasing to a level of $6.5 billion in 1976.

I wish, however, to detail the contribution of the Committee on Ways and Means in the development of this vital legislation. In this respect, I would summarize the differences in the assistance provided in this legislation and other proposals for sharing Federal funds with States and localities.

First, the bill provides for a distribution of a specific dollar amount, rather than a given percentage of Federal revenues.

Second, the assistance provided under this bill is limited to a 5-year period. At the conclusion of that period, the operation of the fiscal assistance program can be reviewed by the Congress to determine whether the program is adequately meeting its objectives. Equally important, the 5-year program allows State and local governments an opportunity to develop their own programs in accordance with sound planning practice.

Third, the bill establishes broad guidelines on how the funds will be spent. It does so by limiting the purposes for which the funds may be expended to recognized national high-priority objectives. At the same time, these guidelines are broad enough to allow local governments sufficient flexibility to avoid the problems inherent in existing categorical grant programs.

Fourth, the funds made available to the State governments are designed to encourage these governments to expand their own revenue sources and thus, to help themselves.

Fifth, the distribution formula has been considerably improved insofar as it has incorporated the element of need as a most significant factor in distributing funds to urban concentrations.

Mr. Chairman, this measure represents a landmark in Federal-State-local fiscal relationships. It is a good bill, a sensible bill that will enable our cities, including many of our great metropolitan areas, including the city of Boston, to weather their present severe financial crises. It will provide them with the means to get back on their feet and enable them to meet the tremendous demands and pressures that are today being placed on urban governments. I urge Members of the House to approve it overwhelmingly.

If any Member has any doubt whatever about the financial plight of the large cities of this country, then let him read the record of the extensive public hearings the Committee on Ways and Means held on this vitally important matter. Mayor after mayor, including Mayor Kevin White of Boston, told of city taxing authority stretched to the limit but seemingly limitless demands on these limited resources. It is a picture of municipal costs zooming to record heights at the same time that the tax base is shrinking.

This bill, while not the complete answer by any means to the problems facing our urban areas and our State governments, is an important recognition at the Federal level of the problems they face and the unfavorable trend of developments these past few years. It is a temporary 5-year program that will provide the cities a chance to catch their breath and regroup and reassess their resources for the future. I can foresee some hard decisions to be made at the local level during this period. In many instances, local government is in dire need of organizational overhaul and reform. Many of our local units of government are archaic and have completely outgrown existing structures and forms. Boundaries, in many cases, have become more a matter of law and ancient history than bearing any relevance to the real population patterns and living units around them. Urban areas must be reexamined as the living organisms that they are and corporate entities restructured to reflect the living organism rather than the other way around. Then, too, what is done with these funds and whether they will, in fact, alleviate the fantastic pressure on local property taxpayers is ultimately up to those with authority at the local level. Ultimately, whether the moneys provided in this bill are simply a drop in the bucket, a sop to urban problems or simply encouragement for further uncontrolled expenditures depends upon the quality of government at the local level. Neither Congress nor local governments will have finished their jobs, really come to grips with the problem of dwindling tax bases and ever-increasing demand for services upon local government in passing this bill. In short, much remains to be done on both the national and local level. If I thought for one minute that either Congress, the Federal agencies, or local governments with the passage of this bill were going to walk away from the problem and turn their backs on it, then I would be inclined to reconsider my whole position. This bill is at best a breather, a period of grace for men of good will at all levels of government to address themselves once and for all to what it takes to be a city in America in the mid-20th century.

This measure, by granting them $3.5 billion per year for 5 years, will provide them with a toehold to halt their descent and turn themselves around. That cost, my friends, $3.5 billion per year, must be compared to the dire consequences that will surely follow if we do not act favorably on it. In my judgment, it would be a bargain if it led to the salvation of one of this country's greatest and most essential assets, its cities and towns.

Mr. ULLMAN. Mr. Chairman, I yield 3 minutes to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Mr. Chairman, I thank the gentleman from Oregon for granting unto me the time to be heard on this vital issue before us today.

Mr. Chairman, may I ask of you or any of the members of the distinguished committee the same questions that I have previously asked the gentleman from Florida (Mr. GIBBONS).

What limitations, if any, are imposed upon the governing bodies of political subdivisions in the expenditure of funds granted to the local governments under the provisions of the proposed legislation?

Mr. MILLS of Arkansas. If the gentleman will turn to page 3 of the bill—and we are talking at that point of payments to local governments—on page 3, section 102, we do say that the moneys are made available for maintenance and operating expenses for public safety, for environmental protection—and we give examples of what mean in each instance—and public transportation, which includes transit systems and streets; and then for capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation, which is the construction of streets and transit systems.

Now, those are limited areas.

It is true that the moneys that the local governments have, that they may have devoted to this program, could be spent for something else—but these dollars cannot be spent for any other purpose.

Mr. DENHOLM. Now, I am certainly not informed on State statutes in all States—but in some States the amount of revenue a political subdivision can generate is limited by the statutory mill levy rates multiplied times the assessed valuation of personal and real properties with specific or "earmarked" purposes such as education, parks, roads, recreation, and so forth.

Now, can you please explain how the proposed legislation will assist the governing body of a township in an upper Midwestern State and how the political subdivision of government can use the funds granted by this proposal?

Mr. MILLS of Arkansas. I do not know about the gentleman's State. I know that in my own State we do raise moneys for county roads in that way and we raise money for educational purposes within the school districts in that way.

None of this money can be used for educational purposes.

But if it goes to the county and the county wants to use the money for the construction of roads or in the maintenance of roads or on the salaries of road workers, that is permitted under those priorities very clearly.

In my State moneys that are voted for that purpose must also be spent for that purpose and they could not be diverted to any other purpose.

Mr. DENHOLM. I thank the gentleman.

May I say to my colleagues that in my judgment we ought to understand that a government cannot keep the people—no matter how bad that government might be in the administration of public affairs. The government cannot keep the people—the people must keep the government. That is true at any level of government. It is true of township government, a county government or a municipal government. There is no town board or city commission that is wise enough or rich enough to keep all the people of the political subdivision of government. And so it is in this Government, the National Government—and somebody said today that this is a rational national program—I believe it is to the contrary, that it is irrational and unnatural—and that is wrong for our country.

The idea of nationalization of government is not new—it is not unique and this is the exercise of national powers over the political subdivision of government. Much older governments have done that and failed. The power to tax is well established and the benefactors of local governments shall henceforth be subject to the discretion of funding by the politics of the Congress and the future acts of this Congress shall become subject to the external political powers of the officials of governments that are not elected Representatives of this House of the people.

It seems to me that if we adopt this proposed program that we are then and thereafter representing governments while we profess to be the Representatives of the people. We have often heard this body referred to as the "House of the People" but today we forsake that solemn obligation as a body politic more concerned about representing political subdivisions of government. The first issue is whether we will adopt the principle of a so-called revenue-sharing program. If we adopt the program, then we logically go to the argument of how to distribute funds under that program. It seems to me that if we agree that a government cannot keep the people and conversely the people must keep the government—then the city of New York or elsewhere that cannot govern the governed should not be compensated for crime, corruption, drugs, inefficiency and failure by the rest of the taxpayers of America.

The formula of payments as provided in this proposed legislation will compensate the poorest of governments at the expense of the best governments.

The challenge before us as we write the last chapters of history in this 20th century is whether we shall pursue policies of more government control or policies of greater control of government. The proposed plan of revenue sharing is an abdication of responsible control of government and it is a welfare handout to those governments that have miserably failed to administer in the interest of the governed.

I submit that these are times for less government in business and a demanding need for more business in government. The proposed revenue-sharing plan has no business in government but it conversely dissipates all logical and sound business principles of this "House of the people" in the administration of the affairs of those whom we represent—we pride ourselves in representing the "people" but today the mood of this politic body is to act in the interest of governments that we do not control, represent or have one vote on the governing bodies thereof.

I object to the legislation before us on the grounds that the theory of revenue sharing is wrong in principle. If the Federal Government does not need the funds it was wrong to tax the people and expend public funds to collect the tax.

I object to the legislation on the grounds of fact—there is no revenue to share. Deficits in the national budget are unequaled in the history of America. More than one-fourth of the total national debt has been created in the last 3 years.

I object to more Government control through taxation—and more taxation is a must if funding of local governments by the Federal Government is to be a reality. I object to the revenue-sharing proposal on the grounds that it is a welfare plan to compensate and perpetuate the worst management of the local political subdivision of government at the expense of the best policies of administration of local governments in the conduct of public affairs in the interest of the governed.

But beyond all the failures and faults that I have mentioned—I oppose the revenue-sharing proposal because it will encourage all the trends of the past that have caused the imbalance of economic and population growth centers of this country. It will encourage more people to gravitate where there are now too many people. It compensates mediocrity of public management and penalizes perfection in planning.

It places more money where the most money is and it is inequitable, unfair, and unworkable. It does nothing to achieve an economic national balance and social stability essential in America today. It is wrong in principle—it is wrong in fact and it is wrong for our country. It should be defeated.

Mr. MILLS of Arkansas. Mr. Chairman, I think we are still a little ahead on time. I should like to yield 5 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I have listened to the comments of the last few speakers—that because our local officials are at a point of desperation—they may act desperately and use the funds provided in this bill for purposes other than outlined in H.R. 14370. As I understand it, this money must go to high priority objectives and only high priority, including public safety, meaning police and firemen, environmental improvement including sanitary protection and public transportation.

Now I am advised that this money will be distributed from the Treasury under the formulas provided in the bill. I asked for this time to inquire of the distinguished Chairman of the Ways and Means Committee, what kind of auditing will be done? Will the Treasury Department conduct the audits, or exactly what kinds of audits will be conducted?

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. The Treasury will conduct the audits to see to it that the moneys under this program are spent in accordance with the dictates of this statute. Of course, the States can also make audits.

Mr. RANDALL. Is it optional or required that the State make an audit?

Mr. MILLS of Arkansas. I understand that State audits with respect to public funds of the State are mandatory, but in this instance, since Federal money would be involved, State audits would be voluntary as far as this statute is concerned. The idea is that if the Treasury Department is satisfied that the State audits are handled on a satisfactory basis, it can accept the State audits in lieu of making its own separate audits. But bear in mind, following all of this is the GAO which, because these are Federal funds, can make post-audit checks on any of these distributions. The GAO is available to see to it that the money is actually spent in accordance with the law.

Mr. RANDALL. That is the point I am attempting to determine. I want to be sure that the GAO has not been preempted in any way by this legislation and if any Member on either side of the aisle from any district in America has knowledge that in his own district the high priority objectives are not being respected and the guidelines are not being followed then a Member of Congress not only has the privilege but the obligation and responsibility to ask the GAO for an audit.

Mr. MILLS of Arkansas. Absolutely.

Mr. RANDALL. Thank you, Mr. Chairman, for these assurances. If I may add, it is my understanding that there is a provision in this measure which would serve as punishment against the transgressors who depart from the guidelines and use these funds carelessly and contrary to the high priority objectives outlined in the bill. I was glad to note that there is a provision that if either the States or localities in their desperation, use the funds for purposes other than outlined in the bill, they will be penalized in the allocation for the ensuing year.

In other words, Mr. Chairman, it is reassuring that this is not a "no-strings-attached" revenue-sharing bill, but is in fact one that is subject to audit both by the Treasury and by the General Accounting Office. And finally, there are some punitive provisions that teach the errant localities who violate the provisions of the bill that they cannot do it and get away with it, meaning there will be a day of reckoning in the ensuing year.

Mr. BETTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Chairman, I rise in support of the legislation before us.

Shortly after I first came to Congress in 1963, a Republican colleague told me about the new concept of sharing Federal revenue with States and local government on a virtually no-strings basis. "That's the way to restore power to local government," he said. I saw it differently. I had just served 8 years in the Utah State Senate where I had become intimately acquainted with the appropriation process. I felt sure that whoever distributed the funds would ultimately have to bear the responsibility for the way those funds were spent, if not at first, then certainly later when citizens objected to the inevitable waste which would occur somewhere in the 50 States and thousands of local government units. "State and local government will think at first they are getting free money," I replied. "But later on, Congress will have to respond to charges of waste, and impose strings, so that eventually, State and less, dependent upon the Federal dole, and the result will be that local independence will be lost and those State and local governments which were seeking more freedom and independence, will find themselves mere field offices of Washington."

Today, 9 years later, I am voting in favor of revenue sharing, although I still harbor those suspicions. Here is the reason why, I now favor general revenue sharing.

Categorical assistance from Washington to the States and local governments has grown enormously and now amounts to around $37 billion per year. The categorical assistance, actually run out of Washington and the regional offices, with local retail and supervisory help, will continue to grow and with that growth will come the ever increasing number of officials streaming out of Washington and the regional offices to examine local operations and give orders. The employees needed at the State government level to administer these categorical aid programs will continue to multiply, until they will equal or surpass in importance the employees needed to run purely State government programs. So today in 1972, there does not seem to me to be any way out of the strangulation of categorical aid, than general sharing of revenue, which for the present will at least give us an alternative to the existing method and if it works, it may replace and supersede many of the categorical programs. We can fervently hope and pray this will be the case.

I had another objection to the idea back in 1963 which seemed to me at that time to be overriding, and still seemed to be overriding until very recently. This was the objection.

My experience in State government had included the job as chairman of a committee on local government finance. Salt Lake City, for one, was more than a million dollars in debt and the condition was steadily worsening. After many hearings and study meetings which lasted for most of 2 years, we concluded that a local option sales tax, unpalatable as it might be, was the way to go. I was the author of that bill in 1959 and local government found a way out of its financial misery at that time. Therefore, I carried with me to Washington the conviction that the financing of State and local government was a responsibility to be accepted locally. But facts seldom remain in concrete and facts have changed. Costs of government at the local and State level have risen, beyond the rate of increase in revenue particularly at the local level where policemen, firemen, and other service employees refuse to work at a pittance any more and demand a living wage. In addition, changes in our society have required more of these service personnel per capita than formerly.

The States cannot go deeply into the income tax business, because this is a tax which the Federal Government has pretty well preempted. The States are left with excise and nuisance taxes, property taxes and place increasing dependence upon the regressive sales tax. Consequently, in my State of Utah, State government has refused to allow the local governments any larger share of the sales tax. Local government, meanwhile, must place more and more dependence on the property tax. Some of the weekly newspapers in Utah this week have reported that the citizens are near rebellion in many areas due to the growing burden of new property tax valuations and assessments. So there is in reality no place to turn, but to the Federal Government where most of the tax money goes in the first place.

I agree with so many of my colleagues, that the lobby by the Governors, mayors, and county commissioners presents the Congress with a future nightmare. But I have also come around to believing that local government will actually be made strong by this help, and with this new strength can come great new pride and a sense of new responsibility and that grassroots democracy, thus encouraged, will give a new foundation of strength to the Nation. Whether or not this comes true depends upon the integrity of local elected officials. We must have the faith that local elected officials will pass that test.

No one in this House has given this issue longer evaluation than I, and I believe my particular experience gives a background for judgment. My vote will displease many of my constituents, particularly those who yield easily to the demagoguery of political opponents. But on balance I believe we have chosen the sound alternative to suffocation at the hands of categorical programs, and further that the weaknesses and frustrations caused by the Federal employees who direct these categorical programs may be transformed into strength and responsibility when exercised by independent local elected officials. I am not at all sure this will happen, but we owe it to the people to give it a chance.

Mr. BETTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. Clancy).

Mr. CLANCY. Mr. Chairman, yesterday I voted against the previous question. I was hopeful that the majority of this House would do likewise to enable those of us, who favored revenue sharing but under a different distribution formula, the opportunity to introduce amendments which would have provided a more equitable distribution of funds.

Under the provisions of this bill, Ohio, which ranks in the upper one-third in wealth based upon per capita income, would rank 43d among States in the amount of revenue received. New York, under this bill, receives $17.23 per capita whereas Ohio receives a mere $4.58 per person. This distribution is only one of the inequities that I refer to.

I have also been concerned with the fact that under the formula contained in this bill. Hamilton County in Ohio and the unincorporated areas there would receive much less than I had proposed. Many of our citizens who live in the unincorporated areas, whether in my county or another, contribute greatly to the tax effort of their State or other political subdivision. They have problems that have to be met, but they are offered little help under this proposal.

For 15 years, I favored a revenue-sharing proposal which would be a truly "no strings attached" bill. However, this legislation contains strings, or prohibitions. For example, there is no relief for school districts that are in need.

The opportunity for change is much better today than it will be at any other time if this bill passes, and yet we were denied the opportunity to propose recommendations that would improve the bill.

I have long advocated a revenue-sharing program, but I cannot support legislation, such as this, which compounds inequities.

Mr. BETTS. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman, at the outset, I should like to pay my respects to the gentleman from Florida (Mr. Gibbons) and the gentleman from New Jersey (Mr. Sandman) for their eloquent, interesting, and excellent remarks on this bill. They are difficult gentlemen to follow, but they had something which was well worth saying, and which deserves to be heard.

Mr. Chairman, during the debate on the rule yesterday, my friend, the gentleman from Virginia (Mr. Poff), said that revenue sharing, as provided in this bill, is "conceptually a part of the conservative conscience."

I could not disagree more emphatically than I do with my good friend, the distinguished gentleman from Virginia. Indeed, it seems to me that the present bill goes far toward the continued erosion and the progressive dismantlement of our Federal system of Government.

There are many things which might be said about this bill. I agree with its proponents that it is, truly, a landmark or a watershed measure.

I will say in passing, however, that I would be more inspired toward discussion than I am, if there were more opportunity than there now, in fact, is, to effectuate some change. Speaking for the record is considerably less enjoyable, as well as less useful, than speaking as an advocate to a jury which, hopefully at least, has not already made up its mind. Under the procedure peculiar to this place—and the word "peculiar" seems to me an apt one—the decision precedes the debate, and we now enjoy the formality of 8 hours of time in a situation which, as things stand, could be resolved equally well—and with an identical result—in about 8 minutes.

I would like to say at this point that I would like to associate myself emphatically with the very strong and eloquent remarks of my good friend, the gentleman from New Jersey (Mr. Sandman) about the rule under which this bill is being considered.

The distinguished gentleman from Wisconsin (Mr. Byrnes) has said everything I would wish to say, and has said it better than I can say it.

On a landmark measure such as this, however, some record may be useful, and I shall therefore attempt to state briefly my objections to this bill:

First. It adds a new and additional obligation of almost $30 billion to a Federal deficit which has already been estimated at in excess of $100 billion for the 3 fiscal years 1971, 1972, and 1973. We are not sharing revenue—at least, unless, and until we are out and raise it by new and additional Federal taxes—we are borrowing money and then sharing out the funds which we borrow. Under present circumstances I cannot regard this as responsible.

Second. We fundamentally change the Federal system and the traditional and constitutional relationship of governmental units thereunder, when we embark on a program of making State and local governments dependent upon Federal appropriations for what will come to amount to regular line items in their ordinary operating budgets. This does not make local government strong, it makes it, rather, a dependent satellite of Federal wealth and power. I fear that it can hardly continue long without the attachment of added strings by the power which holds the purse.

Third. It destroys public accountability, and again weakens the responsibility of local government, when the raising of revenue is separated from the spending. Congress will raise the taxes; one of the fundamental duties of a Congressman will be to scramble hard for the local share, and city councils, freed of the responsibility of raising revenue, will enjoy the spending of the money. This is a fundamentally unsound and unhealthy situation.

Fourth. The proposal that the Federal Government may take over the collection and administration of State income taxes from the several States, whatever its practical advantages, certainly serves to underline the subordinate position assigned to State governments, when they are encouraged, as this bill does, not only to levy high income taxes in order to qualify for Federal funds, but also to turn over the one most signal attribute of sovereign power, the collection of the revenues of the State, to another government upon a higher level.

Fifth. The bill provides nothing for education, the prime cause of high property taxes which cry out for relief in almost all the States, and its formulas and thrust are such as to encourage expensive local government and to favor large urban areas.

Sixth. Little is said about it, but a better approach to our problems would be for the Federal Government never to take so much of the available revenue and, rather than "sharing" it, to leave it, in the first instance, to the people and to the local governments. Both Mr. Byrnes of Wisconsin and Mr. Burleson of Texas have advanced tax sharing proposals, under which a Federal income tax credit could be granted to taxpayers for payment of State income and other taxes, thus leaving additional sources of revenue open to the several States and to the local governments.

Finally, constitutional as well as philosophical questions are posed when the Congress of the United States uses its taxing power and then turns the revenue raised over to the several States on a blank grant to spend as the States see fit.

I do not believe, Mr. Chairman, that this bill will solve the problems of the cities. Under this bill we merely try again, as we have in the past, to drive these problems away, without giving basic thought to their cause, but simply by throwing a little more money at them, and hoping for the best.

This bill will, however, do something to work a fundamental change in our governmental system, under which local governments will tend to become mere financial dependencies of a national welfare State.

I cannot believe that this is "conceptually a part of the conservative conscience," or is even good Republican or good Democratic doctrine.

I am afraid that it is rather, a financial, political, and social nightmare, which will haunt us all in days to come.

Mr. ULLMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. CABELL).

Mr. CABELL. Mr. Chairman, I thank the gentleman for granting me this time.

I should like to expand just briefly on the point the distinguished gentleman from Louisiana (Mr. WAGGONNER) made, which is that this is not a bill that has the support of the general public.

Let me state why, if I may, from my own experience.

From the day that this bill was passed out of committee I have given press releases and press conferences, and have made mailings to my constituents, opposing this bill and telling them why. No response was requested. But this is the type of response I have had: I have had dozens of letters from individual taxpayers, business people, and housewives complimenting me on this position and saying, "For goodness' sake, kill it."

The two metropolitan dailies in my area both have given two editorials in support of this opposition and the position I have taken.

Now, gentlemen, in the final analysis, this Congress is being stampeded by a bunch of municipal officers who are seeking their own reelection at the expense of the Congress and the taxpayers of America in order to get them home free and to be able to secure their reelection without having to spend any of their money that they have been wasting for so long.

Mr. Chairman, I beg of you, this is unquestionably the most dangerous, the most precedent-setting piece of legislation that has ever come before this body. If we adopt it, there is not a one of us here who will not live to regret the day that we had any part in foisting this monstrosity on the American taxpayer.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I will be glad to yield to the gentleman.

Mr. CORMAN. I just want to say so many Members have pointed out they have heard from their mayors. I have not heard from mine yet. Perhaps when he gets back in town maybe I will.

Mr. CABELL. Let me say I had occasion be with the entire City Council of Dallas. Three of its members told me privately, "You are right. I hope that bill does not pass, but I am committed." So they walked up and buckled down to the pressure and signed a resolution asking us to pass the bill.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I will be delighted to yield to my colleague from Texas.

Mr. PICKLE. I want to commend the gentleman for his very forthright statement on this subject. The gentleman is very well experienced in his own right, having been a mayor of the great city of Dallas. All of us in our State are grateful for the data you made public and the responses that have been given. While we all want to see our cities helped, we have a very difficult time trying to justify this particular program. The gentleman rendered a real service to all of us.

Mr. CABELL. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. GRIFFITHS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the distinguished gentleman from Mississippi.

Mr. COLMER. I thank the distinguished gentleman from Texas for yielding to me merely to make the observation that some Members may not be familiar with; namely, the fact that the gentleman in the well is a former mayor of a great metropolitan center, the city of Dallas. He is now very active in municipal affairs in the city of Washington, and since most of the heat that has come for this bill has come from the mayors, I know of no one better qualified to speak on the matter than the able gentleman from Texas. He makes a great contribution to legislative matters in this House.

Mr. CABELL. I thank the gentleman for his kind words and for his contribution.

Mr. BETTS. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, it was about a year ago that Republican Members of the House were summoned to a conference in the Ways and Means Committee room and there the attempt was made by a spokesman for the administration to brainwash them into supporting this legislative monstrosity, known as revenue sharing.

The question was asked of the lobbyist for the White House if funds provided by the bill properly belonged to the people in the States. Of course, the lobbyist for the White House readily agreed that was right.

It was my privilege and pleasure to have the opportunity then to ask the lobbyist from the White House: "If that is true, why is the money taken from the States in the first place?"

The spokesman responded by saying: "That is a good question for which I have no answer. Next question, please."

And that question still has not been answered by any spokesman in behalf of this bill during this debate.

Yesterday the gentleman from Wisconsin (Mr. BYRNES) made a tremendous speech in opposition to this bill. During the course of his remarks he quoted the opposing position of the gentleman from Arkansas (Mr. MILLS) only a year ago.

There may be a few Members here this afternoon who were not present yesterday afternoon. I believe they should hear the position taken only a year ago by the gentleman from Arkansas (Mr. MILLS), chairman of the Ways and Means Committee.

For instance, the gentleman from Wisconsin (Mr. BYRNES) cited the June 1971 Mills speech to the Greater New Haven Chamber of Commerce on revenue sharing in which the gentleman from Arkansas said:

> I know of no proposal which would strengthen the hands of those who favor more centralization of power in Washington than this simple proposal to share Federal revenue with the States and through them with the local governments. I have described it many times as a Trojan horse. It is, indeed, just that.

The gentleman from Wisconsin (Mr. BYRNES) quoted from his speech on the House floor on January 26, 1971.

On that occasion the gentleman from Arkansas (Mr. MILLS) said:

> In my view we already have too little restraint on spending programs at the present time. If the revenue sharing machinery is to be cranked up, I fear we will lose much of what restraint we now have. I am not at all sure that this was not really the intent of some of the originators of the idea of revenue sharing.

Addressing the Oklahoma Legislature in June a year ago—just 1 year ago—the gentleman from Arkansas said:

> Frankly, however, I have never been one who is attracted to the idea that if you throw money at a problem it will go away. I believe that this attitude is shared by most every Member of this body.

The gentleman from Arkansas (Mr. MILLS) also unburdened himself to the Oklahoma Legislature only a year ago with this:

> How anyone can suggest general revenue sharing, with a straight face, in full view of Federal deficits of that magnitude and the chronic string of deficits over the past 40 years is beyond me.

I think I can understand now where the coach of the Arkansas Razorbacks football team got his tips on how to run double and triple reverse plays back of the line.

Mr. Chairman, the most insidious thing about this bill is that it sings the siren song that promises everyone something for nothing. And what appalls me is that some people around here still seem to believe this is possible.

There should be emblazoned on page 1 of this bill in large type the statement that every last dime of the billions of dollars provided for payments to the States and municipalities is going to be gouged out of the hides of the already staggering American taxpayers.

I noted in a publication recently that the Better Government Association of Chicago, a privately financed organization which looks to the affairs of that city of Chicago, asserted that 20 percent of the city's funds are wasted. And you who support this bill would make the taxpayers of the State of Iowa and other States pick up the bills for waste, extravagance, and worse in the municipal government of Chicago?

The city of New York is $5 to $6 billion in debt due to bad management—a debt that it will never liquidate unless by repudiation. It is the worst debt-ridden city in the world and it will be, as the gentleman from Florida pointed out a few minutes ago, riding in the first seat on the gravy train.

What is especially disturbing to me is that nowhere in this bill do I find reference to what should be startlingly obvious to every Member of the House—the fact that the Federal Government is the last government—this Government is the last government on the face of the earth that ought to be sharing revenue on this basis with any one or anything. This Federal Government of the United States is more deeply in debt than all the governments of all of the nations in the world put together.

It is ludicrous on the face of it that the Federal Government—verging on bankruptcy as it is today—should be the prime mover in what amounts to a nationwide governmental welfare program. Instead of putting people on the dole, this bill would put State governments on the dole.

It is one thing when an individual citizen, through no fault of his own, must resort to public welfare to make ends meet. It is a totally different proposition when the script calls for whole governmental units to abandon any pretense of self-sufficiency for complete and utter dependency on the bureaucracy in Washington.

Mr. Chairman, this bill is insidiously dangerous in yet another way. It will promote bigger and bigger government, and the bigger government becomes the more expensive it becomes. This bill is manna from heaven for the bureaucratic empire builders both here in Washington and in the States, but especially here in Washington.

These Washington-based bureaucrats, I submit, already have too much power over the lives and fortunes of their fellow countrymen. This bill will give them more at a time when the bureaucratic tail is already wagging the dog.

What the people of the United States need right now more than anything is less government and especially less Federal Government. The last thing they need or want is yet another visit from the Federal tax collector.

I repeat, the money provided for in this legislation is to be taken away from the people and then ostensibly given back to them. I say: Let the people keep it in the first place.

There is an old saying that goes something like this: Nothing is easier than the expenditure of public money. It does not appear to belong to anyone. It is easy to bestow it on someone.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Would it not be more appropriate to call this legislation not "revenue sharing" but "deficit sharing"?

Mr. GROSS. Yes, that is exactly what it should be. That is all we have to share with the States and municipalities—billions of deficit and debt—that is all.

Mr. ULLMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi (Mr. COLMER).

The CHAIRMAN. The gentleman from Mississippi, the chairman of the Rules Committee (Mr. COLMER), is recognized for 10 minutes.

Mr. COLMER. Mr. Chairman and Members of the Committee of the Whole, I hesitated to take the time of the House today to discuss this matter that has been debated so much already. I doubt if anything new could be added, but sometimes repetition is worthwhile if for no other reason than for the sake of emphasis.

Again, I do not know why I should attempt to influence anyone here. Certainly I could not influence the empty seats that face me. However, I was told that there was ample time left, and so at the risk of seeming repetitious, I wish to make a few remarks on what I regard as the most important legislative proposal to come before the Congress this session.

I might add before doing so that there is evidence of some futility in such an endeavor, since the real vote—the important vote—was taken on yesterday. That pretty well decided the issue.

I speak as one who has from the well of this House on so many occasions pointed out and hoisted the storm warnings about where we were going in our fiscal policies, and that eventually the day would come when there would have to be some kind of a settlement, recognition, and a facing of the issue.

Here we are talking about sharing the revenue. Sharing what revenue? The latest figure I could get on the public debt as of June 16 was $427,419,595,270.74. Is that some of the revenue we are going to share? You and I know that the money shared will have to be borrowed.

Mark you these words well. Before this authorization for $5 billion a year expires, 5 years from now you will be asked by the same lobbyists, or their successors, to raise this to $25 billion a year. Remember that, will you, those of you who will be here 5 years from now.

Who will challenge the statement or the suggestion that I make that within 10 years, if the republic lasts that long, at the rate we are going, you will be asked for $50 billion a year for this purpose? Is that unrealistic? Not in the light of previous history.

We have never started a program here in this Congress yet that did not grow like Topsy herself, so we are going to be confronted with requests for ever-increasing amounts.

I could look at this bill with a little better palate—if I may use that kind of mixed metaphor—if I had any reason to believe that this $5 billion we are going to authorize a year would replace any of the $37 billion that we are now granting to the cities and municipalities. Nobody is even suggesting that is going to happen, because we know it is not going to happen. This is going to be added to what they are already spending, and the appetite will be insatiable once this program is started.

I do not want to charge anyone with insincerity. As a matter of fact, the one thing that disturbs me most about appearing in the well of this House in opposition to this bill or in the Committee on Rules is the fact that it is sponsored by two men for whom I have a very high regard and a personal affection, the President of the United States and the chairman of the Committee on Ways and Means. I entertain the highest regard and respect for both of them.

Incidentally, I do not think I have heard from my Governor, and yet I am supposed to come from one of the poorer States. I have heard from some of the mayors, including the city manager of my home town. I have told them what I am trying to tell the Members here, that we do not have any revenue to share.

Let me just point to another thing that bothers me probably more than anything else, and that is the great, the sharp, the marked departure that we are making here from our form of government as originally set up. I see the chairman of the Appropriations Committee (Mr. MAHON) who honors us with his presence. This bill is going to bypass the great Committee on Appropriations. We are appropriating money in this authorizing bill, as he and others have pointed out here. That is a radical departure. Maybe we ought to do away with the Appropriations Committee and just permit the authorizing committee, the Committee on Ways and Means and other committees, to authorize and appropriate. Maybe it might save some time and it might save some money, but we would not have the check that we get from the appropriations process that we have here with the Appropriations Committee.

But even greater than that, the greater evil to me is the assault upon our federal system. If Members think all roads lead to Washington now from the 50 States, wait until this bill is passed.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. ULLMAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. COLMER. I thank the gentleman from Oregon for yielding me this additional 5 minutes, the use of which I admit is futile, but at least I can discharge what obligation I may have as one of the more humble Members of this body.

I was trying to say that if the Members think all roads lead to Washington now, under the Great Society and its successors, they should wait until we get involved in this process, and then we will have to build newer and broader highways and get more planes to bring the people in here, the officials from the various subdivisions of government seeking more funds.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield to my able and distinguished friend who did such a magnificent job in attacking this legislation.

Mr. MAHON. I thank the gentleman from Mississippi, the chairman of the Committee on Rules, for yielding, and I want to thank the gentleman for the favorable references which have been made to me as chairman of the Committee on Appropriations.

The gentleman from Mississippi is speaking of the fact that the Committee on Appropriations is being bypassed and deprived of its power and authority and responsibility as set forth in the rules of the House for the last 52 years. The Members could not deprive the Committee on Appropriations of this power in connection with the pending bill except by the rule adopted by the House yesterday, because otherwise it would be a violation of the rules.

The point which the gentleman did not make, which I believe should be made, is this: After all, the House can, if it chooses, do without the Committee on Appropriations, but not only are we depriving the Appropriations Committee of passing on these appropriations, but also we are depriving each Member of the House of his rights to offer amendments. There are authorizing committees of the House which bring in authorization legislation dealing with many areas of activity corresponding to areas covered by the pending bill. Yet those authorizing committees have no voice in this matter. They too have been bypassed in this case.

So, the Appropriations Committee has been bypassed; the authorizing committees have been bypassed; all Members of the House have been bypassed by this unique, strong-arm approach to this problem.

As the gentleman says, this legislation will broaden the roads leading to Washington.

We will have launched a program that has no end to it, and it will increase and accelerate by multiplied billions of dollars in the years to come.

I believe the gentleman has done a great service in pointing out these facts.

Mr. COLMER. I thank the gentleman for amplifying on my statement relative to the Appropriations Committee. I do not believe the appropriations process or the committee should be abolished. Someone might have gotten that impression.

I repeat again, it has served as a check upon the authorization committees.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. The gentleman made reference to the fact that this money is an addition to all the other billions of dollars the Federal Government is spending and sending back to the States and municipalities for many programs, and that there is not going to be any reduction in that spending, therefore, this is an additional amount we are going to spend.

The thing which worries me, when it comes time to raise this money to replace the money in our National Treasury, is, from where is it coming? How will that money be raised?

Will that money be raised on the same basis that it is distributed to the States, or will it be raised by taxes on a per capita basis equal to everybody in the United States?

Mr. COLMER. I get the gentleman's point, and I appreciate it, but with all due deference to him, it gives me the opportunity to say on this business of this formula—although my State would not be one of the greatest beneficiaries of it—the thing that bothers me more than the formula is the principle involved that I have been trying to talk about here.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ULLMAN. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. COLMER. I will be happy to yield to my colleague from Mississippi, but I hope he will be brief, because I fear I am imposing upon the patience of the Members.

Mr. MONTGOMERY. I thank the gentleman for yielding to me. I might say probably I could have gotten some time myself, but I will be brief.

I would like to associate myself with the remarks of the dean of my delegation. He is certainly right.

I would like to point out, as he said, there is no revenue to share. Besides this we are now getting ready to appropriate $5 billion. And I might say the formula on dividing is certainly not fair. Under the formula the State of New York receives $17.23 per person, my State gets $4.54 per person. There is a possibility this amount could be raised to $10 billion by next year and as the gentleman in the well has pointed out, it will continue to go up and up. I certainly know our cities need help but we should get our own house in fiscal order before launching on a new program such as this.

I thank the gentleman for yielding.

Mr. COLMER. I appreciate my colleague's contribution. He always is interested in any endeavor to save the taxpayers from additional burdens.

Let me in the final few minutes go back to this national debt, which disturbs me ever so much. How are you going to pay it back? You know and I know it is not going to be paid back.

The time is coming when this debt is going to be repudiated. In fact, we are in the process now of repudiation through inflation. I am awfully disturbed about that. We are $450 billion, roughly, in the red. The interest—get this, if you will, please—the interest on that debt alone is almost five times what it took to finance and run the whole Federal Government when I came to this Congress.

I feel a sense of responsibility for my part in that, although I tried to hold it down.

When are you going to pay it back? Think about that. Suppose you get rid of these deficit years. Suppose that we had a balanced budget. Suppose we went beyond that and attempted to retire it and set up a program and followed it of retiring the national debt at the rate of half a billion dollars a year. That would be great progress if we could do that, but how long would it take you to do it? I am not a mathematician, so I like to deal in simple figures. It would take you 850 years not counting the interest—850 years to retire the existing national debt.

Mr. Chairman, in conclusion I would like to advance what to some might seem to be heresy as an alternative to this proposal. I would suggest, in view of the financial morass that we find ourselves in, that instead of borrowing money to share revenue that we do not have with the States and subdivisions of government, that we and they tighten our collective belts; that we balance the budget, retire at least a token amount of the national debt, all of which contributes to ruinous inflation. Yes, even practice a little frugality and austerity if necessary. Surely we cannot pursue this luxury of deficit spending indefinitely without losing our precious heritage, a government of free people.

Mr. BETTS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I must admit I did not think that I would be standing in the well at this time to open up a discussion on Gov. Nelson Rockefeller, but I am going to spent a minute because I have heard so many attacks on the Governor, as though he were handling the legislation on the floor of the House here.

I also heard some discussion questioning his courage on raising taxes in the State of New York to answer their needs.

In the first place, I might point out that the Governor in his four terms has shown the courage time and time again, and the need has been very evident in the State of New York, to have to raise the taxes. He has been willing to face this, he has done it, and the voters of New York have returned him again and again to office.

The fact that he has taken a leadership position on revenue sharing I think is commendable. I think if our Governors and our mayors were involved, and let us know their feelings on all issues, as they have done on this one, we as a Congress would be more responsive to the needs of the people, and not less responsive.

This brings me to the next point. I have been hearing the mayors and the Governors referred to, where we say that it is the mayors and the Governors whom we are giving this money to. We are giving this money to the people of the United States. We are giving this money back to communities who are in desperate need of basic services they cannot get or continue with at this time. We are giving it back to the people, certainly in my own State, people who are taxed to the very limit, and in some cases cities that have taxed to their constitutional limit that cannot provide and continue providing the basic services.

This is not some gift that we are giving to some nameless mayors and Governors so that they can fatten their own pocketbooks. This money is going directly back to the people. Officials are going to be handling it who are responsible to the people on a very direct level.

Undoubtedly I am one of the newest Members of this Congress, I am also most recently a mayor. Having served as a mayor for 8 years, I can tell you you are responsible very directly for every dollar to the people. If they do not like what you are doing with their money they let your hear about it by picking up the phone.

This is money for the people of our country, and they are entitled to it, and they should have gotten it a year ago rather than getting it right now.

Someone said they never hear anybody being willing to cut anything out of our budget. Well, I am willing to cut something out of our budget.

This House voted last year to cut the farm subsidies to cut the price that we were paying farmers not to grow crops, and the House voted for it, and passed it.

Then it went into conference. When the bill came out of conference what the House had cut out was put back in again.

Well, I am willing to cut that type of farm subsidy again. We can cut billions of dollars out of that agriculture money. Let us do it. I think we are going to have the opportunity again. This time when we do it let us make it stick.

This will help to offset some of the deficit problems that we are now facing.

I also heard the gentleman from California speaking of the money that Beverly Hills was going to get, and how they do not need the money and that it would be just extra icing on the cake. Well, then, why doesn't Beverly Hills just give this money back? They do not have to ask for it.

Finally, I would like to say this. I think the Congress has shown good sense in the enactment of this bill. The vote they took yesterday I think was reflective of the feeling of the House and of the feeling of the majority of this country. It is time for a change in the method of handling some of the Federal funds. I do not think there is anything sacred in the way we have been handling them over the past years. I think we have continually in this Congress been innovative and we have found different ways of doing things. We have faced different issues as they come up and I see no reason why this Congress should not continue to face new problems and use new methods.

Mr. Chairman, I trust that we will pass this legislation.

Mr. BETTS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, the pattern here is much too familiar. I recall an incident a couple of years ago when several of us went to the White House on legislation that was about to be sent up here called welfare reform. And in discussing the legislation as proposed by the administration they said that this legislation would answer a need—that it would substitute and remove ADC and that it would replace food stamps. And we were assured that it would not be another layer.

Well, the legislation that came up here and came out of committee was considerably different from what the White House was talking about. Rather than replacing those programs it just became another layer. And that is my great fear about this proposed legislation, which is not the same revenue sharing bill that the White House originally sponsored—but it is a creature of the Committee on Ways and Means.

We are talking about $5.3 billion that would replace categorical grants. I will predict to you today here that that will not happen.

This money will be granted this year, and categorical grants will continue. The Governors and Mayors will be in here for twice as much the following year. Categorical grants will continue and it will go on and on and on.

How in the world can we share revenues we do not have? Are they willing to share the deficit? Everyone knows we're broke and will have to borrow the money and pay interest, then we give it away.

It seems to me the approach of the gentleman from New Jersey (Mr. SANDMAN) makes a great deal more sense, where we in the Congress, the Federal Government, would vacate various areas of taxation such as the alcohol tax, the cigarette tax and other taxes, and vacate them back to the States and let them invade this tax field and let them levy them and use the money as they see fit and keep the bureaucrats in Washington out of the picture.

I would also, on this occasion, like to commend the gentleman from Wisconsin (Mr. BYRNES) who, I think, yesterday made one of the most lucid and sound arguments in opposition to this legislation.

Finally, my State of Ohio really gets shortchanged in the distribution of funds, while New York, the big-money State, leads all others as the beneficiary of the funds.

It will not do much good in, say, 5 years to deplore the fact that billions more are demanded on the revenue-sharing principle, while the categorical grants go on and on.

Mr. Chairman, this whole matter should go back to the Ways and Means Committee, be reconsidered, and a good plan voted out next year—totally removed from the election-year atmosphere.

Mr. BETTS. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, and my distinguished colleagues, I rise to support this legislation although I do so with mixed emotions since I think this legislation is too reflective of political expediency than political wisdom.

Having developed a plan and a program to accomplish that which conceptually this bill hopes to accomplish without perpetuating the deficiencies and defects which are inherent in the program contemplated by this bill, I cannot in good conscience give it my enthusiastic support.

Many of the deficiencies and objections which have been voiced on this floor to date in the debate on this legislation were anticipated and recognized by me many months ago at the time "revenue sharing" first gained popular consideration, especially under the aegis of the President's initiatives.

The confrontation which occurred in connection with the adoption of the rule under which this legislation is being considered by this Committee of the Whole, especially with respect to the argument about avoidance of the appropriations' process, underlines the concern I long ago expressed.

This concern was voiced by me in as many ways as possible, including communications with those who were developing the President's revenue sharing proposals and the Ways and Means Committee. Since my testimony before the Ways and Means Committee in June of last year covers my concerns about revenue sharing as it is proposed in the legislation before us and explains the program which I originated and which I think is a better alternative as succinctly as possible, it is well worth repeating part of that testimony here.

At that time, I said:

> I appear before you this morning less an advocate of a particular "solution" to the fiscal crisis confronting many city and state governments and more a sort of amicus curiae, to offer to the present dialogue regarding revenue sharing, "general revenue sharing" as the President has termed it, a proposal for *revenue exchange,* a proposal which, after considerable effort, I and my staff initially developed four years ago to meet the very problems which now threaten to overwhelm some of our great city and state governments. Our goal was a proposal practicable in implementation and sound in theory and philosophy.
>
> OBJECTIVES
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> I thought then, as I know the distinguished members of this Committee do now, that there should be a better way in which the Federal Government could share its revenue producing largess with the states and local communities other than through the categorical, administratively constricted ways in which such sharing has been effected.
>
> I sought a way to provide state and local communities with financial assistance without having such assistance retain the earmarking of Washington. I wanted this assistance to be provided in such a way as to inextricably lock the obligation to tax with the privilege of spending at each level of government.
>
> I wanted a means of committing such funds at the local level to states and communities, avoiding the costly administrative roundtrip to Washington and back, with the inevitable Federal trademark being applied in the process.
>
> I sought a means of assuring that such assistance to state and local communities would be on a permanent, continuing and regular basis as could be accomplished, certainly on a more sure basis than annual appropriations where Federal needs might cause Washington to renege on its promises and result in budgetary chaos for local government.
>
> And most importantly, I sought a plan under which the Federal system would be strengthened and government truly decentralized, through decentralized of focus on government.

This latter goal is probably the one most significantly violated, in my estimation, by the President's proposed "general revenue sharing."

Lest there be no mistake; the President's "general revenue sharing" proposal is better than none, even better than most which have been proffered. I have co-sponsored its introduction in the House of Representatives. But I think that there is a better way.

To summarize, the "better way", in my opinion, must:

1. Make the obligation to raise revenue a precondition to the privilege of spending that revenue. Only in this way can we make certain that the focus of responsibility stays at the level of government at which the funds are spent as well as derived . . . real decentralization.

2. The uncertainty of the generosity of the donor and the conditions and costs the donor extracts must be minimized to the extent possible; that is, the administrative cost of the unnecessary handling of the funds and the discretion to, or not to, distribute such funds both in terms of time and amount should be eliminated insofar as possible.

I suggest these aims are accomplished if we *view 'revenue sharing' as a sharing of the revenue raising authority rather than the revenues themselves.* The particular proposal I set forth now I call *revenue exchange.*

REVENUE EXCHANGE

I propose, as I did back in 1967 with little or no fanfare:

1. The granting to the Federal Income Taxpayer of a credit (not deduction) against his Federal Income Tax liability of a percentage of that tax liability in an amount which will provide the amount of revenue the Federal Government proposes to "share;" provided, however, no such taxpayer would be eligible to receive such credit until and unless his state had enacted legislation imposing a new or additional tax upon such taxpayer under which the taxpayer would be obligated to pay in state and local taxes that sum which he otherwise would be obligated to pay the Federal Government were the credit not applicable.

2. Obviously, states would need to have some "lead" time for enactment of their legislation and some basic standards for that legislation would be required. It would be my suggestion that we would expect the States to adopt an income taxing measure, or increase their existing income tax, since the pick-up by the States should be on the subject of taxation and by the method consistent with the credit. In turn, the acceptable state taxing program would have to include whatever pass through provisions to local communities of such revenue as were thought desirable and as presently publicized revenue sharing programs provide.

3. The amount of credit against Federal Income Tax liability would be dependent upon the amount of revenue the Federal Government wished to share since the amount picked up by the States under this proposal would be tied to the amount of credit authorized.

4. To equalize the benefits of the plan between the so-called "richer" or "poorer" states and those states making a greater or lesser effort, an "equalization Board" would be established which would set the states' credit percentage (and, necessarily, therefore the additional revenue available to the states without increasing that state's taxpayer liability). In setting such percentage, the equalization board would take into account the same, or additional factors, as are presently used in the President's plan for equitably distributing Federal revenue among the States.

5. Any state which desired not to take the affirmative taxation action required under the proposal would merely deprive its taxpayers of the credit against Federal tax liability and Washington would continue to receive its full tax entitlement and would continue to determine the categories and amounts of funds returned to that state.

Except for a few innovations and a new application, this is not a terribly original plan. It occurred to me while I was practicing law back in Michigan at a time when politics and interest in legislative affairs were only an avocation. It is a take-off on the long-standing Federal tax statute which permits a credit against Federal Estate Tax liability for a percentage of descent and distribution taxes imposed by a state. And, let me assure you, no one considers the portion of state taxes paid under that plan which, absent the credit, would be paid to the Federal government, as anything but state monies. Consequently, herein lies the beauty of the plan, no one considers these to be Federally "shared" funds and responsibility for their usage is psychologically and actually a local matter. In that case and under my proposal, these revenues are local revenues from the very moment of their collection.

The objection usually voiced to this proposal:

"It forces a state to adopt an income tax and many states don't have one and some are even prohibited from adopting such a tax by the state's constitution."

Let me respond. First, an incentive to adopt such a tax is inherent in my proposal but, as above indicated, there is no mandate. Secondly, studies will show, I believe, that the states with the least equitable and balanced tax structures are those which do not have an income tax and it would be hoped that the incentive of the Federal tax credit would be sufficient to cause electors in a state to not only approve a statute or constitutional amendment, if such be necessary, but would prompt such electors to urge the taking of such action.

Although the proposal I put together in 1967 specifically set percentages, time for implementation, guidelines for state legislation, and even established the composition of the Equalization Board, I do not intend to so particularize my proposal this year. The amount to be shared with the states, et al., (therefore, the percentage of credit to be granted under my plan) the factors to be considered in providing an equitable distribution of the funds (again, the variance in percentage of credit among the states under my plan), and other parallel considerations have already been too much discussed for me to interject my own particulars. Rather, I urge consideration of the concept of my proposal and would leave to others more expert in the mechanics and statistics of revenue sharing the prerogatives of details and implementation.

CONCLUSION

In conclusion, I want our plan of revenue sharing to really effect a decentralization of government . . . a decentralization of elector focus on government. I think we have a much better chance of accomplishing this goal if we make sure that the additional funds made available at the local level are clearly local revenues from their inception. Failure to do this will result in even greater centralization and turning to Washington.

I don't want my constituents looking to me and the Federal Government (no doubt prompted to do so by state legislators and local officials) for a solution to even more localized program needs than presently exist. But, I fear such would be the result if the blame could be shifted to Washington for its failure to adequately "share" its revenue.

A promising start has been made. Let us prove our mettle by viewing the challenge of revenue sharing as an opportunity to effectively manifest our ingenuity.

That was my testimony in substance before the Ways and Means Committee. I maintain it outlines a program more valid than the one upon which we will be voting today. I hope it may sometime be given the serious consideration it deserves.

But, today we do not have the opportunity to choose between one of several plans and I am satisfied defeat of the bill before us means defeat of any form of revenue sharing for both now and the foreseeable future.

We must start now to reverse the trend which has developed over the years and which sees the Federal Government as the source of all wisdom in determining and meeting local needs and which finds the solution of such problems in the legislating of narrow categorical grant programs.

Imperfect though it may be, this legislation deserves the support of all Members of the House.

Mr. BETTS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, I rise in enthusiastic support of this historic legislation which will be a vitally needed shot in the arm for my own city of New York and the State of New York.

Mr. Chairman, before us today is a historic legislative measure which, if enacted, will breathe new life into our cities and rural areas. Every major urban area, North, South, East, and West is experiencing a financial crisis of unprecedented magnitude which, unless we act now, will spell death for these cities. I am not overstating my case when I say that cities—the backbone of America, where 70 percent of American population live and work—are barely able to provide the needed services for their deserving population. Large metropolitan cities are gradually being strangled financially, because the cost of services needed to make them functional far exceeds their capacity to raise revenue. The problems of many rural areas too, are just as severe. All across the country small local communities are experiencing the same difficulties because they do not have the necessary tax base to support local law enforcement, fire and emergency services, and pollution control measures. New York City is typical.

Once again, we are in the midst of a severe budget battle which, if not resolved, will irreparably damage the city's future. Unfortunately, New York's problems are no different from those of Topeka, Los Angeles, Chicago, Houston, Phoenix, New Orleans, for that matter, any other metropolis.

The situation is critical and it is for this reason, Mr. Chairman, that I rise in enthusiastic support of H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

The State and Local Fiscal Assistance Act of 1972 would provide aid for all local governments and for the States as well. Aid to local governments would total $3.5 billion. The State governments, during the first full year after this bill is enacted, would receive $1.8 billion. The combined total represents

$5.3 billion of Federal assistance for State and local governments to use for vitally needed programs.

A complicated but equitable formula has been devised to allocate the available funds among the local governments. Too often, small local governments are neglected at the expense of the larger areas but this formula, as set out in H.R. 14370, is based on various factors which would reflect the need for aid. First the $3.5 billion is allocated to State areas for distribution to local governments on the basis of population, urban population, and population weighted by the relative per capita income. Each of these three factors is given equal weight in the formula.

Local governments in the State of New York would receive an estimated $332.2 million during the first year of operation. This amount would be distributed among local governments in New York by allocating amounts to county areas. For the first year and one half the distribution of this revenue would be based on the same factors as those used to determine the State area shares.

Based on its relative adjusted taxes, each county government would receive a share of those funds distributed under each of the three above-mentioned criteria—its share of taxes, excluding those attributed to the expenses for education, raised within the county. The remainder of the funds allocated to the county would be divided among local governments based on relative population and on relative population weighted by relative per capita income.

This distribution formula works differently for New York City where the governmental structure is somewhat unique in that the city is composed of five counties. According to the distribution of funds shown in the supplemental report on H.R. 14370, New York City would receive an estimated $158.9 million of urgently needed funds.

After the first year and a half, the formula may be modified by the State where local conditions make variation desirable. The overall changes that may be made are detailed in the bill and must be applied uniformly throughout the State.

Funds received under this part of the act must be used by local governments for those high-priority expenditures detailed in the bill. These include the backbone of what goes into building a strong and progressive system of government:

First. Maintenance and operating expenses for public safety, environmental protection, and public transportation.

Second. Capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation.

Mr. Chairman, title I, subtitle A means new life to local communities. It means that local communities can begin their service-improvement programs. They can hire more men, purchase and revitalize fire equipment, erect more fire stations and in general provide sorely needed fire fighting protection.

Also, local communities will be better prepared to fight the ever increasing rise in crime. Title I funds can be used to recruit and train more personnel to serve in local law enforcement programs. For the first time, localities will have the necessary revenue to build an efficient police force which will serve in their own communities.

But this is only the beginning. Roads and public transportation facilities will receive the necessary attention so small and large communities can benefit from direct control and planning over the systems that take them to and from work as well as to these favorite recreational facilities.

Often we hear that the cost of cleaning our environment is too high for local or State communities to act with any degree of effectiveness. Under H.R. 14730, however, funds for capital expenditures for sewage collection and treatment and refuse disposal systems will be provided. Now localities will be able to better plan and control their environment to the point where significant progress can be made in making our communities a better place to live.

Also, States would receive unrestricted incentive payments under this vital legislation. The amounts for each State are determined on the basis of tax collection, with $900 million allocated according to individual income tax collections and the other $900 million distributed according to general tax efforts.

New York State would receive $317.4 million during the first year that distributions are made under the "State and Local Fiscal Assistance Act of 1972."

These funds, allocated to the State are invaluable if we expect our States to provide education, effective health programs, and other vital services for its citizens.

In New York for example, funds would be available which would boost the State narcotics program which rehabilitates and treats drug addicts. Funds would also be available for the State to rebuild and reform mental health programs and hospitals such as Willowbrook in New York City.

For many years, States have been feeling the growing pains of having more students than can be accommodated. States now, would be able to expand and develop new programs in education which would add immeasurability to the need for more and better educated people.

If we examine the impact of H.R. 14730 on large urban areas such as New York City, we see a possible solution to much of the cities financial ills. New Yorkers find financial independence impossible. The demands for quality education, sanitation services, roads and more public safety personal make this a fact to be considered. A recent study indicates that the New York City government has experienced a tripling of expenditures over the past decade, while New York residents' personal income from private activities rose only 56.4 percent.

In March of this year, Mayor Lindsay proposed a 1972–73 executive budget expenditure of $9,988,400,000 with revenues from current sources falling far short of that total. The budget assumed the approval of city taxes, as well as increases in State and Federal revenue sharing. Changes in the expenditure proposals have been made by the board of estimate and the planned expenditure total has been reduced, but the revenue gap has not been closed. The city still needs additional revenue to balance its budget. The State and Local Fiscal Assistance Act of 1972 as proposed today can do much to help close this budget gap. I, therefore, enthusiastically support this landmark legislation.

New York's fiscal crunch does not result from an unwillingness to tax. Quite the contrary, Mr. Chairman. The city has an income tax of its own, a high sales tax, high property taxes and a host of nonproperty taxes. The plain fact is that expenditure needs are simply outdistancing revenue.

The State-local tax burden in New York is the highest in the Nation. In fiscal year 1970. Americans paid an average of $25 in taxes to State and local governments. For New Yorkers, however, per capita State and local taxes amounted to $652 in the same year. Also, in 1969, New York once again led all other States in the amount of taxes on a per capita basis: $576. Clearly, New Yorkers are taxing themselves more than others, while the budget for necessary services continues to grow. The national average increase in per capita State and local taxes was $47 from 1969 to 1970, while the New York figure showed an increase of $76.

I know that the fiscal problems which I have been outlining in the case of New York can be used to describe conditions in many other cities and towns across the Nation. The problems are the same; only the figures change. This is why we need to act favorably on this proposed legislation.

Mr. Chairman, we are now at the crossroads where we must decide if we are going to make the effort to revitalize our cities and counties. Clearly, we cannot do it ourselves. We need the assistance of a revenue-sharing program which will return to local and State governments a much needed portion of their tax dollars.

The road we choose must be one which will provide a flexible and substantial way to carry on with the business of helping America grow. This can only be done by assuring the fact that local, county and State governments grow too.

The distinguished and very able Governor of New York, Nelson Rockefeller, who for many years had led the fight on behalf of local and State governments, has called this bill must legislation. For years now, he has been at the forefront of the battle to breathe life into our failing cities. He has been the man, who when the concept of revenue sharing was unpopular because of the lack of understanding on the part of the public and government officials, exercised great leadership and carried this idea to the point where we can see it taking shape. Without his dedication, great skill and experience New York State as well as many other States would experience social and financial bankruptcies.

I join with him and the many Members

of the House in lending my strong support for this measure. This issue is of vital concern to States and to local governments and I urge quick and favorable action on H.R. 14370.

Mr. BETTS. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, a long time ago I used to be a history teacher, and I have always felt that we need to examine some of the problems of the present in light of some of the history of similar situations that have occurred in the past.

So far as I know, there have been only two instances when a Federal Government under a type of government such as ours has set out to deliberately distribute funds from the Federal Treasury back to the units of that Republic.

Once was back in the latter part of the 19th century, after President Benjamin Harrision had in his inaugural address recited that one of the problems be expected to confront was the huge surplus that had grown in the Federal Treasury. So subsequently a one-time distribution was made to the States in order to get rid of the problem that was created by the surplus in our Federal Treasury.

The second time that we know of under a form of government similar to ours was back in the days of the German Republic, when while they certainly had no problem of a surplus, they did decide to and began to underwrite the expenses of the States of the German Republic.

As we can anticipate, if history means anything in the case of this instant legislation, what happened there was that the appetites of the States grew and grew. They made their commitments and they developed their budgets on the basis of expanding amounts that they were to get automatically from the Federal Republic.

When an international commission headed by an American made a report after that Republic had gone down the drain, it attributed the financial collapse of the German Republic to this ever-expanding amount of money that was being distributed annually by the Federal Government to the States of the German Republic.

This is history, and I think we are entitled to review a little bit of the history of how this kind of legislation comes before us today, for I suspect that when Walter Heller developed this so-called revenue-sharing concept it was on the basis that he foresaw a similar problem to what President Harrison had envisioned, namely, that with the progressive nature of the income tax our Federal Government was going to find itself with more money than it knew what to do with. He prophesied that the revenues of the Government would expand much more rapidly than would the demands upon the Federal Treasury. That was the basis of the concept.

Well, unfortunately, we had a Republican task force back in 1966 that believed Walter Heller when he said we were going to have more money than we would know what to do with around here. So we had the birth of revenue sharing as a concept under a Republican aegis. That concept carried over into the 1968 Republican platform.

However, I suggest to you that there is no Republican in this House today who needs to feel committed to this piece of legislation based upon anything that appears in that 1968 platform.

I was there when the debate was had and when deliberately the words relating to revenue sharing for the local units of government, after full debate, were stricken from that platform. The only thing you see in that platform refers to revenue sharing to the States.

Now, that is not the concept of the legislation we have here. This is a violation of the federal system that bypasses the States primarily and puts Uncle Sam in a position of dealing with every local unit of government in this country.

I suggest that it does violate the principles of the Federal republic and it violates all of the rules of fiscal restraint.

If history teaches us any lessons—and I suggest it does—I am going to have nothing but sympathy for those of you who plan to be here 5 years from now when this allegedly temporary program expires. I am going to have nothing but sympathy for the demands that are going to be placed on each and every Member of this House, where he is going to have the choice of yielding completely to the erosion of this Republic and fiscal responsibility, or forfeit his seat in the House of Representatives.

In that kind of a choice I do not see how fiscal responsibility is going to win.

I feel most strongly, Mr. Chairman, that the passage of this bill will be a sad day for this great Republic, a sad day for the American taxpayer, and a sad day for this House of Representatives as a legislative body.

Mr. DRINAN. Mr. Chairman, I have been a supporter of the revenue sharing concept for years. That our cities and towns need relief is a proposition beyond argument.

I support the revenue sharing bill before us today because it provides such relief. The Ways and Means Committee and many of our colleagues have labored long and diligently on behalf of this bill.

Yesterday I voted against considering this bill under a closed rule because I am opposed to closed rules under virtually all circumstances. I have repeatedly opposed this procedure in the context of the welfare bill, the 1971 Revenue Act, and otherwise.

The closed rule completely prevents the 435 elected Representatives of the people from working their will in open and democratic debate. It makes all amendments impossible. I do not believe the Founding Fathers contemplated such an arrangement—indeed, I believe the closed rule is completely inconsistent with the intent of the Constitution, providing as it did for equal representation for all of the people—not merely the 17 Representatives of the people who voted for this bill in committee.

I believe this bill could have been improved. I feel that States like Massachusetts and districts including my own would have received more equitable funding under this bill if the regular rules of debate and amendment were in force today.

However, I shall vote for this bill today because the cities and towns in my district must have the relief it provides.

Mr. Chairman, I insert in the RECORD at this point a letter I recently sent to my government colleagues at the local level in my district setting forth my thoughts on, and support for, this revenue sharing bill.

JUNE 16, 1972.

SPECIAL REPORT ON REVENUE SHARING

DEAR COLLEAGUE IN GOVERNMENT: I expect the House of Representatives to begin debate on the key revenue sharing bill on or about Wednesday, June 21. I look forward with keen anticipation to the forthcoming discussion of revenue sharing on the floor of the Congress. I do hope that it will not be necessary to postpone any longer a decision on this vital and urgent matter by the members of the House of Representatives.

As I indicated to you previously, and, as I recently wrote to my colleague Wilbur Mills, I continue to strongly support revenue sharing and will do everything possible to insure that the revenue sharing measure of the Ways and Means Committee, which is an important initial step in our efforts to aid hard pressed property owners, is enacted by the House.

Prior to and during my years as a Member of the House of Representatives I have advocated revenue sharing. While some persons may differ as to the best form that this new source of revenue may take, the cities and towns of our Congressional District, like those all across the country, are in desperate need of new and substantial sources of revenue on which they can rely over a period of time.

According to information provided to me by Congressman Mills, Massachusetts will receive $179 million under this bill. Of that amount $74.6 million will be allocated for state purposes and $104.4 million will be granted to local governments.

Funds distributed to local governments are to be used for (1) maintenance and operating expenses for public safety (including police and fire protection, building inspection), environmental protection (including sewage disposal, sanitation, pollution abatement), and public transportation (including transit systems and streets), and (2) capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation (including transit systems and street construction). However, eligible capital expenditures cannot include regular, recurring capital expenditures.

The U. S. Treasury Department has very kindly prepared for my office a special analysis of the funds which every city and town in the 4th District will receive under this bill. The official Treasury figures received today follow:

Ayer	139, 192
Bolton	*
Brookline	840, 195
Fitchburg	953, 185
Framingham	911, 388
Gardner	424, 956
Harvard	143, 321
Lancaster	65, 761
Lincoln	94, 162
Lunenburg	76, 442
Leominster	692, 418
Maynard	151, 614
Newton	1, 563, 773

* Figure not computed for this population at this time.

Shirley	81,067
Stow	58,310
Sudbury	184,526
Waltham	1,281,450
Wayland	173,734
Westminster	43,539
Weston	122,147

The present proposal is not without its flaws. Two shortcomings of particular interest to local officials in Massachusetts are:

1. Although local governments would receive two-thirds of the funds in the first year of the five years program, their share would decrease each subsequent year until it reached 55 percent in the fifth year. The state share would be increased each year. As a result some argue the cities would be shortchanged.

2. In the Mills Bill, as originally introduced, the state share, although without restrictions as to use, was totally conditioned on a state's income tax effort. The committee bill modifies this allocation formula so that income tax effort would have only half the weight as in the original bill. As a result, states with no income taxes would receive funds for the entire five years. In the original bill, a non-income tax state could receive a minimum payment for only two years.

Despite these drawbacks I still believe this measure provides a legislative foundation upon which we can work cooperatively during future sessions of Congress to strengthen and significantly improve the current relationship between our local communities and the Federal government.

Revenue sharing is essential to maintain a viable local governmental system, to restore to cities and towns the ability to establish service priorities responsive to citizen needs, and to redress the imbalance in our present intergovernmental fiscal relationship.

You can be assured of my best efforts in behalf of this measure which is of such importance to your community.

Cordially yours,

ROBERT F. DRINAN,
Member of Congress.

Mr. DULSKI. Mr. Chairman, I support the pending revenue-sharing bill, H.R. 14370. I voted for the closed rule and I shall vote for final passage.

I believe that it is an important step toward providing needed financial assistance for our States and local communities.

However, I believe it is most important that we all guard against interpreting this bill as a cure-all or a panacea for all municipal financial ailments around the country. But, it is going to be an important help at this crucial time—help that can come only from the Federal Government.

I was gratified that the House agreed to forbid amendments to the bill as it came from the Ways and Means Committee. I fully recognize the objections raised to the so-called closed rule. But on complicated legislation such as revenue bills, floor amendments easily could undo all the expertise of the committee draftsmen familiar with this difficult subject. Amendments could nullify the gains we hope to make.

There is dispute about the formula for local assistance, and I would venture to say no formula will suit everyone. However, my careful analysis indicates that the formula recommended by the House committee and approved by the House is both reasonable and practical—certainly it warrants a fair test.

In the case of Erie County, the projected allocation is $21,253,167, including $9.7 million to the county government itself and the balance to the individual communities in the county.

The city of Buffalo's share would be $6.8 million.

The method of assistance under revenue sharing is direct and simple. It boils down to this: Local governments now responsible for providing public services would receive directly from the U.S. Treasury an allocation which is spelled out in advance.

This allocation would be based upon a carefully designed formula relating to the number of people serviced, their needs, and their present own revenue efforts.

This new approach to Federal assistance is—by design—not only an expression of confidence in democratically elected local and State officials, but also is a new expression of belief in our federal system.

Mr. ANDERSON of Illinois. Mr. Chairman, the State and Local Fiscal Assistance Act of 1972, popularly known as the revenue sharing bill, marks an historic milestone in the evolution of our federal system of government. We are often prone to believe, I fear, that the health of State and local governments is of little importance so long as the National Government is strong. We are all well aware that many local governments and some State governments are in the throes of serious fiscal crises. Demands for services from local governments continue to rise while taxpayer resistance, particularly to increases in the property tax, remains at an alltime high.

Some would wring their hands, lament the sad state of affairs, and then say that it is too bad that nothing can be done. Others may rush to the rescue with yet another categorical aid program with matching grants and thereby further aggravate the problem. Indeed, the distortion of local priorities by requirements of matching grant programs is a situation which clearly merits congressional review.

The Federal Government's principal source of revenue, the income tax, is much more sensitive to increases in the gross national product than are taxes on property and sales, the main revenue sources for State and local governments. The National Government, moreover, has preempted this lucrative source of revenue, collecting over 90 percent of personal income taxes. The revenue base of the Federal Government expands automatically as the gross national product increases, but States and localities must continually engage in the not so automatic process of securing rate increases from an already highly taxed citizenry just to stay up with the gross national product.

To illustrate this point, we need only remind ourselves that in the last decade Americans enjoyed two substantial cuts in their personal income tax rates and businesses received a number of similar benefits, yet Federal revenue increased over 100 percent. While the overall increase in State revenues was similar during this period, fully 53 percent of this additional revenue, according to the Advisory Commission on Intergovernmental Relations, resulted from tax rate increases. Specifically, this entailed over 400 separate actions, either in the form of new taxes, or increases of existing ones at the State level.

Some Members are concerned about the national debt and object to revenue sharing because the Treasury projects a deficit, rather than a surplus. I recognize the seriousness of this objection, but I am convinced that the question before us is really one of assessing priorities—do we spend $5.3 billion on this program or on some other? I believe that it is naive to think that by defeating this bill we would thereby reduce Federal spending by $5.3 billion.

Some say that we ought not separate responsibility for taxing from responsibility for spending. This argument comes too late in the day to carry much weight. The Congress crossed that bridge long ago. Already over $30 billion a year go out to States and localities through various grant programs, and this is money which they did not raise, but which they spend. I believe, furthermore, that the experience of the past decade, when State governments were averaging one tax increase a year has brought them a keen sense of fiscal responsibility. During the same period, we might recall, the Congress enacted only one tax increase, the temporary surtax. The automatic increase in Federal receipts which accompanied our growing gross national product saved us the trouble.

I would further point out that revenue sharing is not intended to supplant State revenues but only to provide marginal supplementation. In most instances, revenue sharing funds will amount to only a few percentage points of regular State and local funds. This means in all likelihood that States and local officials will have to continue to go regularly to the public for additional revenues. There is no reason to believe that while doing so they will not be called to account for the manner in which revenue sharing funds are being disposed of. In fact, perhaps the heat will be even greater since the public will be inclined to ask, "Why do you need more taxes when you have $5.3 billion in new Federal money coming in already?"

Mr. Chairman, if we approve the bill now before us, I believe that we can look forward to growing strength in our federal system. This objective should rank very high on our list of national priorities.

Mr. MALLARY. Mr. Chairman, I am anxious to express my feelings today against the bill before us, H.R. 14370, the State and Local Assistance Act of 1972 or the so-called revenue-sharing bill. While I am sure that many of us feel that revenue sharing is a desirable concept—one which will go a long way toward solving some of our States' and communities' fiscal problems—this bill is flawed and untimely.

Many of us who support the concept of revenue sharing do so because we feel that more discretion should be left to local and State governments with regard to their priorities for expenditures of funds, including Federal funds. A second reason for revenue sharing, one which is clearly acknowledged by the complex formulas set forth in H.R. 14370, is to redistribute Federal dollars to those units of government which have the most limited tax resources to meet the demands for governmental services. Does H.R. 14370 achieve these purposes?

A close look at H.R. 14370 reveals that there are consistent inequities in the allocation of the $3.5 billion to local governments under the weighted distribution formula.

Simply, this bill is a rescue measure to bail out our cities and suburbs at the expense of rural areas which are also our poorest areas. The formula consistently gives more money to the richest States and less to the poor.

A poor nonurbanized congressional district stands to receive about $4 million a year less than a completely urbanized congressional district—$20 million per district over the life of the bill.

The problem lies in the distribution of dollars on the basis of urbanized population. The definition of urbanized population used in this bill is so broad and arbitrary that it bears only a coincidental relationship to the tax base problems of our central cities and completely excludes our sparsely populated rural areas from full participation in revenue sharing.

The definition of urbanized population used in H.R. 14370 counts our affluent suburbs as urbanized thereby reducing the money available for the less affluent central cities and rural areas.

Beverly Hills, Calif.
McLean, Va.
Shaker Heights, Ohio.
Grosse Pointe, Mich.
Greenwich, Conn.
Lake Forest, Ill.
Palm Beach, Fla.

These are all "urbanized areas" according to the bill's definition and as a result, extra funds will go to local governments in their counties at the expense of other counties and States—as shown in table I.

There is in this bill the false assumption that the rural areas do not have extremely pressing revenue problems. Why must we consistently look at our most visible problems in the cities at the expense of the invisible but often desperately poor rural areas?

We must recognize the extreme tax problems of rural sparsely populated areas where poverty is a way of life, schools are small and inefficient, road needs are burdensome and services must be provided over great distances at great expense.

Not only is this bill unfair to nearly half of our population which is not urbanized, but by its neglect of nonurbanized areas, it will merely provide another incentive to hasten the urbanization of America.

My second major concern about this bill beyond the inequity of its distribution formula is the fiscal implications of the bill. It calls for spending $5.3 billion in the first year and over $30 billion over the life of the bill. I firmly believe that revenue sharing funds are and should be a high priority budget item coming ahead of some of our ineffective categorical aid programs. Unfortunately, the Congress has not shown the disposition to reduce its appetite for spending more and more dollars that we do not have on other Federal programs. I do not believe that it can be considered fiscally sound to appropriate this amount of money at this time. Our deficit last year was $23 billion, this year it will be $26 billion and next year it is estimated at $27 billion or over $75 billion in 3 years. We do not have the revenues to share unless we are willing to reduce other Federal expenditures or consider raising taxes to pay for this program. We are only fooling ourselves by calling this a revenue sharing bill.

This bill, in its present form, places before us a very difficult decision. I have for a long time supported the concept of revenue sharing. I have also supported the concept and design of the President's revenue sharing program. I do not feel, however, today that the details of this bill or the current Federal fiscal situation make it sound or desirable legislation. I regret that I shall have to vote "no" on its passage.

TABLE I.—ANNUAL DISTRIBUTION OF $1,167,000,000 ON BASIS OF "URBANIZATION"

"Urbanized" population	Per capita income	Amount distributed to counties, based on urbanization
Central cities (over 50,000)	$3, 283	$630, 000, 000
Outisde central cities (suburban)	3, 791	$537, 000, 000
Nonurbanized population:		
Communities of 10,000 and up	2, 841	None
Communities of 2,500 to 10,000	2. 714	None
Communities below 2,500	2, 514	None

Mr. ALBERT. Mr. Chairman, H.R. 14370, The State and Local Fiscal Assistance Act of 1972, has my wholehearted and unqualified endorsement. This is an historic occasion. It has been alleged in some quarters that the Congress in passing this measure would be doing violence to this Nation's political traditions and constitutional precepts. This allegation is without foundation. Nothing could be further from the truth. Rather, I am convinced that the enactment of H.R. 14370 will immeasurably strengthen that keystone in the arch of American constitutionalism, our unique and ingenious dual system of government.

The Founding Fathers at the Philadelphia Convention in 1787 bequeathed to us and, yes, to the world this priceless legacy. Under this system, an arrangement which has clearly borne the stress and strain of time, our Federal Government is charged with the responsibility of dealing with those propositions national or international in scope. Left to the States and their political subdivisions are those questions which can, by their very nature, be best dealt with in the more intimate and personal environs characteristic of smaller units of government.

In drafting our Federal Constitution, Madison, Jay, Hamilton and their associates were not attempting to lay down a detailed bill of particulars, a roadmap which would provide future generations with the exact direction and specific answers on each problem which might arise. They were laying down rather general precepts and a paramount precept was the preservation of a healthy dual system of government.

They did not envision, nor would they condone a system reducing the States to mere ornamental anachronisms with the National Government growing ever more dominant and increasingly performing the minutia of administration much better left to local governments familiar with local conditions. Different times and different situations are witness to different challenges to this dual system of government. So must those challenges be dealt with, with answers relevant to those times and situations. And that is the funamental reason we are considering this legislation today. The unbelievable efficiency of the national progressive tax system is literally threatening to suck all tax moneys into the Federal coffers. Our States are suffering dire financial distress. Local governments are in an infinitely more serious situation. Many of our cities verge on the brink of financial collapse. They are required to perform services often serving large metropolitan populations whom they are unable to reach through local taxation. The failure of this Congress to pass H.R. 14370 would deal a staggering blow to the hopes and morale of our beleaguered cities. It would be, and I weigh my words with care, nothing short of a national calamity.

The measure before us today is not a Democratic or Republican bill, neither is it a conservative nor a liberal bill. It is most certainly not, in its present form, the product of the executive branch bureaucracy. H.R. 14370 is in effect the pragmatic answer of your Committee on Ways and Means to a very practical problem with which this country is faced. It represents weeks and months of hard difficult decisions and laborious work. It is aimed at a problem which will not go away—inadequate police and fire protection because cities do not have the money to hire more personnel, trash and garbage piling up in our streets because cities do not have the money to remove it, clogged highways because of inadequate, decrepit and underfinanced public transportation systems.

Mr. Chairman, America's cities are literally fighting with their backs to the wall. This Nation cannot survive, much less prosper, if it stands by and permits our great cities to become uninhabitable wastelands. That is the fundamental question before this body today.

Mr. Chairman, I urge the passage of H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

Mr. SIKES. Mr. Chairman, the House will approve revenue sharing. That was established on yesterday when a closed rule preventing amendments was voted. The bill as passed will provide for $5 billion per year for the next 5 years. No further review by the Appropriations Committee or any other committee of Congress is possible under the act. There is no way of insuring that the money will be properly expended. Many mayors and Governors have brought pressure on Congressmen for passage of the bill. Obviously it is a program they will want increased and, once started, these programs always expand. The reason the mayors and Governors want the program is simply that it is free money. This does not take into consideration that the average city and State are in better financial condition than the National Treasury. The Federal Government is broke. There is no money to share with anyone. We are going in debt for $100 billion during the current 3-year period. It should be obvious that the bill will require additional increases in taxes. This means all of the people will have to pay higher taxes so that the bureaucrats can have money for pet projects. This comes from the taxpayer's pocket.

Florida will be penalized because we do not have a personal income tax. We will get only about two-thirds proportionate to other States. This is not fair. New York State, for some unexplainable reason, will get close to $1 billion of the $5 billion available annually. This does not seem quite right either. The bill is manna from heaven for bureaucrats who love to spend the taxpayer's money, but it is bad for the poor, downtrodden taxpayer who must pay. This is an irresponsible act and I hope the Senate will show better judgment.

Mr. GAYDOS. Mr. Chairman, I rise in support of H.R. 14370, the State and Local Fiscal Assistance Act of 1972. The financial crisis confronting local governments today is not one that has sprung up overnight. It was a long time in the making and it will take a long time to straighten it out. I do not entertain any fanciful illusions that the bill before us is the magic wand that will suddenly make the problems of our local government disappear. It is an emergency treatment for a lingering disease.

The $5.3 billion in this bill will give the lower level governments a sorely needed shot in the arm. However, I am disappointed by the absence of much needed financial assistance to local boards of education. Their operating revenues are principally derived from tax levies on real estate which have in recent years become so burdensome that they are almost confiscatory. "Harry Homeowner" has made it quite clear that his castle and his patience have been taxed beyond endurance. I would have liked to see some of the benefits in this bill flow to the local school boards to at least forestall impending increases in the property tax.

There is no denying the fact our States, cities, and towns need immediate financial help. All of us, I am certain, know of cases in our respective districts where vitally needed community services and projects are delayed indefinitely or scrapped completely because there is no money available to finance them.

I know of sewage and water treatment plants which continue to function although they are so badly in need of repair or replacement that the machinery wheezes and creaks while it operates. I know of a small community which cannot provide its citizens with 24-hour police protection because the local tax structure cannot support the hiring of the necessary manpower. One man works an 8-hour shift. During the remaining 16 hours, the citizens trust to luck and pray to God they won't need a police officer. I know of a community recreational program that had to be drastically curtailed because tax funds were needed to finance other services provided by the local government. I am a firm believer in letting local governments govern themselves since they can view their problems from a box seat rather than the bureaucratic grandstand in Washington. I am concerned that eventual controls imposed by the Federal Government may force these communities into increasing dependence upon "big brother" for continued financial assistance. However, the need for financial assistance to our States and cities is so urgent and so necessary I support H.R. 14370 and urge my colleagues to do likewise.

Mr. HANLEY. Mr. Chairman, I do not think it would be presumptuous of me today to say that many of us are in quite a dilemma. We have before us a massive and far-reaching piece of legislation. A bill that could point the way out of the burgeoning fiscal tangle; or point the way to a deepening quagmire of fiscal irresponsibility; as some critics suggest.

The arguments on both sides of the question are eloquent and persuasive—and that does not make choosing a side easier. Like so many of the crucial decisions all of us have to make in a lifetime, it is not black and white, but rather a maddening gray.

In my mind, however, the factor which brought the lines of the argument sharply into focus is the factor which originally prompted the writing of this legislation. It is a factor so large and overriding that perhaps now, immersed in legislative entanglements, we tend to overlook it. Or perhaps we are tired of hearing it, tired of the constant drumming it receives, to the point where now it is merely a meaningless litany to us.

But the truth is that our cities and towns desperately need help, and this legislation will give it to them, and give it to them in an effective, efficient manner.

Despite all of the drawbacks this legislation has, its need is overwhelming and undeniable. I do not want to consider the agonizing results that might evolve if we once again deny our cities and towns assistance.

The drawbacks of this legislation are obvious. I have several reservations myself. I did want to see, particularly, some incentive for local governmental reform included in the bill. I did want to see the local money allocated more on the basis of the local tax effort. And, of course, there is the larger question of one level of government spending what another level of government has raised. But we cannot talk about which level of government should deal with a problem without also talking about how that level can raise the money necessary to do the job. I believe that an anticipated property tax court decision regarding school finance might force action to clear up the taxation mess we now have.

Because right now, there is no other means to help our decaying cities and towns except through the methods this bill calls for.

But, after all is said and done, the bill contains more substantive change for the better than any other piece of legislation we have considered for quite some time.

It gives local control to local government, and gives local officials the ability to serve their constituencies. Perhaps this latter fact is just as vital as the former, because there is a growing crisis of confidence in this Nation today.

In the current political wisdom, it is acknowledged that Americans have lost faith in their government at all levels. I think in a large part it is because the average citizen is isolated from the power and seldom sees deeds to match promises.

This program is a promise to keep. It is a sound bill aimed at an overwhelming problem that concerns millions of Americans. It is a bill that has bipartisan and broad-based support.

The problems of the cities must be met if we are to maintain, let alone improve, the quality of life in America. The needs of the people must be met if we are to maintain the effectiveness of a democracy.

Revenue sharing is a promise that must be kept.

Mr. FRENZEL. Mr. Chairman, almost every Member of this body, including myself, has expressed himself many times on the issue of revenue sharing. Each of knows how he will vote.

Words at this time are simply words for the record, and it is for that purpose that I speak today.

In my judgement the House of Representatives today will pass revenue sharing. In so doing, we will be reversing the "galloping centralism" of the past 40 years. We will be casting our vote in favor of local decisionmaking, and affirming that we do not believe in the supremacy of the Washington bureaucracy. We will be casting a vote against grantmanship. We will be casting a vote for the judgment of mayors, councilmen, county commissioners, Governors, and State legislatures.

We cannot do all this alone. Similarly enlightened action on the part of the other body is also required. Our vote here today should include the commitment to use all our energies in an attempt to convince the other body to pass this bill too.

Problems of States and local governments have been well documented. This bill won't solve all the problems, nor will it give any unit of local government enough money to liberate it from our Washington control. It will, however, strike the first blow for freedom, and establish principles on which we can build for the future.

I congratulate the committees which brought this bill to the floor. Today we are keeping faith with our locally elected officials. Today we are vindicating the judgment of our President who has identified revenue sharing in two state of the Union messages as one of the most important features of his domestic policy. This is indeed a happy day for the New Federalism, and for all Americans.

Mr. DELLENBACK. Mr. Chairman, the concept of revenue sharing is, I believe, an opportunity to encourage a very desirable decentralization of government power by sharing Federal tax dollars and decisionmaking authority with local and State governments. It is my firm belief that these levels of government are often better suited than the Federal Government to devise solutions to problems that reflect unique local circumstances and needs. Equally as important, these local levels of government can provide avenues of meaningful citizen participation in the governmental process.

Popular support for revenue sharing has been growing as people begin to recognize the potential of this concept. During the 24 years between 1948 and 1972, Federal grant-in-aid programs have grown from $1.8 billion to more than $36 billion annually, a 20-fold increase. At the same time, the number of separate grant-in-aid programs expanded even more rapidly. This has resulted in local governments very understandably feeling that they are being dictated to by the Federal Government. To correct this situation, and to ease the mounting fiscal deficits which many State and local governments are facing, revenue sharing provides an excellent partial solution.

Enactment of revenue sharing is the most significant action that the Federal Government can take to help relieve the pressure on local real property taxes. To this end I am pleased to support H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

Mr. DONOHUE. Mr. Chairman, as one of the original advocates of revenue sharing, to financially aid the desperately pressed taxpayers in our towns, our cities and our States, I intend to support, and I hope the House will adopt, this bill before us, H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

Whatever other differences may exist among us about some aspects of the procedure being followed with respect to this bill, I believe we may all agree that the overriding legislative question involved is whether or not the time has come for the Congress to helpfully respond to the very critical needs of our American communities and their overburdened taxpayers. I earnestly think that even a brief review of the weighty evidence that has been recited and recorded here should impel the great majority of the House to answer that question in the affirmative.

Further than that I would doubt if there is even one Member of this body who does not have first-hand knowledge, from experience within his own district, of the practical impossibility of any average American community raising sufficient funds locally to adequately provide for the minimum, essential public services that are required in our modern society.

Mr. Chairman, it has been very clearly demonstrated that State and local governments are, today, in very urgent need of Federal financial assistance and that their normal money raising systems are predominately dependent upon regressive property taxes which have become a current plague upon our older citizens, our middle income families and the poor.

Mr. Chairman, passage of this measure before us will serve to provide our suffering taxpayers with at least a moderate amount of relief and our communities with the means to more effectively cope with the massive and complex problems they all face. This bill projects an appropriation of approximately $30 billion in direct grants from the Federal Government to State and local governments and since the appropriations are extended over a 5-year period, it will enable, wisely, all the government units involved to plan, ahead of time, the most prudent and effective application of the allotted funds.

In the first year a total of $5.3 billion would be allocated to State and local levels of government and of this sum, the States would share an appropriation of $1.8 billion for fiscal year 1972 and local governments would share an annual distribution of $3.5 billion to be used for expenditures in such vital areas of priority concern as public safety, environmental protection, and public transportation. Included in the measure is a provision for a minimum amount of sharing with the States which have no State income tax, thus encouraging these States to institute an income tax system. There is also, within the bill, an innovative provision which would authorize, upon request from the individual State, the U.S. Treasury Department to collect income taxes for the States.

In its beginning this bill would grant to my own Commonwealth of Massachusetts Federal assistance in the amount of $179 million and my own home city of Worcester some $3,732,529.

The provision of these Federal funds, to alleviate some of the problems associated with these high priority items, will permit our States and our local communities to devote more of their own resources to other areas of primary human need that demand immediate attention.

Since the whole funding program proposed in this bill is limited to 5 years it will thus assure a reasonable opportunity for the Congress to observe how effectively it is operating and at the same time it will provide the Congress the chance to initiate and complete any adjustments or revisions that may be necessary.

Of course, Mr. Chairman, no one sensibly believes or expects that this bill is a perfect instrument that will completely and effectively cure all the financial problems of State and local governments throughout this country; but I think it is clear that this proposed revenue sharing does offer a practical, realistic, and immediate approach toward improving the quality of life within our communities, and, hopefully, at the same time, it will serve to encouragingly lighten the nearly unbearable tax burdens that currently afflict the great majority of our patient and loyal American citizens. I hope, therefore, the House will accept and approve this revenue-sharing bill in response to our legislative obligation to reasonably try to insure the survival of our suffering taxpayers and the revival of our suffocating communities. Approving action may also, well and timely, serve to reassure our own American citizens that the Congress is, at least, as concerned about their progress and welfare as we are about the rehabilitation and development of other nations and peoples all over the world.

Mr. MIZELL. Mr. Chairman, I rise at this time to add my word of strong support for the revenue-sharing measure before us today.

The passage of this legislation will, in my opinion, be a major event in the history of American government, a history that has from the beginning been characterized by bold innovation and by a commitment to give the people—those who hold highest sovereignty in this country—the greatest possible voice in the affairs of their government.

For some time now, the people have expressed dissatisfaction with the way their Federal Government has responded to their will, or, more accurately, has failed to respond. The Federal Government has grown so powerful, it has become musclebound and slow to move.

Over the past 40 years, beginning with the great depression, we have created, in the words of President Nixon, "a bureaucratic monstrosity, cumbersome, unresponsive, ineffective."

In 1969, the President said:

> A third of a century of social experiment has left us a legacy of entrenched programs that have outlived their time or outgrown their purpose.
>
> A third of a century of unprecedented growth and change has strained our institutions, and raised serious questions about whether they are still adequate to the times.
>
> It is no accident that we find increasing skepticism—not only among our young people, but among citizens everywhere—about the continuing capacity of government to master the challenges we face.

In fact, Mr. Chairman, we have reached the point that one of the major challenges that we in government must face is setting our own house in order. The structure of government itself must be reformed before it can effectively bring reform to other areas of our society.

I have said on previous occasions, and it bears repeating here, that if this country's Founding Fathers could have envisioned the way their concept of a "federal" government would be distorted into its present form, they probably would have decided that a revolution against King George was hardly worth the trouble.

Certainly, the idea of government by Washington decree was as foreign to them as was taxation without representation. But the balance of government power has become so heavily weighted toward the Central Government in the last several years that government by Washington decree is exactly what we have.

What is needed now is a redirection of the entire thrust of government. And that redirection must come through restoring local control over local affairs, reserving certain rights and authorities to State governments, and putting the Federal bureaucracy in its rightful place of service rather than mastery.

Revenue sharing will accomplish all of these goals.

It will restore the prestige and the power and the responsibility that local officials should rightfully bear.

It can put real meaning back into the concept of dual sovereignty by putting State governments on a more sound financial footing and giving them a more decisive role in the affairs of government.

I have seen at first hand, through my former capacity as chairman of the Davidson County, N.C., Board of Commissioners, the initiative, the innovation, the imagination which people on the local and State levels have brought to the work of government. And, too often, I have seen their high ambitions end in frustration.

The legislation before us today will help to eliminate a major source of that frustration, by giving State and local governments the financial resources and the decisionmaking power needed to fashion and implement adequate responses to the needs of the people they are elected to serve.

This legislation will provide $5.3 billion a year for 5 years to State and local governments, with almost no Federal restrictions on the use of these funds. This year, $1.8 billion will go to the States, and $3.5 billion will be shared by local governments. My State of North Carolina is scheduled to receive $113.2 million from this revenue-sharing package the first year, with $36.4 million going to the State government, and $76.8 million to be distributed among the local governments.

With a few minor revisions, this legislation is essentially the same as that proposed by President Nixon 18 months ago.

One phase of revenue sharing proposed by the President, but missing from this bill, is the special revenue sharing program which would have earmarked funds for special purposes such as law enforcement, education, health and manpower training.

This legislation before us today does contain a more limited form of special revenue sharing, in that it requires local governments to spend revenue-sharing funds for authorized purposes such as environmental protection, public transportation systems, and law enforcement. The legislation places no sush restrictions on the funds to be used by State governments.

In addition, a formula is included in the bill that is designed to make sure that State governments do not reduce the financial aid they give to localities out of funds other than the revenue-sharing money.

A separate formula prevents local governments from transfering their own tax money out of the programs for which revenue-sharing funds are available and into other programs for which they are not available.

These very limited restrictions on the way these funds can be spent are in marked contrast to the volumes of regulations and guidelines that have accompanied Federal assistance in the past, and this bill is a giant and historic step toward returning a greater measure of government control and responsibility to the local and State levels.

Mr. Chairman, if I had to select a theme that described the basic thrust of my service in Congress over the past 3½ years, it would be to bring government closer to the people.

The bill which we will vote on shortly is intended to do just that, and it will be a moment of great pride for me to stand and cast my vote in favor of this legislation, and I invite my colleagues to join me.

Mr. CAREY of New York. Mr. Chairman, despite all that has been argued about the concept of "revenue sharing"—how much, if any, revenue should be shared, how it should be divided, and how it should be appropriated—no one can dispute the basic purpose of the bill.

No one can dispute that the crisis of local and State finance is of historic dimension which demands urgent and timely massive Federal assistance.

No one can dispute that local and State governments across the land need assistance in meeting the costs of essential public services that are close to the day-to-day lives of the people—safer streets for themselves and their children, better collection of their garbage, cleaner air to breathe, and improved transportation to their jobs.

And no one can dispute that the cities, which are carrying excessive burdens in meeting problems which are truly national in scope, have joined together to meet this crisis. We in Congress must be aware of the Federal indifference to the urgent urban problems and of the lack of attention to the needed change in priorities to relieve this crisis.

H.R. 14370 attacks the very core of these problems. It provides these governments with a long-term appropriation of revenues, revenues generated by the relatively progressive and responsive Federal income tax, and divides these revenues in accordance with need for public services.

It must be emphasized that the President's budgets for fiscal years 1972 and 1973 provide for a program of Federal aid approximately equal in cost to that provided by this bill. Since these funds are already budgeted, and will not increase the projected deficit, it cannot be argued that this bill represents new spending.

The legislation is based on several important principles:

First, an automatic appropriation, subject to review in 5 years, is needed by the States and localities so that they have assurances that Federal funds are regularly available for proper management and budgeting. Given the disastrous experiences that localities have had with the authorization-appropriations process, where most urban programs have consistently received lower appropriations than the amounts authorized by Congress, it is not surprising that the 5-year appropriation is a crucial feature of the legislation.

Second, the allocation formula to State and local governments puts the money where the needs are. I am pleased that my efforts assure that this is the first time that New York State and New York City are at the head of the list of States in total aid.

This Federal money—$649.1 million for the State and as much as $185.7 for New York City—is designed to fill gaps in the State and city budgets and avoid the levying of any new State and local taxes.

This bill recognizes that the taxpayers of New York have reached their absolute limits of taxability. With a formula based on need and revenue-raising effort, it is not surprising that New York receives the largest share. The people of New York simply cannot put up with any more property, sales, or nuisance taxes.

Third, the State and Local Fiscal Assistance Act distributes funds in part on the basis of relative income levels, in part by taking into account the concentration of people in a given area, and in part on the basis of population.

Thus the legislation follows the important principle of "distributive justice," that is, to gather from all according to their means and distribute to each in accordance with his needs.

This new approach for Federal assistance is, by design, not only an expression of confidence in democratically elected local and State officials, but also a new statement of belief in our federal system.

It should also be noted that in making distribution to localities, the committee did not intend that this should be used as an excuse for States decreasing its fiscal assistance to local governments. The committee provided that a State should maintain its own effort to aid its localities.

Therefore, the bill provides that a State may receive the full amount allocable to it only if it distributes as much to its local governments in the aggregate from its own sources as it did in fiscal year 1972.

Finally, this bill marks the beginning of tax reform, which is long overdue in this country. Tax reform must be undertaken to relieve families and working individuals who are bearing all too great a share of our public expenditures.

H.R. 14370 does this by providing for a system of Federal collection of State individual income taxes. There are many redundancies in tax collections since almost all jurisdictions throughout the country are imposing similiar taxes—income, sales, estates, and so forth.

There is no reason why we could not cut down the paperwork and the excessive bureaucracy brought upon the Government and the individual taxpayer. This multiplication of tax systems may be about to destroy our principal tax resource—the taxpayer himself—since he must financially support the inefficiencies of our present tax collection system.

Mr. Chairman, the State and Local Fiscal Assistance Act is the result of weeks of testimony from expert witnesses, careful consideration of the various plans of revenue sharing, and hard labor by the Ways and Means Committee, and its distinguished chairman, and the Joint Committee on Internal Revenue Taxation. At this point, our cities need help, not further discussions of a myriad new possibilities for distributing Federal funds.

H.R. 14370 has been endorsed by several unions, including the American Federation of State, County, and Municipal

Employees, the Service Employees International Union, the International Association of Firefighters, and the Teamsters Union.

Mr. Chairman, this is a timely and responsive bill.

It addresses itself to the needs of the cities.

It is a response to the defeats that have been suffered by State and local bond issues.

I strongly urge my colleagues to give this ingenious and workable piece of legislation the support which it deserves. Not to do so would mean a loss of confidence in Congress as an institution capable of meeting today's urgent needs.

Mr. DERWINSKI. Mr. Chairman, may I first emphasize that I would have much preferred that we would have been permitted to process this revenue-sharing measure under an open rule. Thus amendments, that so many Members felt should have been offered to the bill, would have been in position to receive full debate and consideration.

As a matter of principle, I believe that we must decentralize our governmental structure and, therefore, I support the strengthening of State and local governments. Obviously, if more funds are made available to local and State government units, rather than the abnormal portion of taxes that are syphoned into the Federal Treasury, we could start the process of decentralizing.

In principle, revenue sharing will lead to decentralization of Government programs, however, I have doubts over the formula contained in H.R. 14370. That is why I would have preferred an open rule so that we would have had the opportunity to consider all alternatives to the revenue-sharing plan.

However, we are now at the stage of accepting or rejecting the bill as presented to us and since I believe it will assist local and State governments to more effectively provide services to areas of their responsibilities, I will support final passage.

I certainly hope that the Members who have opposed the bill, as well as those who will be supporting it this afternoon, will give special consideration to continuous review of the developments so that the end goal, which is the strengthening of State and local governments, can, in fact, be achieved.

It is certainly my hope that as a result of this revenue-sharing measure, local property, sales taxes, and other sources of revenue for State, county, and local governments can, in fact, be reduced. We must keep in mind that regardless of the type of tax it is still a burden on the individual taxpayer.

To sum it up, Mr. Chairman, I believe it is an imperfect but necessary measure and analyzing it in that fashion, I will be voting "yea."

Mr. PICKLE. Mr. Chairman, the concept of revenue sharing is not without merit. The mechanics, however, suffer.

With an open rule, we had hoped to offer corrective amendments. Denied that right, I hope that the other body can take a long and hard look at several aspects of this bill.

In my opinion, this bill is far better for New York than it is for Texas. It is a bill that penalizes efficient government by offering inducements for States to pass a State income tax—and by penalizing those that do not. Proof in the pudding comes from examination of the dollars to be given to State governments on a per capita basis: New York will get $17.23 while Texas ranks 50th on the list with a slim $4.02.

Mr. Chairman, in Texas we pay in the same Federal income tax as they do in New York and I cannot help but have a minimum of regard for this formula. Why should an efficient State government be penalized?

Further, what right does the Federal Government have in dictating tax policy to State governments?

Carry this line of reasoning one step more: Texas again comes out on the short end of the stick when you compare the dollars to be given to combined local and State governments on a per capita basis: here again, New York leads with $35.29 per person, while Texas ranks in at 35th on the list with a meager $21.65.

I question the legislaiton on other points as well.

It is unprecedented for this Congress to abdicate the appropriations role and fund on a 5-year basis. I would much prefer an annual funding, via the Appropriations Committee.

We are told this is a "no strings attached" and I challenge that notion. I fear that in the near future, we might see our cities as strangled by Federal regulations as are our schools by HEW.

Instead of a 5-year program, this will likely become a permanent fixture, and uncontrolled fixture in the Federal budget.

Presently, we have a system of categorical grants in operation. There is legislation before this Congress still at the committee level which would largely do away with categorical grants and replace them instead with block grants. Frankly, I think the States and the cities should recognize they will likely face one approach or the other.

There is much more to be said—more to be said about the separation of the taxing responsibility from the spending authority and more to be said about sharing a deficit budget. I know my colleagues have adequately explored these points during this debate.

Mr. Chairman, I love my city. I have worked closely with every mayor and county judge in my district, and will continue to do so. Cities and counties have called on me in recent years to help on a multitude of problems, and I have been privileged to help them. This bill will not affect my deep resolve to continue all assistance possible. In the vote before us, I think it is not in the best interest to pass it in its present form.

Mr. BEGICH. Mr. Chairman, we are approaching the vote on revenue sharing, and I rise to share my convictions on this issue with my colleagues. I will vote in favor of the bill, but I cannot do so without extremely mixed feelings which I must express here.

As written, the revenue-sharing legislation offers the vast majority of local and State governments of this Nation a new era in revenue support; an era which is overdue and absolutely essential. I recognize without question the burdens placed on our State and local governments, and the incredible financial difficulties experienced in meeting them. For this reason, it is my privilege to vote for this bill. It is a national program of a type and a magnitude which cannot be denied.

Still, I take no pleasure in the legislation as it affects my own State of Alaska. Each component of the revenue-sharing formula works a hardship on my State and, although there is revenue shared with Alaska, its proportionate value is far below that afforded all but a few States.

Without question, the issue is the struggle between unrestricted aid given on the basis of solid but sterile formula components, and aid which is in response to demonstrated needs. It is the struggle between revenue sharing and categorical assistance, and Alaska, which can demonstrate a great range and depth of needs, must be assured of a continuing source of program assistance.

Although the revenue-sharing program we vote on here today makes no inroad into these programs, and in fact protects them, I believe that an inescapable and understandable trend to divert program funds into revenue sharing will occur. At that time, the formula which I described as being so unfavorable to Alaska will be most unwelcome.

I sought, and will seek, changes in the formula. I voted for an open rule to seek such changes. But I will not now, after the failure of these motions, vote against the bill. I will not do so because even the shared revenue under this bill, and this formula, is vital for Alaska. Our cities, our towns, and our State need the revenue. Our mayors, city managers, and State officials have told me so. And, most important, it is a vital Federal program for all our cities nationwide.

I shall continue to seek changes, and to avoid the erosion of other funds going to our cities. I will solicit your help in this cause. But this bill must pass.

Mr. SEIBERLING. Mr. Chairman, I rise in support of H.R. 14370, the State and Local Fiscal Assistance Act with mixed feelings.

There is much in H.R. 14370 that is commendable, and that I support without hesitation. I am particularly pleased with the incentives to encourage adoption by the States of progressive income tax statutes—a significant step toward State income tax reform.

I also think the bill puts the money where it is needed most by adopting a formula for local distribution which is based equally on three factors: Population, urbanization, and wealth.

However, because of deep reservations about other aspects of the bill, I voted against the closed rule yesterday, in hopes that the House could perfect the bill by amendment. I think it is unfortunate that that effort failed.

I intend to vote for final passage of the bill because the fiscal needs of some of our cities and States are desperate. However, I am hopeful that the Senate will make some changes in the bill.

I am particularly concerned about three aspects of the bill.

First, H.R. 14370 marks a step backward in efforts to streamline and consolidate local and State governmental units. By making every little village and hamlet in the country eligible for assistance, the bill will slow up urgently needed consolidation of local governmental units, and may actually encourage further fragmentation. One way to cut down on the spiraling costs of local government is to cut out the duplication of services offered by the fantastic numbers of separate governmental units that abound in most urban areas, the only way to do that is to consolidate some of these units. As Congressman Henry Reuss pointed out during the debate yesterday, the revenue sharing bill, H.R. 4617, which he coauthored with Senator Hubert Humphrey required the States to prepare plans and timetables for modernizing and revitalizing State and local governments. I hope very much that the Senate will include such a provision when they consider revenue sharing.

Second, I am deeply concerned about the absence of any maintenance of effort requirement for local units of government who receive assistance under this bill. Although localities are nominally required to spend their Federal "share" on certain "priority items," there is nothing in this bill to prevent governments from substituting Federal funds for State or local revenues now allotted to such projects. Therefore, in effect, localities will be free to use these Federal funds to provide tax relief, or to fund projects not considered "priority" in the bill.

Mr. Chairman, this bill represents a breach in representative government by removing the responsibility for imposing taxes from the responsibility for spending the money. That is a step I take reluctantly, but willingly, if there is assurance that the funds will be spent as the Congress has designated. But this bill has only a facade of accountability. Without a maintenance-of-effort clause, and a prohibition on using these funds for tax relief, the Congress retains no control over how the funds are spent.

Finally, Mr. Chairman, I had hoped that under an open rule the House would have an opportunity to enact a "quick yield" tax reform bill which would raise enough money to finance revenue sharing.

Revenue sharing is a concept originally developed around the expectation of a substantial "peace dividend"—in other words, funds appropriated for the war which would be free for domestic use when the war ended. Today, we find ourselves proceeding with revenue sharing despite the fact that the war has not ended, and despite the fact that there is no peace dividend. In so doing, it seems to me we must accept the fact that the money targeted to pay for this program is simply not there, and do something about it.

The money is also not there, according to this administration, for many other domestic programs which I favor but which they seem willing to underfund. For example, the occupational health and safety programs' budget for fiscal 1973 represented only five one-hundredths of 1 percent of the total budget—a barebones appropriation which will hardly keep alive this program so vital to the health and safety of 57 million working Americans. The list of underfunded domestic programs is almost endless, yet this administration seems to be unwilling even to make a start toward raising additional revenues through comprehensive tax reform.

I commend the chairman of the House Ways and Means Committee for his initiative in introducing tax reform legislation, and his intention to hold hearings beginning next year. However, we can act immediately on some simple tax reform measures which have already been the subject of congressional hearings and debate—namely, the repeal of asset depreciation rate, ADR, and an increase in the amount of minimum tax imposed on tax preferences. These two together would raise about enough to finance revenue sharing, and I hope the Senate will seriously consider enacting them.

Mr. FUQUA. Mr. Chairman, revenue sharing is a bitter pill which has been coated with sweet language.

It is a dangerous precedent. The camel will have his nose under the tent and if precedent is followed, this initial legislation will open a Pandora's box.

It is my hope that those who favor this measure will have the courage to pay the bill that is going to come due.

Certainly there are problems in State and local government that cry out for solution. There is no question that additional revenue is needed in many areas.

Yet there is a limit to what we can do. Just as we have found that we cannot serve as the world's policeman, so we cannot finance every single plan advocated in the Congress. We are in serious financial trouble without any new programs.

Those who advocate huge spending programs have a corresponding responsibility to tell us how we are going to pay the bill. Many who advocate revenue sharing will not have the courage to vote new taxes to pay the bill which is coming due, as sure as the sun will rise.

Neither have you told us of any programs that you are going to eliminate in order to bring the budget in balance.

I feel like I am crying into the wind when I ask for fiscal responsibility.

Have you no concern that we have suffered a budget deficit in this Nation for the last 3 years, that, coupled with estimates for the deficit in 1973 will total $123 billion? This, mind you, in only 4 years.

What about the interest on the public debt? It has more than doubled in the relatively short period since 1965. In 1965 we paid $10.4 billion in interest and in 1973 we will be paying $22.7 billion.

We are being asked to increase the burden of our Federal debt by $30 billion over a period of 5 years at an additional interest burden of at least $1.5 billion per year.

Anyone who has paid the least attention to the budget knows that we are in serious trouble. There are built-in increases in Federal spending that will take a major share, if not all, of the increased revenues due to what we hope will be a full economy. Heaven help America if it is not.

Particularly do I object to the provision in this proposal which would discriminate against my State of Florida because we do not have an income tax. The State's loss will amount to tens of millions of dollars.

Some of the strong proponents of this legislation in my State at first now cry out for us to stop this unwarranted intrusion in our State's government. We have a constitutional prohibition against a State income tax in Florida.

Under this proposal, the amounts to be received by the States is tied to the personal income tax levied by the particular State. Since we do not have such a tax, we will lose a tremendous amount of money which the State should rightly receive if a fair distribution is to be achieved.

To be more exact, it is my understanding that we will be denied about 25 percent of revenues due us.

Just as I have warned, if this proposal passes, there will be provisions which will allow the Federal Government to dictate to the States and local governments. As the years pass, they will become more stringent.

Committee figures show that Florida would receive $31.9 million in the first year of the 5-year program. However, if Florida adopted a State income tax, our share would be $41 million. We either add a personal income tax or see one-fourth of these dollars denied us.

The support which some State and local government leaders give this proposal astounds me. Seemingly they can not fathom that there are only tax dollars taken from the pockets of the American people that can be expended. There is no magic source of funds.

A basic objection also is in having one body of government tax the people and another spending the money. This is bad government, pure and simple.

What a joy not to have to be responsible for increasing the heavy load on the American people.

Just like the Pied Piper of Hamlin, we see many of the advocates of this measure playing a beautiful tune and we dash behind without heed or caution.

When the piper runs out of wind and the bills come due, I ask you only one thing.

Have enough courage to vote the additional taxes on the backs of the American people to pay the bill.

Mr. MONAGAN. Mr. Chairman, I am opposed to H.R. 14370, but I do want to emphasize that I am not opposed to sharing Federal revenues with States and local units of government. I have voted for billions of dollars for State and local governments in Federal funds for education, health, library, housing, poverty programs, urban renewal, highways, and airports and I shall continue to do so.

The point at issue here is the method of funding and not the purpose. In the first place, no appropriation is involved so that there is no necessity of a single body such as the Appropriations Committee viewing the financing for this program in comparison with that for all other governmental programs. Involved here is simply an open authorization for the funds required.

Second, contrary to the status implied by the title "Revenue Sharing" there are no uncommitted Federal revenues to share. In fact, the Government has been running at a deficit of at least $25 billion for the last 2 fiscal years. Therefore, the $5 billion would add to our deficit or require additional tax revenues.

Furthermore, the recent study of the Brookings Institute points out that even present programs cannot continue to be financed without a tax increase. Therefore, any new programs would add that much more to Federal tax requirements.

I also object to the bill on the grounds that it discriminates against Connecticut by placing our State well below the average in the per capita amounts available for distribution under both aspects of the legislation.

Finally, I disapprove of making funds available as this program does to the States without requirements of accountability in the programs to be undertaken. We have seen the effects of this type of expenditure with the Law Enforcement Assistance Administration and the admittedly disastrous results that flowed from financing without accountability. The proposed programs would be on an infinitely greater scale since each year's funding would amount to approximately $5 billion.

I served as mayor of a major city for 5 years and I can understand and sympathize with the search of local executives for additional funds. Because of this need Federal funding of local programs has risen markedly in the last decade with the particularly large increases in the last 2 years. At the same time, the Federal taxpayer is entitled to consideration too, and if we are to embark upon a program of increased spending for localized needs we should do it only after full consideration of the cost and adequate accounting for all expenditures.

I stand ready to support programs for aid to municipalities where the need is demonstrated and proper accounting and programing controls are in effect. This bill does not satisfy these requirements.

Mr. RARICK. Mr. Chairman, this is not only bad legislation, it is dangerous legislation which if ever signed into law will lay the groundwork for a fully socialized nation, which if realized would herald the doom of the very Constitution under which each of us was elected and by oath have taken office.

The vote to consider this bill by a closed rule makes it clear that nothing can be said to change the minds of the majority of this body.

Everyone in public life likes to help people and create friends by so doing. Helping people by promising something for nothing seems to have become an acceptable art in modern day politics—especially when what is promised is to be paid by someone else's money.

Admittedly the Nation's larger cities are encountering financial difficulties and revenue-raising problems, but what has caused them? For the most part, the plight that the mayors find themselves in can be readily traced to court decisions and the many Federal seed money programs emanating from this Congress through the ever growing Federal bureaucracy.

The big city mayors are having revenue-raising problems because public housing units require many municipal services but do not produce any revenue unless it be from more Federal handouts in the way of welfare checks, food stamps, and rent supplements. The middle class, the workers, and the more fortunate have fled the cities and have started over, building in the suburbs beyond the taxing jurisdictions of the mayors. As the productive taxpaying population in the inner city decreases, election of big city mayors depends more and more upon political promises and so-called prestige projects, all of which require new tax revenues which are not available from the inner city population.

Those Americans who have exercised their freedom by fleeing to the suburbs are the real targets of this legislation. Think tank organizations and tax-free foundations have been hard at work for years to figure some angle whereby the new "city states" could harness the incomes of the productive noncitizens for the fulfillment of the political vote-buying promises of the politicians in the big cities. This I suggest is the basic thrust and goal of revenue sharing; that is, to force taxes an those decent, hard-working, productive free Americans to support the big city environments which they disapprove of and have left.

The revenue-sharing concept is nothing new. All aid, whether it be Federal, State or local, is merely tax dollars that come from the same people. We have watched the Federal Government extend its control over State and local functions by the use of Federal aid contributions to education, welfare, highways, safety programs, and even law enforcement. In each of these revenue-sharing fields, the taxpayers' dollars were used to buy more and more Federal influences, control, and intermeddling. This latest revenue sharing with the city, State, and local governing bodies can be expected to follow the same pattern of more and more Federal controls until the day is reached when every city, State, and local unit of government will be uniformly regulated by unelected Washington bureaucrats far removed from the people over whose lives their decisions affect.

Congress has no money, and the same Ways and Means Committee from which this legislation originated has also reported out a bill extending the $450 billion temporary debt ceiling. Such legislation can but result in an increase in income taxes, which would come out of the same committee; of course, this being an election year, the legislation proposing these tax increases will not come up until after the fall elections.

The big spenders are gun shy on voting tax increases to pay for their gifts just before an election. The Federal "givers" stand exposed for what they really are—politicians who would further their careers by taking money away from the people to fulfill their promises to give something back to them.

The revenue-sharing bill would authorize and appropriate $30 billion in federally collected tax dollars to State and municipal governments over the next 5 years, without providing for yearly congressional review of the appropriations process. If Federal assistance increases in this giveaway program at the same rate as it has in Federal aid to higher education—and we have every right to expect that it will—the Congress will be called on to appropriate approximately $90 million for this purpose for fiscal year 1980. Where the money will come from is not known; the Ways and Means Committee did not see fit to concern itself with this matter. One can only assume that the Congress will be asked to raise taxes to cover the cost of this new giveaway program and provide moneys which the mayors and State officials admit they cannot raise.

I think it should be obvious to every Member of the House that behind the temptation to help the cities and States, a vote for revenue sharing is a trap to induce the Members to support the new income tax increases and to add other Federal revenue programs following the November elections. Additional Federal taxes can only have the effect of drying up city and State revenue sources and further embittering the working man toward all new taxes.

Passage of the revenue-sharing bill by the House does not mean that it will be accepted by the Senate; and because this is a political year, I fear that it will be used as a political ploy until the matter dies with no action being taken when this Congress expires January 1, 1973.

I do hope that if similar legislation is introduced in the next term of Congress and supported by the President, he programs it in a balanced budget request by deleting some of the foreign aid and other frivolous Federal spending to put help for Americans first on the list of priorities, rather than exploiting our city and State officials to help raise already excessive Federal income taxes.

My people did not send me here to rubberstamp irresponsible fiscal programs and policies, nor to better my chances for reelection by promises of giveaways from the Federal treasury. I do not expect to vote for the up-coming legislation to extend the temporary debt ceiling, nor do I expect to vote for any legislation that may come up later to increase Federal income taxes; therefore, I do not plan to vote for this bill, which can be used as a lever to pass the later bills to take money away from the working Americans after the election—an election the political leaders expect to depend on these promised giveaways offered in exchange for popular support.

Mr. MILLER of Ohio. Mr. Chairman, back in 1967 when I came to this body, one of the first pieces of legislation I introduced was the Federal Tax-Sharing Act which provided for the return of $2.2 billion to the States and local governments with no strings attached. In the 91st and 92d Congress I cosponsored President Nixon's revenue-sharing proposals. Those of us who believe in revenue sharing and have worked for its passage over the past several years welcome the action of the Ways and Means Committee in reporting H.R. 14370, the State and Local Fiscal Assistance Act. Although I question certain parts of the bill, as a whole it embodies the basic tenents of the President's proposal and can effectively serve to revitalize our federal system by strengthening the fiscal posture of State and local governments. The merits of revenue sharing have been stated quite succinctly and persuasively many times in recent years and I do not wish to restate them all here today. But I do wish to point out that revenue sharing is not a particularly new concept.

Congress in 1802 provided that 5 percent of the proceeds from the sales of public lands in the new State of Ohio be earmarked for road construction and a similar policy was followed in other States with the application of funds for education. In 1805, President Jefferson urged that:

> A just repartition of federal revenues among the various states for the promotion of canals, roads, arts, manufactures, education, and other great objects within each state.

In 1836 under the Surplus Distribution Act, $37 million in surplus Treasury funds were apportioned among the States with no strings attached.

The Morrill Act, passed by the Congress in 1862, provided public lands to States for the establishment of agricultural purposes with minimal conditions. Back in 1958, our distinguished former colleague Mel Laird proposed the first no strings attached revenue sharing. In 1964, a task force recommended a program of setting aside a fixed percentage of Federal revenues for distribution to State and local governments to the Johnson administration. In April 1969 the Nixon administration fully embraced the revenue sharing concept and sent a specific legislative proposal to the Congress. Unconditional sharing of tax revenues has long been the practice of some States and in fact has been in use in several nations such as Canada and Australia.

The American people are frustrated by the unresponsiveness of governmental institutions to local concerns. They are losing faith in the ability of elected officials to deliver basic services. Pluralism in our system is melting away and a monolithic decisionmaking process is taking its place. An omniscient Federal Government is utter fallacy. Washington has no monopoly on wisdom—only money. The fiscal mismatch between the revenue generating sources of the Federal Government and the inelastic sources of local government is at the heart of the problem. It is time to put money where the people are and where the problems are. Let us restore to the States their proper role in the federal system with a new emphasis on local initiative and discretion. Let us provide both the encouragement and resources for local and State officials to exercise greater leadership in solving their own problems. Let us seek better and more efficient allocation of public moneys and delivery of public services. As a former mayor of Lancaster, Ohio, I can readily appreciate the crisis situation confronting local government and understood the urgent need to create a mechanism to supplement the existing Federal aid effort with broader and less conditional assistance.

Revenue sharing is an idea whose time has come and no matter what label or name it goes by, it is an effective way in which we can redress the imbalances in the capacities of our governmental institutions and invigorate our federalism in such a way as to make decisionmaking more responsive to the needs and wishes of the American people.

Mr. MITCHELL. Mr. Chairman, anyone concerned with the problems facing our Nation's urban centers realizes the necessity of enacting a revenue-sharing program which will help ease the financial burden of our city governments. In the decade from 1958 to 1968, the general expenditures of State and local governments rose 128 percent, from $44.9 to $102.4 billion. During that same time period, the debt incurred at this level of government increased 108.2 percent. The Federal deficit, meanwhile, climbed only 25.8 percent. As State and local spending grew, however, revenue sources shrank. Continued dependency on regressive property, sales, and even nuisance taxes at a time when prosperous individuals and corporations were abandoning our urban centers heightened the financial plight of the cities. Strapped by these growing monetary limitations, numerous cities have been forced either to eliminate or to reduce essential public services.

The bill before the House today distributes $3.5 billion annually to local governments from the period 1972 through 1976. The city of Baltimore, which I represent, would receive $19.3 million yearly. My discussions with officials of the city government have impressed upon me the seriousness of the city's financial problem and the importance of the programs which revenue sharing funds will be used for.

The upward trend in local expenditures is expected to increase in the near future. By providing funds over a 5-year period, the bill will enable cities to engage in more effective planning for their numerous long-range concerns. Some have expressed the fear that whatever defects become apparent in this program will not be remedied by the Congress over that 5-year period. I am confident, however, that if necessary the Congress will enact the corrective legislation needed to rectify such shortcomings. I wish to take this opportunity to call to the attention of my colleagues those provisions of H.R. 14370 which I feel merit the closest scrutiny.

First, the antidiscrimination provision—section 6—adds an unnecessary step which will serve only to delay corrective action. The requirement of notifying a State Governor of alleged discrimination is an unwarranted addition to the normal title VI enforcement process.

Second, the high priority areas established for local spending are public safety, environmental protection, and public transportation. While all these areas merit increased attention on the part of local governments, I hope that it will not come at the expense of our equally urgent needs in the areas of education, housing, and welfare.

Third, under the formula devised by the Ways and Means Committee, in 1972 localities will receive a greater share of the funds under revenue sharing than they would have under the Nixon administration's original proposal. However, the State portion grows under H.R. 14370 until it approaches the 50-percent figure in the administration's plan. Additionally, funds are made available to local governments serving a population as small as 15. The limited amount of funds available for revenue sharing must be directed to the large urban centers which desperately need this assistance and should not be squandered elsewhere.

Fourth, the labor standards sections that apply to local government expenditures are weak, while the State share has no labor protection provisions. We must not provide financial assistance to State and local governments at the expense of the workingman.

The State and Local Fiscal Assistance Act of 1972 is only one step in the effort to deal with the mounting problems of our cities. We must make certain that all necessary steps are taken to deal with this crisis. With these considerations in mind, I urge my colleagues to vote for the bill.

Mr. MILLS of Arkansas. Mr. Chairman, I have no further requests for time.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

H.R. 14370

A bill to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Fiscal Assistance Act of 1972".

TITLE I—PAYMENTS TO LOCAL GOVERNMENTS AND TO THE STATES

SUBTITLE A—LOCAL GOVERNMENT HIGH-PRIORITY ASSISTANCE

SEC. 101. PAYMENTS TO LOCAL GOVERNMENTS.

Except as otherwise provided in this subtitle, the Secretary (as defined in section 141(a)) shall, for each entitlement period (as defined in section 141(b)), pay out of the Local Government High-Priority Expenditures Trust Fund created by section 104 to each unit of local government, for use by such unit for high-priority expenditures (as defined in section 102), a total amount equal to the entitlement of such unit for such period (determined under section 103). Such payments shall be made in installments during any period but not less often than once each quarter. Such payments for any period may be initially made on the basis of estimates. Proper adjustment shall be made in the amount of any payment to a unit of local government, to the extent that the payments previously made to such government under this subtitle were in excess of or less than the amounts required to be paid. A unit of local government may not treat funds it receives under this subtitle as a contribution made from non-Federal funds for purposes of any formula provided by a law of the United States under which non-Federal funds must be made available in order to receive Federal funds.

SEC. 102. High-Priority Expenditures.

(a) IN GENERAL.—For purposes of this subtitle, the term "high-priority expenditures" means only—

(1) maintenance and operating expenses for—

(A) public safety (including law enforcement, fire protection, and building code enforcement),

(B) environmental protection (including sewage disposal, sanitation, and pollution abatement), and

(C) public transportation (including transit systems and streets), and

(2) capital expenditures for—

(A) sewage collection and treatment,

(B) refuse disposal systems, and

(C) public transportation (including transit systems and street construction).

(b) Establishment of Further Priorities.—If a State regularly spends (out of its own sources) more on any category of items falling within any subparagraph set forth in subsection (a) than the total amount regularly spent (out of their own sources) by all units of local government located in such State on such category, then such State may by law provide that, for purposes of this subtitle, such category of items shall be excluded from the items which may be taken into account under subsection (a) with respect to units of local government located in such State.

Sec. 103. Amount of Entitlement of Each Local Government

(a) Allocation Among the States.—The amount appropriated to the Trust Fund by section 104 for any entitlement period shall be allocated among the States—

(1) one-third on the basis of population,

(2) one-third on the basis of urbanized population, and

(3) one-third on the basis of population inversely weighted for per capita income.

(b) Allocation Among County Areas.—The amounts allocated to a State under subsection (a) for any entitlement period shall be further allocated among the counties located in such State—

(1) on the basis of population, in the case of the amount allocated to such State for such period under subsection (a)(1),

(2) on the basis of urbanized population, in the case of the amount allocated to such State for such period under subsection (a)(2), and

(3) on the basis of population inversely weighted for per capita income, in the case of the amount allocated to such State for such period under subsection (a)(3).

(c) Allocation to County Governments, Municipalities, Townships, Etc.—

(1) County governments.—The county government shall be allocated that portion of each amount allocated to the county area for the entitlement period under the paragraphs of subsection (b) which bears the same ratio to such amount as the adjusted taxes of the county government bear to the adjusted taxes of the county government and all other units of local government located in the county.

(2) Other units of local government.—The remaining portion of each amount allocated to the county area for the entitlement period under the paragraphs of subsection (b) shall be allocated among the units of local government (other than the county government and other than township governments) located in such county—

(A) on the basis of population, in the case of the remaining portion of the amount allocated to the county area under subsection (b)(1), and

(B) on the basis of population inversely weighted for per capita income, in the case of the remaining portion of the amount allocated to the county area under subsection (b)(3).

For purposes of the preceding sentence, the remaining portion of the amount allocated to the county area under subsection (b)(2) shall be treated as allocated to the county area under subsection (b)(1) and subsection (b)(3) in the same proportion as the amount allocated to the county area under subsection (b)(1) or (b)(3) (as the case may be) bears to the sum of the amounts allocated to the county area under subsections (b)(1) and (b)(3).

(3) Township governments.—If the county includes one or more township governments, then before applying paragraph (2)—

(A) there shall be set aside for allocation under subparagraph (B) of this paragraph to such township governments that portion of each amount allocated to the county area for the entitlement period under the paragraphs of subsection (b) which bears the same ratio to such amount as the sum of the adjusted taxes of all of such township governments bears to the aggregate adjusted taxes of the county government, such township governments, and all other units of local government located in the county, and

(B) that portion of each amount set aside under subparagraph (A) shall be allocated to each such township government on the same basis as amounts are allocated to units of local government under paragraph (2).

If this paragraph applies with respect to any county area for any entitlement period, each remaining portion allocated under paragraph (2) to the units of local government located in the county (other than the county government and the township governments) shall be appropriately reduced to reflect the amounts set aside under subparagraph (A) of the first sentence of this paragraph.

(4) Entitlement.—

(A) In general.—Except as otherwise provided in this paragraph, the entitlement of any unit of local government for any entitlement period shall be the amount allocated to such unit under this subsection (after taking into account any applicable modification under subsection (d)).

(B) Entitlement less than $200, or governing body waives entitlement.—If (but for this subparagraph) the entitlement of any unit of local government below the level of the county government—

(i) would be less than $200 for any entitlement period ($100 for an entitlement period of 6 months), or

(ii) is waived for any entitlement period by the governing body of such unit,

then the amount of such entitlement for such period shall (in lieu of being paid to such unit) be added to, and shall become a part of, the entitlement for such period of the county government of the county area in which such unit is located.

(C) Limitation.—The amount allocated to any unit of local government under this section for any entitlement period shall not exceed 50 percent of the sum (for the immediately preceding corresponding period of time) of (i) such government's adjusted taxes, and (ii) the intergovernmental transfers of revenue to such government (other than transfers to such government under this subtitle). In any case where the preceding sentence reduces the amount allocated to any unit of local government sharing in any allocation, the amount of such reduction shall (to the extent not barred by the preceding sentence) be added to (and shall increase) the allocation to every other unit of local government sharing in such allocation in proportion to its respective share of such allocation.

(d) Special Allocation Rules.—

(1) State may by law provide that relative tax effort shall be taken into account in allocating among county areas.—In lieu of the allocation provided by paragraph (1) of subsection (b), a State may by law provide that the amount allocated to such State for any entitlement period under subsection (a) (1) shall be allocated among the counties located in the State on the basis of population weighted for per capita adjusted taxes (instead of on the basis of population).

(2) State may by law provide that relative tax effort shall be taken into account in allocating below county level.—In lieu of the allocation provided by subparagraph (A) of the first sentence of subsection (c) (2), the State may by law provided that the amount to be allocated for the entitlement period under such subparagraph (A) (and under so much of the last sentence of subsection (c) (2), and under so much of subsection (c) (3), as relates to such subparagraph (A)) shall be allocated on the basis of population weighted for per capita adjusted taxes (instead of on the basis of population).

(3) State may by law vary (within limits) the amounts to be allocated among county areas.—In applying the allocation formula of subsection (b), a State may by law vary the amount to be allocated under each of the paragraphs of subsection (b). Any such variance for any entitlement period—

(A) shall not cause the amount to be allocated by the State among the county areas for such period under any paragraph of subsection (b)—

(i) to be decreased by more than 25 percent, or

(ii) to be increased by more than 40 percent, and

(B) shall provide for allocating among the counties within the State 100 percent of the aggregate amount allocated to the State under subsection (a) for such period.

(4) Use for areawide projects.—

(A) A State may by law provide that, in the case of one or more projects involving high-priority expenditures in 2 or more contiguous counties in such State, a portion of the entitlements of the units of local government located in such counties directly affected by such projects will be spent, under the supervision provided in such State law, for high-priority expenditures for such projects.

(B) Subparagraph (A) shall apply to any project only to the extent that the amount of the entitlement of the unit of local government used for areawide spending under subparagraph (A) is matched (on a current basis) by State spending out of its own sources.

(C) The portion of the entitlement of any unit of local government for any entitlement period to which subparagraph (A) applies shall not exceed 10 percent of such entitlement.

(5) Uniformity; certification; entitlement periods affected.—

(A) A State law shall be deemed to comply with the requirements of paragraph (1), (2), or (3) (and of subsection (b) of section 102) only if such law applies throughout the State.

(B) Paragraph (1), (2), (3), or (4) (and subsection (b) of section 102) shall apply within a State only if the Secretary certifies that the State law complies with the requirements of such paragraph (or subsection).

(C) Any such State law shall apply only to allocations for entitlement periods beginning after June 30, 1973, and beginning after whichever of the following is the later: (i) the date of the certification under subparagraph (B) with respect to such law, or (ii) the effective date specified in such State law.

(e) Allocation Definitions and Special Rule.—For purposes of this section—

(1) Allocation on basis of population.—Any allocation on the basis of population among units located in a larger entity shall be made by allocating to each such unit an amount which bears the same ratio to the total amount to be allocated as the population of such unit bears to the population of the larger entity.

(2) Allocation on basis of urbanized population.—Any allocation on the basis of ur-

banized population among units located in a larger entity shall be made by allocating to each such unit an amount which bears the same ratio to the total amount to be allocated as the urbanized population of such unit bears to the urbanized population of the larger entity.

(3) ALLOCATION ON BASIS OF POPULATION INVERSELY WEIGHTED FOR PER CAPITA INCOME.—Any allocation, on the basis of population inversely weighted for per capita income, among units located in a larger entity shall be made by allocating to each such unit an amount which bears the same ratio to the total amount to be allocated as—

(A) the population of such unit, multiplied by a fraction the numerator of which is the per capita income of the larger entity and the denominator of which is the per capita income of such unit, bears to

(B) the sum of the products determined under subparagraph (A) for all such units.

(4) ALLOCATION ON BASIS OF POPULATION WEIGHTED FOR PER CAPITA ADJUSTED TAXES.—

(A) Any allocation, on the basis of population weighted for per capita adjusted taxes, among units located in a larger entity shall be made by allocating to each such unit an amount which bears the same ratio to the total amount to be allocated as—

(i) the population of such unit, multiplied by the per capita adjusted taxes of the government of such unit, bears to

(ii) the sum of the products determined under clause (i) for all such units.

(B) For purposes of subsection (d)(2), the per capita adjusted taxes of any unit having a population of 100,000 or less taken into account under subparagraph (A) of this paragraph shall not exceed the per capita adjusted taxes of the city (if any) in such State having a population of more than 100,000 and having the lowest per capita adjusted taxes of all cities in such State having a population of more than 100,000.

(5) POPULATION.—Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

(6) URBANIZED POPULATION.—Urbanized population means the population of any area consisting of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes.

(7) INCOME.—Income means total money income received from all sources, as determined by the Bureau of the Census for general statistical purposes.

(8) ADJUSTED TAXES.—

(A) IN GENERAL.—The adjusted taxes of any unit of government are—

(i) the compulsory contributions exacted by such government for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay) as such contributions are determined by the Bureau of the Census for general statistical purposes,

(ii) adjusted (under regulations prescribed by the Secretary) by excluding an amount equal to that portion of such compulsory contributions which is properly allocable to expenses for education.

(B) CERTAIN SALES TAXES COLLECTED BY COUNTIES.—In any case where—

(i) a county government exacts sales taxes within a municipality and transfers part or all of such taxes to such municipality without specifying the purposes for which the municipality may spend the revenues, and

(ii) the Governor of the State notifies the Secretary that the requirements of this subparagraph have been met with respect to such taxes,

then the taxes so transferred shall be treated as the taxes of the municipality (and not the taxes of the county government).

(9) INTERGOVERNMENTAL TRANSFERS.—The intergovernmental transfers of revenue to any government are the amounts of revenue received by the government from other governments as a share in financing (or as reimbursement for) the performance of governmental functions, as determined by the Bureau of the Census for general statistical purposes.

(10) DATES FOR DETERMINING ALLOCATIONS AND ENTITLEMENTS.—Except as provided in regulations, the determination of allocations and entitlements for any entitlement period shall be made as of the April 1 immediately preceding the beginning of such period.

(11) DATA USED; UNIFORMITY OF DATA.—(A) GENERAL RULE.—Except as provided in subparagraph (B), the data used shall be the most recently available data provided by the Bureau of the Census.

(B) USE OF ESTIMATES, ETC.—Where the Secretary determines that the data referred to in subparagraph (A) are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations.

(f) GOVERNMENTAL DEFINITIONS AND RELATED RULES.—For purposes of this section—

(1) UNITS OF LOCAL GOVERNMENT.—The term "unit of local government" means the government of a county, municipality, township, or other unit of government below the State which is a unit of general government (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes).

(2) CERTAIN AREAS TREATED AS COUNTIES.—In any State where, for part or all of its geographic area, the next unit of local government below the State is a city or other unit, such unit shall be treated as a county (and its government shall be treated as a county government) with respect to that portion of the State's geographic area.

(3) TOWNSHIPS.—The term "township" includes equivalent subdivisions of government having different designations (such as "towns"), and shall be determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes.

(4) UNITS OF LOCAL GOVERNMENT LOCATED IN LARGER ENTITY.—A unit of local government shall be treated as located in a larger entity if part or all of its geographic area is located in the larger entity.

(5) ONLY PART OF UNIT LOCATED IN LARGER ENTITY.—If only part of a unit of local government is located in a larger entity, such part shall be treated for allocation purposes as a separate unit of local government, and all computations shall, except as otherwise provided in regulations, be made on the basis of the ratio which the estimated population of such part bears to the population of the entirety of such unit.

(6) BOUNDARY CHANGES, GOVERNMENTAL REORGANIZATION, ETC.—If, by reason of boundary line changes, by reason of State statutory or constitutional changes, by reason of annexations or other governmental reorganizations, or by reason of other circumstances, the application of any provision of this section to units of local government does not carry out the purposes of this subtitle, the application of such provision shall be made, under regulations, in a manner which is consistent with such purposes.

SEC. 104. LOCAL GOVERNMENT HIGH-PRIORITY EXPENDITURE TRUST FUND.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—There is hereby appropriated out of any amounts in the general fund of the Treasury attributable to the collections of the Federal individual income tax not otherwise appropriated—

(A) For the period beginning January 1, 1972, and ending June 30, 1972, $1,750,000,000.

(B) For the fiscal year beginning July 1, 1972, $3,500,000,000.

(C) For the fiscal year beginning July 1, 1973, $3,500,000,000.

(D) For the fiscal year beginning July 1, 1974, $3,500,000,000.

(E) For the fiscal year beginning July 1, 1975, $3,500,000,000.

(F) For the period beginning July 1, 1976, and ending December 31, 1976, $1,750,000,000.

(2) DEPOSIT IN TRUST FUND.—The amount appropriated by paragraph (1) for any period shall be deposited in the trust fund created by subsection (b) on the first day of such period (or, if later, on the day on which this Act is enacted).

(b) CREATION OF TRUST FUND.—

(1) There is created in the books of the Treasury of the United States a trust fund to be known as the "Local Government High-Priority Expenditures Trust Fund" (referred to in this subtitle as the "Trust Fund"). The Trust Fund shall remain available without fiscal year limitation and shall consist of such amounts as may be appropriated to it and deposited in it as provided in subsection (a). Amounts in the Trust Fund may be used only for the payments to local governments provided by this subtitle.

(2) The Secretary of the Treasury shall be the trustee of the Trust Fund and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

SEC. 105. GENERAL PROVISIONS

(a) ASSURANCE OF LOCAL GOVERNMENT HIGH-PRIORITY EXPENDITURES PLANS.—In order to qualify for any payment under this subtitle for any entitlement period beginning on or after July 1, 1972, a local government must establish (in accordance with regulations prescribed by the Secretary, and after an opportunity for review and comment by the Governor of the State in which such local government is located) to the satisfaction of the Secretary—

(1) that the local government will establish a trust fund in which it will deposit all payments it receives under this subtitle;

(2) that it will use amounts in such trust fund (including any interest earned thereon while in such trust fund) only for high-priority expenditures, and that it will use such amounts during such reasonable period or periods as may be provided in such regulations;

(3) that it will use amounts in its trust fund established pursuant to paragraph (1) for capital expenditures for purposes specified in subparagraphs (A), (B), and (C) of section 102(a)(2) only if the capital items are additional and not of a character for which the local government regularly makes expenditures on a recurring basis;

(4) that the local government will pay over to the Secretary (for deposit in the general fund of the Treasury) an amount equal to 110 percent of any amount expended out of its trust fund established pursuant to paragraph (1) in violation of paragraph (2) or (3) which is not promptly repaid to the trust fund (or the violation otherwise corrected) after notice and an opportunity to take corrective action;

(5) that the local government will—

(A) use such fiscal, accounting, and audit procedures as will conform to guidelines established therefor by the Secretary (after consultation with the Comptroller General of the United States) and as will assure compliance with paragraphs (2), (3), and (4),

(B) provide to the Secretary (and to the Comptroller General of the United States), on reasonable notice, access to, and the right to examine, such books, documents, papers, or records as the Secretary may reasonably require for purposes of reviewing compliance with this subsection (or, in the case of the Comptroller General, as the Comptroller General may reasonably require for purposes of reviewing compliance and operations under subsection (c) (2)), and

(C) make such annual and interim reports to the Secretary as he may reasonably require;

(6) that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction financed in whole or in part out of its trust fund established under paragraph (1) will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), and that with respect to the labor standards specified in this paragraph the Secretary of Labor shall act in accordance with Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

(7) that persons employed in jobs financed in whole or in part out of its trust fund established under paragraph (1) will be paid wages which shall not be lower than the prevailing rates of pay for persons employed in similar jobs by such local government.

In order to qualify for any payment under this subtitle for the entitlement period beginning on January 1, 1972, and ending on June 30, 1972, a local government must establish to the satisfaction of the Secretary that it will use such payment only for high-priority expenditures and will comply with such other requirements, consistent with the preceding sentence, as may be established by the Secretary.

(b) Withholding of Payments.—If the Secretary determines that a local government has failed to comply substantially with any provision of this subtitle (other than section 106) or any regulations prescribed thereunder, after giving reasonable notice and opportunity for a hearing to the chief executive officer of the local government, he shall notify the local government that if such local government fails to take corrective action within 60 days from the date of receipt of such notification further payments to such local government shall be withheld for the remainder of the entitlement period and for any subsequent entitlement period until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

(c) Accounting, Auditing, and Evaluation.—

(1) In general.—The Secretary shall provide for such accounting and auditing procedures, evaluations, and reviews as may be necessary to insure that the expenditures of funds by the local governments comply fully with the requirements of this subtitle. The Secretary shall have authority to accept an audit by a State of the expenditures of a unit of local government under this subtitle if he determines that such audit and the audit procedures of that State are sufficiently reliable to enable him to carry out his duties under this subtitle.

(2) Comptroller General shall review compliance.—The Comptroller General of the United States shall make such reviews of the work as done by the Secretary, the States, and the units of local government as may be necessary for the Congress to evaluate compliance and operations under this subtitle.

Sec. 106. Nondiscrimination Provision

(a) No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this subtitle.

(b) Whenever the Secretary determines that a local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State in which the local government is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the Secretary shall have the authority (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d); or (3) to take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

Subtitle B—State Tax Supplements

Sec. 121. Payments to States.

Except as otherwise provided in this subtitle, the Secretary shall, for each entitlement period, pay out of the State Tax Supplements Trust Fund created by section 123(c) to each State government a total amount equal to the entitlement of such government for such period (determined under section 122). Such payments shall be made in installments during any period but not less often than once each quarter. Such payments for any period may be initially made on the basis of estimates. Proper adjustment shall be made in the amount of any payment to a State government, to the extent that the payments previously made to such government under this subtitle were in excess of or less than the amounts required to be paid.

Sec. 122. Amount of Entitlement of Each State.

(a) General Rule.—The amount of the entitlement of any State for any entitlement period is the sum of—

(1) the income tax share of such State for such period, plus

(2) the combined tax effort share of such State for such period.

(b) Income Tax Share.—For purposes of this section—

(1) In general.—The income tax share of any State for any entitlement period is the amount equal to the lesser of—

(A) the adjusted incentive amount of such State for such period, or

(B) the amount which bears the same ratio to the amount appropriated for such period under section 123(a)(1) as the adjusted incentive amount of such State for such period bears to the sum of the adjusted incentive amounts of all States for such period.

(2) Incentive amount.—The incentive amount of any State for any entitlement period is 15 percent of the net amount collected from the State individual income tax of such State during 1972 or (if later) during the last calendar year ending before the beginning of such period.

(3) Ceiling and floor.—The incentive amount of any State for any entitlement period—

(A) shall not exceed 6 percent, and

(B) shall not be less than 1 percent, of the Federal individual income tax liabilities attributed to such State for taxable years ending during 1971 or (if later) during the last calendar year ending before the beginning of such entitlement period.

(4) Adjustment.—The adjusted incentive amount of any State for any entitlement period is one-half (one-quarter in the case of an entitlement period of 6 months) of the incentive amount of such State (determined under paragraphs (2) and (3)).

(c) Combined Tax Effort Share.—

(1) In general.—The combined tax effort share of any State for any entitlement period is the amount which bears the same ratio to the amount appropriated for such period under section 123(a)(2) as the combined tax effort amount of such State for such period bears to the sum of the combined tax effort amounts of all States for such period.

(2) Combined tax effort amount.—The combined tax effort amount of any State for any entitlement period is the amount determined by multiplying—

(A) the net amount collected from the State and local taxes of such State during the most recent reporting year, by

(B) a fraction—

(i) the numerator of which is the net amount referred to in subparagraph (A), and

(ii) the denominator of which is the aggregate personal income attributed to such State for the one-year period ending on the second June 30 before the beginning of such period.

(d) Definitions.—For purposes of this section—

(1) State individual income taxes.—The individual income tax of any State is the tax imposed upon the income of individuals by such State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1954.

(2) Federal individual income tax liabilities attributed to State.—The Federal individual income tax liabilities attributed to any State for any period shall be determined on the same basis as such liabilities are determined for such period by the Internal Revenue Service for general statistical purposes.

(3) State and local taxes.—

(A) Taxes taken into account.—The State and local taxes taken into account under subsection (c)(2) are the compulsory contributions exacted by the State (or by any political subdivison of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

(B) Most recent reporting year.—The most recent reporting year with respect to any entitlement period consists of the years taken into account by the Bureau of the Census in its most recent general determination of State and local taxes made before the close of the entitlement period.

(4) Personal income.—Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

(e) State Must Maintain Effort.—

(1) General rule.—The entitlement of any State for any entitlement period beginning on or after July 1, 1972, shall be reduced by the amount (if any) by which—

(A) the aggregate amount transferred by the State (out of its own sources) during such period to all units of local government in such State is less than—

(B) the similar aggregate amount for the one-year period beginning July 1, 1971.

(2) Adjustment where State assumes responsibility for category of expenditures.—If the State establishes to the satisfaction of the Secretary that since June 30, 1972, it has assumed responsibility for a category of expenditures which (before July 1, 1972) was the responsibility of local governments located in such State, then the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent that increased State spending (out

of its own sources) for such category has replaced corresponding amounts which for the one-year period beginning July 1, 1971, it transferred to units of local government.

(3) Special rule for period beginning July 1, 1976.—In the case of the entitlement period beginning July 1, 1976, and ending December 31, 1976, the aggregate amount taken into account under paragraph (1)(B) shall be one-half of the amount which (but for this paragraph) would be taken into account.

(4) Reduction in entitlement.—If the Secretary has reason to believe that paragraph (1) requires a reduction in the entitlement of any State for any entitlement period, he shall give reasonable notice and opportunity for hearing to the State. If, thereafter, he determines that paragraph (1) requires the reduction of such entitlement, he shall also determine the amount of such reduction and shall notify the Governor of such State of such determinations and shall withhold from subsequent payments to such State under this subtitle an amount equal to such reduction.

(5) Transfer to general fund.—An amount equal to the reduction in the entitlement of any State which results from the application of this subsection (after any judicial review under section 143) shall be transferred from the Trust Fund created by section 123(c) to the general fund of the Treasury on the day on which such reduction becomes final.

Sec. 123. State Tax Supplement Trust Fund.

(a) Appropriations.—

(1) Appropriations for state income tax shares.—There is hereby appropriated out of any amounts in the general fund of the Treasury attributable to the collections of the Federal individual income tax not otherwise appropriated—

(A) For the period beginning January 1, 1972, and ending June 30, 1972, $450,000,000.

(B) For the fiscal year beginning July 1, 1972, $1,000,000,000.

(C) For the fiscal year beginning July 1, 1973, $1,200,000,000.

(D) For the fiscal year beginning July 1, 1974, $1,400,000,000.

(E) For the fiscal year beginning July 1, 1975, $1,600,000,000.

(F) For the period beginning July 1, 1976, and ending December 31, 1976, $900,000,000.

If the amount appropriated by this paragraph for any entitlement period exceeds the sum of the adjusted incentive amounts of all States for such period (within the meaning of section 122(b)), an amount equal to such excess shall be transferred from the Trust Fund created by subsection (c) to the general fund of the Treasury as of the close of the first fiscal year ending after the close of such entitlement period.

(2) Appropriations for state combined tax effort shares.—There is hereby appropriated out of amounts in the general fund of the Treasury attributable to the collections of the Federal individual income tax not otherwise appropriated—

(A) For the period beginning January 1, 1972, and ending June 30, 1972, $450,000,000.

(B) For the fiscal year beginning July 1, 1972, $950,000,000.

(C) For the fiscal year beginning July 1, 1973, $1,050,000,000.

(D) For the fiscal year beginning July 1, 1974, $1,150,000,000.

(E) For the fiscal year beginning July 1, 1975, $1,250,000,000.

(F) For the period beginning July 1, 1976, and ending December 31, 1976, $675,000,000.

(b) Deposit in Trust Fund.—Amounts appropriated by subsection (a) for any period shall be deposited in the Trust Fund created by subsection (c) on the first day of such period (or, if later, on the day on which this Act is enacted).

(c) Creation of Trust Fund.—

(1) There is created in the books of the Treasury of the United States a trust fund to be known as the "State Tax Supplements Trust Fund" (referred to in this subtitle as the "Trust Fund"). The Trust Fund shall remain available without fiscal year limitation and shall consist of such amounts as may be appropriated to it and deposited in it as provided in subsections (a) and (b). Except as provided in the last sentence of subsection (a)(1) and in section 122(e)(5), amounts in the Trust Fund may be used only for the payments to State governments provided by this subtitle.

(2) The Secretary of the Treasury shall be the trustee of the Trust Fund and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

Subtitle C—General Provisions

Sec. 141. Definitions and Special Rules.

(a) Secretary.—For purposes of this title, the term "Secretary" means the Secretary of the Treasury or his delegate. The term "Secretary of the Treasury" means the Secretary of the Treasury personally, not including any delegate.

(b) Entitlement Period.—For purposes of this title, the term "entitlement period" means—

(1) The period beginning January 1, 1972, and ending June 30, 1972.

(2) The one-year periods beginning on July 1 of 1972, 1973, 1974, and 1975.

(3) The period beginning July 1, 1976, and ending December 31, 1976.

(c) District of Columbia.—

(1) Treated as state.—For purposes of this title, the District of Columbia shall be treated as a State, and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Commissioner of the District of Columbia.

(2) Treated as local government.—For purposes of subtitle A, the District of Columbia shall be treated as a county which has no units of local government (other than itself) within its geographic area; except that it shall be treated as a State for purposes of the allocation under section 103(a), and the amount allocated to it under section 103(a) for any entitlement period shall be the entitlement of the District of Columbia under subtitle A for such period.

(3) Reduction in case of income tax on nonresident individuals.—If there is hereafter enacted a law imposing a tax on income earned in the District of Columbia by individuals who are not residents of the District of Columbia, then an amount equal to the net collections from such tax during any entitlement period attributable to individuals who are not residents of the District of Columbia shall be applied—

(A) first to reduce the income tax share of the District of Columbia under subtitle B for such period (to the extent thereof),

(B) then to reduce the combined tax effort share of the District of Columbia under subtitle B for such period (to the extent thereof), and

(C) then to reduce the entitlement of the District of Columbia under subtitle A for such period.

Sec. 142. Regulations.

(a) General Rule.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this title:

(b) Administrative Procedure Act To Apply.—The rulemaking provisions of subchapter II of chapter 5 of title 5 of the United States Code shall apply to the regulations prescribed under this title for entitlement periods beginning on or after July 1, 1972.

Sec. 143. Judicial Review.

(a) Petitions for Review.—Any local government which receives a 60-day notice under section 105(b), and any State which receives a notice of a reduction in its entitlement under section 122(e)(4), may, within 60 days after receiving such notice, file with the United States court of appeals for the circuit in which such State or local government is located a petition for review of the action of the Secretary. A copy of the petition shall forthwith be transmitted to the Secretary; a copy shall also forthwith be transmitted to the Attorney General.

(b) Record.—The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(c) Jurisdiction of Court.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence contained in the record, shall be conclusive. However, if any finding is not supported by substantial evidence contained in the record, the court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous actions. He shall certify to the court the record of any further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence contained in the record.

(d) Review by Supreme Court.—The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

Sec. 144. Authority To Require Information on Income Tax Returns.

(a) General Rule.—

(1) Information with respect to place of residence.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1954 (relating to income tax returns) is amended by adding at the end thereof the following new section:

"Sec. 6017A. Place of Residence.

"In the case of an individual, the information which may be required on any return with respect to the taxes imposed by chapter 1 for any period shall include information as to the State, county, municipality, and any other unit of local government in which the taxpayer (and any other individual with respect to whom an exemption is claimed on such return) resided on one or more dates (determined in the manner provided by regulations prescribed by the Secretary or his delegate) during such period."

(2) Clerical amendment.—The table of sections for such subpart B is amended by adding at the end thereof the following:

"Sec. 6017A. Place of residence."

(b) Civil Penalty.—

(1) In general.—Subchapter B of chapter 68 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"Sec. 6687. Failure To Supply Information With Respect to Place of Residence.

"(a) Civil Penalty.—If any person who is required by regulations prescribed under section 6017A to include on any return information with respect to his place of residence fails to comply with such requirement at the time prescribed by such regulations, such person shall pay a penalty of $5 for each such failure, unless it is shown that such failure is due to reasonable cause.

"(b) Deficiency Procedures Not To Apply.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and chapter 42 taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a)."

(2) Clerical amendment.—The table of sections for such subchapter B is amended by adding at the end thereof the following:

"Sec. 6687. Failure to supply information with respect to place of residence."

TITLE II—FEDERAL COLLECTION OF STATE INDIVIDUAL INCOME TAXES

Sec. 201. Short Title.

This title may be cited as the "Federal-State Tax Collection Act of 1972".

Sec. 202. Collection Provisions.

(a) Amendment of Chapter 64.—Chapter 64 of the Internal Revenue Code of 1954 (relating to collection) is amended by adding at the end thereof the following new subchapter:

"Subchapter E—Collection of State Individual Income Taxes

"Sec. 6361. General rules.

"Sec. 6362. Qualified State individual income taxes.

"Sec. 6363. State agreements; other procedures.

"Sec. 6364. Regulations.

"Sec. 6365. Definitions and special rules.

"Sec. 6361. General Rules.

"(a) Collection and Administration.—In the case of any State which has in effect an agreement with the Secretary entered into under section 6363, the Secretary or his delegate shall collect and administer the qualified State individual income taxes of such State. All provisions of this subtitle, subtitle G, and chapter 24 relating to the collection and administration of the taxes imposed by chapter 1 on the incomes of individuals (and all civil and criminal sanctions provided by this subtitle or by title 18 of the United States Code with respect to such collection and administration) shall apply to the collection and administration of qualified State individual income taxes as if such taxes were imposed by chapter 1, except to the extent that their application is modified by the Secretary or his delegate by regulations necessary or appropriate to reflect the provisions of this subchapter, or to reflect differences in the taxes or differences in the situations in which liability for such taxes arises.

"(b) Civil Proceedings.—Any person shall have, with respect to a qualified State individual income tax (including the current collection thereof), the same right to bring or contest a civil action and obtain review thereof, in the same court or courts and subject to the same requirements and procedures, as he would have under chapter 76, and under title 28 of the United States Code, if the tax were imposed by section 1 (or were for the current collection of the tax imposed by section 1). To the extent that the preceding sentence provides judicial procedures (including review procedures) with respect to any matter, such procedures shall replace judicial procedures under State law, except that nothing in this subchapter shall be construed in any way to affect the right or power of a State court to pass on matters involving the constitution of that State.

"(c) Transfers to States.—

"(1) Prompt transfers.—Any amount collected under this subchapter which is apportioned to a qualified State individual income tax shall be promptly transferred to the State on the basis of estimates by the Secretary or his delegate. In the case of amounts collected under chapter 24, the estimated amount due the State shall be transferred to the State not later than the close of the third business day after the amount is deposited in a Federal Reserve bank. In the case of amounts collected pursuant to a return, a declaration of estimated tax, an amendment of such a declaration, or otherwise, the estimated amount due the State shall be transferred to the State and later than the close of the 30th day after the amount is received by the Secretary or his delegate.

"(2) Adjustments.—Not less often than once each fiscal year the difference between collections (adjusted for credits and refunds) made under this subchapter during the preceding fiscal year and the transfers to the States made on account of estimates of such collections shall be determined, and such difference shall be a charge against, or an addition to, the amounts otherwise payable.

"(d) Special Rules.—

"(1) United States to represent state interest.—

"(A) General rule.—In all administrative proceedings, and in all judicial proceedings (whether civil or criminal), relating to the administration and collection of a State qualified individual income tax the interests of the State imposing such tax shall be represented by the United States in the same manner in which the interests of the United States are represented in corresponding proceedings involving the taxes imposed by chapter 1.

"(B) Exceptions.—Subparagraph (A) shall not apply to—

"(i) proceedings in a State court involving the constitution of that State, and

"(ii) proceedings involving the relationship between the United States and the State.

"(2) Allocation of overpayments and underpayments.—If the combined amount collected in respect of a qualified State individual income tax for any period and the taxes imposed by chapter 1 for such period with respect to the income of any individual is greater or less than the combined amount required to be paid for such period, the collected amount shall be divided between the accounts for such taxes on the basis of the respective amounts required to be paid.

"(3) Finality of administrative determinations.—Administrative determinations of the Secretary or his delegate as to tax liabilities of, or refunds owing to, individuals with respect to qualified State individual income taxes shall not be reviewed by or enforced by any officer or employee of any State or political subdivision of a State.

"Sec. 6362. Qualified State Individual Income Taxes.

"(a) Qualified State Individual Income Taxes Defined.—For purposes of this subchapter—

"(1) In general.—The term 'qualified State individual income tax' means—

"(A) a qualified resident tax, and

"(B) a qualified nonresident tax.

"(2) Qualified resident tax.—The term 'qualified resident tax' means a tax imposed by a State on the income of individuals who are residents of such State which is either—

"(A) a tax based on taxable income which meets the requirements of subsection (b), or

"(B) a tax which is a percentage of the Federal tax which meets the requirements of subsection (c),

and which, in addition, meets the requirements of subsections (e) and (f).

"(3) Qualified nonresident tax.—The term 'qualified nonresident tax' means a tax which is imposed by a State on the wage and other business income of individuals who are not residents of such State and which meets the requirements of subsection (d), (e), and (f).

"(b) Qualified Resident Tax Based on Taxable Income.—

"(1) In general.—A tax meets the requirements of this subsection only if it is imposed on an amount equal to the individual's taxable income (as defined in section 63) for the taxable year, adjusted—

"(A) by subtracting an amount equal to the amount of his interest on obligations of the United States which was included in his gross income for the year,

"(B) by adding an amount equal to his net State income tax deduction for the year, and

"(C) by adding an amount equal to his net tax-exempt income for the year.

"(2) Permitted adjustments.—A tax which otherwise meets the requirements of paragraph (1) shall not be deemed to fail to meet such requirements solely because it provides for one or more of the following adjustments:

"(A) There is imposed a tax on the amount taxed under section 56 (relating to the minimum tax for tax preferences).

"(B) A nonrefundable credit is allowed against such tax, on the basis of a specified number of dollars per capita, with respect to a general sales tax imposed by the State.

"(C) A credit determined under rules prescribed by the Secretary or his delegate is allowed against such tax for income tax paid to another State.

"(3) Definitions.—For purposes of this subsection and subsection (c)—

"(A) Net tax-exempt income.—The term 'net tax-exempt income' means the excess (if any) of the interest on obligations excluded from gross income under section 103 (a)(1) (relating to interest on certain State and local obligations), over the sum of (i) the amount of deductions allocable to such interest which is disallowed by application of section 265, and (ii) the amount of the proper adjustment to basis allocable to such obligations which is required to be made for the taxable year under section 1016(a) (5) or (6).

"(B) Net state income tax deductions.—The term 'net State income tax deduction' means the excess (if any) of (i) the amount deducted from income under section 164(a) (3) as taxes paid to a State or a political subdivision thereof, over (ii) amounts included in income as recoveries of prior income taxes paid to a State or a political subdivision thereof which had been deducted under section 164(a)(3).

"(c) Qualified Resident Tax Which Is a Percentage of the Federal Tax.—

"(1) In general.—A tax meets the requirements of this subsection only if it is imposed as a specified percentage of the excess of the taxes imposed by chapter 1 over the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable by sections 31 and 39).

"(2) Requested adjustment.—A tax meets the requirements of this subsection only if the liability for tax is decreased by the decrease in such liability which would result from excluding from gross income an amount equal to the interest on obligations of the United States which was included in gross income for such year.

"(3) Permitted adjustments.—A tax which otherwise meets the requirements of paragraphs (1) and (2) shall not be deemed to fail to meet such requirements solely because it provides for both the following adjustments:

"(A) the liability for tax is increased by the increase in such liability which would result from including as an item of gross income an amount equal to the net tax-exempt income for the year, and

"(B) the liability for tax is increased by the increase in such liability which would result from including as an item of gross income an amount equal to the net State income tax deduction for the year.

"(4) Further permitted adjustments.—A tax which otherwise meets the requirements of paragraphs (1) and (2) shall not be deemed to fail to meet such requirements solely because it provides for one or both of the following adjustments:

"(A) A nonrefundable credit is allowed against such tax, on the basis of a specified number of dollars per capita, with respect to a general sales tax imposed by the State.

"(B) A credit determined under rules prescribed by the Secretary or his delegate is allowed against such tax for income tax paid to another State.

"(d) Qualified Nonresident Tax.—

"(1) In general.—A tax imposed by a State meets the requirements of this subsection only if it has the following characteristics—

"(A) such tax is imposed by the State on the wage and other business income of individuals who are not residents of such State,

"(B) such tax applies only with respect to wage and other business income derived from sources within such State,

"(C) such tax applies only if 25 percent or more of the individual's wage and other business income for the taxable year is derived from sources within such State,

"(D) the amount of such tax imposed with respect to any individual who is not a resident does not exceed the amount of tax for which he would be liable under such State's qualified resident tax if he were a resident of such State and if his taxable income were an amount equal to the excess of—

"(i) the amount of his wage and other business income derived from sources within such State, over

"(ii) that portion of the nonbusiness deductions taken into account for purposes of the State's qualified resident tax which bears the same ratio to the amount of such deductions as the income referred to in clause (i) bears to his adjusted gross income, and

"(E) the State has in effect for the same period a qualified resident tax.

"(2) Wage and other business income.—The term 'wage and other business income' means—

"(A) wages, as defined in section 3401(a),

"(B) net earnings from self-employment (within the meaning of section 1402(a)), and

"(C) the distributive share of income of any trade or business carried on by a trust, estate, or electing small business corporation (within the meaning of section 1371(a)) to the extent such share (i) is includible in the gross income of the individual for the taxable year, and (ii) would constitute net earnings from self-employment (within the meaning of section 1402(a)) if such trade or business were carried on by a partnership.

"(e) Requirements Relating to Residence.—A tax imposed by a State meets the requirements of this subsection only if for purposes of such tax—

"(1) Resident individual.—An individual (other than a trust or estate) is treated as a resident of such State with respect to a taxable year only if—

"(A) his principal place of residence has been within such State for a period of at least 135 consecutive days and at least 30 days of such period are in such taxable year, or

"(B) in the case of a citizen or resident of the United States who is not a resident (determined in the manner provided in subparagraph (A)) of any State with respect to such taxable year, such individual is domiciled in such State for at least 30 days during such taxable year.

Nothing in this subchapter shall be construed to require or authorize the treatment of a Senator, Representative, Delegate, or Resident Commissioner as a resident of a State other than the State which he represents in Congress.

"(2) Estate.—An estate of an individual is treated as a resident of the last State of which such individual was a resident (within the meaning of paragraph (1)) before his death.

"(3) Trusts.—

"(A) Testamentary trust.—A trust with respect to which a deceased individual is the principal contributor by reason of property passing on his death is treated as a resident of the last State of which such individual was a resident (within the meaning of paragraph (1)) before his death.

"(B) Nontestamentary trust.—A trust (other than a trust described in subparagraph (A)) is treated as a resident of such State with respect to a taxable year only if the principal contributor to the trust, during the 3-year period ending on the date of the creation of the trust, resided in the State for an aggregate number of days longer than the aggregate number of days he resided in any other State.

"(C) Special rules.—For purposes of this paragraph—

"(i) If on any day before the close of the taxable year an existing trust received assets having a value greater than the aggregate value of all assets theretofore contributed to the trust, such trust shall be treated as created on such day. For purposes of this subparagraph, the value of any asset taken into account shall be its fair market value on the day it is contributed to the trust.

"(ii) The principal contributor to the trust is the individual who contributed more (in value) of the assets contributed on the date of the creation of the trust (determined after applying clause (i)) than any other individual.

"(iii) If the foregoing rules would create more than one State of residence (or no State of residence) for a trust, such trust shall be treated as a resident of the State determined under similar principles prescribed by the Secretary or his delegate by regulations.

"(4) Liability for tax on change of residence.—With respect to a taxable year, in the case of an individual (other than an individual who comes into being or ceases to exist) who becomes a resident, or ceases to be a resident, of the State, his liability to such State for the resident tax is determined by multiplying the amount which would be his liability for tax (after the nonrefundable credits allowed against such tax) if he had been a resident of such State for the entire taxable year by a fraction the numerator of which is the number of days he was a resident of such State and the denominator of which is the total number of days in the taxable year. In the case of an individual who is treated as a resident of a State with respect to a taxable year by reason of paragraph (1)(B), the preceding sentence shall be applied by substituting days of domicile for days of residence.

"(5) Current collection of tax.—In applying chapter 24 (relating to withholding) and section 6015 and other provisions relating to declarations of estimated income (and amendments thereto)—

"(A) in the case of a resident tax, an individual is treated as subject to the tax if he reasonably expects to reside in the State for 30 days or more or if such individual is a resident of the State (within the meaning of paragraph (1), (2), or (3)), and

"(B) in the case of a nonresident tax, an individual is treated as subject to the tax if he reasonably expects to receive wage and other business income (within the meaning of subsection (d)(2)) for 30 days or more during the taxable year.

"(f) Additional Requirements.—A tax imposed by a State shall meet the requirements of this subsection only if—

"(1) State agreement must be in effect for period concerned.—A State agreement entered into under section 6363 is in effect with respect to such tax for the taxable period in question.

"(2) State laws must contain certain provisions.—Under the laws of such State—

"(A) the provisions of this subchapter (and of the regulations prescribed thereunder) as in effect from time to time are made applicable for the period for which the State agreement is in effect, and

"(B) any change made by the State in the tax imposed by the State will not apply to taxable years beginning in any calendar year for which the State agreement is in effect unless such change is enacted before September 1 of such calendar year.

"(3) State laws taxing income of individuals can only be of certain kinds.—The State does not impose any tax on the income of individuals other than—

"(A) a qualified resident tax,

"(B) a qualified nonresident tax, and

"(C) a separate tax on income which is not wage and other business income and which is received or accrued by individuals who are domiciled in the State but who are not residents of the State within the meaning of subsection (e)(1).

"(4) Taxable years must coincide.—The taxable years of individuals under such tax coincide with taxable years for purposes of the taxes imposed by chapter 1.

"(5) Married individuals.—A married individual (within the meaning of section 143)—

"(A) who files a joint return for purposes of the taxes imposed by chapter 1 shall not file a separate return for purposes of such State tax, and

"(B) who files a separate return for purposes of the tax imposed by chapter 1, shall not file a joint return for purposes of such State tax.

"(6) No double jeopardy under state law.—The laws of such State do not provide criminal or civil sanctions for an act (or omission to act) with respect to a qualified resident tax or qualified nonresident tax other than the criminal or civil sanctions to which an individual is subjected by reason of section 6361.

"(7) Partnerships, trusts, subchapters, corporations, and other conduit entities.—Under the State law the tax treatment of—

"(A) partnerships and partners,

"(B) trusts and their beneficiaries,

"(C) estates and their beneficiaries,

"(D) electing small business corporations (within the meaning of section 1371(a)) and their shareholders, and

"(E) any other entity and the individuals having beneficial interests therein, to the extent that such entity is treated as a conduit for purposes of the taxes imposed by chapter 1,

shall correspond to the tax treatment provided therefor in the case of the taxes imposed by chapter 1.

"(8) Members of armed forces.—The relief provided to any member of the Armed Forces of the United States by section 514 of the Soldiers' and Sailors' Civil Relief Act (50 U.S.C. App. sec. 574) is in no way diminished.

"(9) Withholding of compensation of employees of railroads, motor carriers, airlines, and water carriers.—There is no contravention of the provisions of Public Law 91-569 (and the amendments made thereby) with respect to the withholding of compensation to which such Public Law applies for purposes of the nonresident tax.

"Sec. 6363.

"State Agreements; Other Procedures

"(a) State Agreement.—If a State elects to enter into an agreement with the United States to have its individual income taxes collected and administered as provided in this subchapter, it shall file notice of such election in such manner and with such supporting information as the Secretary or his delegate may prescribe by regulations. The Secretary shall enter into an agreement with such State unless the Secretary notifies the Governor of the State within 90 days after the date of the filing of the notice of the election that the State does not have a qualified State individual income tax (determined without regard to section 6362(f)(1)). The provisions of this subchapter shall apply on and after the date (not earlier than the first

January 1 which is more than 6 months after the date of the notice) specified for this purpose in the agreement.

"(b) Withdrawal.—

"(1) By notification.—If a State wishes to withdraw from the agreement, it shall notify the Secretary or his delegate of its intention to withdraw in such manner as the Secretary or his delegate may prescribe by regulations. The provisions of this subchapter (other than this section) shall not apply after the date specified for this purpose in the notification. Except as provided in regulations, the date so specified shall not be earlier than the first January 1 which is more than 6 months after the date on which the Secretary or his delegate is so notified.

"(2) By change in state law.—Any change in State law which would (but for this subchapter) have the effect of causing a tax to cease to be a qualified State individual income tax shall be treated as an intention to withdraw from the agreement. Notification by the Secretary to the Governor of such State that the change in State law will be treated as an intention to withdraw shall be made by the Secretary in such manner as the Secretary or his delegate shall by regulations prescribe. Such notification shall have the same effect as a notice under paragraph (1) of an intention to withdraw from the agreement made on the effective date of the change in State law.

"(c) Transition Years.—

"(1) Subchapter ceases to apply during taxpayer's year.—If the provisions of this subchapter cease to apply on a day other than the last day of the taxpayer's taxable year, then amounts previously paid to the United States on account of the State's qualified individual income tax for that taxable year (whether paid by withholding, estimated tax, credit in lieu of refund, or otherwise) shall be treated as having been paid on account of the State's individual income tax law for that taxable year. Such amounts shall be transferred to the State as though the State had not withdrawn from the agreement. Returns, applications, elections, and other forms previously filed with the Secretary or his delegate for that taxable year, which are thereafter required to be filed with the appropriate State official shall be treated as having been filed with the appropriate State official.

"(2) Prevention of unintended hardships or benefits.—The State may by law provide for the transition to a qualified State individual income tax or from such a tax to the extent necessary to prevent double taxation or other unintended hardships, or to prevent unintended benefits, under State law.

"(3) Administration of subsection.—The provisions of this subsection shall be administered by the Secretary or his delegate, by the State, or jointly, to the extent provided in regulations prescribed by the Secretary or his delegate.

"(d) Judicial Review.—

"(1) In general.—Whenever under this section the Secretary or his delegate determines that a State does not have a qualified State individual income tax, such State may, within sixty days after the Governor of the State has been notified of such action, file with the United States court of appeals for the circuit in which such State is located, or with the United States Circuit Court of Appeals for the District of Columbia, a petition for review of such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or his delegate. The Secretary or his delegate thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(2) Jurisdiction of court; review.—The court shall have jurisdiction to affirm the action of the Secretary or his delegate or to set it aside in whole or in part and to issue such other orders as may be appropriate with regard to taxable years which include any part of the period of litigation. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(3) Stay of decision.—

"(A) If judgment on a petition to review a determination under subsection (a) includes a determination that the State has a qualified State individual income tax, then the provisions of this subchapter shall apply on and after the first January 1 which is more than 6 months after the date of the judgment.

"(B) If judgment on a petition to review a determination by the Secretary under subsection (b) (2) includes a determination that the State does not have a qualified State individual income tax, then the provisions of this subchapter (other than this section) shall not apply on and after the first January 1 which is more than 6 months after the date of the judgment.

"(4) Preference.—Any judicial proceedings under this section shall be entitled to, and, upon request of the Secretary or the State, shall receive a preference and shall be heard and determined as expeditiously as possible.

"Sec. 6364. Regulations.

"The Secretary or his delegate shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subchapter.

"Sec. 6365. Definitions and Special Rules.

"(a) State.—For purposes of this subchapter, the term 'State' includes the District of Columbia.

"(b) Governor.—For purposes of this subchapter, the term 'Governor' includes the Commissioner of the District of Columbia.

"(c) Application of Subchapter.—Whenever this subchapter begins to apply, or ceases to apply, to any State tax on any January 1—

"(1) except as provided in paragraph (2), such change shall apply to taxable years beginning on or after such date, and

"(2) for purposes of chapter 24, such change shall apply to wages paid on or after such date."

(b) Clerical Amendment.—The table of subchapters for chapter 64 of such Code is amended by adding at the end thereof the following:

"Subchapter E. Collection of State individual income taxes."

Sec. 203. Conforming Amendments.

(a) Large Refunds.—Section 6405 of the Internal Revenue Code of 1954 (relating to reports of refunds and credits is amended by adding at the end thereof the following new subsection:

"(d) Qualified State Individual Income Taxes.—For purposes of this section, a refund or credit made under subchapter E of chapter 64 (relating to Federal collection of qualified State individual income taxes) for a taxable year shall be treated as a portion of a refund or credit of the income tax for that taxable year."

(b) Tax Court Small Claims.—

(1) Section 7463 of such Code (relating to disputes involving $1,000 or less) is amended by adding at the end thereof the following new subsection:

"(f) Qualified State Individual Income Taxes.—For purposes of this section, a deficiency placed in dispute or claimed overpayment with regard to a qualified State individual income tax to which subchapter E of chapter 64 applies, for a taxable year, shall be treated as a portion of a deficiency placed in dispute or claimed overpayment of the income tax for that taxable year."

(2) Section 7463 of such Code is amended by striking out "$1,000" in the heading and each place it appears in subsection (a) thereof and inserting in lieu thereof "$1,500".

(3) The table of sections for part II of subchapter C of chapter 76 of such Code is amended by striking out "$1,000" in the item relating to section 7463 and inserting in lieu thereof "$1,500".

Sec. 204. Effective Date.

(a) General Rule.—Except as provided in subsections (b) and (c), the provisions of this title (and the amendments made thereby) shall take effect on the date of the enactment of this Act.

(b) Collection and Administration of State Taxes by the United States May Not Begin Before January 1, 1974.—Section 6361 of the Internal Revenue Code of 1954 (as added by section 202(a) of this Act) shall take effect on whichever of the following is the later:

(1) January 1, 1974, or

(2) the first January 1 beginning more than one year after the first date on which at least five States (having residents who in the aggregate filed 5 per centum or more of the Federal individual income tax returns filed during 1972) have notified the Secretary of the Treasury or his delegate of an election to enter into an agreement under section 6363 of such Code.

(c) Jurisdiction of Tax Court in Disputes Involving $1,500 or Less.—The amendments made by paragraphs (2) and (3) of section 203(b) of this Act shall take effect on January 1, 1974.

The CHAIRMAN. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means. Are there any committee amendments?

Mr. MILLS of Arkansas. There are none, Mr. Chairman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Natcher, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, pursuant to House Resolution 996, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

CALL OF THE HOUSE

Mr. GIBBONS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman wishes to make the point of order that a quorum is not present before the bill is engrossed and read a third time?

Mr. GIBBONS. Yes, Mr. Speaker, because we want to establish a quorum here so that we can explain the motion to recommit.

The SPEAKER. Evidently a quorum is not present.

Mr. MILLS of Arkansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 218]

Abernethy
Andrews, Ala.
Andrews, N. Dak.
Ashley
Belcher
Bell
Blanton
Blatnik
Burke, Fla.
Byrne, Pa.
Chamberlain
Davis, S.C.
Dowdy
Erlenborn
Esch
Evans, Colo.
Fulton
Fuqua
Gallagher
Hagan
Hébert
Heinz
Hosmer
Jarman
Karth
Lujan
McClure
McCormack
McMillan
Mailliard
Metcalfe
Mitchell
Mosher
Murphy, N.Y.
Pelly
Pettis
Pryor, Ark.
Rosenthal
St Germain
Scheuer
Schmitz
Smith, Calif.
Teague, Tex.
Thompson, N.J.
Waldie
Yatron

The SPEAKER. On this rollcall 386 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BYRNES OF WISCONSIN

Mr. BYRNES of Wisconsin. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BYRNES of Wisconsin. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BYRNES of Wisconsin moves to recommit the bill (H.R. 14370) to the Committee on Ways and Means, with instructions to report the same back to the House forthwith, with the following amendments: Page 18, strike out lines 23 and 24.

Page 23, strike out lines 3 through 9, inclusive.

Page 32, strike out lines 8 and 9.

Page 33, strike out lines 8 and 9.

Page 35, strike out lines 1 and 2.

The SPEAKER. The gentleman from Wisconsin (Mr. BYRNES) is recognized.

Mr. BYRNES of Wisconsin. Mr. Speaker, we will be able to finish up this historic legislation and vote in about 10 minutes. Under the new rule I have 5 minutes to explain the motion to recommit and the chairman of the committee has 5 minutes to make any remarks he may wish to make.

Mr. Speaker, the recommittal motion I have offered would simply eliminate the retroactive payments provided to States and localities by this bill. The bill as it now stands is a $30 billion program for 5 years, including $2.7 billion for a retroactive payment attributable to the first 6 months of this year. The payment for this 6-month period—which ends 1 week from today—will not actually be made until sometime during fiscal 1973, several months from now. In essence, the retroactive payment is simply an additional $2.7 billion that States and localities will receive on one-shot basis in fiscal 1973 on top of the $5.3 billion annual payment the bill provides for fiscal 1973.

I do not know how many Members recognize and understand the fact that we did this in the committee bill to the House. Under this bill the program would not start at the beginning of the next fiscal year—fiscal year 1973—which will begin in about 9 days—but is retroactive to last January. In part, that may have been understandable, because earlier in the year there may have been a hope that the program would be enacted into law while we were still in fiscal year 1972.

But let us recognize that today is June 22, that we are acting now, and the bill must still go through the Senate where no hearings have even been held to date. There is simply no rationale for making the bill retroactive to last January. My recommittal motion will eliminate the 6-month retroactive payment for January to June of this year, which is already history, and turn the bill into a 4½ year program. This is completely reasonable.

Mr. Speaker, all of the States are on a fiscal year basis, and all but four of them are on a fiscal year running from July 1 to June 30. Alabama's fiscal year ends on September 30, the latest for any State. This means that the fiscal year to which the retroactive State payments relate will be completely over and closed when the payments are actually made. Budgetary action for virtually all of these States for fiscal year 1972 has already been completed. Many of the 39,000 localities receiving assistance under this bill are in a similar situation.

Providing a retroactive payment makes no sense at all, and could actually have an adverse impact on State and local governments, since the additional $2.7 billion—a nonrecurring payment of 50 percent more than the normal annual allotment—will be available only during the first year of the program. According to the proponents of the bill, revenue sharing is needed to provide a stable and assured source of assistance that States and localities can depend on. This one-shot payment is completely inconsistent with the basic rationale of the bill.

If States and localities nevertheless build this one-shot payment into their budgets for fiscal 1973, it will impose real financial hardships when the additional $2.7 billion is unavailable in future years. There is also real danger that the additional retroactive payment made to States and localities in fiscal 1973 will provide both an incentive and rationale for demands that Congress continue this additional payment in subsequent years of the program, increasing the total program by nearly $10 billion before the ink is dry on the first Federal checks sent out.

The other possibility is that States and localities may recognize that there is no assurance that this one-shot additional $2.7 billion payment will be available on a continuing basis, and will not see fit to spend the additional payment for current budget items, having a relatively high priority. Since the money will be available on a one-shot basis, the States and localities will be thus encouraged to spend the additional amount on a nonrecurring item that could have a relatively low priority.

For these reasons, the one-shot $2.7 billion additional payment in fiscal 1973 seems foolish, particularly when measured against the very large budget deficits the Federal Government itself is confronted with. According to the "Mid-Year Review of the Budget" recently submitted to Congress, the budget deficits for fiscal years 1972 and 1973 are estimated to total $53 billion on a unified basis, and $70 billion on a Federal funds basis. It does not make any sense to aggravate these difficult Federal fiscal problems by providing a one-time bonanza to State and local governments for a fiscal period that is completely in the past.

My recommittal motion would not change the bill before the House in any other way. It does not attack the basic philosophy of the program, the implementation of the program, the amounts made available on a current and prospective basis, or alter the program in any other respect. You can vote for my motion to save $2.7 billion in Federal outlays and still stand squarely behind revenue sharing. My motion only eliminates the payment of the retroactive amount, saving the Federal Government $2.7 billion during fiscal 1973. This is a savings in outlays and the desirability of this savings surely outweighs any useful purpose that could be served by providing for a windfall to State and local governments.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, the motion of the distinguished gentleman from Wisconsin (Mr. BYRNES) is a wise and prudent action. I urge Members of this body to adopt the motion. I expect to support the bill. The amendment would remove the potential for waste in a doubled-up first installment of revenue sharing.

Mr. BYRNES of Wisconsin. I thank the gentleman.

Mr. MILLS of Arkansas. Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, it seems to me at this point we have a question of whether we are going to keep faith with the Governors, mayors, and other top people in local government. They should not be penalized, because the Congress has been slow in the processing of this legislation. A commitment was made by many people in this Government, in the executive branch and in the Congress, that the money under this legislation would be available as of January 1, 1972. If at this point, after this long consideration and the final answer about to be given in the House, we break faith, I think we will have gotten the program off on the wrong foot. I hope the motion to recommit is defeated.

Mr. MILLS of Arkansas. Mr. Speaker, I want to endorse the statement made by the distinguished minority leader.

Mr. Speaker, sometimes I question whether or not the Congress should always go along on dates that are suggested by the President or others within the executive department. I think in this instance, however, there is good reason to go along with the proposed date. You will remember that the President first asked us to enact the program effective October 1, 1971. Then he asked later in a message that we hold up on the welfare program for a year, and that we hold up on the enactment of this program for 3 months, making it effective on January 1, 1972.

I have told the Governors and I have told the mayors that I would ask the Ways and Means Committee and I would ask the Congress to go along with that commitment the President made to them.

They have considered this in connection with their budgets for 1973. Do not think they have not, because the Ways and Means Committee, by an overwhelming vote, went along with the date. That does not mean that you cannot change it, but you are going to cause more difficulties with your local governments than you can imagine if you do change it. They have already figured this amount in their budgets for 1973, and we are going to place them in very bad shape if we do not keep funds in the bill back to the first of this year.

Bear in mind they are going through right now one of the worst periods in their history as a result of the combination of the stagnation that we have had in our economy and the inflation that we also have had at the same time. Costs of operating State and local governments have gone up materially as a result of inflation alone.

Mr. Speaker, I would recommend to the House that we defeat the motion to recommit, pass the bill, send it on to the Senate, and get this matter behind us. I would therefore urge the membership to vote down the motion to recommit.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The **SPEAKER**. The question is on the motion to recommit.

Mr. **BYRNES** of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 241, not voting 34, as follows:

[Roll No. 219]

YEAS—157

Abbitt
Abourezk
Adams
Alexander
Archer
Ashbrook
Ashley
Aspinall
Baker
Baring
Bennett
Blackburn
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burleson, Tex.
Burton
Byrnes, Wis.
Cabell
Camp
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Clawson, Del
Collins, Tex.
Colmer
Corman
Crane
Daniel, Va.
Davis, Wis.
de la Garza
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Downing
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Findley
Fisher
Flood
Flowers
Flynt
Fountain
Frey
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Haley
Hall
Hanna
Harvey
Hays
Hechler, W. Va.
Henderson
Holifield
Hull
Hungate
Hutchinson
Ichord
Jacobs
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kyl
Landgrebe
Lennon
Long, La.
Long, Md.
McCulloch
McFall
McKay
Mahon
Mallary
Mann
Martin
Mathis, Ga.
Mazzoli
Meeds
Michel
Monagan
Montgomery
Moorhead
Moss
Myers
Natcher
Passman
Patten
Pickle
Pike
Poage
Powell
Price, Tex.
Purcell
Randall
Rarick
Rees
Roberts
Robinson, Va.
Rogers
Rousselot
Roy
Roybal
Runnels
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Scott
Sebelius
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Steiger, Wis.
Stuckey
Teague, Tex.
Van Deerlin
Vanik
Vigorito
Waggonner
Whalley
White
Whitten
Wiggins
Wright
Young, Fla.
Young, Tex.

NAYS—241

Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Brasco
Broomfield
Brotzman
Broyhill, N.C
Buchanan
Burke, Mass.
Burlison, Mo.
Byron
Caffery
Carey, N.Y.
Carlson
Carney
Carter
Celler
Chamberlain
Chisholm
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Ill.
Conable
Conover
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Delaney
Dellums
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Duncan
Dwyer
Edwards, Calif.
Eilberg
Eshleman
Evins, Tenn.
Fascell
Fish
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Galifianakis
Garmatz
Gaydos
Giaimo
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hébert
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Howard
Hunt
Jarman
Johnson, Calif.
Karth
Kastenmeier
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lent
Link
Lloyd
McClory
McCloskey
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
Macdonald, Mass.
Madden
Mathias, Calif.
Matsunaga
Mayne
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Morgan
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Pepper
Perkins
Peyser
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Quillen
Railsback
Rangel
Reid
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Ruppe
Ruth
Ryan
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Shriver
Smith, N.Y.
Springer
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Veysey
Wampler
Ware
Whalen
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zion
Zwach

NOT VOTING—34

Abernethy
Andrews, Ala.
Andrews, N. Dak.
Belcher
Blanton
Blatnik
Burke, Fla.
Byrne, Pa.
Davis, S.C.
Diggs
Dowdy
Erlenborn
Esch
Evans, Colo.
Fuqua
Gallagher
Hagan
Hosmer
Lujan
McClure
McCormack
McMillan
Mailliard
Metcalfe
Mitchell
Mosher
Pelly
Pettis
Pryor, Ark.
St Germain
Schmitz
Thompson, N.J.
Waldie
Yatron

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Fuqua for, with Mr. Thompson of New Jersey against.

Mr. Schmitz for, with Mr. Blatnik against.

Mr. Evans of Colorado for, with Mr. Andrews of North Dakota against.

Mr. Abernethy for, with Mr. Waldie against.

Mr. Davis of South Carolina for, with Mr. St Germain against.

Mr. Dowdy for, with Mr. McCormack against.

Mrs. Andrews of Alabama for, with Mr. Metcalfe against.

Mr. McMillan for, with Mr. Mitchell against.

Until further notice:

Mr. Blanton with Mr. Burke of Florida.

Mr. Diggs with Mr. Pelly.

Mr. Hagan with Mr. Belcher.

Mr. Pryor of Arkansas with Mr. Esch.

Mr. Gallagher with Mr. Lujan.

Mr. Byrne of Pennsylvania with Mr. Erlenborn.

Mr. Mosher with Mr. Hosmer.

Mr. DELANEY, Mr. HALPERN, Mr. BYRON, and Mr. GUBSER changed their votes from "yea" to "nay."

Mr. GOODLING and Mr. YOUNG of Texas changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The **SPEAKER**. The question is on the passage of the bill.

Mr. **GERALD R. FORD**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 275, nays 122, not voting 35, as follows:

[Roll No. 220]

YEAS—275

Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bow
Brasco
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burlison, Mo.
Burke, Mass.
Caffery
Carey, N.Y.
Carlson
Carney
Carter
Cederberg
Celler
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conover
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Delaney
Dellenback
Dellums
Dent
Derwinski
Dickinson
Diggs
Dingell

Donohue
Dorn
Dow
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Evins, Tenn.
Fascell
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Galifianakis
Garmatz
Gaydos
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Karth
Kastenmeier
Keating
Kee
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lent
Link
Lloyd
McClory
McCloskey
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McKevitt
Macdonald, Mass.
Madden
Mann
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Patten
Pepper
Perkins
Peyser
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Reid
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Shriver
Skubitz
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Wampler
Ware
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zion
Zwach

NAYS—122

Abbitt
Abourezk
Adams
Alexander
Archer
Ashbrook
Ashley
Aspinall
Baker
Baring
Bennett
Blackburn
Bolling
Brademas
Bray
Brooks
Broyhill, Va.
Burleson, Tex.
Burton
Byrnes, Wis.
Byron
Cabell
Camp
Casey, Tex.
Chappell
Clancy
Clawson, Del
Colmer
Corman
Crane
Daniel, Va.
Davis, Wis.
de la Garza
Denholm
Dennis
Devine
Downing
Edmondson
Findley
Fisher
Flynt
Frey
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Haley
Hall
Hansen, Idaho
Hechler, W. Va.
Henderson
Holifield
Hull
Hutchinson
Jacobs
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Landgrebe
Lennon
Long, La.
Long, Md.
McFall
McKay
Mahon
Mallary
Martin
Mathis, Ga.
Meeds
Michel
Monagan
Montgomery
Moss
Myers
Passman
Patman
Pickle
Pike
Poage
Powell
Price, Tex.
Purcell
Rarick
Rees
Roberts
Robinson, Va.
Rogers
Rousselot
Roy
Roybal
Runnels
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Scott
Sebelius
Shoup
Sikes
Sisk
Slack
Smith, Calif.
Snyder
Staggers
Steed
Stuckey
Teague, Tex.
Van Deerlin
Vigorito
Waggonner
White
Whitten
Wright
Young, Fla.
Young, Tex.

NOT VOTING—35

Abernethy
Andrews, Ala.
Andrews, N. Dak.
Belcher
Blanton
Blatnik
Burke, Fla.
Byrne, Pa.
Davis, S.C.
Dowdy
Erlenborn
Esch
Evans, Colo.
Fuqua
Gallagher
Giaimo
Hagan
Keith
Lujan
McClure
McCormack
McKinney
McMillan
Mailliard
Metcalfe
Mitchell
Mosher
O'Neill
Pelly
Pettis
Pryor, Ark.
Schmitz
Thompson, N.J.
Waldie
Yatron

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill for, with Mr. Giaimo against.

Mr. Thompson of New Jersey for, with Mr. Schmitz against.

Mr. Andrews of North Dakota for, with Mr. Fuqua against.

Mr. Blatnik for, with Mr. Evans of Colorado against.

Mr. Waldie for, with Mr. Abernethy against.

Mr. Byrne of Pennsylvania for, with Mr. Davis of South Carolina against.

Mr. McCormack for, with Mr. McMillan against.

Mr. Mitchell for, with Mr. Dowdy against.

Mr. Metcalfe for, with Mrs. Andrews of Alabama against.

Mr. Erlenborn for, with Mr. Lujan against.

Until further notice:

Mr. Blanton with Mr. Belcher.
Mr. Gallagher with Mr. Pelly.
Mr. Hagan with Mr. Burke of Florida.
Mr. Pryor of Arkansas with Mr. Mailliard.
Mr. Keith with Mr. McClure.
Mr. McKinney with Mr. Esch.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 13955, LEGISLATIVE BRANCH APPROPRIATIONS, 1973

Mr. CASEY of Texas submitted the following conference report and statement on the bill (H.R. 13955), making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-1167

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13955) "making appropriations for the Legislative Branch for the fiscal year ending June 30, 1973, and for other purposes." having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 32.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$700,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$460,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$36,170,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$96,235,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36, 37, 38, and 41.

BOB CASEY,
FRANK E. EVANS,
WILLIAM D. HATHAWAY,
J. EDWARD ROUSH,
TOM BEVILL,
GEORGE MAHON,
FRANK T. BOW,
E. A. CEDERBERG,
JOHN J. RHODES,
WENDELL WYATT,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
ALLEN J. ELLENDER,
DANIEL K. INOUYE,
NORRIS COTTON,
EDWARD W. BROOKE,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

SENATE

Amendment Nos. 1 through 29: Reported in technical disagreement. Inasmuch as these amendments relate solely to the Senate and in accord with the long practice, under which each body determines its own housekeeping requirements and the other concurs therein without intervention, the managers on the part of the House will offer motions to recede and concur in the Senate amendments Nos. 1 through 29.

JOINT ITEMS

Joint Economic Committee

Amendment No. 30: Appropriates $700,000 for salaries and expenses instead of $674,190 as proposed by the House and $716,900 as proposed by the Senate. The conference agreement provides no additional personnel.

Joint Committee on Congressional Operations

Amendment No. 31: Appropriates $460,000 for salaries and expenses instead of $569,634 as proposed by the House and $355,000 as proposed by the Senate.

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol

Amendment No. 32: Appropriates $1,198,500 for salaries as proposed by the House instead of $1,171,500 as proposed by the Senate. The conference agreement provides two additional positions as proposed by the House.

Capitol buildings

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $4,411,000 as proposed by the Senate instead of $2,852,900 as proposed by the House. The conference agreement includes $17,000 for wall fabric for the Senate galleries and $20,000 for Senate restaurant equipment as proposed by the Senate. The conference agreement also includes $1,521,000 for the restoration of the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol as proposed by the Senate, and provides for appointment of a group by the Speaker of the House similar to the Commission on Art and Antiquities of the United States Senate to give the House of Representatives oversight with respect to the restoration of the Old Supreme Court Chamber on the ground floor of the Capitol. The language providing for the appointment of this additional oversight group in nowise changes the existing arrangements with respect to the maintenance of the rooms. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to rescind $34,000 of the $470,000 made available until expended under the heading "Senate Office Buildings" in the Legislative Branch Appropriation Act, 1968 instead of $74,000 as proposed by the Senate. The lesser amount of the rescission agreed to in conference was made at the request of the Senate in order that the $40,000 can be used for the renovation of certain space on the ground floor level of the New Senate Office Building. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment (to reflect the rescission of $34,000 instead of $74,000 under Senate Office Buildings in Amendment No. 34) providing that the unobligated balances on June 30, 1972, in several appropriation accounts, now available until expended, shall cease to be available for obligation on June 30, 1973. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Extension of the Capitol

Amendment No. 36: Reported in disagreement. The managers on the part of the House will offer a motion to further insist on its disagreement to the amendment of the Senate. The managers on the part of the Senate will move to further insist on the amendment of the Senate.

Senate office buildings and Senate garage

Amendments Nos. 37 and 38: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the amendments of the Senate which relate solely to Senate housekeeping activities.

Library buildings and grounds

Amendment No. 39: Appropriates $1,531,400 for structural and mechanical care as proposed by the Senate instead of $1,516,400 as proposed by the House. The conference agreement provides $15,000 for an architectural and engineering study of the Coolidge Auditorium.

LIBRARY OF CONGRESS

Amendment No. 40: Appropriates $36,170,000 for salaries and expenses instead of $36,040,000 as proposed by the House and $36,455,000 as proposed by the Senate. The conference agreement provides for 32 additional positions in lieu of 21 allowed by the House and 51 allowed by the Senate.

GOVERNMENT PRINTING OFFICE

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to restore the matter stricken by the Senate with an amendment restricting the distribution of future editions of the Code of Laws of the United States and the Code of the District of Columbia to two sets for each Member of the House, but excluding the Members of the Senate. The managers on the part of the Senate will move to concur in the restoration of the matter stricken by the Senate with an amendment as proposed by the House. The Committee of Conference is agreed that the entire distribution of the U.S. Code should be reviewed by the Joint Committee on Printing.

GENERAL ACCOUNTING OFFICE

Amendment No. 42: Appropriates $96,235,000 for salaries and expenses instead of $95,820,000 as proposed by the House and $97,000,000 as proposed by the Senate. The conference agreement provides 170 additional average positions in lieu of 120 proposed by the House and 238 proposed by the Senate. The Committee of Conference did not allow the $200,000 proposed by the Senate for special alterations in the General Accounting Office building. However, consideration will be given to a reprograming request to that extent which should be submitted to the Committees on Appropriations of the House and Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1973 recommended by the Committee of Conference, with comparisons to the fiscal year 1972 amount, the 1973 budget estimate, and the House and Senate bills for 1973 follows:

New budget (obligational) authority, fiscal year 1972	$564,128,479
Budget estimates of new (obligational) authority (as amended), fiscal year 1973	519,347,899
House bill, fiscal year 1973	427,604,764
Senate bill, fiscal year 1973	514,722,880
Conference agreement	[1] 513,787,980
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1972	−$50,340,499
Budget estimates of new (obligational) authority (as amended), fiscal year 1973	−5,559,919
House bill, fiscal year 1973	[1] +86,183,216
Senate bill, fiscal year 1973	−934,900

[1] Includes $84,185,940 for Senate items not considered by the House. Conforming to long practice, funds exclusively for operations and activities of the Senate—including two items jurisdictionally under the Architect of the Capitol—are left for decision and insertion by that body.

Bob Casey,
Frank E. Evans,
William D. Hathaway,
J. Edward Roush,
Tom Bevill,
George Mahon,
Frank T. Bow,
E. A. Cederberg,
John J. Rhodes,
Wendell Wyatt,
Managers on the Part of the House.
Ernest F. Hollings,
Allen J. Ellender,
Daniel K. Inouye,
Norris Cotton,
Edward W. Brooke,
Milton R. Young,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 14989, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14980), making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. Rooney of New York, Sikes, Slack, Smith of Iowa, Flynt, Mahon, Bow, Cederberg, and Andrews of North Dakota.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 15585, with Mr. Monagan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Tuesday, June 20, 1972, the Clerk had read through line 2 on page 2 of the bill.

If there are no amendments to be proposed, the Clerk will read.

The Clerk read as follows:

TITLE I—TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; hire of passenger motor vehicles; and not to exceed $7,500 for official reception and representation expenses: $12,500,000.

Mr. FINDLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is the eighth appropriation bill considered so far by this body for fiscal 1973. While under the budget request for the Treasury and Postal Service, it contains a considerable amount of red ink.

This is so, because the aggregate budget requests exceed revenue forecasts by $25 billion.

The budget request for this appropriation was $5,066,603,000. The committee recommendation was $5,057,145,000. This was a cut of 0.2 percent, or $9,458,000.

To bring the appropriation bill in line with anticipated revenue for fiscal 1973 would have required a 14-percent cut below the budget request, or a cut of $709,324,420. Making adjustment for the 0.2-percent cut actually made by the committee, means that the red ink still in the bill amounts to 13.8 percent, or $699,866,420.

Every appropriation bill approved by the House this year has contained a substantial amount of red ink. The amount spilled so far is summarized in this table:

RED INK RECORD FOR FISCAL 1973

Appropriation bill	Budget request	Balanced budget level (14-percent cut)	Amount approved by House	Red ink approved by House
Legislative	$433,627,004	$372,919,224	$427,604,764	$54,685,540
State, Justice, Commerce, Judiciary, related agencies	4,687,988,600	4,031,670,196	4,587,104,350	555,434,154
HUD, Space, Science, Veterans, independent agencies	20,173,185,000	17,348,939,100	19,718,490,000	2,369,550,900
Transportation and related agencies	8,426,792,000	7,247,041,120	8,316,950,000	1,069,908,880
District of Columbia	343,306,000	295,243,160	332,306,000	37,062,840
Interior and related agencies	2,520,340,000	2,167,492,400	2,529,558,200	362,065,800
Labor, HEW, and related agencies	27,327,323,500	23,501,498,210	28,603,179,500	5,101,681,290
Total				9,550,339,404
Treasury, Postal Service, and general Government	5,066,603,000	4,357,278,580	[1] 5,057,145,000	[2] 699,866,420
Total				10,250,255,824

[1] Recommended by committee.

[2] If committee recommendation approved.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $75,000,000.

Mr. GROSS. Mr. Chairman, I move to strike the necessary numbers of words.

Mr. Chairman, I will not take the 5 minutes. I simply rise to ask the gentleman from Oklahoma, the distinguished chairman of the subcommittee, if he thinks $75 million will be enough to fund the Bureau of the Public Debt in light of the monstrous raiding of the taxpayers and the deficit and debt that will be created in view of the so-called revenue-sharing bill just passed?

Mr. STEED. I think it will. As the gentleman knows, the bill this year has about $3 million more than we had last year. The debt has gone up, as the gentleman knows, considerably. Our latest computation is that the interest on the national debt during the coming fiscal year will be $22.7 billion.

Mr. GROSS. Would it not be wise to add $50 million or $75 million so the Bureau of Public Debt will have enough to work with in order to take care of the $30 billion just appropriated and which will increase the debt to that extent?

Mr. STEED. As the gentleman knows, this is just for the overhead. The actual funding of the debt is in addition to this. We think this will be adequate.

Mr. GROSS. $75 million will be enough for tonight; is that correct?

Mr. STEED. That is right.

Mr. GROSS. All right, then, we will let it go at that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ACCOUNTS, COLLECTION AND TAXPAYER SERVICE

For necessary expenses of the Internal Revenue Service for processing tax returns, revenue accounting, providing assistance to taxpayers, securing unfiled tax returns, and collecting unpaid taxes; hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner, including not to exceed $50,000,000 for temporary employment and not to exceed $143,000 for salaries of personnel engaged in preemployment training of data transcriber applicants; $510,000,000.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to ask the distinguished chairman of the subcommittee a question.

In this section of the bill, I understand, there will be an allocation of funds for the establishment of an office within the IRS to compute the effect of the asset depreciation range and comparable depreciation programs in foreign countries. What I am concerned about is that this new office might be used to provide further increases in the asset depreciation range, further decreases in Federal corporate taxation, and further deficiencies in Federal revenues.

Can the gentleman advise me as to whether or not this new office will operate in this way? I am concerned about the new office which is going to study the effect of foreign asset depreciation schedules.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Oklahoma.

Mr. STEED. The information the committee has is that such an office will be established. We have some explanation in detail on page 13 of the report. The new office will be involved with the determination, revision, and classification of the useful lives of various types of depreciable assets, and the appropriate depreciation ranges of the various classifications of depreciable assets under the asset depreciation range system.

The involvement that the Nation has in this area has become such that it was felt this required special treatment was required. That is my understanding of the reason why they are setting up this function in this way. It has been handled as more of a part of the ongoing service heretofore, and they wanted to concentrate on and emphasize this particular function by setting up a service for it.

Mr. VANIK. Can the gentleman give me some assurance that this new agency will not be used as a taxpayer-financed effort to reduce corporate taxation?

Mr. STEED. Well, I certainly have no intention of my own that it would be done that way, and no understanding that it would be. Certainly when the matter comes up for review again if such a purpose has gotten into it there will be severe attention given by the committee to it, I am sure, because that is not in the area they have justified funds, for the office they have set up here.

Mr. VANIK. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Office of Management and Budget, including hire of passenger motor vehicles, and services as authorized by title 5, United States Code, section 3109, $19,700,000.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 12, before the period in line 6, insert the following: ": *Provided*, That no part of the foregoing amount may be used for expenses incurred during any period during which funds appropriated by law out of the Treasury for a specific purpose or project are impounded pursuant to action taken or approval given by the President, unless the President (1) shall have transmitted to the Congress (within 10 days after such impounding) a special message specifying the amount of funds impounded, the specific projects or governmental functions affected, thereby, and the reasons for the impounding, and (2) shall have ceased the impounding of such funds within 60 days after the transmittal of such special message unless each House of Congress (in accordance with such procedures as it may adopt for the purpose) has ratified such impounding."

Mr. STEED. Mr. Chairman, I reserve a point of order against the amendment.

Mr. PICKLE. I thank the Chairman.

Mr. Chairman, I would like to point out to you again the language of the amendment, because this is not an effort to legislate on an appropriation bill. It does in effect limit the appropriation. It says that no funds allocated to the Office of Management and Budget may be expended if funds have been impounded, and if we, the Congress, have authorized and approved the specific project which was in question. That money cannot be expended by the Office of Management and Budget if the President impounds it unless the President sends us a message within 10 days giving us his reasons, and thus sets up another wait of approximately 60 days so that, at the end of that time, unless the Congress will have approved the act of impounding the funds, that money for the projects will have been released.

I contend that is not legislation in an appropriation bill. It is simply asking that we carry out that which the Congress has already ordered. The Congress will have already voted approval of these particular projects. Each of us in this body has worked hard on projects for months and/or years. We have made the announcements, and gone to our local communities and have all talked about it and perhaps rejoiced about the accomplishments that we think will be good for the people. We no sooner have that done than these funds are withheld or are frozen or they are delayed, or an innumerable number of things happen.

I cite to this body an instance that happened last summer on an appropriation bill. We appropriated money to carry on a study for the Colorado River Basin in Texas. That work was to have been done by the Corps of Engineers, as specified in the appropriation bill. The corps were designated to carry out the project. We waited for the release of the funds and for the project to be consummated and put into effect. We waited and waited. After innumerable meetings with the Office of Management and Budget, after 9 months had passed, they finally agreed that they would release the funds if the Corps of Engineers would carry out the study in the manner that the Environmental Protection Agency would have carried it out had they—EPA—been designated in the legislation to do the study in the first place.

I submit to you that OMB is being both judge and jury. They are deciding not whether the project ought to be carried out as we the Congress said, but they are even deciding whether it should be done by public agencies. I do not believe the Office of Management and Budget has any business trying to control our business like that. I dare say that every Member of this body has been affected similarly by attempts to impound or to put a freeze on funds. Only last month the Democratic caucus voted unanimously that we would take such action as necessary to prevent the inappropriate freezing and impounding of funds. The amendment I have offered simply says that we will not spend funds to carry out the expenses of OMB if project funds are impounded unless the President sends us a message that these funds are impounded, and unless within 60 days this House takes action to approve the President's order.

It does not seem to me that this is any undue infringement on the appropriation process, and I submit that the amendment is in order.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Oklahoma press his point of order?

Mr. STEED. Yes, Mr. Chairman, I insist on the point of order. Obviously it is legislation on an appropriation bill. It goes way beyond the scope of the bill and imposes new duties upon the President, and other agencies of the Government, without previously being conferred. Therefore I have to insist on my point of order.

The CHAIRMAN. Does the gentleman from Texas (Mr. PICKLE) desire to be heard on the point of order?

Mr. PICKLE. I do, Mr. Chairman.

I would simply say to the distinguished chairman, the gentleman from Oklahoma (Mr. STEED) that he contends that this is requiring an additional duty on the part of the President, and I submit to you that the duty is to carry out what the Congress has already voted and already agreed shall take place. We are not asking the President to do anything else, merely to carry out that which has already been ordered by the Congress. How can that be an additional duty?

The CHAIRMAN (Mr. MONAGAN). The Chair is ready to rule on the point of order.

The gentleman from Texas (Mr. PICKLE) has offered an amendment at page 12, before the period in line 6, which provides that no part of the foregoing amount may be used for expenses, and so forth, unless the President shall have transmitted to the Congress a special message specifying the amounts of funds impounded, and containing other information, and the reasons for the impoundment. In the opinion of the Chair this is not only a restriction, but it constitutes additional obligations upon the President, and is against the rule which pertains in this case, which is clause 2 of rule XXI, and constitutes legislation upon an appropriation bill. Therefore the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 12, line 6, strike the amount "$19,700,000" and insert in the place thereof, "$15,700,000."

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. DINGELL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 221]

Abbitt
Abernethy
Abourezk
Alexander
Andrews, Ala.
Andrews, N. Dak.
Ashley
Baker
Belcher
Bell
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Byrne, Pa.
Carey, N.Y.
Carney
Carter
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Corman
Coughlin
Danielson
Davis, S.C.
Dellenback
Diggs
Dowdy
Dwyer
Edmondson
Erlenborn
Esch
Evans, Colo.
Fish
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Fulton
Fuqua
Gallagher
Goldwater
Gude
Hagan
Hanna
Hansen, Idaho
Hansen, Wash.
Hastings
Hawkins
Hébert
Heckler, Mass.
Hillis
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Keating
Keith
Kluczynski
Landgrebe
Latta
Leggett
Lent
Link
Lujan
McCloskey
McClure
McCollister
McCormack
McDade
McKevitt
McKinney
McMillan
Madden
Mailliard
Metcalfe
Miller, Calif.
Mills, Ark.
Mills, Md.
Mink
Mitchell
Mosher
Nelsen
O'Hara
Patman
Pelly
Pepper
Pettis
Peyser
Poff
Pryor, Ark.
Reid
Robinson, Va.
Rooney, N.Y.
Ruppe
St Germain
Satterfield
Scheuer
Schmitz
Schneebeli
Schwengel
Shoup
Sikes
Sisk
Smith, N.Y.
Stokes
Sullivan
Teague, Tex.
Thompson, N.J.
Veysey
Waldie
Wilson, Charles H.
Yatron
Zion
Zwach

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MONAGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 15585, and finding itself without a quorum, he had directed the roll to be called, when 307 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Texas (Mr. PICKLE) had been recognized for 5 minutes in support of his amendment.

Mr. PICKLE. Mr. Chairman and Members of the House, the amendment I have offered would reduce the appropriation for the Office of Management and Budget in the amount of $4 million—from $19.7 to $15.7 million—a reduction of $4 million.

Mr. Chairman, that reduction is a rather round figure and I concede that at the beginning of my remarks. I also want to say at the beginning that this is not a personal complaint in any sense of the word. I, like many of you, have had dealings with members of the Office of Management and Budget. I mentioned to the House a few minutes ago about a very frustrating experience that I had when it took us nearly a year to finally get the funds released on the Colorado River Basin study, a waste management study, in my State. We had authorized the funds a year ago and directed the Corps of Engineers to do the job. But then the OMB came into the picture and they decided that perhaps the EPA should be doing this study.

We had innumerable meetings. They held up the funds. They actually performed the role as a legislative body and not as a budget body.

In dealing with OMB, I have had very pleasant relations with Mr. Shultz, when he was head of the OMB, and now Mr.

Weinberger. "Cap" Weinberger is a very practical and a very hard-nosed and efficient public servant. I have worked individually with some of the people who have dealt with this particular project, so I have respect for them, and I have respect for the OMB.

I should wish to make it plain to the Members that this is not just an "anti" type of amendment. I voted for the creation of OMB, and perhaps that was one of my original errors or sins, but I thought that we ought to try to advance the budgetary process as best we could. But I say to you that when we put in the word "Management" we went far afield from what we have always thought that a budgetary committee would do. By management it seemed to me that they have assumed the role of the Congress in essence.

If you look in your report under the section of OMB, it has about 50 words—maybe 100—but just a short paragraph to explain why they are asking for $19,700,000. They do say to us that this has been a growing agency, and that does not come as any news to us, and it points out that they have some 655 different employees at this time.

I contend, to begin with, that there is really no information in the report about who does what in this big agency, the OMB. I submit to you that if you go to the big budget submitted at the first of the year by the President, you will not find much more information. So I think it is very normal and natural that we raise a question here on this floor: Why do they need $19,700,000 for the Office of the Management and Budget? My amendment would reduce that $4 million. I do not think that does material damage to them, but I surely think that is our prerogative and that we ought to do it. If we are going to ask all of us to do some economizing, I say a good beginning point ought to be the OMB.

Every Member of this House has felt this undue influence in his district. I would say to you that the OMB is the unseen government of today. It is an invisible force that has more to do sometimes with your own district than you do. We had discussions on this House floor before about who was going to do what in relation to the water pollution bill, and it was really kind of an amusing matter, because the real operator, the person who really runs this Government, is OMB.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. PICKLE was allowed to proceed for 2 additional minutes.)

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Arizona (Mr. UDALL.)

Mr. UDALL. I support the gentleman in his amendment, and I just wish to add one thing. This is the fastest growing bureaucracy in America—this place called the White House—and this whole operation is an assault on the entire system of checks and balances in our three branches of Government.

The chairman of our Post Office Committee asked the OMB in a respectful way on June 14—and I have been asking them for months—"Would you kindly give us a list of the people down there at the White House who make more than $20,000 and up to $42,000?" To this moment tonight we have not had the courtesy of a reply. This is, you might call in some other context, contempt of Congress. They are asking us to give $19 million when they will not even answer a civil question about who these people are or what they are doing, and how much they are making.

Mr. PICKLE. I thank the gentleman. I would be perfectly willing, if it were within my means, to say we will take the $4 million and give it to the House Appropriations Committee and help the House Appropriations Committee build up their staff. As long as we play dead, as long as we sleep through the process, then the agency down the street grows and grows and grows, and then we have less and less to say about the projects that we accomplish in our work here in the Congress.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Iowa.

Mr. GROSS. I think the gentleman's amendment is a moderate and a reasonable cut. I would like to see the saving applied to the retirement of the Federal debt.

Mr. PICKLE. I thank the gentleman.

I have never been more serious than now when I say to this body that sooner or later the House Appropriations Committee must assume full direction and control of the Office of Management and Budget, and should build up our committee and give it more muscle, and we ought to support this effort, or else we are going to slip along and let the OMB get bigger and bigger; and then we will have very little to say about the projects that go into our districts.

This is not a severe cut. I was not trying to do great damage, but just to try to get the office to tighten its belt a little bit, and let them know the Congress of the United States should be running the Government and not the OMB.

Mr. Chairman, I urge support of my amendment.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

I know that for many of us, because of the frustrations we sometimes encounter, the Office of Management and Budget is the favorite whipping boy, but I think we ought to be quite serious as we approach this matter here today.

Actually, the Office of Management and Budget is the most important facility the President of the United States has in discharging his awesome responsibilities. This office has been in existence for a long time. It is in existence by an act of Congress. It is not a proliferating activity. As a matter of fact, they are asking for 25 fewer people for this coming year than they have had in the current year. They are a very frugal organization, and they are a very careful organization, but if this cut is approved, what we are going to do is to destroy the management capability of this agency and deny the President of the United States one of the most important facilities he needs in trying to meet his responsibilities.

We can save $4 million here by cutting this out, but when we remove this function from the Government, we are going to open up the door to waste that will run into hundreds of millions of dollars. This committee has always followed the activities of the Office of Management and Budget with a very careful scrutiny because we realize how so many of our colleagues feel about it.

In all sincerity, in all the years I have brought a bill to this House, and with all the sincerity I possess, I assure Members these funds are needed, these funds will be properly used, and they will be used in the public interest. Because I feel so strongly about it, I hope the Members will, when this vote comes, keep in mind that it is nice to have fun and get it off our chest, but let us not cripple the President of the United States in one of the most vital areas in which he has to perform.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the Members of this body would do well to keep this in mind, that the cut which is proposed will not be so much a stab in the side of the Office of Management and Budget as it will be in the side of our own Appropriations Committee. We know from the record that this particular subcommittee, under the leadership of our colleague TOM STEED, is one that has been very, very prudent and very, very careful. It turns in one of the best performances of any subcommittee in putting the House position across in conferences with the other side of the Capitol. I hope we will stand by this subcommittee and its able chairman and support their position regardless of our personal feelings about the Office of Management and Budget.

Mr. STEED. I thank the gentleman.

Mr. Chairman, one final word. I think we ought to keep in mind that this Congress has had a big part in increasing the functions and activities of this Government as the years have gone by, until today we are confronted with a budget in the neighborhood of $226 billion. To cripple this vital organization at a time of an all-time high of functions and work to be performed just does not make good sense.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment, primarily to demonstrate that it is a bipartisan amendment and should not be interpreted in any way as being an attack on the President or the party now holding the executive branch of the Government.

May I also add, to expedite time this evening, I will support the package of amendments which Messrs. MACDONALD, UDALL, and others will offer, to further achieve some economies in the executive branch of the Government.

Years ago, when I was just a youngster back in Chicago, in the days of the great Democratic machine of Mayor Kelly, one of the great points of emphasis in the educational system was on history. I recall my history teacher telling the story of Benjamin Franklin, leaving the hall where the Constitution was drafted, and a little old lady came up to him and asked, "Mr. Franklin, what have you given us, a monarchy or a republic?" His answer was, "A republic, if you can keep it."

Let us face it: We have developed in the executive branch of the Government an entourage that would make any remaining royal ruler flushed with envy. We are very close to creating a situation in which there are more nonessential bureaucrats attached to the executive branch of the Government, than any Republican should condone.

As I understand these amendments, they are nonpartisan, they are directed at whoever might be the occupant of the White House in January. That could be Mayor Lindsay. That could be most anyone.

Certainly, as a Republican, would I want the White House and the executive branch taken over lock, stock, and barrel by hordes from New York City if Lindsay replaced President Nixon in the White House in January 1973?

I ask my Republican colleagues to look at these amendments objectively. We are all frustrated by the awesome power of the executive branch. We are all frustrated by an inability to cope with the departments and agencies, and the White House itself. Why not start to trim it? Why not accept this modest series of amendments, starting with this one, and look upon this as very necessary corrective action by the Congress in the best interests of the taxpayers and bipartisanship in the highest degree?

As I say this, I see my minority party leader smiling at me. If we pass a few amendments like this his trip to China might not be as restful as otherwise it might be.

I suggest to the Members, knowing the gentleman from Texas and the other gentlemen who will offer following amendments. They are motivated by the best of intent and are intended to balance power within Government. I do hope they will receive some good support from my side of the aisle.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. I appreciate the gentleman from Illinois yielding. Am I to interpret that if I support the gentleman and his position I will be voting against Lindsay?

Mr. DERWINSKI. By the wildest stretch of the imagination that would be true.

Mr. ANNUNZIO. I thank the gentleman.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Texas.

Mr. PICKLE. I simply want to say to the gentleman that I appreciate his remarks. This is a bipartisan amendment. It is not one to cripple this agency. It is not one against the House Committee on Appropriations.

I said before, and I repeat, I should like to see this same amount of money put in to bolster the House Appropriations Committee. I hope that some day we can take that step.

Mr. DERWINSKI. I thank the gentleman for his comments.

Mr. ROBISON of New York. Mr. Chairman, I rise in opposition to the amendment.

The plea of the sponsor of the amendment in behalf thereof seems to be based upon two grounds.

First he has apparently had, and I quote, "Some excruciating experiences" at one time or other with the OMB, which used to be called, as we all know, the Bureau of the Budget.

His other plea seemed to rest on the ground that this agency somehow has become too big.

Our friend from Illinois has now chosen to try to make this somehow a bipartisan argument by taking—in advance from the gentleman from Arizona (Mr. UDALL) probably—some of the words we shall hear shortly about how large the Federal Establishment overall has grown.

Let me remind you, Mr. Chairman, and my colleagues, in this amendment we are talking about, and only about, the OMB.

In the old days, when it was called the Bureau of the Budget, it was a pretty large agency, also. I remember serving on the Committee on Public Works, the legislative committee, at that time with a former colleague of ours named Frank Smith, of Mississippi, who used to get so exorcised over the Bureau of the Budget that he was practically beside himself in exasperation with "that downtown shadowy agency."

Well, let us see how big it was then. In 1952, it had 493 average positions—this was their average number of employees. In 1955 it was 414; in 1956 it was 425; in 1961 it was 443; in 1962, 449; 1963, 461; 1964, 475; 1965, 482; 1966, 509, 1967—and some of these years were Democratic years, were they not?—547, and in 1969, 532.

It is true the bill before us provides money for 655 employees of OMB, but about a year or two ago we added certain new management functions, whether we should have or not, to the old Bureau of the Budget responsibilities and/or renamed it the Office of Management and Budget. If it is going to try to carry out its management functions properly, as we in the Congress want it to and as we asked it to, surely it needed some additional people.

You need to know also, Mr. Chairman, before we vote on the amendment that the Office of Management and Budget has, since the last fiscal year, voluntarily reduced its staff by 25, and then the committee cut their request a bit more than that so that this is a stand-still budget item now.

I ask that the amendment be voted down.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

I shall not take the full 5 minutes, but I simply want to suggest that I do agree with everything the gentleman from Oklahoma (Mr. STEED) has said and make this observation, that it is rather surprising to me to see the gentleman from Illinois become a great one for economy.

Not long ago on this floor the State-Justice Subcommittee of the Committee on Appropriations reduced the amount of money that was to be spent by the United Nations from a U.S. contribution of over 30 percent down to 25 percent. Who opposed it? Who cried the crocodile tears in the well of this House? The gentleman from Illinois (Mr. DERWINSKI).

Now he wants to give all of the taxpayers' money to the United Nations. Well, maybe since he has been an ambassador and lived up there on the land as he has, he sees that as a better thing to do than to try to give it to the people of the United States and the Office of Management and Budget the opportunity of reviewing it.

One other thing. So far as giving this money to the Committee on Appropriations, may I say to the gentleman from Texas that the Committee on Appropriations' staff does a magnificent job. We have a fine staff. We do not need that $4 million, but it is good to have a staff in the executive branch which watches the executive branch just as the Appropriations Committee does the others.

Mr. DERWINSKI. Mr. Chairman, the gentleman mentioned my name. Will the gentleman yield?

Mr. BOW. The gentleman from Illinois says I mentioned his name. I will yield to the Ambassador.

Mr. DERWINSKI. For the sake of the RECORD I wish to advise the gentleman from Ohio that I feel the mood of the House is strongly behind the amendment, but I wish to say to the gentleman that I forgive him for not properly interpreting the floor situation that prevailed when we debated the United Nations budget, since the gentleman was in Geneva serving in an important assignment at that time.

Mr. BOW. Since the gentleman has raised that question, the so-called junket in Geneva was because the Speaker of the House had named me as an adviser to the World Health Organization. I was there, and it was there that I found out even the people of Geneva did not think we should be paying what we were paying in the United Nations. The so-called junket was a working junket with the World Health Organization, and the gentleman from Illinois had junketed for many months in New York at the expense of the United Nations.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it would be most ill advised for the House to act favorably upon this amendment. We must give the Office of Management and Budget the tools needed to cope with the gigantic job of managing and coordinating the farflung activities of the Federal Government involved in spending some $250 billion a year.

I do not believe this amendment should be approved, and I hope it will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The question was taken; and on a division (demanded by Mr. PICKLE) there were—ayes 68, noes 75.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF TELECOMMUNICATIONS POLICY

SALARIES AND EXPENSES

For expenses necessary for the conduct of telecommunications functions assigned to the Director of Telecommunications Policy, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, $3,000,000: *Provided*, That not to exceed $1,025,000 of the foregoing amount shall remain available for telecommunications studies and research until expended.

AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. MACDONALD of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MACDONALD of Massachusetts: on page 12, line 12, delete "$3,000,000" and substitute "$1,000,000".

And on page 12, line 13, delete $1,025,000 and substitute $300,000.

Mr. MACDONALD of Massachusetts. Mr. Chairman, one characteristic of this administration has been the explosion of new bureaucracies within the Executive Office of the President. Since 1969, we have seen nine new bureaucracies developed. These include such offices as the Domestic Council, the Office of Telecommunications Policy, and a vague category called Special Assistants to the President.

This amendment singles out one of the worst examples——Office of Telecommunications Policy. This Office has become the administration's tool for attempts to muzzle the media and controlling the FCC, an ostensibly "independent" agency. This amendment limits the money for the OTP to a reasonable size.

The Director of the Office of Telecommunications Policy, Dr. Clay T. Whitehead, boasted that by February of this year, just 18 months after the creation of the new bureaucracy that had "no charter, no money, and no director," that they had made "a lot of progress." They certainly had. By the end of fiscal 1971, they had built a mini-empire of 65 people, at a cost in salaries alone of $1,343,000. Add to that the research studies they commissioned from outside sources, the consultants they hired, and the trips they took to make speeches and you get an outlay of more than $3 million for this small office that originally set out to advise the President on telecommunications policy, to clean up the mess that had developed in the Government's own telecommunications, and to act as a "partner" with the Congress and the Federal Communications Commission in discussions of communications policy.

Some partner. If this White House spokesman has consulted with the Congress, he has somehow missed the House Subcommittee on Communications. If he has consulted with the FCC, it has been more as a big brother with some vague power to bring down the weight of the administration than as one who respects the independent status of that agency.

But the Office of Telecommunications Policy has indeed been busy. The speaking schedules of its principals are full. There seems to be no meeting of broadcasters or cable people or educators that they cannot find time to attend—and to make a stir when they get there.

They tell broadcasters how to stand up to the Federal Trade Commission They hold out to radio licensees the juicy carrot of permanent licensing. They throw their weight around in the confused cable television business and somehow emerge as the architect of an agreement that pleased no one. As one highly respected FCC Commissioner put it in a recent interview.

> I think that Dr. Whitehead would have enough to do if he took care of his own business. He's talking about things he doesn't have anything to do with or know anything about.

As his Office of Telecommunications Policy flexes its $3 million muscle, it employs every device available to impose its concept of policy on those who disagree. The case of public broadcasting is fresh in our minds, since this body decisively approved the Public Broadcasting Act of 1972 just 3 weeks ago.

OTP has a very clear idea of what it wants public television to be—localized, innocuous, impotent, without a national service that will attract enough audience to make it a factor in its 212 communities. Unfortunately, that is the way public television was before we passed the first Public Broadcasting Act in 1967. Financing was a shoestring, day-to-day cliffhanger, and the programs looked like it—dull panel shows, amateurish how-to-do-it programs, local theatricals and concerts and city council meetings, and understandably enough—little or no audience. Along came the Corporation for Public Broadcasting with its regional production centers and an aggressive attitude toward seeking out professionally produced cultural and educational programs.

So today, because of the national programing furnished to the public television stations, there are audiences for such superior programs as "Sesame Street" and "The Electric Company," "Black Journal" and "Firing Line," "Civilisation" and "The Forsythe Saga" and "Elizabeth R and Henry the Eighth"—audiences not served by the commercial broadcasters, and audiences for better-produced local programs, now that local stations do not have to fill 100 percent of their air time.

These programs carry out the Congress' mandate to CPB to provide television fare that gives the American public a choice instead of forever serving the mass audiences. That national service is what the Office of Telecommunications Policy has set itself to destroy. I am gratified to report that they failed. The members of this body were subjected to a massive lobbying effort in support of the Office of Telecommunications' desire to weaken public broadcasting, which the Congress rejected by the vote of 254 to 69.

Let me fill in another part of the picture that a casual look at the OTP's budget may not reveal. The Secretary of Commerce almost as an afterthought, is directed by the President to provide support to the Director of Telecommunications Policy—OTP's Dr. Whitehead—in various ways. And the Commerce Department has responded to this vague directive with vigor and enthusiasm.

The Federal budget for fiscal year 1973 reveals an Office of Telecommunications under the Science and Technology division of Commerce comprising some 248 bodies, headed by handsomely paid leaders like any knowledgeable bureaucracy. This unit that "provides support" to the 65-body OTP, has its own budget which went from $2¼ million in fiscal 1971 to $5.1 million in fiscal 1972 and an estimated $7½ million in fiscal 1973. Pretty fair support for an office that did not exist 2 years ago.

These runaway bureaucracies must be curbed if we are to proceed in an orderly way to bring to the American people the fruits of telecommunications technology. Ahead of us are the wonders of broadband communication via cable, satellite transmission covering the United States, and a technology of abundance instead of scarcity of communications channels.

The Federal Communications Commission is dealing with these emerging technologies and reporting regularly to the Congress on its progress. It should be backed up by Congress, not second-guessed by the Office of Telecommunications Policy. I urge this body to consider the merits of this amendment to restore balance to our communications regulatory procedures by limiting the appetite of the administration to build an empire and take over a vital function of this Government.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first let us have everybody understand that the Office of Telecommunications Policy exists by virtue of the fact that it was taken out of the Office of Emergency Preparedness by the President's Reorganization Plan No. 1, and approved by the Congress on April 20, 1970. In the year and a half it has operated as an independent agency from that time until now this agency has developed a team that has accomplished a long-term national policy for cable television and broadcast communications; a specific series of policy guidelines for the development of domestic satellite services; a final plan for the development of international aeronautical satellite facilities; recommendations concerning the structure of the international communications industry; a policy concerning the planning and construction for new international communications facilities; initiation of a pilot demonstration program for broadband communications systems; the development of new approaches to the regulation of the radio spectrum; and new and more effective procedures for emergency warning systems.

In the program that Congress has now before it, and for which funds are made available in this bill, we have the projections for new broadcasting and local wideband distribution media and their relation to the structure and regulatory control of the broadcasting industry; new service concepts and growing needs in the mobile communications field; new specialized communications networks and services and their relation to the structure and performance of the common carrier industry; nationwide information networks based on the combined use of computers and communications; the structure and performance of the Nation's rapidly growing international communications industry; preparation for U.S. participation in international negotiations and conferences, such as the upcoming 1973 International Telecommunications Union Conference; forecasting of new technological developments and ways of fostering practical applications for public benefit; development of a new spectrum allocation process more responsive to public needs; economical and effective management of Federal Government communications; planning for reliable emergency communications capabilities; planning and directing the allocation of spectrum to Federal Government users; coordination of Federal planning and assistance programs to State and local governments; examination of extent, legality, and desirability of governmental control of broadcast communications; and the development of proposals for regulatory and legislative changes as needed. All of this indicates, Mr. Chairman, that there is a lot of work and a great many things in which the President is involved and for which he needs these special capabilities.

To make the proposed cut would be the height of irresponsibility. If you are going to do that to the agency, why not be completely honest about it and wipe them out entirely, because you would do worse than wipe them out if you should make the proposed cut. They would not have capability of doing anything at all with what would be left.

So you must either give them the resources to do a creditable job, or you should wipe them out entirely. I think the record is quite clear that this function is needed. This is a very useful capability for the President to have for all the great decisions he has to make in this day of the new explosion in the telecommunications field. This is one of the reasons why this whole operation has come into being, because of this growing need.

I think already in just 1 year and a half they have made some very fine progress. There is work yet to be done, some of which we hope to have accomplished this year. It is of such magnitude as to convince all who would look at the record that this agency is vitally needed, these funds are needed, and the amendment should be defeated.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. Mr. Chairman, was the statement the gentleman read from testimony furnished to the gentleman's committee, or was it something furnished later? It seems to me it was just plans for the future.

Mr. STEED. The committee has had all the justification furnished by the agency. We have had their testimony and exhibits, and we have gone over the work they have done and things they have accomplished, and things which, they say, remain to be done, which certainly obviously are around for somebody to decide. It seems to me that this agency with the capability they have developed and the good team they have is the logical place for this function to be placed and financed. That is what we hope we have done in this bill.

Mr. SPRINGER. Mr. Chairman, I rise in opposition to the amendment.

What is the effect of the amendment? I do not believe my distinguished colleague, the chairman of the subcommittee, got before the Members what this cut is. There is $3 million, even, set up by this appropriation. The amendment would cut out $2 million of the $3 million. It would cut the budget 66⅔ percent from the figure that has been set by the subcommittee which has heard this testimony.

Did this Office of Telecommunications Policy originate 2 years ago or 18 months ago, as the proponents of this amendment seem to imply? Let me read to the Members what the distinguished chairman of the Subcommittee on Military Operations, my distinguished colleague, the gentleman from California (Mr. HOLIFIELD), said on March 17, 1965:

> At the earliest practicable date, the President should submit to the Congress a reorganization plan to reconstitute the functions and responsibilities of the Director of the Telecommunications Management in a separate office in the Executive Office of the President, and take steps to insure that the Office is adequately staffed.

That was the start of this on March 17, 1965. Some of this had already been talked about in the Kennedy administration. President Johnson took hold of this and appointed the Rostow Commission. Most of the Members know Walt Rostow or are acquainted with him and know he was one of the most capable men around during the Kennedy and Johnson administrations. His Commission came in with a favorable report as follows:

> In our report, we recommend that the Executive Branch should have a strengthened capability to address the broad range of policy questions of concern to the Executive. It should have the adequate technical and financial resources to make appropriate long range studies; to give useful advice on specific issues to the FCC, to state governments, to various Executive Branch agencies, and to private groups and industries; to explore new applications of telecommunications; and above all to coordinate Executive roles in telecommunications leading to development of coherent and forward looking policies guiding Executive action.

I was at the International Conference in Montreux in 1965 when everybody else was advocating this. I know I came back and recommended that the President do this. He went further and created this commission, and it was under an executive order pursuant to the Rostow report. President Nixon under a reorganization order got this into effect, as my colleague, the distinguished gentleman from Michigan stated, some 18 months to 2 years ago.

Let us see what is involved in this amendment. Last year they had $2,635,000. They asked for $3,084,000 this year. They requested $424,000 which was for the mandatory salary increase and other mandatory costs. They did not get a nickel extra in this bill, but were cut back to $3 million for a new increase of only $365,000 over 1972—less than the increase warranted by the mandatory pay increase. We cannot say that is a tremendous expansion, when any agency receives less than the mandatory increases.

Now, what does this agency do. On this question of international telecommunications, I have attended almost every conference in Geneva since I have been on the subcommittee which the distinguished gentleman heads. They coordinate not only with our International Telecommunications Union in Geneva but with others.

The Members probably do not know this, but the GSA, HEW, Department of Defense, HUD and the Department of Commerce all have a part of telecommunications.

I believe my distinguished colleague, the chairman of this committee, explained a minute ago in what he was reading to the Members how these various telecommunications functions that are set up under the Cabinet positions are coordinated by this office at the White House.

This is exactly what the gentleman from California was talking about in 1965, and what the Walt Rostow Commission recommended. It was recommended by President Johnson. They did not get to it then, but the reorganization took place under President Nixon.

It just seems to me that when we start an agency like this we should consider the need. I thought there was a need for it. This was my belief. I believed it when the gentleman from California said it. I believed it when the President of the United States, Mr. Johnson, said it.

I believe we have pursued a policy of trying to bring some coherent action into this whole question of telecommunications policy.

If we are going to cut it by 66⅔, then I would be of the same opinion as the gentleman from Oklahoma, that we might just as well fold the agency up and take it out of existence, if it has only one-third of the budget request.

Have they had too many people? Let me give the figures here.

Let us go back to 1966. In 1966 the total for the Office of Emergency Preparedness including the functions now performed by the Office of Telecommunications Policy as a separate center was 336. In 1970, the total for the two organizations, prior to the reorganization plan which created OTP as a separate entity, was 290. Today the two organizations together—although they are two separate agencies now—have a total of 281 permanent positions. This has gone steadily down instead of going upward.

Let us take each individual agency. We also find that they have reduced the personnel over the years. For example, if we consider the responsibility performed by the Office of Emergency Preparedness today which requires 216 people, we find that those responsibilities in 1966 were performed by 266 people, or almost 25 percent more.

If we consider the responsibilities performed by the Office of Telecommunications Policy today, we find that they have 65 people, yet in 1966 had 70 people doing the same work.

We can take these agencies either together or separately, the Office of Emergency Preparedness and the Office of Telecommunications Policy. Whether we take them separately or whether we take them together, the number of employees today is less than it was 5 or 6 years ago.

These are the facts. I am trying to give them to the Members. There has not been any increase. There has been a reduction in the number of permanent positions at the White House and also the Office of Emergency Preparedness.

I do not say this is due to the fact that we have this President. I think this would have taken place, for instance, had Mr. Humphrey been elected in 1968.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. Springer was allowed to proceed for 2 additional minutes.)

Mr. SPRINGER. Mr. Chairman, if I am any judge of efficiency, this office has shown it and has been one of the few I have had any connection with in my service on my committee.

I will have to admit that we do supervise the seven agencies, and there is a tendency, I will admit, for all of us on our committee, to say that they do have a tendency to proliferate. But we certainly cannot criticize the Office of Telecommunications Policy, because the number of employees has gone down. It has not gone down spectacularly, but we have to admit that if they have even 10 less than in 1966 that is a lot of progress.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Texas.

Mr. MAHON. I want to join the gentleman in opposition to the amendment. I believe it would be a mistake to adopt the amendment.

Mr. SPRINGER. I thank the gentleman.

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we ought to look realistically at what this amendment is all about. This is an effort to get back at the OTP for having the effrontery to express a preference for less than 5-year funding for the Corporation for Public Broadcasting, an issue which we just went through in this Congress a few weeks ago.

It originates also, I think, out of irritation at OTP for calling to the public's attention and to the attention of broadcasters the Sander Vanocur matter and the $85,000 a year salary he would get from money that is taken out of the taxpayers' pockets so that the taxpayer might be given a different viewpoint of things.

Also I think it is an effort to get back at OTP for seeking local control of educational broadcasting rather than letting the CPB and the Ford Foundation control educational broadcasting out of New York and some of the eastern centers of cultural influence in this country.

Mr. Chairman, I happen to support personally the OTP in these criticisms they made of educational broadcasting and the CPB. And I wish to point out also that many of these criticisms resulted in the changes which OTP recommended being effected. These corrections came not only as a result of votes on the floor of this House, but also as a result of action by CPB itself, presumably because even CPB recognized some of the excesses to which it had gone.

I respect the right of my colleagues to their irritation that OTP had the temerity to mention some of these things, but I really do not think this is a means of resolving that annoyance. I happen to think the House acted wisely, and, as I understand it, the other body acted today in essential support of the House. But I do not happen to respect this vendetta.

As a broadcaster at one time, I was interested before I came to Congress in whether or not the FCC was keeping up with technical developments in the field of communications.

I would have to say I do not think there was a broadcaster in the country then or now who felt the FCC was doing its job in the technical area. I would say the FCC has been historically somewhat understaffed, but the responsibility in the area of communications technology has been now undertaken by the OTP.

I have a list as long as your arm of the accomplishments of OTP in this technical field. The list includes such technical matters as field screening and processing of frequency assignment actions of the Federal Government departments and agencies. During 1970 and early in 1971 actions ran about 5,000 per month, but since then 4,000 per month has been the average. This reflects the improved review mechanisms instituted by OTP.

I would like to ask how the FCC does on some of its hearings? The answer is that it performs much more slowly and much more poorly.

I had the opportunity to act as a representative of this Congress, along with the gentleman from Rhode Island (Mr. Tiernan) at the International Telecommunications Conference in 1971, in which OTP participated. As a result of that conference, we were successful in achieving space communication requirements which will carry on the telecommunications operations into the 1980's and it was agreed to pretty much as this country wanted that job done.

The OTP is here as an arm of the executive branch to coordinate not just what the FCC does in technical areas but what the State Department does and what the Defense Department does and what the OEP and what many other agencies of the Federal Government do in the communications field. The OTP is not some ogre trying to put the screws on the FCC. It is an organizational mechanism to bring some intelligence and some centralized policy out of the communications activities and regulations of this country's many interests in communications. It does a job that needs to be done and it does it, I think, rather efficiently. Of course, it may not always do it the way some of the members of the FCC would like to have it done.

I would like to ask my chairman of the Subcommittee on Communications and Power of the Committee on Interstate and Foreign Commerce who the commissioner was you quoted who is so highly respected and who is so critical of the OTP.

Mr. MACDONALD of Massachusetts. It is Mr. Berman who has been on the Commission for many, many years.

Mr. BROWN of Ohio. I did not catch the name.

Mr. MACDONALD of Massachusetts. Mr. Berman who was the former son-in-law of the late Speaker Sam Rayburn.

Mr. BROWN of Ohio. It sounded to me like it might have been the rather eminent Commissioner Nicholas Johnson, and I just wanted to verify whether it was or not, because it sounded like one of his viewpoints about the OTP.

Mr. MACDONALD of Massachusetts. I hope that matter is cleared up, I will say to the gentleman, but I do not quite understand the position the gentleman is taking in this matter considering the vote in the House.

Mr. BROWN of Ohio. It happens to be that the original request of the CPB was for a 5-year funding, but that the OTP was for a 1-year funding. The gentleman knows that the House agreed to a 2-year funding.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. Brown of Ohio was allowed to proceed for 2 additional minutes.)

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield further?

Mr. BROWN of Ohio. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. I would like to say, both to the gentleman in the well and to my distinguished colleague, the gentleman from Illinois (Mr. Springer) that the idea of course is a very fine one, and it did originate here in the Congress, as was said by the gentleman from California (Mr. Holifield) and was considered by other Presidents. But it has been implemented in 1969, and I ask the gentleman whether the gentleman thinks that 313 people are necessary to advise the President on telecommunications policy?

Mr. BROWN of Ohio. As I think the gentleman is fully aware, the OTP has many more responsibilities than just advising the President. Its functions, as I tried to explain in my original 5 minutes, not only include recommendations to the President on policy but in trying to coordinate the many activities of the Federal Government—some of them over which the FCC has absolutely no jurisdiction or authority—in the field of communications, so that there is a single directed policy in this country on communications among the Federal agencies such as the State Department, the Defense Department, the Office of Emergency Planning, and others.

This job is not being done now by the FCC, and it was not done during the previous administration. So, the purpose for the OTP was indicated in the report originally requested by President Johnson. That report urged expansion of an effort made by President Kennedy who first established the Office of Telecommunications.

Mr. MACDONALD of Massachusetts. Will the gentleman yield further?

Mr. BROWN of Ohio. I will be glad to yield further to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. I hate to argue with the gentleman from Ohio about the factual situation, but Dr. Whitehead himself said his chief job was advising the President. And the gentleman will recall when I pursued the matter he said he never talked to the President, and his job was to answer to Mr. Flanigan in the White House.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. VAN DEERLIN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

Mr. Chairman, I regret that so often, by the time I get into the well, the cry of "vote", "vote" is already sweeping the Chamber. But I think it is important in this particular matter to take a look at what was intended for the OTP policy. I can say at the outset that if my subcommittee chairman had come up and asked us to remove all funds for this agency, or to eliminate it, I would have strongly opposed the amendment. However, I do support the amendment to reduce those funds.

In the testimony before the formation of this new agency under the Holifield committee, the estimate was that they were going to need about 20 people, heavy on engineering, to help chart the unknown future of telecommunications internationally and domestically. We are in an area of satellites, of broad-band cable, of microwave. It could be that in another 10 years, virtually no TV signals at all will be going over the air to receiving sets in this country.

But what the President needed, and what he still needs, is the best advice that he can get in a complicated and very sophisticated technological field. And so the 20 people that they started out with were surely a justified number. In the course of just 2 years that modest number has gone up to 65 persons.

My colleague, the gentleman from Ohio, mentioned some of the quasi-political judgments that have been rendered by this office and by its Director. He mentioned the criticism they had of public broadcasting. There was considerable criticism in this body of public broadcasting.

I would also say that the agency has gone beyond its depth somewhat in suggesting the deregulation of radio, in seeking to drive a wedge between the networks and their affiliates, and between local educational broadcasters and their Corporation for Public Broadcasting.

I should think that many Members of this body would be concerned that the Director has called for the gutting of the fairness doctrine, which is one of the real tools that do exist for maintaining free and open channels of broadcasting, both commercially and educationally.

The point is that there are only two people among those 65 down at the OTP who have any prior experience in commercial broadcasting. That staff lacks the qualification to make policy in nontechnical matters, and to enter the thicket of political judgments.

I think that the passage of the Macdonald amendment will serve notice on the Office of Telecommunications Policy that they were set up to give advice to the President—very much needed advice—in a specific and limited area. It will also make clear that this office should not intrude on the authority of the Federal Communications Commission to make rules, nor on the constitutional responsibility of Congress to make regulatory policy.

I urge support of the Macdonald amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I listened with great interest to the remarks of the gentleman from California and his great concern over what he says is a tremendous growth over the last 2 years in the Office of Telecommunications Policy.

As we listened to, I believe it was the gentleman from Illinois (Mr. SPRINGER), he told us that the predecessor agency that was set up by President Kennedy was called the Director of Telecommunications Management. And it had 63 employees. That was way back in 1961. Here we are in 1972 and in this, the third largest and the fastest growing industry, I am told, in the country, the communications industry. Therefore, I fail to see where an increase of two in the number of personnel for the Office of Telecommunications Policy constitutes the great unprecedented and unwarranted increase that the gentleman has been talking about.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The question was taken; and on a division—demanded by Mr. MACDONALD—there were—ayes 37, noes 65.

TELLER VOTE WITH CLERKS

Mr. MACDONALD of Massachusetts. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MACDONALD of Massachusetts. I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. MACDONALD of Massachusetts, VAN DEERLIN, SPRINGER, and STEED.

The Committee divided, and the tellers reported that there were—ayes 148, noes 188, not voting 96, as follows:

[Roll No. 222]

[Recorded Teller Vote]

AYES—148

Abourezk
Abzug
Adams
Alexander
Anderson, Calif.
Annunzio
Ashbrook
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Brademas
Brinkley
Brooks
Burke, Mass.
Burton
Byron
Cabell
Casey, Tex.
Chappell
Clark
Cleveland
Collins, Ill.
Colmer
Conyers
Cotter
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Delaney
Dellums
Denholm
Dent
Derwinski
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Eilberg
Evins, Tenn.
Fascell
Foley
Ford, William D.
Fountain
Galifianakis
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gross
Hamilton
Hanley
Harrington
Hathaway
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Koch
Kyros
Long, La.
Long, Md.
McFall
Macdonald, Mass.
Madden
Mazzoli
Meeds
Melcher
Mikva
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Nedzi
Nix
Obey
O'Neill
Passman
Pickle
Pike
Podell
Price, Ill.
Pucinski
Purcell
Rangel
Rees
Reid
Reuss
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Runnels
Ryan
Sarbanes
Saylor
Scheuer
Seiberling
Smith, Iowa
Staggers
Stanton, James V.
Stratton
Stuckey
Symington
Taylor
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
White
Wolff
Wright
Yates
Zablocki

NOES—188

Addabbo
Anderson, Ill.
Arends
Aspinall
Baring
Bell
Bennett
Betts
Blackburn
Boggs
Bow
Brasco
Bray
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Caffery
Camp
Carlson
Carter
Cederberg
Chamberlain
Clancy
Clawson, Del
Collier
Collins, Tex.
Conable
Conover
Conte
Coughlin
Davis, Wis.
de la Garza
Dennis
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edmondson
Edwards, Ala.
Eshleman
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frey
Gettys
Gibbons
Goldwater
Goodling
Griffin
Grover
Gubser
Gude
Haley
Hall
Halpern
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Heckler, Mass.
Heinz
Hillis
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jones, Ala.
Keating
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
McClory
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Michel
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Myers
Natcher
Nichols
O'Konski
Patten
Perkins
Peyser
Poage
Powell
Price, Tex.
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rousselot
Roybal
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Slack
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Wampler
Ware
Whalen
Whalley
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion

NOT VOTING—96

Abbitt
Abernethy
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Baker
Belcher
Bevill
Blanton
Blatnik
Boland
Bolling
Broomfield
Burke, Fla.
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clausen, Don H.
Clay
Corman
Curlin
Danielson
Davis, S.C.
Dellenback
Diggs
Dowdy
Dwyer
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Fraser
Frenzel
Fulton
Fuqua
Gallagher
Garmatz
Griffiths
Hagan
Hanna
Hansen, Wash.
Hawkins
Hébert
Holifield
Jonas
Kastenmeier
Kee
Keith
Kluczynski
Landrum
Leggett
Lennon
Link
Lujan
McCloskey
McClure
McCormack
McMillan
Mailliard
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Mitchell
Mosher
Murphy, N.Y.
Nelsen
O'Hara
Patman
Pelly
Pepper
Pettis
Pirnie
Poff
Preyer, N.C.
Pryor, Ark.
Riegle
St Germain
Schmitz
Sikes
Sisk
Skubitz
Smith, Calif.
Stephens
Stokes
Sullivan
Teague, Tex.
Thompson, N.J.
Waldie
Widnall
Wilson, Charles H.
Yatron
Zwach

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADVISORY COMMISSION ON INTERNATIONAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of September 24, 1959 (73 Stat. 703-706), $794,000.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I would like to ask the gentleman from Oklahoma, the chairman of the subcommittee, just what contributions to mankind these two organizations provide. I am talking about the Administrative Conference of the United States and the Advisory Commission on Intergovernmental Relations. Do they make worthwhile contributions?

Mr. STEED. I would say to the gentleman that the Administrative Conference and possibly the man who runs that has the toughest job in Government. They have a hard time finding anybody to fill this job because it deals with the coordination of all the rules and regulations of the quasi-judicial agencies of the Government. It requires certain highly specialized skills. We think that it does a difficult job in keeping chaos out of the semijudicial agencies of the Government. This has been a long-needed function and it has been a difficult job getting it started. We think it is probably some of the best money spent that we have in this bill.

Mr. GROSS. I thought I had the toughest job in Government, but to expedite matters I will yield to this man if you say he has the toughest job.

You have explained the Administrative Conference of the United States. What about the next one?

Mr. STEED. The Commission on Intergovernmental Relations, as the gentleman knows, includes Members of the House and the Senate, State and local governments, as well as public members. This agency has been in existence for many, many years, and it deals with matters that are of great concern both to the Federal Government and to the States. They have worked on some of the very finest projects in the world that have a lot to do with how the State governments and the legislatures can work with the Federal Government. I think from the reports and the recommendations and the work accomplished you will find this is not only one of the oldest and most successful functions of this sort, but it is one on which those who are involved, especially in the States, place a very high value.

Mr. GROSS. Does the gentleman know whether the Advisory Commission on Intergovernmental Relations did any lobbying in behalf of alleged revenue sharing?

Mr. STEED. They may. I am not sure. They may have made a study on that subject some years ago, but they did not do any lobbying that I know of. The thing that I would say they should put on their agenda—and I think the gentleman would agree it should be done—is this: When the last census was taken the census district idea got a little bit out of hand. They had some very serious problems with the legislatures trying to control the one-man, one-vote problem. We have asked them to get together with the Bureau of the Census and some of the State legislatures and see if they cannot devise a census district program to be used in the next census that will be uniform and make sense and be something that those who use it can make some sense out of.

Those are the sort of things that they perform and do, not only for the Federal Government, but for all of the States.

Mr. GROSS. How many employees does the Administrative Conference of the United States have?

Mr. STEED. In addition to the members of the committee, who meet from time to time to study the materials that the staff have prepared at the direction of the Commission, they have 12 staff people. These people do the work that the members lay out for them. There is only a limited amount of work that they can do with this small number of people they have on their staff.

Mr. GROSS. How many employees does the Advisory Commission on Intergovernmental Relations have?

Mr. STEED. They have 35 at the present time. That is not a very large commission for the type of work they do. If they do not ask for more, then they evidently do not think they need any more. The kind of work they do can be done with a small staff.

Mr. GROSS. The gentleman is aware, I am sure, that there are between 2,900 and 3,200 boards, advisory boards, advisory commissions, bureaus, commissions and committees in this government. I hope that the gentleman's subcommittee, insofar as it has jurisdiction, will, next year, take a close look at all of them that come within its purview.

The CHAIRMAN. The time of the gentleman from Iowa has expired. The Clerk will read.

The Clerk read as follows:

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

SALARIES AND EXPENSES

For necessary expenses of the Commission on Executive, Legislative, and Judicial Salaries, authorized by section 225 of the Postal Revenue and Federal Salary Act of 1967 (81 Stat. 642-645), $100,000.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 17, strike lines 5 through 11.

Mr. GROSS. Mr. Chairman, the amendment I have offered strikes from the bill the section which provides $100,000 for salaries and expenses of the Commission on Executive, Legislative, and Judicial Salaries.

This Commission is scheduled to be appointed again this year to recommend to the President increases in salaries for Members of Congress, judges, and Cabinet and sub-Cabinet officials in the executive branch. The President's recommendations for increased salaries will be contained in his budget message next January and will take effect automatically in 30 days, unless vetoed by a vote of either the House or Senate.

I think most Members will recall the controversy which surrounded the sizable salary proposals contained in President Johnson's budget of 1969. The 40-percent salary increase for Members of Congress was not only inflationary at that time, but because the Congress and the committees had not been organized that early in the session, there was no opportunity for the Members of the House to vote on the recommendation. With a number of other Members, I submitted resolutions of disapproval, but the Post Office and Civil Service Committee did not meet to consider the resolutions. The same situation will undoubtedly exist next January.

Both in the last Congress and in this Congress, many Members have introduced legislation which would completely abolish the Commission on Executive, Legislative, and Judicial Salaries and repeal the authority of the President to set these salaries in a nearly automatic procedure.

I submit therefore, Mr. Chairman, that this may be the only opportunity the Members of the House might have to express their positions relative to further inflationary salary increases for themselves, Federal judges, and Cabinet officers. If my amendment is adopted, the funds to operate the Commission will be cut off, and hopefully the Commission will not operate, at least for the coming fiscal year.

At a time when we are asking all Americans to hold the line on prices and pay, and to endure personal sacrifices in order to stabilize the economy, we should not even be thinking in terms of granting ourselves and all other top Government officials inflationary pay raises.

Adoption of my amendment will not only stop this nonsense, but will save $100,000 as well.

I urge you to adopt my amendment.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Let me say at the outset the fact that I oppose this amendment in nowise indicates any position that I might take on the matter of raising the pay of Members of Congress.

But I would like to call the Members' attention to the fact that the act under which this appropriation is made was passed by this Congress. The law is still on the books. It is mandatory on the President of the United States to send this estimate to the Congress once every 4 years. Of course the subcommittee felt that it was more or less mandatory on us to include the estimate the President has submitted because under the law this Commission is required to meet once every 4 years to review this matter of salaries.

I might just call the attention of the Members to the fact that it is a presumption to say that they are going to come out with raises for everybody including Members of Congress. You know under the authority they have they could just as well cut it and I do not want any Member to think that if they vote for this appropriation it is a vote for a pay raise because it may be a vote for a pay cut. No one knows in view of the constitution of the members of the committee what they might report. But this is a law and as long as it is on the books I think it is incumbent upon the Congress to make the funds available.

If the Congress wants to repeal the law, then we would not have a problem. It seems to me this issue either ought to be settled in the legislative committee or we ought to be permitted to do what is mandatory under the law as it now stands.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman.

Mr. UDALL. I join the gentleman from Iowa tonight in preaching economy. But he has departed from preaching and has now gone to meddling here in a very important matter.

The fact is that the compensation of Members of the House in terms of purchasing power is not $42,500. In 1969 terms it is down now to something around $38,000 or $37,000.

By voting for this amendment you are saying, let us not even have a study.

As the gentleman from Oklahoma suggested, the Commission may well come back and recommended substantial cuts that would make the gentleman from Iowa very happy indeed.

So I suggest that we leave the money in there and try to find an opportunity next January or February to vote down these outrageous pay increases that the gentleman from Iowa fears.

This is not the time nor the place to do this job.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman.

Mr. GROSS. I regret I did not have that kind of cooperation from the gentleman from Arizona when I tried to get a rollcall vote in the matter of the 40-percent pay increase for Members of Congress.

Let this Commission serve without pay and make that contribution to the country, if that is what they want to do.

Mr. STEED. I do not know we could get that.

Mr. Chairman, I do urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

TELLERS VOTE WITH CLERKS

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HALL. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. GROSS, UDALL, STEED, and HALL.

The Committee divided, and the tellers reported that there were—ayes 135, noes 196, not voting 102, as follows:

[Roll No. 223]

[Recorded Teller Vote]

AYES—135

Ashbrook
Baring
Bell
Bennett
Betts
Biester
Bray
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burleson, Tex.
Byron
Clancy
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conover
Coughlin
Crane
Daniel, Va.
Davis, Wis.
Denholm
Dennis
Devine
Dickinson
Downing
Dulski
Duncan
du Pont
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flynt
Fountain
Frey
Galifianakis
Gaydos
Gettys
Goldwater
Goodling
Grasso
Green, Oreg.
Griffin
Gross
Haley
Hall
Hammerschmidt
Hastings
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Horton
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Jones, Tenn.
Keating
Kemp
King
Kyl
Landgrebe
Latta
Lloyd
Long, Md.
McClory
McCollister
McDade
McEwen
Martin
Mayne
Michel
Miller, Ohio
Mizell
Montgomery
Myers
Obey
O'Konski
Powell
Price, Tex.
Quie
Quillen
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Rogers
Roncalio
Rousselot
Runnels
Ruppe
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Sebelius
Seiberling
Shoup
Shriver
Skubitz
Snyder
Stanton, James V.
Steele
Steiger, Ariz.
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Thone
Vanik
Veysey
Whalley
Whitehurst
Wilson, Bob
Winn
Wolff
Wylie
Wyman
Young, Fla.
Zion

NOES—196

Abourezk
Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bergland
Biaggi
Bingham
Blackburn
Boggs
Brademas
Brinkley
Brooks
Brown, Mich.
Burke, Mass.
Burlison, Mo.
Burton
Byrnes, Wis.
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clark
Collins, Ill.
Conte
Conyers
Cotter
Culver
Daniels, N.J.
de la Garza
Delaney
Dellums
Dent
Derwinski
Dingell
Donohue
Dorn
Dow
Drinan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Fascell
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Garmatz
Giaimo
Gibbons
Gonzalez
Gray
Green, Pa.
Grover
Gubser
Gude
Halpern
Hamilton
Hanley
Hansen, Idaho
Harrington
Harsha
Hathaway
Hays
Hechler, W. Va.
Helstoski
Hicks, Wash.
Hillis
Holifield
Howard
Hull
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kazen
Koch
Kyros
Lent
McDonald, Mich.
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mahon
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Mills, Md.
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Neill
Passman
Patten
Perkins
Peyser
Pickle
Pike
Poage
Podell
Price, Ill.
Pucinski
Purcell
Railsback
Rangel
Rees
Reid
Reuss
Robison, N.Y.
Rodino
Roe
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
Sandman
Sarbanes
Scheuer
Scott
Shipley
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Spence
Springer
Staggers
Stanton, J. William
Steed
Steiger, Wis.
Stratton
Symington
Terry
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Wampler
Ware
Whalen
White
Whitten
Wiggins
Williams
Wright
Wyatt
Wydler
Yates
Young, Tex.
Zablocki

NOT VOTING—102

Abbitt
Abernethy
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Baker
Belcher
Bevill
Blanton
Blatnik
Boland
Bolling
Bow
Brasco
Broomfield
Broyhill, Va.
Burke, Fla.
Byrne, Pa.
Carney
Celler
Chisholm
Clausen, Don H.
Clay
Colmer
Corman
Curlin
Danielson
Davis, Ga.
Davis, S.C.
Dellenback
Diggs
Dowdy
Dwyer
Erlenborn
Esch
Evans, Colo.
Fraser
Frenzel
Fulton
Fuqua
Gallagher
Griffiths
Hagan
Hanna
Hansen, Wash.
Harvey
Hawkins
Hébert
Hogan
Jonas
Kastenmeier
Kee
Keith
Kluczynski
Kuykendall
Landrum
Leggett
Lennon
Link
Long, La.
Lujan
McCloskey
McClure
McCormack
McCulloch
McKevitt
McMillan
Mailliard
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Mitchell
Mosher
Murphy, Ill.
Nelsen
Nichols
O'Hara
Patman
Pelly
Pepper
Pettis
Pirnie
Poff
Preyer, N.C.
Pryor, Ark.
Riegle
St Germain
Schmitz
Sikes
Smith, Calif.
Stephens
Stokes
Sullivan
Teague, Tex.
Thompson, N.J.
Waldie
Widnall
Wilson, Charles H.
Yatron
Zwach

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6–104.4 (b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

Mr. GROSS. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. I make a point of order against the language to be found on page 31, beginning on line 25, section 505, and running to page 32 to and including line 14, as being legislation on an appropriation bill. I specifically refer, Mr. Chairman, to the language found on page 32 which directs "that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States" and so on and so forth.

The CHAIRMAN. Does the gentleman from Oklahoma care to be heard on the point of order?

Mr. STEED. Mr. Chairman, this proviso has been in the legislation for a great many years. At this date and time it imposes no function on the GSA it is not already doing. So we think it is a very regular part of the bill, and I think by precedent it is entitled to remain.

The CHAIRMAN (Mr. MONAGAN). The Chair is ready to rule.

The fact that the provision has been carried in prior appropriation bills is not conclusive in connection with the point of order that is raised at this time. The provision does add additional requirements and duties. In the opinion of the Chair this is legislation on an appropriation bill, and the point of order is sustained.

The Clerk will read.

The Clerk concluded the reading of the bill.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: On page 38, line 18, add a new section 611, as follows:

SEC. 611. No part of the appropriation made by this Act shall be expended for the compensation of more than 1647 employees in the Executive Office of the President, including not more than 50 employees of any Department or agency detailed to serve in the Executive Offices;

Nor shall the total amount appropriated to the Executive Office of the President for personnel compensation exceed $29,737,760;

Nor shall any part of the appropriations be expended for the compensation of more than 95 ungraded employees in the Executive Office of the President, whose individual salaries are in excess of the maximum rates of pay established at the pay level of GS–10 of the General Schedule (5 USC 5332);

Nor shall any part of the appropriation be expended for the compensation of more than 549 employees in the Executive Office of the President whose annual rates of pay are more than the minimum rate in effect for GS–13 of the General Schedule (5 USC 5332) but less than the annual rate of pay for Level II of the Executive Schedule (5 USC 5313);

Except that no part of this section shall apply to the compensation of any employees of the White House Office, or the compensation of the President.

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STEED. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Oklahoma reserves a point of order against the amendment.

The gentleman from Arizona (Mr. UDALL) is recognized.

Mr. UDALL. Mr. Chairman, the sun never sets on this building without at least a dozen speeches lamenting the erosion of congressional power and the flow of power to the executive branch and the office of OMB.

The sun never sets on this Chamber without a dozen or two speeches on the need for economy and the dangerous explosion of executive branch supergrades and highly paid executives and special assistants and consultants.

Now, on this amendment tonight you are going to have a chance to vote on some of these things. You are going to have a chance to vote to cut down the fastest growing bureaucracy in America—the White House and the EOP.

Let me give you a formula for a lynching party which some of the people who are going to speak against my amendment would quickly join.

Suppose, if you will, that in 1968—and this will pain some of you to even suppose it—that HUBERT HUMPHREY was elected President. And suppose that he had promised to have the smallest White House in modern history. And suppose that at the end of 3 years his budget compared with the last year of Lyndon Johnson—and he was no slouch on expanding the White House staff—suppose the budget had gone from $17 million to a request of $43 million and suppose that people paid between $22,000 and $42,500—the executives down there had gone from 508 to 829 and suppose the total personnel down there of the EOP office had gone from 1,305 to a request of 2,196.

I would have been able to organize the biggest lynching party you have ever seen—taking only the Members on the west side of the aisle. And yet I suspect that some of them are going to be talking and voting against this amendment. And before they get up and start making some arguments let me knock down just a couple of them.

First, there is not a dime in here taken out of the White House, the President's own staff.

I think the President of the United States is entitled on grounds of comity to whatever staff he asks for himself.

This deals only with that army of agencies that have been created in the so-called EOP and are spilling all over downtown.

The Executive Office of the President is where I aim. In it there have been created nine new bureaucracies—brand-new bureaucracies that did not even exist 3 years ago but which have been created down there.

Second, when I get through, if this amendment carries, the EOP will still have $12 million more than Lyndon Johnson's last budget.

So you can see that this is a $14 million cut and it is still going to leave a huge apparatus which did not even exist 3 years ago.

This is not directed against President Nixon—in the sense that I would not make the same argument against a Democratic President, because I mean business.

Some of us Democrats hope that we might win this scrimmage in November and this budget goes from July of this year to July of next year. Half of the cuts apply to the present occupant of the White House and half apply to whoever happens to be the new occupant of the White House in January.

So I suggest that we mean business here tonight and this is a chance to do something in the Congress.

Any legislative body that will stand back and see its power taken away does not deserve respect. This is what is happening. The OMB is stealing the power of this Appropriation Committee. We will debate at great length here tonight on how the money is going to be spent and then some bureaucrat that we have not even heard of downtown will say "no"—and that is the end of the ball game. They are a super appropriating committee.

I want to bring this kind of thing to a stop. So we are putting some overall limitations by this amendment on this massive unprecedented outrageous operation down there that is a threat to our federal system and a threat to the Congress and is a threat to the balance of power in Government.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the minority leader.

Mr. GERALD R. FORD. I was very impressed with the eloquence of the gentleman from Arizona in being concerned about the erosion of the legislative authority and the buildup of authority by the executive branch of the Government. Then my memory went back to 1967 or 1968. As I recall my friend from Arizona was the author of the provision which is in the law today which takes away in effect from the Congress the right to establish the pay for the President, the Federal judges and the Members of Congress. The gentleman from Arizona was the author of that provision which is in the law today that gives this authority now to the executive department of Government and takes it away from us.

In light of this, I do not understand the gentleman's concern now about this erosion of authority.

Mr. UDALL. A number of my beloved colleagues have thanked me privately for taking part in that particular erosion. We would still be drawing $22,500 if we had not delegated this authority.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the last word.

Mr. STEED. Mr. Chairman, I continue to reserve my point of order against the amendment.

The CHAIRMAN. The gentleman from Maryland is recognized.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. At what point does the reservation expire, and at what point must the Chair decide the point of order?

Mr. STEED. Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. Will the gentleman state his point of order.

Mr. STEED. Mr. Chairman, I make a point of order against the amendment on the grounds that it is legislation on a general appropriation bill. Specifically, Mr. Chairman, in the second part of the amendment, it is sought to place a limitation on the "total amount appropriated to the Executive Office of the President for personnel compensation."

Mr. Chairman, by so doing, the amendment which is drawn in the form of a limitation goes beyond the scope of the pending bill and is therefore not in order.

I hold in my hand a copy of the bill (H.R. 15093), the general appropriation bill for the Department of HUD and sundry independent executive agencies and so forth for the fiscal year 1973, on page 11 of which, in lines 12 through 24, there appear two appropriations for activities and personnel under the "Executive Office of the President." My point is, Mr. Chairman, that this amendment reaches beyond the present bill and seeks to impose a limitation on funds appropriated in at least one other bill.

Clearly, therefore, the amendment is not in order.

The CHAIRMAN. Does the gentleman from Arizona care to be heard on the point of order?

Mr. UDALL. Very briefly, Mr. Chairman. This amendment is carefully drafted in language in line with dozens of other similar amendments which in the past have been held to be limitations. This language speaks only in the language of limitations. It refers to limitations of personnel for which these funds could be spent and places total overall limitations on the amount of money that could be spent on the Executive offices of the President. I submit that the amendment is germane and is in order.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Arizona offered an amendment on page 38 of the bill, to which the gentleman from Oklahoma has raised a point of order. The Chair has examined each of the clauses of the amendment, and each imposes limitations on the number of employees or on the compensation of the employees. The beginning of the amendment specifically says that—

> No part of the appropriation made by this Act shall be expended—

And so forth, and this qualifying phrase applies to every paragraph of the amendment.

Therefore, it is the opinion of the Chair that these are legitimate limitations. They do not constitute legislation on an appropriation bill, and the point of order is overruled.

Mr. ROBISON of New York. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Arizona.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ROBISON of New York. Mr. Chairman, it is my understanding that in order to be qualified under the rules and the precedents of the House, a limitation on an appropriation bill must limit the funds appropriated under that act and that act only.

I think the chairman of the subcommittee has already pointed out to the Chair that there are other Executive Office agencies under the heading of the Executive Office of the President to which the amendment seeks to add a limitation. I would say to the Chair that those agencies are, among others, the Council on Environmental Quality, the National Aeronautics and Space Council, the National Commission on Productivity, the National Council on Marine Resources and Engineering, the Office of Consumer Affairs, the Office of Science and Technology, the Special Representative for Trade Negotiations, and finally, Mr. Chairman, the Office of Economic Opportunity, for none of which agencies is money provided under this appropriation bill.

Mr. UDALL. Mr. Chairman, I wish to be heard on a point of order; in the first place, my esteemed friend from New York (Mr. ROBISON) did not reserve a point of order. He is either making the same one my friend from Oklahoma made, or he is making a different one, and the gentleman from Oklahoma's point of order has been ruled upon.

He has no right to make a point of order, since he did not reserve one, and debate had intervened.

On the second ground, I think the Chairman has already covered in his earlier ruling the precise point the gentleman has raised.

Mr. STEED. Mr. Chairman, may I be heard further?

The CHAIRMAN. Yes, the gentleman is recognized.

Mr. STEED. Mr. Chairman, if the Chair will direct his attention to the first paragraph, he will see a specific reference to the number 1,647 employees in the Executive Office of the President. It does not say, in this act. It says, in the entire office. It says:

> Nor shall the total amount appropriated—

Not in this act, but in all acts—

> to the Executive Office of the President for personnel compensation exceed $29,737,760.

Mr. Chairman, there is no way from the record here or any other available record that we can show where the 1,647 limitation does increase or decrease the people available in the Executive Office of the President.

In the rules of the House it is very specific under the Holman rule, that unless a definite reduction can be shown, this language would be legislation and would not be appropriate to this bill.

The CHAIRMAN (Mr. MONAGAN). The point made by the gentleman from New York is essentially that already made by the gentleman from Oklahoma. This bill does contain appropriations for the Executive Office of the President and the Chair reads the amendment as being a limitation upon those appropriations. And, as pointed out before, the specific provision is that no part of the appropriations made by this act shall be expended for certain purposes—detailed in the first four paragraphs of the amendment. The Chair is constrained, therefore, to overrule the point of order.

Mr. LONG of Maryland. Mr. Chairman, this amendment is intended to curb the ballooning of personnel in the Executive Office of the President, in the interest of preserving our system of checks and balances among the three major branches of Government.

In 1937, the President's Committee on Administrative Management suggested that the President have six assistants to allow him more time to deliberate on the duties assigned him by the Constitution. The Committee's report states:

> These aides would have no power to make decisions or issue instructions in their own right. They would not be interposed between the President and the heads of his departments. They would not be assistant Presidents in any sense.

Now, compare this to the present day.

First, the number of executive office personnel has increased about 350 times since 1939.

Second, more and more decisions are being made in the Executive Office by people who are, in fact, "assistant Presidents." For example, the Director of the Office of Management and Budget has much more power through his authority to recommend impoundment of funds. As of June of 1971, the OMB had impounded $12 billion in congressionally appropriated funds—and there is not a Member in this room that has not felt the impact. Impoundment gives the executive branch the power to pick and choose among congressionally approved and funded programs—and the directives of Congress are ignored. Through impoundment the President has an alternative to vetoing a program he opposes. By avoiding the veto, he shifts the blame and public attention to another office.

Alexander Hamilton predicted such a situation in his Federalist paper No. 70:

> One of the weightiest objections to a plurality in the executive . . . is that it tends to conceal faults and destroy responsibility. . . . It often becomes impossible, amidst mutual accusations, to determine on whom the blame . . . ought really to fall. It is shifted from one to another with so much dexterity, and under such plausible appearances, that the public opinion is left in suspense about the real author.

This amendment would not eliminate the Office of Management and Budget, but it would prevent the administration from hiring large numbers of personnel to staff new offices within the Executive

Office of the President, which could usurp other congressional powers.

Many of the Members know that if they want to find out about an administration policy or program they do not ask a Cabinet official. They ask a White House assistant. That is where the Cabinet official would get his information.

In 1970, when Secretary Rogers appeared before my Foreign Operations Appropriations Subcommittee, he assured the subcommittee, in answer to my question, that the administration would not involve American troops in another Asian nation without consulting Congress "to the fullest extent possible." A few days later U.S. troops invaded Cambodia. Obviously the Secretary of State, the traditional foreign policy adviser, had not even been informed in advance of the administration decision, let alone having part in that decision.

If more responsibility were placed on the executive departments rather than the Executive Office staff, it would not be necessary to provide the drastic increase.

I urge my colleagues to support this amendment.

Mr. ROBISON of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a wolf-in-sheep's-clothing amendment if ever there was one. A naked partisan attack on the President is here cloaked in a transparent mantle of fiscal responsibility, and then presented to us with a lot of high-blown words about how this somehow all relates to saving "government of the people, for the people and by the people," along with protestations of "political neutrality."

If any of my colleagues doubt this, I suggest they read this letter from the amendment's author to his committee chairman, under date of last April 24, which supposedly identifies the need for the surgery now suggested.

I cannot believe the amendment's author is serious for, if he were, I would have to say this effort—fair-minded and objective as he usually is—is totally out of character for him. Instead, I prefer to believe that, in an election year, boys will inevitably revert back to being boys until they get the "politics" out of their systems.

Well, let me speak to the merits of the amendment—such as they are:

The gentleman from Arizona proposes now—and this is the third version I have seen of whatever it is he originally started out to do—to get at what he called the "Palace Guard—of the Nixon regime—with its overwhelming size, shadowy functions and obvious influence that has undermined the traditional decision-making rules and interrelationships of the other branches of our Government," in his aforementioned letter to Chairman Dulski, by limiting the number of employees in the so-called Executive Office of the President, for whose compensation funds are provided in this bill, to 1,647, and by reducing the amount therein appropriated for EOP staff compensation to $29,737,760.

What is the justification for this meat-ax approach that flies in the face of that longstanding tradition of comity, as between President and Congress, in such matters, and even seems to belie the author's own words—again as taken from the Dulski letter—which were:

> Certainly no loyal American would begrudge any President the expertise or manpower needed to cope with the pressing problems of the nation and the world.

The justification, supposedly, is to be found in the gentleman's allegation—in the Dulski letter—that—

> The Nixon staff has quite suddenly and without apparent reason skyrocketed beyond all previously known limits . . . (until) the White House now has enough people with fancy titles to populate a Gilbert and Sullivan comic opera.

Words and phrases designed to catch headlines?

Sure enough.

But, what are the facts?

The facts are these: Subcommittee jurisdiction has been changed around a bit since then but, in fiscal year 1969, there were six Executive Office agencies still covered by this bill having a total of 973 permanent employees. These were the Council of Economic Advisers, with 60 people; the National Security Council, with 34; the Office of Emergency Preparedness, with 240; the old Bureau of the Budget, with 501, and then there was the household staff of 75 people in the Executive Mansion, itself, plus another 63 people in the old Office of Telecommunications Management within OEP, whose duties have since been taken over by the new Office of Telecommunications Policy about which we will hear more later.

Besides these 973 employes, there were 250 permanent positions allowed for the White House office, itself, which gives us an overall total for all these operations we are talking about of 1,223 employees.

This was for the last, full Johnson budget year.

The Johnson budget request for fiscal year 1970 would have increased that total to 1,315, but Congress then allowed only 1,303.

Now, for fiscal year 1971—the first, full Nixon budget year—this total, as allowed by Congress, increases again to 1,762 employees which, on paper, looks bad, doesn't it?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ROBISON of New York. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. ANNUNZIO. Mr. Chairman, I object.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York.

Mr. ROBISON of New York. I appreciate the gentleman yielding.

The question I was asking is:

How do you account for all these extra people on the payroll of a supposedly economy-minded President?

Well, first, there was now the Domestic Council, with 52 people.

Surely, you all know that Congress approved of the establishment of this operation, which is a sort of domestic counterpart to the National Security Council. Its staff works on legislative policy for the President, among other matters, and he needs this for he cannot—for obvious reasons—use congressional committee staffs for such purposes as Lyndon Johnson used to do.

Next, the National Security Council—which had atrophied under Mr. Johnson who manufactured his foreign policy in consultation with McNamara and Rusk, for the most part—had been reactivated by Mr. Nixon, and its staff was up from 34 to 70 people.

Our old whipping boy, the Bureau of the Budget, had—again with congressional approval—been handed some new management duties, and had taken on 100 additional people to try to handle them as, now, the Office of Management and Budget and, though we each probably have a bone of some sort to pick with OMB, do we really wish to dismantle it?

Finally, the White House Office staff had, indeed, seemed to "skyrocket" up from 250 people a year earlier to 533, now, but there is an explanation, if you will listen. Our bill, in fiscal year 1970, had allowed those 250 positions for the White House Office, of which 208, I believe were actually filled—that was the "average employment." But, besides those 208 there were, in fiscal year 1970, 273 other people detailed from other departments and agencies to the White House Office, whose salaries were therefore paid from other sources than this account, plus 93 people funded out of the so-called "special projects" account.

So, the actual, "honest" total was 574 people—and so, when all these people, or their counterparts, were actually charged in fiscal year 1971 as permanent positions assigned to the White House Office, the 533 total people retained was thus actually a reduction.

In fiscal year 1972, the overall total jumped again, this time from 1,762 people to 2,677, and that sounds terrible, too, does not it?

But, now, the economic stabilization program—which we all understand whether we approve of it or not—had at least temporarily added 679 people to the rolls, while the new Special Action Office for Drug Abuse Prevention had added 172, and who among us, including Mr. Udall, wants to take a whack at that?

But the thing that is most curious to me is: Where were today's critics a year ago? With the bill before us reducing that overall staff total, even if only a little, from 2,677 people, down now to 2,631, why were they silent until today?

Mr. Chairman, let me again borrow these words from the author of the amendment—that "no loyal American would begrudge any President the expertise or manpower needed to cope with the pressing problems of the Nation and the world"—and ask that this amendment be voted down.

I thank the gentleman for yielding.

Mr. EDWARDS of Alabama. Mr. Chairman, I wish to rise in opposition to this amendment.

I want to commend the gentleman from New York for his very fine statement. What in part he has said—and I hope you understood what he was saying—is that President Nixon made the White House staff honest by putting the people on the White House payroll who had been borrowed, begged, and stolen from every agency in the Government, and this, in part, has contributed to what has been referred to as an increase.

Mr. UDALL. Mr. Chairman, will the gentleman yield on that point?

Mr. EDWARDS of Alabama. Surely, I yield.

Mr. UDALL. Mr. Chairman, we gave the Nixon White House credit for coming out in the open with that detail business. In the report the gentleman referred to I gave them credit, and said they did the right thing, they stopped this detail practice. But even when you take that into account, and when you add 273 to the Lyndon B. Johnson total, your budget is 300 more people than he had, and if you take into account the 600 people on the economic stabilization program we still have 150 people over the last Lyndon B. Johnson budget, and I am trying to cut them back down to size.

Mr. EDWARDS of Alabama. We appreciate your concern, and I believe the gentleman from New York (Mr. ROBISON) very adequately laid out department by department, how this went, and I believe it is perfectly justifiable, and I urge the defeat of the amendment.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

I know that the Members are impatient, but I think they ought to know that we are treading on some very dangerous ground here. I think we have gone as far as we can go, but I would just like to take a moment to try to tell the Members what is involved here.

I want to say first of all that I fully agree with every word the gentleman from New York has said. He has given a very fine description of this whole problem. But since I do not belong to the same political party as the current President of the United States, I want to comment from the other side of the aisle that I feel as strongly if not stronger than the gentleman does about the importance of the defeat of this amendment.

I have been on this subcommittee since back in the days of Harry Truman, Presidents Eisenhower, Kennedy, Johnson, and now Nixon, and this bill today treats this office exactly the same way as we have treated it all through the years.

I think if you will stop and pause and reflect just a moment you will realize that if you do what is proposed here today in this amendment we will be starting something we cannot finish, and we will be starting something that the Members of this House will live to regret.

I think the best way I can explain what is involved here, and to bring it home to you as Members of the Congress, is to say that when I was here in the 1930's as a congressional secretary, a Member of the Congress was entitled to two employees in his office. Today we have 15 and 16. And why? Because the job has grown that much bigger, and that much help is needed. And so has the job of the President of the United States. The Presidency today requires 41 people at any hour of the day or the night to execute the powers of that Office.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. STEED. If the gentleman will permit me to finish my statement then I will yield to the gentleman.

If the President does not have that kind of help he cannot discharge his duties for the people of this country.

When you deal with the staff of a Member of the Congress, as you are trying to deal here with the Office of the President, I am sure you would not want any other Member or anybody in the administrative office telling you what you can pay, who you can hire, or anything like that. When you deal with the agencies that serve the House, sure, you can go into their needs and you can cut them or not, and we have done it in this bill, but we should not do it to the Presidential office here. We must not do it. And I will tell you right now that the President of the United States has the toughest job on earth, and I for one do not intend to stand here tonight and say that I know more about what the President of the United States needs to do his job than he does. The President has made a modest request. I think he needs the manpower and the facilities he has asked for.

I certainly hope that whatever the problem may be that it will not be put on to this House of Representatives that we cut the wings of the President to the point that he could not perform his duties.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman talks of a rise from two to 16 members for the average Congressman. This is roughly an 800-percent increase. It is substantial. But the President's Executive Office has increased 35,000 percent. I do not think that is a comparison in any way.

Mr. STEED. I know that the gentleman has a great advantage over me because he has a lot of knowledge about what the President of the United States needs to run his office. But I am not that smart. I do not know—I have never been in the White House. I have no other source of authority to find out what is needed to run that office except from the President himself. I have taken his word for it. I always take the word of a President and I hope that we always will listen to the man who has a job to perform and who needs this.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I just want to say, after studying this matter carefully I fully endorse what the gentleman from Oklahoma has said about this situation.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in his opening remarks the gentleman from Arizona (Mr. UDALL) decried what he called the flow of power to the White House and he appealed to the House to recapture some of that power through the amendment that he offered. The minority leader of the House, Mr. FORD, immediately pointed out the fact that the gentleman from Arizona was one of the architects of the legislation that delegated the unholy power to the President to handpick a Commission to fix the salaries of Members of Congress, the Judiciary, and the Executive branch of Government.

I noticed when I offered an amendment just a few minutes ago to recapture some of that power and to restore it to the House of Representatives that both the gentleman from Arizona and the minority leader voted against me.

Were it not so late in the evening, Mr. Chairman, I would say a plague on both their houses.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL).

TELLER VOTE WITH CLERKS

Mr. UDALL. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. UDALL. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. UDALL, ROBISON of New York, STEED, and LONG of Maryland.

The Committee divided, and the tellers reported that there were—ayes 122, noes 210, not voting 101, as follows:

[Roll No. 224]

[Recorded Teller Vote]

AYES—122

Abourezk
Abzug
Adams
Alexander
Anderson, Calif.
Annunzio
Ashbrook
Ashley
Aspin
Badillo
Baring
Begich
Bergland
Biaggi
Bingham
Brademas
Brinkley
Brooks
Cabell
Caffery
Carey, N.Y.
Clark
Conyers
Crane
Culver
Daniels, N.J.
Davis, Ga.
Dellums
Denholm
Derwinski
Dickinson
Dingell
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evins, Tenn.
Fascell
Ford, William D.
Galifianakis
Gaydos
Giaimo
Gibbons
Gonzalez
Green, Pa.
Gross
Haley
Hall
Hamilton
Hanley
Harrington
Hechler, W. Va.
Helstoski
Henderson
Hicks, Wash.
Howard
Hungate
Jacobs
Jones, N.C.
Karth
Kazen
Koch
Kyros
Long, Md.
McKay
Madden
Mann
Mathis, Ga.
Mazzoli
Meeds
Melcher
Minish
Mink
Mollohan
Moorhead
Moss
Nedzi
Nix
Obey
O'Konski
O'Neill
Pickle
Pike
Podell
Preyer, N.C.
Purcell
Rangel
Rarick
Reuss
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Runnels

Ryan
Sarbanes
Scheuer
Seiberling
Skubitz
Smith, Iowa
Snyder
Staggers
Stanton, James V.
Stuckey
Taylor
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Waggonner
Wolff
Wright
Yates
Zablocki

NOES—210

Addabbo
Albert
Anderson, Ill.
Archer
Arends
Aspinall
Barrett
Bell
Bennett
Betts
Biester
Blackburn
Boggs
Bow
Bray
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Camp
Carlson
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conover
Conte
Coughlin
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Dennis
Dent
Devine
Dorn
Downing
Duncan
du Pont
Edmondson
Edwards, Ala.
Eshleman
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Garmatz
Gettys
Goldwater
Goodling
Gray
Green, Oreg.
Griffin
Grover
Gubser
Gude
Halpern
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hays
Heckler, Mass.
Heinz
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Keating
Kemp
King
Kyl
Landgrebe
Landrum
Latta
Lent
Lloyd
McClory
McCollister
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
McKinney
Mahon
Mallary
Martin
Matsunaga
Mayne
Michel
Mikva
Miller, Ohio
Mills, Md.
Mizell
Monagan
Montgomery
Morgan
Murphy, N.Y.
Myers
Natcher
Passman
Patten
Perkins
Peyser
Poage
Powell
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Randall
Rees
Reid
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Roy
Roybal
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, N.Y.
Spence
Springer
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Veysey
Vigorito
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion

NOT VOTING—101

Abbitt
Abernethy
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Baker
Belcher
Bevill
Blanton
Blatnik
Boland
Bolling
Brasco
Broomfield
Burke, Fla.
Byrne, Pa.
Carney
Carter
Celler
Chisholm
Clancy
Clausen, Don H.
Clay
Collins, Ill.
Colmer
Corman
Cotter
Curlin
Danielson
Davis, S.C.
Dellenback
Diggs
Donohue
Dowdy
Dwyer
Erlenborn
Esch
Evans, Colo.
Fraser
Frenzel
Fulton
Fuqua
Gallagher
Grasso
Griffiths
Hagan
Hanna
Hansen, Wash.
Hawkins
Hébert
Ichord
Jonas
Kastenmeier
Kee
Keith
Kluczynski
Kuykendall
Leggett
Lennon
Link
Long, La.
Lujan
McCloskey
McClure
McCormack
McCulloch
McMillan
Macdonald, Mass.
Mailliard
Mathias, Calif.
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Mitchell
Mosher
Murphy, Ill.
Nelsen
Nichols
O'Hara
Patman
Pelly
Pepper
Pettis
Pirnie
Poff
Pryor, Ark.
Railsback
Riegle
St Germain
Schmitz
Smith, Calif.
Stokes
Sullivan
Symington
Teague, Tex.
Thompson, N.J.
Waldie
Wilson, Charles H.
Yatron
Zwach

So the amendment was rejected.

LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Chairman, I take this time to announce to the Members of the House, at the request of the chairman of the Subcommittee on Public Works of the Committee on Appropriations, that we will not consider the Public Works-Atomic Energy appropriation bill until Monday. This will conclude the business for this week when we complete action on this bill.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD: Page 38 insert between line 6 and line 7 new section:

"No part of the appropriations made by this Act shall be expended for the Compensation of any person other than those designated by the President, not to exceed ten persons employed in the White House Office, who refuses to appear before any committee of the Congress solely on the grounds of "executive privilege"; nor shall any part of the appropriations made by this Act be expended to compensate any employee of the Executive Office of the President who is employed in or designated as holding two positions in such Office."

POINT OF ORDER

Mr. BOW. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOW. Mr. Chairman, this is an attempt to have a limitation. We find the purpose is legislative, in that it is the intent to restrict the executive direction, and can be fairly termed a change in policy rather than a matter of administration detail. We believe that the point of order should be sustained.

This is an attempt to cut down the number of people who can claim executive privilege. In addition to that, it refers to those who fail to appear upon the request of a committee.

I submit that such an amendment violates not only the spirit of legislation passed but also the Constitution, and the limitation is legislation and not a limitation.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. MOORHEAD. I do, Mr. Chairman.

Mr. Chairman, I believe that this amendment is in order. It is a limitation on an appropriation. It is not legislation. It does not require any action by anyone. The President is not required to name 10 people. He is not required to do anything under this amendment. Therefore, it is no legislative action; it is merely a limitation.

The CHAIRMAN. Does the chairman of the subcommittee (Mr. STEED) desire to be heard on the point of order?

Mr. STEED. Yes, Mr. Chairman.

A further reason for the fact that this is subject to a point of order is that the amendment says:

Nor shall any part of the appropriations made by this Act be expended to compensate any employee of the Executive Office of the President who is employed in or designated as holding two positions in such Office.

Mr. Chairman, this has been going on. This part of the amendment changes existing policy. It is clearly legislation in an appropriation bill.

Mr. BOW. Mr. Chairman, may I be heard further?

In addition to the points I made originally, this creates additional duties. The President would have to designate the people who are limited under this act.

I submit both from the standpoint of legislation and additional duties on the Executive it is subject to a point of order.

The CHAIRMAN (Mr. MONAGAN). The Chair is ready to rule.

The gentleman from Pennsylvania (Mr. MOORHEAD) offered an amendment to page 38 of the bill between lines 6 and 7, and the gentleman from Ohio (Mr. BOW) has made a point of order against the amendment on the grounds that it is legislation on an appropriation bill.

Reading the amendment, it provides that no part of the appropriations made by this Act shall be expended for the compensation of certain persons. In other words, the amendment contains descriptions of the persons whose compensation shall be limited: One who refuses to appear before any committee of the Congress and also any employee who in fact is holding two positions.

The Chair does not feel it is incumbent on the Chair to consider the desirability of the language offered. The amendment does not require any additional duties, nor does it affirmatively change policy, and therefore the Chair feels that these are solid limitations on the use of funds in the bill. Such provisions are not legislation on an appropriation bill, so the Chair overrules the point of order.

The gentleman from Pennsylvania (Mr. MOORHEAD) is recognized for 5 minutes.

Mr. MOORHEAD. Mr. Chairman, I rise in support of the amendment.

I do so because I believe that representative democracy as contemplated by our Founding Fathers is withering away and if we do not act, it will expire.

Today we elect 4-year or probably 8-year kings to occupy the White House. The people's elected representatives in Congress are no longer an adequately effective check on the power of the Presidency. This amendment is designed to help to reassert our constitutional duty to be a check on the Presidency.

When I first came to Washington, there was a "funny" saying—that Roosevelt proved that a man could be President forever—that Truman proved that anyone could be President—and that Eisenhower proved that we did not need a President.

We laughed about that then, but what has happened since?

When I first came to Congress, Eisenhower was President but, as I saw it, the real power lay in the Congress—with Sam Rayburn as Speaker and Lyndon Johnson as Senate majority leader.

With a popularly strong—but not a particularly politically oriented—President, these two politically strong Texas leaders, with congressional assent, ran the country.

In 1960 the liberals thought the Presidency could be made a more effective liberal force than the Congress—and they downgraded the Congress and tended to upgrade the powers of the Presidency.

Then came three politically adept Presidents—Kennedy, Johnson, and Nixon.

Kennedy dazzled the Congress.

Johnson seduced the Congress.

Now Nixon has subdued the Congress.

These Presidents truly believed that a strong Presidency would be better for our Nation. I do not impugn their motives.

A strong Presidency meant power to the Presidency—and, as Francis Bacon said, "Knowledge is power."

If one branch of a tripartite government has all the information—and hence knowledge—the power of the other branches declines.

We, in the Congress, of both parties, must share in the blame that our Nation has been changed from a congressional government—where the Congress has the power to declare war—to a presidential government where one President can begin and another can continue a war and Congressmen can only ineffectively wring their hands and bewail the fate of our Nation.

The power ingredient which we, in Congress, lack is information.

Administrations of both parties have increasingly withheld essential information from the Congress.

The amendment I propose today would help to reverse this trend.

One of the most effective techniques the executive has used to arrogate all information to itself and to deny it to the Congress is the so-called doctrine of "executive privilege."

As two learned statements I inserted into the RECORD on Tuesday (pages 21508–21515) establish, this doctrine is not one of constitutional right but one of comity or courtesy between equal branches of the Government.

As a matter of comity, the Congress has declined to exercise its right to summon anyone before it, recognizing that a President should be entitled to have a few intimate cronies—a kitchen cabinet, if you will—in whom he could confide.

President after President has abused this congressional courtesy so that now the White House apparatus has increased tenfold and basic decisions on foreign policy are made by a White House aide—Mr. Kissinger—not the State Department, foreign trade policy by a White House aid—Mr. Peterson—and not the Commerce Department and antitrust policy by a White House aide—Mr. Flanigan—and not the Justice Department.

The amendment I offer today goes back to the original concept of limited "executive privilege" based on comity and courtesy granted by the Congress.

The amendment limits this courtesy to 10 White House personnel named by the President.

As I previously stated, this amendment will allow the President his "kitchen cabinet". We do and should recognize the necessity for a confidential relationship between the President and his closest advisers. This recognition, however, cannot be allowed to open as an umbrella over thousands of executive office staff officials who function the same as operating officials within the Departments. They are not advisers to the President. They are public officials who must be answerable to Congress.

As chairman of the Foreign Operations and Government Information Subcommittee, I have tried in a myriad of ways to request the testimony of important officials on the executive office payroll. I have been turned down on a regular basis. The only weapon in the legislative arsenal sufficient to regain the legislative prerogative is the power to appropriate and conversely, the power to withhold appropriations.

We must use the power of the purse today if we are to regain our constitutional position as a coequal branch of government.

I urge the adoption of the amendment.

Mr. BOW. Mr. Chairman, I submit the following so the Members may study these questions:

Re: Congress Power to Cut Off Appropriations for the Salaries of Government Personnel Refusing to Testify before Congressional Committees.

This is in response to the request for comments on potential constitutional issues raised by legislative proposals that would prohibit further payment of salaries to any officer or employee of the United States who refuses to testify before any congressional committee. A typical provision under consideration is the following proposed amendment to the appropriations act for the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies:

"No part of any appropriation contained in this Act shall be used to pay, directly or indirectly, the salary of any officer or employee of the United States who refuses, except upon the basis of a constitutional privilege and within that scope absolutely protected by a right which he enjoys under the Constitution, to testify on any matter before any joint committee, committee, or subcommitee of the Congress or of either House of Congress." 118 *Cong. Rec.* 18540 (Daily ed. May 23, 1972).

The apparent constitutional basis for this proposal is Congress power over appropriations. U.S. Const., art. I, § 9, cl. 7. It should be noted, however, that while Congress power over appropriations is exclusive and plenary, it is nevertheless subject to the restraints embodied in other provisions of the Constitution. Thus, Congress cannot use its appropriations power to invade the province of either of the other two co-equal branches of government. Neither can it act in such a fashion as to deny the constitutional rights of individuals.

Viewed in this fashion, the type of provision in question raises several potential constitutional problems. Outlined below are brief summary statements of the more significant potential problems.

I. EXECUTIVE PRIVILEGE AND THE SEPARATION OF POWERS

A threshold interpretational question is whether the legislation is intended to apply in those instances in which refusal to testify is based on the doctrine of executive privilege. If so, the proposal appears to violate the principle of separation of powers since it invades an area constitutionally reserved to the executive branch.

As drafted, the provision contains an exception for a witness who asserts a "constitutional privilege" that is "within that scope absolutely protected by a right which he enjoys under the Constitution." (Emphasis added.) Although the congressional debates on the meaning of this language are not entirely clear as to whether this exception applies when the Executive branch asserts executive privilege in refusing to testify, the weight of the argument seems to be that it does not apply. For example, the sponsor of the amendment, Congressman Dingell, states that its purpose is to force the policymakers in the Executive Office of the President to testify or to lose their salaries. There is also repeated reference to Dr. Kissinger's consistent refusal to testify before congressional committees. Yet, Dr. Kissinger and other high officers in the Executive Office of the President are precisely those persons for whom the doctrine of executive privilege is applicable.

In addition, it is noteworthy that the language of the exception is made applicable to a constitutional privilege which "he," the witness, enjoys. This would cover, for example, such constitutional rights as the Fifth Amendment's guarantee against self-incrimination. A witness such as Dr. Kissinger does not personally have an executive privilege. It is only the President who enjoys and can invoke this privilege. It may be concluded from this that the salary cut-off is intended to apply to situations in which a government official is prohibited from testifying on the basis of the President's assertion of the doctrine of executive privilege. So interpreted, the legislation is of doubtful constitutionality.

As a general rule the power of a congressional committee to investigate is an extremely broad one—as broad as the potential power of Congress to legislate. *Barenblatt* v. *United States*, 360 U.S. 109 (1959). And the power to investigate carries with it the power to compel the testimony of a witness through the use of compulsory process. *McGrain* v. *Daugherty*, 273 U.S. 135, 174 (1927). Broad as this power is, however, the Supreme Court has held that it is not without its limits:

"[Congress] cannot inquire into matters which are within the exclusive province of one or the other branches of the Government. Lacking the judicial powers given to the Judiciary, it cannot inquire into matters that are exclusively the concern of the Judiciary. Neither can it supplant the Executive in what exclusively belongs to the Executive." *Barenblatt* v. *United States*, 360 U.S. 109, 112 (1959).

Executive privilege is one of the well-recognized limitations on the power of Congress to investigate. The doctrine is rooted on the grounds of the separation of powers and extends back to the Administration of President Washington. Since its initial assertion by that Administration, it has been recognized by all branches of the federal government in numerous instances. Thus, Congress cannot directly compel the testimony of a person for whom the President invokes executive privilege.

It is argued that although Congress cannot constitutionally abolish the doctrine of executive privilege it can use its exclusive power over the purse to terminate the salaries of those who refuse to testify on the basis of this doctrine. This argument is not persuasive. The Supreme Court has repeatedly reaffirmed "the great principle that what cannot be done directly because of constitutional restriction cannot be accomplished indirectly by legislation which accomplishes the same result." *Fairbank* v. *United States,* 181 U.S. 283, 294 (1901). Thus, in *United States* v. *Klein,* 80 U.S. (13 Wall.) 128 (1871), the Court struck down an appropriation order which on its face purported to define the appellate jurisdiction of federal courts, a power constitutionally vested in the Congress, but which in fact interfered with the President's pardoning power:

"But the language of the proviso shows plainly that it does not intend to withhold appellate jurisdiction except as a means to an end. Its great and controlling purpose is to deny to pardons granted by the President the effect which this court had adjudged them to have." *Id.* at 145.

The present proposal operates in the same fashion. It is merely a means to achieving a constitutionally impermissible objective, *viz.,* an interference with the doctrine of separation of powers as manifested in an assertion of executive privilege.

Various Attorneys General have held in similar circumstances that the appropriation power cannot be used for such purposes. Thus, in 1955 Attorney General Brownell stated that an appropriation rider which reserved to the appropriations committees of Congress the right to disapprove contracts entered into by the Secretary of Defense was constitutionally impermissible. He stated that although Congress may impose conditions with respect to the use of appropriations, they may not "require operation of the Government in a way forbidden by the Constitution. If the practice of attaching invalid conditions to legislative enactments were permissible, it is evident that the constitutional system of the separability of the branches of Government would be placed in the gravest jeopardy." 41 *Op. A.G.* 230, 233 (1955).

In 1960, Attorney General Rogers was faced with an issue more closely related to the present one. There, a section of the Mutual Security Act of 1954 provided for a cut-off of funds to the Office of the Inspector General and Comptroller in the Department of State if certain documents and information were not furnished to the Congress. The President later certified that release of the documents in question would not be in the public interest, a claim of executive privilege. Under these circumstances the Attorney General stated:

"In my opinion, Congress could not under the Constitution directly require the President to furnish information about a department or agency in the executive branch, if he determined that the disclosure of such information was imprudent or incompatible with the public interest; and it seems equally plain that Congress may not use its powers over appropriations to attain indirectly an object which it could not have accomplished directly." *41 Op. A.G.* 507, 526 (1960).

On the basis of this authority it is apparent that the provision providing for a salary termination of persons who refuse to testify is unconstitutional as applied to refusals based on a presidential claim of executive privileges. It is clear that in such instances the legislation is an indirect attack on the doctrine of executive privilege rather than a mere exercise of the appropriations power of Congress.

II. EXECUTIVE PRIVILEGE AND THE CONCEPT OF FAIRNESS

If this proposal is intended to apply to those persons for whom the President invokes the doctrine of executive privilege, it raises, in addition to the separation of powers issue, a fundamental question of fairness to the individuals involved. Executive privilege, it bears repeating, can be invoked only by the President. Thus, a refusal to testify stems from the President's actions, not from those of any other government official. Yet this proposal is directed at the President only indirectly. Its full and direct impact, by virtue of salary curtailment, falls upon an individual who cannot testify before Congress, not by his own choice but by that of a third party, the President. This consequential lack of fairness raises constitutional questions because of possible infringement of guarantees inherent in the Due Process and Equal Protection Clauses of the Fifth and Fourteenth Amendments.*

While the proposal under consideration is not expressly a criminal statute, the principles of fairness in criminal matters are nevertheless applicable by analogy. Due process is not restricted to criminal trials. *Public Clearing House* v. *Coyne,* 194 U.S. 497, 508 (1904).

Under traditional criminal law principles guilt is personal to the individual charged with commission of an unlawful act. He can be punished only if it is shown that in addition to committing the proscribed act, he possesses the requisite mental intent, *i.e.,* the *mens rea.* Punishment of one who lacks this intent runs directly counter to the principles of fairness inherent in the Due Process Clause.

It is true that a legislature, consistent with due process standards, can provide for strict liability even in criminal situations by dispensing with the intent requirement in certain areas involving the public welfare. But this proposal is qualitatively different from those cases, such as serving alcoholic beverages to minors or violating certain federal regulatory statutes concerned with the health and safety of the populace, where public necessity requires dispensing with the element of intent. Furthermore, in all those cases the person charged with the criminal act actually committed the act proscribed. In this instance the individual is entirely passive since it is the President who desires to invoke executive privilege and it is he, in fact, who actually commits the act of invoking the privilege.

Neither can it be argued that this proposal is merely regulatory, rather than penal, in nature. Deprivation of salary has been held by the Supreme Court to constitute punishment. *United States* v. *Lovett,* 328 U.S. 303 (1946).

This same factor of unfairness, or indeed unreasonableness, of the proposal raises a possibility that it also violates Equal Protection guarantees. The proposal creates two classes of government employees who are called to testify: those for whom the President invokes executive privilege and those for whom he does not. The Equal Protection issue is whether this distinction is a rational one in view of the legislative purpose of the act. In *Weber* v. *Aetna Casualty Co.,* ——— U.S. ———, 40 U.S.L.W. 4460, 4462 (April 24, 1972), the Court stated that Equal Protection requires "at a minimum, that a statutory classification bear some rational relationship to a legitimate state purpose." *See also Reed* v. *Reed,* 404 U.S. 71, 75–76 (1971).

Thus, the Court looks at the legislative purpose to determine whether the means chosen can reasonably be expected to promote that stated purpose. Where they cannot, the statute must fall. *Weber* v. *Aetna Casualty Co., supra; Glona* v. *American Guarantee and Liability Insurance Co.,* 391 U.S. 73 (1968). In *Glona,* the Court struck down a Louisiana statute that permitted recovery in a wrongful death action involving the death of a legitimate child, while denying recovery in the death of an illegitimate child. The State purported to base its interest in the power to deter "sin," but the Court found this an unpersuasive reason for making a classification of illegitimacy in wrongful death cases:

"Yet we see no possible rational basis . . . for assuming that if the natural mother is allowed recovery for the wrongful death of her illegitimate child, the cause of illegitimacy will be served. It would, indeed, be farfetched to assume that women have illegitimate children so that they can be compensated in damages for their death." 391 U.S. at 75.

The same vice appears in the proposal in question. The Congress would like to force the President to respond more readily to requests for information. Instead of pressuring him, however, they are acting on other government officials by choosing to punish those who are not permitted to speak. To act solely against these individuals who do not have the option to change their position appears to violate the principles that the Equal Protection and Due Process Clauses are intended to protect.

III. UNAUTHORIZED REMOVAL OF AN EXECUTIVE OFFICIAL

Legislation which prevents payment of the salary of an employee of the Executive branch of the Government may constitute an unlawful infringement of the President's constitutionally based exclusive authority to order the dismissal of such an individual. It is generally recognized that aside from the Senate's power to impeach an official of the Executive branch (Art. II, Sec. 4 of the Constitution), the President has exclusive authority to order his removal. *Myers* v. *United States,* 272 U.S. 52 (1926).

Article II of the Constitution vests the executive power in the President. The relevant portion of section 2 of that Article provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

While this constitutional language does not speak directly to the question of whether the President has the exclusive authority to remove employees and officials of the Executive branch, Congress made a legislative declaration to this effect in 1789. See *Myers, supra,* at 114. The *Myers* decision itself ruled that an 1876 statute which appeared to require the consent of the Senate to remove a postmaster who had been appointed with the advice and consent of the Senate was unconstitutional to the extent that it denied the President unrestricted right of removal. *Supra,* at 176. This decision has since been declared inapplicable to officials of agencies which Congress intended to retain substantial independence from the Executive (*see Wiener* v. *United States,* 357 U.S. 349 (1958); *Humphrey's Executor* v. *United States,* 295 U.S. 602 (1935)), but the President's exclusive authority with respect to "purely executive officers" has not been questioned. *Humphrey's, supra,* at 631–32.

The necessity of the President retaining exclusive authority for dismissing employees in the Executive branch of the Government, a need certainly comparable to the interest of the Judiciary and the Congress in maintaining control over their employees, was forcefully expressed by the Court in *Myers:*

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*The Due Process Clause of the Fifth Amendment is an express restriction on the Congress. The Fourteenth Amendment's Equal Protection Clause is made applicable to federal government actions through the Fifth Amendment. *Bolling* v. *Sharpe,* 347 U.S. 497 (1954).

"When a nomination is made, it may be presumed that the Senate is, or may become, as well advised as to the fitness of the nominee as the President, but in the nature of things the defects in ability or intelligence or loyalty in the administration of the laws of one who has served as an officer under the President, are facts as to which the President, or his trusted subordinates, must be better informed than the Senate, and the power to remove him may, therefore, be regarded as confined, for very sound and practical reasons, to the governmental authority which has administrative control. The power of removal is incident to the power of appointment, not to the power of advising and consenting to appointment, and when the grant of the executive power is enforced by the express mandate to take care that the laws be faithfully executed, it emphasizes the necessity for including within the executive power as conferred the exclusive power of removal." *Myers, supra*, at 121–122.

Of course, it can be argued that a legislative enactment merely preventing an employee's salary from being paid does not constitute a removal or dismissal of that employee. In fact, at least for a great percentage of Government employees, the inability to receive further compensation would in effect constitute loss of employment. In *United States* v. *Lovett*, 328 U.S. 303 (1946), a Congressional enactment cutting off the salaries for three named employees of the Executive was interpreted by the Court as an attempt to eliminate them from office. *Supra*, at 313. Even if the salary cutoff is construed as temporary, the Congressional action in effect amounts to a temporary layoff of employees of the Executive, an action subject to the same constitutional objections as an outright dismissal of an employee.

Congress' ultimate authority over the purse is not at issue here. Generally, Congress may eliminate positions within the Executive branch of the Government, or even entire agencies. But once Congress has authorized the formation of an agency and appropriated funds for its operation, the choice of personnel to operate that agency, subject to the advice and consent and impeachment powers of the Senate, remains exclusively with the President or his ranking subordinates. Congressional interference in this area is equally if not more reprehensible than attempts by Congressional committees to exercise a "committee veto" over the choice of projects by the Executive for already appropriated funds. The Attorney General has ruled that such a practice is unconstitutional. 41 Op. A.G. 230 (1955).

IV. CONSTITUTIONALLY PROHIBITED BILL OF ATTAINDER

Article I, section 9 of the Constitution prohibits bills of attainder: "No Bill of Attainder or ex post facto law shall be passed." The Supreme Court gave the following definition of a bill of attainder in *United States* v. *Lovett*, 328 U.S. 303, 315 (1946):

". . . legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are bills of attainder prohibited by the Constitution."

Language in an appropriations bill which suspends payment of salaries of Government employees who refuse to testify before Congressional committees may fall within the constitutional prohibition of bills of attainder. No provision is made to allow the employee a judicial trial before payment of his salary is terminated. Thus, the only remaining questions are whether refusal to pay an employee's salary constitutes punishment, and whether employees who refuse to testify are "easily ascertainable members of a group." *Lovett, supra*, at 315.

In *Ex parte Garland*, 4 Wall. 333 (1866), the Supreme Court found that a post Civil War federal statute, which required as a prerequisite to admission to the bar of any federal court that attorneys take an oath that they had not participated in the rebellion, was an unconstitutional bill of attainder. In a companion case involving a state statute requiring an oath, the Court stated:

"The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the causes of the deprivation determining this fact. Disqualification from office may be punishment. Disqualification from the pursuits of a lawful avocation, or from positions of trust, or from the privilege of appearing in the courts, or acting as an executor, administrator, or guardian, may also, and often has been, imposed as punishment." *Cummings* v. *Missouri*, 4 Wall 277, 320 (1866).

In *United States* v. *Lovett, supra*, the Court found that language contained in an emergency war appropriations bill which barred payment of any appropriated moneys as a salary to three named individuals then employed by the Executive branch of the Government constituted an unconstitutional bill of attainder. On the punishment question, the Court stated that a "permanent proscription from any opportunity to serve the Government is punishment. . . ."

It may be argued that legislation which merely prevents an employee from being paid during a period in which he refuses to testify before a Congressional Committee is only a temporary measure intended primarily to deter potential offenders, not to punish them. However, the modern definition of punishment encompasses deterrence. In *United States* v. *Brown*, 381 U.S. 437 (1965), a case in which a federal statute punishing members of the Communist Party who held offices in labor unions was declared an unconstitutional bill of attainder, the Court indicated that it "would be archaic to limit the definition of punishment to retribution. Punishment serves several purposes, retributive, rehabilitative, deterrent—and preventive." *Supra*, at 458. A provision which operates to cut off a federal employee's salary clearly falls within the above definitions of punishment.

The question as to whether the proposed appropriation language adequately ascertains members of a group such as to fall within the constitutional prohibition is somewhat clouded by seeming inconsistencies in Supreme Court decisions in this area. It is clear that the individuals need not be specifically named as they were in *Lovett, supra*. See, *e.g., Ex parte Garland, supra; United States* v. *Brown, supra*. In *Communist Party of the United States* v. *Subversive Activities Control Board*, 367 U.S. 1 (1961), provisions of the Subversive Activities Control Act requiring the Party to register as a subversive organization were held not to be a bill of attainder on the grounds that the act attacked certain unlawful activities, and not organizations or individuals:

"The Act is not a bill of attainder. It attaches not to specific organizations but to described activities in which an organization may or may not engage." *Supra*, at 86.

However, the Court also appeared to be relying on the fact that registration was required only after a "full administrative hearing, subject to judicial review . . ." *supra*, at 87. In our view, the designation of federal employees who refuse to testify identifies adequately members of a group. This language is comparable to that found in two cases in which the Court found an unlawful bill of attainder. In *Ex parte Garland, supra*, the language identified members of the bar who refused to take an oath; in *United States* v. *Brown, supra*, the language covered members of the Communist Party who held positions in labor unions. Thus, in each case, there is broad identification of a group together with a specified act or failure to act which singled out various members of the group. This is precisely what the proposed appropriation language would accomplish; it applies to employees of the federal Government (a group) who refuse to testify before a Congressional committee (failure to act singling out individual members).

Since the proposed cutoff on all salaries of federal employees who refuse to testify operates to punish an adequately identified group without judicial trial, there is a substantial likelihood that this language would be struck down as an unconstitutional bill of attainder. We believe that any punishment to be imposed on a federal employee for refusal to testify should be imposed by the courts, not by the legislature. As former Chief Justice Warren stated in *United States* v. *Brown*:

"The Bill of Attainder Clause not only was intended as one implementation of the general principle of fractionalized power, but also reflected the Framer's belief that the Legislative Branch is not so well suited as politically independent judges and juries to the task of ruling upon the blameworthiness of, and levying appropriate punishment upon specific persons." *Supra*, at 445.

V. PROCEDURAL DUE PROCESS

On its face the legislation in question appears to require a termination of salary automatically following a refusal to testify. The bill itself provides no safeguards to the individual concerning a hearing or other procedural guarantees generally applicable to civil servants, such as Civil Service regulations, are not intended to apply. This intended omission of procedural safeguards raises significant questions concerning the constitutional right to procedural due process.

In a recent case the Supreme Court held that absent extraordinary circumstances the "root requirement" of due process is "that an individual be given an opportunity for a hearing *before* he is deprived of any significant property interest." *Boddie* v. *Connecticut*, 401 U.S. 371, 379 (1971) (emphasis in original). This due process hearing is required before depriving a person of an entitlement whether it is denominated a "right" or a "privilege." *Bell* v. *Durson*, 402 U.S. 535, 539 (1971). In *Bell* the Court required the State of Georgia to provide a meaningful hearing on the issue of liability for an accident before the State could take away an individual's driver's license.

In *Goldberg* v. *Kelly*, 397 U.S. 254 (1970), the Court stated that a notice and a hearing were required before a State could terminate welfare benefits. It noted that the vice of denying a hearing is "that termination of aid pending resolution of a controversy over eligibility may deprive an eligible recipient of the very means by which to live while he waits." 397 U.S. at 264.

In *Sniadach* v. *Family Finance Corporation*, 395 U.S. 337 (1969), the Court invalidated a state law permitting prejudment garnishment of wages without notice or opportunity to be heard. In effect, under the state's procedures, wages were frozen until a trial and unfrozen only after a wage-earner succeeded at trial on the merits of the garnishment action. This denial of wages without a hearing pending a judicial determination on the merits was considered unacceptable as a matter of procedural due process.

In effect, the termination of a person's salary is the equivalent of dismissal. As such the decision in *Slochower* v. *Board of Education*, 350 U.S. 551 (1956), is applicable. There a college professor was summarily dismissed from his job for invoking the Fifth Amendment with respect to a question posed by a congressional investigation committee. The Court held that the dismissal without affording an opportunity to explain the refusal to testify was a denial of procedural due process.

Termination of salary without a hearing under the proposal in question appears to fall within the reach of these decisions. One can think of many situations when a hearing would be necessary concerning a refusal to testify. For example, a person could be in ill health and because of the automatic nature of the proposal be immediately deprived of his salary for failure to appear. A hearing on the refusal, however, could reveal the fact of illness and lead to a determination that the refusal was excusable under this act. Likewise, refusals based on a conflict with other duties, including the need to testify elsewhere, may be examined during a hearing.

Even in those cases where a refusal to testify is based on a "constitutional privilege," as that term was used by the sponsors, the automatic denial of salary may be a denial of procedural due process. This exception to salary cut-off requires not only that the person assert a "constitutional privilege" but also that it be "within that scope absolutely protected by a right which he enjoys under the Constitution." House debates on the practical application of this exception are not entirely clear, but it appears that the sponsors envision a judicial determination concerning whether the privilege asserted is, in fact, absolutely protected. If so, a person refusing to testify on the basis of a constitutional privilege would apparently be without salary until the courts made the determination. If this is, in fact, the intended operation of the exception, it appears to run counter to those procedural due process cases (cited *supra*) requiring a hearing *before* a person loses his benefits.

This lack of concern over the procedures envisioned for terminating a person's salary raises substantial doubts that the legislation, as drafted and as interpreted in floor debates, can pass constitutional muster under the structures of the Due Process Clause.

THE COMMITTEE VETO AS AN EXAMPLE OF AN UNCONSTITUTIONAL INFRINGEMENT BY CONGRESS OF EXECUTIVE POWER

Committee veto provisions have often been inserted into legislation enacted by Congress in an attempt to give committees of the House and Senate control over programs to be carried out by the Executive branch. In their strongest form, these provisions have provided that after the enactment of enabling legislation and an appropriation bill funding a given legislative program, the Executive still cannot spend any money in furtherance of the program until the approval of designated committees of the House and Senate has been obtained for individual expenditures. Such language has been the subject of a number of opinions by Attorneys General, with the result in each case that the provision was found to be unconstitutional. See, *e.g.*, 41 Op. A.G. 300 (1957); 41 Op. A.G. 230 (1955); 37 Op. A.G. 56 (1933). In addition, Presidents Wilson, Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Johnson have all taken the position that such committee veto provisions are unconstitutional. Hearings before the Senate Subcommittee on Separation of Powers, 90th Cong., 1st Sess., at 215–228 (1967).

The unconstitutionality of these committee veto provisions stems not only from the infringement of the principle of separation of powers, under which the President has exclusive constitutional authority to execute the laws, but also from the fact that final legislative authority is granted by Article I of the Constitution to the Congress as a whole (not to its committees), and this authority is subject to the President's veto power. In ruling that a provision in a 1951 bill imposing a congressional committee veto on the handling of real property by the military departments was unconstitutional, former Attorney General Rogers stated as follows:

"Legislative proposals and enactments in recent years have reflected a growing trend whereby authority is sought to be vested in congressional committees to approve or disapprove actions by the executive branch. Of the several legislative devices employed, that which subjects executive department action to the prior approval or disapproval of congressional committees may well be the most inimical to responsible government. It not only permits organs of the legislative branch to take binding actions having the effect of law without opportunity for the President to participate in the legislative process, but it also permits mere handfuls of members to speak for a Congress which is given no opportunity to participate as a whole. An arrangement of this kind tends to undermine the President's position as the responsible Chief Executive." 41 Op. A.G. at 301.

Where a provision in an appropriation bill provides for cutting off the salary of an employee of the Executive branch who refuses to testify before a congressional committee, the infringement of exclusive Executive authority could be even greater than in the case of the committee veto discussed above. A temporary or permanent cutoff of the salary of a high Executive official not only may impair the Executive's ability to carry out already enacted legislation programs; it impinges upon the constitutionally guaranteed authority of the President to appoint and work with Executive officials of his choice. This authority is limited only by the Senate's power to advise and consent to Executive appointments and to impeach federal officials.

When a congressional committee calls a witness from the Executive branch whom they have reason to believe will not be allowed to appear or testify, they are in effect acting unilaterally to cause his salary to be cutoff. Even accepting the erroneous view that Congress has legislative authority to impose sanctions on employees of the Government who refuse to testify, a provision permitting a congressional committee to impose punishment without action by the Congress as a whole is subject to the same objections as the committee veto. The Constitution provides that legislative action is to be taken by the Congress as a whole subject only to the Presidential veto power. Action by a single congressional committee causing a cutoff of an employee's salary does not meet these Constitutional requirements.

In short, an appropriation bill provision permitting the cutting off of federal employees' salaries for refusal to testify is subject to the same constitutional objections as the traditional committee veto. These objections—infringement of the Executive's exclusive authority to execute the laws and improper exercise of legislative authority under which the entire Congress must act subject to the veto power—are even more persuasive where there is a challenge to the President's right to retain on the payroll a high Executive official (conceivably a close personal adviser).

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is quite obvious that this amendment has for its purpose the accomplishment of something that only could be brought about by legislation, and not by limitation. The fact is that if this amendment is adopted the goals sought by those who support this amendment will not be achieved. All that they are going to do if this amendment is adopted is to put the President in a further straitjacket than he would have had if we had adopted the amendment we just defeated.

I do not want to get into a quarrel about executive privilege, but we are concerned here with trying to give the President of the United States the resources he needs to do his job as the President of this Nation. When you put the President in this kind of a straitjacket I do not know just what extent the damage will be that this will do, but I do know it will make it almost impossible for him to function.

This is clearly the wrong time and place for this sort of thing. I hope that the Members of the House will defeat this amendment.

Mr. HORTON. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. Moorhead).

Mr. Chairman, a subcommittee of the Government Operations Committee, under Mr. Moorhead's chairmanship, has been conducting lengthy hearings into all phases of freedom of information. As a senior member of the committee and the subcommittee, I have participated actively in these hearings.

We have attempted to go into all aspects of the issue: executive privilege, administration of the Freedom-of-Information Act, administration of the Executive order on the classification of Government information, the right of Congress to know, public disclosure of Government advisory committee proceedings, and the rights of individual privacy. Hundreds of individuals have been heard from both in and outside Government. Statistical analyses and studies have been prepared. Legal cases and problems have been closely digested.

I believe that Mr. Moorhead would agree that two fundamental principles have evolved from these hearings: First, there is a definite need to open up the channels of information to the Congress and the public; and second, the extremely complicated nature of these issues means that there is no easy and simple solution to this problem.

Congress must face this issue squarely and take the steps necessary to expand freedom of information. But, consideration of the Treasury, Post Office, and general Government appropriations bill represents neither the right time nor the right place to carry out this responsibility.

The consensus has existed within the Government Operations Subcommittee that upon completion of our hearings, Members and staff will fully examine the material presented and then draft and consider effective legislation which could be offered to the House in a bipartisan spirit.

No one can seriously question the need for Congress to take on and to clarify the delicate problem of communication between the legislative and executive branches of Government. I doubt if anyone on our subcommittee, including the chairman, who has been thoroughly exposed to the complexities of this problem, really believes that any stopgap or patchwork amendment to an appropriations bill can solve the problem.

In my opinion, pursuance of a piecemeal, uncoordinated, and nondeliberative approach can only undermine, if not destroy, any reasonable chance the House may have to expand the Congress and peoples' right to know. In effect, the work of a year can be washed away in a day. I do not want that and I do not believe the gentleman from Pennsylvania desires that.

Turning to the substance of Mr. Moorhead's proposed amendment, I believe that I can state without fear of contradiction that the subject of executive privilege presents the most difficult constitutional issue in the information field and one of the most complicated in the field of constitutional law. To offer such an amendment without careful analysis, deliberation, and comment by Members and the appropriate committees of Congress, including the gentleman's own subcommittee, officials of the executive branch, legal and Government scholars, and other interested members of the public cannot be in the best interests of effective legislation on this subject.

At this time, I do not believe anyone has come forward with the most ideal or workable solution to the problem of executive privilege. Certainly, neither the Government Operations Committee nor the House as a whole has had an opportunity to fully examine various proposals that have been or may be offered on this subject. I personally believe that a legislative approach is needed to clarify the scope and legality of executive privilege, but I am not satisfied that Mr. Moorhead's approach is the one that will best serve the long-term interests of the public or whether it will even accomplish any improvement in the flow of information to the Congress. The gentleman proposes that 10 officials of the Executive Office be totally exempted from making information available to the Congress. It seems to me that this could provide too great an exemption and fail to provide an adequate solution to the problem. For example, it might be preferable to place clearly defined limits on the type of information that can be shielded from Congress under executive privilege by any official. But, in any event, no legislative solution should be arrived at by tacking on an amendment to an appropriations bill and bypassing the deliberative process of the legislative committees of Congress.

Therefore, in the interests of working cooperatively and deliberately for a proper solution to this and related informational matters, I urge my colleague from Pennsylvania to withdraw his amendment and thereby provide the subcommittee of which he is chairman an opportunity to explore this matter in a responsible and sophisticated manner.

If the gentleman from Pennsylvania (Mr. Moorhead) insists on his amendment, I urge the Members of the House to vote down the amendment.

AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN TO THE AMENDMENT OFFERED BY MR. MOORHEAD

Mr. BROWN of Michigan. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Brown of Michigan to the amendment offered by Mr. Moorhead: At end of that amendment, insert: "*Provided further*, Notwithstanding the provisions of any other law, the Constitution, or any precedent of the courts, no Member of the Congress shall refuse to answer and appropriately respond to any demand for his presence, his papers, or his records, made by any agency, commission, Department or person of the executive branch, or any proper citizen oriented organization or interested person, making such demand."

POINT OF ORDER

Mr. BOW. Mr. Chairman, I make a point of order against the amendment to the amendment, and I do not think I need to argue it.

The CHAIRMAN. Does the gentleman from Michigan (Mr. Brown) desire to be heard on the point of order?

Mr. BROWN of Michigan. Mr. Chairman, I defer to my very eloquent and intelligent colleague, and I think he makes a good point.

The CHAIRMAN (Mr. Monagan). The point of order is sustained.

Mr. MOSS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Yes, I take note of the fact it is 10 o'clock at night and I have no doubt that the Members here do feel that they should vote and vote now. It is the very pressure of this kind of scheduling of the business of this House and of this committee which tends to further diminish the powers and the status of this Congress.

Let me also make it clear that it is the kind of foolish amendments offered by the gentleman who just offered the amendment dealing with opening the records of the Congress to the Executive which also demonstrates a lack of depth of understanding of the seriousness of the crisis which now is in this country.

I yield to the gentleman (Mr. Brown), because I did refer to him.

Mr. BROWN of Michigan. I have not asked you yet but I will. I want to see if the gentleman's statement has any validity.

Mr. MOSS. Then I will not yield to the gentleman.

The nature of the crisis which actually does exist in this country is when the only judge, the only judge of the scope of the Executive privilege is the President, with Congress on every occasion where it seeks information is faced with the unilateral decision of the President.

There is no coequality. Actually the assertion of arrogance is not just in the case of Mr. Nixon. It was equally true under Mr. Johnson. It was true under Mr. Kennedy. It was true under Mr. Eisenhower when I first started 18 years ago. As chairman of the Specal Committee on Government Information I put through this House and the Congress the first law in the history of this Nation to give an enforceable right of access to the American people, to the Congress, and to the courts. It is a weak law, but it is the best that we could do. I think it was an important first step. I think it is time that we take an additional step. I am shocked by the fact that the distinguished chairman of the Subcommittee on Appropriations says that it is not appropriate for us to use our ultimate power, the power of congressional privilege tied to the purse strings, to say to the Executive, "You cannot in your sole discretion determine whom we will hear and what we will hear."

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Oklahoma.

Mr. STEED. Does the gentleman know that we have some rules of the House about legislation on an appropriation bill?

Mr. MOSS. The gentleman made his point of order. He made his point of order.

Mr. STEED. This is legislation on an appropriation bill and it should not be here.

Mr. MOSS. Mr. Chairman, I do not yield further because the gentleman made his point of order. The business is before this House in conformity with the rules. Remember that. The amendment has stood the test of whether or not it meets the test of germaneness or whether it is in conformity with the rules of the House. The chairman has ruled the amendment to be in order under the rules of the House, so we are proceeding in order, and I would not urge that we do to the contrary, but in doing so let us understand fully the importance of asserting the right of the Congress to call people before its committees and to compel them to testify.

Now, if the gentleman from Michigan wants me to yield, I am glad to yield to him.

Mr. BROWN of Michigan. Has the gentleman ever asked to serve on the Appropriations Committee?

Mr. MOSS. No, the gentleman has not. He thought he might better serve elsewhere.

Mr. BROWN of Michigan. Has the gentleman exhausted all of his ability, his intelligence, and his good sense——

Mr. MOSS. No, he was hoping——

Mr. BROWN of Michigan. In accomplishing that which he proposes that we do on the floor now?

Mr. MOSS. The gentleman does not want to deal with substance, I see; he merely wants to ask questions.

Mr. BROWN of Michigan. I want to deal in substance.

Mr. MOSS. No, you do not.

Mr. BROWN of Michigan. I deal in legislation, but this is no place to do what has been proposed.

Mr. MOSS. Where else would it be proper?

Mr. BROWN of Michigan. Why do you not do this with the power you have in the committee upon which you presently serve?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Moorhead).

The question was taken; and on a division (demanded by Mr. Moorhead) there were—ayes 66, noes 127.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. JACOBS: On page 38, after line 6, insert:
>
> "SEC. 611. Except for the Executive Office of the President, no part of the funds appropriated by this Act shall be used to furnish Government-purchased or leased limousines or luxury sedans or chauffeurs for any employee of the United States other than those defined in 5 U.S.C. 5312."

Mr. JACOBS. Mr. Chairman, the gentleman from Michigan may well be right. This may not be the place to discuss the substanace, but I am going to try it, and this is another amendment to try to get the easy riders off the taxpayers' backs and perhaps to establish a policy by the Congress that public servants are there to serve the public and not be served by the public.

I think the point can be made, and I discussed it with the chairman of the subcommittee, that some place in law there is a mandate that bureaucrats ride high at the taxpayers' expense. I researched the law rather carefully, and it is my belief that there is no such mandate from Congress that forces bureaucrats to have fun.

Now, since I have offered this amendment consistently to every appropriations measure—and the gentleman from Kentucky will recall I offered it with respect to the appropriations for the District of Columbia, and the gentleman from Kentucky, who is chairman of the subcommittee, supported the amendment, that these limousines be taken away from the bureaucrats in the District of Columbia—a bureaucrat is a bureaucrat is a bureaucrat.

I assure the Members that this amendment is directed to the limousine liberals, to the limousine conservatives, and perhaps even to the limousine middle-of-the-roaders, so to speak.

I urge adoption of the amendment.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, the gentleman referred to me, so I think I would like to respond.

Mr. JACOBS. That is why I yielded.

Mr. BROWN of Michigan. Mr. Chairman, it has been suggested here that we now refer to committees of substance as legislative committees. In my legislative experience we refer to them as substantive committees, and we refer to them as substantive committees, and we refer to substance as being basically that which is involved in the authorizing of money, of funds, of appropriations. When I was speaking earlier, I was talking about the substance of legislation rather than the matter of appropriations. I think it is valid. I do not retract it.

I think anyone who really wants to affect the performance of programs, what officers can use, like automobiles, ought to do it in the authorizing legislation and not in the appropriating legislation, and if the gentleman does not understand that, and if there is no other Member of this House who understands it, I am sorry.

Mr. JACOBS. Mr. Chairman, I did not yield to the gentleman to give the gentleman the opportunity to revise and extend his remarks on my time.

Mr. Chairman, I do not yield further.

I would say to the gentleman that the gentleman is entitled under the rules of the House to revise and extend his remarks with a pencil or a pen, and in doing so, I would suggest he consult Webster's International Dictionary as to the distinction between the word "substantive" and the word "substance," and the next time the gentleman will not have to revise and extend his remarks.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

At the outset, Mr. Chairman, I am not in opposition to what I believe our good friend is attempting to do here, but I oppose the amendment for the reason I am unable to advise the Members of the House what the exact effect of it may be.

This bill provides funds for the General Services Administration and they are under mandate from the Congress to provide transportation for all the agencies of the Government throughout the world, not just in this country. When we put this kind of a limitation on, without having had proper hearings, without having had an opportunity to probe into all the effects of it, we can be making some mistakes even my good friend would not want to make.

I have suggested to the gentleman, since we all have an interest in this, and I believe its thrust is in the right direction, that if we have the good fortune to be here next year, if he will cooperate with us, we on our subcommittee would like to get into this thing with the General Services Administration people. If we can discover that this sort of limitation can be applied without doing more harm than good, then perhaps we can go along with it.

For the moment I believe, to be on the safe side, we ought to defeat the amendment.

Mr. JACOBS. Mr. Chairman, will the gentleman yield for a comment?

Mr. STEED. I yield to the gentleman from Indiana.

Mr. JACOBS. I know the gentleman is sincere, and I know the gentleman is opposed to the abuses of the taxpayers' money as to the kinds of things he described.

I merely point out for the Record that this House already has adopted an amendment to the State Department appropriation bill with respect to their automobiles all over the world, that denies the very thing this amendment denies.

Mr. STEED. I believe the gentleman would be on safer grounds to apply this to a particular department. Here we have the General Services Administration, which deals with all agencies and departments of the Government all over the world. This involves many hundreds of thousands of vehicles of all kinds. They have made some very fine reports as to owning and leasing and that sort of thing being in the interest of the taxpayers.

I really would like to have an opportunity to go over this whole proposition with the people at GSA before any action of this sort is taken, because I am afraid we might be defeating the main purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. JACOBS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. JACOBS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. JACOBS, ROBISON of New York, STEED, and UDALL.

The Committee divided, and the tellers reported that there were—ayes 121, noes 205, not voting 106, as follows:

[Roll No. 225]

[Recorded Teller Vote]

AYES—121

Abourezk
Abzug
Alexander
Anderson, Calif.
Annunzio
Archer
Ashbrook
Aspin
Baring
Begich
Bennett
Bergland
Biester
Bingham
Brademas
Brinkley
Broyhill, N.C.
Burke, Mass.
Caffery
Carey, N.Y.
Cleveland
Crane
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Duncan
Eckhardt
Edwards, Calif.
Eilberg
Fascell
Findley
Ford, William D.
Fountain
Galifianakis
Gaydos
Gibbons
Gonzalez
Green, Pa.
Gross
Gude
Hamilton
Hanley
Harrington
Harsha
Harvey
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Howard
Hungate
Jacobs
Jones, N.C.
Karth
Kazen
Koch
Kyros
Long, Md.
Madden
Mann
Mathis, Ga.
Mazzoli
Miller, Ohio
Minish
Mink
Moss
Murphy, N.Y.
Myers
Obey
O'Konski
Pike
Podell
Price, Tex.
Pucinski
Randall
Rarick
Reuss
Roberts
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Runnels
Ryan
Sarbanes
Saylor
Scheuer
Schwengel
Scott
Seiberling
Skubitz
Snyder
Staggers
Stanton, James V.
Steele
Stratton
Taylor
Teague, Calif.
Thompson, Ga.
Thone
Tiernan
Udall
Van Deerlin
Vanik
Wolff
Wyatt
Wylie
Yates
Young, Fla.

NOES—205

Adams
Anderson, Ill.
Arends
Ashley
Aspinall
Badillo
Barrett
Bell
Betts
Boggs
Bow
Bray
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Collier
Conable
Conover
Conte
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
du Pont
Edmondson
Edwards, Ala.
Eshleman
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Frelinghuysen
Frey
Garmatz
Gettys
Giaimo
Goldwater
Goodling
Gray
Griffin
Grover
Gubser
Haley
Hall
Halpern
Hammerschmidt
Hansen, Idaho
Hastings

Hathaway
Hays
Heinz
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Keating
Kemp
King
Kyl
Landgrebe
Latta
Lent
Lloyd
McClory
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Mahon
Mallary
Martin
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Michel
Mikva
Mills, Md.
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Natcher
Nedzi
Nichols
Nix
O'Neill
Passman
Patten
Perkins
Peyser
Pickle
Poage
Powell
Preyer, N.C.
Price, Ill.
Purcell
Quie
Quillen
Railsback
Rangel
Reid
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rostenkowski
Roybal
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Terry
Thomson, Wis.
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wydler
Wyman
Young, Tex.
Zablocki
Zion

NOT VOTING—106

Abbitt
Abernethy
Addabbo
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Baker
Belcher
Bevill
Biaggi
Blackburn
Blanton
Blatnik
Boland
Bolling
Brasco
Broomfield
Burke, Fla.
Byrne, Pa.
Carney
Celler
Chisholm
Clausen, Don H.
Clay
Collins, Ill.
Collins, Tex.
Colmer
Conyers
Corman
Cotter
Curlin
Danielson
Davis, S.C.
Dellenback
Dowdy
Dwyer
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fraser
Frenzel
Fulton
Fuqua
Gallagher
Grasso
Green, Oreg.
Griffiths
Hagan
Hanna
Hansen, Wash.
Hawkins
Hébert
Ichord
Jonas
Kastenmeier
Kee
Keith
Kluczynski
Kuykendall
Landrum
Leggett
Lennon
Link
Long, La.
Lujan
McCloskey
McClure
McCormack
McMillan
Macdonald, Mass.
Mailliard
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Mitchell
Mosher
Murphy, Ill.
Nelsen
O'Hara
Patman
Pelly
Pepper
Pettis
Pirnie
Poff
Pryor, Ark.
Rees
Riegle
St Germain
Schmitz
Smith, Calif.
Stephens
Stokes
Stuckey
Sullivan
Symington
Talcott
Teague, Tex.
Thompson, N.J.
Ullman
Waldie
Wilson, Charles H.
Yatron
Zwach

So the amendment was rejected.

Mr. SEBELIUS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I appreciate the opportunity to comment regarding consideration of H.R. 15585, legislation appropriating funds for the Treasury, the U.S. Postal Service, and the Executive Office of the President. I would like to limit my comments to the $1,410,000,000 we are appropriating for the U.S. Postal Service.

Mr. Chairman, while the Postal Reorganization Act has been in effect for only 1 year, and while we must recognize there has not been enough time for the Post Office to stand on its own two feet and initiate the needed reforms, I believe quite strongly Congress should not abdicate its responsibility in making sure our national mail service operates so that all of our citizens receive prompt service at the lowest cost possible.

In fulfilling this oversight responsibility, we have an obligation to do so in a responsible manner. The continuing hearings by the Subcommittee on Postal Service evaluating the status of the Postal Service give us the proper vehicle in this regard.

Nevertheless, I have seriously considered attempting to amend the current appropriations measure in relation to a specific problem that I feel represents an area of concern to all of my colleagues. As some of my colleagues from rural areas are aware, and as every citizen from my congressional district is aware, Sunday deliveries to third and fourth class post offices in Kansas will be discontinued July 1.

I would like to point out that in defending this decision the Post Office has cited the fact that U.S. Postal Service is losing money in the amount of $188,448 annually in Kansas. This means that in order to save $188,488 a year, the Post Office has cut back service to rural citizens in my district so that many will not get their Sunday newspapers until Monday and because of 1-day delivery schedules, some will not receive their Saturday mail until the following Tuesday.

And, because of postal reorganization, we have had some rather unbelievable results in many of our smalltown areas. Instead of delivering the mail from one small town to another, the mail is now moved via a newly designated center which may be up to 100 miles away, and then round trip back again. In some cases the mail must move from point A to point C and back through point A again to get to point B. That is like a baseball manager having his shortstop throw the ball to center field in order to get the man out at first base.

Now, I would like to point out that it was not too long ago in history that in my part of the country a determined Pony Express rider could make 10 miles in 1 hour. That was back in the days when rain, snow, nor gloom of night, nor even an occasional outlaw could stop the mails from getting through.

Today, however, that is not the case. Despite all of our modern means of transportation, computerization and reform in the Postal Service, mail service in some rural areas is slower than the old Pony Express. I think this fact is especially pertinent now that the Post Office has established overnight mail service between the United States and Brazil.

Now, I certainly do not want to critize overnight mail service to any point, but I would respectfully like to ask: Is it in the best interests of postal patrons to cut back service in our rural areas to save $188,488 a year and at the same time spend $17.5 million for two advertising agencies to improve the Postal Service image? And, if we can deliver the U.S. mails on an overnight basis to a foreign country in South America, would it not be proper to ask in behalf of our rural postal patrons, why it takes several days for the mail to travel distances less than 100 miles apart?

It is my understanding the decision by the Post Office to stop Sunday delivery to third- and fourth-class post offices will soon be extended to second-class post offices. The next step may well be to declare that rural free delivery is unprofitable.

Mr. Chairman, I would like to point out that according to the present postal policy within the new law it is stated:

> The Postal Service shall provide prompt, reliable, and effective and regular postal services to rural areas, communities and small towns where post offices are not sustaining . . . it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

In view of the above, I am most concerned that in only 1 year's time we have already seen severe cutbacks in rural service. Many small post offices are being closed, rural routes are being consolidated and terminated, we have seen the elimination of postmarks from small towns. I predict that this trend will continue despite the fact that in many small communities the post office is more than a Federal office, it is a community center and a source of community pride.

The concern over deterioration of postal service in our rural areas does not end with the closing of our post offices, our routes, eliminating our local post marks and slower delivery. I have been contacted by a growing number of postal workers who tell me the intent of the Postal Reorganization Act is being violated regarding personnel policy. When I supported postal reform legislation, I did so in part because I understood postal personnel could work at other duties and could expect advancement where an opening occurred. This philosophy, that a rural carrier could become postmaster, was most appealing to postal employees. This policy has now been sacrificed by union agreement and postal employees are once again locked into categorized job slots. Employees with outstanding records of service and seniority are being given jobs below their experience and ability. Supervisors from outside areas are being brought in to administer offices they know nothing about. We thought that when a supervisory position opened up in one of our rural post offices, an experienced employee could be upgraded into that position. This is not the case. In some cases, rather than accept this policy, many experienced postal employees choose early retirement—much to the dismay of the local community.

Mr. Chairman, another severe problem we face in our rural areas concerns the rate increase proposal that increases magazine and newspaper rates 142 percent over the next 5 years. This decision clearly jeopardizes the very existence of many of the weekly and daily newspapers I have in my district. In order to survive, the publisher has no alternative but to pass on the increased cost to the advertiser. The small town merchant, in return, must recover this cost from the consumer. The result is inflation where it hurts the most.

Now, I full well realize the Postal Corporation has only been in existence for 1 year and that in order to become efficient, economical, and self-supporting, it takes time. However, in trying to become self-sufficient, I am concerned the Postal Service has become penny wise and dollar foolish. We spend millions of dollars for public relations and terminate rural service to save thousands of dollars.

Throughout rural and smalltown America there is no way to transport and deliver the mail on a daily break-even-basis. The only fair way to pay for making the mail service the right of every citizen is through a subsidy derived from taxes imposed on everyone by the Federal Government. This concept is as old as Benjamin Franklin and our national Postal Service, and it is the responsibility of Congress to protect and guarantee that concept of Government service. In this regard, I commend my colleagues who are conducting oversight hearings in the committees having jurisdiction over postal affairs. The time has come to consider what form of legislative action is necessary to insure fair and equitable postal service in our rural and smalltown areas.

In view of this need and in view of the fact I have decided any attempt to amend this appropriation bill to restore funding for Sunday service in third- and fourth-class post offices in rural areas would not be in order or proper—and in all likelihood would be ignored by the Postal Corporation—I have decided to vote in opposition to this appropriations bill and protest the policies of the U.S. Postal Corporation that have led to the further deterioration of postal services in our rural and small-town areas.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman.

Mr. SEIBERLING. I would just like to say as a Representative from a part of urban America I am sorry to say that the gentleman is mistaken. The economies are not all directed against rural America. Urban America is being shortchanged too, and it is outrageous.

Mr. SEBELIUS. If you direct your attention to some of the new rules as to how employees work it will get you some economies in the urban areas.

Mr. ANDERSON of Illinois. Mr. Chairman, I opposed the amendment offered by my good friend from Arizona (Mr. UDALL) to gut the Executive Office of the President by some 30 percent. I noted with interest that during the general debate on this bill on Tuesday, the gentleman from Arizona said the vote on this amendment will indicate, in his words, "who is really for economy around here." Now I found that just a little amusing. We are led to believe that by this amendment to cut $12 million from a budget of $38 million for Executive Office salaries, we will be striking a great blow for economy in Government and fiscal responsibility.

And yet, in checking out the names on the "Dear Colleague" letter which the gentleman from Arizona and 11 of his colleagues circulated in support of this "economy amendment," I was shocked to learn that of the 11 signators who voted on the budget-busting Hathaway amendment to add over a third of a billion dollars to the education appropriation last week, nine of the 11 voted for the Hathaway amendment, including the fiscal conservative from Arizona. And keep in mind that the Appropriations Committee request for education was already one-third of a billion above the administration's request.

So, I think we will have to look elsewhere for an explanation and justification for this particular amendment. Now the gentleman from Arizona claims there is no partisan motivation for this amendment, saying he would do the same thing under similar circumstances if a Democratic administration were in power. And yet, I do not recall the gentleman from Arizona so much as raising a whisper when the Office of the President was growing under the previous administrations, and his own report indicates there was considerable growth in the Executive Office under the previous two administrations.

Now, admittedly, there has been continued growth in the Executive Office under the present administration. But, as the report of the gentleman from Arizona points out, there have been nine new offices added since 1970. These include: The Domestic Council, the Office of Management and Budget, the Council on Environmental Quality, the National Commission on Productivity, the Special Assistants to the President, the Office of Consumer Affairs, the Office of Intergovernmental Relations, the Office of Telecommunications Policy, and the Special Action Office on Drug Abuse.

I think it is interesting to note that while the Office of Management and Budget and the Domestic Council come under heavy criticism from the gentleman from Arizona, he was one of the few Members on his side of the aisle to vote for Executive Organization Plan No. 2 of 1970 which established both the Domestic Council and OMB. The gentleman also voted for the Environmental Policy Act of 1969 which established the Council on Environmental Quality; he voted for the Consumer Protection Act which would give statutory authority to the White House Office of Consumer Affairs; he voted for the bill in this Congress which gave statutory authority to the Special Action Office on Drug Abuse. And the Office of Telecommunications Policy, which the gentleman from Arizona claims was established by President Nixon for "yet unclear reasons," was established by Executive Organization Plan No. 1 of 1970 which was so noncontroversial that the House Government Operations Committee recommended against a resolution of disapproval.

So, for the gentleman from Arizona to imply that the growth in the White House office under President Nixon was fostered unilaterally by the President, without the consent or knowledge of the Congress, is to misrepresent the facts. For the most part, we in the Congress have approved and, yes, even encouraged this growth.

Yet, the gentleman from Arizona sees this growth as an "expensive and dangerous" trend, because, in his words, "it aims directly at the power of the Congress and the responsibility of the Congress under our unique system of government." And rather than admit that we in the Congress are partially responsible for adding to the growth of the Executive Office, the gentleman in his committee report draws the following nonpartisan conclusion, and I quote:

> The logical conclusion to be drawn from the truly phenomenal growth of Nixon's staff is that there is a lack of confidence at best, and a total distrust at worst, of anyone not closely associated with Richard Nixon.

Now, that so-called logical conclusion just does not flow from the facts of the matter.

What will be the ramifications of the gentleman's amendment? By his own admission, this would result in an across-the-board 30-percent reduction in personnel and salaries. According to my calculations, based on the figures supplied in the gentleman's report, this would result in cutting the staff of the Domestic Council by 20, from 66 to 46; the National Security Council by 24, from 79 to 55; the Council of Economic Advisers by 17, from 57 to 40; the Council on Environmental Quality by 19, from 65 to 46; the Office of Consumer Affairs by 15, from 52 to 37; the Office of Emergency Preparedness by 62, from 223 to 161; the Office of Management and the Budget by 200, from 660 to 460; the Office of Science and Technology by 15, from 50 to 35; the Special Action Office on Drug Abuse by 52, from 174 to 122. And I could go on.

Let me conclude, Mr. Chairman, by pointing out that the meat ax approach suggested by the gentleman from Arizona, actually runs contrary to the recommendation of his own committee report—which incidentally was prepared over a month's time by a special consultant who was paid $2,500 for producing 11 pages; that runs $228 page. Let me quote from the final paragraph of that 11-page report:

> To enable the Congress to consider objectively the staffing needs of the executive departments and agencies on the one hand and the executive offices of the President on the other, more information is needed on the respective roles and authority of the staff of the Executive Office of the President and the executive departments and agencies.

And to quote from the gentleman from Arizona's letter to Chairman DULSKI regarding that same report:

> The House Post Office and Civil Service Committee should review the entire operation of the executive office through public hearings.

And yet, the gentleman from Arizona would have us ignore the advice of his own report that "more information is needed;" the gentleman would further have us ignore his own suggestion that his committee "should review the entire operation of the executive office through public hearings." Instead, he would now have us make an across-the-board 30-percent cut in the personnel and compensation of the Executive Office of the President. To my mind, such a cut defies all reason and good sense, not to mention the wisdom of the advice contained in the gentleman's own report and letter. I, therefore, urge defeat of this amendment.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. STEED. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MONAGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15585), making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. STEED. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 322, nays 11, not voting 99 as follows:

[Roll No. 226]

YEAS—322

Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Bell
Bergland
Betts
Biester
Bingham
Blackburn
Boggs
Bow
Brademas
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Cleveland
Collier
Conable
Conover
Conte
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frey
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kee
Kemp
King
Koch
Kyl
Kyros
Landgrebe
Landrum
Latta
Lent
Lloyd
Long, Md.
McClory
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Neill
Passman
Patten
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Rangel
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—11

Alexander
Ashbrook
Bennett
Crane
Gross
Hall
Hicks, Wash.
O'Konski
Randall
Rarick
Sebelius

NOT VOTING—99

Abbitt
Abernethy
Addabbo
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Baker
Belcher
Bevill
Biaggi
Blanton
Blatnik
Boland
Bolling
Brasco
Broomfield
Burke, Fla.
Byrne, Pa.
Carney
Celler
Chisholm
Clausen, Don H.
Clay
Collins, Ill.
Collins, Tex.
Colmer
Conyers
Corman
Cotter
Curlin
Danielson
Davis, S.C.
Dellenback
Dowdy
Dwyer
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Foley
Fraser
Frenzel
Fulton
Fuqua
Gallagher
Grasso
Green, Oreg.
Griffiths
Hagan
Hanna
Hawkins
Hébert
Hull
Ichord
Jonas
Kastenmeier
Keith
Kluczynski
Kuykendall
Leggett
Lennon
Link
Long, La.
Lujan
McCloskey
McClure
McCormack
McMillan
Macdonald, Mass.
Mailliard
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Mitchell
Mosher
Murphy, Ill.
Nelsen
O'Hara
Patman
Pelly
Pepper
Pettis
Poff
Pryor, Ark.
Rees
St Germain
Schmitz
Smith, Calif.
Stokes
Sullivan
Talcott
Teague, Tex.
Thompson, N.J.
Vander Jagt
Waldie
Wilson, Charles H.
Yatron
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Andrews of North Dakota.
Mr. Celler with Mr. Clay.
Mr. Brasco with Mr. Stokes.
Mr. Blatnik with Mrs. Chisholm.
Mr. Davis of South Carolina with Mr. Jonas.
Mr. Fuqua with Mr. Mailliard.
Mr. Evans of Colorado with Mr. Belcher.
Mr. Waldie with Mr. Mitchell.
Mr. McMillan with Mr. Broomfield.
Mr. Byrne of Pennsylvania with Mr. Metcalfe.
Mr. Blanton with Mr. Burke of Florida.
Mr. Pepper with Mr. Smith of California.
Mr. Abernethy with Mr. Schmitz.
Mr. Addabbo with Mr. Poff.
Mr. St Germain with Mr. Minshall.
Mr. O'Hara with Mr. Kuykendall.
Mr. Murphy of Illinois with Mr. Don H. Clausen.
Mr. Miller of California with Mr. Erlenborn.
Mr. Charles H. Wilson with Mr. Esch.
Mrs. Sullivan with Mr. Talcott.
Mr. Hébert with Mr. Nelsen.
Mrs. Andrews of Alabama with Mr. Pelly.
Mr. Biaggi with Mr. Collins of Illinois.
Mr. Boland with Mr. Lujan.
Mr. Kluczynski with Mr. Keith.
Mr. Hull with Mr. Baker.
Mr. Hawkins with Mr. Collins of Texas.
Mr. Carney with Mr. Conyers.
Mr. Colmer with Mr. Dellenback.
Mr. Cotter with Mrs. Dwyer.
Mrs. Grasso with Mr. Pettis.
Mrs. Green of Oregon with Mr. McClure.
Mrs. Griffiths with Mr. Vander Jagt.
Mr. Macdonald of Massachusetts with Mr. Frenzel.
Mr. Link with Mr. Halpern.
Mr. Kastenmeier with Mr. Mosher.
Mr. Bevill with Mr. Zwach.
Mr. Anderson of Tennessee with Mr. McCloskey.
Mr. Abbittt with Mr. Leggett.
Mr. Teague of Texas with Mr. McCormack.
Mr. Yatron with Mr. Ichord.
Mr. Corman with Mr. Curlin.
Mr. Danielson of California with Mr. Dowdy of Texas.
Mr. Evins of Tennessee with Mr. Hagan.
Mr. Fulton with Mr. Gallagher.
Mr. Foley with Mr. Pryor of Arkansas.
Mr. Fraser with Mr. Patman.
Mr. Mills of Arkansas with Mr. Long of Louisiana.
Mr. Hanna with Mr. Rees.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STEED. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have taken this time to ask the majority leader if he will kindly advise us as to the program for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the inquiry of the distinguished minority whip, we have concluded our program for this week and it is my intention to ask unanimous consent to go over until Monday.

The program for next week is as follows:

On Monday is District Day. There is one bill, H.R. 15507, the National Capital Transit Act.

That is to be followed by H.R. 15586, the Public Works-AEC appropriations for fiscal year 1973. We have already concluded general debate on that and on Monday we will conclude consideration of the bill.

H.R. 15495, the military procurement authorization, under an open rule, with 4 hours of debate—for general debate only.

And to be followed by H.R. 14163, the predator indemnities, under an open rule with 2 hours of debate.

For Tuesday, and Wednesday the program is as follows:

H.R. 15495, military procurement authorization—to conclude consideration of the bill.

H.R. 15390, the public debt limitation bill under a closed rule with 2 hours of debate.

A House joint resolution—continuing appropriations for fiscal year 1973.

H.R. 15587, the emergency unemployment compensation bill, subject to a rule being granted.

And H.R. 15641, the military construction authorization, subject to a rule being granted.

For Thursday and the balance of the week:

The agriculture appropriations for fiscal year 1973; and

H.R. 13366, the cyclamates ban compensation bill which was originally scheduled for this week. That will be under an open rule with 1 hour of debate.

This is a very heavy schedule and as the gentleman knows, we announced previously that at the conclusion of business on June 30 the House will go over until the conclusion of the Democratic National Convention, until Monday, July 17.

I might also say that the chairman of the Committee on Education and Labor hopes to call up the school lunch bill which was unanimously reported by that committee today.

Conference reports may be brought up at any time, and there are a number of very important conference reports pending. Also, any further program will be announced later.

Mr. ARENDS. Might I just say to the gentleman that it is very apparent that we will have a Friday session next week and there does not seem to be any way out.

Mr. BOGGS. If we are going to complete the program, I see no way to do it without having a Friday session.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. GROSS. Does the gentleman agree with me that with the addition of the school lunch bill to this program it is a rather ambitious program?

Mr. ARENDS. It is a rather ambitious one and some of us may never get to the Democrat Convention under the circumstances.

Mr. GROSS. I just wanted to ask if the gentleman thought that would be possible.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. BOGGS. I think it is in order to say at this time that in the period between the two conventions in July, which is roughly about 1 month, it is probable that Friday sessions will be held throughout that period of time.

ADJOURNMENT OVER TO MONDAY, JUNE 26, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON CALENDAR WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

U.S. CONGRESS—NOT FOR SALE

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, I have just come through a grueling, but very successful, primary campaign. Normally the winner in such an election quietly and happily returns to work.

I am not happy and I will not quietly take my seat. I want to tell you that, from my recent experience, the new Federal Campaign Expenditures Act is a failure. The act is ineffective, insufficient, and poorly conceived. The act provides no measure of protection for honest, law abiding candidates. It is simply a farce.

We should repeal that act and instead call upon the House Administration Committee to draft an effective bill that is meaningful to the kinds of problems congressional candidates face.

The key feature of the present act is that it contains a limitation on the use of television and radio. Such a limitation affects senatorial and presidential candidates. But in large urban areas, few congressional candidates use radio and television. The act is irrelevant to Members of the House.

My opponent in the recent primary campaign did not use television ads. But he did violate the spirit of the law by:

Spending over $200,000 on his campaign,

Buying all available billboard advertising in the district,

Buying all available advertising on buses going through the district,

Paying at least 200 teenagers $20 per person to electioneer near the polls on primary day.

Paying innumerable campaign workers during the course of the campaign.

Printing millions of pieces of campaign literature deceptively marked with the phrase "labor donated."

Printing signs and billboards not attributed to any committee or person.

Mailing hundreds of thousands of letters without any return addresses to indicate their source.

Purchasing services to conduct several complete mailings in the district.

Renting thousands of dollars of storefront space for several headquarters.

Spending money for a massive phone bank system the origin of which cannot be traced.

On top of all that, he personally filed his expenditures report late and his various campaign committees still have not filed reports.

Not only was nothing done before the primary about his committees' failure to file, but what difference would it have made if he were found guilty. What is a $1,000 fine to a man willing to spend over $200,000 to buy a seat?

There is no absolute spending limit in the current law. That is a loophole wide enough to slip 435 millionaires into the seats in this House of Representatives. It is a sorry commentary on our democracy, when candidates can without penalty act as if the seats in the House of Representatives can be bought for the highest bid like seats on the New York Stock Exchange.

We must pass a strong campaign finance law dealing with congressional races. The new law should include at the very least:

An absolute limitation on the amount spent for a candidate by anyone for any sort of campaign activity;

Effective and quick enforcement procedures;

Meaningful and strong penalties.

Mr. Speaker, although I voted for and have followed the current campaign expenditures law, I attempted to amend and strengthen the act when we discussed it here. I did not succeed then and now the act has not succeeded.

I have been able to overcome a rich man's lust for office. But how many of us who are not millionaries will be able to survive under this law? How long will our democratic processes last without a strong law? How long will we allow a for sale sign to be placed in the polling places of America?

A USELESS COMMISSION

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, on Monday of this week the House wisely refused to suspend the rules and pass H.R. 13694 to amend legislation dealing with the so-called American Revolution Bicentennial Commission.

This present Commission is patently one of the most useless and wasteful organizations in existence and several examples of this were given to the House on Monday.

In particular, the gentleman from Pennsylvania (Mr. WILLIAMS) had some well taken objections to the leadership of this Commission and, specifically to a Mr. Jack LeVant, the Director.

According to the gentleman from Pennsylvania this Mr. LeVant was suddenly introduced to the members in December by Commission Chairman David Mahoney as the new Director, at $38,000 a year. The Commission members were not asked to approve him, as they are required to do. They were not even told anything about his qualifications, or lack of them.

Let me try to shed some light on Mr. LeVant.

When he was introduced to the Commission members last December he had actually been on the payroll for 6 months.

He was brought in by Mr. Mahoney, his longtime boss.

Mr. LeVant, curiously, was not on the regular payroll because he came in through the backdoor—as a $121.28 a day consultant.

What is strange about this is that Mr. LeVant has no contract with the Commission as a consultant. In fact, the records show that he was processed in the same way as regular, full-time Federal employees are processed.

In addition to drawing down a fancy consultant's fee—equivalent to $31,500 a year, Mr. LeVant was getting $40 a day for living expenses.

He got away with this because he claimed his home was in Chicago.

When Mr. LeVant traveled outside Washington he drew the standard $25 per diem payment allowed all other Federal employees, but somewhere along the line he concluded that this was not enough. Lo and behold, he then submitted revised expense vouchers—which I have here—to bring his $25 per diem travel allowance up to $40—and the Commission approved them.

This sort of business went on from July 1, 1971, to April 15 of this year—9½ months.

It is interesting to note that Mr. LeVant has a champagne appetite in making travel arrangements. He always flies first class—even when he flies from Washington to New York. Nothing but the best when the taxpayers are paying for it.

Mr. Speaker, I have asked the General Accounting Office to explore this situation further and I would certainly hope that the Judiciary Committee will take a long and hard look at the fast and loose operations of the Commission before it again brings H.R. 13694 to the House floor for a vote.

THE BICENTENNIAL AND BEYOND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL), is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, since the passage of Public Law 89–491 on July 4, 1966, establishing the national American Revolution Bicentennial Commission, preparations have been underway for the celebration of the 200th anniversary of American independence. At the encouragement of the national Commission, a number of States have established their own bicentennial commissions, and numerous historical societies and civic organizations have begun to explore ways in which they can participate in the celebration. Additionally, several States and a few institutions have established rather sophisticated bicentennial programs.

By and large, with few exceptions, the focus of the various bicentennial programs have been narrow and somewhat unimaginative. They have been inadequate because the Natural Commission has failed to learn from past experience. The lack of their leadership is evident when you note that, they have suggested programs that are impractical, costly and not needed. The Commission is wrong also in focusing mainly on the Declaration of Independence and the year of jubilee—1976. This is not to say that the spirit and ideals of the Revolutionary generation have been neglected, for they certainly have not. But they are being compressed, and even distorted, to fit a particular schedule of celebration. The existing plans call for the celebration to end in 1976. Yet, students know that in 1776 the real American Revolution, which in the deepest sense was ideological, was just getting started.

To be sure, the American Revolution was more than the war or the winning of independence. It was a movement, national in scope, with a social, economic, and political, as well as a military focus. In the political sphere, for example, are the accomplishments of the First (September 1774) and Second (May 1775–1781) Continental Congresses; the Declaration of Independence (1776); the Franco-American Alliance (February 1778); the adoption (1777) and ratification (1781) of the Articles of Confederation; the peace negotiations (1782–83); and the ratification of the final Treaty of Peace (1783). Then there are the State constitutions, which, having all been adopted within the span of 2 years (1776–77) present something of a national character. Certainly their contents reflect a unit of purpose and direction.

Notable political events of the postwar period include the conferences at Mt. Vernon (1785), Annapolis (1786), and Philadelphia (1787) that led to the adoption and ratification of the Federal Constitution. The Constitution itself deserves continuous celebration, and one might also justify national recognition of documents adopted by individual States that are reflected in the Constitution, such as Virginia's Bill of Rights and its Statute for Religious Liberty. Then, there are the Northwest Ordinance (1787), and various treaties and alliances negotiated by the Confederation Government.

On the ideological side of the revolution are principles such as taxation by consent, freedom of worship, equality, fraternity, written guarantees of individual rights and privileges, Republican virtue, the pursuit of happiness, et cetera. Some of these principles, long familiar to educated people of the Western World, were embodied in the Declaration of Independence. Yet it took 8 years of war before the Declaration became effective, and another 6 years before the principles it reflected were adequately formulated into law. Others arose primarily during the aftermath of war when Americans were attempting to establish a just society and a lasting domestic peace. Thus it is a perversion of history to celebrate the principles upon which the country was founded in a single year.

On the military side of the Revolution, events that merit national attention are the battles of Lexington and Concord, 1775, the initial action of the war; the Battle of Bunker Hill, 1775, which was the first significant action; Saratoga, 1777, which provided the impetus for the Franco-American alliance; and Yorktown, 1781, which opened the way for meaningful negotiations for peace. Not so spectacular, but nonetheless important, are the retirement of Gen. George Washington, Commander in Chief of American Forces, the British evacuation of New York, November 1783, and the disbanding of the Continental Army, May-November 1783.

Equally important from the military side of the revolution is the participation of the militia. They constituted the bulk of the fighting force at the Battle of King's Mountain and figured prominently in the Battle of Cowpens. But they were also the inarticulate element in the war and their tale often lies buried with their bones, making it all the more fitting that the events in which they played a part receive special attention during the bicentennial of the American Revolution.

PROHIBITION OF THE GSA GRANTEE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

Mr. McKINNEY. Mr. Speaker, the growing concentration of power in the Federal bureaucracy has been one of grave concern to those of us who believe that the bureaucracy's primary purpose is to service the needs of the American people rather than servicing its own needs. And yet, example after example of the self-serving activities and attitudes of Federal bureaucrats concerned more with maintaining and increasing the power and prestige of their agencies than in meeting the needs and interests of the very citizens whose tax dollars pay their salaries stands as an affront to the very principles this Nation was founded upon.

In Tuesday's Record, our distinguished colleague from New Hampshire, Representative Wyman, focused attention on the unauthorized extensions of the GSA grantee program which epitomizes this very type of bureaucratic myopia.

In 1949, Congress enacted the Federal Property and Administrating Act with the expressed purpose of effecting maximum efficiency, economy, and service in the utilization and procurement of property for agencies in the executive branch of the Federal Government by centering responsibility in the GSA.

However, in 1969, GSA proposed extending its services to all State and local governments. This apparently was the first time GSA openly extended its services beyond the confines of the Federal agencies and bureaus it was designed to serve. The Nixon administration, concerned over the undesirable impact such massive competition from the Federal Government would have on the many independent private businesses now serving State and local government supply needs, ordered an immediate end to the program.

Attempting to work its way around both White House and congressional disapproval, GSA recreated its grantee program in June of 1971. To give you some idea of the magnitude of this threat to small businesses, between July 1971 and March 1972, purchases by and for grantees from GSA stores and inventories alone amounts to $6,126,979. This sum excludes the sizable amounts of direct purchases by grantees from supplies in the private sector under the supplies contracts with GSA because neither GSA nor the grantor agency maintain figures on these purchases.

Let me place this issue in an historical perspective. In 1953, recognizing the increasing difficulties which small businesses faced in the marketplace, Congress enacted the Small Business Act which declared as the policy of Congress "that the Government should aid, counsel, assist and protect the interests of small business concerns in order to preserve free competitive enterprise."

As a member of the Small Business Subcommittee of the House Banking and Currency Committee, I am particularly annoyed with this GSA program. We have increased the loan ceiling of the SBA from $2.2 billion to $3.1 billion to meet the emergency needs of this Nation's small business community. We are now preparing legislation to improve the situation of minority businesses in this country.

To then learn of a program which places a Federal agency in unfair, direct competition with the very small businesses we are attempting to support is just too much to ask this Congress to tolerate. Such a blatant example of bureaucratic myopia working at cross purposes with congressional intent must be eliminated. I recommend Representative Wyman's bill as the tool which once and for all will prevent another resurrection of this ill-conceived GSA grantee program. Our country can ill afford the establishment of a giant Federal PX undermining the foundations of our free enterprise economy.

REVENUE SHARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Heinz) is recognized for 5 minutes.

Mr. HEINZ. Mr. Speaker, we have just passed, by an overwhelming and bipartisan majority, H.R. 14370, the State and Local Fiscal Assistance Act of 1972, better known as "the revenue-sharing bill." Through this vital and necessary piece of legislation, the Federal Government has, for the first time, acted to restore initiative to local government and at the same time to bring some prospect of property tax relief to the overtaxed and overburdened citizens of this Nation.

It has become obvious over the years that even though local taxes have risen steadily, it is increasingly difficult with the limited means available to local government to raise revenues sufficient to provide such necessary services as police protection, sewers, water, and transportation.

The burdens placed on so many property owners just to meet the most minimal standards and improvements in these areas, discourage home ownership and force others, such as the aging and those on other fixed incomes, to neglect or abandon their properties. These same property taxes often make it impossible for younger families to afford to either purchase or maintain a home. Inevitably, the effect of all these discouragements is to lessen the demand for and the construction of enough decent and adequate housing.

The revenue-raising efforts by State and local governments are overly dependent on these regressive property taxes which penalize the poor and the elderly, as well as the middle-class working man. The bill we have passed today can help alleviate this burden and make our taxes fairer.

It is also my conviction that revenue sharing by the Federal Government will serve to strengthen local government and help people by returning to the people, to the street level, the means to make local government responsive and effective in meeting the individual priorities and requirements of municipalities, counties, and States that have the will and desire to make themselves good places to live and work. This revenue-sharing bill guarantees that hard-pressed municipalities and States will now have the needed means, at least in part, to answer local needs with local solutions.

Revenue sharing is, of course, predicated on the faith that local elected officials will use these funds wisely, free from the cumbersome and costly restraints of the federal bureaucracy.

While it is undoubtedly true some units of government will not use this money to best advantage, I believe that most will actively seek the most effective ways to bring about either meaningful improvements in services or a tax reduction. In my view, many communities could help people best by sharing as much of revenue sharing as possible with the people through reducing property taxes.

I would like to note that H.R. 14370 returns to Pennsylvania and individual communities within the Commonwealth, just over $300 million during its first fiscal year of operation.

In my area, the 18th Congressional District, for example, there are 59 municipalities, all within Allegheny County. These areas, which I serve, will receive contributions to their budgets, as income, of some $32 million. Besides the opportunity for tax reductions, this money will make possible municipal improvements or better services, the construction or implementation of which will help create badly needed jobs in our area.

Mr. Speaker, in my opinion our new revenue-sharing bill gives badly needed flexibility and new options to the local level. First among these is that Government will have the wherewithal to be able to act, and I am hopeful that this will result in restoring, to our citizens, the confidence that both the Federal Government and their own local government can be responsive to their needs.

So much of the fiscal plight of our urban and rural areas alike is the direct result of oppressive property, sales, and per capita taxes which have stretched the earnings of so many to the breaking point. The far-reaching impact of revenue sharing is that it will permit us to come to grips with these problems in a fair and reasonable way. It will, in effect, pave the way for more flexible and innovative methods of meeting the fiscal and physical problems today facing all local municipalities.

One of the most important aspects of revenue sharing is that it returns to the States and local governments their rightful role in our system of government. Revenue sharing can reverse the centralization of power in Washington and place the emphasis of local responsibility and responsiveness where it belongs. But I would like to emphasize that there is much to be done by elected officials and taxpayers alike if this promise is to be realized. Both must work to translate the opportunity provided by Federal revenue sharing into real benefits, real improvements, and real savings to the taxpayer. This money can be wasted or invested in an unproductive bureaucracy or the proverbial Taj Mahal. It will require extra vigilance by the ordinary voter, year in, year out, to insure the wise and proper use of these revenues. I sincerely hope and trust that this will be the case and that the months of effort spent in the careful study and thoughtful preparation of H.R. 14370 will bring about a rebirth of initiative and responsibility at all levels of local government.

SALUTE TO EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. Skubitz) is recognized for 5 minutes.

Mr. SKUBITZ. Mr. Speaker, I wish to join my colleagues in marking this salute to education. As a former schoolteacher and principal, I have a very personal and selfish feeling about the importance of universal education.

Indeed, for a long time I have entertained the idea that if compulsory education of all of our young people were truly compulsory and required to meet prescribed levels for all, we would go far in eliminating many of the social and economic problems we face in this country.

Of course, we were unique in this land when we first provided for compulsory education. But in the almost two centuries that have gone by other lands have equaled and even eclipsed our levels of education. Illiteracy rates in this country, while low, are not nearly low enough. And in my judgment, the answer does not lie simply in more funds for education. We already spend more for it than for any domestic program.

The problem lies rather with educational standards, with teaching standards and with levels of teacher competence. It is in these fields that we look to the National Education Association for leadership and direction.

INTERSTATE HIGHWAY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, I want to take this opportunity to call the attention of my colleagues to a bill—H.R. 15569—dealing with transportation which I introduced on Monday of this week. The purpose of this bill is to respond to what I believe should be regarded as a most serious problem in our Nation—the incompletion of the National System of Interstate and Defense Highways. My bill is designed to deal with three specific problems in the current interstate highway legislation. In my discussion today, I shall first take up section 2 of H.R. 15569, describe what this section would do and why I believe it is needed. Then, I shall provide a brief analysis of the other two sections of my bill.

The first section of my bill would add 5,800 miles to the length of the National System of Interstate and Defense Highways. The section provides that the new mileage be allotted in such a manner that an interstate route would begin in Kansas City, Mo., and travel southeastward through Arkansas, Tennessee, Mississippi, Alabama, and into Georgia to connect with Interstate 95. The remaining mileage would be designated for use as needed in other regions of the Nation.

Even a brief examination of a map showing the paths of the existing and planned routes on the National System of Interstate and Defense Highways quickly gives the viewer a clear picture of the gaps in the system. This legislation which I am proposing is intended to help close those gaps and make the system more closely meet the objectives for which it was established.

Chapter I of title 23 of the United States Code makes it clear that the Interstate Highway System is intended to provide a nationwide system of highways adequate to meet needs of national defense and interstate commerce. It also makes clear that the system transcends State and local interests in the interest of a larger national purpose.

It is to the larger national purpose, in terms of commerce between the States, to which I address this bill. There are myriad problems with which the Congress and the Nation are wrestling in search of solutions. Among these are an increasing demand of recreation outlets which is outpacing the availability of such resources; the critical need for promoting the wise development of the Nation's countryside in line with congressional intent to establish a balanced national growth policy and finally assurance that all regions of the country will be able to compete equitably with all other regions of the Nation.

A transportation system adequate to the needs of a region in which it is located is a principal element in any effort to open up to the Nation new or underused natural recreation resources, and to promote balanced national growth through comprehensive community development.

The six States through which I propose that a new link in the National Interstate System be routed are blessed with a wealth of natural recreation assets and a demonstrated potential for comprehensive development. Despite this, they are critically underserved in terms of high speed, cross-country, surface transportation routes. An interstate route is needed so that the Nation as a whole will benefit to the fullest from the resources and potentials of this region. Such a route is needed in order that the region may more completely shake off the shackles of the past which have kept it from achieving its unlimited potential by participating in America's modern social, cultural, and commercial society.

The people of this region have long recognized the need for opening up their regions to extensive association with the rest of the Nation. They have banned together to work for this goal. While I would not presume to attempt to describe the attractive attributes of one, much less five, of Arkansas sister States, I would like to share with you some facts about those of Arkansas. I am sure that the honorable representatives from Missouri, Tennessee, Mississippi, Alabama, and Georgia would tell you that their great States are amply endowed with natural assets.

But, before I move into that discussion, I would like to draw the attention of my colleagues to an observation concerning the expanding purpose of highways which is contained in the 1970 House Committee on Public Works committee print entitled "Benefits of Interstate Highways." In dealing with the general economic and community benefits derived from highway systems the report said:

> Advances in highway service have been closely associated with the growth of the American economy. . . .

The report also said:

> Highway transportation goals become more ambitious as time goes by. These goals are no longer limited to simply achieving a transportation purpose such as moving people or goods or "getting the farmer out of the mud." The goals now include better qualities in our style of living and our environment. More and more, highway resources are becoming a positive force for attaining both community and transportation goals.

We regularly hear and read reports of the crushing destructive pressures being exerted on the Nation's accessible recreation areas because of overuse. We are also told of the increasing need and demand of the people for more contact with the beauties and stimulation of our scenic natural resources.

Yet because of the incompletion of the Interstate System, some of the most inspiring of these attributes are effectively denied to large portions of the Nation. Denied because our citizens are unable to conveniently use their surface transportation to reach and travel through these regions in the amount of leisuretime available to them.

And, at the same time, these regions are denied the opportunity to wisely develop and conserve these natural resources for the enjoyment of present and future generations. Tourism is potentially one of the most valuable "industries" that many of our countryside regions can develop. It is an "industry" which produces jobs while offering pleasure and relaxation and at the same time insuring new funding sources for the perpetual preservation of large portions of an irreplaceable national resource.

Again, for the role that interstate highways play in such development, I would refer you to the committee print, "Benefits of Interstate Highways." More than three of the 28 pages in this report are devoted to presenting information on highways and recreation.

For the purposes of this discussion, I would like to share two statements from this report with you:

> In addition to providing access to recreational sites, highways themselves are a source of outdoor recreation. . . .
>
> The improved accessibility provided by Interstate highways increases the options people have for recreation by enlarging the area they can reach without increasing their travel time. This potential increase in opportunities for recreation is in fact being realized, both for long-distance vacation travel and for local recreational trips. For example, recreational travel has been increasing faster than other travel and vacation trips are becoming longer.

Among the most important assets of the Nation, and particularly of the State of Arkansas, is the people. The people of our State, particularly in the First Congressional District, are proud of their heritage of hard work, achievement, and respect for the dignity of man and nature. Thus, among the most attractive of the recreation resources which our region offers the resident and visitor alike are the fairs and crafts exhibitions, hootenannies, and folklore festivals which make the hills, valleys, and deltas ring with happiness. With the aid and cooperation of the Federal Government, we are building a folk cultural center in Mountain View. The goal of the project is to preserve the memorabilia of the past and to pass on to present and future generations the colorful traditions and culture of the men and women who made this part of our Nation great.

In addition to our people, Arkansas shares with its visitors some of the inspiring contacts with nature at its most majestic. There are the Ozark and Ouachita Mountains, the Buffalo, White, Current, and Mississippi Rivers. There are the Wapanocca National Wildlife Refuge, St. Francis National Forest, and the Ozark National Forest. And, there is Blanchard Springs Caverns, a wondrous demonstration of nature's subterranean marvels.

Despite the frustratingly inadequate highway system presently curving its narrow, hilly way through this region today, thousands of visitors travel to north and east Arkansas annually to enjoy these natural resources. It is from regions like this one which the Nation could derive immeasurable benefits, were it made properly accessible through the construction of the interstate highway links which I propose.

I urge my colleagues to study carefully the expanded, modernized, multipurpose which our national highways serve. The experience of our past 20 years has given ample proof that development follows the path of the interstate highway. The Congress has, through the laws it has enacted, put itself on record in support of a balanced national growth policy. It seems to make, therefore, unquestionably good sense to complete the National System of Interstate and Defense Highways through the addition of the 5,800 miles which I have proposed, in such a way as to promote the revitalization of the Nation's countryside.

As I noted at the beginning of this speech, my bill, H.R. 15569, has three sections. The first section would simply amend the second paragraph of section 101(b) of title 23, U.S.C. to extend until June 30, 1981, the time in which the interstate system would be completed. Section 2 would add mileage to the system. And section 3 would amend the portion of title 23, U.S.C. dealing with the Highway Trust Fund in such a manner that the fund would continue to operate in its present manner until 1983.

Mr. Speaker, I recognize that there are many needs facing our Nation today. One of the most critical, I believe, is insuring that our citizens have a choice of the place and manner in which they shall live. This choice cannot be effectively provided unless we actively work toward the revitalization of our Nation's countryside, the insuring that all regions of the Nation shall have an equal opportunity of participating in the life of the country and opening up our natural resources to the enjoyment of all our citizens.

A modern, high speed, limited access highway system which serves all parts of the Nation, not just a favored few, is essential to achieving this goal. Therefore, I would urge all my colleagues to give careful consideration to the legislation which I have proposed. And, I would likewise urge those who agree with the truth of my argument to actively work for the passage of this measure.

CANADIANS ON RECORD IN FAVOR OF THE TRANS-ALASKA PIPELINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 10 minutes.

Mr. BEGICH. Mr. Speaker, Colin Beale, editor and publisher of the highly respected Beale's Resources Industry News Letter in West Vancouver, Canada, recently visited Alaska, and his visit resulted in some interesting observations that I believe will be of interest to my colleagues. They appeared in the May 29, 1972, issue of his newsletter.

At a time when some opponents of the trans-Alaska pipeline would have us believe that all of Canada favors a trans-Canada line instead of the Alaska pipeline, Mr. Beale's remarks deserve widespread attention.

After citing the need for crude oil from Alaska's North Slope on the west coast of the United States, and discussing the impact of the delay that would inevitably result if the well-defined plans for an Alaskan line were dropped for an-as-yet undefined Canadian route, Mr. Beale concludes with this comment:

> This newsletter agrees with the Edmonton Journal: "Why is there so much crying here over Washington's approval of the Alyeska pipeline from Prudhoe Bay across Alaska to Valdez?" Canada will derive tangible and intangible benefits from the multi-million dollar oil pipeline through Alaska, and we aren't really ready for an oil line through the Mackenzie River Valley.

Following is the text of Mr. Beale's comments on the advisability of a trans-Alaska pipeline:

PROPOSED TRANS-ALASKA OIL PIPELINE— ECONOMIC AND SECURITY ANALYSIS

"In many respects, the issues raised by this pipeline are the issues raised by our civilization itself. But if we are to maintain our civilization and supply the energy needed for its growth, then we believe the trans-Alaska pipeline is a reasoned and responsible means to that end." Edward Patton, President, Alyeska Pipeline Service Company.

On a recent visit to Alaska, the editor of this newsletter was given an interesting document. A copy of a 56-page, May 3, Memorandum of Comments from the Alyeska company to U.S. Secretary of the Interior Rogers Morton. This week, we devote most of our letter to the last 10 pages of this memo—economic and security aspects of an Alaskan versus a Canadian pipeline. But first a thought or two on the backdrop.

Anchorage airport is a world crossroads. During a short 60 minute period at noon on Tuesday, May 16, planes arrived from all corners of the globe, 4 Japan Air, 2 Lufthansa, and Air France Jumbo, a Varig from Brazil, a Korean Air, a Scandinavian from Copenhagen and a BOAC from London; to say nothing of the stream of American aircraft. Pan Am, Northwest Orient, Western, Alaska, Seaboard World and others. None of these aircraft would get very far without the thousands of gallons of fuel needed to make their engines work. Alaska and oil are both part of a global scene. A mile or two from Anchorage airport there's an unexpectedly large office building, British Petroleum. The strings here go back to London. Other strings from other oil companies in Alaska go back to Houston, Los Angeles, New York and Amsterdam. If you get into a discussion about a Canadian oil pipeline, remember this—oil on the North Slope is part of global, big power, politics. Oil and natural gas figure prominently in U.S.-Russia trade talks these days . . . now, the last 10 pages (edited for brevity) of that memo to Secretary Morton:

The following comments are directed to three broad areas of the Analysis, particularly as they relate to a comparison between the proposed trans-Alaska pipeline and Canadian pipeline. In general, analysis and consideration of a possible trans-Canada alternative would be more realistic if emphasis were accorded the following points.

I. In the U.S. national interest, North Slope crude oil should be delivered to the West Coast (District V) rather than the Midwest (District II).

This conclusion is stated directly or by implication at several places in the analysis, but the following considerations deserve emphasis.

A. The dependency on foreign crude sources in District V is greater than comparable dependency in the aggregate of Districts I–IV. Because of existing transportation systems and inherent flexibility in means for shifting both crude and product supplies around Districts I–IV, these districts should be considered as a single unit, as they usually are for purposes of national petroleum planning. Thus, the valid comparison is between District V and Districts I–IV. This comparison shows the percentage of dependency in District V will be greater by 1980 than the dependency in the rest of the country. This fact has important national security implications, and in the event of disruption in Middle East supply, rationing would be more severe on the West Coast than in Districts I–IV.

B. District V's dependency is more hazardous to the national interest than the same degree of dependency would be elsewhere. East of the Rockies, the U.S. has always had a well-integrated petroleum production, refining and supply network that has provided flexibility in arranging inter-district transfers when shifting supply or demand problems arose. The East Coast, for example, imports foreign crude oil from the Middle East, Africa and Venezuela and is not dependent on any single foreign source. In an emergency the sources of supply could be shifted or crude oil could be transferred by pipeline from District III to District I, or the reverse. District V, however, is essentially isolated from the rest of the country by the Rocky Mountains and is limited in its petroleum receiving capability and transportation facilities within the district. The limited Trans Mountain line to the Pacific Northwest and an even smaller line to Southern California are the only crude oil pipelines entering District V. Lacking are the interconnections of crude oil and product lines, barge routes, rail routes, and tanker routes that connect Districts I–IV.

The National Petroleum Council's Oil Logistics Task Group has noted the limited opportunity for increasing transfers to District V from other Districts in the 1970's, and it is predicted District V cannot expect an increase in transfers from other Districts until synthetic hydrocarbons are developed from shale, coal and tar sands. During World War II the Petroleum Administration found moving the required quantity of oil across the Rockies "more difficult than moving five times as much over a longer distance in the east coast service." Again in the Korean War, the Petroleum Admin. for Defense had to simultaneously deal with crude oil shortages in California and ship petroleum products from California to the Korean theater.

C. Shipment of North Slope crude oil to District II could lead to a current underutilization of existing systems and a future oversupply in that District at the expense of District V. The midwest now receives oil from the Rocky Mountain area, the southwest and Canada. Construction of a fourth transportation system to deliver North Slope oil to the

Midwest could lead to the under-utilization and wasting of existing systems, particularly in the early years, but its long-term effect could be worse. With potential Canadian oil reserves estimated around 30 billion barrels—far in excess of Canadian domestic requirements—it is almost certain much of this excess will be exported to the U.S. The future may well see several transportation systems to carry Arctic oil to the U.S. and, because of location, Canadian oil must go mainly direct to the Midwest, District II, its natural market. If North Slope production were to be prematurely committed to District II by a trans-Canada line, the result could be oversupply in that District at the same time the West Coast is threatened with a predictably hazardous dependence on foreign sources.

II. The uncertainties associated with any trans-Canada pipeline indicate it could not be built without much delay and greater cost than suggested in the environmental impact statement.

A. Recent reports confirm the seriousness of the Canadian Native Claims issue. It is now apparent that Canada's Northern Natives have launched a drive to establish their rights to land and that the key element of this drive is Native opposition to government approval of construction of a Mackenzie Valley pipeline. With the cry of "No settlement, no pipeline" (Fin. Post April 15, '72), Canada's Natives have raised the issue that the U.S. has just taken fifteen years to resolve.

B. A trans-Canada pipeline would raise significant environmental issues where there is currently no established forum for dealing with them and could involve regulatory and jurisdictional delays beyond any reliable estimate. Although it is likely Canada will establish some governmental agency to resolve environmental problems, comprehensive legislation has not yet even been enacted and it is impossible to predict the form of such legislation. A trans-Canada line could involve regulation by four provincial governments, the Canadian government, a treaty between the U.S. and Canada. Administrative delay alone could exceed the five-year period estimated in the Economic and Security Analysis.

C. Canadian equity financing would be necessarily limited and requirements for transportation of Canadian oil could result in excessive net resource costs to the U.S. Members of the Canadian government have admitted that nation's limited ability to raise the staggering sums required for even a participation in Arctic pipeline construction. When the requirements for Canadian gas line and oil line construction are compared with the total availability of private capital in Canada, the severity of this limitation is apparent. A related consideration—not faced in the Final Environmental Statement—is that a trans-Canada pipeline to carry only North Slope oil is simply not a realistic alternative. Canada has always been careful to point out her real interest is a pipeline for the transport of Canadian oil to U.S. markets. If the limited capacity of a 48″ pipeline were divided equally between North Slope and Canadian oil, so that one million barrels per day of North Slope oil were replaced by a like amount of Canadian oil, the increase in net resource cost to the U.S. could exceed $2 million per day.

D. All cost estimates of a trans-Canada oil pipeline have been unrealistically low, and current accurate cost estimates would increase the transportation cost substantially. There is no currently accurate estimate of the cost of a trans-Canada oil pipeline. Relevant however, is the recent estimate of the cost of a trans-Canada gas line published after the Final Environmental Statement had been prepared. A spokesman for the Northwest Study Group disclosed the cost of a gas line to only Emerson, Manitoba has increased from $2.7 to over $5 billion. Delay in construction startup, cost escalation and design changes are cited as the contributing factors. Wilbur H. Mack, President of Michigan Wisconsin Pipe Line and Chairman of the Northwest Project Study Group stated that U.S.-Canadian governmental problems facing the project were "monumental" and raised serious questions "whether the costs of the line make it economically feasible and financeable." It is generally recognized this cost estimate may increase a good deal more, particularly with any further delay in starting construction. It is also generally recognized that a trans-Canada oil pipeline would present more difficult engineering problems and greater expense than a gas line. When cost escalation from additional delay and abandoned costs of the TAPS line are taken into account, the trans-Canada estimates of the impact statement are seen to be obviously and unrealistically low. Any realistic estimate would be much higher, and it is certain this substantial additional cost would be reflected in increased costs to consumers.

III. The estimated five-year delay in oil production that would result from a trans-Canada route would inevitably delay the production of North Slope gas and deter further exploration for both oil and gas.

The U.S. faces a severe gas shortage in the near future. Gas reserve life estimates have dropped sharply from 20 to 12 years. Current deliverability is dangerously low at only 4–5 years. Several major pipelines serving the eastern and mid-western regions of the U.S. (Transcontinental, Texas Eastern, Algonquin) have curtailed firm contract quantities during the past, albeit mild, winter. Larger curtailments by other pipelines are expected next year.

All of the major pipelines serving the northern U.S. (Tennessee, Transcontinental, Consolidated Natural Gas, Columbia Gas Michigan Wisconsin, Natural Gas Pipeline, Northern Natural) are relying on access in the near future to Arctic gas to meet their long-range needs. If North Slope gas cannot be brought into the lower 48 market in the short term future, the major pipeline systems will be compelled to turn to the more expensive alternative of foreign liquified natural and synthetic gas. Because oil must be produced before gas, any delay in the production and transportation of oil defers production of gas. . . . This added time penalty is significant when it is recognized that available North Slope gas is estimated at something over 1 trillion cubic feet annually or as much as 5% of current demand. The delay is more significant in the light of suspended exploration and developmental drilling on the North Slope at the present time. If the trans-Alaska application were to be denied in favor of the unplanned, uncertain and much delayed trans-Canada alternative, further exploration of the North Slope would be delayed indefinitely. This would be an unacceptable price for the U.S. to pay at a time when our energy crisis is a matter of deepening concern.

IV. A trans-Canada pipeline would deprive the U.S. of an independent transportation system and weaken the U.S. position in relation to Canada and all other oil exporting countries.

A. The trans-Alaska pipeline and tanker system is an independent system for delivering crude oil from a U.S. source to a U.S. market. It is self-contained and inherently flexible. In an emergency it could provide controlled distribution to any port in our own or another country.

B. A trans-Canada pipeline, on the other hand, would subject this important national resource to the regulation and effective control of another sovereign country. We are already dependent on Canada for substantial imports of Canadian oil, gas, water and hydroelectric power and this dependence will necessarily increase in the future. Though Canada has been a good neighbor and doubtless will continue to be, there are always differences of view and matters under negotiation between the two countries. With regard to recent differences, it has been argued that Canada should "use every weapon in its arsenal" and growing U.S. reliance on Canadian energy and water resources has been cited as the best weapon (Toronto Star, Aug. 19, '71). Canadian officials are reported as having suggested withholding current deliveries of gas and oil to the United States if the recent supplemental import tax were not lifted and holding up permission for a gas line if an oil line across Canada were not seriously considered (Tor. Star, Aug. 13, '71 and Washington, D.C. Evening Star, Mar. 30, '72). It is obvious that abdicating control over the transportation system for North Slope oil would weaken our position in this kind of friendly negotiation.

C. Maintaining an independent transportation system is important in the light of Canada's real interest in a trans-Canada oil pipeline. Canadian spokesmen have been forthright and direct. They have never suggested Canada has an interest in a pipeline that would transport 100% U.S. oil from one part of the U.S. across Canada to another part of the U.S. The Canadian interest has been explicitly stated as the development of Canadian oil and gas resources and transportation of that oil and gas to U.S. markets. When that interest is viewed in light of the limited capacity of a single oil pipeline, the potential conflict of economic interests across an international boundary, is apparent. That potential conflict would be invited by construction of a trans-Canada pipeline for North Slope oil.

D. The U.S. position in relation to other oil exporting nations, particularly the OPEC countries, would also be weakened by the trans-Canada proposal. The OPEC contract expires in 1975. If the trans-Alaska pipeline is well under way by that time, our position will be significantly stronger than if our North Slope reserves are still held up by a trans-Canada line still several additional years away from operation.

This newsletter agrees with the Edmonton Journal: "Why is there so much crying here over Washington's approval of the Alyeska pipeline from Prudhoe Bay across Alaska to Valdez? (Canada) will derive tangible and intangible benefits from the multimillion dollar oil pipeline through Alaska, and we aren't really ready for an oil line through the Mackenzie River Valley."

THE HONORABLE PHILIP J. PHILBIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DORN) is recognized for 5 minutes.

Mr. DORN. Mr. Speaker, I was saddened to learn of the recent passing of my warm friend and colleague, the Hon. Philip J. Philbin of Massachusetts. Representing the Third District of Massachusetts from 1942 through 1970, Phil Philbin served 14 terms in the Congress under six Presidents. He rendered outstanding service to his district, his State, and our Nation.

Congressman Philbin brought with him vast knowledge and experience in many various fields when he entered the House of Representatives for the 78th Congress. He had worked successfully as an attorney, a businessman, and a farmer in Massachusetts. He had served as a member of the advisory board of the Massachusetts Unemployment Compensation Commission. He had ably assisted U.S. Senator David I. Walsh in several important capacities. In Washington he had served as Special Counsel to the Senate Commission on Education and Labor, and had also been a referee with the U.S. Department of Labor. Phil Philbin used all that he had learned from these many distinguished positions to make valuable contributions in the Congress in legislation spanning many fields.

Perhaps the greatest of Congressman Philbin's many achievements was his devoted service for many years on the House Armed Services Committee. Phil Philbin believed in America, and he was dedicated to keeping America strong. His contributions to the defense of our country and to those men and women working for this defense are inestimable. He was deeply involved in the effort to build and maintain a strong national defense. He himself had served as a seaman in the U.S. Navy during World War I, and he knew and understood the needs of the military.

Congressman Phil Philbin served faithfully and devotedly from the 78th Congress through the 91st. His conscientious attendance at House sessions and committee meetings is well remembered by all of us. This is a greater and a stronger nation because Phil Philbin served in its Congress and served well, with honor and distinction. Mrs. Dorn joins with me in extending deepest and heartfelt sympathy to his daughters Mary and Anne.

AMERICAN PRESENCE AND BOMBING IN INDOCHINA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, there still are voices which persist in deploring America's presence in Indochina and the bombing in North Vietnam. Sometimes they are an echo of communist complaints heard around the world. More often they are an honest effort to end our involvement and to bring our forces home at a date certain without regard to the consequences.

Against this background, is it not time that recognition be given to the gallant South Vietnamese who have withstood the most massive invasion of the war by Communist forces? Is it not time to give credit to those Americans who are standing heroically by the South Vietnamese forces? There are the military advisors who run the risks of battle with South Vietnamese units day after day. There are the pilots who fly helicopters, attack aircraft, and bombers. There are the soldiers, sailors, marines and airmen who man the supply lines which are so essential to South Vietnamese survival. They, rather than the Communists deserve recognition, full credit, and appreciation of the American people.

To those who commiserate with the people of North Vietnam for the misfortunes which their own leaders needlessly brought upon them, is it not time for a remainder that the Communist drive across the demilitarized zone and through neutral countries into South Vietnam has brought death and suffering and untold misery to countless of thousands of innocent civilians: men, women, and children? The South Vietnamese civilians deserve sympathy, too. They are the victims of aggression. The people of North Vietnam are the aggressors.

The troops of South Vietnam have displayed steadfastness in combat that many would have thought impossible. The invasion was a brutal, steel-tipped attack which was intended to blitz through to key targets and to collapse the Government of South Vietnam. It failed. It failed because the troops of South Vietnam have shown amazing courage while their units in the main stood by their guns and took all the punishment the North Vietnamese regulars could inflict upon them with modern weapons and because their American allies did not desert them in their hour of greatest trial.

These men, South Vietnamese and Americans, deserve the gratitude of America and of the free world. The course of history has been shaped by these men who stood fast. Now it is time for those who decry America's effort and America's contribution and America's presence in Southeast Asia to desist from statements which bring solace and hope to the North Vietnam aggressors. Let them join with those of us who say instead that it is indeed time for an end to war and to killing. The President of the United States has clearly shown the way. His terms have been most generous. The Communists will lose no honor by accepting. By doing so, they can end the war within minutes. They need only to agree to release the American prisoners they are holding, to account for those who are missing, to adhere to a meaningful ceasefire. Until they do this, it is on their shoulders alone that the burden must rest for the carnage and destruction taking place in South Vietnam and for the punishment being inflicted on their own country.

TRIBUTE TO JAMES CHANEY, ANDREW GOODMAN, AND MICHAEL SCHWERNER

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, yesterday marked the eighth anniversary of the brutal murders in Mississippi of James Chaney, Andrew Goodman, and Michael Schwerner. On June 21, 1964, I rose in the well of the House to inform the Members that these three young men were missing in Mississippi in the vicinity of Philadelphia, Neshoba County. In the days following June 21, we received the news that these three young men, dedicated fighters for equality for all Americans, had themselves been struck down by the forces of intolerance.

Andrew Goodman and Michael Schwerner went to Mississippi to conduct voter registration drives and to open freedom schools under the auspices of the Council of Federated Organizations, an alliance of several civil rights groups which includes the Congress of Racial Equality, the Southern Christian Leadership Conference, the National Association for the Advancement of Colored People, and the Student Nonviolent Coordinating Committee. Along with other volunteers, Andrew Goodman and Michael Schwerner were preparing to offer courses in humanities, liberal arts, mechanical training, and the rights and duties of citizenship to blacks in Mississippi. They met and worked with James Chaney in Mississippi, and they died with him on June 21, 1964.

At the time of their deaths, Congress had not yet passed the Voting Rights Act of 1965, nor the Civil Rights Act of 1964. Blacks in Mississippi were barred from public accommodations and were discriminated against in education and employment. Denied political equality, they lived in a segregated society.

These three tragic deaths helped to spur Congress to pass the Voting Rights Act. We have seen the results of the passage of this legislation. The total number of blacks registered in the seven Southern States which fell under the operative mechanism of the Voting Rights Act was 1,222,000 in 1965. By the fall of 1970, the total number of registered black voters in these States was 2,110,000, equivalent to 67.7 percent of those eligible. As an increasing number of black voters exercised the right to vote, an increasing number of black public officials were elected. Before 1965, there were approximately 70 elected black public officials in the South. In 1970, there were more than 500 black elected officials in the Southern States falling under operation of the Voting Rights Act.

There is further evidence that progress in this area has been made. In 1968 the Mississippi Freedom Democrats were seated at the Democratic National Convention, and in 1969 I was privileged to attend the inauguration of Charles Evers as mayor of Fayette. And now the right to vote has been extended to 18-year-olds, a right that has been long overdue. Our young people have proven that they are capable of making responsible decisions and have shown themselves to be sincerely committed to working for equality and justice for all Americans.

James Chaney, Andrew Goodman and Michael Schwerner were three examples of young people who dared to work for a cause in which they believed in a hostile environment, and who risked and eventually lost their lives in the fight for political equality for black Americans. On this eighth anniversary of the deaths of these three courageous civil rights workers, let us rededicate ourselves once again to the goals for which they gave their lives, for, although important progress has been made, our efforts must continue unabated until injustice, inequality, and bigotry no longer exist in our society.

THE HIGHER EDUCATION CONFERENCE

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, you will recall the recent favorable action on the part of this House in adopting the conference report on the higher education bill which is now awaiting the President's signature. I would like at this time to pay tribute to those diligent, hardworking legislators—members of the conference committee—who labored over a period of many weeks in an effort to reach agreement on what I consider to be the most significant piece of higher education legislation ever considered by the Congress.

The first meeting of the conference committee took place on March 15, more than 14 weeks ago. During the intervening period of time, the conference committee met 21 times. Most of our meetings lasted from early afternoon well into the evening hours. There were more than 100 hours of hard and tedious deliberation devoted to the work of resolving the differences in this legislation.

The conference committee had before it two massive versions—the House amendment numbered 423 pages and the Senate amendment numbered 754 pages. These versions in many respects were as dissimilar in their approaches as they were similiar in the very controversial issues they each contained.

There were more than 383 substantive differences in the bill with which the conference committee had to deal. In our work we utilized nine different committee prints which identified and analyzed these differences. Because of the number and diversity of the issues involved, it was necessary to prepare agendas each day so that Members could be advised of each session's activity. At the end of each session, it was necessary also to prepare a listing of the conference agreements and/or discussions with regard to the various points in difference.

Few of the differences could be resolved with relative ease because of the widely divergent approaches in each of the bills. Because of their complex and substantive nature, many of the topics required repeated discussion during which additional recommendations and suggestions for possible compromise could be aired.

The number of topics requiring the repeated attention of the conference committee during the 21 sessions included the differences involving institutional assistance, student aid, developing institutions, busing, emergency school aid, occupational education and junior colleges, the political internship program, ethnic heritage studies, sex discrimination provisions, the insured student loan program, State scholarships, basic grants, the National Institute of Education, and education renewal.

While these issues in and of themselves were not easily reconcilable, the conference committee was also compelled to labor under House instructions. Throughout our proceedings the job of negotiation and deliberation was made that much more difficult because of these instructions. In addition, at all times we were conscious of the new House rules under which the conference committee had to function, and every effort was made to check all possible compromises and solutions with the House Parliamentarian to see that such agreement fell within the scope of conference authority.

Mr. Speaker, there were times when it seemed there would be no conference report. Agreement seemed very remote. The last session of the conference committee—May 16—extended over 15 hours, and I say to my colleagues that even when we were within close reach of a final agreement—not more than 2 hours before our signatures were affixed to the conference papers—there was a great possibility that all of our work would be in vain, that we would have to return to the House in disagreement.

It was, therefore, not until the very end of the last session that the conferees could safely feel that agreement had been reached. Not until we walked out of the Old Supreme Court Chamber in the Capitol at 5:30 a.m. on the morning of May 17—after over 15 straight hours of deliberation—were we able to say our work was successful.

For my part, it was indeed an honor and a privilege to serve as chairman of a conference committee which I believe will be recognized as a persevering, dedicated body ever mindful of its authority and very much aware of its responsibility to the purpose of improving American education. The conference report is the product of the labors of that conference committee. It is a good product—the best possible product—a negotiated product in which is evident the hard, tenuous give-and-take compromise agreements which were finally arrived at during the course of deliberation lasting close to 3 months.

Mr. Speaker, the permanent record of this debate will give an indication of the tremendous diversity of the provisions of this legislation. It will also include the commentary of the educational leaders of our Nation who strongly endorsed the provisions of this important bill. I am most grateful to these educators for their strong support and assistance.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PEPPER (at the request of Mr. O'NEILL), after 7 p.m. today, on account of official business in his district.

Mr. MOSHER (at the request of Mr. GERALD R. FORD), for the following week, on account of official business as a representative of the House Committee on Science and Astronautics to the Second International Parliamentary Conference on the Environment.

Mr. BURKE of Florida (at the request of Mr. ARENDS), for Thursday and Friday, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RANDALL, for 15 minutes, today; and to revise and extend his remarks.

(The following Members (at the request of Mr. MALLARY) and to revise and extend their remarks and include extraneous matter:)

Mrs. HECKLER of Massachusetts, for 60 minutes, on June 27.

Mr. SCHWENGEL, for 15 minutes, today.

Mr. MCCLORY, for 60 minutes, on June 26.

Mr. MCKINNEY, for 5 minutes, today.

Mr. HEINZ, for 10 minutes, today.

Mr. SKUBITZ, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks and include extraneous matter:)

Mr. ALEXANDER, for 30 minutes, today.

Mr. BEGICH, for 10 minutes, today.

Mr. DORN, for 5 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDMONDSON in three instances and to include extraneous matter.

Mr. ROBERTS, to revise and extend his remarks on the bill H.R. 14370, and to include extraneous material.

Mr. FINDLEY, to include extraneous material during his remarks this week on appropriation bills yet to be considered.

Mr. DON H. CLAUSEN, to extend his remarks during debate on H.R. 15586, today.

(The following Members (at the request of Mr. MALLARY) and to include extraneous matter:)

Mr. SCHWENGEL in two instances.

Mr. WIDNALL.

Mr. COLLIER in two instances.

Mr. QUILLEN in two instances.

Mr. DENNIS.

Mr. ARCHER.

Mr. YOUNG of Florida in five instances.

Mr. THOMSON of Wisconsin.

Mr. HANSEN of Idaho.

Mr. STEIGER of Wisconsin.

Mr. WYMAN in two instances.

Mr. SPRINGER.

Mr. ASHBROOK in three instances.

Mr. PRICE of Texas.

Mr. MCCLORY.

Mr. HUNT.

Mr. GUDE in two instances.

Mr. O'KONSKI.

Mr. ANDERSON of Illinois.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. CLAY in six instances.

Mr. JACOBS.

Mr. MILLER of California in five instances.

Mr. WOLFF in two instances.

Mr. HÉBERT.

Mr. HAMILTON.

Mr. JOHNSON of California in two instances.

Mr. CABELL.

Mr. RODINO.

Mr. MONAGAN.

Mr. UDALL in 10 instances.

Mr. FLYNT in two instances.

Mr. PEPPER.

Mr. DELLUMS in six instances.

Mr. HAGAN in three instances.

Mr. RARICK in three instances.

Mr. ROGERS in five instances.

Mr. HUNGATE. in two instances.

Mrs. HICKS of Massachusetts in three instances.

Mr. CELLER.

Mr. CARNEY in three instances.

Mr. MEEDS.

Mr. ADAMS.

Mr. VAN DEERLIN.

Mr. DULSKI in six instances.

Mr. BINGHAM in three instances.

Mr. PICKLE in five instances.

Mr. VANIK in 10 instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 465. An act for the relief of Mrs. Hang Kiu Wah; to the Committee on the Judiciary.

S. 1950. An act for the relief of Mrs. Josefita Esther Worley; to the Committee on the Judiciary.

S. 2270. An act for the relief of Magnus David Forrester; to the Committee on the Judiciary.

S. 2489. An act for the relief of Judy A. Carbonell; to the Committee on the Judiciary.

S. 2562. An act for the relief of Guido Bellanca; to the Committee on the Judiciary.

S. 2575. An act for the relief of William John West; to the Committee on the Judiciary.

S. 2591. An act for the relief of Dr. Constante S. Arevilla; to the Committee on the Judiciary.

S. 2625. An act for the relief of Giuseppe Paul Pinton; to the Committee on the Judiciary.

S. 2704. An act for the relief of Rita Rosella Valleriani; to the Committee on the Judiciary.

S. 2937. An act for the relief of Slobodan Babic; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips;

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 4050. An act for the relief of Maria Manuela Amaral;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7641. An act for the relief of Chung Chi Lee; and

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, June 26, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2098. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the act of August 4, 1955 (69 Stat. 464) relating to the annual payment to the Republic of Panama; to the Committee on Appropriations.

2099. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission on docket No. 187, John Billum, for himself and as representative of the other *Natives of Chitina, Alaska, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2100. A letter from the Chairman, Joint Committee on Internal Revenue Taxation, transmitting a report on refunds and credits of internal revenue taxes for the fiscal year ended June 30, 1969, pursuant to section 6405 of the Internal Revenue Code of 1954 (H. Doc. No. 92–314); to the Committee on Ways and Means and ordered to be printed.

RECEIVED FROM THE COMPTROLLER GENERAL

2101. A letter from the Comptroller General of the United States, transmitting a report finding that the Federal program of aid to educationally deprived children in Illinois can be strengthened, Office of Education, Department of Health, Education, and Welfare; to the Committee on Government Operations.

2102. A letter from the Comptroller General of the United States, transmitting a report on U.S. technical assistance to support Indian agricultural development, Agency for International Development, Department of State; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee of conference. Conference report on S. 1893 (Rept. No. 92–1164). Ordered to be printed.

Mr. BRINKLEY: Committee on Armed Services. H.R. 14538. A bill to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes (Rept. No. 92–1165). Referred to the Committee of the Whole House on the State of the Union.

Mr. ICHORD: Committee on Internal Security. Report on America's Maoists: the Revolutionary Union—the Venceremos organization (Rept. No. 92–1166). Referred to the Committee of the Whole House on the State of the Union.

Mr. CASEY of Texas: Committee of Conference. Conference report on H.R. 13955 (Rept. No. 92–1167). Ordered to be printed.

Mr. SISK: Committee on Rules. House Resolution 1024. A resolution providing for the consideration of H.R. 13366. A bill to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclmates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes (Rept. No. 92–1168). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1025. A resolution providing for the consideration of H.R. 15495. A bill to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes (Rept. No. 92–1169). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself and Mr. CONYERS):

H.R. 15640. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

By Mr. FISHER (for himself and Mr. BRAY):

H.R. 15641. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. GERALD R. FORD:

H.R. 15642. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

H.R. 15643. A bill to strengthen education by providing a share of the revenues of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern; to the Committee on Education and Labor.

H.R. 15644. A bill to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

H.R. 15645. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

H.R. 15646. A bill to provide a new and improved system of Federal financial assistance to State and local governments for solving the transportation problems of the State and local governments and for improving the Nation's capacity to meet the demands of interstate commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. FORSYTHE:

H.R. 15647. A bill to amend the Internal

Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. FREY (for himself, Mr. Conable, Mr. Forsythe, Mr. Griffin, Mr. Hastings, Mr. Horton, Mr. Keating, Mr. Keith, Mr. Lent, Mr. McClory, Mr. McKinney, Mr. Charles H. Wilson, and Mr. Young of Florida):

H.R. 15648. A bill to amend the Controlled Substances Act to provide increased penalties for distribution of heroin by certain persons, and to provide for pretrial detention of such persons; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON:

H.R. 15649. A bill to amend the Emergency Employment Act of 1971 to extend its operation, and for other purposes; to the Committee on Education and Labor.

By Mr. HATHAWAY:

H.R. 15650. A bill to amend title 38 of the United States Code in order to establish a program providing 104 weeks of assured employment to Vietnam era veterans unable to find work; to improve job counseling, training, and placement for veterans; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HECHLER of West Virginia:

H.R. 15651. A bill to establish a system of wild areas within the lands of the national forest system; to the Committee on Agriculture.

H.R. 15652. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 15653. A bill to amend section 4221 of the Internal Revenue Code of 1954 to provide for an exemption from Federal manufacturers excise taxes on sales to the Department of Defense; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 15654. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER (for himself and Mr. Biaggi):

H.R. 15655. A bill to amend the Elementary and Secondary Education Act of 1965 to provide Federal assistance for interscholastic athletic programs in secondary schools associated with community improvement programs; to the Committee on Education and Labor.

By Mr. ST GERMAIN (for himself, Mr. Moorhead, Mr. Stephens, Mr. Annunzio, Mr. Griffin, Mr. Chappell, Mr. Cotter, Mr. Curlin, and Mr. Wylie):

H.R. 15656. A bill to provide that no insured financial institution which has deposits insured by the United States may refuse to honor certain checks drawn upon the U.S. Treasury to provide for State taxation of insured commercial banks, to provide full deposit insurance for units of Federal, State, and local government, to amend title IV of the National Housing Act concerning the 90-day decision period with respect to acquisitions in connection with savings and loan holding companies, to amend title IV of the National Housing Act with respect to third party loans made by subsidiary insured institutions of savings and loan holding companies, and for other purposes; to the Committee on Banking and Currency.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Quie, Mrs. Mink, Mr. Eshleman, Mr. Meeds, Mr. Bell, Mr. Scheuer, Mr. Hansen of Idaho, Mr. Gaydos, Mr. Kemp, Mr. Clay, Mr. Peyser, Mrs. Chisholm, Mr. Carlson, Mrs. Grasso, Mr. Mazzoli, Mr. O'Hara, and Mr. Dent):

H.R. 15657. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Dellenback, Mr. Thompson of New Jersey, Mr. Esch, Mr. Pucinski, Mr. Steiger of Wisconsin, Mr. Daniels of New Jersey, Mr. Forsythe, Mr. Reid, Mr. Veysey, Mr. Hawkins, Mr. William D. Ford, Mr. Burton, Mr. Biaggi, Mrs. Hicks of Massachusetts, and Mr. Badillo):

H.R. 15658. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. DULSKI (for himself, Mr. Waldie, and Mr. Hillis):

H.R. 15659. A bill to extend civil service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. FLYNT:

H.R. 15660. A bill to amend title 10 of the United States Code, to provide that personal delivery of notification of death of servicemen to the next of kin may only be made by officers; to the Committee on Armed Services.

By Mr. FRENZEL:

H.R. 15661. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials and elected town and township officials; to the Committee on Government Operations.

By Mr. MIKVA (for himself and Mr. Frey):

H.R. 15662. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

By Mr. PERKINS:

H.R. 15663. A bill to amend section 221 of the Flood Control Act of 1970; to the Committee on Public Works.

By Mr. BROYHILL of Virginia:

H.R. 15664. A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DOW:

H.R. 15665. A bill to amend the Economic Stabilization Act of 1970, to prohibit rent increases of more than 5 percent in any calendar year with respect to certain units occupied by individuals or small businesses; to the Committee on Banking and Currency.

H.R. 15666. A bill to amend the Economic Stabilization Act of 1970 to provide that landlords must notify appropriate Federal officials of proposed rent increases and such increases must be approved before they may become effective; to the Committee on Banking and Currency.

By Mr. GRAY (for himself, Mr. Pepper, Mr. Matsunaga, Mr. Anderson of Tennessee, Mr. Smith of California, Mr. Anderson of Illinois, Mr. Martin, Mr. Quillen, Mr. Latta, Mr. Abernethy, Mr. Whitten, Mr. Griffin, Mr. Montgomery, Mr. Madden, Mr. Delaney, Mr. O'Neill, Mr. Sisk, and Mr. Young of Texas):

H.R. 15667. A bill to provide that the Federal Building to be constructed in Hattiesburg, Miss., shall be named the "William M. Colmer Federal Building"; to the Committee on Public Works.

By Mr. MATHIS of Georgia:

H.R. 15668. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. PUCINSKI (for himself, Mr. Esch, and Mr. Dellenback):

H.R. 15669. A bill to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

By Mr. ROGERS:

H.R. 15670. A bill to amend the Communications Act of 1934 to establish certain standards for the consideration of applications for renewal of broadcasting licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 15671. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes to the Committee on Veterans' Affairs.

H.R. 15672. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. Archer, Mr. Biester, Mr. Broyhill of Virginia, Mr. Davis of Georgia, Mr. Eilberg, Mr. Gude, Mr. Moss, Mr. Railsback, and Mr. Bob Wilson):

H.J. Res. 1232. Joint resolution designating and authorizing the President to proclaim February 11, 1973, as "National Inventors' Day"; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.J. Res. 1233. Joint resolution to suspend temporarily the authority of the Interstate Commerce Commission to permit the abandonment of a line of railroad or the operation thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON:

H. Con. Res. 635. Concurrent resolution calling upon all parties to the Geneva Convention relative to the treatment of prisoners of war to insure respect for that convention by persuading North Vietnam to fulfill its obligations under the convention; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BOB WILSON presented a bill (H.R. 15673) for the relief of Raul Rosado, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PHILIP PHILBIN

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. KEITH. Mr. Speaker, I was deeply saddened to learn of the death of our former colleague and friend from Massachusetts, Philip Philbin. Phil had many virtues, among which were numbered kindness, competency and, above all, integrity.

I would like to make the observation that during all the years I knew Phil not once did I hear him make a remark criticizing another person. This rare trait has and will always come to mind when I think of Phil, for it is indeed rare to know a man of such great benevolence.

During his 26 years in the Congress Phil never turned a constituent or a fellow colleague away who came to him for help. Even while he helped others he went about his own work quietly and expertly and diligently.

On Saturday I, with many of my colleagues, traveled to Clinton to pay my last respects to this man I had known so well and had liked so much. I would like to share with you the words of the pastor of Our Lady of the Rosary Church in Clinton—a tribute delivered from a fellow Clintonian on behalf of all of us who had the privilege of knowing Phil Philbin.

> At the time when Congressman Philbin retired from public life we who were his colleagues and friends gave him testimony of our love and affection.
>
> Today we are again gathered together, this time to mark his passing on to eternal life. This is another expression for a beloved friend.
>
> As a Congressman, Philip Philbin worked with you as a colleague or served you as Representative; as a fellow Clintonian he was a life-long friend to his town and its people; and as a faithful Christian he shared the same hope and ideals we are expressing today.
>
> Congressman Philbin was a politician here in his district—that is a title of respect—none of this cynicism is attached to it which is found in some other places. Here we have his example of 28 years of integrity and honesty in public service. The newspapers have recorded the accomplishment of those years of service but this morning we have another sort of testimony—the presence of so many of his former colleagues. This confirms our high opinion of the job he did in Washington. Perhaps an even greater tribute is the presence of the so many people he served—those for whom he managed to make the impersonal procedure of the Government personal and for whom he removed the roadblocks of bureaucracy.
>
> Phil Philbin was also our fellow Clintonian. Years of service in Washington never separated him from his home town. He always found the time to keep up contact with its people. He had a keen sense of family ties and local tradition. You could not meet him without being reminded of some family member he knew of or inquired for.
>
> A fine example of his capacity for friendship was his association with the late Senator David I. Walsh. His loyalty outlasted death, for each year since Senator Walsh's death, Phil Philbin arranged for memorial ceremonies, and so kept alive the memory of another great Clintonian.
>
> Lastly, Phil Philbin was a faithful Christian—which is not a separate title but the sum of all his roles in life.
>
> It is our sincere hope that today, together with his namesake, the Apostle Philip, his wish has been fulfilled. To this we add our love and affection for a friend we will greatly miss, but never forget.

SALT—NEXT STEP IN DISARMAMENT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. SCHMITZ. Mr. Speaker, Gen. Thomas S. Power, "Design for Survival," said:

> It is, therefore, up to the American people to decide which road to survival they want to choose. The choice is by no means easy. The active proponents of one-world government have a very saleable product to sell—peace without an arms race—and they are both vocal and convincing. . . . Unfortunately, however, our approach—survival through military supremacy—ostensibly entails far greater sacrifices and risks, and therefore has less appeal to those who seek a quick and easy way out. Still, it is the only approach which will permit national survival. This is the approach we have followed to this day, and it has proved successful. . . . The two approaches permit of no compromise because they point in exactly opposite directions. Therefore, in making their choice, our citizens must select one or the other, realizing that once they have chosen the road to disarmament and one-world government, there can be no turning back.

The principal features of the SALT arms limitation agreements made in Moscow between the United States and Soviet Russia, and soon to be presented to both Houses of Congress, are summarized as follows by a select group of Senators including Barry Goldwater and James Buckley:

The Moscow agreements freeze the United States at a 4-to-1 disadvantage comparing our overall missile payload to that of the Soviet Union;

The Soviet Union has three missiles for every two of ours, theirs are substantially larger, and the agreements guarantee that this gap will remain and probably widen;

Soviet missiles carry payloads several times larger than those of U.S. missiles, an advantage which the agreements not only protect, but allow to be enhanced;

The agreements forbid the United States to increase the number of its nuclear submarines while authorizing the Soviets to continue building them until they equal and then surpass the United States.

On the House Floor recently some fiscal conservatives were trying to cut appropriations to the U.S. Arms Control and Disarmament Agency. I raised the question: For what purpose are we supporting a Disarmament Agency in any form? The fact is that since 1962 we have been engaged in formal disarmament negotiations in Geneva, conducted by this Agency, always with the stated purpose of "the total elimination of all armed forces and armaments except those needed to maintain internal order within states and to furnish the United Nations with peace forces." It is significant to note that Paul Nitze, Assistant Secretary of the Navy in 1962 under a Democratic administration when these negotiations began, reappears 10 years later under a Republican administration as a leading big-name negotiator of the SALT agreements. Reducing American forces to a level of permanent inferiority to the Soviets is a long step toward the kind of disarmament sought since 1962, most likely to be followed, once accomplished, by a push to limit U.S. arms to the point that they are inferior to those of the United Nations as well.

Such disarmament is buying national suicide on the installment plan. Last year Gen. Curtis LeMay, former Air Force Chief of Staff and founder of the Strategic Air Command, warned that if present trends in arms limitation continue, this country can look forward within 18 months to some type of ultimatum from our principal arms rivals. Even the disarmament-prone New York Times pointed out in an editorial June 5:

> That [Soviet] edge includes 40 per cent more intercontinental ballistic missiles (1408 to 1000) and missile-launching submarines (62 to 44), one-third more submarine-launched ballistic missiles (950 to 710) and a threefold Soviet advantage in megatonnage of total missile payload. Much of this appears in writing in the five-year agreement freezing strategic offensive missiles.

Defense Secretary Melvin Laird admitted a year ago that "we have been in a period of almost moratorium since 1967 on new strategic weapons deployment" while noting in the May 4, 1972, issue of Commander's Digest that we are "in a period of vigorous Soviet military expansion at sea, on the land, in the air and in space."

Shortly before the SALT agreements were finalized in Moscow, the Senate Judiciary Committee released an updated study pointing out that of 25 agreements signed at previous summit meetings, 24 had been violated. So we dare not even fall back on the forlorn hope expressed in a recent State Department briefing for congressional wives, admitting that the SALT agreements establish a missile gap favoring the Soviet Union, but nevertheless justifying them on the grounds that without the agreements the gap would expand. If we abide by the agreements, we can be sure that the gap will expand as soon as the Soviets decide that the time has come to break it.

Let the State Department be advised never to talk to women, especially when one of those women is my wife. Let the American people be advised that we must pay heed to General Power's warning and fight for America's national survival. SALT must be returned to its proper place—the dinner table.

KEMP END-THE-WAR RESOLUTION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. **KEMP**. Mr. Speaker, to follow is the full text of House Concurrent Resolution 634 which I have introduced. It is my fervent hope that this resolution will make it possible for this Chamber to endorse a goal of peace in Vietnam with a unanimity to which it is seldom accustomed.

The resolution follows:

HOUSE CONCURRENT RESOLUTION 634

Whereas the continuing war in Southeast Asia is of great concern to the people of the United States;

Whereas the current military invasion of South Vietnam by the forces of North Vietnam has contributed to the escalation of the war;

Whereas a lasting peace in that region can be achieved only through agreement between the Great Powers, the Democratic Republic of (North) Vietnam, the Republic of (South) Vietnam, and the indigenous people of the latter two countries; and

Whereas the United States Congress cannot by a leigslative Act impose an agreement upon the parties so as to end the war, guarantee the release of the prisoners of war, settle political issues, guarantee the peace, alleviate human suffering in the region, guarantee self-determination of the people of Vietnam, and reunite the American people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the policy of the United States for the promotion of peace in Southeast Asia should be to immediately resume and continue negotiations to achieve the following objectives and agreements:

1. An immediate cease-fire by all forces;
2. Complete and total withdrawal by the Democratic Republic of (North) Vietnam of all men and equipment from the Republic of Vietnam, Cambodia, and Laos;
3. Concurrent withdrawal of all remaining military forces of the United States, the People's Republic of China, and of the Soviet Union, and all other foreign military forces, from Vietnam;
4. A cessation of the shipment of arms and war materials to the Democratic Republic of (North) Vietnam and to the Republic of (South) Vietnam;
5. Free elections, supervised by the United Nations:
    (a) to determine whether the two countries should be reunited under a common government;
    (b) to determine the form of government for the reunited country if a reunited country is preferred by the people of both countries;
    (c) to determine the form of government for each country if separate and sovereign countries are preferred by the people of each country;
6. Supervision and enforcement of the peace in Vietnam, Laos, and Cambodia by the United Nations; and
7. Economic aid to the countries of Southeast Asia by the United States and other members of the United Nations: Be it further

Resolved—

A. That in order to facilitate negotiations toward the objectives and agreements enumerated above, it is the sense of Congress that immediately after the achievement of a cease-fire, all prisoners of war then held by the Democratic Republic of (North) Vietnam, the Republic of (South) Vietnam, and by insurgent forces, be released, under the supervision of the International Red Cross for voluntary repatriation, and that all parties to negotiations prepare and exchange lists of the missing and unrecovered dead so that the International Red Cross may make a full accounting for all missing persons.

B. Immediately after the confirmation by formal agreement of the policies and procedures set forth in this resolution between the national parties named herein and any necessary additional parties and the completion of action taken to return all prisoners of war, as specified in paragraph A; the parties to this agreement shall announce a certain date for the complete and final withdrawal of all foreign military personnel from all Indochina, and the total withdrawal must take place on or before December 31, 1972.

INDIAN POINT NO. 2

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. FISH. Mr. Speaker, on Monday, June 19, 1972, the Atomic Safety and Licensing Board held a licensing hearing at Croton on Hudson concerning the licensing of a proposed atomic energy plant known as Indian Point No. 2.

Due to severe environmental effects caused by Indian Point No. 1 plant which is in operation, the present proposal to license a second nuclear energy plant in the same location has caused grave concern among residents of that area. At the June 19, 1972, hearing I made a limited appearance before the Board and issued the following statement. I include it in the RECORD so that my position in this matter will be known not only to the Board, by to my colleagues in the House:

STATEMENT OF THE HONORABLE HAMILTON FISH, JR., BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Mr. Chairman, I am Hamilton Fish, Jr., Member of Congress representing the 28th Congressional District of New York. My present District includes four counties which border the Hudson River and the entire area I represent has had a long continuing, historic interest in the Hudson for transportation, fishing and recreation. Further, I am now running for re-election in the new 25th Congressional District, which contains Dutchess, Putnam and Northern Westchester Counties, as well as parts of Ulster and Columbia Counties. All of these counties border on the Hudson River. Most significantly, the Indian Point plant is physically located in the new 25th.

Thus, it is for the purpose of protecting these traditional interests of my present and future constituents that I am making this limited appearance before you today. I am appearing to express my concern over the possible consequences of a nuclear accident at this plant, as well as the environmental and public health implications of the proposed routine emission of radioactive materials from this plant into the water and into the air.

THE GRAVE RESPONSIBILITY OF THE ASLB

Mr. Chairman, you and your colleagues have a grave responsibility, one that demands the best of scientific and technological competence on one hand and the rare ability to integrate into your deliberations, consideration of public welfare on the other. You have before you a record in which the utility argues strongly about the need for this additional generating facility and warns of the potential power shortages that could occur should this project be delayed. It further asserts that the anticipated environmental effects are at least balanced in the scale of public values by the benefit of the electrical output of the plant. To counter the powerful voice of this utility, which is well amplified by the voices of its experts, there is only the feeble voice of the intervenors, who lack the resources to launch the exhaustive analysis of the assumptions, oversights, or even possible errors in the analyses of the utility and of the AEC itself. So the fundamental thought I would leave with you is that this Atomic Safety and Licensing Board should assert to the utmost its independence under AEC regulations, and that it probe deeply and incisively into the assertions of the utility. Further, that it treat with close attention the views of the intervenors, for in those views may be contained the kernels of some fundamental truths that bear directly upon the issue whether this plant should be licensed to operate, and, if so, under what special conditions.

ATTENTION TO NONRADIOLOGICAL FACTORS

Mr. Chairman, at this stage of the licensing process for the Indian Point 2 nuclear power plant, you have to dal with the non-nuclear environmental effects. You well know, the Calvert Cliffs decision with its judicial reading of the National Environmental Policy Act. You may know that in the Congress, I was an original co-sponsor of this legislation and have since been a vigorous supporter of it. Because of the interest of my constituents in the Hudson River, in preserving its quality and character, I particularly welcomed that part of this decision having to do with AEC's responsibility to consider the effects of nuclear power plants upon water quality. I would recall for the Board part of what Judge Skelley Wright wrote. He said, and I quote:

"NEPA mandates a case-by-case balancing judgement on the part of federal agencies. In each individual case, the particular economic and technical benefits of planned action must be assessed and then weighed against the environmental costs; alternatives must be considered which would affect the balance of values. . . . In some cases, the benefits and possible costs may lie anywhere on a broad spectrum. . . . The point of the individualized balancing analysis is to ensure that, with possible alternations, the optimally beneficial action is finally taken."

Going further, the Court made it abundantly clear that while the granting of a license by the AEC is contingent upon a water quality certification, the AEC is not precluded from demanding water pollution controls from its licensees which may be *more strict* than those demanded by the certifying agency. The Court clearly expects the Commission to balance the overall benefits and costs of a particular proposed project, and consider alterations (above and beyond the applicable water quality standards) which would further reduce environmental damage. Yours is the heavy responsibility of giving substance to this judicial reaffirmation of the purposes of NEPA.

THE NATURE OF MY PARTICIPATION

At the outset let me say that I do not pretend to know about the intricacies and subtleties of design of a nuclear power plant. I am not a professional nuclear engineer, nor a health physicist, nor an expert in the effects of waste heat and what to do about it. I am none of these. Rather what I have to say reflects my continuing awareness as a Member of Congress who has strongly supported and closely followed the enactment and subsequent application of the National Environmental Policy Act.

THE DISADVANTAGE OF THE INTERVENOR

In preparing this statement of concern, I have come to learn something of the built-in disadvantages of AEC's licensing system to the intervenor; disadvantages which from my standpoint may make it too easy for the powerful, wealthy utilities to use big name experts to stifle the voices of the intervenors. So I would hope that the Board will listen carefully to what the intervenors have to say. Despite possible expressions of impatience by the AEC, the utility, or the nuclear industry with the pace of these hearings, I would hope that the Board will give the intervenors the full measure of time they will need to effectively make their case. The additional time this will take will be infinitesimal in comparison with the loss of time attendant upon a nuclear accident in a plant too hastily licensed.

THE FISH KILL ISSUE

Probably the most immediately pronounced environmental effect of Indian Point 2 will be its impact upon the microscopic plants, animals, and the fish of the Hudson River. We already know from the experience with Indian Point 1 and from recent experiences with tests of the water pumps for Indian Point 2, that fish are being killed and will continue to be killed by the systems for taking cooling water from the river. In this connection, I would draw your attention in particular to the statement of the Hudson River Fisherman's Association, submitted to this Board on June 1, 1972.

From my own reading of the draft environmental statement for Indian Point 2, it is clear that the AEC's own regulatory staff see some real and as yet unresolved problems with regard to unacceptably severe effects of this power plant upon the fish and other marine life of the Hudson River. The staff raises questions about the design of the intake structure; the thermal load level; the possibility of waste heat reducing the oxygen contents of the waters and the resulting toxic concentration that will be produced in the Hudson. Further, the AEC staff report on page V-31 discusses the substantial fish kills earlier this year and notes that all the fish kills at Unit No. 1 appear to have been associated with the Plant's condenser cooling water system. The draft statement then says, "Indian Point Unit No. 2 has an intake structure similar to that of Unit No. 1 and is likely to produce similar fish kills."

Mr. Chairman, I realize that a great deal of attention has been given to this one environmental effect of Indian Point. Perhaps the utility may argue that a few fish are not worth all this fuss and bother. I can assure you that we who live in the communities and counties along the Hudson River do not see it that way. If the utilities insist upon using modern technologies that can adversely affect the environment, then these technologies must be house broken.

In the case of protecting the fish, the most reliable way to cope with the cooling problem may be to put in cooling towers. This would resolve the effects of waste heat upon microscopic plant life in the river, upon the plankton which is essential to the life cycle of the fish and other creatures, and upon reproduction and vitality of the fist population. It could also reduce the killing of fish and marine life from entrinment in the cooling system and from impingement upon the guards and other barriers of the cooling system inlets.

Putting it another way, there is no social justice in the concept that in order to save the applicant money that the Hudson River at Peekskill should be turned into an aquatic desert. The technical means exist to keep the waste heat from Indian Point 2 out of the river. I submit that this Atomic Safety and Licensing Board should give every consideration to making construction and use of cooling towers a condition of the operating license.

THE REACTOR ACCIDENT ISSUE

A less likely, but potentially urgent cause for public concern, is the possibility of certain kinds of accidents occurring within a large nuclear power reactor of the Indian Point 2 type that could lead to an uncontrolled release of a dangerous amount of radioactive wastes. Certainly, the Board is aware of the questions on the so-called emergency core cooling issue which are being raised at the controversial rule-making hearings still going on before another Atomic and Safety Licensing Board. I would hope, for example, that this Board will examine the statement of the Union of Concerned Scientists of March 23, 1972, in which is submitted a technical evaluation of emergency core cooling systems (c.f. Docket No. RM 50-1). According to their analysis, under unfavorable meteorological conditions, such as a temperature inversion at night, and assuming of 20 percent release of the fission product inventory, lethal effects could extend 75 miles downwind in a strip of as much as two miles wide, with radiation injuries likely from one to two hundred miles.

Now I do not personally know how valid is the analysis of the Union of Concerned Scientists. But I must assume that because it is the product of reputable scientists, at as eminent an institution as Massachusetts Institute of Technology, that it has some basis. This suggests to me the need for some very definite answers to the questions they raise before Indian Point 2 is licensed for operation.

I would hope that at the very least, this Board will restrict the power output of Indian Point 2 to a level well below its maximum design output until the research and experimentation needed to demonstrate the adequacy and reliability of these and other safety features of large power reactors has been satisfactorily completed.

The facts that such results would not be available for several years at the earliest and that such limitation would reduce the income to the utility do not constitute sufficient reasons in my opinion to subject the surrounding communities to whatever degree of risk of an uncontrolled nuclear accident that may be revealed by future safety research and experimentation.

THE PROXIMITY TO POPULATION

At this stage of the evolution of the nuclear industry, I am greatly concerned about a project which would ultimately place four nuclear power reactors so close to large centers of population. While the Board already has in hand information on this population, it bears reiteration that the Indian Point complex is located only a few miles south of Peekskill, that a population of over 50,000 is to be found within a 5 mile radius, that the thriving city of White Plains is but 17 miles away, and that all of the New York metropolitan area is within a 50 mile radius. With Indian Point unit 1 and 2 in operation, they together will contain an inventory of many billion curies of fission products, which is an amount of radioactive material so enormous that I cannot comprehend it. Of course the applicant will provide an impressive array of witnesses as necessary to testify that the protective devices and measures to safely confine these extremely hazardous materials will work as advertised.

I hope that as the Board considers the population issue, it will keep in mind the cautionary letter of the AEC's own Advisory Committee on Reactor Safeguards of September 1969 which pointed out that the proposed site represents a relatively high population density to be so near a large nuclear power plant. At the end of its hearings, should the Board decide to issue the construction permit, I hope the conditions of the permit will insure that the safety measures are generous and redundant, rather than the base minimum which the applicant thinks it can specify and still get favorable action.

THE ROUTINE EMISSION OF RADIOACTIVE WASTES ISSUE

Indian Point 2 is designed to routinely emit certain radioactive wastes to the environment. The draft environmental report is specific on this point. It says that the plant is designed to release radioactive materials to the environment ". . . in accordance with the Commission's regulations as set forth in 10 CFR Part 20 and 10 CFR 50."

I realize that the amounts of radioactive wastes so released are thought to be so small as not to warrant the expense of collecting them. On the other hand, I am aware that principles of radiation protection hold that exposure should always be as low as practicable, that no exposure should be allowed without expectation of benefit, and that all radiation is potentially harmful. To me these principles clearly indicate that if it is technologically feasible to contain even these small amounts of wastes as an alternative to discharging them to the environment, then economics should not be the deciding factor.

Also, as concerns emission of "small" quantities, it is by no means evident to the public what it meant by "small" and, furthermore, whether "small" routine emissions from many large nuclear power plants in the same air and water sheds could lead to accumulations of unacceptable quantities. The issue of levels for routine emissions of such wastes is still very much an open item. The AEC's public rule-making hearing on its regulations which would keep releases of radioactivity from light water cooled nuclear power plants to a level "as low as practicable" has yet to produce any new definition.

Considering this uncertainty as to the basis for AEC regulations governing routine release of radioactive materials, I find it difficult to see how this Board at this time can adequately analyze those features of the Indian Point 2 that relate to such release. While in principle, a licensee could be directed to make changes after the final regulations come down from the AEC; my experience with human nature and organizations and their administration strongly indicates that public safety would better be served by waiting until AEC concludes its rule-making for this matter, rather than trying to change the design after the fact.

THE AUTHORITY OF THE REACTOR OPERATOR

Another important question concerns the authority of the man at the controls to shut down the reactor. I would hope that the Board will carefully explore and find out who has the authority to shut down the reactor should some aspect of its operation indicate that something is not normal. From some things I have heard, it is not clear to me how much the man in the control room can exercise his own judgement and how much he must inform and defer to higher authority, and await their decision. It would seem to me to be more in the public interest that a power reactor may occasionally be shut down for reasons that later prove to be minor rather than that it be operated up to the brink of disaster because no one is readily accessible with personal authority to shut it down.

In a similar vein, the Board may wish to indicate its view as to the desirability of having a resident AFC official present in the control room of the power plant during the first year of its operation with authority to shut down the reactor or to reduce its power level at any time in his judgment, without seeking concurrence from higher authority. Just as the launching of an enormously expensive space rocket is subject to the judgment of a range safety officer, so, too, the initial operation of a large nuclear power plant should be subject to supervision by an officer present in the control room with personal authority to shut it down if, in his opinion, there is any question of safety.

THE NEED FOR POWER ISSUE

Let me finish with a brief discussion of the energy needs issue. Granted that there is much talk of a power shortage in the service area of the applicant. But the AEC draft environmental statement seems deficient to me in the adequacy of its analysis of the true dimensions of this factor. The AEC seems to rely too much upon the self-serving estimates of the applicant and the analyses of the Federal Power Commission which bases its reports on utility-supplied information. This situation reminds me of the recent decision of the U.S. Circuit Court of Appeals in *Greene County vs. the Federal Power Commission* (3 ERC 1595). I participated as a formal intervenor in this case where the FPC considered a utility's request for authority to construct a power transmission line. The Court held that the FPC had to prepare its own NEPA review, that it could not simply accept the review of the applicant and circulate that for comment. I bring this up in connection with the licensing of Indian Point 2 because so much of the urgency associated with this action is based upon analysis of the power demand situation. It seems to me that the logic of the Greene County case would require the AEC to more independently analyze the electricity supply and demand situation, and also the alternatives to immediate operation of Indian Point 2.

I hope the Board will require a thorough, independent, tough-minded analysis of the power situation before it reaches any conclusion that the demand for electricity in this instance is so immediate, real and urgent that the public should be subjected to the still unknown risks that I mentioned earlier in connection with the issue of reactor accidents.

CONCLUSION

In conclusion, my overall purpose in this statement of concern is precisely what its title indicates: to express to the Atomic Safety and Licensing Board which will hear testimony on the Indian Point 2 project the concerns and doubts that beset this Member of Congress. I hope that this expression will sharpen the perception of the Board in its realization of the awesome decision they will make, and re-enforce their realization of the need to be conservative and rigorous in its judgment. Finally, in making this judgment, I hope that this Board is guided by the spirit as well as letter of the National Environmental Policy Act.

Thank you.

THE DEATH OF REPRESENTATIVE PHILIP PHILBIN, OF MASSACHUSETTS

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. CAREY of New York. Mr. Speaker, I am deeply saddened by the passing of my former colleague, the Honorable Philip Philbin, whose dedicated and devoted service for half a century in Congress is exceeded only by the esteem and respect in which he was held by his colleagues. An admired legislator, and a person of integrity and personal charm, Congressman Philbin leaves more than a record of legislative accomplishment; he leaves an example or inspiring leadership. It was a privilege to have known and worked with him and along with my fellow Americans I mourn his passing.

PEKING AND THE TRAFFIC IN NARCOTICS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CRANE. Mr. Speaker, there has been much discussion in recent days about the role of Communist China in the production of and traffic in narcotics and dangerous drugs.

A report published in England in April 1972, for example, declared that "The Chinese Communist Government exports illicitly 2,000 tons of opium a year to the non-Communist world."

Prepared by James Turnbull, professor of applied science at Britain's Royal Military College of Science, the report states that "The annual sales are estimated to be worth $500 million to Peking."

Professor Turnbull writes that—

> The covert dissemination of opium narcotics, in particular the addictive drug heroin, for commercial and subversive purposes represents one of the gravest threats to the armed services and societies of the free world.

Another recent discussion of Communist China's role in the production and distribution of narcotics came from Lt. Gen. V. H. Krulak, U.S. Marine Corps, retired. Addressing a meeting of the Copley newspapers he declared:

> The Chinese Reds do want hard money—and opium is probably China's greatest export staple. They are doing everything they can to improve and expand opium culture, and it is estimated that they earn almost a billion clandestine dollars a year from their dope sales.

This situation should be carefully investigated by the Government agencies which have responsibility in this area. In an editorial, the Indianapolis News points out that—

> The obvious motivation for peddling heroin in this fashion is not profit, but ideology. When we add to this the well-documented history of Communist involvement in the drug trade, plus the highly credible report of Chou En-Lai's statement that Peking was producing drugs for the demoralization of U.S. soldiers, the pieces fit together all too neatly.

The News concludes that heroin is, indeed, coming from Communist China and "it takes a monumental act of political will to slice the evidence otherwise."

Declares the News:

> Unfortunately, the U.S. government at this juncture has pressing reasons to do just that. Unless Red China's drug trade is somehow ignored, the recent hoopla about a new era of peace and amity with the Chinese Communists looks pretty hollow.

I wish to share this important editorial, which appeared in the Indianapolis News of May 12, 1972, with my colleagues and insert it into the RECORD at this time:

PEKING DRUGS

In recent editorials we have discussed the mounting evidence that Communist China is the world's chief supplier of addictive drugs, and that the Nixon administration has been rather studiously ignoring this fact.

Those comments took note of researches by Philadelphia assistant district attorney Jon Steinberg, who conducted an inquiry into the drug situation in Vietnam as an investigator for the U.S. Senate's subcommittee on juvenile delinquency. Steinberg is an objective analyst of the drug problem, with no discernible axe to grind, and it is therefore useful to explore his findings at some length. They suggest, on several counts, that Red China is the principal source of heroin in Vietnam.

In testimony before the Senate subcommittee, Steinberg recited the dismal history of narcotics addiction among Americans in Indochina. He noted that the influx of high-grade and extremely deadly heroin into Vietnam began in the late summer of 1970—in the wake of the Cambodian incursion, which represented a military setback for the Communists. He observed that "known drug-overdose deaths increased 175 per cent in August and September and combined with suspected overdose deaths the increase is 1,000 per cent . . ."

The timing of the drug explosion suggests an obvious strategic motive—permitting the Communists to recoup their military losses by inflicting countervailing losses upon the Americans. That view gains credence from another consideration cited by Steinberg—the fact that the heroin was, "by U.S. standards, practically being given away to our troops." Heroin that would sell for as much as $80 an ounce in America was going for a rock-bottom $20 an ounce in Vietnam. It was, in effect, being "dumped."

The obvious motivation for peddling heroin in this fashion is not profit, but ideology. When we add to this the well-documented history of Communist involvement in the drug trade, plus the highly credible report of Chou En-lai's statement that Peking was producing drugs for the demoralization of U.S. soldiers, the pieces fit together all too neatly. Steinberg's own common-sense conclusion is that the heroin is coming from Red China, and indeed it takes a monumental act of political will to slice the evidence otherwise.

Unfortunately, the U.S. government at this juncture has pressing reasons to do just that. Unless Red China's drug trade is somehow ignored, the recent hoopla about a new era of peace and amity with the Chinese Communists looks pretty hollow.

U.S. COURAGE, CHARACTER, CAPITAL EVIDENT TO WORLD

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BOB WILSON. Mr. Speaker, I know that I join with millions of Americans and peace-loving peoples around the world in hailing President Nixon's recent efforts to improve relations with Communist China and Russia and to bring the war in Vietnam to a permanent conclusion. I would like to share with my House colleagues a recent analysis of the President's foreign policy initiatives by Elizabeth MacDonald Manning, editor in chief of Finance magazine, reprinted in the June 18 issue of the San Diego Union.

U.S. COURAGE, CHARACTER, CAPITAL EVIDENT TO WORLD

Now, more than ever, we are aware of the American presence making the world scene. The star is President Nixon, and he is living proof that this country and its citizens still have the courage and the concerns which mark and measure the stored-up strength of a nation built on reality, not rationalization.

When future historians reflect on our present problems, free from the impediments of internal politics and wishful thinking. President Richard Nixon will be recognized and maybe revered for his unfaltering faith that peace is possible and coexistence is negotiable without sacrifice of the American character.

Perhaps the Russians believed that we Americans are so tired and dispirited and fused that we would accept the forcible expansion of Communist power in Vietnam and still talk business as usual in an election year. But the Russian assessment that the United States would stand still for humiliation because it might risk a presidency or cancel out trade relations or even trigger a complete confrontation, does not take into account the basic American character represented by its President. He knows, and we citizens know it, too. There comes the moment of truth when, if you don't hit back, you hit bottom.

American political life is not geared to deal with its moments of truth. Large emotions enter the scene, but somewhere, not too far off in the distance, our national common sense sneaks in the back door, bringing a neutralizing antidote to the intensity of strongly-felt differences. At this point, we can understand the urgent need to remove archaic human antagonisms and to find a new conviviality based on respect as well as economic power.

We are shaped by the past even as we endeavor to fashion the future. We are determined to learn to work together, to exchange skills and knowledge, to join our efforts to improve ourselves and others, to use our capital wisely, and to contain the climate of coexistence. These are the concerns which reflect the American character, and if our President prevails, the charting of our lives and millions of others will be affected, and we shall be living in a very different, better world.

A SALUTE TO EDUCATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ROE. Mr. Speaker, the cultural, historical, and economic achievements, even the basic health, well-being, and longevity of a state and nation depend in a large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions.

Here in America we have come a long way since the one-room "Little Red Schoolhouse" and the measure of our progress in today's world is evidenced by our preeminence and leadership as the most advanced sophisticated scientific technological society in the history of mankind. I am pleased to participate with my colleagues here in the Congress in this salute to our educators and their contribution in helping to achieve the preeminence that our Nation attained.

We are all agreed that in the wake of our achievements we have created certain problems in the educational field that offers even greater challenge to our present day educators and those yet to come. Of major significance is the imbalance of inequities in attaining uniform quality education in all geographic areas of our country. It is axiomatic that with the exploding population and our sophisticated advancements in knowledge and the learning process, there is a desperate need for expanded educational opportunities for all levels of our society. Overcrowded, inadequate facilities in our elementary and secondary school systems are glaringly apparent. Higher education has become universal and is a must for many young people and adults alike who are seeking worthwhile careers of expanded career opportunities as well as to satisfy the high idealism of most young people who desire an opportunity for active participation in achieving a better world for all of us.

During the 1971–72 school year, more than 61 million Americans—almost 30 percent of our entire population—were engaged as students in our Nation's educational pursuits. Throughout the month of June, more than 3 million young people will be graduating from our high schools as compared with around 2 million 10 years ago. Today, as a result of the efforts of our educators over the past decade, we find that 60 percent of the adults in the United States can now boast of at least a high school diploma, compared with only 43 percent of U.S. residents in 1960. Meanwhile, at the college level, approximately 8.5 million students were enrolled in our Nation's colleges and universities during the past school year and the number of June college graduates continues at record levels.

The constant and steadfast willingness of America's educators to tackle difficult educational problems and to keep trying to improve the quality of educational opportunities even when there are no easy solutions continues to be of major significance in maintaining our leadership in the educational field throughout the world. In the struggle to better meet the special educational needs of educationally disadvantaged children, for example, a number of teachers and administrators have had to face both disappointment and frustration. Yet most educators have continued to seek and apply resolutions to improve their instructional approaches meeting these problems head on, which is essential if we are to achieve our goals and provide equal educational opportunity for all. In some classrooms, rigid curriculum schedules and bolted desks have given way to more open, flexible classrooms in the hopes of giving today's youth a more complete educational experience which will better prepare them for living in our complex world. And in many school districts, superintendents, principals, and teachers are concerned and working to find ways to more effectively involve parents and other community members in the educational decisionmaking process.

The educational system of our Nation needs substantive indepth revision. The facilities available, such as modern, up-to-date schools, necessary equipment and sufficient teaching staffs are simply just not adequate to meet the educational needs of our young people and to permit those of our teaching profession who have acquired the most modern, technological and scientific knowledge available today to translate their professional acumen effectively and meaningfully into an educational program that will provide optimum service to the youth of America. You may be assured that I have and will continue to wholeheartedly support the continuing and increased investment in educational development in our Nation through the dedication of more public and private financial resources and the fullest utilization of all available resources—public and private—including physical plants, library and research resources, laboratories, and so forth. I believe we have the expertise to effectively reconcile our objective and provide an educational system compatible to our total resources that can achieve the quality of education and way of life that we seek for ourselves and future generations to enjoy and reach even greater heights of fulfillment and purpose.

The American system of education has contributed much to our national strength in the past and continues to sustain our national life at present. I join with my colleagues here in the Congress in this salute to our educators who deserve our Nation's most sincere thanks and deepest appreciation on behalf of all of our people.

WASHINGTON REPORT OF CONGRESSMAN BOB PRICE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. PRICE of Texas. Mr. Speaker, it is my policy to publish a weekly news report to keep my constituents advised of my activities in their behalf. The following is the text of my report of June 19, 1972:

WASHINGTON REPORT FROM CONGRESSMAN BOB PRICE

SMALL BUSINESSES EXEMPTED FROM OSHA

Appropriation of federal funds for operation of the Departments of Labor and Health, Education and Welfare was the major item of legislation before the House of Representatives last week. It was an especially important bill to residents in our area, since the Occupational Safety and Health Administration (OSHA), which operates within the Department of Labor, was included in the bill.

OSHA has been one of the most controversial agencies of the government recently because the provisions of the Occupational Safety and Health Act of 1970 require that OSHA enforce health and safety standards against all firms, regardless of size either in respect to the number of persons employed by the firm or in respect to the economic feasibility of the firm's compliance with the standards set by that act.

As a result of the obvious hardship that would have been worked on the small businessmen of Texas had they been forced to comply with the provisions of the act, I introduced a bill in April that would have amended the act in such a way that small business firms would be excepted from the act.

The general provisions of the amendment I introduced in April were incorporated last week into the appropriations bill covering OSHA. I am happy to report that, working with many other Members of Congress, we were successful. I voted for it. Final vote on the amendment, which passed, was 213–154.

The exact language of the amendment is as follows: "None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing twenty-five persons or less for compliance with the Occupational Safety and Health Act of 1970."

It was a great victory for those of us who have been trying to relieve the farmer and small businessman of the unnecessary hardships that compliance with this act would cause. While we must all be concerned about the health and safety of American working men and women, we must also make certain that those men and women have jobs—and compliance with some of the costly jobs—unnecessary portions of the act would have literally put many small firms out of business and cost many people their jobs.

TEXAS DROUGHT VICTIMS MAY APPLY FOR FHA EMERGENCY AID

Secretary of Agriculture Earl L. Butz announced last Friday that the Farmers Home Administration may make emergency loans to eligible farmers and ranchers in all counties in my Congressional district both old and new, through June 30, 1973.

The Department said an extended drought which started in 1970 has caused substantial loss of field and feed crops, and damage to pastures. Many farmers and ranchers will need emergency loans to complete their 1972 operations and for the 1973 operating year.

Farmers Home emergency loans are made to finance crop production, replace livestock, and for other expenses necessary to restore normal operations.

Applicants may apply for loans at the local Farmers Home Administration office serving the area.

To be eligible a farmer must have sustained damage from the drought or some other natural disaster. Farmers who borrow agree to repay their loans as soon as possible consistent with their repayment abilities. Loans are secured by liens as required to protect the government's interest.

GAS SHORTAGE CAUSES HOUSING CRUNCH IN PITTSBURGH AREA

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. MOORHEAD. Mr. Speaker, citizens in the Pittsburgh area are experiencing a housing problem directly related to the shortage of natural gas. Right now the housing problem is ours. But the gas shortage is threatening to become nationwide.

The inability of utility companies to offer new gas service to patrons are forcing builders to turn to alternate forms of power; namely, electricity for their houses.

The high cost of electricity and oil, in comparison to gas, essentially puts these homes out of the reach of those people seeking FHA assistance.

This problem has been encountered already in Penn Hills Township, a large municipality east of Pittsburgh. A recent article in the Penn Hills Progress discusses this predicament.

I would like to include this article in the Record at this time for the information of my colleagues and I hope they are becoming as aware as I of the dangerous proportions of the natural gas crisis in our Nation.

The article follows:

Could Affect Subsidies—Gas Shortage Prelude to Housing Shortage?

Allegheny East.—Moderately priced housing in the east suburbs could become as outmoded as a five-cent cigar within the next few years because of the critical shortage of natural gas.

This is the prediction of both contractors and gas company officials, who believe that a major restructuring of Federal housing subsidization standards must be made this year in order to keep homes within the grasp of middle-income families.

The new crisis in suburban housing, which plagues not only Allegheny County and Pennsylvania but the entire nation, has been brought on by the fact that utility companies are being ordered in many cases to refuse any new customers unless they can meet the requirements of their present subscribers. Late last year, the Pennsylvania Public Utility Commission (PUC) issued such an order to gas companies in the state.

At first the order applied only to new commercial and industrial consumers but was expanded this year to include private homeowners. The PUC told utility companies that it can take on new customers only if it can supply satisfactory service to both present and future consumers throughout the next five years.

Only one of the two gas companies serving the east suburban area has been able to meet the new PUC standards. Equitable Gas Company has already determined it can satisfactorily serve new residential customers, but does not accept any new industrial load additions that represent a peak-day demand of more than 10,000 cubic feet of gas.

Peoples Natural Gas Co., the other utility serving Allegheny East, cannot take on any new customers, residential or commercial.

So far the natural gas shortage has had little affect on home building in area municipalities. At the beginning of this year, contractors were notified to submit applications for gas service to Peoples before Feb. 15.

But time is running out, officials say, and by as early as next year, contractors may be forced to install oil or electric heating systems in new homes, thereby forcing the cost of new houses out of the range of present Federal Housing Authority (FHA) subsidization requirements.

"The simple fact of the matter is that we can't get gas," explained James Hoctor, division manager for Ryan Homes, a major residential building in Allegheny East. "If the situation isn't resolved soon," he said, "the gas shortage will knock out Federal low-cost housing."

Hoctor cited two reasons why new homes in the near future will not meet present requirements for subsidization, particularly under the popular 235 Program. "First," he explained, "a person's utility costs will be pushed up to a point where you're probably eliminating 20 to 30 percent of those people who presently qualify for FHA programs. Second, if we are forced to install oil or electric heating systems, the cost of which is almost $800 higher than gas heating systems, you're increasing the cost of a home anywhere from two to five percent.

"Here it becomes a merchandising problem," Hoctor continued. "People see the cost of housing has increased and decide to wait for a few years in the hope that prices will go down. And even if electric companies could compete with gas utilities, they have to fight the stigma that electric heating is much higher."

Right now, Hoctor admitted, the cost of electric heating systems in the home is almost twice as expensive as gas heating. "I know that electric companies are now making a study of the possibility of competing with the gas companies on a lower price scale," he commented, "but that study hasn't been completed."

The ban on new customers, meanwhile, seems to have affected only Penn Hills so far, where Peoples Gas Company sales director Dennis Daschalle reports, "We've been forced to refuse the applications of 10 new residential homes there.

"The applications were submitted by people who intended to build their own home," Daschalle continued, "and no contractor has been turned down yet. This is because we notified contractors by mail that they were to submit applications for new customers no later than Feb. 15 of this year. These private individuals probably never got the word and simply missed the deadline."

In Monroeville and Plum Boroughs, meanwhile, planning directors knew of no instance where developers were refused gas service. Monroeville Planning Director Jack Norris reported, "So far, the people who intend to develop have received approval from the gas company." Plum Engineer Herman DeSimone echced a similar report for his Borough, saying, "It hasn't affected us at all."

Nor has new light industrial or commercial enterprise been thwarted by new gas company restrictions. "There hasn't been any business to our knowledge that has been turned down because of the gas shortage," reported Mrs. Evelyn Caldwell, director of Monroeville Chamber of Commerce.

"Most people know ahead of time where they're going to build," Mrs. Caldwell explained, "and the PUC order won't hit hard until some business tries to get started which hadn't made plans before the restrictions went into effect."

Peoples Gas Company spokesman Daschalle confessed that the present crisis reflects a "lax policy on the part of all gas companies in the past.

"Before it was company policy," he explained, "that when an individual gets his building permit he's supposed to get a heating permit as well. That's always been our policy and still is. But contractors got in the habit of building the structure, then applying for the heating permit after they had already installed the furnace and the lines. That's all changed. We're following our policy very strictly and it's very possible that as early as next year, we'll have to start turning down contractors."

Ryan Homes' Hoctor explained that the problem is not found in Pennsylvania alone. "We build as many as 6,000 homes a year nationally," he said, "and I can tell you frankly this problem stares us in the face everywhere we are."

Hoctor added, "There's no question that FHA loan requirements will have to be readjusted." He explained that the difficulty he and other contractors face is that single family homes under the FHA 235 price limitation cannot be built with heating systems other than those using natural gas. Currently, homes with three bedrooms cannot sell for more than $21,000 while $24,000 is the top price for four-bedroom houses.

Other problems with alternative heating systems involve the fact that houses with electric, oil or other heating systems are appraised lower for mortgage purposes since increased utility bills make homes less appealing to buyers. The average gas-heating costs per year are now $367.11 while oil heating systems cost $515.33 to operate. Electric heating systems are estimated to cost $674.94 a year to operate in an average sized home.

Neither Daschalle nor Hoctor could see any inexpensive solution to the problem. In fact, if new housing construction in the east suburbs doesn't come to a grinding halt within the next 18 months, the cost of heating is expected to increase substantially for homeowners new and old and apartment dwellers as well.

"Right now," Hoctor related, "the gas companies are overtly admitting that the price of gas today doesn't allow for the high cost of drilling for new sources of natural gas. We expect that even if new sources of gas are found, today's gas prices will be as distant a memory as nickel cigars.

"Whether homes will have gas or electric heating systems will probably make little difference in the future," he added, "because gas homes will probably cost more anyway. No matter if people are going to rent or buy, their heating costs are going to be higher."

A TRIBUTE TO EDUCATION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. RAILSBACK. Mr. Speaker, I am pleased to have this opportunity to pay tribute to our 50 million educators and to briefly note the increased significance placed upon education.

For an American born in 1800, the prospects for a good education were limited. There were no State-administered systems of public education. Only if his family was financially able could a student attend a private school or receive private tutoring at home. There were a few free schools for the very poor, but there was certainly no uniformity among the States and territories. At the college level, the system of private institutions had a similar haphazard character, and served primarily the wealthy class. In fact, less than 40 percent of all young people receive any formal education.

Fortunately, by the time the grandchild of a person born in 1800 was ready to start school, the conditions of American education had improved significantly. By 1870, statistics compiled by the Office of Education showed approximately 55 percent of the population between the ages of 5 and 17 were attending public schools.

The Morrill Land Grant Act of 1862 encouraged States to develop State colleges for the purpose of teaching "such branches of learning as are related to agricultural and mechanics arts." By 1920, the State-supported colleges and universities were a strong counterpart to the expanding network of private colleges and universities.

Over the past 50 years, a system of education for young people has been complemented in all States with educational opportunities for adults. In fact, nearly one-third of our population is now involved in the educational system.

I am a firm believer in the continued development of a strong system of education. I have supported numerous efforts on the local, State, and National levels to help our educators in their continuing quest for educational betterment. Most recently, I voted in support of the Education Amendments of 1972 and appropriations for the Department of Health, Education, and Welfare for fiscal year 1973.

The continuing strength of American education is our best hope for our continued success and future prosperity, and I have no doubts that our American educators will continue to respond to each new professional challenge with strength, vigor, and intelligence. I commend their efforts on behalf of our education system, and pledge my support to them.

VETERANS BENEFITS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, I regret that I was unable to be present for business on the House floor on Monday, June 19 due to the airline pilots strike.

The House passed by overwhelming margins on that day two very important bills which I have long supported. I regret very much that I was unable to add my voice to the unanimity of my colleagues in passing both H.R. 15439 providing additional compensation for disabled veterans and S. 3343 providing an additional housing allowance for disabled veterans.

Mr. Speaker, in the last few years every other group to which the Federal Government provides salaries or allowance has received an increase. Only the disabled veterans have not been provided with an allowance adequate to offset the tremendous cost-of-living increases which we have all experienced in the last few years. These veterans, who have sacrified so much for the Nation certainly deserve our full measure of support to restore as much as is humanly possible their health, mobility, and comfort.

H.R. 15439, which was tabled in lieu of a similar Senate bill would: First, provide a 10-percent increase to veterans suffering from service-connected disabilities.

Second, abolish the withholding, after 6 months, of compensation of single veterans while they are in a hospital or domiciliary. This was recommended by the Veterans' Administration and there is no cost involved.

Third, extend to Spanish War widows the option to elect, if to their benefit, to receive pension under the "new" pension law we enacted in 1959, now available to widows of veterans of World Wars I and II, the Korean conflict, and Vietnam era. The Spanish War veterans themselves have had this option since 1960 and the failure to include their widows was obviously inadvertent. The Veterans' Administration does not object to this provision and the cost would probably not be significant.

Fourth, existing law authorizes the Administrator to extend certain relief in cases where veterans or their dependents have been denied benefits because of administrative error. This provision liberalizes the existing authority, is recommended by the Veterans' Administration, and the cost would be insignificant.

Fifth, this provision liberalizes and simplifies the authority of the Veterans' Administration to waive recovery of overpayments. It also liberalizes a veteran's release from liability under loan guaranty when he has disposed of the property. I am sure many of my fellow Members have run into hardship cases in this area and we are pleased to note that the Veterans' Administration has recommended this long-overdue change in the law.

Sixth, this final provision would authorize the Administrator to review all forfeiture for fraud cases which had been applied prior to September 1, 1959. On that date the law was changed to abolish forfeitures for fraud under the rationale that since criminal statutes were also applicable the administrative forfeiture was, in effect, a double penalty. Unfortunately, the 1959 law was prospective in effect only. This proposal is also recommended by the Veterans' Administration and they are unable to estimate the cost.

S. 3343 will increase the maximum payable to disabled veterans for specially adapted housing. Presently, a severely disabled veteran is entitled to 50 percent of the cost of a home and necessary land up to a maximum of $12,500. This bill would increase the maximum to $17,500. Veterans eligible under this provision are those who require special facilities in their homes such as ramps, special bathroom equipment, larger rooms, exercise equipment, and other devices essential for them to live as normal as possible outside a hospital.

Mr. Speaker, the average price of a new home according to the Veterans' Administration is $25,000. But for veterans who require special equipment in order to be mobile, the average cost of a new home is over $38,000. I realize that the Administration has stated that the present $12,500 maximum is sufficient. But it is apparent that the Administration's policies concerning the economy are not holding down prices. It would certainly seem reasonable and fair to provide for the additional costs which disabled veterans must incur.

This bill would also eliminate the provision in the law which preclude the interest rate on VA loans from exceeding the rate in effect under the National Housing Act. Under this bill the Administrator of Veterans' Affairs would have independent authority to adjust the rate of interest on guaranteed loans commensurate with changing loan market demands without regard or reference of the maximum interest rate on FHA loans under the National Housing Act.

A BLACK CHILD LEADS THE WAY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. STOKES. Mr. Speaker, there is a little 4-year-old girl in Cleveland, Ohio, who, for the past 2 years, has helped to focus attention on her grandmother's educational efforts. The little girl's name is Traci Cade, and her grandmother is Mrs. Gloria Cade of the Edac Workshop in Cleveland.

Traci, who lives and travels with her grandmother, helped Mrs. Cade write two children's books—"Traci and the Kids" and "Traci Takes a Trip." These two books are part of Mrs. Cade's efforts to prove that, just because a person is poor, he should not be automatically considered either insane or immoral. It is Mrs. Cade's idea that children should be taught, at the earliest possible age, that poverty is not a disease that always infects the soul.

On June 9, 1972, Mr. George Moore, who writes for the Cleveland Press, devoted his column to Mrs. Cade and Traci. I would like to share their important efforts with the Members of this Chamber today.

Mr. Moore's article follows:

A Black Child Leads the Way

(By George Anthony Moore)

A four-year-old black child named Traci, who has been basking in the public limelight for more than a year as an author of two books, will receive special recognition next Friday noon at an autograph party for her in Higbee's book shop. At that time, two books will be offered: "Traci and the Kids" and "Traci Takes a Trip." Both are in color.

Actually, Traci is a coauthor with her grandmother, Mrs. Gloria Cade, who is also pioneering in the area of printed matter to provide materials and methods which will help overcome the effects of deprivation and discrimination for children living in the ghetto.

Mrs. Cade is an ex-schoolteacher turned publisher and researcher in black history. She has launched a small publishing company to print and secure wide distribution of her exhaustive research into Negro history and culture. The firm is called EDAC Publishing Co. (Cade spelled backwards).

She is not just concerned with black children, because Mrs. Cade recognized that there are 25 million impoverished, deprived and misunderstood people—black, white and brown—in this country with children who are generally looked upon as psychologically sick and morally deficient. Because of this mentality, Mrs. Cade wants to humanize the school system by changing the materials being used.

When asked if some of the major publishing houses were not working in this direction, she replied that their efforts were too gradual and the results minimal. She is not concerned with criticizing these efforts, but in getting on with the business of correcting things.

Mrs. Cade is also interested in publishing materials for commercial consumption, since parents are the first teachers of children. She is concerned with training others to be familiar with materials relevant to minority children.

This is why she spent the past year as education and house director of the Afro-American House at Oberlin College. This is why she wrote and co-hosted 20 programs, entitled Black Interpretation, over WKYC–TV to the National Broadcasting Co. network. The broadcasts enlisted students from Cuyahoga Community College, Cleveland State University, Case Western Reserve University, Howard University, Kent State University and John F. Kennedy and Shaker Heights High Schools.

Traci has lived with her grandmother and has traveled everywhere with her. "Traci and the Kids" was written at Oberlin College where Traci was in the Headstart program. "Traci Takes a Trip," the beginning of a travel series, was done in Atlanta, while she was attending an independent school there, Learning House.

Traci Diane Cade is the daughter of Mr. and Mrs. Donald Cade. She has an infectious smile, pigtails, and boundless energy. Black children will relate to her and her books.

THE DEFEATISTS ARE AT IT AGAIN

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. MONTGOMERY. Mr. Speaker, we are all aware that there are some people in America who will go to any extreme to depict our Nation as the culprit in Southeast Asia while bending over backward to excuse the naked aggression of the North Vietnamese. These same people are also the ones that will not admit that we are ending U.S. involvement in Southeast Asia and taking steps to bring peace. Because of his timely comments on the subject, I would like to share with my colleagues a speech by Richard G. Capen, Jr., on May 26 before the district convention of Lions International in San Diego, Calif. Mr. Capen is vice president of Copley Newspapers of La Jolla, Calif.:

The Defeatists Are At It Again

Events of the past few days have moved the world's two great powers a few steps closer to President Nixon's goal of building a generation of peace. The President's statesmanlike leadership during the substantive talks in Moscow can be a source of pride for all Americans.

We now have a major understanding to halt the arms race. We have treaties with the Soviets on conquering pollution and disease.

A joint Soviet-United States space effort is planned by 1975. An agreement has been reached to reduce incidents at sea.

Through the spirit of negotiations, an outbreak of war has been averted in the Middle East. The access to Berlin has been reestablished. A treaty involving the use of the world's seabeds has been developed and we have renewed a dialogue with the more than 800 million people of Mainland China.

Regrettably, our desire to negotiate differences has not led to an end of the war in South Viet Nam. But that has not been due to any lack of effort or reasonableness on the part of the Nixon Administration. Rather, our initiatives toward an honorable settlement have been met with only obstinate, negative response from the enemy.

Today it's a new ball game in Viet Nam. It's a new game because the North Vietnamese have made it so, not the United States. The enemy has violated the demilitarized zone. They have rocketed population areas. They have killed more than 20,000 civilians in the past two months alone.

To invade South Viet Nam, the enemy has committed virtually all of its combat forces—12 of 13 divisions. Their goal has been to choke off South Viet Nam's freedom at all cost. The North Vietnamese have undertaken this massive effort in clear violation of international accords and understandings which they themselves agreed to follow.

Despite these facts, the American defeatists are at it again.

They have called the President's decision reckless, foolish and irresponsible. They were convinced that the Moscow talks would be sabotaged, that the Red Chinese would be forced to intercede. To hear these defeatists talk, one would think that the North Vietnamese invasion was our fault instead of the other way around.

Some of these critics, I am convinced, would rather see America defeated than support any responsible means for extricating this country from a long and frustrating war.

In the frantic search for expedient solutions, they have openly supported resolutions which would tie the President's hands as he withdraws from Viet Nam. Yet, several years ago they were giving full approval to decisions that got us into Viet Nam.

Today, they favor resolutions to condemn President Nixon for seeking to stop the enemy's aggression, but they direct not one single word of criticism against the enemy that started that aggression. Some have gone so far as to believe enemy propaganda while deliberately refusing to accept statements by our own government.

Now these defeatists are seeking to cover up their own errors, and the mistakes of earlier administrations, by labeling this battle "Nixon's War." It's a simple matter for them to criticize their country's current military initiatives. After all, they have no responsibility for the consequences of such casual words. Nor would they be accountable for the loss of credibility in our nation's commitments around the globe should we desert South Viet Nam at this, their most critical, moment.

Some critics have built their entire political career on platforms of obstructionism. They have placed their political interest first and their country's interest last. They have expressed moral indignation when it was convenient to do so.

They have generated the impression that there would be no war in the world if the United States were not in Viet Nam. They have naively convinced others that once the last American soldier was out of Viet Nam, that there would be peace in the world. Do they really believe that settling the war in Viet Nam will settle the war in Ireland? Or the war in the Middle East? Or the confrontation in India and Pakistan? Or the dispute along the Chinese-Russian borders?

No, Catholics and Protestants, Arabs and Jews, Hindus and Moslems and Russians and Chinese have battled for hundreds of years. It's not likely to stop soon. This, of course, is regrettable, but, I cannot really believe that restoring peace in Southeast Asia will restore peace in the world.

Because it's a new ball game today in Viet Nam, I believe it is essential to place recent developments in proper perspective. One cannot do so without taking stock of what has occurred in the past three and one-half years.

In my opinion, President Nixon has shown incredible restraint in the face of irresponsible criticism by those who run away from their responsibility for past actions by seeking to saddle others with the consequences of these actions.

Today, from the privacy of Washington law offices, a former Defense Secretary and a former U.S. negotiator in Paris have all the answers for getting America out of Viet Nam—now. But, where were those ready solutions when these former officials were in positions to act? These were the people who got our country into a war they could neither win nor end. That, in a sentence, is the sad legacy President Nixon inherited when he assumed office.

Since January 1969, conditions have changed substantially through President Nixon's leadership and through his Vietnamization program. It was not President Nixon who sent 550,000 Americans to Viet Nam. He has brought 500,000 home.

It was not President Nixon who was in office when as many as 500 Americans were being killed each week. Under his administration, combat deaths have been reduced by more than 95%. And I might add that those low levels have been maintained despite the current intensity of ground combat in South Viet Nam.

When the Nixon Administration took office, American troops were handling ground combat. In fact, there was no authorized plan whatsoever for turning that combat role over to our allies. Today, the South Vietnamese have that responsibility and they are doing amazingly well. Sure, they are not winning every battle, but no one ever predicted they would.

In short, Vietnamization is working. We have provided the equipment. We have helped to train South Vietnamese forces, and we have assisted with air and naval support as necessary. As a result, substantial numbers of Americans have been withdrawn. Do you realize that there are fewer Americans in Viet Nam today than there were Americans in Korea when President Nixon took office in 1969. It took 10 to 15 years for the Koreans to take over their own internal security responsibilities. But the South Vietnamese have been forced to assume that responsibility in less than three years. I think they have come a long way.

Three and one-half years ago, there was no comprehensive peace plan for ending the war in Viet Nam. That, too, has all changed. Through secret initiatives and public talks in Paris, the President has sought every reasonable avenue for ending the conflict through negotiations. But the enemy has balked every step of the way, greeting each peace offer with insult and escalation of the war.

I don't see how anyone can possibly criticize the President for failing to do all that was humanly possible to end the conflict. He has offered every reasonable alternative to Hanoi. Even while negotiating—as frustrating as that was—he proceeded to withdraw thousands and thousands of Americans despite any visible progress in Paris.

Today, not only has the President decided to stand up against the enemy's blatant aggression, but he also has made it clear that the North Vietnamese will have to prove their sincerity to negotiate before such talks are resumed. In the meantime, their warmaking capacity is being destroyed. It is being destroyed rapidly and effectively.

Overlooked in the dramatic announcement to mine the harbors of North Viet Nam and to step up our bombing of military and strategic targets has been the significant negotiating move made by this country.

That involves our proposal to withdraw all U.S. forces from Viet Nam within four months after American prisoners of war are released and after an internationally supervised cease-fire has begun. There are no commitments for linking our withdrawal to the progress of Vietnamization. There are no commitments linking our agreement to the stability of the South Vietnamese government. In short, it is about the most liberal peace plan anyone—most of all the enemy—could hope to expect.

Even the Senate Doves should be able to support this proposal, but I sometimes think that they are more concerned about defending the Communists than protecting the South Vietnamese.

Fortunately, I feel that most Americans understand what has been accomplished to date and realize what is now at stake. They respect the President's efforts. They recognize that he has taken every possible public and private step to end our involvement. And they know that it is the enemy—not the United States—that is responsible for the current actions in Viet Nam.

Public support from a majority of Americans has come through clearly. It has been seen in the thousands of letters and telegrams to the White House and Congress. It has been seen in the Gallup poll indicating that 74% of the American public supports the President's efforts toward building peace. It has been seen in the Harris poll showing that 59% endorse the President's decision to mine the enemy's harbors.

It has also been seen in the low level of protest around the country. Sure, there have been some riots and demonstrations, but there always will be regardless of the issue. Those who carry the Viet Cong flag today will carry another banner tomorrow. But you can be sure that their banners will urge the destruction of America not the improvement of it!

If there is to be a negotiated settlement, the time is now. In the meantime, the President has asked for the support of a unified nation. I believe he deserves that support and I believe, for the most part, he is receiving it.

Today this nation has a new direction. The Peking trip has dramatized that fact. The substantive agreements in Moscow have dramatized that fact.

Hopefully, the world can arrive at a point when its leaders can safely discuss and resolve mutual problems. If so, we will truly be moving toward our nation's goal of a generation of peace.

ADDRESS TO PRINCE GEORGES COUNTY COUNCIL OF SENIOR CITIZEN CLUBS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. HOGAN. Mr. Speaker, on June 20, it was my pleasure to address the Prince Georges County Council of Senior Citizen Clubs, which was attended by two members of each of the 42 senior citizen clubs in the county. I discussed with them some of the major action under consideration by Congress which could have a tremendous impact on their lives.

Mr. Speaker, I now insert my remarks in the RECORD:

ADDRESS BY REPRESENTATIVE LAWRENCE J. HOGAN

Ladies and gentlemen, I am pleased to be here with you today, and to have this chance to discuss, at least briefly, some of the actions being taken by Congress to enhance the economic security and independence of older Americans.

I would first like to take a few minutes to tell you about a problem confronting a gentleman who visited my office a new weeks ago. He began his career at the age of 17 and worked continuously until the age of 65. He put some of his earnings into savings and always looked forward to retirement as the time when he could enjoy the things he could not do while holding a regular 9 to 5 job. This gentleman, now in retirement, 72 years of age and healthy, told me he has but one fear—that he will outlive his savings.

His fear of an inadequate retirement income is the number one concern of most older people. Unfortunately, the very people who brought our modern urban industrial society to birth, who worked hard all their lives, saved what money they could and maintained a reasonable standard of living during their working years are today threatened by the prospect of being poor.

Since they worked during the years of relatively low wages and before private pension plans had fully developed, they had little opportunity to build a sizable retirement income.

Perhaps as disturbing is the fact that inflation continues to worsen their plight. Housing and rental costs are rising, food prices are higher than ever, and the cost of needed medical care has become prohibitive.

The 1970 census showed that half of the 7.2 million older families had 1970 incomes of less than $5,053 while the median income of younger families was $10,541. Almost one quarter of the older families had incomes of less than $3,000. For the 5.8 million older persons living alone or with non relatives, the situation was even more grave. Half of these individuals had 1970 incomes of less than $1,951, an income just barely above the 1970 poverty index of $1,852.

Another hard fact is that elderly individuals have the poorest prospects of any adult age group to increase their income through employment. Unemployment problems have reduced job opportunities for older people, and even when jobs do become available many employers are reluctant to hire them.

They often feel the older worker is slower to learn and less apt than a younger person to take on long work or job training assignments. As a result, thousands of highly qualified and energetic individuals who are dependable and motivated cannot earn needed supplemental income.

Studies have shown that age alone is no criteria for determining whether an individual can perform on a job. Furthermore, in a country as rich as ours we must have the capacity and resources for expanding job opportunities for our older citizens.

Lack of services available for senior citizens is another serious problem. It is the responsibility of both the public and private sectors to foster the establishment of necessary services. Many older individuals need the help of counselors and social workers. They need transportation.

Some need assistance from home aides to keep their homes in good repair, or to select and prepare nourishing meals, as well as to have someone offer pleasant company to share the joys and ease the sorrows that life sometimes brings. At the present time too few services such as these are available in Prince Georges county and other communities throughout the country.

Numerous proposals have been introduced in Congress to help alleviate them. Many would directly increase the incomes of older citizens and also help to insure their independence and self reliance.

For instance, in 1969 Congress voted to increase social security and cash benefit levels by 15 per cent. And last year, Congress voted another benefit increase of 10 per cent. These benefit increases were enacted in order to keep social security benefit levels up to date with the rise in prices. I am afraid, however, they did not raise the income levels enough to enable elderly people to significantly improve their income position.

As a result, Congress is now considering proposals that would both substantially increase the incomes of the elderly and reform many of the existing provisions of the Social Security program.

Last June the House passed H.R. 1 which would liberalize Social Security and medicare/medicaid benefits and alter our welfare system. But frankly I resent having Social Security lumped as a hostage to welfare reform. Social Security is not welfare.

Since that time we have been waiting for Senate action on the legislation. The Senate Finance Committee passed its version of the bill last Tuesday. How the full Senate will respond remains to be seen.

The House and the Senate will eventually have to reach an accommodation on the legislation and the impact of that decision on older citizens will be enormous. So I thought we might concentrate for a few moments on the differences and similarities between the House and Senate legislation and zero in on the Social Security and medicare/medicaid provisions.

The Senate bill calls for a 10 per cent across the board increase in Social Security and disability benefits. However, the regular minimum payment of $70 a month for individuals and $105 for couples would rise only 5 per cent. Up to 30 million people would receive increases. The House bill calls for a 5 per cent across the board increase.

Both the House and Senate legislation provide for an automatic cost-of-living benefit increase if the consumer price index has risen at least three per cent in the preceding year.

The Senate bill would provide a guaranteed minimum monthly payment of $200 ($300 for couples) after 30 years in social security covered employment. The House legislation would provide $150 a month ($225 a couple) after 30 years' employment.

DELAYED RETIREMENT

Both the House and Senate legislation would provide a one per cent extra increase in benefits for each year an individual delays retirement beyond 65. This would apply to people already retired and to future retirees.

DISABILITY PAYMENTS

The Senate bill would reduce the waiting time for disability insurance benefits from six months to four months. The House version would reduce the time to five months.

WIDOWS' BENEFITS

Both the House and Senate legislation would increase widows' or widowers' benefits from 82.5 per cent to 100 per cent of what the deceased spouse would have received. This is in addition to the across the board benefit increase.

NEW COMPUTATION RULES

Both the House and Senate legislation would correct the current discrimination against male retirees and allow them to drop out three additional low paid years in computing their benefits.

OUTSIDE EARNINGS

Both the House and Senate legislation would also liberalize the so-called retirement test. Under present law, as you know, persons between the age of their retirement and age 72 are entitled to earn $1,680 annually without any reduction in retirement benefits. Between $1,680 and $2,880, however, for each $2 of earnings, $1 in benefits is taken away. For earnings above $2,880, every $1 earned is lost through a $1 reduction in benefits.

The new legislation, however, would provide for increasing the amount an individual can earn in employment and still receive his full social security benefit from $1,680 to $2,000. And it would reduce benefits $1 for each $2 earned above $2,000. The current provision of losing all benefits above the $2,880 level would be eliminated entirely.

Those are some of the highlights of the social security changes. Here are some of the proposed changes in medicare/medicaid benefits.

MEDICARE FOR DISABLED

Both the House and Senate legislation extend medicare coverage to persons retired on social security disability insurance, regardless of age, after they have been receiving disability payments for 24 months.

PREPAID GROUP PRACTICE

Both the House and Senate legislation would permit the government to contract with prepaid group practice health maintenance organizations, if a medicare beneficiary so desired, to provide medicare hospital and outpatient benefits.

MEDICARE "BUY IN"

Both the House and Senate legislation would enable persons 65 and over who are ineligible for social security to "buy in" to medicare hospital insurance by paying a special premium, which is $31 a month at present.

SOME DIFFERENCES

The Senate legislation has several provisions relating to drug costs that are not included in the House legislation. The Senate legislation would pay for most of the costs of maintenance drugs, such as insulin. A beneficiary would only have to pay $1 per prescription.

The Senate legislation also includes provisions to encourage the sale of equally effective but less costly drugs.

WELFARE FOR THE AGED, BLIND, AND DISABLED

One final point of interest on this massive legislation regarding welfare payments for the aged, blind and disabled. The Senate legislation is designed to guarantee aged, blind and disabled welfare recipients a minimum monthly payment of $130 if they have no other income at all, and to guarantee aged couples $195. Currently the maximum monthly payment for single aged recipients in Maryland is $96.

On the House side, the legislation would guarantee single, aged welfare recipients a minimum benefit of $130 a month.

The Senate legislation would also increase the income of aged welfare recipients who also receive social security benefits by disregarding the first $50 of income in calculating the amount of an individual's welfare payment.

This means that an aged welfare recipient receiving social security payments would be guaranteed a total income of $180 a month. Furthermore, the first $50 of earnings would also be disregarded, thus guaranteeing welfare social security recipients who have a job a total monthly income of $230.

There are, of course, many other areas relating to the economic security of older people now under study by Congress. One such area is the private pension system in our country. As you know, millions of mature workers lose pension benefits each year because of events beyond their control. Massive layoffs, mismanagement of pension funds, employer bankruptcies and ineffective regulations regarding pension plans are each contributing factors. For these reasons numerous bills before Congress are directed at both protecting the pension rights of older people and making private pension programs more responsive to the economic needs of pensioners.

In essence, the bills would secure the funding of pension programs so that workers could be guaranteed the money in their programs would be there when they retire. They would also protect the assets of pension funds against mismanagement and they would protect the pension rights of workers whose companies go out of business.

Additionally, they would ensure workers their pension rights if they stay with a job for a designated period of years, and they would enable workers to take their pension rights with them from job to job. It is important to note that these bills would assure 30 million individuals currently covered under private pension programs that their particular pension plan is both reliable and effective.

Another income related area receiving close and careful attention by Congress relates to the heavy burden of property taxes on older people. While the incomes of elderly people have remained relatively fixed in past years, property taxes have steadily risen. Between the years of 1967 and 1970 property taxes rose by about 35 per cent, nearly twice the average increase in the cost of living. I wish the State Legislature had directed its attention to this problem which has now reached such a crisis.

Senior homeowners are now paying over 20 to 40 per cent of their limited incomes for property taxes whereas the average urban household pays about 4 per cent of its total income for property taxes.

Elderly people living in apartments feel this financial squeeze in the form of higher rents. Moreover, it appears that property taxes will pressure older people even more so in years to come if reforms over local tax systems are not made. This is primarily a State problem, but President Nixon, in his message to Congress last March, announced two approaches on the Federal level to deal with this matter. First, he advanced the concept of revenue sharing so that States and local governments would have a better opportunity to grant property tax relief for older people. Secondly, he proposed a value-added tax as a way to raise money for Federal assistance to State governments so the States could take over some of the responsibility for financing public schools.

Congress is evaluating these ideas as well as other proposals aimed at providing ways to relieve elderly homeowners and renters from local property taxes.

In addition to raising the incomes of older people, Congress is considering legislation which would meet other critical needs of the elderly, particularly through changes in the Older Americans Act of 1965.

I am sure many of you are familiar with this act. Seven years ago it was hailed as landmark legislation because of its intent to stimulate the development of community programs for older citizens as well as research and training projects in the field of aging. In the intervening years, however, it has been realized that if this act were strengthened, more services could be provided at the local level.

Proposals being weighed would extend grant programs authorized by this act beyond their expiration date of June 30, 1972, and vastly expand them. They would provide for more comprehensive community services such as transportation, counseling and other social services, employment and volunteer opportunities, and recreational and educational activities, all of which are so vitally needed in Prince Georges County.

We recently enacted legislation to help senior citizens, especially those living alone, who are unable to prepare meals for themselves because of physical handicaps, etc.

Grants will be made through the State agency on aging to public and private organizations to establish and operate meal projects in local communities.

The meals are to be served at a social setting such as a school, senior citizens center or church. In addition, nutrition education classes and pertinent social services will be available for the participants of these programs. The projects are also to provide meals for elderly individuals in the community who are home bound.

As yet funds have not been appropriated for this program, but the President has requested that $100 million be budgeted for fiscal 1973. If this amount is appropriated, Maryland will be eligible for $1,465,000 in order to establish meal programs in our communities.

I am sorry time does not permit me to discuss more proposals before Congress. I think it's clear, however, that Congress is deeply committed to meeting the needs of the elderly, and that it is attempting through legislation to make retirement years those which are filled with purpose, dignity and security.

I believe similar action is necessary on the State and county level. In particular, I would like to see the development of a county department similar to the health department which would handle the problems of senior citizens and be their voice in local government.

Again, I would like to say that I am grateful for this opportunity to be able to discuss some of the steps Congress is taking to improve the well being of older citizens.

I value your counsel and advice and am always eager to take advantage of your great experience as I carry out my responsibilities as your representative in Congress.

ATTITUDES, NOT WEAPONS, ARE CAUSES OF VIOLENCE

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. SNYDER. Mr. Speaker, with all the debate over gun control being heated up here again in the Congress, I believe the following article by Col. Charles C. Oldham, one of my constituents and a former police official, should prove most interesting and enlightening to my colleagues here in the Congress. Colonel Oldham's letter, which appeared in the Louisville Times, is printed below:

ATTITUDES, NOT WEAPONS, ARE CAUSES OF VIOLENCE

(By Charles C. Oldham)

With the attempt upon the life of Alabama Gov. George C. Wallace, another sad chapter has been added to the political history of the United States. This attempted murder has brought about a spate of radio and newspaper editorials condemning the availability of handguns in the United States. A local radio commentator made a point of saying that unless handguns were removed from the American scene within the next decade, presidential elections, as we now know them, will disappear.

This commentator went on to speculate that if handguns were permitted to remain in the hands of the American people, only millionaires could aspire to and obtain the office of the presidency.

The obvious fallacy of such an assertion is that a very small percentage of American voters ever gets within "handshaking" or pistol distance of the candidates. Additionally, one who has spent hours in the planning of security for a presidential visit, and who has taken part in the actual security operation, I know of no absolute way to protect an exposed president even if there were no handguns.

A number of the editorials condemned those who support private ownership of guns. But contrary to the general thesis, it is attitudes that contribute to violence, and not the tools of violence.

This commentary will not be predicated upon statistics regarding the use of handguns, or the use of rifles, or the use of automatic weapons, nor, indeed, will it be predicated upon the use of other weapons such as knives, clubs, or even stones in the hands of capable people. This is not the time to deal in statistics, for no matter how many deaths may have been caused by handguns, or by rifles, or by knives, each man's death is the ultimate to him. No amount of statistics will change or add color or distract from that one passing. However deplorable it is to our political system to see aspirants for public office shot down, it is no greater tragedy than for the person who feels a cold blade enter his rib cage in some dark street, nor is it any more tragic than the helpless victim of a mad-eyed rapist, nor is it more to be deplored than those victims who die at the hands of some demonic arsonist. Death or the injuries that one sustains when an attempt is made on his life is to be deplored no matter what the circumstance.

Philosophically, then, let us consider what we can do about this tragedy, or about all of the tragedies: the knifings, the clubbings, the poisonings, the burnings, the rapings, the pillage. Our greatest failure, it seems to me, lies in the fact that our courts have not done the job that they have sworn to do, and this may largely be laid at the feet of those who are ever eroding our rules of evidence.

Every time a crime is committed with a handgun or any weapon, or indeed with bare hands, if the courts were to fix the penalties prescribed by law, despite the multitude of extraneous legal manipulations, these would, indeed, be the greatest deterrents.

Courts today, rather than finding that persons are guilty, often seem more bent upon trying the police officers who make the arrests. The proponents of the broader reach of the First, Fourth, Fifth, Eighth and 14th amendments of our Constitution are just as intent upon diminishing the Second Amendment, which gives us the right to bear arms in this free nation.

As law-abiding citizens, it isn't our desire to bear arms or to possess arms, be they handguns or long guns, for the destruction of people, but it is rather for the protection of our homes, of our property, and, most of all, our persons.

Nothing would please me more as an old policeman of long, long standing than to see the need for policemen, for guns and for protective measures disappear from the earth, but such is not about to happen.

Through all of man's history, strife, injustice, assaults have occurred. Only in periods when laws have been rigidly and impartially enforced has there been any diminution of the ravages of crime.

Let's assume for the moment that we were to pass gun confiscation, not registration—for indeed, confiscation is the true motive behind those who talk of registration laws. Let's assume that we were to pass confiscatory laws: From whom would the guns be confiscated?

Only the law-abiding citizens who would go down and turn in their arms or register them would be concerned. The hundreds of thousands and, indeed, millions of weapons that have been stolen from homes, military arsenals, manufacturing plants and from interstate commerce would never be registered, would never be turned in, but would remain in the hands of the potentially greatest dangers to this democracy ever known. The preponderance of these weapons are in the hands of would-be revolutionaries, and criminals who have rationalized the rectitude of their endeavors.

Parenthetically, one is moved to ask some questions, for example: Where were the voices of the gun repressors following the wanton murder of a presiding judge in California when he and others were abducted from the courtroom? Assuming, also, that we were to agree that confiscatory laws were the proper answer, how in a democracy can all clandestine weapons be found?

During the riots of recent memory in New Jersey, when quantities of machine guns were known to have been stolen, the Civil Liberties Union obtained a court order against a house-to-house search for weapons by the police, and strangely enough, I believe this court action was proper. It points up, however, that gun-registration laws cannot be adequately enforced in a nonpolice-state type of government.

An even larger question might be, are we reaping the whirlwind of too many years of too much civil libertarian court intervention? Not only has this meddling been in the area of criminal justice, but more insidiously it has been in the area of weakening our nation's moral restraints.

Thanks to those who weep loudest, now we no longer have prayer in our schools or Bible reading in our schools; on the contrary, channels of filth in literature and motion pictures have been opened through the expansion of the court interpretations of the First Amendment of our Constitution.

Repression, including gun controls, is not America's answer; America must once more love herself because her people love themselves, and Americans can only love themselves when they once more come to think of themselves as God's special handiwork.

AMERICAN BUSINESS DESERVES A PAT ON THE BACK—NOT A KNIFE IN IT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BOB WILSON. Mr. Speaker, during the past decade, Government at all levels and private citizens have become increasingly aware of the need to preserve and improve the quality of our environment. This is indeed an important and worthwhile undertaking and will have a critical effect on the type of life our planet is able to sustain in future generations. At the same time, some overzealous environmentalists seem to feel that progress per se is wrong regardless of the economic and social benefits to be gained. Ed Reinecke, the distinguished Lieutenant Governor of California and our former colleague in the House, has done an excellent dissection of the basic tenets of the antibusiness ecological extremists and I am certain the Members of the House will find his recent remarks in Pacific Business of particular pertinence.

ONE MAN'S OPINION: AMERICAN BUSINESS DESERVES A PAT ON THE BACK—NOT A KNIFE IN IT

(By Lt. Gov. Ed Reinecke)

One of the most significant social changes to emerge in the last 10 years is the environmental revolution. Within a relatively short time politicians from all sides of the ecological arena have begun calling for stronger conservation laws and an end to any pollution.

Our system has let us down, they say. Industrial development is immoral, worthless and damaging to society. Do away with growth, they say, curb technology, or the world will self-destruct in two generations.

Obscure scientists bask in front page publicity by describing disasters that might occur; politicians hail themselves as defenders of the environment against industrial polluters and crafty consumer exploiters; and the consumer as taxpayer is horrendously exploited. A few opportunistic lawyers, supposedly acting in the public interest, indulge in a kind of publicity-rich legal guerilla warfare to put a stop to anything anybody doesn't like, anything that makes a profit and smells of progress. As a result, the confused public is ready to believe anything that sounds reasonably logical, especially if it also sounds frightening.

NO TO PROGRESS

We are told we've got to put a stop to progress and get off the growth kick if we are to survive. No more power plants. No SST. No Space Shuttle. No increase in the Gross National Product. No more technological advances. Curtail the use of energy. If industrial plants pollute, shut them down. If they present a problem, don't build them. If this throws men out of work, let them find other jobs.

Let single-minded officials set ultimate anti-pollution standards and demand instant adherence, whether or not there are yet practical ways to do it. Put a stop to the mining of coal, curtail highway construction, go to court and delay anything that purports to be essential to growth of any description. This, the neo-conservationists say, is the only way to preserve the world we live in.

This new awareness of nature and our responsibility to preserve the beauty and the wonder of this earth now receives a high priority in almost every activity. Yet, overexaggerations by groups of emotional extremists hurt the cause of the sincere and dedicated conservationists who have done so much to alert us to the need for environmental safeguards. In the name of ecology or consumerism or some other ology or ism, these extremists are laying siege to state and federal government, demanding laws to regulate industry on the premise that the United States is on the brink of catastrophe and that only a brand new socio-economic system can save us.

An environmental extremist can be identified through his inability to accept reality, as reflected in his cry that man interferes with nature. Such a thing is patently impossible. Man is part of nature. We didn't come here from some other planet. Anything we do, we do as card-carrying members of Mother Nature's brood. We don't accuse a beaver of interfering with nature when it gnaws down a tree to build a dam. Then why condemn humans for chopping down a lot of trees to build a lot of dams . . . or to do anything else that will make their lives safer, longer, more enjoyable or more productive.

When it comes to a choice between saving human lives and saving some fish, I will sacrifice the fish without a whimper. It's not that I'm anti-fish; it's just that I am pro-people.

ENVIRONMENTAL MYTHS

There are a lot of widely accepted environmental myths that don't stand up to fact.

Take the one about the oxygen we breathe. We hear that the burning of fuels by industry is using up the earth's oxygen and that, eventually, there won't be any left and we'll suffocate. But fact doesn't bear this out. The National Science Foundation recently collected air samples at 78 sites around the world and compared them with samples taken 61 years ago. Result: there is today precisely the same amount of oxygen in the air—20.9 percent—as there was in 1910.

What about water pollution? Certain people remember that in the days before America was industrialized, our rivers and lakes were crystal clear. And those crystal clear rivers and lakes were the sources of the worst cholera, yellow fever and typhoid epidemics the world has known. Just one of these epidemics—in 1793—killed one of every five residents of Philadelphia. Our waterways may not be as pretty as they used to be, but they aren't deadly either. In fact, the water we drink is the safest in the world. What's more, we're making progress cosmetically. Many of our streams will soon look as wholesome as they are.

In California we have enacted and are enforcing the nation's strictest air pollution controls. California has probably the largest air monitoring network in the world. We have funded millions of dollars to support crucial research and we have just implemented an agricultural burning program. The California Air Resources Board now reports a year-by-year decrease of air pollutants, such as hydrocarbons, since 1967. Our own state has led the nation in efforts to protect the environment against everything from smog to offshore oil spills. And we are convinced that industrial progress can be made compatible with the necessary efforts to protect the environment.

CHEER UP

Population control is another popular cause. The spectre of people standing elbow-to-elbow is raised as the frightening prospect if we don't take drastic steps to curb the birth rate. Well, cheer up. The birth rate in the United States has been dropping continuously since 1957 and is now at the lowest point in history. If the trend continues, it is remotely possible that by the year 4000 there won't be anyone left in the country. But things like excessive population growth and decline have a way of adjusting to conditions, and I have no doubt that our birth rate will pick up in due course.

How about the unemployment myth? Certainly even one unemployed person is a grave problem, but we must remember we are making a transition from the inflated wartime boom of the 1960's to a peacetime economy where, hopefully, we will have prosperity without ruinous inflation, full employment without war.

And we are making progress. Early last year I requested Governor Reagan to break state precedent and give the Lieutenant Governor jurisdiction over the California Department of Commerce. That department encompasses world trade, tourism and economic development. We operate on a small budget and with few people, but have succeeded in working as a catalyst to stimulate expansion in each of these areas.

There is certainly much to be done, but I take pride in working successfully to obtain congressional and federal approval of the Lockheed loan. We have made three trips to Washington on this and other sizeable federal contracts, including the Space Shuttle program, which could result in 50,000 jobs and $12 billion for the California economy. We succeeded in bringing a new ship-building contract for two ore-bulk-oil supertankers to San Diego, and we have worked on numerous other job-bearing contracts such as the $120 million TRW HEAO Satellite and the $370.3 million B1 fighter bomber, which could create as many as 4,000 additional jobs in the state. We have formed a Lieutenant Governor's Commission for Aerospace Reemployment and, in fact, received a $200,000 grant for a reemployment operation center in Sacramento.

The most significant sign of progress, however, is the creation of the new California Commission for Economic Development sponsored by the California Chamber of Commerce and passed by the last session of the Legislature. This commission established a bi-partisan economic planning body to develop meaningful programs for industrial development, tourism and world trade.

But even as we plan for intelligent, thoughtful growth, extremists will look back to the "good old days" when there weren't any factories to pollute the air and kill the animals and drive people to neurosis with misleading advertisements.

THOSE WERE THE DAYS

What was life really like in the "good old days"—say, 150 years ago? For one thing, it was very brief. Life expectancy was 38 years for males—a grueling 38 years. The work week was 72 hours. The average pay was $300 per year.

But women, in the absence of any liberating force, had it worse. Housewives worked 98 hours a week without dishwasher or vacuum cleaner. Food was monotonous and scarce. In the winter you froze and in the summer you sweltered. And when an epidemic came—and they came frequently—it would probably claim someone in your family. In your entire lifetime you would probably never hear the sound of an orchestra, own a book, or travel more than 20 miles from the place you were born.

Whatever American businessmen have done to bring us out of that paradise of the "good old days," they deserve a grateful pat on the back—not a knife in it.

The opportunity is ours to establish a new way of getting things done. To set intelligent pollution objectives and press for technological breakthroughs to help us meet them.

We have established procedures, such as the State Clearinghouse and the Environmental Quality Study Council, to investigate major environmental controversies, consider positions and claims and settle controversies out of court, with power to enforce the decision. We can discourage resorting to the already overburdened courts to resolve problems that can be far more constructively resolved by negotiation.

We must encourage the news media and politicians to spend less time fanning the fires of controversy so they will have more time to assess the economic, social and long-range ramifications of important environmental questions. We must encourage opinion leaders to develop the assets of our society, which are many, instead of exploiting its weaknesses. We should oppose those attempts to discourage technological advances on the basis that in them there might be some hidden or latent danger.

TOWARD TOMORROW

We must work together, all on the same team, to solve the environmental problems that we all know must be solved. And we can do it without wounding the Goose that Lays the Golden Eggs.

Industry and commerce, science and technology are our tools, as well as our problems. The proper use of them is the only possible means by which we can improve the quality of life for 20 million Californians. The era of quantity at any environmental cost is gone; the era of reverence for the environment is here to stay.

It won't be easy to fire up enthusiasm in the face of the frustrations, doubts, distrust and disbeliefs that have accumulated. It won't be easy to convince your neighbor that in this world he has the best chance ever of living a full life and getting his money's worth. It won't be easy to make him see there will be a tomorrow, in spite of the dozens of popular crises this state is said to be facing.

But there will be a tomorrow and it won't be nearly as bad as the emotional extremists would have us believe. Let us resolve that 1972 will be the year we convince the people of California that our state is great, that our future is bright.

SALUTE TO EDUCATION

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. VANDER JAGT. Mr. Speaker, passage of the annual education appropriations together with the Hathaway amendment provides me with a chance to acknowledge the vital function performed by the teachers of American schoolchildren.

Great opportunities usually involve great challenges. Certainly that is the continuing experience of the classroom teachers, who daily strive to develop the intellectual potential of our children and to inspire them to high levels of achievement. It is no accident that successful individuals commonly recall particular teachers whose efforts contributed greatly to their development. Such recollections are but one indication of the indelible impression that effective teachers make upon young people.

Congress is playing a vital role in seeking to allocate adequate resources to enable our schools to achieve greater success in equipping young people to live and work in the complex, technological world of today and tomorrow. As we strive for that goal, we should pause to pay tribute to the persons who are directly involved in American education, particularly to the teachers who daily encounter the imaginations, curiosities, and energies of schoolchildren. I salute them one and all.

ROOSEVELT MEMORIAL SITE IN BUFFALO IS CIVIC PROJECT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DULSKI. Mr. Speaker, 6 years ago, the Congress supported my pleas for Federal help in saving from destruction and restoring as a national historic site the Ansley Wilcox Home, downtown Buffalo mansion where Theodore Roosevelt took the oath of office as President in 1901.

One of the requirements of the authorizing legislation was active community participation, including financial. There were skeptics at the time who expressed doubt that the community support would be forthcoming.

I am happy to report to my colleagues, many of whom were Members when my enabling bill was passed, that the skeptics were wrong.

The Wilcox Home has been restored and much of the building refurbished in a widely supported community project. Many organizations are joining with the coordinating Theodore Roosevelt Inaugural Site Foundation in this historical effort.

Many individuals are cooperating in this successful venture, indeed, so many that I hesitate to try to list them for fear I will overlook someone.

Just last Friday, I had the honor to present to the Wilcox Home a flag which had flown over the Capitol. The occasion was the dedication of a new 30-foot flagpole purchased with the aid of Dow & Co., and its chairman of the board, Mrs. Jane P. Dow, and the Landmark Society of Western New York.

Presiding at the dedication and accepting both the flagpole and the flag was Frank D. Leavers, chairman of the Theodore Roosevelt Inaugural Site Foundation. Representatives of the city and the county, as well as private organizations were present.

The progress and enthusiasm associated with this entire project are most gratifying, particularly to those of us who have been a party to the effort from the outset.

Mr. Speaker, as part of my remarks, I include an article from the Buffalo Evening News of June 13 regarding further restoration plans for the Wilcox Home.

DINING ROOM NEXT TO BE RESTORED AT WILCOX MANSION

(By Kathy Kelly)

Less than a year after completion of a four-year restoration of the library of the Wilcox Mansion, 641 Delaware Ave., plans are being made to recreate the historic home's adjacent dining room.

Frank D. Leavers, president of the Theodore Roosevelt Inaugural Site Foundation, hopes to have the dining room project complete by Sept. 14, the first anniversary of the home's dedication as a National Historic Site.

Unlike the library, which has been restored to its condition of Sept. 14, 1901, when Theodore Roosevelt stood there to take the oath of office as the nation's 26th President, the dining room will be done in the style of a later period, "but still reflecting the tastes, charm and elegance of the earlier years when the house was in its prime," according to the preliminary report.

Once again, the foundation, the Junior League of Buffalo and the Buffalo & Erie County Historical Society are working together on the project.

This time, their source is a 1930 newspaper photograph of the room.

As in the first restoration, the committee is seeking to locate the original furnishings and to duplicate those that cannot be found. If necessary, other pieces of the same era will be used, Mr. Leavers said.

A major piece being sought is a four-arm crystal chandelier removed from the mansion when it was converted into a restaurant in the 1930s. Its present location is unknown.

The gas chandelier, which bathed the room is soft yellow light, hung from a large plaster medallion in the center of the ceiling. The medallion, decorated with a fan-shaped design and flowered rim, is now framed by a fibreboard ceiling added in more recent years.

The original ceiling will be restored and the chandelier, wired for electricity.

The room's east wall is dominated by an ornate marble fireplace. Its chimney has been closed at the roof, but could easily be opened to make the fireplace usable, the report said.

The adjacent wall features large windows and double doors, topped with a delicate, leaded palladian window, opening to the mansion's south porch. The room also opens to the main stair hall and the middle hallway.

The 400-square-foot dining room, now occupied by galleries of the Buffalo Craftsmen Inc., already has had its painted Georgian Revival woodwork, walls and floor restored.

Major structural work, such as heating, plumbing and electrical work, also was completed in the original restoration. Thus the major job will be collecting the furnishings.

The furnishings shown in the 1930 photograph include a pedestal dining table and six chairs made by Buffalo Furniture Manufacturing, a company located on Washington St. in the first quarter of the century.

Another major piece is a china cabinet with an arch top and glass front.

An oriental rug covered the floor and Oriental bowls stood on pedestals in the room's corners.

The fireplace was fronted with a pierced brass fender. Finally, a large china cat door stop was on the floor before the porch doors.

"Eventually, it's our desire to go into other rooms in the house," Mr. Leavers said.

He also announced the appointment of two new members to 2-year terms on the foundation's Board of Trustees. They are: John M. Finnegan, commercial division manager of the New York Telephone Co., and Donald D. Notman, senior vice president of Marine Midland Bank—Western.

Peter B. Seevers, a present board member, was named to the board's Executive Committee.

MAJOR CHALLENGE TO BANK COMPETITION BEFORE THE SUPREME COURT OF THE UNITED STATES

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. PATMAN. Mr. Speaker, one of the most important cases involving bank competition in many years will be decided by the Supreme Court of the United States during its next term beginning in October. This case, United States against First National Bancorporation and First National Bank of Greeley, Colo., will in all likelihood provide some important guidelines for the effective administration of the Bank Merger Act of 1966 and the Bank Holding Company Act. To date, these laws, largely because of the effective enforcement record of the Antitrust Division of the U.S. Department of Justice, have been extremely successful in stopping anticompetitive acquisitions in both large communities and small throughout the United States.

The major question before the Supreme Court in the Colorado bank case involves the application of the potential competition principle, which seeks to preserve for the future the possibility of substantially increased competition in a particular market, even though the challenged acquisition may not reduce existing competition. This principle of potential competition is an extremely important concept for bank regulators to have at their disposal, especially now that we are seeking the creation of a large number of new statewide banking systems in many States.

I am particularly pleased that this crucial case is receiving careful analysis by others than the principal litigants before the Supreme Court. For example, in the April 1972 issue of the Banking Law Journal a detailed discussion of the importance of this case is set forth by Dr. Jerome C. Darnell, formerly associate professor of business administration at the University of Colorado and now an economist on the staff of the Federal Reserve Bank of Philadelphia.

More recently, the Federal Deposit Insurance Corporation and the Commissioner of Banking for the State of New York have filed amicus curiae briefs with the Court expressing their views. In the past, Government agencies that had an important interest in the outcome of administrative and judicial decisions to be made by others have too often failed to express publicly their concern over the impact of these decisions on their own activities. Therefore, I am very pleased to see that in a case as important as the Colorado bank case the Federal Deposit Insurance Corporation and the New York State Banking Commissioner, as supervisory agencies seriously concerned with competition in banking, have availed themselves of the opportunity to give the Supreme Court the benefit of their expertise on this most important issue.

AMERICAN INGENUITY IN LOCAL COMMUNITIES

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BRASCO. Mr. Speaker, I recently was associated with a unique event that provides a new sense of direction for some of our citizens in enhancing the American way.

American businessmen are known throughout the world for their ingenuity, creativeness, and inventiveness, but to apply these attributes to the public service—in an area that will benefit community and charitable organizations—is an added and laudable dimension.

Fred Richmond, a successful businessman as chairman and president of Walco National Corp., and a Brooklyn, N.Y., civic leader, applied those attributes in an unusual conception that benefited 14 Brooklyn organizations and thousands of worthy people, by a plan that none could do by itself.

The very heart of community action is rooted in community organizations—charitable, medical, vocational. Their work is vital. Within the perimeter of their neighborhoods, they are the people the area knows, trusts, and counts on. They are never big. Indeed, that is their strength. Each, by itself, must raise the funds to feed its mission. Each year this gets harder and harder. Each, by itself, could not harness the power needed, the magnet required to fill a great house of the Nation like Carnegie Hall. But what a thrill for a small Brooklyn organization to sit in the hall of the immortals; to sponsor a concert by two of the greatest artists of the world.

That is where my friend, Fred Richmond, came in. He brought his organizational know-how, his creative skill to the problem.

Mr. Richmond decided to rent Carnegie Hall for the evening of June 11 and booked the celebrated cellist, Leonard Rose and the prominent pianist, Misha Dichter. He then selected 14 religious and charitable organizations, who organized their own committees to dispose of some 2,800 tickets at uniform benefit prices. More than $20,000 was raised—some organizations raising more than others, depending on their efforts. Of course, 100 percent of the funds were kept by the groups. Mr. Richmond said:

> It is an opportunity for organizations who need help to help themselves at no cost.

Commenting on the Richmond idea, Hon. Sebastian Leone, president, Borough of Brooklyn, said:

> Fred Richmond is a civic leader who cares deeply about people, his community and Brooklyn. Fred is a dreamer and doer. His initiative, energy, vitality and brilliance enables him to build and achieve what often seems impossible.
>
> Typical of his generosity is his presentation of this concert tonight to help 14 Brooklyn organizations help themselves. Some $20,000.00 has been raised to support their constructive work. It is a demonstration of community inter-action at its best.
>
> Fred is a fully committed Brooklyn citizen who deserves our gratitude.

The event was preceded by the presentation of the annual Star of Brooklyn Award to Hon. Meade H. Esposito, chairman of the County Democratic Committee of Kings County.

Mr. Esposito is deserving of the award, for in addition to being a farsighted political leader, he has worked indefatigably and quietly for numerous civic, charitable, and religious Brooklyn organizations and has been singularly responsible for the resurgence of the Borough of Brooklyn.

I salute the organizations who participated.

B'nai Akiva Youth Movement, Brooklyn Association for Mental Health, Hebrew Institute for the Deaf, Hapoel Hamizarchi Women's Organization, International League for the Repatriation of Russian Jewry, Kane Street Synagogue, Kingsbrook Jewish Medical Center, The League School, Manhattan Beach Jewish Center, Mirrer Yeshiva, Prospect Park Jewish Center, Prospect Park YMCA, Yeshiva of Crown Heights, and Yeshiva of Flatbush.

IN SUPPORT OF H.R. 9610—TO REDUCE THE LAG IN VETERANS' PENSION AND COMPENSATION INCREASES

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HALPERN. Mr. Speaker, I take this opportunity to call the attention of my colleagues to a bill—H.R. 9610—to provide for automatic cost-of-living increases in VA compensation, dependency and indemnity compensation, and pension payments. The concern that veterans and their families receive the full and true amount of the pension or compensation due them is, I believe, reflected in the operation and intent of my bill. As the cost of living rises, higher prices eat into the small, semifixed compensation or pension provided by the VA. The veteran living on this income must use up some of his savings or cut his consumption of very basic items in order to make do with this pension or compensation payments while waiting for Congress to enact an increase in the pension and compensation rates that would restore the purchasing power of his VA payment. Often it is a year or more before an increase reaches him. Simply, it is to reduce this lag between rises in the cost of living and congressional action that I have introduced this bill.

In the face of our current inflation, the purchasing power of those on fixed incomes, such as people who depend on VA pension and compensation payments, suffers significantly. These men and women are usually too old or disabled to work and consequently do not get the benefit of rising wages. In addition, these people, many of them aged, are often unable to shop around and take advantage of the best prices thus increasing the impact of inflation. This group of low-income, aged, and disabled citizens must depend on congressional action to match rising prices and maintain the value of their incomes.

In the past, Congress has responded generously and fairly to maintain the real value of veterans' pensions and compensation. As you know, the last of these periodic adjustments was the comprehensive increase in payments made 2 years ago in Public Law 91–558—to take effect January 1, 1971. Though this was largely in response to the 15 percent social security raise which cut into many pensions, it also provided an increase in VA pension and compensation payments which roughly covered the rise in prices since the effective date of the last increase, January 1969. But even with the increases Congress has provided, there still remains the problem of the veteran who had to live on his fixed income during the 2 years between increases and must now pay prices that have risen almost 5 percent since the effective date of the last pension increase in January of this year.

Unfortunately, we in Congress are limited in the time we can devote to consideration of these necessary increases and adjustments of pension and compensation payments. Prompt and frequent as our action can be, there is still a lag between the time a veteran or his survivors need an increase in pension or compensation payments—because of the increased cost of living—and the time congressional action becomes effective.

My bill would, by providing automatic quarterly adjustments in veterans' pension and compensation payments based on the Consumer Price Index, act to maintain the value of pensions and compensation in the face of inflation and remove the necessity of waiting for congressional action. Basically, H.R. 9610 reduces to a practical minimum the impact inflation has on those receiving VA-provided incomes. It would relieve Congress of the extra burden, in an already heavy legislative schedule, of enacting periodic pension and compensation increases to counter inflationary trends.

The system mandated in my bill would operate in the following way:

Each calendar quarter, the Veterans' Administration would determine whether the Consumer Price Index, measuring general cost-of-living increases, has increased more than 3 percent in the previous quarter, compared to a base quarter. If the VA finds that the Consumer Price Index has risen more than 3 percent, then veterans' benefits would be increased by the same percentage—with provisions for rounding off the results. The new increase added to the previous payment would then become the new base for the next computation.

The benefits of these increases would go to those receiving compensation for service-connected disabilities, dependency and indemnity compensation for service-connected death, pensions for nonservice-connected disabilities, death, or service, and those receiving old-law pensions.

In conclusion, I would like to point out that my bill is not designed to reduce congressional authority over pensions and compensation payments or, in effect, to reduce the generous pension increases that, in the past, Congress has provided. I am aware, as I am sure you are, that, over the long history of the VA pension and compensation programs, Congress has provided a total increase which has gone well beyond the rise in the cost of living. And, I am sure that Congress will continue to review the pension and compensation programs and revise them when it finds inadequacies in their operation or the rates of payment. Rather, my bill frees Congress to act on pressing needs for change in other areas of veterans' affairs and for comprehensive review of existing and proposed programs—including pension and compensation programs—while leaving the necessary periodic adjustments to the operation of a cost-of-living escalator.

I, therefore, call for favorable action on H.R. 9610 so that the modest compensation and pensions that we provide those who sacrificed so much for their country will maintain their real value in the face of any present or forseeable inflation.

CONGRESSMAN PAUL G. ROGERS RECEIVES OUTSTANDING SERVICE AWARD

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ROY. Mr. Speaker, on May 26, the American Gastroenterological Association presented Congressman Paul G. Rogers its first Outstanding Service Award. The event was held in conjunction with the association's annual meeting in Dallas, Tex.

As one who has the honor to serve under Mr. Rogers' chairmanship on the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce, I was extremely pleased to hear of this award.

In his acceptance speech, Mr. Rogers discussed the need for greater professional concern about such crucial areas as preventive medicine, health manpower development, and more effective health care delivery systems.

I would like to insert at this point in the Record the text of Mr. Rogers' acceptance speech as well as some introductory remarks by Dr. Howard E. Ticktin of Washington, D.C.:

Introduction of Hon. Paul G. Rogers by Howard E. Ticktin, M.D.

As gastroenterologists, we are fortunate to have many friends outside our profession. It is my happy duty this morning to introduce to you one of our most distinguished and most helpful friends.

Congressman Paul G. Rogers is from West Palm Beach, Florida, and represents the 9th district of that state in the U.S. House of Representatives. He has served in the House since 1955 and has risen over that period to become chairman of one of the most important subcommittees in Congress: The Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce. As chairman of this subcommittee, Mr. Rogers exercises jurisdiction over public health, food and drug regulation, health manpower, hospital construction, health research, mental health and retardation programs, and drug abuse, as well as important environmental issues such as air pollution, solid waste disposal and water hygiene. In recent years, he has become known as "Mr. Health" in the Congress.

Mr. Rogers is the son of the late Congressman Dwight Rogers. He was educated at the University of Florida, receiving both a B.A. and a law degree there. Prior to his election to Congress, Mr. Rogers served in World War II, earning two battle stars and the bronze star, and later engaged in the private practice of law in West Palm Beach.

I first met Mr. Rogers last September when Dr. Jim McGuigan and I visited the Congressman to discuss the possibilities of hearings on legislation to establish a separate N.I.H. institute for digestive disease and nutrition.

I was immediately impressed by Chairman Rogers' attitude. We had previously visited many congressional offices and had spoken with several members of Congress, and generally had received polite, but reserved and non-committal reactions. With Mr. Rogers, there was a definite difference. First of all, he gave us almost a full hour of his valuable time on a day I knew was an especially busy one for him. Secondly, he really wanted to know about the problems of digestive diseases. He listened very carefully to what we had to tell him and asked some very penetrating questions—some of which were so penetrating that I had to dig up the answers after our visit and send them to Mr. Rogers by mail!

But what most impressed me was his attitude toward what could be done to alleviate the problems we discussed.

On November 9th and 10th of last year, Mr. Rogers' subcommittee conducted two days of hearings on digestive disease problems. On March 22nd of this year, his committee reported out a bill, H.R. 13591, which made a number of changes in the name and structure of the National Institute of Arthritis and Metabolic Diseases. The Whole House passed this bill on May 3rd, and the Senate followed suit on May 5th. Finally, on May 19, President Nixon signed the bill into law. As a result, the N.I.H. Institute which is charged with the responsibility for digestive disease research and training programs is now known as the National Institute of Arthritis, Metabolism, and Digestive Diseases. As a further result, there will soon be established a special committee on digestive diseases of the institute's advisory council to review digestive disease research grant applications and advise the institute's director on matters relating to digestive diseases. Finally, the position of associate director for digestive diseases has been established by the new law, and hopefully, will soon be filled. The end result of these changes is expected to be a substantial increase in the amount of money allocated to Federal programs of research and training in digestive diseases. We have strong evidence that such funding increase is already developing.

The thirteen million Americans afflicted with chronic digestive diseases have, primarily, one man to thank for this progress: Our distinguished guest today, Congressman Rogers.

I can think of no better way to conclude my introductory remarks than by reading the inscription on the award we are presenting Mr. Rogers today:

"Congressman Rogers is hereby commended for his outstanding efforts during the 92nd Congress to focus attention on the great unmet need for more research and training in the digestive disease field. At his urging and under his able chairmanship, the House Subcommittee on Public Health and Environment produced a bill, H.R. 13591, which is expected to result in a substantially expanded Federal program of research and training in digestive diseases. The victims of digestive disease, and all Americans, are deeply indebted to Congressman Rogers for his dedicated and effective leadership in health research, health training and health services."

Ladies and gentlemen, the Honorable Paul G. Rogers.

Remarks of Representative Paul G. Rogers at the Annual Meeting of the American Gastroenterological Association

Dr. Hightower, Dr. Ticktin, ladies and gentlemen:

I am very pleased and gratified to accept this Outstanding Service Award. I am doubly honored in that it is the first such award your association has given.

But first, let me congratulate you on the celebration of your Diamond Jubilee Year. Seventy-five years of service in the cause of improved health care for the American people is a record of which you can be very proud.

It has been rewarding working closely with your leaders over the past year or so, especially with your officers and with your own Washingtonian—Howard Ticktin, and your excellent representative John Grupenhoff, who is one of the most knowledgeable men on health affairs in the capital. I am very impressed with the AGA's dedication and sincerity. Your concern about the thirteen million Americans afflicted with digestive diseases is highly commendable.

Despite your record of achievement, however, I am sure you would agree that much more needs to be done. In biomedical research, in manpower development, and especially in patient care, we cannot afford any "resting on laurels".

One major step has been taken in the research field with the signing last week of H.R. 13591. I am very proud to have worked with you on this new digestive disease legislation and I am convinced that the net result will be an increase in the Federal government's efforts in research into the causes, cures and treatment of digestive tract diseases.

Your efforts must not stop here, however. The name of the game now is appropriations. I hope you will continue to support your leadership in their efforts to secure adequate appropriations for digestive disease research programs, especially within the National Institute of Arthritis, Metabolism, and Digestive Diseases.

In addition, I might suggest that you consider developing sources of funding for research outside the Federal government. You are all aware of the government's cutbacks in spending on various health programs in recent years. Many worthwhile research projects have had to be abandoned as a result of these cutbacks. Those of us in the Congress who have fought against these "penny wise/pound foolish" reductions have not always been successful. Hopefully, we will do better this year. To skimp in this area—where most hospital cases originate—is false economy.

I am aware you are considering the establishment of a layman-oriented digestive disease society, similar to the American Cancer Society. Without meaning to meddle in your internal affairs, I would simply point out that this seems to be a fine idea. A strong digestive disease society would serve as support for proper funding and also augment government research programs.

In the area of manpower development, I am aware of the need for more specialists such as yourselves. During our hearings on digestive diseases last fall, Dr. Ticktin pointed out to our committee that there are only about 2,000 M.D.'s with special training and professional interest in gastroenterology, and that only some 500 are board-certified. He also told us that seven states have no such board-certified specialists and nine states have only one.

This is clearly inadequate considering the numbers of Americans afflicted with the diseases in which you specialize. Hopefully, the legislation which became law last week will begin to remedy this situation. The language of this legislation instructs the director of the re-named Institute to carry out programs of support for training in digestive diseases, including support for training in medical schools and graduate clinical training.

I would mention, however, that there is a large and growing tendency to give special emphasis to programs aimed at the development of *primary* care physicians. Moreover, I support this position. Despite the great need for additional members of certain specialties—and your own specialty is clearly one of the most undermanned—it is nevertheless a fact that millions of Americans have great difficulty obtaining even the most basic medical attention.

This brings us to the area of patient care. As you may know, we in the Congress are working on legislation this year regarding health maintenance organizations. Many of us are becoming convinced that a reorganization of our health care delivery system is very much in order. Most of us are determined to avoid "socialized medicine" in which the providers of care are in effect employees of the government. However, we cannot ignore the spiraling costs of health care, the wide-spread lack of access to health care and health care facilities, and the variable quality of health services.

I strongly urge you to take an interest in these problems and in the various proposed solutions to these problems, including, possibly, health maintenance organizations. Most of you are established specialists. It might be easier for you to sit back and let someone else worry about these problems. It might be easier to ignore attempts in your local community to better organize health care. But let me assure you that if these problems are not solved through HMOs and other reasonable approaches, attempts will be made to solve them with radical new programs which may dramatically change the practice of medicine as we have known it.

You are all aware that it has always been something of a cliche to say that the best health care is that which prevents sickness. Likewise, you are all aware that American medicine has been mainly "curative" rather than "preventive". You may not be aware, however, that these cliches are beginning to take on substance in governmental health programs. Programs to encourage forms of multi-phasic screening are being approved; programs to increase primary care in order to reduce the higher expense of hospital care are being approved; and programs to re-double our efforts to vaccinate against diseases are being approved.

One particular element of preventive medicine—nutrition—is especially applicable to your own specialty. Many people feel that physicians have not given proper attention to nutrition. These feelings are being translated into pressures on Congress to do something about nutrition problems. It seems to me that, as digestive disease specialists, you can perform a great public service by increasing nutritional research and applying that knowledge to preventing nutritional deficiencies. You might also think about expanded programs of public education in nutrition.

I have mentioned only a few of the many aspects of health in which you have a direct interest. I would be negligent, however, if I did not add that all health disciplines have a responsibility in all other health matters. We cannot afford professional isolationism at this point in time.

Cancer was given a very high priority last year in legislation. But cancer people would be remiss if they do not lend their aid to the added emphasis we are now trying to give heart, lung, digestive and other diseases.

What I am saying is that we must all share a responsibility to give the total health issue our support—even after individual victories have been won.

A new system of health must be devised for the people of this nation. A system based on a solid foundation of our existing system of health, but one which will be more responsive to today's needs.

The focal point of that effort will be the creation of a new, Cabinet-level Department of Health. We vitally need to bring it all together for health. We are now laboring under a fragmented, unguided, patchwork of programs which has become crisis-oriented.

Every aspect of health is related to all other aspects. The minute you enter a patient into a hospital for observation or for an operation, you have engaged a care facility where manpower, space and a payment mechanism come into play. If your patient's ulcer suddenly perforates or bleeds, and he must be taken immediately to a hospital, that emergency service and the status of the blood bank are other links with the overall health service system of which you must be cognizant.

Somewhere I remember the phrase "bring us together". Well, I can think of no other segment of our life that needs bringing together more than health.

That is why it is absolutely necessary for us to give health a proper priority, to bring together all of our health efforts where a Secretary of Health can propose and advise the President on the health care to be provided to all Americans—where a national plan can be projected to reach a national goal.

I ask you here today to join in this effort. It will not be an easy task. And for just that reason, your help and leadership is needed all the more.

Our challenge—to provide the best medical care for our citizens—is a great challenge. But the rewards of accomplishment will be equal to that challenge.

LOS ANGELES CITY COUNCILMAN TOM BRADLEY HONORED

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CORMAN. Mr. Speaker, this Friday the people of Los Angeles are honoring city councilman Tom Bradley.

While serving as a policeman for 21 years and a city councilman for the past 9 years, Tom has shown enormous understanding for the needs of Los Angeles citizens. His tireless efforts have made the city a better place to live for all Angelenos. His public service has also brought him a national reputation as an authority in urban problems.

As one who has been privileged to know and work with Tom for many years, I must say that this acclaim is more than well deserved.

Tom is a pioneer in coordinating the activities of urban government around Los Angeles, throughout California, and the Nation. Among his many duties he serves as chairman of the State, County and Federal Affairs Committee; president of the National Association of Regional Councils; president of the Southern California Association of Governments.

Honoring Tom Bradley is a pleasure and a privilege. His legislative achievements in crime prevention, a clean environment and economic betterment plus a myriad of other social problems are cause for due tribute. I join the many who have benefited from his presence in Los Angeles in extending my deepest appreciation and wishes for his continued success.

SOCIAL SECURITY AND POLITICS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. RARICK. Mr. Speaker, the political season has again arrived when the temptation to promise gifts to everybody overcomes dedication to good government—especially is this true when the gifts and promises are to be paid with other people's money.

I insert the following news clipping detailing the "shell game" perpetrated by legislation proposing either a 10 percent or 20 percent increase in social security benefits and explaining the real effect of such legislation on the American economy and financial picture in the RECORD.

[From the Richmond News Leader, June 20, 1972]

SOCIAL SECURITY HOAX

Every time that Congress starts tinkering around with the Social Security program, Americans ask only two questions: (1) How much more will I get? from Social Security recipients, and (2) How much more will I have to pay? from workers who have to finance new increases.

This summer, the public should ask more than those two questions, unless it is willing for Congress arbitrarily to derail the traditional system. This may come about as the Senate considers a House-passed bill providing for five per cent benefit increases; the Senate Finance Committee has seen the House's five per cent and raised it to 10 per cent. Some 60 members of the Senate vow to try for a 20 per cent increase. If either the 10 per cent or 20 per cent increase goes through now, it will cause a radical departure from the traditional method of Social Security funding.

In the past, Social Security has operated on a theory thought to be actuarially sound, whereby reserves covered future commitments. This method kept the level of payroll taxes roughly tied to benefits, exerting a measure of self-discipline; i.e., Congress could not lavish generous benefits on recipients without simultaneously increasing payroll taxes enough to finance its generosity. Now, however, the Senate may abandon this traditional system to a non-actuarial system. If it succeeds, it will be able to use reserves to finance unparalleled election-year increases for recipients without raising payroll taxes to the drastic level necessary to finance those benefits.

In this manner, 28 million Social Security recipients would benefit from a one-time windfall that would wipe out Social Security trust fund reserves, without forcing Congress to enact unpopular tax increases that could cause resentment among 80 million American workers. And, in an exercise of political cynicism, members of Congress hope to get the benefit increases through in time for recipients to receive the increases, retroactive to June 1, in their November 3 checks. That's only four days before election day. Draw your own conclusions.

Although inflation hits those on fixed incomes the hardest, it still is possible for Congress to enact equitable benefit increases without going overboard. From the outset, the program never was intended to provide full retirement benefits; it may be recalled that the maximum tax paid annually in the late 30s was $30 a year each by employer and employee. As late as 1954, the maximum contribution was $72 each for a worker and his employer. Under the House-passed bill, the maximum contribution from employer and employee would jump to $754.80 each, or to a total of $1,509.60 a year. By raiding the trust fund, the Senate probably could avoid such steep increases before 2010, when the number of persons retiring will jump as those born during the post World War II baby boom reach 65. Then the tax would have to rise to 25 per cent or 30 percent to finance benefits.

Along the line, no one has seemed too interested in where all of these proposals may take the program: Let the Congress of 2010 grapple with that problem. Historically, Congress has maintained at least a pretext of benefit-contributions restraint; now the Senate Finance Committee would abandon even this pretext by raising monthly benefits for small contributors to $200 a month for a single worker, and to $300 a month for a retired couple. This action would further undermine the program by turning it into a method of income redistribution through a system of regressive taxation that bears most heavily on medium and low wage-earners.

By trying to combine a welfare program with a contributory retirement program, Congress eventually may succeed in alienating young workers who must pay for Social Security. Under the current system, an 18-year-old who works 46 years will pay in an average of $19,200 before retirement. If that money were invested at 5.5 per cent, and added to his employer's matching contribution plus interest, at retirement he would have a $171,316 nest egg. If he purchased an annuity with his payroll tax, matched by his employer's contribution, plus interest, he would have a principal that would pay him $17,316 a year, or $224,200 during his average life expectancy after retiring. At most, he can expect to get a total of $80,888 in benefits from Social Security under the current system, or $94,400 under the House-approved measure.

The income from Social Security taxes now represents the government's second largest source of income, exceeded only by income from the individual income tax. This income runs around $50 billion a year now, giving Congress a nice piece of change to play around with in election years. This year, given the chance, Congress may go the whole route and wipe out Social Security reserves to accomplish a one-time windfall benefit. That might be a shrewd move, on a temporary basis, during a recession or a depression, but it hardly makes sense at a time of economic recovery, when no more inflationary pressures are needed.

It also would add to the Federal deficit under the unitary budget system, because trust fund surpluses are borrowed to offset deficits in government operations. If the Senate, and then the House, goes along with this proposed shell game, it may endear itself to the gimme vote, but it will make no friends among those who recognize a hoax when they see one.

A CATASTROPHE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ZWACH. Mr. Speaker, the entire Nation and most of the world is aware of the tragedy that struck Rapid City a couple of weeks ago because of the heavy loss of life in that flood.

A similar tragedy, without the loss of life, is taking place in western Minnesota and eastern South Dakota, which draws hardly any notice, outside of its immediate area, but which might cost the people just as much as the Rapid City disaster.

The area to which I am referring had an abnormally wet fall and plentiful spring rains. At about the time the land was ready for planting, additional heavy rains began to fall. Some areas had as much as 10 inches of rain within 2 weeks.

Fields are flooded. Crops that had been planted have been washed out. And the rain is still falling.

Margery Burns, one of my favorite rural Minnesota newspaper columnists, treats with this problem in a recent column which I am inserting into the CONGRESSIONAL RECORD, with your permission, and which I hope all of my colleagues will read:

A CATASTROPHE

A catastrophe hit western Minnesota. If it had come in one day, the whole country would know about it. But the rain took a whole month to turn western Minnesota into a disaster area.

Flooding rivers are spectacular. Flooded fields are only sodden masses of land which can't be seen from the highways. And because this catastrophe isn't a spectacular disaster, the extent of it and the results of it don't get the attention. But the results will be as devastating as a hit-and-run tornado.

The time it takes to plant the crops is short here in Minnesota. If June comes without most of the corn being planted, then there is no use to plant corn. No crops of any kind, small grain, sugar beets, soybeans, can be planted if farmers can't get their machinery into the fields.

And that is the situation in western Minnesota.

This is tough on farmers. And it's tough on everyone living in western Minnesota. This affects bankers and implement dealers and appliance dealers. It affects clothing stores and school teachers and cafes. Doctors and insurance agents and feed salesmen are affected. There isn't one single person who won't feel this catastrophe in the next year.

There are plans being made now by different groups to get Congress to change the regulations so that farmers can plant other crops besides their allotments wherever they can get their machines in. More plans are for disaster loans for farmers. Every avenue for help is being pushed.

When a sudden catastrophe strikes, everyone rushes in with all kinds of help and aid. But when a catastrophe creeps in, it is so unbelievable that it paralyzes everyone. Until it's almost too late.

If Congress and if the Department of Agriculture will help western Minnesota now, they will save many people along with the farmers.

HAMS SERVE US

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. THONE. Mr. Speaker, radio amateurs, licensed by the Federal Communications Commission to operate broadcasting stations on a noncommercial basis, call themselves hams. They form one of the most valuable groups in the United States in giving public service, particularly in times of emergency.

There are more than 270,000 hams licensed by the FCC and more than 100,000 are members of the American Radio Relay League, the ham's association. Hams have provided advances in radio techniques, bouncing signals off the moon, and developing the single-sideband system, since adopted by the military as their means of communication.

Hams provide the only link for the outside world in remote areas, such as Pitcairn Island. Hams were the means by which Thor Heyerdahl's Ra expeditions remained in touch as they crossed the ocean.

Whenever there is a disaster, such as the flood at Rapid City, S. Dak., in 1972, or the Alaska tidal wave of 1964, the hams are on the air 24 hours a day providing communication. They serve in little publicized ways also. For example, a fire on railroad property in Nebraska was quickly extinguished earlier this year because it was reported by a radio amateur.

One of the greatest public service ventures involved with the war in Vietnam was organized by a Nebraska ham, Hugh Tinley. Back in 1967, he arranged with the Pentagon for establishment of an amateur radio station in Vietnam, operated by hams in service. Through this station and the hams in America, about 30,000 mothers, wives, and children have talked to their servicemen in Vietnam in a project called Operation Hello.

A man who had just escaped after being a prisoner of the Vietcong was able to inform his mother personally of his safety through Operation Hello. A mother who had just been informed that her son had been wounded was reassured by a personal call from him. A wife and mother of a Marine captain talked to him shortly before he was killed in battle in Vietnam. They wrote: "You can understand how precious that call was."

The radio amateurs are organized to work both with the American Red Cross and Civil Defense. The week of June 18–24 is Amateur Radio Week and a celebration of the 58th birthday of the American Radio Relay League. This weekend will be the annual field day for thousands of hams, who will travel to unpopulated areas to test their abilities to operate under emergency conditions. With their own power supplies, they will be operating portable equipment; so that they will know they are ready to function in event of disasters.

America is grateful for the hams who serve us.

SALUTE TO EDUCATION

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. HANSEN of Idaho. Mr. Speaker, today as we salute education in America and stress the important role it plays in a free society such as ours, let us take a moment to consider the unique opportunity we have as lawmakers and public servants to work together with educators for the betterment of that society.

It is our fortune that our lifetime is marked by the most dynamic changes and far-reaching challenges ever faced by a human generation—from science and technology to economics, politics and culture. For education in this country, there has been no escape from this pattern of accelerating change and challenge and we are steadily moving closer and closer to quality education for all Americans.

Changes in student population and attitudes, teacher supply and demand, public tax bases and resources, public aspirations and expectations, plus professional demands and innovations have all resulted in central and immediate challenges to the contemporary American educator.

Yet a second look at these educational challenges reveals that the educator is not alone in the search for the best responses—for issues involving students, teachers, taxpayers, public desires and professional debate also deeply involve the lawmaker at all levels of Government. In fact, it is proper to speak of the educator and the lawmaker as in partnership for the promotion and advancement of American education.

Within the last 20 years, Federal aid to impacted areas, the National Defense Education Act, the Higher Education Act of 1965, the Elementary and Secondary Education Act of 1965, the Education Professions Development Act, the Education Amendments of 1972 and a host of other statutes have greatly increased the Federal contribution to American education. At the same time, the State governments have likewise increased their concern for and contribution to elementary, secondary and higher education.

William Allen White once said that:

> In education we are striving not to teach youth to make a living, but to teach youth to make a life. . . ."

To ensure the best life for youth and for all Americans, we, in Congress, must continue to work together with educators throughout our Nation to evolve a harmonious, complementary relationship which will allow us to bring to bear our finest talent as we face the educational changes and challenges in the years ahead.

SPORT MAGAZINE HONORS PITTSBURGH AREA COLLEGE STUDENTS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. MOORHEAD. Mr. Speaker, each month Sport magazine picks an outstanding student athlete as its "College Athlete of the Month." This young man or woman not only is an individual who has performed capably on the intercollegiate athletic fields but he or she is a person who has made significant contributions to society in nonathletic activities.

Of the 12 young men and women chosen last year by Sport, three of them either live or go to school in the Pittsburgh area.

John Babinecz, an outstanding varsity football player at Villanova, is a resident of the Oakland section of Pittsburgh and a constituent of mine; Joel Klimek, who lives in Seanor, Pa., was one of the last year stars of the University of Pittsburgh's football team; and George Karl, of Penn Hills Township, just outside of Pittsburgh, was a sparkplug for the University of North Carolina's basketball and baseball teams.

Each of these young men distinguished himself in sports competition and each made a much greater mark contributing something of himself to his fellow man.

I would like to introduce into the RECORD at this time the "College Athlete of the Month" articles on these men, which appeared last year in Sport magazine. And I want to wish them congratulations and success in whatever endeavors they choose.

COLLEGE ATHLETE OF THE MONTH

(By Don Kowet)

JOHN BABINECZ, VILLANOVA UNIVERSITY

At Villanova University, linebacker John Babinecz was an agile and devastating tackler. Quick at reading enemy defenses, Babinecz consistently turned his territory into a graveyard of busted plays. He was steady under fire. He was ruthless. And the Dallas Cowboys made him their second-round draft choice this year.

There's another dimension to the man: John Babinecz the straight-A student at Central Catholic High School in Pittsburgh, who was elected to the National Honor Society and to the student council. Now add a third dimension; A man with a deep and abiding love for kids.

Babinecz was born in Pittsburgh, the second of three brothers. His father was an ironworker who died in an on-the-job accident when John was only six. "It was kind of difficult for my mother," he recalls. "She received some money from Workmen's Compensation, but we never lived in luxury."

John played football in high school, tight end and linebacker. At Villanova, he took a general social science major, plus the organic chemistry and biology courses required for pre-med students. He soon excelled both scholastically and on the gridiron, two activities demanding enough to consume all the time of most undergraduates. But not for Babinecz. At the beginning of his junior year, a seminarian (a student preparing for the priesthood) asked him if he'd be willing to go to the St. Edmund's Home for Crippled Children once a week to help out with a physical therapy program. "I went down there," John says, "and I really had a good time with the kids. So I just kept on going for the next two years."

It's a bald, factual statement, but overly modest. Says G. A. Macklin, the novice seminarian who first brought Babinecz to St. Edmund's Home: "Every Friday night, when the social fraternities were at their peak, Babinecz and his friend Jim Coneys, along with a handful of seminarians from St. Mary's Hall, were at the Main Line YMCA, giving the children from St. Ed's their physical therapy. Even during the spring, after their Friday practice, those two would come running over to St. Mary's to catch the ride to St. Ed's and then to the 'Y.' On Sunday mornings, you'd see these two come to Mass with the children, take them out for rides in the 'Babinecz-mobile' in the afternoons. Sure the kids were crazy about the two 'jocks,' but anyone who would drag himself off a field on a Friday afternoon to take 20 screaming kids swimming . . . well!"

Eventually, Coney's visits were curtailed by a football injury. But Babinecz, alone, still kept up his visits. "I don't know why," he says, laughing. "I just love kids, yeah, I do. I love them because they'll tell you how it is no matter what. Even if it hurts."

The first time he went to the Home, it *did* hurt. "I'd never been among kids like that before," he says. "I was really despairing, because you see all these kids—and you wonder what kind of future there is for them." He saw kids with cerebral palsy, kids with birth defects, paraplegics, the mentally retarded. And on that first visit they were suspicious of him. It was a challenge. "I started going down there every week," he says. "I'd take them swimming, and after a while they began to ask me to hold them while they tried swimming—and I knew they were beginning to accept me." Soon he was taking them out in the "Babinecz-mobile." "I took them in my car out to a farm nearby to see a horse named Rocky—Roan old nag who's always out by the roadside." Babinecz always took along a supply of sugar and apples. "Most of the kids were afraid of Rocky at first," he says, "but by feeding him they lost their fear and ended up petting him. You can't imagine how they loved it."

With a contract from the Cowboys in the offing, Babinecz has decided to postpone his dreams of becoming a pediatrician, at least temporarily. "The Cowboy linebackers, Howley and Jordan, are great vets to learn from," he says. "I figure I can wait around maybe a year or two just learning from them, and then when they retire, I'll be able to step right in. After this season I'll have time to decide if I want med school bad enough."

So, some future time, when you watch John Babinecz in a Cowboy uniform, remember that you're seeing only one dimension of the man. Under the helmet there's an acute intelligence that earned him academic honors. And the hands that can slap an opponent into the dirt are the same hands that guided crippled kids in a swimming pool, that reached out to kids maimed by fate.

JOEL KLIMEK, UNIVERSITY OF PITTSBURGH

Joel Klimek, the University of Pittsburgh's 6–2, 225-pound tight end, was born in Seanor, Pennsylvania, a mining town tucked in the hills outside of Johnstown. "I think we were lucky if we had 100 people in our town," he says. "You knew everybody. The only way you met someone new was to hitchhike out of town for the day—say, to a town with 200 people."

But Joel rarely rode out. As a boy, he says, he was shy. And even with the free ride, without cash to spend small towns can be cold towns.

Joel's father was a miner. Periodic work stoppages meant interminable weeks of waiting, relieved only by daily trips to the mining office and weekly queues for unemployment benefits. "My mom was always able to take care of my sister and me, even when things got tough for my dad," he recalls. "But sometimes it was a struggle."

In a small Pennsylvania town isolated from city diversions, street football became, for kids like Joel Klimek, the drive-in movie, bowling alley and miniature golf range all in one. "Football was about the only thing I knew how to do in those days," Joel says.

Of course, football was more than a game to the kids of Seanor. It was a short-cut to the good life, a meal ticket to prosperity. Success at football meant a ride in the American Dream Machine. And the prerequisite was a college scholarship.

At Conemaugh High School Klimek lettered in basketball, track and football. But football held top priority when he matriculated at Pitt in 1965. However, that year so few authentic candidates showed up for early practices that Pitt cancelled its freshman schedule. Klimek spent the year daydreaming about the gridiron instead of studying. The following year he found himself in overwhelming academic difficulties. He left school, returned home to work for a mining company. A few months later he was drafted for the war in Vietnam.

"I was a mortarman with an infantry company and we were in the field for the whole year I was in 'Nam," he says. In June of 1969 he came home, with five medals (including the Bronze Star) and scar tissue from three wounds.

But Joel brought back something beside the medals and combat scars. When he returned to Pitt in the summer session of 69, it was with a new commitment. "I'd really matured in the Army," he says. "Besides the pressure of combat—what you see, what you do to survive—what helped me was meeting so many different people and talking about different views and ideas."

First proof of this new maturity came when Klimek's name appeared on the academic Dean's List. It also showed on the football field. Last season he caught 29 passes for 329 yards and one TD, while establishing a reputation as one of the fiercest blocking ends in the East. When his eligibility for the 1971 season was temporarily in doubt, a half-dozen NFL teams asked him to come to their training camps as a free agent. But Klimek decided to stay at Pitt. His teammates needed his football skills. (By the fourth game of '71, Klimek had caught 15 passes for 177 yards, including seven for 102 yards against West Virginia.) Besides, some kids needed his compassion.

For his most enduring souvenir of Vietnam was a vivid knowledge of human suffering. When his class of 20 in a physical therapy course was offered work in a special on-campus program for the mentally and physically retarded, only four students accepted the challenge. Klimek was one of them.

Initially he devoted two days a week to helping retarded kids, five to 18. "We just tried to get them to do normal, basic things with their hands. Little things. Like rolling a ball." But soon he started showing up after classes, too. Joel began to get involved—with one child in particular. The boy was about 15, had been a bright child till the age of six, when he had suddenly developed epileptic seizures.

Joel says: "Here was this big kid, maybe an intelligent kid—and we had to half-carry, half-walk him around the room all day to keep him from dropping off to sleep. He had to have the drugs because without them he was hyperactive, which brought on the attacks. But with the drugs he became listless. It was depressing."

But Joel—along with the other staff—persevered. And by the end of last year the boy was transformed. "The change was amazing," Joel says. "We had him stepping through innertubes and following and understanding verbal commands."

Change. The child trapped in a body short-circuited by seizures had begun to respond. Change. The miner's son who had only known how to play football had become a Dean's List student who knew how to care.

GEORGE KARL, UNIVERSITY OF NORTH CAROLINA

A high school basketball star in suburban Penn Hills, Pennsylvania, George Karl filled his days with varsity sports: A year of football; four years of baseball, volleyball and basketball. And after sports came his studies—and after homework came drive-in movies and dates. It was an affluent town, and kids like George Karl could afford to indulge themselves with harmless entertainments.

Except that some kids got restless. A drug mania drowned their emptiness. "There were two or three people—great people—and I saw them get destroyed by the drug culture," George says. "They not only ruined their basketball careers, they ruined their minds. All of them could have been leaders, so by ruining themselves they ruined a lot of other people, too. People they could have helped."

After graduating from high school George entered UNC at Chapel Hill with a basketball scholarship. For one year he forgot the friends he had seen drift off in a heroin haze. He played six games for the UNC freshmen, he had a back operation. Nothing changed until the beginning of his sophomore year, when he renewed an old Penn Hills friendship with Duke basketball player Dick DiVenzio. DiVenzio told George about a new narcotics rehabilitation center that had opened in Chapel Hill, on a farm only five miles away from the UNC campus. George says, "Dick asked me to go around and make talks to raise money on campus for Genesis House."

Genesis House, George explains, is a privately funded drug rehabilitation center operated by Dr. Robert Senior. "Dr. Senior doesn't want federal, state or local government funding. He wants to avoid taking money that has strings attached to it," George says. Genesis House is unorthodox—a farmhouse located on 127 acres of farmland, where 16 ex-addicts keep busy working on such tasks as raising crops and tending cattle, horses and pigs.

"There's no professional staff living with them," George says. "They're all on their own, except for one guy who was cured through the program and then asked to stay on to help the others, in a semi-official way. Of course," he adds, "Dr. Senior keeps a close watch on the entire operation."

The economic goal is to make the farm self-supporting. The psychological goal is to nurture in the ex-addicts emotional tools for their return to mainstream society. "They sit around after work and discuss their problems," George says. "They're a tightly knit group and a kind of love comes out of what they're sharing now, the experiences they went through outside. They feel loved and realize they're lovable." This new-found self-esteem eventually enables them to leave Genesis House without fear of an eventual relapse into addiction.

Unorthodox, yes—and therefore dependent for survival on private contributions. "I go around and speak at women's groups, Kiwanis Clubs, business organizations, fraternities, sororities—and I ask for donations," George explains. "Mainly I fill my talks with statistics. I tell them how there are 25,000 heroin addicts in the state of North Carolina, how that represents an increase of 55 percent over the past five years. I use statistics to try to scare them into facing reality: That the drug problem isn't just something that happens in New York City; that the drug problem is in their high schools, their universities—right here in Chapel Hill."

According to Karl, last year Genesis House collected $26,000. "This year," he says, "we were lucky enough to start off with a $30,000 grant from a local church group. And the basketball team held a day this year when we sold autographs, gave away basketballs, got fans to pose for pictures with us for a small contribution—we raised $1000 that day alone."

On that North Carolina basketball team, one of the top ranked in the nation, the 6–1, 183-pound junior is "point man" or "quarterback"—the guard who calls all offensive and defensive signals. "When I graduate I might go into coaching," George says, "if I don't play pro ball. Or else I might go into the Peace Corps for awhile—I'm a political science major and the Peace Corps would tie a few of the things I'm interested in doing into a bundle. One thing I have decided," he adds, "is that I want to get into a career where I can really help people."

So his goals, his attitudes have altered since high school. His involvement with Genesis House has led to a personal genesis of his own—a creative start toward a lifelong commitment.

SALUTE TO EDUCATION

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BELL. Mr. Speaker, today, June 21, 1972, educators from around the nation are joining in a Salute to Education. Education is the lesson of the past, the source of today and the hope of tomorrow. This salute is only a small tribute to our educational institutions and to those men and women who have dedicated themselves to the enrichment of this country's educational process.

The rapid growth of educational quality in our Nation is perhaps the major reason for our assumption of leadership in the world. We are simultaneously a model to the emerging smaller nations of the world and respected by the larger nations. It is largely through the accomplishments of our educated men and women that this country and others have flourished.

All of society benefits from the education of its members; technological and medical breakthroughs result from the research, philosophies, and dreams of our educated. These advancements have strengthened the foundations of the societies of the world, and in this country, we can now look forward to a longer and more leisurely life. Education is the essential base from which society grows and prospers.

Our educational system prepares its men and women to realize the full potential of themselves and their nation and to create new horizons for which to strive.

More important, however, education has and must continue to teach each man to become a free thinker in society. It must encourage man to thrust his individuality into the world of the unknown—to think, choose and act for himself in relation to those around him. Education is more than the knowledge gained from books. It is, rather, an ongoing process of life.

Through education comes change, and change is the heartbeat of society. The future of all nations depends on the educated man's dissatisfaction with the present. Education has taught man not only to desire positive change, but also to accept it.

Therefore, I am proud to join in this salute to education—for what it has done, for what it is doing, and for what it will accomplish in the future. We must continue to support and encourage our educational system. We deserve it.

"PLUTONIUM AND THE ENERGY DECISION"

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DOW. Mr. Speaker, at an appropriate time during the debate on the Public Works/AEC appropriations bill, I will offer an amendment to delete all funds for the liquid metal fast breeder reactor—LMFBR—demonstration project. I feel that this project will put us on an irreversible course to an energy economy based exclusively on plutonium, one of the most toxic substances known to man.

This is a highly complex area of public administration, but after close study, and after noting the opinions of some of America's foremost scientists, including several Nobel Prize winners, I have concluded that it would be wise to delay this demonstration project until we have evaluated all the alternatives. For example, fusion reactors are considered a feasible and safer means of power production than the LMFBR's. Have attempted once to delete the LMFBR research funds from the appropriations bill, I will not offer that again, but the demonstration project should be seriously questioned.

I would like to invite my colleagues to read the article I will append below which discusses the consequences of our Nation committing itself to plutonium technology. It is by Donald P. Gessaman and was published in the September 1971, Bulletin of the Atomic Scientists.

PLUTONIUM AND THE ENERGY DECISION

(By Donald P. Geesaman)

In our social climate of aggresive change, technology has evolved to a special station. As a catalyst of change, technology has become a basic implement of economic and political power. As a consequence, technological decisions are made on the limited social and physical scales dictated by specific economic and political responsibilities. This decoupling of decision from the complete world is the indulgence of a society that is socially diffuse and physically unconfined. It is an indulgence that can no longer be sustained.

The premium value placed by our society on growth and innovation manifests itself in a promotional attitude towards technology. Within this basis, benefits are regarded with indelicate optimism, and detriments as the hobgoblins of small minds. In the absence of any effective institution of contrary bias, the promoter's influence has become the dominant and hence the characteristic influence in our society attitude toward technology. This situation deprives society of an overall appreciation of alternatives and implications, and hence, in the largest sense, is not beneficial.

Technology has conferred upon our society a way of life. Society is now vaguely coming to realize that something must be done to assure that this way of life is acceptable and sustainable. If these expectations are to be realized, then decisional decoupling and promotional bias must be recognized as defects in the present relationship between society and technology. The enery crisis, the reactor controversy and, more specifically, the proposed plutonium economy of the future are representative of this problem. It is in this context that they will be considered.

The present energy crisis in this country is largely confined to the electrical sector of the energy market. During this century the electric utility industry has enjoyed an uninhibited growth through orders of magnitude. The dilemma in which this industry presently finds itself is a consequence of the intrusion of new growth limiting factors on its former economic isolation. Because of this intrusion the industry has begun to recognize the distinction between markets and needs. It is certainly true that the markets for electric power are not saturated, and to the extent that they are decoupled from the social and physical world, the markets could be expected to grow exponentially for some time to come. But it is naive to believe that saturation of the markets will painlessly place the ultimate limit on the growth of the electric power industry. In fact, what the present crisis demonstrates is that physical limitations such as fuel availability, biological limitations such as air quality, and social limitations such as siting criteria are factors that intercede long before market saturation.

Recognition of this fact would be wider spread if a heavily subsidized nuclear technology had not materialized in the 1960s, and offered the possibility of bypassing these growth limiting factors. The Atomic Energy Commission and the reactor vendors promised clean, safe, cheap, abundant electrical power; and the utility industry accepted the nuclear solution to their restricted responsibilities, and in the years 1964–67, 60 reactors were purchased for some $10 million in an unprecedented economic commitment to a new technology. As a result of promotional bias and isolation of decision, the determination to implement this major technology was easy for society. Too easy in fact, for now when the reactor arguments are belatedly raised in a larger forum, society is faced with its own fait accompli, and technological judgement is further distorted by deep economic involvement.

FISSION CUL DE SAC

It has been eight years since the sale of the Oyster Creek reactor precipitated the rush to nuclear power. Some 110 commercial reactors are now completed or on order, and only now are the simplest implications of the commitment being widely appreciated. Radiation standards are being contested because of the potential increase in low level radiation exposure. The threat of major reactor accident has become aggravated as reactors have accumulated more rapidly than operating experience. The disposal of high level radioactive waste is an unsolved problem; no disposal site has been finally approved; and the practicality of large scale solidification of wastes is still undemonstrated. But reassessment of the reactor decision is awkward with so much committed, with some tens of thousands employed by the industry, with billions of dollars of reactor-funding utility bonds held by pension funds, insurance companies and foundations, and with the Federal Power Act's tradition of "greatest possible economy" as an added constraint on the production of electrical power.

In the final analysis the present generation of light water reactors is a technological *cul de sac*, with little relevance to a solution of the ultimate energy problem. This technology is probably no more than a final offering at the altar of exponential growth of electric power. The future and the substance of the fission program is the breeder reactor, and the representative fuel of the breeder is plutonium.

Plutonium is an element virtually nonexistent in the earth's natural crust; for all practical purposes it is of man's doing. It has several long-lived isotopes, the most significant being plutonium-239, which because of its fissionable properties and ease of production is potentially the best of the three fission fuels. Plutonium-239 is an alpha emitter with a half-life of 24,000 years, hence its activity is undiminished within human time scales. It is 30 years since plutonium was first produced and isolated by Glenn T. Seaborg, now chairman of the AEC, and his colleagues. Until recently it was significant only as a nuclear explosive. Now, the Atomic Energy Commission is promoting it as the energy source of the not too distant future. How is this new technology to be assessed and appreciated by society? From Chairman Seaborg's "child-in-the-manger" descriptions of plutonium's origin; from romanticizations of the future, reminiscent of Jules Verne; from speculative projections of of energy needs and markets to the year 2020? The more favorable side of the picture will assuredly be there; but is that enough for society or even utilities to judge by responsibly when considering the conjectured primary energy source of the future.

If the liquid metal fast breeder reactor is developed and implemented according to AEC projections, then by the year 1980 commercial plutonium production will be 30 tons annually, and in excess of 100 tons by the year 2000.

Plutonium is a fuel that is toxic beyond human experience. It is demonstrably carcinogenic to animals in microgram quantities. (Pure plutonium-239 in this amount would be roughly the size of a pollen grain). One millionth of a gram injected intradermally in mice has caused local cancer. A similar amount injected into the blood system of dogs has induced a substantial incidence of bone cancer because of the element's affinity for bone tissue. It is fortunate that the body maintains a relatively effective barrier against the entry of plutonium into the blood system.

Under a number of probable conditions plutonium forms aerosols of micron-sized particulates. When lost into uncontrolled air these particulates can remain suspended for a significant time, and if inhaled they are preferentially deposited in the deep lung tissue, where their long residence time and high alpha activity can result in a locally intense tissue exposure. The lung cancer risk associated with these radiologically unique aerosols is unknown to orders of magnitude. Present plutonium standards are certainly irrelevant and probably not conservative. Even so, the fact that under present standards, the permissible air concentrations are about one part per million billion is a commentary on plutonium's potential as a pollutant. Its insolubility and long half-life make the continuing resuspension of particulate contamination another unresolved concern of serious proportions.

Nor is plutonium contamination an academic question. In May 1969 the most costly industrial fire in history occurred in Colorado at Rocky Flats, the weapons-making plant operated for the Atomic Energy Commission by Dow Chemical. This major plutonium handling facility lies 10 miles west of Denver. A subsequent environmental study by an independent party, E. A. Martell, revealed that offsite plutonium contamination was two to three orders of magnitude greater than would have been expected from measured plutonium losses in the heavily filtered air effluent of the plant. After-the-fact explanations seemed to fix the source of this anomalous contamination as wind blown plutonium that had leaked from openly stored barrels of contaminated oil. The plutonium involved in the fire was largely contained and apparently was not implicated in the off-site contamination. Nevertheless, it is hardly reassuring that consequent to this fire Congress voted a special appropriation of $25.5 million (of a projected $118 million) for the upgrading of "fire protection, safety and operating conditions" at Rocky Flats and similar facilities. And there is little comfort to be found in the irresponsible waste disposal practices which were revealed by the investigation after the fire. The leakage of plutonium from the contaminated oil led to an uncontrolled source of plutonium which was some orders of magnitude larger than the integrated effluent loss during the 17 years of plant operation. As a result of this source, tens to hundreds of grams of plutonium went off site, 10 miles upwind from a metropolitan area. The loss was internally unnoticed, the ultimate deposition is now speculative, as is its human significance.

Is present society so psychically stable, so civilly docile that it can have its energy addiction based on a material whose radiological toxicity is such that a few ounces might cause a million undetected and irremediable fatal injuries? A complex and sophisticated society must bear the burdens of vulnerability and constraint that are inherent in its technologies.

Implicit in the present nuclear industry is the production of fissionable material. Our transition to plutonium as a major energy source will inextricably involve our society with the large-scale commercial production of a substance that is a suitable nuclear explosive. A mystique of scientific accomplishment surrounded the development of nuclear weapons during World War II. That mystique has become illusory. The main practical impasse to nuclear weapon manufacture was perfecting and implementing the expensive technologies for manufacture of fissionable material. Gaseous diffusion enrichment of uranium and reactor breeding of plutonium were major industrial projects in their own rights, but they are now implicit in the nuclear power industry. A reactor of even the present generation will produce some 250 kilograms of plutonium per year, and since the amount necessary for an explosive device is described by Theodore Taylor as "a few kilograms," the substantial weapon capability of one commercial reactor can be inferred.

By the year 2000 plutonium is conjectured to be a major source with an annual production in excess of 100 tons. Can these quantities be handled without internal subversion? Underworld involvement in the transportation industry is legendary, and theft in the industry is epidemic. University unrest is ubiquitous, radical activism is a reality. So far as accountability experience is concerned, Nuclear Materials and Equipment Corporation (NUMEC), over several years of operation, was unable to account for six per cent (100 kilograms) of the highly enriched uranium that passed through its plant; and at a recent safeguards symposium the director of the AEC's Office of Safeguards and Materials Management observed that "we have a long way to go to get into that happy land where one can measure scrap effluents, products, inputs and discards to a one per cent accuracy."

[A number of "misroutings" of special nuclear materials has occurred and these have pointed clearly to the need for enhanced safeguards to prevent loss by theft of hijacking.

On March 5, 1969, a container of highly enriched UF-6 (uranium hexafluoride) was shipped from Portsmouth, Ohio, to Hematite, Missouri. It did not reach its destination in Missouri. The AEC, the Federal Bureau of Investigation and many individuals searched intensively. Finally, on March 19, the shipment was found in Boston.

In the same month of 1969, a shipment of highly enriched uranium destined for delivery at Frankfurt, Germany, wound up in London. In April 1970, a drum of waste containing some 70 per cent enriched uranium which was being shipped locally from one firm to another in the same California city ended up in Tijuana, Mexico. U.S. Representative Craig Hosmer of California, a member of the Congressional Joint Committee on Atomic Energy who described these incidents in a talk last year, recalled that the report on the Tijuana diversion was entitled: "Inadvertent export of special nuclear materials." Ed. Note]

When plutonium commonly exists, the possibility of theft will exist, and accountability will be difficult and the technology needed to make an explosive device will be available in textbooks, as it is already. Finally the social price for dealing with the problem effectively may be paid for dearly by the loss of some poorly seen freedom.

Quite aside from this, if the plutonium economy is implemented in the United States, then by symmetry it will inevitably be implemented by other major powers, and the technology would be marketed in all the small and underdeveloped countries that are struggling for stability. With reactor fuel plutonium, fission weapon capabilities are only days away. This capability makes nuclear disarmament seem remote, and is part of the responsibility of accepting the nuclear economy.

Since the Eisenhower administration the exchange of peaceful nuclear technology has been a component of our foreign policy. The peaceful atom has been internationally promoted with enough effect in obtaining signatories to the Nonproliferation Treaty. Without criticizing the Treaty or its intentions, it must be recognized that the line drawn between peaceful and nonpeaceful nuclear technology may effectively define no more than an irony.

Unless fusion reaction feasibility is demonstrated in the near future, the commitment will be made to liquid metal fast breeder reactors fueled by plutonium. Since fusion reactors are presently speculative, the decision for liquid metal fast breeder reactors should be anticipated. Considering the enormous economic inertia involved in the commitment, it is imperative that the significance of the decision be symmetrically examined prior to active promotion of the industry.

In our present society, it is doubtful that this will be done. Promotional bias and isolation of decisions will preclude it. The Atomic Energy Commission, in its posture of promoter, will be functionally unable to serve also as a critical advocate for society in general. This responsibility will be outside the restricted economic sphere of utility and vendor. In this unbalanced situation uncertainties will be unnoticed and shortcomings degraded. Public, industry and government will be effectively uniformed. Unless some new institution of assessment intercedes the consideration affecting the decision will be defective. Technology is too dominant and society too restricted for such defects to be tolerable. A flawed judgement involving plutonium, and all other decisions could be irrelevant.

FISSION AND FUSION REACTORS: THE ALFVEN MEMORANDUM

In the long run fossil fuels cannot satisfy rising energy demand in the world. There are only three sources of energy known which are sufficiently powerful: (a) solar energy, (b) fusion energy, and (c) fission energy. The first one is completely pollution-free, the second one almost pollution-free. The third one is necessarily combined with production of large quantities of radioactive poisonous elements.

In my opinion, the dangers associated with fission energy have not received necessary attention. Whether the pollution caused by fission reactors in normal operation is below a safe level or not is a controversial matter. If a reactor goes out of control, the consequences may be terrible. Even if extreme safety precautions are taken, the large quantities of radioactive material in them constitute a permanent danger. For example, in periods of political or social unrest, sabotage against reactors may cause catastrophes. Furthermore, in a full scale fission program, the radioactive wastes will soon become so enormous that a total poisoning of our planet is possible. Under such conditions safety margins, which are acceptable in other fields, are inadequate. It is not evident whether the waste problem can be solved in a satisfactory way.

If solar energy or fusion energy were available now at comparable cost no one would use fission energy (for peaceful purposes). Unfortunately this is not the case. Solar energy is available but at prohibitive cost. However, there are new interesting solar energy projects which should be examined carefully.

Concerning fusion energy, there is a general agreement that no *fundamental* obstacle is likely to prevent the construction of a fusion reactor, but there are a number of difficult scientific and technical problems which must be solved. There is much speculation about how much *time* is needed to solve these problems, but it is just as much a question of how much *effort* has to be spent.

In my opinion a solution of the fusion problem is less distant today than the Moon was when the Apollo project started. This means that if a national effort of the same kind as the Apollo program were made, fusion energy would be available in a comparable time. If this is achieved, the fusion reactor, especially the breeder, will be of interest only as a danger which must be eliminated as soon as possible.

The views expressed here are shared by many competent physicists. They are basically different from those on which present policy is based. An important decision about the future energy policy of the United States—and of the whole world—should not be made until a thorough discussion has taken place involving advocates for all the three different alternatives for solving the energy problem. (Hannes Alfven, 1970 Nobel laureate in physics, in a memorandum to Senator Mike Gravel, April 2, 1971.)

TOM BRADLEY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ROYBAL. Mr. Speaker, I would like to congratulate a close friend and outstanding civic leader, Tom Bradley, for his 30 years of public service to the people of Los Angeles.

I first met Tom when I was on the city council more than 20 years ago; he was then serving as a police officer in the district I represented. For the past 9 years, Tom has served as a city councilman, working tirelessly on behalf of the city and its people.

As chairman of the State, county, and Federal affairs committee, he has been a strong voice and advocate for the city before Congress and the Federal Government.

Tom has dedicated his whole life to solving urban problems, to achieving equal education and fair employment for all, and to building a safe, clean environment for Los Angeles.

I have only the deepest respect for this energetic and dedicated man. And I know the people of Los Angeles join with me in honoring him today.

VIETNAM: AN ILL-CONCEIVED STRATEGY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, I have been requested by a friend and constituent in Arlington, Va., to insert an article by Father Denis Dirscherl which appeared in the June 11, 1972, issue of Our Sunday Visitor, a National Catholic family weekly newspaper into the CONGRESSIONAL RECORD. This article is on a subject on which thousands of articles have been written and on which there are many many areas of disagreement. The last paragraph is one in which I would hope there would be solid agreement and I would like to add extra emphasis to it:

VIETNAM: AN ILL-CONCEIVED STRATEGY

(By Father Denis Dirscherl, S.J.)

No issue has seared the heart and soul of our country more in the past ten years than the Vietnam War.

This bitter struggle has provoked a wide variety of moods in the American people. In the early years a sense of patriotism prevailed. A feeling of need to stop Communism in its tracks, a responsible movement to help defend the Vietnamese people from Viet Cong aggression, a desire to see that freedom might survive in our time—these were the predominant moods and tempers in the early days of the war.

Over the past few years the mood of many people has changed dramatically. True, the need to stop Communist aggression is still alive and conscious to the vast majority of people. But a deep seated sense of anguish and weariness has woven its way into the hearts of most Americans. Frenzy, disgust, grief, and outright exasperation are common emotional expressions of many Americans these days. As one elderly gentleman vented his full frustration in my direction the other day, "Where is the wisdom of it all? We've poured our resources down a rat-hole!"

Though it is relatively easy to find the "whys," the rationale of our involvement in the Vietnam War, the American strategy, or the lack of one, and the execution of that strategy is quite another question. As we look back to the initial stages of the war there seems to be no clearly conceived theory or conclusive strategy of conducting the war. Instead we find a great deal of patchwork, a hodge-podge.

One of the major failures was the inability to make our involvement in the war compelling to other old allies. Support, even moral, was miniscule from other friendly nations. This situation made the United States more vulnerable to propaganda blasts from the Communist countries. It was an "American" war they would say.

Another factor that come home to haunt us as the years grew longer was the inability or unwillingness to put a disciplined, well-equipped Vietnamese Army on the field. It has been only late in the game, relatively speaking, that the South Vietnamese began to take their proper place in the war. After all, it is their country and their people.

The third and perhaps the greatest failure of the Vietnam War is the strategy itself. The United States employed a "no-win" policy. The combatant that allows to the enemy free access to import supplies and arms is defeating himself. Until recently, few attempts were made to cut off the ability of the North to continue the war. The war became largely a widespread tactical skirmish. Though air power has been vastly over-rated, particularly in this war, our air force has not been able to deliver the punch that could have demoralized and weakened to submission the might of the North.

The military of our country serve as convenient scapegoats for the setbacks in Vietnam. But they are not the policy makers of our country. The President, the State Department, and the various security advisers of our country make the policies. The military only carry it out. The military, in true perspective, deserve little of the wrath that has been heaped on them in recent years.

Amidst all this controversy it took great courage and determination for the American soldier to take his place of duty in South Vietnam. How discouraging it was for him to hear all the political mayhem back in the States. It is no small wonder that more Americans did not desert to foreign shores. Most soldiers returned from Vietnam with very little welcome or appreciation for risking their lives for us. There should be no talk about the absence of heroism or the demise of the hero in American society; the real hero was often found in Vietnam.

There is no question that any consideration of the war must include a look at the "enemy." Unquestionably the soldiers and war machine of the North proved much tougher and more resourceful that the United States and South Vietnam thought possible. They have suffered heavily in the war of attrition, but they have perhaps shown us what the will to win means. They have not been deterred in their mission to this date. True, the leaders of the North, as other Communist wars and uprisings in the past have revealed, place very little value on individual life. And when it comes to treaties or negotiatons they know that the only position to bargain from is a position of strength.

Vietnam has clearly shown us that the United States can no longer be the world's policeman alone. And if ever we are called to enter another struggle, we should have what is the most basic common sense: a strategy that is viable and effective, and a will to execute that strategy to victory. No less makes no sense at all.

CONGRESSIONAL CHARTER FOR POP WARNER JUNIOR LEAGUE FOOTBALL

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. HORTON. Mr. Speaker, the Judiciary Subcommittee of the House District Committee will hold hearings tomorrow on H.R. 15188, a bill I introduced on May 24 to incorporate in the District of Columbia, the Pop Warner Junior League Football program. H.R. 15188 is very similar to legislation I introduced with a total of 111 sponsors in the first session. The purpose of both bills is to recognize the Pop Warner program for its splendid contribution to the character development of our Nation's youth. Pop Warner football is now active in over 40 States. Through emphasis on physical fitness, cooperative team play, self-discipline, and scholarship, it is preparing over 700,000 young men for civic responsibility and leadership.

Because H.R. 15188 has been classified as private rather than public legislation, it is not possible for Members to cosponsor the bill. However, I would like to indicate for the RECORD that the following Members have endorsed this legislation:

LIST OF MEMBERS

Mr. Addabbo, Mr. Barrett, Mr. Biester, Mr. Blackburn, Mr. Boland, Mr. Brinkley, Mr. Burke of Massachusetts, Mr. Don H. Clausen, Mr. Collins of Illinois, Mr. Conable, Mr. Conte, Mr. Coughlin, Mr. Daniels of New Jersey, Mr. Dellenback, Mr. Dent, Mr. Derwinski, Mr. Donohue, Mr. Dulski, Mr. Duncan, Mrs. Dwyer, Mr. Edwards of California, Mr. Eilberg, Mr. Findley, Mr. Fish, Mr. Broyhill of North Carolina, Mr. Fisher, Mr. Flynt, Mr. Forsythe, Mr. Frelinghuysen, Mr. Garmatz, Mr. Goodling, Mr. Halpern, Mr. Helstoski, Mr. Howard, Mr. Johnson of California, Mr. Kazen, and Mr. Kemp.

Mr. Leggett, Mr. McFall, Mr. Madden, Mr. Clancy, Mr. Matsunaga, Mr. Mazzoli, Mr. Moorhead, Mr. Morgan, Mr. Moss, Mr. Murphy of New York, Mr. Pelly, Mr. Pepper, Mr. Pettis, Mr. Rodino, Mr. Rosenthal, Mr. Spence, Mr. J. William Stanton, Mr. Teague of Texas, Mr. Terry, Mr. Van Deerlin, Mr. Veysey, Mr. Anderson of Tennessee, Mr. Dorn, Mr. St Germain, Mr. Waldie, Mr. Whitehurst, Mr. Winn, Mr. Wolff, Mr. Wyman, Mr. Baring, Mr. Collier, Mr. Nichols, Mr. Vander Jagt, Mrs. Grasso, Mr. Sisk, Mr. Kuykendall, Mr. Gude, Mr. Long of Maryland, Mr. Mizell, and Mr. Gaydos.

Mr. Speaker, it has been a great honor for me to sponsor congressional recognition of Pop Warner football. I wish to thank those of my colleagues who have joined me in this effort and the House District Committee for its prompt action on our legislation.

SALUTE TO EDUCATION

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. REID. Mr. Speaker, today, June 21, the National Education Association is sponsoring a salute to education. At this time I would like to commend the NEA for its fine consistent leadership in the education field.

From its inception, American democracy has shared a belief in the importance of equal opportunity of education for all citizens. It was Thomas Jefferson who said:

> No republic can maintain itself in strength without general education to enable every man to judge for himself what will secure or endanger his freedom.

And in our own time, President Kennedy stated to Congress:

> The education of our people is a national investment. It yields tangible returns in economic growth, and improved citizenry and higher standards of living. But even more importantly, free men and women value education as a personal experience and opportunity—as a basic benefit of a free and democratic civilization. It is our responsibility

> to do whatever needs to be done to make this opportunity available to all and to make it of the highest possible quality.

Our salute to education today must be a continuing commitment to these goals.

In the years since Kennedy's statement we have seen the Federal Government tangibly acknowledge the tremendous value of education in our society by enacting a variety of new programs to expand educational availability—programs to aid the disadvantaged, the handicapped, the preschool child, colleges and universities, low-income college students, teachers, vocational students, and libraries to name just a few.

This must continue to be the direction of our salute—not merely an acknowledgement of the value of education, but rather a specific commitment to education. As an example, I would particularly like to see the Federal Government expand its efforts in preschool education. As President Kennedy said:

> We must do whatever needs to be done to make this opportunity available to all and to make it of the highest possible quality.

OUR TEACHERS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DORN. Mr. Speaker, the National Education Association has designated June 21 on which to hold a "Salute to Education." Any "Salute to Education" is, to me, first and foremost a salute to the hundreds of thousands of individual teachers who are rendering dedicated service to our young people in elementary and secondary schools, technical and vocational institutions, and colleges across our Nation. Too often we consider education only in terms of organized methods or philosophical concepts. But it is the individual teacher upon whom the greatness and effectiveness of our American educational system depends.

Our teachers are exerting a tremendous influence on their students and on all of the many people they come in contact with in their work. Teachers have played a large role in shaping my own personal life and career goals. Both my mother and my father were teachers. Before the age of six, I used to visit schools with my father, and so many of my earliest memories are associated with education. As early as the fourth grade, what I was taught in school about our Nation and our Government gave me a desire to participate in making the laws for our land. Various teachers also encouraged me to participate in speaking and declamation contests. Today I continue to visit schools in my district and throughout the country as often as possible, and I can truly say that I have never met a teacher who did not want his students to succeed and do well.

Mr. Speaker, the best description of a teacher's vocation is found within the very word "education," which is connected with the Latin word ducere, meaning "to lead." A teacher is a leader. A good teacher has all of the hard duties and heavy responsibilities of a leader facing and directing a difficult task. A good teacher must guide, urge, explain, challenge, exhort, sympathize, assist, encourage, and at times demand. What our teachers do inside and outside of their classrooms not only molds intellectual development, but also affects the moral, social, and spiritual development of their students. I commend the teachers of our Nation for the outstanding work that they are doing. I am grateful to them for their dedicated and devoted services as leaders for the youth of America and for all of us.

SALUTE TO EDUCATION

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CAREY of New York. Mr. Speaker, today I would like to take a few moments to celebrate the progress of education in this country. I have long been involved in the process of reform for American education, and it is with much pleasure that I consider its accomplishments.

For 7 years I served on the House Education and Labor Committee and was chairman of the ad hoc Committee for the Handicapped. I was one of the original sponsors of the Elementary and Secondary Education Act of 1965.

Many exciting changes have taken place since I first became involved with education legislation. Some would argue that there has been enough change, that the need for innovation and reform far outstrips the supply. I cannot agree with this.

Progress has been made. The Elementary and Secondary Education Act has afforded educational opportunities to thousands of disadvantaged youngsters. It has not only reached young people from economically and culturally deprived homes, but it has also reached young handicapped, non-English speaking, and gifted children. Through other Federal programs such as Headstart and Follow Through, we have seen successful attempts to reach and help the preschool and early school disadvantaged child. These children are receiving help at a crucial age; they will be spared the pain of remedial programs that come too late and do too little.

The American educational system, at both the Federal and local level, is also making exciting steps to incorporate true innovation into the programs of the schools. The U.S. Office of Education is conducting an experimental school program in three cities throughout the country. By carefully studying and evaluating the effectiveness of the various innovations introduced in these systems, the educational establishment has a means of knowing what is successful.

There is so much to be excited about in American education today. It is certainly true that there is much to be done, but as one who has watched education closely, I can confidently say that the potential and the desire is there to do it. I welcome the opportunity to join this Salute to Education.

SALUTE TO EDUCATION

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. McCORMACK. Mr. Speaker, it is an honor and privilege for me to make a few remarks of tribute to the American educational system in conjunction with the June 21 Salute to Education, which is being sponsored by the National Education Association.

It should go without saying that it is an honor to pay homage to such an outstanding educational system. And it is a privilege to have this opportunity to salute the many fine educators—from grade school through college—to whom each of us here, as well as citizens across the country, remain deeply indebted.

It is particularly appropriate, in my judgment, that today's Salute to Education closely follows House passage of two vital bills in the field of education—the conference report of the omnibus higher education bill and the Labor-HEW appropriations bill. Among the important new departures in the first bill are: Direct aid to colleges and universities for operating expenses; grants of emergency assistance to institutions of higher learning facing severe financial crisis; special grants to institutions which increase their enrollment of veterans; and programs to encourage Indian education, consumer education, and ethnic heritage programs. Moreover, if adequate appropriations follow this authorizing legislation, low- and middle-income students will be guaranteed financial aid for tuition, based on their family's ability to assist them. Matching grants will be available for new and existing community colleges as well as assistance to States in the development and conduct of occupational education programs.

While I strongly opposed the inclusion of antibusing language in this legislation, I did feel that it would be impossible to pass preferable legislation at this time and that approving new assistance was imperative at a time of increasingly severe financial strain on too many students and institutions of higher learning.

Concerning the Labor-HEW appropriations bill just passed by the House, I was particularly pleased that the administration's budget was increased by $912 million in committee and an additional $364 million during consideration by the whole House. The total $1.27 billion increase over the administration's request represents a funding level $418 million higher than that of the same programs this year.

As an active member of the Committee on Science and Astronautics, I also strongly supported its action increasing authorizations for science education as a part of the National Science Foundation fiscal year 1973 legislation. During committee consideration, we added $23,800,000 for graduate student support in science education improvement and $11 million for institutional improvement for science. This legislation passed the House in April.

Recognizing that about one out of every four persons attending an institution of higher education is enrolled in a community college, the committee increased the technician/technologist education projects by $1.5 million and restored $2.1 million for science faculty fellowships and research participation. It was our intent that the community colleges be major participants in these two programs in order that their faculties and curriculums be made more effective in areas related to science and technology.

Other specific programs increased by our committee action included $3 million for secondary schoolteacher projects, $1.6 million for undergraduate scientific instructional equipment, and $1.4 million for the high school talented student program, which is designed to identify and train future leaders in science and engineering.

But however worthy these congressional contributions, they are no cause for complacency. For this is a time when more and more is being asked our educational system while the resources to fill the requests are being diminished. In 1900, according to Ralph W. Tyler, only 5 percent of our population was needed in professional or highly skilled occupations and 60 percent in unskilled. But now, that situation has been completely reversed—60 percent of our population earns its living in professional and skilled occupations and only 5 percent of the work force can be absorbed in so-called unskilled labor.

The Federal Government encouraged greatly expanded educational opportunity in conjunction with the massive American technological advance in the post World War II period. And the scope was even further expanded with the legislative program of the 1960's to include special programs for the physically and mentally disadvantaged, manpower programs for the jobless, VISTA and the Peace Corps, Headstart and Upward Bound, as well as vocational and environmental education.

But the progress made, to say nothing plans for the future, are severely threatened. Even the most basic inputs into any educational system—a full school day and year, adequately compensated teachers, and simply enough teachers for each classroom—are in jeopardy due to the financial crunch being forced upon educational institutions. Inflation has placed immense pressures on school budgets. The constitutionality of existing property-tax financing of elementary and secondary schools has been questioned by legal actions throughout the country. And the taxpayers are in open revolt, with rejections of school bond issues having increased from 11 percent in 1960 to 53 percent last year.

The result is as unacceptable as it is deplorable. A recent survey of the 100 largest school systems in the country revealed that almost half have had to lay off teachers, shorten the school year, close libraries, or in some way seriously curtail their educational program. In my own State of Washington, recent defeats of levy measures have threatened the positions of 2,000 teachers.

The solution, in my judgment, must originate with the Federal Government. As a Congressman, I would be remiss if I did not admit that there is much that we in the Congress should do that has not been done. All too often, although our authorizations requests are at least adequate, our action on appropriations measures falls far short of the goals envisioned. Moreover, when action comes late on these measures, all too often after the fiscal year is well in progress, there is no way States and school districts can make rational and necessary plans for the future. These shortcomings must be overcome. We must pass appropriations measures into law before the beginning of the fiscal year and we must appropriate moneys at a far closer level to the authorization authority.

But the root of the problem runs far deeper. We would hardly make a dent in the overall problem by simply increasing appropriations to authorization levels. What is needed is a drastic reorientation of our thoughts and actions regarding the Federal role in education. At the present time, Federal taxes consume 64 cents of each tax dollar. But that money contributes a mere 7 percent of the revenue for our elementary and secondary schools. At the same time, local sources contribute 53 percent of the moneys for elementary and secondary schools while receiving only 17 cents of each tax dollar.

If we are to continue to expand and improve our educational system, as we must, that situation must be changed. The legitimate grievances of property taxpayers must be redressed. The Congress must move toward financing one-third of the costs of elementary and secondary education.

But as we think about the future of our educational system, we must not limit ourselves to considering necessary financing. We must act to deal with the new requirements which will be placed on the nature and scope of education, if it is to continue to make the contributions tomorrow that it made so well yesterday.

As a scientist, I am particularly interested in the contributions which technological advances can make to our educational process. For example, how can we most effectively use computers to reinforce classroom learning, to facilitate library services, to match intellectual interests and research in progress? We must further concern ourselves with increasing the interrelationship between schools and communities. We must explore new ways to make education available to more people at a lower cost and with less inconvenience. One example here is a pilot program recently underwritten by the National Endowment for the Humanities. Titled "Courses by Newspaper," this program will include 20 lectures in selected newspapers which will be designed for the casual reader as well as those interested in paying a token $15 enrollment fee, receiving additional material, taking exams, and receiving credit. And finally we must focus on continuing career education. Today, far too little attention is given to occupational education, despite its increasing importance to the marketplace. And almost no attention is given to the need for continuing education, although the average person changes jobs five to seven times in his life and technology and national priorities are eliminating old jobs and creating new employment needs.

We look to education to help us meet these needs. But in a time of rapidly increasing change, we must be sure that we are in control of change rather than change in control of us. This can only be accomplished with the proper emphasis and creative investigation in the field of education. Let us accept the challenge today to fulfill our responsibilities for forging a better tomorrow.

A TRIBUTE TO EDUCATORS

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. MANN. Mr. Speaker, today I would like to join my colleagues in paying tribute to the classroom teacher, and all other educators working on the cutting edge of both the problems and the limitless opportunities that the immediate future presents to education in this country.

Few necessities of life, if any, are more basic to the well-being of the individual American, and of the Nation. Lack of education is as serious as lack of food. The illiterate is a starved person. These things are, of course, universally recognized, fully as readily by those who hate the American ideal of human life as by those who share it.

Man comes to true and full humanity only through culture, that is, through the cultivation of his own potential, the goods and values nature has given him. But there is one irreducible prerequisite for such cultivation—one must want it. To create an atmosphere in which young people can find such motivation is surely the most difficult art for teachers to practice today, for it must be an atmosphere of moral optimism. Only in such an atmosphere will young people see educational requirements not as something negative, limiting, imposed by adults, but as something positive, a step forward to the kind of future they themselves want.

Only in such an atmosphere of optimism will today's young people open out to social cooperation, to acceptance of an orderly and interdependent society in which the requirements of the common good will no longer be regarded as obstacles, as traps set for individuals, but as advances, elements of development, liberating, and enriching all.

Rare indeed, and most unfortunate, is the American who cannot recall at least one teacher who made a contribution of this sort to his life. I find it a matter of justice, and a personal pleasure, to pay tribute to education and to all teachers for what they have contributed in the past and for what they can do in the future. In the words of Henry Adams, "The Education of Henry Adams:"

> A teacher affects eternity; he can never tell where his influence stops.

ORATION CONTEST AWARD TO JOSEPH W. McLEAN, ALEXANDRIA, VA.

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 22, 1972

Mr. HARRY F. BYRD, JR. Mr. President, on June 11, Joseph W. McLean of Alexandria, Va., won first place in the Douglas G. High Oration Contest at the 82d annual Congress of the Sons of the American Revolution in Indianapolis.

Young Joseph McLean, a graduate of T. C. Williams High School in Alexandria and the son of Mr. and Mrs. Woodfen McLean, won over 10 other finalists in the competition with his fine address on the preservation of constitutional principles.

I ask unanimous consent that the text of Joseph McLean's oration, entitled "Dissent or Destruction," be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DISSENT OR DESTRUCTION

It has been said that the oldest struggle in civilized society is that struggle between the individual seeking freedom, and the state seeking order. Our Founding Fathers had looked on six thousand years of human history, and had seen the God-given rights of man burned to a crisp at least once in every generation by the fires of unjust governments. These men knew that man should not be ruled by a despot, but should endeavor to govern himself by a system which would be acceptable to the majority of his peers, and, in which he would have an equal voice. The designers of our Constitution believed that all men should be free, and to achieve this freedom, the political structure of man's society would have to be flexible enough to adapt to changing circumstances within that society. But they also realized that a nation in constant turmoil and revolt has no chance of success in a highly competitive and aggressive world; therefore, their system of government would have to provide avenues of political change without social upheaval. We have only to read the document which our Founding Fathers drafted to see that they were excellent political theorists, but when we watch their system function, it becomes apparent that they were also magnificent, practical politicians. They have given us an instrument which in itself provides all the needs of a free society.

In the first amendment, the people are given the right to assemble peaceably and to petition the government for redress of grievances. Thus change is provided for within the system, where it is constructive, but not outside the system, where the intent is simply to disrupt the status quo.

In a free society, dissent is an essential part of liberty; however, when protestors infringe en masse on the rights of others by using force and violence, we should re-examine their character and their true intentions. Vice President Agnew said, "I believe in constitutional dissent and the right to petition. However, it is worth remembering that our Founding Fathers wisely shaped a constitutional republic, not a pure democracy. The representative government they constructed never intended that elected officials should decide crucial questions by counting the number of bodies cavorting in the streets."

The Principles of the American system represent more social, political, and economic progress than any other civilization in history. Our values are those of the Judeo-Christian ethic of individualism and human dignity. Yet these activists tell us that our values are lies. They belabor intolerance, but they, themselves, scream abuse at those who differ with their views. In the name of freedom, they destroy academic freedom. They denounce violence, yet they seize or bomb buildings.

On August 24, 1970, a bomb was planted by anarchists in one of the world's most sophisticated and specialized nuclear physics laboratories at the University of Wisconsin. The bomb demolished virtually everything of value in the center and took the life of a lab technician. The knowledge lost, that may never be regained, is epitomized by the work of Professor Joseph R. Dillinger. Professor Dillinger had spent twenty-three years of his life constructing, step by painful step, an intricate assemblage of cryogenic apparatus. The blast wiped out the work of a lifetime. Such will be the end of all that we value if we allow these criminals to go unchecked on a continued rampage through our country. The American right of freedom of protest is being exploited by avowed anarchists who detest this country and want to destroy it.

Dissent is the right to disagree openly with the policies of the government, not a license to advocate revolution or to deprive others of their constitutional rights. The first premise on which a free society is based is equality before the law, and the first equality before the law is that every man must abide by the law, else no one has any protection from a hoodlum. Further confusing the issue have been recent court decisions emphasizing the rights of the criminal at the expense of the rights of society. We must find a balance—between the unrestricted liberty of the individual and the over-control of the individual by the government.

It is time to lead our country back to the rationality of moderation and a new pride of patriotism. Today, as never before, America needs doers, men of the courage and moral strength of our forefathers. We need to be re-educated as to our responsibilities and our values. Then—and then only—can America reach the potential that our forefathers envisioned when they gave us a new policy for freedom and the fundamentals for greatness.

COMPLAINTS AGAINST FOREIGN FISHING VESSELS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KEITH. Mr. Speaker, serious complaints against foreign fishing vessels have been registered with me. The complaints stem from incidents involving eastern bloc fishing vessels that run through marked lobster pot areas off our shores.

As a result of similar incidents, last year an agreement was made whereby our lobster fishermen radio the exact location of their lobster gear to the Coast Guard, who broadcast this information several times daily to all fishing vessels in the area.

Recently the Soviet Union, in an effort to prevent such incidents, reported that one of their vessels is assigned the duty of monitoring the actions of the other Soviet ships.

It is apparent that these and other similar efforts to prevent damage to our lobster fishermen's gear have not been successful. In the past several weeks a rash of new incidents have been reported, causing serious financial losses to our fishermen.

My purpose in bringing this to your attention this afternoon is to focus on H.R. 7117, the Fishermen's Protection Act amendments bill, which as passed by the Senate would authorize the Secretary of Commerce to pay out of a fishermen's protective fund the costs of damage to gear or vessels of U.S. fishermen caused by foreign vessels.

I have been discussing this bill with my colleagues on the Merchant Marine and Fisheries Committee and in the Congress. The bill is awaiting conference. I hope and trust that the Senate amendment to assist our fishermen who suffer gear or vessel damage caused by foreign vessels will be retained and that soon this amended bill will be approved and enacted into law. Our fishermen need this assistance.

RELIEF FOR SMALL BUSINESS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. PRICE of Texas. Mr. Speaker, I am most gratified that the House has adopted an amendment to the Labor-HEW Appropriations Act that, in effect, carries out one of the basic purposes of a bill I introduced several months ago. That bill, H.R. 14360, was designed to correct the fundamental deficiencies in the Occupational Safety and Health Act which had become apparent after a year's experience of its operation. The most pressing problem that has arisen under that act has been the harassment of small businessmen and farmers with unrealistic and unnecessary safety requirements—with requirements that the small businessman has no way of finding out about; requirements that are unreasonably burdensome and with requirements that are unnecessary in light of the safety record.

One of the provisions of my bill would have exempted from all of the act's requirements any employer with fewer than 25 employees per firm. The amendment to the Labor-HEW Appropriations Act achieves substantially the same result by prohibiting the use of moneys under the act from being used to pay the salary of any Federal inspector who inspects firms employing less than 25 persons.

My bill would have exempted almost 90 percent of all business establishments but only 25 percent of all workers. Thus it provided the maximum relief to businessmen while having a minimal impact on employees. Further, the very limited data that exists suggest that firms with less than 20 employees have a better safety record than those with a somewhat higher number of employees—and an exemption from the act's requirements based on a 25-employee limit is a reasonable response to the financial burden that the act places on the small employer.

I commend the House of Representatives for passing this small business exemption provision and I hope that all my colleagues who voted for it will remain vigilant to insure that it is not dropped in conference.

EDUCATION FINANCE

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. HANSEN of Idaho. Mr. Speaker, the school finance situation will be reviewed by the Supreme Court before very long, and as yet, no coherent strategy for coping with the many facets of this problem has been developed. However, Robert E. Merriam, the chairman of the Advisory Commission on Intergovernmental Relations recently outlined his six-point proposal for dealing with school finance at the 64th annual National Governors' Conference in Houston, Tex. In light of the timeliness of his suggestions and the important role that the ACIR will play in a solution to the school finance problem, I insert excerpts from his remarks:

OUTLINE OF REMARKS BY ROBERT E. MERRIAM, CHAIRMAN, ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS BEFORE THE 64TH ANNUAL GOVERNORS CONFERENCE, HOUSTON, TEX., JUNE 6, 1972

I would like you to consider with me the following basic facts:

1. In 1971 the combined Federal-State-Local tax bite out of the gross national products was 31% of which—

14% was in Federal taxes.

10% was in State and Local taxes.

7% was largely in social security payments.

2. Of the total government expenditures of $323 billion, 14% or $47 billion went for schools (this by coincidence is also 47% of local government expenditures).

3. Of this $47 billion for schools—

52% was from local taxes ($24 billion).

41% was from State taxes ($19 billion).

7% was from Federal taxes ($4 billion).

4. Of the $24 billion in local spending for schools 88% ($21 billion) came from the property tax.

5. This local property tax share of school financing represents almost 8% of all government taxes collected and is 4 times the state expenditures for welfare.

6. Federal grants in aid total $30 billion of which over $9 billion is for welfare.

7. The property tax is a highly unpopular tax—our recent public opinion survey shows it 2½ times more unpopular than the Federal income tax and 3½ times more unpopular than State sales taxes.

And now a set of unique happenings:

1. Four separate court decisions recently have drawn essentially the same judicial conclusion—namely, that the current use of local property taxes as the primary source of school financing is discriminatory and therefore unconstitutional.

2. The President of the United States has asked the ACIR to study and consider a new federal tax to aid the states in meeting the emerging challenge of the courts to our present school financing system and to provide relief for residential property owners.

3. The likelihood of significant direct, essentially non-earmarked assistance (revenue sharing) to states and local governments appears near reality.

4. While by no means assured, Federal assumption of at least a greater share of welfare financing is now a possibility.

I submit that this array of facts, happenings and philosophy offers us an unparalleled combination of circumstances which may never occur again. It is like one of those rare occasions when the planets appear in a line behind the moon. Let me elaborate with particular reference to school financing and the property tax. I would like to share with you how we are trying to unravel the string.

In consideration of the proposal submitted to us by the President, we have separated our studies into three parts:

1. Consideration of equalization of school financing, with first emphasis on intra-state disparities.

2. Analysis of the property tax in theory and in practice.

3. Study of the Value Added Tax and its alternatives.

I know some of you have urged that we keep these matters separate. I respectfully wish to disagree for four compelling reasons:

1. The courts most likely will tell you what to do with reference to school financing and the property tax if we don't get together on a program.

2. It is clear to me that sense can be made out of government taxing policy (and remembering that 31% of the GNP goes for taxes) only when we develop a National Fiscal Policy which inter-relates all major fiscal actions and takes into account the effects of Federal government action on the states and localities and vice versa. For example, we can no longer tolerate the unilateral reduction by Congress of Federal income taxes without reference to its massive effect on state and local governments.

3. Quite frankly, in the public view (as painfully shown again in our recent public opinion survey) the states are suspect and while many of you have forcefully bitten the tax bullet (at great political risk, we all know) the growing and frightening resistance to unilateral state and local tax increases again tells us we must look at the totality of our problems, not isolated pieces.

4. If we cannot unite on a mechanism to achieve these objectives, I fear one of two nightmarish alternatives:

a. A massive direct Federal financing program for public education with all that it would entail in limitations on State and local control over educational policy and practice; or

b. Court mandating of new school financing arrangements.

Either of these alternatives, in my humble judgment, would be disastrous to the balanced federal system which all of us still cherish. Certainly the administrative chaos caused by the 535 categorical grant programs of the 1960's and the specter of judicial mandating of bussing and reapportionment should be sufficient reminder of these twin dangers.

What then, Mr. Merriam, is, your suggestion, you might properly ask? Any Chairman of a 26 man, bi-partisan, tri-level body of "sovereign" political leaders who suggests he knows what his peers will decide is either a fool or a knave. I will now prove that I am both.

First, I would not attempt to solve so complex a problem in the midst of a Presidential election.

Second, I would nonetheless strive for legislation early next year whereby the Federal government would offer special aid to states enabling them to assume the added costs of equalizing expenditures between school districts. This action would, in my opinion, substantially meet requirements of the Serrano-type decisions.

Third, I would require that any such Federal assistance be temporary with an automatic phase-out provision as revenue sharing dollars balance out the increased state school spending.

Fourth, I would *not* tie this new temporary Federal assistance for school financing to Federally mandated property tax reduction.

Fifth, I would provide a separate Federal incentive program to stimulate those states desiring to assume substantially all of the cost of financing public education thus allowing state action resulting in the reduction of local property taxes. Such a program might include enactment of a low-rate Federal Value Added Tax with a 100% credit feature for those states enacting their own state Value Added Tax, perhaps dedicated in part to school financing equalization and in part to property (and/or sales) tax reduction. This new tax program like the temporary aid suggested earlier also could be phased out as the Federal government assumes a greater share of the total welfare burden.

Sixth, I would establish a mechanism or designate a group whereby other future major tax proposals at all levels of government, including the recent Mills-Mansfield proposal to drop all special tax treatment for Federal income taxpayers, could be reviewed for their impact on all levels of government, as the first step in developing a National Fiscal Policy.

Above all else, I urge this distinguished body to avoid the election year temptation to jockey for partisan position. The issue of schools and their financing is too important to all of us! And the specter of judicial intervention is too real!

GENERAL WALT'S STATEMENT ON THAILAND'S DRUG CONTROL EFFORTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, there has been action and talk recently about the Royal Thai Government's actions on drug control.

In view of the attention given to this matter, I want to share with my colleagues the recent statement of Gen. Lewis Walt during his visit to Thailand.

Having just returned from Thailand myself, and having had the opportunity to talk with U.S. officials about this problem, I believe General Walt's statement deserves the thoughtful attention of all Members:

STATEMENT OF GEN. LEWIS WALT

I have been commissioned by the Senate Sub-committee on Internal Security to conduct a study of the world drug traffic, and in this connection I have spent the past few days in Thailand. While I was here I met with all of the American officials and advisors concerned with the problem of controlling the international drug traffic. In addition, on the Thai side, I have met with General Nitya, Secretary-General of the Central Narcotics Bureau, and other RTG enforcement officials. I also met with both Thai and United Nations officials working under the UN Fund for Drug Abuse Control which is striving to end opium cultivation by the Hill Tribes.

As you all know, there has been much criticism of the Royal Thai Government based on its alleged lack of cooperation in dealing with the drug problem.

I will not tell you today that there is no room for criticism of Thailand—nor will I tell you that there is no room for criticism of the drug control effort in my own country.

I have been assured categorically by the American drug control officials that they have absolutely no information pointing to the involvement of anybody in the Thai Government at policy making level. I have no doubt that there are corrupt police officials at the lower levels—but then there are also corrupt police at the lower levels in the United States and probably every other country.

Any government can be made to look bad if one focuses only on the failures and the weaknesses and unfounded allegations. But I believe every government is entitled to credit for its record of positive accomplishments—and after my visit here I am convinced that some of the accounts that have appeared in my country have failed to give the Royal Thai Government credit for all that it has done, especially over the last year to help bring the flow of drugs under control on a national and international scale.

The Memorandum of Understanding of last September between the RTG and the United States Government was the first document in which two countries jointly committed themselves to an all-out battle against the international drug traffic.

Thailand was also the first nation to enter into the agreement with the UN Committee for Drug Abuse Control, and together they are now engaged in a pioneering international project aimed at the suppression of the opium cultivation through education and crop substitution.

In April-May of this year, the Royal Thai Government, with US technical and logistical assistance, created a special mobile enforcement unit designed to interdict narcotics in the North. This operation now has five offices in Northern Thailand. Only last week it struck a major blow against the drug traffickers with the seizure of 1600 kilos of opium, concealed in the wells of tank trucks, as well as a large amount of chemicals used in the manufacture of heroin. On Wednesday morning of this week in the Chiang Mai area the Thai police authorities took me to see the tank trucks and the seized bails of opium. It was an awesome thought that when converted into heroin, the amount seized would be worth some 35 million dollars on the streets of New York, and that many thousands of human lives could be destroyed or wasted by this amount of the deadly drug.

Following up on the seizure in Northern Thailand, the largest opium seizure ever made in the kingdom, Bangkok Police over last weekend seized the first #4 heroin laboratory discovered in the city. There have been many other seizures, large and small of heroin & opium.

One of the greatest problems the Royal Thai Government had to contend with involved the activities of the Chinese Irregular Forces (CIF) along the northern Thai frontier. It has been common knowledge for years that these forces were heavily involved in the flow of opium. The Royal Thai Government in March of this year moved to resolve this problem by granting resident status and resettlement assistance to elements of the CIF in return for their promise to get out of the opium business completely. The CIF, on the conclusion of this agreement, turned over to the RTG 26,245 kilograms of opium which was publicly destroyed on March 7th of this year. For some reason, this event received next to no attention in my country, despite the staggering amount involved—I am told that the street value in the United States would have been well over one billion dollars.

The American officials to whom I have spoken have been full of praise for the cooperation they have now been receiving from the Thai authorities—and I personally find it impossible not to be impressed by the record of accomplishment which I have listed above.

There is of course much more to be done, on the Thai side and on the American side. But I am confident that, with the good will of both governments, and with the collaboration of other governments, we can build an international machinery of control which will in the not too distant future effectively restrict deadly traffic.

WHY WE ARE IN TROUBLE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. WYMAN. Mr. Speaker, few stories better illustrate why America is in trouble today than the modern version of "Little Red Riding Hood" that follows these remarks. Unfortunately, there is more truth than fiction in the ridiculous extremes of the parables.

Segments of any society that would make a hero of a man who deliberately steals and publishes secret government papers—or continue uncensured, a college president who, when supposed to be an example for young people, nevertheless deliberately breaks the law by sitting down in the public streets to block traffic—or fails to truly investigate under oath charges of serious misconduct on the part of a sitting Justice of the United States Supreme Court—or remains silent and unhelpful while a woman is assaulted, raped, and shot in a public parking lot—or permits vandalism, criminal misconduct and worse by student activists to pass without suspension or expulsion—or sanctions the countless acts of civil disobedience and willful criminal misconduct that have taken place in the protest over American involvement in Southeast Asia—are materially responsible for contributing toward making the modern saga of "Little Red Riding Hood" a reality, circa 1973.

This must not happen. Whether it does or not is up to concerned citizens—who remain apathetic or indifferent to criminal activism in our society only at their peril.

The article follows:

A Modern Red Riding Hood

(Author unknown)

Once upon a time, in a far-away country, there lived a little girl called Red Riding Hood. One day her mother asked her to take a basket of fruit to her grandmother, who had been ill and lived alone in a cottage in the forest.

It happened that a wolf was lurking in the bushes and overheard the conversation. He decided to take a short-cut to the grandmother's house and get the goodies for himself. The wolf killed the grandmother, then dressed in her nightgown and jumped into bed to await the little girl.

When she arrived, he made several nasty suggestions and then tried to grab her. But by this time, the child was very frightened and ran screaming from the cottage.

A woodcutter, working nearby, heard her cries and rushed to the rescue. He killed the wolf with his axe, thereby saving Red Riding Hood's life. All the townspeople hurried to the scene and proclaimed the woodcutter a hero.

But at the inquest, several facts emerged:

(1) The wolf had never been advised of his rights.

(2) The woodcutter had made no warning swings before striking the fatal blow.

(3) The Civil Liberties Union stressed the point that, although the act of eating grandma may have been in bad taste, the wolf was only "doing his thing", and thus didn't deserve the death penalty.

(4) The SDS contended that the killing of the grandmother should be considered self-defense since she was over 30 and, therefore, couldn't be taken seriously because the wolf was trying to make love, not war.

On the basis of those considerations, it was decided there was no valid basis for charges against the wolf. Moreover, the woodcutter was indicted for unaggravated assault with a deadly weapon.

Several nights later, the woodcutter's cottage was burned to the ground.

One year from the date of "The Incident At Grandma's", her cottage was made a shrine for the wolf who had bled and died there. All the village officials spoke at the dedication, but it was Red Riding Hood who gave the most touching tribute.

She said that, while she had been selfishly grateful for the woodcutter's intervention, she realized in retrospect that he had overreacted. As she knelt and placed a wreath in honor of the brave wolf, there wasn't a dry eye in the whole forest.

HON. PHILIP J. PHILBIN

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. WYMAN. Mr. Speaker, it is with great sorrow that I learned of the passing of our former colleague, Congressman Philip J. Philbin.

Phil Philbin was an accomplished man in every sense of the word. As a youth, he was a star athlete as well as a tenacious debater. As a young man, Phil was a successful lawyer, farmer, and businessman. He first came to Washington as secretary to Senator David L. Walsh and went on to serve as special counsel to the Senate Committee on Education and Labor. He was later appointed referee with the U.S. Department of Labor.

Elected to the House from the Third District of Massachusetts in 1942, Phil Philbin's service in the Congress spanned 28 years. As a Member of the House, Phil will long be remembered for his leadership and dedicated work on the House Armed Services Committee. Phil was widely recognized as an accomplished expert in the complex area of national security—never a partisan but always a patriot and devoted American. A further mark of the man was his abiding compassion for "the little man" in the uniformed services and his intense interest in improving the operation and quality of our system of military justice.

Congressman Phil Philbin served this Nation and his constituents with honor, ability, and integrity. His breadth of knowledge, his genuine warmth, and his compassion for people earned him the highest respect of his colleagues. We are all profoundly grieved for his leaving us.

Virginia and I extend our deepest sympathy to his family and join with them and his thousands of friends and admirers in mourning his passing and in wishing for him a well deserved seat of honor in the happy hunting grounds of eternal peace in the great beyond.

SOCIAL CLUB OF WILMERDING, PA.

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. GAYDOS. Mr. Speaker, the Italian Social Club of Wilmerding, Pa., in my 20th Congressional District, has contributed much to the heritage of the community and to the Nation. This organization was founded in July 1937, and over the years it has participated in many fraternal, civic, and religious programs and projects. Its interest in the people of the community ranges from the sponsorship of a Little League baseball team to a week-long celebration honoring its patron saint, Our Lady of Mt. Carmel.

I was, therefore, quite proud to take part in the latest accomplishment of this group—the June 4 dedication of a new building which will stand as a monument to all members of the Italian Social Club, past, present, and future, and to their patron saint.

The building was constructed under the guidance of Dominic L. Parisi, Gabriel J. Bacco and Nicholas A. Fiasco, members of the building committee. The dedication program was planned by Daniel Marguriet, Raymond Volpe, Gabriel J. Bacco, Nicholas A. Fiasco, Leo J. Lucarelli, Lewis J. Lucarelli, Armond J. Matarazzo, John Palumbo, Dominic L. Parisi, and Eugene F. Rizzo.

The speakers at the dedication banquet included many outstanding residents of the community and prominent figures in the area. Among them were Gabriel J. Bacco, treasurer of the club; Rev. James A. Sites, pastor of St. Aloysius Church; Daniel Marguriet, president of District 6, United Electrical, Radio and Machine Workers of America; John Sandrovich, mayor of Wilmerding; Dr. Frank Leonardo, first president of the Italian Club; Joseph Bonetto, a member of the Pennsylvania State Legislature; Henry Slaczka, postmaster of Wilmerding; John N. Milberger, director of the Turtle Creek Valley model cities program; Dominic L. Parisi, the 1972 president of the club; Raymond Volpe, cochairman of the dedication committee; and Rev. John T. Flaherty, pastor of St. Michael's Church in Pitcairn.

Dr. Leonardo was elected president of the Italian Social Club in 1937. His staff at that time included Enrico Salvi, vice president; Arcangelo Cuoco, recording secretary; Philip Marguriet, financial secretary; and Germano Botti, treasurer. These men adopted a constitution whose preamble can stand as a guide for all Americans. It read:

> We, the natural born and those Italian-born who have chosen these United States of America as the land of our adoption, pledge allegiance to this country and undertake to defend its honor at all times from any foreign foe; to obey its laws and abide by its traditions, and to keep alive that heritage handed down to us by our forefathers, to teach and to educate those who come to our shores so that they will become fine, moral, honest, upright law-abiding citizens; furthermore, to keep alive the Italian language and traditions of our native land and build up fine specimens of manhood by encouraging tolerance, fair play and American idealism.

Today, Mr. Speaker, the Italian Social Club is led by men such as Dominic L. Parisi, president; Leo J. Lucarelli, vice president; Gabriel J. Bacco, treasurer; Eugene F. Rizzo, recording secretary; Armond J. Matarazzo, financial secretary; Lewis J. Lucarelli, Neil Cananlungo, Joseph Fiasco, Patsy A. Cortazzo, Joseph S. Parisi, Albino S. Muro, Joseph J. Lucarelli and Jerry Parisi, trustees; Louis F. Botto, steward.

The officers have changed, Mr. Speaker, but not their faith and belief in the words of that preamble written 35 years ago.

A SALUTE TO AMERICAN EDUCATION

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ANDERSON of Tennessee. Mr. Speaker, as we approach the bicentennial year of our Nation's birth, it seems appropriate to pause and consider the contributions of American education in our past and its crucial role in our future. At the time of our declaration of independence from Great Britain, free public education for all children was only a distant dream in the heart of the most ardent democrat. Slowly, but steadily throughout the succeeding years, thousands of dedicated men and women, often under the most trying and difficult of conditions, worked to instruct each generation of young Americans. At the same time these educators and their allies struggled to fashion a system of education worthy of the ideals of a Republic founded upon the principle of the equality of man.

The outcome of this struggle has not always been success, but over the course of the years there has emerged a clear pattern of steady progress in extending educational opportunities to an ever-increasing proportion of the American people. The result has been that each succeeding generation of Americans has been a little better educated than its predecessor just as each passing decade has witnessed the continuing growth in strength of the American Nation.

Today, as we look about, we find free public educational opportunities available in every corner of the land. Yet as in the past, the struggle to improve the quality of this educational opportunity continues as part of the quest to properly prepare our youth to meet the challenges which they must face in the years ahead. And as always, our teachers and administrators are once again the key to the success of the endeavor. We cannot predict the future of the American people, but we do know that this future depends in large part on the quality of our education. And based on the past and present performance of our educational profession, I have no doubts that both the future of American education and the American Nation shall continue to be marked by success and achievement.

TELLING THE TRUTH ABOUT SOCIAL SECURITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. CRANE. Mr. Speaker, the current period in American Government is one in which there is a great deal of stress upon the concept of truth telling, of exposing myths in advertising, in campaign financing, and even in military planning.

Advocates of such truth telling have sponsored "truth in labeling" legislation to be applied to private business and industry. No similar legislation has been passed, however, with regard to Government agencies. In this respect, sacred cows have remained.

It is high time that those who advocate such "truth in labeling" apply this policy not only to private citizens, but also to public ones. It is ironic indeed that government is permitted to misrepresent its programs with impunity, while businessmen are subjected to severe penalties for doing precisely the same thing. This comes dangerously close to being a situation in which bureaucrats believe themselves to be above the law, something which cannot be tolerated in a free society.

Few, for example, have investigated with any care or thoroughness the organization of the Social Security Administration. Few have sought to discover whether or not that agency does what it says it does, and whether the American people are being properly served by it.

A booklet distributed by the Department of Health, Education, and Welfare declares that:

> The basic idea of social security is a simple one: During working years employees, their employers, and self-employed people pay social security contributions which are pooled in special trust funds. When earnings stop or are reduced because the worker retires, dies, or becomes disabled, monthly cash benefits are paid to replace part of the earnings the family has lost.

This statement, according to Prof. Milton Friedman, of the University of Chicago, is "Orwellian doublethink." He points out that:

> Over a decade ago the Social Security Administration estimated that the present value of the old age pensions already promised to

persons covered by social security was over $300 billion. The corresponding sum must be far larger today. That is the size of the trust fund that would be required to justify the words of the booklet.

Points out Professor Friedman:

> The fact is that taxes currently being collected from current workers are being used to pay benefits to persons who have retired or to their dependents and survivors. No trust fund in any meaningful sense is being accumulated. . . . What nine out of 10 working people are now doing is paying taxes to finance payments to persons who are not working. The individual worker is in no sense building protection for himself and his family—as a person who contributes to a private vested pension system is building his own protection.

Many Americans are also unaware of the fact that millions of people who pay taxes will never receive any benefits attributable to those taxes because they will not have paid for enough quarters to qualify, or because they receive payments in their capacity as spouse. In addition, persons who pay vastly different sums over their working lives may receive the same benefits.

The social security system is not only unfair, but has been misrepresented to the American people by its own governmental agencies. Professor Friedman declares that:

> People who would not lie to their children, friends or colleagues . . . have propagated a false view of social security—and their intelligence and their exposure to contrary views make it hard to believe that they have done so unintentionally and innocently.

In an era when people really seek the truth about their Government and its programs, the article written by Professor Friedman in the May 1972 issue of the Washington Monthly, entitled "The Poor Man's Welfare Payment to the Middle Class," is important reading.

I wish to share this article with my colleagues. The text follows:

THE POOR MAN'S WELFARE PAYMENT TO THE MIDDLE CLASS

(By Milton Friedman)

(NOTE.—Milton Friedman teaches economics at the University of Chicago. This article is adapted from Social Security: Universal or Selective?, a debate between Milton Friedman and Wilbur J. Cohen, published this month by American Enterprise Institute.)

A widely distributed, unsigned booklet from the Department of Health, Education and Welfare (HEW) entitled "Your Social Security" begins:

"The basic idea of social security is a simple one: During working years employees, their employers, and self-employed people pay social security contributions which are pooled in special trust funds. When earnings stop or are reduced because the worker retires, dies, or becomes disabled, monthly cash benefits are paid to replace part of the earnings the family has lost."

This is Orwellian doublethink.

Payroll taxes are labeled "contributions" (or, as the Party might have put it in the book, *1984*, "Compulsory is Voluntary").

Trust funds are conjured with as if they played an important role when, in fact, they are extremely small ($32.5 billion as of December 1970) and consist simply of promises by one branch of the government to pay another branch. Over a decade ago the Social Security Administration estimated that the present value of the old age pensions already promised to persons covered by social security (both those who had retired and those who had not) was over $300 billion. The corresponding sum must be far larger today. That is the size of the trust fund that would be required to justify the words of the booklet. ("Little is Much.")

The impression is given that a worker's "benefits" are financed by his "contributions." The fact is that taxes currently being collected from current workers are being used to pay benefits to persons who have retired or to their dependents and survivors. No trust fund in any meaningful sense is being accumulated. ("I am You.")

A worker paying taxes today can derive no assurance from trust funds that he will receive benefits when he retires. Any assurance derives solely from the willingness of future taxpayers to impose taxes on themselves to finance benefits being promised by present taxpayers to ourselves. This one-sided "compact between the generations," foisted on generations that literally cannot give their consent, may be sufficient assurance, but it certainly is a very different thing from a "trust fund." A chain letter would be a more accurate designation.

The HEW booklet goes on to say, "Nine out of 10 working people in the United States are now building protection for themselves and their families under the social security system."

More doublethink. What nine out of 10 working people are now doing is paying taxes to finance payments to persons who are not working. The individual worker is in no sense building protection for himself and his family—as a person who contributes to a private vested pension system is building his own protection. Persons now receiving payments are receiving much more than the actuarial value of the taxes that they paid and that were paid on their behalf. Young persons who are now paying social security taxes are being promised much less than the actuarial value of the taxes that they pay and that are paid on their behalf.

More fundamentally yet, the relationship between individual contributions (that is, payroll taxes) and benefits received is extremely tenuous. Millions of people who pay taxes will never receive any benefits attributable to those taxes because they will not have paid for enough quarters to qualify, or because they receive payments in their capacity as spouse. Persons who pay vastly different sums over their working lives may receive identically the same benefits. Two men or two women who pay precisely the same taxes at the same time may end up receiving different benefits because one is married and the other is single. A man who continues working after age 65 will be required to pay additional taxes, and yet may receive no benefits at all. This list can be extended indefinitely.

Social security programs involve annual expenditures of roughly $43 billion. These programs appear on balance to transfer income from relatively low-income classes to middle- and upper-income classes. They are flourishing, are widely regarded as highly successful, and seem destined to expand.

Welfare programs involve annual expenditures of $15 billion. These programs appear on balance to * * *

the income from middle- and upper-income classes to lower-income classes. They are in a state of crisis, are widely regarded as intolerable, and seem destined to be transformed.

My own attitude toward the two programs is almost the reverse. Bad as the welfare mess is, at least public assistance does go mainly to needy persons who are at lower income levels than the persons paying the taxes to finance the payments. The system badly needs reform, but at the moment it serves an essential social function. It seems impossible to eliminate it promptly, even though its elimination should be our long-term objective. On the other hand, social security combines a highly regressive tax with largely indiscriminate benefits, and I believe that it serves no essential social function. Existing commitments make it impossible to eliminate it overnight, but it should be unwound and terminated as soon as possible.

As I have gone through the literature, I have been shocked at the level of the arguments that have been used to sell social security, not only by politicians or special-interest groups, but more especially by self-righteous academics. People who would not lie to their children, friends, or colleagues, whom I would trust implicitly in personal dealings, have propagated a false view of social security—and their intelligence and their exposure to contrary views make it hard to believe that they have done so unintentionally and innocently. The very name—old age and survivors insurance—is a blatant attempt to mislead the public into identifying a compulsory tax and benefit system with private, voluntary, and individual purchase of individually assured benefits. What am I to make of professors at leading institutions, of high-level bureaucrats, of cabinet and sub-cabinet officials who compare the future benefits promised to young workers solely with the tax nominally levied on employees, often not even mentioning the equivalent tax levied on employers? They know very well that commonsense, economic theory, and empirical evidence all support the view that the distinction between the social security tax paid directly by the employee and the tax paid by the employer is primarily the label attached to components of the employers' cost of labor. Both are proportional to wage rates; both enter labor costs; both are borne equally by the employee.

Or what am I to make of highminded gentlemen protesting in one breath the accuracy of the insurance terminology and objecting in the next to full payment of benefits to persons between 65 and 72 who continue to work on the ground that the "need" of these elders is less than that of other persons to whom the money could be paid. If, indeed, the benefits are linked to "contributions," the need argument is irrelevant. If the criterion of need is relevant, then the talk about "insurance," about benefits linked to "contributions," is simply hogwash.

TAXING SECURITY

The social security tax is a flat-rate tax on covered earnings up to a maximum. As of early 1971, the rate of Old Age and Survivors Insurance (OASI) alone is 8.1 per cent, split between employers and employees, and 6.075 per cent on the earnings of the self-employed, in both cases up to the maximum earnings of $7,800. The rate for OASDHI (Old Age, Survivors, Disability, and Hospital Insurance) is 10.4 per cent on wages and 7.5 per cent on the earnings of the self-employed, and there is an additional tax for unemployment insurance. Coverage is by now nearly universal.

What can we say about this tax viewed solely as a tax?

1. This is a very heavy tax on very low incomes. For most persons with incomes less than the maximum covered, the social security tax is many times larger than the personal income tax.

2. The tax is regressive because of the maximum limit and the absence of exemptions.

3. It is hard to see any excuse for the differential between the rates on wages and salaries and on earnings from self-employment.

4. Several categories of employment are excluded from the program altogether. This

is unjustifiable from the tax point of view, but it is now trivial.

5. No allowance at all is made for family size.

6. The tax is solely on realized income from personal services. All property income is excluded, along, of course, with imputed income from services.

7. The tax rate is raised drastically for persons between 65 and 72 who are eligible for benefits, choose to work, and earn more than $140 a month. The marginal social security tax rate on earnings from $140 a month to $240 a month is 60.4 per cent, and from $240 a month until benefits are reduced to zero, 110.4 per cent. When the unemployment taxes and federal, state, and local taxes are included, the overall marginal rates are still higher.

8. The tax has risen very rapidly. Tax receipts for OASI alone have risen more than 11-fold from 1950 to 1970, and the average tax paid per covered person, by over 7.5-fold.

The payroll tax is almost surely far and away the most regressive element in our tax system and a significant disincentive to work. Over 10 per cent of any worker's wage cost, at the low levels, which means up to $7,800 now and it will be $9,000 soon, is taken out and sent to social security. Indeed, one of the great problems of providing sufficient incentive for a person to get off welfare is that, if he takes a job, then besides any reduction in his welfare benefits, he has to start paying social security taxes. He has to pay 10.8 per cent of his wage cost in taxes, and that raises the marginal rate.

I was astounded when I went through these figures. I had always thought that disincentive to work was associated with the high rates of the personal income tax. I am now persuaded that the social security tax is a greater disincentive to work than the personal income tax, because it hits people lower down; it hits people who have the alternative of relief and it hits them hard.

SPECIAL INTEREST RAG BAG

I have long believed that the major defect of our present arrangements is the proliferation of special programs either for special groups or special commodities: OASDHI for some retired or disabled, Old Age Assistance for others, unemployment insurance, aid to the blind, Aid to Families with Dependent Children, food stamp plans, public housing, urban renewal, medicaid, farm subsidies, etc. Whatever the good intentions of the initial proponents of these programs, the programs tend to become the preserve of special vested interests and come to serve purposes very different from those that they were initially designed to serve.

The total amount of money spent on these and similar programs, federal, state, and local, exceeded $75 billion in 1969–70. If this were divided among the 24.3 million persons classified as "poor" in 1969 under the arbitrary social security definition (4,950,000 families plus 4,851,000 unattached individuals), it would come to over $3,000 per person, a sum that nearly equals the average income of all persons in the United States. The problem is not that the government is spending too little on redistributive programs, but that most of the money spent is not going to the poor.

The correct direction in which to move, I believe, is to replace all these programs by a single program designed to give assistance to persons with low incomes, regardless of the reason why their incomes are low—whether because they are old or unemployed, unskilled or ill, physically or mentally handicapped, or whatever. Such a comprehensive program would cost far less each year than the present ragbag of programs. Yet it would come far closer to alleviating true distress.

How can the existing program be wound down without doing injustice to persons now covered? My agenda is as follows:

1. Repeal the payroll tax.

2. Terminate any further accumulation of benefits.

3. Enact a negative income tax, treating benefit payments under social security as income for purposes of determining eligibility for benefits.

4. Continue to pay all existing beneficiaries the amounts that they are entitled to under current law, except that these amounts should automatically be escalated over time by any changes in the cost of living. This will meet our commitments in real, not nominal, terms. Give such beneficiaries an option to accept a capital sum equal to the present value of the payments instead of continuing payments.

5. Give every worker who has earned coverage under present law a commitment to the retirement and survivors' benefits that he would be entitled to under present law, given his present tax payments and earnings record. This commitment would be in the form of *either* a promise to pay the specified annual sum at the future date when under present law he would be entitled to the sum *or* government bonds equal in market value to the present value of those benefits, calculated at the market interest rate on government obligations of corresponding maturity, at the option of the worker.

6. Give every worker who has had taxes paid on his behalf who has not yet earned coverage capital sum equal to the accumulated value of the taxes that have been paid on his behalf.

7. Finance payments under 4, 5, and 6 out of general tax funds plus the issuance of government bonds.

Note that in the main these items simply recognize explicitly and fund obligations that now exist in an unfunded form. They do not add in any way to the true debt of the government, but simply terminate the accumulation of any further obligations. These steps would enable the bulk of the present social security administrative apparatus to be dismantled at once. It would be necessary to keep only a declining staff to administer item 4.

REFORMING A SACRED COW

Social security is in no meaningful sense an insurance program in which individual program in which individual payments purchase equivalent actuarial benefits. It is a combination of a particular tax—a flat-rate tax on wages up to a maximum—and a particular program of transfer payments, in which all sorts of considerations other than the amount paid determine the amount received. Hardly anyone approves of either part separately. Yet the two combined have become a sacred cow. What a triumph of imaginative packaging and Madison Avenue advertising!

The argument against reform seems to be that social security's disproportionate benefits to the middle class are the political price of getting the program enacted, and that any program designed explicitly for the poor, "will most likely to be a poor program." What puzzles me is this. Are we really helping poor people by saying to them, "Here is a program under which we will take two dollars from you and give you one back, and we can get that program passed, but we can't get a program passed which will take a dollar from you and give you a dollar back?"

If that is the case, it seems to me that if I were one of those poor people—if I were one of the people to whom we are saying, "Don't worry, we'll take care of you, we promise that for every two dollars we take from you, you will get one back"—I would repeat Thoreau's comment: "If I knew for a certainty that a man was coming to my house with the conscious design of doing me good, I should run for my life."

WASHINGTON REPORT TO NINTH DISTRICT ON REVENUE SHARING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. HAMILTON. Mr. Speaker, I include the text of my recent Washington Report to the Ninth District on revenue sharing.

WASHINGTON REPORT

To solve the long and complicated national agenda requires the commitment of all levels of government—federal, state and local.

Unfortunately, our federal system is hampered in meeting these problems by a serious fiscal and political imbalance. The basic difficulty (admittedly overstated) is that the federal government has most of the money, while state and local governments have most of the problems.

The federal government, with its strong and growing fiscal base, has monopolized the leadership in responding to these challenges. State and local governments, depending primarily on property and state taxes, do not have the same strength or capacity for growth of revenues. The result has been a proliferation of federal programs, the shifting of power to Washington, and stultification of state and local initiatives.

In the last 15 years, local and state government expenditures have increased three times in terms of current dollars. Meanwhile revenues have been increasingly difficult to obtain, and the future viability of these governments, especially in the cities, is in question.

A new order of things is needed to build a vitality into our governmental institutions. A basic premise has to be that state and local governments are here to stay and they play an indispensible role in the federal system. Their power and resources have to be strengthened.

There are three primary tools the Federal government can use in an effort to bring about balanced federalism: (1) categorical aid, (2) block grants, and (3) revenue-sharing. These tools must be used in the proper mix to meet our problems. Categorical aid, the funding of specific programs under federal guidelines, has exploded from $6.7 billion in 1959 to $36.8 billion in 1972, and it has become unwieldy to administer. Block grants, federal allocations for broader-ranging programs without precise federal guidelines, have been moderately successful. The House of Representatives is acting now on the third tool—The State and Local Fiscal Assistance Act of 1972.

This revenue-sharing bill would appropriate nearly $30 billion of federal revenues over the next five years to state and local governments under two procedures:

1. Money is distributed to the states through a formula which allocates half the funds on a basis of each state's overall tax effort (total state and local taxes as a percentage of personal income, and half by giving each state 7.5 percent of its individual income tax collections. This money would go directly to state governments with no restrictions on its use, except that it could not be used as the state's share of a federal matching funds program.

2. A second procedure would allocate aid to each county and to most local governments representing more than 2,500 residents on the basis of population, number of urban residents and per-capita income levels. The money must be used for (a) maintenance and operation of public safety, environmental protection and public transportation, and (b) capital expenditures for sewage collec-

tion and treatment, refuse disposal and public transportation.

The proposed legislation also authorizes the U.S. Treasury Department to collect state income taxes if (1) at least five states which account for at least 5 percent of all federal tax returns request this service, and (2) if the state taxes are based on the federal definition of "taxable income."

While I believe the bill can be improved, I support it because it will help correct the present fiscal and political imbalances, help preserve the viability of the federal system, and help meet the increasing demands for state and community services. It also represents a step towards tax fairness, increasing the emphasis on progressive income tax and reducing the emphasis on regressive sales and property taxes.

The enactment of a revenue-sharing plan is going to have an impact on an already strained budget; however, the current budget already includes a revenue-sharing plan, so the adoption of this bill will not increase the federal deficit. Furthermore, to deny funds to states and local governments is to jeopardize their vitality and to say that their problems are of low priority.

PEACE TALKS

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. HARSHA. Mr. Speaker, I would like to address a few remarks to the question of the recently concluded SALT talks. I admire and commend the President for his diligence and success in this matter. Such talks are difficult and time consuming. Sir Winston Churchill clearly recognized this in October 1928, when disarmament among nations was being considered. Then they were concerned with battleships. Would that the world's problems were battleships now. Mr. Churchill made the following speech.

> Once upon a time, all the animals in the zoos decided that they would disarm, and they arranged to have a conference to arrange the matter. So the Rhinoceros said, when he opened the proceedings, that the use of teeth was barbarous and horrible and ought to be strictly prohibited by general consent. Horns, which were mainly defensive weapons, would, of course, have to be allowed.
>
> The Buffalo, the Stag, the Porcupine, and even the little Hedgehog, all said they would vote with the Rhino. But the Lion and Tiger took a different view. They defended teeth, and even claws, which they described as honorable weapons of immortal antiquity. The Panther, the Leopard, the Puma and the whole tribe of small cats all supported the Lion and the Tiger.
>
> Then the Bear spoke. He proposed that both teeth and horns should be banned and never used again for fighting by an animal. It would be quite enough if animals were allowed to give each other a good hug when they quarreled. No one could object to that. It was so fraternal and that would be a great step toward peace. However, all the other animals were very offended when the Bear, and the Turkey fell into a perfect panic.
>
> The discussion got so hot and angry that all those animals began thinking so much about horns and teeth and hugging when that argued about the peaceful intentions that had brought them together, that they began to look at one another in a very nasty way.
>
> Luckily, the keepers were able to calm them to go back quietly to their cages and they began to feel quite friendly with one another again.

I believe this demonstrates the problems the President faced and overcame.

A CITY OF TWO TALES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. JACOBS. Mr. Speaker, what follows are two tales from the same city: "It was the best of [ideas,] it was the worst of [ideas]."

Indianapolis Star editorial, October 15, 1955:

> J. Bracken Lee has announced that he will not pay his income taxes. . . . Perhaps he merely wants to stir up protests among Americans against being the milch cows for people in scores of nations most of us have never heard of. If that is his purpose, we're all for him.

Indianapolis Star editorial, May 28, 1952:

> The decision of Jane Hart, wife of Senator Ralph A. Hart [D-Mich.], to quit paying her income tax as a protest against the war in Vietnam is an excellent example of what has been described as the "liberal death-wish."

The editorials follow:

CHALLENGING FEDERAL COLOSSUS

> The only way an American citizen can find out whether a law he opposes is constitutional is to break it. Then he can try to have it tested in the courts—if the government does not stall him off so long that he goes broke before he gets the job done. Vivan Kellums broke the withholding tax law deliberately in order to try to force a test of that law. She did not get a clear determination on the constitutional issues involved, but neither did she lose her case. So that question involving "involuntary servitude" prohibited in the Bill of Rights is still largely unsettled.
>
> Mrs. Manual Miller of Bethel, Vt., also broke the law—the draft law—in order to get a test of its constitutionality. The government first sent her off to an insane asylum in order to sidetrack the case, but that did not work. She has since been indicted and tried in the lower court and convicted. She is appealing to higher courts hoping to get a ruling also on the applicability of the prohibition of "involuntary servitude" to conscription.
>
> A group of women in Texas refused to collect their social security taxes from their domestic help on the grounds that they were not tax collectors and that the social security system was unconstitutional. They lost when the court decided that social security taxes were just like income taxes and therefore legal. They did make a point, however, which was that social security is not insurance as has been claimed, but a simple tax-supported dole.
>
> Now the governor of Utah has decided to break another law to test its legality. J. Bracken Lee has announced that he will not pay his income taxes. He claims that the Federal government has no constitutional right to use his tax money to support people living in foreign countries, or their governments. If Mr. Lee loses, he will have to pay his taxes with 6 percent interest. If he wins, the American taxpayer can expect lower taxes, fewer deficits and less government spending.
>
> Perhaps Governor Lee's objective is simply to dramatize the huge amounts of taxpayers' money being sent abroad for economic or military support.
>
> Perhaps his main purpose is to mobilize public opinion against foreign aid. Perhaps he merely wants to stir up protests among Americans against being the milch cows for people in scores of nations most of us have never heard of. If that is his purpose, we're all for him. If he succeeds in getting a clear court ruling that foreign economic aid is unconstitutional, we're all for him, too.
>
> We hope that in this case the government will not stall around, indulge in technicalities and try to wear Mr. Lee out by diversionary tactics, as the government so often does in such cases. It is difficult enough to find ways to protest the power, the arbitrariness, the unconstitutional actions of the huge government that now bestrides the land. The law is our our only resource most of the time. Let's hope the law gets a chance to work this time.

LIBERAL DEATH-WISH

> The decision of Jane Hart, wife of Senator Philip A. Hart (D-Mich.), to quit paying her income tax as a protest against the war in Vietnam is an excellent example of what has been described as the "liberal death-wish."
>
> The first reaction of anyone who does not share Mrs. Hart's dovish outlook on the war is likely to be:
>
> "Very well. That is a game that more than one can play. I'll quit paying my taxes to protest welfare chiseling, bureaucrats, grants to revoluntionary and crackpot intellectuals, abuse of antipoverty programs, half-baked decisions by left-leaning members of the Federal judiciary, funds for phony commissions that reach foregone conclusions, supporting the double crossers in the United Nations and inflated salaries for ultra-liberal lawmakers who kowtow every time a Communist commissar sneezes."
>
> In other words, as a senator's wife, Mrs. Hart has not set the best of examples for the citizenry. She has put herself above the law, which is getting to be the rage, too much so, in an era of bombings, assassinations, mob violence and the like.
>
> She has refused to abide by the decision of the government elected by the majority and in so refusing has tossed a monkey-wrench into the machinery of what old-fashioned liberals used to revere as "the democratic process."
>
> But that is not the most far-reaching import of her decision. She has acted according to a line of logic which, if it were followed by all taxpayers and carried to its ultimate, would bring about her destruction.
>
> The loss of Mrs. Hart's approximately $25,000 a year in Federal income tax would have little effect on the war only because it is an isolated protest, a drop in the bucket. But suppose it were otherwise.
>
> Suppose most American taxpayers quit paying taxes to support a war of resistance against Communist aggression. Suppose, as a result, the American military-industrial complex, that Hades in the liberal cosmos, did collapse.
>
> And suppose it would follow, as it inevitably would, that Communist power moved into the vacuum and occupied the defenseless United States.
>
> What would become of Mrs. Hart? She is a member of the bourgeoisie. Communists liquidate the bourgeoisie. Does she think they would make an exception in her case? She seems to think so. They are willing to stake lives—usually other people's—on this delusion whose falsity is written in the blood of millions.
>
> But most Americans are not like Mrs. Hart. Most are willing to go on paying the cost of defending the perimeter of freedom, including, luckily for the senator's wife, hers.

WHAT IS AN AMERICAN?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. TEAGUE of Texas. Mr. Speaker, it gives me great pleasure to read into the RECORD the poem by Capt. Arthur L. Barnes, USAF, of Colorado City, Tex., for which he received the Freedoms Foundation's Defender of Freedom Award. One usually hears only of the reluctance of the American soldier—of his reluctance to serve, of his reluctance to fight, of his lack of even basic respect for his organization. Rarely considered is the soldier who is loyal; the patriotic soldier is mentioned so infrequently that his existence is questioned. Captain Barnes' poem is an affirmation of the patriotism. I wish to honor not only Captain Barnes here, but also those men both military and civilian who ascribe to the same spirit.

(The poem follows:)

WHAT IS AN AMERICAN?

(By Capt. Arthur L. Barnes USAF)

If one can look at America's tall, snow capped mountains and realize that she is beautiful, and see her miles upon miles of waving fields of grain and realize that she is fruitful, and watch her mighty rivers flowing to the sea and realize that she is powerful, then he is an American.

If one can look at America's vast, dry wilderness and know that she is harsh, and walk through her lush, green forests and know that she is wild, and observe her soggy, damp swamps and know that she is full of adventure, then he is an American.

If one can gaze at America's towering skyscrapers and know that she is progressive, and watch her men walking on the moon and know that she is constantly seeking knowledge, and watch machines probing into her abundant natural resources beneath the earth and know that she is rich, then he is an American.

If one stands a little taller when he hears her National Anthem, and senses a thrill when he sees her flag waving in the gentle breeze, realizes her freedom when he watches her great bald eagles winging silently in space, then he is an American.

If one can be proud when she is faithful, and hurt when she has been wronged, and fearful when she is restless and violent, then he is an American.

If one can read her history and realize that she is not perfect and look upon her many races of people and cultures and see only one, and attend one of her numerous religions and know that she is devout, then he is an American.

If one is willing to speak in her behalf when she has been criticized, and willing to fight for her when she has been threatened, and willing to die for her if she calls him to her aid, then he is an American.

If one can dream impossible dreams and know that America dreams also, and hope with all one's heart for a better and more perfect tomorrow and realize that she is trying with all her might, and have faith in her when she fails but turns to try again, then he is an American.

If one can watch her long, straight lines of men in uniform and know that she is strong and watch her gather the world's needy to her bosom and know that she is compassionate, and observe her courts in process and know that she is just, then he is an American.

If one can speak one's thought without fear of punishment, and write one's ideas for the whole world to read, and simply be allowed to be one's self without fear of criticism from others, then he is an American.

If one can sing when America sings and shout when she shouts, and laugh when she laughs, and pray when she prays, and struggle when she struggles, and cry when she cries, then he is an American.

SALUTE TO EDUCATION

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mrs. GRASSO. Mr. Speaker, today the National Education Association is holding a well deserved salute to education.

I am honored to join in this salute. As a member of the House Education and Labor Committee, as a college trustee, and as a concerned citizen, I am deeply committed to the goal of improving the quality of education of our children. The future of our greatest natural resource—our children—is far too important for us to be content with anything less than the best possible educational opportunities for our young people.

We can be proud of the educational achievements of this Nation. Our schools have helped prepare students for productive roles in an increasingly complicated technological society. The diversity and improvement of many school programs—on the elementary, secondary, and college level—have given each succeeding generation of young Americans new opportunities for exciting and fulfilling careers and participation in community affairs.

We can be proud that our schools are improving in both services and educational equipment—from teachers for children with learning difficulties to advanced science and language laboratory equipment. Most importantly, the ability and commitment of the Nation's primary and secondary schoolteachers have made it possible for generations of students to pursue their full academic potential. Teachers have improved on their already high standards—facing the complexities of education in the 1970's with compassion, dedication, and renewed vigor. Our children benefit from their concern and guidance as well as their pledge to prepare youngsters for the responsibilities and challenges of the future.

To be sure, we must constantly improve and update both educational services and educational technique. I have confidence in our schools and institutions of higher learning, as well as in the truly dedicated public servants who turn our schools into living workshops for learning. This is why I have and will continue to give my strong support to legislative proposals in Congress which are designed to build and strengthen the educational process in America. An example is the recently House passed appropriations bill to provide over $2 billion for needy elementary and secondary schools.

Those who have made education a lifetime profession deserve to be applauded during this salute to education for service to our young people and for helping to realize the hopes and dreams of America's future.

SALUTE TO EDUCATION

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mrs. DWYER. Mr. Speaker, today we are paying tribute to American education, and it is indeed a pleasure to participate in the program this afternoon.

For some, education has become a point of controversy, and in recent weeks we here in Congress have spent many hours discussing the various approaches we might take to better our educational system and to insure its progress. Improved education is a goal we all share.

However, one of the most pleasant aspects of serving in this House, for me, is the opportunity it affords to work with many former teachers and educators, for I have found that my colleagues who have previously served in the field of education bring a special insight to this aspect of our work in Congress.

Although I was not an educator, I have long been active and interested in the field. When my son was growing up in Elizabeth, N.J., I had normal maternal concerns about the quality of education he was receiving in the local public schools. Like many other mothers, I joined the local PTA and, within time, became president of the Elmora elementary school chapter. This was my first chance to see the process and problems of education on the primary school level from the inside. It was a most valuable experience.

Later, when I served for 6 years as chairman of the education committee of the State assembly in New Jersey, I never forgot the problems I saw as a PTA president. My observations in the PTA led to my strong support of legislation establishing the first substantive State school aid plan in New Jersey, and my firsthand contacts and friendships with teachers and educators contributed to my support of the first legislation establishing a minimum pay schedule for teachers in the State. Incidentally, the passage of this legislation remains as one of my proudest achievements.

Many of my colleagues here today have saluted one of their favorite teachers. I would like to salute, and also thank, all the teachers and educators I have had the pleasure of knowing and working with through the years. I also want to take this opportunity to recognize the many fine ladies and gentlemen I have met who represented the National Education Association and the New Jersey Education Association, both of which do a most admirable job of presenting the views and needs of educators to legislators on the State and Federal levels. It has been an honor for me to be associated with them, and I wish both organizations and all others in the field of education continued success.

COMMENCEMENT ADDRESS BY RICK MEYER

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. ARCHER. Mr. Speaker, in Houston a few weeks ago, a young man received a great deal of attention when he charged that he had been struck by a high school official after he made a disturbance during commencement exercises.

The man was not a student at the school, and his claims have not been substantiated; but that event overshadowed something that was, in my view, far more significant. Another young man by the name of Rick Meyer delivered the commencement address to his fellow classmates that evening. It was, by any measure, outstanding. It showed commendable insight and maturity for a high school senior—but most of all, it showed understanding of the society in which we live.

I believe that Rick Meyer represents the vast majority of the graduates at Spring Woods High School this year. He represents the young people who realize that we have many problems in our country and who are committed to solving them—not through violence and civil disobedience, but through determination and hard work.

These are the people who should be in the public eye, but it is a sad fact of life that the actions of an irresponsible few can often blot out the efforts and conduct of the responsible majority. When we hear and read so much about this minority, I think we get a distorted view of what is really going on in our country.

It may not be as exciting or sensational, but once in a while we should look around us and take stock of the constructive forces in our society. We need to cite what is wrong in order to improve ourselves; but sometimes we should remember all that is right, so that we do not lose the spirit that made our country great.

Rick's speech offers some sound observations for our next generation of leaders, and it is unfortunate that it did not receive the coverage that was afforded to the rowdy young man in the audience. I would like to share that speech with my colleagues:

COMMENCEMENT ADDRESS

(By Rick Meyer)

Dr. Landrum, Board Members, Mr. Emmons, Mr. Atsinger, Our Teachers, Rev. Mathis, Honored Guests, friends, parents, and fellow classmates:

I ask you to look around yourselves and see some of the most remarkable people ever to walk the earth. These, your parents, grandparents, aunts and uncles, are the people, who within just the last five decades have helped to create the most advanced civilization ever to exist. They have by their own work doubled our life expectancy and through their achievements in medicine and health have performed open heart surgery, succeeded in transplanting most vital organs, controlled tuberculosis and eliminated polio. There are no longer epidemics of typhus, diptheria, scarlet fever and smallpox.

These are the generations that placed men on the moon and brought them safely back. They overcame the most devastating depression in the world's history. And, through their work and efforts they have welded one of the strongest economies ever known. Many of them knew what it was to be poor, to be hungry and to be cold, and, because of this, they were determined that it should not happen to us, that we should have a better life, that we should always have food to eat, a warm home, better schools and far greater opportunities to succeed. These are also the people who fought man's grizzliest war. They are the people that defeated the tyranny of Hitler, and who, when it was all over, had the compassion to send billions of dollars to their former enemies so that they could rebuild their homeland.

Since these past generations had the foresight to be what is labeled as materialistic, we will have to work fewer hours and will be able to enjoy more leisure time. Their generations learned to live in an economic world. They have come a long way in proving that money is not necessarily evil, by converting money into jobs and libraries, hospitals and roads. Because they gave us their best, we are the tallest, healthiest, brightest and no doubt the best looking generation ever to inhabit the earth.

Their economic society is an infinitely complex mixture of science and technology, systems and techniques, men and machines; all of which, they have developed in their last fifty years of work. These generations have made more progress by their own sweat and blood than in any previous era—and we can never forget it. And yet, these generations know better than anyone else that theirs is not a perfect world. For today the land is filled with many problems and of seemingly insurmountable odds, which cry out for solutions. Our world should certainly be an awakening world, for what shall be different than our parents' will be the broad awareness brought about mainly by developments in all forms of instant mass communication. This new awareness shall be our greatest strength.

Someone once wrote, "Learn the nature of man, and have compassion for his weaknesses, seek glory in his strengths and in his goodness, for whatever else he is, he is trying to be and to become."

Keeping this in mind, we must make ourselves even more aware of the problems, the conflicts, the philosophies, the fundamental values, the individual rights, the many injustices and the many possibilities that exist. For only through knowledge shall we find the answers.

We might have a more difficult world, and if not a more difficult one it certainly is a more demanding world, but surely it is not a worse world, for these problems will be our opportunities. We must find and set ourselves a goal, united—under which we all can work to provide equality for the races and for the sexes; for reforming our government to function on a forthright and honest basis; to absolve the problems of increasing crime; to seek solutions to heart disease, multiple sclerosis, cancer and the common cold and to find a means to bring the teeming masses from poverty into life. It shall not be so important that we reach these goals as that we are united, in working to solve them.

For ours is an age of unprecedented change and one in which a person, regardless of persuasion can play a vital part. This is the age of the protesters and dissenters, the protectors and defenders. This is the age of the peacemakers. It is the age for all those who are firmly grounded to the rock, which is our past and with hearts which are filled with faith and hope for that which can be our future. It is the age of those who are determined to build, not destroy—to love, not to kill—to understand and find compassion for all men of every race, not just for now, for all time.

For we are tomorrow, and tomorrow is ours, and what we do with it shall be our legacy.

POINTS WELL TAKEN

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. VAN DEERLIN. Mr. Speaker, some of the most provocative editorials in the area which I represent appear in the Chula Vista, Calif., Star-News. Mainly, they are written by Lowell Blankfort, the publisher of this newspaper.

While I do not always agree with Mr. Blankfort, I have never been able to fault the quality of his writing, or the courage and consistency of his convictions.

An editorial with which I concur fully appeared in the Star-News on June 15, a week ago. As usual, Mr. Blankfort is able to make his point with commendable economy of words.

The editorial, which I commend to the attention of colleagues on both sides of the aisle, follows:

WORDS TO LIVE BY

President Nixon, Vice-President Agnew and others in the administration entourage have indicated that Americans who criticize the administration's Vietnam policy, if not downright disloyal, at least should have their patriotism questioned because they are giving "aid and comfort to the enemy."

What is needed, they say, is "unity"—which, translated, means blind, uncritical sheep-like obeisance to whatever Richard Nixon thinks America should be doing in Vietnam.

Readers of Star-News editorials, of course, know that we do not share these views. But recently we read two statements on the subject of wartime dissent which perhaps state the case better than we could.

The first statement was:

"During recent years, a theory has developed that there shall be no criticism of the foreign policy of the administration, that any such criticism is an attack on the unity of the nation, that it gives aid and comfort to the enemy, and that it sabotages any idea of a bipartisan foreign policy for the national benefit.

"I venture to state that this proposition is a fallacy and a very dangerous fallacy . . . Members of Congress, and particularly members of the Senate, have a Constitutional obligation to reexamine constantly and discuss the foreign policy of the United States.

"If we permit appeals to unity to bring an end to that criticism, we endanger not only the Constitutional liberties of our country, but even its future existence."

The second statement was:

"What is more important (than unity) is that we adopt the right policy in a moment of great national danger. This means that, above all, our policy should represent the best thinking of our national leaders, including those who disagree with the President as well as those who agree with him.

"The country wants unity, but not unity on a policy which has led to disaster on the perpetuation in power of those who made that policy and cannot be expected to make good on any other . . .

"Disunity hurts our cause without question, but unity on a policy which was wrong in the first place could bring even greater disaster."

Both statements were made on the Senate floor in 1951, during the Korean war. The first statement was made by "Mr. Republican"—the late Senator Robert A. Taft.

The second statement was made by Senator Richard M. Nixon.

EDUCATORS FINDING SOLUTIONS IN TROUBLED URBAN SCHOOLS

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. ROONEY of Pennsylvania. Mr. Speaker, the fact of mandatory public education for every American child is one that can be viewed with both pride and concern. We can be proud of our Nation's extensive and advanced system of schools and the dedicated teachers and administrators who give life to these institutions. We can also be proud of the progress that has been made over the past years in eradicating illiteracy and producing generations of high school graduates who are better educated every year. Certainly those who give their time and devotion to educating America's youth deserve the highest praise and tribute.

However, while saluting education today, I must also express concern for the health of our educational system. It is obvious that the many years of schooling our children receive have great influence over their lives. It is also well known that many of our inner city schools are rapidly deteriorating into convenient buildings to push drugs and likely places to get knifed. What child can escape being emotionally, and perhaps physically scarred by such an environment? Such problems are also spreading to suburban schools, where racial tension and use of drugs are common phenomena. Happily such situations can be alleviated with a combination of patience, hard work and tact. This was demonstrated last year in Easton, Pa., a city in my congressional district. When racial troubles emerged in the city's high school, an interracial student-faculty committee was immediately established so that grievances could be rationally discussed. The members of this group became deeply involved, and spent much time and effort to improve conditions. Ultimately, the whole city became concerned, and public meetings were held, often in extremely emotional atmospheres. Further trouble, however, was averted by the prompt response of faculty and administrators. Today the school is calm, and both students and teachers have learned much from the year's experience.

Easton, however, is a small city with a generally high standard of living. This sort of problem is so much magnified in larger cities that many view the situation with despair. I believe, however, that our schools can be saved, with the help of Federal, State, and local governments and with the skill, dedication, and understanding that our Nation's educators bring to their jobs. Improvements in American education will undoubtedly be reflected in her students. It is of vital importance to our country's future that our children receive the best possible education—and the safest.

Easton's experience is but one example of American educators' determination to guarantee both.

BUILD DOZENS OF NUCLEAR REACTORS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. EILBERG. Mr. Speaker, at the present time proposals have been made to build dozens of nuclear reactors all over the country to meet predicted power needs.

Because of the potential danger to the population around these nuclear plants we should be able to assume that safety is the prime consideration of the builders and operators of these plants and the Atomic Energy Commission, which is supposed to regulate the use of atomic power.

Unfortunately, in at least one case, this has not been true. Public Service Electric & Gas Co. of New Jersey has asked for permision to build a nuclear powerplant on Newbold Island in the Delaware River and the staff of the AEC has approved its plans.

This installation, if it is ever built, will have reactors that are among the largest in the country. It will be closer to more people than any other plant already in operation, under construction, or proposed for the future. This facility will also have the smallest safety distance, 1⅓ miles, between it and large numbers of people.

I am opposed to the construction of this plant, which is 11 miles from my northeast Philadelphia district, because it is too close to too many people and because there is great doubt about the effectiveness of its safety and emergency equipment.

During the week of June 12 the Atomic Safety and Licensing Board of the AEC held hearings on the company's application for a construction permit for the Newbold Island plant.

The company's witnesses were unable to give precise answers to questions about how safety factors were calculated or the number of people who live and work near the plant was determined.

At this time I enter in the Record two portions of the transcript of that hearing. The first was an exchange between the chairman of the hearing board, Samuel W. Jensch, and the project manager for P.S.E. & G., Robert Mittl. The second is a conversation between Mr. Jensch and Troy Conner, the attorney for the company:

EXCHANGE BETWEEN CHAIRMAN, ROBERT MITTL, AND TROY CONNER

Chairman Jensch. Excuse me just a moment. Before we do recess: What information did you have for your basis of the estimate for the number of employees at the Fairless Works, plus the 250 in this blast furnace area and so forth?

Witness Mittl. Our approach here was to determine the total number of people at the U.S. Works, which was not available in a breakdown by shift, which then required that we assign a certain number of people.

Now, we made the conservative assumption that there are more people on the day shift than on the other two shifts.

So therefore we have assigned more people to that day shift.

Now the approach that we used for assigning a number of people, or estimating a number of people to occupy the area within the one-mile, or the 250, was based on such factors as the facilities, the structures that they had there, the buildings, and a general awareness of the activities as we talked about the blast furnace, the power plant, or the sintering plant, and factoring those things in as to the type of activities, and what in our judgment would require more people to carry on the operations. And we then did a, to the best that we could, in referring to aerial photographs, that I believe are presented in our document here, to the distribution of the automobiles as far as the parking facilities and where automobiles were parking. In our judgment this represented a good approach to the distribution of people in an area with the assumption and in our judgment a proper assumption that one does provide to the extent possible for the convenience of the workers to give them the ability to park as close to where they are going to be performing their duties.

So those factors, the type of activities that we went through, the extent of our awareness, as judged by the magnitude of the structures, existing in the area of the distribution of the participating lots with the activities, such as the blast furnace, and the power plant activities, and the activities related to the handling of the ships that come in, the loading and unloading of those. And in our judgment, that was a reasonable approach for the estimate of the 250 which appears in Exhibit 5.

Chairman Jensch. Did you consider making a gate count? Do I describe it correctly? You know, when the men walk out the gate, you have a count, 1, 2, so forth.

Witness Mittl. I understand your question, sir. I think the answer is no, we did not. I don't think we considered it at the time, either.

Chairman Jensch. I see. Well, now, as I understand it, you walked by the Fairless plant, you looked at the building, and that was a blast house. Did you look at the size of the building, or width of the building, or was it the size of the roof that indicated to you the number of people inside?

Witness Mittl. I didn't say the size of the building itself.

Chairman Jensch. You said you looked at the structures.

Witness Mittl. That was one of the considerations in our assigning a distribution of people in developing that estimate. Knowing the type of activities, let's say, being in general, familiar with the type of activities that went on in the facility.

We heavily weighted the parking distribution.

Chairman Jensch. How many people to a car did you assign?

Witness Mittl. We did not do that, sir, but our approach was to come up with a general estimate of the proportions, or if you will, percentage of parking in the various areas, and then distribute among those proportions the number of people that we assumed working on the day shift.

Chairman Jensch. How many did you assume in each car when you looked at the parking lot?

Witness Mittl. Sir, we did not make a car count, nor did we assume a given number of people per car. But we did it on the approach, as an illustration purpose only, if, for example, if we knew that in a case in there had been a hundred—I would like to use this as a hypothetical case. I believe it will make the point. If we assume that there is a facility that employed 100 people, for example, and if we determined that there were three parking areas associated with that facility, if we then determined that one parking facility was twice as large as the other two which were of equal size, then we would have assumed that associated with that larger parking area, there would have been half of the total of the people, and half of that other area, there would have been 25 people associated with those areas and that was the approach that we use.

Chairman **Jensch**. Did anybody ever think of asking the United States Steel Company people themselves?

Witness **Mittl**. We have asked the U.S. Steel people, sir.

Chairman **Jensch**. And they have refused to give you the information?

Witness **Mittl**. They have at this point not come forth with the information.

Chairman **Jensch**. Did you talk to the union leaders who know the number of union people employed there?

Witness **Mittl**. No, we have not approached the union, sir.

Chairman **Jensch**. It was a judgment that you made in looking at the cars and the buildings and what you thought was inside the building, and coming up with a figure, is that right?

Witness **Mittl**. That is correct. As I described it, sir.

Chairman **Jensch**. Very well. At this time let us recess to reconvene in this room at 11:15.

(Recess.)

Chairman **Jensch**. Yes.

Mr. **Conner**. Excuse me, sir. On the point of the motion, we oppose any suggestion which that data, as I said, is correct, accurate and valid, strike that from the record, as serving absolutely no pursue. And it does in fact, represent the land use information as it was available at that time.

Chairman **Jensch**. Well, I don't think for the moment in view of your statement, we need to spend much more time on this thing because if you bring in something more than this—there are certainly better ways to get information about the number of people in the area than the process that was undertaken here.

Mr. **Conner**. Would the Chair like to tell us how it would like the study to be conducted.

Chairman **Jensch**. You take another shot at it and do it in a way that is acceptable for ordinary accounts. You say you have a method that you follow——

Mr. **Conner**. We propose to use professionals.

Chairman **Jensch**. Well, that will be an improvement, I am sure, because I think the approach so far has been very amateurish and I think that insofar as you ascribe difficulties in getting data to place in the regulatory proceedings, I have not known any hesitancy when a number of amendments have been filed, that when you have data related to some hardware or process, you can bring it in, and likewise, since you filed this in January 1971, you happen to come across the fact that the '70 census came out and I imagine you could update the information that you have.

Mr. **Conner**. Sir, the significant data has been updated as we pointed out on a couple of charts. The general land use information was illustrative. We do not propose in the ultimate to provide any census, to offer the U.S. census for this area, to support the application in any event.

Chairman **Jensch**. Just do a better job than what you have done so far and I am sure it would be helpful to this proceeding.

VIOLATION OF HUMAN RIGHTS IN SOVIET-OCCUPIED BALTIC STATES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, June 22, 1972

Mr. THURMOND. Mr. President, recent developments in relations between the U.S.S.R. and the United States have led many to believe that the Soviet Union is softening its militaristic attitudes and genuinely seeking a more respectable position in the spectrum of world opinion. These developments should not lull Congress or the American people into forgetting the true nature of the U.S.S.R.

An essay from the Lithuanian American Community of the United States reminds us of the continued Soviet oppression of the peoples of Lithuania, Latvia, and Estonia. The Baltic people have been deprived of their basic human rights and denied even the semblance of freedom. However, these proud people have not acquiesced quietly to this occupation. The Balts have waged an intensive fight for freedom, which resulted in a short-lived independence in June 1941. Recent demonstrations among the Roman Catholics in Lithuania show us the desire of the Baltic people to continue to resist against Soviet Russia.

Mr. President, I ask unanimous consent that the essay entitled "Violation of Human Rights in Soviet-Occupied Baltic States" and House Concurrent Resolution 416, submitted in the 89th Congress, be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the Record, as follows:

Violation of Human Rights in Soviet-Occupied Baltic States

RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviets dominate Lithuania, Latvia and Estonia, and Russian troops are at hand to squelch any resistance. The Baltic peoples are deprived of their very basic human rights and freedom. They are unable to speak for themselves. It is the responsibility of all the people in the free world to be spokesmen for enslaved Lithuanians, Latvians, Estonians and other captive people.

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviets invaded the Baltic States in June of 1940 and grabbed them by force of arms. The Baltic peoples have been suffering in Russian-Communist captivity for more than 30 years.

SAD AND GLORIOUS EVENTS OF JUNE

The month of June is very sad as well as glorious to the Balts in all parts of the world and to other freedom-loving people. Thirty-two years ago this month—in June of 1940—the Soviet Union invaded the grand old Baltic States of Lithuania, Latvia and Estonia and took over these three peace-loving republics by force of arms. One year later—in June of 1941—the Russian Communists started mass deportations of the Baltic people, and over 150,000 Lithuanians, Latvians and Estonians were swallowed up in Siberian slave and labor camps. Several days before the Nazi invasion of the Soviet Union on June 22, 1941, the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government of Lithuania remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

ANCIENT NATIONS

The Balts are proud people who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 721st anniversary of the formation of the Lithuanian state. Mindaugas the Great unified Lithuanian principalities into one kingdom in 1251.

The Baltic peoples have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, Latvians and Estonians, it should be kept in mind, are ethnically related neither to the Germans nor the Russians.

RESISTANCE AGAINST THE INVADERS

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. It is widely recognized that in the period between 1940 and 1952, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the Soviet conquerors.

The Baltic peoples have never experienced of their people in their long history through centuries as during the last three decades. Since June 15, 1940, the Baltic nations of Lithuania, Latvia and Estonia have lost more than one-fourth of their combined populations to the ethnically genocidal deportation and resettlement programs of the Soviet Union. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

DESPERATE PLIGHT OF LITHUANIANS

Two events of the past several months indicate the desperate plight of Lithuanian's Roman Catholics, the primary target of the Soviet government repression among religious denominations. In March, 1972, a petition bearing 17,054 signatures was forwarded to Dr. Kurt Waldheim, Secretary General of the United Nations. The courageous signatories stated that they were appealing to the United Nations to relay their protest to Leonid Brezhnev, Secretary General of the Russian Communist Party, because three previous collective letters had gone unanswered.

The most recent known demonstrations against the Soviet occupation of Lithuania and persecution of religion took place in the city of Kaunas and in other cities during the second part of May, 1972. Several thousand youths battled police and Soviet soldiers in Kaunas after a young Roman Catholic, Romas Talanta, burned himself to death in a public park for political reasons. The rioting continued for several days after the funeral of Talanta and spread throughout the entire country suffering in the Soviet captivity. This immolation has brought international furor and attention to the problems besetting the captive Lithuanian nation.

CONFRONTING THE SOVIETS WITH THEIR ACTS OF AGGRESSION

The United States Government still refuses to recognize the forced incorporation of the Baltic States into the Soviet Union. But this lack of official recognition by our Government is not enough. Our diplomatic representatives at the United Nations and elsewhere should be prepared to confront the Soviet Union with its acts of aggression against Lithuania, Latvia and Esthonia when

Soviet spokesmen raise the cry of "imperialism" against our own country.

The Soviet Union has signed the U.N. Declaration of Human Rights. This document describes the fundamental privileges which are due to every individual from a state in which he lives. These include the rights of assembly, of free elections and of freedom of worship. Most importantly, they include the right to move freely over the borders for emigration or temporary visiting.

The United States and other countries of the free world should urge the Kremlin leaders to make these rights described in the Declaration available to the Balts and other captive people. If the rulers of the Soviet Union had the courage to carry out such reforms there would be no need for self-immolation to demonstrate the plight of Lithuanians and other people in the Russian Communist captivity.

BRINGING THE BALTIC CASE IN THE UNITED NATIONS

Past experience indicates that the Soviet Government is sensitive to criticism of its actions by those in the free world. Hoping that such means may minimize the persecution of the Balts in the Soviet captivity, the Administration should go ahead and implement H. Con. Res. 416 (89th Congress). This legislation was unanimously passed by the House and the Senate and it calls for the freedom from Soviet domination of Lithuania, Latvia and Estonia. The President of the United States should bring the issue of the liberation of the Baltic States in the United Nations and demand the Soviets to withdraw from Lithuania, Latvia and Estonia. We should have a single standard for freedom. Its denial in the whole or in part, in any place in the world, including the Soviet Union, is surely intolerable.

Treaties That Were Not Kept by the Soviets

ILLEGAL SEIZURE OF THE BALTIC STATES BY THE SOVIET UNION

The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist captivity for 32 years.

The seizure and annexation of Lithuania, Latvia and Estonia by the Soviet Union constituted an act of aggression and a flagrant violation of numerous international treaties and agreements, as well as the inalienable rights of the Baltic peoples.

The treaties and agreements violated by the Soviet Union are:

1. *Treaty of Peace between Russia and Estonia*, signed at Tartu (Estonia) on February 2, 1940;
2. *Peace Treaty between Lithuania and the Russian Socialist Federal Republic, and Protocol*, signed at Moscow on July 12, 1920;
3. *Treaty of Peace between Latvia and Russia*, done at Moscow, completed and signed at Riga (Latvia), August 11, 1920;
4. *Treaty of Non-Aggression between the Republic of Lithuania and the Union of Soviet Socialist Republics*, signed at Moscow on September 28, 1926;
5. *Treaty of Non-Aggression and Peaceful Settlment of Disputes between Estonia and the Union of Soviet Socialist Republics*, signed at Moscow, May 4, 1932; extended in 1934 for a term to last until December 31, 1945;
6. *Convention for the Definition of Aggression*, signed at London, July 3, 1933, between Romania, Estonia, Latvia, Poland, Turkey, the Union of Soviet Socialist Republics, Persia, and Afghanistan.
7. *Convention between Lithuania and the Union of Soviet Socialist Republics for the Definition of Aggression*, signed at London, July 5, 1933; extended in 1933 for a term to last until April 4, 1943;
8. *Treaty of Non-Aggression between Latvia and the Union of Soviet Socialist Republics*, signed at Riga, February 5, 1932;
9. *General Treaty for Renunciation of War as an Instrument of National Policy*, signed at Paris, August 27, 1928, to which 63 states are parties among them the Soviet Union and the Republics of Lithuania, Latvia and Estonia;
10. *Convention relating to the Establishment of the Conciliation Commission and Conciliation Procedure* between Latvia and the U.S.S.R., signed on June 18, 1932;
11. *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Estonia*, signed on Septemper 28, 1939;
12. *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Latvia*, signed on October 5, 1939;
13. *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Lithuania*, signed on October 10, 1939;
14. *The Covenant of the League of Nations*, came into force on January 10, 1920. Lithuania, Latvia and Estonia became Members of the League on September 22, 1921, and the Soviet Union on September 18, 1934.

As the forcible incorporation of Lithuania, Latvia and Estonia by the Soviet Union constitutes a violation of international treaties and generally accepted and recognized principles of international law, the Soviet regime in the three Baltic States lacks any legal basis and should be regarded only as a temporary occupation.

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

THE FINAL FRONTIER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. TEAGUE of Texas. Mr. Speaker, a recent editorial in the Chicago Sun-Times of April 29, 1972, discusses the epic flight of Apollo 16. This brief but significant editorial quotes Astronaut Capt. John W. Young following their return from space. His prophetic words not only describe the significance of the Apollo 16 flight, but of the entire manned lunar landing program. As the editorial so aptly points out, only one Apollo flight remains and our Nation must now embark on a program utilizing the vast knowledge and skills derived from our first decade in space. The editorial follows:

The Final Frontier

Americans have grown accustomed to the moon and to the brave men who go there. The spectacle of men bobbing on the moon's surface still draws prime-time attention. The moments when trouble occurs and lives are in doubt still grab at the heart. Yet, after five successful moon missions in just three years, the pure perfection of the thing has led to a degree of boredom in Americans, and that is unfortunate and wrong.

The three heroes of the just-concluded Apollo 16 trip crept to the edge of man's knowledge. They returned in wonder and exuberance that underscores the earthly pettiness of a concern for moon exploration as entertainment, rather than pioneering discovery. One of the three, Navy Capt. John W. Young, said of the $455-million voyage:

"You got your money's worth on this one. You saw an example of goal-oriented teamwork, the kind of thing that made this country great and is gonna keep it that way.

"There are secrets in that vehicle now. One of these days it's gonna benefit us all. That basic knowledge is pushing back the last real frontier, and, by golly, that's essential to the survival of humanity on this planet."

Only one more manned Apollo trip is on the schedule. That era of exploration will end, and there are many who will barely notice. But Young's comments were on target, for space travel is not commonplace. It has taken a fantastic effort, a pride in accomplishment from drawing board to moon surface, to carry science to the moon.

Astronauts Young, Lt. Comdr. Thomas K. Mattingly II and Lt. Col. Charles M. Duke Jr. have shown space exploration to be historic in both deed and value.

PROGRESSIVE BLUE CROSS MOVE

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. MONAGAN. Mr. Speaker, earlier this year I introduced H.R. 14109, National Cooley's Anemia Control Act, to provide $7.1 million for research, treatment, and training programs to ease and eventually eliminate the agony of Cooley's anemia. I urge my colleagues to support this essential legislation.

Cooley's anemia, a generic disorder of the hemoglobin of the blood, afflicts about 200,000 persons in this country, and tragically most of them are children. In most instances death will occur before the 20th year. Little is known of the disease. There is no known cure. Treatment consists solely of frequent costly blood transfusions to alleviate the constantly recurring anemia.

I commend the recent decision of the Connecticut Blue Cross to offer outpatient blood transfusion benefits to the victims of Cooley's anemia. This progressive action will help to alleviate the tremendous financial burdens which the families of these victims must bear.

I commend the following editorial entitled "Progressive Blue Cross Move" which appeared in the June 15, 1972, edition of the New Haven, Conn., Register to the attention of my colleagues:

[From the New Haven (Conn.) Register, June 15, 1972]

PROGRESSIVE BLUE CROSS MOVE

Connecticut Blue Cross has made a decision that seems to be both humane and practical. It is a decision that answers the special needs of those who deserve all the help they can get—victims of Cooley's anemia. And in the long run, it could benefit all Blue Cross subscribers by eliminating unnecessary hospitalization.

In offering an outpatient blood transfusion benefit to victims of Cooley's anemia, Connecticut Blue Cross is embarking upon a pilot effort. It is providing transfusion coverage to those with this genetic blood disorder. The latter require blood transfusions every four to six weeks throughout their lives—an enormous burden the cost of which had not been previously covered by either Blue Cross or private insurance plans on an outpatient basis. Now it will not be necessary for victims of the disease to be admitted to hospitals so that they can be covered for the transfusions.

TAX RELIEF FOR VICTIMS OF CRIME

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. WOLFF. Mr. Speaker, as you recall, the distinguished gentleman from Florida (Mr. PEPPER) and I introduced a comprehensive bill to provide compensation in the form of tax relief to the victims of crime and to provide tax deductions for the purchase and installation of antitheft devices.

I feel that a letter which I have just received from the Northwest Civic Association of Floral Park, N.Y., provides clear support for this type of legislation and I include it in the RECORD following my remarks so that our colleagues might be aware of their reasoning.

The letter follows:

THE NORTHWEST
CIVIC ASSOCIATION,
Floral Park, N.Y., June 18, 1972.

Congress of the United States,
House of Representatives,
Washington, D.C.
(Att: Honorable LESTER L. WOLFF).

DEAR CONGRESSMAN, at its last regularly scheduled meeting before the summer recess the membership of this association has directed the undersigned, its president to convey their support and unanimous approval of your bill H.R. 14805 which will provide tax relief of victims of crime and for crime prevention.

Several of our members have been the victims of burglary resulting in theft losses of personal effects as well as household items including heirlooms and family artifacts. In most cases the resulting loss arising from this type of theft are not compensated for by insurance or otherwise. To the extent that the aggregate of these losses sometimes exceeds $100, there should be an allowance for deductions on our individual income taxes during the taxable year in which the theft or burglary occurs.

In fact, we concur with the substance and provisions of this bill, which would also provide an allowance of deduction for the expense incurred for installing locks, burglar alarms or other warning devices in the private home in order to deter future invasion of privacy by burglars and thieves.

You have our whole-hearted support and encouragement in continuing your efforts in bringing this piece of legislation into enactment.

Respectfully yours,
ALFRED MICHALSKI.

SALUTE TO EDUCATION

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. WHALLEY. Mr. Speaker, American education has much to be proud of. More than 63 million Americans are engaged full time as students, teachers or administrators in the Nation's educational enterprise. During the past decade, the number of students in our schools has increased by 13 million. It is, of course, true that the cost of education has increased tremendously in those 10 years; to be precise, by 160 percent to $70 billion. But I think the case can easily be made that our educational system has grown and improved so that the added expenditure may be more than justified.

American education has expanded on a number of fronts. There is a growing concern with the education of the preschool child. Federal efforts such as the Headstart program demonstrate our commitment in that area. We are also seeing the growth of programs in our schools which attempt to prepare students more realistically for the world outside of school. This is witnessed not only in the growth of the vocational school, but also in the increase in classes within academic schools dealing with consumer education and career plans.

At the level of higher education, there is an expanding network of junior colleges which are making more varied educational opportunities available to larger numbers. And finally, there is an increasing commitment to the education of the older learner. This is seen in both the adult basic education courses, which attempt to aid adults who are educationally deficient, and in the general adult education programs which offer a large variety of courses in fields of interest to the adult learner.

I am proud of America's educational system, because through its growth and extension into different age groups and segments of the population, it is becoming a system of true lifelong learning. It is with this in mind that today I salute American education.

WHAT IS A "LOGOPHAG?"

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. SPRINGER. Mr. Speaker, every once in a while someone invents a new word that fits the times.

Clare Boothe Luce, on the floor of this House right after World War II, hit the nail on the head with the word "globaloney"—which was raising the question of whether or not the United States could carry the world on its back.

That well-known columnist for Newsweek, Stewart Alsop, has come up with a new beaut in which he designates politicians who eat their words as "logophags."

He has written a most thoughtful article in the June 10 issue of Newsweek which gives some indication of how politicians get into trouble with programs that are not well thought out and which sound quite appealing until they get caught up in the truth. It is at this point Mr. Alsop believes that the politician begins to eat his words.

It would appear that we are going to see a lot of word eating in the coming campaign if all that this article predicts comes true.

The article follows:

[From Newsweek, June 10, 1972]

MCGOVERN AS WORD-EATER

(By Stewart Alsop)

WASHINGTON.—All major politicians have to be accomplished logophags, or word-eaters. This is partly because what the voters want to hear in one election they may not at all want to hear in the next. It is partly because a politician has to appeal to one constituency to win his party's nomination and quite a different constituency to win the general election.

It is already apparent that George McGovern has more word-eating to do than any major politician since Franklin Roosevelt was elected as a passionately commited budget-balancer.

To understand why McGovern is going to have to consume a veritable feast of words, consider a discovery his California financial angel, Max Palevsky, recently made about the McGovern welfare and tax programs. McGovern's $1,000-for-everybody program was originally inspired by an episode now dim in everybody's mind—the entry of Sen. Fred Harris of Oklahoma in the Democratic sweepstakes.

It is hard to believe now, but the Harris entry gave the McGovern people sleepless nights. The whole McGovern strategy was based on co-opting the Democratic left. That was McGovern's only hope of capturing the nomination—and in those days it seemed a mighty slim hope to everybody but George McGovern. Yet, here was Fred Harris entering the race as a prairie populist and poor man's candidate.

BOLD PROGRAM

What was needed, the McGovern strategists agreed, was a bold, populist-sounding program that would leave no room for Harris on McGovern's left. Partly as a result of several telephone conversations with Yale's Prof. James Tobin, an advocate of the "negative income tax," McGovern countered the Harris candidacy with his $1,000-for-everybody program.

Any dolt capable of doing simple arithmetic could figure out the gross cost to the

Treasury of paying every American from Nelson Rockefeller to the merest tot $1,000 a year—$209 billion. Aside from printing greenbacks, the only way to balance this vast sum would have been by a ferocious soak-the-rich tax program, plus heavy cuts in other government expenditures.

The major cut proposed by McGovern was the 40 per cent defense cut. As for the soak-the-rich program, in its original form, it was ferocious indeed. McGovern proposed 100 per cent taxes on all inheritances over $500,000, which would in time have left the country with a capitalist system but no capitalists. He also proposed to collect $6 billion in increased taxes on people with incomes over $50,000. Since a 100 per cent tax on incomes over $50,000 would yield only $7.5 billion, this was soaking the rich with a vengeance.

$40 BILLION SHORT

On paper, McGovern's spending cuts, plus his soak-the-rich tax program, were supposed to pay for his $1,000-for-everybody welfare plan. But toward the end of the California primary, Max Palevsky, who owes his vast fortune to mastery of computer technology, put the McGovern figures into his computers and made his discovery. The discovery was that there was a shortfall of a cool $42 billion between outgo for the welfare program and income from spending cuts and taxes. Palevsky made all the most favorable assumptions, and fed the figures into his computers front, rear and sideways. The result was always the same—a $40 billion-plus shortfall.

Six distinguished liberal economists, including Yale's Tobin, have now been summoned to a meeting in Los Angeles to "rethink" the whole McGovern tax and welfare program. The result of the rethinking is sure to be a heaping dish of words for McGovern to eat.

McGovern has already quietly eaten a substantial meal of words. He has backed away from his 100 per cent tax on inheritances over $500,000, lowering the proposed take to 77 per cent. He has also exempted family-owned businesses, notably including newspapers. There are a lot of family-owned papers left in the country, most of them worth many millions, and the thought may have occurred to McGovern that if he stuck to his original program his press support would be less enthusiastic than it has been.

In his recent full-page, $21,000 Wall Street Journal ad, McGovern sought to portray himself as a moderate fellow where taxes and the like are concerned. There has been word-eating on other fronts as well. For example, McGovern originally proposed unconditional amnesty for "those who, on grounds of conscience, have refused to participate" in the Vietnam war. Now he excludes deserters, and wants to extend amnesty to draft dodgers only.

McGovern must be given credit for candor, since he has been remarkably detailed and explicit on the issues. George Wallace, by contrast, when asked for details, talks about those sandwiches in the briefcases of the pointy-headed bureaucrats. McGovern might have done better to stick with the sandwiches.

For the words he is going to have to eat are right there, in black and white, dating from the days when nobody—but nobody—was going to get to the left of George McGovern. For example, McGovern is flatly committed, not simply to withdrawal from Vietnam, but to meeting unilaterally the basic Communist condition. This is to force the South Vietnamese to surrender by cutting off all logistic support—this *without* any explicit promise by the Communists to return the American prisoners.

WILL VOTERS BUY?

This sort of thing gets loud cheers on the campuses. But is it a proposition that a majority of the American voters will buy? For that matter, do a majority of voters really favor cutting American defenses by 40 per cent, at a time when the Soviets are clearly achieving their announced goal—to "overtake and surpass" American military power?

But the area in which McGovern is going to have to do most of his word-eating is the area in which he has been quietly eating his words already—tax and welfare reform. To those schooled in the arcane pseudo-science of economics, the negative income tax makes a sort of loony sense. Indeed, the basic notion is incorporated in President Nixon's Family Assistance Plan.

But to most ordinary Americans, the idea of handing out $1,000 a year to everybody certainly smacks more of looniness than of sense. And that huge shortfall discovered by Max Palevsky and his computers will surely compound the looniness. Word-eating will not come easily to George McGovern, since it will tend to tarnish the image of the plain-spoken antipolitician. The fact remains that, if McGovern is to have a serious shot at the White House, he will have to embark on a really prodigious exercise in logophagacity.

SMITHSONIAN'S DRUGS: A SPECIAL EXHIBITION

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. PEPPER. Mr. Speaker, the Smithsonian Institution is presenting a most worthwhile exhibition on the subject of drugs. The exhibition places the drug problem of today in a historical and social context. Its message is that there are no such things as "good" or "bad" drugs, but that almost any drug can be misused. While not a "horror show,' the exhibit puts into clear perspective the dangers inherent in drugs and how misuse affects the individual and society. Using new and imaginative techniques, the exhibit presents different points of view on drugs and a clear and accurate summary of present medical knowledge about drugs and society's method of dealing with their use and misuse.

The Washington Post of May 29 carried an editorial highly praising the exhibit which I believe will be of interest to my colleagues, and I include it in the RECORD at this point.

AT THE SMITHSONIAN: AN EXHIBIT

The word "Drugs" flashes in red, green, yellow and blue neon letters amidst the Wright Brothers' airplane, the Apollo 11 space capsule and other historic hardware in the Smithsonian's Art and Industries Building these days. It invites us to a special exhibition, a somewhat bewildering but thought-provoking and informative journey through the complexities of America's drug phenomenon.

The journey begins with displays of 19th century advertising of patent medicines, drugs, alcohol and tobacco—the "magic potion notion" of our fathers and grandfathers. Next we come to an array of vending machines, symbolizing our consumer culture and dramatizing the way technology has afforded easy access to drugs for a growing public. A quarter dropped into these automats buys you a harmless trinket—rum-flavored candy and such—some printed information and admission to an air-inflated bubble dome. The plastic dome houses an array of superb photographs illustrating the drug scene, that alone is worth the admission fee. What really sent us, however, are life-size dummies of an American Indian, a Southeast Asian girl, an inner-city black, a suburban teenager and a housewife, each speaking his or her mind in an eerie sort of way. What makes it eerie is that these dummies really seem to talk in a feat of "talking pop art," created by means of rear-view projected motion pictures of an actor's face.

You go on through a more conventionally mounted but hardly less exciting maze of exhibits on the medical and social aspects of drugs that ends with a "rip-off cage," a pawnbroker's showcase of the goods stolen to support drug habits. The final section consists of a "rap theater," where various movies are shown and discussions are held.

What impressed us about this exhibition was not only its imaginative, pop-arty manner of presentation, that is sure to appeal to young people. It was also the forthright way in which the Smithsonian covered this controversial subject.

SUPPORT FOR REVENUE SHARING

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. THOMSON of Wisconsin. Mr. Speaker, we have heard support of revenue sharing from all quarters, especially from State and local officials. The mayors of our largest cities are counting on this bill to help ease their financial situations.

Revenue sharing will also help our rural counties and smaller cities. I include at this point in the RECORD, resolutions from the county boards of supervisors of Buffalo County and Vernon County, Wis., and the cities of Galesville, Osseo, and Blair, Wis., in the hope that these expressions of support for revenue sharing will help the Members of the House appreciate that the problems at which revenue sharing is aimed are problems shared by citizens and governmental units in both urban and rural areas:

RESOLUTION

Whereas, county government has badly needed federal revenue sharing to alleviate the high tax cost to local county taxpayers; and

Whereas, the federal House Ways and Means Committee has reported out of committee the $26.5 billion, 5 year compromise federal revenue sharing bill, known as H.R. 14730 the "State and Local Fiscal Assistance Act of 1972", and the House of Representatives will vote on this bill during the week of May 8, 1972; and

Whereas, the passage of this bill is the most favorable vehicle for Wisconsin taxpayers to more equitably recoup some of their federal dollars from Washington, D.C.

Now therefore be it resolved, that the County Board of Buffalo County, State of Wisconsin, does hereby urge their federal legislators to act favorably for the passage of H.R. 14730 before both the House and Senate;

Further be it resolved, that a copy of this resolution be forwarded to all U.S. Senators and Representatives from the State of Wisconsin.

VERNON COUNTY BOARD
OF SUPERVISORS,
Viroqua, Wis., May 2, 1972.

Hon. VERNON THOMSON,
House Office Building,
Washington, D.C.

DEAR MR. THOMSON: In behalf of the County Board of Supervisors, Vernon County, I wish to urge you to support the "State and Local Fiscal Assistance Act 14370" for the Federal Revenue Sharing.

Sincerely yours,

CHESTER ERLANDSON,
Chairman, County Board of Supervisors, Vernon County.

RESOLUTION

Whereas, the Common Council of the City of Galesville, in regular session assembled do resolve as follows:

Whereas, the Common Council has been requested to endorse and support through Resolution the concept of Federal Revenue Sharing.

Whereas, Federal Revenue Sharing will provide the citizens of Galesville with needed local property tax relief.

Whereas, in addition our local unit of government will benefit under a program of federal revenue sharing.

Now, therefore be it resolved, that the Common Council of the City of Galesville goes on record to support and endorse the concept of federal revenue sharing and urges the adoption of such a program in the United States Congress.

The above Resolution duly adopted this 8th day of July, 1971.

OFFICE OF CITY CLERK,
Osseo, Wis., August 2, 1971.

Be it hereby resolved, that the City Council of the City of Osseo, Trempealeau County, Wisconsin, does hereby endorse revenue sharing of federally collected funds to be used to help alleviate property tax burdens in various municipalities of the state.

RESOLUTION TO THE CONGRESS OF THE UNITED STATES

Whereas, the operating costs of municipal government and public education continues to escalate, and,

Whereas, the property tax method of producing revenue has been stretched to the breaking point in both the business and private sector, especially as it affects the people of low income and the retired, and,

Whereas, the local municipal officials are in the best position to apply funds to the utmost advantage of the people under its jurisdiction,

Now, therefore be it resolved, that the Common Council of the City of Blair does endorse and urge the adoption of no strings attached Revenue Sharing Legislation.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

GOULD LINCOLN'S COLUMN ON SENATOR McCLELLAN

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 22, 1972

Mr. HARRY F. BYRD, JR. Mr. President, Gould Lincoln, of the Washington Star, the dean of the Nation's political columnists, had an excellent article Saturday entitled "McCLELLAN the Rackets Buster." He was speaking of Senator JOHN L. McCLELLAN, of Arkansas, who last week won the Democratic nomination for his sixth term in the Senate.

Senator McCLELLAN had a difficult fight, but by hard work and ability was able to come out on top. He is an outstanding Senator.

I ask unanimous consent that the column be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, June 17, 1972]

McCLELLAN THE RACKETS BUSTER

(By Gould Lincoln)

Sen. John L. McClellan, D-Ark., who won his party's nomination for re-election last Tuesday, has been a great and consistent fighter of crime during his long career, as a lawyer in private practice and in public office—including county prosecuting attorney, member of the House of Representatives and senator. This goal for illegal acts committed by individuals, by labor leaders, or by organized crime.

McClellan, 76, is seeking a sixth term in the Senate. He was challenged by Rep. David Pryor, 37. McClellan had failed to win renomination in the primary in a four-man race, although he led Pryor by 16,000 votes. In the run-off, his lead over Pryor was 20,000. McClellan was rated an underdog in the run-off. Few incumbent candidates forced into a run-off election, have won. In addition, McClellan checked the 1972 trend to nominate younger and more liberal candidates.

McClellan has had a brilliant career in the Senate as an investigator. As chairman of the Senate Government Operations Committee he turned the spotlight on labor racketeers in the 1950s. He was largely responsible for the convictions and jailing of two leaders of the powerful Teamsters Union, Dave Beck and Jimmy Hoffa. Hoffa was released in 1971 when President Nixon commuted his sentence.

The late Sen. Robert F. Kennedy served as committee counsel for McClellan during the investigation of Hoffa, and also when McClellan investigated the conduct of the late Sen. Joe McCarthy, R-Wis., who tangled with the Army and Secretary of War Robert T. B. Stevens, charging there were Communists in the U.S. armed forces. McClellan had again taken over the chairmanship of the investigating committee after the Democrats regained control of Congress in 1954. McClellan and his chief counsel in their turn charged that Republican McCarthy and his counsels, Roy M. Cohn and G. David Schine, had produced false testimony in the McCarthy inquiry into the Army.

When McClellan finished his tirade, Cohn and Schine—McCarthy, too—didn't have a word to say. This, indeed, was the beginning of the drive that eventually led to the public censure of McCarthy in the Senate.

McClellan's forthrightness brought him into conflict with two Presidents of the United States—Franklin D. Roosevelt and Harry S. Truman. While the senator from Arkansas had supported some of Roosevelt's "New Deal" measures, including the Wagner Labor Act which he regarded as needed to insure fair dealing with organized labor, he later felt that the Wagner law was working to give labor too much of an advantage. He voted for the Taft-Hartley Act and has supported it ever since. Indeed, he has in the past offered amendments to strengthen it.

Roosevelt was angered by McClellan's conservative record in the House and the Roosevelt administration turned against McClellan and brought about his defeat. He returned to the political arena in 1942 and won his Senate seat. He was defeated in 1936 in his first try for the Senate by Mrs. Hattie Caraway, widow of a senator. She was seeking a second term in 1942.

McClellan won re-election easily in 1948, although he was opposed by the liberal element of the Democratic party, particularly the Truman faction. He criticized Truman's measures, which he called "socialistic." He did not like Truman's Korean war policies, and later he sought to investigate the so-called "mess in Washington," attributed to Truman's permitting his cronies to accept gifts, some of them in cash, as well as furnishings for the White House or their offices.

McClellan was born in Sheridan, Ark. on Feb. 25, 1896. He attended public schools and was tutored in law by his father. At the age of 17, he was admitted to the Arkansas bar, after the state legislature passed a special act permitting the under-age young man to take the bar examination.

Always McClellan has been a terrific worker. His law practice was interrupted when he entered the Army at the start of World War I. He became a first lieutenant in the Infantry and Signal Corps.

During his recent campaign for renomination, McClellan charged his opponent, Pryor, with kowtowing to organized labor. He said that labor had always been against him and that labor had contributed $65,000 to Pryor's campaign. He charged, too, that Pryor was a liberal and socialistic. Pryor vehemently denied these charges. And he criticized McClellan as always a friend and supporter of the rich and well-to-do, and said McClellan was no friend to the poor and to the blacks.

The only hurdle left for McClellan is the November election in which his Republican opponent will be Wayne Babbitt, who has resigned as the Little Rock area director of the U.S. Department of Housing and Urban Development. McClellan's victory is more or less taken for granted.

SALUTE TO EDUCATION

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. O'KONSKI. Mr. Speaker, education is the most important foundation for human progress. However, as times change, so does the need for quality education change. Also, as times change, methods of financing education must also change.

In many respects, the necessary changes in the quality of education and kind of education as well as methods of financing education have not kept up with the needs of our times.

As an example, studies show that in the next 10 years, four out of every five jobs that need to be filled in our Nation will not require a college education. Yet, most Federal programs are still stressing college education and neglecting technical education, which will be our most important need in the next 10 years.

Likewise, the horse-and-buggy policy of using property taxes as the main financial support for elementary and secondary education has not kept pace with the needs of our times.

We must realize, and the sooner the better, that elementary and secondary education is more of a national responsibility than is higher education. To get away from the horse and buggy of raising funds for elementary and secondary education, it is my judgment that the Federal Government must assume at least 33 percent of the cost of elementary and secondary education.

These are just a few of the challenges that face the Congress. Most unfortunately, Congress has been very slow in responding to the formulation of programs to meet their needs and to keep up with the changes that come along that must be met.

SALUTE TO EDUCATION

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. MACDONALD of Massachusetts. Mr. Speaker, I appreciate the opportunity to congratulate the National Education Association on their "Salute to Education" which is being held today here in Washington. It gives those of us from all our 50 States an opportunity to recognize the achievements of our great educational system which I feel is second to none.

Primary and secondary education is not only an invaluable tool to be used by the individual, but is also a system that directly provides for an informed and responsive society. Education builds a foundation for life that is essential in all occupational fields. My enthusiastic support for educational legislation has exemplified my feelings for effective and innovative educational systems. This enthusiasm and concern for education is not only generated by my position as a Congressman, but is also a result of personal and family contacts in the field of education.

As a child, I was fortunate to receive a quality education in the Malden elementary schools, Beebe Junior High School in Malden, and at the Medford High School. My father taught in several school systems including Malden and Everett, my two sisters teach in the Malden and Lawrence systems and I have several nieces and nephews teaching in local school systems. My exposure to the educational systems of these communities individually and through family contacts gives me an excellent insight into the need for an even greater effort by this Nation in support of our educational system. It is my hope that our educational systems will continue to improve and will provide this type of quality education.

NEWS ON EQUAL EMPLOYMENT RIGHTS FOR WOMEN AND MINORITIES IN THE UNIVERSITY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. KOCH. Mr. Speaker, the newspapers yesterday reported that the Federal Office of Civil Rights has warned the City University of New York that it must provide employment information including data on the sex and race of all employees or face the loss of Government contracts and subcontracts.

It is reported that HEW said the university must give written assurances within 10 days that the information would be made available and provide the first installment of data within 30 days of the notice.

J. Stanley Pottinger, Director of the Federal Office of Civil Rights of HEW stated that the City University had created an impass by refusing to provide information necessary to determine whether there was job discrimination against women and minority group members.

I have had correspondence with Belle Zeller, chairman of the Legislative Conference of CUNY, and with J. Stanley Pottinger on this subject which I believe would be of interest to our colleagues and part of which I am appending. Mr. Speaker, the balance of this correspondence will be inserted tomorrow.

LEGISLATIVE CONFERENCE OF THE
CITY UNIVERSITY OF NEW YORK,
New York, N.Y., January 24, 1972.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: The Legislative Conference, the collective bargaining agent for the more than 8,000 members of the full-time career faculty of the City University of New York, fully supports the efforts of the U.S. Department of Health, Education & Welfare to correct the extensive pattern and practice of discrimination which exists at the University.

It has come to our attention that the City University is at present exempt from compliance with the Executive Orders (11246 as amended by 11375) which authorizes HEW to insist on affirmative action programs. It is our opinion that the best interests of the University, the community, women and minorities are not served if such exemption is continued. In no way do we mean to question the sincerity of those members of the administration who desire to overcome discrimination in and by the University; we merely suggest that governmental directive will help speed achievement of equal opportunity.

In principle, we see no reason why the law should allow the state and local governments to discriminate against any group in our society. Declaring an institution exempt in effect condones discrimination.

We respectfully urge you to take whatever steps are necessary to eliminate the exempt status of the City and State Universities of New York.

Sincerely,

BELLE ZELLER,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 8, 1972.

CONGRESSIONAL LIAISON,
Department of Health, Education, and Welfare, Washington, D.C.

DEAR SIR: I am writing to you about a matter brought to my attention by Belle Zeller, Chairman, The Legislative Conference of the CUNY, 11 West 42nd Street, Suite 554, New York, New York 10036.

I have received the enclosed letter from Miss Zeller. Subject to your existing procedures, I would appreciate your looking into this matter and informing me of your findings so that I might be advised of the situation.

Thank you for your interest in this inquiry.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., February 25, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thank you for your letter of February 8 concerning the affirmative action requirements applicable to the City University of New York.

Under Executive Order 11246, as amended by Executive Order 11375, Federal contractors or subcontractors may not discriminate in employment on the basis of race, color, religion, sex or national origin, and they must take affirmative action to assure such nondiscrimination.

The applicable regulations issued by the Department of Labor provide that instrumentalities of State or local governments are exempt from maintaining a written affirmative action program (41 CFR Chapter 60-1.5 (a) (4)). However, while such institutions are not required to follow this procedure, they are nevertheless subject to the standards set by the Executive Orders. Accordingly, all contractors and subcontractors must ensure that applicants for employment and employees are treated without regard to race, color, religion, sex or national origin. In addition, as the compliance agency for institutions of higher education, the Department's Office for Civil Rights conducts compliance reviews of public as well as private colleges and universities, and in both cases the institutions have an affirmative obligation to remedy any deficiencies identified in their employment practices. Public institutions, as well as private, are required to make written commitments to provide such remedies.

This Office has held discussions with the Office of Federal Contract Compliance, Department of Labor, concerning recommended changes to the regulations, such as the modification you have proposed. However, final decisions in this regard rest with the Secretary of Labor, and therefore you may want to take the matter up with him.

Sincerely yours,

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 29, 1972.

CONGRESSIONAL LIAISON,
Department of Labor,
Washington, D.C.

DEAR SIR: I am writing to you about a matter brought to my attention by Belle Zeller, Chairman, The Legislative Conference of the CUNY, 11 West 42nd Street, Suite 554, New York, New York 10036.

I have received the enclosed letter from Ms. Zeller. Subject to your existing procedures, I would appreciate receiving your comments on this matter so that I might advise her.

Thank you for your interest in this inquiry.

Sincerely,

EDWARD I. KOCH.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., March 12, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: This is in response to your letter requesting information for your constituent Belle Zeller on the status of City University of New York under Executive Order 11246, as amended. We have answered a number of letters on this same subject for members of Congress, and there appears to be some misunderstanding concerning the matter.

City University is not exempt from the Executive Order. Our regulations do provide that the requirements of the equal opportunity clause in any contract or subcontract with a State or local Government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such Government which does not participate in work on or under the contract or subcontract. However, the converse of this is that a State or local Government agency which does participate in work on or under the contract or subcontract is subject to the requirements of the equal opportunity clause. Since City University does have Government contracts and is receiving Federal financial assistance for construction projects, it is subject to the Executive Order.

As a Governmental agency, City University would ordinarily be exempt from the requirements of filing the annual compliance report and maintaining a written affirmative action compliance program. But, City University was found by the Office for Civil Rights of the Department of Health, Education, and Welfare (HEW), the compliance agency in this case, not to be in compliance. When such a finding is made, the regulations provide that the compliance agency can require the contractor to develop a written corrective action program to correct the deficiencies.

According to the latest information we have been able to obtain from HEW, City University has still not filed an acceptable affirmative action plan. However, in order for your constituent to get the latest information on the status of City University, we recommend that she contract the Office for Civil Rights, Department of Health, Education, and Welfare, 26 Federal Plaza, Room 3838, New York, New York, 212/264-4633.

I hope we have been responsive to your request.

Sincerely,

FREDERICK L. WEBBER,
Special Assistant for Legislative Affairs.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 15, 1972.

DIRECTOR,
Office for Civil Rights, Department of Health, Education and Welfare, New York, N.Y.

DEAR SIR: I am writing to you concerning the affirmative action requirements applicable to CUNY. I understand from the enclosed letter that the City University has not filed an acceptable affirmative action plan.

I would appreciate your informing me when the City University was asked to submit this plan and to what date they have to comply. I do appreciate your keeping me informed of the status of this matter.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
New York, N.Y., March 24, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: I received your inquiry of March 13, 1972 concerning the Affirmative Action requirements under Executive Order 11246 which are applicable to City University of New York. I also received the copy of the letter addressed to you from the U.S. Department of Labor on the same subject.

The letter addressed to you by the U.S. Department of Labor contains some information which somewhat confused me. I therefore took the liberty of transmitting the correspondence from you and to you from the Department of Labor to my Headquarters Office in Washington in order that any points of confusion could be ironed out at that level. My Office in Washington, after having cleared this matter, will reply to your inquiry.

I am sorry for the slight delay in responding to you but I should prefer that the response to you be accurate.

Sincerely,

WILLIAM R. VALENTINE,
Regional Director, Office for Civil Rights.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 7, 1972.

Hon. EDWARD KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: On March 24, 1972, Mr. William Valentine, Regional Director of our New York Office, wrote to you in response to your letter of March 15 concerning an affirmative action program at the City University of New York. Mr. Valentine referred your letter to this Office because it was implicit in a recent Labor Department letter to you that the investigation at CUNY, in which it was found in noncompliance, was a recent one.

Actually this finding was reported in a November 20, 1970, letter to Mr. Bernard Mintz, Vice-Chancellor for Administration at CUNY, in which our New York Office requested CUNY to submit an affirmative action plan. Since that time, numerous meetings have been held between members of both our New York and Washington staffs and CUNY officials for the purpose of establishing an understanding of the requirements of the Executive Order and the Department of Health, Education, and Welfare's basis of jurisdiction. CUNY has submitted some material. However, it does not fully satisfy the University's responsibilities under the Order.

At the present time, officials of CUNY are objecting to making available the records and data necessary to determine compliance. We are continuing to work with the University in developing a program which will comply with the Order.

Please let me know if I can be of further assistance.

Sincerely yours,

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

A SALUTE TO EDUCATION

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ANDREWS of North Dakota. Mr. Speaker, an informed citizenry is a basic and essential ingredient if our form of government is to survive. That's why, each year as our society becomes more complex, the role of our educators becomes more important.

That is why, as well, I am pleased to have this opportunity to join in this salute to our Nation's teachers.

Good citizenship is, of course, a small measure of the total responsibility of our teachers. Every industry and every profession, indeed the total fiber of our Nation, counts on the education profession to provide the young people with the knowledge, the desire and the inspiration for perpetuation.

In return, educators deserve more than our gratitude. They recognize more clearly than any of us perhaps, their desperate need of support from the Government of the people they serve so well.

They need this support particularly when dealing with the bureaucracy that has been spawned by the well meaning efforts of the Congress. Each of us has a real responsibility to make sure that this Government reacts responsively and responsibility to the needs of our educators.

There is no single group of constituents whose counsel and views I value more than the teachers in the district it is my privilege to serve in the Congress. I urge my colleagues similarly to pay heed to their teacher-constituents, respectfully submitting that none of us are too old to learn.

NEEDED: A FAIR SHAKE FOR STATE DEPARTMENT FOREIGN SERVICE EMPLOYEES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. ASHBROOK. Mr. Speaker, on June 6, 1972, the Washington Star's veteran reporter on Federal employee affairs, Joseph Young, commented on an official position paper of the Civil Service Commission concerning a dastic shift in CSC policy concerning employee appeals. The position paper read in part:

> Perhaps it would be better for a body other than the Civil Commission to hear and decide employee appeals and that another organization should be established by law for that purpose.

To Federal employees who are aware of the Commission's function, this is a radical departure as noted by Mr. Young in his column:

> In the past the commission heatedly opposed any suggestion that it relinquish its appeals authority.

To one group of civil servants who are not covered by the Commission's appeal machinery, the Foreign Service officers of the State Department, this new thinking of the Commission must have carried an encouraging message. As I have indicated in the past, when FSO's are selected out of the Service their right of appeal within the State Department was a joke, to put it bluntly. Now, along comes the Civil Service Commission, with authority over the bulk of civil servants, stating that perhaps employee grievances can be best resolved outside the Commission. With regard to the Foreign Service this has been the thrust of legislation which I first introduced in 1968 calling for an appeals mechanism outside of the State Department for FSO's. The plight of the FSO's was, I believe, clearly stated by a 7-year veteran of the Office of the Legal Adviser in the State Department, Mr. Richard A. Frank, in a letter to the Senate Foreign Relations Committee chairman, Senator FULBRIGHT. One excerpt from the letter, which appears on page 20186 of the CONGRESSIONAL RECORD of June 8, reads:

> My experiences with the Department of State and its grievance procedures have, however, not been encouraging: they have led me to the conclusion that there is a pervasive lack of understanding of due process and fairness in connection with the grievance process, and, consequently, personnel are not accorded what are considered elsewhere to be minimal, basic rights.

Additional obstacles might well be in the offing for beleagured FSO's if current fears in knowledgeable circles are realized. The American Foreign Service Association, which claims to be an employee organization independent of State Department management, is vying for the right to be the exclusive employee representative of FSO's in their negotiations with State. It is claimed that AFSA is too close to the State Department hierarchy to serve as a truly solicitous voice for the FSO's.

On June 19, 1972, John Hemenway, a former FSO who was selected out at State and who after a stiff battle finally was granted a grievance hearing still in process, addressed a letter to Leonard J. Lurie, Director, Labor-Management and Welfare Pension Reports, Department of Labor, protesting the recent elections of the Board of Directors of AFSA as "undemocratic." Mr. Hemenway asserted that for this reason AFSA was not qualified to speak for Foreign Service employees under EO 11636. In support of his position, Mr. Hemenway cited the following which I quote from his letter:

> (1) There was no control to guarantee that the ballots counted were in fact cast by persons having the proper credentials to vote in the election.
>
> (2) No controls were established whatsoever to insure that, if the ballots sent out were not actually received by the person for whom designated, they were not used by another.
>
> (3) Nor was a register maintained, with control numbered outer envelopes of ballots received, to be opened in the presence of official ballot counters; similarly, there were no controls exercised over the printing or safeguarding of ballots (the only distinctiveness was the color, fairly easily counterfeited.)
>
> (4) There is no register of persons who actually did vote or who did not vote by mail or in person. (I was told that the vote received by mail swung the election to the persons finally declared the victors. In Washington, where recent controversial events in which you played an active role were well known and understood, the vote was fairly evenly distributed among the candidates.)
>
> (5) 2,438 valid ballots were said to have been received; several times that number of official ballots were distributed. There is no way of knowing who on earth returned those ballots that found their way into the ballot box.
>
> (6) Not even the most primitive ballot security controls were attempted. I was told that a padlocked box held returns received until counted. That, of course, is no safeguard—it merely gives the illusion of safeguards. No poll watchers were assigned by candidates or their slates to guard their interests during counting.
>
> (7) It is not even a certainty who is responsible for the above events. The February *Journal* lists Stephen T. Johnson as Chairman of the AFSA Election Committee. I was under the impression that the election committee for the AFSA 1972 election was presided over by a Deputy Assistant Secretary of State named Martin Herz. Why should Johnson make the report on Herz' responsibilities?
>
> (8) In any event, Herz was defacto chairman during the several preelection meetings held in Washington. I know this for a fact. I met him and we spoke. His was the critical role in setting policy and tone during this period. In my judgment, Herz was an odd choice for such a task in a year in which AFSA intends to apply for the privileges available under E.O. 11636. I refer, of course, to material on record in connection with the Mace confirmation hearings. See, for example, Martin Herz' own memorandum published in the CONGTESSIONAL RECORD, volume 117, part 28, page 37400, and my own letter to Senator Mace/Herz in the CONGRESSIONAL RECORD, volume 117, part 29, page 38105.

On June 20, 1972, Foreign Service Officer John J. Harter sent a communication to Mr. Lurie, enclosing documents relating to his own independent candidacy for election to the board. Among these documents is Mr. Harter's November 11, 1971, memorandum to Martin P. Herz, chairman, AFSA Elections Committee, including the following passages:

> For all practical purposes, the campaign appears to have been virtually cloaked in secrecy.
>
> The incumbent Board of Directors may appreciate this approach, which is tantamount to packing the ballot box in its favor. I can assure you opposition candidates resent this apparent effort on the part of the AFSA Elections Committee to assure continuity on the Board.

Both Mr. Hemenway and Mr. Harter referred to Mr. Herz as the chairman of the AFSA Elections Committee. Mr. Herz is a powerful senior management official in the State Department, with important political and social contacts. Currently, he is the Deputy Assistant Secretary for International Organization Affairs. Previously, he was Minister-Counselor for Political Affairs in Saigon. A former AFSA Board member, he has been given special AFSA assignments. For example, the AFSA News of January 1970 stated the following:

> Special Committee to consider role in political appointments. At the request of the AFSA Board of Directors, Martin F. Herz, former Board member and currently Minister-Counselor for Political Affairs in Saigon, has agreed to establish a special AFSA Committee in Saigon. This Committee will investigate and make recommendations to the AFSA Board on the feasibility of establishing a permanent AFSA Committee to advise the President on the qualifications of potential political appointees to diplomatic posts. The Herz Committee is the first important AFSA committee to be established outside of Washington. Its establishment follows a suggestion made by Professor Galbraith at a recent AFSA luncheon.

SELECTION BOARDS AND AFSA BOARDS

On June 7, I invited the attention of the House to the way in which the State Department continued to manipulate the so-called independent selection boards which decide promotions and dismissals by "selection out" of Foreign Service officers. I cited the case of Deputy Under Secretary of State William J. Crockett who named his own brother-in-law to the 1963 Selection Board which promoted several Crockett proteges, including Idar Rimestad, Howard Mace and John H. Stutesman, Jr., who was then Special Assistant to the Deputy Under Secretary of State for Administration and who later in 1966 became the Chairman of the Board of the American Foreign Service Association.

THE FOREIGN SERVICE JOURNAL

Following a term in 1966 as Chairman of the Board of AFSA, Mr. Stutesman was named in 1967 as Chairman of the Board of the Foreign Service Journal, the official publication of AFSA.

During the years 1966 and 1967, the Stephen Koczak and Otto Otepka cases received wide distribution in the American press. Koczak charged that his efficiency record contained forged documents and he named E. Allen Lightner, Jr. as the principal officer who had permitted tampering with his records. Otto Otepka charged William Boswell with mishandling his efficiency records. Both Koczak and Otepka had complaints about Norris Haselton, who was then the Inspector General of the Foreign Service. Yet, the Stutesman-AFSA Board censored out every reference to these top officers whose names were appearing in other publications.

The silence of AFSA and its Foreign Service Journal during that period is explicable when one reviews the membership of previous AFSA Boards and the way they were dominated by management.

Let me begin with the Foreign Service personalities placed by Mr. Crockett on the 1963 William Figy Selection Board, promoting officers to class 1.

The chairman of that 1963 William Figy Selection Board was Ambassador Thomas Estes; the other FSO member was Findley Burns, then serving in Mr. Crockett's office together with Mr. Stutesman. Both Ambassador Estes and Mr. Burns knew then that Mr. Figy was Mr. Crockett's brother-in-law.

Estes and Burns were previously closely associated in several joint undertakings, not only in their official functions at the State Department but also within the American Foreign Service Association. For example, when E. Allen Lightner, Jr. was Chairman of the Board of the American Foreign Service Association, Estes was secretary-treasurer and Findly Burns was assistant secretary-treasurer. Subsequently, when Lightner became Chief of the U.S. Mission in Berlin, Findley Burns became his Deputy there, while Estes succeeded Lightner as Chairman of the Board of the American Foreign Service Association. Serving on the AFSA Board under Estes were Norris Hazelton, the Inspector General of the Foreign Service, and William Boswell, then assigned to the Security Office.

It was during this period when some

of the worst personnel malpractices in the history of the State Department and the Foreign Service took place. These included the sex and spy scandals at Warsaw and Belgrade; the perjuries committed by State Department officials before Congress; the tapping of telephones of State Department personnel; and the tampering with personnel records. I shall not review these scandals again because the public record of the Stephen Koczak and Otto Otepka cases has been well documented.

IS AFSA FREE FROM MANAGEMENT?

Has AFSA improved? Is it now free from management? The Hemenway and Harter letters to Mr. Lurie cast doubt that much change has taken place. Moreover, the record shows that the current chairman of the AFSA Board, William Harrop, saw nothing improper about acting in both a managerial and an "independent employee" capacity in testifying as an AFSA spokesman on bills before Congress in precisely the same language which he had used as the official management coordinator for the Department of State. Nor did the vice chairman of the AFSA Board, Thomas D. Boyatt, and the Acting Secretary-Treasurer, Herman J. Cohen, see anything inappropriate about serving on the 1971 Selection Boards rating Foreign Service officers for promotion and for dismissal through "selection out" while running for the Board of AFSA. Nor did Messrs. Harrop and Boyatt see anything improper about accepting the assistance of State Department management in getting authorization cards and memberships for AFSA.

Has the Foreign Service Journal improved? Just recently, it ran an editorial opposing efforts of the Charles Thomas Legal Defense Fund to collect money and affidavits to file suits against the State Department for violations of due process in selection out. Then, following recommendations by grievance panels for the promotion to FSO-3 of Alison Palmer and John Harter, because of denial of their constitutional rights, the Journal urged that the right of grievance boards to make such recommendations be limited by the Secretary of State. Beyond, these actions, the Foreign Service Journal has been silent on the details of many grievance cases which have been filed and on the charges by many grievants that the Interim Grievance Panels are themselves denying due process.

I am pleased that the House Foreign Affairs Subcommittee on State Department Organization will begin hearings soon on Congressman HAMILTON's bill, H.R. 9188 and my own bill, H.R. 8523. I trust that during these hearings the subcommittee will have occasion to have both the State Department and the American Foreign Service Association comment on the charges which have been brought by John Hemenway and John Harter against both the State Department, in their own grievance hearings, and against the Board of Directors of AFSA in their communications to Mr. Lurie.

TOWN OF RUTLAND, MASS., CELEBRATES 250TH ANNIVERSARY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. BOLAND. Mr. Speaker, June 18, 1972, marked the 250th anniversary of the town of Rutland.

Centrally located in Massachusetts, Rutland's scenery is picturesque and beautiful, abounding in hills and vales, brooks and natural lakes.

The territory embracing this town was purchased from the Indians in 1686 and was settled in 1713. It was on June 18, 1722, that the Great and General Court of Massachusetts incorporated the town of Rutland. In memory of, and as a tribute to those brave pioneers who settled the town of Rutland, June 18, 1972, has been declared Rutland Founders' Day.

Rutland is so situated that it has been protected from the encroachment of the more disquieting aspects of modern life, but its pure air and fine scenery have just recently given it wide celebrity as a health resort.

In the Revolutionary War, the town of Rutland took prompt action in furnishing many volunteers, who served with honor and distinction throughout the struggle for independence.

Rutland, however, owes its greatest distinction to having been for 8 years the home of Rufus Putnam, "Founder and Father of Ohio." It is because of General Putnam and his efforts to settle Ohio, that Rutland has earned the nickname "Cradle of Ohio."

In a message to the people of Rutland on this momentous occasion, I stated:

> The citizens of Rutland are to be commended for this most propitious observation of Rutland's 250 year heritage and contributions to our Massachusetts history and traditions.
>
> Your unveiling of Rutland's first town flag will coincide with the flying of an American flag over the United States Capitol at my request on Sunday, June 18, 1972. This American flag and appropriate certificate marking Rutland's Founders' Day celebration will be given to the town of Rutland for historic preservation.

The program for the historic celebration was as follows:

PROGRAM

State Representative Edward Harrington, Master of Ceremonies.

Invocation: Rev. Edgar Pelletier, St. Patrick's Church, Rutland.

Reading of Proclamation: Selectman James Wood.

Presentation of first official town flag: Albert Thomas, Chairman of 250th Celebration Committee to Selectman James Wood.

Raising of the flag and selections by the drum and bugle corps.

Introduction of guests: Senator Daniel Foley, Main Speaker.

Benediction: Rev. Richard S. Price, First Congregational Church, Rutland.

Here is the text of the proclamation establishing Rutland Founders' Day:

A PROCLAMATION, 1972—TOWN OF RUTLAND

(By Authority of James L. Wood, Frank J. Brooks, George R. Griffin, Board of Selectmen)

Whereas, in the year of our Lord one thousand six hundred and eighty-six, an area known as Naquag was purchased from the Indian owners and later to become the site of the Town of Rutland;

Whereas, the General Court of Massachusetts acted favorably on the petition of the Proprietors On February 23, 1713 and that such new town be called Rutland;

Whereas, that the Town of Rutland on June 18, 1722 was Incorporated by the Great and General Court and that said Town of Rutland is celebrating its Two Hundred and Fiftieth Anniversary the entire year of 1972; now, therefore,

We, the Board of Selectmen of the Town of Rutland, in the County of Worcester, Commonwealth of Massachusetts, do hereby proclaim as

RUTLAND FOUNDER'S DAY, JUNE 18, 1972

in memory of, and as tribute to, those brave pioneers who settled said Town of Rutland.

Be it further proclaimed that appropriate exercises, events, and celebrations be held throughout the year; and

Be it further proclaimed that we, this Board of Selectmen, dedicate ourselves to the task of incessant progress, aimed at building a better community for ourselves and our posterity.

Given in the Selectmen's Office in Rutland, this 31st day of January, in the year of our Lord one thousand nine hundred and seventy-two, and of the Independence of the United States of America, the one hundred and ninety-sixth.

SALUTE TO EDUCATION

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. FLYNT. Mr. Speaker, the quality of American education stands among the most crucial issues facing our great Nation. Concern over this issue is witnessed everywhere—in local communities, in State legislatures, in the Congress of the United States and in every home across the land. We know that the level of knowledge and skills required today and which will be required in the future far exceeds that of previous generations.

We have a good educational system. It is not without its flaws. The efforts required in the years ahead to insure quality education must be assigned a high national priority because what happens in our classrooms and in our schools affects the quality of our national life. We must make certain that the adults of tomorrow will be able to compete effectively in the job market, increase our national productivity, understand and exercise their rights and responsibilities as citizens, and provide the necessary leadership in government, industry, and in the arts and sciences.

We all share a responsibility in making certain that our schools provide the kinds of knowledge and skills which will insure that our youth have the tools to deal with the challenges with which they will be confronted when they leave the classroom and move into the mainstream of our society.

As we salute education this week, we honor those who have contributed so much to our youth—their teachers and school administrators—and we reaffirm our commitment to the young. While the Congress has supported that commitment, it must rely on the judgments of many groups and governmental leaders in the quest for quality education. We cannot avoid the challenges, some of them painful. It is a simple fact that these decisions are made in the context of financial commitment. It is the responsibility of all of us—in education and in government—to make absolutely certain that the funds appropriated for educational purposes are used for educational purposes, to improve the quality of education. None can escape his share of this responsibility, and none can escape the consequences of an inadequate response. The success of our society depends upon acceptance of that responsibility, and I am willing to accept my share of this responsibility. May a divine providence lead us to wise decisions and good programs for our young.

I STAND FOR PEACE

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. McCOLLISTER. Mr. Speaker, recently I received a copy of a statement by Charles Evans Hughes, which appeared in the October 25, 1916, issue of the Chicago Daily Drovers Journal as a paid political advertisement during his presidential campaign. It was sent to me by an Omaha constituent, Fred P. Curtis, who informed me it had been found in the wreckage of a building in Corning, Iowa, this spring.

Mr. Curtis feels, as I do, that it is very appropriate today, nearly 56 years later, as we find ourselves in the midst of another presidential campaign, in which peace is again an issue.

In order to share it with my colleagues in the House of Representatives and the Senate, I would like to insert it in the RECORD at this time:

> I stand for peace, but I stand also for the dignity of American citizenship.
>
> If America will stand firm for her known rights they will be recognized by every nation on earth.
>
> If America keeps edging away in terror we shall invite contempt and insult, and the very thing these apostles of peace desire to prevent will be the thing their actions will invite.
>
> You must stand somewhere and you had better begin collecting courage to stand at the very first attack.
>
> I am for peace with honor and not at the sacrifice of rights.
>
> We are together in this country to go up or down, but we won't go up unless we have the splendid spirit of the past which maintains the honor of the flag and maintains peace because the world respects our power to maintain it.
>
> CHARLES EVANS HUGHES.

DEFENSIVE MEDICINE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. GUDE. Mr. Speaker, one of the most disturbing consequences of the present method of litigation of medical malpractice suits, beyond the distressing rise in the cost of health care to the consumer, is the increasing practice of defensive medicine. For example, the physician, in order to protect himself, may order an extensive series of tests which are, in all likelihood, simply not needed. Or, he may refrain from certain complicated tests, for fear that something may go wrong. Indeed, a recent survey by the American College of Surgeons, to which over 15,000 responses were received, clearly confirms that the threat of malpractice has spurred the practice of defensive medicine of this nature. Over half the doctors indicated that they use X-rays and laboratory tests more frequently, consult with others more, and have amplified their records substantially. Approximately one out of five respondents have limited their practice as a response to the ever-present threat of malpractice suits.

I have recently introduced legislation to provide for a system of arbitration boards to hear medical malpractice suits in the District of Columbia. Arbitration of these cases can help to insure a higher quality of health care in Washington, and will assist in keeping a lid on the ever-increasing cost of that care.

In this connection, I would like to bring the results of the above survey, as reported in the American Medical News, to the attention of my colleagues at this time. Such information provides valuable evidence that we need reform, and need it now.

The article follows:

SURGEONS SEE INCREASE IN DEFENSIVE MEDICINE

More than half of the surgeons responding to a recent survey by the American College of Surgeons indicated that the threat of malpractice has spurred the practice of defensive medicine.

Twenty-one per cent of the respondents indicated they have reacted to the threat by limiting their practice through such methods as omitting certain procedures previously done, restricting the amount of procedures done, and by discontinuing attendance in emergency rooms.

Some 61% said they use X-rays more frequently; 53% indicated they use more laboratory tests; 51% reported they use consultants more frequently; and 55% said their records have been amplified substantially.

Two out of five of more than 15,000 surgeons who responded to the ACS survey have had a malpractice claim against them within the past 12 years. (A claim was considered as any indication from a patient to the physician that legal action was being planned or started.)

In a report on the survey findings in the *Bulletin of the American College of Surgeons*, the ACS said that if the present trend continues through 1974, the number of claims could easily reach one for every three surgeons.

Of the 15,219 responses to a two-page questionnaire, 6,492 reported claims experience. Some of the physicians had multiple claims that raised the total to slightly over 7,500, of which approximately 500 did not progress beyond the threat stage. One-eighth of the respondents had two to four claims in the 12-year period.

Ninety per cent of the settlements were under $100,000, and 68% were less than $10,000. Ninety per cent of the claims were settled either before trial or during the trial but before submission to the jury. Of the 8% of the claims that went to the jury, the results favored the defendant in four out of five cases. Panel and arbitration methods accounted for 2% of the settlements.

Twenty per cent of the respondents felt the suit had been stimulated by a poor result; another 20% considered the stimulus to be an attorney. Lack of patient rapport and indiscreet comments by various people were considered additional sources of origin of suits.

One-third felt that the claim arose as a result of the surgical procedure, while one-eighth believed the claim originated from events in the period after surgery.

Twenty per cent had been co-defendants with hospitals in litigation; 10% had been co-defendants with a partner or an associate; and 14% had been sole defendants.

DEFENSIVE MEDICINE

More X-rays, 61%.
More laboratory tests, 53%.
More consultants, 51%.
Amplified records, 55%.
Limit practice, 21%.
Sources: American College of Surgeons.

PHILIP J. PHILBIN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. McDADE. Mr. Speaker, no man can serve his Nation in the Congress for 28 years without leaving a mark upon this Nation, and in the death of Philip J. Philbin the Nation has lost a man who certainly left such a mark. Through his career of a generation in the House of Representatives, Phil Philbin served on the Armed Services Committee. He came at the height of the Second World War, when the principal concern of America, the termination of that war, was the business of his committee. He was part of the team which built up the military safeguards in the difficult and complex world in which we have lived since that war. Yet, with so serious a responsibility, he was an easy and pleasant man.

There was about him the strength of the young Phil Philbin who had been center on the last Harvard football team to go to the Rose Bowl—where Harvard defeated Oregon.

There was the calm dedication of the farmer in him, as indeed he had been a farmer. And there was the very thoughtful prudence of the lawyer, as the law had also been his profession.

In his lifetime, he learned the meaning of service to his Nation, and through his life and work the Nation was well served. I extend my condolences to his daughters who survive him, but I know they are consoled by the thought of the meaning of his life.

THE GERMAN DAY IN TEXAS

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. CABELL. Mr. Speaker, each year in the month of October, the German Day in Texas is celebrated by Texans of German descent and by many others throughout our State who recognize the contributions the German people have made in the growth and culture of Texas. The history of German Day is well described by Dr. T. Herbert Etzler whose chronology of "The German Day in Texas" follows:

THE GERMAN DAY IN TEXAS

(By Dr. T. Herbert Etzler)

On the 6th of October, 1683, 289 years ago, the first German colony was established on American soil.

Through the endeavours of Prof. O. Seidensticker and G. Kellner, editors of the "Philadelphia Democrat" this historic landing on our shores was celebrated in the city of William Penn, founder of Pennsylvania on the 6th of October, 1883.

Commemorating the "German Day" at the St. Louis Exposition, the Hon. Carl Schurz said: "The German Day in the United States is the celebration of the friendship of the German and the American people. The German-Americans are the hyphen between Germany and America, presenting the living demonstration of the fact that a large population can be transplanted from one to another country, and be devoted to the new homeland for life or death, and yet preserve a reverent love for the old".

In the year 1889, it was the city of Houston in the State of Texas, which began to pay tribute to the heroic pioneers of German descent. Mr. August Mosell continued in 1890 to testify "To the everlasting, faithful work and achievements of the German element of Texas in Art, Literature, Education and in all Industrial branches". In 1891, Dr. Max Urwitz was the orator of the German Day in Houston, In 1892, a first German Day parade with four divisions and twenty marshals accompanied by eight floats moved through the streets.

Thus continuing year after year from 1889 to 1910 with pageants and dancing, the German Day became an annual festival in Texas.

The year 1963 marked the renewal of an old custom in Texas, however this time, the German Day, became an officially recognized state institution. Consul Gershon Canaan, who initiated "The Texas German Day Council", won the support of Dallas Mayor Earle Cabell and of Governor John B. Connally.

The latter issued on the 6th of October, the historic date, the first German Day Proclamation, in honor of Texas pioneers of German descent. Gershon Canaan was elected Chairman and has served as such continuously. Other Council officers elected in 1963 were: James Gerhard, Co-Chairman; Teddy J. Trept, Executive Secretary and Clarence Talley as Treasurer. Heri B. Bartscht served as Co-Chairman from 1964 to 1970, when Eugene De Kieffer joined the Committee and took this position over.

The Texas German Day Council has its seat in the city of Dallas, and the German Day is annually celebrated at "The State Fair of Texas". It acts as a parent organization for all German American societies, which have representation on the Council.

During the first ten years of its existence, the German Day honored distinguished personalities such as: Admiral Chester W. Nimitz, President Dwight D. Eisenhower, Sec. of the Treasury John B. Connally. Ambassador Frhr. von Stackelberg, Composer Franz Van der Stucken, Jacob Brodbeck and General Bernard Schriever. Also Dr. Wernher von Braun and Sen. Horst Grabert, Minister-president Dr. Alfons Goppel and Dr. Rainer Kessler, Consul Generals Dr. Richard Louis, Dr. William O. Denzer and Dr. Frederick M. Lange, Consul a.D. Dr. Ludwig Fabel, Gen. W. O. Ruggles, Profs. Heri B. Bartscht and Rudolf Kruger. Also State Repr. Walter Richter, Joe M. Dealey, E. O. Cartwright and James Ling.

The German Day salutes annually cities and states of Germany and of Texas, thus building bridges of understanding and friendship between our peoples. Major cities and communities throughout the State of Texas are represented by Out-Of-Town Co-Chairmen, who co-ordinate the program activities for this statewide celebration, which is proclaimed by the Governor of Texas.

The German Day in Texas has come a long way since its inception in 1963 and has been recognized nationally and internationally. October the 15th, 1972 marks the tenth anniversary. It owes its existence and successes to the voluntary and dedicated services of the officers and members of "The Texas German Day Council" and to the Texas community at large.

IOWA WESLEYAN COLLEGE—A GREAT SCHOOL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. SCHWENGEL. Mr. Speaker, one of the country's oldest and most historic colleges—Iowa Wesleyan College in Mount Pleasant, Iowa—is breaking interesting new ground in contemporary educational developments.

Founded in 1842, before Iowa became a State, Iowa Wesleyan has always pioneered in educating Americans for the future.

The college's Pioneer Hall, now housing the English, speech and drama department, is the oldest college building still in use west of the Mississippi River.

Wesleyan was one of the first colleges to welcome women and black students—in the mid-1860's. It was also the first college to teach sciences by using laboratory methods instead of just lectures. America's first woman lawyer, Belle Babb Mansfield, was graduated from here in 1866 and space scientist, James Van Allen, in 1935. Van Allen helped plan Wesleyan's Adam Trieschmann Hall of Science and the space-age curriculum taught there.

Wesleyan was one of the first colleges to include students in most levels of the administrative and policymaking machinery of the campus. A student is a voting member of the board of trustees.

Today's Wesleyan plan curriculum continues to keep the college on the forward edge of leadership in higher education. The small, southeastern Iowa institution, with 680 students from 35 States and nine foreign countries, last year established a baccalaureate nursing program when it discovered a need for such a program in that part of the State. Only four other Iowa colleges and universities—all larger schools than IWC—have degree-granting nursing schools.

Wesleyan's requirement that each student do a project of service to society before graduation is unique in American higher education. Many college students today are working for community betterment, but only Iowa Wesleyan makes social service a requirement for graduation through its responsible social involvement—RSI—program.

Each student picks his own project, spends as many hours on it as the project demands, doing all the research and coordination himself. Finally, he documents his project in the form of a paper, film, slide lectures, photographs, and so forth, for scrutiny by a faculty committee.

Says Jerry Richards, director of the RSI program:

> We feel an obligation to involve our students in the social problems facing our nation today. It is so easy for students today to criticize the shortcomings of community life, but American citizens have an obligation to help improve the life of their fellow men so we have made social service an important part of their education.

Each student receives 6 hours' credit for completion of his RSI project, most of which average at least 100 hours' work.

Students can choose to do this work during summer vacations, or during regular semesters, in addition to their normal course work. But the majority use the January interim, a short, 5-week term between the regular fall and spring semesters. Over 140 Iowa Wesleyan students performed community services in 15 States during this year's interim term.

Now in its third year of operation, the unique program's success is now bringing in hundreds of requests for student help from as many cities and agencies.

Says the head of one school for severely retarded children:

> So many volunteers are on-again, off-again affairs; these IWC students, however, are not only dependable but well-educated and highly motivated. They have done a lot of good for the children.

Says Richards:

> Part of a college's responsibility should be directed toward bringing its students into all adult affairs, not just into the job market. Many of our students continue their RSI project work, even after they've completed credit requirements. And many of their individual projects grow into long-term community services involving large numbers of other volunteers.

Dr. Louis A. Haselmayer, Iowa Wesleyan president, says:

> RSI has added the community as a new learning resource to the traditional academic experiences of classroom, laboratory and library. It has provided a special bridging of the generation gap between students in college and adults in the world. We regard RSI as more than just volunteer help from students in community needs. It is an important part of our entire educational philosophy of knowledge-in-action.

The Christian Science Monitor recently featured Iowa Wesleyan as one of 15 small colleges across the country having outstanding, innovative programs worthy of national attention. That article and four others help describe Wesleyan's unique RSI program of service to society, and I insert them in the RECORD for the informational benefit of my colleagues:

[From the Christian Science Monitor, Nov. 14, 1970]

WHILE GAINING CREDITS, STUDENTS "DO SOMETHING FOR SOCIETY"

(By Bill Baxter)

MOUNT PLEASANT, IOWA.—Miss Jodi Stevenson organized a community library in an abandoned city-hall building in her hometown of Drakesville, Iowa, starting with donated books and magazines.

The project earned her credit in Responsible Social Involvement (RSI) at Iowa Wesleyan College, where Miss Stevenson majored in English.

"I didn't think much of the RSI program when it was announced," the Wesleyan senior commented. "But now, after actually working on a project of my own and for the community, I think it's wonderful.

"It gives everyone a chance to do something for society, and that's the whole idea of today's youth."

A Methodist-affiliated, liberal-arts college founded in 1842, Wesleyan is said to be the first academic institution in the United States to make community service a graduation requirement for every student.

Every department emphasizes experience as a teacher:

Each French major is encouraged to spend some time in France.

Computer students run one of their own programs at the Argonne National Laboratory, Chicago, and all students are urged to use the college's computer facilities to assist in their studies, including art and music.

Students in the international-studies program spent a month in Japan with their professor last spring, getting insights from several Japanese who are alumni.

Wesleyan biology students spent eight weeks in Alaska last summer, living in their professor's mobile home, while studying the state's flora and fauna. Among them was sophomore Bill Freel.

How was this superior to studying on campus?

Mr. Freel explains:

"Well, you can't climb mountains or camp out in the Yukon in a classroom, can you? It's just a great experience, being on location to identify and study animals and plant life."

Each student tailors a program to meet his specific needs—whether it be early specialization in one of 32 majors offered or in a broad, interdisciplinary approach—for almost one-third the required 120 semester credit hours are personal options.

The 4–1–4 calendar provides a five-week "minimester" between Christmas vacation and the start of the second semester when the whole campus community breaks routine for an intensive look into contemporary American problems.

This year 800 students from 36 states and 11 other countries are enrolled. But housing and education facilities could accommodate 1,000.

About 40 percent of the students work part-time, and 45 percent receive a total of $500,000 annually in grants, scholarships, and loans from the college.

Most unmarried students live in campus dorms, which operate under an open-hours policy for all residents.

Because the college feels strongly that education is a full-time affair and that students must learn to share the responsibilities of living in a republic, students have a voice in almost all college concerns, including rank and tenure of professors.

There are 56 faculty members, 25 percent with Ph.D.s, for a 14-to-1 student-teacher ratio.

Accredited by the North Central Association of Colleges and Secondary Schools and by the National Council for Accreditation of Teacher Education, Iowa-Wesleyan offers three degrees—B.A., B.S., and B.M.E. (music education).

In keeping with Wesleyan philosophy, admission requirements are flexible and individualized.

Though seeking students from the upper half of their class with above-average scores on College Boards or American College Tests, and those who show evidence of profiting from the freedom and personal responsibilities of the Wesleyan plan, the college will consider students from the lower half of their class who show creative or academic promise.

IW's RSI

In this era of social action and volunteerism, it has become almost commonplace for young people to turn up in helping roles in hospitals, schools, political campaign headquarters, recreation centers, and the like. Nonetheless, it is noteworthy when an entire college student body turns its collective hand to projects of a social service nature. Note then Iowa Wesleyan, where the Responsible Social Involvement (RSI) program calls for every last one of the 700 undergraduates to create and carry out a project that "contributes directly to some area of social need." The chosen undertaking is worth six academic credits, its progress must be fully documented and submitted for scrutiny by a faculty committee, and its successful completion is a requirement for graduation. In pursuit of fulfilling this requirement during the four years of RSI's existence, Wesleyans have worked at mental health facilities and family planning agencies, have helped teach ecology to prison inmates and black studies to fifth graders, have coached youngsters' sports teams, and have campaigned to get a school bond issue passed. While most students choose to write papers as documentation, some have been encouraged to venture into multimedia production or to use sculpture and other art forms in their efforts at reporting and self-evaluation.

[From the Mount Pleasant (Iowa) News, Feb. 5, 1972]

RSI PROJECT PROVIDES BRIEF HUMAN SERVICE

A Responsible Social Involvement (RSI) project underway in Mount Pleasant by Iowa Wesleyan College senior Marty Goodwin has pointed up a continuing need in the community as well as provided a brief human service, the main goal of IWC's unique RSI program.

Mrs. Goodwin, an elementary education major whose husband, Richard, is Mount Pleasant Superintendent of Schools, arranges entertainment every Saturday afternoon for the five local nursing homes, the Henry County Home, and the P.E.O. Residential Home. She is a familiar figure in all these places, because she goes along each Saturday, visiting and helping the residents, driving the entertainers, and promoting her drive to make the visitations a permanent arrangement through cooperation of area clubs and organizations which will take over for her when—and if—she ever gives it up.

"Giving up" is not in Mrs. Goodwin's vocabulary. Her program directed to the elderly has its origins in a personal experience, and she's determined that the aged shall not be neglected.

To this end, she has organized weekly Saturday afternoon entertainment and visitations, relying on volunteer aid from local church groups, vocal groups, 4–H'ers, dancers, area school choirs and vocal groups and many other individuals and groups who have cooperated to help Mrs. Goodwin toward her goal.

Because she is not willing to quit when her RSI project is over, Mrs. Goodwin is looking for more individuals and groups who will give of their time on Saturday afternoons to continue the program indefinitely. "Entertainment" doesn't necessarily require performances by dancers and singers. Visitation, sponsoring birthday parties, driving residents to see Christmas lights (one of Mrs. Goodwin's projects during the season) or exhibits—any help from any quarter will be greatly appreciated by Mrs. Goodwin and even more grateful will be the many friends she has found living in quarters set aside for the elderly.

Mrs. Goodwin's RSI project is one of 48 such student projects of community service underway in 11 states. Each student must complete a service project sometime during his or her four years at IWC. Wesleyan is the country's only college or university with such a requirement.

[From the Des Moines Register, Feb. 14, 1971]

TWO COLLEGE MEN TEACHING WEEKLY CLASS IN PRISON

MOUNT PLEASANT, IOWA.—Two Iowa Wesleyan College men go to prison once a week and they couldn't be happier about it.

And neither can the dozen or so inmates at the Iowa State Penitentiary at Fort Madison who spend two hours on Monday nights discussing ecology and conservation with biology students Fredric Rahn, Mount Pleasant, and Robert Cox, Keosauqua, who are fulfilling the Wesleyan graduation requirement that each student do a project that benefits society.

The students are spending the College's January-February Interim Term working on the prison project as part of Wesleyan's unique Responsible Social Involvement (RSI) program.

"Bob and I went down there the first night with a structured, lecture-type lesson plan, but it only took about 15 minutes to tell that the five or six men attending the class that first night just wanted to talk informally," says Rahn, a senior.

"We could see that they wanted to isolate problems of the day and hash them out. They wanted to argue and debate topics. The men had something to contribute and they wanted the opportunity to just talk about these things with someone," he says.

"So, that was the way we directed the class from then on, and now about a dozen or more of the men look forward to the weekly sessions, which are held in the honor-wing dormitory of the maximum security institution," Rahn says.

With many inmates eventually assigned to work on the prison's honor farms and because of a general interest in the subject among many of the inmates, the ecology-conservation topic was chosen as the most worthwhile subject for the IWC students' project.

"We've also talked about many other things these men have on their minds," says Rahn, "and they're interested in the things that all of us are concerned about—the war, campus unrest, the economy and the future."

"Most of them, no matter how long their sentences, look to the future and talk about someday getting out. They want to keep up with things going on outside the walls," he says.

One inmate, who has been following unrest on the nation's campuses through television and newspaper accounts, told the Wesleyan students, "You know it would probably be surprising to people outside to know that nearly all of us in here abhor blowing up campus buildings for no apparent reason."

"These guys really look forward to us coming down," says Cox, a junior, "but I think the class and the ecology-conservation subject are really secondary."

"The important thing is that we've cultivated a friendship and a trust with them. Their biggest need is someone who cares, someone they can trust, confide in and talk with frankly," he feels.

"And most of them we've come in contact with are articulate, intelligent individuals," Cox says.

"After a couple of sessions, the men wanted us to come down twice a week but we couldn't because of other classes and the need for study time," says Cox.

"They've mentioned a couple times how good it would be if other students majoring in different fields could come down to talk about sociology, psychology, business, economics and other fields," Cox points out.

"Our project will soon be over," says Rahn, "but we hope other students will want to pick up where we left off and will be allowed by prison officials to continue what we feel is a most worthwhile endeavor in human understanding, development and friendship."

[From the Burlington (Iowa) Hawkeye-Gazette, Jan. 3, 1972]

SHE FINDS HOPE HAVEN'S CHILDREN LOVE ONE ANOTHER

MOUNT PLEASANT.—Two Iowa Wesleyan College coeds are assisting the staff at Burlington's Hope Haven school for retarded and handicapped children to fulfill a graduation requirement calling for students to do a project of human service.

Whether giving individual study assistance in class or helping in recreation, the students—Karen Gieselman, Burlington, and Kathryn Veith, Mt. Pleasant—are quick to agree that there is something very special and lovable about these children, and that their own lives have been enlarged by working with them as part of Wesleyan's Responsible Social Involvement (RSI program.)

On a typical morning this week, Miss Veith was working with a group of 10-12-year-olds—helping them to develop manual skills and word recognition. Miss Gieselman was working with two nine-year-olds—helping them learn numbers.

"I have come to love these children very much, and it amazes me how they love one another. I only hope they can find that love as they grow up and eventually leave Hope Haven," said Miss Gieselman.

In describing one of her new little friends, Miss Gieselman said, "I enjoy little Paula. She has had some kind of fever as an infant which has paralyzed her legs and damaged her brain. She walks on little crutches, but never seems discouraged. She can't talk, so she makes little signs which you come to recognize. Whenever she rubs her hands together as if she were warming them, you know she's happy. She's such a gentle little mother to her tiny toy doll, and points to things she wants others to share. It's easy to love a girl like her, and I pray and hope for the best for her."

"CAPABLE AND DEPENDENT"

Paul Eisenmann, director of Hope Haven, declared that as a rule he has found volunteer help not sufficiently responsible or regular to carry out absolutely necessary functions. "But these students are different," said Eisenmann. "They are very capable and dependable. The four students who have worked here as part of the RSI program have done a lot of good things for the children," he said. Wesleyan students Sharon Avery and Gary Beelman, both from Burlington, worked at Hope Haven for RSI credit last winter.

Over 100 IWC students are working on RSI projects in 11 states, including 66 in Iowa. Seven students are working on Indian reservations in New Mexico and Arizona. Wesleyan is the country's only college or university requiring such a project for graduation.

TOP CORPORATE EXECUTIVES ESCAPE THE PAY BOARD CEILING

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. VANIK. Mr. Speaker, the Pay Board has established a 5.5-percent ceiling for any pay increases in order to hold the line on the economy. The wages of the workingman have been held in tight to that 5.5-percent ceiling—regardless of the size of his family—or the dimension of his financial obligations. The average family has been forced to a new level of frugality to comply with the law.

During this same period top management and executive salaries—including bonuses and incentives payments—jumped an average of 7 percent—some jumping as high as 219 percent. During 1970 when corporate profits were down 12 percent the big company executives took an average salary hike of 3.5 percent.

The top executives in the auto industry snapped some of the biggest increases, as industry profits climbed by 126 percent. James M. Roche, who retired in December as chairman of General Motors Corp., was boosted from $262,500 to $838,750—a "mind boggling" increase of 219.5 percent. Most of this boost was due to restoration of GM's traditionally handsome bonus, unpaid in 1970, because of a lengthy strike and sagging profits. The workers of GM received no compensation for the strike—and it seems to me that this is an act of "banditry" on corporate coffers by their own executives.

Henry Ford II, chairman of the Ford Motor Co. took on a $190,200 pay increase—from $512,000 to $702,000.

At Bendix Corp., Chairman Paul Fontaine's pay rose by 130.4 percent.

The transportation industry pay increases for top executives were led by increases of 77.6 percent for Eastern Air Lines' Floyd D. Hall and Trans World Airlines' Charles C. Tillinghast, Jr.

It appears the whole airlines industry paid no Federal income tax at all for fiscal year 1971—not one penny. It was apparently a very bad year for the airlines industry, but the top executives seemed to effectively line their own pockets.

Both Eastern Airlines and Trans World Airlines paid no Federal income taxes. How do I explain to the people of my community who constantly ask me about their pay increases being deferred or dropped altogether when corporate executives of these corporations take incredible pay increases even in bad years?

It must also be pointed out that 10 percent increases for a man earning $10,000 is $1,000. The same percentage increase of a man earning $100,000 is $10,000—not quite equitable.

These outlandish pay increases were not limited to isolated industries. In the food industry, pay of Pepsi Corp. Chairman Donald M. Kendall was boosted by almost 50 percent to $298,000 while Nabisco's Chairman Lee S. Bickmore had a pay gain of almost $60,000, to put his compensation at over $300,000.

Harold Geneen, chairman of ITT, drew $812,494 in 1971 with stock options over $7½ million. With this rather hefty salary for ITT's chief it must also be noted that the effective tax rate for ITT in 1971 was only 4.9 percent. If you are the head of a household and earning $10,000 anannually you are paying an effective tax rate of 27 percent. It seems to me that the bigger they are the less they pay in taxes, and the more they pay their executives.

Written between the lines are other fringe benefits that consist of special stock options, loans, insurance, and financial counseling, special services not available to other employees.

Executive compensation must be brought under the same control as that of the average citizen. Executives should not be permitted a choice of the highest income of the past 3 years as the base for calculating increases. Why should any citizen receive these special privileges?

It is unconscionable and unfair that the Pay Board allows this situation to continue. The Pay Board is defeating the very purpose of its creation if it does not take some action to control these "end runs" by corporate executives. The credibility of Phase I to II is being highly undermined by these "salary shenanigans" by corporate chiefs.

THE LATE HONORABLE PHILIP J. PHILBIN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. ROONEY of New York. Mr. Speaker, I was deeply saddened to learn of the passing of Hon. Philip J. Philbin, our distinguished former colleague from Massachusetts. Phil Philbin was a dear friend of mine for many, many years and one of the finest Americans I have ever known. It was truly a privilege to serve here in the House of Representatives with such a warm and considerate human being. He was an outstanding legislator whose career was keynoted by dedication and devotion not only to his constituency but the entire Nation. Phil was an extremely versatile man—classic scholar, musician, and athlete. He was one of the key members of the House Committee on Armed Services for many years and at one time chairman of that committee. He was an expert in the ponderous field of national security and had an abiding interest in military justice and the living and working conditions of our military personnel. But Phil Philbin was above all a wonderful man and a close friend to so many of us. He will be truly missed by all of us who were privileged to know him and to be his friends. To his daughters and family I offer my deepest sympathy and prayers upon their great loss.

"PETE" DU PONT DESERVES HIGH MARKS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I think all of us who have had the privilege to serve in the House for some time now, have been quite impressed indeed with the group of new Members who joined us in the 92d Congress. And in my view, our new colleague and friend from Delaware, PETE DU PONT, must rate as one of the most competent, dedicated and thoughtful Members of that promising class of 1970. In his quiet but steady and intelligent efforts to further measures like welfare reform, revenue sharing, fiscal and budgetary reform, environmental restoration, campaign finance reform, and a host of others, as well as in his extremely effective work in behalf of his constituents in the State of Delaware; PETE has developed a record that is most admirable, and one which is certainly a tremendous credit to this great institution in which all of us serve.

I just want to take this opportunity to publicly express my own personal high regard and respect for PETE DU PONT, and to call to the attention of my colleagues a recent editorial from the Wilmington Morning News which perhaps expresses better than could I a well-deserved tribute to one of the most able freshmen Members of this body:

[From the Wilmington, Del., Morning News, May 26, 1972]

REPRESENTATIVE DU PONT HAS LOOKED GOOD AS A FRESHMAN

Pierre S. du Pont IV has been the ideal freshman Congressman, from a Delaware viewpoint and from that of Washington.

The clubby houses of Congress expect their junior members to be seen but not heard, helpful but not boisterous. Even the talkative senators expect their freshmen, for at least one session, to make a maiden speech and then keep their mouths shut. In the House, new members take the low spots on committees, do party chores, and tend the interests of their constituencies. Rep. du Pont performed well at that standard.

What Delaware expected of its youngish new congressman is less clear. In some quarters, given his family background, personal estate, political affiliation and full membership in the Greenville Gang, he may have been expected to be quite conservative.

Actually, Pete du Pont has turned out to be a reasonable, articulate moderate. His interests, as he recently expressed them, are in fiscal and budgetary reform, revenue sharing for the cities and states, welfare reform and more help for the elderly. His style is very much that of the New Politics, Republican brand. And he has been very much his own man: The Roman numeral appended to his name is just a genealogical distinction.

Rep. Du Pont made the formal and not expected announcement this week that he will be a candidate to succeed himself, and one piece of evidence that he can be expected to be a hard man to beat is the fact there is, at this late date on the political calendar, no announced candidate in either party to oppose him. There almost certainly will be no opposition to nomination by his own Republican Party, and the Democratic nomination may turn out to be a consolation prize for one of the party's several candidates for governor.

It is noteworthy now that this scenario may have been far different. Had Sen. J. Caleb Boggs retired, as there was some feeling that he would, Rep. Du Pont could at this point be locked in a sizzling battle with Wilmington Mayor Harry G. Haskell Jr. for the Republican senatorial nomination. Mayor Haskell recently commented that it was just as well that had not happened. It's just as well from Rep. Du Pont's standpoint, too. On the basis of his first House term, he can have a long and promising future in Delaware and national politics.

SALUTE TO EDUCATION

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, I would like to join my colleagues in paying tribute to professional educators in this formal salute to education. As we approach our Nation's 200th birthday it is fitting to recall the tremendous role that education has played in a society that has made us the most industrially sophisticated nation in the world. From the cotton gin to the harvesters, from the discovery of electricity to the construction of great dams, from the Wright Brothers' first flight to the landing of man on the moon, from dynamite to nuclear fission and from Morse code to television and telephones, education has, indeed, served us well.

All that makes America great can be directly or indirectly attributed to one commodity, education. Other than the home environment, education is second to none in guiding and influencing our children. All of our children have the opportunity to become President, or a millionaire, or go to college and our free society is able to nurture these dreams and prepare our children for their future, whatever course they may choose.

Education also plays a major role in contributing to the betterment of our society. More medical students are entering general practice and donating their knowledge to those who are unable to afford proper health care. Lawyers are representing the indigent and safeguarding the rights of the poor; and men and women are entering the field of social work in an effort to help those less fortunate than they. Armed with education, compassion and a willingness to give, they are making our great country greater and giving their lives a more special meaning.

In short, our education system has created a society which leads the world in offering life, liberty, and the pursuit of happiness. While it has contributed greatly to the growth of this Nation, new problems have arisen and we must be prepared to meet these new challenges. The fact that the Federal budget provides outlays of $13.5 billion for aid to education for fiscal year 1972—an increase from $2.8 billion in 1962—shows that we are preparing for the future.

Recently it was my pleasure to form a First Congressional District education review and advisory committee to provide a two-way channel of communication and continuing dialog on matters relating to education at the Federal level with a broad cross section of professional educators in my district. In addition to providing current information and reports on proposed legislation related to education, I intend to meet periodically with the committee as we work together to enhance the quality of education throughout the Redwood Empire of California.

The challenge is here and we must never commit the error of resting on our laurels. I am confident that the sincere dedication of men and women as teachers and Congress' foresight will insure that every child will have the proper direction to become a valuable asset to our society in whatever capacity he or she may choose.

THE GREEKS HAD TWO WORDS FOR IT

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. JOHNSON of California. Mr. Speaker, it is my pleasure to include in the RECORD excerpts of the commencement address given by the former Under Secretary of the Interior, James K. Carr, now director of Airports for the City and County of San Francisco. Mr. Carr, a professional engineer, has served as general manager of public utilities for the city of San Francisco; as assistant general manager of the Sacramento Municipal District; as chairman of the California Water Commission. Some of my colleagues will remember him as the water and power consultant from 1951 to 1953 on the staff of the Committee on Interior and Insular Affairs of the House of Representatives.

Mr. Carr makes some cogent remarks about the great benefits of water and power projects, particularly in the Western part of the United States. He takes issue with ecologists that preach a "no-change, no-growth" policy. Excerpts from his remarks follow:

REMARKS BY JAMES K. CARR

When Santa Clara College had already been granting degrees in higher education for more than twenty years, the English language did not have a word for my topic today—Ecology-Human Ecology—a subject requested of Father President (Thomas D. Terry, S.J.) by some of the graduates.

The word "Ecology" apparently came into English usage about 1873. A German zoologist, Haeckel, used it in 1869.

We are certainly making up for lost time. Now, everyone is talking about ecology and the environment. Millions of words are being spoken and written about it.

The Greeks had two words for it: "Oikos" (household) and "logos" (the word—or study of). Ecology, therefore, means essentially "the study of the household—the household we call earth."

Human ecology is the total relationship of men and women to their resources, both material and spiritual—since they consist of body and soul—and to the consequent social, cultural and economic institutions resulting from that relationship. It involves the cities as well as the wilderness.

Environment is a part of Human Ecology, but only a part.

Environ means to surround, enclose or encircle.

To those individuals, corporations and government agencies who have "had it their way" so long in the use of natural resources, I would suppose they now think with all this upsurge of concern that the word "environ" means to entrap, exasperate or frustrate.

Let's face it: Ecological Judgment Day has arrived. Increasing Human Ecological concern, world-wide, is here to stay. The recently convened United Nations Environmental Conference in Stockholm is further evidence of that fact.

The Stockholm Conference is not a meeting to praise "motherhood", as some have erroneously assumed. Headlines such as: "Industrial Nations Fight Ecology Plan" and "Rich Nations Called on to Rethink for Environment", are indications that the Stockholm Conference won't be a scientific or political "Tea Party".

One headline: "Love for One Another Theme at Stockholm Environment Meet," even indicates some may be getting warm in the search for answers to the problems.

Make no mistake as to how long it takes and what effort is required to make progress. It will be an uphill fight all the way for those who have the audacity to challenge "The Establishment". As one of the "older conservation revolutionaries", I can cite chapter and verse.

The selfish, ruthless, dollar-hungry exploiters; the individual and corporate air, land and water polluters; the single-minded freeway builders; and even aircraft builders don't like to have so-called "posey pickers" and "butterfly catchers" stand in the way of what they define as progress.

You can save "the Ecological Crusade" if you are practical, don't bite off too much at once, don't expect Utopia overnight, and most of all, "don't quit".

The late Rachel Carson, author of "Silent Spring," a former Interior Department colleague, asked me about ten years ago to sit with her at a meeting of the Women's National Press Club. She was there to defend her views against the onslaught of the hirelings of the chemical industry—the group she had dared to offend by opposing the use of DDT and certain other pesticides that were destructive of ecological balance.

On that occasion, she bravely fended off the charges which were repeated by the correspondents.

For all her effort, she had little reward except knowing she was right and that she had the courage to speak out about it.

The book, "Since Silent Spring" is a tribute to this valiant, competent scientist who was vindicated in her environmental "call to arms". She also gave us that delightful, provocative book, "The Sea Around Us."

There are and will be intemperate speeches on both sides, overstated positions and one-sided books. Don't be "taken in" by the "Environmental Con-Men" on the one side, or "the anguished screams" of the vested interests on the other.

Practically, Perseverance and consideration of the other person's viewpoint can eventually accomplish a great deal. It doesn't hurt any of us to give up some of "our infallibility" once in a while.

Have but a goal and a purpose, and opportunities to reach your goal will burst forth like the buds in spring.

There must be personal commitment. Ecological problems both great and small can be solved more easily if you are organized. I wish there were more time to talk about that field.

Recent issues of the Sunday supplement, *California Living*, and other news media channels, can supply many references on groups you can join.

One would be remiss if you were left with the impression that environmental protection, desirable ecological policy or true conservation means no growth and no change.

Ecologists who advocate this no-growth approach do a disservice to the Ecology Crusade.

The relatively thin layer of the surface of the earth in which we are able to survive is evolving—changing every second. So are the people who live here. It's how we effect change that counts.

A college graduate without a job is just as unemployed as a "high school dropout" without a job. There must be a continuing development as long as the population and level of living increase.

Man must live off the products of the earth as well as on it.

The issue is, therefore, *how* to cope with the changing environment, not *how* to stop growth.

Change and growth are not necessarily bad.

Shasta Dam and Shasta Lake are examples of environmental change for the better.

Before the dam was built, the beautiful spots along the rivers were mostly privately-owned. In summer the rivers ran low. Drinking water from the river at Redding was tepid in summer and often turbid in winter. For most of the season a few suckers and carp constituted the fishing resource.

Today, there is a beautiful lake with 365 miles of shoreline. Water supplies have improved for every community downstream. Agriculture flourishes in the Sacramento and San Joaquin Valleys because the devastating winter floods are controlled for use during the dry months.

Huge amounts of electric energy are produced without pollution. Boating, fishing and outdoor recreation are available for millions of users on the lake and along miles and miles of free-flowing stream.

Ecologists who oppose construction of all dams are wrong. That doesn't mean we approve every dam anyone proposes. Years ago we won the battle against the huge Table Mountain Dam near Red Bluff that would have flooded the Anderson Valley.

Now, smaller lakes on tributary streams like Whiskeytown Lake are sensibly furnishing water control and stream flow maintenance, resulting in diversified recreation areas operated by ecology-minded men of the National Park Service.

Re-use of purified waste water is rapidly gaining favor. Desalting of sea water is already feasible in many areas of the world.

Yes—the world can be changed for the better.

Nations have arrived at this present "Ecological Crisis" because of the most rapid acceleration of science and technology civilization has ever known.

We find ourselves so quickly in the "ecological mire" because of technology. With the aid of technology and environmental engineering—we can get out.

Rescuing the Ecosphere (I prefer the older term, Creation.) requires choices equally important in economic, social, political and cultural fields.

The policy decision-making process cannot be accomplished by technologists alone because the problems are far from being purely technical.

Policy depends upon one's philosophy. If man consists of body and soul—if he is destined for a life hereafter—then solutions geared only to the "Now Generation" will not work.

There is no shortage of information. However, merely accumulating information isn't education in the true sense. There is always the problem of what we do with it.

Scientists have said that with our present state of the art, satellites and sensors, we could saturate the computer systems of the world with facts about the earth's environment; and the rapidity with which we can get answers is incredible.

When it was my privilege to first attend Santa Clara in 1930, Father Ricard, the internationally famous "sun spot astronomer", was spending his last months on earth. I still remember him sitting in the rose garden near the Observatory.

It is difficult to realize that since those beautiful autumn days some forty years ago, more advances in the knowledge of the science of Astronomy have been made than during all the preceding history of the world.

Accurate information is basic, but we must establish values and adhere to priorities based upon it. We must preserve in some cases and develop in others.

We must stop building monuments to ugliness.

Let me mention some examples.

When the Junipero Serra Freeway (Interstate 280) was opened south of Daly City, a very short time ago, it was beautiful. Natural-sloping, flower-covered, tree-studded hills greeted the traveler. Take a look at some stretches of it today. Monotonous look-a-like, architecturally unattractive houses are beginning to suffocate it. Warehouses are protruding to block the view of the Bay. Soon the freeway will have lost its beauty except where publicly-owned land protects it. Must "making a fast buck" at the expense of livability of the community really be so necessary?

On the highway approach to San Francisco from Marin, it is a setting of incomparable beauty.

From the Peninsula approach on the Bayshore, one enters the City past the desecration of a garbage dump and bulldozer-scarred hillside, forever mutilated—forever maimed.

This evidence of warped values would have prompted Wordsworth to repeat:

"The world is too much with us: late and soon
Getting and spending we lay waste our powers
Little we see in Nature that is ours;
We have given our hearts away, a sordid boon!"

There is a "bright side". We *can* use technology as a tool to improved environment.

At the nearby Lockheed Missile and Space Company in Sunnyvale, there are encouraging developments. Lockheed engineers are demonstrating the potential of a parabolic-shaped flywheel called the Kinetic Energy Wheel. Under a contract with the Environmental Protection Agency, Lockheed is proving that automobile engines and bus engines do not need to be so noisy and air-polluting.

The Kinetic Energy Wheel "spins up" to meet acceleration. Putting on the brakes puts energy back into the wheel. The "heat engine", therefore, can be much smaller, less noisy, and operate with a minimum of air-polluting emissions.

The U.S. Department of Transportation has been asked to approve a program test of the Kinetic Energy Wheel on trolley coaches in San Francisco.

According to Lockheed's calculations, "revving up" to 20,000 revolutions per minute in five minutes can provide enough energy in the wheel to take a trolley coach from the Ferry Building to the western end of Market Street without overhead wires, with very little noise and without air pollution.

What a boon this could mean to people living and working along crowded city streets. How we would miss those noisy, stinking, "belch-fire" buses.

Another major environmental possibility is modern, safe nuclear-energy power plants. They can be constructed to reduce polluting coal, gas and oil-fired power plants. If nuclear plants should be more remotely located, extra high voltage direct-current transmission lines can bring electrical energy to metropolitan areas.

East to west electrical power plants of this type, interfaced to recognize time zones and peak electrical demands across the United States, can reduce the total power plant capacity needed in our Nation. Similar north-south installations could bring presently wasted water power from the streams of Canada and Alaska pollution free.

As for aircraft noise—we are on the "downhill pull". The new "747", "DC-10", and "Lockheed 1011" are all quieter and less air polluting than existing operational aircraft fleets. We are on the way to abating the maddening decibels at and around airports.

Offensive black smoke has been eliminated by two California airlines: P.S.A. and Air California, on all the aircraft in their fleets. The other airlines are following suit to meet an imposed deadline.

But all this possible progress, and all the information available won't permit us to attain a more livable earth unless people possess the right attitude. We can never employ enough law enforcement officers to guarantee complete compliance with environmental legislation.

The encouraging "Ecological Crusade" can be successful only insofar as people and communities develop sound ecological policies which are dependent upon sound individual philosophy regarding man's destiny and place in Creation and his relationship to other creatures.

The community will be a reflection of individual commitment.

The ecology questions facing the world today are essentially ethical questions. This Nation's "environmental sickness" is the consequence of sustained, unfortunate, unethical abuse. Most of it happened so the more fortunate could glory in abundance of material things. We call less materialistic cultures "backward" and "underdeveloped," without much real effort to provide the essentials of food, clothing and shelter, or alleviate the poverty and malnutrition of the people who live there.

Now, some Americans are lamenting their ecological sins, their lack of compassion, and asking what changes we should make.

Longfellow, over a hundred years ago, put the situation so poetically in his, "The Birds of Killingsworth." Referring to the greeedy farmers who slaughtered the birds to save a little grain, and who then suffered the defoliation and the devastation of the locust hordes, he said:

"That year in Killingsworth the
Autumn came without the
Light of his majestic look,

The wonder of the falling
Tongues of flame,

The illuminated pages of his
Dooms-Day book,

A few lost leaves turned
Crimson with their shame,

And drowned themselves
Despairing in the brook."

Despair is never the answer. A healthy recognition of our failures is the first step toward success. After all, the principle difference between St. Peter and Judas was a good confession.

There once lived a man in the 13th Century we should not overlook. He established an order of religious men and women. The men of that order built the Mission which is the focal point of this Campus. The City for which I work honors him—his name is St. Francis of Assisi—San Francisco.

St. Francis took an ontological aproach to life. It is based on a wide-spread belief in a Creator.

When he rebelled against "The Establishment of the 1200's," it was because he thought "the powerful" had lost a sense of true values and true priorities. How familiar it sounds.

St. Francis believed that if you leave out the Creator in your groping for answers, you will get the wrong answer—or no answer at all.

In his beautiful, "Canticle of the Sun", this never-to-be-forgotten "Troubador of Christianity" was singing about the interdependence of Creatures—of Creation. He is the Patron Saint of Ecologists.

He understood well for his day the obligation we have of "stewardship", as we enjoy this brief and delicate tenancy on a thin layer of "spaceship earth", where there, only we can survive.

He contemplated nothingness and infinity. He appreciated the shortness of time and the length of everlasting life—as we so often thoughtlessly refer to it. We, with our "space-age knowledge" should appreciate it so much more fully. Doubtless, he often pondered the question so beautifully expressed by the Eighth Psalm:

"What is man O Lord that you have created
him
Made him a little less than the angels
Crowned him with honor and glory
And set him over the works of your hands."

St. Francis knew that "dominion" doesn't authorize man's tyranny over, or ruthless exploitation of, the rest of creation. Man was given no charter of abuse. Instead, man should consider the "parable of the talents"—each person's inescapable obligation to make use of his or her talents in whatever days we may be given on earth.

Remember, it is not the years in your life that count, but the life in your years.

The humble corroborator in his revolt against false values in the 1200's, his "Women's Lib" compatriot of that day, truly liberated in her saintliness, was the person who has the beloved, beautiful name of Santa Clara—St. Clare.

Three hundred years later another religious man—a "hawk" turned "dove"—imitated the poverty of St. Francis in a cave at Manresa, in the beautiful "hill country" above Barcelona. That same man lived with the Franciscans for a short while when he went to the Holy Land. He established a religious order that has made this University possible—the Society of Jesus, the Jesuits.

His name was St. Ignatius of Loyola—(San Inigo).

His motto was "Ad Majorem Dei Gloriam—For the Greater Glory of God."

The "spiritual exercises" of St. Ignatius form the basis of Jesuit education. Those exercises echo St. Francis in the reference to "The Right Use of Creatures".

In his First Principle and Foundation, he spelled out clearly what it's all about:

"Man is created to praise, reverence, and serve God our Lord, and by this means to save his soul. All other things on the face of the earth are created for man to help him fulfill the end for which he is created.

"From this follows that man is to use these things to the extent that they will help him . . ."

You were not given this educational opportunity at Santa Clara merely so you could live more prosperously than your fellow man. Your education and talents are a gift. You must someday account for their use.

In closing, I should like to paraphrase a quotation that is engraved in marble in the Nation's Capitol. Keep it in mind when you realize how relatively soon all of us will stand before God in judgment.

May you, the members of the Class of 1972, in the tradition of San Francisco, Santa Clara and San Inigo of Loyola, use your individual gifts and talents to develop the human and material resources of this earth, call forth its powers, build up its institutions, promote all its great interests—so that you, in your day and generation, may perform something worthy to be remembered—"Ad Majorem Dei Gloriam".

PRICE COMMENTS ON PROPOSED DES BAN

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. PRICE of Texas. Mr. Speaker, I am concerned over an imminent announcement by the Federal Food and Drug Administration proposing a complete ban on the use of diethylstilbestrol—DES—in cattle and sheep feed. The proposal to ban DES in animal feed is based upon numerous recent cases where DES residues have been found in livers of animals at time of slaughter.

In a telephonic inquiry with Food and Drug Administration officials, I have been assured that the proposed ban has been suggested, not for the purpose of removing DES from the market, but to allow a complete public investigation and hearing whereby all options affecting the use of DES might be explored.

In taking this action, the FDA has emphasized that it is presently staying an earlier proposal to ban the use of liquid DES, since it has been concluded that this would not effectively eliminate the problem of DES residues in animal carcasses and would only severely injure liquid DES feed producers without affecting dry DES feed manufacturers.

Charles Edwards, M.D., Commissioner of Food and Drugs, was quoted as having explained the reason for the proposed ban on DES as follows:

> Diethylstilbestrol (DES) is widely used in beef cattle and sheep to stimulate more rapid weight gain with less feed.
>
> A beef animal, for example, will reach market weight of 1,000 pounds 35 days sooner using 500 pounds less feed than a comparable animal not fed DES. Also, DES increased the ratio of protein to fat, resulting in more nutritious meat.
>
> DES clearly is a useful and effective product. Furthermore, we are convinced that it is safe when used as directed. In spite of these advantages, studies have shown DES to be a carcinogen, and the law does not allow residues of a carcinogen in meat.
>
> Six months ago, the U.S. Department of Agriculture and the Food and Drug Administration instituted new controls to assure elimination of DES residues. This was done after USDA's monitoring program disclosed illegal residues in approximately one-half of animal livers sampled. In response to those 1 percent of animal livers sampled. In response to those findings, FDA extended the withdrawal period for DES from 48 hours to 7 day before slaughter and USDA required producers to provide written certification of withdrawal. In addition, a more sensitive method for detecting DES was put into use by USDA. Finally, in the most recent action, FDA initiated criminal prosecution against a producer for alleged misuse of the drug.

Dr. Edwards further stated:

> Nevertheless, in spite of these actions, the reports of illegal residues have not declined. They have, in fact, increased.
>
> We have been informed by USDA that their monitoring program since January 8, 1972, has found illegal residues in 39 livers, or 1.9% of 2,081 samples analyzed.
>
> This in our judgment does not indicate that the product cannot be used safely and effectively. It does suggest that, for whatever reasons, it is not being used in conformance with existing regulations.
>
> It is apparent that additional action must

be taken. It is equally apparent that any action with such major consumer impact must be taken only after the most careful consideration of all scientific information and regulatory alternatives. We recognize that competent scientists and concerned consumers have strong feelings on both sides of this issue.

Before making further regulatory decisions affecting DES, the FDA must make absolutely certain it has all the facts. We have concluded that the most appropriate forum for accumulating additional facts is a public hearing. This will give everyone—scientists as well as consumers, industry as well as Government—an opportunity to participate in the development, on the public record, of full information essential to balanced and reasonable judgment by the FDA.

Within the statutory framework of the Food, Drug, and Cosmetic Act, the only mechanism for proceeding to such a hearing is for FDA to propose a formal action to withdraw approval of the drug. Such a proposal automatically provides an opportunity for an official hearing before an FDA appointed hearing examiner. Therefore, the necessary proposal for withdrawal will be published in the Federal Register next week. It will provide a procedure for us to carefully consider whether it is appropriate to withdraw approval of DES, to institute new and more effective restrictions to reduce the illegal residues or to take other appropriate action.

Such a hearing would be open to the public. It is our intention to give everyone interested the opportunity to present evidence. We seek facts, and we are particularly interested in data on these subjects:

Additional controls to eliminate the current rate of illegal residues.

The consequences of withholding or discarding all livers, the only organ in which DES has been found by USDA.

The feasibility of limiting use of the product to those producers who can demonstrate an adequate quality control program.

The effect on the environment of withdrawing DES.

The availability of alternative growth-promotant drugs.

Differences or similarities in the potential for residues if DES is used in feed or as an implant.

The likely result of the future availability of more sensitive detection methods.

We will continue, as we have in the past, to share information with authorities in Canada, where DES is also used. FDA and Canadian authorities agreed at a meeting this week that additional action is required.

Let me assure you that FDA is committed to eliminating DES residues from the meat supply in this country. At the same time, we have not yet concluded that withdrawal of approval for DES is the appropriate course of action. We believe that a full public hearing can help provide us with the information we need to make the correct decisions and take all appropriate action. The withdrawal proposal being announced today is designed to bring about such a hearing.

Persons interested in requesting a hearing or presenting data should inform the Hearing Clerk, DHEW, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 20852.

Mr. Speaker, my reaction to the above statement by Dr. Edwards is that this proposed action by the FDA could have far-reaching importance to both cattle raisers and the meat-consuming public. I shall continue to urge that this matter be explored carefully and that we not be driven by emotion into making decisions which will be unsound or unwarranted.

LITHUANIAN RESISTANCE TO FOREIGN DOMINATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. RODINO. Mr. Speaker, the tiny Balkan State of Lithuania has been subjected to foreign invasion and domination for centuries. In 1253, Mindaugas was crowned by Pope Innocent III as king of a united Lithuania. This unification laid the groundwork for an eventual political union with Poland and the general political and cultural extension of the Lithuanian State. This union lasted until 1795, then Lithuania was annexed by imperial Russia. The courageous Lithuanians continually revolted against repressive czarist rule and finally forced the Russians to abandon their policy of assimilation and acculturation of the Lithuanian people in 1905.

Lithuania has had little freedom in the 20th century. After Russian colonization, the German aggrandizement during the First World War sought to eliminate the sovereignty and identity of this determined Balkan State. During World War II, Lithuania was one of the few countries to experience the brutality of both Hitler and the Soviet Union.

On June 22, 1941, Nazi forces overran Lithuania. The peoples of this nation have never seen real freedom and tranquillity since that day. A victory by the Allies during the war wrested control from the Germans, but ultimate authority went to the Soviets. Rule by the Communists for a quarter of a century has stifled this once vigorous, proud nation, into part of the Soviet orbit in Eastern Europe. Moreover, Soviet-sponsored dictatorship has vitiated all forms of political expression and liberty. But, the Lithuanian people have steadfastly refused to submit to alien rule. They have steered an independent course of action, wherever their energies could be exerted. For example, thousands of Catholic Lithuanians have consciously and vociferously kept their faith, despite the unremitting hostility and disbelief of the Communists.

Many in the West do not realize the magnitude of the struggle waged by the Lithuanian loyalists for 8 years—1944–52—against the Soviets. The losses incurred by the Lithuanian guerrillas reached 40,000 dead in military actions alone during this period.

On this day more than 30 years ago, the most dehumanizing and persistent oppression began by the Nazis, and more recently by the Soviets. The proud heritage of the Lithuanian people is filled with examples of resistance and determination, regardless of the odds or obstacles in their path. It is because of this courage of conviction and resistance to alien rule, that I wish to commemorate this day and ask all peoples to pause and take account of the great achievements of the Lithuanian people as symbols of independence and freedom throughout the world.

DOMESTIC SUMMIT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. CLAY. Mr. Speaker, some historians theorize that the true worth of a President will be measured by his achievements in the realm of foreign affairs; that the leader of a nation must make some form of peace with its neighbors if that nation is to survive and flourish as a great power.

The recent travels to Peking and to Moscow, by President Nixon, indicate the importance he ascribes to this aspect of the Presidency. In contrast, is the tragic lack of action in the critical area of domestic needs; so also, however, will history judge a President, for a nation at war within itself cannot long prevail.

A recent editorial in the St. Louis Sentinel poses the idea of a Presidential summit with domestic leaders, to confront the pressing problems facing millions of our citizens. For the benefit of my colleagues, I request permission to include this editorial in the RECORD of today's proceedings.

The editorial follows:

DOMESTIC SUMMIT

President Nixon has carried out within the past few months some of the more spectacular moments of his Presidential career. True to the predictions of some top Republicans upon the inauguration of Mr. Nixon, he has left the dramatic acts of his administration to its closing moments.

The admission of the People's Republic of China into the United Nations started a string of events that is bound to have its impact on the American populace. As we have indicated here before, Mr. Nixon has become a master at what we chose to call "push-pull Policies."

As Vice President Agnew denounces the caution that must be exhibited in dealing with Red China, the administration changes its policy on its admission to the U.N.

Two summits are announced in the midst of a wholesale withdrawing of troops from Vietnam. The individuals who want the boys home gain a sense of achieving in this action from the doves while stepped up bombing of the north satisfies the hawks in the country.

The President journeys to China and returns with two pandas and before he visits Moscow, he announces the mining of Haiphong harbor. In each instance he has deftly given all segments of the electorate a portion of what it has desired.

The followers of Gov. Wallace saw the President join him in his position on busing of public school children. Mr. Nixon seemed to be fully aware of the sophistication of this issue; of its widespread appeal among fear laden parents. He has not misread the pulse of this section of the nation.

True he has a soft economy on his hand and the unemployment rate has not shifted in any appreciable manner. Such things as securing jobs are much more difficult to orchestrate than, say, a dramtic appearance before a joint session of Congress immediately upon his return from Russia. He returned not empty handed, but with a culmination of the SALT talks that have been in progress and structuring stage through two Democratic Presidents. In this instance he fell heir to groundwork carefully laid by administrations before him. The promise of the joint effort in space is another agenda item the President has added to his portfolio, and now he has sent Texas Democrat John Connally off on a world tour. Does this mean that, depending upon whom the Democrats nominate in July, Mr. Nixon may find it necessary to reach for Mr. Connally rather than Mr. Agnew?

There is one area the president has not touched and we fervently wish that he would. He has had two summits, both on foreign soil. With the problems of the cities and the poor coupled with the bogging down of health and welfare programs, the President could add some Brownie points if he called together some of the concerned people of America. Former President Johnson was accused of "staging" events, but his events more than often turned out to constructive good.

Secretary Romney has spelled out the failings of HUD in critical areas. There is a move toward consolidation of HEW, OEO, HUD, etc. This is being brought about because of what many feel is a need for a restructuring of urban affairs in government.

All of this would seem to point to a great opportunity for Mr. Nixon to come to grips with ailing America. He need not gather a mass audience in Washington. There are, however, some pivotal individuals, conversant with this nation's problems. A meeting of these individuals with the highest officer in the land should lead to a better understanding of these problems or set in motion some formula to deal with them.

MR. W. BROM REESE

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. FULTON. Mr. Speaker, on Tuesday, June 13, 1972 I was saddened to learn of the untimely death of my close friend, Mr. W. Brom Reese, of Nashville, Tenn.

Mr. Reese was one of the most kind and generous men with whom I have had the privilege of being acquainted. He was a man who gave fully of himself to help others, particularly our American veterans.

He was a veteran of World War I and Veterans Barrack 3214 of World War I. He also was a member of the American Legion for 53 years and a member of the Voiture 702 of 40 and 8.

Throughout his adult life he devoted a great deal of his time to veterans and veteran organizations. He was very active even after his retirement in 1965. He made weekly visits to our veterans hospital to meet and talk with patients there, giving them a word of encouragement and a bit of personal attention which is so important to those who are so confined.

One of his big annual projects was participating in and planning the Christmas programs at the veterans hospital in order that those patients who would not be able to be at home with their families and loved ones on that very special occasion would have a pleasant holiday.

Mr. Reese left a legion of friends who can all testify to the fact that the world had been a pleasanter place for his having been here.

I extend my personal sympathy and condolences to his widow, Margaret Ellen Criswell Reese.

BALTS REFLECT UPON THREE DECADES OF OCCUPATION

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. HUNT. Mr. Speaker, during the latter part of this month, the Baltic people will commemorate some sad and glorious events. The Soviet Union has long intimidated the peoples of Lithuania, Latvia, and Estonia and now it is time once again for this Congress to call attention to these horrendous injustices.

The Baltic peoples are deprived of their very basic human rights and freedom. They are unable to speak for themselves. Based on the experiences of the people of Hungary and Czechoslovakia, we are well aware that the Soviets stand ready to suppress any overt attempts of the Baltic people to secure their freedom. I believe it is the responsibility of all the people of the free world to be spokesmen for this enslaved group of people.

The Communist regime did not come to power in the Baltic States by a legal or democratic process. The Soviets invaded the Baltic States and grabbed them by force of arms. Since then, the Baltic people have been suffering from Russian-Communist activity and captivity for more than 30 years.

The month of June is a very memorable one for the Balts in all parts of the world. Thirty-two years ago this month—in June of 1940—the Soviet Union invaded the grand old Baltic States of Lithuania, Latvia, and Estonia and took over these peace-loving republics by vicious force. One year later—in June of 1941—the Russian Communists started mass deportations of these people, and over 150,000 Lithuanians, Latvians, and Estonians were swallowed up in Siberian slave and labor camps. Several days before the Nazi invasion of the Soviet Union on June 22, 1941, the people of Lithuania succeeded in getting rid of the Communist regime in the country; freedom and independence were restored and a free government was reestablished. This free, provisional government of Lithuania was overrun by the Nazis only 6 weeks after it was established.

The Balts are a proud people who have lived peacefully on the shores of the Baltic for time immemorial. This year marks the 721st anniversary of the formation of the State of Lithuania. Mindaugas the Great unified the Lithuanian principalities into one kingdom in 1251.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged intense battles for freedom. It is widely recognized that in the period between 1940 and 1952, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the Soviet conquerors.

The Baltic peoples have never before experienced such an extermination and annihilation of their people in their long history through the centuries as during the last three decades. Since June 15, 1940, the Baltic nations have lost more than one-fourth of their combined population to ethnically genocidal deportation and resettlement programs of the Soviet Union. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Two events of the past several months indicate the desperate plight of Lithuania's Roman Catholics, the primary target of the Soviet Government repression among religious denominations. In March, 1972, a petition bearing 17,054 signatures was forwarded to Dr. Kurt Waldheim, Secretary General of the United Nations. The petition was an appeal through Dr. Waldheim to Leonid Brezhnev, Secretary General of the Russian Communist Party, because all other channels to get to the Russian leader had failed.

The forced incorporation of the Baltic States into the Soviet Union is readily evident and we should recognize it for what it is. Ironically, the Soviet Union has signed the U.N. Declaration of Human Rights. This document describes the fundamental privileges due to every individual from a state in which he lives. These include the rights of assembly, of free elections, and of freedom of worship. Most importantly, they include the right to move freely over the borders for emigration and temporary visiting.

Mr. Speaker, the administration should go ahead and implement House Concurrent Resolution 416—89th Congress—which would give life to the hope of freedom for the Soviet-dominated Baltic States. The United States and the other free countries of the world should urge the Kremlin leaders to make the rights described in the Declaration of reality for these oppressed people.

The seizure and annexation of Lithuania, Latvia, and Estonia by the Soviet Union constituted an act of aggression and a flagrant violation of numerous international treaties and agreements, as well as the inalienable rights of the Baltic peoples.

Mr. Speaker, the text of House Concurrent Resolution 416 is identical to the resolution I am sponsoring in the current Congress, House Concurrent Resolution 169, which follows:

HOUSE CONCURRENT RESOLUTION 169

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

H.R. 9502, A BILL TO ESTABLISH A NATIONAL SYSTEM OF SOLID WASTE MANAGEMENT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. GUDE. Mr. Speaker, as the solid waste problem at the local level becomes more difficult, citizens are increasingly looking to the Federal Government for assistance.

Last year I introduced H.R. 9502, a bill to establish a National System of Solid Waste Management. If enacted this bill would help alleviate the local problem by incorporating the cost of disposal in the price of the product. The funds raised would go to a trust fund designed to aid communities in devising regional approaches to the problem.

I would urge the Ways and Means Committee to hold hearings on this bill and I insert H.R. 9502 in the RECORD at this point for the information of my colleagues:

H.R. 9502

A bill to establish a national system of solid waste management

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND DEFINITIONS

SECTION 1. (a) This Act may be cited as the "Solid Waste Management Act of 1971".

(b) For purposes of this Act—

(1) The term "Commission" means the Solid Waste Management Commission established by section 2.

(2) The term "Corporation" means the Federal Solid Waste Management Corporation established by section 5.

(3) The term "Board" means the Board of Directors of the Corporation.

(4) The term "trust fund" means the Solid Waste Management Trust Fund established by section 4.

(5) The term "solid waste" shall have the same meaning as such term has under section 203(4) of the Solid Waste Disposal Act.

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established within the executive branch of the Federal Government a commission to be known as the Solid Waste Management Commission.

(b) The Commission, in accordance with section 3 of this Act, shall recommend to the Congress disposal tax plans and disposal bond systems for products or materials.

(c) The Commission shall be composed of five members appointed by the President by and with the advice and consent of the Senate. Members of the Commission shall be broadly representative of industry and of the technical and scientific disciplines involved in solid waste management. Members shall be appointed for terms of five years. Members of the Commission shall be compensated at the rate provided for level 1 of the Executive Schedule. The Chairman of the Commission shall be designated by the President.

(d) The Commission may appoint and fix the compensation of such personnel as it deems advisable.

DISPOSAL TAXES AND DISPOSAL BONDS

SEC. 3. (a) The Commission shall conduct such studies and hold such hearings as may be necessary or appropriate to make recommendations to the Congress with respect to disposal taxes for purposes of chapter 43 of the Internal Revenue Code of 1954, and disposal bond systems under subsection (d) of this section.

(b)(1)(A) The Commission shall recommend to the Congress which products or materials require disposal taxes, at what stage in the process of manufacturing or processing of the product or material the tax shall be levied, the unit on which the tax is based, and the amount of tax per unit. The Commission shall recommend a disposal tax plan which shall specify for purposes of chapter 43 of the Internal Revenue Code of 1954—

(i) the product or material to which it applies (the taxable article),

(ii) the taxable person,

(iii) the taxable unit, and

(iv) the applicable rate of tax.

(B) Any determination under subparagraph (A) on which a disposal tax plan is based shall be made on the record after notice and opportunity for hearing. No disposal tax plan may take effect until after the plan has been approved by the Congress.

(2) Disposal taxes shall reflect as closely as possible the actual cost of disposal or processing each material or product, taking into account its physical and chemical properties, its salvage value, if any, and any special problems or hazards involved in its handling. A disposal tax on any material or product shall be uniform throughout the United States.

(c)(1) Subtitle D of the Internal Revenue Code of 1954 (relating to miscellaneous excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 43—DISPOSAL TAXES

"Sec. 4961. Imposition of tax.

"Sec. 4962. Definitions.

"SEC. 4961. IMPOSITION OF TAX

"(a) IN GENERAL.—There is hereby imposed on the sale by the taxable person of any taxable article a tax at the applicable rate per taxable unit determined under the disposal tax plan applicable to such article.

"(b) BY WHOM PAYABLE.—The tax imposed by this section shall be paid by the taxable person.

"SEC. 4962. DEFINITIONS.

"For purposes of this chapter—

"(1) DISPOSAL TAX PLAN.—The term 'disposal tax plan' means a disposal tax plan adopted under section 3(b)(1) of the Solid Waste Management Act.

"(2) TAXABLE ARTICLE.—The term 'taxable article' means a product or material to which a disposal tax plan applies.

"(3) TAXABLE PERSON.—The term 'taxable person' means a person who conducts an operation of manufacturing or processing an article which (under the disposal tax plan for such article) subjects him to tax upon the sale of the article.

"(4) TAXABLE UNIT.—The term 'taxable unit' means a unit of measure or quantity prescribed in a disposal tax plan with respect to a taxable article.

"(5) APPLICABLE RATE.—The term 'applicable rate' means the rate of tax per taxable unit specified in a disposal tax plan applicable to a taxable article."

(2) The table of chapters for such subtitle is amended by adding at the end thereof the following:

"Chapter 43. Disposal taxes."

(d)(1) If the Commission makes a determination on the record, after notice and opportunity for hearing, that a disposal bond system for a product of a particular kind is necessary in order to insure the proper disposal of such product after use, it may by regulation require the manufacturers, processors, and suppliers of all products of such kind to establish a system under which (A) a deposit is required to be made by any person who purchases the product (other than for purposes of resale) and (B) such deposit is refunded to such purchaser (or any subsequent purchaser) upon delivery of the product to a manufacturer, processor, distributor, or disposal center, as may be specified in such regulation. Any disposal bond system so prescribed shall provide adequate protection of the financial interest of consumers in any deposits made by them. No regulation prescribed under this paragraph shall take effect until ninety days after it is published in the Federal Register.

(2)(A) No product of a kind to which a regulation in effect under paragraph (1) applies may be transported or sold in commerce unless the transportation or sale is in accordance with such regulation. For purposes of this subparagraph, transportation or sale is in commerce if such transportation or sale affects commerce between a State and a place outside such State, or affects commerce within the District of Columbia, or a Commonwealth, territory, or possession of the United States.

(B) Whoever violates subparagraph (A) shall be fined not more than twice the value of the product so transported or sold.

(c) The Commission shall require that the amount of any disposal tax or disposal bond shall be separately stated at the time the product or material to which it applies is sold to the consumer.

SOLID WASTE MANAGEMENT TRUST FUND

SEC. 4. (a) There is established in the Treasury of the United States a trust fund to be known as the Solid Waste Management Trust Fund, consisting of such amounts as may be appropriated or credited to the trust fund as provided in this section.

(b) There are hereby appropriated to the trust fund—

(1) amounts equivalent to the taxes received in the Treasury under section 4961 (relating to disposal taxes) of the Internal Revenue Code of 1954; and

(2) amounts received in the course of the Solid Waste Management Corporation's operations under section 6 of this Act.

The amounts appropriated by paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the trust fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) received in the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c)(1) It shall be the duty of the Secretary of the Treasury to hold the trust fund, and to report to the Congress each year on the financial condition and the results of the operations of the trust fund during the preceding fiscal year and on its expected condition and operations during the next five fiscal years. Such report shall be printed as a

House document of the session of the Congress to which the report is made.

(2) (A) It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the trust fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(B) Any obligation acquired by the trust fund (except special obligations issued exclusively to the trust fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(C) The interest on, and the proceeds from the sale or redemption of, any obligation held in the trust fund shall be credited to and form a part of the trust fund.

(d) One-third of the receipts of the trust fund shall be available, as provided by appropriation Acts, for making expenditures after June 30, 1970, to the Corporation to carry out the program authorized by section 6. Two-thirds of such receipts shall be available, as provided in appropriation Acts for making expenditures after such date, to carry out sections 206 and 207 of the Solid Waste Disposal Act.

ESTABLISHMENT OF CORPORATION

SEC. 5. (a) There is hereby created within the executive branch of the Federal Government a body corporate to be known as the Federal Solid Waste Disposal Corporation.

(b) (1) The management of the Corporation shall be vested in a Board of Directors which shall be composed of three Directors appointed by the President, by and with the advice and consent of the Senate. Except as otherwise provided in this subsection, Directors shall be appointed for terms of six years. Of the members first appointed—

(A) one shall be appointed for a term of two years,

(B) one shall be appointed for a term of four years, and

(C) one shall be appointed for a term of six years,

as designated by the President at the time of appointments. Any Director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A Director may serve after the expiration of his term until his successor has taken office. Two Directors shall constitute a quorum.

(2) The Chairman of the Board shall be designated by the President, and shall be an ex officio member of the Environmental Quality Council.

(3) The Chairman shall be compensated at the rate provided for level 1 of the Executive Schedule. The other Directors shall be compensated at the rate provided for level 2 of the Executive Schedule.

(c) For the purpose of carrying out its functions under this Act the Corporation—

(1) shall have succession in its corporate name;

(2) may adopt and use a corporate seal, which shall be judicially noticed;

(3) may sue and be sued in its corporate name;

(4) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(5) may make and carry out such contracts or agreements as are necessary or advisable in the conduct of its business;

(6) shall be held to be an inhabitant and resident of the District of Columbia within the meaning of the laws of the United States relating to venue of civil suits;

(7) may appoint and fix the compensation of such officers, attorneys, and employees as may be necessary for the conduct of its business, define their authority and duties, delegate to them such powers vested in the Corporation as the Board may determine, require bonds of such of them as the Board may designate, and fix the penalties and pay the premiums on such bonds;

(8) may acquire by purchase, lease, condemnation, or donation such real and personal property and any interest therein, and may sell, lease, or otherwise dispose of such real and personal property, as the Board deems necessary for the conduct of its business; and

(9) shall determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

(d) Section 101 of the Government Corporation Control Act is amended by inserting after the words "Tennessee Valley Authority;" the following: "Federal Solid Waste Management Corporation;"

(e) The Corporation shall submit to the President for transmission to the Congress at the beginning of each regular session an annual report of its operations under this Act.

SOLID WASTE MANAGEMENT PROGRAM

SEC. 6. (a) The Corporation shall carry out a program of research and development with respect to improved waste disposal techniques and equipment, and a program of construction and operation of facilities utilizing such techniques and equipment.

(b) The Corporation is authorized to enter into contracts with State, interstate, regional, or municipal governmental bodies, or with private industry, for the construction or operation of facilities financed by the Corporation.

(c) The Corporation is further authorized to buy, sell, lease, or exchange land and other property, including existing waste disposal facilities; and to enter into contracts with private persons or corporations for the sale of salvaged materials or other products generated at its facilities.

(d) (1) The Corporation shall develop, in cooperation with the State and local governments, a coordinated, nationwide system of solid waste processing centers. Such centers shall be located on large sites, separated from populated areas and otherwise appropriate for the location of a heavy industrial complex. The location of each such center shall be selected with due regard for the impact of solid waste processing operations on natural resources and ecological systems.

(2) Such centers shall be designed to replace all local sanitary handfills, dumps, incinerators, and similar operations now carried on by municipalities or private disposal concerns. Each center shall be equipped to receive all solid waste generated in the region it serves and to process that waste to—

(A) reclaim all potentially reusable materials,

(B) reduce the nonreclaimable waste to minimum bulk by incineration or compacting, and

(C) provide for the ultimate disposal of the reduced residue either by shipping it to remote disposal areas or, if possible, by forming it into blocks or granular materials that can be used in construction and paving.

(3) The Corporation shall undertake a program of research and development with respect to equipment designed to reclaim salvageable material generated by regional solid waste processing centers. The Corporation shall, if practicable, carry on research and development with respect to the salvage process for each community only to the point where it would become economically attractive to private enterprise to conduct salvage operations. Private industries shall be given the opportunity to contract to utilize the salvaged material under a long-term contract, to construct processing or fabricating plants within the regional processing center, and to utilize all the material of a given type generated by the center's operations.

(4) The facilities of a regional solid waste processing center shall be available to a State or local government in the region if—

(A) such State or local government continues to be responsible for the collection of waste at the local level, either directly or through the proper supervision of private collection services, and

(B) each State or local government is responsible for the cost of transporting its waste to the regional processing center up to a distance of twenty-five miles.

The transportation costs beyond twenty-five miles would be paid by the Corporation.

(5) Subject to paragraph (4), the Corporation may construct and operate (or provide by grant or contract for the construction or operation of) facilities for transporting solid waste to regional solid waste processing centers.

(e) On or before July 1, 1976, the Corporation shall report to Congress on the state of solid waste management technology as of that time, on the effectiveness of facilities so far constructed, and on its plans for the development and construction of additional facilities.

THE RIGHT TO VOTE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. QUILLEN. Mr. Speaker, next week I am sending a limited number of "Dear Friends" letters in my district urging residents to register to vote. The letter states:

> The right to vote is a great responsibility. We should all exercise this privilege, for it is our best way of participating in, and influencing, the political process of our city, county, state and nation.
>
> All too often we get caught up in our daily activities and lose this precious right by forgetting to register to vote. If any of your family, friends or neighbors haven't registered, won't you ask them to do so. I will appreciate it if you would.
>
> Sincerely,
>
> JAMES H. QUILLEN,
> *Member of Congress.*

MUSCATINE AND LOUISA 4-H CLUBS LEAD

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. SCHWENGEL. Mr. Speaker, I recently had the opportunity to lead a group of 4-H members on a tour of the Capitol, and speak to them about the Federal Government. These young people were visiting Washington as participants in a citizenship short course sponsored by 4-H Clubs in Muscatine and Louisa Counties in the First District.

The citizenship course is only one example of 4-H activities which develop an understanding of America. Other projects cross national boundaries, opening the way for exchanges between peoples with diverse backgrounds.

The following remarks were prepared by Sue Siebke and Julie Schlapkohl, members of the 4-H group which met with me in Washington on June 21. Their paper points out the many types of projects which make 4-H a very worthwhile experience for young people in America. It was a privilege to meet with members from my district in Washington; I commend the organization for its continuing service to the Nation.

THE 4-H IN OUR COUNTY

(By Sue Siebke and Julie Schlapkohl)

The 4-H is an expanding organization to help both urban and rural youths between ages nine-twenty.

All races of people may be members. 4-H helps people to discover themselves and the world they live in.

Many new clubs are being founded and projects are being added to interest more people.

Project trainings are provided to help members learn about their various projects. The number of training sessions varies with the different types of projects.

Judging Workshops are held to inform members on selecting the desirable characteristics of their projects.

Various camps are held during the year. Day Camp is held at Wild Cat Den State Park for the nine-twelve year olds. It was developed to give these members a chance to see what camp was like and get them acquainted with different 4-H'ers in the county. Co-Ed Camp is for anyone fourteen or older. This camp is to let members find out about other activities in the state. Conservation camp is held for older members who are enrolled in Conservation related projects. Dairy Camp is held for older members who carry a dairy project.

Leadership camp is for older members to learn to become better leaders in 4-H. These camps are all held at the Iowa 4-H Camping Center in Madrid. 4-H Conference is held at the Iowa State University campus at Ames. This is for members to learn to become better citizens. Area 4-H Retreat was held for selected members of each county. At this retreat many decisions were made for improvement of the other counties. An area camp is being developed by area 4-H'ers.

Awards Night has been held to recognize outstanding achievements by individuals in their respective projects. Approximately 100 awards are presented each year. These awards are donated by various companies.

Last year 40 Muscatine County 4-H'ers went to Tioga County, Pennsylvania, for a week to learn how people in other areas of the United States live. The previous year they came to Iowa.

Sports is an active part of 4-H in our county. In the winter the boys participate in a basketball tournament. In the summer months both boys and girls participate in softball. This provides entertainment and teaches sportsmanship.

In previous years Muscatine County 4-H'ers have participated in the Citizenship Short Course. This has helped many 4-H'ers become better citizens by learning more about their government. It has been expressed by many "We left as Iowans and came home as Americans."

International Farm Youth Exchange is partially funded by 4-H. Muscatine County hosted Miss Rosalba Mora from Venezuela who is a Professional Home Demonstrator. Mr. Ronald Bolanos from Nicaragua who is a 4-H Foundation Leader, was also hosted in Muscatine County.

Muscatine County participated in an expanding nutrition program for the low income people. 4-H members volunteered their help to encourage them to plan and use nutritious foods more wisely for their families.

Teen-Builders is a club for older members who have been active in both local and county activities. As a service project they participated in the Iowa Heart Association Fund Drive. $1,032 was collected for the Heart Fund. The Teen-Builders also constructed road signs welcoming people into the County.

4-H may be a very rewarding experience for all who participate.

We have learned that 4-H can help a person develop their ability, skills, and personality. All members in 4-H live by the motto: "To Make the Best Better."

BAD NEWS AT THE GROCERY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. WOLFF. Mr. Speaker, on Monday I held a special order to condemn the lack of controls on raw agricultural products and to call for a consumer action of "meatless Tuesdays" to help cut the skyrocketing price of beef.

On Tuesday, Newsday carried an editorial on this same subject which I would like to call to the attention of my colleagues. I include in the RECORD the editorial entitled "Bad News at the Grocery."

The editorial follows:

BAD NEWS AT THE GROCERY

Housewives take note: After three months of relative stability, wholesale prices for beef, pork and many other food staples are moving up again—and sharply. Soon these increases will flow through to the retail level. But don't put all the blame on your grocer.

Supermarkets are not getting rich off the consumer's food dollar. Supermarket profit margins are less than one per cent of sales, compared to the four per cent profit that all other industries average. In other words, if the check-out clerk forgets to ring up a 20-cent package of Tasty Cakes, he has cost his boss his entire profit on a $20 order.

Then who *is* pushing up food costs? The continuing boom in convenience foods is partly responsible. Food processors claim they are simply meeting the housewife's demand for foods that require little home preparation; some critics claim they are not only meeting a demand but creating it. Either way, elaborate processing adds substantially to the price of a basket of groceries. The protective attitude of the Nixon administration toward the farmer also is a major contributor to higher food prices. Raw agricultural products—meats, vegetables, fruits—never have been subject to the price controls imposed on the rest of the economy.

The Nixon administration argues that farm price controls just won't work because of the seasonal nature of farming. But the argument also could be made that the absence of controls at the farm level hasn't worked either. Since November 15, the start of Phase II, food prices have risen more than three times as fast as other, controlled consumer prices, and meat prices have risen even more rapidly.

The old law of supply and demand has been responsible for the sharp rise in meat prices, says the Price Commission; they would come down again if Americans wouldn't buy so much. But another method of balancing out supply-demand pressures would be to make more meat available by importing more. The Nixon administration, however, has resisted efforts to relax or eliminate the quota system that limits imports. The quotas are necessary, says Secretary of Agriculture Butz, because U.S. farmers "need some protection."

But do farmers really need the degree of "protection" that is being lavished on them in this election year? Net farm income will climb by as much as $2 billion to an all-time record this year, according to Butz's own estimate. At the same time, farm price supports and other federal subsidies will rise to over $5 billion, up sharply from last year's $3.8 billion.

The Nixon administration makes no apologies for the security blanket it has draped over the shoulders of the farmers who form the bulk of the President's political support in the important western and midwestern states. "Farmers respond to a secretary of agriculture who understands them, who says they deserve higher incomes, who says that meat prices aren't too high," Butz said recently. "Now, if as a result of all that, farmers are happier and this is reflected in a more favorable attitude toward the Nixon administration, then the secretary of agriculture will be happy."

Butz contends that farmers have not shared fully in the nation's prosperity over the last 20 years, and there is more than an element of truth in that contention. But the nation is now engaged in a battle against inflation. Food prices are a major contributor to inflation. Steps must be taken to stabilize them.

Price controls, adjusted to take into account the seasonal nature of agriculture, would be one important step in that direction. A relaxation of meat import quotas would be another.

FORMER REPRESENTATIVE PHILIP J. PHILBIN BROUGHT HONOR TO THIS HOUSE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. McCLORY. Mr. Speaker, a longtime member of the House of Representatives, former Representative Philip J. Philbin, passed on recently after a long and exemplary life of service to the State of Massachusetts and to the Nation.

Mr. Philbin exemplified the kind of thoughtful, dignified qualities which produce respect and prestige for the Congress of the United States.

In my personal contacts with Mr. Philbin, as well as with my official contacts with him as a member of the House Armed Services Committee, I found him both knowledgeable and straightforward. He defended the position of the House of Representatives and supported faithfully the interests of the Nation in the course of his long service in this body.

Mr. Speaker, it was with a sense of personal loss that I read of his recent passing, and I express to Congressman Philbin's two daughters my affection and respect for their father, and extend to them my deepest sympathy.

HON. RICHARD H. POFF

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. DENNIS. Mr. Speaker, I have now served almost two terms in this body with our distinguished colleague, the gentleman from Virginia (Mr. POFF). During that period I have been privileged to be a member of the Committee on the Judiciary, of which the gentleman from Virginia is one of the senior members.

It has not been my good fortune to serve as long in this body with our colleague from Virginia as some of you have been privileged to do; but during those years it was my privilege to practice actively at the bar and, while a junior in service in this honorable body, I claim, by reason of that experience, the ability to quickly recognize an able lawyer when I see one.

I was not here many days, Mr. Speaker, before I recognized such a lawyer in the person of our friend and colleague Mr. POFF. It was my privilege, indeed, during the 91st Congress, to gain my legislative initiation in this body—largely under his tutelage and leadership—in the debate regarding amendment of the Constitution of the United States in respect to the matter of electoral reform—a subject on which Mr. POFF and I held similar constitutional views.

Such was, and is, my respect for the gentleman from Virginia, that I was pleased to recommend to the President his appointment to the Supreme Court of the United States. Mr. POFF elected, to my personal regret, to withdraw himself from consideration for that appointment; but I am most happy and pleased that he has now received a most appropriate appointment—for which he is eminently qualified—as a member of the supreme court of his native State.

The bar and bench of Virginia, from the days of George Wythe, Thomas Jefferson, Patrick Henry, and John Marshall to the present time of Mr. Justice Lewis F. Powell has been, and is, a distinguished one; and our colleague Mr. POFF belongs in, and will measure up to, that proud tradition.

We shall miss him—and the Nation will miss him—in this House where he has exerted a distinguished leadership over many years; but it is my sincere pleasure, as colleague, coworker, and friend, to bid him an affectionate farewell, and to wish him many years of fruitful and distinguished service as a member of the high court of the proud Commonwealth of Virginia.

A SALUTE TO EDUCATION

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, June has long been the traditional month during which we honor the graduates of our educational system. As many of our young people reach this important crossroads it behooves us to pause and reflect on the importance of our great educational system to the future of America.

Our most pressing responsibility to the continued strength of free society rests in the field of education. As our national insurance policy, we are committed to maintaining the high standards of education that in the past have made this country great. Every effort should be made to make the best use of the Nation's tremendous pool of resources in this field. The achievement of this goal is an end toward which all in Government must be dedicated

In reaffirming our commitment to education, the role that the teacher plays must not be overlooked. The Nation as a whole owes these selfless men and women a heartfelt sense of gratitude for the inestimable contribution they make in shaping a better America. Whatever rewards the classroom holds out to these dedicated people, they are richly deserved. Pride in America reflects the degree of pride we place in education.

SALUTE TO EDUCATION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CONTE. Mr. Speaker, today marks the national salute to education observance and I wish to join with my colleagues in commending the teachers throughout our country for their dedication and proficiency.

I am sure that all of us can recall particular teachers during our school years who have made a significant impact upon us in terms of career choice and character development. Often their influence has dramatically changed the course of our lives. Other than caring for one's own children, there can be no more solemn and fulfilling responsibility than challenging and nurturing the minds of our youth in the classroom.

For their patience and perseverance, our Nation's teachers deserve our undying respect and gratitude. For too many years, this noble profession has labored for long hours under adverse working conditions without the recognition and recompense that it so rightly deserves. Fortunately this situation has improved somewhat over the last decade. But much remains to be done.

As a member of the Labor-HEW Appropriations Subcommittee and as one who has championed the cause of education throughout his entire public life, I pledge my continuing support for our country's educators and for their noble endeavors.

SENATE—*Friday, June 23, 1972*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose providential care has been over this Nation and its people from generation unto generation, we beseech Thee to guide us through the uncertainties and perils of this age. While we work step by step and day by day on the vexing problems of the present, keep ever before us the distant scene when men study war no more and all men are drawn together in a fraternity of peace and goodwill in Thy kingdom.

Come near to those who suffer from storm and flood, from sickness and hunger, and strengthen those who serve them in the ministries of rescue and healing.

We pray in His name, who went about doing good. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 23, 1972.

To the Senate:

Being temporarily absent from the Senate, on official duties, I appoint Hon. JAMES B.

Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under authority of the order of the Senate of June 22, 1972, the Secretary of the Senate, on June 22, 1972, received the following message from the House of Representatives:

That the House had passed the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

HOUSE BILL REFERRED

Under authority of the order of the Senate of June 22, 1972, the bill (H.R. (H.R. 15585) making appropriations for Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, was referred to the Committee on Appropriations.

REPORT OF A COMMITTEE SUBMITTED DURING RECESS

Under authority of the order of the Senate of May 14, 1971, Mr. Montoya, from the Committee on Appropriations, reported favorably, with amendments, on June 22, 1972, the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, and submitted a report (No. 92–919) thereon, which report was printed.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, June 22, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Rooney of New York, Mr. Sikes, Mr. Slack, Mr. Smith of Iowa, Mr. Flynt, Mr. Mahon, Mr. Bow, Mr. Cederberg, and Mr. Andrews of North Dakota were appointed managers on the part of the House at the conference.

FEDERAL EMPLOYEES HEALTH INSURANCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 822, H.R. 12202.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 12202, to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment, to strike out all after the enacting clause and insert:

That (a) section 8906(a) of title 5, United States Code, is amended by striking out the number "40" and inserting in lieu thereof the number "50".

(b) The amendment made by subsection (a) of this section shall become effective at the beginning of the first applicable pay period commencing after December 31, 1973.

(c) Notwithstanding the provisions of section 8906(a) of title 5, United States Code, as in effect immediately prior to the date of enactment of this Act, the Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under chapter 89 of title 5, United States Code, shall be 45 percent of the average subscription charges determined under such section from the beginning of the first day of the first applicable pay period commencing after December 31, 1972, through the last day of the last applicable pay period commencing in 1973.

Sec. 2. (a) Notwithstanding any other provision of law, an annuitant, as defined under section 8901(3) of title 5, United States Code, who is participating or who is eligible to participate in the health benefits program offered under the Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86–724), may elect, in accordance with regulations prescribed by the United States Civil Service Commission to be covered under the provisions of chapter 89 of title 5, United States Code, in lieu of coverage under such Act.

(b) An annuitant who elects to be covered under the provisions of chapter 89 of title 5, United States Code, in accordance with subsection (a) of this section, shall be entitled to benefits under such chapter 89.

Sec. 3. (a) Section 8902 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) Each contract under this chapter shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Commission finds that the employee, annuitant, or family member is entitled thereto under the terms of the contract."

(b) This section shall become effective with respect to any contract entered into or renewed on or after the date of enactment of this Act.

Mr. McGEE. Mr. President, H.R. 12202 will increase the Government contribution toward the cost of health insurance carried by Federal employees under the Federal Employees Health Benefits Act of 1959.

There is ample justification for the enactment of this legislation. In hearings before our committee and more extensive hearings before the House committee, testimony proved beyond reasonable doubt that in the field of health insurance the Federal Government does not pay as large a share of the cost as do major employers in private enterprise. Under the current program the Government pays 40 percent of the average cost of the five largest health insurance programs. Currently, under the Blue Cross-Blue Shield policy, an employee selecting family coverage, high option pays $29.65 every 2 weeks, while the Government pays only $9.78. About 90 percent of all employees choose high-option coverage, and something more than half of all employees choose Blue Cross-Blue Shield. In private enterprise, major employers pay at least half and in many cases all of the cost of health insurance.

It is fair to say that those figures alone do not entirely describe the situation, because in order to compare fairly the Government insurance program with private enterprise programs, one would have to analyze very carefully the coverage of the insurance plans themselves. Certainly Blue Cross-Blue Shield, Aetna, and other plans available to Federal employees are among the very best in the Nation. It is far better to have an employer who pays 40 percent of a very comprehensive program than to have an employer who pays 100 percent of a very limited program.

The committee unanimously recommended this bill to increase the Government's share of the cost. As the bill passed the House of Representatives the Government will pay—

Fifty-five percent of health insurance beginning 30 days after enactment; 60 percent beginning January 1, 1973; 65 percent beginning January 1, 1974; 70 percent beginning January 1, 1975; 75 percent beginning January 1, 1976, and thereafter.

The House bill also provides that—

Employees retired prior to July 1, 1960, who are now covered by a separate health insurance act, will be eligible to enroll in the program used for employees and post-1960 retirees. There are about 221,000 people in this group, who were intentionaly excluded from the 1959 act because of the principle of retroactivity and the cost of blanketing in so many elderly retired employees.

Children of Federal employees, now covered in a family plan up to age 22 if unmarried, will be covered to age 25 if they are unmarried and students.

Employees in the Postal Service will be covered by the provisions of the bill increasing the agency contribution.

The additional cost of the bill as passed by the House is estimated to be:

Fiscal 1973—$268 million.

Fiscal 1974—$425.5 million.

Fiscal 1975—$623.0 million.

Fiscal 1976—$862.9 million.

Fiscal 1977—$1,063.8 million.

The cost of the retired employees' provision is $1.7 million a year.

The cost of the children's amendment is $1 million a year.

The administration is opposed to the enactment of the House bill.

As a compromise and an effort to get a bill enacted to improve the program for Federal employees and their families, the committee has amended the bill to provide the following:

First. Increase the Government contribution to 45 percent effective January 1, 1973;

Second. Increase the Government contribution to 50 percent effective January 1, 1974;

Third. Include the pre-1960 retirees within the active employee program, effective January 1, 1973;

Fourth. Exclude children beyond age 22;

Fifth. Exclude Postal Service employees;

Sixth. Authorize the Commission to make binding judgments with insurers on the coverage of contracts for health expenses and services.

The cost of the committee amendment would be $39.6 million for fiscal year 1973—6 months only—$130.3 million for fiscal year 1974, and $207 million for fiscal year 1975.

These cost estimates are based on a "dynamic" cost basis which assumes actuarial increases in health services and costs, Federal employee and retiree population, and a reasonable rate of inflation.

The question of whether employees of the U.S. Postal Service should be included within the provisions of this bill has been a significant issue for several months. Representatives of the postal workers have argued vehemently and effectively that as Federal employees they should be included in any legislation generally affecting Federal employees. The committee naturally is quite sympathic to their argument and, were it merely an issue of recommending legislation to improve the pay and fringe benefits for postal workers, the committee would vote unanimously to include them. However, the principal involved far transcends the simple issue of more pay for our 740,000 deserving postal employees.

In 1970, the seven AFL-CIO affiliated postal unions signed an agreement with Postmaster General Winton M. Blount giving their wholehearted support to the enactment of the Postal Reorganization Act, which included significant reformation of the postal system and provided for a 17-percent pay increase for postal workers. When Congress acted upon that agreement and passed Public Law 91-375, the specific language of the agreement reached between the Postmaster General and the postal unions regarding pay and fringe benefits was included. Section 1005 of title 39, United States Code, spells out the intention of the Congress. The law reads as follows:

§ 1005(f) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the former Post Office Department or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Postal Service, until changed by the Postal Service in accordance with this chapter and chapter 12 of this title. Subject to the provisions of this chapter and chapter 12 of this title, the provisions of subchapter I of chapter 85 and chapters 87 and 89 of title 5 shall apply to officers and employees of the Postal Service, *unless varied, added to, or substituted for, under this subsection. No variation, addition, or substitution with respect to fringe benefits which on the whole is less favorable to the officers and employees than fringe benefits in effect on the effective date of this section, and as to officers and employees for whom there is a collective-bargaining representative, no such variation, addition, or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service.*

On July 20, 1971, representatives of postal workers including the National Association of Letter Carriers and the American Postal Workers Union signed a labor-management collective bargaining agreement with the Postmaster General which included a series of across-the-board pay increases effective at different times over the 2-year life of the contract. In exchange for wage increases which the employee unions apparently considered fair and equitable, the demands of postal unions for increased employer contribution to fringe benefit programs were withdrawn. The contract is binding except insofar as it may be amended by legislative action. To so legislate, in the opinion of the committee, would vitiate all that has been accomplished to establish effective collective bargaining in the Federal Government.

Let me say to my colleagues that this is a very difficult issue to consider. I have never voted against any legislation to benefit postal employees in 14 years in the Senate. I have the honor to serve as the chairman of the committee which created the Federal employees health insurance program and many other beneficial programs which have improved the pay and working conditions of postal employees. At home, I count them among my good friends and loyal supporters; and so it is only because of my firm conviction that the policy established by the Postal Reorganization Act must be fulfilled that I recommend that the benefits of this legislation not be extended to include postal employees.

If we do so, collective bargaining in the Postal Service will come to an end. There just will not be any. If the postal union representatives know that they can come running to the Congress every time they lose an argument, or seem on the verge of losing an argument, at the bargaining table, and know that the Congress in its compassion and its political motivation will legislate what they cannot gain through bargaining, the system will be wrecked.

Some of the postal union representatives have said that collective bargaining without the right to strike is meaningless. I seriously doubt that that statement is true. Collective bargaining in the Postal Service is subject to binding arbitration, which is a solution that not only is increasingly common but was the solution which the postal unions themselves advocated, supported, and specifically agreed to just two years ago. These labor-management provisions in the Postal Reorganization Act were hammered out at the bargaining table between Postmaster General Blount and the postal unions during the postal strike in March of 1970. They were not imposed upon the helpless postal worker. They were agreed to. They were bought and paid for by the Post Office Department, the Congress, the mail user, and the American people at the cost of a 17 percent pay hike and the necessity of an 8 cent stamp. They must be given a chance to work. I think it is our duty to insure that chance by telling postal management and postal labor to sit down at the bargaining table and work out their problems.

Finally, I believe that we have worked out a pretty good bill here. From a fiscal standpoint, it reduces the cost of the bill as it passed the House of Representatives by more than $800 million a year when fully effective. It postpones the effective date of the increased contribution by about 6 months, providing additional savings to the government.

I would hope that our colleagues in the House of Representatives would look upon this effort to get a bill signed by the President, rather than vetoed by the President, with the same careful thought and fair consideration that is characteristic of the House Committee on Post Office and Civil Service. I would hope that the temptation to make a grandstand play that will result in disappointment for all concerned will be resisted.

Mr. MOSS. Mr. President, 6 months ago, the Senate overturned the President's arbitrary plan to deny Federal employees their 1972 pay comparability adjustments. The issue then, as it is now as we discuss health benefits, is one of simple equity: Should Government workers receive second-class status with employees in private industry or should all wage earners regardless of their employment, receive the same progressive treatment?

As a member of the Senate Post Office and Civil Service Committee, I have had good opportunity to see the trend of administration policy regarding the 3 million Federal employees. All too often it is one of the double standard. One standard for the private sector worker and another for the man or woman who happens to be employed in the public service. The administration's position on H.R. 12202 is no exception.

The White House opposes any increase in the Government contribution to the Federal employee health premium. It supports the continuation of the Government share at the 40-percent level, thus leaving Federal employees to bear the full weight of recent increases in the Nation's insurance rates.

At the same time, however, the administration has put itself on record in favor of a much higher level of employer contributions in the private sector of the economy. On February 18, of last year, President Nixon, himself, proposed that private industry be asked to pay at least 65 percent to their workers' insurance premiums during the next 2½ years and a minimum of 75 percent thereafter. What happens to this national standard when it comes to the Government's own employees?

Mr. President, what is a good criterion for the private sector employee is a good criterion for the public servant. Surely, no one can argue that their health needs are any different. Nor are the burdens they have had to carry as insurance premiums continue their record rise.

The Senate report on H.R. 12202 would increase the employee Government contribution to 50 percent over the next 2 years. Such an increase is hardly extravagant. It is in fact, considerably less than that called for in the original House version of H.R. 12202 and less than many of us believe to be the appropriate level. Nonetheless, I support the bill, because I believe the Federal employee is in dire need of immediate relief.

Last December the Price Commission approved a walloping 22-percent hike in the Blue Cross-Blue Shield premiums for Federal employees. To the workers themselves this meant an increase of almost 30 percent in their payroll deductions. While recent evidence indicates these hikes have been vastly out of line, a rollback does not appear imminent. I have written to the Price Commission personally on this matter and have been informed that a consideration of the premium increase must await further data. Employees will have to wait until next year for a review of the Blue Cross rates.

I ask unanimous consent that my correspondence with the Price Commission regarding the Federal employee Blue Cross rates appear in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

APRIL 13, 1972.

C. JACKSON GRAYSON,
Chairman, Price Commission,
Washington, D.C.

DEAR MR. GRAYSON: On April 6, a representative of the Blue Cross-Blue Shield program wrote to you explaining the new cost information regarding their Federal Employees Program's 1971 experience. From their letter, it now appears that Blue Cross sustained a 1971 loss, not of $60 million, as had been predicted in the fall, but of *$8 million*. (The actual figures comes to 1% of claims, as opposed to the 9% figures which had previously been estimated.)

Since those same projections, which have proved to be so grossly pessimistic in 1971 were used to support Blue Cross's cost situation in 1972, I believe the Price Commission should reconsider its December 23rd ruling which allowed the 22% increase in premium.

I do not think it unreasonable to believe that the same figures which resulted in a 8% over-estimate in 1971 might do the same thing in 1972. I believe it's entirely possible that, given the current more optimistic data, Blue Cross could turn the 22% premium hike into a substantial surplus in 1972.

While Blue Cross-Blue Shield is a not-for-profit organization, I believe there could be no useful purpose in allowing these shifting cost trends to add millions of dollars to their reserves. I believe, moreover, it is our responsibility to exert the maximum downward pressure on the price of this truly vital service.

Sincerely,

FRANK E. MOSS,
U.S. Senator.

EXECUTIVE OFFICE OF THE PRESIDENT,
PRICE COMMISSION,
Washington, D.C., May 3, 1972.

Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: Chairman Grayson has asked me to thank you for your recent letter requesting that the Price Commission reconsider its initial decision in the Blue Cross-Blue Shield Federal Employees Program in view of the fact that the carrier suffered an actual loss in 1971 of $16 million rather than the $68 million that had originally been projected.

The Price Commission does not consider that the wide variance between actual and estimated loss for 1971 is grounds for reopening this case since our original order of 22% specifically did not allow the carrier to recoup the then estimated $68 million in losses. The 22% figure was based solely on projected costs for 1972, adjusted for the estimated effect of the economic stabilization program.

Additionally, to try to predict the outcome of the entire experience period on the basis of three months of data is not sound ratemaking procedure. From an actuarial standpoint a three month experience period is far too short and a finding that the present favorable experience will continue would be premature at this time. However, if the present trend continues it will certainly be a major factor in adjusting the rate for next year.

On April 26, 1972, the Price Commission testified before the House Post Office and Civil Service Subcommittee on Retirement, Insurance and Health Benefits. At that hearing we informed the subcommittee that the only basis on which we could consider reopening this case would be if the information furnished by the carrier, on which the original decision was based, could be shown to be substantially inaccurate or misleading. Chairman Waldie indicated that he intended to furnish such evidence to the Price Commission.

Thank you for your interest in the economic stabilization program.

Sincerely,

JAMES H. HOGUE,
Director Congressional Relations.

Mr. MOSS. Mr. President, in addition to the increase in the Federal contribution to the employee health benefits, the committee report includes two provisions which are also of great importance to those involved.

One of these would permit former Federal employees who retired previous to July 1, 1960, to enroll in the same health benefits program as current employees and post-1960 retirees.

Today there are over 200,000 elderly Americans who having served their country are being intentionally denied access to this progressive health insurance program. We cannot allow this injustice to be continued.

Another provision in this bill is one which I introduced during the course of committee hearings. It authorizes the Civil Service Commission to make binding decisions regarding the coverage of health insurance contracts.

Many Federal employees have testified as to the need for such a measure. There have been numerous cases in recent months where employees have complained to the Commission and also to the Senate Post Office Committee regarding the practices of Blue Cross-Blue Shield in narrowing coverage under its contract. In these cases, employees have been denied payments for reasons, which to them seem to be without merit.

I submit one such letter as an indication of the employee frustration which the current situation allows. H.R. 12202 would provide that in all future contracts between the Civil Service Commission and the insurance carriers will give the Commission authority to determine where individual employee claims should be covered. At present the Commission has only the power of persuasion this bill would give them the power to actually overrule the Commission. I ask that this letter be printed at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 23, 1972.

Senator FRANK MOSS,
Senior Member of Senate Civil Service Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR MOSS: Enclosed are copies of letters—one from my Government Insurance Company (Aetna) and my reply.

We are having trouble, like so many, getting our *just* benefits paid. No one seems to have had any trouble, myself included, till this year and then the insurance company came up with the "non-allowable" business when they paid their benefits. It is "too much" when they make the insured accept what they choose to call "non-allowable".

I, like others here at the Rocky Mountain Laboratory, feel that since the government is paying a share of the insurance, the article that is in Issue No. 39 of the Weekly Employees News Digest under "No Health Benefits Guarantee" is "fantastic". What is the matter with the Federal Government? They have an investment of millions of dollars and can't stand behind it and protect it. I'm sure that Aetna and the other companies (ITT) don't run their investments so loosely.

We feel that the Federal Government (Civil Service Commission), the physicians, hospitals, and insurance companies should get together and decide what the *just* payments on claims should be—not leave it till a claim is to be processed and lower the "boom" on a non-suspecting insured.

This lack of disregard for *just* payment of benefits is deplorable. The situation is really "steam-rolling" and it must be stopped.

We hope you can get some action. Thank you for reading this letter and taking you away from your many other duties.

With kind regards,

MRS. RICHARD MONK.

Mr. MOSS. Mr. President, these various provisions of H.R. 12202 are grounded in fairness—to all concerned. They deserve our fullest support.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARIE M. RIDGELY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 855, S. 2147.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

S. 2147, for the relief of Marie M. Ridgely.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Marie M. Ridgely, of Suitland, Maryland, is relieved of liability to to the United States in the amount of $2,201.75, representing amounts received by her as a civil service annuitant while she was employed by the District of Columbia Board of Education for the period beginning June 1, 1965, and ending November 30, 1967. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marie M. Ridgely an amount equal to the aggregate of the amounts paid by her, or withheld from sums otherwise due her, wtih respect to the indebtedness of the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–895), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to relieve Marie M. Ridgely of liability to the United States in the amount of $2,201.75. This sum represents a debt Mrs. Ridgely owes to the United States as a result of an overpayment to her while she was employed by the District of Columbia Board of Education as a temporary teacher.

STATEMENT

A similar bill for this claimant, S. 876 of the 91st Congress, was approved by the committee and was passed by the Senate, but no action was taken by the House of Representatives.

The facts in the case have been set forth in a letter from the Government of the District of Columbia as follows:

"This bill would relieve Marie M. Ridgely of Suitland, Md., of liability to the United States in the amount of $2,201.75. This sum represents a debt Mrs. Ridgely owes to the United States as a result of an overpayment to her while she was employed by the District of Columbia Board of Education as a temporary teacher. When Mrs. Ridgely changed her teaching status from that of a substitute teacher to that of a temporary teacher, an error in administration resulted in a failure to reduce her new salary by the amount of her civil service annuity. This resulted in an overpayment of $2,201.75 from June 1, 1965, through November 30, 1967.

"The District of Columbia is seeking legislation which would allow the District government to waive claims against a person which arise out of an erroneous overpayment by the government when the collection of such a claim would be against equity and good conscience. Although the Commission believes it is generally undesirable to provide special legislative relief to one person when others may be in a similar situation, the circumstances in Mrs. Ridgely's case are unusual and the District does not, therefore, oppose S. 876."

The committee believes that the bill is meritorious and recommends it favorably.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 857, 858, 859, and 860.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOHN C. MAYOROS

The Senate proceeded to consider the bill (S. 2753) for the relief of John C. Mayoros which had been reported from the Committee on the Judiciary with an amendment on page 1, line 6, after the word "of", strike out "$761.85" and insert "$529.84"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John C. Mayoros of Middletown, Connecticut, the sum of $529.84, representing the amount the said John C. Mayoros would have received for hospitalization and medical care expenses incurred by him after his separation from active duty in the United States Air Force under a policy of health care insurance but for an administrative error on the part of United States Air Force personnel who failed to notify the said John C. Mayoros, at the time of his separation from active duty, that there were insufficient pay and allowances due him to cover the required premium on the health care insurance requested by him but not issued.

SEC. 2. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed to be guilty of a misdemeanor and shall be fined in any amount not to exceed $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–897), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to adjust the amount payable to Mr. Mayoros after deducting (1) the cost of what the insurance premium would have been had it been paid. and (2) the amount Mr. Mayoros received as a result of an erroneous overpayment for accrued leave when he was discharged from the Air Force.

PURPOSE OF THE BILL, AS AMENDED

The purpose of the bill, as amended, is to authorize the Secretary of the Treasury to pay John C. Mayoros $529.84 for hospital expenses he incurred immediately following his separation from active duty in the Air Force. These expenses would have been paid under a health care insurance policy requested by him had the premium on the policy been paid. However, he was not notified that he had insufficient pay and allowances due him upon his separation to cover the required premium, so it was not paid.

STATEMENT

The facts of this case as reported to the committee by the Department of the Air Force are as follows:

"Mr. Mayoros enlisted in the Air Force at New Haven, Conn., on April 12, 1966. He was discharged from this enlistment at Mountain Home Air Force Base, Idaho, November 12, 1969. When he was discharged, he was entitled to travel and transportation allowances, totaling approximately $160, for travel from Idaho to Connecticut. His records also reflected that on the date of discharge, he was credited with 14 days accrued leave and was paid pay and allowances, totaling $186.55, for the period from November 1 through November 15, 1969. His account was then referred to Nellis Air Force Base, Nev., which maintained his master file under centralized personnel procedures, for final settlement, including payment for accrued leave.

"A member of the uniformed services and his dependents lose entitlement to military medical care or civilian medical care at military expense as of midnight of the day the member is discharged. The Department of Defense has arranged for members who are being discharged to purchase medical care and health insurance from designated insurers to provide coverage for 90 days following discharge. Various plans are explained to members being discharged and it is emphasized that the member must purchase the insurance either by deduction from final pay or by cash. His separation orders show that Mr. Mayoros elected coverage under the insurance provided by Blue Cross-Blue Shield and that the premium of $90 was to be deducted from the payment due him for accrued leave.

"Early in 1970, Mountain Home Air Force Base notified the Air Force Accounting and Finance Center (AFAFC) that when he was discharged, Mr. Mayoros was entitled to 3 days accrued leave rather than the 14 days shown on his separation order. As a result of this erroneous credit, AFAFC determined he had received overpayments totaling $142.01. Several letters requesting that these overpayments be repaid were sent to the address Mr. Mayoros provided when he was discharged. The letters were returned by the Postal Service because the address was incorrect. Collection action on this debt was terminated under the Federal Claims Collection Act late in November 1970 due to inability to locate Mr. Mayoros.

"On April 18, 1971, Mr. Mayoros telephoned AFAFC requesting verification that the premium on the health care insurance he requested when he was discharged from the Air Force had been processed to Blue Cross-Blue Shield. An audit of his pay account showed that in the settlement of his account, it was determined he was entitled to a lump-sum payment for 14 days accrued leave, computed at $180.74. However, it was necessary to deduct from this payment amounts due the Air Force for allotments paid on his behalf for the month of November 1969, and pay and allowances for November 13, 14, and 15 which he received in the payment made November 12, 1969, when he was discharged. A payment of $79.90 was mailed to him in December 1969 by Nellis Air Force Base. In the settlement of his account, Air Force personnel failed to notify him that the amount due him ($79.90) was insufficient to pay the $90 premium for his health care insurance. Later, of course, his pay account became more confused when an audit of his leave showed that during his tour of duty, he earned a total of 108 days leave and took 105 days leave.

"An attorney in Middletown, Conn., referred Mr. Mayoros' case to Senator Ribicoff. The attorney pointed out that when he was discharged, Mr. Mayoros was led to believe he would have Blue Cross-Blue Shield coverage and the premium would be deducted from his final pay and allowances. However, the premium was not paid and Mr. Mayoros had not been notified until recently that his final pay and allowances were not sufficient to pay the premium. The attorney also reported that Mr. Mayoros had incurred medical and hospital bills totaling $761.85 in connection with the birth of his son November 24, 1969. He concluded that had Mr. Mayoros known he did not have sufficient pay and allowances, he would have paid the premium from other funds available to him.

"On the date of his discharge, Mr. Mayoros' orders erroneously stated he was entitled to credit for 14 days accrued leave (which could be roughly estimated as at least $150). Under existing procedures, the $90 premium for the health care insurance would have been deducted from this payment and, with his application for insurance, been processed to Blue Cross-Blue Shield. There is nothing on file to indicate that personnel who counseled Mr. Mayoros, prior to his discharge, were aware he would have insufficient final pay due from which the premium could be paid. Likewise, there is no indication that Mr. Mayoros was aware at the time of his discharge that amounts he owed the Air Force would reduce the lump-sum payment for the 14 days accrued leave so it would be insufficient to pay the premium on the insurance. Inasmuch as his son was born within 2 weeks of his discharge, it is logical to assume he would have made other arrangements to pay the premium on the health care insurance, if he had any reason to believe his final pay would be insufficient to pay the premium on the health care insurance.

"The Air Force regrets the administrative error which resulted in not promptly notifying Mr. Maroyos that he did not have sufficient final pay to pay the premium on his health care insurance. When he was discharged, he had reason to believe he would have sufficient pay from which the premium would be deducted and his application for insurance would be properly processed. Had he been notified promptly that such was not the case, he would probably have arranged to pay the premium and he and his family would have had hospital and medical care insurance from November 13, 1969, through February 10, 1970.

"In view of the foregoing, the Department of the Air Force would interpose no objection to enactment of S. 2753 provided the amount authorized to be paid to Mr. Mayoros does not exceed the amount which would have been paid by Blue Cross-Blue Shield had the premium on the policy been paid provided it is reduced by $232.01 reprsenting the $90 he would have paid as a premium on the insurance and the $142.01 which he received as a result of the erroneous payment for 1 days' accrued leave."

In view of the foregoing, the committee believes that legislative relief is appropriate and recommends that the bill, as amended, be favorably considered.

VILLAGE OF RIVER FOREST, ILL.

The bill (H.R. 632) for the relief of the village of River Forest, Ill., was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–898), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the village of River Forest the sum of $3,228.12 in full settlement of its claims for payment of civil defense matching funds for an emergency generator for the village of River Forest. The bill further notes the fact that, through administrative error, the payment of civil defense matching funds was not made and cannot now be made because regulations prohibit the retroactive payment of such funds.

STATEMENT

The Department of the Army in its report to the House Judiciary Committee stated that it is not opposed to the legislation. In that report, the Department noted that the bill H.R. 632 is a companion bill to H.R. 631, which was also a subject of a report from the Army. Noting that the circumstances surrounding the two bills are identical, the Department stated:

"The Department of the Army is of the opinion that the village of River Forest, Ill., is entitled to relief for the same reasons stated in the report on H.R. 631."

In the report on the other bill, the Department of the Army stated that River Forest, Ill., is a small village with a population of approximately 12,695 ("1970 Commercial Atlas and Marketing Guide," Rand McNally & Co.). The civil defense establishment of the village relied heavily on volunteer personnel who were not conversant with the complexities of Government procurement. In 1962, the Federal Government was encouraging municipalities to participate in a nationwide civil defense program. Communities were urged to develop civil defense facilities on a "50–50" matching fund basis. This was a period of national danger and concern because of the Berlin and Cuban missile crises.

The Department further stated that in 1962, the regional director, Office of Civil Defense, then under the Office of Secretary of Defense (now under Office, Secretary of the Army) approved the River Forest grant for installation of a siren and generator for an approved public warning system. Newspaper advertisement was accomplished, sealed bids were received, and public bid openings were conducted. In November 1962 contracts were duly awarded, and the siren and equipment were procured and installed. On January 25, 1965, the village submitted its request for contribution under the Federal civil defense program (60 U.S.C., app. 2281), and submitted a billing under approved project application OCD No. I 11.600–27(65) to the State civil defense office in the amount of $5,096.50 for the Federal share. The State civil defense office refused to process the billing for payment submitted by the village under the approved application because the equipment had been installed prior to the application. The (Federal) Office of Civil Defense required the submission and approval of a project application prior to the procurement of the equipment, and prohibited retroactive Federal payments to local governments for obligations incurred prior to the beginning date of the Federal appropriation available for obligation (32 CFR 1801.8(a); 31 Comptroller General 308; 32 CFR 180128 (b)).

In order to further explain the background and the circumstances surrounding the difficulties encountered by the village, the Department of the Army quoted from a letter of the sponsor of the bills. This letter referred to the difficulties encountered by the village in filing the project application forms, including the fact that apparently a set of application forms had become lost and a new set had to be prepared. Unfortunately the village was unable to complete and file the application form when it was received because by that time the equipment had been installed.

The Department of the Army further noted that on October 7, 1969, a review of the same claims was conducted, by the (Federal) Office of Civil Defense, in connection with H.R. 389 and 389, 91st Congress. That office noted the unauthorized procurement prior to approval, and the fact that the wage scale paid to electricians was equal to the local wage ($4.75 per hour) but was less than $5 per hour determined by the Department of Labor to be the prevailing rate. The agency concluded that the procurement was proper in all other respects. On June 21, 1971, (Federal) Office of Civil Defense reported that insofar as claims of this nature are concerned, they have steadily decreased in number. None was enacted in the last Congress, and the present claims are the only ones introduced in the present Congress.

Indicating that it had no objection to relief in this situation, the Department of the Army stated in its report on the companion bill H.R. 631:

"In view of the apparent reliance of the village officials on the 1962 approval of the River Forest grant by the regional director, Office of Civil Defense, the Department of the Army is not opposed to the enactment of the bill. No prejudice or detriment was suffered by the Federal Government. In fact, the civil defense program received the full value of the property and the additional benefit of a timely installation of equipment in a period of national crisis. The Department of the Army is of the opinion that it would be inequitable to deny relief to a small community which acted in good faith not only due to reliance on the statements of responsible Federal officials but also because of the inexperience of its volunteer staff and the then existing emergency conditions, proceeded with a premature procurement. Although River Forest later lost or misplaced the project application forms, it clearly appears that the State director knew of the project and the delay in submission as early as July 1963. There is no indication that the grant of relief would result in an influx of similar bills."

In view of the circumstances of the case and the statement of the Department indicating that it has no objection to relief, it is recommended that the bill be considered favorably.

S. SGT. J. C. BELL, JR., U.S. AIR FORCE

The bill (H.R. 3227) for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–899), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay $3,992.80 to S. Sgt. J. C. Bell, Jr., of Las Vegas, Nev., in full settlement of his claim against the United States for reimbursement for medical and hospital expenses incurred by him in 1968 in Wichita, Kans., on behalf of his dependent mother as the result of erroneous information given him by Air Force personnel concerning the availability of facilities for the treatment of his mother at Government medical facilities.

STATEMENT

The Department of the Air Force in its report to the House Committee on the Judiciary on this bill has stated that it favors its enactment:

"Sergeant Bell was stationed at Bien Hoa

Air Force Base, Vietnam, when his mother, Mrs. Bernice Bell, became acutely ill January 3, 1968. Mrs. Bell was living in Wichita, Kans. She was a bona fide dependent of Sergeant Bell, so recognized by the Air Force, and could have been admitted, by reason of such dependency, to the McConnell Air Force Base Hospital in Wichita. She was taken instead to a civilian medical facility, Wesley Medical Center, Wichita, and admitted to the hospital there on January 3, 1968, apparently without any notice to McConnell Air Force Base Hospital or any request to be admitted there. It is assumed that Mrs. Bell sought admittance to Wesley Medical Center Hospital, rather than the McConnell Air Force Base Hospital, because the former was the hospital nearest to her home.

"The Air Force report notes that the Uniformed Services Dependents' Medical Care Act (now chapter 55, title 10, United States Code) does not provide for Government payment toward the cost of medical or hospital care furnished from civilian sources to any dependents other than the spouse and children of military personnel. Dependent parents of such personnel are entitled to treatment at Government expense from uniformed services medical facilities only.

"Sergeant Bell returned to Wichita on emergency leave on January 6, 1968. He was concerned because his mother had been admitted to Wesley instead of the McConnell Air Force Base Hospital, and he, therefore, promptly contacted medical personnel at McConnell and requested transfer of his mother to McConnell. The request appears to have been made to both an Air Force physician (chief, internal medicine) and a master sergeant on duty in the registrar's office of the hospital. Upon being informed, by Sergeant Bell, that Mrs. Bell's illness had been described as an "aneurysm" (later more completely identified as an anterior communicating aneurysm with cerebral vascular accident), the medical personnel advised Sergeant Bell that the Facilities at McConnell were inadequate for proper treatment of such illness. It would have been appropriate for the medical personnel at that time to have at least investigated the possibility of having Mrs. Bell transferred from the Wesley Medical Center and admitted to McConnell Air Force Base Hospital with a view to further transfer of the patient, by aeromedical transportation, to an Air Force or other uniformed service hospital where Mrs. Bell could receive the required medical care. However, this possibility was not mentioned. In fact, the master sergeant in the registrar's office advised Sergeant Bell that if his mother was brought to McConnell, they would only have to send her back "down" (presumably to Wesley).

"About January 13, 1968, Sergeant Bell again sought help from medical personnel at McConnell Air Force Base. Sergeant Bell specifically asked whether his mother could be transferred to the McConnell Air Force Base Hospital and from there to an Air Force hospital which could properly care for her. At this time, he was advised that, while such procedure could be followed, aeromedical transportation would not be available until January 19. In the meantime, Wesley Medical Center was reluctant to furnish continued care because it became apparent that Mrs. Bell did not have funds for payment. Having been advised that an operation should be performed promptly, and in view of the advice from the McConnell Air Force Base Hospital, Sergeant Bell had his mother moved to Kansas University January 14, 1968. She was operated on January 16, and remained in that hospital until January 28, at which time she died."

The House Judiciary Committee concluded that the facts outlined above provide a firm basis for legislative relief. Sergeant Bell made timely requests that his mother be transferred to service facilities for the medical attention she most clearly required. The Air Force in recommending favorable action on the bill outlined the equities as follows:

"It appears from the foregoing that the Air Force hospital officials with whom Sergeant Bell dealt were either inadequately informed as to the proper procedures to follow in cases of this nature or else lacked interest in Sergeant Bell's problem. They should have inquired further in an effort to find out the procedures to be followed.

"In view of the above, the Department of the Air Force favors enactment of H.R. 3227."

This committee is in agreement with the views of the Department of the Air Force and the House Judiciary Committee that the equities of the situation are such that the claim is meritorious. Accordingly, the committee recommends favorable consideration of H.R. 3227, without amendment.

THOMAS WILLIAM GREENE AND JILL A. GREENE

The bill (H.R. 4083) for the relief of Thomas William Greene and Jill A. Greene, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–900), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation, H.R. 4083, is to pay Thomas William Greene and his wife, Jill A. Greene, of San Diego, Calif., $109.50 in full settlement of all their claims against the United States for the proceeds of a Treasury check issued November 27, 1961, to them as an income tax refund which they never received.

STATEMENT

The facts of this case, as contained in the House Report 92–595, are as follows:

"The Department of the Treasury in its report to the committee on the bill states that it would have no objection to its enactment.

"The refund check which is referred to in the bill was originally issued in payment of an income tax refund and was drawn to the order of T. W. and J. A. Greene. It was dated November 27, 1961, and provided for the payment of $109.50. In the report to the committee the Treasury Department stated that the file on this matter in the Office of the Treasurer of the United States consists of two parts. The larger part is a January 25, 1970, letter to the Treasurer's Office from Thomas W. Greene with 14 enclosures which indicate that since June 1960 he has corresponded with the Los Angeles Office of the Internal Revenue Service regarding the tax refund which he alleges he and his wife never received.

"The remainder of the Treasurer's Office file shows that the first notice received by that Office of an inquiry or claim with respect to the refund check was a January 27, 1969, request for stop payment from the disbursing officer who drew the check, to which was attached a statement of nonreceipt of the check signed apparently in December 1967 by Thomas William Greene and Jill A. Greene, and addressed to the District Director, Internal Revenue Service, Los Angeles. On the basis of that request the Treasurer's Office determined that the check had been paid and destroyed. On December 31, 1969, the Treasurer's Office wrote to Mr. Greene, in reply to his October 13, 1969, inquiry, advising him that the check had been paid, and that, since his claim had not been presented to the General Accounting Office or the Treasurer within 6 years of the date of issuance, 31 U.S.C. 122 barred recovery of the amount of the check. Similiar advice was offered by the Treasury Department to the sponsor of the bill by letters dated January 23 and February 5, 1970.

"The Treasury Department in its report to the committee states that there is no record that the check in question is still outstanding. The check is presumed, therefore, to have been paid on the basis of Mr. and Mrs. Greene's endorsements or under their authority, and then destroyed. All Treasurer's checks are destroyed approximately 7 years after the date of issuance in accord with longstanding procedures established by the Treasury Department with the concurrence of the General Accounting Office, under the provisions of 44 U.S.C. chapter 33. This serves to compound the difficulties because it is now impossible to say what endorsements appeared on the check.

"The Treasury Department in indicating that it has no objection to relief in this instance recognized that Mr. and Mrs. Greene made repeated efforts well within the limitations period to bring to the attention of the Government that they had not received the check. Unfortunatey they directed the inquiries to the Los Angeles Office of the Internal Revenue Service rather than the Treasurer's Office or the General Accounting Office. In this connection, the Treasury Department stated:

" 'The act of June 22, 1926, as amended (31 U.S.C. 122), bars all claims against the United States on account of any check appearing from the records of the General Accounting Office or of this Department to have been paid if the claim is not presented to the General Accounting Office or the Treasurer within 6 years after the date of issuance of the check. Mr. and Mrs. Greene's notice to the IRS of their tax refund nonreceipt was neither notice to the Treasurer nor notice to the General Accounting Office as called for in 31 U.S.C. 122. The check was issued in November of 1961. The claimant alleges that twice in each of the years 1962, 1963, once in each of the years 1964, 1965, twice in 1967 and at least once in 1968 he inquired of the Los Angeles Office of the Internal Revenue Service about his claim. Any one of these inquiries, if properly acted upon, would have stopped the running of the statute. The expense of investigating and tracing all of this correspondence, under the circumstances of this case, is wholly unwarranted.

" 'Accordingly, we interpose no objection to the enactment of H.R. 4083.'"

"The committee agrees that this is a proper subject for legislative relief. It is understandable that a taxpayer would assume that a notice directed to the Internal Revenue Service is a notice to the Government. The facts outlined in this report established that unfortunately this was not the case. In view of the particular circumstances of this matter and the position of the Department, it is recommended that the bill be considered favorably."

In agreement with the views of the House of Representatives, the committee recommends that the proposed legislation be favorably considered.

FEDERAL EXECUTIVE SERVICE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 825, S. 1682.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1682) to amend title 5, United States Code, to establish and govern the

Federal Executive Service, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Executive Service Act".

SEC. 2. Title 5, United States Code, is amended as follows:

(1) Section 1305 is amended by inserting "3141(c)," immediately after "3105,".

(2) Section 1308 is amended by inserting the following new subsection after subsection (e):

"(f)(1) The Commission shall make an annual report to Congress on the Federal Executive Service. The report shall be submitted before April 1 of each year and shall include comprehensive information for each agency in which members of the Federal Executive Service are serving and for the Government-wide operation of the Service showing—

"(A) the current authorized number of appointments in the Federal Executive Service and the projected number of such appointments to be authorized in the next fiscal year;

"(B) the current authorized percentages of career and noncareer appointments in the Federal Executive Service and the projected percentages to be authorized in the next fiscal year;

"(C) any adjustment in the number of such appointments or the percentages made under section 3134(e) of this title with the reasons therefor; and

"(D) any exceptions to the average pay rate limitation of section 3139(b) of this title approved by the Commission under such section with the reasons therefor;

"(E) the name and biography, for the 5 years preceding the date of appointment, of each individual appointed during the preceding fiscal year as a career or noncareer executive under sections 3135 and 3136 of this title (other than each such individual performing professional, engineering duties primarily concerned with research and development or professional, physical, or natural science or professional, medical duties); and

"(F) such other information on the overall program for the management of the Federal Executive Service as the Commission considers appropriate.

In the case of any agency or component thereof excluded from the Federal Executive Service by the President under section 3133 (b) of this title (other than an agency or component excluded from that service for reasons of security of the United States), the report shall also include the current authorized number of individuals of such excluded agency or component making appointments at pay rates received by executives and the projected number of such appointments to be authorized in the next fiscal year.

"(2) The projected number of appointments in the Federal Executive Service, the projected percentages of career and noncareer appointments, any exceptions to the average pay rate limitation, and the projected number of such appointments by each excluded agency or component reported under paragraph (1) of this subsection are effective on that July 1 which occurs after the submission of the report for that year."

(3) Chapter 31 is amended—

(A) by amending the chapter analysis to read as follows:

"Chapter 31—AUTHORITY FOR EMPLOYMENT

"SUBCHAPTER I—EMPLOYMENT AUTHORITIES

"Sec.
"3101. General authority to employ.
"3102. Employment of readers for blind employees.
"3103. Employment at seat of Government only for services rendered.
"3105. Appointment of hearing examiners.
"3106. Employment of attorneys; restrictions.
"3107. Employment of publicity experts; restrictions.
"3108. Employment of detective agencies; restrictions.
"3109. Employment of experts and consultants; temporary or intermittent.
"3110. Employment of relatives; restrictions.

"SUBCHAPTER II—THE FEDERAL EXECUTIVE SERVICE

"3131. Purpose.
"3132. Definitions.
"3133. The Federal Executive Service.
"3134. Authorization of executive appointments and percentages.
"3135. General authority to appoint executives; characteristics of career and noncareer appointments.
"3136. Career appointments.
"3137. Career executive employment conditions.
"3138. Qualification Boards.
"3139. Pay.
"3140. Regulations.
"3141. Executive management outside the Federal Executive Service.";

(B) by inserting the following immediately before section 3101:

"SUBCHAPTER I—EMPLOYMENT AUTHORITIES";

(C) by striking out section 3104;

(D) by striking out of section 3109 "5332" and inserting "3139" in place thereof; and

(E) by inserting the following new subchapter immediately after section 3110:

"SUBCHAPTER II—THE FEDERAL EXECUTIVE SERVICE

"§ 3131. Purpose

"It is the purpose of this subchapter to establish and provide for a Federal Executive Service in order to insure that the executive management of the Government of the United States is of the highest quality and is responsive to the needs, policies, and goals of the Nation it serves.

"§ 3132. Definitions

"For the purpose of this subchapter, except section 3141—

"(1) 'agency' means—

"(A) an Executive agency;

"(B) a military department; and

"(C) the government of the District of Columbia;

but does not include—

"(i) the General Accounting Office;

"(ii) the United Postal Service;

"(iii) the Federal Reserve System; or

"(iv) any agency or component thereof excluded from the Federal Executive Service by the President under section 3133(b) of this title; and

"(2) 'executive' means an employee of an agency whose pay is fixed under section 3139 of this title and not under the General Schedule in section 5332(a) of this title nor under the Executive Schedule in subchapter II of chapter 43 of this title, but does not include—

"(A) a United States Attorney or Assistant United States Attorney in the Department of Justice;

"(B) an employee paid from—

"(i) appropriations for the Executive Office of the President under the heading 'Special Projects'; or

"(ii) funds appropriated to the President under the heading 'Emergency Fund for the President' by the Treasury, Post Office, and Executive Office Appropriation Act. 1971, or a later statute making appropriations for the same purpose;

"(C) a Foreign Service information officer in the United States Information Agency;

"(D) a hearing examiner appointed under section 3105 of this title;

"(E) an employee in the Foreign Service of the United States paid under chapter 41 of title 22;

"(F) a physician, dentist, nurse, or other employee in the Department of Medicine and Surgery, Veterans' Administration, paid under chapter 73 of title 38; or

"(G) an expert or consultant employed temporarily or intermittently under section 3109 of this title.

§ 3133. The Federal Executive Service

"(a) The Federal Executive Service consists of the executives the Civil Service Commission authorizes agencies to appoint under section 3134 of this title. The executives the Commission authorizes agencies to appoint under section 3134 are members of the Federal Executive Service.

"(b) An agency may file with the Commission an application, with reasons, that it, or a component of that agency, be excluded from the Federal Executive Service. The Commission shall review the application and reasons and undertake such other investigation as it considers appropriate to determine whether the agency or component should be excluded. Upon completion of its review and investigation, the Commission shall recommend to the President whether the agency or component should be so excluded. The agency or component shall be excluded upon written determination by the President, and a copy of such determination shall be filed with the Commission. A component of an agency may be excluded under this subsection only if the President determines that such exclusion is required for reasons of the security of the United States.

"§ 3134. Authorization of executive appointments and percentages

"(a) Each agency shall examine its executive manpower needs and submit to the Civil Service Commission, in accordance with regulation prescribed by the Commission, a written request for authority to appoint a specific number of executives in the agency. A request shall be based on the following factors:

"(1) the current level of budget and program activity in the agency;

"(2) the current level of executive staffing in the agency;

"(3) the anticipated agency program activity and agency budget requests;

"(4) pending legislation;

"(5) the level of work to be done in the agency; and

"(6) such other factors as may be prescribed from time to time by the Commission.

"(b) The request required by subsection (a) of this section shall state the number of executives requested which the agency desires to appoint by career appointments and by noncareer appointments. Within the entire Federal Executive Service not less than 75 percent of the executives shall be career executives. However, within a single agency, and subject to the Government-wide restrictions, the Commission may authorize a percentage of career executives most appropriate to the needs of the agency.

"(c) The request required by subsection (a) of this section shall be submitted annually at such time and in such form as the Commission prescribes.

"(d) The Commission, subject to section 1308(f) of this title, shall authorize—

"(1) the appointment of a specific number of executives in the agency; and

"(2) specific percentages of career executives and noncareer executives in the agency.

"(e) The number of executive appointments and the percentages authorized in any agency under subsection (d) of this section may be adjusted by the Commission during the fiscal year in which they are effective only for emergency purposes that were not anticipated when they were authorized. An adjustment in the number of executive appointments under this subsection may not enlarge the Federal Executive Service by more than 1 percent in a fiscal year. If an adjustment is made under this subsection the Commission shall include information justifying the adjustment in the next annual report required under section 1308(f)(1) of this title.

"§ 3135. General authority to appoint executives; characteristics of career and noncareer appointments

"(a) With the percentages established by the Civil Service Commission for an agency, the head of the agency may appoint an executive by either a career or a noncareer appointment. The decision whether an appointment will be career or noncareer is exclusively that of the head of the agency based on the following considerations:

"(1) A career appointment is made on the basis of merit and fitness under section 3136 of this title and is appropriate for the executive whose future service is Government-oriented.

"(2) A noncareer appointment is (A) made on the basis of political agreement, program philosophy, or personal confidence, or (B) made for project service that does not entail a long-term career commitment.

"(b) An executive given a career appointment under section 3136 of this title does not serve a probationary or trial period. An executive given a career appointment—

"(1) is in the competitive service;

"(2) acquires a competitive status by that appointment; and

"(3) if he is a preference eligible as defined by section 2108(3) of this title, is entitled to the benefits of subchapter II of chapter 75 and section 7701 of this title without the completion of a probationary or trial period.

"(c) The head of an agency may appoint an individual as an executive with a noncareer appointment if the Commission determines that such individual possess appropriate experience and training for the duties he is to perform as an executive. An executive given a noncareer appointment—

"(1) is not in the competitive service;

"(2) does not acquire a competitive status by that appointment;

"(3) does not have a fixed tenure; and

"(4) serves at the will of the appointing authority without a continued employment guarantee.

"§ 3136. Career appointments

"(a) Each agency shall recruit and select candidates for career appointments in the Federal Executive Service on the basis of merit, capability, and fitness. The Civil Service Commission shall assist each agency in recruiting and selecting candidates for career appointment to insure—

"(1) that candidates of high quality having the best talent available are considered; and

"(2) that recruitment is carried out on as broad a base as is reasonable and extends to qualified individuals both within and outside the civil service.

"(b) When an agency selects a candidate for career appointment, the name of the candidate together with documentation of his qualifications and of the recruitment effort made shall be submitted to a Qualifications Board established under section 3138 of this title. Except as provided in subsection (c) of this section, an agency may make a career appointment in the Federal Executive Service only with the prior approval of a Qualifications Board.

"(c) An agency may make a career appointment in the Federal Executive Service without the prior approval of a Qualifications Board when the appointment—

"(1) is by transfer from another career appointment in the Federal Executive Service; or

"(2) is made within one year after the expiration of, or the separation of an executive from, a previous career appointment.

"§3137. Career executive employment conditions

"(a) An executive with a career appointment shall—

"(1) be assigned only to duties and responsibilities properly within the scope and purpose of the Federal Executive Service;

"(2) be provided with and participate in such training and career development activities as will enhance the proficiency of the executive and promote the program needs of the agency;

"(3) not have his pay reduced as long as he is an executive;

"(4) not be separated from service as an executive, except for such cause as will promote the efficiency of the service, on the basis of a finding by the Civil Service Commission under section 8337 of this title that he has become disabled, or as otherwise provided in subsection (b) or (c) of this section;

"(5) be entitled to resign from the agency, transfer to employment not within the Federal Executive Service, transfer to another appointment in the Federal Executive Service in another agency, or make application for optional retirement under section 8336 of this title or disability retirement under section 8337 and, if eligible therefor, be separated; and

"(6) except as otherwise provided in subsection (b) of this section, accept any assignment of duties and responsibilities, at any geographical location, that is properly within the scope, and consistent with the purposes, of the Federal Executive Service.

"(b)(1) If the reassignment of an executive with a career appointment to a different geographical location would result in undue personal hardship and the agency has no further need for his services as an executive at the place of employment, the agency shall offer him a GS–15 position, at the place of employment, in the competitive service for which he is qualified and which may be filled without displacing or reducing in grade any employee in the agency serving in a GS–15 position. If the executive accepts the offer, previous service in GS–15 not used for step increase purposes and all service as a member of the Federal Executive Service is creditable service and shall be used in determining the step of GS–15 into which he is entitled to be placed. However, if the rate of annual pay he last received as an executive is greater than the basic pay determined under this paragraph, he is entitled to basic pay in GS–15 at the annual rate of basic pay he was receiving as such an executive (including any increase equivalent to any statutory increase in the minimum rate of pay provided by section 3139(a) of this title, for a period of two years from the effective date of his appointment at grade GS–15, so long as he—

"(A) continues in the same agency without a break in service of one workday or more;

"(B) is not entitled to a higher rate of basic pay by operation of subchapter III of chapter 53 of this title; and

"(C) is not demoted or reassigned (i) for personal cause, (ii) at his request, or (iii) in a reduction in force caused by lack of funds or curtailment of work.

"(2) If the executive declines an offer of his agency, he is, if otherwise eligible, entitled to an annuity as the result of an involuntary separation under subchapter III of chapter 83 of this title or to severance pay under section 5595 of this title.

"(c) A career executive may be separated from service as a career executive through reduction in force. The Commission shall prescribe regulations for the release of competing career executives, to the extent applicable, in accordance with section 3502 of this title. Any career executive so separated is, if otherwise eligible, entitled to an annuity as the result of an involuntary separation under subchapter III of chapter 83 of this title or to severance pay under section 5595 of this title.

"§ 3138. Qualification Boards

"(a) The Civil Service Commission shall establish Qualifications Boards which, acting as agents of the Commission, shall review the qualifications of candidates for career appointment in the Federal Executive Service and the scope and nature of the recruitment effort made to locate the candidates. A Qualifications Board may approve a candidate for career appointment only when the Board determines that the recruitment effort was consistent with the principles in section 3136(a) of this title, and that the candidate is one of the most highly qualified candidates considered.

"(b) Each Qualifications Board shall be composed of highly qualified experts with the ability to judge the qualifications of the candidates reviewed. The Commission may appoint the members of a Qualifications Board from individuals both within and outside the civil service. A member who is an employee of an Executive agency other than the Commission may serve on a reimbursable detail under section 686 of title 31. A member selected from a State or territory or political subdivision thereof, or from the private sector, serves as an expert or consultant and his service may be obtained under section 3109 of this title at a rate of pay not in excess of the daily equivalent that may be paid an executive under section 3139 of this title. The Commission may reimburse the government of the District of Columbia for the services of a member employed by that government.

"§ 3139. Pay

"(a)(1) Subject to paragraph (2) of this subsection, an agency may fix the pay of an executive at any one of the following pay rates: $29,678, $30,667, $31,656, $32,645, $33,634, $34,623, $35,612, $36,625, $37,770, $38,915, or $39,693. Each such pay rate shall be increased automatically by the same percentage that the sixth rate of GS–15 is increased by or under statute, and such increased pay rates shall be effective on the same day that the increased sixth rate of GS–15 is effective. Commencing on such effective date, each executive shall be paid at one of those pay rates as increased. An executive appointed prior to such effective date shall be paid, commencing on such effective date, all the corresponding pay rate in effect on and after such date.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, an executive shall not be paid at a rate higher than the rate of level V of the Executive Schedule.

"(b) An agency shall establish the initial rate of pay for each executive, and adjust that rate to a higher rate authorized under this section at any time, in accordance with such factors as—

"(1) the value of the executive to the agency;

"(2) the duties and responsibilities of the executive; and

"(3) the performance of the executive.

However, the average rate of pay of all executives with career appointments within an agency and such average rate of all executives with noncareer appointments within such agency may each not exceed the fifth highest pay rate in effect under subsection (a) of this section, except with the prior approval of the Commission and when the Commission determines that special executive staffing circumstances justify a higher average rate of pay for executives with career or noncareer appointments, as the case may be, of that agency, in determining the average rate of pay of all executives with career and noncareer appointments within an agency, the rate of pay of each executive shall be the pay rate fixed and in effect under subsection (a)(1) of this section and not the rate paid the executive as the result of subsection (a)(2) of this section, and any advance pay under subsection (c) of this section shall be excluded in determining the pay rate of such executive. Each agency shall report to the Commission the pay rates of the executives of that agency so that the Commission may determine whether the agency is complying with this section.

"(c) An executive shall be advanced in pay successively to the next higher pay rate in effect under subsection (a)(1) of this section at the beginning of the next pay period following the completion of each 156 calendar weeks of service at any such pay rate if the executive did not receive an equivalent increase in pay from any cause during that period. An increase in pay granted an executive under subsection (a) of this section is not an equivalent increase in pay within the meaning of this subsection.

"§ 3140. Regulations

"The Civil Service Commission may prescribe regulations necessary to carry out the purposes of this subchapter, except to the extent otherwise provided in section 3141 of this title.

"§ 3141. Executive management outside the Federal Executive Service

"(a)(1) In the case of an agency or component thereof excluded from the Federal Executive Service under section 3133(b) of this title, the head of that agency shall prescribe regulations which establish within that agency or component a program of executive management as nearly like the program prescribed under this subchapter for the Federal Executive Service as conditions of good administration warrant. Any such program shall provide that individuals appointed under the program shall have their pay fixed and paid in accordance with section 3139(a) of this title and shall be advanced in pay in accordance with section 3139 (c) of this title.

"(2)(A) Any such agency or component thereof so excluded, unless excluded for reasons of security of the United States, shall submit to the Civil Service Commission a written request to appoint a specific number of employees in the agency to be paid at rates in effect under section 3139(a) of this title. The request shall be based on the factors referred to in section 3134(a) of this title. The request shall be submitted annually at such time and in such form as the Commission prescribes.

"(B) The Commission, after reviewing the agency request, shall authorize the appointment of a specific number of such employees for the agency. The number of such appointments may be adjusted by the Commission during the fiscal year in which they are effective only for emergency purposes that were not anticipated when they were authorized. An adjustment in such number for an agency may not enlarge the number by more than 1 percent in a fiscal year. The Commission shall include information about any such adjustment in the next annual report required under section 1308(f)(1) of this title.

"(3) On and after the effective date of this section, in the case of any such component of an agency excluded for reasons of security of the United States, the agency is authorized to fix the pay of, and pay, at those pay rates in effect under section 3139(a) of this title, the number of employees of the component, which does not exceed the number of employees of the component serving in GS-16, 17, or 18, being paid at a rate of GS-16, 17, or 18, or whose pay was being fixed by administrative action between the first rate of GS-16 and the rate for GS-18, immediately prior to such effective date.

"(b) The Commission, on request, shall give advice and assistance to the head of each agency establishing a program of executive management under subsection (a) of this section. The assistance given by the Commission under this subsection may include the use of a Qualifications Board established under section 3138 of this title and the use of the executive inventory maintained in the Commission.

"(c)(1) Each hearing examiner appointed under section 3105 of this title to a position not under the General Schedule in section 5332 of this title is entitled to pay prescribed by the Commission independently of agency recommendations or ratings in accordance with this subsection.

"(2) The Commission shall fix the pay of a hearing examiner paid under this subsection at a rate that is not less than the sixth rate for GS-15 nor more than the rate for level V of the Executive Schedule.

"(3) The Commission shall prescribe regulations necessary to carry out this subsection which shall include—

"(A) the bases for determining the rate of pay for each hearing examiner position based on the difficulty and responsibility of work in keeping with the purpose expressed in section 5101 of this title; and

"(B) provisions governing the rate for new appointments, the rate on change in position or type of appointment, periodic increases, and pay saving which shall be consistent with sections 5105, 5106, 5333, 5334, 5335, and 5337 of this title.

"(d) Each agency which has employees excluded by section 3132(2) of this title—

"(1) is encouraged to adopt such features on the program prescribed under this subchapter as conditions of good administration warrant; and

"(2) is entitled, on request, to receive advice and assistance from the Commission under subsection (b) of this section.

"(e) Each agency of the executive and legislative branches of the Government of the United States, the Administrative Office of the United States Courts, the Federal Judicial Center (with respect to secretarial and clerical positions), and the United States Tax Court (other than an agency included under section 3132(1) of this title, an agency or component thereof excluded under section 3133(b) of this title, and any office, agency, or establishment referred to in section 2107 of this title) having immediately prior to the effective date of this section an employee serving in GS-16, 17, or 18, who was paid at a rate of GS-16, 17, or 18, or whose pay was fixed by administrative action between the first rate of GS-16 and the rate of GS-18, shall, on and after such date, fix the pay of each such employee at one of the pay rates in effect under section 3139(a) of this title which is not less than the rate he is receiving immediately prior to such date. On and after the effective date of this section, such agency, the Administrative Office, the Center (with respect to such positions), and the Tax Court are each authorized to fix the pay of, and pay, in accordance with such section 3139(a), that number of employees of the agency, the Administrative Office, the Center (with respect to such positions), and the Tax Court, as the case may be, which does not exceed the greater of the number of positions authorized to be filled or of its number of its employees serving in GS-16, 17, or 18, being paid at a rate of GS-16, 17, or 18, or whose pay was being fixed by administrative action between the first rate of GS-16 and the rate for GS-18, immediately prior to such effective date."

(4) Chapter 33 is amended—

(A) by amending section 3302—

(i) by striking out "and" at the end of paragraph (1);

(ii) by striking out the period at the end of paragraph (2) and inserting "; and" in place thereof; and

(iii) by inserting the following new paragraph after paragraph (2):

"(3) necessary exceptions from sections 2951, 3304, 3305, 3306, 3308, 3309, 3311, 3313, 3314, 3315, 3315a, 3316, 3317, 3318, 3320, 3321, 3322, 3341, and 3361 to carry out subchapter II of chapter 31 of this title,";

(B) by striking out sections 3324 and 3325; and

(C) by striking out items 3324 and 3325 in the chapter analysis.

(5) Section 4301(2) is amended—

(A) by striking "or" after subparagraph (D);

(B) by striking the period after subparagraph (E) and inserting "; or" in place thereof; and

(C) by inserting the following new subparagraph after subparagraph (E):

"(F) a member of the Federal Executive Service or an employee under an agency program of executive management established under section 3141(a) of this title.".

(6) Chapter 51 is amended—

(A) by amending section 5102(c)(25) to read as follows:

"(25) positions for which rates of basic pay are individually fixed, or expressly authorized to be fixed, by a statute other than this chapter, at or in excess of the maximum rate for GS-15;";

(B) by amending section 5104—

(i) by striking out "18" immediately before the words "grades of difficulty" and inserting "15" in place thereof; and

(ii) by striking out paragraphs (16), (17), and (18);

(C) by striking out section 5108;

(D) by amending section 5109—

(i) by striking out the subsection designation "(a)"; and

(ii) by striking out subsection (b);

(E) by striking out section 5114;

(F) by striking out items 5108 and 5114 in the chapter analysis; and

(G) by amending section 5115 by striking out "sections 5109 and 5114" and inserting "section 5109" in place thereof.

(7) Chapter 53 is amended—

(A) by amending section 5304 by striking out "chapter 51 of this title" and inserting "chapter 51 and subchapter II of chapter 31 of this title" in place thereof;

(B) by striking out the last three lines of the General Schedule contained in section 5332(a), relating to GS-16, GS-17, and GS-18;

(C) by striking out section 5361;

(D) by amending section 5362 by inserting "to positions paid under the General Schedule in section 5332 of this title" immediately after "3105 of this title";

(E) by amending section 5363 by striking out "for GS-18" and inserting "that may be paid under section 3139 of this title" in place thereof;

(F) by amending section 5364 by striking out "equal to the pay rate of a grade and step of the General Schedule set forth in section 5332 of this title" and inserting "that is not more than the maximum rate that may be paid under section 3139 of this title" in place thereof; and

(G) by striking out item 5361 in the chapter analysis.

(8) Section 5595(a)(2) is amended—

(A) by amending clause (i) by striking out "for GS-18" and inserting "that may be paid under section 3139 of this title" in place thereof; and

(B) by amending clause (ii) by inserting "or a member of the Federal Executive Service" immediately before the semicolon.

(9) Section 7154 is amended by—

(A) inserting "subchapter II or chapter 31," immediately after "In the administration of"; and

(B) striking out "sections 305 and 3324" and inserting "section 305" in place thereof.

SEC. 3. (a) An employee who immediately prior to the effective date of this Act was serving under a career or career-conditional appointment in a position in the competitive service in GS–16, 17, or 18, or who was paid at a rate of GS–16, 17, or 18, or whose pay was fixed by administrative action between the first rate of GS–16, and GS–18, inclusive, and who is not excluded from subchapter II of chapter 31 of title 5, United States Code, under section 3132 of that title, is entitled to receive a career appointment under section 3136 of such title 5 in the Federal Executive Service in his employing agency without a review of his qualifications, or the approval of his career appointment by a qualification.

(b) (1) An employee who immediately before the effective date of this Act was serving in GS–16, 17, or 18 under an excepted appointment in a position in schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations or in a position filled by noncareer executive assignment under subpart F of part 305 of title 5 of the Code of Federal Regulations, and who is not excluded from subchapter II of chapter 31 of title 5, United States Code, under section 3132 of that title, entitled to a noncareer appointment in the Federal Executive Service without a determination by the Civil Service Commission that the employee possesses appropriate experience and training for the duties he is to perform as an executive.

(2) If immediately prior to the effective date of this Act an employee in the excepted service, other than an employee subject to paragraph (1) of this subsection or so excluded from such subchapter II, was serving in a position of GS–16, 17, and 18, was paid at a rate of GS–16, 17, or 18, or had his pay fixed by administrative action at or between the first rate of GS–16 and GS–18—

(A) the head of the agency may give that employee a career appointment in the Federal Executive Service without a review of the employee's qualifications, or the approval of his career appointment by a qualifications board, if the head of the agency determines that the employee is entitled to the appointment on the basis of merit, capability, and fitness, and that the employee's future service is Government-oriented, and if the employee has served in such position, was paid at such rate, or had his pay so fixed, for a continuous period of at least 2 years immediately prior to such effective date; or

(B) the employee is entitled to a noncareer appointment in the Federal Executive Service without a determination by the Commission that the employee possesses appropriate experience and training for the duties he is to perform as an executive.

(c) Each agency of the Government of the United States or component thereof excluded under section 3133(b) of title 5, United States Code, having immediately prior to the effective date of this section an employee serving in GS–16, 17, or 18, who was paid at a rate of GS–16, 17, or 18, or whose pay was fixed by administrative action between the first rate of GS–16 and the rate for GS–18, shall, on and after such date, offer such employee an appointment under the executive management program of that agency or component and for the pay of each such employee at one of the pay rates in effect under section 3139(a) of this title which is not less than the rate at which his pay is fixed immediately prior to such date.

(d) The Civil Service Commission may prescribe regulations to carry out the provisions of this subsection. The regulations shall provide a right of appeal to the Commission for an employee who believes his employing agency has violated his rights under this subsection. An agency shall take the corrective action that the Commission finally recommends in its decision on an appeal under this subsection.

SEC. 4. The enactment of this Act does not decrease the pay, allowances, compensation, or annuity of any person.

SEC. 5. If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications.

SEC. 6. (a) Except as provided in subsection (b) of this section, this Act shall take effect on July 1, 1973.

(b) (1) Section 1308(f) of title 5, United States Code (as added by paragraph (2) of the first section of this Act), relating to the report of the Civil Service Commission, section 3134 of such title (as added by paragraph (3) of such first section), relating to the authorization of executive appointment and percentages, and those provisions of section 3141(a) of such title (as added by paragraph (3) of such first section), relating to reports of each agency establishing a program of executive management, are effective on January 1, 1973.

(2) Section 3133(b) of such title (as added by paragraph (3) of such first section), relating to the exclusion of agencies and components thereof from the Federal Executive Services, is effective on the date of enactment of this Act.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. McGEE. Mr. President, I send to the desk a technical amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 54, line 23, after "exceed the", insert the following: "greater of the number of positions authorized by law to be filled or of the".

On page 57, line 12, immediately before "to be filled", insert "by law".

Mr. McGEE. Mr. President, S. 1682 would abolish the various statutory authorities for the appointment of positions in grades GS–16, GS–17, and GS–18, and would establish an integrated, Government-wide system embodied in a new Federal Executive Service. The bill would thus provide a manpower-management program for top-level positions replacing the present fragmented and unwieldly procedures under which supergrade positions are established and appointments are made. The Federal Executive Service would operate under the general management of the Civil Service Commission.

S. 1682 is an administration measure substantially amended by the committee.

Under the bill as amended, employees in the supergrades would automatically move into the Federal Executive Service with no grade schedule and would be paid at the rates now prevailing for supergrades—from $29,678 through $39,693—presently subject to a $36,000 ceiling.

S. 1682 would cover approximately 7,000 positions within this pay range. Of this total, quota allocations to the agencies are now made by the Civil Service Commission from the pool of only 2,754 slots. The remaining positions are nonquota positions or are authorized by legislation and are beyond the administrative control of the Commission.

Under the provisions of the bill, each agency would submit a request for authority to appoint a specific number of executives based upon agency program needs. The request would include the number of career and noncareer executives desired. The Commission would make the requested allocations with a view to the Government's changing priorities and goals.

A career appointment in the FES would be based upon merit and fitness and the career commitment of the appointee, who would have competitive status in the Government. A noncareer appointee would correspond to the current excepted service appointee. He would have no competitive status and would serve at the pleasure of the appointing authority. Noncareer appointments would be authorized to constitute no more than 25 percent of the total FES appointments. This is the percentage of noncareer supergrades now prevailing.

Qualifications of candidates as new career appointees to the FES would be passed upon by qualifications boards established by the Civil Service Commission. Noncareer appointments to the FES could be made only after the Commission had determined that the candidate possessed the appropriate experience and training.

This bill as introduced provided that an executive appointed to the FES would enter into a 3-year contract with the employing agency. At the end of that period of time, his contract would be renewed, or if he were eligible he could retire. If he were not eligible for retirement, he could be reduced to grade GS–15, with saved pay for 2 years. The bill as introduced also provided that if the contract of a FES employee were not renewed and he was eligible for retirement, he could be forced to retire.

The bill as amended by the committee removes the 3-year contract requirement and provides that the removal of an FES employee would be under the same conditions as those of any other employees. The enforced-retirement provision is deleted, because of the strong possibility that the renewal or nonrenewal of 3-year contracts could become subject to political influence. The committee did not believe it fair to limit an employee's tenure after, in most cases, many years of progressively increasing responsibility at a point in his service when the employee, having committed himself to a Federal career, is in greatest need of the same security accorded other Federal employees.

S. 1682 as introduced excluded certain agencies from the provisions of the FES, but the administration's spokesmen have been unable to justify the exclusions to the committee's satisfaction. Some of the exclusions would have been based upon precedent and the legislative conditions under which certain agencies were created. The bill as amended, recognizing that there may be valid justification for the exclusion of certain agencies, provides that any agency may apply to the Commission and advance reasons why it should be excluded. The President, after receiving the recommendations of the Commission, may make such an exclusion. Thus, exclusions could change and would not be required by law. The committee has asked the Civil Service Commission to conduct a broad study into the question why certain agencies are not included under Commission jurisdiction.

The bill provides that the Commission would make an annual report to the Congress on the FES. The report would include the current number of FES appointments and the projected number to be authorized in the next fiscal year, as well as current and projected authorized percentages of career and noncareer FES appointments. Congress would have 90 days in which to accept or reject the Commission's FES proposal.

The bill provides that the average rate of pay of all executives in career appointments within an agency and the average rate of pay of all executive in noncareer appointments in an agency may not exceed the fifth rate of the 11 authorized pay rates. This provision requires maintenance of an average pay rate within the FES and insures that noncareer appointees do not drift to the top of the pay scale.

The bill does not apply to the legislative or judicial branch of the Government.

I am convinced that this bill represents one of the most significant reforms in Government personnel administration ever recommended for enactment. The present supergrade system in the Federal Government has proven unwieldy, unmanageable, and not in the best interests of the Government. The Civil Service Commission has had too little authority to exercise reasonable management over the system, and if the Congress expects to achieve good management results, it is imperative that we give the Commission the power to control the system.

The reluctance of the Congress to authorize a sufficient number of supergrade positions has led to individual bits and pieces of legislation from time to time, particularly in the past 2 or 3 years which has reverted to the old practice of assigning a specific number of positions to a particular agency. The new system will wipe out all of those allocations by statute, and vest in the Commission the authority to allocate all positions to call agencies in the executive branch, with a clear, regular responsibility to report to the Congress on the operation of the system.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

RECONSIDERATION OF VOTES ON H.R. 12202 AND S. 1682—MOTION TO TABLE

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the distinguished Senator from Wyoming (Mr. McGEE) be recognized at this time.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. McGEE. Mr. President, I ask unanimous consent, in regard to Calendar Nos. 822 and 825, H.R. 12202 and S. 1682, that it be in order to move to reconsider the votes by which those two bills were passed.

Mr. ROBERT C. BYRD. The Senator asks that it be in order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I move that the votes by which H.R. 12202 and S. 1682 were passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay those motions on the table.

The motions to lay on the table were agreed to.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Calendar, beginning with Calendar No. 863 and proceeding ad seriatim through Calendar No. 877.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOHN W. SHAFER, JR.

The bill (H.R. 6820) for the relief of John W. Shafer, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–903), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the U.S. Postal Service to release in whole or in part the liability of John W. Shafer, Jr., and John F. Schumacher, employees at the Albany, N.Y., post office, for a deficiency in the amount of $3,150 in the stamp stock at that post office.

STATEMENT

The facts of this case as contained in the House report are as follows:

The Postal Service in its report to the committee on the bill states that it favors the enactment of legislation granting relief as provided by the committee amendment.

Mr. Shafer was custodian of the main stamp stock at the Albany, N.Y., post office. As such, he was accountable for that stock. On June 5–6, 1967, an inventory was taken of the stock which disclosed a shortage of $3,150 out of Mr. Shafer's total accountability of over $1,200,000. Mr. Shafer was unable to account for the missing stock. He was therefore charged for the amount of the unexplained shortage.

Investigation disclosed that from April 3 to 14, 1967, Mr. Shafer was on vacation, and another employee was in charge of the stamp stock. Under applicable regulations, an inventory should have been taken when Mr. Shafer left on leave, and again upon his return from vacation. The inventory was not taken, however. The Postal Service concluded that Mr. Shafer was negligent in this regard. It was the view of postal authorities that such an inventory would have at least determined whether the shortage occurred during that time period.

The Postal Service file also reveals that security measures at the post office were somewhat lax at the time, and prior thereto. Thus, employees other than Mr. Shafer had access to the vault where his stamp stock was stored. Also, keys to various "cages" within which stamps and other accountable paper were kept would fit other cages. Several keys would fit Mr. Shafer's cage door besides his own. These security shortcomings have since been corrected.

Further information in the file of the Postal Service states that former Assistant Postmaster (now Postmaster) John F. Schumacher has been held jointly and severally liable along with Mr. Shafer for the loss sustained in this case. It appears that on at least two occasions Mr. Schumacher, during Shafer's absence, furnished the Chief of Administrative Services with the vault combination and duplicate keys giving access to Mr. Shafer's stock. The Postal Service observed that apparently, Mr. Schumacher neglected to advise the Chief of Administrative Services that he was required to take inventory before and after he removed stamp stock.

The committee feels that it is relevant to note that the recently enacted Postal Reorganization Act provides that employees may be relieved of claims of the sort referred to in this bill on substantially the same basis as would be permitted under the amended bill. This authority is now provided for in section 2601 of title 39 of the United States Code. Private relief as would be provided by this bill is necessary because the Comptroller General has ruled that the new authority may not be used in connection with existing liabilities based upon cases which were finally determined by the post office prior to the commencement of operations of the Postal Service or based matter decided by the General Accounting Office prior to July 1, 1971. The Postal Service regards itself as unable to grant relief under the present law because the liability as to these particular employees was determined prior to July 1, 1971. However, the Postal Service states that the authority for an appropriate amount of relief should be provided as is proposed in the amended bill. In this connection, the Postal Service stated:

"We believe some relief should be granted these employees. However, consideration should also be given to the fact that they were negligent. For this reason, we believe the bill should be amended to provide that the Postal Service, upon a determination that it is appropriate to do so, is authorized to relieve the employees on such terms as it deems just and expedient of liability in whole or in part with respect to the matter involved."

The committee has concluded that relief as provided in the amended bill should be accorded in this case. It is recommended that the bill amended to include the language supplied by the Postal Service be considered favorably.

In agreement with the views of the House of Representatives, the committee recommends the bill favorably.

AMOS E. NORBY

The Senate proceeded to consider the bill (H.R. 2118) for the relief of Amos E. Norby which had been reported from the Committee on the Judiciary with an amendment on page 1, line 8, after the word "The", insert "estate of the".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read:

"An act for the relief of the estate of Amos E. Norby."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–904), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE AMENDMENTS

Since the claimant died on May 13, 1971, the purpose of the amendment is to make the payment to Mr. Norby's estate.

PURPOSE

The purpose of H.R. 2118, as amended, is to change the effective date of a separate maintenance allowance granted to Amos E. Norby in connection with his employment with the U.S. Army Engineer Group on Tokashiki Island, Kerama Islands, so that the allowance will be effective from March 11, 1962, the date of his assignment to duty on the island. The bill would therefore grant his estate eligibility for the allowance for the full period of his service on the island.

STATEMENT

The facts of this case, as contained in House Report 92–443, are as follows:

The U.S. Civil Service Commission in its report to the committee on the bill stated that it has no objection to its enactment. The Department of the Army in its report deferred to the views of the Civil Service Commission.

Mr. Amos E. Norby was employed August 1, 1960, by the post engineer of the U.S. Army engineer group at the Ryukyu Islands. He was stationed at Okinawa and during the time that he was stationed on that island, he received a living quarters allowance since he and his family were not furnished Government quarters.

On March 11, 1962, Mr. Norby's duty station was changed and he was assigned to the island of Tokashiki, which is a Kerama Island located about 20 miles from Okinawa. At the time Army administrative personnel erroneously considered Okinawa as his duty station and continued the payment of living quarters allowance through April 30, 1963, until the family returned to the United States. In June of that year it was determined that Mr. Norby was not entitled to living quarters allowance payments after his assignment to Tokashiki and the amount paid him was collected by withholdings from his salary.

As is outlined in the report of the Civil Service Commission, the island of Tokashiki is an isolated island where family quarters were not available, and Mr. Norby was precluded from having his family join him there. As is also stated in the Civil Service Commission report, he received no allowance to offset the cost of maintaining his family at a separate location. Such allowance may be authorized under section 5924(3) of title 5 of the United States Code, however, the necessary authorization was not made until February of 1964. The Civil Service Commission stated that after a review of the circumstances of Mr. Norby's case, it concluded that the payment of the allowance was delayed until February of 1964, due to the Army's failure to take proper administrative action prior to Mr. Norby's reassignment to that post.

The appropriate action which should have been taken would have been to immediately request the Department of Defense to approve payment of the separate maintenance allowance and to discontinue the payment of the quarters allowance. As has been outlined above, until June of 1963. Mr. Norby was treated as if he were still on Okinawa and this, of course, was improper. Mr. Norby has been compelled to refund the amount paid through a salary deduction.

The committee agrees that this is a proper matter for legislative relief. As is stated by the Civil Service Commission, through no fault of his own, Mr. Norby served for almost 2 years without reimbursement to offset the expense of maintaining his family at a separate location. Furthermore, the Commission has stated that the information supplied to it indicates that Mr. Norby was the only employee affected in this manner. Accordingly, it is recommended that the bill be considered favorably.

In agreement with the views of the House of Representatives, the committee recommends that the bill as amended be favorably considered.

AUTHORIZATION OF THE PREPARATION OF A HISTORY OF PUBLIC WORKS IN THE UNITED STATES

The Senate proceeded to consider the joint resolution (S.J. Res. 204) to authorize the preparation of a history of public works in the United States which had been reported from the Committee on Rules and Administration with amendments.

On page 3, at the beginning of line 1, strike out:

Resolved, That the Congress hereby authorize, on the recommendation of the Senate and House Public Works Committees, the Library of Congress through its designated representative to enter into an appropriate agreement with the American Public Works Association to assist in carrying out this bicentennial project; and be it further

At the beginning of line 7, strike out "*Resolved,*" and insert "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*"; in line 10, after the word "Federal", strike out "Government" and insert "Government, the Library of Congress, and the appropriate congressional committees"; and, in line 12, after the word "required", strike out "by the Library of Congress in the collection and development of information and related materials which will be useful".

The amendments were agreed to.

The joint resolution, as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas the President of the United States and bicentennial organizations have encouraged associations and other groups to undertake meaningful activities to commemorate the two hundredth anniversary of our independence; and

Whereas the American Public Works Association is a nonprofit, public service organization comprised of top-ranking officials engaged in various phases of the broad field of public works at the local, State, and Federal levels of government and this highly respected nonpartisan organization has a long history of fostering the improvement of public works practices and the enhancement of public support for needed community facilities and services as exemplified by its sponsorship and support of the Graduate Center for Public Works Engineering and Administration of the University of Pittsburgh, the annual observance of National Public Works Week, which is designed to increase the citizen's understanding of public works, inspire excellence and loyal dedicated public service, and encourage and assist talented young persons to prepare for careers in public works, and other important programs; and

Whereas the board of directors, house of delegates, and advisory council of the American Public Works Association at a special ceremonial meeting held at Congress Hall in Philadelphia on Saturday, September 11, 1971, unanimously adopted a bicentennial resolution calling for the association to undertake as its official bicentennial project the preparation and publication of the "History of Public Works in the United States From 1776 to 1976", so that future generations may benefit from a comprehensive review of public works in perspective—the project to be conducted over the next five years from the association's Washington office, located appropriately at 1776 Massachusetts Avenue Northwest; and

Whereas there is a need for such a publication as the development of public works is of vital importance to the growth and development of the United States and the quality of life of its citizens; and

Whereas the American Public Works Association intends to draw on the resources of other interested and responsible groups in carrying out this important project; and

Whereas it is to be conducted by a competent staff with an editorial review board to assure its accuracy and appropriateness, on a nonprofit basis, resulting in no monetary benefit to the American Public Works Association or to any individual, but undertaken strictly as a public service to develop a meaningful and accurate history which would be available to the young people of our country, educational institutions, and others: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all public works oriented agencies of the Federal Government, the Library of Congress, and the appropriate congressional committees be requested to provide such assistance as may be required in carrying this important project forward.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–915), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Joint Resolution 204 as referred would (1) authorize, on the recommendation of the Senate and House Public Works Committees, the Library of Congress to enter into an appropriate agreement with the American Public Works Association to assist in the preparation and publication of a document to be entitled "History of Public Works in the United States From 1776 to 1976", which undertaking would be the association's official bicentennial project; and (2) provide that all public works oriented agencies of the Federal Government be requested to lend such assistance as may be required by the Library of Congress in the collection and development of information and related materials which would be useful in carrying this important project forward.

DESIGNATING BENJAMIN FRANKLIN MEMORIAL HALL AT THE FRANKLIN INSTITUTE, PHILADELPHIA, PA., AS BENJAMIN FRANKLIN NATIONAL MEMORIAL

The Senate proceeded to consider the joint resolution (S.J. Res. 221) to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the national memorial to Benjamin Franklin which had been reported from the Committee on Rules and Administration with amendments.

On page 2, line 5, after the word "as", strike out "the national memorial in honor of Benjamin Franklin" and insert "Benjamin Franklin National Memorial"; and, in line 8, after the word "effective", strike out "January 1, 1974" and insert "upon conclusion of a cooperative agreement satisfactory to the governing body of the Franklin Institute and the Secretary of the Interior."

The amendments were agreed to.

The joint resolution, as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas the American people feel a deep debt of gratitude to Benjamin Franklin for his outstanding services to this Nation as a statesman and for his achievements as a scientist and inventor;

Whereas the Franklin Institute, of Philadelphia, Pennsylvania, has played a leading role in promoting the development of science and technology in the United States;

Whereas the said Franklin Institute named the Benjamin Franklin Memorial Hall in honor of Benjamin Franklin over thirty years ago;

Whereas the year 1974 is the one hundred and fiftieth anniversary of the founding of the said Franklin Institute;

Whereas the city of Philadelphia, Pennsylvania, is a most appropriate location for a national memorial to Benjamin Franklin since Philadelphia was his home for many years;

Whereas Benjamin Franklin Memorial Hall is a fitting memorial to this great American: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Benjamin Franklin Memorial Hall located in the Franklin Institute of Philadelphia, Pennsylvania, is hereby designated as Benjamin Franklin National Memorial.

SEC. 2. The designation made by the first section of this resolution shall become effective upon conclusion of a cooperative agreement satisfactory to the governing body of the Franklin Institute and the Secretary of the Interior.

The title was amended so as to read: "Joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–916), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Joint Resolution 221 as referred would provide that effective January 1, 1974, the Benjamin Franklin Memorial Hall, located in the Franklin Institute of Philadelphia, Pa., be designated as the national memorial in honor of Benjamin Franklin.

Mr. SCHWEIKER. Mr. President, I am pleased that the Senate has taken early action on this important legislation to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as a national memorial to Benjamin Franklin.

The Franklin Institute in Philadelphia has played a major role in promoting the development of science and technology since 1824. In 1934, the main building now occupied by the Institute was completed. That building represented a substantial effort undertaken in the 1920's and early 1930's by Philadelphians to build a unique memorial to Benjamin Franklin which is not only impressive architecturally, but also houses a large science museum.

This memorial to Benjamin Franklin was planned over many years and the initial funding was provided by the Philadelphia Board of City Trusts, representing a bequest made by Benjamin Franklin and entrusted to the board, and an equivalent sum made available by the Institute.

Following that, the Poor Richard Club of Philadelphia started a movement to develop a fitting memorial to Dr. Franklin. The Benjamin Franklin Memorial, Inc., was established, lead by Mr. Cyrus H. K. Curtis and other leaders in industry, invention, civil affairs, and government. Over 11,000 public-spirited citizens worked with the Benjamin Franklin Memorial, Inc., in developing plans for this project.

In May 1938, Franklin Memorial Hall was dedicated. President Roosevelt sent a message to those gathered for the dedication ceremonies, which included delegates from 57 foreign countries.

This national shrine has been maintained without cost to the Federal Government by a not-for-profit institution for over 30 years.

It is certainly appropriate that this memorial be formally recognized as the National Memorial to Benjamin Franklin by Congress.

AUTHORIZATION FOR SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS FOR A STUDY OF MATTERS PERTAINING TO THE FOREIGN POLICY OF THE UNITED STATES

The resolution (S. Res. 311) authorizing supplemental expenditure by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States was considered and agreed to, as follows:

Resolved, That section 2 of S. Res. 237, Ninety-second Congress, agreed to March 6, 1972, is amended by striking out the amount "$375,000" and inserting in lieu thereof "$500,000", and by striking out the amount "$70,000" and inserting in lieu thereof "$95,000".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–907), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 311 would authorize the expenditure by the Committee on Foreign Relations through February 28, 1973, of an additional $125,000 ($25,000 of which could be used for procurement of consultants) for a study of matters pertaining to the foreign policy of the United States. These funds would be in addition to the amount of $375,000 ($70,000 of which could be used for procurement of consultants) which was authorized for use by that committee by Senate Resolution 237, agreed to by the Senate on March 6, 1972.

Although under the new resolution the committee would have authority to expend the additional funds for any purposes within its jurisdiction, its request is primarily predicated on a monitor, adopted by the committee, on March 24, 1972, by a vote of 13 yeas to nays, and one present, to "undertake an in-depth study of the role of multinational corporations and their relationship to the foreign policy of the United States".

AUTHORIZATION FOR THE PRINTING OF THE 1971 ANNUAL REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION AS A SENATE DOCUMENT

The resolution (S. Res. 314) to print the Annual Report of the National Forest Reservation Commission as a Senate document was considered and agreed to, as follows:

Resolved, That the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1971, be printed with an illustration as a Senate document.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–908), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 314 would provide that the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1971, be printed, with an illustration, as a Senate document.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$454.69

AUTHORIZATION TO PRINT REPORT, "THE ECONOMICS OF CLEAN WATER, SUMMARY OF ANALYSIS," AS A SENATE DOCUMENT

The resolution (S. Res. 313) authorizing the printing of the report entitled "The Economics of Clean Water, Summary of Analysis" as a Senate document was considered and agreed to, as follows:

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 26(a) of the Federal Water Pollution Control Act as amended) entitled "The Economics of Clean Water, Summary of Analysis," be printed with illustrations as a Senate document.

SEC. 2. There shall be printed one thousand five hundred additional copies of such document for the use of the Committee on Public Works.

The title was amended, so as to read: "Resolution authorizing the printing of the report entitled 'The Economics of Clean Water, Summary of Analysis' as a Senate document".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–912), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 313 would provide (1) that the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 26(a) of the Federal

Water Pollution Control Act, as amended) entitled "The Economics of Clean Water, Summary of Analysis", be printed, with illustrations, as a Senate document; and (2) that there be printed 1,500 additional copies of such document for the use of the Committee on Public Works.

At the request of the Committee on Public Works, the Committee on Rules and Administration has amended the title of the resolution to correct a clerical error.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1, 350. 22
1,500 additional copies, at $59.21 per thousand	88. 82
Total estimated cost, S. Res 313	1, 439. 04

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS FOR ROUTINE PURPOSES

The resolution (S. Res. 320) making $30,000 available to the Committee on Appropriations from the contingent fund was considered and agreed to, as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $30,000, in addition to the amount and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, S. Res. 11, agreed to March 1, 1971, and S. Res. 229, agreed to March 6, 1972.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Appropriations for routine purposes".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–913), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 601, 79th Cong., 60 Stat. 812, August 2, 1946) authorizes each standing committee of the Senate to expend not to exceed $10,000 per Congress for routine committee expenditures.

Senate Resolution 320 would authorize the Committee on Appropriations to expend from the contingent fund of the Senate, during the 92d Congress, $30,000 in addition to the amount, and for the same purposes, specified in said section 134(a).

The Committee on Rules and Administration is reporting Senate Resolution 320 with a pro forma amendment (amend title).

AUTHORIZATION OF EXPENDITURES BY THE SPECIAL COMMITTEE ON THE TERMINATION OF THE NATIONAL EMERGENCY

The Senate proceeded to consider the resolution (S. Res. 304) authorizing expenditures by the Special Committee on the Termination of the National Emergency which had been reported from the Committee on Rules and Administration with amendments on page 3, line 17, after the word "hold", strike out "such"; in line 18, after the word "at", strike out "such times and places" and insert "any time or place"; in line 21, after the word "of", where it appears the first time, strike out "such"; in the same line, after the word "of", where it appears the second time, strike out "such"; and in line 22, after the word "take", strike out "such" and insert "depositions and other".

The amendments were agreed to.

The resolution, as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

Whereas the existence of the state of national emergency proclaimed by the President on December 16, 1950, is directly related to the conduct of United States foreign policy and our national security: Now, therefore, be it

Resolved, That (a) there is hereby established a special committee of the Senate to be known as the Special Committee on the Termination of the National Emergency (hereinafter referred to as the "special committee").

(b) The special committee shall be composed of eight Members of the Senate equally divided between the majority and minority parties to be appointed by the President of the Senate, four of whom shall be members of the Committee on Foreign Relations.

(c) The special committee shall select a chairman and vice chairman from among its members. A majority of the members of the special committee shall constitute a quorum thereof for the transaction of business, except that the special committee may fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee.

SEC. 2. It shall be the function of the special committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the special committee shall:

(1) consult and confer with the President and his advisers;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

SEC. 3. For the purposes of this resolution the special committee is authorized from date of agreement to this resolution through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 4. The expenses of the special committee under this resolution shall not exceed $100,000, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants, or organizations thereof as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

SEC. 5. The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 6. Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special committee.

The title was amended, so as to read: "Resolution to establish a Special Committee on the Termination of the National Emergency."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–914), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 304 would establish a special committee of the Senate to be known as the Special Committee on the Termination of the National Emergency, and would authorize such special committee from the date of agreement of this resolution through February 28, 1973, to expend not to exceed $100,000, of which amount not to exceed $15,000 would be available for the procurement of consultants.

The special committee would be composed of eight Members of the Senate, equally divided between the majority and minority parties, to be appointed by the President of the Senate, four of whom would be members of the Committee on Foreign Relations. The special committee would select a chairman and vice chairman from among its members. A majority of the members of the special committee would constitute a quorum thereof for the transaction of business, except that the special committee could fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the special committee would not affect the authority of the remaining members to execute the functions of the special committee.

It would be the function of the special committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation No. 2914, dated the same date. In carrying out such study and investigation the special committee would:

(1) consult and confer with the President and his advisers;

(2) consider the problems which might arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

The special committee would report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973. Expenses of the special committee under this resolution would be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special committee.

The amendments adopted by the Committee on Rules and Administration would (1) change the title to reflect the fact that a special committee would be established, and (2) incorporate certain minor pro forma changes.

A joint letter in support of Senate Resolution 304 addressed to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator J. W. Fulbright, chairman, and Senator George D. Aiken, ranking minority member, of the Committee on Foreign Relations, is as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., June 16, 1972.

Hon. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, Senate Resolution 304, introduced by Senator Mathias (for himself and Senators Case, Chiles, Church, Cooper, Cranston, Eagleton, Gravel, Hart, Hartke, Javits, Mansfield, Pell, Stevenson, and Williams) authorizes expenditures by the Special Committee on the Termination of the National Emergency. The resolution is currently pending before the Committee on Rules and Administration.

This resolution was approved unanimously by the Committee on Foreign Relations on June 7, 1972. It has the support of the Administration. As you will note in the concluding paragraph of the attached report, the Committee on Foreign Relations is of the view that "the time is long overdue for a thorough, objective, and bipartisan study with respect to the matter of terminating the national emergency as called for in Senate Resolution 304." Accordingly, it is requested that the Committee on Rules and Administration consider the resolution prior to the recess for the Democratic Convention.

Sincerely yours,

J. W. FULBRIGHT.
GEORGE D. AIKEN.

Additional information concerning the proposed special committee is contained in the report (S. Rept. 92-858) of the Committee on Foreign Relations to accompany Senate Resolution 304.

ELECTION LAW GUIDEBOOK

The resolution (S. Res. 323) authorizing the printing of a revised edition of the "Election Law Guidebook" as a Senate document, was considered and agreed to, as follows:

Resolved, That a revised edition of Senate Document Numbered 91-61, entitled "Election Law Guidebook", be printed as a Senate document, and that there be printed two thousand three hundred additional copies of such document for the use of the Committee on Rules and Administration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-909), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 323 would authorize the printing as a Senate document of a revised edition of Senate Document 91-61, entitled "Election Law Guidebook"; and further would authorize the printing of 3,000 additional copies of such document for the use of the Committee on Rules and Administration.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$8,757
2,300 additional copies, at $515.17 per thousand	1,185
Total estimated cost, S. Res. 232	9,942

GRETCHEN E. JENKINS

The resolution (S. Res. 325) to pay a gratuity to Gretchen E. Jenkins, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Gretchen E. Jenkins, widow of Norman W. Jenkins, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

LEWIS J. SWAGGER

The resolution (S. Res. 324) to pay a gratuity to Lewis J. Swagger, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lewis J. Swagger, widower of Rose A. Swagger, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

ARLINGTON HOUSE, THE ROBERT E. LEE MEMORIAL

The bill (H.R. 10595) to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-910), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

H.R. 10595 would change the official name of the manor house in Arlington National Cemetery from "the Custis-Lee Mansion" to "Arlington House, The Robert E. Lee Memorial."

The mansion was built by George Washington Parks Custis, General Lee's father-in-law, and was always known as "Arlington House" having been named after an earlier Custis family home (since destroyed) on the eastern shore of Virginia. Title to the mansion resided exclusively in the Custis family. However, inasmuch as General Lee, having married a Custis, lived in the mansion for approximately 3 years before the outbreak of hostilities between the States, the Federal troops who occupied the home and who knew of General Lee's residence there referred to it as the "Lee Mansion." This appellation continued in popular usage, and was enacted into law by the Congress in 1955, in a resolution paying tribute to General Lee. The proponent of that resolution, Hon. Joel T. Broyhill of Virginia, has now acknowledged the historical error of that legislation and, accordingly, has introduced this corrective bill.

AUTHORIZATION FOR THE SECRETARY OF THE INTERIOR TO PARTICIPATE IN THE PLANNING AND DESIGN OF A NATIONAL MEMORIAL TO FRANKLIN DELANO ROOSEVELT

The joint resolution (H.J. Res. 812) to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-911), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Joint Resolution 812 would authorize the Secretary of the Interior, upon the request of the Franklin Delano Roosevelt Memorial Commission, to participate in the planning and design of an appropriate memorial to the late President, and would authorize such sums as may be necessary therefor. A companion bill, S. 3680, which would serve the same purpose, was introduced by Senator Mark O. Hatfield on June 7, 1972, and the same date was referred to the Committee on Rules and Administration.

The joint resolution of August 11, 1955 (69 Stat. 694) established the Commission and directed it to formulate plans for a memorial to President Roosevelt. Subsequently, the joint resolution of September 1, 1959 (73 Stat. 445) reserved 27 acres in West Potomac Park as the site of such memorial, and authorized the Commission to hold a competition for a design.

The winning design, by the New York firm of Peterson & Tenley, was not approved by the Commission of Fine Arts. A subsequent compromise plan was opposed by the Roosevelt family and ultimately by the Congress. Other proposals have not been acceptable to either the Commission of Fine Arts or the National Capital Planning Commission.

Recently, the concept of a National Rose Garden was advanced, and it appears that the plan has appeal to all parties concerned. Accordingly, the Chairman of the Franklin Delano Roosevelt Memorial Commission, the Hon. Eugene J. Keough, advises that the Commission has requested the assistance of the Department of the Interior in this matter, and that the passage of House Joint Resolution 812 would expedite the erection of a suitable memorial and ensure that the ultimate design would conform to the long-range plans of the Park Service for the area.

The Department of the Interior, in recommending the enactment of this legislation, estimates the costs of planning and design, including materials, to be $175,000.

House Report 92-1029, to accompany House Joint Resolution 812, contains departmental reports on the proposal from the Commission of Fine Arts, the National Capital Planning Commission, the Franklin Delano Roosevelt Memorial Commission, and the District of Columbia, none of which reports any opposition to the measure.

MEMORIAL IN HONOR AND COMMEMORATION OF THE SEABEES OF THE U.S. NAVY

The Senate proceeded to consider the joint resolution (H.J. Res. 55) proposing the erection of a memorial on public grounds in the District of Columbia or its environs, in honor and commemoration of the Seabees of the U.S. Navy, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 24, after the word "the", where it appears the second time, strike out "Interior." and insert "Interior, or, if the memorial is erected upon public grounds belonging to or under the jurisdiction of the District of Columbia, the government of the District of Columbia.".

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–917), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

House Joint Resolution 55 would authorize the Seabee Memorial Association, Inc., to erect a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy. (A companion measure, S.J. Res. 56, was introduced by Senator John C. Stennis on February 24, 1971, and referred to the Committee on Rules and Administration the same date.)

The Secretary of the Interior would be authorized and directed to select, with the approval of the National Commission of Fine Arts and the National Capital Planning Commission, a suitable site for this memorial in the District of Columbia, or its environs. Should the site so selected be on public grounds under the jurisdiction of the District of Columbia, the approval of the Commissioner of the District of Columbia would have to be obtained as well.

All plans and the design for the memorial would be subject to the approval of the Secretary of the Interior, the National Commission of Fine Arts, and the National Capital Planning Commission.

The Seabee Memorial Association, Inc., would assume the entire cost of the erection of the memorial. The maintenance and care thereof would be the responsibility of the Secretary of the Interior.

ORDER FOR RECESS UNTIL 9 A.M. ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY OF NEXT WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, Tuesday, Wednesday, and Thursday of next week it stands in recess, respectively, until 9 a.m. on Tuesday, Wednesday, Thursday, and Friday of next week.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting Republican leader desire recognition at this time?

Mr. FANNIN. No, Mr. President.

TREASURY DEPARTMENT-POSTAL SERVICE APPROPRIATIONS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair lays before the Senate H.R. 15585, which will be stated by title.

The legislative clerk read as follows:

Calendar Order No. 879, H.R. 15585, making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The ACTING PRESIDENT pro tempore. The time on the bill is limited to 1 hour, to be equally divided between the Senator from New Mexico (Mr. Montoya) and the acting Republican leader or his designee. Who yields time?

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished manager of the bill, the able Senator from New Mexico, yield 3 minutes to the distinguished Senator from Delaware (Mr. Roth) on another matter?

Mr. MONTOYA. I am most happy to do so.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Pastore rule of germaneness be waived for 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VIOLATION OF ORDERS BY AIR FORCE GEN. JOHN LAVELLE

Mr. ROTH. Mr. President, the war in Vietnam has been a difficult burden for the Nation, one which has created a division of our people not seen in the United States for a hundred years.

There have been many fallouts from that war and many reexaminations, but one of the most significant which will be forthcoming will be an examination of the role of our military in the conduct of the war. We have already seen some indications that the war has had unfortunate effects on our forces as demonstrated by the tragedy of My Lai and the scandals of the noncommissioned officers clubs.

This war has been the longest in the Nation's history, excluding the American Revolution, and it is of deep concern to me that during the length of involvement there may have been a deterioration of the principles which in the past have led Americans to be justifiably proud of our armed services as being the finest in the world.

One of those principles is that of civilian control over the armed services and military operations. It is that principle which, in part, allows the citizens of the Nation to have pride and confidence in the military; confidence that they will perform their jobs in a state of isolation from the political processes; and that they will not interfere in that process. It is that principle upon which our national security has rested for 200 years and upon which it must continue to rest.

It is thus with deep concern that I address the situation of Gen. John Lavelle, the Air Force general who, in the process of providing a safer environment for his men, explicitly violated this principle.

The Senator from Iowa (Mr. Hughes) and the Senator from Missouri (Mr. Symington) spoke on Tuesday concerning the matter of General Lavelle, and I share the concern they expressed. As a member of the opposite party and a supporter of the President's Vietnam policy, I join with them in calling for a thorough investigation by the Armed Services Committee into the violations of the rules of engagement. I have sent a letter to the chairman of that committee (Mr. Stennis) requesting that such hearings be held at an early date. I ask unanimous consent that the text of the letter and an article from the Wall Street Journal in which it is stated that General Abrams was aware of the actions of General Lavelle.

I also ask unanimous consent to have printed in the Record a Washington Post article quoting the Defense Secretary as stating that General Abrams did not have knowledge at the unauthorized strikes.

There being no objection, the items were ordered to be printed in the Record, as follows:

June 22, 1972.

The Honorable John C. Stennis,
Chairman, Armed Services Committee,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The control of the armed services and military operations by civilian authority is a concept fundamental to the principles of our democracy. Therefore, it is a matter of deep concern to all Americans when this principle shows signs of erosion as has recently been demonstrated during the investigation by the House Armed Services Committee into the circumstances surrounding the retirement of General John D. Lavelle.

During the course of the inquiry, General Lavelle has admitted that he had executed strikes against North Vietnamese targets not authorized in the rules of engagement as promulgated by the Department of Defense. Such an action is a direct incursion into the principle of civilian control upon which our national security machinery must rest. To permit otherwise would raise grave doubts about the control which the Administration and the Congress have over the conduct of the affairs of our nation.

It is because of my deep concern for the preservation of the principle of civilian control that I strongly request that the Senate Armed Services Committee undertake an investigation of the case of General Lavelle. Although I do not wish to allege complicity of any other member of the military, I believe that great effort should be made to define the degree to which there has been involvement, either implicit or explicit, on the part of other military officers.

Serious charges have been raised that may well implicate others. I do not suggest that any other officers or enlisted men were involved, but serious suggestions to that effect have been made. I think a thorough investigation is imperative, therefore, not only to determine where full responsibility for these admitted actions lies, but, just as importantly, to clear the records of innocent individuals who might otherwise continue to live under a cloud of suspicion.

Specifically, I believe that such an investigation should be made prior to the confirmation hearings of General Creighton Abrams to be Chief of Staff of the Army. As General Lavelle's direct superior officer, General Abrams should have a right to show the degree of involvement, if any, he had in General Lavelle's decisions, and what opportunity for action was available to him with regard to those decisions. In no other way can General Abrams hope to have the opportunity to command the full confidence of the Executive Branch, the Congress and the American people in the most demanding task for which he has been nominated.

I am aware of the pressing matters which are before your Committee and only hope that you view, as I do, this matter as one of great significance.

Sincerely,
William V. Roth, Jr.,
U.S. Senate.

Nixon To Nominate Abrams as Army Chief, Move Unlikely To Help Service's Image

(By Richard J. Levine)

Washington.—Gen. Creighton Abrams' long-expected selection as Army Chief of Staff could give the service more clout within the Pentagon. But it isn't likely to do much for the troubled Army's "image" problems.

President Nixon said yesterday he will nominate the 57-year-old Abrams, U.S. Commander in Vietnam since mid-1968, to replace retiring Gen. William Westmoreland. There wasn't any immediate indication when Gen. Abrams, an aggressive World War II tank officer, would leave Vietnam or who would be his successor.

The White House aides said Adm. Thomas Moorer will be nominated for a second two-year term as Chairman of the Joint Chiefs of Staff.

The Abrams appointment would be for a four-year term, but reports indicate the general might be willing to step aside for a younger man after only two years. Gen. Abrams has had medical problems from time to time during his long tour in Southeast Asia, but is apparently in good health now.

Gen. Abrams will head an Army that has been plagued with "people" problems, ranging from racial unrest and drug abuse to barracks crime and low morale—byproducts to a large degree of its unhappy experience in Vietnam. Many Army officials believe the service is recovering, but concede a long road ahead.

To help confront such problems, some officers and high-ranking Pentagon civilians had hoped the White House would turn to a younger general who wasn't closely identified with Vietnam and who would be receptive to broad reforms. Robert Froehlke, Army secretary, is said to have pushed for this kind of selection but was overruled by Defense Secretary Melvin Laird and President Nixon who wanted to reward Gen. Abrams for his difficult, loyal service in Vietnam. Yet if Gen. Abrams should retire in two years, a younger Army chief could be chosen then.

Staff officers describe Gen. Abrams as a bright, sharp leader, though he isn't an intellectual, who is likely to continue many of the personnel changes initiated by Gen. Westmoreland. Many Pentagon officials insist Gen. Westmoreland has moved more forcefully than realized to deal with the Army's woes and has made the service attractive to young officers and enlisted men.

Anticipating that Gen. Abrams would be willing to embrace current Army policies, Westmoreland staff officers have prepared a statement for the new chief endorsing Gen. Westmoreland's reforms. "Abrams is just about as progressive as Westy," said a former staff officer. "There could have been worse appointments."

While Gen. Abrams' elevation probably will upset some younger officers looking for radical changes, the Army could gain a more effective voice on the Joint Chiefs of Staff, where many key budget decisions are made. Some knowledgeable sources see Gen. Abrams as a more forceful, articulate advocate of Army positions than Gen. Westmoreland.

For one thing, he might be able to cope better with the persuasive, young Chief of Naval Operations, Adm. Elmo Zumwalt, who once worked for Gen. Abrams in Vietnam and is leading the Navy to bigger and bigger budgets.

By nominating Gen. Abrams, who must be confirmed by the Senate, the White House signaled anew that it isn't repudiating the U.S. effort in Vietnam. "Abrams has done what the administration wanted to do in Vietnam," said a Capitol Hill staffer familiar with the Pentagon. "He's been a good soldier."

Gen. Abrams was born in Springfield, Mass., in 1914 and was graduated from West Point in 1936 as a cavalry officer. He compiled a distinguished war record in Europe, earning a reputation as a hard-driving tank commander in the mold of Gen. George Patton, under whom he served.

In 1956, he pinned on his first star; by 1964, he was a four-star general, serving as Vice Chief of Staff of the Army, the number two spot. Gen. Abrams went to Vietnam in mid-1967 as deputy commander and succeeded Gen. Westmoreland as commander a year later when Gen. Westmoreland returned to the U.S. to head the Army.

With the North Vietnamese offensive slowing but still under way, Gen. Abrams' departure might be delayed. When Gen. Westmoreland retires June 30, Gen. Bruce Palmer will become acting Chief of Staff until Gen. Abrams' arrival in Washington.

Gen. Abrams is almost certain to be questioned closely in his confirmation hearings about his role in the unauthorized bombing of North Vietnam that occurred earlier this year. Retired Gen. John Lavelle, former Air Force Commander in Vietnam, told a House Armed Services Committee hearing this month that Gen. Abrams was aware that Gen. Lavelle was ordering his planes to make unauthorized raids on military targets in North Vietnam.

However, it's highly unlikely that Gen. Abrams' confirmation could be jeopardized by the Lavelle affair.

Laird Clears Abrams on Lavelle's Bombing

Defense Secretary Melvin R. Laird said yesterday that Gen. Creighton W. Abrams did not know of unauthorized air strikes against North Vietnam in late 1971 and early 1972.

The raids were ordered by Gen. John Lavelle, who was later relieved of command of the U.S. Seventh Air Force and retired at three-star rather than four-star rank.

Lavelle told a congressional committee on June 12 that he had sent reports of the raids to Abrams, the U.S. military commander in Vietnam who was selected Tuesday by President Nixon to be the next Army Chief of Staff.

Lavelle said Abrams "knew what I was doing." But he also said Abrams did not know some of the reports were falsified.

The Senate has yet to take up Abrams' nomination, but the matter came up yesterday during a Senate Foreign Relations Committee hearing on the arms limitation agreements recents reached in Moscow.

Sen. Claiborne Pell (D-R.I.) said he was surprised at the nomination because he said Abrams must have known about the raids.

But Laird replied that Abrams "was not involved in any way in the abuse of authority" by Lavelle. The Secretary said he is satisfied that neither Abrams nor the Joint Chiefs of Staff were aware of the abuse of authority.

Lavelle's actions were the object of a formal complaint sworn out yesterday by Air Force 1st Lt. Delbert T. Terrill Jr.

Terrill said he was accusing Lavelle of violating the Uniform Code of Military Justice by willfully disobeying an order and making false official statements. The code provides that any serviceman can prefer charges against another.

Terrill told a Capitol Hill news conference that discipline and "law and order" would be undermined if enlisted men were court-martialed for wearing their hair too long and a general was allowed to get away with admitted violation of orders.

And Sen. Harold Hughes (D-Iowa) complained of a "conspiracy of silence" surrounding the case. But he said Sen. John Stennis (D-Miss.), chairman of the Armed Services Committee, had promised a full exploration of the circumstances surrounding the raids and the conduct of Lavelle.

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Iowa (Mr. Hughes), I ask unanimous consent that a statement by him relative to the case of General Lavelle be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Hughes

The junior Senator from Delaware (Mr. Roth) is to be congratulated for his sensitive and thoughtful statement on the central vital issue that arises from the actions of General John D. Lavelle.

I want to associate myself with his remarks and say that, in particular, I subscribe to the following language in his letter to the distinguished Chairman of the Armed Services Committee (Mr. Stennis):

". . . a thorough investigation is imperative . . . not only to determine where full responsibility for these admitted actions lies, but, just as importantly, to clear the records of innocent individuals who might otherwise continue to live under a cloud of suspicion.

"Specifically, I believe that such an investigation should be made prior to the confirmation hearings of General Creighton Abrams to be Chief of Staff of the Army. As General Lavelle's direct superior officer, General Abrams should have a right to show the degree of involvement, if any, he had in General Lavelle's decisions, and what opportunity for action was available to him with regard to these decisions. In no other way can General Abrams hope to have the opportunity to command the full confidence of the Executive Branch, the Congress and the American people in the most demanding task for which he has been nominated."

Mr. President, I have expressed similar sentiments, but not so eloquently as the Senator from Delaware. I want him to know that I am confident that General Abrams will have such an opportunity to give the Armed Services Committee a report on the Lavalle case and that, when General Abrams nomination is presented to the Senate, all of the pertinent facts regarding his involvement in General Lavelle's decisions will be available to assist the Senate in its decision.

TREASURY DEPARTMENT—POSTAL SERVICE APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15585) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

Mr. MONTOYA. Mr. President, H.R. 15585, the Treasury, Postal Service, and General Government Appropriation Bill for fiscal year 1973, which is now before the Senate, recommends total appropriations in the amount of $5,055,186,000, which amount is $126,733,397 over the appropriations for fiscal year 1972, $11,417,000 under the budget estimates for fiscal year 1973, as amended, and $1,959,000 under the bill as it passed the House of Representatives in the amount of $5,057,145,000.

Not included in the above sums are those permanent authorizations which do not require annual appropriation action by the Congress, and these are listed in the tabulation commencing on page 38 of the committee report. Members will note that the largest item under permanent authorizations is $22.7 billion, the estimated interest on the public debt for 1973. This is an increase of $1.3 billion over the fiscal year 1972 level.

A copy of the Senate report is before each Member, and beginning on page 41 is a tabulation which gives a complete comparison for each item in the bill. I will confine my remarks today to the significant changes which have been recommended by the committee, and I will be happy to answer any questions any Member may have during the course of or at the conclusion of my remarks.

Under title I of the bill, recommendations for the Treasury Department total $1,670,018,000. This is $5,959,000 under the House-passed bill; $79,667,000, or a 5 percent increase, over the fiscal year 1972 appropriation; but $21,659,000 under the budget estimates for fiscal year 1973.

The largest increases under this title apply to the Internal Revenue Service where the committee recommends $508,000,000, an increase of $34,086,000—or a 7 percent increase—over 1972 for the Accounts, Collection and Taxpayer Service; and an appropriation of $590,000,000, an increase of $37,175,000—or over 7 percent—over 1972 for compliance activities.

An increase of over 3,200 additional permanent full-time employees is recommended and authorized to permit the Internal Revenue Service to cope with the growth in population, economy, and workload.

The accounts, collection, and taxpayer service is a newly created appropriation, which combines the delinquent accounts and returns activity—formerly of the compliance appropriation—with an expanded taxpayer service program and the activities of the former revenue accounting and processing appropriation.

The compliance appropriation provides funds for the activities which are primarily responsible for promoting high voluntary compliance with the tax laws and for carrying out the law enforcement programs assigned to the Service.

It should be mentioned also that the activities and funds related to the alcohol, tobacco, and firearms program, previously administered by the Internal Revenue Service, will be transferred to a newly created bureau within the Treasury Department. The new Bureau of Alcohol, Tobacco, and Firearms becomes effective on July 1, 1972, and, as mentioned, funds have been provided under a separate head in the amount of $73,727,000 for fiscal 1973, an increase of $1.2 million over 1972.

For the Bureau of Customs, the committee recommends an appropriation of $208,000,000. The increase of $14,660,000 over 1972 represents a 7.5-percent increase and provides funding for 620 additional man-years of employment over 1972, as well as 184 additional vehicles, aircraft, and improved detection and other technical equipment to enable the Bureau to control more effectively the illegal importation of narcotics and other dangerous drugs.

Attention is called to the committee report, pages 7 and 8, concerning the committee's recommendation that language in the House bill be amended to provide that none of the funds appropriated are to be obligated or expended for preclearance operations in any country which does not grant to U.S. customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the exercise of this authority.

For the U.S. Postal Service—title II of the bill—the committee recommends an appropriation of $1,410,000,000 for payment to the Postal Service Fund.

The President's January Budget contained an estimate of $1,424,039,000 for this payment, and the amount recommended by the committee is $14,039,000 under the request.

The Congress made its determination as to rates in the Postal Reorganization Act of 1970, and nothing in this appropriation is intended to disturb that determination. The fact that the amount recommended is not the same as the amount requested is not to be construed as a failure to appropriate funds for any of the purposes for which appropriations are authorized. The committee believes that this is sufficient to cover all of the appropriations authorized by section 2401(c) and necessary under section 2401(b) submitted to the committee by the Postal Service for fiscal year 1973. Like the House, the committee has again declined to earmark any of the funds recommended to be appropriated for any specific purpose as the Congress is no longer in the rate-making business.

In summary, the committee expects the U.S. Postal Service, as an independent corporation, to exercise its discretion over the use of both funds and personnel and thus attain a status of self-sufficiency as contemplated under the Postal Reorganization Act.

The Congress can neither take credit nor be blamed for actions taken by the Postal Service since its creation as an independent corporation. For example, for fiscal year 1972 the Congress appropriated $1,217,522,000 to the Postal Service for public service costs and for revenue foregone on free and reduced-rate mail—and for meeting the liability of the Post Office Department to the employees' compensation fund.

After receiving the $1,217,522,000 in the regular 1972 appropriation bill and over $1.7 billion cash balance of the old Post Office Department Fund, the Postal Service invested, on July 1, 1971, $2,797 billion in U.S. Treasury obligations. In making the appropriation, there was no congressional intent to finance Postal Service operations in fiscal 1972, even on a temporary basis.

Testimony before the committee revealed that a bond issue for $250 million went to market in January with a coupon rate of 6⅞ percent. This money was invested in U.S. Treasury obligations with a return of about 5 percent for the entire portfolio, so that in effect the Postal Service is trading 6⅞ percent money for 5 percent money. While the Congress does not consider these financial transactions as wise ones, it behooves the Postal Service to solely account to its patrons and Board of Governors for its financial manipulations and other operations.

Under title III—Executive Office of the President—a total appropriation of $179,446,000 is recommended. This is $36,242,000 over the prior year's appropriation, the same as the House allowance, but $8,075,000 under the budget estimates.

For disaster relief, the committee recommends $92.5 million, an increase of $7.5 million over 1972, but $7.5 million under the estimate for fiscal year 1973. The $100 million budget request represented an estimate of need based on the incidence of major disasters in the recent past, and should the amount recommended prove to be sufficient, the committee will consider favorably any future supplemental requests, as it has done in the past.

Included under this title is the Special Action Office for Drug Abuse Prevention, for which the committee recommends $6,856,000, an increase of $3,856,000 over fiscal year 1972. This Office supervises and directs drug abuse programs formerly scattered among many Federal agencies and, hopefully, will effectuate a coordinated, unified attack on drug addiction and its degrading effects. The increase allowed provides for funding 177 man-years of employment, an incidence of major disasters in the reincrease of 79 over 1972 and the establishment of a National Training Center in Washington, D.C., to train those responsible for establishing and operating community programs.

The committee recommends an appropriation of $19,600,000 for the Office of Management and Budget, an increase of $350,000 over the fiscal year 1972 appropriation, but a decrease of $237,000 in amount requested. In the committee's view, these funds are sufficient to continue the employment of personnel at last year's level.

Under title IV—General Government—a total appropriation of $1,795,722,000 is recommended. This is $18,733,587 over the prior year's appropriation and $32,356,000 over the amended budget estimates. This increase is the result of action by the House in adding funds for site acquisition and construction of 11 Federal buildings out of 63 now planned to be constructed under the purchase contract program.

For the Civil Service Commission, a total of $765,304,000 is recommended. This amount is $33,870,000 over 1972 and $127,726,000 under the estimate, largely because of the $118.5 million reduction to the payment to civil service retirement and disability fund as it pertained to the unfunded liability created by the Postal Service.

A budget amendment, contained in House Document No. 92–300, increasing the original estimate for salaries and expenses of the Civil Service Commission by $2.7 million for the purpose of immediately putting into effect the provisions of the new Equal Employment Opportunity Act of 1972, was considered by the committee. These funds will enable the Commission to undertake the critical work necessary to review, evaluate, and improve Federal Government efforts to root out discrimination in order to insure true equality for all citizens in the employment system of the Federal Government. The committee insists that this program be given the highest priority and that any reductions in the salaries and expenses appropriation account be applied to other programs.

For the General Services Administration, the committee recommends a total appropriation of $938,385,000. This amount is $166,814,000 over the 1973 estimate; $1,000,000 under the House allowance; and $3,538,500 over 1972. For construction, the projects provided for and the amount recommended for each in the accompanying bill are listed by line item.

For "Sites and expenses, public building projects," the committee recommends $25,031,000 to cover the cost of acquiring sites and for inspection and maintenance of projects listed under the construction account.

Mr. President, this, then, is a summary of the bill before the Senate.

Mr. President, I want to say, as a part of my remarks, that I enjoyed working with the senior Senator from Delaware (Mr. BOGGS), who attended the hearings and participated in the hearings and contributed greatly to what we have before the Senate today.

Now I shall be very happy to answer any questions that might be propounded at this time.

Mr. BOGGS. Mr. President, will the distinguished chairman yield to me for just a moment?

Mr. MONTOYA. I yield.

Mr. BOGGS. Mr. President, I want to take this opportunity not only to thank my distinguished friend and chairman of the subcommittee (Mr. MONTOYA) for his kind and generous remarks, but to say also, that it has been a great privilege to serve on this subcommittee under his leadership. He, with the able assistance of the other members of the subcommittee, and our able staff, headed by Mr. Joe Gonzales and Joel Bonner, have, I think, done a thorough job on this appropriation bill. They have gone into every detail of it, as a result of the careful and extensive hearings on it. I am perfectly satisfied with the job which has been done, and I recommend favorable action on it. I thank the Senator very much for yielding.

Mr. MONTOYA. I thank my distinguished colleague. I want to say at this point that the staff members, particularly Mr. Gonzales and Mr. Pete Bonner, worked assiduously and very devotedly in trying to prepare the committee for good hearings. I think we had some very good and thorough hearings, and elicited from the witnesses the information that we required in order to bring this bill before the Senate today.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The ACTING PRESIDENT pro tempore. Without objection, the amendments will be agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 2, line 17, strike out "$62,500,000" and insert "$62,241,000".

On page 3, line 21, after "(22 U.S.C. 401)", strike out "$210,000,000" and insert "$208,000,000".

On page 4, line 20, after "United States", strike out "$75,000,000" and insert "$74,000,000".

On page 5, line 2, after the word "Commissioner", strike out "$35,000,000" and insert "$34,500,000".

On page 5, line 12, after the word "applicants", strike out "$510,000,000" and insert "$508,000,000".

On page 5, line 25, strike out "$11,500,000" and insert "$11,300,000".

On page 7, line 2, after "1973", insert a comma and "in any country which does not grant to the United States Customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the proper exercise of this authority."

On page 11, line 3, after the word "branch", strike out "$600,000" and insert "$700,000".

On page 12, line 14, after "section 3109", strike out "$19,700,000" and insert "$19,600,000".

On page 12, line 19, after the word "including", strike out "hire of passenger motor vehicles, and".

On page 16, line 3, after the word "amended", strike out "$62,218,000" and insert "$64,218,000".

On page 22, after line 23, insert:

Appropriations herein and heretofore granted under this heading shall be available without regard to the second proviso under this heading in the Second Supplemental Appropriations Act, 1972.

On page 24, line 3, after the word "furnishings", strike out "$6,344,000" and insert "$5,344,000".

On page 30, line 20, after the word "amended", insert a colon and "*Provided further*, That $29,041,000 of the amount appropriated is contingent upon enactment of authorizing legislation".

On page 31, after line 15, insert:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

EMERGENCY HEALTH

For expenses necessary for carrying out emergency planning and preparedness functions of the Health Services and Mental Health Administration, and procurement, storage (including underground storage), distribution, and maintenance of emergency civil defense medical supplies and equipment, as authorized by section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)), and, except as otherwise provided, sections 301 and 311 of the Public Health Service Act with respect to emergency health services, $3,000,000, to remain available until expended.

On page 33, after line 16, insert a new section, as follows:

SEC. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6–104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. CRANSTON. Mr. President, I send to the desk and call up an amendment which I am offering on behalf of myself and the Senator from New Jersey (Mr. WILLIAMS), and ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will please read the amendment.

The legislative clerk read the amendment, as follows:

On page 16, line 4, strike out "$64,218,000 and insert in lieu thereof "66,218,000."

Mr. CRANSTON. Mr. President, this amendment adds $2 million to the Civil Service Commission's salaries and expenses item for the purpose of additional staff to implement the Commission's new statutory equal employment responsibilities imposed by section 11 of the Equal Employment Opportunity Act of 1972—Public Law 92–261—which section I am proud to have authored in the form enacted, along with the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. DOMINICK).

I ask unanimous consent, Mr. President, that the text of this section 11 and explanatory material from the committee report—No. 92-415—be set forth in the RECORD at this point, along with a letter I wrote to the Civil Service Commission with regard to equal employment opportunities for minority group members, especially Chicanos, in Federal employment in my State of California, and the Commission's response.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 92-261—92D CONGRESS, H.R. 1746, MARCH 24, 1972

SEC. 11. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new section:

"NONDISCRIMINATION IN FEDRERAL GOVERNMENT EMPLOYMENT

"SEC. 717. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Act) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in those units of the Government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on race, color, religion, sex, or national origin.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission shall have authority to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this section, and shall issue such rules, regulations, orders and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the annual review and approval of a national and regional equal employment opportunity plan which each department and agency and each appropriate unit referred to in subsection (a) of this section shall submit in order to maintain an affirmative program of equal employment opportunity for all such employees and applicants for employment;

"(2) be responsible for the review and evaluation of the operation of all agency equal employment opportunity programs, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

"(3) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to equal employment opportunity.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken on any complaint of discrimination filed by him thereunder. The plan submitted by each department, agency, and unit shall include, but not be limited to—

"(1) provision for the establishment of training and education programs designed to provide a maximum opportunity for employees to advance so as to perform at their highest potential; and

"(2) a description of the qualifications in terms of training and experience relating to equal employment opportunity for the principal and operating officials of each such department, agency, or unit responsible for carrying out the equal employment opportunity program and of the allocation of personnel and resources proposed by such department, agency, or unit to carry out its equal employment opportunity program.

With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Within thirty days of receipt of notice of final action taken by a department, agency, or unit referred to in subsection 717 (a), or by the Civil Service Commission upon an appeal from a decision or order of such department, agency, or unit on a complaint of discrimination based on race, color, religion, sex or national origin, brought pursuant to subsection (a) of this section, Executive Order 11478 or any succeeding Executive orders, or after one hundred and eighty days from the filing of the initial charge with the department, agency, or unit or with the Civil Service Commission on appeal from a decision or order of such department, agency, or unit until such time as final action may be taken by a department, agency, or unit, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706, in which civil action the head of the department, agency, or unit, as appropriate, shall be the defendant.

"(d) The provisions of section 706(f) through (k), as applicable, shall govern civil actions brought hereunder.

"(e) Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution and statutes or of its or his responsibilities under Executive Order 11478 relating to equal employment opportunity in the Federal Government."

[From Senate Rept. No. 92-415]

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

* * * * *

4. *Federal employment.*—The bill adds to title VII a new section 717 (section 11 of the bill) making clear the obligation of the Federal Government to make all personnel actions free from discrimination based on race, color, sex, religion or national origin. The Civil Service Commission, which presently has the responsibility under Executive Order 11478, is given the authority under this title to enforce equal employment opportunity in the Federal government.

The Federal government, with 2.6 million employees, is the single largest employer in the Nation. It also comprises the central policymaking and administrative network for the Nation. Consequently, its policies, actions, and programs strongly influence the activities of all other enterprises, organizations and groups. In no area is government action more important than in the area of civil rights.

The prohibition against discrimination by the Federal government, based upon the due process clause of the Fifth Amendment, was judicially recognized long before the enactment of the Civil Rights Act of 1964. Congress itself has specifically provided for nondiscrimination in the Federal government by stating that it is "the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex, or national origin . . ." (5 U.S.C. §7151). The primary responsibility for implementing this stated National objective has been granted to the Civil Service Commission pursuant to Executive Order 11246 (1964), and more recently by Executive Order 11478 (1969). In his memorandum accompanying Executive Order 11478, President Nixon stated that "discrimination of any kind based on factors not relevant to job performance must be eradicated completely from Federal employment." This was an important step forward in the field of equal employment opportunity for Federal employees.

Progress has been made in this field, however, much remains to be done. Statistical evidence shows that minorities and women continue to be denied access to a large number of government jobs, particularly in the higher grade levels. The disparity can be clearly seen in figures presented in a recent report released by the Civil Service Commission, *Minority Group Employment in the Federal Government* (1970). On the basis of the figures presented therein, the following listing shows the percentage of minority group employees under the General Schedule by grade level:

	Negro	Spanish-surnamed	American Indian	Oriental
GS-1 through GS-4	21.8	3.0	1.8	0.6
GS-5 through GS-8	13.5	2.2	.7	.8
GS-9 through GS-11	5.1	1.5	.5	1.0
GS-12 through GS-13	2.7	.8	.2	.9
GS-14 through GS-15	1.7	.7	.2	.8
GS-16 through GS-18	1.4	.3	.1	.2

Minorities represent 19.4% of the total employment in the Federal government (15.0% are Negroes, 2.9% are Spanish-surnamed, 0.7% are American Indians, and 0.8% are Oriental). Their concentration in the lower grade levels indicates that their ability to advance to the higher levels has been restricted.

In many areas, the pattern at regional levels is worse than the national pattern. For example, the committee notes with special concern the particularly low percentage of Federal jobs held by Spanish-surnamed persons in areas of high residential concentration of such persons, particularly in California and the Southwestern States, and expects the Commission to undertake a special study of this problem to develop programs to provide greater entry level and advancement employment opportunities for Spanish-surnamed persons.

The position of women in the Federal government has not fared any better. In testimony before the Senate Labor Subcommittee this year, Mrs. Daisy B. Fields, past president of Federally Employed Women (FEW), testified as to the distribution, by percent, of all women employed by the Federal government (approximately 665,000 or about 34%) as represented by the following breakdown:

	Percent
GS-1 through GS-6	76.7
GS-7 through GS-12	21.7
GS-13 and above	1.1

The inordinate concentration of women in the lower grade levels, and their conspicuous absence from the higher grades is again evident.

One feature of the present equal employment opportunity program which deserves special scrutiny by the Civil Service Commission is the complaint process. The procedure under the present system, intended to provide for the informal disposition of complaints, may have denied employees adequate opportunity for impartial investigation and resolution of complaints.

Under present procedures, in most cases, each agency is still responsible for investigating and judging itself. Although provision is made for the appointment of an outside examiner, the examiner does not have the authority to conduct an independent investigation, and his conclusions and findings are in the nature of recommendations to the agency head who makes the final agency determination on whether there is, in fact, discrimination in that particular case. The only appeal is to the Board of Appeals and Review in the Civil Service Commission.

The testimony before the Labor Subcommittee reflected a general lack of confidence in the effectiveness of the complaint procedure on the part of Federal employes. Complaints have indicated skepticism regarding the Commission's record in obtaining just resolutions of complaints and adequate remedies. This has, in turn, discouraged persons from filing complaints with the Commission for fear that doing so will only result in antagonizing their supervisors and impairing any future hope of advancement. The new authority given to the Civil Service Commission in the bill is intended to enable the Commission to reconsider its entire complaint structure and the relationships between the employee, agency, and Commission in these cases.

Another task for the Civil Service Commission is to develop more expertise in recognizing and isolating the various forms of discrimination which exist in the system it administers. The Commission should be especially careful to insure that its directives issued to Federal agencies address themselves to the various forms of systemic discrimination in the system. The Commission should not assume that employment discrimination in the Federal Government is solely a matter of malicious intent on the part of individuals. It apparently has not fully recognized that the general rules and procedures that it has promulgated may in themselves constitute systemic barriers to minorities and women. Civil Service selection and promotion techniques and requirements are replete with artificial requirements that place a premium on "paper" credentials. Similar requirements in the private sectors of business have often proven of questionable value in predicting job performance and have often resulted in perpetuating existing patterns of discrimination (see e.g. *Griggs* v. *Duke Power Co.*, supra n.1). The inevitable consequence of this kind of a technique in Federal employment, as it has been in the private sector, is that classes of persons who are socioeconomically or educationally disadvantaged suffer a very heavy burden in trying to meet such artificial qualifications.

It is in these and other areas where discrimination is institutional, rather than merely a matter of bad faith, that corrective measures appear to be urgently required. For example, the Committee expects the Civil Service Commission to undertake a thorough reexamination of its entire testing and qualification program to insure that the standards enunciated in the *Griggs* case are fully met.

The Civil Service Commission's primary responsibility over all personnel matters in the Government does create a built-in conflict of interest for examining the Government's equal employment opportunity program for structural defects which may result in a lack of true equal employment opportunity. Yet, the committee was persuaded that the Civil Service Commission is sincere in its dedication to the principles of equal employment opportunity enunciated in Executive Order 11478 and that the Commission has the will and desire to overcome any such conflict of interest. In order to assist the Commission in accomplishing its goals and to make clear the congressional expectation that the Commission will take those further steps which are necessary in order to satisfy the goals of Executive Order 11478, the committee adopted in section 707(b) of the bill specific requirements under which the Commission is to function in developing a comprehensive equal employment opportunity program.

Thus the provision in section 717(b) for applying "appropriate remedies" is intended to strengthen the enforcement powers of the Civil Service Commission by providing statutory authority and support for ordering whatever remedies or actions by Federal agencies are needed to insure equal employment opportunity in Federal employment. Remedies may be applied as a result of individual allegations of discrimination, CSC investigation of equal employment opportunity programs in Federal agencies or their field installations, or from review of agency plans of action and progress reports. Remedies may be in terms of action required to correct a situation regarding a single employee or group of employees or broader management action to correct systemic discrimination and to improve equal employment opportunity program effectiveness to bring about needed progress. The Commission is to provide Federal agencies with necessary guidance and authority to effectuate necessary remedies in individual cases, including the award of back pay, reinstatement or hiring, and immediate promotion where appropriate.

The bill also directs the Commission to require each Federal department and agency (including appropriate units of the District of Columbia government) to prepare an equal employment opportunity affirmative plan of action at least annually. The Commission is to review, modify, and approve each department or agency developed with full consideration of particular problems and employment opportunity needs of individual minority group populations within each geographic area. These legislative directions are, of course, not intended to limit the Commission in requiring the establishment of affirmative equal employment opportunity plans for any agency level, including local installations as needed; indeed, the committee expects the Commission to require that agency plans include specific regional plans for particularly large Federal regional installations and other regional offices with deficient records of progress in equal employment opportunity.

The Committee recognizes that this new emphasis on regional installation equal employment opportunities and action plans will require a greater commitment of both agency and Civil Service Commission personnel to planning and enforcement activities and expects the Civil Service Commission to ensure that such staffing additions will be made both at the national and regional office levels. Finally, to lend the greatest credibility to its equal employment opportunity efforts at a national and regional level, the Commission should review and revise its own equal employment action plan and implementation, particularly at its regional offices and higher grade levels, to ensure that its own record in this field is exemplary and thus a model for all other Federal agencies.

The bill requires the Commission to obtain, on at least a semi-annual basis, minority group employment and such other data as are necessary for effective evaluation by the Commission and the public of each department's agency's or unit's record of equal employment opportunity achievement and to publish at least semi-annually full statistical and other reports (comparable to the report now published annually) of equal employment opportunity progress. In evaluating agency plans for approval, the Commission is also directed to study and determine the appropriate allocation of personnel and resources committed to, and the qualifications to be established for top equal employment opportunity officials responsible for, carrying out program responsibilities, including necessary affirmative action as well as processing of individual discrimination cases, on both a central office and regional (SMSA) basis.

The Committee wishes to emphasize the significant reservoir of expertise developed by the EEOC with respect to dealing with problems of discrimination. Accordingly, the committee strongly urges the Civil Service Commission to take advantage of this knowledge and experience and to work closely with EEOC in the development and maintenance of its equal employment opportunity programs.

An important adjunct to the strengthened Civil Service Commission responsibilities is the statutory provision of a private right of action in the courts by Federal employees who are not satisfied with the agency or Commission decision.

The testimony of the Civil Service Commission notwithstanding, the committee found that an aggrieved Federal employee does not have access to the courts. In many cases, the employee must overcome a U.S. Government defense of sovereign immunity or failure to exhaust administrative remedies with no certainty as to the steps required to exhaust such remedies. Moreover, the remedial authority of the Commission and the courts has also been in doubt. The provisions adopted by the committee will enable the Commission to grant full relief to aggrieved employees, or applicants, including back pay and immediate advancement as appropriate. Aggrieved employees or applicants will also have the full rights available in the courts as are granted to individuals in the private sector under title VII.

The bill (section 717(c)) enables the aggrieved Federal employee (or applicant for employment) to file an action in the appropriate U.S. district court after either a final order by his agency or a final order of the Civil Service Commission on an appeal from an agency decision or order in any personnel action in which the issue of discrimination on the basis of race, color, religion, sex or national origin has been raised by the aggrieved person. It is intended that the employee have the option to go to the appropriate district court or the District Court for the District of Columbia after either the final decision within his agency on his appeal from the personnel action complained of or after an appropriate appeal to the Civil Service Commission or after the elapse of 180 days from the filing of the initial complaint or appeal with the Civil Service Commission.

Washington, D.C., *February 7, 1972*
Hon. Robert Hampton,
Chairman, U.S. Civil Service Commission,
Washington, D.C.

Dear Mr. Chairman: I am increasingly disturbed by the gross discrepancies in the employment of certain minorities and their lack of advancement opportunities throughout the Federal Government.

The Federal Government should be a model of equal employment opportunity. I know that you fully share this view.

This requires that Federal agencies make a special effort to employ and promote qualified minority persons according to their relative proportions in the population of the area surrounding the agency field offices. Although there has been some recent improvement, the situation is by no means satisfactory. In many instances, Federal Government minority employment remains disgracefully low. There is a national pattern of disproportionately low employment of certain minorities and a definite pattern of exclusion of minorities, when they are employed, from the higher, better-paying government positions.

In California, where at least 15.6% of the population is Spanish-surnamed, I find many such discrepancies in Federal minority group employment based on local populations. I am shocked that in my state only 5.6% of all Federal jobs, and only 5.4% of all CSC jobs, are filled by Spanish-surnamed persons. Statewide the CSC fills 16.9% of the GS-1 through 4 positions with Blacks, yet Blacks hold only 2 of the 85 jobs above GS 12.

In Los Angeles, for example, minority group employees make up 34% of all Federal employees, but white Anglo employees hold 95.4% of the top jobs in grades GS 14 and above. In contrast, minority group members hold nearly half of the positions in the very lowest grades there (42% in GS 1 through 8), often doing the most menial work with little or no opportunity to advance to management, supervisory or policy-making positions (only 6% in GS 14 through 18).

The largest minority in Los Angeles, the Spanish-surnamed Americans, makes up at least 18% of the population, but holds only about 6.2% of the total number of Federal jobs there.

The Civil Service Commission's record of Chicano employment is almost as disproportionate with only 8.6% of the CSC employees having Spanish-surnames in the Los Angeles Standard Metropolitan Statistical Area (SMSA). In the San Francisco SMSA, only 4% of all CSC employees are Spanish-surnamed, as compared to the total local Chicano population share of 14%. There also is evidence of a serious lack of upward mobility opportunity for Spanish-surnamed CSC employees in San Francisco where they hold only 1 of the 102 positions above GS-9.

The data reveal that the CSC has a good record in the employment of Blacks in entry-level, lower paying jobs. But they also show a clear lack of opportunity for upward mobility on the part of Black CSC employees. In the San Francisco SMSA, Blacks, occupying 10.3% of all CSC jobs, hold 14% of the jobs between GS 1 thru 4 but only 4 of 102 jobs above GS 8 and none of the 17 jobs at GS 14 through 18. This pattern is repeated in similar fashion at most of the other CSC installations in California.

In discussing upward mobility opportunities, I am not suggesting the advancement of persons who do not meet job qualifications. Rather, special efforts must be made to offer accessible training, upgrading and ongoing educational opportunities to minority persons to prepare them for career advancement.

As a member of the Senate Labor and Public Welfare Committee, I have introduced in Committee amendments to S. 2515, the proposed "Equal Employment Opportunity Enforcement Act of 1971," which is intended to deal with discrimination in Federal Government employment and to open up more high level positions for minorities, particularly Mexican-Americans, Blacks, Indians, Orientals and women.

I am enclosing for your information a copy of the language of my amendment contained in the bill as reported to the Senate (section 11) and the Committee report language explaining the amendment along with the Committee's views (pages 12–17). I am also enclosing, for your examination and comment, charts prepared by both your office and mine showing proportionate employment and grade level breakdown both statewide and for local SMSA's, along with a copy of the *1970 Minority Group Study* (Civil Service Commission) describing in several charts the CSC's employment and advancement opportunity record in California. Unfortunately, in some instances I do not have the full in depth 1970 data on population size, especially in the cases of American Indians, Orientals and women. (I have asked the Census Bureau to supply me with this information as soon as it is available for the 1970 census.)

Although I do not have the statistics on the employment trends for women within California, I do have information for the national level. These statistics show employment discrepancies with women holding 76.5% of all Federal jobs at GS 2, 79.1% of the jobs at GS 3, and 75.9% at GS 4; yet at the higher levels of employment they hold only 1.8% of the jobs at GS 16, 1.5% at GS 17, and .6% at GS 18 (see enclosed charts).

With respect to the employment of American Indians, I note that whereas this minority makes up .46% of the California population and comprises .5% of the State's Federal Government employment, the Civil Service Commission in California employs no American Indians.

As a member of the Senate Committee on Labor and Public Welfare, and the Senate Committee on Housing and Urban Affairs, I am particularly concerned about the minority employment trends for the Civil Service Commission and other Federal agencies in California. I, therefore, am requesting your comments on the comparison of local population statistics to the Federal minority employment record for the areas mentioned in California, both for the Civil Service Commission itself and for each Federal Agency in California. In each situation where there are large discrepancies, I would also appreciate detailed information on the affirmative steps you and each agency concerned is taking to improve both the upward mobility and the overall employment ratios for each minority group in each particular area. To this end, I request that you send a special team to conduct a field study of the Los Angeles Federal Government employment situation for minorities and prepare a special action plan to bring about prompt and substantial improvement. (Jonathan R. Steinberg, my Committee counsel, has already discussed this with Mr. Irving Kator, Assistant Executive Director of the Commission.) Therefore, I would hope this field study and plan, if successful, can be extended to all other appropriate areas in the state.

I am sending similar letters to the heads of each Federal agency with installations in California. I will be sending you a copy of each such letter for your review and comment. I would greatly appreciate any assistance you can provide these agencies to improve their minority employment ratios and upward mobility opportunities.

I would also appreciate your forwarding a copy of this letter and the enclosures to the head of each Civil Service Commission installation in California under your jurisdiction, and supplying me with a list of those addresses and copies of their reports.

Thank you for your valuable cooperation in this matter.

Sincerely,

ALAN CRANSTON.

TOTAL POPULATION CHART

Area	Total population [1]	Spanish surnamed [2] (percent)	Blacks [1] (percent)	American Indian [2] (percent)
Statewide California	19,953,134	15.6	7.0	0.46
Los Angeles/Long Beach	7,032,075	18.0	10.8	.35
San Francisco	3,109,519	14.0	10.6	.41
Oakland (Alameda)		13.0		.53
Sacramento	800,592	9.0	4.7	.42
Fresno	413,053	25.0	4.9	0.52
San Diego	1,064,714	13.0	4.6	.43
San Bernardino	1,143,146	16.6	4.4	.51
Ontario/Riverside		(3)		.60
San Jose (Santa Clara)	1,064,714	18.0	1.6	.38

[1] SMSA.
[2] County.
[3] Not available.

Source: All statistics are from official U.S. Census Bureau, 1970.

TOTAL FEDERAL EMPLOYMENT CHART

Area (SMSA)	Total employment	Spanish surnamed (percent)	Blacks (percent)	American Indian (percent)	White (other) (percent)
Statewide California	293,770	5.6	14.9	0.5	75.0
Los Angeles/Long Beach	66,475	6.2	25.0	.3	65.9
San Francisco	73,408	3.8	22.8	.4	65.1
Oakland (Alameda)					
Sacramento	27,390	4.6	7.5	.5	84.1
Fresno	2,703	10.7	4.6	.6	81.8
San Diego	29,272	6.2	8.0	.4	82.5
San Bernardino	13,121	11.8	6.2	1.3	80.1
Ontario/Riverside					
San Jose (Santa Clara)	8,442	6.9	6.6	.4	81.4

AGENCY EMPLOYMENT CHART

Area (SMSA)	Total employment	Spanish surnamed (percent)	Blacks (percent)	American Indian (percent)	White (other) (percent)
Statewide California	504	5.4	11.7	0	80.0
Los Angeles/Long Beach	116	8.6	22.4	0	66.4
San Francisco	272	4.0	10.3	0	82.4
Oakland (Alameda)					
Sacramento	36	2.8	5.6	0	88.9
Fresno	1	0	0	0	100.0
San Diego	36	2.8	8.3	0	83.3
San Bernardino	14	28.6	0	0	71.4
Ontario/Riverside					
San Jose (Santa Clara)	10	0	0	0	80.0

THE U.S. CIVIL SERVICE COMMISSION (AGENCY)

UPWARD MOBILITY AND TRENDS IN MINORITY EMPLOYMENT

Total general schedule (pay system)[1]	Percent of total agency positions held: Spanish surnamed	Blacks	American Indian	White (other)
GS-1 through 4	8.2	16.9	0	71.0
GS-5 through 8	8.0	18.4	0	69.0
GS-9 through 11	1.6	4.8	0	88.8
GS-12 through 13	1.5	3.0	0	95.5
GS-14 through 15	0	0	0	100.0
GS-16 through 18	0	0	0	100.0

[1] Statistics taken from the 1970 minority group study for your agency published by the U.S. Civil Service Commission—November 1970.

WORLDWIDE/NATIONWIDE

TABLE 2-25.—1970 MINORITY GROUP STUDY, CIVIL SERVICE COMMISSION—FULL-TIME EMPLOYMENT AS OF NOV. 30, 1970

Pay system	Total full-time employees, number	Negro		Spanish surnamed		American Indian		Oriental		All other employees	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total all pay systems	5,268	1,236	23.5	119	2.3	8	.2	38	.7	3,867	73.4
Total general schedule or similar	5,216	1,200	23.0	118	2.3	8	.2	38	.7	3,852	73.8
GS-1 through 4	1,860	722	38.8	58	3.1	5	.3	16	.9	1,059	56.9
GS-5 through 8	1,081	325	30.1	26	2.4			9	.8	721	66.7
GS-9 through 11	1,124	104	9.3	15	1.3	1	.1	11	1.0	993	88.3
GS-12 through 13	760	36	4.7	14	1.8	2	.3	1	.1	707	93.0
GS-14 through 15	338	12	3.6	5	1.5			1	.3	320	94.7
GS-16 through 18	53	1	1.9							52	98.1
Total wage systems	48	35	72.9	1	2.1					12	25.0
Up through $5,499	4	4	100.0								
$5,500 through $6,999	13	9	69.2	1	7.7					3	23.1
$7,000 through $7,999	13	8	61.5							5	38.5
$8,000 through $8,999	9	8	88.9							1	11.1
$9,000 through $9,999	5	3	60.0							2	40.0
$10,000 through $13,999	4	3	75.0							1	25.0
$14,000 through $17,999											
$18,000 and over											
Total other pay systems	4	1	25.0							3	75.0
Up through $6,499											
$6,500 through $9,999											
$10,000 through $13,999											
$14,000 through $17,999											
$18,000 through $25,999											
$26,000 and over	4	1	25.0							3	75.0

TABLE 2-25a.—1969 MINORITY GROUP STUDY, CIVIL SERVICE COMMISSION—FULL-TIME EMPLOYMENT AS OF NOV. 30, 1969

Pay system	Total full-time employees, number	Negro		Spanish surnamed		American Indian		Oriental		All other employees	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total, all pay systems	4,886	1,123	23.0	118	2.4	6	0.1	29	.6	3,610	73.9
Total, general schedule or similar	4,839	1,092	22.6	118	2.4	6	.1	29	.6	3,594	74.3
GS-1 through 4	1,666	686	41.2	64	3.8	3	.2	12	.7	901	54.1
GS-5 through 8	1,021	284	27.8	22	2.2	1	.1	7	.7	707	69.2
GS-9 through 11	1,126	78	6.9	18	1.6	1	.1	8	.7	1,021	90.7
GS-12 through 13	686	33	4.8	9	1.3	1	.1	1	.1	642	93.6
GS-14 through 15	293	11	3.8	5	1.7			1	.3	276	94.2
GS-16 through 18	47									47	100.0
Total, wage systems	43	30	69.8							13	30.2
Up through $5,499	7	6	85.7							1	14.3
$5,500 through $5,999	15	11	73.3							4	26.7
$7,000 through $7,999	16	11	68.8							5	31.3
$8,000 through $8,999	2	1	50.0							1	50.0
$9,000 through $9,999	2	1	50.0							1	50.0
$10,000 through $13,999	1									1	100.0
$14,000 through $17,999											
$18,000 and over											
Total, other pay systems	4	1	25.0							3	75.0
Up through $6,499											
$5,500 through $9,999											
$10,000 through $13,999											
$14,000 through $17,999											
$18,000 through $25,999											
$26,000 and over	4	1	25.0							3	75.0

TABLE C.—ALL AGENCIES

FULL-TIME WHITE COLLAR EMPLOYMENT, BY GENERAL SCHEDULE AND EQUIVALENT GRADES, WORLDWIDE

Grade[1]	Employment Oct. 31, 1969			Employment Oct. 31, 1966			Percent change	
		Women			Women			
	Total	Number	Percent	Total	Number	Percent	Total	Women
01	5,599	3,042	69.4	5,041	3,505	69.5	9.0	9.6
02	29,512	15,900	76.4	59,811	44,900	80.9	94.9	96.6
03	121,312	95,932	79.1	140,472	111,074	70.4	10.2	12.2
04	100,194	142,676	75.9	214,936	134,010	62.7	12.5	6.0
05	643,019	194,000	90.2	534,561	149,420	20.0	20.9	29.0
06	133,262	61,457	46.1	106,099	40,472	45.7	25.6	26.0
07	150,095	53,579	35.5	132,137	49,109	97.2	16.2	9.0
08	47,062	11,402	29.8	91,252	7,034	25.1	59.1	45.9
09	170,769	42,056	24.6	147,649	29,151	19.7	15.7	44.9
10	25,570	9,560	15.9	21,102	2,649	12.0	21.2	34.7
11	195,306	10,332	11.0	136,860	19,405	9.9	19.5	35.9
12	191,724	9,136	6.9	109,216	6,814	6.2	20.6	34.1
13	98,667	4,290	4.5	70,442	3,155	4.0	25.6	36.0
14	49,127	1,009	3.0	39,741	1,396	3.5	20.6	35.9
15	26,410	717	2.7	20,412	494	2.4	29.4	49.1
16	6,344	115	1.0	6,050	111	1.0	4.7	9.6
17	2,496	37	1.5	2,391	34	1.4	4.5	8.8
18	700	4	.6	622	5	.8	12.5	20.0
Above 18	696	17	2.6	589	11	1.9	12.5	54.5
Ungraded	6,402	2,959	39.9	45,679	9,999	21.0	86.0	74.9
Total[2]	1,900,798	665,294	33.4	4,097,062	627,220	83.6	8.9	7.8

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[1] The grades or levels of the various pay systems have been considered equivalent to specific general schedule grades solely on the basis of comparison of salary rates, specifically, in most instances, by comparing the 4th step GS rates with comparable rates in other pay systems.

[2] Excludes employees of Central Intelligence Agency, National Security Agency, Board of Governors of Federal Reserve System and foreign nationals overseas.

TABLE C.—CIVIL SERVICE COMMISSION

WOMEN—FULL-TIME WHITE COLLAR EMPLOYMENT, BY GENERAL SCHEDULE AND EQUIVALENT GRADES, WORLDWIDE

Grade[1]	Employment Oct. 31, 1969			Employment Oct. 31, 1966			Percent change	
		Women			Women			
	Total	Number	Percent	Total	Number	Percent	Total	Women
01	26	23	88.5	23	21	91.3	13.0	9.5
02	236	205	86.9	471	425	90.2	49.9	51.8
03	711	634	89.2	728	630	86.5	2.3	.6
04	698	609	87.2	491	433	88.2	42.2	40.6
05	577	486	84.2	484	375	77.5	19.2	29.6
06	140	124	88.6	76	63	82.9	84.2	96.8
07	280	145	51.8	320	136	42.5	12.5	6.6
08	18	15	83.3	8	5	62.5	125.0	200.0
09	350	162	46.3	348	133	38.2	.6	21.8
10	25	16	64.0	18	7	38.9	38.9	128.6
11	773	128	16.6	744	57	7.7	3.9	124.6
12	341	71	20.8	280	48	17.1	21.8	47.9
13	349	44	12.6	267	32	12.0	30.7	37.5
14	171	10	5.8	135	7	5.2	26.7	42.9
15	124	4	3.2	87	4	4.6	42.5	0
16	27	2	7.4	28	1	3.6	3.6	100.0
17	14	1	7.1	6			133.3	
18	6			3			100.0	0
Above 18	4			4			0	0
Ungraded								
Total[2]	4,870	2,679	55.0	4,521	2,377	52.6	7.7	12.7

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[1] The grades or levels of the various pay systems have been considered equivalent to specific general schedule grades solely on the basis of comparison of salary rates, specifically, in most instances, by comparing the 4th step GS rates with comparable rates in other pay systems.

[2] Excludes Foreign Nationals overseas.

1970 MINORITY GROUP STUDY, CIVIL SERVICE COMMISSION, FULL-TIME EMPLOYMENT AS OF NOV. 30, 1970

AGENCY WITHIN STATE, CALIFORNIA

Pay system	Total full-time employees, number	Negro		Spanish surnamed		American Indian		Oriental		All other employees	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total all pay systems	504	59	11.7	27	5.4			18	3.6	400	79.4
Total general schedule or similar	504	59	11.7	27	5.4			18	3.6	400	79.4
GS-1 through GS-4	207	35	16.9	17	8.2			8	3.9	147	71.0
GS-5 through GS-8	87	16	18.4	7	8.0			4	4.6	60	69.0
GS-9 through GS-11	125	6	4.8	2	1.6			6	4.8	111	88.8
GS-12 through GS-13	66	2	3.0	1	1.5					63	95.5
GS-14 through GS-15	18									18	100.0
GS-16 through GS-18	1									1	100.0

AGENCY WITHIN STANDARD METROPOLITAN STATISTICAL AREA, SAN FRANCISCO-OAKLAND, CALIF.

Pay system	Total full-time employees, number	Negro		Spanish surnamed		American Indian		Oriental		All other employees	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total all pay systems	272	28	10.3	11	4.0			9	3.3	224	82.4
Total general schedule or similar	272	28	10.3	11	4.0			9	3.3	224	82.4
GS-1 through GS-4	121	17	14.0	7	5.8			5	4.1	92	76.0
GS-5 through GS-8	49	3	16.3	3	6.1			2	4.1	36	73.5
GS-9 through GS-11	50	2	4.0	1	2.0			2	4.0	45	90.0
GS-12 through GS-13	35	1	2.9							34	97.1
GS-14 through GS-15	16									16	100.0
GS-16 through GS-18	1									1	100.0

AGENCY WITHIN STANDARD METROPOLITAN STATISTICAL AREA, LOS ANGELES-LONG BEACH, CALIF.

Pay system	Total full-time employees, number	Negro		Spanish surnamed		American Indian		Oriental		All other employees	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total all pay systems	116	26	22.4	10	8.6			3	2.6	77	66.4
Total general schedule or similar	116	26	22.4	10	8.6			3	2.6	77	66.4
GS-1 through GS-4	46	15	32.6	6	13.0			1	2.2	24	52.2
GS-5 through GS-8	22	7	31.8	3	13.6			1	4.5	11	50.0
GS-9 through GS-11	33	3	9.1					1	3.0	29	87.9
GS-12 through GS-13	13	1	7.7	1	7.7					11	84.6
GS-14 through GS-15	2									2	100.0
GS-16 through GS-18											

U.S. Civil Service Commission,
Washington, D.C., May 9, 1972.
Hon. Alan Cranston,
U.S. Senate, Washington, D.C.

Dear Senator Cranston: This refers to your letter of February 7, 1972, concerning minority employment in the Federal Government, and particularly in Federal installations in the State of California.

We share your concern about the employment of minority group Americans in Federal agencies and we believe that under Commission leadership the broad-range affirmative action program outlined in Executive Order 11478 is providing the kinds of results we are seeking. Our most recent published survey of minority group employment, a copy of which is enclosed, shows that despite a decline in total Federal employment, both the number of jobs and the number of better-paying jobs held by minority group Americans have continued to increase. As of May 31, 1971, the 503,608 minority group employees on the rolls of Federal agencies comprised 19.5% of the total workforce, up from 19.4% in May 1970, 19.2% in November 1969 and 18.9% in November 1967.

The survey also showed that employment of minorities in the middle and upper levels of the Federal salary structure has increased significantly and at an accelerated pace. Between May 1970 and May 1971, for example, minorities accounted for 58.6% of the total Federal increase at Grades GS–5 through GS–8 of the General Schedule during the one year period. Total employment decreased by 2,055 at Grades GS–9 through GS–11, but minority employment increased by 1,739. Minorities accounted for 15.5% of the increase in Grades GS–12 and 13; 15.4% of the employees added at Grades GS–14 and 15, and for 40 (22.3%) of the 179 additional positions filled in the top GS–16 through GS–18 grade range. There were also increases in minority employment in the higher grade and pay brackets of postal and other pay plans.

Despite the significant progress evidenced in these overall statistics, there is need for continued affirmative action to assure equal opportunity for minorities in many occupations and in specific geographic areas, and also to provide upward mobility opportunities for employees now at the bottom rungs of the job ladder. Further progress will come as Federal agencies move forward affirmatively in this area and as improved educational and other opportunities for minorities give them the kinds and levels of skills and abilities called for in the full range of Federal jobs.

We are aware of the difference in California of Federal employment figures and minority population and there is no question in our minds that additional progress is necessary. We do question, however, the wisdom of simply comparing Federal employment with population percentages without any regard for the size of the minority workforce and the skill levels and abilities represented in it. We do not believe population alone should be the measuring stick; to make it so is an oversimplification of a complex matter and may well create more problems than provide solutions. To make meaningful progress, we have called on Federal agencies to establish numerical goals and timetables where they will contribute to the resolution of equal employment opportunity problems. Thus, an installation will set goals relating its projected staffing needs to the skills available in the minority groups within the recruiting area. In some areas, these goals may properly exceed the percentage of minority group persons in the overall workforce in the state or nation because of the nature of the employment opportunities and the location of the installation, for example, in an area of heavy concentration of minority persons. We believe locally set goals related to available skills in the recruiting area is the meaningful way to come to grips with the need to assure affirmative action by Federal agencies.

Enclosed for your information is a comprehensive report detailing examples of affirmative actions underway in the Commission and in Federal installations in California designed to open up opportunities in the Federal Government for qualified Spanish-speaking persons. Our Regional Director in San Francisco is working closely with Federal managers in the State and has conveyed to them and to our own managers your particular interest in further improving employment opportunities for minorities.

Data from a Government-wide minority employment survey reported as of November 30, 1971, are now being processed and when they are completed, we will provide you with a copy of the report. Analyses of the Civil Service Commission's own minority employment data reflect significant changes from the figures mentioned in your letter. As of March 1972, minorities comprised 25.7% of the Commission's workforce in California, up from 20.6% in November 1970. Negro employment is now 13.9% of total Commission employment in California, up from 11.7%. Spanish-surnamed employment is now 7.3% of total Commission employment in California, up from 5.4%. Oriental employment is now 5.0% of total Commission employment in California, up from 3.6%.

Increases in minority group employment have been particularly impressive in the Commission's field offices in California. In our Los Angeles office, for example, minorities now comprise 43.8% of the total Commission workforce, up from 32.7% in November 1970. Spanish-surnamed employment in the same office has almost doubled during this period, increasing to 15.2% from 7.7%. This increase includes the appointment of the Area Manager, at Grade GS–15, who is Spanish-surnamed. Employment of Negroes has increased to 26.6%, up from 22.4%. In San Francisco, minorities now comprise 22.9% of the Civil Service Commission's workforce, up from 17.6% in November 1970. Negro employment is now 11.2% of the total, up from 10.3%; Spanish-surnamed employment is 5.2%, up from 4.0% and Oriental employment is 6.3%, up from 3.3%.

Employment of women in the Civil Service Commission in California has also increased significantly. Women now hold 17% of all Commission jobs at Grades GS–9 and above. In San Francisco, women comprise 21% of the Commission's employees at these higher grades, and in Los Angeles, 13%.

A number of Federal installations in Los Angeles were recently reviewed as a part of our nationwide evaluation of the Sixteen-Point Program for the Spanish-Speaking. The findings from this review are now being assembled and will be released shortly, including pertinent information relating to the Los Angeles installations which were surveyed. In addition, a special "Action Plan for Spanish-Speaking Citizens" has been developed by the Los Angeles Federal Executive Board and is now being implemented. The plan was issued to Board Members last December and preliminary reports indicate progress in all areas of the plan. Mr. Higinio Costales, Director of the Commission's Spanish Speaking Program, went to Los Angeles last month to discuss implementation of the plan with the Federal Executive Board. A copy of the Plan is attached. We are confident that we have a good grasp of the minority employment situation in the Los Angeles area, that problem areas are being pinpointed, and that program activities and resources are being concentrated where they are needed. We believe these kinds of concerted interagency efforts, geared to achieving results, will be more effective in bringing about improvements than another special study in Los Angeles at this time. In addition, under the new Equal Employment Opportunity Act of 1972, the Commission will require Federal agencies to submit regional plans of action and such plans will further pinpoint problem areas and affirmative action in specified areas, one of which will undoubtedly be Los Angeles.

In summary, we share your view that the Federal Government must be a model of equal employment opportunity. While much progress has been made, we recognize much more remains to be done. Please be assured that the Civil Service Commission will continue to devote its resources to leadership and specific action wherever needs for change and additional programs are needed to further the objective of equal opportunity in all aspects of Federal employment.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

EQUAL EMPLOYMENT OPPORTUNITY PROGRESS REPORT, CALIFORNIA

PART I—INTERNAL EEO SITUATION IN SF REGION, CSC

Statistical information compiled for the San Francisco Region indicates that progress has been made in increasing minority representation in the workforce and reflects strides in upward mobility. The following are some of the highlights produced in the analysis of the statistical information.

Total minority representation in the Region increased from 20.3% in November 1970 to 25.1% in March 1972. In California the increase was from 20.6% to 25.7%.

Although overall employment for the Region, for California, and for the San Francisco and Los Angeles SMSAs decreased, the number and percent of minority employment in each area increased.

	Total employment		M/G employment	
	Number	Percent	Number	Percent
Region	−33	6.1	+18	16.7
California	−30	6.0	+18	17.3
SF-Oak. SMSA	−6	2.2	+15	31.3
LA-LB SMSA	−11	9.0	+10	26.3

Minority representation in middle and high grade levels (GS–5 and above) increased significantly, especially in the GS–5–8 and GS–12 and above ranges. Particularly notable are Spanish-Surnamed in the positions of Area Manager GS–15 in Los Angeles and Chief, Grants Branch, Division of Intergovernmental Personnel Programs, GS–14 in San Francisco.

There has been a substantial increase in representation of Spanish-Surnamed in each area. This is especially significant in Los Angeles where the increase from 9 to 16 (7.7% to 15.2%) brought representation very close to the 18.3% Spanish-Surnamed representation in the population.

Of the total of 97 accessions in Calendar Year 1971, 35 (36.1%) were minority group and 61 (61.9%) were women. Of the 33 accessions to positions at GS–7 and above, 11 (33.3%) were minority and 9 (27.3%) were women. One accession of a woman was to a GS–14 position of Associate Director at the Berkeley Seminar Center.

In addition to the upward mobility of minority employees shown in the statistics, the Region created four staffing assistant positions to establish a bridge between clerical and professional positions. Three of these positions were filled by minority group members, one of whom was a woman, and two of whom were first appointed under the Veterans Readjustment Appointment Program.

The Basic Education and Skills Training (BEST) program was set up in the Regional Office in 1969. The objective of this upward mobility program was to offer employees in grades GS–1 to 4 an opportunity to improve their skills in job related areas. In the first two 12-week semesters 98 CSC employees graduated. The third 12-week semester, from which 60 employees graduated, was expanded to include participation by the Department of Labor, the National Park Service and the Small Business Administration. A letter was distributed to all members of the Federal Executive Board describing the program and offering Commission assistance to establishing similar programs in other agencies. To date the Regional Office of the Veterans Administration and the Social Security Payment Center in San Francisco have initiated action to begin programs in their activities.

PART II—CSC LEADERSHIP AND GUIDANCE

We have been deeply involved in a variety of activities in providing EEO leadership and guidance to agencies.

Our full time Regional EEO Representative spends a major portion of his time consulting with agency managers and EEO program staffs on progress and problems and providing on-site assistance in developing improved program organization and procedures, strengthening action plans, facilitating contacts with minority organizations, etc. Area Managers and their staffs supplement these efforts in their contacts and assistance visits with agency officials.

Review of EEO and upward mobility plans and progress is a built-in feature of virtually every nationwide and regional option general evaluation. Many of our special inquiries and special study visits include EEO coverage. The subject is also high on our agenda of items covered in planned assistance visits. Through these means we keep abreast of program developments and problems and provide specific recommendations and assistance in developing action items to achieve needed improvements.

In the 14 months from January 1971 to March 1972 we made the following numbers of evaluations and planned assistance visits in which EEO was covered:

	Evaluations	PAV's
Region	83	150
California	78	141
San Francisco SMSA	28	37
Los Angeles SMSA	19	40

We have taken the lead, in conjunction with Federal Executive Boards (FEB) and Federal Executive Associations (FEA), in organizing Federal EEO Coordinating Committees in areas where 'there are concentrations of minorities and where the Federal government is a significant employer. The committees are composed of representatives of Federal agencies in the area and work to promote coordinated plans and efforts to provide improved employment opportunities for minorities and women.

EEO Coordinating Committees have been established in San Francisco, Oakland, Sacramento, San Jose, Salinas, Los Angeles, and Las Vegas.

The San Bernardino Area Office helped organize and coordinate an area-wide committee of Federal Women Coordinators.

The San Jose (or Peninsula) Committee has been active in sponsoring interagency programs for EEO orientation and training for managers and supervisors.

The Sacramento Committee has conducted studies to determine reasons for low levels of availability of Spanish-surnamed on Civil Service registers for the Sacramento area and is now devoting its resources to implementing the goals of the 16-Point Program in the Sacramento area.

A number of Regional CSC personnel maintain continuing contacts with minority groups, such as the Urban League, NAACP, CORE, United Council of Spanish Speaking Organizations, San Francisco Civic Center Forum, and the American G.I. Forum.

We have made noteworthy strides in special efforts to modify standards and eliminate similar barriers to minority entry into Federal employment.

In developing the job announcement and crediting plan for Worker-Trainee we consulted with representatives of minority and community group organizations to obtain their option and input regarding the examining and measurement approach to be used. During the period March 1971 to March 1972 there were 2032 appointments made from Worker Trainee registers in the San Francisco Region, about 1600 of them in California. Most appointments made were blacks.

In order to insure maximum employment opportunities for minority groups in Fresno, in 1970 this Region initiated negotiations with the Internal Revenue Service to modify standards for major categories of positions to be filled at the new IRS Service Center in Fresno. New standards were developed as a result of intensive job analyses by CSC representatives. Special tests were also selected on the basis of the analyses which would provide excellent opportunities for the Spanish-surnamed as well as other minorities and women in the Fresno area. During the first year operations (1971) the Center hired approximately 800 persons. Over 260 of them were minorities, at least 200 of whom were Spanish-surnamed. This model project is presently being studied for extension to other IRS Service Centers throughout the country.

Extensive sample question materials have been furnished in major metropolitan areas to the California Human Resources Department for their use in providing training in test familiarization to applicants for Federal (and other public jurisdiction) jobs. This training has been particularly successful in Oakland in helping the large black population prepare for a variety of examinations. Certain sample tests have been prepared in Spanish to provide initial experience for the bilingual. Subsequent test experiences are conducted in English. Areas in which this type of training has been most successful are Los Angeles, Oakland and Fresno.

Other standards have been modified by this Region to provide for alternate ways for applicants for jobs to demonstrate their abilities. As a result of modification in test requirements minority groups have been successful in obtaining employment in jobs such as Card Punch Operator and for apprentice positions at Naval installations. At the Hunters Point Naval Shipyard 25% of the appointments to the Apprentice Program in 1970 were black and for the period 1/72/-3/72 35% of the appointments were Spanish-surnamed.

The San Francisco Region has recently increased its efforts to provide on-site and bilingual assistance to minority applicants:

A Spanish-speaking veteran has been placed in the San Francisco Federal Job Information Center to provide better service to the public. A Chinese-speaking veteran was also recently appointed in the same office. A woman, who speaks Spanish and Tagalog, is employed in the Los Angeles Federal Job Information and Testing Center.

New Federal Job Information Centers have been established in Oakland, Fresno, Long Beach and Santa Maria, which will serve large minority communities. The supervisor of the new Oakland FJIC is a black woman.

In California we have issued some examination announcements in both Spanish and English. Bilingual announcements were issued for Worker-Trainee in San Diego, San Francisco, and Los Angeles, for Printing Trades Helper and General Helper in Sacramento, and Maintenance and Services Worker in San Diego.

Our Region is also actively involved in efforts to recruit American Indians into the Federal service. Examples of such activities are:

Two Staffing Specialists from the San Francisco Area Office attended an open house held by the Alameda Bureau of Indian Affairs Office. The program emphasis was self-determination for Indians who have left the reservation to improve their employment or educational opportunities. The BIA employment counselor requested that the Commission review vocational training offered Indians to determine if their students will meet our qualification standards upon completion of training. As a result, the training is now considered qualifying under Commission standards.

In Reno, information has been provided to Indians through special Indian Employment Counselors at SES offices and guidance counselors at the Stewart Indian Agency School. The Reno Area Office has also obtained from the Nevada Indian Agency lists of Nevada Indians attending schools of higher learning and has distributed them to Federal agencies in Nevada to assist them in employing Indians.

The San Bernardino Area Office contacts Indian youths at Sherman High School through orientation sessions with individual counselors including providing recruiting material and sample test booklets. The students were also given help in class with practice test exercises prior to scheduled on-campus tests.

The Sacramento Area Manager and his staff met recently with the President of the Federated Indians of California to exchange information which will be used to determine specific action plans—including the identification of Indian students available for work-study programs.

The new Deganawidah-Quetzalcoatl University has been established on the site of a surplus Army installation at Davis, California. The new school will be open to all creeds and races, but its curricula are tailored to specific needs of Indians and Chicanos. The Sacramento Area Office will assist school officials in identifying students available for work-study programs and will work with Federal agencies to establish such programs for the students.

The San Bernardino Area Manager met with the Tribal Council at the Morongo Indian Reservation, to discuss Federal job opportunities, veterans benefits, and assistance the Commission could give in preparing for examinations. A San Bernardino Area Office representative also attended a Tribal Council meeting to discuss individual counseling, preparation for written tests, and the administration of written tests in the reservation club house.

The San Diego Area Office recently contacted many tribes in San Diego County to assure that the Worker-Trainee examination announcement was receiving wide enough distribution on all reservations. Contact was also made with the Coordinator of the Intertribal Council to discuss ways of encouraging and interesting reservation Indians in Federal employment.

We have aided many agencies in obtaining high quality candidates from minority groups, through the use of selective criteria for placement in positions having specific or special requirements, such as those requiring bilingual ability. From January 1971 to the present, for example, agencies reported 130 FSEE appointments and 63 MAST appointments from certificates issued on the basis of such selective placement factors. In August 1971 the Region issued a letter to all appointing officers reminding them of these flexibilities and of ways of using selective placement criteria.

An extensive college relations and recruitment program, involving activities such as the following, is actively pursued.

The Region has identified colleges and high schools with significant numbers of Spanish-surnamed students and has provided this information to field installations. The Regional Recruiting and College Relations Officer and the EEO Officer have made several trips to these colleges to give information on job opportunities for minorities with the Federal government.

Federal College Associations (FCA) throughout the Region have established "Rap Sessions" with Chicano groups on-campus in which there were discussions on Federal hiring trends, employment, employment procedures, and career prospects.

Commission efforts to increase participation of Spanish-surnamed in Cooperative Education Programs have resulted in almost 100 appointments in the Internal Revenue Service.

The Region also assisted in the formulation of an agreement between the IRS and the East Los Angeles College under the Cooperative Education Program. A special curriculum was developed for students participating in semi-technical type training.

Chicano students are regularly invited to participate as members of student panels at quarterly meetings of several Federal Executive Associations.

The Region made available to all agencies, through the Area Offices, copies of the Cabinet Committee on Opportunity for the Spanish-speaking's publication on Spanish-surnamed college graduates.

FCA's are very active in recruiting at two year and four year colleges in California where there is a significant enrollment of blacks. During the past year informational programs were held at the following schools: Merritt College in Oakland, Compton Junior College, East Los Angeles College, Los Angeles City College, Laney College in Oakland, and California State at Hayward.

Women's programs were held at numerous colleges in the past year. Recent programs were conducted at University of California at Davis, University of California at Berkeley and at Fresno State University. These activities are sponsored jointly by the CSC and agencies in the area.

The CSC has developed a slide presentation on progress that women are making in the Federal work force. The presentation emphasizes accomplishments and opportunities for women in the Federal service. Approximately 20 presentations have been made to schools during the past 12 months by Federal Women's Program Coordinators and CSC representatives.

The Regional Training Center is very active in EEO training. In the period between January 1971 and March 1972 a total of 1486 people were trained in 48 sessions of the following nine EEO courses put on in California by the RTC.

Supervising the Disadvantaged; Trainers' Institute (Supervising the Disadvantaged); EEO Counseling; Advanced EEO Counseling; Role of the Federal Manager in EEO; EEO Program Planning and Execution; Investigating Discrimination Complaints: Counseling Lower-Level Participants; Seminar for Career Women.

There has been significant participation by minorities and women in these courses. Excluding the Seminars for Career Women, there were 1066 attendees with approximately the following representations: Blacks, 25%; Spanish-Surnamed, 14%; Orientals, 4%; American Indians, 1%; Women, 32%.

PART III—AGENCY ACTIONS

Agencies, in concert and individually are increasing awareness of and giving greater emphasis to EEO activities. The following are examples of the kinds of positive actions planned and taken and results being achieved.

An example of significant progress within the Los Angeles area in the employment of the Spanish-surnamed is the involvement of the Los Angeles Federal Executive Board in the development of an "Action Plan for Spanish-Speaking Citizens." This plan was issued to the FEB members and other agencies in early December 1971. Preliminary indications show signs of good progress, due to FEB support and encouragement. The Los Angeles Area Office participated actively in the formulation of the action items, and will continue to coordinate with the FEB. Gil Gonzales, a Staffing Specialist in the Area Office, has been designated as the Chairman of the Spanish-speaking Task Group. This unit of the FEB's EEOC has been charged wtih the responsibility for providing leadership to Federal agencies in implementation of the various aspects of the program and monitoring progress.

The Regional Council in San Francisco is firming up an action plan to step up employment and upward mobility of minorities and women in Federal agencies in the San Francisco Region. Goals set by the plan are expected to further enhance the progress already made through individual agency EEO affirmative action plans.

The Pacific Missile Range, Pt. Mugu has established a Navy employment office in Colonia, a Spanish speaking ghetto area in nearby Oxnard, for the primary purpose of establishing a communications link between the community and the Navy activities in the area. The employment office manager is Spanish-surnamed.

IRS in Los Angeles has held pre-test preparation and counseling training sessions in the East Los Angeles Mexican-American community to assist the Spanish-surnamed in taking employment tests. That activity has also established a task force composed of Chicanos and Blacks from field audit organizations to explore ways IRS can more effectively recruit minorities in surrounding communities.

During the period 1/70–12/71 SSA Offices in Los Angeles have recruited and hired over 80 Spanish-surnamed persons for a variety of jobs. Forty-seven were at grades GS–5 or 7. In addition, they have employed 4 Spanish-surnamed persons at GS–12 and above.

Mather AFB is restructuring its middle grade positions to provide for greater upward mobility. An example of jobs restructuring occurred when a WG–8 Cook position was restructured to WG–5 to permit promotion of lower graded Food Service Workers to the intermediate position.

The Naval Electronics Laboratory Center in San Diego established a Human Relations Office in June 1971 to provide a wide range of counseling to its employees. Two counselors were hired at the GS–12 level—one Negro and one Spanish-surnamed.

IRS in this region has made special efforts to bring the Spanish-surnamed into the Cooperative Education Program. These efforts included the formulation of an agreement between IRS and the East Los Angeles College in which a special curriculum was developed whereby students participating would fully qualify for semi-technical positions. With additional training, students would qualify for professional positions. Altogether, IRS in this region has made approximately 100 appointments of Spanish-surnamed students under the Cooperative Education Program.

The Western Area, Military Traffic Management and Terminal Service, Oakland Army Base provides a number of on-post, off-clock courses to assist lower grade employees to qualify for advancement. These include courses such as Basic English, Basic Mathematics, Basic Office Services and Skills, and FSEE Preparation. The Directorate of Data Systems at this Army activity has also developed a comprehensive Upward Mobility Guide which provides an outline of career ladders and training plans for Computer Aids, Computer Operators, Computer Technicians, EAM Operators and Card Punch Operators to enable them to advance to higher skill levels in the computer field. Jobs are being restructured in the Directorate of Data Systems, and a "bridge" job of Computer Operator GS–4 has been established, to facilitate upward or lateral movement from low level Computer Aid, Card Punch and EAM positions.

Despite an overall employment decline of 12% the past year March AFB increased its Spanish-surnamed employment by 19.8% (from 106 to 127).

In 1971 the Social Security Administration hired 43 Spanish-surnamed in filling a total of 97 Claims Representative Trainee positions in Region IX. This was accomplished through concentrated recruitment at colleges with substantial Spanish-surnamed enrollments, year-round contacts with campus minority organizations, and individual recruiting letters to Spanish-surnamed graduates in the Region.

The FAA Regional Office in Los Angeles conducted tutorial classes in 1970–71 in East Los Angeles and San Bernardino. The tutorial program is geared to encouraging and preparing applicants from the Spanish-speaking community to enter the Air Traffic Control Specialist career field. Similar programs are being planned for Bakersfield, Long Beach, Pasadena and San Fernando.

Last summer the Norton and March Air Force Bases conducted a special summer program in which they employed more than 150 American Indian youths.

Norton AFB has charted career ladders for employees in deadend positions. Upward mobility for the Base's minority employees is shown in the following statistics for the period 11/70–11/71:

Spanish-surnamed

GS 1–4: −12.0% (75 to 66).
GS 5–8: +21.5% (65 to 79).
GS 9–11: +3.6% (28 to 29).
WG 1–4: +14.9% (74 to 85).
WG 5–8: −1.9% (155 to 152).
WG 9–11: +16.3% (98 to 114).

Negro

GS 1–4: +3% (33 to 34).
GS 5–8: No change (44).
GS 9–11: +40% (15 to 21).
GS 12 + above: +20% (5 to 6).

Mare Island Naval Shipyard has made a study of dead-end positions and identified employees in such positions who show potential for advancement. These employees will be given special training and counseling to provide them with greater opportunities for advancement.

From 11/70 to 11/71 Region IX of DHEW hired 128 permanent employees of whom 64 or 50%, were minority group members. Of 58 hires in positions at grades GS–7 through 15, 27 were minorities.

The Federal Correctional Institution at Lompoc, California recently placed 10 VRA's, all from minority groups, as GS–5 Correctional Officers.

The Navy Supply Center at San Diego has analyzed almost all its occupations to identify entrance and upward movement patterns, establish career ladders, and prepare career development plans within the occupational fields. It has also implemented Project STEP-UP, a basic education program for employees in positions with limited or no advancement opportunities. The program, developed in conjunction with San Diego Community College, is geared to upgrading basic educational skills to aid lower level employees in qualifying for advancement and improving their potential for upward mobility. Students attend classes on-site twice a week with one hour on government time and one hour on their own time. Sixty employees are presently enrolled.

The Defense Contract Audit Agency in San Francisco has added a total of 33 women and minority trainees to its rolls since 1970. This represents about half the total trainees for professional positions recruited in that two-year period.

Many activities have appointed minority group members to key positions, such as EEO Officer and EEO Counselor, on their EEO staffs. Many have also organized EEO Committees, with heavy minority group membership to advise and assist in identifying problems, developing affirmative action plans and evaluating progress.

Mr. CRANSTON. Mr. President, I am pleased that the Commission is responding to the new legislative responsibilities and is pressing ahead to improve the entry and upward mobility opportunities for Mexican-American and other minorities in regional Federal installations in California and elsewhere.

Mr. President, in order to carry out Public Law 92–261, the administration recently transmitted a budget amendment—House Document No. 92–300—requesting $2,782,000 for 134 additional CSC positions. Unfortunately, the House committee did not include any funds pursuant to this request. Our Appropriations Committee has added $2 million for this purpose, $782,000 less than was requested.

In my judgment and that of the chairman of the Committee on Labor and Public Welfare (Mr. WILLIAMS) who was the principal author of the Equal Employment Act of 1972 and its floor manager, we need more funds and staff for the CSC's equal employment operation than this $2 million would allow. The best estimate we can gather is that the agency's submission to the Office of Management and Budget was for a $5 million increase—about double the budget amendment ultimately transmitted. We would prefer to add this full amount deemed necessary by the agency. I am sure the distinguished chairman of the subcommittee (Mr. MONTOYA), himself a great champion of equal opportunity, and the distinguished ranking minority member (Mr. BOGGS) would agree that we should and must do all necessary to beef up the Federal Government's own program of equal employment opportunity. The Federal Government must set the example in this civil rights area.

Mr. President, I have a description of the Civil Service Commission's new responsibilities under Public Law 91-261 that I shall now put in the RECORD.

PUBLIC LAW 92-261

The language of Public Law 92-261 expresses a clear mandate by the Congress for the Civil Service Commission to undertake a stepped-up affirmative action program for equal employment opportunity in the Federal Government. The law also calls on the Commission to strengthen its enforcement activities in order to eliminate any discriminatory practices in Federal agencies and to assure full compliance with equal employment opportunity law and Executive order.

AFFIRMATIVE ACTION PLANS

The new law requires that the Commission review and approve Federal agency action plans for equal employment opportunity at the regional level as well as at the national level. The Commission is thus directed to zero-in on particular problem areas at grassroots levels. It will be looking at what needs to be done to assure that qualified persons, including, for example, Chicanos in Los Angeles or Albuquerque or San Antonio, are recruited and hired for Federal jobs, and that those who are on the payroll have a fair chance to move up the ladder and to receive inservice training to qualify them for such advancement.

The effective review of each agency's action plans—including regional plans—will more than quadruple the Commission's workload in this area alone. It takes expert staff to make a meaningful review of these plans and to provide agencies direction in this area, and for Congress to give the Commission the responsibility without the funding for staff will not advance the equal employment opportunity program.

ONSITE EVALUATION AND FOLLOWUP

This close look at agency plans should be supported by a broader data base than is presently available, and must be followed up with an intensified onsite evaluation effort. To enforce the Act as Congress has intended and required will mean the Commission will have to make many more onsite evaluations of agency activities. This is one of the major ways that the Commission can find out what kind of affirmative action programs local installations are carrying out to assure equal employment opportunity for all persons.

Onsite inspections will put the Commission directly into installations in our major metropolitan areas, such as Los Angeles and San Francisco, New York and Philadelphia, where there are heavy concentrations of minority group men and women, especially blacks and Spanish surnamed. This is an essential part of the enforcement effort that we want the Commission to carry out and will create an additional need for evaluators and other personnel to carry out this effort. A large part of the increased funding for the Commission in this category will go for this kind of onsite evaluation program.

INTENSIFIED REPORTING OF RESULTS

A statistical analysis program to be able to see which agencies and which installations in the field in those agences are making progress and which are lagging behind is essential to the Commission's enforcement effort. The present system of counting minority employment every 6 months is simply not enough. The new law now requires a published report every 6 months. The Commission thus needs to know what is happening during each 6-month period, how many minority group employees were hired, how many were laid off, how many were advanced, and so forth. This type of ADP processing system will permit the Commission to do that and is an essential part of how the Commission plans to enforce its responsibilities under the Equal Employment Opportunity Act of 1972.

This also requires more funding. Congress has asked the Commission to do these things; Congress must provide the funds needed to do the job.

EXPANDED REGIONAL OFFICE OEO STAFF

Presently, the Civil Service Commission has only minimal EEO staffing in its 10 regional offices. It is not enough now, and with enactment of the new law, it is grossly inadequate. The tasks of preparing regional affirmative action plans and then implementing them, receiving and following up on agency plans and overseeing grievance and appeal procedures and management, will require more regional EEO personnel—both for the Civil Service Commission and, as a corollary, for the other Federal agencies involved. The Civil Service Commission should insist that the other Federal agencies greatly expand their allocations of staff to carry out the new law's EEO responsibilities. This is another reason why more money needs to be added here to expand Federal Government equal employment opportunity efforts at the grassroots level.

EXPEDITED COMPLAINT AND APPEAL PROCESSING

Another important responsibility we have charged the Commission to carry out is to insure that individual complaints of employees and applicants for employment are handled fairly and in an expeditious manner. Every employee has a right to an early and completely objective decision on any complaint of discrimination which he or she files. In the new law, we have provided the opportunity for employees to take their complaints into the district court after a final agency decision or within 180 days after they file the initial complaint. These employees are entitled to an administrative judgment on their complaints and should not be required to go into court to get an initial decision or to wait a half year for an administrative decision. To speed up the entire process of investigating and hearing complaints, the Commission needs additional complaint examiners and other personnel to make sure that complaints and appeals are heard within the time limits and are decided in a fair, judicious, and timely manner.

CONCLUSION

In short, this strong affirmative EEO program effort for which the Civil Service Commission has been given overall responsibility needs strong support in terms of financial and staff resources. It was expected by Congress that the Commission move affirmatively with regard to its new responsibilities, and Congress must, therefore, provide the total resources to support the role it expects the Commission to play in assuring all Americans an opportunity to participate fully in the activities of their government.

The relatively small amount of extra money we ask be included in this bill—$2,000,000—is clearly not too dear a price tag for the kind of effort we want and badly need in light of the kinds of work yet to be done and the results we expect in the area of Federal Government equal employment opportunity.

Mr. President, I have discussed this amendment in advance with the two floor leaders on this bill, and they have indicated they believe an additional $2—rather than $3—million would be adequate to do the job. I respectfully defer to their judgment and estimates. I strongly hope that they will accept this amendment and take this full $4 million increase to conference and do all possible to have it accepted in the conference report.

I urge adoption of the amendment and express my warmest thanks and appreciation, and that of all friends of equal employment opportunity in our Nation, to the Senators from New Mexico (Mr. MONTOYA) and Delaware (Mr. BOGGS) for their cooperation in this vital matter.

Mr. MONTOYA. Mr. President will the Senator yield?

Mr. CRANSTON. Yes, of course, I yield.

Mr. MONTOYA. I commend the Senator from California for having been a leader in this movement to try to exact a little more compliance in the field of equal opportunity. I know he has been a leader in it.

During the course of the hearings we covered this subject very thoroughly, and we received assurances from the Civil Service Commission that if the money was provided in this act, they would launch a very meaningful effort throughout the country to bring about equal opportunity for all minorities and for all people. In fact, during the course of the hearings I suggested to the Civil Service Commission that we also take care of the so-called Anglo-Americans, because they were being discriminated against here in Washington, in the District of Columbia government, and I mean that sincerely.

There is much discrimination in the District of Columba government. I would go so far as to say that there is discrimination even in the Equal Employment Opportunity Commission. I suggested to the Civil Service Commission that they investigate the discrimination that is going on in the Commission which is charged with bringing about equal opportunity for all Americans.

So if we are going to cover this landscape of existing discrimination, we should cover it on both sides of the track and look into any discrimination that is practiced against all Americans, be they white, black, or otherwise.

It is in that spirit that we did provide the funds here, and the Civil Service Commission is on notice that it should apply the law and discharge its obligations across the vast landscape of employment in the civil service of the Federal Government.

So I commend the Senator from California for his interest, and I want to say, after consulting with the ranking minority member (Mr. BOGGS), that we will accept the amendment. I yield back whatever time I have on the amendment.

Mr. CRANSTON. I thank the Senator very much. He has been a great leader in this effort over many years, and I am deeply grateful also to the distinguished Senator from Delaware, who has also been a strong supporter of efforts in this direction.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. CRANSTON. Of course.

Mr. BOGGS. I have asked the Senator to yield, first, to commend him on bringing this amendment to the floor and taking the active, important leadership role in this effort that he is taking and has been taking over the years.

I agree with the distinguished floor manager that the committee does feel that this is a very important matter, and we did, as the Senator knows, increase the amount over and above what the other body provided.

Mr. CRANSTON. Yes.

Mr. BOGGS. We also felt that we should go as far as we reasonably could in providing whatever funds may be necessary for an adequate and fair job to be done in this important field.

I am glad that my friend the distinguished Senator from California has brought this amendment to the floor.

Mr. CRANSTON. I thank the Senator very much.

Mr. President, before moving to a vote on the amendment, I wish to make one other point, and ask the distinguished floor manager a question. He and I both know only too well that the record of the Federal Government in providing entry, as well as upward mobility, job opportunities is a very mixed one, at best. For his people—those with Spanish surnames—who comprise close to 20 percent of the population of my own State—the record is plainly a dismal one. The letter to the Civil Service Commission I inserted in the RECORD earlier has all the statistics so I need not belabor them here.

But, plainly, much more must be done.

Frankly, I am not sure that the CSC is the agency to do it, I would have preferred assigning the task to the Equal Employment Opportunity Commission. But I was convinced that we could not have gotten such a transfer of responsibilities—strongly opposed by the administration—enacted into law this time. So we wrote the mandate clearly into the law and, in effect, put the Commission on notice that we want a major, aggressive, and effective Federal Government EEO program—less talk, less directives, more action: more real job opportunities for minority groups.

What I am leading up to is this: We cannot just add money for more staff and expect that that will get the job done. That is not the way things happen here in Washington. Substantial progress in this field is too important to leave to chance.

So, working with Chairman WILLIAMS, I have been closely monitoring the activities of the CSC in beginning to implement its new EEO responsibilities. I have requested and received reports from almost all Federal agencies on their EEO efforts, especially in my State. I am compiling and analyzing these. They are a beginning point for progress when the CSC gets new staff and funding.

I would like to ask the distinguished floor manager to join with me in keeping a close watch on how the Commission uses these new funds and how it implements section 11 of Public Law 91-261. I hope he would join me in this effort.

Mr. MONTOYA. Mr. President, I might say to my distinguished colleague from California that we already have made a good start, as shown in the hearings, by my requiring the Commission to give us a breakdown of the representation on the part of the Spanish-surnamed Americans in Federal employment. I put them on notice that I would ask them during the course of next year's hearings to furnish information as to the progress made during the course of the year.

This is the only way that Federal agencies can adequately report their progress to Congress. There has been a lot of rhetoric in this field, but very little action, and I am hopeful that with this kind of demand upon the Federal agencies, we will get some meaningful action.

I can point to other agencies in the Government that deal with equal opportunities where very little has been done. I do not mean to criticize the entire effort of the Equal Employment Opportunities Commission, because they have done a reasonably good job. But within the purview of their performance, there creeps in a little discrimination within the agency itself, and that is what I refer to.

As I say, there are other agencies which deal with equal opportunities where we have been getting a lot of rhetoric. I might say those people have been going all over the country as showpieces throwing around a lot of rhetoric and no performance within the orbit of their particular agencies and the programs which they are supposed to bring to the forefront are ignored or neglected.

I think we in Congress should exact from those people a record of performance when they appear before us for appropriations. If they do not perform, we should either cut back their appropriation or repeal the law creating the particular agency.

I am deeply concerned about the Cabinet level committee for the Spanish speaking. I do not believe that agency is doing its job. I was the author of the original legislation, and unless that agency does its job I would be one of the first to come to Congress asking for the repeal of that particular law, or to provide for legislation which would bring about more meaningful action and better performance on the part of the agency; because right now I might say that some of the people in the agency are being used for political purposes by going all over the country making political speeches; and I think that what they should do is remain in Washington and try to carve out some kind of meaningful action which would bring about meaningful results in carrying out the provisions of the original legislation itself.

Mr. CRANSTON. That is great. I am sure that, with the leadership and cooperation of the Senator from New Mexico, we, working together, along with the assistance and cooperation of the distinguished Senator from Delaware, can assure that these funds are well spent and the program moves ahead.

I would just like to touch upon one related point; it will take only a moment.

I hope the Senator will agree that it is our expectation—his as floor manager of the appropriations bill, and mine, as author of the new statutory provisions, and Senator WILLIAMS, as the principal author of the new act and chairman of the Labor and Public Welfare Committee, that we do not expect the new funds to be used solely for Washington staff; that we expect that CSC regional staffs will be beefed up with EEO officers and experts and that, particularly in the field, these new employees must be, themselves, qualified minority group persons.

In fact, I believe that we are in agreement on the proposition that of all the new EEO employees the CSC hires with the funds to be added in the bill—here and in the field—at least a majority must be from minority groups in a reasonable proportion to population; but with special emphasis on the lagging program for Spanish-surnamed employment.

Does the Senator agree with these propositions?

Mr. MONTOYA. I agree wholeheartedly.

Mr. CRANSTON. I thank the two distinguished Senators.

Mr. President, I move the adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is all remaining time yielded back?

Mr. MONTOYA. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Does the Senator from California yield back his time?

Mr. CRANSTON. Yes.

The ACTING PRESIDENT pro tempore (Mr. Allen). All remaining time having been yielded back, the question is on agreeing to the amendment offered by the Senator from California.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. MONTOYA. Mr. President, on behalf of the distinguished Senator from Washington (Mr. Magnuson), I offer the amendment I send to the desk and ask that it be read.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

Sec. 102. No part of any appropriation contained in this Act shall be available for expenses of Customs preclearance activities after March 31, 1973, in any Country which does not presently grant preclearance privileges to the United States.

Mr. MONTOYA. Mr. President, by way of explanation, the committee covered the subject of customs' passenger preclearance very thoroughly. I ask unanimous consent to have printed in the Record at this point the colloquy that took place between Mr. Edwin F. Rains, Acting Commissioner of the Bureau of Customs and myself which appears beginning on page 252 of the Senate hearings and continues to the end of page 255.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Customs Preclearance Operations

Senator Montoya. What is the current status of customs' preclearance operations?

Mr. Rains. Customs for a long time has been dissatisfied with its preclearance operations. There are four preclearance stations in Canada, as well as stations in Bermuda and Nassau. We also have preclearance in the Virgin Islands.

When preclearance started, it was a different day and age. Basically, the customs exemption was $500 a person. Very few people exceeded it. Airplanes were small. There were relatively few of them by present standards and we did not have a narcotics problem.

We have become increasingly concerned that preclearance has become a loophole in our narcotics program. Narcotics come into the United States from all of these preclearance places, particularly Canada, Bermuda, and Nassau, on precleared flights, a principal problem is that in the United States we can search the clothing and the person of the individual coming in, if we have any suspicion. We cannot do these things abroad.

Customs has been sufficiently concerned about this that it has taken action which had led to an interdepartmental study under the chairmanship of the Office of Management and Budget, which is currently looking into the matter from every point of view. Customs would like to see preclearance terminated. We believe we can do a much more effective job in the United States.

We believe we should not be losing the foreign exchange we lose by having to station people abroad, who are paid more and spend their money abroad.

Customs believes also that it is better to open new airports with customs facilities in the United States or to expand existing ones, because of the domestic impact in terms of domestic growth of commerce.

Senator Montoya. How many passenger preclearances would you say occur in a year?

Mr. Rains. I can supply that for the record, sir.

Senator Montoya. What is the cost of these preclearance operations?

Mr. Rains. I can supply that for the record.

Senator Montoya. Very well.

(The information follows:)

COST OF PRECLEARANCE, FISCAL YEAR 1972

Location	Reimbursable excess cost	Reimbursable overtime	Customs expenses	Total
Montreal	$96,000	$192,000	$249,000	$537,000
Toronto	138,000	285,000	370,000	793,000
Vancouver	75,000	36,000	56,000	167,000
Winnipeg	14,000	14,000	13,000	41,000
Prince Rupert		6,000	13,000	19,000
Subtotal	323,000	533,000	701,000	1,557,000
Bermuda	44,000	32,000	81,000	157,000
Nassau	80,000	37,000	93,000	210,000
Total	447,000	602,000	875,000	1,924,000

Note: In fiscal year 1971, precleared flights amounted to 47,435 with 2,645,283 passengers.

NARCOTICS SEIZURES A HIGH PRIORITY

Mr. Rains. I must say a good many agencies disagree with us. They put what they regard as the economics of a few of the airlines as a high target of priority; whereas, we put as our high target the keeping out of narcotics. There is also some dispute as to whether preclearance is an advantage for the traveler. We do not believe that it is. We believe that the traveler gets as good treatment arriving in a domestic airport—particularly one that is adequately staffed.

Mr. MONTOYA. Mr. President, the subject of Customs' passenger preclearance is one that has disturbed the committee very much. The Bureau of Customs is trying to rid itself of passenger preclearance activities. Presently, U.S. Customs personnel perform preclearances within other countries so that passengers coming into the United States may, as a convenience, receive clearance from U.S. Customs officers in those countries ports and not go through U.S. Customs at the ports of entry in the United States. The House directed the phaseout of this program. It is not an extensive program; but several Senators have manifested an interest to the extent of observing the program at least a little longer.

In view of this, the Magnuson amendment is directed at preserving on a temporary basis what exists now.

If there is no objection to the amendment by the ranking Republican member of the committee, I am prepared to yield back my time on the amendment and ask for its adoption.

Mr. BOGGS. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. All time is yielded back. The question is on agreeing to the amendment offered by the Senator from New Mexico on behalf of the Senator from Washington (Mr. Magnuson).

The amendment was agreed to.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senate, I wish to express my appreciation, and, on behalf of the leadership, my commendations to the very distinguished junior Senator from New Mexico for his able leadership and the great work he has performed in conducting the hearings on the bill, the markup thereon, and the debate on the floor of the Senate today in regard thereto. He has demonstrated, once again, his good judgment and his great parliamentary skill in the management of bills coming within the jurisdiction of the subcommittee which he so ably chairs. I also wish to commend the able ranking minority member of the committee, the distinguished senior Senator from Delaware (Mr. Boggs), and all the other members of the committee on both sides of the aisle for the dispatch and the expertise they have consistently shown and for the effective work they have done.

I wish to express my personal appreciation and that of my distinguished senior colleague from West Virginia (Mr. Randolph) to the chairman of the committee, to the ranking Republican member, and to the entire committee, as well, for the committee's having directed that the reduction in funds for the Bureau of the Public Debt not be applied to the ongoing transfer of activities and personnel from Chicago to Parkersburg, W. Va.

Mr. MONTOYA. Mr. President, I thank the distinguished Senator from West Virginia for being so generous in his remarks. I deeply appreciate them.

Mr. McGEE. Mr. President, I wish to extend my appreciation and congratulations to the distinguished chairman of the subcommittee for the excellent manner in which he has handled this legislation. As always, his skill and generosity has helped the subcommittee as well as the full committee to develop a responsible piece of legislation.

As the chairman of the standing committee which has jurisdiction over legislative affairs for the U.S. Postal Service, I want to mention briefly one aspect of this bill which has raised considerable controversy for quite some time. That is the provision for subsidizing the Postal Service for a limited period of time under the provisions of the Postal Reorganization Act—Public Law 91-375. Under the various ratemaking and appropriations provisions of that law, the Congress deemed that for 13 years, at least, the Postal Service would receive a direct payment from appropriated funds equal to a percentage of the fiscal year 1971 appropriation. Presently, that is 10 percent, or about $900 million, which is the level of payment until 1979, or thereabouts. Secondly, for a period of 5 years, any mail matter previously mailed under one of the old preferential rate sections of law, as the law existed prior to the enactment of the Postal Reorganization Act, would be entitled to a partial, declining subsidy, commonly known as the revenue foregone appropriation, which means that Congress pays the difference between what would be the regular rate and the rate actually paid by the mailer on account of the law, the saved rate.

This provision, section 2401(c) and section 3626, was carefully thought out by the Senate committee and adopted in conference with the House of Representatives. It was believed by all to be a fair and equitable manner of permitting mailers to adjust to the impact of a pay-as-you-go Postal Service. We made no distinction in the law; we did not intend to favor any mailer or discriminate against any mailer. We included all, regardless of any personal views as to their value in the mail.

Now in section 3627 of the law, we also provided that in the event that Congress failed to appropriate any of the funds authorized to pay a variety of subsidies, some temporary and some lasting, the Postal Service would be authorized to petition the Postal Rate Commission to increase rates to make up the difference. It was my impression that this contingency was included—at the insistence of the Postmaster General—to provide for the unlikely objections of the Appropriations Committees to some feature of the subsidy. Unfortunately, the enemy was not on Capitol Hill; it was at the Executive Office Building in the guise of the Office of Management and Budget.

In 1971, the OMB decided to reduce the Postal Service's submission of a budget by $210 million, and the OMB said this was taken out of the amount necessary to pay for revenue foregone from third-class mail. Our committee held a hearing to discuss this issue with the then Deptuy Director of the OMB, and the Honorable Casper Weinberger. It was his position that third-class mail was mere advertising—which it is not—and unsolicited—which it is not. He felt no compunction about wearing two hats, one as a budget man and the other as the Postal Rate Commission. I have objected to that posture ever since. The law, 39 U.S.C. 410 specifically states that the Postal Service is not subject to review by the budget office, and certainly there is no place in the finely constructed postal ratemaking mechanism for the appearance of the Office of Management and Budget.

Nevertheless, Congress did not specifically restore the $210 million. Congress made no mention of the action of the OMB in its report recommending about $1.2 billion for the Postal Service for fiscal year 1972. The amount appropriated was, in the words of the Appropriations Committees, sufficient to pay the bill. I agree. I also agree that that is the case this year. The language of the committee report so states.

The issue then is whether, under the terms of the postal laws, there has been a failure of appropriation within the meaning of section 3627. Because I was, and am, the chairman of the Committee on Post Office and Civil Service, and served as the chairman of the Senate conferees on the Postal Reorganization Act, and claim some of the credit for developing the entire postal ratemaking section of the law, which was originally in my own bill, S. 3613, I do think it is appropriate for me to say that the will of the Committee on Post Office and Civil Service is not being fulfilled by the Office of Management and Budget, that their action is immoral insofar as they are charged with responsibility for carrying out the intent of the Congress, and that there is no failure of appropriation, either specific or implied, in this legislative process.

Mr MONTOYA. Mr President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Before the Chair acts on the Senator's suggestion, is all time yielded back?

Mr. MONTOYA. I ask unanimous consent that the time for the quorum call be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I yield back my time.

Mr. BOGGS. Mr. President, I yield back my time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on this particular rollcall be limited to 20 minutes with the warning bell to sound midway. Some of the Senators are having problems with high water in getting to the Capitol this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time having expired and the bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Vermont (Mr. AIKEN), the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 72, nays 0, as follows:

[No. 241 Leg.]

YEAS—72

Allen
Allott
Baker
Bayh
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gurney
Hart
Hartke
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGee
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—28

Aiken
Anderson
Beall
Bellmon
Brock
Ellender
Gambrell
Goldwater
Gravel
Griffin
Hansen
Harris
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mundt
Muskie
Percy
Ribicoff
Thurmond

So the bill (H.R. 15585) was passed.

Mr. MONTOYA. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MONTOYA, Mr. ELLENDER, Mr. INOUYE, Mr. MCGEE, Mr. BOGGS, and Mr. ALLOTT conferees on the part of the Senate.

Mr. ROBERT C. BYRD subsequently said: Mr. President, because of an oversight, I ask unanimous consent that the name of the Senator from North Dakota (Mr. YOUNG) be added as a conferee following the name of the Senator from Colorado (Mr. ALLOTT), on H.R. 15585, the Treasury-U.S. Postal Service appropriation bill, 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR PASTORE ON PASSAGE OF PUBLIC BROADCASTING BILL

Mr. **ROBERT C. BYRD**. Mr. President, I wish to commend the senior Senator from Rhode Island for his skillful and forthright management yesterday of H.R. 13918, a bill which provides improved financing for public broadcasting.

Despite near unanimous agreement that public broadcasting has made a significant contribution to the cultural and educational quality of American life, there are, understandably, honest misgivings on the part of some as to certain specifics in the program.

The senior Senator from Rhode Island did the Senate and the American people a great service yesterday by candidly, and in statesmanlike fashion, presenting the case for public broadcasting and for the necessity of passing H.R. 13918 expeditiously.

ROUTINE MORNING BUSINESS

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to exceed 10 minutes, and that statements therein be limited to 3 minutes.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered. Is there morning business to be transacted?

Mr. **BOGGS**. I have none.

Mr. **ROBERT C. BYRD**. I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. Bentsen). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **ACTING PRESIDENT** pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Proposed Amendment of Act Relating to Annual Payment to the Republic of Panama

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Act of August 4, 1955 (69 Stat. 464) relating to the annual payment to the Republic of Panama (with an accompanying paper); to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. **SPARKMAN**, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S.J. Res. 250. A joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development (Rept. No. 92-920).

Mr. **SPARKMAN**. Mr. President, I am reporting from the Committee on Banking, Housing and Urban Affairs a joint resolution (S.J. Res. 250) to extend, for a period of 3 months, the authority of the Secretary of Housing and Urban Development with respect to seven existing housing and urban development programs which are due to expire at the end of this month.

This resolution is being reported at this time to insure that these vital programs may continue to operate uninterrupted, while the House of Representatives completes its work on a new housing bill which contains the more comprehensive authorizations.

As you know, the Senate completed its work on the Housing and Urban Development Act of 1972 last March. This body approved, by a vote of 80 to 1, our biggest housing bill in years, which included new authorizations for the expiring HUD programs.

The resolution simply provides interim authority for programs already approved in the Senate-passed housing bill. These programs include the flexible interest rate for FHA-insured mortgages and VA guaranteed loans for housing; model cities; community facilities, including water-sewer and neighborhood facilities; comprehensive planning; open space land; and the temporary waiver for GNMA mortgage purchases.

In order that Senators may more fully understand the provisions of this resolution, I ask unanimous consent that the joint resolution, approved by the Committee on Banking, Housing and Urban Affairs, and a section-by-section summary thereof, be printed in the Record at this point in my remarks.

There being no objection, the joint resolution and summary were ordered to be printed in the Record, as follows:

S.J. Res. 250

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

FLEXIBLE INTEREST RATE AUTHORITY

Section 1. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709-1), is amended by striking out "June 30, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF MODEL CITIES AUTHORIZATION

Sec. 2. Section 111(c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF COMMUNITY FACILITIES AUTHORIZATION

Sec. 3. Section 708(b) of the Housing and Urban Development Act of 1965 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF COMPREHENSIVE PLANNING AUTHORIZATION

Sec. 4. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF OPEN-SPACE LAND AUTHORIZATION

Sec. 5. Section 708 of the Housing Act of 1961 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO THE PURCHASE OF MORTGAGES BY THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Sec. 6. Section 3 of the Joint Resolution entitled "Joint Resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes", approved December 22, 1971, is amended by striking out "6 months" and inserting in lieu thereof "9 months".

SECTION-BY-SECTION ANALYSIS

Section One would extend the authority of the Secretary to establish maximum interest rates on insured mortgages at levels necessary to meet the mortgage market. Current housing programs would be crippled without this authority because interest rates on insured mortgages could not exceed six percent, which is well below the current market rate.

Section Two would extend authorizations for appropriations for the Model Cities Program.

Section Three would extend the authorization for appropriations for water-sewer and neighborhood facilities grant programs.

Section Four would extend the authorization for appropriations for the Section 701 Comprehensive Planning Program.

Section Five would extend the authorization for the open-space land program.

Section Six would extend the authority of the Government National Mortgage Association to purchase mortgages with principal obligations in excess of statutory limits whenever the Secretary of HUD determined such action necessary to avoid excessive discounts on Government-backed mortgages. This temporary authority was enacted last December to be effective for six months, in order to allow the GNMA program to absorb excessive discounts in high-cost areas of the nation. The 1972 Housing Bill would increase GNMA purchase limits permanently; but until this bill is enacted, a further extension of the temporary waiver of existing statutory limits is required.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. **ROBERT C. BYRD** (for Mr. Randolph), from the Committee on Public Works:

Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration, for appointment as a member of the Mississippi River Commission.

By Mr. **FULBRIGHT**, from the Committee on Foreign Relations:

Clinton L. Olson, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Sierra Leone;

W. Beverly Carter, Jr., of Pennsylvania, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the United Republic of Tanzania;

Edwin M. Cronk, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Singapore;

Miss Jean M. Wilkowski, of Florida, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Zambia;

Robert L. Yost, of California, a Foreign Service officer of class 1, to be Ambassador

Extraordinary and Plenipotentiary to the Republic of Burundi;

C. Robert Moore, of Washington, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the Federal Republic of Cameroon;

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Guinea; and

George P. Shultz, of Illinois, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund;

U.S. Governor of the International Bank for Reconstruction and Development;

A Governor of the Inter-American Development Bank; and

U.S. Governor of the Asia Development Bank.

REFERRAL OF BILL

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that S. 3726, a bill to amend the Export Administration Act of 1969 and to establish a Council on International Economic Policy, be referred to the Committee on Foreign Relations with instructions to report the bill to the Senate within a period of 30 days from this date.

This request has been cleared with the Chairman of the Committee on Banking, Housing and Urban Affairs (Mr. SPARKMAN), with the manager of the bill (Mr. MONDALE), and with the ranking minority members of the Foreign Relations Committee (Mr. AIKEN).

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. WILLIAMS:

S. 3742. A bill to amend the Act of February 24, 1925, incorporating the American War Mothers, to permit certain stepmothers and adoptive mothers to be members of that organization. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 3743. A bill for the relief of James G. Dole. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself and Mr. BROOKE) (by request):

S. 3744. A bill to authorize the Securities and Exchange Commission to regulate members' trading on national securities exchanges. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BEALL (for himself and Mr. MATHIAS):

S. 3745. A bill to amend the Child Nutrition Act of 1966 to limit the scope of regulations respecting the sale of certain beverages in competition with beverages served under such Act and the National School Lunch Act. Referred to the Committee on Agriculture and Forestry.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S.J. Res. 250. A joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development. Referred to the Committee on Banking, Housing and Urban Affairs; and subsequently reported without amendment and placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILLIAMS:

S. 3742. A bill to amend the act of February 24, 1925, incorporating the American War Mothers, to permit certain stepmothers and adoptive mothers to be members of that organization. Referred to the Committee on the Judiciary.

Mr. WILLIAMS. Mr. President, I am sending to the desk for appropriate reference legislation which would amend the act of February 24, 1925, incorporating the American War Mothers, so that certain stepmothers and adoptive mothers can become members of this fine organization.

The American War Mothers was organized in 1917 to help veterans returning from military service and to sustain the world and community spirit which is exemplified by their armed service in the defense of another country.

Since its inception, the American War Mothers have worked extensively to ease the specific problems faced by veterans. The work of these dedicated women has been most appreciated by veterans who have suffered physical or emotional problems as a result of service or who experienced severe financial or housing problems following their service.

At this time these women perform volunteer work under the Veterans' Administration Volunteer Service in each VA hospital in the country. They provide the moments of comfort and kindness which disabled or sick veterans need and deserve. Furthermore, they have donated televisions, radios, and flowers for the use and enjoyment of hospitalized veterans and in addition, they occasionally are able to make very substantial contributions. For example, in 1968 the American War Mothers collected donations from across the country and purchased a kidney machine for the VA hospital here in Washington, D.C.

Now, the American War Mothers are requesting our help in expanding their charter. The original charter passed by Congress and the amended version passed after World War II made no provision for the membership of women whose stepsons or stepdaughters or adopted sons or daughters performed military service for the United States.

The bill I am introducing today would correct this oversight, and permit a stepmother or adoptive mother to join the American War Mothers.

I sincerely hope that the appropriate committee and the Senate will take quick action on this significant improvement to the charter incorporating the American War Mothers so that mothers can belong to and officially participate in the worthwhile public service projects of the American War Mothers.

I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act entitled "An Act to incorporate the American War Mothers", approved February 24, 1925, as amended (36 U.S.C. 97), is amended by inserting after "her son or sons or daughter or daughters of her blood" the following: ", her legally adopted son or sons or legally adopted daughter or daughters, or her stepson or stepsons or stepdaughter or stepdaughters".

By Mr. WILLIAMS (for himself and Mr. BROOKE) (by request):

S. 3744. A bill to authorize the Securities and Exchange Commission to regulate members' trading on national securities exchanges. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. WILLIAMS. Mr. President, at the request of the Securities and Exchange Commission, I am today introducing a bill to expand the Commission's authority to regulate trading in listed stocks by exchange member firms and their affiliates off the exchange floor.

This proposed legislation was suggested by the SEC in the course of the hearings held recently by the Subcommittee on Securities on the question of institutional membership on stock exchanges, but is not directly related to that question.

The question of trading by member firms and their affiliates is one that the subcommittee intends to consider in the course of its current study of the securities markets, and this proposal by the SEC can serve as a focus for this consideration. I am asking the SEC to provide us with information as to the extent of this type of trading and as to the type of problems it has raised, to aid us in this consideration.

Mr. President, I ask unanimous consent that the text of this proposed legislation be printed in the RECORD together with an accompanying letter from the Chairman of the SEC.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(a)) is amended to read as follows:

"(a) The Commission shall prescribe such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, (1) to regulate or prevent floor trading, and (2) to regulate trading on the exchange but off the floor, by members of national securities exchanges, directly or indirectly for their own account or for the account of any person controlling, controlled by, or under common control with any such member. It shall be unlawful for a member to effect any transaction in a security in contravention of such rules and regulations, but such rules and regulations may contain such exemptions for arbitrage, block positioning, or market maker transactions, for transactions in exempted securities, for transactions by odd-lot dealers and specialists (within the limitations of subsection (b) of this section), and for such other transactions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors. For the purpose of this subsection, the Commission is authorized to define the terms used herein by rule, regulation, or order in the public interest or for the protection of investors."

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., May 5, 1972.
Hon. HARRISON A. WILLIAMS, Jr.
Chairman, Subcommittee on Securities, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I enclose a copy of the proposed bill we have discussed. This bill would amend Section 11(a) of the Securities Exchange Act of 1934 to provide for more effective and comprehensive regulation of trading by members of exchanges either for themselves or those standing in a control relationship with them. The nature of our securities markets has changed considerably since the adoption of the original Act. We believe that there must be more comprehensive regulation of members' trading if public confidence in the fairness and honesty of the exchange markets is to be maintained.

The bill, by amending the existing language of Section 11(a), which relates to members' trading, whether on or off the floors of the exchanges, confers on the Commission a clear grant of authority to regulate members' trading by prescribing appropriate rules and regulations. Any proposed rules, of course, would be subject to the provisions of the Administrative Procedure Act, which provides opportunity for comment by interested persons and the public.

Trading by member firms for their own account on the floors of exchanges has historically presented an important regulatory problem. Because of their proximity to the specialist's post, their knowledge of the trading activity in particular securities (which could be observed before it appeared on the tape) and their ability to trade without payment of a commission, floor traders were able to take advantage of trading opportunities before the public had a chance to respond. This led to the adoption in 1964 by the primary exchanges of rules designed to require that floor traders buy and sell in a stabilizing manner and yield priority and precedence (preferences flowing from being first in time or larger in size) to public orders at the same price.

Today's communications enable members to trade from off the floor with substantially similar advantages. Much of members' trading for their own proprietary accounts now is done from off the floor. Under these circumstances we believe it is presently necessary to take steps to ensure that members' trading, regardless of where it takes place, is properly regulated, so that such trading can make a positive contribution to the marketplace while due protection is accorded public orders. The bill is designed to achieve this result.

The first sentence of existing Section 11(a) limits the Commission's rule-making authority respecting off-floor trading to the prevention of "excessive" trading. The bill removes this limitation in recognition of the need to regulate trading which may unfairly exploit the advantages of membership, regardless of whether the volume of such trading is excessive.

In addition, the bill would grant this authority over trading for the account of any person controlling, controlled by or under common control with a member. The term "control" would be defined by rule and would be designed to cover relationships based on voting control or an equity interest but not those based merely on the existence of investment discretion. The Commission's rule-making authority over on-floor and off-floor trading also would apply to accounts of partners, officers, directors or employees of a member organization.

The trading of certain classes of dealers, i.e., third market makers and block positioners, the extent of whose present activities was not yet dreamed of in 1934, would be added to the permissible exemptions. The Commission also would be given authority to specify additional kinds of transactions not deemed to require regulation.

The rules which the Commission would propose to adopt pursuant to the amended language would require that members' orders yield priority and precedence to public orders at the same price and would be designed to ensure that members' trading contributes to the orderliness and liquidity of the marketplace. So drawn, these rules would provide for public protection and would go a long way to increase public confidence in the fairness of the markets.

In summary, it is clear that the Commission must have power to regulate all trading by members so that all users of the marketplace will be able to trade on an equitable and fair basis. In 1934 it was recognized in this very Act that exchange markets are affected with a national public interest. They have come to be recognized as public institutions and not private clubs. This bill will help promote and preserve the public nature of the exchange markets and insure investor confidence in the maintenance of fair and honest markets which was the original objective of the Securities Exchange Act.

Please feel free to call upon me for any assistance I may give to the Congress in its consideration of this legislation.

Sincerely,

WILLIAM J. CASEY,
Chairman.

By Mr. BEALL (for himself and Mr. MATHIAS):

S. 3745. A bill to amend the Child Nutrition Act of 1966 to limit the scope of regulations respecting the sale of certain beverages in competition with beverages served under such act and the National School Lunch Act. Referred to the Committee on Agriculture and Forestry.

SCHOOL LUNCH PROGRAM

Mr. BEALL. Mr. President, today I join with my distinguished Maryland colleague, Senator MATHIAS, in introducing legislation that will make more realistic the requirements for one of our most successful and important federally funded projects, the school lunch program.

Public Law 91–248, enacted in 1970, amended the National School Lunch Act and the Child Nutrition Act of 1966. The law states, in part, that the Secretary of Agriculture shall prescribe regulations "including regulations relating to the service of food in participating school and service institutions in competition with the programs authorized under this act and the National School Lunch Act." One such item regulated, with excessive zeal, I believe, has been carbonated beverages. The Secretary has determined that no such beverages will be allowed in or around the lunchroom during the lunch period.

This ruling has had important effects on both students and administrators alike. Students, in response to this edict, have left the school cafeteria and its nutritious meals in large numbers, for the more appealing choices offered by establishments off the school grounds. Others have elected to bring their lunch from home. School administrators, faced with a diminishing participation in the program, are finding it increasingly difficult to defray the costs of the basic "A" lunch without raising prices, which then forces participation down even more and makes more difficult the participation of students in certain economic brackets.

Another important aspect of this debate stems from the economic problems confronting many of our school systems. One of the larger counties in my State lost $293,000 in its lunch program during school year 1969–70. With the a la carte menu, including nonalcoholic carbonated beverages, this same county ran a $129,000 surplus during the school year 1970–71. The estimated surplus for the school year 1971–72 is $250,000. The same administrators have advised me that less food is wasted because the students know they do not have to purchase items they have no intentions of eating. This has also had a significant effect in reducing the food cost for these large school systems. I, for one, believe that it is shameful to unnecessarily waste food and I think everyone in this Chamber realizes that, in light of recent special changes, you cannot successfully dictate to 16- to 18-year-olds what they should or should not eat.

The legislation which we propose today will hopefully remove a roadblock which is contributing to the declining participation by the senior high school students in the school lunch program. We have encouraged independent thinking on our young people, granted them the right to vote, and we expect them to assume adult responsibilities at an earlier age. It is time for us to now recognize that we can no longer dictate dietary requirements to senior high students as though we are dealing with elementary children. As long as students stay out of the school lunch rooms, or bring their own lunches, it is impossible for them to derive any benefits at all from the Child Nutrition Act or the national school lunch program. It is important to stress that this bill does not require the sale of carbonated beverages. It would permit the local school authorities greater latitude in planning their lunch offerings. It is also important to note, that proceeds from the sale of such beverages would have to be deposited in the account of the food service programs covered by the two acts. Thus, its accomplishments would be twofold; first, it would bring the student back into the system by allowing him a choice that he is entitled to, and second, bring increased revenues back to the schools, enabling them to continue and expand this worthwhile program. Clearly, there are no losers in this approach, and I urge its swift and favorable consideration by the Congress.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Child Nutrition Act of 1966 is amended by adding immediately after the first sentence of such section a new sentence as follows: "However such regulations shall not prohibit the sale of non-alcoholic carbonated beverages in senior high school level food service facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such beverages are deposited into the account of the food service programs under this Act and the National School Lunch Act."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. Kennedy, the Senator from Wyoming (Mr. McGee) was added as a cosponsor of S. 32, the Conversion Research, Education, and Assistance Act.

S. 191

At the request of Mr. Boggs, the Senator from Delaware (Mr. Roth) was added as a cosponsor of S. 191, a bill to amend the Social Security Act to establish a national catastropic illness insurance program.

S. 3416

At the request of Mr. Thurmond, the Senator from Pennsylvania (Mr. Schweiker) and the Senator from New Jersey (Mr. Williams) were added as cosponsors of S. 3416, to preclude POW's and MIA's from losing accumulated leave upon return.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1272

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1285

(Ordered to be printed and to lie on the table.)

Mr. WILLIAMS (for himself and Mr. Hughes) submitted an amendment intended to be proposed by them jointly to the bill (S. 3390), supra.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENT

AMENDMENT NO. 1273

(Ordered to be printed and to lie on the table.)

Mr. CASE submitted an amendment intended to be proposed by him to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

OCEAN MAMMALS PROTECTION ACT—AMENDMENTS

AMENDMENTS NOS. 1274 THROUGH 1278

(Ordered to be printed and to lie on the table.)

Mr. HARRIS (for himself, Mr. Williams, Mr. Case, Mr. Cranston, Mr. Percy, Mr. Stafford, Mr. Stevenson, and Mr. Taft) submitted five amendments intended to be proposed by them jointly to the bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

Mr. HARRIS. Mr. President, for myself and other Senators, I send to the desk certain amendments intended to be proposed to S. 2871, the ocean mammals protection bill. I ask unanimous consent that they be printed and lie on the table, and that they be printed in the Record at this point.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment No. 1274

On page 29, beginning with line 20, strike out all through line 23 and insert in lieu thereof the following:

"(3) (A) (i) On the date of expiration of the five calendar year period following the effective date of this Act, and at the end of each subsequent 24 calendar month period following such date of expiration, the Secretary is authorized and directed, on the basis of the best scientific evidence available and public recommendations from the Marine Mammal Commission, and having due regard to the dis-".

On page 30, line 1, immediately after "determine" insert a comma and the following: "subject to the provisions of subparagraph (ii) of this paragraph,".

On page 30, between lines 21 and 22, insert the following:

"(ii) Each determination by the Secretary pursuant to subparagraph (i) of this paragraph to waive the requirements of this section shall be published in the Federal Register and transmitted to the Congress. Such determination shall become effective upon the expiration of a period of ninety calendar days of continuous session of the Congress following the date of such publication and transmittal, unless during such period there is passed by either the Senate or the House of Representatives a resolution stating in substance that the Senate or the House of Representatives, as the case may be, does not approve such waiver, in which case such waiver shall be considered void and of no effect. For the purposes of this subparagraph, in the computation of the ninety-day period, there shall be excluded the days on which either the Senate or House of Representatives is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die.".

Amendment No. 1275

On page 26, lines 14–23, strike subscetion (10); insert in lieu thereof:

(10) The term "Secretary" means the Secretary of Interior as to all responsibility, authority and duties under this act.

Amendment No. 1276

On page 29, line 19, immediately after the period, add the following: "In any event the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations shall be reduced to insignificant levels approaching a zero mortality and serious injury rate. The Secretary shall request the Committee of Scientific Advisories on Marine Mammals to prepared for public dissemination detailed estimates of the numbers of mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required subsequent to such twenty-four calendar month period. The Secretary shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of U.S. standards. The Secretary shall insist on reasonable proof from the government of any nation desiring to export fish or fish products to the United States of the effects on ocean mammals of the commercial fishing technology in use for products exported by such nation to the United States.".

Amendment No. 1277

On page 45, line 13, strike section 106 and insert the following substitute section:

"VESSEL AND CARGO FORFEITURE

"Sec. 106(a). Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal or the entire cargo of such vessel or conveyance, or both such vessels and its cargo, shall be subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel or cargo or both for violation of the customs laws, the disposition of such vessel or cargo or both, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to any vessel or other conveyance or cargo or both seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title. For the purposes of this section, the term 'vessel' includes its tackle, apparel, furniture, appurtenances, cargo, and stores.

"(b) The Secretary is authorized and directed to pay an amount equal to one-half of the fine incurred but not to exceed $2,500 for information and services concerning a violation of this Act. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.".

Amendment No. 1278

On page 51, line 23, immediately after "sustainable population.", insert the following sentence: "During the moratorium the United States shall stop the entire United States portion of the taking of the seals under the Interim Convention on the Conservation of North Pacific Fur Seals.".

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1279 THROUGH 1284

(Ordered to be printed and to lie on the table.)

Mr. COOK submitted six amendments intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. DOMINICK submitted two amendments intended to be proposed by him to the bill (S. 3010), supra.

NOTICE OF HEARING ON JUDICIAL NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 28, 1972, at 10 a.m., in room 2228, New Senate Office Building, on the following nomination:

Levin H. Campbell, of Massachusetts, to be U.S. circuit judge for the first circuit, vice Bailey Aldrich, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan); the Senator from Nebraska (Mr. Hruska); and myself as chairman.

NOTICE OF HEARING ON JUDICIAL NOMINATION

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 28, 1972, at 10 a.m., in room 2228, New Senate Office Building, on the following nomination:

Eldon B. Mahon, of Texas, to be U.S. district judge for the northern district of Texas, vice Joe Ewing Estes, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. Eastland), chairman; the Senator from Arkansas (Mr. McClellan); and the Senator from Nebraska (Mr. Hruska).

ADDITIONAL STATEMENTS

ALL HAVE A CAREER IN CITIZENSHIP

Mr. ROBERT C. BYRD. Mr. President, on May 29, 1972, Senator John C. Stennis, one of the truly distinguished Members of this body, the chairman of the Committee on Armed Services, was honored at Belhaven College, Jackson, Miss., with the honorary degree of doctor of laws.

Senator Stennis delivered the commencement address at Belhaven College to a graduating class of 114. In his inspiring message to these young people of Mississippi, Senator Stennis exhorted them to remember the value of old verities and truths of the heart. He cautioned them to be wary of the doomsayers, who have already consigned their generation to be prisoners of ill circumstance and soulless technology.

A single determined, dedicated person can still change the course of history, Senator Stennis reminded these young Americans, who are now starting out on life's journey. He did not deny the evils and problems of our times, but he averred that the basic human qualities we need to fight these problems are still within us, even as they have been since the War Between the States, or since the Greeks fought the Trojans.

This eminent Mississippian stressed to his young audience, that spiritual values will always be more lasting than material things, and that, despite the wonders of science and technology, thoughts still rule the world. He asked them never to forget that, in our Republic, power is always in the people, and that, as citizens about to take their places in our great democracy, theirs is a solemn duty to understand and to support our system of government.

There is but one way to face the future, Senator Stennis said, and that way is—unafraid.

I ask unanimous consent that Senator Stennis' speech be printed in the Record, for the edification and pleasure of his colleagues in this Chamber and for all who read the Record everywhere—old and young—throughout the land.

There being no objection, the speech was ordered to be printed in the Record, as follows:

ALL HAVE A CAREER IN CITIZENSHIP

(By Senator John C. Stennis)

President Cleland, Judge Carr, Members of the Board of Trustees, distinguished faculty and staff, honored members of the graduating class, and other good friends of Belhaven College:

First, let me thank your President and Board Members, and this impressive graduating class, for so kindly inviting me to be here to share with you this happy occasion.

In addition to sharing your honors with you, I am fortunate to be able to speak to you at this *vital point* in your lives.

This opportunity to speak to such a group as you, particularly to you graduates, who begin today *a whole new life,* is a real treat to me and I am going to tell you some things very close to my heart.

You are ending today a unique period in your lives which most of you will never experience again. Your entire lives have now for four years been dedicated to one thing: learning. After today you will take on many different new projects and burdens. To some of you they may seem preferable to being a full-time student, but whatever your feelings about them, things will never again be the same for you.

As I walked across your beautiful and serene campus on my way to join you today, I thought what a pleasant place it would be to spend one's time and what a pleasant memory to look back on your college days here from what I hope will be for you long and active and satisfying lives.

It was on just such a tree-shaded campus of a small liberal arts college in Glassboro, New Jersey that President Johnson had a summit meeting with Premier Kosygin of the Soviet Union. All last week President Nixon has been engaged in a similar meeting in the Soviet Union with Mr. Brezhnev, a meeting which I believe will affect the lives of all of us in the years to come.

On another tranquil small-college campus like this one, Westminster College at Fulton, Missouri, Prime Minister Winston Churchill delivered his famous "Iron Curtain" speech, which influenced our foreign relations for decades.

Momentous happenings have taken place in just such surroundings. I hope you never feel excessively modest about coming from a small, quiet college far from the boisterous turmoil of Harvard or Berkeley; remember that William Shakespeare grew up in a small town and attended a small school, and you could hardly say it ever held him back from competing with the best and most powerful people of his day.

Just across the street from us today lives a quiet, modest lady who personifies the dignity and culture of our State and region, Miss Eudora Welty, who is one of the finest living American writers and who is now receiving the national acclaim she so richly deserves. So you see in spite of the apparent quietude of the scene, we are here and now a part of a much larger picture.

As you leave these academic halls, this quiet campus, you would do well to reflect for a moment why you were here. Simply stated, you were here to get an education. But education is a deceptively small and simple word for the vast number of powerful ideas and possibilities which it contains. In its narrowest sense your education should have taught you to earn a living. In a broader sense it should have equipped you to play your vital role as a member of our democracy whose very existence depends on wholehearted and enthusiastic participation *by well informed people*. That means you.

Education has been defined as the "systematic instruction, schooling or training given to the young in preparation for the work of life; the formation of character."

Thus, today one phase of your education ends. You have been trained to earn a living and to participate as full voting members in our people's government. From now on the rest of your education might be called "on the job training" in the school of life.

Now it's been said by some, and you might have heard it said, that your generation is a lost generation, hemmed in by circumstances beyond control; hemmed in by technology and all the things that go to lessen the power of one person to achieve greatness or to change things for the better. I deny that! It isn't true! I also deny the argument that we should give up and throw in the towel because the world is overcrowded, or there is too much crime or that hydrogen bombs threaten to obliterate our civilization. As a great Mississippi writer said on the occasion of accepting the Nobel Prize for literature: "I decline to accept the end of man." A single determined, dedicated individual can still change the course of history. The *external* problems of life may have changed, but human courage and ingenuity still reign. Like William Faulkner, I would exhort you to remember the:

"Old verities and truths of the heart, the old universal truths lacking which (human life) is ephemeral and doomed—love and honor and pity and pride and compassion and sacrifice. . . . I believe that man will not merely endure; he will prevail! He is immortal, not because he alone among creatures has an inexhaustible voice, but because he has a soul, a spirit capable of compassion and sacrifice and endurance."

Now I say—and I'm from the place where the battles are on and where the stakes run high—I say that you already have a running start on success and achievements, and you graduates are already among the top groups, with the education and training that you have already attained. Many of you will attain more, and all of you will attain much in the school of experience.

So in spite of the evils and problems of our times, it is a great time to be alive, and in addition, you possess the greatest of all human treasures—youth.

Now there are two opposite and conflicting views of the role of youth in our country which I have often heard put forward by some students in Washington and in the media. The first is that there is such a "generation gap" that people *under* 30 can never make themselves understood to people *over* 30. This is not true. We are all living the same life. The fact that some of us are farther along the path of life and have gained a little more experiences does *not* mean that we no longer remember what it felt like to be young, when every idea and emotion seemed fresh and new and unique. Nor does it mean that youth has no contribution to make. Consider the ages of the founders of our country. Jefferson, Madison and Hamilton were only a little older than many of you here today. At the same time they worked side by side with stalwart friends and allies who were already full of years. Benjamin Franklin and George Washington and John Adams were gray-haired men of considerable experience, but they shared fully the fervor and enthusiasm of young Jefferson and young Madison. The generation gap is a myth created by a part of what is now called "the media." Although our era and our challenges are perhaps "new" in the sense that they are more scientific and technological than ever before, the old human qualities with which we face them have not changed since the War Between the States, nor since the Greeks fought the Trojans.

With those ideas in mind, let's look at the positive side of what's facing you and what you are facing, and see what we find. You are citizens of the leading nation, in many ways, in the entire world. In technology and material resources we are well beyond every other nation. You have inherited (we all did) a system of government that, beyond all doubt, is the finest *system* of government in the world. In our country we, the people, make our own laws; we enforce our own laws, and through the orderly process of discussion and majority vote, we change our laws when the need arises. Furthermore, each and every one of you, and every other person, actually does have individual freedom and personal liberty; each has freedom of religion and freedom to speak his mind without fear.

Our system also has always recognized spiritual values, and in a broad sense has put those spiritual values first.

One of the teachers from whom I first received inspiration and confidence toward the future was Emerson. He said, many years ago:

"Great men are they who see that spiritual is stronger than any material force, that thoughts rule the world."

In my own life that principle has often sustained me; that whatever the physical or material obstacles, the power of an idea implanted in a courageous and energetic mind could always overcome. That is true in whatever profession you choose to follow, whether it be a journalist, whose duty and desire it should be to see that the people are informed truly of what is happening; or a doctor who seeks to relieve human suffering and disease; or a lawyer whose job it is to fight for the rightness of his client's position in order that disputes between persons will end with justice being done; or whether you are going to be a teacher, passing on the knowledge and wisdom gained by us and our ancestors to a new generation so that they may carry on with what is good and fight against what is evil; or whether you wish to go into direct service to the Government; or into business or other enterprise.

Whichever of these or other careers you choose, *you* will *all* have a career in citizenship. That's unavoidable. It may be a good one of generosity and sacrifice. It may be that some of you will feel it unimportant and will pay no attention to the state of our country and will not even bother to vote or have a say in who governs our lives. If so, do not forget that *you too* will *still* be having a career in citizenship—a sorry one, it's true. It deserts your friends and family and would terribly disappoint the brave and imaginative young people who founded our country, as well as your own colleagues.

Remember, if each individual doubted the value of his single vote, no one would ever cast a ballot, and in a country of over 200 million people our democratic system would die because no one believed enough in its principles to go and express his opinion at the polls. For almost 200 years now we have sustained our system of government; enough members of each generation have met the obligations of their time. However, if one generation should fail, our entire system would be lost. You, and each of you now, and all of those at your age level have already come into your own as full-fledged citizens, carrying a part of the role of leadership and responsibility. You have received additional training that has given you a special responsibility, a special call of duty, a special capacity for guidance and direction. In one way or another, all generations prior to yours have come through and kept this system intact and operating in a fairly responsive way. Each one of you now 18 years of age and beyond, assuming you've registered, or will register soon, you're voters, and the power and responsibility, as well as the challenge, have been placed directly in your hands. And I'm speaking to all youth in Mississippi today, and each of you who graduates today is already one of those who actually rule the nation and determine the fate of our country as well as a large part of the fate of the world.

In this Presidential election year, it is estimated that 25 million people will be eligible for the first time to actually take part in elections of the President of the United States, and all the other officers that are up in State and national and local elections. And I dare say that virtually every one of you is a voter now, having attained 18 years of age. Think of the responsibility, somewhere, for helping direct and train and teach the ideas of citizenship to 25 million people. Start with yourself and try to learn some additional points of responsibility before you cast those votes this year; and one of those duties, considering your attainments, is not only to train yourself, but train others. Try to influence 5 people, 10 people, 15 people. I don't mean buttonhole them and beg them to vote for some person. I mean, honestly try to make them understand, better than they do now, what it means to be a citizen; what it means to be a voter; what it means to carry the responsibilities, the load.

Nowadays we often hear the slogan: "Power to the People." Those who use those words may have good intentions, but their judgment is faulty. Power is *already* in the people. What we need is people who will have the strength and courage and wisdom to use the power for the benefit of all—we do not need revolution here, although we do need some reforms in government, as for example some of the waste and mismanagement I have been trying to combat in various departments. What we need is a better-informed, better-motivated citizenry which will shoulder the burdens and responsibilities of our system.

Under this system, established by our ancestors, we all have careers in government. Some will be very active and participate directly as office holders, as I have done. Others will join political campaigns to help elect public officials they believe in—some will try to convince close friends and associates how to vote or whom to vote for. Many will simply study the candidates and issues carefully and vote their consciences.

Those who pay no attention at all, or say that politics is no good or politicians are no good, or our government is corrupt, and don't bother to vote at all—I emphasize, they too have a career in government. It is a negative and destructive one, but it still has a strong effect—if enough people refuse or fail to participate, our democracy will fail and our children may not have any say over who rules their lives and what kind of country they will live in.

Even though our government system is the finest in all history, it is not self-executing. This is a primary point of my message to you this morning. Our system of government is not self-executive and it is not self-perpetuating. It can be nurtured and sustained and made to work only on the basis of true patriotism and self-sacrifice of people who dedicate their lives to seeing that our great principles of democracy are maintained. I didn't say all the people—but I said our system can be made to work only on the basic principles of patriotism, dedication and sacrifice of enough of the right kind of people. And this depends upon the attitude and effort of each generation in its own time.

So set your standards high—the list of admirable persons nurtured by the schools of our State and region is long and illustrious. Aspire to accomplish the very best that is in you. Keep your mind and your efforts on the things you would like to be; and "as the days go gliding by," you will find yourself gradually reaching your planned goals.

I am not saying that you will never know temporary failure, or never suffer defeat even if you are strong and loyal. You will know them, every one of you, to some degree. But if you keep the faith and are loyal and steadfast to your duties and do what you know is right, you may know temporary defeat, but you will never know shame. You will never be a failure until you start blaming someone else for your mistakes.

So, face the future with an informed mind and a stout heart; you have much to give and you will receive much in return if you truly *apply* yourselves to the problems which face our Nation and the rest of the world.

May I say a word to you graduating seniors about the future of our State and our own region. I see it as extremely promising. Economic progress is noteworthy in our State and region, not only because so much of it is the result of internal motivation rather than outside capital, but because it has been accomplished with a unique blending of the traditional values of hospitality, courtesy and strong family ties with modern efficiency and economic growth. Our State and region still have a great abundance of the things that money cannot buy: friendship, fellowship, manners, decency, pride, neighborliness. Our State and region have not yet lost their natural beauty and freshness. Our rivers are still clear and our wildlife abundant. Our climate is mild, permitting maximum opportunities for pleasant living and productive work.

Formerly, too many of our best graduates left our State to seek the more abundant and better-paid jobs in the cities of the North and West. But now with the overcrowding and pollution and decay of those cities, the trend has changed and more and more of our best young people are choosing the good life of the South, as William Faulkner described it:

"This land, this South, for which God has done so much, with woods for game and streams for fish and deep rich soil for seed and lush springs to sprout it and long summers to mature it and serene falls to harvest it, and short, mild winters for men and animals."

It is a good life here in the South, and with that thought in mind, I urge you graduating seniors, as you embark on your careers, and choose where you you will live, I urge you to consider the benefits of staying here, where your roots are, and adding your talents to the already abundant natural resources of our State. I do not know of a better place you could choose to spend your lives.

And now a special personal word. In the Senate, my duties often have to do with military power and the security of our nation. But I never lose sight of the fact that the real power in our society comes from the human values—as for instance, the strength of an individual gained through the pride and satisfaction of a job well done, his or her pride in personal achievements. Someone may say: "Those are old virtues—gone out of style in this age of technology." If that be true, then one of the essential mudsills of our society as well as our system of government is gone.

I think, too, of the great power of ideas flowing up from the masses, and also flowing from those that have had training and education; I think too of the power of ideals. I know some people are skeptical; others are uncertain. All is not well, but all is not lost. Countless millions of people still have faith in the fundamentals of our society and our system of government. There is still a great personal power and satisfaction in spiritual values and in Divine Guidance.

I look to you and to your future with great confidence. I think you can help restore hope to some who may be in a spirit of despair. I believe that you'll try, and that you will succeed. So instead of turning away from the problems of our times, let us face them, and with firmness look straight ahead.

With purpose, dedication and determination, I believe that you and those like you and the many others that you will lead look forward rather than backward, and meet the challenges; that you will look to that Higher

Power, and with His added light and strength you will find your way. May God bless and sustain you, each of you, as we face the future unafraid.

FOREIGN TRADE AND INVESTMENT ACT

Mr. **HARTKE**. Mr. President, my Foreign Trade and Investment Act of 1972 (S. 2592) is based on the overwhelming need to save American jobs and keep our diversified industrial base on an even keel. A core consideration of my bill is the very aspect of economic life ignored by most economists—distribution. Whether the focus is on the developing world or the problems of highly industrialized nations, our economists—academic and financial—simply ignore the problem of who gets what.

Two recent articles in the Journal of Commerce presents a perfect case of the "let us ignore distribution" thinking. Mr. Bertram Zumeta, senior vice president of First Pennsylvania Bank in Philadelphia, predicts that as a "mature creditor" nation, the United States will become a net importer of goods that will be paid for with profits repatriated from America's foreign investments. In other words, while the stockholder revels in goods bought with rising dividends, the hundreds of thousands of workers unable to find jobs are simply a casualty of free trade.

Mr. President, because Mr. Zumeta's thinking reveals so much about our current failures in the foreign trade and investment field, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES EXPECTED TO BECOME NET IMPORTER OF GOODS

(By Ira Nambiel)

LOS ANGELES, April 9.—While the Nixon Administration feverishly endeavors to erase its balance of payments deficit with its DISC program and trade overtures to the Soviet Union and China, at least one economist concedes that the battle may be a losing one and states: "The U.S. is entering a transitional period leading to a time when we will be a net importer of goods and services."

The economist is Bertram Zumeta, senior vice-president of First Pennsylvania Bank in Philadelphia and his remarks came before the Foreign Trade Assn. of Southern California.

Mr. Zumeta contends that when the United States achieves what he calls "mature creditor status" American consumers will benefit through enhanced real incomes, "for in a world open to trade between nations, lowest cost producers—both domestic and foreign—supply the market."

The permanent import surplus, he said, will be financed by earnings on U.S. investments abroad.

MORE PRODUCTIVE STRATEGY

Mr. Zumeta cited the Hartke-Burke bill—a specific attempt to inhibit the U.S. transition to mature creditor status. He suggested that freeing international trade and promoting world and U.S. economic growth would be a more productive strategy.

"Transitional dislocations should be cushioned through individual and industry subsidies which phase down in programmed steps. Meanwhile, domestic productivity must be promoted in order to combat inflation and slow the loss of the comparative trade advantage held by traditional U.S. industries," he added.

The economist asserted that multinational companies headquartered in the United States generate employment by supplying markets which would be largely shut off from U.S. producers if their investments were restricted to domestic outlets. In this way, the U.S., an exporter of capital, offsets the dislocation in employment caused by the declining comparative advantage of its more traditional industries in the international trade market.

Mr. Zumeta warned that by forcing U.S. consumers to buy domestic products, only high-cost producers in the states would be protected and it would slow the redirection of this country's productive resources into service industries.

INFLATIONARY PRESSURES

"We are moving toward a "postindustrial" economy afforded by the increasingly high level of U.S. per capita income," he said. "Inflationary pressures would be increased from the supply side of the economic equation, and demand and growth might be adversely affected as well."

"Worse, is that foreign retaliation to U.S. restriction on international trade and investment could seriously shrink international trade, thereby increasing costs everywhere and creating serious obstacles for U.S. corporations operating.

"Bills such as Hartke-Burke must be replaced by laws which compensate for domestic dislocations and help redirect displaced productive resources", he concluded.

ECONOMIST SAYS EXPORTS TO EXCEED IMPORTS BY $7 BILLION IN 1973–74

(By Robert M. Lewin)

CHICAGO, April 9.—United States exports will exceed imports by $7 billion in 1973–74, Sidney E. Rolfe, economist and investment corporation executive, said today.

Mr. Rolfe, New York, added in an interview that the "substantial surplus" in foreign trade in the next two years would be an expansion of the surplus developing by the end of this year.

In 1971, for the first time in 88 years, a U.S. deficit occurred in international trade—nearly $3 billion on a balance of payments basis; about $2 billion on a national income accounting basis.

ONLY TEMPORARY DEFICIT

"That deficit was only temporary," asserted Mr. Rolfe, an economics professor at Massachusetts Institute of Technology and a partner in Charles Development Corp.

Asked whether a trade increase with any specific nation would create the turn-around from deficit to surplus, he replied: "It'll be trade with all countries."

Mr. Rolfe also was a speaker at the 20th Annual Management Conference of the University of Chicago's Graduate School of Business and Executive Program at McCormick Place.

Dr. Ezra Solomon, one of three members of the President's Council of Economic Advisers, told the conference that wage and price controls should expire April 30, 1973, when the federal economic stabilization law dies.

Dr. Solomon, on leave as a professor of finance at Stanford University and a former professor at the University of Chicago's Graduate School of Business, said that "the economy is on the upswing and employment is expanding at a record rate."

Arthur B Laffer, chief economist, U.S. Office of Management and Budget, who is on leave as an associate professor of business economics in the Graduate School of Business, emphasized:

"I see no tax increase after the election in November."

RECOMMENDATIONS

In the interview, Mr. Rolfe, author of "The International Corporation," said, "unless we repair the international monetary system, we are going to lose whatever integration we have in the world."

He recommended as long-term steps:

That the U.S. give exchange guarantees on deficits that would make it easier for other countries to accept additional dollars without fear of further devaluation.

That the U.S. establish a high-level standing committee that would look for ultimate solutions to the problem.

Mr. Rolfe proposed establishing "an acceptable credit instrument that would replace the dollar and gold" as an international reserve; he suggested, for example, special drawing right or a composite reserve unit.

President Nixon recently signed a bill increasing the price of gold from $35 to $38 an ounce and thus devaluating the dollar by 8.57 per cent.

Mr. Rolfe also recommended that the "acceptable credit instrument" that was agreed on would become "the common denominator rather than gold" for currencies.

"Revaluations and devaluations could take place without reference to gold," he explained. "We must have a method for smaller and more frequent changes in (monetary) parities, more flexibility in parities."

UNIONS CRITICIZED

Mr. Rolfe charged that unions are wrong in protesting that American investment in their own plants and subsidiaries in foreign countries means an export of jobs.

"Labor is wrong," he concluded, "and it should know that it will lose jobs if multinational corporation investments are stopped. Twenty-five per cent of all foreign trade goes through multinational corporation."

Insisting that "inflation psychology" in the nation has been broken, Dr. Solomon said, "we are not trying to reduce the inflation rate to zero."

INFLATION PSYCHOLOGY

"I'm glad that housewives and blue collar workers are upset over food and meat and other prices," he added, noting that they had accepted the increases from 1965–70 under the prevailing "inflation psychology."

Asked why raw agricultural products, farm products, were not placed under controls because of the uproar over increasing food prices, Dr. Solomon said that "the price of controls over them is rationing—and you would need a network of administrators and enforcement officers."

"We expect that farm product prices have passed their peak and will begin to decline," he went on. "The price of cattle on the hoof, according to the Agriculture Department, has reached its peak and is going down.

"The question is whether retail food stores reflect it on the way down. The government has carried on jawboning. We want the retail store operators to make sure they are aware of it."

Dr. Solomon stressed that an increase in productivity (output per man per hour) "is the only source of real wage gains."

Real wages are the amount of goods workers can buy with their money.

Dr. Solomon said that, in his opinion, real wages have increased 6 per cent since September 1970, and will increase in the next year.

UNEMPLOYMENT CONTINUES HIGH

He also said that although there has been a 6-month record employment increase of 1.6 million workers since last September, the number of people entering the labor force is increasing rapidly so that unemployment continues at the high rate of about 6 per cent.

The U.S. Bureau of Labor Statistics said that the March unemployment rate was 5.9 per cent, with 5,072,000 out of work—on a seasonally adjusted basis, that is, eliminating distortions caused by seasonal factors.

That contrasts with the February rate of 5.7 per cent, with 4,912,000 workers out of jobs.

Dr. Solomon said that 1.5 million of the unemployed in February were aged 16 to 19—and half of them are full-time students.

Richard S. Peterson, vice president and economist, Continental National Bank and Trust Co., Chicago, said that short-term interest rates had reached bottom four or five weeks ago and will rise "at a modest pace throughout the year."

Mr. Peterson also said that "a majority opinion" is that the long-term interest rate probably would move up as the year goes along and will reach 8 per cent by the end of the year.

THE OCCUPATIONAL SAFETY AND HEALTH ACT NEEDS CHANGES

Mr. CURTIS. Mr. President, on June 20, 1972, I appeared before the Small Business Committee of the House of Representatives in reference to the Occupational Safety and Health Act. Both the law and the administration of this act are grossly unfair and oppressive. I ask unanimous consent that a statement I made before the House committee on that date be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Carl T. Curtis

Mr. Chairman, I am deeply grateful to this Committee of the House of Representatives for giving me an opportunity to appear and discuss the Occupational Safety and Health Act of 1970 and its administration.

First, I want to congratulate the House on its action in the first version of this Act which you passed and on the action you took last week to let both the Congress and the Labor Department know how you feel about the way the present Act is being administered. You passed a more reasonable and practical version of the Act in the first instance than did the Senate, and it is unfortunate for the nation's small and independent businesses and for all businesses that your bill did not prevail in conference. The House amendment to the Labor-HEW Appropriations Bill last week which provided that none of the Fiscal 1973 funds for administering OSHA may be used to pay salaries or expenses for inspecting the facilities and activities of firms having 25 or fewer employees is a message that needed to be sent to those who have allowed the arrogance of power to run roughshod over thousands of struggling small enterprises and their employees in the name of safety.

The issue presented by the brief history of this Act and the way it has been administered is clearly one of arrogant power versus education and persuasion. It is the issue of tyranny versus reason. I can best phrase it in the form of a question which I would ask those who are bringing down the heel on anyone whose "attitude" is not proper because he cannot understand the wrong of allowing the ice to come into contact with the water when an employer serves ice water to his employees, or the necessity for replacing all built-in metal ladder rungs on a silo with rungs that are eight inches away from the wall if the present rungs are but six inches from the wall. I will phrase the question this way: "Is the Federal government mandated to make every job so super-safe that it's willing to destroy a lot of jobs in the process?"

To anyone who answers affirmatively, I would suggest that he begin by calling on the Secretary of Labor this afternoon to prosecute the Federal government forthwith for sponsoring an event at Dulles Airport several weeks ago in which three persons were killed in separate accidents while performing in front of crowds of spectators. He might next take on the Indianapolis Speedway and all other automobile racing competition. He could very easily write a set of rules and regulations that would put every air show and every circus and every rodeo out of business in the United States. Those are high-risk occupations in which the threat of death or injury to participants, and in some instances also to crowds of spectators, might be deemed imminent.

Please be assured that I did not come here to challenge those occupations or events. I merely cite them as examples to show how ridiculous it is to wage hostile Federal police action against employers who engage in comparatively safe enterprises with seldom a lost-time accident in their stores or plants, some of whom has as few as one empolyee, which employee may be only part-time.

The law itself constitutes an unfair and an unwise delegation of power. It is vague and indefinite. It incorporates by mere reference thousands of requirements which have never even been discussed by the Congress, and the Secretary of Labor has adopted regulations containing references giving the force of law to still more thousands of standards and specifications which were never intended to be the law of the land.

On this table before me is a partial collection of the codes, standards, specifications and other requirements which have been blanketed into law by reference in the Occupational Safety and Health Act or the regulations implementing it. Did you know you were voting on this pile of printed material when you voted for job safety for Americans two years ago? Can you imagine a businessman with a few employees in a small town searching through his local library or talking to his lawyer to find out just what requirements apply to his line of work? Can you imagine his frustration when he discovers that he is subject not only to the regulations specifically pertaining to his line of work, but also to the broad general-duty clause which brings thousands of hidden requirements into play?

I use the term "hidden" advisedly. One week ago yesterday—on Monday, June 12—I asked the Library of Congress to provide me with a copy of every backup standard and code which OSHA blanketed into law. On Wednesday the Library advised my office that it was a monumental undertaking which would require the cooperation of the Labor Department. The Library had asked the Department to mail it a list of all the documents. On Friday, the list still had not arrived. A member of my staff called the Labor Department and was told that the Department has a complete set of the documents, but cannot lend them to anyone, not even for an hour or so and not even to a Member of Congress. The Department was kind enough to send a list of the documents to my office by messenger on Friday afternoon. A member of my staff went to the Library of Congress on Saturday and Sunday, and looked up the call numbers which enabled Library personnel yesterday and today to gather this collection of material. I would estimate this stack of books and pamphlets four feet high represents about two-thirds of the written requirements of the Occupational Safety and Health Act.

Is it any wonder that Congress has received thousands of complaints? Is it any wonder that businessmen, particularly those with small businesses, are scared? Is it any wonder that a man who hires one or two students to work part-time for him in the summer is not hiring them this year? Is it any wonder that a Nebraska doctor called me aside the other day and told me he had treated two farm women for injuries they received doing work that normally would have been done by men their husbands would not risk hiring because of the Occupational Safety and Health Act?

I would like to present to the Committee a copy of a letter that I sent to the Secretary of Labor on the 6th day of April, 1972. The letter reads as follows:

"Dear Secretary Hodgson: I have a request from a gentleman in a small city in Western Nebraska. He is the proprietor of a gasoline filling station and he has four employees. He wants the information as to what he is required to do to be in compliance with the Occupational Safety and Health Act.

"Will you please send to me so that I can forward it to him a statement giving him the full information that he needs?

"Thanking you very much, I am

"Sincerely yours,

"Carl T. Curtis,
"U.S. Senator."

My letter, as you can see, was a request for information as to what a filling station operator with four employees would have to do to comply. The reply is not at all informative.

The interesting part is that it took the Department almost six weeks to reply, and then he sent this packet of materials which I hold in my hand, consisting of several volumes of regulations as printed in the Federal Register. The language for the most part is technical gobbledygook. It is voluminous and complex. It is wrong and unfair to suggest to a man who works probably 12 or more hours a day servicing automobiles, trucks and tractors for a living that he drop everything and spend the next week or two or more trying to make sense out of these regulations.

What I wanted the Secretary to do, and what I asked him to do was prepare a statement giving the full information that a filling station operator needs to meet the requirements of the law—not a code of technical standards that a safety engineer would use in designing and operating a refinery.

One of the major problems under this law is that no one has really tried to sit down and write a set of requirements in plain English that everyone can understand for a particular industry such as the thousands upon thousands of service stations operating across the United States.

I wish to include the reply of the Assistant Secretary of Labor:

U.S. Department of Labor, Occupational Safety and Health Administration,
Washington, D.C., May 17, 1972.

Hon. Carl T. Curtis,
U.S. Senate,
Washington, D.C.

Dear Senator Curtis: This is in response to your letter of April 6, 1972 to the Secretary in which you ask for information pertaining to the Occupational Safety and Health Act of 1970 on behalf of a western Nebraska filling station operator.

Enclosed are the following list of materials which should assist your constituent in complying with the Occupational Safety and Health Act of 1970 (copy enclosed):

CODE OF FEDERAL REGULATIONS

29 CFR Part 1903—Inspections, Citations, and Proposed Assessment of Penalties.

29 CFR Part 1904—Recording and Reporting Occupational Injuries and Illnesses.

29 CFR Part 1910—Occupational Safety and Health Standards.

29 CFR Part 1975—Coverage of Employers under the Williams-Steiger Occupational Safety and Health Act of 1970.

DEPARTMENT OF LABOR PUBLICATIONS

A Handy Reference Guide to the Williams-Steiger Occupational Safety and Health Act of 1970.

Recordkeeping Requirements under the

Williams-Steiger Occupational Safety and Health Act of 1970.

Your constituent's interest in voluntarily complying with the Act is appreciated. If he needs more specific information, I suggest that he contact the nearest Occupational Safety and Health Administration Area Office, which is located at the following address: City National Bank Building, Room 630, Harney and 16th Streets, Omaha, Nebraska 68102, telephone 221-3276.

Very truly yours,
George C. Guenther,
Assistant Secretary of Labor.

I think the Department of Labor is just as puzzled as the service station operator who wrote to me. The Department itself doesn't understand the conflicting, vague, unintelligible and voluminous regulations. If the Secretary, who has this vast Department at his command, cannot come forth with a clear, understandable answer to my letter, how can we expect the people back home to find out?

I have tape-recorded evidence of inaccurate information disseminated by the Labor Department in enforcing the Act in the field. The Area Director for OSHA in Nebraska has told groups of employers that the person who complains of a hazardous condition, leading to an OSHA inspection, must be "an employee or his representative." The law states that an employee or his representative *may* complain, but does not limit it to that. In fact, the Area Director's statement doesn't pass the test of logic, for he would be derelict if any private citizen volunteered information as to a dangerous working condition to him and he did not check it out.

This same Area Director tells his audiences that his compliance or inspection officers note the "attitude" of each employer, and gauge the size of the fines levied on alleged violators accordingly. I have one employer in my State who by those standards must have the worst attitude found to date throughout the United States. This particular employer was fined more than $36,000 by OSHA. He didn't have any fatalities or serious accidents which brought the inspectors to his job site. He was having some labor union difficulties. He made one further mistake which was evidence of a "poor attitude." He wrote a letter to me, and I contacted the Labor Department about his case. The inspectors went back to his job site a short time later and threw the book at him, imposing the fine of more than $36,000 and announcing that fact publicly in a press release.

This raises another point which warrants the consideration of this Committee. A newsman in Nebraska complained to me recently about the indictment-type press releases which the Labor Department issues in cases of this type. The press releases tell only the prosecutor's side of the story. They are issued in the alleged violator's home town or home State, for all of his neighbors to see. In the manner in which they are worded and issued they constitute one additional step that is being assumed by the bureaucracy in the chain of arrogant power—policeman, judge, jury and news reporter.

I have made many trips back to Nebraska in the last six months. Everywhere I go there are citizens—good citizens who want to obey the law—who come up and talk to me about the Occupational Safety and Health Act. Some of them have been cited and fined. Others hear about these citations and requirements, and it makes them wonder whether or not they can stay in business.

On one occasion, some 20 or 22 individuals who had had experiences with the administration of this law gathered in a room with me.

One citizen said he was fined $85 because he did not have barricades around some floor openings. The reason the barricades were not up right then was that the phase of construction in which the workmen were engaged required the barricades to be down.

I ask you, is that just? I believe each department of government has a responsibility to be just and fair with our citizens. The Department of Labor has been punitive and unfair.

One citizen reported that a Deputy Administrator of the Act, a Regional Director and an Area Director were all present in the same meeting and they gave three different interpretations of their own regulations.

"The Area Director stipulated that all guard rails had to be made out of 2 x 4-inch lumber.

"The Regional Director stipulated that 2 x 4's or cable would suffice, but only those two pieces of material.

"The Deputy Administrator finally said that anything that passes the two-hundred-pound test criteria would be adequate, suitable guard rail material."

They thought this controversy was being cleared when one of the men said that any material or type of construction that will withstand two hundred pounds plus is all right, whereupon the Area Director opened the book and said it had to be 2 x 4's.

How can the public or any businessman or his employees know what is right and what the law requires when even the administrators and enforcers don't know?

I also received a complaint about the regulations using the term "place of work." The regulations require that certain records and files must be kept at the job site. Yet the work at one site may be completed in a matter of two or three hours, particularly for a subcontractor on a building project. Two cases were mentioned where the citizen in question actually had the papers and records required, but he was cited because they were in his office rather than out where the work was being performed.

Mr. Chairman, I ask the question, "Is the Department of Labor interested in safety and health, or are they out on a rampage of harassment?"

Another citizen reported that if he had an argument with a union business agent, a Federal safety inspector comes out within one hour to see if he can issue a citation for something. I have several specific cases in my files where OSHA safety inspections were conducted while employers were having union organizing or negotiating difficulties. One establishment was inspected four times during such a period. This is a form of harassment in which the law and the Labor Department are being used as pawns.

The situation is so bad that one businessman said he did not dare to call the Occupational Safety and Health Office for information because it was an invitation to a fine; that when he tried to get information, he would have his insurance agent or somebody else call and ask for the information.

One contractor told me that his business is primarily in sewer construction and that he and his associates are faced with very rigid regulations, while municipalities and counties are not covered by the law although 80 per cent of the deaths caused by cave-ins and other cases in this type of work are on operations conducted by governmental units or agencies.

One man reported being cited because one of his employees was operating a pneumatic hammer without eyeglasses. The employer provided the eyeglasses and instructed the employee how to use them. The employee did not use them, and the employer was cited and fined.

Another case was reported to me where an employer was cited and fined because of a defective tool when the tool was owned by the employee and was not being used, but was in his tool box.

Another citizen reported that he had a fire on the job and his men exhausted the fire extinguisher in putting it out. Within an hour an inspector came along, cited the employer and fined him $100 because he did not have the fire extinguisher loaded and in working order. This particular site was 25 miles from the home office.

Still another citizen reported that at one place in the regulations it states that certain inspections have to be made by "a competent person." At another place in the regulations, it uses the term "a competent engineer." In this particular case a competent person had made an inspection, but the Area Director ruled that it should have been a competent engineer.

The treatment that the Labor Department has given the citizens of the country in respect to this law is a humiliation to everyone who is interested in good government.

One Nebraskan was fined $500 because his fire extinguisher was not a five-pound extinguisher, but a three-pound extinguisher, and right next to his machine there was a two-inch fire hose—charged and in use—which had one hundred times the capability of the fire extinguisher.

Are these bureaucrats interested in preventing fires or are they looking for technicalities with which they can harass people?

One Nebraskan who appeared before me and told of his problems said, "As a small businessman I feel that unless something is done and done quite quickly, small business everywhere is going to be out of business."

Another Nebraskan, referring to the voluminous regulations, said "I can't read them and I don't understand them, and I need help. I can't afford to go out here and hire a safety director for anywhere from ten to twenty thousand dollars a year."

Another Nebraskan said, "You would think you would be able to call up and get some information, but this is just like asking for a fine."

An individual involved in construction work advises me as follows:

"We also wish to note that besides the fact that there are relatively massive regulations directly applicable to construction work, there are many other regulations incorporated by mere reference. For instance, there are many references to ANSI (American National Standards Institute) contained in the construction regulations. Also referred to by the construction regulations and made part of the construction regulations are certain portions of the National Electrical Code and National Electrical Safety Code in Fire Protection Codes. Also referenced are American National Standards Institute, American Hygienists, Atomic Energy Commission, Society of Automotive Engineers, National Electrical Code, American Society Testing Materials, NFPA, CFR, National Electrical Safety Code, National Bureau of Standards, Federal Aviation Agency, American Society of Mechanical Engineers, Power Crane and Shovel Associations Standard, U.S. Army Corps of Engineers, Bureau of Reclamation, American Society of Agricultural Engineers."

An individual in a position to know told me that if a taxpayer were to purchase the entire American National Standards Institute publications, it would cost between $4,000 and $6,000.

It is quite apparent that the regulations promulgated by the Labor Department are written by someone not familiar with the subject matter or industry affected. I would like to quote from another letter I received:

"In spite of the fact that the 2x4 railing specified by OSHA will not meet OSHA's other requirement that 'the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection,' OSHA makes a requirement that for steel pipe railings both the top and intermediate rail must be of at least 1½ inches nominal diameter with the posts spaced not more than 8 feet on centers. This is a gross over-requirement. Even a 1-inch nominal diameter top or intermediate rail would be better than the 2x4 top rail or the 1x6 intermediate rail, and a 1¼-inch nominal diameter pipe would be far superior to the 2x4 construction. The same is true of the structural steel railings when compared with the 2x4 railings."

Our people back home are faced with an unbearable and undeserved situation. There is a desperate need for immediate action, and I would suggest the following:

1. The Labor Department should be called to account for its bad performance in administering this law. The Department should be required to place competent, practical individuals in all places of authority and the regulations should be consistent and understandable.

2. The Congress should insist that the Labor Department cooperate in promoting programs in the interest of safety and health and stop treating as criminals individuals who are providing jobs for others.

3. The law should be completely overhauled along the lines of the amendments which I have introduced, and for which I now have 11 co-sponsors. The Senate version of these amendments is S. 3262 and I attach a copy.

4. In the interim, while the law is being completely overhauled, the Congress should forthwith pass an amendment which would provide a small-business exemption to this law and which would also provide that no fine be imposed on employers who bring their places into compliance within a certain period of time after an inspection.

The administration of the law is an outrage. The fact that over in the Senate the Dominick substitute, which was a reasonable bill and more like the House bill, was tabled by a vote of 41 to 39 does not give much comfort to the people who have to live under this law. The Congress as a whole must take responsibility for the Act and I hope some amendments will be adopted soon.

MILITARY OVERRUN ON THE COST OF WHITE FLAGS—ART BUCHWALD'S HISTORY FROM THE BUYING BID TO THE BAIL OUT

Mr. PROXMIRE. Mr. President, on June 5, when Secretary Laird appeared before the Foreign Operations Subcommittee of the Appropriations Committee, of which I am Chairman, he said that if Senator McGOVERN's military budget proposal were adopted we would have to spend a billion dollars on white flags.

When Senator McGOVERN appeared before the Joint Economic Committee on June 16, of which I am also the chairman, I commented that with the way the Pentagon wasted funds on weapons systems, it would probably cost them a billion dollars to buy six white flags.

Now Art Buchwald has elaborated, as only Buchwald can, on that theme. He has, in the language of the military, given us a "scenario" of what would indeed happen if the military bought white flags. There is the exaggerated bid, the excessive specifications, the delays in delivery, the failure of the system to perform, the 80-percent overrun and the added 10-percent for bonuses, the bailout, and the new contract for a new system to replace the one which did not work.

I ask unanimous consent that Mr. Buchwald's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FLYING THE WF 1: THE HIGH COST OF SURRENDER

(By Art Buchwald)

Secretary of Defense Melvin Laird has suggested that if Sen. McGovern's defense budget of $55 billion is ever adopted, we might as well throw in the towel and spend a billion dollars for white flags which we will hoist all over the world.

On the basis of past performance of our defense contractors, $1 billion for white flags is a wholly unrealistic figure, and Mr. Laird knows it.

This is what might happen if the Defense Department let it be known that it was planning to contract for white flags to fly around the globe.

WASHINGTON, D.C., April 30, 1973.—The chairman of the House Armed Services Committee announced today that the Lockheed Flag Company has been given a $1 billion contract to provide 500 white flags for the Defense Department. The chairman denied the fact that Lockheed Flag was located in his district of Swampville, La., had anything to do with the company's winning the order.

SWAMPVILLE, LA., July 14, 1973.—The president of the Lockheed Flag Company displayed a prototype of the WF1 (White Flag One) for the press this morning. The President said the WF1 would out-perform any white flag now flying. It would be an all-weather flag which would fly at night as well as during the day, and could stand gusts of wind up to 100 miles an hour. Lockheed Flag said it hoped to have the WFI production in 10 months.

EDWARDS AIR FORCE BASE, CALIF., June 15, 1974—The first WF1 was tested here today and Defense Department officials announced they were very pleased with the results. The WF1 flew at an altitude of 23 feet for three hours. Although it showed some fabric fatigue under stress, Lockheed Flag engineers said the damage was minimal, and easily could be repaired.

SWAMPVILLE, LA., September 2, 1974.—The president of Lockheed Flag announced today that due to increased labor costs, fabric fatigue and hikes in flagpole ropes, his company would not be able to fulfill its WF1 contract for $1 billion. He said he was asking for a supplementary $800 million, which was still a bargain for the country.

WASHINGTON, D.C., December 15, 1974.—The chairman of the House Armed Services Committee said he was recommending the $800 million overrun for the WF1 as the security of the nation was at stake. He also said he was adding $100 million extra for Christmas bonuses for Lockheed Flag executives.

ANCHORAGE, ALASKA, March 8, 1975.—Two WF1s crashed to the ground yesterday and Pentagon investigators suspect the wooden flagpoles used to fly the white flags were at fault. Termites were found in both flagpoles, and the Defense Department has grounded all WF1s until a new aluminum flagpole could be designed.

SWAMPVILLE, LA., May 11, 1975.—The president of the Lockheed Flag Company said he would need another $1 billion to replace the flagpoles in the WF1. He said it was the Defense Department's insistence on wooden flagpoles that caused the overrun, and he would need the money immediately if the white flags were to be delivered on schedule.

WASHINGTON, D.C., May 12, 1975.—Sen. William Proximire called the WF1 the biggest Defense Department bungle of the year and suggested the contract be cancelled.

Testifying in front of Proxmire's committee, the president of Lockheed Flag said that if he doesn't get $1 billion immediately, his company would go bankrupt and not only would create a hardship for its stockholders but it would put 35 people out of work.

WASHINGTON, D.C., September 11, 1975.—Congress, at the urging of the White House, voted today to give the Lockheed Flag Company $1 billion to complete work on the WF1 and also lend it another $1 billion to develop a new multi-white flag project which could fly six white flags from the same flagpole at the same time.

SWAMPVILLE, LA., November 9, 1975.—The president of Lockheed Flag Company announced today that because of a strike he was asking the Defense Department for another . . .

REPRESENTATIVE JOHN BRADEMAS, OF INDIANA, RECEIVES AWARD OF MERIT FROM NATIONAL COUNCIL OF SENIOR CITIZENS

Mr. KENNEDY. Mr. President, on June 9, 1972, a distinguished Representative from Indiana, Hon. JOHN BRADEMAS, was honored with an award of merit from the National Council of Senior Citizens at the 11th annual convention of the council.

The Award of Merit is given annually to one Member of the House of Representatives and one Senator for outstanding contributions to legislation benefiting the aging. Our distinguished colleague from Illinois (Mr. PERCY) was also honored at the ceremony.

Mr. President, as the citation so aptly noted:

> The nation's elderly owe a debt of gratitude to Congressman John Brademas for his efforts to make life better for the retirement generation.

I have worked closely with Representative BRADEMAS, who is chairman of the Select Education Subcommittee of the House Committee on Education and Labor, on several measures affecting older citizens, particularly the Nutrition for the Elderly Act, and I can, therefore, speak from my own observation of his effectiveness as a legislative leader on programs to benefit the older people of our society.

Mr. President, I ask unanimous consent that both the text of the citation accompanying the award of merit to Representative BRADEMAS and his own remarks on this occasion be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AWARD OF MERIT

The nation's elderly owe a debt of gratitude to Congressman John Brademas, Democrat of Indiana, for his effort to make life better for the retirement generation. Brademas is one of the principal sponsors of the Older Americans Act of 1972, the Nutrition Program for the Elderly and other measures to help the elderly. He has been an ardent supporter of an adequate level of income for thousands of Americans. A native of Mishawaka, Indiana, he attended school in South Bend, Indiana, served with the Navy in 1945 and 1946, attended Harvard University as a Veterans National Scholar, graduated with honors in 1953, studied at Britain's Oxford University on a Rhodes scholarship, named for Cecil Rhodes, British financier.

Brademas early on became a zealous advocate for the older generation, serving in 1955 as Legislative Assistant to the late Senator Patrick McNamara, one of the chief sponsors of the Older Americans Act of 1965. Brademas later served in a similar capacity for Congressman Thomas L. Ashley (Democrat-Ohio), then in 1956 was Executive Assistant to the late Adlai E. Stevenson during Stevenson's unsuccessful campaign for President that year.

In 1957–58 Brademas was Assistant Professor of Political Science at Saint Mary's College, Notre Dame, Indiana. He was elected Congressman at age 31 in 1958 to serve seven terms in the House of Representatives and presently performs the leadership role of House Majority Floor Whip. Now at age 45, Brademas is one of the most effective supporters of needed programs for the elderly in Congress.

Remarks of Congressman John Brademas Upon Receiving the "Award of Merit" From the National Council of Senior Citizens, Inc., Washington, D.C., June 9, 1972

First allow me to express my appreciation to Nelson Cruikshank, Bill Hutton and the officers and members of the National Council of Senior Citizens for this award of merit and the gracious citation which accompanies it. I should like as well to extend my warm congratulations to Senator Percy, Mr. Newburger, Assemblyman McCarthy, Mrs. Pemberton, and Charles Killinger on their awards.

I am all the more gratified to receive this award in the knowledge that it comes from the largest organization in the United States championing the cause of older Americans, the National Council of Senior Citizens.

As chairman of the House subcommittee with jurisdiction over the Older Americans Act, I can assure you that your council and its eloquent and effective executive director, Bill Hutton, are unfailing in their response to our subcommittee's requests for advice and information as we seek to shape legislation better to serve the needs of the older citizens of our society.

Now you and I know that we live at a time when the credibility of politics and politicians is under particularly severe attack. More and more people in our society seem to be concluding that politicians promise too much and that their performance once in office does not match their promises. Indeed, I think that most of you would agree, whoever your favorite candidate for President next fall, and whatever your party, that one of the reasons for the remarkable support generated by Senator George McGovern across the country is that people perceive him to be a politician who says what he means and means what he says.

And I suppose that of few areas of American life can it be said that the gap between promise and performance has been greater than the role of the Federal Government on programs for the aging.

You recall how two years ago, in April 1970, President Nixon told us, "for too long we have lacked a national policy and commitment to provide adequate services for older people."

I know that all of you in this room will not be astonished to be reminded that when Bill Hutton testified before my subcommittee a few months ago on the approach of the Nixon administration to the problems of older Americans, especially the elderly who live in poverty, Bill said, "Now we ask, what has the Nixon administration done for these unfortunate men and women since they came into office three years ago? In all honesty I want to say they have done absolutely nothing."

I do not wish to appear to be partisan this morning, although I am perfectly capable of being so! For if only the White House paid more attention to the advice of Senator Percy, not to speak of the admonitions of his other distinguished colleagues who are to address you today, Senator Kennedy and Senator Church, neither Bill Hutton nor I would feel compelled to offer such criticism.

For I think I can honestly say that the major initiatives for Federal programs to make life better for the older people of our country have in the last three years not been generated from Pennsylvania Avenue, but from individual Senators and Congressmen—both Democrats and Republicans—working together on a wide variety of key legislative measures. I cite only the recent increase in social security benefits, the Nutrition Services for the Elderly Act passed by Congress last year and the outstanding work in alerting the Nation to the need to improve nursing home standards, an effort lead by my distinguished colleague, David Pryor of Arkansas.

Even the law authorizing the White House Conference on Aging was initiated in Congress and not in the White House!

So I want you to know that I accept this award today not only with appreciation but also as further encouragement on the part of the National Council of Senior Citizens to us in Congress to continue to press for legislative programs that will mean effective action for the elderly.

Indeed, before I take my seat, I must tell you of another significant measure that we in Congress have initiated which can mean much to the older citizens of our country.

I speak of what can prove to be a landmark, comprehensive older Americans services bill.

Last year and this my subcommittee heard testimony from a wide variety of citizens, including Bill Hutton, in support of this legislation and next week my subcommittee is scheduled to meet to begin drawing up a final draft of this bill. I hope that we shall be able to report a bill with strong bipartisan support to the full Committee on Education and Labor, and that, working with our Senate colleagues, we can write this bill into law before the end of the ninety-second Congress.

Here are only some of the key features of the comprehensive Older Americans Services bill:

A strengthened role for the administration on aging within the Department of Health, Education, and Welfare;

Expanded services under the Older Americans Act;

Low-cost transportation;

Expanded work service opportunities, including strengthening the retired senior volunteer program (RVSP) and the Foster Grandparents program;

Effective coordination of Federal aging programs;

Pre-retirement training programs;

Health, nutrition, education, and other social services;

Improved systems for delivering services to older Americans, and meaningful employment opportunities;

Gerontological centers to study the social and other problems of the aging process;

Senior citizens community centers.

All these provisions are aimed at ensuring that the rhetoric about the problems of our elderly citizens is translated into effective programs to solve those problems.

Let me conclude, then, with some words of an old friend of mine, on whose staff I once had the honor to serve. The late Adlai E. Stevenson. They are words which come to my mind as I consider measures to improve conditions for our older citizens. Mr. Stevenson said:

"What a man knows at 50 that he did not know at 20 is, for the most part, incommunicable. The knowledge that he has acquired with age is not the knowledge of formulas or forms or words, but of people, places, action—a knowledge not gained by words but by touch, sight, sound, victories, failures, sleeplessness, devotion, love—the experience and emotions of this earth and one's self and of other men and perhaps too, a little faith and a little reverence for the things you cannot see."

The kind of knowledge, the kind of faith, the kind of reverence which characterizes the older people of our society is much too scarce and much too precious in this great and wealthy nation of ours to be either wasted, or perhaps worse, ignored.

The time has come—the time is now—for a genuine commitment of deeds not words, to lifting the quality of life of the older citizens of the United States.

With a renewed sense, then, of advancing these ideas which I know you and I share, I gratefully and proudly accept this award of merit.

HOW THE ESKIMOS UTILIZE WALRUSES

Mr. STEVENS. Mr. President, on May 17, 1972, the Anchorage Daily Times, Alaska's largest newspaper, published an article entitled "Cousteau Films Walrus Story," written by Mr. Dennis Cowals, a Times staff writer.

The article detailed the filming efforts of Mr. Jacques Yves Cousteau on St. Lawrence Island and his endeavors to make a realistic documentary explaining the symbolic coexistence between the island's Eskimos and its walruses.

Far from wreaking a slaughter of the beasts, Cousteau found that the Eskimos of Gambell utilize every bit of the walruses. He said:

> They use the skin to make their boats, the fat for cooking, the meat for themselves and their dogs. Everything is used.

Mr. President, I highly recommend this article to Senators who are interested and concerned about the upcoming ocean mammal legislation. I ask unanimous consent that the entire article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

During "4 Days of Perfect Weather": Cousteau Films Walrus Story

(By Dennis Cowals)

Jacques-Yves Cousteau came back from St. Lawrence Island yesterday, stopping in Anchorage long enough to watch some of his traveling companions on the three-hour flight be off loaded in cages, for transshipment to Texas and California, make a long-distance call, catch up on his mail from France and make a jet connection for Los Angeles.

"We had an incredible amount of luck," the underwater explorer beamed. "We had four days of perfect weather," he said. "We shot almost the whole film in four days."

Cousteau and former Interior Secretary Walter J. Hickel flew to St. Lawrence to join Cousteau's son Philippe in filming a television documentary detailing the coexistence of the island's Eskimos and walrus populations.

Four orphaned walrus pups were brought back to Anchorage with Cousteau in his Winship charter en route to a marine zoo in Texas.

Another pair have already been flown through Anchorage to Marineland of the Pacific. Walrus keeper feeds the young pups, some only a few days old and weighing more than 100 pounds at birth, a diet of clams and Wesson oil.

From Gambell, the headquarters of the expedition, the film crews ventured 75 miles west towards Russia in skin boats accompanying and filming the Eskimo hunters at work along the edge of the retreating pack ice among the migrating pods of walrus.

The man who invented the aqua-lung now

in use around the world said he felt "extremely lucky that we could go out with the Eskimos and share their life, to film the tough life of the Eskimo as well as the extraordinary life of the walrus."

But the life styles of the creatures and the people who depends on them for their existence are equally remarkable, he said. "The Eskimos of Gambell are exploiting every ounce of the walrus," he said, "They use the skin to make their boats, the fat for cooking, the meat for themselves and their dogs," he said, "Everything is used."

Cousteau is certain that "Eskimo hunting is no threat to the walrus." And while he says "The species is not in danger for the moment, it should be protected to a certain degree."

Having warned a U.S. Senate committee last year that "the sea is threatened," Cousteau has developed strong feelings about the way man treats his oceans. "We believe strongly that conservation, good conservation, is to establish a durable balance between man and nature."

He shakes his head at the mention of the marine mammal bill pending in Congress which proposes to ban the killing of all creatures such as the walrus. "Conservation should not protect animals to sentence the man. It means managing the resource for the good of man."

Only in the spring are the Eskimos able to hunt among the northerly migrating walrus herds, he said. And even then, he added, weather and other conditions frequently permit only two or three days' hunting in a month.

He scowls when he talks of "trophy hunters" and people who call it sport. He approved of hunting for meat and says the St. Lawrence Eskimos now require all "trophy hunters" (non-Eskimo sportsmen) to bring back the meat of any walrus killed on a guided hunt for the use of the villagers.

FOOD: THE PUBLIC'S RIGHT TO KNOW

Mr. HARTKE. Mr. President, on previous occasions I have remarked that we know so little about the food which we eat each day. We feel content if the food looks appetizing, pleases our senses, and causes no untoward discomfort. Yet we care far too little about the ingredients, the freshness, or the nutritional content of that food.

On June 8, the Washington Post published an article urging the public to become more informed about the food we eat. In it is a letter which describes the death of a 10-year-old child as the result of an allegric reaction to ice cream which contained whipped peanut butter.

I ask Senators to read this article and the letter it contains and to support the public's right to know what they eat.

Earlier this year, I introduced, together with the distinguished Senator from Utah (Mr. Moss), S. 3083, the Truth-in-Food-Labeling Act. If the provisions of this bill had been law, at least one life would have been saved.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Labeling: The Public's Right To Know

(By Dr. Jean Mayer)

Over the years, I have insisted the public has a right to know what they eat. The only way to be sure of this—when it comes to processed food—is better labeling. This means labeling information on the caloric content of a common portion of the food product, the proportion of protein, vitamins and minerals in the food, with an exact ingredient list.

For a lack of proper labeling, 10-year-old Michael Grzybinski died. If anyone thinks I am exaggerating the urgency of improved labeling, read this letter:

Dedham, Mass.,
April 29, 1972.

Dear Sir: On Monday, April 17, 1972, my 10-year-old son, Michael, died from natural cause due to glottic edema and an aphylactic reaction to ingested peanuts. This was caused by eating ice cream with peanut butter whipped into it called "Butterfinger."

My son had an allergy to peanuts all his life. Even at age 3 he would not eat candy bars or cakes unless someone told him what the ingredients were. When older, he read the ingredients for himself. On the day this accident happened, some friends invited him for ice cream at their house. As there was only a picture of a Butterfinger candy bar, and no ingredients listed on the ice cream container, he decided it was okay to eat the ice cream. It did not say anything about containing peanuts.

When he came home the allergy reaction had already started. While I was checking to see what he had eaten, my son died.

I am writing this letter because it is my wife's and my hope that this tragedy does not happen to other people with this allergy, and that the container will be marked with the contents spelled out instead of only a picture of a candy bar.

We intend no legal action against the ice cream company, but only wish they would change their container cover to identify the contents.

Yours truly,
Chester J. Grzybinski.

Michael's parents, with great courage, have allowed me to make this letter public in the hope that, other parents can avoid such a tragedy.

Government agencies have been curiously unwilling to enter the labeling arena. The Food and Drug Administration and the U.S. Department of Agriculture argue that they haven't the legal power to require full ingredient labeling.

The FDA at least agrees it would be useful to have such power, and has had a bill introduced into Congress. But the bill is woefully weak. And the FDA has been unmoved by the challenge of a group of young lawyers banded together and called, LABEL, Inc., who claim there's nothing in the law to prevent the FDA from taking action right now.

In desperation, a number of congressmen—chief among them Rep. Benjamin S. Rosenthal (D-N.Y.)—have introduced bills intc the House and Senate. All of the bills have gone to the Interstate and Foreign Commerce Committee.

If any action is to result, vigorous pressure by aroused citizens is needed to get these bills out of committee—favorably.

Only if the legislators know voters are deeply concerned, even angry, will we get the laws to make us nutritiously better informed and, hopefully, guarantee no more needless deaths of 10-year-olds.

BUSINESS AND THE ENVIRONMENT

Mr. GURNEY. Mr. President, I would like to call the attention of the Congress—and of the Nation—to a program of public interest which will be held on October 16–20, 1972, in Disney World, Fla. Its title is "Business and the Environment," and it is being cosponsored by the University of Miami and Federal Publications, Inc., one of the country's leading producers of educational seminars.

The program is, in essence, a concentrated course for businessmen in their environmental responsibilities and in what they can do to satisfy those responsibilities. Its approach is unique and innovative. Unlike previous conferences on the subject, it is not a hand-wringing session but, rather, one in which environmental obligations are clearly explained and businessmen will be told what—as a practical matter—they can do today to reasonably comply with those obligations.

Ten topics, integrated into a cohesive whole will be intensively discussed in 40 hours of instruction: National Environmental Policy Act, Air Pollution, Water Pollution, Energy, Land-Use Planning, Monitoring Trends and Detection Techniques, Resource Recovery, New Technologies, Financing Pollution Control, and Environment Claims and Their Defenses. The faculty is composed of distinguished experts from the Government, universities, industry, the financial community, and the legal profession.

In short, "Business and the Environment" is a program of true benefit to the public—a program of practical worth to industry—a program which will serve this Nation well. The sponsors have sought my advice in the development of the curriculum, and I am proud to say that the results of our joint efforts are most gratifying.

HELP AVAILABLE FOR FOREST OWNERS

Mr. SPARKMAN. Mr. President, the Mobile Register and Press of June 17 contains an editorial entitled "Help Is Available for Forest Owners." I think it expresses quite well the importance of our forests to the Nation and the need for encouraging greater forest production in order to meet our housing needs.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Help Is Available for Forest Owners

The acceleration of forest growth has become one of the primary goals of this nation, and responsibility for success rests largely upon landowners in the South, with nearly 200-million acres classified as forest land.

Urgency of action in this area of the economy is unquestioned, since 24-million new housing units must be built in the 1970s alone. That means using a lot of lumber, since nearly all homes use wood for framing and other building applications. This, of course, is in addition to the enormous use of trees by paper-making firms.

Then there is also the vital need for tree growing as an environmental asset, first, since they give off oxygen, an essential element in the air we breathe, secondly, woodlands must be maintained to meet the recreational needs of Americans.

One of several organizations vitally concerned about this Southern problem is the Southern Forest Products Association, headquartered in New Orleans.

It has adopted the slogan "Trees Forever," as a means of enlisting support of well-defined plans to bring two-thirds of the South's non-industrial acreage now owned by individuals, into proper forest management.

"These landowners must be encouraged to

develop sound forest practices, and must be given both the forestry and financial assistance necessary for them to begin growing trees on their land," says SFPA.

The association contends its program is capable of doubling timber growth in the region by year 2000.

Owners of non-industrial forest land can and are receiving help from the private forest industries. This aid comes in the form of free forestry advice, seedling and forest genetics.

Others to contact for assistance include state foresters, representatives of the U.S. Forest Service, the U.S. Soil and Water Conservation Districts and a variety of consulting foresters, county agents and others.

However, the Trees Forever effort also looks to Congress to adopt legislation extending federal assistance to landowners in need of help in the planting and managing their woodland acres with faster growing plants.

Government certainly has a big stake in whether tree growers accomplishes the goal of meeting demands of the future.

ACCUSATIONS OF GENOCIDE AND THE GENOCIDE CONVENTION

Mr. **PROXMIRE.** Mr. President, some opponents of the Genocide Convention have expressed the fear that that treaty would open the door to unfounded and slanderous attacks on the United States. These opponents do not believe that we are guilty of genocide; they are only worried that we might be charged with it. They cite, for example, a document entitled "We Charge Genocide" submitted to the United Nations in 1970 by a group of American black leaders.

I do not believe the United States is guilty of genocide. Ratifying the Genocide Convention would make our official position clear. It would provide us with specific definitions by which our actions could be measured. We have nothing to fear from such a measurement. Under the terms of the treaty, charges of genocide in the United States would be brought to court in the United States. We must never overlook the distinction between being charged with a crime and being convicted. This distinction is at the heart of our legal system. Our position is stronger if we firmly assert our belief in the law against genocide, and require any accusers to prove their case under the law.

The Foreign Relations Subcommittee on the Genocide Convention put the matter clearly:

> There is a note of fear behind most arguments [against the treaty]—as if genocide were rampant in the United States and this Nation could not afford to have its actions examined by international organs—as if our Supreme Court would lose its collective mind and make of the treaty something it is not—as if we as a people do not trust ourselves and our society.

Mr. President, the Genocide Convention poses no dangers to our Nation. We should make our stand on genocide unequivocal; I urge the Senate to take up and ratify the Genocide Convention immediately.

PROTECTION OF MARINE MAMMALS

Mr. **STEVENS.** Mr. President, I have recently returned from 3 days of hearings in Nome and Bethel, Alaska, on the Marine Mammal Protection Act. These Senate Commerce Committee hearings were authorized for the specific purpose of taking Native testimony on the provisions of the bill providing exceptions from the act for certain Alaska Natives.

We traveled to Northwest Alaska to permit many people from villages and towns in that part of the State who could not afford to journey to Washington to testify on the bill as it affected them. Because these people do not have the money to come to Washington and tell us why they need to take the animals for subsistence and Native arts and crafts, the chairman of the Commerce Committee (Mr. MAGNUSON) wisely permitted us to go to them. Those of us from the committee who were privileged to attend those hearings learned a great deal from the testimony.

Many of them came at great personal sacrifice and at great cost. Not only were they financially burdened, but some of them could only come at great personal inconvenience and even physical danger. Unfortunately, this is the time of the year during which spring breakup occurs. During the winter months, ice and snow cover the ground and rivers. At this time of the year it is relatively easy for Alaska's resourceful bush pilots to reach virtually every village and settlement by landing on the ice. During the summer months, after the ice and snow have melted, it is easy to reach the villages once again on floats or by boat. However, at the time the ice is breaking up, it is far too thin and spotty to support skis upon which airplanes must land. It is also still prevalent enough to block water-borne traffic. In these waters of near-freezing temperatures, one slip into icy currents can mean instant death or severe illness. Many witnesses traveled from 200 to 300 miles or more just to testify for 10 minutes.

Mr. President, I believe we all owe these courageous Alaskans our gratitude for undertaking such hazardous journeys in order to build a correct and complete Senate hearing record on the Marine Mammal Protection Act.

The subject of the hearings was the right of Alaska Natives to manufacture and sell in interstate commerce handmade Native arts, crafts, and clothing. This is the right to be let alone to continue their centuries-old way of life and the chosen trade of their forefathers.

The Alaskan Natives speak not only for themselves, but also for their cultural identity. Many of them fear the loss of their traditions and cultural assimilation.

Even more important is the necessity of earning a living in one of the harshest natural environments on the face of the globe. As I indicated at the time I introduced amendment 1048, virtually the only form of cash economy the people of northwest Alaska's coastal areas are able to obtain is through the sale of handmade Native arts and crafts and clothing. Thus, they have become totally dependent upon these mammals for even a marginal cash economy. This amendment is actually a matter of life and death for the Alaska Native people.

To other Americans from the "Lower 49" who may visit a zoo once a year and see one or two sea mammals, my amendment might mean very little. However, if those same people had accompanied me into the villages of Alaska and listened to Alaskan Eskimos, Aleuts, and Indians testify before our committee, they would come to understand the harsh facts of life as they face my fellow Alaskans.

The testimony of these good people speaks for itself. I cannot improve upon their simple eloquence. They told it like it is.

Hunters and village leaders, carvers and old people, governmental officials and schoolchildren, merchants and housewives testified. Their testimony will be found in the printed hearing record.

A typical witness was Martha Aiken. Mrs. Aiken is an Eskimo from Barrow, Alaska, the northernmost village in the United States. The testimony of Mrs. Aiken is simple and to the point. I ask unanimous consent that it be printed at this point in the RECORD. Mrs. Aiken speaks not only for herself, as an Eskimo and as a mother and a housewife, but for tens of thousands of Eskimos and Aleuts in Northwest Alaska.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY

My name is Martha Aiken, a full blooded eskimo, born and raised at Barrow, a house wife and a mother. Recently started teaching our eskimo dialect to the 7th, 8th and 9th graders to read, write and speak it. We realize the importance of our eskimo culture our dialect and striving to help the young generation to get it back! Right now more and more of our young people are gradually speaking it in their work, playing and even in school. And, we hope not only to recapture the dialect but working on eskimo books to be edited and published. We have such high hopes for the future and will need the support of our mother country. The U.S.A. and its Congress. Surely like a mother she is to Alaska and Alaska just a few years a state. God give her wisdom to rule her children well, with love and understanding heart! And the child longing and looking up to her with expctant hopes to receive of what she asks of! You see other countries as other children, gobble more of the candy when your child had only one and your child's is blamed who had only one candy—blamed that she had finished the candy! Will you help her or will you take her only one candy as well? Alaska had lived and survived all the hardship of life way before it was sold to the U.S. and so has the hunter hunt with sheer courage and skills. What about the hunter's wife? A woman has her skills all her own—she's the one who sews all the warm clothes for the hunter—raised her children, cooks the meals, stores and dries all the meat, drying every skin of animals that her husband had killed—she's the one that cuts up the ringed seal—store the meat, cut up the blubber for seal oil, scrapes and stretch the skin to dry!

There are several different uses for ringed seal. If she needs a real poke to put away the blubber in—she picks out a smaller seal, cuts it through the head, turns it inside out, take out the meat, scrapes it and blow it like a balloon to dry, and makes sure no air comes out and rubs it with its blood and hang it to dry. Should she need a white bleached skin, she works on that in certain part of the year and in a different way! She's the one who dries, scrapes and sews the caribou skin to all sizes of clothing for the family. Every bit of caribou meat is tasty.

The head is the best part for an eskimo.

Sinews are made from the legs and also from the back. Its legs killed in wintertime are best for warm winter boots. Ugruk skins for boot soles. Walrus meat is delicious fresh or fermented.

And, the important and much sought after with much courage and skill is the priceless bowhead whale. The largest and the tastiest! Every part of the whale can be eaten. Many a man goes without sleep just to be blessed with a whale. A man with or without a job. When whale is caught there is much happiness and a means of our livelihood. All meat is taken ashore, no matter how rough the road to shore may be. And, once taken, to the villages, it is stored away in large hard dugged cellars. (So it is never spoiled or wasted all year round. To this day, eleven whales are killed at Barrow, but by the end of the year, not one piece of muktuk will be left. No wonder some call us the "blubber eaters." But we're not ashamed to be called as such because we can't live without oil, as more jobs are available more modern methods are used for hunting, but still meat and oil is our main diet. Though everybody thinks we're living modern these days, from a strangers point of view. They never get closely acquainted with an eskimo family enough to see what our main diet consists of.

There are white in our villages, but they don't go to our homes to eat with us and therefore they don't know what we eat and live on.

And, it isn't chicken and steaks daily, although we do have those occasionally. In fact, we can't afford the store bought meat for very long! We depend more on the animals on sea and on land for our main diet. Think for a minute. Let the eskimo cut all eskimo diet and seal oil for a year. You know what would become of us? They'd either lose weight so much our skilled hunters would become as frail women. Or gain so much weight trying to satisfy their gnawing stomachs for eskimo food. Could you imagine the pangs or their thirst for oil and meat? Now, if our whites were commanded to quit raising chicken and cattle, and start eating only vegetables and fruit; well, that's how miserable it would be for an oil and meat eating eskimo. If our livelihood and our diet of centuries are taken away from us—what's the use of being called an eskimo? Whats the use of trying to recapture our eskimo culture which is fast dying away! If this bill is passed and accepted what we are trying to recapture now will be completely destroyed. And once destroyed and lost who will recapture it after us?

I'm proud to be an eskimo and to say I can speak, read and write the dialect. Once I heard a teenager from Kotzebue personally say to me "It's awful to be an eskimo and don't understand or speak the language." Are we to be eskimos in name only though we look like eskimos? Or will you help us recapture our culture, customs, traditions and our dialect? Right now, eskimos are on the edge of nowhere balancing to keep their culture.

Will you be the one to balance the scale? Or will you be the ones to push us down. I pray to God that this is not so.

Mr. STEVENS. Mr. President, another particularly interesting and important facet of the Native subsistence economy is the dependence of certain villages on the bowhead whale. Alaskan Natives take a minimal number of whales for subsistence purposes each year. These few whales are vital for those several villages that depend upon them and, as indicated by expert testimony at the hearings, in no way endanger the species. On Sunday, May 21, 1972, at pages B–1 and B–2 of the Washington Post Outlook Section, Mrs. Lael Morgan wrote an excellent article entitled "Whale Hunting in the Arctic." The article was written when Mrs. Morgan was a member of one of the whaling parties from Point Hope, Alaska. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHALE HUNTING IN THE ARCTIC

(By Lael Morgan)

(The writer is an Alicia Patterson Fund fellow on leave from the Tundra Times of Fairbanks, Alaska.)

Point Hope, Alaska.—Esther Kingik Bosta wrote a note to her young brother's teacher: "Gussy is excused to go whaling." He would be away six weeks.

It was April and the start of the spring whaling season off the restless ice of the Chukehi Sea, when the Eskimos stake their lives for their groceries—the mammoth bowhead whale. Twelve crews, remnants of a thousand-year tradition, would set off with open boats for the thawing Arctic channels called "leads," camping in 10-by-12-foot tents on the treacherous ice. I became a cook for one of the crews.

The first water had opened up April 12 and the village of 400 had become tense with excitement. A week earlier the women had sewed new sealskin covers over the light boat frames made of driftwood and plywood. Now the preacher arrived by snow machine to bless our craft. The crew knelt for a prayer, in terse Eskimo, and we were away with "amen." The two dog teams went first, followed by snow machines pulling our boat and grub box.

The ice is a harsh, ever-changing world, bounded by towering pressure ridges of frozen blocks the size of deepfreezes. Our first "lead" was a narrow span of black water that spun off dark mists shot with sun. The men quickly anchored the guy ropes of our tent to hefty ice blocks. Three plywood planks were laid as flooring, and a stove, fashioned from an oil drum, puffed smoke through a pipe bedded with a shield in the canvas roof.

Outside a sharp wind tore from the northwest, adding sting to the sub-zero temperature. Inside, secure with a large dishpan of seal blubber chunks to fire the stove, we drank tea and waited for the wind to drop. Our harpoon and darting guns, modest weapons patented in the 1860s, were ready in the bow of the boat.

Our captain, Bernard Nash, waited with apparent calm, but he was actually tense inside. This was his second year as a captain and he had yet to get his whale. He was an excellent hunter; he had been harpoon man on the crew that killed Point Hope's record whale, a 65-footer. But last year he left his crew partway through the season to take a construction job outside the village. This year's hunt was outfitted at a cost of nearly $700 from his income-tax refund, unemployment check and food stamps. It was important that we scored.

Our ice expert was Gus Kowuanna Sr. Good-natured and always joking, he is one of the toughest, wisest men the Arctic can produce. Also in the crew was Sam Nash, Bernard's son, who bears the name of a famous whaler who was his grandfather. Sam was a bookworm, but he had been on the ice most of his 21 years and was a good man with a paddle. So were Earl Kingik, Isaac Killigvuk, Norman Omnik and Morris Oviok—all young and strong, all trained to the ice from childhood.

Gussy Kowuanna Jr. the 13-year-old excused from school, was our "boy" and had the hardest job of the lot. He fetched and carried, stayed up all night to tend the stove, did all the dirty work. But, as an apprentice whaler, he would get a man-sized share of the kill. He dreamed that next year or the year after he would take his place at the paddle. His sister, Esther Bosta, was our head cook and my boss in the absence of the captain's wife. She was well traveled and educated, and had become a city dweller. But she came home for whaling because she loves the ice and is sought after as a cook.

The cry was "agvik"—the Eskimo word for "whale." Often it was not given. Rather, the watch from a crew farther down the channel would alert us by making a broad swimming motion with his arm; silence was one of our weapons.

The men acted as one, quickly taking their seats in the boat. Kowuanna pushed off, took his place in the stern with the steering oar, and they moved out, pushing their paddles soundlessly through the water. The bowhead was nearly three times the size of the boat, but it was wary. It surfaced and sounded, coming up out of range. Our crew returned, pulled the boat out and carefully knocked icy skim off the hull with their paddles. Spirits were still high. The season had started early and there would be many more whales.

Among Point Hopers, it's the mark of a man to go without sleep for days. Even at the beginning of the season, when the weather was savagely cold, our hunters shunned the comfort of our tent, keeping warm instead at the water's edge. When the whales came through en masse, the men would not eat and might spend five hours straight at their paddles. They would return crusted with frozen brine and send Gussy to the tent to exchange their frozen gloves for dry ones. Only occasionally would a man come to the tent to warm up or change clothes.

The whales would appear just about any time. Sometimes they surfaced in a "lead" so small you woudn't expect a duck to land there. Sometimes they traveled after dark, and sometimes in a blanket of fog when floating ice was at its most unpredictable and dangerous.

A whale can travel about 50 miles an hour if he puts his mind to it, Kowuanna told me. One of the Point Hope boats can go 12 miles an hour or maybe faster if the crew is good. "When you see a whale you gotta work, work, work. Work like hell to catch him . . . Work until you sweat," Kowuanna said. You must strike him from behind or directly in front, for his eyes are on the sides; if he sees you, he'll move out. Particularly with our outdated weapons, our crew needed the advantage of surprise.

The women's lot was less exciting than the men's, but we were an important support team. Cooking on the oil drum stove and a small Coleman burner, we turned out endless meals of caribou stew, boiled polar bear, muktuk (edible whale skin, which is delicious with mustard) and elder duck. The meals were served with pilot bread (thick, bland crackers) and yeast doughnuts, which we made by the gross in the dishpan, fashioning them with our fingers without the aid of a cutter. I was clumsy, and a little leery of the native foods. But the crew was patient and I managed to hold my own.

It was also our job to cut blubber for the stove, babysit the dog teams for our crew and carry meals down to our men on watch. Often we walked 5 to 15 miles a day over rough ice. After a day like that you can sleep anywhere, and when the whales ran thick we slept on the ice.

The day of the first catch, we watched our men go out until they disappeared over the horizon. For two hours we waited in the darkness until finally, from far off, we heard the echoing cheers of our crew and five others. We cheered and yelled back, laughing and crying and hugging one another. The first whale! *Agvik!* Meat!

The tension was gone at last. It was the first time in two weary weeks on the ice that the women really laughed. We knew we would eat. It was not our whale, but we had helped.

We got a share. Then we went back to our watch.

The winds shifted and tried to push our camp to Siberia. We hurried our gear to the ice of the point and returned two days later. Again we camped, only to have the men shaken in the night by crashing bergs and move again. Later the open water froze and our men smashed away at the young ice with their paddles. Finally it defeated them, freezing thick enough to support skilled walkers, who moved cautiously out to open water a mile beyond.

One day we took food to them only to evacuate in mid-meal and watch our picnic site become open water. Two of our crew fell in, hauled themselves out, changed clothes and went back to the hunt. And we scored. A 38-foot bowhead shouldered in close to the camp of a neighboring crew, who harpooned it. Our crew hurried to assist. We got our harpoon in, too. Rope was fetched to secure the animal. But it revived despite the fact it had taken six black powder bombs, spouted blood and sounded to die alone.

We searched for it. Three days later it surfaced, a "stinker." The meat was fit only for dogs, but the muktuk was good and we helped with the long, foul job of butchering. With nearly 70 men working, it took more than 12 hours. Ours was a good share.

The weather turned warmer. We took breakfast to the men one morning to find our boat out. Ruth, the captain's wife, and Esther and I waited by the lead, enjoying the sun and excitement as 20 bowheads and dozens of kittenish little beluga whales cruised by.

Our men came home happy despite the fact it was late afternoon and they had fasted for 14 hours. They had helped bring in three whales, one a 57-footer. But the south wind came in while we were butchering, and it pushed in a crushing front of ice that buried the big whale before we really got to it. The crews escaped with no time to spare. We regrouped, waited out the wind, and went back only to find old landmarks missing and our leads frozen.

"How much is a whale worth to you in groceries?" I asked the captain.

"Why, 30 to 60 tons," which would be shared with the other villagers, he replied. "And we will use every bit of it—everything but the liver and the lungs, which will go to the dogs."

But whaling meant more than food to them. "It is our tradition," Morris Oviok said. "The tradition of our forefathers."

Mr. STEVENS. Mr. President, hearing records will be available to all Members of the Senate and House of Representatives.

I am sure that all of my colleagues are aware of the problems the American Indians have faced in the Western United States in their dealings with the Federal Government. This Congress has enacted a significant piece of legislation—the Alaska Native Claims Settlement Act—to prevent the same problems from arising in Alaska.

I urge Members of Congress not to pass a mammal protection act without adequate protections for the Alaska Natives. We must be sure that we do not destroy a civilization in the hope of saving the ocean mammals.

WNEP-TV—ABC—SUPPORTS STRICT HANDGUN CONTROL LEGISLATION, DESIGNED TO BAN THE "SATURDAY NIGHT SPECIAL"

Mr. BAYH. Mr. President, I commend WNEP-TV for their editorial, "Handgun controls are in the best interest of the public," which was aired on Thursday, June 15, 1972, in Avoca, Pa.

The recent attempted assassination of Governor Wallace and the shooting of 11 persons in a suburban Raleigh, N.C., shopping center have rekindled interest in gun control legislation.

However, Congress should not let this opportunity, born of tragedy, pass without action only to reoccur when tragic events again call to the public's attention the need for legislation. There have been enough killings and enough armed robberies.

Mr. President, the full Committee on the Judiciary has before it now my bill S. 2507, which would prohibit the sale and delivery by licensed importers, manufacturers, dealers, or collectors, of any firearms, other than a rifle or shotgun, which the Secretary of the Treasury determines to be unsuitable for lawful sporting purposes. We in Congress now have the opportunity to act on this legislation and offer to the Senate a bill, which is not a panacea, but at least a starting point in controlling the abuse of weapons which are not good for anything like marksmanship or hunting animals, they just hunt people.

Mr. President, for the benefit of my colleagues, at this point in the RECORD I ask unanimous consent that the WNEP-TV editorial of Thursday, June 15, 1972, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HANDGUN CONTROLS ARE IN THE BEST INTEREST OF THE PUBLIC

In 1970 more than 8,000 Americans were killed with hand guns, an average of 22 people a day. In the same year, 130,000 robberies were committed by individuals carrying hand guns. In 1970, 79,000 individuals were victims of aggravated assault by gun.

At the same time, 73 police officers were killed with hand guns. So far this year, 42 law enforcement officers have been killed, 30 of them with hand guns. Of the 633 policemen killed in the past decade, 630 were murdered with guns and 472 of these by hand gun.

Those who tell us the 1968 Federal Gun Law is sufficient to stop the great American shootout are dead wrong. The law does ban the importation of cheap foreign made guns, but it does not prohibit the importation of their parts. The *Minneapolis Star* tells us that the parts are imported and the Saturday night specials are assembled at cottage industries where workers put together these cheap, small caliber, easily concealed pistols favored by lawbreakers.

We think these facts speak for themselves. In our opinion, strict hand gun control legislation, designed to ban the Saturday night special is in order.

This necessary reform is in the best interest of those who obey the law and those who enforce the law and it would work to the disadvantage of those who would break the law.

Washington Police Chief Jerry Wilson favors such a law. New York Police Commissioner Patrick Murphy tells us that there is absolutely no legitimate reason to permit the importation, manufacture or sale of these weapons or their parts. They are sought by people who have illicit motives, but who have some difficulty in securing a better gun.

The late J. Edgar Hoover considered tough, comprehensive, uniform gun control legislation imperative for the public's safety. Congressional action to ban the cheap hand gun—the Saturday night special—is a step in that direction and such action should be taken now.

IMPRESSIONS OF LALIBALA, ETHIOPIA

Mr. McGEE. Mr. President, this morning's Washington Post contains a column by William Raspberry describing his journey to Lalibala, Ethiopia, where he had the unique experience of exploring the 10 rock-hewn churches which date from the 12th century.

During a Senate Appropriations Committee-sponsored study mission to Africa in 1971, I also had the exciting opportunity to visit these historic treasures. And as Mr. Raspberry so aptly concludes:

> If the fantastic rock churches, which are what the village of Lalibala is all about, were better known, they would be no worse than the eighth wonder of the ancient world.

Lalibala is a very moving experience for those who have the opportunity to visit it. As a matter of fact, my wife, Loraine, who accompanied me on the African study mission, wrote a column for the Wyoming news media upon our return conveying her impressions of Lalibala.

I ask unanimous consent that Mr. Raspberry's column and Loraine McGee's column be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 23, 1972]

KING LALIBALA'S EDIFICES

(By William Raspberry)

LALIBALA, ETHIOPIA, June 22.—I didn't learn about Lalibala in school; you didn't either. Our children might.

If the fantastic rock churches, which are what the village of Lalibala is all about, were better known, they would be no worse than the eighth wonder of the ancient world.

King Lalibala, one learns from a combination of the meager literature available and the word-of-mouth accounts of the people who live here, was emperor of Ethiopia around the 11th century, and something of a religious fanatic.

A visit to Jerusalem convinced him that he should reproduce that city in his own mountainous land. The village that bears his name is the result.

Some say he chose the technique he used in order to protect his Christian edifices from marauding Moslems, although it is difficult to see how King Lalibala—let alone any invaders—ever negotiated the incredible hills that surrounded the village.

But whatever the reason for his choice, the result is stupendous. What he did was to build, no, carve his churches out of solid rock, starting at ground level.

That is, he'd start with bedrock, dig a four-sided trench in it, and in the stone cube that remained in the center, he would carve—or have carved—a multirocked, vaulted-ceilinged, elaborate embossed and perfectly beautiful church. He did 12 of these, a few of them built up rather than monolithic. Ten of them still stand, all 10 in regular—sometimes daily—use today.

Of those eight are accessible with only a moderately treacherous scramble down steps carved into the rock-ground. Originally, all eight were interconnected by tunnels, though some of the tunnels have collapsed. These churches are almost impossible to see until you're virtually on top of them.

The other two churches—the first two built by the King, the people of Lalibala tell you—are not quite so accessible.

They are the sightseer's reward for a 1½-

hour combination walk and mule ride up unbelievably, treacherously narrow, rock-strewn trails that cling to the edge of precipices that I've been dreaming about for the two nights since my wife and I made the climb.

It makes me no less proud to recall having to pull my mule over at a wide place in the trail so that native women, barefoot and burdened with bundles of wood, could trot ahead of us, making snide remarks in Amharic to our 10-year-old guides, Tedesse and Tigabu, about how frightened we seemed to be, or to know that so many of these mountain people (somehow it never occurred to me that there were mountain people in Africa) in this village of 3,000 make the arduous scramble up to the church every week. (The villagers—men, women and children—always seem to be going up and down the mountain trails as if to a fire, though to a stranger's eyes there seems to be no good reason for the treks, there being precious little—aside from the churches—on either end of the trail.)

But the churches are the thing, and one is not inclined to take strong issue with the tourist pamphlet that characterizes Lalibala's churches as "rivaling monuments of ancient Greece and Egypt, ancient cruciform temples of mysterious origin, not 'built' but hewn and intricately carved from virgin rock . . . a true wonder of the world."

The real true wonder, though, is that they have so long escaped wide attention. (Lalibala is just a little on the way to becoming a tourist trap, though a trap for hardy tourists only.) Some of Ethiopia's magnificent monolithic churches, though not those at Lalibala, were unseen by non-Ethiopians until 1966, according to Georg Gerster, author of the authoritative, beautifully illustrated and expensive book on the subject, "Churches in Rock: Early Christian Art in Ethiopia (Phaidon Press, London, about $38).

They're seen now at least enough to keep a once-a-day DC3 flying the "historic route" that includes Lalibala and to support a small, fairly comfortable hotel.

Things should pick up even more with the promise now of major archaeological studies of the region by scientists under the joint auspices of the United Nations and the Ethiopian Archaeological Institute.

This undertaking is the best hope that our children—or at any rate, our grandchildren—will escape our own ignorance of this New Jerusalem.

LALIBALA—A 12TH-CENTURY MONUMENT TO A CHRISTIAN KING'S DREAM

(By Mrs. Gale McGee)

In the rugged and primitive mountains of north-central Ethiopia is Lalibala, the site of eleven major churches all hewn out of a single solid rock.

Gale and I had the once-in-a-lifetime experience of visiting these awe inspiring shrines during his recent Senate Appropriations Committee-sponsored study mission to Africa and the Middle East. And with the Easter season now upon us, I think it is only appropriate to share with you this experience from the pages of the history of Christianity.

King Lalibala, a 12th-century Ethiopian monarch, was a man of powerful Christian faith. This man's extraordinary dream of a "new Jerusalem" gave rise to the construction of eleven churches, each carved out of solid granite. Local legend has it that the churches were built by King Lalibala in response to a divine command and with the aid of angels. Whatever the motivating force was behind the construction of these gigantic monument, they are certainly inspirational.

The complex of churches and chapels is carved into the shoulder of a mountain. Four of the shrines are enmeshed in Lalibala's maze of tunnels, galleries, shafts and alleyways. They are completely carved out of a single block of stone.

We were told that workers freed massive rectangular blocks of stone by digging trenches on four sides down into the rock. Artists then sculptured these blocks into houses of worship, fashioning them after conventional churches. Yet, each church is a single chunk of rock and each has its own character.

The Church of the World's Redeemer is the largest. The Church of St. Mary's features luxuriant flowerlike designs painted on its ceilings. Finally, there is the Church of St. George, carved in the shape of a cruciform—a towering triumph of a people who chose to rally around the symbol of the cross.

There is considerable speculation as to how the churches were built. The majority of experts, I am told, hold that artisans chiseled the interiors from the top to the bottom of the structure, forming first the vaulted ceilings, then the arches, capitals, pillars and bases. Thus, they would, at the start, have used the uppermost rise of windows both for access and removal of debris.

However, Swedish architect, Barnard Lindahl, who has studied the shrines quite extensively, believes that the interior work proceeded from the bottom up. He believes that the stone masons chiseled from the main entrance to the altar, probably first cutting the nave (the middle part of the church which is flanked by the aisles) and then going to the aisles.

When I reflected on the tens of thousands of man-hours which must have been required to construct these churches out of the rock before me, I was overwhelmed. One can compare these works to the pyramids of Egypt, truly one of the wonders of the world. These monuments must certainly rate as even more impressive than the pyramids. They would probably be one of the wonders of the world if it wasn't for their location in this remote area of Ethiopia.

Another intriguing aspect of the Churches is the significance the Ethiopian people attach to Lalibala. According to the Ethiopians, Lalibala is the site where Christianity was born. They illustrate this belief quite graphically by pointing to crypts in the largest of the churches marking the places where they believe Moses, Jacob, and even Christ are buried.

From Lalibala, we flew to Jerusalem in the Holy Land. There we again walked through the Stations of the Cross. Our tour ended at what is believed to be Christ's tomb. We reflected on what we had seen at Lalibala and Jerusalem. It isn't important that Lalibala and all its splendor represents the stronghold of Black Christianity. What is important is that Christianity knows no color. Black or White, this faith has endured the ages. This is the real message of Easter. Christianity is as pertinent today as it was 2,000 years ago, in any language or color.

AMERICANISM AND THE NATIONAL DEFENSE

Mr. ROBERT C. BYRD. Mr. President, on March 2, 1972, a constituent of mine, Mr. J. C. Hupp, gave a prepared address to the Fairmont, W. Va., Rotary Club on the subject of "Americanism and the National Defense."

Mr. President, I ask unanimous consent that Mr. Hupp's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AMERICANISM AND THE NATIONAL DEFENSE

Fellow members of the Rotary Club: The subject assigned to me today is Americanism and the National Defense. Colonel Jaynes, who spoke to us a month ago, spoke as an *Authority* on economic and did a good job of it. I am speaking to you today as a *Reporter*, so as to avoid responsibility if you find that I am wrong. Some of the things I will say may shock you and you may violently disagree with me.

I am sure the average American has confidence that our leaders are furnishing adequate national defense for our nation. For nearly two hundred years with the spirit of America backing up our national leaders our country guaranteed the safety of the lives of our citizens and the continuation of our national government. We have known nothing but freedom and liberty given us by the sacrifice of our forefathers. So, it is not to be wondered at that our citizens do not realize that something has happened to the leadership of our nation. The responsibility for the change is upon both these who lead us and on us voting citizens for this is a republic and the government is the responsibility of the citizens.

A great many citizens seem to think we have put too much money into defense. I do not like to come before you knowing that if you take seriously what I say, that you are going to be concerned and that you will not leave our meeting today in a cheerful mood. But I feel that Americans today are not aware of our very great danger to both the lives of our citizens and the survival of our nation. For a good many years a number of us have been deeply concerned about this subject. But most of our citizens are apparently unaware of it. All our people are against war. We want peace. The difference is how to achieve peace. A very large group of Americans seem to think we can achieve peace by doing away with our army, navy and air force. When we do away with defenses we are sure to bring on a war. Today we are facing a communist group that has never changed its objective. Today, as fifty years ago, it is out to bury us and there is only one road to peace with this group, or in fact, with any bully, and that is we must be strong and negotiate from strength. When we withheld bombing North Vietnam and from using our armies to win a victory, there was no use in trying to negotiate in Paris. The enemy did not believe we would pay the price of success and they fought on with the full expectation we would finally go home without victory and that is what we are doing now because of political pressure at home. We did the same thing in Korea and MacArthur said he had never known or studied any such method of conducting a war.

These two wars are the first of the kind we have ever fought. *It is not the American way.* The outspoken opposition at home also convinced our enemies we were not united. Eisenhower said he could not have won the second World War had he experienced the opposition at home that has prevailed during the Vietnam War. *Church leaders and others who joined the marches, prolonged the war and caused the deaths of thousands of Americans.* From these two wars and from many other causes some of which are political and much of which is a misunderstanding of the dangers we are in, has caused opposition to our defenses in Congress. So much of our welfare money has gone so far beyond the reasonable needs of our pepole, and is being worse than wasted, that it adds to the list of our people who do not want to work, fight, or do anything else. *They have become un-American.*

The surest way to get us into war is to go ahead with complete disarmament. There are reported to be more than a hundred Senators and Congressmen, some of them announced candidates for the Presidency, who think we should spend nothing on national defense.

When candidate Muskie recently condemned the President's speech on the state of the nation, he was giving aid and comfort to the enemies of our country.

As a school teacher I became deeply interested in American History and in Americanism as it has developed over the years since we became a Nation. George Washington advised us not to become too deeply involved in quarrels between foreign nations. It seems we have largely forgotten this advice—although George, himself, might modify that statement somewhat if he were with us today.

President Monroe advanced the Monroe Doctrine by which we would not stand idly by while a foreign nation built up a military system on this side of the Atlantic. President John Kennedy received bad advice and I saw him on television when he said he had made a tremendous mistake in betraying the patriots of Cuba when they were prepared to clear out the communists at the Bay of Pigs. We at that time abandoned the Monroe Doctrine and gave the communists a spring board within reach of this continent and so greatly endangering our country.

As Americans we have helped the people of many nations when they were starving and this has become an item in our Americanism. India and China were two such nations we often helped but under communist leadership these nations now profoundly hate us.

A few years ago I prepared an article for the monthly magazine of the company I work for. The title was "I Was Born With A Silver Spoon In My Mouth" in which I tried to point out that I was born in America, *a country with the greatest freedom of any nation on the face of the earth in any age of human history*—the United States of America. I was born in a country where all we have a right to ask for is an opportunity, good health, a chance for an education, and an opportunity to work in our chosen field. Behind the iron curtain is fear, not freedom; slavery, not initiative; suppression, not motivation; terror, not happiness; restriction, not help to progress.

I have been highly interested in Americanism because it represents the fundamentals of what we stand for in America. At one of the company national meetings, I opened the convention on this subject. For some years I have been state chairman of the Americanism Committee for the Society Sons of The Revolution for West Virginia and have made annual reports on this subject and attended national meetings.

I have sincerely hoped that the capitalistic system under freedom would continue down the years for those who come after us.

We have seen the continual development of socialism in America, the weakening of our national defenses, and a retreat from facing the demands of our communist enemies. We saw a ship taken by Northern Korean communists on the high seas with little immediate reaction on our part.

Just imagine what would have happened if this action had occurred when Theodore Roosevelt was president of the United States.

For years our money has gone into welfare until our people have come to believe that the Preamble of the Constitution which says *"Promote the General Welfare"* means that we are to live on the government.

As our citizens have weakened they have come more and more to look to the government for a livelihood. We have deteriorated physically until, I am informed, only 38% of the young men who came before military boards are able to pass the tests for soldiers. It is difficult to find people willing to work. The self dependence of our pioneer ancestors seems to have disappeared. Many of our young men and women demand that they start at the top and not be required to work their way up.

Many of you men, as well as myself, had to begin even below the bottom and *work* our way up to the bottom.

Today we face a host of problems in America—such as the national debt, pollution, crime, problems in our colleges, lack of interest in voting, softness on criminals, and a host of others.

Two of these problems are the national debt and irresponsible spending by the government and the other has been national defense. We expected Nixon, judging by his platform, to do much for us on these two points, but for some reason he has gone into reverse and the national debt has been larger than ever before. Also he has been timid in the face of objections to build up our national defenses and has asked for a mere pittance in proportion to our very great needs with which to face an active enemy.

But one of these problems is so important that if we neglect it and fail to solve this problem, none of the others will mean anything to us, and that is the problem of national defense. We will not be able to protect the lives of our citizens nor guarantee the survival of our government.

The history of nations is very similar in that when they become prosperous they begin to decay.

This country has tremendous wealth. Over 40% of our families have incomes of more than $10,000 per year. Rome had a like experience. They became prosperous and began to feed their people and keep them on the government pay roll. They lost the desire to defend themselves and were no longer willing to pay the price for victory. The German people of the North did not have wealth or culture, but they were willing to pay the price so they came down and took over then Rome ceased to be a nation.

Our nation is too young to die. Twice my own age goes back to within 4 years of the last Indian raid in this tri-state area. We are putting much more money into welfare than into defense. Our people no longer like to work. Most of them are on some sort of welfare. The quality of manhood and womanhood is changing. You all know about these things. Young men burn their draft cards. Many church leaders suggest that more and more of these young men be conscientious objectors. *No conscientious objector should be recognized,* but every citizen of this republic should be required to *render some kind of service at a time of national danger.*

President Nixon appointed the *Blue Ribbon Defense Panel* in 1969. The Panel submitted its report in July 1970 on certain points as to our defense system. In making this survey it became increasingly clear that if observable trends continue the U.S. will become a second rate power incapable of assuring the future security and freedom of its people. Members of the panel reserved the right to make a supplementary report and seven of them including Lewis F. Powell, Jr., who is now a member of the U.S. Supreme Court, make this report. The supplementary report subjects were not asked for by the President. The President has *not* publicized this report, as far as I know.

Here are some of the statements and facts:

This committee believes if the people know these facts they will demand that we avoid becoming a second rate power, if we are not already in that class with all the conquences of that position. The committee states: The Soviets now have superiority in ICBM's. They out-strip us in offensive and defensive weapons. Our technical superiority will soon be lost to them. *They are seeking a first strike capability.* They have long since passed the point they and we stressed in the 1960's and are going right ahead building for one thing and that is to obliterate us in the first strike so we cannot retaliate. There is a mounting hostility of our public towards the military and against our only security. Unless we change public sentiment we will soon be, if we are not now, a *second rate power.*

At our national capital the American Security Council has been organized by concerned Americans to inform our citizens of our peril. World order has been maintained by the military strength of our United States. The Soviet Union now envisions their domination with all that means. Our own superiority has ended. Our own weapons system is obsolete. I recently spent a week in Florida in the home of a retired Colonel of the Air Force. He is of the opinion we are not capable of defending ourselves against the Soviet military machine. He thinks the defense system has greatly disintegrated. Forty five officers including non-Coms have been killed in the past eighteen months by their own men both white and colored troops in Vietnam, mostly by *hand grenades.* In Vietnam the officers no longer are in command, just like the students in colleges have taken over. The officials continually fear assassination. Hand grenades have been called in and not allowed to the soldiers except when going into combat. Members of the Air Force receive periodic letters that confirm the terrible danger this country is in.

The Soviet ICBM's can deliver a megatonnage of nuclear war heads several times greater than the U.S. it is estimated from 7 to 8 times greater than our own. Their Naval build up is challenging U.S. Naval supremacy. Red China is also achieving ICBM capability. Sec. of Defense, Melvin Laird, said a year ago that by the mid 1970's neither the vital interests of the U.S. nor the lives and freedom of our citizens will be secure. We are not far from the mid 1970's. Yet in the face of this peril to America many demand that we cut down or entirely abolish the defense system we have. Recently I heard a speaker on television asking for economy and stated it can best be achieved by cutting down our defense spending which is not needed. And as our defense spending goes down that of the Soviet Union goes up. Their defense spending more than equals our own although their gross national product is half ours.

We are training fewer scientists and engineers than is the Soviet Union. And why at a time like this are many of our citizens hostile to U.S. Defense? Certainly it must be a lack of understanding of our relative position and the intentions of our enemies unless they desire to commit national suicide. We can do any one thing to assure peace and that is to have a capability *equal to or superior to theirs.* This is the only possible road to peace. The Soviets have not changed their objective and *appeasement and negotiations with them now simply means that we are on the road to national extinction.* Nato forces in Europe with 300,000 Americans are confronted with a large force and better equipped Soviet force. The Berlin Wall still stands and Soviet forces surround Berlin. Any loyal American who undermines our own military forces must either be ill informed or he must prefer suicide for himself and family.

The world order that has been preserved by America is now disintegrating. Unless we maintain superiority, all countries of the world including our own will soon suffer communist domination. In the mid seventies at the present rate of development, the Soviets will have double our ICBM force.

The Russians are now producing submarines of a superior quality and these submarines are patrolling the coasts of America all the time, which threatens the survival of our national command headquarters, most of our cities, and our bombers in what we consider hard shelters we had hoped to use as deterrents. In the 60's it was assumed that neither country would risk a first strike. We said in no event would we do so. Now we know the Soviets are planning a first strike capability.

The Soviet cities have defenses. Our cities have no defenses. They, by a first strike, can kill one hundred millions of our people, destroy our missile bases, and obliterate our capital city of Washington, D.C. Until recent years the Soviet had a great land army but no navy. Today it now has a challenging naval ability. It has the largest submarine fleet in the world and is rapidly overtaking the U.S. in other ships. It is taking over the Indian Ocean and is rapidly gaining command in the Mediterranean. At last President Nixon is sending a fleet to the Indian Ocean to get established at this time. Soviet ships are new and modern. The majority of ours are twenty years old. Their Navy will soon eliminate the freedom of the seas.

For well onto three hundred years the British Navy preserved the freedom of the seas. Then we took over. If we stand by and allow the Soviets to take over, there will be no more freedom of the seas.

Within a span of two decades, mostly within the last five years, we have moved from complete security to perilous insecurity. The mood of the people of this country and Congress has been to retreat from defense. This indifference in the face of national peril is without precedent in our national history. To submit to communist domination when their national produce is half of ours is unbelievable. Certainly if our people are informed they will do all they can to preserve our lives and country. Unless our people are alerted and demand that our Congress support adequate defense, many of us believe this nation is doomed—and that by 1976, the two hundredth year after the declaration of independence, we will definitely be at the mercy of communism and they have no mercy. In 1972 you will see every week articles in newspapers and magazines on this subject. The American Security Council is making itself felt. If citizens will tell their representatives how much they are concerned, then our defenses will be strengthened—if there is yet time. Don't forget that peace can come to us only through strength.

The Doves are bringing us nearer to war each day.

The Nixon trip to China is for the purpose of borrowing time.

Both we and China are in need of help in facing the Soviets. Together we can postpone any aggressive intentions of the Soviets.

The small nations of Asia no longer look to us for help. We will give up South Vietnam, Korea, and Chang Kai Chek's Formosa.

We will get nothing except a postponement of attack by the Soviets. This surrender would not have been necessary if we had kept our military power.

Unless we use this gained time to become strong militarily, we will sooner or later have to face the Soviets and possibly with the Chinese also and we will have no hope of winning.

As a nation we have fallen morally, we have lost our military superiority, and *in our standing with other nations we have sunk to a tremendous low.*

China wants to get U.S. out of Asia. She will succeed. She will succeed in the one China policy for all Chinese and that one will be Communist China.

She wants trade with the West and will get it. We are going far more than half way with China.

This final China deal proves the end of the U.S. military and political dominance.

We have only one hope and that would have to be backed up by our people.

We will have to pay the price of becoming a powerful military nation, and we are likely so committed to welfare we cannot pay the price.

This year 1972 the expenditures for health, education and welfare, is much greater than for our national defense.

Whatever the cost for national defense, we had best pay it if we want peace and if we want to survive.

Gentlemen, I take the position this country is in great peril. I shall be most grateful if any one of you can prove I am wrong.

Most of our political leaders assure us that our defense is in good form and all is well, but when you present certain facts and ask for real evidence, they are too busy to furnish it. *But our Congressmen and Senators do want to know what we think.*

THE FIRST COMMENCEMENT AT EISENHOWER COLLEGE

Mr. JAVITS. Mr. President, on May 28, Eisenhower College, at Seneca Falls, N.Y., held its first commencement. The school has come far since its groundbreaking in 1965, which was attended by General Eisenhower himself. It was altogether fitting that on the auspicious occasion of this first commencement, the address was delivered by a distinguished American who had been a close personal friend and associate of the late President Dwight D. Eisenhower, after whom the school was named and for whom the school stands as a living memorial.

I ask unanimous consent to have printed in the Record the address delivered by Gen. Lauris Norstad, chairman of the board of Owens-Corning Fiberglass Corp., at the first commencement of Eisenhower College.

There being no objection, the address was ordered to be printed in the Record, as follows:

Talk by Gen. Lauris Norstad

This first Commencement of Eisenhower College is truly an important beginning. Today, the distinction, the pride and the honor belong to you who graduate as the first class this College launches into the world. You are the first flowering of an idea, of an institution. Your families and friends, your College, are proud, as they should be, that you have successfully run the prescribed academic course. But perhaps it is an even greater thing that you, with the administration and the faculty, have pioneered in establishing a pattern of practices, customs and attitudes, social and academic standards, which, altogether, define a point of departure for Eisenhower College. It is from this base that it will continue its program toward the stature which we all hope it will attain, which its supporters throughout the country expect and which it must achieve to be worthy of the great name it bears. This is your day; we are privileged to share it with you.

But in the longer range, this event also marks the birth of a real center of interest in the ideals and principles associated with the Eisenhower name. It provides an atmosphere in which these ideas may be encouraged to grow; it establishes an instrument by which they can be propagated within and beyond these walls so that both students and the broad society of which we are a part may benefit. Thus, the goodness and the strength, the ideas and the ideals of the man we honor—as we honor you, our first graduating class—will continue to help us in times of frustration or fear, of deep private or public concern.

The significance of this institution and this, its first Commencement as monuments to General Eisenhower urge me to speak on a subject on which he offered precept by his words and gave example by his life. I shall talk to you about responsibility.

It has been said: "A university educates a man, not by teaching him what he knew not, but by making him what he was not, and what he will remain forever." (Ruskin). This, I think, expresses the value of education—not so much that it prepares one to practice a particular profession or occupation, but that it gives him a clearer view and understanding of his own opinions, his own judgments, so that, in the life ahead, he will be better able to judge ideas and circumstances with balance and perception, to act wisely on his judgments, to follow loyally or boldly lead.

Your task—for yourself as an individual, for the organizations of which you will be a part, for the country whose citizen you are—your task is to translate into constructive influence the values your education has added to your own dimensions. It is not only the voice of my generation, it is history that says change is brought only by the active and concerned, not by those who passively watch the world go by, not by the lotus eaters.

Anything one might think of saying to a graduating class sounds almost too familiar; it seems to have been said so many times before. But it is not in the nature of things for someone of my generation to resist the temptation to advise and counsel those younger than himself. Although we may think we speak with a certain wisdom, you may not be inclined to give us top marks even for our handling of our own private affairs; you may question seriously our conduct of the public business. Yours is supposed to be a generation of doubt, of protest but, strangely, that has been said, with more or less justification, of almost every generation before yours. And it is a good thing.

The right to question—to challenge—to dissent, is clearly etched into the framework of the concept and the practice of democracy in this country. Our country's founders were dissenters. But this right, like most others, carries with it an obligation to think and to act responsibly. There have been *other* periods of questioning and dissent—the Reformation and the Renaissance, the Age of Reason and the Industrial Revolution—and *other* generations have met challenges as great for their time as ours are today for us, and, in the process, they have advanced civilization and enhanced the general welfare.

So as you go out to make this world you inherit different and, we hope, better than what we turn over to you, I encourage you to doubt, to question, to dissent, whenever you really believe your point. But as we examine public goals and priorities, as we question economic and social programs, challenge military concepts and strategies, and voice our doubts on the conduct of foreign affairs, let us note that there are two kinds of criticism of public policy. There is reckless, irresponsible criticism which defaces the relevant facts, debases men's motives, argues that the way to deal with trouble is to evade it, and ignores the fact that for the leader there may be as many moral issues involved in *inaction* as in *action*. On the other hand, there is responsible criticism, when the self-disciplined, free man seeks out the facts, thoughtfully considers them, and offers or supports positive, constructive alternatives. It seems to me that, out of respect for a past that has brought this country greatness and out of obligation to the future to which you may elect to be more master than slave, you must choose carefully and consciously between these courses.

At this point I must note that the words spoken here today are silhouetted against the screen of current events: Vietnam, the fear, the misery, the death of people there, the agony of people here as we resent our failure over a period of more than ten years, live with the painful moral issues involved, suffer over the right course for our country. And all this happens in an election year, a time when over-simplification and hyperbole tend to cloud and confuse every issue. This, indeed, is a challenge to our sense of responsibility and to our obligation to penetrate the rhetoric, to remember that, even if we seem now to be a somewhat divided people, we are united in our wish for an end to this tragic struggle, in our hope for peace.

Perhaps there was more hope than history, and certainly there were the circumstances of a far simpler world, when Cardinal Newman said that knowledge "puts the mind above the influences of chance and necessity, above anxiety, suspense, unsettlement and superstition, which is the lot of the many." These influences, all of them, it seems to me, are part of our lives; they define our time. *Chance and necessity, anxiety, suspense, unsettlement and superstition*. But there is also challenge, excitement, purpose, honor, trust, faith and hope. The balance of influences, it seems to me, is a favorable one—perhaps never more favorable.

As we look to your future, and as we consider the responsibility you must carry, it is inevitable that you should wonder about this charge being imposed on you by an earlier generation. It is reasonable for you to ask—indeed, even to ask with some vehemence—how well that earlier generation stepped up to the obligations which were there to be met in its time. Every succeeding generation has had the right to do this asking in respect to its predecessors. Every generation has weighed those who have gone before and, in some measure and to some degree, has found them wanting.

If you evaluate us, you will find it evident that we have not done everything well, that we have left you no end of hard jobs, creative, important and exciting jobs. Yet, I would not want you to infer from this that we of the generation still more or less in charge have been failures simply because we have left still undone so much that is important.

We have, indeed, failed in many ways. But while we lament the loss of what could have been, we note a well-known circumstance of life: it is in the nature of man to fail. But failure brings shame only when there is no sense of purpose, when man stops trying. I would like to believe that in my time Americans have tried hard. Fearful wars were fought. Tyrannies were put down. Broken societies were repaired. Vast sections of mankind have found freedom. A world organization has been set to adjudicate the disputes of nations and to extend the rule of reason and of law. New Alliances were constructed to hold off the new tyrannies, and under those defensive shields we prospered. We have done things, we have paid terrible prices, we have borne agonies—in great measure so that you will not have to repeat these experiences. Your future is clearer because of what we have swept away.

And the past gives you great advances in science, in education, in social and political philosophy, in every field of man's knowledge. It permits you to move to a new set of priorities—priorities which gain in significance because of what that past can claim as accomplishment, priorities which are launched from what has been learned in such accomplishment, priorities which allow you to refine and perfect the grosser results of earlier effort. The record that we of the older generation have built, with all of its imperfections, we add to our legacy to you—with some sorrow and regret for our failures, with some measure of pride for the good achieved in our time. And all this we pass on without apology.

As you accept this legacy, and you have little choice, and as you start the business of creating the better one which you in turn will pass on a few decades from now, you will find inspiration and direction in these final official words of President Eisenhower, spoken in January of 1961:

"To all the peoples of the world, I once more give expression to America's prayerful and continuing aspiration:

"We pray that peoples of all faiths, all races, all nations, may have their great human needs satisfied; that those now denied opportunity shall come to enjoy it to the full; that all who yearn for freedom may experience its spiritual blessings; that those who have freedom will understand, also, its heavy responsibilities; that all who are insensitive to the needs of others will learn charity; that the scourges of poverty, disease and ignorance will be made to disappear from the earth, and that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love."

And now to return to here and now and to you who graduate today.

The shocking violence in Maryland a few weeks ago, although not unprecedented as we know all too well, still troubles us. And it should. As I have said earlier, in disturbing times, we turn to the voices of the good and the strong to sustain us. Thus turning, let me give you the words of a distinguished American, a friend and admirer of General Eisenhower, a man who was a great servant of his city, his state and his nation for more than fifty years, the late Henry Stimson. More than a quarter of a century ago he said:

"We must not let ourselves be engulfed in the passing waves which obscure the current of progress. The sinfulness and weakness of man are evident to anyone who lives in the active world. But men are also good and great, kind and wise. Honor begets honor; faith begets faith; and hope is the mainspring of life. I have lived with the reality of war, and I have praised soldiers; but the hope of honorable, faithful peace is a greater thing, and I have lived with that, too. That a man must live with both together is inherent in the nature of our present stormy stage of human progress, but it has also many times been the nature of progress in the past, and it is not reason for despair."

Mr. Stimson then referred to the generations ahead, to you here today!

"Let them have hope and virtue, and let them believe in mankind and its future, for there is good as well as evil, and the man who tries to work for the good, believing in its eventual victory, while he may suffer setback and even disaster, will never know defeat."

From his experience, from his deep sense of responsibility, from his own life full of service and achievement, General Eisenhower would wish you each an active and vigorous life with its share of pain, problems, sorrows, but all of these balanced with the joy of having tried hard, and the satisfaction of having returned something of value to the civilization, the nation and the people which have given you so much. We join him in this wish.

CIVILIAN CONTROL OF THE MILITARY—THE NOMINATION OF GENERAL ABRAMS

Mr. PROXMIRE. Mr. President, unless Gen. Creighton W. Abrams gives a complete and thoroughly satisfactory explanation of the more than 20 unauthorized airstrikes by the 7th Air Force while Abrams commanded our forces in Vietnam, I will fight his confirmation as Army Chief of Staff.

The entire issue of civilian control over the military in forming American policy is at stake. I do not intend to see this most important constitutional question swept under the rug, downgraded, ignored, or whitewashed.

At the time of General Lavelle's unauthorized bomber raids in Vietnam over a considerable number of weeks, General Abrams was the Commanding General of MAC–V, the head man in Vietnam. On the face of it, he has a great deal to explain.

If he knew what was going on, if he allowed General Lavelle to exceed his orders, and did nothing about it, he is culpable.

If he did not know about it, and that is what Secretary Laird now tells us, unless he has some completely satisfactory explanation, he should have known about it. In either case, there is a real question whether General Abrams fulfilled his obligation. Traditionally, the American military has acknowledged civilian control not only in words but in deeds. General Abrams must show, in the most affirmative way, that in his actions he displayed the deepest respect for civilian control over the military and that he was not an overt or covert party to exceeding proper orders.

GENERAL ABRAMS SHOULD HAVE KNOWN

There are many objective reasons why General Abrams as MAC–V should have known what was going on. Throughout the period when General Lavelle was carrying out his unauthorized airstrikes, his command submitted afterstrike reports to MAC–V on all missions flown. General Lavelle had to get MAC–V clearance for projected missions. Reports of bombs and rocket usage as well as fuel consumption were made routinely. There is a vast difference between the amount of ordnance needed for a few protective reaction strikes on radar and antiaircraft weapons and the amounts for preventive and interdiction bombing carried on by General Lavelle's 7th Air Force. Future stock levels of bombs and rockets had to be requisitioned by the 7th Air Force from MAC–V on the basis of future planned strike requirements.

Unless MAC–V knew what was going on and covertly approved it, these actions should have raised the most serious questions in the mind of General Abrams as to what was actually going on. If he did not know about it, he should have known about it.

SENATE MUST PERFORM ITS CONSTITUTIONAL DUTY

It is the duty of the Senate to determine whether General Abrams has upheld both the spirit and the letter of the Constitution of the United States before he is confirmed as Army Chief of Staff.

Unless he can show in the most affirmative way that he did not know about General Lavelle's actions and/or gives us a complete explanation as to why he did not know about them, his competence to act as Army Chief of Staff in a democratic society will be under the most serious question.

The credibility of the Army and the issue of civilian control of the military are both at stake.

A SALUTE TO EDUCATION

Mr. PASTORE. Mr. President, in these June days, throughout the length and breadth of America, the teachers and those whom they have taught are offering "A Salute to Education."

It is only natural that the State of Rhode Island, that colonial pioneer in learning, should raise its voice in praise.

In historic New England only Harvard and Yale antedate Brown University which 203 years ago graduated its first class.

The charter of that college was one of the most liberal of its kind written in the 18th century. Its doors were closed only during the years of the Revolution as faculty and students bore arms—and its buildings were the bivouac of the French soldiers of Rochambeau.

In those historic times, Brown conferred honorary degrees on such immortal figures as George Washington, John Adams, Thomas Jefferson, Benjamin Franklin, John Hancock, Alexander Hamilton, Nathanael Green, and Stephen Hopkins, Rhode Island's delegate to the convention that produced the Declaration of Independence.

Yes—Rhode Island fostered the great university. But it also fostered that immortal educational institution, the one-room school.

I would like to frame my "Salute to Education" in the dimensions of those devoted teachers whose years of service reach back to that school of schools.

June, the month of graduation for scholars, is proverbially the month of retirement for teachers bringing their precious task to a close.

It so happens that two such teachers are retiring this June in a typical small Rhode Island community. They are teachers whose service spans the growth from the one-room school to the most modern of educational facilities.

The community of their dedication paid them high tribute on the occasion of their retirement and I had the privilege of adding my sentiments to the general accolade.

I am sure that my thoughts express the universal appreciation and affection of pupils past and present—indeed, the thoughts of all our people—and our praise for all teachers is personified by these recipients.

So I add these letters to my "Salute to Education" and make them my salute to educators everywhere.

Mr. President, I ask unanimous consent to include these letters in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 8, 1972.

Mrs. JANE ANDERSON,
Exeter-West Greenwich Regional School District, Nooseneck Hill Road, Coventry, R.I.

DEAR MRS. ANDERSON: Let me include every good birthday wish along with words of appreciation as your school year comes to a close—and wrap them all up in congratulations for all the school days of 1972—which you have distinguished as Teacher of the Year.

You symbolize what I dare to call the sacredness of the one-room schoolhouse—than which the greatest university cannot claim to be so close to the human heart and home.

You signify the wide responsibility—the character and capability—the deep dedication of the teacher in that intimate schoolhouse—a responsibility concentrated in the close communion with youth you guide to a sense of duty and destiny—the individual's important service in a world however wide.

From all the decades of devotion you draw dividends of satisfaction in the lives you have influenced.

May you be an inspiration to good minds and great hearts to accept that onerous but so honorable profession of teaching—that they may find their reward—as you have found yours—in shaping the citizen of tomorrow in the soul of the student of today.

Again—congratulations and appreciation.

Most sincerely yours,
JOHN O. PASTORE,
U.S. Senator.

JUNE 14, 1972.

Mrs. MARGARET WHITFORD,
Lineham School,
West Greenwich, R.I.

DEAR MRS. WHITFORD. As you retire from the responsibilities of teaching after thirty two devoted years, let me add my word of commendation to the praise and gratitude of the community you have served so well.

I speak as a public official who, as Governor and United States Senator, found greatest satisfaction in government commitment to education—and its finest dividends in the "close to home" values of the community school and its capable teachers.

There has been placed in your keeping the most priceless of our possessions—our children—whose lives and loyalties you mold in their very learning.

You have seen and shaped great advances in education from the one-room school to the most modern facilities—but the heart of the school is still the heart of the teacher.

Indeed, the American character is at its truest in the small community where knowledge of neighbor creates love of neighbor—love that is expressed tonight as neighbors and friends—associates of the present and students of the past pay tribute to you as teacher—honoring themselves and your profession as they honor you.

May this night be memorable through a future of health and happiness for you.

Most sincerely yours,
JOHN O. PASTORE,
U.S. Senator.

THE CEASE-FIRE IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, I welcome the cease-fire scheduled to begin next Monday in Ulster. The cease-fire is an important and historic new step on the road to peace in Northern Ireland, a step full of hope that a permanent peace can soon be achieved with full respect for the rights of all the people of Ulster, Catholics and Protestants alike.

Leaders on both sides in Ulster and Great Britain deserve the strongest praise for their success in accomplishing the cease-fire. In many respects, this new step toward peace is a tribute to the skillful, fair, and patient efforts of Mr. William Whitelaw, and the very real progress he has made toward ending the old policy of internment and translating the new policy of direct rule into fair and evenhanded action. The cease-fire is also a tribute to Mr. John Hume, Mr. Paddy Devlin, and other moderate Catholic leaders in Northern Ireland, who have responded to the deep yearning of their people for an end to the killing and violence. It is a tribute to the persistent efforts of thousands of ordinary citizens in Ulster, especially the Catholic women who stood up so bravely against the terrorists in recent weeks and demanded peace. And, it is a tribute to the leaders of the IRA, who at last have accepted the call for peace and an end to the campaign of terror.

Above all, perhaps, the cease-fire is a tribute to Prime Minister Heath and the success of the new initiative announced last March by the British Government, including the suspension of the Stormont government, the institution of direct rule, and the beginning of the end of internment.

For months, while policies like internment, tragedies like Londonderry, and the daily bombings and murders were seared into the conscience of the world, all calls for change were resisted. The intransigent policy of the Stormont regime continued to inflame the issue. At last, in March, a policy that failed was put aside, and Britain regained the road to peace in Ulster.

One more point needs to be made. The world knows the bitter passions and violence that have been spawned by centuries of conflict over Ireland. Frequently, in my own past comments on British policy toward Ulster, I have noted that, in some respects, Ulster seemed to be Britain's Vietnam. But the analogy was reciprocal, and it now has a brighter side.

Surely, if Britain can find its way in Ulster, the United States can do no less in Vietnam. Surely, it can be no more difficult for Britain to reach agreement with the IRA than it is for the United States to reach agreement with North Vietnam. So long as the unparalleled killing and violence go on in Indochina, the cease-fire in Ulster will be a constant reminder that our own intransigent policy toward Vietnam has failed, and that we have not yet found the formula for peace. Prime Minister Heath and Mr. Whitelaw have set a high standard for President Nixon and Dr. Kissinger to follow. The world now has a dramatic demonstration of what can be accomplished by men of good will, genuinely seeking peace. Thus, it is my hope and prayer that the cease-fire in Ulster will be followed at the earliest possible opportunity by a cease-fire in Indochina.

Mr. President, I ask unanimous consent that two articles by Mr. Whitelaw may be printed in the RECORD. The first is an article entitled "There Are Only Victims in Ulster," which appeared in yesterday's New York Times, and which is an excerpt from a recent speech by Mr. Whitelaw in London. The second is the text of a television address made by Mr. Whitelaw to the people of Ulster on June 16, and reprinted in the Manchester Guardian on June 17.

[From the New York Times, June 22, 1972]

THERE ARE ONLY VICTIMS IN ULSTER

(William Whitelaw is British Secretary of State for Northern Ireland. This article is excerpted from a recent speech in London)

(By William Whitelaw)

LONDON.—I have set myself to make use of every possible approach—diplomatic, blunt, direct, polite—to persuade as many people as possible to join hands with me in making Northern Ireland a place where the man who wants to draw attention to his point of view doesn't have to depend on a loaded gun or a bomb for the purpose.

The situation is not just about law and order. It is not simply a question of meeting a force of which we cannot approve with a greater force of which we can approve. If history is to pass judgment on the work we are trying to do now then please God let it not be, "They took the easy way out—the way to short-term peace and long-term disaster."

Nor is the situation one where a single, straightforward move, whether by Protestants, Catholics, by us here in London or by statesmen anywhere in the world, will produce a solution as if by a wave of a magician's wand, in a flash.

Nevertheless this is not a situation in which there is no peace to be found. It is not beyond the wit of man to devise a solution. I know that those who want peace will triumph in the end. But the point of view is often put—how can we hope to get anywhere with a problem that has defied the abilities of many of our politicians for centuries? The Irish will always fight among themselves, it is argued. Surely we should just wash our hands of the whole sorry mess? This I cannot possibly accept.

To begin with I doubt whether any of us would be in public life if we did not sincerely believe that it is in the power of man himself to right these wrongs which man himself has inflicted. That is the simple answer to those who say there is no peace to be found. But there is also a more specific answer. It is not a matter of votes won or lost, it is not an arguing point for academics. It is a brutal and brutalizing tragedy where grievous suffering and destruction is daily inflicted, where people are regularly maimed and disfigured for life, where the ultimate disaster of loss of life is an almost daily happening.

Fear is the constant companion of a great number of its people. Not just the physical fear of the bomb and the bullet but fear of the things their fathers feared. For a Protestant, fear that he will be handed over into a united Ireland against his will. For a Catholic, the fear that discrimination and political intimidation will bedevil his own life and that of his family. On both counts the British Government has made its position totally clear. Let me say it again. Without the consent of the majority of the people of North Ireland the United Kingdom Government will not countenance the absorption of the province into a united Ireland.

To the Catholics in Northern Ireland let me say that the security forces will give their protection to all who are in need of it. There will be no discrimination on the grounds of religion either in Northern Ireland, or, indeed, anywhere else in the United Kingdom.

What then is to be done? If we were sure, in all likelihood I would not be here tonight, for there would be no office of Secretary of State for North Ireland, and the horrific events which have become such a depressing feature of Ulster life would not be screaming at us from the headlines and the television sets. So we work and we think and we hope and we pray.

It appalls me, as it must appall all people of good sense, to read of behavior which puts men's jobs at risk. What good does it do any cause to wage war on workpeople, to imperil their right to earn an honest livelihood, to prevent a man from trying to pay his way and do the best for his family? I know now that I have a great reservoir of goodwill in Northern Ireland on which I can draw in my efforts. And I know I have the united people of Great Britain. What I am seeking to achieve is simple. I am seeking the help of all in building a place with a real future, a place of promise, a place where the voices that are loudest in the land are not the voices of the wreckers and the chronically disgruntled.

And I am convinced that slowly—and there are signs that it may be already happening—the two communities in Northern Ireland must learn to come together and to live together. It will happen because it must happen. There are no martyrs in Northern Ireland. There are only victims. The dying will have to stop. We are utterly determined that it should be soon.

[From the Manchester Guardian, June 17, 1972]

WHITELAW BEGS ULSTER FOR SANITY

Mr. William Whitelaw, Secretary of State for Northern Ireland, said in a statement to the people of Ulster last night:

After almost three months of direct rule the time has come for some straight talking. Since I have arrived here I have found that no one in Northern Ireland believes in mincing words. You now want to know from me where events are taking us and how I see the future for Northern Ireland; above all, what is to happen to you and your families, and what you can do to help shape events.

First then, what I am doing. I am here on behalf of the British Government, who represents you just as much as the people in England, Scotland, and Wales, to try to lead the way out of the strife and bitterness that has bedeviled Northern Ireland for so long.

Some of you may think that I have been making too many concessions to this or that group; that I have been seeing more of some people than others; that I have listened too readily to some and not to others. But I can say that I have shown there is on all sides a real demand for peace and a craving for an end to violence and terrorism, that people everywhere have had enough.

Very well, then, what happens now, especially as we all realise in our hearts that time is short in which to find the solution we all, or very nearly all, seek so desperately?

I have always insisted on working for the community of Northern Ireland as a whole; one community. But I have to face the fact that there are two parts of this community.

To the majority, the Protestants, I say this. I represent the British Government which has placed on the Statute Book for Parliament a categorical pledge that the border will not be changed against your will, and the Labour Party has endorsed this pledge in Parliament. No one is going to force changing that against your will, as certainly as no terrorist or gunman is going to be able to blast and bomb you into the republic.

To the minority, the Catholics, I give a pledge, too. You will have a square deal. The new jobs available will be shared out fairly. New investment will be spread evenly across the province. You will have the opportunity to play your full part in the life of the community. I think I have proved my honest intentions by the way in which I have been phasing out internment. I believe I have shown you can trust me too.

And to both communities I can say I have made no secret deals. I think you can judge, just as I am not the sort of man who responds to ultimatums or a loaded pistol at my head, nor am I the sort of man who makes secret deals with anyone, whoever they are.

I want an end to violence. I want peace. There is nothing secret about that, believe me. And violence is not only shooting or bombing in crowded thoroughfares. It is just as violent an outrage if a man and his family are driven out of their home, have to pack their belongings and quit because of sectarian threats. How can I get new jobs in Drumahoe when fanatics are allowed to destroy the historic Londonderry Guildhall, from which so much good work has been done for the city by the Commission?

Equally, how can I persuade firms to come to Belfast when teenagers roam the street, burning cars and barricading, ripping up the paving stones and destroying the disciplined image the Ulsterman has abroad? You know it cannot go on. Nor can independent areas be permitted to offer shelter for those who plan death and destruction to the innocent.

I must say that, while I do not envisage a purely military solution to this problem, I will have to come to grips with it unless the people within themselves take a hold of the situation. They can in one way immediately demonstrate, as can others, that they accept the time has come to put their house in order.

OFFENSIVE

The civil disobedience campaign is deeply offensive, not only to law-abiding people in Northern Ireland who have been paying their way throughout the troubled years, but also to the tax payers throughout the United Kingdom. This is a way in which now, this week, every individual person can show that they want a return to normality by starting to pay their way again.

Well, now what am I going to do to help? I recognise that one of the big problems worrying everybody is the feeling of insecurity that is in the air. Yesterday, in Parliament, I invited the people of Northern Ireland to discuss with me, urgently, how a conference should be set up about the future of the democracy in Northern Ireland.

It really is time to start the talking and stop the shooting. I want them now to get round the table and hammer out the problem. Some will say they won't agree. At first, meetings like this rarely do, but it is from meetings and talks that sooner or later the solutions must come. If my conversations show that there is a widespread desire for an early plebiscite on the border then the British Government will be ready to arrange it.

The other opportunity for democracy is the future local government elections. I have already said that the local government elections must go ahead this autumn. After much thought, however, and discussion, I have decided that it would be right to hold these elections on the basis of proportional representation such as Northern Ireland had in the 1920s.

This may mean that the elections will have to be postponed to November or December, but the new Councils will take office in April, as planned. This decision to have proportional representation will not bind any future Northern Ireland election. It will, however, be an opportunity to see how this system works and so to decide whether it would be appropriate for the future.

These, then, are the opportunities that I offer. This is a moment when a stark choice faces us all in Northern Ireland. The danger of intersectarian conflict is very real. No one, not even the most bitter extremists themselves, will gain from that. At the same time, many innocent people, including women and children, will suffer.

If, alas, such a tragedy were to occur, I can assure you that the British Government will discharge its responsibility to you and seek to protect you as citizens of the United Kingdom. But we could not hope to prevent bloodshed. There is, however, another way. There is a real chance now to draw back from the brink, end the violence, and promote a real and lasting peace. A ceasefire now would provide new opportunity for us all. Sanity and common sense must prevail before it is too late.

SALUTE TO AMERICAN EDUCATION

Mr. ROBERT C. BYRD. Mr. President, I wish to associate myself with those who on yesterday, gave their salute to American education, emphasizing its importance in a free society.

Education, above all else, is the one essential upon which any free society must rest. Representative government and free, democratic institutions cannot exist without an informed people.

Nowhere is this more clearly demonstrated than in totalitarian societies, where the first impulse, and the first goal, of the dictator is to bend the educational process to his own ends.

It is highly appropriate, then, that the importance of education in a society such as ours should be marked in the manner in which my colleagues have done so.

Almost my first reaction, when education is mentioned, is to recall the influence which three wonderful teachers had on my own life. I have been fortunate in having had many good instructors in my life, in college classes, in law school, and elsewhere. But three who taught me in my high school days in the southern West Virginia coal fields stand out.

One was an English teacher, one was a math teacher, and the other, who only recently passed away, was my music teacher. Each in his or her own way made an indelible impression for good upon me that will last as long as I live.

The English teacher to whom I refer was Miss Anna Brochick, who, like the other two, taught me when I was a student at Mark Twain High School at Stotesbury in Raleigh County, W. Va. Through literature and language, she opened a window on the world for me. She introduced me to books which informed and inspired me. And so thoroughly did she drill me in the rules of grammar that they remain with me to this day.

David Reemsnyder was a high school mathematics teacher. He made algebra and geometry exciting to me. He made figures come alive. He taught me the orderliness and the precision of numbers, the exactness of expressing the relationship of facts through equations. I am sure that he stimulated me to think more logically than I might otherwise have done.

And then there was Mrs. W. J. B. Cormany, wife of the principal of our school and my music teacher, who I am sure has gone to join a choir of angels somewhere on high. She taught me to play the violin, and the music I made lifted me above the mundane, workday world. I shall be forever in her debt for her inspiration, and for the appreciation she helped me develop for things other than the material things of this world.

I must also mention Mr. Cormany, in addition to the others. He was a physics teacher as well as principal. But I remember him best for the discipline which he both demanded and inspired. There was none of the permissive nonsense about him which weakens schools today. He was a strong man and a fine educator whom we respected. He is deceased now, but his influence with those who were his students lives on.

The school in which these dedicated teachers taught was, because of them, a remarkably good high school for that time and place. Many young people other than I benefited greatly from being students there. I am sure that there were then, and that there are now, innumerable schools like it throughout our land.

Because this is so, because America's school system—from kindergarten to the university—makes education available for all, our free society survives and flowers as a model for all people in a world that grows increasingly authoritarian.

Education is the leavening force which makes democratic institutions work. It is the enemy of autocracy. A free people, to remain free, must always be the champions of education for all.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business having expired, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, S. 3390, which the clerk will state by title.

The assistant legislative clerk read the bill by title, as follows: A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1265

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 1265) of the Senator from Pennsylvania (Mr. Scott), which the clerk will state.

The assistant legislative clerk read as follows:

On page 6, line 20, strike "$600,000,000" and insert in lieu thereof "$725,000,000".

On page 8, lines 14 and 15, strike "$618,000,000" and insert in lieu thereof "$618,000,000, of which not less than $50,000,000 shall be available solely for Israel".

On page 8, lines 15 and 16, strike "$650,000,000" and insert in lieu thereof "$770,000,000, of which not less than $70,000,000 shall be available solely for Israel".

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Republican leader yield me 30 seconds?

Mr. SCOTT. Yes, Mr. President, I yield to the distinguished assistant majority leader.

The PRESIDING OFFICER. Will the Senator from West Virginia withhold his comments until the Senate is in order? The Senate will be in order.

The Senator may proceed.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 878, S. 3511. This item has been cleared on both sides.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3511) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1973, to enable it to carry out its functions under the National Science Foundation Act of 1950, and under title IX of the National Defense Education Act of 1958, for the following categories:

(1) Scientific Research Project Support, $275,300,000;

(2) National and Special Research Programs, $112,500,000;

(3) National Research Centers, $42,300,000;

(4) Computing Activities in Education and Research, $20,500,000;

(5) Science Information Activities, $9,500,000;

(6) International Cooperative Scientific Activities, $4,700,000;

(7) Research Applied to National Needs, $96,500,000;

(8) Intergovernmental Science Program, $3,200,000;

(9) Institutional Improvement for Science, $22,000,000;

(10) Graduate Student Support, $25,000,000;

(11) Science Education Improvement, $76,000,000;

(12) Planning and Policy Studies, $3,200,000; and

(13) Program Development and Management, $29,300,000.

Sec. 2. Notwithstanding any other provision of this Act—

(a) of the amount stipulated for the purpose of "National and Special Research Programs" in category (2) of section 1, not less than $6,000,000 shall be available for the oceanographic ship construction/conversion program;

(b) of the amount stipulated for the purpose of "Research Applied to National Needs" in category (7) of section 1, not less than $26,000,000 shall be available for energy research and technology programs, including but not limited to solar, geothermal, and other nonconventional energy sources, and not less than $10,000,000 shall be available for earthquake engineering programs.

Sec. 3. Appropriations made pursuant to this Act may be used, but not to exceed $5,000, for official consultation, representation, or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

Sec. 4. In addition to such sums as are authorized by section 1, not to exceed $7,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1973, for expenses of the National Science Foundation incurred outside the United States to be paid in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Sec. 5. Appropriations made pursuant to the authority provided in sections 1, 3, and 4 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

Sec. 6. (a) No funds may be transferred to or from any particular category listed in section 1 if the total of the funds so transferred to or from that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Director or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(2) each such committee before the expiration of such period has transmitted to the

Director written notice to the effect that such committee has no objection to the proposed action.

(b) The provisions of subsection (a) shall not apply during any period in which the Congress is in adjournment sine die.

SEC. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d)(1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 8. Section 3(a)(1) of the National Science Foundation Act of 1950 is amended—

(1) by inserting "and scientific education programs at all levels" after "scientific research potential"; and

(2) by striking out "scientific activities" and inserting in lieu thereof "scientific and educational activities".

SEC. 9. The National Science Foundation shall establish a Division of Energy Research and Technology which shall carry out the Foundation's energy research and technology programs.

SEC. 10. This Act may be cited as the "National Science Foundation Authorization Act of 1973".

Mr. KENNEDY. Mr. President, I wish to speak in support of S. 3511, the National Science Foundation Authorization Act of 1973. This bill would authorize the Foundation $720 million for fiscal year 1973. I introduced the bill on April 19 and the bill with an amendment, was unanimously voted by the Committee on Labor and Public Welfare on May 30.

Since its creation as an independent agency in 1950, the National Science Foundation has carried out the extremely important mission of maintaining the Nation's scientific strength. The Foundation operates no laboratories or scientific facilities of its own, but through grants and contracts supports programs of scientific research and education in thousands of universities, research institutes, and other organizations. These programs cover all fields of science and engineering, encompassing the mathematical and physical sciences, engineering, social sciences, biological and medical sciences, materials research, and the environmental sciences. They cover all levels of science education from elementary school through postdoctoral fellowships. And these programs are carried out in all of the 50 States to assure a strong, broadly based national scientific enterprise.

The impact of the Foundation's programs are both pervasive and profound on the Nation and on the future of mankind. For we live in an age of science—from the computers that increasingly manage our transactions to the transistors that power our electronic devices to the advanced medical technology which promises profoundly to affect the maintenance of man's health. Science has become essential to the Nation's military security, to the strength of its domestic economy and international economic position, and, indeed, to the resolution of the widespread social problems which beset our Nation.

But scientific research is not a spigot which can be turned on and off at will. Before scientific knowhow can be effectively applied to particular problems in areas such as transportation, health care, housing, communications, energy resources, nutrition, and pollution control, the underlying foundation of basic research must be patiently and continuously built over the years, and the Nation's scientific and technical talent must be carefully nurtured and trained.

This is the key task to which the Foundation has directed its principal efforts over the years; but in recent years the Foundation has also expanded its programs with respect to applied research which is relevant to the Nation's social problems. Although the various Federal agencies sponsor some applied research relevant to their particular missions, there remains a considerable amount of extremely important applied research which is too broad in scope or too fundamental in substance to fall within the mandate or resources of the mission agencies. The National Science Foundation is the only agency which can tackle these problems. So the role of the National Science Foundation is to keep the Nation strong in basic science, sponsor the applied research which cannot be effectively handled by other agencies, and assure the Nation an adequate supply of scientific talent.

S. 3511, as amended by the Committee on Labor and Public Welfare would authorize $720 million for these purposes in fiscal year 1973. This represents only a 2-percent increase over the $704 million authorization voted by the Senate for fiscal year 1972. This is less than would be necessary to account for the inflation in research and education costs.

The bill, however, is $73 million higher than the $647 million amount contained in the administration's budget request for fiscal year 1973. This additional funding is for urgently needed research and education programs in science and engineering. The principal programs which account for the additional funding are $48 million more for science education programs; $16.5 million more for research applied to national needs; $3.2 million more for oceanographic ship construction; and $2.2 million more for intergovernmental science programs.

The $48 million more for science education programs includes $18 million more for institutional improvement for science, $17.8 million more for graduate student support, and $20.2 million more for science education improvement. These increases are necessary to arrest the recent decline in Federal support of science education programs and assure the Nation a strong academic science program and an adequate supply of scientific talent over the coming years.

Although the country is witnessing a high level of technical unemployment at this time, this is a condition which cannot continue. S. 32, the National Science Policy and Priorities Act, which is now under consideration by the Committee on Labor and Public Welfare, should go a long way toward reducing the current unemployment rate among scientists, engineers, and technicians, if it is enacted. And the increasing pressure of national problems requiring scientific talent for their solution makes it clear that overall demand for scientific talent in our society will continue to grow over the years ahead.

In the April 7 issue of Science magazine, the executive director of the Scientific Manpower Commission—Mrs. Betty Vetter—was quoted as follows:

> The needs for technologically trained experts to meet national and social goals will not have diminished by the time these smaller classes emerge from the educational pipeline. We will still be trying to erase urban blight, produce adequate clean energy, purge the environment, create effective transportation systems, and provide adequate health care, while maintaining our national defense and continuing some level of space exploration. If the state of the economy and a reordering of national priorities has enabled us to convert these needs into demand (meaning jobs), the supply of technologically trained specialists may again be too small in a few years.

The situation has been further exacerbated by the administration's unconscionable action in impounding $21,000,000 in fiscal year 1972 appropriated funds for National Science Foundation educational programs. During fiscal year 1972, the Office of Management and Budget impounded $5,000,000 for institutional improvement for science, $4,800,000 for graduate student support, and $11,200,000 for science education improvement. Although the administration has indicated these funds will be released in fiscal year 1973, the injury to important science education programs has already been incurred.

To provide the Nation with the scientific talent which will be required over the coming years, it is important that the National Science Foundation be authorized the total of $123 million for educational programs which is contained in this bill.

The $16,500,000 additional for research applied to national needs includes $12,600,000 additional for energy research and technology, and $3,900,000 additional for earthquake engineering. The bill brings the total in those two areas to $26,000,000 for energy research and technology, and $10,000,000 for earthquake engineering.

The proposed program of research applied to national needs—RANN—is substantially below minimum requirement levels based on the assessment of need provided by various non-NSF witnesses particularly in the areas of energy research and earthquake engineering. Congressman MIKE MCCORMACK testified on the Nation's burgeoning energy problem and the urgency of finding ways to meet these increased energy demands. This and other information convinced the committee that the amount of $13.4 million included in the Foundation's budget request for energy research is far less than that demanded by the situation. The dimensions of the energy problem were brought into sharp focus by the testimony provided by Congressman MCCORMACK. For example, by 1985 it is estimated that the United States will have to import more than 44 percent of its oil. Some estimates indicate that domestic supplies of natural gas may be entirely exhausted by the decade 1990–2000, and that by that time as much as 50 percent of our petroleum requirements may have to be met from foreign sources. S. 3511 provides that a minimum of $26 million is to be used by NSF for the purpose of energy research and related technological problems, including research on solar, geothermal, and other nonconventional energy sources.

The budget request for NSF includes only $6.1 million for earthquake engineering. This program provides research support for projects to develop economically feasible design and construction methods for earthquake resistant structures, including buildings, dams, and so forth, that can significantly reduce the hazards to life from earthquake motions. The NSF program in earthquake engineering is unique in that it is the only program of its kind aimed at finding practical engineering methods that can help alleviate the damages caused by earthquakes. The need for greatly expanded Federal support for research in this area was strongly substantiated by the information included in the hearing record.

The additional $3,900,000 for earthquake engineering, for a total program of $10 million, is of great importance to the lives and property of thousands of American citizens in all parts of the country. Contrary to the prevalent view, earthquakes in America are not limited to California and Alaska. There is no State in the Union which has not experienced earthquake damage at one time or another. Twenty States have been subjected to serious damage, and are likely to experience serious damage again. These include South Carolina, Nevada, Kentucky, Washington, Illinois, New York, Idaho, Massachusetts, New Hampshire, Tennessee, Mississippi, Montana, Wyoming, Utah, Maine, Indiana, Missouri, and Arkansas, as well as California and Alaska. Through the earthquake engineering program, the Nation can take steps to prepare for future earthquakes and to minimize their adverse consequences.

Another area of vital importance to the nations continuing efforts to improve environmental quality is the provision of modern research vessels needed for the conduct of advanced research in oceanography. Of the 32 research vessels supported by the National Science Foundation, 13, or more than 40 percent, were built 25 or more years ago. The Foundation's budget request provides for the construction of one new research vessel at a cost of $2.8 million. Close examination of the ship replacement requirements makes it clear that the Foundation should accelerate fleet modernization programs in fiscal year 1973; therefore S. 3511 provides an additional $3.2 million to augment the Foundation's ship construction program, bringing the authorization for new ship construction to $6 million in fiscal year 1973.

The additional $2.2 million for intergovernmental science programs, bringing the total to $3.2 million is designed to make the benefits of science and technology available for practical utilization within the various States and regions of the Nation. States, regional, and local governmental agencies must be strengthened so that they can play their proper role in transferring scientific knowledge into industrial applications and into public technology programs which serve the citizens in their regions. For several years the National Science Foundation has been sponsoring a pilot intergovernmental science program designed to achieve these goals. The program has proved successful, and the time has come to expand its pilot activities to a level which can meet the widespread needs throughout the country.

The following is a brief summary of the programs included in the National Science Authorization Act:

First. Scientific research project support, $275,300,000. The objectives of this program is to provide support for individual scientists or groups of scientists in finding answers to unresolved scientific questions. The fiscal year 1973 program provides for the expansion of biological, physical, environmental, and social sciences, and engineering, particularly in those areas where new knowledge can lead to the solution of problems of national concern in the seventies, or where increased efforts can significantly advance our understanding of basic life processes, natural phenomena and physical laws that govern our universe.

Second. National and special research programs, $112,500,000. These are a variety of major programs which require special coordination, and include the: International biological program; Global atmospheric research program; Experimental R. & D. incentives program; National R. & D. assessment program; International decade of ocean exploration; ocean sediment coring program; Arctic research program; U.S. Antarctic research program; oceanographic facilities and support; and logistics support for the 1973 solar eclipse.

Third. National Research Centers, $42,300,000. These include the National Astronomy and Ionosphere Center at Arecibo; Kitt Peak National Observatory; Cerro Tololo Inter-American Observatory; National Radio Astronomy Observatory; and National Center for Atmospheric Research.

Fourth. Computing activities in education and research, $20,500,000. This program is designed to: develop new knowledge in the computer sciences for application in the design of improved computer hardware, software, and integrated computer systems; promote the development of innovative computer uses in the educational process; and seek new ways to couple the capabilities of computers to the conduct of research in all areas of science.

Fifth. Science information activities, $9,500,000. This program is designed to facilitate the flow of scientific and technical information and reduce unnecessary redundancy and overlap in the generation and dissemination of scientific information.

Sixth. International cooperative scientific activities, $4,700,000. This program is designed to promote U.S. access to, and appropriate participation in, international scientific activities.

Seventh. Research applied to national needs. $96,500,000. This program includes: $25,500,000 for advanced technology applications; $26,000,000 for energy research and technology programs; $25,000,000 for environmental systems and resources; $14,000,000 for social systems and human resources; and $6,000,000 for exploratory research and problem assessment.

Eighth. Intergovernmental science program, $3,200,000 to aid State, regional, and local governmental agencies in making the benefits of science and technology more widely available within their regions.

Ninth. Institutional improvement for science, $22,000,000. These funds will go to colleges and universities to improve their academic science programs and to increase the effectiveness of their research programs, through improved management.

Tenth. Graduate student support, $25,000,000. Of this amount $17,000,000 will go for graduate fellowships to assure an adequate flow of highly talented individuals into science careers; $10,000,000 will go for postdoctoral fellowships to assist scientists and engineers in upgrading their professional skills and in making a transition into other technical areas.

Eleventh. Science Education Improvement, $76,000,000. This program is designed to help improve the effectiveness of science education at all academic levels. It focuses on such problems as: increasing the cost effectiveness of science education through improved programs, technology, and instructional strategies and methodologies; assuring the Nation of a large enough and flexible enough scientific and technical workforce; improving science education for the nonscientist; and providing adequate science educational opportunities outside the formal structure of the educational system.

Twelfth. Planning and Policy Studies, $3,200,000. This program is designed to provide the factual data and analytical basis for sound national science policy decisions.

Thirteenth. Program Development and Management, $29,300,000. These funds are used to provide for the operation and management costs of carrying out the preceding 12 programs, and amount to less than 4 percent of the total authorization of $740,000,000.

In addition to the above programs, the bill authorizes the appropriation to the National Science Foundation of $7,000,000 to be paid in excess foreign currencies, for expenses which the Foundation incurs in its activities abroad.

As can be seen from the foregoing summary, the programs of the National Science Foundation are extremely diverse and far reaching. In many cases their effects will not be felt for years, or even decades. But if the history of our century can serve as a guide, sooner or later their effects will definitely have a major impact.

Science is the key to progress in our time, and the programs of the National Science Foundation represent an essential investment in the Nation's future. If we do not make the necessary investment today, we, our children, and our children's children will suffer immeasurably for our shortsightedness in the years ahead.

I urge each Senator to vote for this important authorization.

Mr. CRANSTON. The National Science Foundation bill reported today by the Labor and Public Welfare Committee contains an authorization for $10 million for earthquake engineering research. The administration's original proposal called for a $3 million earthquake engineering program. On March 21, 1972, I introduced legislation calling for the establishment of a $10 million per year earthquake engineering program in the NSF. Thereafter the administration revised its request upward to $6.1 million. The $6.1 million authorization, however, still fell short of the level of research which my studies had indicated was needed to achieve timely results in light of the overwhelming need for better knowledge in the earthquake engineering field. I therefore introduced an amendment to increase the program level to the full $10 million I had originally proposed. The committee accepted that amendment and this legislation calls for a $10 million earthquake engineering research program for fiscal year 1973.

Passage of this proposal is an important first step toward the creation of a program conducted at the national level. In August, the Senate Commerce Committee will commence hearings in California on my legislation to create a permanent earthquake engineering program with a multiyear authorization. That program establishes certain goals, such as the rewriting of building codes to conform to findings of earthquake engineering research.

The need for earthquake engineering research is clear.

The San Fernando earthquake registered only 6.6 on the Richter scale—the 1906 San Francisco earthquake registered 8.2; the 1964 Alaska earthquake, 8.4. An earthquake measuring 8.0 on the Richter scale releases almost 1,000 times the amount of energy as an earthquake registering 6.0.

If another earthquake of the magnitude of the 1906 San Francisco quake were to strike California, 500 times the energy of the San Fernando quake would be released. A 1968 report prepared by a group of the Nation's top earthquake experts for the President's Office of Science and Technology, estimates that an earthquake registering 8.2 in California today could cause up to $50 billion damage and take thousands of lives.

There is a 75-percent chance that an earthquake of that magnitude will occur along the San Andreas fault in California within the next 30 years, according to testimony by the former director of the California Earthquake Office before the Senate Public Works Committee last year. An earthquake of magnitude 7.0 or greater is likely to occur at least once a decade, according to an earthquake engineering report prepared for the National Science Foundation in 1969.

During an earthquake, every structure or object in contact with the earth, every piece of equipment in contact with a structure, even the ground that supports the structure, all experience stresses and strains. Whether the structure collapses will depend largely on the original engineering design.

It is the objective of earthquake engineering to develop structural designs and code standards to avert massive death and destruction. The advantages of such construction designs were demonstrated during the 1923 Tokyo earthquake. Some 74,000 persons died, 54 percent of all brick buildings collapsed, and 10 percent of the few reinforced concrete structures collapsed. Frank Lloyd Wright's Imperial Hotel was the only large building that offered safety because of its revolutionary, floating cantilever construction.

Current minimum construction standards are determined throughout the United States by city and county building codes. The Uniform Building Code published by the International Conference of Building Officials and based on testing done by the Structural Engineers Association of California, is preeminent in the field. However, the San Fernando earthquake has raised serious questions about the adequacy of the code provisions.

Earthquake engineers call the San Fernando earthquake the first comprehensive practical test of American earthquake codes. That earthquake tragically demonstrated the inadequacy of existing building codes.

The $24 million Olive View Medical Center was dedicated in November 1970. Three months later, the second floor of the psychiatric center collapsed to the ground in the earthquake; the facility is a total loss. The San Fernando earthquake caused the collapse of a freeway interchange under construction at the time of the quake. It was designed in late 1968.

Many other buildings, bridges, and utility structures which sustained serious damage under the earthquake stress had been built to meet current code requirements. Clearly, we must reevaluate the assumption on which the codes are based. A critical and comprehensive review is needed.

Earthquake engineering research, which will use new methods, such as computer analysis of structural reaction to earthquakes, will enable earthquake resistant structures to be built. The new knowledge gained from a program in earthquake engineering research will be translated into revised building codes.

Mr. DOMINICK. Mr. President, I am extremely pleased to support S. 3511 which authorizes funding in the amount of $727 million for important scientific research, science education, and other science activities of the National Science Foundation for fiscal year 1973.

Our Nation and our democratic form of government are experiencing environmental, economical, and technological challenges which are far more complex and more costly to resolve than any we have had to face in our 196 years of existence as a Nation.

It is clear that the future health of this Nation depends to an increasing degree on the success we are able to achieve in utilizing science and technology for purposes that will be of benefit to mankind. The National Science Foundation has a broad congressional mandate to support programs that will extend the frontiers of science and technology and that will bring the Nation's science resources to bear more effectively on major problems of national concern.

Specifically, the program authorized by S. 3511 will permit the Foundation to make significant progress toward the attainment of the major science mission objectives of the agency.

First, it provides $405.6 million for fundamental research designed to increase the base of scientific knowledge through a number of major research programs, including research project support in the various fields of science, through eight national research programs, and through fundamental research programs carried out at five national research centers.

Second, it provides $121 million for research in selected areas that can contribute to the achievement of national goals through the use of science and technology. It is in this area that the Foundation has demonstrated its unique ability to be responsive to emerging needs of the Nation. For example, under the Foundation's program of research applied to national needs, major research efforts will be focused on the Nation's energy requirement including alternative methods to supply this energy. Another major research thrust is designed to find economical ways to build earthquake resistant structures that can reduce the hazards to life and to property caused by earthquakes.

Authorization is also included for two new programs that deal specifically with the encouragement of R. & D. programs that can benefit the civilian economy and projects that will increase our understanding of the process of invention, innovation, and application of science and technology and their impact on economic growth and productivity. I am convinced that these pioneering programs will open avenues for more effective employment of science and technology in all aspects of our industrial and service economy. I should add that these initiatives will experiment, test, and assess the use of R. & D. in State and local agencies and other organizations in the public sector as well.

The science programs authorized in this bill will make important contributions to our national commitment to improve the quality of life and of our citizens and will help provide the basis on which American can remain strong among the nations of the world.

Third, the program authorized by S. 3511 will permit the Foundation to proceed with the development and implementation of a revitalized science education improvement program. The science education activities of the Foundation have undergone a major restructuring in order to bring these activities in line with the emerging needs of students, instructors, institutions, and our society in general. I want to stress that it is essential that the Foundation be provided the funding necessary to develop more diversity in the science education experience of students to broaden their range of career options and to better prepare science and nonscience students for a productive life in our highly industrialized and technologically advanced society. The bill, as proposed, will also help insure the Nation a flow of the very best of the Nation's science and engineering student population into the stream of science and engineering careers.

Finally, Mr. President, S. 3511 provides the necessary authorization to permit the Foundation to extend those programs that increase the exchange and accessibility of scientific knowledge on a national and global basis, and that will enhance capabilities for using computers to perform advanced research, and to make greater use of computers in the education process.

Taken together, Mr. President, the programs authorized by S. 3511 represent a strong commitment on the part of this Nation to the further development of the Nation's scientific and technological capabilities.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I yield myself such time as I may require.

This amendment raises the authorization for grant military assistance to $725 million and the authorization for security supporting assistance to $770 million, of which $70 million is specifically earmarked for Israel.

First. The amendment restores $125 million to the authorization for grant military assistance which was cut by the Foreign Relations Committee. This figure is still a reduction of over $55 million from the administration's original request of $780 million; but it will, if approved, provide a military assistance program which will give us an international environment in which our security interests will be protected.

As the Members of the Senate are well aware, the grant military assistance program is the linchpin of the Nixon doctrine. It allows us to withdraw American forces from around the world by enabling allied and friendly governments to field armed forces which can bear an increasing share of the common defense burden. Now for the first time since the conclusion of World War II, we can look to our allies to bear the primary burden for meeting nonnuclear threats to the common peace. The millions we authorize for these grant military assistance programs save billions for the American taxpayer. It is conservatively estimated that it costs $10,000 a year to keep an American soldier overseas, but only $500 a year to train and equip a foreign soldier to take his place.

Cuts of the magnitude proposed in the bill as it now stands would stall the equipment modernization program for Korea, hence making it more difficult to reduce our military presence there in future years.

These cuts would also reduce our efforts to assist Cambodia in meeting North Vietnamese attacks. Cambodia's armed forces are tying down North Vietnamese, Vietcong troops which would otherwise be available for service in Vietnam.

Cuts of this magnitude would have a serious impact on Thailand as well, for a substantial cutback in our program there would set back Thailand's counterinsurgency efforts and could place in jeopardy the essential facilities in Thailand which are used by our forces operating in Southeast Asia.

In less than 3½ years, over half a million American military personnel have been withdrawn from the east Asia and Pacific area alone. The cost to the American taxpayer of the Vietnam war has dropped from $29 billion in fiscal year 1968 to $10 billion in fiscal year 1972. Yet because of our grant military assistance programs, the MASF funded defense appropriation, and the security supporting assistance program, others have been able to fill in behind us.

Second. On the security supporting assistance side, my amendment restores $120 million which the Foreign Relations Committee cut from the administration's request. This is still a reduction of $74 million from the administration's original request of $884 million. This amendment, if adopted, would give us a continuing viable program. A program which would give us the resources to provide the economic support which allied and friendly governments in Southeast Asia need to allow them to carry on with the primary burden of their own defense as our involvement in Vietnam winds down. Funding at this level would also assure continued stability in the Mideast by assuring the economic viability of Israel and Jordan. I have specifically earmarked $70 million of supporting assistance for Israel—$20 million more than under present law—to assure that that Nation and her people will not lack resources during this continued twilight period of no war and no peace in the area.

Mr. President, my amendment will restore these programs to respectable levels, and in my view this restoration is justified. The administration is winding down the war in Vietnam in a responsible manner. This administration is reducing America's share of the cost of common security programs. This administration has demonstrated that it has the capacity to devise new policies to meet changing world conditions. These new policies are working in Southeast Asia and elsewhere. And this bill will, if adequately funded, give us the resources we need to continue to make progress.

In the foreseeable future the hope for a better world will rest primarily as it has in the recent past upon the faith that other nations, friend and foe alike, have that this country will keep its word and honor its commitments.

The Nixon doctrine is moving the primary burden for meeting nonnuclear threats to the peace from us to others. This policy is working in Southeast Asia and elsewhere. And this legislation, if adequately funded, will enable us to complete the job.

Mr. President, one of the most important objectives of my amendment is to keep the Government's faith with the Republic of South Korea. As is well known, in order to reduce our forces generally overseas, we have reduced the sum of our presence in South Korea by a very substntial withdrawal of personnel. But in doing so, we have given our own word as a government to the Republic of South Korea that we will not allow them to be penalized by this withdrawal to the extent of being unable to defend their own country, and they have said to us that while they need our forces, they also understand our problem, and that if we will modernize their equipment and give them the tools to protect their own country, it will to some degree compensate them for the lowered American presence in the area.

Mr. President, I have been at the armistic line at Panmunjom. I have seen the Korean forces. I have reviewed their crack regiments myself. I have seen their men and their officers and their equipment, and their air forces.

These are among the bravest people in the world. Buffeted as they have been over the centuries by their neighbors, occupied for long periods of time by China and by Japan, brought into a condition of dependency for generation after generation, these people who early maintained an independent and magnificent culture of their own, from the time of the Silla Dynasty and before, on through the Koryo Dynasty, and down to the Yi Dynasty. These people who have maintained their national strength, whose culture and economic achievements have been a source of pride to civilization—those who value civilization—saw their future very much brightened after World War II when their independence was restored to them and they again became the Republic of Korea.

Then, one more time they were divided, this time by internal conflict, into two nations, a long and bloody conflict, in which the United States participated, which I had the opportunity to see briefly in uniform, on the ground, and in the air.

I talked to General Hodge before we withdrew the American presence there once before in Korea, in Seoul; and he said to me:

> If we withdraw these forces, it will only mean war.

A couple of years later, that is exactly what happened, in 1950. I think I talked to him in 1947 or 1949. Our complete withdrawal of the American presence did not contribute to peace. It actually encouraged the hostile forces of the north to move in. It encouraged subversion in both north and south.

As a result, the independence of Korea was threatened and the country ultimately was divided. The United States was forced into a war which could have been avoided had we not, in the late 1940's, hastily withdrawn all our troops, under our cry of, "Let's not be involved any more." So we decided not to be involved, and we became involved in one of the most costly conflicts in our history. That is the lesson of Korea.

I think we owe it to our own security and survival, and to theirs, and we owe it to our own sense of justice—we owe it to ourselves as a nation which has given its word to aid these people—to help them modernize their forces, if we are again in the process of withdrawal from the territory of a friendly nation. So I hope this amendment will be adopted.

I think the business of second-guessing your government on matters of this kind is highly risky. Where a government has been elected by the people, where it is carrying out the foreign policy of the nation, where it makes commitments and pledges its word to governments, the Senate of the United States ought not come in and say, "Well, we think we can do better. We are better foreign policy experts than you are. Never mind what you said in South Korea. We just won't give them the money."

Not only would that damage us in South Korea; it would damage our credibility wherever else in the world the word of the United States is pledged and is felt to be as good as its bond. So I hope that the Senate will adopt this amendment, that we will do justice to Korea.

There is, of course, our obligation to assist Cambodia; because Cambodia is pinning down troops of the enemy which otherwise would be engaged in South Vietnam and prolong that conflict, which already has gone on much too long.

I have added $20 million for Israel, because we want at least to continue to maintain the status quo, in the hope that Israel and the Arab nations finally will be able to convert the cease-fire into a permanent peace. We have a cease-fire and no peace in two parts of the world—in Korea and in the Middle East.

Our purpose in our foreign policy is to promote peace—to promote peace in Korea, to promote peace in Indochina, and to promote peace in the Middle East. Our best chance of doing so is to be prepared to keep our commitments and, in the case of Israel, the only democracy in the Middle East, to support its very valiant forces as they, by their very determination and readiness to defend themselves, deter aggressors, whether they be neighbors or whether they be great powers.

So it seems to me that this amendment is meritorious. It does not restore all the money. It is realistic. It is a reduction from the amount which the administration asked, as I recited earlier. But it does restore it to a more viable level which would enable us at least to keep our commitments.

I hope, therefore, that the amendment will be adopted.

Mr. DOLE. Mr. President, I rise in support of the amendment of the distinguished Republican leader which would restore a measure of the cuts in military and supporting assistance proposed by the Senate Foreign Relations Committee and earmark an additional $20 million in supporting assistance for Israel. Total supporting assistance for Israel would then amount to $70 million.

Although it would be a disservice to the cause of world peace to exaggerate or otherwise create undue optimism concerning recent international developments—developments largely resulting from U.S. initiatives—I think it is a fact that there exists in this country and in this body increased hope that after a quarter of a century the enmity of the cold war may be disintegrating. And one would also hope that developments on the world scene will have an impact on the conflict in Vietnam. But if there are significant movements toward peace today, it is because we and our allies have the strength which encourages those who have different views to seek to resolve our differences through peaceful means.

Nonetheless it is vitally important to remember that we will only be able to capitalize on such opportunities for peace if we and our allies can continue to negotiate from positions of strength. For more than 10 days, now, the Senate has been considering legislation which is crucial to the Nixon doctrine, which encourages our allies to assume greater responsibilities for their own defense, and to the maintenance of our allies' self-defense capabilities at sufficient strength to encourage the process of detente which President Nixon has so imaginatively pursued in recent months.

But severe cuts by the Senate Foreign Relations Committee in the supporting assistance and military assistance programs recommended by the administration jeopardize important U.S. security interests in Europe, the Middle East, as well as in Southeast Asia. Supporting assistance provides the economic support which Vietnam, Cambodia, Laos, Thailand, Israel, Jordan, and others need to sustain their economies while they withstand military and political pressures from their adversaries. We have seen that the need to maintain strong military forces in the Middle East has created an economic strain on both Israel and Jordan which they cannot meet without outside assistance. The same is true in Vietnam, Cambodia, and Laos, where the substantial amounts of military equipment which we are supplying to them will be far less effective if we do not provide an adequate level of economic aid which will permit them to mobilize their own manpower.

Supporting assistance also includes the financial support which we provide for the care of refugees and war casualties in Southeast Asia. The recent North Vietnamese offensive caused an additional 800,000 refugees in Vietnam and an uncounted number of civilian war casualties. It is my impression that most Members of the Congress agree that support for this purpose should be adequate in all cases and even relatively generous.

The grant military assistance program is the linchpin of the Nixon doctrine. It provides allied and friendly governments with a portion of the equipment and training necessary to enable them to bear primary responsibility for their own defense.

A 23-percent cut in grant military assistance in fiscal year 1973, coming on top of a 28-percent cut in fiscal year 1972, would threaten the stability of Cambodia and Thailand; weaken the contribution Turkey can make to stability in the Middle East and the strength of the Mediterranean flank of NATO; set back our program to modernize Korea's armed forces; and weaken our relationships with a number of nations who permit us to station U.S. forces on their territory. With these reductions in effect, meaningful programs for such countries as China, Indonesia, the Philippines, Greece, and Ethiopia could not be completed, and important U.S. policy objectives in these countries would be imperiled.

This program cannot be viewed in isolation from other expenditures for national security. It is considerably less costly to train and equip an allied soldier than to station an American soldier overseas. Thus these programs provide a great advantage to wise allocation of defense funds and to effective distribution of the Nation's resources. As a direct result of this program and the Vietnamization program, we have been able to withdraw over half a million American personnel from East Asia and the Pacific thus saving both lives and dollars.

While the bill before us is an amendment to the Foreign Assistance Act, it is in fact almost exclusively a bill concerned with the international security program of our country. To maintain the position of strength essential to our country our allies and our friends in what we trust will prove to be a turning point toward peace, the Scott amendment would raise the authorization for grant military assistance to $725 million and the authorization for security supporting assistance to $770 million, of which

$70 million is specifically earmarked for Israel. I urge Senators to support the President's efforts for peace by supporting this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, will the Senator yield to me?

Mr. SCOTT. I yield.

Mr. SPARKMAN. As I understand it, the Senator's amendment provides for an amount, we may say, between what the administration requested and what the committee recommended.

Mr. SCOTT. That is correct. It restores a part of the fund, but it is a reduction of more than $55 million from the original request of $780 million, and it is a reduction——

Mr. SPARKMAN. From $844 million.

Mr. SCOTT. It is a reduction of $74 million from the administration's original request of $884 million.

Mr. SPARKMAN. That is, in supporting assistance.

Mr. SCOTT. Yes.

Mr. SPARKMAN. And $55 million in military grant aid.

Mr. SCOTT. That is correct.

Mr. SPARKMAN. Did the Senator name the beneficiary nations?

Mr. SCOTT. I will be glad to do so.

Mr. SPARKMAN. I am not suggesting amounts, just the countries.

Mr. SCOTT. The beneficiary nations which particularly would be benefited here are the Republic of South Korea, the Government of Thailand, the Government of Cambodia, the State of Israel, and the Kingdom of Jordan.

Mr. SPARKMAN. Is it the Senator's contention that we have commitments to all those countries?

Mr. SCOTT. That is correct.

Mr. SPARKMAN. In the South Korea allolment—or whatever it is called—is the matter of modernizing their equipment involved?

Mr. SCOTT. It is. That is the principal purpose of the restoration, to enable us to keep the given word of the United States, that in consideration—in part, certainly—of the necessity for us to lower our profile in that area, to reduce our presence in that area, we have agreed to help them to modernize their means of defense.

Mr. SPARKMAN. That was really a part of the arrangement that was worked out, either formally or informally, making it possible for us to withdraw U.S. troops from South Korea?

Mr. SCOTT. That is correct.

We are in the position of having gone ahead with the withdrawal of our troops, having taken the benefit of the agreement so far as America is concerned, and then being confronted with a hesitant situation in the Senate, as to whether we should keep our part of the bargain—the modernization of the equipment of the South Korea forces.

If I were a South Korean and heard that the Senate had gone ahead with the return of American soldiers and then had failed to supply the modernization of equipment as promised, not only would I have a low opinion of the Senate, but also, I would have a very low opinion of the word of the United States.

Mr. SPARKMAN. I may say this, that I have a strong feeling for the South Korean situation. I have visited there several times. I have been up on the DMZ area where the South Koreans have their divisions and we have our men. I have seen the equipment the South Koreans use. I know how badly they need modernization. I was pleased when our Government and the South Korean Government worked out an understanding to the effect that we would help them modernize.

Let me say to the Senator from Pennsylvania that I have asked someone who is opposed to this to come to the floor to handle the opposition. I am not in a position to oppose the position of the Senator from Pennsylvania because I think it is so important to all the countries the Senator named, but particularly is the importance to South Korea and Israel. The others may be just as important, I am sure.

Mr. SCOTT. The Senator is right about South Korea. I have already made the point that I served briefly in South Korea on the carrier *Valley Forge*.

I did see the fighting quality of the South Koreans. I have been honored by their government along with General Van Fleet on a subsequent occasion at the time of the inauguration of President Park. This might be said to dispose me even further in their favor, but what moves me is the keeping of a promise and my own personal observation of the gallantry and the determination of the South Koreans to preserve their independence.

Mr. SPARKMAN. I have shared similar recognition by the South Korean Government. I was also given an honorary degree by their National University. However, let me say that does not convince me on this. I am convinced on this by the absolute necessity of having a well-equipped force on the DMZ line, as long as we do not have some kind of agreement whereby peace can be assured. We are still there under the armistice; are we not?

Mr. SCOTT. Yes.

Mr. SPARKMAN. It is necessary to keep the force there. My own feeling is that we should have it there.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time for the quorum be charged equally to both sides.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senator from Florida (Mr. GURNEY) be recognized for 5 minutes on the time of the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. GURNEY. Mr. President, I strongly support the amendment of the distinguished minority leader to restore some of the military assistance funds cut by the Foreign Relations Committee.

First, this amendment will provide adequate economic supporting assistance to Israel—a nation whose continuing economic stability is crucial if peace is ever to be achieved in the Middle East. The recent activities of the Palestinian guerrillas and the tragic shootout at LOD Airport in Tel Aviv underscore the need for such assistance.

Second, this amendment will enable the administration to move ahead in implementing the Vietnamization program. It gives allies and friendly governments the assistance which they continue to need if North Vietnamese aggression is to be successfully contained.

Finally, it enables us to get on with the job of equipping and training allied and friendly government forces so that these forces, rather than U.S. forces, will be able, in the first instance, to meet conventional threats to the common peace.

Mr. President, these programs, which we are considering today, have been instrumental in creating the essential preconditions for a generation of peace. They have enabled us to bring American servicemen home—over half a million from the Pacific alone—and they have enabled us to leave local forces behind which are capable of defending their own governments and institutions.

I do not think there is any more dramatic and convincing evidence of that than what is going on in Vietnam at the present time. The North Vietnamese launched an invasion of South Vietnam and used practically all of their forces. These forces were as well equipped as any modern army. They used tanks and artillery pieces by the hundreds. Many of them were of the modern type of artillery. There were also rocket weapons.

The siege at An Loc ruined that village. Yet, despite that massive attack with the most modern of equipment, the South Vietnamese has not only been able to contain the aggression and turn back the attack, but in some cases they have made slight advances.

Mr. President, as I say, there is no more dramatic evidence that Vietnamization is working and that the training of the South Vietnamese troops to take over their own battles has been successful. That is what this foreign assistance program is all about. If we continue to do that at the level of spending the administration has recommended, it seems to me that servicemen other than the U.S. soldiers will do this kind of fighting, which is what ought to be done.

Mr. President, for the first time in over 25 years other nations are becoming increasingly able to stand on their own, militarily. Given this record of accomplishment, I believe that this military assistance program deserves our continued support. Deep cuts of the nature imposed by the Foreign Relations Committee would serve merely to cripple this administration's foreign policy without bringing forward valid alternative policies. As far as this Senator is concerned, such drastic cuts are neither justified or desirable.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. GURNEY. Mr. President, I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I send to the desk a perfecting amendment to that offered by the distinguished minority leader, and ask that the amendment be stated.

The PRESIDING OFFICER. The amendment is not in order, except by unanimous consent, until all time has been used on the pending amendment or has been yielded back.

Mr. SCOTT. Mr. President, if the Senator will yield, I have not seen the amendment, and I would rather defer——

Mr. CHURCH. Mr. President, I ask that the amendment be returned in order that it may be examined by the distinguished minority leader.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

Mr. President, I have reached an understanding with the distinguished minority leader and we are ready to yield back the remainder of the time on each side to bring up the perfecting amendment.

Mr. President, I ask unanimous consent that the amendment I have offered may be called up and considered at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read the amendment offered by Mr. CHURCH for himself and Mr. BAYH to the Scott amendment (No. 1265) as follows:

> Strike out the first paragraph of the amendment. In lieu of the language proposed to be inserted by the third paragraph of the amendment by Senator Scott insert the following: $685,000,000, of which not less than $85,000,000 shall be available solely for Israel."

Mr. SCOTT. Mr. President, I yield myself 3 minutes on the substitute.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes on the substitute or perfecting amendment.

Mr. SCOTT. Mr. President, all the substitute does is to attempt what has often been tried in the Senate, and that is to increase the amount to Israel, hoping that all Senators who are motivated by the Jewish vote will immediately rush in and support the substitute, and, or course, the $15 million additional can then be knocked out in conference and everybody will be happy.

Well, that is about all it is. My amendment, of course, adds $20 million for Israel. To that the distinguished Senator from Idaho adds another $15 million, but the price of his giving a little more money to Israel is that no more money goes to Korea, and no more money goes to any other country mentioned in my amendment—no more money goes to Jordan, no more money goes to the Middle East.

This is simply an attempt to say to Senators, as they walk through the door just before the vote, "We raise the amount of money for Israel. You want to vote for that don't you?", and in that way hope that Senators will thereby adopt the substitute and strike out what we are trying to do; namely, the restoration of all these other funds in the amendment.

So I do not think the substitute should be passed for that reason alone. Otherwise we get into a bidding contest here, where each Senator who has an amendment offers to authorize more money for Israel, but always at the cost of cutting everybody else. I do not think the Government of Israel wants you to do that, and I do not think the Government of the United States wants you to do that.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. SCOTT. I yield myself 1 additional minute.

I do not think this is the way to legislate.

I realize that by being exceptionally candid on the floor I have abandoned the usual subterfuges which we interchange with each other so often, but that is all this is. When one examines the proposal, he will see that it is done for the purpose, when a Senator comes in and asks what this is all about, of being able to say, "Well, it is a substitute amendment to give Israel more money." This is a time when there is hardly anybody on the floor—there is nobody here now except us chickens—I am sorry; the Senator from Wyoming (Mr. McGEE) says that I should speak for myself—for us chickens and one rooster, then. [Laughter.]

There is nobody else here, so when they come in and they want to know what it is all about, unless somebody makes the record clear what it is all about, they will not know it is an attempt to keep face with South Korea and an attempt to shore up other nations who have been friendly to us, who are pinning down other nations who are not friendly to us, and as an attempt to continue peace in the Middle East——

Mr. SYMINGTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. SCOTT. Mr. President, I yield myself 2 minutes so I may yield to the Senator from Missouri.

Mr. SYMINGTON. May I ask the Senator if he thinks that adding $20 million for Israel will hurt the overall bill?

Mr. SCOTT. The overall bill?

Mr. SYMINGTON. Yes. Would adding $20 million hurt the Senator's proposal? As long as nobody is here but "us chickens," I thought I might as well bring it up.

Mr. SCOTT. Yes. My proposal would help Jordan, Israel, Korea, Cambodia, and would ease tensions, I believe, in those areas of the world. I am so used to, as an old hand around here, almost going into my 30th year in Congress, all these substitute motions. The usual maneuver in the House is on a motion to recommit. Over here it is a motion to do something for Israel. That is all it is.

I hope the substitute will fail, for the reason that it does strike down our attempt to keep faith with the Government and people of South Korea and to maintain our foreign relations in those other areas.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. CHURCH. Mr. President, in the same spirit of candidness that has been shown by the distinguished minority leader, recent votes taken in the Senate have been against increasing the overall amount of this bill. For instance, only last week the Senate rejected attempts to increase military credit sales. Yet, at this point comes another attempt to increase the total amounts in the bill.

But this one has a sugar spoon attached, earmarking an additional $20 million for Israel.

I would first point out that the Senate Committee on Foreign Relations has earmarked $50 million in the present bill for Israel. We wanted to make certain, given the present circumstances in the Middle East, that the military capabilities of Israel are sufficient to discourage another Arab attack on that country. We wanted to provide in various ways Israel the capability to secure its borders. If we are going to err, let us err on the side of generosity. Let us make certain that Israel's defense is adequate, particularly in view of the continuing Russian effort to rebuild the Arab military forces.

So, with respect to this one particular in the amendment offered by the Senator from Pennsylvania, I have no quarrel. The amount, in fact, could well be increased further. That is the reason that I have added an additional $15 million, so that the increase for Israel is not the $20 million provided in Senator SCOTT's amendment, but the $35 million provided in the perfecting amendment.

That, I think, can be justified; but the rest cannot be justified. The rest of this amendment would increase the overall cost of this bill by $245 million—nearly a quarter of a billion dollars would be added, if the Senate adopted the amendment offered by the minority leader—$125 million for military grant assistance and $120 million for economic supporting assistance.

The Senate bill is fully adequate. The committee took the evidence and heard the testimony; it has, in fact, increased the overall amount for military assistance above the levels of last year. The bill contains approximately $100 million more in military assistance than the Senate approved last year. The committee feels that that is fully adequate to meet the need.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Indiana.

Mr. BAYH. I do not wish to interrupt the carefully considered remarks of one of the most distinguished and illustrious members of the Foreign Relations Committee, but as one who is not a member of the Committee on Foreign Relations, I must say that I find great logic in the presentation of the Senator from Idaho.

The Senator has stressed the difference between the committee's recommendations and the recommendations of our illustrious minority leader. From a slightly different perspective, I find it equally alarming to look at the trend of the last couple of years.

While, in the early years of this administration, there was established a doctrine known as the Nixon doctrine, which was designed to try to spread the burden of regional defense among the nations of that region. This policy goal made a great deal of sense to me since it would enhance international cooperation, and lessen the overloaded burden that existed on the backs of the taxpayers of the United States. Nevertheless, as I look at the figures that are before me, it seems as if the trend has been alarmingly in the opposite direction.

For 1970 we appropriated $350 million in military grants, $70 million in military credit sales, and $395 million for supporting assistance; the amount requested by the administration for 1973, just 4 years later, is more than twice that amount—$780 million in military grants, $527 million in military credits, and $844 million for supporting assistance.

The committee, in its wisdom, cut those figures back to $600 million, $400 million, and $650 million respectively, but the Senator from Pennsylvania seeks again to raise that military grant figure to $725 million and the supporting assistance figure to $770 million. The committee has already doubled the amount which was appropriated for 1970; this amendment would add still another quarter of a billion dollars when we are trying to implement the Nixon doctrine by spreading the burden of defense costs.

Mr. CHURCH. The Senator is quite correct. All the committee is trying to do is hold the line rather modestly against this swelling program.

All these programs, as the Senator knows, get larger with each passing year through "bureaucratic momentum;" the committee is trying to put the brakes to this phenomena.

I call the Senator's attention to the fact that in so doing, we have had to yield some ground. There is $100 million more in this bill than in last year's bill, to start with, for military assistance. The Senator from Pennsylvania, however, has added a quarter of a billion dollars more. As a consequence, unless we are just going to throw open the door and say, in effect, that any amount is acceptable to Congress, that we will no longer exercise our judgment or attempt to impose some reasonable restraint on behalf of the people we represent, who must pay the bill, then I would think it prudent for the Senate to support the committee.

Mr. BAYH. Will the Senator permit me to interrupt for just one last question, to get his thoughts?

Mr. CHURCH. I yield.

Mr. BAYH. This whole question of when and where to spend military funds has not been examined in the past as carefully as I think the Senate is determined to examine it in the future.

A fundamental principle which must be considered is the relationship of the expenditures to our national interest.

It is rather obvious to the Senator from Indiana, and I am sure to the Senator from Idaho, that what happens in the Middle East with respect to the security and continued freedom of the State of Israel is very much in our national interest, and that there is a great deal of sympathy in this country to support that small democracy and provide them the wherewithal to defend themselves. That is exactly what they are doing; we are not asking for divisions or air support from the United States, but for the military hardware to defend themselves.

I do not want to be too harsh, but it appears almost as if this very important authorization to help sustain democracy in Israel is being used almost as a blackmail effort to get several times that amount to spend we know not where and we know not for what. Is the Senator from Indiana too harsh in his judgment?

Mr. CHURCH. The Senator is accurate in his observation, and his statement is certainly no more harsh than the opening remarks of the distinguished minority leader. The distinguished Senator from Indiana is quite right.

I have never had any difficulty when it comes to supplying military assistance or economic assistance, when needed, to Israel. Israel is a democratic country. It has the full and loyal support of its people. It has demonstrated again and again its capacity to defend itself, without ever calling upon a single American soldier.

My difficulty is with this tendency of ours, through this military assistance program and the foreign military sales effort, to supply 40 or 50 different governments in the world with our arms, and in the main, to supply various dictatorial regimes, all under the guise of anticommunism. However, most of these American financed and furnished weapons have been used by these regimes to hold their own people in check. We have allowed this to grow and grow until it has become global in its scope. It is now a monstrously immoral program.

I point out to the Senator that, insofar as the war theater is concerned, insofar as Laos and South Vietnam and Cambodia are concerned, whatever military assistance is needed for those countries is not covered by this bill, anyway. All of that—and it is a great deal, as the Senator knows—is covered in the so-called defense budget of the United States.

What is really being asked for here is a quarter of a billion dollars more to distribute to countries which, in the main, if not almost in the entirety, are reactionary, repressive regimes, and certainly by no stretch of the imagination could be compared to the kind of government or society represented by the free and sovereign State of Israel.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. SCOTT. Does the Senator include the Republic of South Korea as a reactionary, regressive regime?

Mr. CHURCH. The Senator from Idaho has no particular admiration for the Government of South Korea. There is a great difference between that government and the Government of Israel. I want to say that most emphatically. The two are not comparable at all.

Mr. SCOTT. The Senator has met the ruler of the Kingdom of Jordan. Does he include the Kingdom of Jordan as a reactionary and regressive or recessive regime?

Mr. CHURCH. I do not place it in the list of flourishing democracies in the world.

Mr. SCOTT. In other words, the Senator is condemning all these other countries which have been friends and allies of the United States and is using that as an argument for not keeping our given word, as in our promise to Korea to modernize their equipment.

Mr. CHURCH. The Senator from Idaho does not condemn any government. The Senator from Idaho is saying that the committee bill contains adequate money for these purposes and that it ought not be increased by another quarter of a billion dollars. It already has been increased by $100 million, and nearly all the bill is directed toward such governments as those mentioned by the Senator from Pensylvania. It is sufficient. It need not be increased.

A special case can be made for Israel, because it is a very special country, faced by a very difficult problem—the problem of Russian-supplied military arms and equipment to the surrounding Arab States which are unanimously hostile to Israel and against whom Israel has fought several wars.

Israel's position is a special one. We should be particularly careful to make certain that we earmark sufficient funds for Israel to maintain an effective and successful military deterrent against the outbreak of further warfare in the Middle East.

Mr. SCOTT. Would not the Senator, then agree, that it is necessary to help South Korea maintain an effective and successful military deterrent against those who might endanger its security?

Mr. CHURCH. The bill as reported by the committee contains adequate funding for that purpose.

Mr. SCOTT. I think it is obvious that we cannot agree——

The PRESIDING OFFICER. All time of the Senator from Idaho has expired. The Senator from Pennsylvania has 9 minutes remaining.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. The motion to table has not been offered.

Mr. CHURCH. I give notice that I shall ask for the yeas and nays when the motion is made.

The PRESIDING OFFICER. The Senator from Pennsylvania has 9 minutes remaining.

Mr. SCOTT. Mr. President, I yield back the remainder of my time, and I now move to table the substitute of the Senator from Idaho to the amendment of the Senator from Pennsylvania.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on the motion to table.

The yeas and the nays were not ordered.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I ask for the yeas and the nays on the motion to table.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the motion to table. On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from North Carolina (Mr. Jordan), the Senator from Montana (Mr. Mansfield), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Utah (Mr. Moss) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Ellender) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Georgia (Mr. Gambrell), would each vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Brock), the Senator from New Hampshire (Mr. Cotton), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), the Senator from Nebraska (Mr. Hruska), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Oklahoma (Mr. Bellmon) and the Senator from Ohio (Mr. Taft) are detained on official business.

On this vote, the Senator from Arizona (Mr. Goldwater) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Arizona would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 35, nays 38, as follows:

[No. 242 Leg.]

YEAS—35

Aiken
Allen
Allott
Baker
Beall
Bennett

Boggs
Buckley
Cook
Cooper
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gurney
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Talmadge
Thurmond
Tower
Young

NAYS—38

Anderson
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cranston
Eagleton
Fulbright
Harris
Hart
Hartke
Jackson
Javits
Kennedy
Long
Magnuson
McGee
Mondale
Montoya
Nelson
Pastore
Pell
Proxmire
Randolph
Roth
Spong
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—27

Bellmon
Brock
Cotton
Ellender
Gambrell
Goldwater
Gravel
Griffin
Hansen
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jordan, N.C.
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Moss
Mundt
Muskie
Percy
Ribicoff
Taft

So the motion to table the Church amendment was rejected.

The **PRESIDING OFFICER** (Mr. Kennedy). The question occurs on agreeing to the Church amendment to the Scott amendment. All time has expired.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Pennsylvania, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from North Carolina (Mr. Jordan), the Senator from Montana (Mr. Mansfield), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Connecticut (Mr. Ribicoff), the Senator from New Hampshire (Mr. McIntyre) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Ellender) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Georgia (Mr. Gambrell) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Brock), the Senator from New Hampshire (Mr. Cotton), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), the Senator from Nebraska (Mr. Hruska), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

On this vote, the Senator from Arizona (Mr. Goldwater) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Arizona would vote "nay" and the Senator from Oregon would vote "yea."

The result was announced—yeas 54, nays 21, as follows:

[No. 243 Leg.]

YEAS—54

Allott
Anderson
Baker
Bayh
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Dole
Eagleton
Eastland
Fulbright
Harris
Hart
Hartke
Jackson
Javits
Kennedy
Long
Magnuson
Mathias
Miller
Mondale
Montoya
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Saxbe
Schweiker
Sparkman
Spong
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams

NAYS—21

Aiken
Allen
Beall
Bellmon
Bennett
Cooper
Curtis
Dominick
Ervin
Fannin
Fong
Gurney
Jordan, Idaho
McGee
Packwood
Scott
Smith
Stafford
Stennis
Taft
Young

NOT VOTING—25

Brock
Cotton
Ellender
Gambrell
Goldwater
Gravel
Griffin
Hansen
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jordan, N.C.
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Moss
Mundt
Muskie
Percy
Ribicoff

So Mr. Church's amendment to the Scott amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment to the amendment was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** The question recurs on the Scott amendment, as amended.

Who yields time?

Mr. SCOTT. I yield back the remainder of my time.

Mr. CHURCH. I yield back the remainder of my time.

The **PRESIDING OFFICER.** The question is on agreeing to the Scott amendment, as amended (putting the question).

The amendment, as amended, was agreed to.

Mr. CHURCH. I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the amendment to be offered by the Senator from Colorado (Mr. DOMINICK).

Mr. DOMINICK. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 7, line 18, delete "(a)", On line 22, beginning with the word, "by" strike through the word, "funds" on line 24, and insert in lieu thereof: "in Thailand by any military forces, other than the national forces of Thailand or the United States,".

On page 8, line 1, insert a period after "purpose".

On page 8, line 1, beginning with the word, "and" strike through line 10.

Mr. DOMINICK. Mr. President, if I may have the attention of Senators I think we can be very brief on this amendment and, hopefully, with the cooperation of the Senator from New Jersey and the Senator from Idaho, we will be able to dispose of it rather rapidly.

Mr. President, my original amendment which was printed would have struck the total section 515 on pages 7 and 8. I have talked at length with members of the staff and with the Senator from New Jersey, and the amendment I have submitted is different in considerable substance from the amendment which was originally offered.

What we are doing in the amendment I have offered now is strike any reference either to combat or military operations in Laos or military operations in North Vietnam, leaving in, however, the proposed prohibition on the use of funds insofar as third countries are concerned in Thailand.

Mr. STENNIS. Mr. President, may we have quiet in the Senate? This is an important matter.

The PRESIDING OFFICER (Mr. BURDICK). The Senate will be in order.

Mr. DOMINICK. As a result of this amendment, if agreed to, the provision which is before Senators on pages 7 and 8 would read as follows:

No funds authorized or appropriated under any provision of law shall be made available by any officer, employee, or agency of the United States Government, for the purpose of financing any military operations in Thailand by any military forces other than the national forces of Thailand or the United States . . .

Then it would read after that:

unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose.

And the remainder of the section would then be stricken.

The reason why we have done this is that the Armed Services Committee as such by, I believe, a general agreement between the Armed Services Committee Chairman and the Chairman of the Foreign Relations Committee, has maintained jurisdiction in connection with Vietnam and with Laos.

The general military assistance jurisdiction is in the Foreign Relations Committee and would be applicable insofar as Thailand is concerned. So we are leaving Thailand in. But I want to make it explicit—and I think the Senator from New Jersey would agree with this—that there is no situation in Thailand at the present time which would lead to support of any third party troops in that area. We anticipate none. Consequently, this wording, although it may be important from the point of view of asserting jurisdiction in what we are doing in military operations country by country, is no more important for Thailand than it would be for India or Pakistan or any other country in the world in which we do not contemplate doing this.

Personally, I feel the legislation as such is not what I would like to see in the bill, but almost all legislation in this body is a matter of compromise along these lines, and it may be that the question of whether this provision should be in at any point can be taken up, as it has been in the past, in conference, and then either knocked out or left in by the conferees.

It is, as I say, my feeling that this is a good substitute; that it takes care of the items which were of concern to me and the other distinguished members of this body who sponsored the original proposal that I put in, namely, Senators STENNIS, YOUNG, EASTLAND, BENNETT, TOWER, and DOLE. I believe, as far as I can ascertain, that this amendment would be satisfactory to those cosponsors. I tried to stay in touch with as many of them as I could. As I say, it does, in part at least, meet some of the purposes the Senator from New Jersey was seeking, but it does not any longer conflict with the jurisdiction we would otherwise have in the Armed Services Committee.

I am happy to yield at this point to the Senator from New Jersey.

Mr. CASE. I thank my colleague. His statement is accurate and very fair, as his statements always are. I would have preferred that the section the Senator from Colorado is amending remain in the bill as I introduced it and the Foreign Relations Committee approved it, but we cannot always get everything we want. I am glad, speaking for myself only, to accept the Senator's amendment as the best that we can get under the circumstances.

Mr. President, I am absolutely opposed to the United States carrying on large scale mercenary operations anywhere—Southeast Asia or anywhere else—without congressional authorization. I think that if our democracy and our Constitution mean anything, such authorization should be mandatory. But I think we cannot avoid the fact that there are ongoing mercenary operations in Laos and in North Vietnam financed by the United States. We know this. We know that Thai troops are in Laos because, after a long series of newspaper leaks and interviews with Thai troops themselves, the administration finally stated publicly last year that this was so. We know of the operations in North Vietnam only because of newspaper accounts. Perhaps some day we are going to be officially informed of the facts on American financed ground raids in North Vietnam.

But I do accept the fact that these operations exist, although I believe Congress should have been asked to authorize them. Congress unofficially has been aware of them. The Armed Services Committees have been advised about them. As I understand, the Appropriations Subcommittee dealing with defense appropriations has known about them. Appropriations have been made by Congress with this knowledge. So, in a sense—and I am sure this is the view of the majority of the Members of the Congress—there is some feeling that these operations have been authorized by Congress and that the Senate is unwilling to stop them at this particular point, with hostilities continuing.

Recognizing that while not necessarily agreeing, I accept the suggestion offered by the Senator from Colorado (Mr. DOMINICK), although it goes against my grain to do so because of my general view of the undesirability of unauthorized mercenary operations; but I think he has proposed something which meets one of my main purposes, and that is to establish the fact that, in the future, specific congressional authorizations should be necessary.

Mr. DOMINICK. Mr. President, I appreciate what the Senator has said. I know it has been a concern of his for a long period of time. It is my understanding, on reading this amendment—and I would like to have this colloquy with the Senator from New Jersey—that this would not prohibit the United States from supporting our ally Thailand within Thailand with some of the problems they may have. Is that correct?

Mr. CASE. This does not prevent American support in Thailand to Thai troops. That is quite correct.

Mr. DOMINICK. And it would not prohibit our support of what might be termed irregular troops who are nationals of Thailand?

Mr. CASE. Would the Senator repeat that?

Mr. DOMINICK. Yes. It would not prevent support of what might be termed irregular forces or nationals of Thailand. In other words, in case some of the tribesmen who are not part of the regular armed forces there should find themselves in problems because of invasion by some country, they could be supported, too?

Mr. CASE. It would be my feeling that the rationale of what we are doing would not prohibit American support to Thai regular or irregular troops in Thailand so long as they were under direction of the Thai Government.

Mr. DOMINICK. That is what I wanted to get as far as the RECORD is concerned. I am glad the Senator goes along with that, because that is my understanding of what the amendment would do.

It seems to me that the striking of lines 2 through 10, really, on page 8 is a significant compromise by the distinguished Senator from New Jersey—taking out reference to Laos and Vietnam.

I see my distinguished chairman here. I am sure he may have some questions or comments on it.

Mr. CASE. Would the Senator permit me to make one more observation before completing this colloquy? I think I should say I do not regard what we are doing here in any way to be an authorization of any kind for American assistance, but the elimination of new proscriptions against certain kinds of American assistance. That is the purpose of it.

Mr. DOMINICK. That is my understanding.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. DOMINICK. I am happy to yield.

Mr. STENNIS. I would like to make this comment. This is a subject of concern to all of us. It is a matter that is very difficult to handle, frankly. It is difficult for the Department of Defense or the Department of State, or whatever agency of government may be involved. We have had this problem before our committee many times, and will continue to have it.

I want to commend the Senator from Colorado, who is a very able member of our committee, for the work he has done in connection with this provision in the bill. I think he and the Senator from New Jersey have reached a very good adjustment of the situation without injury to the position we find ourselves in over there.

Believing that as I do, I am glad to join with him in the modification that he has proposed here, and am delighted to see, too, the Senator from New Jersey willing to meet the Senator and seek to accomplish something that I think will improve the situation without aggravating our present problem there.

Mr. DOMINICK. Mr. President, I surely appreciate the support of the Senator from Mississippi and the Senator from North Dakota, who was one of the very prominent cosponsors of my originally proposed amendment.

I yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, as I understand the modification, it would not run contrary to the Nixon foreign policy, which I believe is a good one, that of helping friendly nations throughout the world but not using our own troops. They would do their own fighting. I think from time to time it is helpful to give financial assistance to other countries and military supplies and money for economic and other purposes. I hope we will get away from this business of trying to fight the battles of the whole world. That is what the main part of the Nixon policy is about. I think the modification fits well into that foreign policy.

Mr. DOMINICK. I thank the Senator from North Dakota, and I completely agree with him.

As we all know, there are problems in Thailand. They are not nearly as serious as they are in some areas of Southeast Asia, but there are problems in both northeast and southeast Thailand. To date, their regular armed forces have been able to maintain this problem within a reasonable area. That would not prohibit us from giving adequate support, in case they need it, to provide the Thais, or nations in that area, the ability to do their own fighting, which I think we are all for.

So I thank the Senator from New Jersey, the Senator from Mississippi, and the Senator from North Dakota for their support, and I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, as the Senator is limited in time, perhaps I had better seek time from the Senator from Arkansas. Will the Senator from Arkansas yield me some time?

Mr. FULBRIGHT. I yield the Senator from New York whatever time he may require.

Mr. JAVITS. Mr. President, I am in agreement with the Senator from New Jersey that this is probably the best way now realistically available to us in which to resolve the question. I appreciate that in war, you use many means which may be distasteful. I am deeply opposed to our being in this war in Indochina, but that is neither here nor there on this issue. The important point here, Mr. President, is that we are, in a sense, condoning a lack of information to Congress.

We did not adopt this amendment lightly in the Foreign Relations Committee. We adopted it only in extremis, because the whole concept of advice and consent in consultation with the Committee on Foreign Relations has broken down in a very serious way. I hope that seeing these evidences of it—which are numerous, not just this alone; the Azores and Bahrain provision, the executive agreements provision, and other matters with which we have dealt, reflect that as well. It will be seen that the situation might have been otherwise had the administration kept us closely informed of what it was doing and why.

I see no reason why it should not have done so. This idea that only the President and his people can be trusted with a secret has already been exploded by the revelations of the Pentagon papers, the Jack Anderson disclosures, the daily trickle of official "leaks" and so on.

The Joint Atomic Energy Committee is entrusted, we believe, with the very highest secerets of government, at least what are alleged to be the highest secrets of government, without qualm. What is it that seems to create a barrier between the Committee on Foreign Relations and the administration, in respect of accountability and responsibility for "classified" information? I think that is what is at the base of this provision, and I deprecate it.

Mr. President, beyond that, we have ongoing activities in Cambodia which raise very serious questions about the good faith with which the administration is sticking by the provisions of the law, including the amendment of Senator COOPER and Senator CHURCH with respect to the range of activities to go on in Cambodia with our backing, and my own amendment making clear in law that we have no commitment to the defense of the Government of Cambodia nor does our aid imply or authorize any such inference.

Yet, the evidence continues to mount that there is a real effort to sort of get around those particular provisions with respect to Cambodia. The press has reported that American advisers—prohibited by law in Cambodia—hover off the ground in helicopters, so their feet do not touch the earth while they direct operations. Such maneuvers to avoid one of the inhibitions of the law raised serious questions of the integrity of the law and the authority of Congress, somewhat like General Lavelle's unauthorized raids.

It is this kind of thing, Mr. President, which deeply troubles Members of Congress and deeply troubles the relationships which are involved here with the executive department, and which cause such deep concern with respect to the whole Indochina involvement. Mr. President, if there is one thing we have now learned, and the decisive passage by the Senate of the War Powers Act is a clear indication of that, it is that we do not want to back into another Vietnam, or be drawn into it, because the progress of events is such as to make it inevitable.

In 1970, following the Lon Nol coup d'etat against Sihanouk's neutralist government and the attack he ordered against the Communist staging bases along the Cambodia border, President Nixon sent U.S. forces into Cambodia—in that much disputed action. In his April 30 address announcing this attack, the President justified it as a move "to protect our men who are in Vietnam and to guarantee the continued success of our withdrawal programs."

The attack in Cambodia was described as a one-shot affair and subsequent requests to Congress for military aid funds for Cambodia were portrayed as being short term measures related to Vietnamization and withdrawal of U.S. forces. On May 14, Secretary Rogers said that the defense of the Cambodian Government was not the primary purpose of the actions taken, and "that will not be our purpose in the future."

When Congress first authorized the Cambodian assistance request of President Nixon, I authored an amendment which was included in the law, and which has been retained in slightly reworded form since. My amendment, section 7(b), stated:

> Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

The initial administration request for military assistance to Cambodia, on May 12, 1970, was for $7.9 million but grew by the end of the year to $155 million. In 1971 it grew to $246.4 million, and this year the request was $300 million for military aid and $30 million in economic aid.

This pattern of logarithmic growth of U.S. military support and involvement in Cambodia would have been cause for grave concern in and of itself. But then, on March 14, 1972, Secretary Rogers stated to the House Foreign Affairs Committee, in support of the Cambodian aid request:

> As you know, one of the reasons we have increased the request for Cambodia assistance is that we are anxious to see that the Government in Cambodia survives.

Mr. President, what has become of the provision written into law from the outset, and retained in law ever since, establishing that we have no commitment to Cambodia—or to the Government of Cambodia—for its defense?

I do not think we are being kept candidly informed about what is going on in Cambodia. I have doubts that the thrust of U.S. programs in Cambodia square with the spirit, intent, and letter of the law. Moreover, the question is not merely an academic one. It is a very important one closely related to our whole Indochina experience. The situation in Cambodia, according to a June 6, 1972, New York Times report, is disquietingly like the situation in Vietnam in the early 1960's. I include this report as part of my text:

CAMBODIA SEEMS ADRIFT AFTER 2 YEARS AS REPUBLIC

(By Craig R. Whitney)

PNOMPENH, CAMBODIA, June 5.—From a start full of hope two years ago, Cambodia has sunk into a deep malaise, without confidence in her leadership, institutions, or ability to decide her own future, in the assessment of a wide range of Cambodians and foreign diplomats.

The malaise has been months in developing, but has had a chance to take root in the last two months, during which the Government of President Lon Nol has been virtually paralyzed by its attempts to legitimize itself as a popularly elected presidential regime.

Yesterday the country held its first presidential election. Marshall Lon Nol was ahead in preliminary results today with 58 per cent of the vote, while his closest contender, In Tam, had 24 per cent, and the marshal will almost certainly turn out to be the winner when the final results of the light voting are proclaimed by the Government in a few days.

He proclaimed himself President March 13 after dissolving what remained of the Cambodian legislature, with Mr. In Tam at its head, and bowed to student pressure to eliminate his friend and closest adviser, Lieut. Gen. Sisowath Sirik Matak, from the Government. The next legislative elections will not take place for three months.

The beginning of the worst part of the decline in Cambodia's morale seems to date from the disastrous rout of Cambodian troops trying to clear Route 6 north of Phnompenh in December. Since that operation, called Tchenla 2, the Cambodian Army has made no new offensive sweeps except unsuccesful ones around the temples of Angkor.

In recent weeks the Cambodians have, almost without a fight, given up most of the territory east of the Mekong River that North Vietnamese and Vietcong troops are using as a staging area for the offensive in South Vietnam.

AMERICAN OFFICIAL GLOOMY

A high American official, speaking of the United States' $200-million military aid program in Cambodia, shrugged his shoulders as if in despair and said: "I don't see any vigorous prosecution of the war in the cards. Tchenla 2 caused a certain lack of confidence on the part of Lon Nol and the army and the Communists' use of tanks and large amounts of heavy ammunition in their offensive has just indicated to the Khmer that they are no match for the North Vietnamese.

It was also the failure of Tchenla 2 that caused the exacerbation of political strains, but that had been growing quietly ever since March, 1970, when Marshal Lon Nol enjoyed seemingly unanimous backing at the beginning of the republic. The trend since then has been one of centralized rule in his weak hands, but with growing frustration and, with the elections of the weekend, open opposition by some who supported the President in the beginning.

Marshal Lon Nol's principal opponent in the election, Mr. In Tam, was president of the Cambodian National Assembly at the time of the overthrow of Prince Narodom Sihanouk and was one of the three principal figures of the new republic in 1970—along with the President and his close friend, General Sirik Matak.

What has happened to Mr. In Tam and to General Sirik Matak shows, in some ways, the deterioration of the regime. In the summer of 1971, Mr. In Tam became Minister of the Interior, but asked to resign and was dismissed last September as his differences with the marshal grew. He became president of the renamed Constituent Assembly in November after Marshal Lon Nol took away the legislature's law-making powers and told it to proceed with the drafting of a constitution.

But in March, after student demonstrations against General Sirik Matak, who was Lon Nol's premier and, in effect, the man who had ruled Cambodia since the marshal's stroke more than a year ago, the President bowed to these outside pressures, took General Sirik Matak out of the Government and abolished the Constituent Assembly.

Within 10 days, he had his subordinates draft a constitution to his liking, establishing a presidential form of government with a Cabinet answerable to him and to the two-house legislature, and submitted it to a nationwide referendum, which approved it April 30.

Since March, the Government has been headed by the only man Lon Nol could get to accept the job, Son Ngoc Thanh, a shadowy figure who was on the side of the anti-Sihanouk forces at the beginning of the republic but whose allegiance is now believed to be mostly to the forms and trappings of the republican Government.

"The Government has been virtually paralyzed for the past two months while Lon Nol has been trying to secure his political future," a senior diplomat said. "I would hope he'd start to govern again rather quickly after the elections."

Indeed, in the last few days in Pnompenh have been devoted almost entirely to political activities. A giant parade of military vehicles filled with soldiers bearing placards has circled the city almost every morning, blaring Marshal Lon Nol's political propaganda and DC-3 aircraft have dropped thousands of little pictures of the marshal—similar to those printed on the ballots—all over the city.

During the voting yesterday, Mr. In Tam charged that the Government was making it difficult for his supporters to vote for him, and that his pollwatchers had not been permitted in some of the places where military people, who strongly support Marshall Lon Nol, were voting. Today, he said he would contest the results as "fraudulent and antidemocratic." There has been talk of a coup d'etat by disgruntled elements, but Mr. In Tam refused, in an interview, to go that far.

The third candidate, Keo Ann, was the dean of the Faculty of law of Pnompenh, whose students led the fight against General Sirik Matak in the spring, but he did not campaign prominently and was expected to get less than 5 per cent of the vote.

Mr. In Tam campaigned actively, but one Western diplomat said: Even if In Tam said nothing, a lot of people would vote for him. There's a feeling that the Government has not kept any of the promises it had made, and that it is corrupt.

NOT ENTIRELY BLEAK

In the preliminary results, Mr. Keo Ann did better than expected and the two opposition candidates together had almost 42 per cent.

American officials here point out that the situation is not entirely bleak, and say that a series of monetary reforms and changes in Government policy have staved off a serious rice shortage that seemed to be inevitable last fall. In fact, only 20,000 tons of rice was imported and only 10,000 tons had to be used, according to American economists.

The Nixon Administration has asked Congress for $75-million in economic aid to Cambodia for the fiscal year beginning July 1, twice this fiscal year's amount.

But the Cambodian budget is at a large deficit because of the war, and unrest is growing among low-paid civil servants and salaried workers whose pay has not kept up with inflation. In the last few weeks, for example, there have been a series of strikes for higher wages in Government ministries—something inconceivable in the early days of the republic.

The unrest within the Government and in political movements outside it has been matched by a growth in the ranks of the Cambodian Communists, who are fighting against the Government forces alongside the North Vietnamese and Vietcong in the occupied parts of the country.

The number of members of Khmer Rouge, the Cambodian Communist force, is now estimated at at least 30,000. "There has been a growth, a development of the movement, which, we think, has serious longer-term meaning for the country," an American diplomat said. "But the Government seems to resist the notion that the way to stand up to them is to fight them hard."

Both Mr. In Tam and Marshal Lon Nol, in their campaign statements, emphasized that they wished for a reconciliation with the Cambodian Communists but neither offered any detailed proposals for achieving a reconciliation. One Western diplomat even said, "I don't think it's certain that even if the Vietnam war ended by negotiations, the war in Cambodia would necessarily end at the same time."

All the Cambodian factions seem to realize that, ever since Tchenla 2, it is futile to talk of chasing the North Vietnamese out of the country and that peace will not come to Cambodia before it comes to Vietnam—in the framework of an internationally guaranteed settlement.

The outlook for the future, according to diplomats here, is that the Cambodian forces will offer only token resistance to the Vietnamese Communists, reoccupying lost territory only when the enemy abandons it, and leaving again—as the Cambodian Army has done in the last two months in Svayrieng and Preyveng provinces near the Vietnamese border—when the North Vietnamese want that territory. It is already a kind of de facto truce.

Mr. President there is another aspect of the situation there which gives me concern. I had a colloquy with Senator SPARKMAN and Senator MANSFIELD, concerning the handling of our military assistance in Cambodia. This colloquy took place on December 22, 1970 when the conference report on the first Cambodian aid authorization was adopted in the Senate. The focus of the colloquy was on the question of avoiding the establishment of a large U.S. military organization in Cambodia to run the MAP program. I quote that colloquy because it is quite interesting and instructive in light of the actual situation we find today:

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I am very interested to know whether the statement made by the managers on the part of the House, which is now before the Senate on this Cambodian matter, would or would not contemplate the existence of what is called the MAG—that is, a Military Assistance Group—in Cambodia. There is much concern here that once one of these Military Assistance Groups is put in, it is the beginning of a chain of action that leads to troops.

The particular statement on the part of the managers relates to U.S. military personnel provided to supervise the distribution and care of U.S. military supplies and equipment delivered to Cambodia.

That can be done, of course, by individuals operating out of the military section of the embassy or by a MAG.

Mr. Mansfield. It is my understanding that it does not include a MAG, that it will be done by the military attachés in the Embassy.

Mr. Javits. I thank the Senator.

Mr. Sparkman. Mr. President, will the Senator yield?

Mr. Javits. I yield.

Mr. Sparkman. I am glad the Senator brought that up. As a matter of fact, I was going to bring it up.

Of course, the Senator knows that the managers on the part of the Senate do not file a report or a statement. The managers on the part of the House do.

I am certain that the Senator will agree with me that their statement does not necessarily constitute law. That just happens to be a unilateral interpretation that they have given to this, and we certainly had nothing of this in mind. In fact, I believe it was clearly stated in our discussions in the committee that this work would be handled by aides out of the Embassy.

Mr. Javits. That is the important point.

Mr. Sparkman. They have it, for one thing, in the latter part, where it refers to training Cambodians in South Vietnam. There is nothing in the measure that would point this up or that would dispute it. It is my understanding that we are doing that now. This measure, as I interpret it, does not affect that.

Mr. Javits. I should like to say to the Senator that I support the conference report, that I think they have rendered the country a great service in settling this matter.

I understand Senator Aiken's worries, and I agree with him. But I believe that, as we talked originally in an effort to settle this matter, when things lean on each other, they probably will work out. We have many other recourses if they do not.

Mr. Sparkman. Speaking of these reports, I think it is understandable that reports of different kinds and rumors get out. During the last several days, under the management of our coach and general manager, we have had many conferences—sometimes several conferences in the same day—and it is very easy for rumors or reports to get out which do not necessarily state the true conditions.

Mr. Javits. I think it is important for the Senate that Senator Sparkman and Senator Mansfield express it authoritatively, that this language does not indicate the existence of any understanding that there will be a MAG; but, on the contrary, that an understanding does exist that if any military personnel are required, it will be personnel operating out of the military section of the embassy.

Mr. Sparkman. Of course, the effect of a statement such as this, or a statement by one of us, if we made it, would affect the legislation only in the event that it is ambiguous. I do not think the proposed legislation is ambiguous. Certainly, we threshed it out thoroughly on the floor of the Senate when we were debating the measure. I think it is clear and can be understood easily.

Mr. Javits. I think the Senator has made a fine record on it, and I thank him very much.

Mr. President, the situation seems to have turned out quite differently from what we intended. In this regard, let me quote briefly from a recent report of the Foreign Relations Committee:

> On January 31, 1971, a Military Equipment Delivery Team Cambodia (MEDTC) was formed to administer the program. The Chief of the MEDTC and his staff were located in Saigon, but 16 and later an additional 7 MEDTC officers were stationed in Phnom Penh. In July 1971, the MERTC Chief, a Brigadier General, moved to Phnom Penh, and the MERTC element in Cambodia was raised to its present strength. In Phnom Penh, there are now 43 MEDTC personnel (50 are authorized and up to 12 more have been approved by the Executive Branch). There are 63 other MEDTC personnel at MACV in Saigon. Of the 12 new personnel, 4 will be used to monitor third-country national contracts (50 additional third-country nationals will be hired to train Cambodians in logistics), 4 to monitor training, 3 to be assigned to help advise on port operations at Kompong Som and 1 will be a fiscal specialist who will monitor the military uses portion of the Public Law 480 agreements (these agreements are discussed below).
>
> Although American military personnel in the MEDTC seem to be acutely aware of the prohibition against their acting as advisors or participants in the planning and execution of tactical operations, they are nevertheless deeply involved as advisors or organizers in activities such as force planning, military budgeting, logistics and training. As noted above, 11 of the 12 new MEDTC personnel will be involved in logistics and training activities.

I have heard that the spirit of the law has been stretched even further in that U.S. military personnel who are training Cambodian troops in South Vietnam sometimes accompany those Cambodian forces back to Cambodia, and at the border these U.S. trainers become members of MEDTC. If this is so, I question whether it is not tantamount to a violation of the law.

I know we are at war, and I am in favor of supporting the South Vietnamese financially, assuming they can remain viable. I know that could include ARVN military actions in Cambodia. I have no objection per se to that, Mr. President; and I believe that is probably the generality of opinion in the Senate.

But that is a very different thing from backing into a war by getting involved ourselves in Cambodia, whether directly or indirectly through advisers or in some other way, so that we inevitably somehow acquire a "national commitment," and it is said the national "honor" is at stake, as the President has expressed it, or his honor as President is at stake, and the powers of his office. We get all involved in our own dialectic, and next thing you know you have had it, you are in another Vietnam fighting to honor another "commitment."

Mr. President, I make these remarks only by way of expressing the hope that provisions such as the ones addressed by Senator Dominick's amendment may be obviated by a much closer relation, between the appropriate committees of Congress, in this case, the Senate Foreign Relations Committee. I do not relish the idea of locking this into law, which does have a tendency to put U.S. policy in something of a bind—Senator Dominick and his associates are strongly calling our attention to that, and I understand it perfectly—but it is brought about by a long-standing and long proceeding series of events which erode a sense of feeling on the part of those who have responsibility to the Senate for foreign policy, insofar as we ourselves participate in it, that they really know what is going on.

As regards the Cambodia situation, I am considering whether there is an appropriate amendment to introduce to clear up the anomolies and ambiguities I have discussed.

Mr. President, I hope very much it is in this area that we can make the most progress, and can be instructed by what has here occurred, in showing how urgently necessary it is that we be informed.

Mr. COOPER. Mr. President, will someone yield me 3 or 4 minutes?

Mr. DOMINICK. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, first I wish to ask a question of the distinguished Senator from Colorado. Does the Senator's amendment strike subsection (b) on page 8 also?

Mr. DOMINICK. Yes, it does.

Mr. COOPER. I am glad it does, because even if we had to vote on the total section; I intended to ask that (a) and (b) be severed for a separate vote. I do not believe we have a constitutional right to require the President of the United States to provide the Congress to report, at least in advance, on detailed military operations.

But to go to the subject which the Senator from New York (Mr. Javits) has just been ably discussing.

I should like to point out that we learned—I am sure that some Members of the Senate knew before—sometime in 1967 and 1968 about our operations in Laos. These operations began in 1962 or 1963 under the administration of President Kennedy, and have continued since that time.

I recall that on August 12, 1968, I offered an amendment to prohibit the use of any U.S. forces in support of Thailand or Laos, to prevent the expansion of the Vietnam war, excluding Cambodia, because at that time Cambodia was considered a neutral country. The amendment was adopted unanimously by the Senate, although we were told at that time by Senator Stennis that Secretary Laird had reported that it was not of any effect. Later I discovered why it was not—because my use of the term "U.S. Forces" evidently did not include the use of CIA forces.

I support the modification of the Senator from Colorado, but I do want to point out a contradictory position. Evidently, we are supporting this amendment because we are at war and operations are going on in Laos which we are not willing to interrupt because we are at war, and evidently because we consider it would endanger our forces, whether CIA in Laos or regular U.S. forces in South Vietnam, are not willing to strike all funds for Laos and to stop this operation.

I simply point out that it is contradictory to adopt this kind of measure with respect to Laos, and to vote then for an amendment to take our troops out of Vietnam by August 31, 1972, where they are certainly at war and could be greatly endangered by a sudden evacuation. I have supported most of such proposals, with the exception of the Hatfield-McGovern amendments and then because of my opposition to a fixed date I have always believed that the flat and clear way is to adopt an amendment which says, "Take all our forces out. Stop the war and prohibit funds except for withdrawal." I have believed there would be a greater possibility of getting prisoners of war back and of having a peaceful settlement. The situation since the massive attack by North Vietnam has changed and our remaining forces have been placed in danger. This is evidently recognized by the pending amendment. The same argument must be considered when the Mansfield amendment comes up.

Mr. DOMINICK. Mr. President, I thank the Senator from Kentucky for his support.

I think it is only proper to say that a number of difficulties are involved in the proposal as it was originally written in this bill, not the least of which, of course, is the question of jurisdiction, as to who is going to take care of the situation with regard to Laos and Vietnam. I appreciate the Senator's support.

I can understand the concern of a number of Senators as to whether or not we are getting involved. I think it is only fair to say, in support of the President, that he has been getting us disinvolved, as opposed to involved, compared to what was going on in previous years. His thesis is that if we are going to maintain the opportunity of freedom in these areas, the only way it can be done properly is by giving assistance, so that the governments which are trying to provide a method of dignity and decent livelihood for their people will have both the economic and the military strength to offset attacks from outside. This seems to me to be a far more fruitful way, so far as we are concerned, than sending our own troops in and trying to contain something in the event of an actual battle.

I thank the Senator from Kentucky. I just wanted to make those few remarks for the RECORD.

Mr. SYMINGTON. Mr. President, the Case amendment, as included in the committee bill, did not prohibit financing foreign troops in Laos, South Vietnam, or Thailand. All it did was to require prior congressional authorization.

I say in all sincerity, however, that it does not really make much difference what type and character of legislation we pass on this floor with respect to such a matter, because the record will show that regardless, the administration will do what it wants to do, in spite of any legislation, even though that legislation has been signed by the President.

This matter came up in last year's across-the-board reduction in supporting assistance which, of course, included Vietnam, and was enacted into law. It is interesting to note, what has happened in the course of the past year in connection with the assistance that has been given Vietnam.

Direct gross economic assistance now being asked for is the most ever, more than three quarters of a billion dollars.

In previous years, the United States has supported the economy of Vietnam in three principal ways—through the commercial import program, through Public Law 480, and through the purchase of piasters by the Department of Defense and American servicemen. The last of these sources, which in the past financed a large share of the deficit in the Government of Vietnam's balance of trade—$700 million in imports versus $13 million in exports last year—no doubt will decline in 1972 because of the reduction of American Forces.

The decline in Vietnamese dollar earnings from the Department of Defense and U.S. troop spending had been expected to begin in 1971; but, as a result of congressional cuts decided upon reductions in the fiscal year 1972 aid program, several interesting steps were taken to maintain Vietnamese dollar earnings from these sources at high levels.

Defense Department procurement practices were changed to increase in-country contracting and purchases. The exchange rate for official purchases of piasters was kept at a level of 118 to the dollar rather than being increased as had been planned, thus in effect providing right there the Vietnamese Government with a substantial additional subsidy.

As a result of these policies, official U.S. Government dollar expenditures in 1971 amounted to a total of $271 million. If the official exchange rate had been changed to the 275 rate used in other transactions, Defense Department expenditures could have been reduced to $116 million. The expenditures in Vietnam would have been even lower if procurement policies had not been changed.

While the official exchange rate remained at 118 until April 1972, the exchange rate for personal purchase of piasters for dollars was increased to 275 in October 1970. This change brought about a great increase in personal exchange transactions in 1971 which provided $132 million in dollar exchange for the use of the Vietnamese Government. These various moves, that is, $132 million in personal dollar exchanges and the $271 million in Department of Defense purchases involving Defense Department and personnel spending and Vietnamese exchange rates brought Vietnamese dollar earnings in 1971 to an all time high of $403 million despite the congressional cut in aid funds.

In other words, I say again that it does not really make any difference what we do here on this floor. The matter will be handled by the administration the way they see fit regardless of any legislation. From the standpoint of the constitutional rights of the Senate, however that should give us cause for thought.

For example, last year this administration spent more than $100 million in financing Thai troops in Laos. We had passed a law providing that that type and character of payment to mercenaries could not be made. The law says mercenaries cannot be financed by the United States to fight in Laos.

When we heard Thais were fighting in Laos, and paid by the United States, we sent out investigators. They went up to one Thai soldier and said, "Why are you here?" The soldier replied, "Because I was ordered to come here." The investigator said, "Well, is that the only reason you are here?" The soldier replied, "Why would I want to come if I was not ordered to do so?"

They asked another Thai soldier, supposed to be a volunteer—and that word "volunteer" is the word used to evade the law—"Why are you here?" The soldier replied, "Because I could not find a job to support my family if I did not accept their request to come here."

So there you have the reason Thai soldiers are fighting in Laos.

This year, again, we are asking for about the same amount of heavy money to keep these mercenaries fighting in Laos.

Let me ask what the function of the Senate is, if we pass laws that stipulate one thing as to how the taxpayers money is used, but, regardless of the law, the administration does what it pleases.

In this case, it actually goes beyond that particular aspect. In order to avoid the reduction the Congress made in the AID program, the administration has manipulated the exchange rates to the point where the dollar earnings of the Vietnam Government were kept at an all time high, despite the congressional reduction.

Many people, when you ask them to name the country that has received the most aid, will say, "Yes." When you say "Which one?" they generally say "India." But that is not true. The country that has received by far the most economic and military aid from the United States, aside from the cost of the war, is South Vietnam.

That does not worry me so much as the fact that, after we pass a law and it is clear what the intent of that law is, our investigators find that law has been deliberately violated.

That is why I support the Case amendment. Mr. President, if the press is right, and the press has been right more times than anyone else, we have no more combat ground troops in Vietnam. So what we are supporting now is the great air and naval war, air conducted in the main out of Thailand; much bigger than before. The naval war conducted off the shores, in the Gulf of Tonkin, is much bigger than ever before. Now we are even asking for about the same money as last year to finance mercenaries in Laos, still against the law.

This unfortunate development is one which every Senator, regardless of party, should give serious consideration; that is the reason he is here in the Senate.

Mr. FULBRIGHT. Mr. President, I recognize the situation. I only wish to make the comment that I think the first effort in trying to restrict the use of American funds to pay for mercenaries fighting in Laos was an amendment which I offered. The intent of that amendment has been evaded by the Government, by semantic gymnastics, calling the mercenaries "local forces." We are all familiar with that, so I am under no illusions that what we put into the law will be carried out.

With respect to the provision sponsored by the Senator from New Jersey, which amendment I am in great sympathy with and approve of but, nevertheless, I recognize his reasons—everyone looks at this matter from his own point of view. I have no criticism of his being willing to accept the provisions of the amendment offered by the Senator from Colorado, but I personally oppose the amendment, because I think that this program of continuing to spend ever-increasing amounts of money to hire mercenaries to fight in a lost cause will only serve to bankrupt the Nation and prolong the agony of the war in Vietnam and Indochina. I have very little hope that these troops will make a decisive difference. The reports from Laos support this view. In fact, I do not understand quite why the Government continues the war in Indochina. It is becoming more and more difficult for me to understand what purpose they have in mind by continuing the war and not bringing it to a close. But that is a broad question.

On the pending amendment, I oppose it, for whatever it is worth. I oppose it on the principle that I do not think our country should spend the kind of money it is spending to hire Thai soldiers to fight in a cause which we initiated in Laos. Nor do I approve of hiring Thais or Koreans to fight in Vietnam or in Cambodia.

We have debated this matter before. We put a prohibition in the law and the administration has found a way of evading it. I thought it was rather interesting that the Senator from Colorado himself referred to these troops as "foreign troops," whereas the administration, in its evasion of the original provision, has called them "local forces."

It is about the same sort of difference between a "bombing raid" and a "protective reaction strike." The terms are identical but they are used to hoodwink the public.

I do not know that there is anything further to say, except that I disapprove of the use of our money as now estimated to be over $100 million in payment to Thai troops to fight in Laos. I thoroughly disapprove of it.

That is about all I care to say at this time.

Mr. SYMINGTON. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. The able Senator from Arkansas, a former chairman of the Senate Banking and Currency Committee, knows plenty about our financial situation. He knows also that the House has just passed a bill which we understand is favored by the administration, to give $29 billion back to the States in the form of revenue sharing. He knows that, whereas 20 years ago we had $25 billion in gold and owed but $7 billion redeemable in gold, today we have $10 billion in gold and owe—depending on how one figures it—from $35 billion to $60 billion. He knows, too, that the mayors of nearly all our large cities are frank in saying their cities are bankrupt. He knows that the States cannot spend more money, under their State constitutions, than they take in in taxes.

I would ask the able former chairman of the Senate Banking and Currency Committee, does he know where we are going to get the money to continue these gigantic expenditures in Cambodia, Thailand, Laos, and various other countries with whom we are not yet at war. As a matter of fact, we are not officially at war in Vietnam, either. In any case, does not the Senator agree that it is easier to get $1 billion to put into this military effort in the Far East than to get, say, $100,000 for schools and roads in the Senator's State of Arkansas, or roads and schools for Missouri?

Mr. FULBRIGHT. The Senator from Missouri is absolutely right. Senators can get up on the floor of the Senate and propose an amendment increasing the amount for military programs without any hearings, without any evidence whatever, and get it adopted.

We cannot begin to get $100,000 for the State of Missouri or for the State of Arkansas without long hearings, plus an authorization bill and an appropriation bill. There is quite an obsession in Congress with regard to anything of a foreign, military nature. Such a matter can be easily passed here. We have done it time and again.

I thought about this this morning on my way to work. I was caught in the traffic jam like nearly everyone else. We see examples where there is a rainstorm and everything is disrupted. With the great technological advances that the United States has made, we can get to the moon. However, we cannot make arrangements to get to our offices under adverse weather conditions. It normally takes me 10 minutes. However, this morning it took me over an hour because of the recent storm.

It is amazing when one considers how this Nation has wasted its resources all around the world. The pending amendment is an example of it. What good does it do to pay more money to hire people to fight a war which we want to end?

The taxpayers must bear the cost of all of this. And if the cost is not paid out of their taxes, some money is borrowed, and our children and grandchildren will pay for it.

I have no idea what good can come out of hiring Thais to fight in Laos.

Mr. SYMINGTON. Does not the former chairman of the Senate Committee on Banking and Currency believe that a viable economy, with a sound dollar, is as important to true national security of the United States as is defending the countries of Laos, Cambodia, Thailand, South Vietnam with billions upon billions of dollars, and little or no help from our allies? Even that help we pay for.

Mr. FULBRIGHT. Mr. President, indeed they are. On the other hand Laos has not the slightest relation to our own security, none whatever.

The soundness of our economy is the basis of our strength. The idea has somehow developed that national security is solely military in character, which is simply not true. The military itself is dependent on a strong economy to pay for their expenditures. We are sacrificing for the military by exaggerating the significance of this war.

Our nuclear weapons are a good example. We do not dare to use them. We could drop an atomic bomb on North Vietnam. We could incinerate it all at once. Instead, we are doing it piecemeal.

These countries are not significant to our security. I do not think that anyone can make a case that they are.

Laos does not make any difference at all to the security of our Nation. I do not believe it makes any difference to the United States what happens to Laos. Does the Senator from Missouri think that it does?

Mr. SYMINGTON. It does not. The able Senator from Arkansas has expressed my position better than I have.

Does the Senator from Arkansas believe we will continue to spend our dollars at the rate of more than $100 million a year to finance these troops in Laos after we possibly have reached some agreement with North Vietnam? What are the ideas of the able Senator with respect to our employing our own military forces and mercenaries in the Far East despite the increasing surge of various demands at home, even if we do reach an agreement to end this Vietnam tragedy?

Mr. FULBRIGHT. That depends on the election this fall. I have no control over that. If President Nixon wins reelection, we will continue to be there, I suppose. For what reason I do not understand.

Mr. SYMINGTON. Nor do I at this stage.

Mr. FULBRIGHT. If the country wishes to discontinue this kind of policy, it can express itself. We will have an opportunity to do so this fall.

We have tried to stop the war. The Senator from Missouri has been one of the leading figures in trying to bring this war to an end. and to show the disastrous effects of it. But we have been unable to do it. It is up to the American people in November to make their choice as to whether they want to continue the war and to continue our sacrifices, not being able to do what we want to do and not having decent roads and transportation systems here at home.

I heard on the radio this morning, having to listen to it in the car, that towns in Virginia and Pennsylvania are without water and without water systems. Their bridges are out.

All of this is obviously a sign that someone had not foreseen and prepared for an emergency of this kind. In the meantime, we are engaged in the war in Vietnam, and I guess the cost now would approach $200 billion. We are pouring out money in the amount of hundreds of millions of dollars. The Senator from Missouri knows it better than anyone else. It is so incomprehensible and irrational that I do not know how to comment on it in a reasonable way. It is almost impossible to do so.

Mr. SYMINGTON. I remember, back in 1961 at the time General Taylor and Mr. Rostow made their famous trip to Saigon. I was there then also and a member of the AID program said, "Let me show you the way the taxpayers' money is being spent out here." We went out and saw a beautiful cloverleaf on one of the roads, the type you see where there is heavy traffic in this country. We took out our watches to observe the amount of traffic. With this beautiful addition to the roads and economy of Vietnam, to the profit of certain American contractors and others, exactly three cars utilized that cloverleaf in 15 minutes. That was in 1961, at the very beginning of what has been going on ever since.

Mr. FULBRIGHT. Mr. President, I can

agree with the Senator on the absurdity of such extravagance. However, I believe that is better than the cost of these 20 million craters that we have made in Vietnam. Those craters are 20 feet deep and 30 or 40 feet across. They are all across that country. I think that even the example of the cloverleaf, while it is an excellent example, is a little less extravagant than the craters we have formed in that country and the forests that we have destroyed and defoliated. I would rather have the cloverleaf than the other.

The whole thing is so irrational in my mind. People cannot believe it. It is so far out that most American people refuse to believe it. It revolts them so that they will not believe it. They think that it could not be true that their country would do a thing like that.

Mr. President, I would venture to say that if we could really look into the minds of the American people, the majority of them would say that this could not be true, that their country would not do such a thing.

Mr. SYMINGTON. Mr. President, I ask the Senator from Arkansas, the former chairman of the Senate Committee on Banking and Currency if he does not believe the time will soon come when the American people will be forced to believe it because our economy is suffering so heavily as a result of the tremendous export of jobs and dollars. This has been going on now to the tune of tens of billions of dollars a year for over a quarter of a century.

Mr. FULBRIGHT. The Senator from Missouri is correct. Because of our accumulated wealth 15 or 20 years ago, it is hard for the people to believe what has happened in the last decade.

We are going through a period of inflation and enormous budget deficits. We are adding daily to the national debt. The administration is now asking for another $15 billion increase. They want an overall debt ceiling of $465 billion.

The situation may not appear quite so bad because during an inflationary period, people think that they are getting richer. They look at the price of stocks and at the price of land. They think that they are better off. The collapse will come later.

As the Senator from Missouri knows, it has taken place time after time in other countries. At the moment, people think that we are fairly well off. We see the reports in the newspaper prophesizing better business conditions. It will be some time before we have to pay for the kind of extravagance we have been going through in the last 10 years. But the day of reckoning will come.

Mr. SYMINGTON. Is it not true that the interest on the debt today is the third largest component cost to the American taxpayer in the Federal budget?

Mr. FULBRIGHT. Yes; some $20 billion. The Senator is correct. That is payment for past military expenditures. At present it is $83 billion. Those figures do not include, for example, the care for veterans, which will go on for the next 50 years.

Mr. CASE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield the floor, if the Senator wishes. Or does the Senator wish to ask a question?

Mr. CASE. I just want to say a few things. First, I appreciate very much the friendly reference to my participation in the particular amendment and the understanding of my position, which the Senator has expressed.

I understand fully his unwillingness to go along with it, especially because of his experience wtih the 1970 amendment of which he was the sponsor and by which Congress directed that money not be spent for mercenaries in Laos.

The Dominick amendment would limit the effectiveness of the particular section to Thailand. In the judgment of the Senator from New Jersey, and this is his only difference with his chairman, it is worth getting that restriction into law, and getting that restriction into law is better than getting nothing.

For that reason the Senator from New Jersey has agreed to this compromise.

Mr. FULBRIGHT. I want to make it clear that everyone tries to do what he can. I think the Senator's objective is the same as mine.

I have about given up hope of influencing the administration. We already have a prohibition in the law but by semantic gymnastics the administration has evaded it; they pay no attention to it. I do not know how we can do any more.

I go along with the Senator's original effort, and I do not question this modification in any way.

Ever since I was in grade school and read about the Hessians I have had a fixation about mercenaries. I think it unfair that we have other people to fight wars. If people believe in it they should fight the wars themselves.

Evidently, we do not believe in it; we hold back, but at the same time we pay these poor people in Thailand to go there and fight. They do not do a good job. Their hearts are not in it. They pick up a few hundred dollars. I am sure they are not going to prevail and win freedom for Laos any more than the Hessians did for England.

It is a futile operation to try to get this administration to abide by existing law, but we do the best we can.

Mr. DOMINICK. Mr. President, at the request of the distinguished Senator from Tennessee (Mr. BAKER), I ask unanimous consent that a statement by him in support of my amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BAKER

I support the compromise amendment offered by the distinguished junior Senator from Colorado regarding Section 515 of the Foreign Assistance Bill. That section, which would require prior Congressional authorization for U.S. assistance to foreign troops operating in Laos, Thailand, and North Vietnam, comes at a very delicate time in the tragic history of U.S. involvement in that conflict for seldom, if ever, have conditions been as conducive to bringing a just and honorable end to the war as they are today. I realize, of course, that hopes have been falsely raised many times before and I am not contending that peace in Southeast Asia is just around the corner, but I am saying that there is substantial reason for hope and that hope can only be enhanced by not limiting the power of the President which is what Section 515 would do. A brief examination of the record should help prove why recent developments make striking Section 515 of the bill a reasonable and responsible thing to do.

On the military front, after 71 long and courageous days of fighting, the seige at An Loc has been lifted. Kontum, which at one point appeared destined to fall, now seems to be in no immediate danger. The prized provincial capital of Hue which also appeared doomed for destruction now seems to have been converted from a defensive fortress into a staging ground for sporadic attacks by the South Vietnamese Army into enemy-held Quang Tri province—attacks which, though limited, have succeeded in keeping the North Vietnamese army off guard.

In addition, the massive bombing of enemy targets in the North and South combined with the comprehensive mining of North Vietnamese waters has served to significantly reduce the strength of the North Vietnamese invasion as well as cause some disagreement over current policy among Hanoi's top officials. It would be historically naive, perhaps, to believe that the increased bombing and mining had broken the will of the North Vietnamese, but it is safe to say that it has caused a careful re-examination of their policies, especially in light of other diplomatic activity.

The President's trip to Moscow apparently convinced the Soviet leadership that he was totally serious about ending the war and that seriousness was later conveyed to the Hanoi leadership when Soviet President Podgorny visited North Vietnam for several days of talks last week. Upon the conclusion of those talks, President Podgorny said that the Soviet Union "will do everything possible for a de-escalation of the Vietnam war." Such a desire on the part of the Soviets is entirely consistent with their increasing interest in reducing spending in Southeast Asia to meet more pressing needs in other parts of the world and at home.

Moreover, Dr. Henry Kissinger is currently in Peking conducting substantive discussions with the Chinese leadership in an effort to obtain a commitment to de-escalate, similar to that of the Soviet Union. Although it most likely will be very difficult to determine whether we actually received such a clear commitment, the Chinese also have domestic needs that require greater attention and there is certainly reason to believe that the Chinese will be interested in ending the Vietnam War.

All of these factors are reasons why the North Vietnamese might, in the near future, be willing to seriously discuss the President's latest peace proposals and if such willingness is forthcoming, we should be prepared. The President's latest offer would most likely leave the North Vietnamese in control of most or all of the territory they have gained or held since the offensive began and in an effort to minimize their gains, it is necessary to continue assistance to the Thai irregulars who are fighting with Lao and tribal forces to keep Laos from falling to the North Vietnamese. Their success as a fighting force has helped protect not only Thailand, but also South Vietnam as well.

Section 515 of the Foreign Assistance Bill would require Congressional authorization for these on-going, vital efforts and such a process could be extremely time-consuming and costly at this very delicate point in the war. I do not object specifically to the intention of Section 515 in involving the Congress in future such operations, but under the circumstances of this situation, I feel very strongly that an attempt to limit the President's power at this time would be the height of irresponsibility and it is for this reason that I support the compromise offered by the Senator from Colorado.

Mr. DOMINICK. Mr. President, if there are no further comments I move that the amendment be agreed to.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment. (Putting the question.)

The noes appear to have it.

Mr. YOUNG. I ask for a division.

Mr. DOMINICK. I did not understand what the Chair said.

The **PRESIDING OFFICER.** The noes appear to have it.

Mr. YOUNG. I am on my feet asking for a division.

Mr. DOMINICK. Let us have a standing vote.

The **PRESIDING OFFICER.** All in favor of the amendment will stand and be counted.

Mr. YOUNG. I ask for the yeas and nays.

The **PRESIDING OFFICER.** The yeas and nays are requested. Is there a sufficient second? There is not a sufficient second.

Mr. YOUNG. Mr. President, I suggest the absence of a quorum.

Mr. DOMINICK. Standing vote, Mr. President.

The **PRESIDING OFFICER.** The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. CASE. Mr. President, I ask for a division on the vote.

The **PRESIDING OFFICER.** A division has been requested. All in favor of the amendment will please stand. Those opposed will please stand.

The amendment is agreed to.

Mr. CASE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Fannin) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The **PRESIDING OFFICER.** Under the previous order, the Senate will now proceed to the consideration of S. 3010, which the clerk will state by title.

The legislative clerk read as follows:

> A bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, under the order, the distinguished Senator from Texas (Mr. Tower) was to be recognized at this time for the purpose of calling up his amendment.

The **PRESIDING OFFICER.** The Senator is correct. The Senator from Texas is not in the Chamber.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

Mr. ROBERT C. BYRD. Without prejudice to the Senator from Texas.

The **PRESIDING OFFICER.** Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask that the distinguished junior Senator from Texas (Mr. Bentsen) may be recognized at this time for the purpose of calling up an amendment without prejudice to the distinguished senior Senator from Texas (Mr. Tower) who, under the order, was to be recognized to call up two amendments in succession.

The **PRESIDING OFFICER.** Is there objection?

Mr. TOWER. I do not object.

The **PRESIDING OFFICER.** The Senator from Texas is recognized.

AMENDMENT NO. 1237

Mr. BENTSEN. Mr. President, I send to the desk an amendment and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The amendment was read as follows:

> At the end of the bill add the following new section:
>
> AMENDMENT CONCERNING CERTAIN TRAINING PROGRAMS FOR YOUTH
>
> Sec. 26. Section 125(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentence: "The Director shall insure that low-income persons who reside in public or private institutions shall be eligible for participation in programs under this part.".

Mr. BENTSEN. Mr. President, at the outset I commend the distinguished Senator from Wisconsin (Mr. Nelson) for his work on the economic opportunity amendments.

The committee which he chairs has brought an urgently needed bill to the Senate for approval. It has been refined and perfected to meet the President's objections and it should receive overwhelming approval in this body. The programs contained in the 1972 economic opportunity amendments are vitally important to the poor in this Nation, and they must be continued.

Mr. President, my amendment is very brief and is directed at the section of the Economic Opportunity Act of 1964, which concerns eligibility for the Neighborhood Youth Corps and other youth employment programs.

Essentially, the amendment would insure that low-income persons who reside in a public or private institution such as an orphanage or a penal or correctional institution would be eligible for participation in training and employment programs for youth.

I note with some satisfaction that the committee has increased the authorization for the Neighborhood Youth Corps by some $500 million to create 100,000 work and training opportunities in this very vital program.

We know what the Neighborhood Youth Corps can do, and we know how much it has meant to low-income youth. We also know that unemployment among 16 to 19 year olds has risen steadily since 1966 and that present projections indicate that it will total over 1,800,000 in 1972, more than a 100-percent increase since 1966.

At the same time, Mr. President, I have been distressed by recent administrative decisions by the Department of Labor, and in particular the regional office in Dallas. These decisions have led me to offer my amendment.

On March 29, 1972, the Labor Department's Manpower Administration in Dallas issued a memorandum to sponsors of youth employment programs indicating that prospective enrollees in the Neighborhood Youth Corps who regularly live in institutions, such as orphanages or correctional institutions, would no longer be eligible for enrollment in the programs.

Mr. President, this seems to be a particularly insensitive action. It is very difficult for me to rationalize, and the rationale offered by the Labor Department is completely unconvincing. I received a letter from the Deputy Assistant Secretary for Manpower, who said that:

> Residents of State or private child care and correctional institutions are not eligible to participate in the program since it is presumed that the supporting agency has allocated resources to maintain their residents while in high school or for the duration of their internment.

Mr. President, if I may say so, this is a rather shaky presumption. Letters I have received from orphanages in Texas indicate that the Labor Department's reading of the situation is inaccurate at best.

One letter from St. Margaret's Center for Children in El Paso indicates that six of the eight teenagers living there are in the custody of the El Paso Child Welfare Department and that the county pays approximately $2 a day for their upkeep.

The orphanage, which has to serve as a substitute parent, must constantly be searching for other resources to meet the needs of the children in its care.

The truth is, Mr. President, that conditions in various public and private institutions vary, and there is no reason to assume that a child living in an orphanage, a correctional institution, or any other public or private institution is being given the kind of resources he needs to give him an even break in schooling. To exclude all of these children from participation in the Neighborhood Youth Corps is both callous and unrealistic.

In fact, Mr. President, many of these institutions merely provide a roof over a young person's head and a few essentials. Because of their financial predicament, they can offer him with very little else. Any young man or woman who wants to budget his money, to build some self-reliance, to buy clothes and necessary school supplies, and even to begin saving for money to go to college should have at least the opportunity to do so, regardless of whether he resides in a public or private institution.

We have not been nearly so callous, Mr. President, in considering the needs of neglected and delinquent children under the Elementary and Secondary Education Act. In fact, they are made specifically eligible for participation in these programs by Federal law. The same policy should hold true for youth employment programs.

What does my amendment do? It merely says that low-income persons living in institutions shall be eligible to participate in these programs. It does not give them priority; it does not say that all of them must be accepted; it does say, however, that they shall be eligible regardless of whether they happen to reside in an institution.

I should add, Mr. President, that the language of my amendment will not be satisfied by the acceptance of a few token participants from institutions. The Director should insure that a reasonable number of these low-income youths can participate.

It seems to me, Mr. President, that during a time of skyrocketing unemployment among youth, we should not be in the business of ruling certain people out of Government employment programs. We should, rather, be concentrating our energies on bringing them in, on broadening these programs as much as possible.

I believe that this amendment restores an element of equity and fairness to these programs, and I urge its acceptance by the floor manager of the bill.

At this time, Mr. President, I ask unanimous consent to insert in the RECORD a copy of the Department of Labor memorandum of March 29 and a letter from Sister Marie Renee Ettling of the St. Margaret's Center for Children in El Paso.

There being no objection, the memorandum and letter were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
MANPOWER ADMINISTRATION,
Dallas, Tex., March 29, 1972.

Re Neighborhood Youth Corps and Operation Mainstream Sponsor Issuance No. 17–72.

To: All NYC and Operation Mainstream Sponsors.

Purpose: To Clarify Policy Regarding Eligibility of Wards, of Private or Public Agencies.

We have been advised by our National Office that the following policy is to be followed by all sponsors.

"Wards of private or public agencies who *do not* regularly live in institutions and who meet the income criteria are eligible for enrollment. If the parental rights have been severed by the court, or if the income of the natural parents cannot be determined because their whereabouts are not known, a ward is presumed to have met the income criteria for enrollment. The income of the family with whom the ward is placed, except in the case of blood relatives, shall not be a factor in determining the youth's eligibility. When a ward is placed with blood relatives, sponsors must use their discretion in determining the economic needs of the indvidual."

Prospective enrollees who regularly live in institutions are *not* eligible for enrollment. If you have enrollees in your project that regularly live in institutions, they are to be separated immediately.

It is assumed that any ward of the State is adequately cared for and is, therefore, not eligible. This would include penal or correctional institutions. The same would apply to orphanages or other institutions where room, board, medical and other needs are met.

TRACY C. MURRELL,
Acting Regional Manpower Administrator.

ST. MARGARET'S CENTER
FOR CHILDREN,
El Paso, Tex., April 24, 1972.

Sen. LLOYD M. BENTSEN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR BENTSEN: Enclosed please find a copy of the directive we recently received from the U.S. Department of Labor concerning restrictions of the Neighborhood Youth Corps. We are impelled to state that we consider it discriminatory and believe that it should be brought to your attention.

Youngsters who live in institutions or in foster homes, for reasons beyond their control, have the same need for meaningful work experiences as part of their maturing as youngsters not living in such situations. Naturally, this is not the only reason we think it essential for teen-agers living apart from their families to have employment opportunities. Many of these children are wards of the State and are financially provided for by the barest minimum.

For instance, six of the eight teen-agers living here at St. Margaret's are in the custody of El Paso County Child Welfare and therefore the County pays approximately $2.00 a day for each of the youngsters' care. This can certainly not be considered adequate care from a financial aspect. However, in order to provide these children with truly adequate care in every respect, we must constantly be searching for other resources to meet their needs.

Since most of these children will be independent and financially responsible for themselves when they leave the institution or the foster home, it is imperative that they have supervised work experience during their formative years. While acquiring knowledge of various occupations, these young people can also save for further educational or vocational plans and for a future outside their present environment.

Last summer six of our teen-agers held NYC jobs and benefited greatly from this. They learned to budget their money and were able to buy clothes and the necessary school supplies as well as begin small savings accounts. These youngsters showed reliable, interested attitudes in their employment and were looking forward to again participating in NYC.

In behalf our own teen-agers and of all those affected by this ruling which appears to us to be unfair, we ask you to seriously consider our viewpoint. Whatever you can do, both in an individual capacity and in that of a government official, will be deeply appreciated by many youths and by those who are concerned about them.

Thank you, Senator Bentsen. We realize that you could not be aware of all the circumstances of this issue and are grateful for the opportunity of sharing our views. We trust you will forward this letter to the Department in Washington responsible for this decision or inform us as to whom to contact.

Sincerely,
Sister MARIE RENEE ETTLING,
Administrator.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield to the distinguished Senator from Wisconsin.

Mr. NELSON. Mr. President, I think this is a most appropriate amendment by the distinguished junior Senator from Texas. As a member of the committee since the Economic Opportunity Act was originally passed in 1964, I would have anticipated that, in fact, the group that the Senator from Texas is attempting to afford the opportunity for participation was intended to be included in the first place.

Do I understand that there was a specific instance in the Senator's constituency in which the Labor Department ruled that young people in institutions such as orphanages or training schools of some kind were not eligible? Is that the ruling they made?

Mr. BENTSEN. The Senator from Wisconsin is correct, and all my amendment does is to say that these low-income children living in institutions shall be eligible for these programs. It does not mandatorily include them, but it says they shall not be excluded because they are members of those institutions. We have a specific instance of that situation where Sister Marie Renee Ettling, of St. Margaret's Center for Children in El Paso, has cited just such an example.

Mr. NELSON. Well, I certainly agree with the Senator from Texas. Since this is an amendment on behalf of orphans and deprived children, and so forth, I wonder if the Senator does not think we ought to require Senators to stand up and be counted on an amendment like this and have a rollcall?

Mr. BENTSEN. I certainly agree with the Senator from Wisconsin and, Mr. President, I request the yeas and nays on this amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I withdraw my request for the yeas and nays.

Mr. JAVITS. Mr. President, if the Senator will yield to me, I find myself in agreement with the manager of the bill and the chairman of the subcommittee. I am the ranking member on this side. I believe the amendment is desirable, and hope the Senate will adopt it.

Mr. BENTSEN. Mr. President, I thank the Senator.

Mr. ALLEN. Mr. President, I would like to ask one question of the distinguished Senator from Texas.

Mr. BENTSEN. I yield.

Mr. ALLEN. I notice the amendment reads:

> The Director shall insure that low-income persons who reside in public or private institutions shall be eligible for participation in programs under this part.

I would assume that a "public institution" would cover such institutions as penitentiaries. Would the fact that that would make inmates of penitentiaries eligible for participation have the effect of commuting their sentence or reprieving them? How else would they be eligible, unless they were outside, in order to participate in the program?

Mr. BENTSEN. This in no way is a mandatory requirement of their participation in this program. It just says the director cannot exclude persons who are in those institutions.

Mr. ALLEN. Would it not be better to say that, than to say they shall be eligible? Would it not be better to say that they shall not be excluded for that reason? Then there would be left the option of excluding them for another reason. The fact that they are inmates, under definite sentence, and are made eligible to participate in a program on the outside might result in reprieve or commutation of the sentence.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. JAVITS. I think we have a right to construe the word "eligible" the same as we construe the word "authorized"; that is, that an eligible person is not necessarily vested with the right to get that for which he or she is eligible. In other words, he is eligible if he is able.

May I say to the Senator, because this is something I have dealt with as attorney general of my State, and because I have sponsored a bill to provide training opportunities in prisons for youth, I know that in some States they have a release system for some offenders; in some States they have a halfway house system; in some States they actually work in the prisons. Generally it is State work, but sometimes it may not be, by arrangement by private contractors.

So it seems to me, I respectfully submit to the Senator from Alabama, that if the legislative history makes it clear—and I am sure it is clear as a matter of law—that the word "eligible" means no more than the word "authorized," and that there is no purpose or design to imply—I do not see how it is implied—that this in any way deals with any other aspect of law—except that these young people who may be in an institutional setting would be available if otherwise available for this training—it should satisfy that point.

But I think the key point, I say to the Senator as a lawyer, is that the word "eligible" is equivalent, as I see it, and I think the cases bear that out, to the word "authorized," rather than any mandate that vests a right in the particular individual.

Mr. ALLEN. Should it not be made subject to the rules and regulations of the particular institution, though? The amendment as stated would substitute the judgment of the director for the judgment of those in charge of the institution. It might not suit those in charge of the institution to give access to the program to certain of the inmates. Might there not be a clash, then, between the institution and the director of the program?

Mr. BENTSEN. Mr. President, to further develop the intent of the language and establish the record, the Senator from Texas, as author of the amendment, would say the eligibility has reference to the program of the administrator of OEO, that was the intent, and to insure that they not be precluded by a limitation in the program itself, and that this would in no way be construed as being in conflict with the regulations of the institution.

Mr. ALLEN. Would the Senator object to modifying his amendment to insert that, to say that it would be subject to the regulations of the institution involved?

Mr. JAVITS. Mr. President, that is a kind of blind alley; we would not know where that would lead us.

I think the Senator's fundamental purpose is not anything anyone is controverting.

Mr. ALLEN. I think that is true. The question is as to the meaning of the language.

Mr. JAVITS. May I make this suggestion. Perhaps this would do what the Senator wants.

Could we say, "The Director shall insure that low-income persons who are otherwise able to accept such participation, and who reside in public or private institutions, and so on, shall be eligible"? Or we could even use the word "may"; I do not think we even need the word "shall".

Mr. ALLEN. I think that would make it subject to the rules and regulations of the institution.

Mr. BENTSEN. I do, too.

Mr. ALLEN. Does that sound all right to the Senator? That would clear it up.

Mr. BENTSEN. I agree with that language, but I think we should let it remain "shall be eligible," subject to the limitation.

Mr. JAVITS. I would suggest such language.

Mr. ALLEN. Would the Senator mind stating, then, how the amendment would read?

Mr. JAVITS. "The Director shall insure that low-income persons otherwise capable of such participation who reside in public or private institutions shall be eligible for participation in programs under this part."

Mr. ALLEN. I think that would probably meet the objections I have raised. I have no other objection to the amendment.

Mr. BENTSEN. Mr. President, I would like to make a further technical correction in the amendment by striking the words "amendment concerning certain" on line 1.

The PRESIDING OFFICER. The amendment is so modified.

Mr. BENTSEN's amendment (No. 1237), as modified, is as follows:

> At the end of the bill add the following new section:
>
> TRAINING PROGRAMS FOR YOUTH
>
> SEC. 26. Section 125(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentence: "The Director shall insure that low-income persons otherwise capable of such participation who reside in public or private institutions shall be eligible for participation in programs under this part.".

Mr. NELSON. Mr. President, I am prepared to accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1237) of the Senator from Texas, as modified.

The amendment was agreed to.

Mr. JAVITS. I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I rise in support of section 222(a)(11) of the bill now before the Senate. This provision will inaugurate a badly needed effort to upgrade housing for the rural poor by utilizing the work and energies of the rural poor themselves, particularly the aging, who might otherwise be on welfare rolls.

Enactment of the proposal would be a significant supplement to the rural housing and other programs included in the Rural Development Act of 1972. The proposed new rural housing program would in no way overlap or conflict with the policies and programs included in the Rural Development Act.

In fact, the committee report before us states:

> The Committee is particularly interested to see if the authority in the new rural housing program can be used to supplement existing housing programs in such a way that they will be more accessible to low-income persons in rural areas.

I commend the committee for its foresight and for its desire to develop a coordinated, hard-hitting, rural housing program for all economic groups in rural areas, including those who are less able financially to repair and improve the home they own and occupy.

It has been my observation that there is a great deal of existing substandard housing in rural areas that could be easily rehabilitated if a minimum of capital were available.

This is true because rural areas of America have experienced rapid outmigration in recent decades. Unfortunately, our housing programs have placed too little emphasis on rehabilitation of existing structures. Many of the rural poor cannot afford to build a new home, even with Government aid. However, they often own existing substandard homes that can be made adequate with the type of aid to be furnished under this section.

The activity proposed in section 222 (a)(11) is not a major new operating program. Rather it is an experimental or pilot project program to see whether the work of mainstream participants can be utilized to repair and rehabilitate existing dilapidated owner-operated homes in rural areas and to build new homes that extremely low-income families can afford to rehabilitate or buy through the subsidized interest rate low and moderate income rural housing program of the Farmers Home Administration now carried out under title V of the Housing Act of 1949, as amended. This proposed new program is confined to rural areas, which in the past have been relatively neglected by the Office of Economic Opportunity and the Department of Housing and Urban Development.

This provision authorizes an appropriation of $10 million for fiscal year 1972 and $15 million for fiscal year 1973. This money would be expended for purposes which include providing building materials and the wages of mainstream workers for use in connection with the rural housing programs of the Farmers Home Administration to reduce the cost of rehabilitation of existing homes or to build new homes to a point where the lowest income families in rural areas can carry out their obligation to repay the housing loan. These families have extremely low incomes, but they are proud and willing to work. I hope the new program will prove successful in helping them to improve their houses.

Mr. President, looking realistically at this problem of trying to assist all families in rural areas to acquire decent, adequate housing, we just simply acknowledge that we must find some way to provide adequate housing at lower costs.

The short, but successful, experience in the 1960's of the Farmers Home Administration in operating a similar program indicates both that better housing can be provided within the ability of low-income rural people to pay for it and that the energies of the unemployed and underemployed can be effectively utilized to reduce building costs.

Section 222(a)(11) will formalize this type of low cost repair and rehabilitation program, combine it with utilizing the energy of mainstream workers who might otherwise be on welfare rolls, and with existing rural housing programs to test whether such an approach might not be workable on a wider basis.

I wish to associate myself with the statement of the committee when it says:

> The committee feels strongly that it must direct more attention to the solution of rural problems, for unsolved rural problems add immeasurably to the already intolerable problems faced by our cities.

This new rural housing provision will work with the programs provided by the Rural Development Act of 1972 to make a major and significant effort to improve urban conditions as well as rural.

ABUSES IN THE OEO LEGAL SERVICES PROGRAM

Mr. DOLE. Mr. President, I have noted the concern that has been expressed over the Office of Economic Opportunity legal services program. I certainly share the belief of many in our Nation that the legal system should be accessible and that there is a valuable role the Federal Government can play in providing that accessibility, but the Federal role should be clearly defined, responsibly executed and adequately supervised. Unfortunately, the experience with OEO legal services to date indicates that not only have these criteria not been met, but they have been repeatedly and flagrantly violated.

Several Senators have called attention to many of the problems involved in the legal services program. Many of the problems that have been discussed are those which can be anticipated if the program is transferred to and expanded within the framework of a new national legal services corporation as contained in S. 3010, as reported.

However, often these general analyses have not dealt in detail with specific problems disclosed in the actual record of legal services programs, activities, and employees. While many in this body have had particular problems in home States brought to their attention, the general tendency has been to discuss these as isolated incidents, perhaps even as unique ones. But, rather than being a matter of occasional difficulties and scattered problems, an overview of the legal services program discloses a broad and consistent pattern of alarming abuses which should be taken into account as we consider the future of this program.

Perhaps the most appropriate approach would be to cite a number of examples which in their geographical distribution and variety give an indication of the scope of these abuses.

SCOPE OF ABUSES

A legal services program in Illinois has just announced the funding of a new draft counseling service, to be located in Evanston, the location of Northwestern University and a suburb of Chicago. The "service"—which will include "advice," the following of "each man's case until it is ultimately resolved," and "draft education sessions"—would amount to providing Federal funds for a very questionable activity which, in my view, dilutes aid to the poor and appears to respond largely to the antiwar priorities of the legal services attorneys involved. The conduit for funds in this case is the Cook County Legal Assistance Foundation, a local legal services project.

In the April 14, 1972, Wyoming State Tribune it was reported that Philip White, Jr., a staff attorney for Legal Services of Laramie County, Inc., had threatened to bring suit against Laramie County School District No. 1 in the event that a local high school principal took action on his promise to suspend any student who refused to stand for the flag during school assemblies or other ceremonies.

Barbara Rhine of the Youth Law Center, San Francisco, Calif., an OEO backup legal center funded through the San Francisco Neighborhood Legal Assistance Foundation, has been frequently mentioned in connection with legal actions against "the pigs" and "the repressive structure." Two newspaper articles show clearly the nature of this young woman's involvement in disruptive radical activities in the San Francisco area.

Rhine, who is married to Robert Kass but uses her maiden name, has previously been arrested during a demonstration; she is a member of the National Lawyers Guild, regarded by many as a Communisty Party front organization; she was a radical activist at Berkeley; and she was a leader of a women's march in support of an incarcerated female Black Panther.

Stephen M. Bingham, an attorney, was a legal services fellow with the federally funded Berkeley Neighborhood Legal Services program. He was with the program from September 1969 to June 1971, but took a leave of absence beginning November 1, 1970, and never returned to work—although he remained on the payroll through the following June.

On August 21, 1971, a San Quentin inmate attempted to escape from that institution. He was awaiting trial, charged with killing a correctional officer at Soledad Prison. The attempted escape resulted in the death of three San Quentin correctional officers and two inmates in addition to Jackson himself. The last visitor to see Jackson prior to the escape attempt was Stephen Bingham, together with an unidentified woman not otherwise identified. Bingham disappeared immediately afterward and has not been located. He is a fugitive from justice.

James H. Rollins, a nationally known militant figure, who was elected to serve as cochairman with Dr. Benjamin Spock of the National Conference on New Politics, is now wanted on two counts of first-degree murder in California. He is also being sought by the FBI as a fugitive from justice.

Under the alias of Lee J. Evans, Rollins was hired by the Alameda County Legal Aid Society, California, as a project attorney, despite the fact that he was not a law school graduate or admitted to practice in any juridiction. He was able to work with the local project for 4 months under this false identity.

The Legal Aid Society of Alameda County, Calif., has not limited its questionable activities to the hiring of unqualified and falsely identified personnel. It has also engaged in substantial voter registration activity, including the maintenance of voter registration officials in its neighborhood office. This practice is a clear violation of the present statute which prohibits involvement in such political activities.

Kenneth Cloke was a legal services fellow with the Los Angeles Neighborhood Legal Services Society, Inc.—LANLSS—an OEO grantee organization. He was hired and retained on the staff of LANLSS despite the fact that he participated in planning the violent demonstrations at the 1968 national convention of the Democratic Party in Chicago; despite regular attendance at Communist Party U.S.A., recruiting meetings in Oakland and Berkeley; despite holding membership in and the presidency of Slate, a student organization that is reported to have played a dominant role in the campus rebellions at Berkeley; despite participation in the Communist-dominated Ninth World Youth Festival in Helsinki, Finland, and in the Komosol—Communist Youth Organization of the U.S.S.R.—sponsored trip to the Soviet Union and East Germany; and despite activity in Students for a Democratic Society.

Florida Rural Legal Services, Belle Glade, Fla., used Federal funds for publication of an underground newspaper, became deeply involved in local student protests, and one of its project attorneys assaulted a nurse during a staged police brutality demonstration.

The Dallas, Tex., legal service project, represented the publisher of an underground newspaper who was ineligible for the receipt of such services, and it used program funds to transport protesters to Washington. Fortunately, the latter expenditure was disallowed.

Throughout the country, legal services attorneys have raised challenges to compulsory work requirements for the receipt of public assistance, have assisted in the formation of local chapters of the National Welfare Rights Organization, and have helped organize tenant unions.

The OEO Western Regional Legal Services director has been representing a Government employee in a suit against Action charging that the employee was discriminated against because of her Democratic Party activities. The point is that a Federal attorney, albeit on his own time, is representing another government employee in a suit against a Federal agency over matter arising from partisan political activities. This case is an example of the questionable outside practice of law undertaken by a large number of legal services attorneys.

Employees of the Northern Mississippi Rural Legal Services program have used program facilities to support candidates for public office and have represented ineligible clients of political matters.

Daniel Siegel, a former OEO legal services fellow, served during his fellowship as a campaign coordinator for the radical April Coalition in Berkeley. A self-described revolutionary, Siegel has been convicted for inciting to riot prior to receiving his fellowship. He is most recently reported to be working on a Maoist anti-military project in the Philippines.

Sheldon Otis, who served as an attorney for Angela Davis, has been charged with embezzling $10,000 from a legal services program he was supervising in Redwood City, Calif.

Staff members of the New Orleans Legal Assistance Corp. were found to be improperly representing members of a Black Panthers Party Front Organization—the National Committee to Combat Facism. This group has also received assistance from the OEO Juvenile Law Project in San Francisco.

David Kirkpatrick, an attorney with the California Rural Legal Services, has worked closely with peace and freedom party leader Fay Stender, who is also deeply involved in the National Lawyer's Guild's activities, to furnish prisoners with Communist and other revolutionary literature. This material is supplied by use of the mails, sending packages to inmates with covering notes stating that they contain legal materials needed by the prisoners to prepare their cases.

Attorneys with the Monterey, Calif., legal aid society handled at least 104 military-related cases, many resulting from association with the movement for a democratic military and the Pacific Counseling Service which provide assistance to conscientious objectors. At least one legal services fellow with the program was identified as an organizer of local antiwar activities and rallies. Staff members have also worked closely with Unity Now. An underground newspaper which urges soldiers to create disturbances and foment resistance within the Army.

An attorney with Colorado Rural Legal Services admitted preparing articles for a local underground newspaper and soliciting, of CRLS stationery, a juvenile client to serve as a distributor for the newspaper. The paper advocated, among other things, draft evasion.

The Camden, N.Y., Regional Legal Service program has acknowledged representing financially disqualified clients on grounds that such individuals were unable to obtain private counsel because of their unpopularity or the unpopularity of their causes. The director of CRLS has stated his opinion that legal services should act as a sort of ombudsman to the poor as a class, to represent them with respect to political and economic repressions. CRLS was also active in seeking support in the poverty community for the impeachment of a former mayor of Camden.

The director of a legal aid society in Illinois was a partisan candidate for State attorney of Marion County.

LIST HIGHLIGHTS PROBLEM AREAS

This list is not all inclusive. I only highlight some of the very serious problem areas associated with this program: violations of the program's statutory mandate, conflicts of interest, inciting litigation, fraud, involvement in disruptive and criminal activities, and contempt for the legal process and the standards of ethics and propriety which govern the practice of law.

These problems must be faced, and they must be resolved if a meaningful Federal role is to be played in providing a legal system that is accessable to all Americans. S. 3010, as reported, not only fails to deal with these problems while denying Congress and the executive any real authority to prevent even greater deterioration and distortion of the program.

I agree with the President, who said in his veto message of December 9, 1971, that—

> It would be better to have no Legal Services Corporation than one so irresponsibly structured.

I endorse the President's suggestion that the Congress rewrite this bill to add strict safeguards against the kind of abuses certain to erode public support. Congress has so far failed to heed this suggestion, and the only responsible course is to wait until a sound and responsible program is formulated.

LEGISLATIVE PROGRAM

Mr. ALLOTT. Mr. President, if I may have the attention of the distinguished acting majority leader for a moment, I would like to make inquiry of him as to the program for the remainder of the day.

Mr. ROBERT C. BYRD. Mr. President, in response to the inquiry of the able and distinguished Senator from Colorado, may I say it is the hope of the leadership on this side of the aisle that we can proceed for another couple of hours in an effort to make some substantial progress on the pending business.

Under the order that has already been entered, the distinguished Senator from Texas (Mr. TOWER) is to be recognized at this time for the purpose of calling up two amendments in succession, on each of which there is a time limitation of 1 hour.

If we get those two amendments up and dispose of them, I have a note in my pocket somewhere that my office received from the office of the Senator from Tennessee (Mr. BROCK) saying he would be here at 4:30 and would be prepared to call up his amendment. Whether or not we would be able to finish that amendment is something else, but at least it could be laid down today.

It is my hope, may I say in further response to the distinguished Senator from Colorado, that we can finish this bill on Monday of next week. We are confronted with this situation: We have 5 days next week in which to transact business. We have the unfinished business, the Foreign Assistance Act; we have this business, the Economic Opportunity Act, which is the so-called second-track item at this point; there are a few other bills backed up on the Calendar, most of which are very controversial, of course, and additional bills will be reported during the forthcoming week by committees.

We have the HEW appropriation bill, which, by agreement, will be called up next Tuesday. There is a time limitation on that bill. I assume that most of the day, or certainly a good part of the day next Tuesday would be used up in transacting business on that bill.

Then on Wednesday, we expect to call up the Interior appropriation bill at some point during the day. We do not expect a great deal of trouble on that bill, but it will take some time.

Then on Friday of next week, we have the public works appropriation bill, again not too much trouble, but some time will be required.

So, in summation, we have these things: The Foreign Assistance Act, which we ought to finish next week at some point; there are one or two amendments remaining, including one of the most controversial, the Mansfield amendment.

We have the OEO bill, now pending, and at least three appropriation bills next week, and behind them will come the minimum wage bill, the maritime bill, the no-fault insurance bill, and the debt limit.

So we have only 5 days, if we are to stick to the previous plan, and we are coming in early next week, at 9 o'clock every morning with the exception of Monday. Then the Senate will be out for 17 days, and when we return we will have the welfare bill, the supplemental appropriation bill, and the Defense appropriation bill, the Agriculture appropriation bill, and others. We will have, of course, no-fault insurance, if it goes over. We will have the maritime bill if it goes over.

So I have gone to some length to explain why the leadership on this side of the aisle feels it is imperative to try to make as much progress as possible this afternoon before going out until Monday. If we could arrange a unanimous-consent agreement on the OEO bill so that we could be assured of wrapping that up on Monday, I would see no necessity for staying in too much longer today. But thus far, I have been unable to work out any agreement.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. TOWER. Relative to my second amendment, I will not bring that up until the Brock amendment is disposed of. If the Brock amendment is adopted, I will not bring it up at all.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. ALLOTT. Did I understand the distinguished Senator to say that he does have a communication from Senator Brock that he will be here at 4:30 to take up his amendment?

The reason why I propounded this inquiry to the acting majority leader at this time was that, for some reason, while it was my understanding that there would be a session this afternoon, I notice that on both sides of the aisle a considerable number of people apparently have an opposite impression and apparently left town.

I am sure that the Senator does not want to have any important matters before the Senate without a really representative vote here, any more than I do. We find ourselves in this quandary, which I am sure is not of his making. But, somehow or other, some of the Senators interested, I suppose, thought we were not going to be in session.

May I propound another inquiry to the Senator at this time, for the guidance of those who are here?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLOTT. Is there any desire on his part, or any intention on his part, that we will be in session a week from Saturday?

Mr. ROBERT C. BYRD. No.

Mr. ALLOTT. Or that we will adhere to our announced schedule and adjourn Friday, sometime Friday?

Mr. ROBERT C. BYRD. Mr. President, there is no intention on our part—and I certainly feel that I speak for the distinguished majority leader in saying this—to have the Senate in session on Saturday, a week from tomorrow.

Mr. ALLOTT. I think that answers my inquiry.

I just want to remark that I am very happy to see that today we finally passed the authorization for the National Science Foundation, which I understand has been ready for some weeks, although it had not been reported to the calendar. We had a meeting of the HUD, space, and science conferees this week and had to recess the conference without doing anything because we still had no authorization. So I am happy to see that we have accomplished that today. Perhaps we can get one of these bills out of the way and to the President before we leave here on June 30.

Mr. ROBERT C. BYRD. Mr. President, in further response to the very able Senator from Colorado (Mr. ALLOTT), may I say that, to my knowledge, no Senator on this side of the aisle is under any illusions with respect to the program for today; and no word has been given out to Senators on this side of the aisle that we would not be in long today. Some of our Senators have left for the day but not for that reason. They had planned to go anyway.

As a matter of fact, my whip notice of Wednesday, June 21, very clearly stated the program for today. It stated that there would be a vote on the Treasury-Post Office appropriation bill the first thing today, followed by the amendment by Mr. SCOTT, on which there was a time limitation of 2 hours, followed by the Dominick amendment, on which there was no time limitation; that then the Senate would return to the consideration of the second-track item, the Economic Opportunity Act.

Yesterday, it was agreed that when the Senate returned to the consideration of the Economic Opportunity Act today, the distinguished senior Senator from Texas (Mr. TOWER) would be recognized for the purpose of calling up two amendments, on each of which there would be 1 hour.

So I think that all Senators were on notice—ample notice, very clear notice—that we were likely to be in for a reasonably long time today.

Moreover, I state the program every day, at the end of the day, and I would hope that all Senators and their staffs were aware of this, because it is not done without some degree of effort.

I go to considerable length in this respect. Of course, the leadership on the other side of the aisle is always here—or someone representing the leadership—to follow what is being said with respect to the program for the following day.

Yesterday, I said this, in part:

> I would imagine that the Senator from Texas would want a rollcall vote on each of those amendments.

Referring to the two amendments which would be called up upon the Senate's returning to the pending business, the Economic Opportunity Act.

> Therefore, Mr. President, I would suggest to Senators that they might be prepared for a reasonably long day tomorrow, even though it is Friday, and I think we can expect from three to a half-dozen yea-and-nay votes. I see at least three yea-and-nay votes assured as I look at the program for tomorrow, and I should think that there would probably be at least two additional ones, as I have already indicated, on the amendments by Mr. TOWER, making a total, in all likelihood, of at least five rollcall votes tomorrow.

So the Senate was on notice that we would have a reasonably long day today.

I do not know how the English language can be expressed any more clearly than I attempted to state it in the announced program. So there is no reason why Senators should have left early today. Certainly, on my side of the aisle—I cannot speak for the other side of the aisle—Senators have been given no indication whatsoever that we would adjourn early.

Mr. ALLOTT. Mr. President, I know that the Senator knows that I am not, inferentially or other, taking him to task.

Mr. ROBERT C. BYRD. Yes; I understand that.

Mr. ALLOTT. That is the last thing on my mind.

But we do, nevertheless, face a situation, and I do not know how it arose. I think it probably arose partially out of the Senator's statement of yesterday which he just read in the RECORD.

We have had three rollcall votes today, have we not? Senator SCOTT took much less time on his amendment and yielded back time. I believe Senator DOMINICK's amendment was accepted, which foreshortened the time and probably foreshortened the time Senators had planned to use. This is what I suspect.

What the Senator has said here with respect to the program is fortified by the notes on page D718 of the RECORD, in which reference is made to the bills that will be brought up and the OEO amendments—to consider two Tower amendments. As I understand, one is to be accepted and the other will not come up, depending upon the outcome of the Brock amendment.

As is the Senator, I am here. I have canceled all engagements in my State this month in order that I can be in attendance at the Senate. I am here today, I will be here tonight, I will be here tomorrow, and I will be here Sunday.

If we really are not going to get anything done, I suggest to the acting majority leader, if I may, that he might consider a long quorum call—although I understand that some Senators will not consent under any circumstances to a unanimous-consent request as to time. Is that the Senator's understanding?

Mr. ROBERT C. BYRD. As of this moment, we have reached no time agreement on this bill. I am not sure that there is a set-jawed position here on the part of any Senator that he will not agree to a time limitation on the bill. Certainly I know of no such opposition to a time agreement on the part of any Senator on this side of the aisle.

I am not ready to believe at this point, may I say to the Senator—if he will yield further—that no further progress can be had on this bill today. I would like to see.

As the Senator has indicated, the Senator from Texas will call up his amendment, and then perhaps another Senator would be ready to call up another amendment.

Mr. ALLOTT. Mr. President, pending anything else—of course, I have this as a matter of right, but I did not want to do it if the Senator did not want to—let us have a quorum call and find out where we are.

Mr. ROBERT C. BYRD. Well, Mr. President, I would hope that the Senator would not press that at this moment. Let us dispose first of the amendment of the distinguished Senator from Texas (Mr. TOWER).

Mr. ALLOTT. I had my back turned to him. I did not see him come into the Chamber. I will not suggest the absence of a quorum at this time.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The **PRESIDING OFFICER**. Under the previous unanimous-consent agreement, the Chair now recognizes the Senator from Texas (Mr. TOWER) to call up his amendment.

Mr. **TOWER**. Mr. President, I call up my amendment at the desk and ask that it be stated.

The **PRESIDING OFFICER**. The amendment will be stated.

The legislative clerk read as follows:

On page 119, line 19, before "The", insert "to the extent authorized by the Corporation".

On page 119, line 22, strike the period and add the following: "and may be available for inspection to the President of the United States and Members of the Congress".

On page 120, line 25, after "available", insert "for inspection".

On page 121, line 1, following the comma, add the following: "and, upon request, to the President of the United States and to Members of the Congress".

The **PRESIDING OFFICER**. Does the Senator from Texas desire that his amendments be considered en bloc?

Mr. **TOWER**. Mr. President, I ask unanimous consent that my amendments be considered en bloc.

The **PRESIDING OFFICER**. Without objection, the amendments will be considered en bloc.

Mr. **TOWER**. Mr. President, while I consider this amendment basically of a clarifying nature, I think that it is essential to the implementation of a responsible legal services program. This is so because one of the themes that runs through the entirety of title IX is the lack of accountability which the Corporation and those who hold fiduciary duties would have to the public and to the elected representatives of the public in the Congress and the executive branch.

This amendment would amend section 908(b) of title IX relating to reports on evaluations, inspections, or monitoring grantees and contractees. In many instances these evaluations and inspections are in response to possible violations of the law. In the past, the General Counsel's staff of the Office of Economic Opportunity has undertaken such evaluations of grantees in response to alleged violations of the Hatch Act or criminal or negligent mismanagement of funds.

I feel very strongly that the Congress and the President should be made aware of these evaluations and inspections. We must remember that the proposed Legal Services Corporation is publicly funded and should therefore, remain accountable just as other agencies of Government remain accountable.

The amendment strikes from section 908(b) the provision in the bill that would allow the grantee or contractee to receive the substance of the reports on the evaluations or inspections.

I think that this language must be stricken from the bill if a responsible program is to be implemented. It is not current OEO policy to allow these reports to be made available to the grantee being evaluated. If they should be made available, I fear a very real problem could exist. It is quite possible, for instance, that a Legal Services employee under investigation could disappear if he learned that the substance of the reports indicated the possibility of an indictment being lodged against him for embezzlement of funds. Additionally, I do not feel that it is in the best interest of the Legal Services program to have these reports circulated outside the confines of the Corporation administrators, the Congress, or the executive branch. Such publicity could precipitate the type of turmoil at the local level that is one of the main reasons that the current Legal Services setup has not been totally successful.

I would also amend section 910(a) of the bill so that upon request a full annual audit would be made available to the President or to a Member of Congress. This portion of the amendment is strictly of a clarifying nature. Section 910(b)(1) relates to the authority of the General Accounting Office to undertake such an audit on an annual basis. Therefore, my amendment to this section of the bill is intended to emphasize the Congress, genuine concern over the proposed Corporation's accountability. I think it is essential to the legislative history on this bill that these words be added.

Mr. President, this amendment is an attempt to make the Corporation more accountable to the public. The bill as reported by the committee suffers from this lack of accountability. As long as the Corporation is publicly funded, I strongly believe that we have a duty to make sure that some control is exercised over it.

I sympathize with the proponents of the legislation who want to make sure that the Corporation does not come under political influence. However, there is no way to eliminate all political influences from any program that is publicly funded. It is unrealistic to think otherwise. Without some measure of accountability, grantees under the Corporation will engage in political or quasi-political activities as they have in the past, and the Congress will be powerless to rectify the situation.

Mr. **MONDALE**. Mr. President, will the Senator from Texas yield?

Mr. **TOWER**. I yield.

Mr. **MONDALE**. Speaking for the distinguished chairman of the subcommittee, the Senator from Wisconsin (Mr. NELSON), the floor manager of the bill, I am told that he has no objections to the Senator's amendment. He thinks it is a good amendment. Perhaps we could hear now from the ranking member on the Committee on Labor and Public Welfare, the Senator from New York (Mr. JAVITS), as to whether the minority leader has any objection to the amendment.

Mr. **TOWER**. I would be delighted to yield, on my time, to the Senator from New York (Mr. JAVITS).

Mr. **JAVITS**. Mr. President, I find the amendment acceptable. We have collaborated with the Senator from Texas in drafting it. I wish to have his concurrence on one point. Where the words "for inspection" are used, on page 120, line 25, it is understood that the books, accounts, financial records, reports, files, and other papers, will be available for inspection at the offices of the corporation.

Now I know very well that if a Member wants some document or report, or the President wants something, he will get it, but we do not want anything vexatious to occur like saying, "Send over three truckloads of material to my office."

Mr. **TOWER**. I concur with the Senator from New York.

Mr. **JAVITS**. I thank the Senator very much. That is the only point I have.

Mr. **MONDALE**. Mr. President, I yield back the remainder of my time.

Mr. **TOWER**. Mr. President, I yield back the remainder of my time.

The **PRESIDING OFFICER**. All time on the amendments en bloc have been yielded back.

The question is on agreeing to the amendments en bloc of the Senator from Texas (Mr. TOWER).

The amendments, en bloc, were agreed to.

The **PRESIDING OFFICER**. What is the will of the Senate?

Mr. **ROBERT C. BYRD**. Mr. President, what does the order call for?

The **PRESIDING OFFICER**. It provides for the Senator from Texas to call up one of his amendments.

Mr. **ROBERT C. BYRD**. Mr. President, I understood a little earlier, in the remarks of the distinguished Senator from Texas (Mr. TOWER), that he would like to delay taking up his second amendment.

Mr. **TOWER**. Yes, that is correct. Mr. President, I ask unanimous consent that under the consent agreement relative to my second amendment that the time be vacated.

Mr. **ROBERT C. BYRD**. The Senator means with respect to the time it is to be called up?

Mr. **TOWER**. Correct.

Mr. **ROBERT C. BYRD**. But not with respect to limitation of time on the amendment.

Mr. **TOWER**. I may not bring it up at all. If I do, I am willing to agree to 30 minutes of time.

The **PRESIDING OFFICER**. Without objection, the second amendment of the Senator from Texas will not be taken up at this time.

CALL OF THE ROLL

Mr. **ROBERT C. BYRD**. Mr. President, I suggest the absence of a quorum, and it will be a live quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 244 Leg.]

Allen
Allott
Bellmon
Bentsen
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cooper
Cranston
Ervin
Fannin
Javits
Mondale
Montoya
Stevens
Talmadge

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The **PRESIDING OFFICER.** The Sergeant at Arms will execute the order of the Senate.

After a delay the following Senators entered the Chamber and answered to their names:

Aiken
Anderson
Bayh
Beall
Bennett
Bible
Boggs
Buckley
Burdick
Cannon
Case
Chiles
Church
Cook
Curtis
Dole
Dominick
Eagleton
Eastland
Fong
Fulbright
Gurney
Harris
Hart
Hartke
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGee
Miller
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Saxbe
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevenson
Symington
Thurmond
Tower
Tunney
Weicker
Williams
Young

The **PRESIDING OFFICER.** A quorum is present.

THE PRESIDENT'S APPROVAL OF THE HIGHER EDUCATION BILL

Mr. PELL. Mr. President, President Nixon's signing of the higher education bill is a most memorable event in my life. One of my desires upon entering the Senate was to work on education, with the goal that postsecondary education would be available to all. The provisions contained in S. 659 go a long way to accomplishing this goal.

I have worked on this specific legislation for 3 years. To have it signed into law and know that in the future higher education will be available to so many more people is a most gratifying event.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, was read twice by its title and referred to the Committee on Finance.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the Senate will shortly adjourn under the order. It is my understanding that the river is expected to crest a little later this afternoon, or somewhat later—I am not sure just when—and that there might be some difficulty later in getting across some of the bridges. Consequently, it will be the intention of the leadership to move to adjourn shortly after the program has been stated.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 a.m. After the two leaders or their designees have been recognized under the order, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Chair will lay before the Senate the unfinished business, S. 3390, and immediately the Chair will then lay that bill aside temporarily, and the Senate will proceed to the consideration of the so-called Economic Opportunity Act, S. 3010.

The Foreign Assistance Act, S. 3390, remains the main track item before the Senate, it being the unfinished business; but under the order, the Senate will consider on Monday, throughout the day, the Economic Opportunity Act, S. 3010.

At the close of business on Monday, the Senate will return to the consideration of the unfinished business, S. 3390, or upon the disposition of S. 3010, the Economic Opportunity Act, whichever is the earlier.

Several amendments are ready to be called up by various Senators on Monday, some of which undoubtedly will be accepted by the manager of the bill, the Senator from Wisconsin (Mr. Nelson), others of which will require a rollcall vote. There is no time agreement on the bill as of now. There is no time agreement on any amendment thereto, with the exception of one amendment by Mr. Tower, on which there is a 1-hour limitation.

Rollcall votes, then, can be expected on Monday. I would assume that there would likely be several rollcall votes. The Senate will be prepared to stay in reasonably late on Monday.

The Senate will meet at 9 a.m. daily on Tuesday, Wednesday, Thursday, and Friday of next week, and the Senate can be expected to stay in until a reasonably late hour daily.

Mr. President, a little earlier, in response to the distinguished Senator from Colorado (Mr. Allott), the acting minority leader, I stated that it was the intention of the distinguished majority leader, so far as I knew, without consulting with him, and it also was my feeling, that the Senate would not be in session on next Saturday. However, upon reflection, I think I ought to state, and again without having consulted with the distinguished majority leader, that Senators should be prepared to come in next Saturday, if necessary.

I do not know what will happen with respect to the debt limitation bill. This is a very important piece of legislation. I do not think that the Senate or the House would want to adjourn until July 17 without a debt limitation bill having been enacted and placed on the President's desk, because the Government could not continue to pay its bills without some action being taken by midnight June 30 or soon thereafter.

Consequently, it might be necessary for the Senate to come in next Saturday. It might even be necessary for the Senate to return to session on the 5th, 6th, and 7th of July. But that remains to be seen.

I do want Senators to be alerted, however, to the fact that we cannot at all be sure that the Senate will not be in session next Saturday.

Mr. AIKEN. Mr. President, I appreciate the fact that the acting majority leader is not calling for any action on this bill tonight or asking for any limitation of time on any amendment which may be proposed next week.

I am afraid that most Members of this body do not realize that this bill, to a large extent, would destroy and nullify the provisions of the Rural Development Act, which has passed both the House and the Senate. I believe it was passed by the Senate by unanimous vote, or almost unanimous. It has been in conference between the two Houses, and the conference report is now awaiting approval by the House, which has to act first. As I understand it, there has been objection to the House taking up this conference report so far, and apparently some of the Members are waiting to get this bill through first.

This bill, in effect, would preempt a great deal of the services which have been performed by very successful branches of the Department of Agriculture.

So I felt that we should not take up this matter this afternoon until the members of the Committee on Agriculture and Forestry and others have had a chance to study it and to see what would really happen to that department should this bill pass as is. There may be many desirable features in this bill, but certainly there are some that are extremely undesirable ones which take away, in a large degree, the power of the lending agencies for cooperatives and other programs of the Department of Agriculture and virtually put control of a good share of our agriculture enterprise under the OEO.

While the operators of OEO may be qualified to operate Headstart—and I think they have done a good job there and in some other parts of their work—I do not think they are yet as well qualified to run the Department of Agriculture as are the people who have been running it successfully over the many years.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Vermont.

Mr. President, let me say this, further, with respect to the program, because I do not want to keep Senators here long, and I do not want to keep our pages and Senators' staffs around waiting on a whip notice, in the event Senators want to let their staffs go home earlier than usual.

Next week, the HEW appropriation bill will be brought up on Tuesday. There is a time limitation on that bill.

Several votes can be expected on that bill.

The Interior appropriation bill will be brought up on Wednesday of next week. Usually Senators can expect at least one rollcall vote on final passage and possibly votes on amendments thereto.

On Friday of next week, the public works appropriation bill will be called up.

In addition to these bills, all of which will require yea-and-nay votes, undoubtedly, there remain measures such as the following, on which the leadership would hope for final action next week or before adjournment for the Democratic Convention:

S. 2871, dealing with marine mammals.

H.R. 13324, the authorization for certain maritime programs.

S. 5, to promote the public welfare.

S. 632, on water resources.

Senate Resolution 232, on rural electrification.

S. 945, on no-fault insurance.

I have already mentioned the debt-limit legislation. I might also mention legislation to amend the Fair Labor Standards Act of 1938 in connection with which there is a Senate bill on the calendar, S. 1861, and House bill H.R. 7130.

Obviously, it will not be possible to complete action on all these measures before the Senate adjourns prior to the Democratic Convention, but the leadership would like to notify all Senators that the leadership would expect, and will be prepared, to call up any one of these measures, at least whenever it is possible and necessary to do so and, hopefully, to make progress thereon and to see final enactment thereof.

Conference reports may, of course, be called up at any time, and rollcall votes may occur thereon.

Mr. President, in closing, I want to express the hope—and I know that the distinguished majority leader would share this hope with me—that, when the Senate convenes on Monday next, we can move forward on the Economic Opportunity Act; and that during the early part of next week it might also be possible to reach agreement on the remaining amendments to the Foreign Assistance Act, and that that bill can be disposed of next week.

We would hope to have the utmost cooperation on both sides of the aisle and from all Senators in the effort to reach time agreements and enact as much of the remaining "must" legislation as possible before the Senate adjourns for the Democratic Convention, so that when the Senate returns, thereafter, and following the Republican Convention, at least we might not have to stay around too long before the Senate could adjourn sine die.

Mr. ALLOTT. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. ALLOTT. Let me underscore what the Senator is saying, because it is a correction of the colloquy the Senator and I had earlier, in which the Senator stated that it was hoped to adjourn the Senate a week from today. It will be necessary and everyone should be on notice, then, that unless we have taken care of the debt ceiling matter, the Senate will continue in session until that matter is taken care of.

Mr. ROBERT C. BYRD. I cannot say. All I can say is that I want——

Mr. ALLOTT. Or they should be put on notice that there is a strong probability——

Mr. ROBERT C. BYRD. Yes.

Mr. ALLOTT (continuing). That it will.

Mr. ROBERT C. BYRD. I want to remove anything from the RECORD which may be interpreted as indicating that the Senate definitely will not be in session next Saturday and will adjourn from the close of business next Friday, June 30, until the 17th of July, 1972. There is no such assurance, especially at this time.

Mr. ALLOTT. I thank the Senator.

Mr. ROBERT C. BYRD. I thank the distinguished acting Republican leader, the distinguished Senator from Colorado (Mr. ALLOTT).

ADJOURNMENT TO 10 A.M. ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and at 4:03 p.m., the Senate adjourned until Monday, June 26, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23 (legislative day of June 19), 1972:

ACTION

Donald Kready Hess, of Maryland, to be an Associate Director of Action, vice Kevin O'Donnell, resigned.

U.S. DISTRICT COURT

Eldon B. Mahon, of Texas, to be a U.S. district judge for the Northern District of Texas, vice Joe Ewing Estes, retiring.

IN THE NAVY

Rear Adm. William T. Rapp, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE MARINE CORPS

Capt. Jack T. Kline, U.S. Marine Corps, for appointment to the grade of major.

IN THE MARINE CORPS

The following-named officer of the Marine Corps for temporary appointment to the grade of first lieutenant:

John C. Langenus.

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant:

Donald L. Abblitt
Richard P. Adams
Anthony C. Akstin
Walter D. Albritton
Richard L. Alderson
Allen F. Alexander
Charles B. Alexander III
Edwin A. Allan
Bonnie L. Allen
John E. Allen
Thomas E. Allen
Scott D. Anderson
William V. Arbacas, Jr.
Anthony P. Armbrister
Timothy M. Atkinson
Michael V. Avery
Billy T. Babin
Howard R. Bacharach
John M. Baldwin
Edward J. Ball III
Jeri D. Balsly
Alan N. Bandoli
Gary W. Barnes
Terry L. Barnes
Thomas L. Barrows
Stanley N. Barton
Cameron G. Beals
Paul A. Beames
Stephen A. Beaulieu III
Bruce H. Beckett
Joseph F. Bellegarde, Jr.
Michael V. Bergamini
John W. Bergman
Martin R. Berndt
William D. Berry
James P. Bessey
Albert H. Bickmore
Margaret E. Bird
Harold C. Boehm, Jr.
William J. Boese
John R. Bollman
Steven A. Bosshard
David F. Boulden
Rodney L. Bowers
Thomas G. Bowman
Gene R. Boyce
Robert J. Boyd, Jr.
Michael F. Boyer
William W. Boykin
Richard W. Bridy
Richard H. Briggs
Ira E. Brighton
Stephen A. Brixey
Donald G. Brophy
George B. Brown III
Richard F. Brown
George E. Brudzinski
David G. Buell
Duncan H. Burgess
Robert R. Burke
James J. Burns
Jerry L. Burton
Richard P. Bush
Robert C. Butler
William S. Buttrill
Don E. Caldwell
Richard W. Campbell
Stanley E. Carlin
Victor E. Carlin
Emerson F. Carr
Jack L. Carter, Jr.
Lusty L. Cebula
Thomas R. Childers, Jr.
William R. Christoph
Warren J. Cicerrella
Charles B. Clark, Jr.
Robert D. Clarke
Kenton P. Cleary, Jr.
Johnny D. Cockle
Larry D. Cohen
Dan M. Colglazier
Gary W. Collenborne
Clarence M. Collins III
James A. Collins
Stephen W. Comiskey
Michael D. Conrad
Joel L. Cooley
Robert M. Corrigan
Martin J. Costello
John D. Counselman, Jr.
John K. Covey
Robert W. Cowin
Jerry L. Creed
Bruce A. Cripe
Michael J. Cross
Ronald J. Cruz
Michael T. Curtis
Daniel R. Dame
King F. Davis, Jr.
William J. Davis
Orland O. Defrates, Jr.
John R. Defreytas
Donald V. Demikis
Barry L. Denes
Richard E. Deneut, Jr.
Terrence M. Denight
William F. Deubler
Howard Devore, Jr.
Benjamin F. Dillingham
William O. Doig, Jr.
John P. Doolittle
Robert M. Dowd
John E. Drury
Francis H. Dubay, Jr.
Cyril P. Durbrachek
George R. Dunham
Clifford D. Dunn, Jr.
Perry R. Dunn
Matthew W. Durney
Richard G. Duvall
Robert W. Dyar, Jr.
Stephen A. Edwards
Robert C. Eikenberry
Charles C. Emmons
John D. Engstrom
Steven C. Erickson
Linda A. Essex
Kenneth W. Estes
Donald H. Estey, Jr.
Harold W. Evans, III
Stephen P. Eyman
Kenneth R. Falasco
Jerry M. Farrow
Thomas R. Fasulo
Robert J. Fawcett
John C. Feeney
William V. Fello
Robert G. Fender
Arnold Fields
Paul R. Fields
Charles S. Fisher
Lloyd D. Fitzpatrick
Thomas A. Flaherty
Peter J. Flatley
Peter Florea
Allen L. Force
Leonard S. Foster
Edward R. Friedrich
John A. Furman
Gary G. Gage
Gary L. Galiger
David M. Gally
Joseph C. Garbrous
William D. Gardner
Robert B. Garey
William R. Garland
Robert D. Garner
James E. Gass, Jr.
Robert W. Geary
Thomas M. Georgi
James H. Gesner
Ronald M. Gilbert
Cheryl S. Gillespie
Bruce A. Gombar
Ronald Gonzalez
Charles L. Gravett III
John H. Gray
Michael R. Greene
Arthur J. Grimley
Ronald J. Gross
Robert L. Gruber
Richard C. Guess, Jr.
Dennis V. Hacker
Lawrence B. Hagel
John M. Hamilton
Charles T. Hammond, Jr.
James D. Hammond
Thomas E. Hampton
James R. Hannemann
Bruce R. Harder
Edward L. Hardister
John P. Harrington
Michael B. Harrison
Thomas C. Hayden III
Edward G. Hayen II
Askold T. Haywas
Allen T. Head, Jr.
John W. Heath
Roger D. Herring
Theodore G. Hess
Christopher R. Hickey
Ross J. Hieb

Andrew C. Higgins
Stephen M. Hill
Kennon D. Hines, Jr.
James K. Hinnant
Richard C. Hoeschele
George W. Holbert
James L. Holcombe II
Ronald C. Hood III
David S. Horton
Michael A. Hough
Dan P. Houston
Richard A. Houston, Jr.
John E. Howard
Kenneth M. Howard
Richard O. Howard
Thomas P. Hudson, Jr.
Jan C. Huly
Jerry D. Humble
Robin S. Jackson
Jose L. Jimenez
Erick T. Johanson
Floyd T. Johnson
Zachery T. Johnson
Alan M. Jones
Perc L. Jones
Sherman C. Jones III
Thomas S. Jones
William K. Jones, Jr.
William R. Jones
Kevin P. Judkins
Martin O. Juve
Carl L. Kah, Jr.
John F. Keenan
Terrell T. Kelley
Karen I. Kelly
James V. Kelly
Kevin M. Kennedy
Dennis W. Kerrigan
Scott D. Ketchie
George S. Keys
Wayne E. Kiger
Charles R. Kimak
Merle C. King
Robert C. King
Merritt B. Kieber
Christopher M. Klein
Diane E. Kline
John P. Kline, Jr.
Samuel H. Kline III
Mac D. Kolar
Phillip J. Kolczynski
Daniel P. Kollay
William J. Kopp
Rudolph J. Kosits
George V. Kuck, Jr.
Duane E. Kyler
Terry D. Labar
Rea D. Laiblin
Thomas E. Lakin
James P. Lamphron
Edward R. Langston, Jr.
Jack D. Larson
John R. Lasher, Jr.
Donald J. Lavoy
Arthur W. Leak
Robert B. Lees
Linda J. Lenhart
Edward M. Leonard
John E. Leonard
Robert I. Leonard
William H. Leppig
Kenneth B. Levan
Timothy B. Levan
Nancy J. Lewis
Richard B. Lieb
Dennis C. Lindeman
Douglas E. Lindeman
Stephen T. Linder
Daniel J. Long
Henry C. Lorange
Richard C. Lottie
Curtis L. Lowe
James L. Lowery, Jr.
John M. Lowry
Robert Magnus
Ronald J. Makovitch
Michael V. Maloney
Herbert H. Markle
Frank J. Martello, Jr.
Steven E. Martin
Keith L. Maxfield
Timothy A. McBrier
Stephen M. McCartney
John I. McClurkin III
Dennis A. McConaghy
Frederick McConnell II
Peter R. McDonald
Robert C. McDonough Jr.
Roger C. McElraft
Michael P. McGee
Dwight R. McGinnis, Jr.
John H. McLees, Jr.
James A. Messerschmid
Lonnie L. Messick
Peter T. Metzger
Douglas L. Miller
Paul W. Miller
Ludwig B. Miosi
David M. Mize
Roger C. Moll
James E. Moorehead
James P. Morgan
William Morgan, Jr.
Robert V. Morris
Stanley J. Mosiej
David A. Mrachek
Robert Mudrak
William T. Mundt
Ronald V. Murray
Richard Myers III
Richard H. Myers
Rollin G. Napier
Richard E. Nelson
Michael A. Newlin
Paul S. Nickolaus
Miken J. Nielsen
Juan C. Nogueira
Andrew L. Normand, Jr.
Nicholas O. Norris
William E. O'Connor
Palma M. O'Donnell
Michael J. O'Hara
Dennis O. Olson
Martin E. O'Malley
Hugh J. O'Neill
Calvin K. Oram
Thomas F. O'Reilly
Thomas A. O'Rourke
Henry P. Osman
Nat M. Pace, Jr.
Michael G. Pallo
Donald W. Pardue
Frederick D. Parker
Garry L. Parks
Thomas D. Pasquale
Christopher R. Pastel
James H. Patterson
Ralph E. Pearcy II
Robert L. Pegan
Gregory C. Peterson
Stephen E. Petit
William T. Pettit
Jackson C. Pharris II
Terry R. Phelps
William M. Phillips, Jr.
Paul M. Philpott
Thomas J. Pitman
John W. Pitz
Arthur M. Plummer
Allan J. Polachowski
Geoffrey W. Pomroy
Karen S. Pond
Charles R. Porter
John H. Post III
Stephen E. Potter
Larry F. Potts
Richard H. Priest
Kenneth L. Priestly
Ronald H. Pritz
Charles R. Provini
Robert W. Prycejones
Garrett V. Randel, Jr.
Kerry O. Randel
Robert W. Rathbun
Michael A. Ray
Ross Rayburn
Richard P. Red
John F. Reiner III
Dwight B. Reynolds
Charles Ribalta
Jeffrey L. Riggs
Robert W. Rivers
John M. Roake
James S. Robbins
Billy J. Roberts
Steven G. Rogers
William C. Rogers
Michael P. Rose
Timothy C. Rosenhan
Robert M. Rudolf
David P. Russell III
James R. Sandberg
David A. Sannes
William P. Schmeisser
Robert C. Schneidler
Walter P. Schortmann
Robert E. Schwab
Richard R. Schwabe
William L. Sciba, Jr.
Michael D. Selzer
Walter W. Sevon, Jr.
Michael J. Shaw
James D. Shimp
Roy M. Shoemaker
Harold C. Short
David S. Simon
Victor A. Simpson
John D. Slattum
Clyde H. Slick
William S. Sloan
Edward D. Smith, Jr.
Terry A. Smith
John D. Snakenberg
Charles W. Spencer
Daniel F. Spond
Clark G. Spurlock
Douglas R. Stanley
David V. Stocks
William G. Strohlein
Russel M. Stromberg
Alan E. Strong
Thomas L. Stuckey, Jr.
Kenneth M. Sullivan
James P. Sureau
Timothy D. Sutton
Sandra R. Swango
Robert B. Swortwood
Donald H. Tanaka
Jimmy D. Tappon
Philip L. Tedder
Michael J. Teller
John L. Thompson
Edward T. Timperlake
James L. Todd
John S. Tolmie Jr.
Thomas G. Tomkowiak
Charles B. Troutman
Robert D. Tuke
Kenneth M. Ture
James T. Turner Jr.
Thomas W. Tyler
Arthur F. Uhlemeyer
Neal W. Vanhouten, Jr.
John A. Vansteenberg
Joseph R. Waldron
Ronald E. Walker
John E. Walsh
James J. Ward
Stephen A. Ward III
William C. Ward
Walter H. Warme, Jr.
Merrill C. Waters
James C. Weaver Jr.
Joseph A. Wellington
David A. Wellman
Charles N. Wells
David M. Wells
William J. Wesley
John N. Whipple
Paul A. Whitham
Robert H. Whitlock
Edward B. Wild
John M. Wilkinson
Rufus T. Williams, Jr.
Clarence E. Willie, Sr.
James F. Wilson
Phillip H. Wilson
Robert C. Wooten
Doald W. Workman
Charles W. Wright
Nolan W. Wright, Jr.
John W. Yarrison
Kenneth H. Yazel
Charles F. Young
Brian M. Youngs
Paul A. Ziegler
James C. Zimmerman

EXTENSIONS OF REMARKS

PEARL S. BUCK, ILLUSTRIOUS NATIVE WEST VIRGINIA WOMAN, 80TH BIRTHDAY ANNIVERSARY

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 23, 1972

Mr. RANDOLPH. Mr. President, on June 20, West Virginians celebrated the State's 109th anniversary. On Monday, June 26, our citizens and others throughout the world will join in celebrating the 80th birthday of Pearl S. Buck, one of the most famous daughters of West Virginia.

A native of Hillsboro, Pocahontas County, Miss Buck has become a legend in her own lifetime. Her mother, the daughter of Southern Presbyterian missionaries, accompanied her husband to China shortly after marriage in 1880 to serve as missionaries. After 12 years in the interior of China, a period of extreme privation during which all of their children died of tropical diseases, the couple returned to America. Their sole surviving child, Pearl Comfort Sydenstricker, was born on June 26, 1892, in the old family mansion at Hillsboro.

Five months later, the parents returned to China, taking the baby girl with them. Her childhood was spent in the historic city of Chinkiang, where the grand canal crosses the great Yangtse River. She learned to speak Chinese before English. During long periods when the father visited the interior, little Pearl listened to her mother's description of her own childhood in West Virginia.

Pearl Buck has vivid memories of the Boxer Rebellion, after which she was brought to the United States at the age of 9.

She returned to China at the age of 15 to attend boarding school in Shanghai, and 2 years later came back to enroll at Randolph-Macon College. After graduation in 1914 she taught briefly at the college, then returned to China to nurse her mother through an illness. She then married John Lossing Buck, an agriculture teacher, and they went off to live in a town in North China.

Her experiences during the 5 years there formed the basis for her best-known novel, "The Good Earth."

Miss Buck's scholarly study of the language and history of China provided her with a deep understanding of, and appreciation for, Chinese culture and philosophy. This unique background, combined with a superb writing talent, enable Pearl Buck to re-create for the Western World the essence of the East.

Her first published novel, "East Wind, West Wind," was followed by "The Good Earth," which brought her worldwide recognition as a writer. As the modern world's most translated author, she has been described by the National Book Committee, in 1972, as "America's first literary ambassador."

Miss Buck is the only American woman to have received the Nobel Prize for Literature. She also has won the Pulitzer Prize, the William Dean Howells Medal, and hundreds of other distinguished awards for literature and her humanistic accomplishments.

It is the latter work which has brought new fame and approbation to Miss Buck in recent years. Her writings served as a bridge of understanding between nations; her selfless service to humanity was served to bridge the understanding between people.

During World War II, she took a deep interest in the struggles of the Chinese people. And looking even beyond China, she founded in 1941 the East and West Association, devoted to mutual understanding between peoples.

After the war, her interest in Asia continued to be reflected in her many novels and other literary works. In 1950 she published a small book entitled "The Child Who Never Grew," which was the story of her own experience with her oldest daughter, whose mental growth was retarded. The book, based on an article in the Ladies' Home Journal, was written for the purpose of giving some help to parents of other retarded children. Her daughter's condition was the result of phenylketonuria, the inability to assimilate protein. Today there are compulsory tests for this deficiency in many States.

In 1949, Miss Buck founded Welcome House, Inc., an adoption agency, which secures permanent homes and parents for children of mixed Asian-American blood. It has had a liberalizing influence on the whole field of adoption.

The Pearl S. Buck Foundation was established in January 1964, as an agency devoted to the health, education, and welfare of children born in Asia of American fathers and Asian mothers who remain in the lands of their birth. For this work, Pearl Buck has received from the Government of the Republic of South Korea its highest award of honor.

In recognition of the generous contributions she has made to the children of the world, and to the understanding of the East she has conveyed through her writing and deeds, I join with my colleague from West Virginia (Mr. BYRD) and the people generally of the United States in congratulating Pearl S. Buck on the anniversary of a life devoted to mankind.

WHO'S BORED BY APOLLO 16 LIFTOFF?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Reg Murphy in the Atlanta Journal-Constitution of April 16, 1972, reviews not only the accomplishments of our national space program, but our opportunities. He points out that although our Apollo program has made space flight seem almost routine that the programs and opportunities in space available to our Nation are only beginning. I commend this important article to your reading:

WHO'S BORED BY APOLLO 16 LIFTOFF?

(By Reg Murphy)

In the early days it excited people enough for them to think of "a fire on the moon." Then it got to the point where moon rocks were being distributed as gifts when the President went traveling. Now it produces no more excitement than the President's visit to Canada.

How blase we have become! Sunday Apollo 16 will spit fire and roar away from the sandy Florida beaches headed once more for the moon. Bored now because we know it can be done, many Americans have decided the exploration is not worth the $40 billion it has cost.

Liberal intellectuals in particular have become very critical of the program. They argue with faces wreathed in bitter-lemon grimaces that the money should be spent on earth.

Perhaps it is unfair to recall that precisely the same crowd was the most alarmed in the late 1950s when the Soviet Union sent the first Sputnik whirling around the earth. Maybe the fact that the United States excellence in science during the 1960s stemmed from that concern has nothing to do with our continuing excellence.

Maybe . . . but not really. The intellectuals who continue to argue for education funds, for academic freedom, for free inquiry—these are the ones trying to kill the space program.

It is an incredible folly. Only by continuing to feed the nation's consuming interest in exploration will the boundaries of knowledge be pushed back. Only by continuing to ask the questions about the universe will intellectual inquiry be sustained.

For example, can a space shuttle be built, one which can leave earth, go into space and then return to earth to land like a conventional jet airplane? That question may or may not be answered. The argument over the space shuttle and its funding will go on for several years.

Still another example is whether the nation will send planetary probes to Pluto and the other planets. Congress is going to be in a mood to ask hard questions about that. The National Aeronautics and Space Administration may not be able to convince the spenders that the plan is worthwhile.

The skeptics will have all the best of it for a time. Tired of spending money and confused about whether space exploration is even worthwhile, Americans might welcome a temporary halt to the program.

But consider this: By next year five million children in remote areas of India will learn their reading, writing and arithmetic from communications satellites hovering 22,300 miles above the Indian Ocean.

Other U.S. satellites will be directing air and sea traffic for all forms of communications. One guess is that the signals will deal with everything from oil searches to good fishing grounds, pollution pockets to arable land.

Even the weather forecasting may be moved significantly forward by the eternal vigilance of the satellites.

And one other thing: If U.S. satellites are not up there, it is absolutely certain that Russian satellites will be. Some people believe the Russians are working to develop a nuclear weapons arsenal up there. Nobody would argue we can afford to pretend that isn't happening.

So when the Apollo 16 lifts off Sunday, a great deal more than a political argument is at stake. It isn't as boring as some people would have you believe.

CHAPTER II: NEWS ON EQUAL EMPLOYMENT RIGHTS FOR WOMEN AND MINORITIES IN THE UNIVERSITY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. KOCH. Mr. Speaker, I should like to provide the House with the full correspondence I have had on the subject of the City University of New York, part of which was placed in yesterday's RECORD.

The correspondence follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 15, 1972.

J. STANLEY POTTINGER,
Director, Office of Civil Rights, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. POTTINGER: Thank you for your letter of June 7 concerning an affirmative action program at the City University of New York.

I understand that when a finding of noncompliance is made, the regulations provide that HEW can require the City University to develop a written corrective action program to correct the deficiencies. I would appreciate your informing me if, under the present law, you have the power to subpoena the very records and data necessary to determine compliance which "officials of CUNY are objecting to making available".

If you do not have such authority, I would appreciate knowing if you would support legislation giving you this power of subpoena.

Thank you for your attention to this matter.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 20, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: As you know, the Department's Office for Civil Rights has been delegated certain responsibilities to enforce Executive Order 11246, as amended, which prohibits discrimination in employment as to race, color, religion, sex, or national origin on the part of institutions, such as colleges and universities, which hold Federal contracts and subcontracts.

The Executive Order and implementing regulations issued by the Department of Labor provide this Office with the authority to require Federal contractors and subcontractors to submit basic employment data and to provide access to other personnel information deemed necessary to assess the compliance status of affected institutions.

This is to inform you that informal efforts to secure such data and access with respect to the City University of New York (CUNY) have failed. For this reason, the Office for Civil Rights has notified the University of its intent to recommend the initiation of administrative enforcement proceedings unless CUNY provides us with an assurance within ten days that the data and access to information as indicated above will be granted.

For your information, I am enclosing a copy of the notification to Dr. Robert Kibbee, Chancellor of the University.

Sincerely yours,

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 20, 1972.

Dr. ROBERT KIBBEE,
Office of the Chancellor, The City University of New York, New York, N.Y.

DEAR DR. KIBBEE: As you know, Executive Order 11246 (September 24, 1965) as amended by Executive Order 11375 (October 13, 1967) enunciates a national policy of equal employment opportunity without discrimination because of race, color, religion, sex or national origin and sets forth a program of equal opportunity for all persons employed or seeking employment with Government contractors and subcontractors.

Careful analysis of the numerous negotiations with you and other representatives of the City University of New York (CUNY) reveals a failure by CUNY to comply with requirements under Executive Order 11246 and implementing regulations by refusing to provide to the Department of Health, Education, and Welfare, Office for Civil Rights (OCR), employment data and access to personnel files, both of which are necessary for our office to fulfill its compliance responsibilities under the Executive Order.

One of the provisions of the Equal Opportunity Clause in CUNY's contracts with the Federal Government reads as follows:

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the

Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

This provision is further amplified by Federal regulations, 41 CFR Sections 60–1.7(a) (3) and 60–1.43. Clause (4) of the Equal Opportunity Clause requires compliance with all its provisions, and with all regulations applicable under Executive Order 11246. CUNY's refusal to supply the information which will permit us to ascertain its compliance with the equal employment requirements of the Executive Order is, therefore, a violation of its contractual obligations.

The Office for Civil Rights has specifically requested that CUNY provide the information it needs as a basis for conducting compliance reviews at the various constituent campuses of the University. At a meeting held on March 7, 1972, between Mr. Joseph Leahy, Chief Contract Compliance Branch, Region II; other members of the New York Regional Office staff; Dr. Seymour Hyman, Deputy Chancellor; Dr. David Newton, Vice Chancellor; Arthur Kahn, General Counsel, Board of Education; and Frank Negron, Affirmative Action Officer, Mr. Leahy asked that the University provide the New York Regional Office with a listing of all the employees presently on the CUNY payroll which would include the name, job classification (occupational title), date of hire, salary, grade, starting rate of pay, current rate of pay, race, sex, age, and date of tenure, if applicable, of each employee. In response to this request, your representatives adamantly refused to provide the information requested. They further indicated that they would rather not receive Government contracts if they must provide information on matters relating to employment practices affecting academic personnel.

Related to our request for data is the matter of access to personnel records of employees of CUNY. Such a request was first made to Brooklyn College on February 2, 1971 by OCR specialists who were endeavoring to investigate a complaint of employment discrimination filed by Dr. Anna Babey-Brooke. Following an initial refusal to grant access to personnel records necessary to investigate the Dr. Anna Babey-Brooke complaint, your representatives provided the access requested and our office conducted an investigation of the complaint.

The investigation entailed an examination of forms D, faculty folders, and Personnel and Budget Committee minutes. As a result of this investigation, the Regional Office made a preliminary finding in favor of the complainant and recommended that the University promote Dr. Babey-Brooke to the rank of Professor. The University rejected this finding and recommendation and submitted additional information to support its position that she had not been the victim of sex discrimination. We are reviewing the entire case and are seeking to determine, based on additional information submitted by the University, whether the University has raised sufficient questions of fact to warrant additional investigation prior to a final determination by this Office on the validity of Dr. Babey-Brooke's charges. Any additional investigation necessary to answer these questions of fact may require the review of additional personnel files of faculty personnel at Brooklyn College.

On April 13, 1972, contract compliance specialists visited Brooklyn College a second time and requested access to personnel files. On that occasion the specialists were endeavoring to investigate complaints of employment discrimination because of sex filed by Drs. Zalmar Perlin and Priscilla Pollester against Brooklyn College. In response to the OCR request for access to personnel files of faculty members in the same departments as the complainants', Mr. Richard Knoller, Special Assistant to the Dean of Faculties, on the advice of Arthur Kahn, General Counsel of the University, informed our representative, Miss Fraser, that she would be permitted access only to the personnel files of the complainants. Mr. Knoller also stated that one of the reasons for the denial of access was that CUNY was establishing new guidelines on the matter of access to files in general. To date, our Office has received no information regarding new access guidelines.

At both the March 7, 1972, and April 13, 1972, meetings, the New York Regional Office representatives requested information which was necessary to determine whether or not the University is complying with the nondiscrimination obligation assumed by the University under the equal opportunity clause contained in its contracts with the Federal Government.

At the request of CUNY officials, representatives of our New York Regional Office for Civil Rights, Region II, met on November 12, 1971, with CUNY representatives, Mr. Seymour Hyman, Deputy Chancellor; Mr. Nathaniel Karol, Dean for Administration; Mr. David Newton, Vice-Chancellor for Faculty and Staff Relations and Mr. Frank Negron, Director of the Affirmative Action Program. At that meeting, Mr. Joseph Leahy, New York Regional Office Contract Compliance Chief, provided information and answers to various questions regarding CUNY's obligations under Executive Order 11246, and stated that it would be impossible for the New York Regional Office to conduct compliance reviews of the CUNY system without certain statistical data and other information regarding University employees. The CUNY representatives expressed confusion about the obligation of the University to develop an affirmative action plan and asked Mr. Leahy whether the University was required to develop an affirmative action plan under Order No. 4 (41 CFR part 60–2.) In addition, your representatives asked for identification of the specific contract with CUNY then had with the Department of Health, Education, and Welfare. They indicated that the Research Foundation of CUNY represents the system in its contracting with the Federal Government, and therefore questioned whether a contractual relationship exists between CUNY and the Federal Government.

During the course of the meeting, Mr. Leahy informed the group that CUNY is not required to maintain an affirmative action plan in accordance with Order No. 4, but that when employment deficiencies are found in the course of a compliance review, the Department of Health, Education, and Welfare has the authority and responsibility to request the development of an equal employment opportunity program designed to correct all employment deficiencies. Such a program must include the development and submission of specific written commitments and set forth the precise action to be taken and the dates for completion. See 41 CFR 60–1.20(b).

In response to the administrators' contention that the Research Foundation of CUNY is a separate contracting entity, Mr. Leahy gave his view that the Office for Civil Rights would probably consider the Research Foundation an instrumentality of CUNY, and not a separate contractor. The assembled officials asked for written answers to the questions raised. In a letter of March 16, 1972, addressed to you, Mr. Roy McKinney, Acting Director of the Contract Compliance Division, provided detailed replies to all questions raised at the November 12, 1972 meeting and additionally specified the contracts with CUNY on which the Department of Health, Education, and Welfare based its jurisdiction.

Specifically, Mr. McKinney advised you, by way of a memorandum prepared by the Office of General Counsel and attached to his letter, that the Research Foundation cannot be considered a separate contracting entity divorced from CUNY because the University retains a high degree of control over the Foundation as to decisions to apply for grants or contracts and as to the content of proposals. The memorandum also pointed out that the University interacts with the Foundation to a significant extent through the existence of an interlocking directorate. Therefore, contracts entered into through the Research Foundation must be considered contracts with CUNY.

In refusing to provide information during the March 7 meeting referred to above, CUNY officials alluded to the University's prior submission of an "affirmative action plan" and this Department's failure to respond to the submission. Two equal employment opportunity programs were submitted to the New York Regional Office—one from the CUNY central office, submitted July 15, 1971, and the other from Brooklyn College, submitted April 15, 1971—as a result of extensive contacts and communications with CUNY representatives which took place from October 8, 1970. Both were submitted in response to requests from OCR representatives for a plan for the University system (and each campus of the University) which would correct deficiencies in employment opportunity indicated by the findings of OCR specialists who conducted the on-site reviews at Brooklyn College and Borough of Manhattan Community College in July and August 1970. In the course of these requests, OCR representatives detailed the way in which an equal employment opportunity program should be prepared and specified the information such a program should contain. Following the November 12, 1971, meeting with the administrators of CUNY, you submitted to the Office for Civil Rights another equal employment opportunity program, entitled "Affirmative Action at the City University of New York."

After careful analysis of this document, as well as the initial CUNY central office and Brooklyn College submissions, it became clear that while they state an apparently acceptable policy of non-discrimination and establish what appears to be an acceptable administrative structure for the effective implementation of a program, they do not include the information adequate to make a detailed examination of the personnel policies and practices of the University. In addition, the statistics provided in the program are not sufficient to permit a determination of whether discrimination has taken place or is being practiced in any organizational component, job classification or physical location or, if such discrimination has occurred or is occurring, at what point is the entire personnel process it takes place. While some general conclusions are stated in the program regarding possible problems of underutilization of minorities and females, these conclusions cannot be adequately evaluated since they are not substantiated by a determination of the availability of minorities and females for specific jobs, and thus are not supportable conclusions of deficiencies in the University's performance. In any event, even where an affirmative action plan is acceptable on its face, a complaint review by our office is necessary in order to verify the effectiveness of the Federal contractor's program.

Therefore, the University's programs do not eliminate the need or requirement for additional on-site compliance reviews and complaint investigations by the Office for Civil Rights, nor do they alter the nature and format of the information necessary to permit a review or the need for access to individual personnel files of employees other than complainants. Further, the information gathered from the 1970 compliance reviews is unlikely to be an accurate reflection of the current employment conditions at CUNY, and thus no longer provides an adequate basis for evaluating the need for steps by CUNY to comply with Executive Order 11246.

Section 209 of the Executive Order authorizes the imposition of sanctions and penalties for failure of any contractor or subcontractor to comply with the provisions of the Order and the rules, regulations and orders of the Secretary of Labor. Section 60–1.7(a)(4) of the regulations provides that failure to file timely, complete and accurate reports, including employment or other records, constitutes noncompliance with the prime contractor's or subcontractor's obligations under the equal opportunity clause and is grounds for the imposition of any sanctions as authorized by the Order and Part 60–1 of the regulations.

Therefore, to avoid the need to initiate enforcement action, I am requesting that you provide assurance in writing within 10 days of your receipt of this letter that the City University of New York will provide the following information to the Office for Civil Rights:

1. A list consisting of the names, job classifications (or occupational title), department, date of hire, salary grade (if applicable), sex, race, and source of referral of all employees hired during the last twelve months.
2. A master list (computer printout acceptable) of all employees presently on the University's payroll, by department, showing name, job classification (or occupational title), date of hire, salary grade, current rate of pay, race, sex, age and date of tenure (if applicable).

While we recognize that not all of the requested data can be compiled and submitted to us within a 30 day period, at least some of the material can be obtained during this period in form and content sufficient to permit our office to begin a review of CUNY within 30 days after your receipt of this letter. We are, therefore, requesting that you provide us with the above information for two representative campuses within 30 days of your receipt of this letter, with the remaining information provided on a time schedule which will lead to the submission of all necessary information on the promptest possible basis. In addition, I am also requesting that you assure us that the University will comply with the above cited regulations with regard to the provision of other information which may from time to time be requested by our office in accordance with the regulations.

Additionally, I must request your assurance that in the future the University will make available to representatives of the Office for Civil Rights during normal business hours all books, records, and accounts, including personnel files, pertinent to compliance with the Executive Order and the rules and regulations of the Secretary of Labor for the purpose of conducting compliance reviews and complaint investigations. I should note that, while it is our practice to copy as little personnel file information as possible, the copying of some information may be a necessary part of our compliance activity, and we would construe your assurance to provide access to requested information as constituting consent to our copying material which we find to be necessary to fulfill our compliance responsibilities.

You should also know that we will place strict limitations on the public disclosure of information which CUNY provides to the Office for Civil Rights pursuant to the assurances requested in this letter. No information gathered during a compliance review or complaint investigation will be voluntarily disclosed by OCR until the investigation or review has been completed. Even thereafter, it is our policy to see that only certain general types of information, such as any affirmative action plan received, employment policies and written employment procedures, and statistical data, will be subject to disclosure. Information "the disclosure of which could constitute a clearly unwarranted invasion of personal privacy," within the meaning of the Freedom of Information Act, 5 U.S.C. Section 552(b)(6), will also not be disclosed.

OCR may, of course, find it necessary to disclose information, in the form of evidence in an enforcement proceeding that may arise, whether administrative or judicial in nature. OCR will cooperate with the University, however, in securing appropriate guarantees of confidentiality for such material in any enforcement proceeding. OCR also will not grant access to these types of information under the Freedom of Information Act, and will recommend that any resulting suit by the requesting party be defended by the Department of Justice.

If the Office for Civil Rights fails to receive the aforementioned requested assurances from you within 10 days, we will construe this as a denial of the information and access we have requested. We will then seek to initiate appropriate administrative proceedings against the City University of New York for failure to comply with the requirements of the equal opportunity clause placed in its Government contracts pursuant to Executive Order 11246, and with the implementing regulations. Resulting sanctions may include the termination, suspension or cancellation of existing contracts and subcontracts held by the University and debarment of the University from future receipt of contracts and subcontracts. Such a proceeding would, of course, involve an offer of a public hearing before an impartial hearing examiner prior to the imposition of any sanctions or penalties. In the event that it becomes necessary to initiate an administrative proceeding, it will not be possible for this office to certify that the City University is capable of complying with the equal opportunity clause. This lack of certification would jeopardize contract awards during the pendency of such proceedings.

I look forward to the receipt of your assurances within the period indicated. Representatives of our New York Regional Office and this office are available during the interim to discuss this matter with you personally, or with your designated representatives.

Sincerely yours,

J. Stanley Pottinger,
Director, Office for Civil Rights.

THE CASE FOR PRESERVING THE CAPITOL'S WEST FRONT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. FRASER. Mr. Speaker, the plan to put a false front on the west side of the Capitol Building to make room for a restaurant and offices will again come before the House next Wednesday or later when the conference report on legislative appropriations is taken up.

Members should read carefully the statement by James Biddle, president, National Trust for Historic Preservation as it appeared in the March 23 Washington Post.

The National Trust urges restoration, not extending and rebuilding the last original part of the U.S. Capitol Building. The statement follows:

The Case for Preserving the Capitol's West Front

Americans who are concerned about the quality of their man-made environment will applaud the stand which you have taken (in your editorial of March 13) on the proposed extension and rebuilding of the west front of the United States Capitol. As a spokesman for the preservation movement in the United States, the National Trust for Historic Preservation welcomes your support on this most significant preservation issue currently under consideration.

The Capitol is without question among this nation's most important landmarks. The west front is the one remaining portion of the building that contains 18th and 19th century elements designed and built by Dr. William Thornton, Benjamin Latrobe, and Charles Bulfinch. A course of action, as has been proposed by the Commission for the Extension of the Capitol, which would compromise the integrity of this facade of the Capitol, would be a negation of national policy. Congress itself stated in the Historic Sites Act of 1935 (Public Law 74–292) that "it is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States." This policy was further enunciated in the National Historic Preservation Act of 1966 (Public Law 89–665), in which Congress declared "that the historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people," although the Capitol was specifically exempted from the provisions of this act.

Furthermore, reflecting the attitude and concern of a growing number of Americans, President Nixon on May 13, 1971, issued an executive order stating that "the federal government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the nation." While the order was directed to agencies of the executive branch of the government, its spirit and intent were perfectly clear in saying that these agencies should "(1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generation [and] (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures and objects of historical, architectural or archaelogical significance are preserved, restored and maintained for the inspiration and benefit of the people . . ." Surely, one of our country's most historic landmarks and tangible symbols of our government was not intended to be exempt from this obvious concern for the preservation of our heritage.

"Attesting to the excellence of its builders and to the concern of those responsible for maintaining this . . . national monument to our Republic," the United States Capitol survives in relatively good condition. This, in part, was the report of an engineering firm hired to study the feasibility of restoring the west front. Historical and aesthetic considerations aside, the report indicates that restoration is preferable to the proposed extension on an economic basis alone. You have referred to the escalating cost of extending and rebuilding. You have also referred to the report of the American Institute of Architects, which report the Trust fully supports.

The National Trust, charged by Congress with the responsibility of furthering the policy of the 1935 Historic Sites Act and of facilitating public participation in the preservation of buildings, sites, and objects of national significance, would be remiss in discharging its obligations if we did not strongly urge the preservation of the historic west front.

We believe that the architectural designs of our country's foremost early architects, as they are preserved in the west facade, as well as its great landscape terrace by Frederick Law Olmsted, are significant parts of the national heritage of architecture and landscape architecture that we all prize and

that deserve permanent protection. This fact alone is justification for the preservation of the west front of the Capitol; it should neither be destroyed nor altered. Strengthening and restoration only are indicated under the circumstances.

JAMES BIDDLE,
President, National Trust for Historic Preservation.
WASHINGTON.

ENERGY CRISIS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1972

Mr. MILLER of California. Mr. Speaker, it is no longer news that our Nation and much of the world is facing an energy crisis. The question is when it will reach such a degree of severity that our economy and perhaps the very fabric of our society are disrupted.

A solution to the energy crisis is something which we all desire. But this will not be simple, especially since any solution will impinge upon many of the important policy issues facing our Nation, including national security, environmental protection, and econonic growth.

Mr. Speaker, the longrun answers to the energy crisis must depend on science and technology. Our traditional energy sources cannot meet the needs of the future, so we must develop new ones and find new methods for converting these energy sources into desirable forms such as electricity and gas. We must also develop more efficient means for transmitting energy to locations where it is needed.

In an effort to promote new research in science and technology directed toward the energy crisis, last summer I constituted an energy task force within the Committee on Science and Astronautics. Chaired by Representative MIKE MCCORMACK, of Washington, this task force is under the jurisdiction of Chairman JOHN DAVIS' Subcommittee on Science, Research and Development. I have also called for the establishment of an interagency group to foster research and development in the specific area of solar energy.

Congressman MCCORMACK's task force has done a superb job of studying and evaluating the legislative issues related to energy research and development. A report based on their work and recent hearings before the Science Subcommittee is expected to be issued this fall, and that report should provide the Congress with solid recommendations on energy research and development policy and priorities.

A perceptive article recounting the work of the energy task force and the Science Subcommittee appeared in the Chemical and Engineering News of June 12, 1972. I commend the article to the attention of my colleagues, and insert it in the RECORD at this point.

CONGRESS PROBES U.S. ENERGY R. & D. POLICY

At last a Congressional committee is taking a penetrating look at the U.S. research **and development dealing with energy without immediately trying to make political hay out of the issue. And that's different. For in recent months almost every committee and member of Congress has issued some kind of purely political pronouncement on the "energy crisis," usually without doing very much homework on the matter.**

And that's what makes the effort by the House Subcommittee on Science, Research and Development, chaired by Rep. John W. Davis (D.-Ga.), and its Task Force on Energy unique. So far, they're trying to keep politics out of it, they've done their homework, and they're still at it.

No legislative proposals are expected to stem from the subcommittee's work, at least in the near future. The task force will issue a report about Oct. 1, however, recommending an energy R&D policy, a set of priorities, and either an energy superagency or a directorate to coordinate the work of existing agencies. And next spring the subcommittee may sponsor a two-day symposium on energy R&D or maybe an energy R&D fair.

At the core of the subcommittee's effort is the bipartisan task force set up last year under the direction of Rep. Mike McCormack (D.-Wash.), a chemist by training and 20 years a research scientist at Hanford. He is presently the only "scientist" member of Congress. For staff, the task force draws on the competent professional staff of the House Committee on Science and Astronautics.

To gain insight, the task force was briefed almost every Monday afternoon last fall on the status of energy R&D activities by officials of federal agencies. Even so, Rep. McCormack said at the opening of subcommittee hearings early last month, "We still don't know exactly where we are in this country in regard to energy R&D, but we do know a lot more than we did a few months earlier."

One thing that is known with much more certainty is who is doing what R&D where, how long various projects are going to last, who is paying for them, and how much the nation is spending on energy R&D. An unheralded, but very valuable fruit of the task force effort, the "Inventory of Energy Research," was compiled by Oak Ridge National Laboratory with funds from the National Science Foundation. The inventory, which greatly improves and expands on an inventory prepared for NSF by Booz, Allen and Hamilton, Inc., lists about 4400 research projects that have an estimated total funding of about $1 billion. NSF is to update and publish the inventory at as yet to be determined intervals.

Another element of the national energy R&D effort emphasized at subcommittee hearings is that neither Congress nor the executive branch is very well organized to deal with energy R&D matters. Presidential science adviser Edward David pointed to the fragmentation of the effort in the executive branch. The Atomic Energy Commission and Department of Interior, the predominant energy R&D agencies, recently have been joined by the Environmental Protection Agency, NSF, the National Bureau of Standards, the Tennessee Valley Authority, and the Department of Housing and Urban Development. President Nixon has proposed putting energy elements of these agencies into an Energy Administration within a Department of Natural Resources, but the proposal seems to be going nowhere in Congress.

In Congress, Rep. McCormack tells C&EN, there are at least 13 committees that deal with energy: 11 legislative committees and two joint committees. Moreover, committee jurisdictions are carefully defined. For instance, the House Subcommittee on Science, Research and Development has general jurisdiction over R&D efforts. But for atomic energy, the Joint Committee on Atomic Energy holds the power.

Perhaps the most sweeping comment on the national energy R&D effort was presented to the subcommittee by S. David Freeman, director of the Ford Foundation's $2 million energy policy study and for years the top expert on energy matters at the White House Office of Science and Technology. Echoing the concerns of several federal, industry, and academic witnesses, Mr. Freeman says that the problem areas are clearly management and funding of energy R&D programs. No one is responsible for new energy sources in this nation, he says, adding that "that's one reason we're in trouble. With the exception of AEC, the efforts are scattered and relatively weak."

Moreover, except for the nuclear program, the energy sector of the economy has "sadly neglected" its R&D opportunities. "The flow of new technology to produce energy in an environmentally acceptable way is running like a dry creek," he adds. For instance, "U.S. projects under construction to convert oil and coal into synthetic gas require the use of technology developed in Germany and Great Britain . . . technology that is inadequate and expensive." Yet nothing else was available, he adds.

To remedy the situation, Mr. Freeman recommends immediate Congressional action to consolidate energy R&D activities of the Government into one agency—AEC. He says AEC has demonstrated the ability to develop new energy technology and has the needed technical talent and laboratories.

Mr. Freeman also suggests that Congress be reorganized to oversee and support a new thrust in energy R&D. The Joint Committee on Atomic Energy, for instance, might become a Joint Committee on Energy.

He also calls for sharply increased federal spending for nonnuclear energy R&D programs. He says additional funds could be raised by taxing the consumer's energy bill and recommends that Congress pass a pending bill to so tax electric power.

CAUTION—TOO MUCH SALT IS HARMFUL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1972

Mr. WYMAN. Mr. Speaker, unless we implement the options permitted us under SALT to keep our military capabilities at peak efficiency we are stupid. In fact worse than stupid—for deterrence through strength continues to be essential defense policy for an opulent America that wants to remain free in a world of lesser wealth and many more people.

In this connection a column by Joseph Alsop pointing out the border situation between the U.S.S.R. and mainland China as it relates to SALT is significant. Mr. Alsop's remarks deserve thoughtful consideration in understanding that too much emphasis on SALT and too little food for defense capabilities is dangerous to the continued freedom and safety of the United States.

COUNTERING RUSSIA

(By Joseph Alsop)

Soviet reinforcement of the huge forces already deployed along China's frontier, is currently proceeding at a net rate of 175,000 men per annum. The frontier armies are getting the very newest Soviet equipment, like the swing-wing version of the "fitter" fighter-bomber. Above and beyond normal divisional requirements, major reserves of heavy equipment are also being prepositioned.

Not unexpectedly, the Peking government is responding to this never-ending Soviet military buildup on the frontier in a quiet new way. The former defense in depth, with the lightest of screening forces forward, is clearly being abandoned. Strong Chinese forces are being moved up towards the frontier itself.

Whatever Moscow may decide in the end, in sum, the Soviets are most actively continuing their long, methodical preparations to attack China. Peking, in turn, is taking these preparations even more seriously than before—which is saying a great, great deal.

Without bearing these grim facts continuously in mind, President Nixon's diplomatic successes of the last twelve months cannot even be dimly understood. It was the Soviet threat on the frontier that caused the Chinese to invite the President to Peking. It was the journey to Peking which made it possible for the President to make another triumphant visit, this time to Moscow, against the reasonably lurid backdrop of Haiphong harbor.

By the same token, these same most unpalatable facts should be the main consideration in the combined Senate debate about the SALT agreement and about President Nixon's request for more funds for the U.S. strategic forces. Even Sen. J. W. Fulbright has a duty, after all, to answer the key question hanging over this debate.

The key question is why the Soviets paid such a high price to welcome President Nixon—and no one should forget that the price was inordinately high, because of the port blockade and bombing in North Vietnam! The answer to that question lies in China. When the President and his party were in Moscow, the Soviet leaders and negotiators were downright obsessive on the topic of China.

Nor is that the end of this grim story. In one of his astonishing press conferences in Russia—the climatic one in Kiev—Dr. Henry A. Kissinger said forthrightly that he was not "rejecting the possibility" that the various agreements at Moscow were "intended" by the Soviets "as a tactical device to lull certain people."

Since returning from Moscow, both the President and Dr. Kissinger have gone even further on the same line. "Gaining a free hand to deal with China" has in truth been described as the primary Soviet aim. In other words, the Moscow summit has to be seen, at least in part, as the principal episode in a vast Soviet tranquilization plan. In addition, this plan has of course included the Soviet actions in Western Europe and the Soviet inaction in the Middle East.

It has to be faced, further, that the way the Soviets are preparing to "deal with China" is by naked military force. What men and nations prepare to do, may not always get done in the end. But anyone is a fool who says, "it will never be done," even though the preparations are plainly being made at enormous cost.

There are some other facts to face, too. The Soviets cannot undertake the nuclear castration of China, and then just stop there. If they destroy China's nuclear power before it grows too big to suit them, that act alone will transform the world we live in. Other, equally brutal Soviet moves, in the vulnerable and vital Persian Gulf, for example, will surely have to be expected if all the rules of the game are so abruptly and crudely changed.

This is why Dr. Kissinger and Prime Minister Chou En-lai have undoubtedly been discussing how to deter the Soviets from doing what they are preparing to do. This is also why the current mood of the U.S. Senate verges on actual imbecility. There will be no better way to encourage the Soviets to be resolutely brutal, than to reject the President's proposals for modernizing our own strategic forces.

That is the sort of thing the Soviets always understand, and always slow down for, just as the Soviets have unfailingly reacted by a grab for new advantages whenever the U.S. has recklessly begun disarming. Rightly handled, in fact, what has happened can prove the door to a much better world. But wrongly handled, it can lead to a radically novel situation of the direst danger.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SENATE—*Monday, June 26, 1972*

The Senate met at 10 a.m. and was called to order by Hon. ADLAI E. STEVENSON, III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose spirit follows all our days and invests them with meaning, help us to begin this new week with a determination to work at the things which count most in advancing Thy kingdom. Give us a holy determination to surmount that which divides, distracts, or frustrates the nobler heights to which life may ascend. Deliver us from all that is petty or mean or hurtful. Guide the President and all our leaders that with one accord and in one spirit we may labor together to promote the common good. Accept the consecration of ourselves which we offer in Thy service this day. May we labor with the radiant faith and glowing idealism which is the gift of our heritage.

In the Redeemer's name, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 26, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 23, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 856 and 862.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DENNIS KEITH STANLEY

The Senate proceeded to consider the bill (S. 910) for the relief of Dennis Keith Stanley, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 5, after the word "of", where it appears the first time, strike out "$270.27" and insert "$199.29"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Dennis Keith Stanley of Springfield, Oregon, is relieved of all liability for repayment to the United States of the sum of $199.29, representing the amount (1) of a lump-sum payment for accumulated, unused leave the said Dennis Keith Stanley was erroneously paid by the United States Marine Corps upon his discharge from active duty with the United States Marine Corps, and (2) pay and allowances received by the said Dennis Keith Stanley for those days on which he was on leave and which were, at the time of such discharge, in excess of the days of leave to which he was entitled. In the audit and settlement of accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Dennis Keith Stanley, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–896), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 910, as amended, is to relieve Dennis Keith Stanley of Springfield, Oreg., of all liability for repayment to the United States of the sum of $199.29 which represents the amount of erroneous payment to him at the time of his discharge from active duty in the U.S. Marine Corps.

STATEMENT

The facts of this case as contained in the report of the Department of the Navy are as follows:

Navy Department records indicate that Cpl. Dennis K. Stanley was discharged from the U.S. Marine Corps on February 12, 1969. His pay account was reviewed at the Marine Corps Finance Center, Kansas City, Mo., after his discharge, and this initial review indicated that he had been overpaid $270.27 incident to his active service. Later, a more comprehensive audit of his pay and related personnel records was conducted which revealed a number of pay discrepancies in his account. The audit revealed the following erroneous transactions:

Charges:	
Erroneous payment on discharge for 19 days, accrued unused leave	$175.50
Failure to deduct 9 days pay and allowance while in an excess leave status	130.32
Arithmetical error	.67
Insufficient deduction for FICA taxes	1.10
Total charges	307.59
Credit:	
Underpaid basic pay for period 11 June 1968 through 12 February 1969	108.30
Net overpayment	199.29

The errors which led to Corporal Stanley's indebtedness to the United States are attributable to the actions of Government officials and are not a result of fault on his part. The nature of the errors is such that Corporal Stanley could not reasonably have been expected to detect them. The fact that he was underpaid with respect to basic pay for a lengthy period of time points convincingly to a lack of full awareness on his part of his entitlements. Since the administrative errors which have caused Corporal Stanley's indebtedness were caused by officials of the Government and since the records of the Navy Department substantiate the conclusion that Corporal Stanley acted in good faith, the Department of the Navy supports enactment of S. 910.

Based on the foregoing facts, the committee believes that legislative relief is appropriate and recommends that S. 910 be favorably considered.

MAJ. MICHAEL M. MILLS, U.S. AIR FORCE

The bill (H.R. 6666) for the relief of Maj. Michael M. Mills, U.S. Air Force, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–902), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Maj. Michael M. Mills, U.S. Air Force, $1,620 in full satisfaction of his claims for an erroneous discontinuance by the Air Force of his allotment to the Miami National Bank, Miami, Fla., in 1967.

STATEMENT

The facts of the case as contained in the House report are as follows:

The Department of the Air Force in its report to the committee on the bill stated it would have no objection to the bill with the amendment recommended by the committee reducing the payment to $1,620, representing the out-of-pocket loss Major Mills actually incurred as a result of the discontinuance of the allotment.

The allotment referred to in the bill was authorized by Major Mills early in 1963. The allotment was in the amount of $30 a month and was to be sent to the Miami National Bank, Miami, Fla., to be credited to the account of Lehigh Acres, a real estate firm, under his account number.

Beginning March 1, 1963, AFAFC sent a check in the amount of $30 to the Miami bank. When he transferred from McGuire Air Force Base, N.J., to Vietnam, Major Mills authorized a $700 allotment to be sent to the Winters National Bank, Dayton, Ohio, effective May 1967. The officer has advised the sponsor of the bill that he had been informed by finance personnel that the bank allotment of $30 would not bar the additional allotment. Upon receipt of this authorization, AFAFC returned it to the personnel officer in Vietnam who, under existing procedures, was to notify Major Mills that this allotment had been rejected since he had one allotment in effect to a bank. However, the sponsor has advised the committee that Major Mills was not given this notification. The immediate return of the authorization for the $700 per month allotment was interpreted by AFAFC to mean that this allotment should be placed in effect and the allotment to the Miami bank discontinued. It was also assumed deductions from Major Mills' pay for the $30 allotment were discontinued. Accordingly, AFAFC discontinued sending a check each month to the Dayton bank.

In April 1968, AFAFC made a comparison of allotment deductions being made from Major Mills' pay account with the allotments which were being paid. This comparison showed that $30 was being deducted from his pay in addition to the deductions for allotments that were actually being paid. Action was taken to discontinue the $30 deductions and the amount which had been deducted for which allotments were not paid was refunded to him.

In January 1969, Major Mills filed a claim against the Air Force for $3,390. In his claim, he stated the allotment to the Miami bank was initiated to make payment on two real estate lots purchased on contract in December 1962. Since deductions were being made from his pay for this allotment, he believed the payments on the contract was being made. He stated that the first he knew that the allotment had been discontinued was in May 1968, when the real estate company advised him, in reply to his notification of a change of address, that his account had been closed in January 1968, because of his failure to make monthly payment on his contract. The company also advised him that prior to closing his account it had attempted to notify him but in the absence of a correct address had been unable to do so. The company also reported that the lots he had purchased had been resold for $3,390; however, the amount he had paid on the principal ($875) could be applied against the purchase price of two other lots. He did not accept this offer inasmuch as he was stationed in Okinawa and could not examine the lots.

In its report to the committee, the Air Force stated that the claims officer at Kadena Air Base, Okinawa, estimated that, as a result of the discontinuance of his allotment to the Miami bank, Major Mills had suffered a net loss of $2,020. This amount was computed by deducting the amount Major Mills had actually paid on the lots ($1,620) from the initial purchase price ($2,990) to establish the amount ($1,370) he owed on the date the allotment was discontinued. This amount was then deducted from the amount ($3,390) for which the lots were resold. However, it should be noted that, in his computations, the claims officer did not take into consideration that although Major Mills paid $1,620 to the real estate company only $875 was applied to the principal and the remaining $745 was interest on the loan. On July 25, 1969, Pacific Air Force headquarters notified Major Mills that his claim had been disapproved because it was not cognizable under the Federal Torts Claims Act (28 U.S.C. 2671–2680). He was also advised of his right to file a suit in a U.S. district court.

The Air Force stated that under these circumstances, there are no administrative procedures under which Major Mills' claim against the United States may be paid. While under normal peace-time conditions, it would be reasonable to assume that a purchaser of lots would have the responsibility of verifying the fact that periodic payments were received and correctly credited to the account to satisfy the obligation for the purchase of the lots, the unusual circumstances of this case made this all but impossible for a man assigned to service in Vietnam. In fact, the confusion concerning allotments appears to have a direct relation to that service. Furthermore, as is noted in the Air Force report, the fact that the Air Force failed to suspend deductions for the allotment from the man's pay until a considerable period had passed also would have served to indicate to the individual that the allotment was being made as he had originally directed. Accordingly, the committee has concluded that relief should be extended to this individual in the reduced amount suggested by the Air Force. The Air Force pointed out that the out-of-pocket loss suffered by Major Mills was equal to $1,620 which is the full amount he paid prior to the discontinuance of the allotment. It is recommended that the bill with this amendment be considered favorably.

In agreement with the views of the House of Representatives, the committee recommends the bill favorably.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

MISSISSIPPI RIVER COMMISSION

The second assistant legislative clerk read the nomination of Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration, for appointment as member of the Mississippi River Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

AMBASSADORS

The second assistant legislative clerk proceeded to read sundry nominations of Ambassadors.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nomination are considered and confirmed en bloc.

INTERNATIONAL MONETARY FUND, INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, INTER-AMERICAN DEVELOPMENT BANK, AND ASIAN DEVELOPMENT BANK

The second assistant legislative clerk read the nomination of George P. Schultz, of Illinois, for appointment to the offices indicated: U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; a Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

FLOOD DEVASTATION IN PENNSYLVANIA

Mr. SCOTT. Mr. President, the Commonwealth of Pennsylvania has, as a result of the devastating flood, sustained the worst damage from a natural disaster in its entire history.

From a discussion with Gov. Milton J. Shapp and as a result of the visit to the Commonwealth by President Nixon and General Lincoln, of the Office of Emergency Preparedness, it would appear on the basis of incomplete information that damage to highways and bridges alone is in the neighborhood of $550 million; that the latest count is that 126 bridges are out in Pennsylvania; that as of noon yesterday, damage to schools is in the area of $40 million to $50 million, with no reports yet in from colleges and universities; that whole cities are inundated and have suffered extraordinarily heavy damage; that the downtown district of Wilkes-Barre, Pa., is entirely under water; that the principal industry of Bloomsburg, the Bigelow Carpet Co. is half under water; that the Bethlehem Steel plant is totally under water; that 150 to 200 major factories have been disabled in the State; and that more than 50 sewage systems are out.

It is estimated that somewhere between 40,500 to 50,000 houses have been damaged in Pennsylvania.

The Office of Emergency Preparedness has assured the Commonwealth that it will furnish all assistance within its power, subject to its authorizations and the funds available. That may not and probably will not be nearly enough. The water is stagnant there. Unlike damage in other areas, the water remains. It has not flowed off. It has not acted as a flash flood would in most cases. When water stays 5 or 6 days in a community, it means the virtual destruction of that part of the community so inundated.

Mr. President, it may well be necessary for us to ask for an emergency authorization and appropriation providing for a substantial sum to aid the Commonwealth of Pennsylvania to recover from this terrible disaster.

I have discussed with the Governor the advisability of meeting with the Pennsylvania congressional delegation, probably tomorrow, and if it is necessary to ask for emergency funds, we will appeal to our colleagues in both bodies for sympathetic understanding, and expeditious action on this request.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routing morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INVESTIGATION OF LITTON INDUSTRIES

Mr. PROXMIRE. Mr. President, I have asked the Securities and Exchange Commission, the General Accounting Office, and the Navy to investigate the financial capability of Litton Industries to complete performance of its Government contracts. I have also asked Navy Secretary John W. Warner, in a letter I am releasing today, to reject proposals made by Litton that the Navy pay inflated and unsubstantiated claims and take other actions in order to help the company solve its financial difficulties.

It is becoming increasingly clear that Litton is unable to perform any of its major shipbuilding contracts without running up huge cost overruns. Litton's $450 million worth of shipbuilding claims against the Navy must be seen as an attempt to shift the costs of its own inadequacies to the American taxpayer.

Litton executives, from the president on down, have been meeting almost daily with Navy officials in an effort to obtain a bailout from its financial plight.

In my letter to Secretary Warner, I said:

> I urge you, Mr. Secretary, not to allow Litton to become the Navy's Lockheed. A decision to allow this company to ignore its contractual obligations to the Navy will have serious consequences and will become a most unfortunate precedent. If my information and interpretation of Litton's financial situation is correct, even a $40 million settlement of Litton's inflated East Bank claims might only be the down payment on future similar unwarranted demands. The only way to assure that the public interest will be served in the settlement of claims is for the proper officials to negotiate them strictly on their merits. If an agreement cannot be reached on a claim, it should be referred to the Armed Services Board of Contract Appeals. For high officials of the Navy to be "horsetrading" claims with corporate presidents and vice presidents is both demeaning to the Navy and improper, in my judgment.

Because of Litton's cash shortages, the huge cost overruns, schedule delays, and technical difficulties encountered on its shipbuilding programs, a shadow has been cast over two of the largest ship contracts awarded in recent years.

Litton is now 2 years behind schedule on the LHA contract and there is a serious question as to whether Litton is capable of building even the first LHA ship.

LHA contract has already been delayed with adverse effects to the DD-963 destroyer program and Litton may also be unable to deliver on that contract.

Litton has given the Navy grounds for declaring the LHA contract in default and continued failure to take corrective action on the Navy's part could increase the cost to the taxpayer by hundreds of millions of dollars.

If the Navy does not pay the unsubstantiated portion of Litton's claims, the company could face a financial crisis of major proportions in the near future.

For these reasons, I have asked the Securities and Exchange Commission to tell me whether Litton's annual reports correctly state the company's earnings. If the shipbuilding claims have been reported as earnings but are rejected by the Navy, Litton may not have the financial capability to carry out its contractual commitments.

I have also asked the Commission to state whether Litton's reporting methods comply with SEC rules and regulations, and whether the SEC requires public disclosure of expected large overruns or underruns of defense contracts by defense contractors.

I have asked the General Accounting Office to conduct an independent investigation of Litton's financial capability to carry out its Government contracts.

I ask unanimous consent, to insert in the RECORD copies of my letters to the Securities and Exchange Commission, the General Accounting Office, and the Department of the Navy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 19, 1972.

Hon. WILLIAM J. CASEY,
Commissioner, Securities and Exchange Commission, Washington, D.C.

DEAR MR. COMMISSIONER: As you know the Joint Economic Committee has held several hearings on weapons acquisition programs of the Department of Defense. One aspect of these hearings involves large claims by Navy shipbuilders. Currently these claims total about $1 billion and involve some of the Nation's largest companies.

Litton Industries has the largest dollar amount of claims against the Navy; these total about $450 million. Some Litton claims are several years old. Navy witnesses have testified that Litton's claims appear exaggerated and Litton's actual entitlement is substantially less than the amounts of its claims. Reports by the General Accounting Office indicate that some of the claims have been overstated.

Recently Litton announced it was taking a $25 million write-off against FY 1972 operations for expected loses on the LHA Navy shipbuilding contract. According to the press, Litton stated that the company doesn't expect a further write-off this year, but indicates that the negotiations with the Navy are continuing. But looking at Litton's published financial statements in the light of its recent release, it appears that for several years the company has been reporting profits based on the anticipation of obtaining substantial sums from its claims against the Navy. If these claims are in fact overstated, Litton's profits for the past several years may also have been overstated. At least it appears that Litton's profits or losses are subject to considerable uncertainty until these claims are settled, and have been for some time. Yet there are no footnotes or other explanations in Litton's published reports—specifically in its FY 1971 annual report and interim reports of October 31, 1971, and January 31, 1972—to indicate that this is the case. In fact, the Litton FY 1971 annual report states:

"The outlook for Defense and Marine Systems is good. Our present backlog spans several years of activity providing a basis for continuing growth of sales and profits independent of the general economy."

The Accountants Report for that year—by Touche, Ross and Company—also fails to note that Litton had several large claims against the Navy in process or under negotiations, the outcome of which could substantially alter Litton's financial results. These reports, therefore, appear very misleading.

I would like to know:

Has Litton in fact reported earnings based on its expected recovery of large claims against the Government? If so, can you tell me to what extent Litton's earnings have been overstated for the past several years—say 1968-1971—if such claims are not honored by the Navy? It appears to me that if substantial portions of the alleged claims are not paid by the Navy, Litton may not have the financial capability to carry out its contractual commitments.

What are the Securities and Exchange Commission rules concerning the company's obligations for public disclosure of information in a situation such as this? If, in fact, Litton was including anticipated claims settlements as valid receivables from the Government, would it be violating any SEC rules? Has Litton violated any Securities and Exchange Commission rules by its failure to reflect uncertainty in its published reports as to the ultimate settlement of its claims against the Government.

Do other publicly owned defense contractors follow similar practices? If so it seems to me that defense contractors can manipulate earnings to show whatever they want to show just by the size of their claims against the Government.

At what point does the Securities and Exchange Commission require disclosure of expected large over-runs or under-runs of defense contracts by defense contractors.

I would appreciate obtaining answers to my questions by June 30, 1972.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government.

JUNE 22, 1972.

Hon. JOHN W. WARNER,
Secretary, Department of the Navy, Washington, D.C.

DEAR MR. SECRETARY: I have become increasingly concerned over the Navy's problems with the Ingalls Shipbuilding Division of Litton Industries. As you know, Litton is responsible for the largest single amount of outstanding shipbuilding claims now pending against the Navy, totaling about $450 million. In addition to the huge cost overruns represented by these claims, Litton has fallen far behind the performance schedule on the LHA and is experiencing serious technical difficulties on this and other government programs.

I now have reason to believe that because of cash shortages, Litton is confronted with a financial crisis of major proportions. I am informed that in order to extricate itself from its financial problems, the company is attempting to persuade the Navy to pay millions of dollars of worthless and inflated claims. Or, alternatively, to restructure the LHA contract or take other steps to solve Litton's shipbuilding problems, including a Navy takeover of the Litton shipyards at Pascagoula.

According to my information, Litton has told the Navy that it wants at least $40 million for two of its larger claims to be paid no later than July 31, 1972. This date coincides with the end of the company's fiscal year when it will be required to demonstrate its financial solvency to its auditors and creditors. You may already be aware of Litton's precarious financial condition. After the first nine months of its current fiscal year, Litton showed a loss of $11.1 million. In addition, a preliminary review of Litton's financial statements for the past several years, suggests that the company has been reporting earnings based on anticipated settlements of claims pending against the Navy. If this is correct, and Litton's claims are in fact exaggerated, the company will soon have a lot of explaining to do. Such a method of reporting profits would be highly irregular if not improper because of the uncertainty surrounding claims against the Government, especially Litton's claims. I have already written to the Securities and Exchange Commission requesting an investigation of this matter. A copy of my letter of June 19, 1972, to Commissioner William J. Casey is attached for your information.

One can easily understand why Litton so desperately needs large amounts of cash and why it is making such a great effort to extract favorable settlements of its shipbuilding claims. There is considerable evidence, however, that at least part of Litton's claims are inflated and insupportable. The two claims I mentioned above, for example, total $82 million. These claims involve work at Litton's East Bank Shipyard on nuclear submarines and ammunition ships. The Navy apparently considers both claims grossly overstated as it offered to pay Litton approximately $12 million for both claims as recently as a month ago. I am informed that a review and investigation of these claims by the appropriate authorities in the Navy shows that these claims cannot be substantiated for more than the amount the Navy offered to pay.

As you know, there are about $180 million worth of claims arising out of the East Bank Shipyard, including the above two. The largest claim in the East Bank Shipyard is for $95 million for the alleged "ripple effect" on Litton's business produced by change orders to a number of submarines built at this yard several years ago. NAVSHIPS, according to my information, considers this claim totally unjustified.

The largest Litton claim, valued at $270 million based on the LHA contract, arises out of the West Bank Shipyard. This is a relatively new claim and has not yet been fully evaluated. There are other problems with the LHA contract. As you know, the original amount of this contract was about $1 billion for nine LHA ships. The current estimate to complete the work on the five ships comprising the present program is $1,441,000,000. The unit cost of this contract has risen from about $113 million to $288 million per ship. In addition to this huge over-run, the program is now estimated to be about two years behind schedule. In my judgment, the schedule delay constitutes grounds for declaring the contractor in default of his contract, and I am at a loss to understand why the Navy has not issued a 10-day cure notice. The continued failure on the part of the Navy to take action could be construed as a constructive change and could result in the loss of millions of dollars for the Government.

The delays in the LHA program have already impacted on tht DD-963 destroyer program which Litton is also supposed to be performing in the West Bank Shipyard. Although it is true that a keel-laying ceremony was conducted recently for the first DD-963, I am informed that the delays and technical problems in the West Bank Shipyard are so serious that Litton has proposed to the Navy that it be permitted to construct several of the DD–963's in its older East Bank Shipyard, where nuclear submarine construction is now in progress. As you know, one of the major reasons for awarding the DD–963 contract to Litton was in anticipation of the efficiency of operations in the new and modernized West Bank Shipyard. So far as I can tell, none of the benefits expected from the West Bank Shipyard have yet been realized. Moving the destroyer program into the East Bank would not only cast doubt on the decision to award this contract to Litton, it could have a detrimental impact on the nuclear submarine construction in the East Bank Shipyard.

It occurs to me that the only way the Navy may be able to obtain the DD–963 destroyers would be to further reduce or terminate the LHA program so that work on the DD–963 can go forward. I plan to communicate with you further on this matter.

It is not surprising that officials of Litton, including the President, the Executive Vice President, a Senior Vice President, and a Vice President, have made recent visits to high officials in the Department of the Navy circumventing the officials charged with the responsibility for negotiating claims settlements in attempts to resolve its difficulties.

In view of the distributing facts, I would like the Navy to respond to the following questions:

1. Does the Navy plan to pay unsupported and unsubstantiated shipbuilding claims to Litton or to take other steps calculated to bail out the company from its financial difficulties?

2. What is the Navy's assessment of Litton's financial capability to complete performance on its Navy contracts? Has the Navy done a cash flow study of Litton?

3. Why hasn't the Navy declared the Litton LHA contract in default?

I urge you, Mr. Secretary, not to allow Litton to become the Navy's Lockheed. A decision to allow this company to ignore its contractual obligations to the Navy will have serious consequences and will become a most unfortunate precedent. If my information and interpretation of Litton's financial situation is correct, even a $40 million settlement of Litton's inflated East Bank claims might only be the down payment on future similar unwarranted demands. The only way to assure that the public interest will be served in the settlement of claims is for the proper officials to negotiate them strictly on their merits. If an agreement cannot be reached on a claim, it should be referred to the Armed Services Board of Contract Appeals. For high officials of the Navy to be "horsetrading" claims with corporate presidents and vice presidents is both demeaning to the Navy and improper, in my judgment.

I have asked the General Accounting Office to conduct an independent investigation of Litton's financial capability to perform its contracts, and I hope you will fully cooperate with it.

Your early reply to this letter will be appreciated.

Sincerely,

William Proxmire,
Chairman, Subcommittee on Priorities and Economy in Government.

June 22, 1972.

Hon. Elmer Staats,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

Dear Elmer: Recently I have written to the Chairman of the Securities and Exchange Commission and the Secretary of the Navy requesting answers to questions concerning Litton Industries. Copies of those letters are enclosed for your information.

There is a growing amount of evidence raising questions about Litton's corporate finances. If my information is correct, Litton in addition to suffering a loss on the first nine months' business of the current fiscal year, has been reporting as earnings the full amount of pending claims on Navy shipbuilding contracts.

As you know, shipbuilding claims in the past, including claims of Litton Industries, have often been grossly overstated. If Litton's shipbuilding claims are in fact exaggerated, the company's true financial condition may be at sharp variance from the picture portrayed by its public reports.

This letter is to formally request that the General Accounting Office conduct an independent investigation of Litton's financial capability to carry out its government contracts. Because of requests now pending before Congress affecting some of these contracts, I would hope that your investigation can be begun immediately and completed by July 31, 1972. I am sure you are aware of the seriousness of the questions I have raised and the need to answer them at the earliest possible time.

Sincerely,

William Proxmire,
Chairman, Subcommittee on Priorities and Economy in Government.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Stevenson) laid before the Senate the following letters, which were referred as indicated:

Report on Planned Adjustments in NASA Space Flight Operations Program

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on planned adjustments in the NASA Space Flight Operations program (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

Report on Orderly Liquidation of Stocks of Agricultural Commodities

A letter from the Acting Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on Orderly Liquidation of Stocks of Agricultural Commodities Held by the Commodity Credit Corporation and the Expansion of Markets for Surplus Agricultural Commodities (with an accompanying report); to the Committee on Agriculture and Forestry.

Report of Receipts and Disbursements Pertaining to the Disposal of Surplus Military Supplies

A letter from the Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, for the third quarter of 1972 (with an accompanying report); to the Committee on Appropriations.

Report on Facilities Project Proposed To Be Undertaken for the Naval Reserve

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, of a facilities project proposed to be undertaken for the Naval Reserve, at the Naval Air Station, South Weymouth, Mass.; to the Committee on Armed Services.

Report on UH–1H Helicopter and T–53 Engine Assembly Program

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report on the UH–1H helicopter and T–53 engine assembly program (with an accompanying report); to the Committee on Foreign Relations.

Report Entitled "National Council on Radiation Protection and Measurements—Report on Examination of Accounts"

A letter from the firm of LeBoueuf, Lamb, Leiby & MacRae, Washington, D.C., transmitting, pursuant to law, a report entitled "National Council on Radiation Protection and Measurements—Report on Examination of Accounts, December 31, 1971" (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Appropriations, with amendments:

H.R. 15418. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–921).

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–922)

Mr. BAYH, from the Committee on the Judiciary, pursuant to S. Res. 32, 92d Congress, first session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENNETT:

S. 3746. A bill for the relief of Charles Eugene Fickas, Marjorie Jean Fickas, Charles Bradley Fickas, and Steven Fickas. Referred to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 3747. A bill to help relieve the burden of high property taxes by allowing each homeowner a credit against his Federal income tax for property taxes paid for the support of public schools. Referred to the Committee on Finance.

By Mr. BAYH:

S. 3748. A bill to protect the public interest in fair and impartial execution of the antitrust laws of the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. ELLENDER:

S. 3749. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GOLDWATER:

S. 3747. A bill to help relieve the burden of high property taxes by allowing each homeowner a credit against his Federal income tax for property taxes paid for the support of public schools. Referred to the Committee on Finance.

A TAX CREDIT FOR PUBLIC SCHOOL EDUCATION

Mr. GOLDWATER. Mr. President, there is a growing campaign at all levels of government to grant a measure of tax relief to parents who send their children to private elementary and secondary schools. Today I propose that this campaign be broadened to include relief for the many additional millions of average citizens who support the public school system in America.

Mr. President, the proposal is a simple one. It would create a special tax credit of $150 that would be available to every homeowner in the United States who pays a tax on his residential property, whether it is paid to his local government, to a school district, or to a State. In other words, every taxpayer who pays a school tax on his residence, or as part of his real estate tax, shall, after having calculated the amount of Federal income tax which he must pay, be permitted to subtract from his Federal tax bill the full amount of his school tax up to $150.

Mr. President, let me emphasize that my proposal would retain the existing Federal deduction granted on account of State and local school taxes. But in addition, it would permit each homeowner to take a $150 credit against what he owes the Federal Government. This approach will direct the savings to the lower and average income persons who can enjoy the full benefit of the credit, in contrast with the tax deduction which provides the greatest savings only to persons with the highest incomes. Of course, if any taxpayers' credit would be more than the actual Federal income tax he owes, the taxpayer is allowed to take a credit against that amount of tax which he owes, and no more.

Mr. President, I am certain that everyone is aware that the local and State property tax is still the primary source of financing for public education. It provides over half of the funds spent annually on public school support, while only 7 percent comes from the highly publicized Federal aid to education programs. The percentage of these taxes levied by local school districts has remained at a stable level for the past 20 years. In 1950–51, local property taxes provided 57 percent of the money spent by public schools. In the 1970–71 school year, these local taxes still provided 52.8 percent of all school revenues.

Mr. President, not only has the local share of public school expenses remained at a high level, but 37 States still levy some kind of State property tax that produces nearly a billion dollars annually. Furthermore, as I shall discuss later, four recent court decisions might act as a catalyst toward a much greater State role in funding education through property taxation at the State level.

On top of these developments, expenditures for public schools have increased at an average of 10.5 percent each school year over the past decade. In fact, in the 1961–62 school year, when I first introduced a tax credit proposal similar to the one I am offering today, the total expenditure for public elementary and secondary education was $14.7 billion, but in the school year 1971–72 this will have risen to a total of $39.6 billion. So there is no relief in sight for the taxpayers who must meet this heavy bill.

Mr. President, it was recently estimated by Secretary of Health, Education, and Welfare Richardson that at least $11 billion of public school financing is currently raised by local property taxes on strictly residential property. It is this category of American homeowner who is finding himself hard pressed to meet the combined burden of Federal, State, and local income and sales taxes in addition to his ever-rising property tax, not to mention the taxes on electricity, gas, telephones, and other basic necessities of life which he must pay. These taxes hit especially hard at retired persons who in their older age are living on fixed and small incomes, but they are also severely felt by the vast majority of salaried taxpayers who are unable to take advantage of special business tax credits or to reduce their taxable incomes with a wide range of expense deductions.

Mr. President, property is no longer an index of a man's wealth. The take from the property tax now hits individuals of all income brackets. In the most recent year for which statistics are available, the 1968 tax year, 23.7 million taxpayers took a deduction on their Federal income tax returns on account of real estate property tax payments. Almost 3 million, or 12 percent, of these taxpayers had adjusted gross incomes of less than $5,000. The greatest number of taxpayers using the real property deduction were in the range of $5,000 to $10,000 income. There were 8.5 million of these taxpayers. Another 7.4 million of these taxpayers had between $10,000 to $15,000 of adjusted gross income. In all, 48 percent, or almost half, of the taxpayers who itemized real property tax payments had an annual income of below $10,000, and 79 percent of all taxpayers who claimed real property tax payments reported incomes of less than $15,000.

On these facts, Mr. President, it is evident that the enactment of a property tax credit such as I propose would not be a boon to the wealthy, but would be of serious financial help to the average citizen. Not only is the great bulk of homeowners who feel the bite of property taxes made up of middle and lower-income persons, but my proposal would almost wipe out the burden of the school tax paid by the lowest income groups since the $150 tax credit, together with the existing tax deduction provision, will nearly equal the amount of their average property tax payment.

In addition, Mr. President, I wish to emphasize that my proposal would not overlook the education tax burden that is shared by Americans who live year around in mobile homes. It is high time that we in Government took note of the fact that over 7 million Americans are now living in mobile homes and that half of the one-family homes being built in the United States today are mobile homes. In 1971 alone, over half a million mobile homes were manufactured, which was a 24 percent increase over the production a year earlier.

In my own State of Arizona, there were 17,380 mobile homes shipped to dealers in 1971, a 99-percent boost over 1970. Think of it, Mr. President, these figures indicate that there were nearly 20,000 newly established households in the State of Arizona in 1971 represented by purchasers of mobile homes. This figure includes 7,231 families who live in mobile homes produced in Arizona itself, where the production of such homes rose by a whopping 379 percent over 1970.

This gives all of us some indication of why we had better begin to take account of the interests of the many millions of Americans who are now turning toward mobile homes as their family households. I know from my own observations in Arizona that this includes a sizeable group of younger Americans, such as college students and returning veterans, as well as retired citizens.

Accordingly, I have provided in the legislation I am introducing today that taxpayers who own and use mobile homes as their residence shall be entitled to the same tax credit as the one given to the owners of standard homes. To nail this feature down, the bill expressly states that any State and local taxes or license fees under whatever name that are imposed on residential mobile homes and serve the same purpose of supporting public education as regular property taxes do, shall be treated as a real property tax for purposes of entitlement to the tax credit established in my bill.

This is a good place to mention, Mr. President, that my proposal would allow a credit for that portion of a homeowner's property tax which is imposed for the support of public elementary and secondary education and no more. It is the financing of public education with its skyrocketing increases in costs that has caused the heavy burden suffered by homeowners, and a reduction in the impact of this tax take will substantially assist the financial picture of the average citizen. It is the burden of meeting the enormous problem of school financing that I am attacking today, and not the portion of property taxes that are used for street lighting, public safety, sewers, and the like.

Mr. President, before I conclude, I wish to make one observation about the recent decisions by State and Federal courts in California, Minnesota, Texas, and New Jersey relative to property taxes. These cases do not mean that the property tax is unconstitutional, even if their holdings are eventually upheld by the U.S. Supreme Court. The local property tax itself might remain a powerful source of school revenues under any new State school financing plan so long as the method chosen to distribute its revenues eliminates the discrimination among different school districts in the State. Also, it appears likely that a statewide real property tax might be substituted for the locally raised tax.

In other words, I think it is far too early to predict the demise of either local or State real property taxes and feel that these court decisions should not stand as any barrier against providing American taxpayers immediately with relief from the burden of the high taxes they are now paying. If the grand day should ever occur when some State financial wizards discover a way of meeting the operating expenses of their public school systems without relying on property taxation at all, then the tax credit feature that I have proposed today can simply go unused; but until that bright day falls on the horizon, I think our homeowners who are still paying their tax bills each year will find it a little easier to make their way in these expensive times if we enact the tax credit I have proposed.

Mr. President, I ask unanimous consent that a copy of the bill, entitled the "Residential Property Tax Relief Act of 1972," be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Residential Property Tax Relief Act of 1972."

Sec. 2. (a) Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 42 as section 43, and by inserting after section 41 the following new section:

"Sec. 42. Residential Property Taxes Paid for Support of Public Education.

"(a) General Rule.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the State and local residential property taxes paid or accrued during the taxable year which are imposed for the support of public elementary and secondary education, but only to the extent that such taxes do not exceed the lesser of—

"(1) $150 ($75, in the case of a married individual filing a separate return), or

"(2) the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under the preceding sections of this part (other than sections 31 and 39).

"(b) Income Tax Benefits Not to Exceed Amount of Residential Property Taxes Paid for Support of Public Education.—If the amount allowable (but for this subsection) as a credit under subsection (a) for any taxable year, when added to the amount by which the tax under this chapter for the taxable year is less by reason of the deduction allowed under section 164 for State and local residential property taxes for which credit is otherwise allowable under subsection (a), exceeds the total amount of State and local residential property taxes paid or accrued during the taxable year which are imposed for the support of public elementary and secondary education, the amount allowable as a credit under subsection (a) shall be reduced by an amount equal to such excess.

"(c) State and Local Residential Property Taxes.—For purposes of this section, the term 'State and local residential property taxes' means—

"(1) State and local real property taxes (within the meaning of section 164) on property which is comprised primarily of one or more dwelling units and the land on which the dwelling unit or units are situated, and

"(2) State and local taxes (other than real property taxes) or license fees on mobile homes.

"(d) Determination of Amount of Residential Property Tax Paid for Support of Public Education.—For purposes of subsection (a), the amount of any State or local residential property tax which is imposed for the support of public elementary and secondary education shall be—

"(1) with respect to any residential property tax imposed solely for such support, the amount of such tax; and

"(2) with respect to any residential property tax imposed in part for such support, the portion of such tax—

"(A) designated in the bill for such tax submitted to the taxpayer by the taxing jurisdiction imposing such tax; or

"(B) determined from information set forth in such bill or from information furnished to the taxpayer by such taxing jurisdiction,

as the amount of such tax which is imposed for the support of public elementary and secondary education.

"(e) Special Rules.—

"(1) Taxes constructively paid.—Under regulations prescribed by the Secretary or his delegate, the provisions of subsections (d), (e), and (f) of section 164 shall apply to real property taxes with respect to which credit is allowable under subsection (a).

"(2) Mobile homes.—No credit shall be allowed under subsection (a) for any residential property tax on a mobile home, unless such mobile home is used by the taxpayer as his principal residence.

"(3) Trusts.—No credit shall be allowed under subsection (a) to a trust."

(b) The table of sections for such part IV is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 42. Residential property taxes paid for support of public education.

"Sec. 43. Overpayments of tax."

Sec. 3. The amendments made by this Act shall apply to taxable year beginning after December 31, 1971.

By Mr. BAYH:

S. 3748. A bill to protect the public interest in fair and impartial execution of the antitrust laws of the United States and for other purposes. Referred to the Committee on the Judiciary.

THE ANTITRUST SETTLEMENT ACT OF 1972

Mr. BAYH. Mr. President, I introduce for appropriate reference "The Antitrust Settlement Act of 1972." This bill will reform the process by which antitrust cases are settled in two important respects. First, it will provide a meaningful way for interested citizens to make their views known before an antitrust case is settled. Second, it will require the Department of Justice to explain to the court and to the public the reasons it has agreed to the proposed settlement.

One of the many lessons which can be learned from the extensive Judiciary Committee hearings into the manner in which the Justice Department reached a settlement of its antitrust suit against ITT is that there is currently no effective mechanism for insuring that the public interest is protected in negotiated antitrust settlements. For this reason, the public is rightfully skeptical about the nature of the relationship between government and large private economic interests.

Few political realities are more evident today than the need to increase public confidence in the integrity of government. This legislation is a means of accomplishing that goal in an area where public confidence is especially low at the present time. How we react to this and other measures, which combine public involvement and full disclosure, will ultimately determine whether our system of government can fulfill its high goals. Democracy simply will not succeed if government insists on being aloof from the people from which its power flows.

The vast majority of antitrust cases are settled by agreement between the Department of Justice and the alleged violator without a full trial of the issues. Yet under present regulations, individual citizens have precious little opportunity to bring to the attention of the court and the Department their views of the terms of the settlement. Today, after secret negotiations between the Department and the antitrust defendant are concluded, the Department simply sits back and allows the public to comment for 30 days. There are no requirements that the Department publicize the terms of the proposed settlement, or seriously consider the comments that it receives. The bill I introduce today will change that.

The Antitrust Settlement Act of 1972 will require that the terms of every antitrust settlement be broadly publicized, and that relevant documents be made available to the public around the country. This will insure that concerned citizens know that the Department has decided to forego a full trial of the case, and that these citizens have the information they need to make intelligent comments about that decision. Further, the bill will require that, the court to which the proposed settlement has been submitted withhold a decision on whether to accept the settlement for at least 60 days, during which time it and the Department will consider the comments the public submits.

There are two other important aspects of this bill, both of which are substantial and necessary changes from present practice. First, the court is directed to hold a hearing on the proposed settlement unless it finds that there is no substantial controversy about it. This will give the public a chance in every important case to bring its arguments directly to the judge, or if the court so directs, to a special master appointed to hold the hearing. Second, and perhaps most important of all, the bill requires the Attorney General to present to the court and to the public before the settlement becomes final a full statement of the reasons that he believes the proposed settlement to be consistent with the antitrust laws and to be in the best interests of the United States.

Mr. President, such a statement by the Attorney General is the best safeguard the public has to insure that antitrust settlements are really reached in the public interest. When the Department has good reasons for settling a case—and when it has thought those reasons through—it should have no objection to making its reasons public. And by mak-

ing them public the Department will avoid the cloud of suspicion that all too often surrounds antitrust settlements. If the Department has done its jobs conscientiously, there will be little or no administrative burden involved in submitting to the court and the public the statement of reasons this bill requires.

Our antitrust laws reflect our Nation's basic faith in the free enterprise system and our Nation's healthy skepticism of the concentration of power—political or economic—in the hands of the few. Antitrust actions by the Justice Department are the most important single means of enforcing these laws. I do not go so far as to say that antitrust regulation is too important to be left to the regulators. But I do think that the regulators and the courts will benefit from listening to the views of interested citizens. And, equally important, public confidence in the way that antitrust settlements are reached will increase markedly if the public has a meaningful way to participate in the process.

I ask unanimous consent, Mr. President, that two articles from the New York Times be printed in the Record. One describes the efforts of Federal Judge David N. Edlestein of New York, who issued an order requiring publicity of an antitrust case very similar to the kind of publicity this bill would require. The other is an excellent and important article entitled "Should The Public Play a Role in Antitrust Settlements?" I also ask unanimous consent that the text of the Antitrust Settlement Act of 1972 be printed in the Record.

There being no objection, the articles and bill were ordered to be printed in the Record, as follows:

Advance Publicity in Antitrust Case Ordered by Judge

(By Eileen Shanahan)

Washington, June 13.—In the first such order ever issued, a Federal judge is requiring the Government to publicize widely the terms of settlement of an antitrust case before the settlement becomes final.

The case involves two trade groups that were accused of having conspired to block the sale of foreign-made steam boilers in the United States by denying the foreign products the safety certifications that are required by law in many localities.

The idea behind the judge's order was that persons other than those directly involved in the case should have an opportunity to learn of the settlement and have time to file a protest if they found the terms of the settlement inadequate.

The order was issued yesterday by Daniel N. Edelstein, chief judge of the United States District Court for the Southern District of New York. Details of the settlement and of the judge's requirement for publicizing it were announced today.

In issuing the order, to which the parties in the case agreed, Judge Edelstein called it "a historic first."

The order requires that an advertisement detailing the terms of the proposed settlement, be published in seven consecutive issues of the New York Times, as a paper of general circulation, and of The New York Law Journal, as a paper seen by lawyers.

The advertisement will specifically invite comments on the settlement from interested members of the public and tell them where they may obtain or inspect copies of the basic documents in the case.

Anyone who wishes to comment on the settlement has 60 days from today in which to do so.

Under ordinary procedures for settling antitrust cases, the settlements become final within 30 days after being filed with a court. Judge Edelstein proposed the extension of time.

PROCEDURES CRITICIZED

The judge's action, which did not appear to imply that he saw anything wrong with the settlement of this specific case, followed mounting criticism of the procedures for settling antitrust cases from antitrust lawyers and from such organizations as Ralph Nader's antitrust study group.

The criticism intensified following disclosure of the involvement of a White House staff member in the settlement last year of cases against the International Telephone and Telegraph Corporation.

The basic trust of the criticism has been that parties other than the defendants and the Justice Department should have a greater opportunity than they do now to challenge antitrust settlements that they believe are not in the public interest.

Up until the early nineteen-sixties, there was no opportunity for participation by third parties in antitrust settlements, which were announced and made final simultaneously.

Attorney General Robert F. Kennedy, heeding criticism that had been heaped on his predecessors, adopted the procedure of announcing settlements 30 days before they became final. Dissatisfied parties could then ask for changes in the settlements, and in a few cases they have been successful. But no procedures for publicizing the settlements, beyond issuance of a Justice Department press release, were employed.

The current case involves the American Society of Mechanical Engineers, Inc., and the National Board of Boiler and Pressure Vessels Inspectors.

According to the Justice Department's original complaint, which was filed in July, 1970, the two organizations conspired illegally to deny certain safety certifications and stamps to foreign-made boilers and pressure vessels. Forty-two states and many local governments require such certifications of boilers.

The complaint said that a majority of the members of the committees of the two organizations that dealt with the safety certifications were officers or employes of domestic manufacturers of boilers or pressure vessels or their suppliers or insurers.

As is true in all settlements of antitrust cases, the accused parties did not admit that they had engaged in the illegal conduct that was alleged. But they agreed to take a number of steps aimed at making such illegal behavior impossible in the future.

Among other things, they agreed to inaugurate within 90 days "a fair, reasonable and nondiscriminatory procedure enabling foreign manufacturers who meet the requirements" to receive safety certifications and stamps" on an equal basis with domestic manufacturers."

Provisions involving licensing of inspectors on a nondiscriminatory basis are also included in the settlement.

Should the Public Play a Role in Antitrust Settlement?

By Eileen Shanahan

Washington.—"Just as war is too important to be handled exclusively by the military generals, big antitrust settlements are too important to be handled exclusively by the attorneys general—of either party."

In this fashion a noted antitrust lawyer opened a panel discussion last week on the necessity and wisdom of permitting persons other than the Government and the defendant corporations to have a say in the settlement of antitrust suits.

Coincidentally, the day before the panel took place, two events raised prospects of increasing public participation in antitrust settlements:

In Hartford Federal Judge Joseph Blumenfeld ruled that Ralph Nader and an associate should be allowed at least to make their formal argument that the Government should be required to explain further why it settled three antitrust cases against the International Telephone and Telegraph Corporation.

In New York Federal Judge David N. Edelstein told the Justice Department and two trade organizations against which it had brought suit that he would not accept their settlement of the case until it had been publicized in both general-circulation and legal periodicals. The public will have 60 days, under Judge Edelstein's order, in which it may protest the settlement.

The common thread that tied together the judge's actions and the lawyer's speech was, plainly, a fear that when the Government and an antitrust defendant negotiate a settlement, the Government may not always be acting in the public interests; that it may have some reason—justifiable or otherwise—for not driving the hardest possible bargain.

That is exactly what had been alleged in the long inquiry by the Senate Judiciary Committee into the I.T.T. settlement. The implication was that the White House had persuaded the Justice Department to go easy because the company had pledged a big contribution toward the Republican National Convention.

While much testimony rebutted that notion, one indisputable point was that the Justice Department gave one set of reasons at the time the settlement was announced and another set to the committee.

In the first instance, the Government argued that the settlement was good, really reducing the impact of I.T.T.'s mergers, even though the company was allowed to retain control of the vast and highly liquid Hartford Fire Insurance Company. In the hearings, and ever since, Justice Department officials have said they settled the case because they feared the harm to I.T.T., the stock market and possibly the entire economy, if the merger with Hartford were undone.

It was on this matter that Mr. Nader went to court. At the very least, he argued, the Government should be required to state to the court itself all of its reasons for the settlement and to explain why it had not stated them from the outset. Judge Blumenfeld agreed to consider the point, and added: "What troubles me is the suggestion that a fraud has been committed upon the court."

In asking for briefs over what the Government should be required to disclose about its motives for settlement, Judge Blumenfeld was still a long way from reopening the I.T.T. settlement.

But even if he requires only that the Government explain itself, he will have injected a new element into the settlement system. Explanations of motives have not been given in the past, and the Justice Department argued before Judge Blumenfeld that it would be harmful to disclose them and to ask a court to weigh "the Attorney General's balancing of the considerations leading to a settlement." The considerations would include an assessment of the likely success or failure of the Government's case and that assessment could provide ammunition for other antitrust defendants in future cases.

"Such a judicial inquiry would, in effect, require a trial on the entire range of factors bearing on settlement, the Justice brief said. "The hearing could be as complex as a trial on the merits and it would, in effect, involve a trial of the Attorney General's good faith and good judgment."

Those who have long worried about the secrecy surrounding the Government's decisions to settle antitrust cases are willing to run whatever risks may come with disclosure.

Among the worriers is Victor H. Kramer, the lawyer who said that big antitrust settlements were too important to be handled exclusively by attorneys general.

Mr. Kramer, who heads a public-interest law group at the Georgetown University Law Center, had a long career in the Government and then in private practice. He outlined some situations in which he would like to see the traditional privacy of settlement negotiations interrupted.

One of these was relevant to the I.T.T. case: the settlement "did not undo the principal acquisition attacked" in the original law suit, that of the Hartford Fire Insurance Company, although it did undo other acquisitions and forbade I.T.T. from making certain types of future acquisitions.

In the case that was heard by Judge Edelstein in New York, the issue was not explanations of the Justice Department's actions. In fact, on its surface at least, the settlement seemed to have met the test enunciated by Mr. Kramer. The settlement appeared to cover most or all of the points raised in the original suit, which involved an alleged conspiracy to keep foreign-made boilers out of the United States by denying them essential safety certifications.

Judge Edelstein gave no indication in his statements in court that he found the settlement inadequate.

He will not discuss the case, because it is still before him, but someone who knows his thinking reports that he has long been disturbed by the antitrust-settlement process. In brief, the Government and the accused company negotiate, and the Government may consult other parties, if it chooses. Once an agreement is reached, it is entered with a Federal district judge and announced, with as much or as little detail as the Government and the company wish to give.

In the ordinary case, 30 days must elapse before the settlement becomes final, and those who think the settlement is defective may ask the court for permission to intervene. The Justice Department has always opposed such intervention by "third parties," but even so, a settlement has been changed occasionally.

Judge Edelstein, who was reported to have decided after reading about the I.T.T. case, that he should follow his long-held feelings and try to improve the prospects for "third-party" interventions, ordered a 60-day waiting period in a case involving the American Society of Mechanical Engineers and the National Board of Boiler and Pressure Inspectors.

He also ordered the terms of the settlement to be advertised for seven consecutive publishing days in The New York Times and The New York Law Journal, together with information on where the full text of the settlement and other documents in the case might be obtained, or inspected—in brief, from the Justice Department's Antitrust division in Washington or at the Federal Courthouse in Foley Square in New York.

Those who have sought greater public access to the antitrust settlement process are not sure that Judge Edelstein's order will change things much, even if it is widely imitated. They question whether affected parties will learn more about settlements through Judge Edelstein's method than they do now from the department's press release.

They are looking for greater reform—possibly including public participation in the negotiating process.

Many jeer at this idea. For example, Lloyd Cutler, a noted Washington lawyer who debated Mr. Kramer on the panel, which was sponsored by the Federal Bar Association and the Bureau of National Affairs, called the idea "essentially a plan to prevent any settlement from taking place."

Mr. Cutler also expressed the fear that any formal proceeding could take a long time, so long that constructive solutions to the problems would be delayed.

Possibly his most fundamental complaint went to the notion that there would often—or ever—be anything wrong with a settlement worked out between the Justice Department and the defendant company.

The notion that someone should be allowed to intervene in the settlement process "reflects excessive skepticism about the good faith of our fellow lawyers, in and out of Government, and excessive faith in the rectitude of the facts alleged in the complaint," he said.

A major debate over the issue is currently going on in law journals, producing a number of ideas of ways to protect the public interest when antitrust suits are settled. With the growth of public-interest law firms, additional courtroom challenges will obviously be brought.

S. 3748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this bill may be cited as "The Antitrust Settlement Act of 1972".

SEC. 2. (a) Before any court of the United States permits any proposed consent judgment or decree or other settlement of any suit, action or proceeding arising under the antitrust laws and brought by or on behalf of the United States to become final, it shall:

(1) direct the United States to publicize the terms of the proposed settlement

(A) by publishing for seven days over a period of two weeks in newspapers of general circulation of the district in which the case has been filed, in Washington, D.C., and in such other districts as the court may direct (i) a summary of the terms of the proposed consent judgment or decree or other settlement, (ii) a description of the case (including the alleged conditions which lead the Department of Justice to conclude that the antitrust laws had been violated), (iii) a list of the materials available under subsection (a)(1)(B) and the places where such material is available for public inspection, and (iv) an invitation to members of the public to send their comments on the terms of the proposed consent judgment or decree or other settlement to the Attorney General; and

(B) by making available to members of the public at United States Courthouses in every district mentioned in subsection (a)(1)(A), and in such other districts as the court may deem appropriate, copies of the proposed consent judgment or decree or other settlement and such other documents as the court deems necessary to permit meaningful comment by members of the public on the proposed settlement; and

(C) by taking such other steps as the court deems appropriate to ensure that members of the public have knowledge of the terms of the proposed consent judgment or decree or other settlement and an opportunity to comment thereon; and

(2) withhold decision on whether to permit the proposed consent judgment or decree or other settlement to become final for at least 60 days, or such other longer period as it deems necessary to allow the public adequate time to comment thereon and the United States and the court adequate time to consider such comments, *provided however* that the court shall not permit the proposed consent judgment or decree or other settlement to become final before the Attorney General has complied with the requirements of subsection (b) and a hearing has been held in compliance with subsection (c).

(b) The Attorney General or his designate shall (1) distribute to the court and to the defendant copies of any comments he receives on the terms of the proposed consent judgment or decree or other settlement, and (2) if no substantial changes of public interest are made in the proposed consent judgment or decree or other settlement, submit to the court, by such date as the court may direct after the expiration of any period under subsection (a)(2), a statement that he has taken into consideration the comments, if any, received from members of the public and that he believes the proposed consent judgment or decree or other settlement to be consistent with the antitrust laws and to be in the best interests of the United States, together with a full and complete articulation of the reasons for his belief, *provided* that if substantial changes of public interest are made in the proposed consent judgment or decree or other settlement the provisions of sections (a) and (b) of this section will be applicable as if the proposed consent judgment or decree or other settlement were being presented to the Court for the first time.

(c) The court shall order that a hearing be held on whether the proposed consent judgment or decree or other settlement should be allowed to become final, unless it finds after the Attorney General has complied with subsection (b) that there is no substantial controversy concerning the proposed consent judgment or decree or other settlement. The court may direct that such hearing be held before a special master appointed for that purpose.

(d)(1) The costs of any publicity ordered by a court pursuant to this section shall be borne equally by the United States and the defendant.

(2) The court, after deciding whether to allow the proposed consent judgment or decree or other settlement to become final, may award to any persons the actual, necessary and reasonable costs incurred by such person in preparing and presenting comments or preparing and presenting responses to comments (other than the report required of the Attorney General by subsection (b)(2)) pursuant to this Act, whenever the court finds it is in the public interest to make such an award.

(e) Nothing in this section shall limit in any way the power of the courts of the United States to make such other orders in connection with a proposed consent judgment or decree or other settlement of any suit, action or proceeding arising under the antitrust laws or any other laws as the court may lawfully make; nor shall anything in this section limit or expand in any way the power of the courts to accept or reject a proposed consent judgment or decree or other settlement of any suit, action or proceeding arising under the antitrust laws or any other laws; nor shall anything in this section limit or expand in any way the rights of any person to intervene in any suit, action or proceeding arising under the antitrust laws or any other laws.

By Mr. ELLENDER:

S. 3749. A bill to authorize the Secretary of Agriculture to encourage and assist the several State in carrying out a program of animal health research. Referred to the Committee on Agriculture and Forestry.

ANIMAL HEALTH RESEARCH ACT

Mr. ELLENDER. Mr. President, the United States enjoys one of the highest standards of animal health in the world with many diseases having been eradicated or controlled. Economic losses, however, currently are experienced due to serious chronic infections and parasitic, toxic, metabolic, nutritional, reproductive, degenerative and neoplastic diseases and disorders of animals. Total loss to the public, livestock and poultry industries was estimated in 1965 to be approximately $2.7 billion a year. The food loss for which these diseases are responsible is too great to be accepted.

We are not accustomed to thinking in terms of shortages of animal protein or of other foods, but which the world's growing population overtaking the food supply, we must develop newer technology to meet and stay ahead of demand. This means intensifying efforts to improve livestock and poultry production and it means providing the domesticated animal industry with better protection against disease.

Great strides have been taken in this country in the expansion of livestock production and many noteworthy improvements have been achieved in the breeding, nutrition, and management of herds and flocks. However, the presence of animal disease has been and continues to be the most important limiting factor to the continued expansion of the industry. In the report "A National Program of Research for Agriculture" it was stated that "infectious diseases represent the single greatest hazard to the production of an adequate and wholesome supply of animal protein." Ironically, the conditions which give rise to these disease dangers are more widespread today than ever before. Both livestock and poultry are now concentrated in larger and more intensively managed units. This system has the inherent risk of greater and more frequent exposure to the ever present sources of disease. The National Academy of Sciences has estimated the animal disease losses to be 15 to 20 percent per year in the United States and 30 to 40 percent in less developed countries of the world.

Members of the Council on Research of the American Veterinary Medical Association have expressed concern over the limited scope of research on livestock and poultry disease problems. They concluded that the present research effort is incompatible with future demands to meet the Nation's or the world's food needs and went on record recommending a substantial increase in the livestock disease research effort, and so they developed this bill which I am now introducing.

Veterinary medical research is conducted in all of the 18 schools of veterinary medicine and in 36 agricultural experiment stations in the United States and Puerto Rico which do not have schools. Associated with the latter group are 19 departments of veterinary science and 49 departments of animal science, animal pathology or the equivalent. These, plus the USDA laboratories constitute the principal institutions where veterinary research is conducted.

In fiscal year 1969, the State agricultural experiment stations expended approximately $15.3 million in support of research on livestock and poultry diseases and parasites. This amount included moneys from State and Federal appropriations and some support from industry. In addition, $926,241 of USDA federally appropriated funds were used to pay State experiment stations for performance of specific research contracts, grants and cooperative agreements. During the same period the U.S. Department of Agriculture Research Agencies spent approximately $16.6 million in support of livestock and poultry disease research and an additional $331,718 in support of contracts, grants, and cooperative agreements. If these estimates are correct, the total cost of research work on animal diseases and parasites is little more than 1 percent of the estimated annual losses. This is not an adequate program.

The proposed act would provide funding for the colleges of veterinary medicine and, in those States not having a school of veterinary medicine, the departments of veterinary science or animal pathology or similar units conducting animal health research in the State agricultural experiment stations. The basic distribution of funds to the institutions would be on a formula administered by the Secretary of Agriculture in consultation with an advisory board taking into account the livestock and poultry values and the research capacities in each State.

Authority also would be provided for the Secretary to support the funding of needed research facilities. The funds for facilities also would be apportioned among the research institutions in the several States, except that, to meet special needs, the Secretary could request additional funds for facilities at one or more of the eligible institutions, after consultation with the advisory board.

The advisory board, appointed by the Secretary, would be composed of members representing livestock and poultry associations, the schools of veterinary medicine, and the appropriate animal health research units of the agricultural experiment stations. The advisory board would recommend priorities for the conduct of animal health research and otherwise advise the Secretary in administering the provisions of the act.

I am concerned about certain definitions used in section 3 of this bill, especially that applied to eligible institutions. It seems to me that animal health research should be done wherever the talent exists and whenever a salutary effect on animal health can be achieved. It is vital to State, regional, and national interests that we do not exclude any capabilities or competencies in our effort to improve the health status of the livestock and poultry industries. This bill excludes animal health research in agricultural experiment stations in those States having a school of veterinary medicine. In the final analysis, my suggestion would be to include as eligible institutions both colleges of veterinary medicine and agricultural experiment stations. This in effect would qualify health research and would reduce duplicate efforts in terms of research administration as was done in the McIntire-Stennis Cooperative Forestry Act. However, to delay enacting such legislation would delay implementing essential animal disease programs and would add to the increased pressures being applied to the livestock and poultry industries of the Nation. I am confident that any inequities, whatever they be, can be resolved before this measure is reported to the Senate.

Too often we consider that animal disease losses are problems of livestock producers only. Disease losses necessarily must be reflected in the price of meat, milk, eggs, and wool. The price of pork is influenced by young pigs which die before they reach marketable age. Bovine mastitis reduces milk production and increases the market price of milk. Disease losses are a part of the cost of production and the public must pay for this as well as for the cost of feed and care of producing animals. The prices of livestock and animal products on the market are geared to average disease losses and this figure today is much greater than it should be. The producer who can manage to keep his losses low, profits by greater margins. The ones that have excessive losses eventually go out of business.

The Animal Health Research Act would make possible an expanded animal disease research program essential to achieving goals outlined in the National Program of Research for Agriculture. I am confident this bill will receive the most serious consideration in forthcoming attempts to correct the imbalanced funding on animal disease research. We must move toward early enactment of such legislation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a list of veterinary medical colleges and State agricultural experiment stations which would be eligible to receive Animal Health Act funds.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ANIMAL HEALTH RESEARCH ACT

1. VETERINARY MEDICAL COLLEGES ELIGIBLE TO RECEIVE ANIMAL HEALTH RESEARCH ACT FUNDS

School of Veterinary Medicine, Auburn University, Auburn, Ala.

School of Veterinary Medicine, Tuskegee Institute, Tuskegee Institute, Ala.

School of Veterinary Medicine, University of California, Davis, Calif.

College of Veterinary Medicine, Colorado State University, Fort Collins, Colo.

School of Veterinary Medicine, University of Georgia, Athens, Ga.

College of Veterinary Medicine, University of Illinois, Urbana, Ill.

School of Veterinary Science and Medicine, Purdue University, Lafayette, Ind.

College of Veterinary Medicine, Iowa State University, Ames, Iowa.

College of Veterinary Medicine, Texas A&M University, College Station, Tex.

College of Veterinary Medicine, Kansas State University, Manhattan, Kans.

College of Veterinary Medicine, Michigan State University, East Lansing, Mich.

College of Veterinary Medicine, University of Minnesota, St. Paul, Minn.

School of Veterinary Medicine, University of Missouri, Columbia, Mo.

New York State Veterinary College, Cornell University, Ithaca, N.Y.

College of Veterinary Medicine, Ohio State University, Columbus, Ohio.

College of Veterinary Medicine, Oklahoma State University, Stillwater, Okla.

School of Veterinary Medicine, University of Pennsylvania, Philadelphia, Pa.

College of Veterinary Medicine, Washington State University, Pullman, Wash.

2. STATE AGRICULTURAL EXPERIMENT STATIONS ELIGIBLE TO RECEIVE ANIMAL HEALTH RESEARCH FUNDS

Institute of Agricultural Sciences, University of Alaska, College, Alaska.*

Arizona Agricultural Experiment Station, Tucson, Ariz.

Arkansas Agricultural Experiment Station, Fayetteville, Ark.

Connecticut Agricultural Experiment Station, New Haven, Conn.*

Connecticut Agricultural Experiment Station, Storrs, Conn.

Delaware Agricultural Experiment Station, Newark, Del.

Institute of Food and Agricultural Sciences, University of Florida, Gainesville, Fla.

Hawaii Agricultural Experiment Station, University of Hawaii, Honolulu, Hawaii.

Idaho Agricultural Experiment Station, Moscow, Idaho.

Kentucky Agricultural Experiment Station, Lexington, Ky.

Louisiana Agricultural Experiment Station, University Station, Baton Rouge, La.

Maine Agricultural Experiment Station, Orono, Maine.

Maryland Agricultural Experiment Station, College Park, Md.

Massachusetts Agricultural Experiment Station, Amherst, Mass.

Mississippi Agricultural and Forestry Experiment Station, State College, Miss.

Montana Agricultural Experiment Station, Bozeman, Mont.

Nebraska Agricultural Experiment Station, Lincoln, Nebr.

Nevada Agricultural Experiment Station, Reno, Nev.

New Hampshire Agricultural Experiment Station, Durham, N.H.

New Jersey Agricultural Experiment Station, New Brunswick, N.J.

New Mexico Agricultural Experiment Station, New Mexico State University, Las Cruces, N. Mex.

New York State Agricultural Experiment Station, Geneva, N.Y.*

North Carolina Agricultural Experiment Station, Raleigh, N.C.

North Dakota Agricultural Experiment Station, State University Station, Fargo, N. Dak.

Ohio Agricultural Research and Development Center, Wooster, Ohio.

Oregon Agricultural Experiment Station, Corvallis, Oreg.

Pennsylvania Agricultural Experiment Station, University Park, Pa.

Puerto Rico Agricultural Experiment Station, Rio Piedras, P.R.

Rhode Island Agricultural Experiment Station, Kingston, R.I.

South Carolina Agricultural Experiment Station, Clemson, S.C.

South Dakota Agricultural Experiment Station, Brookings, S. Dak.

Tennessee Agricultural Experiment Station, Knoxville, Tenn.

Utah Agricultural Experiment Station, Logan, Utah

Vermont Agricultural Experiment Station, Burlington, Vt.

Agricultural and Life Sciences Research Division, Virginia Polytechnic Institute, Blacksburg, Va.

West Virginia Agricultural Experiment Station, Morgantown, W. Va.

Wisconsin Agricultural Experiment Station, Madison, Wis.

Wyoming Agricultural Experiment Station, University Station, Laramie, Wyo.

3. STATE AGRICULTURAL EXPERIMENT STATIONS INELIGIBLE TO RECEIVE ANIMAL HEALTH RESEARCH ACT FUNDS

Alabama Agricultural Experiment Station, Auburn, Ala.

California Agricultural Experiment Station, Berkeley, Calif.

Colorado Agricultural Experiment Station, Fort Collins, Colo.

Georgia Agricultural Experiment Station, Athens, Ga.

Illinois Agricultural Experiment Station, Urbana, Ill.

Indiana Agricultural Experiment Station, Lafayette, Ind.

Iowa Agriculture and Home Economics Experiment Station, Ames, Iowa.

Kansas Agricultural Experiment Station, Manhattan, Kans.

Michigan Agricultural Experiment Station, East Lansing, Mich.

Minnesota Agricultural Experiment Station, St. Paul Campus, St. Paul, Minn.

Missouri Agricultural Experiment Station, Columbia, Mo.

New York Agricultural Experiment Station, Cornell Station, Ithaca, N.Y.

Oklahoma Agricultural Experiment Station, Stillwater, Okla.

Texas Agricultural Experiment Station, College Station, Tex.

Washington Agricultural Experiment Station, Pullman, Wash.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3492

At the request of Mr. MATHIAS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 3492, the Omnibus Criminal Justice Reform Amendment of 1972.

S. 3700

At the request of Mr. RIBICOFF, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 3700, a bill to allow tuition tax credits to the parents of non-public-school students.

S. 3741

At the request of Mr. MATHIAS, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 3741, a bill to require full disclosure for Members of Congress.

SENATE RESOLUTION 327—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF "SOCIAL SECURITY AND WELFARE REFORM"

(Referred to the Committee on Rules and Administration.)

Mr. LONG submitted the following resolution:

S. RES. 327

Resolved, That there be printed for the use of the Committee on Finance two thousand additional copies of its Committee Print of the current Congress entitled "Social Security and Welfare Reform."

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENTS

AMENDMENTS NO. 1288 AND 1289

(Ordered to be printed and to lie on the table.)

Mr. PASTORE submitted two amendments intended to be proposed by him to the bill (H.R. 15417) making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

AMENDMENT NO. 1300

(Ordered to be printed and to lie on the table.)

Mr. SCOTT, for himself, Mr. SCHWEIKER, and Mr. MATHIAS, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 15417), supra.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973—NOTICES OF MOTIONS TO SUSPEND THE RULE

AMENDMENT NO. 1290

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 20, after the figure on line 13 insert a comma and the following: "including not to exceed $50,000 for reconstruction of certain streets in Harpers Ferry, West Virginia".

Mr. BIBLE submitted the amendment (No. 1290) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1291

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, after line 5, insert the following: "that not to exceed $450,000 shall be for assistance to the Rocky Boy School District, Rocky Boy Indian Reservation, Montana;".

Mr. BIBLE submitted the amendment (No. 1291) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1292

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, after line 5, insert the following: "that not to exceed $320,000 shall be for assistance to the Lame Deer Public School District No. 6, Northern Cheyenne Reservation, Montana;".

Mr. BIBLE submitted the amendment (No. 1292) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1293

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

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* Eligible Agricultural Experiment Station in which there apparently is not current animal health research.

Page 7, after line 5, insert the following: "that not to exceed $465,000 shall be for assistance to the Dunseith, North Dakota, Public School District No. 1;".

Mr. BIBLE submitted the amendment (No. 1293) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1294

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, line 19, after "$50,000,000" insert a colon and the following:

"*Provided*, That there shall be advanced from the Alaska Native Fund upon request of the board of directors of any Regional Corporation established pursuant to section 7 of said Act, $500,000 for any one Regional Corporation, which shall be reduced by any amount advanced to such Regional Corporation prior to July 1, 1972, and an additional $1,000,000 to be available for distribution by the Secretary among the Corporations, which the Secretary of the Interior shall determine to be necessary for the organization of such Regional Corporation and the Village Corporations within such region, and to identitfy land for such Corporations pursuant to said Act, and to repay loans and other obligations incurred prior to May 27, 1972, for such purposes: *Provided further*, That such advances shall not be subject to the provisions of section 7(j) of said Act, but shall be charged to and accounted for by such Regional and Village Corporations in computing the distributions pursuant to section 7(j) required after the first regular receipt of moneys from the Alaska Native Fund under section 6 of said Act: *Provided further*, That no part of the money so advanced shall be used for the organization of a Village Corporation that had less than twenty-five Native residents living within such village according to the 1970 census".

Mr. BIBLE submitted the amendment (No. 1294) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1295

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 20, line 23, after the word "expended" insert a colon and the following: "*Provided*, That $90,000 representing the National Park Service share for planning a modern sewage system and treatment plant, in cooperation with the towns of Harpers Ferry and Bolivar, West Virginia, to service said towns and Harpers Ferry National Historical Park shall not be available until such time as agreement relating to the procedures and funding for design, construction, and operation of the facility is consummated among the concerned agencies".

Mr. BIBLE submitted the amendment (No. 1295) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1296

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 20, line 23, after the word "expended" insert a colon and the following: "*Provided further*, That $550,000 shall be available to the National Park Service to complete the construction of two locomotives, a locomotive storage and display building, and for the restoration of historic trestles at Golden Spike National Historic Site notwithstanding the Act of July 30, 1965 (P.L. 89–102)".

Mr. BIBLE submitted the amendment (No. 1296) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1297

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 38, after line 26, insert the following:

"John F. Kennedy Center for the Performing Arts

"For expenses necesary for operating and maintaining the non-performing arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000, to be available for obligations incurred in fiscal year 1972."

Mr. BIBLE submitted the amendment (No. 1297) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1298

(Ordered to be printed and to lie on the table.)

Mr. GURNEY submitted an amendment intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

EXTENSION OF LEVEL IN THE PUBLIC DEBT—AMENDMENT

AMENDMENT NO. 1299

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

MARINE MAMMAL PROTECTION ACT

AMENDMENT NO. 1275

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from Oklahoma (Mr. Harris.)

The PRESIDING OFFICER. Without objection it is so ordered.

Statement by Senator Harris

On June 23 I introduced with the junior Senator from New Jersey (Mr. Williams), the senior Senator from New Jersey (Mr. Case), the senior Senator from California (Mr. Cranston), the senior Senator from Illinois (Mr. Percy), the junior Senator from Vermont (Mr. Stafford), the junior Senator from Illinois (Mr. Stevenson), and the junior Senator from Ohio (Mr. Taft) several amendments pertaining to the Marine Mammals Protection Act of 1972. It has come to my attention that through a clerical error included in the package was an amendment to transfer authority for implementation of the Act from the Secretary of Commerce to the Secretary of Interior.

I personnally support such an amendment which I understand will be offered during Senate debate on the Marine Mammals Protection Act. But the amendment, number 1275, should not have been included in the package.

For parliamentary reasons it is not possible for an amendment once introduced to be withdrawn. However, I wish to clarify now that the Senators listed as co-sponsors of the package do support amendments 1274, 1276, 1277, and 1278. My introduction of amendment number 1275 does not necessarily reflect their position on the issue of whether the Secretary of Commerce or the Secretary of Interior should be required to implement the proposed legislation.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1273

At the request of Mr. Case, the Senator from Missouri (Mr. Eagleton), the Senator from Michigan (Mr. Hart), the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cook), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of Amendment No. 1273, intended to be offered to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973.

ANNOUNCEMENT OF HEARING ON BILL TO AMEND THE ADMINISTRATIVE CONFERENCE ACT

Mr. KENNEDY. Mr. President, on Tuesday, June 27, 1972 at 2 p.m. in room 4232, New Senate Office Building, the Subcommittee on Administrative Practice and Procedure will hold a legislative hearing on S. 3671, a bill to amend the Administrative Conference Act. The bill would first, authorize the Conference to seek a level of funding to expand its activities; and second, permit it to enter into supporting research arrangements and to receive grants from private nonprofit institutions. Witnesses will include Roger C. Cramton, chairman of the Administrative Conference of the United States, and Warner W. Gardner, a Washington attorney who is a member of the conference and chairman of its informal action committee.

NOTICE OF HEARING ON IMPACT OF SUPREME COURT WIRETAPPING DECISION

Mr. KENNEDY. Mr. President, the Senate Subcommittee on Administrative Practice and Procedure will hold a hearing on Thursday, June 29, 1972, on the interpretation, implementation, and implications of the Supreme Court's June 19 decision that the Attorney General must obtain court warrants before he can wiretap or bug for so-called "domestic security" information.

The Supreme Court has given the Amercan people new confidence that our liberty and freedom will be protected from Government interference. The Court has unanimously rejected the administration's claim that it could bug or wiretap anyone it wanted to, without any judicial authorization or controls. But the Court's ruling will turn out to be a cruel hoax on us all unless we can be sure that the Department of Justice intends to translate both the letter and the spirit of the decision into a real reduction in the amount of warrantless executive branch electronic spying on domestic groups and individuals. Thus it is vital that the public be told now how the Department interprets the Supreme Court's decision and what is being done to implement it. Among the questions which need answers are:

How many bugs and taps have been removed as a result of the decision?

Will the Department use the existing statutory procedures to obtain new warrants for "domestic security" intelligence or will it await the passage of new legislation specifically designed for such matters, as the Court suggests?

What level of foreign domination and control over a domestic group will be considered sufficient to bring the group into the area of foreign activities which the Court has not yet ruled upon, and what procedures will be followed in this area?

What will be done to notify those who have been unlawfully bugged and tapped since passage of the 1968 law so that their possible entitlement to damages can be determined?

The Department of Justice will be represented at the hearing by Deputy Assistant Attorney General for Internal Security, Kevin Maroney. Other witnesses invited include former Attorney General Ramsey Clark, former Assistant to the Solicitor General Nathan Lewin, and other experts. These witnesses will discuss both the Supreme Court opinion and the Department's interpretation of the opinion, as well as the practical impact of the decision on the Government's information-gathering functions, on the criminal justice system, and on citizen privacy.

Especially at a time when the arrest of the "Watergate 5" with bugging equipment in the offices of a political party has given Americans new concern about the sanctity of their homes and offices, it is vital that they be reassured that unauthorized eavesdropping will not be conducted by government agents. Of course, at this time it would be premature for the subcommittee to delve into the Watergate case itself. I would expect, however, that the professional staffs of the Criminal Division, the U.S. Attorney's Office, the FBI, and the Metropolitan Police have been authorized and directed to proceed independently of any political influence or control, to utilize every available resource, and to determine all the facts as to the ultimate responsibility for the alleged spying activities. In particular that investigation must necessarily determine the involvement of employees, consultants, or agents of the White House or White House-connected organizations—such as the Nixon Reelection Committee or the Republican National Committee—in the Watergate incident or related activities.

The Nation is also entitled to expect that, at the earliest possible moment, the Departemnt of Justice will give the American public as full and comprehensive a report as possible on these matters, consistent with the rights of those who may actually be indicted.

For certainly if there is no involvement of its staff or party, the administration should have no hesitation to reveal the facts fully. And if any of them is involved, then the public has a right to know, and to know immediately and completely, who and how and why.

The subcommittee's hearing is scheduled for 10 a.m. in room 6202, New Senate Office Building. To assist those who may be interested in the subject of warrantless electronic surveillance and who may wish to provide the subcommittee with their views of the implications of the Supreme Court decision, I ask unanimous consent that a copy of the Supreme Court's opinion in the case of the United States District Court, et al. (Keith) be printed in the RECORD at this point.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

UNITED STATES v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN ET AL.

(Certiorari to the United States Court of Appeals for the Sixth Circuit; No. 70-153. Argued February 24, 1972—Decided June 19, 1972)

SYLLABUS

The United States charged three defendants with conspiring to destroy and one of them with destroying, Government property. In response to the defendants' pretrial motion for disclosure of electronic surveillance information, the Government filed an affidavit of the Attorney General stating that he had approved the wiretaps for the purpose of gather[ing] intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government." On the basis of the affidavit and surveillance logs (filed in a sealed exhibit), the Government claimed that the surveillances, though warrantless, were lawful as a reasonable exercise of presidential power to protect the national security. The District Court, holding the surveillances violative of the Fourth Amendment, issued an order for disclosure of the overheard conversations, which the Court of Appeals upheld. Title III of the Omnibus Crime Control and Safe Streets Act, which authorizes court-approved electronic surveillance for specified crimes, contains a provision in 18 U.S.C. § 2511(3) that nothing in that law limits the President's constitutional power to protect against the overthrow of the Government or against "any other clear and present danger to the structure or existence of the Government." The Government relies on § 2511(3) in support of its contention that "in excepting national security surveillances from the Act's warrant requirement, Congress recognized the President's authority to conduct such surveillances without prior judicial approval." *Held:*

1. Section 2511(3) is merely a disclaimer of congressional intent to define presidential powers in matters affecting national security, and is not a grant of authority to conduct warrantless national security surveillances. Pp. 4–10.

2. The Fourth Amendment (which shields private speech from unreasonable surveillance) requires prior judicial approval for the type of domestic security surveillance involved in this case. Pp. 16–23, 25.

(a) The Government's duty to safeguard domestic security must be weighed against the potential danger that unreasonable surveillances pose to individual privacy and free expression. Pp. 16–17.

(b) The freedoms of the Fourth Amendment cannot properly be guaranteed if domestic security surveillances are conducted solely within the discretion of the executive branch without the detached judgment of a neutral magistrate. Pp. 18–20.

(c) Resort to appropriate warrant procedure would not frustrate the legitimate purposes of domestic security searches. Pp. 20–23.

444 F. 651, affirmed.

POWELL, J., delivered the opinion of the Court, in which DOUGLAS, BRENNAN, MARSHALL, STEWART, and BLACKMUN, JJ., joined. DOUGLAS, J., filed a concurring opinion. BURGER, C. J., concurred in the result. WHITE, J., filed an opinion concurring in the judgment. REHNQUIST, J., took no part in the consideration or decision of the case.

Mr. JUSTICE POWELL delivered the opinion of the Court.

The issue before us is an important one for the people of our country and their Government. It involves the delicate question of the President's power, acting through the Attorney General, to authorize electronic surveillance in internal security matters without prior judicial approval. Successive Presidents for more than one-quarter of a century have authorized such surveillance in a varying degrees,[1] without guidance from the Congress or a definitive decision of this Court. This case brings the issue here for the first time. Its resolution is a matter of national concern, requiring sensitivity both to the Government's right to protect itself from unlawful subversion and attack and to the citizen's right to be secure in his privacy against unreasonable Government intrusion.

This case arises from a criminal proceeding in the United States District Court for the Eastern District of Michigan, in which the United States charged three defendants with conspiracy to destroy Government property in violation of 18 U.S.C. § 371. One of the defendants, Plamondon, was charged with the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan.

During pretrial proceedings, the defendants moved to compel the United States to disclose certain electronic surveillance information and to conduct a hearing to determine whether this information "tainted" the evidence on which the indict-

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Footnotes at end of article.

ment was based or which the Government intended to offer at trial. In response, the Government filed an affidavit of the Attorney General, acknowledging that its agents had overheard conversations in which Plamondon had participated. The affidavit also stated that the Attorney General approved the wiretaps "to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government."[2] The affidavit, together with the logs of the surveillance, were field in a sealed exhibit for *in camera* inspection by the District Court.

On the basis of the Attorney General's affidavit and the sealed exhibit, the Government asserted that the surveillances were lawful, though conducted without prior judicial approval, as a reasonable exercise of the President's power (exercised through the Attorney General) to protect the national security. The District Court held that the surveillance violated the Fourth Amendment, and ordered the Government to make full disclosure to Plamondon of his overheard conversations. —— F. Supp. ——.

The Government then filed in the Court of Appeals for the Sixth Circuit a petition for a writ of mandamus to set aside the District Court order, which was stayed pending final disposition of the case. After concluding that it had jurisdiction,[3] that court held that the surveillances were unlawful and that the District Court had properly required disclosure of the overheard conversations, 444 F. 2d 651 (1971). We granted certiorari, 403 U.S. 930.

I

Title III of the Omnibus Crime Control and Safe Streets Act, 18 U. S. C. §§ 2510–2520, authorizes the use of electronic surveillance for classes of crimes carefully specified in 18 U. S. C. § 2516. Such surveillance is subject to prior court order. Section 2518 sets forth the detailed and particularized application necessary to obtain such an order as well as carefully circumscribed conditions for its use. The Act represents a comprehensive attempt by Congress to promote more effective control of crime while protecting the privacy of individual thought and expression. Much of Title III was drawn to meet the constitutional requirements for electronic surveillance enunciated by this Court in *Berger* v. *New York*, 388 U. S. 41 (1967), and *Katz* v. *United States*, 389 U. S. 347 (1967).

Together with the elaborate surveillance requirements in Title III, there is the following proviso, 18 U. S. C. § 2511 (3):

"Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1103; 47 U. S. C. § 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. *Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government*. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial, hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power." (Emphasis supplied.)

The Government relies on § 2511(3). It argues that "in excepting national security surveillances from the Act's warrant requirement Congress recognized the President's authority to conduct such surveillances without prior judicial approval." Govt. Brief, pp. 7, 28. The section thus is viewed as a recognition or affirmance of a constitutional authority in the President to conduct warrantless domestic security surveillance such as that involved in this case.

We think the language of § 2511(3), as well as the legislative history of the statute, refutes this interpretation. The relevant language is that:

"Nothing contained in this chapter . . . shall limit the constitutional power of the President to take such measures as he deems necessary to protect . . ." against the dangers specified. At most, this is an implicit recognition that the President does have certain powers in the specified areas. Few would doubt this, as the section refers—among other things—to protection "against actual or potential attack or other hostile acts of a foreign power." But so far as the use of the President's electronic surveillance power is concerned, the language is essentially neutral.

Section 2511(3) certainly confers no power, as the language is wholly inappropriate for such a purpose. It merely provides that the Act shall not be interpreted to limit or disturb such power as the President may have under the Constitution. In short, Congress simply left presidential powers where it found them. This view is reinforced by the general context of Title III. Section 2511(1) broadly prohibits the use of electronic surveillance "except as otherwise specifically provided in this chapter." Subsection (2) thereof contains four specific exceptions. In each of the specified exceptions, the statutory language is as follows:

"It shall not be unlawful . . . to intercept" the particular type of communication described.[4]

The language of subsection (3), here involved, is to be contrasted with the language of the exceptions set forth in the preceding subsection. Rather than stating that warrantless presidential uses of electronic surveillance "shall not be unlawful" and thus employing the standard language of exception, subsection (3) merely disclaims any intention to "limit the constitutional power of the President."

The express grant of authority to conduct surveillances is found in § 2516, which authorizes the Attorney General to make application to a federal judge when surveillance may provide evidence of certain offenses. These offenses are described with meticulous care and specificity.

Where the Act authorizes surveillance, the procedure to be followed is specified in § 2518. Subsection (1) thereof requires application to a judge of competent jurisdiction for a prior order of approval, and states in detail the information required in such application.[5] Subsection (3) prescribes the necessary elements of probable cause which the judge must find before issuing an order authorizing an interception. Subsection (4) sets forth the required contents of such an order. Subsection (5) sets strict time limits on an order. Provision is made in subsection (7) for "an emergency situation" found to exist by the Attorney General (or by the principal prosecuting attorney of a State) "with respect to conspiratorial activities threatening the national security interest." In such a situation, emergency surveillance may be conducted "if an application for an order approving the interception is made . . . within 48 hours." If such an order is not obtained, or the application therefor is denied, the interception is deemed to be a violation of the Act.

In view of these and other interrelated provisions delineating permissible interceptions of particular criminal activity upon carefully specified conditions, it would have been incongruous for Congress to have legislated with respect to the important and complex area of national security in a single brief and nebulous paragraph. This would not comport with the sensitivity of the problem involved or with the extraordinary care Congress exercised in drafting other sections of the Act. We therefore think the conclusion inescapable that Congress only intended to make clear that the Act simply did not legislate with respect to national security surveillances.[6]

The legislative history of § 2511 (3) supports this interpretation. Most relevant is the colloquy between Senators Hart, Holland, and McClellan on the Senate floor:

"Mr. Holland. . . . The section [2511(3)] from which the Senator [Hart] has read does not affirmatively give any power. . . . *We are not affirmatively conferring any power upon the President*. We are simply saying that nothing herein shall limit such power as the President has under the Constitution. . . . We certainly do not grant him a thing.

"There is nothing affirmative in this statement.

"Mr. McClellan. Mr. President, *we make it understood that we are not trying to take anything away from him*.

"Mr. Holland. The Senator is correct.

"Mr. Hart. Mr. President, there is no intention here to expand by this language a constitutional power. Clearly we could not do so.

"Mr. McClellan. Even though we intended, we could not do so.

"Mr. Hart. . . . However, we agreed that this language should not be regarded as intending to grant any authority, including authority to put a bug on, that the President does not have now.

"In addition, Mr. President, *as I think our exchange makes clear, nothing in Section 2511(3) even attempts to define the limits of the President's national security power under present law, which I have always found extremely . vague. . . . Section 2511(3) merely says that if the President has such a power, then its exercise is in no way affected by title III*. (Emphasis supplied.)[7]

One could hardly except a clearer expression of congressional neutrality. The debate above explicitly indicates that nothing in § 2511(3) was intended to *expand* or to *contract* or to *define* whatever presidential surveillance powers existed in matters affecting the national security. If we could accept the Government's characterization of § 2511(3) as a congressionally prescribed exception to the general requirement of a warrant, it would be necessary to consider the question of whether the surveillance in this case came within the exception and, if so, whether the statutory exception was itself constitutionally valid. But viewing § 2511(3) as a congressional disclaimer and expression of neutrality, we hold that the statute is not the measure of the executive authority asserted in this case. Rather, we must look to the constitutional powers of the President.

II

It is important at the outset to emphasize the limited nature of the question before the Court. This case raises no constitutional challenge to electronic surveillance as specifically authorized by Title III of the Omnibus Crime Control and Safe Streets Act of 1968. Nor is there any question or doubt as to the necessity of obtaining a warrant in the surveillance of crimes unrelated to the national security interest. *Katz* v. *United States*, 389 U.S. 347 (1967); *Berger* v. *New York*, 388 U.S. 41 (1967). Further, the instant case requires no judgment on the scope of the President's surveillance power with respect to the activities of foreign powers, within or without this country. The Attorney General's affidavit in this case states that the surveil-

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Footnotes at end of article.

lances were "deemed necessary to protect the nation from attempts of *domestic organizations* to attack and subvert the existing structure of Government" (emphasis supplied). There is no evidence of any involvement, directly or indirectly, of a foreign power.[8]

Our present inquiry, though important, is therefore a narrow one. It addresses a question left open by *Katz, supra*, p. 358, n. 23:

> "Whether safeguards other than prior authorization by a magistrate would satisfy the Fourth Amendment in a situation involving the national security . . . ."

The determination of this question requires the essential Fourth Amendment inquiry into the "reasonableness" of the search and seizure in question, and the way in which that "reasonableness" derives content and meaning through reference to the warrant clause. *Coolidge* v. *New Hampshire*, 403 U. S. 443, 473–484 (1971).

We begin the inquiry by noting that the President of the United States has the fundamental duty, under Art. II, § 1, of the Constitution, "to preserve, protect, and defend the Constitution of the United States." Implicit in that duty is the power to protect our Government against those who would subvert or overthrow it by unlawful means. In the discharge of this duty, the President—through the Attorney General—may find it necessary to employ electronic surveillance to obtain intelligence information on the plans of those who plot unlawful acts against the Government.[9] The use of such surveillance in internal security cases has been sanctioned more or less continuously by various Presidents and Attorneys General since July 1946.[10] Herbert Brownell, Attorney General under President Eisenhower, urged the use of electronic surveillance both in internal and international security matters on the grounds that those acting against the Government

> "turn to the telephone to carry on their intrigue. The success of their plans frequently rests upon piecing together shreds of information received from many sources and many nests. The participants in the conspiracy are often dispersed and stationed in various strategic positions in government and industry throughout the country." [11]

Though the Government and respondents debate their seriousness and magnitude, threats and acts of sabotage against the Government exist in sufficient number to jusitfy investigative powers with respect to them.[12] The covertness and complexity of potential unlawful conduct against the Government and the necessary dependency of many conspirators upon the telephone make electronic surveillance an effective investigatory instrument in certain circumstances. The marked acceleration in technological developments and sophistication in their use have resulted in new techniques for the planning, commission and concealment of criminal activities. It would be contrary to the public interest for Government to deny to itself the prudent and lawful employment of those very techniques which are employed against the Government and its law abiding citizens.

It has been said that "the most basic function of any government is to provide for the security of the individual and of his property." *Miranda* v. *Arizona*, 384 U.S. 436, 539 (1966) (WHITE, J., dissenting). And unless Government safeguards its own capacity to function and to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered. As Chief Justice Hughes reminded us in *Cox* v. *New Hampshire*, 312 U.S. 569, 574 (1940):

> "Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses."

But a recognition of these elementary truths does not make the employment by Government of electronic surveillance a welcome development—even when employed with restraint and under judicial supervision. There is, understandably, a deep-seated uneasiness and apprehension that this capability will be used to intrude upon cherished privacy of law-abiding citizens.[13] We look to the Bill of Rights to safeguard this privacy. Though physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed, its broader spirit now shields private speech from unreasonable surveillance. *Katz* v. *United States, supra; Berger* v. *New York, supra; Silverman v. United States*, 365 U.S. 505 (1961). Our decision in *Katz* refused to lock the Fourth Amendment into instances of actual physical trespass. Rather, the Amendment governs "not only the seizure of tangible items, but extends as well to the recording of oral statements 'without any technical trespass under . . . local property law.' " *Katz, supra*, at 353. That decision implicitly recognized that the broad and unsuspected governmental incursions into conversational privacy which electronic surveillance entails [14] necessitate the application of Fourth Amendment safeguards.

National security cases, moreover, often reflect a convergence of First and Fourth Amendment values not present in cases of "ordinary" crime. Though the investigative duty of the executive may be stronger in such cases, so also is there greater jeopardy to constitutionally protected speech. "Historically the struggle for freedom of speech and press in England was bound up with the issue of the scope of the search and seizure power," *Marcus* v. *Search Warrant*, 367 U.S. 717, 724 (1961). History abundantly documents the tendency of Government—however benevolent and benign its motives—to view with suspicion those who most fervently dispute its policies. Fourth Amendment protections become the more necessary when the targets of official surveillance may be those suspected of unorthodoxy in their political beliefs. The danger to political dissent is acute where the Government attempts to act under so vague a concept as the power to protect "domestic security." Given the difficulty of defining the domestic security interest, the danger of abuse in acting to protect that interest becomes apparent. Senator Hart addressed this dilemma in the floor debate on § 2511(3):

> "As I read it—and this is my fear—we are saying that the President, on his motion, could declare—name your favorite poison—draft dodgers, Black Muslims, the Ku Klux Klan, or civil rights activists to be a clear and present danger to the structure or existence of the Government." [15]

The price of lawful public dissent must not be a dread of subjection to an unchecked surveillance power. Nor must the fear of unauthorized official eavesdropping deter vigorous citizen dissent and discussion of Government action in private conversation. For private dissent, no less than open public discourse, is essential to our free society.

III

As the Fourth Amendment is not absolute in its terms, our task is to examine and balance the basic values at stake in this case: the duty of Government to protect the domestic security, and the potential danger posed by unreasonable surveillance to individual privacy and free expression. If the legitimate need of Government to safeguard domestic security requires the use of electronic surveillance, the question is whether the needs of citizens for privacy and free expression may not be better protected by requiring a warrant before such surveillance is undertaken. We must also ask whether a warrant requirement would unduly frustrate the efforts of Government to protect itself from acts of subversion and overthrow directed against it.

Though the Fourth Amendment speaks broadly of "unreasonable searches and seizures," the definition of "reasonableness" turns, at least in part, on the more specific commands of the warrant clause. Some have argued that "the relevant test is not whether it was reasonable to procure a search warrant, but whether the search was reasonable," *United States* v. *Rabinowitz*, 339 U.S. 56, 66 (1950).[16] This view, however, overlooks the second clause of the Amendment. The warrant clause of the Fourth Amendment is not dead language. Rather it has been

> "a valued part of our constitutional law for decades, and it has determined the result in scores and scores of cases in the courts all over this country. It is not an inconvenience to be somehow 'weighed' against the claims of police efficiency. It is, or should be, an important working part of our machinery of government, operating as a matter of course to check the 'well-intentioned but mistakenly over-zealous executive officers' who are a part of any system of law enforcement." *Coolidge* v. *New Hampshire, supra*, at 491.

See also *United States* v. *Rabinowitz*, 339 U.S. 57, 68 (1950) (Frankfurter, J., dissenting); *Davis* v. *United States*, 328 U.S. 582, 604 (Frankfurter, J., dissenting).

Over two centuries ago, Lord Mansfield held that common law principles prohibited warrants that ordered the arrest of unnamed individuals whom the *officer* might conclude were guilty of seditious libel. "It is not fit," said Mansfield, "that the receiving or judging of the information ought to be left to the discretion of the officer. The magistrate ought to judge; and should give certain directions to the officer." *Leach* v. *Three of the King's Messengers*, How. St. Tr. 1001, 1027 (1765).

Lord Mansfield's formulation touches the very heart of the Fourth Amendment directive: that where practical, a governmental search and seizure should represent both the efforts of the officer to gather evidence of wrongful acts and the judgment of the magistrate that the collected evidence is sufficient to justify invasion of a citizen's private premises or conversation. Inherent in the concept of a warrant is its issuance by a "neutral and detached magistrate." *Coolidge* v. *New Hampshire, supra*, at 453; *Katz* v. *United States, supra*, at 356. The further requirement of "probable cause" instructs the magistrate that baseless searches shall not proceed.

These Fourth amendment freedoms cannot properly be guaranteed if domestic security surveillances may be conducted solely within the discretion of the executive branch. The Fourth Amendment does not contemplate the executive officers of Government as neutral and disinterested magistrates. Their duty and responsibility is to enforce the laws, to investigate and to prosecute. *Katz* v. *United States, supra*, at 359–360 (DOUGLAS, J., concurring). But those charged with this investigative and prosecutorial duty should not be the sole judges of when to utilize constitutionally sensitive means in pursuing their tasks. The historical judgment, which the Fourth Amendment accepts is that unreviewed executive discretion may yield too readily to pressures to obtain incriminating evidence and overlook potential invasions of privacy and protected speech.[17]

It may well be that, in the instant case, the Government's surveillance of Plamondon's conversations was a reasonable one which readily would have gained prior judicial approval. But this Court "has never sustained a search upon the sole ground

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that officers reasonably expected to find evidence of a particular crime and voluntarily confined their activities to the least intrusive means consistent with that end." *Katz, supra,* at 356–367. The Fourth Amendment contemplates a prior judicial judgment,[18] not the risk that executive discretion may be reasonably exercised. This judicial role accords with our basic constitutional doctrine that individual freedoms will best be preserved through a separation of powers and division of functions among the difference branches and levels of Government. John M. Harlan, Thoughts at a Dedication: Keeping the Judicial Function in Balance, 49 A. B. A. J. 943–944 (1963). The independent check upon executive discretion is not satisfied, as the Government argues, by "extremely limited" post-surveillance judicial review.[19] Indeed, post-surveillance review would never reach the surveillances which failed to result in prosecutions. Prior review by a neutral and detached magistrate is the time tested means of effectuating Fourth Amendment rights. *Beck* v. *Ohio,* 379 U.S. 89, 96 (1964).

It is true that there have been some exceptions to the warrant requirement. *Chimel* v. *California,* 395 U.S. 752 (1969); *Terry* v. *Ohio,* 392 U.S. 1 (1968); *McDonald* v. *United States,* 335 U.S. 451 (1948); *Carroll* v. *United States,* 267 U.S. 132 (1925). But those exceptions are few in number and carefully delineated, *Katz, supra,* at 357; in general they serve the legitimate needs of law enforcement officers to protect their own wellbeing and preserve evidence from destruction. Even while carving out those exceptions, the Court has reaffirmed the principle that the "police must, whenever practicable, obtain advance judicial approval of searches and seizures through the warrant procedure," *Terry* v. *Ohio, supra,* at 20; *Chimel* v. *California, supra,* at 762.

The Government argues that the special circumstances applicable to domestic security surveillances necessitate a further exception to the warrant requirement. It is urged that the requirement of prior judicial review would obstruct the President in the discharge of his constitutional duty to protect domestic security. We are told further that these surveillances are directed primarily to the collecting and mantaining of intelligence with respect to subversive forces, and are not an attempt to gather evidence for specific criminal prosecutions. It is said that this type of surveillance should not be subject to traditional warrant requirements which were established to govern investigation of criminal activity, not on-going intelligence gathering. Govt. Brief, pp. 15–16, 23–24. Govt. Reply Brief, pp. 2–3.

The Government further insists that courts "as a practical matter would have neither the knowledge nor the techniques necessary to determine whether there was probable cause to believe that surveillance was necessary to protect national security." These security problems, the Government contends, involve "a large number of complex and subtle factors" beyond the competence of courts to evaluate. Govt. Reply Brief, p. 4.

As a final reason for exemption from a warrant requirement, the Government believes that disclosure to a magistrate of all or even a significant portion of the information involved in domestic security surveillances "would create serious potential dangers to the national security and to the lives of informants and agents . . . . Secrecy is the essential ingredient in intelligence gathering; requiring prior judicial authorization would create a greater 'danger of leaks . . ., because in addition to the judge, you have the clerk, the stenographer and some other official like a law assistant or bailiff who may be apprised of the nature' of the surveillance." Govt. Brief, pp. 24–25.

These contentions in behalf of a complete exemption from the warrant requirement, when urged on behalf of the President and the national security in its domestic implications, merit the most careful consideration. We certainly do not reject them lightly, especially at a time of worldwide ferment and when civil disorders in this country are more prevalent than in the less turbulent periods of our history. There is, no doubt, pragmatic force to the Government's position.

But we do not think a case has been made for the requested departure from Fourth Amendment standards. The circumstances described do not justify complete exemption of domestic security surveillance from prior judicial scrutiny. Official surveillance, whether its purpose be criminal investigation or on-going intelligence gathering, risks infringement of constitutionally protected privacy of speech. Security surveillances are especially sensitive because of the inherent vagueness of the domestic security concept the necessarily broad and continuing nature of intelligence gathering, and the temptation to utilize such surveillances to oversee political dissent. We recognize, as we have before, the constitutional basis of the President's domestic security role, but we think it must be exercised in a manner compatible with the Fourth Amendment. In this case we hold that this requires an appropriate prior warrant procedure.

We cannot accept the Government's argument that internal security matters are too subtle and complex for judicial evaluation. Courts regularly deal with the most difficult issues of our society. There is no reason to believe that federal judges will be insensitive to or uncomprehending of the issues involved in domestic security cases. Certainly courts can recognize that domestic security surveillance involves different considerations from the surveillance of ordinary crime. If the threat is too subtle or complex for our senior law enforcement officers to convey its significance to a court, one may question whether there is probable cause for surveillance.

Nor do we believe prior judicial approval will fracture the secrecy essential to official intelligence gathering. The investigation of criminal activity has long involved imparting sensitive information to judicial officers who have respected the confidentialities involved. Judges may be counted upon to be especially conscious of security requirements in national security cases. Title III of the Omnibus Crime Control and Safe Streets Act already has imposed this responsibility on the judiciary in connection with such crimes as espionage, sabotage and treason, § 2516 (1)(a)(c), each of which may involve domestic as well as foreign security threats. Moreover, a warrant application involves no public or adversary proceedings: it is an *ex parte* request before a magistrate or judge. Whatever security dangers clerical and secretarial personnel may pose can be minimized by proper administrative measures, possibly to the point of allowing the Government itself to provide the necessary clerical assistance.

Thus, we conclude that the Government's concerns do not justify departure in this case from the customary Fourth Amendment requirement of judicial approval prior to initiation of a search or surveillance. Although some added burden will be imposed upon the Attorney General, this inconvenience is justified in a free society to protect constitutional values. Nor do we think the Government's domestic surveillance powers will be impaired to any significant degree. A prior warrant establishes presumptive validity of the surveillance and will minimize the burden of justification in post-surveillance judicial review. By no means of least importance will be the reassurance of the public generally that indiscriminate wiretapping and bugging of law-abiding citizens cannot occur.

IV

We emphasize, before concluding this opinion, the scope of our decision. As stated at the outset, this case involves only the domestic aspects of national security. We have not addressed, and express no opinion as to, the issues which may be involved with respect to activities of foreign powers or their agents.[20] Nor does our decision rest on the language of § 2511(c) or any other section of Title III of the Omnibus Crime Control and Safe Streets Act of 1968. That Act does not attempt to define or delineate the powers of the President to meet domestic threats to the national security.

Moreover, we do not hold that the same type of standards and procedures prescribed by Title III are necessarily applicable to this case. We recognize that domestic security surveillance may involve different policy and practical considerations from the surveillance of "ordinary crime." The gathering of security intelligence is often long range and involves the interrelation of various sources and types of information. The exact targets of such surveillance may be more difficult to identify than in surveillance operations against many types of crime specified in Title III. Often, too, the emphasis of domestic intelligence gathering is on the prevention of unlawful activity or the enhancement of the Government's preparedness for some possible future crisis or emergency. Thus, the focus of domestic surveillance may be less precise than that directed against more conventional types of crime.

Given these potential distinctions between Title III criminal surveillance and those involving the domestic security, Congress may wish to consider protective standards for the latter which differ from those already prescribed for specified crimes in Title III. Different standards may be compatible with the Fourth Amendment if they are reasonable both in relation to the legitimate need of Government for intelligence information and the protected rights of our citizens. For the warrant application may vary according to the governmental interest to be enforced and the nature of citizen rights deserving protection. As the Court said in *Camara* v. *Municipal Court,* 387 U.S. 523, 534–535 (1967):

> "In cases in which the Fourth Amendment requires that a warrant to search be obtained, 'probable cause' is the standard by which a particular decision to search is tested against the constitutional mandate of reasonableness. . . . In determining whether a particular inspection is reasonable—and thus in determining whether there is probable cause to issue a warrant for that inspection—the need for the inspection must be weighed in terms of these reasonable goals of law enforcement."

It may be that Congress, for example, would judge that the application and affidavit showing probable cause need not follow the exact requirements of § 2518 but should allege other circumstances more appropriate to domestic security cases; that the request for prior court authorization could, in sensitive cases, be made to any member of a specially designated court (*e.g.,* the District Court or Court of Appeals for the District of Columbia); and that the time and reporting requirements need not be so strict as those in § 2518.

The above paragraph does not, of course, attempt to guide the congressional judgment but rather to delineate the present scope of our own opinion. We do not attempt to detail the precise standards for domestic security warrants any more than our decision in *Katz* sought to set the refined requirements for the specified criminal surveillances which now constitute Title III. We do hold, however, that prior judicial approval is required for the type of domestic security surveillance involved in this case and that such approval may be made in accordance with such reasonable standards as the Congress may prescribe.

V

As the surveillance of Plamondon's conversations was unlawful, because conducted without prior judicial approval, the courts below correctly held that *Alderman* v. *United States*, 394 U.S. 168 (1969), is controlling and that it requires disclosure to the accused of his own impermissibly intercepted conversations. As stated in *Alderman*, "the trial court can and should, where appropriate, place a defendant and his counsel under enforceable orders against unwarranted disclosure of the materials which they may be entitled to inspect." 394 U.S. 185.[21]

The judgment of the Court of Appeals is hereby

Affirmed.

The CHIEF JUSTICE concurs in the result.

Mr. JUSTICE REHNQUIST took no part in the consideration or decision of this case.

FOOTNOTES

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[1] See n. 10, *infra*.

[2] The Attorney General's affidavit reads as follows:

"JOHN N. MITCHELL being duly sworn deposes and says:

"1. I am the Attorney General of the United States.

"2. This affidavit is submitted in connection with the Government's opposition to the disclosure to the defendant Plamondon of information concerning the overhearing of his conversations which occurred during the course of electronic surveillances which the Government contends were legal.

"3. The defendant Plamondon has participated in conversations which were overheard by Government agents who were monitoring wiretaps which were being employed to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government. The records of the Department of Justice reflect the installation of these wiretaps had been expressly approved by the Attorney General.

"4. Submitted with this affidavit is a sealed exhibit containing the records of the intercepted conversations, a description of the premises that were the subjects of the surveillances, and copies of the memoranda reflecting the Attorney General's express approval of the installation of the surveillances.

"5. I certify that it would prejudice the national interest to disclose the particular facts concerning these surveillances other than to the court *in camera*. Accordingly, the sealed exhibit referred to herein is being submitted solely for the court's *in camera* inspection and a copy of the sealed exhibit is not being furnished to the defendants. I would request the court, at the conclusion of its hearing on this matter, to place the sealed exhibit in a sealed envelope and return it to the Department of Justice where it will be retained under seal so that it may be submitted to any appellate court that may review this matter."

[3] Jurisdiction was challenged before the Court of Appeals on the ground that the District Court's order was interlocutory and not appealable under 28 U.S.C. § 1291. On this issue, the Court correctly held that it did have jurisdiction, relying upon the All Writs Statute, 28 U.S.C. § 1651, and cases cited in its opinion, 444 F. 2d, at 655–656. No attack was made in this Court as to the appropriateness of the writ of mandamus procedure.

[4] These exceptions relate to certain activities of communication common carriers and the Federal Communications Commission, and to specified situations where a party to the communication has consented to the interception.

[5] 18 U.S.C. § 2518, subsection (1) reads as follows:

"§22518. Procedure for interception of wire or oral communications

"(1) Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information:

"(a) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

"(b) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including (i) details as to the particular offense that has been, is being, or is about to be committed, (ii) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (iii) a particular description of the type of communications sought to be intercepted, (iv) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

"(c) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

"(d) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

"(e) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and

"(f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results."

[6] The final sentence of § 2511(3) states that the contents of an interception "by authority of the President in the exercise of the foregoing powers may be received in evidence . . . only where such interception was reasonable. . . ." This sentence seems intended to assure that when the President conducts lawful surveillance—pursuant to whatever power he may possess—the evidence is admissible.

[7] Cong. Rec. Vol. 114, pt. 11, p. 14751, May 23, 1968. Senator McClellan was the sponsor of the bill. The above exchange constitutes the only time that § 2511(3) was expressly debated on the Senate or House floor. The Report of the Senate Judiciary Committee is not so explicit as the exchange on the floor, but it appears to recognize that under § 2511 (3) the national security power of the President—whatever it may be—"is not to be deemed disturbed." S. Rep. No. 1097, 90th Cong., 2d Sess., 94 (1968). See also The "National Security Wiretap": President Prerogative or Judicial Responsibility where the author concludes that in § 2511(3) "Congress took what amounted to a position of neutral noninterference on the question of the constitutionality of warrantless national security wiretaps authorized by the President." 45 S. Cal. L. Rev.—(1972).

[8] Section 2511(3) refers to "the constitutional power of the President" in two types of situations: (i) where necessary to protect against attack, other hostile acts or intelligence activities of a "foreign power"; or (ii) where necessary to protect against the overthrow of the Government or other clear and present danger to the structure or existence of the Government. Although both of the specified situations are sometimes referred to as "national security" threats, the term "national security" is used only in the first sentence of § 2511(3) with respect to the activities of foreign powers. This case involves only the second sentence of § 2511(3), with the threat emanating—according to the Attorney General's affidavit—from "domestic organizations." Although we attempt no precise definition, we use the term "domestic organization" in this opinion to mean a group or organization (whether formally or informally constituted) composed of citizens of the United States and which has no significant connection with a foreign power, its agents or agencies. No doubt there are cases where it will be difficult to distinguish between "domestic" and "foreign" unlawful activities directed against the Government of the United States where there is collaboration in varying degrees between domestic groups or organizations and agents or agencies of foreign powers. But this is not such a case.

[9] Enactment of Title III reflects congressional recognition of the importance of such surveillance in combatting various types of crime. Frank S. Hogan, District Attorney for New York County for over 25 years, described telephone interception, pursuant to court order, as "the single most valuable weapon in law enforcement's fight against organized crime." Cong. Rec. Vol. 117, pt. 11, p. 14051. The "Crime" Commission appointed by President Johnson noted that "the great majority of law enforcement officials believe that the evidence necessary to bring criminal sanctions to bear consistently on the higher echelons of organized crime will not be obtained without the aid of electronic surveillance techniques. They maintain these techniques are indispensable to develop adequate strategic intelligence concerning organized crime, to set up specific investigations, to develop witnesses, to corroborate their testimony, and to serve as substitutes for them—each a necessary step in the evidence-gathering process in organized crime investigations and prosecutions." Report by the President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, p. 201 (1967).

[10] In that month Attorney General Tom Clark advised President Truman of the necessity of using wiretaps "in cases vitally affecting the domestic security." In May 1940 President Roosevelt had authorized Attorney General Jackson to utilize wiretapping in matters "involving the defense of the nation," but it is questionable whether this language was meant to apply to solely domestic subversion.

The nature and extent of wiretapping apparently varied under different administrations and Attorneys General, but except for the sharp curtailment under Attorney General Ramsey Clark in the latter years of the Johnson administration, electronic surveillance has been used both against organized crime and in domestic security cases at least since the 1946 memorandum from Clark to Truman. Govt. Brief, pp. 16–18; Resp. Brief pp. 51–56; Cong. Rec. Vol. 117, pt. 11, pp. 14051–14052.

[11] Brownell, The Public Security and Wire Tapping, 39 Cornell L. Q. 195, 202 (1954). See also Rogers, The Case For Wire Tapping, 63 Yale L. J. 792 (1954).

[12] The Government asserts that there were

1,562 bombing incidents in the United States from January 1, 1971, to July 1, 1971, most of which involved Government related facilities. Respondents dispute these statistics as incorporating many frivolous incidents as well as bombings against nongovernmental facilities. The precise level of this activity, however, is not relevant to the disposition of this case. Govt. Brief, p. 18; Resp. Brief, p. 26–29; Govt. Reply Brief, p. 13.

[13] Professor Alan Westin has written on the likely course of future conflict between the value of privacy and the "new technology" of law enforcement. Much of the book details techniques of physical and electronic surveillance and such possible threats to personal privacy as psychological and personality testing and electronic information storage and retrieval. Not all of the contemporary threats to privacy emanate directly from the pressures of crime control. A. Westin, Privacy and Freedom (1967).

[14] Though the total number of intercepts authorized by state and federal judges pursuant to Tit. III of the 1968 Omnibus Crime Control and Safe Streets Act was 597 in 1970, each surveillance may involve interception of hundreds of different conversations. The average intercept in 1970 involved 44 people and 655 conversations, of which 295 or 45% were incriminating. Cong. Rec. Vol. 117, pt. 11, p. 14052.

[15] Cong. Rec. Vol. 114, pt. 11, p. 14750, May 23, 1968. The subsequent assurances, quoted in part I of the opinion, that § 2511 (3) implied no statutory grant, contraction, or definition of presidential power eased the Senator's misgivings.

[16] This view has not been accepted. In *Chimel* v. *California*, 395 U.S. 752 (1969), the Court considered the Government's contention that the search be judged on a general "reasonableness" standard without reference to the warrant clause. The Court concluded that argument was "founded on little more than a subjective view regarding the acceptability of certain sorts of police conduct, and not on considerations relevant to Fourth Amendment interests. Under such an unconfined analysis, Fourth Amendment protection in this area would approach the evaporation point." *Chimel, supra,* at 764–765.

[17] Lesson, The History and Development of the Fourth Amendment to the United States Constitution, 79–105 (1937).

[18] We use the word "judicial" to connote the traditional Fourth Amendment requirement of a neutral and detached magistrate.

[19] The Government argues that domestic security wiretaps should be upheld by courts in post surveillance review "unless it appears that the Attorney General's determination that the proposed surveillance relates to a national security matter is arbitrary and capricious, *i.e.*, that it constitutes a clear abuse of the broad discretion that the Attorney General has to obtain all information that will be helpful to the President in protecting the Government . . ." against the various unlawful acts in § 2511(3). Govt. Brief, p. 22.

[20] See n. 8, *supra*. For the view that warrantless surveillance, though impermissible in domestic security cases, may be constitutional where foreign powers are involved, see *United States* v. *Smith*, — F. Supp. — (1971); and American Bar Association Criminal Justice Project, Standards Relating to Electronic Surveillance, Feb. 1971, pp. 11, 120, 121. See also *United States* v. *Clay*, 430 F. 2d 165 (1970).

[21] We think it unnecessary at this time and on the facts of this case to consider the arguments advanced by the Government for a reexamination of the basis and scope of the Court's decision in *Alderman*.

Mr. Justice Douglas, concurring.

While I join in the opinion of the Court, I add these words in support of it.

This is an important phase in the campaign of the police and intelligence agencies to obtain exemptions from the Warrant Clause of the Fourth Amendment. For, due to the clandestine nature of electronic eavesdropping, the need is acute for placing on the Government the heavy burden to show that "exigencies of the situation [make its] course imperative."[1] Other abuses such as the search incident to arrest, have been partly deterred by the threat of damage actions against offending officers,[2] the risk of adverse publicity, or the possibility of reform through the political process. These latter safeguards, however, are ineffective against lawless wiretapping and "bugging" of which their victims are totally unaware. Moreover, even the risk of exclusion of tainted evidence would here appear to be of negligible deterrent value inasmuch as the United States frankly concedes that the primary purpose of these searches is to fortify its intelligence collage rather than to accumulate evidence to support indictments and convictions. If the Warrant Clause were held inapplicable here, then the federal intelligence machine would literally enjoy unchecked discretion.

Here federal agents wish to rummage for months on end through every conversation, no matter how intimate or personal, carried over selected telephone lines simply to seize those few utterances which may add to their sense of the pulse of a domestic underground.

We are told that one national security wiretap lasted for 14 months and monitored over 900 conversations. Senator Edward Kennedy found recently that "warrantless devices accounted for an average of 78 to 209 days of listening per device, as compared with a 13-day per device average for those devices installed under court order."[3] He concluded that the Government's revelations posed "the frightening possibility that the conversations of untold thousands of citizens of this country are being monitored on secret devices which no judge has authorized and which may remain in operation for months and perhaps years at a time."[4] Even the most innocent and random caller who uses or telephones into a tapped line can become a flagged number in the Government's data bank. See *Laird* v. *Tatum*, 1971 Term, No. 71–288.

Such gross invasions of privacy epitomize the very evil to which the Warrant Clause was directed. This Court has been the unfortunate witness of the hazards of police intrusions which did not receive prior sanction by independent magistrates. For example, in *Weeks* v. *United States, supra; Mapp* v. *Ohio*, 367 U.S. 643; and *Chimel* v. *California, supra,* entire homes were ransacked pursuant to warrentless searches. Indeed, in *Kremen* v. *United States*, 353 U.S. 346, the *entire contents* of a cabin, totalling more than 800 items (such as "1 Dish Rag")[5] were seized incident to an arrest of its occupant and were taken to San Francisco for study by FBI agents. In a similar case, *Von Cleef* v. *New Jersey*, 395 U.S. 814, police, without a warrant, searched an arrestee's house for three hours, eventually seizing "several thousand articles, including books, magazines, catalogues, mailing lists, private correspondence (both open and unopened), photographs, drawings, and film." *Id.*, 815. In *Silverthorne Lumber Co.* v. *United States*, 251 U.S. 385, federal agents "without a shadow of authority" raided the offices of one of the petitioners (the proprietors of which had earlier been jailed) and "made a clean sweep of all the books, papers, and documents found there." Justice Holmes, for the Court, termed this tactic an "outrage." *Id.*, 385, 390, 391. In *Stanford* v. *Texas*, 379 U.S. 476, state police seized more than 2,000 items of literature, including the writings of Mr. Justice Black, pursuant to a general search warrant issued to inspect an alleged subversive's home.

That "domestic security" is said to be involved here does not draw this case outside the mainstream of Fourth Amendment law. Rather, the recurring desire of reigning officials to employ dragnet techniques to intimidate their critics lies at the core of that prohibition. For it was such excesses as the use of general warrants and the writs of assistance that led to the ratification of the Fourth Amendment. In *Entick* v. *Carrington*, 19 How. St. Tr. 1029, decided in 1765, one finds a striking parallel to the executive warrants utilized here. The Secretary of State had issued general executive warrants to his messengers authorizing them to roam about and to seize libel and libellants of the sovereign. Entick, a critic of the Crown, was the victim of one such general search during which his seditious publications were impounded. He brought a successful damage action for trespass against the messengers. The verdict was sustained on appeal Lord Camden wrote that if such sweeping tactics were validated then "the secret cabinets and bureaus of every subject in this kingdom will be thrown open to the search and inspection of a messenger, whenever the secretary of state shall think fit to charge, or even to suspect, a person to be the author, printer, or publisher of a seditious libel." *Id.*, 1063. In a related and similar proceeding, *Wilkes* v. *Wood*, 9 How. St. Tr. 1153, 1167, a false imprisonment suit, the same judge who presided over Entick's appeal held for another victim of the same despotic practice, saying "to enter a man's house by virtue of a nameless warrant, in order to procure evidence, is worse than the Spanish Inquisition. . . ." As early as *Boyd* v. *United States*, 116 U.S. 616, 626, and as recently as *Stanford* v. *Texas, supra,* at 485–486; *Berger* v. *New York*, 388 U.S. 41, 50; and *Coolidge* v. *New Hampshire, supra,* at 455, n. 9, the tyrannical invasions described and assailed in Entick and Wilkes, practices which also were endured by the colonists,[6] have been recognized as the primary abuses which ensued the Warrant Clause a prominent place in our Bill of Rights. See J. Landynski, Search and Seizure and the Supreme Court 28–48 (1966). N. Lasson, The History And Development Of The Fourth Amendment To The United States Constitution 43–78 (1937); Note, Warrantless Searches In Light of *Chimel*: A Return To The Original Understanding, 11 Ariz. L. Rev. 455, 460–476 (1969).

As illustrated by a flood of cases before us this Term, *e. g., Laird* v. *Tatum*, No. 71–288; *Gelbard* v. *United States*, No. 71–110; *United States* v. *Egan*, No. 71–263; *United States* v. *Caldwell*, No. 70–57; *United States* v. *Gravel*, No. 71–1026; *Kleindienst* v. *Mandel*, No. 71–16; we are currently in the throes of another national seizure of paranoia, resembling the hysteria which surrounded the Alien and Sedition Acts, the Palmer Raids, and the McCarthy era. Those who register dissent or who petition their governments for redress are subjected to scrutiny by grand juries,[7] by the FBI,[8] or even by the military.[9] Their associates are interrogated. Their homes are bugged and their telephones are wiretapped. They are befriended by secret government informers.[10] Their patriotism and loyalty are questioned.[11] Senator Sam Ervin, who has chaired hearings on military surveillance of civilian dissidents, warns that "it is not an exaggeration to talk in terms of hundreds of thousands of . . . dossiers."[12] Senator Kennedy, as mentioned *supra,* found "the frightening possibility that the conversations of untold thousands are being monitored on secret devices." More than our privacy is implicated. Also, at stake is the reach of the Government's power to intimidate its critics.

When the Executive attempts to excuse these tactics as essential to its defense

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Footnotes at end of article.

against internal subversion, we are obliged to remind it, without apology, of this Court's long commitment to the preservation of the Bill of Rights from the corrosive environment of precisely such expedients.[13] As Justice Brandeis said, concurring in *Whitney* v. *California,* "those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty." Chief Justice Warren put it this way in *United States* v. *Robel,* 389 U.S. 258, 264: "[T]he concept of 'national defense' cannot be deemed an end in itself, justifying any . . . power designed to protect such a goal. Implicit in the term 'national defense' is the notion of defending those values and ideas which set this nation apart. . . . It would be indeed ironic if, in the name of national defense, we would sanction the subversion of . . . those liberties . . . which make the defense of the Nation worthwhile."

The Warrant Clause has stood as a barrier against intrusions by officialdom into the privacies of life. But if that barrier were lowered now to permit suspected subversives most intimate conversations to be pillaged then why could not their abodes or mail be secretly searched by the same authority? To defeat so terrifying a claim of inherent power we need only stand by the enduring values served by the Fourth Amendment. As we stated last Term in *Coolidge* v. *New Hampshire,* 403 U.S. 443, 455: "In times of unrest, whether caused by crime or racial conflict or fear of internal subversion, this basic law and values that it represents may appear unrealistic or 'extravagant' to some. But the values were those of authors of our fundamental constitutional concepts. In times not altogether unlike our own they won . . . a right of personal security against arbitrary intrusions . . . . If times have changed, reducing every man's scope to do as he pleases in an urban and industrial world, the changes have made the values served by the Fourth Amendment more, not less, important." We have as much or more to fear from the erosion of our sense of privacy and independence by the omnipresent electronic ear of the Government as we do from the likelihood that fomenters of domestic upheaval will modify our form of governing.[14]

FOOTNOTES

[1] *Coolidge* v. *New Hampshire,* 403 U.S. 443, 455; *McDonald* v. *United States,* 335 U.S. 451, 456; *Chimel* v. *California,* 395 U.S. 756; *United States* v. *Jeffers,* 342 U.S. 48, 51.

[2] See *Bivens* v. *Six Unknown Agents of the Federal Bureau of Narcotics,* 403 U.S. 388.

[3] Letter from Senator Edward Kennedy to Members of the Subcommittee on Administrative Procedure and Practice of the Senate Judiciary Committee, Dec. 17, 1971, p. 2. Senator Kennedy included in his letter a chart comparing court-ordered and department-ordered wiretapping and bugging by federal agencies. This chart is reproduced in the Appendix to this opinion. For a statistical breakdown by duration, location, and implementing agency, of the 1,042 wiretap orders issued in 1971 by state and federal judges, see Administrative Office of the United States Courts, Report on Applications for Orders Authorizing or Approving the Interception of Wire or Oral Communications (1972); The Washington Post, May 14, 1972, at A29, col. 8.

[4] Kennedy, *op. cit.,* 2–3. See also H. Schwartz, A Report on the Costs and Benefits of Electronic Surveillance (1971); Schwartz, The Legitimation of Electronic Eavesdropping: The Politics of "Law and Order," 67 Mich. L. Rev. 455 (1969).

[5] For a complete itemization of the objects seized, see the Appendix to *Kremen* v. *United States,* 353 U.S. 346, 349.

[6] On this side of the Atlantic, the validity of general search warrants centered around the writs of assistance which were used by customs officers for the detection of smuggled goods." N. Lasson, The History and Development Of The Fourth Amendment To The United States Constitution 51 (1937). In February 1761, all writs expired six months after the death of George II and Boston merchants petitioned the Superior Court in opposition to the granting of any new writs. The merchants were represented by James Otis, Jr., who later became a leader in the movement for independence.

"Otis completely electrified the large audience in the court room with his denunciation of England's whole policy toward the Colonies and with his arguments against general warrants. John Adams, then a young man less than twenty-six years of age and not yet admitted to the bar, was a spectator, and many years later described the scene in these oftquoted words: 'I do say in the most solemn manner, that Mr. Otis's oration against the Writs of Assistance breathed into this nation the breath of life.' He 'was a flame of fire! Every man of a crowded audience appeared to me to go away, as I did, ready to take arms against Writs of Assistance. Then and there was the first scene of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born. In 15 years, namely in 1776, he grew to manhood, and declared himself free.' " N. Lasson, *supra,* 58–59.

[7] See Donnor & Cerruti, The Grand Jury Network: How the Nixon Administration Has Secretly Perverted A Traditional Safeguard Of Individual Rights, 214 The Nation 5 (1972). See also *United States* v. *Caldwell,* 1971 Term, No. 70–57; *United States* v. *Gravel,* 1971 Term, No. 71–1026; *Parnas* v. *United States,* and *United States* v. *Egan,* 1971 Term, Nos. 71–110 and 71–263. And see N.Y. Times, July 15, 1971, at 6, col. 1 (grand jury investigation of N.Y. Times staff who published the Pentagon Papers).

[8] *E.g.,* N.Y. Times, April 12, 1970, at 1, col. 1 ("U.S. To Tighten Surveillance of Radicals"); N.Y. Times, Dec. 14, 1969, at 1, col. 1 ("F.B.I.'s Informants and Bugs Collect Data On Black Panthers"); The Washington Post, May 12, 1972, at D21, col. 5 ("When the FBI Calls, Everybody Talks"); The Washington Post, May 16, 1972, at B15, col. 5 ("Black Activists Are FBI Targets"); The Washington Post, May 17, 1972, at B13, col. 5 ("Bedroom Peeking Sharpens FBI Files"). And, concerning an FBI investigation of Daniel Schorr, a television correspondent critical of the Government, see N.Y. Times, Nov. 11, 1971, at 95, col. 4; and N.Y. Times, Nov. 12, 1971 at 13, col. 1. For the wiretapping and bugging of Dr. Martin Luther King by the FBI. See V. Navesky, Kennedy Justice 135–155 (1971). For the wiretapping of Mrs. Eleanor Roosevelt and John L. Lewis by the FBI see Theoharis & Meyer, The "National Security" Justification For Electronic Eavesdropping: An Elusive Exception, 14 Wayne L. Rev. 749, 760–761 (1968).

[9] See *Laird* v. *Tatum,* 1971 Term, No. 71–288; See also Federal Data Banks, Computers and the Bill of Rights, Hearings before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee, 92d Cong., 1st Sess. (1971); N.Y. Times, Feb. 29, 1972, at 1, col 4.

[10] "Informers have been used for national security reasons throughout the twentieth century. They were deployed to combat what were perceived to be an internal threat from radicals during the early 1920's. When fears began to focus on Communism, groups thought to have some connection with the Communist Party were heavily infiltrated. Infiltration of the Party itself was so intense that one former FBI agent estimated a ratio of one informant for every 5.7 members in 1962. More recently, attention has shifted to militant antiwar and civil rights groups. In part because of support for such groups among university students throughout the country, informers seem to have become ubiquitous on campus. Some insight into the scope of the current use of informers was provided by the Media Papers, FBI documents stolen in early 1971 from a Bureau office in Media, Pennsylvania. The papers disclose FBI attempts to infiltrate a conference of war resisters at Haverford College in August 1969, and a convention of the National Association of Black Students in June 1970. They also reveal FBI endeavors 'to recruit informers, ranging from bill collectors to apartment janitors, in an effort to develop constant surveillance in black communities and New Left organizations' [N.Y. Times, April 8, 1971, at 22, col. 1]. In Philadelphia's black community, for instance, a whole range of buildings including office of the Congress of Racial Equality, the Southern Christian Leadership Conference [and] the Black Coalition' [*ibid.*] was singled out for surveillance by building employees and other similar informers working for the FBI." Note, Developments In The Law—The National Security Interest and Civil Liberties, 85 Harv. L. Rev. 1130, 1272–1273 (1972). For accounts of the impersonation of journalists by police, FBI agents and soldiers in order to gain the confidences of dissidents, see Press Freedoms Under Pressure, Report of the Twentieth Century Fund Task Force on the Government and the Press 29–34, 86–97 (1972). For the revelation of Army infiltration of political organizations and spying on Senators, Governors and Congressmen, see Federal Data Banks, Computers and the Bill of Rights, Hearings before the Subcom. on Constitutional Rights of the Senate Comm. on the Judiciary, 92d Cong., 1st Sess. (1971) (discussed in my dissent from the denial of certiorari in *Williamson* v. *United States,* 405 U.S. ——). Among the Media Papers was the suggestion by the F.B.I. that investigation of dissidents be stepped up in order to "enhance the paranoia endemic in these circles and [to] further serve to get the point across that there is an FBI agent behind every mailbox." N.Y. Times, March 25, 1971, at 33, col. 1.

[11] *E. g.,* N. Y. Times, Feb. 8, 1972, at 1, col. 8 (Senate peace advocates said, by presidential adviser, to be aiding and abetting the enemy).

[12] *Amicus curiae* brief submitted by Senator Sam Ervin in *Laird* v. *Tatum,* 1971 Term, No. 71–288, at 8.

[13] *E. g., New York Times Co. v. United States,* 403 U. S. 713; *Powell* v. *McCormick,* 395 U. S. 486; *United States* v. *Robel,* 389 U. S. 258, 264; *Aptheker* v. *Secretary of State,* 378 U. S. 500; *Baggett* v. *Bullitt,* 377 U. S. 372; *Youngstown Sheet & Tube Co.* v. *Sawyer,* 343 U. S. 579; *Duncan* v. *Kahnamoky,* 327 U. S. 304; *White* v. *Steer,* 327 U. S. 304; *De Jonge* v. *Oregon,* 299 U. S. 353, 365; *Ex parte Milligan,* 4 Wall. 2; *Mitchell* v. *Harmony,* 13 How. 115. Note, the "National Security Wiretap": Presidential Prerogative or Judicial Responsibility, 45 So. Cal. L. Rev. 888, 907–912 (1972).

[14] I continue in my belief that it would be extremely difficult to write a search warrant specifically naming the particular conversations to be seized and therefore any such attempt would amount to a general warrant, the very abuse condemned by the Fourth Amendment. As I said in *Osborn* v. *United States,* 385 U. S. 323, 353: "Such devices lay down a dragnet which indiscriminately sweeps in all conversations within its scope, without regard to the nature of the conversations, or the participants. A warrant authorizing such devices is no different from the general warrants the Fourth Amendment was intended to prohibit."

APPENDIX TO OPINION OF DOUGLAS, J.—FEDERAL WIRETAPPING AND BUGGING 1969–70

	Court-ordered devices		Executive-ordered devices		
				Days in use	
Year	Number	Days in use	Number	Minimum (rounded)	Maximum (rounded)
1969	30	462	94	8,100	20,800
1970	180	2,363	113	8,100	22,600

	Ratio of days used Executive ordered: Court ordered		Average days in use per device		
			Court-ordered devices	Executive-ordered devices	
Year	Minimum	Maximum		Minimum	Maximum
1969	[1] 17.5	[1] 45.0	15.4	86.2	221.3
1970	3.4	9.6	13.1	71.7	200.0

[1] Ratios for 1969 are less meaningful than those for 1970, since court-ordered surveillance program was in its initial stage in 1969

Source:
(1) Letter from Assistant Attorney General Robert Mardian to Senator Edward M. Kennedy, Mar. 1, 1971. Source figures withheld at request of Justice Department.
(2) 1969 and 1970 Reports of Administrative Office of U.S. Courts.

UNITED STATES, PETITIONER, v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION, ET AL

[Supreme Court of the United States, No. 70-153, on Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit, June 19, 1972]

Mr. JUSTICE WHITE, concurring in the judgment.

This case arises out of a two-count indictment charging conspiracy to injure and injury to Government property. Count I charged Robert Plamondon and two codefendants with conspiring with a fourth person to injure Government property with dynamite. Count II charged Plamondon alone with dynamiting and injuring Government property in Ann Arbor, Michigan. The defendants moved to compel the United States to disclose, among other things, any logs and records of electronic surveillance directed at them, at unindicted coconspirators, or at any premises of the defendants or coconspirators. They also moved for a hearing to determine whether any electronic surveillance disclosed had tainted the evidence on which the grand jury indictment was based and which the Government intended to use at trial. They asked for dismissal of the indictment if such taint were determined to exist. Opposing the motion, the United States submitted an affidavit of the Attorney General of the United States disclosing that "[t]he defendant Plamondon has participated in conversations which were overheard by Government agents who were monitoring wiretaps which were being employed to gather intelligence information deemed necessary to protect the Nation from attempts of domestic organizations to attack and subvert the existing structure of the Government," the wiretaps having been expressly approved by the Attorney General. The records of the intercepted conversations and copies of the memorandum reflecting the Attorney General's approval were submitted under seal and solely for the Court's *in camera* inspection.[1]

As characterized by the District Court, the position of the United States was that the electronic monitoring of Plamondon's conversations without judicial warrant was a lawful exercise of the power of the President to safeguard the national security. The District Court granted the motion of defendants, holding that the President had no constitutional power to employ electronic surveillance without warrant to gather information about domestic organizations. Absent probable cause and judicial authorization, the challenged wiretap infringed Plamondon's Fourth Amendment rights. The court ordered the Government to disclose to defendants the records of the monitored conversations and directed that a hearing be held to determine the existence of taint either in the indictment or in the evidence to be introduced at trial.

The Government's petition for mandamus to require the District Court to vacate its order was denied by the Court of Appeals. 444 F. 2d 651 (1971). That court held that the Fourth Amendment barred warrantless electronic surveillance of domestic organizations even if at the direction of the President. It agreed with the District Court that because the wiretaps involved were therefore constitutionally infirm, the United States must turn over to defendants the records of overheard conversations for the purpose of determining whether the Government's evidence was tainted.

I would affirm the Court of Appeals but on the statutory ground urged by respondent Keith (Brief, p. 115) without reaching or intimating any views with respect to the constitutional issue decided by both the District Court and the Court of Appeals.

Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 82 Stat. 212, 18 U.S.C. §§ 2510–2520, forbids under pain of criminal penalties and civil actions for damages any wiretapping or eavesdropping not undertaken in accordance with specified procedures for obtaining judicial warrants authorizing the surveillance. Section 2511(1) establishes a general prohibition against electronic eavesdropping "except as otherwise specifically provided" in the statute. Later sections provide detailed procedures for judicial authorization of official interceptions of oral communications; when these procedures are followed the interception is not subject to the prohibitions of § 2511(1). Section 2511(2), however, specifies other situations in which the general prohibitions of § 2511(1) do not apply. In addition, § 2511 (3) provides that

"Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1103; 47 U.S.C. § 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any clear and present danger to the structure or existence of the Government. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power."

It is this subsection that lies at the heart of this case.

The interception here was without judicial warrant, it was not covered by the provisions of § 2511 (2) and it is too clear for argument that it is illegal under § 2511 (1) unless it is saved by § 2511 (3). The majority asserts that § 2511 (3) is a "disclaimer" but not an "exception." But however it is labeled, it is apparent from the face of the section and its legislative history that if this interception is one of those described in § 2511 (3), it is not reached by the statutory ban on unwarranted electronic eavesdropping.[2]

The defendants in the District Court moved for the production of the logs of any electronic surveillance to which they might have been subjected. The Government responded that conversations of Plamondon had been intercepted but took the position that turnover of surveillance records was not necessary because the interception complied with the law. Clearly, for the Government to prevail it was necessary to demonstrate first that the interception involved was not subject to the statutory requirement of judicial approval for wiretapping because the surveillance was within the scope of § 2511 (3); and, secondly, if the Act did not forbid the warrantless wiretap, that the surveillance was consistent with the Fourth Amendment.

The United States has made no claim in this case that the statute may not constitutionally be applied to the surveillance at issue here.[3] Nor has it denied that to comply with the Act the surveillance must either be supported by a warrant or fall within the bounds of the exceptions provided by § 2511 (3). Nevertheless, as I read the opinions of the District Court and the Court of Appeals, neither court stopped to inquire whether the challenged interception was illegal under the statute but proceeded directly to the constitutional issue without adverting to the time-honored rule that courts should abjure constitutional issues except where necessary to decision of the case before them. *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 346–347 (1936) (concurring opinion). Because I conclude that on the record before us the surveillance undertaken by the Government in this case was illegal under the statute itself, I find it unnecessary, and therefore improper, to consider or decide the constitutional questions which the courts below improvidently reached.

The threshold statutory question is simply put: Was the electronic surveillance undertaken by the Government in this case a measure deemed necessary by the President to implement either the first or second branch of the exception carved out by § 2511(3) to the general requirement of a warrant?

The answer, it seems to me, must turn on the affidavit of the Attorney General offered by the United States in opposition to defendants' motion to disclose surveillance records. It is apparent that there is nothing whatsoever in this affidavit suggesting that the surveillance was undertaken within the first branch of the § 2511(3) exception, that is, to protect against foreign atack, to gather foreign intelligence or to protect national security information. The sole assertion was that the monitoring at issue was employed to gather intelligence information "deemed necessary to protect the Nation from attempts of domestic organizations to attack and subvert the existing structure of the Government." App. 20.

Footnotes at end of article.

Neither can I conclude from this characterization that the wiretap employed here fell within the exception recognized by the second sentence of § 2511(3); for it utterly fails to assume responsibility for the judgment that Congress demanded: that the surveillance was necessary to prevent overthrow by force or other unlawful means or that there was any other clear and present danger to the structure or existence of the Government. The affidavit speaks only of attempts to attack or subvert; it makes no reference to force or unlawfulness; it articulates no conclusion that the attempts involved any clear and present danger to the existence or structure of the Government.

The shortcomings of the affidavit when measured against § 2511(3) are patent. Indeed, the United States in oral argument conceded no less. The specific inquiry put to Government counsel was: "[D]o you think the affidavit, standing alone, satisfies the Safe Streets Act?" The Assistant Attorney General answered "No sir, we do not rely upon the affidavit itself. . . ." Tr. of Oral Arg., p. 15.[4]

Government counsel, however, seek to save their case by reference to the *in camera* exhibit submitted to the District Court to supplement the Attorney General's affidavit.[5] It is said that the exhibit includes the request for wiretap approval submitted to the Attorney General, that the request asserted the need to avert a clear and present danger to the structure and existence of the Government, and that the Attorney General endorsed his approval on the request.[6] But I am unconvinced the mere endorsement of the Attorney General on the request for approval submitted to him must be taken as the Attorney General's own opinion that the wiretap was necessary to avert a clear and present danger to the existence or structure of the Government when in an affidavit later filed in court and specifically characterizing the purposes of the interception and at least impliedly the grounds for his prior approval, the Attorney General said only that the tap was undertaken to secure intelligence thought necessary to protect against attempts to attack and subvert the structure of Government. If the Attorney General's approval of the interception is to be given a judicially cognizable meaning different from the meaning he seems to have ascribed to it in his affidavit filed in court, there obviously must be further proceedings in the District Court.

Moreover, I am reluctant myself to proceed in the first instance to examine the *in camera* material and either sustain or reject the surveillance as a necessary measure to avert the dangers referred to in § 2511 (3). What Congress excepted from the warrant requirement was a surveillance which *the President* would assume responsibility for deeming an essential measure to protect against clear and present danger. No judge can satisfy this congressional requirement.

Without the necessary threshold determination, the interception is, in my opinion, contrary to the terms of the statute and subject therefore to the prohibition contained in § 2515 against the use of the fruits of the warrantless electronic surveillance as evidence at any trial.[7]

There remain two additional interrelated reasons for not reaching the constitutional issue. First, even if it were determined that the Attorney General purported to authorize an electronic surveillance for purposes exempt from the general provisions of the Act there would remain the issue whether his discretion was properly authorized. The United States concedes that the act of the Attorney General authorizing a warrantless wiretap is subject to judicial review to some extent. Brief for the United States, pp. 21–23, and it seems improvident to proceed to constitutional questions until it is determined that the Act itself does not bar the interception here in question

Second, and again on the assumption that the surveillance here involved fell within the exception provided by § 2511(3), no constitutional issue need be reached in this case if the fruits of the wiretap were inadmissible on statutory grounds in the criminal proceedings pending against respondent Plamondon. Section 2511(3) itself states that "[t]he contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding *only* where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power." (Emphasis added.) There has been no determination by the District Court that it would be reasonable to use the fruits of the wiretap against Plamondon or that it would be necessary to do so to implement the purposes for which the tap was authorized.

My own conclusion, again, is that as long as nonconstitutional, statutory grounds for excluding the evidence or its fruits have not been disposed of it is improvident to reach the constitutional issue.

I would thus affirm the judgment of the Court of Appeals unless the Court is prepared to reconsider the necessity for an adversary, rather than an *in camera*, hearing with respect to taint. If *in camera* proceedings are sufficient and no taint is discerned by the judge, this case is over, whatever legality of the tap.

FOOTNOTES

[1] The Attorney General's affidavit concluded:

"I certify that it would prejudice the national interest to disclose the particular facts concerning these surveillances other than to the court *in camera*. Accordingly, the sealed exhibit referred to herein is being submitted solely for the court's *in camera* inspection and a copy of the sealed exhibit is not being furnished to the defendants. I would request the court, at the conclusion of its hearing on this matter, to place the sealed exhibit in a sealed envelope and return it to the Department of Justice where it will be retained under seal so that it may be submitted to any appellate court that may review this matter." App. 20–21.

[2] I cannot agree with the majority's analysis of the import of § 2511 (3). Surely, Congress meant at least that if a court determined that in the specified circumstances the President could constitutionally intercept communications without a warrant, the general ban of § 2511 (1) would not apply. But the limitation on the applicability of § 2511 (1) was not open-ended; it was confined to those situations which § 2511 (3) specifically described. Thus, even assuming the constitutionality of a warrantless surveillance authorized by the President to uncover private or official graft forbidden by federal statute, the interception would be illegal under § 2511 (1) because it is not the type of presidential action saved by the Act by the provision of § 2511 (3). As stated in the text and footnote 3, the United States does not claim that Congress is powerless to require warrants for surveillances which the President otherwise would not be barred by the Fourth Amendment from undertaking without a warrant.

[3] See the Transcript of Oral Argument in this Court, pp. 13–14:

"Q. . . . I take it from your answer that Congress could forbid the President from doing what you suggest he has the power to do in this case?

"Mr. Mardian [Assistant Attorney General]: That issue is not before this Court——

"Q. Well, I would—my next question will suggest that it is. Would you say, though, that Congress could forbid the President?

"Mr. Mardian: I think under the rule announced by this court in *Colony Catering* that within certain limits the Congress could severely restrict the power of the President in this area.

"Q. Well, let's assume Congress says, then, that the Attorney General, or the President may authorize the Attorney General in specific situations to carry out electronic surveillance if the Attorney General certifies that there is a clear and present danger to the security of the United States?

"Mr. Mardian: I think that Congress has already provided that, and——

"Q. Well, would you say that Congress would have the power to limit surveillances to situations where those conditions were satisfied?

"Mr. Mardian: Yes, I would—I would concur in that, Your Honor."

A colloquy appearing in the debates on the bill, appearing at Cong. Rec. Vol. 114, Pt. 11, pp. 14,750–14,751, indicates that some Senators considered § 2511 (3) as merely stating an intention not to interfere with the constitutional powers which the President might otherwise have to engage in warrantless electronic surveillance. But the Department of Justice, it was said, participated in the drafting of § 2511 (3) and there is no indication in the legislative history that there was any claim or thought that the supposed powers of the President reached beyond those described in the section. In any case, it seems clear that the congressional policy of noninterference was limited to the terms of § 2511 (3).

[4] See also Transcript of Oral Argument, p. 17:

"Q. [I]f all the *in camera* document contained was what the affidavit contained, it would not comply with the Safe Streets Act?

"Mr. Mardian: I would concur in that, Your Honor."

[5] The Government appears to have shifted ground in this respect. In its initial brief to this Court, the Government quoted the Attorney General's affidavit and then said, without qualification, "These were the grounds upon which the Attorney General authorized the surveillance in the present case." Brief for the United States, p. 21. Moreover, counsel for the Government stated at oral argument "that the *in camera* submission was not intended as a justification for the authorization, but simply [as] a proof of the fact that the authorization had been granted by the Attorney General of the United States, over his own signature." Tr. of Oral Arg., pp. 6–7.

Later at oral argument, however, the Government said: "[T]he affidavit was never intended as the basis for justifying the surveillance in question . . . . The justification, and again I suggest that it is only a partial justification, is contained in the *in camera* exhibit which was submitted to Judge Keith . . . . We do not rely upon the affidavit itself but the *in camera* exhibit." Tr. of Oral Arg., at pp. 14–15. And in its reply brief, the Government says flatly: "These [*in camera*] documents, and not the affidavit, are the proper basis for determining the ground upon which the Attorney General acted." Reply Brief for the United States, p. 9.

[6] Procedures in practice at the time of the request here in issue apparently resulted in the Attorney General merely countersigning a request which asserted a need for a wiretap. We are told that under present procedures the Attorney General makes an express written finding of clear and present danger to the structure and existence of the Government before he authorizes a tap. Tr. of Oral Arg., pp. 17–18.

[7] "Whenever any wire or oral communication has been intercepted, no part of the con-

tents of such communication and no evidence derived therefore may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, or a political subdivision thereof if the disclosure of that information would be in violation of this chapter." 18 U.S.C. § 2515.

ADDITIONAL STATEMENTS

ACCOMPLISHMENTS AT STOCKHOLM CONFERENCE ON HUMAN ENVIRONMENT

Mr. BAKER. Mr. President, in a speech I delivered on the floor of the Senate last week, I listed what I considered to be the 12 most significant accomplishments of the United Nations Conference on the Human Environment, just concluded in Stockholm. Many of those accomplishments, after consideration by the U.N. General Assembly this fall, will require action by the Senate in the form of treaty ratification or appropriations.

In anticipation of this fact, several Senators—Mr. ALLOT, Mr. BUCKLEY, Mr. CASE, Mr. MAGNUSON, Mr. MOSS, Mr. NELSON, Mr. PELL, and Mr. WILLIAMS—were asked to attend as advisers and delegates for the United States at the Conference. Although all of the Members of the Senate who participated at Stockholm deserve the praise of their colleagues, I want to mention specifically and commend the fine job done by Senators CASE and MAGNUSON, who were selected as the leaders of the senatorial delegation. Their expertise in the areas of foreign relations and international commerce, in addition to their keen sense of environmental awareness, was of immeasurable value to the entire U.S. delegation in its efforts to bring about a successful Conference.

When the Senate begins its consideration of many of the measures adopted at Stockholm, I look forward to the same type of leadership from Senators CASE and MAGNUSON at home, that they exhibited so well abroad, and I hope that together we might gain the support of the Senate for the spirit of action to respect, preserve, and protect the environment, the spirit which was begun at Stockholm.

OBSERVATIONS OF TOM DOWLING ON THE CURT FLOOD CASE

Mr. ERVIN. Mr. President, the noted sportswriter Tom Dowling had some interesting observations on the recent decision of the Supreme Court in the Curt Flood case. These observations appeared in the Washington Evening Star for June 22 and June 25, 1972.

I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star, June 22, 1972]

FLOOD VERSUS KUHN: NOT THE COURT'S FINEST HOUR

(By Tom Dowling)

When the players themselves sound glum and apologetic for the game they've just played, you have to figure the sport involved is baseball. And sure enough that's the way the Supreme Court sounded in its 5–3 decision Monday siding with baseball in the Curt Flood case. It was the third time this century the court has had its fling with the National Pastime and it has yet to get the hang of the game.

Essentially, the issue before the court was whether baseball's reserve clause violates antitrust law because it imposes restraint of trade by denying ball players the right to sell their services on the open market.

An ancillary consideration was why baseball should be the sole American professional sport to be granted the special privilege of antitrust immunity as a result of the High Court's decision in Federal Baseball Club of 1922 and Toolson of 1953.

ASTOUNDING RULING

Monday's ruling was astounding on several counts.

In the first instance, all knowledgeable observers, including baseball's own lawyers, assumed that the court had agreed to hear Flood vs. Kuhn last October because it had distinct reservations over the wisdom of its earlier decisions conferring antitrust immunity on a game that becomes more and more business oriented with each passing year.

Secondly, there is no clear evidence that the present court is markedly less vigilant in upholding antitrust statutes than its predecessor, the Warren Court. Finally, the five justices who voted to reaffirm baseball's unique status were at best tepid in defense of their votes.

Writing for the majority—though two of his colleagues pointedly snubbed two-fifths of his opinion—Justice Harry Blackmun termed baseball's reserve clause exemption "an exception and an anomaly . . . an aberration." In a concurring opinion, Chief Justice Burger's most ringing defense of his own position was to note he had "grave reservations as to its correctness."

CHARITABLE INTERPRETATION

You would think that with friends like this the reserve clause hardly requires an enemy. Yet the indefensible carried the day, the unlikely and the illogical retains its age-old privileged sway. The obvious and disquieting explanation for baseball's triumph is that the court did not regard the clear if lucrative servitude of ballplayers as a very serious public issue.

In substance, Burger's opinion argues that the reserve clause is an awkward but hallowed custom best left to Congress to rectify.

Blackmun, on the other hand, asserts that Congress "positive inaction" over baseball's anomalous antitrust position implies legislative satisfaction with the status quo. This is surely one of the most charitable possible interpretations to account for Congress characteristically dropsical inactivity, a torpor that extends to almost every issue of public policy. Indeed, by a 5–2 majority the court repudiated Blackmun's thesis on this point. In sum, both the Blackmun and Burger opinion are copouts.

This is all the more disappointing since the chief institutional difference between the Supreme Court and the Congress is that the former is alive and working, while the latter has long ago forfeited any public confidence in its capacity to take decisive action.

While it is possible to make a persuasive case that inequities and even chaos might result should baseball be shorn of its reserve clause, the fact is that such consequences are no concern of the Supreme Court, which commands considerable respect for rigorously deciding matters on the basis of the law. Sadly enough, by its own acknowledgement the court eschewed that responsibility with Curt Flood. True, he is only an individual, but then the rights of a single man are the special majesty of the law.

CONSIDERABLE CONFUSION

Because the court's deliberations are held in secrecy it is impossible to determine exactly how the Flood decision was reached. However, some details have come to light, which may help explain why Flood vs. Kuhn was not the High Court's finest hour, was indeed a matter of considerable confusion.

Justice Lewis Powell, who heard the oral arguments last March, promptly disqualified himself from the case, apparently because he owns 880 shares of Anheuser-Busch stock, worth approximately $44,000 at the time Powell was appointed to the court. Since Gussie Busch owned not only the Budweiser brewery but also the St. Louis Cardinals, Powell clearly felt that his active participation in the Flood case would raise a possible conflict of interest.

That left eight votes. Informed sources close to the court say that the eight justices originally were split in conference 5–3, with Chief Burger on Flood's side and Justice Thurgood Marshall on baseball's side. This is entirely plausible since the Star has learned that Justice Potter Stewart assigned the majority opinion to Blackmun. This could only happen in the event the Chief Justice and the next two justices senior to Stewart, William Douglas and William Brennan, were in the minority, as was, in fact, the case.

So, after the opinion for the majority had been given to Blackmun, either Burger or Marshall switched his position on the case. That change would have meant a 4–4 deadlock, which in turn would mean that the court could render no decision whatsoever in the case. Given the considerable publicity surrounding Flood vs. Kuhn, such a standoff doubtless would prove embarrassing to the court. After all, why go to the lengths of reopening baseball's antitrust immunity only to leave the matter up in the air? For if the court failed to speak to Flood vs. Kuhn, another baseball player could test the legality of the reserve clause again in the courts.

RULING INSURED

The cost of the Flood litigation was around $100,000. This is a fair sum of money for the Major League Baseball Players Association to spend on still another suit against baseball with the possibility that the issue ultimately would return to the Supreme Court only to be left dangling again in irresolution.

Therefore, whichever justice—Burger or Marshall—abandoned the majority to create the 4–4 standoff, the remaining one then reportedly defected from the minority side to create the final 5–3 vote. Internal evidence would suggest that Burger, who as Chief Justice has a special concern if not proclivity for preserving the court's public image of efficiency, was the last switch, thus insuring a ruling even if it were of an intellectually disagreeable nature.

Such switches are by no means an uncommon practice at the court, where decisions frequently are the result of consensus politicking and independent re-examination of views. Yet, these reported shifts certainly imply a confused, even a Byzantine approach to the relatively cut and dried antitrust issue involved in Flood vs. Kuhn.

Perhaps the explanation lies in the almost mythical grip of baseball on the national consciences, especially among the generation now old enough to sit on the Supreme Court. How else can you view Monday's curious decision with its extralegal, sentimental qualities?

More on that Sunday.

[From the Washington Star, June 25, 1972]

QUAINT OPINION FROM THE COURT

(By Tom Dowling)

"The Supreme Court follows the election returns," drawled Mr. Dooley to Mr. Hennessy in 1901, when major league baseball was king. Nowadays, when the whole face of America has altered, it seems that the Supreme Court only follows the baseball standings—circa 1901.

Why, even Mr. Hennessy could tell that the court's 5–3 ruling last week against Curt Flood's challenge to the reserve clause says one thing with any particular clarity: We don't want to put any new-fangled asterisks in the baseball record book, whatever the rights of the case.

Baseball takes its special character from its turn of the century roll-call of mythic heroes, of big strapping farmboys abandoning their ploughs in the fields to journey to the burgeoning cities beyond the Appalachians—Pittsburgh, Cleveland, Cincinnati, St. Louis, Detroit, Chicago. The future was out West and, sure enough, St. Louis, the gateway city, had two ball clubs, as many as patrician Boston and merchantile Philadelphia.

Like the railroads, baseball was one of the sinews reminding us how the nation was tied together in the days of manifest destiny. And, if, like the railroads, baseball is now only a waning shadow of its former self no one wants to be reminded of that painful fact.

THE BIZZARRE PART

How else to account for the backward-looking majority opinion of Justice Harry Blackmun in the Flood case? Blackmun's opinion is divided into five parts, the first of which—judicially speaking, at least—is perhaps the most bizarre literally effort ever handed to the Supreme Court printers.

It is, in fact nothing less that a breathless hymnal to major league baseball—lyrical, devout, bombastic, yet oddly touching in its awkwardly Whitmanesque power to summon up the breadth of a vanished era.

Here is a small flavor of Blackmun's rhapsodical pre-Grantland Rice prose: "It is a century and a quarter since the New York Nine defeated the Knickerbockers 23–1 on Hoboken's Elysian Fields June 19, 1846, with Alexander Jay Cartwright as the instigator and the umpire. . . . And one recalls the appropriate reference to the 'World Series' attributed to Ring Lardner Sr., Ernest L. Thayer's 'Casey at the Bat,' the ring of 'Tinker to Evers to Chance,' and all the other happenings, habits and superstitions about and around baseball that made it the 'national pastime'. . . ."

Blackmun at his rhetorical peak gushes forth a list of no fewer than 88 heroic baseball players "celebrated for one reason or another, that have sparked the diamond and its environs and that have provided tinder for recaptured thrills, for reminiscence and comparisons and for conversation and anticipation in-season and off-season."

THE ANCIENT NAMES

The first names roll by as in some rich processional pageant of a cozier era: Ty, Goose, King, Big Dan, Wahoo Sam, Wee Willie, Iron Man, Three Finger, Smoky Joe, Chief, Dazzy, Cap, Nap, Stuffy, Zack, Eppa, Pie, Rube, Old Hoss, Rabbit and Lefty.

Yes, Good God, yes, this game is touched with a grandiose and venerable zaniness, a next-door-neighbor intimacy when baseball teams were special, made up of big-hearted men-children just like the butcher's boy, the carpenter's apprentice up the street, each with his own vivid moniker and derring-do you could never forget.

There is surely a place for mythic recollections. But in a Supreme Court opinion on antitrust law? It is hard to grasp why such romantic sentiments have anything to do with Curt Flood who came to the Supreme Court for equitable redress, not to hear rhapsodical encomiums on Cap Anson and Rabbit Maranville.

In that sense, it is noteworthy that Chief Justice Warren Burger and Justice Byron White, while joining in the 5–3 majority against Flood, specifically disassociated themselves from Blackmun's celebration of baseball. You have to speculate that Burger and White felt a trifle squeamish that a colleague assigned to deliver the majority opinion on a landmark baseball decision would begin with a preamble that even Commissioner Bowie Kuhn would be inclined to tone down for credibility's sake. Judicial impartiality blurs somewhat when the author wears his heart on his sleeve.

TOO LITTLE HEART

Yet, if Blackmun displayed too much heart for baseball's past the others who joined in the majority vote showed perhaps too little heart to face the issue of baseball's present.

It is hard to foresee any legislative response to the High Court's invitation to Congress to deal with the reserve system. What seems a more probable ramification is that the more hard-nosed baseball owners, a working majority already, will see the decision as a vindication of their point of view.

Bowie Kuhn has already issued a conciliatory sounding statement on the impact of the ruling on owner-player relations. But that does not mean that the owners, who have the real power, are going to take a moderately compromising tack with the Players Association over modifying the reserve clause. That would require considerably more foresight and even-handedness than the owners have ever demonstrated.

Indeed, with the fear of legal reprisal now removed by the Supreme Court, the owners may seek to further consolidate their gains by seeking to crush, or at least humble, the players' association during the next round of baseball negotiations. That could mean a baseball strike next year that would make this year's walkout seem a mere friendly misunderstanding.

Such a bitter labor-management showdown wouldn't have much to do with the baseball lore Harry Blackmun finds so appealing. But then today's game doesn't have much to do with the sport he and the court majority remember, either.

ROBERT E. LEE

Mr. BOGGS. Mr. President, last Friday the Senate passed H.R. 10595, which would change the official name of the Custis-Lee Mansion in Arlington National Cemetery to "Arlington House, the Robert E. Lee Memorial." I support this change for both its historical accuracy and the tribute it pays to this great American.

This legislation restores the house's original name, Arlington House. But it also takes note of the house's greatest historical value, the fact that it served as the home of Gen. Robert E. Lee for 3 years prior to the beginning of the War Between the States.

I am personally a great admirer of General Lee. I believe his life and career are examples of the highest qualities of statesmanship, and I am pleased that his name will be linked permanently with this landmark visited every year by millions of Americans.

General Lee was the founding father of the first chapter of Kappa Alpha Order at Washington College—now Washington and Lee—during his tenure as the school's president following the War Between the States. I was privileged to become a member of Kappa Alpha when I was a student at the University of Delaware, and I am proud of the association with the memory of Robert E. Lee which that membership has brought me.

THE PRESIDENT QUITS ON WELFARE REFORM

Mr. RIBICOFF. Mr. President, as yesterday's Washington Post editorial and today's New York Times editorial accurately indicate, President Nixon has made it clear that he does not wish to enact a welfare reform bill.

I am deeply disappointed that President Nixon does not wish to work with those of us in Congress seeking meaningful welfare reform. In the past the President has asked to be judged by his deeds, not his words. He has failed his own test—delivering words on welfare reform but little else. As a result of his lack of commitment to secure passage of reform legislation, the prospects for reforming our Nation's welfare mess are growing dimmer.

For some time it has been evident that the only possibility for enactment of worthwhile legislation lies in accommodation between those of us supporting improvements to H.R. 1 and the President.

I fail to understand how the President can say that moving in the direction of compromise is wrong on the merits. The fact is that in the past he has supported virtually every element of the proposed compromise bill.

In 1969 and 1970, President Nixon's welfare reform guaranteed benefits no lower than under the present system. Now he rejects that principle.

He agreed to optional work registration for mothers with preschool children. Now he rejects that principle.

He agreed to require State supplementation of families headed by unemployed males. Now he rejects that principle.

He agreed to job suitability provisions, eligibility based on current need, simplified, efficient administrative requirements. Now he rejects these principles.

In short, by rejecting an accommodation with those of us seeking meaningful reform, he is turning his back on all the principles he has supported in the past. He is left with H.R. 1—a regressive, inhumane, and unacceptable welfare bill. It should be obvious to him by now that there are no supporters for H.R. 1 as it passed the House. Not one Republican member of the Senate Finance Committee supported it. Instead, they supported a subpoverty make-work program, which is completely incompatible with the concepts of the family assistance plan.

A large group of Republicans and Democrats remain committed to passage of worthwhile welfare legislation. Without the President's support, however, welfare reform is dead.

I ask unanimous consent that the Washington Post and the New York Times editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington Post, June 25, 1972]

Presidential Politics and Welfare Reform

With his latest statement on welfare reform, President Nixon has finally made his game plan on this issue quite clear and it looks from here to be significantly more disastrous than the play he gave to the Redskins last December and substantially less well intentioned. Along with revenue sharing, some executive reorganization and one or two other legislative items, welfare reform was trumpeted as part of the President's New American Revolution. Then came the economic crisis last summer and with a grand gesture, he deferred this part of the Revolution to a later date. That gave some people a bit of pause about the seriousness of his intentions, but with many others, we gritted our teeth, waited for the rest of the story and hoped for the best.

The course of welfare reform has been tortuous and hazardous. First, the House took the President's proposals, added some harsh measures with the President's assent and sent the bill over to the tender hands of the Senate Finance Committee. Whereas the House-passed measure (H.R. 1) would have simply insured that a large number of the people now receiving benefits would receive less in the way of payments and food stamps, the bill fashioned by the Senate Finance Committee is draconian by comparison. The House passed bill at least had the virtue of embodying the humane principle of a cash floor under income. The Senate Committee, on the other hand, designed a weird forced make-work program which would trap both the government and welfare recipients into an untenable and costly relationship which would also endanger some of the fundamental freedoms of those in the program.

Senator Ribicoff, meanwhile attempted to fashion a bill which would retain the humane aspects of H.R. 1 while ensuring that no recipients would be hurt by the "reforms." While the Ribicoff plan picked up substantial support in the Senate, the argument that it was too costly threatened to impede its headway there. A compromise, embodying the Ribicoff safeguards, but which would cost the taxpayers less has been worked out and has the support of 19 Republican senators as well as the President's own Secretary of Health, Education and Welfare. Sophisticated nose counters believe that the original supporters of the Ribicoff measure plus those who could support the compromise promised a Senate majority for a rational and humane welfare reform measure.

The time thus had come for the President to move past rhetoric and to turn his cards up. Now, apparently, he has done that by telling us that he cannot support the compromise, because, among other reasons, he believes it "would not be in the interests of the welfare recipients themselves." Aside from being dead wrong on the facts—the Senate compromise would enhance benefits rather than cut them as would H.R. 1, which the President supports—the President has probably dealt a lethal blow to the meaningful welfare reform that he once assured us that he wanted. By undercutting the moderate Senate majority for the compromise plan, Mr. Nixon has either killed welfare reform entirely or given us the horrendous possibility of something that is a cross between H.R. 1 and the Senate Finance Committee bill.

In a word, then, Mr. Nixon's game plan seems to be to dump the whole thing—and blame it on Congress in the fall campaign. And that is a point to remember. For all the political rhetoric, it now seems clear that it is the coach himself and no one else who will be responsible for the death of any hope for real welfare reform.

[From the New York Times, June 25, 1972]

THE WELFARE SWAMP

President Nixon has made no contribution toward enactment of welfare reform by undercutting the efforts of a Senate coalition headed by Senator Ribicoff to correct defects in the bill already passed by the House.

From the time when the President first advanced his proposal for putting a Federal floor under family income nearly three years ago, the basic idea seemed to us an innovative and imaginative approach to solving the present catastrophic welfare program. Chairman Mills of the House Ways and Means Committee, after a long period of soul searching, twice succeeded in persuading the House to go along with this effort to erase the demeaning line between the working poor and those wholly dependent on public support.

In the Senate, however, the measure has been hammered into unrecognizability by the conservative majority in the Senate Finance Committee. It is about to report out an abomination that would make the existing welfare system even more degrading, costly and chaotic. Meanwhile, the ranks of Senators who ought to be stanch supporters of the original concept of welfare reform have been split by a wrecking campaign initiated by ultramilitants among welfare recipients, dissatisfied with any measure that fails to double or treble the already high cost of the House bill.

Senator Ribicoff has sought to repair the damage through months of conferences with Secretary Richardson of the Department of Health, Education and Welfare and other high Administration officials. Out of these talks came a compromise that would have vastly improved the House bill without departure from the principles originally enunciated by the President.

In essence, the compromise would raise the Federal income guarantee for a family of four from the House level of $2,400 a year to $2,600, a decidedly modest liberalization. Even more important, it would insure that adoption of the reform program would not mean a reduction in benefits for families now on the rolls. The plan also would entail more realistic provisions for moving welfare recipients into jobs and establish Federal administration of benefit payments.

This is a program that deserves Senate approval, but it is unlikely to prevail unless the President, modifying his present declared intention to stick with the House version, swings to active support of the Ribicoff compromise. The alternative is less likely to be passage of the House bill than the killing for this Congress of any real move to dredge the swamp that is welfare.

UNITED AIRLINES AND TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

Mr. DOLE. Mr. President, the elderly citizens of our Nation face many pervasive and complex problems, and the 1971 White House Conference on Aging identified transportation as one of the most pressing. In its report the conference stated: For many of the elderly, the lack of transportation itself is the problem; for others it is the lack of money for bus fares; the lack of available services to places they want and need to reach; the design and service features of our transportation systems.

Several modes of transportation are available to the elderly, chiefly automobiles, cabs, buses, and airlines. Many elderly citizens do have the financial resources to purchase or do own a car, but they are not able to drive themselves because they are physically handicapped. Cab service is expensive and often unreliable; bus service is often inconvenient for the elderly since the waiting periods are often lengthy—especially for intraurban travel—the fares are high, and the buses are often overcrowded.

The commercial airlines are one form of transportation which is utilized by elderly citizens for long distance travel, and the Nation's airlines offer many valuable free services to the disabled and the elderly. Airlines frequently provide escorts from the ticket area to the plane, arrangements can be made for early boarding of flights to avoid the crush and confusion of regular boarding operations, specific meals can be ordered to meet dietary requirements, airline personnel will often notify an elderly person's relatives or friends when and where the passenger will arrive, and wheelchairs are available in most terminal buildings. One carrier which offers such services and has an outstanding record in serving the elderly and the handicapped is United Air Lines. On Monday, June 12, the Federal Aviation Administration presented United Air Lines with a distinguished service award for its leadership in establishing methods and procedures to accommodate disabled and nonambulatory passengers.

John H. Shaffer, Administrator of the FAA, recently visited United's executive offices in Chicago to present this citation to Mr. Edward E. Carlson, president of United, and while there he also presented a silver medal to Mr. Robert G. Sampson, vice president, property central division, who is himself handicapped.

The citation to Mr. Carlson read:

> The distinguished service award goes to United Air Lines whose pioneering efforts in providing airline service tailored to the special needs of physically handicapped and elderly persons has immeasurably enhanced their ability to use and enjoy the benefits of air transportation. This airline's leadership in establishing methods and procedures to accommodate disabled and nonambulatory passengers is a corporate responsibility and compassion and deserves the gratitude of the entire aviation community.

Mr. President, I would hope that the beneficial services offered by United Air Lines to elderly and handicapped passengers will soon be offered not only by all airlines, but by other modes of transportation, as well.

CLINTON R. GUTERMUTH, A FRIEND OF WILDLIFE

Mr. CHURCH. Mr. President, at a time of growing appreciation of our interdependence on wildlife, we owe a particular debt of gratitude to those who seek to promote and protect our wildlife. The national interest in wildlife has, to some extent been recent, and those who pioneered this awakening to the value of wildlife deserve the special thanks of all Americans.

One such individual is Clinton Raymond Gutermuth, known to his many friends as "Pink" Gutermuth. His long and distinguished record as a conservationist and expert in wildlife management is nationally and even internationally known. As vice president of the Wildlife Management Institute for 26 years and as a member of the boards of directors of countless conservation organizations, "Pink" Gutermuth has made his mark as one who treasures our national and wildlife values.

This spring the University of Idaho selected Clinton R. Gutermuth to receive an honorary doctor of science degree. This award, signifying the recognition of both his contribution to wildlife and conservation on the national level and of his special contribution to the organization of the Idaho Cooperative Wildlife Research Unit, was given at graduation ceremonies at the university in Moscow, Idaho, on May 21, 1972.

I and other Idahoans owe a debt of thanks to Charles R. Gutermuth for his exemplary career in conservation and wildlife management. I know that Senators will want to join me in extending congratulations to "Pink" Gutermuth on the occasion of this award.

I ask unanimous consent that the citation conferred with the honorary doctor of science degree upon Charles R. Gutermuth be printed in the Record for the information of the Senate and those who are interested in wildlife and conservation.

There being no objection, the citation was ordered to be printed in the Record, as follows:

Clinton Raymond Gutermuth—Your contributions to conservation, wildlife management, and the education of the general public in these areas make us proud to welcome you to our fellowship of honorary alumni. A graduate of the American Institute of Banking, Notre Dame University in 1927, you, early in your career, opted to leave banking and commerce in favor of the interests of conservation in its broadest and best sense. From 1934 to 1942 as Director of Education and Director of Fish and Game for the State of Indiana, you establish a national and international reputation which led to your appointment in 1942 as Executive Secretary of the American Wildlife Institute. In 1946 you moved to the vice-presidency of the Wildlife Management Institute, a post which you held for 26 years until your retirement in 1971. A member or officer of countless boards of directors of various conservation agencies throughout the world, we in Idaho are in your debt for your special attention and help in the organization of the Idaho Cooperative Wildlife Research Unit and for your continuing attention to its needs and to its promotion. A frequent visitor to this campus and to this state, you had a major role in the 1952 study of Idaho's fish and game management program. This survey led directly to substantial improvement in the operation of the state's Fish and Game Commission and Department. Author, astute manager, educator, great good friend of all the world and its natural populations, your public honors are legion. To them the University of Idaho is proud to add its honorary degree Doctor of Science. This degree, by virtue of the authority vested in me by the Regents, I do now confer, together with all of its rights, privileges, and responsibilities.

A RECOMMITMENT TO HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, Senators are well aware of the practical implications of the Genocide Convention. A rational examination of the treaty reveals that it does not attempt to interfere with the domestic jurisdiction of sovereign nations, and would not jeopardize the constitutional rights of U.S. citizens.

I shall address myself, however, to the moral and philosophical questions which have been raised by this modest proposal. Supporters and opponents alike have been moved to consider this treaty as a statement on man's responsibility to his fellow man, on the responsibilities of governments to their citizens. I commend such lofty thinking; it is heartening to know that there are those who recognize the ever-increasing need for respect and cooperation among the world's people. As the earth becomes more crowded, the behavior of individuals and of nations must be based on ever higher and more humane standards.

President Kennedy eloquently expressed his awareness of this need when he said:

> The day-to-day unfolding of events makes it ever clearer that our own welfare is interrelated with the rights and freedoms assured the people of other nations . . . There is no society so advanced that it no longer needs periodic recommitment to human rights. The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny.

Mr. President, we have an opportunity to recommit ourselves to that basic belief in the sanctity of human life upon which our Nation was founded; we have an obligation to reaffirm our opposition to that desecration of human life which we have so often fought. I urge Senators to take advantage of this opportunity, to accept this obligation, and move for the immediate ratification of the Genocide Treaty.

STATEMENT OF SENATOR HARRIS BEFORE DEMOCRATIC PARTY PLATFORM COMMITTEE

Mr. HARRIS. Mr. President, yesterday I testified before the Platform Committee of the Democratic Party. Believing that the issues I raised then are relevant to the decisions confronting the Senate, as well, I ask unanimous consent that my statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Choice: Greater Individual Power or Greater Corporate and Governmental Power

Mr. Chairman: A few times in history—very few—party platforms have made a difference. Most often, they have re-worded the good intentions of four years before.

1968 was different in a key respect: the struggle over the issue of the Vietnam war—though the final platform provision had little meaning—nevertheless focused the attention of the nation and ourselves on the immorality and impracticality of our involvement in that war, made us see that the Democratic Party was fundamentally undemocratic, made us excrutiatingly aware that America was living on a level far below its ideals.

1972 could be a memorable year, as well. We might begin to put America back together again—across race, age, sex and regional lines—around fundamental issues and principles.

Re-read Jackson's words when he voted the bank renewal bill, Cleveland's message to Congress in 1888, the best of the Bryan's campaign oratory and Franklin Roosevelt's acceptance speech of 1936. These men spoke bluntly, and they sided with the people.

That is the lesson of the 1972 primaries. The centrists did not win. The people did not rally to the campaigns of the Muskies, the Humphreys, the Jacksons. The big winners in 1972 were George McGovern and George Wallace—a strange result to those accustomed to the old terms of "liberal" and "conservative." But in terms of power, in terms of the overriding sense of powerlessness which most Americans feel, the meaning of the McGovern and Wallace candidacies comes into focus. People want change. They do not like the way things are. They are dissatisfied with those who hold power and the way they use it.

George McGovern understood this best and offered the best alternatives—and his campaign succeeded best.

Foolish in the extreme are those—some are McGovern's friends who do not yet understand why this gentle man stirs up such enthusiasm; some are his enemies who still cannot figure out what it is he has—foolish are those who now counsel that McGovern's campaign must abandon its most appealing aspects—its honesty, its directness, its fundamental issues—and become centrist. Nonsense! For God's sake, a centrist is what we have in the White House right now—and look where that's gotten us!

Those who counselled the candidates of 1972 to avoid the American shame of race to speak only in vagueness, to look away from the deprivations of the poor and the privileges of the rich—these counsellors counselled their candidates to defeat.

Pandering to the baser fears and prejudices which lurk within us all is not what Presidents are for. Nor is finding out where the middle ground is and getting there as fast as one can. Presidents and presidential candidates—and political parties—have a higher duty, a duty to lead, to search out and gather up and shout forth a better vision of ourselves.

No Party can turn its back on black people or the problems of the central cities, no Party can refuse to stand up for the poor and hungry, no Party can fail to seek redress of inordinate imbalances in economic and political power without calling into serious question its reason for existing as a political party.

The success of the McGovern campaign should not surprise those who really believe in America and its people. While it may not be technically true, as Thomas Jefferson said, that "one man with courage is a majority," that man or woman will eventually *win over* the majority if right. To question that is to question whether our system will really work and whether people really are smart enough and decent enough to govern themselves.

I believe they are. And it is our job to give them a choice. If we do that, 1972 will come to be looked upon as the pivotal year in the long history of our nation.

The choice is between greater individual power or greater corporate and governmental power. The 1972 election should be decided on this issue.

Where is our sense of common struggle and shared ideals? Both the "hard hat" and the student look to us for that answer.

What does it mean to be an American in the last third of the 20th century? Both the jobless black teenage drop-out from a criminally ineffective school system and the white pulpwood cutter in Alabama who cannot feed his family want to know.

They know the *symptoms*—and so do we: rising alcoholism, increasing use of narcotics, alarming crime rates, growing violence and suicides and apathy. These *are* symptoms. They are not causes. They are symptoms—pathological symptoms—of a society in deep stress. The steelworker in Gary, the small farmer in Oklahoma, the Chicano mother in Los Angeles, the old person in Miami, the Native American in Arizona, the teacher in Cleveland, the garbage worker in New York—they all know what we *should* know. A little more housing, a little more food stamps, a few more summer jobs—though we need them all—will not do.

Deep down, they all know that America ought to be a place where every person has a right—not a matter of charity, but a *right* —to a decent share in things, and that America ought to be a country where we practice, at home and around the world, the human ideals we profess. They know that America *should* be that kind of country, that it *isn't*, that it *can* be.

It can be, if we will help make it so. Even a campaign can make a difference.

But the people cannot be rallied to a mere restatement of traditional liberalism, nor to a quantitative call for adding on to old programs. Reform is too circumscribed to bring about fundamental change if we will not deal with fundamentals.

The 1972 platform of the Democratic Party should state bluntly and plainly that it is our aim—and should be the goal of our nation—to:

More fairly distribute income and wealth;

Deconcentrate economic and political power, and

Make real the inherent power and liberty of the people.

MORE FAIRLY DISTRIBUTE INCOME AND WEALTH

The social problems of America will not be solved by more handouts to the rich, but by more income for the people. People can buy health and housing and education with dignity, if they have money. Advice will not suffice.

Today, the richest *one-fifth* of our people have forty-one percent of the income, *after taxes*. That is more than the lower three-fifths combined, who have only thirty percent. The lower one-fifth of our people have only five percent of the income. This endemic maldistribution of income—with all of our New Deal programs—has gotten slightly worse, not better.

That is the kind of America we said we wanted. We are not an organized government in order to protect the rich and powerful; the rich and powerful can take care of themselves. We are an organized government so that everyone will have a fair share. We should say so, straight out, and then the people will make us do something about it.

The maldistribution of wealth is even worse. The richest *eight* percent of our people now own over sixty percent of all private assets. The upper *two* percent own nearly all of the personally-held income producing investments—eighty percent of corporate stock, ninety percent of corporate bonds and one hundred percent of municipal bonds.

The rule of prime-geniture, a system by which the king's oldest son became king, went out of vogue a long time ago, despite the fact that some people justified it, on the grounds that, "We got a lot of bad kings that way, but it saves a lot of trouble". Yet, today's rich—the Mellons, the Rockefellers, the Fords and DuPonts—as well as the owners of great bolcks of General Motors stock and other fortunes—pass from one generation to another with little diminution more power over human lives than most of history's kings dared dream of.

With all these glaring disparities in the distribution of income and wealth in America, some liberal economists still position themselves along side President Nixon, urging that we must not lose the "cooperative spirit" in our economy, and that it would be better if we hush up about the inequities of the division and promote, instead, economic growth as the best way for "everyone" to gain.

Aside from the serious questions now rightly being raised about the awesome problems which go hand in hand with unlimited growth for private gain, poor people and working people, black people and other minorities, know their *relative* share is getting less, not more, and it was already an unfair share.

Enough of this saying that poor people in America are better off than poor people in Belgium! Enough of this saying that working people in America are better off than working people in Spain! Enough of this saying that black people in America are better off than black people in Africa!

Poor people and working people and black people and other minorities in America are not Belgians, nor Spaniards, nor Africans. They are American, and they have a right to judge their lives and their hopes by *American* standards.

The Democratic Party must say that everyone in America willing and able to work has a *right* to a job, and that those who cannot work or who cannot find work have a *right* to a decent income. Not only or just out of the goodness of our hearts, but because that is the only kind of system which will work.

The Democratic Party must say it is going to stop all this redistribution in the wrong direction—stop these farm and other subsidies to the rich.

Most basically, the Democratic Party must say that the government is going to have to start taxing on the basis of income and wealth, stop *all* the tax loopholes and restrict the transfer of inordinate wealth from one generation to another.

A comedian of some years ago regularly drew great laughs when he said that, if he were President, he would tax the poor, not the rich, because, he said, that would give the poor some incentive to *be* rich. That pretty well sums up our present tax policy and the Democratic Party must offer fundamental change in that system.

After all, if the way we finance government is unfair, what *is* fair?

DECONCENTRATE ECONOMIC AND POLITICAL POWER

The economic problems of America will not be solved by more government intervention, but by more economic liberty. As someone wisely said, the Nixon Administration may not be soft on Communism, but it's damn sure hard on capitalism.

Why not try a little free enterprise? It cannot be worse than what we have. Some of the socialist countries of eastern Europe are making steps in that direction. Why shouldn't we?

Despite government controls, prices continue to go up and joblessness remains tragically high in a country where there are plenty of things that need to be done. Even some liberals side with President Nixon and say that what we may need are even *more* government controls. The Chamber of Commerce and big industry support President Nixon's government controls. Where are the traditional defenders of free enterprise? Doesn't it seem strange that they are either quiet and docile in the face of these economic controls, or speak out in their support?

Not so strange. If one has the power and pretty much controls the government, he doesn't so much mind the government controlling him.

There are natural market forces which hold down prices and unemployment. The government must step in where they do not work or to hold them within human bounds, but our government increasingly has intervened on the side *against* natural market pressures.

The big rich and corporate farmers are not more efficient at farming. They are more efficient at farming the government.

The small farmer being forced off his land knows something is wrong when the big conglomerates like Tenneco and other huge landholders unfairly compete with him with the *help* of government irrigation water and tax, farm payment and labor law subsidies.

The homeowner knows something is wrong when utility rates go up and up while service gets worse and worse and the big bankers and insurance companies and oil companies, which monopolize our energy resources, grow richer and richer without competition or control.

The small landowner and the deep-mine coal worker out of work know something is wrong when huge land holders are allowed to devastate the mountains, destroy the streams and exploit the people through strip mining, making politicians dance to their tune.

The worker in the Vega plant in Lordstown, Ohio, who turns the same little screw 107 times an hour, having to hold up his hand to go to the toilet or having to slip around to take a smoke, knows something is wrong when he draws only one ninetieth the salary of Mr. Richard C. Gerstenberg, President of General Motors, with all of his plush offices, corporate jets and huge incentives.

That kind of system drives people mad, and it will not work. Why should we only advocate land reform in Vietnam and South America? What's wrong with a little land reform in America?

Why can't *workers* have the incentive of owning shares in their company and having some control over their work?

Those in power do not need *new* favors; they already have them. And the people of this country are becoming painfully aware that our scandalous system of campaign financing, and the tax laws that allow U.S. Steel to deduct as a business expense the cost of advertisement and lobbying to tell us about the beauties of strip mining, are not the earmarks of a system designed to diffuse economic and political power.

We have more and more developed into a system in which the interests of big industry and big government are virtually synonymous. The Kleindienst-ITT affair is not an isolated case. It evidences the *rule*, rather than the exception. It should not be remembered merely as a question of Mr. Kleindienst's fitness to be Attorney General. We are going to get a bad attorney general in any event under this Administration.

The lesson of the Kleindienst-ITT case is that inordinate corporate power, sought to be regulated to some degree by inordinate government power, is *not* our only alternative.

Look at a graph showing mergers—fewer firms and less competition—over the last years. The peak of mergers just before Theodore Roosevelt took office looks like Pike's Peak; then it goes down again. The peak of mergers just before Franklin D. Roosevelt took office looks like Mount Everest; then it goes down again. But the peak of mergers during the last two years hasn't been reached yet, and it already goes off the top of the chart!

The biggest 200 corporations in America now control sixty percent of all manufacturing, as compared with only forty-six percent at the end of World War II.

Thirty-five percent of all industry in America—and that includes steel, automobiles, soap, soup, aluminum, farm machinery, containers and oil and gas—are dominated by four or fewer firms which have seventy percent or more of sales. That is *some* kind of system, but it is *not* the free enterprise system.

Prices in America are twenty percent too high because of the lack of competition in these shared monopolies, quality is held down and technological developments are stifled. Thus, we can't compete with foreign industry in too many of these fields, so we export jobs.

We must break up these shared monopolies such as GM and make the market work. Bigness—particularly with recent technological developments—is not essential, and is not benign, no matter who controls it. Bigness tends to grind down individuals.

The case for government controls and

ownership is not well made. Government controls have not done so well with the Post Office, nor with foreign policy for that matter. Why not try a little old-fashioned American competition?

The Democratic Party must say: reverse government control; inordinate concentration of economic and political power—whether in government, in industry or in labor—is not the American way.

MAKE REAL THE INHERENT POWER AND LIBERTY OF THE PEOPLE

The problems of instability in our society will not be solved by more government control, but by more individual freedom. It has been wisely put: the cure for the problems of democracy is more democracy.

If people are searching—as they are—for the underlying worth and meaning in their own lives and in their society, it is no wonder.

We have a government which says that we must continue the draft so we can have a volunteer army, spend more for arms so we can agree on arms control, bomb for peace.

Our government refuses to justify its foreign and military policies on moral grounds, but, nevertheless, presumes to invade the individual privacy of its citizens to enforce its own ideals of morals.

So, it involves itself in the private sexual behavior of consenting adults, breaks in and criminalizes the possession of marijuana, injects itself into the conscience-matter between a woman and her doctor over the control of her own body.

Our government wants to know what private citizens are saying and doing, but will not talk straight and openly about what *it* is doing.

We have a government which asks us to pledge allegiance to "one nation, indivisible," but itself acts to hinder equality of opportunity in education, its most important service.

Our government announces that the Vietnam War is wrong and unwinnable, but continues to make pariahs of those who knew it first.

But it is said that these are issues the Democratic Party must not deal with, except obliquely and vaguely and indecisively.

I say that the Democratic Party and the nation *will* deal with these issues, whether we want to or not.

And it is better that we deal with them in the right context and see the underlying American principles involved. For the real issues are the issues of human liberty and the right to be free of improper government control.

These *are* real issues, involving real principles. If we will not lead on them and help the nation see them aright and work them through, who will?

Enough of these euphemisms—"no-knock", "preventive detention", "moratorium", or legitimate court orders—which mask such ugly concepts!

In times of stress and trouble, freedom's cause is not furthered by abandoning its tenets.

The Democratic Party must call our people back to their basic belief in the inherent power and liberty of the individual. If we will not do so, it may not be done.

Mr. Chairman, "populism" is a popularly heard term in our land again. Some think it a passing fad. Some hope it is.

But there is more to the New Populism than the name. And some who call themselves by that name shun both its burden and its promise.

The New Populism—and it doesn't matter what you call it—means that most Americans are commonly exploited, and that, if we get ourselves together, we are a popular majority and can take back our own government.

It promises a more stable, secure society of self-esteem—for the rich as well as for the poor and the not-so-rich. We all will be willing to pay and sacrifice for that promise if we can be assured that, unlike in the past, what we pay and what we give will really make a difference.

In calling America back to the greatness and goodness that is in us, we can help the people of our country find purpose and community in a common enterprise worth being a part of, because it is bigger than ourselves.

Demos means people, and it is the Democratic Party which can take up the peoples' cause again.

THE HALF-FOUGHT WAR AGAINST HUNGER

Mr. HOLLINGS. Mr. President, in recent days we have been reminded again of a familiar story: The story of a war half-fought—a war in which the full resources at our command have not been utilized—a war in which we settle for less than victory because of an unwillingness to see the battle through—a war in which politics has all too often intruded and interfered with a commonsense battle plan.

I speak not of Vietnam, Mr. President, but of a battle much closer to where we stand today. I speak of the war against hunger. Because once again this year, the witnesses tell Congress—and the newspapers tell the country—that the administration continues in its traditional apathy toward the feeding of America's hungry. Once again we hear of appropriated moneys going unspent, and we learn that not only does the administration phase back this year, but it plans to phase out still more of the proven programs which have made a real beginning in this war.

At this minute, less than half of those standing in need of food assistance are being helped by the food stamp program. Yet the Department of Agriculture has just announced that it is returning $400 million unspent funds to the Treasury—money that had been authorized and appropriated by the people's representatives in Congress. Millions more have gone unexpended in the school luncheon program, supplemental food assistance, and so on.

Mr. President, the Washington Evening Star of June 23, 1972, contains a sobering column entitled "Hunger War Undermined by Tightwad Agency," written by Mr. Carl T. Rowan. It details just where we stand in the effort to stamp out hunger, American-style. And it shows beyond shadow of doubt the conscious efforts being made by those in positions of high responsibility to welsh on the promise to end hunger.

It is sad but true that hunger still persists in America. The tragedy is that the situation is not necessary; on the contrary, we could eliminate hunger in short order if we put our best efforts to the task. And we could do so at far less cost than some of the welfare schemes which are being bandied about in the politics of this election year.

Mr. President, I ask unanimous consent that Mr. Rowan's excellent piece be printed in the Record. I urge the widest possible audience for this column. It is time we take off the gloves in the war against hunger. It is time to follow through on the commitment already made. It is time, in truth, to insist on total and unconditional victory. The outcome will affect us all—not only the 25 million Americans who stand in need of food assistance, but also the remaining 183 million who will reap the benefits—or the consequences—of the outcome.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star, June 23, 1972]

Hunger War Undermined by Tightwad Agency

(By Carl T. Rowan)

It is hard to think of a more heartless scene than a child squirming in a classroom, unable to stay awake, or follow the teacher, because that child's stomach aches from hunger.

But a lot of children faced that plight this year because the Department of Agriculture squeezed some children out of eligibility for a free school lunch and declined to spend $82 million that Congress allocated for food for needy schoolchildren.

It is hard to think of a longer-lasting cruelty than to deprive poor, pregnant women of the special nutritious foods that make it possible for them to produce healthy babies. The hurt is long-lasting because ill-nourished mothers produce babies that may be premature, or weak in some respects, and such infants run a high risk of early death or mental retardation.

But a lot of pregnant women and young children who are especially vulnerable to malnutrition are not getting the supplemental foods that Congress says they should have. The Agriculture Department decided to spend in fiscal 1972 only $13 million of the $36 million Congress allocated for the Supplemental Foods program.

Of all the programs designed to aid America's 26 million poor people, the one hardest to begrudge is the food stamp program, which is the major bulwark against hunger for 11.5 million Americans.

But at a time when President Nixon was reiterating his pledge to end hunger in America for all time, was the Agriculture Department trying to extend the food stamp program to the 14.4 million poor people not yet aided by it? No, the department was pushing policies that limited participation and reduced benefits to many people already using the program—with the result that the department refused to spend $400 million that Congress allocated for food stamps for the poor.

These are facts reported by the Senate Select Committee on Nutrition and Human Needs, which claims that of seven food assistance programs, the department will turn back to the Treasury some $700 million this year.

The administration announced with pride recently that the budget deficit this year will be several billion dollars less than anticipated. That is supposed to be good news in an election year. The Agriculture Department obviously was playing the nice political game by squeezing almost a billion dollars out of the mouths of the aged, the poor, the helpless children who are the great victims of hunger.

It is an ironic coincidence that the select committee is chaired by Sen. George McGovern, now the leading candidate to oppose President Nixon for the presidency. McGovern has wasted no time lashing the administration for "pick-pocketing the poor." But many congressmen have made it clear that this issue transcends partisan politics.

Many Republican governors and congressmen were part of the nationwide protests that in January caused Agriculture Secretary Earl Butz to rescind regulations that would have increased the cost of food stamps to a level where many poor would be driven out of the program.

Arthur Schiff, assistant administrator of New York City's Human Resources Administration, told the Senate committee that the people won that January battle with Butz but they are losing the war. He says that through the "interpretation" of regulations and the issuance of new food stamp tables the Agriculture Department is acomplishing piecemeal what a public outcry prevented it from doing in one fell swoop.

For example, even when the administration emphasizes "workfare" and "job incentives" for people on welfare, the Agriculture Department has come up with an interpretation that has had what McGovern calls "a devastating effect on food stamp recipients who participate in work, training or education programs intended to make them self-sufficient."

Previously, for example, money used by a mother for a babysitter, or for transportation to work, was not counted as money available for food. Now the department counts that money, meaning that some stamp recipients suddenly are paying $20 to $30 more a month while their income has not increased.

The hanky-panky in Agriculture is especially dismaying in view of the progress that was being made against hunger. In 1969 some 21 million children participated in the school lunch program, with only 3.8 million receiving lunches free or at substantially reduced prices. There are now 25 million children in the program, with 8 million receiving free or reduced-price lunches.

That kind of progress augurs well for a healthy, happy population, which must forever be our greatest national asset.

But the bureaucratic scrooges in the Agriculture Department have 700 million unspent dolars as proof that they can produce defeat just when victory seemed attainable in this grim war against hunger.

TORTURE IN BRAZIL

Mr. TUNNEY. Mr. President, tomorrow I will call up my amendment No. 1272 to S. 3390, the Foreign Assistance Act amendments, on behalf of Senators CRANSTON, HART, MCGOVERN, PROXMIRE, RIBICOFF, and myself. This amendment addresses itself to the urgent problem of the torture of political prisoners in Brazil.

In the meantime, I ask uanimous consent to have printed in the RECORD at this point several documents which I believe will help Senators to understand more fully the pressing need for our Government to respond to the problem of Brazilian torture of political prisoners.

These documents reflect the international outcry against these abuses to human dignity. They record the views of representatives of the International Commission of jurists, the National Council of Churches, the World Federation of Trade Unions, the Inter-American Commission on Human Rights, and others on this urgent matter.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Fact Sheet on Torture in Brazil

"Well known declarations from moderate and impartial sources concerning the inhuman treatment of political prisoners awakened the world's conscience as never before".

Mr. Niall Mac Dermott,
Secretary General of the International Commission of Jurists—address to the U.N. Commission on Human Rights—plenary session of the Geneva meeting, March 1971.

"Brazil has become a virtual police state, and accounts of the most brutal and humiliating tortures have been filtering out of the country since the Fall of 1969".

Latin American Department of the National Council of Churches—June 5, 1970.

". . . it becomes a regular practice to detain and torture with no concrete accusation . . . it is a system of *repression* by *intimidation* whose realisation supposes a complete despise for human rights".

International Commission of Jurists, Statement on torture in Brazil. Press release July 22, 1970.

From 1969 until the present, but mainly in the last 15 months, an increasing number of political prisoners were listed as "killed while resisting arrest", or "while trying to escape", or "committed suicide" in prison. "The case of another prominent Brazilian—former congressman, Rubens Paiva, who disappeared—is an example. The police were finally moved to disclaim any knowledge of an arrest, although there were records of it." (*Washington Post*, Sept. 26, 1971)

"Torture . . . has become a political weapon . . . is systematically applied often even before the interrogation itself starts".

". . . Organs of repression often conduct round-ups on university campuses . . . factories or in the out back of the country . . . these suspects are systematically tortured in the hope that they will reveal a plan of action, a hiding place about which the torturers themselves have not the slightest idea".

International Commission of Jurists, Statement on torture in Brazil, Press release July 22, 1970.

"Documents, expert medical evidence, and statements examined by reporters indicate that torture techniques vary little.

1. The water torture: the head of the prisoner is . . . submersed . . .

2. The electric torture: the captive is hung by his feet and arms . . . from an iron bar. Electrodes are then applied to his genital organs, ears, . . . electric shocks . . . are then passed through the victim's body.

3. Blows: to strike them (the genital organs, kidneys, head, feet, and hands) with iron or lead clubs.

4. Rape of women prisoners frequently committed.

5. . . . Frequently a child is tortured in front of her mother . . .

6. . . . Dogs are specially trained to attack the delicate parts of the human body."

International Commission of Jurists, Statement on torture in Brazil, Press release July 22, 1970.

"A powerful group of Roman Catholic Church leaders (the southern region of National Conference of Brazilian Bishops) has accused Brazilian authorities of torturing political prisoners physically, mentally, and morally so that some of them are mutilated, broken in health or even die. The Church leaders said that they had urged the government to stop torture two years now. But they added that the Church now has evidence of a sufficient number of recent cases to know that substantially the situation has not changed since that time".

Washington Post, June 13, 1972.

There is no sign of reduction or restriction on the application of torture and the use of massive arrests in Brazil. Round-ups:

In the state of Bahia in May, 1971 (letter from 30

In the state of Bahia in September, 1971 (*Le Monde*, Sept. 18, 1971)

In the state of Sao Paulo in February, 1972 (*Le Monde*, June 2, 1972)

In the state of Maranhao in January, 1972 (letter to President Emilio Garrastazu Medici from the Division for Latin America, United States Catholic Conference, March 22, 1972)

In the state of Pernambuco in April, 1972 (from a pastoral letter from Archbishop Helder Camara, May 1, 1972)

These round-ups brought hundreds of Brazilian citizens to prison, and resulted in protests from church organizations.

"Very serious and sad incidents forced us again to write you . . .

As pastors, and assuming responsibility before God, before our own consciences, and before those who trust us, we declare that the rule of treatment of those arrestees involves unbelievable moral and physical torture. There has been increasing pressure against the Catholic Workers' Action: many members and one national director have been arrested."

Don Helder Camara,
Archbishop of Olinda and Recife.

Jose Lamartines Suares,
Auxiliary Bishop,
Pastoral letter from May 1, 1972.

The denunciation of such procedures is very difficult inside the country because of both military censorship on the press and other media, and strict control of the Congress.

The reaction of the Brazilian people to the torture is one of horrified rejection, but also of terrorized silence. As the National Council of Brazilian of Bishops states: "It is exactly the absence of these freedoms and especially the habeas corpus that has created this climate of insecurity" . . . "These are the insecurities of people who feel themselves threatened with prisoner maltreatment on mere suspicion or even by the state; the insecurity of entire families who find it impossible months to obtain information about missing members who have been arrested; the insecurity of the whole society which today is uncapable of confiding in those which have the responsibility for the protection of the people" (*Washington Post*, June 13, 1972.)

A Study of the Situation in Brazil Which Reveals a Consistent Pattern in Violation of Human Rights, Presented to United Nations Commission on Human Rights

1. Recent information about Brazil has been characterized by one common trend: allegations of the systematic violation of human rights by the Brazilian authorities. This concern has been voiced by a number of Brazilian and international institutions, as well as by outstanding personalities. They suggest that such persistent violations are being felt by all strata in Brazil. Increased protests are coming from all sectors of the population, including many who thus far hesitated to speak out.

2. The National Conference of Brazilian Bishops, in a statement issued in May 1970, denounced "trials conducted too slowly, arrests on the basis of mere suspicion, hasty and unproven charges, and investigations carried out while the defendants are detained in secret prisons and are often deprived of the fundamental right of defence." Still more recently, in February 1971, the Conference restated: "We must affirm that unfortunately tortures exist in our country."

3. The Brazilian Association of Lawyers has time and again protested against the ill-

treatment of political prisoners and their seriously restricted right of defence.

4. Trade union organizations have protested against the limitation of freedom of association and democratic liberties, and have expressed their concern about the violation of their right to organize and to express grievances in Brazil.

5. Reports have been received of widespread intimidation of suspects by their arrest, detention, and torture, either physical or psychological, by police and military organizations, these suspects being later released without any attempt to charge or try them for any offense—a procedure which is a complete abuse of the Rule of the Law and Human Rights.

6. In view of the apparent powerlessness of judicial institutions in Brazil, seen by some to be dangerously threatened by undue, interference by the executive power, a number of international organizations have felt it important to determine the validity of these allegations. In July 1970, the International Commission of Jurists requested the Brazilian government to grant facilities to the International Committee of the Red Cross and to Amnesty International to visit all places of imprisonment and detentions, and asked the Inter-American Commission on Human Rights to undertake an investigation into the treatment of political prisoners in Brazil, in order to ensure, at least, that the United Nations standard minimum prison rules are respected.

7. The Brazilian government has chosen to reply by denying the existence of political prisoners and the use of torture in the country, and by refusing to authorize the visit of any international organization, thus impeding any partial ascertainment of the validity of the allegations.

8. The allegations can no longer be ignored by the United Nations. In particular, the growing protest from important Brazilian and international ecclesiastical, trade unions, lawyers associations and other bodies, that the Universal Declaration of Human Rights, to which the Brazilian Government is a signatory, is being systematically violated through the torture of political prisoners.

9. For this reason, the international Organizations, listed in the annex to this document, have addressed a joint appeal to the Brazilian Government, urging it to accept an impartial investigation by a competent international commission. The full text of this appeal is attached.

10. They further urge the United Nations Commission on Human Rights to place the specific case of human rights violations in Brazil on its agenda. They are prepared to place at the disposal of the Commission extensive documentation of these allegations which, we are convinced, contain sufficient evidence to demand study and eventual action by the United Nations. Such a preliminary dossier has been presented to the Secretary-General, and we are at his disposal to provide such further information as he may deem useful and necessary.

World Federation of Trade Unions Commission of the Churches on International Affairs of the World Council of Churches; International Commission on Jurists, Pax Romana.

March 1971.

ORGANIZATION OF AMERICAN STATES,
May 3, 1872.

RESOLUTION ON CASE 1684 (BRAZIL), APPROVED BY THE COMMISSION AT ITS THIRD MEETING HELD ON MAY 3, 1972

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Having seen the report prepared by the rapporteur and the Chairman of the Commission on case 1684 (doc. 6–28) concerning alleged violations of human rights in Brazil.

Whereas: Article 9, paragraph *b*) empowers it to "make recommendations to the governments of the member states in general, if it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic legislation and, in accordance with their constitutional precepts, appropriate measures to further the faithful observance of those rights."

Resolves: To approve the "Fourth Report on case 1684 (Brazil)" (doc. 6–28) concerning alleged violations of human rights in Brazil, prepared by the rapporteur, Dr. Durward V. Sandifer, and the Chairman of the Commission, Dr. Justino Jimenez de Arêchaga; and

Decides: 1. To declare that, because of the difficulties that have hindered the carrying out of the examination of this case, it has not been possible to obtain absolutely conclusive proof of the truth or untruth of the acts reported in the denunciations. However, the evidence collected in this case leads to the presuasive presumption that in Brazil serious cases of torture, abuse and maltreatment have occurred to persons of both sexes while they were deprived of their liberty.

2. To exercise the power granted to it by Article 9, paragraph *b*) of its Statute and recommend to the government that it carry out a thorough investigation, the results of which the Commission would like to be able to examine at its next regular session, in charge of independent judges, not subject to military or police influence, with a view of determining, with all the guarantees of due process,

(a) Whether acts of torture, abuse and maltreatment have been carried out against persons detained in any of the places of incarceration indicated in Chapter IV of this report; and

(b) Whether acts of torture, abuse and maltreatment of prisoners have been carried out by any of the military or police authorities whose names are included in Chapter IV of this report.

3. To request the Government of Brazil that, once the investigation is completed,

(a) It inform the Commission of the results (Statute, Article 9, paragraph *d*) and forward to it a copy of the basic parts of the report, and

(b) It punish, to the full extent of the law, those persons that the evidence proves to have been responsible for violations of human rights.

4. To forward to the Government of Brazil a copy of the report of the rapporteur and the Chairman of the Commission as well as this resolution; and to inform the claimants of the contents of this resolution.

STATEMENT ON POLITICAL REPRESSION AND TERROR IN BRAZIL (JUNE 5, 1970)

I. INTRODUCTION

The people of the United States are deeply involved in the economic, military, cultural, religious and political affairs of Brazil. That nation is the third largest recipient of U.S. economic assistance in the world. Over 600 U.S. industries operate in Brazil as well as hundreds of other U.S. based institutions and agencies. Approximately 2,100 U.S. Protestant personnel representing 120 denominations and mission sending agencies and 700 U.S. Roman Catholic personnel representing 38 religious orders and lay agencies live and work in Brazil.

In spite of the vast range of this involvement the people of the United States have not been apprised of the extensive information regarding the repression, terror and torture by which Brazil is governed today. The result is that both public and private funds appear to support and strengthen a military regime which, in the name of law and order and of anti-communism, crushes dissent and all advance toward a free and open society. Christian concern must center, in such a situation, upon the loss of human rights and the deprivation of that dignity which belongs to all men as creatures of God.

It is not the business of the North American churches to concern themselves with the affairs of every country around the world, but the cries of oppressed people must not be ignored and especially not when these cries come from people whose lives are affected by the policies of public and private institutions in our own country.

II. CONDITIONS IN BRAZIL

In 1964 Brazil suffered a "coup d'etat" at the hands of the Brazilian military. The U.S. Government immediately extended diplomatic recognition to the new regime and U.S. economic aid was sharply increased. Many United States Government officials have considered the military officers who took control of Brazil in 1964 to be progressive and dedicated to the economic development of their country and to the preservation of democratic institutions. Under this tutelage Brazil increased its Gross National Product by 3% in 1964 to over 4% in 1968. But this growth has been achieved at an extraordinarily high price in social and political control.

Brazil has become a virtual police state, and accounts of the most brutal and humiliating tortures have been filtering out of the country since the fall of 1969. Allegations of political torture are not entirely new. Many Brazilians say that such tortures began with the military take-over in 1964, although it was not until the fall of 1969 that these stories began to attract attention outside Brazil.

Virtually no sector of the Brazilian population has been immune from the repressive policies of the military government, though the blows have fallen hardest on students, professors, journalists, priests, nuns, ministers, politicians, lawyers, workers and artists. Anyone in Brazil today who publicly dissents from government policy is in danger of running afoul of the country's stringent laws of national security, and of arbitrary arrest and persecution. Furthermore, anyone suspected of anti-government actions, or of having information which might lead to the arrest of others is in danger of arrest for interrogations—including torture as a means of extracting information or confessions.

We recognize that the Brazilian government officially denies that political prisoners are tortured. But the reports have been too numerous, too widely documented and recognized by too many reliable sources to be discounted. All indications are that a quiet and efficient "reign of terror" against political dissent is currently continuing in Brazil. If torture is practiced in this hemisphere it is incumbent upon us as churchmen and citizens both to take note of this fact and actively seek to determine to what extent our own government or business community are in any way supporting repression and torture in that country.

III. LATIN AMERICA DEPARTMENT POSITION

The Latin America Department, Division of Overseas Ministries of the National Council of Churches of Christ, U.S.A. declares its solidarity with the Committee of International Affairs of the U.S. Catholic Conference in its Brazil Statement of May 26, 1970, and further registers its own position as follows:

1. As churchmen and citizens we condemn the torture of men and women anywhere, at any time and under any circumstances.

2. We call upon the Congress of the United States to schedule a Congressional Hearing

on the effects of U.S. Government policy in Brazil, examining especially the nature and dimension of U.S. aid to determine to what extent public funds are used to support political repression in Brazil.

3. We call upon the World Council of Churches to invite the Vatican to share in an investigation of possible abuses of civil liberty in Brazil, with special attention to alleged arrests and torture and reported acts of intimidation against persons and institutions, and to publicize the results of the investigation.

4. We urge the Commission on Human Rights of the United Nations and the Commission on Human Rights of the Organization of American States to initiate an investigation based on the numerous depositions and other evidence of torture in Brazil perpetrated upon students, professors, journalists, priests, nuns, ministers, politicians, lawyers, workers, artists, and others.

5. We take note of the fact that reports of political repression are coming from a country which is currently experiencing a period of rapid industrial growth stimulated by the direct investments of major North American and Western European corporations. As U.S. Churches begin a special year of study on Latin America and as concern for church-support for economic and social development in Latin America grows, we ask those churches, their judiciatories, boards and agencies to seek to determine to what extent U.S. economic investment (as it is taking place in Brazil) in any way contributes to or depends upon social and political repression.

Letter From Prisoners in the DOPS of Recife

(DOPS is the acronym for the Brazilian Government organization known as the "Department of Public Order and Security").

We are young Brazilians. We are imprisoned in the DOPS of Recife, Pernambuco. We decided to make this (statement), aware of the risk that we are running.

Some of us were witnesses to the savage murder of Odijas Carvalho and we are exposed to the same fate. Odijas arrived in the DOPS on January 30, 1971. From 11:00 o'clock until 2:00 in the morning of the following day, without interruption, he was submitted to the most stupid tortures, consisting principally of being kicked and beaten in the head, the intestines, the kidneys and the testicles (which caused a paralization of his urinary system). At 2 o'clock in the morning he was taken to the cell and we could verify that his buttocks were like raw meat from the beating he had received. He was thrown into the cell but seconds later was taken out by Silvestre, an inspector of DOPS, and the tortures were continued until 4 o'clock. Odijas passed 5 days without eating and groaning with pain. On the fifth, at night he was taken to a hospital. On February 1 we were awaken by the cries of the wife of Odijas who, overtaken by a crisis of nerves, was weeping for the loss of her husband.* It was then that we were aware of the fact. The walls of his cell are still stained with blood. Even though tortured to death, Odijas maintained a position of firmness and bravery.

His torturers and murderers are persons whose names are well known but who continue unpunished. Miranda (involved in the murder of Father Henrique and in the attempt on the life of Candido Pinto), Fausto, Edmundo, Rocha, Carlos de Brito (bachelor of laws), Venicios, Silvestre de Olivera (inspector of DOPS) and others whose names we do not know, beside Eusebio Osvaldo.

Our situation is desperate. Our tortures continued during 4 days but they were interrupted by the death of Odijas. They will, however, return at any moment especially because of the fact that among us are witnesses of the cold blooded murder of Odijas.

The practice of tortures in our country has been a systematic practice and is a rule and not the exception. Right here among us there is a young man—Alberto Vinicios Mello do Nascimento—who was tortured for 16 days in Paraná and in São Paulo. He was submitted to beating, the parrot's perch, electric shocks in his genital organs, his anus, in his feet and his hands, his head and his buttocks. His leg was broken by blows from a policeman's stick and remained without a cast on it for 10 days. He was held incommunicado until February 11, 1971, although he was imprisoned on November 29, 1970.

As we make these charges, we know that reprisals may come, but we also know that the sacrifice of Odijas and our own will not be in vain, because the ideals of justice and liberty will not die with us.

We hope that our words may echo in the conscience of men who love justice and liberty and that something may be done.

DOPS, Recipe, March 2, 1971
The following prisoners sign:
Lilia Guedes
Maria Ivone Loureiro—wife of Odijas
Carlos Alberto Soares
Alberto Vinicios Mello Nascimento
Mario Miranda Albuquerque
Claudio Roberto Marques Gurgel
Rosa Maria Soares

Translator's note: 1. The entire document, including the names at the end, is printed in the same hand.

2. The document was received on film. The missionary who sent it said: "I can vouch personally for its authenticity."

SENATOR KENNEDY'S SUMMING UP OF ADMINISTRATION INACTION ON AGING

Mr. CHURCH. Mr. President, the Senate Committee on Aging and individual members of that committee have recently expressed misgivings and impatience about the slow pace of the executive branch in implementing recommendations made at the White House Conference on Aging.

After all, that Conference took place nearly 7 months ago. Its 3,400 delegates were quite clear about the emergency nature of most of their recommendations. They wanted action, not another administration game plan.

Our major complaint, of course, is that the administration has no real plan, and apparently no intention to end poverty among 5 million older Americans. In the face of widespread congressional support for a 20-percent increase in social security benefits, for example, the administration has remained stolidly committed to a mere 5 percent. On many other fronts related to aging, the administration is providing only timid, standpat responses. It will occasionally go along with congressional initiatives, but more often it will oppose them or passively resist them.

It is still not too late for the administration to put together a comprehensive action program on aging, but it is getting late in the day. What we need now is a rising chorus of complaints, not only from older Americans but from Congress, as well.

One such statement was delivered a few days ago by the Senator from Massachusetts (Mr. Kennedy) in an address to the National Council of Senior Citizens 11th Annual Convention.

A part of that address was a comparison of executive branch profligacy in matters it considers important—such as tax loopholes for special interests—and its niggardliness when it comes to security and satisfaction for older Americans.

Senator Kennedy, drawing from his firsthand inquiries as chairman of the Senate subcommittee studying health problems throughout our Nation, also gave poignant commentary about costs and deficiencies of our medical care system.

His powerful speech should be shared. I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Edward M. Kennedy to the National Council of Senior Citizens' 11th Annual Convention, Washington, D.C.

I appreciate the opportunity to be with you at this eleventh convention of the National Council of Senior Citizens. For it has been this group above all others, here in the national capitol, in state capitals and in local council chambers, which has raised its voice to demand equal rights for America's elderly.

And it has been this group which has raised its voice on behalf of equal rights for all Americans.

For you know as I do that the test of this land and the test of our people is whether we can say here in America as Cicero did long ago: "Herein is old age honest and honorable, in defending and maintaining itself, in saving itself free from bondage and servitude . . . even until the last hours of death."

But it is a goal still to be reached.

For as a nation, we have moved cautiously and timidly when the conditions of the elderly in this land require bold and creative action.

As a nation, we have been silent partners in the isolation of millions of older Americans from the mainstream of American life.

As a nation, we have closed our eyes to the plight of 20 million older Americans.

But no one has to tell this convention what the needs of the elderly are in this country.

No one has to tell this convention that 5 million elderly Americans live in poverty.

No one has to tell this convention that thousands of men and women between 60 and 64 were forced into early retirement last year.

No one has to tell this convention that elderly Americans live in inadequate housing, receive inadequate health care and live out their lives in fear rather than comfort.

You know the unmet needs too well.

If any documentation was needed, it was gathered in the White House Conference of 1961. The full shame of our neglect was unfolded and an agenda for change was set forth.

Although we can point to Medicare and Medicaid and the establishment of the first Administration on Aging as its legacy, the agenda in large measure remains unfulfilled.

And now six months have passed since the 1971 White House Conference on Aging issued its recommendations.

What we don't need now is any more studies or any more analyses or any more rhetoric. What we need is leadership and commitment to implement those recommendations.

And I ask this Administration and I ask this Congress, what is your response?

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* There is some evident confusion in identifying days, but the translation is exactly as stated in the document.

What is your response to the White House Conference?

The White House promised the Conference delegates that there would be a response to each of the recommendations. But that response is nowhere to be seen.

The White House promised the Senate and House Committees that there would be a response.

But we are still waiting and the elderly of America are still waiting.

When the oil companies want an answer, they come up to the Hill, and they get an answer.

When the banks want an answer, they make a phone call and they get an answer. When ITT wants an answer, they walk right in to the highest offices of this land, and they get their answer. I think twenty million older Americans also deserve an answer.

But if the Administration record thus far is any indication, the answer may be less than satisfactory. It took three years for the President to send Congress his message on the aging.

It took three years for the Administration to end its opposition to major funding increases needed for the Administration on Aging.

It took two years for the Administration to drop its opposition to nutrition for the elderly legislation.

And then, it was only when the White House Conferees came to Washington that it was possible to pass those measures.

I had introduced S. 1163 with twenty cosponsors. The Administration testified against it in both the House and the Senate. But with the delegates in town, the Administration dropped its public opposition and S. 1163 passed the Senate 88–0 on the opening day of the Conference.

This measure, signed into law in March, begins to meet the White House Conference recommendation on nutrition by providing a hot meal-a-day and out-reach services to low income isolated elderly persons.

There was a second immediate benefit from the White House Conference. For the past three years, the Administration has requested less each year than the Congress has appropriated the previous year for the Older Americans Act. Each year, the gap between what Congress had authorized and what the Administration requested grew larger and larger. But with the Conference delegates still in town, the Administration supported the amendment that I introduced to the Supplemental Appropriations bill which more than doubled the Older Americans Programs to its present $100 million level.

So, there were some immediate and direct benefits from the White House Conference.

Unfortunately, the impact was short-lived. For once the delegates packed their bags and traveled back to Boston or Boise or Kansas City, the needs of elderly Americans no longer were given top priority in Washington.

The passage of time means that a policy of neglect will continue.

The passage of time means that more older Americans will be forced into early retirement and poverty.

The passage of time means that more elderly persons will be shunted into institutions, shut up and closed off from the world around them.

If we are capable of providing services to the affluent and the comfortable, then we surely can find the means to enable elderly Americans to live out their lives in their own homes and among their own friends. And not only do we have that capability, but, if we are pledged to a just society, then we must begin, and begin now, to use that capability.

First, we must provide the nation's elderly with adequate income. One of every four Older Americans lives on an income beneath the poverty line, an increase of over 200,000 in the past three years.

Why is it that those who have the least are made to suffer the most?

Why is it that an elderly American is twice as likely to be poor as a younger American?

Why is it that the nation's elderly are bearing the heaviest burden of the past three years of economic decline?

If it is all right to provide a guaranteed income to the special interests through tax loopholes, then surely we can provide a decent income for the nation's elderly poor. If it is all right to recommend a 7 percent hike in the defense budget, then surely the President can recommend more than a five percent increase in Social Security. If the Administration can ask for $5 billion more for bombs to destroy life, then surely we can expect at least $5 billion more for Social Security to preserve life.

If we want to resolve the crisis of inadequate income, then the answer is clear—a guaranteed adequate income for the nation's elderly, financed by general revenues and Social Security.

A first step toward that goal is the 20 percent increase in Social Security which I and 55 other Senators have sponsored. This is far closer to the needs of the elderly than the five percent hike proposed by the President.

And we are not going to adjourn this Congress until we enact that 20 percent increase.

The second challenge facing us is whether we will provide quality health care to the elderly of this nation.

For most older Americans, Medicare seemed to promise an end to the financial hardship that followed serious illness.

But the facts are otherwise. Today, despite Medicare, older Americans are paying out of their meager income the same astronomic sums for health care that they paid in 1966.

Today, despite Medicare, older Americans are paying out-of-pocket health costs that are double the costs of younger Americans.

Today, despite Medicare, older Americans are paying for eye glasses, for foot care and for hearing aids.

Today, despite Medicare, older Americans receive less medical care for their dollar than they have ever before.

And this failure of the health care system has dramatic and tragic personal meaning to thousands of persons across this land.

In the hearings of my Health Subcommittee, I heard the frustrating stories of older Americans caught in the net of our nonsystem of health care.

Stories of a woman who has to pay $5 a month for health costs out of an $85 Social Security check.

Stories of a 65-year-old man whose life depended on a kidney machine he could no longer afford.

Stories of a widow from New York who quit working at age 69 and found that her dentist would not treat her because she was now on Medicaid and the costs were not covered.

Stories of a disabled World War II veteran living on a pension of $200 a month and paying $5 a month on a three-year-old hospital bill.

Stories of a college professor dead of brain cancer at 46, after tens of thousands of dollars in expenses. Now, the lives of his wife and children are mortgaged for years into the future. The cruelest irony is that the wife is from Israel, where all of her expenses would be covered.

These personal tragedies emphasize that the Nation now faces a crisis in health care, a crisis which can only be relieved by a fundamental restructuring of our health care system.

We need a new health care system so that when you rush to the hospital in an emergency, they meet you at the door and ask how sick you are, not how much health insurance you have.

We need a new health care system so that when you get the bill, it's stamped "Paid in Full" by health insurance, without any loopholes or deductions, so it will not be turned over to a collection agency to harass you when you are sick and cannot afford it.

I am convinced that the basic step that must be taken to meet the crisis is for the Congress to pass the Health Security Act, S. 3.

The principles of the Health Security Act are straightforward:

It guarantees health to be a basic right for all, not just an expensive privilege for the few.

It guarantees every man, woman and child in America to be covered at any time for any illness by health insurance at a price he can afford to pay. No American should lose his health insurance because he lost his job. No American should have the tragedy of serious illness compounded by the tragedy of a serious financial burden.

It guarantees every American the same high quality of health care that anyone else receives. No American should be given second-class health care because he is old or poor or black.

It guarantees a system that pays doctors and hospitals to keep the people healthy, instead of a system whose profits depend on illness.

That is why passage of the Health Security Act is so important.

But the administration opposes this measure and puts forward instead its own proposal. But who does that bill rely on to provide the basic services? It relies on the same private health insurance companies which have grown rich off the present system. It offers them a billion dollar bonanza to keep doing the same thing they are doing now—providing a minimum of service at a maximum of costs.

And one of its most glaring failures is its disregard of the basic needs of the elderly. For, while the administration bill offers increased benefits for doctor bills, there is an enormous cutback in the coverage of hospital costs. The Nixon bill pays only one-fifth the number of hospital days covered under present law.

The President is sending a clear message to 20 million Americans over 65: "We'll help you with your doctor's visit," he says, "but if you're sick enough to require long-term hospital care, you're on your own." At the very time we ought to be closing the gaps in Medicare, the President is expanding them. I think it is time to close those gaps and the Health Security Act does the job.

It closes the gaps by paying all hospital costs from the first day a patient enters until the day he leaves.

It closes the gaps by covering all health services for the prevention and early detection of disease, the care and treatment of illness and medical rehabilitation.

It closes the gaps by covering the cost of drugs and eyeglasses and hearing aids.

None of these costs are covered by the Administration bill.

Moreover, the Health Security bill contains no cutoff dates, no co-insurance, no deductible, no waiting periods.

These are only some of the reasons why I feel strongly that S.3, the Health Security

Act, is required if quality health care is to be provided for our elderly citizens.

A third challenge is to provide adequate employment opportunities so that every man or woman who wants to work can work.

In 1972, we still are closing the doors of our factories and businesses to elderly Americans. In 1972, more than 1 million persons 45 and older are jobless, almost 75 percent higher than three years ago. In 1972, we continue to deny ourselves the benefits of the talents and skills and creative energies of older workers, and the nation cannot afford that denial.

The first step to reverse that process is to pass legislation outlawing age discrimination for all public and private employers.

And the next step is to pass legislation providing the enforcement tools to make sure the law is obeyed.

No one who is able and willing to work should have his job application turned down because of his age. Nor can the nation build its future while it is discarding talented older men and women for the sole reason that they can no longer be called young.

The federal government's disdain for the employment needs of older Americans also is mirrored in the statistics of its job training programs. While 10 percent of the nation's unemployed are 55 and older, only one percent of the job trainees are in the same age bracket. We not only can do better; but we must do better.

Congress now is considering S. 555 to provide community service employment opportunities to elderly Americans. This measure, which I introduced, provides $250 million in the next two years to fund jobs for older Americans in schools, libraries, hospitals and recreation centers across the nation.

If we have learned anything from the Senior Aide and Green Thumb Programs it is this—they work and they work well. And I think it is time to make those programs permanent and nationwide.

A fourth challenge exists in the area of housing. Across this land, 2 million housing units were built last year. Yet elderly Americans still live in cold rooms in falling-down boarding houses, in decaying inner city tenements, and in the oldest and most substandard rural housing.

The White House Conference was explicit in its recommendations. Heading the list was a call for the construction of 120,000 units per year of elderly housing.

But how far have we moved? Instead of the goal set by the Conference, we find the Administration recommending plans to provide only slightly more than half that number of units for FY 1972.

The Senate has at least started toward the Conference goal. We have passed legislation establishing an Assistant Secretary for Housing for the Elderly. And we have increased direct loans for subsidizing elderly housing. But we are still far short of the mark.

We have provided, and rightly so, millions of dollars to help meet the housing crisis of the under-developed world. But if we are able to recognize the critical need for adequate housing in other nations, surely we can recognize that need here in America.

I find no justification for a single American, whether old or young, to live in wretched, unsafe and unhealthy housing. We can and we must achieve decent housing for all Americans.

Finally, there is the challenge in the nursing home industry, where one million elderly Americans endure the final years of their lives.

A missionary wrote in his diary in the last century of a conversation he had with a woman abandoned in the desert. "Yes," she said, "my own children . . . have left me here to die . . . I am very old, you see, and am not able to serve them. When they kill game, I am too feeble to help with carrying home the flesh. I am not able to gather wood and make a fire, and I cannot carry their children on my back as I used to do."

And so they left her out.

And so too today, do we leave too many elderly Americans, not to live out their lives in peace and dignity, but to survive until their death.

Although there are many fine nursing homes among the 24,000 that exist across the country, too many remain "warehouses for the dying."

When the federal government pays 40 percent of the cost of operating this industry each year, when fifty chains of nursing homes now have their stock listed on Wall Street, and when a million persons depend on them for support, then we cannot continue to ignore their conditions.

We must develop a comprehensive home care program that ensures that institutionalization is the last step and not the first step in the aging process.

We must provide rewards to those nursing homes which offer exemplary care and which are aimed at rehabilitation rather than custodial care.

We must ensure that nursing home personnel are better trained and better paid so that they are capable of serving in a quality care system.

We must provide federal inspectors if state inspectors cannot do the job. And they must inspect not only physical facilities but patient care as well. And when they do find violation of standards they must be penalized—we cannot afford to wait for the next nursing home fire to remind us of the need for vigilance.

And so when we look at the challenges that remain to secure the quality of life for the elderly of this land, we know that we have lacked neither the resources nor the skills to overcome them. But we have lacked the leadership and the will.

What we require today is a national policy of concern, a policy that spans the fields of health and housing and employment and income, and nursing home care, a policy that starts with the recommendations of the White House Conference and goes forward from there.

The historian, Toynbee, concluded that the quality and strength of a society can be measured best "by the respect and care given its elderly citizens."

If we are to enrich the quality of life of all Americans, and if we are to maintain the strength and vigor of this great land of ours, then we must provide the means for elderly Americans to find fulfillment and not frustration in the final years of their lives.

It is not too much to ask of a society which owes them so much and which can still benefit from their wisdom and service.

THE BLACK PRESS IS ALIVE AND WELL

Mr. HUMPHREY. Mr. President, last Friday, June 23, it was my privilege to address the National Newspaper Publishers Association convention in Miami, Fla.

Many of us ignore the significant contribution made by the black press in our country. Many of us do not know that more than 200 such newspapers are published, all over the United States, bringing to the black public news which would not be available elsewhere.

The subject matter and the perspective of the black press differ consciously and qualitatively from that of the white press. These newspapers are truly independent, and have never in the course of their 150-year history attempted to model after the white press. Their strength over so many years is attributable to their commitment to provide news of concern to blacks, written by blacks, published by blacks, from a truly unique perspective not reflected in the white press.

The earliest black newspaper of record was the Freedom's Journal, founded in 1827 during the time of slavery by a young black Bowdoin College graduate. From that day to this, there has always been a black press in this country. Garth C. Reeves, president of the National Newspaper Publishers Association, states that nearly 3,000 black newspapers have existed in our country at one time or another.

Unlike their white counterparts, black publications are increasing in number, strength, and influence. Americans generally underestimate, if not ignore, the power of the black press. This power is growing.

Several fine articles appeared in the National Newspaper Publishers Association convention journal. I ask unanimous consent that two of these be printed in the Record in their entirety. The first, written by Garth C. Reeves, president of the NNPA, is "The Black Newspaper," an article prefaced by his "President's Message." The second, "The Black Press—Voice of Protest and Self-Improvement," was written by Sherman Briscoe, executive director, NNPA.

There being no objection, the items were ordered to be printed in the Record, as follows:

The President's Message

Despite the complexity of problems facing the Black Press in this country today, the 1944 forecast of Gunnar Myrdal seems like a prophecy. Diligent and sustained efforts of black publishers to improve their products without losing sight of the black perspective are paying off in higher circulation figures and increased advertising revenue.

For 145 years the Black Press has involved itself directly in the black struggle, and in many instances not only initiating but actively leading the fight not only with words, but physically and financially. In a capitalistic society economics is the name of the game.

That is why the theme for this 32nd annual convention is "How the Black Press Can Help Improve the Economic Status of Black Americans." Black publishers realize the importance of seeking out and interpreting to their readers those progressive and meaningful programs that help our black brothers and sisters find their way into the economic mainstream of this country.

Here's hoping our discussions will be constructive and meaningful and out of them will come new and innovative ideas to alleviate the frustrations of a growing number of our society.

When your work is done there is no need to hurry back home. Greater Miami welcomes you to stay and enjoy its many attractions.

The Black Newspaper

(By Garth C. Reeves, President NNPA)

Roland Wolseley in his book on the Black Press gave these three qualifications which a publication must meet to be considered a unit of the black press:

First—Blacks must own and manage the publication; they must be the dominant racial group connected with it. In support of that requirement it can be said that if the publication is not black-owned and black-operated, its aims, policies, and programs can be altered by persons unsympathetic to the goals of black editors and publishers.

Second—The publication must be intended for black consumers. A newspaper for black citizens deals with their interests and concerns and is not primarily for whites. So long as there is a cultural and ethnic distinction in society between black and white citizens there will be a place for black journalism.

Third—The paper must serve, speak and fight for the black minority. It must also have the major objective of fighting for equality for the black man in the present white society.

This third proviso makes the Black Press a special-pleading institution, one with a cause, goal, or purpose going beyond the basic one necessary for survival in the American economy—the making of a profit.

OPEN AND CLOSE

Since John B. Russwurm and the Rev. Samuel Cornish founded the first American black newspaper in New York City in March 1927, 2800 different black newspapers have opened or closed—mostly closed.

With the exception of Muhammad Speaks, the once popular national newspapers are no more. This is partly due to the large size of this country, but more so that virtually all black papers are weeklies, and several cover the black news of the country in about the same way as a weekly newsmagazine.

There are six newspaper groups or chains in the black press today, the largest being the Sengstacke chain that embodies the Defender and Courier nine-paper publications.

The Afro-American Group publishes five editions, and the California Post Group and the Louisiana New Leader Group have four papers each. The World Group, anchored by Atlanta's Daily World has three papers. The group with the largest circulation is the California Wave publications with a combined circulation over 200,000.

Some of the independent black papers with circulation over 20,000 include the Houston Forward Times, Cleveland Call and Post, Norfolk Journal & Guide, Atlanta Inquirer, Miami Times, Los Angeles Sentinel, Philadelphia Tribune, St. Louis Sentinel, Louisiana Weekly and Dallas Post Tribune.

Four black dailies are presently in operation: The Atlanta World, Chicago Daily Defender; Columbus, Ga. Times, and the newly-organized New York Challenger.

There are 215 black newspapers currently published on either a daily or weekly basis in the United States. The combined circulation of the black press today exceeds three million.

LARGEST PAPER

The largest black paper is Muhammad Speaks, which has a weekly circulation of 600,000. It is published in Chicago by the Nation of Islam. Next in circulation size are the Amsterdam News in New York City with 85,000; and the Detroit, Michigan Chronicle with 65,000.

Of the 215 newspapers now printing, more than half have been established since 1950 and one third since 1960.

Only 19 of these papers were founded before 1920, and just five have founding dates before 1900. These papers are the Philadelphia Tribune (1885), Houston Informer (1892), Des Moines Bystander (1894), and the Indianapolis Recorder (1895).

There are 14 states in which no black papers are published: Alaska, Hawaii, Idaho, Maine, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia and Wyoming.

Most black papers today would probably not get a high rating if they were judged by the white measuring stick of American journalism—the three major standards being (1) Integrity: being detached from political or commercial influence that might deny readers the truthful information they are led to expect. (2) Fairness: which means giving all sides of a news event and restricting the paper's opinions to the editorial columns, and avoid printing opinions as news unless the source is clear. (3) Technical excellence: including legibility of printed matter, correctness of grammar and spelling, professionalism in layout and make-up.

INTEGRITY, FAIRNESS

The first two standards for operation—integrity and fairness—are within the reach of most publishers, but the third standard—technical excellence—often is much less attainable because it requires substantial capital investment.

But if black newspapers were carbon copies of white papers, they would be worthless. They are purchased by their readers for the specific reason that they are not white papers; that what they purport to do is to report events of concern to black people from a black viewpoint.

Like any other business today the black press has its share of problems and shortcomings. We are not paragons of virtue. An alarming number of black papers are still designed primarily for the middle class black, with too little attention paid to those who have not yet made it up the ladder.

Some tend to accept at face value the efficacy of old formulas, without taking full account of changing priorities and techniques designed to answer new problems. Some sometimes expend their resources on insignificant news events that should be explored in greater detail. Our coverage, because of thinness of staff, is sometimes spotty.

These are faults, however, that the black press can correct. The increased revenue we are receiving from advertisers, as more and more merchants discover the effectiveness of their messages in a black newspaper, should enable us to attract and retain capable journalists.

Looking to the future of the black press, the words Gunnar Myrdal wrote in 1944 are still valid:

"No feasible widening of the reporting of Negro activities in the white press will substitute for the Negro press. What happens to the Negroes will continue to have relatively low 'news value' to the white people and even the most well-meaning editor will have to stop far short of what Negroes demand if he wants to satisfy his white public. Whether or not this forecast of an increased circulation for Negro papers comes true, the Negro press is of tremendous importance."

In a fully integrated society, the Black Press would shrink and eventually vanish, much in the manner of the foreign language press. Pending that, however, it is alive and well.

THE BLACK PRESS—VOICE OF PROTEST AND SELF-IMPROVEMENT

(By Sherman Briscoe)

The voice of one of the longest protests in history is the Black Press of America which celebrated its 145th anniversary last March.

But it has been more than an effective voice of protest that has played a major role in every erg of resistance overcome; it has also stimulated attainments in education and self-improvement to help keep black people abreast of opportunities as they have been achieved.

It was in March of 1827—more than 200 years after slavery had been established in America—that John B. Russwurm and the Rev. Samuel E. Cornish launched Freedom's Journal, the first black newspaper in the United States and the first black voice raised in newsprint against bondage.

The Journal not only spoke out against slavery in the South and ill treatment of freed blacks in the North, but it also emphasized education, self-improvement, industry, and thrift on the part of freedmen.

Within a little over a year, Russwurm, an 1826 graduate of Bowdoin College, became discouraged, left the paper and joined the American Colonization Society. He emigrated to Liberia where he served as superintendent of schools and governor of the Maryland colony until his death in 1851.

CHANGES NAME

The Reverend Mr. Cornish, founder of the first black Presbyterian Church in America, continued briefly with the Journal, changing its name to "The Rights of All."

Between the death of the Journal and the death of slavery, 23 other black newspapers were to raise their mastheads in protest of that institution, of the denial of full enfranchisement of freed blacks, and of oppression of them. Equally, they promoted the Underground Railroad and other abolitionist efforts, while constantly encouraging self-improvement, self-definition, industry and thrift.

Among the most outstanding of these mostly short-lived papers were: Fred Douglass' North Star, Willis Hodges' Ram's Horn, William Welles Brown's Rising Sun, Phillip Bell and Charles Ray's Colored American, Dr. Martin Delaney's Mystery, and the AME Church's Christian Advocate which is still going after 124 years.

With slavery dead in 1865, black leaders believed there was no urgency to continue black newspapers. Only about 10 such papers were established between the end of the Civil War and the Hayes-Tildren deal which led to the withdrawal of troops from the South in 1877 and the rolling back of the clock whose hands were to stand still in racial progress for more than half a century.

Between 1877 and 1900, about 150 black newspapers came into being to protest mob violence, lynchings, the total abrogation of the 14th and 15th amendments and only half observance of the 13th.

STILL GOING

The leading black papers of this dark period were: The Washington Bee, established in 1879 by Attorney William Calvin Chase; the Cleveland Gazette, launched in 1883 by Harry C. Smith; the Philadelphia Tribune, founded by Chris J. Perry, a successful realtor, in 1884. This 88-year-old paper, now under the leadership of the able Eustace Gay, is one of five that still survive from the 19th century.

Other outstanding papers of the era were: Timothy Thomas Fortune's New York Age, John Mitchell's Richmond Planet, Sol Johnson's Savannah Tribune, Phillip Bell and W. J. Powell's San Francisco Elevator, Nick Chiles' Topeka Plaindealer, John Murphy's Afro-American which, along with the Indianapolis Recorder, the New Iowa Bystander, and the Houston Informer and Texas Freeman, are the other four that are still going.

Harvard educated William Monroe Trotter practically opened the 20th century with his Boston Guardian. Much like Rev. T. J. Smith's Pittsburgh Broad-Axe, it let the chips fall where they may.

The Guardian was soon followed by Robert Sengstacke Abbott's Chicago Defender in 1905, P. B. Young's Norfolk Journal and Guide, James Anderson's Amsterdam News, Robert L. Vann's Pittsburgh Courier, Roscoe Dungee's Oklahoma Black Dispatch, and Joseph and William Mitchell's St. Louis Argus.

With the departure of George White of North Carolina from the Congress in 1901, the long night of disfranchisement, nurtured by the Ku Klux Klan and grandfather clauses in state constitutions, set in for 27 years.

GO NORTH

But Robert Abbott, unlike Boston-reared Trotter, was born and reared in Savannah, Ga., and educated at Hampton Institute of Virginia. He knew that no amount of cursing and protesting and demanding alone would improve the plight of black people as long as they remained in the South. The answer, as he saw it, was to get as many black people as possible out of the South. And he launched his campaign to bring them North.

By the time his campaign got well underway, World War I had begun and there arose a demand in the North for black workers to help man the steel mills, stockyards, and other industries. During and following the war, Abbott's Chicago Defender carried red headlines week after week, reading: "Negroes are Coming North by the Thousands."

Largely, it has been the voting leverage of blacks in the North that has made the difference in civil rights advance. And Abbott and his Defender are rated the most significant black journalistic achievement of the first half of the 20th century.

His paper—now directed by one of his nephews, John H. Sengstacke, has become one of four black dailies in continental U.S. The other three are the Atlanta Daily World, founded by W. A. Scott in 1932, the New York Challenger, launched in March by Thomas H. Watkins, Jr. of the New York Recorder, and the Columbus Times of Columbus, Ga., two years old, Mrs. Ophelin DeVore Mitchell, Publisher.

In addition to the Defender, Sengstacke owns the New Pittsburgh Courier, The Michigan Chronicle, and the Memphis Tri-State Defender.

John Murphy's Baltimore Afro-American was expanded into a chain by his sons Carl and Arnett and other members of the family. The chain includes Afro-American in Newark, Philadelphia, Richmond, and Washington which absorbed the Washington Tribune.

BOUGHT BY SYNDICATE

James Anderson's Amsterdam News, named for the street he lived on, was taken over by Drs. C. B. Powell and Philip Savory in 1936. Last year it was purchased for more than $2 million by Attorney Clarence B. Jones and the Amsterdam News Syndicate.

These and other papers joined the Defender in its migration drive. In their deal, their editors made negative reporting a fetish, seldom seeing anything good about the South or about the black people who lived there. Much of this attitude slopped over into the North where it still exists.

While negative reporting fired the migration movement and the protest against segregation and mob-violence, it may have had the harmful influence of retarding greater efforts in education, self-improvement, industry and thrift.

Black protest was also fired by Woodrow Wilson's false promise of entering World War I "to make the world safe for democracy." At first blacks believed the slogan, but soon discovered that it was merely a slogan. Angered by the deception, black editors pressed hard for the rights of their people and took every opportunity to expose the failings of democracy.

So vocal was the black press in its protests and demands, that the War Department summoned 31 of the loudest voices to Washington to face complaints and criticism. But the editors brought complaints of their own—anti-Negro mob-violence, ill-treatment of black troops, segregation here at home, and disfranchisement. Their complaints went unanswered by the War Department and the Department of Justice, and they returned to their typewriters and continued their criticism and protest as before. A Philip Randolph's Messenger was one of the most outspoken.

The riots which followed the war stimulated the establishment of a number of black newspapers. Among the most important of these were: Chester Franklin's Kansas City Call, Anthony Overton's Chicago Bee, William O. Walker's Cleveland Call & Post, E. L. Goodwin's Oklahoma Eagle, H. E. Sigismund Reeves' Miami Times, M. L. Collins' Shreveport Sun, and C. C. Dejoie's Louisiana Weekly. The latter three papers are now operated by sons of the founders—Garth Reeves, M. L. Collins, Jr., and C. C. Dejoie, Jr.

STARTS ANP

The rioting also led to the establishment of the Associated Negro Press by Claude A. Barnett, a Tuskegee graduate and a former staffer of the Chicago Defender. He developed it into an effective news service and continued it from 1919 until his declining years in 1964.

On the eve of the 1929 depression were born Nathaniel A. Sweets' St. Louis American, L. E. Austin's Durham Carolina Times, and the Scott brothers' Atlanta World as a weekly.

During the 1930s, scores of black papers arose and fell. Among those that have survived are: The Defender established Louisville Defender, now published by Frank Stanley, Sr., and the Michigan Chronicle with Louis Martin as editor. Longworth M. Quinn now runs the paper for the Sengstacke chain.

Other papers of the 1930s are: Leon H. Washington's Los Angeles Sentinel, Cecil Newman's Minneapolis Spokesman, Mrs. Mildred Brown's Omaha Star, and Percy Greene's Jackson Advocate.

In the 1940s with the war and the Fair Employment Practices Commission—more national advertising became available through Interstate, now Amalgamated Publishers, Inc. (API). Since then, more than 100 papers have been launched; about half are still going. Adam Powell's People's Voice was one of the casualties. Among the more substantial survivors are: The Jervay Brothers' Raleigh Carolinian and Wilmington Journal, Dr. Carlton B. Goodlett's San Francisco Sun Reporter, the late John Kirkpatrick's East St. Louis Crusader.

Also C. Blythe Andrews' Florida Sentinel Bulletin which took over the Tampa Bulletin, Frank Thomas' Mobile Beacon, Jesse Hill's Atlanta Inquirer, Charles Bolen's Ft. Pierce Chronicle, J. K. Land's News Leaders in Baton Rouge and four other Louisiana cities, Marjorie Parham's Cincinnati Herald, Mrs. Julius Carter's Houston Forward Times, Clyde Jordan's East St. Louis Monitor, the Muslims' Muhammad Speaks, John Johnson's Jet, Jerrel Jones' Milwaukee Courier, and out in California, William Lee's Sacramento Observer, Earl Davis' San Diego Voice & Viewpoint, Thomas Berkley's Berkeley Post chain, and Chester Washington's Central News-Wave chain.

Also the 1940s saw the coming of age of the National Newspaper Publishers Association (NNPA) which was organized in 1940 with 11 members at a meeting in Chicago called by John Sengstacke. Representing the combined strength of the Black Press, an NNPA committee called on President Roosevelt in 1944 and demanded an end of segregation in the armed forces. This helped start the ball rolling, and in 1948 a Truman commission, on which Sengstacke served, drew up the guidelines for ending segregation in the military.

Since that first call on Roosevelt, NNPA has met with every President and presented its position on issues concerning the welfare of black Americans.

Protests of injustice, racial discrimination and segregation, unequal employment and promotion opportunities for black people are still the driving force of the Black Press. And encouragement is given the shock troops by its reports of black success, solid achievement, and general advancement of black people here at home, in Africa, and throughout the world.

INCOME TAX CREDIT FOR NONPUBLIC SCHOOLS

Mr. RIBICOFF. Mr. President, unless action is taken soon by Congress, many of our Nation's nonpublic schools will be forced to close.

The President's Panel on Nonpublic Education has reported that nonpublic school enrollment has been declining at a rate of 6 percent per year. Roman Catholic schools have been the hardest hit, but they are not alone. In the past 2 years, independent school enrollment has dropped 11 percent, military schools 10 percent, and boarding schools 4 percent. At this rate one-fourth of the schools operating in 1970 will be closed by 1975.

If this trend continues we will experience a massive dislocation in our public school system. Over 10 percent of America's total elementary and secondary students attend nonpublic schools. Should these schools collapse, our public school system would have to absorb over 5 million more children. Most of the impact would be felt in urbanized areas already heavily burdened by the need to provide public service.

In an attempt to alleviate this problem, I have introduced a bill (S. 3700) to grant tuition tax credits to the parents of nonpublic school pupils. I am hopeful that Congress will give this complex problem its close attention in the months ahead.

During its deliberations, the President's Panel on Nonpublic Education studied a report prepared by Roger A. Freeman, a senior fellow at the Hoover Institution on War, Revolution and Peace. Because I believe that Senators will find it most informative, I ask unanimous consent that a synopsis of Mr. Freeman's report, entitled "Income Tax Credits for Tuitions and Gifts in Nonpublic School Education," be printed in the Record. The complete text of this report can be obtained from the President's Panel on Nonpublic Education.

There being no objection, the synopsis was ordered to be printed in the Record, as follows:

Income Tax Credits for Tuitions and Gifts In Nonpublic School Education

Synopsis

1. Nonpublic elementary and secondary schools have been in a rapid decline over the past five to six years which seem to be accelerating and it appears now that many and possibly most of those schools may be forced out of existence during the 1970s unless some type of action is taken to keep them alive.

2. The closing of most nonpublic schools could throw up to 5 million children on to the public school system and place an annual $4 to $5 billion burden on the taxpayers' backs. With few if any alternatives available, virtually all children would then have to get their education in the public schools, save for the children from the most affluent families. Many observers regard attendance of the same schools by all children to be the best preparation for life in a democracy. But it would certainly make a hollow shell of the natural right of the parents to direct their children's education, as defined by the U.S. Supreme Court in its unanimous decision in *Pierce v. Society of Sisters*.

3. The President made it a particular assignment of the Commission on School Finance to consider the financial problem in nonpublic education, especially in religious schools, and to recommend measures by which their decline can be halted and their threatened collapse prevented.

4. Several decisions of the U.S. Supreme Court rule out the appropriation of public funds for direct governmental subsidies to religious schools but permit tax benefits to churches and other religious institutions. It

appears therefore that church-connected education can be effectively aided either by tax benefits of some kind or not at all.

5. The Internal Revenue Code now leaves about one-half of all personal income free from federal income taxation. Most of the numerous types of tax benefits are intended a) to establish greater horizontal equity, i.e., make taxes fairer by making allowance for special burdens, or b) to stimulate socially desirable activities by offering tax incentives.

6. Income tax deductions have long been permitted for special burdens such as state and local taxes, interest payments, casualty losses, medical expenses, etc., as well as for donations for religious, educational and charitable purposes. Considerations of equity as well as social policy make it desirable to add tuitions to the list; this seems to be the most effective method, and possibly the only method, by which parents can be aided in exercising their right of choice and church-connected schools can be helped to survive.

7. Because of the progressive income tax rate scale, deductions confer proportionately greater benefits on taxpayers in high income brackets than on low or middle income persons. This lopsided situation can be rectified by using tax credits—deductible from tax liability—instead of deductions from adjusted gross income. I suggest that the privilege which is now enjoyed only by taxpayers in the highest income bracket—to offset 70% of their donations to schools against their tax liability—be extended to taxpayers at all income levels. This would effectively stimulate contributions among middle and lower income persons.

8. Tuition tax credits can help parents to augment their support of nonpublic schools without placing a commensurate burden on them. If well designed, tuition tax credits are on firm constitutional grounds and will stand up against any conceivable constitutional challenge.

I suggest a 70% tax credit for tuitions in all regular schools. Such a credit could, for example, apply to tuitions between $100 and $300 in elementary schools and between $100 and $500 in secondary schools, with an upper income cutoff. Its annual cost may be estimated at $900 million, which is less than one-fourth of the expense of educating those children in public schools.

9. Public schools, as well as homeowners and renters, could be aided by the granting of income tax credits for residential property taxes levied for school purposes (or, possibly, for all purposes).

WHEN ARE WE GOING TO START TO BUILD ENOUGH RECREATION ROADS?

Mr. MOSS. Mr. President, what must be called an "explosion of use" of our recreational areas is occurring in America—with an "explosion of demand" for roads to reach these areas. In my State of Utah motorists are traveling on any road, track or trail that will carry them to spectacular scenic spots, placing far too heavy a load on low standard roads and breaking their axles and blowing their tires on barely passable tracks and trails.

Recently I prepared a statement for the Roads Subcommittee of the Committee on Public Works recommending that authorization levels be substantially increased for fiscal 1974 and fiscal 1975 for all scenic and recreational roads in the Federal Aid Highway Authorization Act of 1972, now under consideration. Higher authorization levels will hold out some hope of getting higher appropriation levels in years to come, and eventually of stepping up our pace in building the roads we need to serve our outdoor-oriented, increasingly mobile population. To call the attention of all of my colleagues to the recommendations I have made, and why I made them, I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FEDERAL AID HIGHWAY AUTHORIZATION ACT OF 1972

Mr. Chairman, it is a pleasure to testify before this subcommittee, of which I was a member for so many years. From my own experience I know how difficult is the task which confronts you. Determining the level of authorization for the various Federal aid highway programs—in this instance for fiscal 1974 and 1975—and dealing with all of the very controversial questions which arise out of the financing, construction and use of these highways, is one of the hardest and most complex jobs this subcommittee, or in fact the Congress as a whole, undertakes in the second session of each Congress. I offer you my sympathy and support.

I come here today because I am outraged by the low level of authorization recommended in S. 3590 for fiscal 1974 and 1975 by the Nixon Administration for categories of the Federal aid highway system which help us build our scenic and recreational highways. The levels the Administration suggests are both unrealistic and unwise. I sometimes wonder if those who set these levels are living in the same country as I, with our millions of outdoor-loving, mobile citizens out every weekend crowding every highway, every gravel and dirt road, and even every wagon track that will lead them to any recreation area.

My own state of Utah is a prime example of what is happening. The explosion of interest in outdoor recreation has led people to try to reach any spot where they can camp or picnic or hike or boatride or fish or enjoy a scenic view. They drive over any road that is passable, putting on it a burden in weight and numbers far beyond what it can carry. They often blow out their tires and break their axles and do other damage to their cars. But they keep coming and coming—seeking outdoor recreation experiences. Where scenic highways have been built, or the recreational access roads have been constructed, the cars extend bumper to bumper with hours of delay on weekends in getting to or from a popular area.

As one way of beginning to build the highways and roads we need, I recommend a substantial increase in authorization in all Federal aid highway categories which are used in any large measure for recreation.

Now, I am sure someone will remind me:

But Congress is not appropriating the fully authorized amount for these categories in most instances now, so why increase the authorization?

My reply is a simple one. We are not appropriating more because in most instances the Administration is sending a budget request to Congress which only asks for one half or two thirds of the authorization and the Congress, fearing additional funds will only be frozen by the Administration if they greatly exceed the budget request, is increasing appropriations by cautious amounts. Perhaps if we get the authorizations up, we will get the budget requests up, and then we can get the funding up and we can begin to move along faster in building some of the roads we so desperately need.

I would, therefore, recommend that Section 105(a) of S. 3590 be amended, to make the following changes in levels of authorization for scenic roads, recreation access roads, park and parkland roads and roads across public lands:

For Forest Highways, out of the Highway Trust Fund, $50 million for fiscal 1974 and $50 million for 1975, instead of the $33 million recommended for each year.

For Public Land Highways, out of the Highway Trust Fund, $25 million for fiscal 1974 and $25 million for fiscal 1975, instead of the $16 million recommended for each year.

For Forest Development Roads and Trails, $170 million for fiscal 1974 and $170 million for fiscal 1975 out of general revenue funds instead of the $75 million recommended for each year.

For Public Land Development roads and trails $20 million out of general revenue funds for fiscal year 1974 and $20 million for fiscal 1975, instead of the $10 million recommended for each year.

For park roads and trails, $50 million out of general revenue funds for fiscal year 1974 and $50 million for fiscal 1975, instead of the $30 million recommended.

For parkways, $40 million out of general revenue funds for fiscal 1974 and $40 million for fiscal 1975 instead of the twenty million recommended.

These are substantial increases, I realize, but not unreasonable in view of the need. The Forest Highway authorization, for example, has been at a level of $33 million for over 10 years. There is already a tremendous backlog of Forest Highway projects. In Utah alone, at the present rate of authorization, it is estimated it will require some 40 to 50 years to complete the system. And we are not even appropriating the $33 million authorized each year. In fiscal 1972, for example, we appropriated only the amount of the budget request which was $20 million.

I suggest that the subcommittee not only increase the authorization for Forest Highways, but also include in the bill which is reported a provision requiring a study of "Forest Highway Needs." I understand that Forest Highways were not included in the most recent highway needs study, and we really don't know how much money we need to build the Forest Highway system. A study would probably show that my suggested figure of a $50 million authorization is far too low—as there can be little doubt that the $33 million figure is.

The Forest Roads and Trails authorization request is equally unrealistic. The fiscal 1974 and 1975 authorization for $75 million is almost a hundred million short of the $170 million authorization for fiscal 1973. I realize that there is some unfunded authorization available, but this could be used up quickly with increased appropriations and no budget restraints and the necessary personnel. By suggesting a cut of more than 100 percent in the Forest Roads and Trails authorization for fiscal 1974 and 1975, I would hope that the Administration did not intend to indicate that the present rate of development of Forest Service roads and trails is adequate—because it isn't.

In the state of Utah we received about $4 million in the current fiscal year for Forest Roads and Trails. The demand upon these funds has been tremendous. The spectacular rise in the use of Utah recreational roads is indicated by the following figures:

In 1967, there were 6,494,000 recreation visitor days in the state which represented 4.3 percent of national visitor days. Some 1,245,000 of these visitor days were used in traveling Forest Service roads and trails in Utah.

By 1971, the total number of recreation visitor days in the state had skyrocketed to 9,604,000 and to 5.3 percent of the national total, with 1,880,000 of those days of travel on U.S. Forest Service roads and trails.

In other words, not only are we experiencing constantly increasing recreational visitor use in Utah, but we are rapidly escalating our share of the national total in days of visitor use. Recreation use in Utah is rising faster than in many other states, and it is rising especially fast on Forest Service roads and trails.

I can best explain what is happening by discussing the Nebo Scenic Loop in the Uinta National Forest which goes from Payson Canyon up the remote back side of Mt. Nebo and comes into Salt Creek Canyon east of Nephi—the whole trip a refreshing, scenic experience. The road is approximately 20 miles long. It is built on an old existing road constructed during the CCC days. This deteriorating road carries heavy traffic each summer weekend. It becomes rutted and filled with chuck holes. A $250,000 contract is now being advertised by the Forest Service which will allow improvement of one segment of the road. $500,000 could well be used on this road in one construction season. But only half this much needed work will be done this year. We need urgently to step up the pace of the work.

Or again, consider the 130 mile Skyline Drive through the MantiLaSal National Forest which contains some of the most beautiful scenery in the state of Utah. About three miles of road through Huntington Canyon is on the Forest Highway system—the rest must be built with Forest Road and Trails money. A recent report describes the road as follows:

"From the elevated portions of the route, magnificent panoramas of the surrounding mountain areas are visible. On a clear day you can see for over 300 miles. Numerous opportunities for hiking, fishing, boating, camping, hunting and just plain looking exist along and adjacent to the entire route. Over 40 recreation areas and 17 lakes could be serviced from this road."

Most of Skyline Drive is also in very poor condition—little more than a couple of tracks in some places. But a few hardy souls try to drive through its Alpine meadows and forest Sunday after Sunday, week after week. A paved or even a well graded road would give thousands more an opportunity to do so and to enjoy its grandeur.

Another point of great interest to me is the fact that this proposed road lies in a rural area covering portions of four different counties all of which are in dire need of economic assistance that could be stimulated, in part, by opening up this valuable area to the many tourists, campers, hunters and fishermen, who otherwise cannot get into the area.

But perhaps the level of authorizations which most appall me are the $30 million request for parks roads and trails, for which I have proposed the higher authorization of $50 million, and the $20 million authorization for parkways, for which I would substitute $40 million. I am not overstating it when I say we could use the $30 million for park roads and trails immediately in the state of Utah, where we have in the past few years established three new national parks—Canyonlands, Capitol Reef and Arches—and one recreation area—Flaming Gorge—and where we are about to pass legislation setting by statute the final boundaries of the million acre Glen Canyon National Recreation Area.

And Utah will soon, I hope, be calling on the National parkways funds for the Canyon Country National Parkway, for which legislation I have introduced is pending.

In 1964 when Canyonlands National Park was established the National Park Service unveiled a five year, $8 million development plan which called for considerable road building to provide access to the park. Included was improvement of the road already in existence from the northern end of the park to Island of the Sky and the confluence of the Green and Colorado Rivers, and construction of a road from the southeastern entrance of the park through the Squaw Flat area to the confluence.

Now eight years later, we are still working on the Squaw Flat Road, and are at least ten miles from the confluence. No other roads have been built. A contract for about $600,000 has recently been advertised for the Squaw Flat Road which will build it to the Big Springs Bridge. The bridge itself is estimated to cost about a million and a half dollars. The projected million people a year visitation to Canyonlands has shrunk to the 55,400 people who actually visited the park last year.

Far fewer people than once expected have been able to enjoy Canyonlands because access has not been provided, and the projected economic benefits to the surrounding area have not been realized either. The people in the area are thoroughly disillusioned. Most of the park can be seen only by those who backpack in. We want, of course, to keep large sections of Canyonlands in wilderness for the enjoyment of those who seek nature experiences, but we must quickly open up other parts of the park so everyone can enjoy them. We will then take the pressure off some of our other overburdened recreation areas.

Glen Canyon National Recreation area, which encompasses Lake Powell is an area of very high visitation. But the facilities there are greatly overburdened, and must be extended. One road—the Glen Canyon to Bullfrog Road—which would provide quicker and easier access to new recreational sites on Lake Powell will cross the Glen Canyon Recreation Area, and will cost some $40 million to build. This road is so seriously needed, and is such an issue in my state of Utah, that the Utah Congressional delegation will try to authorize its construction right in the bill establishing the Glen Canyon National Recreation Area.

Mr. Chairman, the National Park Service advises me it will take an estimated $1 billion to bring all its parkways and its park roads and trails up to standard. And yet the Nixon Administration sends to Congress an authorization request for a combined $50 million for both categories in each of the coming two fiscal years—1974 and 1975. Surely by then we will be out of Vietnam and be able to concentrate more money on our domestic problems. The authorization figures are so out of proportion to the nation's needs that they are indefensible. I trust that the subcommittee will substantially raise them all.

In conclusion, let me state also that I support the bill, S. 3405, introduced by the distinguished Chairman of the Senate Public Works Committee, Mr. Randolph and cosponsored by the Chairman of this subcommittee to amend Title 23 of the U.S. Code to establish a special national scenic and recreational highway program. The bill would authorize $30 million for each of the fiscal years ending June 30, 1974 and 1975 to build scenic highways, and to furthermore authorize $150 million for each of the fiscal years ending June 30, 1974 and 1975 to allocate grants to the states to build scenic roads.

I hope that the subcommittee will include the provisions of this measure in the bill it reports.

ADDRESS BY SENATOR HUMPHREY TO THE U.S. CONFERENCE OF MAYORS

Mr. HUMPHREY. Mr. President, on June 20, 1972, I was privileged to address the annual meeting of the U.S. Conference of Mayors.

It was a memorable occasion for me. As a former mayor, I always feel at home with the mayors of our country.

Mr. President, the thrust of my remarks was clear: We cannot begin to take care of America until we take care of America's people. And, America's people live predominantly in urban areas.

The urban areas of our Nation need our help. And, they need it immediately. Long-range plans are essential—and I spoke to the necessity for a national growth policy. But, as I said, cities have to be operated now. People have to live now.

The U.S. Government has an obligation to help restore the fiscal vitality of the cities.

That is one reason why I have been a consistent supporter of revenue sharing. That is why I have joined with the Senator from Tennessee (Mr. BAKER) in introducing in the Senate the House Ways and Means Committee-approved revenue-sharing bill.

That is also why I have asked the Senator from Louisiana (Mr. LONG), chairman of the Committee on Finance to move ahead quickly on hearings for the swift passage of revenue sharing.

Chairman LONG has given me his assurance that he will indeed move forward as expeditiously as possible.

In my remarks to the mayors, I spoke of my talk with the chairman, and I relayed to the mayors my intention to be the leadoff witness for revenue sharing when hearings are held in the Senate.

Mr. President, I ask unanimous consent that my address to the U.S. Conference of Mayors be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR HUBERT H. HUMPHREY TO THE U.S. CONFERENCE OF MAYORS, NEW ORLEANS, LA., JUNE 20, 1972

Last year when I had the privilege of addressing the Conference of Mayors, I said that our Nation must develop a national urban strategy to deal with the diminishing quality of life in urban America.

A year has passed and there has been little visible progress towards meeting the great needs of American cities.

Tragically, we have no national urban policy to guide us.

Yet every day we are faced with the fact that more and more Americans are moving to urban areas.

Every day the need for fundamental services for urban Americans increases.

Every day the financial resources prove to be less and less.

In the face of this crisis, what is the response from the Federal Government?

Too often it runs away from the problems:

It underfunds badly needed programs.

It encumbers effective local action with bureaucratic over-regulation.

It ignores the neighborhoods—it guts them with indiscriminate highway programs and plans urban renewal projects which are in effect, people removal programs.

But the Federal Government's greatest failure is to try to solve urban and suburban problems of the 1970's with the solutions of the 1950's and 60's.

What are the realities of urban life today?

Realistically, our urban society extends beyond city lines into increasingly urbanized suburbs.

But the problems of the city—because they are people problems—don't stop when concrete and pavement become green grass and shopping centers.

There isn't a metropolitan area in this Nation which has avoided the social disintegration and economic decay caused by affluent Americans running away from the poor.

There are few families in suburbs who

can claim today that the drug problem of the inner city is not theirs also.

Crime knows no neighborhood—no one is free from assault and stick-ups; no American home or apartment is safe from burglary and no American can be secure when there is violence and disorder.

Throughout metropolitan areas the educational system is breaking down:

School bond issues are being defeated.

Classroom size is being increased.

School taxes are going up.

Parochial schools are closing.

Students and parents are having serious doubts about the educational quality of our school system.

And there is no metropolitan area where the level of basic services has kept pace with needs of the people.

This means that people are angry, frustrated and often disillusioned.

The despair and crushed spirit of urban American increases every day because we know that cities can come alive again.

We know that cities can have green parks, tree-lined roads, safe and clean streets, good schools and a style of life that gives people dignity, hope and opportunity.

I believe it's time for America to stop running away from its own problems—to face up to the urban crisis and to act accordingly.

It's time to do for ourselves what we have been doing for the rest of the world during the past 27 years.

We must restructure our political organizations, adapt our social institutions to changing times, revitalize our community services and commit the financial resources needed to do the job.

These are the long range goals which deserve a national commitment.

But people have to live today and your cities can't wait for another five or ten years.

Let me be specific and give you my ideas as to what together we must do now.

The passage of an adequate revenue sharing bill is imperative. Revenue sharing is not a panacea for the ills of American cities. And it cannot replace the grant-in-aid programs.

But our plans, our goals, our long-run objectives are simply useless without a continuing, well-funded revenue sharing program, and I have been a consistent advocate of revenue sharing.

I believe that it is a program for the 1970's.

Tomorrow, the House of Representatives will begin debate on the Mills fiscal assistance proposal.

And in the Senate, Senator Howard Baker and I have introduced an identical revenue sharing bill. There are now 41 co-sponsors of that legislation.

I want the mayors of America to know that I have talked with Chairman Russell Long of the Senate Finance Committee and requested Senate revenue sharing hearings.

I can report to you today that Chairman Long has given me his personal assurances that the Finance Committee will promptly begin hearings on this legislation and expedite its report to the Senate floor.

I will be the first witness before the Finance Committee on behalf of the mayors and the cities when the hearings begin.

Revenue sharing will be an article of law this year. But revenue sharing is but the first step.

The second immediate task is enactment of the National Domestic Development Bank—legislation I introduced to help cities, States and towns finance vitally needed public projects.

This legislation is based on accepted principles of international finance.

I propose that we now apply them at home by providing long-term loans at low interest rates, and that we couple the financial help with technical assistance.

My plan will allow cities, counties, towns, school districts and other government jurisdictions to move ahead on a wide range of urgently needed public construction.

It will provide an alternative and supplemental source of funds for a nation that is privately wealthy and publicly poor. It will bring together public and private financing for the revitalization of urban America.

It can help end the stop-start history of public construction in this country by providing for an orderly and continuing new financing mechanism and the National Domestic Development Bank is a program for all the communities of America.

It can facilitate economic development in depressed areas.

It can provide jobs.

It can stimulate the economy.

Once cities have the necessary tools to achieve some of their objectives the next stop is to change the way the Federal Government makes its budget decisions.

Right now, mayors and city officials, supervisors, city managers, county officials, governors and the people are closed out of the Federal Government's budget process.

Decisions are made every day about your city by bureaucrats in Washington.

You are seldom consulted.

Your true needs are often ignored. You and the people end up living with decisions you had no part in making. This makes no sense.

I want the budget process of the Federal Government to be open to the mayor before the decisions are made.

I propose that the budget officers leave Washington, go into the cities and regions of this Nation and hold hearings and meetings on the coming fiscal year's budget.

Let's send the President's executive decision makers to where the problems are so that they can hear first hand from you and others who face urban problems every day.

If an assured level of funding is available over a period of years and if mayors and city officials have full access to the Federal budget process, then we can take the fourth step: effective planning and use of our resources to meet our needs.

We have visions of tomorrow, but we lack the specific plans to make our tomorrows a reality.

The basis of our vision for the future should be targeting a rural-urban balance—a healthy balance between the people and the land.

This mans focusing on orderly growth—designing this for people rather than for expediency, and an essential component for ordered growth is slowing down the forces which have placed a third of the American people in the six States of New York, California, Illinois, Pennsylvania, Ohio and Texas. Yet there is not a single mechanism or process to plan the future growth and development of the United States.

Today we are a nation of 209 million people, 70% of whom now live in cities of 50,000 or more—by the 1980's—80%.

By the end of this century, 300 million people will populate our country and as many as 90 percent will live in metropolitan complexes.

We have totally neglected the impact of a growing population let alone the movement of people within our Nation.

Because we lack a national planning process, Americans are deprived of the benefits planned growth can provide.

I will soon introduce a national growth and development act that will be the first step towards planning the national growth of our country.

A national growth policy can mean:

Overcoming fiscal crises through planning.

Making the best possible use of land in our metropolitan areas.

Coordinating an attack on all types of pollution.

Planning for services and facilities so that when people move in, the services are already there.

The legislation I will soon introduce will establish an Office of National Growth and Development within the White House. It will provide the leadership necessary to coordinate all departments and agencies—and regulatory bodies—with respect to development and implementation of national policy.

And in the Congress, I propose that a Joint Committee on National Growth be established, and supported by a Congressional Office of Policy and Planning.

Finally, my legislation would force the Federal Government for the first time to anticipate the consequences of growth when it plans a facility, lets a large contract, implements a new program or expands its funding.

For thousands of years cities have reflected the spirit and achievement of a civilization.

It has been in the cities where the centers of learning, art and culture have flourished. The great libraries, universities, theatres, museums and centers of commerce have existed in the cities of the world.

But cities have always been a measure not only of a society's culture, but of its humanity.

But as long as there are slums, people in poverty, hungry children, segregated and dilapidated neighborhoods, deteriorating schools, polluted air and pervasive crime in our cities, then the quality of our entire civilization is threatened.

Can our nation build great cities?

There is no alternative.

The answer must be yes.

I want to be President of an America where cities are a place people want to come to learn, to live and to raise their children.

This type of urban and suburban society can be achieved if our leaders are truly committed to the revitalization and rebuilding of life in urban America.

DEBUNKING THE McGOVERN AS GOLDWATER MYTH

Mr. CHURCH. Mr. President, the Saturday Review of July 1, 1972, contains a highly significant article on the Presidential candidacy of Senator GEORGE McGOVERN, written by John Kenneth Galbraith.

Of particular interest is Mr. Galbraith's debunking of the myth that a McGovern candidacy would, in some fashion, be comparable to the Republican candidacy in 1964 of Senator BARRY GOLDWATER.

Mr. Galbraith writes:

> The comparison with Goldwater is a brilliant piece of political polemics, it is also nonsense.

It is, indeed.

As Mr. Galbraith points out:

> Goldwater was urging change in favor of the few and the rich. McGovern is urging change in favor of the many who are in the middle or below. The many, a point that some thoughtful writers have never grasped, are more numerous than the few, and in politics it is the majority that counts.

Mr. Galbraith further points out that if one must search for historical analogies, the proper comparison with Senator McGOVERN is Franklin Delano Roosevelt with his reforms of 40 years ago which, like the case today, were designed to benefit the majority.

Mr. President, I ask unanimous consent that Mr. Galbraith's article be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

THE CASE FOR GEORGE MCGOVERN

(By John Kenneth Galbraith)

It all happened in a matter of three months this spring. Before the New Hampshire primary in March, George McGovern was nowhere—an object of the sympathy and amusement of the established political sages to the extent that his seemingly feckless effort was deemed worthy of notice by men of such stature. By the end of May he had it made. The California primary—some unprecedented accident apart—all but wrapped up the nomination, although, in a shrewder view, it was probably Ohio that decided things. There it was evident that McGovern not only had a strangle hold on liberal urbanites, suburbanites, and students but could also make deep inroads into the blue-collar and ethnic columns that were meant to march for Hubert Humphrey.

There remained, to be sure, some doubt as to how McGovern did it. Joe Alsop, whom I cherish as one of the splendidly comic figures of our age and always read before Art Buchwald, thought carefully and concluded that the McGovern men had stolen the primaries and the state conventions. They had organized, and organization (anyhow, if by the liberal and young) defeats the popular will. Stewart Alsop, although conceding McGovern some considerable appeal, thought that people were voting for him out of mass misinformation—they did not see what he was up to on abortion, economics, and things like that. When they did—wow! But most others have agreed that McGovern is somehow popular with voters. For judging his prospects next fall, it is worth knowing just what happened this spring and why.

The McGovern success can be understood, I think, only in terms of the preferred position in the United States of social diagnosis as compared with practical action. No country approaches us in the candor and quality, not to mention the sheer volume, of such diagnosis. If something is wrong with our economy or polity or otherwise with our society, we search out the flaw and an explanation for it with relentless force. This has been especially so in these last years, when so much has seemed wrong—when the phrase "credibility gap" has come to grace a general commitment by the government to uninspired falsehood; when a costly and intellectually inexplicable involvement in Indochina has persisted contrary to all reason and expectation; when our military budget has become absurd in light of either military need or the starvation of our cities; when we have put moon travel on a commuter basis, while people at home cannot get to work; when a disenchanting combination of severe inflation and severe unemployment has persisted in conflict with all reputable economic instruction; when the welfare mess has caused people to crowd to the cities and has then penalized them for taking a job; where the fiscal system has been fostering a whole new class of income-tax dropouts, who were even so gauche as to convene by private jet at John Connally's ranch to hear the President defend their graft with wonderful indifference to the trouble the average citizen was having with the tax on his house; and when it was being discovered that our air, streams, lakes, beaches, roadsides, and countryside were all being sacrificed to uninhibited economic (and corporate) growth.

On all of these problems, as noted, men of wisdom had been speaking urgently, righteously—and, in most cases, for very adequate compensation. But it was implicit in this discussion that nothing much would be done that would upset the basic equilibrium in our politics, an equilibrium based on the understanding that we will analyze, deplore, recommend, and, on occasion, demand but will not act. This rejection of action is held to reflect the public will. No matter how serious the problem, the people will vote against the man who proposes remedies, for remedies cost money and make him a radical. There is, alas, an element of pecuniary self-interest in all this. Social diagnosis is a considerable industry in the United States. A lot of this industry's entrepreneurs, without ever quite admitting it, find things entirely comfortable as they are. They persuade themselves that others, despite the troubles they describe, are really quite comfortable, too.

Thus George McGovern. He got hold of the novel idea that a fair majority of citizens not only want to understand their sorrows, they would like to have something done about them. The other candidates made the mistake of believing that all the talk about truth in government and change in the society was purely theoretical. For months friends have kept calling me to say what a mistake it was for McGovern to spell out his position on tax loopholes, welfare reform, and the military budget in such unnecessary detail. He would frighten people. No doubt quite a few were frightened off. But it won him the primaries and will him the nomination. Only an honest and serious man bothers to tell you exactly what he hopes to do, and these qualities evidently appeal to voters these days.

Now it will be said—and said and said—that, while McGovern's commitment to the reform of military, economic, and fiscal policies that nearly everyone agrees are ghastly was great for winning the nomination, it will lose him the election. Zealots who want change can nominate a man; only defenders of the *status quo* can elect one. If McGovern doesn't now adopt the Establishment view, it is asserted, he will do more this autumn to make Richard Milhous Nixon a statesman than Barry Goldwater did to make L.B.J. a pacifist.

The comparison with Goldwater is a brilliant piece of political polemics. It certainly has taken hold. It is also nonsense. The natural reaction of some McGovern defenders has been to argue that he isn't all that extreme. He hasn't really advocated compulsory abortion; the next generation of Rockefellers will still have a few of the millions rightfully accruing to them from the only moderately righteous enterprise of their great-great grandfather a hundred years ago and so will be available for public office; McGovern proposes amnesty only for those who resisted the war and will not release all felons from jail. Doubtless all this is true, but it would have been more to the point to argue that McGovern, unlike Barry Goldwater, was urging the kind of change that most voters want. Goldwater was urging change in favor of the few and the rich. McGovern is urging change in favor of the many who are in the middle or below. The many, a point that some thoughtful writers have never grasped, are more numerous than the few, and in politics it is the majority that counts. It was Barry Goldwater's romantic thought that the poor wanted more done for the rich, less for themselves. He had inveighed against the progressive income tax; when the campaign started, he was still worried about the effect of Social Security on the moral fiber. He wanted more freedom, which, generally speaking, meant freedom for the privileged to expand their preferred form of plunder. The McGovern reforms—on employment, taxes, welfare, equality—are all designed to benefit the majority. An important distinction.

If one is searching for historical analogies, it could be recalled that Roosevelt's reforms of forty years ago were similarly concerned with the majority. They also made him a dangerous radical. And they made him electorally invulnerable. There is a difference between a Democratic Goldwater and a Democratic Roosevelt. McGovern's identification, if he remains on course, is more plausibly with Roosevelt.

It might also be added that Goldwater was a hawk. McGovern is that most curious of political birds, a dangerous dove. As a final point, this whole discussion seems to me a bit hard on Barry Goldwater. He is a nice man who brought a marked passion to his program for enriching the rich. Why hurt his feelings? Let the McGovern people help Barry out: Let them say that McGovern is the Goldwater of the forgotten man.

It is necessary, of course, that McGovern resist the pressure of the privilege. As I've said, in the months ahead it will be a wonderful thing to watch. Having failed to nominate an adequately inert man, the Establishment philosophers will try to do the best with what they have. Only a man indistinguishable from Nixon—or preferably Scoop Jackson or possibly Sam Yorty—will, so they will say, stand a chance of election. I think that, on the whole, McGovern will resist. (I, of course, distinguish between conciliation, even occasional compromise, and retreat.) Accordingly, he will be an alternative to Nixon. He will appeal to the unrich, unpowerful, and unprivileged majority, and, therefore, like Roosevelt, he will be elected. This expectation derives partly from an impression of the man and partly from his reaction to the issues in the past. Let me say something about each.

I first worked with George McGovern when I was in India, and he was head of the Food for Peace Program under President Kennedy. The whole effort was a mirror of the McGovern mind and mood. As a farm congressman from South Dakota, he had constituents for whom wheat growing was halfway between an industry and an obsession. He wanted to see that farm plant used efficiently. And he believed that hungry people should have enough to eat—an idea he thought applicable even to the United States, to the terrible distress of Congressman Jamie Whitten of Mississippi and similar philanthropists. Many diagnosticians had pointed to the inconsistency between big food surpluses and pervasive hunger; McGovern was bent on doing something about it, and he did. Many people are now alive as a result of his efforts to make food surpluses available to the starving. I might add that these efforts won the United States—and him—a very pleasant response. His reception, when he came to India in 1962, was better than that accorded Henry Kissinger last year. I share with others a certain nostalgia for the days when Americans were thought nice.

I really got to know George McGovern with the Vietnam War. The mid-Sixties were lonely years for opponents of the war; we were treated in Washington with all the cordiality that is commonly accorded acute paresis. Following close on the heels of Wayne Morse and Ernest Gruening, McGovern was one of the little band of men who led the fight against the war in the Senate. More than anyone else except Gene McCarthy, he translated what had been dissent into organized and legitimate, and hence effective, political opposition. It did not seem at the time to be a politically profitable enterprise. To take such a stand was surely a fair test of commitment. Prominent among those leading the chorus on the other side—demanding that L.B.J. send in more troops, more bombers, unleash the Joint Chiefs of Staff—was Richard Nixon. He is wiser now. But it would be safer and a lot more economical to have as President a man who foresees disasters. One-hundred-and-fifty-billion dollars—not to mention the lives—is a large price for educating Richard Nixon. And on Vietnam he is still a very retarded boy in the class. He has, in fact, been even more brutal than his predecessors in his policy of destroying and maiming the people of Vietnam and in wrecking the countryside on which they live. But they are poor people who are accustomed to death and dismemberment—or anyhow that has long been the Washington view.

Mr. Nixon, to be sure, has seen how completely the American people have come to reject the old Cold War rhetoric and anger, how much they want an affirmative effort for peace with the Communist countries. So we have the engaging picture of this man—the greatest Cold Warrior of them all, the politician who once equated negotiation with treason, the man who wanted to send soldiers to Vietnam in 1952—emerging, by his own billing, as the new apostle of peaceful coexistence. He has used the phrase. He has been to Peking. He has been to Moscow.

We cannot deplore the journeys to Peking and Moscow. They must have been a severe trial for Mr. Nixon's old anti-Communist friends; one wonders how Joe McCarthy must be reacting from wherever Joe is these days. But it is better to have a man of flexible principle such as Richard Nixon than a principled man who sticks to principles that are wrong. It would be better still to have a principled man who is right. This, on the record, is the case for McGovern.

There is still much to be done in the field of foreign policy. We face a long period of negotiation with the Soviet Union, in which the primary task is to get the arms race under control. This has been a major McGovern goal. Any notion that such control was achieved in Moscow has now been dissipated by Mel Laird. He has just explained that the agreements signed by Mr. Nixon in the Kremlin have made an increase in spending by some billions for the manned bomber, the Trident submarine, and several other gadgets more necessary than ever.

There also lies ahead the major task of reforming our relations with the Third World. We have learned in these last years that there is little in the inner life of the Third World nations that we can control. And we have learned that there is less that we need or ought to control. We have earned that, if some people in this world choose to call themselves Communist, there is little we can do about it. And we have learned that the difference between a Communist jungle and a non-Communist jungle is not all that evident except to the CIA. Similarly with rice paddies. We need to contract our policy in the Third World—to reduce our own bureaucracy there, notably our troops, bases, fleet, military missions, and spooks. Specifically, we need to get out of the business of chasing Communists over Laos or making plots in Chile.

We need also to get out of the business of propping up dictatorships. Men of wisdom have often pointed regretfully to the necessity of choosing between strategy and morality in foreign policy. But last year, in its support of the military government of Yahya Khan in Pakistan against the people of Bengal, the Nixon administration accomplished something new—it managed to offend both. Its continuing support of the Greek colonels—and of dictatorships in other countries—is equally offensive. Messrs. Nixon and Agnew have forgotten that we are a democracy. McGovern has not. On all of these matters the position of McGovern is clear. And so is that of Mr. Nixon; his re-election would mean only more of the same.

On domestic policy McGovern's positions—and his commitment to them—seem to me equally strong. Here there will be four major issues: the management of the economy; the excessive share of taxes being borne by the average man; the need for real equality—equality between the races, between men and women, in the way income is distributed, and between those with the bad jobs and the good; and the effect of modern industrial development on our surroundings.

Good economic management requires controls that are equitably administered—they must be equitable if they are to have the confidence of consumers and the consent of labor. This is the area of Nixon's greatest failure. His price administration has been spineless—a ratification of increases that would have occurred anyway. His employment policy has been based, all but exclusively, on tax incentives for corporations and the comparatively affluent. In consequence profits and property income (as well as prices) have been rising at a record rate. The unions are rightly aroused; one cannot have wage stabilization unless living costs, profits, and executive compensations are also stable. George McGovern was the first of the candidates to spell out a policy of equitable price and wage administration—combined with equitable taxation of business profits.

Given wage and price stability, the next task is to increase employment. The efficient as well as the egalitarian way to do this is by increasing needed public outlays either in general or specifically for public-service employment, thus supporting the living standards for the poor. The worst way is to reduce taxes on the well-to-do in the hope that they will spend more. The contrast here between Nixon and McGovern should work well at the ballot box.

For easing the burden on the average man, it is also essential that we close the loopholes on the rich. I would personally go further than McGovern. I have come to believe that every person who adds to his wealth by a given amount—whether by earned income, property income, capital gains, real estate income, oil income, inheritance, or defrauding McGraw-Hill—should pay the same progressive tax on the particular amount of the enrichment. The operative rule is that a-buck-is-a-buck-is-a-buck. But McGovern's requirement that, regardless of loopholes, everyone pay at least 75 per cent of what is specified in the tax tables is a step in the right direction. That too will be hard to attack at the supermarkets.

A decent tax system is the first practical step toward greater equality. The second requirement is to strongly support organizing activity by those people—the farm workers, for example—who have the weakest position in the economy. Here the McGovern position is clear, and it has won him the support of Cesar Chavez, who leads the weakest workers of all. The third step is to place a floor under family and individual income. The McGovern position on this—one that still requires a good deal of work, as McGovern himself might agree—was duly celebrated in the California debates with Hubert Humphrey. The step is vital. Mr. Nixon cannot effectively attack the principle of a guaranteed minimum income; he—greatly to his credit—has proposed one himself. He will attack McGovern for urging that the minimum be brought to a reasonable level, to a level where it protects not only the family that is without employment but those whose weakness in the labor market makes them the natural object of exploitation.

The McGovern plan, it should be noted, provides what is lacking in all present welfare arrangements—namely, a voluntary incentive to take a job. The man who is now on welfare and takes a job at wages around the welfare level of payment gives up all his welfare income. He has, in effect, a 100 per cent tax on his additional income. It is only human to wonder why one should bother to work. The new design ensures that the man who works will always have more money than the man who does not. It is a long step toward both economic decency and the Calvinist virtue appropriate to a South Dakotan.

Finally, there is the matter of racial equality. That Mr. Nixon has managed to alienate the black voter not many will deny. And that McGovern has gained strength in the black community during the course of the primaries most will agree. His reforms have opened the Democratic party to blacks in spectacular fashion—as the Miami convention will show. On busing he hasn't had one position in the North and another in the South. He has argued everywhere for upholding the Supreme Court. That didn't help him in Florida, or in Maryland, or everywhere in Michigan. But it probably did help in the country as a whole. It showed that he was the one thing not even the greatest enemy of busing can criticize—namely, an honest man.

As for protecting the environment, what we have to do is to specify, by law, what business, large and small, may and may not do. And having so specified what may not be done, the law must be enforced, however influential the offender. There can no longer be one law for the citizen, another for the corporation. On this there is no question as to where George McGovern stands. And, unlike the administration, it is not his business to befriend the corporations.

Better economic management, a better break for the average citizen, greater equality, and a better environment are related to each other; they are also related to military and foreign policy. If it weren't for the exaggerated demands of the Pentagon, federal tax revenues would be available in volume to aid the cities and to ease the pressure on the property tax. More capital would also be available for civilian industry. In consequence, we would not be producing goods with obsolescent machinery in competition with the Germans and the Japanese who, having lost a war, have been forced to use their capital resources for useful purposes. Our competitive position would be better, our balance of payments would be much stronger.

In the campaign this year Mr. Nixon will be calling for more defense expenditure. As noted, Secretary Laird has already sounded the trumpet. McGovern will be for less. Thus Nixon will be for heavier taxes on the average man, a weaker economic position in the world at large. McGovern will be for relief for the average taxpayer, a stronger civilian economy, a better balance of payments. President Nixon will be getting the applause of the big weapons firms and, quite deservedly, of corporate enterprise in general. This is as it should be. The corporations and the privileged and powerful have a right to be represented. It is the historic function of the Republican party to represent them. And no one who has watched its recent dealings with Hal and Phil and Dita and those other splendid people at ITT will doubt that the party has kept the faith—the best evidence of how it has kept the faith seems to have got shredded. McGovern will be for a government that distinguishes the public interest from the corporate interest, the popular interest from the privileged interest. This, I venture, will be far from bad at the polls.

So it is perfectly clear, as President Nixon would say, that McGovern is the best man. And, in contrast with what President Nixon often says, this is the truth. If we can't elect the best man, something is wrong. But we can; the fact that McGovern has made it again and again and again in South Dakota—once the most Republican state in the Union—shows that he is highly electable. And, for once, my credentials as a prophet are impeccable. Speaking twelve weeks ago in Wisconsin, before the primary, I offered a scenario—not, I then said, as "an exercise in political euphoria but as a decent prediction." With even more than normal pleasure I now quote myself. "McGovern will carry Massachusetts and Nebraska next month. He will carry Oregon. He will take California and New York, the two largest states of the Union. Will the convention deny the nomination to a man with this record? I think not." Nor, I am now convinced, will the country reject George McGovern in November.

SENATOR WILLIAMS PRAISES SENATE APPROVAL OF VETERANS' ADMINISTRATION APPROPRIATION

Mr. WILLIAMS. Mr. President, I am delighted that the Senate by a vote of 70 to 2 has passed H.R. 15093, which included appropriations for the Veterans' Administration budget for fiscal year 1973.

Three years ago the Congress and the Nation were informed of the acute problems and insufficiencies facing veterans who needed medical care. Unbelievably, many thousands of young men who were casualties in Vietnam returned home and found wholly inadequate medical care available to them through the Veterans' Administration hospital system.

At about that time, many Members of Congress began an intensive effort to correct the great deficiency of the VA medical system. For fiscal years 1971 and 1972, $376.1 million was added over the administration's request for veterans' medical care. These substantial increases have led to general improvements across the country in medical care for veterans and vital increases in VA hospital staffs.

Once again, in the Senate version of H.R. 15093, major advances have been made.

The sum of $54,580,000 has been added to the budget estimate for medical care. As I think of the 303,600 Vietnam-era veterans who have service-connected disabilities, I understand the importance of this increase for the men who have suffered physically in the service of their country.

This increased appropriation allows the VA to maintain an average daily patient census of 85,500 and to add 400 full-time employees for spinal cord injury units up to the necessary level.

In order to maintain high morale and to continue attracting high caliber medical personnel, the committee has determined that, contrary to the wishes of the Office of Management and Budget, administrative grade reduction control and employee ceilings are not to be imposed on the VA medical program in fiscal year 1973.

And there is an additional section of H.R. 15093 which is particularly gratifying to me. The sum of $28,342,000 has been added over the budget estimate for the construction of hospital and domiciliary facilities. Among the 12 projects covered by this section is $3.7 million to begin work on a desperately needed new Veterans' Administration hospital in southern New Jersey. When completed, this hospital will serve a rapidly growing nine-county area in the Nation's most densely populated State and the Philadelphia metropolitan region.

Between 1960 and 1970 the total population of these counties increased by 29 percent from 1,579,012 to 2,038,740. As might be predicted, veterans constituted a considerable part of this growth rate: The veteran population in this area rose from 252,620 in 1966 to 274,170 in 1969—a 9-percent increase over a period of only 3 years.

While we are faced with problems of insufficient hospital beds and staff to care for veterans on a national scope, the shortage of VA hospital beds is particularly acute in South Jersey. At present, the veterans from this area are forced to go to several different hospitals, either in the northern part of the State or completely outside of the State. According to the VA, as of January 1, 1972, 854 South Jersey veterans had to be placed in the East Orange, N.J. facility; 823 in Wilmington, Del.; 200 in Coatesville, Md.; 36 in Baltimore, Md.; 88 in New York City; and 132 in various other VA hospitals throughout the United States. In addition, 183 veterans had to be placed in public facilities because the VA hospital system could not accommodate them. This situation not only results in substantial transportation expenses for the patient and his family but makes family visits—which are so important to patient morale and recovery—almost impossible.

Last fall, after several years of attempting to have a VA hospital located in southern New Jersey, I realized that immediate congressional action was necessary. In order to accomplish this objective, I invited Governor Cahill and other State and Federal representatives to meet with me to discuss the best means of obtaining this vitally needed hospital. That meeting in my office was an important step because the VA had announced that its future policy would be to build new hospitals only if they were affiliated with a medical school. Because of this precondition, it became necessary to secure an agreement with New Jersey officials that the State would undertake to operate a new medical school if we were able to secure funding for a veterans hospital in South Jersey. At the meeting, Governor Cahill agreed that he would commit the resources of the State to building and operating such a medical school. With this agreement, prospects for the new hospital gained momentum.

In January of this year, the Nixon administration submitted its budget for fiscal year 1973 for the Veterans' Administration, but once again failed to request funds for a new VA hospital in southern New Jersey. Despite this fact, Representative Ed Patten and I worked to see that funds were included in the VA budget in the appropriations bill which passed the House earlier this year. The appropriation which passed the House was $2.7 million and was specifically directed for planning and architectural services for a new VA hospital in southern New Jersey.

It was, of course, necessary that similar action be taken in the Senate. I began working with Senators Magnuson and Pastore to secure a similar budget recommendation in the Senate bill. We developed an amendment designed to accomplish that specific objective.

On May 31, 1972, the Senate Appropriations Committee approved its version of the VA budget which included $3.7 million for planning and architectural services for a hospital in the southern New Jersey region. I was very much pleased by this important action, since it is $1 million over the House amount, and for the first time both the Senate and the House bills contain language which gives strong impetus for the location of a new hospital in southern New Jersey.

Now, with the Senate passage of the VA appropriations bill, it is assured that during fiscal year 1973 preliminary planning and drafting for this hospital will begin.

On behalf of the veterans of southern New Jersey, I commend Senators Pastore, Ellender, and Magnuson for their accomplishments in this area and thank them particularly for their exemplary leadership in meeting veterans health needs in this specific area.

During the last 3 years, American veterans have become extremely fortunate in that several Senators have become aware of the crisis in the VA medical system and have worked successfully to mitigate those problems. Now, because of this concern, veterans again will be able to have faith in the medical system established for their care and use.

FUNDS FOR HIGHWAY CONTRACT PLACEMENT IN MONTANA

Mr. METCALF. Mr. President, the Montana Senators support the administration in its efforts to promote world peace, especially the international agreements entered into by the President and the Soviet Union. This we do knowing full well that the cancellation of the one Safeguard project has created a tremendous economic impact in our State—the only area which is immediately affected by these international agreements.

The administration has a very definite responsibility in assisting the people and communities of north central Montana. Several agencies of the Federal Government have already responded to this need and the people of the area are most appreciative. The greatest need is to provide jobs to absorb the unemployment created by the stoppage of this huge contract. The most immediate possibility which has come to the attention of the Montana delegation is the highway construction program. The State of Montana has some $19 million worth of highway projects which could be placed under contract immediately if the Department of Transportation would release the funds to Montana.

Senator Mansfield and I earlier this month made an appeal to the Secretary of Transportation asking that Federal funds be released to the State either from a reallocation of funds for this current fiscal year or the release of moneys held by the Office of Management and Budget. The response from the Secretary of Transportation is something less than encouraging.

Mr. President, I ask unanimous consent that at this point in my remarks Senator Mansfield's and my letter of June 5 and the Secretary's response be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., June 5, 1972.

Hon. John Volpe,
Secretary, Department of Transportation, Washington, D.C.

Dear Mr. Secretary: The State of Montana was slow to proceed with the construction of the Interstate Highway System in the early years of the program but now advises it is in a position where they can proceed rapidly in completing this construction only to find that they do not have the federal funds with which to proceed. At the present time, our State has utilized all 1972 authority obligations and, if funds were available, they could let contracts for some nineteen million dollars worth of construction before the end of this fiscal year.

We would appreciate knowing if the Department intends to assess the amount of the federal highway funds unobligated in the fifty states for a possible reallocation prior to June 30th. If this is done, we ask that Montana be given special consideration. The highway construction program has been of considerable economic importance to the State. It can be an even more important instrument in stabilizing the State's economy at a time when we are attempting to respond to the economic chaos created by the recent announcement by the Administration to suspend construction of the Safeguard Project in north-central Montana. An accelerated highway construction program could absorb a considerable number of the work force which anticipated employment for the Safeguard.

The difficulties created by the suspension of the Safeguard Project are the responsibility of the Department of Defense and we believe that the Administration has a responsibility to assist the people of Montana in adjusting to this situation. This assistance can best come from non-military sources. The release of additional highway funds to the State of Montana is, in our estimation, the most immediate source of financial aid. Your cooperation would be most appreciated.

With best personal wishes, we are

Sincerely yours,

Mike Mansfield,
U.S. Senate.
Lee Metcalf,
U.S. Senate.

Secretary of Transportation,
Washington, D.C., June 21, 1972.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: We are responding to your letter of June 5, co-signed by Senator Metcalf, concerning obligation authority available for the Federal-aid highway program in Montana during the fiscal year 1972.

As you know, the Federal-aid highway funds authorized by the Congress and apportioned to the States in accord with Title 23, U.S.C., are released for obligation in accord with budgetary requirements and economic stabilization programs in effect since 1966. Ceiling limitations for the program are set by the Office of Management and Budget.

A total of $52.9 million has been made available to Montana for obligation during the current fiscal year, and these funds have been nearly all obligated. We regret that the funds available for obligation are insufficient to permit Montana to proceed more rapidly with completion of its Interstate System as an offset to suspension of the Safeguard project.

As discussed in your letter, we are taking steps to redistribute the fiscal year 1972 obligation authority that will not be used by some States. However, we have determined that all but a very few States will make full use of their funds, as has Montana, and that the amount available for redistribution will be very minimal.

We will endeavor to release additional obligating authority to Montana if it is possible to do so from the funds available for redistribution. Otherwise we have no additional obligating authority that can be made available to Montana for the fiscal year 1972.

Obligating authority for the fiscal year 1973 is being released to the States in total effective July 1, 1972. Montana's share of the total $4.4 billion is $46.3 million, and this release will permit the State to proceed with its program more promptly than if the funds were to be made available on a quarterly basis.

You may be sure that we will make additional obligating authority available to Montana whenever possible.

Sincerely,

John A. Volpe.

Mr. METCALF. Mr. President, this situation prompts me to express great concern about the administration's handling of the Nation's highway program. The Congress has consistently increased the authority for highway construction yet the administration, through the Office of Management and Budget, has reduced the highway program while highway funds continue to accumulate in the trust fund. In the current fiscal year, $52.9 million were made available to Montana for obligations. I am now advised that during the next fiscal year, Montana's share will be reduced to $46.3 million. This reduction comes at a time when the State could easily expand its highway construction program.

Senators know, of course, that the motorists of the Nation pay gasoline taxes which are channeled into the highway trust fund. These moneys are piling up and are not being used for their intended purpose. By the end of fiscal year 1971, the trust fund accumulated $3.586 billion, by the end of fiscal year 1972 it will have accumulated $4.391 billion and it is estimated that by the end of fiscal year 1973, the fund will contain $5.128 billion. The highway trust fund is, in fact, lending money to the general fund and collecting $200 million interest. The administration is using the highway fund as a financing device rather than for highway construction. It would seem that the citizens of the Nation can, with justification, request a reduction in the gasoline tax if they are not to realize the benefits for which the tax is collected.

In addition, I do not like reports I have been receiving that the Federal highway authorities are placing far greater emphasis on urban construction at the expense of highways in rural States. I need not remind Congress that in many of our cities, they are resisting freeway and highway construction. It would seem that the time has come for Congress to reassert some of its authority over the highway construction program.

I respectfully suggest that the Senate Committees on Public Works, Finance, and Appropriations have a responsibility to review the usage of highway construction funds and the goals of the Nation's highway program.

ON LETTING GEORGE DO IT

Mr. CHURCH. Mr. President, the Washington Post has manfully recognized that it grossly misjudged George McGovern's early drive for the Democratic nomination for President and is in no position now to offer the Senator any advice on where to go from here. The Post editorialized—

> It might just be, that a low-keyed, plain-spoken gentle revolutionary is what a large number of voters really want.

At any rate, the Washington Post concludes that—

> As of right now, we do not count ourselves among those who feel sufficiently in tune with whatever it is that is roiling the American electorate to be offering him advice with any confidence. In short, when you look at his record, you have to ask yourself just who it is—the senator or the rest of us—who is most in need of going back to the drawing-board.

That is good advice—letting George do it.

I ask unanimous consent that the lead editorial of the Washington Post of June 23, 1972, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, June 23, 1972]

On Letting George Do It

By most estimates, Senator George McGovern has almost all the delegates he needs, either in hand or in prospect, for a first-ballot nomination, and while no candidate ever thinks he has enough money, he probably is in a position to attract a sufficiency of that. But where his cup runneth over, where he is rich beyond measure, is in a super-abundance of unsolicited advice. Having confounded the predictions and expectations of all the experts—including, one would surmise, some of his own most zealous supporters—he is now being freely counseled to abandon the fresh and often radical doctrines that have carried him through an almost impossibly testing obstacle course from New Hampshire to New York and to make himself more conventionally acceptable. He is being told that his voice is flat and his style colorless, that he doesn't exhilarate or electrify. It is being said that he must "clarify" the positions he has taken up to now, which is another way of saying that he must modify them to the taste of one or another of the challengers that he has disposed of along the way. In brief, he is being hassled and chivvied to become precisely the antithesis of what he has presented himself to be, which is something new and apart from the old political etsablishment, and to seek security in some hypothetical Center where the decisive votes of the American electorate have always been supposed to be.

Well, there may be great political wisdom in a lot of this, but frankly, having been among the pundits who grossly misjudged the McGovern candidacy from the beginning, we are sufficiently shell-shocked by his stunning successes to be chary—at least for now, mind you—with advice. Just for one thing, we're not quite as certain as we thought we were about just where the Center is to which Senator McGovern is now being asked to move. True, his total popular vote, in all the primaries he contested against a proliferation of candidates, is not the truest register of voting sentiment across a representative sample of the electorate. But it says something about a degree of popular disenchantment with things as they are that does not encourage conventional reliance on the old politics.

For another thing, it is important to consider who is doing most of the hassling. Who is it that's saying that McGovern would be a "disaster" for the Democrats? Who is heaping scorn upon his boisterous, hot-eyed, tireless army of party irregulars who have outfought and outorganized and outworked the organization regulars? Who is telling the senator that what was good enough in January and June, and presumably will be good enough in July, will not wash in November because it's too woolly or too wild? The answer is that today's chorus of advisers-without-portfolio to George McGovern is made up in considerable measure of (1) columnists and commentators who still can't believe, or admit, that he's all but won the whole thing and that they were horribly and consistently wrong about his prospects; (2) governors and other party leaders who backed losers in the race and are likewise unwilling to concede to their own supporters that they made a mistake; (3) the losers themselves who would like to find some vindication of their own performance by forcing Senator McGovern to repudiate his; and (4) old hands from earlier Democratic administrations and/or campaigns whose current putdowns of Senator McGovern reflect at least in part their concern about how they can still scramble aboard the bandwagon, after having missed it, and where—or even if—they can find a suitable seat.

None of this is to suggest that a campaign fitted to the zany rough-and-tumble of the primaries does not need some overhauling and refitting before it's ready for the big struggle in the fall. Large parts of the McGovern program on taxes, welfare, defense and foreign policy, as it has been unfolded on the dead run these past months, have struck us as hastily assembled, in some cases misconceived, and in others incomprehensible, and therefore susceptible to what could be fatal misunderstanding. Mr. McGovern would not be the first candidate to be victimized in the fall by false impressions and distorted images allowed to form in the spring under the particular pressures of primaries involving disparate electorates in widely differing states. So there is obviously a need for re-thinking and re-statement and we gather that process is underway. There is also an urgent need for reconciliation with substantial elements of the party who find the senator's philosophy, to say the least, unsettling, and that need also seems to be recognized by the more responsible and realistic members of the McGovern camp including, we would judge, the candidate himself; he did not get where he is by being entirely insensitive to his political imperatives.

Whether he will, or can, adjust enough to bring some greater cohesion to his sorely divided party is something else; there are enormous differences to be reconciled. How much he *ought* to change is also something else which nobody should be too quick to be categorical about; it might just be that a low-key, plain-spoken gentle revolutionary is what a large number of voters really want.

No self-respecting pundit, ourselves included, could consider letting George do it all by himself without at least a little critical counseling from time to time. But as of right now, we do not count ourselves among those who feel sufficiently in tune with whatever it is that is roiling the American electorate to be offering him advice with any confidence. In short, when you look at his record, you have to ask yourself just who it is—the senator or the rest of us—who is most in need of going back to the drawing-board.

PEACEKEEPING AND THE UNITED NATIONS

Mr. CRANSTON. Mr. President, I have long felt that a truly international United Nations peacekeeping force would serve the interests of all countries, including our own. Although our military spending has reached enormous peaks, no nation can feel truly safe in a world punctured by crises and aggravated by unilateral military responses.

In San Francisco an effort to solicit public opinion on a United Nations peacekeeping force is at present underway. The campaign would place on the ballot the proposition that the United States offer to reallocate 10 percent of its annual defense appropriation for the development of a potent United Nations peacekeeping force under international controls.

Mr. President, I think that the time is long overdue to solicit the views of the American people on the pressing questions of war and peace. I therefore ask unanimous consent to have printed in the RECORD the case for the peace force proposition campaign.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE CASE FOR THE UNITED NATIONS PEACE FORCE PROPOSITION

This is not a radical proposal. It is, in fact, "reactionary"—a return to the original agreements of the United Nations Charter, particularly Articles 42 to 48 dealing with collective security and the military responsibilities of the U.N. The Peace Force Proposition in San Francisco is a pilot campaign. We intend to follow up with similar campaigns in other communities throughout the United States in our endeaver to focus Congressional and Presidential attention on these forgotten United Nations responsibilities. We feel that this Peace Proposition also raises, in an urgent way, a number of fundamental public policy questions related to taxation, defense spending, arms control strategy, the termination of the Indochina and Middle East crises, and the revival of the middle-of-the-road peace movement in America.

OUR MONEY'S WORTH IN NATIONAL SECURITY?

Have we not reached the point of diminishing returns in our tax investment for defense spending? If the objective of a $76 billion defense budget (soon to be raised by another $6.3 billion) is to produce national security, is this program succeeding? Do we feel safe, militarily speaking? Or is the arms race, like inflation, denying us the national security we seek? We now spend about $380 per capita unilaterally for our defenses but give a mere $1.50 to the United Nations for all U.N. activities, including peacekeeping. The Peace Force Proposition campaign contends that a transfer of our military spending to the United Nations will provide us, under appropriate control arrangements, with more national security for fewer tax dollars.

ARE WE ENDING THE ARMS RACE?

Is it not time to turn a new corner in our fumbling efforts to end the $200 billion-a-year world arms race? Most disarmament proposals assume that the way to end war is to eliminate weapons. Removing the the symptoms will not end the disease. No nation can feel safe in a violent and hostile world unless it has the protection of one of the major powers or, alternatively, a United Nations collective security system. Arms limitations agreements are just as unlikely to end the arms race. We see at the Strategic Arms Limitations Talks (SALT) a military duopoly trying to limit costs of competition and prospective competitors, particularly in nuclear weapons. The arms race has and will continue to go on in every other type of weaponry. The Peace Force Proposition contends that arms control may be most quickly and permanently achieved by implementing the all-but-forgotten Articles 42 to 48 of the U.N. Charter. In a way unknown twenty-five years ago, today's weapons technology makes collective security the only alternative. Unilateral national security efforts produce inflationary arms races, and nothing more.

IS A UNILATERAL INITIATIVE RISKY?

Is it risky for the United States to act unilaterally in offering to give a tenth ($7.6 billions) of its defense resources to the United Nations? Unilateral initiatives in the cause of peace are not new to our Government. The 1946 Baruch Plan for international control of nuclear weapons was such an initiative whose time had not yet arrived. Our defenses of Berlin, South Korea, South Vietnam, and other communities were initiated unilaterally. The Peace Force Proposition contends that an offer to give is very different from an outright gift; it sets in motion essential negotiations about who else gives, who has access to collective protection, and who manages the military arm of the peacekeeping organization. We also contend that the Proposition's proviso—that the resources be used solely for creation of a Peacekeeping Force under international controls that would assure American security—will keep these negotiations on the right track, namely, realistic arrangements for collective physical security for all nations. If the Proposition were implemented, it would begin to take the heat off the United States as the major military power in the world. If the Soviet Union wishes to brandish its military might at the United Nations, that is their privilege. Americans are weary of the policeman role and the Soviet diatribe that is elicited by it.

WHO WILL POLICE INDOCHINA AND THE MIDDLE EAST?

When the time comes for ending the military tragedies in Indochina and the Middle East, who is going to police these regions? This will be no minor military assignment. These two conflicts are undoubtedly difficult to terminate precisely because there are no significant post-hostilities policing proposals under consideration. The Peace Force Proposition contends that only an offer as dramatic and as serious as the contribution of a tenth or more of our defense budget to a U.N. Peace Force can introduce a significant new and productive consideration in the pacification of these two regions of the world.

HOW DOES THIS PROPOSITION FIT INTO THE PEACE MOVEMENT?

Where does the Peace Force Proposition stand in the American peace movement today? The Proposition stands on the Left in its promise to get the United States out of Vietnam and end American activities as policeman-for-the-world. The Proposition stands on the Right in its concern for effective spending of our defense dollars and for improvement of our national security. The Proposition, most of all, stands in the Center as an endorsement of collective security through the United Nations. No people in the world are as aware as Americans that well-governed police forces—whether local, national, or international—are the best assurance of safety without violence. The only alternative is and has been the primitive lawlessness of the frontier.

Please, therefore, help us with our campaign to revive a forgotten American strategy for placing the responsibility of defending the world upon the shoulders of the United Nations. This strategy promises greater national security for fewer tax dollars. It promises an end to the escalating arms race as well as a way of stabilizing Indochina and the Middle East. Please be a Sponsor, a contributor, a voter for the Peace Force Proposition. Contributions may be made to "Peace Force Campaign." (A Campaign financial statement will be made available to all contributors upon request.)

McGOVERN IN THE HERITAGE OF EISENHOWER

Mr. CHURCH. Mr. President, the Washington Post of June 25 contains an article by George C. Wilson comparing the defense proposals of Democratic presidential candidate George McGovern with the defense policies of the late President Dwight D. Eisenhower.

This is a remarkable article. It traces the lines of parallel thought in the approach of these two men to the defense of their country, and clearly shows that rather than being irresponsible, Senator McGovern's outline of his defense strategy is a highly responsible, straightforward alternative to the ever-spiraling costs of the Nixon administration's defense budgets.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Rerord, as follows:

[From the Washington Post, June 25, 1972]

McGovern on Defense: A Disciple of Eisenhower

(By George C. Wilson)

Even in this strange political year it may take some by surprise to learn that George McGovern views his military policy as inspired largely by Dwight D. Eisenhower. Yet that is indeed the case, as McGovern will tell you if you ask.

"President Eisenhower was the biggest single influence on me in the defense field," says the leading contender for the Democratic presidential nomination. "I admire his restraint—his willingness to settle for less than total victory in Korea, his realization that money taken for defense is by its nature wasted, his willingness to undertake unilateral actions for real world security, such as restraint in nuclear testing in hopes of bringing about a test ban treaty."

Skeptics might dismiss such praises to the late general as an attempt to help McGovern's controversial plan to slash the defense budget. They might consider McGovern's fondness for quoting Eisenhower's warning about the military-industrial complex as merely a vote-getting gimmick. They might see only politics in McGovern's little noted habit of quoting Eisenhower's 1953 statement that "every gun that is made, every warship launched, every rocket fired, signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed."

But an examination of the record shows it to be more than politics. There is indeed a lot of Dwight Eisenhower in George McGovern's "alternative" military budget. And the ironic prospect is that, if nominated at Miami Beach, George McGovern is likely to be firing some of the Eisenhower ammunition at Eisenhower's old running-mate, Richard M. Nixon.

Consider, for example, the question of U.S. troops in Europe. The McGovern and Eisenhower views are alike on this issue and in conflict with Mr. Nixon's. Under the name "redeployment," President Kennedy seemed to be moving toward withdrawing troops from NATO, but he never made a big cut. He did, however, remove extra troops in 1961–63 after the Berlin crisis eased. Eisenhower favored reducing the troop commitment from 4⅓ Army divisions in Europe—about 300,000 men—to one division. In the Oct. 26, 1963 issue of the Saturday Evening Post, he wrote:

"Though for eight years in the White House I believed and announced to my associates that a reduction of American strength in Europe should be initiated as soon as European economics were restored, the matter was then considered too delicate a political question to raise. I believe the time has now come when we should start withdrawing some of those troops . . . One American division in Europe can show the flag as definitely as can several . . . Unless we take definite action, the maintaining of permanent troop establishments abroad will continue to overburden our balance-of-payments problem and, most important, will discourage the development of the necessary military strength Western European counties should provide for themselves . . ."

While McGovern would leave two divisions in Europe rather than Eisenhower's one, there is a remarkable similarity in their positions. As McGovern states in his proposed defense budget:

"Our European allies all devote a smaller share of their national wealth than the United States to national defense . . . Yet they have all achieved dynamic economies since World War II, and they are unquestionably capable of carrying a greater share of the burden of their own defense. Moreover, U.S. forces in Europe pose a balance-of-payments problem for the United States which would not be suffered by NATO partners supplying added forces to meet their own assigned quotas . . . Two and one-third of the 4⅓ active divisions presently stationed in Europe should be returned to the United States, leaving two divisions in Europe . . . This redeployment should return roughly 170,000 men, leaving 130,000. A force of that size would be sufficient to supply an important military contribution at the start of any conflict and also to signal the U.S. commitment both to Europe and in the Middle East . . ."

NIXON VERSUS EISENHOWER

It is Mr. Nixon who disagrees with the Eisenhower and McGovern view. In his February 1971, annual report to Congress on foreign policy, for example, he declared:

"I decided, despite these pressures [for withdrawing U.S. troops], that given a similar approach by our allies, the United States would maintain and improve its forces in Europe and reduce them without reciprocal action by our adversaries . . . It had become clear to me that without undiminished American participation in European defense, neither the Alliance's strategy, nor America's commitment, nor Western cohesion would be credible.

"No token presence could serve our purpose. Our substantial contribution of United States forces—about 25 per cent of NATO's peacetime capabilities in Central Europe—insures the viability of the strategy of flexible response. It enables us to found alliance defense on something other than reliance on the threat of strategic nuclear war. It is the basis of our allies' confidence in us . . .

"America's presence in substantial force is psychologically crucial as well. It provides the sense of security which encourages our partners' efforts to unit and do more for themselves . . ."

On the issue of Vietnam-type forces, McGovern turns away from the Kennedy-Johnson effort to build counter-insurgency troops to combat "national wars of liberation" and heads back toward Eisenhower's opposition to U.S. troop involvement in such wars. President Nixon, under his doctrine of helping foreign nations at arms length, as distinguished from fighting beside them on the ground, is heading in McGovern's general direction, but not as far.

For example, Mr. Nixon insists that the United States must substitute military aid—money for weapons and training—for the American presence in Vietnam and other nations. In contrast, McGovern says: "We must terminate military aid overseas except to NATO and Israel." (Eisenhower agreed with Mr. Nixon on the need for military assistance.)

McGovern also says he is willing to take risks to slow the arms race, contending that this was the Eisenhower approach to achieve a test-ban treaty.

Eisenhower in 1963 said he authorized a moratorium on nuclear testing in the atmosphere in 1958—a moratorium which the Russians, who proceeded into a series of tests, did not observe. Even so, Eisenhower said in backing the 1963 test ban treaty that it had to be tried, partly because the "limited agreement may lead to other steps for lessening of tensions—and ultimately to genuine disarmament."

President Nixon and Secretary Laird, on the other hand, have rejected recommendations to halt MIRV tests. Backers of such a moratorium say it would decrease pressure on the Soviets to develop and deploy that multiple warhead weapon.

Laird, in another example of the bargaining chip argument, told Congress it should approve the construction of an anti-ballistic missile defense to give President Nixon the leverage needed to negotiate such weapons out of existence in sessions with the Soviets.

McGovern contends President Eisenhower's willingness to try a nuclear testing moratorium paved the way for the test ban and is the type of risk-taking which must be followed to curb the arms race. Says McGovern:

"The bargaining chip tragedy—under which we have begun building our own ABMs and MIRVs long before there was any military necessity—has been exposed as a grave and tactical blunder. Tugging the MIRV cat out of the bag has seriously compounded the problem of inspection.

"So we have ended up with a limited arms control agreement which completely leaves out the qualitative jumps that have become the real arms race issue in recent years. By exercising restraint, I believe we could have prevented both Soviet and American MIRVs. But because we were so determined to play them, we have lost those bargaining chips. Certainly our ability to build these systems should be just as effiective for bargaining purposes as actual construction."

A DIFFERENCE OF DEGREE

From Eisenhower on, U.S. strategy for avoiding nuclear war has been to make it look like suicide to any would-be attacker. This requires enough American H-bombs on land and sea missiles and inside bombers to survive a surprise attack and retaliate with devastating power. McGovern embraces this same deterrent strategy and purposes keeping most of today's retaliatory forces on the line. His argument with Nixon is over how much is enough, with the President favoring full-speed-ahead with MIRV multiple warheads and a new generation of missile submarine, the Trident. McGovern favors a slower pace in hopes of deterring the Soviet Union from making the same plunge into new weaponry.

While the popular image of Eisenhower's military stance was the "massive retaliation" policy enunciated by his Secretary of State, John Foster Dulles, that really overstates the policy of the late Eisenhower years.

The following excerpts from the Jan. 13, 1960, testimony of Eisenhower's Secretary of Defense, Thomas S. Gates Jr., show that Eisenhower—like McGovern—wanted balanced forces and felt nuclear weapons had limited power:

"The two principal objectives of our defense program continue to be: first, to deter the outbreak of general war by maintaining and improving our present capability to retaliate with devastating effectiveness in case of a major attack upon us or our allies; and second, to maintain together with our allies a capability to apply to local situations the degree of force necessary to deter local wars, or to win or contain them promptly if they do break out. . .

"Just matching our competitor missile for missile is not the answer. The simple piling up of ever larger numbers of a single weapon, without regard to their ability to survive a surprise attack or to perform effectively under a wide range of conditions, would not only be enormously costly but would not assure our security . . ."

CAN IT BE DONE?

Are McGovern's ideas on national defense unrealistic, or worse? Can he cut the budget to $54.8 billion by 1975 without endangering U.S. security? Like beauty, the answer lies in the eye of the beholder.

The Joint Chiefs of Staff would say no. Those military leaders argue that the United States must project overall superiority to its adversaries. They have argued in the past for putting a thick missile defense around the United States to preserve what they call "the Cuban environment" of military superiority.

A group of arms specialists—including Herbert York, former Pentagon research director, and Paul Warnke, former assistant secretary of defense for foreign policy questions—said on May 27 that the McGovern budget "provides a sound, constructive and fully adequate level of military spending by the United States."

Defense Secretary Melvin R. Laird, charged McGovern's budget amounts to running up the white flag of surrender. And the Pentagon's comptroller, Robert C. Moot, said McGovern was $10 billion too low in calculating the cost of his plan. Moot said even $64.9 billion for the McGovern budget would mean "manpower and investment levels much lower than any since the Korean War, the Nato commitment and Soviet possession of nuclear arms."

Sen. William Proxmire (D-Wis.), who has thrown more harpoons at the military and its programs than any other senator, believes McGovern's alternative budget cuts too deep.

THE REAL QUESTION

But these assorted views do not face up to the real question: What would McGovern as President want to do in the world? Looking at how many soldiers and airplanes McGovern would have is staring through only one end of the telescope, unless one believes weapons should dictate policy rather than the other way around.

Obviously, McGovern's proposed budget has enough nuclear power in it to incinerate the Soviet Union and China simultaneously—just as he says it does. He would keep the triad of nuclear land and sea missiles and long-range bombers. Both the United States and Soviet Union have agreed under SALT to leave themselves naked to offensive missiles by foregoing defenses against them. Thus, the nuclear weapons considered adequate to deter an attack in the days when the Soviet Union was building a missile defense would seem to be more than adequate after that defense has been abandoned.

John F. Kennedy in 1960, sounded the alarm about the "missile gap" with the Soviet Union—only to have his defense secretary admit after Kennedy's election that he could not find such a gap. In the years since, the terms for expressing the nation's military strength have gone from "superiority" to President Nixon's "sufficiency." The President has defined sufficiency "in its broader political sense" as "forces adequate to prevent us and our allies from being coerced."

Again, what is "adequate" for that purpose is debatable. It also leads to the larger question of what constitutes a nation's strength. Here, too, there are Eisenhower and McGovern quotes which show parallels in their arguments that a nation must be strong economically as well as militarily to project strength to nations that might try to coerce the United States.

In sum, at the very least, the McGovern alternative budget is a responsible document for stimulating responsible debate. It is not—and cannot be—the definitive blueprint, but a sketch of intentions, world conditions permitting.

BLOODY CIVIL STRIFE IN BURUNDI

Mr. KENNEDY. Mr. President, on June 12, as chairman of the Judiciary Subcommittee on Refugees, I spoke in this Chamber to express deep concern over developments in Burundi. Evidence pieced together by journalists and others told a story of bloody civil strife between two tribal groups in the preceding 6 weeks. It was a story of human suffering, refugees, and massacre of thousands. Some estimates put the death toll at 150,000 or more.

At the time I made my statement, it was reported from several sources—including the Department of State—that the civil strife and slaughter had ended, that things in Burundi were under control, and the preparations were underway to meet emergency relief needs within Burundi and among the thousands of refugees who fled into neighboring countries.

This optimistic assessment about Burundi—like early assessments out of Bangladesh and elsewhere—was apparently premature—if not an effort in some quarters to cover up another world tragedy involving suffering and death for thousands of our fellow human beings. For the record is now clear—from nongovernmental and official sources—that the killing has continued.

Reports within our own Government say that selective genocide has continued to take a heavy toll among the majority Hutu tribe in Burundi. In fact, very recent field reports to our Government say that the repression is continuing its ruthless course—that many persons are being arrested—that the criteria of the government's repression is unknown, but that it has now reached beyond the Hutu intellectual and leadership elements, of whom few are left, into the masses of villagers and refugees throughout the country.

These reports also say that the meager government relief program is not uniformly administered—and that in certain cases where government authorities have given refugees an assurance of safe return to their home villages, the refugee males have been picked up and summarily slaughtered. The description in these reports of Burundi Government reprisals against the Hutus is gruesome and shocking.

The reaction of the administration to this latest link in the chain of war ravaged populations around the globe is not encouraging. Once again massive human tragedy—involving many deaths and the flight of refugees across international borders—is apparently viewed by our Government as an internal affair of Burundi.

As I said on June 12, I fully appreciate the immense difficulties in the Burundi issue. Like so many other problems in the world the Burundi issue is a complex matter for diplomats and humanitarians alike. But the frequency of these massive human tragedies in recent years cries out for greater international concern and relief.

The people of Burundi, however small their numbers and importance in world affairs, are experiencing horrendous suffering. Hopefully, our Government will finally give some public evidence to reflect a growing concern among many Americans over events in Burundi. And, hopefully, the United Nations mission which arrived in Burundi over the weekend has the strong support of all governments in helping to bring peace and relief to a troubled area.

Mr. President, in this connection I commend the religious groups and voluntary agencies present in Burundi for taking early initiatives in meeting humanitarian needs. As so often in the past, the private sector has been in the vanguard of a needed relief effort. With modest help from the American Embassy's emergency fund and the United Nations food program in neighboring Uganda, missionaries representing a number of American denominations and Catholic Relief Services are doing whatever they can to relieve human suffering in Burundi. I ask unanimous consent to have printed in the RECORD the latest report of Catholic Relief Services.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CATHOLIC RELIEF SERVICES

EMERGENCY AID PROGRAM FOR BURUNDI

On April 29, 1972, an attempted overthrow of the Government of Burundi created confusion and chaos throughout the country. Attacks by insurgent forces and reaction by government forces to put down the rebellion resulted in the indiscriminate killings of innocent men, women and children. The actual death toll may never be known, but observers say that perhaps at least 50,000 and possibly more than 100,000 lives were lost. Also, many more thousands of persons have fled from their home villages to hide in the bush or across the borders into the neighboring countries of Zaire (the former Congo), Rwanda, and Tanzania.

The uprising, which started during the first week of the planting season, forced an estimated 200,000 people to abandon their farms. Planting cannot begin again until September, after the next rainy season, and hence there will be no harvest until December. The people are facing a famine situation unless food relief reaches them as they return to their villages.

CATHOLIC RELIEF SERVICES RESPONSE

Catholic Relief Services (CRS) is the only American voluntary agency with a welfare program in Burundi. Immediately after the initial tragedy, Catholic Relief Services made available from stocks within Burundi 320,000 pounds of food supplies, valued at $45,000. An additional 16,000 pounds of clothing and medicines were flown from Zaire (Congo) on May 7, out of the CRS stocks there.

On June 14, from New York, CRS airfreighted 57,000 pounds of food, clothing, blankets and medicines, valued at $100,000, to Bujumbura, the capital of Burundi. Also, 54,000 pounds of baby foods from CRS stocks in the Cameroons were flown to Burundi. Another 60 tons of U.S. donated foods, obtained from the U.N.'s World Food Program in Uganda, were distributed by CRS in Burundi.

The Catholic Relief Services representative in Burundi, Mr. Laurence Bourassa, reports that distribution of the relief supplies is being conducted without undue obstacles, and with every effort made to assist all in need. without discrimination. In addition to providing immediate aid, Catholic Relief Services will supply materials and financial assistance to displaced families to enable them to begin shelter construction, and obtain household goods and agricultural tools. It is estimated that each family will eventually require approximately $100-worth of materials to begin rehabilitation.

A special committee, of which CRS is a member, has been set up to coordinate and plan the emergency relief program. Caritas (the Catholic Charities of Burundi) is active in the distribution of CRS relief. Missionaries and local Churches, both Catholic and Protestant, are providing shelter to the homeless as well as food and other emergency aid. From its stocks in Zaire and Rwanda, CRS is assisting needy refugees in those countries with food and other relief supplies.

HOMEOWNERSHIP COUNSELING PROGRAMS UNDER SECTIONS 235 AND 237 URGED BY SENATOR PERCY

Mr. PERCY. Mr. President, I have always been a strong advocate of homeownership for low-income families. I am a strong supporter of the section 235 program and particularly of the homeownership counseling provisions of sections 235 and 237. I have long felt these counseling programs were crucial to the success of the entire program.

I recently engaged in a colloquy on the floor of the Senate with the distinguished Senator from Rhode Island (Mr. Pastore) and the distinguished Senator from Colorado (Mr. Allott) during the consideration of the fiscal year 1973 appropriations bill for the Department of Housing and Urban Development. We all agreed that the omission of a budget request specifically for the counseling programs was a grave error. I did not press my amendment to make these counseling programs operational after receiving assurances from my distinguished colleagues that they would urge Secretary George Romney to submit a budget estimate for the supplemental appropriations bill.

The evidence in support of the effectiveness of counseling programs is overwhelming. On Saturday, the Washington Post published a report by Robert L. Gray, of the Mortgage Bankers Association, on a study of counseling programs in eight areas of the country.

Mr. Gray concluded "that counseling in the 235 and 237 programs is highly effective in reducing foreclosures." Mr. Gray went on to praise the highly successful and innovative counseling program in Wisconsin.

This program includes pre- and post-purchase counseling on money matters as well as home maintenance problems; careful pre- and post-purchase inspections of the properties; and close cooperation between Wisconsin's housing, welfare, and university extension officials.

The time has come to make programs such as the Wisconsin one available to all purchasers of properties under the 235 and 237 programs. These programs reduce the foreclosure rate and thus save the taxpayers millions of dollars. I cannot understand the reluctance of HUD to make a small investment in counseling which can gain such large dividends.

I ask unanimous consent that Mr. Gray's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, June 24, 1972]

Counseling Key to Success of Section 235

(By Robert L. Gray)

There is really no need for a high foreclosure rate in the FHA Section 235 mortgage interest subsidy program.

A study made by the Mortgage Bankers Association in eight areas of the country shows that counseling of prospective buyers in the 235 and 237 programs is highly effective in reducing loan foreclosures.

The results indicate that foreclosure rates are an inverse function of the quality of counseling.

Nowhere is this more evident than in the dramatic success of the 235 program in Wisconsin. If the Department of Housing and Urban Development wants a model program, it would do well to recommend that insuring offices in other states adopt the program of counseling and assistance developed by Wisconsin's former FHA administrator, Lawrence S. Katz, now vice president of urban affairs and financing at the Midland National Bank of Milwaukee.

The score, as of a few months ago was 9 foreclosures out of 8,500 mortgages insured under sections 235 or 237, according to Katz. That is a foreclosure rate of only .09 of one per cent. The national foreclosure rate for all types of mortgages is .50 per cent.

Milwaukee's system of counseling practically guarantees against failure if the applicant gets as far as closing.

And almost anyone who has the determination to sit through Katz's prepurchase clinics would find it hard not to qualify.

The typical low-income applicant, frequently a welfare mother, is not likely to fit into normal underwriting patterns. Katz's system recognizes that such a person has no money for repairs after paying the mortgage. So, the welfare departments in 13 Wisconsin counties have been asked to guarantee the financial stability of buyers who may have to meet unexpected maintenance expenses.

The HUD office in Milwaukee has a two-man counsel operation. Before an applicant is permitted to choose a home, he must attend three counseling classes where the staff explains taxes, insurance, amortization and the buyer's responsibility.

At the conclusion of the classes, the applicant is told:

"Now you are on your own. Find a house and talk to the real estate broker." The FHA office maintains a list of brokers and properties.

Some applicants can provide their own $200 downpayment, the minimum on a 235 house, but for others, the St. Vincent de Paul Society in Milwaukee will supply the sum from a $100,000 fund for downpayment grants.

Once the applicant is graduated from the FHA counseling course, he is required only to prove his need. The Society then notifies FHA of its willingness to grant a downpayment. But there is much more to be done before settlement.

Next, the county welfare agency looks at the house. A staff of 10 housing aides at the Milwaukee County Welfare Department is on duty to check the physical condition of the house and to determine that the family has adequate living space and basic comforts. If the welfare office is satisfied with the house, it notifies FHA and the sales contract is signed. The FHA then makes its standard inspection and, upon approval, notifies the St. Vincent de Paul Society to release the downpayment money.

At this point, one of a group of volunteer lawyers operating under an Office of Economic Opportunity program, represents the buyer. Five days before the closing, FHA requires the 235 buyer to examine the property and sign an acceptance that lists any criticisms of the house. Katz considers this a particularly important step in instances where the applicant has agreed to buy, but has seen no model home.

After choosing the house, the applicant attends classes in home maintenance conducted by the Milwaukee County Welfare Department. The intensive teaching and counseling course is held in facilities that resemble a high school home economics laboratory. The woman of the house is paid $53 a month for two months to attend the classes. She receives free transportation and nursery care for her children while she is in class.

The University of Wisconsin's extension program assists in the instruction program. In addition, a select group of welfare mothers, previously counseled in 235 ownership, assist and instruct as team leaders. The buyer is taught how to replace faucet washers and fuses, to repair upholstery, to make draperies, to varnish floors, and to replace window panes.

At the end of the course, the buyer can pick out $65 worth of home tools provided by a government grant to the University of Wisconsin.

Once the family has occupied the premises, a welfare aid returns every 3 months to inspect the house for maintenance problems that might cause serious deterioration. The welfare department does this to protect its own financial exposure as well as the family.

When it endorsed the house prior to purchase, the department guaranteed to pay for all major and minor repairs that the buyer is unable to handle. Costs incurred in this program are shared—55 per cent is paid by the Federal Government (OEO,, 27.5 per cent by the state, and 7.5 per cent by the county. The buyer pays 10 per cent.

Since Katz's innovative program, other attempts have been made to cover the unexpected maintenance costs for the low-income homeowner. In present form, their effectiveness is questionable. For example, a new program, Section 518 (b) of the National Housing Act, requires the Secretary of HUD to take responsibility for some major maintenance and repair costs.

However, it authorizes the Secretary to pass on portions of this maintenance bill to the seller. HUD has set up regulations requiring the seller to put 5 per cent of the sales price in escrow to meet these costs. The effect of this regulation has been to encourage sellers of existing homes to abandon the 235 program in favor of the section 221 program.

Until this more recent method of covering home maintenance costs is perfected, the Katz system remains the best. If HUD needs an overall national model to reduce foreclosures in the 235 program, it has an example within its own shop.

Even with its present foreclosure rate, the program is a success when judged in the context of its purpose. The 235 program was designed to make home ownership available to people denied this opportunity by circumstances of poverty. Even if the nationwide foreclosure rate on 235 loans were to go as high as 10 per cent, it would mean that an unbelievable 90 per cent of these buyers are succeeding in the face of severe personal austerity. In a program created to deal with the economically disadvantaged, a 90 per cent success is a miracle. It is obvious from the Wisconsin experience that section 235 can be a success throughout the country.

(The writer of this piece is director of information for the Mortgage Bankers Association. He has conducted interviews on Section 235 ownership in various parts of the U.S.)

NATIONAL GUARD TECHNICIANS RETIREMENT ACT

Mr. BAYH. Mr. President, today the House Post Office and Civil Service Committee will be considering the National Guard Technicians Retirement Act which the Senate passed last month. As a cosponsor of this important measure I want to urge the Members of the House to give this matter prompt and favorable attention.

This legislation is necessary to correct an unfortunate inequity in the 1968 law which brought the 42,000 National Guard technicians within the purview of Federal benefits, including retirement benefits. At that time National Guard technicians were credited with only 55 percent of their prior service for the purposes of computing their well-deserved retirement benefits.

The new legislation, which the Senate passed without opposition, would give National Guard technicians the opportunity to receive 100 percent credit for service prior to 1968. Of course, this is a voluntary program since eligibility will be contingent upon the willingness of the technician to reimburse his retirement fund in an amount equal to that which would have withheld had he been fully enrolled prior to 1968.

Mr. President, there are 42,000 National Guard technicians across the country. In 31 States they are not covered by State retirement programs and the currently inadequate program places them in an impossible position. The simple fact is that our National Guard could not properly perform its assigned tasks without the essential support services provided by the technicians.

What is involved here is a simple but important measure to bring a deserved measure of equity to National Guard technicians. I am gratified, as a cosponsor, that the Senate passed this legislation without opposition and hope that the House of Representatives will act quickly so that this injustice can be redressed without further delay.

PAKISTANI-INDIAN MEETING

Mr. THURMOND. Mr. President, this week the President of Pakistan, Zulfikar Ali Bhutto, will be meeting with Mrs. Indira Gandhi, Premier of India, for the long-awaited discussions to bring a settlement between their two countries.

As everyone recognizes, this meeting is taking place under the most unequal circumstances. Pakistan has been dismembered as a result of armed intervention by the Indian Government in December 1971. India has continued to arm and has increased its military budget this year and is even manufacturing some of her own war materials in her own ordinance factories. In addition, as a result of the military treaty signed with the Soviet Union on August 9, 1971, she is receiving massive military assistance from Moscow, including the latest sophisticated Soviet weapons.

On the other hand, Pakistan has no military production capability of its own. More than 80 percent of Pakistan's armament system has been geared to supplies from the United States, although, of course, U.S. military assistance was cut off in 1965 and more recently there is a total ban on shipment of U.S. supplies to Pakistan, including the sale of spare parts.

Whatever the problems originally involved in the East Pakistan affair, we now have an entirely different situation. Whatever excuse India had for forceable military intervention in the affairs of another state is now gone. Yet many observers have expressed apprehension that India will continue to use the military advantage gained in its unlawful confrontation to secure further political advantages from Pakistan. At present, India still holds 93,000 Pakistani prisoners of war. These are just not soldiers or those engaged in active combat; they include civil servants and civilians—men, women and children. Under the terms of the third Geneva Convention, such prisoners should have been released immediately upon the cessation of hostilities. Such a cessation of hostilities was clearly indicated by the United Nations Security Council Resolution No. 307(71) of last December 21.

Yet India has allowed 5 months to go by and is still holding these prisoners almost, as it were, hostages in contravention of international law. It is now up to India, if she wishes to regain some measure of respect in the international community of nations, to release these prisoners, both as a sign of good will and as a sign of living up to her responsibilities. Pakistan has already made any number of such concessions while India gives the impression of attempting to squeeze the maximum advantage out of her situation.

Let us hope that during the meeting of President Bhutto and Mrs. Gandhi the prisoners of war matter will be solved with a magnanimous gesture. This will certainly clear the air and allow the other problems to be solved. The world will be waiting to see whether India regains its place in the community of peaceful nations.

E. M. DEBRAH: AMBASSADOR EXTRAORDINAIRE

Mr. BROOKE. Mr. President, yesterday was a day of tribute to one of the world's most outstanding men. Next Sunday will see his departure from our land and his return to his own, where I have no doubt but that he will serve his nation with continuing great distinction.

I refer, of course, to Ghana's departing Ambassador, Ebenezer Moses "Kojoe" Debrah.

Ambassador Debrah has served for 5 years as his nation's ambassador to the United States. Before that he had served from 1960 to 1963 as Ghana's Counselor of Embassy in Washington. In his total 8 years of service in America Ambassador Debrah has seen a great deal of change.

But he has been far more than a witness and a reporter of the American scene. He has in fact been far more than an ambassador from his government to our own.

Kojoe Debrah has been a personal envoy from the people of Ghana to the people of the United States.

In his early years here, he quickly perceived the struggle for pride and identity then occurring in the black community. He recognized, as few others did either in America or around the world, the essential rootlessness and uncertainty of the black people of America.

But he recognized, too, that black Americans are Americans first—not Africans. And if they are to find pride and identity, it must be found within their own situation—here in the United States.

Ambassador Debrah's personal philosophy can be summarized in two words: "inspire and support." And he has sought to inspire by example, and support by personal encouragement, a multitude of efforts and individuals.

Ambassador Debrah has many "firsts" to his credit:

The first foreign envoy to walk the streets of Washington during and after the 1968 riots.

The first foreign envoy to visit the Lorton Reformatory, and to become involved in the program of the Inner Voices and other self-help groups.

The first foreign envoy to make it a practice of visiting Junior Village to work with the homeless youngsters there, to "inspire and support" them.

The first foreign envoy to visit, and speak to, every black college in America.

The first foreign envoy ever to entertain prison inmates in his own home on special holidays—and to implant and encourage in them a deep sense of self-respect and self-worth.

Ambassador Debrah has visited nearly all the 50 States—not as an observer, but as a direct participant in the programs and the lives of the people. He has promoted cultural exchange on a broad scale, becoming personally involved in the activities not only of the Museum of African Art on Capitol Hill, but of the Anacostia Neighborhood Center on Martin Luther King Avenue and of cultural festivals from Howard University to local block parties.

But all of these involvements do not define the man who is leaving America this Sunday. There is about Kojoe Debrah an unlimited capacity for caring about his fellow men. He is a man who took time from his formal duties to travel to my own State of Massachusetts with an inmate group to participate in an educational conference on drug abuse. He is a man who would prefer to join a group of students in a college cafeteria than attend the luncheon being held in his honor elsewhere. He is a man who has earned the lasting admiration and affection of every man, woman, and child whose life he has touched.

The Washington Post today contains an article entitled: "Farewell, Kojoe, Spirit of a Nation." I have visited his country, and I know that the confidence the ebullience, the concern and the creativity which Kojoe Debrah conveys is, indeed, the spirit of his nation.

I am proud to salute the man who has conveyed some of that spirit to us, and I pray that one day his spirit may be ours as well.

Mr. President, I join now with our many mutual friends in wishing the

Ambassador a future filled with joy and opportunity. I ask unanimous consent that the article from today's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAREWELL TO KOJOE

(By Dorothy McCardle)

In an unprecedented display of affection from citizens of this city for a foreign diplomat, retiring Ambassador of Ghana Ebenezer Moses Debrah was praised yesterday in song, dance, proclamation, eulogy, clapping and foot stamping.

At a testimonial luncheon in his honor at the Mayflower, the ambassador heard 2½ hours of sustained tribute from spokesmen for the 400 persons who paid $12.50 each to honor him.

Then he stood erect in his robe of Ghanaian kente cloth and, a catch in his voice, responded with a small joke stemming from American politics.

"There was a time when crying in public for a good cause was acceptable. But no more. If you cry, you are finished."

After the laughter subsided, he added,

"Even though I am completely overwhelmed and deeply touched by your presence here, by your very kind words and your good wishes, I must not show the wrong emotions. The Ghanaian proverb says 'Men don't cry.' "

Kojoe, as Ambassador Debrah has become affectionately known during his almost five years here as chief of Ghana's mission, goes home next Sunday to become a member of Ghana's foreign affairs ministry.

Yesterday was his day. Mayor Walter Washington read a proclamation which hailed the African diplomat as "Ambassador Ebenezer Moses Debrah Day," a move which the Mayor said had been suggested by the National Council of Negro Women.

"He has walked with kings, queens, presidents and prime ministers," said Mayor Washington. "But he has never overlooked anyone. His hand is always out to everyone. I call him the reach-out diplomat."

Mrs. Willie Hardy, civil rights activist and Afro-American Woman of the Year, briefly pinpointed the reasons for the expressions of affection.

"He has identified with black America as no other foreign diplomat has ever dared to do before," said Mrs. Hardy.

"You have helped so many of us to be proud of being black and not to be ashamed," said D.C. Superior Court Judge Harry T. Alexander. "You have helped the white man to understand this, too."

Speakers referred to the fact that Debrah is the first foreign ambassador ever to visit Lorton Reformatory and to invite a group of the talented prisoners there, The Inner Voices, to perform and dine at his embassy residence. Rhozier Brown, director of Lorton's Inner Voices was there to recall this. His interest in young people has taken him to colleges and universities all over America, telling them of the greatness of their black heritage.

Vice chairman of the D.C. City Council Sterling Tucker urged that Debrah be "made an honorary citizen of this country" because of his interest in blacks all over the nation.

Assistant Secretary of State for African Affairs David D. Newsom put Kojoe into international diplomatic perspective.

"Kojoe is as popular at Foggy Bottom as he is at City Hall," said Newsom. "Any nation would be proud to have Kojoe Debrah as its ambassador. He has conveyed to us the spirit of a nation and the essence of a continent."

Then came more encomiums from James J. Cheek, president of Howard University, Ruth Sykes of the National Council of Negro Women, Jim Pope of the United States Information Agency, Ethel Payne of Senstack Publications, Lillian Wiggins and Bill Johnson, committee members of the Friends of Ghana, were co-equally in charge of the ceremonies. Mrs. Charles C. Diggs Jr., wife of the Democratic member of Congress from Michigan, brought a message from her husband.

In between, the Melvin Deal dancers and a choral group from Washington's high schools—all of whom Ambassador and Mrs. Debrah have aided—sang and danced.

Then it was learned that even the luncheon to honor Dabrah was a benefit for an American cause. Former Assistant Secretary of Labor Arthur Fletcher announced that proceeds will go to the United Negro College Fund of which Fletcher is now president.

In the end Debrah had the final words, and they were not "bikini brief," as he had promised his audience at the start.

Reading from the 12-page speech he preached what he has spoken over the years to many who have become his friends. He took the late Dr. Martin Luther King as the model for the future.

"Please let us remember that Christianity is not a voice in the wilderness, but a life in the world," said Debrah. "It is not an exotic slant to be kept under glass, but a hardy plant to bear 12 months of fruits in all kinds of weather."

THE POSTAL ACADEMY PROGRAM

Mr. PERCY. Mr. President, it has been announced that, as of June 30, the Postal Academy program will be terminated by the Postal Service. This program, begun as street academies for high school dropouts by former Postmaster General Winton Blount, has been an undeniable asset to the city of Chicago as well as the other five cities in which it is located. The unique Postal Academy program is the only national academic program for high school dropouts.

The national enrollment has grown from an initial 250 students in May of 1970 to the present enrollment of 1,275. In Chicago where we have three Postal Academies, there are 217 students currently enrolled. Almost 500 students have been able to take advantage of the program since its beginning. As of January 1972, the Postal Academy program has recorded 58 students who are in college, 95 students who have received high school equivalency diplomas, 103 students who entered full-time employment, 16 students who entered the armed services, and 57 students who returned to public schools.

The program has been funded by the Postal Service, Department of Labor, and the Department of Health, Education, and Welfare, with the Postal Service providing approximately 10 percent of the funds and part-time employment during the program with, hopefully, full-time work upon completion of the training. However, the Postal Service now has decided that since only 22 percent of the students can be placed in its organization, its participation in the program must be discontinued.

With 850,000 high school dropouts each year and the desperate problems we face with unemployment and poverty, it seems logical that funding for this successful program should be continued by Department of Labor or the Department of Health, Education, and Welfare, or a combination of the two. The program was evaluated recently by the Department of Labor. That evaluation stated that the Postal Academy program is an "asset to our communities" and documented an "air of exuberance" among the students, instructors and streetworkers.

I strongly urge that efforts be undertaken by the Department of Labor and the Department of Health, Education, and Welfare to make certain that the Postal Academy program does continue.

HOUSING RESEARCH

Mr. METCALF. Mr. President, my attention has been called to a study of research into housing conducted by the U.S. Department of Agriculture and the agricultural experiment stations for calendar year 1970. This study was done by Prof. Don F. Hadwiger, a member of the faculty at Iowa State University, Ames, Iowa.

It is a detailed, perceptive, and disturbing document, if we will recall that the USDA and the agriculture experiment stations are the agencies that are responsible for research affecting the lives of rural people in this country.

It is apparent from reading Professor Hadwiger's analysis that a good portion of the research was directed to, first, increasing the use of forest products in housing construction, or, second, aiding housing producers on narrow, technical aspects of material usage, or, third, was so indecisive as to be more or less useless. Professor Hadwiger's concluding remark is:

> It would appear that not much of the present research on rural housing is intended to provide findings useful for the development of public policy in rural America.

There was no meaningful research into the problem of meeting the needs of rural and smalltown people where 60 percent of the substandard housing of this Nation exists, certainly none as regards the matter of providing data needed by policymakers to meet this need. This fact makes one wonder just who is responsible for the research necessary to improve the quality of the lives of rural people.

I cannot resist commenting on some of the findings of the studies that have been done:

Termite behavior and migration;

Mobile homes are a major supplier of low-income housing:

Strength of glue;

Difficulty of homemaking tasks is related to housing;

Employed homemakers have less time for housekeeping tasks than non-employed homemakers;

I might not react adversely to this research, nor to such astounding discoveries that a woman with two jobs has less time to spend on one than has a woman with only one job, if, as a consequence, rural people were being housed better. That has not been the case.

I am particularly concerned that the needed research is not being done because my state of Montana has been victimized by the housing programs of the Farmers Home Administration. That agency has been far more active in neighboring States than in my own State by any criterion.

If we consider the total amount of

loans in fiscal 1971 under Farmers Home's homeownership, rural rental, and home repair programs, we find that in Montana the agency lent $6 per capita while the comparable figures were $13 in South Dakota, $18 in Wyoming, $25 in North Dakota and $33 in Idaho.

If we relate the number of homeownership loans to the number of nonmetro units lacking essential plumbing facilities as reported in the 1970 census, we find that in Montana, Farmers Home Administration made 1.3 loans for every 100 such units, while the comparable figures for the other States were 2.3 in South Dakota, 4.0 in North Dakota, 6.7 in Wyoming, and 11.7 in Idaho.

Mr. President, it is possible meaningful research into the housing problems of rural America might disclose why Montana's neighboring States are so favored by the Farmers Home Administration. I do not begrudge our neighbors their successes with Farmers Home Administration; I do believe Montana should be equally benefited.

It is small wonder, given this approach to research, that the USDA has had virtually nothing to offer in the way of ideas for solving the rural housing problem. The truth is pretty obvious: They are not really concerned about the rural housing problem.

I ask unanimous consent that Professor Hadwiger's paper be included in the Record as a kind of benchmark on the devotion of the USDA researchers to the welfare of rural people and the keen perception they enjoy in going about the task.

There being no objection, Professor Hadwiger's paper was ordered to be printed in the Record, as follows:

Analysis of Research Projects of USDA and Agriculture Experiment Stations for Calendar 1970, Categorized Under RPA 801 (Housing)

(By Don F. Hadwiger)

INTRODUCTION

My objective is to classify USDA and CSRS research projects designated under "housing" into sub-categories based on their intended objectives or anticipated findings. A particular interest in doing this is to learn how findings might be useful or not useful in determining public policy for rural housing.

The information was gained from progress reports for calendar year 1970, with the project descriptions and publications listed therein, as furnished by the Department of Agriculture. These reports were uneven in structure. Inconsistencies between the more general project descriptions and particular results listed in progress reports and publications often required a judgment as to the real nature of the project. The effort was made to settle upon the major theme of ongoing research.

A special task force of CSRS, reporting in 1965, found that relatively little research was devoted to the social, economic, and human aspects of rural America. More recently, J. Patrick Madden expressed similar concern about lack of public policy research, in an article in the American Journal of Agricultural Economics (May, 1970) entitled "Social Change in Public Policy in Rural America: Data and Research Needs for the 1970's." Madden listed five major problems in rural American on which public policy research was needed. One of these five problems was—"meeting the housing needs of rural families." The other four problems were—improving economic opportunities of rural people, improving rural community institutions and services, finding causes and cures for poverty, and isolating social and economic barriers to change.

For each of these problems several types of research are needed, Madden said. These types of research, as he lists them, provide one basis for classifying housing research projects. Madden's list includes the following: (1) determine the existing situation, including description of the target population; (2) analyze relevant forces impinging, and estimate casual relations; (3) study the effects of current intervention programs; (4) evaluate potential innovations in intervention programs, using pilot studies; (5) pull together from all the studies a wide range of readily accessible information and knowledge so that policy makers from all levels can make informed decisions in program formulation. Since Madden also emphasized using techniques to make the knowledge accessible to the decision makers, this communications function is listed as the sixth type of research. He emphasized that many "elegant" reports had no real impact, because they were not in a form communicable to decision makers.

It was not possible to categorize all rural housing research projects under Madden's six headings. Many projects dealt with purely technical aspects of housing construction which, at best, would have only an indirect impact upon any of the categories mentioned above. For example, research on new techniques for gluing joints might well reduce the cost or increase the durability of low-cost housing, but it did not seem reasonable to list this in one of the categories that Madden mentioned. Therefore, three additional categories were included: physical construction—technical aspects; physical challenges to housing (such as termites); and technical aspects of operating and maintaining houses.

This eight-part categorization will be entitled. "Types of Research." In subsequent sections this research will also be classified as to who is likely to use it, and then as to how immediately applicable it may be. Finally, the effort will be made to state the major finding of each research, and these will simply be listed in the order in which projects appeared. Publications will also be listed in the same order.

TYPES OF RESEARCH

1. *Determining existing situation including describe target population:*

Out of the total of 71 projects listed under RPA 801 (housing) for which some description was provided, twelve projects were placed in the category of describing the situation. However, out of a total of 48.3 man-years for all projects, only 6.6 man-years were involved here, and 3.7 of these were committed to one ERS project which undertook to determine rural housing trends and prospects both with respect to new kinds of housing and characteristics of housing occupants.

Several kinds of situation research were differentiated, the major one (three projects, including the ERS project, with 4.7 man-years) being descriptions of the kinds and quality of housing used by occupants categorized by income or age or ethnic background or other social or demographic characteristics. The second largest kind of research consisted of behavior studies in which resident behavior patterns were observed in an effort to discover housing designs which were most convenient (four projects, .3 man-years). Other kinds of research explored consumers' desires or demand for housing (two projects, .6 man-years), and development of concepts as to understanding the situation or character of recipients (one project, .3 man-years).

Comments: Most of these projects were quite specific as to subject, dealing with fragments of the total situation. For example, the behavior studies dealt mainly with behavior of elderly people within a particular design of kitchen, or home. There was no counterpart study of behavior patterns of families, or of the many behavior problems involved in multi-family housing. Most of the situation studies were region-specific.

The ERS project on rural trends produced at least two publications with comprehensive findings. However these are based upon secondary data mainly, in the case of the generalized rural housing trends and prospects.

2. *Analyze relevant forces impinging, estimating casual relations:*

Eleven projects and four man-years were placed under this heading. These were differentiated as follows:

Community economic resources available to be devoted to housing (one project, .3 man-years)

Relationship between housing, other socioeconomic characteristics, and fertility rate (one project, 1 man-year)

Effect of housing on other life aspects such as—difficulty of or preference for tasks; and eating habits (three projects, .8 man-years)

Effective legal constraints on use of new technology and other factors affecting supply of housing (two projects, 1 man-year)

Relationship of socio-economic and demographic characteristics of occupants—*to* demand for housing (one project, .0 man-years); and credit-behavior, housing-meanings characteristics *to* desire for housing (one project, .0 man-years); and credit-behavior, house-meanings characteristics *to* quality of housing (one project, .3 man-years); *to* demand for housing (one project, .0 man-years); *to* maintenance of housing (one project, .2 man-years); *to* housing attitudes and use patterns (one project, .2 man-years); *to* work habits and patterns (two projects, .6 man-years).

Comments: The amount of research into causal relationships, using housing either as independent or dependent variable, is obviously small. Most studies involve a small universe of residents, located in one community or small area. Most do include some low-income housing occupants.

As to whether the findings are policy relevant, and whether their authors were concerned about this matter, some doubts and reservations are expressed in a later section. Presumably some of these projects address the question, "who is in bad housing, and why?" But the studies do not seem structured to say much directly about the dynamics of improvements in housing. Instead, the research usually explored socioeconomic relationships, which are presumably conservative (reinforce status quo) rather than dynamic in their effects.

3. *Study the effects of current intervention programs:*

Only one project seemed appropriate for inclusion in this category, despite efforts to be inclusive. This one was included because one aim (out of several) was to compare satisfactions of people living in public housing projects with satisfactions of those living in trailer homes. There were no man-years committed to this project in 1970.

Obviously there is much experience to be studied with respect to a number of federal and state programs as well as housing regulations, catalytic efforts, and other types of federal, state, or local initiatives to improve housing, especially during the last four years. The lack of research in this area is not explained by lack of methodology or interest or activity.

4. *Evaluate potential innovations in intervention program, using pilot studies:*

There are four projects which seem to qualify here in the sense that some experimentation had been undertaken, using human subjects in a new situation. A total of .7 man-years were involved, and the activities included independent housing for elderly persons, acceptability of new housing designs for for low-income people, promoting self-help organizations, and an anticipated experimentation in improving rural low-income housing.

A good deal of experimental or pilot program research *has* occurred in other areas of behavior such as nutrition education, and this kind of research is common procedure in the natural sciences. Is the lack of this kind of research by USDA and CSRS in rural housing due to lack of interest on the part of researchers, or lack of qualified researchers to undertake projects of this nature, lack of resources, or simply lack of priority for rural social phenomena?

5. *Synthesis of findings:*

Two projects seemed primarily interested in bringing findings together either for others or for the use of scholars at the institution. The first assembled materials on house designs into a handbook, and the second assembled bibliography to guide a research program. A total of two projects and .6 man-years were involved here.

There is very little information available on housing needs and housing programs for use by community non-profit organizations. The area of housing is one in which the average community leader and even housing planners act without information, in the absence of any efforts to synthesize findings. Rural housing situations, for example, are particularly unknown from one region or one subject to another.

6. *Making knowledge accessible for policy makers at all levels:*

Two projects seemed to fit this category, with a total of .5 man-years. One project was to prepare a handbook of rules on migrant housing; another was to instruct builders (not policy makers) on use of surface bonding of concrete block. Conceivably the ERS publication on housing trends, indicated earlier under No. 1 might also have been classified in this category.

7. *Technical aspects of physical construction of houses:*

There were 15 projects in this category, but these included 39.6 man-years (60%) of all housing research man-years. These projects were undertaken primarily by the Forest Service or Agricultural Engineering Departments. Many or most of the experiment station projects classified here were labeled as efforts to reduce costs of low-income housing; and this designation would certainly seem accurate, for example, for research on bonded concrete block walls (eliminating the need for mortar). However the relationship in terms of output was not always clear, as in the case of a project, classified under (9) below, testing the effects of foot traffic wear upon wood floor surface. The title of this project on floor surfaces was "physical, social, and economic aspects of functional housing for low-income families."

While two or more projects dealt with concrete building materials, most projects endeavored to improve the use of wood, and often were specifically aimed at increasing the use of wood in low-income or other housing. This may be understandable in view of the input of Forest Service and forestry professionals under this category, but the fact deserves comment. Materials other than wood may be less scarce, or in any case deserve more proportionate treatment in federal research.

8. *Parasites:*

Six projects, with a total of 12 man-years, were devoted to studying the behavior of termites or bacteria or other enemies of wood. This accounted for 18% of total man-years in rural housing research, about equal to all man-years under the Madden categories.

9. *Operation of houses and utilities:*

Three projects, with a total of 1.2 man-years, were categorized as designed to provide maintenance of houses—the proper use of electricity, upkeep practices of elderly people, and wearability of wood floor surfaces.

FOR WHOM WAS RESEARCH INTENDED?

An effort was made to list the parties or agencies for whom research might be intended, although the progress reports themselves did not usually specify a target group.

As indicated, most research was concerned with technical aspects of construction or maintenance of property, and therefore a large number of the projects, encompassing the bulk of total man-years, were listed as being intended for those who construct or maintain houses—architects, builders, service industries. One may postulate that economies achieved in the construction of houses will be passed along to the consumer, though that proposition was not tested or even touched upon in any rural housing research project. Furthermore, consumer interests were rarely mentioned, and some research seemed intended as a direct service to producers. For example, one research project was producing market surveys and undertaking law searches designed to provide information to facilitate the marketing of lumber. There was no project which would have measured the efficiency of the lumbering industry, or its profit-taking. There was no look at the institutions involved in producing or selling housing. Yet there is need for this kind of analysis, because a long chain of private individuals and firms now provide specialized inputs in the process of providing federally subsidized housing to consumers, and the value of these services is nowhere examined in this research. Instead, the spirit and intent of much research is industry-oriented, as indicated in the description of one very substantial project, "Use of automated and more complex sawmill machinery is increasing demand for operations research to provide information for decision making in forest product industries. Benefits of operation research analysis are useful to an existing plant, and are extremely valuable in evaluating investment in both horizontal and vertical integration and in new plant facilities."

While most research was for the initial benefit of the building industry, the second largest use category contained research for which no user was apparent. It was difficult to know, for example, who would be the user or recipient of new information about relationships between socio-economic characteristics of residents and the quality of their housing. Farmers Home Administration might incorporate such information in its proposals for program changes, and individuals or terms within USDA research agencies could pick up this information and assure that it does become a basis for program suggestions. However, only a part of these findings would have clear program relevance. Many potential research questions designed to find causes which are subject to administrative control would be related to existing programs but many of these have to do with the method of administering programs, which has yet to be looked at in any single project. Another approach would be to seek socio-economic characteristic and demographic relationships with program outputs. This would tend to indicate shortcomings in the program in addition to those in administration.

Is summary, most research is not intended for the benefit of consumers directly, or for policy makers. It is pointed toward use by the housing industry, or to be incorporated into a body of sociological knowledge.

USABILITY OF RESEARCH

An effort was made to put research into three categories—that which was immediately usable or practical; that which was an increment or addition to a body of knowledge which might then be useful as a whole; and research which was purely theoretical or methodological, not intended at all for practical use. This required very large judgments, but perhaps the evaluation supports a few statements.

Much of the research dealing with housing construction or maintenance fell into the category of direct and practical. A total of 15 projects dealing with housing construction and maintenance were listed as practical, and another four non-construction, non-maintenance projects were listed in this category. The latter four included a survey of low-income housing residents, research on how much repair is needed in rural low-income homes, a model for self-help housing, and the development of a bibliography for use by scholars at one institution.

On the other extreme—theoretical and methodological, five projects were listed. The other projects fell in between these, with no apparent immediate or practical use, although perhaps many of these findings could be incorporated into program design or administration if there exists a good chain of communication and synthesis of information between researchers and program administrators.

FINAL COMMENTS

It would appear that not much of the present research on rural housing is intended to provide findings useful for the development of public policy in rural America, as solicited in the paper by J. Patrick Madden. Some of the needs Madden mentions, such as analysis of existing policy and testing innovations, are entirely neglected.

Perhaps this conclusion drawn from examination of projects should be tested from the other direction, that is, by devising ways to learn whether decision-makers are in fact tapping research knowledge being produced by USDA–CSRS projects.

APPENDIX: PUBLICATIONS IN PROCESS OR COMPLETED UNDER 801, 1970

The following are abbreviated titles of the publications listed in the rural housing research progress reports:

Housing agricultural workers—Handbook.
Five publications on use of concrete.
Rural housing quality in Ozarks as related to characteristics of units and occupants.
Reduce housing costs.
Housing trends.
Mobile homes.
Inhabitants of substandard housing, future needs.
New test procedure.
Review of literature on thermal degradation.
Evaluation of fire-resistant treatments.
Effects of heat on wood properties.
Effectiveness of preservatives (several publications).
Withdrawal resistance of tapping screws into different wood density.
Some articles on glue-laminated beams, etc.
Housing conditions and financial management practices.
Method of assessing consumer preferences.
(Physical) Housing needs of older citizens.
Housing and activities of the elderly.
Use of community and mobile park resources by the elderly.
Differences in homemaker's considerations in accomplishing household tasks.
Approach to study of managerial control.
Home managerial tasks, perceived competence, and related consequences.
Effectiveness of sound absorption in drywalls.
Sound insulation of wood-framed floors.
Moisture of laminated timbers.
Model home for low-income families.
Residential heating.
Residential cooling.
Better utilization of forest products in housing.
Changing form of wood.

Moisture content of laminated timbers.

Effect of air conditioning or moisture conditions.

Changing building codes to permit innovation.

Building code relationships.

Wood floors are competitive with concrete slab.

Risk and the lumber futures market.

Soil penetration by insecticides.

Residues of heptachlor.

Termites.

Chemical studies of attractants.

Genetic control of bacteria.

Capacity of bacteria to cause decay.

Micro-organisms in pines.

TYPES OF RESEARCH UNDER RPA "RURAL HOUSING," BY CSRS AND USDA, CALENDAR 1970[1]

	Number of projects	Man-years
Madden public policy categories:		
1. Situation	12	6.6
2. Causes	15	4.4
3. Current programs	1	.0
4. Innovations	4	.7
5. Synthesis of findings	2	.6
6. Communication to decision-makers	2	.5
Subtotal	36	12.8
Technical findings:		
7. Construction	15	39.6
8. Parasites	6	12.0
9. Maintenance	3	1.2
Subtotal	24	52.8

[1] Derived from information in annual progress reports.

SPECIFIC FINDINGS, 1970

Below is a list of major findings of rural housing research projects. For each project reporting findings, an effort was made to extract that finding which was most emphasized. These appear in abbreviated form below, listed in the order in which projects appeared.

Better house designs.

Amount of electricity used in farm homes.

Relationship between SES, credits, demographic, ownership, and quality of rural housing.

Termite behavior, migration.

Ways to reduce housing construction costs.

Little mortgage credit is available in rural Arkansas.

Substandard houses are inhabited by old or disabled or women; and mobile homes are a major supplier of low-income housing.

Strength of glue.

Durability of wood finishes.

Fire resistant material was uneconomical.

Effectiveness of wood preservatives.

Engineering values for strength of wood paneling.

Need adequate anchorage for wood beams.

Sandwich panels perform well.

Financial management practices are related to housing conditions.

Technique of building concrete blocks without mortar.

A method of assessing consumer preferences for housing.

Physical aspects of housing needs for elderly.

Floor surface wear is reduced after a time.

Elderly did not prefer public housing over other forms, and use of public facilities was determined by proximity.

Difficulty of homemaking tasks is related to housing.

Employed homemakers have less time for housekeeping tasks than nonemployed homemakers.

There are differences between rural and urban in completion of housing tasks.

Sound does not unduly penetrate wood frame walls.

Low cost home design.

Use of new nails, new glue and preventing decay of wood.

Operations research can help forest products industry.

Behavior of termites.

Bacteria deterioration of wood.

Conditions and remedies for problems of low-income housing.

Housing status is related to SES, housing meanings, social participation.

Urban-rural differences are related to fertility rates.

Size of families and income of rural families.

How much does a home cost the community, and how much does the community receive from taxes (community cost for residence versus community income from taxes)?

Heat and radiation varies specifically with size and position of wall openings.

CONFIDENCE IN AMERICA: THE CONCERNS AND PROPOSALS OF SENATOR HUBERT H. HUMPHREY

Mr. HUMPHREY. Mr. President, today, perhaps more surely than at any other time in the past 40 years, we are faced with a crisis of confidence in our governmental institutions.

A crisis of confidence in the believability and integrity of government.

A crisis of confidence in our Government's willingness to understand the everyday problems and needs of people.

And most important of all, a crisis of confidence in the ability of government to act.

Last week. a respected national survey reported a precipitous rise in the feelings of alienation among the American people over the past few years.

The Harris survey reported a sharp increase in the number of Americans who believe that the people running the country do not really care what happens to the average American or what the average American thinks.

Most shocking of all, nearly 70 percent of those interviewed expressed the belief that they were living in a political, social, and economic system in which, inevitably, "the rich get richer and the poor get poorer."

We are faced with a situation of rising anger, discontent, fear, frustration, raw group hostility, and widespread hopelessness.

Either we confront and deal with the root causes of these dangerous symptoms or the very foundations of the institutions which have made this country great will be threatened.

A CRISIS OF CONFIDENCE

What are some of the elements in this crisis of confidence?

It is a war that does not end.

It is a wife whose husband has been a prisoner of war for 6 years.

It is cities rotting from within.

It is a society in which our elderly feel neglected, the middle aged feel ignored, and the young feel ineffective.

It is a man with a family without a job wondering how he will pay the rent.

It is a child in a land of plenty going to bed hungry.

It is a tax system which is unfair.

It is a retired person counting out her pennies to pay for an inadequate diet in a society which too often says life is over at age 65.

It is the fear of getting sick because it costs too much to get well.

It is the thousands of kids standing on street corners, getting into trouble, going on drugs because they cannot find work.

It is the young worker too often invisible and too often forgotten by a country that says a college education is the only way to get ahead.

It is millions of men and women working in our mines and factories under unsafe and hazardous conditions because of a Government that lacks compassion and courage to enforce job safety laws.

It is the family that is afraid to take an evening walk together.

All this need not be.

We have the ability and the resources to change things, and shape the conditions which affect our lives.

To do so we need only the will and commitment to act. And, we must chart a course to give us direction.

Mr. President, this is part of the message I have been stating in all parts of our country over the last few months and which I emphasized to the Democratic Party Platform Committee in Washington, D.C., this past weekend.

I have confidence in America and I have spelled out a comprehensive program of action which will activate and direct the great strengths of our people.

Today I shall spell out in detail my overall program, but I first wish to emphasize some of my concerns.

END THE WAR AND REVIEW OUR COMMITMENTS

Our first order of business is to end the war in Vietnam.

The Democratic Party should endorse, and our Government should set, an immediate deadline for the complete withdrawal of American troops from Vietnam, and the termination of all U.S. military operations in South Vietnam, Laos, and Cambodia contingent upon the release of American prisoners of war and an accounting of our personnel missing in action. We must persistently pursue a cease-fire throughout all Indochina, using every possible diplomatic channel, including the use of the United Nations.

After more than a decade of U.S. military assistance, it is clear that we have more than fulfilled any commitment to South Vietnam.

With a commitment to ending our military operations in Indochina should come a parallel commitment to a comprehensive review of American defense posture. The goals of this analysis should be—

Review all American commitments to determine which of those remain in our national interest.

Reduce American bases overseas.

Pare down our top-heavy command structure and increase the proportion of effective combat troops to support troops.

Establish a long-term defense plan to provide for U.S. national security and at the same time enhance U.S. foreign policy.

Maximize and modernize the efficiency of our Armed Forces and our total defense capabilities.

Reform acquisition and procurement procedures to reduce enormous cost overruns and improve competition for defense contracts.

Concentrate on the pursuit of armaments limitations and disarmament agreed upon by nuclear and nonnuclear powers.

This review must take place before detailed budget decisions can be made. Our defense budget can take reductions. There is waste and duplication. I have previously suggested that reasonable reductions that would not impair our defense capabilities would be in the range of $12 billion. This figure has also been recommended by the Brookings Institution. Cuts beyond this range without comparable reductions in the Soviet Union's defense structure would not be realistic nor responsible.

PUT AMERICA BACK ON ITS FEET

The Democratic Party has an obligation to establish the programs and policies that will put Americans back to work and our Nation back on its feet.

The Nixon economic policies have given the American people the highest unemployment in a decade, the highest inflation rate in two decades, the highest budget deficits in four decades, the highest trade deficits in eight decades and the highest interest rate in 100 years. Combined, these Republican economic failures have brought hardship and tragedy to millions of American families.

The goal of the Democratic Party must be the creation of jobs and meaningful work. The right to a job must become an accepted economic and social principle. That 5-percent unemployment, or 4 million Americans without jobs is acceptable must be totally rejected by the party which represents the working families of this Nation.

I have submitted proposals calling for the creation of at least a 1 million job public service employment program, a special youth employment program, retention of the investment tax credit and the creation of programs to deal with unemployment among highly skilled persons.

Jobs are one half of the economic equation.

Controlling inflation is the other half.

We must have a price and wage stabilization mechanism that is fair, efficient, and an advocate of the public interest—not a rubberstamp for corporate business. Stiff prosecution for price violators and price rollbacks where necessary are important components of a fair economic policy.

RESTORE TAX JUSTICE

Fairness must also be carried to our tax system. The American tax system is rigged against the working families of this country.

Because we have reduced Federal income taxes in recent years, the regressive payroll, sales, and property taxes have taken larger and larger amounts from the taxable incomes of working families.

The middle-income families are being increasingly taxed with regressive payroll and sales taxes while giant corporations and the privileged few escape paying their fair share.

Since the Nixon administration has blatantly refused to endorse tax reform this year, our party has a special obligation to make a firm and realistic commitment to tax reform.

At a minimum, the essentials of the Democratic Party's tax reform program must be:

Review the tax code with the objective of eliminating those special tax privileges which permit the wealthy few and the giant corporations to avoid paying their fair share.

By closing tax loopholes we can make available funds to local areas to reduce substantially the homeowner's property tax burden.

Revising the social security system to cut payroll taxes.

Simplification of all tax forms and procedures.

Elimination of Federal tax liability for those people with poverty-level incomes.

Creation of a tax structure which will not inhibit investment or limit the incentive to earn.

An extra effort must be made to create a progressive tax system at every level of government.

A progressive tax structure is not only fair but it can be used to achieve a more equitable distribution of income among all Americans. The increasingly regressive nature of the American tax structure is leading to unfair concentration of wealth and a growing tax burden on middle-income persons.

REFORM PUBLIC ASSISTANCE

Another goal of our party must be an effective reform of the public assistance system.

We must have a welfare system that treats recipients and taxpayers fairly. To do this we must scrap the present system and recognize welfare as a national problem demanding national answers and national financing.

Here is what I believe we must do to assure that compassionate aid for those in need is provided:

Federalize the cost of welfare.

Set uniform eligibility standards and provide a basic level of assistance for those in need.

Maintain the incentive to work by providing jobs and job training along with the establishment of a suitable work requirement for recipients.

Establish a nationwide system of child day care and development centers and conduct an extensive effort to broaden the food stamp program to every county in America.

Begin an effort to lift 5 million elderly Americans out of poverty through increases in the social security and old-age assistance programs.

I am opposed to substituting a vast national income redistribution scheme for a truly effective and progressive public assistance program.

To aid those in need must be our goal. I do not believe that in order to achieve this goal we must provide all Americans—regardless of their wealth—with an income grant.

EMPHASIZE THE NEEDS OF OUR CITIES AND SUBURBS

Finally, the programs of the Democratic Party and our Government must emphasize the needs of the 70 percent of the people living in urban and suburban America.

It should be our goal to focus on street-level government, to maintain the integrity of neighborhoods, to establish certain basic services for our cities, to provide new financing mechanisms, and to plan the use of our resources through a national growth and development policy.

I have offered a detailed plan and legislative program which includes a well-funded revenue-sharing program and a National Domestic Development Bank to enable cities and communities to move ahead on a wide range of urgently needed public construction funded by long-term loans.

We cannot solve the problems of this country without solving the problems of urban America. And, the difficulties confronting urban America are due in part to the mass migration of rural Americans to the urban areas. The Democratic party must commit itself to the revitalization of rural and urban America. They are inseparable. There is no relief for one without help for the other. We simply must move toward an urban-rural balance.

And part of this commitment must include a willingness to use planning to meet our future needs. We must outline the creation of structures and policies in Congress, the executive branch, and at all levels of Government that will enable us to better shape and give direction to our national growth.

Mr. President, now I shall review and specify the proposals I have made for a national program to restore confidence in America.

1—THE RIGHT TO A JOB

ISSUE

Thirty-five million Americans will be seeking their first jobs between 1972 and 1982, or 700,000 per year more than in the 1960's. Today over 5 million Americans are now unemployed. Joblessness among teenagers is over 17 percent. Joblessness among minorities runs from 10 to 40 percent depending on age group. Unemployment among Vietnam veterans is over 12 percent.

HUMPHREY JOB PROGRAM GOALS

To provide a job for all those who want and can work with emphasis on providing people with opportunity for a job or career they want.

To stimulate our economy so that our industries begin producing again.

To provide training and opportunities for those without skills so they may advance.

To get this Nation back to work and our country moving again.

HUMPHREY JOB PROGRAM

One million public service jobs—the Employment Opportunities Act of 1972.

Two-hundred and fifty thousand youth jobs.

Continued support for the recently enacted investment tax credit to stimulate jobs in the private sector.

Support for research and development funds tied directly to jobs produced as a result of research.

Accelerated public works program.

Community conversion corporations for aerospace and defense related personnel.

Expanded manpower training programs—programs that lead directly to employment, not more training.

Massive 10-year program of urban and rural revitalization.

2—TAXES

ISSUE

The American tax system is rigged against the working man. Working families end up paying more than their fair share of the tax burden while a privileged few and some giant corporations can use loopholes to escape taxation.

Property taxes are too high and payroll taxes too regressive, with the result that the progressive principle of the tax system has been almost destroyed.

The burden of paying for government programs has been shifted from higher income peoples to low income peoples.

GOALS OF A HUMPHREY TAX PROGRAM

To close the door on tax loopholes which give special privilege for the wealthy and the giant corporations.

To end the fast write-offs and other undue tax breaks for American corporate enterprise.

To promote inventiveness and imagination among all our people by making certain that the tax system does not penalize some to the advantage of others.

To eliminate from federal tax liability the poor and impoverished.

To bring the taxing systems—federal, state, and local—into harmony with each other so that the systems are truly progressive.

To have a tax system that will not inhibit investment or limit the incentive to earn.

To reduce the burden for low and moderate income families.

HUMPHREY TAX REFORM PROGRAM

Reform of the Payroll Social Security Tax to cut the payroll taxes by at least one-third.

Tax Reform Act of 1972 to raise $16 billion and return this money to the homeowner so that property taxes can be reduced.

Complete tax code overhaul within the first 100 days of a Humphrey Administration, including making the forms simplistic and readable, and rewriting rules and regulations.

Incentive for states to make their state taxes as progressive as possible.

Tax credit for home rehabilitation, remodeling and repair.

One-third educational funding through an education trust fund, to take the burden off the backs of local property owners, and more equally distribute resources for education.

Federalizing the cost of welfare, to help relieve local and state tax burdens.

Humphrey's Poor People's Amendment—to eliminate those people who live below the poverty line from federal tax liability.

To review in detail all present tax exemptions and deductions.

3—AMERICAN LABOR

ISSUE

Today workers confront a totally inadequate minimum-wage floor beneath an oppressive wage-increase ceiling. And, rising costs of living, including more taxes, and the frequent loss of retirement income security, are the harsh reality for America's working families.

The Nixon Administration continues its legislative efforts to impose compulsory arbitration.

Government policies continue to give low priority to the needs of the worker and the middle-income consumer.

GOALS OF THE HUMPHREY PROGRAM

Establish full employment and at a fair wage.

Strengthen the collective bargaining process.

Enact tax reforms to assure that every American pays his fair share.

Establish a balanced and comprehensive approach to stabilizing and strengthening the American economy, assuring justice for the worker and the consumer.

Bring an end to hazardous working conditions, and assure the protection of a worker's pension rights.

HIGHLIGHTS OF SPECIFIC HUMPHREY ACTIONS

Author of legislation to establish a public service employment program providing over one million critically needed jobs.

Sponsor of legislation to achieve vital pension plan reforms.

Sponsor of immediate legislation to extend and increase unemployment compensation benefits.

Author of a major legislative program to launch economic and public development in the cities, towns, and rural areas of America, and to channel immediate federal fiscal assistance to states and cities to provide vitally needed tax relief to the American taxpayer.

Sponsor of a program to provide employment for skilled and professional workers thrown out of work by defense cutbacks, and to provide extensive job opportunities for all older workers.

A central advocate in Congress of specific measures to end the harsh reality of joblessness confronting Vietnam-era veterans and America's youth.

Original sponsor of legislation to strengthen the enforcement of civil rights laws, including the prohibition of employment discrimination and of barriers to the right to vote.

Immediate increases in the minimum wage, raising it to $2.20 within one year, and to extend its coverage to major new categories of American workers.

Further measures by the Department of Labor to assure the effective enforcement of the Occupational Safety and Health Act, and of protective measures on behalf of farmworkers and coal miners and their dependents.

4—CONTROLLING THE COST OF LIVING

ISSUE

In the face of increasing inflation, the Nixon Administration announced a freeze on wages and prices; then the Administration began a program of economic controls ostensibly designed to halt inflation. The end result of the Nixon program has been increased food cost, higher profits for the big corporations, price increases, and frozen wages.

GOALS OF THE HUMPHREY COST OF LIVING CONTROL PROGRAM

Fairness—all sectors of the economy must bear their fair share of the inflation control burden.

Price stabilization must work for the American families rather than against them.

Inflation must be reduced substantially.

HUMPHREY COST OF LIVING CONTROL PROGRAM

A Wage-Price Control Program that emphasizes tough, firm, strict and fair enforcement.

Wage and price mechanisms that are broadly representative of all sectors of the economy—agriculture, labor, management, consumers, and the public.

Price control decisions that are made in the open, with open hearings, and open decision-making.

Price control decisions that reflect what the actual price increase means to the individual—not just what happens to a company's profit margins.

Price controls in the service area of the economy must be as effective and efficient as in the manufacturing sector.

Price rollbacks when necessary; strict prosecution of price control violators.

A price board that is the people's, not the corporation's advocate.

Profits that are in excess must be taxed—either through a higher corporate rate or an excess profits tax.

Wage controls that are firm but fair and supported by both Labor and Management.

5—RECONVERSION: UTILIZING OUR NATIONAL EMPLOYMENT TALENT

ISSUE

As our national economy switches gears from a wartime to a peacetime economy there are likely to be dislocations in the employment sector. In short, many highly skilled, talented persons with aerospace and non-aerospace work experience will be without work. At the same time, our Nation has vast unmet public and private needs. What must be done is to match the resource talent with needs of our Nation.

HUMPHREY GOALS FOR RECONVERSION

To match immediate available talent with resources to meet public needs.

To have programs for non-aerospace and non-defense related personnel as well as aerospace and defense employees.

To utilize workers immediately—the emphasis is on work, not unemployment compensation, transition allowances or relocation assistance.

HUMPHREY PROGRAM FOR RECONVERSION

Creation of and the funding of Community Conversion Corporation to hire workers to plan, identify, and begin operations on badly needed community projects.

The National Science Policy and Priorities Act of 1972 to provide federal assistance to Community Conversion Corporations.

Special Emphasis Programs for the non-aerospace worker living in a community affected by aerospace cutbacks.

Community Revenue Assistance to help those communities finding their tax base reduced by cutbacks in defense and aerospace contracting.

Extra optional services and payments such as relocation assistance for those employees who relocate or seek training in such fields as local government services.

Job training and job reorientation programs for those who wish to change careers or upgrade their employment status.

Special employment placement assistance for out of work aerospace personnel.

One million jobs through the Employment Opportunities Act to put Americans back to work building for this nation.

6—PUBLIC ASSISTANCE REFORM

ISSUE

In the last four years, more than 6 million persons have been added to the public assistance rolls. Costs have increased. And families have little or no chance to break the dependency on welfare.

Welfare has become a system that no one likes and no one understands.

HUMPHREY GOALS FOR PUBLIC ASSISTANCE REFORM

An end to hunger in America.

Enact a welfare system that treats recipients fairly, provides coverage and adequate income for the needy, and guarantees that no recipient receives less under a reformed system than under the present welfare system.

Strengthen the family by providing coverage and greater opportunity to the working poor.

Provide fiscal relief from the crush of local taxes.

Recognize welfare as a national problem demanding national answers and the commitment of national resources.

HUMPHREY PUBLIC ASSISTANCE PROGRAM

Phased-in federalization of family welfare program with an initial $3,000 minimum benefit for a family of four based on need.

Adequate day care centers, sufficient public sector jobs, and a suitable work requirement for those who can work.

Increase the food stamp budget to guarantee all localities who want a program the resources to have a program.

Increase the minimum benefit for adult categories so that all elderly will be lifted out of poverty. Federalize the cost and administration of these categories.

Eliminate those persons with incomes below the poverty level from federal tax liability.

Immediate 25 percent increase in Social Security benefits.

A national Health Security Program to provide health services care for Americans.

Manpower Training and Development Programs—to upgrade job skills and prepare one for entry level jobs.

Employment Opportunities Act—to provide one million public service jobs to put America back on its feet and Americans back to work.

7—ELDERLY

ISSUE

For too many older Americans, life indeed is over at age 65. Or at least that is the attitude of many Americans. The fundamental fact is that older Americans often lack income; they are beset by high taxes and increasing cost of living; they face increasing health costs—and they must pay for these services from what is likely to be a fixed income or savings.

HUMPHREY GOALS FOR OLDER AMERICANS

To assure older Americans the dignity, decency and security of a full life.

To assure older Americans of adequate income support.

To assure older Americans of adequate health care.

To dispel the present American attitude toward older Americans—an attitude that too often prevents older Americans from having the same choices of younger Americans.

HUMPHREY PROGRAM FOR OLDER AMERICANS

Immediate 25 percent increase in Social Security, with cost of living escalator.

Guaranteed minimum public assistance payment of $165 for individual and $215 for a couple, to bring all older Americans out of poverty.

Comprehensive Home Health Care legislation to provide needed care in the homes of older Americans—not force them to seek hospitalization for every illness.

Medicare changes such as elimination of the $50 deductible, elimination of the doctor's insurance premium, freezing of the hospital copayment, home nutritional health care, prescription drug payments, hospital insurance for the uninsured.

Increase in the limitations on retirement earnings from $1680 to $3000.

One hundred percent widow's benefits.

Cabinet level Office for the Aging.

Elderly Nutrition Act, to expand the Meals on Wheels Act and provide home nutritional services and nutritional meals to older Americans.

Reduced-fare public transportation for senior citizens backed by Federal subsidies.

At least 125,000 housing units for the elderly built each year.

Tax relief for elderly from crush of property tax burden.

8—CHILD NUTRITION, ELDERLY, AND FAMILY FEEDING PROGRAMS

ISSUE

Child Nutrition: Over 10 million children and over 20,000 schools are now excluded from participating in the National School Lunch Program. The current child nutrition program is a patchwork of individual programs which have created a legislative and administrative maze of confusion.

The program desperately needs to be completely overhauled and updated in response to total national need. The current system contains no nutrition educational component, no training program for new food personnel, nor any supplemental feeding program for infants, preschool children or low-income pregnant women. Current school-feeding programs foster an "economic caste system: which is not only degrading to children of lower-income families, but which also work against the "nutritional improvement" objectives of the program as they relate to *all* schoolchildren, regardless of their parents' income.

Food Stamp Program: Expansion of the Food Stamp Program has been slowed due to the "budgetary politics" of the Nixon Administration. More than 12 million poor in this Nation do not participate in the program. While the Administration has called for a modest $45 million increase in funding for child summer feeding and school breakfast programs, it plans to return ten times that amount in unspent food stamp funds to the Treasury at the end of this month which Congress appropriated for the program for fiscal year 1972.

HUMPHREY GOALS FOR FOOD ASSISTANCE

To end hunger and malnutrition in America.

To provide every American school child with at least one "free" meal per day and to provide a school breakfast for every child that needs or wants one on a free or reduced-price basis.

To provide for a nutrition education program within our Nation's school system—tied, if possible, to a national nutrition labeling program.

To provide for supplemental feeding program for infants, preschool children and low-income pregnant women.

To provide those schools having either no or inadequate school cafeteria services with the financial resources to acquire the equipment and personnel to establish such services.

To further expand the Food Stamp Program and facilitate establishment and expansion of nutrition programs for the elderly to reach all those who are in need of such assistance.

HUMPHREY PROGRAMS

Universal Child Nutrition and Nutrition Education Act—which would completely overhaul existing patchwork of child feeding programs and would establish a national child nutrition education program. Every child, regardless of parent's income, would be provided with at least one "free" meal per day while he is attending school.

Expansion of Baltimore experimental project utilizing "formulated" foods to meet the nutrition needs of infants, preschoolers, and low-income pregnant women.

Increase federal reimbursement rates and funding for school lunch, breakfast, and summer feeding programs.

Expansion of Food Stamp Program to guarantee every locality sufficient funds for a program.

To expand the elderly nutrition program so that all those in need are reached.

9—VETERANS

ISSUE

More than 350,000 Vietnam-era veterans are unemployed. While veterans' education benefits have risen only slightly in actual dollar value since World War II, college tuition costs have soared, more than 350 percent.

Despite a Congressional mandate that the daily bed patient level at VA hospitals be raised to 85,500, the actual level earlier this year was only 83,662—meaning continued waiting lists—and the ratio of staff to an in-patients was even worse (1.4:1) than last year.

Older veterans on fixed pensions struggle to meet the rising cost of living; a problem that is compounded for the disabled veteran dependent on compensation payments.

GOALS OF THE HUMPHREY PROGRAM

Guarantee the right of America's veterans to dignity and self-respect.

Provide good medical care and rehabilitation services to all eligible veterans.

Assure returning veterans the opportunity to continue their education or obtain effective job training while receiving an adequate income.

Provide extensive job opportunities at a fair wage.

Insure the right of older veterans to the security of a liveable income.

HIGHLIGHTS OF THE HUMPHREY PROGRAM

Author of the Employment Opportunities Act of 1972, establishing a program to provide more than 1 million public service job opportunities, with first priority given to Vietnam-era veterans.

Sponsor of the Veterans Employment and Readjustment Act, focused on the specific employment service and job training needs of veterans. Decisive action must replace failure of Nixon's Jobs for Veterans program.

Has proposed and sponsored legislation to raise a veteran's basic monthly education allowance from $175 to $220, and to provide a direct tuition payment of $1,000 per year to the college where the veteran is enrolled.

Sponsor of legislation to authorize the issuance of $10,000 life insurance policies to all Vietnam-era veterans.

Author of legislation to prohibit discrimination in employment on the basis of a mental or physical handicap, and original sponsor of legislation recently passed by the Senate to increase statutory awards and compensation payments to disabled veterans and provide further benefits.

Sponsor of major legislation to substantially improve VA medical care facilities and increase medical staff, and to improve nursing home care for veterans. Has called for extensive utilization of the skills of veterans themselves in the VA, particularly as parmedical personnel. Has called for the establishment of a National Commission on Veterans' Medical Care to develop specific recommendations on solving current problems and meeting future needs. Introduced legislation to expand greatly drug abuse treatment and rehabilitation services for veterans and to make these services immediately accessible through community mental health centers.

Strongly supported the enactment of bills to increase pension benefits, and sponsored legislation to prevent pension cutbacks resulting from certain other retirement benefit increases.

Acted to halt delays and cancellations in the direct loan program for veterans seeking to purchase homes in credit-tight counties, and strongly supported the enactment of legislation to provide mortgage protection life insurance for disabled veterans.

10—CONSUMER

ISSUE

Despite current publicity, the American consumer is still largely unprotected, in the marketplace, in the areas of disclosure, standards, and redress of damages.

HUMPHREY GOALS

Every American should be able to know the content and quality of what he buys.

The goverment must protect the people from unfair or deceptive practices and unsafe and unreliable products.

Fullest possible disclosure of warranties, guarantees, and terms of purchase must be routinely available to the consumer.

Consumers should have the right to redress of damages, including the class action lawsuits.

HUMPHREY PROGRAM

Independent Consumer Protection Agency, to become the public's advocate for protection of American consumers. To search out unlawful consumer practices and bring prompt legal action against offending companies.

Consumer credit protection, to provide for complete disclosure, full realization by borrower of his obligation, and to regulate effectively consumer credit companies in a manner consistent with the public interest.

Class action lawsuits to permit consumers the widest legal tools against unlawful consumer practices.

Consumer Product Warranties and Federal Trade Commission Improvements Act, to provide for full disclosure of terms and conditions of warranties for items valued at $5 or more.

Consumer Product Safety Act, to provide for safety inspections of consumer goods.

11—HOUSING

ISSUE

Our nation continues to fall way behind its goal of producing 2.6 million housing units per year.

Blacks remain trapped in the ghetto.

Elderly on fixed incomes struggle with high maintenance costs and taxes on their homes; fined few options in seeking apartments.

Young couples confront high settlement costs and interest rates.

And, the Nixon Administration faces charges of gross mismanagement of subsidized housing programs for lower income families, while Secretary Romney speaks of urban renewal as a failure and suggests a halt to further public housing in the city.

HUMPHREY GOALS FOR HOUSING

To assure every American a decent living environment.

To make adequate housing available for low and moderate income families.

To curb the cost of buying homes.

To use the most innovative housing technology available to meet our national shelter needs.

HUMPHREY PROGRAM FOR HOUSING

No down payment, government-guaranteed housing loans, to make home buying within reach of those Americans who choose to do so.

Home Protection Agency, to provide American families with advice and advocacy in case of deception, procrastination, or unlawful builder and developer practices.

Full appropriations for federally subsidized housing, coupled with basic administrative reforms.

Direct housing certificates to lower-income families who can exercise choice in housing.

Full support for metropolitan housing development to create planned approaches to providing open housing for all under innovative approaches to achieve decent communities.

Major thrust toward providing housing specially designed for the elderly and enabling older couples to keep their homes.

Include property tax relief, home rehabilitation grants, at least 125,000 units of housing for elderly per year.

Place major emphasis on "new communities" and "new towns" to expand housing market in a decent environment.

Decisive Federal effort to control settlement costs and mortgage interest rates.

Transportation system planning assistance geared to relating jobs to housing and accessible location of shopping and services. Emphasis upon the living environment needs of people.

Federal financial assistance incentives to cities and towns to adopt tax reforms geared to the rehabilitation of depressed areas.

Extensive Federal programs to assure constructive land use.

Deepen housing assistance subsidies in recognition of operational and upkeep costs. Provide direct assistance to communities for public facilities costs of public housing, and establish a sustained Federal program on housing management to combat extensive problem of housing abandonment.

Tax credit for home improvement—to give incentive for rehabilitation and remodeling.

12—A NEW EDUCATION POLICY

ISSUE

Across the nation, local school districts and institutions of higher education are exhausting their financial resources as expenses continue to mount. Recent court decisions have held that the disparities of local property-tax school financing constitute a denial of the equal protection of the laws, emphasizing the demand both for tax relief and for sharply increased State and Federal assistance to equalize educational opportunity.

The record of the present administration has been one of repeated vetoes and cutbacks in education program assistance funds. As a result, tens of thousands of children are condemned to an inferior education; far too many youth are denied the right to continue their education; and millions of adults are deprived of the opportunity to pursue basic and specialized courses.

GOALS OF THE HUMPHREY PROGRAM

Establish a new education policy to guarantee that all children, without regard to circumstances of residence, family income, or race, will have a full and equal educational opportunity.

Substantially increase the Federal investment in education, to one-third of all public resources.

Establish education as a high national priority in the protection and development of America's human resources.

Broaden the spectrum of educational opportunity, from the preschool to the adult level.

SPECIFIC HUMPHREY ACTIONS AND PROPOSALS

Author of legislation to establish a Department of Education, to consolidate federal resources and programs, and to give education an advocate at the highest level of government.

A National Educational Trust Fund to provide an assured revenue base for the advanced planning and development of America's education resources.

A federal grant and loan guarantee program would be established for school construction and modernization, with the priority given to deprived rural and urban areas.

There must be a program of sharply increased federal and state assistance to balance public support among school districts to guarantee an equal opportunity for a quality education to every child. There must be incentives for a sustained and progressive effort by local agencies to improve the school situation, and to provide effective relief to local residents from the burden of education costs, through progressive tax reforms.

Emergency assistance must be provided to assure modern, high-quality schools in urban and rural areas of poverty, and to overcome educational handicaps resulting from racial and economic isolation. To compensate for generations of neglect, we must provide these children with extensive remedial services to upgrade basic learning skills, daily nutritious meals to combat the hunger that thwarts learning, new bi-lingual and bi-cultural curricula and instructional programs in schools serving children whose language is other than English, full guidance and counseling services, innovative applications of communications media and audio-visual resources, and inter-school resources, and inter-school programs where transportation can improve the quality of a child's education.

Comprehensive early childhood development programs must be provided in local communities across the Nation, to provide critically needed opportunities and quality care for over 6 million children, and to give essential help to millions of mothers who want and need to work.

New initiatives must be launched on behalf of disadvantaged teenagers who have dropped out of school and over 8 million forgotten working young men and women unable to pursue a higher education on a full-time basis. Under a major reform of a Neighborhood Youth Corps work training assistance program, disadvantaged youth can be involved in extensive community improvement programs, and at a fair wage, while also being given a broad range of opportunities through community colleges and other institutions to continue their education with federal assistance. And young people will benefit from a further program proposed by Senator Humphrey to provide educational scholarships and loans for part-time education to advance their vocational skills and fulfill educational expectations that would otherwise be denied.

Major new directions must now also be taken in adult education, with federal assistance, to provide continuing education opportunities and training in new job and professional skills.

The strengths of puralism and diversity in American education must be maintained, both through effective federal aid to private colleges and extensive student aid based on need, and through a tax credit to parents bearing the additional costs for their children attending private and parochial elementary and secondary schools. Private schools and colleges must also be assured a fair share of federal education assistance.

The civil rights of millions of mentally and physically handicapped children to obtain public education services must now be guaranteed, and a substantial program of federal help to school systems should be launched to assure that this guarantee is carried through.

Author of a resolution that was instrumental in obtaining legislative action to grant teachers the retroactive pay denied under Nixon Administration wage-freeze decisions, Senator Humphrey believes teachers should have a national structure to assure them access to good-faith collective bargaining and should be able to earn a decent income commensurate with the cost of living as well as to exercise their professional rights and responsibilities.

Busing—I am opposed to busing children away from their neighborhoods unless it improves the quality of their education. It makes no sense to bus a child from a good school to a poor school. It makes sense to bus a child from a poor school to a better school. It makes better sense to improve schools in all neighborhoods. We must no longer permit the quality of a child's education to be determined by the wealth or poverty of his community. To correct this profound inequality, we must achieve property tax reforms and apply extensive federal and state assistance leading to an overall balancing of public support among school districts. And we must target additional compensatory aid, remedial services, and teaching facilities improvements to help educationally disadvantaged children in depressed areas.

Neither racial nor economic discrimination must have any place in our school systems. I believe that the President's legislative proposals would wrongly work to maintain existing school segregation problems, not only through imposing a moratorium on all new court-ordered busing, but also by tying this action to a measure that fails to provide for any new educational financial assistance for disadvantaged children beyond what has already been authorized by Congress.

13—HEALTH: QUALITY AND COST

ISSUE

The cost of getting sick has made it almost prohibitive to become ill. Hospital charges of $100 are not uncommon. Over 30 million Americans are without basic health insurance. Health care delivery systems are uneven—with deficiencies in inner city and rural areas. Specialized health care problems such as dental care, handicapped, and mental illness lack adequate funding and support. Shortages of medical personnel have reached crisis proportions. And there is a severe lack of emphasis on preventive as opposed to curative health care.

HUMPHREY GOALS FOR HEALTH CARE AND HEALTH INSURANCE

To make the best health care available to everyone.

To reduce drastically the cost of health care.

To meet with sufficiency the specialized health care problems of mothers, mentally handicapped persons, and the physically disabled.

To provide the assistance necessary so that adequate medical personnel is available.

To meet health care shortages in inner city and rural areas.

To foster the development of new medical technology, and increase the usage of paramedical personnel.

HUMPHREY PROGRAM FOR HEALTH CARE AND HEALTH INSURANCE

A program of National Health Security—to cover cost of physicians services, hospital services, nursing home care, outpatient services, psychiatric services, dental services, medicines, therapeutic devices and eyeglasses.

Increased federal financial support for medical, dental, and nursing schools.

Paramedical and Medical Technology Advancement Act, to give increased federal support for the development of alternative types of health care delivery systems and increase health care aides.

Cancer Cure Agency—to launch an all-out attack on cancer, to put an end to this dreaded killing disease.

Comprehensive Home Health Care Act, to provide home health care services in a patient's home rather than to force hospitalization.

Continued support but on an expanded scale for the Hill-Burton Hospital Construction program, the Regional Medical programs, and specialized medical research endeavors through the National Institutes of Health, Mental Health Institutes.

Major new efforts through a Drug Cure and Control Authority to crack down on hard drug pushers and begin rehabilitating the addict.

Federal incentives and support for Group Medical Practice, to make quality health care available at lowest cost through Health Maintenance Organizations.

To support adequately federal programs designed to deal with health problems such as lead based paint and job health conditions.

14—TRANSPORTATION

ISSUE

American transportation is primarily dependent on the single family car. The single family car has given this nation unprecedented mobility, but at the expense of congestion, pollution, often the break-up of neighborhoods for costly highway systems.

At the same time, public transportation is often too costly and remote to provide the service necessary to meet the needs of people.

HUMPHREY GOALS FOR TRANSPORTATION

A balanced transit system of private and public modes; an integrated transportation system of air, water, and land mobility.

A transportation system accessible with minimum cost to all—elderly, inner-city, suburban, rural areas.

A transportation system that maintains the integrity of our neighborhoods.

A transportation policy that meets immediate crisis needs while laying the foundation for solid future development.

HUMPHREY TRANSPORTATION PROGRAM

The Ground Transportation Systems Improvements Act of 1972.

Open up the highway trust fund for mass transit financing.

Operating subsidies for present transportation systems in our communities.

Airports Improvement Act, to provide the latest technology, weather communications, and safety equipment for all of our airports.

Reinvigoration of America's shipbuilding industry, including subsidies.

Federal assistance for development of new modes of water transportation and development of our waterways.

Federal support and incentives for railroad service—freight and commuter—so that Americans do not lose benefits of rail travel.

Assistance for small communities threatened by lack of rail service through track abandonment.

Insistence that the Interstate Commerce Commission become the people's advocate acting in public interest.

15—ENERGY

ISSUE

Americans use six times as much electric power as the world average. We burn 30 percent of the world's fossil fuel consumption. We utilize 15.5 million barrels of oil a day. And by 1980, between 20 and 25 million barrels will be needed. The United States consumes 49 percent of total natural gas used in the world, and we burn over 530 million tons of coal.

In less than 15 years, our energy needs will double.

Yet, the supply of fossil fuel is finite. Experts predict that by the year 2035, 90 percent of all the oil, coal, and gas will be gone.

There is an energy crisis. And it must be met.

HUMPHREY GOALS FOR ENERGY

To develop clean energy supplies.

To assure effective utilization of existing energy supply.

To bring energy and environmental demands into harmony.

To develop new sources of energy.

HUMPHREY PROGRAM FOR ENERGY DEVELOPMENT

Establish an Energy Council take stock and assist in development of our energy resources, who own resources, and utilization of them.

Federal assistance to develop additional energy sources including earth heat, solar, water power, nuclear fusion, and additional mechanisms for energy storage.

An expanded program of research into energy alternatives for the future.

Development of a National Electrical grid.

ENVIRONMENT

ISSUE

For too long, Americans have assumed that environmental resources were infinite. As a result, no concerted effort to rationalize the use of natural resources has evolved. We are now paying that price—sewage systems out of date, polluted air and water, land use policies that make little sense, pesticides that are toxic, high level of noise, and lack of national energy policies.

HUMPHREY GOALS FOR THE ENVIRONMENT

To halt the raping and scarring of our land.

To begin a systematic air pollution and water pollution control program with definite goals and fund commitments.

To protect man's remaining frontiers—timber, water sheds, refuges.

To focus the attention of the individual citizen on his immediate neighborhood environmental program.

To develop rationalized methods for control growth and bringing it into harmony with environmental objectives.

HUMPHREY PROGRAMS FOR THE ENVIRONMENT

Community coalitions for a clean environment, a broad based citizen's effort to identify local environmental problems and move to meet them.

Environmental Trust Fund and Environmental Savings Bonds to finance pollution protection programs.

River Basins Waste Treatment Authorities Act, to begin a comprehensive attack on sewage problems and solid waste disposal problems and a general clean-up of our rivers.

Tax on pollutants, to provide industries with the incentive to clean their own environmental problems.

Class Action Environmental Suits—to attack polluters through the courts.

National Growth and Development Act, to plan the use of our land, the allocation of our resources, and the use of our environment.

Environmental Research laboratories, to conduct a continuing research program into the causes, consequences, and alternatives to environmental pollution.

Strengthen the Environmental Protection Agency program to deal with the environment of the inner city including street dirt, garbage, lead based paint, and noise.

Continued protection for our coastlines and estuaries. Full federal support for anti-ocean dumping measures.

Refuge and Forest Protection Act, to expand our wildlife refuges, protect our national forests, and protect man's remaining frontiers such as the Everglades and Big Cypress Swamp.

Work against the cause and effects of pollution on an international scale through the United Nations Environmental Board and the International Environmental Conferences.

Continued support for the National Environmental Policy Act—including the Environmental Impact Statement.

Effective pesticide control legislation.

17—BALANCED NATIONAL GROWTH AND DEVELOPMENT POLICY

ISSUE

The United States currently lacks any stated policy pertaining to its future growth and development. The country even lacks specific policies relating to the major determinants of growth, such as land use, transportation, communication, regional distribution of national economic growth, education, health, housing, population, income distribution, energy and fuels, human nutrition, and food and fiber production.

No mechanism or process even is available today to develop and implement such national policies, let alone provide for their integration into a total national strategy or policy to govern and guide the future growth and development of the nation.

HUMPHREY GOALS ON NATIONAL GROWTH

To develop national economic, social, environmental and political polices affecting the future growth and development of our nation.

To provide for policies that will lead to balanced urban-rural development.

To provide each American with an expanded range of choices as to where and what pattern of life style he or she wishes to pursue.

To provide new mechanisms of financing public development and building badly needed public facilities.

HUMPHREY PROGRAM FOR NATIONAL GROWTH POLICY

National Growth and Development Act of 1972—this legislation provides the framework, mechanisms, and policies for implementing the above-mentioned goals. Included in this legislation is:

An Office of Balanced National Growth to develop policies and coordinate programs leading to understanding and humanizing growth.

To provide for direct citizens' participation in the development of national growth and development policy.

To provide in both the Congress and in the Executive Branch the mechanisms and personnel needed to address these essential policy development questions.

To provide for multi-state regional policy and development mechanisms to insure that all states share more equitably in the distribution of our nation's future economic growth and development.

To require the federal government, as it relates to both its facility location and procurement policies, to develop and adjust such policies so as to maximize benefits and minimize costs (social and environmental) as they may affect national, regional, state, or local community growth and development goals.

To provide for uniform standards and centralization of financial assistance to help regions, states, and local communities "plan" for their future growth and development so they can avoid and minimize unanticipated happenings relating to growth which often lead to a deterioration of communities and the quality of life of individual citizens.

To provide for the research required to develop "alternative futures" including identification and forecasting of current and future happenings in both the "hard" and "soft" sciences.

To provide for continuous analysis and forecasting of population and demographic data.

National Domestic Development Bank Bill, to provide long-term financing for badly needed public development.

Rural Development Act of 1972.

Rural Development Credit Act, which will embody a new Rural Development Banking and Financial System, to provide rural America with an expanded range of financial and credit opportunity.

Humphrey General Revenue Sharing Bill—for a short term infusing of funds.

URBAN AMERICA

ISSUE

America is an urban nation. More and more Americans are moving to and living in metropolitan areas. Yet, urban areas have been unable to deal effectively with the crush of people and the services they require. The essential problem is one of programs, the lack of financial resources, declining tax base, and the unwillingness to make the commitments of resources necessary to solve the urban crisis.

HUMPHREY GOALS FOR URBAN AMERICA

To bring government close to the people and be responsive to their needs.

To maintain the integrity of neighborhoods—to refocus on street level government, where people live.

To establish certain minimums of basic services for all our cities and communities.

To establish new financing mechanisms, including long term credit, short term immediate financial assistance and multi-year bloc grant program funding.

To plan the use of resources through a national growth policy.

HUMPHREY PROGRAMS FOR URBAN AMERICA

White House Regional Ambassadors—to expedite the flow of business and plans among the levels of government.

National Budget—to allow governors, mayors, and citizens to have input on what the expenditures should be and the direction the resources allocation should take.

Neighborhood Service Centers—to bring under one roof comprehensive neighborhood services so that these services (consumer protection, information referral, etc.) are accessible to the citizens.

Basic service improvement programs such as The Ground Transportation Systems Improvement Act of 1972, the Community Coalitions for a Clean Environment, the River Basin Waste Treatment Authority Act, the Social Security Improvements Act, the Educational Trust Fund with its new method of financing education, the National Institutes of Justice, Tax Credits for Housing Improvement, Drug Abuse Control Act.

New Methods of Financing Urban America:

The National Domestic Development Bank, to provide long term loans at low rates of interest to build needed public facilities.

Revenue Sharing—as an immediate infusion of funds to the cities and suburbias and communities.

Multi-year Planning and Program Operation Grants—programs funded on a three year basis to allow more long term planning and fiscal authority.

National Balanced Growth and Development Act of 1972 to establish a framework for planning for the future growth of this country, including within the Office of the President, a National Planning Agency and the Office of Balanced Growth and Development. To establish a Congressional Joint Committee on National Growth to begin the planning process at all levels of government and in the private sector, and to plan for bringing about balanced urban-rural growth.

Demonstration Cities—to build new towns and new communities in towns.

Metropolitan Land Reserve Act—to allow metropolitan areas more flexibility over what kind of development takes place on municipal property.

19-REVITALIZATION OF RURAL AMERICA

ISSUE

Thirty million people, mostly young and many poor, have migrated from our farms and countryside to our nation's cities in the last 30 years. That movement still continues today at a rate of about 600,000 yearly. As this depopulation of our countryside continues, Rural America is being stripped of both its promise and its potential while the huge urban centers of our nation continue to deteriorate as a result of the overcrowding, congestion, and myriad of problems such population concentrations create.

HUMPHREY GOALS

To provide for the improvement of public services and job opportunities for the almost 70 million Americans living in nonmetropolitan America.

To provide freedom of residence for all Americans so that those who wish either to remain or move to Rural America may do so.

To encourage the development of Rural America on a "planned" basis.

To provide the credit and other financial resources that will be needed to accomplish the revitalization of Rural America.

Stop the abandonment of rural rail trackage and service essential to the economic well-being of small rural communities.

To provide full funding to meet the financial needs of rural electric and telephone cooperatives.

Development of programs designed to develop the human resources of Rural America, especially, among the rural poor.

Continue to strengthen the comprehensive area-wide planning and development concept in Rural America through non-metropolitan multi-county planning and development districts.

HUMPHREY PROGRAM

Rural Development Act of 1972 which provides:

For the expansion of Farmers Home Administration in providing business and industrial loans, and increased grants for community services and facilities, including those important to attracting new businesses and jobs.

For increased funding under the Watershed and Bankhead-Jones Acts for municipal and industrial water supply development, pollution abatement and other environmental activities.

For a new program to help small communities establish or improve their fire fighting capabilities.

For a new nationwide research and extension program concerning rural development and small farmers.

Further liberalization of credit for rural housing.

For increased water and waste disposal planning and construction funds.

For rural development planning funds.

For strengthening the role of the U.S. Department of Agriculture within the Executive Branch concerning Rural Development and for the improved coordination of federal agency activities in rural areas.

Establishment of a new borrower-owned system of rural development credit and financial assistance which would secure its loan funds from the nation's central money markets.

Establishment of a block-grant rural development fund for sharing federal revenues with states, non-metropolitan planning and development districts and local governments.

20—PRESERVATION OF AMERICA'S FAMILY FARM SYSTEM

ISSUE

About 100,000 families continue to be forced out of American agriculture each year. Low prices, lack of bargaining power, and inadequate federal farm programs continue to plague the farmers of this nation in their efforts to secure a fair return on their investments and labor.

HUMPHREY FARM GOALS

To restore parity of price and income to our nation's farmers.

To rely upon more effective supply-management approach as a means to maintain workable supply-demand relationships.

To establish a national grain reserve to help minimize production planning risks which will help insure a more stable price and supply situation for farmers and consumers as it relates to both grain and livestock production.

To enhance the bargaining power of farmers in the marketplace.

To prohibit the takeover of American agriculture by nonfarm corporate interests.

To strengthen prices, supply commitments, and expand access for U.S. farm products in world markets.

Continue to strengthen and expand world food assistance and development of foreign markets under our nation's Food for Peace program (initiated by Senator Humphrey in 1954).

To provide special help and assistance to both young and small family farmers to improve their farm and off-farm income opportunities.

HUMPHREY AGRICULTURAL PROGRAM

Increase price support levels for farm commodities under federal farm programs accompanied by effective adjustment programs to insure that workable supply-demand relationships are maintained including establishment of national reserve inventories of essential farm commodities—the Strategic Storable Farm Commodities Act.

Strengthen farm bargaining and expanded marketing order approach—National Bargaining and Marketing Order Act.

Permit federal crop insurance through the Federal Crop Insurance Act to be provided on a "cost for investment" basis and expand federal funding authorization for administration of this program.

Encourage U.S. negotiators to pursue new International Grains Agreement containing minimum and maximum price levels and supply commitments.

Enactment of Family Farm Act, which would prohibit any further encroachment by large corporations into farming.

Liberalize credit for young farmers just getting started in agriculture and require Land Grant College and State Extension Services to provide more help and assistance to small farmers—both provided for in Humphrey Rural Development Act of 1972.

Maintain an effective Department of Agriculture with a Secretary of Agriculture coming from a family farm background.

Include an agricultural economist as a member of the Council of Economic Advisors. Include in the Federal Reserve Board a farm spokesman with experience in commercial agriculture.

Include agricultural representation on the Federal Tariff and Federal Trade Commissions.

21—CRIME AND JUSTICE

ISSUE

The American justice system is in need of overall reform and modernization. Our courts are congested, cases take too long to come to trial and hence pre-trial detainees congest the jails. Ten thousand laws are passed in our country each year. There is too little inter-jurisdictional coordination. There is inequity.

American confidence in the justice system is diminished, and distinguished jurists have begun to propose a thorough and complete review and reform of the justice system.

HUMPHREY GOALS

To give as great or greater an emphasis on justice for every American as is now given to social reforms in the areas of health, welfare, etc.

To create an effective federal mechanism for justice reform.

HUMPHREY PROGRAM

Senator Humphrey has introduced a bill for the establishment of a National Institute of Justice, a nonprofit institute to be comprised of the finest legal minds in our Nation, to undertake on a national scale the refinement and reform of our judicial and related processes.

The five major functions of the institute would be:

To survey, collect, analyze, and disseminate information about the operation of all levels of our judicial system, with emphasis on improvements and innovations.

To conduct a study of the causes of delay in the administration of justice, identify the problems, and recommend solutions.

To establish priorities, objectives, and continuing evaluation of the judicial system at all levels.

To conduct research, either directly or through arrangements with institutions of higher education, law schools, bar associations, or other appropriate professional groups, on neglected aspects of the functioning of the judicial system.

To advise, upon request, federal, state, or local public agencies, professional legal societies, and/or members of the bar.

The ultimate aim of the National Institute of Justice would be that of a national focus for a system of justice both fair and efficient, newly rededicated to its own betterment, with strengthened safeguards for the protection of all our rights, and a heightened responsiveness to the age in which we live.

22—LAW ENFORCEMENT

ISSUE

During the first two years of the Nixon Administration, total crime increased by over 22 percent. Crimes of violence were up 28 percent. Robberies were up over 30 percent.

Nearly $2 billion was spent in crime-fighting by the Law Enforcement Assistance Administration, 92.1 percent of the fiscal year 1971 monies never reached local enforcement agencies but were tied up at state or county levels.

In short, the crime problem has been compounded. Massive efforts—Omnibus Crime and Safe Streets legislation and the Law Enforcement Assistance Administration have been established but, in fact, Americans do not feel any more secure on the streets than before these efforts.

HUMPHREY GOALS FOR LAW ENFORCEMENT

An all-out attack on organized crime.

Better training, benefits, and community involvement with law enforcement officers.

Eradicate the sources of hard drugs.

Emphasize training, employment and rehabilitation of convicts.

Effective gun control legislation that gets guns out of hands of criminals but does not penalize the legitimate sportsman.

Speedier trials, equitable bail rates.

Reduce juvenile crime.

HUMPHREY LAW ENFORCEMENT PROGRAM

Correction Systems Reform Act—to upgrade and reform the prison system, including national minimum standards, rights of inmates, grievance procedures.

Juvenile Crime Reduction Act—to reduce the incidence of juvenile crime, create a National Office of Juvenile Justice and Delinquency Prevention.

Drug Cure and Control Authority—to stop the pusher, mount a total effort against hard drugs, and rehabilitate the addict.

Victims of Crime Act—to compensate the innocent victims of violent crime for injuries.

Life insurance for families of public safety officers and firemen killed in line of duty.

Legislation to rid our streets of the infamous "Saturday Night Special," while protecting the legitimate rights of sportsmen to own sporting weapons.

Legislation that would make killing a policeman or fireman a federal crime.

23—DRUGS

ISSUE

The use and misuse of drugs has become a problem pervading almost all parts of our society. The results of drug usage are evident: lives ruined, increase in crime, families torn apart, and in many cases, death.

HUMPHREY GOALS FOR DRUG CONTROL

To search out the hard drug pushers in our country and put them out of business.

To broaden and make more accessible the treatment and rehabilitation facilities.

To begin comprehensive programs of drug education in all of our schools.

To move ahead on drug research.

To emphasize medical and social rehabilitation rather than prolonged incarceration for addicts.

HUMPHREY DRUG PROGRAM

Drug Cure and Control Authority, an independent agency within the Executive Branch to attack the drug problem from all aspects: rehabilitation, treatment, and law enforcement.

Drug Education Act, to provide funds and support staff for drug education programs in elementary, secondary, and college schools.

Increase funding of $160 million for community health centers to increase addict treatment and rehabilitation programs of these centers.

To review penalties for private possession or use of marijuana with a view for decreasing these penalties.

To enlist the support of allies overseas in effective drug control programs at source. And, if there is no cooperation, then to refuse foreign aid to those countries that will not take steps to halt the flow of hard drugs to the United States.

Funding and staffing for centers that would conduct an active programming treatment and rehabilitation of addicted G.I.'s.

24—CIVIL RIGHTS

ISSUE

The Administration's performance in the field of Civil Rights has been hesitant and inadequate. There has been a basic absence of policy towards establishing equal justice and opportunity for all Americans. Civil rights laws now on the books are not vigorously enforced. And there has been a failure to provide the necessary moral leadership to assure the civil rights of all Americans.

HUMPHREY GOALS

Equal economic and job opportunities.

Carry out the mandates of the Civil Rights Acts.

Guarantee every American full rights of citizenship, political representation, and equal protection of the laws.

Break barriers of racial discrimination.

HUMPHREY PROGRAMS

Employment Opportunities Act of 1972, leading to over one million public service jobs.

250,000 youth jobs.

Upgrading of the Equal Employment Opportunities Commission, including cease and desist orders, adequate funding and staff to reduce the discrimination complaint backlog. Emphasis on appointment of minorities and women to higher positions in government.

Community economic self-development programs, including minority enterprise aid, technical assistance, and adequate capital investment aid.

National Voter Registration Act, to protect and guarantee every citizen effective right to vote.

Adequate housing supply and enforcement of fair housing laws.

Welfare reform, to scrap the present system and federalize the entire public assistance program.

Child development program, to provide adequate day care service and educational development programs.

Humphrey Drug Cure and Control Authority Act, to search out and convict the drug pushers and rehabilitate the addict.

Bail and parole procedure reforms.

Prison system reforms.

Tax reform proposals, including a closing of tax loopholes and a return of money to the local level to reduce property taxes.

Humphrey Poor People's Amendment, to eliminate the poor from federal tax liability.

An expanded health care system, including funding of neighborhood health centers and home health care.

A total program for the elderly, including a 25 percent increase in Social Security, home nutritional care, Medicare and Medicaid liberalizations.

Major program of federal assistance to upgrade schools and advance desegregation, plus sharply increased financial help to college students from lower income families, and to higher education institutions that promote equal education opportunities for minority and disadvantaged youth.

Self-determination for the District of Columbia.

25—WOMEN'S RIGHTS

ISSUE

In our continued striving for a just society we have given too little attention to the repression of our neglected majority, over half of our national population: 104 million American women.

HUMPHREY GOALS FOR WOMEN

A society that will no longer tolerate more than half of its population relegated to second-class citizenship.

A society in which men and women will share more equally in the responsibilities of raising their children.

A society in which men and women can be equally productive participating and efficient members of the American economic, social, and political systems.

A society in which people will change the way they think about the roles of women and men.

HUMPHREY PROGRAM

Professional and comprehensive day care and child development centers available to every woman regardless of income level.

Equal pay for equal work as a basic tenet of our economic system.

Equal access to leadership positions in business, government, and the professions.

Guaranteed maternity leave without loss of position.

Meaningful participation in American politics, as decisionmakers in the Government Cabinet, judicial branch, agencies, and commissions.

Equal rights amendment—to make certain that equal protection under the law is in fact implemented.

Endorse cochairmanships for women at Democratic Convention.

Prohibit sex discrimination in higher education.

Tax relief for child care expenses for working parents.

Continue to advocate, as in the past, the appointment of women to the Supreme Court.

26—YOUTH

ISSUE

The crisis of youth is at once one of direction, one of opportunity, and one of goals. Not all youth are in college and these young workers are too often forgotten by a society that says a college education is the only way to get ahead.

Young people want jobs. They want good health care. They want adults to respect them as persons. And they want to be heard.

HUMPHREY GOALS FOR YOUTH

A voice in the affairs of our Nation.

Opportunity for the kind of education one wants.

A meaningful job, with good pay, interesting work.

HUMPHREY PROGRAMS FOR YOUTH

Two hundred and fifty thousands jobs in neighborhood improvement.

Americans for Domestic Development, a major new service corps to utilize the idealism of American youth to meet the human needs of this Nation.

Community part-time employment program, to provide part-time, odd-job employment for American youth.

Educational scholarships for America's forgotten youth, to focus attention on needs of America's invisible—the more than 8 million young men and women not in college. They should have a fair share in the educational subsidies and privileges enjoyed by college students.

Office of Youth Affairs, to bring the voice of young America into the highest councils of government.

Interns for Political Leadership, to provide opportunities for young people to work as interns in offices of elected local, state, and national officials.

Utilization of Department of Defense training facilities, equipment, staff, and programs for job training and work experience for all young men and women—service and non-service.

National program to focus on job advancement opportunities, and job conditions for young workers.

27—INDIANS

ISSUE

Our nation has never addressed with determination the critical problems of reservation Indians, the Indian family isolated in rural poverty, and the Indian confronting an all-too-often alien culture of the city.

HUMPHREY GOALS

To acknowledge and further the rich heritage this pluralistic nation enjoys in the traditions and values of Indian people.

A totally new national policy toward Indian people, formed with and by Indian people.

A commitment to meet vital needs of Indians in areas of health care, education, employment, housing, and the protection and development of land resources.

HUMPHREY PROGRAM

Support for land resource rights such as "Blue Lake" land in New Mexico and the Alaskan Native Land Claims.

Repeal of the Termination Act affecting the Menominee Indians.

Trust and responsibility extended to all Indian people, regardless of where they reside.

Sufficient funding to fully staff Urban Indian Service Centers. The Bureau of Indian Affairs simply must extend its services to off-reservation Indians.

Implementation of the new eligibility for federal services to off-reservation Indians in urban, rural, and state reservations locations.

Job opportunity and economic opportunity for Indians.

A federal policy of Indian self-determination, without termination of the legal and historical relationship between the Indians and the federal government.

Increase in the health services and housing assistance programs critically needed by Indians.

The establishment of an American Indian Development Bank to assist Indians and Indian tribes in the development of industrial and agricultural facilities and enterprises, and in the development of their natural resources.

28—SPANISH-SPEAKING PEOPLE

ISSUE

America's second largest minority group, the Spanish-speaking people have for too long experienced the harsh realities of discrimination, compounded by language barriers and society's ignorance of and disrespect for their rich and varied cultural heritage. Experience of exploitation and cultural repression are particularly severe for the 15 million citizens of Mexican-American, Puerto Rican, Cuban, and Central and South American origin. The reality of life in the United States for Spanish-speaking Americans is the placement of their children in classes for the mentally retarded because of language difficulties, rampant unemployment, an unbroken cycle of poverty, and grossly substandard housing.

HUMPHREY GOALS

A national policy of commitment to assuring Spanish-surname Americans the equal protection of the laws and the full range of opportunities available to other citizens.

Sustained, high-priority programs by the federal government to carry out this commitment by sharply focusing public attention on these needs, demonstrating equality of opportunity in federal employment and contracts, assuring nondiscrimination in programs receiving federal assistance, and launching new initiatives to meet the critical needs of Spanish-speaking Americans for jobs at a fair wage, decent housing, and readily available health, education, and social welfare services.

HUMPHREY PROGRAM

Assure Americans of Spanish ancestry a fair share of the more than one million public service jobs that can be provided with the enactment of the Humphrey Equal Employment Opportunities Act. Promote economic self-development in Spanish-American communities.

Sharply focus federal statistical reporting on the critical problems of Spanish-speaking Americans, in line with the legislative demand made by Senator HUMPHREY that the national unemployment rate for this important but ignored population group be published in the regular monthly employment report issued by the Bureau of Labor Statistics, as well as data on the social and economic condition of the Spanish speaking.

Act immediately to end the severe educational handicaps borne by 2 million Spanish surname schoolchildren, by specifically requiring bilingual educational programs, the recognition of Spanish history, heritage, and folklore in school curricula, and the hiring of specially qualified teachers, administrators, and guidance counsellors, who are committed to these goals, as a condition of Federal assistance.

In line with initiatives by Senator HUMPHREY dating back to 1951, concerntrate federal programs and protective measures on meeting the vital needs of migrant farmworkers for fair wages and better working conditions, decent housing and immediately available health and social welfare services, and extensive continuing education opportunities.

Place a major emphasis on extensive child care and development programs vitally needed for Spanish-speaking preschool children and working mothers.

Assure that special attention is given to providing new housing and effective housing management services for Spanish-surname communities.

Establish leadership in the Office of the President in guaranteeing a full range of equal employment opportunities for Spanish-speaking Americans, by appointing Americans of Spanish ancestry at cabinet-level rank and high civil service positions and insuring affirmative non-discrimination compliance efforts as a condition of federal contracts.

29—VIETNAM

ISSUE

President Nixon promised in the Presidential campaign of 1968 that he would end the war 6 months after he was elected. Six months have been dragged out to 3½ years. U.S. troops have been steadily withdrawn, but expenditures in human lives and American treasury continue to remain high. What was once determined to be a limited war for limited purposes in North and South Vietnam has been expanded by the Nixon Administration into a war with heavy American air combat involvement throughout Indochina Peninsula. First there was the invasion of Cambodia starting on April 30, 1970; then there was the South Vietnamese invasion of Laos with heavy U.S. air combat support beginning February 8, 1971; then, the intensification of U.S. bombing in South and North Vietnam and finally, on May 8, the President's decision to mine the harbors of North Vietnam and bomb civilian as well as military targets above the demilitarized zone. In sharp contrast to the military escalation of the war, the President has progressively changed his hard-line diplomatic position to one somewhat more in keeping with the suggestions outlined by the solid Democratic coalition in Congress.

The central question which Vietnam poses today, whether or not a settlement is reached by November, 1972, is what price did Americans, their allies and the Vietnamese people have to pay for the cruel duration of this war? Could President Nixon have terminated American involvement at an earlier date with an agreement to release American prisoners of war and an accounting of our personnel missing in action?

HUMPHREY GOALS

Secure the release of American prisoners of war and an accounting of all American personnel missing in action.

Terminate all U.S. military operations in Indochina.

Bring about complete disengagement of all U.S. Armed Forces from South Vietnam.

Offer assistance in securing a negotiated settlement of the war throughout Indochina.

HUMPHREY PROGRAM

Humphrey's legislative record on Vietnam since his return to the Senate indicates his strong and consistent opposition to the war and his concern about the fate of American POW/MIA's.

Humphrey's proposals on Vietnam have been three pronged:

Terminate all U.S. military operations in Indochina and obtain an agreement on the release of American POW's and an accounting of our MIA's.

Withdraw all U.S. Armed Forces from South Vietnam contingent upon the release of American POW's and an accounting of American personnel mission in action.

Work through the United Nations to obtain a cease-fire in Vietnam and to help resolve the issues which have continued to be an obstacle to the negotiated settlement of the war. In particular, Humphrey has urged the major powers involved in supplying both North Vietnam and South Vietnam with military assistance to implement a moratorium on further military assistance. This moratorium could strengthen any settlement which was finally reached.

30—THE MIDDLE EAST

ISSUE

It has been five years since the outbreak of the "6-Day War," and still the Middle East remains the world's most threatening powder keg, ready to ignite at any moment. The Soviet Union continues to supply Arab countries with provocative weapons, Soviet military technicians, and diplomatic tactics which only serve to bolster their intransigence towards reaching a comprehensive agreement with Israel. It is making economic forays into the Middle East which may strangle the world's fuel supplies. In short, the Soviet Union has assumed an aggressive posture in the Middle East which has muddied the waters for a negotiated settlement and for international cooperation in that part of the world.

HUMPHREY GOALS

To secure a negotiated settlement in the Middle East, as agreed upon by Israel and the Arab countries themselves in keeping with the spirit of UN Resolution 242.

To insure the defense capabilities of the state of Israel.

To achieve a normalization of economic and diplomatic relations in the Middle East and to support UN efforts in this direction.

HUMPHREY PROGRAMS

Humphrey's legislative record has been one of consistency and constancy in his support of Israel, to help Israel maintain its freedom, and in his effort to reduce tension throughout the Middle East. His proposal for achieving a peaceful settlement include the following points:

The United States must convince the Soviet Union to assume a stand-off position in the Middle East and reach an agreement whereby neither country attempts to obstruct negotiations. The Soviet Union must exercise self-restraint, comparable to that of the United States.

Any settlement must establish secure, recognized and agreed boundaries with demilitarized zones to act as buffers between the states in recognition of the territorial sovereignty of all states in the Middle East.

A settlement should also establish effective controls against terrorism and other recurrent violations of international law, an agreement for free navigation in international waterways, compensation and resettlement programs for Jewish and Arab refugees in the Middle East, and recognition for Holy places.

Recognition of Jerusalem as the capital of Israel.

Economic assistance for the settlement of refugees.

Assure the availability through credits of the necessary planes, tanks and defensive weapons vital for the security of Israel.

Insistence that Soviet Union guarantee the right of Soviet Jews to migrate to Israel.

Furtherence of cultural relations with Israel.

31—SPACE

ISSUE

Space exploration and work in the field of astronautics has come under some attack in the debate on national priorities. The Nixon Administration has provided little leadership in defense of this field and in the creation of imaginative programs which have direct application to our needs at home. The Administration has been slow in attempting to promote an array of international programs in the field of space which could benefit all mankind.

HUMPHREY GOALS

A comprehensive space program which integrates scientific discoveries with domestic planning and programs.

Achievement of expanded international cooperation in space for the control of the human environment and its resources.

Stress work in space for peaceful purposes.

HUMPHREY PROGRAMS

Humphrey has always been a vigorous and articulate supporter of space and aeronautics progress with special emphasis on the practical benefits of such developments. As Vice President, he served as the Chairman of the National Aeronautics and Space Administration.

The Humphrey program would:

Support the space shuttle as part of the new phase in manned spaceflights.

Encourage greater cooperation in space, not just with the Soviet Union but other countries as well, on a bilateral and multilateral basis.

Establish an integrated approach to space programs so that there is a direct tie-in to domestic programs in such fields as urban planning, communications, health and rural development.

Apply space technology for a breakthrough in global resource management, beyond the terms set up in the Outer Space Treaty.

Support and encourage the domestic development of space-spawned technological advances such as Communication Satellites, Earth Resources Technology Satellites (ERTS), Nimbus Weather Satellites, advance medical technology improvements, new metals and fabrics, computer advances and medical pacesetters.

32-DEFENSE

ISSUE

This year, the defense budget calls for $83.4 billion, roughly 30% of the total federal budget. This represents a jump of $6.3 billion in new budget authority at the same time that the Administration claims it is withdrawing from Vietnam and halting construction of defensive nuclear weapons. In other words, defense expenditures have absorbed the so-called Vietnam peace-dividend, the savings from the SALT agreements, and then some. Defense planning and strategic thinking has remained static, failing to take account of the latest international diplomatic developments and requirements for our national security.

HUMPHREY GOALS

Establish a long-term defense plan to provide for U.S. national security and to enhance U.S. foreign policy.

Maximize the efficiency of our Armed Forces and our total defense capabilities.

Reform acquisition and procurement procedures in the military to reduce enormous cost-overruns and improve competition for defense contracts.

Concentrate on the pursuit of armaments limitations and disarmament, agreed upon by nuclear and non-nuclear powers.

Reduce overseas bases and military personnel.

HUMPHREY PROGRAM

Humphrey's public career has been dedicated to peace and disarmament:

Delegate to the United Nations in 1956–57.

Author of the bill to establish the Arms Control and Disarmament Agency.

Sponsor of the Limited Test Ban Treaty of 1963.

A leader in the planning and development of the Nuclear Nonproliferation Treaty of 1968.

As Vice President, played a leading role in the creation of a nuclear free zone in Latin America.

Since returned to the Senate, has introduced several important pieces of legislation to help bring a halt to the arms race.

Humphrey's legislative record on defense has been marked by a studied approach to reforming and modifying our defense program.

Voted to cut spending for the overly sophisticated F–14 fighter bomber and the B–1 bomber.

Had legislation calling upon the Department of Defense to make available to Congress a five-year defense budget and to submit an alternative budget for Congressional consideration.

Voted for increased funding of our research and development programs to insure U.S. preparedness.

Humphrey's defense proposals:

Begin comprehensive review of the proper relationship of defense to foreign policy, weapons systems to security requirements, and the structure of our system of defense to battlefield requirements.

Restrict air defense system to a surveillance role while maintaining current programs for the modernization of offensive strategic weapons.

Modest reduction in active duty strength, matched by improved readiness of reserve units.

Provide for a modified aircraft carrier program and tactical Air Force modernization program.

Reduce the ratio of support to combat forces to level in 1968.

Reduce number of overseas bases.

Reduce military manpower to 2.0 million to assure the implementation of an all-volunteer army.

Seek reciprocal reduction of armed forces and armaments in Europe and move ahead for further, more comprehensive arms control agreements.

Tie any reductions in civilian and military personnel, stemming from cuts in our defense programs to comprehensive economic assistance and employment programs.

Establish new acquisition and procurement procedures which would include greater use of competitive prototypes, enforcing fly-before-you-buy provisions, return to the firm, fixed price contracts, reduce in-service rivalry, and simplify weapons to eliminate "gold plating."

33—RESPONSIVE AND OPEN GOVERNMENT

ISSUE

Too many Americans have come to feel that their government is remote from them, that it responds poorly to their needs, and is often closed off to them. Yet, they see the rich and the powerful with almost full access to the decision-making centers of their Government.

The people want to be heard. They want to be listened to. They want to have control over their lives.

Government that does not do so is not government of the people.

HUMPHREY GOALS FOR A RESPONSIVE GOVERNMENT

A government that is open, with open doors, public meetings, and fully explained decision-making consistent with the national interest.

A government that recognizes the neighborhood, the street where people live, as important and crucial to people's lives.

A government that does not try to run everything from Washington.

A government with heart, that feels the pulse of the people, that is an advocate and servant of the people rather than their master.

HUMPHREY PROGRAMS FOR A RESPONSIVE GOVERNMENT

Implementation of the Freedom of Information Act.

White House Regional Ambassadors—as direct representative of the President to cut through the red tape and get programs operating faster.

Creation of the Office of Balanced National Growth and Development.

National Budget—a change in the budgetary process that would make it more open—to bring Governors, Mayors, local officials into the budget process before decisions are finalized.

A comprehensive program to revitalize basic services at the local level—including proposals on housing, neighborhood improvement, transportation, health, education, property tax relief, welfare reform.

Citizen's Committee to Study Congress—a citizen's based committee to launch an indepth study and analysis of congressional procedures with the goal of reform in the policy and procedures.

Tax Expenditure Awareness Act—to provide every taxpayer in the United States a breakout of exactly how his own tax dollars are spent by the Federal Government.

Joint Committee on National Security—to assure coordination and cooperation among both Houses of Congresses in matters of national security.

Humphrey Universal Voter Registration Act—to expedite voting registration.

Direct election of President and Vice President.

A SALUTE TO EDUCATION

Mr. TOWER. Mr. President, the National Education Association is sponsoring a "Salute to Education" during this week and I am pleased to join in this tribute to our Nation's educational system.

As a former university professor, I firmly believe that there is nothing more important to the continued growth and development of our Nation than a strong educational system. In the last few years tremendous changes have been taking place in the system. Because of these changes the educational structure is now in a period of hiatus.

Our public school systems continue to grow in a variety of ways. Over the last school year expenditures have increased by 7 percent even though daily attendance has only increased by a half percent. Interest on the overall school debt has risen by more than 6 percent. Compounding these conflicting statistics are the recent Federal and State court decisions, one of them in my State, which ruled that the manner is which the public schools are financed is unconstitutional.

All Americans must find common ground in order to meet these challenges. Governments at all levels must join together to improve the quality of our educational system. The Federal Government must play a role in improving the overall quality of the educational system. However, this role should be limited to assisting local communities when those communities do not have at their disposal the resources necessary to make the improvements we all desire.

This Nation has prospered primarily because of the superiority and of our innovative and flexible approach to education. Without local control of our educational system, I firmly believe that innovative and experimental projects will suffer.

Our superior and constantly improving educational system has been made possibe by the unending devotion of local school administrators, teachers, and parents, as well as America's youth. This tribute is to them; and again, I am pleased to be part of it.

ARTS IN OUR SOCIETY

Mr. TOWER. Mr. President, the administration has recently requested a funding level of $39 million for the National Foundation on the Arts, to provide for its continued expansion efforts. One of the primary goals for 1973 is to insure that all Americans have an opportunity to experience a wealth of cultural activities.

State art councils, in cooperation with the endowment, are making great strides toward this objective. Growing professionalism among the directors, the store of information being gathered from our Nation's cultural resources, and the creativity of State council programs, have contributed immeasurably to our understanding and appreciation of our artistic wealth.

Recently, Harold J. Elias, a member of the Texas Fine Arts Commission from Longview, Tex., expressed his thoughts on the arts in our society in an editorial for the Longview Daily News. I ask unanimous consent that the full text of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY NOT BEAUTY?

(By Harold J. Elias)

In any past society or civilization, its evaluation is the result of its thinkers. The social and monetary values come later. These people who look to the future are found in every profession, but in the area of artistic expression there are more who look ahead and re-examine the past for new paths of self expression.

Although this group is small in number these artists, musicians, poets, and dramatists are in many instances more sensitive to their surroundings, and from their observations, talents and imagination, are the architects who advance their art creating beauty to enhance a community, a country, or even the world.

In past civilizations the arts were supported and nurtured by the church and the nobility. These societies recognized that the practitioner could not make a living then, and there is no reason to believe he can make a living at it today. Many play the violin, piano and guitar, many write and put paint on canvas; this does not make them musicians, poets, dramatists or artists. Art is a world of talent, knowledge, intensive training and experience, and few people ever produce that quality, to be called artists. There are practitioners who make money in the arts, but these are not necessarily artists.

Artists such as Da Vinci, Michelangelo, Mozart or Beethoven, were not always understood in their own time, because their intelligence and creative powers were beyond the average citizen then, and possibly ahead of many even today. There have been artists like Schubert and Van Gogh who produced great works of beauty, but died as paupers unrecognized. Why? Because they were judged by those who did not have the knowledge or ability to understand creative progress.

Centuries ago various societies realized that the artists should be subsidized as the teachers and preachers are today. The nobility and church wanted beauty to enhance their lives, so they saw to it that the artists had the necessary items and commissions to put their creative talents to work. They also gave respect and recognition to creative talent.

The revenue of a community is the total collected taxes from all its citizens. Such revenue must be used intelligently and effectively for the good of the whole community. With this money we build roads, build schools and public buildings. This revenue comes from those contributing who may not be using these roads, have no children to send to school or do not use our public buildings.

Why do we hesitate when it is suggested we maintain a symphony, a threatre or a Civic Center? Because only a handful of people like symphonic music or because only a small group would use a Civic Center? No, only a handful of people use a certain street in our town, but it is built. When will it be that we can put beauty and creative activity on a par with building a street or a public building?

Beauty is found in a good painting, an inspired symphonic concert and a fine theatre production; these belong to and are yardsticks by which to measure a community. A city can by its own efforts lift itself to produce a Civil Center which can have, as only one of its activities, that of being cultural hub of its part of the state. With only a few people to teach and a gentle persuasion to others to see and hear these things, life will gain a quality of stature in this community which will never be the same.

Man can see the real value of the arts, and never be alone, when he can sit down with a good book, enjoy a fine play, listen to great music and be in the company with the great intellects who created it. God has blessed us with these gifts through talented writers, musicians and artists. Make use of them, give your life a dignity and quality you would not have if they were not available. This cultural uplift is just as important to a community as schools, churches, streets, the fire and police departments.

We can, as a unit, use our collective means to produce those things which will give us new horizons to beauty which will excite the mind and the soul. By uniting, I mean beauty is for everyone, not intended for the sophisticated, the diamond or mink crowd or the odd balls; beauty is that glorious quality which can be enjoyed by all.

If you are not aware of this then you are missing one of the great glories of being alive. Longview must see to this for her people. And the people in Longview must see to this for themselves in order that future generations can prosper.

Our future will not be remembered by our social or monetary values. It should be for the future generations to discover how great we were to produce such beauty.

CAUSTIC DETERGENTS

Mr. HARTKE. Mr. President, on October 1 of last year, I introduced an amendment to the Federal Hazardous Substances Act which would have made it clear that the Secretary of Health, Education, and Welfare has the authority to ban or otherwise restrict the sale of caustic household detergents.

My bill was introduced in response to the conflicting statements of administration officials on the question of so-called caustic, nonpolluting detergents versus those detergents which are harmful to our environment. At the time of introduction, I stated that HEW could solve this dilemma by requiring all caustic detergents to bear an appropriate label stating their potential hazard to human health. My bill further provided funds to develop a "childproof" type of container for household detergents to prevent their misuse by children.

To date, no action has been taken, yet a recent article in the Washington Post makes it clear that caustic detergents are extremely hazardous. To permit their unrestricted marketing is to fly in the face of the Federal Hazardous Substances Act.

Mr. President, I call for congressional action to end this serious danger—a danger which is present in millions of American households—and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAUSTIC DETERGENTS ARE SECRETLY SHOWN TO CAUSE BLINDNESS

(By Morton Mintz)

Evidence that a group of household detergents with a small but growing share of the market causes blindness in laboratory animals has been gathered but not disclosed by the Department of Health, Education and Welfare, The Washington Post learned yesterday.

The detergent group, the caustics, poses a hazard primarily for children too young to read the warning labels required by the Food and Drug Administration.

Tests showing that the caustics, which contain little or no phosphate, can cause blindness were done by the National Institute of Environmental Health Sciences at the request of Surgeon General Jesse L. Steinfeld.

The director of the institute, Dr. David Rall, declined to comment. Dr. Merlin K. Duval Jr., assistant secretary of HEW for health and scientific affairs, directed Rall not to disclose the test results—even to Dr. Steinfeld, it was learned.

Steinfeld, who has been at odds with HEW on several issues, set off a flap last September when he advised housewives to use phosphate detergents or soap in preference to the caustics.

He warned that caustics threaten toddlers with a "serious risk of irreversible loss of sight, loss of voice, ulcerations and blockage of the esophagus, severe skin burns and even death."

About 3,900 children a year are reported to eat detergents, although many times that number of cases are believed to go unreported. Extremely few cases of blindness associated with the products are known—but the FDA has never required reporting of eye damage.

In the new studies, however, researchers found that while all detergents cause inflammations in the eyes of rabbits, only the caustics cause permanent damage and blindness.

One qualified source told a reporter that irreversible blindness in a child that touched a caustic detergent to its eyes could occur even if the eyes were to be rinsed a few minutes later.

The FDA, in a report last year on 39 detergents of the caustic and high-phosphate types, said that all of them caused inflammations lasting three days.

Some HEW scientists have complained privately that the FDA insufficiently emphasized the danger from the caustics, despite abundant evidence that it should have done so.

Malcolm W. Jensen, director of the agency's Bureau of Product Safety, said last night that the FDA will propose new regulations this week to require manufacturers to test detergents in rabbit eyes for at least seven days. In the new tests, some cases of blindness were not found until about 14 days, it was learned.

Environmentalists oppose phosphate detergents on the grounds that they cause lakes and rivers to die—a problem Steinfeld has urged be solved with sewage treatment.

Another form of detergent, the so-called NTAs, cause neither blindness nor the death of waterways, but, scientists say, have not been shown to be free of a potential to cause cancer or other serious adverse effects.

MEAT PRICES

Mr. **TOWER**. Mr. President, today, President Nixon announced his decision to relax meat import quotas in an attempt to increase supply and to meet current demands for beef. Meat prices have been the subject of considerable debate over the past few months. I have opposed increasing meat import quotas and I remain opposed to that action. But we may be faced with raising imports or accepting price controls on raw agricultural products. I see raising imports as the lesser of the two evils.

Price controls on farm produce will not stop the rise in food prices. This is because the basic problem for rising food prices is not on the farm. Farmers are currently receiving about the same price for their products as they were receiving approximately 20 years ago, even though production costs have risen considerably. A possible result of price controls on raw agricultural products is food shortages. We cannot expect the farmer to continue to produce, if he must do so at an economic loss. The profit ratio for American farmers today is already razor thin. Our farmers have been producing over the past many years in an economic climate which reflects the high labor and manufacturing costs of America and simultaneously an economic climate which force their products to compete for sales against foreign produce grown with far less overhead.

U.S. Department of Agriculture and Department of Labor statistics show the plight of the farmer and rancher who produces beef:

The U.S. average wholesale price received by the farmer for all grades of beef cattle in 1951 was $28.70 per hundredweight. Preliminary estimates are that the comparable figure for 1971 was $28.80.

Meanwhile, average hourly employee earnings in the meatpacking industry were $1.56 in 1951, and $4.17 in 1971.

The U.S. average retail price to the consumer in the grocery store for roundsteak in 1950 was 93.6 cents per pound, compared with an estimated 136.1 cents per pound in 1971; and for hamburger the 1950 price was 56.5 cents per pound, compared with 68.1 cents per pound last year.

A one-tenth cent per pound rise in the cost of live cattle simply cannot, by itself, cause a 42.5-cent rise in the consumer price of roundsteak. The cause of high food prices does not lie with the farmer and rancher.

The American farmer has proved to be one of the Nation's most efficient producers. He has never yet failed to meet the demands of the American people for more and better food. I am confident that, without price controls, he will continue to meet growing food demands. But to insure a sufficient supply of food and fiber, we must allow the farmer to make a profit. Price controls on raw agricultural products may erode what is already a very thin farm profit margin. If we act to deny the farmer a profit, we may very well face food production shortages. Drastic measures to control beef and food prices might place us in a new and dire situation; one in which sufficient food is not available at any price.

Today, we are experiencing an increasing demand on the part of consumers for the better cuts of meat. As that demand grows, and as more consumers choose to buy more of the better cuts and less of the cheaper cuts, the price of those better cuts goes up, and this rise contributes to an overall rise in consumer food prices. But a large part of the reason for the increase in demand for the better cuts of meat is the fact that more families are now able to pay the higher prices of these better cuts. Consumers do not suddenly develop a preference for steak over hamburger. They have had that preference all along, but now more of us are achieving the income levels which allow us to buy more steak.

Although most consumers are now spending more dollars in the grocery stores, most consumers are also paying a smaller proportion of their disposable income there.

Price controls on raw agricultural products may temporarily lower the food prices, but such an action might very well lower the supply of food, perhaps drastically. The President noted in his recent news conference that price controls placed on items in short supply can result in black marketing. We must avoid that possibility.

We should be pleased that the incomes of Americans is such that the demand for better, more expensive, cuts of meat are going up. And we should be pleased that the American farmer is producing sufficient quantities so that our population can be fed better than it ever has been. But it would be a grave mistake to impose price controls which might jeopardize our food supply by further diminishing farm profit margins.

An increase in meat imports, undesirable as I think they are, will increase meat supplies. Hopefully this action will enable us to avoid any temptation to impose price controls on raw agricultural products.

LAW ENFORCEMENT PROFESSIONALISM

Mr. **HARTKE**. Mr. President, a recent article entitled "Indiana Puts Police Work in College," published in the Christian Science Monitor, demonstrates some of the activity in my home State of Indiana to professionalize law enforcement. Although courses in police administration have been taught at Indiana University for some time, recent changes and innovation have expanded the value of the police curricula. A new cadet program and additional courses insure that a graduate will be amply qualified to enter the field of law enforcement.

The program at Indiana University typifies the degree of professionalism that we must achieve if law enforcement is to keep pace with its increasing demands and public expectation. Last fall, upon introduction of S. 2540, I stressed the need for such activities, to be the positive impetus needed to upgrade law enforcement.

We must realize that adequate protection of citizens will not be accomplished by a bumper-strip war against crime. It will be met only through the application of the most sophisticated methods in the fight against crime. S. 2540 projects massive national action like that at Indiana University as the means to provide the citizens of our Nation with the best law enforcement protection possible. The citizens of this country deserve and desire a new standard of excellence in law enforcement.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Indiana Puts Police Work in College

(By Harold F. Bennett)

Bloomington, Ind.—Indiana University has woven the goal of upgrading the professional status of the policeman into its curricula—a new program aimed at giving students who sign up for it a background in law enforcement.

Some courses in police administration have been taught at the university since 1935, but additional courses and a new cadet program have expanded these to provide students with a background of practical experience before they graduate from college.

"Innovative and practical," is the description Robert K. Konkle, superintendent of the Indiana State Police Department, applies to the cadet program. "It should produce the kind of leaders so critically needed in law-enforcement work."

Indiana University students who enter the cadet program fulfill the requirements for a standard university degree. But to be eligible for the program, they must complete their freshman year and must major in subjects related to law enforcement—education, forensic studies, sociology, data processing, and management.

TRAINING SKETCHED

When they graduate, they offer prospective employers—in addition to the college degree—the equivalent of six months at a police academy and one year of on-the-job training.

Three summer sessions supplement the regular academic courses. Orientation soon after acceptance lasts about one month. Eight weeks of training during the following summer fulfills the minimum requirements of the Indiana Law Enforcement Training Board.

Cadets work and train approximately 20 hours a week with the university safety division. As sophomores, they wear blue slacks and blazers with a distinctive emblem while on duty. At games, concerts, and other public events, as well as during rush hours, some help to direct traffic. Others assist in communications or record keeping, at information centers, or on security patrols. During this period they have no authority to make arrests.

Juniors and seniors are commissioned as full-fledged (but part-time) uniformed police officers. The corps is part of a reorganization offering extended safety services to the entire student body.

Cadets are paid for the police training courses as well as for their working hours. By graduation they may earn up to $7,000. Several scholarships based upon financial need can be earned.

Four of the 37 members of the first class are women. The female role in law enforcement is the subject of a current research project.

Two former policemen are among the students. Roger Allton was a patrolman for more than four years in Greendale. John Bowman also served approximately four years with an Indiana police department. He was a technician in Richmond. Cadets Allton, Bowman, and 11 other military veterans are enrolled under the GI Bill of Rights.

HOW PROGRAM STARTED

The cadet corps is the idea of Irvin K. Owen, appointed university director of the Office of Safety last year. His 23 years with the Federal Bureau of Investigation have enabled him to work closely with police and sheriffs throughout Indiana.

Assistant Director J. Russell Prior, while on loan to the Agency for International Development, taught law enforcement in Brazil, Jordan, and Thailand.

A major share of financing for the cadet program is from federal grants channeled through the Indiana Criminal Justice Planning Agency.

Safety division officials double as faculty members of the university police academy. Part of the appeal of the new program comes from their diversified experience. Besides Mr. Owen, a retired FBI agent, and Mr. Prior, a state policeman for 15 years, faculty include George E. Huntington Jr., city police chief, Ronald F. Bryant, sheriff's executive officer, and James L. Kennedy, county coroner's chief investigator. Guest lecturers also share their expertise.

AWARD TO DR. ROBERT A. BOTTENBERG

Mr. TOWER. Mr. President, on May 3, Dr. Robert A. Bottenberg, at the annual meeting of the President's Committee on Employment of the Handicapped, received the President's Trophy as the Handicapped American of the Year.

Dr. Bottenberg suffered loss of sight, taste, smell, and partial hearing when he was struck by an artillery shell fragment during an assault operation with the 63d Infantry Division in Germany in 1945.

As Sydney Smith said:

> A great deal of talent is lost in this world for the want of a little courage.

Dr. Bottenberg has far more than "a little courage." Today he is chief of the Computer and Management Sciences Branch of the U.S. Air Force Human Resources Laboratory at Lackland Air Force Base, Tex. In this position, he manages over a hundred professional and technical personnel.

I ask unanimous consent to have printed in the RECORD the transcript of a speech delivered by Max Robinson, WTOP–TV "Eyewitness News," at the presentation ceremonies in which he describes Dr. Bottenberg's life of courage and determination. He is an inspiration, not only to other handicapped individuals, but to all Americans.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO COURAGE

(By Max Robinson)

"Well, Andy, it looks as if I'll have to start over."

These were the first words of a newly-blind soldier to the friend who had dragged him from the path of exploding mortar shells. It was just one day after both men had been wounded in an assault on German fortified positions east of the Rhine River, in the year 1945. The place was a field hospital where casualties of the U.S. Army's 63rd Division had been rushed for medical care.

The private first class who made this statement was 21-year-old Robert A. Bottenberg, whom we honor today as Handicapped American of the Year.

Fate, or the hand of God—call it what you will—had brought him blindness on the battlefield. What had brought him this acceptance of his state, the recognition that one life had been shattered and another must be built?

Mankind calls it courage, which we revere, strive for and can never fully comprehend. To help us understand its embodiment in Robert Bottenberg, we must start at the beginning.

Robert was born in Kansas City, to Grace and Homer Bottenberg. They were wise and loving parents, who encouraged their son's eagerness for learning, his enthusiasm for athletics, camping and nature and his interest in church and Boy Scout activities. Academically, he was at the head of his class, and he excelled in baseball, football and other sports.

Although an only child, he had warm ties to cousins and others in a close family relationship, and many friends.

After high school, Robert went to Kansas City Junior College, with the intention of majoring in chemical engineering. But World War II broke out and he joined the service. He trained with the 63rd Infantry Division in Centerville, Mississippi, and left for Europe in 1944, to see action in France and Southern Germany.

He was a good soldier, his platoon leader recalls, and well liked by his buddies and superiors. He had a habit of saying, "If I get back to Kansas City, I'm going to marry Gene." Gene Laffoon was a girl who went to his church at home, and to the same junior college.

Six months after he arrived in Europe, Robert Bottenberg's optic nerve was destroyed by a shell fragment that pierced his left temple, passed behind his forehead and lodged against his right temple. In addition, he suffered considerable facial damage, some loss of hearing and lost his sense of smell.

And it was on the next day that he said: "It looks as if I'll have to start over."

The first month was grim. Robert was transferred from the field hospital to a hospital in Paris, where the emphasis was on medical treatment, with no attempt at rehabilitation. Then, he was flown to Dibble Hospital, Minelo, California, which specialized in treatment of eye injuries.

This is where Robert's new life began. He was taught to do many things, and new ways of doing others. He learned braille, typing and how to travel. A friend who went to see him reported: "At the end of the visit, Bob said, 'Take my arm and I'll get you out of here.' When he said that, I knew he'd never have a problem."

Three months at Dibble were followed by stays at other hospitals for plastic and medical surgery and a final period of concentrated rehabilitation.

Recalling this time of his life, Robert Bottenberg says: "While I was still undergoing medical treatment, I made the decision to go to college. It was really only a question of how I was going to school, not whether I was." He was encouraged in this decision by the doctors and other staff at the hospitals where he convalesced.

In July 1946, Robert was separated from the Army, returned to Kansas City and in the same month, keeping his promise to himself, he married Gene.

They moved to Columbia, where Robert attended the University of Missouri. He had given up the idea of becoming a chemical engineer, realizing that blindness would limit participation in laboratory work, and decided instead on a degree program in psychology, with the tentative goal of teaching at the college level.

Under Public Law 16 which applied to disabled veterans, he was able to hire sighted individuals to read his text book assignments for recording on a sound scriber. He took lecture notes in braille, which Gene, too, learned. And she was a readily available reader. Another help was a keen memory which Robert further developed, along with his reasoning powers, by doing calculus problems in his head.

In two years he earned his BA degree, graduating Phi Beta Kappa. Next came a nonacademic achievement—the first of the Bottenberg's three daughters, born in 1949.

Robert earned his MA degree the following year and the family moved to California. At Stanford University he began to work toward his PhD in psychology, with a minor in mathematical statistics. By a quirk of fate, the Bottenberg apartment was in a building that once had been part of Dibble Hospital, where Robert's new life had started just five years earlier.

By 1953, he had finished the written part of his thesis and his faculty adviser, impressed by his brilliance, contacted the Air Force's Personnel Research Laboratory at Lackland Air Force Base, San Antonio, Texas, and recommended Robert for employment there. That same year, he started work at Lackland. Four years later, he completed his thesis and was awarded his PhD.

During his years at Lackland, Dr. Bottenberg had climbed steadily up the career ladder, enriching his background by attending seminars and courses in computer sciences, mathematics, statistics and psychology. In 1963, with Joe H. Ward, Jr., he co-authored a book, "Applied Multiple Linear Regression," which is a classic in the field of applied statistical techniques.

Today, he is Chief of the Computer & Management Sciences Branch, Personnel Research Division, Air Force Human Resources Laboratory. In this capacity, he manages a work force of over 100 professional and technical personnal engaged in the solution of

Air Force personnel management problems. He is the focal point in the Air Force for the formulation and development of mathematical models of its personnel system. He also acts as consultant on scientific and operational operations to Federal agencies, educational institutions and research foundations

Impressive as his academic and professional achievements are, they reflect only part of the man who is Robert Bottenberg.

When called upon by the Texas Commission for the Blind, he tutors blind youngsters in mathematics and braille, and helps them adjust to their handicap. He encourages and inspires blind veterans at Brooke General Hospital, where they undergo medical treatment before receiving rehabilitation. He has served as president of the Blinded Veterans Association, was a member of the Advisory Committee for the Blinded Veterans Research Project carried out by the American Foundation for the Blind, and serves on the Advisory Committee to the Sensory Aids Evaluation Research Center at M.I.T.

In his community, he belongs to the Kiwanis, and is on the session of the Grace Presbyterian Church, where he and his wife teach in the church school. No doubt because he is the father of daughters and Mrs. Bottenberg remains active in the Girl Scouts, he is as enthusiastic a spokesman for Girl Scout cookies as can be found anywhere.

He is a father who built a playhouse for his girls when they were small, and played and went bike riding with them. He never tired of their constant "What's for dessert?" query, which he answered with "Chocolate covered nails" until the night they persuaded their mother to serve exactly that.

He taught his wife and one of his daughters to drive a car, and when someone asked in amazement, "How could you do that?" he replied: "It didn't bother me a bit. I couldn't see a thing."

With Mrs. Bottenberg he enjoys theatergoing, dining out, bridge, and working in the garden. And in their garage is a bicycle built for two.

Dr. Robert A. Bottenberg—soldier, scholar, scientist, citizen and family man—we pay tribute today to your courage, your achievement and your humanity, and we salute you as Handicapped American of the Year.

JOHN PAUL VANN

Mr. TOWER. Mr. President, John Paul Vann, probably more than any other American, symbolized the U.S. commitment in Vietnam. For 11 years he served as a leader, an adviser, and a fierce proponent of the American effort to prevent a Communist takeover of South Vietnam, never wavering in his belief that the South Vietnamese could and would defend themselves.

Rising from the military rank of lieutenant colonel, Vann, at his death was the third-ranking American in Vietnam, serving as chief U.S. adviser in the military region II. He was flying to the embattled provincial capital of Kontum when the crash of his helicopter took his life.

John Paul Vann was a man so committed to his responsibilities, to the South Vietnamese, and to his own country, that he took risks daily which others found unacceptable. He inspired leadership, courage, and confidence in those around him. He commanded a respect unequaled in South Vietnam.

Mr. President, the death of John Paul Vann is a crushing blow to those of us who knew him and respected him. At Arlington Cemetery R. W. Komer captured the very spirit of the man in a brief but stirring tribute to this extraordinary American. I ask unanimous consent that the tribute of Ambassador Komer to John Paul Vann be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO JOHN PAUL VANN

For me, as I suspect for most of you, it's hard to believe that John is dead. His mortal remains may lie here before us—but they can't evoke the courage, the spirit, the exuberant energy, the earthy vitality, the sheer gutsiness of the John Vann we knew.

To us who worked with him, learned from him, and were inspired by him, he was that scrawny, cocky little red-necked guy with a rural Virginia twang—always on the run like a human dynamo, sleeping only four hours a night, almost blowing a fuse at least twice a day, knowing more than any of us about what was really going on, and always telling us so. And any of us with his head screwed on right invariably listened.

That's the John Vann we remember. He was proud to be a controversial character—a role he played to the hilt.

I've never known a more unsparingly critical and uncompromisingly honest man. He called them as he saw them—in defeat as well as victory. For this, and for his long experience, he was more respected by the press than any other American official. And he told it straight to everyone—not just to them or his own people, but to presidents, cabinet officers, ambassadors and generals—letting the chips fall where they may. After one such episode I was told (and not in jest) to fire John Vann. I replied that I wouldn't—and couldn't; that in fact if I could only find three more John Vanns we could shorten the war by half.

If John had few illusions, he also had no torturing doubts about *why* he was in Vietnam—to help defend the right of the South Vietnamese people, whom he loved, to live in freedom. He probably knew more Vietnamese and worked more closely with them, sharing their trials as well as their joys, than any other American. He was more at home in the hamlets, where he so often spent the night, than in the offices of Saigon.

But John was more than a talented advisor. In uniform or out, he was a born leader of men. Personally fearless, he never asked anyone else to do what he wouldn't do himself. To him the role of a leader was to lead, regardless of the risk. He was the epitome of the "can do" guy. And I've never met one among the thousands of men who served with or under John who didn't admire him. He educated and inspired a whole wartime generation of Vietnamese and Americans—as our teacher, our colleague, our institutional memory, our hairshirt, and our friend.

But John's greatest achievement, which he fortunately lived to see come close to fruition, was to play a major role in shaping a more rational South Vietnamese response to internal rebellion and external attack. He passionately believed that the South Vietnamese could win their own war and that the belated pacification effort to which he contributed so much was essential to achieving that goal. Long a prophet without honor among his own colleagues, he ended up a widely influential member of the top U.S. advisory team—able to practice what he so ardently preached. When I last visited him this February in Kontum, Pleiku, and Bin Dinh, he felt we had finally achieved a high degree of security and development in the countryside, and was confident that Hanoi's pending use of its only remaining option—bringing down the rest of its regular army—would fail to reverse this trend.

I am sure John died the way he would have preferred—in action, again putting his finger in the dike—en route to buck up the defenders of Kontum. In his last letters he forecast that Kontum would hold. As so often, he seems proved right again.

It's also fitting that John should lie in Arlington, among our nation's fallen military men. For he was the highest type of professional soldier, whose last tour fulfilled his secret longing to be back in command of American troops. But John was more than a professional soldier—he understood well that firepower alone was not the answer to Vietnam's travail—and few did more to protect and build. Let us hope that his real monument will be the free and peaceful South Vietnam for which he fought so well.

Yet whether or not this tragic conflict ends with that aim fulfilled, all of us who served with Vann will long remember him. He is not a man who will be easily forgotten. So we salute one of the authentic heroes of a grim unpopular war, who gave all of himself to the cause he served, finally even his life. No, we shan't forget you, John. You were the best we had.

OMNIBUS CRIMINAL JUSTICE REFORM AMENDMENT OF 1972

Mr. MATHIAS. Mr. President, S. 3492, the Omnibus Criminal Justice Reform Amendment of 1972 was introduced on April 12, 1972. At that time, the text of the bill was not inserted in the CONGRESSIONAL RECORD. However, due to its popularity, I now ask unanimous consent that the full text of the bill appear in the RECORD. I urge Senators to read the bill, and on behalf of myself and the 12 sponsors of S. 3492, we welcome any additional cosponsorship.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Criminal Justice Reform Amendment of 1972".

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that—

(1) the ever-increasing number of serious crimes committed in the United States, the backlog of criminal cases in the courts, and the overcrowded and inadequate conditions of correctional institutions are such that only comprehensive reform can achieve a truly adequate system of criminal justice in the United States;

(2) effective control and prevention of crime can best be attained if States and localities adopt comprehensive criminal justice reforms, including reforms in recruiting, training, compensating, and supervising police and other law enforcement personnel, expediting and improving criminal court procedure, and strengthening correctional systems;

(3) the recommendations of the President's Commission on Law Enforcement and the Administration of Justice, together with the planning and recommendations of a number of State planning agencies and commissions and other agencies, provide an excellent basis for the adoption of such reforms;

(4) the responsibility for law enforcement and the administration of criminal justice is essentially the responsibility of State and local governments, but the Federal Government has a responsibility and a unique opportunity to provide financial and technical assistance to encourage comprehensive criminal justice reform;

(5) the security, economic stability, peace, and tranquility of many of the cities of the Nation are threatened by an alarming rise

in the commission of serious crime, and by an incidence of personal injury and death from crime which is higher in the United States than in any other industrial nation in the world;

(6) the only genuine, long-range solution to the problem of crime is (A) a comprehensive approach to the causes of crime and the conditions which breed despair and social and economic deprivation, (B) a more effective and better equipped law enforcement capability, (C) a vastly improved correctional system which actually rehabilitates a significantly larger number of offenders than are currently being rehabilitated under present programs, (D) a more efficient court system, adequately supported by the collateral services so vital to the effective administration of justice, including the prosecution, defense, probation, and parole of offenders, and (E) a more effective treatment and comprehensive, rehabilitation of individuals who are addicted to narcotic drugs, particularly heroin, together with the elimination of the illicit sources of supply of such drugs;

(7) experience has shown that the development, administration, and delivery of effective programs designed to bring about reform of the entire criminal justice system pose extremely difficult, complex, and long-term problems for the offender, the State, and the local community;

(8) the escalating rates of violent crime, particularly within the victim communities of the economically disadvantaged in our major cities, require emergency financial assistance designed to bring about some reasonably rapid reduction in the level of crime;

(9) the crime rate in the United States would drop significantly if most convicted criminal offenders returned to the community as responsible citizens;

(10) a substantial percentage of convicted criminal offenders become recidivists, and for many such offenders, correctional institutions have often been a detriment to rehabilitation;

(11) a large proportion of convicted criminal offenders come from backgrounds of poverty and are members of groups that suffer from economic and social disadvantages;

(12) recidivism will be reduced among convicted criminal offenders who are offered vocational rehabilitation and training so that they may obtain and hold decent jobs;

(13) a major commitment by the Federal Government, including assistance to the State, is necessary to marshall the Nation's educational, training, vocational rehabilitation, and employment resources to institute an adequate and effective program for the rehabilitation of convicted criminal offenders;

(14) a reorganization of the Federal departments and agencies dealing with people, probation, and other activities relating to the disposition of Federal offenders is necessary to insure a unified and coordinated approach to the rehabilitation of such offenders, and the protection of society; and

(15) the Federal Government has unique responsibility for formulating coordinated Federal corrections policies with regard to prison construction, the appointment and training of corrections personnel, pretrial and posttrial release programs, alternatives to incarceration, the establishment of a national clearinghouse and study center for corrections, and other similar activities.

DEFINITIONS

SEC. 3. As used in this title—

(1) "administration" means the Law Enforcement Assistance Administration;

(2) "administrator" means the Administrator of the Law Enforcement Assistance Administration;

(3) "criminal offense" includes juvenile offense, except as otherwise specified;

(4) "locality" means any city or other municipality (or two or more municipalities acting jointly) or any county or other political subdivision or State (or two or more acting jointly) having general governmental powers;

(5) "Federal agency" means any department, agency, or independent establishment in the executive branch of the Government, including any wholly owned Government corporation; and

(6) "State" means each of the several States of the Union, and the District of Columbia.

TITLE I—GRANTS FOR CRIMINAL JUSTICE REFORM AMENDMENT TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 101. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended at the end thereof the following:

"PART K—GRANTS FOR COMPREHENSIVE CRIMINAL JUSTICE REFORM

"SEC. 701. It is the purpose of this part to encourage States and units of general local government to develop comprehensive programs to strengthen and reform the criminal justice system within the State.

"SEC. 702. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the administration establishes under section 704 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the administration for that fiscal year in accordance with section 302 of this title.

"SEC. 703. The administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive approach to a statewide program of criminal justice reform, including construction, acquisition, or renovation of facilities and improvements of practices in and throughout the State to recruit, train, compensate, and supervise police and other law enforcement personnel; expedite and improve criminal court procedures and strengthen correctional systems;

"(2) provides satifactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurance that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis of the development of statewide cooperation with all units of local government to facilitate criminal justice reform within the State; and

"(5) complies with the same requirements for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303.

"SEC. 704. The administration shall by regulation prescribe basic criteria for applicants and grantees under this part, and such regulations shall include the following:

"(1) such State and each such locality within such State eligible to receive assistance under this title must establish with respect to police and other similar law enforcement personnel—

"(A) standards for recruitment which are uniform throughout the States;

"(B) appropriate educational requirements for advancement which are uniform throughout the State;

"(C) beginning compensation and increases in compensation which are appropriate for a professional, considering the size of the community and the cost of living in the community in which such personnel serve;

"(D) a retirement system that is uniform throughout the State, and a statewide pension plan for such personnel;

"(E) to the extent possible, uniform promotional policies for such personnel throughout the State;

"(F) to the extent appropriate, standard operational procedures for such personnel throughout the State;

"(G) lateral entry between law enforcement agencies of each locality within the State and between Federal, State, and local law enforcement agencies located within the State, with appropriate conditions on the period of initial service for such personnel; and

"(H) facilities offering short-term mandatory training for all such personnel within the State;

"(2) each such State and locality within such State having jurisdiction over the trial of criminal offenses must implement such necessary reforms as will insure that (A) the trial of all such offenses (excluding juvenile offenses) will be commenced no later than sixty days from the date on which the defendant was charged by the authorities with such offense, whichever occurs first, and (B) the charges will be dismissed with prejudice for failure to comply with the requirements of this paragraph, except that the administrator shall, by regulation, provide for the exclusion from such sixty-day period of any periods of delay that he designates as may reasonably be necessitated in the interest of justice; and reforms under this paragraph may include, without limitation—

"(i) increasing the number of judges trying criminal offenses;

"(ii) improving the efficiency of criminal court procedures;

"(iii) appointing professional court administrators; and

"(iv) increasing personnel engaged in prosecuting and defending criminal cases;

"(3) each such State and, where appropriate, each such locality within such State eligible to receive assistance under this title—

"(A) shall establish a system for classifying persons charged with, or convicted of, criminal offenses so as to permit individualized treatment and security standards appropriate to the individual;

"(B) shall establish a range of correctional facilities that are adequately equipped and staffed to treat the particular classifications of inmates assigned there, including small-unit, community-based correctional institutions;

"(C) shall provide comprehensive vocational and educational programs designed for the special needs of rehabilitating each class of persons charged with or convicted of criminal offenses;

"(D) shall provide separate detention facilities for juveniles, including shelter facilities outside the correctional system for abandoned, neglected, or runaway children;

"(E) shall establish standards applicable throughout the State for local jails and misdemeanant institutions to be enforced by the appropriate State corrections agency;

"(F) shall provide parole and probation services for felons, for juveniles, for adult misdemeanants who need or can profit from community treatment, and supervisory services for offenders who are released from correctional institutions without parole;

"(G) shall establish caseload standards for parole and probation officers that vary in size and in type and intensity of treatment according to the needs and problems of the offender;

"(H) shall establish statewide job qualifications and compensation schedules for correctional officers, including probation and parole officers, along with a mandatory system of inservice training; and

"(I) shall develop and operate programs of treatment and rehabilitation for persons suffering from alcoholism and drug abuse, available both to inmates and as an alternative to incarceration;

"(4) each State eligible to receive assistance under this title shall have under study by an appropriate and responsible group for consolidation of law enforcement agencies within such State best suited to the particular needs of that State; and will report to the administrator on its findings not later than two years following the approval of its State plan;

"(5) each State and locality eligible to receive assistance under this title must have under study by appropriate and responsible group the application of the criminal laws, as well as the propriety of the application of such laws to—

"(A) alcoholism and drunkenness;

"(B) narcotics addiction and drug abuse;

"(C) gambling;

"(D) vagrancy and disorderly conduct; and

"(E) such other related areas which the State deems appropriate and will report to the administrator on its findings with respect to such matters not later than two years after the approval of its State plan.

"SEC. 705. The administration may, by regulation, waive some of the basic criteria, whenever the administrator deems that to do so would permit a less densely populated State to participate and would further the objectives of the Criminal Justice Reform Amendments of 1972.

"SEC. 706. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the administration as follows:

"(1) 50 per centum of the funds shall be available for State planning agencies; and

"(2) the remaining 50 per centum of the funds may be made available, as the administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. No funds awarded under this part may be used for land acquisition.

"SEC. 707. (a) The administration is authorized to make grants to and to provide technical assistance to States and to localities in accordance with the provisions of this part, beginning July 1, 1972, and ending

"(b) There is hereby authorized to be appropriated $300,000,000 to carry out the purposes of this part."

TITLE II—URBAN CRIME REDUCTION

SEC. 201. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by adding at the end thereof the following:

"PART L—EMERGENCY URBAN CRIME REDUCTION GRANTS

"AUTHORIZATION

"SEC. 801. (a) There is authorized to be appropriated to carry out the provisions of this part $300,000,000 for the fiscal year ending June 30, 1972, and for each of the two fiscal years thereafter.

"(b) The administrator is authorized to make grants to eligible cities that have applications approved under this title to pay the Federal share of the costs of carrying out the projects described in such applications.

SUBPART 1—EMERGENCY PROGRAM

"SEC. 802. It is the purpose of this part to encourage and aid eligible cities and units of local government to develop and implement programs to reduce urban crime.

"ALLOTMENTS TO ELIGIBLE CITIES

"SEC. 803. (a) Funds appropriated to carry out this part shall be allotted by the administrator to eligible cities on the basis of the population and crime index of each such city, as provided in subsection (b) of this section.

"(b) For the purpose of this part—

"(1) the term 'eligible city' means any city determined by the administrator to be among the first twenty-five cities in the United States in a crime index prepared by him for the purposes of this part; and

"(2) the term 'crime index' means a listing of designated cities in the United States, having a population of at least two hundred and fifty thousand persons, which shall be determined by the administrator after consultation with the Director of the Federal Bureau of Investigation, and shall be based upon the number of reported homicides, rapes, robberies, aggravated assaults, burglaries, arsons, larcenies over $50, kidnapings, auto thefts, and other felonies accompanied by the use or threatened use of force of violence per one hundred thousand inhabitants of each such city.

"(c) The crime index and the population of each eligible city shall be determined by the administrator in accordance with the provisions of this part on the basis of the most satisfactory data available to him for each fiscal year.

"(d) If the administrator determines that any portion of an eligible city's allotment for a fiscal year will not be required by such city for the period such allotment is available, that portion shall be available for reallotment from time to time, on such dates and during such period as the administrator may fix, to other eligible cities in proportion to the original allotments to such eligible cities for such year, but with such proportionate amount for any of such other eligible cities being reduced to the extent it exceeds the sum which the administrator estimates such eligible city needs and will be able to use for such period for carrying out such portion of its application approved under this part, and the total of such reduction shall be similarly reallotted among the eligible cities whose proportionate amounts are not so reduced. Any amount reallotted to an eligible city under this subsection during a year shall be deemed part of its allot * * * under section 224. Each such application shall—

"SEC. 804. (a) An eligible city desiring to receive its allotment of Federal funds under this subpart shall submit an application, consistent with the provisions of this section and other requirements as the administrator may establish under section 224. Each such application shall—

"(1) set forth a program for—

"(A) strengthening the police component of the criminal justice system within such city, including but not limited to projects designed to—

"(i) facilitate the recruitment and training of new law enforcement personnel;

"(ii) improve the organizational systems and administrative machinery of law enforcement agencies, in part, by recruiting, training, and utilizing, where feasible, civilian personnel to perform administrative and clerical and other duties heretofore performed by professional law enforcement personnel;

"(iii) establish, organize, and support auxiliary police organizations, consisting of unarmed citizen volunteers, whose purpose is to assist and supplement the efforts of duly constituted law enforcement agencies in patroling, surveillance, and other crime prevention activities, under the direct supervision of law enforcement authorities; and

"(iv) avoid and prevent the use and distribution of narcotics and improve the enforcement of narcotics laws generally, and in cooperation with local boards of education, provide for more effective identification and elimination of sources of the supply of narcotics within elementary and secondary school systems and institutions of higher learning;

"(B) reforming the courts component of the criminal justice systems within such city, including but not limited to projects designed to—

"(i) improve the efficiency of criminal court procedures, including the appointment of professional court administrators;

"(ii) improve the efficiency of, and where needed, increase the number of judges trying criminal cases, and of professional personnel engaged in prosecution, defense, probation, parole, and social welfare work in connection with the disposition of criminal cases;

"(iii) refine and apply uniform criteria for the pretrial detention of persons charged with criminal offenses who are held without bail or who are unable to obtain bail;

"(iv) provide alternatives to the bail bond system, including but not limited to model demonstration programs involving the funding of bail by nonprofit, private corporations, and community release programs; and

"(v) establish, on a demonstration basis, pretrial services agencies authorized to maintain effective supervision and control over, and to provide supportive services to defendants released prior to trial, including the collection, verification, and reporting of information pertaining to the conditions of release of such persons, and the operating or leasing of appropriate facilities for the custody or care of such persons, including, but not limited to, residential halfway houses, narcotic addict and alcoholic treatment centers, and counseling services;

"(C) improving the corrections component of the criminal justice system within such city, including but not limited to projects designed to—

"(i) establish appropriate qualifications and standards for correctional officers, including custodial and rehabilitation personnel, as well as probation and parole officers;

"(ii) facilitate the recruitment and training of such professional correctional officers;

"(iii) provide separate detention facilities for juveniles, including shelter facilities outside the correctional system for abandoned, neglected, or runaway children; and

"(iv) relieve the overcrowded and oppressive conditions in correctional facilities, jails, juvenile training schools, and detention facilities by renovating and remodeling existing correctional facilities and leasing additional facilities for such purposes;

"(2) provide assurances that not more than one-third of the funds made available to such city will be expended for projects described in clause (A) of the preceding paragraph, not more than one-third of such funds shall be expended for programs described in clause (B) of such paragraph, and not more than one-third of such funds shall be expended for programs described in clause (C) of such paragraph;

"(3) provide assurances that the city will pay from non-Federal sources the remaining costs of such a program;

"(4) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursal and accounting of Federal funds paid to the eligible city (including such funds paid by the eligible city to any agency of a political subdivision of such eligible city) under this part; and

"(5) provide for making such reasonable reports in such form and containing such information as the administrator may reasonably require to carry out his functions under this part and for keeping such records and for affording such access thereto as the administrator may find necessary to assure the correctness and verification of such reports.

"(b) The administrator shall approve any application and any notification thereof which complies with the provisions of subsection (a).

"SEC. 805. As soon as practicable after the enactment of this part, the administrator shall by regulations prescribe basic criteria for the full range of projects for which funds may be used under clauses (A), (B), and (C) of section 804(a)(1).

"Sec. 806. (a) In order to carry out the provisions of this subpart, the administrator is authorized—

"(1) to promulgate such rules and regulations as may be necessary;

"(2) to employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(3) to appoint one or more advisory committees composed of such private citizens and officials of State and local governments as he deems desirable;

"(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local and private agencies and instrumentalities with or without reimbursement therefor;

"(5) without regard to section 529 of title 31 United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

"(6) to accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code; and

"(1) to request such information, data, and reports from any Federal agency as the administrator may from time to time require and as may be produced consistent with other law.

"(b) Upon request made by the administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the administrator in the performance of his functions.

"(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $135 a day, including travel time, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"Sec. 807. (a) The administrator shall not finally disapprove any city plan submitted under this part, or any modification thereof, without first affording the city coordinating council submitting the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the administrator after reasonable notice and opportunity for hearing to the council administering a plan of an eligible city approved under section 223, finds that—

"(1) the plan has been so changed that it no longer complies with the provisions of such section; or

"(2) in the administration of the plan there is a failure to comply substantially with any such provision, the administrator shall notify the council that the city will not be eligible to participate in the program under this part and no payments may be made to such city by the administrator until he is satisfied that there is no longer any such failure to comply.

"Sec. 808. (a) Payments under this part shall be made from an eligible city's allotment to any such city which administers an application approved under section 223. Such payments shall not exceed 90 per centum of the cost of carrying out such application. In determining the cost of carrying out an application, there shall be excluded any cost with respect to which payments were received under any other Federal program.

"(b) Payments to an eligible city under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to an eligible city or to one or more public agencies within such city designated for this purpose by the chief executive of such city, or to both.

"(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grants under this part.

"Sec. 809. In order to provide assistance to cities, municipalities, and units of local government that do not qualify as eligible cities under section 802, the administrator may provide grants not to exceed 20 per centum of the authorized amount of section 801 on a demonstration basis directed at aiding units of local government to concentrate their law enforcement resources on the reduction of violent street crime.

"Subpart 2—Street Crime Reduction

"Sec. 811. For the purpose of this subpart—

"(1) the term 'eligible city' means any city having a population of at least two hundred and fifty thousand persons desiring to participate in a program under this part and determined by the administrator to have a high incidence of street crime; and

"(2) the term 'street crimes' means robbery, rape, assault, and any other serious offense, committed by a stranger upon the victim either on the street or in his place of residence.

"Sec. 812. (a) Any eligible city desiring to participate in a program under this subpart shall submit an application to the administrator in such time and containing information as the administrator may reasonably require. Each application shall—

"(1) describe with particularity the programs and activities which that eligible city, after consultation with the administrator, determines will best contribute to reducing street crime, including—

"(A) public education concerning protection against and prevention of the commission of street crimes;

"(B) increased police patrolling and any new or innovative police activities or equipment designed to reduce street crime;

"(C) priority for the prosecution of offenders who have committed street crimes;

"(D) speedier trials and other strengthened procedures in the criminal courts located in that city to more expeditiously prosecute offenders who commit street crimes; and

"(E) special rehabilitative efforts in correctional institutions designed to help particularly first offenders who have committed street crimes;

"(2) provide assurances that the city will pay from non-Federal sources the remaining costs of such an application;

"(3) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursal and accounting of Federal funds paid to the eligible city (including such funds paid to the eligible city (including such funds paid by the eligible city to any agency of that city)) under this part; and

"(4) provide for making such reasonable reports in such form and containing such information as the administrator may reasonably require to carry out his functions under this part and for keeping such records and for affording such access thereto as the administrator may find necessary to assure the correctness and verification of such reports.

"(b) Before approving an application under his subpart the administrator shall consult with the applicant eligible city in order to develop jointly the most effective program for the reduction of street crimes in that city. The administrator shall approve any application and any modification thereof which complies with the provisions of this section and he shall not thereof without affording the eligible city notice and an opportunity for a hearing.

"Sec. 813. In order to carry out the provision of this subpart, the administrator is authorized—

"(1) to promulgate such rules and regulations as may be necessary;

"(2) to employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(3) to appoint one or more advisory committees composed of such private citizens and officials of State and local governments as he deems desirable;

"(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(5) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization; and

"(6) to accept voluntary and uncompensated service, notwithstanding the provisions of section 665 (b) of title 31, United States Code.

"(b) Upon request made by the administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the administrator in the performance of his functions.

"(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $135 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"Sec. 814. (a) Payments under this part shall be made to an eligible city in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment, and may be made directly to an eligible city or to one or more public agencies within such city designated for this purpose by the governing party of such city, or to both.

"(b) The Federal share shall not exceed ——— per centum of the costs of carrying out such application.

"Sec. 815. Whenever the administrator, after giving reasonable notice and opportunity for hearing to an eligible city receiving a grant under this part, finds—

"(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this part; or

"(2) that in the operation of the program or project there is failure to comply substantially with any such provisions; the administrator shall notify such eligible city of his findings and no further payments may be made to such eligible city by the administrator until he is satisfied that such noncompliance has been, or will promptly be, corrected. The administrator may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such eligible city and which are not involved in the noncompliance."

TITLE III—JUVENILE DELINQUENCY

PART A—CONGRESSIONAL FINDINGS

SEC. 301. The Congress finds that:

(1) Delinquency among the youth of this country continues to be a national problem.

(2) While much progress has been made in developing services which can assist in solving the program of juvenile delinquency, obstacles to the effective provision of those services still exist.

(3) These obstacles often take the form of fragmentation among many agencies and organizations of the responsibility for providing services to juvenile delinquents and those in danger of becoming delinquent; structural rigidity and arbitrary categorization of Federal, State, and local programs; and lack of coordination and communication among agencies and organizations which provide services to youth.

(4) Apply and develop innovative means of dealing with the problem of juvenile delinquency.

(5) There is a need to assist States and units of local government in the prevention of juvenile delinquency and encourage and assist State and local agencies to enter into new cooperative arrangement.

(6) There is a need to encourage comprehensive youth services systems among the States which will—

(a) assist in the prevention of juvenile delinquency or the rehabilitation of youth who are delinquent;

(b) improve the delivery of services to individuals who are delinquent or in danger of becoming delinquent; and

(c) divert as many juveniles as possible from the established system of criminal justice and the traditional methods of law enforcement.

(7) There is a need to delineate the responsibilities of the Department of Justice and the Department of Health, Education, and Welfare with regard to their programs and activities in the area of the prevention, treatment, and rehabilitation of juvenile delinquency.

(8) There is a need to provide greater protection for juveniles in the Federal courts of the country.

PART B—THE CREATION OF THE JUVENILE DELINQUENCY PREVENTION AND COORDINATION ADMINISTRATION

DEFINITIONS

SEC. 311. For purposes of this title—

(1) The term "youth services" means services which assist in the prevention of juvenile delinquency or in the rehabilitation of youths who are delinquent, including, but not limited to: individual and group counseling, family counseling, diagnostic services, remedial education, tutoring, alternate schools (institutions which provide education to youths outside the regular or traditional school system), vocational testing and training, job development and placement, emergency shelters, halfway houses, extended probationary and parole services, aftercare services, health services, drug abuse programs, social cultural, and recreational activities, the development of paraprofessional or volunteer programs, community awareness programs, runaway homes, foster care and shelter care homes, group homes and any other community-based treatment or rehabilitative facility or service, and legal services.

(2) The term "comprehensive youth services system" means a coordinated system, separate from the system of juvenile justice (which encompasses agencies such as the juvenile courts, law enforcement agencies, and detention facilities) for providing youth services to an individual who is delinquent or in danger of becoming delinquent and to his family in a manner designed to—

(a) facilitate accessibility to and utilization of all appropriate youth services provided within the geographic area served by such system by any public or private agency, organization, or institution which desires to provide such services through such system;

(b) identify the need for youth services not currently provided in the geographic area covered by such system, and, where appropriate, provide such services through such system;

(c) make the most effective use of youth services in meeting the needs of young people who are delinquent or in danger of becoming delinquent, and their families;

(d) use available resources efficiently and with a minimum of duplication in order to achieve the purposes of this Act; and

(e) identify the types and profiles of individual youths who are to be served by such a comprehensive system.

(3) The term "State" includes the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(4) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(5) The term "chief executive" means the Governor of the State in the case of any of the fifty States, and, in the case of the other States, the chief executive officer thereof.

JUVENILE DELINQUENCY PREVENTION AND COORDINATION ADMINISTRATION

SEC. 312. There is hereby established within the Department of Health, Education, and Welfare the Juvenile Delinquency Prevention and Coordination Administration to be directed by an Administrator of Juvenile Delinquency Prevention, who shall be appointed by the President by and with the advice and consent of the Senate. The administrator shall be executive head of the agency and shall exercise all necessary powers subject to the direction of the Secretary of Health, Education, and Welfare.

PLANNING GRANTS

SEC. 313. (a) The purpose of this section is to encourage States and units of general local government to develop and administer a comprehensive youth services system for delinquency prevention and coordination.

(b) The administration shall make grants to the State for the establishment and operation of a Juvenile Delinquency Prevention and Coordination Planning Agency hereinafter referred to as the Juvenile Delinquency Planning Agency, for the preparation, development, and revision of State plans required under section 314 of this title. Any State may make application to the administration for such grant within one year of the enactment of this title.

(c)(1) The grant made under this subparagraph by a State shall be utilized by the State to establish and maintain a Juvenile Delinquency Planning Agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. Such agency must be given authority to coordinate activities of State operating agencies involved in education, mental health, public health, welfare, youth development and vocational education as they relate to delinquency prevention. The State planning agency shall be representative of these juvenile delinquency prevention and youth development agencies and units of general local government within the State. In order for a Juvenile Delinquency Planning Agency to be approved by the administrator, he must have assurances, pursuant to developed guidelines, that it represents a wide spectrum of disciplines and the social and economic facets of the community. Any existing statewide agency which meets these qualifications and fulfills the objectives of this Act may qualify and be designated by the Governor as the Juvenile Delinquency Planning Agency.

(c) (2) The Juvenile Delinquency Planning Agency, shall, in accordance with regulations and guidelines promulgated by the Administrator, (a) develop in accordance with section 314 a statewide comprehensive youth services system for juvenile delinquency prevention throughout the entire State, (b) define, develop, and coordinate juvenile delinquency prevention programs for the State and units of general local government in the State, (c) establish goals, standards, and priorities for the improvement of juvenile delinquency prevention throughout the State.

(c) (3) The Juvenile Delinquency Planning Agency shall make such arrangements, as are required by regulations developed by the administrator, to assure that adequate planning funds are made available to units of local government within the State. In allocating funds under this subsection the State planning agency, pursuant to regulations developed by the administrator, must assure that major cities and counties within the State receive adequate planning funds to develop comprehensive programs and coordinate functions at the local level.

(d) A Federal grant authorized under this section may provide 100 per centum of the expenses for establishment and operation of the State planning agency, for the preparation, development, or revision of the plan required by section 314, and for the coordination of juvenile delinquency prevention programs.

(e) Funds appropriated to make grants under this section for a fiscal year shall be allocated by the administration for use therein by the State planning agency or unit of general local government as the case may be. The administration shall allocate $250,000 to each of the States and it shall then allocate the remainder of such funds available among the States according to their relative population. Where the State has no clearly demonstrated need for $250,000 allocation, the administration after notice and opportunity for hearing may grant less than $250,000 to the State. Where the State fails to file an application for a planning grant, the administrator may grant the funds available in this section to units of local government within the State.

(f) No State shall receive planning money under this title, if, after two annual planning grants allocated to the Juvenile Delinquency Planning Agency, said agency has not had approved by the Administrator, a youth services system as required in section 314 of this title.

ASSISTANCE FOR JUVENILE DELINQUENCY PREVENTION AND COORDINATION

SEC. 314. (a) The Administrator is authorized to make grants to States having State comprehensive youth service systems for establishing and operating programs for juvenile delinquency prevention and for coordination of such efforts.

(b) Any State desiring to participate in the grant program under this section shall establish a State planning agency as described in section 313.

(c) The Administration shall make grants under this chapter to a Juvenile Delinquency Planning Agency if such agency has on file with the Administration an approved comprehensive youth services system plan which conforms to guidelines and regulations set forth by the Administrator. No State plan shall be approved as comprehensive unless the Administrator finds that the plan provides for, (a) adequate resources for urban areas or areas of high juvenile crime, and (b) the allocation of adequate resources to deal with alternative methods of handling traditional law enforcement problems in those geographic areas characterized by high juvenile delinquency incidence and activity. Each plan shall—

(1) provide for the administration, supervision, or coordination of such plan by the State planning agency and any local agency where appropriate;

(2) provide adequate opportunity for recipients of youth services and public or private agencies, organizations, or institutions rendering youth services within the State to present their view to the Juvenile Delinquency Planning Agency with respect to such plan;

(3) include a description of—

(A) the functions, programs, and services which will be coordinated and the agencies and organizations which have agreed to participate in this coordinated effort;

(B) the administrative program which will lead to a stated efficiency to be achieved by the plan;

(C) the procedure which will be established for protecting the rights under Federal, State, and local law of recipients of youth services and shall assure appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(D) the procedure which will be established for evaluation of programs supported with funds granted under this section; and

(E) such other information as the Administrator deems to be necessary for carrying out the purposes of this Act;

(4) provide for special programs dealing with minority and disadvantaged youth;

(5) provide a comprehensive data review of delinquency statistics and youth problems;

(6) clearly identify current delinquency prevention services in the State including manpower services, demonstration programs, vocational and career training programs;

(7) include five- and ten-year goals and clearly define the increase or modified State expenditures that will be used to fully implement program and concepts under this Act;

(8) set forth procedures and policies designed to assure that Federal funds made available under this section will be so used as not to supplant State or local funds but to increase the amount of such funds that would in the absence of such Federal funds be made available for law enforcement;

(9) provide for comprehensive State fiscal and audit control of expenditures in accordance with regulations promulgated by the Administrator; and

(10) provide for coordination with those programs which are funded through the Safe Streets Act of 1968, as amended.

(d) The funds appropriated each fiscal year to make grants under this section shall be allocated by the Administration as follows:

(1) 70 per centum of such funds shall be allocated among States according to their respective population for grants to juvenile delinquency planning agencies.

(2) 30 per centum of such funds, plus any additional amount made available by virtue of other sections, of this Act, may in the discretion of the Administrator, be allocated among the States for grants to units of general local government or combinations of such units, according to developed guidelines and criteria and on the terms and conditions the Administrator determines consistent with this Act. Grants made from funds available under this section may be up to 80 per centum of the costs of the programs or projects for which such grant is made. In the case of a grant or subgrant to an Indian tribe, or a low income area defined by the Administrator, if the Administrator determines that the tribe or such areas do not have sufficient funds available to meet the required share of the cost of any program or project to be funded, the Administrator may increase the Federal share of the costs thereof.

(e) If the Administrator determines a date certain that a portion of the funds allocated to a State for grants to the juvenile delinquency planning agency under this section will not be required by the State or that the State will be unable to qualify to receive any portion of the funds under the requirements of this Act, that portion shall be available for reallocation to other States under paragraph (1) of subsection (d) of this section.

(f) Juvenile delinquency planning agencies shall receive application for financial assistance from units of general local government and combinations of such units. When a planning agency determines that such an application is in accordance with the provisions of this Act and the comprehensive plan, the planning agency is authorized to disburse funds to the applicant.

(g) Where a State has failed to have youth services plan approved under this title within the period specified by the Administrator for such purposes, the funds allocated for such State under paragraph (1) of subsection (d) of this section shall be available for reallocation by the Administrator under paragraph (2) of subsection (d) of this section. The failure of any State to submit such comprehensive plan shall not deprive any city or local government located within such State to receive money under this Act if it complies with the criteria set forth by the Administrator. Such criteria shall include comprehensive planning for that geographical area. The Administrator in his discretion may reallocate among the States and these cities on a population basis planning funds originally allocated for such planning agencies under section 313 of this Act if such State has failed to have its comprehensive plan approved.

(h) Youth already under the authority of the juvenile justice system may be accepted for a specific type of care or service if—

(1) such care or service is ordered by the court which has jurisdiction over the child; and

(2) such care or service is consented to by the correctional agency which has jurisdiction over the child; and

(3) if the child consents to such a service or program.

PAYMENTS

SEC. 315. Payments under grants or contracts made under section 4 may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

EVALUATION AND TECHNICAL ASSISTANCE

SEC. 316. (a) The Secretary may, directly or by grant or contract, evaluate programs assisted under section 314 in order to determine the achievements of such programs and the efficiency and effectiveness of the youth services provided on a coordinated basis thereunder. In addition to funds otherwise available therefor, such portion of any appropriation to carry out this Act as the Administrator may determine, but not less than 1 per centum thereof, shall be available to him for carrying out this subsection.

(b) The Administrator shall disseminate the results conducted under subsection (a), as well as other information concerning comprehensive youth services systems and significant findings of research activities in the field of delinquency prevention and youth development, to interested agencies, organizations, instiutions, and individuals.

(c) The Administrator shall provide, directly or by grant or contract, such technical assistance as he determnes to be necessary to assist public or nonprofit private agencies, organizations, or institutions in the planning, establishment, or operation of comprehensive youth services systems, or in the provision of youth services.

DEVELOPMENT OF RESEARCH AND INNOVATIVE METHODS

SEC. 317. The Administrator shall collect, synthesize, and formulate useful information and data on youth development, delinquency, delinquency prevention and rehabilitation, and related matters and disseminate upon request to Federal, State, local, and private agencies and concerned citizens. On the basis of the Administrator's research and analysis, he shall directly or by grant or contract, develop and test new and innovative methods whch, in his judgment, show promise of making a substantial contribution toward the prevention of juvenile delinquency or in the rehabilitation of youths who are delinquent or in danger of becoming delinquent.

INTERDEPARTMENT COORDINATION

SEC. 318. (a) It shall be the responsibility of the Administrator to coordinate the juvenile delinquency activities of all Federal agencies. Any Federal agency shall consult with and seek advice from the Administrator to insure fully coordinated efforts and the Administrator shall undertake to coordinate such efforts.

(b) There shall be an Advisory Council on Juvenile Delinquency (hereinafter in this section referred to as the "Council") composed of the Attorney General or his designee, the Administrator of Juvenile Delinquency Prevention and Coordination and the representatives of such other departments or agencies as the President may designate.

(c) The functions of the Council shall be to assist the Administrator in the coordination of all programs and activities within the Federal Government which relate to juvenile delinquency prevention or rehabilitation.

(d) The Administrator shall serve as the Chairman.

(e) The Council shall meet a minimum of six times per year and shall submit to the President an annual report which shall contain, among other things, a description of the activities of the Council and of the activities relating to juvenile delinquency of the Federal departments and agencies.

ADMINISTRATIVE PROVISIONS

SEC. 319. (a) The Administrator is authorized and shall establish within ninety days of enactment of this Act and where appropriate after consultation with representatives of States and units of general local government, such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this Act.

(b) The Administrator may delegate to any officer or official of the Administration, or, with the approval of the Secretary, to any officer of the Department of Health, Education, and Welfare, such functions as he deems appropriate.

(c) Subject to the civil service and classification laws, the Administrator is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out his powers and duties under this chapter.

(d) (1) Whenever the Administrator, after reasonable notice and opportunity, finds that, with respect to any payments made or to be made with this chapter, there is a substantial failure to comply with—

(A) the provisions of this Act;

(B) regulations promulgated by the Administrator under this chapter; or

(C) a plan or application submitted in accordance with the provisions of this chapter; the Administrator shall notify such applicant or grantee that further payments shall not be made (or in its discretion that there is such failure), until there is no longer such failure.

(2) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this chapter, or any applicant or grantee is dissatisfied with the Administration's final action under this title, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action.

A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall hereupon file in the court the record of the proceedings on which the action of the Administration was based.

(3) Conclusiveness of determinations: The determinations and findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of facts and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determination shall likewise be conclusive if supported by substantial evidence.

(4) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(e) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof: "(56) Administrator of Juvenile Delinquency Prevention and Coordination".

(2) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5.

(3) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this chapter as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(f) On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this chapter during the preceding fiscal year.

(g) (1) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Access, Audits, and Examinations

(2) The Administrator and the Comptroller General of the United States or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

Primary Grants or Contracts and Subgrants or Subcontracts

(3) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administrator.

AUTHORIZATION

Sec. 320. There are authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the next four fiscal years, $250,000,000 for carrying out this Act.

EFFECTIVE DATE

Sec. 321. The provisions of this Act shall become effective July 1, 1972.

REPEALER

Sec. 322. With respect to appropriations beginning after June 30, 1972, the Juvenile Delinquency and Control Act of 1968, other than section 407 thereof, is repealed. Section 407 of such Act is repealed effective with the close of June 30, 1972.

Part C—Amendments to Federal Juvenile Delinquency Act

Sec. 331. (a) Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Proceedings against juvenile delinquents

"(a) A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court of a State (1) does not have jurisdiction over said juvenile with respect to such act of juvenile delinquency, or (2) there is not available to such State juvenile court the rehabilitation and treatment services which would be needed by such juvenile.

"(b) If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State for such action as they may deem legally warranted.

"(c) If the Attorney General does so certify, the Attorney General shall proceed against such juvenile as a juvenile delinquent by information and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency: *Provided*, That with respect to a juvenile who is alleged to have committed an act which if committed by an adult would be a felony, criminal prosecution may be begun against such juvenile with respect to such act if the Attorney General moves in the appropriate district court of the United States that such criminal prosecution be undertaken and such court finds, after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his majority."

(b) Section 5033 of such title is amended by deleting everything after the second sentence thereof.

(c) Section 5034 of such title is amended by adding at the end of the third paragraph the following new sentence: "The Attorney General shall not cause any juvenile alleged or found to be delinquent to be detained or confined in any institution in which persons convicted of a crime or awaiting trial on criminal charges are confined."

(d) Section 5035 of such title is amended to read as follows:

"§ 5035. Detention of alleged juvenile delinquent

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the officer taking such juvenile into custody shall advise such juvenile of his legal rights, immediately notify the Attorney General, and forthwith take such juvenile before a committing magistrate.

"Such juvenile may be detained only in a juvenile home or such other suitable place as the Attorney General may designate by the officer taking such juvenile into custody but not for a longer period of time than is necessary to produce the juvenile before a committing magistrate.

"The committing magistrate shall, with all reasonable speed, release the juvenile to his parents, guardian, or custodian upon their promise to bring such juvenile before the appropriate court when requested by such court unless the committing magistrate determines, after hearing, that the detention of such juvenile is required—

"(a) to protect the person or property of others or of the juvenile; or

"(b) because the juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for such juvenile; or

"(c) to secure the timely presence of such juvenile before the appropriate court.

"Any child ordered to be detained by a committing magistrate shall be detained only in such juvenile home or other suitable place as the Attorney General may designate.

"No juvenile shall be detained in a jail, prison, or other similar place of confinement.

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, such juvenile and his parents, guardian, or custodian shall be advised by the officer or by any court before which such juvenile may be brought that such juvenile has the right to be represented by legal counsel at all stages of all proceedings. If legal counsel is not retained for such juvenile, or if it appears that legal counsel will not be retained, legal counsel shall be appointed by the court for such juvenile.

"Unless advised by legal counsel, the statements of a juvenile, while in custody, made to the officer taking such juvenile into custody, to any officer having custody of such juvenile, or to any court or court official shall not be used against such juvenile prior to the determination by the court that the juvenile did commit an act of juvenile delinquency.

"A juvenile charged with an act of juvenile delinquency shall be accorded the privilege against self-incrimination. Any extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding against such juvenile shall not be received in evidence over objection made by or on behalf of such juvenile.

"Evidence with respect to such juvenile illegally seized or obtained shall not be received in evidence over objection made by or on behalf of such juvenile in order to establish that such juvenile committed the alleged act of juvenile delinquency.

"An extrajudicial admission or confession made by the juvenile shall be insufficient to support a finding that the juvenile committed the alleged act of delinquency unless such admission or confession is corroborated by other credible evidence.

"Criminal proceedings based upon an alleged act of juvenile delinquency shall be barred where the court has begun taking evidence with respect to such act or where the juvenile has in open court admitted that he committed the alleged act of delinquency."

Part D—Amendments to the Omnibus Crime Control and Safe Streets Act of 1968

PLAN COMPONENT

Sec. 341. Section 303 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting immediately after the second sentence the following new sentence: "Within two years after the date of enactment of part F of this Act, no State plan shall be approved as comprehensive, unless it includes a juvenile justice component, as provided for in part F, and providing that at least a certain per centum as determined by the administrator each year on the basis of guidelines developed, of Federal assistance granted to the respective State planning agency for any fiscal year be allocated to the juvenile justice component of the State plan as provided for in part F."

GRANTS AUTHORIZED

SEC. 342. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting immediately after part E the following new part:

"PART F—GRANTS FOR JUVENILE DELINQUENCY "PREVENTION AND REHABILITATION

"SEC. 471. It is the purpose of this part to assist States and units of general local government to develop and implement programs and projects for the rehabilitation and treatment of juvenile delinquents.

"SEC. 472. The Administration is authorized to make grants under this part to a State planning agency: *Provided*, That the application sets forth a comprehensive statewide program for the rehabilitation and treatment of juvenile delinquents which shall include the following requirements:

"(a) provides that no less than 50 per centum of the funds available to such State pursuant to section 474(a)(1) will be expended only on the development and use of facilities and services designed to provide an alternative method of rehabilitating or detaining juveniles other than confinement in training schools, reform schools, correctional institutions, detention centers, and other similar facilities as the Administrator shall designate as prohibited pursuant to its authority contained in section 473 of this Act;

"(b) provides that the applicant State will treat juveniles who have committed offenses that would be criminal offenses if committed by an adult in separate facilities with separate and distinct programs;

"(c) provides for advanced techniques in the design of services and facilities, such as, but not limited to the following:

"(1) community-based services and facilities for the rehabilitation and treatment of juvenile delinquents through the development of foster-care and shelter care homes, group homes, halfway houses, and any other designated residential community-based treatment or rehabilitative facility or service;

"(2) diagnostic facilities and services on a state-wide, regional, or local basis;

"(3) expanded use of probation as an alternative to incarceration, including programs of probation subsidies, probation caseloads commensurate with recognized optimum standards, the recruitment and training of probation officers and other personnel according to standards promulgated by the Administration pursuant to section 474 of this Act, and community-oriented programs for the supervision of juvenile probationers and parolees;

"(4) comprehensive programs of drug abuse education and programs for the treatment and rehabilitation of drug dependent youth (as defined in section 2 of the Public Health Services Act (42 U.S.C. 201) as amended);

"(d) provides for special training and other qualifications in order to meet personnel standards required in dealing effectively with juvenile delinquents;

"(e) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12), of section 303 of this title.

"SEC. 473. The Administration shall by regulation prescribe basic criteria for applicants, grantees, facilities, and services; and shall promulgate such rules and regulations as are necessary to effectuate the provisions of this part.

"SEC. 474. (a) The funds appropriated for each fiscal year for grants under this part shall be allocated by the Administration as follows:

"(1) 85 per centum of the funds shall be available for grants to State planning agencies on the basis of the respective populations of juveniles aged eleven through seventeen, inclusive, of eligible States; and

"(2) the remaining 15 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. Funds awarded under this part may be used for real estate acquisition, provided that a specific comprehensive audit by the Administration is made at the time of purchase and at the time of selling of said property.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

"SEC. 475. There are authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972, and $500,000,000 for the succeeding fiscal year."

TECHNICAL AMENDMENTS

SEC. 343. (a) Paragraph 4 of section 453 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by striking the word "delinquents,".

(b) Subsection 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by striking out the word "There" and inserting in lieu thereof "Except as provided in part F, there".

(c) Parts F, G, H, and I of title I of such Act are redesignated as parts G, H, I, and J, respectively.

TITLE IV—NEW TRAINING AND EDUCATION PROGRAMS FOR CORRECTIONAL AND OTHER LAW ENFORCEMENT PERSONNEL

DEFINITIONS

SEC. 401. As used in this title—

(1) "Council" means the Coordinating Council for Regional Law Enforcement Academies;

(2) "law enforcement" means any activities pertaining to the prevention or reduction of crime, including the correctional rehabilitation of criminal and juvenile offenders, and the enforcement of the criminal law, and activities pertaining to court administration;

(3) "regional academy" means any regional academy established pursuant to section 405;

(4) "regional board" means the governing body of the regional academy as defined in section 405;

(5) "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa; and

(6) "correctional personnel" includes all officers and employees of any public agency engaged in the operation or supervision of any penal or correctional institution and all other professional and semiprofessional personnel who are involved in the protection, instruction, discipline or rehabilitation of persons charged with or convicted of offenses (on a part-time as well as a full-time basis).

APPROPRIATIONS AUTHORIZED

SEC. 402. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and such sums thereafter as may be necessary to carry out the provisions of this part.

ESTABLISHMENT OF THE COORDINATING COUNCIL

SEC. 403. (a) There is hereby established a Coordinating Council for Regional Law Enforcement Academies, hereinafter referred to as "Council".

(b) The Council shall be composed of eleven members as follows:

(1) the Commissioner of Education;

(2) the Director of the Federal Bureau of Prisons;

(3) the Administrator of the Law Enforcement Administration in the Department of Justice;

(4) a member of the police community appointed by the Attorney General;

(5) a member of the correctional community appointed by the Attorney General;

(6) an educator appointed by the Secretary of Health, Education, and Welfare;

(7) an urbanologist appointed by the Secretary of Housing and Urban Development;

(8) a criminologist appointed by the Attorney General;

(9) a psychologist or psychiatrist appointed by the Secretary of Health, Education, and Welfare;

(10) an individual, who by reason of experience or training is acquainted with the special problems of the poor and law enforcement, appointed by the Director of the Office of Economic Opportunity; and

(11) a judge experienced in criminal law appointed by the Chief Justice of the United States.

(c) Members of the Council appointed pursuant to clauses (4) through (11) of subsection (a) of this section shall be appointed with the advice and consent of the Senate.

(d) Appointed members of the Council shall serve terms of five years, except that—

(1) of those initially appointed, two shall serve terms of two years, two shall serve terms of three years, two shall serve terms of four years, and three shall serve terms of five years as designated by the President at the time of appointment;

(2) in the event an appointed member should resign or be removed from the Council, such vacancy shall be filled in accordance with the provisions of section 3(a) of this Act but only for the unexpired portion of the vacant term; and

(3) members of the Council may be removed by the President for neglect of duty or malfeasance.

(e) A majority of the members of the Council shall constitute a quorum.

(f) The members of the Council shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) The Council is authorized without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of confidential Director. The Executive Director shall, by reason of training or experience, be specially qualified to carry out the duties of the office, serve at the pleasure of the Council, be an ex officio member of the Council, and carry out such duties as may be assigned to him by the Council.

FUNCTIONS OF THE COORDINATING COUNCIL

SEC. 404. In order to carry out the purposes of this title, the Council is authorized to—

(1) assist the Secretary of Health, Education, and Welfare and the Administrator of the Law Enforcement Assistance Administration to establish not less than seven regional academies in accordance with section 5 of this title;

(2) supervise the operation of such regional academies;

(3) establish general policies with respect to curriculum development, courses of instruction relevant to the field of law enforcement, corrections, and court administration, the hiring and firing of faculty and degree requirements, for such regional academies;

(4) establish general procedures for qualifications for applicants to such regional academies;

(5) grant a degree equivalent to the bachelor of arts degree to any candidate who satisfactorily completes the requirements set forth in section 8 of this title;

(6) report annually to the Congress on the operations of the Council;

(7) publish pertinent information in forms useful to individuals, agencies, and organizations concerned with correctional systems, law enforcement, and court administration;

(8) make legislative and policy recommendations to the Congress in the area of law enforcement; and

(9) perform such other functions as may be necessary to carry out the provisions of this title.

REGIONAL ACADEMIES

SEC. 405. (a) The Secretary of the Department of Health, Education, and Welfare, in conjunction with the Administrator of the Law Enforcement Assistance Administration of the Justice Department shall establish not less than seven regional law enforcement academies. The location of the academy shall be determined by guidelines published by the two departments. However, emphasis shall be placed upon the already existing law enforcement educational facilities to accommodate a particular region. The campus of a college or university shall be given priority in the location of a regional academy.

(b) The regional academy shall be administered by a regional board composed of two persons from each State within the region who by reason of experience or training are specially qualified to serve on such board and who shall be residents of the region which they are to serve. For purposes of the regional board, no State may be placed in more than one region.

(c) (1) The members of the regional board shall be appointed by the State planning board of each State for each region established pursuant to title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(2) Members of the regional boards shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of any regional board.

(d) Each regional board is authorized to—

(1) appoint a chancellor of the regional academy from among those who are suitably qualified by reason of experience and training, who shall serve at the pleasure of the regional board, and who shall be an ex officio member of the regional board, and who shall carry out such duties as may be assigned to him by the regional board and who shall be compensated at the rate provided for GS–18 of the General Schedule of title 5 of the United States Code;

(2) develop, in accordance with general policy set by the Council, a curriculum of study with particular emphasis upon community relations, criminology, humanities, social and behavioral sciences, penology, government, law, court administration, riot control, and other subjects appropriate and relevant to the law enforcement, corrections and court administration of the region to be served by the regional academy;

(3) provide for a three-year period of instruction for persons engaging in or preparing to enter the field of law enforcement and assist in obtaining a one-year internship as described in section 407(2) of this title in the law enforcement, correctional, or court administration field in the region served by such academy;

(4) process and accept qualified applicants in accordance with the guidelines set forth by the Council;

(5) report annually to the Council on the operations of such regional academy and include therein any recommendations for Federal and State legislation, regulation and other relief in the area within the Regional Academy's jurisdiction;

(6) establish full- or part-time training programs for Federal correctional personnel and provide at the request of a State or unit of local government full- or part-time training programs for State and local correctional personnel;

(7) each regional academy is authorized to establish programs which shall enable the regional academy to serve as—

(a) a training institution for students and practitioners of criminal justice;

(b) a centralized channel for the recruitment of criminal justice personnel in conjunction with Federal, State, and local criminal justice agencies;

(c) a consultation center for criminal justice agencies and relevant professional schools; and

(d) a research center for basic and applied studies of criminal justice;

(8) the regional academy is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, or other appropriate public and private nonprofit organizations to assist them in planning, developing, strengthening, or carry out programs designed to provide training or academic educational assistance to persons for study in academic subjects related to correctional administration, rehabilitative services, court administration, and law enforcement;

(9) authorized to assist States and units of local government in recruitment for law enforcement personnel; and

(10) conduct seminars for attorneys, judges, administrators, Federal and State correctional officials, ex-offenders, and students of the correctional system.

(e) The authorized number of students at each regional academy shall be determined each fiscal year on the basis of population and need of each region by the Secretary of Health, Education, and Welfare and the Administrator of the Law Enforcement Assistance Administration.

STIPENDS

SEC. 406. Every full-time student at a regional academy as described in section 405 (13) shall receive during the period of instruction such reasonable stipends and allowances as the regional board upon approval of the Council determines to be necessary. Each student during the one-year internship described in section 407(2) of this title shall receive such stipends together with the compensation paid to such student intern by the State or local law enforcement agency for the year as the regional board upon approval of the Council determines is necessary to assure that such student intern receives not less than a minimum salary for such year.

AGREEMENTS

SEC. 407. Each student as described in section 405(c)5 selected for admission to a regional academy shall sign an agreement, that unless separated, he will to the best of his ability attempt to—

(1) complete a three-year course of instruction at the regional academy;

(2) serve, in an intern capacity with a State or local law enforcement agency acceptable to the appropriate regional board, in the region from which he was appointed, for a period of not less than one year immediately following the end of the period of instruction at the regional academy. The law enforcement agency shall certify to the regional board upon the satisfactory completion, as defined by the board, of the internship;

(3) after said internship program serve in a State, local or Federal enforcement agency within the region from which he was appointed or within any other region acceptable to the appropriate regional board for a period of not less than three years; and

(4) in the event he shall terminate the course of instruction prior to the end of three years, terminate his internship prior to the end of one year, or terminate service with a State or local enforcement agency within the appropriate region prior to the end of three years, he shall be required to repay 50 per centum of the stipends and allowances received under this title. Appropriate exceptions to this requirement may be made by the appropriate regional board pursuant to guidelines issued by the Council.

ADMINISTRATIVE PROVISIONS

SEC. 408. The Council, and each regional academy under the supervision and direction of the appropriate regional board is authorized—

(1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51, subchapter III, of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

(2) to procure temporary and intermittent services to the sum estimate as is authorized by section 3109 of title 5, United States Code;

(3) to promulgate such rules and regulations as may be necessary to carry out the provisions of this title.

(4) to acquire and hold necessary real and personal property;

(5) to accept in the name of the Council and the regional academies; and

(6) to use the services, personnel, facilities, and information of Federal executive agencies and private organizations pursuant to an agreement with the head of any such agency.

TITLE V—CORRECTIONAL REORGANIZATION AND STANDARDS

PART A—FEDERAL CIRCUIT OFFENDER DISPOSITION BOARD

SEC. 501. (a) There is hereby established the Federal Circuit Offender Disposition Board (hereinafter referred to in this part as the "Circuit Board"), which shall be composed of eleven members appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall represent diverse backgrounds, including, but not limited to, the fields of correction, psychiatry, psychology, sociology, law, medicine, education, and vocational training. Such members shall serve for terms of four years, except that, of the members first appointed, three shall serve for terms of one year, three shall serve for terms of two years, three shall serve for terms of three years, and two shall serve for terms of four years, as designated by the President at the time of their appointments. Members shall be eligible for reappointment. At the time of his appointment, each member shall be designated by the President to represent a specific judicial circuit. The Attorney General shall call the first meeting of the Circuit Board within six months of enactment.

(b) The Circuit Board shall elect, from among its members, one member to serve as Chairman. The Chairman shall represent the circuit and fix the compensation of such employees as it determines necessary to carry out its duties under this Act.

(c) Members of the Board shall receive compensation at the rate of $100 for each day on which they are engaged in the performance of the duties of the Board, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Board.

(d) The Circuit Board is authorized to enter into contracts or other arrangements for goods or services, with public or private profit organizations, to assist it in carrying out its duties and functions under this Act.

FUNCTIONS OF THE CIRCUIT BOARD

Sec. 502. It shall be the function of the Circuit Board to formulate, promulgate, and oversee a national policy on the treatment of offenders under the jurisdiction of any court of the United States on the basis of a charge of having violated any of the laws of the United States. In carrying out such function, the Circuit Board shall, among other things—

(1) establish and recommend sentencing guidelines and standards for the United States courts, and provide periodic review thereof;

(2) establish guidelines and standards for the United States courts in probation, parole, or other forms of release of offenders;

(3) hear appeals by offenders denied parole on the sole ground that a district board deviated from the established national guidelines and standards established pursuant to clause (2) of this section;

(4) assign to each member of the Board the responsibility of overseeing the direction and operation of the various District Boards within the circuit which such member represents; and

(5) assign each member of the Board the responsibility of notifying the President of the United States of any vacancy on the various District Boards within the circuit which such member represents.

REPORTS

Sec. 503. The Board shall, not less than annually, made a written report to the Attorney General concerning the carrying out of its functions and duties under this Act.

DISTRICT COURT DISPOSITION BOARDS

Sec. 504. (a) There is hereby established in each judicial district a District Court Disposition Board (hereinafter referred to in this Act as the "District Board"), which shall be composed of not less than five members appointed by the President of the United States, by and with the advice and consent of the Senate, and representing diverse backgrounds, including, but not limited to, the fields of correction, psychiatry, psychology, sociology, law, medicine, education, and vocational training. The Board shall elect, from among its members, one member to serve as Chairman. The Board may appoint and fix the compensation of such employees as it determines are necessary to carry out its duties under this Act. The Attorney General shall call the first meeting of each District Board.

(b) Each member of a District Board shall be compensated in an amount equal to $—— per annum, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Board.

(c) Such District Board may establish such units as it determines necessary, which may include an investigation unit, a pretrial evaluation unit, a presentence unit, a youthful offender unit, and a narcotics and alcohol unit. Each unit shall consist of such members as shall be determined by the Board. Each unit, with the approval of the Board, shall be authorized to appoint and fix the compensation of such employees as it determines are necessary to carry out its duties

(d) Immediately following the arraignment of a person charged with a Federal offense, the case shall be assigned to the District Board, which shall—

(1) investigate the defendant's background, family ties, relationship with the community, employment history, and the circumstances surrounding the alleged offense, and other information which it deems pertinent;

(2) recommend, if indicated, mental observation, or medical observation for problems such as alcoholism, drug addiction, or other mental or physical disabilities; and

(3) submit, within thirty days of arraignment, a written report to the counsel of record for such defendant, and the office of the United States attorney having jurisdiction over the case.

(e) The report shall set forth the findings and conclusions of the District Board, including its conclusions as to any physical, mental, social, economic, or other problems of the defendant and shall recommend whether and what type of diversion of the defendant from the criminal justice system of prosecution is desirable. The report shall be made part of the permanent record of the defendant's case.

(f) The report shall be the basis for discussion between the United States Attorney and counsel of record for the defendant at a formal precharge conference, during which the report and alternatives to prosecution shall be considered. If the United States Attorney and counsel for the defendant agree that diversion of the defendant from the criminal prosecution system would be desirable, and an appropriate authorized diversion program exists, then the charges against the defendant shall be suspended for up to twelve calendar months subject to the defendant agreeing to participate in that program. The board shall file with the court a statement of the date the defendant has commenced participation in the program. The United States Attorney shall make periodic reviews as to the progress of the defendant while participating in the program, and if the United States Attorney is not satisfied with the defendant's progress, he may resume prosecution of the charges by filing within one year after the defendant commenced participation in the program, a statement of intention to resume prosecution, which shall include the reasons for resumption of prosecution. If the United States Attorney does not file a timely statement of intention to resume prosecution of the charges against the defendant, the charges shall be permanently dismissed. The statement of intention by the United States Attorney to resume prosecution shall be included in the record of the case.

(g) If a defendant is prosecuted for and convicted of, a Federal offense, the court shall refer the record of the case to the appropriate district board for review and consideration prior to sentencing. The board shall examine and review the record, the pretrial evaluation report and other pertinent information concerning the case, including the recommendations of counsel for the defendant. Within thirty days after receiving the record, the board shall file a written report with the court, the counsel for the defendant, and the United States Attorney. Such report shall include—

(1) the sentence recommended by the Board, which may be a suspended sentence, probation, imprisonment, or any alternative authorized by law to imprisonment

(2) the reasons for the sentence recommended; and

(3) if imprisonment is recommended—

(A) the reason imprisonment is recommended (such as for reasons of punishment, deterrence, or rehabilitation) and what alternatives were considered as inapplicable, and the reasons therefor;

(B) the term of imprisonment recommended and the institution or facility in which the imprisonment is recommended to be carried out; and

(C) the goals for the offender to attain while so imprisoned which, when attained, should entitle him to parole, but the goals may, from time to time, be revised by the District Board.

(h) If the court determines not to follow the recommendations of the District Board, it shall so state in writing along with the reasons therefor, and the purposes and goals of its sentence.

(i) The District Board shall carry out, with respect to a defendant who has been sentenced, the functions relating to probation, parole, or other form of release (as the case may be) transferred to the Board pursuant to section 508 of the Act. In carrying out these functions, the District Board shall hold an annual hearing with respect to each offender who has been sentenced to imprisonment. In the hearing, all pertinent information concerning the offender shall be reviewed with a view to determining the progress of the offender in attaining the goals established for him by the District Board. At the hearing the offender shall have the right to be represented by counsel, to submit evidence, and to cross-examine witnesses. Within fourteen days following the conclusion of the hearing, the Board shall make its determination as to whether the offender should be released on parole or other authorized alternative action taken. A determination by the Board to authorize release on parole of an offender eligible for parole shall be accompanied by a statement of the conditions of parole. If the Board determines that an offender who is not eligible for parole should be released on parole, it shall recommend to the appropriate court that the sentence of the offender may be so reduced so that the offender may be so released, or that an authorized alternative disposition be made, and within fourteen days after the determination, the District Board shall submit to the offender and to the appropriate court a written report containing the decisions of the Board and the reasons therefor, including the views of the Board with respect to the goals the offender has attained and the goals he has not yet attained.

(j) A quorum for any hearing held pursuant to subsection (i) shall be not less than three members of the District Board.

(k) The decision of the District Board may be appealed to the Circuit Board by the offender affected by the decision solely on the basis that the District Board, in conducting the hearing, failed to follow the standards and guidelines established by the Circuit Board pursuant to section 505(2) of this Act. Nothing in this section shall be construed as abridging the right of an offender to appeal a sentence to the Federal courts.

(1) The District Boards are authorized to enter into contracts or other arrangements for goods or services, with public or private profit organization to assist them in carrying out its duties and functions under this Act.

TRANSFER OF FUNCTIONS PAROLE: PROBATION

Sec. 505. There are hereby transferred to the District Boards established by this Act all functions which were carried out immediately before the effective date of this section—

(1) by the Federal Board of Parole;

(2) by any United States court relating to the appointment and supervision of probation officers;

(3) by the Attorney General relating to the prescribing of duties of probation officers; and

(4) by the Director of the Administration Office of the United States courts relating to probation officers and the operation of the probation system in the United States courts.

TECHNICAL PROVISIONS

Sec. 506. (a) With respect to any function transferred by this title and exercised after the effective date of this section, reference in any other Federal law, rule or regulation to any Federal instrumentality or officer from which or whose functions transferred by this Act shall be deemed to mean the instrumentality or officer in which or whom such function is vested by this Act.

(b) In the exercise of any function transferred by this Act, the appropriate officer of the District Board to which such functions were so transferred shall have the same authority as that vested in the officer exercising such function immediately preceding its transfer, and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such officer having such function prior to its transfer by this title.

(c) All personnel (other than the members of the Board of Parole), assets, liabilities, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred by this title are hereby transferred to the District Boards in such manner and to such extent as the said Director shall prescribe. Such personnel shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions.

(d) Effective on the effective date of section 401 of this Act, the Board of Parole shall lapse.

(e) As used in this Act, the term "function" included powers and duties.

EFFECTIVE DATE

Sec. 507. Sections 502, 503, 505, subsections (d), (e), (f), (g), (h), (i), (j), and (k) of section 507, and sections 508 and 509 of this Act shall take effect upon the expiration of the one hundred and twenty-day period following the date of the enactment of this Act. All other provisions of this Act shall take effect upon the date of its enactment.

DEFINITION

Sec. 508. As used in this part, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

AUTHORIZATIONS

Sec. 509. (a) On and after the date of the enactment of this Act, all moneys received by any court of the United States as fines, penalties, forefeitures, and otherwise shall be deposited in the Treasury to the credit of Federal Circuit Offender Disposition Board and shall he available for carrying out the purposes of this Act.

(b) There are authorized to be appropriated such sums as may be necessary in addition to those available pursuant to subsection (a) of this section to carry out the provisions of this part.

Part B—Correctional Standards

NATIONAL ADVISORY COMMISSION ON CORRECTIONAL STANDARDS

Sec. 511. Section 454 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"Sec. 454. (a) The President shall, within sixty days after enactment of this section, in consultation with the Attorney General, appoint, without regard to the provisions of title 5, United States Code, a National Advisory Commission on Correctional Standards.

"(b) The Commission shall consist of fifteen members, who shall be appointed, by and with the advise and consent of the Senate, from among persons who are broadly representative of experience in the fields of correctional administration and rehabilitation at the Federal, State, and local level, probation and parole services, correctional manpower and training activities, law, the social and behavioral sciences, and public and private agencies and organizations engaged in correctional rehabilitation programs and overall correctional reform. The Chairman of the Commission shall be selected by the President from among the members, except that such Chairman shall be selected from the private sector and shall not be an officer of any Federal, State or local governmental department or agency.

"(1) It shall be the duty of the Commission within one year of its appointment to establish minimum standards relating to the administration of correctional and pretrial detention institutions and facilities, consistent with the provisions of subparagraph (d) of this section, and to hold public hearings on the proposed standards prior to submitting its final recommendations to the Attorney General for his approval. Eight members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

"(2) The Commission shall cease to exist sixty days after its final recommendations are submitted under this section.

"(3) The Commission shall meet at the call of the Chairman, or at the call of a majority of the members thereof.

"(c) The Attorney General shall approve the standards as a whole or secure the concurrence of the Commission by majority vote of its members to changes therein. Upon approval, such standards shall be published and shall be applicable to all correctional and pretrial detention facilities receiving Federal financial assistance, or in which programs receiving Federal financial assistance are operated pursuant to this Act.

"(1) The Administration shall not make any grant under this Act to any State planning agency, unit of general local government, or combination of such units, unless the applicant—

"(A) provides satisfactory assurances that such grant will be employed to implement the minimum standards established under this section by the Commission within a reasonable time, and

"(B) demonstrates, following the establishment of such minimum standards, that such standards are being implemented to the reasonable satisfaction of the Attorney General.

"(2) The Attorney General shall take whatever action is necessary to assure that all Federal correctional instiutions meet the standards established by the Commission under this section.

"(D) To the extent practicable and consistent with the findings of the Commission and of other public and private organizations and agencies the minimum standards established pursuant to subsection (b) (1) of this section shall relate to—

"(1) the maintenance of the physical and mental health of persons detained within correctional departments and agencies including the quality of medical, hospital, and infirmary facilities and services, and the availability of physicians, psychiatric and psychological counseling, therapy for drug users and alcoholics, adequate food services and appropriate facilities for exercise and recreation;

"(2) the personal, hygienic necessities of inmates, including availability of soap, towels, showers, laundry services, and the inspection and compliance of correctional and detention facilities with local health and sanitary codes;

"(3) the availability of bilingual programs for the basic and vocational education and training of inmates, including library services;

"(4) the publication and notice to inmates of rules governing the conduct of persons detained in correctional institutions and detention facilities, and of correctional, custodial and administrative personnel, and the procedures to be followed in adjudicating charges for violations of such rules, and the minimum and maximum penalties applicable to such violations;

"(5) the impartial hearings and adjudication of complaints and grievances concerning discipline or other actions, policies or practices of a correctional department or agency, or any employee thereof, including the feasibility of ombudsman or similar services;

"(6) the forms of discipline and punishment that may be administered as well as the procedural practices applicable to the disposition of disciplinary actions against inmates resulting in loss of good time, loss of privileges, restricted confinement within the general population, or punitive segregation for a specified period;

"(7) rules and regulations pertaining to the sending and receiving of mail, including the opening, censoring, and confiscating or correspondence, and the transmitting of written material for publication;

"(8) rules and regulations pertaining to visitation opportunities afforded to inmates, and the use of telephone service for communication with family, attorneys, and others;

"(9) rules and regulations governing eligibility for parole and probation, the disposition of applications for such action and the publication and notice to inmates of such procedures;

"(10) rules and regulations pertaining to the registration of inmates eligible to vote consistent with the provisions of State and local law;

"(11) rules and regulations pertaining to the availability and frequency of religious services, including counseling;

"(12) the employment and utilization of custodial, administrative, and rehabilitative professional and paraprofessional personnel who are representative of minority groups; and

"(13) special rules and regulations applicable to the incarceration and detention of those who have been charged with, but not convicted of any crime, those who are juvenile delinquents and youth offenders, those who are felons and misdemeanants, and persons of different sex.

"(e) (1) Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Commission. Members of the Commission from private life shall receive $125 per diem while engaged in the actual performance of the duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

"(2) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 5, and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

"(3) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $75 per diem, including traveltime. While away from his home or regular place of business in the performance of services for the Commission, such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(4) The Commission shall secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this section. Upon request of the chairman, such department or agency shall furnish such information expeditiously to the Commission.

"(f) There are hereby authorized to be appropriated $500,000 for the purpose of carrying out this part."

TITLE VI—CRIMINAL OFFENDER'S REHABILITATION AND RESTORATION OF RIGHTS

PART A—PAYMENT OF MINIMUM WAGE AND SOCIAL SECURITY BENEFITS TO INMATES

MINIMUM WAGE FOR INMATES EMPLOYED IN CONNECTION WITH PRISON-MADE PRODUCTS

SEC. 601. Section 4126 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provision of this title or any other law, any inmate employed in any industry, or performing outstanding services in institutional operations shall be compensated at an hourly rate of not less than seventy-five cents, but in no event shall the Attorney General be precluded from authorizing, by regulation, a higher rate in connection with promotions or other incentive purposes."

SEC. 2. The first pargraph of section 4124 of title 18, United States Code, is amended by adding at the end thereof the following new sentence: "Such departments, agencies, and institutions may purchase, at not to exceed current market prices, prison-made products from State penal or correctional systems, if the inmates employed in connection with the making of such products were compensated therefor at an hourly rate of not less than seventy-five cents."

SOCIAL SECURITY COVERAGE

Coverage of Inmates of Federal Penal Institutions

SEC. 602. (a) Section 210(a)(6)(C) of the Social Security Act is amended by striking out clause (iii) thereof.

(b) Section 3121(b)(6)(C) of the Internal Revenue Code of 1954 is amended by striking out clause (iii) thereof.

(c) The amendments made by this section shall apply with respect to service performed on and after the first day of the first calendar quarter which begins on or after the date of enactment of this Act.

PART B—CIVIL ACTIONS FOR DEPRIVATION OF RIGHTS

CIVIL ACTIONS AUTHORIZED

SEC. 611. Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by adding at the end thereof the following new sentence: "Nothing in this section shall be construed to deny to any person who has been convicted of a criminal offense, the right to bring an action, suit, or other proceeding under the provisions of this chapter and title 18, United States Code, for the protection of all persons in the United States in their civil rights, and for their vindication."

PART C—USE OF CERTAIN FEDERAL PRISON EARNINGS FOR TRAINING

INMATE VOCATIONAL TRAINING AND REHABILITATION FUNDS

SEC. 621. The third paragraph of section 4126 of title 18, United States Code, is amended by striking out "in the vocational training of inmates without regard to their industrial or other assignments;" and inserting at the end thereof the following: "With respect to the earnings that accrue to the corporation each year, the Attorney General shall direct the employment of not less than 100 per centum of such earnings for the purpose of providing vocational and rehabilitational training for inmates. Such training shall take into consideration the vocational and rehabilitative needs of the inmates and shall be undertaken without regard to the needs arising in connection with the industrial and other activities of the Federal prison industries."

PART D—SURPLUS FOOD FOR CORRECTIONAL INSTITUTIONS

PROGRAM AUTHORIZED

SEC. 631. Section 210 of the Agricultural Act of 1956 is amended to read as follows:

"SEC. 210. Notwithstanding any other limitations as to the disposal of surplus commodities acquired through price-support operations, the Commodity Credit Corporation is authorized on such terms and under such regulations as the Secretary of Agriculture may deem in the public interest, and upon application, to donate food commodities acquired through price-support operations to Federal penal and correctional institutions, to State (including the District of Columbia and the Commonwealth of Puerto Rico) penal and correctional institutions, and to penal and correctional institutions (including jails) of any political subdivision of any such State, other than those in which food services is provided for inmates on a fee, contract, or concession basis."

PART E—RIGHT TO VOTE FOR REHABILITATED OFFENDERS

AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965

SEC. 641. The Voting Rights Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IV—RESTORATION OF RIGHT TO VOTE OF PERSONS CONVICTED OF CRIMES

"DEFINITIONS

"SEC. 401. As used in this title, the term—

"(1) 'Federal election' means a primary, general or special election held to vote for electors for President and Vice President, President or Vice President, Senator, Representative, or Delegate or Resident Commissioner to the Congress; and

"(2) 'State' means each of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

"RIGHT TO VOTE

"SEC. 402. No citizen of the United States who is otherwise qualified to vote in a Federal election shall be denied the right to vote in any Federal election because he has been convicted of any crime in any Federal or State court if subsequent to such conviction he has been pardoned or if he is no longer subject to the jurisdiction of any court with respect to such conviction.

"JUDICIAL RELIEF

"SEC. 403. Whenever the Attorney General has reason to believe that a State or political subdivision is undertaking to deny the right to vote in any Federal election in violation of this title, he may institute for the United States, or in the name of the United States an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

"PENALTY

"SEC. 404. Whoever shall deprive or attempt to deprive any person of any right secured by this title shall be fined not more than $5,000, or imprisoned not more than five years, or both."

TITLE VII—COMMISSION ON VICTIMLESS CRIMES

DEFINITIONS

SEC. 701. For the purpose of this part—

(1) "victimless crime" means—

(A) prostitution;

(B) narcotic addiction and drug abuse;

(C) gambling;

(D) vagrancy and disorderly conduct;

(E) juvenile delinquency and related offenses committed by juveniles which, if committed by an adult, would not be a crime; and

(F) any other similar offense determined by the Commission to be victimless crime; and

(2) "Commission" means the National Commission on Victimless Crimes.

COMMISSION ESTABLISHED

SEC. 702. (a) There is established a Commission on Victimless Crimes composed of fifteen members appointed by the President, by and with the advice and consent of the Senate, from among individuals who by virtue of their experience or training are especially qualified to serve on the Commission. In making appointments to the Commission, the President shall appoint individuals who represent a broad range of occupations and who will provide, collectively, broad expertise in the field of victimless crimes, and will provide, collectively, an appropriate regional balance.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman and Vice Chairman from among its members.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 703. (a) The Commission shall make a complete and full study and investigation of the application of criminal law to victimless crimes, with a view to determining the propriety of applying such laws to victimless crimes, and establishing alternative means of dealing with the effects upon society of dealing with such crimes.

(b) Within one year after the enactment of this title, the Commission shall submit to the President and the Congress interim reports with respect to its study and investigation and a final report, not later than one year after the date of enactment of this Act, which shall include recommendations and proposals, including legislative proposals necessary to carry out its recommendations.

(c) The Commission shall cease to exist 90 days after the submission of its final report.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 704. (a) The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings as may be required for the performance of its functions under this title, administer oaths for the purpose of taking evidence in any such hearings and issue subpenas to compel witnesses to appear and testify and to compel the production of documentary evidence in any such hearing. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this title.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for level V of the Executive Schedule in title 5, United States Code; and

(2) to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(d) (1) Subpenas issued pursuant to subsection (a) of this section shall bear the signature of the Chairman of the Commission and may be served by any person designated by the Chairman of the Commission for that purpose.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances of witnesses so summoned under authority conferred by this section shall be paid from funds appropriated to the Commission.

(3) Any person who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify, or to produce any evidence in obedience to any subpena duly issued under authority of this section shall be fined not more than $500, or imprisoned for not more than six months, or both. Upon the certification by the Chairman of the Commission of the facts concerning any such willful disobedience by any person to the United States attorney for any judicial district in which such person resides or is found, such attorney shall proceed by information for the prosecution of such person for such offense.

COMPENSATION OF MEMBERS

SEC. 705. (a) Members of the Commission who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(b) Members of the Commission not otherwise employed by the Federal Government shall receive compensation at the rate of $______ a day, including traveltime, for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

EXPENSES OF THE COMMISSION

SEC. 706. There are authorized to be appropriated $1,000,000 to carry out the provisions of this title.

TITLE VIII—LAW ENFORCEMENT PERSONNEL DEATH BENEFITS PROGRAM

PROGRAM AUTHORIZED

SEC. 801. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new part:

"PART L—PUBLIC SAFETY AND CRIMINAL JUSTICE AND CORRECTIONAL PERSONNEL DEATH BENEFITS

"SEC. 701. (a) Under regulations issued by the Administration under this title, upon certification to the Administration by the Governor of any State that a law enforcement officer employed on a full- or part-time basis by that State or a unit of general local government within the State has been killed as a result of his employment, leaving a spouse or one or more eligible dependents, the Administration shall pay a gratuity of $50,000, in the following order of precedence:

"(1) If there is no dependent child, to the spouse.

"(2) If there is no spouse, to the dependent child or children, in equal shares.

"(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares.

"(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

"(b) As used in this section, a dependent child is one who is unmarried and who was either living with or was receiving regular support contributions from the law enforcement officer at the time of his death, including a stepchild, an adopted child, or a posthumous child, and who is—

"(1) under eighteen years of age; or

"(2) over eighteen years of age and incapable of self-support because of physical or mental disability; or

"(3) over eighteen years of age and a student as defined by section 8101 of title 5, United States Code.

"(c) As used in this section, spouse includes one living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

"(d) As used in this section, the term 'law enforcement officer' means all public safety and criminal justice personnel including police, sheriffs, deputy sheriffs, highway patrolmen, firemen, including volunteer firemen, parole and probation officers, investigatory and correctional personnel, alcoholic beverage control agents, judges, magistrates, justices of the peace, and other officers of the court.

"SEC. 702. The gratuity payable to any person under this part is in addition to any benefits to which he may be entitled under any other law."

APPROPRIATIONS AUTHORIZED

SEC. 802. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by changing the period at the end of subsection (c) of that section to a comma and adding, "except that for the purposes of part L the term does not include the District of Columbia".

AMENDMENT TO THE INTERNAL REVENUE CODE OF 1954

SEC. 804. Section 101(b) (2) (A) of the Internal Revenue Code of 1964 (relating to death benefits excluded from gross income) is amended to read as follows:

"(A) $5,000 LIMITATION.—The aggregate amounts excludable under paragraph (1) with respect to the death of any employee shall not exceed $5,000, except that an amount not to exceed $50,000 shall be excludable under such paragraph if such sum is paid under the provisions of part J of the Omnibus Crime Control and Safe Streets Act of 1968."

EFFECTIVE DATE

SEC. 805. This title shall become effective with respect to any death of a law enforcement officer on or after January 1, 1967.

TITLE IX—CRIMINAL INJURIES COMPENSATION PROGRAM

PART A—DEFINITIONS AND APPLICABILITY

DEFINITIONS

SEC. 901. As used in this title the term—

(1) "child" means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and a child conceived prior to but born after the death of the victim;

(2) "Commission" means the Violent Crimes Compensation Commission established by this Act;

(3) "dependent" means those who were wholly or partially dependent upon the income of the victim at the time of the death of the victim or those for whom the victim was legally responsible;

(4) "personal injury" means actual bodily harm and includes pregnancy, mental distress, nervous shock, and loss of reputation;

(5) "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, spouse's parents;

(6) "victim" means a person who is injured, killed, or dies as the result of injuries caused by any act or omission of any other person which is within the description of any of the offenses specified in section 922 of this Act;

(7) "guardian" means one who is entitled by common law or legal appointment to care for and manage the person or property or both of a child or incompetent; and

(8) "incompetent" means a person who is incapable of managing his own affairs, whether adjudicated or not.

APPLICABILITY

SEC. 902. Notwithstanding any other provision of this title, no claim shall be paid by the Violent Crimes Compensation Commission or by any State commission unless the victim provides satisfactory evidence of a good faith attempt to recover damages from the criminal offender.

PART B—VIOLENT CRIMES COMPENSATION COMMISSION

COMMISSION ESTABLISHED

SEC. 911. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the Violent Crime Compensation Commission. The Commission shall be composed of three members to be appointed by the President, by and with the advise and consent of the Senate. The President shall designate one of the members of the Commission as Chairman, who shall have been a member of the bar of a Federal Court or of the highest court of a State for at least eight years.

(b) There shall be appointed by the President, by and with the advice and consent of the Senate, an Executive Secretary and a General Counsel to perform such duties as the Commission shall prescribe in accordance with the objectives of this title.

(c) No member of the Commission shall engage in any other business, vocation, or employment.

(d) Except as provided in section 916(1) of this title, the Chairman and one other member of the Commission shall constitute a quorum. Where opinion is divided and only one member is present, the opinion of the Chairman shall prevail.

(e) The Commission shall have an official seal.

FUNCTIONS OF THE COMMISSION

SEC. 912. In order to carry out the purposes of this Act, the Commission shall—

(1) receive and process applications under the provisions of this title for compensation for personal injury resulting from violent acts in accordance with part C of this title;

(2) pay compensation to victims and other beneficaries in accordance with the provisions of this title;

(3) hold such hearings, sit and act at such times and places, and take such testimony as the Commission or any member thereof may deem advisable;

(4) promulgate standards and such other criteria as required by section 944 of this title; and

(5) make grants in accordance with the provisions of part D of this title.

ADMINISTRATIVE PROVISIONS

SEC. 913. (a) The Commission is authorized in carrying out its functions under this title to—

(1) appoint and fix the compensation of such personnel as the Commission deems necessary in accordance with the provisions of title 5, United States Code;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals;

(3) promulgate such rules and regulations as may be required to carry out the provisions of this title;

(4) appoint such advisory committees as the Director may determine to be desirable to carry out the provisions of this title;

(5) designate representatives to serve or assist on such advisory committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the purposes of this title;

(6) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

(7) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title with or without reimbursement and, with the approval of the President, delegate and authorize the redelegation of any of his powers under this title.

(b) Upon request made by the administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the administration in the performance of its functions.

(c) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section shall receive $______ a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the committee. Each such member shall also be reimbursed, for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

TERMS AND COMPENSATION OF COMMISSION MEMBERS

SEC. 914. (a) Section 5314. title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(56) Chairman, Violent Crimes Commission."

(b) Section 5315, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Members, Violent Crimes Commission."

(c) Section 5316, title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(131) Executive Secretary, Violent Crimes Commission.

"(132) General Counsel, Violent Crimes Commission."

(d) The term of office of each member of the Commission taking office after December 31, 1971, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1971, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after December 31, 1971; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(e) Each member of the Commission shall be eligible for reappointment.

(f) A vacancy in the Commission shall not affect its powers.

(g) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(h) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission outside the District of Columbia incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Executive Secretary, or his designee.

PRINCIPAL OFFICE

SEC. 915, (a) The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise in any place.

(b) The Commission shall maintain an office for the service of process and papers within the District of Columba.

PROCEDURES OF THE COMMISSION

SEC. 916. The Commission may—

(1) subpena and require production of documents in the manner of the Securities and Exchange Commission as required by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by the Chairman. Subpenas shall be served by any person designated by the Chairman; and

(2) administer oaths, or affirmations to witnesses appearing before the Commission, receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

PART C—AWARD AND PAYMENT OF COMPENSATION

AWARDING COMPENSATION

SEC. 921. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 922 of this title, the Commission may, in its discretion, upon an application, order the payment of, and pay, compensation in accordance with the provisions of this title, if such act or omission occurs—

(1) within the "special maritime and territorial jurisdiction of the United States" as defined in section 7 of title 18 of the United States Code; or

(2) within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person;

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person;

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents;

(4) in the case of a payment for the benefit of a child or incompetent the payee shall file an accounting with the Commission no later than January 31 of each year for the previous calendar year; or

(5) in the case of the death of the victim, to any one or more persons who suffered pecuniary loss with relation to funeral expenses.

(c) For the purposes of this title, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the Attorney General or the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this title until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

OFFENSES TO WHICH THIS ACT APPLIES

SEC. 922. The Commission may order the payment of, and pay compensation in accordance with the provisions of this title for personal injury or death which resulted from offenses in the following categories:

(1) assault with intent to kill, rob, rape;
(2) assault with intent to commit mayhem;
(3) assault with a dangerous weapon;
(4) assault;
(5) mayhem;
(6) malicious disfiguring;
(7) threats to do bodily harm;
(8) lewd, indecent, or obscene acts;
(9) indecent act with children;
(10) arson;
(11) kidnaping;
(12) robbery;
(13) murder;
(14) manslaughter, voluntary;
(15) attempted murder;
(16) rape;
(17) attempted rape; or
(18) other crimes involving force to the person.

APPLICATION FOR COMPENSATION

SEC. 923. (a) In any case in which the person entitled to make an application is a child, or incompetent, the application may be made on his behalf by any person acting as his parent or attorney.

(b) Where any application is made to the Commission under this title, the applicant or his attorney, and any attorney of the Commission, shall be entitled to appear and be heard.

(c) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(d) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(e) If any person has been convicted of any offense with respect to an act or omission on which a claim under this title is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has been ordered, be taken as conclusive evidence that the offense has been committed.

ATTORNEY'S FEES

SEC. 924. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this title, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under subsection (a) of this section, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within 90 days after the receipt of the information required by subsection (a) of this section, petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who willfully charges, demands, receives, or collects for services rendered in connection with any proceedings under this title any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

NATURE OF THE COMPENSATION

SEC. 925. The Commission may order the payment of compensation under this title for—

(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(2) loss of earning power as a result of total or partial incapacity of such victim;

(3) pecuniary loss to the dependents of the deceased victim;

(4) pain and suffering of the victim; and

(5) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

FINALITY OF DECISION

SEC. 926. The orders and decisions of the Commission shall be reviewable in the appropriate court of appeals, except that no trial de novo of the facts determined by the Commission shall be allowed.

LIMITATIONS UPON AWARDING COMPENSATION

SEC. 927. (a) No order for payment of compensation shall be made under this title unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this title to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death living with the offender as his spouse or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS AND PAYMENT OF THE ORDER

SEC. 928. (a) Except as otherwise provided in this section, any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 921 of this title any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this title), a State or any of its subdivisions, for personal injury or death compensable under this title, but only to the extent that the sum of such payments and any awarded under this title are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission shall pay to the person named in the order the amount named therein in accordance with the provisions of such order.

PART D—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

SEC. 931. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this title for a personal injury or death resulting from the act or omission constituting such offense, the Attorney General may within a year institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States or any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) The Commission shall provide to the Attorney General such information, data, and reports as the Attorney General may require to institute actions in accordance with this section.

EFFECT ON CIVIL ACTIONS

SEC. 932. An order for the payment of compensation under this title shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

PART E—VIOLENT CRIMES COMPENSATION GRANTS

GRANTS AUTHORIZED

SEC. 941. Under the supervision and direction of the Commission the Executive Secretary is authorized to make grants to States to pay the Federal share of the costs of State programs to compensate victims of violent crimes.

ELIGIBILITY FOR ASSISTANCE

SEC. 942. (a) A State is eligible for assistance under this title only if the Executive Secretary, after consultation with the Attorney General, determines, pursuant to objective criteria established by the Commission under section 504, that such State has enacted legislation of general applicability within such State—

(1) establishing a State agency having the capacity to hear and determine claims brought by or on behalf of such victims of violent crimes and order the payment of such claims;

(2) providing for the payment of compensation for personal injuries or death resulting from offenses in categories established pursuant to section 944;

(3) providing for the payment of compensation for—

(A) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(B) loss of earning power as a result of total or partial incapacity of such victim;

(C) pecuniary loss to the dependents of the deceased victims;

(D) pain and suffering of the victim; and

(E) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable, and which is based upon a schedule substantially similar to that provided in part C of this title;

(4) containing adequate provisions for the recovery of compensation substantially similar to those contained in part D of this title.

STATE PLANS

SEC. 943. (A) Any State desiring to receive a grant under this title shall submit to the Commission a State plan. Each such plan shall—

(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency;

(2) set forth a program for the compensation of victims of violent crimes which is consistent with the requirements set forth in section 942;

(3) provide assurances that the State will pay from non-Federal sources the remaining cost of such program;

(4) provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this part; and

(5) provide that the State will submit to the Executive Secretary—

(a) periodic reports evaluating the effectiveness of payments received under this part in carrying out the objectives of this title; and

(b) such other reports as may be reasonably necessary to enable the Executive Secretary to perform his functions under this title, including such reports as he may require to determine the amounts which local public agencies of that State are eligible to receive for any fiscal year and assurances that such State will keep such records and afford such access thereto as the Executive Secretary may find necessary to assure the correctness and verification of such reports.

(B) The Executive Secretary shall approve a plan which meets the requirements specified in subsection (a) of this section and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

BASIC CRITERIA

SEC. 944. As soon as practicable after the enactment of this Act, the Commission shall by regulations prescribe criteria to be applied under section 942. In addition to other matters, such criteria shall include standards for—

(1) the categories of offenses for which payment may be made; and

(2) such other terms and conditions for the payment of such compensation as the Commission deems appropriate.

PAYMENTS

SEC. 945. (a) The Executive Secretary shall pay in any fiscal year to each State which has a plan approved pursuant to this title for that fiscal year the Federal share of the cost of such plan as determined by him.

(b) The Federal share of programs covered by the State plan shall be 75 per centum for any fiscal year.

(c) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(d) Grants made under this section pursuant to a State plan for programs and projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated under section 953.

WITHHOLDING GRANTS

SEC. 946. Whenever the Executive Secretary, after reasonable notice and opportunity for a hearing to any State, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 943; or

(2) that in the operation of any program assisted under this part there is a failure to comply substantially with any applicable

provision of this part; the Executive Secretary shall notify such State of his findings and that no further payments may be made to such State under this part until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected.

REVIEW AND AUDIT

Sec. 947. The Executive Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

DEFINITION

Sec. 948. For the purpose of this part the term "State" means each of the several States.

PART F—MISCELLANEOUS

REPORTS TO THE CONGRESS

Sec. 951. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act.

Sec. 952. There is hereby authorized to be appropriated as much money as necessary to carry out the purposes of this title.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDENT pro tempore. Under the previous order the Chair lays before the Senate the unfinished business (S. 3390), which the clerk will state by title.

The assistant legislative clerk read as follows:

> A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now lay aside temporarily the unfinished business and proceed to the consideration of S. 3010, which the clerk will state by title.

The assistant legislative clerk read as follows:

> A bill (S. 3010) to provide for the continuation programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR ACTIVITIES OF NATIONAL SCIENCE FOUNDATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on Friday by which the bill (S. 3511), National Science Foundation authorizations, was passed be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from further consideration of H.R. 14108 and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

> A bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? Without objection, the committee is discharged from further consideration of the bill and the Senate will proceed to its immediate consideration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all after the enacting clause of H.R. 14108 be stricken and that there be substituted in lieu thereof the text of S. 3511 as passed by the Senate on last Friday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 14108) was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 3511 be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that the following professional staff members of the Committee on Labor and Public Welfare be admitted to the floor during the consideration of S. 3010: Mr. Richard E. Johnson, Mr. William J. Spring, Mr. Jonathan Steinberg, Mr. John Scales, Mr. Richard Siegel, and Mr. Steve Engleberg.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the committee amendment.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, the Senate has now been in session for 1 hour and 20 minutes. Fifty-five minutes have expired since the close of morning business. The pending business, the economic opportunity amendments, is now before the Senate.

The leadership would ask Senators who have amendments thereto to come to the Chamber and to be prepared to offer amendments so that progress can be made in disposing of this bill today if at all possible. Much remains to be done during the remainder of the week, and I feel it would be appropriate at this time to suggest the absence of a quorum and justifiable to state that this will be a live quorum so that the cloak room personnel can notify Senators on both sides accordingly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Mondale). The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 245 Leg.]

Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cook
Griffin
Hruska
Mondale
Nelson
Ribicoff
Saxbe
Stafford
Stevens
Stevenson

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to execute the order of the Senate.

After a delay the following Senators entered the Chamber and answered to their names:

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Burdick
Cannon
Case
Chiles
Church
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McIntyre
Metcalf
Miller
Montoya
Moss
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. Eastland), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from Missouri (Mr. Symington), the Senator from Iowa (Mr. Hughes), the Senator from Virginia (Mr. Spong), the Senator from Maine (Mr. Muskie), and the Senator from Oklahoma (Mr. Harris) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senator from New Hampshire (Mr. Cotton), the Senator from New York (Mr. Javits), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The PRESIDING OFFICER (Mr. Jordan of North Carolina). A quorum is present.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding, after a discussion with the able assistant Republican leader, that he is prepared to offer an amendment shortly, within the next 3 or 4 minutes. Therefore, I suggest the absence of a quorum, and I hope that it will be only a brief quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Sparkman). Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 138, strike out line 23, and insert in lieu thereof the following:

"AMENDMENT WITH RESPECT TO VOLUNTEER PROGRAMS"

On page 138, between lines 23 and 24, insert the following:

"Sec. 24. (a) Section 801 of the Economic Opportunity Act of 1964 is amended as follows:

In the second sentence of Section 801, after the words "to eliminate poverty" insert the words "and to deal with environmental needs."

"(b) Section 811(a) of such Act is amended:

"(1) by striking out the first sentence thereof, and

"(2) by inserting in lieu thereof: 'Volunteers under this part shall be required to make a full-time personal commitment to achieving the purposes of this title and the goals of the projects or programs to which they are assigned.'

"(c) Section 820(a) of such Act is amended:

"(1) by striking out the first sentence of subsection (a) and

"(2) by inserting in lieu thereof: 'The Director shall develop programs designed to expand opportunities for persons to participate in a direct and personal way, on a part-time basis or for short periods of service either in their home or nearby communities or elsewhere, in volunteer activities contributing to the elimination of poverty or otherwise in furtherance of the purposes of this title.'."

On page 138, beginning with line 24, strike out through "1964" in line 25 and insert in lieu thereof the following:

"(d) The first sentence of section 821 of such Act".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this amendment be limited to 30 minutes, to be equally divided between the able Senator from Michigan (Mr. Griffin) and the able Senator from Wisconsin (Mr. Nelson); and that time on any amendment to an amendment, debatable motion, or appeal in relation thereto, be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, does the distinguished Senator from Michigan, the author of the amendment, wish to have a rollcall vote on it, and would he want to get the yeas and nays shortly, or would he wish to wait?

Mr. GRIFFIN. Perhaps we should wait. It may not be necessary to have a rollcall vote.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, this amendment will broaden the authority of VISTA, the volunteer organization, so that it would be able to enlist and use volunteers in environmental cleanup projects.

At the present time, the basic legislation which established VISTA is restrictive in its terminology and requires that volunteers in VISTA can only operate with respect to the problems of poverty.

To be sure, there is plenty of work to do in connection with the problems of poverty and we can use all the volunteers available to work with that particular problem. But one of the unfortunate things is that there are many volunteers, particularly among young people, who would like to devote themselves to various programs and projects which have to do with cleaning up the environment.

In a real sense, the problem of poverty and the problem of pollution are inseparable. I do not think there is any question that the segment of our society which suffers most from pollution is the poor, in the inner cities—those who suffer from pollution of the air, and water, from rats and from unsightly conditions that exist in some areas because of litter. This group would benefit the most from the use of volunteers in environmental projects.

Mr. President, this amendment does not require the director of VISTA to put any particular number of volunteers to work in environmental projects. It merely expands the authority of the agency so that it can utilize volunteers who are able and willing to devote themselves primarily to environmental problems and environmental needs.

Personally I think that legislation of this kind should have been on the books years ago. In fact, when my staff people advised me that in our range of volunteer programs there is no present authority to utilize volunteers for environmental programs, I could hardly believe it. And I insisted that they do a good deal of research to be sure that is the case, because we are all aware of the great interest in environmental problems and the interest of many young people to do something about these problems.

So, the amendment is very simple. In my opinion it should not be controversial. It would merely provide that those who are operating the VISTA program would be able to enlist and utilize volunteers not only for projects that directly relate to poverty, but also for projects such as cleaning up the environment. I would hope that this amendment would be adopted by the Senate.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, on the question of authorizing VISTA volunteers to work in the area of environmental needs, I think that the authorization is already in the law so long as the activity that the VISTA volunteers are involved in is beneficial to poor people. Is that not correct?

Mr. GRIFFIN. Mr. President, I would say that is not the understanding. And it is not at all clear that is the case. If the floor manager of the bill believes that is so, then the amendment I propose would not be objectionable and he would agree to it.

Mr. NELSON. Mr. President, the distinguished Senator from Michigan mentioned lead-based paint. As I recall it, the testimony of Mr. Blatchford before our committee was in fact that VISTA volunteers work in that field now.

Is it the intent of the distinguished Senator from Michigan, concerning the environmental matters in which we would authorize VISTA volunteers to involve themselves, that these activities be for the specific and direct purpose of helping people in poverty.

Mr. GRIFFIN. Mr. President, it would be my thinking that we should not restrict it in that way. However, I have indicated that I have no doubt in my own mind that the group or segment of our society that would benefit most from volunteers working in the area of environmental problems would be the people who are in the inner city and the poor, because they are the ones that suffer the most from air and water pollution, and from the various other problems that are related to the abuse of the environment.

Mr. President, this would leave the discretion within the agency. It does not strike at the fact that the primary purpose of VISTA is directed at poverty. I am sure that should be taken into account even in interpreting the language which I am suggesting. However, I do not think I would want to be confined to that. I think that if we can get volunteers who are willing and able to go out and pick up litter and trash and help to clean up our environment, I am for using them whether it happens to be in a situation that is directly involved with poverty or not.

Mr. NELSON. Mr. President, one of the problems, as the Senator from Michigan is aware, is that very frequently the environmental movement is attacked as being a movement of the affluent and the middle and upper classes. I happen to agree with the Senator from Michigan that such is not the case, and that in fact the environment that is the worst in this country is in the city ghettos where the environmental noise is the worst, where the air pollution is the worst, where there is less clean space, less open space, less playgrounds, and less of all of the amenities of life.

It would be very disturbing to me if, for example, in a public park in a city in which the accessibility to the park was confined to affluent suburban and middle-class people, we had VISTA volunteers in there cleaning up the park and making the public park a nice place, whereas we have a much worse situation in a park down in the ghetto and the VISTA volunteers are not working there.

I do not think it would be defensible under this program, which is oriented toward helping the poor, to allow discretion in the VISTA program for them to do environmental clean-up work in well-to-do areas in which the environment is still much better than it is in the ghettos. That would concern me.

If the Senator is saying that they should be authorized to work on environmental problems, as he mentioned, in helping in the matter of lead-based paint, cleaning up of playgrounds, and supervising playgrounds oriented toward the poor, I would find no trouble in accepting the amendment. However, if the Senator proposes that these volunteers can be used in the other areas, I think it would be highly questionable.

Mr. GRIFFIN. Mr. President, if I may respond to the distinguished floor manager of the bill, I ask him if it would not make sense to agree to the amendment and give those who run the VISTA program a reasonable opportunity to operate and let us see how they use their authority. If it should be that volunteers are only used to clean up the parks in the affluent areas, if they are ignoring the problems of the inner city, I would be the first to join with the Senator from Wisconsin in asking for some kind of further restriction. However, I do not think that at this point it is necessary. I would assume without question that the Director of VISTA would not confine the use of volunteers to the areas that the Senator from Wisconsin referred to and that certainly a large percentage of these people would be used in the inner city.

Mr. NELSON. What puzzles me a bit is the reluctance of the Senator from Michigan to agree in the colloquy that the funds expended on environmental matters here should be oriented to the environmental problems of the poor. The thing that puzzles me is that if there were appropriated 10 times as much or 200 times as much there would not be enough money to make a significant dent in the disgraceful, deteriorating environmental circumstances in the poverty area. So I would be most reluctant to give the Director the discretion to use VISTA volunteers in the improvement of the environment in areas other than poverty areas. The Senator said he is sure that any Director would emphasize the poor, but why not agree to saying so in the amendment. I do not understand the reluctance to do that. I am for authorizing these activities but not to do work that benefits people who are not poor.

Mr. GRIFFIN. Mr. President, how much much times remains to each side?

The PRESIDING OFFICER. The Senator from Michigan has 10 minutes remaining and the Senator from Wisconsin has 5 minutes remaining.

Mr. NELSON. Mr. President, how do I have 5 minutes remaining when the Senator from Michigan took more time speaking than I did? Did the Chair count all of the Senator's answers to my questions on my time instead of his time?

Mr. GRIFFIN. I will be generous and yield time to the Senator.

The PRESIDING OFFICER. When the Senator from Michigan first took the floor he yielded. The Senator from Wisconsin was recognized. Everything since has been on the time of the Senator from Wisconsin.

Mr. GRIFFIN. Mr. President, I respond to the Senator from Wisconsin in this way. It may well be that the authorization, in terms of money, does need to be increased and it may be we will not, as a Congress, be willing to use the authorization in funding to the extent we could utilize all the volunteers who might be available to work in environmental projects. But I think it a tragedy that at the present time there are people willing to volunteer and work to clean up the environment and we do not have a program to utilize them.

We have the Teachers Corps, the Peace Corps, and VISTA, and the authorization is so restrictive and limited that people who are interested in working in cleaning up the environment have no place to go and say, "I want to work."

Now, I think that we should start by providing that authority in the law. That is what my amendment would do. In other portions of the bill I am willing to consider an increase in the authorization funds to make sure that by broadening this authority we are not going to cut back on the amount of work that the volunteers will do that will be directed specifically at poverty programs not related to the environment. But I would hope that the Senate would see the wisdom finally, after these many years, of making it possible for the VISTA program to enlist and use young people who do want to work in this area of cleaning up the environment. We certainly talk enough about it. We read about it. We know pollution is a serious problem. I rather imagine that most of the citizens of the country and our constituents would be a shocked as I to learn we have no way now under existing programs to utilize those who want to work in cleaning up the environment.

I think the justification for it and the good sense of it are apparent on the face. Again I urge that the floor manager and other Senators support the amendment.

Mr. NELSON. Mr. President, I find the objective of the amendment commendable. I suppose that in the 24 years I have been in public office no one in either House of Congress has spent more time on the issue of the environment than I have. I agree that this is a fundamental and important activity. I agree that VISTA workers should be eligible to participate in that kind of work. I think they are under the present law. I have no objection to broadening the scope of the authorization to make it more clear. I agree with the Senator that the Director of the program is likely to use good sense and to emphasize that the effort in the environmental field through VISTA workers be performed for the benefit of the poor. I suspect that if he has a choice between sending them to fix up a playground in a poverty as against an affluent area, he would choose to have them do work in the poverty area. Dealing with the problems of the poor is the objective of the efforts of VISTA workers. I assume that is what the Director would do in this program and I assume that because of the emphasis on that very aspect by the Senator from Michigan in his opening remarks that the Director of the program would take note of that and the intent would be clear.

I am willing to accept the amendment but I would make it clear in the legislative history that if the emphasis of the program is not on the poor I will return to the floor to take that authority away from the ACTION program and the VISTA program at the first feasible moment.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. GRIFFIN. Mr. President, I am delighted that the manager of the bill has taken that position, but I believe that to maintain the position of the Senate in conference I nevertheless would like to ask for the yeas and nays. The requisite number of Senators are in the Chamber. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRIFFIN. I thank the Senator.

Mr. NELSON. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 21 minutes remaining.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum, and I ask that the time be charged equally against the author of the amendment and myself.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President——

The PRESIDING OFFICER. The Senate is operating on limited time. All time has expired on the amendment.

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that the time on each side be extended by 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. GRIFFIN. Mr. President, I yield to the Senator from California.

Mr. CRANSTON. I thank the Senator from Michigan.

Mr. President, the present Economic Opportunity Act provisions make plain in section 810(a)(3) that VISTA Volunteers may be assigned to work in connection with programs or activities authorized, supported, or of a character eligible for assistance under this act. There is a section in the pending bill—section 7—providing for a special emphasis program to be added to section 222(a) of the Economic Opportunity Act to authorize an environmental action program that focuses on environmental problems in the poverty community.

I ask unanimous consent that that provision may appear in the RECORD as a part of my remarks.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

NEW SPECIAL EMPHASIS PROGRAMS

SEC. 7. Section 222(a) of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for work (which would not otherwise be performed) on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment; and the improvement of the quality of life in urban and rural areas.

Mr. CRANSTON. Mr. President, we have held long and detailed hearings in the Human Resources Subcommittee of the Committee on Labor and Public Welfare on the Action program. I introduced an Action Agency bill—S. 3450—by request, and in those hearings the matter of environmental work and other nonpoverty work for VISTA volunteers was discussed. Every witness before us on this matter made plain their opposition to any environmental work that competed for scarce dollars committed to the war on poverty. We had testimony from Community Action Agency representatives, VISTA representatives, labor representatives, the poor themselves and others.

I believe that a simple amendment to the amendment of the Senator from Michigan would deal with this problem in an adequate way, and I therefore ask if he would accept an amendment on page 2, line 1, to strike out the word "needs" and insert "problems focused primarily upon the needs of low-income persons and the communities in which they reside." Would that be satisfactory?

Mr. GRIFFIN. I would say to the Senator from California that that would be satisfactory. It is not absolutely restrictive, but it recognizes that we should extend the benefits of the bill, and the primary thrust of the bill should be directed toward the solution of problems of poverty and environmental problems associated therewith. I think it is a constructive amendment, and I am glad to accept it.

Mr. CRANSTON. I thank the Senator.

With that understanding, I have no objection to the amendment.

On another matter regarding the amendment, I ask unanimous consent that lines 3, 4, and 5 on page 3 be stricken.

Mr. GRIFFIN. Could we take care of the first one first?

The PRESIDING OFFICER. It takes unanimous consent to adopt the amendment.

Mr. GRIFFIN. I think we can adopt it by voice vote, Mr. President. I refer to the amendment of the Senator from California.

Mr. CRANSTON. Mr. President, I offer that amendment.

Mr. GRIFFIN. Mr. President, would it have to be done when the time expires?

The PRESIDING OFFICER. That is correct.

Mr. GRIFFIN. Mr. President, I am prepared to yield back the remainder of my time, if we may do so, except there is a technical error the staff has found.

I ask unanimous consent that the language on lines 3, 4, and 5 on page 3 of the printed amendment be stricken.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I yield back the remainder of my time.

Mr. CRANSTON. Mr. President, I offer an amendment to the amendment of the Senator from Michigan as follows:

On page 2, the top line, strike out "needs" and insert in lieu thereof "problems focused primarily upon the needs of low income persons and the communities in which they reside".

The PRESIDING OFFICER. Will the Senator send his amendment to the desk so that it may be reported?

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 1 of the modified amendment, strike out "needs" and insert in lieu thereof "problems focused primarily upon the needs of low income persons and the communities in which they reside".

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. GRIFFIN. Mr. President, I yield back my time.

Mr. CRANSTON. I yield back whatever time I may have remaining.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER (Mr. SPARKMAN). The question now is on agreeing to the amendment of the Senator from Michigan as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Virginia (Mr. SPONG), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBREL), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oklahoma (Mr. BELLMON) and the Senator from Colorado (Mr. DOMINICK) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) would vote "yea."

The result was announced—yeas 79, nays 0, as follows:

[No. 246 Leg.]

YEAS—79

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dole
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McIntyre
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Stevenson
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—21

Baker
Bellmon
Brooke
Cotton
Dominick
Eastland
Gambrell
Gravel
Harris
Hughes
Javits
Mansfield
McGee
McGovern
Metcalf
Mundt
Muskie
Pell
Spong
Symington
Taft

So Mr. GRIFFIN's amendment (No. 1268), as modified, was agreed to.

The **PRESIDING OFFICER.** The question is on agreeing to the committee amendment, as amended.

Mr. **BROCK.** Mr. President, I call up my amendment at the desk and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read the amendment, as follows:

Page 71, line 1, strike out "IX, and X", and insert in lieu thereof "and IX".

Page 71, line 13, place a period after "1964", and strike out "and" and all that follows down through and including line 15 on page 71.

Page 71, strike out lines 24 and 25, and insert in lieu thereof the following:

"$466,400,000 shall be for the purpose of carrying out title II of which $71,500,000 shall be for the purpose of carrying out the Legal Services program described in section 222(a)(3), $114,000,000 shall be".

Page 75, strike lines 10 through 12 inclusively, and renumber succeeding paragraphs.

Page 100, strike out line 22 and all that follows down through and including line 21 on page 129.

Page 130, strike "Title X", insert in lieu thereof "Title IX", and redesignate section numbers therein accordingly.

AUTHORIZATION OF APPROPRIATIONS FOR COAST GUARD, FISCAL YEAR 1973—CONFERENCE REPORT

Mr. **LONG.** Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4 and 6 and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "39,449, and an end of year strength of 39,541."

And that the Senate agree to the same.

RUSSELL B. LONG,
PHILIP A. HART,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

Mr. **LONG.** Mr. President, the Managers on the part of the Senate were successful in getting the Managers on the part of the House to accept all of the Senate amendments to H.R. 13188, with one exception in which the Managers on the part of both Houses felt a slight revision was in order.

To all intents and purposes, the House agreed to the Senate amendment other than that they wanted the amendments to be of general application, which was agreed to.

Mr. President, I ask unanimous consent that the statement of explanation of the joint managers be printed in the RECORD, and that the requirement to print the report as a separate document be waived.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the act (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENT NO. 1

House bill

The House authorized to be appropriated $81,070,000 for procurement and increasing capability of vessels.

Senate amendment

Senate amendment No. 1 increased this amount by $670,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels assigned to the Great Lakes with pollution abatement capabilities.

Conference substitute

The conference report authorizes to be appropriated $81,740,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels with pollution abatement capabilities and your conferees expect that the Coast Guard will use such funds to abate pollution from vessels assigned to restricted waters where pollution problems are most acute, such as in inland lakes, rivers, and the Great Lakes, on the basis of the most urgent environmental needs.

AMENDMENT NO. 2

House bill

The House bill authorized to be appropriated $15,100,000 for the procurement and extension of service life of aircraft.

Senate bill

The Senate bill authorized to be appropriated $18,100,000.

Conference substitute

The conference report authorizes to be appropriated $18,100,000. Your conferees agreed that the Coast Guard should be authorized additional funds to procure the long-range search and rescue helicopter authorized by Senate amendment No. 3.

AMENDMENT NO. 3

House bill

No comparable provision.

Senate bill

Senate amendment No. 3 provided for the authorization of one long-range search and rescue helicopter, and the Senate report expressed the intent that the Coast Guard should station the helicopter at Alaskan Coast Guard facilities.

Conference substitute

The conference report authorizes the procurement of one long-range search and rescue helicopter, and your conferees believe that the Coast Guard should locate the helicopter wherever it would be most useful to protect human life.

AMENDMENT NO. 4

House bill

The House bill provided $45,650,000 for construction of certain designated projects, including the rebuilding of the moorings of the Cutter *Mackinaw* at Cheboygan, Michigan.

Senate bill

The Senate bill increased this amount by $390,000 to allow additional funds for the project at Cheboygan, Michigan. This increase was provided as a result of revised cost studies submitted by the Coast Guard.

Conference substitute

The conference report authorized the appropriation of the additional amount provided by Senate amendment No. 4, making the total amount authorized for construction projects $46,040,000.

AMENDMENT NO. 5

House bill

The House bill authorized the Coast Guard to have an average active duty strength of 39,074.

Senate bill

The Senate bill authorized an average active duty strength of 39,449. The Senate increased this authorized strength in order to reflect the recall of two cutters from the reserve fleet, which was funded by appropriations not subject to authorization, and to reflect the transfer from the Navy to the Coast Guard of the responsibility for providing essential services for Coast Guard operations at Kodiak, Alaska necessitated by the closure of the Naval Station at Kodiak.

Conference substitute

In order to conform to the recent action of the Congress requiring that authorized personnel ceilings be stated in terms of the authorized strength at the end of the fiscal year, your conferees agreed to authorize an end of year personnel strength at 39,541, which does not reflect an increase over the ceiling set by the Senate, but states the figure in a manner compatible with the method adopted by the Armed Services Committees of the two Houses; and your conferees agreed to the increases provided in Senate amendment numbered 5.

AMENDMENT NO. 6

House bill

No comparable provision.

Senate bill

Senate amendment No. 6 authorized the extension of the authority for the Coast Guard to lease housing for military personnel, now scheduled to expire on June 30, 1972, at the request of the Coast Guard. The Senate made the authority permanent, contingent upon an annual report to the Congress as to the utilization of the authority for the previous calendar year.

Conference substitutes

The conference report grants the Coast Guard permanent authority to lease housing for military personnel subject to the filing of an annual report to the Congress as to the utilization of the authority during the preceding calendar year.

Mr. LONG. Mr. President, I move adoption of the conference report.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

H.R. 632. An act for the relief of the village of River Forest, Illinois;

H.R. 3227. An act for the relief of Staff Sergeant J. C. Bell, Junior, United States Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6820. An act for the relief of John W. Shafer, Junior;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Virginia, its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, The Robert E. Lee Memorial;

H.R. 13918. An act to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes;

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions;

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; and

H.J. Res. 812. Joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) subsequently signed the enrolled bills and joint resolutions.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. BROCK. Mr. President, I rise to offer an amendment which would keep the legal services program within the office of the OEO.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, I should like to ask the able Senator whether there is any chance of getting a time limitation on his amendment at this time.

Mr. BROCK. I wish I could accommodate the distinguished majority whip, but I cannot at this time as I have a number of requests for time and I do not know how much will be used.

Mr. ROBERT C. BYRD. I thank the able Senator.

Mr. BROCK. Mr. President, the amendment does not strike any program of the legal services for the poor. During the past few months, we have heard certain aspects of the House and Senate debate on this proposal which infers that a motion to strike proposed title IX of the Economic Opportunity Act of 1964, as amended, would be a motion to destroy the Federal Government's commitment to providing legal services to the poor. Nothing could be further from the truth.

Specifically, my amendment would strike section 18 of the bill, which seeks to establish a National Legal Services Corporation and attendant program as title IX of the EOA. Thus, it preserves the legal services program within OEO, not only as a viable program but also with an increase in authorized funds over previous years.

What is the difference between a federally funded legal services program within OEO and a federally created and federally funded legal services program within, and administered through, a proposed corporation? The difference is major. It is the heart of this debate.

During previous discussion of this program, we have had problem area after problem area, unresolved controversy after unresolved controversy, horror story after horror story brought to the attention of this body. And, in reality, not one of these would be effectively resolved by the proposal now pending.

Policy questions and administrative issues as great as the meaning and role of accountability of the Corporation and its programs to the public and their elected representatives in the Congress; the role of Federal oversight; the qualifications of attorneys and personnel; the eligibility of clients; the nature of the attorney-client relationship; the permissible scope, if any, of solicitation by project attorneys; the permissible scope of the outside practice of law among project attorneys; the determination of priorities as to cases handled by the program; the role of project attorneys in criminal representation and prisoner organization; the role of project attorneys in so-called community education and community organizing; the role of federally funded attorneys engaging in lobbying activities with the blessings of the bill pending before us; the role and propriety of promoting ideological, philosophical, political, and partisan points of view with Treasury funds; the efficacy of involvement and participation in various forms of direct action—rallies, demonstrations; the role of project attorneys in social issues such as busing, abortion, workfare requirements; the role of State officials; the role of State and local bar associations; and the end result of this proposed program—each of these questions have been inadequately resolved.

In his veto message of the proposed National Legal Services Corporation last December 9, the President stated emphatically:

> It would be better to have no legal services corporation than one so irresponsibly structured.

Mr. NELSON. Mr. President, will the Senator from Tennessee yield for a question?

Mr. BROCK. I am delighted to yield to the Senator from Wisconsin.

Mr. NELSON. The Senator realizes, I assume, that the President's objection to the structure of the Board was that he would have been able to nominate only six of the 17 members. Does the Senator realize that the President asked in his message to create a separate Corporation—that he recommended and asked Congress to approve a separate Legal Services Corporation?

Mr. BROCK. Of course.

Mr. NELSON. So it is the Senator's position that he does not agree with the President that there should be a separate Corporation?

Mr. BROCK. I fully agree with the President. I support the President. But I think the question before us is whether the committee has addressed itself to the points he raised in his veto message and whether the committee has addressed itself to them adequately.

In my reading of this vast bill, all are unresolved questions. They all remain unresolved.

The bill, as written, is not responsive to the request of the President for a Legal Services Corporation which would benefit the poor.

Mr. NELSON. May I ask another question?

Mr. BROCK. Certainly.

Mr. NELSON. Do I correctly understand the Senator, then, to say that he does agree with the President in principle, that there be established a separate and independent Legal Services Corporation?

Mr. BROCK. Yes, I do.

Mr. NELSON. And that the difference is in the spelling out of the details of that Corporation in the bill?

Mr. BROCK. The Senator has correctly stated my position.

Now, to continue my statement, Mr. President, the question, thus, becomes: Do we have any reason to believe that the new program—federally created and federally funded—will manifest itself any differently than the existing program? The answer, unfortunately, is, "No." As a matter of fact, it could be worse, because we divorce the new Corporation from any public accountability. Nothing has been brought to the attention of this body which demonstrates that the transfer of this program from a Federal agency to a federally created Corporation will resolve the mammoth issues brought to our attention.

Mr. President, I suggest that the problems with this program unquestionably reveal that the only way to substantively reform this program, to make it stronger and more effective in meeting the legal needs of the poor—is to keep the program, for the time being, within OEO where it is more susceptible to reform to improve the delivering of legal services to the poor. The debate has brought to the attention of everyone concerned with this program the nature of the changes and reforms which need to be made.

Mr. President, it is the responsibility of this body collectively, and of its Members individually, to insure the proper administration of any program funded with taxpayers' dollars. The legal services program should be no different from any other. Proper administration can come if this program remains within OEO.

This means that we will have the opportunity to pursue the reforms now in progress, to resolve the questions which are before us in a manner which will ultimately allow us to have a full legal services program of an adequate and responsive nature.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I would like to address myself to the amendment offered by the Senator from Tennessee (Mr. BROCK) which is designed to eliminate the Legal Services Corporation from the bill.

LEGAL SERVICES CORPORATION

Title IX of the Economic Opportunity Amendments of 1972 (S. 3010) now pending before the Senate establishes a National Legal Services Corporation and transfers to that Corporation the legal services program currently administered in the Office of Economic Opportunity.

Mr. President, contrary to the position of the distinguished Senator from Tennessee (Mr. BROCK), the committee reported bill's legal service title responds in every significant respect to the administration's viewpoints. As with all legislation, there are many compromises in the legal services title. Its provisions were worked out on a bipartisan basis with the leadership of Senators TAFT and JAVITS of the committee minority and Senators MONDALE and CRANSTON of the committee majority. If my memory is correct, the final bill was reported by a unanimous vote of the whole committee.

Let me remind the Senate of the history of the development of this legislation to establish a National Legal Services Corporation outside the Office of Economic Opportunity.

The President himself called for the Corporation to replace the current legal services program in a Presidential "Message Relative To Providing Legal Services to Americans Otherwise Unable To Pay for Them" transmitted to Congress on May 5, 1971.

In fact, the original initiatives toward the proposal for a National Legal Services Corporation came when the President, as he points out in his message, specifically asked the President's Advisory Council on Executive Organization—the Ash Council—to examine the status of the legal services program.

In response to the President's initiative, the Ash Council in November of 1970 recommended that the Government create a special corporation for the program. The Ash Council stated:

> We believe strongly that its (the Legal Services program's) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique Federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.
>
> In our view, this program should be placed in an organizational setting which will permit it to continue serving the legal needs of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate. . . .
>
> Therefore, we recommend that the functions of the Legal Services program be transferred to a nonprofit corporation chartered by Congress.

So it was the President's own reorganization task force, the Ash Council, that first called for the establishment of the National Legal Services Corporation as the most appropriate organizational structure for administering financial assistance to legal services programs.

In addition, the National Advisory Committee on Legal Services recommended in its March 21, 1971, report to the White House that:

> After considering various alternatives regarding a future home for the Office of Economic Opportunity's Legal Services program other than OEO itself, the National Advisory Committee concluded and recommends that the program be transferred to a District of Columbia nonprofit corporation chartered by the Congress.

On April 29, 1971, the American Bar Association's Board of Governors adopted a resolution stating—

> * * * (T)hat the American Bar Association supports, in principle, the creation of a federally funded nonprofit corporation to administer moneys which will be used to fund programs which will provide a broad range of legal services to persons unable to afford the services of an attorney, the charter of which shall contain assurances that the independence of lawyers involved in the Legal Services program to represent clients in a manner consistent with the professional mandates shall be maintained. * * *

After receiving the recommendations of his own Reorganization Council, of the National Advisory Committee on Legal Services, and of the American Bar Association, along with other groups including many legal organizations, President Nixon called for the Legal Services Corporation in his Message of May 5, 1971. The President then stated:

> Today, after carefully considering the alternatives, I propose the creation of a separate, nonprofit Legal Services Corporation. The legislation being sent to the Congress to accomplish this has three major objectives: First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice.

Mr. President, I would like to point out that the president of the American Bar Association sent the telegram on June 15, 1972, reading as follows:

> The American Bar Association supports the enactment of legislation establishing a National Legal Services Corporation, having concluded that the Corporation will tend to further the Association's interest in preserving the independence and professional integrity of the Legal Services Program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike Title IX or which would threaten the independence of the Corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the Association's long standing commitment to equal access to justice for all citizens.
>
> LEON JAWORSKI,
> *President, American Bar Association.*

On the same day, the President's message of legal services was sent to Congress, the administration's bill was introduced. The Senator from Kentucky (Mr. COOK) introduced the bill in the Senate (S. 1769) on the administration's behalf.

It is illuminating to compare key provisions and safeguards in the bill drafted and submitted by the administration with the bill which is now before the Senate.

First, the administration bill provided for the creation of an independent nonprofit corporation for legal services which would not be a Federal agency. So does the committee bill.

Second, the administration bill provided that the corporation be prohibited from interfering with attorney-client relationships. So does the committee-reported bill.

Third, the administration bill requires that legal services attorneys who are employed full-time and while engaged in legal services activity refrain from undertaking to influence the passage or defeat of legislation except when legislative bodies request that the attorney make representations to them. The committee-reported bill contains the same prohibition making clear the administration's interpretation that this prohibition applies when a legal services attorney is not representing a client.

Fourth, the administration bill required that full-time attorneys, and part-time attorneys while engaged in legal services activities, refrain from partisan political and voter registration and transportation activity. The committee-reported bill contains the same prohibitions.

Fifth, the administration bill provides that no funds may be made available by the Corporation to provide legal services with respect to any criminal proceeding. The committee-reported bill likewise provides that no funds or personnel made by the Corporation shall be used to provide legal services with respect to any criminal proceeding.

Let me reiterate that the legal services title was developed on a bipartisan basis. Last year during the Senate debate on S. 2007, the Senator from Kentucky (Mr. COOK)—the sponsor of the administration's bill—expressed his views on the legislation. Let me say that his views had great influence with the Senate conferees, and the bill that came out of conference had strong safeguards as a result of his efforts and his counsel. The flat-out prohibition on criminal representation is in accord with his concern that the legislation be crystal-clear on that point.

The President's veto message on last year's bill objected to the provisions of the legal services title in two respects: the composition of the board of directors and the incorporating trusteeship for the transition period while the new corporation is being established.

On both of these points, the bill reported by the committee contains substantial changes designed to meet the President's objections. The veto message criticized last year's bill on the ground that it gave the President full discretion to appoint only six of the 17 directors and that he would have had to select the remaining 11 from lists of recommendations from various groups. These 11 would, under last year's bill, have been selected by the President from lists of recommendations containing from three to 10 names for each position to be filled. One person would have been nominated from lists of names submitted by the American Bar Association, one from names from the Association of American Law Schools, one from the National Legal Aid and Defender Association, one from the National Bar Association, and one from the American Trial Lawyers Association; two from lists of names submitted by the Judicial Conference of the United States; two from lists of names submitted by the Clients Advisory Council; and two former legal services attorneys from lists of names submitted by the Project Attorneys Advisory Council—totaling 11.

In response to the President's objection in his veto message to the provisions of last year's bill which provided the President with full discretion only with respect to six of the 17 nominees to the board of directors, the committee this year has substantially altered the composition of and manner of appointing the board.

First, the President would appoint a clear majority—10 of the 19 board members—without having to consider any recommendations. The remaining nine members would be appointed by the President from recommendations as follows: one from recommendations made by the American Bar Association, one from recommendations of the Association of American Law Schools, one from recommendations of the National Bar Association, one from recommendations of the National Legal Aid and Defender Association, one from recommendations of the American Trial Lawyers Association; then two members are named by the President from recommendations made by the Clients Advisory Council and two members are to be former legal services project attorneys from recommendations by the Project Attorneys Advisory Council. (The two members from recommendations of the Judicial Conference of the United States, which last year's bill provided, are not included in this year's bill.)

Let me point out that this year's bill omits the requirement in last year's bill that lists of three to 10 names be submitted for each position to be filled. The committee accepted the suggestion that the 1971 bill's specific requirement that recommendations be submitted by way of lists was unnecessarily abrasive and could inhibit or be less conducive to informal discussions between the President and the groups making the recommendations.

The committee bill gives absolute policymaking control to the 10 persons the President wishes to appoint. A majority of the board will make the policies governing the Corporation's role in providing legal services to the poor. And the President still appoints the remaining nine from recommendations. The President does not have to submit the name of any individual he does not wish to appoint to the board of directors. No one can be appointed to the board whom the President does not approve.

I might emphasize here that the President could reject 10 recommendations, 100 recommendations, 1,000 recommendations; he could reject every single recommendation made by all recommending bodies under the bill until such time as he had a board made up as he desired it to be made up. I do not know what more anyone could ask. As a matter of fact, OEO people do not object. I understand from the Senator from Kentucky (Mr. COOK) that he does not object to the present composition of the board. I do not know what further objection there could be unless it is the position of the Senator from Tennessee (Mr. BROCK) and those supporting him that the American Bar Association should not be permitted to make a tiny suggestion to the President of the United States about the Legal Services Corporation, or that the Association of American Law Schools should not make recommendations to the President, even though it is not binding on him.

I would think the President would like the benefit of recommendations from these distinguished groups around the United States.

Mr. MONDALE and Mr. BROCK addressed the Chair.

Mr. NELSON. I yield to the Senator from Minnesota.

Mr. MONDALE. In addition to the very strong point the Senator from Wisconsin has made, I would like to refer to page 44 of the committee report which shows that when this measure was reported, including the Legal Services Corporation provision, the committee by a vote of 17 to 0 voted to recommend it. Every Democrat and every Republican on the Committee on Labor and Welfare voted to recommend the bill. Some objections were cited in the concurring statements appearing later in the report, but as I read those suggestions, none of them suggest that anyone on the committee wanting to eliminate the provision for an independent Legal Services Corporation. Am I correct?

Mr. NELSON. The Senator is correct.

Mr. MONDALE. So I am at a loss to reconcile the statement by the sponsor of this measure that he is supporting the President when he seeks to do away with the Legal Services Corporation, which the President supports. Can the Senator advise me if it is possible to support the Brock amendment and still support the President's position?

Mr. NELSON. I did not understand the Senator's question.

Mr. MONDALE. As I understand the position of the President, he wants us to create a National Legal Services Corporation.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. The amendment offered by the Senator from Tennessee would strike the National Legal Services Corporation and keep the present administrative apparatus. Is that correct?

Mr. NELSON. The Senator is correct. That is what is puzzling me about the response of the Senator from Tennessee when I asked him if he supported the President's position in favor of a separate Legal Services Corporation. If that is the case I would think the Senator would offer a specific amendment to the program.

We have agreed to nearly everything the administration asked for. We met the objections of the veto message. If there is some specific change the Senator from Tennessee thinks should be made in the bill, I think he should offer an amendment.

But the Senator from Minnesota is correct that if the Legal Services Corporation is struck from the bill that is contrary to the position of the President.

Mr. MONDALE. As I understand the situation, the bill which we sent to the President—which he vetoed—involved a difference between the conferees and the President, not on the question of whether there should be an independent Legal Services Corporation, but what the form of that corporation should be.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. It was not a question of principle, but rather a question of form.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. What we are trying to do now is change the makeup and some of the other details of the Legal Service Corporation so that the bill meets the objections set forth in the President's veto message.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. Is it not true that in doing so we worked closely with the minority members of the Committee on Labor and Public Welfare to try to shape a measure to meet the objections of the President?

Mr. NELSON. The Senator is correct.

Mr. MONDALE. And the majority went a great distance to try to make this a measure acceptable to the President. Is that correct.

Mr. NELSON. The Senator is correct. I think it worthwhile to point out to the Senator that the House-passed bill provides for the President to be authorized to appoint just six members, as did the bill a year ago, whereas this bill authorizes an absolute majority to be appointed by the President, and it provides that the American Bar Association, the American Trial Lawyers Association, and the American law schools can recommend to the President somebody to go on the Legal Services Corporation without any requirement at all that the President appoint anyone they recommend, with the right to reject any number of recommendations. So the President has absolute control of the board by appointment of the majority.

He has the authority to reject all recommendations that are made to him. I do not know what more could be asked.

Now, he had one other objection. The board was the main one. The other one was the incorporating trusteeship arrangements. He did not like the interim incorporating trusteeship, and he attacked that in his veto message. We have abolished that. There is no interim incorporating trusteeship anymore. The Director of the OEO runs the program until the new corporation has been established. So the President got, I think, everything he was asking for. I do not know what more there is to ask for, unless he wants to say he wants to make all the appointments without even consulting us and without having them go to the Senate for confirmation; but I do not think either house would want that.

Mr. MONDALE. Not even that would be so under the amendment offered by the Senator from Tennessee, because he would oppose the principle of an independent corporation which the bill calls for.

Mr. NELSON. That is correct.

Mr. MONDALE. If I understood the Senator from Tennessee, he makes the point of what he considers mistakes, errors, and bad judgment by an occasional member of the legal services program. I do not in any way support those contentions. What I do not understand is the logic of the Senator from Tennessee's view; if he is correct about these examples about mismanagement—which I doubt—what he is proposing to do is keep the same system of mismanagement which created the problems he is talking about.

Mr. NELSON. That is correct.

Mr. MONDALE. We have tried to create a Legal Services Corporation which would have the maturity, experience, and judgment of the legal profession, as well as those whom the President will select; a Corporation run by an independent board which is seasoned and experienced, and which would hopefully remove this program from political pressures and political compromises. Would the Senator agree with that?

Mr. NELSON. I would agree with that, and the reason why we reached this compromise was that the members of this committee have spent just about 2 years on this issue. We have conducted extensive hearings on the bill and the issue. We have met day after day after day in executive session. We finally hammered out a proposal that we were satisfied with, on a bipartisan basis, including the distinguished Senator from New York (Mr. JAVITS), and Senators SCHWEIKER, PACKWOOD, TAFT, and STAFFORD. We worked on a bill that reached a compromise between the majority and the minority, that caused the bill to be sent to the floor of the Senate with a unanimous vote of 17 to 0.

This was, as I have said, after 2 years of effort, which I would hate to see destroyed by an amendment tossed on the floor of the Senate without even the benefit of having the rest of the Senate hear the discussion.

Mr. MONDALE. Mr. President, will the Senator yield further?

Mr. NELSON. I yield.

Mr. MONDALE. The last time we considered the measure, substantial objection was raised by the Senator from Kentucky, which received quite a bit of support, that under no circumstances should the legal services attorneys engage in criminal defense work.

Mr. NELSON. That is correct.

Mr. MONDALE. Am I not correct that, even though some of us felt that under certain limited circumstances, such attorneys should be available for criminal defense work, nevertheless, in order to reach the objective, this measure prohibits criminal defense by attorneys under this program?

Mr. NELSON. Yes, and I agree with the Senator from Minnesota that there would be special cases in which some criminal conduct may arise out of some civil actions where in fact the attorney ought to be able to represent the client; but in order to meet this objection, we leaned over backward and inserted a section, which is on page 118 of the bill, which reads, starting on line 1:

> That no funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

So that issue raised by the Senator from Kentucky (Mr. COOK) was resolved and specifically provided for in accordance with and to meet the objections he had to this bill.

Mr. MONDALE. So, in accordance with the objections made by the President in his veto message, and in terms of the single objection we heard prominently last time this measure was debated—in both instances—we went all the way in an effort to meet the objections. Is that correct?

Mr. NELSON. So far as I know, we met every major objection that was made on the floor of the Senate and by the President's veto message, and accommodated those objections in whole, or almost totally, in every single case.

Mr. MONDALE. I thank the Senator.

Mr. NELSON. Let me explain how the Advisory Councils for the clients and the Advisory Council for the Project Attorneys are appointed. There is a transition period of 6 months during which the Legal Services program continues in OEO while the new National Legal Service Corporation, is being established. During the first 60 days of this transition period, the initial councils are selected in accordance with the procedures established by the Director of OEO, who is the incorporating trustee during this transition period. After the first board of directors of the corporation has taken office, procedures for selecting subsequent members of the Advisory Councils are made by the board of directors. It is therefore clear that the Councils which will be making recommendations for four of the members of the board of directors—two from each Council—will themselves be appointed in a manner acceptable to the Director of OEO who is an appointee of the President and is a high ranking administration official.

Last year's bill provided that the incorporating trusteeship during the 6-month period for establishing the new corporation would consist of the presidents—or their designees—of the five national legal organizations. In order to meet the President's objection to the appropriateness of that incorporating trusteeship, the committee-reported bill provides that the Director of the Office of Economic Opportunity shall be the incorporating trustee during the transition period.

Mr. President, the Legal Services program enables more than 2,000 lawyers to work for the poor in some 900 neighborhood law offices. More than a million cases a year are handled by these legal services attorneys. As President Nixon said in his message proposing the establishment of a National Legal Services Corporation:

> A large measure of credit is due the organized bar. Acting in accordance with the highest standards of its profession, it has given admirable and consistent support to the legal services concept. The concept has also had the support of both political parties.
>
> The crux of the program, however, remains in the neighborhood law office. Here each day the old, the unemployed, the underprivileged, and the largely forgotten people of our Nation may seek help. Perhaps it is an eviction, a marital conflict, repossession of a car, or misunderstanding over a welfare check—each problem may have a legal solution. These are small claims in the Nation's eye, but they loom large in the hearts and lives of poor Americans.

Mr. BROCK. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Tennessee has requested the Senator from Wisconsin to yield for a question.

Mr. NELSON. Yes, I yield for a question.

Mr. BROCK. I do not intend to get into a debate on the President's veto, but I think the President felt that no Legal Services Corporation would be better than one which was not accountable to the people of this country.

Mr. NELSON. That is one I do not understand. In what way is this Corporation unaccountable?

Mr. BROCK. The Senator mentioned that it requires the American Bar Association to make recommendations, and so forth. The President does not have to accept these, but the net effect is that he does because the Board cannot function until all are appointed.

Mr. NELSON. The Board has an absolute majority based on the President's recommendations.

Mr. BROCK. But the Board does not come into effect until all 19 are named. The point is there is no prohibition against the OEO or upon the President's receiving recommendations from the American Bar Association or anyone else. If I may cite one example which is related in this context, there are 2 Commissions under the present anti-inflation program. The first is the Price Board and the other is the Pay Board. The Price Board is composed entirely of public representatives. The Pay Board is represented by advocates of varying views. The question arises as to which Board has been more representative of the American public? I do not think there is any question that the Price Board has done a better job. Under the Pay Board, a condition is created where you have certain groups represented and there will always be an effort to see that certain groups shall or shall not be represented. My point is that the public at large should have the voice in this.

Mr. NELSON. I did not understand.

Mr. BROCK. The public is the one who should have the prime voice. To mandate the President to take appointments by any group is an insult to the President and the American people. If we are going to compromise this bill, we should have a chance to make a judgment on who will represent the American people. To imply that my approach would prohibit the American Bar Association or anyone else from making recommendations just is not so.

Mr. NELSON. I do not understand what the Senator's point is. Number one, until the Board is appointed and confirmed, the Director of OEO serves as incorporating trustee. So if they were never appointed or confirmed, then the Director of OEO would continue to run the legal services program.

Now, the Corporation would be responsible to the public, and the President represents the public. That is why we gave the President an absolute majority. The Senator says he has no objection to the bar associations, the Association of American Law Schools, or the American Trial Lawyers Association making recommendations. Well, if he has no objection to it, why object to the provision in the bill, which simply says they may make recommendations? That is all it says. The President does not have to accept any recommendations they make.

Mr. BROCK. But if he does not, the Board will not begin to function.

Mr. NELSON. Well, the Senator ought to be happy with that. He is trying to strike out the Board. The Legal Services would be run as it is now run, out of the OEO. But if the Senator is really seriously suggesting that these responsible national organizations would keep sending to the President people who were so disreputable or so much in philosophical disagreement with the President that in no way could the President conceivably accept any of the recommendations these national associations would make—I do not think the Senator would intend to insult these organizations in that way, or insult the President in that way. It is absolutely preposterous to suggest that the American Bar Association would not send to the President of the United States or recommend to the President of the United States distinguished, able lawyers. If they did not, the President ought to reject them, and he will reject them.

It is preposterous to think that the American Trial Lawyers Association would not recommend, from their group, some highly distinguished, reputable lawyer to participate on the legal services corporation. And if they did not, the President would reject the recommendation and they would come back with another.

I do not think there is any substance at all to the kind of objection the Senator is making. He says they are entitled to make recommendations anyway. All right; that is all we have said here.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. NELSON. Mr. President, I have completed my remarks for the time being. I yield the floor to the Senator from New York. There is no time limitation on the bill thus far.

Mr. JAVITS. Mr. President, addressing myself to the question asked by the Senator from Tennessee, there is a difference, and that difference is in the professional responsibility of lawyers and the need for the recruitment of able and effective lawyers in this program. Therefore the bar association, it seems to me, has a place, which is not the situation with the Price Commission. But in addition to that, all of us are always wary of being holier than Caesar, or holier than whoever is holiest, and the American Bar Association, which represents half the lawyers in this country—we have 330,000 lawyers, and 146,000 are members of the ABA—has sent a telegram to me dated June 15, which reads as follows:

> The American Bar Association supports the enactment of legislation establishing a national Legal Services Corporation. Having concluded that the corporation will tend to further the Association's interest in preserving the independence and professional integrity of the legal services program, I would therefore urge that you resist amendments to S. 3010, the Economic Opportunity Amendments of 1972, seeking to strike title IX, or which would threaten the independence of the corporation or the responsibility of lawyers providing legal services for the poor. This position is consistent with the Association's long-standing commitment to equal access to justice for all citizens.
>
> Signed,
>
> LEON JAWORSKI,
> *President, American Bar Association.*

Mr. President, it seems to me that this is rather rare, that we should have such a firm declaration by the American Bar Association, which is certainly no wild-eyed radical body, and which has been invoked many times here as a very conservative and stabilizing force in the country, in many cases against positions which I and others like me have taken.

Here is the American Bar Association saying, with respect to this bill, "Resist all impeding amendments, and especially resist an amendment to strike the title," basing it upon what I think is the soundest argument of all, which is the professional integrity and the professional responsibility of the individual lawyer.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MONDALE. This is a concept that I think may be difficult for non-lawyers to understand, and yet it lies at the heart of an independent and ethical judicial system—namely, the concept that a lawyer is an officer of the court, and that his responsibility is to the laws, to the Constitution, and to the courts of the land to represent his client fully and ethically in accordance with the ethics of the legal professions. Is that not correct?

Mr. JAVITS. That is correct.

Mr. MONDALE. What we are seeking to do with this National Legal Services Corporation is to deal with the pervasive criticism that these lawyers, in the pursuit of these ethical obligations, have been placed under heavy political pressure to compromise what the rules of ethics require. The National Legal Services Corporation is designed to make certain that the integrity of the attorney-client relationship shall be maintained. I think that is what the President had in mind in recommending the creation of this Corporation, and it is why the American Bar Association—which I think we can take judicial notice is a conservative organization—is here strongly objecting to amendments such as that pending at this time.

Mr. JAVITS. And this is not an amendment; it is a proposal to just cut it out.

Mr. MONDALE. That is right.

Mr. JAVITS. Mr. President, one other item of fact here. I happen to have the most profound regard—and I believe he deserves it; I believe this is also true of many, many of the thousands of lawyers in the country—for Orison Marden, a man who has spent almost his whole life rendering, in the professional arena, legal services to the poor. He is the very model and epitome, the summing up of the Legal Aid Society movement in this country.

He came here to see me with especial reference to this situation, and he sent me a wire to be sure I would have something to state on the Senate floor, which reads as follows:

> I hope that S. 3010 providing for a nonprofit Legal Services Corporation will be enacted as you have proposed, without crippling amendments that might interfere with a lawyer's obligation to represent his client loyally and completely in controversies with government as well as with private interests. Orison S. Marden.

I know of no man whose whole life epitomizes so greatly his devotion to this subject. I think that is the common opinion of lawyers. Nor do I know of any more venerated character in the professional ranks of lawyers than that of Orison Marden, one of the real leaders of the bar in this country.

Mr. President, I ask unanimous consent that the wire from the American Bar Association, that of Mr. Marden, and those of many others, including the Association of the Bar of the city of New York, from Bernard Botein, its president, from Sydney Rubin, president of the Monroe County Bar Association, and many others who have backed this legislation, be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

NEW YORK, N.Y.,
June 22, 1972.

Hon. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.:

I hope that S. 3610, providing for a nonprofit legal services corporation, will be enacted as you have proposed, without crippling amendments that might interfere with a lawyer's obligation to represent his client loyally and completely in controversies with government as well as with private interests.

ORISON S. MARDEN.

New York, N.Y.,
June 22, 1972.

Senator Jacob K. Javits,
Senate Office Building,
Washington, D.C.:

Thanks for your continued support of bill S. 3010. The bar appreciates your efforts in working out the accommodations in the present bill and strongly urges that you support its passage without amendment. This supplements my previous communications on the legal services bill when president of the association of the bar of the city of New York.

Bernard Botein.

Chicago, Ill.,
June 16, 1972.

Hon. Jacob K. Javits,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.:

The American Bar Assn. supports the enactment of legislation establishing a national legal services corporation having concluded that the corporation will tend to further the association's interest in preserving the independence and professional integrity of the legal services program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike title IX or which would threaten the independence of the corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the association's long standing commitment to equal access to justice for all citizens.

Leon Jaworski,
President, American Bar Association.

Albany, N.Y.,
June 23, 1972.

Hon. Jacob K. Javits,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

I ask your support for prompt action on S. 3010 which includes title IX—Legal Services Corporation Act. I hope you will vigorously oppose efforts to amend or sever title IX from the bill. The continuing support you have given to the legal services program is appreciated. As you may know the report of committee on availability of legal services of New York State Bar Association has previously recommended support of title IX, which recommends action as approved by executive committee of the association.

Thomas Ford,
Chairman of the Legal Aid Committee,
New York State Bar Association.

New York, N.Y.,
June 23, 1972.

Senator Jacob K. Javits,
Senate Office Building,
Washington, D.C.:

Thanks for your continued support of bill S. 3010. The bar appreciates your efforts in forcing out the accommodations in the present bill and strongly urges that you support its passage without amendment.

Otto G. Obermaier,
Chairman, Committee on Legal Assistance.

New York, N.Y.,
June 23, 1972.

Senator Jacob K. Javits,
Senate Office Building,
Washington, D.C.:

Thanks for the continued support of bill S–3010, the bar appreciates your efforts in working out the accommodations in the present bill and strongly urges that you support its passage without amendment.

Donald T. Fox,
Chairman, Committee on Professional
Responsibility, the Association of the
Bar of the City of New York.

Rochester, N.Y.,
June 22, 1972.

Hon. Jacob Javits,
Senate Office Building,
Washington, D.C.:

Monroe County Bar Association approves the principals of S-3010 and appreciates your continued support.

Sydney R. Rubin,
President, Terminal Building.

Camden, N.J.,
June 23, 1972.

Hon. Jacob Javits,
Senate Office Building,
Washington, D.C.:

I urge you to continue your firm support of S–3010, without amendment, for the National Legal Services Corporation.

Joseph H. Rodrigues, Esq.

Tucson, Ariz.,
June 24, 1972.

Senator Jacob K. Javits,
Senate Office Building,
Washington, D.C.:

Pima County Bar Association urges passage of SB3010 as reported out by Senate committee whereby nine of nineteen directors of legal services corporation will be selected by President from lists furnished by American Bar Association and other associations.

Russell E. Jones,
President.

Tucson, Ariz.,
June 23, 1972.

Senator Jacob Javits,
U.S. Senate,
Washington, D.C.:

I urge support of SB3010 presently drafted. The professional independents of legal services projects requires board based board of directors of the legal services corporation.

Charles E. Ares,
Dean, College of Law University of
Arizona.

Santurce, P.R.,
June 23, 1972.

Hon. Jacob Javits,
U.S. Senate,
Washington, D.C.:

Sir, as chairman of the board of director of the Puerto Rico Legal Service Inc. I do respectfully request your support to the passage of the Legal Services Corp. Act—Bill S–3010—legislation is expected to bring about significant changes in the type of legal services rendered to the under privileged of this nation its approval without amendment is highly desired and I thank you in advance for your usual useful support cordially yours.

Miguel J. Rios Lugo,
President of the Board.

San Francisco, Calif.,
June 23, 1972.

Senator Jacob Javits,
Senate Office Building,
Washington, D.C.:

The Bar Association of San Francisco strongly supports the adoption of S3010 which includes the National Legal Services Corporation Act of 1972 (Title IX). Major Bar Associations and other interested groups must have the right to participate in the selection of the board in order to maintain the Independence of the NLSC.

Charles H. Clifford,
President.

San Francisco, Calif.,
June 23, 1972.

Senator Jacob Javits,
Senate Office Building,
Washington, D.C.

Dear Senator: San Francisco Chapter of the National Lawyers Guild strongly urges you to support Senate Bill 3010 as the proposal came from committee specifically we recommend that only 10 of the 19 regional heads of legal services be appointed by the Presidents very truly yours.

Gordan Gaines,
President, San Francisco Chapter
Lawyers Guild.

June 23, 1972.

Hon. Jacob Javits,
U.S. Senate,
Washington, D.C.

Sir: It is my understanding that the legal services corporation at view S–3010 is coming before the consideration of that body and I do respectfully request your enthusiastic and valuable support in behalf of this legislation legal services for the poor will start schating up into a relative with the passage up this view without amendment and I certainly thank you in advance for your efforts toward the attaining of this goal.

Cordially yours,

Jose A. Cabbera,
Executive Director.

Anchorage, Alaska,
June 25, 1972.

Senator Jacob Javits,
Senate Office Building,
Washington, D.C.:

The Board of Directors of Alaska Legal Services Corporation unanimously adopted a resolution supporting the National Legal Services Corporation Bill without amendment.

Chancey Croft,
President.

Mr. JAVITS. What have we done to meet the President's points which he made when he vetoed the previous so-called antipoverty bill? In the first place, we have a real problem here as to the freedom of the lawyer in terms of his professional responsibility to his client. If we want to have a legal services program, that has simply got to be observed, notwithstanding the irritation, distaste, or disagreement of many Members of Congress with the so-called law reform cases, that is, cases brought by attorneys in the legal services program under the OEO, which sought to upset some governmental dictate or some law or to challenge some decisions made by a Government official.

What are lawyers all about? And why, if that is justice, should it be denied to an individual who is poor? If you overturn a law, you are not perpetrating an injustice. On the contrary, you are carrying out an act of justice. If the courts overturn it, why deny that justice? Is there something wrong about that? Are we now living in a country where, if you challenge a law, you are thrown outside the moral pale and we will have none of it? Just because you are poor, are you to be denied that privilege? That is what we face.

Therefore, in order to deal with that, we have endeavored to establish a corporation which, within itself, would have such mechanisms as to prevent mischief-making and troublesome suits, specious actions, delaying litigations, and expensive costs to individuals who might be sued.

There is such a thing as the tyranny of the weak, and that is what we are seeking to deal with and restrain. We have no interest in that, any more than the Senators who are sponsoring this particular title.

Mr. President, how did we do it? We did it as follows:

We provided for an integral unit, a corporate personality, which would carry out this program, remembering always that Congress can always pull the plug out by appropriations every year and that this corporation can last only so long as Congress appropriates money for it. That is the ultimate sanction, as we all know, or should know.

Then we provided, in the makeup of the managing board of the corporation, a sufficient—indeed, a very large—representation of the profession in its most substantial aspects.

Then we provided for the selection of a project attorney's advisory council to deal with the problems which related to the individual lawyer and his own problems with respect to the work he was doing.

We provided that that council should advise the board and that the board would select the council and that, therefore, it would be on the operating level as to the individual, aside from the policies which were set by the board and in which we had a very heavy professional preponderance.

Furthermore, as the Senate would confirm all these nominees, it is hardly likely that any wild-eyed radicals we did not want would be on the basic board.

Finally, insofar as we could restrict the operations of an individual lawyer without robbing him of his professional capacity as a lawyer, we eliminated, in essence, criminal actions, and we eliminated outside practice of law for all practical purposes, and we eliminated any question of conflicts of interest insofar as the lawyer's interests are concerned in the case of members of the board. That, it seems to me, is going a very long way in addition to the sanctions built in of appropriations and the professional standing of the lawyer himself.

As Senator Mondale has said, the lawyer is answerable to the court. Upon complaint of his local bar association, he can be disciplined.

The President wants to appoint all 19 members and to submit them for confirmation by the Senate. I understand that. But there are other people in the world aside from the President of the United States, including the Members of Congress, in both bodies, and they do not happen to agree that it ought to go all that way. They offered a proposal before which he did not find acceptable, and which he rejected. He vetoed the bill for many other reasons. In any case, let us assume that he vetoed it for this reason. So an effort has been made to submit to him a reasonable compromise, and I deeply feel—and I will do my utmost to demonstrate—that it is eminently reasonable.

Incidentally, I fought for the President's total position before the committee. I felt it my duty, as the ranking Republican member, to do everything I could to bring about, if I could, approval of the President's position. I am satisfied that that is impossible.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. I should like to confirm the statement of the distinguished Senator from New York that he sought to convince the committee that the President should be authorized to appoint de novo all members of the board, without relying upon or waiting upon any recommendations from any individuals or groups.

I should like to state for the record, further, that I have supported the proposition from the very beginning that the President ought to have the majority of the appointees.

As the Senator from New York realizes, the House has refused to accept that position. As I mentioned a few moments ago, the House of Representatives already has passed a bill in which the Legal Services Corporation is essentially identical with the one in last year's bill, with the 17 members, with only six appointed by the President.

So we have had a difficult problem here in trying to reach agreement, both in the Senate and in the House.

As the Senator knows, a year ago I supported the proposition that we send a bill to the President in which he would have a majority of the appointees. It was a compromise toward the President's position, a very substantial one by the majority, who had fought and opposed the concept giving the President the majority of appointees. On that issue, the majority on our side prevailed, although, as I say, I favored giving the President the majority of the appointees. We have now accomplished that. I think it is about as far as we can go in that direction and expect to get any agreement at all by the House conferees when we meet on this measure.

Mr. JAVITS. Mr. President, let us get to the mechanics of the appointment. Ten members out of 19 are appointed exactly as the President would want—to wit, they are appointed by him without restraint. Six must be lawyers, but I do not think the President has any objection to that, since his own bill had that element.

It is conceivable that the President could appoint these 10, that they could be confirmed by the Senate, and that he might choose to accept none of the recommendations made to him for the other nine. In that case, the Board still could go ahead and organize and do business. The President would not be impeded for 1 minute in moving forward with a corporation. I know that he would not do that, and I know that we would not do that. Nonetheless, that is possible.

In addition, the President has objected that the members of a group which had to file the incorporation papers and could therefore work out the terms, and so forth, of the charter were unsatisfactory to him, as put in the vetoed bill. His views upon that were met 100 percent. The incorporating trustee for this Corporation is now to be the Director of the Office of Economic Opportunity, his own appointee. There is no problem whatever, and the President fully prevailed there.

As to the text of the appointment of the other nine members, we advisedly changed the language—and I will explain the reason for the change—from the idea of a list, which was in the vetoed bill—that is, the President was asked to choose from lists submitted by these organizations—to recommendations.

The reason why the change is meaningful is the following: It absolutely latches in the proposition that the President can turn down as many recommendations as he chooses, which is what Senator Nelson, the manager of the bill, made very clear. We all understand that only too well.

Second—and very important—a list could mean any number of members. They could submit to him a list of 100 or 200, with the resulting embarrassment to many people when the President passed them over and said, "I will take only so and so on the list," or, "I will take none on the list." So that this was a matter which the President might properly feel would be distasteful to him. That is not true in these recommendations. They are clearly labeled recommendations. The President makes thousands of recommendations. I suppose, in 1 year, every Senator makes a minimum of 500. I know that in my office, and I am sure in the offices of other Senators who come from a major industrial State, we make probably one or more average recommendations a day. When these people are rejected, no one is insulted. It is standard American procedure. Many are recommended. They might get someone else on another occasion. They are most grateful for the recommendation, which is a mark of distinction by their Senator or a number of Senators who join, or Representatives, in making the recommendation. So we use the term which in no way is invidious. In no way would it make the President feel that he was being locked in on any of those on the list, or by the numbers of people on the list, which may be numerous, or might be, if any associations wanted to be mischievous and were passed over by the President. So there are real changes, real advances, in every aspect of the choice so as to make the difference.

Mr. President, the President did not descend from heaven and become President. He served in this body. He served in the other body. He is a working politician. He was Vice President of the United States, a Senator, and a Representative. He has been active in politics for many years, at every level right down to the local district level. So if anyone can understand that we cannot always get things the way we want to, it is the President.

So I hope the President will find this acceptable—if we send it to him—and can prevail in conference. I can pledge myself to the Senate that if anything, I will make a last ditch fight in conference to resolve this provision which I think the President has a right to insist on as the maximum he will take. But I really deeply and sincerely feel that a reasonable man, and the President of the United States is reasonable—would accept this as a fair resolution of the controversy which has now delayed for so long a while—well over a year—an optimum administrative legal services program.

Before I complete my principal statement, one last point, and that is: What is the importance of the legal services program?

I respectfully submit to my colleagues that, in my judgment—and I say this to the Senator who has moved to strike this—because the program will go on in OEO even if we do not have the corporation—I do not know of any single thing that has become and that is more effective in terms of the national interest respecting the poor than the legal services program. It has added the one thing and that is the element of dignity.

The poor man or woman feels a certain dignity, that if anyone challenges him, say a rascal in a furniture store tricks him, he is not bereft of the opportunity to fight back because he cannot afford it—that it simply is not worth it because $250 may be what is involved and if one goes to a lawyer it costs that much just to walk in the door. I know. I have lived that way, and with thousands of others. So I cannot emphasize enough to my colleagues the critical importance to the poor and to the national interest in trying to redeem them from the poverty syndrome through the legal services program.

I respectfully submit, therefore, that one of the greatest contributions we can make in this bill is to add the additional strength, additional integrity, additional capacity to the program in the manner proposed in the bill.

Mr. President, the President himself feels that the Legal Services Corporation is an excellent opportunity for all of us and that we should effectuate it and I urge that we do so.

I believe that we have effected the best meeting of the minds humanly possible on the mechanism by which the Corporation can be operated, and I hope very much that the Senate will retain it.

Mr. BROCK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. BROCK. I have great respect for the distinguished Senator from New York (Mr. Javits), for his ability, and for his sincerity in his quest. I do not believe that many will disagree with the objective of trying to give a voice to the disadvantaged people in this land and their right to counsel. The Senator from New York mentioned the poor man who could be bilked by a landlord or a merchant, or the poor man who has no access to the judicial process. Without adequate recourse to law, such a person does not have the full extent of freedom available to the rest of us in this country. I am in full agreement with the Senator on this point.

Where I raise my question is the incentive that exists in this bill to create a group of political ambulance chasers. In some cases a lawyer who joins the Legal Services Corporation may have a political objective in doing so. All he has to do in order to avoid the political activities restrictions in the bill is to seek out and solicit a client, and then he can involve himself in any kind of activity he wants to. That is the problem. We have so many examples of that activity right now. Currently, the OEO is trying to cope with that and they are making some progress. But, to pass this bill and remove the legal services programs from any accountability, when they are already in grave jeopardy of abusing the intent of Congress, that is something else entirely.

That is why I think we need some time for these reforms to be inculcated into the earlier legal services.

Mr. JAVITS. I thank the Senator from Tennessee for his frankness. My answer is as follows: In the first place, I believe we go a long way toward insuring what I could call the integrity of the program.

Champerty is an established violation of the code of ethics of practice by a lawyer, whether in private or public life. I am sure that the Senator knows that any lawyer is disciplinable, even if he has a job with the Corporation on legal services, or works with the Department of Justice. That does not save him. Unfortunately, I wish the bar were tougher on that than it is. They have the idea that if they work for the Government, as the district attorney, or as the U.S. attorney, that kind of gives them immunity. That is dead wrong.

Another thing that is very important is the way the Corporation is set up with a heavy balance of the profession in it.

I know they have the scrutiny which Senators like the Senator from Tennessee and myself will give to any nominees for directors of this Corporation. I really think we have a grip on it.

The last point I mention is explicit law. I mention it last because, like the Senator from Tennessee, I am pretty sophisticated myself. The written law is the last thing to mention. But it is a fact, and I mention it because the record needs to be complete in this regard.

The Senator will find a strong provision against solicitation on page 116, line 23, and I should like to read it into the Record, though I again repeat I am not trying to mislead the Senator into any idea that we have written it into the law and that is the end of that. It will erect something in the way of a standard. It should be the law anyhow. The basic professional ethic, as the Senator called it "ambulance chasers," I used the word "champerty." Many lawyers have been disbarred for exactly that practice. Just so that the record will be complete, we have written into the law the following:

> The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit . . . the client community or any member of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation.

There are also various provisions about advertising, and so forth. We have written it into the law so that any one of us who runs into a case of this kind has a strong statutory basis for raising the question.

Mr. BROCK. Mr. President, I appreciate that. When an attorney has been disbarred, I do not think there is any question about the matter. However, I do not think there is any question that they have engaged in such activities under the present program.

I cannot see how any law could be written that would safeguard us against that kind of problem at this very moment we have these lawyers working in various corporations in the field. I cite the Senator the Monterey Legal Society where they had a city counseling service. What happened was that they did not have to solicit clients. The agencies with whom they work go out and solicit clients within or out of the military. There is nothing we can do as the law is written now to prevent that kind of thing.

Mr. JAVITS. Mr. President, if I were a prosecuting attorney or in charge of grievances for a bar association, I think I could trace back the lawyers who fomented the idea on the alleged client group. The question becomes very tricky in those cases. However, we can get the truth.

The other aspect is that really this is going to be administered for the first time by the profession. The President is asked to appoint six lawyers. There is bound to be a very heavy majority of members of the profession. The bar associations will probably not recommend anyone other than a lawyer. We would have a minimum guaranteed, absolutely locked-in majority of the board, 11 out of 19.

Mr. BROCK. Mr. President, is there any possibility that with 19 votes on the executive board, we could have 11, a majority of which was not representative of that particular context, and they could name the executive committee?

Mr. JAVITS. Mr. President, there would be an amendment on the executive committee. I might tell the Senator the problem I had with that approach. If we try it generically and it does not work that way, we deal with it by sections.

I am very interested in the amendment of the executive committee. It seems to be organized very well now. However, I want to hear the views of Members of the Senate on that. The Senator from Texas (Mr. Tower) has an amendment with respect to the basic areas of responsibilities with which he is concerned. I will try to work that matter out.

The Senator from Nebraska (Mr. Hruska) has a number of amendments.

I do not know whether the Senator from Wisconsin (Mr. Nelson) will join with me. However, if the Senate will listen with an attitude of reason—which I know the Senator from Wisconsin and his colleagues will have—we might work out the individual portions of the Tower amendment dealing with the generic approach so as to make the program better in the future and more satisfactory even to those who are so strongly opposed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROCK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The question is on agreeing to the amendment.

Mr. **BROCK.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **BUCKLEY.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BUCKLEY.** Mr. President, I rise in support of the amendment offered by the Senator from Tennessee (Mr. BROCK). I wish to emphasize that neither he nor I are attempting in any way to terminate the legal services program for the poor. Rather we are concerned they may be rendered to the poor in the most effective manner possible.

Mr. President, title IX of S 3010 would create a new National Legal Services Corporation to incorporate and to extend the legal services program now operating within the Office of Economic Opportunity.

I had hoped that the Committee on Labor and Public Welfare would have met more fully the objections which had been raised by Members of this body and by the President during the preceding months.

Unfortunately, on the basis of an examination of title IX, I must conclude that the bill not only does not resolve existing problems, but may also create new ones in the effort to provide legal services to the poor. Instead of a new Corporation, freed from the shadowed history of the preceding program, it appears in all likelihood that the new Corporation will not operate in any significant way differently from the preceding program. Furthermore, the defects are so numerous that they cannot readily be remedied through floor amendments.

For the benefit of my colleagues, some of whom may not yet have had an opportunity to examine the reported bill section by section, let me review some of the provisions of title IX:

Proposed section 902(b) of S. 3010 would confer, by legislative enactment, a tax-exempt status on the new Corporation.

It is unsound practice for the Corporation to be conferred such a tax-exempt status by the Congress, especially in light of some of the purely political activities which have been carried on under the existing program. All other nonprofit corporations—no matter how worthy their goals may be—must obtain such exemptions through the procedures set forth by the Code and by regulation.

It seems to me to be sound policy that all tax-exempt corporations—even those created by Act of Congress—should be required to meet the same objective standards as a condition to retaining their privileged status.

POTENTIAL CONFLICTS OF INTEREST

Let me move on to another point, involving potential conflicts of interest. In order to maintain its credibility with the public and in order to protect its mission of rendering legal services to the poor, the new Corporation must be protected from the traps which in the past have prevented so many antipoverty efforts from fully achieving their stated objectives. In too many cases there have been conflicts of interest which have given rise to the charge that funds intended to help the poor have been largely expended instead on what might be called a professional poverty industry.

One of the major problems in attempting to correct difficulties within the present OEO program has been that those who ought to be in a position to help correct its deficiencies—such as members of the National Advisory Committee on Legal Services—too frequently represent organizations which are recipients of financial assistance from the program, in prior capacities as grantees, contractors, that is. In addition, members of project attorney and client organizations—representing, respectively, employees of the program and beneficiaries of services of the program—are represented on the advisory board.

The new corporation should be free of such existing, or potential, conflicts. The only way to fully insure this is to write into the language of the bill clear and unambiguous language that such conflicts are violations of the title.

DIRECTORS AND OFFICERS

Let us now move on to section 904 which purports to be a compromise between the bill vetoed by the President last December and the language sought by the President as to the officers and directors of the Corporation. S. 3010, as reported, is more of a compromise of form, than one of substance. It does not meet the President's principal concern—that of accountability by the board and the Corporation to the public and to their elected representatives in Federal service.

Under section 904, there would be a nineteen man board of directors, appointed as follows: Ten members of the board would be chosen at the sole discretion of the President, of whom at least six must be members of the bar; and the remaining nine directors would be appointed by him from recommendations made by seven different groups associated in one way or another with the legal profession.

In his veto of last year's bill, the President said:

> The sole interest to which each board member must be beholden is the public interest. The sole constituency he must represent is the whole American people. The best way to insure this in this case is the constitutional way—to provide a free hand in the appointive process to the one official accountable to and answerable to, the whole American people—the President of the United States, and to trust to the Senate of the United States to exercise its advise and consent function.

The present bill does not meet this important Presidential objective—and objection. The language does not preclude the possible conflicts of interest which might arise by these potential grantees and contractors serving on the board of directors through a designee.

Under the provisions of section 905, and under the provisions of the District of Columbia Nonprofit Corporation Act, the executive committee of a corporation has full plenary powers. It can act on matters of policy and administration with full power, subject only to subsequent review by the board of directors. Such procedure puts those on the board who are dissatisfied with an executive committee decision in a posture of having to oppose an action already taken by the executive committee.

The language of section 905(d) is ambiguous. It provides that the board may establish an executive committee, to be composed of five to seven members of the board. While the chairman of the board is to serve on the executive committee, the bill does not require him to serve as the chairman of the executive committee; thus, we could have the situation arise where there are, in effect, two chief policy officers—the chairman of the board, and the chairman of the executive committee.

In light of the full plenary power the executive committee may exercise pursuant to the authority of the District of Columbia Act, the provisions of section 905 will need to be tightened.

REPRESENTATION OF THE NONPOOR AND THE VOLUNTARY POOR

By virtue of section 906(a)(8) of the bill, which appears on page 113 thereof, the Corporation is authorized to:

> Establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain legal services.

The bill does not attempt to define the standards of eligibility, despite the overriding importance of such a definition. The standards to be set by the Corporation will determine who is, and who is not, eligible to receive assistance. Is it to be a person with an income of $3,000 per year? Or $6,000? Or $9,000? How about someone who is voluntarily poor, by whom I mean someone who refuses to take available employment? Is the program to be limited to individuals? Or will it be expanded to include organizations?

The legal services programs within OEO have, on more than a few occasions, provided legal representation to individuals outside of the poverty guidelines or outside the scope of what ought to be permissible representation. Examples of this may be found in the north Mississippi rural legal services program, in the New Orleans legal assistance program, in the legal services program in Dallas, and in the legal services program in Camden, N.J.

In each of these programs can be found representation of the nonpoor and of the voluntary poor.

The effect of all this, of course, is to diminish the services which are available to, and needed by, the poor. There is no reason to believe that these abuses will disappear merely because the program is shifted to a corporation. The only way to guard against repetition of such violations is to enact the necessary protection as part of the Corporation's authority to establish standards of eligibility.

Another area in which title IX requires considerable tightening is in the area of the qualification of attorneys who are to represent the poor under the aegis of the program. In too many instances, neighborhood legal services programs within OEO have had staff "attorneys" who were not, in fact, admitted to the bar of the State in which services were being offered, or even to that of any State. Let me cite a few examples:

The Legal Aid Society of Alameda County, Calif., employed one James H. Rollins, formerly of St. Louis and a cochairman of the National Conference on New Politics, as a staff attorney under an alias, Lee J. Evans. Rollins was not an attorney and had dropped out of law school after an arrest on a charge of dispensing marihuana. Rollins is now being sought on two counts of first degree murder by the California authorities and by the FBI.

An evaluation of the Appalachian Legal Research and Defense Fund, a project funded by OEO and known as "Appal Red," concluded that the clients receiving assistance through the program—which operates both in Kentucky and West Virginia—were receiving inadequate or limited legal assistance because the "attorneys," in a majority of instances, were not admitted to practice in the jurisdiction where the clients needed to be represented.

In another instance, a Reginald Heber Smith Fellow, funded by legal services within OEO, was providing legal services as a staff member of a project in California at a time when he had not yet been admitted to the bar of the State, and had, in fact, been denied admission at that time because of a record of prior arrests.

Finally, title IX has failed to come to grips with one of the major objections to the manner in which the current program has operated. Too many project attorneys and legal service fellows have been making use of the program, not to help the poor in the manner intended by the Congress, but to use the program as a springboard for launching attacks on our institutions, or to advance their own, often radical, objectives. For examples of these abuses, I refer you to the remarks made on the floor last Friday by the senior Senator from Kansas (Mr. DOLE), which were printed on pages 22250 and 22251 in the CONGRESSIONAL RECORD for that day.

I ask unanimous consent that his remarks be reprinted at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, I have no objection to anyone in this country exercising his constitutional right to advance, within lawful limits, any political cause, however radical. But I do most strongly object to having the Federal Government subsidize attempts by lawyers on the public payroll to exploit the poor for purely political ends.

It seems to me that an explicit congressional mandate, which is now lacking in title 9, is required in order to prevent the employment of lawyers who cannot distinguish between providing professional legal services to the poor and engaging in political activism.

These, Mr. President, are some, but by no means all, the deficiencies of title IX as I see them. I doubt that they can be corrected by a patchwork of amendments offered on the floor. This is why I support the motion of the Senator from Tennessee.

EXHIBIT 1

STATEMENT OF SENATOR DOLE

ABUSES IN THE OEO LEGAL SERVICES PROGRAM

Mr. President, I have noted the concern that has been expressed over the Office of Economic Opportunity legal services program. I certainly share the belief of many in our Nation that the legal system should be accessible and that there is a valuable role the Federal Government can play in providing that accessibility, but the Federal role should be clearly defined, responsibly executed and adequately supervised. Unfortunately, the experience with OEO legal services to date indicates that not only have these criteria not been met, but they have been repeatedly and flagrantly violated.

Several Senators have called attention to many of the problems involved in the legal services program. Many of the problems that have been discussed are those which can be anticipated if the program is transferred to and expanded within the framework of a new national legal services corporation as contained in S. 3010, as reported.

However, often these general analyses have not dealt in detail with specific problems disclosed in the actual record of legal services programs, activities, and employees. While many in this body have had particular problems in home States brought to their attention, the general tendency has been to discuss these as isolated incidents, perhaps even as unique ones. But, rather than being a matter of occasional difficulties and scattered problems, an overview of the legal services program discloses a broad and consistent pattern of alarming abuses which should be taken into account as we consider the future of this program.

Perhaps the most appropriate approach would be to cite a number of examples which in their geographical distribution and variety give an indication of the scope of these abuses.

SCOPE OF ABUSES

A legal services program in Illinois has just announced the funding of a new draft counseling service, to be located in Evanston, the location of Northwestern University and a suburb of Chicago. The "service"—which will include "advice," the following of "each man's case until it is ultimately resolved," and "draft education sessions"—would amount to providing Federal funds for a very questionable activity which, in my view, dilutes aid to the poor and appears to respond largely to the antiwar priorities of the legal services attorneys involved. The conduit for funds in this case is the Cook County Legal Assistance Foundation, a local legal services project.

In the April 14, 1972, Wyoming State Tribune it was reported that Philip White, Jr., a staff attorney for Legal Services of Laramie County, Inc., had threatened to bring suit against Laramie County School District No. 1 in the event that a local high school principal took action on his promise to suspend any student who refused to stand for the flag during school assemblies or other ceremonies.

Barbara Rhine of the Youth Law Center, San Francisco, Calif., an OEO backup legal center funded through the San Francisco Neighborhood Legal Assistance Foundation, has been frequently mentioned in connection with legal actions against "the pigs" and "the repressive structure." Two newspaper articles show clearly the nature of this young women's involvement in disruptive radical activities in the San Francisco area.

Rhine, who is married to Robert Kass but uses her maiden name, has previously been arrested during a demonstration; she is a member of the National Lawyers Guild, a regarded by many as a Communist Party front organization; she was a radical activist at Berkeley; and she was a leader of a women's march in support of an incarcerated female Black Panther.

Stephen M. Bingham, an attorney, was a legal services fellow with the federally funded Berkeley Neighborhood Legal Services program. He was with the program from September 1969 to June 1971, but took a leave of absence beginning November 1, 1970, and never returned to work—although he remained on the payroll through the following June.

On August 21, 1971, a San Quentin inmate attempted to escape from that institution. He was awaiting trial, charged with killing a correctional officer at Soledad Prison. The attempted escape resulted in the death of three San Quention correctional officers and two inmates in addition to Jackson himself. The last visitor to see Jackson prior to the escape attempt was Stephen Bingham, together with an unidentified woman not otherwise identified. Bingham disappeared immediately afterward and has not been located. He is a fugitive from justice.

James H. Rollins, a nationally known militant figure, who was elected to serve as cochairman with Dr. Benjamin Spock of the National Conference on New Politics, is now wanted on two counts of first-degree murder in California. He is also being sought by the FBI as a fugitive from justice.

Under the alias of Lee J. Evans, Rollins was hired by the Alameda County Legal Aid Society, California, as a project attorney, despite the fact that he was not a law school graduate or admitted to practice in any jurisdiction. He was able to work with the local project for 4 months under this false identity.

The Legal Aid Society of Alameda County, Calif., has not limited its questionable activities to the hiring of unqualified and falsely identified personnel. It has also engaged in substantial voter registration activity, including the maintenance of voter registration officials in its neighborhood office. This practice is a clear violation of the present statute which prohibits involvement in such political activities.

Kenneth Cloke was a legal services fellow with the Los Angeles Neighborhood Legal Services Society, Inc.—LANLSS—an OEO grantee organization. He was hired and retained on the staff of LANLSS despite the fact that he participated in planning the violent demonstrations at the 1968 national convention of the Democratic Party in Chicago; despite regular attendance at Communist Party U.S.A., recruiting meetings in Oakland and Berkeley; despite holding membership in and the presidency of State, a student organization that is reported to have played a dominant role in the campus rebellions at Berkeley; despite participation in the Communist-dominated Ninth World Youth Festival in Helsinki, Finland, and in the Komosol—Communist Youth Organization of the U.S.S.R.—sponsored trip to the Soviet Union and East Germany; and despite activity in Students for a Democratic Society.

Florida Rural Legal Services, Belle Glade, Fla., used Federal funds for publication of an underground newspaper, became deeply involved in local student protests, and one of its project attorneys assaulted a nurse during a staged police brutality demonstration.

The Dallas, Tex., legal service project, represented the publisher of an underground newspaper who was ineligible for the receipt of such services, and it used program funds to transport protesters to Washington. Fortunately, the latter expenditure was disallowed.

Throughout the country, legal services attorneys have raised challenges to compulsory work requirements for the receipt of public assistance, have assisted in the formation of local chapters of the National Welfare Rights Organization, and have helped organize tenant unions.

The OEO Western Regional Legal Services director has been representing a Government employee in a suit against Action charging that the employee was discriminated against because of her Democratic Party activities. The point is that a Federal attorney, albeit on his own time, is representing another government employee in a suit against a Federal agency over matter arising from partisan political activities. This case is an example of the questionable outside practice of law undertaken by a large number of legal services attorneys.

Employees of the Northern Mississippi Rural Legal Services program have used program facilities to support candidates for public office and have represented ineligible clients of political matters.

Daniel Siegel, a former OEO legal services fellow, served during his fellowship as a campaign coordinator for the radical April Coalition in Berkeley. A self-described revolutionary, Siegel has been convicted for inciting to riot prior to receiving his fellowship. He is most recently reported to be working on a Maoist anti-military project in the Philippines.

Sheldon Otis, who served as an attorney for Angela Davis, has been charged with embezzling $10,000 from a legal services program he was supervising in Redwood City, Calif.

Staff members of the New Orleans Legal Assistance Corp. were found to be improperly representing members of a Black Panthers Party Front Organization—the National Committee to Combat Facism. This group has also received assistance from the OEO Juvenile Law Project in San Francisco.

David Kirkpatrick, an attorney with the California Rural Legal Services, has worked closely with peace and freedom party leader Fay Stender, who is also deeply involved in the National Lawyer's Guild's activities, to furnish prisoners with Communist and other revolutionary literature. This material is supplied by use of the mails, sending packages to inmates with covering notes stating that they contain legal materials needed by the prisoners to prepare their cases.

Attorneys with the Monterey, Calif., legal aid society handled at least 104 military-related cases, many resulting from association with the movement for a democratic military and the Pacific Counseling Service which provide assistance to conscientious objectors. At least one legal services fellow with the program was identified as an organizer of local antiwar activities and rallies. Staff members have also worked closely with Unity Now, an underground newspaper which urges soldiers to create disturbances and foment resistance within the Army.

An attorney with Colorado Rural Land Services admitted preparing articles for a local underground newspaper and soliciting, of CRLS stationery, a juvenile client to serve as a distributor for the newspaper. The paper advocated, among other things, draft evasion.

The Camden, N.Y., Regional Legal Service programs has acknowledged representing financially disqualified clients on grounds that such individuals were unable to obtain private counsel because of their unpopularity or the unpopularity of their causes. The director of CRLS has stated his opinion that legal services should act as a sort of ombudsmen to the poor as a class, to represent them with respect to political and economic repressions. CRLS was also active in seeking support in the poverty community for the impeachment of a former mayor of Camden.

The director of a legal aid society in Illinois was a partisan candidate for State attorney of Marion County.

LIST HIGHLIGHTS PROBLEM AREAS

This list is not all inclusive. I only highlight some of the very serious problem areas associated with this program: violations of the program's statutory mandate, conflicts of interest, inciting litigation, fraud, involvement in disruptive and criminal activities, and contempt for the legal process and the standards of ethics and propriety which govern the practice of law.

These problems must be faced, and they must be resolved if a meaningful Federal role is to be played in providing a legal system that is accessable to all Americans, S. 3010, as reported, not only fails to deal with these problems while denying Congress and the executive any real authority to prevent even greater deterioration and distortion of the program.

I agree with the President, who said in his veto message of December 9, 1971, that—

> It would be better to have no Legal Services Corporation than one so irresponsibly structured.

I endorse the President's suggestion that the Congress rewrite this bill to add strict safeguards against the kind of abuses certain to erode public support. Congress has so far failed to heed this suggestion, and the only responsible course is to wait until a sound and responsible program is formulated.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. BROCK. I would like to commend the Senator for his statement and to point out some of the areas in which we are in such profound agreement. The Senator mentioned the tax exemption granted automatically to the new corporation. I know of no other corporation which, by law, is granted tax exemption without review. I think it is unwise, and obviously inequitable, to enact legislation which confers the benefits of an exemption without requiring compliance with existing law.

Mr. BUCKLEY. If the Senator will yield, this is a very important point, because by having constantly to prepare to meet a tax challenge which might be offered by the district directors of the Internal Revenue Service, we increase the internal pressure for the absolute avoidance of any political activity.

Mr. BROCK. The point is that under this Legal Services Corporation, as written in the language of this bill, political activity is not only allowed, it is actively encouraged. An example is the exemptions granted to attorneys for the Legal Services Corporation who have a client who is engaged in political activity. The law purports to stop lobbying or political activities, but it goes on to say that if you have a client, you can do anything you want to, and that is what has actually happened. Let me cite several cases.

Legal Services attorneys have been encouraged to provide advice to welfare demonstrators and legal counsel during rent strikes.

In northern Mississippi, they have used program facilities to support candidates for public office, and have represented ineligible clients on political matters.

In Connecticut, Governor Meskill claims that the Tolland-Windham legal assistance program played a key role in the defeat of a local official who was critical of two welfare applicants.

Legal Services funds a program in Yakima, Wash., which is run indirectly by Cesar Chavez's United Farm Workers organizing committee. Among other things, the program is involved in "insuring that existing legal rights are enforced, for example, in the area of voter registration." That is a quotation from their own pamphlet.

The Legal Aid Society of Union City, Calif., until recently, was used as an official voter registration office.

In Colorado, an attorney with Colorado Rural Legal Services admitted preparing articles for a local underground newspaper and soliciting, on CRLS stationery, a juvenile client to serve as a distributor for the newspaper, which advocated, among other things, draft evasion.

The list goes on and on and on.

In Camden, the Camden Regional Legal Services program has acknowledged representing nonpoor clients on grounds that such clients were "unable to obtain private counsel because of their personal unpopularity or the unpopularity of their causes." The Director of CRLS believes that Legal Services should act "as a sort of ombudsman to the poor as a class, to represent them with respect to political and economic repressions." CRLS was also active in seeking support in the poverty community for the impeachment of a former mayor of Camden.

In Florida, Florida Rural Legal Services used Federal funds to publish an underground newspaper which provoked friction by referring to policemen as "pigs" and displaying cartoons with white policemen beating young blacks.

Mr. President, that is why, when I see the bar association coming in with a wire to the Senator from New York, saying that they support the Legal Services Corporation without amendment, I think that is utterly ridiculous on the part of the bar association, to take such a position. You cannot tell me that the members of the bar of America think the legislation is not subject to improvement. I cannot believe they are that blind. I cannot believe that Mr. Jaworski speaks for the lawyers of this country. I will guarantee him he does not speak for the lawyers of Tennessee.

Mr. BUCKLEY. Mr. President, if the Senator will permit me to make an observation, I think too often, with the enormous press of affairs that each group is subject to, we are ending up with legislation by slogan. If a slogan seems attractive, if it seems on the surface beneficial, it is very easy to secure the agreement of the representatives of this group or that group to the proposition that any change is bound to be deleterious. I think that is unfortunate. I certainly have the greatest respect for the American Bar Association, and I am sure the man who is presently its president is a most competent and conscientious practitioner. But the absolutely categorical statement contained in his telegram suggests to me that he has not had the opportunity to inquire into the defects which I believe the Senator from Tennessee has pointed out with great eloquence, and which certainly the junior Senator from New York has attempted to point to.

Mr. BROCK. I think the bar association first got into the support of the program of the Legal Services Corporation. They undoubtedly felt a need to depoliticize an agency which was already involved in far too much chicanery, far too much political activity, and far too much lobbying activity, using the money that comes from the sweat of the taxpayers of this country to disrupt and destroy the fabric of the society in which those taxpayers exist.

The Bar Association, the President, and a great many other very sincere people decided that one of the objectives should be to depoliticize the agency. Yet, I cannot believe they have read this bill, because it does not do that. Moreover, it provides an exception from any political surveillance or any accountability for inequitable, unfair, or partisan political activity.

If the advocates of this measure were really sincere about depoliticalization, then they should cover the employees of this agency under the Hatch Act; and they very specifically have not done so. Why? If the advocates of the Legal Services Corporation want to claim there is not going to be any politics involved, why not put these employees under the same coverage that anyone else in the Federal Government is subject to, under the Civil Service Act and the Hatch Act? This would protect the American people against political abuse.

The fact of the matter is that they have no such protection. They have no such guarantee. You know, the Hatch Act was not written any more for the protection of the Americn people than for the protection of the employees themselves. A nongovernmental employee who works for someone else, and that someone says, "You have got to do certain political things," and he does not agree, can lose his job. The Hatch Act was designed to protect civil servants from that kind of abuse.

There is no such protection for employees of this new corporation. All it says is that attorneys hired by this program shall not engage in political activities during working hours unless they are representing a client. It does not even mention after working hours. So during the day, if they are representing a client, it means they can engage in any partisan activity they want to, and after working hours there is no prohibition at all, so the effect is to say, "Go ahead, get involved, do anything you want to; there is no limit."

Mr. BUCKLEY. Mr. President, there is another aspect about this whole program and the abuses which have crept into it which intrigues me, and they were certainly brought into highlight by the chronicle of political activities which the Senator recited, taking place throughout the United States.

The objective which the Senator from Tennessee believes strongly in, and which I believe strongly in, is to make sure that someone is not deprived of recourse to the law or of justice because of poverty.

It seems to me, however, that the effect of the legislation has gone beyond that. I cannot think of anyone who is not poor who has available to him the openhanded coffers of Uncle Sam to try to pursue any possible legal theory to the ultimate results in the courts. It is a kind of authorization for judicial fishing expeditions. It certainly goes beyond anything which I think is prudent. It certainly goes beyond my concept, at least, of providing a man who happens to be out on his luck with the opportunity to test whether or not he is being pushed around by this or that governmental official or by his landlord, or to see that his rights are protected in the manner in which others who can afford legal services are inclined to go after protection of their own rights.

Mr. BROCK. The Senator is certainly correct. We have a case in this regard. Staff members of the Lawyers Committee for Civil Right Under Law, which is an OEO grantee in Cairo, Ill., have been active in picketing and demonstrations conducted by the Black United Front, a militant civil rights organization, in a racially explosive community.

It is difficult for anyone to explain how those people were acting in the interests of poor clients who have some problem with a merchant who has bilked them out of a hundred dollars.

If they are going to engage in picketing, if they are going to engage in lobbying, if they are going to engage in political activities, if they are going to run around trying to pick up cases which will allow them to avow their own political viewpoint, they are not serving the poor people of this country. Quite the contrary they are serving their own self-interest, and they are using the money of the taxpayers of this country to promote causes with which the taxpayers do not happen to agree.

I think it is ridiculous for us to ask the people of this country to finance this kind of activity, which is inimical to the very system which supports it.

I fully agree with the Senator from New York, and I am very grateful for the remarks he has made in support of my amendment.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield the floor to the Senator from Arizona.

Mr. FANNIN. I thank the Senator from New York. I did not hear the entire colloquy, but I am very much in agreement with those statements I did hear. We have a common goal, which is to be fair and equitable with the poor people who are supposed to be involved in these programs.

I commend the distinguished Senator from Tennessee. I agree wholeheartedly with his efforts in the direction of doing what would be most beneficial for the people about whom we are talking.

I speak with some relevancy; in Arizona a vast amount of money is being spent sometimes just to advocate the personal views of individual attorneys as to what should be done on the Indian reservation. They have chosen to involve themselves inappropriately into school board elections and other activities that are in conformity with their intended work.

Mr. President, along with many of my colleagues, I have some deep concerns about the legal services program as it has been conducted. I particularly am troubled about the activities of legal services attorneys in the area of lobbying, or, as it is sometimes called, legislative advocacy. Before we take the steps provided in this legislation, should not we correct the many inequities now prevailing in the operations of the legal services program? I feel that the Senator is taking a very beneficial step.

The vision of lawyers sitting in a storefront office, providing legal assistance to poor people about problems with their landlord, or about marital difficulties, accords with the vision most of the Members of Congress had in supporting the legal services program. And there is, unquestionably, considerable authenticity in that vision, as has been expressed by both the Senator from New York and the Senator from Tennessee. But it is equally unquestionable that many of the legal services attorneys have engaged in lobbying, both at the Federal and State governmental level. This is a matter of policy within the program.

As I have stated, it has even happened within a county or within one Indian reservation. I know that other Indian reservations besides the Navaho's have experienced similar difficulties.

For example, the California Rural Legal Assistance program maintains on its staff, attorneys designated as legisative advocates, whose responsibility is to lobby the State legislature in Sacramento.

As a further example, I have a copy of a letter from the director of the Maricopa County Legal Aid Society of Arizona advocating participation in a political dispute involving the unionization of farm labor. This letter clearly demonstrates what kind of role the legal aid society conceives for itself. Even though the director disclaims any official participation by the Legal Aid Society, he asks that members of the legal services programs participate in this dispute to the extent of assisting in the recall of Arizona's Governor. That is how far it has gone. Notwithstanding the disclaimer of official support, the director has by his own letter involved the Legal Aid Society, since the letter is directed not to private individuals, but to members of the legal services programs over which he has supervision.

Mr. President, I find it hard to believe this disclaimer. A letter written by a private individual is one thing, but one which carries an officially designated title to the director of the Maricopa Legal Aid Society clearly implicates the society, notwithstanding his efforts to disclaim any official involvement. It is a serious matter when a federally supported organization is encouraged by its director to participate in a political controversy. Such encouragement is wrong and should be prohibited.

I should like to read this letter, because I think it is important to understand just how far the executive director, Mr. Bruce

N. Berwald, of the Maricopa County Legal Aid Society, in Phoenix, Ariz., has gone. This what he said:

> Migrant and seasonal farm workers in Arizona are presently engaged in a virtual life and death struggle. On May 11, 1972, the State Legislature passed and the Governor signed an Act which establishes an agricultural employment relations board and which effectively denies to farm workers the right to organize in the same manner as any other workers. Cesar Chavez, leader of the United Farm Workers, is entering into his third week of fasting in an effort to demonstrate the injustice of this issue. I am writing to you not in my capacity as Executive Director of the Legal Aid Society but rather in my personal capacity as a concerned citizen and lawyer. I am asking that you make known to your staff, your client community, your board, friends, relatives, etc. the state of affairs facing farm workers in Arizona.

Mr. **MONDALE**. Mr. President, will the Senator yield?

Mr. **FANNIN**. I yield.

Mr. **MONDALE**. I want to ask a factual question.

Is the person who wrote this letter on the staff of the legal services program, or is he simply a lay member of the legal aid board in Maricopa County?

Mr. **FANNIN**. I say to the distinguished Senator from Minnesota that he is the executive director of the Maricopa County Legal Aid Society—the executive director.

Mr. **MONDALE**. So he is on the paid staff.

Mr. **FANNIN**. He is on the paid staff. He is the executive director.

I read further from the letter:

> There should be no need to elaborate upon the incredible conditions under which many migrant and seasonal farm workers must work when they do not have the protection of the union. The problems locally are no less shocking and indirectly contribute to educational, consumer, housing, welfare, and various other legal problems.

Mr. President, before I read further from this letter, I want to explain that this is a gentleman who says that he is disassociating himself from the Maricopa County Legal Aid Society, as its executive director, and yet, in the letter he has sent out, he says: "To all Legal Services programs, from Bruce N. Berwald, executive director, Maricopa County Legal Aid Society." He also uses the address of the Legal Aid Society. That is absolutely absurd.

He goes on to say:

> My purpose in writing is to ask that you encourage your family, friends, staff—

Note that he says "staff"—

> client community, etc. to refrain from purchasing or eating lettuce until this dispute has been settled. Further, I would urge you to provide whatever moral or financial support you can to the efforts of farm workers in challenging this incredibly unfair legislation in the courts and pursuing the current drive to obtain sufficient signatures on petitions to recall the Governor of Arizona.

Now, Mr. President, I will read further from the letter but I wish to comment first, that here is a man taking part in a political action to recall the Governor of his State. Yet he represents himself as not being involved with the society, still he uses his title as executive director and then sends it out to all the legal services programs, and all the personnel involved.

Continuing to read from the letter:

> I am certain that you and your staff receive numerous requests for moral and financial suport of various causes. It is my hope that this letter to you from me as a colleague—

Now he is becoming a colleague—

> will be something to which you will give greater attention than that which you can give to the various other matters coming before you. Again, I reiterate that this was done on my time, was prepared at my expense and reflects only my personal viewpoint, not that of the Society.

Of course, that is questionable.

Mr. President, how can a person say that this reflects his personal viewpoint and not that of the society when he addresses it to all the legal services programs and then has it coming from him stating right on the front of the release that he is the executive director?

Mr. President, furthermore, if we consider what is involved here, he is saying that they should recall the Governor because of this bill. Well, the bill was passed by the Arizona State Legislature. It was not done on the recommendation of the Governor. Sure, he signed it because it was something that was desired evidently by the people of Arizona, by their elected officials, and the Governor did sign the bill. It is a fair bill. It is designed very much in line with the National Labor Relations Act. It does have a procedure which can be followed, similar to what the National Labor Relations Board follows. It is fair and equitable to the worker. It gives some protection which, of course, is only right, to the farmer.

I do not believe that anyone who will look at this matter in a fairminded fashion would disagree that is is not a fair and equitable bill.

Mr. President, I ask unanimous consent that the letter be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

To: All Legal Services Programs
From: Bruce N. Berwald, Executive Director, Maricopa County Legal Aid Society, 132 South Central, Phoenix, Arizona 85004
Date: June 1, 1972

Migrant and seasonal farm workers in Arizona are presently engaged in a virtual life and death struggle. On May 11, 1972, the State Legislature passed and the Governor signed an Act which establishes an agricultural employment relations board and which effectively denies to farm workers the right to organize in the same manner as any other workers. Cesar Chavez, leader of the United Farm Workers, is entering into his third week of fasting in an effort to demonstrate the injustice of this issue I am writing to you not in my capacity as Executive Director of the Legal Aid Society but rather in my personal capacity as a concerned citizen and lawyer. I am asking that you make known to your staff, your client community, your board, friends, relatives, etc. the state of affairs facing farm workers in Arizona.

Since Arizona is one of the largest producers of lettuce in the country, and since this is the primary product of most of the large growers, the union has called for a nationwide boycott of non-union lettuce. As with the grape boycott a few years ago, the economic pressures which could be exerted upon large growers by a national boycott of lettuce, might be sufficient to force them to enter into good faith negotiations with the union concerning improved working conditions, wages, etc. There should be no need to elaborate upon the incredible conditions under which many migrant and seasonal farm workers must work when they do not have the protection of the union. The problems locally are no less shocking and indirectly contribute to educational, consumer, housing, welfare and various other legal problems.

My purpose in writing is to ask that you encourage your family, friends, staff, client community, etc. to refrain from purchasing or eating lettuce until this dispute has been settled. Further, I would urge you to provide whatever moral or financial support you can to the efforts of farm workers in challenging this incredibly unfair legislation in the courts and pursuing the current drive to obtain sufficient signatures on petitions to recall the Governor of Arizona. I am certain that you and your staff receive numerous requests for moral and financial support of various causes. It is my hope that this letter to you from me as a colleague will be something to which you will give greater attention than that which you can give to the various other matters coming before you. Again, I reiterate that this was done on my time, was prepared at my expense and reflects only my personal viewpoint, not that of the Society.

Mr. **FANNIN**. Now, Mr. President, I feel sure that every Member of this body supports the concept of equal access to the system of justice, for the poor as well as for the rich. But that is not to say that legal services attorneys should be assigned to engage in lobbying activities.

Mr. President, they have been engaged in lobbying activities and the primary example of this has been their attempt to kill the Arizona farm bill. These lobbyists were in fact, attorneys in the employ of the Legal Services program. This, of course, was something that should be beyond their regular work.

There is a very fundamental principle involved here, and that is that the Federal Government should not be in the business of subsidizing one particular point of view. So many of our most important constitutional rights, Mr. President, are based on the premise that Government ought not to limit freedom of thought, freedom of expression, yet here we have a program whereby the Federal Government is using tax revenues to pay the salaries and expenses of lobbyists, seeking to influence the passage of legislation reflecting their own political agenda. I think this is wrong, Mr. President, and I think it should stop.

Now, Mr. President, they are not only entering into this matter from the standpoint of the legality, from the standpoint of what is fair and equitable, but they are also taking it on themselves to assume the responsibility, even in the circulation, as I understand it, of petitions, of doing the work that is certainly up to the people of Arizona and not up to attorneys involved in working in the Legal Services program. They have taken it upon themselves to carry their activities far beyond what is intended and I think, intended by the laws enacted which approved the legal aid concept.

The Government has long denied tax-exempt status to organizations engaging in lobbying activities. As long ago as 1929, in the case of Slee against Commissioner of Internal Revenue, Judge Learned Hand wrote:

> Political agitation as such is outside the statute, however, innocent the aim, . . . controversies of that sort must be conducted with public subvention; the Treasury stands aside from them.

But in the case of Legal Services, Mr. President, we have been providing Federal funds directly for this kind of activity. I think the Treasury should stand aside from lobbying by legal services lawyers, too.

There may be those who argue that, without pressure from legal services attorneys, the Congress and the State legislatures will not have sufficient regard for the needs of the poor. It seems to me that it is an insult to the Members of Congress and the State legislatures to make such a suggestion. It would be a good deal more accurate to say that the legislatures do not have the same political agenda as the legal services attorneys.

I believe, Mr. President, that there ought to be a flat prohibition on lobbying activities by legal services attorneys. In this respect, the proposed title IX of S. 3010 is deficient, and should not pass.

I give my full support to the distinguished Senator from Tennessee in trying to correct what is a great inequity.

Mr. BROCK. Mr. President, will the distinguished Senator from Arizona yield?

Mr. FANNIN. I am very happy to yield to the Senator from Tennessee.

Mr. BROCK. I am very grateful to the Senator from Arizona for his comments and his support. I cannot adequately express my agreement with his statement, insofar as the responsibilities of the Government are concerned, in the area of lobbying.

One of the basic principles which has guided our free society over the years holds that is wrong and a threat to civil liberties for the Government to subsidize the private advocacy of particular ideas. This has governed our views on separation of church and State and has strengthened the freedom of speech which is the birthright of every American.

Let me read what has actually happened as opposed to this very fine objective.

The Director of the legal services-funded Center on Social Welfare Policy and Law recently stated:

> The maintenance and expansion of rights cannot be long assured unless the recipients themselves are united in a strong and self-reliant organization. We have seen in the last five years the development of a national welfare rights organization which, together with its hundreds of local affiliates, has been able to work effectively with lawyers and, with them, formulate priorities and strategy.

In the same column, the project director said:

> We have mastered the federal and state welfare laws understood by only a handful of people less than five years ago . . . we have worked together with recipients who have learned their rights and organized to secure and expand them . . . we are beginning to learn to respond to planned and systematic repression in an effective and organized manner.

A recent article by the director and deputy director of a legal services grantee in Oregon stated:

> Lobbying efforts pose excellent opportunities to involve citizens in the lawmaking process . . . we assisted in the formation of a coalition of groups, both rich and poor . . . Two lobbying seminars were held aimed at teaching those who had no influence in government how to make their voices heard.

Legal services involvement in group representation is, furthermore, not limited to lobbying as it has been known in the traditional sense. The lawyers have also been encouraged to assist those engaged in such direct action activities as welfare demonstrations, rent strikes, boycotts, and the like.

All of this raises the question as to whether legal services grantees should be specifically granted tax-exempt status, as would be provided in the legislation. To grant such preferred status to legal services activists, while denying it to other organizations not publicly funded would, as elsewhere, tend to violate our traditional inhibition against providing Government support to some groups engaged in influencing public policy, while denying it to others.

I think that is a very fundamental question about the legal services corporation as it presents itself in this very bill. I think it is a legal reason why, with my amendment, there is some logic to action which would give us another year or so in which to reform the existing agency under OEO, to structure it to the purpose of servicing the poor people of the country and not abusing the taxpayers and the citizenry who have labored so long and hard to provide the funds that the Government is making available to this agency.

There are so many examples of their ongoing lobbying activities. In case after case they have joined not only in the demonstrations, rent strikes, and boycotts, but also in writing legislation and appearing before various groups to teach them how to organize for political purposes.

Mr. FANNIN. Mr. President, I agree with the Senator from Tennessee.

The Senator can imagine what could happen to our Government if we continued to sponsor programs that would result in the recall of publicly elected officials such as the Governor of Arizona.

Mr. BROCK. What we have is the taxpayers of America, without any voice in the process at all, being required to send funds to Washington which are then used to remove the Governor of a State. Without any voice of either party, we have the weight of the Federal Government behind an action such as this. It is incredible.

Mr. FANNIN. I agree with the Senator. It is incredible.

I will say to the Senator from Tennessee that we can imagine the tremendous amount of work involved and the cost to the State if the recall election is brought about. It would require 103,000 signatures to petition an election. Then, we have to have the vote and carry it through to an election. I am very confident that the Governor would have an overwhelming victory. However, it is so unnecessary to take up the matter and to take up the legal process of our State to accomplish something that is so unnecessary.

It seems to me that when the legal services attorneys decide that they are going to go beyond the people of that State and make a decision such as this, it is absolutely ludicrous.

Mr. BROCK. Mr. President, during this debate we have been made aware constantly of a wire received by the Senator from New York and the Senator from Wisconsin from Mr. Jaworski endorsing this bill categorically and urging that the Senate approve it without amendment. The sending of such a wire is utterly ridiculous. It could not be reflective of the mood of the attorneys of this country to make the argument that no such legislation should be amended.

I am confident that the Bar Association of Arizona or at least a great many of the attorneys of that State would be surprised to find that they were put in a position of categorically endorsing this kind of corporation which has no accountability.

Mr. FANNIN. Mr. President, I am very sure that the Senator from Tennessee is correct, that the lawyers would be very surprised. Furthermore, I know that leading members of the Democratic Party and even the minority leader of the State senate have stated publicly that they are not in agreement with what these attorneys are trying to accomplish. They have almost instigated this matter. They are supporting a man from outside of the State of Arizona, a man who should not be involved or connected with a matter involving the Governor.

I cannot imagine a man from outside of the State taking it upon himself to use the Legal Aid Society to recall the Governor of that State, a matter in which he does not have a voice or a vote. It is most absurd, but it is happening. And that is why I say that we do need some time to consider the matter. I know that the distinguished Senator from Tennessee realizes that we have made some progress since the last time we discussed this matter. I can recall when we were discussing the Indian people of our State and how they were very dissatisfied, the junior Senator from Arizona (Mr. GOLDWATER) said, and it is in the RECORD, that the elected representatives of the Navajos do not want this society handling the program. They are opposed to the OEO going around and establishing on the reservation a legal services program over which the Government agency has no control. He said that in essence this is the whole thing.

This has changed to some extent. They have corrected some of the inequities in that regard. However, we still have a great deal more to do. And I hope that we do have time to formulate a program that will have the support of the people.

Mr. BROCK. The question is how do we do it? Do we take action today which sets up this totally nonaccountable, uncontrollable Legal Services Corporation which builds in all of the inequities, all of the inefficiencies, and all of the problems which have been brought to our attention today.

It seems to me that the only way to arrive at a program that is responsive to all of the people of this country to all of the taxpayers who are paying the bill would be to adopt an amendment continuing the legal services program under the OEO where we are achieving a greater degree of reform today. It can ultimately resolve itself into an organization that is of benefit to all parties. However, if we take action today to separate from legal control the legal corporations with all of the problems now existing, that will not be so.

Mr. FANNIN. It would be wholly impracticable to try to accomplish that at this time, to try to make a complete change when we have so much to do in regard to the correcting of the inequities that now exist.

The Senator from Tennessee has made an extremely good case for this change. I commend the Senator for what he has done.

Mr. BROCK. Mr. President, I thank the Senator very much.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Steed, Mr. Addabbo, Mr. Roybal, Mr. Stokes, Mr. Bevill, Mr. Mahon, Mr. Robison of New York, Mr. Edwards of Alabama, Mr. Riegle, Mr. Myers, and Mr. Bow were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 26, 1972, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 72) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. ALLEN. Mr. President, I rise in support of the motion of the distinguished Senator from Tennessee (Mr. Brock) to strike title IX of S. 3010. The only way I believe that this motion could be improved upon would be to move to table the entire bill, but the removal of title IX from the bill will constitute a great improvement in the bill.

Listening to the argument in the Senate earlier this afternoon I was impressed by the fact that the proponents of the bill (S. 3010) pointed out to the distinguished Senator from Tennessee (Mr. Brock) that if his motion to strike title IX should prevail that it would leave the provisions of law with respect to the legal services program exactly like they are, and the statement was made that the opposition of title IX was based upon the abuses and the weaknesses of the present program. A considerable point was made of that argument.

Well, just the reverse of that argument can be made from the very same fact because obviously someone must have thought that the present program was not working well enough and it became necessary to come forward with a Legal Services Corporation. Obviously the proponents of the Legal Services Corporation concept feel that the present legal service program can be improved upon and that it needs to be improved upon.

Somewhere during the course of debate, and I anticipate there will be considerable debate upon this motion to strike, I would like to be advised by the proponents of the measure why it is necessary on page 75 of the bill, subsection (f)(2) to authorize the appropriation of $100 million for the next fiscal year for this Legal Services Corporation, when I am advised that the present appropriation for the legal services program being carried on by OEO is only $61 million for the current fiscal year.

That is not all, Mr. President. On page 71 there is provided—and if my construction of these figures is not correct I feel sure the proponents of the measure will hasten to point out the error of my analysis—in subsection (2) it is provided that for the fiscal year ending June 30, 1973, and that is the fiscal year that starts in just a few days, and for the succeeding fiscal year, and that would be a 2-year authorization:

> The Director of the Office of Economic Opportunity shall have for each such fiscal year reserve and make available not less than $328,900,000 for programs under section 221 of the Economic Opportunity Act of 1964 not less than $71.5 million for Legal Services programs under section 222(a)(3) and title IX of Act.

Obviously they are talking two bites out of the public purse in this bill for the Legal Services Corporation: $100 million on page 75, subsection (f)(2) and $71.5 million on page 71. I am sure that after I have concluded my remarks the error of my analysis will be pointed out if the wording of this bill does not correctly reflect the intention of the proponents of the measure.

This title IX is intended to expand, institutionalize, and fatten with increased authorizations the legal services programs now administered by the Office of Economic Opportunity. In doing so, I find no fault with the idea of providing the poor with "equal access to our system of justice."

Mr. President, were this the sole purpose of the bill, we could invoke the familiar observation that where the ends are agreed upon the only remaining questions concern a choice of the best possible means of achieving the end.

But I contend that the ideal of "equal access to our system of justice" is not and has never been the guiding principle underlying the legal services program.

This work is being carried on now under the OEO, and there is some little control by the OEO, and through the OEO by the President himself, of the work of the legal services program. But set up this corporation and it will be absolutely without rudder. It will be able to go wherever it is tossed by the efforts and the thoughts and the ideas of activists who will unquestionably carry out the program.

There is ample evidence to support the conclusion that the purpose of legal services is to exploit the revolutionary concept of class actions against State and local governments and to otherwise exploit the concept of class warfare both in our courts of law and in appropriate economic areas.

Nevertheless, if we were to assume for the purpose of argument that legal services programs are designed merely to provide equal access of the poor to our system of justice, we would have to conclude that the means chosen to provide this service have been demonstratively disruptive, inefficient, and inappropriate. If Congress is insistent on providing legal services for the poor, why in the name of commonsense isn't the money provided for administration of the program by the States? Why is it necessary or even desirable that the program be administered by the Federal bureaucracy?

This certainly would be a bureau to end all bureaus. If it were set up without any control whatsoever, to carry on such functions in the legal services field as it saw fit to carry on, we would have a bureaucracy to end all bureaucracies, and pretty soon we will find the tail wagging the whole dog of the Federal Establishment and Federal bureaucracy.

Mr. President, section IX of the bill before us is in one sense an admission of failure of the past program, as I pointed out in my introductory remarks.

It is true that the failure is blamed on what proponents refer to as "political interference," which means that State and local governments have strenuously objected to some of the activities funded by the program. In recognition of the past failures, it is now proposed that there be created an independent Legal Services Corporation with substantially increased funding and independent of any kind of interference, and, I might add parenthetically, any direction or control.

I will have more to say about the proposed new corporation in just a moment. In the meantime, I want to give an example of the truly revolutionary type of class actions which can reasonably be expected to be funded and directed by the Corporation, and I have ample examples to point out if the occasion arises.

I want to bring this a little closer to my home State and what we might possibly envision from actions taken by such a Legal Services Corporation or a similar legal services program.

Recently, a class action was instituted in a U.S. District Court against the State of Alabama as a defendant, together with all State officials having any responsibility, directly or indirectly, with the operation and management of Alabama's system of mental hospitals.

I hasten to say this was not an action brought by the legal services program, but it is actions of this sort that may be brought and that it is contemplated will be brought by the Legal Services Corporation or under the legal services program as it now exists.

I might say that when I oppose the concept of a Legal Services Corporation, that does not mean I favor the concept of the legal services program as now being administered by the OEO. The present legal services program administered by the OEO is bad. It ought to be abolished, or substantially amended. But the concept envisioned by setting up a separate corporation, with no helmsman under the control of the Federal Government, under the control of the Government's spending the taxpayers' dollars, with no control over this Corporation, is what I strongly object to. It is self-controlled—self-contained, so to speak.

So when I say I oppose the concept of the Legal Services Corporation, I oppose that even more than I oppose the concept of the legal services program now being operated by the OEO, because there is some measure of control. It can be held within half-way reasonable bounds. If you turn them loose as a separate, independent corporation, fattened by authorizations of $150 million, as contained in the bill before us, you watch then what it is going to do. I fear for every State government, for every local government, for every worthwhile program of the National Government. All of these programs would be subject to attack as a result of a whim or caprice on the part of the Legal Services Corporation.

So I oppose the Corporation. I oppose the legal services program. All the motion or amendment would do is to strike out the Corporation concept. It would leave us with a bad program. It might save us $100 million—that is not to be lightly regarded—if it were knocked out, because over on page 75 is an authorization of $100 million. Starting the first day of July of this year, there would be an authorization of $100 million a year for the Corporation set up by title IX Obviously, if no corporation is set up under title IX, then this authorization would in effect become null and void. So if we adopt the motion or adopt the Brock amendment, we would at least save the American taxpayer $100 million. I do not believe anybody would be hurt by that except some of these attorneys, these moonlighting attorneys, I might say, who put in part of a day's work, in many cases, with the legal services program and then proceed to do outside work.

A great to-do was made some minutes ago when it was said, "Why, we have doctored this bill up. We have removed some of the President's objections. We have removed Senator Cook's objections, who objected to their doing criminal practice in addition to working for the legal services program."

We are going to prevent that. But I did not hear anything about removing them from carrying on a civil practice, and that is where most of this practice would be. It would not be criminal practice, as I see it. I may be wrong, but I do not believe that they are prohibited from carrying on lobbying activity, and in fact legal services might be a pretty good springboard or entree to carrying on that type of activity.

Suppose I am an attorney with the Legal Services Corporation. I do not read anything in the bill—perhaps it is there—which says that such moonlighting activity would be forbidden to the people carrying out the provisions of the section setting up this Legal Services Corporation.

But I have digressed from my remarks. I was talking about the action that was brought in the State of Alabama, in a U.S. district court, with the State of Alabama as the defendant, together with all of the State officials having any responsibility, directly or indirectly, for the operation and management of Alabama's system of mental hospitals.

The facts in the case were not in dispute. Alabama unfortunately does not have the most modern institutional facilities for care of the mentally ill nor is its system of hospitals adequately funded to provide all of the services to be desired either by way of professional staff or physical facilities. In this regard, the State of Alabama is not alone. I think it is reasonable to suggest that all States recognize that there is room for vast improvement in the respective States. However, the problem in Alabama was dramatically highlighted by the late Gov. Lurleen Wallace, who marshaled public sentiment in support of legislative efforts—and a large bond issue, I might say—to help correct the admitted deficiencies, and it is unquestioned that some progress has been made—not as much as we would like to see, but some progress has been made, and public opinion supports major additional changes for the better in our care for the mentally ill.

But to get to the point, the U.S. District Court judge who presided over this class action—the type of class action which is contemplated under the Legal Services Corporation—established what he referred to as constitutionally required minimum standards of care and treatment of mental patients in State-operated institutions. These standards are listed in a 13 page appendix to the court order and cover every significant detail in the operation and management of the hospitals, including everything from bathrooms to diets, recreation, clothing, haircuts, and qualifications of employees and staff, as well as physical and medical therapy and procedures. These standards were ordered to be implemented by way of mandatory injunction.

Mr. President, I have no argument with the desirability of the standards. They were fine. My objection is that such standards are not required by the Constitution of the United States. It was obvious to the plaintiffs and to the judge that implementation of the court-ordered standards would require a very substantial initial appropriation by the Alabama Legislature and substantially increased appropriations in future years. There is the rub.

Mr. President, I wonder if any Member of the Senate will subscribe to the proposition that Federal courts, under authority of the U.S. Constitution, can order a State legislature to levy taxes, determine priorities in the allocation of tax revenues, and order appropriations in such amounts as a Federal judge may determine?

If that is the law, what is the need of having a State government? What is the need of having a State legislature to make these decisions? What is the need of having a Governor to see to it that the laws passed by the legislature are put into effect?

If the "due process" clause of the Constitution authorizes a Federal judge to dictate to State legislatures in the matter of levying taxes and appropriating revenue, we would have to admit that Federal courts have the same power over Congress by virtue of the "due process" clause.

If a Federal court can order a State legislature to levy a tax or to make an appropriation, why could it not also order Congress to levy a tax or to make appropriations, or determine for Congress the priorities? Or for the President. That is going to be one of the big issues in the presidential election, the priorities for expenditure of the taxpayers' funds. That is going to be possibly the biggest issue in the presidential election. But if we follow the reasoning of the Federal judge in this case, in which he takes unto himself the power to order the legislature to act, out to its necessary conclusion, we are going to reach the conclusion that the Federal courts, headed by the U.S. Supreme Court, can issue similar orders to Congress. And I do not believe we in the Senate are prepared yet to take that position.

It is interesting, I think, to note the cavalier manner in which the judge treated this particular problem. On this point, I want to read from the judge's order:

> In the event—that the State Legislature fails to satisfy its—constitutional obligation and the mental health board, because of lack of funding—fails to implement fully the standards herein ordered, it will be necessary for the Court to take affirmative steps—to insure that proper funding is realized.

Mr. President, in a footnote the judge states:

> If the Legislature does not act promptly to appropriate the necessary funding for mental health, the Court will be compelled to grant plaintiffs motion to add various state officials and agencies as additional parties in this litigation, and to utilize other avenues of fund raising.

I reiterate, if the Federal courts in the State of Alabama can order our legislature to levy taxes and make appropriations, it is not going to be many years before they take the same attitude with respect to the national Congress.

Mr. President, in the judge's opinion, it appears that the additional parties to the suit which he contemplates adding include all members of the Alabama Legislature, the State treasurer, and the comptroller, among many others. In other words, this particular U.S. district judge asserts the power to compel the Alabama Legislature to appropriate funds for such purposes and in such amount as the judge may deem fit and proper. In addition, when the judge speaks of utilizing other avenues of funding, he is referring to what he conceives to be his power to compel the State of Alabama to sell certain of its real property and to order the State to allocate the proceeds of the sale to the implementation of court-ordered standards for the operation of mental institutions.

Mr. President, I insist that this is one type of action which is contemplated by the proposed Legal Services Corporation.

We can only ask if Senators have contemplated the serious implications of funding lawyers to bring actions against States and municipalities in Federal courts presided over by judges who conceive themselves empowered to order members of State legislatures to levy taxes and appropriate funds as the judge may see fit. There is not a single State nor municipality in the United States which cannot be made a party defendant to a class action such as this one involving every conceivable type of public service afforded by the States or local governments.

Mr. President, this is one type of class action which we can continue to expect if we authorize the establishment of the Legal Services Corporation with near unlimited powers as contemplated by this bill.

All of us are more familiar with the disruptive activities of Legal Services lawyers who have occupied their time in helping organize groups and coalitions for welfare rights, tenants unions, and in organizing boycotts, demonstrations, and lobbying activities.

It was these and other serious problems with the program that prompted a Presidential veto in December 1971. There has been some change in rhetoric and appearance of the bill but its deficiencies stand out like a sore thumb.

Mr. President, it is not my intention to explore all of the reasons cited by the President for his veto. However, there is one point in particular on which I do want to comment. I refer to the general subject of "accountability." Let us analyze that and see to whom and to what extent this Corporation, set up by title IX, is accountable.

In the President's message of December 9, 1971, he said that "the quintessential principle of accountability has been lost." In this connection, there are two aspects of accountability. I am more concerned about accountability of the Legal Services Corporation to the public than I am about the esoteric arguments relating to accountability in the limited context of the attorney-client relationship.

To whom are these people accountable?

It is one thing for a legal services attorney, once engaged with his client, to be immune from outside pressures. That is all well and good. I respect, I endorse, and I approve of the confidential relationship that exists, and that should exist, between a lawyer and his client; and I would take the position that a lawyer-client relationship is created in the case of a person for whom a legal services attorney is doing legal work contemplated by the act. So it is one thing for a legal services attorney, once engaged by his client, to be immune from outside pressures, at least to the extent that he would be immune, if he were in private practice and representing that client. There is no difference between the confidential relationship of an attorney in private practice dealing with a client who is paying him a fee and a person for whom a legal services attorney is rendering a legal service, not with compensation from the client but as part of his duties as an attorney with the legal services program. I say "program" because that is what it is now, rather than "legal services corporation," which is contemplated by title IX. It is quite another, however, for a corporation which they are seeking to set up under title IX, funded with taxpayers' dollars and authorized by their representatives in Congress, to enjoy immunity from oversight and review.

What other department in the executive branch of Government or in the legislative branch of Government is not subject to review by somebody? Even in the judiciary there is some little measure of control by the Supreme Court of the lower courts. Apparently, there has been very little control of the Supreme Court by anybody—the legislative branch, the executive branch, or the Court itself. I do not know of any agency set up by the Federal Government and paid for with taxpayers' dollars that is not subject to some measure of review. This corporation is to be set apart as sacrosanct so far as any control by Congress is concerned, or by the President, except for his power of appointment of the directors of the corporation.

But it is quite another thing, as I say, for a corporation funded by taxpayers' dollars and authorized by their representatives in Congress to enjoy immunity from oversight and review. Obviously, it should not be. The principle that the Corporation must protect the attorney-client relationship of its project attorneys and members of the client community, on the 1-to-1 basis protected by the Canons and the Code, is not the same as the Corporation having immunity itself from the establishment of policy and administrative directions and emphases. Actually, the Corporation, as a consumer of taxpayers' dollars—and I say that it is going to have a voracious appetite, to consume some $178 million a year—and as a vehicle for meeting the needs of a problem recognized by Congress, must be subject to the long-range scrutiny that other federally funded entities are.

I say again: Why should not this Corporation be subject to some review by Congress and the executive branch, or by Congress or the executive branch? Why make it a law unto itself? That is what would seem to be one of the major thrusts of title IX: Set up this corporation, give it independence, along with $178 million to spread out all over this country, bringing harassing lawsuits against States, local governments, and worthwhile programs of the Federal Government.

The question can be well put, therefore: Does S. 3010 as reported by the Senate Committee, strike an acceptable balance between these differing—yet not necessarily conflicting—means of accountability? I think the answer is a negative one. This is true in many instances.

The appointment of members of the board of directors of the Corporation from lists recommended by grantees and potential grantees of the Corporation jeopardizes accountability to the public. The public is entitled to a little consideration in this matter, not people bringing lawsuits, not people whose aim it is to harass. Let us consider the public once in awhile, not just toss $178 million of the taxpayers' money into this program.

The appointment of at least two of the members of the board from among those recommended by the project attorneys council and the clients council—one each—jeopardizes accountability by placing policymaking control in the hands of those who benefit directly from the program. That is interesting. At least two members of the board are to be appointed from among those represented by project attorneys council and clients council—one each.

Should the Corporation ever be taken to task by the beneficiaries of the program, maybe if they were not benefiting enough, they might complain, but that hardly seems to provide true accountability. It hardly seems to demand real accountability from this Corporation.

A private corporation is accountable to its stockholders. In a sense, it would seem to the junior Senator from Alabama that the taxpayers of America might well be considered to be stockholders in this Corporation, except that they do not have any voice. Stockholders in a private corporation like General Motors, General Electric, the Ford Motor Co., have some say. If one has only one share of stock in a corporation, and he feels that the affairs of the corporation are being mismanaged, he can file suit against the corporation and against the board of directors of that corporation, to hold that corporation, its officers and its board of directors, accountable to the trust that has been placed in them when they were made officers and directors of that corporation. A person does not have to have much stock in a corporation—one share would suffice. That will entitle him to a suit.

Why is it that a poor, downtrodden taxpayer is not given the right to call the Legal Services Corporation to account for the actions of its officers and directors? Why should they not be regarded as acting in a fiduciary capacity, accountable to the taxpayers?

Since we do not have a true democracy in America—not like the true democracy back in the days of the Greek city-state—but we do have a republic or a representative democracy, certainly, then, it would seem that the people's duly elected representatives in Congress or in the executive branch—those who are elected—should have some way to hold this corporation accountable for its actions.

But there is no accountability outside of the corporation itself. That does not seem to be acting in the best interests of the people of this country. It is not acting in the best interests of the taxpayers of this country.

The absolute prohibition, embodied in proposed section 913, against Federal oversight would totally destroy the principle of accountability of the corporation to the public and their elected representatives, not to mention the requisite accountability desired as to such Federal agencies as the Office of Management and Budget—every other agency I know of in the executive branch is accountable to the Office of Management and Budget but not the Legal Services Corporation—the Civil Service Commission, the Department of Justice—all of these departments and agencies of Government are accountable. If we appropriate all the money to this corporation and have no control over the purse strings, we will see this money tossed to the winds. We will see a Federal boondoggle that wil exceed anything we have seen in a long time, in the judgment of the junior Senator from Alabama.

Placement throughout the legislation of authority to make determinations into the hands of the board of the corporation, when such determinations—like the eligibility of clients, the scope of representation, et cetera—ought to rest in the hands of the Congress. Turn this money over to them and let them go outside—in effect, I would say—I would not say that they would be going out to drum up business, which is certainly an unethical act on the part of attorneys in private practice. I would hope it would be so regarded in this corporation.

Mr. President, my analysis of the legislation pending before the other body convinces me that the President's criticism of the lack of accountability has not been met, and neither has it been met in S. 3010.

Mr. President, I should like to go into this matter of a potential veto a little further. It has been said that all the President's objections have been removed. Possibly that is true. I am not in touch with the President as regards his views.

In his veto message of December 9, the President said:

> In re-writing our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support.

Mr. President, I submit that this authorization bill is going to still have within its borders provisions that are not going to be pleasing to the taxpayers of this country and to those who want to see accountability for the expenditure of public funds. I do not believe that the criterion is being met by this bill.

Many of the areas susceptible to abuses remain in this bill.

First, there are the areas susceptible of abuse by virtue of political activity. Sections 906(e) and 907(d) (1)-(2) would permit many kinds of political activity among employees of the corporation and programs assisted by the corporation, and would, for the first time in the history of this program, specifically authorize lobbying activities—political, by definition.

Mr. President, perhaps other Members of the Senate might welcome lobbying activities to further the interest of this program and to further the interest of any Federal program, to advance the interest of any legislation, or any public figure, for that matter, as that public figure might be affected by legislation or an appointment pending before the legislation. However, for the first time in the history of this program there is specifically authorized lobbying activities, political by definition.

Second, proposed section 902(b) would grant a tax-exempt status to the corporation, despite its ability to engage in political activity and other activities proscribed by Internal Revenue Service rulings and guidelines for non-profit, tax-exempt organizations.

So here, Mr. President, we are going to have a corporation enjoying tax-exempt status, not controlled by the Government except that it has to ante up millions of dollars every year to see that the program is carried on.

Mr. COOK. Mr. President, will the Senator yield?

Mr. ALLEN. I yield for a question.

Mr. COOK. Does not the Senator find it very interesting that there is a debate going on throughout the United States today about tax loopholes and in one section of this bill it provides an absolute tax-exempt status and in another section they are given the opportunity of lobbying. Yet they have a tax-exempt status. Under the present Internal Revenue regulations one of the things that one cannot do under any circumstances is to lobby. Yet, because we are allowing this corporation to accept gifts, we have opened up the door for every major foundation in the United States to break the law by subterfuge. Every foundation that can make a grant to this corporation cannot lobby now. However, they can give it to this corporation that can lobby, and rather than work for their tax-exempt status, they are automatically given one.

Mr. ALLEN. Mr. President, I certainly agree with the Senator from Kentucky. He has put his finger on one of the major defects in the bill, and certainly one that sets this corporation apart for special treatment in many areas—although it is certainly not a tax foundation—and allows it to accept contributions from individuals, corporations, and foundations which other corporations engaged in political activity are not allowed to accept. It is another vicious instance of setting apart this corporation for special discriminatory treatment and partial treatment.

Mr. COOK. Mr. President, this is a tax loophole that would no longer jeopardize any major foundation in the United States as long as they could have another corporation to give it to by reason of which they give tax exempt funds to an organization that had the right to lobby but did not have to fight for its exemption under the Internal Revenue. However, for the first time conceivably in the history of the legislative process we automatically legislate a tax exempt status for a corporation and then allow it to lobby.

Mr. ALLEN. That is certainly true. It is a very vicious defect in the opinion of the junior Senator from Alabama.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. JAVITS. Mr. President, the Senator has an amendment, does he not?

Mr. COOK. I have an amendment if I have the opportunity to present it, yes. I have one on which I will ask for the yeas and nays. However, at this stage of the game, I have no idea whether I will be successful.

Mr. JAVITS. I understand that. However, the point I am making is that the argument of the Senator from Alabama is designed to strike the entire title. I believe that the Senator from Kentucky and I can deal with that most constructively and affirmatively. His amendment does point to the right thing to do. We can submit it to the scrutiny of every Senator.

Mr. COOK. I cannot disagree with the Senator. I raise the point with the Senator from Alabama that, as the bill is presently written, this could happen.

Mr. JAVITS. That is legitimate. However, it is also legitimate for the defenders to point out that this is an aspect which can be dealt with by amendment. However, the Senator from Tennessee (Mr. BROCK) and the Senator from Alabama (Mr. ALLEN) seek to strike out the whole thing.

Mr. COOK. Mr. President, to at least set the record straight—and I apologize to the Senator from Alabama—I can only say that many other sections will also need amendments.

Mr. JAVITS. There are other amendments and we can deal with those in the most constructive and affirmative spirit.

Mr. COOK. Mr. President, the point I was trying to make to the Senator from Alabama is that the way the bill is presently written and before us, it authorizes lobbying and a tax exempt status which under the present Internal Revenue Code could be a tremendous loophole for gifts, contributions, and direct contributions of funds from organizations throughout the United States who are now tax exempt and are prohibited from lobbying, but would be allowed to give to this corporation which would be allowed to lobby.

Mr. ALLEN. Mr. President, I express my appreciation to the distinguished Senator from Kentucky for his contribution to this discussion and say to him that I feel that he has made a valid point. I also have to express the hope, however, that it will not be necessary to consider the amendment that is hoped to be offered by the Senator from Kentucky because I hope that the amendment offered by the Senator from Tennessee (Mr. BROCK) is agreed to.

I might say that this bill does not need a surgeon's scalpel. It needs a meat axe approach. It does not need to be operated on with a fine instrument. It needs to be knocked completely out of the bill. There is no need to change the title as far as the junior Senator from Alabama is concerned.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. ALLEN. I yield to the Senator from Tennessee.

Mr. BROCK. I am very grateful to the Senator for his support and I agree with the Senator's statement.

I wish to point out that it is almost impossible to remedy the defects in the existing proposal by amendment. For example, on the matter of lobbying, the Senator from Kentucky has an excellent amendment which would do some good, but there is no way all of these faults can be corrected. For example, if we prohibit other organizations from giving to the Corporation, there is still no prohibition against employees of the Corporation from engaging in political activities on their own. As I stated earlier, the Hatch Act was not passed simply to protect the American people against that, but also Government employees from undue influence from their supervisors or managers to assure them of continuing employment.

There are thousands of examples of this sort in abuses which took place time after time in State after State which are not subject to control or remedy in the context of the law as proposed in this legislation.

If we are going to respond to the need, I see no alternative than to agree to the amendment. To do otherwise, would freeze into law the existing pattern without accountability.

Again, I thank the Senator for his support.

Mr. ALLEN. I thank the Senator from Tennessee for his remarks, for offering the pending amendment, and for his excellent presentation in his introductory remarks, the colloquy in which he has engaged, the questions he has asked, and the colloquy he has had with me on this subject.

I appreciate very much the distinguished Senator from Kentucky pointing out still another defect in title IX and in the concept of this bill.

Repeating, for the purpose of continuity:

Second, proposed section 902(b) would grant a tax-exempt status to the corporation, despite its ability to engage in political activity and other activities proscribed by Internal Revenue Service rulings and guidelines for nonprofit, tax-exempt organizations.

The distinguished Senator from Kentucky pointed out that this section can be abused, how it would be a great loophole in our tax laws and could easily be evaded.

I might express this confidence to the distinguished Senator from Kentucky. There are in this body a number of Senators who are running for the high office of President of the United States, and all of them are interested in closing the loopholes in our tax laws or, at any rate, they have expressed that opinion throughout the length and breadth of this land. I am hopeful that when the amendment offered by the distinguished Senator from Tennessee—and, if it becomes necessary, the amendment of the Senator from Kentucky—is voted upon that these senatorial presidents will be on hand to cast their votes in favor of closing loopholes actual and potential in our tax structure.

Third, the advisory councils which would be created by virtue of section 903 are comprised of those parties with direct interests in the programs, grants, and funding—the clients and the project attorneys—admitting thereby of publicly visible conflicts—in short, a further extension of the poverty-bureaucracy complex.

I am pointing out here some of the abuses of the bill that could very well lead to a Presidential veto of the entire bill, even in the face of the statement made on the floor that the objections of the President have been met. Whether he raised these objections or not is not known.

I note that while he may have expressed a desire to see a Legal Services Corporation set up, I would hazard the guess that he would not be suggesting that a tax-exempt corporation be set up, one that would permit lobbying activities on the part of this corporation and the acceptance without tax, either to the donor or donee, of money for lobbying purposes. I would seriously doubt if the President of the United States would support such a concept as that.

Fourth, section 904(c) would permit the chief executive officer—the executive director—of the corporation to serve at the pleasure of the board, not at the pleasure of the elected representatives of the people. He is appointed and serves at the pleasure of the board of directors of the corporation, with no consent from the Senate required and with no appointment by the President mandated. Whereas the directors may have to be approved by the Senate, as suggested by the distinguished Senator from Wisconsin in his remarks, I do not believe it will be found that the executive director has to be approved by the Senate. Possibly it does and if so I did not notice that requirement.

Fifth, section 904(e) permits meetings of the board to be closed—not subject to public scrutiny.

Sixth, section 906(a)(8) permits an establishment of standards of eligibility without any guidelines from the Congress and does not require conformity with antipoverty guidelines, indices, and criteria for other programs of the Federal Government. Here again I say they would be out in a stormy sea without a rudder. That is the situation of this corporation as regards any congressional oversight.

Seventh, while section 908(a) permits public disclosure of all information and documents relevant to grants and contracts, section 908(b) does not permit full disclosure of evaluation, inspection, and monitoring reports.

Mr. President, the ultimate slam at public accountability is section 913, which reads as follows:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

That is a shocking provision that is suggested as the law of the land. It seems to have two authorizations in the bill, one for $100 million and another for $78 million and it is provided:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employer of the United States to exercise any direction, supervision, or control over the corporation.

Would that mean, Mr. President, that the General Accounting Office would not be able to come in from time to time, as required by law for other Federal public agencies, and check the books and records of this Corporation? That is what it says. I guess it means what it says, because it is not going to authorize any department, agency, officer, or employee of the United States. I assume the General Accounting Office comes within that general language. They are not going to authorize anybody to exercise any direction, supervision, or control over the Corporation.

What about a Federal grand jury? What if they steal the Corporation blind? Are you going to allow a Federal grand jury to check into the affairs of the Corporation? I doubt it. The bill provides:

> "Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation . . ."

That is a pretty shocking provision.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLEN. I yield for a question.

Mr. JAVITS. I asked the Senator to yield to correct the facts, because they will appear in the RECORD. I call attention to the Senator to the provision of section 910(b)(1), on page 121 of the bill, which reads:

> The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office . . .

And so forth.

That is one.

I wish to point out to the Senator that the report of such audit is to be made to the Congress and that it is to be kept available here within the Congress, and so forth.

Also, I wish to point out to the Senator that, in my judgment—the Senator naturally is entitled to his own opinion on that—the words "direction, supervision, or control" would not include even an indictment of the Corporation—and this refers only to the Corporation, not those who work for the Corporation, or any individual—and that the Corporation, in my judgment, could be indicted by a grand jury. Notwithstanding those words, I do not believe the words cover any immunity for criminal prosecution.

The final fact is that, if the Senator will refer to section 308 of the public broadcasting law, he will find a similar provision.

I wish to state to the Senator once again, simply as a fact, that the reason for the adoption of this amendment was that it was strictly an amendment which deals with the confidentiality and the integrity of the professional relations between lawyers and their clients.

Again, if the Senator would have in mind, or any other Senator would have in mind, an amendment which would make that precise and clear, I personally would be very anxious to have them take a constructive and positive role in making what I have just said clear.

Mr. ALLEN. I appreciate that.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. Yesterday we accepted an amendment by the Senator from Texas (Mr. TOWER) to make all of the information, except matters of confidential relationship between lawyer and client, available for the inspection of any Member of Congress, also.

Mr. JAVITS. I thank the Senator.

Mr. ALLEN. Mr. President, I appreciate the remarks of the distinguished Senator from New York in clarifying some of the language of this section. I would hope that, if title IX survives a motion to strike it, he would make it clear that the prohibition against the exercise of any direction, supervision, or control over the Corporation would not prohibit an investigation by the General Accounting Office, because it would seem that these sections are in conflict. I hope that that change would be made. I hope it will not be necessary to make the change, because I hope the whole title will be stricken.

It is readily apparent, upon the enactment of this legislation, that there is to be no accountability to the public through their elected officials, despite the Federal creation and Federal funding of the Corporation.

This absolute prohibition against "Federal control" would, in my opinion, limit the authority of the Office of Management and Budget to suspend assistance if the program were acting outside the scope of its authority. It would limit the authority of the Department of Justice to investigate and pursue actions with respect to misappropriations of funds. It would limit the authority of the Civil Service Commission with respect to anything within its jurisdiction as to the operation of the staff and personnel of the corporation.

Mr. President, the specific question might arise as to how the Federal financing of the proposed corporation acts as a subsidization of political activity. It can be answered convincingly. By assuring persons who engage in politicking and radical activities of a continuing salary through the program—salaries made possible through Federal taxpayers' dollars—these persons are able to engage in free-time political activities and organization of persons into radical activities and associations.

Sometimes the employees work for a legal services program for a while, until something comes to the front burner. Then they drop out of the program, undertake their own self-imposed missions, after which some drop back into the legal services program. Others are able to get positions in the program by virtue of having engaged in radical activities. But the most common case is the one where a person, heavily involved in political activity, carries on such activities during varying sorts of free time—annual leave, compensatory leave, "afternoon leave," and so forth. This is possible because the legal services attorneys are not covered by the restrictions of the Hatch Act which apply to Federal employees.

Here is another example of failure to hold this corporation and its employees to the same degree of accountability as is required of other Federal agencies. They are not required to be held under the restrictions of the Hatch Act, which applies to all other Federal employees. Nor are such employees prohibited from the outside practice of law. It was pointed out that they are prevented from practicing criminal law, I believe, but it does not cover civil law. This divergence of treatment is true, even though the dollars come from the same source—the Federal treasury. By paying a person to work for the program for a certain number of hours each week, the person is assured of an income, irrespective of what he does in his off-duty hours. We are, in reality, subsidizing through this program a mammoth number of employees and project attorneys who are engaged in carrying out their own ideological, philosophical, political, or partisan agendas.

Mr. President, the point is clear. We are subsidizing through this program a plethora of political activists who work for OEO, and who, because of the assurance of that paycheck, are able to carry out their own loaded agendas in pursuit of ideological and partisan goals. This must be stopped.

I believe a step in the right direction would be the adoption of the amendment of the distinguished Senator from Tennessee (Mr. BROCK), and I urge that the Senate agree to the amendment.

Mr. President, the day is past when "you can't sue city hall." Suits against Federal, State, and local agencies are proper if they arise from the specific legal needs of particular clients, rather than from private or partisan objectives of legal services attorneys. Such suits may be appropriate responses to the needs of poor people seeking relief.

In keeping with the consistency of professional quality rendered by the legal profession in our Nation, the approach to the question as to whether or not a suit should be initiated on behalf of one's client against a public agency should be no different for a legal services attorney than it is for an attorney in private practice. Specifically, such suits should not be frivolous; they should be born out of the genuine needs of the client to obtain judicial relief. Additionally, such suits should not be filed for the purpose of harassing public agencies and officials. Finally, such suits should not be brought if the administrative remedies available to the client, or the class of persons that client represents, have not been fully exhausted by the client and the project attorney. If another remedy is more appropriate to the client's situation, it should be used. As a matter of procedure, legal services attorneys ought to explore every possible solution to a legal problem and exhaust their administrative remedies before initiation of legal action. This is expected of attorneys in private practice; no less should be expected of attorneys in legal services programs.

Unfortunately, since legal services programs are largely funded by tax dollars, there are insufficient negative incentives imposed—either through the project board and project directors or through self-discipline—on the project attorneys. Thus, the tendency is to rush to court, frequently resulting in the filing of unmeritorious suits against public agencies. At a minimum, such actions frequently result in the filing of suits where other remedies were available and appropriate.

An examination of the record indicates that with each passing year there are more and more suits being initiated, through legal services programs, against public agencies on all levels—Federal, State, and local. The increase in such suits is demonstrable.

The Clearinghouse Review is published monthly by the National Clearinghouse for Legal Services, an operation funded pursuant to a contract between Northwestern University and OEO. One of the purposes underlying its publication is the communication of summaries of legal action cases of interest to legal services attorneys across the Nation. I have recently examined volume V of Clearinghouse Review, which covers the period from May 1971 through April 1972—12 months. I have extracted from this one volume the names of public agencies against which suits were brought by parties represented by legal services programs. Since many suits were brought against officials of those public agencies in their individual names, the list below is probably not all inclusive. The list of public agencies sued is as follows. Some were sued more than once; some often:

Department of Health, Education, and Welfare, U.S.
Springfield School Committee, Massachusetts.
Board of Education, Peoria, Illinois.
New York City Board of Education.
Emeryville City Officials, California.
Florida Department of Commerce.
West Springfield Housing Authority, Massachusetts.
Newport Housing Authority, Rhode Island.
Union City, California.
National Capital Housing Authority, Washington, D.C.
United States Government.
District of Columbia Government.
Peekskill Housing Authority.
Department of Housing and Urban Development, U.S.
Los Angeles Housing Authority, California.
Housing Authority, Long Beach, California.
State of Maine.
Wayne County Board of Commissioners, Michigan.
California Public Utilities Commission.
Regional HEW Commissioner, Illinois.
South Bend School Corp., Indiana.
Attorney General of the United States.

Equal Employment Opportunity Commission, U.S.
Secretary of Defense.
Illinois Department of Public Aid.
City of Wilmington, Delaware.
Secretary of the Army.
Administrator, Unemployment Compensation Act, Hartford, Conn.
Wisconsin Department of Health and Social Services.
Governor of California.
Department of Social Welfare, California.
Department of Public Welfare, District of Columbia.
San Francisco Unified School District, California.
San Jose Unified School District, California.
Chicago Board of Education, Illinois.
Dade County School Board, Florida.
Board of Education, Bergen County, N.J.
Minneapolis Fire Department and Minneapolis Civil Service Department, Minnesota.
New York City Department of Parks and Recreation.
State of Oklahoma.
Secretary of the Interior, U.S.
Director, Selective Service System.
Secretary of Health, Education, and Welfare, U.S.
County of Madera, California.
Commonwealth of Massachusetts.
Attorney General, State of Florida.
School Board of the District of Columbia.
State Department of Public Safety, Utah.
Oxford School District, Calif.
Little Rock School District, Arkansas.
Milwaukee Board of School Directors, Wisconsin.
Board of Education, Cleveland, Ohio.
Board of School Directors, Portland, Me.
Alaska Board of Education.
Texas Employment Commission.
United States Postal Service.
Secretary of Transportation, U.S.
State of Mississippi.
Clark County School District, Nevada.
Massachusetts Department of Public Welfare.
Pima County Board of Supervisors, Arizona.
Governor, New York.
Wisconsin Department of Health and Social Services.
Mount Laurel Township, N.J.
Norwalk Housing Authority, Conn.
Port Chester Housing Authority, New York.
City of Helena, Montana.
Board of Education, Arizona.
Bureau of Indian Affairs, U.S.
Berkeley Police Department, California.
Denver Juvenile Court, Colorado.
Wayne County General Hospital, Michigan.
San Francisco Planning Commission, California.
Secretary of Labor, U.S.
Los Angeles City Council, California.
Commonwealth of Pennsylvania.
Public Utilities Commission, California.
Arkansas Public Service Commission.
City of St. Paul, Minnesota.
Ohio Bureau of Employment.
State of Alaska.
Commonwealth of Virginia.
Mayor, New York City.
Cook County Junior College Board, Illinois.
City of Minneapolis, Minnesota.
City of Flint, Michigan.
Secretary of the Treasury, U.S.
Secretary of the Navy, U.S.
New York Department of Social Services.
Rochester Board of Education, New York.
Chicago Board of Education, Illinois.
New York State Education Department.
Swartz Creek Community Schools, Michigan.
Milan Public Schools, Michigan.
Tempe School District No. 3, Arizona.
Alameda County Board of Supervisors, California.
New Rochelle Municipal Housing Authority, New York.
Yonkers Municipal Housing Authority, New York.
Lake County Board of Supervisors, California.
County of Riverside, California.
Michigan Employment Security Commission.
Board of Water Commissioners of St. Paul, Minnesota.
Melrose Park Village, Illinois.
Delaware Board of Education.
Okolona Municipal Separate School District, Mississippi.
Kentucky Program Development Office.
Indianapolis Housing Authority, Indiana.
The President of the United States.
Boston Police Department, Massachusetts.
South Bend School Corp., Indiana.
Board of Examiners (of New York City School System).
Nassau County Civil Service Commission, New York.
Health and Hospital Commission, Chicago, Ill.
Mamaroneck Village Board of Trustees, New York.
State of Hawaii.
Department of Agriculture, U.S.
Tarrytown Urban Renewal Agency, New York.
State of Washington.
Baltimore Detention Center, Maryland.
Michigan Employment Security Commission.
New York Department of Labor.
New York City.
Detroit Public School System, Michigan.
Spokane School District, Washington.
Metropolitan Dade County, Florida.
Secretary of Agriculture, U.S.
Board of Review, Department of Labor, Illinois.
Department of Social and Rehabilitative Services, Rhode Island.
Trinity Area School District, Pennsylvania.
Austin Housing Authority, Texas.
City of Philadelphia, Pennsylvania.
Paintsville Housing Authority, Kentucky.
Newark Housing Authority, New Jersey.
West Virginia Department of Highways.
Federal Home Loan Bank Board.
Milwaukee Housing Authority, Wisconsin.
Virginia Board of Bar Examiners.
Virginia Industrial Commission.
New York Division of Human Rights.
Wisconsin Department of Transportation.
Los Angeles County Civil Service Commission, Calif.
Florida Department of Health and Rehabilitative Services.
Department of Human Resources, District of Columbia.
White Plains Housing Authority, New York.
City of Hamtramck, Michigan.
District of Columbia Public Service Commission.
Department of Human Resources Development, California.
Maryland Department of Social Services.
Minnesota Department of Public Welfare.

I remind my colleagues that only a small number of cases brought by legal services attorneys are highlighted in this publication. Undoubtedly, there are hundreds more.

It is the responsibility of the Congress, as we consider the creation of a "new home" for the legal services program, to insure against repetition in that new home of the misemphases which have characterized the existing program within OEO. We could rely upon the board of the proposed corporation, or its executive director, or its staff to promulgate guidelines which would place sufficient policy directions before the individual project attorneys so as to curtail actions against public agencies not yet ripe for suit. I cannot help but feel, for myself, that the program which would be transferred by the provisions of this legislation would not manifest itself in any means significantly different from its existing approach and emphases, unless the Congress specifically mandated it through provisions of the legislation.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No; they have not been ordered.

Mr. JAVITS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BROCK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, the existence of the OEO legal services program is, without a doubt, the most controversial aspect of the very controversial OEO program to which Congress gave birth only a few years ago.

Many have defended the idea of free legal services when necessary for those unable to pay for them, so as to put them on an equal basis with our citizens who, one way or another, can pay for lawyers. This idea has been justified on the same basis as medicare and medicaid.

However, when the idea has been reduced to endeavors to create a viable system compatible with basic doctrines of fairness and the proper role of government, the legal services programs as they have functioned under OEO so far have usually been found to be on the lighter side of the scale.

Now, we find ourselves faced with a piece of legislation which would make this OEO program a full-time, permanent, ongoing part of American life but not as a Government agency, like almost every other congressionally spawned program but, instead, as an independent entity—except for providing the money to make it go—and, what do we find as justification?

First. The OEO program as presently constituted has not worked well.

Second. The OEO program has been involved in too much controversy.

Third. Congress has had too much to say about the program with "injurious" results.

Fourth. It has been cumbersome and embarrassing to Members of Congress to have to respond to constituent objections.

Fifth. Therefore, the legal service program should be made a permanent fixture, independent of all governmental "control and interference," in the words of the bill.

Mr. President, I cannot accept the reasoning which supports this addition to our American institutions. I also cannot accept the language which has been chosen to effect this proposal.

There is something very, very fundamental to the matter of providing free legal services which has not received proper attention. This title, when it provides free attorneys, necessarily is going to be involved in litigation in our courts but, unfortunately, this title constitutes a mandate for this entity to devote its activities primarily to litigation. Litigation first requires a "dispute." Lawsuits are adversary proceedings. At least two people, two groups, two interests, and two beliefs are involved and when somebody wins, somebody else loses. Judges rarely call a case "a draw."

Rich or poor, black or white, "southerner" or "northerner," no matter who it is, all people have "gripes," complaints, and grievances but most people do not go to court to seek redress or a remedy of their "grievance." A citizen may be madder than hops that the "Senators" are leaving Washington, that he did not get a raise he thought he had been promised, that the car dealer took 2 weeks to make a repair he thinks should only have required 2 days, that the trash handlers will not pick up limbs longer than 3 feet, that a signal light has not been installed, that his income tax is too high, that his child is being bused to school, that the neighbor's dog barks at night, that the landlord has never installed what he promised, and so on. But the average citizen does not go out and file a lawsuit, even if he never "gets justice," contrary to the basic reasoning for this title. He may go to a city council meeting or sign a petition for the traffic light; he may ask his neighbor to keep his dog in at night, or buy ear plugs; he may write a letter of complaint to the car dealer and switch his business elsewhere, and take other action short of lawsuits.

There are a number of reasons that the average guy does not file a lawsuit every time he has a "grievance." Let us examine some of them:

First. Inertia—he thinks he should do it but never brings himself to the point of actual decision. It is an unknown which he avoids if possible and the "grievance" just is not that pressing.

Second. Peacefulness—he thinks he is right and the other party is wrong but he has an aversion for situations where there is conflict.

Third. Possible expense—in most cases he believes, or his lawyer tells him, it will cost him money in court fees, attorney's fees, and other related expenses and in some cases the relief he desires will not produce money which would offset that expense—for example, the barking dog, the traffic light, or school busing—and even if it could produce offsetting money, there is no guarantee that he would win—the role of judge and jury presupposes they have a choice. Also, if he wins a judgment for money it might not be collectible.

Those are some reasons I think we all can appreciate which govern the average person when we talk about filing a lawsuit.

What I want to emphasize, so that no one in this Chamber misses it, is the result: Contrary to what supporters of this provision say, the result is that the average man does not file lawsuits unless he has an extremely serious problem which absolutely must be cured and the only way to do it is to hire an attorney and engage in a court battle.

Now, I ask that all of you examine with me the previous instances and considerations where everything is the same except the income of the individual is below whatever level is set by the corporation as its criteria—or his credit is not good enough for him to obtain a loan to pay the attorney.

First. The matter of inertia. With this legal service corporation and its grantees working in every community for the sole purpose of providing legal representation, one of their declared activities will be the same as has been advocated under OEO, seeking out and encouraging people to make the decision to file a lawsuit. They will overcome this "inertia control" so we can discount it.

Second. The matter of peacefulness. Experience with the OEO legal service program, even under the "interference and control," which this title seeks to avoid, has been that the lawyers and the program itself, through personal contact, seminars, community action meetings, happenings, and so on, has been to preach a theory. That theory is that the peacemaker is not blessed, as the Bible tells us. Instead, they say to these people, peacefulness is an avoidance of a civic and moral duty. They teach that a person who attempts to accept the instance which has caused him concern, to compromise, to accommodate, is a weak-spined, lily-livered individual. They point out that our Nation has a judicial system for resolving differences and that it should be used. Thus, they say, it is the person's duty as a citizen to present his problem to a court and let that court make the decision. By so doing he not only gets his problem resolved, if he wins, he also, they advise, has a service for others with similar problems by setting a judicial precedent. This, they go on to recommend, is worth any inconvenience, loss of work, and so forth, which the person suffers as a result of being involved in litigation.

With this sort of encouragement, we can discount the effectiveness of the control of "peacefulness."

Third. The matter of possible expense. Let us face it, Mr. President, no average person wants to stand the expense of litigation just to get "satisfaction." This is the main "control." The fervor and hot blood of the average guy palls and cools when resolving his complaint gets down to the question of how much he is willing to spend to obtain, or attempt to obtain, satisfaction.

Over the years this one consideration has been the primary one which has protected our judicial system from being overcome by efforts to use it as a forum for "airing gripes." It has meant that when there is a case which absolutely must be resolved by a court, the injured person can expect to receive reasonably prompt attention from the courts, although we already have overcrowded dockets.

It has meant that you, your friends, your neighbors, your constituents consider it a rarity to find themselves being summoned to appear before a court regarding someone's "grievance" against them.

How does this title affect this control? Under the bill, S. 3010, the Corporation and its grantees, throughout the entire Nation, will be on hand to provide free legal services—not to everybody, but only to those who are poor enough or whose credit is bad enough.

Nowhere in this title is there any limitation on when and where, or under what circumstances, these lawyers who get paid for providing the legal services can provide them. In fact, the filing of even unfounded and unwarranted cases is not specifically limited or prohibited. But even if John Doe does have a "grievance" based upon fact against his neighbor and his barking dog, regarding where his child sits on the schoolbus, the traffic light, his hoped-for raise, or a slightly dented fender, there still are no restrictions or guidelines in this bill which in any way serves to replace the control which comes from having to pay the expenses of litigation.

In conclusion, I believe I have demonstrated that this title will irretrievably result in a complete upheaval of a built-in system of checks and balances in our judicial system; will not place poor people on an equal status with the nonpoor; and, in fact, will put the average citizen at a clear disadvantage with which he will not be able to cope.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Legislative Advocacy," written by Mickey Kantor, and an article entitled "Legislative Advocacy at CRLA," written by James F. Smith, both published in Clearinghouse Review, the publication of the Legal Services Division of OEO, of February 1972. Both are perfect examples of what we have been talking about today.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LEGISLATIVE ADVOCACY

(By Mickey Kantor, Executive Director, Action for Legal Rights, Incorporated)

Legislative advocacy is the stepchild of the Legal Services Program.[1] This important forum for protecting the poor has been largely ignored in the past by Legal Services lawyers. However, this area of involvement is an emerging concern. Because of its importance and the developing attitude of the Supreme Court over "legislating in the courts"[2] a re-evaluation of the role and emphasis of the Legal Services attorney and overall program priorities has become critical. In addition, the role of the effective legislative advocate must be explored—especially with regard to present OEO regulations.

There has been little doubt—in fact it is mandated—that a lawyer is obligated to utilize every legitimate forum possible in order to redress his client's grievances.[3] Litigation was initially viewed as the most relevant and productive forum for the poor. Indeed the most dramatic and far-reaching decisions on behalf of the poor have been the result of litigation.[4] With all of its benefits, litigation remains expensive, time-consuming, often frustrating, and it nearly always results in less for the client than was pleaded

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Footnotes at end of article.

for or anticipated. Similarly, litigation can be dysfunctional in terms of building organizational strength among the poor.

Yet it was litigation which created the credibility of the Legal Services lawyer with his client and sensitized the bar and the public to the most glaring and outstanding abuses which were, and continue to be, visited upon the poor. For these reasons, litigation was a valuable strategy for the Legal Services Program in its first six years of existence. Use of litigation as an advocacy tool remains important today. However, because times change, so must strategies, and other advocacy alternatives must be nurtured and developed. For example, there are some who argue that in the area of welfare reform litigation is no longer viable.

Legal Service lawyers have not been completely unaware of other avenues of potential redress. Administrative procedures and informal negotiations with agencies have been used with great success. Programs have responded to city councils and state legislatures, as well as the Congress, with their views on various issues affecting the client population. But it would be an overstatement to consider these activities equal to litigation in terms of the commitment of resources and manpower.

One of the inhibitions that characterized this reluctance to move into the area of legislative advocacy was a misinterpretation of OEO regulations. Legislative advocacy has always been encouraged by OEO. There has never been a ruling that Legal Services lawyers must be invited to appear before a legislative committee as a pre-condition to participation. However, many programs and attorneys felt this to be the case and therefore hesitated before engaging in these activities.

The American Bar Association's Code of Professional Responsibility makes it an affirmative responsibility of the lawyer to advocate for appropriate changes in the law and to propose and support legislation in the public interest:

"By reason of education and experience, lawyers are especially qualified to recognize deficiencies in the legal system and to initiate corrective measures therein. Thus they should participate in proposing and supporting legislation and programs to improve the system." [5]

This professional duty was in no way limited by the congressional intent relating to Section 222(a)(3) of the Economic Opportunity Act of 1954.[6] That section's directive, "To further the cause of justice . . . by legal counselling" is obviously broad enough to encompass representation in all types of forums.

The original guidelines for Legal Services Program stated:

"Advocacy of appropriate reforms in statutes, regulations and administrative practices is a part of the traditional role of the lawyer and should be among the services afforded by the program. This may include judicial challenge to particular practices and regulations, research into conflicting or discriminating applications of laws or administrative rules, and proposals for administrative and legislative changes." [7]

Specific OEO directives encouraged utilization of the legislative arena for change:

"Grantee and delegate agencies may, of course, undertake activities dealing with issues related to their basic program responsibilities. In carrying out the basic mission and goals of community action, grantee and delegate agencies may actively engage in campaigns connected with constitutional amendments, referenda, municipal ordinances, law reform and lawful attempts to influence government officials to respond to the grievances of the poor. Grantee and delegate agencies need not avoid such activities merely because partisan officials or candidates for public office may take or have taken positions with respect to the issue.[8]

The National Legal Services Corporation Act,[9] as proposed by the Senate and House conferees, clearly authorizes legislative advocacy by Legal Services attorneys on behalf of their clients. The only limitations are that (1) the lawyer must represent a client or client group, or (2) he is invited by a legislator or committee to make representations. There are other prohibitions but they do not limit attorneys in pursuit of legitimate representation.[10]

The Administration bill would have prohibited such advocacy; that bill only allowed legislative advocacy in the event attorneys were asked to make representations to a committee. However, Frank Carlucci, then Director of OEO, in response to questioning by Senator Walter F. Mondale said that:

"We would interpret the administration proposal as permitting it on behalf of a client. Let me stress that our intent was to prohibit self-generating or self-initiated lobbying activities not on behalf of clients. We would recognize that the attorney ought to pursue all possible remedies on behalf of an individual client." [11]

Other witnesses appearing before the House and Senate Committees specifically endorsed the necessity for legislative reform as a permissible activity for Legal Services programs.[12]

Legal Services lawyers have a grave responsibility with regard to the impact of legislation on their client community. The poor remain disenfranchised and powerless because they lack input in the political arena. There are very few state legislators and congressmen who are directly responsible to the poor or minorities in a political sense. Thus their legislative priorities do not reflect the needs of the poor. When "tradeoffs" are made or bills are drafted, labor, management, and vested interests are represented at every stage—either directly or through legislators particularly sensitive to their needs. The interests of the poor are taken into account only indirectly in most cases—and virtually never by reason of constituent demands. Therefore the job of a Legal Services advocate is crucially necessary and extremely difficult.

The Legal Services program must first of all be alert to legislation which would affect the interests of their clients. Clients must be informed of the meaning of pending bills and the ways they affect their interests. The chances of passage must be assessed. Finally, the clients' judgment as to the posture of the lawyer should be scrupulously observed.

This is basically a negative or reaction kind of strategy to legislation. However, it is highly effective and crucial. The identification of a potentially harmful amendment or act, the sensitization of legislators to its impediments, and the advocacy of its defeat can save the poor from immediate adversity and from thousands of dollars in litigation costs.

Further, the coordination and implementation of a positive legislative program on behalf of clients is important. There are obvious areas to be addressed including:

(a) the enforcement of judicially recognized rights through legislation;

(b) the recognition and implementation of the changing relationships between landlord and tenant;

(c) the implementation of programs for child care, housing, health and other programs which are necessary for the benefit and protection of client groups;

(d) the amendments of various laws which have excluded certain classes from protection—such as child labor laws as they relate to farm workers;

(e) the recognition of the inequality and ineffectiveness of our present public school financing system and the fostering of legislation to readdress these imbalances;

(f) the adoption of laws and regulations which would more effectively address the problems of consumer abuse and juvenile delinquency.

In each of these particular expertise is required. It is extremely difficult to advocate in a legislative forum for the poor. They are virtually powerless. Your weapon is not political reprisal but preparation, facts, sensitization and ultimately the development of a coalition of concern and interest. Each step must be accompanied by complete and real client participation in the decision-making, professional preparation of arguments, and development of an overwhelming factual base for the presentation.

In order to avoid the consequences of an ill-prepared position, a Legal Services attorney should be careful to:

(a) truly reflect the interests of his client or client group;

(b) have a firm working knowledge of the legislative process;

(c) develop convincing expertise in the particular substantive area he is addressing;

(e) examine applicable lobbying laws and follow them scrupulously;

(f) constantly consult with friendly legislators and their staff as to drafting problems, strategy and similar problems;

(g) be aware of the ABA *Code of Professional Responsibility* which states:

Whenever a lawyer seeks legislative or administrative changes, he should identify the capacity in which he appears, whether on behalf of himself, a client, or the public. A lawyer may advocate such changes on behalf of a client even though he does not agree with them. But when a lawyer purports to act on behalf of the public, he should espouse only those changes which he conscientiously believes to be in the public interest.[13]

There are many considerations in developing a program for legislative advocacy. Certainly the major concern is one of client priorities. Once issues have been defined by the client groups (or individual clients) priorities must be established. All these plans are considered with the knowledge that during a legislative session, issues will arise which will momentarily assume a priority status. In addition, in attempting to advocate positive legislation, a campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated or controversial pieces of legislation.

Drafting a piece of legislation involves much more than technical knowledge or ability. In fact, because many legislatures and the Congress have their own technicians, it may become relatively unimportant. A thorough understanding of what the client wants to accomplish and a realization of attendant problems is crucial. A good example is the development of legislation to transfer the Legal Services Program to an independent entity. The clients' problem could have been simply stated—*i.e.*, a desire to free the Program from debilitating political influences. Implementation of the desire, however, involved many considerations. What were the alternatives? How do you legitimize the idea? What were the positions of the bar, the clients, the lawyers, the White House, and various key members of Congress? What parts of the Economic Opportunity Act dealt with Legal Services? What other acts needed to be considered? Would the Executive Branch adopt your position and advocate it as well?

After these questions were answered, a first draft had to be prepared, a sponsor had to be found. Who is best suited to introduce the bill? What about bi-partisan support? [14] Co-sponsors? Do you make trade-offs prior to introduction in order to gain the support of key congressmen? To what committee will it be assigned?

The most crucial initial issue (I consider initial issues those decisions which must be made prior to introduction) involved a complete understanding of the minimum package the client would accept. In drafting all legislation, the drafter must contemplate the various compromises and trade-offs which may be made. He must create a piece of legislation

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Footnotes at end of article.

which can be flexibly considered to allow for changes and compromises. However, there are issues which are so fundamental to the entire effort that they cannot be compromised. This is not to say particular strategies will not change. New alternatives will present themselves. But certain fundamental considerations—if eroded—will render any particular piece of legislation meaningless or potentially harmful. These issues must be identified and decisions made before introduction.

A legislative strategy must be developed prior to introduction or immediately thereafter. Is it an issue which should be publicly debated—and thus a subject for a media campaign—or is it better left to a quiet consideration without a public ventilation of the issue? Are there natural allies for the bill among groups or individuals? What kinds of groups are these and how would their support help or hinder the legislation? Is a "grass roots" effort required to develop support among the legislators? If so, how is it to be organized? Who does the organizing? How can the hearing process be used to publicize the issue or to create special interest or public support?

Whether or not your campaign involves a public battle or quiet consideration, it is essential that your sponsors create the issue and its parameters. The person who defines the issue creates the rules of the game and the elements of the debate. If during the struggle over the second Murphy Amendment, the forces supporting the amendment had been able to define the issue as decentralized government or the need for a governor to determine the resources operative in his state and therefore had been able to enlist the aid of credible governors, the result might have been different. However, the bar and Legal Services advocates in the Congress were able to show clearly that the issue was really the independence of the lawyer in his attempts to serve the poor.

Another major concern is the ability to be completely aware, at all times, of the status of each bill. Many crises and potentially harmful actions can be averted by an alert advocate who is in touch with those most particularly concerned with the bill. The advocates must be available for research, consultation and review at any time.

There are a myriad of issues in addition to those that have been mentioned. One caution should be in the forefront of the legislative advocate's mind at all times. The advocate cannot become so personally identified and involved with the bill that he becomes the issue. Legislators have the responsibility and the position to advocate your cause in the proper arena. Others can assert their positions on behalf of your clients' concerns from outside the arena—at public hearings or in private conversations. The advocate's role is to inform and provide information, persuade and be a constant source of information and ideas for the client, the legislator or his staff, and interested groups.

There is always the danger that the advocate will become so identified with an individual legislator or party that his effectiveness becomes limited. There are, of course, situations in which this is impossible to avoid. However, the advocate should attempt to develop continuing relationships and support from persons who are members of both political parties. This enables him to proceed more flexibly and effectively in pursuing an issue and having an influence over the legislative decision-making process.

The state "back-up" centers in Massachusetts, Michigan and Ohio have been invaluable resources in the area of legislative advocacy and reform. They have proved themselves to be incomparable resources—able to concentrate on legislative advocacy and coordinate state resources in this regard. Recent moves in California and Oregon[15] indicate that individual programs are moving swiftly to fill the role in states without these centers. The national back-up centers also have, in varying degrees, been advocates for their particular interests at both national and state levels.

Glaring deficiencies, however, are apparent in terms of resources available in Legal Services for the purpose of legislative advocacy. There is no reporter with the resources to compile legislation which may affect the interests of the poor and which indicates through articles and presentations, opportunities for advocacy in this regard. The *Clearinghouse Review* is making valiant attempts[16] to provide such a service—but its resources are inadequate. Individual projects, such as the Migrant Legal Action Program, are developing an ability to report on federal legislation which may affect farm workers—but in that regard, as well, their resources are limited.

The second area of need is for a legislative advocacy service in Washington, D.C. It could be a vital part of the proposed, but heretofore unimplemented, Administrative Counsel for the Poor.

It is gratifying to note that the National Training Program at Catholic University is moving to establish training programs in legislative advocacy. Similarly, the Director of Legal Services has noted the importance of legislative advocacy.[17] The first priority of the Office of Legal Services, with or without the new corporate structure, would be to utilize any available funds provided to reflect the growing need for activity in this area.

Even without additional resources, certain steps can be taken to increase participation in the legislative process. The various back-up centers should produce a resume of important federal and state legislative proposals in their particular area of concern as well as suggestions for needed legislation. The Reggie Program could add a session on legislation to its already fine orientation effort. Programs in the larger states could combine resources to staff a small office in the state capitol as part of their new reform effort. Private groups such as NLADA and the Lawyers Committee for Civil Rights Under Law should combine or coordinate resources to develop a continuing legislative program analogous to the structure of the effort of the ACLU in this regard. Law school clinical efforts should be expanded to include an emphasis on legislative advocacy for the poor.

There are, of course, concerns about the tax status of programs which engage in extensive legislative advocacy. These concerns have been addressed in a memorandum prepared by Mitchell Rogovin of Arnold and Porter, available from the Clearinghouse, Clearinghouse No. 6928. The proposed National Legal Corporation Act specifically exempted the Corporation under § 501(c)(4) of the Internal Revenue Code and does not require a local share to be contributed by each program.

Legislative advocacy, the stepchild of the Legal Services Program, must soon achieve full kinship status with litigation as an advocacy tool or Legal Services will not be providing a comprehensive attack on the problems of the poor.

MODEL LEASE AVAILABLE

Legal Services attorneys usually come into landlord-tenant problems too late. They see the tenant only after the dispute has arisen. In trying to resolve it, they are faced with a deck stacked in the landlord's favor: eviction laws enabling the landlord to remove the tenant quickly with few defenses allowed, and a form lease imposing obligations only on the tenant.

Together with Legal Services attorneys, we have done a lot of work attacking eviction laws, both in court and in the legislature. Now we have tried to do something on the other problem too, the lease.

We have prepared a Model Lease and Model Month-to-Month Rental Agreement for California tenants. Unlike the forms prepared by landlord's organizations and real estate associations, these forms try to present a fair allocation of responsibilities between landlord and tenant. They are printed to appear as "standard forms," looking very "legal," similar to those landlords use.

Although these models were drafted for the California tenant, most provisions could apply in every state, and the task of adapting them for use in other states should be fairly easy. Copies of these model forms are available from the Clearinghouse, Clearinghouse No. 7064 (4 pp.).

MYRON MOSKOVITZ,
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FOOTNOTES

[1] Gross, "The Legislative Struggle," at 153–4: "The existence of choice, of course, is a relative matter; it shifts from one situation to another. For many contestants in the social struggle, there is no choice whatsoever. The battleground is picked for them by the action of opponents and competitors. For stronger groups, the area of choice is far broader than for a weaker people faced with identical problems. The ability to make choices is itself a good measure of power. For all groups, strong and weak, the availability of alternatives is limited by habit; many of the obstacles to the use of one process as opposed to another flow entirely from an inability to break with customary methods of operation." Others have argued, in the past, that so-called "law reform" efforts are better left to the legislatures. *See Hazard, Social Justice Through Civil Justice*, 36 U. CHI. L. REV. 699 (1969). The author feels this is an overly simplistic view of the role of the courts in our society as related to the rights of the poor.

[2] Address by Chief Justice Warren E. Burger before the ABA Convention in London, England, July 1971.

[3] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 7–1 (1970): "In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law, to seek any lawful objective through legally permissible means, and to present for adjudication any lawful claim issue or defense."

[4] *See* Boddie v. Connecticut, 401 U.S. 371 (1971); Serrano v. Priest, 96 Cal. Rptr. 601 (Cal. Sup. Ct. 1971); Tate v. Shere, 401 U.S. 395 (1971); Goldberg v. Kelly, 397 U.S. 254 (1970); Shapiro v. Thompson, 394 U.S. 618 (1969); Smith v. King, 392 U.S. 309 (1968).

[5] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–1 (1970).

[6] Economic Opportunity Act of 1964 as amended, 42 U.S.C. § 2701 (1964).

[7] Office of Economic Opportunity, Community Action Program, *Guidelines for Legal Services Programs.*

[8] Restrictions on Political Activities, OEO Instruction 6907–1.

[9] S. 2007, 92d Cong., 1st Sess. (1971).

[10] *Id.* at § 906(e).

[11] *Hearings on S. 1305 and S. 2007 Before the Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare,* 92d Cong., 1st Sess., pt. 5 at 1621 (1971).

[12] *Id.* at 1679.

[13] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–4 (1970).

[14] 177 Congressional Record (daily ed. Mar. 18–19, 1971). One hundred Congressmen and Senators initially co-sponsored the legislation including leaders from both parties. This support tended to provide (1) momentum

(2) legitimacy (3) initially defined a base from which all would proceed and (4) gained the support of a number of Republican legislators who were crucial for its safe passage on the House floor.

[15] Williamson, *Legislative Law Reform: A New Challenge*, 5 Clearinghouse Rev. 380, 402 (November 1971). California Rural Legal Assistance and the Portland Program have begun to pay serious attention to legislative advocacy.

[16] *See* 5 Clearinghouse Rev. 142, 215, 295, 446 (1971).

[17] *See* 5 Clearinghouse Rev. 434 (December 1971).

LEGISLATIVE ADVOCACY AT CRLA

(By James F. Smith, Staff Attorney and Legislative Advocate, California Rural Legal Assistance)

California Rural Legal Assistance (CRLA) has maintained a legislative office in the state capital at Sacramento since the beginning of the 1969 legislative session. This article will discuss the techniques we have utilized in sensitizing other Legal Services attorneys to the legislative process, cooperating with other legislative advocates who are our natural allies, selecting priority issues of law reform in the legislature, and implementing these priorities with specific examples of successes and failures. In addition to the bills used as examples herein, an Appendix attached to this article describes the fate of all other bills in the 1971 CRLA legislative package.

OBTAINING LEGISLATIVE SUGGESTIONS FROM OTHER LEGAL SERVICES ATTORNEYS

Our legislative office does not see clients on a regular basis. Accordingly, we are not directly involved with the legal problems faced by our clients but must rely on the information provided us from other Legal Services attorneys as to what issues capable of resolution by the legislature are of critical importance to our clients. In order to establish and maintain a viable communication with those attorneys we found that it was extremely important to sensitize them to the use of the legislature as a forum for bringing about law reform for the benefit of their clients. This has been by no means an easy task.

Attorneys are trained to look to the courts for redress of an individual client's grievances as well as law reform. The fact that state legislatures are a more suitable forum for law reform, both because of constitutional separation of powers, and because of the more lasting implications of enacted statutes, has not been seriously considered by most attorneys. They are not familiar with the legislative forum and they do not think of it as a practicable arena in which to represent their clients.

Within CRLA our efforts to induce attorneys to suggest and draft legislation of benefit to their clients have been reasonably successful. Most of our regional offices (7 of 9) in the past year have submitted legislative proposals in behalf of their clients to our office.

THE LEGISLATURE ITSELF

There are literally hundreds of legislative advocates at the California Legislature. This fact alone, plus the fact that over 7,000 bills are now introduced on an annual basis, requires us to make very careful determinations of our priorities. In terms of defense work, that is, stopping bad legislation, we have found it most useful to maintain close contact with other legislative advocates who are our natural allies. We attempt to determine if they will take action to stop that legislation, or more specifically, if any of those lobbyists who, because of their personal relationships with legislators, committee staff, etc., are in a position to evaluate such legislation's chances of passage.

The underlying axiom in defense work is that it is much easier to stop a bad bill than to achieve passage of a good bill because a bill has to pass through several committees, the floor votes of two houses, and the governor's desk. We have found the following groups to be most helpful to us in this regard: The American Friends Service Committee, NAACP, ACLU, organized labor, social welfare workers, teachers associations, church groups (Council of Churches), League of Women Voters and other similar groups.

SELECTION OF LEGISLATIVE PROGRAMS

Having developed procedures and relationships for defensive work on behalf of our clients, we then determine what input by our office is likely to be productive in offensive programs. If other legislative advocates are heavily involved in a given issue (*e.g.*, welfare rights organizations on welfare), or if the likelihood of success in a given poverty law are (*e.g.*, the creation of thousands of public works jobs) is totally unlikely, those issues are not considered priorities. If, on the other hand, major law reform efforts have been stymied in the past because of ignorance of state legislators or misinformation supplied them by other legislative advocates, then we consider those areas for sponsoring or cosponsoring significant law reform legislation.

We apply an analysis similar to that used in major test case litigation:

1. What law reform measures would affect most of our clients in a meaningful sense or a significant number of clients in a profound sense, and
2. are those issues susceptible of administrative reform by the defendant private industry or govermental entity?

The latter question is probably the most important practical one, because major test litigation as well as major law reform efforts are usually resolved in a less than complete victory.

After determining that the issue is one possible of resolution at the legislature and one that will significantly affect our clients, the next step is to develop the most effective means of introducing the legislation. In some instances a coalition with other community groups or other legislative advocates is essential. The selection of a legislative author is, by far, the most important decision. The three criteria most germane to selecting the best author are:

1. that he is generally viewed as a conservative or moderate by his colleagues, and that the legislation he carries will not be viewed as a radical departure;
2. that he is viewed as an expert in the field affected by the legislation and has credibility in the field; and
3. he believes in the legislation and will push hard for it.

Most legislation is not carefully considered by legislators but is voted on by reason of the members' feeling toward the author and thus the importance of the moderate and credible author. These criteria are not always possible to achieve—legislators might not be interested in offering major law reform legislation—but there is no harm in asking. If that legislator will not introduce the desired legislation, then a close second should be obtained.

MAJOR LAW REFORM EFFORT VERSUS THE MORE MODEST LEGISLATION

The most useful and exciting work in the legislature on behalf of our clients is the major law reform effort in which legislation is sponsored by Legal Services attorneys on behalf of their clients. We have sponsored major law reform efforts in the areas of random selection of jury reform (SB 1420, Clearinghouse No. 7150), health and safety protection for field workers handling or exposed to pesticides (SB 432, Clearinghouse No. 7151), and the use of isolation and segregation cells in state prisons (AB 2904, Clearinghouse No. 7152). Because each of these bills presented a major departure from the past and a significant law reform, a great deal of educating committee members who would pass on the bills was necessary. The mere introduction of major legislation can have this effect. It will probably take two to three years to secure passage of any such bills and maybe longer. But it is interesting to contrast this period with that of major law litigation which often takes as long and the results of which are usually more fragile than the enactment of a chapter in the codes to deal with the problem.

The Pesticide Safety Bill was originally introduced in the 1970 session and rapidly killed. This year it had passed the California Senate, the more conservative house. Actually, two CRLA-sponsored bills were introduced in the 1971 session dealing with the problem of farm worker exposure to deadly pesticides. AB 2399 (Arnett, R.–San Mateo) provided that a county could, upon the request of the county medical officer, obtain the technical assistance of the state to conduct an epidemiologic study after a pesticide poisoning incident occurred. SB 432, Clearinghouse No. 7151 (Petris, D.–Oak) was directed at preventing pesticide poisoning by requiring handwashing facilities, protective garments, and complete disclosure to the farm worker of the pesticides that he was coming into contact with, including first aid instruction.

The major opposition to the bills was that of the Department of Agriculture and the California Farm Bureau Federation, both of whom argued that the Department of Agriculture was doing a fine job in protecting the farm worker, and that these bills, which involved the Department of Public Health in the issue, were unnecessary. Eventually, the opposition decided on the strategy of endorsing AB 2399 so as to argue that SB 432 was not necessary. This argument would have presumably been used by the Governors' Office to justify the vote of SB 432. In fact, the strategy was unnecessary, as AB 2399 was signed into law and SB 432 failed to pass the assembly floor on the last day of the legislative session. Time simply ran out, as there were ample votes to pass the bill, but not enough time to gather them. Of course, of equal significance was the concerted and sustained opposition of the Farm Bureau and its members to SB 432. Unquestionably, they still carry considerable political clout. As a byproduct of this activity, the pertinent administrative agencies have been influenced to enact numerous administrative regulations dealing with the problem and unquestionably our clients are the beneficiaries of better enforcement practices because of this legislation.

A bill introduced for the first time this year to require random selection of members of the grand jury (SB 1420, Clearinghouse No. 7150) passed the California Senate and seemed likely to pass the California Assembly. The numerous challenges to the composition of indictment grand juries across the country, particularly in California in recent years, provided the groundwork for this bill. It was the right bill introduced at the right time. However, the comprehensive package died on the vine during the all-night session December 2. The vote came well after midnight and 36 "aye" votes were cast, 41 were needed.

One of the most active areas of prison reform litigation is that involving solitary confinement for extended periods on the basis of a perfunctory hearing which in most states, including California, has no pretense of even rudimentary due process. Placing a prisoner in solitary confinement usually means additional years of confinement since he loses his "good time" credit or the paroling agency is disinclined to grant paroles to one so confined. AB 2904, Clearing-

house No. 152, provides for due process protection appropriate to prison disciplinary procedures. The bill passed the lower House, but faced considerable opposition in the Senate. The bill was taken up in the Senate after the San Quentin massacre of August 21st. After six weeks of maneuvering, the bill finally surfaced from the Senate Judiciary. More than the usual amount of difficulty was encountered in setting the bill for hearing before the Senate Finance Committee. It was eventually set for November 29, the last hearing of that Committee.

The Senate Finance Committee is chaired by Randolph Collier (D–Yreka), a member of the California Senate since 1938. The Committee is composed of older, more conservative members, who see their task as stopping progressive legislation. The Committee has the opportunity to pass on legislation having any fiscal impact whatever. Any legislation which involves a state agency eventually has a fiscal impact. As a consequence, that Committee has been the traditional graveyard of progressive legislation.

It appeared that the seven necessary votes were likely for passage of AB 2904 but, as so often happens, two members who had indicated "aye" votes were not in attendance when the bill was heard. It was, however, a very thorough and educational hearing. Testimony before the Committee demonstrated that most of the prisoners in the solitary confinement adjustment centers (80%) were placed in 6′ x 9′ cages for 23½ to 24 hours a day—not because of any disciplinary infractions, but in the Department's words, "as part of our regular prison assignments." The Department representative went on to testify that prisoners so confined would be released to the general population after they showed significant improvement. One puzzled Senator asked the Department representative: "If these men are held in cells virtually all of the time, how do you tell if they are improving—by looking in on them to see if they smile a lot?"

The defeat of the adjustment center bill was not completely discouraging, because the legislation had traveled further through the legislature for the first year of introduction than most observers expected, and certainly it added increased pressure to the Department to modify their barbaric practices.

NEGOTIATIONS WITH OPPONENTS OF LEGISLATION BENEFICIAL TO OUR CLIENTS

We have found that after introduction of a major law reform bill that opponents of that legislation are likely to be influenced to sit down with us and to negotiate possible legislative resolution of the problem. By sponsoring the bill, we are in a far better negotiating position because of our ability to work through the legislator carrying the bill and because the opponents are somewhat on the defensive. By a process of "Christmas treeing" the bill—that is by putting in all possible benefits to our clients, and dealing with the opponents in a give and take negotiation, *e.g.*, "I willl accept this amendment if you will withdraw your opposition to the bill," an eventual cooption of the opposition is possible.

COALITION ON MAJOR BUDGETARY PROBLEMS

Decision by the Executive branch involving major budgetary problems such as the allocation of state funds to welfare or education can be influencd by broad coalitions. In these situations, the legislative advocacy of the Legal Services attorney alone is usually in and of itself quite impotent because of the major political ramifications of the issues. For that reason, it seems far more useful to become part of a welfare or education coalition with community, client, church, minority and teacher or social welfare worker groups so as to maintain and define a policy position that is rational and distinct from those who wish to reduce the cost of state government whatever the consequences. Following is an *Appendix* which chronicles the fate of other 1971 legislative efforts.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, may I ask, is a vote expected on the pending amendment to strike?

Mr. JAVITS. Yes. However, there is no reason why the Senator cannot speak.

Mr. COOPER. May I have the floor?

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. COOPER. Mr. President, I have studied the new title IX which would establish a new National Legal Services Corporation. I support and have supported the OEO since its inception. It has been active in my State, and has been helpful. I have maintained an interest in its activity and on the whole, it has been beneficial. There have been problems connected with its operations as with all government programs. I believe it has built up too large a bureaucracy, and sometimes I have the concern that some in the bureaucracy seem to be more interested in maintaining the poor as a constituency rather than helping them escape the awful cycle of poverty.

Some programs in my State have not been well coordinated, and I am sure that millions of dollars of the total which have been appropriated, have not always gone for the benefit of the poor. It has been wasted because of lack of coordination, duplication of other programs and sometimes corruption.

The problem before us is one which causes me concern, and I am sure has caused all of us concern. A vote for this motion to strike title IX from this bill, of course, will be characterized by some as a vote to deny legal services to the poor, or to those who are beneficiaries under class actions. I do not consider it a correct characterization.

In the first place, we are not abolishing legal services. We are considering whether the program which has been submitted by the committee, or at least a majority of the committee, shall be adopted, or whether the present program shall be maintained and, if necessary, amended to make it a more effective program.

I have asked for information about the existing program, which is rather simple in its authorization, compared to the bulky provisions of title IX.

Legal services for the poor have been and are now being made available. I understand there are about 5,000 employees in this section, with hundreds of lawyers employed throughout the country and amply funded—$61 million last year. In my State they have given legal help to the poor in many fields.

My concern is, why is it necessary to establish such a structure of many lawyers, very formidable in its description? In my view, it will become a great new bureaucracy run almost exclusively by the executive committee of the board of directors, and by its chairman, with the authority to enter into contracts, to employ lawyers, and to make regulations for the services that they perform.

I understand that a chief argument is that it is necessary to erect this very formidable structure to remove the legal services from political activity. Of course, there has been political activity under the present system, as there has been political activity in the OEO. I do not know how we will ever prevent some political activity in these organizations, whatever rules we write. But the establishment of a new corporation, designed to insulate it from outside communication, providing in section 913 that its lawyers, grantees or employees, shall not be subject to direction, supervision, or control by any agency or department of the Federal Government, it seems to me, would so surely give it such power, that if it desired to conduct its activities in a political way, it could do so without let or hindrance, or any inhibition, and there would be no control whatsoever upon its political activities.

Also, I know that there has been complaint because some Governors have exercised a temporary veto upon the activities of OEO's legal services. That can happen. But if the Director or the Administrator of the OEO believes that the Governor is wrong—and I would say in almost every instance he would have to find the Governor is wrong unless the legal services have suddenly become so political and so corrupt that one could not tolerate their existence—of course, the Director or administrator of OEO would overrule the Governor.

On the other hand, why should not this Corporation, or any legal services agency, if it is not behaving correctly, come under the critical observation of the Governor, other officials, and the people of a State, and bar associations, as any other organization? I think it is a very democratic process.

I wanted to make my own position clear in this short statement. I have supported the OEO. I support the legal services. If there is something wrong with the present administration of the legal services it should be corrected. But I do not see the reason for establishing this overstructured organization, with all its layers of officials, placing it above the supervision of the Congress which must continue to subsidize it, attempting to protect it from criticism, even if it deserves criticism by Congress, and from criticism by the officials of a State if it deserves their criticism?

Why should these worthy programs which are capable of doing great good, be constantly burdened with additional layers and layers of officials and regulations, removing them farther and farther from the people?

I have been familiar with the OEO program perhaps longer than some members of the committee and have watched its operation in my own State. I do not think it will be helped by establishing this new, formidable, structured system in an attempt to take the legal service out of the life of the Congress, the States and the people of the States, and their approval or criticism. I have said earlier that one of the sad things I have noticed in my observation of some of the OEO work in my State—I think I know a good deal about it; I know the area; I live in it; I have known this program from the inception—is that there are times, unfortunately, when some of the people directing the program seem to me to be more interested in keeping these people in the class of the poor, a permanent constituency of the poor, instead of helping in moving them out into larger opportunities of life.

I shall vote for this amendment. If it is rejected, I hope that amendments can be added to title IX which will make it better. But in studying it I found it hard to see how any amendments could help it very much.

Mr. BROCK. Mr. President, I congratulate the Senator from Kentucky. I do not know of another Member of this body who, over a distinguished career, has devoted greater effort to the impoverished people, not only of Kentucky but of the entire United States, than the Senator from Kentucky. I know of his concern and the quality of his efforts on their behalf.

I think he brought to focus the point at issue today. The amendment offered by the Senator from Tennessee does not strike the legal services program. It continues it. It continues it at an increased funding level, from $61 million to $71 million. But it does say that this Corporation deserves further review and scrutiny before we freeze into law the inequites and the problems which have not been dealt with to date and which are inadequately remedied by the proposed legislation.

The legal services program has been plagued with problems that have resulted from attorneys using the program as a base for promotion of their own political objectives, unrelated to assuring the poor access to justice. Thus, the choice before us at this point is between a corporation legislatively required to concentrate on serving the poor or a permissive corporation through which federally funded attorneys would be free to advance their personal sociopolitical objectives in a largely unrestricted and unaccountable way. I think the choice is clear.

I hope the Senate will adopt the amendment. I am prepared to yield back the remainder of my time.

Mr. JAVITS. There is no time limit.

Mr. President, I shall not detain the Senate.

I think it is a fine matter of Senate procedure that we are going to face this issue and vote it up or down. The Senate should express its view on this very important question.

Whether the Senator from Kentucky was supported by 1 or 98, I would always wish—because of my deep affection and admiration for him—to respond. He and I have differed before. I am always very unhappy about it. I know he is. But that is the way of life and our duty here.

Incidentally, each Senator has on his desk, both on this side of the aisle and on the other side of the aisle, a letter seeking to set forth in concise terms why we feel this is a proper provision in the bill. Our letter on the Republican side is signed by me, together with Senators TAFT, STAFFORD, and SCHWEIKER.

To answer the question why—as Senator COOPER so eloquently put it—a new, formidable, structured system?

The reason is the very effort to close off the legal services program, expressly in response to the complaint which has been made that it was too much involved in the political process. So we thought that by giving a heavy quotient of lawyers, professional handling of the situation through this structure—which would be dominated and controlled by lawyers—we were creating, as closely as we could, the legal aid society setup on a national basis.

We have had our problems with those who are appointed by the OEO Administrator as heads of the legal services program, and inevitably it had to be officials with some kind of political complexion. This caused us great difficulty on both sides. Some said they were not doing what they ought to do in defense of the poor. Others felt very strongly—as my colleagues who are backing the amendment of Senator BROCK—that they were going much too far and were perpetuating or trying to carry out their own social philosophy. So, for the first time, we tried to put the program more completely under the control of lawyers.

As to public control, there are two vital factors: First, the Corporation must live on appropriations. As Senator BROCK has said, $71.5 million this year, and next, and it could be nothing in the following year, or more. That is in the control of Congress. Second, we have legislative oversight over this Corporation, as we have over many other corporations. It is by no means escaping from the public scrutiny; and the control of the President and the Senate over appointees to its board—if the mere fact of legislative oversight did not adequately cover that—demonstrates that fact. No officer, no member of the board, no attorney will be immune from being called before an appropriate congressional committee of the House or the Senate to account for himself.

All of this is in addition to every other aspect of the bill and the professional responsibility of the lawyer, which becomes more important now in this setup, because it will be controlled by lawyers.

I make the point that what we are trying to do is to establish a legal aid society setup, which will be on the national level.

Mr. President, there is no provision of S. 3010, the Economic Opportunity Act Amendments of 1972, more crucial to the future of the poor and the Nation than section 18, which establishes a new National Legal Services Corporation.

As Members know, the Corporation would be run by a 19-member board appointed by the President, by and with the advice and consent of the Senate.

It would take over responsibility for the current legal services program conducted under the authority of section 222 (a)(3) of the Economic Opportunity Act of 1964.

It has become a highly controversial element of this bill although in justice it represents the most basic expression of everything that we hold dear in this country.

Mr. President, there is really only one central issue before us in this matter: Are the executive and legislative branches of the Congress willing to make it possible for the poor to seek redress for their grievances in the courts?

Stated more bluntly, are we prepared to say "hands off" to the legal rights of the poor?

Since this legislation was first proposed, we have been quibbling and bargaining with those rights.

Some urge that we drop the idea of an independent corporation and merely continue legal services in its present form under the basic poverty program.

Mr. President, the Legal Services Corporation idea has now gone too far, if we drop this title from the bill now we will drop the heart right out of the poverty program and the poor.

Others are willing to relinquish some control through the creation of the Corporation, but would then attempt to get it back in the form of political control of the board.

And still others seek to put a measure of restraint on the legal services attorney by telling him what kind of suits he may or may not bring on behalf of his client or even the subject matter areas in which he shall advise his client.

Mr. President, the result has been 1½ years of disputes between the executive and the legislative branches over the basic elements of the Corporation and its activities.

Indeed, it must be shocking to the poor that the Congress and the executive are able to release their grip on patronage and establish an independent Postal Corporation to deliver the mail but tremble when it comes to insuring the basic access of the poor to our system of justice under law.

We now need some basic domestic statesmanship on the part of the administration and the Congress, to accept this committee bill and to give the poor that to which they are basically entitled.

For, as I shall outline, I believe this bill provides a proper balance between accountability and the need to keep the Corporation from political control.

Mr. President, I comment now in summary on three basic aspects of this legislation: the establishment of the Corporation, the composition of the board of directors, and the necessity of insuring the freedom of the legal services attorney to do what is in the best interest of his client the poor.

The success of legal services as an element of the antipoverty program can be measured both in quantitative and qualitative terms.

Legal Services began as a small experimental program within the Office of Economic Opportunity 6 years ago; it has grown to an independent office within the agency and now encompasses 265 projects with over 2,000 attorneys serving in more than 900 neighborhood offices.

More than a million cases are handled by these attorneys each year.

The program includes the provision of legal advice, counseling and representation, preventive legal education to inform the poor of their legal rights and responsibilities, and training and educating law students, lawyers and others in the legal needs of the poor. Importantly, it also encourages the entry of minority group members into law schools and the legal profession and aids poor people who are starting to operate businesses.

Legal services lawyers have compiled an impressive record of landmark cases establishing the rights of the poor.

For example, legal service initiated actions have prompted the Supreme Court to hold that the prejudgment garnishment of a debtor's wages without a prior hearing violated the constitutional requirement of due process.

In a suit brought on behalf of clients defrauded in a retail sales contract, the California Supreme Court upheld the right of the poor to file class action suits against consumer frauds.

These accomplishments in these so-called law-reform cases are substantial.

But because of their value and the great attention that is given to them, there exists a myth that legal services lawyers spend most of their time on actions of this kind.

In fact, a recent sampling of 32 representative legal service programs indicated that one-tenth of 1 percent of the legal matters handled by operating programs were class actions of the so-called law reform category.

The great majority of legal matters are in the representation of individuals in housing, domestic relations and consumer frauds.

Mr. President, it is also true that the actions of the law-reform nature are extremely cost effective. For example, suits brought in California in regard to the medicaid program and welfare residency increased the money and services to the poor by $340 million, or five times the annual appropriation for the legal services program.

Another myth exists with respect to the legal service lawyer.

It is quite generally assumed by those who oppose the program that the legal services attorney is inclined to bring factions designed only to confront the establishment.

But a 1969 study showed that of litigated cases, legal services attorneys won favorable decisions for their clients in approximately 70 percent of the cases and negotiated settlements in an additional 15 percent.

Mr. President, such a program with 85 percent success must be deemed a success.

The poor value dignity even more than they value improvement of their economic condition and it lifts the spirit of poor to know that they have lawyers, too, and have available to them access to the judicial system and process.

And this fact has a great multiplier effect in terms of the attitude of the poor toward society and "the establishment" generally. As a representative of the client community said in testimony before the Subcommittee on Employment, Manpower, and Poverty on October 9, 1970:

> The clients have come to trust this program because the lawyers in it fight for us; the program staff fights to protect its integrity; and the organized bar fights to ensure that the highest standards of professional conduct are maintained. We know at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

Mr. President, with these successes one might ask why it is necessary to transfer the program from OEO to a new Corporation.

President Nixon answered this question quite well, in his message to the Congress of May 5, 1971, to which I referred earlier.

He said:

> The Nation has learned many lessons in these 6 short years. This program has not been without travail. Much of the litigation initiated by legal services has placed it in direct conflict with local and State governments. The program is concerned with social issues and is thus subject to unusually strong political pressures.

We have seen these pressures exert themselves, most dramatically perhaps in 1969 with the so-called Murphy amendment which would have given each Governor an absolute veto over any legal services program in his State.

It is a mark of our acceptance of these programs that neither the administration's original proposal for a Corporation, S. 1769, introduced by Senator COOK, nor any other proposal has contained that element.

Mr. President, there is another reason why a Corporation will be meaningful and that is that it would provide the poor with a viable symbol of a national purpose to insure their civil rights.

Finally, it will provide a framework in which we can expand the provision of legal services to a greater number of the poor in the Nation.

At the current time, the program is reaching less than 20 percent of the low-income persons who should use its services.

Twenty-three States have fewer than four legal services programs, and these are States which include some of the heaviest concentrations of the rural poor.

Seventeen metropolitan areas with populations each exceeding 100,000 are without organized comprehensive legal services programs.

Two groups with the highest incidence of poverty, Indians and migrant workers are largely without legal services to deal with their unique problems.

The elderly—a steadily increasing percentage of the poor—need but do not receive legal services designed to meet their needs.

Mr. President, in my own city of New York, on a number of occasions in the past 4 years, local legal services offices have been forced to suspend their activities due to lack of funds.

The committee bill would reserve for each of the next 2 fiscal years $71.5 million for the legal services programs, the amount requested by the administration for the coming fiscal year. Incidentally, this represents an increase of $10.4 million over fiscal 1972.

In addition, it authorizes, as an add-on $100 million for the program for each of the fiscal years 1973 and 1974.

THE COMPOSITION OF THE BOARD AND OTHER ELEMENTS OF THE ORGANIZATIONAL STRUCTURE

Mr. President, despite the general agreement on the need to establish a legal services corporation, we have witnessed a frustrating series of roadblocks to its fruition.

The key impediment has been the failure to reach agreement on the composition of the board of directors.

The failure to reach agreement on this element was a substantial contributing factor to the President's veto of the previous measure, S. 2007.

The President said in his veto message of December 9, 1971:

> The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under congressional revisions the President has full descretion to appoint only six of the seventeen directors; the balance must be chosen from lists provided by various professional, client and special interest groups, some of which are actual or potential grantees of the Corporation.

The committee was very responsive to this objection and worked out a compromise, which I believe should meet the administration's objections.

As a result of an amendment which I offered with Senator TAFT, the ranking minority member of the Subcommittee on Employment, Manpower and Poverty, and Senators SCHWEIKER and STAFFORD, section 904 of the new legal services title established under the committee bill now provides for a 19-member board consisting of 10 public members appointed by the President; the remainder of nine members are to be appointed by the President from recommendations made by various national bar, client, and project attorney groups.

We chose in respect to the nine to use the language contained in the Railroad Retirement Board Act, which provides that—

> One member shall be appointed from recommendations made by representatives of the employees and one member shall be appointed from recommendations made by representatives of carriers.

We did so to make it very clear that we were abandoning the arbitrary list procedure of the vetoed bill and that we anticipate an informal give and take between the recommending groups and the President.

This in fact is the situation in the Railroad Retirement Board.

Mr. President, I submit that this formulation provides the accountability which the President urged, while continuing the element of involvement of the organized bar and other groups which have contributed so much to the legal services program.

It should be further noted, in connection with the reference made by the President to possible conflicts of interest, that section 904(f) of the legal services title of the committee bill specifically states that no member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

Mr. President, the President's other principal objection to the legal services provisions of the vetoed bill was the fact that the incorporating trusteeship—the entity to be responsible for taking the initial steps in regard to the establishment of the corporation—was to consist of a number of leaders of the organized bar.

We have dealt also with this objection by designating the Director of the Office of Economic Opportunity as the sale incorporating trustee, thus again providing the element of accountability.

Therefore, I believe that it is quite proper to view the organization aspects of the corporation as both appropriate in terms of the purposes of the legislation and as responsive to the President's objections.

INDEPENDENCE OF THE LEGAL SERVICES ATTORNEY

Mr. President, just as there must be accountability of the corporation to the entire American people, it is true on another level that the legal services attorney should be accountable principally to his client, to the organized bar, and to our system of justice.

As President Nixon said in his May 5, 1971 message to the Congress:

> The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this way can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

Former Director of the Office of Economic Opportunity, Donald Rumsfeld, also made this clear in testimony before the Subcommittee on Employment, Manpower, and Poverty on November 14, 1969:

> I think it would be a very undesirable thing to permit someone to control, anyone, frankly the kind of activities that legal services program attorneys are involved in.

Mr. President, I believe this is very sound policy and accordingly I find completely unacceptable—if not repugnant—any attempt to limit the kind of case or controversy which the legal services attorney may handle.

We have in this legislation, as the administration has requested, included a complete prohibition against representation in criminal matters, based upon our sense of the priorities and the fact that criminal representation may be available more readily from other sources.

But there is a difference between this kind of judgment and using a bill designed to insure the exercise of the rights of the poor as a vehicle for the specific denial of those rights in particular areas.

Mr. President, we need to realize that while this is a poverty bill we are dealing with something even more delicate than poverty itself.

We are dealing with the most basic rights and sensitivities of the poor.

There are some who hold that the poverty program has only kindled frustration by making promises that Government cannot keep.

Mr. President, the legal services program makes no new promise.

It is designed to implement an old promise.

And that old promise having its basis in the constitution not merely the poverty law.

It is the promise of equal justice under law.

Let us not tamper with that promise, let us provide for its fulfillment.

Mr. KENNEDY. Mr. President, I rise to oppose the amendment offered to delete the Legal Services Corporation from the OEO extension.

Over the past 7 years, Legal Services programs across this land have been vital to the protection of the rights of the poor.

For the first time, the concept of equality before the law for the Nation's poor has been buttressed by access to legal counsel.

But over the years, we have found a growing threat to legal services programs in political attacks, Governor Reagan's attack against California rural legal assistance is only the most widely publicized. Thus, the President of the American Bar Association, Edward Wright, testified a year ago, in favor of creating an Independent National Legal Services Corporation: "Only through assuring the professional independence of the lawyer can the trust and confidence of the clients be obtained," He said:

> The association recommends that all effective steps be taken to insulate the corporation and its lawyers from political influences that might in any way jeopardize the independent professional judgment required of all lawyers. In this regard, we would hope that no political clearances would be applied in the staffing of the corporation.

For that reason, we have sought to establish a corporation independent of both the executive and legislative branches. However, the President argued that there should be public accountability and therefore we have given him the power to appoint all 19 of the board members, 10 of those without any restrictions on who he may appoint.

And in the effort to assure some independence we have provided that the President shall name the other nine persons from recommendations proposed by the American Bar Association, the Association of American Law Schools, the National Bar Association, the National Legal Aid and Defender Association, the American Trial Lawyers Association, the Clients Advisory Council, and the Project Attorneys Advisory Council.

Clearly, the intent of providing for a board independent of political influence should be satisfied in this way.

The record over the past 7 years of the success of the Legal Services program is unquestioned. It has won the most commendations from the public as a whole for its efforts to provide the poor with access to the legal system.

Even the Vice President has acknowledged that 98 percent of the law suits brought by OEO Legal Services lawyers could not be criticized.

And his criticism of the remaining 2 percent was aptly discussed by the American Bar Association Journal in its April 1972 publication.

The Bar Association editorial states:

> The Vice President seems to be raising again the shopworn and discarded idea that Legal Services lawyers must in some way be controlled: particularly in commencing or participating in litigation involving governmental agencies. . . .
>
> This idea has been rejected by the organized bar from the beginning of the national legal services program; indeed the program would not have the support of the organized bar if it were otherwise.
>
> Congress has defeated attempts to give government officials power to veto the type of suits that legal services lawyers may file. A major benefit from the establishment of the national legal services corporation would be to enhance the freedom of the program from political pressures.

And so the editorial goes on to quote the May 5, 1971, message of President Nixon:

> The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

Thus, even the President urged creation of an independent national legal services corporation.

The bill now before us establishes that corporation. It provides for public accountability. It also provides for independence from political pressure in its operation.

Simply stated, this bill is an effort to provide the means whereby poor Americans can acquire legal counsel that they have been denied over time because of their economic conditions. Equal justice is meaningless if the tools to obtain that justice are available only to those able to pay for them. The legal tools of professional, competent counsel must be available to the poor. This bill seeks to make these tools available.

Any effort now to separate legal service from this bill represents both an unjustified delay and a direct attack on the concept that we bear a responsibility to see that poor Americans have access to legal redress of their grievances.

And if we take that point of view, then we are telling the poor, the courts of America are not for you. And when we do that, we must not be surprised at their response.

I would strongly urge the Senate to reject this amendment and to stand behind a strong independent National Legal Services Corporation.

The PRESIDING OFFICER (Mr. Cook). The question is on agreeing to the amendment of the Senator from Tennessee (Mr. Brock).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Mississippi (Mr. Eastland), the Senator from Georgia (Mr. Gambrell), the Senator Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Florida (Mr. Chiles), are necessarily absent.

On this vote, the Senator from Mississippi (Mr. Eastland) is paired with the Senator from from Alaska (Mr. Gravel).

If present and voting, the Senator from Mississippi would vote "yea" and the Senator from Alaska would vote "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Michigan (Mr. Griffin), the Senator from Kansas (Mr. Pearson), the Senator from Ohio (Mr. Taft), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from Michigan (Mr. Griffin) is paired with the Senator from Ohio (Mr. Taft). If present and voting, the Senator from Michigan would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 37, nays 46, as follows:

[No. 247 Leg.]

YEAS—37

Aiken
Allen
Allott
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Miller
Packwood
Roth
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower

NAYS—46

Bayh
Bentsen
Bible
Brooke
Burdick
Cannon
Case
Church
Cranston
Eagleton
Fulbright
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Spong
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—17

Anderson
Baker
Chiles
Eastland
Gambrell
Gravel
Griffin
Harris
Mansfield
McGee
McGovern
Mundt
Muskie
Pearson
Pell
Taft
Young

So Mr. Brock's amendment was rejected.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I rise to urge support for S. 3010, the OEO Amendments of 1972, which I cosponsored, as the minimum act possible by this body if we are to maintain faith with the 26 million Americans who continue to live in poverty.

When I say that the present bill represents a minimal effort, I do so with two thoughts in mind. First, I say that because for the first time in a decade, the pattern of annual declines in the number of persons living in poverty has been broken, with an actual increase in the number of poor.

Second, I say that because this bill, even though it is some $1 billion more than the administration budget request is a far cry from what was conceived at the inception of OEO.

In 1965, OEO set forth a 5-year projection of where the program should be by 1970. That projection was one of the first victims of Vietnam. For the funds that were earmarked to meet the needs of poor Americans went instead to the war in Vietnam.

By 1970, instead of the budget of $3.3 billion proposed in this bill—including programs delegated to other agencies—there would have been a $16.8 billion budget.

There would have been $5.5 billion being spent on providing public service jobs: today there is barely $1.5 billion.

There would have been $2.5 billion for Headstart: today there is under $500 million.

There would have been $561 million for neighborhood health centers: today there is less than $150 million.

There would have been $98 million for legal services: today, even under the independent board, we are only recommending $71 million.

There would have been $78 million for Vista: today we are recommending only $44.5 million.

These are only a few of the indications of how limited has been our effort to eradicate poverty. The projections I have quoted would have been the levels of support for fiscal year 1970, which is really 3 years ago. So, the comparison to what is being planned today shows how little we actually are attempting.

Mr. President, I would like to have placed in the Record at the conclusion of my remarks the statistical summary of the 5-year plan of OEO, prepared in the fall of 1965.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. KENNEDY. Mr. President, I would like to discuss briefly the legislative history behind this measure. For the history behind this measure and the reason why we are forced to once again conduct this debate are almost sordid in their exhibition of the lack of concern by this administration for the Nation's poor.

The Senate passed this measure 49 to 12 on September 9, 1971. Then again on December 2, 1971, the Senate voted 63 to 17 to accept the conference report. But the administration, in what I can only consider to be a continuing callous regard for the Nation's poor—a regard also shown by its recent decision to turn $699 million back to the treasury rather than spend it on additional food programs for the Nation's poor—vetoed the OEO bill. The veto message was almost hysterical in its creation of imaginary motives and purposes behind the child care provisions of that bill and its objections to an independent national legal services board meant one thing only, that it was opposed to permitting even legal means of redress to be available when the contest was between the established order and the poor. It was perfectly all right to have legal services attorneys representing a poor client in a divorce case. But the idea that the poor might have representation in a case against involving constitutional rights, such as challenging certain States' residency requirements for welfare, was unacceptable.

And so we started again this year. The result is a bipartisan compromise, a compromise which seeks to meet even the phantom arguments raised by this administration, a compromise which surely represents the good faith of the members of this committee. The distinguished chairman, Senator Nelson, and the distinguished minority leader, Senator Javits, deserve particular commendation for their efforts to produce this compromise.

As an example of the compromises which the committee adopted, let me mention the following:

First, the committee dropped its previous prohibition against the delegation of any programs away from OEO to other agencies. Instead, it limited that provision only to the local initiative and community economic development programs, which is the minimum necessary if OEO is to remain at the point of the Nation's effort to remove poverty.

Second, on child care, the committee agreed to separate the child care provisions and that bill was considered by the Senate and adopted a week ago.

Third, there was an objection to the earmarking of funds contained in last year's measure. This year, instead of the 15 programs containing earmarking, we now have limited that requirement to only four programs.

Finally, there were objections raised to the specific provisions establishing the Legal Services Corporation, the concept which even the President approved. Therefore, the committee changed the number of directors appointed by the President without any strings attached, from six to 10, giving him a clear majority of the Legal Services Board. He also names the entire 19-member Board, thus providing a veto over every member.

Also, the President objected to the incorporating trusteeship during the temporary period while the new Corporation was being established. Again the committee compromised, naming the Director of OEO as the person who runs the shop until the Board members of the new Corporation are selected.

Thus, there has been substantial compromise by the committee in response to the administration's objections, objections which I continue to believe were unfounded. However, in the pursuit of a bill that would permit the poverty program to continue, we have agreed to these changes.

The result, I believe, is the maintenance of OEO as a continuing voice for the needs of the Nation's poor.

Let me say what the bill does include:

First, it would expand the special impact program into a major drive toward urban and rural community economic development;

Second, it would establish a new legal services corporation to assure the separate identity and independence of legal services for the poor;

Third, it would provide a fivefold increase in Neighborhood Youth Corps programs to cope with the effects of massive unemployment among poverty area youngsters; and

Fourth, it would make permanent several successful pilot programs in recreation, rural housing and community design programs.

I was particularly pleased that the committee accepted legislation I introduced with Senator JAVITS to create a separate community economic development title within the act, a title that reflects the belief that the major demonstration project within OEO should be the promotion of economic development in the poverty areas of the Nation.

To those who say the answer to the plight of the inner cities is dispersal to the suburbs and to those who say the answer to the plight of rural America is dispersal to the cities, I say you are deluding yourselves and the Nation.

We cannot turn away from the Harlems, the Bedford-Stuyvesants, the Watts, the Roxbury's, the East Los Angeles, or the rural reaches of West Texas or northeast Oklahoma. We must find ways to strengthen those communities and promote economic development so that these Americans have a place to shop, a place to work, a place to live.

Six years ago, Robert Kennedy walked through the streets of Bedford-Stuyvesant and was stunned by the unfulfilled potential that he saw. It was not only the broken windows, the deteriorating housing and the other marks of poverty that depressed him. It was the failure of a Nation to harness the energies and abilities of the human resources of this community which was appalling.

Robert Kennedy came away convinced that the human resources of the community had to be mobilized and linked to the technical skills and to the capital of the business world and government. The answer that he devised along with Senator JAVITS was the Community Development Corporation. Their design was contained in the title I-D Special Impact Amendment to the Economic Development Act adopted in 1967.

Under that title, Bedford-Stuyvesant has been receiving Federal assistance since 1967. And for each dollar of Federal money that has been granted to the community-controlled corporation of Bedford-Stuyvesant, $2 in private capital have been attracted.

The result that the Poverty Subcommittee saw in hearings I chaired in New York a year ago included a $100 million mortgage pool, a 240-man IBM plant, a $2 million assistance program, 48 local businesses, construction of a modern neighborhood and community center, 1,450 renovated homes in a program employing 900 formerly unemployed and unskilled youth, and planning for a new modular housing factory. But beyond those physical testaments, we listened to residents who expressed pride in their community and hope in their future.

Lloyd Doyle, a 30-year Bedford-Stuyvesant resident, told the committee:

> We have seen houses . . . in this community become vacant lots, garbage uncollected, broken-up cars . . . so this causes our hopelessness . . . Now in (this) community you have an organization (Bedford-Stuyvesant Restoration Corporation) that can help you renovate your home, give you a decent place to live, and it gives hundreds of thousands of people hope.

And not only in Bedford-Stuyvestant are these results taking place, but in 37 communities, Federal grants have been extended to sponsor community development corporations. But the need for additional Federal support goes far beyond what is now provided. Since November 1970, 100 proposals have been received. OEO has been able to fund only five.

There is simply no adequate jusification on the part of the administration for its decision to cut funding back to $25 million this year for CDC's. Last year some $36 million was appropriated, still below the authorization. This bill brings that authorization for fiscal year 1972 to $60 million and proposed doubling it to $120 million for fiscal year 1973.

The most recent evaluation of the Special Impact Program, a 6-month inquiry by the Twentieth Century Fund, was overwhelming in its endorsement of the CDC as "the most promising economic structure presently operating in the ghettos."

For all of these reasons, I introduced legislation, along with Senator JAVITS, to reemphasize and improve Federal support for community economic development.

First, this legislation seeks to continue and expand the urban community economic development program, the present ID program and to extend its benefits to rural areas.

Second, the legislation would continue the rural loan program which the administration proposed to phase out.

Third, the legislation established an expanded program of technical assistance, including a development loan program for both urban and rural CIC's and rural cooperatives.

Finally, the legislation removes a barrier to full Federal cooperation with community development corporations by directing the Small Business Administration, the Economic Development Administration and the Department of Housing and Urban Development to take all steps necessary to insure that CDC's have full access to their programs.

In this way, we hope to make clear the commitment of the Federal Government to the concept that communities have the right to control and direct their own social, economic and political development.

LEGAL SERVICES

The second major area of change within the OEO Extension Bill is the establishment of a private, non-profit corporation to administer the present legal services program. As an independent, self-governing corporation, the National Legal Services Corporation will be authorized to make grants and contracts to provide comprehensive legal services and assistance to low income persons.

The 19-member board will include representatives of the public, representatives of the poverty community, representatives of the Legal Services attorneys, and the presidents of the American Bar Association, the National Bar Association, the American Trial Lawyers Association, the Association of American Law Schools and the National Legal Aid and Defender Association.

And the amendment I proposed in committee provides that at least one member of the board shall represent the non-English speaking population.

More than 15 percent of the Legal Services clients are Spanish speaking. The least that we can do is insure that they are represented on the board. In addition, an amendment I joined others in introducing provides that special emphasis programs for migrant or seasonal farmworkers, Indians and the elderly poor will be authorized. These programs have been critically important in protecting the legal rights of those who traditionally have been excluded from the system.

The continuing threat of political interference has necessitated the establishment of this independent corporation.

The legislation introduced by Senator MONDALE, which I cosponsored and which has been incorporated into S. 3010, had the endorsement of State bar associations as well as the American Bar Association. The ABA president, testified:

> These recurring attacks on the Legal Services Program have helped shape our view that the Legal Services Program should be provided a new and independent home.

I believe that in its new home it will be in a strong position to continue the remarkable record achieved since its inception in 1965.

The poor have every right to expect the same treatment before the courts of our land as the wealthy and I believe this program will insure that lack of knowledge of the law and lack of funds to hire the services of a lawyer will no longer deny justice to any American.

At a time when the indicators of youth unemployment have been rising to alarming heights, the Nation's efforts to provide employment opportunities have been on the decline. In 1966, the number of 16 to 19 year-old youths unemployed was 836,000 while the number of Neighborhood Youth Corps out-of-school job slots has dropped to 36,800.

With that intention, there is an increase of $500 million proposed for the NYC program, an increase that will fund 100,000 new jobs.

PILOT PROGRAMS

There are several additional programs that I would call to the attention of the Senate. I joined with Senator CRANSTON and Senator TUNNEY in introducing the youth recreation and sports program which will establish on a permanent basis the pilot national summer youth sports program that has operated for the past two summers. Under this program, some

124,500 youngsters from around the country participated in summer sports and recreation programs at area colleges and universities.

In my own State at Boston College, Boston University, Springfield College and Boston State College these programs have been operating successfully for the past several years. The intent of the administration to end this program flies in the face of the positive evaluations that have been received.

The committee also included permanent funding for design and planning assistance centers to give low income persons the tools to participate in the planning and development of their communities.

Just as legal services offers long-denied legal rights to citizens, so too do the design and planning centers offer the poverty community the chance to be represented in city, county and State planning and redevelopment councils.

Since 1967, we have seen the pilot planning organizations spring up in Harlem, in San Francisco and in Boston. These OEO-funded programs have convinced the committee of the need to provide permanent status for them in the Economic Opportunity Act.

Also, we have seen the great need for the proposed rural housing program which will be a new experiment to repair and rehabilitate existing substandard housing in rural areas.

I believe these new programs add to the weapons available to OEO in meeting the challenge of reducing poverty in this Nation. The measures we adopt in the Economic Development Act are the most visible expression of a continued Federal commitment to eradicate poverty. I believe we have furthered that commitment by this legislation and I urge its passage.

OFFICE OF ECONOMIC OPPORTUNITY—NATIONAL ANTIPOVERTY PLAN

[Units in thousands—dollars in millions]

Program	Unit type	Fiscal year 1966		Fiscal year 1967		Fiscal year 1968		Fiscal year 1969		Fiscal year 1970	
		Units	Amount	Units	Amount	Units	Amount	Units	Amount	Units	Amount
I. Jobs:											
Public employment	Jobs			200	$840	500	$2,022	700	$2,750	800	$3,095
Neighborhood Youth Corps	Enrollees	280	$255	650	688	1,050	920	1,540	1,184	1,775	1,291
In-school		100	70	250	175	450	310	700	477	825	562
Out-of-school		120	140	150	390	150	390	140	364	125	325
Summer		60	45	250	123	450	220	700	343	825	404
Job Corps	Enrollee cap	50	235	50	350	100	560	100	650	125	755
Work experience	Hardcore unemployed adults	109	150	196	300	208	324	219	344	230	365
Mobility:											
Moves	Number of moves			120	39	120	39	120	39	120	39
Searches	Number of searches			480	29	480	29	480	29	480	29
Subtotal, jobs			640		2,246		3,894		4,996		5,574
II. Social programs:											
VISTA	Volunteers	4	18	7	36	10	52	13	65	15	78
Head start	Students										
Full		200		300		600		1,000		2,000	
Summer		300	150	350	410	600	755	1,000	1,260	2,000	2,500
Follow				400		350		600		1,000	
Upward Bound	Students	27	27	85	85	125	125	125	125	125	125
Remedial/tutorial education	do	905	82	1,800	154	1,800	144	1,800	144	1,800	144
Adult basic education	Participants	105	30	605	173	888	253	888	253	888	253
Legal assistance	Family heads and unrelated independent	1,400	10	3,000	20	6,000	46	9,000	69	12,000	98
Family planning	Women contacted		4	1,500	12	1,728	20	2,097	30	1,638	30
Health:											
Centers	Centers (cumulative)	[1]10	18	[1]30	49	[1]130	203	[1]330	437	[1]530	561
Health aides	Beneficiaries	1,000	31	3,000	38	7,000	49	10,000	57	17,000	76
Foster grandparents	Adults		10	25	50	25	50	25	50	25	50
Rural employment programs	Beneficiaries	105	16	145	21	150	23	150	23	150	23
Loan programs:											
Rural	Number of loans	16	35		36		38		40		45
SBDC (to SBA in fiscal year 1967)	Number of centers	[1]35	2	[1]70	4	[1]70	4	[1]70	4	[1]70	4
SBA	Number of loans		(25)		35		35		35		35
Housing program subsidy	None				345		727		1,188		1,756
Multipurpose center	Number of families		167	1,940	245	3,940	497	5,340	650	6,730	846
Other C&A demonstrations and research	None		95		200		200		150		150
Training of poverty workers	Number trained	117	21	131	48	292	67	285	67	295	79
Migrants	Beneficiaries	673	40	1,000	245	1,600	300	1,600	300	2,000	300
Program development (204)			9		10		10		10		10
Technical assistant/CAA (205)			8		15		17		19		20
Technical assistant/State (2095)			8		9		10		12		15
CAP program direction			7		12		16		10		22
Subtotal, social programs			788		2,252		3,641		5,008		7,220
III. Transfer payments:											
Negative income tax					4,700		4,500		4,300		4,100
OASDI					(5,300)		(5,600)		(5,800)		(6,000)
Total			1,428		9,198		12,035		14,304		16,894
Recap by organization:											
Public Employment Service (CAP)					840		2,022		2,750		3,095
Neighborhood Youth Corps			255		688		920		1,184		1,291
Job Corps			235		350		560		550		755
Work experience			150		300		324		344		365
Mobility					68		68		68		68
VISTA			18		36		52		65		78
Adult basic—OE			30		100		150		150		150
Rural loans			35		36		38		40		45
SEA			(25)		39		39		39		39
Housing					345		727		1,188		1,756
CAP (including migrants)			705		1,614		2,484		3,274		4,652
OE-preschool/rem. and tut					82		151		252		500
Transfer payments					4,700		4,500		4,300		4,100
Total			1,428		9,198		12,035		14,304		16,894
OEO O'vd			12		30		30		30		30
Total			[2]1,440		9,228		12,065		14,334		16,924
OEO portion of program			(1,440)		(3,994)		(6,580)		(8,437)		(10,461)

[1] Number of centers not in thousands.

[2] Fiscal year 1966 work study program for $60,000,000 excluded: Assumes passage of Higher Education Act.

CONTINUING THE STRUGGLE AGAINST POVERTY

Mr. MOSS. Mr. President, let us join together and move quickly to extend the life of the Office of Economic Opportunity. We all know the lengthy struggle that has occurred over the passage of an authorization bill for the poverty program and its various components. I believe the Senate Labor and Public Welfare Committee has placed before us a very workable compromise, designed to satisfy the objections raised by the President in his veto of the poverty bill last December. In working out this compromise, the committee has still retained many of the innovative measures contained in the original bill and should be complimented for the long hours of hard work and careful legislative activity that have gone into S. 3010.

The Legal Services Corporation, though modified, remains a part of the new OEO bill. Lawyers working for those who seldom can afford to pay legal fees have participated in over 1 million cases. In many of these cases, justice would have been denied the poor without the intervention and advice of legal counsel. In the committee's bill, the President would retain control of this new Corporation through the appointment of 10 of the 19 Directors of the Corporation. The appointment of the nine remaining Directors would be from a list submitted to him by a panel of experts. Lawyers working for the Corporation would not be allowed to lobby, to engage in direct political activity, or to be involved in criminal cases.

Jobs for the adolescent poor will be increased under the Neighborhood Youth Corps program included in this bill. It seems so obvious that poverty ought to be fought through employment and through the subsequent payrolls that accompany job creation, yet all too often we fail to remember this point. Forty percent of those 16 to 17 years old are unemployed in major urban areas. In spite of this, the number of jobs in the neighborhood youth program declined from 98,000 in 1966 to 36,000 in 1972. This bill would increase the Neighborhood Youth Corps program and start a renewed expansion of this vital program. We must employ our youth if we expect them to enter the mainstream of American life, and that, after all, is the ultimate objective of the poverty program.

The bill also contains new programs dealing with rural housing and environmental action. It seems entirely appropriate that we involve the poor in programs designed to create a better total environment for all of society. Numerous studies have shown that pollution covers every neighborhood of the land, rich or poor. The rural housing section is designed to create modest experimentation in programs for rehabilitation and repair in rural America. This is particularly applicable in rural areas where there is a great deal of owner-occupied housing, as opposed to the urban situation where renting dominates. These two programs are in the best tradition of the OEO philosophy: new ideas for bringing the poor into the mainstream of America must be tried, and when they are successful, they can then be expanded into major programs.

The new community development program brought forth in this bill will provide for the growth of small cooperatives through technical systems, long term loans, special impact programs, and innovative management ideas. Though this will still be an experimental program, it is important to note that it is based on pilot projects that have been done in areas such as Bedford-Stuyvesant in Brooklyn, N.Y. Such a program will create economic development and allow communities to develop in such a way as to move out of the ranks of the poor.

In summary, this is a bill for all to support. It maintains the momentum of the essential core of OEO programs, and adds a manageable variety of new innovative ideas. Its programs are geared to offering the hand of help to those who choose to better their lot. I urge the passage of this bill.

ECONOMIC OPPORTUNITY FOR PUERTO RICO

Mr. BROOKE. Mr. President, the bill now before us, S. 3010, the Economic Opportunity Amendments of 1972, contains a vitally important and progressive provision for the people of Puerto Rico. Under this bill as reported from committee, the Commonwealth of Puerto Rico is regarded as a State for the purposes of funding OEO programs.

The 2.7-million people of Puerto Rico are in a very anomolous position. They are citizens, they pay Federal income taxes, and they are drafted to fight in our wars. Yet they cannot vote for President, and they do not currently participate fully in the distribution of Federal revenues.

The United States assumed responsibility for Puerto Rico and its people as a result of the Spanish-American War, in 1898. We will not have met our responsibilities, however, until the people of Puerto Rico enjoy the same standard of living as other American citizens.

The Puerto Ricans have done much to help themselves. Per capita income on the island has increased from a bare $297 per year in 1950 to nearly $1,500 per year today. Puerto Rico's gross annual product has increased in the same time period from $755 million to $4.6 billion. Under the administration of Gov. Luis Ferre, health care has been improved and extended, and thousands of classrooms have been constructed for the education of the children of the Commonwealth.

But even with all these efforts, Puerto Rico's needs are great.

Puerto Rico has a greater percentage of its people living in poverty, and a greater percentage of its adults unemployed, than any of the 50 States of the Union. Unemployment on the island is now an unconscionable 11.8 percent.

Nearly 20 percent of the children in this country living in families with less than $1,000 in income, live in Puerto Rico. Clearly, if these children are to be given the opportunity they deserve as American citizens, Puerto Rico must receive a greater percentage of Federal aid.

The legislation presently before us would provide this long-needed opportunity. Instead of allocating 4 percent of funds available under OEO title II to Puerto Rico, the Virgin Islands, Samoa, and the Pacific Trust Territories, this bill would treat Puerto Rico as a State for the purposes of computing its share of the funds, and would reserve 2 percent of the total appropriation to the other territories. Puerto Rico's share of the funds would thus be computed on the basis of: number of public assistance recipients as compared with the other States; average number of unemployed persons as compared with the other States; and the number of related children living with families with income of less than $1,000 as compared with the other States. This system is already being followed with regard to numerous other Federal programs; it should certainly be done with regard to the vitally needed educational and job-training opportunities.

When we consider Puerto Rico's unique position within our system of government, and its extraordinary needs which are directly related to our national policy, I believe we have no choice but to accord Puerto Rico "statehood status" for the purpose of computing its benefits under this bill.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALMADGE). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Senators will please take their seats and refrain from conversation.

The Senator from West Virginia may proceed.

TIME LIMITATION AGREEMENT ON DEPARTMENT OF INTERIOR APPROPRIATION (H.R. 15418)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for the Department of Interior, H.R. 15418, is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, the time to be equally divided between the distinguished Senator from Alaska (Mr. STEVENS) and the distinguished Senator from Nevada (Mr. BIBLE), with time on any amendment thereto limited to 30 minutes, the time to be equally divided between the mover of such amendment and the manager of the bill (Mr. BIBLE); that time on any amendment to an amendment, debatable motion, or appeal in relation thereto be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill; and provided that Senators in control of time may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SCOTT. Presently from Pennsylvania, and for the last many years.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. Would the distinguished acting majority leader advise me whether this matter has been cleared with the Senator from North Dakota (Mr. Young)?

Mr. ROBERT C. BYRD. This matter has been cleared with the distinguished Senator from Alaska (Mr. Stevens) and the distinguished Senator from Nevada (Mr. Bible), and I think it has been cleared with the distinguished Senator from North Dakota (Mr. Young). The reason I say "I think so" is that I presented this request one day last week after having cleared it and it was objected to at that time by the able Senator from Florida (Mr. Chiles), who objected only because the committee report was not then available.

Mr. SCOTT. I understand from the Senator from Alaska that the matter has been cleared with the Senator from North Dakota (Mr. Young).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW TO 9 A.M., WEDNESDAY, JUNE 28, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday it stand in adjournment until 9 o'clock a.m. on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON WEDNESDAY, JUNE 28, AND FOR H.R. 15418 TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday after the two leaders, or their designees, have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate H.R. 15418, the bill making appropriations for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR FOREIGN ASSISTANCE ACT (S. 3390) TO BE LAID ASIDE TEMPORARILY ON WEDNESDAY, JUNE 28, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday the unfinished business, the Foreign Assistance Act (S. 3390), be laid aside temporarily at the conclusion of morning business, and that it remain in a temporarily laid aside status until the disposition of H.R. 15418, the bill making appropriations for the Department of Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON SPARKMAN-SCOTT AMENDMENT TO FOREIGN ASSISTANCE ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the unfinished business is laid before the Senate on Wednesday, an amendment to be offered by the distinguished Senator from Alabama (Mr. Sparkman) and the distinguished Republican leader, the Senator from Pennsylvania (Mr. Scott) be made the pending question and that time on that amendment be limited to 1½ hours, the time to be divided and controlled by the Senator from New Jersey (Mr. Case) and the distinguished manager of the bill (Mr. Sparkman).

Mr. PASTORE. Will the Senator tell us what that is all about?

Mr. ROBERT C. BYRD. I shall ask the Senator from Alabama to respond.

Mr. SPARKMAN. Senators will remember that the other day I offered an amendment relating to the Azores and Bahrain. On Wednesday the Senator from Pennsylvania, the minority leader, and I will jointly sponsor an amendment that will pertain to Bahrain only.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any amendment to the so-called Bahrain amendment be limited to 20 minutes, to be equally divided between the mover of such and the Senator from Alabama (Mr. Sparkman), and that an equal amount of time be similarly allotted to any debatable motion, or appeal in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST ON OEO BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to the pending second track item, the so-called OEO bill, there be a time limitation on further debate thereon of 4 hours, the time to be equally divided between the distinguished Senator from New York (Mr. Javits) and the distinguished manager of the bill (Mr. Nelson); that time on any amendment thereto be limited to 1 hour, to be equally divided between the mover of such amendment and the distinguished manager of the bill (Mr. Nelson); that time on any amendment to an amendment, debatable motion or appeal in relation thereto be limited to 20 minutes, equally divided between the mover of such and the manager of the bill; provided that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal; and provided finally that if the distinguished manager of the bill is in favor of such amendment, debatable motion, or appeal the time in opposition thereto then be under the control of the distinguished Republican leader or his designee.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. I wish to state as to time on the bill which I control, I will be glad to yield as much time as necessary to opponents.

Mr. COOK. I object.

The PRESIDING OFFICER (Mr. Hartke). Objection is heard.

NAVIGABLE WATERS SAFETY AND ENVIRONMENTAL QUALITY ACT OF 1972—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and the navigable waters of the United States.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Hartke). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

Conference Report

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 14, 18, and 21, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "Ports and Waterways Safety Act of 1972".; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 7 of the House engrossed bill, immediately after line 12, insert the following:

TITLE II—VESSELS CARRYING CERTAIN CARGOES IN BULK

Sec. 201. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a) is hereby amended to read as follows:

"Sec. 4417a. (1) Statement of Policy.—The Congress hereby finds and declares—

"That the carriage by vessels of certain cargoes in bulk creates substantial hazards to life, property, the navigable waters of the United States (including the quality thereof) and the resources contained therein and of the adjoining land, including but not limited to fish, shellfish, and wildlife, marine and coastal ecosystems and recreational and scenic values, which waters and resources are hereafter in this section referred to as the 'marine environment'.

"That existing standards for the design, construction, alteration, repair, maintenance and operation of such vessels must be improved for the adequate protection of the marine environment.

"That it is necessary that there be established for all such vessels documented under the laws of the United States or entering the navigable waters of the United States comprehensive minimum standards of design, construction, alteration, repair, maintenance, and operation to prevent or mitigate the hazards to life, property, and the marine environment.

"(2) Vessels Included.—All vessels, regardless of tonnage, size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, which are documented under the laws of the United States or enter the navigable waters of the United States, except public vessels other than those engaged in commercial service, that shall have on board liquid cargo in bulk which is—

"(A) inflammable or combustible, or

"(B) oil, of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, or

"(C) designated as a hazardous polluting substance under section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162); shall be considered steam vessels for the purposes of title 52 of the Revised Statutes of the United States and shall be subject to the provisions thereof: *Provided*, That this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages: *And provided further*, That nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 90–397 with respect to certain vessels of not more than five hundred gross tons: *And provided further*, That this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.

"(3) Rules and Regulations.—In order to secure effective provision (A) for vessel safety, and (B) for protection of the marine environment, the Secretary of the department in which the Coast Guard is operating (hereafter referred to in this section as the 'Secretary') shall establish for the vessels to which this section applies such additional rules and regulations as may be necessary with respect to the design and construction, alteration, repair, and maintenance of such vessels, including, but not limited to, the superstructures, hulls, places for stowing and carrying such cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such cargo, the manner of such handling or stowage, and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for life saving, fire protection, and the prevention and mitigation of damage to the marine environment; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the duties and qualifications of the officers and crew thereof; and with respect to the inspection of all the foregoing. In establishing such rules and regulations the Secretary may, after hearing as provided in subsection (4), adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Secretary shall give due consideration to the kinds and grades of such cargo permitted to be on board such vessel. In establishing such rules and regulations the Secretary shall, after consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, identify those established for protection of the marine environment and those established for vessel safety.

(4) Adoption of Rules and Regulations.—Before any rules or regulations, or any alteration, amendment, or repeal thereof, are approved by the Secretary under the provisions of this section, except in an emergency, the Secretary shall (A) consult with other appropriate Federal departments and agencies, and particularly with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, with regard to all rules and regulations for the protection of the marine environment, (B) publish proposed rules and regulations, and (C) permit interested persons an opportunity for hearing. In prescribing rules or regulations, the Secretary shall consider, among other things, (i) the need for such rules or regulations, (ii) the extent to which such rules or regulations will contribute to safety or protection of the marine environment, and (iii) the practicability of compliance therewith, including cost and technical feasibility.

"(5) Rules and Regulations for Safety; Inspection; Permits; Foreign Vessels.—No vessel subject to the provisions of this section shall, after the effective date of the rules and regulations for vessel safety established hereunder, have on board such cargo, until a certificate of inspection has been issued to such vessel in accordance with the provisions of title 52 of the Revised Statutes of the United States and until a permit has been endorsed on such certificate of inspection by the Secretary, indicating that such vessel is in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder, and showing the kinds and grades of such cargo that such vessel may have on board or transport. Such permit shall not be endorsed by the Secretary on such certificate of inspection until such vessel has been inspected by the Secretary and found to be in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder. For the purpose of such inspection, approved plans and certificates of class of the American Bureau of Shipping or other recognized classification society for classed vessels may be accepted as evidence of the structural efficiency of the hull and the reliability of the machinery of such classed vessels except as far as existing law places definite responsibility on the Coast Guard. A certificate issued under the provisions of this section shall be valid for a period of time not to exceed the duration of the certificate of inspection on which such permit is endorsed, and shall be subject to revocation by the Secretary whenever he shall find that the vessel concerned does not comply with the conditions upon which such permit was issued: *Provided*, That rules and regulations for vessel safety established hereunder and the provisions of this subsection shall not apply to vessels of a foreign nation having on board a valid certificate of inspection recognized under law or treaty by the United States: *And provided further*, That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection (3) of section 4472 of this title.

"(6) Rules and Regulations for Protection of the Marine Environment; Inspection; Certification.—No vessel subject to the provisions of this section shall, after the effective date of rules and regulations for protection of the marine environment have on board such cargo, until a certificate of compliance, or an endorsement on the certificate of inspection for domestic vessels, has been issued by the Secretary indicating that such vessel is in compliance with such rules and regulations. Such certificate of compliance or endorsement shall not be issued by the Secretary until such vessel has been inspected by the Secretary and found to be in compliance with the rules and regulations for protection of the marine environment established hereunder. A certificate of compliance or an endorsement issued under this subsection shall be valid for a period specified therein by the Secretary and shall be subject to revocation whenever the Secretary finds that the vessel concerned does not comply with the conditions upon which such certificate or endorsement was issued.

"(7) Rules and Regulations for Protection of the Marine Environment Relating to Vessel Design and Construction, Alteration, and Repair; International Agreement.—(A) The Secretary shall begin publication as soon as practicable of proposed rules and regulations setting forth minimum standards of design, construction, alteration, and repair of the vessels to which this section applies for the purpose of protecting the marine environment. Such rules and regulations shall, to the extent possible, include but not be limited to standards to improve vessel maneuvering and stopping ability and otherwise reduce the possibility of collision, grounding, or other accident, to reduce cargo loss following collision, grounding, or other accident, and to reduce damage to the marine environment by normal vessel operations such as ballasting and deballasting, cargo handling, and other activities.

"(B) The Secretary shall cause proposed rules and regulations published by him pursuant to subsection (7)(A) to be transmitted to appropriate international forums for consideration as international standards.

"(C) Rules and regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In the absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate.

"(D) Any rule or regulation for protection of the marine environment promulgated pursuant to this subsection (7) shall be equally applicable to foreign vessels and United States-flag vessels operating in the foreign trade. If a treaty, convention, or agreement provides for reciprocity of recognition of certificates or other documents to be issued to vessels by countries party thereto, which evidence compliance with rules and regulations issued pursuant to such treaty, convention, or agreement, the Secretary, in his discretion, may accept such certificates or documents as evidence of compliance with such rules and regulations in lieu of the certificate of compliance otherwise required by subsection (6) of this section.

"(8) Shipping Documents.—Vessels subject to the provisions of this section shall have on board such shipping documents as may be prescribed by the Secretary indicating the kinds, grades, and approximate quantities of such cargo on board such vessel, the shippers and consignees thereof, and the location of the shipping and destination points.

"(9) Officers; Tankermen; Certification.—(A) In all cases where the certificate of inspection does not require at least two licensed officers, the Secretary shall enter in the permit issued to any vessel under the provisions of this section the number of the crew required to be certified as tankermen.

"(B) The Secretary shall issue to applicants certificates as tankermen, stating the kinds of cargo the holder of such certificate is, in the judgment of the Secretary, qualified to handle aboard vessels with safety, upon satisfactory proof and examination, in form and manner prescribed by the Secretary, that the applicant is in good physical condition, that such applicant is trained in and capable efficiently to perform the necessary operations aboard vessels having such cargo on board, and that the applicant fulfills the qualifications of tankerman as prescribed by the Secretary under the provisions of this section. Such certificates shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of this title.

"(10) EFFECTIVE DATE OF RULES AND REGULATIONS.—Except as otherwise provided herein, the rules and regulations to be established pursuant to this section shall become effective ninety days after their promulgation unless the Secretary shall for good cause fix a different time. If the Secretary shall fix an effective date later than ninety days after such promulgation, his determination to fix such a later date shall be accompanied by an explanation of such determination which he shall publish and transmit to the Congress.

"(11) PENALTIES.—(A) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall violate the provisions of this section, or the rules and regulations established hereunder, shall be liable to a civil penalty of not more than $10,000.

"(B) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall knowingly and willfully violate the provisions of this section or the rules and regulations established hereunder, shall be subject to a fine of not less than $5,000 or more than $50,000, or imprisonment for not more than five years, or both.

"(C) Any vessel subject to the provisions of this section, which shall be in violation of this section or the rules and regulations established hereunder, shall be liable in rem and may be proceeded against in the United States district court for any district in which the vessel may be found.

"(12) INJUNCTIVE PROCEDURES.—The United States district courts shall have jurisdiction for cause shown to restrain violations of this section or the rules and regulations promulgated hereunder.

"(13) DENIAL OF ENTRY.—The Secretary may, subject to recognized principles of international law, deny entry into the navigable waters of the United States to any vessel not in compliance with the provisions of this section or the regulations promulgated thereunder."

"SEC. 202. Regulations previously issued under statutory provisions repealed, modified, or amended by this title shall continue in effect as though promulgated under the authority of section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by this title, until expressly abrogated, modified, or amended by the Secretary of the Department in which the Coast Guard is operating under the regulatory authority of such section 4417a as so amended. Any proceeding under such section 4417a for a violation which occurred before the effective date of this title may be initiated or continued to conclusion as though such section 4417a had not been amended hereby.

"SEC. 203. The Secretary of the Department in which the Coast Guard is operating shall, for a period of ten years following the enactment of this title, make a report to the Congress at the beginning of each regular session, regarding his activities under this title. Such report shall include but not be limited to (A) a description of the rules and regulations prescribed by the Secretary (i) to improve vessel maneuvering and stopping ability and otherwise reduce the risks of collisions, groundings, and other accidents, (ii) to reduce cargo loss in the event of collisions, groundings, and other accidents, and (iii) to reduce damage to the marine environment from the normal operation of the vessels to which this title applies, (B) the progress made with respect to the adoption of international standards for the design, construction, alteration, and repair of vessels to which this title applies for protection of the marine environment, and (C) to the extent that the Secretary finds standards with respect to the design, construction, alteration, and repair of vessels for the purposes set forth in (A) (i), (ii), or (iii) above not possible, an explanation of the reasons therefor."

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

On page 13, line 23, of the Senate engrossed amendments, strike out "Title II" and insert the following: "Title I"; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "101."; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(including the substances described in section 4417a(2)(A), (B), and (C) of the Revised Statutes of the United States (46 U.S.C. 391a(2)(A), (B), and (C))", and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 14, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 16, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 8: That the House receed from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "102."; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 6, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 11, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 12, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 4, line 17, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) This title shall not be applicable to the Panama Canal. The authority granted to the Secretary under section 101 of this title shall not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under this title shall be delegated to the Saint Lawrence Seaway Development Corporation to the extent that the Secretary determines such delegation is necessary for the proper operation of the Seaway."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 21, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "103."; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 5, lines 20 and 23, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "104."; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 6, line 8, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "105."; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "106."; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

Omit the matter proposed to be inserted by the Senate amendment, and on page 6, lines 23 and 25, of the House engrossed bill, strike out "Act" and insert the following "title", and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$10,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 6, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "107."; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 10, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with amendments, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$50,000."

On page 7, line 10, of the House engrossed bill, strike out "$1,000" and insert the following: "$5,000."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "five years,"; and the Senate agree to the same.

That the Senate recede from its amendment to the title of the act.

WARREN G. MAGNUSON,
RUSSELL B. LONG,
PHILIP A. HART,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

UNIFORMED SERVICE HEALTH PROFESSIONS REVITALIZATION ACT OF 1972

Mr. STENNIS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 2.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STENNIS. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HARRY F. BYRD, JR., Mr. JACKSON, Mr. BENTSEN, Mr. STENNIS, Mr. DOMINICK, Mr. SAXBE, and Mrs. SMITH conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes tonight. I do not know what the chances are, but it is possible that a request may again be offered, and consent granted thereto, in connection with a time limitation on the economic opportunity bill. I am not sure what may develop, but, at any event, there will be no more rollcall votes tonight.

The order entered last week provides for a recess of the Senate today until 9 o'clock tomorrow morning. In the event an agreement can be reached yet today with respect to the Economic Opportunity amendments, that recess order will be vacated and, instead of coming in at 9 o'clock tomorrow morning, the Senate will adjourn today at the close of business and will come in at 10 o'clock, and after morning business the Senate will proceed to take up the Labor-HEW appropriation bill under the agreement previously entered.

Mr. MAGNUSON. Mr. President, if the Senator will yield to me, I am hopeful that we may start discussion of the Labor-HEW appropriation bill at about 10:30 tomorrow. There are many items in that bill. There are about 105 line items, to begin with. It involves not only HEW, but the Labor Department. I am hopeful that Senators who have an interest in the bill will be present. There are some amendments to the bill. It is a $29 billion bill. The Senator from New Hampshire and I heard almost 500 witnesses. We hope it is the culmination of a long effort. The bill has items of interest to many Senators. I do hope that tomorrow Senators who have an interest in those items will be here to express their opinions.

There will be some amendments on which there will be some rollcalls. The amendments will be to increase, not to cut anything out of the bill. We will discuss those when the time comes, but I wanted Senators to know about it. This is one of the big bills. We hope to get it out of the way tomorrow and get to a conference on it as soon as possible.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Washington.

Mr. President, for the time being, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday, following the recognition of the two leaders or their designees, the distinguished Senator from Virginia, Mr. HARRY F. BYRD, Jr., be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS AND THE LABOR-HEW APPROPRIATION BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow immediately following the recognition of the two leaders or their designees under the standing order the Senate return to the consideration of the unfinished business; that at the hour of 10:30 a.m. the unfinished business be temporarily laid aside and the Senate proceed to the consideration of the Labor-HEW appropriation bill; and that the unfinished business remain in a temporarily laid aside status until the disposition of the Labor-HEW appropriation bill, or until the close of business tomorrow, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE ECONOMIC OPPORTUNITY AMENDMENTS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Labor-HEW appropriation bill tomorrow, the Senate return to the consideration of the economic opportunity amendments, and that the unfinished business remain in a temporarily laid aside status until the disposition of the so-called Economic Opportunity Amendments Act, or until the close of business tomorrow, whichever is the earlier.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PROGRAM

Mr. **ROBERT C. BYRD**. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. following the recess.

After the two leaders or their designees have been recognized, the Senate will proceed to the consideration of the unfinished business.

Mr. **DOLE**. Mr. President, if the Senator will yield, is the unfinished business foreign aid or OEO?

Mr. **ROBERT C. BYRD**. S. 3390, the Foreign Assistance Act.

At 10:30 am, the Chair will lay aside the unfinished business and the Senate will proceed to consider the bill making appropriations for the Departments of Labor and HEW, H.R. 15417.

The unfinished business will remain in a temporarily aside status, and upon the disposition of H.R. 15417 the Senate will return to the consideration of the so-called second track item, the economic opportunity amendments, and the unfinished business will continue to remain in a temporarily laid-aside status until the dispositon of the second track item, the Economic Assistance Act, or until the close of business tomorrow, whichever is the earlier.

Mr. **COOK**. Mr. President, will the Senator explain that to me again? It sounds to me as though what we have to do is conclude the OEO bill tomorrow night; is that right?

Mr. **ROBERT C. BYRD**. No; the unfinished business, the Foreign Assistance Act, will remain in a temporarily laid-aside status until the Economic Opportunity Act is disposed of tomorrow, or until the close of business, whichever is the earlier.

Mr. **NELSON**. May I ask the Senator a question? There is no time-limitation agreement on either the bill or the amendments; is there?

Mr. **ROBERT C. BYRD**. There is none.

Mr. **NELSON**. At what time are we likely to get to the Economic Opportunity Act, could the Senator say?

Mr. **ROBERT C. BYRD**. I cannot answer that question. The HEW appropriation bill will be laid before the Senate at 10:30 tomorrow morning. There is a time limitation on that bill which was entered into last week, as I recall of 5 hours on the bill and a limitation on amendments thereto which I do not exactly recall.

Mr. **NELSON**. For HEW?

Mr. **ROBERT C. BYRD**. For the HEW appropriation bill.

Mr. **NELSON**. And if it was all used, that would bring us to about 3 o'clock in the afternoon or thereabouts?

Mr. **ROBERT C. BYRD**. Well, if all the time on the bill were used, yes, but normally all the time is not used. There may, however, be some amendments thereto, which would require some time.

Mr. **NELSON**. Is it the intent of the leadership to continue on the OEO bill tomorrow until it is finished?

Mr. **ROBERT C. BYRD**. Depending on developments between now and then. Depending also upon what time the Senate completes the HEW appropriation bill tomorrow.

Mr. **COOK**. Do I correctly understand that, therefore, if the OEO bill is not finished tomorrow night, it will automatically become the pending order of business on Wednesday morning?

Mr. **ROBERT C. BYRD**. Not automatically.

Mr. **NELSON**. I am trying to get an understanding as to where I will stand in respect to time.

Mr. **ROBERT C. BYRD**. Yes.

Mr. **NELSON**. Is it the intention, if it is not finished tomorrow, that we go to that bill, if we can get unanimous consent to do so, on Wednesday morning?

Mr. **ROBERT C. BYRD**. On Wednesday morning, under the order previously entered, the first thing will be the Department of the Interior appropriation bill. There is a time limitation agreement thereon.

Upon the disposition of that bill, the Senate will return to the consideration of the unfinished business, which is the Foreign Assistance Act. The pending question at that time will be on the adoption of the amendment to be offered by the distinguished Senator from Alabama (Mr. SPARKMAN) and the distinguished Senator from Pennsylvania (Mr. SCOTT). There is a time limitation on that amendment.

Upon the disposition of that amendment, it would be the intention of the leadership to return to the Economic Opportunity Act Amendments, if in the meantime that measure has not yet been disposed of.

Does the Senator from Kentucky have a further question?

Mr. **COOK**. No.

Mr. **ROBERT C. BYRD**. Mr. President, there will undoubtedly be yea-and-nay votes on tomorrow, especially in connection with the HEW appropriation bill, and I would expect a reasonably long day tomorrow.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. HARTKE). Without objection, it is so ordered.

RECESS TO 9 A.M.

Mr. **ROBERT C. BYRD**. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 6 p.m. the Senate recessed until tomorrow, Tuesday, June 27, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 1972:

DEPARTMENT OF TRANSPORTATION

John E. Hirten, of California, to be an Assistant Secretary of Transportation, vice Herbert F. DeSimone, resigned.

IN THE AIR FORCE

The following-named officers for promotion in the Air Force Reserve, under the appropriate provisions of chapter 837, Title 10, United States Code, as amended, and Public Law 92-129.

Lieutenant colonel to colonel

NURSE CORPS

Hamlin, Katherine E., 486-16-4900.

Major to lieutenant colonel

LINE OF THE AIR FORCE

Adair, Malcom H., 258-28-2920.
Adam, George F., 088-24-1299.
Adams, William P., 002-20-7347.
Adler, Philip, Jr., 220-34-5347.
Alexander, Charles, 345-18-7892.
Alexander, James D., 446-20-8278.
Alford, Donald E., 436-38-2085.
Allen, Preston H., 717-14-5115.
Allen, Robert D., 467-38-9959.
Allen, Russell E., 554-36-2175.
Anderson, Charles S., 474-20-5271.
Anderson, Dan E., 518-22-3590.
Anderson, James B., 251-34-1551.
Anderson, Robert S., 426-58-0943.
Anderson, Ted Jr., 261-40-4198.
Anderson, William M., 428-32-6846.
Angell, Lloyd E. Jr., 466-50-4885.
Ankeny, Robert H., 506-24-6745.
Annan, James C., 235-12-0940.
Apel, Elmer C., 269-28-7982.
Aten, Donald, 153-20-3767.
Aulds, Lonnie D., 439-12-1329.
Babcock, John B. G., Jr., 086-18-5072.
Badeaux, Nolan J., 435-32-0333.
Badenhoop, Richard L., 510-26-5771.
Bain, Richard A., 398-26-7991.
Baker, Beryl A., 257-30-4137.
Baldwin, Arthur L., Jr., 045-12-3034.
Baldwin, Donald R., 431-72-5852.
Baldwin, William K., 250-38-5090.
Bales, James T., Jr., 243-44-2613.
Ballou, Brice F., 533-26-3918.
Baltz, Richard B., 498-26-9968.
Barlow, William R., 234-48-5461.
Barmasse, Alfred C., 114-16-2556.
Barnett, Donald L., 133-20-5889.
Barron, Clarence R., 258-46-5394.
Barth, George J., 517-22-0245.
Barton, William R., 529-20-0266.
Basden, Gene B., 431-56-2106.
Basnett, William W., 288-28-4553.
Bass, Wesley W., 495-28-2327.
Bateman, Robert S., 438-52-8185.
Baughman, John F., Jr., 473-26-1506.
Beatty, Walter E., Jr., 527-26-9845.
Beck, Joseph C., 431-38-0785.
Becker, Larry W., 506-24-5898.
Bell, Nelson K., 548-40-1612.
Bender, John H., Jr., 483-32-0544.
Benich, Joseph T., 270-26-9543.
Bennett, Golden R., 519-16-9941.
Benzel, Rubert E., 444-24-4854.
Berchelmann, Stephen L., 457-20-2018.
Bertsch, William R., 306-26-1764.
Besanko, David G., 013-20-7173.
Bianchi, Donald J., 573-03-4754.
Bigwood, Kenneth E., 483-30-9532.
Black, Ruth M., 539-12-7468.
Blackwell, Gordon E., Jr., 424-30-6636.
Blake, Frank N., 379-22-3995.
Bolen, William O., 423-26-8564.
Bollenbach, Eugene D., 082-26-1689.
Boreham, George E., Jr., 568-22-0654.
Borjes, Jackson F., 443-16-5355.
Borst, Charles G., 390-20-2051.
Bowers, James A., Jr., 424-32-8369.
Bowling, Melvin C., 229-32-1231.
Boyd, James C., 237-42-5985.
Boyles, James E., 452-44-0610.
Brack, Robert W., Jr., 107-22-8080.

Bradshaw, Paul L., 498-28-3635.
Bragg, Russell L., 232-32-9909.
Brake, Robert M., 381-22-4501.
Brand, Joseph L., 558-22-8835.
Brant, Harley H., 456-28-2234.
Brashear, Eugene, 407-36-6217.
Brashier, Ralph C., Jr., 233-30-3940.
Breeden, Ted J., 508-20-9892.
Breen, William J., 415-30-7387.
Brehl, Ralph C., Jr., 567-24-0612.
Brewton, Caswell L., Jr. 439-28-6407.
Bright, Carl E., 461-38-5954.
Bright, William E., 427-36-7822.
Brock, Jack G., 249-34-2151.
Brodie, Thomas A., Jr., 471-22-5635.
Brown, Charles W., Jr., 400-38-0618.
Brown, Clarence Z., 559-36-4363.
Brown, Fayette J., 280-22-3312.
Brown, Frederick L., 024-12-8846.
Brown, James E., 496-20-1835.
Brown, William L., 263-60-2519.
Bruckner, Carl J., Jr., 195-22-3004.
Brunelle, Alvan B., 519-26-6652.
Bruner, Russ W., 720-07-9151.
Brusell, Harry E., Jr., 475-20-2549.
Bubier, Robert H., 267-28-8103.
Buchanan, Earl, 526-24-8051.
Buchanan, William H., 077-18-4072.
Burditt, Donald J., 517-10-7793.
Burkhalter, Alvie C., Jr., 465-40-0660.
Burnett, Harold M., 461-30-0408.
Burt, Harry B., III, 440-28-6492.
Burwell, Ralph R., 025-22-7197.
Bushell, Robert E., 339-14-4046.
Bussey, Henry M., II, 319-24-7334.
Butler, John K., 227-38-8004.
Butler, Walter J., 032-14-7141.
Cain, Tom M., Jr., 457-40-7263.
Call, Mildred L., 533-10-5001.
Campbell, Donald C., 482-30-2337.
Campbell, John G., 329-14-5455.
Campbell, Robert B., 459-36-9050.
Capasso, Vincent N., Jr., 308-34-9224.
Caputo, Louis A., Jr., 126-18-4014.
Carastro, Lawrence, 266-40-2477.
Carlson, Ralph T., 145-26-5215.
Carlson, Roland H., 374-28-6270.
Carlton, Lester D., 262-46-3570.
Carpenter, Herman J., 436-42-7305.
Carpenter, Tracey S., 061-20-0187.
Carroll, John S., 564-30-8411.
Carroll, Richard M., 331-24-0141.
Carter, Arthur W., 131-22-2315.
Case, Shafter D., Jr., 409-32-3806.
Cassedy, John C., Jr., 558-36-7289.
Caswell, Donald T., 007-14-4880.
Cave, Levi T., 460-34-8744.
Chabot, Paul J., 523-22-0996.
Chandler, Calvin H., 248-44-378.
Charlton, Paul, 454-30-7266.
Chasteen, Doyle W., Jr., 255-32-1953.
Cherf, Donald E., 388-30-4305.
Chester, Charles S., 452-40-9996.
Cecil, Paul F., 509-28-2177.
Clark, Neu E., 514-20-8530.
Claverie, Gaston R., 435-30-2941.
Clay, Shelby D., 451-38-8790.
Clendenin, Douglas L., 553-26-8223.
Cobb, George M., 237-32-6167.
Cochrane, Richard L., 457-20-8742.
Coil, James R., 495-12-3843.
Cole, Melvin S., 434-34-7798.
Comstock, Harrison F., 564-30-7655.
Conkling, Jack R., 484-03-1858.
Conley, Paul H., 504-24-9807.
Conley, William M., Jr., 570-32-1304.
Connett, Charles D., 573-30-9033.
Constable, Edward T., 062-22-4186.
Cook, Doyle, 405-44-2219.
Cook, John M., Jr., 291-22-5795.
Cooper, Charles S., 391-16-1353.
Corbert, Ronald D., 510-34-2161.
Corbett, James E., 407-34-2627.
Corcoran, Leo J., 516-24-5353.
Corlette, Dustin H., 282-24-0703.
Corriher, Henry A., Jr., 242-22-5537.
Coslett, David L., 345-22-5266.
Cotton, Bruce C., 280-28-5445.
Cowell, William E., 575-26-8783.
Cowles, Joseph H., 406-28-8078.
Cox, Barry C., 451-36-8240.
Cox, Darrell J., 472-20-9507.
Coyne, Martin P., 474-26-4722.
Craft, Walter R., 546-42-5124.
Crehan, Alfred E., 021-20-1672.
Crepeau, Felix, Jr., 468-20-5502.
Crescibene, Henry A., 098-18-5372.
Creswell, Walter, Jr., 407-30-4541.
Crews, James R., 127-20-6808.
Crews, Ralph G., 467-42-1305.
Crichton, Edward M., 097-26-7411.
Critchfield, Lewis, 519-34-4597.
Cronin, William G., 214-22-9180.
Crowson, George W., Jr., 436-38-1545.
Dailey, James M. III, 416-40-6858.
Daley, James M., 395-18-1906.
Dallas, Gerald C., 463-46-0919.
Dang, Eugene L., 576-30-9053.
Daniel, Herman D., 373-30-3759.
Dauenhauer, Oscar C., 436-44-3515.
Daugherty, Ralph H., Jr., 149-09-1662.
Davis, David B., 280-28-2908.
Davis, Henry M., Jr., 242-36-5014.
Davis, Jack W., 270-16-0353.
Dawes, Charles L., 246-40-6911.
Day, Jack R., 406-30-5776.
Deaton, William A., 242-36-2531.
Deback, Nurman J., Jr., 561-46-1635.
Dehart, Kenneth L., 305-24-7276.
Delosh, Harry L., 126-07-8460.
Dement, Kenneth P., 519-22-2792.
Derieux, Jerry S., 418-38-4223.
Dethman, Gareth W. L., 537-22-9016.
Dickensheets, William E., 551-10-6394.
Dickinson, John C., Jr., 527-24-1649.
Diekman, John D., 234-44-7263.
Dimanno, Gerald T., 054-24-6837.
Dobbs, Hugh E., 529-10-7967.
Dolman, Charles M., 295-26-4470.
Donovan, Robert P., 192-24-7063.
Dorn, Kenneth W., 563-40-7543.
Dorr, Russell T., 456-38-5510.
Dosch, Edmond W., 568-20-8667.
Downey, James C., 506-32-9640.
Dooley, Floyd R., 231-38-2929.
Dreessen, Amos R., 448-34-1957.
Dudenhoefer, David E., 177-22-1460.
Dukes, Francis B., 253-20-1890.
Dunbar, Alfred W., 315-12-4269.
Dunbar, Willard P., Jr., 313-40-8330.
Duncan, James H., 348-16-8247.
Dundee, Charles W., 429-50-3886.
Dupre, Edmond E., Jr., 437-30-6330.
Durkin, Francis T., 273-26-8776.
Dworshak, Louis R., 008-20-8967.
Eckart, John F., 356-22-5246.
Eckhardt, John F., 284-22-5222.
Egglefield, Lew E., 132-22-0465.
Eilermann, Kenneth W., 176-22-4284.
Eldridge, Morton T., 386-28-7450.
Engelhardt, Philip S., 388-24-7001.
Epperson, Robert H., 450-30-4338.
Erickson, Raymond L., 473-26-2436.
Ernst, John, Jr., 393-26-3514.
Ernst, Philip B., 034-12-3956.
Evans, James W., 459-26-9153.
Evans, Norman, 259-14-7386.
Evitt, Donald L., 258-52-6736.
Ewell, Frederick S., 224-18-9842.
Face, Edward J., 055-20-6620.
Facelle, Thomas A., Jr., 054-22-4285.
Farar, Richard C., 463-12-8201.
Farha, Henry S., Jr., 512-22-6458.
Farrington, Ira D., Jr., 405-36-7026.
Ferguson, Malcolm M., 028-03-8025.
Finn, Henry W., 017-14-7833.
Firtell, Marvin H., 149-14-1662.
Fisbeck, Alfred E., 506-24-1778.
Fletcher, Leslie R., 425-42-7777.
Fitzpatrick, Joseph L., 334-10-5515.
Fleming, Jerel D., 445-34-9395.
Fletcher, Homer L., 307-28-7001.
Fletcher, Leslie R., 425-43-7777.
Flores, Ray L., 492-24-8998.
Flower, Joseph W., 118-16-3096.
Foley, Charles W., 486-32-8042.
Forbes, Forrest S., 483-32-3092.
Ford, Paul M., 177-22-7787.
Foster, Daniel M., 250-36-6696.
Fowlkes, John R., 499-20-7458.
Frank, John R., 307-28-8545.
Franke, Milton E., 265-40-3968.
Frederickson, James W., 384-28-8574.
Freeman, Glenn A., 083-14-6324.
Freeman, William M., 327-10-6810.
Frick, Elmer F., Jr., 251-28-3972.
Fuerst, Rubert J., 487-26-0354.
Fulmer, William E., 408-34-6585.
Furer, Richard N., 183-22-1948.
Galvin, William F., 134-14-1536.
Gallagher, Daniel J., 021-26-8659.
Gammon, Harold R., 563-38-5952.
Garcia, Camilo M., 457-30-5937.
Garcia, Raymond J., 552-03-0721
Gardner, Robert A., 042-24-8337.
Garrett, Roy T., 364-28-1191.
Gerick, James A., 467-52-0803.
Germany, James C., Jr., 257-30-7443.
Giannell, Bernard A., Jr., 563-24-5528.
Gibson, Jack P., 232-24-9599.
Gillespie, Billie J., 315-16-0905.
Gilliam, Fred T., 410-22-0651.
Glass, Frederick A., 267-40-0676.
Glyman, Emanuel J., 319-22-4688.
Goldsborough, Richard H., 216-20-6661.
Gomez, Richard H., 565-32-0563.
Gonzales, Willie M., 459-22-9022.
Gonzalez, Vincent, 099-18-6488.
Gooding, Linwood G., 228-12-7660.
Goren, Charles, 130-14-4510.
Grab, Harry A., Jr., 203-22-2598.
Gracey, Henry A., 173-22-3248.
Grady, Earle K., 250-42-8608.
Graham, Richard A., 467-46-8793.
Grant, Robert R. Jr., 299-26-5757.
Graves, Arthur D., 422-20-1124.
Gray, Lawrence C., 368-32-8258.
Green, Joseph G., 261-48-0615.
Green, Miller R., 553-12-7102.
Gregory, Charles W., 227-34-3754.
Griffin, Michael F., 198-24-4518.
Griffith, Eugene R., 310-22-1395.
Griffith, Robert S., 400-38-5090.
Grimes, Daniel T., 184-28-1074.
Grissom, Joerle R., 464-24-1856.
Guillotte, Richard A., 022-20-5199.
Haag, Richard L., 520-18-8910.
Hack, Ernest, 264-36-2284.
Hackert, Peter J., 125-20-6149.
Haley, George W., 254-42-6723.
Hall, Ollie L., 408-40-9824.
Hall, Philip L., 002-20-8199.
Hamilton, David A., 496-34-4665.
Hamilton, Leslie C., 026-22-6086.
Hampton, James B., 459-48-5901.
Handing, Earl W., 500-26-2726.
Haney, William F., Jr., 464-42-1888.
Hanley, Emmett M., 256-38-1361.
Hanna, Jeff, Jr., 231-32-2794.
Harding, Thomas R., 299-26-1617.
Hardy, Herbert L., 084-24-3469.
Harlan, Vernon M., 466-18-7383.
Harrington, Edward B., 250-38-9954.
Harris, Billy F., 454-44-9767.
Harris, Ralph R., 417-34-9826.
Harrison, Alexander, 217-05-1248.
Hartzog, Robert H., Jr., 248-42-9872.
Hatfield, Hollis A., 064-22-6630.
Hathaway, James B., 025-22-2716.
Havekotte, Harold A., 723-10-6552.
Hawkins, Raymond J., 571-34-1526.
Hayes, John W., 538-22-5782.
Hayward, Kenneth M., 426-48-5942.
Healy, John F., Jr., 016-22-1285.
Healy, John L., 156-03-7449.
Heath, Russell W., 553-38-2731.
Hebert, Harold P., 425-38-3952.
Hedges, Raymond N., 317-12-3254.
Helms, Charles R., 526-38-2772.
Henderson, Billy R., 456-44-5757.
Hendey, Gurdon G., Jr., 315-28-4791.
Hendrickson, Orville J., 539-16-5922.
Hennessey, John R., 359-22-1397.
Henry, Dewie L., 432-22-4906.
Henry, George L., 576-24-6108.
Hentges, Reynold J., 485-12-4616.
Herrington, Bert H., 725-16-0351.
Hess, Lloyd M., Jr., 522-32-8739.
Heuss, Herman A., 304-30-3830.
Hicks, John T., 406-40-3601.
Hickfang, Paul A., 466-22-2687.
Hidalgo, Chester P., 435-44-0305.
Higgins, Daniel L., 236-24-2846.

Higgins, William T., 255–40–3082.
Hill, Jerry G., 463–24–6985.
Hipp, Augustus J., 255–34–9861.
Hlopoff, Svetoslad N., 118–20–8979.
Hodges, Hayden, Jr., 342–20–6440.
Hoffman, Bill W., 430–40–7053.
Hoffman, Chester J., 084–16–0358.
Holau, Joel K., Jr., 576–24–2829.
Holden, David M., 517–14–5448.
Hollister, Victor D., 379–26–5512.
Holm, John M., 464–34–8060.
Hood, Charles D., 247–40–5848.
Hook, Cornelius H., 467–20–9928.
Hooks, Charles M., 457–28–6198.
Hope, Helen T., 263–34–6586.
Hopkins, Walter S., Jr., 234–38–5012.
Hoppe, John G., 522–28–2942.
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Sellers, Henry G., Jr., 452-22-3591.
Sharbondy, Gary P., 483-28-0481.
Soltesz, Edward I., 294-12-9380.
Sutherlin, Robert R. H., 482-32-1618.
Wolz, Robert C., 494-32-3519.

MEDICAL CORPS

Allyn, Burton, 087-22-1111.
Botticelli, James T., 385-24-7081.
Christophersen, Erling B., 466-64-1356.
Church, McGregor, L., 538-22-3630.
Dehnel, Luther L., 476-20-9800.
Gregory, Kennith C., 460-44-7173.
Miller, Dwight F., 016-26-7839.
Page, John G., 030-28-9240.
Paulsen, Richard E., 509-34-5893.
Perry, Virgil B., 431-48-3714.
Quaife, Merton A., 508-28-2433.

Reiland, Bernard F., 328-24-1727.
Stecker, Donald C., 077-28-3792.
Tamura, Raymond M., 575-28-2561.
Williams, J. O., Jr., 450-24-3647.
Wilson, Hal T., 384-01-8576.

NURSE CORPS

Ballard, Sara E., 241-48-1748.
Black, Barbara A., 212-32-0934.
Boyce, Virginia E., 488-38-7414.
Childs, Dixie K., 538-22-6910.
Cole, Jane P., 221-18-8196.
Crews, Bernice L., 114-26-2883.
Curtis, Jeanne L., 526-26-1687.
Davis, Edith R., 149-12-4508.
Detraz, Linnie L., 257-30-3237.
Dominowski, Elaine, 386-28-8036.
Fikentscher, Rita F., 040-24-1802.
Fitzgerald, Mary R., 150-16-2835.
Geeller, Helen L., 512-24-8266.
Grant, Phyllis E., 099-20-7772.
Hallmark, Lula J., 450-38-2438.
Haritos, Dolores J., 023-20-3967.
Hart, Grace M., 149-22-0607.
Higgins, Eileen M., 133-20-1321.
Hilty, Winifred J., 292-26-4410.
Hollen, Marriane R., 570-28-0658.
Kubica, Veronica, 165-24-6530.
Latimer, William T., 064-22-6537.
Laurash, Mary K., 188-18-2844.
Magie, Bonita D., 431-60-8551.
Makowski, Mary H., 182-16-5436.
Malone, Frances C., 568-30-3948.
Marabito, Margaret, 297-24-3215.
Mazzali, Billie L., 381-20-8178.
McConnell, Lesta I., 512-32-9498.
Morris, Betty L., 276-22-6382.
Mosher, Lorene M., 236-42-2057.
Moss, Dorothy E., 249-24-8171.
Mulligan, Veronica E., 051-16-0030.
O'Donnell, Georgia M., 555-30-9167.
Oestreich, Phyllis J., 538-26-7323.
Ohnemus, Blanche E., 503-38-5206.
Owsiak, Mary S., 376-24-1461.
Phillips, Sarah L., 488-34-1148.
Power, Genevieve, 472-18-1504.
Reavis, Mary A., 478-30-4473.
Reuter, Margaret A., 452-44-4059.
Schon, Lorraine M., 360-22-6206.
Sidberry, Thelma R., 185-14-3348.
Stanley, Bernice H., 016-12-2934.
Stroup, Louise, 196-14-7662.
Webb, Ima R., 422-34-1088.
Weill, Leu, 068-22-1000.
West, Agnes S., 156-24-3148.
Wright, Evelyn J., 554-38-7143.
Zumwalt, Richard I., 552-22-9191.

MEDICAL SERVICE CORPS

Allen, Dewey E., 460-12-9270.
Beighey, Herbert L., 174-14-8029.
Black, Charles F., Jr., 408-20-0133.
Bunce, William E., 527-28-8248.
Cantu, Arnoldo, 463-26-0295.
Casey, John F., 102-22-6172.
Cohen, Phillip L., 497-24-9591.
Davis, Charles, 116-20-4755.
Eberle, Melvin H., 202-14-8603.
Garris, Edward W., Jr., 262-40-1895.
Joublanc, Eugene M., 395-20-7171.
Katz, Murray L., 080-12-7646.
Kelly, Robert W., 539-12-8869.
Laville, Robert R., 434-52-6919.
McInnis, Victor A., 022-20-5336.
McKnight, Harry T., 300-18-9385.
Miller, Seth A., 539-09-9058.
Nixon, Lester D., 514-24-3458.
North, Charles W., Jr., 481-20-2122.
Rauschenberg, William H., 258-28-8924.
Sevastos, James P., 285-24-8035.
Shahan, Norman D., 532-28-0702.
Shaw, Lawrence A. Jr., 561-34-9366.
Veale, Francis J., 516-12-8139.
Vogel, William O., 484-20-5064.
Vogt, Harry A., 518-12-4150.
Washburn, David D., 310-22-8477.

VETERINARY CORPS

Bedell, David M., 247-24-5690.
Canon, William W., 427-60-6390.
Gisler, Donald B., 271-26-6295.
Helper, Lloyd C., 340-22-4838.
McConnell, Edward L., 255-20-9589.
Rushing, Ernest B., Jr., 253-20-7139.
Williams Leslie P. Jr., 521-36-7832.

BIOMEDICAL SCIENCES CORPS

Brenner, Theodore E., 152-22-5533.
Brodnicki, Dorothy M., 361-12-5030.
Bruce, Jean Hunt, 253-50-4390.
Burkhardt, Howard L., 539-09-9068.
Cox, Joseph C., 252-40-8924.
Downing, Suzanne E., 190-24-7098.
Goodrich, May E., 301-20-1717.
Hooten, Exa F., 466-40-2112.
Klenck, Wayne F., 195-22-6869.
Lewis, Charles R., Jr., 427-42-5901.
Moyer, James E., 466-24-4617.
Porterfield, Cliffo, 174-09-2378.
Remboldt, Dennis A., 351-24-4615.
Winslow, Glen R., 529-20-1079.

The following officers for appointment in the Reserve of the Air Force, in grade of Lieutenant Colonel, under the provisions of Sections 593 and 1211, Title 10, United States Code and Public Law 92-129.

French, Kenard J., 109-14-8294.
Stevens, Gene L., 326-14-0664.

The following officers for appointment in the Reserve of the Air Force (Medical Corps), in the grade of Lieutenant Colonel, under the provisions of Section 593, Title 10, United States Code and Public Law 92-129, with a view to designation as Medical Officers under the provisions of Section 8067, Title 10, United States Code, with effective dates to be determined by the Secretary of the Air Force.

Costanzi, John J., 204-26-4964.
Jones, Frank L., 437-40-1489.
Marshall, Angus, 463-44-2005.
Sisson, Charles A., Jr., 427-60-6015.
Warren, Glen C., 427-50-7843.

The following person for appointment in the Reserve of the Air Force in the grade indicated, under the provisions of Section 593, Title 10, United States Code, and Public Law 92-129.

To be Lieutenant Colonel

Malberg, Philip O., 027-09-6378.

Department of the Treasury

Jack Franklin Bennett, of Connecticut, to be a Deputy Under Secretary of the Treasury (new position).

Warren F. Brecht, of Connecticut, to be an Assistant Secretary of the Treasury (new position).

Department of Justice

Robert E. J. Curran, of Pennsylvania, to be U.S. attorney for the eastern district of Pennsylvania for the term of 4 years vice Louis C. Bechtle, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 26, 1972:

Mississippi River Commission

Subject to qualifications provided by law, the following for appointment as a member of the Mississippi River Commission:

Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration.

Diplomatic and Foreign Service

Clinton L. Olson, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sierra Leone.

Robert L. Yost, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Edwin M. Cronk, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

W. Beverly Carter, Jr., of Pennsylvania, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

C. Robert Moore, of Washington, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Cameroon.

Miss Jean M. Wilkowski, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

International Monetary Fund, International Bank for Reconstruction and Development, Inter-American Development Bank, and Asian Development Bank

George P. Shultz, of Illinois, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years;

A Governor of the Inter-American Development Bank for a term of 5 years; and

U.S. Governor of the Asian Development Bank.

HOUSE OF REPRESENTATIVES—*Monday, June 26, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My meat is to do the will of Him who sent me and to finish His work.—John 4: 34.

Almighty God, our Heavenly Father, we pray that Thy spirit may come to new life in the lives of these Representatives of our Nation, giving them strength for arduous tasks, wisdom to make right decisions, and courage to lead our Republic in the ways of truth and justice. Direct them in the work of this day that what is done may minister to the welfare of our citizens and increase the spirit of good will in our world.

Kindle in the hearts of all men a true love for peace, a real concern for justice, and a genuine desire for goodness that Thy kingdom may go forward and Thy will be done on earth. To the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 632. An act for the relief of the village of River Forest, Ill.;

H.R. 3227. An act for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial;

H.R. 13918. An act to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes; and

H.J. Res. 812. Joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 2118. An act for the relief of Amos E. Norby;

H.R. 12202. An act to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes;

H.R. 15585. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes; and

H.J. Res. 55. Joint resolution proposing the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15585) entitled "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MONTOYA, Mr. ELLENDER, Mr. INOUYE, Mr. MCGEE, Mr. BOGGS, Mr. ALLOTT, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a joint resolution of the Senate of the following title:

S.J. Res. 72. Joint Resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1682. An act to amend title 5, United States Code, to establish and govern the Federal Executive Service and for other purposes;

S. 2147. An act for the relief of Marie M Ridgely;

S. 2753. An act for the relief of John C. Mayoros;

S. 2822. An act for the relief of Alberto Rodriguez;

S. 3001. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes;

S. 3419. An act to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes; and

S. 3722. An act to provide for the establishment of a Foreign Service grievance procedure.

S.J. Res. 204. Joint resolution to authorize the preparation of a history of public works in the United States; and

S.J. Res. 221. Joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial.

SWEARING IN OF POSTMASTER

Mr. Robert V. Rota, Postmaster-elect, appeared at the bar of the House and took the oath of office.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1973

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes.

Mr. ANDREWS of North Dakota reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ATTEMPTED BUGGING OF DEMOCRATIC NATIONAL COMMITTEE

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, during the past 2 weeks or so, the public mind and the newspaper headlines have been a great deal agitated by this very mysterious so-called bugging attempt of the Democratic National Committee. In fact, one of the individuals involved happens to bear a name the same as mine—Gonzalez—but I want to say he is not related. He is of Cuban origin and comes from Miami.

My Cuban underground sources have just informed me, and I hope all people involved including the grand juries and the prosecutors will keep this in mind, that this was a terrible foulup. These men were not really going in to bug the Democratic headquarters. They got the wrong apartment. They were supposed to bug Martha Mitchell, so we should not have anything against a husband trying to preserve the marriage.

PERSONAL ANNOUNCEMENT REGARDING VOTE

(Mr. DANIELSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, on Thursday, June 22, I left the floor at 6:30 p.m. after the final passage of H.R. 14370, the revenue-sharing bill. I, therefore, missed rollcall votes 222 through 226, which occurred later that evening, and I would have cast my votes as follows:

Rollcall No. 222: I would have voted "yea" on the amendment to H.R. 15585, that sought to reduce $2 million for salaries and expenses of the Office of Telecommunications Policy. This amendment was rejected by a record teller vote of 148 ayes to 188 noes.

Rollcall No. 223: I would have voted "no" on the amendment to H.R. 15585 that sought to delete $100,000 for the Commission on Executive, Legislative, and Judicial Salaries. This amendment was rejected by a record teller vote of 135 ayes to 196 noes.

Rollcall No. 224: I would have voted "yea" on the amendment to H.R. 15585 that sought to cut the number of personnel paid between $21,000 and $42,500 in the Executive Office of the President from 908 to 549—excluding members of the White House staff. This amendment was rejected by a record teller vote of 122 ayes to 210 noes.

Rollcall No. 225: I would have voted "yea" on the amendment to H.R. 15585 that sought to prohibit the use of funds for chauffeur-driven automobiles except for the President of the United States. This amendment was rejected by a record teller vote of 121 ayes to 205 noes.

Rollcall No. 226: I would have voted "yea" on final passage of H.R. 15585, making appropriations for the Treasury Department, the U.S. Postal Service, and the Executive Office of the President for fiscal year 1973. This measure passed by a record vote of 321 yeas to 11 nays.

INDIANA UNION CARBIDE CORP. AWARDS YOUNG CITIZENSHIP SCHOLARSHIP

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, Washington sees many groups of young people come and go throughout the year, but one group of teenage Americans that are here with us this week merits special attention. I am speaking of the Washington Workshops Congressional Seminar. Since 1967, this involved organization has annually sponsored a series of creative and highly effective seminars dealing firsthand with the work of Congress and American government.

This week close to 200 of these intelligent and concerned workshops students are visiting here on Capitol Hill and throughout the city. I am particularly happy to note that one of my constituents is enrolled in the current seminar session. She is Crista Zivanovic of East Chicago, Ind. Crista's seminar attendance was made possible by a young citizenship award granted to her by the Union Carbide Corp. in East Chicago. I understand this company makes similar awards available to other young people in their plant communities across the country.

I can think of no better way to make our fine young people more aware of the qualities and greatness of their national heritage. Through the teachers and administrators in each plant community, student scholars are chosen and presented with these Union Carbide-Washington Workshops awards, and I congratulate this organization on its unique and highly successful citizenship program.

Miss Zivanovic is fortunate indeeded to be one of the Union Carbide scholars this year, and I welcome her to Washington and extend my warm good wishes for her future and that of her entire young generation of Americans.

PERSONAL EXPLANATION

Mr. PETTIS. Mr. Speaker, last Thursday, June 22, I had to leave Washington, D.C. at 5:30 p.m. to make transportation connections for important appointments in seven communities of my district in California. Such local problems as flood control, sewage disposal, public housing and other federally related subjects required my presence in California and caused me to miss the final vote on the Revenue Sharing Legislation. At no time on Thursday was the final passage of this bill in doubt and had I been present I would have voted for passage as I did at all stages of this legislation including consideration of it by my committee on ways and means on the Post Office Civil Service appropriation bill I would also have voted "aye"

And on the gross amendment to strike the expenses for the commission on executive; legislative and judicial salaries I would have voted "aye."

CUT THE OFFICE OF EMERGENCY PREPAREDNESS

(Mr. ROBISON of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROBISON of New York. Mr. Speaker, late last Thursday evening, during consideration of the Treasury, Postal Service, and General Government appropriation bill, the House defeated an amendment—on a recorded teller vote of 122 to 10—which would have resulted in about a 30-percent, across-the-board reduction of personnel within the so-called Executive Office of the President.

It is somewhat difficult to say exactly how such a cut in people would be applied—since the amendment did not so specify—but if it were applied proportionately to all the numerous agencies that would have been affected, I think it fair to state that this meat-ax attempt at what was false economy could have cost the Office of Emergency Preparedness some 62 people, reducing its staff from 216 to 154.

Of course, such a cut would not have prevailed until after July 1 but, in light of the vital functions OEP has had to carry out over these past several days, and will have to carry forward for weeks to come in helping the citizens of New York, Pennsylvania, Maryland, and Virginia, especially, recover from the ravages of the disastrous floods those regions have suffered. I should think every Representative from those States would be glad he was on the right side in helping defeat that ill-considered amendment—if that is where he was.

POSITION OF MR. CHAMBERLAIN

(Mr. CHAMBERLAIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, I am unrecorded on several rollcall votes this session and wish to state my position for the RECORD:

On rollcall No. 12, I would have voted "yea."

On rollcall No. 52, I would have voted "yea."

On rollcall No. 76, I would have voted "yea."

On rollcall No. 87, I would have voted "yea."

On rollcall No. 119, I would have voted "yea."

On rollcall No. 123, I would have voted "yea."

On rollcall No. 124, I would have voted "yea."

APPOINTMENT OF CONFEREES ON H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

The Chair hears none, and appoints the following conferees: Messrs. STEED, ADDABBO, ROYBAL, STOKES, BEVILL, MAHON, ROBISON of New York, EDWARDS of Alabama, RIEGLE, MYERS, and BOW.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I ask unanimous consent that the conferees may have until midnight tonight to file a conference report on the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 92-1174)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15585) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 8, 9, 10, and 13, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$209,000,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$65,859,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 7, 12, 14, 15, and 16.

TOM STEED,
JOSEPH P. ADDABBO,
EDWARD R. ROYBAL,
TOM BEVILL,
GEORGE MAHON,
HOWARD W. ROBISON,
JACK EDWARDS,
DONALD W. RIEGLE, Jr.,
JOHN T. MYERS,
FRANK T. BOW,
Managers on the Part of the House.

JOSEPH M. MONTOYA,
ALLEN J. ELLENDER,
DANIEL K. INOUYE,
GALE W. MCGEE,
J. CALEB BOGGS,
GORDON ALLOTT,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15585) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—TREASURY DEPARTMENT

Bureau of Accounts

Amendment No. 1: Appropriates $62,241,000 for salaries and expenses as proposed by the Senate instead of $62,500,000 as proposed by the House.

Bureau of Customs

Amendment No. 2: Appropriates $209,000,000 for salaries and expenses instead of $210,000,000 as proposed by the House and $208,000,000 as proposed by the Senate.

Bureau of the Public Debt

Amendment No. 3: Appropriates $74,000,000 for administering the public debt as proposed by the Senate instead of $75,000,000 as proposed by the House.

Internal Revenue Service

Amendment No. 4: Appropriates $34,500,000 for salaries and expenses as proposed by the Senate instead of $35,000,000 as proposed by the House.

Amendment No. 5: Appropriates $508,000,000 for accounts, collection, and taxpayer service as proposed by the Senate instead of $510,000,0000 as proposed by the House.

Office of the Treasurer

Amendment No. 6: Appropriates $11,300,000 for salaries and expenses as proposed by the Senate instead of $11,500,000 as proposed by the House.

General Provisions—Treasury Department

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows. In lieu of the language proposed by the Senate, insert the following:

"SEC. 102. No part of any appropriation contained in this Act shall be available for expenses of Customs preclearance activities after March 31, 1973, in any country which does not grant to the United States Customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the proper exercise of this authority, as may be approved by the Secretary of the Treasury."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Expenses of Management Improvement

Amendment No. 8: Appropriates $700,000 as proposed by the Senate instead of $600,000 as proposed by the House.

Office of Management and Budget

Amendment No. 9: Appropriates $19,600,000 for salaries and expenses as proposed by the Senate instead of $19,700,000 as proposed by the House.

Office of Telecommunications Policy

Amendment No. 10: Strikes out House language concerning hire of passenger motor vehicles, as proposed by the Senate.

TITLE IV—INDEPENDENT AGENCIES

Civil Service Commission

Amendment No. 11: Appropriates $65,859,000 for salaries and expenses instead of $62,218,000 as proposed by the House and $66,218,000 as proposed by the Senate.

General Services Administration

Construction, Public Buildings Projects

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to eliminate the proviso contained in the Second Supplemental Appropriation Act, 1972, concerning approval of revised prospectuses for public buildings projects.

Expenses, United States Court Facilities

Amendment No. 13: Appropriates $5,344,000 as proposed by the Senate instead of $6,344,000 as proposed by the House.

Department of Defense

Civil Defense Preparedness Agency

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which makes a portion of the sum appropriated contingent upon enactment of authorizing legislation.

Department of Health, Education, and Welfare

Health Services and Mental Health Administration

Emergency Health

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, appropriating $3,000,000 for Emergency Health community preparedness activities.

TITLE V—GENERAL PROVISIONS

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which would direct the General Services Administration to continue to apply the existing Buy-America differential in the procurement of hand or measuring tools.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1973 recommended by the Committee of Conference, with comparisons to the fiscal year 1972 total, to the 1973 budget estimate total, and to the House and Senate bills follows:

	Amounts
New budget (obligational) authority, FY 1972	$4,928,452,603
Budget estimates of new (obligational) authority, FY 1973	5,066,603,000
House Bill, FY 1973	5,057,145,000
Senate Bill, FY 1973	5,057,186,000
Conference agreement, FY 1973	5,057,827,000
Conference agreement compared with:	
New budget (obligational) authority, FY 1972	+129,374,397
Budget estimate of new (obligational) authority, (as amended), FY 1973	−8,776,000
House Bill, FY 1973	+682,000
Senate Bill, FY 1973	+641,000

TOM STEED,
J. P. ADDABBO,
EDWARD R. ROYBAL,
TOM BEVILL,
GEORGE MAHON,
HOWARD W. ROBISON,
JACK EDWARDS,
DONALD W. RIEGLE, Jr.,
JOHN T. MYERS,
FRANK T. BOW,
Managers on the Part of the House.
JOSEPH M. MONTOYA,
ALLEN J. ELLENDER,
DANIEL K. INOUYE,
GALE W. MCGEE,
J. CALEB BOGGS,
GORDON ALLOTT,
MILTON YOUNG,
Managers on the Part of the Senate.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from Texas (Mr. CABELL).

NATIONAL CAPITAL TRANSPORTATION ACT OF 1972

Mr. CABELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15507) to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 1½ hours, the time to be equally divided and controlled by the gentleman from Minnesota (Mr. NELSEN) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15507, with Mr. BRADEMAS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. CABELL) will be recognized for 45 minutes; and the gentleman from Minnesota (Mr. NELSEN) will be recognized for 45 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CABELL. Mr. Chairman, under the terms of the unanimous-consent agreement the gentleman from Minnesota (Mr. NELSEN) or the gentleman from Virginia (Mr. BROYHILL) will have control of 45 minutes of the time, pending which I yield myself 15 minutes.

Mr. CABELL. Mr. Chairman and members of the Committee, this bill is for the final completion of the funding and financing of the Metro system, covering upon its completion some 90-odd miles of rapid mass transit covering the District of Columbia and portions of northern Virginia and Maryland, this being under a tripartite compact

As was originally planned, the balance of the financing, other than the grants and contributions made by the compact jurisdictions, and the grants made by the Department of Transportation, was to have been by revenue bonds or tax-free revenue bonds, which have generally been the case in financing operations of this sort. Due to considerable uncertainty concerning the salability of tax-free revenue bonds, and in an effort to hold down the number of such bonds to a minimum, the Department of the Treasury has sponsored this bill which would provide Government guarantee for not to exceed $1.2 billion for the completion of the capital requirements of the Metro system. That $1.2 billion would not exceed $900 million unless the compact made an additional contribution to the metro system of one-third of the $300 million involved.

In other words, they would put up additional venture capital.

To date, under the terms of the National Capital Transportation Act of 1960 and as amended in subsequent bills there has been committed $600 mililon. It is contemplated that with contracts which are presently pending that commitment would be $800 million within the very near future.

Under the terms of this bond guarantee, the bonds would be sold on a competitive basis to the low bidder. The only exception would be, should the Secretary of the Treasury feel that a better price could be obtained on those bonds it could be done under negotiation. Otherwise it would be to the low bidder or the best bidder for the first increment of $900 million of these bonds.

It is contemplated that these bonds would be sold under those circumstances at a rate of not to exceed 7 percent. The Treasury would rebate to the Transit Authority 25 percent of the interest cost, costs of preparation, and other costs contingent upon the sale of those bonds.

A question has arisen—one always has and always will, of course—as to what chance Metro has for paying off these bonds without calling upon the guarantor.

I call the attention of Members to the first chart, which is on the left, showing the anticipated revenues, compiled by the best engineers and research people available, as to the contemplated and expected revenues to accrue to this operation.

May I say that the present plans, which are on schedule at the present time call for approximately 9 miles of the system to be operated in 1974, with nearly a complete innercity system in operation by 1976, in time for the centennial, and with a completion of the 90-odd miles for the entire system by 1979.

I should like to call attention to the anticipated and projected revenues of this system. Members will note that the total anticipated fare box revenue by 1990 will be $195.5 million. Taking the adjusted gross revenue, the total would be $203.8 million. This is annually. The operating and maintenance expenses are anticipated to be $107.2 million, with a net revenue after depreciation of $81.3 million. This we see is more than ample to pay the costs to retire these bonds, from the fare box.

I should like also to call attention to the fact that this type of financing is entirely feasible. because the payment of interest and principal on the bonds comes off the top of the revenue. It is granted that there are few, if any, subway systems which operate completely out of the fare box today. Please bear in mind that inasmuch as $2.1 billion of the total of $3 billion, approximately, is in the form of grants and contributions that do not have to be repaid under the terms of the Urban Mass Transportation Act. The DOT is committed to provide two-thirds of this cost of $2.1 billion, with the compact, made up of the District of Columbia, Virginia, and Maryland, providing one-third of that amount, or $720.5 million.

May I advise this Committee that at this time all of the contributions of the compact members have been paid in. they are not in default, and they are ready to meet their commitments as they fall due.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, this is such a wondrous statement in high finance that I cannot resist the temptation to welcome some more people over here. Therefore, Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 227]

Abbitt
Abernethy
Abourezk
Abzug
Alexander
Anderson, Calif.
Anderson, Tenn.
Archer
Arends
Aspin
Badillo
Baker
Bell
Blanton
Boggs
Bolling
Broomfield
Burke, Fla.
Byrnes, Wis.
Caffery
Carney
Celler
Chisholm
Clark
Clay
Conyers
Cotter
Coughlin
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Dowdy
Downing
Edmondson
Erlenborn
Esch
Fish
Flood
Flynt
Ford, Gerald R.
Fraser
Frey
Fulton
Gallagher
Gray
Griffin
Griffiths
Hagan
Hall
Harsha
Hastings
Hébert
Holifield
Kee
Keith
Kluczynski
Kuykendall
Lent
Long, La.
McCloskey
McDonald, Mich.
McKinney
McMillan
Mathis, Ga.
Meeds
Melcher
Metcalfe
Mills, Ark.
Mills, Md.
Mollohan
Mosher
Pelly
Pepper
Pickle
Pryor, Ark.
Pucinski
Railsback
Rarick
Riegle
Ruppe
Scheuer
Schmitz
Schwengel
Stokes
Stuckey
Sullivan
Symington
Teague, Calif.
Teague, Tex.
Thompson, N.J.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BRADEMAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15507, and finding itself without a quorum, he had directed the roll to be called, when 334 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time the point of no quorum was made the gentleman from Texas (Mr. CABELL) had the floor, and the gentleman has 6 minutes remaining.

Mr. CABELL. Thank you, Mr. Chairman. I will try to wrap this up as quickly and as concisely as possible.

May I inform the Committee that the overall program of the Metro system contemplates not only the Rapid Transit System but also a series of parking facilities to assist those who come from a distance and then take the Metro either into the District or across the District, as the case may be.

There have been a number of proposals submitted with reference to the use of existing rail systems as a part of the rapid transit system. May I inform the Committee that very intensive study has been made as to the feasibility of the use of these rail lines, and it has not been deemed feasible at this time.

May I add, however, that additional studies are contemplated, which possibly will lead to the use of one or two, or perhaps three, of such rail lines, to provide feeders to the Metro System, if the studies indicate the feasibility of such operations.

This proposal, the method of financing came about by the recommendation of and with the full support of not only the Department of Transportation but also the Secretary of the Treasury and the White House. Obviously the bond attorneys and prospective underwriters who would have the problem of selling these bonds at the most advantageous price possible for such undertaking support it.

Does the gentleman from Iowa wish me to yield to him?

Mr. GROSS. Yes, Mr. Chairman, will the gentleman yield?

Mr. CABELL. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I note on page 4 of the report in the third paragraph that it says:

> In addition, the findings of the financial advisors to the Transit Authority were that it would be practically impossible to successfully place the tax-exempt bonds which the Authority was authorized to issue.

What does this mean? Does it mean that without the full faith and credit, and all the full faith and credit of the U.S. Government, these bonds cannot be sold? Is that what it means?

Mr. CABELL. Revenue bonds as such would not carry the full faith and credit of the U.S. Government. They would depend entirely on the fare box. And as the gentleman from Texas stated in the earlier part of this statement, the revenue bond market, the tax-free revenue bond market is very soft, and it is not possible to market them. And it is the considered opinion of the gentlemen who are far more knowledgeable than I am in this subject that it would be most difficult if not impossible to sell State tax-free revenue bonds for this much so that the Secretary of the Treasury and the Department of Transportation have recommended this means of financing these bonds.

Mr. GROSS. If the gentleman will yield further, does the gentleman mean to say that tax-free bonds selling at 7 percent are going to begging these days, and that buyers cannot be found?

Mr. CABELL. May I say that 7 percent is entirely too high for a tax-exempt bond, and that shows definitely how soft this market is.

May I remind the gentleman from Iowa that under the provisions of this bill where they can be guaranteed by the Treasury Department through the Department of Transportation that one-fourth of the interest collected would be rebated to the Metro system which would still yield the Government more money than they would get from a tax-free bond, and would yield as much money as they are getting from their present long-term obligations so that there would be no loss to the Government in that case.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. CABELL. Yes; I will be happy to yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, in answer to the question of the gentleman from Iowa as to why you cannot sell tax-exempt bonds, the fact of the matter is that upon the best evidence from those people who are most expert in this country in selling tax-exempt bonds, in the opinion of the Metro financial advisers, two of the most eminent companies in the country today, they have advised that they would not be able to sell tax-exempt bonds.

Now, we could argue back and forth as to why they cannot sell tax-exempt bonds, but the fact of the matter is that they say it would be almost impossible to sell tax-exempt bonds in the market, transit authority bonds particularly, and other types of authority bonds.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CABELL. Mr. Chairman, I yield myself 5 additional minutes.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I thank the gentleman for yielding.

We are actually faced with the fact that this type of bond cannot be sold. If we are going to proceed with the construction of Metro, then we must change the financing picture. This is why the Treasury Department and the Department of Transportation all have come forth with this revision—it will be a taxable bond with an interest subsidy.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman.

Mr. GROSS. If that statement is so good—that net revenue statement—then why this bill?

Mr. GIAIMO. Mr. Chairman, will the gentleman yield further?

Mr. CABELL. I am happy to yield to the gentleman.

Mr. GIAIMO. I can appreciate the gentleman from Iowa being impressed with the fact that there will be a net revenue after appreciation of $81 million.

But let me say, even though the gentleman from Iowa may be impressed with that statement, I am certain that no bonding company would be. Because that is talking of estimated income in 1990. You just cannot sell bonds any place in the United States, in 1972, on what the estimated income may be in 1990.

The fact is that we need this money and we need it now in order to provide for the construction of Metro.

Mr. GROSS. I thank the gentleman from Connecticut for his frankness. I was certain that that chart represents the King Midases on the District of Columbia Committee and not reality.

Everything that the District Committee brings here, as with stadiums and everything else, for the District, is sold to us as something which will turn to gold instantly.

I appreciate the gentleman's frankness in telling us that as related to 1972 that 1990 chart is about as meaningless as anything could be.

Let me ask the gentleman a question. If the Treasury Department is so strong for this bill, why did not the Treasury Department submit something to that effect for printing in the report? I find nothing in the report that represents the position of the Treasury Department, which certainly should be an interested party to this kind of a deal.

Mr. CABELL. If there was an omission as to that, it was an error. Because the Treasury Department appeared at our hearings, and representatives of the Treasury Department appeared and they were in full accord. It is in the report that has now been out for the necessary number of days.

May I remind the gentleman—as much as I dislike getting into any kind of argument with my good friend, the gentleman from Iowa—this is not a Midas touch by any means. This estimate has been made by people who we have reason to believe know their business and who know what they are talking about, and not shooting from the hip. The gentleman from Texas is not shooting from the hip on this and if he did not believe it, he surely would not be up here trying to put this bill across.

I will be as frank with you as I can be on any question you wish to ask.

May I further say that the maximum income is based on 1990, when it will be 1979-80 before the full system gets into operation.

But then you will have an ample cushion—you will have more than an ample cushion to retire those bonds as they become due, and during the interim there will be the money available for interest.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman.

Mr. RANDALL. Mr. Chairman, I have a question or two.

Actually, there must be some strong reason that you are seeking a Federal guarantee for these bonds. There must be some doubt whether they are going to be salable without this guarantee.

Now I have great respect for the gentleman from Texas. He has a job to do, and he must go ahead with it.

I note under the second reason on page 2, why this guarantee is in the interest of the United States, which I read.

> (2) the Transit Authority has entered into an agreement with the Secretary of Transportation providing for reasonable and prudent action by the Transit Authority respecting its financial condition if at any time the Secretary, in his discretion, determines that such action would be necessary to protect the interest of the United States;

Let me suggest contrary to this lofty language that there is just no way to protect the interest of the United States—if these revenues go down, then the Government is going to have to pay off the bonds. If we do what we are asked to do today these bonds are no longer revenue bonds, but become general obligation bonds of the U.S. Government.

Mr. CABELL. These are revenue bonds.

Mr. RANDALL. Sure, they are but you are proposing they be guaranteed revenue bonds.

Mr. CABELL. But nevertheless the revenues are derived from the fare box that are used.

Bear in mind, these payments to the bondholders come off the top of this revenue.

Mr. RANDALL. Yes.

Mr. CABELL. I would say at the time that this was worked out and approved, my good fellow, Texas is not in the habit of giving money away and it is with his full approval and full endorsement.

Mr. RANDALL. The fact of the matter is—something has gone wrong. These bonds are not moving. They are not being purchased. There is no way to deny that such is the reason they are asking for this guarantee. Without the guarantee they should be described as soft bonds.

Mr. CABELL. That is partly correct. They are not being purchased.

They are not soft bonds, but this makes them a good deal heavier, which will mean that we can sell them at a lower interest rate than if we had to just throw them on the market.

Mr. RANDALL. One more question: When we guarantee these bonds, they become, in effect, the obligation of the U.S. Government, and have to be paid by the United States if the revenues or fares are not enough to make the payments. Is that correct?

Mr. CABELL. Certainly they do, and may I remind the gentleman that there is ample precedent set for this type of financing? I call your attention to the financing of hospital construction. Bond issues for hospital construction are guaranteed by the U.S. Treasury. May I call your attention to the fact that bonds issued under the Model Cities program are guaranteed by the Federal Government? May I also call your attention to the fact that under FNMA there are certain Treasury guarantees? So this is not a unique situation. There is ample precedent for it.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I am glad to yield to the gentleman from Kentucky.

Mr. SNYDER. Is it not true that a 7-percent tax-free bond on today's market, which is not soft, will sell at a premium of between $108 and $110?

Mr. CABELL. I think the gentleman is correct. Even then some of them go higher than that through a discount of the bonds so that the yield would be 10 percent or more. I thank the gentleman for his consideration.

I yield to the Delegate from the District of Columbia such time as he may consume.

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 15507, the 1972 National Capital Transportation Act which provides for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, the agency which is charged with the construction of the subway in the Washington metropolitan area.

In 1965, the Congress passed the original legislation authorizing the construction of the subway. Since that time, 11 miles and 14 stations have been put under construction, 23 stations are in the final design stage, and financial plans are well enough along to require that debt financing be looked upon as the primary source of funds.

While the plan originally called for the sale of unsecured bonds, inflation and rising interest rates have made that initial decision unsound. If the bonds are to be marketed at rates which will attract investors and yet be low enough to be repaid from the anticipated revenues which will be collected through the farebox, Federal guarantees are necessary.

The Federal guarantee only assures the investor that for his lower yield the Federal Government stands ready, if the need should ever rise, to repay his principle and interest. The possibility of such an event is very remote for the legislation amply provides for the Secretary of the Treasury to determine and then certify that the bonds represent an acceptable risk to the United States. Beyond this the authority must agree with the Secretary of Transportation to take such action so as to assure that the interest of the United States is protected and the risks minimized. In every case, the decisions that would affect the financial integrity of the bonds is left to those Federal officials who are responsible for national fiscal and national transportation policy. There is no way that the transit authority can ignore the necessities that will permit the implementation of reasonable and intelligent plans for the repayment of these bonds.

Since the time of the original authorization, the local governments and the United States have obligated more than $900 million to this project. A failure to provide the guarantees will mean that work will have to stop. Ultimately—indeed very quickly—unless alternative means of finance were found, it would be necessary to fill the tunnels and the stations, wasting the money already spent. Additionally, since most of the funds have been spent in the District of Columbia, both Maryland and Virginia would have a basis for a suit of rather large proportions against the District, the costs of which may very well have to be ultimately paid out of the Federal Treasury since much of the work has been done with their money.

Both the District of Columbia and the States of Maryland and Virginia have relied on the good faith of the Congress to see this system through. Both Virginia and Maryland have allowed their funds to be committed and spent in building the portions in the city that we expect will be ready for the Nation's bicentennial celebration. More than 40 million Ameircans are expected to visit this city in honor of 200 years of freedom and progress in every conceivable area.

With the anticipated influx of visitors and the continued growth of our metropolitan area, the completion of this subway is our only hope in avoiding strangulation from automotive emissions and congestions that will drive business and people from the capital.

I urge you to support this urgently needed and timely legislation that will assure the completion of this subway system.

Mr. NELSEN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, first I should like to commend the gentleman from Texas (Mr. CABELL) for his outstanding leadership and the efforts that he put forth during the hearings and in subcommittee and in the full committee in order to get this bill written and make it possible for its consideration on the floor of the House today.

I rise to urge the support of my colleagues for the bill H.R. 15507, of which I am pleased to be a cosponsor. This proposed legislation is vitally important as a means of assuring uninterrupted progress on the construction of the Regional Transit System, an essential element in the orderly development of the Washington metropolitan area.

Basically, this legislation will assure the financial feasibility for the completion of the Metro system by providing assurance of the marketability of the revenue bonds and by helping the WMATA meet the increased costs of planning and construction which have resulted from the severe inflation which has beset the construction industry.

For nearly 20 years, the Congress and the governments of all the jurisdictions in the Washington metropolitan area have engaged in discussion, planning, and providing a basis for the development of a regional rapid transit system, which can serve to alleviate the growing problems of transportation solely by automobiles and buses. Public Law 86–669, approved on July 14, 1960, provided the foundation for the realization of this goal by authorizing the development of an interstate compact, and I am humbly proud that I was the author of that legislation.

In 1965, the Congress authorized initial appropriation to an interim agency; and in 1966, the interstate compact was approved. And most recently, the National Capital Transportation Act of 1969 authorized the construction of the 98-mile Metro system, which will provide a rapid transit system to serve the entire area.

This sequence of legislative achievement represents not only the diligent work of the Congress in its determination to provide a solution to the dire and growing problem of transportation in the Capital region. Much more than that, it reflects a truly remarkable degree of political and financial cooperation among the various local governments, without which this dream could never have been realized.

At this time, despite agonizing setbacks in financing, the Metro system is taking shape at a rapid pace. Starting, of course, in the District of Columbia itself as the heart of the system, the WMATA has forged ahead under most capable administration, in the planning and construction of this mammoth enterprise. Today, more than 9 miles of the system are under construction contract, including 11 stations. Work is proceeding rapidly at Judiciary Square, along G Street, at Dupont Circle, and on both sides of the Potomac River in the Rosslyn-Georgetown area. Tunneling has proceeded as far west as Rock Creek. In addition, final design has been completed on some 26 miles of the system, including 24 stations.

At this time, WMATA has a total of $887 million available, all of which has been committed. Of this amount, $834.7 million has actually been obligated. Thus, only $52.3 million of presently available funds remains unobligated.

When the National Capital Transportation Act of 1969 was approved, the total cost of the 98-mile system was estimated at $2.535 billion. Of this amount, $835 million was to be raised through the sale of revenue bonds, principal and interest of which would be paid from receipts from the fare box. The balance of $1.7 billion was to be shared by the Federal Government and the eight participating jurisdictions of the area, on the basis of two-thirds Federal and one-third local participation.

As a result of inflation and unexpected delays, it is now estimated that the construction of the entire system will cost some $500 million more than was projected in 1969. However, the revenue projections have also increased to some extent, so that the net increase in cost is estimated at $450 million.

This project has now reached the point where the sale of the revenue bonds is essential for the continued and uninterrupted development of the Metro system. However, it has been found that the present condition of the bond market makes it necessary to provide investors with assurances beyond those which were anticipated in 1969. This situation is a result of higher prevailing interest rates than were originally expected, the $450 million cost gap which has developed in the financial plan, and a reluctance on the part of investors to buy transportation bonds in view of the availability of many other types of securities.

Broadly, the thrust of H.R. 15507 is to provide the assurance needed to facilitate the sale of these revenue bonds by authorizing the Secretary of the Treasury to guarantee the repayment of both principal and interest thereon. The bill provides also that the interest on these bonds shall be taxable, with sufficient of these revenues thus accruing to the U.S. Treasury to be returned to WMATA as a subsidy to pay 25 percent of the interest, fees, and commissions incident to the issuance of the bonds. This subsidy is expected to finance the debt service on an additional $300 million in revenue bonds, the total of which will then reach $1.2 billion which is the maximum authorized to be guaranteed by the Federal Government. Thus, through this subsidy the Federal Government's two-thirds share will be provided of the additional $450 million cost of the system; and the local jurisdictions will be required jointly to contribute an additional $150 million as their one-third share of this additional cost. The bill also provides the means for the payment of the District of Columbia's share of this additional cost, through increased borrowing authority.

The bill prescribes certain conditions under which the Secretary of the Treasury may guarantee the Authority's obligations incident to these bonds. First, the Secretary must find that the obligation to be guaranteed represents an acceptable financial risk to the United States. And further, there must be a determination and a certification by the Secretary that (a) the prospective revenues of the Transit Authority furnish reasonable assurance that timely payments of interest on the obligations will be made; (b) guaranteed obligations—other than short-term notes—will be sold by a process of competitive bidding as prescribed by the Secretary unless he makes a written determination that competitive bidding under prevailing market conditions would result in higher net interest costs or otherwise increase the cost of issuing obligations; and (c) the rate of interest payable or guaranteed obligations is reasonable in light of prevailing market yields.

The bill also makes several amendments to the Washington metropolitan area transit regulation compact, one of which removes an existing 6-percent interest-rate limitation applicable to both temporary and long-term borrowing by the Authority. Two other amendments to the compact relate to the protection of the Federal interest if the Authority's bonds are to be guaranteed. The first of these provides labor standards governing transit operations and protective arrangements, terms, and conditions of employment for employees of transit properties acquired by the Authority. These provisions include mandatory arbitration of labor disputes which should assure continuity of operations and, hence, no interruption in the flow of fare-box revenue. The second such amendment would assure that in the event any jurisdiction desired reduced fares for any class or category of its citizens, provision will be made for an equitable subsidy arrangement by contract with the Authority.

Other amendments to the compact provide (a) a redefinition of the term "transit services" so as to permit the performance by the Transit Authority of charter service originating within the transit Zone; (b) that an alternate Director from the District may act on behalf of an absent District of Columbia Director whether or not the absent Director is the one for whom the alternate was appointed—this provision applies, of course, to the board of directors of WMATA; permission for the WMATA to operate its transit facilities either directly or by contract as the board may determine. All of these amendments to the compact have been enacted by both Maryland and Virginia.

Essentially, therefore, this proposed legislation is designed to facilitate the sale of the revenue bonds, to maintain the original ratio of two-thirds Federal to one-third local payment of the balance of the costs, and thus to assure the completion of the Metro system on a schedule designed to minimize the total cost thereof.

The principal provisions of this bill were submitted to the Congress as far back as June 1971, jointly by the Department of Transportation, the WMATA, and the District of Columbia government. The Office of Management and Budget approves the measure as being in accordance with the President's program, and the bill has the full concurrence and support of all the local jurisdictions which are parties to the Interstate Compact.

Mr. Chairman, it has truly been said that the development of the Metro dream has been a bipartisan effort. It was started during the administration of President Dwight D. Eisenhower, it had the strong support of President John F. Kennedy, and President Lyndon Johnson urged the construction of the rapid transit system in the area to "help us fulfill our goal in making the District of Columbia the model city for the Nation that Washington ought to be." And we are all aware of the great promise for our Nation's Capital that President Richard Nixon envisions through the completion of this great enterprise.

All in all, we should be hard pressed to cite a finer example of local, congressional, and Executive togetherness than the spirit and effort of 20 years toward this goal.

All the studies and all the plans for the development and construction of this great transportation system have been made. At this point, the vital need is for a remedy for the financial crisis which has been brought about by the economic circumstances of recent years and which now threatens to delay the completion of the Metro system and thus further increase its cost. For two decades, the Congress has taken the lead in developing and approving the means of achieving this great vision for the Washington metropolitan area, and I am confident that this body will take firm and immediate steps to avert this present threat by favorable action on this proposed legislation today.

Mr. **NELSEN**. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, some of us who find ourselves in the—I almost said "unfortunate"—position of being assigned to the Committee on the District of Columbia often find it very difficult, but we have been given an assignment and we try to do the job, having in mind that we are serving the Nation and our Federal city.

A number of years ago we put together a bipartisan team to go ahead with the transit system, having in mind that something would have to be done, but there has been delay, delay, delay not because of inaction of those who are in charge of the program but because of other obstacles that have arisen relative to other problems dealing with the transportation system of the District. But the cost has gone up and up and up because of inflationary trends which prevail all over the country.

Let me call attention to the fact that in 1950 459,000 automobiles crossed the District line daily in both directions. In 1960, 804,000 crossed the District line. In 1970, 1.2 million crossed the line daily, which is a 140-percent increase in that length of time. There will be further increases in the future unless some action is taken to implement mass transportation in the Washington, D.C., region.

I wish to call attention to the fact that in our deliberations in the committee some of us who move cautiously but deliberately were opposed to a provision in the bill that provided for public takeover. There are some of us who instinctively shy away from setting up a legislative delegative authority that is going to give WMATA a chance to expand its already broad authority. If that is to take place—public ownership—at a later date it needs to be reviewed carefully, because somehow or other it seems to be the rule rather than the exception that where there is public operation and ownership you do not always have the most efficient management. There is a loss of tax revenue, higher costs, and larger Government payrolls potentially facing a public takeover.

The committee has stricken the provision at one time appearing in the bill as far as public ownership of the D.C. Transit is concerned.

In the discussion earlier I noted that the Delegate from the District of Columbia asked to revise and extend his remarks. I do not know just what was in them. I should like to have heard the Delegate read the remarks for the reason that I noted on the news broadcasts this morning that he is requesting the presidential candidate he is supporting an endorsement of the so-called Washington agenda which provides for takeover of D.C. Transit and provision for free bus fares for District residents. If it is the feeling of the Congress that we are committing ourselves to free fares to District transit system users, I wish to make it known here and now that the taxpayers in Minnesota are not going to be very happy about putting Federal money into a system that is going to provide free bus rides in the District of Columbia.

I think it should be made very clear to the Congress whether they so intend to provide free busfares. I think that some of the very liberal forecasts of how the revenues are going to increase and be more than adequate to handle the interest costs of the bonds may be somewhat unrealistic 10 years from now. I have seen this happen before. It has not always worked out as promised; and I know there may be errors in judgment, but I do not wish to make the mistake of supporting something like free fares and bus company purchase without knowing that I may be indirectly supporting it.

The leadership of the District of Columbia Committee does not intend to provide free busfares or for the takeover of the D.C. Transit Co. I have not worked in committee on the details of this bill as some others have—Mr. CABELL and Mr. BROYHILL of Virginia—but I am generally well familiar with its provisions by reason of our work in the committee. My feeling is that we have done the best that we can under these circumstances in reporting out this bill. But I do not want loopholes in this bill that provide for things I do not support.

Mr. **GROSS**. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Iowa.

Mr. GROSS. I am very much interested because we had taken a position contrary to the position of the Delegate of the District of Columbia, because we had that issue up when the busing bill was before the House.

Is the gentleman suggesting that the delegate from the District of Columbia might come along at some time later, after good old "Uncle Sucker" was made the beneficiary of the bonds, in a takeover process, and want the people of the District of Columbia to ride free on this subway that had been unloaded on the Federal Government?

Mr. NELSEN. I do not know. The Delegate's position, I assume, is as stated in his extension of remarks in the RECORD without any oral statement on the floor. I would like to know what the position is on the part of the Delegate from the District of Columbia as to what he supports and what he believes this bill provides as it relates for bus fare subsidy and transit purchase.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I am happy to yield to the gentleman.

Mr. FAUNTROY. Mr. Chairman, while the discussion of free transportation is not at all relevant to the bond issue that is before us for decision——

Mr. NELSEN. I do not agree with the gentleman. It is very relevant in my opinion.

Mr. FAUNTROY. I am sorry this question has been raised. I only wish the distinguished gentleman, my close colleague, would carefully read the entire Washington agenda, for then he would see why the citizens of the District of Columbia believe transportation ought to be free. Frankly, personally I agree with them.

The time has arrived when transportation, like police and fire protection, street maintenance, sanitation, and street lights ought to be provided through the general revenues, thereby spreading the cost to everybody, and protecting everybody in the system at the lowest possible rates.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. I will yield to the gentleman.

Mr. NELSEN. Mr. Chairman, I have the time. Has the gentleman completed his statement?

Mr. FAUNTROY. No, I have not. May I simply revise and extend my remarks?

I cannot imagine anyone here wanting to return to the era of paying the firemen when they respond, of paying the police on a "use basis," of paying for the maintenance of the street and sidewalk in front of his house. No one seriously suggests "use basis" payment because we all want what is best for all of the people; we all want viable communities, we all want our children and our elderly to be able to participate in all of the events that this Nation and particularly this city can offer.

The fact is that a family of four cannot visit our free museums and galleries, they cannot attend the free concerts, they cannot visit the free zoo and see our playful pandas for less than $3.20. This is an utter shame and it is worse when we stop and realize that the man probably earns less than $3.20 per hour or a mere $6,300 per year.

Transportation is more than allowing people to visit the free events. It is allowing an elderly person to attend church, to visit the doctor and friends, to shop. It is the basis of bringing people to the central business district where goods and services are sold, taxes paid, people employed. It is the lifeblood of a city and it seems to me that these values are worth preserving and worth paying for through the use of general revenues.

The most recent studies show the fallacy of continuing to provide a system of private car transportation for an average one-way commuting trip to the central business district based on 6.2 miles distance in a metropolitan area of 1 million plus person. It costs 42 cents per person per one way by bus versus $2.28 per person for the same trip in a private car. Even using average per person costs in private car transportation, the costs, then based on 1.6 people per car, is a still very high $1.42 per one-way trip. Now the fact is that this is using a very favorable 10-year lifespan for a car and an average—and in this area low—12-year lifespan for buses.

Even the allocation of public costs is extraordinary between the two modes. Assuming transit fares cover operating costs and that fares represent private cost, the fact is that the taxpayer is paying 27 cents per one-way trip per car versus 8 cents per one-way trip per bus. For just a net expenditure of 7 cents more we can make that trip free.

Let me tell you what this means. It means that we can turn some of 142 miles of freeways back to productive use. In this urban community we have 340 square miles of urban area with 142 square miles of freeways—more freeways per miles and per capita than any other city in the United States. Of the 62.5 square miles or 40,000 acres in the city proper, 30 percent is devoted to highways. Since 1948, past and present plans consume 1,218 acres of land.

The loss of property and other taxes is expected to exceed $6 million per year. Today, 60 percent of the central business district is devoted to the function of storing and moving motor vehicles. Less than half of this figure results from the L'Enfant plan.

With the increases in roads and cars came increases in traffic injuries. In 1940, 5.9 persons per 1,000 residents were killed or injured in traffic accidents. In 1964, after $400 million in traffic improvements were made, the accident figures rose to 13.6 persons per 1,000 residents.

In short, injured and dead rose from 3,900 in 1940 to 11,000 in 1964. The costs of these accidents is immeasurable. Yet, the population decreased from a high of 920,000 in 1947 to 760,000 in 1970. Need I begin to discuss the other external costs? Inordinate travel times because everyone drives, pollution, respiratory disease, lead poisoning, et cetera.

Mr. Chairman, I am sorry that it is necessary to take the time to discuss a matter that is not at issue here. The issue is support for the bill and nowhere do I or does anyone urge that the system be free or even be subsidized. All we ask here is the opportunity to be able to see the means to sell bonds at prices we can afford in anticipation of fare box collections.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Virginia.

But first let me say that if Mr. FAUNTROY wishes to provide free bus fares to District residents that he come up with ways to pay for it other than Federal subsidy. I might point out that in committee the other day Mr. FAUNTROY opposed retroactive pay for District police, as I understand it, because there were insufficient funds to provide for it. Where is he going to get the funds for free transit fares and to buy a bus company.

Mr. BROYHILL of Virginia. As I pointed out in my remarks, this legislation prohibits any subsidy for any community for any rides to be charged to the transportation system itself. That would have to be provided by the community.

If the Delegate from the District of Columbia (Mr. FAUNTROY) wants to provide free fares for the citizens of the District of Columbia, he would have to come back with subsequent legislation asking for such payment.

Mr. GROSS. Now is that not nice? What a beautiful clobbering for the taxpayers of Iowa and Minnesota when they come back in subsequent legislation and make them pay through the nose for a program that benefits principally the District of Columbia and the States of Maryland and Virginia. And they will ride the subway free if the Delegate from the District has his way, and all our taxpayers would pay the bill. I do not like it.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I believe it should be made eminently clear that on page 17 of the legislation, as the gentleman from Virginia pointed out, there is a compact against charging any of these reduced fares to the Washington Metropolitan Transit Authority. The Washington Metropolitan Transit Authority is going to furnish subway service. People are going to pay for it.

If some one of the subdivisions wants to come in and make a provision for reduced fares to the poor, or for reduced fares to the elderly, or for reduced fares to the handicapped, that is not a function or a cost of the WMATA. That money will have to be paid to the Transit Authority by the jurisdiction which wants to be generous and kind. We cannot and must not, and under the law absolutely cannot, charge it to the Transit Authority.

Whatever the delegate from the District of Columbia may suggest, he would have to find the money elsewhere, and presumably in the District of Columbia.

Mr. NELSEN. Mr. Chairman, I will conclude my remarks in a moment, and only wish to say that I realize what has been said is contained in this bill.

I dislike very much to have this kind of a proposition suggested over radio and television and not on the floor. I regret that I did not see the statement. It was put into the RECORD without my having an opportunity to read it. As you know one cannot read an extension of remarks, ordinarily until the next day or with the permission of the author.

This does not show responsible leadership, to ask the taxpayers in Minnesota, in Iowa, and all over the country to help pay for the construction of this subway system and then later be asked to provide free rides; because every other community could ask for the same thing and certainly they would be entitled to it if it is provided District residents.

I, for one, do not want to have my fellow members claim that we were not honest in bringing up this bill if 6 or 12 months from now another bill is reported out (even over my objection) providing for free bus fares.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. NELSEN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I think it is important at this point in the debate, and I would suggest to the gentleman from Minnesota that we should clarify one matter. Perhaps the explanation offered by the gentleman from Connecticut (Mr. GIAIMO) has already done that. But I, for my own part, would like to make it perfectly clear that in supporting this legislation today, and as I understand it this is an administration initiative, it is supported by the White House, by the Department of Transportation, by the Treasury Department, and supported by the Republican leadership on this side of the aisle, that in supporting this particular legislation we are not taking even the first small step down the road toward approving free fares for any riders in the District of Columbia.

I am correct in that, am I not?

Mr. NELSEN. The gentleman is correct and I thank him for his remarks which further clarify this matter and I state that I wish to associate myself with his remarks. I believe we are committed to this bill but I believe it should be made abundantly clear that we are not endorsing free transit use or the purchase of a bus company.

Mr. Chairman, the Congress is commited to the construction of a regional mass transportation system in the Nation's Capital. The large number of employees of the Federal Government who live in the metropolitan area must be transported from their homes to their offices in the District of Columbia in an expeditious manner and yet in a manner that does not cause excessive pollution in the air in the District of Columbia either for its residents or for those many visitors to the Nation's Capital. Furthermore, the traffic congestion that the city of Washington has experienced over the last 20 years cannot continue without either vastly improving and increasing the highway system, the parking system in inner city areas, while at the same time, insuring that some type of device is installed on all automobiles that will maintain the exhaust fumes from automobiles at a level that will not contaminate the air beyond permissible and reasonable limits.

The number of vehicles crossing the District of Columbia boundaries during a 24-hour period has increased dramatically since 1950. In 1950 it was estimated that 495,000 automobiles cross the District of Columbia boundaries daily. In the 1960's the estimate was approximately 804,000 automobiles crossed the District of Columbia boundaries daily; and in 1970, the number was approaching 1.2 million daily—for an increase over 20 years of 140 percent. There is every indication that that number has risen substantially since 1970 and will continue into the 1970's and 1980's without some relief such as a subway system.

The commitment of the Congress to the establishment to the National Capital region mass transportation goes back to 1960.

The most recent action of the Congress relating to the Transit Authority was the approval of the National Capital Transportation Act of 1969 (83 Stat. 223), which projected the development of a 98-mile system at a cost of $2.535 billion and authorized Federal contributions of two-thirds of the net project cost for the construction of the planned facilities.

Ground breaking for the 98-mile transit system took place soon after approval of the act by the President. Initial construction was concentrated in the District of Columbia which is the core area of the region. At the present time, about 11 miles of the system are under construction. Work is proceeding at Judiciary Square, Union Station, Farragut Square, and along G Street, out Connecticut Avenue to DuPont Circle, and on both sides of the Potomac River at Georgetown and Rosslyn, Va., and tunneling has progressed as far as Rock Creek. A total of 26.9 miles are under final design. Fourteen stations are under construction, and 23 stations are in the final stages of design.

A major objective of the Transit Authority, the administration, and the compact signatories is to hasten construction of the system, looking forward to completion to the maximum extent possible by the bicentennial year of 1976. It is estimated that during the bicentennial activities an estimated average of 100,000 visitors per day will visit the area during the year. Such parts of the system as are completed will furnish a much needed additional people moving capacity in the National Capital area.

As noted earlier, the principal construction authority for the transit system was enacted by the Congress in 1969, which placed the cost of the 98-mile system at approximately $2.5 billion. However, as all of us know from our own personal financial situation and from the experience in our own congressional districts in the cities, counties, and States that the costs of construction have risen dramatically in the last 3 years. The Washington Metropolitan Area Transit Authority is experiencing the same problems in increases in costs that all local, State, and Federal Government projects are encountering.

In early 1971, the Transit Authority completed a study of the construction progress as of that date, the trends in construction costs, and the conclusions reached by advisers concerning financing of the transit facilities. On the basis of this study it was concluded that the financial plan of the Transit Authority should be revised. The impact of inflation on the construction industry had been without precedent, and the capital costs of the system had increased by about $486 million. It was also found that the potential revenues to the Transit Authority had also increased but the result projected was a net increase of $441 million in net project construction costs.

The original financial plan called for sale of $835 million of bonds which were unsecured revenue bonds. The remainder of the total cost of $2.5 billion was to be borne by the Federal and local governments in a ratio of two-thirds to one-third Federal-local sharing. Revision of the financial plan was imperative to meet the apparent deficit of nearly $450 million.

In addition, the findings of the financial advisers to the Transit Authority were that it would be practically impossible to successfully place the tax-exempt bonds which the Authority was authorized to issue. The alternatives open to the Transit Authority were providing a tax back-up for the revenue bonds, or the issue of taxable obligations supported by a Federal Government guarantee as to interest and principal. The time requirements and the difficulty of securing the tax support of the several local jurisdictions and the urgency of meeting the early need for more capital funds dictated the selection the alternative of Federal guarantee of Transit authority obligations, which were endorsed by the Secretary of Transportation and the Authority's financial advisers.

Now there are those in the House who will say that they forecast this underestimation of the cost of the subway system for the District of Columbia. Certainly I think that most Members of Congress anticipated that over the near-term that there would be some additional costs as a result of inflationary factors in our economy. However, the only alternative to meeting these inflationary costs by providing for increasing bonding authority of approximately $450 million is to cover this with appropriations to meet an apparent deficit. I believe that the choice of increasing the bonding authority is the better way to proceed in the total circumstances as they exist currently in the Washington, D.C. metropolitan area.

The proposed provisions of the new section 9 of the National Capital Transportation Act of 1969 permits the Secretary of Transportation to guarantee Transit Authority bonds issued with the approval of the Secretary of the Treasury. In addition, the Secretary of Transportation must certify that: First, the obligations represent an acceptable financial risk to the United States; second, that the Transit Authority has entered into a suitable agreement with the Secretary to take such prudent action respecting its financial condition as the Secretary determines to be necessary to protect the interest of the United States; third, that the issue, unless the obligation is a short-term note, will be sold through a process of competitive bidding as the Secretary may prescribed; and fourth, that the interest rate is reasonable in view of market yields.

These requirements clearly provide necessary protections to the Federal Government. The important determinations are not left to persons below the Federal level.

However, the bill also authorizes the Secretary of Transportation, under certain conditions, to guarantee obligations to be sold by the Transit Authority through a process of negotiation. The Secretary must first make a determination that the prevailing market conditions would result in a higher net interest cost to the Authority or the cost of the issuance would otherwise be higher through the competitive bidding process. The Secretary of Transportation shall report his findings in writing, with detailed explanation of the reasons for the recommended action.

The net effect of these new provisions is that while the Transit Authority may receive the benefits of the Federal guarantee, the prime responsibility for the guarantee rests with the Secretary of Transportation and the Secretary of Treasury rather than with the Transit Authority. Thus, the same elements of confidence and judgment which normally guide the Federal Government in its issuance of obligations would be operating in connection with the sale of obligations of the Transit Authority.

The revised financial plan for the subway system, as I understand it, is generally as follows:

Under the revised financial plan, the net additional project cost will be $450 million to be shared on a two-thirds to one-third ratio between the Federal and local governments. Second, the Transit Authority will issue only obligations which are taxable. Third, an interest subsidy of 25 percent of the interest and marketing costs of placing its obligations will be paid by the Federal Government to the Transit Authority. The amount paid will be recovered from the money received by the Federal Government from taxes on income from such bonds. It is estimated that the amount paid will be sufficient to cover the debt service on an additional $300 million of bonds, increasing the total issue of bonds which may be guaranteed to $1.2 billion. No additional outlay is required from the Federal Government. Fourth, local jurisdictions will be required to pay an additional $150 million as matching funds, thus preserving the Federal-local matching ratio of two-thirds to one-third. Fifth, the District of Columbia is authorized to increase its share from $216.5 million to $269.7 million, and the borrowing authority of the District of Columbia is increased by a like amount to secure the necessary funds.

The advantages of the revised plan are that it will allow immediate sale of bonds at the most favorable interest rate and thus avoid any delays in the construction scheduled. It will allow local governments time to arrange the necessary legal steps to provide their increased share and at the same time protect the Federal interest by withholding the sale of the $300 million additional amount of bonds until the matching funds have been committed to or contributions have been paid into the Transit Authority.

Any guarantee by the Secretary of Transportation of a security issued by the Transit Authority shall be conclusive and incontestible except for fraud or material misrepresentation. The aggregate amount which may be guaranteed shall not exceed $1.2 billion. However, no obligation in excess of $900 million may be guaranteed unless local participating governments have made contributions to the Transit Authority in an amount of not less than 50 percent by which any proposed additional obligation would exceed the sum of $900 million or, if local enforceable commitments have been made to the Transit Authority, for payment of such contributions by the end of the fiscal year in which the obligation is issued. The interest on such bonds shall be considered as income for tax purposes under the Internal Revenue Code.

The provisions of the amendments in these bills are generally as follows:

I. Amends the National Capital Transportation Act of 1969 to:

(a) authorize the Secretary of Transportation, on approval of the Secretary of the Treasury, to guarantee the payment of the principal and interest on bonds or other evidences of indebtedness issued by the Transit Authority.

(b) authorize the Secretary of Transportation to make payments to the Authority amounting to 25% of the interest and other financing costs incurred by the Transit Authority.

(c) authorize the appropriation of such sums as necessary to make such payments.

(d) authorize an increase in the contribution of the District of Columbia to the Transit Authority from $216.5 to $269.7 million and provides funds for the increased contribution by increasing—by a similar amount—the authority of the District of Columbia to borrow from the Treasury.

II. Provide the consent of the Congress to amendments to the Compact to:

(a) remove the present limitation on interest rates applicable to borrowing by the Authority.

(b) provide for maintenance of fare box revenues by requiring local jurisdictions to make equitable payments to the Transit Authority for any difference between the full rate fare and any reduced fare available to any class of riders.

(c) provide labor standards governing operation of the Authority's transit facilities including a system of arbitration for the settlement of controversies or disputes which may arise between employee groups or between employees and the Authority. This is in effect a "no strike—no lockout" provision.

(d) permit the Authority to operate its transportation facilities either directly or under contract.

Generally speaking, the cost estimates as noted in the House Report No. 92–1155, accompanying this bill, are as follows:

This bill provides for new expenditures of Federal funds as follows: there is an authorization of appropraitions of such sums as may be necessary to (1) make payments under Federal guarantees of Transit Authority obligations, and (2) make payments to the Transit Authority of one-fourth of the interest and other marketing costs it incurs in issuing such obligations. The Transit Authority estimates that appropriation requests under that authorization will be made as follows: Fiscal year 1973—$8 million, fiscal year 1974—$11 million, fiscal year 1975—$16 million, fiscal year 1976—$20 million, and fiscal years 1977 and 1978—$21 million each.

As has been pointed out, the additional costs to the Federal Government are expected to be offset by the additional revenue the Federal Government will receive from taxes on interest income received from Transit Authority obligations.

The District of Columbia's share of the transit system is increased by $53.2 million dollars. However, the additional contribution will be made from funds provided by loans from the United States which will be repaid by the District of Columbia from its revenues.

This bill has the support of the Department of Transportation, the District of Columbia government and the Federal Office of Management and Budget. The latter indicates that enactment of this bill is in accord with the President's program for the Washington metropolitan area. It also has the strong support of members of the business and community groups who testified before the Committee of the District of Columbia. There are also a number of other provisions in this bill, as indicated earlier, which I would like to address. First, at one point it was proposed to be included in this legislation a provision authorizing WMATA to purchase and operate the D.C. Transit Bus System. I voted in the committee to delete that provision from the bill, and I will vote against any amendment on the floor today which would add such a provision to this bill. It is my position that that matter should be the subject of separate legislation and that any such purchase authority that is undertaken by Congress should be narrowly drafted if it is to be delegated—and it is questionable whether it should in fact be delegated—and it should be consistent with the earlier action taken by Congress in granting a franchise for the operation of the transit system in the District of Columbia to the D.C. Transit Co.

Furthermore, I believe that questions of such a matter in this bill will only tend to confuse the principal issue which is before us, which is that of the commitment that the construction of the subway system should proceed as we have authorized on a number of previous occasions by this Congress.

The following subjects are included in the bill, and I believe they have been reported out in a form such that they can be given favorable consideration by the House, that is, matters covering reimbursement for interest and related costs, lawful investments, compact labor amendments, and the matter of the compact labor amendment as well as fare box revenues.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. Mr. Chairman, I would rather reserve some of my time for other requests, and if the gentleman from Maryland would request time from my colleague (Mr. CABELL) I would prefer that he do so. But I will be glad to yied time to the Members that I have on my list, and the first of those is the gentleman from Maryland (Mr. HOGAN).

So, Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I want to associate myself with the remarks made by the gentleman from Illinois (Mr. ANDERSON) and to state that those of us who so strongly support this legislation as well as the concept of a balanced transportation system, are in no way indicating that we are in support of free bus transportation. I personally would very much oppose such a thing.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Texas.

Mr. CABELL. Mr. Chairman and members of the committee, this dog has been kicked around long enough, and I think it is time we put it to rest. This argument about the reduced fares is completely moot. The bill before us becomes the indenture under which those bonds are sold and as long as there is one of those bonds outstanding it cannot be amended, and there can be no reduced fares. Furthermore, the compact has the obligation to put a fare on the fare box sufficient to pay these bonds and their interest.

So let us not kick that dog around any longer. If we have anything else to argue about, all right, but this argument is completely moot.

Mr. NELSEN. I thank the gentleman, but I believe our discussion was enlightening to all Members.

Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I do not believe the relationship between this bill and the reduction of fares could be any more forcibly or better stated than has already been done by the gentleman from Connecticut (Mr. GIAIMO), and the gentleman from Texas, the chairman of our subcommittee (Mr. CABELL).

The gentleman from Texas (Mr. CABELL), has served as the chief executive of one of the large cities in the United States, and he well understands the needs and problems of a metropolitan area. He has worked long and hard on this legislation, and we are eternally grateful to him for his careful analyses and his work in its production.

Let us face it, 12 of Metro's most difficult downtown underground track-miles and 16 similarly difficult subway stations are already under construction, with contracts let amounting to 27 percent of the total system's cost, as was planned and forecast. In terms of construction much of the hard work is done or underway so that a fast highly automated and very practical system will be ready to serve the citizens from the 50 States who will celebrate the Nation's bicentennial with visits here.

With labor costs in this automated system amounting to only about 55 percent of operating costs, the Metro is a practical and conservative investment. But its financing is tied to the sale of revenue bonds beginning now. At the present time, however, this is difficult because of the current strong demand for capital the availability of more seasoned securities, the past congressional delay in releasing the District of Columbia's contribution and the competition of bonds backed by tax-raising authority. Thus, Metro's revenue bonds require a Federal guarantee, as would be provided in this legislation.

The alternatives would produce an overall increase in costs and almost certainly an additional Federal grant. Economy and prudence—in assuring that the great investment already made in the system is not undermined—require a vote today for the Federal guarantee.

The guarantee sought today would be for an amount not to exceed $1.2 billion. Since the Metro program has always worked under a conservative approach designed to pay off all bonds from revenues, the Federal guarantee would be backing a very conservative enterprise.

The Metro cars' average speed of 35 miles an hour, for example, is as much as twice the speed of older systems and will not only attract riders but reduce the number of trains needed, saving on both crew and maintenance costs. The broad, sweeping curves of track that permit this speed are made of heat-treated rails that promise a life expectancy four times that of ordinary rail.

The longer cars, their automation and their easy housekeeping all are planned to permit a good ratio of revenue to costs.

Metro's planning and its accuracy in forecasting these future costs gain great credibility from its great accuracy in estimating the costs of construction.

Pride in our Nation, prudence in our use of public moneys, concern for the soundness of our cities—all dictate a vote in favor of this Federal guarantee.

Mr. CABELL. Mr. Chairman, I yield to the gentleman from Louisiana (Mr. WAGGONNER) 3 minutes.

Mr. WAGGONNER. Mr. Chairman, it is in no way my intention to criticize the House Committee on the District of Columbia.

The truth is that they have an impossible task. They are doing a good job in an impossible situation.

I think the truth is that all you can do here is probably to voice a protest by voting "no" because as a practical matter, I can see no way to build this system and to bring it to its completed stage except to guarantee these bonds.

But I am here today simply to point out that you have to be on pot—if you believe these statistics that are up here—having to do with the estimated income statement for 1990.

In 1965, we authorized the construction of a system to be 25 miles long. It was estimated to cost $438 million. In 1969, we expanded it to be a 98-mile regional project to cost in the vicinity of $2.5 billion.

Go back and look at the track record. How many of you remember the rosey and glowing projections about the District of Columbia stadium and its value—look where it is now. They cannot even pay the interest on the borrowed money. They are paid nothing on the principal.

Go back and look at the glowing and rosey projections about the Kennedy Center and what it would do and what income would be available there toward its operation and the retirement of the debt. Go and look at yesterday's paper and you will see that they cannot even pay the construction costs and they need upward of $5 million now to even pay their delinquent operating costs.

Anybody who believes that these figures are right just simply adheres to the old idea that you can prove whatever you want with statistics. It is not easy to believe, if you know what to believe in.

But do not believe these figures. The revenues are not going to be there. It simply is not going to be the case. The Government is going to subsidize it from here on and make no mistake about it.

If you think this is not so, look at New York City which has a system for which they cannot even pay their operating costs much less defray modernization costs and construction costs if they want to expand the system. You are not going to do it here either. Revenue sharing will not even do it.

I am just simply saying that if you are going to vote for it—just vote for it on the basis that this is the only way to complete it.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman.

Mr. LONG of Maryland. The gentleman surely has, as I have, looked at the average income of the people who live in the Washington area and compared it with the average income in his own district. I have certainly compared it with the average income in my district. Average income in the Washington area is the highest in the Nation.

I ask, why the moderate-income people who live in my district or in your district for that matter, should dig into their pockets to pay a transportation subsidy to the people who live in one of the highest income areas of the United States?

Can the gentleman give me any reason why?

Mr. WAGGONNER. We are told we are going to make Washington your model city. It is a model, all right, but at the wrong end of the spectrum.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from Maryland.

Mr. HOGAN. The gentleman made some very sage observations about the stadium in the District of Columbia and the Kennedy Center. I would remind the gentleman that there are those who seriously propose creating still another white elephant here in the District of Columbia—a sports arena. I hope the gentleman will oppose that as I do. The facility which will be built in Largo, Md., is far preferable.

Mr. WAGGONNER. We have one here, do not worry about another one yet.

Mr. CABELL. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I rise in support of this legislation. I do not think there is any Member of the House who will be more adversely affected by the construction of the Metro than I am, as I told you some time ago, because they are building a station right in front of my house on D Street SE., and will be terrible for me personally for the next year and a half. It will come within 4 feet of my house, taking the front yard, the trees, and everything else.

The fact is that I believe in Metro because it is in the best interest of the District and of the people of this country, and I do not think we are here today to argue whether we should or should not have Metro. Metro is already in construction. Metro has been approved by the Congress. We must go ahead with it. Certainly we do not want to stop construction on Metro after we have spent or committed to spend in the neighborhood of $500 million already of the total package cost of $3 billion. The question today is one of financing. That is the argument.

Surely, it is all well and good to point out, as my good friend from Louisiana did—and I love him and he knows that I do—the problems of the District of Columbia Stadium, which is used 7, 8, 9, or 10 days a year, and surely it is all right to point out that the Kennedy Center is costing us money, and I am not going to get into the argument of how you evaluate the real benefits of a cultural center. Is it in terms of just dollars alone or is it in terms of the great cultural contributions which it brings to our Nation?

Suffice it to say, America lags behind many of the other nations of the world in supporting the arts and humanities, and at long last we have begun to do something about it and we are supporting them.

Metro is a very real thing. It is going to carry people to and from their occupations in the city, and the gentleman from Louisiana—and I hate to pick on my good friend, Mr. WAGGONNER—has pointed out that the New York Subway System cannot pay its own way, and it is true that it cannot pay its own way. Many Metro systems are old and antiquated, and with rising operating costs, rising labor costs and everything else, they cannot pay their own way.

But I would ask this committee one question today: Could the City of New York survive without a mass transit system? I submit to you that the city would not.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I am delighted to yield to the gentleman from Louisiana.

Mr. WAGGONNER. Perhaps it would be a better question if we asked whether New York can survive with one.

Mr. GIAIMO. The question is a good one. But the fact of the matter is, and I am sure the gentleman well knows, that with our growing population we have got to have mass transit. We have got to have it in these large urban areas. We certainly have to have mass transit in a city the size of New York, and it is obvious that we have to have one here in the city and in the Greater Washington area.

So the question today is not whether we should go ahead and build a subway. We are already building it. We have already spent or committed $500 million. The question today is what? First, changing the method of selling bonds because of the fact that they cannot, on the best advice obtainable, sell tax-exempt bonds. They must be bonds guaranteed either by the full faith and credit of the Federal Government or by some tax back-up plan, which cannot be accomplished, particularly since, as I understand it, the Supreme Court of Virginia has ruled against it.

This leaves the full faith and credit of the Federal Government. Is that unusual? It is not.

We are guaranteeing hundreds of millions of dollars in bonds for housing, billions of dollars over a 40-year period. We are doing it in many other areas. In this instance, we are asking to have taxable bonds issued to the extent of $880 million or $900 million taxable bonds issued, guaranteed by the Federal Government, and hopefully and I trust they will be retired out of the fare box.

In addition to that, because of the high inflation which has hit this Nation in the last 3 or 4 or 5 or 6 years, and because of delays in construction and in getting underway, and because of refinement in engineering design, the original cost of Metro has increased by $450 million.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. CABELL. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. GIAIMO. Where will that money come from?

It will come, $300 million of it, from the Federal Government through this interest subsidy. Bear in mind that the $300 million will be matched by another $150 million by the other communities, making in all $450 million additional which is needed. Of the $300 million interest subsidy which the Federal Government will be putting in, that will be recouped by the Federal Government by the fact that it will be deriving taxable income on the bonds, and it should wash out; in fact, I think there will be a balance left in favor of the United States Treasury, as I think the gentleman from Viriginia pointed out.

So this works out fairly well, and it will enable us to obtain the $450 million additional needed for the additional cost estimate.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I commend the gentleman from Connecticut for his very fine statement.

I support the bill. I had the privilege of serving on the District Committee and chairing this subcommittee the able gentleman from Texas chairs now. The plan was discussed in the committee for many years. I think this is the only way we can sell these bonds. It is not unique to pledge the full faith and credit of the Government behind these bonds. I think the plan is feasible, and we need it very desperately in the District of Columbia.

Mr. Chairman, I commend the gentleman for his statement and urge the passage of the bill.

Mr. GIAIMO. I thank the gentleman from Florida.

Mr. Chairman, there is another thing I would like to point out here. Metro has come in and honestly shown why it is going to cost $450 million additional over the past 3 years. There have been all kinds of figures mentioned as to what the ultimate cost of Metro will be. The best estimate figures at the present time are $3,046,000,000. We have never in the history of this Congress authorized a public works program where we have hit an estimate on the head, and let us not fool ourselves today, but Metro has held very closely to the line on its estimates and what has actually happened. I think they are to be commended. For example, on the contractor's low bids, compared with Metro estimates as of May 10, 1972, the Metro estimates were $592 million.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. NELSON. Mr. Chairman, I yield the gentleman from Connecticut 2 additional minutes.

Mr. GIAIMO. Mr. Chairman, the contractors' low bids, and this included figures as of May 10, as compared with the WMATA estimates shows the estimate was $592 million—and remember, these are contracts actually contracted for and let—and the contractors' low bid was $544 million, which shows a differential in favor of Metro. So they are doing good bargaining. They are doing even better than staying within their original estimates.

There is no runaway in the costs as compared to the estimates. This includes many or all of the contracts which are contracted for and engaged in today. It includes the ones which were recently let for the subway cars. This shows a real effort on the part of the Transit Authority to hold the line on inflation and on inflated costs.

Mr. Chairman, I think this legislation is necessary, because obviously if we do not pass it and if they cannot sell their bonds under the present legalization, they will not be able to proceed with Metro.

Mr. GROSS. Mr. Chairman, will the gentleman yield to me?

Mr. GIAIMO. Yes. I yield to the gentleman from Iowa.

Mr. GROSS. Why can you not sell the bonds? This is a question that no one seems to be able to answer.

Mr. GIAIMO. Mr. GROSS, if you have ever dealt with bonding authorities—and they are mainly located in New York—you will find they are pretty tough cats to deal with. The fact of the matter is that they want the best they can get for the money and the best they can get for the money means governmental guarantees. Authorities which seek to sell bonds have a very difficult time in doing that at any time in our history and particularly today when there is high competition for the available bond dollar.

Mr. NELSEN. Mr. Chairman, I yield

5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, passage of this legislation is absolutely essential if we are to realize our goal of establishing and operating the Metro system in the Nation's Capital.

On two previous occasions this year, the House by overwhelming margins approved the continuing funding of the subway in the District of Columbia and transportation appropriations bills. This meritorious legislation should likewise receive our enthusiastic endorsement.

Make no mistake about it, a vote against this bill is a vote against the hopes, the sacrifices, and the determination of the many individuals who have such a vital stake in the successful completion of this project. I had the privilege of inspecting portions of the subway last December and I was amazed at its progress. There can be no question that the Metro will add immeasurably to the prestige of our Nation's Capital. I am convinced that our system will rival and surpass those of Moscow, Paris, and London. In terms of design, safety, and equipment, it will be second to none.

And with the 100,000 visitors that will be flocking to the Capital and its environs each day in 1976 for the bicentennial celebration, it is imperative that we allow for the anticipated 24 miles of service linking 28 stations by that time. Passage of this legislation will help insure the attainment of that goal.

There is more at stake here, however, than questions of prestige and convenience to visitors. There is the even more urgent concern of the millions of area residents. It is they who must bear the agonizing frustration of not being able to travel from one point to another in this area with a reasonable expenditure of time and effort.

The daily experience of us all, coupled with the catastrophic conditions caused by the flooding of the Potomac last week, dramatically demonstrates the need for an alternate mode of transportation in the Washington metropolitan area. We cannot ignore the legitimate interests of those who seek nothing more than to reach their jobs or residences with a modicum of dignity and efficiency.

It is important to stress that there are 175 cases of precedent for the Federal guarantee of bonds issued by local governmental agencies. And there are two recent instances in Congress which provide a precedent for the interest subsidy embodied in the legislation we are now considering.

Also important is the fact that the taxability of the bonds will enable the Federal Government to receive back as much or more than the amount of the subsidy that will be paid on the bonds. Thus, no extra cost to the Federal Government should result from passage of this legislation.

All of us on one occasion or another have invoked the rhetoric of commitment to a balanced transportation system. All of us have pledged our support of efforts to ease the plight of the urban traveler. Let us now transform our rhetoric into reality by approving this bill.

Thank you, Mr. Chairman.

Mr. CABELL. Mr. Chairman, I yield at this time 2 minutes to the gentleman from Missouri (Mr. RANDALL).

(Mr. RANDALL asked and was given permission to revise and extend his remarks.)

Mr. RANDALL. Thank you, Mr. Chairman. I asked for this time to try to put a few things into perspective. One speaker said a moment ago there were precedents for what we are doing. I would ask the Chairman now if he knows of any mass transit projects anywhere in the country, other than this one where the Federal Government is guaranteeing revenue bonds. I think I know the answer. This is the only project that after revenue bonds have already been issued there is a subsequent request that they be guaranteed by the United States.

Mr. CABELL. Will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Texas.

Mr. CABELL. The gentleman from Texas cited several instances of guaranteed bonds for hospital construction for inner cities, and they have nothing to fall back on. This is not a general obligation tax bond; this is a capital bond which requires only one-third of this bond issue to pay their total capital outlay back. But they are given additional support and additional strength by pledging in their indenture that the fare rate must be kept at a rate that would top off and pay the obligation of these bonds; so it is a better bond than might otherwise be considered.

Mr. RANDALL. Of course, these may be guarantees for some hospital bonds, but I submit again this is the only transit project, metro or subway, in America in which the Government guarantees revenue bonds.

If I understood the Delegate from the District a moment ago, he advocated free transportation for the residents of the District.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDALL. May I have 1 additional minute?

Mr. NELSEN. I yield the gentleman 1 additional minute.

Mr. RANDALL. I will ask the gentleman, what will happen as we look down the road a few years to the day of home rule. What will happen if the city government under home rule says, "No, we are not going to pay attention to the compact; we are going to provide free transportation to our citizens?"

Mr. CABELL. Mr. Chairman, apparently the gentleman from Missouri was out in the hall at the time that this dog was laid to rest, so for his benefit may I advise him that this becomes a part of the indenture under which the bonds are sold, and once they are sold and guaranteed, they cannot be amended.

I do not know how much the gentleman knows about bonds, but one does not amend a bond indenture without the approval of the bondholder.

Mr. FRENZEL. Mr. Chairman, the Washington Metropolitan Area Transit Authority study shows that the Metro subway system cannot go forward without a Federal guarantee of revenue bonds issued by the Transit Authority. Without this Federal guarantee, financial experts tell us it would be practically impossible to market the tax-exempt bonds which the Transit Authority is currently authorized to issue.

This project has suffered more than its share of delays in funding authority. A total of nearly $1 billion has already been obligated for the Metro. A significant proportion of the system should be working to help carry the thousands of daily visitors during the 1976 bicentennial celebration.

Delay will only permit further inflation of projects. Hopefully Congress will move quickly to forestall further delays in construction.

Mr. HOGAN. Mr. Chairman, I rise in support of H.R. 15507, the National Capital Transportation Act of 1972.

The purpose of the bill before us, H.R. 15507, is to authorize Federal guarantees of debt obligations issued by the Washington Metropolitan Area Transit Authority and to complete the enactment of certain amendments to the Washington Metropolitan Area Transit Authority Compact, these amendments have been adopted by the legislatures of the States of Maryland and Virginia. Approval of the bill is urgently needed to facilitate and expedite the construction program for the completion and operations of the Transit Authority facilities.

Enactment of the bill would amend the National Capital Transportation Act of 1969 to authorize the Secretary of Transportation, on approval of the Secretary of the Treasury to guarantee the payment of the principal and interest on bonds or other evidences of indebtedness issued by the Transit Authority. I would authorize the Secretary of Transportation to make payments to the Transit Authority of an amount equal to 25 percent of the interest and other financing costs incurred by the Transit Authority. It would authorize the appropriation of such sums as are necessary to make such payments and authorize an increase in the contribution of the District of Columbia to the Transit Authority from $216.5 million to $269.7 million and to provide funds for the increased contribution by increasing by a similar amount the authority of the District of Columbia to borrow from the Department of the Treasury. The bill would also provide the consent of the Congress to amendments to the Washington Area Transit Authority Compact to remove the present limitation on interest rates applicable to borrowing by the Transit Authority the legislation before us today provides for maintenance of fare box revenues by requiring local jurisdictions to make equitable payments to the Transit Authority for any difference in the full rate fare and any reduced fare available to any class of riders, such as the elderly, schoolchildren, or low-income people. The bill would provide labor standards governing operation of the Authority's transit facilities including a system of arbitration for the settlement of controversies or disputes which may arise between employee groups or between employees and the Transit Authority, and permit the Authority to operate its transportation facilities either directly or under contract.

Severe inflationary pressures within the construction industry have made necessary the revision of the financial plan for the Transit Authority. The revised financial plan covers the deficiency in the original plan and maintains the two-thirds to one-third formula for Federal-local participation in the costs of financing the system.

The Transit Authority's financial advisors concluded that it would be impossible to successfully place an issue of Transit Authority revenue-financed bonds. The alternatives were either a Federal guarantee or a complicated tax back-up to be approved by the several local taxing jurisdictions involved. The revised financial plan proposes the use of a Federal guarantee. It is important to the Transit Authority and to the signatory parties to the Compact agreement as well as to the Federal Government that the obligations of the Authority be issued on such terms that will provide for their purchase in the market at the lowest possible interest cost. The Transit Authority plan has progressed to a point where the needs for capital require the Transit Authority to rely primarily upon debt financing through the issuance of bonds or, for short interim periods, the sale of short term notes. To provide the best possible protection to the Federal Government for its guarantee, the Transit Authority needs approval of the proposed Compact amendments to maintain fare-box revenues and those designed to resolve disputes which might otherwise curtail or stop transportation operations. It is, therefore, urgent that this bill be promptly enacted.

The program for mass transportation for the metropolitan area was launched by the enactment of the National Capital Transportation Act of 1960, which provided the authority to study and prepare a development program. The National Capital Transportation Agency was created and charged with the responsibility of preparing a mass transit program indicating the location of facilities and containing a timetable for such development and of reporting on financial costs, revenues, and benefits to the National Capital Region.

Maryland, Virginia, and the District of Columbia were authorized by the 1960 act to negotiate an Interstate Compact agreement which would provide for a regional organization, as a successor to the Agency, to carry out and perfect the plans and proposals of the Agency.

The first authorization of rapid transit facilities was made in the act of September 8, 1965, the National Capital Transportation Act of 1965 which authorized a development program essentially limited to the District of Columbia, consisting of a basic system of 25 miles at an estimated cost of $438 million and designed for expansion into a regional transit system. Following the development and approval of the terms of the Washington Metropolitan Area Transit Compact by the Congress in the act of November 6, 1966, the Washington Metropolitan Area Transit Authority was formed. The Authority proceeded with the expansion of the transit system into the National Capital region outside the District and the development of the financial base within the compact jurisdictions to provide the contributions to furnish the local share of construction costs.

The most recent action of the Congress relating to the Transit Authority was the approval of the National Capital Transportation Act of 1969, which projected the development of a 98-mile system at a cost of $2.535 billion and authorized Federal contributions of two-thirds of the net project cost for the construction of the planned facilities.

Ground breaking for the 98-mile transit system took place soon after approval of the act by the President. At the present time, about 11 miles of the system are under construction. Work is proceeding at Judiciary Square, Union Station, and, Farragut Square, and along G Street, out Connecticut Avenue to Dupont Circle, and on both sides of the Potomac River at Georgetown and Rosslyn, Va., and tunneling has progressed as far as Rock Creek. A total of 26.9 miles are under final design. Fourteen stations are under construction, and 23 stations are in the final stages of design.

A major objective of the Transit Authority, the administration, and the compact signatories is to hasten construction of the system, looking forward to completion to the maximum extent possible by the bicentennial year of 1976.

In early 1971, the Transit Authority completed a study of the construction progress as of that date, the trends in construction costs, and the conclusions reached by advisers concerning financing of the transit facilities. On the basis of this study it was concluded that the financial plan of the Transit Authority should be revised. The impact of inflation on the construction industry had been without precedent, and the capital costs of the system had increased by about $486 million. It was also found that the potential revenues to the Transit Authority had also increased but the result projected was a net increase of $441 million in net project construction costs.

The original financial plan called for sale of $835 million of bonds which were unsecured revenue bonds. The remainder of the total cost of $2.5 billion was to be borne by the Federal and local governments in a ratio of two-thirds to one-third Federal-local sharing. Revision of the financial plan was imperative to meet the apparent deficit of nearly $450 million.

In addition, the findings of the financial advisers to the Transit Authority were that it would be practically impossible to successfully place the tax-exempt bonds which the Authority was authorized to issue. The alternatives open to the Transit Authority were providing a tax back-up for the revenue bonds, or the issue of taxable obligations supported by a Federal Government guarantee as to interest and principal. The time requirements and the difficulty of securing the tax support of the several local jurisdictions and the urgency of meeting the early need for more capital funds dictated the selection the alternative of Federal guarantee of Transit Authority obligations, which were endorsed by the Secretary of Transportation and the Authority's financial advisers.

Under the revised financial plan, the net additional project cost will be $450 million to be shared on a two-thirds to one-third ratio between the Federal and local governments. Second, the Transit Authority will issue only obligations which are taxable. Third, an interest subsidy of 25 percent of the interest and marketing costs of placing its obligations will be paid by the Federal Government to the Transit Authority. The amount paid will be recovered from the money received by the Federal Government from taxes on income from such bonds. It is estimated that the amount paid will be sufficient to cover the debt service on an additional $300 million of bonds, increasing the total issue of bonds which may be guaranteed to $1.2 billion. No additional outlay is required from the Federal Government. Fourth, local jurisdictions will be required to pay an additional $150 million as matching funds, thus preserving the Federal-local matching ratio of two-thirds to one-third. Fifth, the District of Columbia is authorized to increase its share from $216.5 million to $269.7 million, and the borrowing authority of the District of Columbia is increased by a like amount to secure the necessary funds.

Mr. Chairman, I urge my colleagues to support this vitally needed legislation.

Mr. NELSEN. Mr. Chairman, I have no further requests for time.

Mr. CABELL. I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Capital Transportation Act of 1972".

TITLE I—FEDERAL GUARANTEES OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY OBLIGATIONS

Mr. CABELL. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, at this time I object.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

SEC. 101. The National Capital Transportation Act of 1969 is amended by adding at the end thereof the following new sections:

"GUARANTEE OF TRANSIT AUTHORITY OBLIGATIONS

"SEC. 9. (a) The Secretary of Transportation is authorized to guarantee, and to enter into commitments to guarantee, upon such terms and conditions as he may prescribe, payment of principal of and interest on bonds and other evidences of indebtedness (including short-term notes) issued with the approval of the Secretary of the Treasury by the Transit Authority under the Compact. No such guarantee or commitment to guarantee shall be made unless the Secretary of Transportation determines and certifies that—

"(1) the obligation to be guaranteed represents an acceptable financial risk to the United States and the prospective revenues of the Transit Authority (including payments under section 10) furnish reasonable assurance that timely payments of interest on such obligation will be made;

"(2) the Transit Authority has entered into an agreement with the Secretary of Transportation providing for reasonable and prudent action by the Transit Authority respecting its financial condition if at any time the Secretary, in his discretion, determines that such action would be necessary to protect the interest of the United States;

"(3) unless the obligation is a short-term note (as determined by the Secretary), it will be sold through a process of competitive bidding as prescribed by the Secretary of Transportation; and

"(4) the rate of interest payable with respect to such obligation is reasonable in light of prevailing market yields.

Notwithstanding clause (3) of the preceding sentence, the Secretary of Transportation may guarantee an obligation under this section sold through a process of negotiation if he makes a determination that prevailing market conditions would result in a higher net interest cost or would otherwise increase the cost of issuing the obligation if the obligation was sold through the competitive bidding process. The Secretary's determination shall be in writing and shall contain a detailed explanation of the reasons therefor.

"(b) Any guarantee of obligations made by the Secretary of Transportation under this section shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable, except for fraud or material misrepresentation, in the hands of a holder of the guaranteed obligation.

"(c) The aggregate principal amount of obligations which may be guaranteed under this section shall not exceed $1,200,000,000; except that (1) no obligation may be guaranteed under this section if, taking into account the principal amount of that obligation, the aggregate amount of that obligation, the aggregate amount of principal of outstanding obligations guaranteed under this section exceeds $900,000,000 unless the local participating governments (A) make, in accordance with agreements entered into with the Transit Authority, capital contributions to the Transit Authority for the Adopted Regional System in a total amount not less than 50 per centum of the amount by which the principal of such obligation causes such aggregate amount of principal to exceed $900,000,000, or (B) have entered into enforceable commitments with the Transit Authority to make such contributions by the end of the fiscal year in which such obligation is issued, and (2) obligations eligible for guarantees under this section which are issued solely for the purpose of refunding existing obligations previously guaranteed under this section may be guaranteed without regard to the $1,200,000,000 limitation.

"(d) The interest on any obligation of the Transit Authority issued after the date of the enactment of this section shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

"REIMBURSEMENT FOR INTEREST AND RELATED COSTS

"SEC. 10. The Secretary of Transportation shall make periodic payments to the Transit Authority upon request therefor by the Transit Authority in such amounts as may be necessary to equal one-fourth of the total of the—

"(1) net interest cost, and

"(2) fees, commissions, and other costs of issuance, which the Secretary determines the Transit Authority incurred on its obligations issued after the date of the enactment of this section.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 11. (a) There are authorized to be appropriated to the Secretary of Transportation such amounts as may be necessary to enable him to discharge his responsibilities under guarantees issued by him under section 9 and to make the payments to the Transit Authority in accordance with section 10. Amounts appropriated under this section shall be available without fiscal year limitation.

"(b) If at any time the moneys available to the Secretary of Transportation are insufficient to enable him to discharge his responsibilities under guarantees issued by him under section 9 or to make payments to the Transit Authority in accordance with section 10, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary of Transportation from appropriations available under subsection (a) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"OBLIGATIONS AS LAWFUL INVESTMENTS

"SEC. 12. (a) Obligations issued by the Transit Authority which are guaranteed by the Secretary of Transportation under section 9 shall be lawful investments, and may be accepted as security for fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof, and shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission to the same extent as securities which are issued by the United States.

"(b) The sixth sentence of the paragraph of section 5136 of the Revised Statutes of the United States designated 'Seventh', (12 U.S.C. 24) is amended by inserting ', or obligations of the Washington Metropolitan Area Transit Authority which are guaranteed by the Secretary of Transportation under section 9 of the National Capital Transportation Act of 1969' immediately following 'or general obligations of any State or of any political subdivision thereof'.

"(c) Any building association, building and loan associations, or savings and loan association, incorporated of unincorporated, organized and operating under the laws of the District of Columbia, or any Federal savings and loan association, may invest its funds in obligations of the Transit Authority which are guaranteed by the Secretary of Transportation under section 9."

Mr. GROSS (during the reading). Mr. Chairman, I ask unanimous consent that section 101 of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, none of the answers given as to why these bonds cannot be sold without a Federal Government guarantee, in my opinion, is valid.

These bonds could be sold if the brokers and purchasers had any faith in the District of Columbia. The reason why the bonds cannot be sold without Federal guarantee is because there is no confidence in the District of Columbia government's ability to pay. This is startling, because less than 2 months ago the Department of Commerce produced figures which showed that the per capita income in Washington, D.C., jumped 11.1 percent in 1971 over 1970, almost twice the national average of 5.6 percent.

When the people of my State, my county, or the municipality in which I live have to float bonds, there is no guarantee by the U.S. Government to help them get a favorable rate and U.S. Government to help pay the interest. They have to peddle their own bonds.

Let me add that in Virginia and Maryland per capita income has also increased. In Virginia it was up 6.9 percent and in Maryland it was up 5.9 percent. Thus the area served by this subway system is in better condition to issue bonds without the direct backing of the U.S. Government than are the people of Mississippi, Iowa, Minnesota, or Texas. Yet there are those who have the nerve to come in here today and ask that the taxpayers of Iowa and of all the other States underwrite the bonds for this subway boondoggle.

Let me go back to July 15, 1965, when Mr. Whitener, our former colleague from North Carolina, fronted out for a subway system. In a colloquy with the gentleman from North Carolina, Mr. Whitener, I asked:

> Are the taxpayers of the country going to be saddled with the expense of providing parking lots to serve the subway in Virginia?
>
> Mr. WHITENER. Of course the gentleman knows that after the $150 million is paid out of the District and Federal Treasuries in the fares paid in to the fare boxes will pay the balance. The folks who use the system will be paying for it.

I repeat:

> The folks who use the system will be paying for it.

Later in that colloquy I said:

> Go back and read the Record of the debate on the District of Columbia Stadium. You will find that Members of Congress came down to the well of the House as they are doing today saying it was not going to cost the taxpayers, your taxpayers and mine, a dime, for that white elephant stadium.
>
> They also asserted that it would cost six or seven million, and it wound up costing $20 million.

Continuing with respect to the stadium I said:

> Yet today not one dime has been paid on the principal of the stadium bonds, and they are not likely to be paid by the District. One of these fine days the House is going to get the bill for that $20 million. I said at that time I did not care if a stadium was built at every street intersection in the District of Columbia, and I do not care today if you build a subway system east, west, north and south in the District of Columbia, but I want the taxpayers of the District of Columbia and not the taxpayers I represent to pay the bill.

That was 7 years ago—

> If you want this kind of a deal—if you propose to obligate your taxpayers today for nearly half a billion dollars to build a subway in Washington, D.C., that has an ultimate cost of $3 billion—

And I understand it is now estimated at $5 to $6 billion—

> Then you explain it to the citizens you represent. I want no part of it.

And I doubt that the people of Texas want any part of this underwriting because you know as certainly as you are sitting or standing in this House today that it will be the U.S. Government that eventually takes over the bonds that you are proposing to underwrite—$1.2 billion worth of bonds. And it is something you will not do for any other transportation or transit system anywhere in the country.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Mr. Chairman, if you think that the Federal Government is not going to wind up holding the sack for $1.2 billion worth of subway bonds, you should look out of the windows of the House Chamber. I am sure you will see pigs flying by.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Texas.

Mr. CABELL. I want to thank the gentleman in the well for his splendid contribution to the passage of this legislation by having cited the splendid per capita income that prevails in the District, in Virginia, and in Maryland. This shows that there is ample per capita income for those folks to afford the fares necessary to pay off these bonds.

Mr. GROSS. The gentleman does not think for one cockeyed minute that the people in and near this area are going to miss the opportunity to saddle on poor old Uncle Sam the $1.2 billion; do you? I have been around long enough to know better. I listened to the assurances made to the House on the stadium deal, and on the beggar's roost known as the Cultural Center. I have heard all these assurances that have not been kept, and I am hearing another one here this afternoon. I hope that before that chart disappears from the well of the House that somebody reads the estimated income figures into the RECORD for posterity so that when the day comes that the taxpayers of the Nation wind up holding the bag for these local bonds anyone who cares to do so can look back in the CONGRESSIONAL RECORD, as I went back today to the assurances of the gentleman from North Carolina 7 years ago that after the $150 million we would not be asked for additional money.

Mr. Chairman, the proponents of this bill have displayed a chart in the House this afternoon in an attempt to justify this legislation. It reads as follows:

Estimated income statement in millions of dollars

Total fare box revenue	195.5
Nonfare box revenue	8.3
Adjusted gross revenue	203.8
Operating and maintenance expenses	(107.2)
Net revenue before depreciation	96.6
Depreciation expenses	15.3
Net revenue after depreciation	81.3

Mr. Chairman, anyone who believes the District of Columbia subway will ever return a net revenue of $81.3 million in 1990 or any other year believes that the rails are made of pure gold.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. O'KONSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the Committee, here we are again with a broken record. I have heard it time and time again in the years I have been a Member of this House. This is all it is going to cost. This is all it is going to cost. This is all it is going to cost. How many times have we heard this refrain?

What we are actually engaged in is a deception. We are again deceiving the taxpayers of our Nation. Time and time again we have engaged in gross deception. But this Metro system is the grossest deception of all time.

We deceived the taxpayers and Members of Congress when the Member from this House from the State of Arkansas got on the floor of the House over here and said that the stadium was going to cost $4 million. He said every penny of it would come back from the use and the rental of the stadium.

He deceived the taxpayers. It did not cost $4 million—it cost close to $20 million. It is falling apart at the seams and is costing the taxpayers $2½ million a year to keep it up. Every time the Redskins play a game at the stadium it costs the taxpayers a quarter of a million dollars.

We deceived and we lied to the taxpayers about the Center for the Performing Arts. I remember when supporters of the Center came in the well of the House and said "If we give them the land, that Center is not going to cost the taxpayers a dime—it is going to be paid for by the schoolchildren, a dime a piece. The taxpayers were to be spared."

But somehow the schoolchildren forgot about it and did not respond. It already has cost us $70 million. As one gentleman mentioned in the paper yesterday they are $5 million in the red right now. What the end is going to be—nobody knows. But they will be back for more millions, rest assured of that. And they will be back for more and more and more.

Again we deceived the taxpayers of this Nation. We are engaged in the biggest deception in the history of the Congress with Metro. Now we are deceiving them by what I consider to be the biggest boondoggle in the history of all mankind—and that is what this Metro System is—the biggest boondoggle in the history of man. Nothing in the whole wide world comes near the cost of this biggest of all boondoogles.

I do not know of a single boondoogle in the history of the world that is going to cost as much as this Metro System. When Members get up on the floor of the House over here and say its going to pay for itself they are engaging in gross deception. These same people said the stadium is going to be paid for by the rentals and by those who are going to use this stadium. They said the center is going to be paid for by the schoolchildren of America. Now they say these bonds are going to be paid for by way of the fare box.

They also say that Metro is going to cost only $3 billion. When anybody here comes before this body and tells me that this Metro System is going to be finished for $3 billion, they are insulting my intelligence, and I do not subscribe to it at all. This system is going to cost the taxpayers of the United States of America a minimum of $5 billion before it is finished and it could well go to $7 billion. And it may well never be finished after we spend the $7 billion.

You talk about priorities spending $5 billion to $7 billion in one city is madness. I think we would be better if we turned those holes that they have dug into the ground and handed them over to the underground like the Quick Silver and other underground groups. At least we would know where they are.

Now this is just for one city. It is going to set an example of what we are going to be asked to do in every major city in the United States of America. This is not the end—it is just the beginning.

Now let us look at it in another way. Suppose we took this $3 billion—not the $5 billion or $7 billion that it is actually going to cost—let us take just $3 billion—if we gave this $3 billion to Amtrak, we could restore railroad service to every major community in the country—to every city with a population in excess of 10,000 and we could put a quarter of a million men and women to work if we give this money to Amtrak instead of giving it to this boondoggle, the largest in the history of mankind—in one city.

So I am not going to be fooled by this figure of $3 billion.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(Mr. O'KONSKI was granted permission, at the request of Mr. GROSS, to proceed for 2 additional minutes.)

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Michigan.

Mr. RUPPE. Is it not really true that there is one reason, and probably one only, why these bonds cannot be sold, and that is simply that the bond houses in New York have absolutely no confidence whatsoever that either the principal or the interest on the bonds will ever be paid out?

Mr. O'KONSKI. If there is any notion, or if any financier had any idea or belief that the bonds were worth the paper they were written on, you would not have this bill before Congress. The very fact that you have this bill before Congress demonstrates that no one in America feels that the value of these bonds is worth the paper they are written on unless the Federal Government says, "If they default, we will pay the bill."

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Iowa.

Mr. GROSS. I want to point out to Members of the House that the gentleman from Wisconsin (Mr. O'Konski) is no "Johnny come lately" in opposition to Federal financing of this subway deal. He denounced this proposed rape of all the taxpayers on July 15, 1965, 7 years ago, just as he denounces it today, and I commend him.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman has made a profound statement and I agree with everything he says. I want to add one more consideration, however. People are going to be afraid to ride the subway because you are going to have a tremendous crime problem unless one or two thousand police ride shotgun on it day and night.

Mr. O'KONSKI. I wanted to point out that what you are doing is your are asking me and all other taxpayers to underwrite bonds that are not worth the paper they are written on otherwise you would not have to appear before this body and ask it to assist in the financing of the greatest boondoggle in the history of mankind.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(On request of Mr. Cabell, and by unanimous consent, Mr. O'Konski was allowed to proceed for 1 additional minute.)

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Texas.

Mr. CABELL. The gentleman from Texas would like to express the very sincere regret that the gentleman in the well, who is a member of the committee, did not give to the committee any of his time or the benefit of his superior knowledge as to what the ultimate cost of this system would be. I am sure that had he seen fit to attend the hearings and to attend the markup meetings on the bill, his very sage observations and, I am sure, his accurate statements as to the probable cost would have been given an attentive hearing.

Mr. O'KONSKI. Is the gentleman talking about the cost of the system? Is that what the gentleman referred to? I may answer that by saying that the Rayburn Building, in which I have my office, was originally supposed to cost the taxpayers $32 million. When it was finished it had cost, I believe, $138 million.

Then you come before this body and say that you are going to build the subway for $3 billion, and I say that I have been around here long enough to know that that will be only a small percentage of what it will actually cost.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRASER. Mr. Chairman and members of the committee, I am not an expert on the Metro subway and I am not an expert on selling revenue bonds. But I do have the very firm impression from my work on the District of Columbia Committee that this bill is essential. We are going to have the Metro System completed. I do not really see any choice. This system is well under construction. We cannot stop now.

Before I was a Member of Congress there was a time that I was involved in trying to market municipal bonds. I know that just because a bond might be difficult to market does not mean it is worthless.

The revenue bonds are notoriously difficult to market particularly, when it is hard to predict with certainty that they will generate the needed revenue. But this does not mean the bonds are no good or that there is prospect for repayment.

I see no choice except to move ahead with Metro unless we leave a great many holes in the ground, and leave this area with a transportation system that is totally inadequate. I just do not see any choice. I really do not understand how anybody can propose that there is a realistic alternative before us.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I think the gentleman has made a very valid statement.

I ask the gentleman if it is not true that, given a choice, given the fact that the subway is already under construction, and the fact that we do not want to come to 1976 or any other year with torn up holes in the ground, I ask the gentleman whether the only other choice would be the infusion of more Federal capital funds into this project? The very purpose of this guaranty provision of the revenue bonds is to avoid new amounts of Federal capital having to be appropriated by this body.

Mr. FRASER. The gentleman is correct. As I understand it, the only other way to do it is by appropriation, if we do not do it in this way.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Iowa.

Mr. GROSS. I would be glad to shift the burden of this from the taxpayers of Iowa to the taxpayers of Illinois or Minnesota. I would be delighted to have it taken off our backs and transferred to the backs of the taxpayers of Illinois and Minnesota.

Mr. FRASER. I think the gentleman's constituents want to get around in the capital in an efficient manner also. These observations should have been made before this project was started.

Mr. GROSS. They were made.

Mr. FRASER. If we do not underwrite the sales of these bonds in this fashion, the funds for Metro will come directly from the taxpayers. There is no other choice.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the Delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, I thank the gentleman for his observations. I would like to remind the Members that at stake in this vote is whether or not we will complete the subway system. We have already voted on a number of occasions as to whether or not there should be a system, and that subject is not really the question before us unless we vote against this bond bill, in which case there will be required, as the gentleman pointed out correctly, an infusion of Federal capital to carry out the construction of the system, or we will not be able to complete the system.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, I can understand the gentleman's interest and the fact that he has done a great deal of work, profound work, exercised in behalf of the subway system.

I do think one of the weakest excuses possible for this legislation is the feeling or the statement that since we have begun or that we have 24 holes dug in the ground, that we have to go forward regardless of the cost. It seems to me the subway ought to be able to stand on better merit than that. This legislation today reflects the fact that the legislation was not well considered, and the cost and revenues of the project were not estimated accurately.

As the gentleman says, the revenue bonds are difficult to sell when the revenue itself is in question, and I think the gentleman has indicated that very well by his statement.

Mr. FRASER. When the revenue bondholders cannot predict with some confidence that the revenues will be sufficient to pay the principal and interest, they want some margin of safety. When we cannot give that firm assurance, it does not mean the bonds cannot be paid off, but only that marketing might be somewhat more difficult. Obviously its a gross overstatement to say that the bonds are worthless. I have been involved in the sale of municipal bonds, and I have some concept and some understanding of what the buyers want.

I think it is also unfair to say that Metro to date is only a series of holes in the ground. Development is much farther along than that.

Former Congressman Whitener was involved in the original work on this project, and he spent a great deal of time on it. There have been some changes in cost, and there will probably be more, but it seems to me quite clear that Washington needs a Metro subway system.

Mr. RUPPE. I understand the gentleman's position. I would suggest whether we guarantee the bonds or put more Government infusion of money into it is immaterial. I think we will have to pay out the moneys for the increased cost in the subways.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIAGGI: Page 7, insert after line 18 the following:

SEC. 102. The Secretary of Transportation shall (1) conduct a study to determine the additional funds (if any) needed to bring the facilities and services of the Adopted Regional System into conformity with the national policy respecting the needs of the elderly and the handicapped stated in section 16(a) of the Urban Mass Transportation Act of 1964, and (2) report to the Congress the results of such study.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Mr. Chairman, I think the House ought to proceed in an orderly fashion. This bill has not been considered as read. Only the first section, section 9, has been read. Therefore, I ask unanimous consent, without invalidating the reading of the gentleman's amendment, that the bill now be considered as read and open to amendment at any point.

PARLIAMENTARY INQUIRY

Mr. CABELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CABELL. Was this amendment to section 1, which has been read? Does it apply to that?

The CHAIRMAN. It is an amendment to the first section of the bill.

Mr. CABELL. I believe the gentleman from Iowa himself asked unanimous consent that it be open to amendment to the first section.

Mr. GROSS. Mr. Chairman, yes, but page 7 goes beyond the first section of the bill.

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from New York is an amendment to the first section of the bill.

Mr. GROSS. Mr. Chairman, a further point of order. The request I made was to dispense with the reading of section 9, which ends on page 4 with section 10.

The CHAIRMAN. The Chair will state that the unanimous consent request that was made by the gentleman from Iowa and that was agreed to was to dispense with further reading of the first section of the bill, which ends on page 7, line 18, and the amendment offered by the gentleman from New York is to the first section of the bill and is therefore in order.

The Chair recognizes the gentleman for 5 minutes in support of his amendment.

Mr. CABELL. Mr. Chairman, this side accepts the amendment offered by the gentleman from New York.

Mr. NELSEN. Mr. Chairman, we find the amendment acceptable.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. Yes. I am delighted to yield.

Mr. GROSS. What is the amendment?

Mr. BIAGGI. The amendment deals with the Mass Transportation Act of 1964, as amended by my amendment of 1970. This amendment would require the Secretary of Transportation to conduct a study to determine what additional funds, if any, would be needed to bring the facilities and services of the Metro subway stations into conformity with the national policy respecting the needs of the elderly and the handicapped. This national policy was established with the passage of my amendment to the Urban Mass Transit Act of 1970 which stated that the elderly and the handicapped should have an equal right to mass transit facilities. It further required that all federally funded projects include design features to meet their needs. It also authorized discretionary funding for modification of existing facilities and for research and development programs.

I decided to offer this amendment when I learned this weekend that a U.S. district judge ruled Friday that unless Congress provides the money, the Washington Metropolitan Area Transit Authority cannot be compelled to obey the Urban Mass Transit Act requiring added facilities to serve the handicapped.

Under the present plans for Metro stations, they will have only escalators to carry passengers from street-level station entries to the fare-collection mezzanines and from the mezzanines to the track platform and back again. The handicapped and elderly citizens need elevators at these stations, however, if they are to use this system. The Urban Mass Transit Act requires Metro to use part of whatever money is now available for the system to provide the elevators.

Mr. Chairman, the vast majority of Federal resources have been directed toward research and development of separate systems such as the Dial-a-Ride bus program currently in operation. Such separate systems are too costly and do not reach a sufficient number of the affected persons to justify the expenditures. We must have systems that can be used equally by our elderly and handicapped citizens—not separate and unequal facilities. The Washington Metro system and all of the Nation's transit systems must be as accessable to our elderly and handicapped citizens as they are to anyone else. We cannot stand idly by while these citizens are kept from riding on these facilities.

We must, therefore, modify existing systems as well as be certain that new mass transit facilities are accessible to these people. They cannot be treated as second-class citizens any longer. They have an equal right to use the system and should be served as a matter of course.

Mr. Chairman, my amendment to the Urban Mass Transit Act, section 16, marked a turning point in national concern for the transit needs of the elderly and the handicapped. For the first time, it was acknowledged that these people have an equal right to mass transit facilities. We must make every effort in the Congress to see to it that this section of the law is carried out.

I, therefore, offer this amendment to the National Capital Transportation Act to require a cost study by the Secretary of Transportation to determine the costs, if any, to bring the Metro facilities in line with the intent of Congress and make these facilities accessable to the elderly and handicapped citizens.

I urge my colleagues to support my amendment for the good of our elderly and handicapped citizens so that they may enjoy the new Metro system—along with everyone else.

Mr. GROSS. This does not provide for policemen or armed persons of some description to ride on every subway car, does it?

Mr. BIAGGI. No. Nothing whatsoever like that.

Mr. NELSEN. Will the gentleman yield?

Mr. BIAGGI. I am glad to yield to the gentleman.

Mr. NELSEN. I want to say this is a very thoughtful amendment. I know the gentleman is concerned that facilities are designed in a manner that makes it possible for the handicapped to make use of the system. It is a thoughtful amendment and I am sure this House will approve it.

I thank the gentleman for yielding.

Mr. CABELL. Will the gentleman yield?

Mr. BIAGGI. I am delighted to yield to the gentleman.

Mr. CABELL. Will the gentleman yield for a motion?

Mr. BIAGGI. Yes.

Mr. CABELL. Mr. Chairman, I move that the bill be considered as read and printed at this point in the RECORD and open to amendment at any point.

The CHAIRMAN. The Chair must rule that the gentleman from Texas is not in order in making that motion at this time. The Chair will entertain, however, a unanimous-consent request to that effect.

Mr. CABELL. Then, I make that as a unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The remainder of the bill is as follows:

TITLE II—INCREASED DISTRICT OF COLUMBIA CONTRIBUTION

SEC. 201. (a) Section 4(a) of the National Capital Transportation Act of 1969 (D.C. Code, sec. 1–1443(a)) is amended (1) by striking out "$216,500,000" and inserting in lieu thereof "$269,700,000", and (2) by striking out "$166,500,000" and inserting in lieu thereof "$219,700,000".

(b) Paragraph (3) of subsection (b) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9–220(b)(3)) is amended (1) by striking out "$216,500,000" and inserting in lieu thereof "$269,700,000", and (2) by striking out "$166,500,000" and inserting in lieu thereof "$219,700,000".

TITLE III—COMPACT AMENDMENTS

SEC. 301. (a) The Congress hereby consents to amendments to articles I, III, VII, IX, XI, XIV, and XVI of title III of the Washington Metropolitan Area Transit Regulation Compact (D.C. Code, sec. 1-1431 note) substantially as follows:

(1) Section 1(g) of article I is amended to read as follows:

"(g) 'Transit services' means the transportation of persons and their packages and baggage by means of transit facilities between points within the Zone including the transportation of newspapers, express, and mail between such points, and charter service which originates within the Zone but does not include taxicab service or individual-ticket-sales sightseeing operations; and".

(2) Section 5(a) of article III is amended to read as follows:

"5. (a) The Authority shall be governed by a Board of six Directors consisting of two Directors for each signatory. For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia by the City Council of the District of Columbia from among its members, the Commissioner and the Assistant to the Commissioner of the District of Columbia; and for Maryland, by the Washington Suburban Transit Commission. In each instance the Director shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with his term on the body by which he was appointed. A director may be removed or suspended from office only as provided by the law of the signatory from which he was appointed. The appointing authorities shall also appoint an alternate for each Director, who may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate shall serve at the pleasure of the appointing authority. In the event of a vacancy in the office of Director or alternate, it shall be filled in the same manner as an original appointment."

(3) Section 21 of article VII is amended to read as follows:

"Temporary Borrowing

"21. The Board may borrow, in anticipation of receipts, from any signatory, the Washington Suburban Transit District, the Northern Virginia Transportation District or any component government thereof, or from any lending institution for any purposes of this title, including administrative expenses. Such loans shall be for a term not to exceed two years and at such rates of interest as shall be acceptable to the Board. The signatories and any such political subdivision or agency may, in its discretion, make such loans from any available money."

(4) Section 35 of article IX is amended to read as follows:

"Interest

"35. Bonds shall bear interest at such rate or rates as may be determined by the Board, payable annually or semiannually."

(5) Section 39 of article IX is amended to read as follows:

"Sale

"39. The Board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The Board may sell bonds at less than their par or face value but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the Authority calculated upon the entire issue so sold in excess of the applicable rate determined by the Board, payable semiannually, computed with relation to the absolute maturity of the bonds according to standard tables of bond values, deducting the amount of any premium to be paid on the redemption of any bonds prior to maturity. All bonds issued and sold pursuant to this title may be sold in such manner, either at public or private sale, as the Board shall determine."

(6) Section 51 of article XI is amended to read as follows:

"Operation by Contract or Lease

"51. Any facilities and properties owned or controlled by the Authority may be operated by the Authority directly or by others pursuant to contract or lease as the Board may determine."

(7) Section 66 of article XIV is amended to read as follows:

"Operations

"66. (a) The rights, benefits, and other employee protective conditions and remedies of section 13(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1609(c)), as determined by the Secretary of Labor shall apply to the operation by the Washington Metropolitan Area Transit Authority of any mass transit facilities owned or controlled by it and to any contract or other arrangement for the operation of transit facilities. Whenever the Authority shall operate any transit facility or enter into any contractual or other arrangements for the operation of such transit facility the Authortiy shall extend to employees of affected mass transportation systems first opportunity for transfer and appointment as employees of the Authority in accordance with seniority, in any nonsupervisory job in respect to such operations for which they can qualify after a reasonable training period. Such employment shall not result in any worsening of the employee's position in his former employment nor any loss of wages, hours, working conditions, seniority, fringe benefits and rights and privileges pertaining thereto.

"(b) The Authority shall deal with and enter into written contracts with employees as defined in section 152 of title 29, United States Code, through accredited representatives of such employees or representatives of any labor organization authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions.

"(c) In case of any labor dispute involving the Authority and such employees where collective bargaining does not result in agreement, the Authority shall submit such dispute to arbitration by a board composed of three persons, one appointed by the Authority, one appointed by the labor organization representing the employees, and a third member to be agreed upon by the labor organization and the Authority. The member agreed upon by the labor organization and the Authority shall act as chairman of the board. The determination of the majority of the board of arbitration, thus established shall be final and binding on all matters in dispute. If after a period of ten days from the date of the appointment of the two arbitrators representing the Authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the Federal Mediation and Conciliation Service to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the Authority and the labor organization, promptly after the receipt of such list shall determine by lot the order of elimination, and thereafter each shall in that order alternately eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. The term 'labor dispute' shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions, or benefits including health and welfare, sick leave, insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements, and the interpretation or application of such collective bargaining agreements and any grievance that may arise and questions concerning representation. Each party shall pay one-half of the expenses of such arbitration.

"(d) The Authority is hereby authorized and empowered to establish and maintain a system of pensions and retirement benefits for such officers and employees of the Authority as may be designated or described by resolution of the Authority; to fix the terms of and restrictions on admission to such system and the classifications therein; to provide that persons eligible for admission in such pension system shall not be eligible for admission to, or receive any benefits from, any other pension system (except social security benefits), which is financed or funded, in whole or in part, directly or indirectly by funds paid or appropriated by the Authority to such other pension system, and to provide in connection with such pension system, a system of benefits payable to the beneficiaries and dependents of any participant in such pension system after the death of such participant (whether accidental or otherwise, whether occurring in the actual performance of duty or otherwise, or both) subject to such exceptions, conditions, restrictions and classifications as may be provided by resolution of the Authority. Such pension system shall be financed or funded by such means and in such manner as may be determined by the Authority to be economically feasible. Unless the Authority shall otherwise determine, no officer or employee of the Authority and no beneficiary or dependent of any such officer or employee shall be eligible to receive any pension or retirement or other benefits both from or under any such pension system and from or under any pension or retirement system established by an acquired transportation system or established or provided for, by or under the provisions of any collective bargaining agreement between the Authority and the representatives of its employees.

"(e) Whenever the Authority acquires existing transit facilities from a public or privately owned utility either in proceeding by eminent domain or otherwise, the Authority shall assume and observe all existing labor contracts and pension obligations. When the Authority acquires an existing transportation system, all employees who are necessary for the operation thereof by the Authority shall be transferred to and appointed as employees of the Authority, subject to all the rights and benefits of this title. These employees shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records of labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The Authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employees. The Authority and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employees through their representative transferred to the trust fund to be established, maintained and administered jointly by the Authority and the participating employees through their representatives. No employee of any acquired transportation system who is transferred to a position with the Authority shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits, than he enjoyed as an employee of such acquired transportation system."

(8) Section 79 of article XVI is amended to read as follows:

"Reduced Fares

"79. The District of Columbia, the Northern Virginia Transportation District, the Washington Suburban Transit District and the component governments thereof, may enter into contracts or agreements with the Authority to make equitable payments for fares lower than those established by the Authority pursuant to the provisions of article XIII hereof for any specified class or category of riders."

(b) The Commissioner of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments, substantially as set forth in subsection (a), to title III of the Washington Metropolitan Area Transit Regulation Compact with the States of Virginia and Maryland.

Mr. **PEYSER**. Will the gentleman yield?

Mr. **BIAGGI**. I am delighted to yield to my colleague.

Mr. **PEYSER**. I would like to compliment the gentleman from New York on his amendment. I think it speaks to the very problem involved in transportation throughout this country. I am delighted to have the elderly and the physically handicapped included in this kind of action and hope that it will produce results that will enable their travel to be made far easier and less expensive under this system.

I strongly urge that the House support this amendment.

Mr. **GUDE**. Mr. Chairman, will the gentleman yield?

Mr. **BIAGGI**. I shall be glad to yield to the gentleman from Maryland.

Mr. **GUDE**. Mr. Chairman, I wish to commend the gentleman from New York on his amendment. It is certainly worthwhile and deserving of support of the House.

We must explore every reasonable means to assure that the elderly and the handicapped truly have the same right as other persons to mass transit facilities. Conduct of this study to eliminate such barriers to free access to transit is consistent with the rigorous standards the Metro authority has steadfastly pursued.

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI).

The amendment was agreed to.

Mr. **CABELL**. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BRADEMAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15507) to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The **SPEAKER**. Without objection, the previous question is ordered on the bill and the amendment thereto.

There was no objection.

The **SPEAKER**. The question is on the amendment.

The amendment was agreed to.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER**. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **GROSS**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 282, nays 75, not voting 75, as follows:

[Roll No. 228]

YEAS—282

Abbitt
Adams
Addabbo
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boland
Brademas
Brasco
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Conable
Conover
Conte
Conyers
Corman
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Delaney
Dellenback
Dellums
Derwinski
Dingell
Dorn
Dow
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hathaway
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hillis
Hogan
Horton
Hosmer
Howard
Hungate
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Koch
Kyros
Landrum
Leggett
Lennon
Lent
Link
Lloyd
Lujan
McClory
McCloskey
McClure
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Matsunaga
Mazzoli
Melcher
Mikva
Miller, Calif.
Minish
Minshall
Mitchell
Mizell
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Pelly
Pettis
Peyser
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Schneebeli
Scott
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Smith, N.Y.
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wylie
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—75

Andrews, Ala.
Archer
Ashbrook
Baring
Bevill
Bow
Bray
Brinkley
Burlison, Mo.
Camp
Chappell
Clancy
Collins, Tex.
Colmer
Crane
Davis, Wis.
de la Garza
Denholm
Duncan
Fisher
Flowers
Goldwater
Gross
Harsha
Hays
Henderson
Hicks, Wash.
Hull
Hutchinson
Ichord
Jacobs
Jonas
Jones, N.C.
Jones, Tenn.
Kyl
Landgrebe
Latta
Long, Md.
McCollister
Mayne
Michel
Miller, Ohio
Mills, Md.
Montgomery
Myers
Nichols
O'Konski
Passman
Patman
Patten
Price, Tex.
Quillen
Randall
Roberts
Robinson, Va.
Rousselot
Runnels
Ruppe
Scherle
Sebelius
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Steed
Steiger, Ariz.
Terry
Thomson, Wis.
Whitten
Wydler
Wyman
Young, Fla.
Zion

NOT VOTING—75

Abernethy
Abourezk
Abzug
Alexander
Anderson, Calif.
Anderson, Tenn.
Arends
Baker
Bell
Blanton
Boggs
Bolling
Broomfield
Burke, Fla.
Caffery
Carney
Celler
Chisholm
Clark
Cotter
Coughlin
Davis, Ga.
Davis, S.C.
Dennis
Dent
Devine
Dickinson
Diggs
Donohue
Dowdy
Downing
Erlenborn
Esch
Fish
Flood
Ford, Gerald R.
Frey
Fulton
Gallagher
Griffin
Griffiths
Hagan
Hall
Hastings
Hawkins
Holifield
Kee
Kluczynski
Kuykendall
Long, La.
McDonald, Mich.
McKinney
McMillan
Mathis, Ga.

Meeds
Metcalfe
Mills, Ark.
Mink
Mollohan
Mosher
Pepper
Perkins
Pickle
Pryor, Ark.
Railsback
Rarick
Scheuer
Schmitz
Schwengel
Stokes
Stuckey
Sullivan
Symington
Teague, Tex.
Waggonner

So the bill was passed.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Arends.
Mr. Waggonner with Mr. Hall.
Mr. Dent with Mr. Devine.
Mr. Cotter with Mr. McKinney.
Mr. Celler with Mr. McDonald of Michigan.
Mr. Kluczynski with Mr. Broomfield.
Mr. Holifield with Mr. Erlenborn.
Mr. Fulton with Mr. Baker.
Mr. Pickle with Mr. Esch.
Mr. Pepper with Mr. Burke of Florida.
Mr. Meeds with Mr. Schwengel.
Mr. Blanton with Mr. Fish.
Mr. Boggs with Mr. Gerald R. Ford.
Mrs. Sullivan with Mr. Mosher.
Mr. Stuckey with Mr. Perkins.
Mr. Stokes with Mr. Dowdy.
Mr. Anderson of California with Mr. Bell.
Mr. Abourezk with Mrs. Abzug.
Mr. Hawkins with Mr. Scheuer.
Mr. Carney with Mr. Metcalfe.
Mr. Diggs with Mr. Gallagher.
Mrs. Chisholm with Mrs. Griffiths.
Mr. Abernethy with Mr. Hagan.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Mollohan with Mr. Donohue.
Mr. Davis of Georgia with Mr. Dickinson.
Mr. Clark with Mr. Caffery.
Mr. Davis of South Carolina with Mr. Frey.
Mr. Alexander with Mr. Long of Louisiana.
Mr. Flood with Mr. Coughlin.
Mr. Fountain with Mr. Hastings.
Mr. Rarick with Mr. Dennis.
Mrs. Mink with Mr. Railsback.
Mr. Mathis of Georgia with Mr. Symington.
Mr. McMillan with Mr. Schmitz.
Mr. Mills of Arkansas with Mr. Downing.
Mr. Kee with Mr. Pryor of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corp of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 15586, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Tuesday, June 20, 1972, the Clerk had read through line 10, page 2 of the bill.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on Tuesday, June 20, under the rule of general debate I spoke at length on the public works and Atomic Energy Commission appropriations bill for 1973.

I went into some detail concerning the appropriations and merits of this vital and important bill.

At that time I omitted any reference to the disastrous flood at Rapid City, S. Dak. Subsequently the tropical storm Agnes has wreaked havoc in the mid-Atlantic States, triggering the worst floods in this area in the Nation's history.

Virginia, Maryland, Pennsylvania, New Jersey, New York, Delaware, and the District of Columbia have all been hard hit by devastating floods.

The latest reports indicate that 117 persons have died in this unprecedented flood in the East with thousands left homeless and property damages estimated at more than $2 billion.

I am sure it is not necessary to point out the impact of nature uncontrolled as a polluter and contaminator of the natural environment.

I am also sure it is not necessary to point out that this flood demonstrates the necessity of providing for adequate flood control to assure the protection of life and property.

In this connection, I think it is again appropriate to stress the importance of this bill as a protector of life and property throughout the United States.

In my view, these latest disastrous floods have demonstrated the necessity of strengthening existing floodwalls which have shown to be inadequate.

My committee will consider any request for supplemental appropriations to relieve the effects of this disaster as required and needed.

The Corps of Engineers has advised that their preliminary estimates are that during the recent flood disaster on the east coast—

First. The Kinzua Dam, Allegheny River, averted damages of $160 million in the areas of Pittsburgh and New Kensington, Pa., and Wheeling, W. Va. Total cost of the dam was $107 million.

Second. The Conemaugh Dam, Allegheny River, averted $200 million worth of damages in the areas of Pittsburgh and New Kensington, Pa. and Wheeling, W. Va. The total cost of the dam was $46 million.

Third. The Mount Morris Dam, Genessee River near Rochester, N.Y., averted $140 million in damages; the cost of the dam was $24 million.

Fourth. Various projects on the Lehigh River averted $25 million worth of damage.

Total $860 million.

In addition, five other projects—Bush Curwensville, and Sayers Reservoirs; and local protection projects at Williamsport and Sunbury, Pa.—averted damages of $360 million. The total cost of these works was $80 million.

Mr. ROBISON of New York. Mr. Chairman, will the distinguished gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from New York.

Mr. ROBISON of New York. I should like to congratulate the distinguished gentleman, the chairman of our subcommittee, for the statement he has just made.

I am probably one of several Members of this House who, over the past weekend, returned to their home districts to see the actual amount and extent of the devastation which followed in the wake of "Agnes" this past week and continued into the weekend.

The area in my part of upstate New York, particularly the cities of Corning and Elmira, were especially badly hit, as reported in the press, with loss of life and destruction of property which will obviously cost millions of dollars to repair or restore.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

Mr. ROBISON of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to complete my statement.

Mr. Chairman, the Chemung River, a tributary of the Susquehanna River flows through Corning and Elmira. On that river there is a flood prevention structure under construction, in the northern part of Pennsylvania, to be known as the Tioga-Hammond Reservoir. I wish there were additional money in this bill before us to further accelerate the construction of that reservoir, because if it had been in existence at the time of this flood there would not have been anywhere near this amount of damage, and perhaps no damage at all, to these communities. The $10.8 million in the bill before us for this particular reservoir represents, however, the full capability of the Corps of Engineers. I merely wish to express the hope, for the record, that the Corps will keep this project in mind and appreciate more than it has, perhaps, in the past, the now demonstrated and re-demonstrated need for this particular flood prevention project, and will do all it can in future years to accelerate its construction.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Arizona.

Mr. RHODES. I should like to say to my good friend the gentleman from New York, and to the chairman of the subcommittee, that I associate my remarks of both gentlemen concerning the effectiveness of the structures which have been completed. I join in the remarks of my friend from New York, in being sorry that perhaps some projects have not now been completed.

In Arizona we had 160 days without rain. Then mother nature tried to make up for it all in one day. As a result there were disastrous floods in the Phoenix and Scottsdale areas. The flood at Scottsdale would have been contained largely by the Indian Bend Wash flood control project, had the project been completed.

The Arizona Canal, a part of the Salt River Project system, helps carry off flood waters, but in this instance could not carry them off fast enough. The waters broke over the canal and flooded the north central area of the city of Phoenix.

There again, if Cave Creek Dam, also in the planning stage in this bill, had been constructed, this probably would not have happened.

The bill we have before us today is extremely important to all parts of the country, and I hope we can proceed with expedition to pass it.

Mr. ROBISON of New York. I thank the gentleman.

Mr. CONOVER. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Pennsylvania.

Mr. CONOVER. I thank the gentleman for yielding.

I should like to say to the chairman of the subcommittee, I have just returned from Pittsburgh. I believe the comments he made about the projects in Pittsburgh and the vicinity are very appropriate, and those projects have reduced the amount of damage. It is estimated that without those projects the flood would have been about 3 feet higher than the 1936 flood. It crested at approximately 37 feet, in this flood.

I should like to compliment the gentleman on his comments, and I hope we can continue our review of flood control projects which I hope will avoid any future situation in southwestern Pennsylvania similar to those of 1936 and the recent damage caused by Hurricane Agnes.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to commend the committee for including in the bill substantial funds for flood control on the Missouri and Big Sioux Rivers which affect my hometown of Sioux City. We have had disastrous floods there in the past, but fortunately they are not occurring in that part of the country right now, thanks in part to the good foresight that this committee has shown in providing adequate funds for flood control and abatement.

Mr. Chairman, I am pleased that the administration and the House Appropriations Committee would provide $78,000 for this next fiscal year for Army Corps of Engineers planning toward solution of flood control problems engendered by the lower Big Sioux River at my hometown of Sioux City, Iowa, and its South Dakota environs. There is no question but that the history of disastrous floods in the lower Big Sioux River Basin and the tragic experiences of the hapless victims of this flooding more than amply justifies this expenditure. Although this year those living in the area of the Big Sioux River have so far been fortunate in not having the torrential rains and conditions which brought tragedy to our good neighbors in western South Dakota, there is no guarantee that the Big Sioux River, if not tamed, will not soon again surge out of its banks and wreak havoc upon all in its path.

The tragedies caused by the torrential flooding in recent weeks at Rapid City, S. Dak., and in Metropolitan Washington and other parts of the eastern seaboard must surely have persuaded all in this Chamber of the urgent need for stepping up flood control planning and construction to help prevent such disasters in the future. We can ill afford to ignore this pressing problem. Appropriate solutions are within our grasp within the foreseeable future if only we continue to allocate the needed funds for flood control and assign to such projects higher priority than any other public works programs.

I commend the administration and the committee also for providing $10,000 for general investigations and study regarding flood control for the Little Sioux River, another northwest Iowa tributary of the Missouri River capable of tremendous destructive power if left unleashed. I know those living in the basin of the Little Sioux, a beautiful and fertile valley in normal times, will appreciate this consideration of their need for assistance to assure protection of their homes, farms, and businesses.

The administration requested and the committee fully provided in its wisdom the $1,675,000 required to continue construction of flood control projects affecting the Missouri River. I strongly approve this action, and the further action taken by the committee providing the $10,300,000 requested for the improvement of navigation on the Missouri River between the Port of Sioux City and the mouth of the Missouri. The Army Corps of Engineers over the years through its persistent and dedicated efforts has to a great extent tamed the wild Missouri, making disastrous floods largely a thing of the past—this work must not be abandoned.

Mounting inadequacies of railroad transportation and recurrent problems of boxcar shortages at harvest time, together with vast export market opportunities abroad for corn, soybeans, and other produce of northwest Iowa and other Missouri River Basin areas served by the Port of Sioux City, have made it increasingly important that water routes to the Midwest, particularly between the Port of Sioux City and the Gulf of Mexico, be maintained and improved. The export trade flowing through this already important and thriving river port has contributed massively to the improvement of our balance-of-payments picture. The future of the Port of Sioux City may well be assured by the funds which the administration and the committee have provided in the present bill for Missouri River navigation programs.

In this connection, I am pleased to take this opportunity to invite all my colleagues, but most particularly those serving on the House Appropriations Committee Subcommittee on Public Works Appropriations, to participate in the annual Rivercade celebration beginning July 26 at Sioux City. There you will readily observe the great extent to which opening the Missouri River to navigation has already contributed to the continuing economic prosperity of an area which otherwise would be painfully caught in the pinch of diminishing access to adequate transportation.

Certainly the committee's direction to the Army Corps of Engineers, that the corps consult with the Tribal Council in an effort to work out a mutually acceptable plan of action before any construction is initiated regarding the proposed Snyder-Winnebago recreation project, is appropriate. Every effort should be made in every project to consult with all persons and parties affected.

In general, I believe the various flood control and navigation projects contemplated in the bill and report are justified. Growing needs for energy to meet industrial needs and home consumption can be met at least partially through hydroelectric and nuclear power generation capabilities proposed in the bill, subject to appropriate safeguards to negate or lessen impact on the environment.

However, I seriously question the wisdom of funding the several very substantial Bureau of Reclamation irrigation projects proposed in this bill. These projects would add countless acres of irrigated cropland to the present surplus of tillable acres, in subsidized competition with northwest Iowa farmers and other farmers who have voluntarily cooperated in the feed grain program's retirement of land from production. This does not make good sense in my opinion and that of millions of farmers and taxpayers throughout this Nation.

No land receiving irrigation through these Federal projects should be able to enter into production of crops already in surplus or near surplus. Bureau of Reclamation programs should not become a vehicle for moving the Corn Belt artificially from those areas best adapted by nature to the raising of feed grains, and as the fertile, unirrigated farms of northwest Iowa, farms dependent on God's providence and not on taxpayer-subsidized irrigation. I seriously question whether there is any real national interest in the false economy proposed by these Bureau of Reclamation irrigation projects. In many cases they do irrevocable damage to our environment, bury some of our Nation's most beautiful natural wonders under the muck of irrigation reservoirs, wash away the soil cover and pollute the rivers and lakes with salts and alkali. I do not believe many of these irrigation projects will produce any short- or long-term benefits which can equal their high cost and detrimental effects.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise once again in strong support of the Public Works Appropriations bill for fiscal year 1973. I reviewed the basis for my approval of this legislation in some depth during debate last week. Since that time, however, much of the Eastern Seaboard has been hit hard by severe flooding caused by heavy rains.

It is extremely regretable that it takes a major disaster of this magnitude to focus some people's attention on the need for adequate and foresighted flood control and water conservation planning.

For years I have witnessed the aftereffects of these natural disasters and have on each occasion urged the completion of an integrated, comprehensive flood control and water conservation plan for every river basin in the country. But, on each occasion and with each passing day the memory of the devastation fades and with it goes the impetus for constructive action.

Many are willing to expend billions after the fact for repair and restoration but give no consideration or, in fact, oppose the expenditure of only millions—or even thousands—for prevention. In this particular instance, if ever a cliche was true it is that "an ounce of prevention is worth a pound of cure."

At the present time there are 117 dead and 112,000 homeless in this most recent flooding. According to early reports, property damage in Pennsylvania alone has exceeded $1 billion.

These incredible damage costs justify our Government assisted flood insurance concept and our comprehensive disaster relief program. Both of these measures have been enacted by the Congress but the basic solution—flood control and water conservation—remains a budgetary stepchild.

The committee report on the bill before us points out that only 25 of 127 flood control or related projects ready for construction can be funded in the coming year. In addition, planning starts for only 31 of a backlog of 185 can be funded.

Preventing floods requires a carefully formulated combination of flood plain management, major reservoirs, smaller impoundments, estuarine improvements, development prohibtions, and many other actions.

In many river basins the river can, and should, be left as it is. In others, flood protection is desperately needed and a plan should be adopted. In any event, planning should begin now.

I believe the Subcommittee on Public Works has come up with and excellent bill but, as I have said, last week's major flood shows clearly the scope of the task that lies before us.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—ATOMIC ENERGY COMMISSION

Operating Expenses

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; hiring, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair and cleaning uniforms; official entertainment expenses (not to exceed $30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; $2,129,000,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That of such amount $100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

AMENDMENT OFFERED BY MR. DOW

Mr. DOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dow: On page 2, lines 21 and 22, strike "$2,129,000,000" and insert in lieu thereof "$2,079,000,000".

Mr. DOW. Mr. Chairman, the amendment I am offering would delete $50 million in the appropriation which is authorized for the liquid metal fast breeder reactor—LMFBR—demonstration project. This item is referred to on page 5 of the committee's report. I am not attempting to reduce the $131.5 million in the bill for LMFBR research which we already debated during the authorization process on June 7.

The LMFBR has been hailed as the answer to our energy shortage problems. It is argued that the predicted national uranium shortage will be avoided, because the LMFBR will produce more fuel than it consumes. Great savings have been projected.

The negative side of the picture, however, should make us stop dead in our tracks and reassess our entire program for developing future energy resources.

The switch to LMFBR's will lead to a tremendous increase in the Nation's production of plutonium, one of the most toxic substances known to man.

It is unanimously agreed that fusion reactors will be preferable to LMFBR's when they are developed.

We are committing the Nation to LMFBR's when their feasibility has not been fully established.

The toxicity of plutonium, considered by itself, should make us very wary of a switch to plutonium energy production. An impressive list of America's foremost scientists, including several Nobel laureates, have warned us of the hazards involved. As long as these eminent men express such doubt, the LFMBR should be held in limbo and the doubt resolved before going ahead.

Plutonium has a half-life of 24,000 years. It takes half a million years to decay to an innocuous level. The persistence of this substance in the environment is said to exceed any of the chemicals or elements we have ever worked with on a large scale. The amount of plutonium now produced in the Nation annually is measured in kilograms. AEC projects that 30 tons will be produced annually by 1980, and by the year 2000, 100 tons will be produced annually. This will add up to millions of pounds of material that will be extremely deadly so far into the future that it is impossible for the ordinary mind to comprehend the danger.

Plutonium is so deadly that one-millionth of a gram has caused cancer in mice. Similar amounts injected into dogs created a high incidence of bone cancer, one of the most painful and incurable forms of this dread disease. Plutonium is not soluble; as a consequence, it cannot be diluted in the environment or a living organism. Plutonium is eliminated so slowly from the body that as much as 80 percent will still be there after 50 years.

At the present time, the permissable concentration of plutonium in the air is about one part per million billion. A particle of plutonium the size of a pollen grain can remain suspended in the air for a very long period of time. If inhaled, a tiny particle such as this would pose a threat of lung cancer.

It is true that we do handle plutonium now and even ship it for long distances, but nothing done presently even approaches the scale of transportation and production contemplated with a plutonium energy economy. Right now we make about 100 shipments per year of spent radioactive material. By the year 2000, we will have 20,000 shipments per year. We are multiplying the chance of an accident by a factor of 200.

In addition to the chance of accident, we are greatly increasing the risk of unauthorized diversion or sabotage. It only takes a few kilograms to provide the raw material for an explosive device. The Nuclear Materials and Equipment Corp.—NUMEC—over several years of operation, was unable to account for 6 percent, or 100 kilograms, of highly enriched uranium that passed through its plant. A number of misroutings of nuclear material has already occurred. Crime in interstate commerce is notorious. Consider, for a moment, that plutonium, at a present price of $10,000 a kilogram, is five times more costly than heroin, and 10 times as costly as gold.

With 100 tons transported in 20,000 shipments per year, you do not need a very fertile imagination to consider the possibilities for unauthorized diversion. AEC has conceded that, at the very best, losses can be limited to 1 percent. We will have to do better than that, or there will be 1 ton of plutonium unaccounted for every year by the year 2000.

I do not see why we must be so committed to the plutonium energy economy. We are running low on uranium to fuel our existing light water reactors, but we will have plenty enough to last into the next century. Long before that, we should be able to develop a fusion reactor technology which is much cleaner and efficient. Everyone agrees that we should eventually switch to fusion reactors, so why should we sink $3 or $4 billion into development of a reactor that will become obsolete? I would like to offer an amendment on the positive side to increase funding for the fusion process but that option was foreclosed when we sought to do just that in the related authorization bill.

Moreover, the feasibility of LMFBR's has not been firmly established. The first attempt to build a commercial LMFBR power plant, the Enrico Fermi nuclear powerplant near Detroit, has not succeeded in producing more than a trickle of electric power, and a fossil-fueled plant had to be built to supplement it. It was shut down in 1966 after a core melt-down accident, and its license expired in February of this year. Experimental Breeder Reactor I—EBR I—went into operation in 1951 and melted down in 1955 due to an operator's mistake. Finally, testing of the LMFBR's component parts has not been completed. Appropriations for such a facility were begun in 1967, and it will not be completed until June or July 1974. The LMFBR operates at a temperature quite close to the melting point of its component parts, and is more difficult to control for that reason. Moreover, recent studies indicate that the stainless steel portions of the reactor swell due to radiation bombardment, and the implications of this discovery have yet to be fully assessed.

I think we ought to delay this project, and not put so much emphasis on the LMFBR to meet our future power needs. Other nations are proceeding with the development of the LMFBR, and it has been argued that we ought keep ahead of these nations. If we really want to be ahead we should concentrate on fusion, which everyone agrees is the power source of the future. We should not allow the LMFBR, a questionable endeavor, to gather so much momentum that our course is irreversible and our work toward fusion is neglected.

In a memorandum to Senator GRAVEL, Hannes Alfven, winner of the 1970 Nobel Prize for physics, stated that—

> In my opinion, a solution of the fusion problem is less distant today than the moon was when the Apollo project was started.

He stated that, although there were serious problems to be overcome in fusion technology, there was no fundamental obstacle.

In testimony before the Joint Committee on Atomic Energy, Dr. Roy Gould, AEC's Assistant Director of Reactor Reseach, stated that a strong financial commitment would create a high probability of scientific feasibility for fusion in the 1970's.

At best, LMFBR's will not begin to function in any significant number until 1985 or later. With the proper amount of research and funding, we could probably have fusion power on a large scale by the end of the century. With fusion so close, we should not fund an interim power source that will leave a permanent legacy of deadly waste. The demonstration project should be delayed until we have a total assessment of all the technologies that will best meet our future power needs, and the feasibility and safety of any program fully established before we proceed with a multibillion dollar commitment.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. DOW. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman, I rise in support of Mr. Dow's amendment to delete the funds for the LMFBR demonstration plant until an independent assessment of this technology taking into consideration other energy options is completed. There are many aspects of the LMFBR project that disturb me. There have been questions raised about this project's environmental, technological, and safety hazards by a group of over 30 prominent scientists, including the noted physicist, Dr. Donald Geesemen, of Lawrence Livermore Radiological Laboratory. The 1970 Nobel Prize winner in physics, Dr. Hans Olof Alfven, has released a statement known as the "Alfven Memorandum" in opposition to the LMFBR technology. The AEC's uranium reserve estimates have been brought into question by the Edison Electric Institute, the Kerr-McGee Corp., and the new Energy Forms Task Force of the National Petroleum Council. Without a uranium reserve incentive, there is no reason to push rapidly ahead with this project. With ample supplies of uranium, we have the time to wait until the feasibility of fusion is established before we push forward with a new nuclear energy initiative.

The priority of this initiative is very much a major point to consider in this situation. Dr. Gould of the AEC believes that with a high funding priority, the scientific feasibility of fusion could be established by 1977. I see no reason for us not to wait. The LMFBR will not be giving us a significant amount of electricity until 1995 if all goes well. We could have fusion power by 2000 or 2010. Why are we funding an interim power source which will leave us with a permanent legacy of radioactive wastes?

I urge my colleagues to withhold the funds for the LMFBR demonstration plant until we have the answer to the fusion question and until this project has been evaluated by an impartial panel of experts.

Mr. EVINS of Tennessee. Mr. Chairman I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New York wants to strike out $50 million for the liquid metal fast breeder reactor program.

May I say, this Nation is confronted with a power crisis. Leaders in key positions in the energy field have warned repeatedly that many areas of the Nation this summer may face blackouts and serious brownouts.

Chairman Schlesinger of the Atomic Energy Commission testified to this fact. Chairman Nassikas of the Federal Power Commission, Chairman Wagner of the Tennessee Valley Authority, and leaders in the private power industry have all warned of this potential danger.

We must develop more efficient sources of power. With only a few hydroelectric sites remaining available in the Nation—and with fossil fuels limited—the LMFBR appears to offer the best opportunity for safe, clean, efficient, and abundant electric power.

This reactor will utilize uranium 40 times more efficiently than today's light water nuclear plants.

The President in a special message to the Congress recommended high priority for the fast breeder technology.

The President recommended $100 million for a demonstration project. Fifty million dollars has already been appropriated and this bill will provide the remaining $50 million for the demonstration project.

The demonstration plant has been approved by the Joint Committee on Atomic Energy. The amount has been recommended by the President and these funds have been approved by the Committee on Appropriations.

With reference to the technical and economic aspects pointed out by the gentleman from New York (Mr. Dow), I would say the only way to determine these factors and the only way to get the information is to build the demonstration plant and to secure the facts through research and development.

The bill does not commit this Nation to a $4 billion or $5 billion investment, as was stated, but only the $100 million that the President recommended.

The gentleman from New York (Mr. Dow) refers to fusion in his "Dear Colleague" letter circulated to Members. Fusion power is way down the road.

Testimony before our committee, Dr. Gould, of AEC, indicated that fusion power will not be available before the year 2000 or beyond. With the current power crisis facing this Nation, we cannot wait that length of time. We face a power crisis, and we should go forward with this LMFBR technology. I recommend defeat of the amendment.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I thank my colleague for yielding. Nobody has been more critical of the AEC than I have been over the years, but in this instance I rise in opposition to the Dow amendment. We should build a plant that will really test the technology that has been developed up until now. If we do not do so, all the money that we have spent in experiments until now will have been wasted. I urge defeat of the amendment.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from New York would eliminate appropriations requested for this Nation's first liquid metal fast breeder demonstration reactor.

Much can be said about the importance of this project to our national effort to meet our future energy needs. I would like to point out that the Joint Committee on Atomic Energy, of which I have the honor to serve as vice chairman, has been studying for well over a decade the potential contribution which nuclear power and other energy sources can make toward solving the energy needs of our future generations. The committee's review has been founded upon comprehensive studies within the executive branch which have collated and evaluated the data, the research, and the judgments of the major Federal agencies having expertise in the various energy fields. The judgments, made years ago, have produced carefully considered programs which are already underway and are vital to future progress in this important endeavor.

The Joint Committee on Atomic Energy has oversight and authorizing responsibility with respect to the programs conducted by the Atomic Energy Commission. We have fully supported the scope, the objectives and the plans which form this country's liquid metal fast breeder reactor program. President Nixon has designated the development of the breeder reactor as a national program of highest priority and has established the goal of achieving a successful demonstration breeder by 1980. I am pleased to note that the Appropriations Committee of this body has consistently supported this program and provided the necessary funds to permit it to proceed at an appropriate pace. Our colleagues on the Appropriations Committee have given careful study to this program and I would be reluctant to see any modifications made which did not represent a carefully considered, well-thought-out appraisal of the impact which those modifications could have on the program.

The LMFBR research program is now over 20 years in being. It has been supported to the extent of some $800 million. Experimental reactors of this type have been operating since 1951 when ERB–I was started up—and, by the way, that was the first generation of electricity by any type of nuclear reactor in the world. That reactor demonstrated the feasibility of breeding in 1953. Since then we have had the EBR–II started in 1963 and the SEFOR—Southwest experimental fast oxide reactor—in 1969. The first, small, central station type liquid metal breeder, Enrico Fermi atomic powerplant unit 1, was started in 1963 under the power demonstration program and it generated approximately 60 megawatts of electricty. We are now undertaking the demonstration of a commercial size breeder—the goal of this 20 years of research. The very questions being raised by the proponents of the amendments are those which this demonstration plant is designed to answer.

I urge my colleagues not to send this research program to purgatory—not to resort to the bromide of bureaucracy by avoiding decision for yet more study. I urge defeat of the amendment.

Individual Members of this body in recent years have urged that funds be provided to exploit the possibilities of various new sources of electrical energy—fusion, wind power, solar power, ocean thermal gradients, tidal power, photosynthesis, and the like.

Our need for energy is so great and the provision of that energy is so vital to our national well-being that we must utilize all practicable means of meeting those needs. I do not scoff at the possibility that a form of energy other than fossil fuel, nuclear fuel, or hydropower will some day make a significant contribution. I do urge, however, that every Member of this body recognize that it does require a great deal more than simply a provision of funds to achieve a device or technique which will contribute to the solution of the problems now before us. Certainly, time is a factor ignored by those who recommend the exploitation of the various energy forms and energy converters which I have already enumerated. We cannot overnight demonstrate the scientific feasibility, the practicability, and the economic attractiveness of fusion, magneto-hydrodynamics, harnessing the gulf stream, or satellite-borne solar collectors microwaving energy into Times Square. We need research and development at a studied pace in all areas which show reasonable promise of success.

The Federal energy R. & D. funding picture for other than the LMFBR program is far from discouraging. An examination shows that during the past 5-year period the following percentage increases are evident:

	Percent
Coal Resources Development	+305
Fusion	+100
Petroleum and Natural Gas	+93

The appropriations request now before us contains $50 million intended for a portion of the Federal assistance to be provided for the first demonstration fast breeder reactor—the total amount authorized in prior years for this demonstration project is $100 million. The funds requested are needed to keep this program going at a pace which should make it possible to meet the goal established in June of last year by President Nixon to have a demonstration fast breeder reactor on the line by 1980. Time is already short, we must continue to move ahead without delay.

It is anticipated that liquid metal fast breeder reactor plants will begin to come on the line in increasing numbers late in the 1980's and throughout the 1990's. The expectation is that by the year 2000 one-half of this country's electric generation will be in the form of reactor powerplants and many of these will be breeder reactors.

The breeder reactor, as has been stated many times, has been demonstrated to have the capability of producing more nuclear fuel than it consumes. This attribute will extend the energy capability of our uranium resources from a few decades to centuries. It is our responsibility in this body to authorize and appropriate funds for programs which have far reaching impact. Our judgment should be based upon the very best information, counsel, and advice we can obtain. We should not shoot from the hip hoping that somehow we will hit the right target.

I urge rejection of the amendment.

I should like to make one additional—and very fundamental—point. The proponents of the amendment state in their letter of June 20 to the Members of this body:

> We will not attempt to delete research funds, but only those appropriations for the demonstration project.

I am compelled to inquire, what is a demonstration project if not the last step in and the culmination of a research program—that final portion of research effort without which all of the labor, all of the funding, all of the plans are relegated to limbo. This assertion by the proponents of the amendment is tantamount to advocating that research for research's sake is justifiable, but research for the purpose of developing and testing and proving the usefulness of a real machine is not what the Congress had in mind when it authorized this LMFBR demonstration powerplant 2 years ago in the AEC authorization act for fiscal year 1971—Public Law 91-273.

Such an assertion is astounding. I cannot imagine that any Member of the Congress supported a program of research with the thought that it should never be applied in a practical sense, and the capacity to make such a practical application is not developed without the final phase of the research—the demonstration plant.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Does the gentleman feel that the best way to get the facts and the information needed for analysis is to have the demonstration plant itself?

Mr. PRICE of Illinois. That is the only way we are going to get the information. The gentleman from New York himself said he supports the research in this area. You are not going to get the answer, no matter how much book research you do, unless you do build a demonstration plant. A demonstration plant is the essential part of any reactor research program.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from New York.

Mr. DOW. I am fearful that we will put our eggs in this one basket of the fast breeder reactor and come down the road 10 years from now and find out that it is unsafe.

It is a hazard, because there will be less of plutonium around, not just the grams we have today, and then where will we be if we have not put more emphasis on the much better prospects inherent in the fusion process?

Mr. PRICE of Illinois. We are not placing all our eggs in one basket. I think the gentleman from New York recognizes that fact. For 20 years we have been researching the fusion process. We are 10 years away from proving the feasibility of the fusion process, and maybe it would not be until the year 2000, after we prove feasibility before we have it available. I will say to the gentleman that we have appropriated millions in fusion research and we have increased our efforts about 100 percent in the last year.

Our distinguished colleagues who would scuttle the LMFBR demonstration project while searching madly for other methods of generating electricity have not done their homework with regard to fusion as the means to alleviate the forthcoming energy crunch. They have stated only a very small part of what will be necessary to have fusion providing electricity for the United States. In their "Dear Colleague" letter of June 20, they stated that Dr. Gould, who is Director of the Atomic Energy Commission's Division of Controlled Thermonuclear Research, stated that the scientific feasibility phase, the so-called "break even" experiment, could be demonstrated by 1977. For the edification of those present, I would like to explain that the demonstration of scientific feasibility requires that a gas be heated to a temperature near 100 million degrees; that this gas be dense enough to represent a current of 1 million amperes or more; and that this hot, dense gas be held together for the significant portion of a second so that the fusion reaction can take place.

Let me tell you what Dr. Gould said at the joint committee hearings, which were held November 10 and 11, 1971, on controlled thermonuclear research in the United States. Dr. Gould stated that should the Congress approve a significantly expanded program for CTR, an expenditure of $559 million from fiscal year 1973 through 1980, he was fairly certain that scientific feasibility could be demonstrated. If the Congress was willing to go all out and appropriate almost $900 million between 1973 and 1977, there was a probability that scientific feasibility might be demonstrated by 1977.

But where are we when we have this demonstration of scientific feasibility? Our distinguished colleagues who are against the LMFBR failed to inform you that two additional research phases will still be necessary before CTR will be providing electrical energy in the United States. After scientific feasibility, it will be necessary to develop an experimental reactor which will provide a net output of energy. This demonstration will take the program well into the 1980's. After the experimental reactor proves successful, it will still be necessary to build prototype or demonstration reactors to prove the economics of the system. The best estimates of the experts who testified before the Joint Committee was that this would not take place before the time period of 1995 to the year 2000. I would ask my distinguished colleague what we will use for electricity so that we can conduct experiments if the breeder program does not come to fruition.

I urge that the amendment be rejected.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope this amendment will not be adopted. The liquid metal fast breeder reactor is a most important mechanism for the future welfare not only of the people of this country, but also for the economy of the country. As is well known, there are studies that the Federal Power Commission has made recently which indicate we face an imminent power shortage in this country. We face brownouts and sometimes even blackouts, and some of them may occur in certain parts of the country this year. It would be well if we could have this liquid metal fast breeder reactor ready right now, but we do not have it. But let us do all we can to make sure it is on the line as soon as possible.

Mr. Chairman, this device will allow the consumption of uranium at a rate 40 times as efficient as is the case in the most efficient reactor we have now in operation. We do not have enough uranium in this part of the world to provide for all our needs at the rate of efficiency at which we are now using it, so it becomes necessary for us to be more efficient. The liquid metal fast breeder reactor allows us to do that. The gentleman from New York, I think, has an anachronistic position here. He is saying he is going to strike the demonstration plant because he feels there will be too much plutonium created, and yet he is not striking the amount of money which is in for research for the liquid metal fast breeder reactor. It seems to me if plutonium is such a terribly bad thing, we should not be even conducting research to complete a reactor which will result in more plutonium being created from the U^{238} which is in the reactor. The credibility of the movement to take this money out, I think, suffers rather heavily from this very fact.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from New York.

Mr. DOW. Mr. Chairman, we intended to take out the research money in the authorization bill, and since we were thwarted in that endeavor, we have turned to the demonstration project.

Mr. RHODES. The gentleman knows perfectly well plutonium is plutonium, and if it is bad in a demonstration plant, it is bad as far as research is concerned.

The gentleman has also made some very simplistic statements concerning the fusion process. To hear the debate on the floor today, we would assume the fusion process is going to be available the day after tomorrow, if we just spend more money on it. Those unfortunately are not the facts. I would agree with the gentleman that the best means for producing power for the distant future of this country and for the world will be in the fusion process, but it is not ready, and it is not going to be ready for the foreseeable future.

The state of the art has just not advanced that far. We hope it will. We are spending more mony in this bill for the fusion process than ever before. There is $38 million, compared to $31 million last year. We have told the Atomic Energy Commission year after year that if they can spend more money and do it efficiently to hasten the day we have the fusion process completed, we will give them the money. They have not been able to do that as yet, and there is not any reason to believe they are going to be able to complete this process much before the year 2000.

Mr. Chairman, we just cannot wait for the year 2000 to begin to supply the electric energy which this country will need long before that time.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I will be glad to yield.

Mr. DOW. I am in confusion about the fusion process, because on the one hand, I hear we are working on it, and spending money on it, yet other speakers on the gentleman's side of this issue have said it is way down the track, years away, to the year 2000.

Mr. RHODES. That is what I have said.

Mr. DOW. Which is it?

Mr. RHODES. Those statements are not contradictory.

Mr. DOW. What is the status of the fusion process today?

The CHAIRMAN. The time belongs to the gentleman from Arizona.

Mr. RHODES. Those statements are not contradictory. The gentleman is confused, as he said he was. We are working on the process and hope for success, but it has not yet occurred.

Mr. DOW. Will the gentleman yield further?

Mr. RHODES. Yes. Certainly.

Mr. DOW. I want to apologize. I understood the gentleman yielded to me, and I hope that the Chairman will understand that I thought he had yielded to me. I did not intend to usurp his time.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in relation to the question that was just posed as to when fusion technology might on an economic scale be available to produce kilowatts in the United States, I would say to the gentleman from New York that in careful hearings last November held by the Joint Committee on Atomic Energy addressed to that precise question we asked most of the greatest experts on the subject in the United States to come to the hearing room here in the Capitol and tell us when this could be expected.

Their universal answer was the year 2000 as a beginning, and they added this qualification: that if you spent untold billions of dollars, you might accelerate that date by perhaps as much as 10 years. That would bring you to the year 1990 for this fusion process at the absolute earliest.

In the meantime this country requires all of the kilowatts that it is now capable of producing, and each day, each month, each year it requires more. Our usual conventional sources of energy are finding it difficult to supply the new and additional electrical generating capability. We are starting to depend heavily upon overseas petroleum and we are having problems in the coal mines getting out low-sulphur coal which is compatible with producing electric kilowatts without at the same time contaminating the environment.

Mr. DOW. Will the gentleman yield?

Mr. HOSMER. So at this period of time between now and when this fusion process can come into being there has to be some kind of a rational system in addition to what we have now of generating kilowatts. This gap is at least 20 years wide and, as a practical matter, probably much wider.

Throughout many years of study both in the United States and abroad the liquid metal fast breeder reactor has been decided upon by men of wisdom on this side of the Iron Curtain and on the other side of the Iron Curtain as the most likely prospect for filling this gap and producing these necessary kilowatts.

Today we are at the stage of putting $50 million up to demonstrate the feasibility of this particular process that has been agreed upon.

There could be alternate ways of generating these needed kilowatts with different kinds of breeder reactors. There are such possibilities as the light water breeder reactor, the molten salt breeder reactor, and the high-temperature gas pool. These are good possibilities but none of them is by no means as good a possibility as the liquid metal fast breeder reactor. That is why we are betting on it primarily and covering our bets by continued research and development in these other technologies.

Going ahead with the LMFBR is the only sensible thing we can do unless we want to surrender our modern world to the antitechnologists, turn back the clock to the dark ages, and forget about the modern, energy-dependent economic society we now enjoy and simply revert to some totally different and primitive kind of life.

This is the decision that the Dow amendment is posing to this body today. To stop the breeder would be the signal to stop other things too. Are we going to forget about technology and go back to a different, a pretechnology type of existence? I do not think you want to do that.

Nor do I think you would particularly want for the totally specious reasons stated by the gentleman from New York (Mr. DOW) concerning plutonium. Plutonium already is being manufactured in quantity in the light water reactors we have today. There is plenty of it around. If there is a proliferation problem or a toxicity problem it has certainly not been created nor will it be intensified by the fast breeder reactors. Rather, it will probably be minimized by them because plutonium is valuable for a peaceful purpose, namely the production of energy. When we have the breeders, plutonium will find its way inside reactors. It will not be stored and be laying around some place to cause proliferation or public health problems.

I urge defeat of the amendment.

Mr. McCORMACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I shall be glad to yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, I rise in opposition to the amendment to delete funds for the liquid metal fast breeder reactor demonstration plant.

This demonstration plant is an integral part of the Commission's research and development program. The engineering accomplishment of a demonstration project is an inherent part of any development program. If this project is slowed or eliminated, the entire program of developing this needed new resource for energy production will suffer.

It has been alleged that the safety aspects of the breeder give cause for alarm. I know from personal study of the Commission's reactor safety program over the years, including visits to remote sites where safety experiments are conducted, that safety has been of paramount importance in the breeder development program. Much of this work has been done at the National Reactor Testing Station in Idaho. It was there that in 1953 the feasibility of the breeding reaction was first achieved in the EBR–I reactor. The TREAT reactor, also at NRTS, was instrumental in providing valuable data on the safety of breeder fuel. The SEFOR reactor, in Arkansas, was built and operated solely for the purpose of proving the inherent shutdown capability of the breeder through the demonstration of a negative doppler coefficient.

Let me list some of the other factors under study by the Commission which form the basis for my belief that breeder reactor safety design is receiving the utmost in consideration:

First. Incorporation of intrinsic design features, protection against minor incidents, prevention of major failures.

Second. Capability for inspection and maintenance of systems and components.

Third. Capability to detect and locate failed fuel assemblies—outlet instrumentation on fuel assemblies—design features to avoid flow blockage.

Fourth. Control and protection equipment testable during full load operation.

Fifth. Use of nationally recognized codes and standards.

Sixth. Use of three piped loops with loop isolation provisions.

Seventh. Emergency cooling through natural circulation in primary system.

Eighth. Two independent shutdown systems with diverse location and configuration.

Ninth. Use of inerted equipment cells and gastight, steel-lined reinforced concrete containment building to provide a two barrier containment system.

There has been much said about the toxicity of plutonium. It is highly toxic, no one denies that. But, we have been handling it for 25 years in this country in a variety of forms. We have this experience both in our nuclear weapons program and in our civilian reactor program. Naturally, we will need to continue to exercise a high degree of care and engineering expertise in the design and operation of nuclear facilities which utilize plutonium.

In summary, the Commission and the participants in the demonstration breeder project are fully cognizant of the need to develop a safe, reliable reactor plant which will assure proper protection of the public health and safety and the environment.

I urge rejection of the amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to take this time to express my support for the defeat of the amendment offered by the distinguished gentleman from New York (Mr. DOW).

I suggest, Mr. Chairman, that our colleagues pay particular attention to the remarks of the chairman of the Subcommittee on Public Works (Mr. EVINS) and the gentleman from Arizona (Mr. RHODES) who have been holding hearings on this appropriation for about 5 months.

In addition, we should note well the views of two leading congressional experts on this subject, the gentleman from California (Mr. HOSMER) and the gentleman from Washington (Mr. McCORMACK) who is a nuclear physicist.

Based upon the research I have conducted both on my own and with the Committee on Interior and Insular Affairs, of which I am a member, I am of the very strong conviction that we cannot postpone the President's recommendation for the necessary research and development of pilot breeder reactor plants.

While others more technically qualified can discuss this question in more depth, it is my understanding that the overwhelming percentage of scientists are in accord with the President's recommendation and the committee's decision on this matter.

We must develop and demonstrate the scientific feasibility now because it will obvoiusly require a long leadtime to accomplish.

Questions of safety have quite rightly been raised by those who would have us limit our energy capacity and capability. However, the overwhelming preponderance of the evidence anyone has yet to offer clearly shows that safety has been and can be expected to be the primary concern of those in the nuclear energy field.

The greatness of America is due in part to a cheap, bountiful supply of electrical energy. Every aspect of American society and culture is served and enhanced by electricity. Furthermore, atomic energy is the least damaging to our environment.

Increasing utilization of nuclear power is inevitable and we must now move to make certain that all the basic research and development is concluded at an early date so we can make our future decisions on the basis of firm scientific knowledge.

The Dow amendment would nullify this effort and should be soundly defeated.

Mr. McCORMACK. Mr. Chairman, I should like to speak directly to the sponsors and supporters of this amendment concerning several points that have been made here today. Perhaps I can take this opportunity to clear up a little confusion that may exist in your minds. Some of my statement will be repetitious, but let us make these points once more, just for clarification. There are many tons of plutonium in existence today, and more is being manufactured every day. It has been manufactured for the last 25 years. It will continue to be manufactured by our light water reactors, and every reactor that operates. The proper care of plutonium is simply a matter of responsible engineering.

We have demonstrated, under the guidance and regulations of the Atomic Energy Commission that we can manage plutonium. It does not create any problem that cannot be solved by good sense and responsible engineering.

The second asks why we should develop the breeder. The answer to that is really quite simple. Based on what we know today, we need the breeder reactor to provide us with adequate fuel to give us the energy we need during the late years of the century. If we do not have the breeder, we are in serious danger of having to burn up virtually all the fossil fuels we have in this country, and use up most of our uranium resources just to provide the energy we need between now and the year 2000.

Speaking to the schedule for the development of the fusion reactor, Congressman Dow has quoted the statement that scientific feasibility may be demonstrated in the 1970's. I agree. I hope we can make it. If we can demonstrate scientific feasibility for a fusion reaction during the seventies, then we can hope that we can have electricity from fusion by the year 2000; but it will require that 20 years between demonstrating scientific feasibility and getting the power on the line. There are major steps between. When we demonstrate scientific feasibility, we will not be creating electricity; we are just showing that a reaction will occur. Then we have to determine how to convert the energy released into electricity.

Then we have to learn what materials we can use in fusion reactors. This will be a billion-dollar program itself, just developing materials that can be used in a fusion reactor. Then we will need a pilot plant before we get a demonstration plant producing electricity. We hope to accomplish this by the year 2000, if we demonstrate scientific feasibility by the 1970's. So we must proceed with the breeder now because we cannot now anticipate fusion produced electricity before the year 2000. The energy crisis we are facing demands an unemotional program, and this program calls for building a breeder now and pushing ahead on fusion research as rapidly as we can in the hope that we can have breeders on the line producing by 1985, and fusion reactors by the year 2000.

I urge the Committee to reject this amendment.

Mr. DOW. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. DOW. I have heard a great deal about the need for more power sources, and certainly we all admit the need for more power sources, but I have heard very little from the other side to rebut the assertion I have made that these grant breeder reactors are very unsafe, and I do not think, I may say to the gentleman, that the need for power is any index for safety. The emphasis that I should like to place here is an emphasis on safety.

Mr. McCORMACK. The consensus of almost all qualified nuclear physicists and nuclear engineers is that breeder reactors will be in many respects safer than are the light water reactors now in use, and these water-cooled reactors are so safe that the most informed and qualified nuclear scientists all over the world have no qualms about working in the reactor control rooms, and raising their families just downwind and downstream from them.

Mr. DOW. May I comment on that?

Mr. McCORMACK. I am glad to yield to the gentleman.

Mr. DOW. I have the names of a large number of eminent scientists, some of them Nobel laureates, who are advising against the breeder on the grounds of safety. Among these are Dr. Linus Pauling, Dr. Barry Commoner, Dr. Harold Urey, and Dr. George Wald.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. McCormack was allowed to proceed for 1 additional minute.)

Mr. McCORMACK. Mr. Chairman, it is true there are about 30 members of the scientific community whose names have been solicited and have been obtained in a statement that says they believe the breeder program should not be pursued on its present schedule. These gentlemen, esteemed as they may be, represent only a minute fraction of the scientific community, and their position is overwhelmed by that of thousands of highly qualified nuclear physicists and engineers who have spent their lives in research and development on reactor and nuclear safety.

Mr. RONCALIO. Mr. Chairman, during the recent AEC funding bill, several Members spent a long afternoon debating the value of the various programs now under discussion.

I offered at that time to transfer some $10 million from the Wagon Wheel program on natural gas production to the breeder program, arguing among other things that Wagon Wheel was a waste of two valuable resources, uranium and natural gas. Also that Wagon Wheel was not making a substantial contribution to solving the emerging energy crisis.

I was pleased to notice that an item in the Sunday Denver Post by Mr. Robert C. Cowen, copyrighted by the Post and the Christian Science Monitor, sustains my point and makes an excellent argument in its favor. The high point of this article is that the success in harnessing fusion begins to look not like a question of whether but more like a question of when.

When depends only on Congress.

Energy planners will continue to emphasize fusion plants, especially breeders. To continue wasteful programs like Wagon Wheel, and skimp on thermonuclear research, is the essence of shortsightedness, of national folly. New sources of energy cannot be found by repeating wasteful practices of the past. The only technologically visible solution is atomic (fusion) energy, not atomic explosives compounding wasteful practices of the past.

I was very pleased to notice that within 3 days following the House debate on delaying the Wagon Wheel project for a year or two, Dr. Philip Randolph of the El Paso Natural Gas Co. was thoughtful enough to delay the program on his own initiative citing the congressional discussion regarding the program as one of his reasons. Also, AEC has not yet OK'd the trigger mechanisms to sustain the shock of the one below it, to safely be used in sequential firings.

Wagon Wheel and similar unsound programs should be permanently delayed and the atomic (fission) program should be spurred on with a crash program of research funding now. This article tells why. This is why I reluctantly oppose the Dow amendment.

The article from the Denver Post of June 25 follows:

Hopes Begin To Grow for Fusion Power Unit

(By Robert C. Cowen)

Washington.—Trying to tame hydrogen fusion to tap a virtually unlimited fuel supply has been like a fairy tale quest for fabled treasure.

Whenever discouragement threatened to overwhelm the researchers, their goal swam distantly into view. They realized just enough laboratory progress to keep their hopes alive.

Now that goal looms more closely, those hopes glow more brightly than in the two decades. A bit more money, a bit more effort, and most fusion workers expect they could have a tame hydrogen reaction running in their laboratories by 1980.

Given a bit more money and prodigiously more effort they think they could have a prototype power plant running by the late 1980s or early 1990s and by the century's end, they just might have developed economically attractive power plants.

The energy reward of fully mastering fusion power would be immense. It's primary fuel would be doubly heavy hydrogen, called deuterium. This is present in seawater to the extent of one in every 6,500 hydrogen atoms.

While this may not sound like much of a concentration, the half gram of deuterium in a gallon of seawater has the fusion energy equivalent of 300 gallons of gasoline.

VAST SOURCE

To put it another way, the fusion energy available from a cubic kilometer of seawater corresponds to the energy equivalent of 2,000 billion barrels of oil or roughly the world's oil reserve, to use a recent estimate.

Experts figure there's enough easily extracted deuterium to supply human-energy needs at something like 10 times present world consumption for several billions of years and a population level of seven billion people.

Lawrence M. Lidsky of the Massachusetts Institute of Technology notes in the journal, Technology Review, "It is far simpler and just as accurate to say that fusion of deuterium represents an essentially inexhaustible supply of energy."

Furthermore, the deuterium fuel can be had rather cheaply. Its extraction should account for only a few thousandths of a percent of the price of electric power.

To get that power, physicists must hold the reacting hydrogen gas together for perhaps a second and at temperatures of many tens of millions or even hundreds of millions of degrees. The research agonies they have endured for the past decade have involved this problem of containment.

MAGNETIC FORCES

Since the hot gas is made up of electrically charged particles, magnetic forces can grasp hold of it. Thus researchers use magnetic fields to manage the gas. They quickly discovered that the gas has more ways than a greased pig of escaping the magnetic grip. These instabilities in its behavior allow it to escape to the walls of the reactor vessel where it quickly loses temperature and any fusion reaction is quenched.

By the early 1960s, some of these instabilities seemed so intractable, from both a theoretical and experimental point of view, that many workers were openly discouraged. America and Britain gave only lukewarm support to the research. But the Soviet Union maintained both faith in and funding of its projects and thanks to the Russian research, nearly everyone now takes a much brighter view of fusion's prospects.

Researchers in several countries have confirmed and extended Russian work. These and other experiments have brought fusion research to the point where there is a growing acceptance among experts that the eventual achievement of fusion power is a virtual certainty.

"WHEN QUESTION"

Thus success in harnessing fusion begins to look like a question of "whether" and more like a question of "when." And "when" depends as much on money as on the skills and insights of the researchers.

M. B. Gottlieb who heads the Princeton Plasma Physics Laboratory, told the congressional Joint Committee on Atomic Energy that fusion workers could fiddle indecisively for decades if restricted to present funding levels.

Roy W. Gould, head of the U.S. Atomic Energy Commission's Division of Controlled Thermonuclear Research, has given Congress cost estimates for three alternative levels of effort.

Just to keep on as at present would take about $300 million from 1973 to 1977. Roughly doubling this outlay would give a significantly more active program that might well demonstrate scientific feasibility by 1980. A "go for broke" crash program would involve spending $900 million to $1 billion between 1973 and 1977. It just might show scientific feasibility by that earlier date, Gould said.

NO ONE KNOWS

Right now, no one knows what Congress will approve. The AEC thinks it will probably get $38 million for fiscal 1973. That's about a 24 per cent rise from the $31 million for fiscal 1972, the kind of boost Dr. Gottlieb says would merely take some of the strain out of present efforts. However, observers here also think Congress has sympathy for Dr. Gould's intermediate program suggestion. It may well vote $600 million to $700 million to try to get fusion going in the laboratory by 1980.

This compares with roughly $450 million America has spent to date on fusion research. That's perhaps half of the Russian outlay. To give some feel for the world effort, the Russians last year accounted for something like 37.5 per cent of that effort. Western Germany accounted for 16.6 per cent, America for 15.6 per cent, Britain for 7.0 per cent, Japan for 6.1 per cent and a miscellany of other countries for the balance.

Dr. Edward E. David, presidential science advisor, noted, there's far more a spirit of world sharing in this field than of competition.

With laboratory fusion seemingly close at hand, many environmentally concerned people urge authorities to concentrate on its development, playing down further development of nuclear-fission power plants, especially those based on breeder reactors. They realize that fusion would be easy on the environment. It involves less radioactivity. It offers relatively little danger of catastrophic accident. It should involve less heat pollution.

However experts see several misconceptions in the fusion-only approach. First, there are many different kinds of fusion. This is a process in which nuclei of light weight elements fuse to form heavier nuclei, releasing energy in the process. With 30 kinds of such reactions to choose from, physicists concentrate on the simplest and easiest to control.

When deuterium fuses with deuterium is the full fusion dream likely to be realized. Then will the fuel be virtually unlimited. Only with this and a few other reactions will radio-active dangers be minimized and heat pollution reduced to the fullest extent.

In such reactions, much of the energy goes off as electrically charged particles. It may be possible to tap this electrical energy directly, bypassing any heat cycle, and realizing efficiencies of 80 per cent or 90 per cent compared with 35 per cent for present power sources.

Today, such reactions largely wait in the wings while work focuses on the more tractable tritium-burning cycles. Thus decades of expense and effort could well bring commercial fusion power by A.D. 2000. Yet this would only be a stage in the attainment of the full fusion goal.

More importantly in setting energy-development priorities now, no expert foresees substantial installation of fusion power before A.D. 2000. Meanwhile, over this century's remaining three decades, mankind's energy needs will leap ahead.

WON'T WORK

Trying to hold those needs in check while waiting for fusion just won't work, as economist Barbara Ward and biologist Rene Dubos point out in their book "Only One Earth," a background report commissioned for the United Nations Conference on the Human Environment.

"If the world population which is already on the way to be better fed and housed . . .", they write, "new sources of energy must be found and the only technology visible on a sufficient scale at this moment is atomic (fission) energy. Even if citizens in already developed societies decide to check the rise of their own energy demands . . . the sheer basic needs of all the world's people could not be met by rationing the energy of the already rich . . .

"To keep 7 to 10 billion people alive and reasonably well served on this planet, atomic (fission) energy looks like being the most likely answer. The alternative—of too little energy—would cause infinitely larger rates of malformation and death."

This is why energy planners continue to emphasize fission plants, especially breeders, for this century even though environmentally soft fusion now seems the brightest gleam on their long-distance horizon.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had no intention, when I sat down here, of getting into this argument, but it has gone so far I believe I should clarify something. I hope the gentleman from New York (Mr. Dow) will kindly give me his attention, because he made certain statements and has mentioned Nobel laureates.

I believe I have had about as much experience in this House as most people who deal with the scientific community, and I have never seen one facet of it yet that did not have those who differed with the majority. We do not get unanimous support out of any facet of the scientific community in its recommendations.

So if we want to approach this from that point of view, we have to take the findings of the great majority of the respected scientists, and I believe the gentleman from Washington (Mr. McCormack) has set forth this very point.

We talk about the necessity for this. We cannot wait for 20 years or 10 years from now to replace the present sources of power and energy in this country. Why, 25 years ago if we had told people that oil and gas and coal were going to disappear by the beginning of the century they would have laughed at us.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from California.

Mr. HOSMER. I believe somebody should express appreciation to the gentleman for what he is saying. No one in this body better knows the scientific community or has a closer association with it or has a more capable assessment of what it does, how it does it, and what the backgrounds and what the motives of the members of that community are, than the gentleman from California.

The gentleman is properly pointing out that the so-called list of a very small minority of the so-called scientific people who oppose the breeder reactor is composed of a very large mix of disciplines. Out of the 30 they have been able to muster in opposition to the fast breeder reactor only a small fraction are men in disciplines that give them any expertise whatsoever to render judgment upon the breeder reactor. That, too, should be considered in evaluating this opposition.

There are a lot of Ph. D.'s "popping off" in the public press as scientists, but very few of them really are identifying whether or not they are in fact experts on the subject in which they are "popping off."

When we see most of these lists to which these names denouncing the breeders have been attached we find out that they are mostly biologists or M.D.'s or others who may know something about their own specialty, but who are totally outside the field of their expertise when rendering these olympian judgments against the breeder reactor.

I thank the gentleman.

Mr. WOLFF. Mr. Chairman, the Public Works-Atomic Energy Commission appropriations measure which we are considering today contains a funding provision which I believe should be brought to the attention of this body as an ill-advised proposal. Such an indictment is not lightly made, but I strongly believe that if we act today to appropriate funds for development of the Liquid Metal Fast Breeder Reactor, we will be committing our Nation to an unwise, unsafe, uneconomical, and certainly irrevocable course of action for decades to come.

Let us examine the assumptions upon which the administration, and subsequently the Joint Atomic Energy Committee and the Appropriations Committee based their judgment. First, it is declared that we are faced with a serious and immediate energy crisis, as a result of near depletion of our traditional fossil fuel energy sources. While I accept this premise in principle, I question the ability of the LMFBR to adequately respond to this so-called crisis. Overlooking the alternatives we might employ simply within the realm of conventional fossil fuel, including a revision of our policies of energy development, energy use and distribution, and our import and energy development agreements with other nations, the projected capabilities of the LMFBR plainly do not satisfactorily answer the stated needs for magnitude or immediacy to any decree to justify so massive, a commitment to its development.

If we consider the fact that estimates place our reserves of uranium as lasting only through the year 2020, it appears that we are putting all our eggs in one very shaky basket in our approach to meeting this Nation's energy needs.

Supporters of the LMFBR maintain that this is merely an interim power source, which will fill in the gap until a more permanent, stable energy source can be developed. Yet the facts present a convincing rebuttal of this argument as well. Our existing technologies are not adequate to cope with the dangers of a nuclear accident from a conventional conversion reactor; if we commit ourselves to development of a plutonium-fed reactor, we will be jeopardizing the population to possible exposure to one of the most highly toxic and permanent elements known to man. For example, an infinitesimal speck of plutonium on the lungs can cause cancer. Plutonium has a half-life of 24,000 years in comparison to a 15-year half-life attributed to most present waste materials. Additionally the LMFBR depends upon constant transportation and handling of this deadly fuel, which presents an uncontrollable possibility for accident or theft.

Consider for a moment what conditions we have created with wastes from conventional reactors, wastes whose radioactive properties are supposedly much less dangerous than those that will be manufactured by the LMFBR. Several years ago, the Atomic Energy Commission sought to dispose of a quantity of highly radioactive waste by enclosing the material in steel casing and then completely enclosing the steel canister in concrete. This package was subsequently lowered into a hole 3,000 feet deep into the base of a mountain. Three years later, after the canister had been buried, and the hole filled, the snow on the top of the mountain started to melt from the radioactive heat. It is dangerous speculation indeed to wonder what would be the result should that package ever be unearthed by earthquake or other means.

Another frightening but no less significant an event occurred in 1966 at the Enricho Fermi reactor located near Detroit when the reactor core suddenly melted, halting operation of the plant and threatening the surrounding area with the possibility of nuclear contamination. For 2 months the core was not opened for fear that the concrete protective shield would disintegrate and precipitate just the sort of disaster our technology is unable to contain.

In light of the existing potential for disaster, I question the advisability of turning our attention so exclusively to development of yet another interim solution, with even greater hazards than we already have, when we could instead continue for a time to rely upon the capabilities of conventional converter reactors while devoting the bulk of our resources, both research effort and money, to the development of safe, functional alternatives, many of which are well into the development stage already, such as nuclear fusion, solar energy, magnetohydrodynamics and geothermal energy sources.

Mr. Chairman, today, an amendment has been offered to delete all funds for a liquid metal fast breeder reactor demonstration plant until an independent assessment of this technology, taking into consideration other energy options, is completed. I would like to call to my colleagues attention an article which further illustrates the need for caution and the folly of committing ourselves to full-scale development of the breeder reactor prototype without more objective consideration of alternatives. And finally, I urge my colleagues to consider carefully the decision they make today that will affect the safety and well-being of our population and will ultimately affect the future of our Nation as a responsible leader in energy development in the world. I therefore urge my colleagues to join with me in opposing funding for development of the LMFBR at this time, and until such time as an appropriate independent assessment of other energy options can be completed.

Mr. LLOYD. Mr. Chairman, the budget request of the Atomic Energy Commission includes funding for a demonstration plant of an LMFBR, which the Joint Committee on Atomic Energy fully supports. Congressman Dow offers an amendment to delete the demonstration plant funds, which were to be used in conjunction with private industry in developing the plant.

In evaluating the advisability of building the LMFBR demonstration plant, I have been concerned with four issues:

First, energy needs; second, available alternatives; third, environmental effects; fourth, safety of the technology.

U.S. energy needs are growing at a phenomenal rate, projected to quadruple by the year 1990 A.D. Even if the need does not grow at this rate, present brown-outs indicate a pressing need in the future. Unless we develop energy sources for the long run, we will not be able to supply the demand, especially in light of the limited nature of the present fuel sources.

Present sources of power are primarily fossil fueled. Limited fuel sources make this alternative risky in matters of national security—foreign source dependence—as well as not guaranteeing fulfillment of energy needs. The environmental effects of these plants are also devastating, and with a proliferation of new plants would become prohibitive.

The only other viable alternative is nuclear power. Other possible sources have not reached anywhere near a stage of technological feasibility. Light water reactors, the present type of powerplant, rely on diminishing sources of uranium 238 for fuel. We cannot depend on the supply of deposits being able to supply our needs, according to the AEC, especially in light of the inefficiency of the process.

The LMFBR utilizes uranium 40 times more efficiently than today's nuclear plants, extending fuel sources for centuries. As with every new technology, however, we must be concerned with its safety and the environmental effects.

The Joint Committee on Atomic Energy is convinced that all necessary precautions are being taken to assure that development of the LMFBR demonstration plant. The plutonium produced by the breeder will be handled with extreme caution to protect both the environment and people. Such precautions are necessary if we want to supply future needs of energy without adverse effects on our children, not only in the nuclear area, but on all fronts.

An attractive alternative being proposed by some groups is a fusion-type reactor, which would reduce the production of radioactive wastes and utilize fuel even more efficiently. However, the technology is not sufficiently advanced to be workable until at least the year 2000 A.D. for commercial purposes, even with massive funding. If we were to rely on this development, we face an energy crisis for at least 10 to 15 years more than with the breeder. If the technology did not develop as expected, with technical feasibility in the last 1970's or early 1980's, the crisis would last even longer.

The breeder reactor will begin to provide power in the 1980's, and will continue to solve our needs until an alternative, such as nuclear fusion, is available. The LMFBR should be regarded as an interim solution, just as fossil fuels is now, and funding should be continued and increased for promising alternatives such as the fusion reactor—CTR—controlled thermonuclear reaction. The necessity for safeguards to protect against accidents must continually be stressed to insure a safe, reliable, and economical source of energy for our future.

Safety precautions include testing of components and safety devices at other plants, and the FFTF, fast flux test facility, will be used to improve the economic factors of the reactors and provide fuel for the LMFBR.

Mr. HOLIFIELD. Mr. Chairman, an allegation has been made by the gentleman from New York that because breeder reactors produce and utilize plutonium as a form of nuclear fuel, we should delay the breeder demonstration reactor project. The basis for this is said to be that plutonium is highly toxic.

It is certainly true that plutonium is a toxic material; however it has been handled in considerable quantity in this country for 25 years. The toxicity of plutonium was recognized at a very early time in the atomic energy program and stringent criteria for the handling and disposition of this material have been devised and are rigidly enforced.

The point which I wish to make is that in many industries, not just the nuclear industry, on a day-to-day basis we deal with highly toxic materials in industrial quantities which could be lethal to humans if not properly safeguarded.

Light water cooled and moderated civilian power reactors which have been in operation in this country for the past 12 to 15 years have been producing plutonium as a normal consequence of their operation. The greater percentage of the uranium fuel in a light water reactor is in the form of uranium-238, which through interaction with neutrons produced in the reactor converts into plutonium. During processing of the expended fuel from such a reactor, the fissionable plutonium and the unused uranium, which is also of value, are recoverable for subsequent use as nuclear fuel.

During the 12-year period of routine handling of plutonium in the civilian reactor program, there have been no accidents which resulted in release of this toxic material outside the confines of the nuclear facility.

In summary, we should no more slow or give up the development of the liquid metal fast breeder reactor because it utilizes plutonium than should we give up the manufacture of chlorine—for water-treatment purposes related to the preservation of the public health, or give up the manufacture of commercial explosives important to construction and mining activities because improper handling could result in damage to members of the public.

We must be extremely careful in the handling of any toxic material and the record shows that the Atomic Energy Commission, through its licensing program has in the past, and I am sure will in the future, insist upon procedural safeguards, engineering safeguards, and other techniques designed to assure the protection of the public health and safety against exposure to any form of radioactive material.

It also has been argued that breeder reactors are too dangerous. Such statements ignore the purpose of our basic research and development effort in the breeder field in developing a safe reactor system. Much has been done in this area. Additional work is required. A significant portion of this appropriations request is for obtaining the remainder of the answers to design, construction, and operation of reliable and safe reactors. Tests have been conducted in Idaho on the safety of breeder reactor fuels. The Fast Flux Test Facility being built in Richland will be utilized to obtain additional safety data on both fuel and fast breeder reactor components. A major facility, the SEFOR reactor in Arkansas, has just completed several years of operation to obtain data on a very fundamental concept of reactor safety referred to as the Doppler effect. The data which were obtained, I might add, are most reassuring as to the ability to safely control liquid metal fast breeder reactors.

Of course, much of the safety information which was developed for the present commercial reactors including years of safe operation is also applicable to the fast breeder. In summary, the nuclear reactor program is unprecedented in the emphasis which has been given to safety from the very start. I might add that all the leading nuclear power developers of the world have considered safety aspects of the various potential systems and have also selected the liquid metal fast breeder reactor as their priority effort.

Consideration of these factors makes it completely out of order that we slow our efforts in the development of the liquid-metal fast breeder reactor as the priority program in the search for new energy sources for our long-range need. Accordingly, I recommend strongly that the amendment to delete funds for the liquid metal fast breeder demonstration reactor be rejected.

The great majority of the knowledgeable scientists and engineers who have helped to develop the domestic uses of atomic energy are confident that we have developed safe processes. Only a few scientists have raised the cry of fear and danger.

I am surprised that the proponents of this amendment continue to advance their unfounded charges based on a total lack of credible information at best, and a surplus of the wrong kind of information at the worst.

There is no alternative for adequate future supplies of electricity other than from nuclear fuel.

The Congress, the President and the electric generating industries of the United States have endorsed the fast breeder reactor concept.

Let us get on with the job.

Mr. VANIK. Mr. Chairman, the committee has reported an appropriation of $50 million for the construction of the first breeder reactor. They argue that it is necessary if nuclear power is to make substantial contributions to the electricity supply in the 1990's and beyond. Energy is such an important resource that this argument is hard to challenge.

Opponents of the breeder reactor tell us that such reactors—in fact, all fission type plants—are dangerous, fantastically dangerous, on many, many counts. A statement arguing against the breeder on these counts was signed by 30 eminent scientists; I would like to enter several paragraphs of this statement here.

> The reactor's cooling system will utilize liquid sodium, which is highly reactive and burns on contact with air or water. Breeder reactors are inherently more difficult to control than today's commercial fission reactors, they operate closer to the melting point of their structural materials, and they generate and use much larger quantities of plutonium. Plutonium has a half-life of 24,000 years and is one of the most toxic substances known to man. Unlike the uranium on which today's fission reactors rely, plutonium can be fashioned relatively easily into a crude nuclear weapon. In an energy economy based on breeder reactors (some hundreds of them by the year 2000 according to AEC projections), enormous quantities of plutonium will have to be handled and transported. The potential for accidental release or theft by unauthorized persons will be unprecedented.
>
> Troublesome problems exist even with today's reactors: the possible diversion for clandestine purposes of the smaller (but still substantial) quantities of plutonium now in circulation; the possibility of a reactor accident, including one caused by either earthquake or sabotage, that could release huge amounts of radioactivity; routine emissions and potential accidents at the reprocessing plants where uranium and plutonium are separated from radioactive wastes in the spent reactor fuel; and the difficulties of isolating the long-lived radioactive wastes from the environment for thousands of years. It is imprudent to deploy the even more hazardous breeder reactor before sound technical solutions for these problems have been developed and proven.

Briefly, then, there are critically important environmental, public health and safety questions involved in the handling, use and proliferation of enormous quantities of the almost indefinitely long-lived radioactive materials to be used in the new reactors now planned by the AEC.

In the face of this dilemma—the necessity for adequate energy resources as opposed to the grave dangers of the fast breeder project—what should we do?

First, we must opt to go more slowly in the construction of the large 300–500 magawatt LMFBR demonstration plant. Construction of such a large plant without intervening smaller scale demonstration plants seems to risk both public funds and public safety. The construction of the test facility to evaluate the structural capabilities of the components to be used in the LMFBR is not even due to be complete until June 1974, so it is unwise to hurry ahead with the construction of so potentially dangerous a plant.

Just as important as the lack of knowledge regarding the components of the LMFBR, and perhaps much more important in the long run, is the lack of knowledge both in Congress and in the general public of the general environmental impact of this reactor. Full funding of the demonstration unit should be deterred until the AEC's environmental impact analysis has been published in final form, together with other independent agency views—especially that of the Environmental Protection Agency. We must require an independent assessment of the LMFBR technology especially as the National Environmental Protection Act requires the AEC to consider alternative energy technologies before proceeding with its program for the commercial development of LMFBR's. The AEC has circulated NEPA statements on individual reactors, but we and the public must have before us considerations on the impact of the LMFBR program as a whole and as it compares with alternative energy possibilities.

Under these circumstances, no funds should be appropriated for a second LMFBR demonstration plant until results of the first experiment have been published and evaluated by various agencies.

Now it may well be asked, if we delay the development of the highly touted LMFBR program, what shall we do about our impending energy crisis? This is a crucial question and there are many answers. The fact is that we, as a Nation, have not given enough emphasis to the development of alternative, cleaner and safer forms of energy.

First. First of all, we must really expedite the coal gasification program. This program can yield both pipeline quality—high BTU—gas, and low BTU gas for gas turbines at the mines to generate electricity. If necessary, such experimentation should be transferred to the AEC labs for the quickest possible development. Perhaps the AEC jurisdiction should be changed to include a wider range of power sources. What we need today is an Energy Development Commission.

Second. We must really expedite ways to more efficiently burn coal while trapping pollutants.

Third. We must realize that there is no one solution to the 'energy crisis', and that different localities will be able to use different energy resouces. For instance, for some localities we must demonstrate new geothermal processes. Geothermal energy has been proven out since the beginning of the century in Italy, and is used as an important source of power in Australia and New Zealand. The Pacific Gas & Electric Co. has a successful plant in northern California.

Fourth. Other localities, such as New York City, can help solve their waste disposal and their energy problems at the same time; we must really find out to what extent urban solid wastes can be used as or for fuels.

Fifth. Still other communities ought to be encouraged to demonstrate solar energy for such uses as heating and air conditioning.

Sixth. There are a number of new and exciting energy potentials under discussion. We must make increased commitments to research into these new fields which hold out the potential for virtually limitness sources of nonpolluting energy. For example, new ideas have been advanced for ways to use the differentials in the temperatures of the oceans to generate electricity. The oceans of the world absorb—and hold—most of the solar energy reaching the surface of the earth. It appears theoretically possible to convert the energy of the heat stored on the surface of the oceans to electrical energy.

Seventh. Just as we must expedite such new sources of energy, we must also push for getting more out of present energy and plants. Probably most important here is magnetohydrodynamics—MHD. The AEC does not even include in its 1973 budget, evaluation of MHD, combined power cycles, or direct conversion of heat energy to electrical energy. MHD especially is important, because it presents the possibility of increasing the efficiency of our ordinary fuel-burning plants from the present 33 percent maximum to 50 percent efficiency. The Soviet Union is far ahead of the United States in this regard. In light of the urgency of our power needs, and in the spirit of recent international developments, a high priority should be put on the exchange of information between the United States and Russia on MHD developments.

Eighth. Other priority programs should be the improvement of energy transmissions, improvements in insulation of housing, et cetera.

Probably the most important program which we will consider is the development of controlled thermonuclear fusion plants. I am well aware of the great hopes held for fusion. I am equally aware that a workable controlled fusion process has yet to be demonstrated. If we can get fusion to work, mankind literally will have all the energy we can ever use—clean energy at that. If we can't get it, we must know as soon as possible. Fusion is far superior to fission if it works as envisioned, and our policy must be such that our priority is on this more promising and safer technology. We must provide funds now, not just for testing the feasibility of this program in the immediate generation of experimentation, but also to provide for the technology towards the building of the eventual reactors. This sort of technology accounts for only 5 percent of the current budget of the Division of Controlled Thermonuclear Research. This sector of the AEC's budget must be given a much greater priority. We must be sure that the engineering side of fusion is put into development immediately. We must make sure that scientists with new ideas are adequately funded, and we must again stress and press for vigorous collaboration—not just parallel efforts—between the United States and the U.S.S.R. which is, again, far ahead of the United States in this essential field.

Because of the appropriation for this dangerous reactor and because of the almost $½ billion appropriation for the Bureau of Reclamation projects—which bring new farmland into production and subsequent retirement in the soil bank, I feel constrained to oppose this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Dow).

The amendment was rejected.

Mr. HANNA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not intend to take the full 5 minutes, but I take this opportunity to present some questions to the chairman.

First of all I should like to ask, given the status of the legislation which authorized the expenditures and given the expenditures and their limitations, is there any possibility that there is money in this bill to proceed with studies for the establishment of a nuclear energy plant for desalinization and electrification at the mouth of the Colorado River in the territory under the jurisdiction of Mexico?

Mr. EVINS of Tennessee. Mr. Chairman, I would say to my friend, the gentleman from California (Mr. HANNA) that there is no money for a specific plant. There are funds in the bill for AEC to continue research and development on the desalting program, including the area in which the gentleman is interested, but not specifically for the construction of a plant. We also provided $2,060,000, an increase of $1,005,000 in the budget, for the Colorado River water quality improvement program of the Bureau of Reclamation.

Mr. HANNA. Mr. Chairman, I should like to urge that the chairman of both the authorization committee and the appropriation committee utilize all the powers that are presently in the law, or to request very early powers which will make it possible to be able to address this problem that was brought to the attention of the House by President Echeverria when he was here just recently. I think that it is long past the time, when with the great technology we now have, we should address ourselves to this situation which is causing friction, and rightfully so, between ourselves and a very valuable neighbor to the south, Mexico.

I would think it would take very little money to get started on a study that would give that neighbor some hope that we are not unaware of the problem which we have created over the last 40 years by building dams on the Colorado River. The chemical and mineral content of the water that ultimately reaches the Santa Clara Valley has incresed to a point where it was once below 300 parts per million to where right now it is near 800 parts per million.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Arizona (Mr. RHODES). The gentleman is from the lower Colorado River area of the country, and he is well aware of the problem which I am here addressing.

Mr. RHODES. Mr. Chairman, I thank the gentleman for yielding, and I can assure the gentleman that we are, all of us in this area, very well aware of the situation. As a matter of fact, there have been negotiations between the United Mexican States and the United States of America for some time now to try to find a good means of solving the problem. The President of Mexico was, I think, exactly within his rights in dramatizing the problem which does exist.

The best way to handle the problem is to produce more water, and certainly one of the atomic plants, hopefully a liquid metal fast breeder reactor, should be constructed in that area that can be used to produce fresh water from the Gulf of California.

Of course, as the gentleman knows, this will require agreement with the Republic of Mexico, which is now being worked upon, but which has not yet been perfected.

So I congratulate the gentleman for the interest he has shown in this matter, and to assure the gentleman that this is a problem which is receiving attention from the people in our Government, not only in the executive branch alone, but also in the legislative branch.

Mr. HANNA. Mr. Chairman, it gives me a great deal of relief to hear the gentleman from Arizona (Mr. RHODES) to so express himself on that point.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I would like to caution that the United States in its relationship with Mexico is based upon a treaty, and that treaty established certain rights with respect to the quantity of water as far as Mexico is entitled from the flow of the Colorado River, but that there is nothing in that treaty respecting the quality. The quality is not an obligation by treaty or by any other legal means of the United States with respect to the Colorado River water.

Now, certainly with regard to the Republic of Mexico, with respect to the water supply quality there, this should be done and should be considered in the context of an agreement between the countries, and by no means—by no means whatever—any obligation, legal, moral or otherwise, upon the Government of the United States, and its taxpaying citizens.

Mr. HANNA. I think that I can agree with part of what the gentleman has said, but I just cannot believe that this country feels that there is no moral obligation when we are taking all of the benefits through the building of dams to improve substantially our use of the river water and then pass it on to a neighbor in a deteriorated quality. I cannot believe that we, as Americans, believe there is no moral obligation to the consideration of this problem at all.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman.

Mr. RHODES. In furtherance of what

the gentleman from California says, when the treaty with the Republic of Mexico was concluded, it provided much more water to go into Mexico than anybody ever thought that they would use, because of the realization that the salt in the Colorado River would increase, and get in the river further up, as these projects were built. So it is not a treaty which is unjust.

However, we think it would be, certainly as a matter of international comity, the best way to treat a good friend, as the United Mexican States are, by indicating that we want to take the salt out of that water and give them just as good quality water as we possibly can. This we will do.

Mr. FINDLEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to thank the subcommittee for the consideration that has been extended by this bill in the interest of the district I represent and to the subcommittee on previous occasions for similar very favorable consideration. I appreciate it very much.

Mr. Chairman, this is the ninth appropriation bill considered so far by this body for fiscal 1973. While it is under the budget request for Public Works and the Atomic Energy Commission, it nevertheless contains a considerable amount of red ink.

This is so because the aggregate budget requests for fiscal 1973 for the Federal Government exceed revenue forecasts by $25 billion. The budget requests involve that much red ink.

The budget request for this appropriation was $5,489,058,000. The committee recommendation was slightly less and was $5,437,727,000. This was a cut of 0.9 percent or $51,331,000.

To bring the appropriation bill in line with anticipated revenue for fiscal 1973 would have required a 14-percent cut below the budget request, or a cut of $768,468,120. Making adjustment for the 0.9-percent cut actually made by the subcommittee, means that the red ink still in the bill amounts to 13.1 percent or $717,137,120.

Assuming that the House eventually approves this bill without amendment, as I assume it will, the House will have approved spending for the fiscal year 1973 in the amount of $75,010,164,814.

The budget request for the same purposes totalled $74,448,223,104.

In effect, we are piece by piece building a Federal deficit for fiscal year 1973 considerably in excess of $25 billion.

Every appropriation bill approved by the House this year has contained a substantial amount of red ink even though most of them have been below the budget request.

The amounts I have referred to are summarized in a table which I insert at this point under permission already granted.

The matter referred to is as follows:

REPORT ON "RED INK" FINANCING FOR FISCAL 1973

Appropriation bill	Budget request	Balanced budget level (14 percent cut)	Amount approved by House	"Red ink" approved by House
Legislative	$433,627,004	$372,919,224	$427,604,764	$54,685,540
State, Justice, Commerce, Judiciary, related agencies	4,687,988,600	4,031,670,196	4,587,104,350	555,434,154
HUD, Space Science, Veterans, independent agencies	20,173,185,000	17,348,939,100	19,718,490,000	2,369,550,900
Transportation and related agencies	8,426,792,000	7,247,041,120	8,316,950,000	1,069,908,880
District of Columbia	343,306,000	295,243,160	332,306,000	37,062,840
Interior and related agencies	2,520,340,000	2,167,492,000	2,529,558,200	362,065,800
Labor, HEW, and related agencies	$27,327,323,500	$23,501,498,210	$28,603,179,500	$5,101,681,290
Treasury, Postal Service, and general Government	5,066,603,000	4,357,278,580	5,057,145,000	699,866,420
Total				10,250,255,824
Public works and Atomic Energy Commission	5,489,058,000	4,720,589,880	[1] 5,437,727,000	[2] 717,137,120
Total	74,448,223,104		75,010,164,814	10,967,392,944

[1] Recommended by committee.

[2] If committee recommendation is approved.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 102. No part of any appropriation herein shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Commission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: *Provided*, That any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages, stipend, grant, or expenses for which are paid from any appropriation contained herein shall be guilty of a felony, and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty shall be in addition to, and not in substitution for, any other provisions of existing law.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the time I prepared supplemental views on this legislation, I was able to determine that upward of two dozen of the 482 projects in this bill were being funded despite the fact that no final environmental impact statements on them had been filed with the Council on Environmental Quality.

Since that time I have discovered that there are at least 233 Corps of Engineers projects in this bill for which final impact statements are not available, including at least 176 projects for which not even draft impact statements are available. They include the following:

No Final Environmental Impact Statements—Drafts Filed

Alum Creek Lake—Ohio.
Beaver Drainage District—Oregon.
Big Sioux River—Iowa & South Dakota.
Birch Lake, Birch Creek—Oklahoma.
Cache River Basin—Arkansas.
Corte Madera Creek—California.
Cayuga Island—New York.
Clayton Lake—Oklahoma.
Clear Creek—Texas.
Copan Lake—Oklahoma.
El Dorado Lake—Kansas.
Falmouth Lake—Kentucky.
Kalamazoo River—Michigan.
Kehoe Lake—Kentucky.
Lakeview Dam & Reservoir—Texas.
Lawrence—Kansas.
Levee Unit #L-246, Missouri River—Iowa.
Lincoln Lake—Illinois.
Lower Columbia River Bank—Oregon & Washington.
New Melones Lake—California.
Nookagee Dam—Massachusetts.
Paint Creek—Ohio.
Ririe Dam & Lake—Idaho.
Rowlesburg Lake—West Virginia.
Russian River Basin—California.
Saginaw River—Michigan.
Santa Paula Creek Channel & Debris Basin—California.
Shidler Lake—Oklahoma.
Smithville Lake—Missouri.
South Branch, Rahway River—New Jersey.
Sprewrell Bluff Lake—Georgia.
Tallahala Creek Lake—Mississippi.
Trexler Lake—Pennsylvania.
Trotters Shoals Dam & Lake—Georgia & South Carolina.
Wahkiakum County—Washington.
Woodcock Creek Lake—Pennsylvania.
San Diego River & Mission Bay—California.
Atchafalaya River, Bayous Chene, Boeuf & Black—Louisiana.
Oak Orchard Harbor—New York.
Hannibal Locks & Dam, Ohio and West Virginia—Ohio.
Lorain Harbor—Ohio.
Vermillion Harbor—Ohio.
Willow Island Locks & Dam, Ohio & West Virginia—Ohio.
Skiatook Lake—Oklahoma.
Columbia River & lower Willamette River—Oregon & Washington.
Corpus Christi Ship Channel—Texas.
Mouth of Colorado River—Texas.
Inland Waterway (Delaware River to Chesapeake Bay)—Delaware & Maryland.
Morehead City Harbor—North Carolina.
New York Harbor collection and removal of drift—New York.
New York Harbor (anchorages).
Port Hueneme Harbor—California.
Libby Dam-Lake Koocanusa—Montana.
Brevard County—Florida.
Hamlin Beach Harbor—New York.
Sacramento River bank protection—California.
Cordell Hull Dam and Reservoir—Tennessee.

NO DRAFTS OR FINAL ENVIRONMENTAL IMPACT STATEMENTS SUBMITTED (CORPS)

Montgomery—Alabama planning.
Indian Bend Wash—Arizona planning.
Phoenix and vicinity, Arizona construction and planning.
Bell Foley Lake—Arkansas planning.
Dierks Lake—Arkansas construction.
Alameda Creek, Del Valle Reservoir—California construction.
Butler Valley Dam-Blue Lake—California planning.

Chester, North Fork of Feather River—California planning.

Cucamonga Creek—California planning.

Dry Creek (Warm Springs) Lake and Channel—California $10 million, construction.

Fairfield vicinity streams—California planning.

Lakeport Lake—California planning.

Mormon Slough—California construction.

Pajaro River—California planning.

Sacramento River and major and minor tributaries—California.

Sacramento River Chico Landing to Red Bluff—California $100,000 construction.

San Diego River, Mission Valley—California planning.

Sonoma Creek—California planning.

Walnut Creek—California $2.4 million, construction.

Boulder—Colorado planning.

Chatfield Lake—Colorado $11 million, construction.

Trinidad Lake—Colorado $7.4 million, construction.

Derby—Connecticut $1.5 million, construction.

Delaware Coast protection—Delaware planning.

Four Rivers basins—Florida $7.6 million, construction.

East Moline—Illinois planning.

Freeport—Illinois $200,000, construction.

Fulton—Illinois planning.

Helm Lake—Illinois planning.

Lake Shelbyville—Illinois $3.1 million, construction.

Louisville Lake—Illinois planning.

McGee Creek Drainage and Levee District—Illinois planning.

Moline—Illinois planning.

Rend Lake—Illinois $3.8 million, construction.

Rock Island—Illinois $2.5 million, construction.

Rockford—Illinois $200,000, construction.

Saline River—Illinois $2.7 million, construction.

Big Pine Lake—Indiana land acquisition.

Big Walnut Lake—Indiana.

Brookville Lake—Indiana $7.5 million, construction.

Evansville—Indiana $600,000, construction.

Greenfield Bayou levee—Indiana $500,000, construction.

Island levee—Indiana and Illinois $300,000, construction.

Levee Unit No. 5—Indiana $569,000, construction.

Mason J. Niblack levee—Indiana $200,000, construction.

Newburgh bank revetment—Indiana $11 million construction.

Bettendorf—Iowa planning.

Clinton—Iowa planning.

Davenport—Iowa planning.

Dubuque—Iowa $1.2 million construction.

Guttenberg—Iowa $600,000 construction.

Marshalltown—Iowa $2.3 million construction.

Missouri River levee system—Iowa, Kansas, Missouri and Nebraska $1.6 million construction.

Saylorville Lake—Iowa $10 million construction.

Cedar Point Lake—Kansas planning.

Grove Lake—Kansas planning.

Hays, Big Creek—Kansas $200,000 construction.

Melvern Lake—Kansas $6.9 million construction.

Onaga Lake—Kansas planning.

Perry Lake area—Kansas planning.

Winfield—Kansas planning.

Wolf-Coffee Lake—Kansas planning.

Carr Fork Lake—Kentucky $4.7 million construction.

Cave Run Lake—Kentucky $8.8 million construction.

Green River Lake—Kentucky $250,000 planning.

Pikeville—Kentucky $1 million construction.

Red River Lake—Ketucky $500,000 construction.

Bayou Bodcau and tributaries—Louisiana $1 million construction.

Grand Isle and vicinity—Louisiana planning.

Lake Pontchartrain and vicinity—Louisiana $20 million construction.

Michould Canal—Louisiana $1 million construction.

Monroe Floodwall—Louisiana $505,000 construction.

Tawas Bay Harbor—Michigan planning.

Lexington Harbor—Michigan $100,000 construction.

Beaver Bay Harbor, including Silver Bay—Minnesota planning.

Lutsen Harbor—Minnesota planning.

Mankato and North Mankato—Minnesota $1.6 million construction.

Winona—Minnesota planning.

Brookfield Lake—Missouri planning.

Mercer Lake—Missouri $2.5 million construction.

St. Louis—Missouri $1.2 million construction.

Martis Creek Lake—Nevada $450,000 construction.

Cochiti Lake—New Mexico $14.9 million construction.

Allegheny—New York planning.

Cattaraugus Harbor—New York planning.

East Rockaway Inlet to Rockaway Inlet and Jamaica Bay—New York planning.

North Ellenville—New York $2.2 million construction.

Wellsville—New York $840,000 construction.

Yonkers—New York planning.

Brunswick County Beaches—North Carolina planning.

Howards Mill Lake—North Carolina planning.

Randleman Lake—North Carolina.

Reddies River Lake—North Carolina.

Wilmington Harbor 32-foot—North Carolina.

Burlington Dam—North Dakota.

Missouri River, Garrison Dam to Lake Oahe—North Dakota.

Chillicothe—Ohio.

Huron Harbor—Ohio.

Newark—Ohio.

Utica Lake—Ohio.

Youngstown, Crab Creek—Ohio.

Hugo Lake—Oklahoma.

Lukfata Lake—Oklahoma.

Optima Lake—Oklahoma.

Waurika Lake—Oklahoma.

Tilamook Bay and Bar—Oregon.

Williamette River Basin bank protection—Oregon.

Willow Creek Lake—Oregon.

Yaquina Bay and Harbor—Oregon.

Chartiers Creek—Pennsylvania.

Raystown Lake—Pennsylvania.

Shenango River Lake, Pennsylvania & Ohio—Pennsylvania.

Tyrone—Pennsylvania.

Union City Lake—Pennsylvania.

Cooper River-Charleston Harbor—South Carolina.

Aquilla Lake—Texas.

Aubrey Lake—Texas.

Big Pine Lake—Texas.

Buffalo Bayou and tributaries—Texas.

Cooper Lake and channels—Texas.

Elm Fork floodway—Texas.

Freeport and vicinity—Texas.

Greenville—Texas.

Lake Brownwood modification—Texas.

Lake Kemp—Texas.

Millican Lake, Navasota River—Texas.

Mineola Lake—Texas.

Port Arthur—Texas.

San Gabriel River—Texas.

Texas City and vicinity—Texas.

Trinity River and tributaries—Texas.

Trinity River project—Texas.

Little Dell Lake—Utah.

Weber River and tributaries—Utah.

Gathright Lake—Virginia.

Salem Church Lake—Virginia.

Little Goose lock and dam—Lake Bryan—Washington.

Lower Granite lock and dam.

Vancouver Lake—Washington.

Beech Fork Lake—West Virginia.

Coal River Basin—West Virginia.

East Lynn Lake—West Virginia.

Leading Creek Lake—West Virginia.

R. D. Bailey Lake—West Virginia.

West Fork Lake—West Virginia.

Green Bay Harbor—Wisconsin.

Sheridan—Wyoming.

Alabama River Channel improvement—Alabama.

Clairborne lock and dam—Alabama.

Jones Bluff lock and dam—Alabama.

Millers Ferry lock and dam, William "Bill" Dannelly Reservoir—Alabama.

Kake Harbor—Alaska.

King Cove Harbor—Alaska.

Snettisham power project—Alaska.

De Gray Lake—Arkansas.

McClellan-Kerr Arkansas River Navigation System—Arkansas and Oklahoma.

Ozark lock and dam—Arkansas.

Humboldt Harbor and Bay—California.

Marysville Lake—California.

Dade County—Florida.

Duval County—Florida.

Virginia Key and Key Biscayne—Florida.

Carters Lake—Georgia.

Savannah Harbor, 40 feet widening and deepening—Georgia.

Savannah Harbor sediment basin—Georgia.

West Point Lake—Alabama and Georgia.

Maunalua Bay Small Boat Harbor—Hawaii.

Wainae Small Boat Harbor—Hawaii.

Dworshak Dam and Reservoir—Idaho.

Illinois Waterway, Calumet-Sag modification—Illinois and Indiana.

Illinois Waterway Duplicate Locks.

Kaskaskia River navigation—Illinois.

Cannelton locks and dam, Indiana and Kentucky.

Newburgh locks and dam—Indiana and Kentucky.

Uniontown locks and dam—Indiana and Kentucky.

Laurel River Lake—Kentucky.

Some Members may say, "so what?"

One simple answer is that the law is the law.

Another answer lies in the reasoning of the Congress in passing the National Environmental Policy Act in the first place. Congress required environmental impact statements, I think, so that an agency, in its decision-making process, can give appropriate, careful and full consideration to the environmental impacts of its proposed actions.

Some agencies do not agree that completed environmental impact statements should accompany proposals through all existing levels of review.

I agree with the General Accounting Office, however, in its recently expressed belief that:

> If this requirement is met before initial review and approval of a proposal, an agency is more apt to consider environmental information objectivity and fully.

As I indicated in my supplemental remarks, there are no final impact statement, for example, for the following four projects funded in the bill:

First. The Sprewell Bluff Dam in Georgia;

Second. The Lincoln Lake Dam in Illinois;

Third. The Trotters Shoals Dam in South Carolina and Georgia; and

Fourth. The Central Arizona Project in Arizona.

With regard to the Sprewell Bluff project, I think it it is important to point out that to the best of my knowledge, gained from the hearings on this bill, this project is being funded not only without a final impact statement, but also in spite of the fact that the Corps of Engineers will be holding a major public hearing on it, probably this summer, to determine the views of Georgia residents on the project.

There are also substantive issues involved with that project.

It is my understanding, for example, that the Georgia Natural Areas Council has listed the Flint River, which would be damned by the project, as the most scenic stream in the Georgia Piedmont. The Georgia Recreation Commission is apparently opposed to the project, as well as the Georgia Game and Fish Commission.

Substantive issues can be raised about other projects as well.

The Bureau of Sport Fisheries and Wildlife has condemned the Lincoln Lake project in an April 1971 report in which it pointed out that "one of the finest, if not the finest natural streams in Illinois, will be destroyed as a result of the project implementation."

The central Arizona project is a controversial project which has raised a variety of questions in some minds. For example, will further withdrawals of Colorado River water aggravate salinity problems in the water flowing into Mexico or will it lead eventually to the demand for diversion of the waters in the Columbia River Basin?

Mr. Chairman, I do not mean to suggest that these projects, or the others listed here are necessarily worse than some others funded in this bill. In all probability a great many of these projects are worthwhile and ought to be funded by Congress. But I have not had the tools nor the time to decide whether that is correct or not. And I have taken this time principally to make that point.

Fortunately many of the projects with no environmental impact statement now are getting planning—but not construction money.

We are told there will be construction in the future until final impact statements are filed. I am pleased to hear that.

We all realize how big an impact these kinds of projects can have on the environment—and for that reason I think it is obvious why we need environmental impact statement on them early—not just 30 days before construction begins.

Therefore, given the questions raised about the necessity or the environmental consequences of some of these projects, and the lack of environmental impact statements on a significant number of them, I intend to vote against final passage of this bill.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I applaud the gentleman from Wisconsin for his statement. I wonder if the information which he has available indicates whether or not the Rowlesburg Lake in West Virginia is one of the projects that has not filed a final environmental impact statement.

Mr. OBEY. It is my understanding that the Rowlesburg Lake project is not accompanied by a final environmental impact statement. I would point out it is very difficult to tell because you have to get the agency reports, run through all of them, and compare them with what is in the bill.

In my judgment the agencies ought to be required, and I am certain in the future the subcommittee is going to try to require them, to tell us which ones have reports and which ones do not.

Mr. HECHLER of West Virginia. Mr. Chairman, if the gentleman will yield further, there are many questions on this and other projects which could be settled if these environmental impact statements were filed. There have been a large number of environmental criticisms of the Rowlesburg project, which will cost a grand total of over $150 million before completed—$143 million of which is in Federal funding. Under the heading of construction, the committee report states that $200,000 is included for land acquisition for the Rowlesburg Lake in the next fiscal year. I regret that this amount has been included for a project which will constitute the most expensive dam east of the Mississippi River.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do this in order to make a statement on environmental impact policy for the RECORD and for all Members.

In specific answer to the gentleman from West Virginia, I will state the Rowlesburg Lake project is not funded for construction. No work will be initiated until a final environmental impact statement has been filed.

Mr. Chairman, I have a specific answer for each of the four projects the gentleman from Wisconsin mentioned, namely:

(a) Sprewell Bluff Dam, Georgia:

(1) The Committee specifically reduced the budget request by $1.1 million because of delays in finalizing the environmental impact statement;

(2) Draft EIS has been available for review since July, 1971—final pending.

(b) Lincoln Lake, Illinois:

(1) The Committee reduced the budget request by $500,000 because of the delays being encountered in connection with resolution of pending issues;

(2) Draft has been available for review since May, 1971—final pending.

(c) Trotters Shoals Lake, Georgia and S.C.

(1) The funds allowed in the bill are strictly for land acquisition to avoid cost escalation in the area and hardship to the landowners.

(2) Draft has been available for review since July, 1971.

(d) Central Arizona Project:

(1) The draft environmental impact statement has been available for review since Sept. 27, 1971, and the final statement is scheduled for July, 1972.

Certainly we would be ridiculous to stop projects that have been long under construction, especially in view of the recent devastation of floods which have occurred in this Nation.

Finally, the environmental impact statements are being prepared as fast as possible on all projects under study and review, and all old projects under construction. I hope this policy statement will satisfy Members and all those concerned.

Mr. du PONT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to commend the gentleman from Tennessee on the statement he has just put into the RECORD concerning national environmental policy and the filing of impact statements.

I would like to commend the gentleman, also, and the whole Committee on Appropriations, for its wisdom and foresight in dealing with the question of the Tocks Island Dam.

As the Members may know, construction funds were not appropriated this year for the Tocks Island Dam, one of the reason being this very question of the environmental impact statements. This brings me to the gentleman from Wisconsin and his comments in the well a few moments ago concerning the failure to file the environmental statements in the case of a great many projects. I would like to associate myself with his remarks and point out that the Tocks Island Dam situation was a prime example of the type of trouble we can get into if these environmental statements are not filed.

A year ago no comprehensive statement had been filed on that project and the Congress did appropriate some construction money. Between the appropriation last year and the committee hearings this year the full environmental impact statement did show the severe ecological problems associated with the Tocks Island Dam project.

So here, Mr. Chairman, is a prime example of the need for filing these environmental statements. The gentleman from Wisconsin is quite correct in his remarks and I commend him for his research and concern in this important matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, $54,200,000, to remain available until expended: *Provided*, That $1,000,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 53–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: Page 5, line 16, strike out "$54,200,000" and insert in lieu thereof "$54,050,000".

Mr. YOUNG of Florida. Mr. Chairman, this amendment deletes $150,000 from H.R. 15586 that would finance yet another study of the defunct Cross-Florida Barge Canal, a project already studied to death and one opposed by conservationists in Florida and throughout America. The first study on this project was conducted in 1826 followed by eight more before 1930, and numerous others since.

Now, Mr. Chairman, it sounds good to have an environmental impact study, but I submit that such a study would only be needed if this project was going to go ahead; however, the digging of the Cross-Florida Barge Canal has been permanently halted by Presidential order to prevent further damage to the state's environment.

So the proposed study is a very obvious ploy to resurrect a discredited project. The Congress is being asked to put a stamp of approval on a canal that would do irreparable harm to Florida's natural resources and seriously threaten the underground aquifer that supplies drinking water to the central part of my State.

This canal is not something new. The Cross-Florida Barge Canal has been on again, off again for 150 years and for decades, the canal supporters have had their way. In fact, so far, $53 million of taxpayers' money has been wasted on the big ditch. During this time, opponents of the canal were unable to have their voices heard. We were refused the opportunity to participate in the decisions.

Finally, our voices were heard. On January 19, 1971, President Nixon permanently halted the canal, and last year this Congress appropriated $4.15 million to clean up the damage and halt construction on the canal. The Army corps of engineers reported to me that their work on the canal was being continued "solely because it is necessary to leave the affected areas in a safe condition or mitigate adverse environmental effects. Continuation of these contacts does not represent resumption of the canal project which was permanently halted by President Nixon."

Another study would merely waste even more of the taxpayers' money on a project that should not be revived. But the Florida delegation has always stood together on our stated public works requests. This study was not approved by the Florida cabinet as part of the State's official request for public works funds for fiscal year 1973. Nor has our Governor requested money for another study.

The Cross-Florida Barge Canal is not supported by the people of Florida and Florida's representatives here in Congress are divided on this issue.

In stopping the canal, President Nixon said:

> A national treasure is involved in the case of the Barge Canal—The Oklawaha River, a uniquely beautiful, semi-tropical stream, one of the very few of its kind in the United States, which would be destroyed by construction of the Canal.

A study recently was completed on the Oklawaha River Basin which makes up a large portion of the canal area. This study involved more than 100 environmentalists from Federal and State agencies and several universities, and it led to a recommendation on May 18 from the Council on Environmental Quality and Corps of Engineers calling for action to preserve the Oklawaha River.

While time prevents me from outlining all the environmental objections to the Cross-Florida Barge Canal, I want to point out that another study would be reviewed by the Council on Environmental Quality which is already on record in opposition.

A study last year by 126 Florida scientists concluded that:

> The recently abolished Cross-Florida Barge Canal project will stand as a classic example of the reckless degradation of the natural environment.

The Florida Game and Fresh Water Fish Commission found that the Rodman Reservoir, part of the canal system, "created ecological problems almost beyond comprehension."

There are many reasons why people are opposed to this project. Some have asked why my great concern in this matter since it is not in my district. We must realize, however, that the effects of this project are not limited simply to the area of construction. Russell Train, Chairman of the Council on Environmental Quality, concluded that:

> Potential pollution from the project may be transferred to the Florida Aquifer, setting off a destructive chain reaction affecting the water supply for many users—including those in my district.

The U.S. Geological Survey agreed and pointed to:

> Potential aquifer contamination and pollution of canal waters which could affect estuarine waters and their ecologies.

The availability of fresh water, I might add, is a serious consideration and from time to time, water rationing is required in parts of Florida including Pinellas County in my district of Florida.

So I say again, the only reason this study would be needed is if digging of the canal is going to be resurrected. Those who want to do that should oppose my amendment—but those who want to keep the project dead, those want to protect the natural environment, and those who want to save the taxpayer's money, should support my amendment.

I urge a vote for this amendment to delete funds for still another study of the Cross-Florida Barge Canal. Too much of the taxpayers' money already has been wasted on this discredited project—and there are literally thousands of good projects where this money could be spent to protect natural resources and benefit the people of our districts.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, four members of the Florida House delegation have a direct and personal interest in this project. It is an interest based on the economic effect of the project on the districts and the people whom we represent. The concern expressed by my good friend. BILL YOUNG, about water supply is, of course, a legitimate interest.

Water supply is becoming increasingly a matter of importance to city dwellers and industrial users throughout the Nation. We, in Florida, more than most States, have been blessed with an abundant supply of fresh water, but even that abundant supply is not inexhaustible. More careful planning for future requirements will be required.

The essential point is that there can be little fear about danger to the water supply from a barge canal across Florida. This issue was thoroughly explored many years ago. There was concern, legitimate concern, about a sea level canal which might have interferred with the passage of water through subterranean channels to south Florida. No such concern, other than by isolated engineers, was ever expressed about adverse effects to water supply from a 12-foot barge canal. But let us get the facts.

That is what we propose to accomplish by spending funds for an ecological and economic study. First of all, there is no unbiased, factual study which was prepared subsequent to work stoppage by the President in January 1971. There have been reports from agencies and groups which support the President's position. There have been no—repeat no—studies which brought out both sides of the question. This has resulted in a distorted picture. We think there is a need to be able to look at the good side as well as the bad side of the canal.

If for no other reason let us not overlook the fact that nearly $50 million of the taxpayers' money has been spent on this project after it was fully justified from studies made by the U.S. Corps of Engineers. The State of Florida has spent something like $10 million principally to acquire right-of-way. That is a lot of money to have go down the drain with nothing to show for it. By this study we can get the facts.

The principal point which appears to disturb the ecologists is the loss of the scenic Oklawaha River, and this is a very considerable loss. However, there were many of us who proposed well in advance of the President's action that the Oklawaha be preserved by rerouting the canal. This would not have been a difficult problem but it would have meant some additional cost.

The ecologists have been heard on this subject. The President's advisers have been heard. The taxpayers who invested in the project have not been heard. The Congressmen who sponsored the project have not been consulted in the slightest to this date. The potential users have not had an opportunity to be heard. What is wrong with looking at both sides of any issue?

It must be said by any impartial observer that the ecological damage that might come from the Cross-Florida Barge Canal is far less than that which will result from a pipeline for the oil companies across Alaska. If the Cross-Florida Barge Canal is bad, then the Alaska pipeline is doubly bad. The administration has not see fit to apply the same guidelines to both projects.

The President, by executive order, stopped work on the Cross-Florida Barge Canal and thereby repealed the statutes by which Congress had authorized and funded the canal. It was an action taken without any consideration for the proponents of the canal. I think the Congress has a right to know all the facts.

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this canal has been under consideration for a long time. It is a valuable canal. It is valuable not only from the standpoint of economics but also from the standpoint of national defense. In time of war the movement of oil from the western producing areas to the eastern consuming areas might be quite important to our national defense. Over a billion dollars worth of oil shipping was lost in 1 year alone on the coast of Florida in World War II. The submarine threat is much greater today than it was then.

The only points that have been raised here are that there might be some shortage of water and there might be some pollution of water. That is all I heard said. Perhaps some other things were actually said when the gentleman from Florida made his speech, and I should be glad to address any point he would like to ask me about.

The authorities have stated in the hearings repeatedly that the water table up and down will have no significant change at all. Quite obviously one does not really have to be an engineer to figure out that no depletion of water is likely because we are not talking about a sea level canal, we are talking about a canal which has a reservoir on the top of the ridge of Florida. Obviously there could not be any depletion of water in the water table because of a new lake erected on a ridge in Florida.

I refer now to the testimony in the hearings before the Subcommittee on Appropriations, 91st Congress, second session. General Free testified on page 672 there would be no significant effect whatsoever on the water table even in the immediate vicinity of the canal. Certainly it would not affect anything in the situation of the gentleman from South Florida; but it would not significantly affect the water table even in the immediate vicinity, so far as the lowering of the water table is concerned, in any respect.

With regard to the pollution of water, that is exactly what we want to have this hearing upon. We have never had the opportunity to be heard.

The President announced in January of 1971, he was halting the canal. He did not say it was a permanent halt. He did say he was halting it. He said he did this because of the recommendation of the Council on Environmental Quality.

So the Members of Congress and other people and I went to this council and, after much difficulty, we had a hearing; a hearing in the sense that we were heard in protest after the fact. But at that hearing it was said by the head of the Council on Environmental Quality that they had never, never made any study whatsoever as to the ecology of the Cross-Florida Barge Canal and that they had no intention of making such a study.

The gentleman from Florida, that is from St. Petersburg, put in the Congressional Record reasons, which are quite cogent, as to why they wanted the canal stopped. I did not put it in because I thought it might involve Presidential privilege, but the gentlemen did, and it is stated there, if you read it—and I am sure the gentlemen could give you the page number—it deals somewhat with ecology, but mostly with politics. But regardless of whether politics or ecology the Council on Environmental Quality told us repeatedly in that meeting—and it was an open meeting, and many people were present—that they had never made a study of the ecological effect of this canal.

I told them that I thought they should. So they did make one, and they did not invite me or any Member of the Congress, or any ecologists who favored the canal—and many ecologists do favor the canal—they did not invite anyone from our side. They just went on their own little way in arriving at the paper that they presented. And it is refuted in its entirety by materials in the Congressional Record, volume 117, part 12, page 15431.

What is the legal situation? I have briefed the law on this matter. I used to be a lawyer. There is not a single case in the entire judicial history of the U.S. judicial system which says that the President can repeal a law such as this where there has been an authorizing and appropriating of money for a canal on other project. Many cases hold just the opposite.

The courts have been asked by the Department of Justice at the requests of the President to try to upset these cases, and they have not been able to do so. They have tried repeatedly, and the courts have said no, right up to today, that the President has absolutely no constitutional right to repeal such a law.

What did the law on environmental protection say when we passed that act? That act provided that there would be studies made that would be presented to the Congress for the Congress to act upon. Then, if Congress wanted to repeal a law it would have that authority, of course. And that is what the law says with regard to the environmental situation in connection with the Council on Environmental Quality. It does not say that the Council on Environmental Quality would report to the President who would then repeal the law, or end a project. It says that the President will take the report and give it to the Congress with recommendations and that the Congress should act upon it as it would with any other law or repeal of law.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. Bennett was allowed to proceed for 1 additional minute.)

Mr. BENNETT. In conclusion, the Cross-Florida Barge Canal was authorized by law. The President has no right to repeal that law, and the courts have held this to be so, in this year. The law we passed with regard to environmental quality said that the Council should report to the President who in turn would report to the Congress, and that the Congress would then take whatever action Congress decided was advisable.

The gentleman from Florida (Mr. Sikes), and others have recommended that the Oklawaha River be bypassed, and this can be done for less than $5 million.

This is a most important project for our country, for the future and for ecology as well as economics. The country as a whole has a right to be heard. The good values of this project should be made known. The Congress should be heard in this matter, and the citizens of this country should be heard, and all this should be done before the President attempts to repeal a law in this manner.

Mr. PEYSER. Mr. Chairman, I move to strike out the last word.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

My distinguished colleague, the gentleman from Florida, made comment and referred to a memorandum from Russell Train that had been used and bandied about considerably.

I think just picking out sections of that memorandum and using it for one's own benefit is all right politically, but I think it is only proper that we hear some of the other contents of that same memorandum.

With reference to the Cross-Florida Barge Canal and from the standpoint of the ecological question and the protection of natural resources. This canal project is very marginal economically according to officials and Russell Train says:

> The project itself is marginal from an economic point of view and hence very undesirable in the face of the potential and actual environmental problems it presents.

In another section of that same memorandum, this is where the political accusations come from, Mr. Train said to the President:

> I have been told that if the project were voted on as a referendum by the people of Florida, it would be defeated. Essentially, only a small minority of people in the Tampa and Jacksonville areas have a real interest in it.

I think he was absolutely correct. The people of Florida are opposed to digging this canal.

Let me talk for just a minute about another phase of the economic problem.

In one basin in this canal, the Inglis Basin which is on the western approach to the canal, it is estimated it is going to cost $1,630,000 a year just to clear the hydrilla from the Inglis Basin. The hydrilla problem is much like the water hyacinth that grows and grows out of control.

It will also cost some $10,000 to $12,000 per mile per year just to keep the aquatic growth clear in the canal.

Comments were made on the possible contamination of the Florida aquifer that supplies water to central Florida. This aquifer is much like a sponge made of limestone and in many areas comes very, very close to the earth's surface and scratching a ditch into this aquifer could very well allow contamination to seep into the water-holding aquifer. This concern is voiced not only by me but also by the Director of the U.S. Geological Survey and also the Chairman of the Council on Environmental Quality.

I suggest that ample evidence has been submitted to question the ecological effect of this canal, and when President Nixon stopped this canal, he rightfully earned the gratitude of the people of Florida. I know they are hoping we will approve this amendment and delete the money which would resurrect this canal.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have read the brief memorandum from the Council on the Environmental Quality.

It said, in addition to the environmental issue, three things. It said: First, "Mr. President, if you will stop this project, it will save you some money this year."

Second: "Mr. President, it will save a lot of money in the long run."

Third: "Mr. President, we think it is politically wise to stop the project."

This was a judgmental factor on the part of CEQ and the administration to stop the project.

The President has no authority to repeal the law—to repeal an act of Congress.

This matter has been in Federal Judge Johnsen's district court in Florida and he stated that there had not been a full and complete environmental statement filed on the project.

It seems that some of the environmentalists favor a study for stopping the project, but they are against a study of an environmental impact statement if it would bring further light and further information about the project.

So I think we should get the facts. This matter is under the general investigation funds section. This is merely a study and is in compliance with Judge Johnsen's request of the Federal district court.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The question was taken; and on a division (demanded by Mr. YOUNG of Florida) there were—ayes 15, noes 31.

Mr. YOUNG of Florida. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. YOUNG of Florida. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

AMENDMENT OFFERED BY MR. THOMSON OF WISCONSIN

Mr. THOMSON of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. THOMSON of Wisconsin: On page 5, line 24, following the word "Army", strike the period and insert "*: Provided further,* That no funds shall be expended for continuation of the twelve foot Mississippi River channel study north of Guttenberg, Iowa, except for the purposes of investigating environmental impact, and activation of auxiliary locks for small boats and pleasure craft."

Mr. THOMSON of Wisconsin. Mr. Chairman, this amendment relates to another study, which is a study to consider a 12-foot channel on the Mississippi River. The study has been underway for several years. A preliminary report has been issued by the Corps of Engineers. The report received so much criticism after it was circulated in February of this year that it was withdrawn and has not yet been filed. The people on the upper Mississippi River, those who are north of gate and lock 10, at Guttenberg, Iowa, are extremely disturbed about the damage that will be caused by a 12-foot navigation channel on the upper reaches of the Mississippi River.

One good reason why we need no further study on the engineering and economic factors of the proposal is that it proposes a 12-foot channel in 22 miles of the lower St. Croix River. The St. Croix River is such a beautiful stream. It is part of the boundary between Minnesota and Wisconsin. Its lower 52 miles is presently being considered for inclusion in the wild and scenic river system and all of the upper St. Croix was included in the original wild and scenic river system. We cannot have a 12-foot barge channel in a wild and scenic river. We need no further study on the economics and engineering which will affect a priceless, beautiful river such as the St. Croix. We ask in this amendment that any further investigation and study be limited strictly to the environmental impact on the Mississippi River north of lock and gate 10 at Guttenberg, Iowa, and that the study include the use of auxiliary locks in the dams that are already built.

In the 40 years that this river has had a 9-foot channel, use of the river by pleasure craft and for recreational uses has increased thousands of times. But it seems every time a boater comes to a gate and lock on the Mississippi River there is always a barge and a towline that is waiting to get through the lock, and pleasure craft in large numbers are refused entrance into the lock until the commercial use of that lock is concluded. Pleasure craft are often delayed there for 2 and 3 hours before they can get through each lock.

The Corps of Engineers in their wisdom, when they built the lock and dams, included some space for auxiliary locks which has never been used. If we want to increase the barge traffic and take advantage of the tremendous increase in the recreational use of that river, we ought to examine whether those auxiliary locks should be put into use at the present time. The study by the corps should include the use of the auxiliary locks as a prime concern.

On the upper Mississippi River there are over 120,000 acres of Federal wildlife refuge. We have there ducks and egrets and fish and wildlife on the water. They are there in such great abundance. And, their habitat there is in serious danger of being destroyed should we have a 12-foot channel in that river.

A 12-foot channel may mean dredging and pouring out of siltation and sludge along the banks of the river, or in the alternative, raising the level of the pools themselves, which will completely destroy the wildlife refuge.

Mr. Chairman, we insist that this study be limited to those ecological and environmental factors that are so important to us in the reaches of the upper Mississippi and to the full use of those locks and dams by small boats and pleasure craft. We think the esthetic values of the upper Mississippi are worthy of equal consideration with the economic advantages of putting bigger tows on the river, and we think that the environmental impact and esthetic values should be studied first. I, for one, will oppose any attempt to put a 12-foot channel into the Mississippi River until an environmental impact study is filed, evaluated, and approved as ecologically safe. Such an eventuality, despite these additional funds for study, is unlikely. Deepening the upper Mississippi to 12 feet would be an environmental loss with no offsetting economic advantage.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman from Wisconsin, Governor Thomson, spoke to me about the matter today. We discussed it. I would say to the gentleman this is not for dredging, this is not for construction. The funds in this bill are just for continuing the study. This is just for getting the facts. The decision will be made later by Congress as to whether a project is authorized for construction.

This is a $2.5 million study for which we have already allocated $1.2 million. The amount funded in the bill is only $126,000 to continue the study of the economic feasibility as well as the ecological and esthetic factors which the gentleman requests. We need to complete a balanced study of all the issues involved in the proposed project.

I would say we are substantially in agreement with the objectives the gentleman requests. So in view of the amount of funds expended, the facts that will be obtained, and the interest from the representatives of the several States who appeared before our committee, I ask that the amendment be defeated.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I support the amendment offered by the gentleman from Wisconsin that we limit the study to the environment and to the possibility of auxiliary locks for small boats and pleasure craft. In fact, I think we have gone far enough in the study to find out now that the deepening of the channel is not economically feasible. Evidently that is one of the problems concerned in why they have not submitted the report yet.

There are some other considerations we might take into account now, which are even more important now than when the study began, and those are the recreation uses of the river.

As the population increases and the influence of the people increases, there is greater demand for recreation uses on the river. The idea that this is primarily a waterway for transportation, I think, is something that has long gone by.

There is pretty serious difficulty with

the 9-foot channel. When they made the study, they looked at the river to see how they would make a 12-foot channel. There are only two ways to do it. One would be to raise the water level, and the other is by dredging. If we raise the water level, we get other problems of destroying the breeding grounds of the waterfowl and fish. Also whenever we have a rain such as we had recently, or in the spring runoff, if we raise the level of the river, it will be more difficult for the tributaries to empty out into the river, and they will back up and cause more flood damage to the communities upstream.

Not only would this be in the highways, but it would be in the railroads in the form of bank erosion. You have to look at the streams and see what a raise in the level of the rivers does to bank erosion that did not occur before. All indications are they are dredging as they deepen the channel rather than raising the water level. Here you have an even more catastrophic problem that would occur.

If you dredge, one of the problems is they have to drop the dredge as close to the edge as possible for convenience. What happens now is the river there is going to be higher than the surrounding land because of the dredging. In other areas it increases erosion back in again, and therefore they are stirring it up and the turbulence is greater and it is harder for the fish to live because you cannot get the photosynthesis there due to the reduced amount of light. All of this is causing a problem.

Another part is they are now down to the bedrock of the channel, and if there is more dredging, this would create a problem, but also they are going to have to dynamite in order to get a deeper channel. The main purpose here is so that the barges can get a larger load by having a little larger draft. I think that the economic benefit, which would be an economic benefit to the barge line, is not anywhere near the kind of benefit they would need in order to create this damage that would occur to the river.

The way it could be used by the thousands and thousands of people who now use the river would make it necessary for them to leave this untouched.

Therefore, I support the amendment offered by the gentleman from Wisconsin which would limit the study for this year to an environmental study and a possibility of installing auxiliary locks.

I think we ought to look seriously next year at whether we want to continue the study on the 12-foot channel at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. Thomson).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 17, noes 29.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): $1,181,098,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That in connection with the rehabilitation of the Snake Creek Embankment of the Garrison Dam and Reservoir Project, North Dakota, the Corps of Engineers is authorized to participate with the State of North Dakota to the extent of one-half the cost of widening the present embankment to provide a four-lane right-of-way for U.S. Highway 83 in lieu of the present two-lane highway: *Provided further*, That $840,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army: *Provided, further*, That $1,000,000 of this appropriation shall be transferred to the Appalachian Regional Commission for the Pikeville, Kentucky, model city program.

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Nedzi: Page 6, line 9, strike out "$1,181,098,000" and insert in lieu thereof "$1,181,198,000".

Mr. NEDZI. Mr. Chairman, I rise in behalf of two of my colleagues from Michigan, Mr. Broomfield and Mr. O'Hara, to request a very small amount of money be added to the pending appropriation bill.

As we all know, the forces of nature in the last couple of days have underscored the importance of prudent flood control measures. The chairman of the subcommittee itself has alluded to this fact. That is the purpose for which we seek these funds.

Our amendment asks for the very reasonable sum of $100,000 for preconstruction planning for the Clinton River-Red Run drainage control project in Oakland and Macomb Counties, Mich. This is a project of tremendous importance to the people we represent in this area known as the Clinton River drainage basin and covers 760 square miles in southeastern Michigan just north of the city of Detroit. Within this area, which is the fastest growing in Michigan, live 1½ million people who are affected to one degree or another by the Clinton River and its tributaries. Fourteen times since 1938 this river has overflooded its banks—in 1962, in 1965, and twice in 1968 there was severe flooding. The danger in the area grows as the area becomes more and more urbanized.

In 1970, my colleagues, after many years of study by the Corps of Engineers, the Congress authorized the expenditure of $40 million as the first installment toward the construction of an adequate flood control system on the Clinton River and Red Run drain. The $40 million in Federal funds would be augmented by $60 million in expenditures by local governments, and the local governments here have indicated a willingness—indeed an eagerness—to participate because they recognize the terrible danger which continues to exist.

Let me precisely emphasize the points I believe are persuasive. In the first place, there are 1½ million people involved. This is a number which exceeds the populations of a third of our States. Second, in 1970 the authorization of $40 million recognized the need, and still not a single Federal dollar has been appropriated. There has been a long and continuing history of unchecked flooding in the area with the prospect of more frequent troubles as the area's urbanization increases.

Fourth, the annual flood loss, as estimated by the Corps of Engineers, is some $20,421,000. This is annually, and hundreds of people have been and are driven from their homes.

Fifth, there has been a finding by the Corps of Engineers that a serious flood and major drainage problem exists in the area, and the corps forecasts future damaging floods.

Finally, this project, unlike the Florida canal or other projects that have been approved, has a very favorable cost-to-benefit ratio of 4 to 1.

Our amendment is modest to the point of being almost invisible when you view the total annual flood loss in this area, let alone the total amount of this appropriations bill. The need has been clearly established after prolonged study, and in 1970 a substantial commitment was made by the Congress. We ask that this overdue and small implementation—only $100,000—at last and at least be taken.

Mr. Chairman, I urge the adoption of our amendment.

SUBSTITUTE AMENDMENT OFFERED BY MR. PEYSER FOR THE AMENDMENT OFFERED BY MR. NEDZI

Mr. PEYSER. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Michigan (Mr. Nedzi).

The Clerk read as follows:

Amendment offered by Mr. Peyser as a substitute for the amendment offered by Mr. Nedzi: On page 6, line 9, strike out "$1,181,098,000" and insert in lieu thereof "$1,193,698,000."

Mr. PEYSER. Mr. Chairman, I was going to offer this as an amendment originally, but I am now offering it as a substitute to the gentleman's amendment.

I was encouraged when this session first started when the chairman rose to speak about the flooding conditions in our country today because I felt that perhaps he was going to make a motion to restore some of the $12.6 million that had been cut from the administration's requests dealing with flood prevention construction under this bill. But he did not move to restore that money.

I should like to talk for a moment on the terrible flooding we have been facing in Westchester County, N.Y. I realize it is not as serious as in many others in the States around me—New Jersey, Pennsylvania, New England States—but it is nevertheless very severe. My district includes the city of Yonkers, which has approximately 210,000 people and has the Saw Mill River running through it.

The Saw Mill River project has been before the Public Works Committee for nearly 14 years, and during that period there have been a number of studies which have been continually authorized, to find ways to stop its continued flooding. As a matter of fact today's bill includes yet another study of this problem. During the storm last week more than 300 homes and 100 businesses were badly damaged. I personally went into these homes and businesses with 5 or 6 feet of water in them.

It distresses me, that we have had this type of a problem for so many years and no action has been taken to prevent the flooding.

The total estimate for this program is less than $8 million to cure the entire problem, including Ardslery, Elmsford, and Chappaqua.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Arizona.

Mr. RHODES. For the purpose of clarification, I understand the gentleman is interested in adding funds for the Yonkers, N.Y. project; is that correct?

Mr. PEYSER. I am seeking to add funds to prevent future flooding of the Saw Mill River. I am trying to put back into this bill the $12.6 million originally budgeted by the committee in this portion of the bill with the idea that $8 million of the $12.6 million will go to prevent future Saw Mill flooding.

Mr. RHODES. Is the gentleman saying that the reductions which were made, as shown in the report of the committee on pages 44 and 45, are not warranted reductions?

Mr. PEYSER. I am saying that I would like to see the $12.6 million which the committee cut from the administration's request be restored with enough of that money going to solve this Saw Mill River problem.

I include the following list of projects necessary to stop future flooding of the Saw Mill River:

Yonkers. The flood control project for Yonkers, New York is located along the Saw Mill River in the City of Yonkers, Westchester County, New York on the northern boundary of New York City. The proposed flood control plan is primarily a channel improvement along a 9,500-foot long, highly industrialized reach of the Saw Mill River extending from a point upstream of Yonkers Memorial Park to a point upstream of Old Napperhan Avenue. This project is designed to provide flood protection by lowering flood flows through the use of a more efficient river channel. The plan consists of 700 feet of clearing and snagging and 400 feet of channel excavation in the lower reach. Continuing upstream, the plan includes approximately 3,800 feet of concrete flume, approximately 4,600 feet of channel excavation and approximately 5,400 linear feet of concrete walls. The plan also provides for the raising or reconstruction of nine bridges, five footbridges and three covered passageways, and constructing a railroad closure structure and passageways, and interior drainage facilities which include three ponding areas and drainage structures as required.

Cost of Federal share to complete Yonkers project, $3,570,000.

Chappaqua. The site of the proposed improvement is located at the confluence of Saw Mill River and Tertia Brook in the Town of New Castle with the lower reaches of the improvement extending into the Village of Pleasantville. The plan involves straightening the existing channel and excavating it to a trapezoidal shape over a 6,000 foot reach. This plan also involves the replacement of a road bridge and an access bridge and modifications to two railroad bridges. An alternative plan was also investigated at the request of the Town of New Castle which would divert Tertia Brook directly to the Saw Mill River and allow the Town to have additional lands for its town civic center and commuter parking area.

Cost of Federal share to complete Chappaqua project, $893,100.

Elmsford. The considered plan would be located between Warehouse Lane and the Penn Central Railroad and would consist of approximately 2300 linear feet of channel improvement, 2800 linear feet of earth levee and concrete wall on the left bank, 1400 linear feet of earth levee and concrete wall on the right bank, stop-log structure, bridge construction, and interior drainage facilities.

Cost of Federal share to complete Elmsford project, $1,500,000.

Ardsley. The plan of improvement for Ardsley, New York would consist of relocation and widening and deepening the existing channel. In addition, protective works consisting of floodwalls and levees with necessary drainage facilities to existing system would be provided.

Cost of Federal share to complete Ardsley project, $1,092,000.

Total cost to prevent Saw Mill flooding, $7,055,100.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the Peyser substitute amendment and also the Nedzi amendment.

Let me say to the gentleman from New York, he could not further the Yonkers project by providing additional funds for the Corps of Engineers. We checked with them this morning on the Yonkers project and were informed that the funds in the bill represented the full corps capability.

We have recommended a $12.6 million net reduction in the construction, general appropriation. The gentleman would restore the full amount of this reduction. This will not improve or enhance the project in which the gentleman is interested. In fiscal year 1971 we added $55,000 over the budget to expedite this project. This amount was placed in the budgetary reserve and not released until the current fiscal year. This has resulted in a delay in planning the project.

We are very sympathetic to the Yonkers project.

Since we have allowed the corps full capability in this bill which will complete planning, I would believe the substitute amendment should be defeated.

Mr. Chairman, with respect to the Red Run Drain, Lower Clinton River project in Michigan, which the gentleman from Michigan (Mr. Nedzi) addressed himself to, we are very sympathetic. I agree it does have a good benefit-to-cost ratio. But the gentleman refers only to a very small amount of money being involved.

Although the amendment is only for $100,000, it would constitute a commitment to begin planning on a $142 million project. The committee adopted a policy of including only a limited number of very small, low-cost planning starts in the bill. We added 18 projects, but the highest one involved a total cost of only $38 million. I repeat; this project referred to by the gentleman from Michigan is a $142 million project.

I would also state that there are 181 authorized projects in the current planning backlog which are not funded.

There has not been an adequate opportunity for a hearing on the project. For these reasons I oppose this amendment.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Nedzi amendment.

Mr. Chairman, it is true that we did not again this year appear before the Subcommittee on Public Works. We have tried that route, Mr. Chairman, and it does not seem to do much good. Our pleas fall on deaf ears.

I can understand the desire of the gentleman from Tennessee (Mr. Evins) and the members of the committee to save some money. We all like to do that. But I believe that the way in which it is being saved here is one that does not make much sense. The chairman of the subcommittee, the gentleman from Tennessee (Mr. Evins), admits that this bill contains numerous projects having a lower cost-benefit ratio than this one. In other words, if you want a project in the bill, think up a dinky one. It does not matter if it has a poorer cost-benefit ratio, just so it is small enough, we can get it funded.

But we do not have a small problem here. The gentleman from Michigan (Mr. Nedzi) pointed out that 1.5 million people live in this area, and are affected by the flooding. The damages, when we have a flood—and we have had 14 of them since 1938—are tremendous. Of course it is going to cost something to fix it up. But if we are going to spend money, let us spend it on projects where we do get a decent cost-benefit ratio like on this one, and not just keep turning our backs on it year after year. I know they would rather take care of some little, bitty ones and cheaper ones, even though they do not have anywhere near as good a cost-benefit ratio, but I think that is a foolish way of spending the limited funds that are available.

The amendment offered by the gentleman from Michigan (Mr. Nedzi) is a good amendment, and it provides for merely $100,000 for a planning start. So let us adopt the amendment.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose both amendments.

Mr. Chairman, I hope the Committee will vote not to approve these amendments. To begin with, they would accomplish nothing worthwhile except that it would provide a slush fund for the Corps of Engineers with no direction whatsoever, if the Peyser substitute amendment were to be adopted.

As far as the Red Run Drain, Lower

Clinton River project is concerned, I agree with the gentleman from Michigan who was just in the well and also with the author of the amendment that this is a good project.

It has a 3.6 to 1 benefit-to-cost ratio. It ought to be built sometime and I am in hopes it will be. I also hope we will not commit the folly of putting a project in like this on the floor of the House in the consideration of this bill—a project which costs $142 million.

This is a lot of money. When it is started, it should be put in the regular way. I am sure it will be built before too long.

There is a current backlog of 181 authorized projects which have not been funded for initiation of planning.

So if this were the only project that has not been funded for the initiation of planning, then I would say to my good friend, the gentleman from Michigan, that he has a point. But this is not the only project. There are 181 other projects in the backlog. It would be my hope that we could approach this matter in an orderly way and not do it on the floor like this.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. NEDZI. Does the gentleman have any information as to what the cost-benefit ratio of the 181 projects are?

How many actually have a cost-benefit ratio superior to the project that we are suggesting?

Mr. RHODES. I have no figure such as that, but I would venture to say, and I would probably agree with the gentleman, that most of them would have a lower cost-benefit ratio than this.

But again it seems to me that the orderly way to start a project is to do it by appearing before the committee and having the committee vote out the project.

If the gentleman would do this next year, I, for one, will certainly promise him a sympathetic ear and I hope that it will be voted out first.

Mr. NEDZI. I certainly thank the gentleman and I can assure you that we will be back, back, and back again.

Mr. RHODES. I thank the gentleman.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. ROBISON of New York. Mr. Chairman, I too join with the gentleman in opposing both the substitute amendment and the amendment itself.

I want to make sure for the record that my friend and esteemed colleague, the gentleman from New York, understands that this does not mean that I do not have an awareness of the need for and, in fact, the urgency for the Yonkers, N.Y., project.

The only thing is, as I am sure he understands, the money in the bill will complete the preconstruction planning for this project. If we were to add additional money that the gentleman proposes, there is no guarantee and, in fact, it would be very unlikely that those moneys would be put to use in Yonkers.

The gentleman has done exactly what he should have done and he has done what I would have done in this situation. That is to call our attention to the need for this project.

I can assure the gentleman that the subcommittee will give this careful consideration next year as a construction start.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. DAVIS of Wisconsin. Mr. Chairman, I just want to add to what the gentleman from Arizona has already said with reference to the substitute amendment. What the gentleman from New York has suggested is that we simply put back in the net reduction figure which the committee has recommended in the construction general paragraph of this bill.

Now this net figure was arrived at by changes in a large number of projects throughout the country as outlined in the report.

I am afraid that if this amendment were to be adopted, it would be interpreted as undoing everything that the subcommittee has done with respect to a large number of individual projects. By inserting the original budget figure in this regard, it would probably indeed be interpreted by the Corps of Engineers as saying—well, what the House wants to do is to reinstate item by item the figures just as they were submitted in the budget. They would, therefore, decline to make use of some of the increases for some of the special projects included in this bill and would take no notice of the decreases that were made.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York (Mr. PEYSER) for the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The amendment was rejected.

Mr. DENHOLM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and distinguished members of the subcommittee, I associate myself with the remarks of the distinguished chairman in his opening statement this afternoon. I commend the distinguished gentleman from Tennessee and his associate members of the committee for the excellent work that they have done in reporting this matter today.

Peculiar storm conditions have occured this year. In the month of June much devastation and tragedy has befallen our country. Several States and many areas have been victimized by tragedy since this bill was marked up and since the members of the committee deliberated thereon. South Dakota is no exception. The people of South Dakota have sustained a devastating loss, shock, and tragedy.

The reservoir water crest is at an all-time high on the Missouri and at the lower end of the four main stem dams on the Missouri the impact of increased discharge of flood waters is released with a tremendous amount of damage to the side walls and the banks of the Missouri River between Yankton, S. Dak. and Sioux City, Iowa.

The floodgates have been opened, and there is an outpouring of water that is undercutting huge parts of the terrain and parts of the bank that have declivities up to 40 to 50 feet in height. Acres and acres are falling into the river at an excessive rate and the damage to the riverbanks is now endangering a $10 million hospital and a powerplant at Yankton, S. Dak.

I realize, Mr. Chairman and members of the committee, that there is no authorization in support of appropriations at this point in time. I intended to submit an amendment to provide for additional funds in the appropriations now before this body but I have been informed that a point of order will be made and sustained against that amendment absent of authorization in support thereof. Therefore, Mr. Chairman and members of the committee—I refer to the language only for the purpose of foundation to a question—an amendment beginning at page 6, line 9, to delete the general construction appropriation of $1,181,098,000 and substitute therefor the sum of $1,184,098,000. Further, on page 7, line 7, add language after the last sentence as follows, to-wit:

> *Provided further*, that $3,000,000.00, subject to authorization of this appropriation shall be utilized by the Chief of Engineers, Corps of Engineers, below the Gavins Point Dam at Yankton, South Dakota, for emergency bank stabilization on the Missouri River.

Mr. Chairman, I realize that you are fully informed on the details of this matter and that you are sympathetic to our cause. What would the attitude of the committee be on considering without delay a supplemental appropriation if we can achieve authorization for appropriations in the near future on this matter?

Mr. EVINS of Tennessee. The gentleman is correct. We are sympathetic to the problem of bank erosion on the Missouri River, but, as I stated in my original statement, the project has not been authorized and would be subject to a point of order. We could not approve the funding of a project of this type without authorization. The gentleman is working on the authorization. If it is authorized, we would be sympathetic to its being handled in a supplemental appropriation bill or in conference. We are sympathetic if and when the project is authorized.

Mr. DENHOLM. I thank the Chairman and I will appreciate the immediate consideration of the members of the committee when appropriate authorization has been granted. Thank you very much.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, $267,625,000, of which $115,000,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further,* That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

AMENDMENT OFFERED BY MR. MELCHER

Mr. MELCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MELCHER: On page 11, line 8, strike out "$267,625,000" and insert in lieu thereof "$280,357,000".

Mr. MELCHER. Mr. Chairman, I shall keep the committee only briefly, because I want to draw the attention of the committee and the House to a Bureau of Reclamation dam that needs repair in Montana and needs it now.

My amendment adds $12,732,000 to rebuild the spillway of Tiber Dam in Montana—which now is inoperative because of a structural collapse—and raising the embankment to make the dam and reservoir safe and functional. Tiber Dam is on the Marias River, which flows into the Missouri.

I feel that in view of the recent history of dam collapses, such as the Buffalo Creek tragedy in West Virginia and the Rapid City, S. Dak., disaster, the Bureau of Reclamation should move up its schedule to finish this uncompleted work on the Lower Marias Unit in north central Montana. The authorizing bill is still in conference, but funds for Tiber Dam repair have been approved by both bodies.

Water levels in the Tiber Reservoir behind the dam are being kept low because the main spillway is in poor condition.

The Bureau of Reclamation is maintaining a low water level in the reservoir by using only one operable tunnel-type spillway. Mr. Chairman, it is my understanding that any great amount of water from a heavy rainfall or runoff could not be handled safely over the complete spillway as designed when the dam was constructed. The work is included in the Bureau's program some time during the next 5 years, but it should be done now. If the Tiber Dam was to fail because of incomplete, unoperative spillways, another tragic flooding could result.

Mr. Chairman, it is clear that our obligation to assure the safety of Tiber Dam includes making the appropriation to rebuild the spillway now, and hopefully the repairs can be completed before any serious damage could result to the dam or to the people below the dam.

Mr. Chairman, I urge the committee to accept the amendment.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman from Montana (Mr. MELCHER) appeared before our committee on a project for funding, and we funded the project in accordance with his testimony. In reference to the Tiber Dam covered by his amendment, I understand the work has just recently been authorized and our committee has had no opportunity to hold hearings on that item.

I would say the Bureau of Reclamation has an emergency fund for rehabilitation and betterment of projects to the extent an emergency develops which cannot await consideration in the regular appropriation bill. So the Bureau can utilize existing funds in the emergency fund to the extent necessary until an estimate has been submitted, and cost determined, and the matter has been considered in regular order.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. MELCHER).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read in full and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. MICHEL. Mr. Chairman, reserving the right to object, would that foreclose the making of a point of order against a point that has not been reached in the bill?

A point of order can still be made?

The CHAIRMAN. Yes.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a further parliamentary inquiry.

Mr. Chairman, is it not necessary that the point of order be made now?

Having dispensed with the reading of the bill, the point of order has to be made now?

The CHAIRMAN. If the unanimous-consent request of the gentleman from Tennessee is approved, the gentleman from Iowa is correct, the point of order should be made at that time.

POINT OF ORDER

Mr. MICHEL. Mr. Chairman, may I put the Chair on notice that I intend to make a point of order against the language appearing on page 20 of the bill.

The CHAIRMAN. The Chair will protect the gentleman's right.

Is there any objection to the request of the gentleman from Tennessee?

There was no objection.

The portion of the bill to which the point of order relates is as follows:

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of not to exceed three passenger motor vehicles for replacement only, $5,098,000: *Provided,* That, in addition, such sums as may be necessary shall be available from the Continuing Fund, Southwestern Power Administration (16 U.S.C. 825 S-1) to defray emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MICHEL. Mr. Chairman, I make a point of order against the language appearing on page 20, beginning with line 8, as follows:

Provided, That, in addition, such sums as may be necessary shall be available from the Continuing Fund, Southwestern Power Administration (16 U.S.C. 825 S-1) to defray emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

Mr. Chairman, if I might be heard on the point of order, in the Interior Department appropriation bill in 1943, Public Law 216, there was established a $100,000 continuing fund to insure continuity of power operations for use in emergency.

Then in the Interior Department Appropriation Act of 1950, Public Law 350, this so-called continuing fund was increased to $300,000 and extended its use to include the purchase of power and rental of transmission lines. Between 1950 and 1952 the Department of the Interior and the Southwest Power Administration interpreted the continuing fund as a revolving fund which replenished itself automatically from the Southwest Power Administration power revenues. Therefore, there was no upper limit on the amount that could be withdrawn from the continuing fund each year except from the Southwest Power Administration gross power receipts in that year.

Congress recognized that the Southwest Power Administration's use of the continuing fund for the purchase of power and the payment of transmission charges gave the Southwest Power Administration unlimited funds through the back door of the Treasury without going through the congressional appropriation procedure. Therefore in 1951 the Congress added to the continuing fund statute the following provision:

Provided, That expenditures from this fund to cover such costs in connection with the purchase of electric power and energy, and rentals for the use of facilities are to be made only in such amounts as may be approved annually in appropriation Acts.

Congress itself thus closed the back door to the Treasury to the Southwest Power Administration and recaptured its control of Federal expenditures.

Since 1952 the Southwest Power Administration budgeted and received appropriations for its estimated power purchases and transmission costs which appropriations together with supplemental appropriations as have been required from time to time have permitted SPA to fullfill contract commitments in emergencies.

If I might simply cite that statute back in July 1952, Public Law 470, the proviso here said:

> Continuing fund, Southwest Power Administration not to exceed $1,000,000 shall be available during the current fiscal year from the continuing fund for all costs in connection with the purchase of electric power and energy and rentals for the use of transmission facilities.

Ever since that time we have been using varying appropriation language setting a particular figure.

If I might read from the code, page 4013, title XVIII, under "Conservation," paragraph 825S–1, the one to which we make reference here and the language to which I object, we read:

> All receipts from the transmission and sale of electric power and energy under the provisions of Sec. 825S of this title, generated or purchased in the Southwest Power Area shall be covered into the Treasury of the United States as miscellaneous receipts, except that the Treasury shall set up and maintain from such receipts a continuing fund of $300,000, including the sum of $100,000 in the continuing fund established under the Administrator of the Southwest Power Administration. . . .

And so on and so forth.

Then it goes on and concludes with a proviso:

> *Provided*, That expenditures from this fund to cover such costs in connection with the purchase of electric power and energy and rentals for the use of facilities are to be made only in such amounts as may be approved annually in appropriation Acts.

The language on page 20 and beginning on line 8 adds the further proviso to the continuing fund as follows:

> *Provided*, That, in addition, such sums as may be necessary shall be available from the continuing fund, Southwest Power Administration, (U.S. Code 825S–1,) to defray emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

In addition to being a double negative or having that effect of a double negative, the adoption of this proposed wording would actually be a change in the basic law concerning the use of the continuing fund. It is not merely a change in appropriations, as suggested.

Mr. Chairman, this change is legislation in an appropriation bill, and I request that my point of order be sustained.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard?

Mr. EVINS of Tennessee. Yes, Mr. Chairman.

Mr. Chairman, the Department of the Interior requested that we use the continuing fund for the Southwest Power Administration to utilize such funds to defray emergency expenses. We might not be in session when an emergency might occur. They have $300,000 in that fund. As I said in general debate, we have limited it to this amount, so it is a limited amount that they can utilize, up to $300,000, to defray emergency expenses. We think in view of the establishment of the emergency fund and in view of the language written into it and the funds available, they should be able to utilize the emergency fund.

Mr. MICHEL. Mr. Chairman, I submit that this is a change because in prior years we have been setting an appropriated amount. When you have a revolving fund, you have no limit. Whether it is $300,000 or whatever it might be, you can borrow out of it, and this provision provides for automatic replenishment. The minute you automatically replenish it, you take out $200,000 today and tomorrow you take $300,000. Again there is an automatic provision here for replenishment. It sets no limit, and I submit that going back 20 years we provided for annual appropriations, and this sets no limit, and this is legislation on an appropriation bill.

The CHAIRMAN. The Chair understands that the gentleman from Illinois makes a point of order against the language appearing on page 20, line 8, beginning with *"Provided"* and the balance of the paragraph; is that correct?

Mr. MICHEL. Yes, Mr. Chairman.

The CHAIRMAN (Mr. Aspinall). The Chair is ready to rule. The Chair is of the opinion that the language does permit the transfer of an indefinite sum of money from the continuing or revolving fund and, in fact, changes existing law and, therefore, is legislation on an appropriation bill.

The Chair sustains the point of order.

Mr. WHITTEN. Mr. Chairman, today we continue the consideration of our bill providing funds for the development of rivers and harbors, to protect life and property from floods, to aid navigation, and to continue to maintain our standard of living; and, yes, Mr. Chairman, to aid in the restoration and protection of our environment. In this bill we provide funds for the Appalachian programs which have meant so much to the development of much of my district; projects which in other areas are largely handled by Economic Development Administration.

It is a pleasure to serve on the 55-member Committee on Appropriations where I rank next to Mr. Mahon, the chairman. Particularly do I feel fortunate in serving on the Subcommittee on Public Works.

I wish to compliment my chairman, Joe Evins, of Tennessee, and the ranking member, John Rhodes, of Arizona—they, with our fine staff headed by Gene Wilhelm, do an excellent job as do other members of our subcommittee.

MISSISSIPPI PROJECTS

Mr. Chairman, my colleagues have covered most of the details of the bill; however, there are numerous projects in my own area, where I have a great obligation and deep interest. These projects include $105 million for the lower Mississippi River and tributaries. We must remember that approximately three-fourths of all the water that falls in the United States flows down this great river valley, gathering in quantity and momentum as it goes.

Other projects in our section are the Ascalmore-Tippo and Opossum Bayous, $375,000; the upper auxiliary channel or alternate channel, $475,000; the full amount that can be used for preliminary planning and construction; Yazoo backwater, $3,615,000; Tombigbee River and tributaries, flood control, $1,500,000; Tennessee-Tombigbee Waterway, $12,000,000; Yellow Creek Port project-TVA, $3,504,000.

RESERVOIR DEVELOPMENT

Mr. Chairman, we have provided for the four reservoirs: Arkabutla, Enid, Grenada, and Sardis for regular development toward the master plan of recreational development the sum of $1,603,000.

In addition, the committee has provided an additional amount of $300,000 under construction, general, and $150,000 from the fund, Mississippi River and tributaries, for these reservoirs. This is a real step toward recreational development up to national levels.

OUR REPORT

In our report we provide the following directive:

> In reference to the Yazoo Basin reservoirs, the corps is urged to expedite the updating of the master plan to bring up to national standards the provision of recreation facilities, including the upgrading of access roads.
>
> Yazoo Basin: Within the funds provided the Committee directs that initial planning be undertaken on a pilot program to meet the soil erosion and bank caving problems of the streams in the Yazoo Basin, including the foothill area, in cooperation with the Soil Conservation Service, as authorized by Public Law 46, 84th Congress, as amended by Public Law 91–566, 91st Congress.

These funds are in addition to those under other laws where there is a limit on each project. This work will complement and in fact initiate a project that will total $9 million under the recommendation of the Corps of Engineers now before the legislative committee:

> The allocation for the Yazoo Basin includes $845,000 for continued planning on the Upper Auxiliary Channel or other alternate means of main drainage facilities to meet the flood control needs of the Upper (Delta) Yazoo Basin, the Ascalmore-Tippo, and the Opossum Bayou drainage projects. The Committee reiterates its directive that planning shall proceed from South to North so as not to aggravate prevailing conditions.

These funds should get us going on these projects.

HIGHWAYS

Mr. Chairman, our committee on page 66 of the report, provides $25 million additional funds to the development highway program of the Appalachian region to finance limited allocations from the advance contract authority to expedite high priority projects and to assist those States which are fully utilizing their current allocations.

Mr. Chairman, it is thought that within this $25 million the Appalachian Commission will proceed with planning of a corridor highway in the Appalachian section of my State and others to enable those States not presently financed in the corridor program to be treated as are other States of the region. We must deal fairly with them.

Particularly do I call to your attention that when my State and several others came into the program, they became full-fledged members of the Appalachian region, that at least one, New York State, has been voted a corridor highway by the cochairman of the other States in the region.

I shall confer with my friend and colleague from Mississippi, Senator John Stennis, chairman of the Appropriations Subcommittee in the Senate. If additional language will help, we can put it in the conference report.

Mr. Chairman, I call attention to the fact that under the law the Governor of each State must select and initiate the particular corridor, subject to agreement with the Governors of adjoining States and approval of the other cochairman of the Commission.

My whole State would benefit whatever highway was selected, for it would leave more State and Federal funds for other highways.

Mr. Chairman, this is a good bill and should be passed.

A LESSON WE NEED TO LEARN

It will be well, I think, particularly in view of present conditions to repeat a happening of many years ago. At the time, I happened to handle the appropriation for the National Production Authority. As I walked over to the office after a meeting, the head of that agency said to me, "Jamie, if I were the Russians and wanted to wreck the economy of the United States, do you know what I would do?"

I said, "No."

He said, "I would bring about 5 years of peace."

Think of it. If he wanted to wreck the economy of the United States, he would declare 5 years of peace. With all of us praying for peace even as we are today, such a thought was terrible.

I said, "Joe, what do you mean?"

He said, "I mean this. If we were to have all the young men in service coming back out of jobs; if we were to cancel all the war contracts and have the folks in those plants out of work; if we were to stop the movement of the excess production of the American farmer, we would wreck the economy of this country."

If you think about it, such a situation was fearsome to contemplate.

For I realized at that time, and this was quite a number of years ago, we had enjoyed many years of the greatest prosperity we had ever known in this country—more cars, more radios, television sets, more of the things we love, more of the luxuries of life, than any nation in history. Yet, I thought, surely it does not take a war or preparation for war to have these things.

I thought the matter through—then it dawned on me that it was not war or preparation for war which created or made possible this material prosperity, but the extra effort we made as a people because of the war, which brought such prosperity.

In war we spend the money to buy shells and airplanes, gasoline to burn in the airplanes we destroy—we spend the money in things that are destroyed. We dig up our minerals, destroy our timber, and end a poorer country because we have used up so much of our resources.

If we were just wise enough to put that same effort to use to improve our own country; if we were wise enough to harness our streams and reforest our lands, stop erosion, build schools, and improve our country, we would have a much richer country. We would have a finer country. We would then be doing what we are doing for nearly every other country in the world.

If we leave our children a rich country, rich in the natural resources, rich in the things that provide our high standards of living, then we truly will have left them a fine heritage.

Mr. BROTZMAN. Mr. Chairman, I am pleased to support the efforts of the House Appropriations Committee in bringing H.R. 15586, the Public Works and Atomic Energy Commission Appropriations for fiscal year 1973, to the floor of the House at this time.

I am particularly pleased because this bill provides nearly $14 million for public works projects in the Second Congressional District of Colorado. This figure is sufficient to keep all three of my district's flood control projects on schedule, and thus, is a major additional step in securing positive flood control for the entire Denver metropolitan area.

Of the $14 million total, Chatfield Dam and Reservoir, at the confluence of the South Platte River and Plum Creek, will receive $11 million. This amount will enable the Corps of Engineers to maintain their timetable which calls for closure of the dam in the summer of 1973. It brings the obligations to date on the project to $61,399,000.

Eventually the dam and reservoir is expected to cost a total of $86.4 million. The $25 million remaining to be funded is anticipated to be spent on work which can be accomplished after the dam is closed.

Another $2,500,000 is made available primarily for the acquisition of land near Morrison, Colo., for the construction of the Mount Carbon Dam and Reservoir site on Bear Creek. This project, still in its initial stages, is estimated by the Corps of Engineers to reach a total cost of $53 million. This bill brings the appropriations to date to $4,324,000.

The bill also anticipates the completion of preconstruction planning in the Boulder Creek flood control project by providing $80,000 toward this goal.

Finally, included in this bill is the funding for the Front Range feasibility study by the Bureau of Reclamation. H.R. 15586 adds $100,000 for fiscal year 1973. This brings to $420,134 the appropriations to date on a study of ways to better utilize the water resources of northern Colorado. The project is scheduled for completion by fiscal 1975, at a total cost of $736,000. It is hoped that this project will show ways to add more than 100,000 acre-feet of water to the annual supplies of such communities as Boulder, Longmont, Broomfield, Louisville, Fort Collins, Greeley, Loveland, and Estes Park.

Again, Mr. Chairman, I would like to commend the members of the Appropriations Committee for their efforts, and I urge my colleagues in the House to vote for the passage of this bill.

Mr. JONES of Alabama. Mr. Chairman, I want to commend the gentleman from Tennessee (Mr. EVINS) and the members of his subcommittee for their careful deliberations which have produced H.R. 15586, making the appropriations for public works and related building activities for the people of this country.

Because of the great needs within the 50 States, the subcommittee's task of allocating limited resources has been difficult. They have brought to the House a tight proposal of the most essential requirements. Every program in the legislation could be increased to the total profit of the Nation.

This is the capital investment we are making in the building of the United States. Every cent invested is repaid many times over in benefits which are enjoyed by all the citizens.

The bill appropriates the essential funds for development of rivers and harbors, for protection of life and property through flood control, for improvement of navigation, to advance economic development, to aid in the restoration and protection of the environment, and to provide electric power. Basically this enhances the ability of the people to improve their standard of living.

The legislation's increased attention to the requirements for electric power and development of the Appalachia region are particularly commendable.

These investments, and the others provided for in the appropriations, create the foundations on which our Nation's future prosperity will be realized. The programs and projects serve the true public interest, and this legislation merits our full endorsement.

Mr. THOMPSON of New Jersey. Mr. Chairman, I am certain I speak the mind of the House when I say that we all share a sense of shock and dismay at the human suffering and property loss wrought these past few days by Hurricane Agnes. More than 100 persons are dead; dozens of our cities and towns are in ruins; and thousands of acres of countryside have been laid waste in Virginia, Maryland, Pennsylvania, and New York. It is, of course, imperative that all appropriate Federal and State agencies rush assistance to the stricken areas so that those in need may be fed and housed and that essential services be restored as promptly as possible.

To those of us who represent constituencies in the Delaware Valley, it would appear that fate has taken an ironic turn in having the House work its will today on the public works appropriation bill. For while thousands of our fellow citizens are cleansing their homes and places of business from the mud and debris left by Agnes, we are asked to approve funds for a flood control project spawned by a similar disaster 17 years ago. I speak of the $14.8 million recommended by the committee for the Tocks Island Dam and Reservoir, a project which emerged from the death and destruction of Hurricane Diane in August 1955. In the event that time has dimmed the extent of that disaster in some minds, let us review that litany of horror: One hundred dead in the Delaware River and her tributaries; more than $100 million property loss. In that area of the River Valley from Easton, Pa., to the Camden County line, 9,223 acres were flooded; 2,063 residences destroyed or badly damaged; 330 commercial properties ruined; and 29 industrial properties devastated. In my home county of Mercer the damage was $4.7 million. In Warren County the toll was $5.7 million; in Bucks County it was $9.7 million. But as grim as these figures are, we of the Delaware Valley ought to be on our knees today giving thanks. In 1955 Hurricane Diane deposited 6 to 7 inches of rain in the basin. Last week, Agnes drowned the Susquehana Basin in 10 to 12 inches. In short, but for the vagaries of nature, those who inhabit the area drained by the Delaware would have suffered a catastrophe that would have made the flood of 1955 seem an act of mercy.

It does not please me to dwell upon disaster, but Agnes leaves us no choice. We all live with the certain knowledge that the Eastern States are prone to invasion by hurricanes and storms of tropical origin. The forces that bred Agnes are fully capable of breeding Bertha, Chloe, Denise, and an unknowable series of equally deadly storms. I feel very strongly that the $14.8 million recommended for fiscal year 1973 for the Tocks Island project should be approved. But more needs to be said. The committee has directed that none of these moneys be spent for construction of the Tocks Island Dam pending satisfactory resolution of certain environmental questions raised by the President's Council on Environmental Quality. Instead, the Corps of Engineers is directed to employ the entire appropriation plus some $1.6 million in carryover funds for an accelerated program of land acquisition to complete purchase of the reservoir site.

What needs to be said—and the fact cannot be overemphasized—is that the Tocks Island Dam is first and foremost a flood control structure. It is specifically designed to protect the main stem of the Delaware River from flood waters. Ownership of the Tocks Reservoir site is essential to the project. But ownership of the site will not provide flood protection. A start on construction of the Tocks Island Dam has been delayed for some 17 months pending completion of the processes required by the Environmental Protection Act of 1969. The final environmental impact studies required by the law have been pending before the President's Council on Environmental Quality since October 1, 1971. I have today written President Nixon urging that CEQ expedite its consideration of those impact studies. In my judgment it would be unconscionable to countenance any further delay on this project absent clear and compelling reasons.

Mr. PATTEN. Mr. Chairman, I rise in support of the committee bill appropriating the full $14.8 million requested by President Nixon for the Tocks Island multipurpose development on the Delaware River between New Jersey and Pennsylvania.

This project is of urgent importance to the great State of New Jersey, and to the sustained water supply, water recreation, and electric power needs of its 15th District which I have the honor to represent.

As explained by a former Member of this body, speaking in 1965, the present Governor of New Jersey, the Honorable William Cahill:

> The importance of the prospective Tocks Island Dam and Reservoir cannot be overestimated. The dam will provide the only reservoir project in the Delaware River Basin large enough to simultaneously meet the rapidly expanding water requirements of the Metropolitan Philadelphia region and the other metropolitan regions in north and central New Jersey.
>
> Following the construction of the dam, if and when the Delaware River should again reach flood stage, the prospective Tocks Island Reservoir will afford substantial flood protection to the communities along the river as far south as Burlington, N.J. In addition, this enormous reservoir will permit the development of hydroelectric power (*Cong. Rec.* of July 12, 1965, at 16366).

Mr. Chairman, there is no further need for me to explain or demonstrate the need for the Tocks Island project; the Delaware River has done that far more effectively than I or Governor Cahill could do. Tocks Island project is the outgrowth the disastrous Delaware River floods of the 1950's; its water supply function is the answer to a repetition of the disastrous Delaware River Basin droughts of the 1960's.

In this latter connection, let me remind the Members of this body of the testimony of former Interior Department Secretary Stewart Udall, as to the importance of Tocks Island project to the growing human water supply requirements of the area in and around the Delaware River Basin. In his testimony during the Senate Interior Committee investigation of that drought disaster—Senate Interior and Insular Affairs Committee Hearings on Northeast Water Crisis, September 1965—Secretary Udall emphasized:

> (1) that the Delaware River Basin suffered more than all other regions affected by the drought: "Tocks Island Dam . . . is an opportunity for this very region that is suffering most now to permanently solve its problems" (p. 33), and
>
> (2) that "if we had the Tocks Island Dam in today, just this one dam on the mainstem . . ., you would have no problem because you would have the storage. Northern New Jersey would have no problem because you would have an adequate, assured, long-term supply." (p. 44.)

To summarize, Mr. Chairman, in 1962 the necessity of the Tocks Island project's water supply and related purposes was fully established by its authorization studies, in which the State of New Jersey fully participated and concurred. From 1962 to 1967, Tocks Island's indispensability to New Jersey's supply security was made self-evident by the disastrous Delaware Basin drought. In 1969 New Jersey's need for Tocks Island was again affirmed by the studies of the New Jersey Department of Conservation and Economic Development, as set forth in its publication numbered Water Resources Circular 21. And most recently, in 1972, we are informed that all Corps of Engineers additional studies, mandated the Northeast Water Supply Act of 1965, of ways of meeting this region's growing water supply requirements strongly affirm the need for the Tocks Island project for New Jersey. This is explained in detail in the following letter of June 12, 1972, by Major General Groves to our colleague, the Honorable FRANK THOMPSON:

> JUNE 12, 1972.
>
> Hon. FRANK THOMPSON, JR.,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. THOMPSON: I am replying to your recent letter in which you requested information on the relationship between the Tocks Island project and the Northeastern United States Water Supply (NEWS) Study.
>
> The NEWS has been carried through the technical feasibility phase for Northern New Jersey, Southeastern New York and Southwestern Connecticut Metropolitan area and a draft has been prepared of a preliminary study of regional water supply for the Philadelphia-Trenton-Wilmington Metropolitan area. Based on our work to date, certain preliminary findings have been made.
>
> For the Northern New Jersey-Southern New York-Southwestern Connecticut Area the availability of 300 million gallons of water per day (mgd) from the Tocks Island Project is an essential element in 6 of the 7 alternative programs we have considered. The seventh alternative also relies upon the Delaware, through floodskimming. We do not believe that floodskimming is likely to be approved by the Delaware River Basin Commission or the Supreme Court, since it does not provide an assured downstream flow. Such an assured flow could come duly from Tocks Island or from another large Delaware reservoir.
>
> Among the projects analyzed in the feasibility phase of the NEWS Study, there are possible combinations that do not require the use of Tocks Island to satisfy the NJ-NY-Conn. Metropolitan Area. Each of these combinations would require drawing on the Hudson for additional water beyond the amounts already contemplated in programs that include Tocks Island. This added increment of 300 mgd from the Hudson would require more upstate New York reservoirs than the non-Adirondack reservoirs which are now contemplated. Such an alternative might include a site similar to Cooley No. 1 on the Hudson just north of Indian Lake. Yet, the New York legislature passed and the Governor signed a bill (S. 2703 and A. 4944) prohibiting the construction of a reservoir in that area. There are strong political and environmental objections to such a reservoir. It would seem that a large reservoir in that area would have larger environmental costs and fewer benefits than the Tocks Island Project.
>
> In the Philadelphia-Trenton-Wilmington Area, our work to date indicates that no reasonable substitute exists for Tocks Island. Although we have not yet analyzed every conceivable alternative, we have analyzed the most likely ones and have found that all of them have severe economical, political or environmental problems. Groundwater available for transfer from South-Central New Jersey, for instance, is limited and would deprive that area of its only major developable water resources. Such transfer is likely to have severe environmental impacts on the Pine Barrens and coastal bays of the area. Any reduction in the transfer of Delaware water to New York, calculated to make more water available for the Philadelphia metropolitan area, would meet with strong opposition elsewhere and would necessitate developments likely to have severe negative environmental impacts. Using Susquehanna water would require costly reservoirs and costly transmission and would create new environmental problems on the Susquehanna and, more important, in the Chesapeake Bay.
>
> Recirculation of waste water appears not to be ready for employment in a large metropolitan area at this time because of as yet unanswered public health questions. While

there will undoubtedly be some recirculation in the more distant future, it is likely to be a costly and controversial procedure.

Desalting requires not only very large capital investments and high operating costs, but it is linked to the problems of nuclear power plant siting, hot brins disposal and long distance piping.

In summary, there appears to be no viable alternative to Tocks Island if we are to meet the foreseeable water supply needs of this region, the needs toward which the Congress has directed our attention.

Sincerely yours,

R. H. GROVES,
Major General, U.S. Army, Division Engineer.

Mr. Chairman, I commend President Nixon, the members of the full committee, and the membership of this body for the appropriation necessary to move forward the Tocks Island multipurpose project—shown by a long line of independent studies by our most competent Federal and State experts to be so indispensable to meet the foreseeable water supply and related needs of this region.

Mr. FRENZEL. Mr. Chairman, during the debate of June 7, 1972, concerning the authorization for this AEC appropriation, I inquired of the gentleman from California (Mr. HOSMER) whether it was unwise to continue with the construction of the LMFBR demonstration plant before the testing of its components had been conducted at the fast flux facility—FFTF—in Richland, Wash., which will not be completed until June or July of 1974. Mr. Hosmer replied:

> The (FFTF) largely has to do with the neutronic testing of the fuel elements of the breeder reactor. The economics of the reactor are primarily involved rather than any of the safety elements of the reactor, and as a consequence, we can go ahead with the demonstration program without having to have this facility in operation. The facility will make its largest contribution in the area of improvement of the economic and neutronics of the system.

But, according to the AEC Analysis published for January–December 1970, page 156:

> The Fast Flux Facility is the key project for most of the presently planned technical work in the LMFBR program.

According to the environmental statement of the FFTF issued in May of 1972 by the AEC, on page 1:

> It will provide for testing purposes a fast neutron flux irradiation environment similar to that of an LMFBR.

This report, on pages 6 and 7, further states that—

> The use of existing fast flux reactors in this country for fast reactor fuels and materials irradiation testing and other programmatic needs was evaluated, and it was determined by the AEC that existing facilities would inadequately meet the objectives of the LMFBR program. The experimental Breeder Reactor No. II (EBR–II), a priority project in the LMFBR program, while providing fast flux irradiation test space for the FFTF and the first demonstration plant cores, must be measurably augmented by other facilities such as the FFTF, to provide for fast flux testing requirements of future LMFBRs. The EBR–II does not have fully prototypic LMFBR environmental conditions, instrumented closed-loop space for controlled environment testing and a sufficiently high fast flux. Use of the Fermi Reactor, the Southwest Experimental Fast Oxide Reactor (SEFOR) and other reactors for irradiation testing has been considered, but inherent features in these reactors are even more restrictive than EBR–II in meeting LMFBR irradiation program needs beyond the FFTF and the first demonstration plant cores. In particular, the existing thermal neutron spectrum, water-cooled test reactors cannot provide the required environment for fast flux irradiation testing. Extensive reviews by AEC and the nuclear industry have resulted in the conclusion that only the construction of the FFTF, specifically designed for testing purposes, can meet the fuels and materials fast flux irradiation needs of the LMFBR program.

In the AEC authorization hearings of fiscal year 1970, as published in part II of April 24, 1969, on page 1159, Dr. Milton Shaw of the AEC mentioned that the FFTF's functions were to test and determine certain factors in the fuel processing, fuel rods and structural components.

In the Record of Hearings before the JCAE on the AEC authorization for fiscal year 1967, on pages 739, 740, and 741, Mr. Shaw, testifying for the AEC, said that—

> We prefer to wait until we have more detail information in all the technical areas of the liquid metal program before committing ourselves to the first demonstration plans. We are not in a technical position to evaluate the risks in proceeding with such a large plant commitment. We will be in time.

In light of this information, I again ask whether good sense does not dictate a slowdown of further development of the LMFBR demonstration project until the "urgently needed" testing which we funded in 1967 has been completed.

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 15586, the appropriation bill for public works for water and power development for fiscal year 1973.

I take this time not simply to urge passage of the bill but to consider what result the passage of this bill today may have upon some litigation pending against one of the line items. I had hoped that it might be possible to engage in a colloquy with the floor manager of this measure, the gentleman from Tennessee (Mr. EVINS) about an item for general construction known as the Harry S. Truman Dam and Reservoir, formerly known as the Kaysinger project, in the amount of $19,500,000 as the approved budget estimate for fiscal year 1973.

Unfortunately, because of a series of urgent commitments off the floor, I was denied that privilege but this is to certify that I have discussed with the gentleman from Tennessee the contents of the remarks I am making herewith and that these remarks as they refer to him have his approval.

Earlier this year, in the U.S. District Court of the Western District of Missouri, the Environmental Defense Fund of East Setauket, N.Y., sued the Secretary of the Army, Robert F. Froelke and Gen. Frederick B. Clarke, Chief of Engineers, Corps of Engineers, in a civil suit for injunction and declaratory judgment seeking to halt construction of the Truman Dam and Reservoir in west central Missouri.

While I was not present in court during any of the days of that trial, from press reports and heresay conversations with some of those who were present, I learn several days were devoted to hearing plaintiff's witnesses about the extent of damage to paddle fish in the area, and other environmental impacts. It was my understanding that when the trial was halted, the court took the position that notwithstanding the existence of some measure of damage, that if and when an environmental impact statement has been prepared and filed by the Corps of Engineers, then at that point under the doctrine of separation of powers in our Government, the ultimate decision to proceed will rest with the Congress.

For one who is not privy to the exact comments of the court, I am sure he did not intend that the Congress would single out this one project and make some kind of direct or express announcement that, disregarding the lawsuit and disregarding the possible environmental impact, the project should proceed. Of course it was never intended that Congress should legislate in such a manner.

Rather, by our action today in approving this appropriation bill, there is presented the strong implication that Congress intends to proceed with this project. The only missing link in the syllogism is whether or not when it acted, Congress had knowledge of the pending litigation intended to halt construction.

The purpose of my comments at this time is an effort to take the place of the legislative history that I had hoped to establish by a colloquy with the floor manager of this bill but which I have said heretofore has been discussed with him and bears his approval.

The facts are that when the organization known as Mo-Ark, consisting of a group of interested businessmen, came to Washington to testify in favor of the Public Works bill, they appeared before the Public Works Subcommittee of the House Appropriations Committee, meeting in the Small Business Committee rooms in the Rayburn Building. On that particular afternoon, witness after witness mentioned the lawsuit filed by the Environmental Defense Fund against the Secretary of the Army and the Chief of the Corps of Engineers, and urged again and again that the mere filing of this lawsuit after over $60,000,000 had already been spent and another $35,000,000 obligated should not influence the Appropriations Committee to withhold funds for fiscal year 1973.

I was in the committee rooms at that time, and I can assure one and all that the chairman of the subcommittee, the gentleman from Tennessee (Mr. EVINS) commented that simply because this lawsuit had been filed it would not influence the deliberations of his subcommittee but that further appropriations would be made with only two factors considered: First, the size of the budget estimates; and second, the capability of the Corps of Engineers to proceed with the work.

While I must once again rely on heresay information, it is my understanding that the court granted to the Corps of Engineers until March of 1973 to file its environmental impact statement so the Congress could have the benefit of this statement prior to deliberation on appropriations for fiscal year 1974.

Based upon press reports and heresay, the decision has not yet been reached as to whether or not the project should be halted until the completion of the environmental impact statement in March of 1973. If my information is correct the court ruled that once the impact statement has been filed, then the ultimate decision upon whether the project is a good one or a bad one, and whether or not construction should continue is up to Congress.

Mr. Chairman, the passage of H.R. 15586 which contained a line item appropriation of $19,500,000 for the Truman project, formerly known as the Kaysinger project, should be a strong indication of the intention of one body of the Congress. In other words, the House of Representatives today spoke out loudly and clearly—the Truman Dam and Reservoir is a good project and should go forward without delay. Hopefully, the other body of the Congress, on the north side of the Capitol, will promptly concur in our action today to make crystal clear the intention of the Congress as to the Truman project.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ASPINALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 346, nays 17, not voting 69, as follows:

[Roll No. 229]

YEAS—346

Abbitt
Adams
Addabbo
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Colmer
Conover
Conte
Corman
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Derwinski
Devine
Dingell
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo
Evins, Tenn.
Fascell
Findley
Fisher
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Gross
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hays
Hébert
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Keith
Kemp
Kluczynski
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Melcher
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rangel
Rees
Reid
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—17

Aspin
Clay
Collins, Tex.
Conable
Conyers
Dellums
Hechler, W. Va.
Kastenmeier
Koch
Obey
Powell
Reuss
Rosenthal
Ryan
Steiger, Wis.
Vanik
Whalen

NOT VOTING—69

Abernethy
Abourezk
Abzug
Alexander
Anderson, Calif.
Anderson, Tenn.
Arends
Ashbrook
Baker
Bell
Blanton
Boggs
Bolling
Broomfield
Burke, Fla.
Caffery
Carney
Chisholm
Clark
Cotter
Coughlin
Davis, Ga.
Davis, S.C.
Dennis
Dent
Dickinson
Diggs
Donohue
Dowdy
Erlenborn
Esch
Fish
Flood
Ford, Gerald R.
Frey
Fulton
Gallagher
Griffin
Griffiths
Hagan
Hall
Hastings
Hawkins
Holifield
Kee
King
Kuykendall
Long, La.
McDonald, Mich.
McKinney
McMillan
Meeds
Metcalfe
Miller, Calif.
Mills, Ark.
Mink
Mollohan
Mosher
Pepper
Pryor, Ark.
Railsback
Rarick
Runnels
Scheuer
Schwengel
Stokes
Stuckey
Teague, Tex.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Teague of Texas for, with Mrs. Abzug against.

Until further notice:

Mr. Mills of Arkansas with Mr. Hall.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Dent with Mr. Arends.
Mr. Cotter with Mr. Broomfield.
Mr. Holifield with Mr. Coughlin.
Mr. Meeds with Mr. Railsback.
Mr. Fulton with Mr. Kuykendall
Mr. Donohue with Mr. King.
Mr. Pepper with Mr. Hastings.
Mr. Blanton with Mr. Mosher.
Mr. Stuckey with Mr. Ashbrook
Mr. Stokes with Mr. Esch.
Mr. Anderson of California with Mr. Bell.
Mr. Abourezk with Mr. Metcalfe.
Mr. Hawkins with Mrs. Griffiths.
Mr. Carney with Mr. Schwengel
Mr. Diggs with Mr. Dowdy.
Mrs. Chisholm with Mr. Gallagher.
Mr. Abernethy with Mr. Dennis.
Mr. Anderson of Tennessee with Mr. Baker.
Mr. Davis of South Carolina with Mr. Burke of Florida.
Mr. Davis of Georgia with Mr. Frey.
Mr. Flood with Mr. McKinney.
Mr. Alexander with Mr. Dickinson.
Mr. Rarick with Mr. Pryor of Arkansas.
Mrs. Mink with Mr. Erlenborn.
Mr. Scheuer with Mr. Fish.
Mr. Miller of California with Mr. McDonald of Michigan.
Mr. Kee with Mr. McMillan.
Mr. Caffery with Mr. Griffin.
Mr. Runnels with Mr. Mollohan
Mr. Mathis of Georgia with Mr. Hagan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed and that I be permitted to extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REQUEST FOR PERMISSION TO EXTEND REMARKS

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the gentleman from Wyoming (Mr. RONCALIO) may be permitted to have his remarks appear in the RECORD immediately following those of the gentleman from Washington (Mr. McCORMACK) on H.R. 15586, just completed.

The SPEAKER. The only way the gentleman can do that is do it himself in the Extensions of Remarks, or he can get it in the body of the RECORD under a special order.

PERSONAL EXPLANATION

Mr. PICKLE. Mr. Speaker, today on rollcalls Nos. 227 and 228 I was not recorded. The reason for my absence was that I was in Bethesda Hospital filling an appointment that had been made for that time.

I ask that the RECORD reflect the reason for my absence.

MILITARY PROCUREMENT AUTHORIZATION, 1973

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1025 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1025

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and all points of order against section 601(b) of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the able gentleman from California (Mr. SMITH) and pending the utilization of that time, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1025 provides an open rule with 4 hours of general debate for consideration of H.R. 15495, the military procurement authorization bill. The bill shall be read for amendment by titles instead of by sections and points of order are waived against section 601(b) for failure to comply with the provisions of clause 14 of rule XXI. Section 601(b) provides a retroactive increase of $200 million in the prescribed statutory ceiling for the support of free world forces in Southeast Asia contained in the Armed Forces Appropriations Act for fiscal year 1972 and constitutes an appropriation in a legislative bill. That is the reason for the waiver.

The purpose of H.R. 15495 is to authorize appropriations for fiscal year 1973 for military procurement, research, development, test and evaluation for the Armed Forces, to authorize construction in connection with the Safeguard antiballistic missile system, and to prescribe authorized personnel strength for the active duty components as well as the Reserve units.

The total authorization for fiscal year 1973 is $21,318,788,250.

The authorization for procurement is $12,940,900,000. For aircraft, $134.5 million are authorized for the Army, $3,101,600,000 for the Navy and Marine Corps, $2,508,600,000 for the Air Force.

For missiles, $888,400,000 are authorized for the Army, $769,600,000 for the Navy, $22.1 million for the Marine Corps, $1,772,300,000 for the Air Force.

For naval vessels, $3,201,300,000 are authorized.

For tracked combat vehicles, $189.1 are authorized for the Army, $62.2 million for the Marine Corps.

$194.2 million are for the Navy for torpedoes and related equipment.

For other weapons, $70.4 million are authorized for the Army, $25.7 million for the Navy, $900,000 for the Marine Corps.

The total authorization for research, development, test, and evaluation is $8,371,888,250. Of this amount, $1,997,332,200 are for the Army, of which a maximum of $174,658,000 is for military sciences budget activity; $2,661,533,250 is for the Navy and Marine Corps, of which a maximum of $131,022,400 is for military sciences budget activity; $3,168,940,150 are for the Air Force, of which a maximum of $124,338,000 are for military sciences budget activity; $494,082,650 are for the Defense agencies.

In addition, $50 million are for the Department of Defense for use as an emergency fund for research, development, test, evaluation, or procurement, or production related thereto.

Except when the President determines that our national security would be in jeopardy, maximum active duty personnel are authorized at 841,190 for the Army, 601,672 for the Navy, 197,965 for the Marine Corps, and 717,210 for the Air Force.

The Reserves shall have a minimum average strength of 402,333 for the Army National Guard, 261,300 for the Army, 129,000 for the Navy, 45,016 for the Marine Corps, 87,614 for the Air National Guard, 51,296 for the Air Force, and 11,800 for the Coast Guard.

Military construction is authorized in the amount of $6 million for family housing $218 units at the Grand Forks Safeguard site in North Dakota.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 1025 provides for 4 hours of debate under an open rule for the consideration of H.R. 15495, the military procurement authorization bill.

Points of order are waived in the rule, Mr. Speaker, against section 601 (b) of the bill for failure to comply with the provisions of clause 4, rule XXI. The reason for this simply is that there is a retroactive increase of some $200 million in this authorization bill in the nature of an appropriation, which is brought about by the occasion of the support of free world forces of Southeast Asia. It would be subject to a point of order.

Accordingly, we decided this should be presented so that we could have this additional $200 million to carry on the activities in Southeast Asia, which recently have been extended to some extent.

The primary purpose of H.R. 15495 is to authorize appropriations during fiscal year 1973 for the procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes and other weapons. In addition, the bill includes funds for research and development, and the Safeguard anti-ballistic missile system, and prescribes the authorized personnel strength for each of the Armed Forces.

The bill authorizes a total of $21,318,788,250. By way of comparison, the amount requested by the Department of Defense is $22,881,967,000. The amount actually appropriated for these same purposes in 1972 was $20,461,802,000.

This bill provides $12,940,900,000 for procurement of weapons, $8,371,888,250 for research and development, and $6,000,000 for family housing construction related to the Safeguard ABM site at Grand Forks, N. Dak. The bill continues the authority for merging military assistance for South Vietnam, other free world forces in support of South Vietnam, and local forces in Laos, with the funding of the Department of Defense, subject to dollar limitations and other restrictions.

This bill authorizes a maximum active duty strength for each component of the Armed Forces as follows: Army, 841,-

190; Navy, 601,672; Marine Corps, 197,965; and Air Force, 717,210.

The funds authorized in this bill are only a part of the approximately $83,400,000,000 in new obligational authority requested by the President for the Department of Defense in fiscal year 1973. Appropriations for personnel, operation and maintenance and a part of procurement are made on the basis of continuing authorizations. Military construction is authorized in separate legislation.

Mr. Speaker, I urge adoption of the rule.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15495, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Louisiana (Mr. HÉBERT) will be recognized for 2 hours, and the gentleman from Indiana (Mr. BRAY) will be recognized for 2 hours.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the hour is late and I recognize the fact that we may infringing on the time of many Members. Therefore, I will do my best to expedite the handling of the general debate.

The leadership has scheduled a very heavy schedule during the rest of this week in order that the House may recess on time by the end of the week. I make this statement now so that everyone can be guided by what the circumstances are. I intend to finish the general debate this evening and we will read the bill for amendment and then ask that the Committee rise. There will be no vote taken today. The Committee will rise under the rule, and tomorrow we will begin the 5-minute rule, at which time the bill will be open by title for amendment under the rule, and we will continue from then on until we complete the bill.

Mr. Chairman, I bring to the floor today at the direction of the Committee on Armed Services one of the most important pieces of legislation that will be considered by the Congress.

This bill authorizes the procurement of major weapons systems, of all research and development, and sets the strength ceilings for both the active duty and Reserve components of our Armed Forces for the coming year.

The bill authorizes appropriations totaling $21.3 billion. This includes $12.9 billion for the procurement of aircraft, missiles, ships, combat vehicles, torpedoes, and other weapons; $8.3 billion for research, development, test, and evaluation; and $6 million for family housing at the Safeguard site at Grand Forks, N. Dak.

I will explain the salient features of the bill as briefly as possible. I ask that I be allowed to complete my explanation uninterrupted. Following that I will be prepared to answer questions that Members of the House may have.

Last year, when I brought the authorization bill to the floor for the first time as chairman of the Armed Services Committee, I told you I would make no move to cut off debate and that I was prepared to stay on the floor as long as necessary for the House to work its will on the legislation. I make this same pledge to you today.

COMMITTEE REDUCTIONS

The bill as presented to you today is $1,563,000,000 below the amount requested by the Department of Defense. This is the largest reduction made in such a bill by our committee since the authorization process began 12 years ago.

Of this reduction, $582,000,000 is a net reduction related to changes in the ABM because of the SALT treaties. This reduction was concurred in by the Department of Defense.

Other major reductions were made in the AWACS program of the Air Force, in total R. & D. spending authorization, and in the Navy's DD-963 destroyer program.

The committee added funds to the bill for additional procurement of three aircraft, the C-130, A-7D, and the F-5B, to assure that production lines are kept open on aircraft for which there will be a continuing requirement.

The total authorized in the bill is approximately two-thirds of a billion dollars less than the Armed Services Committee recommended to the House last year.

For procurement of aircraft, the amount is $787.8 million less than last year; for procurement of missiles it is $192.9 million less than last year; and for naval vessels it is $127.6 million less than last year.

The only area that shows a substantial increase over last year is research and development. Here we recommend $408.6 million above last year. However, it reflects a net reduction of $323.9 million below the amount requested by the Department of Defense.

COMMITTEE REVIEW OF THE LEGISLATION

This legislation comes to the House after the most extensive review in the Armed Services Committee in my memory. The committee and its subcommittees held more than 50 hearings, stretching over 5 months. Our printed hearings, available to all Members, cover 2,921 pages in three volumes. In addition, supplementary hearings were held relative to SALT. Government, industry, labor, and the academic community are represented in our list of those who testified or provided information. It was only after this extensive review that the Committee was able to make the substantial cuts that I have outlined.

It would be impossible for the committee to have achieved what it has achieved on this bill without the cooperation and the hard work of many members of the committee, and I express my appreciation to all of them. But I would particularly like to call attention to the three subcommittee chairmen whose exhaustive hearings have added significantly to the legislation before you today. I refer to the distinguished gentleman from Illinois (Mr. PRICE) chairman of our R. & D. Subcommittee; the distinguished gentleman from Texas (Mr. FISHER) whose subcommittee reviewed the manpower requirements; and the distinguished gentleman from Florida (Mr. BENNETT) chairman of our CVN-70 Subcommittee. Parenthetically, let me say our records show an average of better than 90 percent attendance by members.

At the conclusion of my remarks I am going to yield to Mr. PRICE to explain the R. & D. authorizations; Mr. FISHER to explain the active duty and Reserve force levels; and Mr. BENNETT to talk about both the carrier and other shipbuilding requirements. I hope all of the Members of the House will listen carefully to what they have to say. Each is an expert in his field.

REDUCTIONS RELATING TO SALT

As all Members of the House are aware, the President on his recent trip to Moscow, negotiated a treaty on antiballistic missile systems and an interim agreement on limitation of offensive weapons.

As a result of those agreements, each side is limited to one ABM site surrounding an intercontinental ballistic missile location and one site at the Nation's Capital. In line with the treaty, the President has suspended all work at the Malmstrom, Mont., Safeguard ABM site, which was approximately 5 to 10 percent completed, and all work on the Whiteman, Mo., and Warren Air Force Base, Wyo., sites where ABM deployment was to begin in earnest in the coming year. The President designated, as the one ICBM site to continue, the ABM complex at Grand Forks, N. Dak., which is 90 percent completed and scheduled to be operational in the fall of 1974.

As a result of these actions the committee was able to delete all ABM construction money in the original defense request and was able to cut $265,000,000 from procurement authorizations and $34,000,000 from R.D.T. & E. authorizations. In addition, $6.4 million was reduced from the family housing authorizations for Safeguard locations.

The committee considered military construction relating to Safeguard with the present bill rather than with the military construction authorization bill because the system is inextricably tied to the decision the Congress makes on the SALT treaties.

The total of ABM reductions in this bill are $692.4 million.

In concurring with these reductions, the Secretary of Defense requested additional amounts in research and development funds for four systems which will be of increasing importance in the strategic climate created by SALT.

The additions, approved by the Committee, were:

The sum of $60 million for development work on Site Defense of Minuteman (SDM), which is the backup system to provide close-in defense of Minuteman augmenting the Safeguard system. The system is still years away from deployment.

The sum of $20 million to accelerate the Navy's deployment of a submarine-launched cruise missile.

The sum of $20 million for additional research and development effort on reentry vehicle technology.

The sum of $10 million for improved military communication, command and control capability.

The total of these additions is $110 million. The net reduction, therefore, as a result of SALT, is $582.4 million.

I have been amazed to read in the papers in recent weeks that SALT is not really saving any money and that the Defense Department is asking new and more costly systems as a result of SALT.

It should be very clearly understood that there is a saving of over a half billion dollars in this bill due to the SALT agreement. The bill would be a half billion dollars more without the SALT treaty. Additional savings will be experienced in future years as a result of the cutback in the Safeguard program.

It should also be clearly understood that these reductions related to SALT are predicated on the idea that Congress will approve the treaties. Make no mistake about it: if the treaties are rejected, there will be a supplemental in very short order from the Department of Defense and consideration by the committee of additional spending to continue the work suspended.

It is also my considered opinion that should Congress reject the treaty there would also in rapid order be a supplemental spending program at the Presidium of the Supreme Soviet in Moscow and the shock waves will send the Soviet budget far above what it was before the negotiations.

STRATEGIC SYSTEMS

Now let me briefly review some of the other strategic weapons systems for which funds are provided in the bill.

B–1

As the Members of the House know, I have been a consistent spokesman for the idea of keeping manned systems in our strategic force. If I had my way, the B–1 would be much further along than it is at present and would be operational long before the earliest date we can now expect—1978.

In this year's bill there is $444.5 million to continue engineering development on the B–1. Let me emphasize that all of the spending for B–1 is still in research and development. There is no decision yet made to go ahead with production. The first flight of the B–1 is planned for April 1974. A production decision will not be made until sometime in 1975. This program, you will be happy to hear, is on schedule and is within cost estimates.

THE ADVANCED AIRBORNE COMMAND POST

Retaining an assured command and control capability is one of the crucial elements of our strategic deterrent. We must put at the command of the President in time of grave national crisis the best system we can devise to assure that he can continue to carry out his responsibilities as Commander in Chief.

To this end there is a national emergency airborne command post which presently uses EC–135 aircraft. Those aircraft have gotten to the limits of their space expansion.

The bill provides $217.6 million for buying six 747 aircraft for use as the airborne command post. These aircraft will provide greater space, greater endurance and the ability to land at a good many more airfields.

I would note that in this instance the committee departed from its traditional insistence on competitive procurement. But since it has such a unique mission, relating to the safety and the continued functioning of the President, the committee has approved this procurement.

TRIDENT

The bill contains $926.4 million for the Trident, or, as it was formerly called, the ULMS—the undersea, long-range missile system.

Confusing stories have appeared in the news media following the SALT negotiations that Trident has been accelerated as a result of the SALT agreement. That is not correct. The amount provided is the amount requested in the original budget submission.

As a result of SALT, both sides are limited in the number of nuclear submarines they can deploy. That very limitation increases the importance of developing Trident, since the number of submarines allowed to the United States is less than that allowed to the Soviets. It is particularly important that we keep our submarines as modern as technology allows so that the Soviets do not achieve a qualitative as well as quantitative advantage. By the time it is coming into operation the Trident will be replacing Polaris submarines which will then be over 20 years old.

In terms of usage these Polaris subs will be the equivalent of more than 40 years old because they have "Blue" and "Gold" crews and are in constant use. They are like taxicabs that wear out faster from continuous use. When one driver goes home another takes over and the taxi keeps going.

STRATEGY AFTER SALT

I urge all Members to keep in mind that SALT sets quantitative but not qualitative limits. The number of systems are fixed by treaty and the number favor the Soviets in missile launchers and in submarines.

The Soviet quantitative advantage is institutionalized by the treaties.

The treaties, however, do not address themselves to qualitative improvements. In quality of strategic systems the U.S. has a marked advantage but the Soviets are free under the treaties to improve their systems in an effort to catch up.

To retain overall parity, therefore, we must not let our technological lead slip away.

To scrap follow-on development in key systems now, to halt developments which will assure the continued invulnerability of our deterrent, would be to let an acceptable parity slip into an unacceptable inferiority.

It would be the most dangerous game we could play with our national defense.

SEARCH FOR SAVINGS

I want to bring to the attention of the House two actions we have taken in our continuing effort to control defense costs.

In our hearings, we invited industry and labor leaders to testify as to the causes of cost escalation. Some industry leaders testified. Labor representatives were unable to make it, but submitted statements for the record. The views of both will be found in the hearings.

However, the committee found that we still do not have the data required to clearly identify the impact that various factors have on cost escalation.

The committee, therefore, has directed the Department of Defense to conduct a detailed study of cost escalation so as to develop accurate cost accounting information that the committee can use in reviewing authorizations.

At the same time, we asked the Comptroller General to make an independent study of the reasons for cost escalation in procurement contracts.

We will have the results of both of these studies when we bring the authorization bill to the floor next year.

We have added to the authorization law the requirement for authorization prior to appropriations for any funds used for training or education of military personnel. This is an area with annual expenditures of $6 billion. And the Department of Defense admits that it does not have a complete grasp of what it spends in this area. The committee believes that substantial savings might be achieved in this element of defense spending.

PERSONNEL AUTHORIZATIONS

We have authorized the numbers requested for the active duty strength of the Armed Forces and for Reserve strength. However, we have changed the authorization requirement from an average annual active duty strength to a maximum end strength to allow better management of the active duty force.

The strength of our Armed Forces at the close of fiscal year 1973 will be as follows: Army, 841,190; Navy, 601,672; Marine Corps, 197,965; and Air Force, 717,210.

We have also included in the bill a prohibition against expenditure of defense funds at institutions of higher learning when recruiting personnel of the Armed Forces are barred by policy or where the institution, as a matter of policy, eliminates ROTC. If institutions of higher learning want to sever their relationship with the Armed Forces, that is their prerogative. But we think the separation should be complete.

We don't want to tempt their morality with Government dollars.

The gentleman from Massachusetts, our distinguished majority whip, said he thought an individual in the Armed Forces ought to be free to choose whatever school he wishes. He is—if he is willing to pay for it. But where the education is paid for by the Government and the individual is being paid by the Government and the education is for the Government's purpose. we think the Congress should determine Government policy. This is not a new policy. All Federal programs have cooperative requirements for the receipt of Federal funds.

OTHER MAJOR COMMITTEE ACTIONS

I could talk for hours and still not fully explain the bill. But I want to give other Members an opportunity to be heard. Our report is available to all Members and I urge you to read it. But let me briefly review some other major actions of the committee.

F-14

The committee spent many hours interrogating Navy witnesses on the F-14 aircraft. We have provided $732.7 million for the F-14—the amount requested. But we have made it clear in our report that not more than $407.8 million shall be available only for the procurement of not less than 48 F-14 aircraft. This means that the contractor must deliver on the basis of the terms in the existing contract without a $2 million increase in unit price as he has requested.

DD-963

The committee spent an even longer time agonizing over the Navy's ship construction program. The Navy had asked for $610 million for the DD-963. The Committee has provided $247 million, a reduction of $363 million. The amount provided will assure availability of authorization for long leadtime commitments. It allows the Navy to keep its options open. But it is not an authorization for the seven additional destroyers requested. A procurement decision on those seven destroyers will require further action by the Congress.

The contractor on this program, Litton Industries, has to date met all contractual milestones. But the committee is concerned because of delays in the LHA program being built by the same contractor. We will have to see evidence of improvement in the performance in these ship construction programs before we will authorize further ships.

MULTIYEAR PROCUREMENT

In line with our concern about procurement programs extending over several years, the committee included language in the bill to prohibit multiyear procurement involving cancellation ceilings in excess of $1 million. The Navy has entered into procurement contracts which have obligated the Government to pay substantial cancellation charges if the procurement is terminated. In effect, it results in an obligation on the Government never approved by the Congress. We think that is an intolerable situation, and we are not going to let it continue.

NAVAL SHIPYARDS

The committee also took action to require that some new construction be given some naval shipyards which, under present policy, are limited to repairs and conversion. These shipyards are national assets which we do not wish to see lost, and they must be given an adequate level of work to operate efficiently.

SOUTHEAST ASIA SUPPORT

As Members know, we carry in this bill each year a ceiling on appropriations to be made available for support of Vietnamese forces and other Free World forces in Vietnam, and local forces in Laos. This ceiling was set last year at $2.5 billion. Section 601(a) of the bill continues this authorization for fiscal year 1973. Section 601(b) of the bill provides a retroactive increase of $200 million in the authorization for fiscal year 1972—an increase to $2.7 billion. This is merely to reflect the increase required as a result of the North Vietnamese offensive.

CONCLUSION

The reduction made by the committee in this bill, $1.5 billion, is the largest reduction ever made in such legislation in my memory.

The actual effect of these reductions will be greater when inflation is taken into court.

I have said before that we can only afford as much national defense as we cannot afford to be without. That is what we have provided in this bill. It assures a strong America. It assures an invulnerable deterrent. It assures no weakening of our national security. But perhaps most important of all, it provides that a decade from now our freedom will be equally secure.

I urge all Members to vote for the bill.

Mr. BRAY. Mr. Chairman, I yield myself such time as I may consume.

(Mr. ARENDS (at the request of Mr. BRAY), was granted permission to extend his remarks at this point in the RECORD).

Mr. ARENDS. Mr. Chairman, the bill that our committee presents to the House today provides $21.3 billion for procurement of weapons and research and development in the year beginning July 1.

The chairman of our committee, in his usual fashion, has explained the bill to the Members very cogently and I will avoid repeating the things he has said.

The chairman has pointed out the total reductions made by the committee—$1.5 billion—represent the largest cut in such a bill ever made by the Committee on Armed Services.

I would emphasize two points:

As a result of SALT there is a saving of $582 million.

Independent of SALT we have made reductions of almost a billion dollars—specifically, $981 million.

The amount provided for procurement of aircraft, missiles, and ships is less than that authorized last year. Only in R.D.T. & E. funds have we shown an increase over fiscal 1972.

The total recommended for R.D.T. & E. is $408.6 million above that recommended last year, but even so we have reduced the amount $323.9 million below what the Department of Defense requested and, frankly, I have some reservations as to whether or not we were too severe in our cuts.

The increase over last year in R.D.T. & E. funds is mainly to compensate for inflation factors and, above that, allows only a modest increase in our technological effort. This is one of those areas where the Soviet effort has been considerably greater than ours for some years. If such a disparity continues, our technological advantage could gradually disappear.

I will have more to say on the importance of this technological threat in a moment.

The $21,318,788,250 of appropriations authorized in this bill includes:

The sum of $12,940,900,000 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons.

The sum of $8,371,888,250 for research, development, test, and evaluation.

The sum of $6,000,000 for family housing construction related to the Safeguard ABM site at Grand Forks, N. Dak.

In addition to making record dollar reductions in the bill, we have made important changes in authorization procedures. We have changed the personnel strength authorization for the Armed Forces from an average annual active duty personnel strength to a maximum end strength. We have found this necessary to properly manage the active duty force.

President Nixon and Secretary Laird, in the course of winding down the Vietnam war, have been able to bring about great reductions in the personnel strength of the Armed Forces. By the end of this month, our total Armed Forces will have been reduced by 1 million men below the strength they were when the Nixon administration took office. However, these reductions unfortunately create some temporary turbulence, and during this period of turbulence an end strength authorization is much easier to manage.

ATTACKING COST GROWTH

We have provided other restrictions on expenditures of funds which the chairman has outlined to you and which I think will allow the Congress to more carefully control the use of funds in future years.

I want to particularly take note of two of these:

First, there are the two studies we are requiring to be made by the Comptroller General and the Department of Defense on cost escalation. We have found that—to our surprise—the Department of Defense did not have sufficient data at the present time to determine which element contributes most to cost escalation. For example, the percentage of cost growth due to wage increases as compared to increases in materiel costs could not be readily determined.

We invited representatives of labor and industry to testify before our committee. Frankly, they did not have the answer either.

But we are determined to find the answer. The conclusions of the studies are due by March 1 of next year and I am hopeful that they will aid the Congress in controlling cost growth.

Let me say here that our committee is willing to listen to anybody who has ideas on how to improve our national defense or how to save defense dollars without hurting national defense, or how to make improvements in any areas of military management. I was amazed to hear the accusation that the committee was making no effort to receive ideas from non-government sources. The committee specifically invited industry and labor representatives. The labor representatives, unfortunately, did not appear, but that was not the fault of the committee, and they did send prepared statements.

The committee, in addition, heard from all those who requested permission to testify. Witnesses included spokesmen from the Federation of American Scientists, and representatives from such diverse groups as the Friends Committee on National Legislation, the Coalition on National Priorities and Military Policy, the National Guard Association, SANE, the Aerospace Industries Association, the International Association of Machinists and Aerospace Workers, the Aerospace and Agricultural Workers of America, the National Council of Business Executives Move for Vietnam Peace and New National Priorities, and the United Church Board for Homeland Ministries of the United Church of Christ.

Abraham Lincoln once said:

> If you know anybody who thinks he is smarter than I am, let me know, I need him in my cabinet.

Let me say to the Members, if you know any one who you think is smarter than we are on national defense matters, send them to us; we will be glad to hear them.

THE TREND OF SPENDING

The chairman of the committee has explained the bill thoroughly and the committee report is available to all the Members. Rather than repeat information which has been made available to you, I would like to spend the remainder of my time to consider with you some of the long-range effects of the action that we take here today.

Members should understand that the trend of spending as far as the procurement of weapons has been downward for several years. In real terms—that is, after inflation is taken into account—procurement outlays have dropped almost every year since 1967. In 1971 they were only about 70 percent of the 1967 level. In real terms they dropped further in the present bill.

Personnel and personnel related costs now take up about 57 percent of the defense spending. This is true even though President Nixon has been able to reduce the strength of the Armed Forces by 1 million men and has reduced defense civilian employment by several hundred thousand. Personnel costs have increased because this Congress, as a matter of policy, determined that we should have an all-volunteer force.

We told you very clearly last year when we brought the draft and pay bill to the floor that if you wanted an all-volunteer force you must be prepared to pay the price.

The personnel area is where the bulk of the defense budget has now gone, and we have squeezed out as much as we can for weapons procurement.

THE SALT AGREEMENTS

It is important that the Members of the House look at the effects of SALT in the proper perspective.

The SALT agreement is not an assurance of peace; it is a beginning step toward peace.

It is not a substitute for strength; it is something that strength has brought about. And it is something that only continued strength will insure.

I was amazed to find in the press allegations that the SALT agreement is not really saving any budgetary dollars and that it is being used to justify new and expensive strategic developments. That is simply not the case.

To begin with, there was a reduction in this bill of over a half billion dollars as a result of SALT. If the agreements had not been signed and we did not have the assurance of slowing down the momentum of the Soviet ICBM development, we would have had to leave that half billion dollars in the bill. If SALT is not ratified, there will be a supplemental—make no mistake about it.

Simple arithmetic will also show that as a result of SALT, there will be substantial savings down the road compared to what we would have had to spend if the Soviet arms development had continued at its previous rate. The cost of a two-site ABM program is roughly $8 billion. The estimated cost of a 12-site program, which we would have had to develop eventually is approximately $18 billion. So, over the years there is a potential saving of close to $10 billion.

Even if we were limited to a four-site deployment, the estimated cost of Safeguard is something over $12 billion. So, the outyear savings are at least on the order of $4 billion.

I am very hopeful there will be further savings as a result of follow-on agreements that the President may negotiate in strategic offensive weapons—if we keep up a sufficient level of strength to provide the necessary incentive for such negotiations.

THE NEED FOR OTHER STRATEGIC SYSTEMS

The offensive strategic systems included in this bill are all follow-on systems to replace those now in existence.

The B–1 is to replace the B–52, the latest of which will be on the order of 20 years old by the time the B–1 is deployed.

The Trident is to replace the Polaris submarines, some of which will be over 20 years before the Trident is deployed.

In the case of the Minuteman, there are no new systems being developed but money is requested for continued force modernization and a relatively modest R. & D. program to improve the capability of reentry vehicles.

All of these systems had been requested prior to SALT—in fact, funds for all of them were in last year's bill. None of the authorization requests were increased as a result of SALT.

The Trident—formerly known as ULMS—undersea long-range missile system—would be needed in any case by the time it is scheduled to come into operation toward the end of this decade. At that point, our oldest Polaris submarines will be 20 years old, and close to the end of their life expectancy.

Keep in mind that you can live with some margin of error with many older systems and pieces of equipment, but you do not want to be in such condition with systems based on nuclear power. So, the Trident would be necessary in any case.

But the environment created by the SALT agreement makes development of the system even more imperative.

THE ALLOWANCES UNDER SALT

Let us look a little bit at what the SALT treaties do. Nobody gets everything he wants in a negotiation, and there are advantages and disadvantages for both sides.

The Soviets were ready for an agreement because they got some things that they wanted: A limitation on the U.S. Safeguard development, formalization of their numerical advantage and the attendant prestige on the world stage that such an agreement implies.

We got some things we wanted: Chiefly, a slowdown in the frightening momentum of Soviet missile development and ballistic missile submarine development, an improved atmosphere in international relations, and the beginning steps toward President Nixon's goal of a generation of peace.

For what we got, we paid a price; namely, a fixed number of missile launchers and ballistic submarines with the numerical advantage on the side of the Soviets.

The Soviets were allowed 62 ballistic missile submarines under the agreement and the United States 44, the United States is allowed a total of 1,764 missile launchers; the Soviets, 2,358.

Neither side is prevented from building new submarines but they cannot go above the numerical ceiling. So deployment of a new submarine means the elimination of an older one.

If older land-based missiles are destroyed, they can be replaced by a sea-based missile—always with the caveat that there be no increase in the maximum number of submarines and the maximum number of submarine missile tubes allowed.

In other words, the treaties address themselves to quantity but not to quality.

The numerical limits are acceptable to us because we have a technological advantage.

But the Soviets are in no way restricted by the treaty from improving their systems. We have got to assume that in a few years they will have MIRV capability. If we allowed our technology to stand still and the Russians improve their technology substantially, by the end of the 5-year period of the treaty we could be in the awful situation where they have a combination of numerical superiority and the equivalent technological capability.

That would put us at a simply unacceptable disadvantage in international affairs.

THE NEED FOR KEEPING OUR DEFENSE STRONG

I say with all the sincerity of my being that I hope the Members of the House will remember well the lessons of the 1920's when disarmament negotiations were followed by rapid destruction of ships without adequate safeguards.

I am not one of those who is capable of developing a sense of euphoria because of Soviet signatures on pieces of paper. You can only secure by treaty what you can defend on the battlefield.

There were those who told us several years ago that the ABM might prevent a SALT agreement. But the very opposite was true. Remember that the first Russian announcement of interest in strategic arms limitation talks followed by only 48 hours the announcement first of our intentions to begin deployment of the ABM. There is strong evidence that our resolution in going ahead with the Safeguard was one of the principal incentives to the SALT negotiations.

If we should now fail to keep up our technological capability and fail to continue developing follow-on systems to assure the invulnerability of our deterrent what incentive would there be for the Russians to take in further negotiations for limitation of offensive weapons? We must deal with the Soviets from a position of strength or we will not be able to deal with them at all.

The President's journey to Moscow was the beginning of a long journey for all of us, the up-hill journey for peace.

Let me remind you what Defense Secretary Laird said:

> Euphoria has no place on this journey. Neither is there a place for detour prompted by wishful thinking.
>
> Like any other important journey, this one must be adequately financed.

I hope the Members of the House will support this bill. But more important I hope in supporting it they will be signalling to the world our resolution to maintain our strength and signalling to Moscow that we will never be lulled into being a second-rate power.

Mr. BRAY. Mr. Chairman, I particularly urge all the Members to read Mr. Arends' remarks. It is not simply a review of details in the bill but is an important discussion of strategic considerations that we must keep in mind in the post-SALT atmosphere.

I would like to add on my own that I think this bill is the result of the most thorough job that the Committee on Armed Services has ever done on this major annual authorization legislation.

This bill authorizes $21.3 billion for procurement of missiles, planes and ships, research and development, tracked combat vehicles, torpedoes, and other weapons. This authorization governs only part of the approximately $83.4 billion defense appropriation requested by the President; but it is the most important part, the cutting edge. It dictates the level of spending on not only procurement for our present force, but on the kind of systems that we will have in the years ahead. It is, quite literally, the job of the Congress in voting on this fiscal 1973 authorization to determine the type of defense and the level of national security which we will have in 1983.

The SALT agreement sets a limit on numbers of systems available to each side. It sets no limits on technological advancement.

The number of strategic systems available to each side, according to the treaties, give an advantage to the Soviets. According to executive branch estimates, the Soviets have a present level of 1,618 ICBM's operational or under construction and about 740 submarine-launched missiles for a total of 2,358 missile launchers.

The United States has 1,054 land-based missiles and 656 sea-based missiles. The treaty allows us to go to 750 sea-based missiles for a total allowance of 1,764.

Complaints are made that the treaty gives the Soviets a numerical advantage. That is true. But keep in mind that they had that advantage anyway and the advantage would have been greater without the treaty because they were developing land-based missiles at the rate of approximately 200 a year and sea-based missiles at the rate of approximately 130 a year. We have not produced increased numbers of land-based missiles since 1967 and have not increased sea-based missiles beyond the 656 deployed on 41 submarines. Even if we changed our policy and decided to deploy more missiles, it would be years before they could become operational. Hence the numerical advantage of the Soviets, which was there before the treaty, would have grown larger without the treaty.

We can accept the numerical advantage of the Soviets because we have qualitative superiority. But quite obviously it would not be acceptable without our technological advantage.

It is particularly important, therefore, that we maintain our ongoing technological capability and that we continue the modernization of our systems.

It is in that light that I think Members of the House should view this bill today. The big programs that are authorized in this bill which engendered such debate are replacement programs.

The Trident submarine will replace the Polaris submarine; and, as has been indicated, by the time it is ready to be deployed, the submarine it will be replacing will be over 20 years old.

The B-1 system is a replacement for the B-52's, the last of which came off the production line in 1962.

PERSONNEL IMPACT

While this bill does not authorize appropriations for personnel and operation and maintenance, it does have considerable impact in those areas because it sets the ceiling on personnel strength.

The strengths authorized for the active-duty forces for the year beginning July 1 are as follows:

Army—841,190; Navy—601,672; Marine Corps—197,965; and Air Force—717,210.

The authorization is set on an "end strength" basis. Previously it has been on an average annual strength basis. The reason for the change is to provide more flexibility in managing the force which has been made necessary by the substantial personnel reductions of recent years. Armed Forces have been reduced by 1 million men from the strengths we had in 1968.

It has been pointed out that the reduction made by the committee in the bill—$1.5 billion—is the largest such reduction ever made by the Committee on Armed Services. In each of the major procurement categories—aircraft, missiles, and ships—the amount recommended is less than what we recommended to the House last year. You all understand the net buying power is reduced further by the effects of inflation—$582.4 million of the reduction is associated with the SALT agreement. This is one point I think we cannot stress too often—that there is a cut in the bill of over a half billion dollars as a result of SALT and, in addition, we will save billions of dollars in the coming years over what we would have spent on the ABM if the limitation treaty had not been negotiated. A four-site ABM deployment would cost an estimated $4 billion a year more than the two-site deployment allowed by the treaty.

I hope Members of the House will recognize that independent of the SALT negotiations we have cut almost a billion dollars from the bill.

We have also taken steps to assure better congressional control of spending in the future. In this regard we have put a prohibition on multiyear procurements where the cancellation charge exceeds $1 million. We found, in reviewing the Navy's ship-construction program, that the Government had been, in effect, committed to long-range procurement programs with substantial cancellation charges. In effect, this was obligating Government money not authorized by the Congress. That sort of procedure must be prevented.

We are also commissioning studies by the Defense Department and by the General Accounting Office of procurement procedures to aid us in getting a better control of future costs on procurement programs. The results of both studies will be available in March of 1973.

I will not take any more time to explain the details of the legislation. The committee's report is available to all Members of the House. I urge you all to read it.

Let me close by reminding you of what the President said in sending the ABM Treaty and Interim Agreement on offensive arms to the Speaker of the House:

> The agreements are an important first step in checking the arms race, but only a first step; they do not close off all avenues of strategic competition. Just as the maintenance of a strong strategic posture was an essential element in the success of these negotiations, it is now equally essential that we carry forward a sound strategic modernization program to maintain our security and to ensure that more permanent and comprehensive arms limitation agreements can be reached.

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. Price), the ranking majority Member on the Armed Services Committee.

Mr. PRICE of Illinois. Mr. Chairman, the fiscal year 1973 defense R.D.T. & E. budget recommended by the Committee on Armed Services totals $8,371,888,250. This is $323.9 million less than was requested by the Department of Defense, even though it includes a transfer of $83 million from the Air Force aircraft procurement account for the airborne warning and control system—AWAC's—and an add-on of a net $76 million related to the SALT agreement. The amount recommended also includes $54 million in civilian pay raises and $141 million which was earlier presented in the fiscal year 1972 supplemental and later incorporated in this bill.

The amount recommended is $578.5 million more than Congress authorized last year and $408.6 million more than the committee recommended last year. The increase is approximately 7.4 percent over the congressional authorization for fiscal year 1972. This increase merely compensates for inflation and the increased cost of doing research and development. It allows very little, if any, increase in our overall defense research and development effort.

Mr. Chairman, the subcommittee reviewing the defense R. & D. budget attempted to make a thorough and detailed review of the programs requested. Some 19 meetings were held with the various military services and defense agencies. In these meetings we received testimony on more than 1,500 budget items. Each program was carefully examined with the objective of trying to maintain an overall R. & D. effort of approximately the same level as last year. As I mentioned earlier in my statement, the amount recommended by the Committee on Armed Services meets that objective.

The one portion of the R. & D. budget which gave the committee the greatest concern was Budget Activity No. 1, otherwise known as military sciences. This is the budget activity which includes basic and some applied research conducted by both in-house military laboratories and by colleges, universities and industry.

For fiscal year 1971, the last complete year for which statistics are available, this included contracts or grants with some 365 educational and other nonprofit institutions among which were 45 foreign institutions or foreign government agencies.

The contracts awarded for R.D.T. & E. in this area total in the thousands. Unlike the projects under the other activities in the research and development budget which requires detailed justification and review, expenditures for R. & D. effort in this area are controlled on the basis of level of effort. With the increased utility of computers, the committee was of the opinion that closer scrutiny, on an individual project basis, could be accomplished with substantial savings effected through the elimination of unnecessary overlap and duplication. For this area of research, the Department of Defense requested an increase of approximately $40 million over last year. The committee recommends a reduction of about $76 million.

Our review of the major hardware or weapons systems oriented programs failed to reveal any glaring excesses requested for the coming fiscal year. However, in an effort to encourage greater efficiency and economy in the conduct of research, development, test, and evaluation, the committee recommended an overall reduction of 5 percent to the amount requested. In the committee report we have stated that this reduction should be allocated on the basis of military priorities. The rationale of the committee on this action is that the military services and defense agencies need to make even greater efforts toward achieving better managed programs in all areas of research and development.

Mr. Chairman, over the years that I have been involved in reviewing the research and development budget requests of the Department of Defense, I have—from time to time—been asked by my colleagues——

What can we show for expenditures in this area? or——

What new systems have we placed in the hands of our forces?

In response to that question, let me list just a few of the weapons systems that have been placed in the hands of our military forces over the past 6 years.

In the strategic systems, we have Poseidon, Minuteman II and III missiles, the FB–111 aircraft, the over-the-horizon radar, communications satellites, navigation and weather satellites, surveillance and early warning satellites—to name a few.

In the tactical aircraft systems, the following have been introduced: The Cobra attack helicopter, the F–111, the A–7, and the A–37 attack aircraft, the OV–10 attack observation aircraft, the C–2 carrier logistic aircraft, the C–141 and C–5A transports, the CH–53 helicopter, the E–2 early warning aircraft, and the P–3C patrol aircraft.

In the ordnance and tactical missile area, we have added the M–16 rifle, the M–60 machine gun, the M–72 light assault weapon, the M–79 grenade launcher, 7.62mm miniguns, the TOW and Shillelagh antitank missiles, the Chaparral, Redeye, Sea-Sparrow and Vulcan antiaircraft weapons, the Standard ARM and Talos ARM missiles, the Mark–46 torpedoes, the laser guided weapons, and the Walleye/Hobo guided weapons about which much has been written during the past several weeks. The effectiveness of these laser and Walleye/Hobo type weapons has been dramatically demonstrated since the Air Force and the Navy resumed/bombing of military targets in North Vietnam some 10 weeks ago. These weapons are R. & D. blue chips that are currently paying tremendous dividends. A wise and prudent investment.

I could list many more examples of weapons systems or hardware that have been developed, produced and placed in the hands of our troops during the past several years; however, I think the list I have given is illustrative of the results of our R. & D. efforts over these past several years.

In the nonhardware area, the military services have developed such items as the vaccine used against Venezuelan equine encephalitis which helped in controlling recent epidemics in Mexico and the Southern United States. Significant progress has been made in the area of serum hepatitis research bringing the Army closer to the preparation of a suitable vaccine to control a disease second only to battle injuries as a major cause of troop ineffectiveness. Through the use of adenosine and inosine additives, the storage life of whole blood has been extend from 21 to 43 days. These are but a few of the many examples of accomplishments in the nonhardware or weapons systems area that could be cited.

Mr. Chairman, the Department of Defense is, I believe, aware of the challenging problems involved in management of our R. & D. programs produced by the conflicting pressures between desires to keep the expenditures down and the need to increase the rate of improvement of our overall defense potential in a fashion commensurate with rapid Soviet progress. This situation requires that the Defense Establishment exert every possible effort to increase the overall productivity of our research and development efforts as a means of minimizing growth in the R. & D. budget.

Among the accomplishments of the Department of Defense over the past year are the following: decentralization and strengthening of the authority and motivation of the military services in managing their own programs while the Office of the Secretary of Defense has redirected its efforts to the problems of general planning, review, and guidance of the overall effort through the use of various coordinating and development concept papers. The basic acquisition process has been simplified by the elimination of half of the 125 directives and instructions governing weapons systems acquisition; major ongoing systems developments are being shifted to a fly-before-buy basis to the maximum practical extent; contracting procedures have been shifted away from total package procurement toward individual types that better reflect the risk involved; and independent parametric cost analysis is now required on each major defense system at the key program decision point.

These steps are in the right direction and should eliminate some of the deficiencies brought to light over the recent past by the various congressional committees and the Comptroller General.

Mr. Chairman, in summary, the amounts recommended by the Committee on Armed Services for defense research, development, test, and evaluation for the coming fiscal year are really austere and do not reflect any substantial increases over last year. In fact, it merely allows us to maintain approximately the same level of effort as that supported in the fiscal year 1972 budget.

In view of the increased effort on the part of our potential adversary, the Soviet Union, there is, in my opinion, a slight risk accompanying this modest level of effort. Witnesses before the committee over the past several years have emphasized the increased level of effort on the part of the Soviets in the research and development area. The latest estimate received by the committee was that the United Statese presently enjoys a 2-year advantage in technology over the Soviets. If this advantage is to be maintained, the amounts recommended by the committee are the minimum needed for the coming fiscal year.

I urge the Members of the House to support the authorization recommended by the Committee on Armed Services in the bill H.R. 15495.

Mr. BRAY. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. Pirnie).

Mr. PIRNIE. Mr. Chairman, in the 1950's this Nation was secure under the policy of massive nuclear retaliation. It was a credible and realistic strategy for that decade because of our overwhelming strategic nuclear superiority.

In the 1960's massive retaliation gave way to the strategy of assured destruction and flexibile response. Our 4- or 5-to-1 nuclear superiority enabled President Kennedy to take positive action during the Cuban missile crisis.

By the end of the 1960's the Soviets were clearly embarked on a program to obtain superiority in the area of strategic nuclear capability. They deployed the huge SS–9 which threatened the survival of our Minuteman force.

There was no indication that the Soviets planned to be content with nuclear parity. They continued to gain momentum in the production of ICBM's and SLBM's and in the technological race.

We chose to counter the growing threat posed by the Soviets with qualitative improvements in our existing strategic forces and a deliberate, phased deployment of our ABM system—Safeguard.

Now, phase I of the strategic arms limitation negotiations has resulted in an ABM treaty and an interim offensive agreement with the Soviet Union. The interim agreement limits the Soviet numerical lead and limits the building of the large Soviet SS–9 missiles which posed the greatest threat to our land-based deterrent forces.

Soviet qualitative improvements, permitted under terms of the agreement, will provide a serious challenge to the credibility of our deterrent in the years ahead—if we don't keep our forces modernized.

There are those who continue to oppose deployment of Safeguard, using SALT to season their arguments.

Under the terms of the ABM Treaty, we are allowed two ABM sites—one to defend our ICBM's—one to defend our National Command Authority. Some contend that the limitation on interceptors makes it impossible to justify deployment at the Washington, D.C., site.

But the continued deployment of the Safeguard system and qualitative improvements in our ABM technology are essential to support the position of the United States in future SALT negotiations. And the Washington site provides valuable additional time to the National Command Authority in time of emergency. Keep in mind this extra protection might aid the President in keeping an accidental launch of one missile from starting World War III.

In the interest of our future security, I urge favorable consideration of this bill by all House Members.

Mr. Chairman, I should like to make this personal observation. Having had the privilege over these past 12 years of serving on the Committee on Armed Services during times of varying appraisal of our defense and weapons systems, with many hearings on bills such as this, I do not recall any time when we have proceeded with more deliberation and objectivity than has occurred this year. This is due to the leadership of our chairman, who has been eminently fair and who has endeavored to enlist the interests and talents of every single member of the committee, to acquaint all with the developments, and to insure the support of all for the programs with which we are charged. In a major way we have achieved a unity of purpose in the committee which has enabled us to bring to the House this very important measure in a form to command acceptance by this body.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I think the gentleman from New York is making a very fine statement, and I want to commend the gentleman for making it, and I also want to take this opportunity to direct the attention of the committee to the fact that the distinguished gentleman from New York (Mr. Pirnie), who represents the district adjacent to mine, and who came to the House back in 1959, at the same time I did, is retiring from the Congress and from the committee. Although we are on opposite sides of the political aisle, I want to say that the gentleman has been one of the most valuable members of the committee, and we are going to miss his guidance, his counsel, and his help in the years ahead—assuming that some of us will ourselves be back again in the next Congress. But certainly the gentleman has done a magnificent job, and has been a very valuable member of the Committee on the NATO Commitment which is still working in a very important area.

So, Mr. Chairman, I just wanted to take this opportunity to pay tribute to the gentleman and to say that the country will be the poorer for his retiring from the committee, from the Congress, and from the wonderful work that the gentleman has been doing.

Mr. PIRNIE. Mr. Chairman, I thank the gentleman, and I would say that the continuation of such representatives on the committee as my colleague, the gentleman from New York (Mr. Stratton) will enable me to enjoy my retirement because I know that the spirit of bipartisan dedication to the security of this Nation will continue, and that we will have this careful scrutiny that enables us to recognize our national priorities in a very real sense, indicating that we are aware that unless we are able to survive we cannot do anything for anybody, but as long as we work together in a sound, logical, and analytical study of the needs of our country, we will provide in a timely fashion this strong position so necessary to preserve this country and the peace of the world.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Chairman, I want to join my colleague, the gentleman from New York (Mr. Stratton) in commending the gentleman from New York (Mr. Pirnie) for the great job he has done in the Committee on Armed Services. I was in the committee when the gentleman from New York (Mr. Pirnie) came there, and I know of no person who has been more of a tower of strength and a harder worker, and a cooperative and capable worker on that committee through the years than has the gentleman from New York (Mr. Pirnie).

Mr. PIRNIE. Mr. Chairman, I thank the gentleman, and I would like to reciprocate by saying that it has been a great committee upon which to serve, and that I am very appreciative of the cooperation and friendship which has been so generously extended to me.

Mr. HÉBERT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have taken this 1 minute so that I, too, might join in the accolades which have been directed to the gentleman from New York (Mr. Pirnie). I have served with the gentleman, and I have chaired committees on which he has served also for so many years that it just seems that he is part of any committee that I happen to chair. He has given unstintingly of his time, and there was never a more dedicated and harder worker than he, but I would be gilding the lily to add any more than has been already said about the dedication of the gentleman and the other tributes that have been paid to him today.

Now, Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Leggett).

Mr. LEGGETT. Mr. Chairman, I want to join the rest of the committee on both sides of the aisle in their statements, and to also add my commendations to the gentleman from New York (Mr. Pirnie) for his very distinguished service to our committee.

I want to commend the chairman on the bill, and I support the bill.

I would like to include at this point in the Record a copy of my additional views, which are included at page 95 of the report, and I would include the remarks as modified without the chart.

The material referred to follows:

Additional Views of Hon. Robert L. Leggett, Democrat of California

I support the bill H.R. 12604, the Armed Services Procurement Authorization for fiscal 1973 in the amount of $21.3 billion, which bill contains reductions of $1.56 billion, for which reductions the Committee and Chairman are to be commended.

In addition to the Committee reductions, I offered amendments in Committee for further reductions totaling $1.489 billion. In addition, I offered a Vietnam alternative, which when added to the reductions, certainly constitutes a *choice not an echo*.

A. WHY DO WE NEED TO REDUCE DEFENSE SPENDING?

The answer is simple. It does not make good sense to spend $762 billion out of $772 billion collected from the total *Federal Individual Income Tax* over the past 10 years exclusively for National Defense.

These figures are in the President's Budget and are undisputed. They demand a reallocation of priorities.

In addition, all of the $34 billion in Corporate Income Taxes collected this year will be required to pay the costs of past wars, including $12 billion plus for *Veterans' Bene-*

fits and $22 billion for *Interest* on the $450 billion *National Debt of past wars.*

The Office of Management and Budget filed their report on June 5 and indicates that due to accelerated withholding of taxes and abatement of Revenue Sharing and Welfare Reform, the deficit for fiscal '72 will now be reduced from $45.8 billion to $33 billion but that next year's deficit fiscal '73 will be $38 billion. (These figures include *Trust Fund* borrowing).

The country, therefore, must get fiscally back into balance and Defense is a place to start.

B. HOW THEN DO WE RESPONSIBLY CUT $1,489 BILLION ADDITIONALLY FROM THE CURRENT AUTHORIZATION BILL?

The answer is simple and takes four steps. The President is to be congratulated on negotiation of the Strategic Arms Limitation Agreement and Treaty. The Congress now must determine future policy.

Do we build up to the limit of the Agreements and restimulate an endless limited-arms but unlimited-expense quality race, or do we take the President and Brezhnev at their word that they agree the arms race should stop?

I personally do not think it is in our national interest to accelerate construction and deployment under a S.A.L.T. umbrella.

I would cut, therefore:

(1) all funds for the new $25 billion (est. cost) *Hard Site ABM System ($140 million).*

(2) *$700 million* out of $977 million programmed (including $926 million subject to authorization in this bill) for the new ULMS, or *Trident* System.

(3) *$350 million* out of $486.2 million in the *Safeguard* procure account leaving R.D.T. & E. alone.

(4) *$299 million* for the *CVAN 70 Nuclear Carrier* that many Naval strategists agree is now obsolete.

= total savings of $1.489 billion, which funds would reduce our National Deficit and National Debt.

The arguments on these items can be briefly stated, as follows:

1. In the President's Budget there is included $80 million for R. & D. for the *Sprint* Hard Site Defense System. There is an additional $20 million in the Military Construction Bill. In spite of the S.A.L.T. agreement, at the request of the Pentagon, the Committee had added another $60 million for the program, totaling $140 million in this bill. Since S.A.L.T. limits the United States to a two-site, 200 missile ABM Program, at Grand Forks and Washington, it makes little sense to accelerate the development on a new 1,000 nuclear missile ABM system called Hard Site. The action has no rationale in spite of the explanations of Pentagon personnel. The Hard Site Defense System originally conceived by the *Air Force* at an estimated cost of $1 to $3 billion, has now grown to a projected $25 billion *Army* monster and envisions nuclear *Sprint* weapons, as opposed to the earlier non-nuclear *Air Force System.* In view of S.A.L.T., this research program should be terminated.

2. The second savings should occur in the *U.L.M.S. Trident System.* In the budget last year the research level on this program was slightly more than $100 million and envisioned the construction of 10-plus 24-tube long-range Poseidon type submarines at one Eastern private shipyard. Many in Washington were amazed this year to see this program accelerate to $977 million mostly for R. & D. In view of the S.A.L.T. limitation agreed to, of 710 sea-based missile tubes and considering that we now have deployed 656 tubes in 41 Polaris-Poseidon boats, it doesn't seem to me to make good sense to spend $977 million to construct 54 additional missile tubes at sea. The argument is made, I think almost facetiously, that the *Trident* is intended to replace the 10 A-3 Polaris that will not be *Poseidon* retrofitted. This suggestion seems needlessly expensive since an outfitted A-3 Polaris is now worth about ¼ *billion dollars,* all have been operational less than 10 years, all have *zero defects* as specified by Admiral Hyman Rickover, all have a range in excess of *2,500 miles* and *very high accuracy.*

The argument is made that we need *Trident* to *bargain* with the Soviets in 5 years. It seems that if we need to expand our sea based tubes in 5 years, the Poseidon program already developed would be adequate to provide the balance and incentive to bargain.

So I say, cut the program by $700 million—increase the *current* program over 100% and continue research at the $277 million level.

3. *Safeguard*—Savings *$350 million*: The S.A.L.T agreement has limited the hard-point function of *Safeguard* to a miximum of 100 interceptors, which will attempt to defend approximately 60 Minuteman ICBMs.

It is difficult to justify an ABM system protecting only 6% of the Minuteman force.

It is *impossible* to justify a hard-point ABM system employing only 100 interceptors.

Protection of 60 Minutemen at an ABM system cost of $8.5 billion equals $140 million per Minuteman: more than 23 times the cost of the ICBMs themselves. For less than one twenty-third the cost of *Safeguard,* we could have deployed 60 additional Minuteman III ICBMs complete with hard silos.

As we have discussed in debates on previous military procurement bills, it is highly unlikely that the *Safeguard* ABM system will function effectively under *combat conditions* the first time it is called upon. However, even if the system were 100% effective, this super-expensive protection for 6% of our Minuteman force cannot be justified.

Hard-point protection is obviously not needed against third-country or accidental attack. It can be rationalized only as an attempt to preserve our nuclear deterrent against a heavy sophisticated Soviet first strike.

If such a first strike becomes possible (at this time it is technologically inconceivable) its anti-Minuteman component presumably will consist of about 200 SS-9s bearing six warheads each, augmented by approximately 1,000 smaller ICBMs with single warheads.

Such a force could easily spare 100 of its 2,800 warheads to exhaust the 100 American ABM interceptors, even if we generously assume these interceptors to be 100% effective.

Similarly, a defense of the *national capital* makes no sense if the defense can be exhausted by *101 warheads.*

Presumably the Soviets recognized this when they slowed deployment on their Moscow ABM system. But even if they are foolish enough to waste their money on completing the system, there is no reason why we should follow their example.

Expenditure of public funds for further ABM procurement or construction cannot be justified but at best should proceed at a very decelerated rate.

In time, the Soviets may develop a MIRV, and they may improve their accuracy to the point where they become a threat to Minuteman. But this will take many years, and we will be able to follow their progress. There is no need to rush.

A cut of $350 million would leave a balance of $136.2 million for further completion of construction at Grand Forks in 1973.

4. *CVAN-70—Nuclear Carrier—Delete $299 million* and do not make advance procurement.

Advent of the ICBM and SLBM, combined with the development of highly effective nuclear-powered attack submarines and the new generation of Soviet cruise missiles, have reduced the effectiveness of the aircraft carrier as a strategic nuclear weapon to the point where it is *not cost effective,* and possibly not effective at all. The Defense Department implicitly acknowledges this, when it invariably fails to include its carriers in its lists of *strategic weapons.*

Aircraft carriers continue to have a certain degree of effectiveness for non-nuclear warfare, and they continue to serve as a deterrent to direct Soviet combat intrusion into the Arab-Israeli conflict. However, it is apparent that:

1. The present force of 15 attack carriers is more than sufficient to meet any need that can be reasonably projected. The Navy implicitly acknowledges this, by its practice of keeping only one out of three carriers in operation at any given time, as opposed to the two-crew system employed to keep the more vital missile submarines in operation as much as is mechanically possible.

2. Nuclear propulsion is marginally needed and its cost is not justified. In operations against a minor power, the safety of a large carrier is unlikely to be threatened. In operations against the Soviet Union, with the latter using its best attack submarines and cruise and ballistic missiles, the lifetime of a carrier is measured in minutes, or in hours at the most. Under these conditions, the ability of a nuclear-powered ship to operate for weeks at full speed without refueling is not a significant advantage.

Therefore, the national interest would be served by cancellation of the CVAN-70 procurement program.

Last year the Navy said that if the CVAN-70 was not authorized that costs would escalate from $750 million to $980 million for the ship. This has happened. The Congress decided last year not to build this ship and it makes little sense to proceed this year at a ¼ billion cost escalation.

Many bright professional Naval strategists have written over the past several years that it is cost ineffective to spend $1 billion for a nuclear carrier, $1 billion for airplanes, and $1 billion for a support fleet, when the whole fleet is dependent on the carrier and the carrier is physically vulnerable to a dozen missiles and other lesser weapons in the U.S. and foreign arsenals, many of which have been deployed for over 10 years.

The real question that we must decide is: *"Is this CVAN-70 the last billion dollar carrier that the U.S. will construct, or was the last one the last?*

I am one who supports a big Navy, but not a big *obsolete* Navy—nuclear powered or otherwise.

VIETNAM

In a final area of the Vietnam War, I have offered another solution for this country's desecrating confoundment, short of surrender, but also short of total victory. It has always seemed to me that the American myopic obsession with the war was wrong, not that we were backing the wrong side, but that we were spending ourselves into oblivion Americanizing a conflagration between underdeveloped people. We have clearly spent many hundred times the amounts spent by the Soviets to support their Communist counterparts as the chart from Secretary Laird's unclassified posture statement illusrates:

The U.S. has expended in 7 years annually to support South Vietnam from $5 billion to $25 billion, while the Soviets never expended more than one-half billion in any single year.

The Soviets have provided *two-thirds* of all the North Vietnamese support per Laird. The U.S. has spent over $150 billion, obligated itself for hundreds of billions of Veterans benefits in addition—the Soviets have spent at most $10 billion dollars.

While I have criticized the Thieu Government as being *undemocratic* on the one hand, the facts are self-evident over the past few months particularly that the North Vietnamese are the real heartless aggressors in Southeast Asia who are prepared to annihilate hundreds of thousands of North or South

Vietnamese soldiers or civilians in their efforts to communize the area.

The United States must avoid being *paranoid* in resisting this effort and likewise we must totally *sell the war back to the Vietnamese.*

I believe that there are many people in South Vietnam who want an *independent* South. *They want an end to the killing and they are prepared to die to avoid Northern domination.*

I personally went to Paris and talked at length to the enemy spokesmen informally and they appear *intransigent* with respect to a negotiated peace without *total surrender* of South Vietnam.

On this state of the record I offered the following amendment which would provide the United States with a *unilateral* firm course of action, not forsaking our *POWs and missing,* neither *escalating* or further *bankrupting* our country as has been our past course.

3. *Sense of Congress amendment. New Section No. 503.* It is the sense of Congress that the President negotiate a reasonable termination of US involvement in the undeclared war in South Viet Nam and a return of American Prisoners of War and accounting for those American defense personnel missing in action. It is the further sense of Congress that if possible the President first negotiate for a total cessation of hostilities in this war theater by all parties including return of all Prisoners of War; second, that the President negotiate for a total termination of US involvement including a return of American Prisoners of War without passively or actively undermining the South Vietnamese Government looking toward a complete Vietnamization at the earliest possible date of the land, sea and air forces; third, *that should the President be unable to successfully negotiate either of the foregoing options that it is therefore the sense of Congress that the US having a continued interest in the return of American Prisoners of War and accounting for those missing in action and an interest in a stable balance of power in Southeast Asia, that the United States unilaterally and preferably over a six month period of time reduce its military active and support role in relation to the government of South Viet Nam, Cambodia, Laos and Thailand only sufficient to provide an equal and reciprocal counterpart to roles of support, including logistics and advisory, played by China and the Soviet Union in relation to the Communist movements in North and South Viet Nam, Cambodia, Laos and Thailand.*

In addition, Mr. Chairman, I would include a question and answer which appears in the committee record at page 12098.84, and 12098.85, which also contains the answer of Dr. Foster.

The material referred to follows:

Mr. Leggett I would say this about the Trident system, that it appears we have spent on the order of a quarter of a billion dollars for each of the 41 Polaris/Poseidon that we have. We have developed a system that either from 1,500 or 2,500 miles, depending on how they are loaded down, you get [deleted] percent of accuracy within a [deleted].

From my observation, the way we have been recoring these and rebuilding them when they come in for overhaul, they are good for a long, long time, because of Admiral Rickover's zero defect system.

Then I wonder why we are accelerating the $977 million into the Trident system when obviously all we have is the 54 missile Titan surplus differential capability to build into, which would approximate 2.1 Tridents or ULMS.

I think that to obsolete these quarter of a billion dollar A-3, non-Poseidon/Polaris in favor of Trident, even in the 1977 time frame, is wasteful. I would say as far as the cruise missile is concerned, as I recall we abandoned the Mace missile which was a subsonic employed system in Europe, primarily because it was vulnerable. I was briefed the other day on the Phalanx system, which the Navy is developing, which appears to be an excellent, cheap method of defense against a cruise missile. I am wondering why perhaps we couldn't use this as a coastal type defense rather than getting involved with potential charades where we use Sprints, Spartans, and nuclear weapons to defend against this very primitive-type system.

I would say as far as resiting our bombers, as I understand the idea behind that was because of the low trajectory submarine-launched vehicles, which don't really appear to be materializing as early as we had anticipated, and I would add in the same question that Ed Hood published in the Shipbuilders' Council of America the statement the other day in his weekly report indicating where we would be with and without the SALT agreement, and he had there 11,000 strategic nuclear warheads. I am sure he is including tactical in that number—versus 2,700 for the Soviet Union—but he also had us ahead of the Soviets in megatonnage under the SALT agreement, as well as numbers of targetable warheads.

The Chairman. Mr. Secretary, do you understand the question, or do you want Mr. Leggett to repeat it?

Dr. Foster. I certainly understand the question, Mr. Chairman. I would be delighted to have an opportunity to provide the answers.

If I may, I would like to provide the answers after each question so as to provide more clarity.

The Chairman. In other words, you want to reread the question before you can answer?

Dr. Foster. I certainly would like the opportunity to do that very carefully.

(The following information was received for the record:)

Regarding Trident, our need for this system, and its acceleration, was not based on an immediate need for a replacement for the current SSBN's, but was driven by two factors:

1. A need for the option to place additional launchers at sea, which is still valid under the current SALT negotiating environment; and

2. A need for a sea-based deterrent in the late 1970's which is less likely to be affected by improving Soviet ASW capabilities than the current FMB submarines. Trident, with its long-range missiles and advanced submarines, will provide increased operating area and quieting to maintain survivability of the SLBM force against potential Soviet ASW developments.

Several other points are also pertinent. It may be true that some of the items in Admiral Rickover's system could last beyond 20 years, but when dealing with radioactive materials in a nuclear propulsion plant, there is no margin for error; material integrity is paramount. For this reason, and also because of the Navy's previous experience with overall submarine life expectancy, we are apprehensive about maintaining nuclear submarines in service beyond about 20 years. If we are assure that we maintain a first-rate deterrent force, we should be willing to recognize the value of the Navy's experience in estimating the time at which it is prudent to plan for replacement to be available.

Regarding the submarine-launched cruise missile, it will fly at very low altitudes. It will thus be an entirely different defense problem, and will add another factor for Soviet defense planners. An SLCM threat would stress Soviet air defense capabilities and restrain their commitment to an ABM role because the SLCM's could arrive at the targets during the ballistic missile attack period.

I believe it is essential that the United States initiate the development of the submarine-launched cruise missile, both to preserve our position of sufficiency, and to insure that we are in a position of strength to negotiate on this class of strategic weapons during the next round of SALT.

With reference to your question concerning the need for relocation of our alert bomber force, I don't believe we can say that the threat may not be materializing as early as we had anticipated. The Soviets are now testing a new missile for their SLBM force, the SSNX-8. They are also continuing, and permitted under the SALT agreement, to expand their SLBM force. We have very little information concerning this missile; and unless the Soviets choose to demonstrate a capability to fly a highly depressed trajectory, we have no way of knowing whether it can or cannot do this. If this missile possesses such a capability, thereby minimizing the warning time, then our bomber force could be seriously threatened. We believe it prudent to hedge against this possibility and take those steps now which serve to keep our force secure. The bomber relocation program does this.

Mr. Chairman, I would compare that answer with the statement by the columnist, Art Hoppe, speaking over the weekend, appearing in a California newspaper, and I will obtain the proper authorization to put this in the Record at the proper time.

The material referred to follows:

THE GREAT ROCK RACE

(By Art Hoppe)

June 25, 1984—As church bells chimed and people throughout the world danced in the streets, the United Nations today realized an age-old dream of mankind by ratifying a Universal Disarmament Pact.

Under terms of the widely hailed treaty, all Nations agreed to destroy immediately every single weapon in their arsenals—from missiles to billy clubs, from jet bombers to bows and arrows.

"At last man now enters a golden age of permanent peace," a jubilant President told the U.S. people in a nationwide telecast. "At last we can divert our $200 billion defense budget to better the lot of every American. For man will war no more. "After all," he said with a smile, "The only thing man can now hurl at his brother is a handy rock."

June 26, 1984—Defense Secretary Melvin Ludd appeared before a joint Congressional committee today to ask for $1.5 billion research funds to develop a "prototype rock."

Ludd pointed out that rocks, being indigenous to every nation's environment, were not banned by the treaty. "We can be sure," he warned ominously, "that the Russians and the Chinese are secretly at work on an advanced rock that could make America a second-rate power."

April 8, 1985—The Army today unveiled its new M-16 anti-personnel rock designed to fragment on impact.

Developed at a cost of $43.6 billion, it will replace the now-obsolete 125-pound M-15 rock, which failed in extensive tests to get off the ground. Some of the obsolete M-15s will be mothballed for emergencies, the Army said, while the remainder will be sold to "our friendly neighbors in Latin America" for 3 cents on the dollar.

The Army purchased one million of the new H-16 rocks for $1.39 each. The rest of the $43.6 billion went for new M-16 mobile rock haulers with white sidewall tires, new individual M-16 rock carriers with chromium handles.

November 3, 1985—Secretary Ludd asked Congress today for $64.5 million to develop an Anti-Rock Rock, (ARR) plus another $82.7 billion to construct an Anti-Rock Early Defense Line (ARED).

He cited CIA reports that the Chinese were working on an Inter-Continental Ballistic Rock launched by a giant Chinese firecracker.

He said the proposed ARED, a mile-high net along the Canadian border, would intercept most Chinese ICBRs, while the new ARRs, sent aloft by mile-long rubber bands, would shoot down the rest.

November 7, 1985—A worried President today signed the Universal Draft Law requiring all Americans over age five to work on the Nation's rockpiles.

"Our freedom will never be secure," he said, "until we have the world's largest rockpile stockpile."

July 4, 1986—The people of the world, fed up with working day and night on their national rockpile stockpiles, revolted today.

Chanting the stirring slogan, "We need rocks like holes in our heads," they marched on the U.N. and demanded an entirely new treaty. This one banned not weapons, but all Generals in general and all Defense Secretaries in particular.

And so church bells are chiming and people throughout the world are dancing in the streets tonight—confident that they have at last found the key to a golden age of permanent peace.

Mr. BRAY. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ARENDS), the ranking minority member of the committee.

Mr. ARENDS. Mr. Chairman, I, too, wish to join with those who have paid their tribute to the gentleman from New York (Mr. PIRNIE) who after this session of the Congress will be leaving us.

He has been, I think, one of the most outstanding and valued members of our committee, a steady, constant worker on the jobs that have been assigned to him on that committee, both in the full committee and in the subcommittee.

The gentleman from New York (Mr. PIRNIE) is one of those rare individuals who accepts responsibility, and when he takes on a responsibility he gets the job done.

Not only have I enjoyed serving with him on this committee for many, many years, but likewise I have deeply appreciated his friendship and the close cooperation that I have had with him in the work here on the floor of the House.

All of us will miss him as he leaves us at the end of the year, voluntarily. I only wish that he might have decided rather to stay here where he has been of such invaluable service.

I want to say as you leave, Mr. PIRNIE, as you go away from here, I am proud when you leave that I can say—"There goes a friend."

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. I thank the chairman for his usual courtesy in giving me this much time. Sometimes I wonder whether any of it is worth it. The bill involves twenty-one billion and some three hundred million dollars and, yet, you look around the room and essentially we are talking to ourselves. The room is about empty other than the members of the committee, all of whom have heard it before and said it before and know how they stand. There are a hardy few, I will say, a dozen perhaps—but here we are and—oh, maybe I was even tempted to have a quorum call in the hope that somebody would come and listen, but I do not think it matters particularly.

For example, one of the things we are doing in this bill in section 601 is increasing retroactively the amount that we can give to Vietnam to fight the war over there. Why are we doing it retroactively? We have to do it retroactively because it is being done illegally right now.

What difference does it make what limitations we put on how much they can spend over there? Last year it was $2½ billion and they have used up the $2½ billion and the Secretary of Defense came before the committee a few weeks ago and he said—Well, we are right up against the limit right now so we have to increase it.

Well, he was right up against the limit a few weeks ago when he was there so, obviously, they are over the limit today.

So what difference does it make whether we establish any limits at all—because the money is going to be spent.

This really is not the worst bill that I have seen come out of the Committee on Armed Services by a long shot. We did make some real cuts in research and development. It is kind of fun sometimes to look back over the committee reports of prior years and to see what we said about some of these wonderful weapons systems which are with us year after year, back again like bad pennies—or perhaps bad billions.

You look back over the years—2 years ago, for example, there was the Cheyenne helicopter. Two years ago the committee report said—Well, the Army had found the company in default on procurement of the Cheyenne.

So last year what did we say about the Cheyenne helicopter? We said that they were not entitled to $13 million on the Cheyenne. So what are we giving them this year? We are giving them $53 million for the Cheyenne. It just will not ever go away. We have built 12 of the darn things already.

So what have we got in there—money for three preproduction prototypes.

Then back over the years there was the C–5A. Two years ago the committee report said there was $544 million in it for the C–5A, of which the Air Force said we owed Lockheed $344 million. But there was $200 million in there which we might have to use just to keep the line going.

Well, that was 2 years ago, and last year there was another $200 million and some for the C–5A, and this year there is another $200 million and some for the C–5A, and every dime of this, after that $344 million 2 years ago, is a cost overrun.

We have had the ABM just about as long as I have been in Congress. We called it other things in other times, but it was always there, and if we spend the money which is authorized in this bill this year, we will now have spent over $10 billion for the ABM. That is the total that we will have spent for the ABM and its predecessors, the Nike Zeus, the Nike Ajax, and the many different other names that we call the thing—$10 billion. Last year Congress prohibited the only ABM new site that we are talking about building now. That is the site to defend Washington. Congress passed a law saying, "No, you can't build that." Why are we going to build a new site to defend Washington? The Russians chose that site. We did not choose it. It is the only site we can build under the ABM Treaty, under the SALT compact. So we are going to build on a site which the Russians chose for us. It was not our choice.

We had four sites that we wanted to build on before this Washington thing. We cannot build three of them, so we will build the only one we really did not want to build.

I will offer a motion to strike from the bill the language which pertains to the ABM site. All the language does is to repeal the law Congress passed last year saying we could not build a Washington ABM site. At the appropriate time I will offer a motion to strike that.

We are just beginning to get cranked up on the B–1. We have had it for a long time. We used to call it the B–70. You may remember that we spent $1.5 billion to build 2½ B–70's. Then we canceled that program. I do not know what is going to happen with the B–1, but it is just beginning to get cranked up. Two years ago there was $100 million for it. Last year there was $370 million for it. This year there is $445 million for it and we are only warming up. Two years ago in the minority views on the B–1 I lamented the fact that they were going to cost almost half a billion dollars apiece for the R. & D. prototypes. Today I lament the fact that they are now going to cost over $800 million apiece for the R. & D. prototypes. It probably does not matter, but I will move to strike that one, too.

The DD–963 is a fascinating subject matter and it generated a great deal of debate in the committee. When we moved to put $247 million into the bill for advanced procurement for more DD–963's, I do not think the committee really knew whether they had authorized seven more DD–963's or not. Now we say we are not. But here is the situation. We have already authorized 16 of them. The keel has not yet been laid on No. 1. We are putting $247 million of advanced procurement for ships 17 through 23 in here, and I really do not think that there is anyone on the committee who believes that those ships are going to be built anywhere near the cost or anywhere near on time, if we can judge by what has gone before in that particular yard.

Do not judge it by time alone. Take fundamentals like the man-hours needed to build the LHA, which has increased by almost 300 percent, and the wages paid to production workers, which have in the last year increased by one-third. When we get a 300-percent increase in man-hours and a one-third increase in wages, we know we are going to go way over the cost on these things. Essentially there is only one way to limit what we spend on arms. That is just to plain limit what we spend on arms.

What we have here today is a great triumph about the SALT talk and the wonderful things which were accomplished by the SALT talk.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Iowa.

Mr. GROSS. I hope the gentleman is not going to overlook that great flying Edsel known as the F-111, which was grounded for the seventh or eighth time last week.

Mr. PIKE. I would simply say to the gentleman from Iowa that there are so many things in here that I could devote my time to, but I am running out of time, and I want to just kind of generalize rather than be specific at the end.

I think after the SALT talk agreement, when we wind up with a bill which authorizes more money than we authorized last year, which authorizes $800 million more than we appropriated last year, there is not any great victory in the SALT agreement.

I think if we are going to use every agreement only as an excuse to got out and build something else that is not covered by the agreement, we underestimate the ingenuity of our scientists and theirs. If we can agree only on specifics, then our scientists will still be finding ways of making their vodka bottles explode and their scientists will be finding ways to make our beer cans turn into land mines along the highways.

The only way we will ever be able to do anything about cutting military expenditures so we can do something else in this Nation is just plain to cut them, and I hope a few people vote against this bill.

Mr. BRAY. Mr. Chairman, I yield to the gentleman from Ohio (Mr. CLANCY) such time as he may consume.

Mr. CLANCY. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I rise in support of this legislation and I would like to discuss with you a most important feature of this bill—the Trident program.

The Trident program is not a crash program. It is an urgent, but orderly, program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities.

By the time the first Trident submarine can be delivered in the late 1970's, the first Polaris submarines will be nearly 20 years old, and with no potential for significant improvement. These submarines have been operated hard, with two crews, to allow them to be on station a high fraction of the time. They were built to specifications based on a 20-year life and their machinery is wearing out. It is unreasonable to expect them to operate more than about 20 years without having some major breakdowns.

The Trident submarines will be quieter and incorporate the latest technology to improve their survivability. These improvements can only be incorporated in new design submarines; they cannot be backfitted in Polaris submarines.

Our Polaris/Poseidon submarines are limited in their patrol area by the range of their missiles. This forces them to operate in close range to foreign shores, thus bringing them within range of Soviet shore-based aircraft. This limited patrol area simplifies the Soviet antisubmarine problem by allowing them to concentrate their sea and air forces in a much smaller area. The Soviets have been investing heavily in antisubmarine warfare research and development, and have built and continue to build improved nuclear-attack submarines—one of their best ASW weapons. They have invested large resources in ASW surface ships. Also, indications are the Soviets are attempting to establish an area antisubmarine surveillance system presumably aimed at locating our Polaris/Poseidon submarines.

The first generation Trident missile will have a range of almost twice the range of the 2,500-mile Poseidon missile. This initial Trident missile can be backfitted in the 31 Poseidon submarines and will provide a severalfold increase in ocean-operating area available to our ballistic-missile submarines compared to the shorter-range Poseidon missile.

The Trident submarines will have missile tubes which will provide growth potential for even longer-range missiles. With this longer-range missile, which will fit only in the Trident submarines, the ocean-operating area available to our Trident submarines will again be increased severalfold over the area of the first generation Trident missile.

The Trident missiles will permit basing our ballistic-missile submarines in U.S. ports. This will eliminate dependence on foreign basing.

The Soviets are continuing to expand rapidly their own ballistic-missile submarine program. They now have in operation about 30 nuclear and diesel ballistic-missile submarines of older classes and 25 of the new *Yankee* class which can fire a 1,300-mile-range missile. In the past year they started work on their 42d *Yankee* submarine, and they are now substantially expanding their submarine building facilities. They already have the largest and most modern submarine building yards in the world which gives them several times the nuclear-submarine construction capacity possessed by the United States.

The Soviets have tested a missile with a range at least twice that of the present 1,300-mile missile. This new missile will give their submarines the capability to strike us from points only a few days from Soviet bases. In a sense, the Soviets are already building their equivalent to our Trident missile. These developments increase the threat to our land-based strategic forces and increase the reliance we must place on our sea-based strategic deterrent.

The Soviets have a more modern ballistic-missile fleet than we do. They are building more missile-launching submarines today, whereas we funded our last Polaris construction in fiscal year 1964, and finished it in 1967.

The Interim Agreement on Strategic Offensive Arms signed in Moscow on May 26, 1972, allows the Soviets to continue building ballistic-missile submarines up to a total of 950 ballistic-missile launchers on submarines and up to 62 modern ballistic-missile submarines. This will allow the Soviets to continue building ballistic-missile submarines at a rate of about 7 per year during the 5-year term of the interim agreement. Even under the President's recommended fiscal year 1973 budget for the Trident program the first Trident submarine will not become operational during the 5-year term of the interim agreement. Therefore, it is essential that the United States proceed now with Trident submarines as proposed by the President.

Modern complex defense systems take many years to design, develop, and produce. Trident has already been in the research and development stages for 3 years. The system has been carefully evaluated during this period and the Navy is now ready to move into detailed design and construction of the submarine.

In developing a new missile the long leadtime is in research and development with a relatively short production span of 1½ to 2 years required to build the missiles themselves. In contrast, the production span time on nuclear components is up to 5 years under the most favorable conditions. The Navy and Atomic Energy Commission have already done the propulsion plant development work necessary to define what is needed to order the long-lead nuclear propulsion plant components. Delivery of the nuclear propulsion machinery will control the construction schedules for the Trident submarines. It is therefore necessary to start production of this machinery while the missile work is still in the research and development stage.

For this reason, there are $361 million of shipbuilding and conversion, Navy—SCN—funds in the fiscal year 1973 budget request to start work on the first four submarines. Of this amount, $194 million is for ship design, long-lead nuclear propulsion components, and hull steel procurement for the lead ship. The remainder, $167 million, is for long-lead components for three additional ships.

It will be impossible to build the lead and follow ships on the shortened schedule proposed by the administration if the Navy does not get the long-lead machinery on order. In other words, by ordering this long-lead machinery in fiscal year 1973 the option will be kept open to authorize the lead Trident submarine in fiscal year 1974 and follow submarines in fiscal year 1975. However, going ahead with the procurement of the long-lead nuclear propulsion machinery for the ships in fiscal year 1973 does not commit Congress to any specific submarine-building schedules. The construction schedules for these ships can be settled later, based on events as they occur.

If the nuclear machinery were delayed by lack of long-lead funding, the submarines themselves would be delayed, the propulsion machinery costs would increase, and the delay in the submarine schedules would cause the total cost of the submarines to escalate. Further, it is important to have a sizable buy of Trident nuclear propulsion plant components in fiscal year 1973 in order to get the best manufacturers to make commitments to set up production lines for this machinery and to benefit from the economics of a sizable procurement.

Mr. Chairman, it is of the upmost importance that we continue to improve the quality of our submarines. In agreeing to let the Soviets have 62 nuclear-powered ballistic-missile submarines to our

44, it is of prime importance that our submarines be able to cope with any threat. We must start building at once.

If and when additional negotiations occur, and we hope they do, we must negotiate from a position of strength.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, I would like to add my voice to the complimentary things which have been said about the gentleman from New York, our colleague who is retiring at the end of this session (Mr. PIRNIE). It has been my great honor and my privilege to sit next to the gentleman on the Armed Services Committee and to serve with him on several subcommittees, to observe at firsthand the very wonderful things he has done for this country, and to admire the tireless and energetic manner in which he has gone about performing his duties.

It is not easy in this modern day and age, considering the emotional trend of our times, to serve on the Armed Services Committee. In fact, I would go so far as to say it is almost a political liability today. We all recognize the fact that people are frustrated and sick and tired of the war in Vietnam, and it is only natural that their emotions escape due bounds and they make a blanket condemnation of everything military.

Members of the type who stand up and assert their feeling that this country does need to be strong and that this is still a dangerous world are categorized as bloodthirsty hawks and as tools of the so-called military-industrial complex.

The gentleman from New York has stood up to the challenge of today. I think all members of the House Committee on Armed Services have done likewise.

If we look at this bill today—yes, it is a larger authorization than last year's appropriation; yes, it is larger than one would expect if they adopted Neville Chamberlain's belief that suddenly peace in our time was upon us. However, if you are going to be responsible, it is up to each of us to resist this mistaken emotional tide that the country is being swept along with and insist that this country be kept strong.

If I were able to have that mythical magic lamp and to have one wish granted, here is what I would wish for. I would wish for the day to come when this arms race would stop and we could cut back on our military spending and use the money for other things of a higher priority insofar as human needs are concerned. That is what I would wish for—real cutbacks in defense spending.

However, I am not going to be fooled into thinking that because we have made one tiny step with the SALT talks that everything in defense spending can come to an end. I am simply not going to be fooled that way.

In fact, if we want to cut back our spending, we have to have phase II of the SALT talks. This is what I pray for when I pray for seeing a real end to this arms race. I am praying for phase II.

This bill is what will give you phase II. If you cut it, if you knock out some of the items which will really provide the incentive for Russia to negotiate phase II, then you will be sacrificing the follow-on SALT agreement and you will be sacrificing the fondest hope and greatest dream mankind could ever have.

If we had succumbed to the pressures to knock out the ABM in past years, you would not have phase I of SALT today. I say this with every confidence. We had the courage to withstand the emotional tides of the moment and vote for the ABM that gave us the first SALT agreement. I say the time has come then when even though it may be unpopular we must stand up and vote for Trident and the B-1. Then we will get phase II and realize our national dream.

Mr. HÉBERT. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I would like to thank the chairman for giving me this time to commend him and the other members of the committee on which I serve for doing a good job. We did work hard on the bill. There might be some things a few people do not like, but I believe we have a good bill which will work. I hope the committee will support the bill.

Also, Mr. Chairman, I would like to rise to join my colleagues and say that we are certainly going to miss the gentleman from New York (Mr. PIRNIE). I have served on subcommittee No. 2 with him, and I know he is one of the most dedicated members of the subcommittee. It will be a great loss to the committee.

I take this opportunity to join my colleague in saying how much we are going to miss Mr. PIRNIE who is retiring after this session of Congress.

The gentleman from New York has been of so much help to me personally. I have asked his advice on many legislative issues and his advice has always been sound and logical.

I have served on the subcommittee No. 2 with Mr. PIRNIE. He is always at the committee meetings and always adding something to the meetings. His questioning of witnesses before our subcommittee is outstanding.

We are going to miss this man in Congress. I know the people of his district in New York State are certainly going to miss this great Congressman.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I want to rise along with our colleagues in paying tribute to the gentleman from New York (Mr. PIRNIE), and also to the gentleman from Missouri (Dr. HALL) who will be retiring at the end of this term, for the fine work he has done as a member of the Committee on Armed Services.

Mr. Chairman, the Armed Services Committee has recommended for fiscal year 1973 for the Coast Guard Reserve a manpower strength of 11,800.

However, Mr. Chairman, I wish to reemphasize its position in this regard which is strongly pronounced in the committee report. The committee report reads as follows:

> We want to make clear, however, that we do not share the belief expressed by Coast Guard officers that they could rely on the Ready Reserve to supply the difference between the strength authorized this year and the 22,000 needed within 30 days after mobilization. We are firmly convinced that ultimately the strength of the Selected Reserve of the Coast Guard must be raised to at least 15,000.

Mr. Chairman, along with my colleagues on the House Armed Services Committee I shall be anticipating the Coast Guard returning before our committee next year with a request in support of an increase in the authorized strength of the Coast Guard Reserve. The very important mission in the time of emergency delegated to the Coast Guard certainly warrants a full-strength organized Reserve and I for one will support such an increase.

Furthermore, Mr. Chairman, I am most hopeful the conferees of the other body on the Department of Transportation appropriation bill, will agree to accept the amendment unanimously adopted by this House when it approved the full funding for the Coast Guard Reserve providing for this year's strength of 11,800 men. Should this authorization not be enacted into law before the new fiscal year begins this Saturday, I trust the House will not recess until some legislative language is adopted providing for a continuing authorization; for if this is not done, all activities of the Coast Guard Reserve will cease until legislation is enacted. We cannot allow nor can we afford to permit any of our Reserve components to become inoperative for even 1 hour.

Mr. BRAY. Mr. Chairman, we have no further requests for time.

Mr. HÉBERT. Mr. Chairman, since the gentleman from Massachusetts (Mr. HARRINGTON) is now on the floor and is present, I yield him 10 minutes.

Mr. HARRINGTON. Thank you, Mr. Chairman.

Mr. Chairman, I appreciate the chance to speak, perhaps giving the minority point of view. I cannot help but feel that the observation made by my very able colleague from New York (Mr. PIKE) about the illusion rather than the reality of this performance is something that I should comment on. I think if we were to clear the galleries and to ask the press to leave, we would almost have an exact replica of what the situation goes on, on a day-to-day basis, in the Armed Services Committee.

We probably have a bill here next to the military appropriation bill, that is the single largest item moneywise that the Congress will be asked to deal with.

Mr. HÉBERT. Will the gentleman yield?

Mr. HARRINGTON. I yield.

Mr. HÉBERT. I cannot let that statement go unchallenged. The records of the Armed Services Committee show a 90-percent attendance.

Mr. HARRINGTON. My point, Mr. Chairman, was not to question the attendance, which I would never quarrel with, since the name of the business is not sometimes how well but how often one does things in Congress. Basically my point is that we only operate in a rather closed and classified circuit, and my point was not to be any more irreverent than my dissenting remarks, but I would point out I think it is unfortunate that in dealing with a $21.5-billion bill that we should find so few of our colleagues present, and so few of the public interested.

Let me, if I can, spend a little bit of time generalizing. Let me make a couple of apologies with reference to my relatively brief tenure on the committee, which is often referred to as perhaps the reason for my inability to understand the logic of what is done. I find it very difficult because I, like the gentleman from California and others, would like very much to see the end of the arms race. I would like very much to see a limitation of what we spend for weapons and more spent in other areas; and I, like those gentlemen before me in general, would like, I think, to find a way, if it is at all possible, to convince more people of the need to have an adequate—not an excessive—defense. But I said this a year ago, and I say it again now, that I find that the method of approach to accomplish this, the way we choose to go about convincing both the Congress and the public, is to me self-detrimental when it comes to accomplishing the desired goal.

If most of our sessions are going to be in secret, if most of our sessions are going to have testimony only from the executive branch, if most of the people who come before us already have a predetermined point of view which coincides with the committee, it seems to me that we do not perform the function which all of us would like to see—a broad national consensus about the need for defense, and a broad national consensus about what those needs should be and how they should be met. What I would like to see, and perhaps it is born of my impatience and by my expectations, is an effort made to be educated in a broader way; an effort made to use the time in compiling the 3,000 pages referred to as a demonstration of interest and skill and capacity, not only to convince the members of the committee—who one might again irreverently suggest were convinced before they started—but to convince the rest of Congress and to convince the rest of the country of the need to spend this kind of money. I think instead what we have had—and I find myself most troubled by this—is an effort to deal more with the form of things than with the substance of things, and I think that this bill once again, despite the well-claimed efforts at cutting $1.5 billion from it, is a fitting justification for that.

There are a number of areas that I would like, if I could, to address myself to, and I would be prepared, as I have indicated in letters sent to all House Members today, to ask amendments to this bill tomorrow in a specific sense.

The first is the one that has already been dealt with dealing with so-called SALT incremental moneys—moneys that were not part of the original bill—moneys that were not given anything more than cursory treatment by this committee in one morning session shortly after the appearance of the Secretary of Defense. The cursory treatment of these additional moneys I think goes to the very heart of the credibility of the performance that we as a committee have and the expectation and the obligation to perform.

I do not see how we can convince the American public that an arms limitation agreement means anything at all if in the next breath we find ourselves asking for increments in a budget, before we have an opportunity to determine whether or not the faith on which these agreements are made can be used as an assumption for the Congress to go forward by limiting amounts of money, rather than increasing them.

The second area, and one in which I have found myself disturbed, is the question of keeping from members of the committee, and I would say from most members of the committee, information about parts of the budget. There is somewhat under a billion dollars which most of the committee knows nothing about, and which we were asked, at least until recently, to take on faith that the ranking majority and minority members have enough information about to guarantee that we should accept it and should vote for these moneys in the course of a $21 billion bill.

I might only point to the history alluded to by the gentleman from California, of our experiences in the late 1930's and in the late 1940's, and perhaps later than that, with certain of the CIA activities in the 1950's and the 1960's, to wonder what kind of mischief might be unloosed by an uninformed American Congress and by an uninformed American public.

I believe it is unfortunate in the midst of classified hearings conducted in secret that the members of the committee were not apprised of money which is substantially a part of this budget, and were thus unable to make a determination as to whether its use is wisely put.

The third item, which has already been alluded to, and one I find myself disturbed by on a regular basis, is one which puzzles me as to why it stays in our budget. I am referring to the $2.7 billion in military assistance service funding which logically belongs under the jurisdiction of the Foreign Affairs Committee. We have been told, as long ago as 1968, that there was going to be a plan to end our involvement in Southeast Asia. We were told as recently as 2 weeks ago that in addition to the moneys already available for that purpose we would perhaps spend $5 billion more in Southeast Asia before the end of the year because of the attacks which have occurred since April 1.

Our slight contribution to that is the sum of $200 million over and above the $2.5 billion which we were asked to authorize to give aid to our allies in all of Southeast Asia for the continuation of the struggle for which we have spent $150 billion in the last 10 years, at a cost of 50,000 lives and 300,000 wounded.

Again, I believe that the matter should have been dealt with in a fashion which gave more of an opportunity for those who oppose the general direction we have taken in Southeast Asia to be heard and, more importantly, I believe it should be heard before the Foreign Affairs Committee, where most of the other matters of this kind are properly matters of consideration, and where, before 1967, this particular area of the world found itself funded.

I would ask that there be one other consideration given, and I do not have any particular special expertise in the area. This is to the question raised by the gentleman from Mississippi, the chairman of the Senate Committee on Armed Services, (Mr. STENNIS), in the course of two very interesting speeches during the course of last year and the first part of this year.

Basically, the question is whether or not we are not pricing ourselves out of being able to raise and equip an army, and whether, in view of the fact that the total cost of personnel now is approaching 60 percent of the total annual budget, we ought not to reflect on whether or not our force levels and the need for men, which is almost a mania, is such that it is now self-defeating as to providing for an adequate defense.

I hope we will give serious consideration, since it is a part of the bill, as to whether or not we need a standing army of 2.4 million men, with 3,000 separate locations in which they find themselves around the world, with a substantial number of them in Western Europe 27 years after the end of World War II, with an increasing number in Thailand and in ships off the coast of Vietnam some 3½ years after the plan is proposed to end our involvement in that area. Can we find any justification in the Congress today, when it comes to appropriating funds in the manner we have chosen to appropriate them?

Finally, Mr. Chairman, I am appalled by the section of the bill which prohibits universities refusing ROTC on campus from receiving Defense Department research and development funds and which prohibits the Defense Department from sending students to those universities. The Department of Defense opposes this provision; the universities oppose this provision; civil libertarians oppose this provision. It is illogical, shortsighted, denies academic freedom, and ignores the fact that many of the universities involved met for over a year with the Department of Defense and came to an amicable agreement about needed changes in the ROTC program which would in many cases allow ROTC back on campus with all parties pleased. Why it is necessary to include this punitive section in the legislation is beyond me and it is a disgrace to the House that we are asked to vote on it.

These are some of the questions I have on the question of dealing with the bill. I cannot help but feel that, though the philosophic bias with which I approach the bill is well known to the members of the committee, and the philosophic bias which most members of the committee have is well known to the Congress, that there is a question in this procedure as a whole whether we really do accomplish anything useful by performing the kind of function we have gone through.

Yes, we had 4 months of hearings.

Yes, we had 3,000 pages of testimony.

Yes, we cut $1.5 billion from the bill. I do not think a single mind in the Congress was changed by what we did. I do not think the divisions in the country that exist about priorities have been healed. And I hate to see the Congress, again in particular the committee that I have enjoyed the experience of serving on, finding itself useless, apparently, in attempting to solve these very simple questions.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I am pleased to rise in support of the bill, H.R. 15495. Before proceeding, however, I desire to join with my colleagues who have paid accolades to our distinguished friend and colleague, the gentleman from New York (Mr. PIRNIE), who, by his own volition, has chosen to leave the Congress at the end of this year.

It happens that the gentleman from New York (Mr. PIRNIE) is a member of a subcommittee of which I am the chairman, which deals with manpower, personnel, Reserves, ROTC, Coast Guard, and related topics, and I can tell you, those of you who may not already know, that Mr. PIRNIE is recognized as one of the most knowledgeable, and probably the most knowledgeable, man in this Congress regarding the Coast Guard, and he has been literally worth his weight in gold in fighting the battles that have occurred on occasion in preserving that very useful and very vital but relatively small portion of our defense structure. He has demonstrated time after time to be one of the most knowledgeable and one of the most able and dedicated Members of this Congress. Believe me, it is really a misfortune for the country, and a great loss, that AL PIRNIE will not be with us next year.

Mr. Chairman, as I said before, I am pleased to rise in support of H.R. 15495. This afternoon, I would particularly like to direct my remarks to titles 3 and 4 of the bill. These are the sections which establish the strengths of our military forces, both Active and Reserve. Before going to the strengths themselves, I would like to call your attention to this general observation. The almost 2.4 million man-years recommended represent:

Over 1 million less than in 1969 at the peak of the Vietnamese buildup;

Almost 300,000 less than in 1964 before the Vietnamese buildup; and

Over 1 million less than in 1954 after the Korean war.

The last time there was an active duty strength lower than the one before you today was before the Korean war, some 22 years ago.

The strengths of the Reserve and Active Forces take into account the relative contributions, actual and potential, of the Active Forces and the Reserve Forces, as well as those of our allies.

The manpower levels requested by the Department of Defense are based upon mission forces which the Department plans to operate and the support necessary to sustain these forces. These force levels are, in turn, based upon foreign policy objectives established by the President on the basis of our treaty commitments and other matters vital to the security of the United States. The forces are built to satisfy specific strategy directives which are issued by the President after consultation with his primary foreign policy, and defense and military advisers. These military requirements, in turn, dictate the force structure and the manpower levels of our defense establishment.

In extremely comprehensive hearings, we examined into the questions regarding our basic policy underlying our national security strategy, our U.S. nuclear strategy, our theater nuclear forces, our general purpose forces, including those forces committed to NATO. We examined into the structure of each of the services, including the factors used to determine the composition of the forces and, in general, we satisfied ourselves that the programs which were designed are correct and that the planning and creating of force structure to respond to the threat is a logical one, bearing in mind that there are political, fiscal, strategic, and manpower restraints which cannot be ignored.

Obviously, manpower requirements cannot be considered in isolation. They can only become meaningful when such requirements are related to mission-trained manpower and equipment. First, the determination must be made of how many aircraft, missiles, combat division equivalents and ships are needed to meet our national security objectives. Once this is established, such questions must be answered as to how many crews are needed, how many persons are required to keep a plane serviced and flying, how much support it takes to keep a division in the field, what sort of headquarters it requires to direct combat elements, what training bases must be maintained, and where troops should be deployed in order to best preserve the capability to deter or to respond to an attack in a way where timeliness is adequate to the threat.

The active duty manpower request is adequate to provide for 13 active divisions, three marine divisions, 594 ships, 463 strategic bombers, 117 strategic missile squadrons, 21¾ tactical wings, plus 110 tactical squadrons. When we consider this force in addition to our Reserve structure of nearly 1 million personnel in the Selected Reserve, we believe there is an adequate manpower base to meet the military goals as part of our national security objectives.

But in speaking of the Reserves, we are extremely concerned that at the time of the hearings, there was a shortage of approximately 55,000 below the minimum average strength authorized by the Congress, and the waiting line for entry into the Reserve program has disappeared. If we are to depend on reservists as a primary augmentation force for the Active Forces, we must find ways to keep this strength at least to the minimum level. The only alternative would be to increase the size of the Active Forces.

But certainly the Reserve picture is not all black. Significant improvement in overall capability has resulted from the influx of equipment. Issues of modern equipment have continued at a high level totaling $727 million in 1971. Forecast for fiscal year 1972 indicate issues will exceed $900 million. Significant in this equipment issue has been the increased inventory of Army Guard and Reserve aircraft now envisioned to reach 99 percent of requirements shown by the end of fiscal year 1973.

Inherent in the receipt of modern equipment permitting more realistic and appropriate training is a resultant increase in readiness.

On the average, Reserve combat divisions and brigades have improved deployment capability by 2 weeks during this past year.

You will note that for the Active Forces the figures are not the ones submitted by the Department of Defense, for we in the Congress had imposed upon the Department an "average year strength." This year, the committee decided to change that requirement to a maximum end strength. The figures that you have before you represent that committee decision but reflect the end strength requested by the services in their budget submissions. We did this because in recent years Congress has not completed its work on the authorization bill until after the beginning of the new fiscal year, and if Congress reduces the average strength, the time the law becomes effective determines in a large measure the number affected by the reduction. For example, if it is known that the average strength of a service is to be reduced by 1,000 man-years, there could be a cut of 1,000 men at the beginning of a fiscal year, but if that reduction begins in the middle of the fiscal year, the reduction is increased to 2,000 personnel, and if it begins in the last month of a fiscal year, there would have to be a personnel cut of 12,000 persons to affect that 1,000-average man-year reduction.

The results impact not only on personnel planning but also on readiness. Thus, in our bill this year, we authorized a maximum end strength for active duty personnel as follows:

The Army, 841,190; the Navy, 601,672; the Marine Corps, 197,965; the Air Force, 717,210.

For the Reserves:

The Army National Guard of the United States, 402,333; the Army Reserve, 261,300; the Navy Reserve, 129,000; the Marine Corps Reserve, 45,016; the Air National Guard of the United States, 87,614; the Air Force Reserve, 51,296; the Coast Guard Reserve, 11,800.

The Reserve strengths represent a slight variance from that provided last year. These variances primarily relate to minor reorganizations and changes in structure based on new equipment.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, an exception to this, however, is the Coast Guard Reserve. While we have an authorized strength in the Coast Guard Reserve last year of 15,000, we recommended only 11,800 this year, even though a recent study confirmed that wartime requirements provide a mission for the Coast Guard Reserve requiring in excess of 22,000 persons within 30 days of mobilization. However, because of the lateness in starting the recruiting program last year, the Coast Guard now has only approximately 11,000 members of the Selected Reserve. They cannot get above 11,800 during fiscal year 1973 even if we authorized the 11,800 figure because they just do not have a training base large enough to accommodate more. We are firmly convinced, however, that they cannot rely on ready reservists for nearly half of their strength in the event of wartime mobilization, and that we must in the future build back to a strength of at least 15,000.

I strongly urge your support of the entire bill as I believe it represents the minimum required to preserve our national security.

Mr. Chairman, included in this bill is authorization of $299 million, the amount requested, for long-leadtime items for a new nuclear-powered aircraft carrier. These funds are essentially for the nuclear-propulsion plant of the new carrier.

Authorization of these items will provide the start for the fourth nuclear-powered aircraft carrier. The *Enterprise,* which was funded in fiscal year 1957, was commissioned in 1961 and is now 11 years old. The second nuclear carrier, the *Nimitz,* was funded in fiscal year 1969 and will be delivered in 1973. The third, the *Eisenhower,* was funded in fiscal year 1970 and will be delivered in 1975. When the long-leadtime items for the fourth carrier *CVN–70,* are funded this year, the carrier cannot be available for fleet use until 1980. Only when the *CVN–70* is operating will the Navy have two nuclear carriers in the Atlantic and two nuclear carriers in the Pacific. The carriers in the other oceans cannot be quickly brought to an area of emergency since they are too large to go through the Panama Canal.

The source of the energy is the paramount factor in the unquestioned superiority of the nuclear-powered carriers over conventional carriers. Because she does not have to carry large volumes of fuel oil for her own propulsion, the nuclear carrier has much greater room for aircraft fuel and ordnance. The greater staying power in combat consumables, coupled with virtually unlimited steaming endurance and freedom from oilers, makes the modern *Nimitz*-class carriers much more combat effective than any other ship afloat.

The advantages of nuclear propulsion in a modern aircraft carrier, such as *CVN–70* and the other *Nimitz* carriers, are shown on the table on page 19 of the report. The table reveals that a modern nuclear carrier has twice the strike capability, four times the ordnance capability, five times the jet fuel capability, and virtually infinite times steam endurance.

No weapon system, no land or sea base, no unit is invulnerable. A direct atomic blast can wipe out even the strongest position, even on land and sea. But the carrier has been constructed with all possible defenses and strengths to carry out its position against intense opposition.

The committee received considerable testimony on the amount of damage that the United States and British carriers actually absorbed in World War II. The American experience showed that no carrier, *Nimitz* or later, was ever sunk. The British experience with armored flight decks—our flight decks were made of wood—showed that that kind of protection significantly minimized damages. Since World War II there have been several accidents on board carriers, the most serious being the detonation of nine major-caliber bombs on the flight deck of the *Enterprise.* Yet, it could have been back in action flying and landing planes within hours if that had been necessary.

The amount of planning that has gone into making the carrier survivable has been extraordinary. Both the carrier and its equipment has been designed to withstand shock from nearby atomic blasts. The ship is divided into 2,000 separate watertight compartments which have no lateral openings from one to another. *Nimitz*-class carriers incorporate the latest design and engineering and are far superior to those of our older ships.

A more complete listing of its protections is given on page 20 of the report.

In addition, the carrier together with weaponry, planes and escorts has been designed so that an enemy attack has to pass through several layers of protection before reaching the ship. As a last-stand protection, the carrier will be provided with Phalanx/Vulcan guns which are designed to knock down missiles before they can reach the ship.

To sum it up Mr. Chairman, the carrier is needed. It will really be needed by 1980 when it can first become operational. It has been designed with the utmost care. I hope that the committee will retain the moneys for *CVN–70.*

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON. Mr. Chairman, I thank the Chairman for yielding me this time, and I rise in support of the bill pending before us.

Mr. Chairman, included in the bill now before us is a total of $444.5 million to continue engineering development of the B–1 strategic bomber. The B–1—formerly known as the AMSA—is a long-range intercontinental jet bomber intended as the eventual replacement for the aging B–52 heavy bombers now in the force. The earliest B–52's have already been phased out except for those models being used in support of allied forces in Southeast Asia. The latest built B–52H will be 10 years old in several months.

The B–1, being developed to counter the expected threat in the 1980's and beyond, is on schedule and within cost estimates. The development program includes the design of the aircraft as well as the fabrication and test of three flight vehicles and one fatigue airframe. The first flight of the B–1 is planned for April 1974. This will be followed by a full year of testing before a production decision is made. The initial operational capability—IOC—is planned for November 1979, based on receipt of production approval in April 1975.

Since our appearance before the House last year on the fiscal year 1972 authorization bill, the Air Force has completed the preliminary design review and the mockup review, which were the first two milestones. Full-scale component testing of the F–101 engine is complete. Current effort indicates that tests of the full-scale engine will be initiated on or ahead of schedule.

In fiscal year 1973, effort will be concentrated on the next two major milestones: design validation and critical design review. Aircraft No. 1 will be in final assembly and should be 75-percent complete by the end of the fiscal year. Aircraft No. 2 will be 33 percent complete and the first four of the XF–101 engines will be delivered.

Mr. Chairman, in the Armed Services Committee markup this year, as well as last year, an amendment was offered to delete all of the funds requested for the B–1 development. The amendment was overwhelmingly defeated; however, it is my understanding that the same amendment will be offered here in the House when the bill is read for amendments.

Arguments used against the B–1 include cost, initial survivability, penetration capability, and the lack of a similar system being developed by the Soviets.

COST

During our hearings this year, Counsel Slatinshek questioned Air Force witnesses on a study made comparing the cost of the later model B–52G/H with that of the B–1. The answer, found on page 9887 of our hearing record, was very illuminating. In terms of 1970 "constant" dollars and equating costs for the B–52G/H on the basis of being among the first 241 B–52's produced, the 1970 unit production cost of the B–52G/H would be $25.5 million compared to the estimated unit production cost of the B–1 of $30 million.

Not an unreasonable difference when one compares the capabilities of the two aircraft.

INITIAL SURVIVAL

The problem of initial survival for the bomber fleet has become more critical with the advent of potential missile attacks—particularly if the attack is by submarine launched ballistic missiles that use depressed trajectories from close-in offshore locations to minimize warning time.

The Strategic Air Command has done many things to improve the initial survival of the B–52 force. The B–1 overcomes some of the remaining inherent deficiencies to assure initial survivability well beyond that of the B–52's.

The solution to bomber survival, as with missile survival, can be approached in several basic ways: hiding from the enemy, hardening to withstand weapon effects, and reacting to the enemy's attack. United States sea-based missiles are hidden in the oceans, our land-based missile silos are hardened against nuclear effects, and both types of missiles can be launched on warning of attack by Presidential order to avoid any enemy strike. The B–1 bomber may use all three means of improving initial survival. It hides by dispersal to any of many bases or by going on airborne alert during times of intense international stress; it is hardened to effects of nearby bursts of nuclear weapons—unlike the B–52; and it can be launched on warning by the commander in chief of the Strategic Air Command—commitment to a mission can only be made by the President. The combinations of effects of such capabilities result in a cumulative probability of initial survival for the B–1 that is greater than the mere sum of the individual components affecting such survivability.

Because the B–1 is designed with a much higher degree of self-sufficiency and requires a relatively shorter runway than the B–52, many more air bases are available than are required. This means that the B–1 can shift from base to base on a random schedule to keep its location ever changing, thus complicating enemy attack plans.

The B–1 is the first bomber to be designed to withstand nuclear effects of blast, radiation, and electromagnetic pulse. Such designed-in hardening, plus higher climbout and cruise speeds, means that the B–1 reaches a safe distance from an air base under attack much faster than the slower, more vulnerable B–52.

In all, the B–1's inherent design improvements over the B–52 permit it to utilize all three means of surviving an initial attack—hiding, hardening, and reacting. The combined effects of these three methods assure a much higher degree of survival for the B–1 than for the existing B–52 fleet.

PENETRATION CAPABILITY

The B–1 is designed to penetrate under the radar coverage of missile and interceptor defenses. In addition, the B–1 will have the option, unlike the B–52, of supersonic high altitude flight that may be used for penetration around the defenses. The low altitude flight mode of the B–1 is effective against surface-to-air missiles—SAM's—regardless of their speed and altitude capabilities; terrain-following flight negates even high performance ICBM defenses. The B–1's greater speed, lower altitude, reduced detectability, greater payload, and larger load of countermeasures assure its penetration through SAM and interceptor defenses to a much higher degree than that of the B–52.

STRATEGIC BOMBER DEVELOPMENT BY SOVIETS

The development of a new long range sweptwing bomber by the Soviets was first called to the attention of the House several years ago by the late L. Mendel Rivers, our beloved former chairman of the Armed Services Committee. This new bomber, now designated the Backfire, is a large aircraft, almost 2½ times the gross take-off weight of the FB–111 and approximately two-thirds the size of the B–1. It is a supersonic bomber, and it probably can be refueled in flight, according to testimony from Admiral Moorer, the chairman of the Joint Chiefs of Staff. With refueling it could reach virtually all targets in the United States.

Testimony was received by our committee that the Backfire could become operational in the next few years. Thus, it is clear that the Soviets are not standing pat in this area of strategic forces.

Mr. Chairman, any attempt to delete or reduce the funds authorized in this bill for the B–1 bomber should be rejected. Manned bombers, such as the B–1, will continue to be an indispensible element of our strategic deterrent for as far ahead as we can see for the following reasons:

First, bombers, in combination with land- and sea-based missiles, provide a hedge against future technological development which might severely degrade the capabilities of any one of the three major elements of our strategic offensive forces. The maintenance of this so-called Triad force has been a fundamental principle of U.S. strategic force planning for more than a decade, and its wisdom has been well demonstrated over the years.

Second, bombers provide insurance against an unlikely, but possible gross failure in our strategic missile systems. We have never fought a war with missiles, but we have with bombers. We know exactly what bombers can do, and cannot do, under wartime conditions. Missiles have yet to be tested in combat.

Third, bombers, together with strategic missiles, compound and frustrate Soviet "first strike" attack planning. If the Soviets launch their SLBM's first in an attempt to catch our bombers by surprise, they would give us time and cause to launch our land-based missiles before their ICBM warheads arrive. If the Soviets launch their ICBM's first and then their SLBM's, so that both arrive at the same time, our alert bombers would have ample time to take off and escape.

Fourth, bombers, together with strategic missiles, make the Soviet defensive task much more difficult and costly. They must have two different types of systems to defend against both.

Fifth, bombers are not limited under the terms of the proposed SALT agreement.

Sixth, bombers are more appropriate than strategic missiles for less than all-out nuclear war. Bombers, in contrast to missiles, can be used with greater precision since they are much less likely to go far astray from their intended targets, and they can be launched and recalled thus providing the opponent much more time to consider his response.

Seventh, bombers comprise the only major element of our strategic forces which can be used in conventional wars, large or small. Their value has been convincingly demonstrated in Southeast Asia.

For the above stated reasons, I urge you to support the continued development of the B–1 and reject amendments to delete it or delay it.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I rise in support of this legislation, and also to say a few words about one of the programs in it that I think is vital to our country, and that is the Trident submarine, or what was previously known as the Underwater Launched Missile System, or the ULMS.

As a member of the committee, I cannot take the well here without saying at least a word responsive to the comments by our colleague, the gentleman from Massachusetts, who I suppose in a sense represents a kind of a generation gap between some members of the committee.

The impression that the gentleman from Massachusetts has given is one that somehow any appropriation for military spending is bad; that somehow if the committee spends money on weapons that we are contributing to a dark age, to something that is antithetical to human development, and that somehow we are holding back the forces of progress.

I know the gentleman is not as old as I am, but I think the gentleman ought to realize as a Member of this House that there are those of us who have served in World War II. That is regarded as ancient history in these days.

I know my children mention that when I tell them. They say, "Daddy, don't go back to those ancient days."

But I think that one cannot understand what this committee is doing, and one cannot understand why we do not have a philosophical debate on whether arms are or are not good every time a question comes up because most of the members of the committee have lived through days when the future of this world depended on whether certain countries and certain individuals had control of effective armaments.

I have had the privilege of reading through the current best seller, and I am only about halfway through it, and the Library of Congress is bugging me on it to get it back, Herman Wouk's very impressive "Winds of War." Anybody who lived through that period, I think, would understand the touch and go situation that faced the world when Hitler launched his legions and when it was a question as to whether the British had enough research and development in the field of radar to be able to defend themselves against the attack that Goering and his inadequately prepared Luftwaffe was launching against them.

It is possible to spend too much money on weapons. But to suggest that somehow these weapons are undermining our country instead of protecting it is, I think, to ignore the lessons of history.

The gentlemen is entitled to his opinion, but I think we ought to state the other side of the case. The thing that disturbs me the most is to suggest that simply because we do not argue this question in committee every day that we do not have just as deep and just as strong and just as moral a conviction that what we are doing is designed to save this country and to prevent war.

That I think is misleading and I cannot allow, even at this late hour, those remarks to stand in the House record without some challenge from this committee.

One of the items in this legislation is an increase for a particular area of activity. It was requested in a sense as a follow-on to the SALT agreements. It has to do with the Trident nuclear submarine.

I will not take the time of the Committee at this late hour to present all of the arguments, since I will extend my remarks, but I think we ought to remember that the most important key is our deterrent force, which has prevented a nuclear war, which the experts were telling us back in 1946 and 1947 was just around the corner, and that has still not occurred. We have deterred it. The key to that has been our underwater nuclear submarine Polaris fleet.

Some people, in fact, have argued that is all we need and that if we had Polaris we would not need anything else. Well, I do not entirely think that is true because there are other people who tell us, like Jack Anderson, I think, and some of these other experts, that the Soviets are already discovering a way to destroy our Polaris deterrent forces.

If that happens and if we have all of our eggs in that one basket, we will be in trouble. So I think it makes sense for us to try to improve the Polaris force, and that is what the ULMS does. That is all it does. It is a submarine that incorporates modern developments. It is quieter, so it is harder for the enemy to detect. It will have a longer range of missile. So instead of going within a few hundred miles of the Soviet coast, we can base our submarines at home, out of Charleston, if you will, or even Portsmouth, or maybe even out of Philadelphia, and still have them protecting us the way they are protecting us today.

This is an advance that we ought to work to achieve. This is what this bill today would do.

Mr. Chairman, I think if we really believe in maintaining peace, we ought to get going today and improve our Polaris forces in line with the recommendations of this committee.

TRIDENT

The Trident program is not a crash program. It is an urgent, but orderly program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities.

By the time the first Trident submarine can be delivered in the late 1970's, the first Polaris submarines will be nearly 20 years old, and with no potential for significant improvement. These submarines have been operated hard, with two crews, to allow them to be on station a high fraction of the time. They were built to specifications based on a 20-year life and their machinery is wearing out. It is unreasonable to expect them all to operate more than about 20 years without having some major breakdowns.

The Trident submarines will be quieter and incorporate the latest technology to improve their survivability. These improvements can only be incorporated in new design submarines; they cannot be backfitted in Polaris submarines.

Our Polaris/Poseidon submarines are limited in their patrol area by the range of their missiles. This forces them to operate in close range to foreign shores, thus bringing them within range of Soviet shore-based aircraft. This limited patrol area simplifies the Soviet antisubmarine problem by allowing them to concentrate their sea and air forces in a much smaller area. The Soviets have been investing heavily in antisubmarine warfare research and development, and have built and continue to build improved nuclear attack submarines—one of their best ASW weapons. They have invested large resources in ASW surface ships. Also, indications are the Soviets are attempting to establish an area antisubmarine surveillance system, presumably aimed at locating our Polaris/Poseidon submarines.

The first generation Trident missile will have a range of almost twice the range of the 2,500-mile Poseidon missile. This initial Trident missile can be backfitted in the 31 Poseidon submarines and will provide a severalfold increase in ocean-operating area available to our ballistic-missile submarines compared to the shorter range Poseidon missile.

The Trident submarines will have missile tubes which will provide growth potential for even longer-range missiles. With this longer-range missile, which will fit only in the Trident submarines, the ocean-operating area available to our Trident submarines will again be increased severalfold over the area of the first generation Trident missile.

The Trident missiles will permit basing our ballistic-missile submarines in U.S. ports. This will eliminate dependence on foreign basing.

The Soviets are continuing to expand rapidly their own ballistic-missile submarine program. They now have in operation about 30 nuclear and diesel ballistic-missile submarines of older classes and 25 of the new Yankee class which can fire a 1,300-mile range missile. In the past year they started work on their 42d Yankee submarine, and they are now substantially expanding their submarine building facilities. They already have the largest and most modern submarine building yards in the world which gives them several times the nuclear submarine construction capacity possessed by the United States.

The Soviets have tested a missile with a range at least twice that of the present 1,300-mile missile. This new missile will give their submarines the capability to strike us from points only a few days from Soviet bases. In a sense, the Soviets are already building their equivalent to our Trident missile. These developments increase the threat to our land-based strategic forces and increase the reliance we must place on our sea-based strategic deterrent.

The Soviets have a more modern ballistic-missile fleet than we do. They are building more missile-launching submarines today, whereas we funded our last Polaris construction in fiscal year 1964, and finished it in 1967.

The interim agreement on strategic offensive arms signed in Moscow on May 26, 1972, allows the Soviets to continue building ballistic missile submarines up to a total of 950 ballistic missile launchers on submarines and up to 62 modern ballistic missile submarines. This will allow the Soviets to continue building ballistic missile submarines at a rate of about seven per year during the 5-year term of the interim agreement. Even under the President's recommended fiscal year 1973 budget for the Trident program the first Trident submarine will not become operational during the 5-year term of the interim agreement. Therefore, it is essential that the United States proceed now with Trident submarines as proposed by the President.

Modern complex defense systems take many years to design, develop, and produce. Trident has already been in the research and development stages for 3 years. The system has been carefully evaluated during this period and the Navy is now ready to move into detailed design and construction of the submarine.

In developing a new missile the long leadtime is in research and development with a relatively short production span of 1½ to 2 years required to build the missiles themselves. In contrast, the production span time on nuclear components is up to 5 years under the most favorable conditions. The Navy and Atomic Energy Commission have already done the propulsion plant development work necessary to define what is needed to order the long-lead nuclear propulsion plant components. Delivery of the nuclear propulsion machinery will control the construction schedules for the Trident submarines. It is therefore necessary to start production of this machinery while the missile work is still in the research and development stage.

For this reason, there is $361 million of "Shipbuilding and conversion, Navy (SCN)" funds in the fiscal year 1973 budget request to start work on the first four submarines. Of this amount, $194 million is for ship design, long-lead nuclear propulsion components, and hull steel procurement for the lead ship. The remainder, $167 million, is for long-lead components for three additional ships.

It will be impossible to build the lead and follow ships on the shortened schedule proposed by the administration if the Navy does not get the long-lead machinery on order. In other words, by ordering this long-lead machinery in fiscal year 1973 the option will be kept open to authorize the lead Trident submarine in fiscal year 1974 and follow submarines in fiscal year 1975. However, going ahead with the procurement of the long-lead nuclear propulsion machinery for the ships in fiscal year 1973 does not commit Congress to any specific submarine-building schedules. The construction schedules for these ships can be settled later, based on events as they occur.

If the nuclear machinery were delayed by lack of long-lead funding, the submarines themselves would be delayed; the propulsion machinery costs would increase, and the delay in the submarine schedules would cause the total cost of the submarines to escalate. Further, it is important to have a sizable buy of Trident nuclear propulsion plant components in fiscal year 1973 in order to get the best manufacturers to make commitments to set up production lines for this machinery and to benefit from the economics of a sizable procurement.

Mr. Chairman, it is of the utmost importance that we continue to improve the quality of our submarines. In agreeing to let the Soviets have 62 nuclear-powered ballistic missile submarines to our 44 it is of prime importance that our submarines be able to cope with any threat. We must start building at once.

Mr. HÉBERT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this time in order to direct the attention of Members of the House to the fact that during the justified accolades paid to the gentleman from New York (Mr. PIRNIE), we did not mention that we are going to lose several other members of the committee. On the Republican side of the committee we will lose the gentleman from Missouri (Mr. HALL), who has rendered such great service to the committee. On the Democratic side we shall lose the gentleman from North Carolina (Mr. LENNON), and the gentleman from Pennsylvania (Mr. BYRNE), and the gentleman from Louisiana (Mr. SPEEDY LONG). All these individuals were chairmen. I want to pay them equal tribute with that paid to AL PIRNIE. We could not function without the overwhelming unanimity of the majority and the dedication that has been reflected in repeated votes on the committee and an understanding on the part of all its members.

Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $134,500,000; for the Navy and the Marine Corps, $3,101,600,000; for the Air Force, $2,508,600,000.

MISSILES

For missiles: for the Army, $888,400,000; for the Navy, $769,600,000; for the Marine Corps, $22,100,000; for the Air Force, $1,772,300,000.

NAVAL VESSELS

For naval vessels: for the Navy, $3,201,300,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $189,100,000; for the Marine Corps, $62,200,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $194,200,000.

OTHER WEAPONS

For other weapons: for the Army, $70,400,000; for the Navy, $25,700,000; for the Marine Corps, $900,000.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HÉBERT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight that it adjourn to meet at 11 o'clock tomorrow morning.

Mr. ANNUNIZO. Mr. Speaker, reserving the right to object, I should like to ask the distinguished majority whip if he intends to make a similar request for Wednesday also.

The SPEAKER. The Chair will answer that question. The Chair will not entertain a unanimous-consent request to come in early on Wednesday.

Mr. ANNUNZIO. Then I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT ON H.R. 13188, COAST GUARD AUTHORIZATION, 1973

(Mr. LENNON (on behalf of Mr. GARMATZ) filed the following conference report and statement on the bill (H.R. 13188), to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard:

CONFERENCE REPORT (H. REPT. No. 92–1177)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4 and 6 and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: in lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "39,449, and an end of year strength of 39,541."

And the Senate agree to the same.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

RUSSELL B. LONG,
PHILIP A. HART,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the act (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENT NO. 1

House bill

The House authorized to be appropriated $81,070,000 for procurement and increasing capability of vessels.

Senate amendment

Senate amendment No. 1 increased this amount by $670,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels assigned to the Great Lakes with pollution abatement capabilities.

Conference substitute

The conference report authorizes to be appropriated $81,740,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels with pollution abatement capabilities and your conferees expect that the Coast Guard will use such funds to abate pollution from vessels assigned to restricted waters where pollution problems are most acute, such as in inland lakes, rivers, and the Great Lakes, on the basis of the most urgent environmental needs.

AMENDMENT NO. 2

House bill

The House bill authorized to be appropriated $15,100,000 for the procurement and extension of service life of aircraft.

Senate bill

The Senate bill authorized to be appropriated $18,100,000.

Conference substitute

The conference report authorizes to be appropriated $18,100,000. Your conferees agreed that the Coast Guard should be authorized additional funds to procure the long-range search and rescue helicopter authorized by Senate amendment No. 3.

AMENDMENT NO. 3

House bill

No comparable provision.

Senate bill

Senate amendment No. 3 provided for the authorization of one long-range search and rescue helicopter, and the Senate report expressed the intent that the Coast Guard should station the helicopter at Alaskan Coast Guard facilities.

Conference substitute

The conference report authorizes the procurement of one long-range search and rescue helicopter, and your conferees believe that the Coast Guard should locate the helicopter wherever it would be most useful to protect human life.

AMENDMENT NO. 4

House bill

The House bill provided $45,650,000 for construction of certain designated projects, including the rebuilding of the moorings of the cutter *Mackinaw* at Cheboygan, Michigan.

Senate bill

The Senate bill increased this amount by $390,000 to allow additional funds for the project at Cheboygan, Michigan. This increase was provided as a result of revised cost studies submitted by the Coast Guard.

Conference substitute

The conference report authorized the appropriation of the additional amount provided by Senate amendment No. 4, making the total amount authorized for construction projects $46,040,000.

AMENDMENT NO. 5

House bill

The House bill authorized the Coast Guard to have an average active duty strength of 39,074.

Senate bill

The Senate bill authorized an average active duty strength of 39,449. The Senate increased this authorized strength in order to reflect the recall of two cutters from the reserve fleet, which was funded by appropriations not subject to authorization, and to reflect the transfer from the Navy to the Coast Guard of the responsibility for providing essential services for Coast Guard operations at Kodiak, Alaska necessitated by the closure of the Naval Station at Kodiak.

Conference substitute

In order to conform to the recent action of the Congress requiring that authorized personnel ceilings be stated in terms of the authorized strength at the end of the fiscal year, your conferees agreed to authorize an end of year personnel strength at 39,541, which does not reflect an increase over the ceiling set by the Senate, but states the figure in a manner compatible with the method adopted by the Armed Services Committees of the two Houses; and your conferees agreed to the increases provided in Senate amendment numbered 5.

AMENDMENT NO. 6

House bill

No comparable provision.

Senate bill

Senate amendment No. 6 authorized the extension of the authority for the Coast Guard to lease housing for military personnel, now scheduled to expire on June 30, 1972, at the request of the Coast Guard. The Senate made the authority permanent, contingent upon an annual report to the Congress as to the utilization of the authority for the previous calendar year.

Conference substitutes

The conference report grants the Coast Guard permanent authority to lease housing for military personnel subject to the filing of an annual report to the Congress as to the utilization of the authority during the preceding calendar year.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

RUSSELL B. LONG,
PHILIP A. HART,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 8140, PORT AND WATERWAYS SAFETY ACT OF 1972

Mr. LENNON (on behalf of Mr. GARMATZ) filed the following conference report and statement on the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States:

CONFERENCE REPORT (H. REPT. No. 92–1178)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 14, 18, and 21, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "Ports and Waterways Safety Act of 1972".; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 7 of the House engrossed bill, immediately after line 12, insert the following:

TITLE II—VESSELS CARRYING CERTAIN CARGOES IN BULK

SEC. 201. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a) is hereby amended to read as follows:

"SEC. 4417a. (1) STATEMENT OF POLICY.—The Congress hereby finds and declares—

"That the carriage by vessels of certain cargoes in bulk creates substantial hazards to life, property, the navigable waters of the United States (including the quality thereof) and the resources contained therein and of the adjoining land, including but not limited to fish, shellfish, and wildlife, marine and coastal ecosystems and recreational and scenic values, which waters and resources are hereafter in this section referred to as the 'marine environment'.

"That existing standards for the design, construction, alteration, repair, maintenance and operation of such vessels must be improved for the adequate protection of the marine environment.

"That it is necessary that there be established for all such vessels documented under the laws of the United States or entering the navigable waters of the United States comprehensive minimum standards of design, construction, alteration, repair, maintenance, and operation to prevent or mitigate the hazards to life, property, and the marine environment.

"(2) VESSELS INCLUDED.—All vessels, regardless of tonnage size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, which are documented under the laws of the United States or enter the navigable waters of the United States, except public vessels other than those engaged in commercial service, that shall have on board liquid cargo in bulk which is—

"(A) inflammable or combustible, or

"(B) oil, of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, or

"(C) designated as a hazardous polluting substance under section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162); shall be considered steam vessels for the purposes of title 52 of the Revised Statutes of the United States and shall be subject to the provisions thereof: Provided, That this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages: And provided further, That nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 90–397 with respect to certain vessels of not more than five hundred gross tons: And provided further, That this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.

"(3) RULES AND REGULATIONS.—In order to secure effective provision (A) for vessel safety, and (B) for protection of the marine environment, the Secretary of the department in which the Coast Guard is operating (hereafter referred to in this section as the 'Secretary') shall establish for the vessels to which this section applies such additional rules and regulations as may be necessary with respect to the design and construction, alteration, repair, and maintenance of such vessels, including, but not limited to, the superstructures, hulls, places for stowing and carrying such cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such cargo, the manner of such handling or stowage, and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for life saving, fire protection, and the prevention and mitigation of damage to the marine environment; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the duties and qualifications of the officers and crew thereof; and with respect to the inspection of all the foregoing. In establishing such rules and regulations the Secretary may, after hearing as provided in subsection (4), adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Secretary shall give due consideration to the kinds and grades of such cargo permitted to be on board such vessel. In establishing such rules and regulations the Secretary shall, after consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, identify those established for protection of the marine environment and those established for vessel safety.

"(4) ADOPTION OF RULES AND REGULATIONS.—Before any rules or regulations, or any alteration, amendment, or repeal thereof, are approved by the Secretary under the provisions of this section, except in an emergency, the Secretary shall (A) consult with other appropriate Federal departments and agencies, and particularly with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, with regard to all rules and regulations for the protection of the marine environment, (B) publish proposed rules and regulations, and (C) permit interested persons an opportunity for hearing. In prescribing rules or regulations, the Secretary shall consider, among other things, (i) the need for such rules or regulations, (ii) the extent to which such rules or regulations will contribute to safety or protection of the marine environment, and (iii) the practicability of compliance therewith, including cost and technical feasibility.

"(5) Rules and Regulations for Safety; Inspection; Permits; Foreign Vessels.—No vessel subject to the provisions of this section shall, after the effective date of the rules and regulations for vessel safety established hereunder, have on board such cargo, until a certificate of inspection has been issued to such vessel in accordance with the provisions of title 52 of the Revised Statutes of the United States and until a permit has been endorsed on such certificate of inspection by the Secretary, indicating that such vessel is in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder, and showing the kinds and grades of such cargo that such vessel may have on board or transport. Such permit shall not be endorsed by the Secretary on such certificate of inspection until such vessel has been inspected by the Secretary and found to be in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder. For the purpose of such inspection, approved plans and certificates of class of the American Bureau of Shipping or other recognized classification society for classed vessels may be accepted as evidence of the structural efficiency of the hull and the reliability of the machinery of such classed vessels except as far as existing law places definite responsibility on the Coast Guard. A certificate issued under the provisions of this section shall be valid for a period of time not to exceed the duration of the certificate of inspection on which such permit is endorsed, and shall be subject to revocation by the Secretary whenever he shall find that the vessel concerned does not comply with the conditions upon which such permit was issued: *Provided*, That rules and regulations for vessel safety established hereunder and the provisions of this subsection shall not apply to vessels of a foreign nation having on board a valid certificate of inspection recognized under law or treaty by the United States; *And provided further*, That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection (3) of section 4472 of this title.

"(6) Rules and Regulations for Protection of the Marine Environment; Inspection; Certification.—No vessel subject to the provisions of this section shall, after the effective date of rules and regulations for protection of the marine environment, have on board such cargo, until a certificate of compliance, or an endorsement on the certificate of inspection for domestic vessels, has been issued by the Secretary indicating that such vessel is in compliance with such rules and regulations. Such certificate of compliance or endorsement shall not be issued by the Secretary until such vessel has been inspected by the Secretary and found to be in compliance with the rules and regulations for protection of the marine environment established hereunder. A certificate of compliance or an endorsement issued under this subsection shall be valid for a period specified therein by the Secretary and shall be subject to revocation whenever the Secretary finds that the vessel concerned does not comply with the conditions upon which such certificate or endorsement was issued.

"(7) Rules and Regulations for Protection of the Marine Environment Relating to Vessel Design and Construction, Alteration, and Repair; International Agreement.—(A) The Secretary shall begin publication as soon as practicable of proposed rules and regulations setting forth minimum standards of design, construction, alteration, and repair of the vessels to which this section applies for the purpose of protecting the marine environment. Such rules and regulations shall, to the extent possible, include but not be limited to standards to improve vessel maneuvering and stopping ability and otherwise reduce the possibility of collision, grounding, or other accident, to reduce cargo loss following collision, grounding, or other accident, and to reduce damage to the marine environment by normal vessel operations such as ballasting and deballasting, cargo handling, and other activities.

"(B) The Secretary shall cause proposed rules and regulations published by him pursuant to subsection (7)(A) to be transmitted to appropriate international forums for consideration as international standards.

"(C) Rules and regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In the absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate.

"(D) Any rule or regulation for protection of the marine environment promulgated pursuant to this subsection (7) shall be equally applicable to foreign vessels and United States-flag vessels operating in the foreign trade. If a treaty, convention, or agreement provides for reciprocity of recognition of certificates or other documents to be issued to vessels by countries party thereto, which evidence compliance with rules and regulations issued pursuant to such treaty, convention, or agreement, the Secretary, in his discretion, may accept such certificates or documents as evidence of compliance with such rules and regulations in lieu of the certificate of compliance otherwise required by subsection (6) of this section.

"(8) Shipping Documents.—Vessels subject to the provisions of this section shall have on board such shipping documents as may be prescribed by the Secretary indicating the kinds, grades, and approximate quantities of such cargo on board such vessel, the shippers and consignees thereof, and the location of the shipping and destination points.

"(9) Officers; Tankermen; Certification.—(A) In all cases where the certificate of inspection does not require at least two licensed officers, the Secretary shall enter in the permit issued to any vessel under the provisions of this section the number of the crew required to be certified as tankermen.

"(B) The Secretary shall issue to applicants certificates as tankermen, stating the kinds of cargo the holder of such certificate is, in the judgment of the Secretary, qualified to handle aboard vessels with safety, upon satisfactory proof and examination, in form and manner prescribed by the Secretary, that the applicant is in good physical condition, that such applicant is trained in and capable efficiently to perform the necessary operations aboard vessels having such cargo on board, and that the applicant fulfills the qualifications of tankerman as prescribed by the Secretary under the provisions of this section. Such certificates shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of this title.

"(10) Effective Date of Rules and Regulations.—Except as otherwise provided herein, the rules and regulations to be established pursuant to this section shall become effective ninety days after their promulgation unless the Secretary shall for good cause fix a different time. If the Secretary shall fix an effective date later than ninety days after such promulgation, his determination to fix such a later date shall be accompanied by an explanation of such determination which he shall publish and transmit to the Congress.

"(11) Penalties.—(A) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall violate the provisions of this section, or the rules and regulations established hereunder, shall be liable to a civil penalty of not more than $10,000.

"(B) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall knowingly and willfully violate the provisions of this section or the rules and regulations established hereunder, shall be subject to a fine of not less than $5,000 or more than $50,000, or imprisonment for not more than five years, or both.

"(C) Any vessel subject to the provisions of this section, which shall be in violation of this section or the rules and regulations established hereunder, shall be liable in rem and may be proceeded against in the United States district court for any district in which the vessel may be found.

"(12) Injunctive Proceedings.—The United States district courts shall have jurisdiction for cause shown to restrain violations of this section or the rules and regulations promulgated hereunder.

"(13) Denial of Entry.—The Secretary may, subject to recognized principles of international law, deny entry into the navigable waters of the United States to any vessel not in compliance with the provisions of this section or the regulations promulgated thereunder."

Sec. 202. Regulations previously issued under statutory provisions repealed, modified, or amended by this title shall continue in effect as though promulgated under the authority of section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by this title, until expressly abrogated, modified, or amended by the Secretary of the Department in which the Coast Guard is operating under the regulatory authority of such section 4417a as so amended. Any proceeding under such section 4417a for a violation which occurred before the effective date of this title may be initiated or continued to conclusion as though such section 4417a had not been amended hereby.

Sec. 203. The Secretary of the Department in which the Coast Guard is operating shall, for a period of ten years following the enactment of this title, make a report to the Congress at the beginning of each regular session, regarding his activities under this title. Such report shall include but not be limited to (A) a description of the rules and regulations prescribed by the Secretary (i) to improve vessel maneuvering and stopping ability and otherwise reduce the risks of collisions, groundings, and other accidents, (ii) to reduce cargo loss in the event of collisions, groundings, and other accidents, and (iii) to reduce damage to the marine environment from the normal operation of the vessels to which this title applies, (B) the progress made with respect to the adoption of international standards for the design, construction, alteration, and repair of vessels to which this title applies for protection of the marine environment, and (C) to the extent that the Secretary finds standards with respect to the design, construction, alteration, and repair of vessels for the purposes set forth in (A) (i), (ii), or (iii) above not possible, an explanation of the reasons therefor.

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: On page 13, line 23, of the Senate engrossed amendments, strike out "Title II" and insert the following: "Title I"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "101."; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(including the substances described in section 4417a(2)(A), (B), and (C) of the Revised Statutes of the United States (46 U.S.C. 391a(2)(A), (B), and (C))"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 14, of the House engrossed bill strike out "Act" and insert the following: "Title"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 16, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "102"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 6, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 11, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 12, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 17, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) This title shall not be applicable to the Panama Canal. The authority granted to the Secretary under section 101 of this title shall not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under this title shall be delegated to the Saint Lawrence Seaway Development Corporation to the extent that the Secretary determines such delegation is necessary for the proper operation of the Seaway."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 21, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "103".; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 5, lines 20 and 23, of the House engrossed bill, strike out "Act" and insert the following: "title", and the Senate agree to the same

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "104"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 6, line 8, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "105"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "106"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 6, lines 23 and 25, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$10,000;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 6, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "107."; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 10, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with amendments, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$50,000".

On page 7, line 10, of the House engrossed bill, strike out "$1,000" and insert the following: "$5,000".

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "five years,"; and the Senate agree to the same.

That the Senate recede from its amendment to the title of the act.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.
WARREN G. MAGNUSON,
RUSSELL B. LONG,
PHILIP A. HART,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas and the navigable waters of the United States, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The following Senate amendments made technical, clarifying or conforming changes: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, and 28. With respect to these amendments (1) the House either recedes or recedes with amendments which are technical, clarifying, or conforming in nature; or (2) the Senate recedes in order to conform to other action agreed upon by the committee of conference.

CITATION OF THE ACT

Amendment No. 1. Section 1 of the House bill provided that the Act may be cited as the "Ports and Waterways Safety Act of 1971". The Senate amended the bill to provide that the Act may be cited as the "Navigable Waters Safety and Environmental Quality Act of 1972". The Committee of conference agreed that the Act may be cited as the "Ports and Waterways Safety Act of 1972".

VESSELS CARRYING CERTAIN CARGOES IN BULK

Amendment No. 2. As passed by the House, the bill was intended to promote safety and protect the navigable waters from environmental harm primarily by authorizing the Secretary of the Department in which the Coast Guard is operating (the "Secretary") to establish vessel traffic services, systems and controls and minimum safety standards for structures. The Senate amendment inserted new material, designated as Title I, amending the Tank Vessel Act (46 U.S.C. 391a) to authorize the Secretary, in consultation with other agencies and departments, to establish standards for the design, construction, maintenance, repair, and operation of vessels carrying certain cargoes in bulk in order to protect the marine environment.

The purpose of the Senate amendment is to provide a systems approach to protection of the marine environment: improved traffic controls and improved vessel design, construction and operation. The amendment sets forth congressional findings to the effect that carriage by vessels of certain cargoes in bulk creates substantial hazards to the marine environment, that existing standards for the design, construction, alteration, repair, maintenance and operation of such vessels must be improved, and that it is necessary that there be comprehensive standards established for all such vessels documented under our laws or entering our navigable waters. The Secretary, in coordination with other departments and agencies, is given broad authority to promulgate regulations with respect to these vessels, including their design, construction, propulsion machinery, equipment, manning and operation. He is directed to begin publication of proposed rules relating to certain topical areas as soon as practicable. Specific topical areas for Secretarial action are outlined by way of inclusion and not by way of limitation. With respect to vessels engaged in foreign trade, the effective date of standards is deferred in order to provide a reasonable period of time for the development of standards by international agreement. Finally, the Secretary is required to report annually to the Congress regarding his activities under the legislation.

The Committee of Conference carefully reviewed the Senate hearings relating to the Senate amendment. In addition, the House Merchant Marine and Fisheries Committee held hearings on the amendment on June 19 and 20, 1972 at which all interested persons were permitted to testify.

The Committee of Conference agreed to the substance of the Senate amendment with certain revisions, most of which were technical, clarifying or conforming in nature. The material inserted by the Senate was redesignated as "Title II" which the substance of the bill that passed the House was designated as "Title I". The more significant revisions to the Senate amendment include:

(1) exclusion from the title of vessels carrying dry cargoes in bulk which will be designated as hazardous polluting substances under section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162). This revision was made at the urging of the Coast Guard which noted that such substances have not yet been designated and expressed concern that their inclusion might unduly strain Coast Guard resources. As revised, the bill would apply to vessels engaged in the bulk carriage of liquid cargoes which are inflammable or combustible, oil in any form, or hazardous polluting liquids. Gases carried in liquid form are also subject cargoes. The Committee of Conference also noted that dry cargoes would continue to be subject to the other title of the bill and, specifically, that the reference to "other hazardous circumstances" in section 101(3) includes the carriage of hazardous cargoes, including but not limited to those designated as hazardous polluting substances under section 12(a) of the Federal Water Pollution Control Act.

(2) deferral for an additional year to January 1, 1976 of the latest date by which initial standards for the design and construction of vessels will be applied to vessels in foreign trade, including vessels of foreign registry, in the absence of internationally adopted standards. This amendment was also urged by the Coast Guard which noted that an international conference on the subject of preventing pollution from vessels is scheduled for late 1973 and which believed that an additional maximum delay of two years to allow development of international standards before unilateral imposition of standards might not be unreasonable. The earliest date on which standards may be unilaterally imposed on vessels in foreign trade in the absence of international standards remains January 1, 1974.

(3) providing the Secretary more flexibility with respect to the unilateral imposition of standards on foreign vessels. The Senate amendment provides that the Secretary shall begin publication as soon as practicable of proposed regulations setting forth minimum standards for vessels design and construction and was subject to the interpretation that the Secretary was required to unilaterally impose on foreign vessels all previously published proposed standards unless nearly identical standards were adopted internationally in each and every topic area. The language adopted by the Committee of Conference clarifies that the Secretary has flexibility not to impose a particular standard if he deems it inappropriate, for example, because other standards adopted internationally obviate the need for the earlier proposed standard published by the Secretary.

(4) revision of criminal and civil penalties in conformity with the conference action taken with respect to Senate amendments 25, 29, and 30.

SAINT LAWRENCE SEAWAY

Amendment No. 13. The Senate amendment provides that authority under the title with respect to the Saint Lawrence Seaway shall not be delegated by the Secretary to any agency other than the Saint Lawrence Seaway Development Corporation. The provision adopted by the Committee of Conference clarifies that the authority referred to is that set forth in section 101 (section 2 of the bill as passed by the House, section 201 of the bill as amended by the Senate). Other authority will be delegated by the Secretary to the Saint Lawrence Seaway Development Corporation to the extent necessary for the proper operation of the Seaway.

CRIMINAL AND CIVIL PENALTIES

Amendment Nos. 25, 29 and 30. As passed by the House the bill provides for a civil penalty for violations of not more than $1,000 and for criminal penalties of not less than $1,000 nor more than $10,000 or ten years imprisonment, or both. The Senate amendment provides maximum civil penalties of $20,000 and maximum criminal penalties of $100,000 or one year imprisonment, or both. The Committee of Conference agreed on a maximum civil penalty of $10,000 and criminal penalties of not less than $5,000 nor more than $50,000 or five years imprisonment, or both.

Edward A. Garmatz,
Frank M. Clark,
Alton Lennon,
Thomas M. Pelly,
Hastings Keith,
Managers on the Part of the House.
Warren G. Magnuson,
Russell B. Long,
Philip A. Hart,
Robert P. Griffin,
Ted Stevens,
Managers on the Part of the Senate.

CABELL HAS A POINT

(Mr. ROBERTS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, in recent weeks, both the Dallas Morning News and the Dallas Times Herald printed lead editorials concerning my good friend and colleague, Earle Cabell, and his views on revenue sharing. I thought that these statements of editorial opinion by two outstanding papers in my part of Texas would bear notice:

[From the Dallas Morning News, June 14, 1972]

Cabell Has a Point

The City Council and Rep. Earle Cabell are now involved in a disagreement that concerns us all, because it concerns our tax money. Specifically, the disagreement is over which level of government should collect the money from us.

On Monday the council voted to put more pressure on Dallas congressmen to get them to support legislation for federal revenue sharing with the cities. Dallas, of course, is one of the cities that could expect to get its share.

The idea of receiving a "free" share of the federal government's tax revenues has several things to recommend it to the council and, in fact, to all local and state officials.

First, there's the attractive feature that the local officials get the money without having to vote to raise it themselves. It has no doubt occurred to the councilmen—certainly it has occurred to most public officials—that the taxpayers are in no mood to have their taxes raised at the moment.

Taxpayers, in fact, are apt to react ferociously against those who move to add to their tax burdens. And city officials, being much closer to the taxpayers, are therefore more exposed to the heat of their anger.

Letting the Congress do the dirty work of voting the tax increases while the local governments do the more pleasant work of spending the money is understandably a popular plan at the local level.

Second, there is the undeniable fact that the federal government has, in the Internal Revenue Service, a remarkably effective and efficient instrument for the collection of our money. To put it mildly.

Third, there is the old, familiar and unfortunately all too accurate argument, that "if we don't take it, somebody else will." If Dallas makes a stand on its conservative principles and righteously turns away the handouts, this will not stop the handout process—it will merely mean that those other state and local entities who are eager to cash in on it will do so with less competition from us.

But Rep. Cabell, who was mayor before he was elected to Congress, has seen this process from both levels. And he said Monday that the council and other local and state governments are living in a "pipedream" if they think that they are going to go on getting federal money for long without strings being attached.

Fact is, he said, the officials on the receiving end "will be . . . doing the bidding of the federal government like a bunch of monkeys on a string."

Unfortunately, recent history bears out that argument, too. Remember when federal aid to education was being pressed on local officials? We were promised, then as now, that there'd be no strings.

As for the No. 1 argument for the council's position, Cabell said.

"This may look like a bird's nest on the ground. It looks like they are lowering local taxes, but they forget they're raising national taxes."

And that is the most significant point. We should never forget that as citizens and taxpayers we are involved in both sides of this process. The extra money we may receive as local recipients will be the same money we have just paid out as payers of those "national taxes"—less the bureaucracy's handling charges for taking the money to Washington, dividing it and sending it back.

Thus each dollar that we get via Washington costs us more than if we had raised the same dollar by local taxes—currently a federal dollar of aid costs Texans about $1.02 in federal taxes.

It would be far better to work out a plan whereby the federal government would share its sources of collection, letting the local and state governments collect part of the money formerly collected by the feds. This wouldn't ease the local officials' problem with political heat, but it would allow the raising of money to be done in the area where it is to be spent—and without adding to the taxpayer's total tax burden by disguising local spending as federal taxes.

Working out such an alternative plan requires a national approach, of course, and a considerable amount of initiative from Rep. Cabell and his colleagues in Washington. Your move, congressmen.

[From the Dallas Times Herald, June 14, 1972]

Risks in Revenue Sharing

The prospect of easy money from federal revenue sharing has prompted the Dallas City Council to urge Dallas area congressmen to support a measure now under study in Washington. The city's need for additional revenue makes the plea understandable but we believe revenue sharing would be more of a liability than an asset.

In the first place, there are no excess federal funds to share. Annual deficits are running about $40 billion a year and the proposed $5 billion annually in revenue sharing would simply add to the deficits. And where does that money come from, except from the pockets of individual citizens and companies, Dallasites included.

A second objection, which we have stated frequently, is a philosophical one. He who spends tax money should have the responsibility of levying the taxes. Having the Congress earmark billions for various governmental subdivisions, billions gained through the federal income tax office, makes it easier for local or state officials to spend money without worrying about the taxpayer. In addition, we share Rep. Earle Cabell's concern that revenue sharing would tend to centralize, rather than decentralize, federal authority because it places more taxation power in the Congress. There has been much loose talk about unrestricted grants but the Congress isn't likely to hand cities, counties and states a bundle of cash without strict guidelines.

And lastly, nearly all the revenue sharing proposals are weighted in favor of states with corporate or personal income taxes. Approval of a sharing plan would put pressure on the Texas legislature to adopt some kind of income tax in order to get Texas' fair share of the gravy.

We recognize the fiscal problems of Dallas and other cities, but we believe that Dallas citizens would rather have control of their own tax affairs. The city sales tax, the new garbage fee and other service charges have relieved somewhat the pressure on the property tax.

Federal programs providing specific grants in aid for cities should be continued but we believe that all-out revenue sharing should be defeated in the Congress.

CONTENT OF FINANCIAL STATEMENTS

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, on April 3, 1972, I was advised by the Chairman of the Securities Exchange Commission, William J. Casey, that his office is engaged in a revision of the Commission's general regulations with respect to form and content of financial statements including disclosures with regard to provisions for taxes. Securities and Exchange Commission Chairman William J. Casey also advised me that their present rules require separate disclosures of provisions for: First, Federal normal income and surtax; second, Federal excess profit tax; and third, other income taxes.

In reviewing the annual reports filed with the SEC, last year United States Steel Corp., Standard Oil of New Jersey, IBM, and other American corporations, I find that these corporations have combined their Federal and foreign taxes—so that it is impossible to determine who received these tax revenues. In some corporate reports, the taxes paid include excise taxes paid by the consumer or the purchaser of the items produced by the reporting corporation.

As I understand SEC Rule 5–14, 15, commercial and industrial companies are required to state separately: first, Federal income taxes; second, Federal excess profits taxes; and third, other income taxes—State, local, and foreign.

The improper consolidation of taxes paid misrepresents and tends to overstate the actual amount paid to the Federal Government.

I have asked Chairman Casey whether the Securities and Exchange Commission considers this type of consolidated reporting to be a violation of the aforementioned rule. If this is, in fact, a violation of the rule, I have requested Chairman Casey to provide me with a determination as to the type of action the SEC plans to take with respect to the enforcement of its regulations on this subject.

Following is a copy of a letter I received from Chairman William J. Casey on—and a copy of a letter which I have forwarded to him on apparent transgression of SEC rules:

April 3, 1972.

Hon. Charles A. Vanik,
Member of Congress,
House of Representatives,
Washington, D.C.

Dear Mr. Vanik: Thank you for your letter of March 23, 1972. At this time we are engaged in a revision of the Commission's general regulations with respect to form and content of financial statements including disclosures with regard to provisions for taxes. The Commission's proposal for revisions of existing rules was published August 20, 1971. A copy is enclosed. You may be interested in "Item 15, Income Tax Expense" at page 26. Our present rules require separate disclosures of provisions for (1) Federal normal income and surtax, (2) Federal excess profit tax and (3) other income taxes.

I wish to assure you that the views expressed in your letter will be thoroughly considered.

Sincerely,

William J. Casey,
Chairman.

June 22, 1972.

Hon. William J. Casey,
Chairman, the Securities and Exchange Commission, Washington, D.C.

Dear Mr. Chairman: On April 3, 1972, you advised me that your office was engaged in a revision of the Commission's general regulations with respect to form and content of financial statements including disclosures with regard to provisions for taxes. You also advised me that your present rules require separate disclosures of provisions for: (1) Federal normal income and surtax; (2) Federal excess profit tax; and (3) other income taxes.

In reviewing the annual reports filed with the SEC in 1971 for the United States Steel Corporation, Standard Oil of New Jersey, I.B.M., and other American corporations, I find that these corporations have combined their Federal and foreign taxes, so that it is impossible to determine who received these tax revenues. In some corporate reports, the taxes paid include excise taxes paid by the consumer or the purchaser of the items produced by the reporting corporation.

As I understand SEC–5–14, 15, commercial and industrial companies are required to state separately: (1) Federal income taxes; (2) Federal excess profits taxes; and (3) other income taxes (state, local, and foreign.)

The improper consolidation of taxes paid misrepresents and tends to overstate the actual amount paid to the Federal government.

Do you consider this type of consolidated reporting a violation of the aforementioned rule? If so, what action does the SEC plan to take with respect to the enforcement of its regulations on this subject.

Sincerely yours,

Charles A. Vanik,
Member of Congress

ONLY ONE EARTH—THE U.N. CONFERENCE ON THE HUMAN ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. McClory) is recognized for 60 minutes.

Mr. McCLORY. Mr. Speaker, the United Nations Conference on the Human Environment held in Stockholm, Sweden, between June 5 and 16, 1972, has been described appropriately as a turning point in human history.

This highly acclaimed meeting attracted representatives from 114 nations totaling an estimated 1,500 official governmental delegates. Our U.S. delegation, headed by Russell E. Train, Chairman of the Council on Environmental Quality, included distinguished environmentalists and public and governmental representatives, from a broad cross section of American society. Our colleagues, Congressmen John Dingell of Michigan, Seymour Halpern of New York, Frank Clark of Pennsylvania, and I were privileged to serve as part of our U.S. delegation. We were joined also by our colleague

Congressman GILBERT GUDE of Maryland, who attended the conference as a congressional observer in behalf of the House Government Operations Subcommittee on Conservation and Natural Resources. I should add that it was with extreme regret that our colleague, JOHN BLATNIK of Minnesota, chairman of the House Public Works Committee, was unable, at the last minute, to participate. I want to commend highly the important contributions made by all of our colleagues who attended the Stockholm Conference.

Mr. Speaker, in addressing this report to the House of Representatives today, it is not my intention to detail the history and the background of this landmark meeting in behalf of protecting the planet earth from deterioration. However, I would like to state at the outset that my colleagues and I are convinced that unless prompt and comprehensive steps are taken on a global scale the human environment could soon deteriorate to the point where it would no longer sustain human life.

Mr. Speaker, I would like to say in my own behalf that, in my opinion, no international conference has been more carefully or thoughtfully organized or prepared. Following the original proposal by Sweden, made in the spring of 1968 at a session of the U.N. Economic and Social Council, this 1972 Conference was officially approved by the U.N. General Assembly in December 1968. The United States was one of 55 nations endorsing this Conference and, thereafter, became a member of the key 27 nation Preparatory Committee. This Preparatory Committee worked during the intervening 4 years in developing the agenda, and in preparing detailed documentation and recommendations for consideration at the Stockholm meeting.

Mr. Speaker, in connection with this preparatory work, the leadership of Maurice Strong of Canada, who served as Secretary-General of the Conference, deserves special commendation. He was a dynamic and capable leader who guided the affairs of the U.N. Conference from the time he assumed his office in 1969 until the final adjournment of the Conference on June 16, 1972.

The night preceding the opening of the Conference, an ecumenical service was held in the Stockholm Cathedral. In addition to the participation of several clerics, the Conference Secretary-General, Maurice Strong was scheduled to deliver an address at this service. As a result of his unavoidable absence, his formal statement was read with dramatic presence and effect by Mrs. Strong. She spoke from the cathedral pulpit to an assemblage representing every part of the globe. This emphasis on spiritual power gave inspiration and hope at the very outset of this historic Conference.

The objectives of the Stockholm Conference should be kept well in mind. These were stated by our U.S. group as follows:

> The overall U.S. objective for the Conference is to raise the level of national and international concern for environmental problems and to increase national, regional and global capabilities to recognize and solve those problems which have a serious adverse impact on the human environment.

While slated as an "action" Conference proposing urgent steps essential to the protection of various aspects of the human environment, there was no suggestion that economic or social developments must be reversed. On the contrary, at the very outset of the meeting, the Secretary General of the United Nations, Kurt Waldheim, had high praise for the social, economic and cultural advances that have occurred in the developed world. He emphasized that these benefits must be shared with the people of the less developed countries—at the same time as the programs for environmental protection and improvement go forward.

Mr. Speaker, our congressional delegates took an active part in the discussions on all of the six subject areas considered by the three Committees established for the Conference. In addition to our individual preparatory work, we had the advantage of a full-day briefing at the State Department about 10 days before our departure for Stockholm, as well as a followup session at the U.S. Embassy the day before the Conference opened officially. Also, our delegation held a group meeting each morning at 8:30 a.m. before proceeding to the Plenary and Committee sessions. Aided by capable technical staffs, including some of the best scientific minds in the world on the subject under discussion, our U.S. delegation performed consistently as a team determined to make the Conference a successful "first step" in the solution of global environmental problems.

Mr. Speaker, a great many publications were developed in preparation for the Stockholm Conference, but none was more succinct or more helpful than that prepared by the Secretary of State's Advisory Committee, headed by our colleague in the other body, HOWARD H. BAKER, Jr., U.S. Senator from Tennessee. In addition to the volume which his committee produced, Senator BAKER was in attendance throughout the Stockholm Conference providing the benefit of his intensive study of and concern with all of the subjects on the Stockholm agenda.

Now, Mr. Speaker, relating to my individual experiences, I wish to point out that I was assigned as a member of Committee I to deal with Subject Area I: "Planning and Management of Human Settlements for Environmental Quality." In our committee work on the subject of "Human Settlements," I had the privilege of serving with Mr. Laurence S. Rockefeller, Chairman of the Citizens Advisory Committee on Environmental Quality, and Samuel C. Jackson, General Assistant Secretary, Department of Housing and Urban Development; as well as Charles J. Orlebeke, Deputy Under Secretary, Department of Housing and Urban Development, who was also Technical Advisor to our Committee members. The critical aspects of this subject involved the frightening growth of population in most areas of the world, the general impact of urbanization in both the developing and developed nations, and all of the related subjects of housing, transportation, sewer and water services and other subjects affecting human settlements. These made the work of our committee extremely interesting and rewarding.

Mr. Speaker, I would like to recall at this point that in all of my discussions with delegates from the more than 100 other nations, there were no expressions of hostility or unfriendliness toward either our nation or the American people. Instead, all of the delegates appeared to devote themselves to the subject assigned to us for discussion and to direct the debates toward the 24 recommendations upon which our committee acted.

Mr. Speaker, this is not to say that there was complete agreement at all times and on all issues. In the contrary, the debates were quite spirited and differences of opinion were sometimes quite marked. At a later time I shall give an account of the recommendations of our committee, which will indicate the broad scope of our deliberations and recommendations.

Other committees made similarly meaningful recommendations, most of which, in turn, were favorably acted upon at the plenary session of the Conference during the final days in Stockholm.

Mr. Speaker, a number of accounts have come out of Stockholm reporting on events there. For the most part, I feel that the public has misunderstood the depth and seriousness of the discussions and actions which occurred at this Environmental Conference. The few attacks which appeared to be directed at our Nation were publicized way out of proportion to their significance. In the speech of the Prime Minister of Sweden, the United States was not mentioned directly; and, in any event, only a very few words of his entire address were of a character to cause us to take offense.

It should be noted that this is one of the first international meetings at which representatives of the People's Republic of China—Communist China—appeared, and it was my first individual experience in meeting with representatives from the Chinese Mainland. Insofar as their conduct in committee I was concerned with, I should report that they were completely inactive. They declined to vote on a single issue and refused to participate in any way in the committee discussions.

While the Soviet Union, together with several of their satellite governments boycotted the Conference—because East Germany which is not a U.N. member was not invited—it is noteworthy that delegates from Romania and Yugoslavia participated actively in all aspects of the Stockholm meeting.

Mr. Speaker, I am certain that several of my colleagues will want to comment on their individual activities and also to discuss the unofficial and extraneous events which attracted some newspaper, TV, and radio coverage, but which provided nothing constructive to the U.N. Conference activities. Many of those who came to Stockholm were there to attend the so-called environmental forum and other less official gatherings. Unfortunately, the other gatherings served primarily to divert attention from the genuine environmental issues and impinged upon the limited time of some of the delegates. In their efforts to attract attention to themselves, some of these self-ordained missionaries employed emotional and inflammatory tactics.

Mr. Speaker, I should add that most of the non-Governmental Organizations—NGO's—present in Stockholm represented outstanding environmental and conservation groups. They contributed substantially to the knowledge and prestige of the U.N. Conference. An exceptionally fine series of lectures were sponsored by the International Institute for Environmental Affairs in cooperation with the Population Institute. This series included a presentation by the noted Norwegian author, anthropologist, and explorer, Thor Heyerdahl; and, by the noted Swedish economist, Gunnar Myrdal.

Mr. Speaker, my experiences with environmental subjects have been many and varied during my years here as a Member of this body—and elsewhere. However, I attended the Stockholm Conference not as an environmental expert, but as a lawmaker—because, as lawmakers, you and I and every Member of this body must assume responsibility for translating public hopes and aspirations into laws and appropriations upon which effective action affecting the environment can be taken.

At one stage of the U.N. Conference, I addressed myself along this line substantially as follows and I ask leave to insert here my own remarks as delivered at Stockholm.

REMARKS OF CONGRESSMAN ROBERT McCLORY, MEMBER OF THE U.S. DELEGATION AT THE UNITED NATIONS WORLD CONFERENCE ON THE HUMAN ENVIRONMENT

As a representative in the United States Congress and member of the United States Delegation to this Conference, I am pleased to be assigned particularly to the Committee dealing with the planning and management of human settlements for environmental quality (subject area No. 1).

I am impressed by the critical nature of this problem in almost every country, the extent to which the subject impinges upon virtually every aspect of the human environment, and by the fact that the theme of this conference—only one earth—must likewise be the limit within which the problems of human settlements may be solved—since there is "only one earth" upon which the human species may be sustained.

The scientific information, and the reports of experts covering every conceivable discipline with which this conference is concerned—have produced—and will continue to produce benefits to mankind which can be measured according to a variety of parameters. However, ultimately, as the preparatory committee has prescribed—and as this conference will certainly conclude—action programs at international, national, and local levels will be required.

The basis for all national action rests with the national parliaments or law-making bodies of our respective governments. Indeed, even national policies, whether enunciated by a government's chief executive or administrative heads, must be authorized or confirmed by appropriate legislative action. In addition, the funds which are essential to the implementation of national policies and programs must be appropriated by the parliamentary branch of our respective governments. Of course, the source of funds, i.e. The revenues with which to defray such appropriations must be based upon enabling legislation.

The expression that dominates many current environmental fears and solutions is that they are "so much rhetoric". Indeed, when talk—(even at the level of an International Conference)—replaces action, such references are well grounded. In sum, the ultimate ideas and steps for effecting improvements in the human environment require the utmost in national and international cooperation and coordination—including the education and training of personnel charged with the responsibilities inherent in any environmental control programs.

But, bear in mind, that all of the educational and training programs, as well as authority for the research and development of plans and techniques, require legislative support. Even the movement of population and the control of population growth may be influenced by legislative action. Furthermore, the agencies and administrative bodies which governments authorize for carrying out the planning of human settlements, the location of industrial developments, the establishment of power sources and transportation facilities can only be realized after the national parliaments or legislatures have passed laws which authorize such action.

Finally, all international arrangements and institutions require legislative authorization or approval. In the case of the United States, international cooperation in the form of treaties requires approval by the U.S. Senate. Other international action, in which the expenditure of funds of the United States may be involved, would require implementation through legislative action by both the House and the Senate.

I am not certain that either this conference or all of the other meetings and conferences which are being held will render our lawmakers experts on the subject of the environment. It is fundamental that a great deal of expert counselling and advice should be made available to our national lawmakers and to the committees or commissions upon which they are represented . However, it is important that it be said here—and vital to the success of any action which is undertaken as a part of this conference—or hereafter—that the critical need is for effective, comprehensive and long range legislative action and goals. This should be clearly understood—and we should go forth from these sessions determined to implement our decisions with action—legislative action, that is, new laws—wherever required.

In my own case, the Congress of the United States represents the key to the solution to our national environmental problems. It is likewise an essential part of all international programs which may be developed to help protect and preserve the land and the sea and the air for this and future generations of mankind.

Mr. Speaker, finally the Conference adopted a declaration which has been heralded by many as the most significant accomplishment of this great international meeting. There was substantial conflict as to the international principles which should guide all nations on the basis of uniform standards of conduct. It seems, indeed, that a turning point in human history was experienced when the vast majority of the representatives from 114 nations from every section of the globe, both developed and underdeveloped, small and large, were able to agree in principle on the broad guidelines which can protect the earth's natural resources and improve the quality of the environment upon which the survival of mankind depends. In brief summary, the declaration provides, as follows:

Man has a fundamental right to freedom, equality, and adequate living conditions in an environment which permits a life of dignity and well-being. Policies of apartheid, racial segregation, discrimination, colonialism, and other forms of oppression must stop.

The natural resources of the earth must be safeguarded for present and future generations.

Man has a special responsibility to safeguard the heritage of wildlife.

Nonrenewable resources of the earth must be used in a way to guard against exhaustion.

The discharge of toxic substances must be halted.

Nations shall take steps to prevent sea pollution.

Nations have the sovereign right to exploit their own resources according to their own environment policies and the responsibility to ensure their activities will not harm the environment.

International matters concerning the protection and improvement of the environment should be handled in a cooperative spirit by all countries.

Mr. Speaker, the principal objectives sought by our U.S. delegation, and outlined earlier by President Nixon, were substantially achieved. These consist of the following: first, establishment of a viable agency within the United Nations to coordinate United Nations environmental activities; second, establishment of an environmental fund totaling $100 million over the first 5 years, of which the United States has pledged up to $40 million on a matching basis subject to congressional approval; and third, establishment of a global earth watch program to coordinate a monitoring of environmental conditions and trends in the atmosphere, oceans and soil. In addition, the U.N. Conference approved such significant U.S. recommendations, as—

First. The early completion of conservation conventions, including the World Heritage Trust for natural and cultural treasures and a convention restricting international trade in endangered species.

Second. The strengthening of the International Whaling Convention and a 10-year moratorium on commercial whaling, and

Third. A Declaration on the Human Environment containing important new principles to guide international environmental action.

At a later time, I will ask leave to insert several significant and informative newspaper articles regarding the Stockholm Conference which supplement the remarks made here today—and to help place in perspective the significant Stockholm Conference on the Human Environment.

Mr. McCLORY. Mr. Speaker, I now yield to the gentleman from New York (Mr. HALPERN) who served so ably as one of the delegates.

Mr. HALPERN. I thank the gentleman from Illinois for yielding to me.

Mr. Speaker, I wish to compliment the enormously capable gentleman from Illinois (Mr. McCLORY) for taking this time today briefly to discuss the United Nations Conference on the Human Environment which was held in Stockholm, Sweden, from June 5 through June 16.

I was privileged to have served as a member of the distinguished United States Delegation along with the gentleman from Illinois, who performed so creditably in Stockholm. Likewise, this House can well be proud of our other colleagues who participated at this historic conclave which brought 114 nations together to agree on mutual cooperation for environmental protection. I refer to the able gentleman from Michigan (Mr. DINGELL), the distinguished gentleman from Pennsylvania (Mr. CLARK), and the esteemed gentleman from Maryland (Mr. GUDE), each of whom contributed invaluably in his respective role on the delegation.

The representatives of the other body on the delegation similarly performed with great skill and achievement. The outstanding Senator from Tennessee (HOWARD H. BAKER), chairman of the Secretary of State's Advisory Committee to the U.N. Conference on the Human Environment, provided tremendous expertise, as did his colleagues from the other body: HARRISON A. WILLIAMS of New Jersey, CLIFFORD P. CASE of New Jersey, WARREN G. MAGNUSON of Washington, CLAIBORNE PELL of Rhode Island, JAMES L. BUCKLEY of New York and FRANK E. MOSS of Utah.

It has been one of the most rewarding experiences of my 14-year tenure in the House of Representatives to have served with these most able legislators and with the highly skilled representatives of the administration and private sector who comprised the U.S. delegation to the Stockholm Conference.

All of us, I am sure, left Stockholm with the conviction that the 2-week conclave had accomplished virtually everything it had intended to do. The official representation in Stockholm reflected the diversified opinions and attitudes of the world's 3½ billion people by reconciling, to a remarkable extent, the contrasting philosophical, ethnic, social, and economic backgrounds.

One highlight of the Conference was the unanimous agreement on the existence of a worldwide environmental crisis applying to every aspect of the earth—oceans, atmosphere, and land. Of course there was bickering, political haranguing, regional disputes, and the open expression of philosophical differences. But all this is to be expected when the family of nations gathers together in quest of consensus on a critical issue. The important thing to point out is the miraculous success of the Conference. It produced an agreement that all the nations of the world have the grave responsibility of working together for global environmental protection.

The Conference approved a 200-point program of international action. It established a permanent organization within the United Nations to coordinate these actions. It adopted a Declaration of Principles to serve as guidelines and standards for future national and international performance.

I should also like to point out, Mr. Speaker, that the U.S. delegation went to this Conference with a most detailed understanding of the hundreds of items that were covered both in the committee and plenary sessions. It was the most remarkable job of preparation that I have ever observed and I wish especially to compliment Russell E. Train, Chairman of the Council on Environmental Quality, and Christian A. Herter, Jr., the State Department's environmental specialist, for the exceptional leadership they provided our delegation.

It is significant to point out that in virtually each instance the U.S. position on the Conference recommendations were sustained. In particular, there were 40 Conference recommendations ranging from wildlife protection to trade policy that the United States had especially favored. Foremost among these was the approval of the permanent environmental coordinating unit in the United Nations and the $100 million special environmental fund which were strongly urged by President Nixon as early as last February.

Although the Declaration of Principles turned out to be a matter of some controversy due to the Chinese delegation's move to alter the original version, the principles expressed in the final document actually concur fully with U.S. policy. I would like to quote the official U.S. assessment of the declaration:

> Although the resulting text is uneven in quality it contains important principles which may serve as a foundation for future international law, and its preamble contains concepts which may serve a wide educational value.

The Conference recommendations are, to a large degree, self-implementing. Many of them were addressed to the Secretary General of the United Nations and to the specialized agencies such as the World Health Organization and the Food and Agricultural Organization, both of which are called on to initiate, expand, and intensify environmental activities. An example of one of the significant innovations resulting from the Stockholm Conference is the earthwatch network of monitoring stations which will assess conditions of atmospheric and oceanic pollution.

As expected, many developing nations accused the technologically advanced countries of having precipitated the present crisis of global environmental deterioration and demanded that the industrialized nations make reparations in various forms. These attitudes did not, however, prohibit virtual unanimity on the bulk of Conference recommendations.

In summary, I would say that the Stockholm Conference has truly set the stage for an all-out effort in the area of worldwide environmental protection and the entire world community must cooperate in this timely effort for the survival of mankind.

I should point out, Mr. Speaker, that hundreds of nongovernmental organizations and individuals from scores of countries converged upon Stockholm at the time of the Conference in order to express their own point of view on the crucial issues at hand. Counterconferences were being held throughout the city. Participating in these conferences, forums and workshops were a mixture of individuals ranging from prominent scientists, ecologists, conservationists, and some concerned youth teams to so called ecofreaks.

Among the thousands of visitors to Stockholm in connection with the Conference were hundreds of Americans. Many were accredited through the U.N. Secretariat as representing nongovernment organizations, while a good many others, deeply concerned with environmental issues, had not been officially accredited, due to the fact that their organizations were not international in scope. Many of these enthusiasts felt left out of the proceedings. Some felt that they were not relating to the official conferees and were, in some instances, kept somewhat uninformed of the Conference's proceedings.

Our delegation felt that these people had every right to be heard, and we arranged means of communication with them and established an on-going dialog during the course of the Conference. In my own participation in this endeavor, I was impressed by the exceptional concern and complete dedication on the part of many of our youth who were there. The great majority had an exceptional knowledge of the subject at hand, a well-balanced sense of perspective on the problem and a genuine commitment to a healthier world. This attitude was indeed inspiring and the very presence of those groups and individuals contributed greatly to the overall impact of the Stockholm Conference.

Allow me to relate at this time, Mr. Speaker, some of the proceedings of the working committee of which I was a member covering the educational, informational, social, and cultural aspects of environmental issues. One of the subject areas of this committee on which I had the opportunity to focus particular effort was the recommendation calling for the establishment of an International Referral Service which won both committee and Conference approval.

This instrument should be considered as a necessary basic step toward resolving questions of information exchange which underlie all areas of Conference consideration. The referral service would make full use of the extensive services in existence and would operate in conjunction with them. When established, it will ascertain what information services exist, where they are, and how to gain access to them.

The successful recommendation resulted from a study conducted by the Conference Secretariat on behalf of the Preparatory Committee. It focused upon means of improved access to existing and continuing national and international information resources as representing the most important initial problem to be faced. The Referral Service represents a modest and feasible mechanism for improving such access and for determining both information needs and resources pertinent to environmental assessment and management.

A detailed action plan for establishment of the International Referral Services should be prepared for review by governments prior to implementation. It is significant to note that even the modest costs of the proposed International Referral Service can be minimized—and the effectiveness of the Service significantly enchanced—by the initial efforts and contributions of the governments and the bodies of the United Nations in first, surveying and assessing their own national and U.N.-related needs incident to environmental questions; second, identifying known information resources that can help meet these needs; third, voluntarily reporting such resources to the Referral Service; and fourth, promoting the use, evaluation, and continuing enhancement of the Referral Service, both as an information-exchange mechanism and as a means for progressively determining where additional attention to specialized information needs may required.

If we are to succeed in achieving meaningful environmental protection, there must be a change in present attitudes and methods. Change means knowledge. This means better and broader education on every level and more effective means of gathering, disseminating, and applying experience and environmental information.

I like to think of the proposed information referral service as a "knowledge fund."

We should view it in that sense, for the contributions from this service to each member of the world community will be invaluable. It would be impossible to evaluate the benefits of these contributions in economic terms.

All aspects of environmental problems are of concern to everybody in our deeply interdependent world today. These problems are such that no nation, no continent, no system can succeed in resolving them alone, or even attempt to resolve them without relating to the knowledge, expertise, and experience of others without drawing on the services envisaged in recommendation 137 as adopted at the Stockholm Conference.

Governments, consumers, business, labor, all people rich and poor alike, suddenly realize they are all in the same situation and that something must be done. In other words, no one of us can escape the responsibility of improving the state of our environment. All nations have a stake and concern. No political system or level of economic development is immune, for the environmental crisis is a global one. We must therefore encourage global cooperation in the exchange of knowledge and the application of that shared information.

The United Nations can bring governments together, as so clearly demonstrated by this Conference and its preparatory meetings. It has the machinery to create and expedite the necessary institutional arrangements to collect worldwide data, to evaluate, to exchange experience, and review appropriate implementation. The International Referral Service will hopefully prove to be a great advancement along the path of multinational cooperation in environmental control.

In conclusion, Mr. Speaker, I can assure my colleagues that the U.N. Conference on the Human Environment provided a most interesting personal experience on the one hand, and, more importantly, a giant step toward multilateral control of our precious natural resources on the other. Let us hope that the first dramatic successes, attained this month at Stockholm, will be followed by a sustained worldwide effort to save our oceans, air, and land masses from the ravages of pollution.

Mr. McCLORY. I thank the gentleman for his contribution, as well as for the very able service that he rendered at the recent Conference in Stockholm.

I now yield to the distinguished gentleman from Maryland (Mr. GUDE.)

(Mr. GUDE asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, I thank the gentleman from Illinois for yielding. It was my honor and pleasure to serve with the gentleman from Illinois (Mr. McCLORY) and the gentleman from New York (Mr. HALPERN) and observe the invaluable service they gave at the Stockholm Conference. I went to the United Nations Conference on the Human Environment as a representative of the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations.

I thank the gentleman from Illinois for his patience and for his leadership at Stockholm.

Mr. McCLORY. I thank the gentleman from Maryland for his contribution and for the very thorough way in which he prepared for this Conference and the close attention he gave to it, as well as his eloquent report on his participation in the U.N. Conference.

Mr. FRASER. Mr. Speaker, when one considers the worldwide consequences of marine pollution, depletion of key natural resources, and air pollution, international boundaries almost lose their meaning and the motion of interdependence of nations takes on a new meaning which can be felt by every man, woman, and child. Taking note of this fact, former U.N. Secretary General U Thant said:

> Like it or not, we are all travelling together on a common planet. We have no rational alternative but to work together to make it an environment in which we and our children can live full and peaceful lives.

Noting the environmental decay rampant all over the planet, he went on to say:

> If present trends are allowed to continue, the future of life on earth could be endangered.

It was with this common danger clearly in mind, and the realization that only a worldwide common effort can deal effectively with that danger, that the United Nations General Assembly decided to convene the first world Conference on the Human Environment in Stockholm this year. Now that the Stockholm Conference is over and we look at its record, we can be thankful that, at the very least, such a conference was in fact held and that 114 nations came together to seek effective solutions to environmental problems.

If nothing else had been accomplished, at least the Conference would have served to focus world attention on the environment. But I think all would agree that a great deal more than that was accomplished.

Agreement was reached through a number of recommendations to establish an international "Earthwatch," to monitor and assess pollution of the earth, air, and water.

An appeal was made to the International Whaling Commission for a 10-year moratorium on commercial killing of whales, similar to the resolutions passed last year by both the House and Senate. The House resolution was produced by the Subcommittee on International Organizations and Movements which I chair.

Agreement was reached to convene a special meeting in London to consider an ocean-dumping treaty this fall after the U.N. Seabeds Committee meeting in Geneva this summer. The treaty would be presented for final consideration at the U.N. Law of the Sea Conference next year. As a congressional adviser on the U.S. delegation to the Seabeds Committee this year, I intend to support effective antidumping measures.

Of great long-range significance is the organizational proposal to establish within the United Nations a major new agency responsible for international environmental cooperation. The head of this agency would be second only to the U.N. Secretary General in environmental affairs.

Obviously if a new U.N. Environment Agency is to be effective it will require adequate funding. The United States has a major responsibility for funding, as the richest member of the U.N. and at the same time the world's biggest pollutor—an unfortunate byproduct of our advanced state of industrialization. Agreement was reached in Stockholm on a voluntary fund of $100 million over the next 5 years, a rather small figure in view of the enormous scale of environmental problems, and the amount of money that will be needed to implement the numerous Stockholm recommendations.

However, it is a start, and I believe we must make it clear to the world that the United States will devote its fair share of money and effort to this undertaking. Accordingly, today I am introducing a resolution urging that at the U.N. General Assembly this fall, the United States strongly support a General Assembly resolution which would establish the U.N. Environment Agency and voluntary fund, and that Congress declare its willingness to authorize funds for 40 percent of the budget of the new agency. The resolution is similar to Senate Concurrent Resolution 82, passed while the Stockholm Conference was in session. President Nixon has already stated his support for the voluntary fund and a U.S. contribution of 40 percent.

There appears to be wide support in Congress for reducing the United States' legal assessment for U.N. dues from 31.5 percent to 25 percent of the total U.N. budget. Such a recommendation was made last year by the Lodge Commission, the President's Commission on the Observance of the 25th Anniversary of the United Nations, with the stipulation that the reduction be done over a period of time in accordance with our treaty obligations as a U.N. member, and that the reduction in our assessed contribution be accompanied by an increase in our contributions to the various voluntary funds under U.N. auspices. I can think of no more appropriate and deserving voluntary fund than a U.N. fund for the environment. Effective U.N. action against environmental decay is in the interest of all Americans.

American support for a U.N. fund for the environment would be an important first step in the right direction, if we are ever to begin to direct our national priorities away from wasteful spending on excessive armaments and trips to the moon, and toward such humanity-serving tasks as protecting and improving our environment.

The Stockholm Environment Conference was one of the most significant conferences ever held under the auspices of the United Nations, and points out clearly to those who question the usefulness of the United Nations that on many of the most crucial international issues, the United Nations is not only a desirable forum to rely on, but the only one which holds any prospect for worldwide effective action.

I urge my colleagues in the House to join together in support of a United Nations voluntary fund for the environment.

GENERAL LEAVE

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SHOUP AMENDMENT TO CORRECT INEQUITIES IN DIVISION OF TIMBER SALE REVENUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. SHOUP) is recognized for 10 minutes.

Mr. SHOUP. Mr. Speaker, chapter 2 of title 16 of the United States Code provides for a share of timber receipts from Federal lands for the counties in which the timber was cut. These moneys are earmarked for school and road purposes and are of course desperately needed by the local governments involved. A reasonable share would do much to alleviate the property tax burden. The burden is heavy in western Montana where half the land area is Federal land with a commensurate loss of tax base.

It is my firm conviction that the intent of the original act was to reimburse local government for loss of tax base by sharing with them 25 percent of the gross value of the timber harvested. However, over the years liberal and sometimes devious interpretation of the law has resulted in reducing the rightful share belonging to local government to a mere pittance.

The problem involved with these payments is that they are based on net receipts rather than gross value. The 25 percent of these net receipts from marginal timber sale becomes a paltry amount when the Forest Service bookkeeping has been completed.

All conceivable costs are subtracted from the established selling price before the local government gets its cut. These costs include logging costs; falling and bucking, skidding and loading—include cost of skid roads—hauling, transportation, road maintenance, logging overhead, depreciation of equipment, and administrative costs. The next cuts are for slash disposal, erosion control, snag disposal, limbing of debris, the construction of temporary roads, and other necessary developments. Another substantial sum is extracted for "sale area betterment." This fund, known as KV moneys, is used for site preparation and reforestation. The most costly of the items is listed as "specified roads," extensions of the Forest Service permanent multiple-use road system.

Here are four examples of recent timber sales in our part of the country. I list the board feet involved, the selling price per thousand, the value of the sale, the net receipts to the Treasury, the amount realized by the local government, the amount that would be realized under provisions of my bill, and finally the dollar loss to local government under the existing system:

Scribe Creek Sale—Coeur d'Alene National Forest

(Volume, 3,350 (MBF))

Selling price L.S	$145.24
Log scale value	486,554.00
Receipts to Treasury	60,765.50
Returned to local government	15,191.38
Proposed returns	121,638.50
Loss to local government under present system	106,447.12

Rausch Mountain Sale—Kootenai National Forest

(Volume, 5,510 (MBF))

Selling price L.S	$143.23
Log scale value	781,497.40
Receipts to Treasury	75,578.36
Returned to local government	18,894.59
Proposed returns	195,384.31
Loss to local government under present system	176,489.72

McGinnis Sale—Flathead National Forest

(Volume, 1,590 (MBF))

Selling price L.S	$136.81
Log scale value	217,617.90
Receipts to Treasury	31,005.00
Returned to local government	7,851.25
Proposed returns	54,404.48
Loss to local government under present system	46,553.23

Bill Cyclone Sale—Flathead National Forest

(Volume, 12,070 (MBF))

Selling price	$140.41
Log scale value	1,694,748.70
Receipts to Treasury	6,035.00
Returned to local government	1,508.75
Proposed returns	423,687.18
Loss to local government under present system	422,178.53

My bill makes provision for payment of 25 percent of the gross stumpage value, the established selling price of the timber. The local governments are in many ways custodians of these lands for the entire country and should be reimbursed for their services rather than being penalized for their efforts. The current practice is at best a devious method of financing land and resource management.

Mr. Speaker, I ask that my bill regarding distribution of timber sale revenues be printed in the RECORD at this time in its entirety.

The bill follows:

H.R. 15686

A bill to amend Chapter 2 of Title 16 of the United States Code (respecting national forests) to provide a share of timber receipts to States for schools and roads

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 500 of Title 16 of the United States Code is amended to read as follows:

SEC. 500. Payment and evaluation of receipts to State for schools and roads.

Twenty-five per centum of the gross value of timber harvested during any fiscal year from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided,* That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for school and roads by this section shall be based upon the product of volume of sale times the selling price, L.S.

FOOD STAMPS FOR STRIKING WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ADERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, next week the House will consider the appropriations bill for the Department of Agriculture and related agencies. At that time my distinguished colleague and friend from Illinois (Mr. MICHEL) will once again offer an amendment to bar expenditure of funds appropriated for the food stamp program in behalf of those who qualify solely because they are on strike. I intend to strongly support this amendment and would urge my colleagues to do likewise. Because this issue has been so clouded in heated and emotional rhetoric, and because some important new information is now available concerning the extent and impact of food stamp use by striking workers, I would like to take a few minutes this afternoon to outline some of the reasons why I believe it is imperative that the House adopt the Michel amendment.

Mr. Speaker, last month a book entitled "Welfare and Strikes: The Use of Public Funds to Support Striking Workers" was published by two economists, Professors Armand Thiebolt and Ronald Cowin, associated with the Wharton School of Finance and Commerce. In my view this book is the most comprehensive and best documented study currently available of the food stamp for striking workers question, and provides some important evidence that I hope will not be overlooked during the debate next week. By way of introduction let me cite the following major findings that emerged from the authors' investigation of a large number of industrial disputes over the last 3 years, including the General Electric strike of 1969–70, the massive General Motors strike of September-November 1970, a lengthy strike at Westinghouse plants in Lester, Pa., and numerous others:

In a typical strike situation, at least 50 percent and in some instances up to 90 percent of strikers had applied and been certified for food stamp benefits by the end of the strike.

The average bonus value of the food stamp benefits was about $100 a month for a family of four, but in cases where the union paid no strike benefits the value was considerably greater.

On the basis of food stamp utilization patterns found in the case studies and the extent of annual strike activity, the authors estimate the national cost of food stamp subsidies for striking workers to be almost $240 million annually.

The authors found almost unanimous agreement on the part of management groups involved in these situations that heavy use of food stamps by strikers tended to prolong strikes and significantly strengthen the hands of union negotiators at the bargaining table; in addition, many union officials candidly admitted that the availability of food stamp and other welfare benefits played an important role in sustaining support among their members for prolonged strikes.

In most instances the unions had well developed organizational plans for assuring cooperation by local welfare officials and informing union members how and where to apply for public welfare benefits. Because of the huge backlog of applicants during strikes local welfare agencies often set up emergency processing offices in union headquarters; in Detroit during the GM strike, more than 100 additional employees had to be hired to cope with the surge of applicants, two emergency offices were established, and more than 5,000 hours of overtime were recorded by local welfare offices during the 2-month strike.

In many instances, striking workers made use of additional forms of public assistance including AFDC–U, medicaid, general assistance, and emergency relief that in combination brought in up to $350 per month in tax free income during the strike period.

THE COST OF PUBLIC AID TO STRIKING WORKERS

Mr. Speaker, the study to which I referred above provides some striking evidence as to the growing cost of public aid subsidies to strikers. While the food stamp program accounts for the bulk of expenditures, other public aid programs, most notably AFDC–U, contribute significantly to the total. According to projections developed by Thiebolt and Cowin, the national cost of these subsidies during a year with the average amount of strike activity would be more than $350 million. I find it somewhat ironic to note that figure is almost precisely equal to the amount of additional appropriations authorized for education last week by the Hathaway amendment that many of us felt constrained to oppose in budgetary grounds. In these times, when we hear so much talk about the need to reorder national priorities, I think we must ask ourselves whether or not that $350 million might better be spent on programs like education, health and the environment with broad public benefits rather than to subsidize a minority of the labor force during its efforts to obtain higher personal wages and benefits. The following table indicates the national cost of public aid subsidies for striking workers. It can be readily seen that the food stamp program is by far the most important source:

ANNUAL COST OF PUBLIC AID SUBSIDIES FOR STRIKERS

Program	Average monthly benefit	Annual cost
Food stamps	$98	$238,826,000
AFDC–U	240	62,640,000
General assistance	67	2,412,000
Medicaid and other supplementary benefits	83	24,650,000
Administrative costs		25,000,000
Annual total		353,428,000

Source: Armand J. Thiebolt and Ronald Cowin, "Welfare and Strikes: The Use of Public Funds to Support Strikers" (Wharton School of Finance and Commerce, 1972).

While these figures indicate that public aid to striking workers is now a substantial Federal expenditure, they do not tell the entire story in terms of the magnitude of this kind of assistance in individual strike situations. Using data obtained from the Department of Agriculture and State public aid departments, Thiebolt and Cowin have provided some pretty dramatic evidence of the impact of strikes on food stamp and other public assistance rolls. Let me here just briefly summarize the data for two of the most important strikes that they have investigated:

The General Motors Strike, September-October 1970.—The strike by the UAW against General Motors which began in mid-September of 1970 and lasted 71 days involved more than 329,000 workers nationally, and more than 170,000 in Michigan—almost 18 percent of that State's manufacturing work force.

In Michigan alone, more than $10.6 million in food stamps bonus value was made available to strikers during that 2-month period, as well as an additional $5 million in other forms of public aid. When a similar calculation is made for other States in which GM plants were located, the national total comes to more than $30 million or $3 million a week in total public aid to UAW strikers, about 66 percent of this in the form of food stamps. The authors make the following comments about the effect of this public assistance on the income of an individual striking employee:

> Coupled with union strike funds, public aid protected General Motors employees from any severe economic hardship. Although most strikers were not receiving as much money each week as they would have if working, a significant portion of the General Motors strike force was living on $300 to $350 per month.

Data taken from records of the Michigan Department of Public Aid indicates that in August of 1970—the month before the strike began—109,000 individuals were receiving food stamp benefits, but that by October the rolls swelled to more than 400,000, nearly a four-fold increase. In August about 4,000 Michigan families received AFDC–U benefits while in November—after the 1-month waiting period had elapsed—the number increased to more than 19,000. Some small part of this increase, of course, may be a reflection of the general upward climb in public assistance rolls that we have witnessed during the past 4 or 5 years; but the preponderant share must certainly be attributed to the temporary enrollment of large numbers of striking GM workers in these two programs. Perhaps the best confirmation of this is that fact that the number of food stamp recipients in Michigan declined from a peak of 431,000 during November—the last month of the strike—to 163,000 in January after the dispute had been settled; in the case of AFDC–U, the decline was equally dramatic from 19,138 families at the peak of the strike to 7,600 in January of 1971:

GM STRIKE, FOOD STAMP, AND AFDC–U PARTICIPATION RATES AND COSTS (MICHIGAN ONLY)

Month	Food stamps		Number (families)	AFDC-U cost[1]
	Number	Cost		
July	107,209	$3,973,638	3,591	$965,506
August	108,774	3,970,598	3,902	1,073,822
Strike began:				
October	403,404	9,375,584	7,056	1,698,400
November	431,122	10,125,375	19,138	3,807,759
Strike ended:				
January	163,657	5,253,974	7,601	2,202,588

[1] The fact that both participation rates and costs did not go up dramatically until November—1 month after the big jump in the food stamp column—reflects the 1 month waiting period requirement for AFDC-U. In the case of food stamps, strikers are eligible immediately after the work stoppage begins.

Westinghouse strike, 1970–71: In late August of 1970, 5,132 workers at the Westinghouse Steam Division Plant in Lester, Pa., walked out in a strike that lasted 160 days. The union provided no strike benefits from its treasury, but did set up an extensive system to inform strikers of their eligibility for welfare benefits, including a recorded telephone message service giving workers exact instructions on where and how to apply for food stamps, and eventually an arrangement with the local welfare board to set up an emergency office at union headquarters in order to accommodate the backlog of applicants.

The following data taken from tables in the Thiebolt/Cowin book indicate the extent of food stamp and AFDC–U utilization by strikers. In the case of food stamps it is evident that the participation rate rose dramatically during the first month after the strike began, as applicants are eligible as soon as their incomes drop. In the case of AFDC–U there is a 1-month waiting period, and as might be expected it was not until the second and third month that participation rates began to climb substantially. By the fourth month of the strike, food stamp participation in Delaware County had increased by nearly 500 percent and AFDC–U participation by more than 140 percent.

FOOD STAMP AND AFDC-U PARTICIPATION AND COSTS, DELAWARE CO.

Month	Food stamps		AFDC-U	
	Number	Cost	Number	Cost
3d month before	5,923	$55,364	460	$128,938
2d month before	6,473	64,763	446	117,410
1st month before	6,822	69,139	363	111,840
Strike date:				
1st month after	11,881	214,783	404	109,464
2d month after	15,132	234,652	492	134,587
3d month after	15,310	248,279	681	192,451
4th month after	17,361	261,658	807	229,349
5th month after[1]	18,024	250,967	893	249,281

[1] Last month of strike.

In total, the authors estimate that striking workers received more than $1.6 million in food stamp benefits during the work stoppage, more than $190,000 in general assistance aid, and almost $127,000 in AFDC-U benefits. In addition, the latter two figures represent the cost only for Delaware County although a substantial part of the striking work force resided in other counties. When these further costs are computed the total public aid cost of the strike comes to $2.6 million. When this figure is divided by total man-days lost in the strike, it comes out to $18 a day—certainly a sufficient income to maintain the resolve of most workers to hold out.

At the peak of the strike in January, the authors conclude that fully 98 percent of the striking work force was receiving food stamp benefits and that another 17 percent were receiving general assistance payments. In an interview, a local union leader admitted the following:

> This was the first time our members received welfare benefits while on strike. Our experience with them has been very favorable. Yes, I think our membership now relies on welfare . . . I like to think that we could have stayed out for twenty-two weeks without welfare, but it would have been rough.

THE ECONOMIC CONSEQUENCES OF PUBLIC AID FOR STRIKERS

Mr. Speaker, the foregoing information certainly makes it clear that the budgetary cost of subsidizing striking workers is a major problem, and probably for that reason alone it would be in order to reevaluate our current policy in this area. But in my view, there is an even more serious objection to these strike subsidies: namely, the distorting influence they have on the process of collective bargaining and the inevitable cost push inflationary pressures they help create in an economy that is already in a serious state of disrepair.

We are now well into the Nation's first experiment with peacetime wage and price controls. While I welcome the progress in reducing the rate of inflation that the President's economic stabilization program has achieved, it would be highly unrealistic indeed to assume that the controls will be effective indefinitely or that they will not cause serious distortions in the economy over the long run. We were forced to take the extreme step of imposing mandatory controls last August because the traditional medicine of monetary and fiscal restraint had failed to sufficiently slow down the rate of inflation; in the words of Federal Reserve Board Chairman, Arthur Burns, the old rules no longer seemed to be working. Yet unless we can restore the old rules, unless we can succeed in reinvigorating the processes of the private market mechanism, I am afraid that we are in store for merely chronic prolongation of the kind of economic difficulties that have plagued us for the past 5 years. And in my view, termination of the practice of providing public subsidies for striking workers with its distorting influence on collective bargaining is one of the major items on this agenda of economic reform.

FAILURE OF DEMAND MANAGEMENT POLICY, 1968–70

Mr. Speaker, it is agreed by most fair-minded observers that our current economic woes originated in the excessive full employment deficits of the Johnson administration during calendar years 1967 and 1968. In 1967, actual GNP outstripped potential GNP by more than $2.5 billion and during 1968 by more than $7.0 billion. The clear implication of these figures is that the economy was severely overheated and that output was outpacing actual economic capacity with consequent upward pressure on the price level. The obvious imperative for demand management policy was a slowdown in the growth of money supply and substantial Federal budget surpluses. In fact, though, the Johnson administration's policies moved in just the opposite direction. During 1967 the money supply—M_1—increased by 6.5 percent and in 1968 by 7.6 percent; similarly, the Federal budget registered a full-employment deficit of $12.4 billion during calendar year 1967 and $6.5 billion during calendar year 1968. That the rate of inflation hovered at about 6 percent when President Nixon took office in January of 1969, then, is really not very surprising.

Upon taking office the Nixon administration pledged to place the highest priority on reducing this galloping inflation by means of a gradual reduction of the excess demand in the economy. Pursuant to this objective, the Federal budget was brought into a surplus of $7.3 billion in calendar year 1969, and, with the cooperation of the Federal Reserve Board, the rate of money supply growth was reduced to about 3 percent during the same year.

This turn toward restrictive fiscal and monetary policy soon began to have the desired effect of slowing down the rate of economic expansion and reducing the inflation producing excess demand in the economy. Where real GNP had increased 4.5 percent during the peak of the expansion in the 18 months from January 1968 to mid-1969, it actually decreased by 1.6 percent during the next 18 months through the end of 1970. Similarly, plant capacity utilization, which had been at a rate of about 85 percent during most of 1968, dropped to less than 73 percent by the end of 1970; furthermore, the unemployment rate rose from 3.5 percent to almost 6.2 percent during the same period; and GNP, which had been running ahead of potential during 1968, dropped to almost $50 billion below its potential by December of 1970. Finally, the index of industrial production which had increased by 7.5 percent during the 18 months in 1968–1969 when the economy was overheated, declining by an equal percentage during the next 18 months in response to the deflationary fiscal and monetary policies.

These indicators suggest quite clearly that the conventional anti-inflation policy pursued by the Nixon administration substantially slowed down the rate of economic activity during the 18 months after mid-1969. Unfortunately, the expectation that this growing slack in the economy would slow-down the rising price level, as past experience and conventional economic theory would predict, was not vindicated. In fact, the GNP price deflator, which had risen by 5.7 percent during the period of excess demand, rose at an even faster rate—6.8 percent—during the next 18 months of economic slow-down. The consumer price index showed the same pattern; after rising 7.5 percent during the first period. The rate of increase escalated still further to 8 percent during the second 18-month period. The following table indicates this paradoxical phenomena of declining demand and economic activity and simultaneously rising price levels:

[In percent]

Indicator	Excess demand period (January 1968–June 1969)	Recession (July 1969–December 1970)
Demand indicators:		
Real GNP change	+4.5	−1.6
Index of industrial production change	+7.5	−7.1
Corporate profits change	+7.5	−15.5
Unemployment rate[1]	3.7	6.2
Plant utilization rate[1]	85.0	72.4
GNP gap (billions)[2]	−$9.3	+$50.1
Price indicators:		
GNP deflator change	5.7	6.8
CPI change	7.5	8.0

[1] Figure in 1st column is monthly rate for January 1968, and 2d figure for December 1970.

[2] Figure in 1st column is for 3d quarter of 1968 and figure in 2d column for 4th quarter of 1970.

Source: Business Conditions Digest.

THE ROLE OF RISING WAGES AND UNIT LABOR COSTS

Mr. Speaker, I think the second column in the table I have just referred to makes it clear the persisting high levels of inflation that we experienced during late in 1969 through 1971 were not of the demand-pull variety. Fiscal and monetary policy clearly did succeed in its assigned task of cooling off the level of economic activity and in reducing demand pressures on the price level. That prices nevertheless continued to rise must be explained by other factors.

One of these additional factors, of course, was undoubtedly the inflationary psychology that gripped the country until the President's dramatic announcement of August 15, 1971. Where possible, bankers hedged on interest rates, businessmen on prices, and unions on wage rates in the common expectation that the price level would continue to rise and that larger than normal increases where therefore necessary in order to maintain real purchasing power.

However, we would be ill advised, I think, to attribute this stubborn persistence of inflationary pressure to some great national psychological aberration entirely. For in the final analysis, the source of rising price levels in the face of a slack economy is more deeply rooted. In an effectively operating competitive economy, it would simply be impossible to translate inflationary expectations into inflationary wage and price behavoir for any sustained period of time unless someone succeeded in repealing the law of supply and demand. It is only in those situations in which economic entities—whether they be corporations or labor unions—have sufficient market power to at least partially exempt themselves from supply and demand pressures and constraints that inflationary expectations can be readily translated into actual inflationary behavior. This, I believe, is the real source of the strong cost-push inflationary pressures that persisted during 1970 and 1971.

In the name of fairness and sound policy I would be the first to admit that these market imperfections or excessive concentrations of economic power which fuel cost-push inflationary pressures exist on both the business and labor side of the economic equation. But I also think that the latter is the more serious problem and obviously the one most pertinent to our consideration of the amendment to be offered by Mr. MICHEL.

In order to get a fuller appreciation of the role that these wage-push pressures played in frustrating the antiinflation efforts of the original Nixon economic game plan, it is useful to compare wage and unit labor cost patterns during the most recent business cycle and recession with those for previous downturns during the postwar period. In examining this data one striking trend is apparent which makes the 1969–70 cycle unique: in each of the earlier four recessions or downturns, wages and unit labor costs were actually declining as the economy hit the bottom or trough of the recession. During the 1969–70 recession, however, this pattern did not occur: wages and unit labor cost increases did not slow down in response to growing slack in the economy, but, on the contrary, continued to rise unabated right through the low point of the business cycle in the fourth quarter of 1970. This, in my view, was one of the major contributors to the frustration of the Nixon administration's carefully designed demand-management policies.

The table below indicates quarter-to-quarter changes in unemployment, used here as a measure of the overall level of economic activity, and in manufacturing hourly wage and unit labor costs. In the 1948–50 cycle, for instance, wage rates were rising at a rate of 6 percent to 12 percent on an annualized basis during the quarters right before and after the peak of the economic expansion, or put another way, during the period of strongest demand pressures. However, during the four quarters or so prior to the bottom of the recession, as the unemployment rate crept steadily upward, the rate of wage increase slowed down to nearly zero and unit labor costs actually declined quite substantially. This same pattern is generally apparent during each of the other cyclical swings, though the timing varies from cycle to cycle, depending on its steepness. But in every case, except for 1969–70, wage rate increases during the quarters previous to the bottom of the recession are substantially below that rate of increase during the peak period—in most instances nearly zero—and unit labor costs actually tend to decline quite substantially:

[In percent]

Business cycle	Peak demand quarters		Recession quarters (peak to trough)						
	2 quarters before peak	Peak quarter	1st	2d	3d	4th	5th	6th	7th
1948–50:									
Unemployment rate	NA	3.7	3.8	3.8	4.7	5.9	6.7	7.0	
Manufacturing wage change	6.4	9.2	12.0	6.0	0	.4	.4	.4	
Unit labor cost change	9.6	0	9.6	5.2	0	−1.6	−6.4	−4.4 (trough)	
1953–55:									
Unemployment rate	2.7	2.6	2.7	3.7	5.3	5.8	6.0		
Manufacturing wage change	7.2	2.4	4.4	2.4	0	2.0	0		
Unit labor cost change	4.8	1.2	−1.2	13.8	4.8	−4.0	−4.8 (trough)	−8.4	
1957–58:									
Unemployment rate	4.1	3.9	4.1	4.2	4.9	6.3	7.4		
Manufacturing wage change	7.0	2.0	2.0	3.6	3.6	0	3.6		
Unit labor cost change	5.6	3.2	1.2	.4	13.2	14.0	−5.6 (trough)	−10.8	−2.0
1960–62:									
Unemployment rate	5.6	5.1	5.2	5.5	6.3	6.8	7.0		
Manufacturing wage change	9.2	3.6	0	1.6	3.2	0	0		
Unit labor cost change	6.0	−4.8	−.4	2.8	4.8	−9.2	−6.4 (trough)		
1969–70:									
Unemployment rate	3.4	3.4	3.6	3.6	4.2	4.8	5.2	5.8	
Manufacturing wage change	5.2	6.4	7.6	6.0	2.4	6.0	7.2	6.0	
Unit labor cost change	2.4	3.2	4.4	10.4	4.4	2.0	4.8	4.8 (trough)	

Note: The bulge in unit labor costs for the 2d and 3d quarter after the peak during most cycles reflects the fact that production tends to decline more rapidly than payrolls during the early part of the recession. By the 2 or 3 quarters prior to the trough, though, payrolls have been reduced, wage rates have leveled off, and consequently unit labor costs decline sharply. In the 1969–70 period, however, wage rates did not level off and as a consequence unit labor costs continued to rise unabated through the entire recession.

Source: Business Conditions Digest.

THE WORSENING BALANCE OF BARGAINING POWER

Mr. Speaker, in my view, the above data certainly helps to explain the paradox of rising prices in the midst of recession and substantial economic slack; it suggests that a strong and historically unique wage-push inflation may have played an important role in dooming the original Nixon administration policy of demand restraint to failure, and in forcing upon the Nation our current unprecedented experiment in peacetime wage and price control. However, in answering one question, it raises another: namely, what prompted this unique pattern of wage and unit labor cost increases during late 1969–70 recession. Can it really be said that union bargaining power has increased that much relative to management during the past decade?

On the surface this would appear to be a rather dubious proposition. Certainly the unionized sector of the labor force grew only imperceptibly, if at all, during the last decade. Moreover, there have been few developments that I am aware of, such as the emergence of stronger union leadership, or more cohesive and active membership that could somehow be said to account for greater union muscle at the bargaining table.

Nevertheless, a comparison of union and economywide wage increase patterns during this period clearly indicates that it was the union sector that was least responsive to changing demand conditions.

The index of private economy manhour compensation shows at least marginal responsiveness to the decline in demand that occurred during 1969 and 1970; during 1968, the peak year of the expansion, this index increased by 7.6 percent; in 1969, as slack began to set in, the rate of increase was 7.3 percent; and in 1970, when the economy hit bottom, the rate of increase was again slightly lower at 7.3 percent. Obviously one would expect a considerably slower rate of increase in the later years if the economy was truly operating in the classic competitive fashion. However, it should be noted that this index is biased upward by both the spillover effects of union negotiated increase on other rates, and by the fact that the index reflects a combination of both union and nonunion wage patterns. Ideally, one should compare an index for nonunion wage rates with the index for union wage rates rather than the one employed here, but unfortunately this data is not available.

By contrast, the index for first-year union negotiated wage rates moved in just the opposite direction; that is, counter to the expected pattern of lower rates of increase in response to growing slack in the economy. During 1968, the union wage index increased by 7.2 percent; during 1969 by 8.0 percent; and during 1970 when the unemployment rate had reached nearly 6 percent, by 10.0 percent. In the case of the building trades, the trend was even more pronounced: Negotiated rates increased by 6.7 percent in 1967–68, 8.2 percent in 1968–69, and nearly 12 percent in 1969–70. An almost identical pattern prevailed in the case of unionized local transit workers, with the rate of increase similarly rising to nearly 12 percent during the bottom period of the recession. Though wages as a whole were sticky and did not make the relative downward adjustment to a cooling off of demand pressures as should be expected, it is clear from the data presented above that union negotiated rates were the major contributing force to this pattern, and for that reason a strong source of the cost-push inflation that led some to describe the economy as being in a state of "stagflation" during 1970 and early 1971.

While it is impossible to provide any simple, neat explanation for these union wage patterns that run counter to basic laws of a competitive economy, the dramatic growth of union strike activity over the past decade, especially strikes of long duration, is surely one indicator of more aggressive union wage demands and the ability to actually obtain them. The table below indicates the sharp upward trend in man-days lost due to strikes for both all strikes and strikes of 60 days or longer. Since total employment increased by only 18 percent during the decade and union membership by only 12 percent, the 400-percent increase in man-days lost for all strikes and the nearly 500-percent increase for extended strikes must be attributed primarily to more aggressive wage demands and, in my view, an improved position at the bargaining table:

[In thousands]

	Man-days lost due to strikes	
	All strikes	Strikes of 60 days or more
Period:		
1961–63	17,000	6,576
1964–66	23,900	8,500
1967–69	44,662	21,643
1970	66,414	30,921

Source: "Handbook of Labor Statistics" (U.S. Department of Labor).

FOOD STAMPS, UNION WAGE DEMANDS AND ECONOMIC POLICY

Mr. Speaker, if we pull the three trends together that I have discussed thus far—the dramatic increase in food stamp usage by striking workers, the fivefold increase in strikes of long duration, and the cost-push pattern of union wage rates—I think the connection is pretty apparent, although obviously still no simple matter of direct cause and effect. Yet, in my view, these trends indicate that our collective bargaining process has gotten progressively out of balance and as a result we find ourselves in one of the most critical economic crises since the Great Depression.

It is clear from our experience over the last 3 or 4 years that traditional fiscal and monetary policy instruments simply cannot do an effective job of combating inflation in an economy that has accumulated as many structural imperfections, rigidities and concentrations of excessive market power as has ours, and that is consequently plagued by persistent cost-push pressures. Yet I think that anyone who reflects critically on our experience with Government-fostered wage and price controls over the past year would have to admit that this solution is no more promising in the long run. For once you politicize the economic decision-making process, and that is what has occurred, you might as well throw in the towel, jettison the whole delicate process of wage and price adjustment and resource allocation performed by the competitive market, and move toward a permanent system of Government control. In the short run and in emergency situations there is obviously a place for the kind of control program that the President inaugurated last August; but in the long run an economy half-controlled and half-free will yield the worst of both worlds. Since I certainly do not want to see us move in the direction of permanent controls and I am sure this sentiment is shared by the vast majority of my colleagues and the American public, we have no other choice but to get about the work of restoring the competitive dynamics of a market economy that has served this Nation so well in the past. This week we can take an important step in that direction by ending the economically unsound and debilitating practice of providing striking workers with Government subsidies.

To be sure, food stamp and other public welfare subsidies are only one part of the problem of an imbalanced collective bargaining system. On the union side, the fact that members have obtained substantially higher standards of living and the savings and assets that go with it over the past decade has undoubtedly increased their ability to employ the strike weapon to their own advantage, public welfare benefits aside. And on the management side, there have been equally important developments in the opposite direction which have undermined its ability to withstand the natural and necessary contest of economic muscle that occurs over the negotiation of a new contract.

For one thing, the continuing shift in business cost structures away from variable costs toward a higher proportion of fixed costs has reduced management ability to resist excessive wage demands. For example, the ratio of white collar workers who cannot be readily laid off during a strike, to production workers has increased substantially for most of our basic industries. To take one example, production workers accounted for slightly over 82 percent of the labor force in the food processing industry in 1945, but this ratio had declined to 62 percent by 1970. This same pattern is present in many other industries and it means that businesses have considerably larger fixed manpower costs to carry during a strike than previously. As a result, the point at which it is better to accept an inflationary settlement than continue to absorb the strike comes only that much sooner

If you look at corporate financial structures this problem of rising fixed costs in relationship to variable costs is similarly present. In the steel industry, for instance, long-term debt was equal to about 23 percent of net worth in 1960, but had risen to more than 40 percent by 1970. As a consequence, interest charges on long-term debt rose from 12 percent of net income in 1960 to 56 percent in 1970. Yet debt service charges are a cost that must be met even if production, sales, and income have been brought to a halt by a strike. Much the same point is equally valid concerning the long-term shift from labor to capital inputs that has occurred in most industries: plant and equipment must be maintained and depreciation charges continue despite stoppages in productive activity and income flow. Finally, the new international competitive climate of the 1970's means that in a growing number of industries, markets or orders lost during an extended strike may never be regained thereafter.

Thus, while public welfare benefits and rising affluence as well as a host of other factors have strengthened the position of union bargainers on one side of the table, the factors enumerated above had tended to weaken the management position. The result, then, is in some very real sense an increase in union "market power" and with it the cost-push pressure that wreaked so much havoc with our efforts to control inflation by traditional means during the last years of the 1960's.

THE TENUOUS CASE FOR PUBLIC SUBSIDIES FOR STRIKERS

Mr. Speaker, while the evidence presented thus far, both in terms of budgetary impact and consequences for the proper functioning of our economic system, suggests that this question is one of more serious moment than is often supposed, there still remains the familiar litany of justifications for these subsidies that union apologists never tire of repeating. Mr. Leo Perlis, who has been the motor force and chief strategist in the union drive to exploit the public welfare system, recently outlined several reasons why this practice should continue. Frankly, I find his arguments not very convincing at all, but since they will undoubtedly be used during the debate on the Michel amendment again this year, I want to conclude with a brief consideration of each of the points that he raises:

First, strikers are taxpayers. The argument here is that because strikers contribute to the funding of public welfare programs, including the food stamp program, while they are working, they are entitled to benefits when they are on strike. Yet, if you think about that assertion for just a while it is apparent that a pretty novel concept of government finance is involved; what, for the lack of a better term, might be termed the "cookie jar" theory of public finance; if you contribute from time to time, you have a presumptive right to dig into the jar when the appetite prompts you. Well, that may work well enough in the kitchen but it certainly could not work long when you are dealing with a nation of 100 million taxpayers and a budget of almost $250 billion. The whole point of the process of legislative authorizations and appropriations is to decide how public benefits are to be distributed, who shall be eligible, and under what conditions. In the final analysis, the mere fact of paying taxes into the general fund entitles no one to anything. If it did, the red budget ink we now see would in short notice be turned into a veritable torrent. If unionists believe that a case can be made for providing these subsidies for strikers, let them make the case. But to insist that they are taxpayers does not further the case one iota; it is a nom sequitur of the first order.

Second, we feed criminals, and prisoners of war. Mr. Perlis' followup to that indisputable point of fact is, "Are fellow Americans engaged in industrial warfare entitled to less?" That analogy does not go very far, though, when you remember that we also keep criminals and prisoners of war incarcerated against their will. This is hardly the case during a strike, and though he is pleased to use the term "industrial warfare," that cannot disguise the fact that he is comparing apples and oranges.

Third, the starvation of children. If this is indeed the result of strikes, in the absence of public welfare benefits, then we might better reevaluate our whole industrial relations system. Yet Mr. Perlis and those who bandy this argument about know full well that the food stamp and AFDC–U programs, the major source of public welfare benefits for strikers, were only inaugurated in 1962, and that literally billions of man-days in strikes had occurred just in the 30 years between that date and the enactment of the National Labor Relations Act in 1935. Somehow children did not starve during strikes in those days, and there is even less reason to believe that this would occur now.

The basic point, though, is that in enacting the NLRA we adopted a basic policy legalizing the strike and lockout weapon as one instrument to be employed in the collective bargaining process. When employing these instruments, each side takes short-term risks and must bear immediate costs in the pursuit of a more overriding objective. If we remove these factors, then the system simply cannot work and we will be forced to adopt an entirely different arrangement. Of course, both sides are free to take precautionary measures to bolster their own position during the stoppage: businessmen run up inventories prior to the strike or lockout date, and unions build up strike funds and individuals savings. But this is the prerogative and responsibility of the parties involved, not the obligation of the Government.

Fourth, the minority striker. I never cease to be amazed at the torrent of crocodile tears shed by labor apologists on this argument. If the worker who wants to go back to work but is kept from doing so by a majority of his fellows would be treated as "unfairly" by termination of public welfare benefits to strikers as Mr. Perlis insists, why not get to the bottom of the problem and give him the right to decide whether or not he will join the union in the first place? It is often said that politics makes strange bedfellows, but to find union leaders arguing for the principle of a right-to-work law is a little disconcerting indeed.

Fifth, Government contracts. During the debate last year the point was made a number of times that if workers should not be eligible for public welfare benefits during a strike, then companies should not be allowed to receive Government contract payments either. Though that analogy is for the most part another case of apples and oranges, the fact is, in 99 percent of cases, a company may not receive payments unless the goods or services it contracted for are delivered. If sufficient inventories are not available and delivery cannot be made, then either the contract is terminated or fines are assessed for late delivery, or both. In either case, the company cannot be said to be receiving a public subsidy.

There is only one partial exception to this general rule. In a case where a contractor can establish that his failure to deliver during a strike was due to no fault of his own, then the contract may be terminated by "convenience" rather than by "default." In both cases he loses the contract, though in terminations by "convenience" fines are not levied.

SELF-INSURANCE COULD SAVE THE GOVERNMENT MONEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the General Accounting Office issued on June 14 a report to the Congress entitled "Survey of the Application of the Government's Policy on Self-Insurance"—B-168106. This is a very interesting and important report which many of my colleagues might want to look at.

According to the GAO, the Federal Government is literally giving away millions of dollars each year to private insurance companies which often assume no risk and provide few services. Huge amounts of money are being thrown down the drain for private insurance plans when the Government could do the job itself without having to pay expensive administrative costs and profits of insurance companies.

Among the programs GAO recommended the Federal Government become a self-insurer for, were the Federal Employees Health Benefit program and the Federal Employees Group Life Insurance program. The GAO report noted that in some cases involving these two insurance areas the Government was actually paying insurance companies for phantom expenses and nonexistent services. Government employees presently pay close to $1 billion per year in premiums for these two insurance programs. I believe it makes no sense at all for a government with a $220 billion annual budget to turn to a private insurance company for a $10,000 life insurance policy for a Government employee. By becoming a self-insurer in these areas, and others, the Federal Government could save tens of millions of dollars each year and Federal employees would pay less for their health and life insurance policies.

While the GAO report does not make a specific estimate of the savings that could be realized if the Federal Government became a self-insurer in certain areas in which it now contracts with insurance companies, I believe the savings could amount to more than $100 million per year. I strongly urge the appropriate Federal agencies to seriously consider the GAO's recommendations.

PROPOSED AMENDMENTS TO DEBT CEILING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, the House is scheduled to begin consideration of H.R. 15390 on Tuesday, June 27, under the closed rule designated by House Resolution 1021. I will seek to modify the rule to permit tax reform amendments to the debt ceiling bill.

The text of the amendment to House Resolution 1021 follows:

Page 2, line 5, change the period to a semicolon and insert: "except amendments consisting of Sections 2 and 3 of H.R. 14830 offered either together or separately, and said amendments shall be in order, any rule of the House to the contrary notwithstanding."

The text of the two tax reform amendments to H.R. 15390 which I will offer if the rule permits follows:

AMENDMENT 1

Page 1, after line 5, insert the following additional section:

REASONABLE ALLOWANCE FOR DEPRECIATION.

(a) REPEAL OF ASSET DEPRECIATION RANGE.—Section 167(m)(1) of the Internal Revenue Code of 1954 (relating to class lives for depreciation allowance) is amended by striking out the following: "The allowance so prescribed may (under regulations prescribed by the Secretary or his delegate) permit a variance from any class life by not more than 20 percent (rounded to the nearest half year) of such life.".

(b) Effective Date.—The amendment made by subsection (a) shall apply only to property—

(1) the construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1972, or

(2) acquired after December 31, 1972, if the original use of the property commences with the taxpayer and commences after such date.

In applying this section in the case of property described in paragraph (1), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1972.

Amendment 2

Page 1, after line 5 and after any amendment heretofore adopted, insert the following additional section:

Amendments to Minimum Tax for Tax Preferences.

(a) Section 56(a) of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended to read as follows:

"(a) In General.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 20 percent of the amount (if any) by which the sum of the items of tax preference exceeds $12,000."

(b) Section 56 (b) of such Code (relating to treatment of net operating losses) is amended by striking out "$30,000" and inserting in lieu thereof "$12,000" and by striking out "10 percent" in each place it appears and inserting in lieu thereof "20 percent".

(c) Section 56(c) of such Code (relating to tax carryovers) is hereby repealed.

(d) Section 58 of such Code (relating to rules for application of the minimum tax) is amended by—

(1) striking out "$30,000" in each place it appears and inserting in lieu thereof "$12,000",

(2) striking out "$15,000" in subsection (a) and inserting in lieu thereof "$6,000", and

(3) adding at the end thereof the following new subsection:

"(h) Election Not To Claim Tax Preferences.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the making of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(f) Section 443(d) of such Code (relating to adjustment for minimum tax for tax preference in case of returns for less than 12 months) is amended by striking out "$30,000" and inserting in lieu thereof "$12,000".

(g) (1) The amendments made by this section shall apply only with respect to taxable years beginning after December 31, 1972.

(2) In determining the deferral of tax liability under section 56(b) of the Internal Revenue Code of 1954 for any taxable year beginning before January 1, 1973, the necessary computations involving such taxable year shall be made under the law applicable to such taxable year.

(3) There shall be no tax carryover under section 56(c) or 56(a) (2) (B) of the Internal Revenue Code of 1954 to any taxable year beginning after December 31, 1972.

A YEAR-ROUND BASIS FOR DAYLIGHT SAVING TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Rostenkowski) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I have introduced a bill today which would provide that daylight saving time be observed on a year-round basis. It is my hope that the enactment of this legislation would serve as a deterrent to such crimes as aggravated assault, robbery, and murder, which occur most frequently around 6 p.m. and 7 p.m.

While it is obvious that this legislation would not completely eliminate crime on the streets, it would be a major step toward accomplishing this end. Statistics provided by Superintendent James Conlisk of the Chicago Police Department indicate that in the early evening, the number of police emergency calls is highest. For example, at 6 p.m. the number of emergency calls in Chicago is 21 percent higher in December than in July. At 7 p.m., the difference is 23 percent. Proportionately, the number of police calls is greatest during this period of the day. Therefore, the additional hour of daylight provided by this bill should insure greater safety for commuters.

This legislation would also facilitate the movement of evening rush hour traffic. In Chicago, this would be particularly beneficial for drivers who must contend with often-hazardous driving conditions: icy streets, drifting snow and slippery intersections.

A reevaluation of the time question would admittedly effect some initial inconvenience to time-scheduled industries. Broadcasting, interstate trucking and other common carriers would ultimately benefit from a standardized program of operation. I believe that the expenditures necessary for schedule alteration will be more than justified by greater efficiency of service.

The present system, instituted as part of the Uniform Time Act of 1966, provides for a 6-month period of daylight savings time. This is confusing to a great many persons who must change their clocks in April and again in October. As Superintendent Conlisk's statistics have indicated, an additional hour of daylight is more important in the evening than in the morning.

The spiraling crime rate in our urban areas demands that every possible step be taken to insure the safety of our citizens. This must be our highest priority. This legislation, which was first introduced by my distinguished colleague from California (Mr. Hosmer) and which I reintroduced today, is not a matter of convenience, but one of urgent necessity.

CAPTURED U.S. ARMY MEN WRITE TO U.S. CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. Abzug) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, recently a number of American servicemen captured in South Vietnam sent a letter to the Congress of the United States urging it to take action to end the U.S. war of aggression in Vietnam and negotiate the total withdrawal of American troops and the return of the American POW's. Following is the full text of the letter:

To: The Congress of the United States
From: American servicemen captured in S.V.N.

We represent decades of captivity. When President Nixon assumed his office, we nurtured great hopes that he would honor his campaign pledge and his commitment to the American people and terminate this tragic war. It is essential to realize that our statement stems from a profound love of our country and from the interest in its future, it is our contention that the Viet Nam war is a mistake, that national beings rectify mistakes when recognized. This is our fundamental motivation.

For almost four years, we have listened to the political jargon of the age Vietnamization, winding down, withdrawal. Our hopes have been vanquished by disappointment, then dismay, and now alarm.

We have watched with great concern while the heavy costs of the war continue to rise, while the majority of our people consistently oppose it, while the American image continues to be sullied. We have watched with sadness and trepidation while the spiritual and moral fiber of our society degenerates.

Finally, for four years we have looked askance at our captors when they told us that Vietnamization was a failure and that President Nixon has no intention of ever withdrawing from Viet Nam. Now, as the war is being re-escalated in the North and American troops remain in the South, we are impressed with their veracity and their understanding of the character of this war.

Now it is clear that Mr. Nixon, without the sanction of his electorate, is willing to take the most provocative steps to salvage the Vietnamization program. Is he willing to destroy the American P.O.W.'s detained in both North and South Viet Nam? Is he willing to directly challenge public opinion? Is he willing to go to the brink of a larger war and perhaps beyond for an issue that is not vital to the interests of the United States, and which has been resoundingly repudiated by the majority of our people? We are convinced that there is nothing at stake in Viet Nam which could possibly justify the recent irresponsible and provocative measures taken by Mr. Nixon.

We know the Vietnamese people. They are stoic and resolute. They say that they would rather sacrifice all than give up their struggle and they meant it. The last twenty-five years provide eloquent testimony for this proposition. The intense bombings, mining of ports, and blockade will certainly increase their death and suffering—but equally important, it will harden their resolve. They will never give up their cause.

They want the right to decide their own destiny without outside interference. The destruction of Hanoi and Haiphong was predicted years ago by their President Ho Chi Minh in words which now serve as a rallying cry for their whole nation. It will certainly not influence the course of the war, but on the contrary, prolong it and perpetuate the presence of American troops and P.O.W.'s in this land.

As American servicemen, we are ready to die to safeguard our country and our families. But we are not ready to die in order to safeguard an illusion. We are not ready to die for Vietnamization or Nguyen Van Thieu or any other objective that is not supported by our people. We agree with several senators and congressmen when they say that the only practical solution to the Viet Nam problem lies in the Paris negotiations.

We appeal to you, the Congress of the United States, to obey the dictates of conscience and reason and to discharge your political and historical responsibility. Remove this millstone from our country's neck. Dispel this senseless threat which hangs over us and our children. We urge you, in all good faith, to exercise your constitutional power to force the administration to return to Paris to negotiate the complete withdrawal of American troops and the return of the American P.O.W.'s and leave Viet Nam to the Vietnamese.

The time is critical. Please! take effective legislative action. We must choose between an immoral tragic war with catastrophic consequences, and the honorable future of the U.S. The wisdom derived from our history and experience leaves little doubt as to the proper choice.

With great respect and urgency.

LIST OF SIGNATURES

Harold F. Kuhsner, M.D., Captain, O2320775, M.C., U.S. Army, Captured 2 Dec. 1967.

Frank G. Anton, WO-1, 3155469, U.S. Army, Captured 6 Jan. 1968.

Jon Robert Cavaiani, Sgt., 557–66–1197, U.S. Army, Captured 4 June 1971.

John A. Young, Sp/4, RA 16–769–512, U.S. Amy (S.F.), Captured 30 Jan. 1968.

King D. Rayford, Pfc, RA 54593659, U.S. Army, Captured 1 July 1967.

Frederick L. Elbert, Jr., L/Cpl, 2283473, U.S. M.C., Captured 16 Aug. 1968.

John G. Sparks, Pfc, 53755822, U.S. Army, Captured 25 Apr. 1968.

Jose Jesus Anzaldua, Jr., Sgt., 2468970, U.S. M.C., Captured 17 Jan. 1970.

Richard C. Anshus, 1st Lt., O118121, R.A., Inf., Captured 8 Mar. 1971.

David W. Sooter, WO–1, 3153961, U.S. Army, Captured 17 Feb. 1967.

Alfonso Ray Riate, Cpl., 2135759, U.S. M.C., Captured 25 Apr. 1967.

Robert P. Chenoweth, Sp/4, RA 18956756, Captured 8 Feb. 1968.

James A. Daly, Pfc, RA 11815566, U.S. Army, Captured 9 Jan. 1968.

Don A. MacPhail, Pfc, RA 11625921, U.S. Army, Captured 4 Feb. 1969.

Abel L. Kavanaugh, PFC, 2374098 U.S. M.C., Captured 25 Apr. 1968.

SOCIAL SECURITY COVERAGE FOR "SECOND SPOUSES"

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, it has come to my attention that in certain cases a widow could be denied a claim to retirement income under social security because of legal complications, regarding the validity of her marriage; for instance, if it is discovered that her late husband had failed to obtain a legal divorce before remarrying.

Our social security law attempts to overcome inequities which might arise from this by providing that the second spouse can receive benefit payments if the marriage was entered into in good faith without knowledge of the previous marriage. But the law also specifies that the second spouse cannot receive benefits if the first spouse is or has been entitled to a benefit. The effect of this is to deprive some deserving spouses, most of whom are women, of social security benefits to which they thought they were entitled.

Especially those women who marry and do not obtain employment must rely on their husband's earnings to provide both current income and future security. They are thus in an untenable position if this security they had counted on is suddenly withdrawn.

When this happens, she may also find herself responsible for several dependents. I believe that society should provide protection for such a person, who through no fault of her own finds herself cut off from family security she had relied upon and which would have been hers except for an unexpected legal impediment.

I have introduced legislation to correct this inequity. My bill provides that in cases where there is a second spouse, the second spouse is eligible for social security benefits regardless of whether the first spouse receives them also.

Under my proposal, wife's, husband's, widow's, and widower's benefits will be available to spouses or surviving spouses where a marriage was entered into in good faith but in fact, was not legal for some reason. I have provided that the second spouse will not receive more benefits than the first spouse and that no other beneficiaries of the worker's earnings will suffer as a result of this bill.

The latter provision is important because of the family maximum limitation in the social security program. This places an absolute limit on the amount that can be paid on the basis of one worker's earnings regardless of how many beneficiaries there may be. Under my legislation, the benefit of the second spouse would be considered outside of the family maximum. It provides, however, that if the benefits of others are already reduced because of the family maximum limitation, the benefit of the second spouse will be reduced correspondingly.

Mr. Speaker, there are some widows suffering needlessly because our social security system fails to recognize the injustice of withholding benefits from a surviving spouse who thought she was legally married but was not. In such instances, the second widow may have lived with her late husband for years, have children, and assume all the obligations and responsibilities of a mother, only to find that she has been left out in the cold by the social security law.

Our laws should recognize the human need of such spouses by affording them at least the income security they would have had by a legal marriage. That is the purpose of my bill, and I hope it will have the full attention and consideration of my colleagues.

FRENCH NUCLEAR TESTS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, at the United Nations Human Environmental Conference in Stockholm protests against the French atmospheric nuclear tests at Mururoa Atoll in the Pacific are being made by many governments, including New Zealand, Australia, Yugoslavia, and Peru. Other governments like Japan have filed direct protests to the French and demanded the right to compensation for all damage incurred thereby.

The New Zealand Federation of Labor has refused to service all French ships and aircraft coming in or going out of New Zealand as part of a monthlong protest. The Australian Council of Trade Unions has also called for a similar ban.

The Australian Prime Minister, Mr. William McMahon, has protested to French President Mr. Georges Pompidou. In a statement the Prime Minister said, "We have taken every reasonable step to persuade our French friends to cease atmospheric testing."

A call from my office to the French Embassy here in Washington indicates no specific date has yet been set for the test.

In view of the fact that the United States has signed the Test Ban Treaty, I believe it is absolutely essential for the President to join with these concerned citizens and governments of the Pacific to protest this test and to urge that it be canceled.

The dangers from atmospheric testing are well documented. Furthermore, it is not only confined to the immediate locale, but the entire world will be affected.

I hope that my colleagues of the House similarly concerned will join me in seeking the intervention by our Government in this most crucial matter.

The following are news articles which I believe will be of interest to the House:

[From the Fiji Times, June 2, 1972]

JAPAN PROTESTS AT N-TESTS

TOKYO.—The Japanese Foreign Ministry has lodged a protest with France over the planned nuclear tests in the South Pacific.

A Foreign Ministry spokesman issued a statement deploring the tests also.

"At a time in particular when a United Nations human environmental conference is to be held at Stockholm shortly to discuss ways to prevent environmental pollution, the nuclear tests will greatly limit the results that are likely to be obtained from the conference," the statement said. "We, therefore, reserve the right to ask for compensation for any damage or losses incurred as a result of the tests."

[From the Fiji Times, June 6, 1972]

STRONG N-TEST ACTION URGED

CHRISTCHURCH.—New Zealand's Labour Opposition leader, Mr. Norman Kirk, called on the Government yesterday to take "strong and credible steps" to stop France's nuclear tests at Mururoa Atoll in the Pacific. The Opposition leader renewed his request to the Government that it call a conference of foreign ministers from Australia, Japan, Peru, the Philippines, Ecuador, Chile, Western Samoa, Nauru, Tonga, Fiji, the Cook Islands and New Zealand.

Mr. Kirk proposed that a task force of

Government ministers should go to Paris, Washington and Moscow in a bid to stop the tests.

APPEAL

New Zealand's Minister for the Environment, Mr. Duncan MacIntyre, will appeal at the United Nations Conference on the Human Environment in Stockholm for a resolution opposing all nuclear testing.

The New Zealand Government announced on Friday that it would ask France to stop its present test programme until the human environment conference ends.

In Melbourne, the secretary of the Melbourne branch of the Waterside Workers' Federation, Mr. A. E. Bull, said work on French ships would be banned in Melbourne this month.

[From the Fiji Times, June 1, 1972]

N-Test Protest Leader Kicked Out of France

PARIS.—France has expelled the leader of a Canadian peace group for taking part in an international campaign against French nuclear tests in the Pacific. An Interior Ministry official said Mr. Ben Metcalfe was arrested at Orly Airport on Saturday and escorted on Sunday with his wife to the Franco-Italian border.

The expulsion order was "dated some time back," he said.

Mr. Metcalfe is the chairman of Canada's Greenpeace Foundation.

The ketch Greenpeace III is sailing into the French nuclear test zone as part of an international protest joined by organisations in Fiji, Australia, New Zealand, Peru, Japan and Ecuador.

The foundation is organising an anti-nuclear campaign in France involving protest demonstration and letters to President Georges Pompidou and the French Government.

The tests are expected to comprise two to three blasts, starting later this month.

REFUSED

Meanwhile, the New Zealand Federation of Labour has refused to call off its threatened month-long ban on services to French ships and aircraft in New Zealand.

The ban is due to take effect today.

The Australian Council of Trade Unions also has called for a ban on all French air and sea transport in Australia during June as a protest against the nuclear tests.

The ban could stop all UTA flights into and out of Australia during June. The French airline runs four direct flights a week from Sydney through the Pacific and across the United States to Paris.

REMARKS

A French Government spokesman said in Paris yesterday that no "political blackmail" was intended in remarks by the French Minister of Overseas Territories, Mr. Pierre Messmer, about New Zealand protests.

Mr. Messmer was quoted as saying: "We must not forget that New Zealand is on the asking side. At the time of Britain's entry to the Common Market she came on her knees to beseech us to allow her to go on exporting to Britain."

The spokesman said he felt Mr. Messmer's remarks had been "misinterpreted" and "not well understood."

[From the Fiji Times, June 8, 1972]

Fiji Group Welcomes NZ Atom Test Move

A proposal that New Zealand could call a conference of Pacific countries to explore ways of acting against French nuclear tests has been welcomed by Fiji's anti-bomb test committee, Atom.

The New Zealand Prime Minister, Mr. John Marshall, said he would consider the proposal, which was made in a petition presented to the New Zealand Government.

An Atom spokesman, Dr. Graham Baines, said the committee hoped the Fiji Prime Minister, Ratu Sir Kamisese Mara, would support the proposal and urge the Australian Government to follow up its earlier statement about the matter.

Australia's Minister for Foreign Affairs, Mr. Nigel Bowen, said in Canberra that his Government was sounding out the possibility of concerted action by South Pacific countries.

The International Union of Food and Allied Workers' Associations has made a protest about nuclear tests in the South Pacific.

UNION LETTER

A statement from the union headquarters in Geneva said a letter had been sent to President Pompidou of France.

It said the tests would seriously affect the environment of the population of the South Pacific.

They would create health risks for the consumers and workers handling fish, meat and dairy products exported to Asia, North America and Europe by countries in the South Pacific region.

The letter said the tests increased political tensions and the possibility of nuclear war, and diverted resources needed for socially useful projects.

The union, which represents 119 organisations in 56 countries, asked the French Government to cancel the series of tests scheduled for this year and to give up any further testing it planned.

JOURNALISTS

A group of Fiji journalists has protested about the tests and sent a letter to the French President requesting cancellation of the present series.

[From the Fiji Times, June 8, 1972]

NG Leader Adds to Antitest Protests

Papna-New Guinea's first Chief Minister, Mr. Michael Somare, has joined in the chorus of Pacific protest about French nuclear tests near Tahiti.

Mr Somare said at Nausori that the territory's coaltion Government had not yet discussed the tests, but he personally could understand why Pacific countries were objecting to them.

Fiji is one of the South Pacific countries which have protested to France.

"I would be upset if the tests were conducted near Papua-New Guinea," Mr Somare said. "The people of Papua-New Guinea would be very upset if this happened in our area."

Mr Somare stopped briefly in Fiji on his way home after attending state functions in Western Samoa.

He supported a call for his country to be permitted to join the South Pacific Forum regional reorganisation before it becomes independent.

Fiji's Prime Minister, Ratu Sir Kamisiese Mara, is opposed to Papua-New Guinea becoming a member until it is independent.

Mr Somare said one of his Government's first tasks would be to educate the people politcally so they were aware of what it was trying to do.

A political education division of the Government would be under his own office, he said.

Mr Somare said some members of his Government had received death threats.

Different tribes and groups existed in Papua-New Guinea and not everyone understood the concept of government.

Younger, better-educated people who felt it was all one country had come together to form a coalition.

Threats came because some people did not like the idea of early self-government for the territory.

But now the people concerned were starting to realise this country's own people were running it, Mr. Somare said.

[From the Fiji Times, June 19, 1972]

Australian Protests Over Tests Grow

SYDNEY.—A wave of protests against scheduled French nuclear tests continued to swell yesterday with the Australian Writers' Guild accusing France of "arrogant inhumanity."

The chairman of the Victorian branch of the guild, Mr. Monte Miller, said the guild would cable its French counterpart and ask French writers to protest to their Government about the tests.

He said the guild condemned France's "arrogant inhumanity" and added that if the tests went ahead, it would be like "declaring war on the peoples and ecology of the Pacific."

Other groups to protest against the proposed tests this weekend included the Australian Legion of Ex-Servicemen with more than 100,000 members.

ALARMED

The legion said it was alarmed at the tests and rejected assurances they did not constitute a health hazard.

The Union of Australian Women challenged the Australian Prime Minister, Mr William McMahon, his ministers and Opposition members to sail into the testing area.

TOO SOFT

In another move, the French Consul in South Australia announced his resignation after 10 years as French representative in Adelaide.

The consul, Mr Frank Butterfield, said: "I am opposed to nuclear testing."

The Australian Young Liberal Movement attacked the Australian Government for being too soft in its attitude to the blasts.

The British Leader of the Opposition in the House of Lords, Lord Shackleton, told newsmen at Sydney Airport that he thought the tests should be criticised because they would increase radioactivity in the atmosphere.

Lord Shackleton, who was arriving at the start of a week-long visit to Australia, added: "I suppose they picked the least-inhabited part of the world for it.

BALANCE

"I don't know whether they would do it nearer home."

Lord Shackleton said he thought France had decided to join the thermonuclear (hydrogen bomb) league, but added that it was arguable whether the French could affect the balance of nuclear power.

During his visit, Lord Shackleton will meet Australian business and political leaders.

[From the Fiji Times, June 20, 1972]

Australian PM Protests to France on Nuclear Tests

SYDNEY.—The Australian Prime Minister, Mr. William McMahon, said yesterday that he had protested to the French President, Mr Georges Pompidou, about the coming French nuclear bomb tests in the South Pacific.

In Auckland, radio operators said that a French naval vessel was yesterday preparing to tow the protest yacht Greenpeace III out of the nuclear testing zone near Mururoa Atoll, with the series of tests due to start today.

Mr. McMahon said: "Let there be no misunderstanding. I and my Government would like to see the tests abandoned.

"We have taken every reasonable step to persuade our French friends to cease atmospheric testing."

Mr McMahon was speaking at the opening at the Lucas Heights Research Station, near Sydney, of a new critical facility built with the aid of French nuclear engineers.

LETTER

Addressing himself to the French Ambassador, Mr Gabriel Van Laethem, Mr McMahon said: "I have already conveyed personally to the President of France the views that I have now expressed."

Mr McMahon wrote to President Pompidou soon after his return from a 10-day Asian tour last Thursday.

Australia had already supported a motion opposing the tests at the environment conferences in Stockholm.

But Mr McMahon decided on the direct protest to President Pompidou when he returned home.

STAND

Mr McMahon said Australia had taken a stand against nuclear testing in the atmosphere, outer space and under water when it ratified the 1963 partial nuclear test ban treaty.

Earlier Mr Van Laethem said France's existence might depend on its access to nuclear deterrents.

He said the French Government had spared no effort or expense to reduce hazards to their environment.

About 50 demonstrators protesting against the French tests stood outside the plant during the opening ceremony.

The Auckland reports, from Radio Rarotonga, said that the French authorities had been observing Greenpeace III.

The radio reports said a faint radio message from the yacht early yesterday said that all was well aboard the vessel, which left Auckland last month for the testing area, about 600 miles north of the Cook Islands.

TELEGRAM

The president of the Auckland branch of the Campaign for Nuclear Disarmament, Mr. Richard Northey, said that he had sent a telegram to New Zealand's acting Prime Minister, Mr. Robert Muldoon, asking that New Zealand seek assurances from the French authorities about the safety of Greenpeace III.

[From the Dominion, New Zealand, June 8, 1972]

Pacific Opposition to Tests Total

A New Zealander telephoned three Pacific countries and telexed a fourth yesterday, and said he found total opposition to the French nuclear tests.

The chairman of the Peace Research Media Project, Mr. Barry Mitcalfe, said only Australia and New Zealand now appeared to be withholding effective protest.

A conference, hosted by the Cook Islands, will be held among Pacific leaders next week at which the nuclear tests will be a main subject.

However, it appeared New Zealand did not know of the conference.

"We could at least send an observer or a Government delegate with power to speak and act on this issue," Mr. Mitcalfe said.

He had telephoned the Premier of the Cook Islands, Mr. Albert Henry; President Allende of Chile, and the Samoan Minister of Works, Mr. Tupoala Efi, and telexed Senator Sanford of Tahiti.

Mr. Henry told him his assembly was meeting at present and in addition to its protest already made through New Zealand, the assembly would make direct representation to the French Government.

President Allende's assistant, Mr. Palma, said Chile had already made strong representations to France, and any official approach to Chile through its ambassador in Canberra would be most sympathetically received.

However, it appeared New Zealand had as yet not taken advantage of this offer, Mr. Mitcalfe said.

Mr. Palma also said Peru had broken off diplomatic relations with France over the tests and was very strongly in opposition.

Mr. Efi told him the Fiji Prime Minister, Ratu Sir Kamasese Mara, had promised his country would take a leading role in any combined protests against the tests, Mr. Mitcalfe said.

Senator Sanford, one of two Tahitians representing the island in France, was "bitterly opposed" to the tests and would welcome New Zealand intervention.

OUTLAWED

Senator Sanford's Reassemblement Democratique Party, was the majority party in Tahiti at the time of the last Pacific tests by France, but it was outlawed after taking a leading part in anti-nuclear demonstrations.

Mr. Mitcalfe urged New Zealand to make an "effective" protest.

This would comprise informing the United Nations the South Pacific region was taking direct action against France, possibly by sending a combined fleet into the test area; and, asking for U.N. support in the same way as it intervened in Korea at the United States' request.

[From the Washington Post, June 25, 1972]

French Deputy Protests Tests

PAPEETE, TAHITI, June 25.—A member of the French Parliament said today he will fly to New York July 5 to denounce his country's government in the United Nations for holding nuclear tests in the Pacific.

Francis Sanford, who represents the Tahiti Overseas Territories in the National Assembly, announced his plans while French authorities at the Mururoa testing grounds awaited a green light from Paris to launch the new series of nuclear explosions.

Sanford, a Polynesian, recently quit the majority coalition in the French lower house because of his opposition to the imminent resumption of atomic tests at Mururoa and Fantataufa atolls.

[From the New York Times, June 3, 1972]

Atomic Testing by France

TO THE EDITOR:

Over the joint protest of the governments of Fiji, Tonga, Western Samoa, the Cook Islands, Nauru, New Zealand and Australia, the French will resume their nuclear testing in the atmosphere at Mururoa in French Polynesia in June.

Just as Americans have shown contempt for the lives and well-being of Micronesians during their own testing of atomic weapons and of Asians in their war against Vietnam, the French plan to expose the peoples of the South Pacific to risks which they dare not impose on their own population.

Some of us must recognize that the traditional Western disregard for the lives of people in Asia and Africa as well as Oceania is destroying us as well as them, and that the only hope is to work against such expressions of racism anywhere in the world.

The "Greenpeace" is now sailing into the testing zone; the chairman of that organization, Ben Metcalfe from British Columbia, is in Rome to seek the blessing of the Pope for efforts to stop the testing. There will be demonstrations at Notre Dame Cathedral in Paris beginning June 1 and at the U.N. conference on the environment beginning June 6 in Stockholm.

We urge people of good will to join them, and to express their objections to President Pompidou.

WALTER and BETTE JOHNSON,
Suva, Fiji, May 25, 1972.

(NOTE.—This letter was also signed by twelve others at the University of the South Pacific.)

NATIONALIZED MEDICINE: "A FASHIONABLE FOLLY"

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, during the extensive public hearings before the Ways and Means Committee last year, many comments were made relative to Great Britain's National Health Service. I believe that my colleagues would be interested in the article by the Honorable J. Enoch Powell, a Member of the British Parliament and former Minister of Health in Great Britain, concerning his experience with medical care which appeared in the April issue of Nation's Business. I include his article in the RECORD:

Nationalized Medicine: "A Fashionable Folly"

LONDON.—At a time when Congress is considering vast national health plans, the views of a man who has directed a government medical system are significant for their insight.

The Right Hon. J. Enoch Powell, a member of the British Parliament and former Minister of Health, is such a man. Though he warns that the United States and Great Britain are too different for exact comparisons, he offers from his own experience some decided opinions about nationalized health plans.

For one, he says that a quarter century of socialized medicine has not given the British people more health services, more hospitals, or faster or necessarily better medical attention, and that no one should be looking for panaceas in nationalization.

"I happen to believe that the total resources devoted to medical care in Britain would be larger but for the National Health Service," he says. "I believe people would opt for more medical care than the state decides to allocate."

Mr. Powell, a linguist and author, a former university professor, and an outspoken member of his country's Conservative Party, is controversial. He is anathema to liberals and socialists, both in his own country and here. Indeed, he is not universally loved in his own party, least of all by Prime Minister Edward Heath, with whom he has often disagreed.

In part, this is because he opposes many of his party's policies and because he enjoys talking about controversial problems.

In conversations with Nation's Business, Mr. Powell talked about his experiences as Minister of Health, and his views on medical care and other subjects.

FREEZE ON HOSPITALS

He believes strongly that for the first 15 years of socialized medicine in Britain—between 1946 and 1961—nationalization prevented any hospitals from being constructed.

"If there had been no National Health Service," he says, "many hospitals would have been built. Huge sums were in the possession of big charitable trusts after the war ready to be used to build modern hospitals. And the hospitals which were taken over [in the national health scheme] had large reserves and resources. Large reservoirs of charitable intent were ready to be taped. Municipalities which had taken pride in erecting their own hospitals would still have taken pride in erecting them in the 1940s and 1950s.

"But since there was nationalization it was left to the state, and the state said, 'No. No. No. No capital for that.' "

To this day Britain has not caught up with the rate of hospital building of the 1930s.

Furthermore, Mr. Powell declares, "It is certain that British hospitals today are far more obsolete than they would have been but for the National Health Service."

Also, Mr. Powell says, there has been change—for the worse—in doctor-patient relationships. "The British general practitioner always readily gave his care and attention to the poor patient," he explains. "This is probably less readily given, now.

"If you nationalize medical care, you eliminate the commercial nexus, and therefore also the charitable nexus, and therefore the *noblesse oblige* between doctor and public. The doctor has—not quite—become a salaried servant."

In Britain, the term "English pay" means remuneration in terms of respect. Mr. Powell believes there is less of this for physicians now than there was prior to nationalized medicine.

THE DEMAND IS INDEFINITE

Waiting lists of patients for many types of medical attention have not been shortened because of free medical care, he notes, thus refuting claims by advocates of further nationalization of American medicine.

"You can't take care of everyone. The demand for medical care is infinite," Mr. Powell explains.

Recalling the three-year stint he put in as Minister of Health in the government of Prime Minister Harold Macmillan during the early '60s, he says:

"When I came into office I saw a long waiting list for what we call cold surgery—nonurgent surgery. The list was not growing, so I said the waiting can't be due to a deficiency of resources. It must be a backlog. If it had been due to a deficiency of resources the backlog would be growing.

"So, if you get rid of the backlog, I thought, services would be up-to-date. I said, 'All right, we will clear the backlog up.' Well, we couldn't do that. When I ceased to be Minister of Health the waiting lists were almost to within the same digits, certainly within thousandths, that they were in the first year of the National Health Service."

Mr. Powell learned then, he says, that "there is no way of adjusting infinite demand to limited supply."

He learned, too, that when services are provided "free" by government, discontent is often a side effect. In the case of health service, the people of one area will complain when they hear that the people of another area have a newer government-provided hospital, or a newer treatment, than they do.

One fact that gets slight attention from boosters of nationalized medicine in the United States is that the sale of insurance covering doctors' and hospital services in Britain is increasing. With money collected from insurance companies, an increasing number of Britons are therefore able to pay directly for health services rather than get them "free."

Obviously, they feel they get better attention—and probably quicker service—by paying as private patients.

The British plan includes arrangements whereby a person can "go private" and pay for medical attention, or go "under the scheme," and have the government pay.

However, little private hospital care is available, Mr. Powell says. When he is asked: "Do you yourself use the national health scheme?" he quickly answers: "If I had an illness requiring serious hospital treatment I would insist upon having it 'on' the National Health Service."

Despite its drawbacks, Mr. Powell says there "is not the slightest possibility in the foreseeable future" that the national health plan in England will be abolished.

At the same time, he thinks that, although most doctors now have grown up under the national health scheme, many "would wish for there to be more independent sources of demand for their services."

What about the United States? Would a national health scheme be acceptable here? "Most nations will commit the same follies," Mr. Powell says, "and it looks to me from a distance that any fashionable folly is at least as attractive to Americans as it is to Englishmen."

It is pointed out that several national medical care measures have been before Congress, including an Administration bill and one introduced by Sen. Edward M. Kennedy (D.-Mass.) that calls for what amounts to socialized medicine.

Mr. Powell's comment is that usually "the bad drives out the good." He adds: "I guess you will go to complete socialism—you will go the whole way." In his opinion, there is no happy medium between private and socialized medicine.

His views on a variety of other subjects are forthright:

Inflation. "If you really want to attack it—which I doubt—then you tell the government to stop it. Until I came to the United States for the first time, I thought the phrase, 'Government of the people, by the people, etc,.' was all flummery. I thought that was a load of flannel. But when I got here, I found it was a true description. You all bloody well are 'government' and nobody knows where government starts or stops in the U.S.A. Which makes the question, 'How to stop inflation,' more difficult.

"It would be easy for us in England. We just say to the government, 'Stop doing it.'

"Remember, nobody but government causes inflation because nobody but government maufactures or destroys money—apart from forgers.

"Inflation is caused by government because it is growth of money in a certain relationship to the growth of goods and services offered. The government controls money. Indeed, government is the creator of money. Government says to the people, 'Look, see this, this is money.'

"It's true that you can have inflation which isn't caused by government, but we don't in modern times. So this is rather by way of a footnote."

Economic terms. Such terms as "cost-push" and "demand-pull" irritate Mr. Powell, who has studied, written about and taught economics. He calls them "nonsense."

"There is always an immense quantity of nonsense going about," he says, "and the biggest quantity goes about in my part of the world—in politics—because we in politics are brought to the test of reality with much more delay than those who practice in other fields.

"For example, you would be surprised at the efficiency in a military headquarters as it gets nearer to the enemy. Similarly, I am sure that in a business there is a lot of nonsense. But it gets sorted out. Not so in politics.

"Cost-push and demand-pull—a lot of nonsense. It seems nonsense to say this itself when you think of the oceans of ink that have been expended in writing about them—but the fact that a thing is written about doesn't prove it is sense. On the contrary the more nonsensical it is, the more you can write about it."

Mr. Powell calls the term GNP (gross national product) nonsense as well. "The whole economic theory is not nonsense," he says, "but the GNP, if you treat it as other than an amusing compilation of disparate figures—like adding together cows and horses and teapots and pounds of coffee beans—if you treat it as anything other than that kind of statistical amusement, then it is nonsense."

WORLD MONETARY AND TRADE MATTERS

Declines or increases in shares of world trade do not mean what we think they do, Mr. Powell argues.

"Decline is a statistical trick," he explains. "The consequence of the growth of total world trade is that the share of it which any country has must fall. It happened to Britain, France and Germany, and it is bound to happen to the United States.

"So the first prescription I have to offer is not to worry and don't bother with statistics."

The benefit of all trade, he continues, "is equal and opposite. It is precisely mutual. Therefore, there is an inherent contradiction in the notion of dominance in trade. The more nations there are, and the more international trade there is, the less the proportion carried out by any one nation. This is bound to happen."

Mr. Powell has a deep dislike for pegged currencies. He wants them to float and he deplores recent moves to re-peg currencies. The Western world, he feels, had a great chance to improve the global monetary situation last autumn when President Nixon unpegged the dollar. And he says he would like very much to write the obituary for the International Monetary Fund, which helps control currencies.

He has equally strong feelings against SDR's, the Special Drawing Rights created by nations and the IMF four years ago as an aid to international bookkeeping and debts payment. The drawing rights are commonly called "paper gold."

"SDR's," Mr. Powell says, "are fool's gold. They are a substance which can be lent without being borrowed and invested without being saved."

Labor unions. Mr. Powell declares flatly that "the net effect of labor unions has been to make workers slightly worse off than they otherwise would have been."

Unions, he says, slow the transfer of effort from less to more valuable applications.

"The more this is held up, the worse off we are, compared with what we could be," he adds. "And to the extent that labor unions, by a legalized duress, are able to prevent people from freely seeking their own advantage, they make themselves—as well as nearly everybody else—worse off. They probably don't make the leaders worse off."

Denationalization. Can a country far down the path of socialism change course and pull back to a freer enterprise arrangement without a violent overthrow of government?

Mr. Powell believes it is possible. "It is a thing which can be done gradually," he muses. "You don't have to denationalize all nationalized industries at once. You can take it bit by bit."

But he adds: "You have to say all at once that nationalization is a bad thing. You have to take that step."

Denationalization has come along far enough in Britain under the Conservatives that it is no longer a case of "piercing of an ideological barrier," he says. "Not with the nationalized industries. But with the National Health Service, it might be."

APPROPRIATIONS FOR THE POSTAL SERVICE

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, when the House considered H.R. 15585, being the appropriation bill for the Treasury, the U.S. Postal Service, and the executive offices of the President on Thursday last, I was on the floor when the gentleman from Kansas (Mr. SEBELIUS) indicated that he would oppose the bill because of the $1.4 billion appropriated for the Postal Service. I listened attentively to his remarks, at that time I felt I was in substantial agreement with what he said and because I agreed with his remarks, I joined with him as one of the Members who voted "No" on that appropriation bill.

Mr. Speaker, I have no serious objection to the appropriations contained in that bill for the Treasury, or for the executive offices of the President.

Rather, my vote against this appropriation bill was a protest against the present operating procedures of the Postal Service.

Like the gentleman from Kansas, I was mindful that a point of order would be raised if we were to try to legislate in an appropriation bill. About all that was left for any of us to do was to vote against this appropriation bill and to state our reasons why. We will all have to wait until such time as we can legislate about some of the things that are not right with the Postal Service.

I followed carefully the comments of the gentleman from Kansas when he said that it is almost unbelievable that instead of delivering mail directly from one small town to another, the mail is moved a long distance away to a so-called distribution center, which may be as much as 100 miles away, and then brought back to a neighboring town not over 10 or 15 miles from the point of origin. I do not know how the illustration could be made much better than to say that mail moving from point A goes to point C and then back through point A in order to get to point B. It would be comparable to the manager of a baseball team ordering his shortstop to throw the ball to center field and then for it to be thrown back to the shortstop in order for the shortstop to throw the ball to to first base.

Just about equally as confusing, if we turn to the world of football, would be for the quarterback to turn his back to the line of scrimmage and pass toward the goal that is being defended, in the hopes that the ball would not be intercepted and somewhere back there would be a receiver who would somehow, someway, run to a point where he could lateral to the quarterback who would then finally throw a forward pass downfield to the intended receiver.

Of course, all this would be very confusing to the referee, and if he did not penalize the offensive team for illegal procedure, he would undoubtedly spend the rest of the afternoon shaking his head in bewilderment, just why a quarterback would go through such a confusing procedure on a football field.

Well, that is about the way it is today with a lot of our postal patrons as they look at what is happening to the Postal Service. Like the referee, they go around shaking their heads wondering how confused can things become. I refer, of course, to the cutbacks in rural service, the consolidation of rural routes, and most difficult of all to understand, is the elimination of postmarks from small towns. As it stands now, there is no way that the recipient of a letter knows the point of origin of that letter or very much about it except that it was deposited somewhere in the U.S. Postal Service.

I would hope that many Members of Congress either are or become concerned over the deterioration of the Postal Service in our rural areas. It is not alone a matter of cutbacks, elimination of routes, slower delivery, and departure from the long-established policy of local postmarks but with it all there has been a rate increase raising magazine and newspaper rates nearly 150 percent over the next 5 years. This kind of thing will put out of existence many of our weekly and daily rural newspapers.

At the present time I have no knowledge of what amount the Service intends to save from cutbacks of service in the rural areas in Missouri. I do not know whether it is $150,000 or $200,000.

Notwithstanding if we can rely on the information of the gentleman from Kansas the Postal Service is planning to spend $17.5 million with two advertising agencies to improve the image of the Postal Service. My reaction to this information is that if procedures that are now being followed in the Postal Service are not changed, no amount of money spent for public relations will do very much to improve the image.

No, Mr. Speaker, at all times from the days of Benjamin Franklin, to the present, we have known that the only way rural America can be served is by spending money to give it good mail service. Long, long ago we learned there is no way to deliver the mail on a daily break-even basis. But I had hoped that we had settled long ago on the merit of the proposition that good mail service is the right of every citizen even if it takes a subsidy from taxes imposed on everyone by the Federal Government.

We should all be indebted to our colleagues who have conducted the oversight hearings on postal operations. I do hope they make such recommendations as will insure good postal service in our rural and smalltown areas.

There is no way to amend an appropriation bill that would circumvent the present proposals of the Postal Service that have or will downgrade service in rural and smalltown America. That will have to be done in other legislation.

I am not sure whether $1.4 billion is enough to run the Postal Service for the next fiscal year. Perhaps it is not. But I do know that it may very well be too much until it is fully justified not simply before an Appropriations Committee but also before the House Post Office and Civil Service Committee as to why the quality of service continues to decline. I voted in opposition to H.R. 15585 as a protest of the deterioration of our Postal Services in our rural areas and our small towns.

CONGRESS IS ENTITLED TO A CHANCE AT A FORMAL VOTE ON WHETHER THE COSTLY WEST FRONT EXTENSION PROJECT SHOULD BE CARRIED OUT

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, Members of this House are well aware of the fact that I have long opposed the costly, destructive, and unnecessary project to extend the west front of the Capitol. The last time the House debated and voted on this project was in 1969.

We shall have another chance this week to consider and vote on this project when the conference report on the legislative appropriations bill is before the House, probably early on Wednesday or perhaps Thursday.

In order to acquaint my colleagues in the House with the issues involved in this west front matter and to enlist their support for my long efforts to kill the west front proposal, I recently sent a lengthy "Dear Colleague" to Members of the House.

Under leave to extend my remarks I include this letter for the information of those, both inside and outside the House, who may be interested in this matter and who may not have seen my letter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 23, 1972.

DEAR COLLEAGUE: Some time next Wednesday, June 28, or shortly thereafter, the conference report on the Legislative Appropriation Bill will come up for consideration. The major item in disagreement has to do with *the controversial extension of the West Front of the Capitol.*

Since this is a matter on which I have been actively concerned since June 1966, I wanted to alert you to the upcoming vote and enlist your support for what I believe to be the most sensible position for a Member of the House to take on this question.

Basically, the issue revolves around Senate Amendment No. 36, on which *the House managers will ask the House to insist on its opposition to this amendment. My position is that the House should recede and concur in the Senate amendment.*

Actually this bill contains no funds for the West Front, because $2 million is still left over from the 1970 Bill for this extension project, which the elite Commission on the Extension of the Capitol ordered last March should be constructed. Strictly speaking this $2 million is *only for "plans" for the West Front extension, but plans for this project have long since been completed.*

What is likely to happen then *if the Senate amendment is not approved* is that this $2 million will be used for preliminary digging, demolition, etc., so that by the time the House is finally presented with an actual construction appropriation request *the work would have gone so far there would be no possible alternative to extension.*

The Senate amendment simply provides that "no funds may be used for the preparation of the final plans or initiation of construction of said [West Front extension] project until specifically approved and appropriated therefor by the Congress."

In other words, the *extension work* ordered in March by the handful of Commission members *could not proceed until Congress itself had voted to approve it.* What could be more reasonable?

Since this whole extension matter has been *under vigorous debate for the past 6 years;* since *the arguments offered in its behalf in 1969 have now been proven completely false;* since *the project involves the expenditure of $60 to $70 million of the taxpayers' money,* primarily for the convenience of some Members of Congress; and since the extension *will cover up the last remaining visible portion of the original historic 1800 Capitol building;* it does seem that this is an important enough matter to deserve to be settled *by a specific vote of both Houses of Congress* and not just by the wishes of a handful of Members, however senior they may be.

In 1969 we were told the reason for extension was that the Capitol was *in imminent danger of collapse.* Because of its unique construction, we were told, the Capitol could only be saved by a costly extension adding roughly 4 acres of new space! We were told it was engineeringly *impossible to repair the Capitol* or prevent its collapse in any other way, and that any attempt to do so *would be far more costly than the extension itself,* then estimated at $45 million.

Finally a compromise solution was agreed to. To check the validity of these sweeping claims $200,000 was appropriated to hire the nation's most qualified structural engineering firm, Praeger of New York. This firm was directed to determine whether the Capitol was indeed in danger of collapse, whether it could be restored by some method other than extension, and whether this restoration would cost more than extension.

The Praeger report was filed with Congress in December 1970. *It completely demolished all three arguments:* the Capitol was *not* in danger of collapse (as a subsequent bombing attempt dramatically reaffirmed); it could be restored much more simply than by extension; and restoration *would cost less than $15 million.*

Oddly enough, this report *was ignored by the Appropriations Committee and the Commission on the Extension of the Capitol for 15 months. It was never commented on, never challenged, never even discussed.* Then suddenly on March 8, 1971, meeting in secret session, the Commission rejected the report and ordered construction on the extension to begin at once—*without any opportunity for debate or for a record vote of the membership in the light of the very devastating conclusions of the Praeger report.*

Surely if this issue was important enough for us to spend nearly a quarter of a million dollars to engage the most qualified structural engineering firm in the nation, then we ought not to discard their recommendation lightly *on nothing more substantial than the views of one architect (who opposed the extension before he went on the Capitol payroll) and a handful of non-technical Congressmen and Senators.*

Incidentally, the West Front extension will not be like the East Front extension. It will completely destroy the present unique West Front architecture, completely destroy the lovely Olmstead terraces, and replace them both with a cheap imitation of the East Front crammed with all kinds of restaurants and hideaway offices.

By allowing extension to be started without debate or vote we are in fact approving a project that will cost somewhere between $60 and $70 million, in preference to one the Praeger report says would cost only $15 million. Even if we concede that costs have gone up since December 1970, perhaps by $5 or $6 million, *a vote in favor of extension would still mean spending $40 or $50 million more than we need, largely for our own personal convenience.*

But this is not all. *The Senate discussions have disclosed an even more appalling picture.* Holiday Inn motels, for example, cost about $15 a square foot to build. A palatial private residence can be built for $30 a square foot. The Rayburn Building, until now the most expensive structure in existence, cost $50 a square foot. The new FBI building is reported to cost $68 a square foot, a new record high. *But the extension of the West Front will exceed this figure by 5½ times—$368 per square foot!* Is this really the sort of thing we want to do in an election year?

Finally, the argument has been made that extension is essential because Congress needs more space—more committee rooms, more private "hideaway" offices, more restaurant space. *But why do these have to be built in the Capitol when they can be built far more cheaply in some other location, the new Visitors' Center at Union Station, for example?*

You may perhaps not agree with me that approving the extension project is unwise. But I do *hope you will agree with me that a project of this magnitude ought not to be started without at least a specific authorizing vote by Congress as a whole,* taken after full debate and in the light of all the latest available evidence.

I earnestly solicit your support therefore in my effort on Wednesday to defeat the motion to insist on opposing Senate Amendment No. 36, and instead to recede and concur in their very reasonable, moderate, and democratic proposal, which the House Managers, who should be interested in economy, ought to have accepted long ago.

Sincerely yours,

SAMUEL S. STRATTON.

THE QUARTER OF A MILLION DOLLAR STRUCTURAL ENGINEERING REPORT ON THE CONDITION OF THE U.S. CAPITOL—THE PRAEGER REPORT—WHICH SAYS RESTORATION IS FEASIBLE AND IS ALSO CHEAPER THAN EXTENSION

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the last time that Congress debated the controversial project to extend the west front of the Capitol was in 1969. At that time we were told the reason for extension was that the Capitol was in imminent danger of collapse. Because of its unique construction, we were told, the Capitol could only be saved by a costly extension adding roughly 4 acres of new space. We were told it was engineeringly impossible to repair the Capitol or prevent its collapse in any other way, and that any attempt to do so would be far more costly than the extension itself, then estimated at $45 million.

Finally a compromise solution was agreed to. To check the validity of these sweeping claims $200,000 was appropriated to hire the Nation's most qualified structural engineering firm, Praeger of New York. This firm was directed to determine whether the Capitol was indeed in danger of collapse, whether it could be restored by some method other than extension, and whether this restoration would cost more than extension.

The Praeger report was filed with Congress in December 1970. It completely demolished all three arguments: the Capitol was not in danger of collapse—as a subsequent bombing attempt dramatically reaffirmed; it could be restored much more simply than by extension; restoration would cost less than $15 million.

Oddly enough, this report was ignored by the Appropriations Committee and the Commission on the Extension of the Capitol for 15 months. It was never commented on, never challenged, never even discussed. Then suddenly on March 8, 1971, meeting in secret session, the Commission rejected the report and ordered construction on the extension to begin at once—without any opportunity for debate or for a record vote of the membership in the light of the very devastating conclusions of the Praeger report.

Surely if this issue was important enough for us to spend nearly a quarter of a million dollars to engage the most qualified structural engineering firm in the Nation, then we ought not to discard their recommendation lightly on nothing more substantial than the views of one architect—who opposed the extension before he went on the Capitol payroll—and a handful of nontechnical Congressmen and Senators.

Mr. Speaker, with another vote on this controversial issue now likely to come up on Wednesday or Thursday, it is essential that Members have before them the frank, forthright, professional, and revealing conclusions of this Praeger report.

Under leave to extend my remarks, I include here the full text of that report as it was submitted to Congress in December 1970:

INTRODUCTION

A. BACKGROUND OF REPORT

The United States Capitol (Frontispiece and Figure 1) is a unique structure with strong and direct ties to the foundation of our Republic. Throughout its long history it has been the subject of continued interest and concern. It has been changed extensively and enlarged as new conditions and usages required. It has been the subject of numerous inspections, reports and discussions. Most recent of the reports are those of Moran, Proctor, Mueser & Rutledge published in 1957, made in anticipation of "extention, reconstruction, and replacement of the central portion of the United States Capitol", and the Thompson & Lichtner report of 1964 with a critique by Locraft in 1966.

The Moran, Proctor, Mueser & Rutledge report was primarily a soils investigation, but it included a survey of the physical construction of the walls and an opinion on the lack of evidence of settlement. The Thompson & Lichtner report was a detailed examination of the West Central Front, including test cores of the walls, test pits and soil borings, as well as laboratory tests of materials. The Thompson & Lichtner study resulted in the general conclusion that the "exterior walls of the west central portion of the Capitol are distorted and cracked, and require corrective action for safety and durability." The report recommended that the west central exterior wall be retained "as an interior wall of an extended building" which would provide it with lateral support. Shoring of the west portico and the old terrace screen walls followed publication of that report.

As a result of the deliberations of the Congress concerning the extension of the west central portion of the Capitol, an additional study and report was authorized under Public Law 91-145.

B. OBJECTIVES OF REPORT

Praeger Kavanagh Waterbury was retained to provide data, estimates, schedules, findings, and evaluations as necessary to enable the Commission for Extension of the Capitol to make a special determination with respect to its directive under Public Law 91-145:

"* * * That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids;

"(4) That the cost of restoration would not exceed $15,000,000; and

"(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further,* That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

In order to develop the information necessary to evaluate the feasibility of meeting these conditions a detailed study was made of the recorded history of the construction of the Capitol, structural analyses were prepared and site inspections and tests were made.

THE REPORT

A. Description of Structure

1. Structural System

The Capitol is a vaulted masonry structure with each of the three sections forming the west central front having a different structural arrangement, as indicated in Figures 2 through 6. The North Wing (Senate Side) consists of barrel and groined brick vaults supported on brick and sandstone walls (Figure 7). The Central Wing consists almost entirely of groined vaults supported on brick pilasters, which are presumed to be bonded into rubble-and-sandstone walls (Figure 8). The second and third floors of this wing, which are of brick groined vaulting, were not constructed until 1902 when the Library of Congress moved into its own building. The South Wing (House Side) consists of vaulted construction only at the basement and first floor levels (Figure 9). The upper stories, contiguous to Statuary Hall, are supported on steel beams, except at the corners where there is brick vaulting. A steel trussed arch spans over the "Liberty" statue in Statuary Hall supporting the dome above, and springs from a location about 25 ft. inside the face of the west wall.

A fundamental characteristic of an arch or vault is that it imposes a lateral thrust on the supporting structure. A groined vault is an intersection of barrel thrust at its four corners (Figure 10). Most of the floor construction along the west front wall involves vaulting, but since the thrust from a barrel vault acts away from the curve of the vault, not all adjacent walls are subjected to a lateral force. Along Wall 6[1] there is no lateral thrust applied to the wall because of the orientation and width of the barrel vault thrusts from reaching it. This is also true of the two floors below the Portico on Wall 4. Wall 2 has no thrust applied to it at the upper stories where floors are supported by steel beams or at the basement and attic where barrel vaults are oriented normal to the wall. The pattern is not the same at each floor level, as can be seen by comparing the plans in Figures 2 to 6, where the directions and relative magnitudes of the maximum horizontal thrust forces are indicated. The critical points occur at the corners.

The foundations are rubble masonry walls with rubble infilling. In some cases they have been given a degree of continuity through the use of inverted arches. To a significant degree, the interior foundation walls adjoining and normal to the exterior walls, participate with the exterior walls in carrying load to the soil below. Walls 1, 2, 6 and 7, and sections of the Walls 3 and 5, have been underpinned in the past.

2. Physical condition

A survey record of the major cracks and deterioration in the West Central Front is presented in Figures 12 through 17. Similar surveys by others, made in 1957 and 1960, and on a regular basis since then, are generally confirmed. All indicate the same cracking pattern with minor changes since 1957.

A review of reports published over the years indicates that evidence of deterioration was observed early in the life of the structure. The walls were painted in 1817 to arrest weathering. A report of dropped keystones was made in 1826, and reference to settlement, fractures and displacements was made in both the Mudd Report (1849) and Meig's Report (1856).

Exterior wall cracks occur typically within a vertical swath roughly located between the window jambs, in every bay. The preponderance of the open cracks is vertical, most of the horizontal cracks being hairline fractures connecting vertical ones. Substantial portions of the entablature, balustrade and second floor band course are spalled or eroded.

The areas most severely flawed are the presently shored screen wall sections at the two old terraces. These walls are a nonstructural veneer over the rubble foundation wall that would otherwise be exposed.

Elements of the portico entablature have failed structurally and are presently shored.

Many of the keystones over first floor windows have dropped, a condition which tends to grow over the years because of thermal expansion combined with wedging action.

B. Investigation

To analyze the structural problems an investigation has been made of the loads imposed on the structure by use and construction as well as the many environmental phenomena to which it is exposed.

1. Loads

Under the terms "loads" all external forces and environmental influences of the behavior and safety of the structure are considered. These include static loads, such as the dead load of the structure itself and the relatively stationary applied load, as well as dynamic loads such as wind, moving occupancy, earthquake and sonic boom. Environmental loads include temperature effects that cause relative movements of structural elements which, if restrained, produce stresses. Environmental loads also include the effects of volume changes due to moisture absorption as well as the consequences of foundation settlements.

(a) Static (Live plus Dead)—Critical bays have been analyzed for dead and live loading through the full height of the building. The results indicate that the walls, as originally built, are stable and the masonry is subjected to compressive stresses of the order of 100 pounds per square inch with a maximum of 236 pounds per square inch. These stresses are relatively low for the materials involved. Horizonal and vertical shear stresses are in the 10 pounds per square inch range. Since the strength of the sandstone averages about 6,000 pounds per square inch and the fieldstone about 14,000 pounds per square inch, compression failure of the stone should not occur. The lime mortar has a compressive strength varying from 100 pounds per square inch to 2000 pounds per square inch and is therefore the critical material. Under the maximum stress indicated it is possible that there has been local failure of the mortar with subsequent redistribution of stress to the stronger materials.

A reasonable criterion for the design of masonry construction is that the section be proportioned so the resultant of the loads remains within the kern of the section so that tensile stresses do not occur. As can be seen in Figure 11, analysis indicates that the resultant is within the kern, but in some cases is close to the boundary.

(b) Wind—The Uniform Building Code[2] prescribes a design wind pressure of 15 pounds per square foot for the height zone from 0 to 30 feet above ground, 20 pounds per square foot for 30 to 49 feet, and 25 pounds per square foot above 50 feet. The Building Officials Conference of America Basic Building Code[3] prescribes 15 pounds per square foot for the height zone from 0 to 50 feet above ground and 20 pounds per square foot above 50 feet. These are generally accepted building codes, and the Uniform Building Code criterion, which is slightly more severe, was adopted as the basis for analysis.

The wind analysis indicates that stresses in the walls are negligible, generally less than 1 pound per square inch.

(c) Earthquake—Earthquakes produce impulse loads which can cause structural damage. Buildings, whose dynamic characteristics produce resonant response to the disturbance are particularly vulnerable.

Washington is in a geographic area which experiences infrequent seismic events of low intensity. The U.S. Coast and Geodetic Survey Seismic Probability Map of the United States places Washington in Zone 1, which is associated with minor damage.

The Earthquake History of the United States, Part I, prepared by the U.S. Coast and Geodetic Survey (1958), shows no major earthquakes in the Washington area, but records minor shocks on: February 4, 1828, March 9, 1828, April 29, 1852, August 31, 1861, January 2, 1885, and April 9, 1918. The only record of shock intensity observed in Washington was measured as 5M.M.[3] in 1918. The Earthquake History summarizes the seismic record as follows: "Although no earthquakes are listed as definitely occurring within the District of Columbia, several shocks of uncertain origin have been felt there."

For the analysis of earthquake effects on buildings in areas where seismographic records are not complete, the lateral force provisions of the Uniform Building Code,[4] which are based on the recommendations of the Structural Engineers Association of California, are widely accepted. These determine separate values of the lateral force for the building itself, and for elements of the building, such as an exterior wall. As applied to the Capitol these values are computed as follows:

(a) For the building:

Total lateral force at the base is 1.25% W, where W is the total dead load.

(b) For the west front bearing wall the lateral force is 5.0% Wp, where Wp is the weight of the wall element.

Criterion (b) controls the magnitude of force to be used on the walls, and an analysis was made of the stresses induced by this lateral force at the exterior and interior faces of a typical bay or of the west wall. Earthquake forces are reversible and therefore additive, acting to augment lateral thrusts from the vaults.

The analysis demonstrates that earthquake stresses are relatively small as compared to dead and live load stresses to the structural integrity of the west wall.

(d) Sonic Boom—Sonic booms is a pressure differential resulting from a shock wave induced, among other things, by aircraft flying at supersonic speeds. It is affected by controllable factors, such as speed, altitude and maneuvers of the aircraft, as well as by non-controllable factors, such as meteorological conditions, topography and ground level air turbulence.

The sonic boom curve is often called an N-wave and its peak pressure intensity, or "overpressure," is the pressure above normal ambient atmospheric pressure. The push-pull characteristics of the N-wave have been related to secondary structural damage to buildings on the flight path, and regulation of flight operations is necessary to limit overpressure from aircraft operating too close to the ground. The intensity of sonic booms at ground level resulting from aircraft at normal operating altitudes is seldom above 1 millibar (2.0 pounds per square foot), and rarely as high as 2.5 millibars (5.0 pounds per square foot). Structural damage caused by sonic booms of these intensities is usually limited to non-structural elements of buildings, and results from the interaction of the

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impulse-type loading and the resonant frequencies of the affected element. When the duration of loading exceeds the natural period of the structural element, amplification of the static effect of the overpressure result. When the duration time is less than the natural period, smaller amplification may occur.

A simplified approach to the analysis of a structure under dynamic loading utilizes the concept of an equivalent static load which produces the same stresses and strains as would be caused by the dynamic loads. The ratio of the equivalent static load to the dynamic load is called the dynamic amplification factor and depends on the element's stiffness, natural frequency and damping, as well as the type and duration of applied loading. The dynamic amplification factor can be measured by experimental tests, such as those which are part of the National Sonic Boom Evaluation Project undertaken at Edwards Air Force Base. These tests furnish plots of amplification factor versus natural frequency, for each type of loading as related to types of planes at various Mach numbers and altitudes. Characteristic values lie between 2.0 and 3.0.

The fundamental natural frequency of the Capitol is in the order of 1 to 2 cycles per second, while that of the individual wall elements considered as plates is about 48 cycles per second. Though the building as a whole is little affected by dynamic amplification, an amplification factor of 2.0 is assumed. Wall elements are assumed to have a factor of 3.0. Even with these conservative values, and the rare occurrence of a free-field sonic boom intensity of 2.5 millibars (5.0 pounds per square foot), the corresponding lateral pressures of 10 or 15 pounds per square foot are lower than those associated with wind.

The effects of sonic boom associated with planes flying at supersonic speeds and present altitude restrictions will not adversely affect the west central front walls.

2. *Foundations analysis*

Consideration has been given to the possibility that the observed cracking and displacements of the walls constituting the west front of the Capitol might be due to some foundation inadequacy.

For this purpose borings were made to confirm soils information previously obtained along the west front and to recover soil samples for laboratory test. The soil profile, inferred from the new borings and from those made in 1957, and the laboratory test data, are presented in Appendix A, Section 3.

Failure of a foundation generally may occur in two ways. One is a shear failure of the supporting soil, in which the soil under and around the foundation is ruptured and a relatively sudden collapse ensues.

The second mode of foundation failure is by excessive settlement as the soil supporting the foundation is deformed by the imposed loads. As long as deformations are not excessive, the building accommodates itself to the deformation without serious damage, though some cracking may occur. If the deformations are excessive, wide and long cracks result and the building tends to separate into pieces. The definition of "excessive" settlement is a function of the type of building, the rate of deformation, the degree of uniformity of settlement and other factors.

Fixed numeric values are not applicable. For example, there are buildings in Mexico City which have settled upwards of five feet and remain in sound condition and continue in use. As a rule, designers endeavor to proportion foundations for a building of heavy masonry construction, not occupied by sensitive equipment, so as to limit the settlement to about 2 to 4 inches.[5]

(a) Shear Failure of Soil—The ultimate bearing capacity of the several soil strata supporting the foundations for the west front have been calculated. The principal soil strata are:

(1) A layer of sand and gravel directly underlying the footings, expending about 20 ft. below the lowest footing level and underlain by

(2) a layer of stiff to very stiff red-brown clay, averaging about 40 feet in depth and, in turn, underlain by

(3) a layer of compact sand, approximately 25 feet thick which is underlain by

(4) a hard gray clay, averaging about 30 feet in depth. This stratum is underlain by

(5) a compact sand and silty clay of undetermined depth.

The calculated ultimate bearing capacities of these strata are indicated in the following table, together with the calculated pressures imposed by the foundations. The ratio of the two is the safety factor.

Designers normally proportion a foundation to achieve a factor of safety of from 1.5 to 3 against a bearing capacity failure. Table 1 indicates that a minimum factor of safety of about 2 exists under the present circumstances. The corresponding soil pressure is relatively high, but far less than that required to produce a bearing failure. Further, the computed pressure is conservative since the calculated value represents a maximum condition, occurs only locally and is based on the assumption that there is no contributing support from adjacent interior foundation walls.

TABLE 1.—BEARING CAPACITY VERSUS IMPOSED PRESSURES

Soil stratum	Ultimate bearing capacity (tons per square foot)	Imposed pressure (tons per square foot)	Factor of safety
Sand and gravel	9.7	4.8	2.04
Red-brown clay	17.2	2.5	7
Sand	>10.0	.3	>10
Gray clay	>10.0	.2	>10
Sand	>10.0	.1	>10

Loss of strength of the clay soil due to long term strains is a secondary phenomenon occasionally encountered. However, calculations indicate that the shear stress intensity in the clay soil is too low to produce this effect.

Clearly, the wall has stood for the past 150 years. The computed factors of safety indicate that, barring some grossly changed condition, there is no danger of a bearing failure.

(b) Settlement Failure of Soil—For the soil profile which occurs beneath the foundations of the walls of the west front, settlement would occur in three stages. The first would consist of an almost immediate compression of the sand and gravel strata, followed by a somewhat longer-term (about 20 years), slow, progressive consolidation of the clay strata, conventionally known as primary consolidation. This would be followed by a longer term consolidation of the clay strata, known as secondary consolidation.

An empirical estimate of the compression of the sand and gravel, based upon the resistance to penetration of the sampling device, is in the order of one to two inches. Except for minor additional displacements due to alterations in the building which may have added more load, this displacement took place over one hundred fifty years ago.

The primary consolidation of the clay strata has been calculated from the data provided by laboratory tests. These computations indicate a total settlement of about one and one-half inches and this, too, occurred over one hundred years ago.

Secondary consolidation continues today at a very slow rate and is of limited magnitude: Calculations indicate that a total of about one-half inch has occurred in the past, and that a somewhat smaller amount will occur over the next one hundred fifty years.

It is estimated that the total settlement of the walls of the west front, to date has been about 3 to 4 inches. These settlements are on the high side of normal but they are not unreasonable or alarming. Future movements due to settlement will be very minor.

(c) Field Observations—Because of the complexities of the construction of the Capitol's foundations and the heterogeneity of the soil profile, the application of the theoretical analysis described above has been checked against field conditions, with the following results:

(1) There is no indication that a bearing capacity failure has occurred. This is in consonance with the computations which indicate that there is a substantial margin of safety against such a failure.

(2) It appears that the observed cracks in the walls of the West front are not due to excessive settlement. Evaluation confirms the report by Moran, Proctor, Mueser & Rutledge, dated May 1957, Volume 1, page 81, which indicates that a thorough inspection of the walls of the west front led to the conclusion that cracking did not relate to foundation settlement. The pattern of cracking and the general conditions and deformations are not indicative of a foundation problem. This confirms the computations, which indicate that the existing walls should not have suffered seriously from settlement of the foundation.

(3) Prior to this study a level survey was made which indicated that about ¼-inch of settlement occurred over a period of about 2½ years. This is inconsistent with the calculations, which indicate that whatever settlement of the foundation continues to occur is inconsequentially small. Accordingly, an independent check of the level points utilized by the previous survey was made. This most recent survey indicates that there has been no detectable settlement over the past two years.

3. *Causes of damage*

(a) Environmental Changes—The structural integrity of a building may be affected each time there is a change in the original structural arrangement or an environmental condition change. The extent to which past changes have caused a present threat to the safety of the structure must be evaluated. Table 4 is a list of such events which deserve special consideration.

The history of the Capitol is one of continuous change. Before it was occupied, faulty construction in the North Wing foundations had to be repaired by Dr. William Thorton, the designer of the Capitol. Parts of the South Wing foundations were torn down and rebuilt under Latrobe's direction. As soon as the South Wing was completed, the North Wing was practically dismantled and reconstructed to accommodate the Supreme Court and Library of Congress, in addition to the Senate. Roof leaks were reported in the North Wing before it was ten years old. A number of arch failures occurred, with subsequent reconstruction.

The British burned the Capitol in 1814, subjecting its materials to severe extremes of temperature. The construction which followed involved a complete structural change from timber to masonry vaulting for all floors, except the roof.

Around 1830, the Bullfinch Terraces were built and the North and South Wings were underpinned. More underpinning was done when the "new" Senate and House Extensions were built in the 1850's. Parts of the Central Wing walls were underpinned to make room for construction of heating furnaces. Underpinning may have resulted in some loss of vertical support with accompanying strain in materials which produces cracks.

The floor of Statuary Hall was once used as a mixing chamber for a hot air heating system, which caused volumetric expansion and contracting of an unusual nature. Hot

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air heating was replaced by steam, gas was installed, followed by electricity and, finally, the building was air-conditioned. In 1874 the first elevator was installed. Each change required new cuts into the structure and consequent readjustment of structural elements; see Plate 3.

In 1851 there was a fire in the Library of Congress, which had been moved from the North Wing to the Central Wing, and in 1898 another fire occurred, following a gas explosion in the North Wing.

When the Library of Congress moved into its own building, two new floors were installed in that Central Wing. About the same time, the timber Lantern Domes over both wings were removed and replaced by steel construction.

The sequence of construction is a significant determinant of differential settlement. The North and South Wings were built about 30 years before the Central Section was completed and the present cast iron dome replaced a wooden dome in 1863, thirty-three years later. As a result, the supporting soil strata under the three parts of the building were subjected to different loading intensities, hence different soil consolidation and settlement patterns. Evidence of articulation at the intersections of the three wings is probably in part due to differential settlement.

The building has adjusted itself to these changes or has been repaired to accommodate them as they occurred. This study indicates there is no observable threat to the structure due to past changes.

(b) Quality of Construction and Materials—In 1795, Dr. Thornton reported poor masonry work on the North Wing. A remedy was applied, but the suspicion has persisted that the Capitol foundations are of inferior quality. The notion was reinforced in 1804 when work on the South Wing had to be reconstructed. Assertions that these walls are merely two minor walls with the area between filled with loose rubble and mortar were contradicted by Dr. Thornton who referred to good bond stones intermingled throughout.[6]

Arch failures during construction were fairly common in those days and Thornton took occasion to remark on Latrobe's poor luck in this field.[7] Several failures were reported in the history of the Capitol's construction, and in each case repairs were made. One may wonder if, based on this history, other arches might be on the verge of failure. This study indicates that such fears are unfounded.

The Capitol in its present form is over 100 years old and most of the vaulting is over 150 years old. During that period the building has been subjected to high winds, shocks of seismic origin, and explosion, and numerous structural incursions to accommodate new facilities.

Wherever it can be seen, the brick vaulting is solid and firm with good mortar bond. There are many examples where vaulting has been cut and remains firm. Bricks exposed at the edge of openings in vaulting made for air-conditioning ducts, are supported solely by mortar bond and are not easily removed (Plate 3). Observed arches and vaulting have adjusted to change or were properly repaired to form a safe and strong structural element.

Interior damage to exterior walls is shown on Figures 16–17 but the evidence of damage is inconclusive because of the high standard of maintenance. Nevertheless, there are signs of water intrusion. Except for rooms H227 and S231, all interior wall cracks are minor, probably limited to the plaster.

In Room H227 a series of vertical cracks appear at a point corresponding to the junction between the South Wing and the Central Wing. Since the Central Wing was abutted to the South Wing, some 20 years after the latter was built, these cracks may be the result of an imperfectly bonded joint.

Some plans of the building in this area suggest that there are flues in the walls and these could be responsible for the damage.

In Room S231 the concentration of expansion and contraction activity which is typical at the corners of a building is evidenced by vertical cracks on the interior surface.

Cores of the upper walls show voided areas which may have resulted from the reported construction technique of infilling the walls with loose batches of stone and mortar. Condensation may keep lime mortar soft and some may leach out, causing voids or enlarging existing ones (see Figure 22). Grouting done under the Exploratory Work conducted as part of this report indicates that the foundation wall cores have an overall void ratio of about 5% and as high as 20% locally.

The void ratio of the upper wall varies from 5% to 10%.

It is suspected that a serious error in construction occurred because masons at the time did not cut and lay exterior sandstone with careful observance to the orientation of the bedding plans of the stone. Sandstone, though porous, will weather well if permitted to drain properly. If the stone is laid without regard to grain, there will be stones in which water will be trapped long enough to freeze and cause surface deterioration. The pattern of deterioration observed is consistent with this possibility since many stones are in good condition. Full confirmation of this theory cannot be obtained unless the entire surfaces of the walls are cleaned of paint and the sandstone is examined.

Painting the surface of stone is a reasonable method of preventing the intrusion of water, but there is a danger that it can become a cause of deterioration by permitting intrusion of water at some points and causing entrapment at others. Painting records are not available, but this aspect of building maintenance apparently was neglected between the years 1830 and 1850, according to Mudd,[8] who states his understanding that the Capitol had not been painted for 17 years.

Painting can have other deleterious effects. Components of the paint may penetrate the pores of the stone and react chemically with it. It will generally stain the stone, and attempts to remove the paint can cause further unsightliness as well as inadvertent removal of stone particles.

While painting has discolored the stone it appears to have provided protection more often than it has caused damage. Sandstone which has been painted has weathered better than much of the nearby marble which is not as old.

(c) Temperature—Most of the cracking and deterioration of the west wall can be explained by the effects of weathering and temperature. Structures adjust to temperature change through volumetric expansion and contraction. This process can be complex, taking account of building configurations, inside-outside temperature differential, the ability of the materials to transmit the imposed forces and the effects of water intrusion followed by expansion when it freezes.

The ways in which a masonry wall can be cracked by temperature changes are depicted in Figure 18, which demonstrates the fundamental action of expansion and contraction. With a rise in temperature, the wall lengthens. When the temperature drops, it tends to shorten. Because masonry is weak in tension it does not recover its original length if there is any restraint to this shortening. Instead, it fails at the section where the least amount of material is available—at door and window openings.

The manner in which this is compounded by structural configuration is demonstrated by Figure 18(b). When two parallel walls are linked by a third wall, the movements just described tend to distort the linking wall and cracks form at the locations shown.

These effects are compounded because of the restraint provided by floors and walls, shown in Figures 18(c) and (d). If the inside temperature is different from the outside, a warping effect results and the structure assumes the shapes indicated in the sketch. Since expansion and contraction occur vertically, as well as horizontally, the actual pattern is complex, but cracks tend to form as shown.

Generally, this effect would not be large enough to cause cracks, but it is continually reversible and becomes a determining factor when additive to one or more of the previously described forces. Once the stone has cracked, the wall does not return to its original position and a natural process of growth sets in. If the crack is filled with dirt, or patching mortar, or if a dropped keystone closes the gap, the wall becomes still longer upon expansion and the crack opens again when contraction occurs.

In the case of the Capitol walls, the described action is compounded by the great thickness of the wall and its 3-layer construction. The inner part of the wall is thermally stable while the exterior is exposed to the temperature extremes. The existence of a void behind the sandstone suggests that the sandstone may have some behavior independent of its backup wall. To the degree, that its internal geometry will permit, the exterior wall responds to temperature, and forms its own expansion joints by cracking in the manner shown in Figures 12–15.

(d) Settlement—Differential settlement of the foundations of a structure produces a characteristic cracking pattern in the supported masonry walls. These usually take one of the forms illustrated in Figure 19:

(1) If settlement acts to tilt or rotate one portion of the wall with respect to another, cracks will develop, as indicated in Figure 19(a), and the size of opening increases as it travels up the wall in vertical cracks or joints.

(2) More commonly, one portion of the wall drops with respect to an adjacent part and the openings occur in horizontal joints (Figure 19(b)).

Close inspection discloses relatively few crack patterns that could be related to foundation behavior. By themselves cracks are not evidence of settlement, and in the case at hand are explainable by weathering and temperature phenomena.

4. *Exploratory Program* [9]

As part of this study, plans and specifications were prepared for "Exploratory Work In and Adjacent to the West Central Portion of the United States Capitol", and a contract to carry out the work was awarded to Layne-New York Co., Inc. The purpose of the work was to determine the practicality and limitations of some of the restoration methods under consideration and their costs, as well as confirmation of data developed in earlier studies and reports. Determinations were sought for the following specific items:

(a) Drilling and Grouting—The primary purpose of the exploratory program was to determine the practicality and effectiveness of grouting the walls, using different techniques and materials. Underlying this work was the unknown degree to which the walls actually are voided, so an effort was made to determine the void ratio as well as the degree to which voids can be filled.

In 1964 some 63 cores were drilled in the west front wall. These were well distributed, were described and photographed in the Thompson & Lichtner report, and the cores are presently stored in the basement of the Rayburn Building. For the exploratory program, Layne-New York Co., Inc. drilled an additional 45 cores in much greater concen-

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tration in two test areas of wall. Because dry drilling tends to pulverize the core and wet drilling tends to wash out lime mortar and sand, good clean cores are seldom obtained and judgment is required to establish a void ratio. Additional information provided by the drilling process is obtained when there is a sudden change in the drilling pressure or the drill "falls through" a void.

When the wall was grouted, a careful record of the volume injected was kept as another indication of the existence and extent of voids. This record does not detect voids that are not filled, nor is there any way to determine exactly how far the grout traveled in the channels it found. Therefore, the indication is limited. It proves that voids exist, but it cannot prove that they do not exist or the degree to which they are filled.

At Wall A[10] there were 4 inclined grout holes and 14 test holes which were drilled after the grout was injected. In the test holes, a determination of the extent of voids, as compared to the extent of grout in the cores, was made to evaluate both the void ratio and the effectiveness of grouting. Logs of all drilling and grouting were kept, and a profile was recorded for the test cores.[11]

Of the 14 test cores taken in Wall A, 12 contained evidence of grout filled voids. The other 2 contained none, but also showed few voids. If a core contains a void not filled by grout, some conclusion can be drawn about the effectiveness of grouting. However, if there are no voids which might have been filled, no conclusion can be drawn except as to the degree to which it tends to indicate a solid wall.

In Wall B, one vertical grout hole and 8 horizontal grout holes were drilled. The holes were grouted and 18 test cores were taken.

Wall B turned out to be not typical[12] of the rest of the west wall since it did not have the extent of loose rubble in filling discovered in other areas in the 1964 investigation. The masonry units were large and the proportion of joints was, therefore, small. Out of the 18 test cores, 9 contained evidence of grout.

Wall A was grouted with Monomer, Epoxy, Neat Cement and Sand Cement in four different grout holes spaced about 7 feet apart. Altogether over 420 gallons, or 56 cubic feet of material was placed in the wall. This indicated that a considerable volume of voids existed and was filled; and it implied a void ratio of about 10%, if a normal distribution of voids existed around the grout holes. A normal distribution apparently does not exist, however, since over 50% of the total grout was placed in one of 4 holes and it traveled as far as 6 ft. in one direction and 12 ft. in another. Test holes also pierced many areas in which no grout was found and few voids were observed. The inference is that there are large voids, several inches in diameter, located in clusters, rather than a general distribution of fine voids. There are channels or seams through which grout can travel a great distance but these do not necessarily interconnect the larger voids.

The void ratio in the foundation wall, based on examination of the cores, is estimated to be 5% generally and 20% locally.

In Wall B, only cement grouts were used, and about 315 gallons of grout material were placed in the pier. Apparently, the only void in this wall was detected by the driller when the drill "fell through" consistently at about a depth of 2 to 3 feet from the face of the wall. The indicated volume would be equivalent to about a 5% void ratio. A 2½ inch continuous seam would also produce a 5% void ratio. What appeared to be this seam was observed as a ¼ inch crack when the wood paneling was removed to expose the wall near the window jambs.

In Wall B, 1 inch diameter horizontal grout holes, using about 20 pounds per square inch pressure, were as effective as was the larger vertical hole. With both grouting procedures, the conclusion was reached that the wall at this location is very solid. From examination of the 1964 cores, it is estimated that the void ratio for the upper walls is generally less than 10% and most of it is in the vertical plane, immediately behind the sandstone face. These can be best filled by grouting through horizontal or slightly tilted grout holes drilled through the face.

Of the four grouts tested, three proved superior: neat cement, sand cement and epoxy.

Monomer, an acrylic plastic, is a promising material with good laboratory test results, but the test program indicated a lack of field experience with the material, which restricts its applicability in a major structure. While the material soaks into the grouted wall quite effectively, its rate of cure was indeterminate. It also gave off an objectionable penetrating odor that cannot be tolerated in a building which is to be occupied during construction. It also is flammable and has a low flash point in the liquid state.

Sand cement grout was used with two different gradations of sand, was pumped both with and without pressure through 1 inch diameter holes and 3 inch diameter holes. With 3 inch diameter holes and well graded sand, it proved adequate. Since its prime virtue over neat cement grout is economy, it is not suggested for use in the foundation walls, where it would be less likely to seek out and flow through small channels which interconnect the voids. In the upper walls, it is recommended for use in conjunction with epoxy. To avoid damage to pumps and obtain good flow characteristics, the sand gradation must be rigidly adhered to.[13] The best mix for neat cement grout was 1.5:1[14] and for sand cement grout 1.5:1:2.[15]

Grouts of the suggested mix ratios did not generally bleed through the wall joints. When they did, a self-sealing characteristic was evident. Bleeding quickly stopped and is easily retained by slight obstructions to flow.

Epoxy is very strong in extension, compression and bond. It is also effective in permeating a finely voided material, but relatively expensive. It should be used as an adjunct to sand cement for grouting the upper walls, where good bond is a desirable characteristic. After the wall has been grouted with sand cement, to fill the large void behind the sandstone, a second stage grouting of the same areas with epoxy would result in a strong wall.

Solidification of the wall will affect the thermal properties. Air spaces at voids in the rubble core offer practically no resistance to the transmission of water vapor but are effective insulation against transmission of heat. When the voids are filled with grout the transmission rate of water vapor is decreased and that of heat is increased. The result is a 10% net increase in heat loss or gain for a solidified wall.

Condensation in the wall will not occur during the summer. During the winter there are conditions under which condensation occurs for both the existing wall and a solidified wall. Grouting will not produce much change in this effect (see Figure 22).

(b) Soils and Settlement—Three soil borings were made and one-dimensional consolidation tests were performed on three undisturbed samples. In addition, three unconfined compression tests, and three sets of liquid and plastic limit determinations were made by Woodward-Moorhouse & Associates, Inc. Laboratory results are given in Appendix A, Section 2, and a general discussion is included in Part B2 of this report.

(c) Paint and Paint Removal—Efforts to remove old paint, which has a thickness of 90 to 115 mils, from the surface of the west central front wall were not encouraging. The methylene chloride base remover specified, was at least as effective as other removers which were tried, but none succeeded in producing a completely clean stone surface. Application of a hydro-silica jet, using 600 to 700 pounds per square inch pressure, did remove the remaining paint but it also removed a portion of the stone surface. The jet treatment was too harsh for use on carved stone. On flat areas, it would be effective but would require a follow-up rubbing and sanding to restore the surface to a reasonable plane. The removal of soft decomposed stone forms a sound base for bonding of applied protective coats, so plain water jetting should not be rejected as a removal technique unless extreme erosion occurs.

Several manufacturers and paint consultants were contacted and the consulting service of Mr. Arnold J. Eickhoff was retained. There was general agreement that chemical removal would have limited success. Other techniques suggested include flame, hydro-silica jet followed by sand blast using walnut shells, and mechanical removal using pneumatic tools.

Paint removal resulting in a perfectly clean exposed sandstone does not appear to be practical. Removal to permit inspection of sandstone and effective use of stone preservative can be obtained using conventional hand labor and chemical remover.

Present painting practice requires the use of paint meeting Federal Specification TT-P-102a. This is a paint particularly adapted to exterior use on wood. Use of a stone preservative or conditioner as a base coat for a latex binder paint should be considered. Laboratory tests of paint samples indicate that latex binder paints were used in recent paint applications on the west front wall (see Appendix A, Section 5).

(d) Stone Preservative. — The existing stone is soft and porous. Its life could be effectively extended if it could be hardened and/or waterproofed. Two commercially available products were applied to test portions of the wall and smaller specimens which were sent to the National Bureau of Standards for testing. Their report is included as Section 3 of Appendix A. Complete protection of the stone surfaces should combine caulking of cracks and joints with the plastic material, followed by application of stone preservative and two coats of paint.

(e) Source of Sandstone—As an adjunct to the exploratory work, two field trips were made to the Aquia Creek area in Stafford County, Virginia, from which the original sandstone reportedly had been obtained. One of these trips is documented by Mr. Thomas W. Fluhr, Engineering Geologist, in Appendix B. Old quarries were discovered, but the findings were no more successful than similar efforts undertaken by Latrobe between 1805 and 1819. If good stone is there, it is well beneath the surface and expensive exploratory work would be required to discover it, with no guarantee of results. An even more expensive quarrying operation would then be required to uncover it. That would also be a gamble because it has been stated that blasting has been used in the area for the extraction of gravel. Such blasting may have shattered what otherwise might be acceptable sandstone.

What stone was visible on the surface during these inspections at the quarries had considerable quartz pebbles or was badly decomposed. An area visited on the second trip to the Aquia Creek area was possibly quarried in the 1930's, judging by the vegetation over the cut: see Plate 4. Here the volume cut was relatively small and the quality apparently ran out.

C. Conclusions

The many cracks and surface flaws do not significantly impair the ability of the west central front wall to continue to support the loads imposed on it. There are voids in the walls which do affect its strength.

Materials are of a quality and strength in excess of that required for safety, with the exception of the lime mortar cementing agent which ranges from fair to poor. The

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Footnotes at end of article.

poor material is generally in the central core of the wall, which can be assumed 50% efficient without causing overstress in the remaining portions of the wall.

Because there have been so many environmental changes during the course of the Capitol's history, there is no way of being certain that the building has all the characteristics of the original structure or those assumed in the computed structural analysis. Therefore a structural restoration program is required. Also, maintenance policy should require that all future installations of mechanical equipment, devices, chases, etc., be preceded by a structural analysis of affected elements.

If the wall voids were filled, exterior cracking would be inhibited by transfer of stress to interior portions of the wall. Generally, however, cracking will continue to occur as the wall adjusts to temperature change. A series of control joints must be provided to insure that these cracks occur at preselected points. Control joints must be caulked with plastic materials, which will stop the intrusion of water. With these measures future cracking should occur at a much reduced rate.

The following are specific conclusions and restoration procedures which apply to the different parts of the building, considered from the standpoints first of structural restoration and preservation.

1. Structural

(a) Soils [16]—Laboratory tests of soils beneath the Capitol indicate that the imposed loads are carried safely with a very small amount of anticipated future settlement.

In the past, settlement has occurred and since the three wings of the Old Capitol were built at different periods of time, there undoubtedly was differential settlement. The cracked vertical joints at the intersections of the three wings may be the results of this effect. Present settlement is negligible.

Neither underpinning of foundation walls nor chemical injection of soils is necessary.

(b) Foundation Walls—Foundation wall masonry is laid in lime mortar bedding of varying strength in a low range. The interiors of the walls were reportedly not laid in regular courses but filled with mortar dropped on the stones. Drilling conducted in the field test program indicates that this condition might exist locally rather than generally.

It is desirable to solidify the interior of the foundation walls to remove discontinuities and provide a relatively monolithic condition. The walls should be pointed. Then grouting can be accomplished with cement grout followed by epoxy. Use of epoxy grout would provide cohesive strength to existing mortar.

Experience in the exploratory program indicates that for foundation walls a first stage cement grout should be injected under pressure. Holes should be 2 to 3 inches in diameter, slightly off vertical, and spaced at about 3 feet on centers. Second stage grouting with epoxy should be in 2 to 3 inch round holes located between the first stage holes. To obtain a positive tie, steel rods would be inserted in the holes immediately upon completion of each grouting operation.

(c) Screen Walls—The screen walls at the lower old terraces are out of line and at some points could buckle despite present shoring. Although this veneer is non-structural it does provide protection against the weather for the rubble foundation wall behind it. Because the protection is important, and because the wall is unsightly, the screen wall should be rebuilt.

Earlier investigations showed that the veneer is generally six inches thick, with a three to four inch air space behind it. Rusted remains of ties were found, indicating that some attempt to bond the veneer to the wall behind it had been made.

To restore the screen wall it should be removed and the stones cleaned and trimmed. Broken stones should be repaired or replaced. Before replacing the screen wall, the rubble wall should be grouted (see Figure 20). Using the original stones, the wall should then be replaced plumb and true with bonding ties located at each course and doweled into the rubble wall and the space between veneer and rubble wall should be filled with cement mortar as each course is laid. The wall should be treated with preservative and painted, in consonance with the main walls.

(d) Terrace Walls—The old terrace walls, located about 20 feet forward of the screen walls, are gravity retained walls founded on stone bases about two feet below the adjacent ground. Cracks in the terrace floor slab indicate that these walls have moved an inch or two forward of their original position.

To restore the walls, they should be dismantled and rebuilt on a concrete footing founded below the frost line. The stones should be repaired, cleaned and treated with preservative.

(e) Upper Wall Repairs [17]—Cracks in the walls are generally due to thermal effects. This has been aggravated by the freezing of intruded water and other environmental effects.

Unless expansion joints are provided, cracking will continue. Studies made to develop an expansion point detail did not succeed in eliminating the possibility that difficulties would be increased rather than relieved. However, cracks can be minimized and progressive growth can be inhibited by solidifying the walls with grout and providing caulked control joints between window heads and sills as indicated on Figure 21, at the locations shown on Figure 3.

To strengthen the wall it should be grouted. This should be done in two stages; an injection of sand cement grout under pressure through 2 inch diameter horizontal holes to fill the largest voids, followed by an injection of sand cement grout under diameter inclined holes. Holes would be spaced at about 3 feet, on a grid, but would be located after paint removal to arrange, to the extent possible, that they occur in stones scheduled for repair.

To tie the wall together and to add strength, ½-inch diameter steel reinforcing rods should be inserted in grout holes immediately upon completion of the grouting operation in each hole. When interior walls about the west wall at pilaster lines, ties should be extended into them (Figure 20).

The building corners are the location of the most severe stone damage. Corners can be stabilized by cross ties, as shown on Figure 20. An alternate method for accomplishing this would require the vacation of corner office space during construction. Under this alternate, existing flooring and sand fill would be removed and a structural slab, tied into the walls, would be poured. This would stiffen the corners and make them strong buttressing elements.

Surface deterioration is due to weathering and freeze-thaw of entrapped moisture. Though unsightly it is of minor structural importance. Some stones are so far eroded that they should be replaced but others, less seriously deteriorated, may be tolerated as an expected sign of age. Future damage by intrusion of moisture or paint can be controlled by the application of a stone preservative and joint sealant, a procedure which should be applied at regular intervals.

Faulty face stone can be removed by saw cutting, line drilling and chipping, then replaced with new stone. Carved stone, unless basically faulty, can be repaired in place. Entablature elements can be removed by cutting and chipping, as shown on Figure 20. To avoid removal of elements above it, and subsequent danger to vaulting below, entablature pieces should only be removed back to the approximate facestone line and replacement pieces installed using reinforcing anchors with epoxy cement.

(f) Portico Repairs—Spanning members in the Portico have failed and must be repaired. The entire balustrade and entablature over the Portico should be removed down to the column capitals.[18] Broken lintels may be pieced together and made strong by using post-tensioning techniques. All members should be cleaned, treated with preservative and replaced with a new reinforced concrete backup well (Figure 21).

Columns and their bases can be replaced by sister elements from the East Face stored stone. East Face members are monolithic and are in better condition than the West Portico columns which are made up of varying length drums. East Face column bases are also in better condition and should replace those in the West Portico.

(g) Window Lintel Repairs—Broken lintels should be removed, repaired using post-tensioning methods, cleaned, treated with preservative and replaced (see Figure 21). Where eroded edges make this impractical, new stone must be used.

(h) Window Keystone Repairs.—Many window keystones have dropped. Old mortar repair material at the top of the stone should be removed by saw cutting and chipping. Adjacent stones should be removed to the extent necessary to gain access to the sides of the keystone (Figure 21). Then the keystone should be jacked into its original position and supported there on steel stubs inserted in the sides. Access holes would then be closed with new stones.

2. Architectural

"Restoration, used architecturally, means putting back as nearly as possible into the form it (a building) held at a particular date or period in time." [19]

The initial construction of the North Wing was completed in 1800, the South Wing in 1808 and both had an exposed sandstone finish until the structure was damaged by fire in 1814. During repairs subsequent to the fire all exposed stonework was painted. The Central (Portico) Wing was not completed until 1829 and it is assumed that the stonework was painted as part of the construction process to match the adjacent wings. The entire west central front has remained painted ever since and has been repainted many times. There may be some question whether true restoration in this case should result in an exposed sandstone surface or a painted surface. Both approaches are treated in the following discussion and are included in the cost estimate as Schemes 1 and 2, for painted sandstone, and exposed sandstone, respectively.

As a practical matter, Scheme 1 seems most attractive. Those portions of stone which were uncovered during the exploratory work proved to be badly stained and a good portion of it was of relatively poor quality. There is the possibility that a greater portion of stone will need replacement than survey of the painted surfaces would indicate, in which case the supply of East Face stone could be insufficient. Scheme 1 is preferable for these reasons and because, in this case, a painted finish seems to most faithfully fulfill accepted standards for restoration.

(a) Scheme 1—Painted Sandstone—If a painted stone surface finish were elected, the color quality of stone used for repairs would not be important. Repair methods would follow procedures outlined below for exposed stone finish, but replacement stone would not have to be Aquia Creek sandstone.[20] Equivalent surface texture could be achieved by prefabricating stones to the required dimensions. Carved stonework elements could be replaced in part by doweling in new parts when deterioration was limited, or a whole block would be used in more severe cases. Details of Figure 20 would apply.

Upon completion of repairs the joints

Footnotes at end of article.

would be sealed and the whole wall surface would be treated with preservative and painted.[21]

(b) Scheme 2—Exposed Sandstone—Paint would be removed from the existing surfaces by chemical and/or mechanical means.

A detailed inspection would then determine what stones are visually and structurally unacceptable. These would be removed by sawing, line drilling, and chipping to a depth of about 6 inches. A "new" stone[22] would then be cut to precise dimensions and inserted in the space on an epoxy mortar base and anchored with ties into the backup wall against epoxy mortar backing. The process would be repeated stone by stone, avoiding the removal of adjacent stones at the same time, or a quantity that would imperil the structural integrity of the wall.

When all faulty stone was replaced, joints would be struck flush and treated with plastics sealant. The entire surface would then be treated with preservative, a treatment which would have to be repeated at about ten-year intervals as standard maintenance.

The stored stone from the East Face (Plate 2) is generally 12'' to 24'' in depth. Its back portions could, therefore, be cut for face stone inserts, leaving the carved forward portion with ample depth to be used as replacement for deteriorated West Face carved work. That supply would, therefore, provide 3 to 4 times the square footage of wall that its cubage would imply.

Deteriorated balusters would be replaced in whole. Broken cornice elements would be replaced as shown in Figure 20, and the entire top surface of the entablature would be capped with flashing in fashion similar to that used on the Senate and House Buildings.

It is not suggested that stone elements, such as cornice members or column caps, should be replaced simply because a leading edge or some of the decorative carving has eroded. The Capitol is 150 years old and should give an impression of venerable age, not a crisp newness that denies its historical background.

Effective grouting will require relatively close spacing of drill holes vertically and horizontally in the upper walls. This would increase the need for the replacement stone required to obtain an unflawed surface, possibly in excess of that available in the East Face storage piles. For Scheme 2 this would mean either some proportion of artificial replacement stone, or toleration of a pockmarked appearance on a fairly regular grid. Under Scheme 1 this would be of no concern, since patch marks would be painted over.

3. Other restoration methods

Other approaches to restoring the West Wall were considered and abandoned upon evaluation. In particular, the following deserve mention:

(a) Marble Facestones—Thomas U. Walter, Architect of the United States Capitol Extension and designer of the Capitol Dome, described this proposal in 1850: "I may venture further to suggest that it would by no means be impracticable to remove all the facing of the present building and substitute marble, without interfering at all with the stability of the structure. If, therefore, the work is commenced by facing the new part with marble, the day will no doubt come when we shall have a marble Capitol upon which time can work but little change."[23] Procedures would follow a pattern similar to that for Scheme 2, except that replacement would be marble and replacement would be entire. This would be accomplished by using a checkerboard pattern of removal and replacement stone by stone. Upon completion, the building would look exactly like the existing building, except that it would have a marble surface and would look new. Details would be similar to those in Figure 20.

The concept is considered to be reconstruction rather than restoration and, it is estimated that it would cost $31,053,000.

(b) Marble Veneer—To reduce the cost of the preceding scheme an extremely placed marble veneer was evaluated. This concept would involve application directly to the existing surface of the wall following removal of projecting elements. Dimensional problems are produced which violate the principles of restoration, and the additional weight of 5,000 lbs. per foot of wall creates foundation problems. This procedure is judged a poor bargain at a high cost.

(c) Buttress Wall—In this concept a new wall would be constructed in front of and bonded to the existing wall to reinforce it. It would rest on its own foundation and be constructed of reinforced concrete faced with sandstone or marble to replicate the wall behind it.

The technique was set aside because it imposes dimensional changes to the architectural elevations which would not be simple to conceal, because it is neither "restoration" of the structure nor preservation of an historical monument, and because, structurally, an adequate, less expensive solution is available.

(d) Replacement Wall—The existing wall could be dismantled and replaced by a new wall incorporating reinforced concrete construction faced with sandstone or marble to the exact dimensions of the existing building. Again, this would mean the obliteration of the historical monument and replacement by a replica. It would also necessitate abandonment of offices along the wall for an extended period of time.

The most telling objection to this concept, however, is the complicated construction methods and tight control that would be necessary to accomplish the actual construction. A complex shoring system put in place as dismantling proceeded would require an intricate sequence of operations to prevent collapse of the work immediately involved and damage to interior spaces. Complicated construction means expensive construction. This and the hazard justify setting aside the technique.

D. Implementation

1. Structural repairs

If structural repairs are made, they should be carried out as a continuous operation proceeding from Wall 1 to Wall 7,[24] as indicated on the Projected Progress Schedule, Table 2. Walls 1 and 2 would be completed before proceeding to Wall 3, etc., so that the architectural restoration work could follow as soon as structural repair was accomplished, and a regular sequence of progress maintained. Walls 1 and 2 are chosen for initial work because fewer offices are in the South Wing adjacent to the west front wall. This would permit practical methods and procedures to be developed by the contractors and would achieve a smooth running operation before the work proceeded to the busy areas.

It is not anticipated that any rooms would have to be vacated, unless it was decided to adopt the poured slab technique for corner offices as previously described. This technique is unacceptable because its use disqualifies restoration.[25] Economy and certain structurally desirable characteristics accrue to the poured slab method of tying in the corners, but a structurally adequate alternative is available.

Working access to the walls would be via temporary ramps and bridges from a work and storage area in the southwest Capitol lawn (see Figure 1). The public would thus have unobstructed access to the Capitol and its terraces at all times.

2. Architectural restoration

Concurrent with structural repair operations a careful inspection must be conducted to establish the extent of necessary restoration and the proper sequence of operations. All dimensions necessary for shop drawings and models would be made and when structural repairs were finished the stonework operation would begin.

The experience gained by the test removal of paint, performed as part of this study, indicates that it will not be possible to completely remove the paint and paint stain without some damage to the stone. If, however, a degree of removal which results in an acceptable surface can be accomplished, restoration Scheme 2 could be adopted. Contractual agreements for the work could be written to permit a change to Scheme 2 if in the judgment of the responsible authorities the results of cleaning provide an acceptable finish.

3. Work scheduling

It is estimated that, with proper timing and phasing, the work can be accomplished in about three years with no single wall section being scaffolded for more than one year. The Projected Work Schedule, Table 2 indicates the general sequence and timing for the various operations.

The schedule shown is only one of many possible variations. Separate work operations can proceed concurrently and more than one wall can be operated upon at one time. This would be a matter of manpower and coordination; the final contract should include a network schedule. The schedule shown is presented as a reasonable approach.

A lead time of at least 6 months would be required for the preparation of plans and specifications, advertisements, and awarding of contract.

E. COST ESTIMATE

Table 3 is a tabulation of estimated quantities and costs for Schemes 1 and 2, summarized as follows:

Scheme 1—Painted Sandstone $13,700,000.
Scheme 2—Exposed Sandstone $14,500,000.

Included are amounts for replacement of all windows, repair of existing roof slabs and old terrace walls, bird proofing, delays, funds for emergency repairs, and a contingency of 15%. Unit costs include an escalation factor. A liberal amount is included to cover full-sized trial method experiments which will be necessary to establish the best procedures during the early stages of the work, as well as retention of stone artists and experts to measure and make models for special carving and repair work.

The third Commission condition stipulates that "restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids". A cost plus contract with an "upset price" seems more realistic and could be obtained on a competitive basis.

FOOTNOTES

[1] Figures are not reproduced in RECORD.

[2] 1967 Ed., Sec. 7140.

[3] The M.M.= Modified Mercali Scale, is a measure of ground shaking, a value of 5 representing a shock felt by most people, with breakage of dishes, windows and plaster.

[4] Ibid., Sec. 2314.

[5] See *"Design of Foundations for Buildings"*, by S. M. Johnson and T. C. Kavanagh, pages 135 and 136.

[6] Glenn Brown, *"History of the Capitol,"* page 37.

[7] Ibid., pages 42–43.

[8] Mudd Report, (1849), *"Documentary History of the Capitol."*

[9] See Appendix A for field reports, and data developed from this work.

[10] A rubble foundation wall. See Appendix A, Section 6 for contract plans which show exact locations of grout holes and test cores.

[11] Ibid., Section 1.

[12] Including the fact that one of the face stones was granite rather than sandstone.

[13] See Specification, Appendix A, Section 6.

[14] Water: Cement, by volume.

[15] Water: Cement: Sand, by volume.

[16] See Appendix A for computations and soils data.

[17] Damaged areas are shown on Figs. 12–15, and repair details are shown on Figs. 20–21.

[18] In this case, removal of upper elements will not endanger vaulting below.

[19] Orin M. Bullock, Jr., A.I.A., *"The Restoration Manual"*, (1966)

[20] The use of East Face stone is not prevented by the fact that a painted finish is used. Its limited supply is simply removed as a factor.

[21] Painting restores the surface to a condition it enjoyed for 150 years as did the White House, recently restored in similar fashion.

[22] This material can be cut from East Front stone presently stored at two sites: The Capitol Power Plant Yard and Rock Creek Park.

[23] *Documentary History of the Capitol.*

[24] For wall designatons see Fgures 2 to 6.

[25] See page 1 of this report-Commission condition No. 2.

THE POSITION OF THE AMERICAN INSTITUTE OF ARCHITECTS ON THE PROPOSED EXTENSION OF THE WEST FRONT OF THE CAPITOL

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, when this House begins to debate the question of extending the west front of the Capitol we are in the area of architecture. Indeed the architect of the Capitol himself has urged this extension action.

So it is essential that when we debate this issue we have clearly before us the position of the foremost professional association of the architectural profession, the American Institute of Architects, the AIA.

They are against the extension and they have some solid reasons for their position which we would do well to consider when we debate this issue on Wednesday or Thursday.

Incidentally, the new Capitol architect, Mr. George White, is a member of this organization and shared its views prior to the time he went on the congressional payroll. After he was on the payroll, of course, he changed his mind, as the public record will show.

But, Mr. Speaker, here is the report of the AIA as well as an up-to-date statement of their views, which are in clear contrast to the newly-formed point of view of the new architect of the Capitol.

Under leave to extend my remarks, I insert the report of the AIA Task Force on the West Front issue, dated September 1, 1971.

I also include a copy of a published release by the AIA dated June 22, 1972, reaffirming their opposition to the proposed extension project:

REPORT OF THE 1971 AMERICAN INSTITUTE OF ARCHITECTS TASK FORCE ON THE WEST FRONT OF THE U.S. CAPITOL, SEPTEMBER 1, 1971

In response to a request from George M. White, FAIA, Architect of the Capitol . . . "to have The American Institute of Architects review the information and circumstances involved in the proposed extension of the West Front of the United States Capitol", the President of The American Institute of Architects, Robert F. Hastings, FAIA, appointed a review Task Force.

The AIA members appointed by President Hastings to this Task Force were: Milton L. Grigg, FAIA, Chairman; William W. Caudill, FAIA; Leon Chatelain, Jr., FAIA; Francis D. Lethbridge, FAIA; Harry M. Weese, FAIA; and Maurice Payne, AIA, Staff.

They were directed by President Hastings, "to examine AIA's position on the West Front of the Capitol now that the engineering report (the Praeger Report) has been submitted."

The full Task Force met at AIA Headquarters in Washington, D.C. on May 26 and 27, 1971, to review background material previously distributed including the Praeger-Kavanaugh-Waterbury report on "Feasibility and Cost Study for Restoration of the West Central Front of the United States Capitol". Architect White, Assistant Architect of the Capitol Mario E. Campioli, AIA, and Philip L. Roof, Executive Assistant to the Capitol Architect, met for a period of time with the Task Force and were the gracious hosts for a general tour of the Capitol building by the Task Force on the afternoon of May 26th.

Subsequent detailed inspections of the Capitol and informal meetings with the Capitol Architect were held.

TASK FORCE REPORT: RESTORE THE WEST CENTRAL FRONT OF THE U.S. CAPITOL

Having studied and analyzed the report by Praeger-Kavanaugh-Waterbury on "Feasibility and Cost Study—Restoration of the West Central Front—United States Capitol—January 1971", the AIA Task Force is unanimous in endorsement of the method of analysis, the general findings and the conclusions of the report. It offers conclusive evidence to sustain the Institute's resolution for, and belief in the practicality of restoration of the West Front in situ.

It is our opinion that the proposed restoration as recommended by the Praeger Report fulfills the five conditions for restoration as set down by Congress in Public Law 91-145:

1. That the restoration can, without undue hazard, be made safe, sound, durable and beautiful for the foreseeable future.

2. That restoration can be accomplished with no more vacation of the west central space than would be required by any extension plan.

The Praeger Report provides proper methods of restoration. The Task Force recognizes that the work could be done on a competitive, lump sum, fixed price construction bid or bids but we feel that competitive bidding for a fixed profit and overhead with the work being done on a cost basis should be strongly considered in the same way the White House restoration was accomplished.

4. It would be impossible for anyone at this stage of study to guarantee a total restoration cost. However, the Task Force felt that the Praeger Report methods and budget allowed adequate contingency.

5. The Task Force is certain that the restoration work would not exceed the projected time estimated for accomplishing the extension plan.

This Task Force recommends that the present perimeter facades of the Capitol building be declared inviolable and the surrounding grounds, bounded by First Streets, East and West, and Independence and Constitution Avenues, be declared open space, devoid of significant structures protruding above present grade levels. Extant mature tree groupings in these surrounding grounds also should be declared inviolable and sub-surface development be encouraged but confined to areas now either in grass, paving or shubbery.

PREPARE A COMPREHENSIVE PLAN FOR LONG RANGE DEVELOPMENT OF THE PROPERTIES UNDER THE JURISDICTION OF THE ARCHITECT OF THE CAPITOL AND THE SURROUNDING AREAS

The Task Force observed, that the present space usage in the Capitol is crowded, misused, or underused; that many functions now located in the Capitol have questionable need of being there; and some functions are duplicated. The Task Force was made aware of the need for additional space by Members of the House of Representatives, especially space adjacent to the House Chamber.

Present preliminary findings of the Architect of the Capitol, following a space need study of the House of Representatives, would seem to indicate that any proposed future extension of the Capitol will not begin to meet present, least of all projected, space needs.

The Task Force reaffirms the AIA's historic position that Master Planning of the Capitol must be undertaken if impetuous action by the Congress is to be avoided. This planning should include 1) an inventory space utilization of present buildings; 2) an analysis of floor area ration within the confines of the present Capitol area; 3) a study of possible new land acquisition; 4) a study with particular reference to below surface development capability, categories of use, and environmental factors.

Consideration must be given to the displacing of routine services or lower priority functions now occupying space in the Capitol to new locations.

With the realization of the Metro system, the Visitor's Center at Union Station and the emergence of new people-mover systems, all parking should be remoted and the Capitol's surrounding groups cleared of all but official business cars. New systems of shuttles, horizontal elevators and even a Metro branch should be considered. They could provide fast, automatic, safe and frequent service between all of the buildings in the Capitol complex and would make ready proximity a question of time rather than distance.

It is the recommendation of the Task Force that the Architect of the Capitol could and should request the counsel and guidance of leading architects and other design professionals. Since the future of our Capitol is of deep concern to all Americans, their gratuitous participation in the development of a comprehensive plan can be expected.

TASK FORCE OBSERVATIONS ON THE PRAEGER REPORT

Settlement

(1) Soil pressures are such that there is a 2-to-1 factor of safety.

(2) Further settlement can be expected over the next 150 years, but in order of the ½ inch of the past, which occurred at the outset.

(3) There has been no evidence of differential settlement.

Cracking

(1) Thermal movement and frost action over the years, as between the interior rubble wall and the sandstone face, has caused local failure to cut stone creating a natural pattern of vertical cracks from top to bottom approximately 30 feet apart.

This is a natural phenomenon which designed control joints obviate. The report recommends making control joints of the existing pattern of cracks. There is no reporting of settlement cracking nor out-of-plumb walls.

Erosion and spalling

(1) Sandstone weathers well when laid on bed faces for natural drainage of trapped moisture from within the wall. Improper stone cutting in some cases, but more important, the use of oil paint over the years, has trapped moisture and contributed to surface spalling. The effect is superficial and akin to accelerated weathering. Modern paints which allow the wall to breathe obviate this. The aesthetic effect is that of time making its mark. No attempt should be made to deny these minor inroads of time.

(2) Significant deterioration was noted on marble surfaces on the Olmsted terraces—a

condition that would "flash a warning" whenever future consideration is given to wearability of various stone surfaces.

Loose or cracked stones

(1) Certain stones, voussoirs, flat arches, quoins, and cornice members are in need of affixing to the backup masonry. They are visible and can be treated with modern rock bolting techniques and post tensioning.

Wall strength

(1) The facing stone is bonded to the rubble wall with alternate courses, making a physical bond uniting the wall in a series of vertical shafts separated by the aforementioned natural control joints. These walls are over 4 feet thick at the foundations. They are not overstressed, taking 236 p.s.i. maximum loading with the stone itself capable of 6000 in the case of sandstone and 14,000 for rubble fieldstone. The lime mortar is the limiting factor, but there is no reporting of vertical displacement or cracking of interior walls. It is proposed that a grout injection to fill voids in the mortar matrix and bond the exterior wall to the interior would add strength.

After paint removal and patching and further measurements, it may prove that grout injection could be limited to the lowest story or localized or could be eliminated altogether. It is not clear that so-called solidification of the wall is called for, but this task force defers to the judgment of the Praeger report.

(2) On page 10, near the conclusion of the portion of the report on the experimental wall grouting, amplification and clarification would seem desirable. The type of epoxy as a final bonding material is questioned and should be clarified to the extent that description is not found with respect to the viscosity of the material proposed. Elsewhere, it is reported that various formulations seem to be identified. Furthermore, experience elsewhere indicates that ferrous metals and certain epoxy compounds are not mutually compatible and that deterioration may occur in both materials through chemical action; hence, use of iron reinforcing rods should be evaluated.

(3) There is discussion of the thermal effect of solidification of the wall resulting from the infilling of the present cavity. This phenomenon is not discussed in great detail other than to conclude that there is to be predicted a 10% net increase in heat gain or heat loss in the solidified wall. The effect of this change in the internal structure of walls of such comparatively great mass bears closer investigation.

It is probable that it will require an interval of time, perhaps 18 months to 2 years, for the long stabilized thermal and hydro balance within the walls to become re-established, responsive to modifications resulting from the filling of the voids and the possible modification in the reverse permeability or breathing property of the wall.

Moisture

(1) It is difficult to accept the categorical statement that "condensation in the wall will not occur during the summer". The computations on Figure 22 do not appear to indicate a recognition of the lag in change of the ambient humidity and temperature of the internal wall volume and it is possibly questionable whether the conclusions shown thereon are valid without further experimental documentation.

(2) The Praeger Report does not contain a bibliography, therefore the following paper may have been available to the authors. Reference is made to *Consolidation des Monuments D'Architecture par injection dans les Maconneries,* Moscau N. Zvorikine. From this, it is seen that the Russian experiences indicate that the epoxy infilling should not be impermeable to moisture; therefore, the formulation of the material ultimately used should be investigated in light of these reported results.

It was found that the dilution of the epoxy with a solvent helped to provide better penetration and greater adhesion and, at the same time, did not produce a mass incapable of "breathing".

In the same connection, we were informed by Dr. R. M. Organ, Chief, Conservation—Analytical Laboratory, Smithsonian Institution, that Savestone is an excellent material, particularly if the manufacturers are at this time employing the Lewin Sayre patents. Acrylic plastic compounds have elsewhere been found to be very deleterious in these uses and should be avoided.

The Report suggests quite discouraging results from the several experimental methods of removing the old paint from the stone. From other sources, it has been found that the Methylene Chloride paint remover which was used, while not formulated for removal from stone surfaces, actually can be made very effective when combined with a neutral jelly to create an emulsion, keeping the mixture moist for a longer period. (Actually, in the results cited, the coated stone surfaces were covered with aluminum foil to prevent accelerated evaporation). The latter expedient might increase the effectiveness of the gel remover reported.

In this connection, it is somewhat surprising to find that the report does not cover the matter of vapor transmission more positively. It would seem desirable to investigate the advantages of providing a vapor barrier back of the plaster on exterior wall surfaces. It is possible that this will alleviate the tendency for plaster fatigue through thermal and moisture changes as well as more effectively stabilizing the moisture content of the interior of the interior of the wall volume. This vapor barrier, if found to be necessary, could be of the framed-in-place variety, thus avoiding extensive replastering.

(3) Apparently, the authors of the Report have not found conditions to indicate the desirability of horizontal moisture barriers in the base of the walls to offset the capillary action often found in walls of this mass and porous character.

Performance design

(1) The Praeger Report analyzes the structure and loadings of the West Front portion of the Capitol building and proves they are within the parameters of sound practice. The effects of static and dynamic loadings and soil pressures due to dead load, live load, wind and seismic forces, and sonic booms have been given complete attention and analysis.

Painting

(1) The continued use of oil paint in many applications 15 to 105 mils thick has caused accelerated but not severe weathering. Modern breathing paints will obviate this difficulty.

The Capitol is made of three materials: yellowish standstone (original wings), Walter's marble House and Senate extended wings, marble East Front extension and the cast iron dome. White paint on the sandstone and dome is used to unify the ensemble. This has been the style for more than 100 years. The White House is painted stone. London abounds in painted stone. The tradition of painting should continue.

RELEASE FROM AMERICAN INSTITUTE OF ARCHITECTS

The American Institute of Architects supports the provision in the Senate version of the 1973 Legislative Appropriations Act, H.R. 13955, which prohibits the use of funds for the preparation of final plans or for any construction on the West Front of the United States Capitol Building because Congress must first carefully weigh and vote on the issue of preservation. The restoration study of the West Front, as authorized by Public Law 91–145, states conclusively that restoration of the West Front is practical, economical, and desirable.

To proceed with extension of the West Front would be in complete disregard for the heritage of our country and of our national government. Only if this last remaining original facade of the West Front is restored and left visible will the continuum of the history of the United States be evident in our Capitol.

Furthermore, extension would be in expensive disregard of commonsense, long range planning for the future needs of Congress. A halt to piecemeal new construction of this nature must be called, and called now, until such time as comprehensive, long range plan is made to accommodate all the functions and facilities of Congress in the most efficient and effective locations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. SCHNEEBELI (at the request of Mr. ANDERSON of Illinois), for June 27, 28, 1972, on account of official business.

Mr. BURKE of Florida (at the request of Mr. ANDERSON of Illinois), for today and the balance of the week, on account of illness.

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. MOSS (at the request of Mr. O'NEILL), for Tuesday, June 27, through Friday, June 30, on account of hospitalization for surgery.

Mr. DENT (at the request of Mr. O'NEILL), for the week of June 26, on account of personal loss due to flood damage.

Mr. ALEXANDER (at the request of Mr. O'NEILL), for Monday, June 26, and Tuesday, June 27, on account of official business.

Mr. FREY (at the request of Mr. ANDERSON of Illinois), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ASPINALL and to revise and extend his remarks and include extraneous matter, for 15 minutes, on June 28, 1972.

Mr. STRATTON, for 60 minutes, on June 27; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. CONOVER) and to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 30 minutes, today.

Mr. SHOUP, for 10 minutes, today.

Mr. ANDERSON, of Illinois, for 30 minutes, today.

Mr. CHAMBERLAIN, for 30 minutes, Thursday.

Mr. KEMP, for 5 minutes, today.

(The following Members (at the request of Mr. ASPIN) and to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 5 minutes, today.

Mr. REUSS, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mrs. ABZUG, for 5 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Jacobs, for 60 minutes, on June 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dingell and to include extraneous matter, notwithstanding an estimate of 13½ pages and a cost of $1,890.

Mr. Evins of Tennessee in two instances.

Mr. Evins of Tennessee to revise and extend his remarks during general debate on H.R. 15586 and include extraneous matter.

Mr. Stratton notwithstanding the fact that it exceeds two pages of the Record and the cost thereof is estimated by the Public Printer to be $945.

Mr. Hébert, for all Members to include extraneous material with their remarks today during general debate.

Mr. Leggett (at the request of Mr. Aspin) to revise and extend his remarks and include extraneous matter during general debate on H.R. 15495, military procurement authorization.

Mr. Anderson of Tennessee (at the request of Mr. Aspin) to revise and extend his remarks and include extraneous matter during general debate on H.R. 15495, military procurement authorization.

(The following Members (at the request of Mr. Conover) and to include extraneous matter:)

Mr. Keating in two instances.
Mr. Derwinski in two instances.
Mr. Esch.
Mr. Wyatt.
Mr. Springer in three instances.
Mr. Scherle in 10 instances.
Mr. Gross.
Mr. Widnall in two instances.
Mr. Broyhill of Virginia in two instances.
Mr. Anderson of Illinois in two instances.
Mr. Smith of New York.
Mr. Vander Jagt.
Mr. Hutchinson.
Mr. Hosmer in two instances.
Mr. Schwengel.
Mr. Kemp in two instances.
Mr. Wyman in two instances.
Mr. Conte.
Mr. Horton.
Mr. Findley.
Mr. Goldwater.
Mr. Quie.
Mr. Keith.
Mr. Schmitz in five instances.

(The following Members (at the request of Mr. Aspin) and to include extraneous matter:)

Mrs. Hicks of Massachusetts.
Mr. Griffin.
Mr. Reuss in seven instances.
Mrs. Hansen of Washington.
Mr. Evins of Tennessee in two instances.
Mr. Hungate.
Mr. Chappell.
Mr. Rodino.
Mr. Brinkley.
Mr. Van Deerlin.
Mr. Symington in two instances.
Mr. Anderson of Tennessee in five instances.
Mr. Taylor.
Mr. Badillo.
Mr. Bingham in three instances.
Mr. Wolff in two instances.
Mr. Waldie in two instances.
Mr. Drinan.
Mr. Gettys.
Mr. Zablocki in two instances.
Mr. Abourezk in five instances.
Mr. Carey of New York.
Mr. Gonzalez.
Mr. Rarick in three instances.
Mr. Moorhead in five instances.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table, and, under the rule, referred as follows:

S. 1682. An act to amend title 5, United States Code, to establish and govern the Federal Executive Service, and for other purposes; to the Committee on Post Office and Civil Service.

S. 2147. An act for the relief of Marie M. Ridgely; to the Committee on the Judiciary.

S. 2753. An act for the relief of John C. Mayoros; to the Committee on the Judiciary.

S. 2822. An act for the relief of Alberto Rodriguez; to the Committee on the Judiciary.

S. 3419. An act to protect consumers against unreasonable risk of injury from haazrdous products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 3722. An act to provide for the establishment of a Foreign Service grievance procedure; to the Committee on Foreign Affairs.

S.J. Res. 204. Joint resolution to authorize the preparation of a history of public works in the United States; to the Committee on House Administration.

S.J. Res. 221. Joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 632. An act for the relief of the village of River Forest, Ill.;

H.R. 3227. An act for the relief of S. Sgt. J. C. Bell. Jr., U.S. Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, The Robert E. Lee Memorial;

H.R. 13918. An act to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes;

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions; and

H.J. Res. 812. Joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On June 22, 1972:

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz, Aleman Phillips;

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 4050. An act for the relief of Maria Manuala Amaral;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7088. An act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes;

H.R. 7641 An act for the relief of Chung Chi Lee; and

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936.

On June 26, 1972:

H.R. 632. An act for the relief of the village of River Forest, Ill.;

H.R. 3227. An act for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetry, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial;

H.R. 13918. An act to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes;

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions; and

H.J. Res. 812. A joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

ADJOURNMENT

Mr. ASPIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p.m.) under its previous order, the House adjourned until tomorrow, Tuesday, June 27, 1972, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2103. A letter from the Acting Assistant Secretary of Agriculture, transmitting the annual report on the orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities, pursuant to section 201(b) of Public Law 84-540; to the Committee on Agriculture.

2104. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report for the third quarter of fiscal year 1972 on receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, pursuant to section 712 of Public Law 92-204; to the Committee on Appropriations.

2105. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to increase below zone selection authorization of commissioned officers of the Regular Navy and Marine Corps and to authorize below-zone selection of certain other commissioned officers of the Navy and Marine Corps, and for other purposes; to the Committee on Armed Services.

2106. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Naval Reserve, pursuant to 10 U.S.C. 2233 (a)(1); to the Committee on Armed Services.

2107. A letter from the Secretary of Health, Education, and Welfare, transmitting the second annual report on the administration of the black lung benefits program by the Social Security Administration, pursuant to section 426(b) Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

2108. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on that segment of a UH-1H helicopter and engine assembly program with the Republic of China for which the United States proposes in fiscal year 1972 to guarantee $10 million in credit to be obtained from private lending institutions, pursuant to section 42(b) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

2109. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a Presidential determination indicating his intention, subject to the provisions of section 652 of the Foreign Assistance Act of 1961, as amended, to authorize the continuation of military assistance to a recipient country without regard to the provisions of section 505(d) of the act, pursuant to section 614(a) of the act; to the Committee on Foreign Affairs.

2110. A letter from the Assistant Secretary of State for Congressional Relations, transmitting Presidential Determination 72-16, authorizing the grant of military assistance to a country in Asia; to the Committee on Foreign Affairs.

2111. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize the Secretary to phase in motor vehicle safety standards by specified percentages over a period of time, and for other purposes; to the Committee on Interstate and Foreign Commerce.

2112. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "World Power Data, 1969"; to the Committee on Interstate and Foreign Commerce.

2113. A letter from the General Counsel for the National Council on Radiation Protection and Measurements, transmitting the audit report for the Council for 1971, pursuant to section 14(b) of Public Law 88-376; to the Committee on the Judiciary.

2114. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on planned adjustments in the NASA space flight operations program as authorized by the NASA Authorization Act, 1972 and 1973; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 14896. A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs with an amendment (Rept. No. 92-1170). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1139. An act to amend the Federal Crop Insurance Act, as amended, so as to permit certain persons under 21 years of age to obtain insurance coverage under such act (Rept. No. 92-1171). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1545. An act to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain (Rept. No. 92-1172). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 1234. Joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes (Rept. No. 92-1173). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED: Committee of Conference. Conference report on H.R. 15585 (Rept. No. 92-1174). Ordered to be printed.

Mr. WHITTEN: Committee on Appropriations. H.R. 15690. A bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92-1175). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. S. 3715. An act to amend and extend the Defense Production Act of 1950 (Rept. No. 92-1176). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee of conference. Conference report on H.R. 13188 (Rept. No. 92-1177). Ordered to be printed.

Mr. GARMATZ: Committee of conference. Conference report in H.R. 8140 (Rept. No. 92-1178). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 15674. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning women, and for other related educational purposes; to the Committee on Education and Labor.

H.R. 15675. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize free or reduced rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

H.R. 15676. A bill to provide for a comprehensive program designed to strengthen the criminal justice system in the United States, to attack urban street crime, to undertake new training programs for law enforcement personnel, to improve the training, care, and rehabilitation of criminal offenders, and for other purposes; to the Committee on Ways and Means.

H.R. 15677. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 15678. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically handicapped because of such handicap; to the Committee on Education and Labor.

By Mr. BENNETT (for himself, Mr. Bob Wilson, Mr. Stratton, Mr. King, Mr. Randall, Mr. White, Mr. Mollohan, Mr. Spence, Mr. Harrington, and Mr. Conover):

H.R. 15679. A bill to amend section 203 of title 37, United States Code to provide additional pay for permanent professors at the U.S. Military Academy, U.S. Naval Academy, U.S. Air Force Academy, and U.S. Coast Guard Academy; to the Committee on Armed Services.

By Mr. CAMP (for himself, Mr. Edmondson, and Mr. Steed):

H.R. 15680. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Ponca Indians of Oklahoma and Nebraska in Indian Claims Commission dockets Nos. 322 and 324, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FINDLEY:

H.R. 15681. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mrs. HICKS of Massachusetts:

H.R. 15682. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer supporting a dependent who is mentally retarded; to the Committee on Ways and Means.

By Mr. PRICE of Illinois (for himself and Mr. Anderson of Illinois):

H.R. 15683. A bill granting the consent of Congress to the Midwest interstate nuclear compact, and for related purposes; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 15684. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers, police, firemen, and members of an ambulance team or rescue squad; to provide civil remedies for victims of racketeering activities; and for other purposes; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 15685. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. SHOUP (for himself, Mr. McClure, and Mr. Hansen of Idaho):

H.R. 15686. A bill to amend chapter 2 of title 16 of the United States Code (respecting national forest) to provide a share of timber receipts to States for schools and roads; to the Committee on Agriculture.

By Mr. STEIGER of Arizona (for himself, Mr. Gross, Mr. Fisher, Mr. Crane, and Mr. Quillen):

H.R. 15687. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

By Mr. VEYSEY (for himself and Mr. Keating):

H.R. 15688. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. WINN:

H.R. 15689. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 15690. A bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. MORGAN:

H.R. 15691. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. STEPHENS (for himself, Mr. Barrett, Mr. Gettys, Mr. Curlin, Mr. Williams, Mrs. Heckler of Massachusetts, Mr. Rees, and Mr. Abourezk):

H.R. 15692. A bill to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans; to the Committee on Banking and Currency.

By Mr. THONE:

H.R. 15693. A bill; non-point-source pollution from agricultural, rural, and developing areas; to the Committee on Public Works.

By Mr. MAHON:

H.J. Res. 1234. Joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes; to the Committee on Appropriations.

By Mr. GONZALEZ:

H.J. Res 1235. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development; to the Committee on Banking and Currency.

MEMORIALS

Under clause 4 of rule XXII,

401. The SPEAKER presented a memorial of the Legislature of the State of California, relative to a veterans' hospital for northern California, which was referred to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BOB WILSON presented a bill (H.R. 15694) for the relief of Rene P. Regalot, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SOVIET OFFICIALS VISIT MASSACHUSETTS EXHIBIT

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, we live in a time when the headlines regularly tell us about high-level international meetings and summit conferences. These are important and deserve our support.

But it is equally important that we not overlook the many other contacts that are developing between the major powers, particularly the many efforts by private firms and individuals that help to encourage trade and communications. These, too, are a path to peace and understanding.

I am proud that one of the leading firms in the Ninth Congressional District of Massachusetts, which I have the honor to represent, recently participated in such an exchange. The Computer Identics Corp. of Westwood is a leader in control systems for transportation, manufacturing, and distribution management and provided one of the most exciting exhibits at the recent Transpo 1972. That exhibit attracted the special attention of a visiting Soviet delegation, and I am proud to insert into the Record the following press release prepared by the Computer Identics Corp. The release follows:

Top Russian Transportation Officials Meet With Massachusetts Firm

AUTOMATIC CAR IDENTIFICATION (ACI) TECHNOLOGY FOR RAILCAR, PIGGYBACK, AND MARINE CONTAINER CONTROL DRAWS KEEN SOVIET UNION INTEREST

Westwood, Mass.—The Soviet Minister of Railroads, Boris Pavlovich Beschev, and seven of his ranking deputies visited Computer Identics Corporation's exhibit at Transpo '72 to discuss the firm's transportation and distribution control systems.

The distinguished Russian visitors were accompanied by U.S. officials C. Carroll Carter, Department of Transportation, and Alexis Tatistcheff, Department of State. Computer Identics executive John M. Hill, Jr., a veteran in Eastern European marketing, described the firm's technology to the group.

The Minister's delegation is concluding a 12-day tour of the U.S. that began in Washington at Transpo '72 with private meetings with Secretary of Transportation John A. Volpe. A highlight of the Russian's busy tour was a scheduled visit to the Illinois Central Railroad's Intermodal Exchange Facility in Chicago. The facility features the World's first fully instrumented terminal management system, designed and produced by Computer Identics Corp., and contemporary rail/piggyback techniques.

Computer Identics Corporation, Westwood, Mass., is the leading producer of Automatic Car Identification (ACI) systems and advanced optical scanning and control systems for rail, piggyback, marine, manufacturing and distribution application. ACI is the standard Association of American Railroads system used to identify, monitor and control the movement of all railcars in North America. Nearly 2 million vehicles in North America are under ACI control.

PEACEMAKERS

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Monday, June 26, 1972

Mr. HUMPHREY. Mr. President, American involvement in the Vietnam war has been criticized from just about every side of the prism, seemingly with negligible effect on the Nixon administration. All the arguments have been made, but the most telling of all are those which discuss the dynamics of peace in international and human relations.

I have attempted to place the Vietnam discussion in this context. Dr. William E. Smith, minister of the North Broadway United Methodist Church in Columbus, Ohio, delivered a sermon on "How peace can be won; how we can become peacemakers." It is a very eloquent expression of what this country's assignment is now and for the future. Mr. President, for this reason, I commend the May 28 sermon of Dr. Smith to the attention of this body and insert it at this point in the Extension of Remarks.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

Peacemaker

(By Dr. William E. Smith)

I want to speak today on an urgent subject of deep concern to us all: the quest for peace. Our Lord said, "Blessed are the peacemakers, for they shall be called the children of God." Love is the essential ingredient in building human relationships. "Love even your enemies," he said; "pray for those who persecute you." The style of life he advocated is the very antithesis of violence.

Yet we find ourselves involved in a long and tragic war that has recently been escalated with the mining of the harbors in North Vietnam and the bombing of its cities, a war in which over 55,000 Americans and countless Vietnamese have lost their lives, and the end is not in sight. How can peace be won; how can we *become* peacemakers?

This is a painful as well as controversial issue. We have sons who have fought and died in this war. At least one family in our parish has a son, hopefully alive, in a prison camp in North Vietnam. I have only the highest respect for those who out of a keen sense of responsibility to their nation served it with courage and bravery. My heart goes out to those who have lost loved ones in the struggle. Whatever criticism we may make of our involvement in this war in no way detracts from their bravery and personal sacrifice.

Let us also acknowledge at the outset honest differences in point of view. Several years ago a young man, newly commissioned in the

Army ROTC, shared with me his conflicts of conscience. "Not only do I have serious reservations about going to Vietnam because I disapprove of our involvement there," he said, "but what I dread most is that I may have to give orders that will send men to their death." For the record let it be said that he did eventually serve in Vietnam, that he continues to have grave reservations about our involvement there, but because of his very sensitive responsibilities in intelligence, he was not involved in combat. Another young man, also a United Methodist, and West Point graduate after what he called agonizing study and meditation, refused to go to Vietnam. "The war in Vietnam is immoral and unjust," he wrote. "The My Lai incident strongly crystallized my belief. I love my God and my country," he added, "but I love my God first." The conflicts of conscience in these young men are but a mirror of our own. Let us hope that the church, as the community of the reconciled, can provide the context in which these differences can be openly expressed; where honest dissent is not only tolerated but encouraged. Nothing you say can prevent me from loving you, and Thank God, nothing we do can prevent God from loving each of us.

(Christ Jesus) is himself our peace . . . In his own body, flesh and blood has broken down the enmity which stood like a dividing wall . . . For he (came) to create . . . a single new humanity in himself, thereby making peace. Ephesians 2:13–16 (NEB).

We rejoice in the agreements reached in Moscow this week between the United States and the Soviet Union. These are straws in the wind, perhaps, but nevertheless hopeful signs that the two super-powers do, indeed, want peace. Meanwhile the war in Vietnam continues unabated. The level of suffering has intensified. Until the carnage there is ended, the world will not be greatly impressed by paper diplomacy.

If we are to become peacemakers we must ask some very penetrating questions. The first is: What are the ethical guideline, the moral imperatives that make for peace? The church has spoken very clearly on this subject. The recent General Conference of the United Methodist Church approved a statement of social principles which states:

"We believe war is incompatible with the teachings and example of Christ. We therefore reject war as an instrument of national policy and insist that the first moral duty of all nations is to resolve by peaceful means every dispute that arises between or among them; that human values must outweigh military claims as governments determine their priorities; that the militarization of society must be challenged and stopped; and that the manufacture, sale, and deployment of armaments must be reduced and controlled."

In the same Conference, the Bishops' Call to Peace and the Self-Development of Peoples was overwhelmingly approved as a major thrust in which every local United Methodist congregation is urged to participate. Here is a challenge to make peace a matter of high priority.

The statement on the war in Vietnam was understandably more controversial. Broad principles are easily adopted. Agreement on specifics is harder to come by. Nevertheless, the Conference approved this statement which reads in part:

"In spite of the claims that the war is "winding down" it is not. The deadly conflict continues unabated. Sole blame cannot be fixed. Many nations continue to supply Hanoi and the Provisional Revolutionary Government with the materials of war. The United States continues to underwrite the Saigon government and the Army of the Republic of Viet Nam, providing highly technical antipersonnel weaponry, massive air cover and military counsel at virtually every level of command. Very few Americans are dying in Southeast Asia today, but Asian people, our brothers and sisters in God's love, continue to die as before. Once again villages on both sides are being levelled, civilians are being slaughtered and the war is being escalated. This we deplore; our hearts go out to the innocent victims of what seems to be endless, senseless carnage.

"We call upon the United Methodist Church and its members to acknowledge our complicity in the Indochinese War, to repent and seek God's forgiveness.

"We call upon the United Methodist Church and its members to pray and work for peace and the self-development of peoples around the world.

"We call upon the United Methodist Church and its members to exercise our rights and responsibilities as Christian citizens by seeking to influence and change those public policies that, for more than twenty years, have made possible and compounded military and political wrongs in distant lands." [1]

If that statement offends or upsets you, perhaps it should. The fact is, we are involved in this war. It's easy to blame President Johnson or President Nixon in an attempt to get off the hook. But the answer is not that simple. You support the war, whether you believe in it or not, since more than half of the taxes you pay to the United States government is to pay for past, present and future wars.

Here, then, is the position of the church: it is against war in general as a means of resolving conflict, and the Viet Nam War in particular.

Suppose we adopt the "just war" theory to defend our presence in Indo-China. For some will surely say that however tragic the war may be, we entered for honorable reasons. The question which then must be faced is, do those reasons still hold? Has the purpose which we set out to achieve been accomplished? This is our second question.

Presumably we entered Vietnam to save a weak, struggling democracy in the South. Has the war, in fact, liberated the people there? I would submit that the Thieu government is anything but democratic and that the devastation we have wreaked is anything but helpful. Indeed, it may be counterproductive. A veteran of My Lai who refused to take his rifle from his shoulder when unarmed women and children were being slaughtered, has said:

"It seemed everywhere we left, if the enemy wasn't there when we got there, he was there when we left. We seemed to be sort of growing them, planting them like seeds. Wherever we went we sort of bred the enemy. He just came out of nowhere, and it was almost as if we weren't there, there would be none." [2]

In Vietnam, American chemical attacks have ruined more than four million acres of arable land. Mangrove forests and vital croplands have been destroyed. Millions of peasants have been driven from their ancestral homes and graveyards and forcibly resettled in "refugee camps" and "new life hamlets." The peasants, of course, haven't the slightest idea what this war is all about. They do not know the difference between communism and capitalism. Do not talk to them about the sacred value of his property. They have been driven from it. Do not talk to them about Western-style democracy. They have never known it and do not want it. With growing fear and bitterness, they are only trying to stay alive.

The delicate fabric of traditional Vietnamese family relationships, village life, and Buddhist-Confucian values has been ripped to shreds. Cities are gutted with millions of anonymous refugees. Over the last decade Saigon has increased in size more than 500 percent and now has a population density of nearly 13,000 people per square mile. Shoeshine boys, pickpockets, barmaids, pimps, and prostitutes are among the highest paid workers in the land.[3]

We are concerned, and rightly so, about the burdens this war has imposed on Amercans. But think of the Indo-Chinese! For twenty-five years they have been engaged in civil wars and have been fighting foreigners. According to some accounts more than a million people have been killed, 90 percent of them civilians. (240,000 civilian casualties in South Vietnam in 1968 alone.) Defenders of our policies talk about the violent inhumanity of communism. They point to instances of Vietcong terrorism. Crude bombs have been thrown into public parks and village leaders have been murdered. There was the Hue massacre during the Tet offensive. But the B-52's and fleets of helicopters are *ours*. The napalm and CS gas are *ours*. The flamethrowers are *ours*. The folding-fin rockets and cluster bombs are *ours*. We have dropped twice the bomb tonnage on Vietnam than all the Allies dropped on all enemy targets during World War II. A specialist, describing the effects of our new and highly technical weaponry, writes: "(these new weapons) are primarily effective against decentralized agricultural populations; they devastate broad areas . . . they are designed to be used against defenseless people; and they demand undisputed air superiority to be effective. Use of the weapons results in the indiscriminate slaughter of civilians and soldiers alike.[4]

I ask you, is this any way to preserve and strengthen democracy—by destroying it?

What is war doing to the United States? For one thing, it has divided us, polarized and created tensions among otherwise peace-loving and patriotic citizens. This has been severely damaging to our spiritual health. The war has also forced us to re-arrange our priorities. Hunger and poverty, the decay of our inner cities, the control of violence, unemployment—these and other urgent problems worsen by the day because so much energy and such a large outpouring of our resources have been channeled into the war. Worst of all we have become a war-oriented society. The book, *American Militarism: 1970* an ougrowth of the Congressional Conference on Military Budget and National Priorities, opens with the words:

"Our country is in danger of becoming a national security state. Since the end of World War II we have spent more than one trillion dollars, or two-thirds of the total expenditure of our federal government, on armaments and armed forces. Today, almost eighty percent of our federal appropriations are allocated to defense and defense-related costs." [5]

Richard Barnet, a former State Department official, is far more pointed when he bluntly insists that "the central activity" of our government is "planning and carrying out wars." [6]

The final question is the most important one. How do we become peacemakers? What can you and I do to change the bloody course on which our nation and the world seems bent on following?

At the turn of the century William James wrote in his classic *Verities of Religious Experience:*

"What we need now to discover in the social realm is the moral equivalent of war: something heroic that will speak to man universally as war does, and yet will be as compatible with their spiritual selves as war has proved to be incompatible."

How can we find a "moral equivalent of war"?

(1) For one thing, we can respond to the "Bishops' Call for Peace and the Self-Development of Peoples". Our Commission on Christian Social Concerns suggests very specific ways:

(a) Use copies of this sermon, the May 26 issue of *Tower Talk*, which contains "The

Bishops' Call for Peace . . .", and supplementary materials provided for group discussion.

(b) Attend the slide presentation of the air war in Indo-China next Sunday, June 4, at 4 o'clock. These slides will make the violence of the war painfully real, and will be followed by discussion. (The meeting will be held in Fellowship Hall).

Vietnam is symptomatic of much larger and complex problems which need to be thought out in global terms. How do racism, economic exploitation, population explosion, the arms race (peace by "balance of terror") affect the prospects for peace I know of no more higher priority than facing these crucial issues head-on. It has been said that if mankind does not end the war, war may end mankind.

(2) We can register our opinion. Politicians, especially in an election year, are very sensitive to what voters think. Last week a private citizen of Weston, Massachusetts paid for a full-page advertisement in the Columbus *Citizen-Journal*. "Our President Needs Your Help," her message began. This at once raised patriotic feelings in the readers' minds. She continued by saying that we must let our president know how we feel.

"Tell him . . . that you think our honor depends on being true to the principles that our founding fathers laid down when they created this great country. And that means we must stop our daily bombing and all other attempts at forcing our will on this devastated country." [7]

You may disagree with Mrs. Worden. If so, then let your challenge be known. The hottest places in hell, we are told, are reserved for those who in the midst of a moral crisis refuse to take a position. The future of our nation and of the world are at stake. You can help shape that future by asserting your beliefs to those who make decisions. If democracy is to live, we must exercise this freedom of expression.

(3) And we can act. On Wednesday of this week astronaut Col. Donn F. Eisele, a native of Columbus, was sworn in as a member of the Peace Corps. What prompted him to leave a very secure post in the space program? He said that as he orbited the earth in Apollo 7 four years ago, he was impressed by "the wholeness and uniqueness of the earth." He added, "It's all we've got. If we don't watch out, we'll end up destroying it." On July 1 he will begin work in Bangkok, Thailand, hoping to reduce the mistrust, fear and frustrations felt by millions of people who are "denied the basics of a decent life." [8]

That's what it means to be a peacemaker—not simply to call for a cease-fire, or even a pull out of Vietnam—but to give ourselves and our resources to the building of a just and humane society throughout the world. "Blessed are the peacemakers." God grant that this may increasingly be our role, and the role of our nation, in this strife-torn world. Amen.

FOOTNOTES

[1] Daily Christian Advocate, Proceedings of the General Conference of the United Methodist Church, Atlanta, Georgia, April 16–28, 1972, p. 241.

[2] *Evergreen*, April, 1971, p. 57.

[3] James Armstrong, *Mission: Middle America*, New York, Abingdon Press, 1971, pp. 102–103.

[4] Quotation by Bishop Armstrong, *Ibid.*, p. 106.

[5] Knoll and McFadden, *American Militarism: 1970*, p. 11.

[6] Richard J. Barnet, *The Economy of Death*, New York, Atheneum, 1969, p. 62.

[7] *The Citizen-Journal*, Columbus, Ohio, May 23, 1972, p. 9.

[8] *Ibid.*, p. C–5.

THE WATERGATE CAPER

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished columnist Mr. Joseph Kraft had a most interesting column in the Sunday edition of the Washington Post concerning the recent effort to place electronic surveillance on the operations of the Democratic National Committee.

Because of the interest of my colleagues and the American people in this most important subject, I place the column in the RECORD herewith.

The article follows:

[From the Washington Post, June 25, 1972]

THE WATERGATE CAPER

(By Joseph Kraft)

Solid, practical reasons argue that Republican leaders were not directly connected with anything as inept as the recent attempt to enter Democratic headquarters at the Watergate complex. But you don't hear anybody saying that President Nixon and John Mitchell couldn't have been involved because they are too honorable and high-minded, too sensitive to the requirements of decency, fair play and law.

You don't hear that anymore than you hear that Falstaff was thin, and the absence of even an attempt to make the moral case points up the true connection between the Republican chiefs and the Watergate affair. The central fact is that the President and his campaign manager have set a tone that positively encourages dirty work by low-level operators.

The President's record goes back a long way. Every election he has fought since 1946 has featured smear charges, knees in the groin and thumbs in the eye. That includes the 1970 election when he campaigned as President.

Preparations for the 1972 election indicate some change in the old pattern. Mr. Nixon seems to be trying to stand above the battle. Hence the rarity of press conferences and other personal appearances.

But there are still signs of the Old Adam. On Vietnam the White House often implies—and occasionally says flatly—that those who disagree with the President are helping the enemy. So it is a question whether Mr. Nixon can stick to the aloof stance. The more so since he has Mr. Mitchell as campaign manager.

The remarkable thing about Mr. Mitchell is how so intelligent a man could have compiled, in such a brief career as a public figure, so many deep associations in matters involving chicanery and the cutting of corners. The most delicate cases he brought as Attorney General—the charges against Angela Davis, the Berrigan Brothers, the Chicago 7 for conspiracy, and Mayor Joseph Alioto of San Francisco—turn out to have had an astonishing insufficiency of evidence.

His claim of authority to bug domestic subversives without advance judicial approval was unanimously rejected by a Supreme Court dominated by Nixon appointees. The man he chose to head the sensitive criminal division at the Justice Department had to retire after figuring in a gamy Texas scandal involving fraud and bribery.

Even as Mr. Mitchell became campaign manager for 1972, the Republicans refused, in plain contradiction with the spirit of the new law on campaign spending, to divulge the names of big contributors who gave before the statute became applicable. The very name of Mr. Mitchell's outfit—the Committee for Reelection of the President—smacks of deception. It implies that the candidate is not familiar shopworn you-know-who from Whittier, Calif., but some noble, heroic spirit with a permanent claim on the White House.

Inevitably such deeds and misdeeds generate a climate, an atmosphere. The atmosphere in Washington these days is as unmistakable as it was during the last days of Harry Truman.

Then a blind eye was turned to taking gifts and doing favors. Now the special tolerance is of using unethical means for partisan purposes. Bending the law for political advantage is involved.

Probably the gang that tried to break into Democratic headquarters had reasons of its own. The attempts to link them with Mr. Nixon through Charles Colson of the White House staff show association but not guilt. It is hard to believe that there was anything at Democratic National Committee headquarters the Republican wanted badly enough to run the risk of being caught in the act of breaking and entering.

But members of the gang have important Republicans as clients. At some point in arranging the Watergate affair they had to stop and ask themselves what these patrons would think of the caper. Given the climate generated by the President and Mr. Mitchell, they could come to only one conclusion. Namely, that doing the dirty on the Democrats would earn them good marks and high favor.

So there is a connection, albeit indirect, and also a lesson. Unless the President and Mr. Mitchell clean up their own operations, they are going to be made to pay a price. They will find that they cannot get away with keeping the President above the battle. They will see themselves trapped in the miasma of disbelief and suspicion which, after almost four years of the Nixon administration, is thicker than ever.

PEARL S. BUCK, RENOWNED DAUGHTER OF WEST VIRGINIA, REACHES HER 80TH BIRTHDAY—HER LIFE IS AN INSPIRATION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 26, 1972

Mr. RANDOLPH. Mr. President, today we honor a great American, Pearl S. Buck, on her 80th birthday. Last week I called attention to this coming occasion and the accomplishments of Miss Buck. Her achievements have had an impact throughout the world. As a writer of renown, as the only American woman to win the Nobel Prize for literature, as a devoted humanitarian, she has truly left her mark on our civilization.

I supplement my earlier remarks by reemphasizing Miss Buck's association with our State of West Virginia of which she is a native. In 1966, the West Virginia Society of the District of Columbia honored her as its distinguished Daughter of the Year. To demonstrate further the esteem in which we hold her, efforts have been underway for the past 7 years to restore her birthplace, a farm home in the lovely countryside of Pocahontas County.

The Pearl S. Buck Birthplace Foundation formed through the sponsorship of the West Virginia Federation of Women's Clubs, has purchased the home site and is now actively working on its restoration as a living memorial to this fine lady. This will be a living institution, contributing to the fuller understanding of mankind just as Miss Buck herself has done so much to ennoble the human spirit.

MISSISSIPPI EXPORTS BOOMING

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GRIFFIN. Mr. Speaker, the demand for Mississippi products in the world marketplace has increased substantially in the past few years. The goods and produce of Mississippi has long been attractive to world traders. With the development of an outstanding State port on the gulf and expanding ports open to international trade on the Mississippi River, trade with the State's producers directly is possible and increasing. This has meant a great deal to the State and has made an important contribution to our overall economy.

I am proud of the success that has been made, and I include in my remarks here a copy of an article from the Natchez Democrat, entitled "Mississippi Exports Booming":

MISSISSIPPI EXPORTS BOOMING

JACKSON.—World trade is making an increasingly important contribution to Mississippi's economy. It has become a vital part of the economic activity generated by manufacturing, farming, mining, fishing, banking and forestry.

The Mississippi Agricultural and Industrial Board reports that according to a survey of exports by states, prepared in 1969 by the U.S. Department of Commerce, the growth rate of Mississippi export trade in manufactures was close to the national average during the sixties. The state's foreign sales of manufactured products rose by one-third between 1966 and 1969 and more than doubled over the decade to reach an estimated value of $181 million in 1969.

Mississippi's principal export was paper and allied products, ranking among the top six in the country. Overseas sales advanced to between $43 and $50 million in 1969, a high for the decade. Recent shipments from the Port of Gulfport, amounting to some $32 million in lumber products, will greatly enhance the already impressive figures in the next USDC study.

Agricultural commodities shipped from the state to foreign destinations were estimated at $158 million in fiscal year 1969–70. On a per-capita basis, Mississippi ranked 11th nationally.

Mississippi farmers have a growing stake in exports of agricultural commodities. In fiscal year 1969–70, 19½ cents of every dollar received in the state from farm marketings came from foreign sales.

Soybeans accounted for the bulk of the states' overall gain. At a value of $48.2 million in 1969–70, these sales abroad had advanced by more than two-thirds in a four year period. Mississippi's staple cotton market accounted for some $46.3 million, placing the state second in the nation as an exporter of this commodity. Cottonseed oil sales accounted for some $7.1 million.

The state's lucrative fishing industry recorded exports valued at $2.5 million in 1969. After a drop brought about by the effect of Hurricane Camille in August of 1969, Mississippi is again a real contender for the foreign seafood market.

Among the variety of products being shipped to all points on the globe are: Bentonite; protein meal; rice; non-electrical machinery; transport equipment; farm machinery and fabricated metal products; livestock, particularly breeding cattle; observatory planetariums and bus bodies.

Mrs. Dorothy Y. Ferguson, manager of marketing for the Mississippi Marketing Council, estimates that 1972 will be a banner year for Mississippi exports, both in manufactured items and agricultural products.

The continuing growth of ports, especially river ports, plays an important part in Mississippi's international trade picture. The state now has four Ports of Entry, with Vicksburg being added to the list of Pascagoula, Gulfport and Greenville.

Exports are a sizable contribution to Mississippi's economy which assumes even greater importance when we consider that exports generate work for at least 12 out of every 100 employees in Mississippi.

THE DISCOVERY HOUSE PROGRAM FOR DRUG ABUSE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. WALDIE. Mr. Speaker, the drug abuse epidemic which has ravished our country is one of our most serious problems affecting all of us in one way or another. Most of our present rehabilitation programs have failed to put the drug abuser into a profitable and usable citizen. In other words, our rehabilitation programs are not working.

The Discovery program of the Contra Costa County Medical Services of Martinez, Calif., has been in existence for only a short time. However, its main goal is the rehabilitation of drug abusers through residential treatment. Employed in the county-wide drug abuse program are: detoxification, pre-therapy, games, encounters, rap sessions, and seminars. There are three cardinal rules in the discovery program. They are:

First. No drugs or alcohol;

Second. No violence or threats of violence, and

Third. Active participation.

There are rap centers in the county which have been very profitable in terms of getting together with the patients and discussing their personal problems or whatever problems they might have. There is a program called ROSA—Relatives of Substance Abusers—which was started with the goal to equip relatives of abusers who have sought or are seeking help with psychological and social tools that will enable them to reach out to other families with the same problem.

At the rap centers, techniques employed which have been very successful are rap sessions, seminar concepts, encounter groups, and sensitivity awareness. The encounter group experience is based on the synanon game—a form of attack therapy.

The type of drug abuse program which is incorporated in the Discovery House program here in Contra Costa County as part of the Contra Costa County Medical Services is the residential drug treatment, incorporated along with the techniques I have previously mentioned. The residential treatment at the Discovery House is the closest one can come to grips with drug abuse and substantly rehabilitate the drug abuser in a positive environment with trained professional people who are genuinely concerned about the drug abuser and his problem.

I feel the Discovery House program for drug abuse should be supported fully by the county, State, and Federal medical services. I congratulate them for their humanitarian work which has brought meaningful change in the lives of many now responsible citizens.

REMARKS OF COL. OLIVER M. HUSSMANN

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. HUNGATE. Mr. Speaker, I would like to call to the attention of my colleagues, the patriotic remarks of Col. Oliver M. Hussmann, recently delivered before the Missouri National Guard Association on the commemoration of their silver anniversary conference in St. Louis, Mo.

The remarks follow:

REMARKS BY COL. OLIVER M. HUSSMANN, PRESIDENT, MONGA

Webster defines a Patriot as "one who loves his country and zealously guards its welfare; especially a defender of popular liberty." This is the kind of patriot I was taught to admire and emulate. The kind who has fought for his country throughout its history. The kind who admits the imperfections of government, but loves his country even more in spite of them.

Today we have a new kind of patriot. The draft dodger who skulks into Canada, Sweden, or any other country that will grant them asylum. Those who trample and spit upon the Flag. Those who bomb and burn our public buildings and academic institutions. Those who condemn our involvement in Viet Nam and publicly esteem our enemies. Those who question every word uttered by our leaders, but willingly accept as the whole truth any and all charges levied against us by our enemies.

There are many in this country who find favor with this new type of patriot. We find these "sob sisters" amongst our clergy, amongst our so-called intellectuals and even amongst our leaders in the Congress and the Senate. They say we should not have become involved in Viet Nam and now because we are so involved, the new type of patriot must be permitted to vent his frustrations as he desires.

The National Guard is made up of men. Men from many walks of life. Men in different stages of maturity. Men of different social antecedents. Men of various religious beliefs. Men with different political convictions. These qualities and characteristics which each individual possesses, must be nurtured, moulded and fused with those of the next man until, as an entity, we can move forward in a concentrated effort toward a common goal. We must resolve to do everything in our power to again convince the people of our country that Webster's definition of a patriot is and always will be correct.

There are too many in this country who

have forgotten that the two ideologies—Democracy and Communism—cannot live side by side except by artful truces and so-called cold wars, neither of which can nurture a real lasting peace. The tentacles of Communism creep insiduously wherever they gain a foothold. Our land, our way of life, our freedom and our liberty, as we know them, are the prizes Communism strives to take from us. Guardsmen must be constantly prepared to fight this threat. We must not permit ourselves to become the weak link in the defense of this great nation.

There is a greater need for the existence of the Guard today than ever before. We must let our fellow citizens know that the enemy wants us to be careless, lazy and uninspired in the desire to defend our country. That he looks upon us with utter contempt when we say we are tired of war. We must make the public realize that America needs its men—soldiers and citizens alike—to work continuously to improve our defensive posture while there is still time. If we wish to maintain for our children the liberty, freedom and safety which we enjoy, we must be prepared to defend these truths to the death. Consider for a moment what life would be like without these privileges we accept so matter-of-factly.

One thing is certain; we have the organization to build such a defense. We have the know-how and the money in this country to develop such a defense. Most important of all, we have US, the National Guard. We can discourage aggression now. All we have to do is feel the urgency, to realize the practicability of being prepared, and to work—work as men dedicated to the principle that the freedom we enjoy shall not perish.

Our silver anniversary is an opportune time to rededicate ourselves to the task at hand, to filling our ranks with true patriots, to teaching, to absorbing lessons learned, to building a defense capable of filling the needs of our people, our community and our country.

Guardsmen have taken such dedicated stands many times in history; always in the cause of freedom and liberty. Our citizen-soldiers, our National Guard, is older than the Nation itself. Dedicated men of the early colonies organized units and trained to defend their settlements long before the Declaration of Independence. Many of our present-day Guard units trace their history directly to these early groups of citizen-soldiers.

We need to review the heritage willed us by those who early stood in the defense of our country. We need to relive the struggles of the past, to see in our minds eye and feel in our hearts the valiant stand they took so this nation might be free. We need to think of those who stood with Washington at Brandywine and Germantown. We need to be reminded of the Guardsmen, militiamen, minutemen, call them what you will, who bled at Bunker Hill. We need to trace their footprints that marked with blood the snows of Valley Forge. We must bend our backs and grasp with freezing fingers the frosted oars with Washington as he crosses the icy Delaware. We must lay seige with him to the heights of Yorktown. We must strive with those who followed Lee, Sherman and Grant. We must feel the fury of the charge at San Juan. We must share with them the blood and sweat of the Philippines and the Mexican Border. Let us follow "Black-Jack" Pershing through the holocaust of WWI. Eisenhower, MacArthur and Patton through the war to end all wars. Let us relive with them Argonne, Chateau Thierry, Corregidor, Normandy and MIG Alley. Finally Korea and Viet Nam. For the first time in history American fighting men find themselves in the unusual position of fighting a battle they cannot win, a war they are not supposed to win. A classic study in frustration.

Is Freedom, Democracy and the American way of life, which was bought at such a tremendous price to be lost to the most deadly enemy that has ever threatened free men? Has the sacrifice they made, been made in vain? Can we not continue the fight, can we not as citizen-soldiers bolster the defenses, man them effectively and surely, against any and all attacks of an enemy? Can we not show a love for our country? A love that surmounts all fears, all weaknesses and dedicates men to preserve with their lives the land they love?

I am not asking that we dedicate ourselves to becoming a nation of warmongers. No, I ask that we dedicate ourselves to work for peace. I firmly believe a strong aggressive, defensive posture is the best offense available to a country whose democratic ideals prevents it from initiating an attack against any enemy unless provoked beyond endurance.

Until we have made our country so impregnable, so invulnerable that an attack would be suicidal, will our enemies keep their distance. Until we have done this, the possibility of America becoming a major battlefield in a new world conflict becomes more apparent with each passing day.

Gentlemen. Now is the time for us to look to our defenses, time to follow the heritage which is ours. The time to demonstrate, once again, to all the world, that democracy is a living thing, transcending all other ways of life, and worth protecting at any cost.

VA DIRECTOR JOE ANDERSON HONORED FOR SERVICE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. EDMONDSON. Mr. Speaker, probably no other Member of this body is more aware than yourself of the many outstanding abilities of the man who served as your administrative assistant for nearly 3 years, Mr. Joe Anderson.

Since leaving your staff and becoming Muskogee Regional Director of the Veterans' Administration, Joe Anderson has unselfishly dedicated his time and efforts in behalf of the veterans of Oklahoma and our Nation.

I was recently provided with a resolution adopted by the Disabled American Veterans of Oklahoma which indicates the very high regard and appreciation felt for Joe by all veterans in Oklahoma. This recognition of Joe's consistent and tireless efforts, above and beyond the call of duty, demonstrates the outstanding record he has achieved as our Regional Director for the Veterans' Administration, and I include the text of the DAV resolution at this point in the RECORD:

RESOLUTION

Whereas, the Disabled American Veterans of Oklohoma hold many meetings each year at the state, district, and chapter level to inform veterans and their beneficiaries of changes in laws and regulations affecting veterans' programs; and

Whereas, Joe W. Anderson, Director, Veterans Administration Regional Office, Muskogee, Oklahoma, has contributed significantly to the success of these meetings by having himself and/or other members of his staff present to discuss various phases of veterans' programs. Many of the meetings convened on weekends, but participation of the Director and his staff was not reduced on this account, and, now, therefore, be it

Resolved, that the Department Convention, Department of Oklahoma, Disabled American Veterans, held in Lawton, Oklahoma, June 9, 10, and 11, 1972, does hereby express and record its appreciation to Joe W. Anderson and his staff for outstanding service far beyond normal duty requirements to the ex-servicemen of Oklahoma; and, be it further

Resolved, that copies of this resolution be sent to Joe W. Anderson, Director, Veterans Administration Regional Office, Muskogee, Oklahoma; to Donald E. Johnson, Administrator, Veterans Affairs, Veterans Administration Central Office, Washington, D.C., and to the members of the Oklahoma Congressional Delegation.

THE SALT AGREEMENTS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, last Saturday the Washington Post carried an excellent background article by Chalmers Roberts on the strategic arms limitation agreement reached in Moscow. Mr. Roberts notes that the concessions made by both sides involved a mixed nuclear basket of apples and oranges, and the ability to reconcile this mix has produced an agreement which is a sensible and stabilizing step in the direction of curbing the arms race.

In discussing the prospects for SALT II and the use of the proposed Trident submarine and B–1 bomber as bargaining chips, Mr. Roberts says:

> . ood many in and out of Congress deride the bargaining chip argument. I do not. History teaches that Moscow respects muscle, not weakness. I thought there was validity in years past to the contention that keeping the American ABM program going was a bargaining chip; I think it proved so. The same argument now has validity.

Mr. Roberts concludes that the SALT agreements are very important in themselves, but that they are far more important in terms of a continuing process of attempting to achieve "a more stable and rational relationship." Mr. Speaker, at this point in the RECORD I include the Roberts article and commend it to the reading of my colleagues. The article follows:

JUDGING THE MERITS OF THE SALT AGREEMENT

(By Chalmers M. Roberts)

In judging the merits of the strategic arms limitation (SALT) agreement between the United States and the Soviet Union it is necessary to do two things: first, to apprise the meaning of the anti-ballistic missile (ABM) treaty and the details, including the numbers, of the interim agreement on offensive weapons; second, to judge the twin pacts in the larger context of the changing Washington-Moscow relationship. The two seem to me to be inseparable.

The ABM treaty has the great virtue of so limiting such defensive measures as to remove fears on either side that the other could indulge in a first strike attack. If such an attack could ever be conceivable to any rational leader, it would become so only when he felt that his own weapons and the bulk of his population would be so protected by an elaborate nation-wide ABM system as to make a second or retaliatory strike by the other nation a risk worth taking.

Given the undoubted ability of the offensive to overwhelm the defensive and given the grave doubts by many experts as to the efficacy of any ABM system, such fears doubtless have been gravely exaggerated in both Washington and Moscow. But that does not detract from the fact that such fears have existed, that they impelled vast expenditures regardless of their validity and that under terms of the SALT treaty on ABMs this should come to a halt if not an end. "Zero ABMs," which means a complete abolition by both sides of any ABMs, would have been better than the two site option agreed upon. But two, at least, is far, far better than unlimited ABMs.

So at least one factor that threatend to destabilize the balance of terror has been cut back to manageable proportions. It seems to me it would make sense for Congress to refuse funds for the building of an ABM around Washington despite the asymmetry that would involve, given the existence of a site now in existence around Moscow. Likewise it would make sense for the Soviets not to build their second site around an offensive missile field. Should Congress so decide, the Moscow decision is most likely to be affected by the Soviet perception of a changing Moscow-Washington relationship.

Now turn to the offensive weapons agreement. It is evident enough that the Nixon Administration paid a stiff price, negotiated at the finale in Moscow, to win Soviet assent to inclusion of a limitation on submarine launched missiles (SLBMs). I think, however, it was a price worth paying.

The United States long has had a triad of strategic weapons systems: ICBMs, SLBMs and long-range bombers. According to the figures presented to the Senate Armed Services Committee by Adm. Thomas H. Moorer, the sum total of the rival triads (one bomber being equated with one missile) will be 2,499 for the Soviets to 2,167 for the United States, Even these figures are not the whole story, however. The total megatonnage in the Soviet arsenal under the agreements is much the larger but the total number of American warheads, due to the American multiples (MIRVs), is far larger than that of the Russians.

In sum, the apples and oranges of nuclear weaponry have been added up to what can fairly be termed rough parity for weapons of one nation that can reach the soil of the other. Even here, it should be noted, some of the American apples have been excluded from the basket: the fighter-bombers based in Western Europe and on carriers, known as forward based systems (FBS). It seems to me the net of all these figures and factors is that the offensive agreement is a good deal for both superpowers.

In reading over all the official American explanations, by the President, Secretaries Laird and Rogers, Adm. Moorer and above all by Henry Kissinger, one is struck by a single theme: it would have been much worse if there had been no agreements reached. It is an uncontroverted fact that, as Sec. Laird kept saying so loudly and so long, the Soviets did have a great momentum going on offensive arms, from the giant SS–9 missiles to submarines. So, as the admiral put it, "we have forestalled a 1977 ratio of about three to two in their favor" I have no doubt he is right because I have no doubt that Moscow would have gone on building, lacking an agreement, to something like that amount of superiority. At some point the United States would have responded with a new program of its own.

The action-reaction phenomenon in strategic arms has been evident for years, for decades in fact. The current Soviet momentum clearly dates from the humilitation Moscow suffered in the 1963 Cuban missile crisis. The American preponderance at that time, in turn, was the result of early Kennedy Administration decisions to build a vastly superior force, rather than to accept some form of parity.

President Nixon was the first chief executive to accept parity as a principle though he sought to soften the blow to American pride by using instead the word "sufficiency." Whether he did so as an intellectual exercise, or whether he did so because he knew the Congress and the country simply would not put up the money for superiority in such costly weapons, is not material. That can be left to the historians. The fact is he did so. And only because he did so is there the agreement now before Congress for approval. Perhaps the best clue to Mr. Nixon's submarine decision was Dr. Kissinger's remark at a Moscow press briefing. Discussing the high price paid for the submarine section of the agreements, Dr. Kissinger remarked that "the United States was in a rather complex position to recommend a submarine deal since we were not building any and the Soviets are building eight or nine a year, which isn't the most brilliant bargaining position I would recommend people find themselves in."

In discussing the agreements, Secretary Laird has said he accepted them only on the premise that the United States will go forward with the multi-billion dollar Trident submarine and the equally costly B–1 bomber and some other programs as well. In essence, this is the old bargaining chip idea now being applied to the SALT II round due to begin this fall. The hope is to reach a permanent treaty covering offensive weapons systems to replace the five-year interim agreement now before Congress.

A good many in and out of Congress deride the bargaining chip argument, I do not. History teaches that Moscow respects muscle, not weakness. I thought there was validity in years past to the contention that keeping the American ABM program going was a bargining chip; I think it proved so. The same argument now has validity. But that is not to say that everything that Sec. Laird and the Joint Chiefs would like is necessary, or even desirable at the speed they request. It seems to me further funding of the Trident project makes sense, in part because it will tend to move the core of the strategic power more to sea where it is least vulnerable. The B–1 is of lesser value, in my view, and should receive only limited funding at this point.

In his remarks at a Moscow dinner for Mr. Nixon, Soviet President Nikolai Podgorny remarked that despite "differences of social systems," there are "objective factors that determine similarity of interests" that influence Soviet-American relations. It was of course such a Kremlin view that permitted the Soviet leaders to let the President come to Moscow at a time he had challenged Soviet interests by mining the harbors of North Vietnam. It was simply one more demonstration of practicality over principle. One could say the same thing about Mr. Nixon's climb down from "superiority" to "sufficiency."

This sort of thing was codified in the declaration of basic principles signed in Moscow by President Nixon and Soviet Communist Party chief Leonid Brezhnev. They said, among other things, that the two nations "will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence." Or as Dr. Kissinger put it to members of Congress at the White House: "We are compelled to coexist."

This theme, of course, is not new. Back in 1954 President Eisenhower declared that "since the advent of nuclear weapons, it seems clear that there is no longer any alternative to peace, if there is to be a happy and well world."

Just as many Americans have difficulty accepting parity instead of superiority, so the Russians have difficulty abandoning the secrecy on which they have so long counted, from Stalin through Khrushchev. This is evident in their refusal to give the numbers of their own ICBMs or to agree to a definition of "heavy" missiles and other pertinent terms. In short, the old suspicions of the Cold War are far from gone. It took a long time, on our side, for officials to abandon such terms as "international Communism." It would be useful for Secretaries Rogers and Laird to abandon the phrase "negotiating from a position of strength," which they both used in their testimony to Congress. And it would be useful for the Soviets to abandon some of the jargon of their own ideology such as "the imperialists."

The SALT agreements seem to me to be very important in themselves. But they are far more important if they form part of what Dr. Kissinger has called "vested interests in a continuation of a more formal relationship" between the two nations. We should, as Dr. Kissinger went on to say, "have no illusion" that such will occur or that, if it does, it will be quick and simple. The ideological differences, and the national rivalries too, remain. But there are, as Podgorny said, "objective factors" as well which tend to force each nation to move in the direction of a more stable and rational relationship.

Each side interacts on the other. In the past when the Soviets were weak the Americans sought to exploit that weakness. If America becomes weak, I have no doubt the Soviets will exploit that weakness. The changes therefore must be gradual, not precipitate. To me, the Nixon demand—as specified by Sec. Laird—for massive new arms goes too far. But so, in the other direction, does the budget cutting program of Sen. George McGovern. It is up to Congress, as it approves the SALT agreements, to find the mean between the extremes. If it does, then 1972 could well become a date to remember when hope superceded fear without allowing illusion to supplant rationality.

MONEY FOR EDUCATION

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ABOUREZK. Mr. Speaker, when talking about educational problems, the word "crisis" automatically springs to mind. One year there is a crisis in science education and we are not keeping ahead of the Russians. The next year we discover a reading crisis and that Johnny cannot read. The year after that it is something else. The fact of the matter is, there are crises. But they are symptoms of a much bigger, more pervasive, and continual crisis that has been present in education for some time and has been growing worse and worse. That is the financial crisis.

The real irony of this situation is that in terms of supply and demand, there are almost enough qualified teachers to provide the needed educational services of our society for the first time since World War II. Yet we find that because of cost factors and inflation, school district after school district cannot take advantage of the supply and instead find themselves cutting back in terms of educational services. This means that instead of smaller classes, there are larger ones. Instead of more individualized instruction, there is less. Instead of more time to meet the pupils' needs, the teacher has less.

Then comes the demand to cut back on the frills. I do not believe that special teachers for art, music, drama, industrial arts, and physical education are frills. Yet these are the first to go.

I want to make it clear that I do not believe that the culprit in the increasing cost of education and the cutbacks is teachers' salaries. It is true that teachers' salaries have gone up—but at a pace that is behind and not ahead of other professional workers. This despite the fact that teacher salaries have long been considered notoriously and even scandalously low in our society.

For the most part, one cannot fault the efforts that have been made at the local level to provide adequate funding to meet the educational needs of the community. Since 1966 when the Elementary and Secondary Act went into effect, State and local taxes have supplied an additional $15.7 billion for schools raising the total revenue collected from their own tax sources to $39 billion. Over the same time, funds from the Federal Government have increased from $900 million to $2.9 billion.

It is clear that States and localities cannot continue their massive efforts without help. I recognize that there are many problems with Federal aid to education that must still be worked out. For all of that, the Federal Government remains that last major untapped source of adequate funding to meet the financial crisis about which I have been talking. I was pleased to have been a supporter of the Quality Education Appropriations Amendment to the Office of Education Appropriations bill. This successful amendment added nearly $354 million to key education programs. This is an encouraging step for those of us who believe in a reordering of our national priorities. Education must come higher on our list of national concerns.

IN MEMORIAM—MARTHA TURNER LONG

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. CHAPPELL. Mr. Speaker, I want to join the people of Marion County, Fla., in acknowledging their deep sense of loss at the untimely passing of Martha Turner Long at the young age of 35. Mrs. Long gave 7 years of loyal, efficient, and devoted service as secretary to the Marion County Planning and Zoning Board and its director. By her courteous and polite manner, she brought great credit and recognition to herself, her office, and to Marion County. She was a dedicated wife and mother, held in high esteem by all whose lives she touched. Her exemplary life has contributed to our heritage and traditions and will serve as a goal that we and future generations should strive to attain. I wish to express my sympathy to the family of Martha Turner Long, an ever-faithful servant of the public and a contributor to good government.

A MAN NOBODY KNOWS

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, June 26, 1972

Mr. GRIFFIN. Mr. President, Mr. Stephen T. Spilos, one of Michigan's best known authors and historians, has been writing a series of articles on Detroit people and places.

One of his recent articles concerns Col. Philetus W. Norris, a native of Michigan who served as superintendent of Yellowstone National Park at its inception.

It is particularly appropriate that the article should appear during this National Parks Centennial Year. I ask unanimous consent that the text of the article, published in the Detroit, Mich., Legal Advertiser of Thursday, June 1, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"A MAN NOBODY KNOWS" WAS ONE OF MICHIGAN'S GREATEST

(By Steve Spilos)

(NOTE.—This is another in a series about Detroit people and places by Steve Spilos, noted historian and award winning author.)

One of the most legendary figures to come out of the west—or the east—is Colonel Philetus W. Norris, Wyoming's "Man from Michigan."

Col. Norris served as superintendent of Yellowstone National Park from 1877 to 1882. He was among the first to induce Congress to provide funds for Yellowstone.

The unusual thing is that he did it with poetry, penned with a stubby pencil by the light of his campfire.

One of his poems, "The Wonder-Land," a name cherished by all Michiganians, carried this appeal to Congress:

> "Oh, for wisdom in the councils
> Of our nation's great,
> To protect these matchless wonders
> From a ruthless fate."

Written in 1878, the year Congress made the first appropriation of its kind "to preserve, protect and improve the people's heritage," the poem was printed in P. W. Norris' book, "The Calumet and the Coteau," which he dedicated to his friend and mentor, Morrison R. Waite, Chief Justice of the United States.

This year, in observance of Yellowstone's 100th birthday, President Nixon's National Parks Centennial Commission has planned an outstanding series of commemorative programs.

They would have had a stirring effect on Col. Norris, who is buried in Detroit's Woodmere Cemetery overlooking the Rouge River.

As a result of Yellowstone becoming the first national park in 1872, the national parks system has grown to include more than 280 areas in the nation, including Michigan's Isle Royale, Pictured Rocks and Sleeping Bear Dunes.

Worldwide the Yellowstone idea found ready acceptance and now more than 100 nations have national parks.

H. M. Chittendon, historian of Yellowstone Park, refers to Col. Norris as "one of the unique and picturesque characters in the history of the Park . . . Endowed with extraordinary energy, he entered his new charge with genuine enthusiasm and unbounded faith in its future value to the people."

Col. Norris upheld America's most valued traditions. He explored the west, uncovered a new trail into Yellowstone, cutting off at least 100 miles from the old trek, and excavated Indian burial mounds for the Smithsonion Institution.

He was a practical man, capable of surviving in the wilderness, but cognizant that words and knowledge were the instruments of a cultivated society. His classroom was the wide open spaces—God's imprints upon the ledger of time.

An explorer, scout, cavalry man, land developer, realtor, sanitation expert, subdivider, politician, poet and lover of freedom, he educated himself under the stars from the Montezuma charcoal swamps of New York to the Continental Divide.

He carried books in his knapsack and pocket of his hunting shirt to read by the campfire.

Col. Norris was born in Palmyra, New York, on Aug. 17, 1821, six years prior to the discovery of the entablatures there by Joseph Smith, founder of the Church of Jesus Christ of the Latter-Day Saints.

When he was only eight years old, Norris earned his first dime guiding hunters through the dense moss-draped pine and hemlock forests around the great falls of the Genesee River near Portage, New York.

His grandfather, Deacon John Norris, fought at Bunker Hill. His father, John Norris, Jr., was a pioneer mill-builder and soldier in the War of 1812. From his mother, Azubah Phelps, who was of pure Welsh ancestry, he inherited his love of mountains and of song.

The Norris family arrived in Michigan in time for the Black Hawk War and the first of several severe cholera plagues. The elder Norris became ill, and young Norris helped his mother support a large family of sisters, including twins.

While herding wild ponies on the "blue joint meadows" of Conner Creek, he liked what he saw, and after the Civil War he built the village of Norris on a thirty foot high plateau between the forks of the creek.

His vast drainage project was considered the most advanced in Michigan at the time.

The Wayne County Atlas of 1876 contains a map of Norris, which is now a part of Detroit. One of the buildings was a Deaf and Dumb Asylum, now the Lutheran Institute of the Deaf.

The asylum stood on Railroad Avenue, now Nevada, near Mt. Elliott, the heart of Norris. At the intersection of Mound and Seven Mile Road stood an Indian Mound, and he built a log cabin on it.

P. W. Norris married Jane K. Cottrell of Fayette, Ohio, in 1845, and on their wedding trip, he cleared a road through the woods to Pioneer, Ohio, which was originally settled by Norris.

Philetus and Jane had four children, Edward, Aurelia, Ida and Arthur. Ida is buried in Woodmere next to her father. Arthur, a veterinarian, married Ida Tewksbury of Romeo, Mich. She was a school teacher in Norris where she met Arthur.

Arthur and Ida had seven children, the second, named Ralph Arthur Norris, was a doctor. He in turn married Elizabeth Estelle Gardner, and they had two children, Aurelia Betty Gavin, of Birmingham, and Ida Louise Garn, of Troy, Mich.

Col. P. W. Norris had an outstanding Civil War record. He served as a Union spy and captain of the West Virginia Mountain Scouts. Disguised as an Indian he penetrated Confederate lines, and there was a $5,000 reward on his head.

He was disabled by a severe shoulder and spinal injury caused by the fall of his horse when it was shot under him in a guerrilla fight near Laurel Mountain.

Norris returned to Pioneer and was elected to the Ohio legislature; then assisted in the re-election of B. F. Wade to the U.S. Senate in 1863.

He then became a member of the Sanitary Commission, and was at the front caring for the wounded in the bloody Spottsylvania campaign, and also served at Kelley's Island, the confederate prison on Lake Erie.

The most unusual chapter of his brilliant career took place when he returned to the Custer battlefield—the year after the news of Custer's defeat at Little Bighorn rocked the nation.

Col. Norris retrieved the bones to his frontier friend Lonesome Charley Reynolds, Custer's chief scout, and brought them back to Michigan wrapped in a handkerchief. For many years this was a deep mystery until someone read about it in an old issue of Norris' publication, the Norris Suburban.

While engaged in ethnological research for the Smithsonian Institution, Col. Norris died at Rocky Hill, Ky., after a brief illness. He was buried at Elmwood Cemetery in Detroit on Jan. 17, 1885, and a short time later was removed to Woodmere.

In memory of his long life in the wilderness, and his great love of America's most treasured gifts, his grave was covered with a bower of pine needles.

His services to Yellowstone National Park, as well as to the nation, have too long gone unrecognized. It has taken a hundred years for this man who nobody seems to know to gain his rightful place in history.

One of the features of the centennial observances will bring officials from all over the world to Yellowstone this September in attendance at the Second World Conference of National Parks. Their main concern is the challenge facing the national parks in the next 100 years.

With man's spirit prevailing—as it does—Col. P. W. Norris, the "Man from Michigan," will be there.

CHARITABLE OVERKILL

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. VAN DEERLIN. Mr. Speaker, in my office reposes a rather bulky package from my home State. It contains some 9 pounds of charitable solicitations mailed over a 10-month period to a single individual, John F. Ruedi, the widely known golf professional at the Coronado Country Club.

Mr. Ruedi religiously saved each solicitation sent to him from January through October 1971. He explained the net weight would have been substantially higher had he not discarded many of the cover envelopes.

In itemizing the contents I counted 140 individual requests for money from 86 different organizations. One soliciting group, apparently through the indiscriminate use of multiple mailing lists, sent five identical letters.

Included among the solicitations were 17 sets of assorted greeting cards—averaging six cards per set—three key chains, two ball point pens, eight combs, a plastic napkin holder, and numerous decorative stamps and gummed address labels. All of these were unordered.

Unfortunately, this is by no means an isolated example. Millions of Americans are being deluged with similar requests for donations. It is virtually impossible to judge the worth of these causes since information concerning the identity of the solicitor and the percentage of the contribution which will actually benefit the purported cause is hardly ever provided.

In many instances 85 to 90 percent of the donation winds up in the pockets of promoters and advertising agencies. This overhead takes the form of consultant fees, retainers, staff salaries, commissions, mailing expenses, printing costs, and the purchase or rental of mailing lists.

In this period of increased consumer protection; with the advent of truth in lending and regulations concerning packaging and advertising—it only seems fair that the contributor be afforded some degree of protection from unscrupulous solicitors.

I am committed to offering, at the appropriate time, legislation that would provide this protection. Unfortunately, Mr. Ruedi's case, which at first hearing sounds quite extreme, is actually fairly typical, I would imagine. Most of us get this kind of mail, in this kind of quantity, but few of us would take the trouble to catalog it as Mr. Ruedi has done. On sheer volume alone the need for reform seems self-evident.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. McKAY. Mr. Speaker, I share the concern voiced by Appropriations Committee Chairman GEORGE MAHON, who said:

> The revenue sharing bill recommends a program that separates two inseparables—political responsibility for taxing and responsibility for spending.

I feel that the revenue-sharing bill as passed is a bad bill. The formula used for allocating funds is wasteful in that it sends much of the money where it is not needed. The bill is bad in that it places control of public money outside of the control of officials elected by the people. And, the bill is bad because it spends billions of dollars we do not have.

I felt that bringing the bill before Congress under a closed rule was also an error and was, in fact, in direct violation of the standing rules and traditions of the House of Representatives.

I had hoped for an open rule under which the bill might have been amended to arrive at a more equitable formula for helping those States and cities that have very real needs. As it stands, we have turned loose a river of money running, as Mr. MAHON noted, "a mile wide and an inch deep."

I do think it would be possible to draft revenue-sharing legislation that would meet the needs of our Nation. But, with a deficit of over $30 billion in the present Federal budget, I did not feel the bill the House has passed was sound fiscally or otherwise and I had no alternative but to vote against it.

In light of Congress action, I will not be surprised to see the administration and congressional leaders ask for a tax raise.

THE HIGHER EDUCATION ACT OF 1972

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SCHMITZ. Mr. Speaker, Robert Clark, former president of San Jose State College, now president of the University of Oregon, said:

> To keep young people off the job market our society has made the college or university a holding operation for some of our students—a kind of advanced baby sitting enterprise. Higher education should be available to all qualified aspirants who can profit therefrom; but they who do not want higher education should not be coerced to enter—we all believe that society has oversold itself on the value of college education for all youth and undersold the importance and dignity of socially productive and useful work of other forms.

On June 8 the House of Representatives, disregarding strong, bipartisan opposition, including the Republican leadership and—perhaps surprisingly—hundreds of college and university presidents such as Robert Clark, quoted above, approved an $18.5 billion higher education aid bill (S. 659) which was also supposed to help stop busing. The vote was 218 to 180 in favor of the bill.

The inability of this bill to do anything significant to restrict busing was fully explained in my newsletter 2 weeks ago. But its provisions specifically dealing with higher education are just as bad in their own way. It establishes a guaranteed annual income for college students, regardless of their ability or willingness to study, in the form of a "Basic Opportunity Grant" for each student of $1,400 per year from Federal tax funds, minus whatever his family contributes to his education. This is in addition to the enormous subsidy which taxpayers are already giving students by holding down tuition fees at State colleges and universities through the tens and hundreds of millions of dollars of State tax money handed to these institutions each year.

As Democratic Congresswoman EDITH GREEN said during the House Floor debate:

> I do not happen to believe that every student attending an institution of higher education is "entitled" as a matter of right to $1,400 of other taxpayers' money. I think any student financial aid supplied by the Federal Government should depend on the academic achievement and the motivation of the student. There are many, many Members in this Chamber who worked their entire way through college and did not have a dime of Federal financial assistance. Those of you who watched the CBS documentary two or three weeks ago, "Higher Education—Who Needs it?", know that we have a surplus of Ph.D.'s and many thousands of college graduates who cannot find a job. To use an economic incentive to try to persuade every student to go to college is following a wrong course of action.

Furthermore, as Congressman EARL RUTH pointed out in the debate, when the money available to students from existing Federal aid programs is added to the $1,400 guaranteed annual student income provided by this bill, a student could get as much as $7,900 per year from the taxpayers just for enrolling in a college and living away from home. Congressman RUTH asked:

> Are we going to start a new practice—college students leaving home to become eligible for Basic Opportunity Grants? This will be happening even in wealthy families.

The bill also provides $685 million more for "educational research, reform, innovation" although the Office of Education already has 50,000 tax-financed contracts for this purpose whose administration and supervision has been described by the General Accounting Office, according to Mrs. GREEN, as "absolute chaos and confusion." And, adding insult to the injury of the betrayal on busing, the bill provides $100 million for planning metropolitan school districts and educational park—massive school consolidations in urban areas which would necessarily involve large-scale busing.

House passage of this bill marks something very close to a final surrender of whatever remained of the independence of our colleges and universities. President Nixon should be urged to veto it.

INSULATING LABELS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. DERWINSKI. Mr. Speaker, the frustration which citizens properly express at the complications which beset them as a result of legislative acts or bureaucratic determination is especially well expressed in an editorial written on June 22 in the Desplaines Valley, Ill., News.

The publication's editor, Harry Sklenar, knows his community well. The points made in the editorial, I believe, are of special significance:

> INSULATING LABELS
>
> Poverty is now being segregated by State Governmental officials.
>
> According to the federal government definition of "poverty," the term means that you have an income of $3,500 or less annually and one child. The "poverty" income figure then ranges upward, depending up the additional number of children in the family. Under this classification, your child is entitled to certain things, such as free textbooks, free school supplies, and free summer schooling and bus trips designed to upgrade the cultural level.
>
> However, according to the terms of the $33,865 state grant to Argo-Summit schools, that "poverty" family must live in a "target area," defined as one with a large number of families on ADC and welfare rolls.
>
> Under this further definition of "poverty," a family in this category whose children attend Walsh, Walter, or St. Joseph school cannot register their children in the summer school program simply because they are not living within a "target area."
>
> Thus, in a sense, this segregates and labels the "poverty" child as much as any racial slur. Incidentally, 169 children were found qualified under these guidelines.
>
> This government labeling not only slurs and segregates the child, but labels the neighborhood area, as such labeling really means that the area is comparable to a "slum" or "ghetto."
>
> Such labeling has a relation to property values of the area, for few new residents care to move into a section designated as a "target area," meaning large numbers of low income persons.
>
> The slur also casts a reflection on the majority of persons who have upgraded their property or possess an income level sufficient to raise the median wage level.
>
> Thus, what the slur really says is that if you live on one side of a line, your child is eligible to attend the summer school to improve his reading, and if you live on the opposite side of the line, your child cannot, regardless of what your income level is.
>
> And, in the opinion of this writer, that is as much discrimination as any racial label.

LITHUANIAN RESISTANCE TO FOREIGN DOMINATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. RODINO. Mr. Speaker, the tiny Baltic State of Lithuania has been subjected to foreign invasion and domination for centuries. In 1253, Mindaugas was crowned by Pope Innocent III as king of a united Lithuania. This unification laid the groundwork for an eventual political union with Poland and the general political and cultural extension of the Lithuanian State. This union lasted until 1795, then Lithuania was annexed by imperial Russia. The courageous Lithuanians continually revolted against repressive czarist rule and finally forced the Russians to abandon their policy of assimiliation and acculturation of the Lithuanian people in 1905.

Lithuania has had little freedom in the 20th century. After Russian colonization. the German aggrandizement during the First World War sought to eliminate the sovereignty and identity of this determined Baltic State. During World War II, Lithuania was one of the few countries to experience the brutality of both Hitler and the Soviet Union.

On June 22, 1941, Nazi forces overran Lithuania. The peoples of this nation have never seen real freedom and tranquillity since that day. A victory by the Allies during the war wrested control from the Germans, but ultimate authority went to the Soviets. Rule by the Communists for a quarter of a century has stifled this once vigorous, proud nation, into part of the Soviet orbit in Eastern Europe. Moreover, Soviet-sponsored dictatorship has vitiated all forms of political expression and liberty. But, the Lithuanian people have steadfastly refused to submit to alien rule. They have steered an independent course of action, whereever their energies could be exerted. For example, thousands of Catholic Lithuanians have consciously and vociferously kept their faith, despite the unremitting hostility and disbelief of the Communists.

Many in the West do not realize the magnitude of the struggle waged by the Lithuanian loyalists for 8 years—1944–1952—against the Soviets. The losses incurred by the Lithuanian guerrillas reached 40,000 dead in military actions alone during this period.

On this day more than 30 years ago, the most dehumanizing and persistent oppression began by the Nazis, and more recently by the Soviets. The proud heritage of the Lithuanian people is filled with examples of resistance and determination, regardless of the odds or obstacles in their path. It is because of this courage of conviction and resistance to alien rule, that I wish to commemorate this day and ask all peoples to pause and take account of the great achievements of the Lithuanian people as symbols of independence and freedom throughout the world.

JOB OPPORTUNITIES IN THE FUTURE

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. QUIE. Mr. Speaker, last month I noticed an excellent series in the Evening Star by Sylvia Porter on the prospective job market facing our young people in the decade ahead. These were so interesting, and the facts she developed so important to our understanding of job opportunities ahead, that I am asking unanimous consent to have these articles reprinted. I commend them to you for your interest in apprising your constituents of the facts concerning the need for revamping our educational system to provide career training for the eight out of 10 jobs in the 1980's which will not require a college degree.

Some of the facts Mrs. Porter developed are interesting: For instance, by 1980, two-thirds of our work force will be producing services, not goods; before this decade ends, she says, the glut for teachers will be so big that there may be nearly two applicants for every job in the public school system; there will be, however, bright job opportunities in 2-year colleges, vocational, and technical schools.

The articles follow:

> DWINDLING JOBS—1
>
> (By Sylvia Porter)
>
> True or false? . . .
>
> The fastest growth in government jobs in the years ahead will be jobs in federal agencies.
>
> Most workers in the United States are employed by companies producing goods.
>
> In view of the population explosion, the biggest expansion in jobs for teachers will be in elementary and secondary schools.
>
> Increasing automation in the office will reduce the number of jobs for office workers.
>
> Good jobs for high school graduates will shrink dramatically as more employers demand that workers have college degrees.
>
> Jobs in agriculture also will dwindle near to zero because of the mechanization of farm work along with the virtual disappearance of the small farm.
>
> The work force is growing older as the population generally lives longer, and thus more and more key positions are being filled by middle-age and older employes.
>
> If you answered "true" to any of these questions, you were wrong. If you answered "true" to most, you flunked.
>
> Taking the questions one by one:
>
> There will be considerable growth in the numbers of government jobs at all levels—an estimated 33 percent increase during the 1970s. But the growth will be much greater at the state and local levels than at the Federal levels.

More than half of the U.S. work force today is producing services, and goods—services covering the range of medical, teaching, banking, insurance, painting, writing, advising, planning—making us the first service-dominated economy in world history. And by 1980 the overall proportion of our work force in services is expected to expand to two-thirds. More than 85 percent of the new jobs now opening up are in the services. By contrast, manufacturing jobs will increase an average of only 1.3 percent a year during the 1970s.

The fastest expansion in teaching jobs will be at the college (two-year and four-year) level. During this decade the increase in the number of elementary teachers in slated to be a mere 3.3 percent and many would be elementary and secondary school teachers will be forced to find new types of jobs.

Automation in the office has reduced opportunities for certain types of workers—but sharply increased demand for other important categories ranging from business machine operators and copying machine repair people to computer programmers, tape librarians and tape perforator typists. If you are interested in a clerical career, you will find the prospects are brightest for work with office computers or in the operation of office machines.

Sure, there's a great push toward college education, but the biggest numbers of jobs in this country still are going to non-college graduates, including high school drop-outs. There will be tremendous opportunities for mechanics and repairmen, particularly for automobile and airplane mechanics, for business machine and appliance servicemen.

The decline of the small farm has been going on for more than a century, and by 1980 the entire food supply probably will be grown by 3 percent of the labor force. However, many new agricultural occupations are opening up in big "agribusiness" and in the technical-scientific aspects of modern farming.

Finally, instead of growing older, the work force actually is growing steadily younger, with about two of the three new jobs being filled during this decade by Americans aged 24 to 25. A key force behind this trend is today's scarcity of workers in the age range of 30 to 45 (not many babies were being born in the depression 1930s). As a result, corporations and other employers are being compelled to reach into the younger age brackets to find executive and other talent—and this is creating an extraordinary opportunity for many American men and women now in their late 20s.

WHERE ARE THE JOBS?—II

(By Sylvia Porter)

Before this decade ends, the glut for teachers will be so big that there may be nearly two applications for every job in the public school system. Between now and 1980, we may train as many as 4,200,000 new elementary and high school teachers, says the Labor Department, but there will be only 2,300,000 jobs waiting for them.

Even at this early point, large numbers of graduating teachers are being compelled to abandon the field for which they trained so enthusiastically. Even now, the immediate future is clearly glum for the record numbers of college students majoring in education.

Moreover, the trends for elementary and high school teachers will remain grim for a period.

Declining birthrates have been shrinking enrollments, and elementary school enrollments as distant as 1980 are expected to be still below 1968 levels. Also reducing the overall numbers of teachers needed is the growing use, especially in high schools, of a new array of educational hardware—such as instructional television and language laboratories. Another strong trend with important implications for teachers is toward non-resident, non-degree courses—adult education, home-study programs, TV teaching.

OPPORTUNITIES LISTED

But despite this over-all picture, there are bright job opportunities in the teaching fields if you are alert to the chances, willing and able to grab them. For instance:

In two-year colleges—including junior and community colleges, vocational and technical schools: The expected growth in the numbers of openings for teachers in this type of school is more than double the expected growth in four-year colleges. The greatest number of new opportunities will be in public institutions.

In ghettos and poor rural districts: As one illustration of the teacher-training programs, Fordham University has set up a work-study scheme for "teacher advocates" specializing in teaching and helping youngsters in trouble with the law. The teachers, age 21–35, are living in the neighborhoods in which they're teaching, working toward masters' degrees, receiving stipends of $90 a week while they work-study.

In adult education-training-retraining: So impressive is the surge in this field that "andragogy" — the science of teaching adults—is rapidly becoming a new teaching specialty and is being pushed hard by the U.S. Office of Education. About 69 million Americans age 16 and over have less than a 12th-grade education.

In school administration: From preschool through college.

In subjects where teachers remain scarce: Math, for instance, the physical sciences, consumer education. The U.S. Office of Education is funding projects to develop innovative environmental education programs across the country—including new techniques for teacher training in this field.

In teaching the handicapped: The mentally retarded, physically handicapped, socially maladjusted, the delinquent child. Today, fewer than half of the nation's handicapped school-age children get the special educational services they need so desperately.

In early childhood education—including day care centers and kindergartens: Pre-primary school education is one of the biggest of growth industries in this era—and all the sex barriers are down, so opportunities for men and women are equally bright.

In educational research and development: A vitally important new field in which there will be fascinating opportunities as public and private funds pour in to spur research into many fundamental questions. For instance, why can't Johnny read? Why do drop-outs drop out? How can we best prepare the retarded child to lead an independent life? How does poor nutrition affect learning?

A nationwide network of educational research labs is now being built to further this effort—most of the labs in connection with major universities. Demand for well-trained, well-qualified educational research and development specialists must expand.

In the federal teacher corps: If you are a qualified applicant interested in working with children from poor families and in training others to work with such children. You'll get a fairly arduous two-year college internship program with "long hours, low pay and as much frustration as anyone should take."

You can obtain vital guidance on careers in teaching from these key sources: National Center for Information on Careers in Education, 1607 New Hampshire Ave., N.W., Washington, D.C. 20009; National Education Association, 1201 16th St., N.W., Washington, D.C. 20036; U.S. Office of Education, Washington, D.C.

WHERE ARE JOBS?—III

(By Sylvia Porter)

You've surely heard about the layoffs of technicians from coast to coast—particularly in the aerospace industry.

If you've been interested in going into a technical career, you're probably also aware that the federal government has been stepping up efforts to retrain and reroute unemployed engineers, scientists and technicians. And perhaps you know, too, that the National Society of Professional Engineers, along with other engineering societies, has been conducting a market survey to find out how the unemployed can be retrained for jobs in other fields ranging from food processing to finance. The long-range prospects for technicians are favorable. By 1975, more than one million new interesting technical jobs promising good salaries will open in this country, predicts the U.S. Office of Education.

The well-known jobs are for computer and other electronic technicians, electrical, mechanical technicians, draftsmen. Here are other fields, most of which you can learn in two post-high school years or less:

Appliance Service Technicians: Install, maintain and repair appliances.

Architectural and Construction Technicians: Help develop new building techniques and new building materials; design future structures such as astrodomes, spaceships, sea laboratories.

Automotive Technicians: Help design new traffic control systems, smog control devices, automatic automobile guidance systems and new auto safety features.

Chemical Technicians: Work in new fields of chemistry, especially biochemistry; help develop new materials from chemicals, such as new plastics, new foods, new fertilizers.

Electromechanical Technicians: Help design products ranging from new computers to artificial hearts and other artificial organs for humans.

Fire Protection Technicians: Help develop new types of fire-control systems, including systems for supersonic transports, sea labs and other artificial environments.

Health Service Technicians: Assist medical teams on the new frontiers of medicine such as bioengineering techniques to save and prolong life.

Instrumentation Technicians: Help develop new families of instruments to facilitate space exploration; work on pollution control and automated medical devices.

Library Technicians: Work primarily in public school libraries but also in colleges and universities and in business, medical and other specialized libraries to help people with materials; write book descriptions for card catalogues; order books from publishers; operate and maintain audiovisual equipment such as slide projectors and tape recorders.

Metallurgical Technicians: Help develop new miracle metals and alloys for use in construction, machinery, medicine.

Radiologic Technicians and Technologists: Backstop highly trained radiation specialists, especially those working on health and safety aspects of atomic energy plants; monitor and analyze the air, food and water we consume; do research on effects of radiation on plants, animals and people; use X-ray techniques for the detection and treatment of disease.

Sanitation and Environmental Technicians: Help prevent and control air and water pollution; inspect and prevent contamination of food; improve methods for waste disposal.

WHERE WILL THE JOBS BE?—IV: CITY HALL

(By Sylvia Porter)

An astounding 10 million Americans work for state and local governments, while another 2.8 million work for the federal government. "The government"—federal, state and local—has become the nation's biggest single employer in virtually all fields.

About one in four new jobs for men and women opening up in the United States is a government job. In some areas (Wyoming, West Virginia, Washington, D.C.), the ratio is one new government job for one new private sector job.

And although cutbacks in city employment are making headlines the nation over—in New York City alone, payrolls have been cut by 10,000 jobs during the last year—the most dramatic growth by far is taking place in jobs at state and local levels.

More specifically, job opportunities in state and city governments will soar by 40 percent in the 1970–80 period, the Labor Department predicts—double the growth rate for the labor force as a whole. At this moment, estimates the National Civil Service League in Washington, more than 750,000 state-local jobs are opening up annually for people at all levels of educational achievement and across the occupational board.

About a quarter-million of these are openings for professional, administrative and technical (white collar) workers. Hundreds of thousands work in "financial control activities" (taxes) and in protective services (police work and firemen).

"Working for city hall," in short, will be among the biggest categories of increasing job opportunities in the 1970s.

The forces behind the upsurge in state-local government employment are fundamental: the relentless population migrations from rural to suburban and urban areas; the exploding demand for essential public services this trend brings; the ever-greater call for more and better education, housing, health services by all age groups.

With the single exception of jobs for elementary and high school teachers, employment in city and state agencies will climb steadily and sharply.

As for pay scales, they have been spiraling upward—reflecting the movement throughout the country to make pay scales for government workers comparable with those of workers in private enterprise and also the efforts of the American Federation of State, County and Municipal Employes and similar unions to which more than one in three state and local government workers now belong.

In most U.S. cities now, clerical workers earn more than they would at comparable private jobs; so do those in many data-processing jobs. In New York City, an experienced computer operator earns 11 percent more working for the government than he would in private industry; a carpenter or electrician earns 62 percent more working for the city than he would in private industry.

In Boston, an experienced computer systems analyst working for the city earns $1,125 a month; in Chicago, he earns $949. In Boston, a carpenter working for the city earns $666 a month; in Chicago, he earns $1,051. In Boston, the plumber earns $648 a month; in Chicago, $1,077. These are averages for a standard work week, which is only 35 hours in most work categories.

If you are interested in working for your city, call, write or visit the city hall's personnel or civil service office—or call or write the particular agency for which you'd like to work.

Other excellent sources of information include the local school board; city clerks; school or college counselors or placement offices; the state employment service office.

Or inquire through one of the following organizations:

American Institute of Planners, 917 15th St. NW, Washington, D.C. 20005; Federal Environmental Protection Agency, 401 M St. NW, Washington, D.C. 20460, National League of Cities, 1612 K St. NW, Washington, D.C. 20006; National Civil Service League, 1825 K St. NW, Washington, D.C. 20006; International Association of Chiefs of Police, Inc., 11 Firstfield Road, Gaithersburg, Md. 20760; American Public Welfare Association, 1313 E. 60th St., Chicago, Ill., 60637; National Association for Community Development, 1424 16th St., NW, Washington, D.C. 20036.

Door-to-Door Salesmanship

(By Sylvia Porter)

How would you like to:

Go into business for yourself;

Earn $15,000 to $40,000 a year;

Set your own time schedules, deadlines, work pace;

And all this "without any experience necessary"?

Door-to-door sales—the "world's smallest independent business"—might answer all these dreams if you like this type of work and if you have what it takes to make a go of it.

Door-to-door selling is this country's oldest method of merchandising. Among familiar products initially introduced to the American public by door-to-door salesmen are the washing machine, silk and nylon stockings, the vacuum cleaner, sewing machine, radio.

Today, 1,500,000 to 2,000,000 are in door-to-door selling—about half of them women. And the numbers continue to grow. Students turn to it to finance tuition costs, teachers and others lean on it to increase their incomes, women move in to supplement the family's income and fill up idle hours.

The whole field of direct selling is expanding, spurred particularly by increasing willingness to pay a premium for the luxury of "shopping at home." The field is also diversifying to a wide range of goods and services. There are now an estimated 2,500 to 3,000 direct selling companies—many of them glamor stocks in recent years—grossing about $4 billion annually, double the volume of only a decade ago.

Should you attempt to go into the direct selling field? Here are some guidelines from the Direct Selling Association, the trade association which recently put together a code of ethics for its members:

Earnings: If you are selling part-time, your earnings in commissions will be about $30 to $50 a week. If you work full time and are lucky, you'll probably average $10,000 to $15,000 a year. If you're in the minority of "born" sales people (or their field supervisors), you may manage $40,000 or more annually.

Women earn at least as much as men do.

Advantages: You're on your own and can set your own work load, time schedules, financial goals. You can get started with virtually no experience, can get in or out of direct sales at any time, normally need no capital to begin with.

Warning: steer clear of any direct sales company that requires you to make a big investment in sales gear before you even hit the road.

Disadvantages: You may not be able to achieve the income you seek unless you are willing and able to spend a considerable amount of time away from home. You may have to carry heavy sample cases on your route. The field has more than its share of hard sellers and unscrupulous dealers of one type or another—some of them illegally representing their wares and others regularly violating the federal truth in lending law.

And always lurking in the background is the prospect of stricter federal laws and regulations to set standards for direct selling and crack down on the abuses which have resisted all the industry's efforts at self-policing.

THE HUMAN COST OF COMMUNISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. CRANE. Mr. Speaker, those who urge an immediate American withdrawal from Vietnam regardless of the consequences appear not to have given serious consideration to exactly what those consequences would be. If they had it is unlikely that they would advance such a proposition as a serious policy alternative.

There has been a great deal of discussion in this country of indiscretions committed by our own soldiers. In instances where Americans have acted in an inhumane manner, when they have been callous in their treatment of civilians, it is just and proper that we should be critical. Such indiscretions have, however, been the actions of individuals. They have never been the policy of our Government.

Exactly the opposite is true with regard to the campaign of terror practiced by the Vietcong. Sir Robert Thompson recently noted that—

> Everyone has heard of Mylai, but who has heard of Caibe, where the Vietcong, after its capture, lingered only to murder the wives and children of all the local militia? Or of the Montagnard village of Dakson, where they moved from hut to hut with flame-throwers incincerating more than 250 villagers, two-thirds of them women and children.

These acts of barbarity, the murder of thousands in Hue, were not accidental. Robert Thompson, the British expert on guerrilla warfare, states that—

> These were not aberrations, nor savagery for savagery's sake, nor the work of undisciplined soldiers acting in violation of instructions, but part of a ruthless deliberate policy designed to break a people who would not otherwise bend to their will.

How many would be murdered if the Vietcong were to come to power in South Vietnam today. Robert Thompson writes that—

> Four years ago I estimated that it would be several hundred thousands. I now wish to amend that figure to well over one million (out of eighteen million people).

This must not be permitted to happen. Those who would turn their backs upon these brave people who have depended upon the good word of the United States should consider the consequences, not only for the South Vietnamese, but for American honor as well.

I wish to share with my colleagues Sir Robert Thompson's article concerning "The Human Cost of Communism" as it appeared in the New York Times of June 15, 1972:

The Human Cost of Communism: "If the North Takes Over the South, What Will the Bloodbath Be?"

(By Robert Thompson)

London.—The present invasion of South Vietnam and the intense fighting of the last few weeks draw attention once again to the human suffering caused, on an almost unprecedented scale, to the Vietnamese people by the continuing war. I am not here considering the battle casualties which, although on each side they have probably reached 500,000, can at least be regarded as "legitimate" in war.

Nor am I considering the refugees who, although their plight may be tragic, are at least still alive.

What should most concern us is the number of civilians who have been killed in both halves of Vietnam, and those who may yet die in the future, as part of the human cost of Communism.

The Western conscience is immediately pricked by an American-committed atrocity, such as Mylai, and by the civilian casualties caused by the bombing of the North (although such casualties are now likely to be far less than during 1965–68 because of the development of the extremely accurate "smart" bomb).

Little or no attention, however, and certainly no equivalent reporting, has been given to similar Vietcong or North Vietnamese atrocities which have occurred on a scale that makes Mylai almost insignificant. These have not occurred because of some aberration, accident or inaccuracy of bombing. They have occurred, both selectively and indiscriminately, as a matter of deliberate policy.

At the time Hanoi complained of six civilian casualties, as a result of the first American raid on the North after the invasion began, she was firing 122-mm. rockets indiscriminately into Saigon and Pnompenh, killing more than ten times that number.

Her Russian 130-mm. guns have pounded Anloc and Quangtri to rubble. They will do the same to Kontum and Hue if they get within range without any consideration whatsoever for the civilian population.

Everyone has heard of Mylai, but who has heard of Caibe where the Vietcong, after its capture, lingered only to murder the wives and children of all the local militia? Or of the Montagnard village of Dakson, where they moved from hut to hut with flamethrowers incinerating more than 250 villagers, two-thirds of them women and children?

Most people have heard of the massacres at Hue in 1968 where the Vietcong and North Vietnamese, after its capture, executed 5,700 people (as assessed from the mass graves found afterwards) but who knows that in captured documents they gloated over these figures and only complained that they had not killed enough? These were not aberrations, nor savagery for savagery's sake, nor the work of undisciplined soldiers acting in violation of instructions, but part of a ruthless deliberate policy designed to break a people who would not otherwise bend to their will.

The world cannot plead ignorance because it has all been well documented. The evidence has been authoritatively put together in a compendium prepared, surprisingly, for the United States Senate Committee on the Judiciary (the meat was obviously too red for Senator Fulbright and the Foreign Affairs Committee).

There are distressing implications for the future. If the invasion succeeds and the North takes over the South, what will the bloodbath be? Four years ago I estimated that it would be several hundred thousands. I now wish to amend that figure to well over one million (out of eighteen million people).

The critics of the war may claim that the forecasts are exaggerated. But Colonel Tran Van Dac, a North Vietnamese officer who defected after twenty-four years in the Communist party, stated that the Communists, if they win would slaughter up to three million South Vietnamese, and another colonel, Le Xuan Chuyen, who defected after twenty-one years, stated that five million people in South Vietnam were on the Communist "blood debt" list and that 10–15 per cent of these would pay with their lives. When asked in an interview if the possibility of a bloodbath had been exaggerated he replied: "It could not be exaggerated. It will happen."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

ACCURACY IN MEDIA AND PUBLIC BROADCASTING

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SPRINGER. Mr. Speaker, when our committee had hearings on appropriations for public broadcasting, I raised the serious question with reference to Sander Vanocur.

I place here in the RECORD a complaint by Accuracy in Media, Inc. to William B. Ray, Complaints and Compliance Division, Broadcast Bureau, Federal Communications Commission, Washington, D.C. The letter explains itself. I trust Mr. Vanocur realizes that he has not violated just the regulation of the FCC with reference to fairness, he has violated the law. In the Public Broadcasting Act of 1967, there appear these words:

> All matters of controversy must be presented in balance and perspective.

I am sending a copy of what is contained in this RECORD to the Federal Communications Commission for action as a violation of the law. I am also sending a copy of this to Mr. Frank Pace, the chairman of the board of directors of the Corporation for Public Broadcasting as well as to John Macy, president of CPB, and asking what action they intend to take in this matter.

I think everyone in the Congress realizes the wording I quoted above from the law was put in with a very definite purpose, to to be sure that all matters of controversy were presented in balance and perspective. I intend to see that this is enforced, as I happen to be one of the authors of the act. At the time the act was written, those who were here in Washington seeking such legislation, came into my office and requested that language to be in the act and and supported my amendment in the committee to place those words in the act.

Accuracy in Media is a nonprofit organization here in Washington which had or has had on its national advisory board Dean Acheson, Murray Baron, Ambassador Elbridge Durbow, Dr. William Yandell Elliott, Eugene Lyons, Morris L. Ernst, Dr. Charles Burton Marshall, Rear Adm. William C. Mott, USN, retired, and Edgar Ansel Mowrer. This gives you some idea of the impartiality of Accuracy in Media. I have watched it and it has done a pretty fair job of trying to bring some balance to the media and is to be commended for those efforts.

The letter follows:

ACCURACY IN MEDIA INC.,
Washington, D.C., June 19, 1972.

MR. WILLIAM B. RAY,
Complaints and Compliance Div., Broadcast Bureau, FCC, Washington, D.C.

DEAR MR. RAY: On April 26, 1972, WETA and other stations throughout the country broadcast a program produced by NPACT and distributed by the Public Broadcasting Service entitled "Special Report: The President on Vietnam."

This program consisted of a statement by President Nixon taking about 16 minutes and a commentary by four individuals, including the moderator, Mr. Sander Vanocur, who were generally critical of the President. The commentary took the balance of the hour.

In introducing the commentators, Mr. Vanocur said:

> Since the White House announcement of the President's address, we of NPACT went to work trying to arrange a politically balanced panel of individuals to discuss the issues raised by the President. Well, our panel tonight is not balanced. There's no spokesman for the administration. And this is not our doing.

Mr. Vanocur went on to explain that they had tried to get someone from Congress or the White House to speak for the administration, but they had not been successful. He had succeeded in lining up two journalists and Mr. Richard Barnet of the Institute for Policy Studies, all of whom were known to be critics of the President.

Accuracy in Media, Inc. wishes to file a complaint against NPACT and PBS for violation of Section 396 (g) (1) (a) of the Public Broadcasting Act with respect to this program. This act requires that all programs and series of programs be produced with strict adherence to objectivity and balance. Mr. Vanocur told his audience that NPACT had not obtained a balanced panel to discuss the President's address, and this was demonstrated to be true by the discussion that ensued.

We have pointed this out to NPACT, stating our belief that the program violated both the Public Broadcasting Act and the Fairness Doctrine. Counsel for NPACT replied that the program was balanced since it included a 16 minute talk by the President, and this was supposed to balance the 44 minutes given to his critics. Also, NPACT argued that the Fairness Doctrine did not require balance for this particular program, and counsel cited a number of other programs produced by NPACT that had been better balanced on the subject of Vietnam.

Finally, NPACT tells us that the panelists were selected not for their political viewpoints, but for their knowledge and expertise. He said that the statement by Mr. Vanocur was not meant to imply that the panelists held views necessarily opposed to the Administration.

We find NPACT's response unsatisfactory. It fails to deal at all with our complaint of violation of Section 396, and we wish to make this the main basis of our complaint to the Commission.

It seems clear to us that Mr. Vanocur knew full well that his panelists represented views that were critical of the Administration and that this was why he made his introductory remark of explanation. We reject the idea that the program was balanced because it included the full statement by the President.

We said this in our reply to NPACT:

"You suggest that giving the President 16 minutes of air time in an hour segment met the requirements of balance. We disagree. If a newspaper such as The New York Times were to publish the President's talk and then quote only unfavorable reactions to it, it would be condemned by all for blatant one-sided and biased reporting. You contend that this is precisely the way in which a broadcaster can achieve balance. It is exceedingly strange that what would be regarded as extreme one-sidedness in a newspaper should be regarded as the epitome of balance in a television broadcast.

"The simple fact is that the President of the United States was not a mere participant in your program. He delivered an important newsworthy address. Had he denied you the right to televise it (possibly on the ground that he knew you would use his 16 minute talk to justify a 44 minute attack on his policies), you would have been indignant. You decided to put on a commentary, presumably to "discuss the issues raised by the President," as Mr. Vanocur said. We may assume that you regarded these as controversial issues of public importance. Mr. Vanocur knew that under the Fairness Doctrine and under Section 396(g)(1)(a) of the Public Broadcasting Act a licensee is obliged to present all sides when he airs discussions of controversial issues of public importance. Certainly the views of those citizens who support the President of the United States have as much right to be heard as those who oppose him. Licensees are obliged to air the significant views of those in the community they serve. If a large part of the community wishes to express or hear expressed views that support the President of the United States, the licensee has a positive obligation to seek out persons capable of articulating those views and putting them on the air. One of the objects of this exercise is to gauge the reaction of the public to what the President has said. If a licensee is so selective that he airs only the views of the President's critics then he really misinforms his audience, creating the impression that no support for the Administration exists."

We do not believe that the excuse that a member of Congress or an official of the Administration was not available excuses NPACT from its obligation to provide a balanced panel. No member of the panel was from Congress and there was no official representative of the opposition party. NPACT found two journalists and a scholar. Surely it would have been possible to find a journalist or a scholar who would have taken a view more sympathetic to that of the President. There is no evidence that NPACT made any effort to find such a person.

We note that this is not the first time that NPACT has produced a panel comprised wholly or predominantly of Administration critics to discuss a presidential address.

We ask that you find NPACT and PBS in violation of Section 396(g)(1)(a) of the Public Broadcasting Act. We ask that they be instructed to produce a program on the subject of Administration policy in Vietnam that will rectify the lack of balance in the April 26, 1972 program and that they be advised to avoid production of similarly unbalanced programs in the future.

Sincerely yours,

ABRAHAM H. KALISH,
Executive Secretary.

DOROTHY ROACH OF AUSTIN, TEX.

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. PICKLE. Mr. Speaker, every office on this Hill knows the value of that employee who "knows the ropes"—and the same holds true for offices at every level of government.

In Austin, Tex., Dorothy Roach was that employee since 1968. With experience in many fields of government, Miss Roach has been called the "real" mayor of Austin on more than one occasion. Serving as Administrative Secretary for the Austin City Council, Miss Roach repeatedly was called upon by city officials to lend her expertise to the benefit of the city.

A few days ago, however, Miss Roach passed away at the early age of 54, and she left a gap which will not be easy to fill. I join with the city of Austin in mourning her passing and in praising her good wishes.

Mr. Speaker, I insert in the RECORD an article from the Austin Statesman about Miss Roach.

The article follows:

MUNICIPAL SECRETARY DIES AT 54

Dorothy Roach, administrative secretary for the Austin City Council, was found dead at her home Monday morning.

Administrative aide Chuck Space found Miss Roach when he went to her home after she did not report to work. Time or cause of death had not been determined Monday morning.

Miss Roach, 54, had been with the city since March 1968.

Mayor Roy Butler said she "was a loyal and devoted municipal employe and of immeasurable assistance to the entire city council.

"Since this council took office more than a year ago, she has spent long hours attending to council affairs as an administrative secretary," said Butler. "On many occasions, we would have been lost without her expert and dedicated help."

Before joining the city staff, Miss Roach worked for the U.S. Department of State in Washington, D.C.; had been a legal secretary for former Sen. Ralph Yarborough, and had been employed by a construction company.

She was a native of Lipan and attended public schools in Mineral Wells, Adams Business College in Mineral Wells and Texas Wesleyan College in Fort Worth.

Funeral will be at 4 p.m. Wednesday in the Weed-Corley Funeral Home.

She is survived by a brother, George M. Roach of Austin.

PORT VUE TEACHER HONORED AFTER 45 YEARS OF SERVICE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GAYDOS. Mr. Speaker, in the course of a lifetime you meet many people and, if you are fortunate, you may meet a few who, regardless of position or wealth, stand head and shoulders above the crowd. You find your life has been enriched merely by knowing them. I have been so fortunate. I have met such people and one of them is a warm, gracious lady who has touched the lives and won the hearts of untold thousands in my 20th Congressional District of Pennsylvania.

She is Miss Thelma Smith, a schoolteacher who is retiring after devoting 45 years of her life to teaching children, molding their future and, thereby, molding the future of their community. Recently Miss Smith was honored at a testimonial dinner and I was privileged to join with more than 200 of her friends, associates, and former students in paying tribute to this wonderful woman. As one of them observed that night: "Miss Smith is not a name to us, she is legend."

Indeed she is. The years she spent working with students went far beyond the confines of the classroom. She did more than just drum the "three R's" of education into the minds of young children. Her interest in students and their activities knew no bounds. In fact, during World War II, she assumed the duties of a head football coach and not only turned out winning teams but also developed two All-Americans.

This remarkable lady lived by a simple motto which won for her the love, respect, and admiration of all who came in contact with her. "What you are is God's gift to you," she would say. "What you become is your gift to God."

Mr. Speaker, I would like to insert into the RECORD a newspaper account of the testimonial dinner, written by Eleanor Kratzer of the Daily News. It will acquaint my colleagues with a unique individual, one who practiced what she preached—Miss Thelma Smith, of Port Vue, Pa.

The article follows:

PORT VUE TEACHER HONORED AFTER 45 YEARS OF SERVICE

"What you are is God's gift to you. What you become is your gift to God."

That was the message inscribed on a small piece of paper which Miss Thelma Smith placed on the desk of one of her pupils, James Trovato, when he was a student in her class in the Romine Ave. school in Port Vue, now the Port Vue Elementary School.

Last night, Mr. Trovato served as the toastmaster at a testimonial banquet honoring Miss Smith in the ballroom of the Youghiogheny Country Club.

More than 200 residents of Port Vue and friends from other neighboring areas were there to pay tribute to the teacher who is retiring after 45 years of service in the Borough School. Their presence was evidence of their belief that Miss Smith had lived by those few words and has produced a handsome gift to God that is reflected in the love of her hundreds of pupils and associates through the years.

Opening the program, Mr. Trovato said, "We are honoring one of the finest people I know in the field of education. She was always ready to lend a helping hand and has reached out and touched everyone here in some way."

As the tributes were presented by associates, former students and community leaders, there was a warmth and sincerity in their words that could have stemmed only from a deep love and respect for the honoree.

Peter Gallo, the South Allegheny School Board president, described Miss Smith as a dedicated leader and added, "Miss Smith is not a name to us, she is a legend."

Vincent McKeeta, superintendent of the school district, explained his common bond with Miss Smith—"We are both ex-coaches. She gave the school in which she was head teacher a home environment and having her there made administrative tasks easier."

As president, Robert Erkel said that "the Borough Council wondered at first what the cold arm of Government could do to recognize and honor such a warm person." The answer was a resolution which he read, commending Miss Smith for her self-sacrifice, loyalty and devotion during 45 years of teaching the borough's children and for her successful efforts to mold future citizens of the community.

Congressman Joseph Gaydos extended greetings from Washington, D.C., noting that "she has earned the undying gratitude of the community and its leaders through her faithful service. She is an example of what a school teacher should be at a time when children spend more time with their teachers than with their parents. She is a quality teacher whom those just entering the profession might well emulate." He added that the event will have a place in the Congressional Record.

A friend of her high school days, Stella Keenan, recalled early experiences with Miss Smith.

Former Port Vue Mayor A. Jacobyansky recalled two all-American football players who were on teams Miss Smith coached. He reiterated figures cited by Mr. Erkel indicating that the Port Vue-Liberty rate is the lowest in the County, stating "You don't prevent crime by arresting people but by training children. The record demonstrates that South Allegheny has done a better job of training than most school districts, largely through the services of fine dedicated teachers like Miss Smith."

Dannie Giger, Junior High School principal, recalled associations with Miss Smith and added "your retirement will be a great loss to the school district and an even greater loss to Port Vue for you have been outstanding in the classroom, in recreation and in the PSEA."

Two players on Miss Smith's teams, John Waskowich and George Bubanic remembered incidents during their experiences with the coach. A retired teacher, Mrs. Bess Van Fosson, spoke as a friend and for PSEA, suggesting that Miss Smith look upon retirement as graduation to another way of life.

James Blaha, vice president of South Allegheny School Board commented "I pass this way but once and I was fortunate enough to become acquainted with Miss Smith and privileged to have her as a teacher. In a class of 30, it was as though she had only one student when help was needed. She may retire from the classroom but she will never retire from the hearts of her students and the families in the community.

Mrs. Lois Alworth remembered the Meladeers, a group of junior high girls who asked Miss Smith to be their leader and advisor as they sponsored socials and other activities and went on trips to a cottage at Maple Grove.

Mrs. Charles Gibson, chairman of the planning committee, extended the welcome and introduced Mr. Trovato, noting that he has been an educator and is now director of a federally-funded agency in Allegheny County, PEP. The invocation was offered by the school nurse, Mrs. Carl J. Fritz.

Introduced as other committee members were Mrs. LeRoy Sutton who presented the gift to Miss Smith; Mrs. Lester Schneider and Mrs. Jacobyansky. All are members of the Port Vue Women's Club which took the initiative in planning the event, assisted by other groups in the community.

Borough and school personnel were introduced, along with Miss Smith's family and some of her athletes. Paula Mihalko and Bonnie Campbell presented the honoree with a book containing pictures of her students, today and yesteryear.

In her response, Miss Smith commended the teachers and personnel serving in her building and she accorded special recognition to Ethel Hoak Stanley who, she said, was most helpful as she embarked on her career as a teacher in Port Vue 45 years ago. She also expressed gratitude to those responsible for the banquet and to those who attended.

IMPORTS UNDERMINE AMERICAN INDUSTRY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. EVINS of Tennessee. Mr. Speaker, we have heard many reports and complaints recently concerning foreign imports and their impact on the economy of the United States.

In this connection Mr. Nat Goldfinger, research director of the AFL-CIO, provides an interesting insight into the impact of these imports on employment. In an article in the Washington Post Sunday, Mr. Goldfinger reports that:

The deterioration of the American position in international trade resulted in the net loss of about 900,000 job opportunities from 1966 to 1971.

Because of the interest of my colleagues and the American people in this most important matter, I place the article in the RECORD herewith.

The article follows:

[From the Washington Post, June 25, 1972]

IMPORTS UNDERMINE AMERICAN INDUSTRY

(By Nat Goldfinger)

(NOTE.—Hobart Rowen, assistant managing editor for business and finance, is on vacation. The following article by Nat Goldfinger, research director of the AFL-CIO, is the last in a series of guest columns. Rowen will resume "Economic Impact" next Sunday.)

The American economy is in trouble at home and abroad. The deterioration of the American position in international trade resulted in the net loss of about 900,000 job opportunities from 1966 to 1971. The situation is worsening at present. The industrial base of the American economy is being undermined and narrowed.

Merchandise imports were $2.9 billion greater than exports in 1971, according to the Commerce Departments official accounting—the first reported trade deficit since 1893. This deficit jumped to a yearly rate of $6.5 billion in the January-March quarter of 1972. Many more jobs are being wiped out by the rising tide of imports than are involved in exports.

Between 1965 and 1970, there was a loss of 122,500 jobs in radio, TV and electronic component production, according to the industry association. Scores of thousands of additional jobs have been wiped out in a rapidly spreading number of industries. Communities throughout the country are adversely affected.

Estimates indicate that, last year, imports of autos were about 20 per cent of the U.S. market, TV receivers more than 30 per cent, radios and tape recorders more than 90 per cent, sewing machines and calculating machines nearly 60 per cent, cassettees 100 per cent and baseball mitts about 90 per cent. Similarly, large proportions of U.S. production of other industries are being displaced—typewriters and shirts, industrial equipment and knit goods, pianos and steel, tires and work clothes, shoes, textiles and glassware.

This process, which displaces U.S. production and employment, often results in very little, if any, price benefit to the consumer, who is also a wage or salary earner. Imports are sold at the American price or close to it. So the economy loses a growing part of its productive base, workers lose their jobs, while the benefits go to profits. Moreover, the recent devaluation of the American dollar—which was loudly advertised as the solution to these problems—has actually contributed to the continuing inflation that plagues the American people. And the U.S. position in the world economy continues to get worse.

This deterioration has been accelerating in the past decade. Imports of manufactured products more than quadrupled between 1960 and 1971—from $6.9 billion to $30.4 billion. In the January-March quarter of 1972, manufactured imports were up to a yearly rate of $35.9 billion. Moreover, in 1960, such imports were only about half the level of manufactured exports; by the first quarter of this year, the United States imported a greater volume of manufactured goods than it exported. The major causes of this deterioration are the following:

In the world of the 1970s, nations manage their economies. Other countries have direct and indirect subsidies for their exports plus direct and indirect barriers to imports. The result is that foreign products surge into the huge American market, while U.S. exports are often blocked or their expansion is retarded.

The export of American technology has been reducing or eliminating America's technology and productivity leadership in many industries and product lines. U.S. firms have transferred American technology and know-how to their foreign subsidiary plants. And there have been additional technology transfers through patent agreements and licensing arrangements of U.S. firms with foreign companies.

As a result, foreign plants, operating with American technology, probably are nearly as efficient as similar factories in the U.S. But employment costs frequently are 50 to 90 per cent lower, and there may be the additional advantages of lower taxes and operating in markets protected by foreign governments.

Sharply rising investments of U.S. companies in foreign subsidiaries have been key factors in the export of American technology and the loss of American jobs. Direct investments of U.S. firms in foreign facilities shot up from $3.8 billion in 1960 to about $15 billion in 1971. The book value of such investments in foreign facilities rose from almost $32 billion in 1960 to more than $78 billion in 1971.

Although an estimated 25,000 foreign affiliates are controlled by about 3,500 U.S. corporations, the bulk of these foreign operations is highly concentrated among the corporate giants. Prof. Peggy Musgrave of Northeastern University reports that in 1966, "Over 80 per cent of taxable income which U.S. corporations received from foreign sources . . . went to 430 corporations with assets size in excess of $250 million."

The Chase Manhattan Bank's newsletter reported last year that "foreign sales of U.S. affiliates in manufacturing alone totalled almost $60 billion in 1968 and are estimated at between $70 and $75 billion in 1970." That is more than twice the volume of exports of manufactured goods from the U.S.

The mushrooming growth of multinational corporations, most of them U.S.-based, is a new factor in the accelerating deterioration of the American position in the world economy.

A U.S.-based multinational corporation can produce components in widely separated plants in Korea, Taiwan and the U.S., assemble the product in Mexico and sell the item in the U.S. at American prices, possibly with an American-brand name. Or the item is produced and sold in foreign markets, in competition with U.S.-made products.

U.S. Rep. James Burke and Sen. Vance Hartke have introduced the Foreign Trade and Investment Act of 1972, which is aimed specifically at dealing with these basic causes of America's deteriorating position in the world economy.

The bill, for example, would remove the tax subsidies and other incentives that encourage U.S. companies to establish foreign subsidiary operations. It would provide government regulation of the export of American technology and capital. It would also set up a "sliding door" limitation on most imports, related to the level of American production—annual import quotas, based on the number of items imported into the U.S. in 1965–1969, as a percentage of U.S. output. In that way, imports would be permitted to increase as U.S. production rises.

The Burke-Hartke bill's restraints on imports and on the outflows of technology and capital are tailored to meet America's needs in a world of managed national economies and multinational corporations. The bill represents a practical way of dealing with a serious economic and social problem.

WHAT THE FLAG MEANS TO ME

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, Arlington-Fairfax Lodge No.

2188 of the Benevolent and Protective Order of Elks, of which I am a member, recently conducted an essay contest on the subject "What the Flag Means to Me." The contest was under the direction of Donald G. Kennedy, esteemed leading knight, and over 500 seventh and eighth grade pupils in the two counties participated.

The judges were Herman C. Anderson, past president of the Virginia State Elks Association and two of our past exalted rulers, Lester S. Blaylock and Kenneth M. Webber. They were greatly impressed by the high quality of the essays submitted and found that the task of choosing the winners was both time consuming and highly rewarding.

U.S. savings bonds were presented by Douglas Hedrick, exalted ruler, to the two winning contestants, Guy Ferguson, of Annandale, and Traci L. Kuntzelman, of Arlington. Honorable mention awards were made to David Alexander, of Springfield, and Susan Weinburg, of Arlington.

I feel that the Members will be interested in reading the essays of the two winners. The sentiments expressed reflect credit on them as well as on their parents and teachers:

What the American Flag Means to Me

(By Guy Ferguson)

The American Flag means to me the symbol of a proud people and its Nation. It stands for freedom, truth, honor and prestige; but most of all it symbolizes faith for the faithful, hope for the hopeful and truth for the truthful. Americans should stand up for their flag and what it stands for, because if Americans did not stand up for their flag, then there would be no America.

What the American Flag Means to Me

(By Traci Lee Kuntzelman)

"Liberty and justice for all."

These words, very familiar to all Americans are in a sense exactly what "Old Glory" stands for. Along with these words, others should be added. Words, like freedom, power, peace, glory, honesty, integrity, help, compassion and most of all hope. Hope not only for American citizens, but hope for all mankind. The hope that peace, love and freedom will reign over the world.

ATLANTIC UNION ENDORSED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. FINDLEY. Mr. Speaker, I commend to the attention of my colleagues in the House an excellent editorial in the Cincinnati Enquirer endorsing the Atlantic Union resolution, House Joint Resolution 900. The Enquirer wisely points out that the resolution deserves the consideration of the Congress before adjournment. The editorial stresses the fact that this resolution, when introduced in the Senate on March 17, 1972, was sponsored by nine of the 16 members of the Senate Foreign Relations Committee, including Senate Majority Leader MIKE MANSFIELD, as well as HUGH SCOTT.

Sponsorship of the resolution has grown every year and the Enquirer concludes that this year "the resolution may well get the active floor consideration it deserves." I certainly hope that will be the case. In this body it has been approved by the Committee on Foreign Affairs and will seen be before the Rules Committee.

Text of editorial follows:

Toward Atlantic Unity

From the time Congress began considering the Atlantic Union resolution in 1949 (when its prime sponsor was Tennessee's Sen. Estes Kefauver), its sponsorship has grown year by year both in size and influence. Hence, when it was presented to the Senate for consideration March 17, its sponsors included not only the Senate's two party leaders, Hugh Scott (R-Pa.) and Mike Mansfield (D-Mont.), but also nine of the 16 members of the Senate Foreign Relations Committee. That circumstance, combined with the fact that the resolution was approved, 22–9, by the House Foreign Affairs Committee, suggests that the resolution may well get the active floor consideration it deserves.

The resolution's goal is to create a delegation of 18 eminent Americans to organize and participate in a convention of the North Atlantic Treaty Organization's (NATO) members to "explore the possibility" of agreement on:

A declaration that their common goal is the transformation of the NATO alliance into a more effective unity based on federal principles.

A timetable for the transition by stages to this goal.

A commission to facilitate advancement toward such stages.

Any plan upon which such a NATO conference would agree would, of course, be subject to the approval in accordance with the constitutionally prescribed procedures in each of the signatory nations.

The Atlantic Union resolution had its origins several years before the beginning of World War II. Clarence K. Streit, a League of Nations correspondent for the New York Times, was gravely disturbed by the manner in which the Western allies were dissipating their vastly superior military and economic power in the face of the Axis threat. He proposed, as a remedy, the application of the same principles that underlay the establishment of the United States as a federal union in 1789.

The threats that beset the free world have changed considerably since Mr. Streit's book "Union Now" appeared. Yet the considerations it enunciated are as compelling today as they were in the 1930s.

The Atlantic Union resolution deserves the thorough-going debate its sponsors seek.

NATURE AS A POLLUTER

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SCHWENGEL. Mr. Speaker, the current public concern over pollution is encouraging. What a pity it is that it had to come this late, when the problems have become almost overwhelming. We all owe a debt of gratitude to the concerned individuals who were farsighted and concerned enough to alert us to the spoiling of our environment while there was still a chance to save it.

The public's awareness and knowledge of pollution problems is still pitifully inadequate. Many groups are calling for the enactment and enforcement of laws to curb pollution, but they are aware of only the most obvious sources of pollution. Sewers and industries discharge their wastes into our air and water, causing what is called point-source pollution. Point-source pollution is easily recognizable, and we are taking steps to clean up this problem.

Few people realize, however, how little good these steps will really do. Legislation aimed at point-source pollution is capable of handling only 7 percent of the total problem. Nonpoint source pollution causes an estimated 700 times as much sheer pollution as all the sewers in our country. Erosion is at the root of the total problem. This is the means by which our streams are being clogged with chemicals, wastes, and the silt which was once valuable topsoil.

Erosion is a natural process. Nature herself, by sending spring floods, wind, and summer rains, is slowly eating away our valuable, fertile farmland and depositing it where it is at best worthless and at worst a lamentable pollutant of our once sparkling lakes and streams.

Many people in the legislature today are anxious to solve the problem of erosion, and are eager to point fingers, looking for someone to blame. The easy thing to do is to blame the farmer. However, as with so many quick and easy answers, blaming the farmer is not only wrong, but is blinding us to the real nature of the problem.

These disturbing problems behoove us to take a positive approach—one that may not be easy, but that is thoughtful and which comes from understanding rather than belligerence.

Streams that drain our lands have always carried sizable quantities of sediment. These sediments are derived from erosion in upland areas, and from cyclic erosion in gullies and drainageway channels. Special erosion problems flare up, especially in the spring, when heavy rains cause landslides, flood scour, and sheet erosion. These types of erosion can cause catastrophic damage and are nearly impossible for local landowners to prevent. These erosion problems, while occurring at irregular intervals, can cause lasting damage and deterioration of the environment. Sediment released can cause permanent damage to the shape of stream channels, and organic sediment—not necessarily soil derived—often does more harm to acquatic environments than inorganic sediment.

The bill I have introduced, H.R. 15596, will clear up the administrative logjams that in past years have stymied local landowners and Department of Agriculture officials in their efforts to build sound watershed programs. Lack of coordination has resulted in wasted funds and the abandonment of many well-planned programs. My bill authorizes the Secretary of Agriculture to make binding agreements for up to 10 years with people in all levels of the program, from local landowners to Federal officials. These agreements will include specific requirements to insure that needed steps are taken to make the programs work, from beginning to end. I sincerely hope that this bill will receive immediate and serious consideration by everyone who is anxious to save our imperiled environment.

GORDON CANFIELD

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. WIDNALL. Mr. Speaker, last Friday, in Paterson, N.J., it would seem that the heavens had opened as a tropical storm swept across that area. However, when it would seem no person would or could be out under such conditions, Mrs. Widnall and I joined a large number of the citizenry of that area as they paid their last respects to one loved and respected by all. Highly elected officials and citizens who had been served by Gordon Canfield were present to say a final thanks for the many, many things he did for one and all.

The Paterson News editorial of June 21 so eloquently expresses the deep feelings of all toward our former colleague and why so many were in attendance at his final rites.

The editorial follows:

[From the Paterson (N.J.) News, June 21, 1972]

GORDON CANFIELD

Inherently warm and friendly, Gordon Canfield did not by accident set a record for years of service in his congressional district. Even his loyalty and steadfastness as a Republican could not wean from him an almost incredible devotion of thousands of Democrats who crossed party lines to support him and re-elect him term after term.

Gordon Canfield stood high in the councils of federal government. His work for the party could have won him the title Mr. Republican but as representative of the Eighth District in Congress, in his civic endeavors and his friendships he was oblivious to party lines.

He probably had performed personal services for more people in Passaic County than any other man before or since. Consequently he was supported by Democrats and Republicans alike to such an extent that he inevitably ran far ahead of his ticket. He got votes for his running mates, and one year he was the only Republican to survive a Democratic landslide.

Gordon Canfield loved his work, he was happiest moving among his constituents and even out of Congress. After 10 terms and 20 years as congressman and years before that as secretary to Rep. George N. Seger, he was in the forefront in civic endeavor despite failing health.

Over the years honors were heaped upon him at home and in Washington and he was "Gordon" to presidents, national leaders and hundreds of Representatives and Senators.

It was an experience to walk down a Paterson street with him because every step seemed to be marked with a Canfield wave and hello. All this may have taxed a person of less patience but to him it was love of his fellows.

His voice was heard and his influence felt in civil rights, national defense, the missile program, narcotic control, NATO, health and welfare and he had the honorary title of Father of the Coast Guard.

In one campaign he was called critically "the man who only did little things for little people." This boomeranged and won him added loyalty from the thousands for whom Canfield went to bat in Washington bureaucracy. He cut through miles of red tape for constituents with problems.

The News family and a wide multitude share the sorrow of his loyal wife and helpmate, Dorothy, his sons, Carl and Allan, and the rest of his devoted family.

His death Tuesday at his home in Hawthorne marks the end of a distinguished career but his memory will be fresh for many years.

GOP—THE REAL PARTY OF CHANGE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SPRINGER. Mr. Speaker, Mr. David Broder, in the following article in the Washington Post of June 13, 1972, takes a look at the scorecard of major legislation passed by Congress this session and comes up with some embarrassing questions for the Congress. This analysis, by the national political reporter of the Post, a newspaper with few, if any, pro-administration leanings, underscores the problems facing Mr. Nixon's opponents in the coming election campaign.

The article follows:

A FALLOW CONGRESS

(By David S. Broder)

To return from the Democratic presidential primary trial to Washington and the Democratic-controlled Congress is to move from a world of glittering rhetoric to one of petty, paralyzed reality.

While George McGovern, Hubert Humphrey and the rest have been out on the road promising wondrous changes in the offing, their colleagues have been back here—doing what?

Well, the scorecard of major legislation passed by this second session of the 92nd Congress includes two laws that will affect people's lives directly and two other reform measures that may have considerable indirect effect.

Last week, Congress sent the President a massive program of aid to higher education, with a provision included to slow school busing orders. Earlier, it added enforcement powers to the Equal Employment Opportunity Commission. Both those laws will be felt in people's lives.

There's also a public benefit in the stricter campaign financing law, which Congress finally passed last January, a carryover from the previous year, though not many votes will see the advantage in concrete terms. And there may be benefits down the road, if the Equal Rights Amendment for women, which Congress approved, is ratified by the states.

But that about exhausts the lists of significant legislation passed this year. It's a meager catalogue, compared to the needs of the country or the promises Democratic presidential contenders have been making on behalf of their party.

It may be that Richard M. Nixon will overlook this Democratic "credibility gap," but don't bet on it.

For three years, the President has had before the Congress serious proposals on revenue-sharing with states and cities, and reform of the welfare system. For two years, he has had equally significant proposals on reorganization of the federal executive branch and expansion of health insurance protection.

All of these are matters of urgent, national priority. They have been acknowledged as matters of major concern by the Democratic presidential candidates, who—in all the areas except federal reorganization—have offered counter-proposals of their own going well beyond what the President has suggested.

Yet in all these years, the Democrats will go into convention, less than a month from now, with a record of congressional inaction. To date, the Democratic Congress has neither given the President a final up-or-down vote on his own proposals in these four vital areas nor developed and passed alternative programs of its own.

If there is a justification for this abdication of political responsibility, it does not come readily to mind. And the Democratic convention orators and platform writers will have to be more devious than usual to divert the public's attention from the yawning chasm between their promises and their party's poor record of performance.

It is true, of course, that divided government—with responsibility for the executive branch in the hands of one party and legislative branch in control of the other—is an open invitation to paralysis and irresponsibility. But the Democrats cannot avoid blame by claiming negligence on the part of the President in meeting his domestic responsibility.

The President has made serious proposals in all these areas. He has not threatened to veto the Democratic alternatives, for, indeed, no alternatives have come close to passage.

In any fair accounting for the paralysis on the domestic front, the Democrats who control the Congress must take the lion's share of the blame.

The truth is that while the Democrats have talked change in this campaign to the point that their likely nominee, McGovern, is accused by some of his fellow-partisans of being "too radical," the reality of the party's legislative record is one of pitifully little progress.

Contrasted with the openings Mr. Nixon has made in the areas of foreign policy where he does not have to wait for Congress to come plodding along, there is real question as to which party can honestly claim to be the party of change.

Where is the Democrats' domestic equivalent of the Nixon "Open Door" China policy? Where is there a law passed by the Democratic Congress in the past four years that rivals in significance the Strategic Arms Treaty Mr. Nixon negotiated in Moscow?

These are questions the voters will be asking, when the rhetoric of the presidential campaign is measured against the record.

STRICTER GUN CONTROL LAWS NEEDED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. WOLFF. Mr. Speaker, as my colleagues in this body are aware, I have taken the floor on many occasions to urge the enactment of stricter gun control laws. It seems clear to me that we could significantly reduce violent crimes if we made it more difficult to obtain guns.

A recent editorial broadcast on radio station WOR in New York City expresses the need for stronger laws and I include it at this point in the RECORD so that my colleagues may be aware of this viewpoint.

The editorial follows:

EDITORIAL

Speaking for WOR AM, Station Vice President and General Manager, Robert S. Smith.

America needs tough gun control legislation.

It is needed to protect men like John Kennedy, Martin Luther King, Robert Kennedy, and George Wallace. It is needed to protect the 21,000 Americans killed by guns every year.

A United States Senate subcommittee recently voted to bar the sale of snub-nosed pistols; pistols like the one that seriously wounded Alabama Governor Wallace last week. The bill is already running into opposition from the powerful gun lobby. That lobby must not again win the fight against tough gun control laws.

Every American owes it to the families of those 21,000 Americans killed by guns every year to fight for tough gun controls. Every American should fight for the passage of the subcommittee bill banning the sale of hand guns. Every American should fight for laws banning the sale of parts used to make homemade guns, the so-called "Saturday night specials." Every American should fight for laws requiring the registration of the 25-million owners of hand-guns in this country.

Tough gun control legislation is urgently needed. Tell your Congressman, Senators, and the President to ignore the special-interest gun lobby. Tell them tough gun control legislation is needed now.

FEDERAL STUDENT ASSISTANCE PROGRAMS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ESCH. Mr. Speaker, I would like to insert the following remarks for the benefit of the many high school seniors in my district who have recently graduated and are faced with a number of important decisions.

There are a number of Federal student assistance programs which will provide loans or grants for students to acquire a college education. These are administered through each individual school and interested students should contact the admissions director of the school which they plan to attend.

The Congress last week approved major legislation which would expand the financing available to every student to a maximum of $1,400. The goal of this legislation is to insure that no deserving student who is interested in furthering his education will be denied further schooling for lack of funds. The President has not yet signed this bill into law, but is expected to do so in the near future. While the funds will not be available during the fall semester, it seems likely that they will be available next spring. This program will also be administered through the individual school and one should consult the admission authorities.

Opportunities are not limited to those who want to complete 4 years of academic training. The scientific and technological revolution is creating career opportunities in hundreds of different fields. It is estimated that there will be more than 1 million new job opportunities in technical fields by 1975.

Training for these technical positions generally do not take a college education—and may be completed in 1 to 2 years. Three kinds of schools have programs for technicians.

HOW TO BECOME A TECHICIAN

You can qualify for some technical positions with just 1 year of study after high school. Most take 2 years. Some require a degree that is called an AAS—associate in applied science.

Three kinds of schools have programs for technicians.

First. Technical institutes. These give intensive courses concentrating almost entirely on what you will need to know in your career. Since technicians must understand why things work as well as how they work, technical institutes give some courses on scientific theory and mathematics. But these are held to a minimum.

Second. Junior and community colleges offer programs similar to a technical institute's, but with more emphasis on theory—and also some courses in liberal arts. If you decide to continue your education and get a 4-year degree, you can often transfer credits you earn to most 4-year colleges, but for technical institutes, as well.

Third. Area vocational — technical schools. The subjects they teach are geared to work available in the area where the school is located. Area school's have 1-year as well as 2-year programs. They also offer some courses on the high school level and some adult education courses. Admission requirements are liberal.

All three types of schools are primarily for high school graduates. If you are not a graduate, do not worry. Most of these schools can help you arrange to complete your high school education. Special work in high school science and mathematics also helps. If you are still in school, check with your counselor.

HOW TO FIND OUT ABOUT TECHNICAL SCHOOLS NEAR YOU

There are four places you can write for nationwide directories of accredited schools that offer technical education. These directories cover most or all of the fields described in this booklet:

Engineers' Council for Professional Development Guidance, 345 East 47th Street, New York, N.Y. 10017.

National Association of Trade and Technical Schools, 1601 18th Street, N.W., Washington, D.C. 20009.

Accrediting Commission for Business Schools, United Business Schools Association, 1730 M Street, N.W., Washington, D.C. 20036.

Occupational Education Project, American Association of Junior Colleges, One DuPont Circle, Washington, D.C. 20036.

You can also study to be a technician at home. For a list of accredited home-study schools, write:

National Home-Study Council, 1601 18th Street, N.W., Washington, D.C. 20009.

For information on State or community schools, and ratings of the schools in your area, see your high school counselor. Since he knows your abilities and interests, he can also help you pick the field to specialize in.

The local office of your State Employment Service keeps up on the technical schools near your home. They can help you pick your special field through vocational testing.

There may be community organizations with youth-counseling services, as well.

If you want more detailed information about any of the following areas of specialization, here is where to write:

Library and Information Science: Library Education Division, American Library Association, 50 East Huron Street, Chicago, Illinois 60611.

Chemical: American Chemical Society, 1155 16th Street, N.W., Washington, D.C. 20036.

Health Service: National Health Council, Health Careers Program, 1740 Broadway, New York, N.Y. 10019.

Electronic Data Processing: American Federation of Information, Processing Societies, 201 Summit Avenue, Montvale, N.J. 07645.

LIGHT THE FIRST CANDLE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GROSS. Mr. Speaker, a Washington newsletter entitled "Post-Age," whose editor is Arthur M. Brandel, has written a brief review of the first year of operations of the U.S. Postal Service.

It is a succinct, well-written piece and I offer it for printing in the CONGRESSIONAL RECORD at this point:

LIGHT THE FIRST CANDLE

It hardly seems possible that it is only a year! July 1 is the official anniversary of the establishment of the United States Postal Service.

Despite the talk of continuity, the Service already is working on its second Postmaster General, E. T. (Ted) Klassen. He is under enormous pressure and it is hard to say how long he will be willing to continue. Now 63, he already had retired once from business when he left the presidency of American Can.

The first PMG, Winton M. "Red" Blount, who engineered the removal of the Postal Service from the wing of Congress, now is busily trying to get into Congress himself as the Republican candidate for the Senate from Alabama.

It is proper to take stock of that one year. Rates have risen. That was inevitable. It was a pretty good ride for many, many years. In some respects, USPS resembles many cities. The modern buildings emerge, giving a veneer, to the appearance of improvement to the community. Yet as one moves about, one finds the slums remain, deteriorating further, the municipal services are no better, the apathy is just as obvious. One comes away with the realization: it really is a growing slum rather than a vital city.

While postal executives strive valiantly to turn things around, morale is low, improvements in working conditions are slow and the lack of esprit de corps is all too evident from the man who delivers your mail to the postmaster in charge of your local post office.

By Klassen's own testimony 80% to 85% of USPS costs are labor-related. The issue of employee relations is integral. Union recognition was one of the first actions undertaken by the new Service. However, union leadership really is untested. For years the leaders were lobbyists, not union leaders as in private enterprise.

Under the old system, pay boosts and working conditions were problems solved by Congress. Workers and their union leaders were beholden to Congress. They contributed to campaign funds. There was a political atmosphere that permeated the Post Office throughout the nation.

Then came postal reform. Labor officials had new responsibilities. They were put into the position of leading rather than lobbying. Limitations still remain, however. The right to strike is denied, but that may be changed in the next few years as the mounting demands reach Congress.

It is ironic that two years ago the publishing industry was gung ho for postal reform. The idea that a corporation would be created which would get the post office into a business-like atmosphere was exciting. They may have visualized the carpets and soft lighting of the executive suite. They did not foresee the problems of making ends meet. They are finding that the creature they helped create is too much.

It will be a test of the caliber of the organization and the men who are directing it, to determine if USPS can withstand the pressure.

Perhaps beyond all matters affecting mail users—the issue of rates, service, etc.—is the basic approach of postal executives to their responsibilities. To what extent it is true in other parts of the country, it is still too early to tell but it is true in Washington that the attitude of the new executives is virtually identical with that of all big business: We tell you what we think you should know.

To many in Washington, this is awkward. USPS is not a private corporation. One official described it as an independent executive agency.

Where are we after a year? Fact is, most of the new men with their business background have had little previous experience with the Washington syndrome. They may have broad experience in manufacturing, marketing, finance, labor relations, etc., but Washington is a different world.

It is quite difficult for sophisticated and accomplished businessmen to understand that members of Congress, for instance, are just as successful in their chosen careers, as the most successful head of a major conglomerate. The ability to be reelected for ten or twelve years is a tough way to make a living, but is spells success by any standards. It signifies power. That is something that newcomers must learn to respect.

It is a tough league these businessmen have entered. Indeed, they are no longer businessmen. They are public servants. They are creatures of a new bureaucracy permeated by an old.

The USPS has a long way to go—if indeed it can get there. While everyone is pulling for the success of this experiment in postal service, the question is: Will there be time?

SUMMARY OF NEED FOR TRIDENT (ULMS) SUBMARINES

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ANDERSON of Tennessee. Mr. Speaker, I am in total agreement with the Committee on Armed Services relative to an immediate substantial start on the Trident program. Because of my strong feelings in this matter, I believe it important to summarize in some specific detail the basis for my views:

SUMMARY

The Trident (formerly ULMS) program is not a crash program. It is an urgent, but orderly program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities.

By the time the first Trident submarine can be delivered in the late 1970's the first Polaris submarines will be nearly 20 years old, and with no potential for significant improvement. These submarines have been operated hard, with two crews, to allow them to be on station a high fraction of the time. They were built to specifications based on a 20 year life and their machinery is wearing out. It is unreasonable to expect them all to operate more than about 20 years without having some major breakdowns.

The Trident submarines will be quieter and incorporate the latest technology to improve their survivability. These improvements can only be incorporated in new design submarines; they cannot be backfitted in Polaris submarines.

Our Polaris/Poseidon submarines are limited in their patrol area by the range of their missiles. This forces them to operate in close range to foreign shores, thus bringing them within range of Soviet shore based aircraft. This limited patrol area simplifies the Soviet antisubmarine problem by allowing them to concentrate their sea and air forces in a much smaller area. The Soviets have been investing heavily in antisubmarine warfare research and development, and have built and continue to build improved nuclear attack submarines—one of their best ASW weapons. They have invested large resources in ASW surface ships. Also, indications are the Soviets are attempting to establish an area antisubmarine surveillance system presumably aimed at locating our Polaris/Poseidon submarines.

The first generation Trident missile will have a range of almost twice the range of the 2500 mile Poseidon missile. This initial Trident missile can be backfitted in the 31 Poseidon submarines and will provide a several fold increase in ocean operating area available to our ballistic missile submarines compared to the shorter range Poseidon missile.

The Trident submarines will have missile tubes which will provide growth potential for even longer range missiles. With this longer range missile, which will fit only in the Trident submarines, the ocean operating area available to our Trident submarines will again be increased several fold over the areas of the first generation Trident missile.

The Trident missiles will permit basing our ballistic missile submarines in U.S. ports. This will eliminate dependence on foreign basing.

The Soviets are continuing to expand rapidly their own ballistic missile submarine program. They now have in operation about 30 nuclear and diesel ballistic missile submarines of older classes and 25 of the new Yankee Class which can fire a 1300 mile range missile. In the past year they started work on their 42nd Yankee submarine, and they are now substantially expanding their submarine building facilities. They already have the largest and most modern submarine building yards in the world which gives them several times the nuclear submarine construction capacity possessed by the United States.

The Soviets have tested a missile with a range at least twice that of the present 1300 mile missile. This new missile will give their submarines the capability to strike us from points only a few days from Soviet bases. In a sense, the Soviets are already building their equivalent to our Trident missile. These developments increase the threat to our land-based strategic forces and increase the reliance we must place on our sea-based strategic deterrent.

The Soviets have a more modern ballistic missile fleet than we do. They are building more missile launching submarines today, whereas we funded our last Polaris construction in FY 1964, and finished it in 1967.

The Interim Agreement on Strategic Offensive Arms signed in Moscow on May 26, 1972 allows the Soviets to continue building ballistic missile submarines up to a total of 950 ballistic missile launchers on submarines and up to a total of 950 ballistic missile launchers on submarines and up to 62 modern ballistic missile submarines. This will allow the Soviets to continue building ballistic missile submarines at a rate of about 7 per year during the 5 year term of the interim agreement. Even under the President's recommended FY 1973 budget for the Trident program the first Trident submarine will not become operational during the 5 year term of the Interim Agreement. Therefore, it is essential that the United States proceed now with Trident submarines as proposed by the President.

Modern complex defense systems take many years to design, develop, and produce. Trident has already been in the research and development stages for three years. The system has been carefully evaluated during this period and the Navy is now ready to move into detailed design and construction of the submarine.

In developing a new missile the long lead time is in research and development with a relatively short production span of 1½ to 2 years required to build the missiles themselves. In contrast, the production span time on nuclear components is up to 5 years under the most favorable conditions. The Navy and Atomic Energy Commission have already done the propulsion plant development work necessary to define what is needed to order the long lead nuclear propulsion plant components. Delivery of the nuclear propulsion machinery will control the construction schedules for the Trident submarines. It is therefore necessary to start production of this machinery while the missile work is still in the research and development stage.

For this reason, there is $361 million of Shipbuilding and Conversion, Navy (SCN) funds in the FY 1973 budget request to start work on the first four submarines. Of this amount, $194 million is for ship design, long lead nuclear propulsion components, and hull steel procurement for the lead ship. The remainder, $167 million is for long lead components for three additional ships.

It will be impossible to build the lead and follow ships on the shortened schedule proposed by the Administration if the Navy does not get the long lead machinery on order. In other words, by ordering this long lead machinery in FY 1973 the option will be kept open to authorize the lead Trident submarine in FY 1974 and follow submarines in FY 1975. However, going ahead with the procurement of the long lead nuclear propulsion machinery for the ships in FY 1973 does not commit Congress to any specific submarine building schedules. The construction schedules for these ships can be settled later, based on events as they occur.

If the nuclear machinery were delayed by lack of long lead funding, the submarines themselves would be delayed; the propulsion machinery costs would increase, and the delay in the submarine schedules would cause the total cost of the submarines to escalate. Further it is important to have a sizeable buy of Trident nuclear propulsion plant components in FY 1973 in order to get the best manufacturers to make commitments to set up production lines for this machinery and to benefit from the economics of a sizeable procurement.

The Navy estimates that if the long lead component funds of $167 million for the follow Trident submarines were deferred from FY 1973 to FY 1974 these submarines would be delayed a year. Their cost would also increase by $90 million, due mainly to inflation and to disruption of an orderly program resulting from the delay in ordering machinery. There would also be an increase of $10 million in the cost of the lead ship due to loss of the economies of the planned larger procurement. If the $194 million advance procurement funds for the lead ship were also deferred to FY 1974, the lead ship would be delayed a year and its cost would increase further.

Because of the importance of this submarine program, it's prudent to build a land prototype of the nuclear plant so that a facility will be available for demonstrating the reactor technology without involving an operational submarine. Admiral Rickover has used this approach successfully in the development of many nuclear propulsion plants over the past quarter century starting with the Nautilus. It is a main reason why the United States has not had major technical difficulties, the ships have operated safely, and the cost overruns have been minimal. $56 million is included in the FY 1973 Atomic Energy Commission budget to get started on the land prototype. The Other Procurement, Navy (OPN) budget request includes $23.5 million in FY 1973 for engine room equipment so this prototype can be used for Navy crew training.

COL. L. THAXTON HANSON HONORED

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GOLDWATER. Mr. Speaker, recently, in Los Angeles, a group of people decided to honor a man who has shown, beyond the shadow of a doubt, that there is honor and fulfillment in serving our country.

Col. L. Thaxton Hanson, the man they honored, retired from the Army earlier this month. His career has proven what one man can do, if he has the incentive and foresight.

He was commissioned June 18, 1942, as a second lieutenant of cavalry. In July of the same year he joined the 6th Cavalry Group—mechanized—trained with that unit and when the 6th Cavalry was deployed later on to the European Theater of Operations, it became part of Gen. George S. Patton's glorious 3d Army. The unit participated in five different campaigns and was awarded the coveted Presidential Citation, with Captain Hanson in command of Troop C, 6th Cavalry Reconnaissance Squadron. After cessation of hostilities, in January 1946, he was assigned as Assistant Professor of Military Science and Tactics at the University of Illinois, ROTC, Urbana, Ill.

After release from active duty, Major Hanson continued to serve his country as a Reserve officer, joined the 21st Armored Division, USAR and subsequently accepted a mobilization designation assignment with the G3 Office, Chief of Army Field Forces, Fort Monroe, Va. In that capacity, he was recalled to active duty during the Korean conflict in May 1951. After his release from active duty, he moved to California in October 1952. He remained active in the Army Reserve and went on various short tours of duty at Headquarters, 6th U.S. Army, Presidio of San Francisco. From 1955 on he was associated with U.S. Army Reserve School, both, as a student and instructor, first in Santa Monica and later on at Fort MacArthur. During that time he was promoted to lieutenant colonel in 1960 and to colonel in June 1967. He was instrumental in planning for and putting into effect the National Security Management Course under the auspices of the Industrial College of the Armed Forces, Fort McNair, Washington, D.C. Since summer 1971, he was assigned as Director of Higher Education with the 6220th USAR School, Fort MacArthur, Calif.

His awards and decorations include the Bronze Star with Oakleaf Cluster, the Meritorious Service Medal, the Purple Heart, the American Theater Medal, the European Theater Medal, the World War II Victory Medal, the Army of Occupation Medal, the National Defense Medal and the Reserve Forces Medal.

He is a member of the Reserve Officers Association, the Association of the U.S. Army, where Colonel Hanson is presently serving as the first vice president of the Greater Los Angeles chapter after spearheading the annual Army ball as its general chairman during 2 consecutive years. He is also a member of the U.S. Armor Association, the American Legion and the Military Order of the World Wars. Colonel Hanson represents the very best of what is "American" and I salute him.

PRISON FARE—AN EVALUATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. BADILLO. Mr. Speaker, while the whole Nation was shocked at the tragic loss of life at Attica last fall I, as a member of the observers' committee, found particularly disturbing the fact that the list of requests drawn up by the prisoners dealt with basic rights guaranteed by the constitution but unquestionably denied to inmates of our so-called correctional institutions.

High on most prisoners' grievance list is prison food. Inmates of our prisons are served meals that are all but inedible, and are served them under unsanitary and demeaning conditions. Many explanations are usually advanced for this state of affairs, including financial restrictions, the size of the population to be served, and so forth. None of these explanations, however, can really stand up. At the heart of the difficulty is, in my opinion, a reluctance of our society to respect the human rights of individuals whom it considers "criminals."

I would like to call the attention of my colleagues to a very perceptive article that appeared in the June 21 issue of the New York Times. The article examines the quality of meals served at three prisons, the Brooklyn House of Detention for Men, the State Correctional Facility at Attica, and the Federal Correctional Institution at Danbury, Conn.

Conditions at Danbury bear out the fact that our prisons do not have to remain the degrading and hopeless "storehouses" that they are now. For the benefit of my colleagues. I insert here the text of the Times article:

A FOOD CRITIC APPRAISES MEALS AT THREE PRISONS

Prison food has always had a bad name. Countless crime movies have shown stripe-clad inmates banging metal cups and refusing to eat the swill served up by hostile and incompetent kitchen staffs. But the bloody riot at Attica last fall focused public attention on real food in a real prison. Forty-three men died as a result of that insurrection—and food was a major inmate grievance.

To assess just how bad—or good—prison fare actually is, Raymond A. Sokolov, the food editor of The New York Times, ate the main meal of the day at three prisons: the Brooklyn House of Detention for Men, the State Correctional Facility at Attica, and the Federal Correctional Institution at Danbury, Conn. He also observed the prison kitchens at work, interviewed the chefs and wardens, and talked to inmates over lunch and dinner.

Despite the fact that all three prisons have the same effective food budgets of $1 a day a man, the results on an inmate's tray ranged from inedible to remarkably good. What follows is Mr. Sokolov's detailed report on these meals behind bars.

RECIPE FOR APATHY AT BROOKLYN'S JAIL

Touring the third floor cooking area at the Brooklyn House, as it is known, one is surrounded by broken and falling machinery. Ovens no longer produce even heat after almost two decades of constant use. The coffee urns have been out of commission for two years, so coffee is brewed in a steam kettle. Doors have fallen off nearly half the steam compartments.

"It would cost us $250,000 to refurbish this kitchen," said Gus W. Levy, director of food services for the city's Department of Correction. "Requests are submitted constantly."

Staffing the kitchen is also a problem. There is a high turnover of civilian chefs, most of whom have retired from cooking careers elsewhere. These men direct a crew of 40 sentenced inmates who are rarely available for more than a few months and seem to learn little about food preparation and to care less.

"I just cook to get through my time," one of them said during a cigarette break.

On the other hand, the lessons to be learned in the Brooklyn House's kitchen at a pay rate of 20 cents an hour probably have little application to cooking elsewhere. Methods are primitive, to say the least.

For a mutton stew with tomatoes, turnips, onions, carrots, dry peas, potatoes and seasoning, the inmate cooks learn how to pour six-pound nine-ounce cans of vegetables into steam kettles. Spilled vegetables on the floor showed that this technique had not been mastered by some of the men. Others strained a mixture of water and uncooked flour into the stew to thicken the sauce.

In another part of the kitchen, a sheet of corn bread came out of an oven scorched over most of its length. And then it was 4:30 P.M., time to load up the electrically heated rolling carts and send them up to the cellblocks.

The carts are new and were purchased in answer to criticism by inmates that food was cold by the time it got to them. In theory, the carts are plugged into a socket in the serving area on each floor after a brief elevator ride from the kitchen. This did not happen during the meal witnessed on the fourth floor of the Brookyln House earlier this month. The carts came to rest in a former dormitory area that still had a toilet in the corner. A tray covered the top of the toilet.

SPOONING A MEAL

Other trays were loaded by sentenced prisoners and carried to the detained prisoners (those awaiting trial) in their cells and dormitories. Each metal tray had several recessed compartments that were filled with four slices of floppy white bread from the Rikers Island bakery, an ample portion of mutton stew, one square of corn bread, beet and onion salad and metal mugs of cocoa.

In one eight-man dormitory that also had an open toilet in full view, food did arrive reasonably hot, but the inmates did little more than pick at their food with soup spoons sitting up on their cots.

The department does not permit knives and forks for security reasons. Everything has to be eaten with spoons, which are collected and counted after the meal.

Lack of cutlery, however, was not what made eating the mutton stew difficult for the men in the fourth-floor dormitory. The stew had very little meat in it, stringy gray meat at that, and the taste of glutinous, floury gravy and undercooked carrots predominated.

Since all the men in that room were enduring a seven-day methadone detoxification program, their appetites may have been adversely affected by drugs in their systems. The cocoa had been heavily sweetened to entice them, as addicts crave sugar. In any case, they were unanimous in objecting to the meal.

"I FORCE MYSELF"

"On the outside, I eat well," said William Treadwell, 23 years old, who complained that prison authorities were giving him drastically less methadone than he had been permitted in a street maintenance program. "My mother fixes me steak or chicken every day. Here I have to force myself to eat so I won't starve. This stuff doesn't suit my appetite."

Actually, the Department of Correction has moved more vigorously than either state or Federal agencies toward accommodating the menu preferences of black and other minority inmates. Because of pressure from Black Muslims, who cannot eat pork for religious reasons, only 10 out of 90 meals now include pork or pork products. A year ago almost half the meals in city prisons had some pork in them.

Several menus, moreover, offer dishes especially aimed at the black or Southern palate—collard greens, jam-balaya and tuna Creole. And last Yom Kippur Eve, the agency authorized a special meal for Jewish inmates that centered around chicken barley soup and roast chicken. The Board of Rabbis also provided bottled gefilte fish on that occasion.

These concessions do little, however, to upgrade the basic kitchen operation. That would take capital improvements and a more stable staff; in other words, an appropriation of public funds.

As Brooklyn's warden in command, James S. Monroe, put it: "If you have any criticisms, remember this is your prison."

AT ATTICA, THE BREAD IS A SAVING GRACE

"I don't expect these men to be happy," said William Dickinson, head of programing at the State Correctional Facility at Attica. "Even if you had gourmet meals in here, they wouldn't like them. Any time you curtail a man's freedom, it's that way."

Mr. Dickinson, natty in pink shirt with white collar, was eating his first meal in Attica's mess halls and may know a "gourmet" meal when he sees one. But prisoners on all sides of him went to the heart of the matter. The baked beans had not been cooked long enough. They were starchy and raw and tough.

Several of the convicts in that maximum security prison chorused their displeasure, in spite of the guards with clubs standing over them and the man in the sealed metal booth ready to blanket the vast, cloistered mess hall in tear gas at the first sign of a disturbance.

One of the major grievances in the Attica riot was the prevalence of pork in the prison diet. Pork is still the major grievance inside the stark gray walls of this community of felons east of Buffalo.

Although pork now appears on official menus only twice a month and the Attica swineherd is being phased out, Black Muslims in the North Mess Hall refused to eat the frankfurters and everything else except gingerbread served to them at a recent main meal. They insist that the prison is passing off ground meat and frankfurters with pork in them as all-beef products.

CHARGES DENIED

"The only way I'd eat food they'd mixed up is if a Muslin cooked it, and I knew he cooked it," said Sanford X, of Niagara Falls, who sat motionless throughout the noon meal. He is serving a sentence for grand larceny.

Back in the Attica kitchen, Angelo Cicotti, the food manager, denied the Muslims' charges, and had food order forms to prove it.

"I think it's taken something away from our cooking," Mr. Cicotti said, as guards' clubs rapped sharply on the tile walls of the kitchen announcing that cooking must stop for a head count. "Wouldn't you use ham in pea soup? We're doing this for a minority, not more than 125."

The pork ban, however, is the state's sole nod toward any special food preference among inmates. Though the prison population at Attica now numbers 576 blacks out of 1,210 inmates (the total is almost half what it was at the time of the riot), menus include no "soul food" entries, not even very simple substitutions such as collard greens instead of spinach.

Mr. Cicotti, who takes great pride in his recipe for spaghetti sauce, would not comment on this.

ONE HIGH SPOT

Mr. Cicotti presides over a kitchen staff of 35 inmates who are paid from 25 cents to $1 an hour. Most of them are white, and this racial imbalance was behind a criticism frequently heard in the mess hall.

"You got a few farmers out there," said Harry Vega, 28, who was convicted of first-degree manslaughter.

"Let the souls do the cooking," added another black inmate.

To an outside observer, the lunch at Attica, despite its underseasoned, hard baked beans and waterly mustard that resembled none available in civilian life, did have one high spot.

The Attica bakery produced a crusty white bread of taste and substance, a bread that was better than almost anything available in ordinary supermarkets. The gingerbread, too, was moist and full of flavor.

One sign of the bakery's excellence is that Attica's new superintendent, Ernest L. Montanye, who eats lunch at home, takes some prison bread along with him.

The rest of the kitchen at Attica was in better repair than the kitchen at the Brooklyn House of Detention. But Mr. Cicotti said his ovens didn't heat evenly either and that he needed new compartment steamers.

But none of this was sufficient to explain why the beans had not been cooked long enough. Or why the sauce of molasses and brown sugar that went with them was so attenuated and scant.

The cafeteria tables are not provided with salt and pepper. And, though the food manager asserted that inmates were permitted to use forks and knives, only spoons were available for the frankfurter lunch, one for each man. No prisoner could leave the locked mess hall without turning in his spoon to a guard at the door.

This routine is of a piece with other routines in food service at Attica that set it off from civilian life. The menus are another.

Breakfast invariably consists of cereal, milk, sugar, bread, coffee and, on some days, fresh fruit or a cinnamon bun. The main meal, at lunchtime, often has no dessert, and never has a first course. Evening meals are even simpler. During one week catchup and crackers appeared twice on supper menus as a side dish in addition to bread. On a third night, by way of variety, there was mustard and crackers.

"The monotony gets you after a few years," said Frank Bloeth, who has served time on a homicide charge in several prisons, works as a clerk in the Attica kitchen and is temporary chairman of the Inmate Liaison Committee, a newly formed group that represents the prison population. "The food is never bad here to begin with. It's 10 times better than any city jail."

FOOD NOT AN ISSUE AT DANBURY PRISON

"The popsicle prison" is what one inmate called the Federal Correctional Institution at Danbury. And compared to Attica or the Brooklyn House of Detention, it is a soft deal. Guards wear no uniforms and do not constantly intrude on life. In nice weather, the men can see visitors on a hill outside the prison. And the food strikes almost everyone as reasonably good.

"Food is not an issue here," said a silver-haired Catholic antiwar activist who was jailed for destroying draft board records. (The United States Bureau of Prisons would not allow any Danbury inmates to be quoted by name.)

By no means do all inmates agree with him. And during the work stoppage that disrupted Danbury's relaxed routine in early March, food was specifically an issue, on a sophisticated plane. Striking prisoners demanded better communication with the kitchen.

They seem to be getting it. Henry L. McKinnis, the food service administrator, arrived only a few days before the strike from another Federal prison, but he has already started grilling some kinds of meat right on the service line. And, in a small way, he has begun doing what other prison kitchens consider impossible—offering a choice of main dishes at one meal.

"Last Friday," said the small, enthusiastic 52-year-old administrator, "the Muslims didn't want fried eggs. Now I'm boiling eggs for them. The rules aren't so strict."

Mr. McKinnis was referring to regulations printed in the "Food Service Manual" of the Bureau of Prisons. The manual instructs all institutions in the Federal system to "maintain a Navy-Marine card recipe file" (an official collection of quantity recipes). Mr. McKinnis professed to use the Navy cards in all his cooking, but insisted that the hundreds of recipes available do not straitjacket an individual cook's special talents.

"Even with the cards," he said, "an Italian person can still fix Italian food."

Inmates who have worked in the Danbury kitchen dispute this and complain that there is no room there for a cook to express himself or feel pride of workmanship.

"I wanted to make veal parmigiana the right way," said one prisoner who had worked as a chef at a Howard Johnson's near the Justice Department in Washington, "but I had to do it their way. Now I work as an orderly in the education program. Morale in the kitchen would be better if the men weren't told so much what to do. A dude likes to say, 'Those are my potatoes.' "

KITCHEN HELP UNPAID

Another former cook, with 10 years' professional experience, now works in Danbury's cable factory, which produces cable for the Government for everything from telephones to missiles. Men who make cable (and those who work in the prison's glove industry are paid 21 cents to 51 cents an hour. Kitchen work is not salaried, and only half those on the permanent kitchen staff receive meritorious service awards of from $10 to $25 a month.

Even so, many of the inmates who do cook at Danbury, according to Mr. McKinnis, have worked as cooks on the outside. If their initiative is stifled by the Prison's Bureau's insistence on standardization, at least they have an impressive battery of institutional cooking equipment to work with.

The Danbury kitchen has a big new mixer, a new vegetable chopper, two fryolators, a new tilting fry kettle the size of a bridge table, two enormous ovens, steam tables, a doughnut machine, a bun divider and molder, and a dough sheeter for pie doughs. The equipment all works.

Security measures in the kitchen are minimal. Knives, however, are kept in a locked cabinet. Yeast is closely guarded in a padlocked metal box to prevent its use in the concoction of "prison jack," which is inmate's slang for moonshine. The bakery supervisor has the only key to the box. He personally incorporates yeast into dough and keeps a tally sheet of how much is used.

Security is also unobtrusive in the dining room. Tables seat four. Chairs are movable. Knives, forks and spoons are available and are not counted after the meal. There are china cups. A liberal quotation from Goethe covers one wall. And the room even has a certain intellectual hum to it.

A PALATABLE MEAL

In one corner, a group of young draft resisters, who demonstrated against the war inside the prison recently by climbing a water tower, were discussing the ideological ramifications of war-related work in the cable factory with the Rev. Philip Berrigan, 48, the Josephite priest convicted for antiwar civil disobedience.

The meal itself did not seem like a prison meal. The tomato rice soup was quite palatable. Grilled pork steaks came one to a customer; they were thin and on the dry side, but tasty. Vegetables came three ways: buttered green beans (canned), carrot and raisin salad, and a first-rate tossed salad with a nicely seasoned French (oil and vinegar) dressing. Long slices of "homestyle" bread were not up to the Attica standard but good enough—crusty, fresh and resilient—to be served in a restaurant. Dessert was fruit jello.

Danbury's food is, of course, open to criticism. The former sauce chef at Anthony's Pier 4 in Boston, now an inmate cook at Danbury, feels strongly that reheating meats dries them out. Mr. McKinnis said he would do better on a bigger budget. The fact that he has good equipment and the will to improve already puts him ahead of his counterparts at Brooklyn and Attica. He also seems anxious to please his clientele. And his cooks know their craft. For whole minutes at a time at Danbury you don't remember you're in jail.

LET US KEEP THE TAX REFORM DEBATE HONEST: FACT AND MYTH ABOUT OIL INDUSTRY TAXATION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I have never been an apologist for the oil industry, nor do I intend to become one. However, I think that tax reform is extremely serious business and the least that we can do is present the facts as accurately as possible. One of the most amazing factual errors emerging from the general debate on tax reform concerns the amount of Federal income tax paid by the major oil companies, expressed as a percent of their total net income before taxes.

On October 27, 1971, Senator PROXMIRE entered into the RECORD data pertaining to the amount of taxes paid by the oil companies. His statement, which has been repeatedly quoted since, contains very misleading factual information. He states:

> . . . The major oil companies paid a record high amount in Federal income taxes in 1970: 8.7 percent.

This statement is purposely misleading. The Federal income tax figure of 8.7 percent represents the proportion of Federal income taxes paid as a percentage of worldwide net income. If worldwide net income is used as a base figure, then it is only proper to include worldwide income taxes paid in computing the actual effective rate of taxation. This figure, is calculated by combining foreign and U.S. income taxes and expressing them as percentage of total worldwide net income. The resulting figure, 36.5 percent, is 4½ times larger than that cited by the Senator from Wisconsin.

To compute the petroleum industry's effective rate of U.S. income taxation, one would have to compare their U.S. income taxes to U.S. net income only—not worldwide net income. When this is computed, the resulting rate of U.S. income taxation for 1970 was 21.78 percent. While this is still lower than the average for all American corporations (36.7 percent), it is again two and one-half times larger than the figure which Senator PROXMIRE quoted in the RECORD.

A better test of tax burden upon corporations is to compute the total taxes paid as a percentage of gross revenues. The rationale for this procedure is that oil companies pay many special taxes, such as severance taxes, State production taxes, U.S. property taxes, and franchise taxes, that other types of more conventional businesses are not subject to. Computed on this basis, the domestic petroleum industry pays 6 percent of its gross revenue in taxes, as compared to 5.5 percent for mining and manufacturing industrial, and a 5-percent average for all business corporations in the United States. Another fair comparison of the oil industry to other manufacturing, in light of the many claims of windfall profits in the oil industry, is the aftertax rate of return on net assets. During the last 10 years, the petroleum industry's rate of return was less than the average for all manufacturing industries in 7 of those years.

While I certainly think the oil depletion allowance and the intangible drilling expenses writeoff should be thoroughly reviewed, I do think that we should look into these matters objectively and with an open mind. Purposeful misconstruction of the facts will not aid in our quest for sound public policies in this critical area.

SOUND OF SINGING YOUTH

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. TAYLOR. Mr. Speaker, first may I say on behalf of myself and my constituents that I appreciated your presence and timely remarks at the opening of the performance on the House steps today by the "Sound of Singing Youth."

I know that you and the others present will agree that this talented group of some 100 young people from the Hendersonville, N.C., area are rising Americans of whom we can be proud and in whom our faith will be justified.

Their love for God and country filled the air as they sang in the magnificent setting of the Capitol's gleaming marble with its American flag waving over them approvingly.

"This Is My Country," rang their voices and there was no doubt of it. These young North Carolinians were singing patriotic songs because they believe there is much good and right in America. They stood as living proof of it.

The group, supported by its own 12-piece rock band, was organized a year ago by the First Baptist Church of Hendersonville, although the members of the group represent many different churches and denominations in the area.

Their appearance in Washington marked the completion of a 2,000-mile bus tour as North Carolina Gov. Bob Scott's good will ambassadors.

Mr. Speaker, we are grateful to you and your efficient office staff for making it possible for this outstanding group to appear on the steps of their Nation's Capitol.

And to the "Sound of Singing Youth," we are grateful to you for reminding us that America is a great place to live.

GRADUATION WISDOM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. BINGHAM. Mr. Speaker, I am happy to insert at this point in the RECORD the text of a most interesting and thoughtful commencement address delivered by the distinguished director of the Washington Workshops Foundation, Mr. Leo S. Tonkin.

The address was delivered at the annual exercises held at Aquinas High School in the Bronx, N.Y.

The following is the text of the address:

GRADUATION WISDOM

Your Excellency, Bishop Ahern, Reverend Clergy, Sisters, and Faculty, Parents, Friends, Graduates-to-Be.

This evening finds me occupying a position that I approach with some unease. The graduation speaker most regularly finds himself huffing and puffing about this and that, sending parents into watch-watching and students into a confirmed opinion that a generation gap exists afterall. Graduation speeches either bore you to death, or lull you to sleep with a stream of vocabulary that means very little other than to the stentorian charmer who's making the remarks.

I sympathize with all of you at this moment, but it's my fate as well as yours that this show must go on. If you can put aside visions of the parties later tonight just for a short while, I promise not to be very long.

Perhaps the irony and vacuity of many graduation speeches was really driven home to me a few weeks ago when I picked up a newspaper and read excerpts of two graduation talks in the same city, on the same day, at virtually the same time and, incidentally, here in New York. Both speeches were given by two of the most noted and gifted educators in the country today. As one gentleman remarked, the younger generation is far better qualified for the world of business and government than ever before. The other fine gentleman was heard to say that never before have Americans been as poorly educated as now.

Well, I can't very well improve upon this confusing contradiction—nor shall I try. For I have nothing very academic or cosmic or mind-bending to say to you this evening. All I have to share are some feelings and emotions of my own, and that seem to be shared by many hundreds of young people that I have met in Washington or in my frequent travels to high school and college campuses across the country.

At first instance, whenever I stand before a graduating class such as this evening, I think back to those historic and splendid words that appear emblazoned upon the archives of the United States. There, the words simply and nobly proclaim, "what is past is prologue." In contemporary language, the carpenters singing group beautifully summarize this sentiment in their hit song We've Only Just Begun. And that indeed might be the spirit of this evening.

You have a life ahead of you, a life with new challenges along the way, new travails and new failures, but also with new accomplishments and rewards, and new friends to be gained and older affections sustained. Throughout this journey, *change* will be your constant companion. As the world experiences flux and more change than ever before—so too will each of your lives be buffeted and fashioned by the winds of change.

Young Americans, perhaps more than the rest of our society, seem to welcome this process of change and they embrace the concept that holds no brief for the status quo. I for one applaud your efforts and idealism, that mandates a society enflamed by a new humanism responsive to the needs of our contemporary world.

All too often I am in contact with many who feel that youthful dynamism is of passing and amorphous quality, or is fraught with a negative activism that suggests little else but a tearing apart and a ripping away of the fabric of society. But this is not the case at all. Your involvement *is* real, and *does* contain within it the seeds for a vastly better tomorrow.

It rejects the negative activism of the 60's and in its place inserts a pragmatic understanding of how and why effective efforts within the system can effectuate many of the goals and objectives sought by every American.

The searchings of youth are in all of us, but it is the young, as yet unencumbered by many of the commitments of older years, and unfettered by the conventions of yesterday, who seek new answers and new compassions from each other and the world beyond. In spite of the ever-present sour voices and those who seek to sear and rupture, young people are aware that new imperatives must fill the legislative halls of the Nation, and the reasoning of yesterday must no longer be applied to the problems of today.

In a sense, young and old alike are at last seeking new answers and new trust from a political system that has often protected the demagogue or the purveyor of half truths and empty rhetoric. In every sense, a political rennaissance confronts the Nation, one that seeks out truth and honest opinion, and that rests upon compassion and understanding for the needs and the personal dignity and aspirations of each American.

Now granted it's no easy task to live a vibrant life, day by day, in today's America, filled with the passions and turmoils of our time. But let me suggest a few attitudes that might help to put it together, while leavening your expectations, and softening your approach to the realities of this world.

First: Understand that progress is a reality, and that good people do exist. Seek out the things around you that are happening that are good, and acknowledge them to yourselves and to others. Then go on and discover where new progress is needed and new solutions are to be found. Make a sincere and conscious effort to look for things in people that are good, look at each friend and individual around you as you might hope that Christ would look at you—seeking not reasons to hate, but to love and to understand and to forgive.

You might remember as you set about the tasks of life, and enter a world with no small amount of despair and disappointment, that the traveler who enters the forest in order to reach the other side goes a long way when it continues to become darker and darker. And yet each step the traveler takes, if it is true and well intentioned, is a step closer to the goal and the brightness of the other side.

Secondly—as you live your lives and take positions on things and try to influence others around you, remember the words of the great German philosopher, Goethe, as he said a century and a half ago, "There is nothing more frightful than ignorance in action." This is the motto of our own student seminars in Washington, and suggests that each time you are confronted by a question or an issue—think it through as thoroughly as possible, seek out the facts and the reasoning of other people, juxtaposing this information in turn to your own judgment and common sense. Then my friends, you will be no one's pawns, but on the contrary your own formidable selves, as you act and move about the work of your lives.

Thirdly—learn to laugh at yourselves, and to understand the sagacity and beauty of a sense of humor. I don't mean to suggest that the problems you encounter are frivolous and specious, but, since all of us are only human, we are fallible and make mistakes and if we are going to avoid the lethal error of locking ourselves into those mistakes out of pride or ignorance, then we must be able to say time and again—how foolish of me, how ridiculous could I be. Laughter can heal; a smile can unite—and when turned inward it can help to nurture that beautiful and much needed quality of humility.

This brings me to the fourth and final observation I should like to share—one that concerns your interrelationships with people all about you. Indeed, the most simple and yet most profound quality that all of us have within yourselves is the gift of love: and I can only admonish you this evening to feel the vibrance and fire of love throughout your lives—and give of it unstintingly to others. For love is perhaps the only thing you will ever lose by not giving it away.

Love is one of those ethereal words that often defies explanation and even understanding; forever remaining an emotion or a feeling of the heart. But love has its roots and its causes, and all of us know the wondrous beauty that springs forth from a heart touched by love.

Our patron saint, Thomas Aquinas, puts the thought most succinctly when he says that "Goodness in the object, when perceived, is the fundamental cause of all love."

What a true and noble course this suggests for all our lives. For it leads onto the grandest road—a road in search of love, and in turn a life full of meaning and hope. It suggests that we might well be consumed by our search for goodness in others, as well as in ourselves. For all around us there is the capacity to love and the natural and wonderful desire to be loved. Within the very nature of this ethic of love lies the future hope of man and his destiny as he meets his God.

However short or long a life each of you will be granted, let it be filled with the vibrance and the energy of love. In a world filled with stress and toil—as well as the simple miracle of a bird's morning song—the essence of human affection and tenderness and love can change our lives and our world as no other force known to man.

And even aside from the world at large, in your own hearts, with love and friendship as your lifetime guides, you will experience a joy of spirit and a continuum of happiness in the simple but grandiloquent process of living—a joy and a happiness that will sustain you in the face of the inevitable loves that will be lost, and friendships that will recede into memory.

"When a man becomes dear to me," so said Emerson, "I have touched the goal of fortune," and the scriptures tell us that "He who hath found a faithful friend, hath found a treasure."

So let your lives be a search for such real treasure—sincere, honest, and ennobling friendship—and along your way, share the most meaningful thing you have to give—your love as a human being. From this very commingling of friendship, goodness, and love—your lives will touch the very reasons for your creation.

As you can see, I've shared with you this evening only a few simple thoughts that, along the way, might dispel a tear of loneliness, heal a broken heart, or enkindle a new conviction in the essential goodness of your world. Tonight is indeed a beginning—for you and in a broader sense for each of us who have gathered here to acknowledge this milestone in your lives. Ernest Hemingway perhaps summarized this spirit best of all when he said, "We are living in the morning of an epoch, and in the fog of the early dawn, men walk confused and see strange sights. But the fog will melt under the rays of the sun which has created it."

And the world of truth will be seen to be solid and lovely again.

All the glory of life,
All the romance of living,
All the deep and true joys of the world,
All the splendor and all the mystery
Are within our reach.

THE SUPREME COURT PICKS AND CHOOSES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. DERWINSKI. Mr. Speaker, the Calumet Index, a local community newspaper, has been serving the far southside of Chicago for over 78 years

This publication is known for its hard-hitting editorials. Typical of Index editorials is the very concise commentary of Wednesday, June 21, concerning some recent Supreme Court decisions:

THE SUPREME COURT PICKS AND CHOOSES

If the "fix" isn't in how else can you explain the United States Supreme Court's recent decision that baseball's "reserve clause" is constitutional because, "it is an inconsistency and illogic of long standing that is to be remedied by the Congress and not by this Court."?

Two years ago the voters of Illinois overwhelmingly endorsed the retention of capital punishment. A year ago the electorate of California did the same. In the meantime, the voters in dozens of other states have voiced the same demand. Yet the Supreme Court has seen fit to overrule this vast majority on the grounds that capital punishment is "cruel and unusual". Of course it is cruel and unusual. That is what makes it effective. It is a fit and suitable punishment for those who commit a foul, cruel and unusual crime.

But these arguments mean nothing to the Supreme Court and so the likes of Sirhan Sirhan and Richard Speck live on while their victims and families endure this "cruel and unusual" punishment.

Despite the long history of capital punishment, the Court stopped it overnight. But the privilege of the baseball moguls, though much more recent in origin, is protected and allowed to continue until, in the words of the Court itself—"it is to be remedied by the Congress and not this Court."

If leaving this baseball decision to Congress is good enough for some 2 dozen well-heeled sports moguls, certainly it should be good enough for millions of citizens whose decision, duly noted at the polls, has been totally ignored by the United States Supreme Court.